

ZONING BOARD OF ADJUSTMENT, PANEL C
MONDAY, AUGUST 15, 2011
AGENDA

BRIEFING	5ES	11:00 A.M.
LUNCH		
PUBLIC HEARING	COUNCIL CHAMBERS, 1500 MARILLA STREET	1:00 P.M.

David Cossum, Assistant Director
Steve Long, Board Administrator

MISCELLANEOUS ITEM

Approval of the Monday, June 13, 2011 Board of Adjustment Public Hearing Minutes	M1
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UNCONSTESTED CASES

BDA 101-065	4360 Hallmark Drive REQUEST: Application of Lee Williams represented by Rob Baldwin, for a special exception to the fence height regulations	1
BDA 101-066	2002 Idaho Avenue REQUEST: Application of Ruby Taylor, represented by Steve Myers, for a variance to the front yard setback regulations	2
BDA 101-071	1026 Cliffdale Avenue REQUEST: Application of James Moore for a special exception to the fence height regulations	3

REGULAR CASE

BDA 101-072	3003 S. Buckner Boulevard REQUEST: Application of Mohammed I. Sultan, represented by Mohammed Kamal, for variances to the side yard setback regulations	4
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EXECUTIVE SESSION NOTICE

The Commission/Board may hold a closed executive session regarding any item on this agenda when:

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 Commission/Board 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 §551.086]

(Rev. 6-24-02)

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel C June 13, 2011 public hearing minutes.

FILE NUMBER: BDA 101-065

BUILDING OFFICIAL'S REPORT:

Application of Lee Williams represented by Rob Baldwin, for a special exception to the fence height regulations at 4360 Hallmark Drive. This property is more fully described as Lot 13 in City Block L/6396 and is zoned R-16(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 9 foot high fence, which will require a special exception of 5 feet.

LOCATION: 4360 Hallmark Drive

APPLICANT: Lee Williams
Represented by Rob Baldwin

REQUEST:

- A special exception to the fence height regulations of 5' is requested in conjunction with constructing and maintaining a 7' 11" – 8' 4" high board on board wood fence parallel to Crestline Avenue and a 7' 8" – 8' 6" stone wall perpendicular to Crestline Avenue (with stone columns reaching 9' in height) to be located in one of the site's two required front yards on a site being developed with a single family home – Crestline Avenue. (No fence proposal is shown to be located in the site's Hallmark Drive required front yard).

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to the fence height regulations 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.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

GENERAL FACTS:

- The subject site is located at the southwest corner of Hallmark Drive and Crestline Avenue. The site has two required front yards - a 20' required front yard created by a platted building line along its shorter frontage (Crestline Avenue) and a 40' required front yard (created by a platted building line) along its longer frontage (Hallmark Drive). Regardless of how the site's Crestline Avenue frontage functions as a side yard on the property, it is a front yard nonetheless given that it is the shorter of the property's two street frontages. The site's longer Hallmark Drive frontage that functions as the property's front yard is also deemed a front yard to maintain continuity of the required front yards established by the lots west of the site fronting northward onto Hallmark Drive.
- The Dallas Development Code states that a person shall not erect or maintain a fence in a required yard more than 9' above grade, and additionally 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 applicant has submitted a site plan and elevation indicating that the proposal in the 20' Crestline Avenue required front yard reaches a maximum height of 9'.
- The following additional information was gleaned from the submitted site plan:
 - The proposal located in the Crestline Avenue required front yard over 4' in height is approximately 80' in length parallel to the street and approximately 16' – 20' in length *perpendicular* to Crestline Avenue on the north and south sides of the site in the required front yard.
 - The proposal is shown to be located at a range of 0' – 4' from the site's Crestline Avenue front property line or a range of 9' - 13' from the curb line.
- No single family home "fronts" to the proposed fence on the subject site since the home on the lot immediately east across Crestline Avenue fronts northward onto Hallmark Drive as does the home being developed on the subject site.
- The Board Administrator conducted a field visit of the site and surrounding area and noted one other fence above 4' high, which appeared to be located in a front yard setback – an approximately 6' high wood fence located immediately south of the subject site.
- The applicant submitted information beyond what was submitted with the original application (see Attachment A). This information included a letter (and related graphic) that provided additional details about the request.

BACKGROUND INFORMATION:

Zoning:

Site: R-16(A) (Single family district 16,000 square feet)
North: R-16(A) (Single family district 16,000 square feet)
South: R-16(A) (Single family district 16,000 square feet)
East: R-16(A) (Single family district 16,000 square feet)

West: R-16(A) (Single family district 16,000 square feet)

Land Use:

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

Timeline:

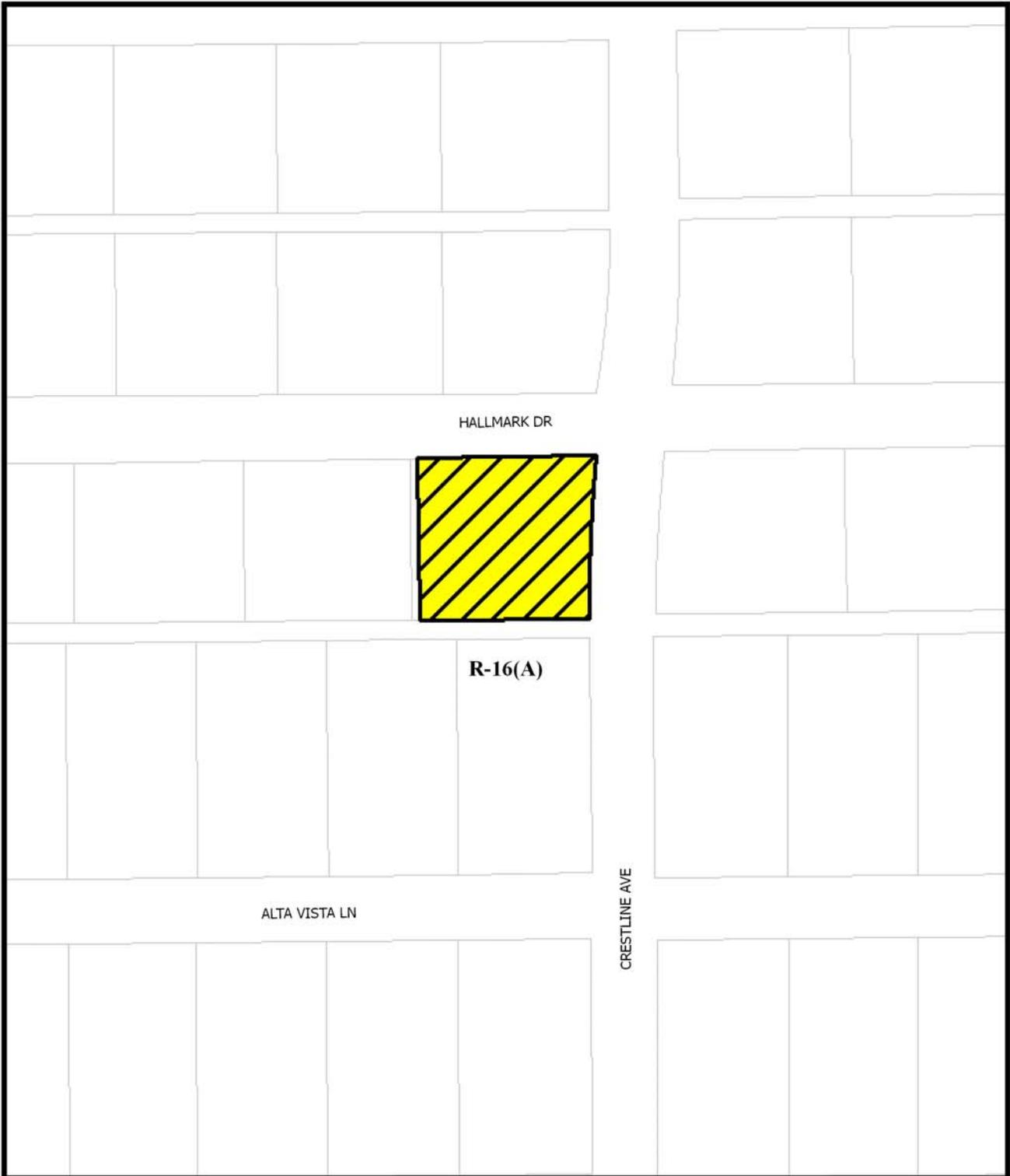
- May 9, 2011: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- June 22, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- June 23, 2011: The Board Administrator emailed the applicant’s representative the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the August 1st deadline to submit additional evidence for staff to factor into their analysis; and the August 5th 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.
- July 26, 2011: The applicant’s representative submitted additional information to the Board Administrator beyond what was submitted with the original application (see Attachment A).
- August 2, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Development and Construction Department Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

August 4, 2011: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections if certain conditions are met" with the following comments: "Need to comply with all C.O.D visibility requirements." (Note that no item appears to be represented on the submitted site plan as being located in a visibility triangle).

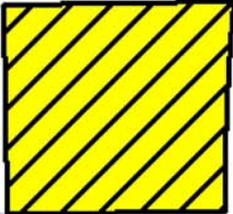
STAFF ANALYSIS:

- This request focuses on constructing and maintaining a 7' 11" – 8' 4" high board on board wood fence parallel to Crestline Avenue and a 7' 8" – 8' 6" stone wall perpendicular to Crestline Avenue (with stone columns reaching 9' in height) to be located in the one of the site's two required front yards on a site being developed with a single family home – Crestline Avenue. (No fence proposal is shown to be located in the site's Hallmark Drive required front yard).
- The subject site is located at the southwest corner of Hallmark Drive and Crestline Avenue. The site has two required front yards - a 20' required front yard created by a platted building line along its shorter frontage (Crestline Avenue) and a 40' required front yard (created by a platted building line) along its longer frontage (Hallmark Drive). Regardless of how the site's Crestline Avenue frontage functions as a side yard on the property, it is a front yard nonetheless given that is it the shorter of the property's two street frontages. The site's longer Hallmark Drive frontage that functions as the property's front yard is also deemed a front yard in order to maintain continuity of the required front yards established by the lots west of the site fronting northward onto Hallmark Drive.
- Note that if the site's Crestline Drive frontage were approximately 10' longer, it would be deemed the property's side yard and the applicant would not be required to make an application to the board since a 9' high fence can be erected and maintained by right.
- The submitted site plan and elevation documents the location, height, and material of the fence over 4' in height in the Crestline Avenue required front yard. The site plan shows the fence to be approximately 80' in length parallel to Crestline and approximately 16' - 20' in length *perpendicular* to Crestline Avenue on the north and south sides of the site in the required front yard; and to be located on 0' – 4' from the Crestline Avenue front property line or 9' - 13' from the curb line. The elevation shows that the proposed fence to be between 7' 8" – 8' 6" in height with 9' stone columns, and materials to be either board on board parallel to Crestline Avenue or stone parallel to Hallmark Drive in the Crestline Avenue required front yard.
- No single family home "fronts" to the proposed fence on the subject site since the home on the lot immediately east across Crestline Avenue fronts northward onto Hallmark Drive as does the home being developed on the subject site.

- The Board Administrator conducted a field visit of the site and surrounding area and noted one other fence above four (4) feet high which appeared to be located in a front yard setback – an approximately 6' high wood fence located immediately south of the subject site.
- As of August 8, 2011, no letters have been submitted in support or opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 5' (whereby the proposal would reach a maximum of 9' in height in the site's Crestline Avenue required front yard) will not adversely affect neighboring property.
- Granting this special exception of 5' with a condition imposed that the applicant complies with the submitted site plan and elevation would assure that the proposal exceeding 4' in height in the Crestline Avenue required front yard would be constructed and maintained in the location and of the heights and materials as shown on these documents.



HALLMARK DR



R-16(A)

ALTA VISTA LN

CRESTLINE AVE



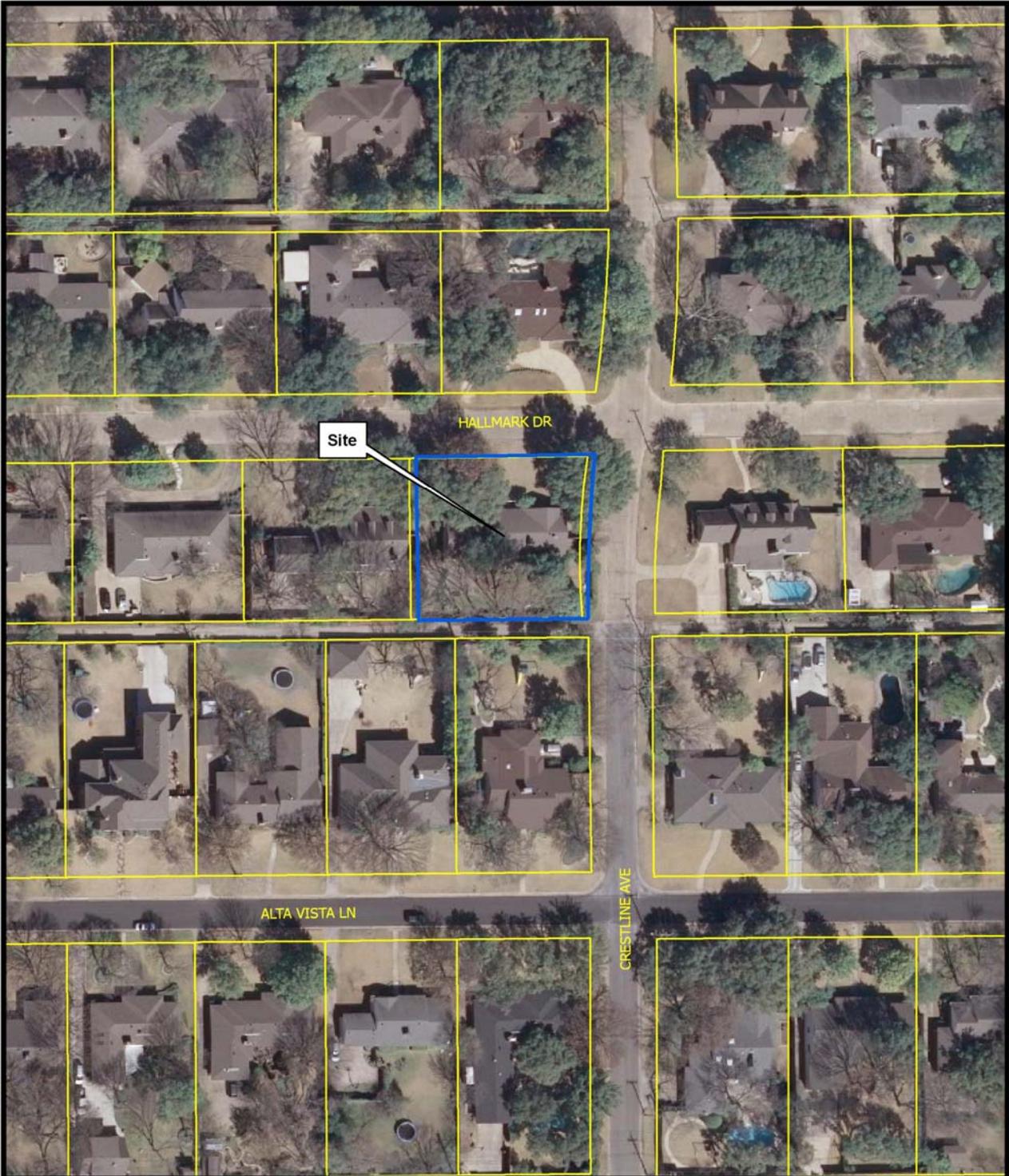
1:1,200

ZONING MAP

Map no: E-6

Case no: BDA101-065

DATE: July 19, 2011



1:1,200

AERIAL MAP

Map no: E-6

Case no: BDA101-065

DATE: July 19, 2011

July 26, 2011

Mr. Steve Long
Board of Adjustment Administrator
City of Dallas
1500 Marilla
Dallas, TX 75201

Re: BDA 101-065 – 4360 Hallmark Drive

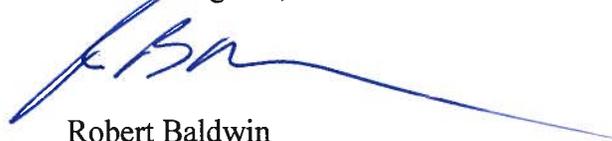
Dear Steve,

As you may recall, I am working with Lee Williams in his request for a Special Exception to the City's fence standards. This property is located at the southwest corner of the intersection of Hallmark Drive and Crestline Drive. Specifically, Mr. Williams is seeking permission to construct a fence taller than four feet in height along Crestline Drive. The proposed fence along Crestline Drive is proposed to be nine (9) feet tall. The fence will be constructed out of wood and have brick columns every 13' 2". The brick will match the house that Mr. Williams is currently constructing on the property.

This is an odd situation in that the entire neighborhood was designed and built so that the houses face and front on the streets that go from east to west (such as Hallmark Drive). The streets that go north and south (such as Crestline Drive) are designed to be side yards and it is common to have privacy fences along Crestline Drive. Unfortunately, due to the way the Dallas zoning ordinance is written, on corner lots, the narrower street frontage is considered the front yard and the Crestline frontage is about 10 feet narrower than the Hallmark Drive frontage. Therefore, the City of Dallas considers the Crestline Drive frontage to be the front yard and the Hallmark Drive frontage to be the side yard. The city would grant a permit to construct the fence along Hallmark Drive, but not along Crestline. This is why Mr. Williams' is seeking this special exception.

If you have any questions or would like to speak with us about this, please contact me at rob@baldwinplanning.com or call me at (214) 824-7949.

With kind regards,



Robert Baldwin

BDA 101-065



Direction House
is Facing



Fences along
Crestline Drive



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-065

Data Relative to Subject Property:

Date: 5-9-11

Location address: 4360 Hallmark Drive Zoning District: R-16(A)

Lot No.: 13 Block No.: L/6396 Acreage: 0.40 acres Census Tract: 135

Street Frontage (in Feet): 1) 137.16' 2) 126.45' 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Lee Williams

Applicant: Lee Williams Telephone: (927) 702-0088

Mailing Address: 14131 Midway Road #1160 Addison, TX Zip Code: 75001

Represented by: Rob Baldwin Telephone: (214) 824-7949

Mailing Address: 3904 Elm St. # B Dallas, TX Case No: BDA 101-066 Zip Code: 75226

Affirm that a request has been made for a Variance, or Special Exception of 5-9-11 to allow a 9-foot tall fence in the required front yard.

Location address: 4360 Hallmark Drive Zoning District: R-16(A)

Application is now made to the Honorable Board of Adjustment in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason: The front yard per the city code actually functions as a side yard and there are many tall fences along Crestline.

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Lee Williams

Note to Applicant: If the relief requested in this application is granted by the Board of Adjustment, said 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.

Mailing Address: 14131 Midway Road #1160 Addison, TX Zip Code: 75001

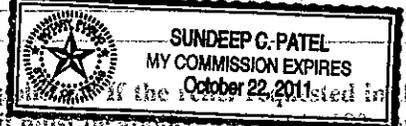
Respectfully submitted: Lee Williams

Represented by: Rob Baldwin Applicant's name printed Telephone: (214) 824-7949 Applicant's signature

Mailing Address: 3904 Elm St. # B Dallas, TX Affidavit Zip Code: 75226

Before me the undersigned on this day personally appeared Lee Williams who in (his/her) own behalf 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.

Application is now made to the Honorable Board of Adjustment in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason: The front yard per the city code actually functions as a side yard and there are many tall fences along Crestline. Subscribed and sworn to before me this August 2011 day of



Notary Public in and for Dallas County, Texas

Note to Applicant: If the relief requested in this application is granted by the Board of Adjustment, said 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.

Respectfully submitted: Lee Williams

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____



Chairman

Building Official's Report

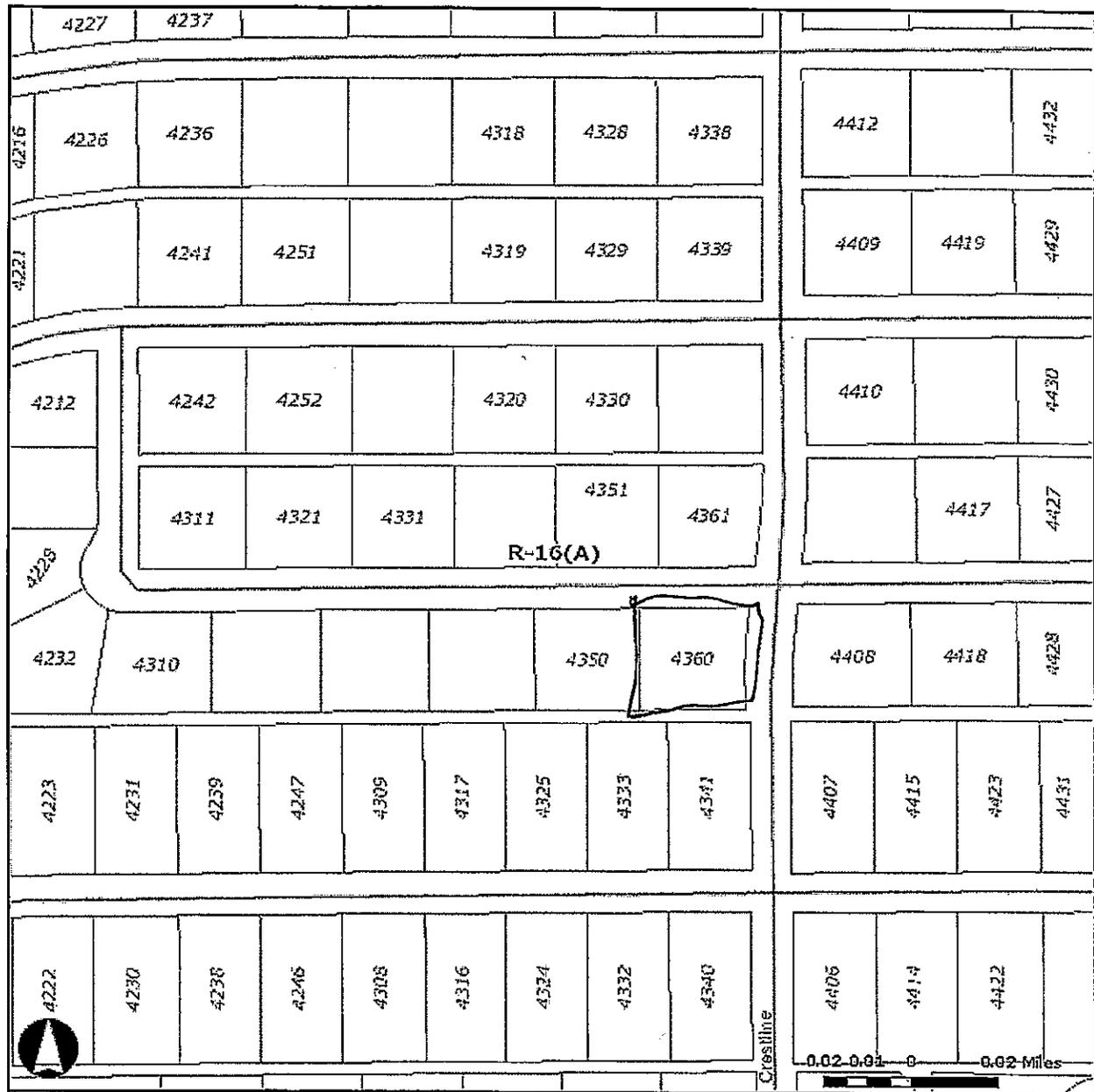
I hereby certify that Lee Williams
represented by Baldwin Associates
did submit a request for a special exception to the fence height regulations
at 4360 Hallmark Drive

BDA101-065. Application of Lee Williams represented by Rob Baldwin for a special exception to the fence height regulations at 4360 Hallmark Drive. This property is more fully described as Lot 13 in city block L/ 6396 and is zoned R-16(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 9 foot high fence in a required front yard setback, which will require a 5 foot special exception to the fence regulation.

Sincerely,

Batsheba Antebi
Batsheba Antebi, Building Official

City of Dallas Zoning

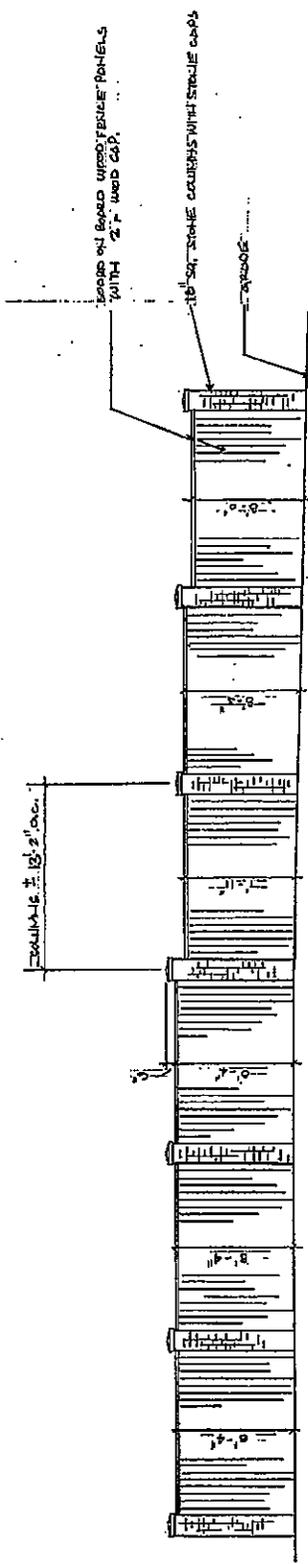


- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways
- Parks

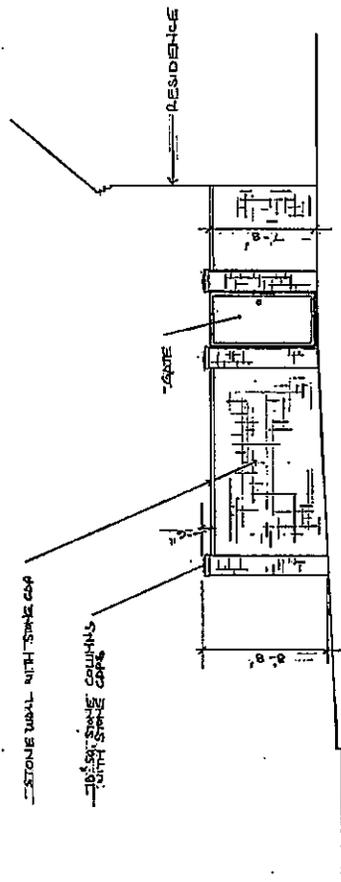
- Dry Overlay
- D
- D-1
- Historic Overlay
- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts
- MD Overlay

Handwritten signature/initials

- Base Zoning
- Floodplain
- 100 Flood Zone
- Mill's Creek
- Peak's Branch
- X PROTECTED BY LEVEE
- Pedestrian Overlay
- CP
- Sp
- Environmental Corridors



ELEVATION A - FENCE WITH COLUMNS.
1/4"



ELEVATION B - STONE WALL
1/4"

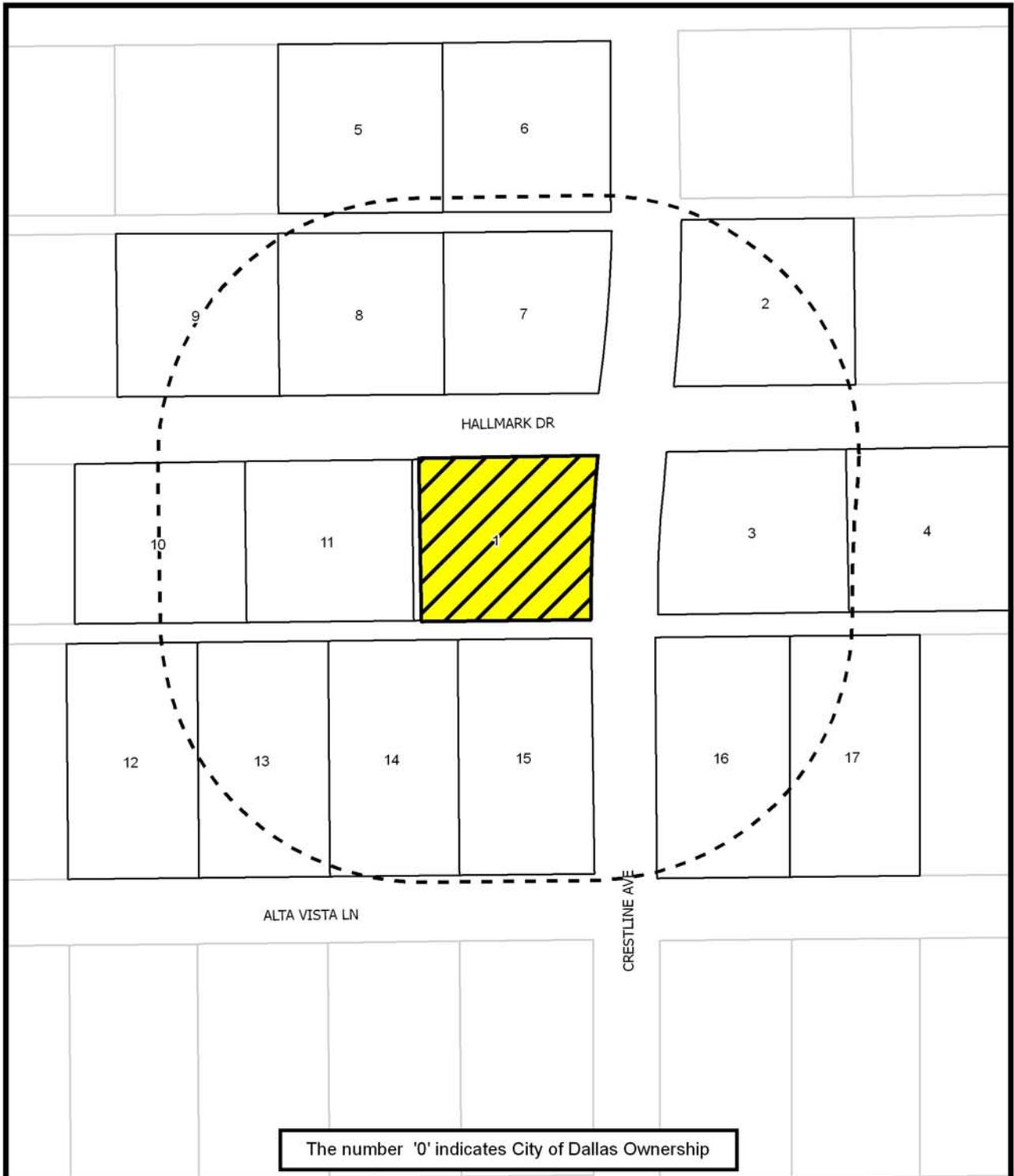
FENCE AND WALL ELEVATIONS

MR. LEE WILLIAMS

4360, HALLMARK DRIVE, DALLAS, TEXAS 75241

NAUD BURNETT
AND PARTNERS
ARCHITECTS
PLANNING, DESIGN, INTERIOR DESIGN

SHEET 2 OF 2



The number '0' indicates City of Dallas Ownership

 <p>1:1,200</p>	<h2 style="text-align: center;">NOTIFICATION</h2> <p>200' AREA OF NOTIFICATION</p> <p>17 NUMBER OF PROPERTY OWNERS NOTIFIED</p>	<p>Map no: <u> E-6 </u></p> <p>Case no: <u> BDA101-065 </u></p>
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DATE: July 19, 2011

Notification List of Property Owners

BDA101-065

17 Property Owners Notified

Label #	Address	Owner
1	4360 HALLMARK	WILLIAMS LEE STE 102-400
2	4407 HALLMARK	GRADY DOUGLAS S & CANDACE C
3	4408 HALLMARK	PETERSON SCOTT A & STEPHANIE M
4	4418 HALLMARK	WILLIAMS HELEN B
5	4330 SHADY HILL	WAXMAN DARREN & GAIL
6	4340 SHADY HILL	JACKSON SAMUEL F
7	4361 HALLMARK	ROSE HARVEY & PEARL LIFE ESTATES
8	4351 HALLMARK	MELTON BRIAN D & DARCY L
9	4341 HALLMARK	ALVORD BEN M
10	4340 HALLMARK	ASHER TIPTON J & PAULA J
11	4350 HALLMARK	MATTOX MATTHEW JAMES & SUSAN JAN
12	4317 ALTA VISTA	HENDERSON CURTIS & JANICE
13	4325 ALTA VISTA	OCONNELL JULIA A & DANIEL K
14	4333 ALTA VISTA	MCCORMICK DON F & STEPHANIE
15	4341 ALTA VISTA	GLOGOWSKI PAUL T & ELIZABETH M
16	4407 ALTA VISTA	PERCY JOHN G & MARIANNE M PERCY
17	4415 ALTA VISTA	GIOVANNINI VICTORIA L & V STEVEN

FILE NUMBER: BDA 101-066

BUILDING OFFICIAL'S REPORT:

Application of Ruby Taylor, represented by Steve Myers, for a variance to the front yard setback regulations at 2002 Idaho Avenue. This property is more fully described as Lot 11 in City Block 5/3677 and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct/maintain a structure and provide a 14 foot front yard setback, which will require a variance of 11 feet.

LOCATION: 2002 Idaho Avenue

APPLICANT: Ruby Taylor
Represented by Steve Myers

REQUEST:

- A variance to the front yard setback regulations of 11' is requested in conjunction with replacing an existing single family home structure with a new single family home structure, part of which would be located in one of the site's two 25' front yard setbacks (Louisiana Avenue). (No request has been made in this application to construct/maintain any portion of a structure in the site's Idaho Avenue front yard setback).

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- The subject site is unique and different from most lots zoned R-7.5(A) in that it is a corner lot with a restrictive area due to two front yard setbacks. The atypical two front yard setbacks on the typically sized 7,500 square foot property/subject site precludes it from being developed in a manner commensurate with development on other similarly zoned properties - in this case, development being a single family home with an approximately 1,100 square foot building footprint.

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, 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.

GENERAL FACTS:

- Single family structures on lots zoned R-7.5(A) are required to provide a minimum front yard setback of 25’.
- The subject site is located at the southeast corner of Idaho Avenue and Louisiana Avenue. Regardless of how the proposed structure on the site may be oriented or addressed, the subject site has two 25’ front yard setbacks along both streets. The site has a 25’ front yard setback along Idaho Avenue, the shorter of the two frontages which is always deemed the front yard setback on a corner lot in a single family zoning district, and a 25’ front yard setback along Louisiana Avenue, the longer of the two frontages of this corner lot which would typically be regarded as a side yard where only a 5’ yard setback would be required. But the site’s Louisiana Avenue frontage is deemed a front yard setback nonetheless in order to maintain the continuity of the established front yard setback established by the lots east of the site that front/are oriented northward onto Louisiana Avenue – lots that appear to be currently vacant/undeveloped.
A scaled site plan has been submitted denoting a portion of the proposed single family home to be located 14’ from the Louisiana Avenue front property line or 11’ into the 25’ front yard setback. (No encroachment is proposed in the site’s Idaho Avenue 25’ front yard setback).
- According to calculations taken by the Board Administrator from the submitted site plan, the area of the proposed structure to be located in the site’s Louisiana Avenue 25’ front yard setback is approximately 385 square feet in area or approximately 1/3 of the approximately 1,110 square foot building footprint.
- According to DCAD records, the “main improvement” on the site is a 1,099 square foot structure built in 1925 in “poor” condition.
- The subject site is flat, rectangular in shape (150’ x 50’), and 7,500 square feet in area. The site is zoned R-7.5(A) where lots in this zoning district are typically 7,500 square feet in area. This site has two 25’ front yard setbacks;

and two 5' side yard setbacks; most residentially-zoned lots have one front yard setback, two side yard setbacks, and one rear yard setback.

BACKGROUND INFORMATION:

Zoning:

Site: R-7.5(A) (Single family district 7,500 square feet)
North: R-7.5(A) (Single family district 7,500 square feet)
South: R-7.5(A) (Single family district 7,500 square feet)
East: R-7.5(A) (Single family district 7,500 square feet)
West: R-7.5(A) (Single family district 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 developed with single family uses; and the area to the east is undeveloped.

Zoning/BDA History:

- | | |
|--|--|
| 1. Miscellaneous Item # 2, 2002
Idaho Avenue (the subject site) | On April 18, 2011, the Board of Adjustment Panel C waived the filing fee to be submitted in conjunction with a pending board of adjustment application at this address and for this applicant. |
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Timeline:

- May 26, 2011: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- June 23, 2011: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, "If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case."
- June 23, 2011: The Board Administrator emailed the applicant's representative the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the August 1st deadline to submit additional evidence for staff to factor into their analysis; and the August 5th 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.

August 2, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Development and Construction Department Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

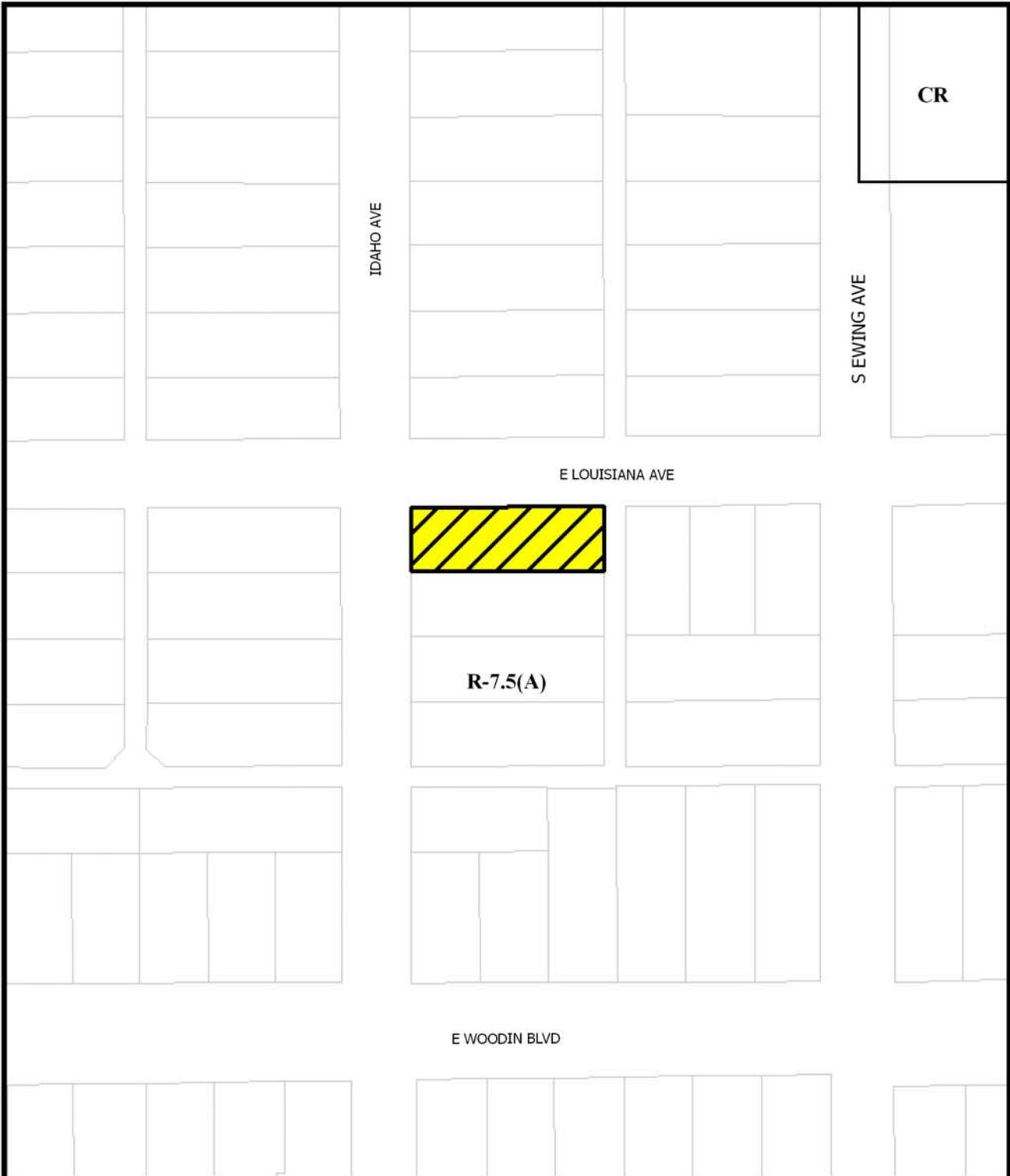
August 4, 2011: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections if certain conditions are met" with the following comments: "Need to comply with all C.O.D visibility requirements." (Note that no item appears to be represented on the submitted site plan as being located in a visibility triangle).

STAFF ANALYSIS:

- This request focuses on replacing an existing single family home structure with a new single family home structure, part of which would be located in one of the site's two 25' front yard setbacks (Louisiana Avenue). (According to the applicant, the existing house on the property encroaches into the Louisiana Avenue front yard setback).
- The proposed replacement single family home structure that is the issue of this request is to be located on a site that has two front yard setbacks – a site with one front yard setback on Idaho Avenue (where no structure is proposed to be located in); the other front yard setback on Louisiana Drive (where the proposed structure that is the issue of this application is shown to be 14' from the Louisiana Avenue front property line or 11' into the 25' front yard setback).
- Regardless of how the proposed structure on the site may be oriented or addressed, the subject site has two 25' front yard setbacks along both streets. The site has a 25' front yard setback along Idaho Avenue, the shorter of the two frontages which is always deemed the front yard setback on a corner lot in a single family zoning district, and a 25' front yard setback along Louisiana Avenue, the longer of the two frontages of this corner lot which would typically be regarded as a side yard where only a 5' yard setback would be required.
- The site's Louisiana Avenue frontage is deemed a front yard setback nonetheless in order to maintain the continuity of the established front yard setback established by the lots east of the site that front/are oriented

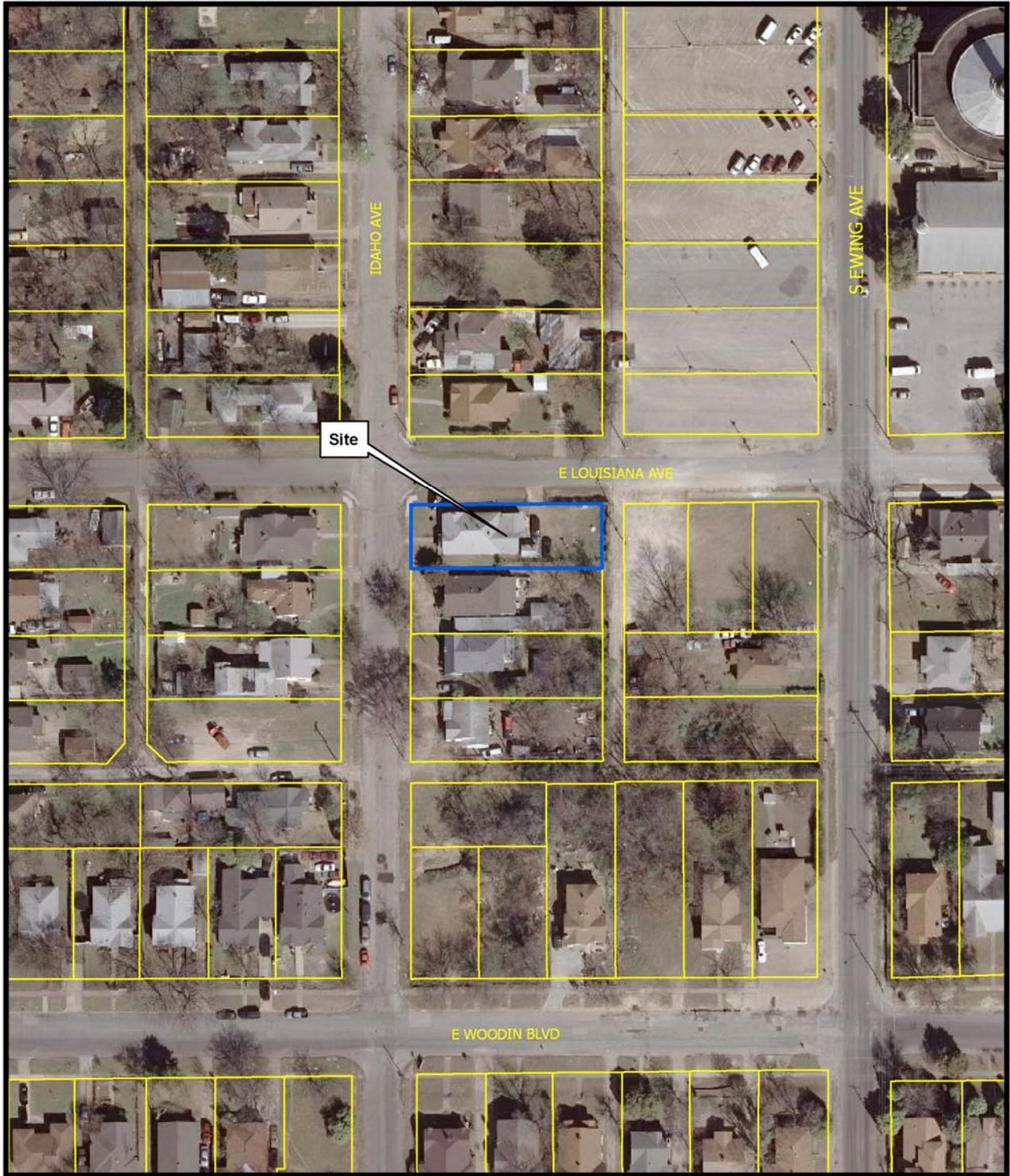
northward onto Louisiana Avenue – lots that appear to be currently vacant/undeveloped.

- According to calculations taken by the Board Administrator from the submitted site plan, the area of the proposed structure to be located in the site's Louisiana Avenue 25' front yard setback is approximately 385 square feet in area or approximately 1/3 of the approximately 1,110 square foot building footprint.
- According to DCAD records, the "main improvement" on the site is a 1,099 square foot structure built in 1925 in "poor" condition.
- The subject site is flat, rectangular in shape (150' x 50'), and 7,500 square feet in area. The site is zoned R-7.5(A) where lots in this zoning district are typically 7,500 square feet in area. This site has two 25' front yard setbacks; and two 5' side yard setbacks; most residentially-zoned lots have one front yard setback, two side yard setbacks, and one rear yard setback.
- The site has approximately 120' x 20' of developable area left once its setbacks are accounted for as opposed to 120' x 40' of developable area left if the site were more typical with having just one front yard setback.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the Louisiana Avenue 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, subject to the submitted site plan, the structure in the front yard setback would be limited to what is shown on this document– which in this case is a structure to be located 14' from the Louisiana Avenue front property line (or 11' into this 25' front yard setback).



 1:1,200	<h1>ZONING MAP</h1>	Map no: <u> M-7 </u> Case no: <u> BDA101-066 </u>
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DATE: July 19, 2011




1:1,200

AERIAL MAP

Map no: M-7
Case no: BDA101-066

DATE: July 19, 2011



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-066

Data Relative to Subject Property:

Date: 5-26-11

Location address: 2002 IDAHO AVE Zoning District: R-7.5(A)

Lot No.: 11 Block No.: 5/3677 Acreage: .17 Census Tract:

Street Frontage (in Feet): 1) 50' IDAHO 2) 150' LOUISIANA 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property/or Principal: RUBY TAYLOR

Applicant: RUBY TAYLOR Telephone: 214-941-4452

Mailing Address: 2002 IDAHO DALLAS, TX Zip Code: 75216

Represented by: STEVEN MYERS / MYERS CUSTOM BUILDERS Telephone: 214-794-1932

Mailing Address: 18208 PRESTON RD. #D9-67 DALLAS, TX Zip Code: 75252

Affirm that a request has been made for a Variance or Special Exception of 11.0 FT VARIANCE TO NORTH PROPERTY LINE SET BACK TO BE CHANGED TO 13.0 FEET FRONTYARD

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason: ALLOW 32'.0" WIDE SINGLE FAMILY HOME TO BE BUILT AFTER DEMO OF EXISTING HOME. NEW HOME TO HAVE APPROXIMATE SET BACK OF EXISTING HOME. DUE TO 50' WIDE CORNER LOT WITH 2 FRONT YARDS RESULTS IN A SMALLER BUILDABLE AREA THAN THE SIMILARLY ZONED LOTS. LEAVING ONLY A 20' WIDE BUILDABLE AREA.

Note to Applicant: If the relief requested in this application is granted by the Board of Adjustment, said 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.

Respectfully submitted: x Ruby Taylor Applicant's name printed x Ruby Taylor Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Ruby Taylor 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.

Ruby Taylor Affiant (Applicant's signature)

Subscribed and sworn to before me this 13 day of MAY, 2011



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

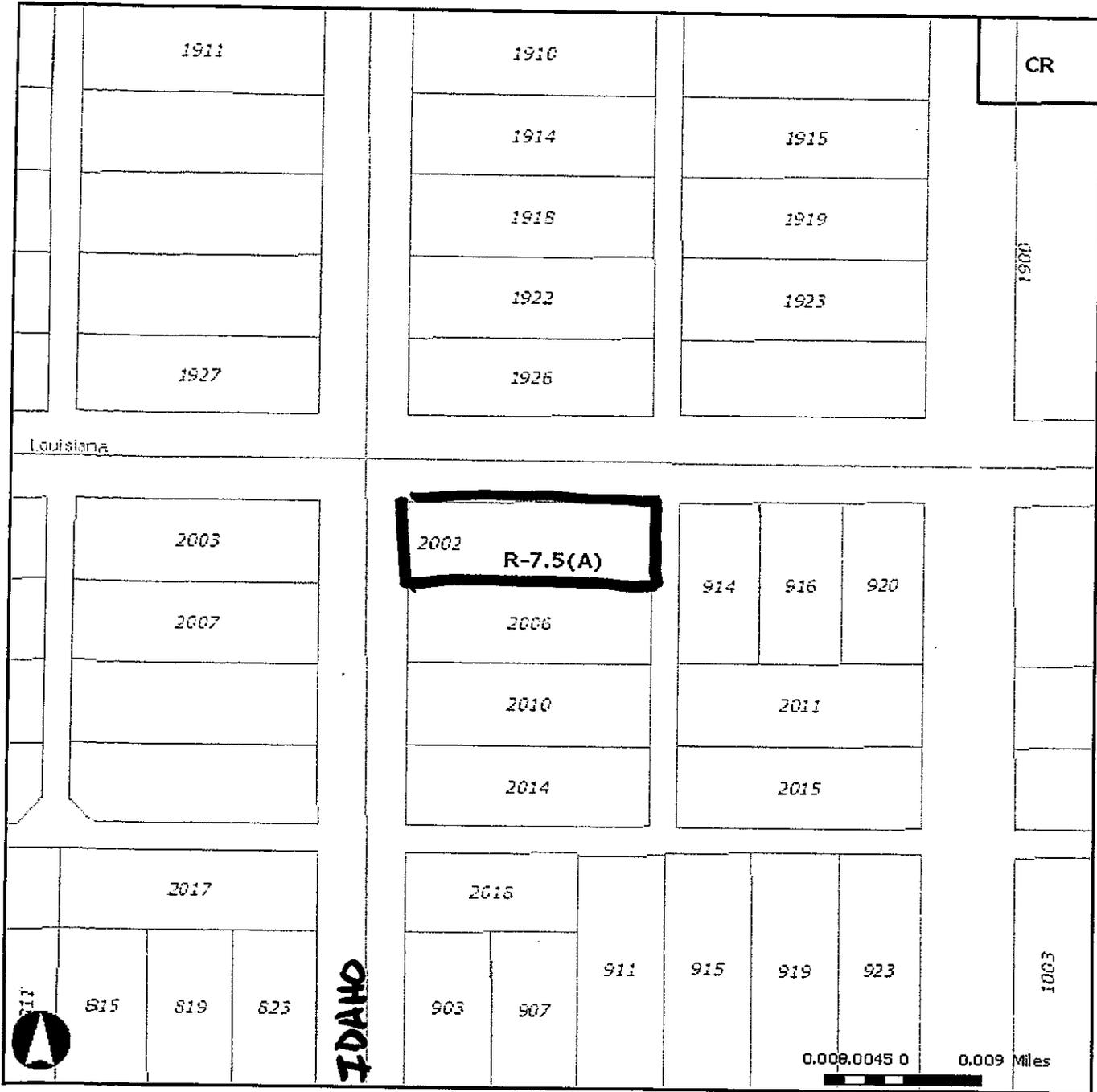
I hereby certify that R TAYLOR
represented by STEVE MYERS
did submit a request for a variance to the front yard setback regulations
at 2002 Idaho Avenue

BDA101-066. Application of Ruby Taylor represented by Steve Myers for a variance to the front yard setback regulations at 2002 Idaho Avenue. This property is more fully described as Lot 11 in city block 5/3677 and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a single family structure and provide a 14 foot front yard setback, which will require an 11 foot variance to the front yard setback regulation.

Sincerely,

Batsheba Antebi
Batsheba Antebi, Building Official

City of Dallas Zoning



City Boundaries



County



Certified Parcels



DISD Sites



Council Districts



Dry Overlay



Historic Overlay



Historic Subdistricts



NSO Overlay



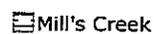
PDS Subdistricts



Base Zoning



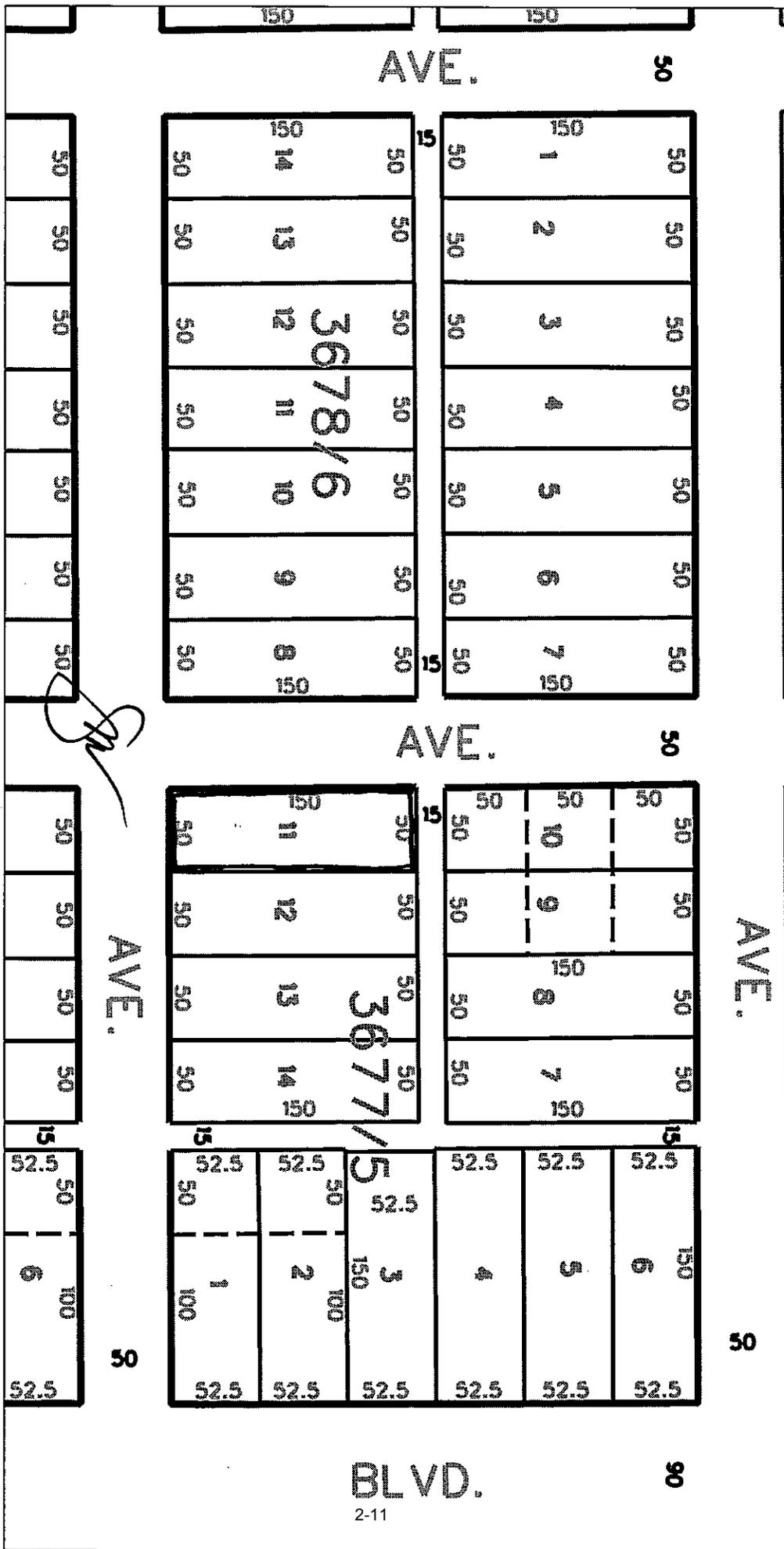
Floodplain

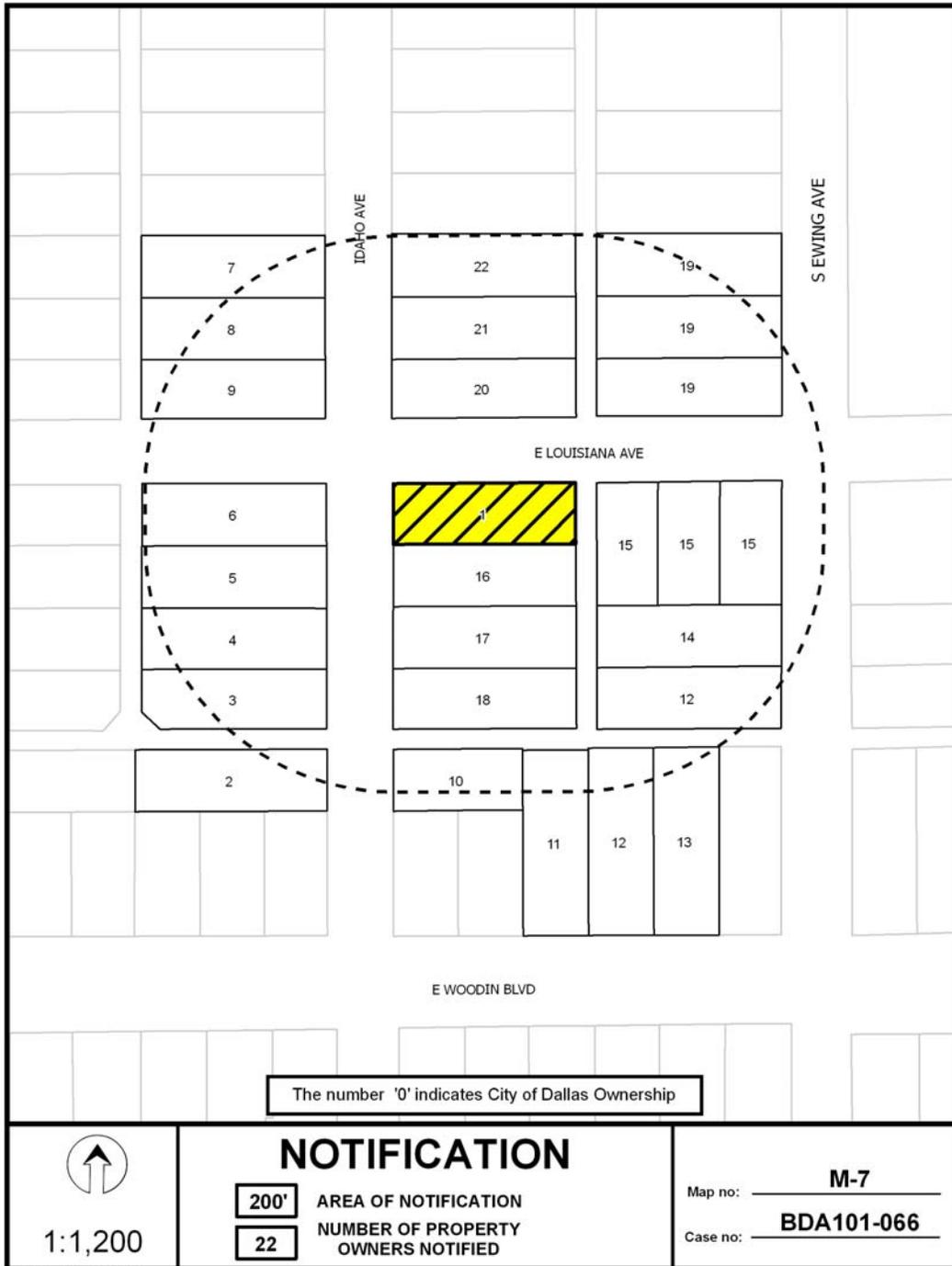


Pedestrian Overlay

Jon
5/25/2011

C:\tax_plats\3673_1.dgn 5/26/2011 12:18:56 PM





Notification List of Property Owners

BDA101-066

22

Property Owners Notified

Label #	Address	Owner
1	2002 IDAHO	TAYLOR RUBY
2	2017 IDAHO	LAZO TEODORO & EDUWIGES
3	2015 IDAHO	HMK LTD
4	2011 IDAHO	STEVENSON L D
5	2007 IDAHO	FREEMAN IDA MAE EST OF
6	2003 IDAHO	BROWN EARLENE B
7	1919 IDAHO	FERNANDEZ RICARDO
8	1923 IDAHO	MUNOZ JOSE MARES
9	1927 IDAHO	MANNING GOERGE & CHARLIE
10	2018 IDAHO	POLK LEANDREL
11	911 WOODIN	MUNGUIN CALIXTO & LEOCADA
12	915 WOODIN	PENNINGTON HERMAN E
13	919 WOODIN	GULLEY CHRIS L
14	2011 EWING	CONTREAS FELIX PAZ & NORMA LG DE
PAZ		
15	920 LOUISIANA	FULL GOSPEL HOLY TEMPLE
16	2006 IDAHO	MARTINEZ FRANK S
17	2010 IDAHO	JOHNSON ERMA O
18	2014 IDAHO	BAENA BERTHA
19	1927 EWING	FULL GOSPEL HOLY TEMPLE
20	1926 IDAHO	MARRS ELDON U & LUCILLE W
21	1922 IDAHO	MOYA REMIGO
22	1918 IDAHOSHEWACH	ROBERT S PMB 339

FILE NUMBER: BDA 101-071

BUILDING OFFICIAL'S REPORT:

Application of James Moore for a special exception to the fence height regulations at 1026 Cliffdale Avenue. This property is more fully described as Lot 1 in City Block 8/5123 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 high fence, which will require a special exception of 4 feet.

LOCATION: 1026 Cliffdale Avenue

APPLICANT: James Moore

REQUEST:

- A special exception to the fence height regulations of 4' is requested in conjunction with maintaining what is represented on submitted plans as a 6'-8' high board on board wood fence in one of the site's two front yard setbacks on a site developed with a single family home – Buna Drive. (No existing or proposed fence is shown to be located in the site's Cliffdale Avenue front yard setback).

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to the fence height regulations 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.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

GENERAL FACTS:

- The subject site is located at the southeast corner of Cliffdale Drive and Buna Drive. The site has two 25' front yard setbacks - one front yard setback along its shorter frontage (Cliffdale Avenue) and the other front yard setback along

its longer frontage (Buna Drive). Regardless of how the site's Buna Drive frontage is the longer of the corner lot's frontages (usually deemed a side yard where a fence in a side yard setback can reach 9' in height) and functions as a side yard on the property, it is a front yard nonetheless in order to maintain continuity of the required front yard setback established by one lot east of the site fronting northward onto Buna Drive.

- The Dallas Development Code states that a person shall not erect or maintain a fence in a required yard more than 9' above grade, and additionally 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 applicant has submitted a revised site plan (see Attachment A) and revised elevations indicating that the fence in the Buna Drive 25' front yard setback reaches a maximum height of 8'.
- The following additional information was gleaned from the submitted revised site plan:
 - The fence located in the Buna Drive front yard setback over 4' in height is approximately 80' in length parallel to the street and approximately 20' in length *perpendicular* to Buna Drive on the east and west sides of the site in the required front yard.
 - The fence is shown to be located approximately 4' from the site's Buna Drive front property line or about 8' from the pavement line.
- Three single family homes "front" to the existing fence, none of which have fences in their front yard setbacks.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences above four (4) feet high which appeared to be located in a front yard setback.
- The applicant submitted information beyond what was submitted with the original application (see Attachment A). This information included a revised site plan, revised elevations, and a petition signed by 28 neighbors/owners in support of the request.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

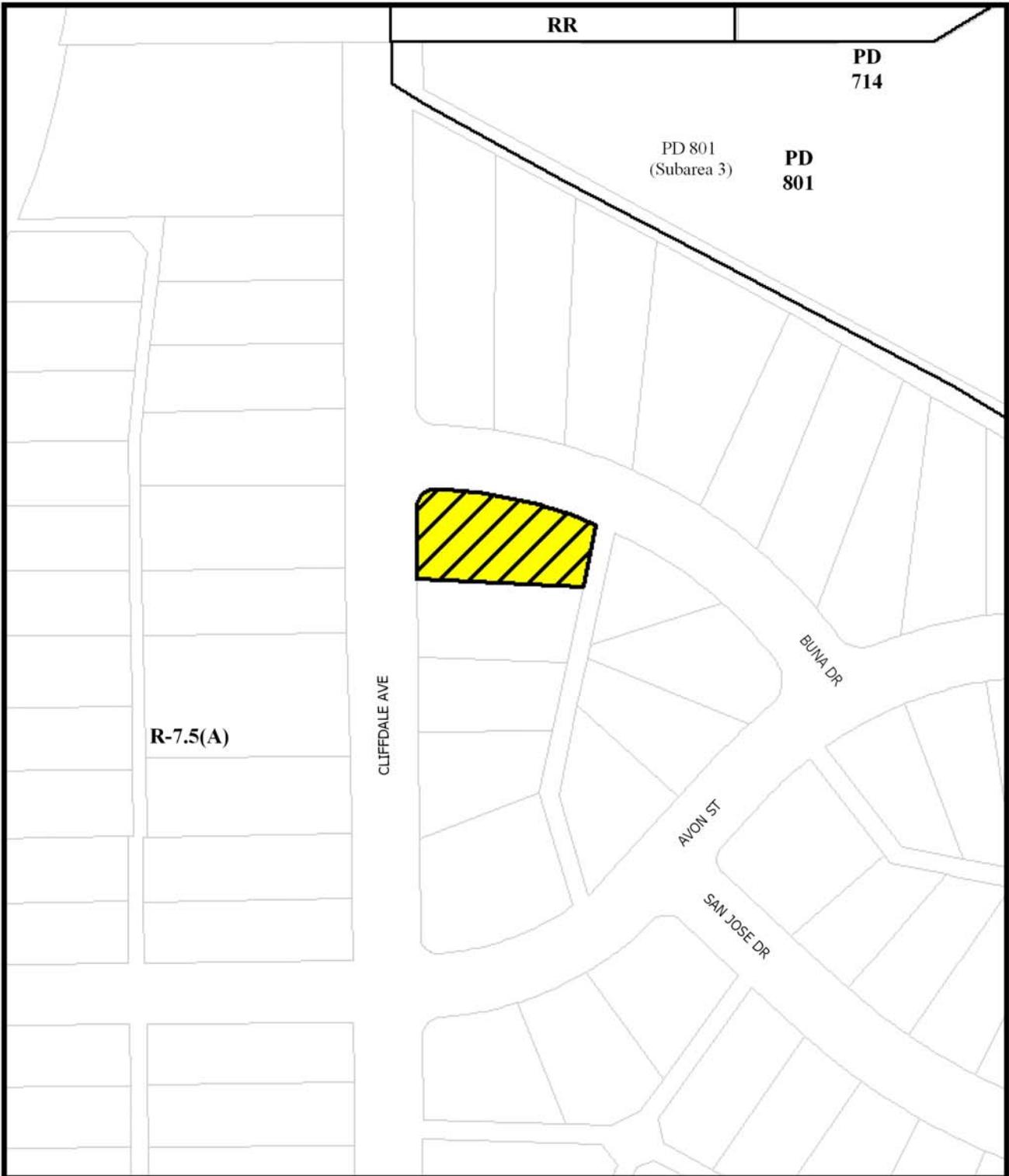
Timeline:

- May 25, 2011: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- June 22, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- June 28, 2011: 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 August 1st deadline to submit additional evidence for staff to factor into their analysis; and the August 5th 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.
- June 30: 2011: The applicant submitted additional information to the Board Administrator beyond what was submitted with the original application (see Attachment A).
- August 2, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Development and Construction Department Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.
- August 4, 2011: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked “Has no objections if certain conditions are met” with the following comments: “Need to comply with all C.O.D visibility requirements.” (Note that no item appears to be represented on the submitted site plan as being located in a visibility triangle).

STAFF ANALYSIS:

- This request focuses on maintaining what is represented on submitted plans as a 6'- 8' high board on board wood fence in one of the site's two front yard setbacks on a site developed with a single family home – Buna Drive.
- The subject site is located at the southeast corner of Cliffdale Drive and Buna Drive. The site has two 25' front yard setbacks - one front yard setback along its shorter frontage (Cliffdale Avenue) and the other front yard setback along its longer frontage (Buna Drive). Regardless of how the site's Buna Drive frontage is the longer of the corner lot's frontages (usually deemed a side yard where a fence in a side yard setback can reach 9' in height) and functions as a side yard on the property, it is a front yard nonetheless in order to maintain continuity of the required front yard setback established by one lot east of the site fronting northward onto Buna Drive.
- The one lot east of the site fronting northward onto Buna Drive is what makes the Buna Drive frontage on the subject site a front yard and requires the applicant to seek exception for the existing fence that reaches 8' in height. Otherwise the applicant could maintain up to a 9' high fence along his longer Buna Drive frontage by right.
- The submitted revised site plan and revised elevation documents the location, height, and material of the fence over 4' in height in the Buna Drive required front yard setback. The revised site plan shows the fence to be approximately 80' in length parallel to Buna Drive and approximately 20' in length *perpendicular* to Buna Drive on the east and west sides of the site in the front yard setback; and to be located approximately 4' from the Buna Drive front property line or 8' from the pavement line. The elevation shows that the fence to be between 6' – 8' in height and comprised of board on board.
- Three single family homes "front" to the existing fence none of which have fences in their front yard setbacks.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences above four (4) feet high which appeared to be located in a front yard setback.
- As of August 8, 2011, a petition signed by 28 neighbors/owners in support had been submitted in support of the application, and no letters have been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 4' (whereby the existing fence reaches a maximum of 8' in height in the site's Buna Drive front yard setback) does not adversely affect neighboring property.

Granting this special exception of 4' with a condition imposed that the applicant complies with the submitted revised site plan and revised elevations would assure that the fence exceeding 4' in height in the Buna Drive front yard setback would be maintained in the location and of the heights and material as shown on these documents.

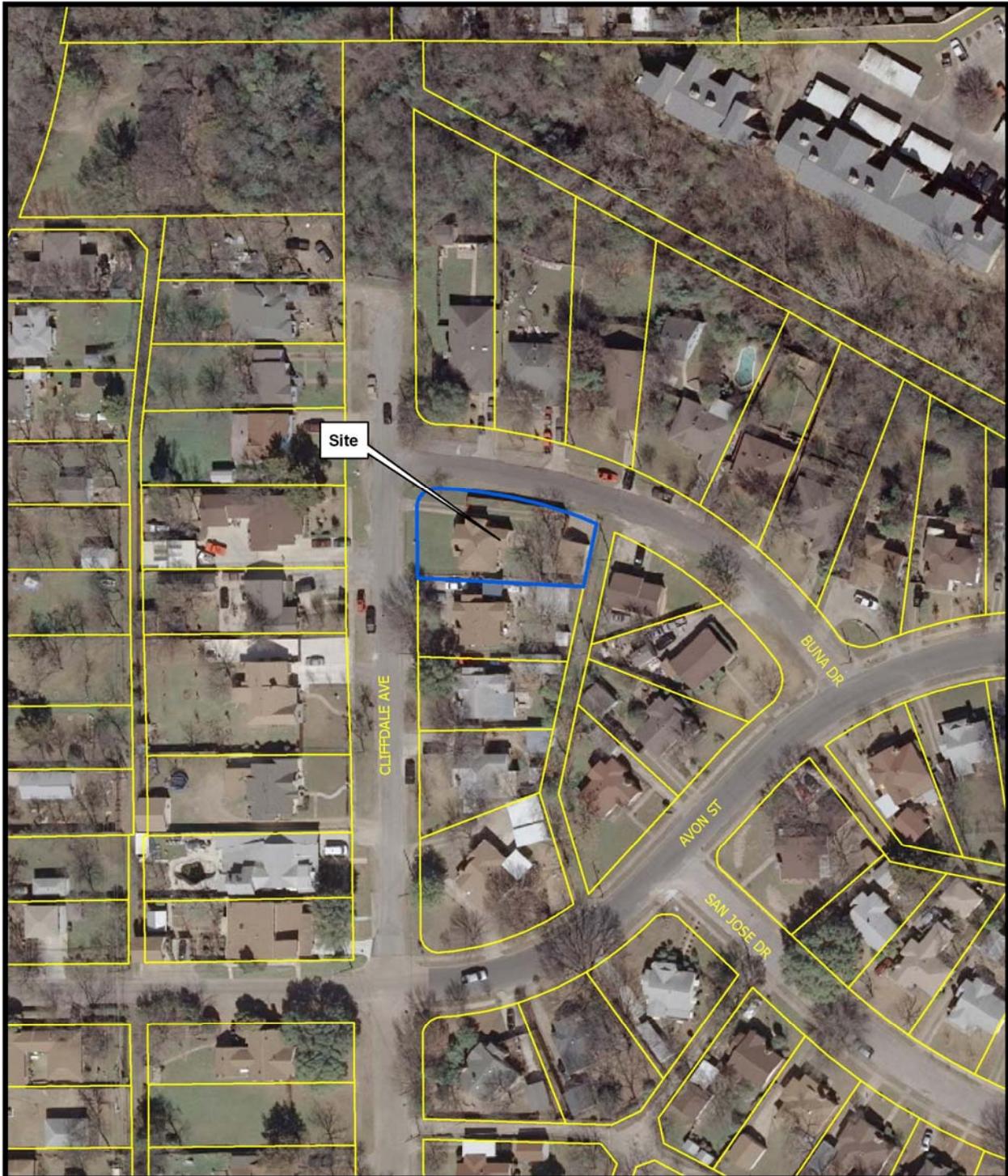



 1:1,200

ZONING MAP

Map no: K-5
 Case no: BDA101-071

DATE: July 19, 2011



1:1,200

AERIAL MAP

Map no: K-5
Case no: BDA101-071

DATE: July 19, 2011

SITE PLAN / SURVEY FLAT

6-30-11

BEING LOT 1, IN BLOCK 85123, OF EL TUVILL ADDITION, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 8, PAGE 214, OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS.

R = 15.00' (P.P.)
A = 92°33'59"
CB = N 46°16'59" E
CH = 21.68'
L = 24.23'

R = 350.00' (P.P.)
A = 20°21'07"
CB = S 77°15'28" E
CH = 123.67'
L = 124.32'

6.20 1/2
Fence

BUNA DRIVE

CLIFFDALE AVENUE

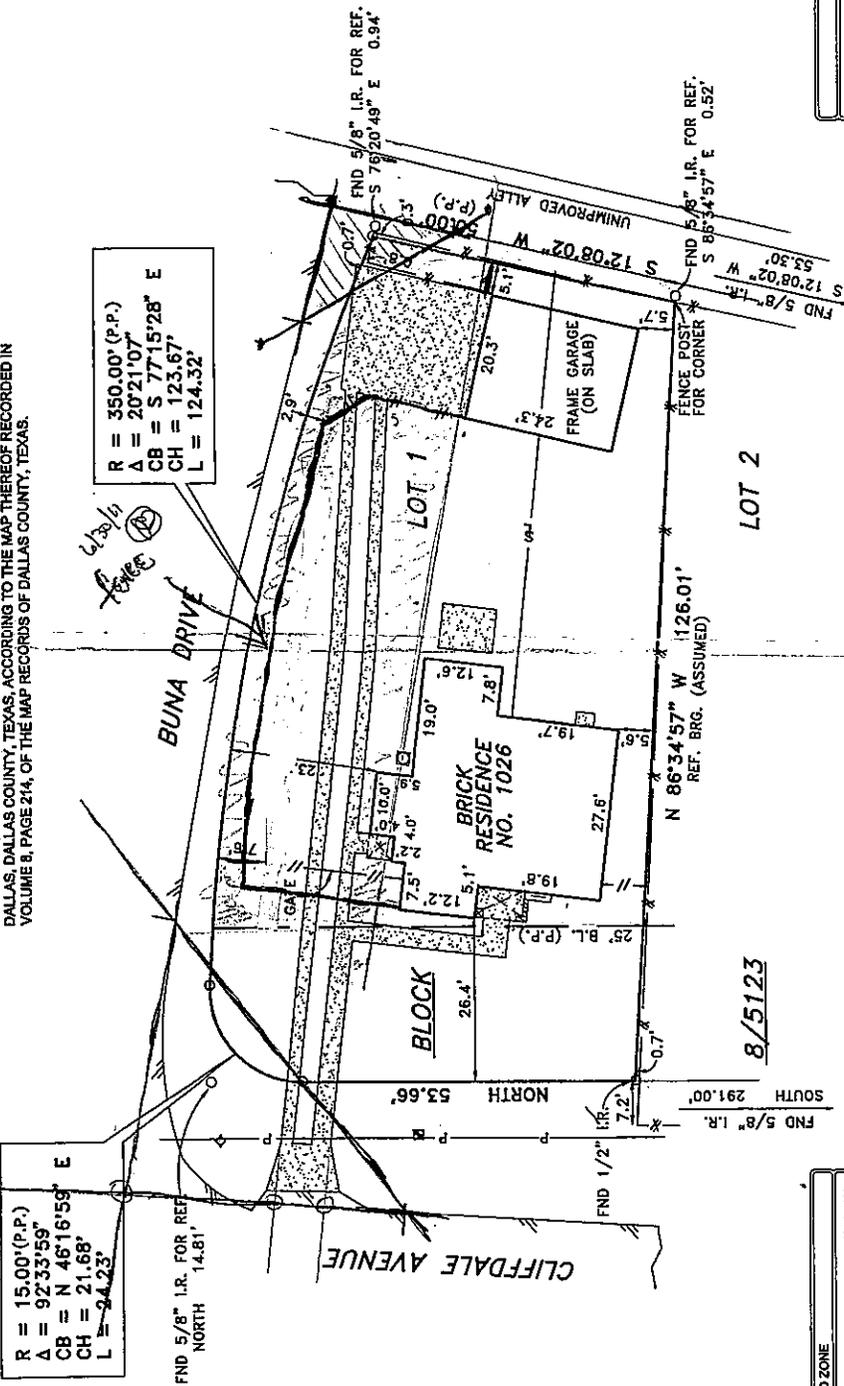
BLOCK 8/5123

BRICK RESIDENCE NO. 1026

LOT 1

LOT 2

8/5123



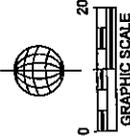
NOTES
1) All corners labeled as SET 1/2" I.R. are 1/2" iron rods with a yellow plastic cap stamped "P.P.S. S319" set for corner.
2) (P.P.) indicates that Building Lines, Easements, Right-of-Way, etc. are shown on this survey.
3) All boundary descriptions shown between all measured lines otherwise noted.

Analytical Surveys, Inc. logo and contact information: Registered Professional Land Surveyors, 707 East Street, Garland, Texas 75042, (972) 772-4937 Voice, (972) 772-8407 Fax, www.analytical.com

Professional seal of John S. Turner, Registered Professional Land Surveyor of the State of Texas, No. 1080222 TC1, Title Company: REPUBLIC TITLE, WAGES/MOORE, Drawn by: GAK. Includes a disclaimer: "This survey is an original work prepared by the United States Copyright Law and International Treaties. All rights reserved. Do not make illegal copies."

FLOOD ZONE
This is to certify that no portion of the subject property shown herein lies within the 100 Year Flood Hazard Area as shown on the Flood Insurance Rate Map, Community Panel No. 480371 (0304), dated 06-23-01. The property is located in Zone "X".

LEGEND table with symbols for Power Pole, Gas Meter, Water Meter, Building Line, Easement Line, Collar, Transformer and Pad, Wood Fence, Chain Link Fence, Concrete, Double Sided Wood Fence, Asphalt, Fire Hydrant, Cable Box, Wrought Iron Fence, Building Line, Easement Line, Collar, Transformer and Pad, Air Conditioner, Brick Wall, Fire Place, Water Valve, Irrigation Control Valve.

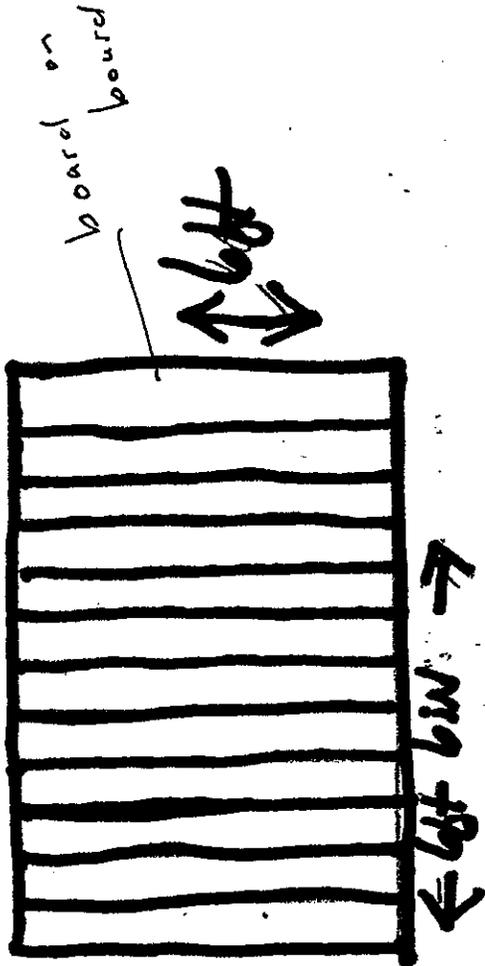


287



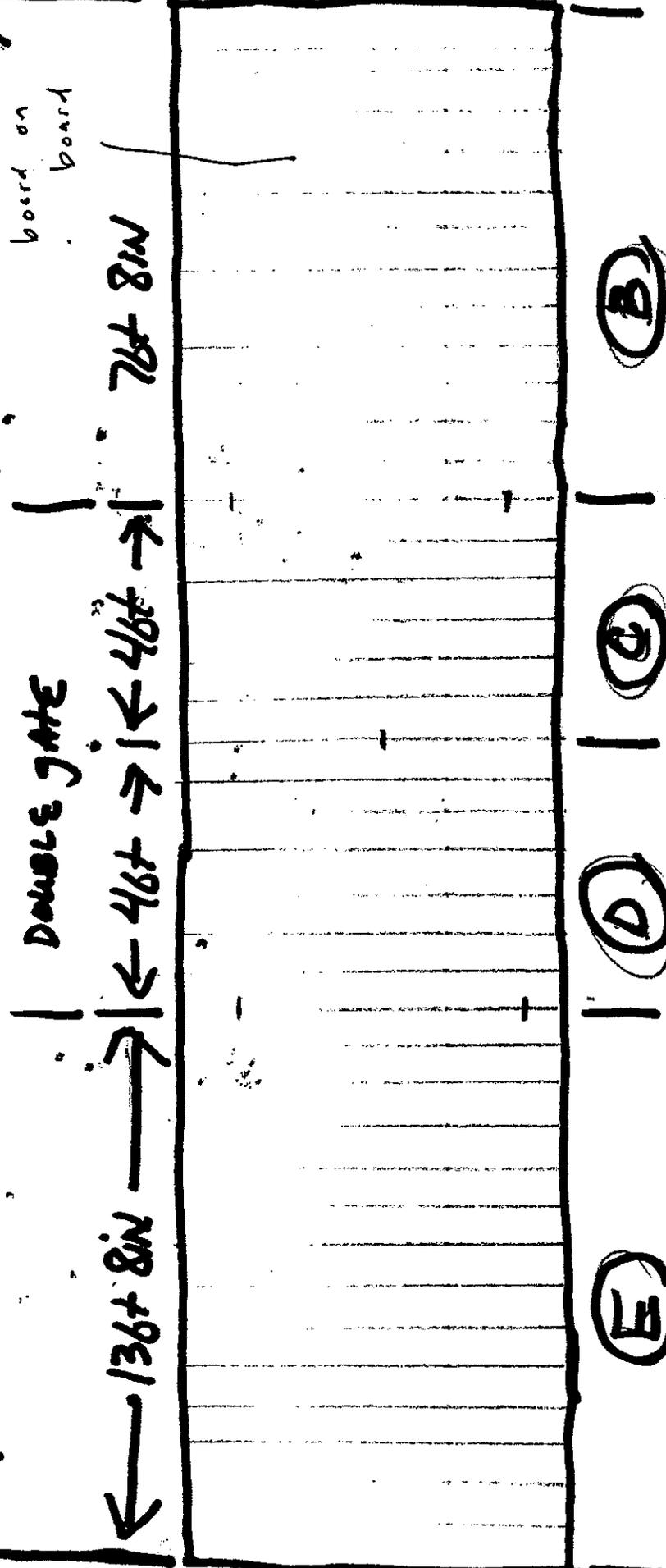
- ALL FENCE IS
- 1x6 Whitewood
- Steel post (.095 Heavywall)
- Set in concrete
- BOARD ON BOARD
- Flat Top 1x4 trim
- 2x6 Baseboard
- Pre-stain & Seal Brown

1026 Clifford Ave
Ducas TX 75211



A

29ft 4in



387

798



BDA101-071 Attach A
Pg 3

board-on-board

6ft tall

8ft tall

791-798

7982

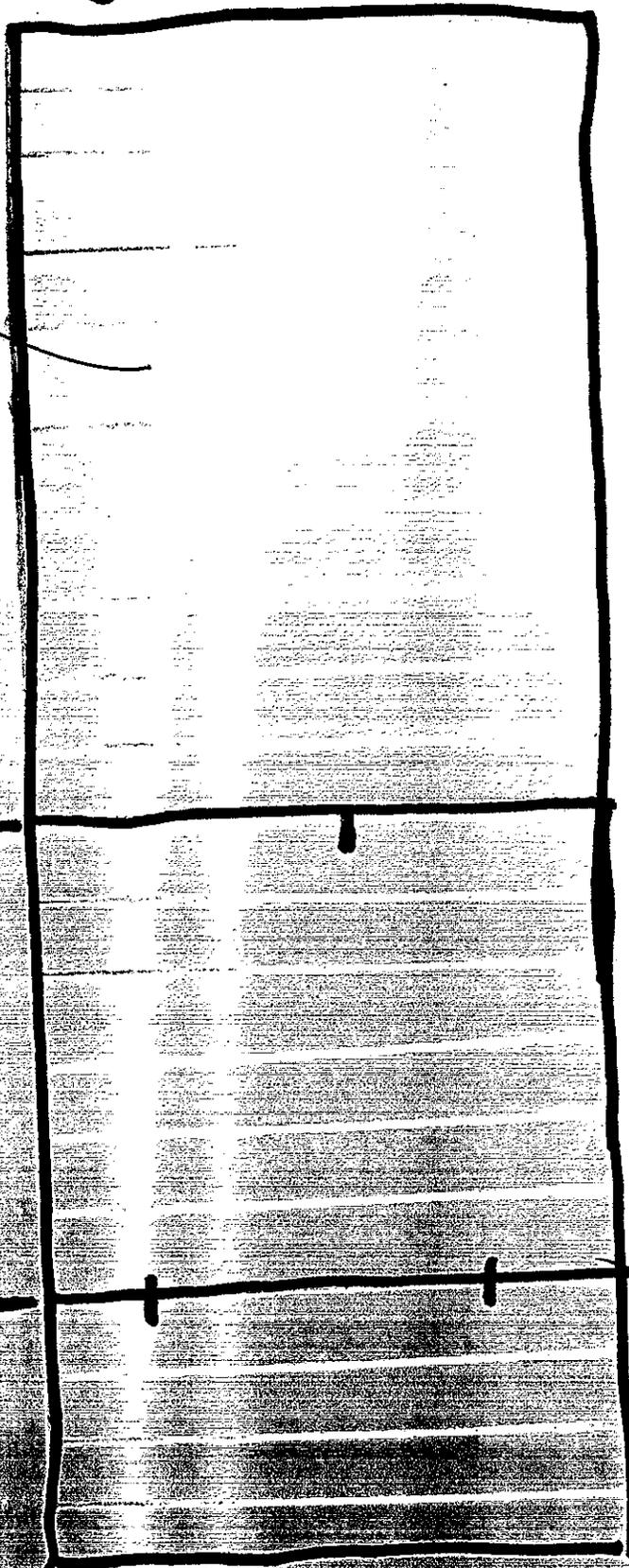


487

BDA 101-071 Attach A
PS 4

board-on-board

6ft ← →



Petition to increase height of fence on side yard

Petition Summary and Background: Increase height of fence on front side yard by 4ft (actually 2 ft w/ slope of property) at 1026 Cliffdale Ave Dallas Texas 75211

Action Requested for Background: We, the undersigned, residents of El Tivoli Place have no problem or displeasure with the height, material, placement, color or construction of replacement fence surrounding 1026 Cliffdale Ave Dallas, Texas 75211 owned by K. Wages and J. Moore. We feel this is an enhancement to the community and the surrounding properties. Exception for 8 ft fence on side front yard on corner Cliffdale and Buna.

Printed Name	Signature	Address	Comment	Date
G. Weirson	<i>[Signature]</i>	2751 Aron		5/31/11
D. P. Asmar	<i>[Signature]</i>	1035 cliffdale		5/31-11
Tanya Gonzalez	<i>[Signature]</i>	1039 Cliffdale Ave.		5.31.2011
Enrique Barboza	<i>[Signature]</i>	1031 CLIFFDALE AVE		5/31/2011
Suky Gonzalez	<i>[Signature]</i>	1023 Cliffdale Ave.		05/31/11
Sara Gomez	<i>[Signature]</i>	1015 Cliffdale Av.		5/31/11
Teodoro Gomez	<i>[Signature]</i>	1015 Cliffdale AV		5/31/11
Evazulfo	<i>[Signature]</i>	1020 Cliffdale Ave		5/31/11
Eva Rodriguez	<i>[Signature]</i>	2757 Buna D.	FEEL Look AWESOME	5-31-11
Judith Montes	<i>[Signature]</i>	2754 Buna Dr		5/31/11
PATSY AVILA	<i>[Signature]</i>	2745 Buna Dr	Thanks for improving	5/31/11

BDA101-071 Attach A
PS 5

Printed Name	Signature	Address	Comment	Date
DEAN CASSETT		2249 BUNA DR		5/31/11
TAMMY ARDOL		2749 BUNA DR		5/31/11
ANA REYNA		1027 Cliffdale Ave		6/6/2011
MARIO DELGADO		2767 Avon St		6/6/11
CHRIS RAY		801 Cliffdale Ave		6/7/11
JOE D. JASSO		2710 EL TIVOLI DR.		6/7/11
KARINA MUÑOZ		919 Avon St.		6/7/11
SALEEL MUÑOZ		919 Avon St		6/7/11
VICTORIA ARAMBULO		2710 EL TIVOLI DR.		6/7/11
ELVA FRIESEHART		1003 CLIFFDALE AVE	NO OBJECTION TO FENCE	6/7/11
ROSALIE FRIESEHART		"	"	"
JUDY ZAPATA		906 REVERCHON DR.	No objection	6/7/11
CAROLYN ESTEP		605 REVERCHON DR		6/7/11
CHUCK ESTEP		405 REVERCHON DR.	NO OBJECTION	6/7/11
SHIRLEY HOBBS		2765 BUNA DR.	NO OBJECTION	6-28-11
		2761 BUNA DR.	NO PROBLEM	6/28/11



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-071

Data Relative to Subject Property:

Date: 5/27/11

Location address: 1026 Cliffdale Ave Dallas TX Zoning District: R-7.5(A)

Lot No.: 1 Block No.: 8/5123 Acreage: .16 Census Tract: _____

Street Frontage (in Feet): 1) 54 2) 126 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property/or Principal: KEVIN WAGES / JAMES K MOORE

Applicant: JAMES K MOORE Telephone: 214-330-6486

Mailing Address: 1026 Cliffdale Ave Dallas TX Zip Code: 75211

Represented by: JAMES K MOORE Telephone: 214-330-6486

Mailing Address: 1026 Cliffdale Ave Dallas TX Zip Code: 75211

Affirm that a request has been made for a Variance , or Special Exception of 4 ft wood fence on side yard corner lot to replace existing 6 ft wood fence

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

TO ENHANCE & BEAUTIFY NEIGHBORHOOD & INCREASE PROPERTY VALUES. ADD CHARM & ELEGANCE TO OLDER NEIGHBORHOOD.

Note to Applicant: If the relief requested in this application is granted by the Board of Adjustment, said 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.

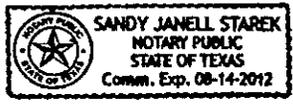
Respectfully submitted: JAMES KENT MOORE Applicant's name printed JAMES KENT MOORE Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared JAMES KENT MOORE 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.

JAMES KENT MOORE Affiant (Applicant's signature)

Subscribed and sworn to before me this 27 day of May, 2011



SANDY JANELL STAREK 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 JAMES MOORE

did submit a request for a special exception to the fence height regulations
at 1026 Cliffdale Avenue

BDA101-071. Application of James Moore for a special exception to the fence height regulations at 1026 Cliffdale Avenue. This property is more fully described as Lot 1 in city block 8/5123 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 construct an 8 foot high fence in a required front yard setback, which will require a 4 foot special exception to the fence regulation.

Sincerely,

Batsheba Antebi
Batsheba Antebi, Building Official

City of Dallas Zoning



City Boundaries

- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways
- Parks

Dry Overlay

- D
- D-1
- Historic Overlay
- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts
- MD Overlay

Base Zoning

- Floodplain
- 100 Flood Zone
- Mill's Creek
- Peak's Branch
- X PROTECTED BY LEVEE
- Pedestrian Overlay
- CP
- SP
- Environmental Corridors

SURVEY PLAT

BEING LOT 1, IN BLOCK 85123, OF EL TIVOLI ADDITION, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 8, PAGE 214, OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS.

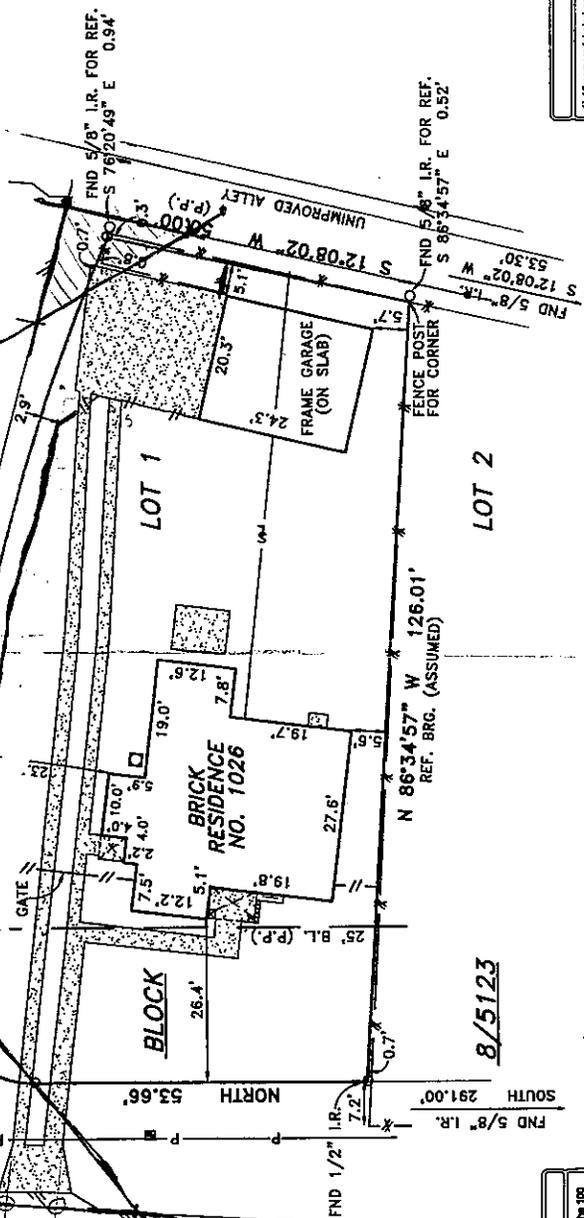
R = 15.00' (P.P.)
 A = 92°33'59"
 CB = N 46°16'59" E
 CH = 21.68'
 L = 24.23'

R = 350.00' (P.P.)
 A = 20°21'07"
 CB = S 77°15'28" E
 CH = 123.67'
 L = 124.32'

FND 5/8" I.R. FOR REF.
 NORTH 14.81'

BUNA DRIVE

CLIFFDALE AVENUE



8/5123

FLOOD ZONE
 This is to certify that no portion of the subject property shown herein lies within the 100 Year Flood Insurance Rate Map, Community Panel No. 480371 (09ANL, 04/06/2001). The property is located in Zone "X".

LEGEND

●	POWER POLE	○	WROUGHT IRON FENCE
□	GAS METER	▭	BUILDING LINE
○	WATER METER	▭	EMBANKMENT LINE
—	POWERLINE	□	COLUMN
—	OVERHEAD SERVICE LINE	▭	TRANSFORMER AND PAD
—	WOOD FENCE	▭	AIR CONDITIONER
—	CHAIN LINK FENCE	▭	CONCRETE
—	DOUBLE GRID WOOD FENCE	▭	BRICK WALL
—	COVERED AREA	▭	ASPHALT
—	LIGHT POLE	▭	PRELACE
—	FIRE HYDRANT	▭	WATER VALVE
—	CABLE BOX	▭	IRRIGATION CONTROL VALVE



John S. Turner
 John S. Turner
 I.P.L.S. #68310

I, John S. Turner, Registered Professional Land Surveyor of the State of Texas, do certify that this Survey Plat is a true, correct and accurate representation of the property shown herein as determined by survey on the ground under my supervision. The lines and dimensions of said property being indicated by the plat. The improvements are within the boundaries of the property lines as the same are indicated and there are no visible and apparent encroachments, conflicts or protrusions, except as shown. This survey made or exceeds the minimum standards required by the Texas Board of Professional Land Surveying.
 This Survey was performed exclusively for the parties shown herein and is limited for a single use. This survey remains the property of the Surveyor. Unauthorized reuse is not permitted without the expressed written permission of the Surveyor. This survey is an original work produced by United States Copyright Law and International Protection. All rights reserved. Do not make legal copies.

NOTES

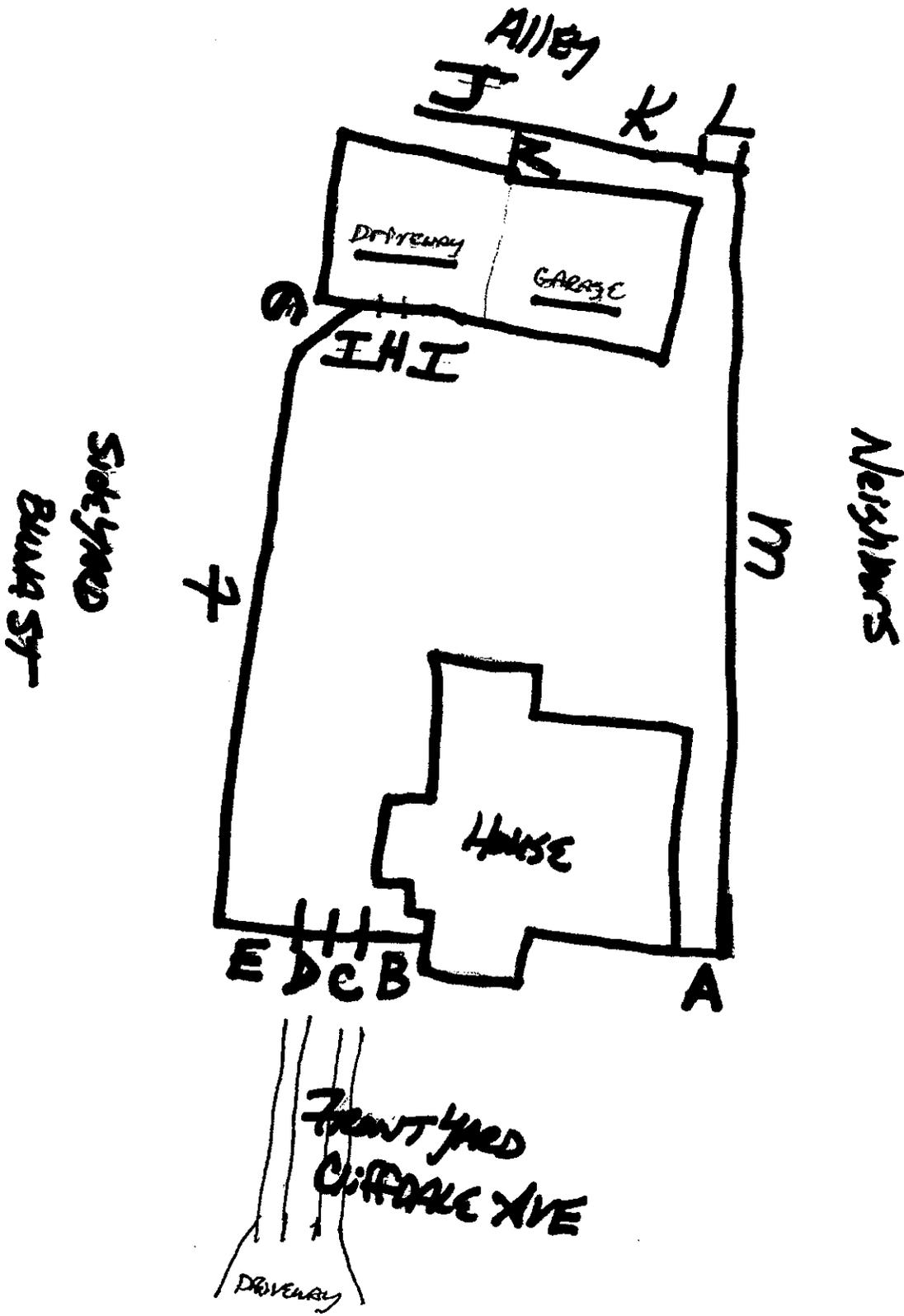
- 1) All corners located on BET 1/2" I.R. are 1/2" iron rods with a yellow plastic cap (P.P.) 1/2" high and 1/2" diameter. Encroachments, Rights-of-Way, etc. as shown on the survey are per plat (indicated by Legal Description) herein.
- 2) All boundary dimensions shown herein are measured unless otherwise noted.

Analytical Surveys, Inc.
 Registered Professional Land Surveyors
 707 Easy Street
 Garland, Texas 75042
 John S. Turner R.P.L.S. #68310
 www.analytical.com

Job Number: 88579-10 Date: 02-02-10
 G.P. Number: 10R00222 TC1 This Company: REPUBLIC TITLE
 Certified by: WAGES/MOORE Drawn by: GAK
 A professional company operating in your best interest

187

1026 CIRCLE
AVE
DALLAS TX
75211



287

ALL FENCE IS

1x6 Whitewood

Steel post (.095 Heavywall)

set in concrete

BOARD ON BOARD

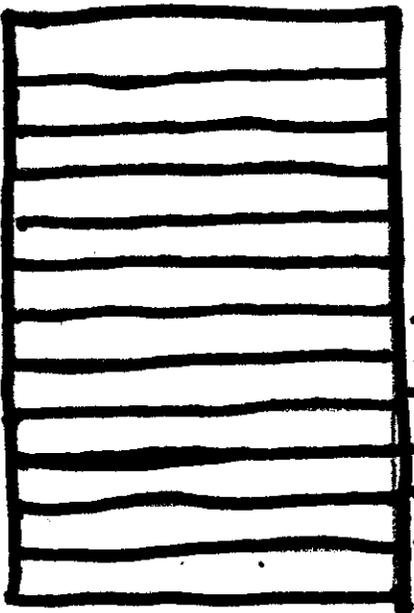
Flat Top 1x4 trim

2x6 BASEBOARD

Pre-stain & Seal Brown

1026 Cliffdale Ave

Ducas TX 75211



6ft

6ft 6in

A

29ft 4in

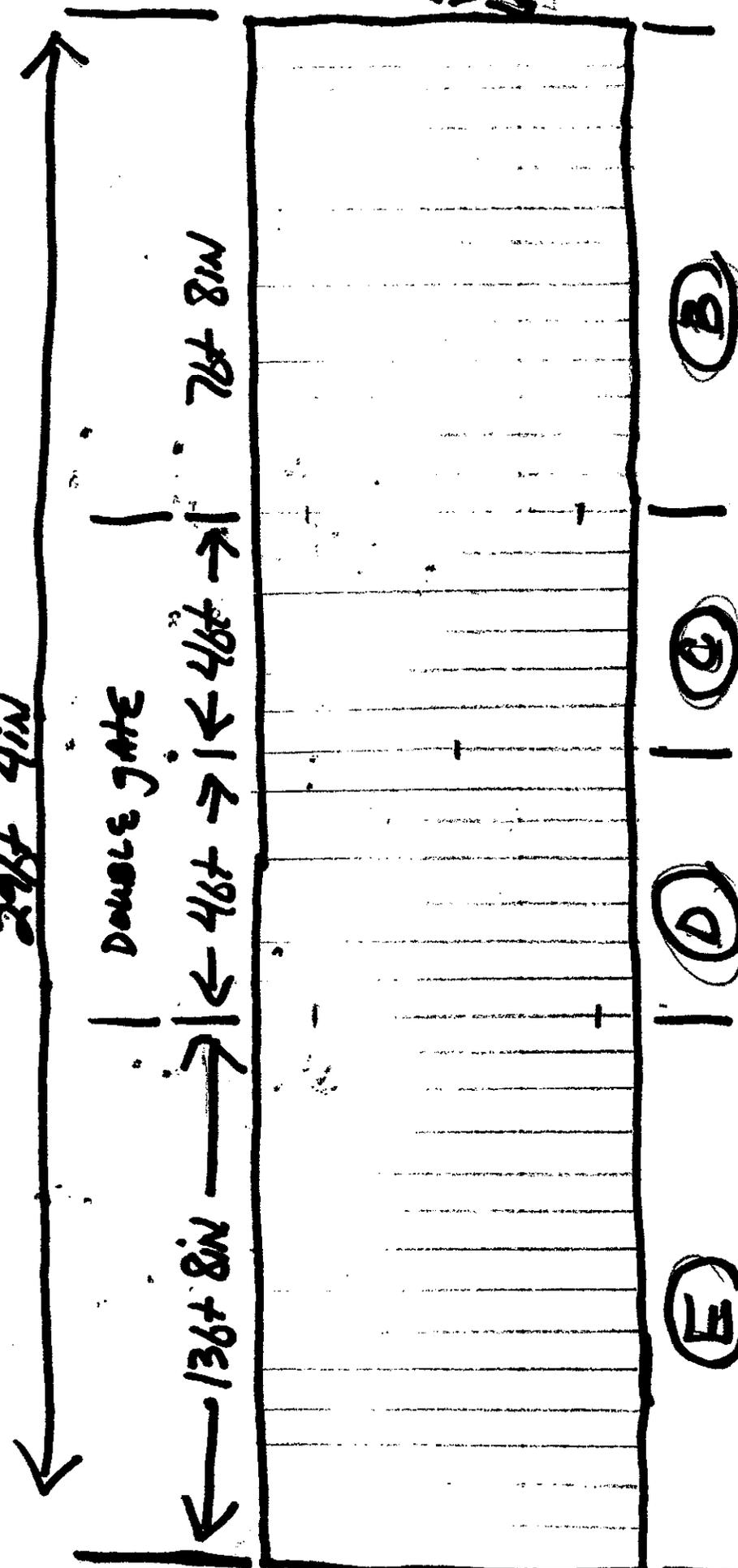
DOUBLE GATE

18ft 8in

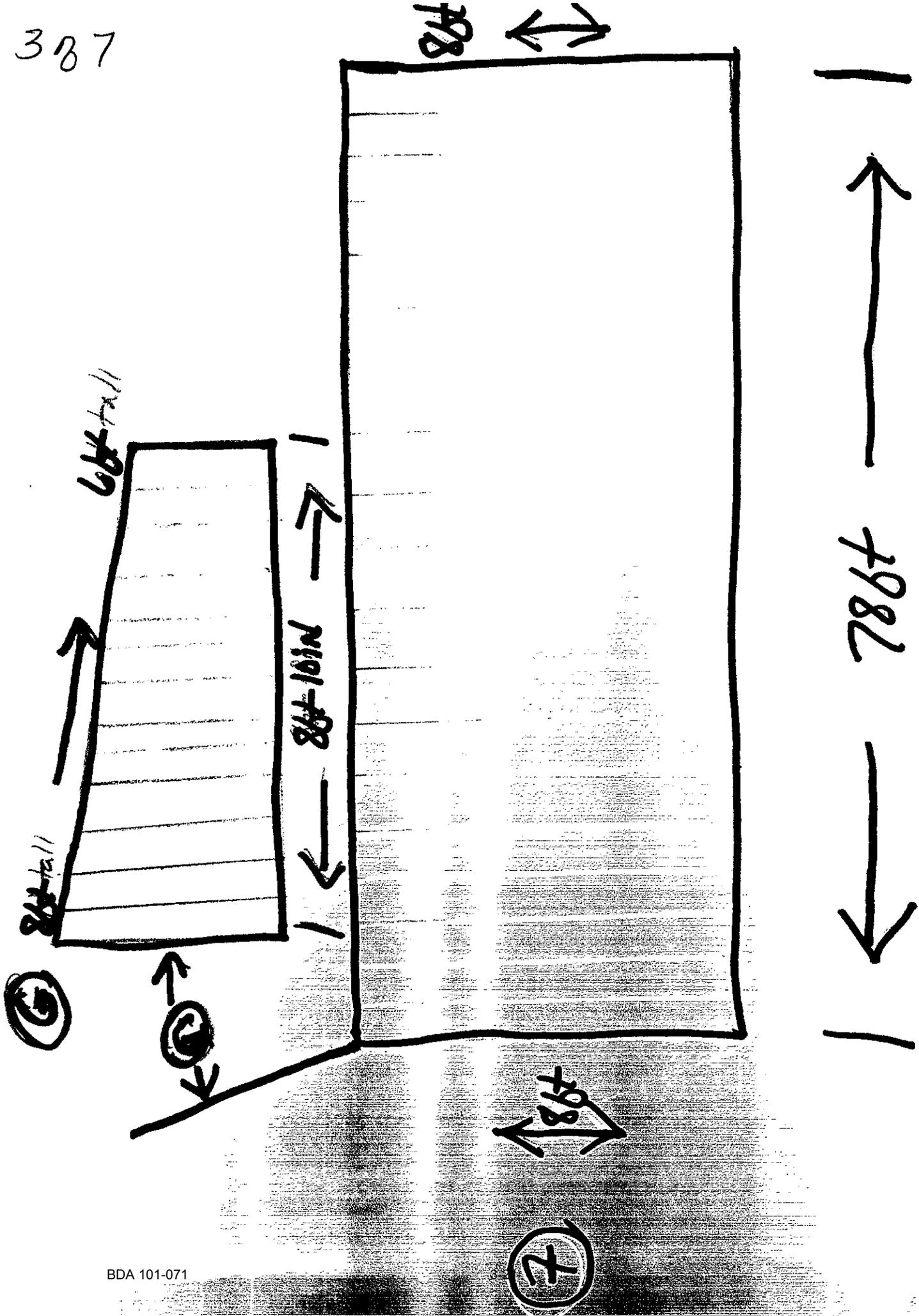
46ft

46ft

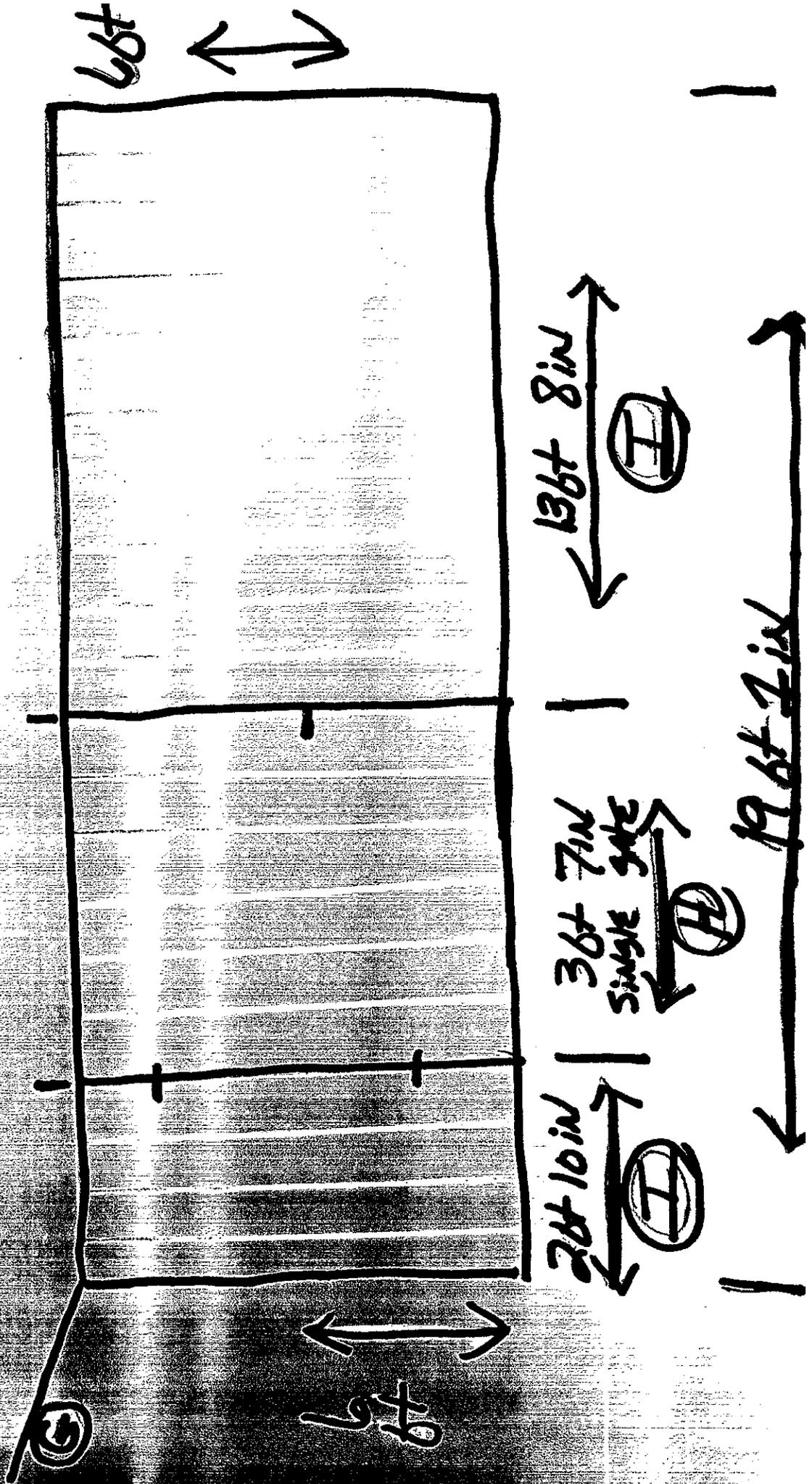
13ft 8in

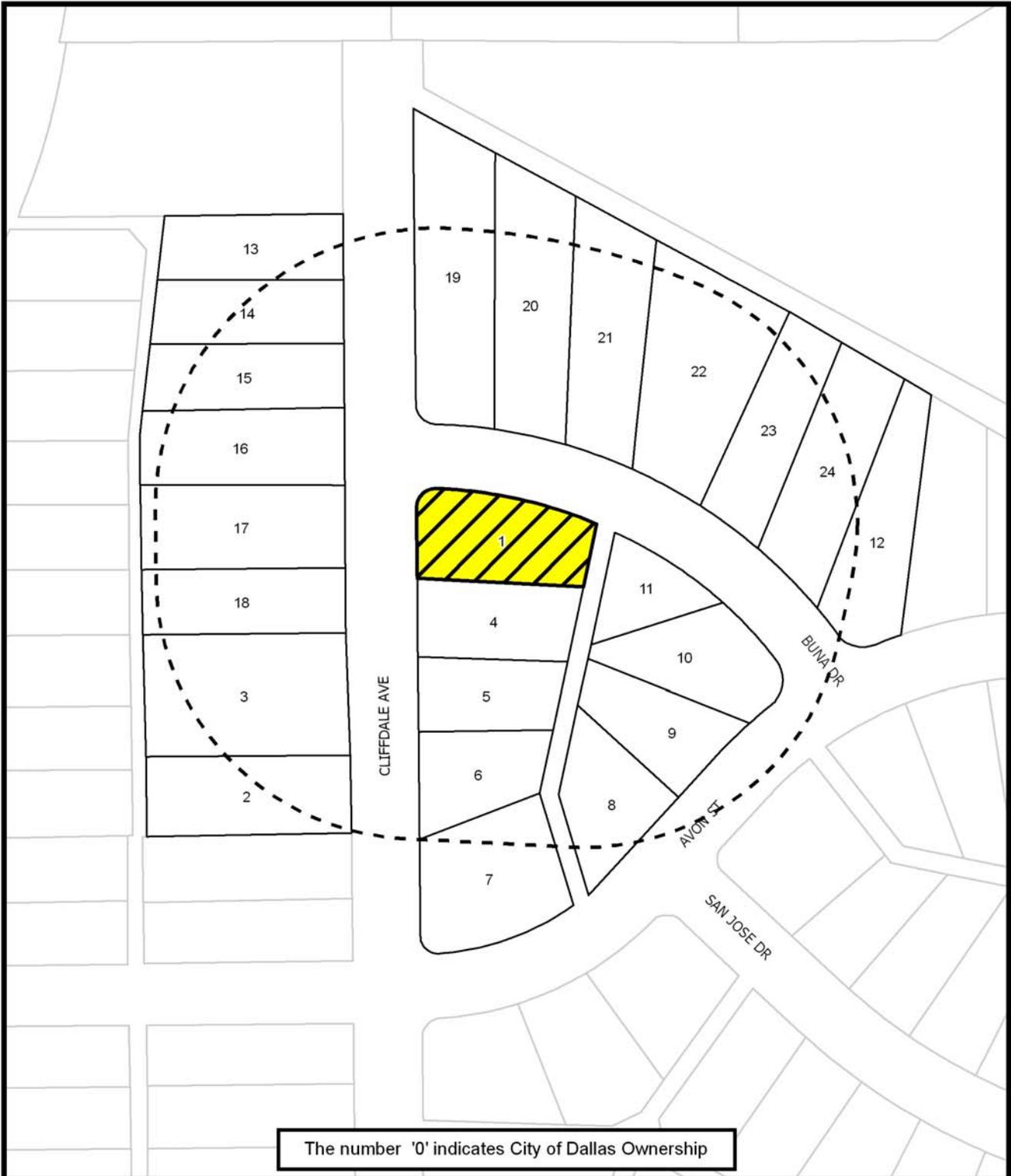


387



487





The number '0' indicates City of Dallas Ownership



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
24 NUMBER OF PROPERTY OWNERS NOTIFIED

Map no: **K-5**

Case no: **BDA101-071**

DATE: July 19, 2011

Notification List of Property Owners

BDA101-071

24 Property Owners Notified

Label #	Address	Owner
1	1026 CLIFFDALE	WAGES KEVIN J
2	1011 CLIFFDALE	RODRIGUEZ JOSE ALEJANDRO
3	1015 CLIFFDALE	GOMEZ ISIDORO & SARA
4	1022 CLIFFDALE	VASQUEZ EVARISTO H & HERMILA M
5	1018 CLIFFDALE	REYNA ROBERTO
6	1012 CLIFFDALE	HOOKS V BENJAMIN
7	2767 AVON	DELGADO MARIO
8	2759 AVON	JANSSEN LONNA L
9	2751 AVON	MARTIN CHRISTINE
10	2743 AVON	GARCIA JOSE J & MARIA M
11	2754 BUNA	MONTES RAUL
12	2735 AVON	SANTIAGO JOSE E
13	1103 CLIFFDALE	BRECEDA MIGUEL
14	1039 CLIFFDALE	BRECEDA MIGUEL A & ROSA E
15	1035 CLIFFDALE	WHITE MARJORIE A TR
16	1031 CLIFFDALE	BARBOSA ENRIQUE C & TERESA BARBOSA
17	1027 CLIFFDALE	REYNA ANA M
18	1023 CLIFFDALE	VARGAS GILBERTO & IMELDA GONZALEZ
19	2765 BUNA	HERNANDEZ ANTONIO A & MARIA G ROSALES
20	2761 BUNA	ESPINAL JAIME
21	2757 BUNA	RODRIGUEZ GUSTAVO H
22	2753 BUNA	DAVANZA BENJAMIN
23	2749 BUNA	ARDOLF TAMMY J
24	2745 BUNA	DAVILA PATSY SUE

FILE NUMBER: BDA 101-072

BUILDING OFFICIAL'S REPORT:

Application of Mohammed I. Sultan, represented by Mohammed Kamal, for variances to the side yard setback regulations at 3003 S. Buckner Boulevard. This property is more fully described as Lot 1 in City Block D/6179 and is zoned PD-366, Subarea 6, which requires a side yard setback of 20 feet where there is residential adjacency. The applicant proposes to construct/maintain a structure and provide a 1 foot side yard setback, which will require a variance of 19 feet.

LOCATION: 3003 S. Buckner Boulevard

APPLICANT: Mohammed I. Sultan
Represented by Mohammed Kamal

REQUESTS:

- The following appeals have been made in this application on a site developed with a fuel station/convenience store structure/use (Conoco):
 1. A variance to the side yard setback regulations of 19' is made in conjunction with maintaining an approximately 1,100 square foot addition on an approximately 1,000 square foot convenience store structure, virtually of which is located in the site's 20' side yard setback on the north side of the site;
 2. A variance to the side yard setback regulations of approximately 16' 6" is made in conjunction with maintaining an approximately 1,100 square foot addition on an approximately 1,000 square foot convenience store structure part of which is located in the site's 20' side yard setback on the west side of the site;
 3. A variance to the side yard setback regulations of approximately 2' is made in conjunction with maintaining an approximately 1,000 square foot convenience store structure, part of which is located in the site's 20' side yard setback on the west side of the site; and
 4. A variance to the side yard setback regulations of up to 18' 8" is requested in conjunction with locating and maintaining an approximately 64 square foot dumpster structure which is located in the site's 20' side yard setback on the west side of the site.

STAFF RECOMMENDATION:

Denial

Rationale:

- The applicant had not substantiated how either the restrictive area, shape, or slope of the site/lot preclude it from being developed in a manner commensurate with development found on other PD No. 366 (Subarea 6) zoned lots.

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, 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.

GENERAL FACTS:

- The minimum side yard setback on a lot zoned lot PD 366 (Subarea 6) is 20 feet where adjacent to or directly across an alley from a single family, duplex, townhouse, or multifamily zoning district; or no minimum in all other cases. The subject site directly abuts to an R-7.5(A) (single family) zoning district to the north and west – an area that is developed as the Pleasant Mound Cemetery.

The applicant has submitted a site plan indicating a “proposed extension” structure that is 1,082 square feet attached to an “existing 1 story building” that is 1,030 square feet. Although the site plan denotes a “proposed extension” along with an “existing 1 story building,” it appears from a field visit of the site that the “proposed extension” has been completed and is in the setbacks. The “proposed extension” structure is represented on the site plan as being 1’ 1” from the site’s northern side property line (or 18’ 11” into this required 20’ side yard setback) and approximately 3’ 6” from the site’s western side property line (or 16’ 6” into this required 20’ side yard setback). The site plan also represents that the “existing 1 story building” structure is approximately 18’ from the site’s side property line on the west (or 2’ into this required 20’ side yard setback). Lastly, the site plan also denotes a dumpster structure that (given its mobility) could potentially be located as close as 1’ 4”

from the site's side property line on the west (or as much as 18' 8" into this required 20' side yard setback).

- According to calculations taken by the Board Administrator from the submitted site plan, virtually the entire 1,082 square foot "proposed extension" structure is located in the site's northern 20' side yard setback; about 320 square feet (or approximately 30 percent) of the "proposed extension" structure, about 50 square feet (or approximately 4 percent) of the 1,030 square foot "existing 1 story building" structure, and the entire 64 square foot dumpster structure are located in the site's western 20' side yard setback.
- The site is flat, is rectangular in shape (116.5' x 125'), and is approximately 14,600 square feet in area. The site is zoned PD 366 (Subarea 6). The site has two front yard setbacks along both street frontages which is typical of any corner lot not zoned agricultural, single family, or duplex.
- According to DCAD records, the "improvements" on the property is a 976 square foot "convenience store" built in 1998.

BACKGROUND INFORMATION:

Zoning:

Site: PD No. 366 (Subarea 6) (Planned Development)
North: R-7.5(A) (SUP 92) (Single family district 7,500 square feet)(Specific Use Permit)
South: R-7.5(A) (SUP 92) (Single family district 7,500 square feet)(Specific Use Permit)
East: PD No. 366 (Subarea 6) (Planned Development)
West: R-7.5(A) (SUP 92) (Single family district 7,500 square feet)(Specific Use Permit)

Land Use:

The subject site is developed with a convenience store/fuel station structure/use (Conoco). The areas to the north, south, and west are developed a cemetery use (Pleasant Mound Cemetery); and the area to the east is developed with commercial and retail 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.

Timeline:

June 6, 2011: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

June 22, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

June 30, 2011: 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 August 1st deadline to submit additional evidence for staff to factor into their analysis; and the August 5th 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.

August 2, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Development and Construction Department Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

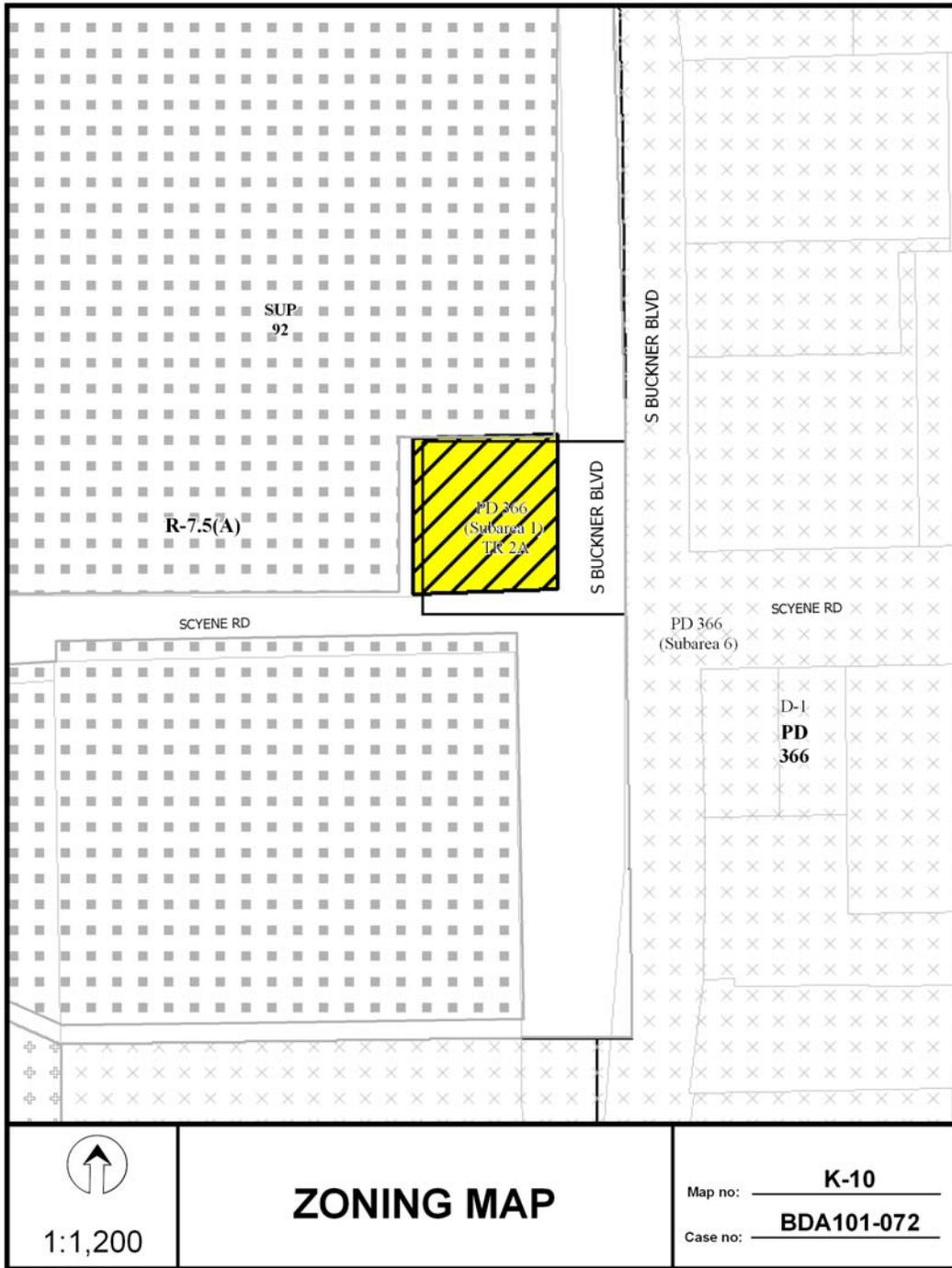
The Building Inspection Senior Plans Examiner/Development Code Specialist raised a concern about whether the site was in compliance with Article X: The Landscape Regulations. Staff discussed that while the site may not be in compliance with these regulations, the applicant made no request for the board to consider any leniency or exception to these regulations, and that the applicant's request for variances to the side yard setback regulations will not provide any relief to any existing or proposed noncompliant issues on the subject site pertaining to Article X: The Landscape Regulations.

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

STAFF ANALYSIS:

- The requests focus on maintaining portions of an existing convenience store structure/use (Conoco), part of which are located in the northern and western side yard setbacks, and a dumpster structure all of which is located in the western side yard setback.

- According to calculations taken by the Board Administrator from the submitted site plan, virtually the entire 1,082 square foot “proposed extension” structure is located in the site’s northern 20’ side yard setback; about 320 square feet (or approximately 30 percent) of the “proposed extension” structure, about 50 square feet (or approximately 4 percent) of the 1,030 square foot “existing 1 story building” structure, and the entire 64 square foot dumpster structure are located in the site’s western 20’ side yard setback.
- The site is flat, is rectangular in shape (116.5’ x 125’), and is approximately 14,600 square feet in area. The site is zoned PD 366 (Subarea 6). The site has two front yard setbacks along both street frontages which is typical of any corner lot not zoned agricultural, single family, or duplex.
- According to DCAD records, the “improvements” on the property is a 976 square foot “convenience store” built in 1998.
- The applicant has the burden of proof in establishing the following:
 - That granting the variances to the side yard setback regulations of up to 19’ 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 variances are 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 PD No. 366 (Subarea 6) zoning classification.
 - The variances 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 PD No. 366 (Subarea 6) zoning classification.
- If the Board were to grant the variances to the side yard setback regulations, imposing a condition whereby the applicant must comply with the submitted site plan, the encroachments into these setbacks would be limited to what is shown on this plan which in this case are structures that are located as close as 1’ from the side property line or as much as 19’ into the 20’ side yard setbacks.
- The applicant’s request for variances to the side yard setback regulations will not provide any relief to any existing or proposed noncompliant issues on the subject site pertaining to Article X: The Landscape Regulations.







City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-072

Data Relative to Subject Property:

Date: 6-6-11

Location address: 3003 S Buckner Zoning District: PD 366 (Subarea 6)

Lot No.: 1 Block No.: D/6179 Acreage: .33 Census Tract:

Street Frontage (in Feet): 1) 116 2) 125 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property/or Principal: East Bengal Corp.

Applicant: Mohammed I Sultan Telephone: 214-682-4824

Mailing Address: 3003 S Buckner Blvd, Dallas Zip Code: 75227

Represented by: Mohammed S Kamal Telephone: 469-544-8150

Mailing Address: 7953 Pinkerton Ct, Plano Zip Code: 75025

Affirm that a request has been made for a Variance, or Special Exception, of Need variance for 18-8" set back on west side and 19' set back on North side.

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

Building Needed Bathrooms for the employees and customers due to increased size approved by the city previously also required GIS space for the driveway. By providing this avoided taking out required parking.

Note to Applicant: If the relief requested in this application is granted by the Board of Adjustment, said 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.

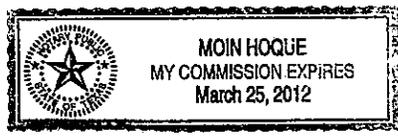
Respectfully submitted: MOHAMMED I SULTAN Applicant's name printed [Signature] Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared 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.

[Signature] Affiant (Applicant's signature)

Subscribed and sworn to before me this 17 day of MAY, 2011



[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

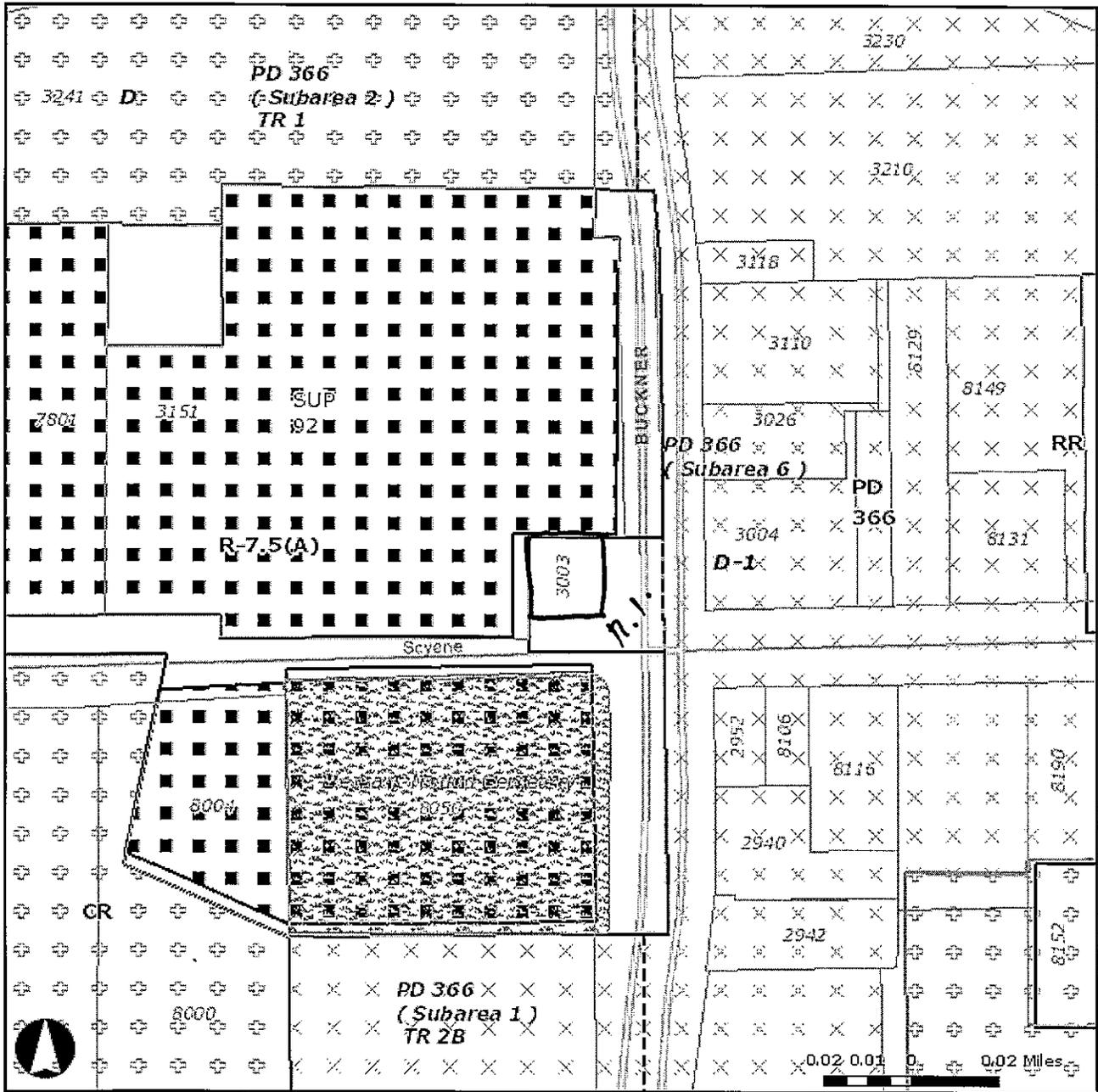
I hereby certify that Mohammed I Sultan
represented by MOHAMMED KAMAL
did submit a request for a variance to the side yard setback regulations
at 3003 S. Buckner Blvd.

BDA101-072. Application of Mohammed I Sultan represented by Mohammed Kamal for a variance to the side yard setback regulations at 3003 S. Buckner Blvd. This property is more fully described as Lot 1 in city block D/6179 and is zoned PD-366, Subarea 6, which requires a side yard setback of 20 feet where there is residential adjacency for new construction. The applicant proposes to construct and maintain a nonresidential structure and provide a 1 foot side yard setback, which will require a 19 foot variance to the side yard setback regulation.

Sincerely,

Batsheba Antebi
Batsheba Antebi, Building Official

City of Dallas Zoning



City Boundaries

- City
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways
- Parks

Dry Overlay

- Dry Overlay
- D
- D-1
- Historic Overlay
- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts
- MD Overlay

Base Zoning

- Base Zoning
- Floodplain
- 100 Flood Zone
- Mill's Creek
- Peak's Branch
- X PROTECTED BY LEVEE
- Pedestrian Overlay
- CP
- SP
- Environmental Corridors

PROJECT STATUS: FINAL
 PROJECT NUMBER: 101-072
 PROJECT MANAGER: RICH
 PROJECT DATE: 05/21/11
 REVISION DATE: 08/11/11

M. DELWAN HOSSAIN
 3003 S. BUCKNER BLVD.
 DALLAS, TEXAS

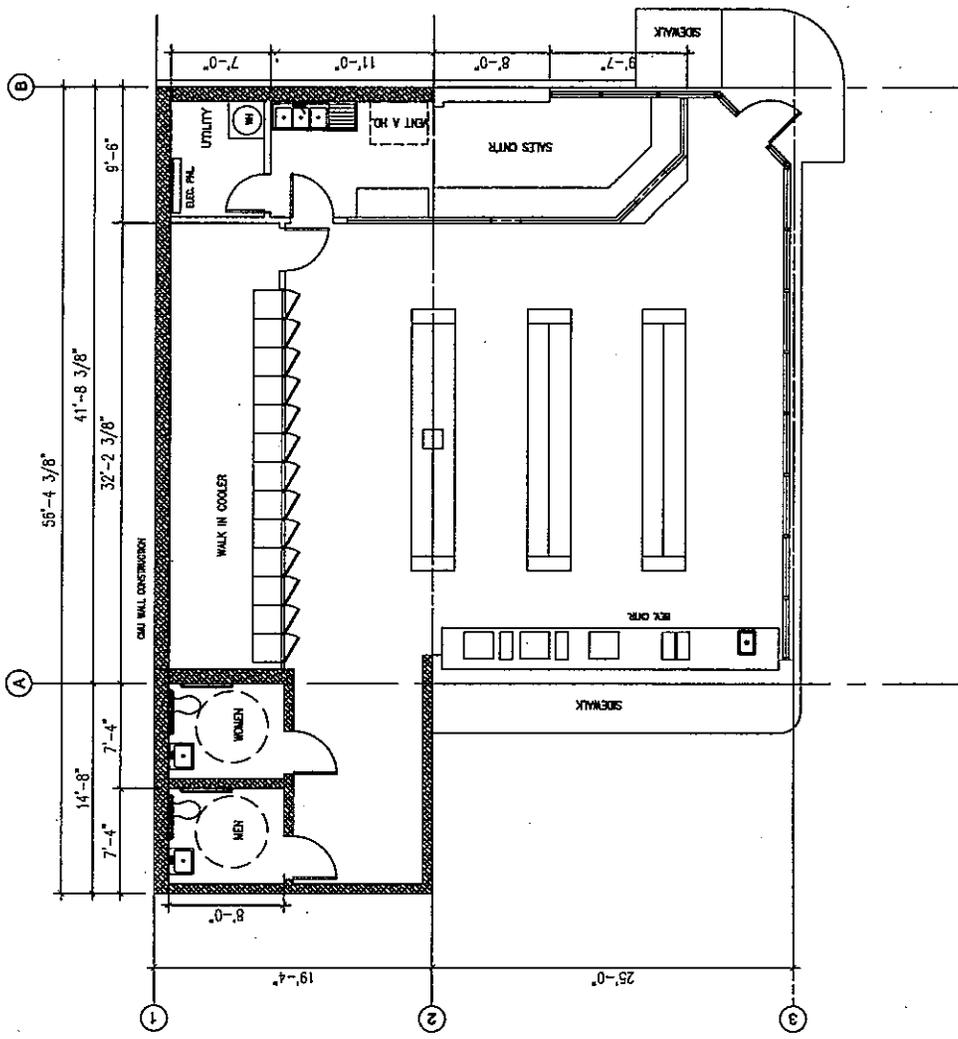
ADR-DESIGNS-LLC
 TOTAL DESIGN MANAGERS
 1001 AUSTRIAN ROAD GRAND PRAIRIE, TX 75050
 PH: 972-642-0873 FAX: 214-272-2887

COMOCO EXPANSION
 3003 S. BUCKNER BLVD.
 DALLAS, TEXAS



FORINTEGRITY
 7863 PINKERTON COURT
 PLANO, TEXAS 75028
 PH: (469) 644-1191 FAX: (972) 767-3003
 EMAIL: PINKERTON@FORINTEGRITY.COM

JOB NUMBER: 101-072
 SHEET NUMBER: A2.0



101 FLOOR PLAN
 SCALE: 1/4" = 1'-0"

Platt-Holton, Ltd.
 100 WESTERN BLVD., SUITE 104
 FORT WORTH, TEXAS 76104
 ARCHITECTS

OWNER
M. DELWAR HOSSAIN
 3003 S. BUCKNER BLVD.
 DALLAS, TEXAS

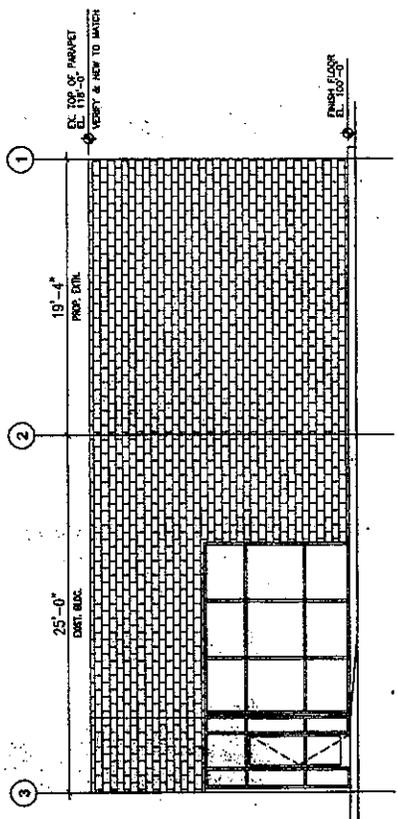
CONSTRUCTION DRAWINGS
 FOR
CONOCO EXPANSION
 DALLAS, TEXAS

ISSUE RECORD	
DATE	ISSUED FOR REVISIONS
01/24/05	CITY PERMIT
	BOOKS
	CONSTRUCTION

LOT DATA
 LOT AREA: 10,000 SQ. FT.
 CONOCO PROPERTY
 3003 S. BUCKNER BLVD.
 DALLAS COUNTY, TEXAS

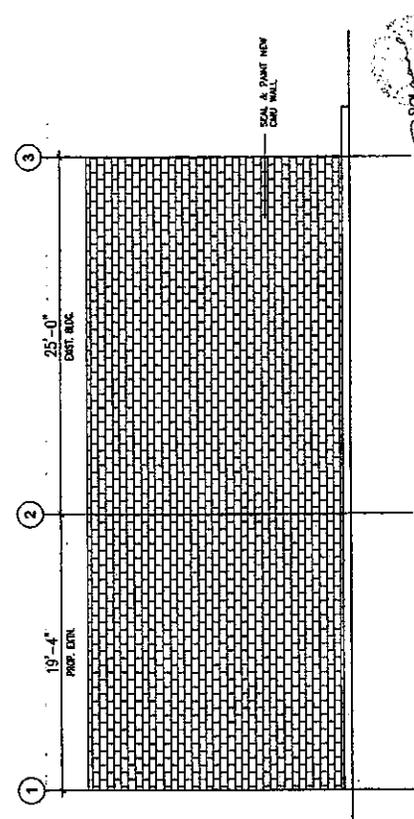
ELEVATIONS

A 3.0

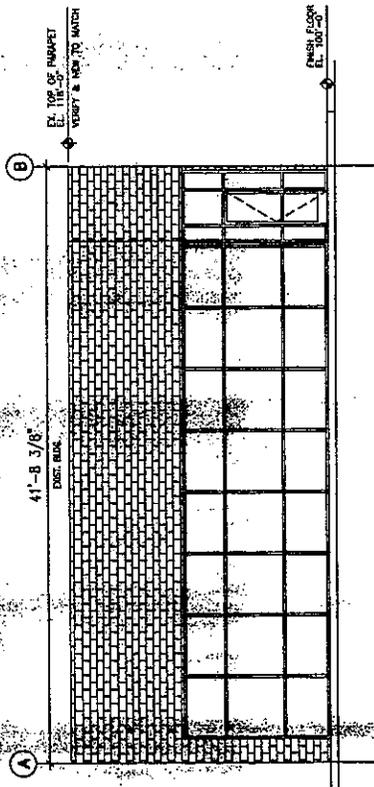


02 SIDE ELEVATION
 SCALE: 1/4" = 1'-0"

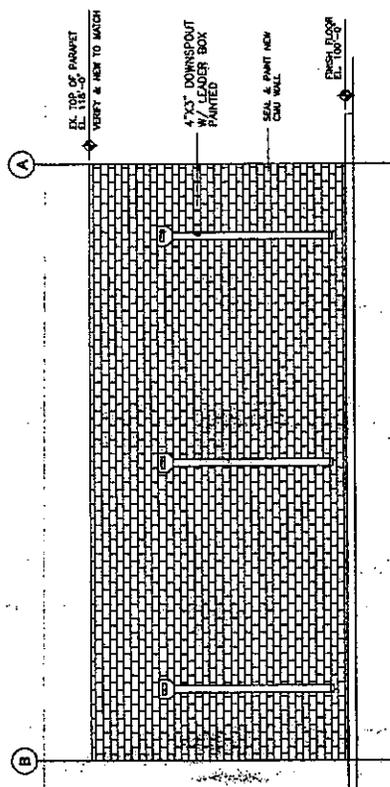
By: [Signature]
 Title: [Title]
 Date: [Date]



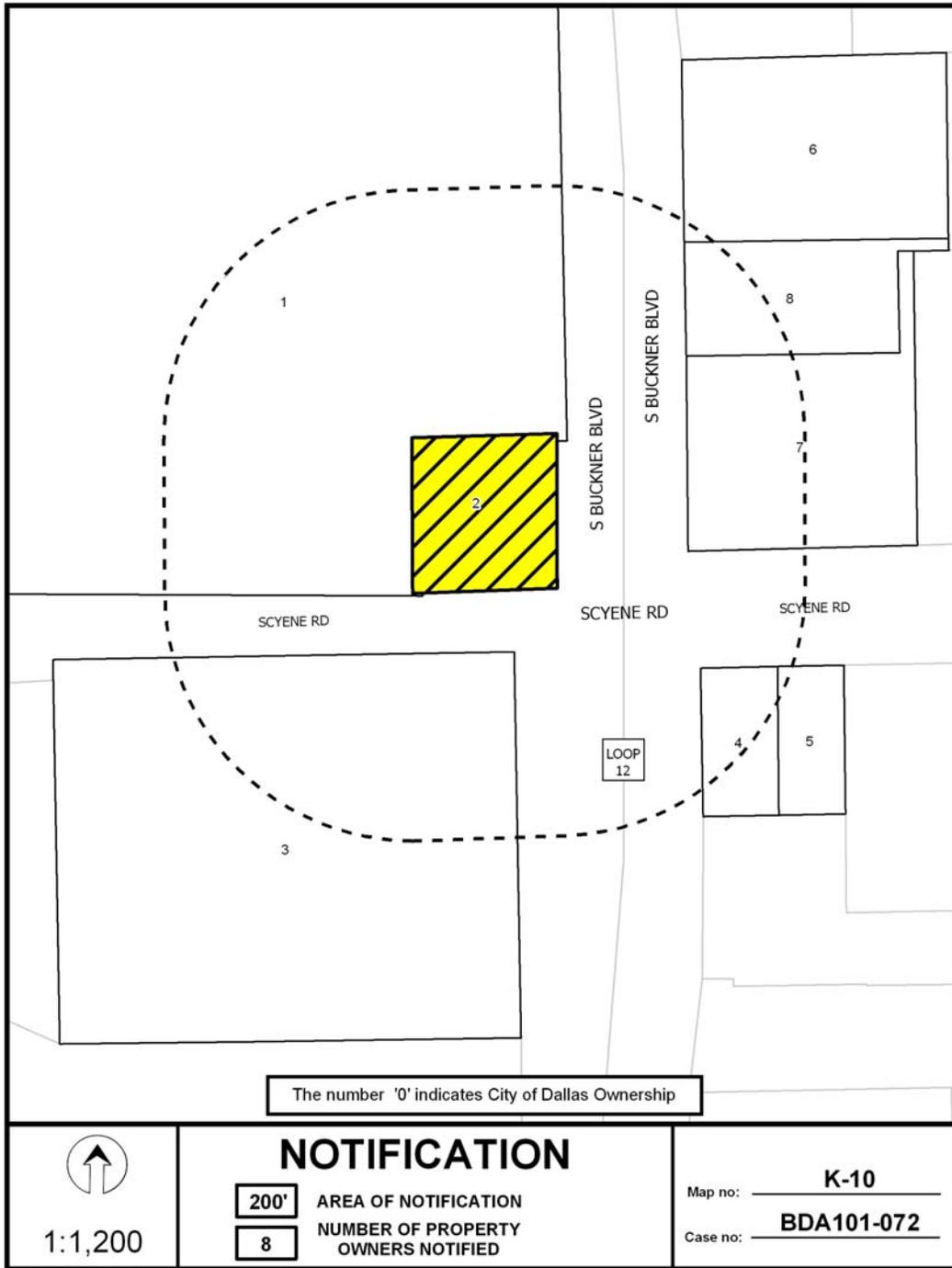
04 SIDE ELEVATION
 SCALE: 1/4" = 1'-0"



01 FRONT ELEVATION
 SCALE: 1/4" = 1'-0"



03 REAR ELEVATION
 SCALE: 1/4" = 1'-0"



Notification List of Property Owners

BDA101-072

8 Property Owners Notified

Label #	Address	Owner
1	3151 BUCKNER	PLEASANT MOUND CEMETERY ASSOCIATION
2	3003 BUCKNER	EAST BENGAL CORP
3	8050 SCYENE	CEMETERY
4	2952 BUCKNER	MONA & NADA CORPORATION
5	8106 SCYENE	ZUNIGA CLAUDIA Y
6	3110 BUCKNER	MOHAWK MOTEL
7	3004 BUCKNER	FIREBRAND PROPERTIES LP
8	3026 BUCKNER	ROBERTSON EUGENE