

ZONING BOARD OF ADJUSTMENT, PANEL A  
TUESDAY, NOVEMBER 14, 2017  
AGENDA

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BRIEFING	ROOM 5ES 1500 MARILLA STREET DALLAS CITY HALL	<b>11:30</b> A.M.
PUBLIC HEARING	COUNCIL CHAMBERS 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.

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**Neva Dean, Assistant Director**  
**Steve Long, Board Administrator/Chief Planner**

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**MISCELLANEOUS ITEMS**

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Approval of the October 17, 2017 Panel A Public Hearing Minutes	M1
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**UNCONTESTED CASES**

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<b>BDA167-112(SL)</b>	4170 Gladewater Road <b>REQUEST:</b> Application of Steven Wood for a variance to the front yard setback regulations	1
<b>BDA167-123(SL)</b>	14541 Spicewood Drive <b>REQUEST:</b> Application of Juan Geovanny Ruiz Tudor for a special exception to the fence standards	2
<b>BDA167-129(SL)</b>	3331 Urban Avenue <b>REQUEST:</b> Application of Matthew Polan for a special exception to the fence standards	3

## EXECUTIVE SESSION NOTICE

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt. Code §551.087]
7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex. Govt. Code §551.089]

**FILE NUMBER:** BDA167-112(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Steven Wood for a variance to the front yard setback regulations at 4170 Gladewater Road. This property is more fully described as Lot 6C, Block 4/5848, and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a structure and provide a 16 foot 6 inch front yard setback (a 17 foot 6 inch setback measured at grade with a 1 foot roof eave), which will require an 8 foot 6 inch variance to the front yard setback regulations.

**LOCATION:** 4170 Gladewater Road

**APPLICANT:** Steven Wood

**REQUEST:**

A request for a variance to the front yard setback regulations of 8' 6" is made to construct and maintain a two-story single family home structure with a total "slab area" of approximately 1,900 square feet or with a total "home size" of approximately 2,500 square feet, part of which is to be located 16' 6" (roof eave) from one of the site's two front property lines (Custer Drive) or 8' 6" into this 25' front yard setback on a site that is undeveloped.

**STANDARD FOR A VARIANCE:**

The Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

- (A) not contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;
- (B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- (C) not granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is unique and different from most lots in the R-7.5(A) zoning district in that it is restrictive in area due to having two, 25' front yard setbacks when most lots in this zoning district have one 25' front yard setback. The 50' wide subject site has 20' of developable width available once a 25' front yard setback is accounted for on the southeast and a 5' side yard setback is accounted for on the northwest. If the lot were more typical to others in the zoning district with only one front yard setback, the 50' wide site would have 40' of developable width.
- Staff concluded that the applicant has shown by submitting a document indicating among other things that that the total home size of the proposed home on the subject site at approximately 2,500 square feet is commensurate to 15 other homes in the same R-7.5(A) zoning district that have average home size of approximately 2,700 square feet.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: R-7.5(A) (Single family residential 7,500 square feet)  
North: R-7.5(A) (Single family residential 7,500 square feet)  
South: R-7.5(A) (Single family residential 7,500 square feet)  
East: R-7.5(A) (Single family residential 7,500 square feet)  
West: R-7.5(A) (Single family residential 7,500 square feet)

**Land Use:**

The subject site is undeveloped. The areas to the north and east are developed with single family uses, and the areas to the south and west are undeveloped.

**Zoning/BDA History:**

There has not been any recent related board or zoning cases recorded either on or in the immediate vicinity of the subject site.

## **GENERAL FACTS/STAFF ANALYSIS:**

- This request for variance to the front yard setback regulations of 8' 6" focuses on constructing and maintaining a two-story single family home structure with a total "slab area" of approximately 1,900 square feet or with a total "home size" of approximately 2,500 square feet, part of which (roof eave) is to be located 16' 6" from one of the site's two front property lines (Custer Drive) or 8' 6" into this 25' front yard setback on an undeveloped site.
- The property is located in an R-7.5(A) zoning district which requires a minimum front yard setback of 25 feet.
- The subject site is located at the north corner of Gladewater Road and Custer Drive. Regardless of how the structure is proposed to be oriented to front Gladewater Road, the subject site has 25' front yard setbacks along both street frontages. The site has a 25' front yard setback along Gladewater Road, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in this zoning district. The site also has a 25' front yard setback along Custer Drive, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where a 5' side yard setback is required. But the site's Custer Drive frontage that would function as a side yard on the property is treated as a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lots to the east that front/are oriented southward towards Custer Drive.
- The submitted scaled site plan indicates that the wall of the proposed structure is located 17' 6" from the Custer Drive front property line or 7' 6" into this 25' front yard setback but the application is made for a variance of "8' 6" to the FYSB on Custer to include the 1' roof overhang and to establish a 17' 6" setback".
- The Dallas Development Code states that cantilevered roof eaves and balconies may project up to five feet into the required front yard.
- According to DCAD records, there are "no main improvement" or "no additional improvements for property addressed at 4170 Gladewater Road.
- The subject site is flat, rectangular in shape (approximately 144' x 50'), and according to the submitted application is 0.17 acres (or approximately 7,200) square feet) in area. The site is zoned R-7.5(A) where lots are typically 7,500 square feet in area.
- Most lots in the R-7.5(A) zoning district have one 25' front yard setback, two 5' side yard setbacks, and one 5' rear yard setback; this site has two 25' front yard setbacks and two 5' side yard setbacks.
- The site plan represents that approximately 1/4 of the structure is located in the 25' Custer Drive front yard setback.
- The approximately 50' wide subject site has approximately 20' of developable width available once a 25' front yard setback is accounted for on the south and a 5' side yard setback is accounted for on the north. If the lot were more typical to others in the zoning district with only one front yard setback, the approximately 50' wide site would have approximately 40' of developable width.



1:1,200

# AERIAL MAP

Case no: BDA167-112

Date: 10/23/2017

- No variance would be necessary if the Custer Road frontage were a side yard since the site plan represents that the proposed home is 16' 6' from the Custer Road property line and the side yard setback for properties zoned R-7.5(A) is 5'.
- The applicant has submitted a document indicating among other things that the total home size of the proposed home on the subject site is approximately 2,500 square feet, and the average of 15 other properties in the same zoning is approximately 2,700 square feet.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.
  - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which in this case is a structure that would be located 16' 6" from the site's Custer Drive front property line (or 8' 6" into this 25' front yard setback).

**Timeline:**

August 18, 2017: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

October 6, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

October 9, 2017: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the October 25<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the November 3<sup>rd</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

October 31, 2017: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

October 31, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Building Official, the Assistant Building Official, the Sustainable Development and Construction Assistant Director of Engineering, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

No review comment sheets were submitted in conjunction with this application.



1:1,200

# ZONING MAP

Case no: BDA167-112

Date: 10/23/2017

Texas Permit and Development  
PO Box 3293, Forney, Texas 75126  
(817) 682-7218 steven@txpermit.com

BDA167-112

Attach A  
PS1

10/1/2017  
Members of the Board  
City of Dallas  
1500 Marilla St, Dallas, TX 75201

Dear Members of the Board,

I am applying for a Variance to the Front Yard Setback along the Custer Drive side of 8' 6", this brings the house to a 17' 6" setback, with a 1' roof overhang, well within a normal setback of 5'. In Chapter 51A-4.112 it refers to the front yard setback of 25' and the side yard setback of 5' for standard setbacks on a normal lot, this however is a corner lot making it abnormal. Therefore, with the additional setback imposed by the development code for being on a corner lot we will be required to provide an additional 20' of setback more than any normal lot in the zoning district. In doing so we have lost the 20' of building space along the Custer Drive side and are unable to build a house that is commensurate with the property considering how small our lot is. We are only allowed 2500 square foot of the lot that we are allowed to develop on, when other properties have on average 3300 or more. I have attached a chart that shows that we are trying to stay in touch with the neighborhood and not over build our lot. Which is very clear by the plans we provided, we are only building a 2 story structure right at 2500 square feet, with being just under the average of the houses built in a R(7.5).

Furthermore, in constructing this project with the esteemed board members approval, this project will not adversely affect any neighboring properties or the neighborhood in its entirety. Our hope is to do everything we can to improve the neighborhood and its surroundings.

Sincerely,

Texas Permit and Development



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-112

Data Relative to Subject Property:

Date: 8/18/17

Location address: 4170 Gladewater Zoning District: Dallas 7.5(A)

Lot No.: 6C Block No.: 4/5848 Acreage: .17 Census Tract: 87.03

Street Frontage (in Feet): 1) 52.44 2) 144.00 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Cooper Contractors, LLC

Applicant: Steven Wood Telephone: 817-682-7218

Mailing Address: PO Box 3293 Zip Code: 75216 126

E-mail Address: steven@txpermit.com

Represented by: \_\_\_\_\_ Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Affirm that an appeal has been made for a Variance , or Special Exception , of 8'-6" to the FVSB along Custer to include the 1' roof overhang to establish a 17'6" setback

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:

We are asking for this setback because with the imposed double front yard setback it makes it difficult to build a commensurate structure onto the neighborhood. We are not trying to over build our lot, just we are trying to keep with the character of the neighborhood.

Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Steven Wood

(Affiant/Applicant's name printed)

who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

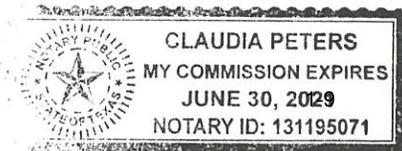
Respectfully submitted: [Signature]

(Affiant/Applicant's signature)

Subscribed and sworn to before me this 18<sup>th</sup> day of August, 2017

(Rev. 08-01-11)

BDA 167-112



Notary Public in and for Dallas County, Texas









**CAMDEN HOMES**

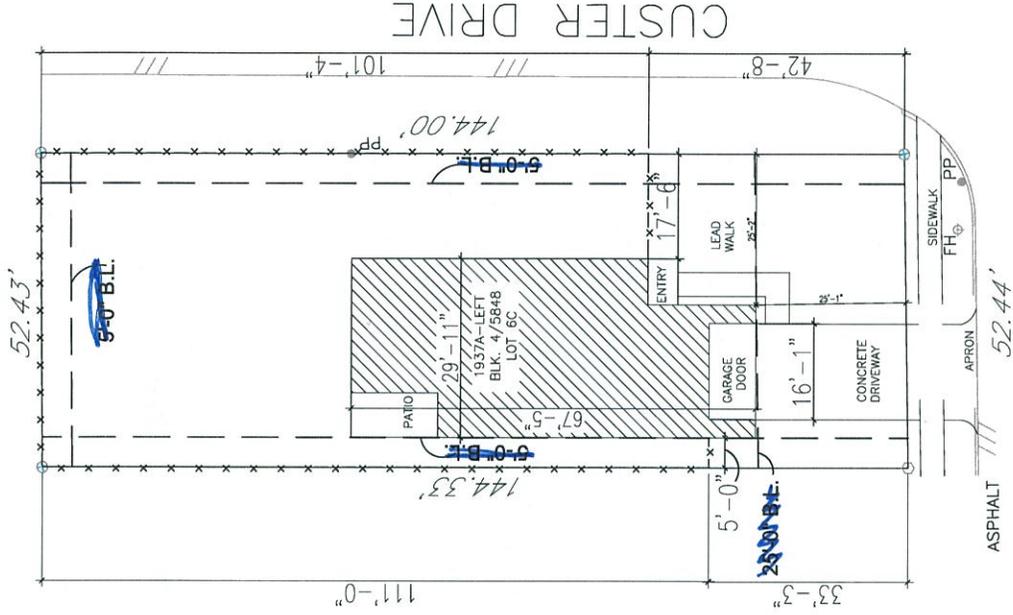
CAMDEN-HOMES  
 9400 N. Central Expy, Suite 475  
 Dallas, TX 75231  
 972-479-8888  
 WEB ADDRESS:  
 www.camden-homes.com

**GENERAL INFORMATION:**  
 THIS DRAWING WAS PREPARED FROM INFORMATION FURNISHED BY THE HOME BUILDER. BUILDER SHOULD REVIEW THIS DRAWING TO ENSURE COMPLIANCE WITH ALL ZONING AND BUILDING CODE REGULATIONS FOR THIS PROPERTY. BEFORE CONSTRUCTION OF ANY KIND, THE BUILDER OR CONTRACTOR SHALL VERIFY ALL PROPERTY LINES, YARD SETBACKS AND EASEMENTS IN ORDER TO COMPLY WITH ALL FEDERAL, STATE, AND LOCAL CODES, ORDINANCES AND RESTRICTIONS.

STREET, ALLEY AND SIDEWALK LOCATIONS ARE FOR ILLUSTRATIVE PURPOSES ONLY. REFER TO DEVELOPMENT PLANS FOR CONSTRUCTION. BUILDER SHOULD VERIFY ALL PROPERTY LINES, TRANSFORMERS, TOPOGRAPHY, OR OTHER STRUCTURES.

<b>SUBDIVISION:</b>	HOINVEST400
<b>BLOCK:</b>	4/5848
<b>LOT #:</b>	6C
<b>STREET ADDRESS:</b>	4170 GLADEWATER
<b>TOWN:</b>	DALLAS, TX
<b>SCALE:</b>	NOTED
<b>DATE:</b>	08-18-17
<b>REV.</b>	<u>  </u> SHEET #

SP



GLADEWATER ROAD

**LEGEND:**

BL	BUILDING LINE
UE	UTILITY EASEMENT
TW	TOP OF WALL
BW	BOTTOM OF WALL
TC	TOP OF CURB
FP	FINISHED PAD
FF	FINISHED FLOOR
T	TEMPORARY TRASH
W	WOOD FENCE
- - -	DIRECTION OF FLOW



**SITE PLAN: 4170 GLADEWATER**  
**SCALE: 1" = 20'-0"**

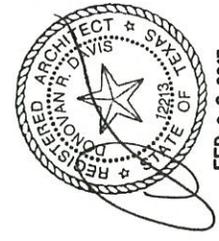
**IMPERVIOUS COVERAGE:**

6" DRIVE APRON	158 SQ. FT.
4" TOTAL FLATWORK	706 SQ. FT.
LOT AREA	7557 SQ. FT.
SLAB AREA	1918 SQ. FT.
<b>SOD:</b>	
FRONT YARD:	XXX SQ. YDS.
REAR YARD:	XX SQ. YDS.
TOTAL SOD:	XXX SQ. YDS.
FENCE LENGTH:	287 LINEAR FT.

**DANZE & DAVIS ARCHITECTS, INC.**  
 4701 Spicewood Springs Rd, Suite 200 Austin, Texas 78759  
 512/343-0714 512/343-0718 (fax) www.danze-davis.com

**CAMDEN HOMES**

DALLAS

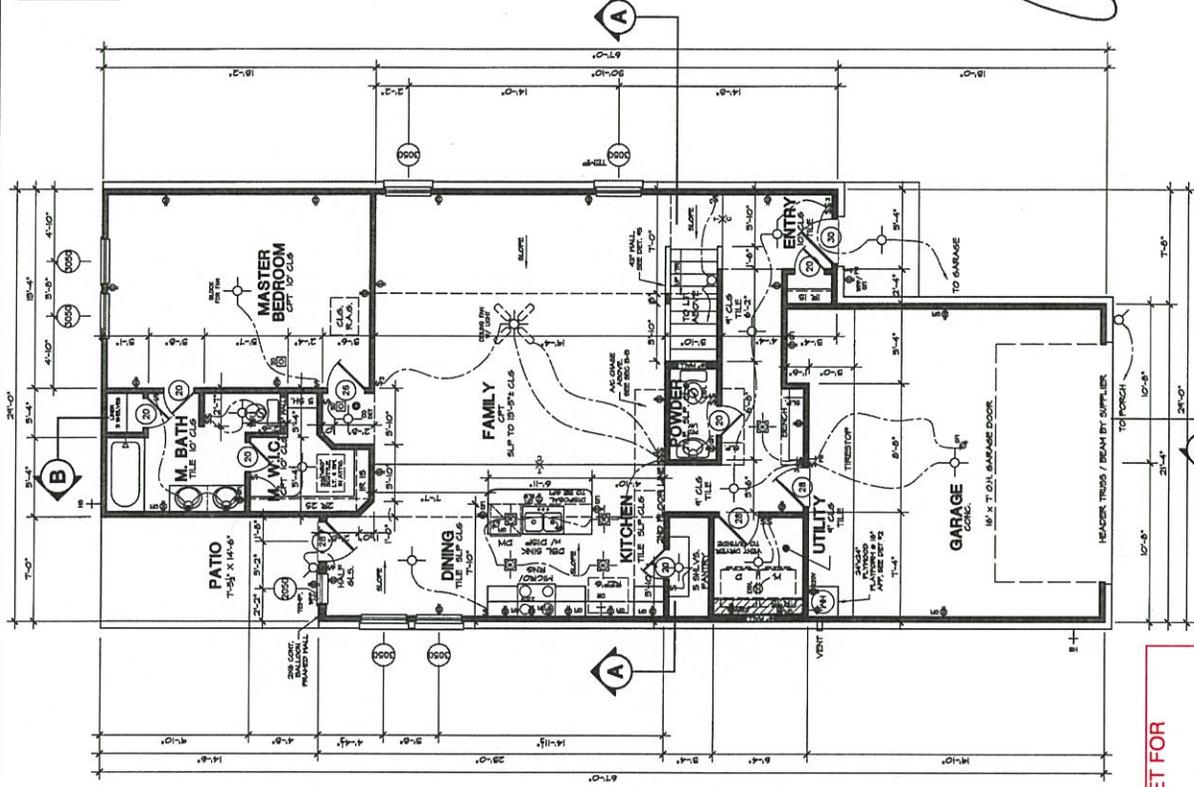


FEB 0 2 2017

**FLOOR PLAN**  
 Scale: 1/8" = 1'-0"  
**42S1937 M9**

1ST FLOOR CEILING @ 8'-0" HEIGHT  
 1ST FLOOR WORK HEADERS @ 8'-11" HEIGHT  
 UNLESS NOTED OTHERWISE  
 IF APPLICABLE

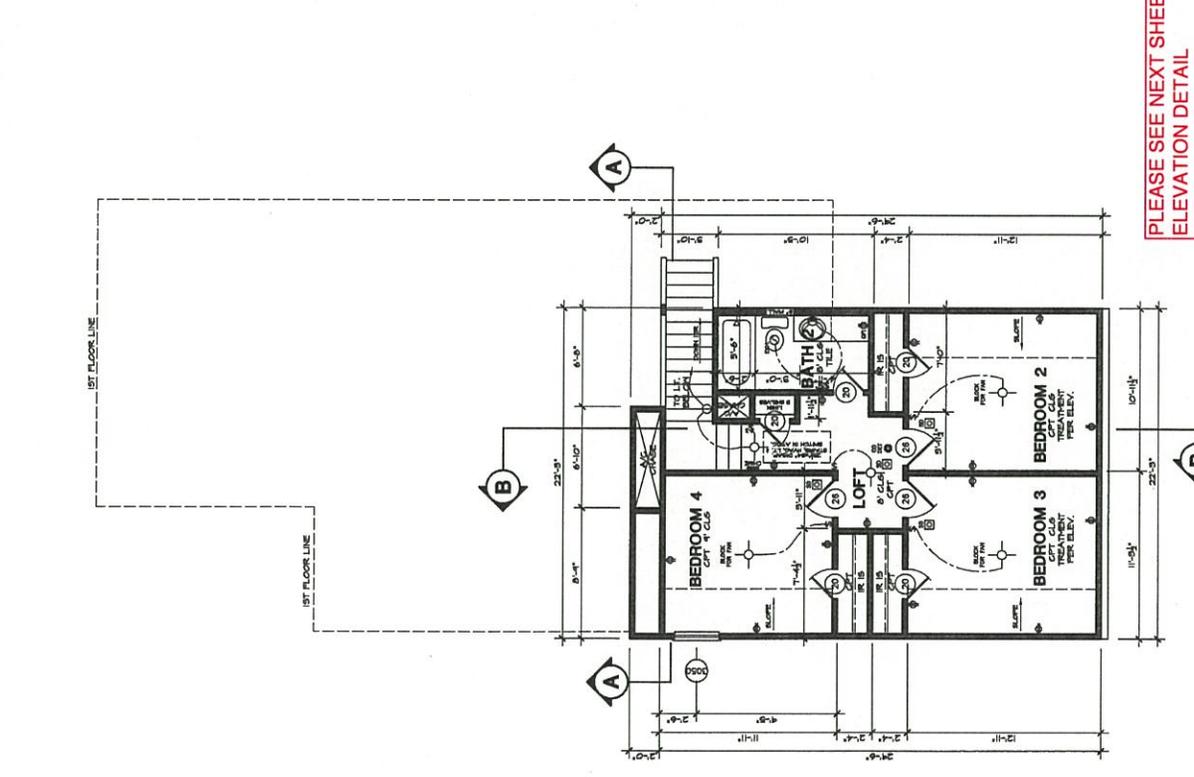
2ND FLOOR CEILING @ 8'-0" HEIGHT  
 2ND FLOOR WORK HEADERS @ 8'-11" HEIGHT  
 UNLESS NOTED OTHERWISE



PLEASE SEE NEXT SHEET FOR ELEVATION DETAIL

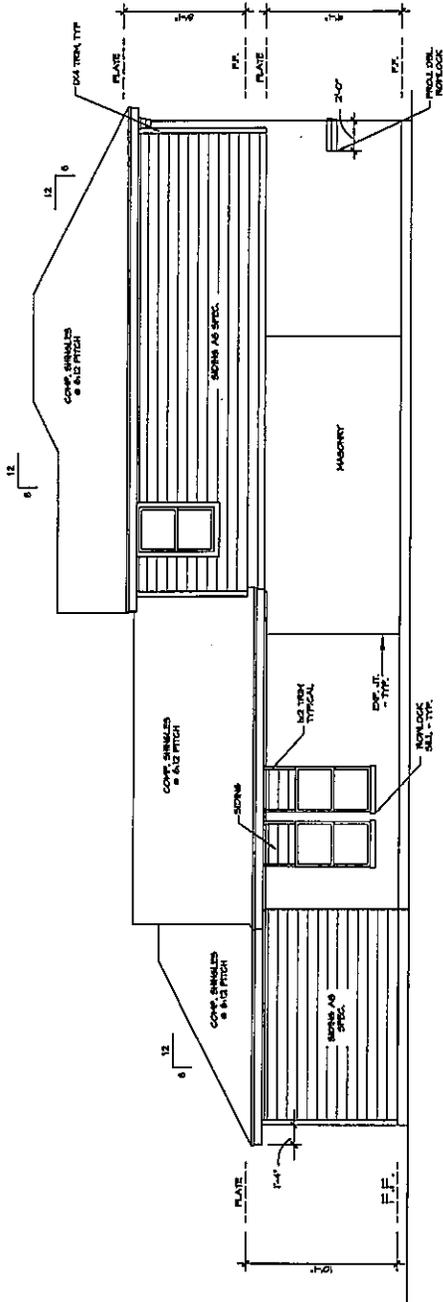
**1ST FLOOR PLAN**

4170 GLADEWATER, DALLAS, TX.

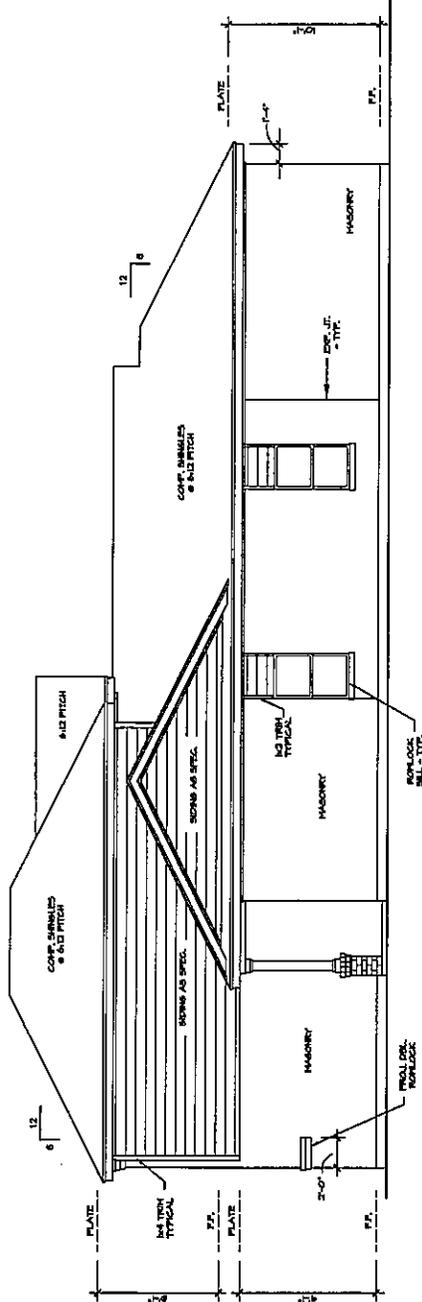


**2ND FLOOR PLAN**

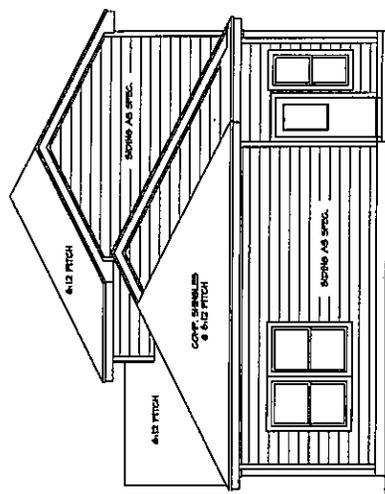




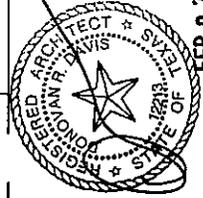
**LEFT ELEVATION**  
Scale: 1/8" = 1'-0"



**RIGHT ELEVATION**  
Scale: 1/8" = 1'-0"



**REAR ELEVATION**  
Scale: 1/8" = 1'-0"



FEB 02 2017

**ELEVATIONS**  
Scale: AS NOTED  
**42S1937AM9**

4170 GLADEWATER, DALLAS, TX.

BDA 167-112

Attach A

PS 2

Home Size	
605 Murdock	2195
609 Murdock	2195
8029 N Nassau Circle	1432
6725 Northridge	3830
7502 Ridgewick Drive	1593
307 Tiawah Drive	1558
2574 El Cerrito	2087
6555 BobOlink	4743
6022 Ellsworth	2563
6343 Anita	1887
6260 Mccommas	5273
6429 Malcolm	3043
9915 Lalemere	2102
10128 Parkord	2196
6267 Malcolm	2796
4170 Gladewater	2482



 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA167-112</b>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">28</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: <b>10/23/2017</b>

# *Notification List of Property Owners*

## *BDA167-112*

### *28 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4170 GLADEWATER RD	COOPER CONTRACTORS INC
2	4151 GLADEWATER RD	VILLARREAL ELIZABETH
3	4159 GLADEWATER RD	JOHNSON VERNELL &
4	4163 GLADEWATER RD	BALDERAS LUZ S
5	4171 GLADEWATER RD	TINAJERO JOSE ORSARIO &
6	4167 GLADEWATER RD	SANCHEZ ADELAIDO & MARIA
7	2138 CUSTER DR	PROVIDENT TRUST GROUP LLC
8	2142 CUSTER DR	DEWS PAUL DEAN JR
9	4150 GLADEWATER RD	TELLO CHRISTIAN J
10	4158 GLADEWATER RD	GUTIERREZ MIGUEL
11	4154 GLADEWATER RD	DAVIS JACQUELINE D
12	2222 WILHURT AVE	TYLER DELOIS
13	4162 GLADEWATER RD	RUBIO MIGUEL R &
14	4166 GLADEWATER RD	METSKER JEREMY & BOBBIE SUE
15	2215 CUSTER DR	JUAREZ MARIA & TEODOSIO
16	2219 CUSTER DR	BAEZ ESMEERALD P
17	2223 CUSTER DR	RUIZ LUIZ &
18	2218 CUSTER DR	YELDELL CLAUD JR
19	2210 CUSTER DR	JUAREZ JESUS
20	2202 CUSTER DR	PENNIE IANTHA
21	2206 CUSTER DR	RODRIGUEZ DAVID &
22	2214 CUSTER DR	MINCO LEGAL SOLUTIONS CO
23	2222 CUSTER DR	PIERCE SAM JR
24	2201 LOCUST AVE	CHAPPEL LIZZIE M
25	2211 LOCUST AVE	GILGAL BAPTIST CHURCH
26	2226 CUSTER DR	GODS GRACE HOLINESS

10/23/2017

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
27	2226 WILHURT AVE	CARUTHERS LISA
28	2227 CUSTER DR	FOSTER BERTHA EST OF

**FILE NUMBER:** BDA167-123(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Juan Geovanny Ruiz Tudor for a special exception to the fence standards at 14541 Spicewood Drive. This property is more fully described as Lot 1A, Block 8825, and is zoned R-10(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence standards.

**LOCATION:** 14541 Spicewood Drive

**APPLICANT:** Juan Geovanny Ruiz Tudor

**REQUEST:**

A request for a special exception to the fence standards related to fence height of 4' is made to construct and maintain a fence higher than 4' in one of the site's two front yard setbacks (Edd Road) - an 8' high solid wood fence on a site that is developed with a single family home.

**STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:**

Section 51A-4.602 of the Dallas Development Code states that the board may grant a special exception to the fence standards when, in the opinion of the board, the special exception will not adversely affect neighboring property.

**STAFF RECOMMENDATION:**

No staff recommendation is made on this or any request for a special exception to the fence standards since the basis for this type of appeal is when in the opinion of the board, the special exception will not adversely affect neighboring property.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: R-10(A) (Single family residential 10,000 square feet)  
North: R-10(A) (Single family residential 10,000 square feet)  
South: R-10(A) (Single family residential 10,000 square feet)  
East: R-10(A) (Single family residential 10,000 square feet)  
West: R-10(A) (Single family residential 10,000 square feet)

### **Land Use:**

The subject site is developed with a single family home. The area to the north is developed with single family residential uses; and the areas to the east, south, and west are undeveloped.

### **Zoning/BDA History:**

There has not been any recent related board or zoning cases recorded either on or in the immediate vicinity of the subject site.

### **GENERAL FACTS/STAFF ANALYSIS:**

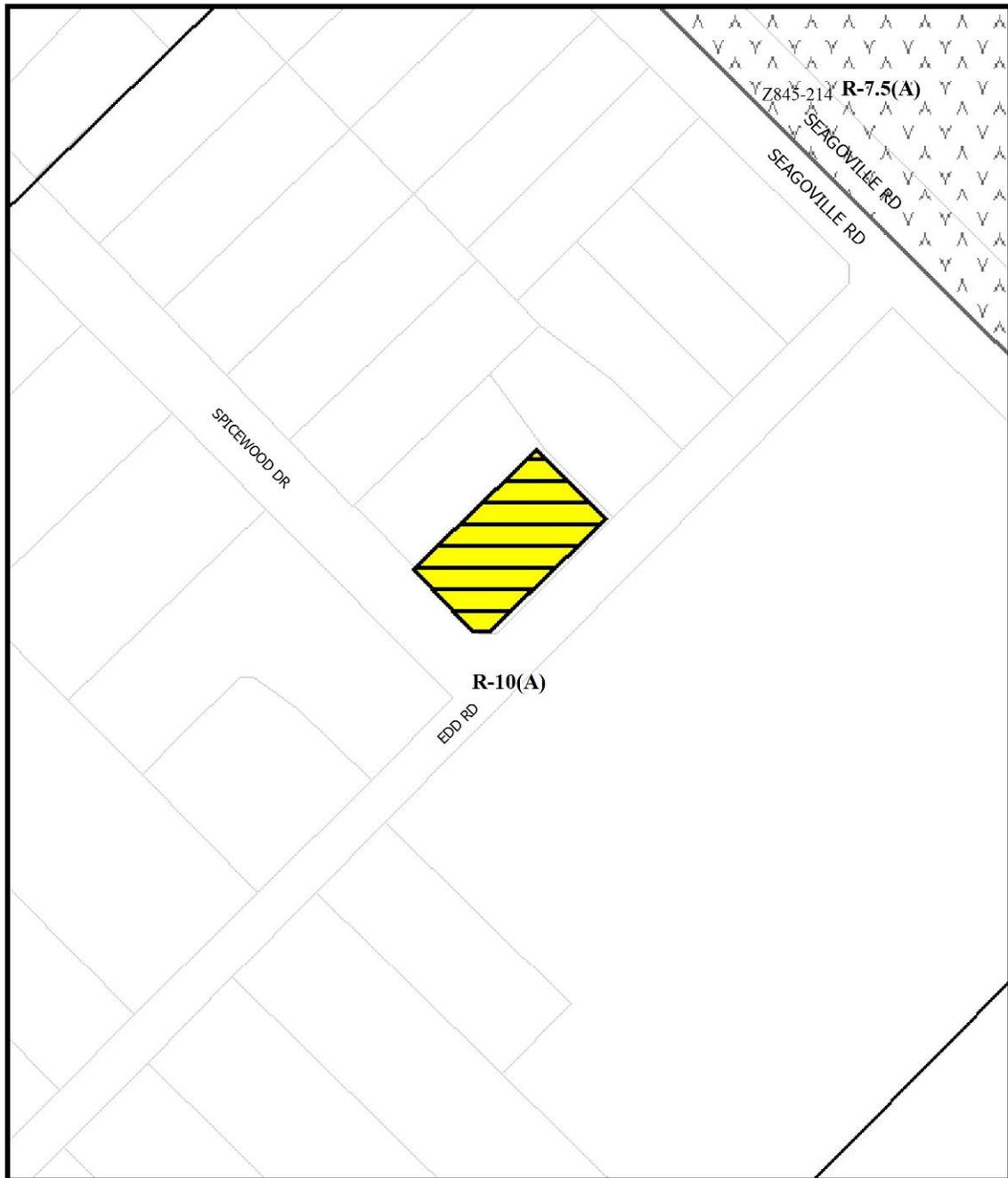
- This request for a special exception to the fence height of 4' focuses on constructing and maintaining a fence higher than 4' in in one of the site's two front yard setbacks (Edd Road) - an 8' high solid wood fence on a site that is developed with a single family home.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The property is located in an R-10(A) zoning district which requires a minimum front yard setback of 30 feet.
- The subject site is located at the north corner of Spicewood Drive and Edd Road. Regardless of how the existing structure is oriented to front Spicewood Drive, the subject site has 30' front yard setbacks along both street frontages. The site has a 30' front yard setback along Spicewood Drive, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in this zoning district. The site also has a 30' front yard setback along Edd Road, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where the Dallas Development Code allows a 9' high fence. But the site's Edd Road frontage that functions as a side yard on the property is treated as a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lots to the northeast that front/are oriented southeastward towards Edd Road.
- The submitted site plan and elevation indicates that the fence reaches a maximum height of 8' and that the only fence that exceeds 4' in height is located in the 30' Edd Road front yard setback.
- The submitted site plan denotes the following:
  - The proposed fence over 4' in height in the Edd Road front yard setback is represented as being approximately 100' in length parallel to this street, and an approximately 25' in length perpendicular to this street on the northeast and southwest sides of the site in this front yard setback.
  - The proposed fence is represented as being located approximately 5' from the Edd Road front property line.

- No single family lot fronts the proposed fence on the subject site. The lot directly adjacent to the site's Edd Road frontage has no fence in its front yard that exceeds 4' in height.
- The Board Administrator conducted a field visit of the site and surrounding area (approximately 400' northeast and southwest of the subject site) and noted no other fences that appeared to be over 4' in height and in a front yard setback.
- As of November 3, 2017, no letters had been submitted in support of the application, and no letters had been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exception to the fence standards related to fence height of 4' will not adversely affect neighboring property.
- Granting this special exception with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height to be constructed and maintained in the location and of the heights and materials as shown on these documents.

**Timeline:**

- September 5, 2017: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- October 6, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- October 9, 2017: The Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official's report on the application;
  - an attachment that provided the public hearing date and panel that will consider the application; the October 25<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the November 3<sup>rd</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."
- October 31, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Building Official, the Assistant Building Official, the Sustainable Development and Construction Assistant Director of Engineering, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

No review comment sheets were submitted in conjunction with this application.



1:1,200

# ZONING MAP

Case no: BDA167-123  
Date: 10/23/2017



1:1,200

# AERIAL MAP

Case no: BDA167-123

Date: 10/23/2017



City of Dallas

A

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-123

Data Relative to Subject Property:

Date: 9-5-17

Location address: 14541 Spicewood Dr. Zoning District: R-10(A)

Lot No.: 1A Block No.: 8825 Acreage: 0.2327 Census Tract: 171.01

Street Frontage (in Feet): 1) 65.011 2) 126.473 ~~75.01~~ 4) ~~135.155~~

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Valery Galvan, Juan Giovanni Ruiz Tudon

Applicant: Juan Giovanni Ruiz Tudon Telephone: (972) 742-5799

Mailing Address: 14541 Spicewood dr. Dallas Tx Zip Code: 75253

E-mail Address: Juan.Ruiz89@yahoo.com

Represented by: \_\_\_\_\_ Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Affirm that an appeal has been made for a Variance, or Special Exception , of 4ft for a wood fence in a front yard.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:

The 8th wood fence won't effect any neighbors or anybody, do to the fence in putting on the front yard would be on the side of my house. I have 2 front yard, and I would be only using the side not the front of the house.

Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Juan Ruiz/Valery Galvan (Affiant/Applicant's name printed)

who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: Juan Ruiz/Valery Galvan (Affiant/Applicant's signature)

Subscribed and sworn to before me this 1st day of August, 2017



Muehle  
Notary Public in and for Dallas County, Texas

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing \_\_\_\_\_

Appeal was---Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

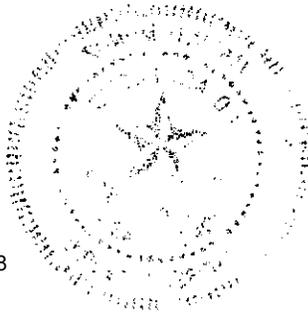
I hereby certify that Juan Ruiz

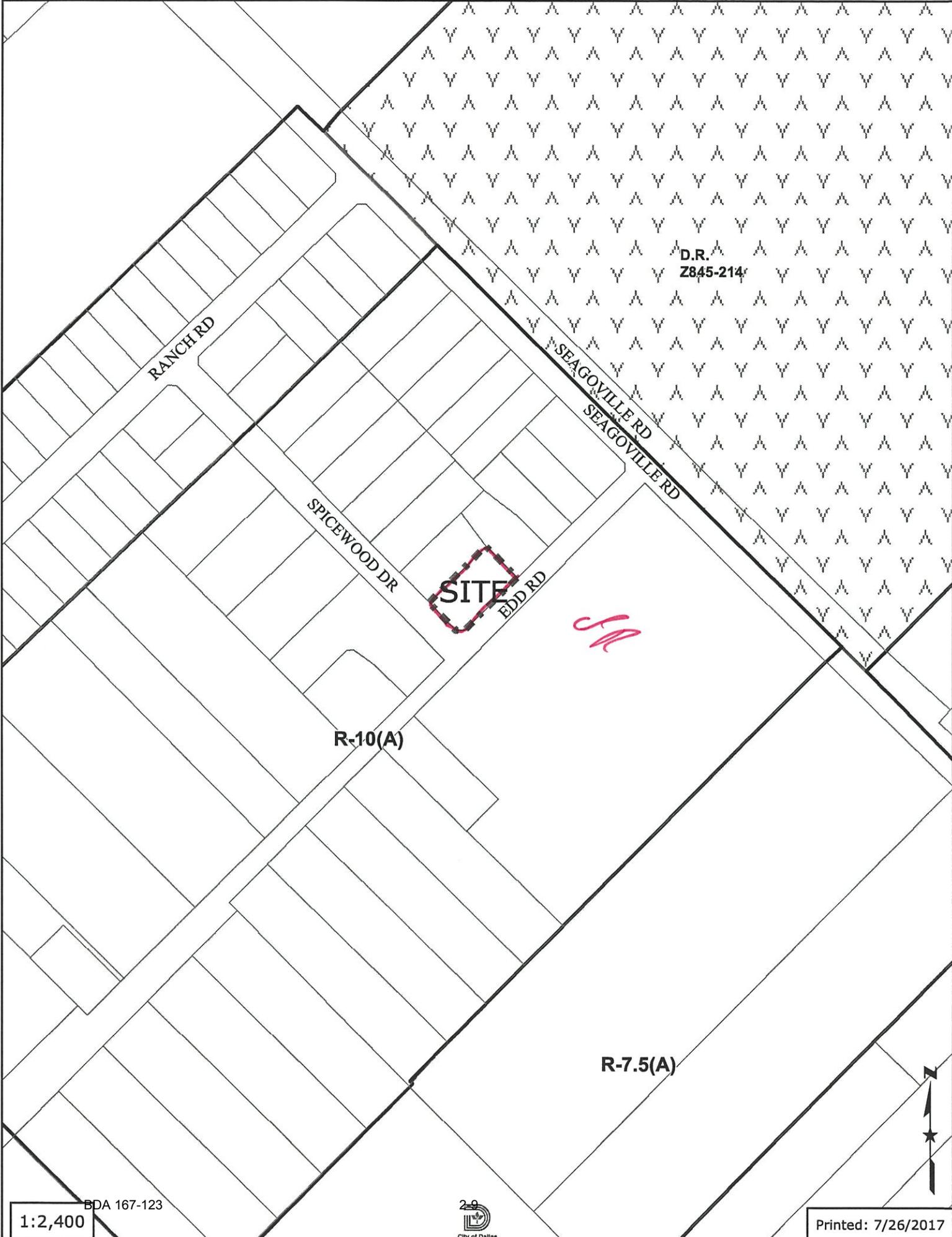
did submit a request for a special exception to the fence height regulations  
at 14541 Spicewood Drive

BDA167-123. Application of Juan Ruiz for a special exception to the fence height regulations at 14541 Spicewood Drive. This property is more fully described as Lot 1A, Block 8825, and is zoned R-10(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official





D.R.  
Z845-214

RANCH RD

SPICEWOOD DR

SEAGOVILLE RD  
SEAGOVILLE RD

SITE

EDD RD

R-10(A)

R-7.5(A)

1:2,400

BDA 167-123



Printed: 7/26/2017





LOT 1B

S44°34'27"E 75' (PLAT)

75'

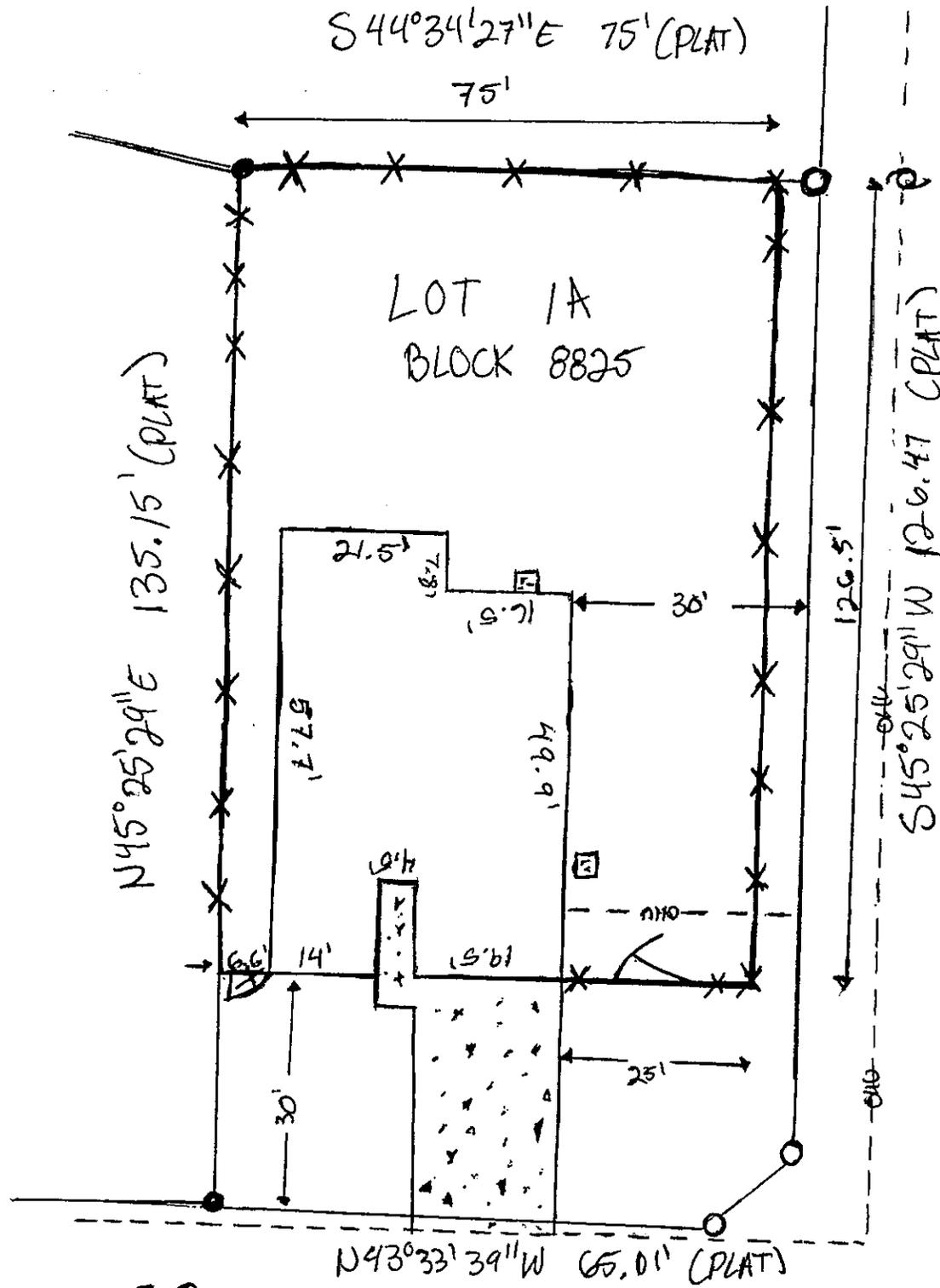
LOT 1A  
BLOCK 8825

N45°25'29"E 135.15' (PLAT)

S45°25'29"W 126.47' (PLAT)

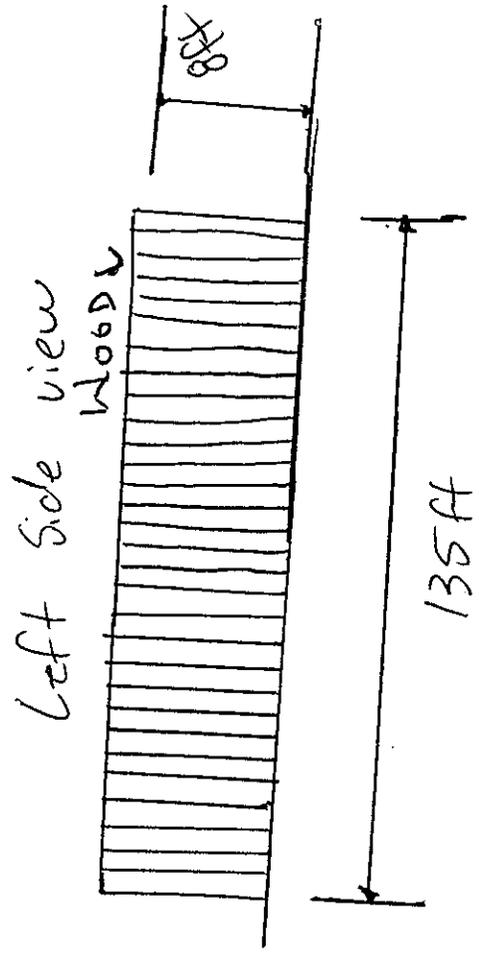
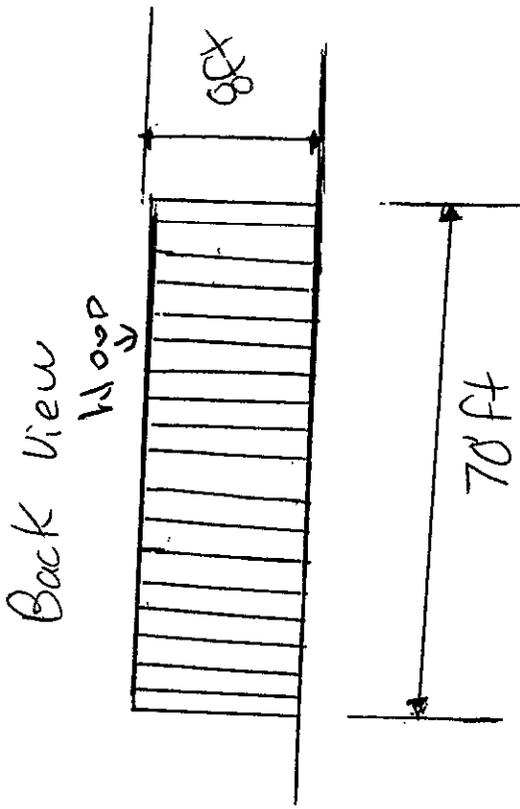
EDD ROAD

LOT 2A

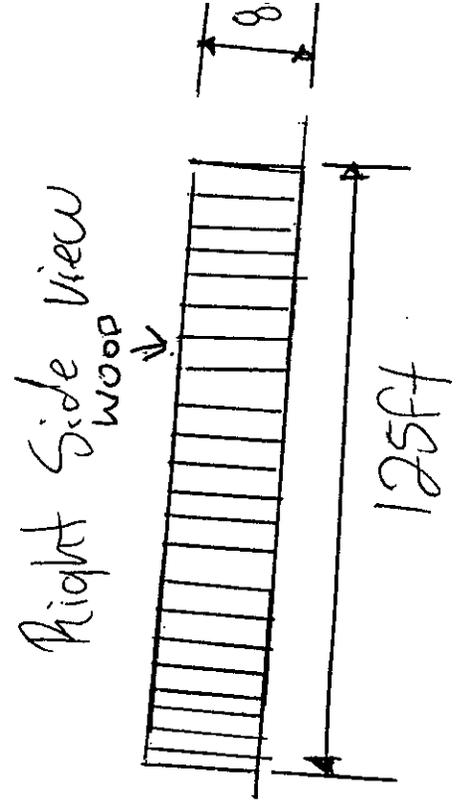
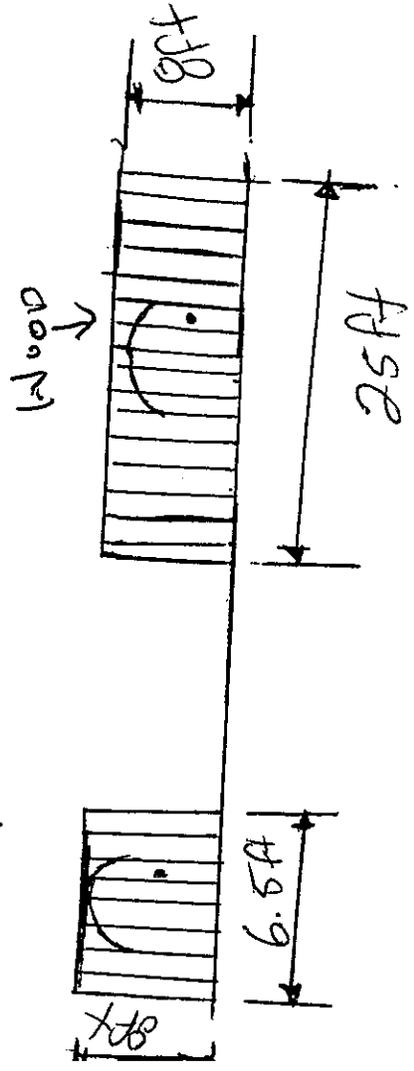


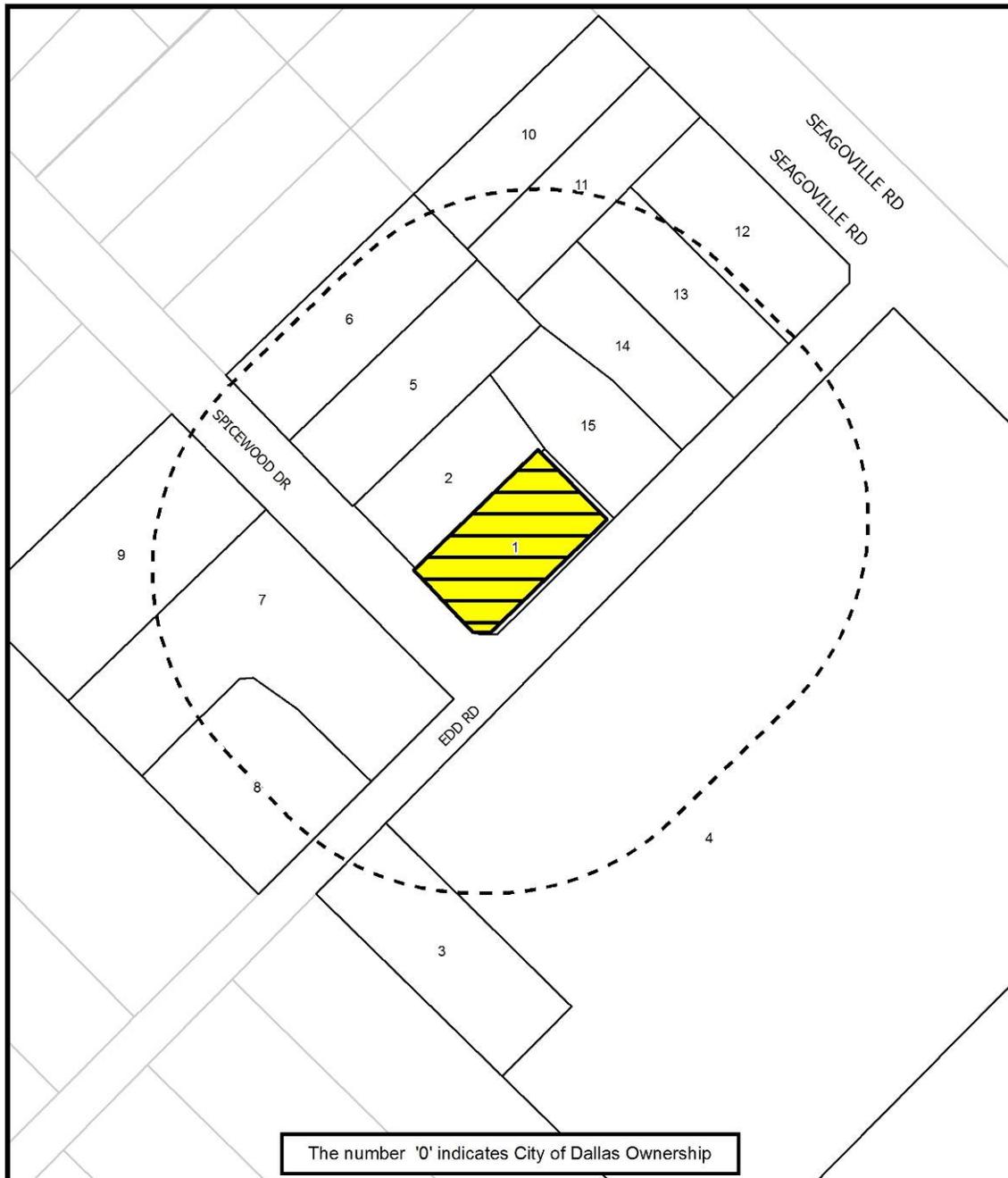
Scale: 1" = 20"

# Wood fence



# Front view





 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA167-123</b>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">15</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>10/23/2017</b>	

## ***Notification List of Property Owners***

### ***BDA167-123***

#### ***15 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	14541 SPICEWOOD DR	GALVAN VALERY &
2	14535 SPICEWOOD DR	GALLAGHER THOMAS B JR LIVING TR
3	912 EDD RD	GOODSON WILLIAM C JR
4	14634 SEAGOVILLE RD	GOODSON WILLIAM CLIFTON
5	14529 SPICEWOOD DR	MONSIVAIS LUIS
6	14523 SPICEWOOD DR	BASURTO JOSE F
7	911 EDD RD	MOODY WILLIAM E
8	911 EDD RD	RAMIRES CECILIA LARA &
9	14530 SPICEWOOD RD	MOODY WILLIAM O
10	14514 SEAGOVILLE RD	CATALAN MARIA HILIANA
11	14518 SEAGOVILLE RD	FRAZIER ANN
12	803 EDD RD	AQUAYO FAUSTINO
13	807 EDD RD	KIKS PROPERTY DEVELOPMENT LLC
14	811 EDD RD	PARKER BOYD & MARLENA
15	815 EDD RD	MORISEY REV TR

**FILE NUMBER:** BDA167-129(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Matthew Polan for a special exception to the fence standards at 3331 Urban Avenue. This property is more fully described as a 0.45 acre tract in Block 5821 and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to maintain an 8 foot 4 inch high fence in a required front yard, which will require a 4 foot 4 inch special exception to the fence standards.

**LOCATION:** 3331 Urban Avenue

**APPLICANT:** Matthew Polan

**REQUEST:**

A request for a special exception to the fence standards related to fence height of 4' 4" is made to maintain a fence higher than 4' in one of the site's two front yard setbacks (Fairdale Avenue) - an approximately 8' 1" high solid wood fence parallel to this street, and an approximately 8' 4" high fence (a 4' 1" high wood fence atop an approximately 4' 1" high retaining wall) perpendicular to this street on a site that is developed with a single family home.

**STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:**

Section 51A-4.602 of the Dallas Development Code states that the board may grant a special exception to the fence standards when, in the opinion of the board, the special exception will not adversely affect neighboring property.

**STAFF RECOMMENDATION:**

No staff recommendation is made on this or any request for a special exception to the fence standards since the basis for this type of appeal is when in the opinion of the board, the special exception will not adversely affect neighboring property.

**BACKGROUND INFORMATION:**

**Zoning:**

**Site:** R-7.5(A) (Single family residential 7,500 square feet)  
**North:** R-7.5(A) (Single family residential 7,500 square feet)  
**South:** R-7.5(A) (Single family residential 7,500 square feet)  
**East:** R-7.5(A) (Single family residential 7,500 square feet)  
**West:** R-7.5(A) (Single family residential 7,500 square feet)

## **Land Use:**

The subject site is developed with a single family home. The areas to the north, south, and west are undeveloped, and the area to the east is developed with single family residential uses.

## **Zoning/BDA History:**

There has not been any recent related board or zoning cases recorded either on or in the immediate vicinity of the subject site.

## **GENERAL FACTS/STAFF ANALYSIS:**

- This request for a special exception to the fence height of 4' 4" focuses on maintaining a fence higher than 4' in in one of the site's two front yard setbacks (Fairdale Avenue) - an approximately 8' 1" high solid wood fence parallel to this street, and an approximately 8' 4" high fence (an 4' 1" high wood fence atop an approximately 4' 1" high retaining wall) perpendicular to this street on a site that is developed with a single family home.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The property is located in an R-7.5(A) zoning district which requires a minimum front yard setback of 25 feet.
- The subject site is located at the southwest corner of Urban Avenue and Fairdale Avenue. Regardless of how the structure is oriented to front Urban Avenue, the subject site has 25' front yard setbacks along both street frontages. The site has a 25' front yard setback along Urban Avenue, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in this zoning district. The site also has a 25' front yard setback along Fairdale Avenue, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where the Dallas Development Code allows a 9' high fence. But the site's Fairdale Avenue frontage that functions as a side yard on the property is treated as a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lots to the west that front/are oriented northward towards Fairdale Avenue.
- The submitted site plan and elevation indicates that the fence reaches a maximum height of 8.33 feet and that the only fence that exceeds 4' in height is located in the 25' Fairdale Avenue front yard setback.
- The submitted site plan denotes the following:
  - The proposal/existing fence over 4' in height in the Fairdale Avenue front yard setback is represented as being approximately 60' in length parallel to this street, and an approximately 14' in length perpendicular to this street on the west side of the site in this front yard setback.
  - The proposal/existing fence is represented as being located approximately 9' – 12' from the front property line.

- One single family lots fronts the existing fence on the subject site. The lot has no fence in its front yard.
- The Board Administrator conducted a field visit of the site and surrounding area (approximately 400' east and west of the subject site) and noted no other fences that appeared to be over 4' in height and in a front yard setback.
- As of November 3, 2017, no letters had been submitted in support of the application, and no letters had been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exception to the fence standards related to fence height of 4' 4" will not adversely affect neighboring property.
- Granting this special exception with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal/existing fence exceeding 4' in height to be maintained in the location and of the heights and materials as shown on these documents.

**Timeline:**

September 21, 2017: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

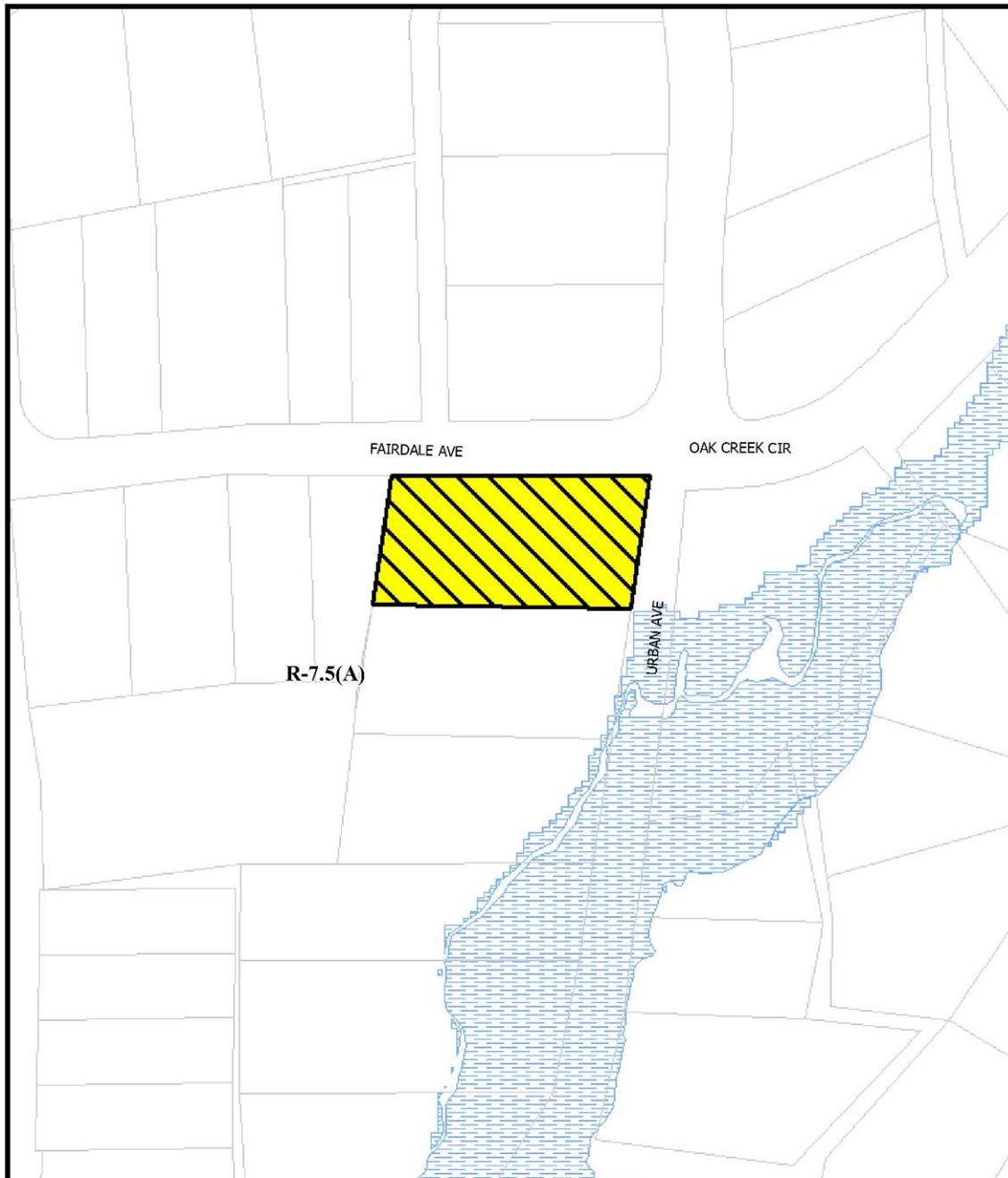
October 6, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

October 9, 2017: The Board Administrator emailed the applicant the following information:

- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the October 25<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the November 3<sup>rd</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

October 31, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Building Official, the Assistant Building Official, the Sustainable Development and Construction Assistant Director of Engineering, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

No review comment sheets were submitted in conjunction with this application.

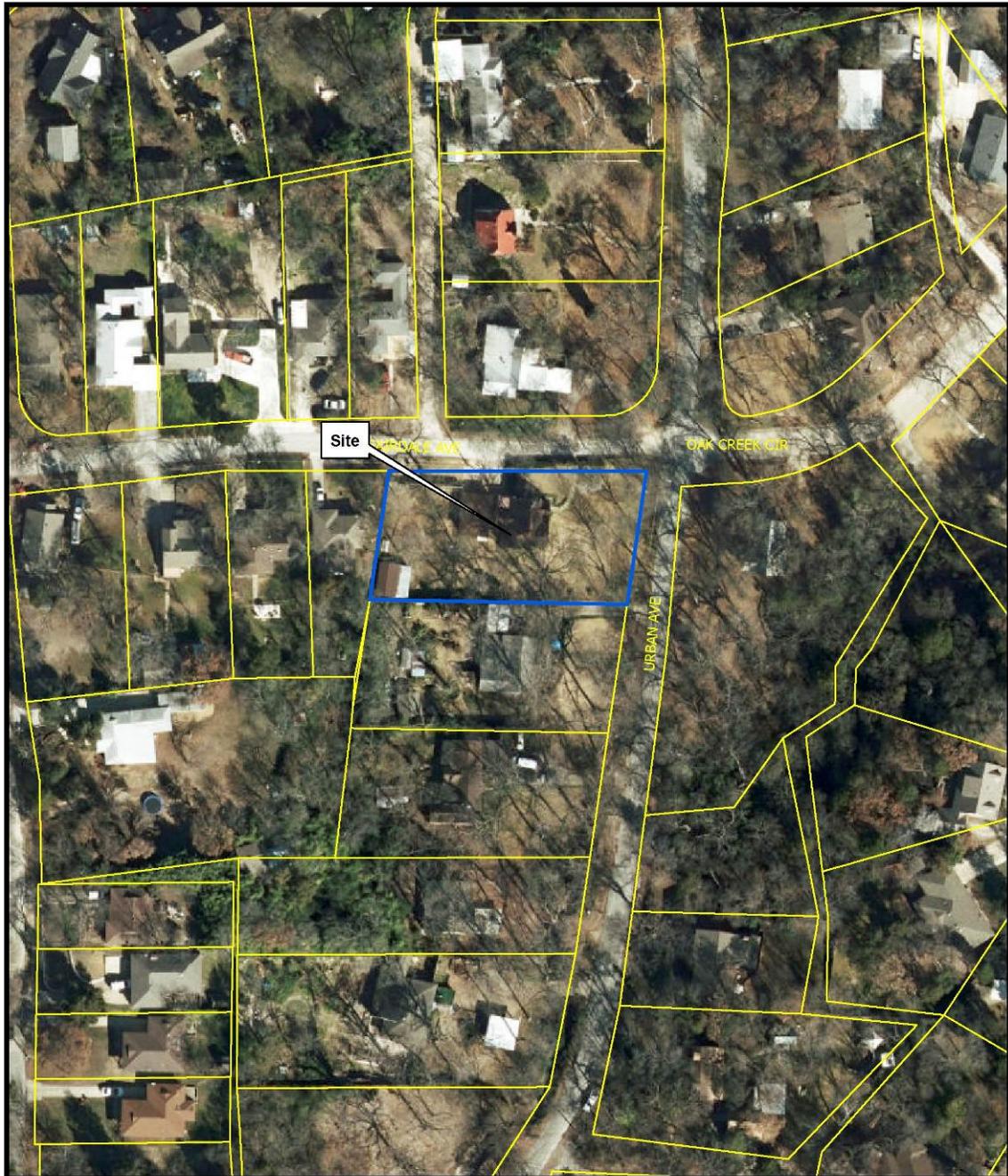


1:1,200

# ZONING MAP

Case no: BDA167-129

Date: 10/23/2017



1:1,200

# AERIAL MAP

Case no: BDA167-129

Date: 10/23/2017



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-129

Data Relative to Subject Property:

Date: 09-21-17

Location address: 3331 Urban Ave Zoning District: R-7.5(A)

Lot No.: Tr. Block No.: 5821 Acreage: .45 Census Tract: 85.00

Street Frontage (in Feet): 1) 100 2) 195 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Angela Taff Matthew Polan

Applicant: Matthew Polan Telephone: 214 334 2930

Mailing Address: 3331 Urban Ave Zip Code: 75227

E-mail Address: mattpolan@yahoo.com

Represented by: \_\_\_\_\_ Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Affirm that an appeal has been made for a Variance , or Special Exception , of 4'-4" for an 8.3ft fence in ~~our~~ side yard (front yard)

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:

Because the fence is beautiful and doesn't bring the property value down AND it doesn't block any sight or street views. Every property should have the right to a privacy fence. One existed where the new one was built.

Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

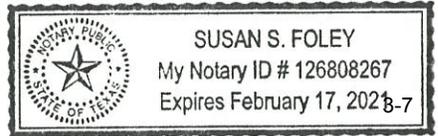
Before me the undersigned on this day personally appeared Matthew Polan (Affiant/Applicant's name printed)

who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: [Signature] (Affiant/Applicant's signature)

Subscribed and sworn to before me this 12 day of September, 2017.

(Rev. 08-01-11)



[Signature]  
Notary Public in and for Dallas County, Texas

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

Building Official's Report

I hereby certify that Matthew Polan

did submit a request for a special exception to the fence height regulations  
at 3331 Urban Avenue

BDA167-129. Application of Matthew Polan for a special exception to the fence height regulations at 3331 Urban Avenue. This property is more fully described as a .45 acre tract in Block 5821 and is zoned R-7.5(A), which limits the height of a fence in the front yard to feet. The applicant proposes to construct an 8 foot 4 inch high fence in a required front yard, which will require a 4 foot 4 inch special exception to the fence regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official

# City of Dallas

## Internal Development Research Site

### Legend

#### Locate Property

Search by:

GIS Account #

Locate

OR

Street address.

3331 urban

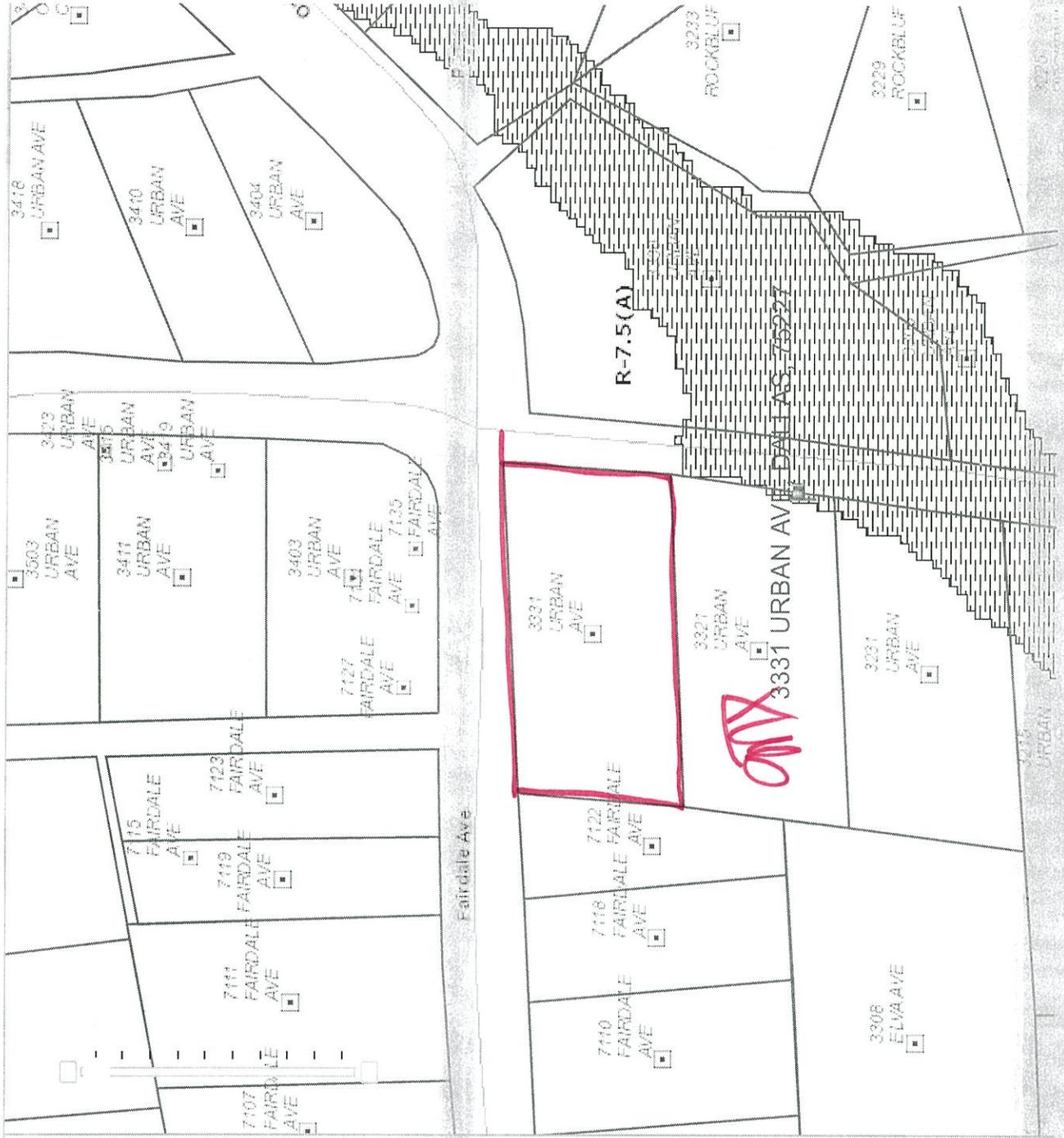
Locate

OR

Parcel address.

Use street type for better re

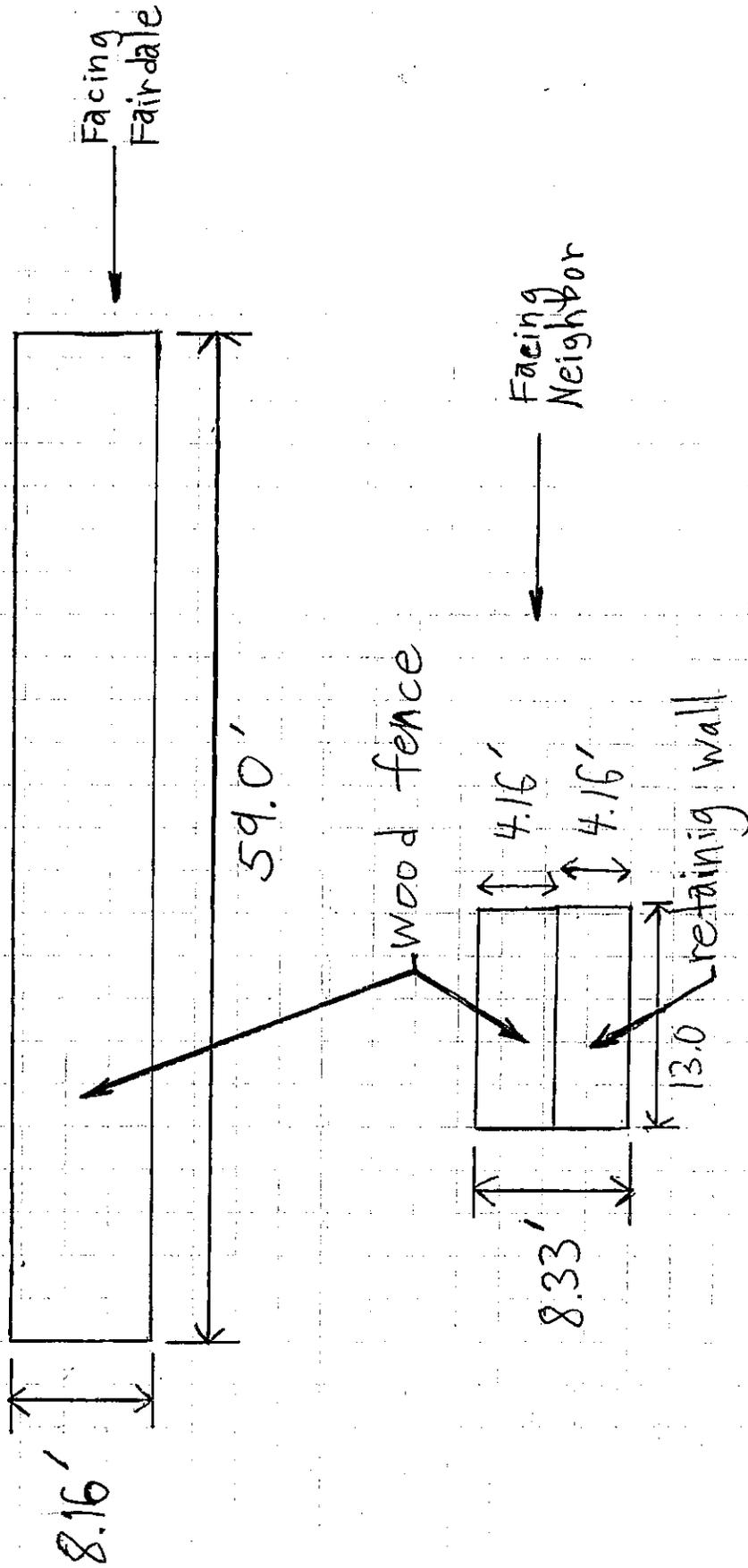
Locate





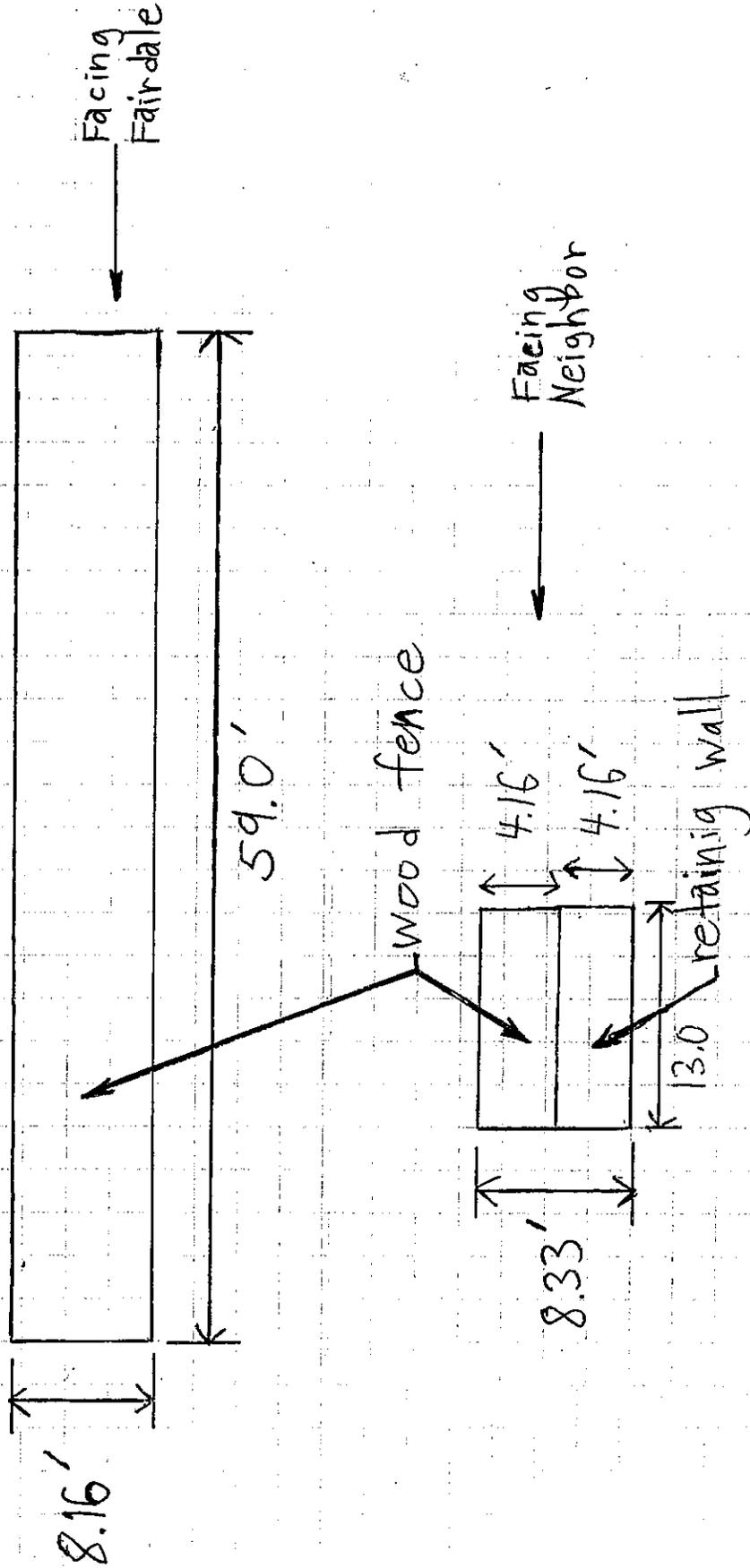


3331 Urban Ave  
Dallas 75227



Scale 1" = 10'

3331 Urban Ave  
Dallas 75227



Scale 1" = 10'



 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA167-129</b>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">22</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: <b>10/23/2017</b>

## *Notification List of Property Owners*

### *BDA167-129*

#### *22 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3331 URBAN AVE	HERNANDEZ EFREN &
2	7110 FAIRDALE AVE	KENT CARTER INC
3	3308 ELVA AVE	MUNTZ JIMMY
4	3231 URBAN AVE	ZUBIRI MIGUEL A & NOEMI
5	3321 URBAN AVE	MORRISON WILLIAM B JR &
6	7102 FAIRDALE AVE	CASTROROMERO ANABEL
7	3215 URBAN AVE	JPMORGAN CHASE BANK N A
8	7122 FAIRDALE AVE	1G CAPITAL LLC
9	7118 FAIRDALE AVE	CIMINELLI LISA F
10	3330 URBAN AVE	SLOAN ALANA & WILLIAM E
11	3306 URBAN AVE	NELSON JOHN &
12	3411 URBAN AVE	SALDANA FELIX A & YVONNE
13	3403 URBAN AVE	DOSS MELISSA M
14	7119 FAIRDALE AVE	DLP CAPITAL LLC
15	7123 FAIRDALE AVE	MENDOZA ERNESTO
16	7111 FAIRDALE AVE	DIAZ JOSE A HERNANDEZ
17	7107 FAIRDALE AVE	REYES SAMUEL JIMENEZ &
18	3410 URBAN AVE	MAPLES CLINTON W
19	3404 URBAN AVE	SANTIAGO JULIO
20	3229 ROCKBLUFF DR	MCGRATH DOUGLAS LONG
21	3233 ROCKBLUFF DR	BURKE SUSAN R & RAMON I
22	3416 OAK CREEK CIR	BURTON JAMES BERTRAND