

ZONING BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, AUGUST 17, 2011
AGENDA

BRIEFING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET	11:00 A.M.
PUBLIC HEARING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET	1:00 P.M.

David Cossum, Assistant Director
Steve Long, Board Administrator

MISCELLANEOUS ITEM

Approval of the Wednesday, June 15, 2011 Board of Adjustment Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA 101-059	5555 Youngblood Road REQUEST: Application of Ricardo Galceran, represented by Stefan Kesler, for a special exception to the landscape regulations	1
BDA 101-073	3407 Dartmoor Drive REQUEST: Application of Jeff Whitacre for a special exception to the fence height regulations	2
BDA 101-074	9226 Greenville Avenue REQUEST: Application of Robert Baldwin for a special exception to the fence height regulations	3

REGULAR CASE

BDA 101-063	3821 San Jacinto Street REQUEST: Application of Shaun Feltner for special exceptions to the fence height and visual obstruction 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 B June 15, 2011 public hearing minutes.

FILE NUMBER: BDA 101-059

BUILDING OFFICIAL'S REPORT:

Application of Ricardo Galceran, represented by Stefan Kesler, for a special exception to the landscape regulations at 5555 Youngblood Road. This property is more fully described as Lot 1 in City Block A/8003 and is zoned IM, which requires landscaping. The applicant proposes to construct a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 5555 Youngblood Road

APPLICANT: Ricardo Galceran
Represented by Stefan Kesler

REQUEST:

- A special exception to the landscape regulations is requested in conjunction with the constructing and maintaining a new landfill operations building (McCommas Bluff Landfill and NW Transfer Station), and not fully meeting the landscape regulations.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted landscape plan is required.

Rationale:

- The City's Chief Arborist supports the request with the condition mentioned above imposed in conjunction with the request.
- The applicant has substantiated: 1) how strict compliance with the requirements of the Landscape Regulations of the Dallas Development Code will unreasonably burden the use of the property, and 2) that the special exception will not adversely affect neighboring property.
- In this case, the applicant is not able to fully meet the landscape requirements on the property given existing conditions on the site and the surrounding area (a land fill use with heavy large vehicular traffic causing dust on a daily basis). Secondly, the applicant's alternate landscape plan does not adversely affect neighboring property given that the landscape appears suitable and appropriate for the heavy industrial uses of the site. (The surrounding use is a land fill; the subject site is set away from any public streets and is established on public property within an "artificial lot" away from all other uses on adjacent

lots; and the site will be used for municipal employees and high activity landfill operations).

STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REGULATIONS:

The board may grant a special exception to the landscape regulations of this article upon making a special finding from the evidence presented that:

- (1) strict compliance with the requirements of this article will unreasonably burden the use of the property;
- (2) the special exception will not adversely affect neighboring property; and
- (3) the requirements are not imposed by a site-specific landscape plan approved by the city plan commission or city council.

In determining whether to grant a special exception, the Board shall consider the following factors:

- the extent to which there is residential adjacency;
- the topography of the site;
- the extent to which landscaping exists for which no credit is given under this article; and
- the extent to which other existing or proposed amenities will compensate for the reduction of landscaping.

GENERAL FACTS:

- The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period.

An alternate landscape plan has been submitted which according to the City of Dallas Chief Arborist is deficient from meeting the landscape requirements of Article X, more specifically, mandatory provisions related to parking lot trees or street trees (51A-10.125) and design standards (51A-10.126).

- The City of Dallas Chief Arborist submitted a memo to the Board Administrator (see Attachment A). The memo stated the following:
 - The applicant is requesting a special exception to the landscape requirements of Article X: The Landscape Regulations.
 - Trigger:
 - New construction.
 - Deficiencies:
 - The plan does not provide for Article X mandatory provisions for parking lots trees or street trees, or for specified design standards.
 - Factors for consideration:

- The submitted landscape would be installed with a new building addition at the McCommas Bluff Landfill operations.
- The site is set away from any public streets and is established on public property within an “artificial lot” away from all other uses on adjacent lots. The site will be used for municipal employees and high activity landfill operations.
- The plan provides two large evergreen live oak trees and a series of flowering crepe myrtles trees, and combined low-level vegetation surrounding the parking lot. The vegetation is concentrated on the south side of the building which helps filters noise and heat exposure.
- The landscaping is centered around, and oriented toward, buffering the facility and pedestrian use area from the external conditions of the landfill. Planting is concentrated nearest the office uses and entry ways, and filters the site from the roadways and the heavy large vehicle traffic with the resulting dust that is active in the area on a daily basis. The landscape appears suitable and appropriate for the heavy industrial uses of the site.
- Recommendation
 - Approval of the submitted landscape plan.

BACKGROUND INFORMATION:

Zoning:

Site: IM (Industrial Manufacturing)
North: IM (Industrial Manufacturing)
South: IM (Industrial Manufacturing)
East: IM (Industrial Manufacturing)
West: IM (Industrial Manufacturing)

Land Use:

The site is and the areas surrounding the site are developed as a landfill (McCommas Bluff Landfill) or related 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:

April 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.

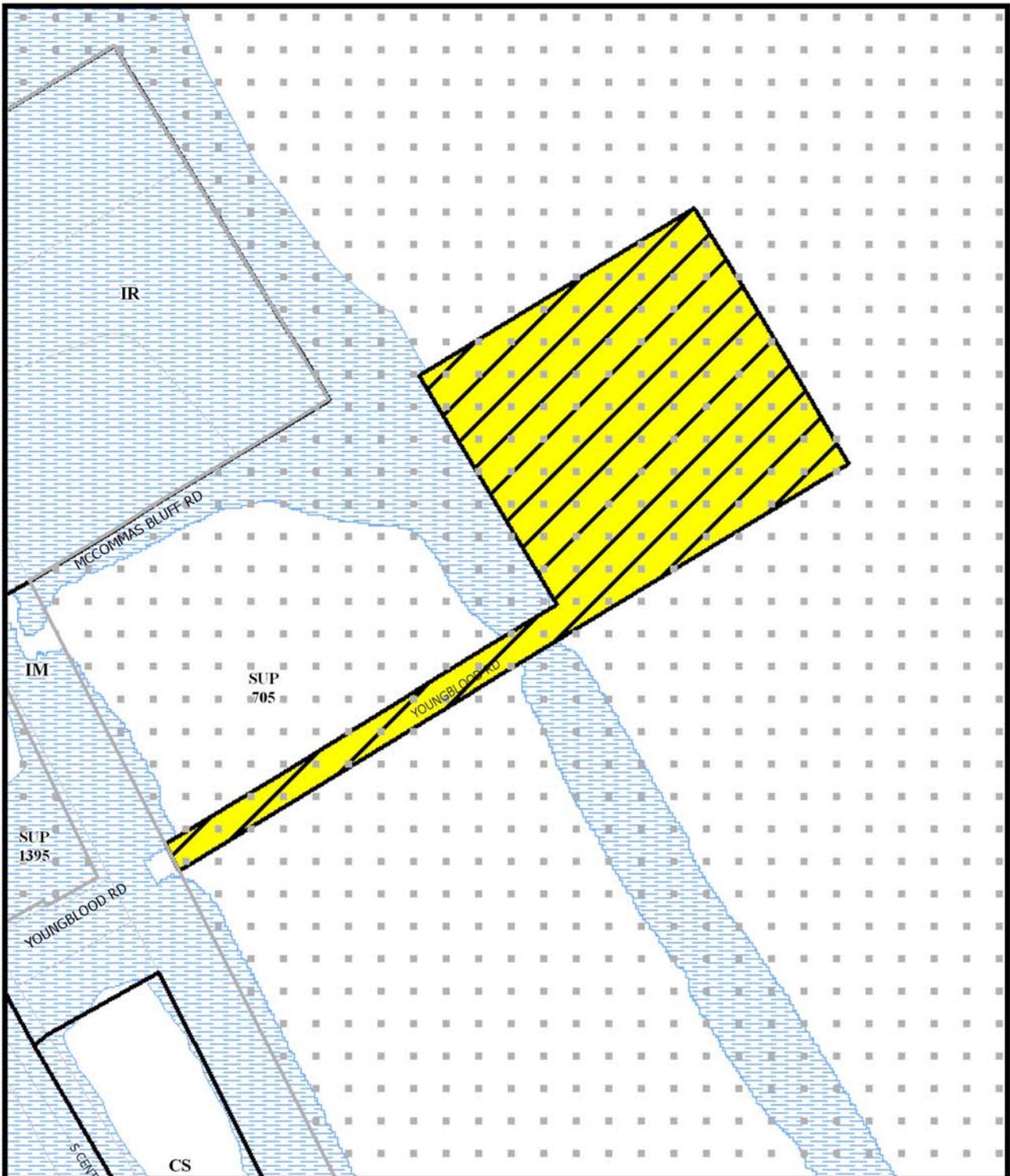
- June 22, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- June 23, 2011: The Board Administrator emailed the applicant's representative the following information:
- an attachment that provided the public hearing date and panel that will consider 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."
- August 8, 2011: The Chief Arborist submitted a memo pertaining to the application to the Board Administrator (see Attachment A).

STAFF ANALYSIS:

- This request focuses constructing and maintaining a new landfill operations building (McCommas Bluff Landfill and NW Transfer Station), and being "excepted" from fully meeting the City's landscape regulations.
- An alternate landscape plan has been submitted whereby the applicant seeks an exception from the landscape requirements, in this specific case, exception from full compliance with parking lot tree, street tree, and design standard requirements.
- The City of Dallas Chief Arborist supports the request (with the condition that the applicant must comply with his submitted alternate landscape plan)

largely given that the landscape provided on the alternate landscape plan appears suitable and appropriate for the heavy industrial uses of the site.

- The applicant has the burden of proof in establishing the following:
 - Strict compliance with the requirements of the Landscape Regulations of the Dallas Development Code will unreasonably burden the use of the property; and
 - The special exception will not adversely affect neighboring property.
- If the Board were to grant this request and impose the submitted alternate landscape plan as a condition, the site would be “excepted” from full compliance with the parking lot tree, street tree, and design standard requirements of Article X: The Landscape Regulations on a site that is used for and surrounded by heavy industrial use – the McCommas Bluff Sanitary Landfill.



1:4,800

ZONING MAP

Map no: O-9
 Case no: BDA101-059

DATE: July 19, 2011



1:4,800

AERIAL MAP

Map no: O-9

Case no: BDA101-059

DATE: July 19, 2011

Memorandum



CITY OF DALLAS

DATE August 8, 2011
TO Steve Long, Board of Adjustment Administrator
SUBJECT # BDA 101 · 059 5555 Youngblood

The applicant is requesting a special exception to the landscape requirements of Article X.

New construction.

Trigger

Deficiencies

The plan does not provide for the Article X mandatory provisions (51A-10.125) for parking lot trees or street trees. The site does not provide for specified design standards (51A-10.126).

Factors

The submitted landscape would be installed with a new building addition at the McCommas Bluff Sanitary Landfill operations.

The site is set away from any public streets and is established on public property within an 'artificial lot' away from all other uses on adjacent lots. The site will be used for municipal employees and high activity landfill operations.

The plan provides for two large evergreen live oak trees and a series of flowering crepe myrtle trees, and combined with low-level vegetation surrounding the parking lot. The vegetation is concentrated on the south side of the building which helps filter noise and heat exposure.

The landscaping is centered around, and oriented toward, buffering the facility and pedestrian use areas from the external conditions of the landfill. Planting is concentrated nearest the office uses and entry ways, and filters the site from the roadways and the heavy large vehicle traffic with the resulting dust that is active in the area on a daily basis. The landscape appears suitable and appropriate for the heavy industrial uses of the site.

Recommendation

Approval of the submitted landscape plan.

Philip Erwin, ISA certified arborist #TX-1284(A)
Chief Arborist



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-059

Data Relative to Subject Property:

Date: 4-26-11

Location address: 5555 Youngblood Road Zoning District: IM

Lot No.: 1 Block No.: A/8003 Acreage: 24.4773 Census Tract: 011402

Street Frontage (in Feet): 1) 100' 2) 0 3) 0 4) 0 5) 0

To the Honorable Board of Adjustment :

Owner of Property/or Principal: City of Dallas

Applicant: Ricardo Galceran, P.E. Telephone: 214-948-4192

Mailing Address: 320 E. Jefferson Boulevard, Room 101 Zip Code: 75203

Represented by: Stefan Kesler Telephone: 214-948-5365

Mailing Address: 320 E. Jefferson Boulevard, Room 320 Zip Code: 75203

Affirm that a request has been made for a Variance, or Special Exception X, of Section 51A-10 Landscaping as with Section 51A-10.110 to reduce the amount of landscaping around the new Landfill Operations building.

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 proposed landscape design limits the landscaped area to just around the building entrance, away from Youngblood Road. The vegetation attempted at other landfills got covered by mud and trash slung from landfill trucks. The new Landfill Operations building will be used by Sanitation Services Department staff only, not by public citizens. The building property is surrounded on 4 sides by other city-owned landfill property therefore no buffering is needed.

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: Ricardo Galceran Applicant's name printed [Signature] Applicant's signature

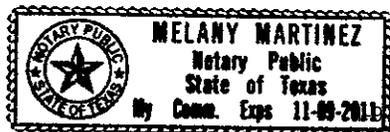
Affidavit

Before me the undersigned on this day personally appeared Ricardo Galceran 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 19th day of April, 2011

Melany Martinez 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

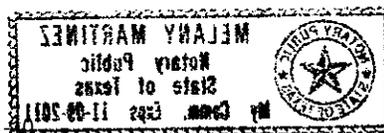
Building Official's Report

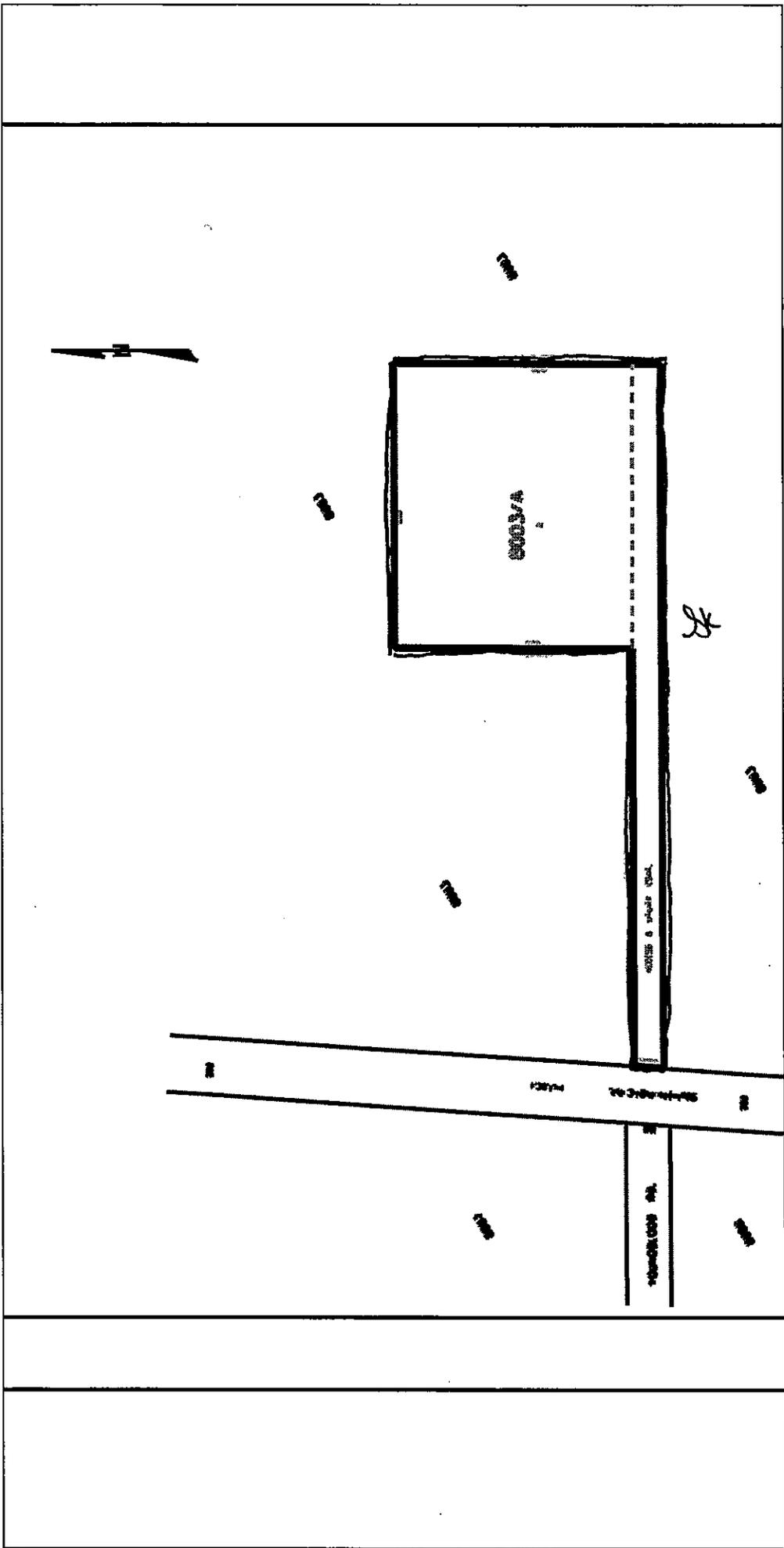
I hereby certify that Ricardo Galceran
represented by Stefan Kesler
did submit a request for a special exception to the landscaping regulations
at 5555 Youngblood Road

BDA101-059. Application of Ricardo Galceran represented by Stefan Kesler for a special exception to the landscaping regulations at 5555 Youngblood Road. This property is more fully described as Lot 1 in city block A/8003 and is zoned IM, which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,

Batsheba Antebi
Batsheba Antebi, Building Official

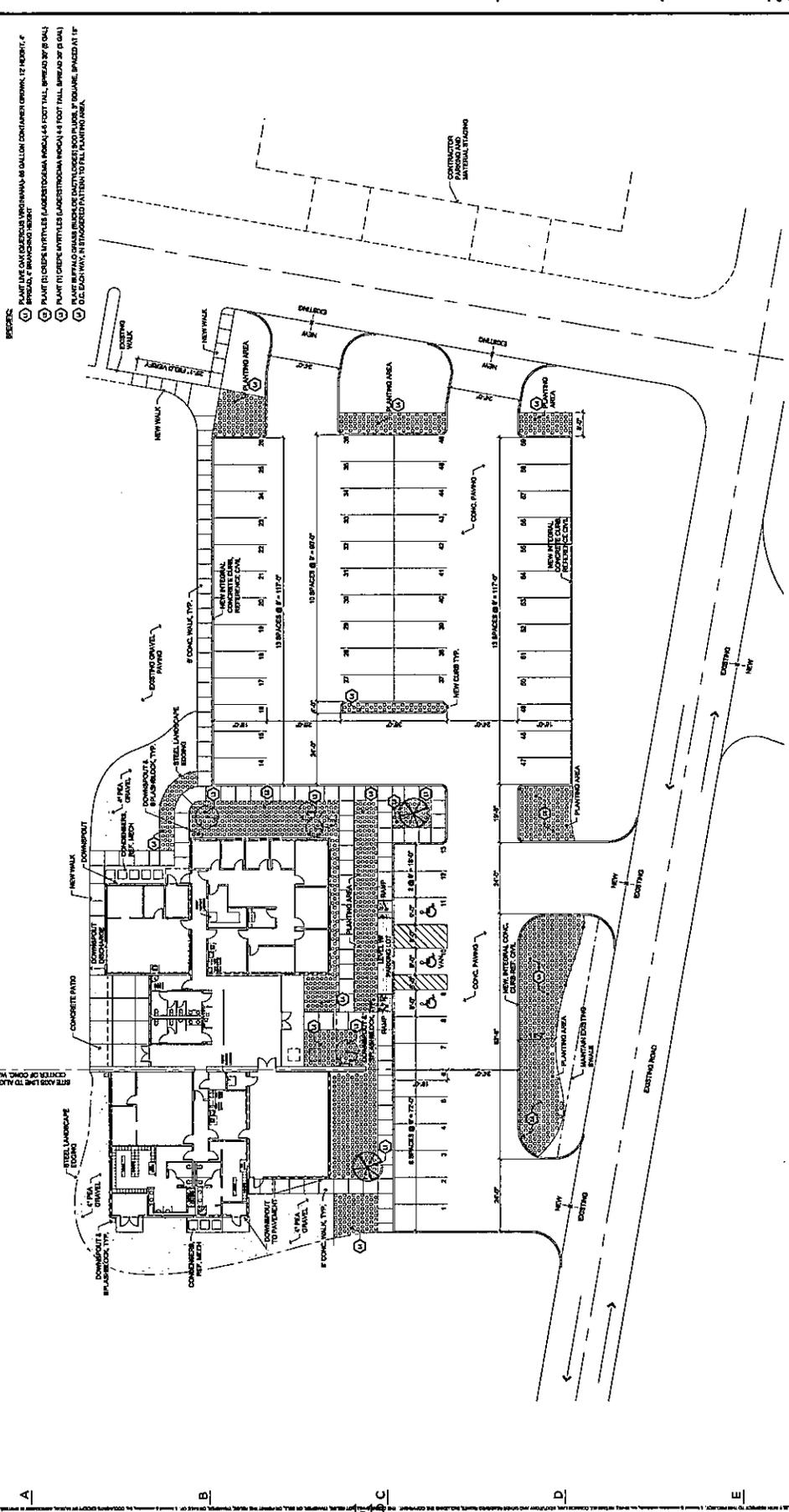




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BDA-101-059



LANDSCAPE NOTES

- GENERAL:
- CONTRACTOR SHALL VERIFY ALL EXISTING & PROPOSED SITE ELEMENTS AND NOTIFY ARCHITECT IMMEDIATELY.
 - CONTRACTOR SHALL LOCATE ALL EXISTING UNDERGROUND UTILITIES AND NOTIFY ARCHITECT IMMEDIATELY.
 - CONTRACTOR SHALL VERIFY EXISTING ELEVATION WHEN WORKING IN THE VICINITY OF EXISTING UTILITIES.
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- REMARKS:
- ALL PLANTING SHALL BE INSTALLED WITHIN THE SPECIFIED PLANTING AREAS.
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RESERVE:

- RESERVE FOR CONSTRUCTION OF 6 GALLON CONTAINER PLANTING, 12 PERCENT, OF PLANTING AREAS.
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2F SITE PLAN WITH SITE REQUIREMENTS
SCALE: 1/8" = 1'-0"

PLAN TABLE WITH NORTH ARROW

PARKING COUNT:
34 STANDARD SPACES
3 ACCESSIBLE SPACES (1 VAN)

OPERATIONS CENTER

A-A1.0

CITY OF DALLAS - SANITATION
RENOVATION AND ADDITIONS - MCCOMMAS
BLUFF LANDFILL & NW TRANSFER STATION
DALLAS, TEXAS

Issue dates: 20/01/10
Issue 101: 20/01/10

drawn: [blank]
checked: [blank]
project #: 2005-010
date: 20/01/10
scale: 1/8" = 1'-0"



enlarged site plan
operations center

OPERATIONS CENTER

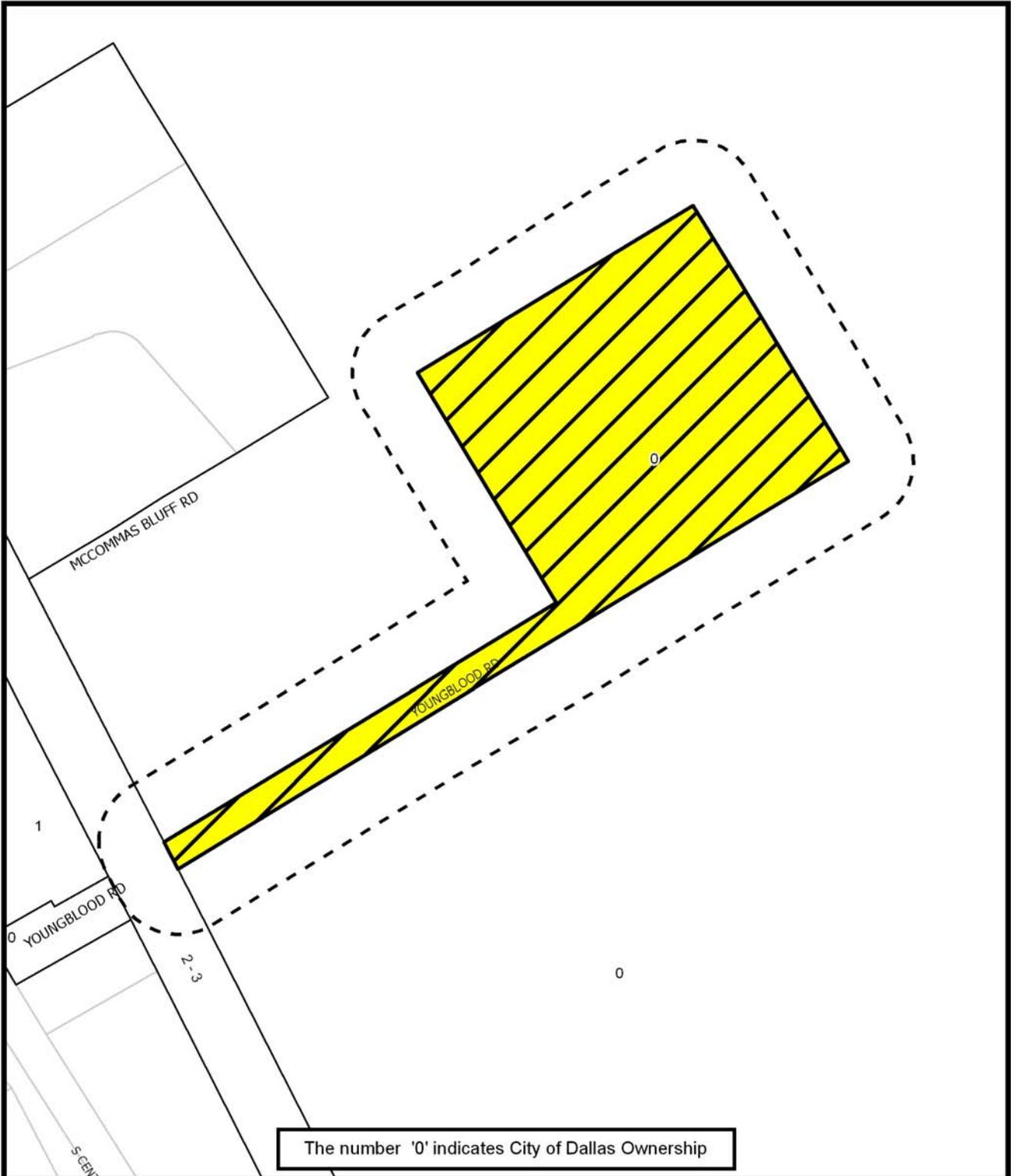
OPERATIONS CENTER

OPERATIONS CENTER

OPERATIONS CENTER

OPERATIONS CENTER

K:\2005-010 CITY OF DALLAS SANITATION PROJECTS - DRYANBERG\ESTIMATOR\20/01/10\11/20/10 - 02/05/10 Rev.dwg



The number '0' indicates City of Dallas Ownership

 <p>1:4,800</p>	<h2 style="text-align: center;">NOTIFICATION</h2> <p>200' AREA OF NOTIFICATION</p> <p>3 NUMBER OF PROPERTY OWNERS NOTIFIED</p>	<p>Map no: <u> O-9 </u></p> <p>Case no: <u> BDA101-059 </u></p>
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DATE: July 19, 2011

Notification List of Property Owners

BDA101-059

3 Property Owners Notified

Label #	Address	Owner
1	9500 CENTRAL	EISENBERG JAY
2	9999 NO NAME	UNION PACIFIC RR CO % TAX DEPT
3	4401 LINFIELD	ST LOUIS S W RAILWAY CO % UNION PACIFIC PPTY TAX

FILE NUMBER: BDA 101-073

BUILDING OFFICIAL'S REPORT:

Application of Jeff Whitacre for a special exception to the fence height regulations at 3407 Dartmoor Drive. This property is more fully described as Lot 23 in City Block 8/6442 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/maintain an 8 foot high fence, which will require a special exception of 4 feet.

LOCATION: 3407 Dartmoor Drive

APPLICANT: Jeff Whitacre

REQUEST:

- A special exception to the fence height regulations of 4' is requested in conjunction with constructing and maintaining an 8' high board on board wood fence to be located in one of the site's two required front yards on a site developed with a single family home – Cromwell Drive. (No fence proposal is shown to be located in the site's Dartmoor 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 northeast corner of Dartmoor Drive and Cromwell Drive. The site has two required front yards - a 20' required front yard created by a platted building line along its shorter frontage (Cromwell Drive) and a 30' required front yard (created by another platted building line)

along its longer frontage (Dartmoor Drive). Regardless of how the site's Cromwell Drive 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 Dartmoor 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 east of the site fronting southward onto Dartmoor 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' Cromwell Avenue required front yard reaches a maximum height of 8'.
- The following additional information was gleaned from the submitted site plan:
 - The proposal located in the Cromwell Drive required front yard over 4' in height is approximately 36' in length parallel to the street and approximately 15' in length *perpendicular* to Cromwell Drive on the north and south sides of the site in the required front yard.
 - The proposal is shown to be located 5' from the site's Cromwell Drive front property line or 15' from the curb line.
- No single family home "fronts" to the proposed fence on the subject site since the home on the lot immediately west across Cromwell Drive fronts southward onto Dartmoor Drive as does the home on the subject site.
- 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.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	R-10(A) (Single family district 10,000 square feet)
<u>North:</u>	R-10(A) (Single family district 10,000 square feet)
<u>South:</u>	R-10(A) (Single family district 10,000 square feet)
<u>East:</u>	R-10(A) (Single family district 10,000 square feet)
<u>West:</u>	R-10(A) (Single family district 10,000 square feet)

Land Use:

The subject site is developed with a single family home. The areas to the north, east, and west are developed with single family uses; and the area to the south is developed as a public elementary school (Everette L. DeGolyer Elementary School).

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 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 B.

June 23, 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.

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 an 8’ high board on board wood fence parallel to Cromwell Drive - one of the site’s two required

front yards on a site developed with a single family home. (No fence proposal is shown to be located in the site's Dartmoor Drive front yard setback).

- The subject site is located at the northeast corner of Dartmoor Drive and Cromwell Drive. The site has two required front yards - a 20' required front yard created by a platted building line along its shorter frontage (Cromwell Drive) and a 30' required front yard (created by another platted building line) along its longer frontage (Dartmoor Drive). Regardless of how the site's Cromwell Drive 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 Dartmoor 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 east of the site fronting southward onto Dartmoor Drive.
- Note that if the site's Cromwell Avenue frontage were approximately 5' 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 Cromwell Avenue required front yard. The site plan shows the fence to be approximately 36' in length parallel to Cromwell Avenue and approximately 15' in length *perpendicular* to Cromwell Avenue on the north and south sides of the site in the required front yard; and to be located approximately 5' from the site's Cromwell Avenue front property line or about 15' from the curb line. The elevation shows that the proposed fence to be 8' in height and board on board.
- No single family home "fronts" to the proposed fence on the subject site since the home on the lot immediately west across Cromwell Drive fronts southward onto Dartmoor Drive as does the home on the subject site.
- 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, 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 4' (whereby the proposal would reach a maximum of 8' in height in the site's Cromwell Avenue required front yard) will not adversely affect neighboring property.
- Granting this special exception of 4' 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 Cromwell Avenue required front yard would be constructed and maintained in the location and of the height and material as shown on these documents.

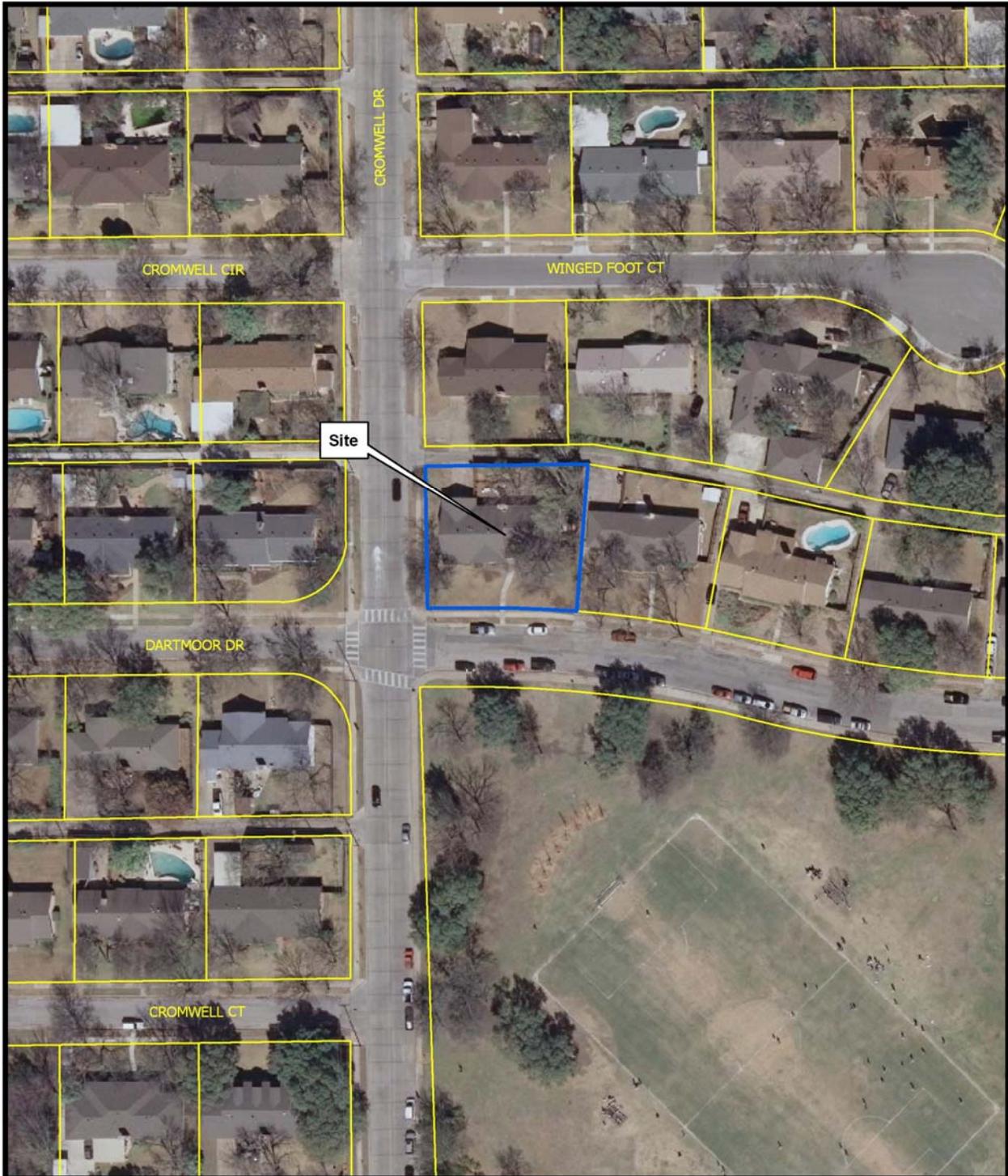


1:1,200

ZONING MAP

Map no: E-5
Case no: BDA101-073

DATE: July 19, 2011



1:1,200

AERIAL MAP

Map no: E-5
Case no: BDA101-073

DATE: July 19, 2011



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-073

Data Relative to Subject Property:

Date: 6-9-11

Location address: 3407 Dartmoor Dr.

Zoning District: R-10 (A)

Lot No.: 23 Block No.: 8/6442 Acreage: .29 Census Tract: 96.07

Street Frontage (in Feet): 1) 114.87' 2) 110' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

NE1

Owner of Property/or Principal: Jeff + Rebecca Whitacre

Applicant: Jeff Whitacre Telephone: (214) 906-3605

Mailing Address: 3407 Dartmoor Dr. Zip Code: 75229

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

Affirm that a request has been made for a Variance __, or Special Exception X, of an additional 4 ft. on a fence outside the building line, in a front yard.

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 provide privacy and security as well as match the other 8 ft. fences just across the street to provide continuity on the street, and increase property values in the community, and be visually appealing.

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.

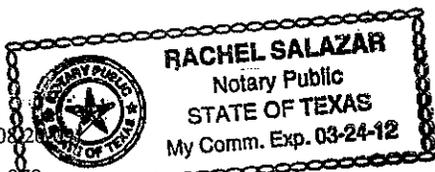
Respectfully submitted: Jeff Whitacre Applicant's name printed [Signature] Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Jeff Whitacre 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 9 day of June, 2011



Rachel Salazar
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

12/11/11
12/11/11
12/11/11

Building Official's Report

I hereby certify that JEFF WHITACRE

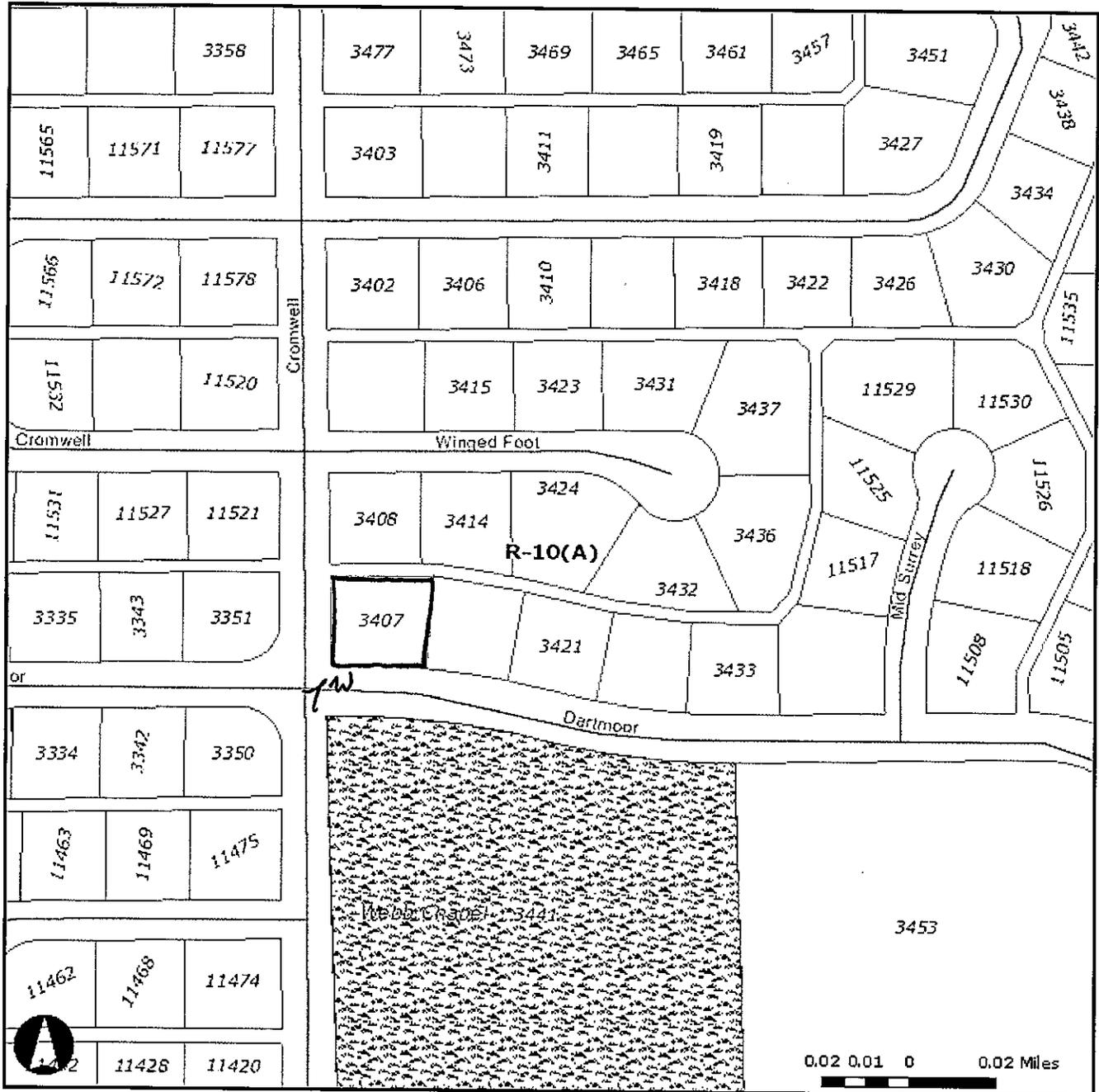
did submit a request for a special exception to the fence height regulations
at 3407 Dartmoor Drive

BDA101-073. Application of Jeff Whitacre for a special exception to the fence height regulations at 3407 Dartmoor Drive. This property is more fully described as Lot 23 in city block 8/6442 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 the 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



Dry Overlay



Historic Overlay



Historic Subdistricts



NSO Overlay



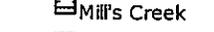
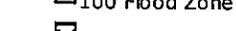
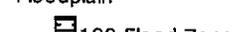
NSO Subdistricts



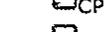
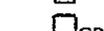
Base Zoning

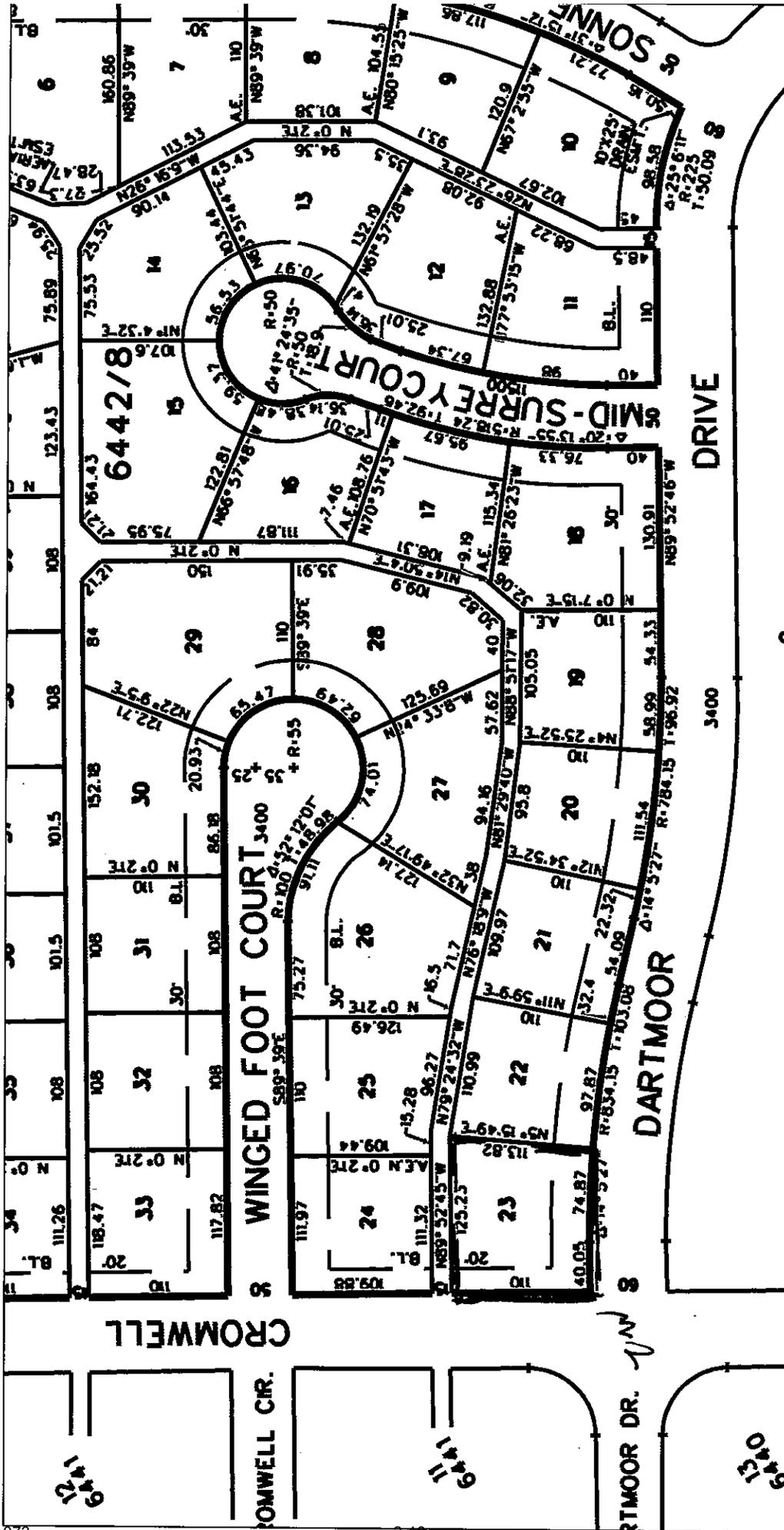


Floodplain

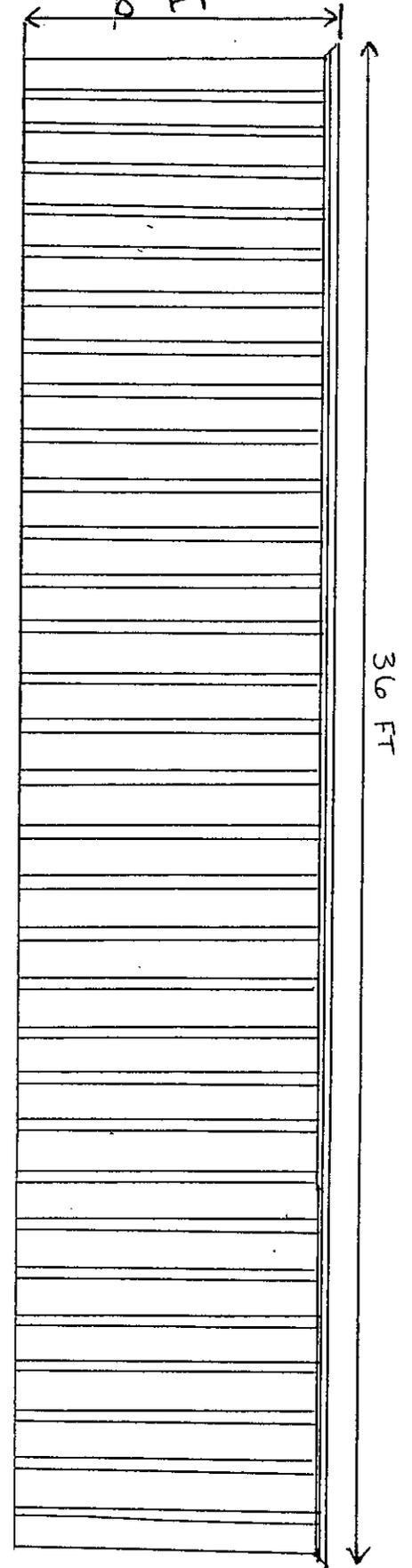


Pedestrian Overlay

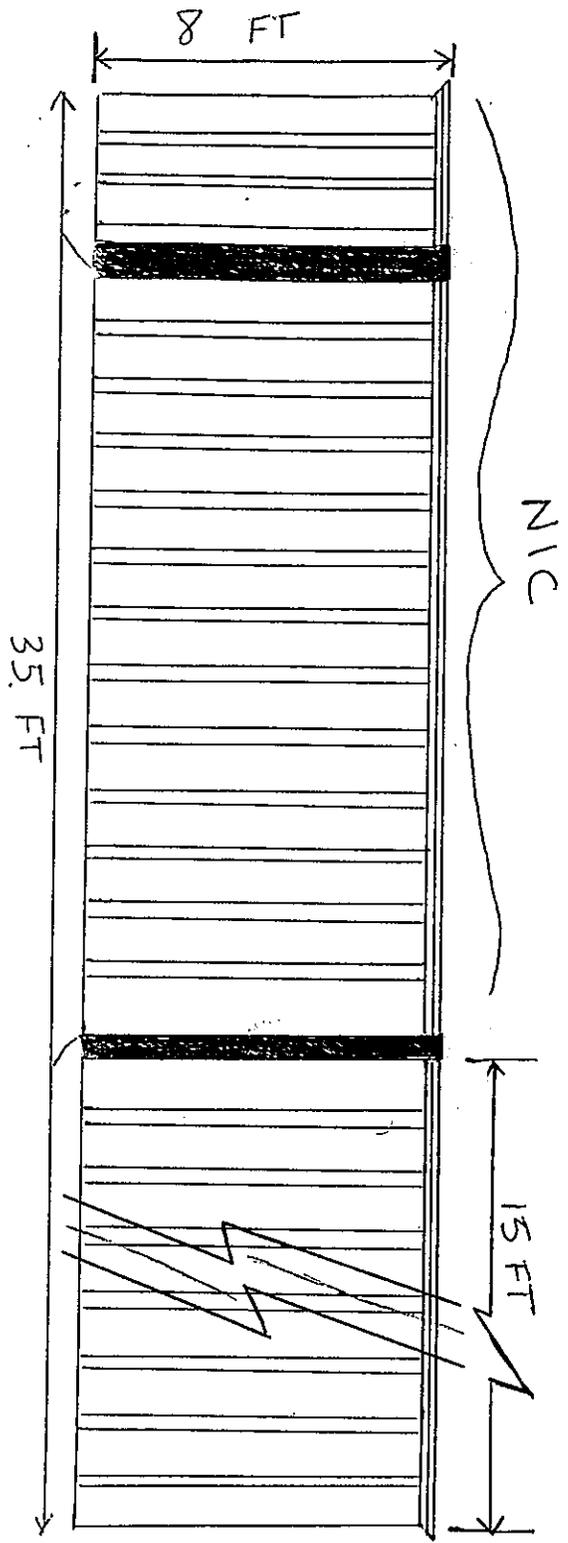




VIEW
FROM
CROMWELL ST



8 FT



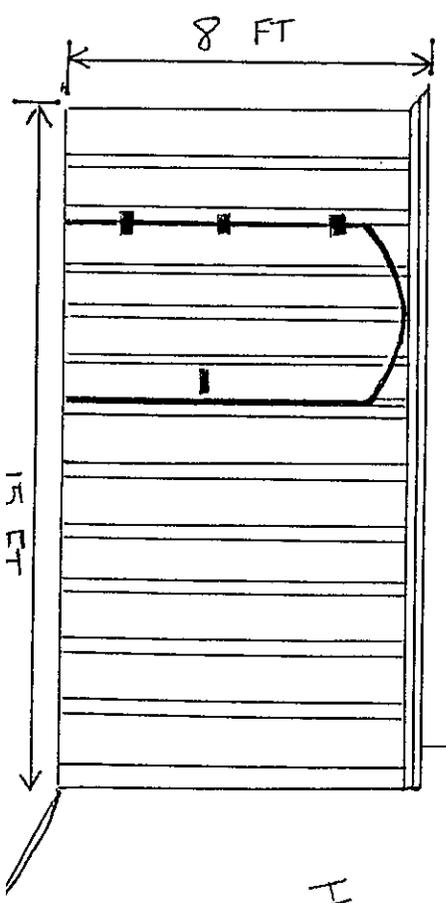
NIC

35 FT

15 FT

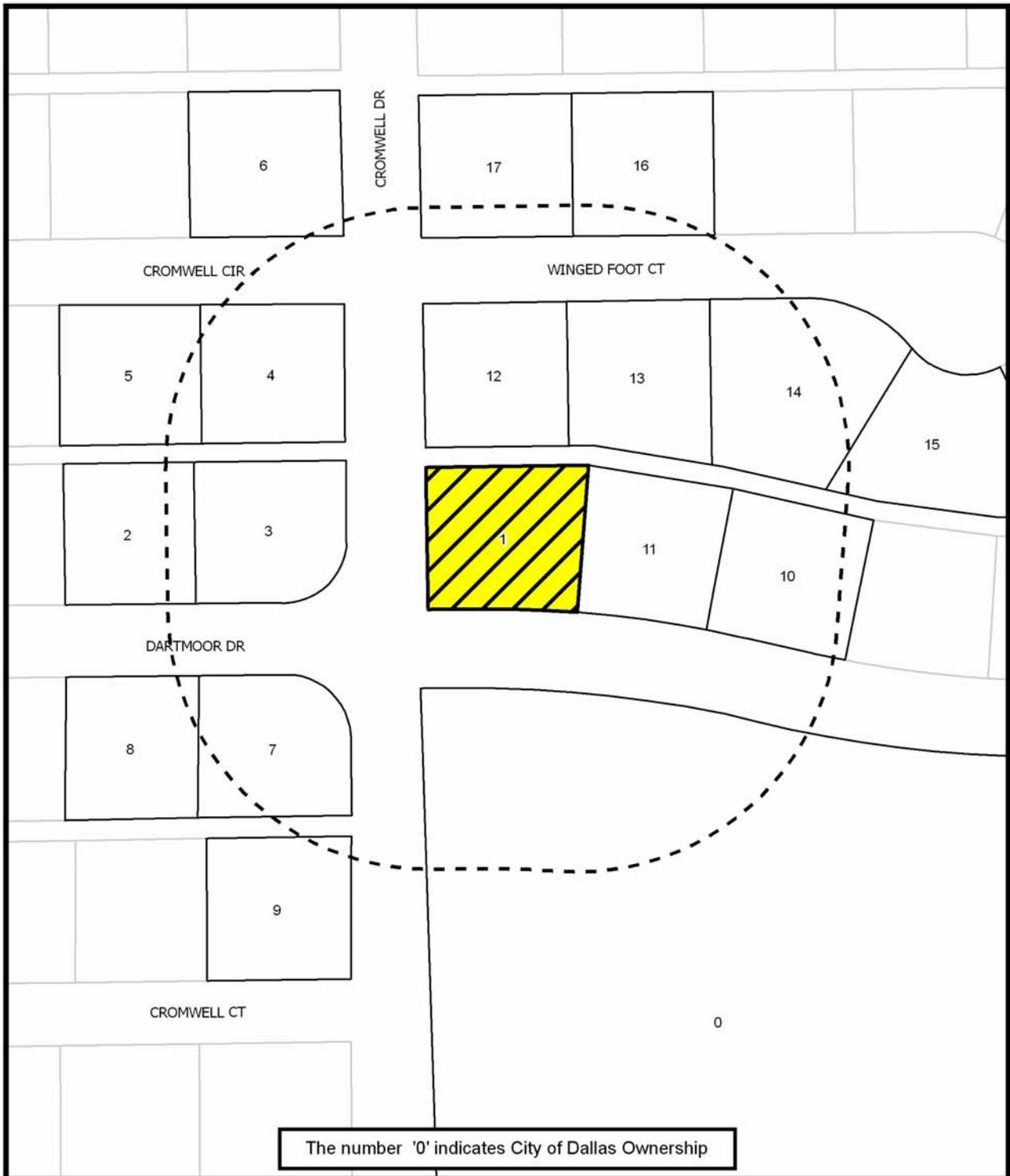
1" = 40'

VIEW
FROM
DARTMOUTH



VIEW
FROM
ALLEY

HOUSE



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-5 </u></p> <p>Case no: <u> BDA101-073 </u></p>
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DATE: July 19, 2011

Notification List of Property Owners

BDA101-073

17 Property Owners Notified

Label #	Address	Owner
1	3407 DARTMOOR	WHITACRE REBECCA E & JEFF
2	3343 DARTMOOR	INGA ELIZABETH
3	3351 DARTMOOR	HOWARD GLORIA K
4	11521 CROMWELL	PAYTON TOM O I
5	11527 CROMWELL	KENDRICK MARY LOU
6	11520 CROMWELL	BOBE C PHILLIP & JAN M
7	3350 DARTMOOR	VILLARAN JOSEFINA
8	3342 DARTMOOR	REHN ASHLEY G & KYLE ROGERS
9	11475 CROMWELL	GEIGER JOSHUA L & SHANNON B
10	3421 DARTMOOR	STRELECKI CARL A & ALLISON E STRELECKI
11	3415 DARTMOOR	MARTINEZ JUAN & VALDERRAMA MARUJA
12	3408 WINGED FOOT	LIEBER LOUISE BLISS
13	3414 WINGED FOOT	WILSON PHYLLIS
14	3424 WINGED FOOT	BELLAMY SIDNEY E
15	3432 WINGED FOOT	HILL JAMES
16	3415 WINGED FOOT	MCKEE WILLIAM N
17	3407 WINGED FOOT	PERKINS MICHAEL R & TAMI L PERKINS

FILE NUMBER: BDA 101-074

BUILDING OFFICIAL'S REPORT:

Application of Robert Baldwin for a special exception to the fence height regulations at 9226 Greenville Avenue. This property is more fully described as Lot 1 in City Block E/8159 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/maintain an 8 foot high fence, which will require a special exception of 4 feet.

LOCATION: 9226 Greenville Avenue

APPLICANT: Robert Baldwin

REQUEST:

- A special exception to the fence height regulations of 4' is requested in conjunction with constructing and maintaining an approximately 7' 6" high solid stucco fence/wall with 8' high columns and an approximately 7' high solid gate ("material to be determined by owner") to be located in one of the site's two required front yards on a site developed with a single family home – Whitehurst Drive. (According to the applicant, the requested stucco fence/wall in this application would "match the fence that was previously approved by the Board of Adjustment on the Greenville Avenue side of his property" and would replace an existing wood fence along Whitehurst Drive).

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 Greenville Avenue and Whitehurst Drive. The site has two required front yards (created by an 18.75' building line along both streets) - one required front yard along its shorter frontage (Whitehurst Drive) and another required front yard along its longer frontage (Greenville Avenue). Regardless of how the site's Whitehurst Drive 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 Greenville Avenue frontage that functions as the property's front yard is also deemed a front yard (even though it is the longer of the two frontages) in order to maintain continuity of the required front yards established by the lots south of the site fronting westward onto Greenville Avenue.
- 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 partial elevation indicating that the proposal in the Whitehurst Drive required front yard reaches a maximum height of 8'. (The applicant has written that this request is to seek "permission to construct a fence taller than four feet in height along Whitehurst Drive to match the fence that was previously approved by the Board of Adjustment on the Greenville Avenue side of his property.")
- The following additional information was gleaned from the submitted site plan:
 - The proposed concrete block wall with stucco located in the Whitehurst Drive front yard setback is over 4' in height and is represented as being approximately 130' in length parallel to the street.
 - The proposed concrete block wall with stucco is shown to be located on the site's Whitehurst Drive front property line or about 18' from what appears to be represented as the curb line.
- The following additional information was gleaned from the submitted partial elevation:
 - "proposed concrete block wall with stucco finish to match existing wall" that is approximately 7' 6" in height;
 - "proposed gate (type and material to be determined by owner)" that is approximately 7' 6" in height; and
 - 8' high columns (no materials specified).
- The Board Administrator emailed the applicant on June 29, 2011, that, for the record, he had reviewed the applicant's submitted site plan in conjunction with this request and was not able to fully/completely determine that the site (as represented on this plan) was visual obstruction regulation compliant. The applicant was advised that his request as it was currently made with not provide any relief to the visual obstruction regulations needed to address any existing or proposed noncompliance with these regulations, and would only provide relief to the fence height regulations.

- No single family home “fronts” to the proposed fence the subject site since the home on the lot immediately north across Whitehurst Drive fronts westward onto Greenville Avenue as does the home 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 9’ high wood fence was noted along Whitehurst Drive two lots east of the subject site. This fence has no recorded BDA history.
- The applicant submitted information beyond what was submitted with the original application (see Attachment A). This information included a letter (and related site plan) that provided additional details about the request.

BACKGROUND INFORMATION:

Zoning:

Site: R-7.5(A) (Single family district 7,500 square feet)
North: D (A) (Duplex)
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 are developed with single family uses; and the area to the west appears to be undeveloped.

Zoning/BDA History:

- | | |
|---|--|
| <p>1. BDA 94-129, Property at 9226 Greenville Avenue (the subject site)</p> | <p>On November 8, 1994, the Board of Adjustment granted a special exception to the fence height regulations to maintain an 8’ fence on the property. The Board imposed the following conditions: 1) a revised elevation governing the property must be approved by the Board Administrator, showing the maximum height of the fence and columns to be no higher than 8’ in height, and size of the photinias to be planted in front of the fence at a minimum size of 5 gallon containers; 2) a revised site/landscape plan must be submitted and approved by the Board Administrator to reflect an 8’ fence; and 3) compliance with the revised elevation and site/landscape plan</p> |
|---|--|

is required by the applicant.

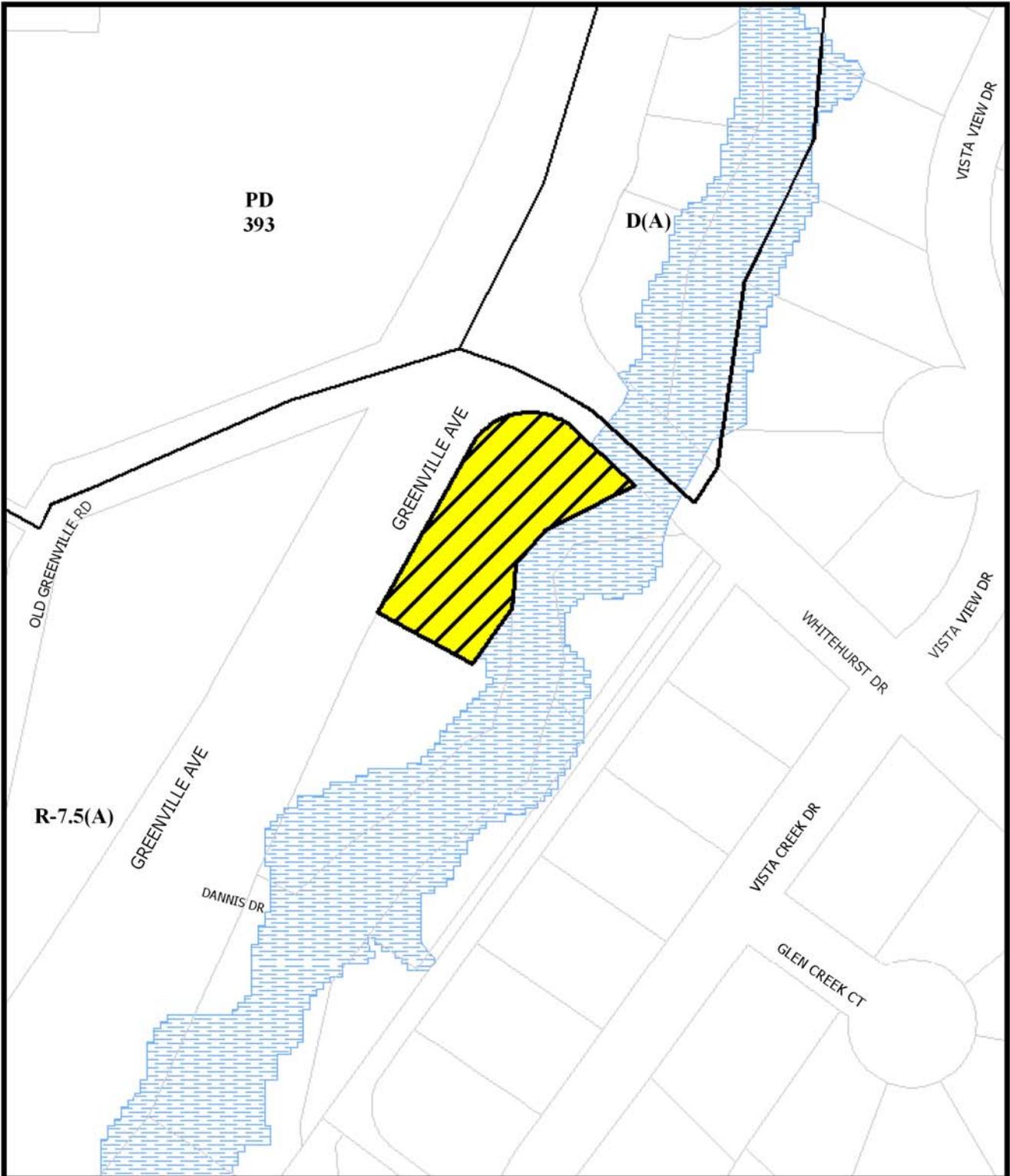
Timeline:

- June 14, 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 B.
- June 27, 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.
- July 26, 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 and flood plain requirements.” (See note in the “General Facts” section of the case report with regard to staff’s concern forwarded to the applicant with regard to whether the site/proposed fence is compliant with visual obstruction regulations).

STAFF ANALYSIS:

- The applicant's request focuses on constructing and maintaining an approximately 7' 6" high solid stucco fence/wall with 8' high columns and an approximately 7' high solid gate ("material to be determined by owner") to be located in one of the site's two required front yards on a site developed with a single family home – Whitehurst Drive.
- According to the applicant, the requested stucco fence/wall in this application would "match the fence that was previously approved by the Board of Adjustment on the Greenville Avenue side of his property" and would replace an existing wood fence along Whitehurst Drive.
- The subject site is located at the southeast corner of Greenville Avenue and Whitehurst Drive. The site has two required front yards (created by an 18.75' building line along both streets) - one required front yard along its shorter frontage (Whitehurst Drive) and another required front yard along its longer frontage (Greenville Avenue). Regardless of how the site's Whitehurst Drive 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 Greenville Avenue frontage that functions as the property's front yard is also deemed a front yard (even though it is the longer of the two frontages) in order to maintain continuity of the required front yards established by the lots south of the site fronting westward onto Greenville Avenue.
- The submitted site plan and partial elevation documents the location, height, and material of the fence over 4' in height in the Whitehurst Drive required front yard. The site plan shows the fence to be approximately 130' in length, approximately on the front property line, and about 18' from what is represented as the curb line. The partial elevation shows an approximately 7' 6" high stucco wall, an approximately 7' 6" high gate ("type and material to be determined by owner") and 8' high columns.
- No single family home "fronts" to the proposed fence the subject site since the home on the lot immediately north across Whitehurst Drive fronts westward onto Greenville Avenue as does the home 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 9' high wood fence was noted along Whitehurst Drive two lots east of the subject site. This fence has no recorded BDA history.
- 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 4' (whereby the proposal would reach a maximum of 8' in height in the site's Whitehurst Drive required front yard) will not adversely affect neighboring property.

- Granting this special exception of 4' with a condition imposed that the applicant complies with the submitted site plan and partial elevation would assure that the proposal exceeding 4' in height would be limited to a fence higher than 4' in the site's Whitehurst Drive required front yard, and would be constructed and maintained in the location and of the heights and material as shown on these document.
- The applicant's request for a special exception to the fence height regulations will not provide any relief to any existing or proposed noncompliant issues on the subject site pertaining to the visual obstruction or floodplain regulations.



1:1,200

ZONING MAP

Map no: E-8
 Case no: BDA101-074

DATE: July 19, 2011



1:1,200

AERIAL MAP

Map no: E-8

Case no: BDA101-074

DATE: July 19, 2011

July 26, 2011

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

Re: BDA 101-074 – 9226 Greenville Avenue

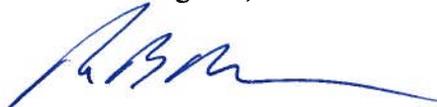
Dear Steve,

This firm is representing James Bell, the owner of the property known as 9226 Greenville Avenue, in his request for a Special Exception to allow for a fence, taller than four-feet, in a front yard. This property is located at the southeast corner of Greenville Avenue and Whitehurst Drive.

Specifically, Mr. Williams is seeking permission to construct a fence taller than four feet in height along Whitehurst Drive to match the fence that was previously approved by the Board of Adjustment on the Greenville Avenue side of his property. The request would allow for a previously approved section of fence to be modified and a second gate added to allow for a circular driveway. The proposed fence along Whitehurst Drive is proposed to be eight (8) feet tall and constructed of solid masonry to match the previously approved fence. The gate will be solid as well

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



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-074

Data Relative to Subject Property:

Date: June 14, 2011

Location address: 9226 Greenville Ave Zoning District: R-7.5 (A)

Lot No.: 1 Block No.: E/8159 Acreage: 0.368 Census Tract: 78.12

Street Frontage (in Feet): 1) 150 2) 60 3) _____ 4) _____ 5) _____

NE 4C

To the Honorable Board of Adjustment :

Owner of Property/or Principal: James Bell

Applicant: Robert Baldwin Telephone: 214-824-7949

Mailing Address: 3904 Elm St #B Zip Code: 75226

Represented by: Robert Baldwin Telephone: 214-824-7949

Mailing Address: 3904 Elm St #B Zip Code: 75226

Affirm that a request has been made for a Variance __, or Special Exception , of Four feet to the allowable height of a fence in the required front yard.

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: This fence request is for the fence along Whitehurst. To allow it to match with the existing fence that was approved by a prior board case.

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: Robert Baldwin Applicant's name printed [Signature] Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Robert Baldwin 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 14th day of June, 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 ROBERT BALDWIN

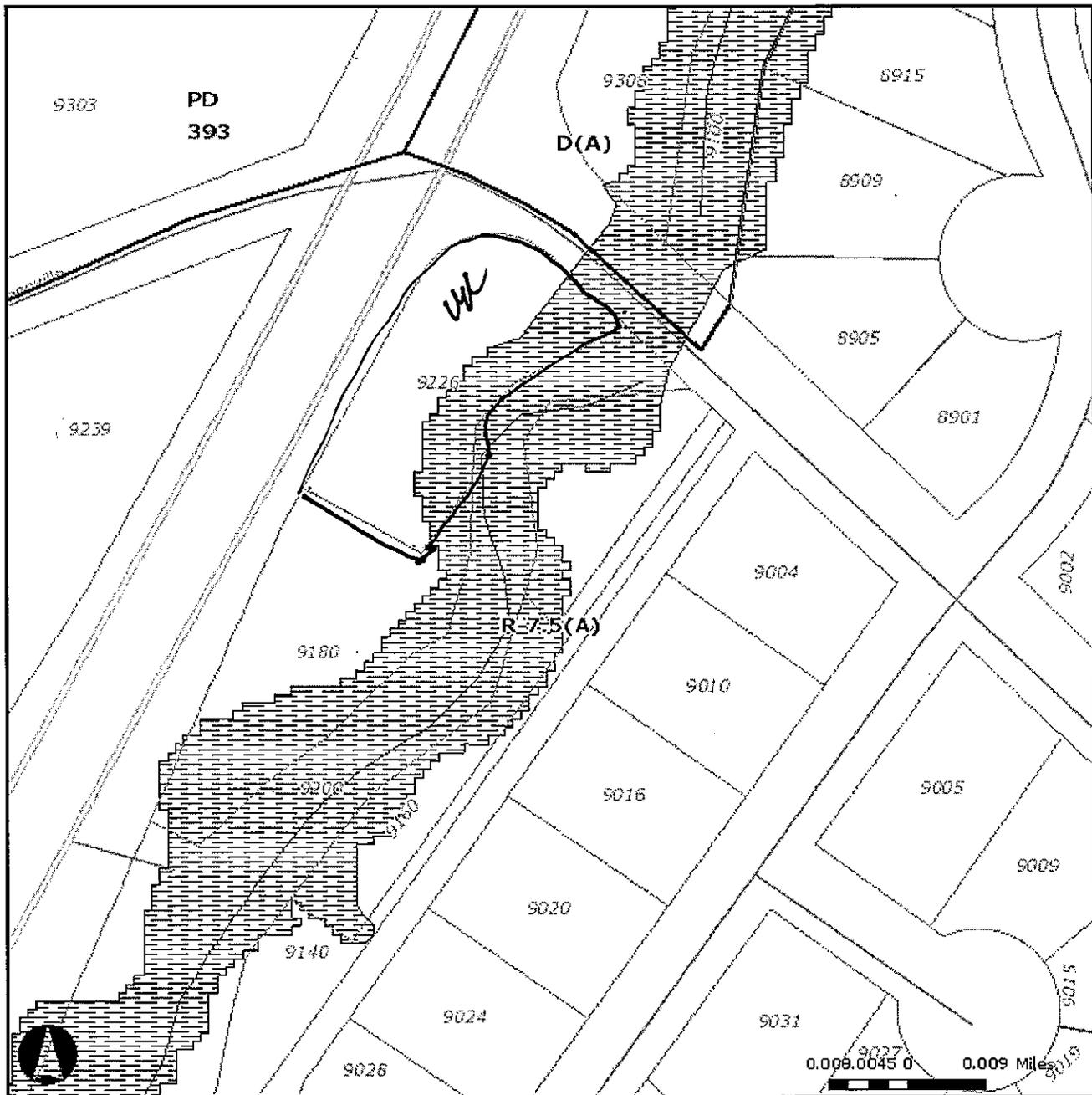
did submit a request for a special exception to the fence height regulations
at 9226 Greenville Avenue

BDA101-074. Application of Robert Baldwin for a special exception to the fence height regulations at 9226 Greenville Avenue. This property is more fully described as lot 1 in cit block E/8159 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 the required front yard setback, which will require a 4 foot special exception to the fence height 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

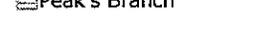


NSO Overlay

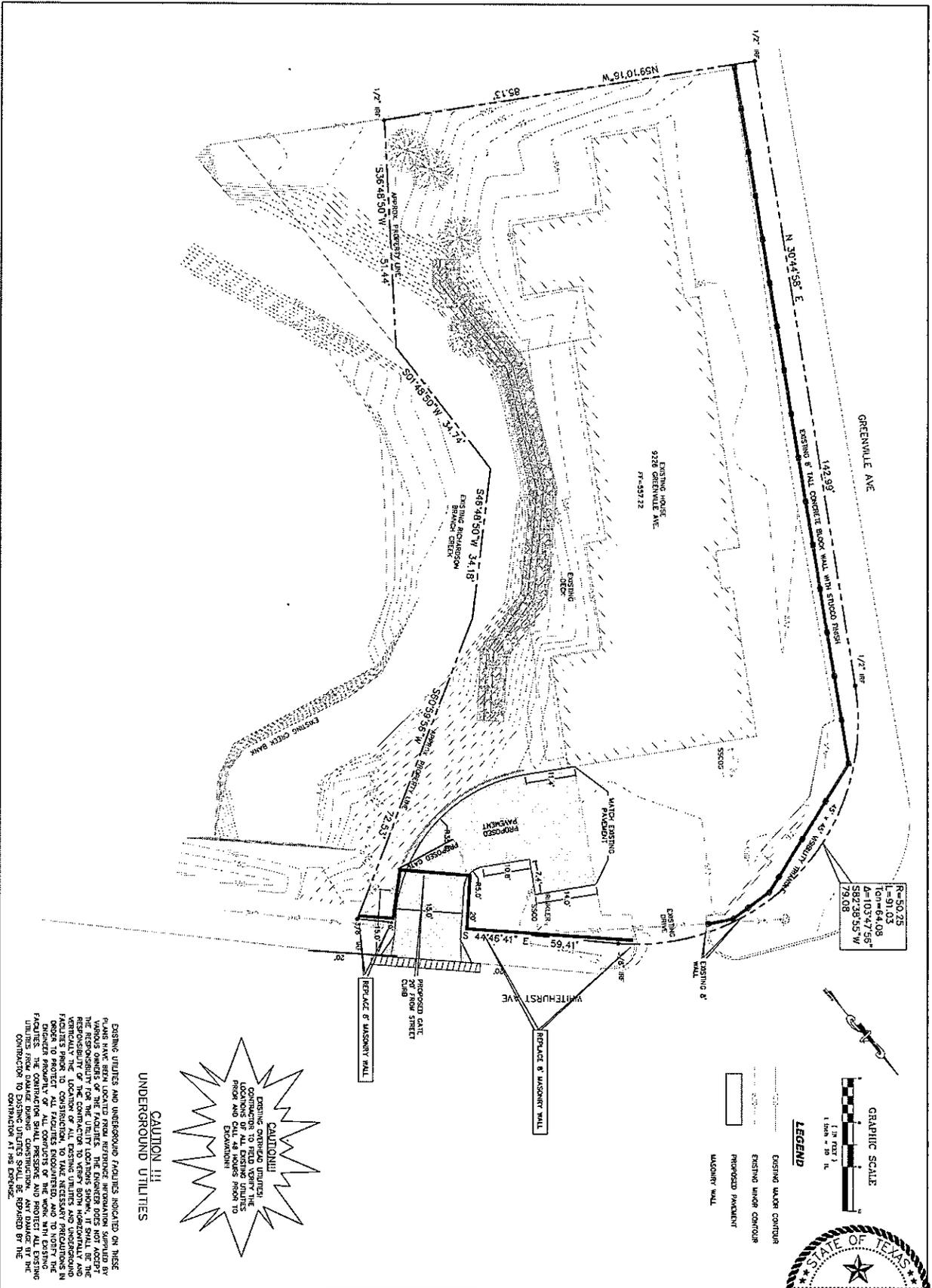
Base Zoning



Floodplain

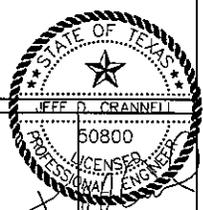
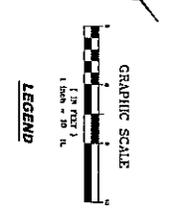
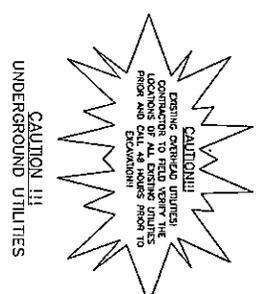


Pedestrian Overlay



CAUTION!!!
 UNDERGROUND UTILITIES

EXISTING UTILITIES AND UNDERGROUND FACILITIES INDICATED ON THESE PLANS HAVE BEEN LOCATED FROM INFORMATION SUPPLIED BY VARIOUS OWNERS OF THE FACILITIES. THE ENGINEER DOES NOT ACCEPT RESPONSIBILITY FOR THE LOCATION OF ALL EXISTING UTILITIES AND UNDERGROUND FACILITIES FROM TO CONSTRUCTION TO OAK NECESSARY PRECAUTIONS IN FACILITIES. THE CONTRACTOR SHALL PRESERVE AND PROTECT ALL EXISTING UTILITIES AND UNDERGROUND FACILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CONTRACTOR TO EXISTING UTILITIES SHALL BE REPAIRED BY THE CONTRACTOR AT HIS DISCRETION.



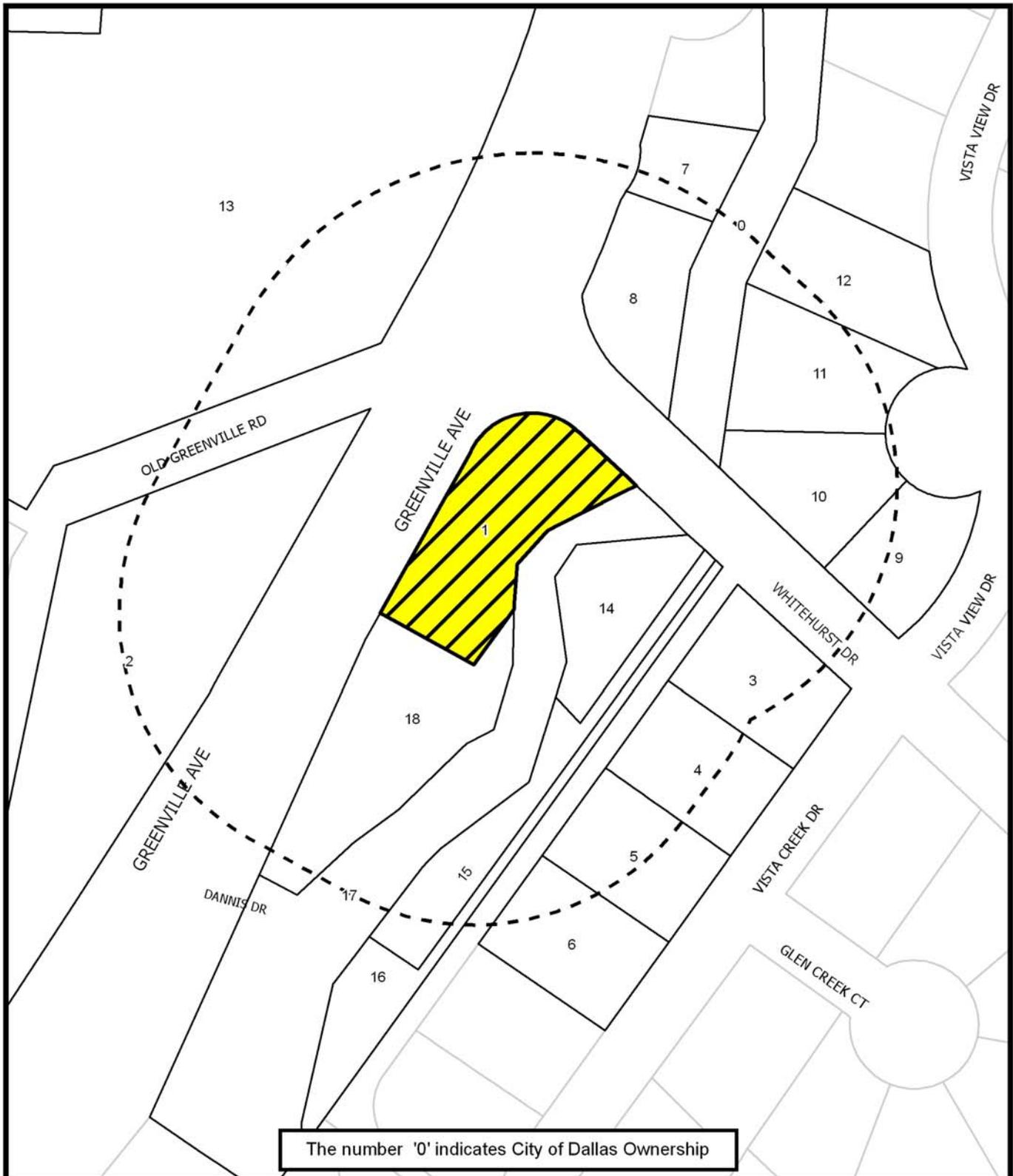
REVISION	
DATE	
BY	
SCALE	
NOTES	
SHEET	7
TOTAL	7

ZONING VARIANCE PLAN

JAMES BELL
9226 GREENVILLE AVENUE
THE CITY OF DALLAS, TEXAS

Engineering Corporation
P.O. BOX 295429
Lewisville, Texas 75057

Ph: (972) 691-6633 Fax: (972) 691-6628
 TBPE FIRM #505



The number '0' indicates City of Dallas Ownership



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

18

NUMBER OF PROPERTY OWNERS NOTIFIED

Map no: **E-8**

Case no: **BDA101-074**

DATE: July 19, 2011

Notification List of Property Owners

BDA101-074

18 Property Owners Notified

Label #	Address	Owner
1	9226 GREENVILLE	BELL JAMES
2	9239 GREENVILLE	TEXAS STATE OF
3	9004 VISTA CREEK	COULSON CYNTHIA L & RICK A
4	9010 VISTA CREEK	BAIN JAMES & ANGELINE
5	9016 VISTA CREEK	FISHER DAVID C & LIMBAGA DUNCAN L
6	9020 VISTA CREEK	HINES NORMAN P III & GAYLYNN
7	9316 GREENVILLE	UN KASAI
8	9308 GREENVILLE	MCGEE DAVID A & LIZBETH M
9	8901 VISTA VIEW	BERTRAND JANA R
10	8905 VISTA VIEW	TIMMINS FRANK & SHERRIE
11	8909 VISTA VIEW	ELSAYED ADEL S & NADA A
12	8915 VISTA VIEW	ROWLAND HARRY E JR & CAROLYNE E
13	9303 GREENVILLE	YMCA OF METROPOLITAN DALLAS
14	9016 WHITEHURST	DABOUB VEDAH & CHARLES H DABOUB
15	9160 GREENVILLE	BAXAVANIS NICHOLAS
16	9140 GREENVILLE	DANNIS CHARLES G & ANN B
17	9200 GREENVILLE	SULLIVAN DEVELOPMENT CO INC %CHARLES G DANNIS
18	9180 GREENVILLE	BERNAL CAESAR & STEPHANIE

FILE NUMBER: BDA 101-063

BUILDING OFFICIAL'S REPORT:

Application of Shaun Feltner for special exceptions to the fence height and visual obstruction regulations at 3821 San Jacinto Street. This property is more fully described as Lot 23 in City Block 641 and is zoned PD-298, Subarea 8, which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct/maintain a 6 foot high fence, which will require a special exception of 2 feet to the fence height regulations, and to locate/maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

LOCATION: 3821 San Jacinto Street

APPLICANT: Shaun Feltner

REQUESTS:

- The following appeals have been made in this application on a site that is currently being developed with a townhome development:
 1. a special exception to the fence height regulations of 2' is requested in conjunction with constructing and maintaining a 6' high open iron picket fence/gates to be located in the front yard setback; and
 2. special exceptions to the visual obstruction regulations are requested in conjunction with locating and maintaining a 6' high open iron picket fence/gates and vehicles that could potentially be parked in four 20' visibility triangles at two drive approaches into the site from San Jacinto Street.

STAFF RECOMMENDATION (fence height special exceptions):

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.

STAFF RECOMMENDATION (visual obstruction special exceptions):

Denial

Rationale:

- The Sustainable Development and Construction Department Project Engineer recommends denial of these requests.
- The applicant has not substantiated how the location of the proposed items in the 20' visibility triangles at the two drive approaches into the site does not constitute a traffic hazard.

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.

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

The Board shall grant a special exception to the requirements of the visual obstruction regulations when, in the opinion of the Board, the item will not constitute a traffic hazard.

GENERAL FACTS (fence height special exception):

- PD No. 298 states that for all residential uses, maximum fence height in the required front yard is four feet.
The applicant had submitted a revised site plan and revised elevation indicating that the proposal in the required front yard setback reaches a maximum height of 6'.
- The following additional information was gleaned from the submitted revised site plan:
 - The proposed fence located in the front yard setback is over 4' in height and is approximately 165' in length parallel to the street.
 - The proposed fence is shown to be located on the front property line or about 9' from the curb line.
- No single family home "fronts" to the proposed fence on the subject site.
- The Board Administrator conducted a field visit of the site and surrounding area and noted the following fences above four (4) feet high which appeared to be located in a front yard setback (note that the heights described below are approximations):
 1. a 6.5' high solid metal fence immediately east of the site with no recorded BDA history; and
 2. a 6.5' high solid metal fence immediately southwest of the site with no recorded BDA history.
- A revised site plan and revised elevation have been submitted that shows a "6' open iron picket fence" and gates located in four 20' visibility triangles at

the two drive approaches into the site from San Jacinto Street (see Attachment A).

- On August 5, 20100, the applicant submitted photos of the site and surrounding area (see Attachment B).

GENERAL FACTS (visual obstruction special exceptions):

- The Dallas Development Code states the following with regard to visibility triangles: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45-foot visibility triangles at intersections on properties in all zoning districts except central area districts, the Deep Ellum/Near Eastside District, State-Thomas Special Purpose District, and 20-foot visibility triangles at drive approaches on properties in all zoning districts); and
 - between 2.5 – 8 feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).

A revised site plan and revised elevation have been submitted that shows a “6’ open iron picket fence” and what would potentially be portions of parked vehicles located in four 20’ visibility triangles at the two drive approaches into the site from San Jacinto Street (see Attachment A).

- On August 5, 20100, the applicant submitted photos of the site and surrounding area (see Attachment B).

BACKGROUND INFORMATION:

Zoning:

Site: PD No. 298 (Planned Development)
North: PD No. 298 (Planned Development)
South: PD No. 298 (Planned Development)
East: PD No. 298 (Planned Development)
West: PD No. 298 (Planned Development)

Land Use:

The subject site is developed with a townhome development. The areas to the north, east, south, and west are developed with a mix of residential and nonresidential 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 2, 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 B.
- June 23, 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.
- July 13, 2011: The applicant forwarded additional information 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 “Recommends that this be denied” with the following comments: “Inadequate information provided. Gates need to be 40 feet (or at least 20’) from the street curb, no mention of automatic openers, fire access, or blocking the parking space. Did this shared access development have a plat and engineering plans?”

August 5, 2011: The applicant forwarded additional information beyond what was submitted with the original application (see Attachment B).

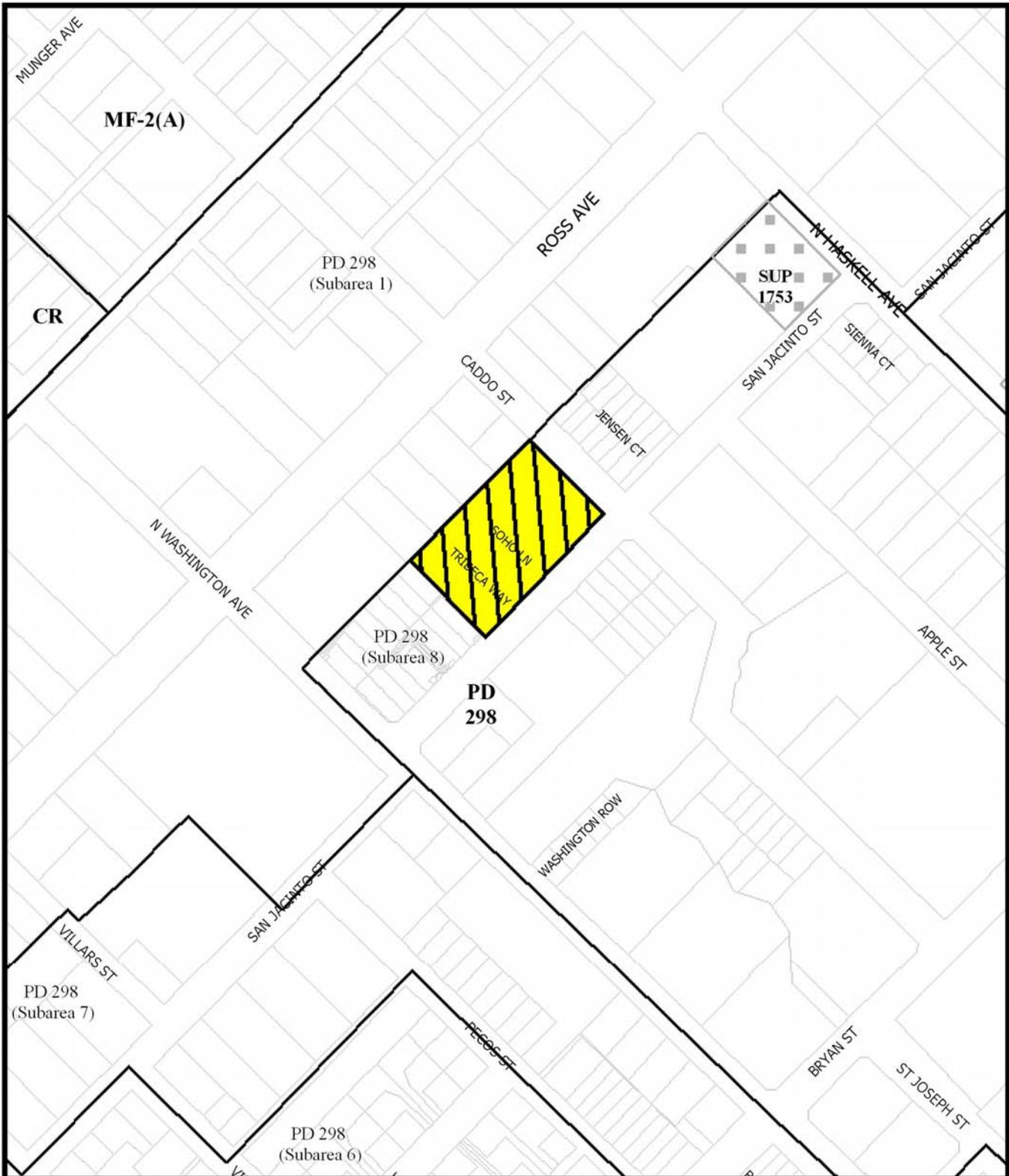
STAFF ANALYSIS (related to the fence height special exception):

- This request focuses on constructing and maintaining a 6' high open iron picket fence and gates to be located in the front yard setback on a site developed with a townhome development.
- The submitted revised site plan and revised elevation documents the location, height, and materials of the fence over 4' in height in the required front yard. The site plan shows the proposal to be approximately 165' in length parallel to the street, and approximately on the front property line or about 9' from the curb line. The revised elevation denotes that the fence is to be 6' in height and open iron pickets.
- No single family home "fronts" to the proposed fence on the subject site.
- The Board Administrator conducted a field visit of the site and surrounding area and noted the following fences above four (4) feet high which appeared to be located in a front yard setback (note that the heights described below are approximations):
 1. a 6.5' high solid metal fence immediately east of the site with no recorded BDA history; and
 2. a 6.5' high solid metal fence immediately southwest of the site with no recorded BDA history.
- 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 2' will not adversely affect neighboring property.
- Granting this special exception of 2' with a condition imposed that the applicant complies with the submitted revised site plan and revised elevation would provide assurance that the proposal exceeding 4' in height in the required front yard would be constructed and maintained in the location and of the height and material as shown on these documents.
- Note that if the board were to grant this request and impose the submitted revised site plan and revised elevation as a condition, but deny any/all of the requests for the special exceptions to the visual obstruction regulations, notations would be made of such action on the submitted plans whereby the location of the items in the visibility triangles would not be "excepted."

STAFF ANALYSIS (visual obstruction special exceptions):

- The requests for special exceptions to the visual obstruction regulations focus on locating and maintaining a 6' high open iron picket fence/gates and vehicles that could potentially be parked in four 20' visibility triangles at two drive approaches into the site from San Jacinto Street.

- The Sustainable Development and Construction Department Project Engineer recommends denial of this request commenting: “Inadequate information provided. Gates need to be 40 feet (or at least 20’) from the street curb, no mention of automatic openers, fire access, or blocking the parking space.”
- The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations to locate and maintain a 6’ high open iron picket fence and potentially portions of parked vehicles in four 20’ drive approach visibility triangles into the site from San Jacinto Street will not constitute a traffic hazard.
- If the Board chooses to grant any or all of these requests, subject to compliance with the submitted revised site plan and revised elevation, the items shown on these documents (in this case, open iron picket fence and parked vehicles) would be “excepted” into the 20’ drive approach visibility triangles.
- Note that if the board were to grant any or all of these requests and impose the submitted revised site plan and revised elevation as a condition, but deny the request for a special exception to the fence height regulations, notations would be made of such action on the submitted plans whereby any fence in a front yard setback higher than 4’ would not be “excepted.”



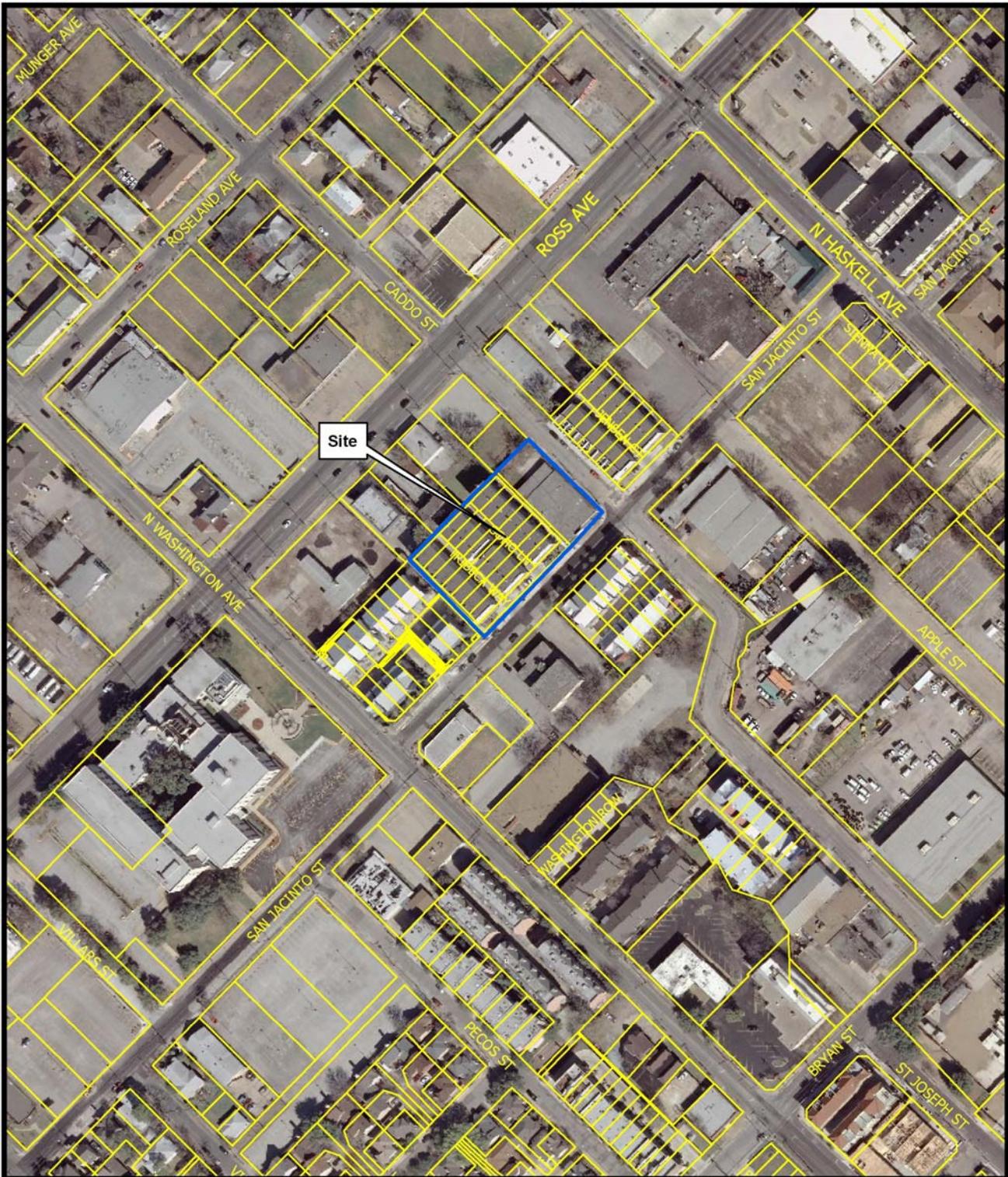
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ZONING MAP

Map no: I-7, I-8

Case no: BDA101-063

DATE: July 19, 2011



1:2,400

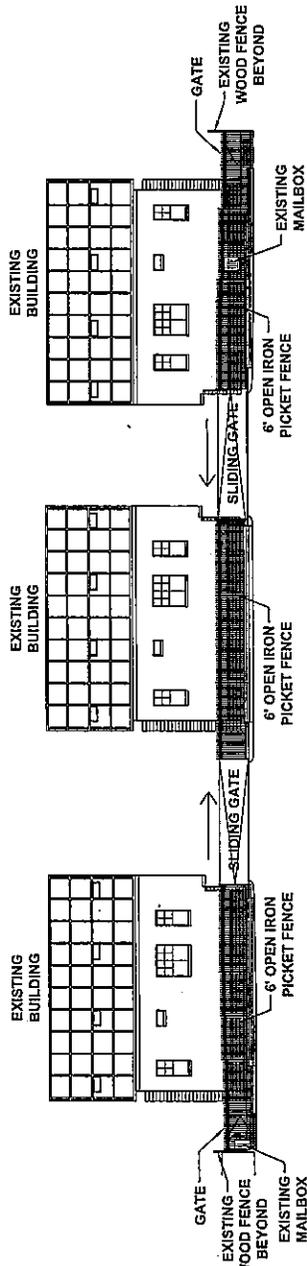
AERIAL MAP

Map no: I-7, I-8

Case no: BDA101-063

DATE: July 19, 2011

SCALE: 1" = 20'-0"
January 26, 2011

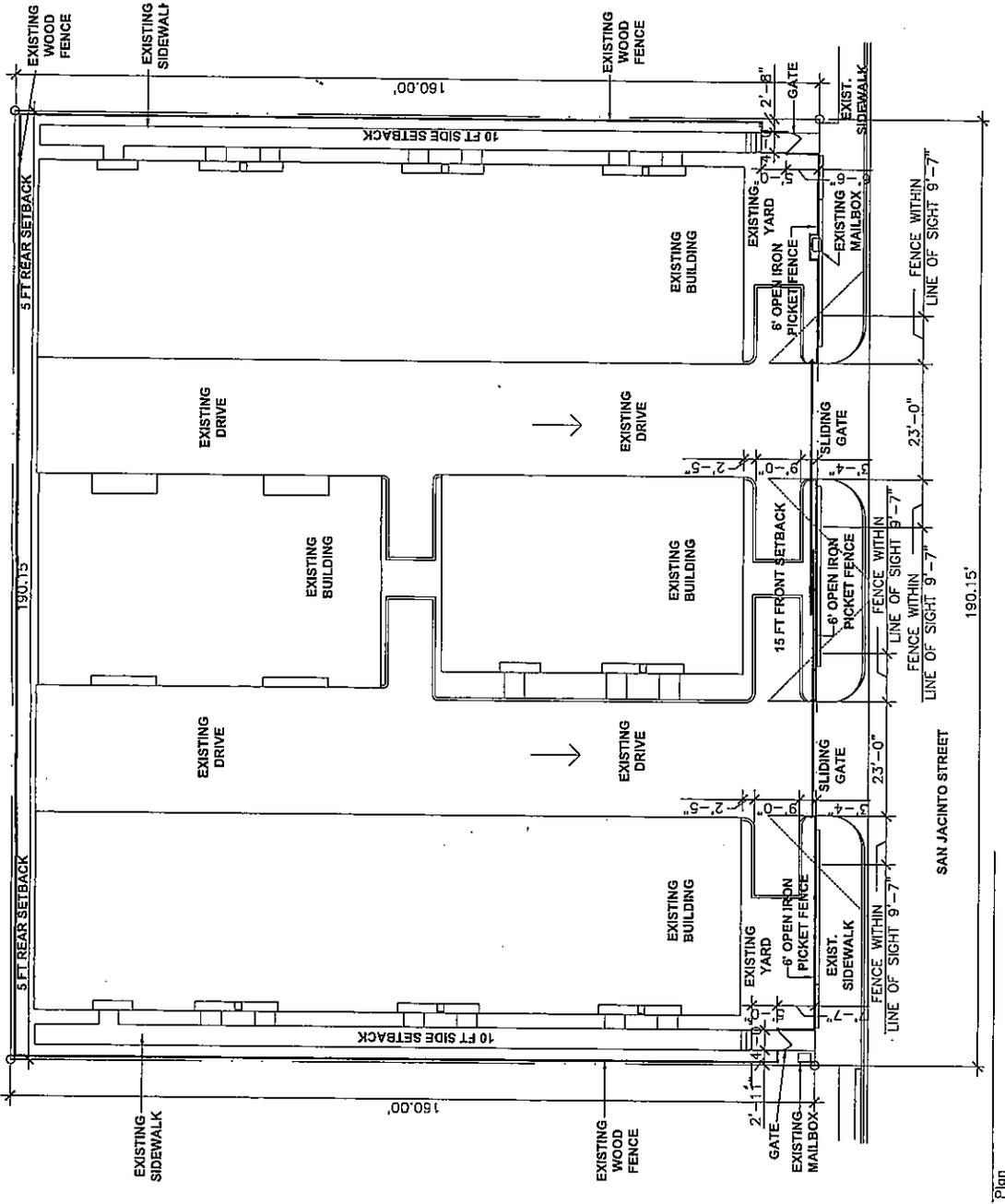


ZONING: PD 286 BRYAN AREA, SUBAREA 8
 FRONT YARD: 5' MINIMUM
 SIDE YARD: NONE REQUIRED, 10' MINIMUM IF PROVIDED
 REAR YARD: 5' MINIMUM

Street Elevation

SAN JACINTO LOFT TOWNHOMES - PROPOSED FENCE
Dallas, Texas

SCALE: 1"=20'-0"
 January 26, 2011



Plan

SAN JACINTO LOFT TOWNHOMES - PROPOSED FENCE
 Dallas, Texas



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-063

Date: 5/2/11

Data Relative to Subject Property:

Location address: 3821 San Jacinto St. Zoning District: PD298(sub 28)

W.D. T.C.

Lot No.: 23 Block No.: 641 Acreage: .119 Census Tract: 16.00

Street Frontage (in Feet): 1) 190' 2) 3) 4) 5)

To the Honorable Board of Adjustment :

5827

Owner of Property/or Principal: San Jacinto Lofts

Applicant: Shawn Feltner Telephone: 972 989 6253

Mailing Address: 1610 Tribeca Way Zip Code: 75204

Represented by: Telephone:

Mailing Address: Zip Code:

Affirm that a request has been made for a Variance or Special Exception of visibility triangle at driveway and special exceptions of 2' to the fence height in the front yard

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 fence will not affect neighboring properties in anyway. The fence is a wrought iron scroll style fence it will not interfere with any vision while pulling onto the street. This special exception being granted will also help with the concerns for security of the property.

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.

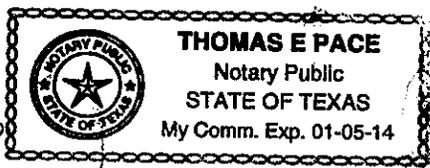
Respectfully submitted: Shawn Feltner Applicant's name printed [Signature] Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared SHAWN FELTNER 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 2 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 **SHAUN FELTNER**
did submit a request for a special exception to the visibility obstruction regulation, and for a special exception to the fence height regulation
at 3821 San Jacinto Street

BDA101-063. Application of Shaun Feltner for a special exception to the visibility obstruction regulation and the fence height regulation at 3821 San Jacinto Street. This property is more fully described as Lot 23 in city block 641 and is zoned PD-298 (Subarea 8), which requires a 20 foot visibility triangle at driveway approaches and limits all residential uses to a maximum 4 foot fence height in the required front yard. The applicant proposes to construct a fence in required visibility obstruction triangles which will require a special exception to the visibility obstruction regulation and erect a 6 foot high fence in the required front yard which will require a 2 foot special exception to the fence height regulation.

Sincerely,

Batsheba Antebi
Batsheba Antebi, Building Official

OT 2
 K 1/642
 SUBDIVISION OF
 CK 642
 7, PG. 361
 D.C.T.

LOT 21
 BLOCK 1/642
 W.H. KNOX'S SUBDIVISION OF
 BLOCK 642
 VOL. 277, PG. 361
 M.R.D.C.T.

T 1
 1/642
 SUBDIVISION OF
 K 642
 , PG. 361
 D.C.T.

R US, INC.
 , PG. 2992
 D.C.T.

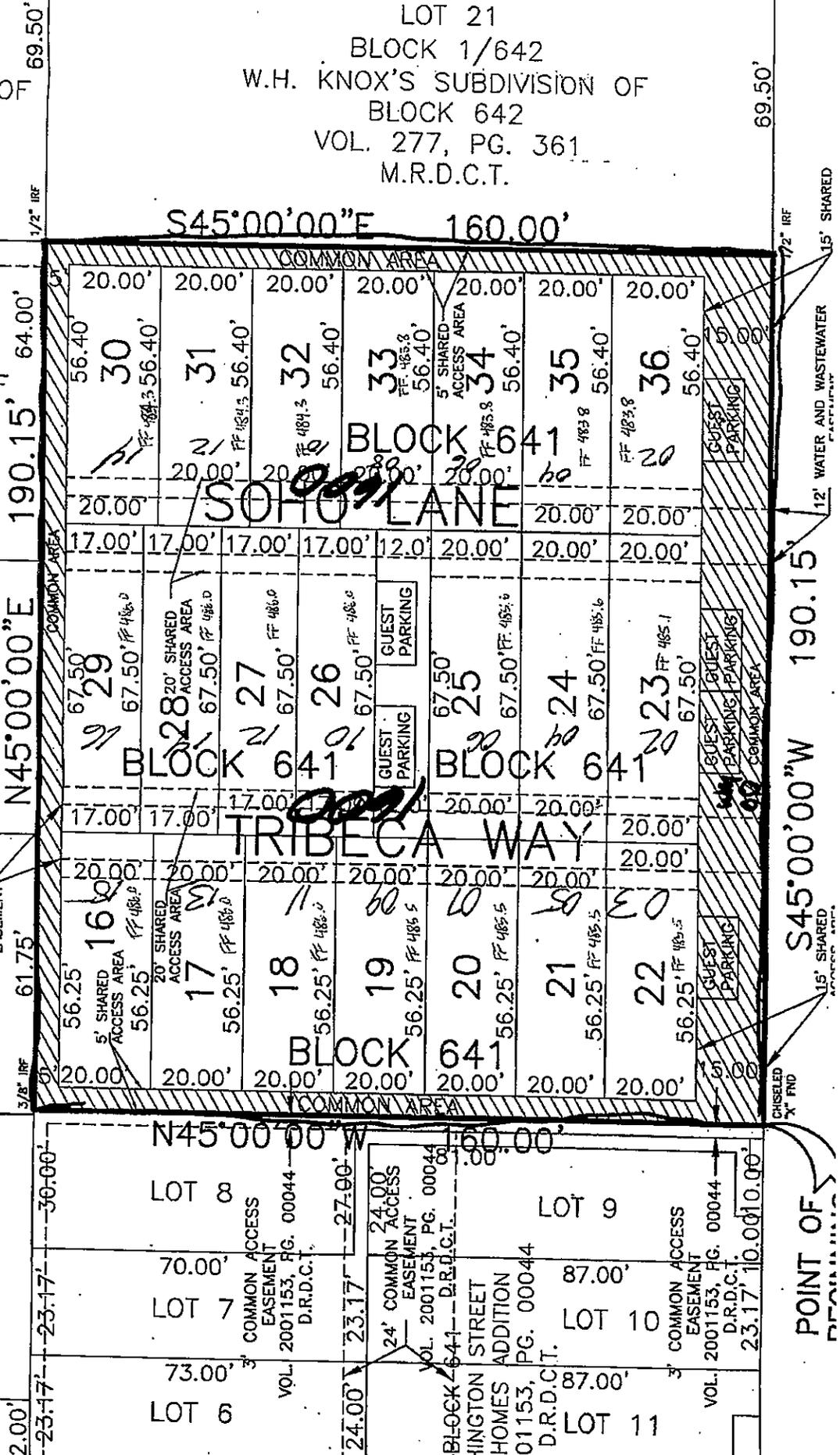
CT 4
 145.00'

R US, INC.
 , PG. 2992
 D.C.T.

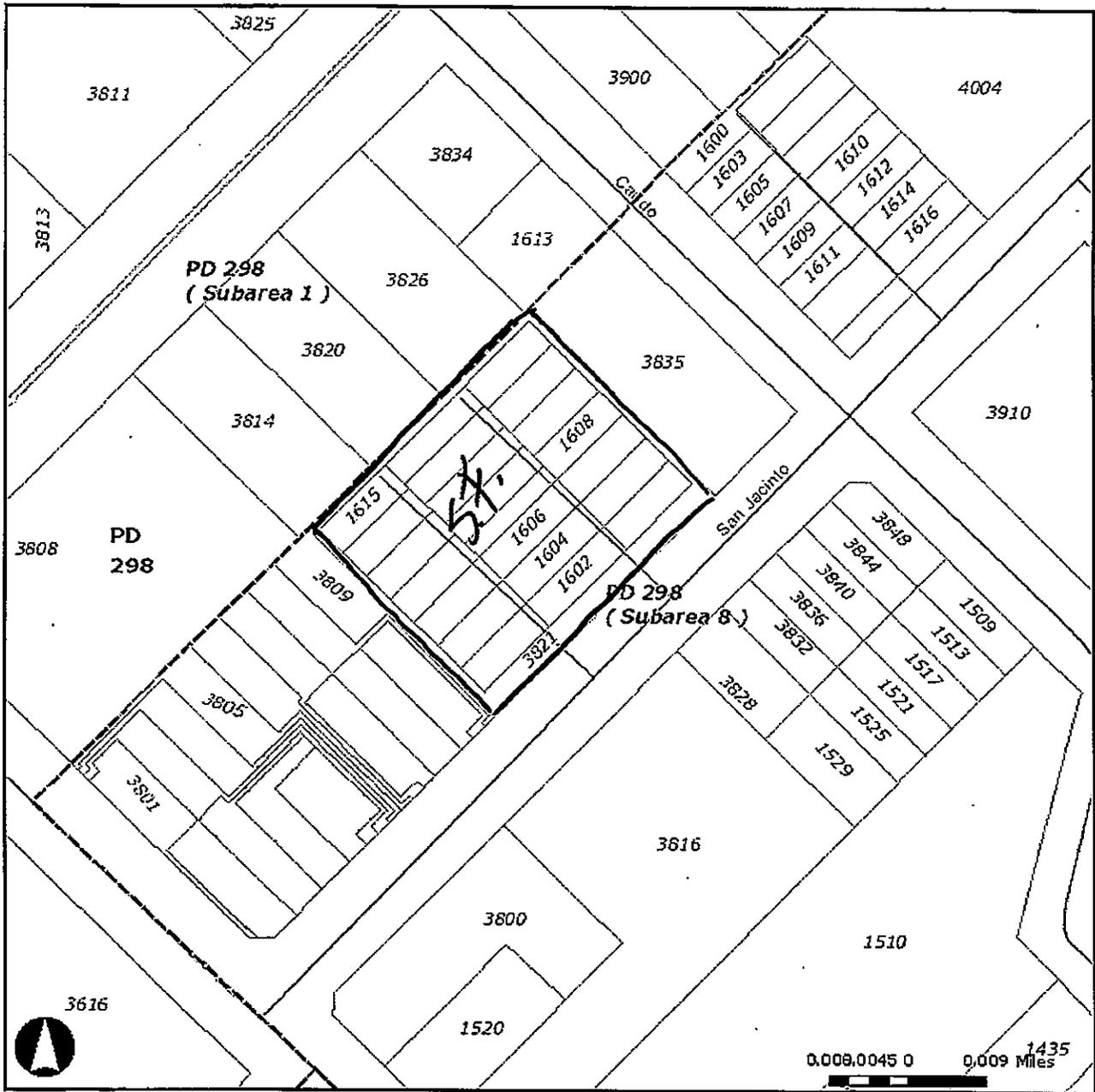
T 3

641
 ENTS, LTD.
 PG. 2514
 C.T.

2
 145.00'
 50.00'
 < 641



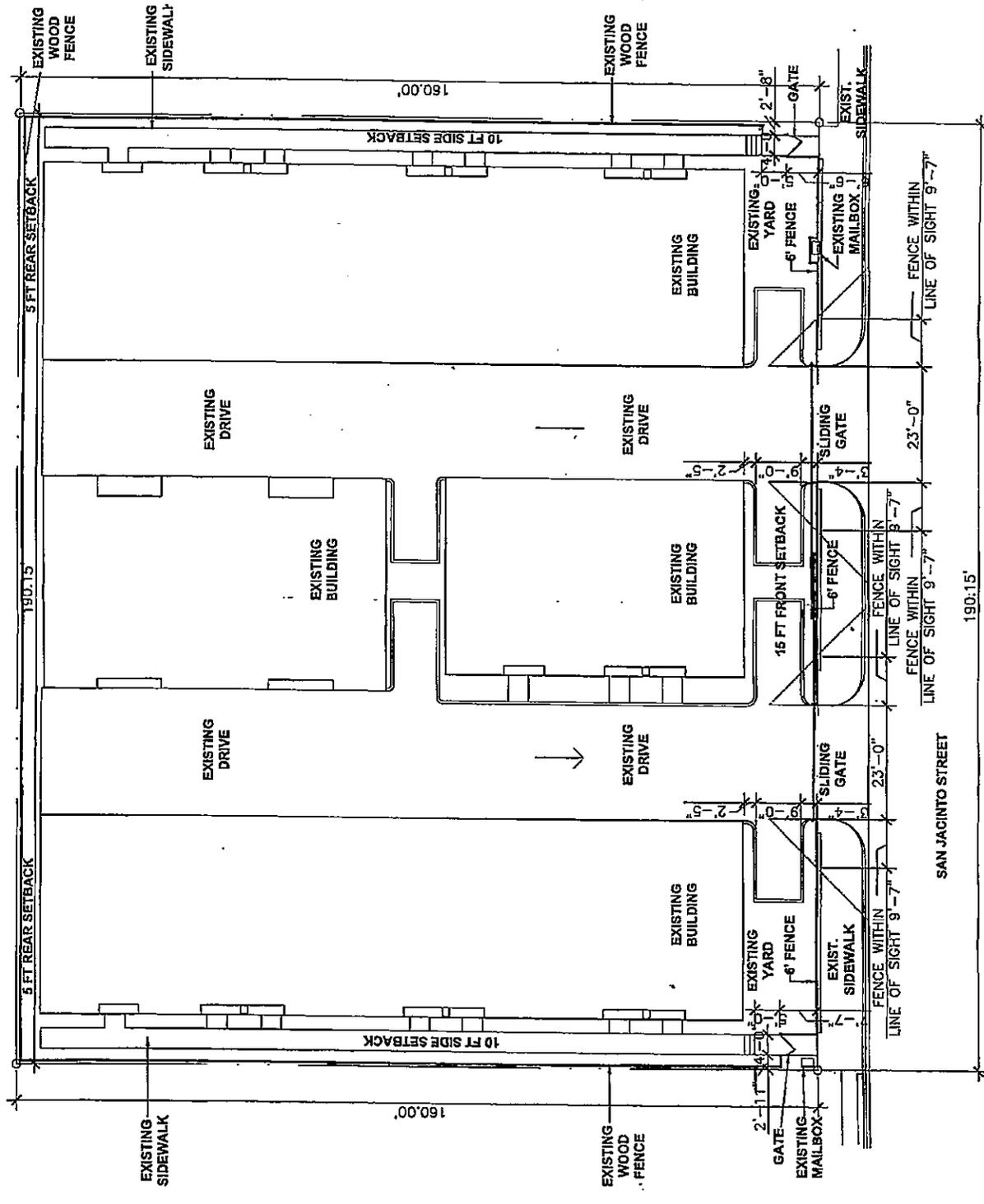
City of Dallas Zoning



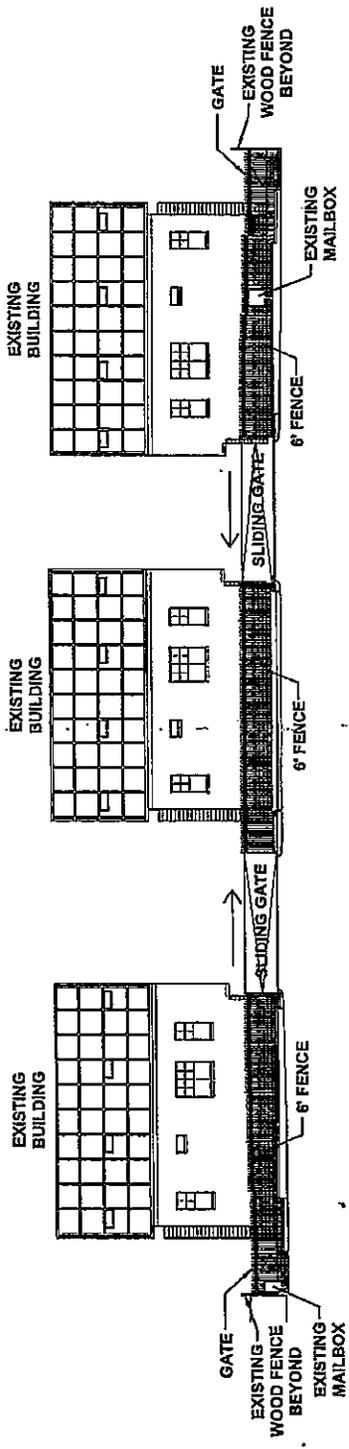
- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways

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

- PD193 Oak Lawn
- PDS Subdistricts
- Base Zoning
- Pedestrian Overlay
- CP
- SP
- Environmental Corridors

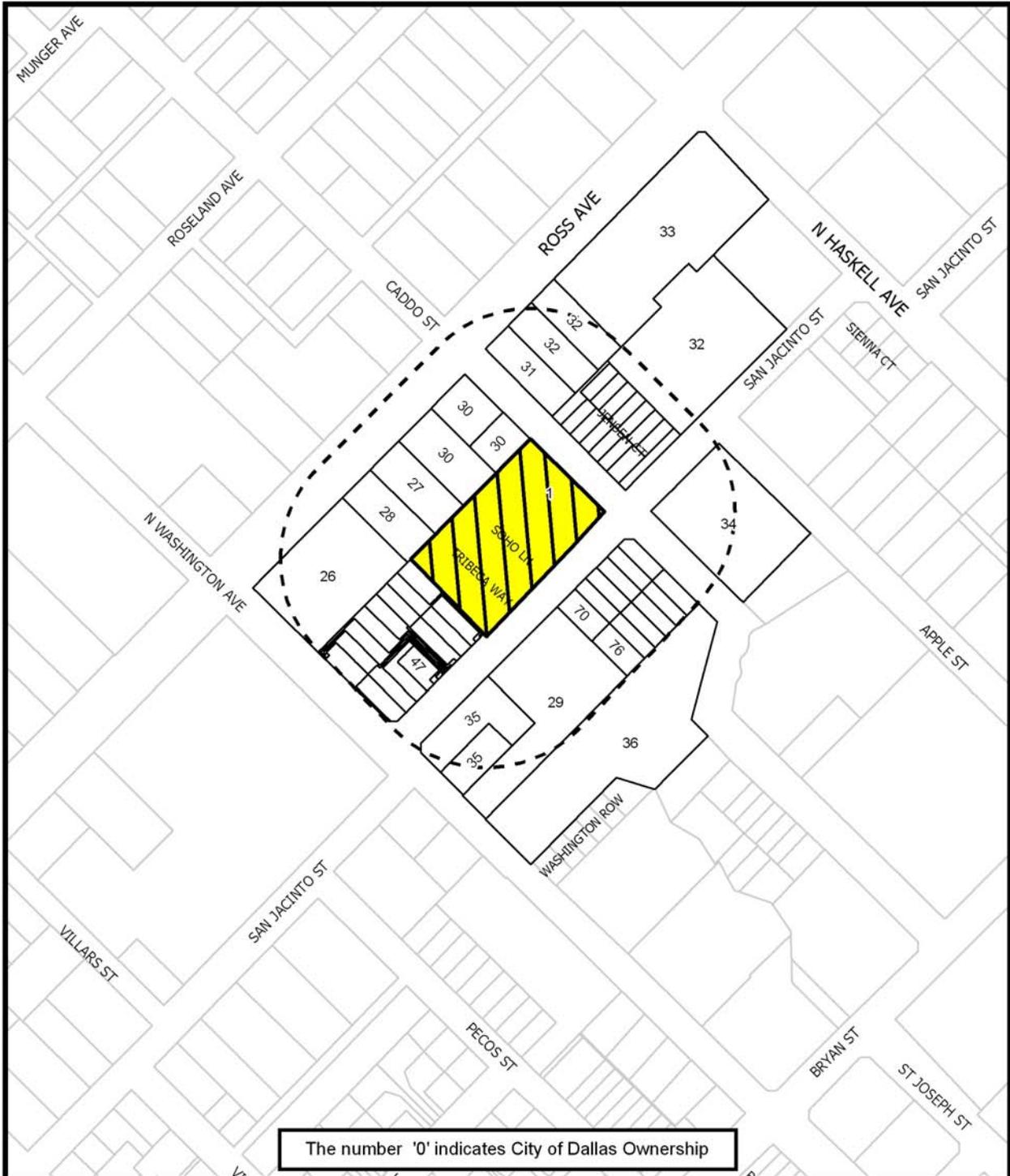


Plan



ZONING: PD 288 BRYAN AREA, SUBAREA 8
 FRONT YARD: 5' MINIMUM
 SIDE YARD: NONE REQUIRED, 10' MINIMUM IF PROVIDED
 REAR YARD: 5' MINIMUM

Street Elevation



 1:2,400	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td>200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td>76</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	76	NUMBER OF PROPERTY OWNERS NOTIFIED	Map no: <u> I-7, I-8 </u> Case no: <u> BDA101-063 </u>
200'	AREA OF NOTIFICATION					
76	NUMBER OF PROPERTY OWNERS NOTIFIED					

DATE: July 19, 2011

Notification List of Property Owners

BDA101-063

76 Property Owners Notified

Label #	Address	Owner
1	3835 SAN JACINTO	SAN JACINTO CADDO LTD
2	3817 SAN JACINTO	SAN JACINTO URBAN LOFTS
3	3821 SAN JACINTO	SAN JACINTO URBAN LOFTS LP
4	3809 SAN JACINTO	ANGLIN RONALD G
5	1615 TRIBECA WAY	MCGILVREY ROBERT D & MELISSA M
6	1613 TRIBECA WAY	DAWKINS LASHEY
7	1611 TRIBECA WAY	MAE FANNIE
8	1609 TRIBECA WAY	TING SING TOH
9	1607 TRIBECA WAY	CANFIELD RYAN
10	1605 TRIBECA WAY	BOLIN KYLA
11	1603 TRIBECA WAY	DAVIS ERIC W
12	1602 TRIBECA WAY	ISKANDER JOHN H
13	1604 TRIBECA WAY	LEE JINEI
14	1606 TRIBECA WAY	ARAIZA OSCAR A
15	1610 TRIBECA WAY	FELTNER ISABELA
16	1612 TRIBECA WAY	HARTWIG BONNIE BOSE
17	1614 TRIBECA WAY	WHEELER DEONDRA L
18	1616 TRIBECA WAY	BRIGGS JOHN
19	1614 SOHO	FEDERAL NATL MTG ASSOC
20	1612 SOHO	LEIGHTON KIMBERLY J
21	1610 SOHO	DELGADO RICHARD A III
22	1608 SOHO	SANCHEZ CHRISTIAN
23	1606 SOHO	PATEL RUPAL
24	1604 SOHO	AGGEN GEORGE T
25	1602 SOHO	VILICANA JOSE RAMOS & ISMAEL RAMOS
26	3808 ROSS	JCJ INVESTMENTS LTD % JEWELL JOYCE
27		3820 ROSS TAN GEORGE ESTATE OF
28	3814 ROSS	ELDEN GORDON W
29	3816 SAN JACINTO	HECHO WORLD WIDE INC

30	3834	ROSS	SARKIS J KECHEJIAN TRUST
31	3900	ROSS	OUTLAW DR MARY K
32	4004	ROSS	ROSS AVE WAREHOUSE LP STE 300
33	4004	ROSS	ROSS AVE RETAIL LLC ATTN DAVID E CLAASSEN
34	3910	SAN JACINTO	AT & T CORP
35	3800	WASHINGTON	AKP REALTY LLC
36	1510	WASHINGTON	CADDO WASHINGTON DEVELOPMENT LLC SUITE 230
37	3801	SAN JACINTO	IRVIN GILBERT
38	3805	SAN JACINTO	HUSSEINI RAWAN M UNIT A
39	3805	SAN JACINTO	LAMBETH ERIC
40	3805	SAN JACINTO	MARSHALL WILLIAM UNIT C
41	3805	SAN JACINTO	ATRASH AMER H APT D
42	3805	SAN JACINTO	RAUSCH ERIC T
43	3809	SAN JACINTO	SPERLICH ROLAND
44	3809	SAN JACINTO	DOYLE ARICK & KARLA CONTRERAS
45	3809	SAN JACINTO	MCCORD SHANNON
46	3809	SAN JACINTO	GRAYSON ERIC
47	3801	SAN JACINTO	WEBSTER TIMOTHY P & JULIE WEBSTER
48	3801	SAN JACINTO	CURTIS BEN E III
49	3801	SAN JACINTO	CRAWFORD CARRELL & NORA # C
50	3801	SAN JACINTO	JOHNSON STEVEN S & JULIE
51	1600	CADDO	SAN JACINTO URBAN LOFTS STE 350
52	1616	JENSEN	FANNIE MAE
53	1614	JENSEN	LEAL BENJAMIN JESUS &
54	1612	JENSEN	HEMMI CHRISTINE
55	1610	JENSEN	KUZOV ALFRED & CANDICE KUZOV
56	1606	JENSEN	KOHLI RAJAN S
57	1604	JENSEN	LEWIS BILLY C
58	1602	JENSEN	FIDLER JAMES
59	1613	JENSEN	PIONTKOWSKY DAVID
60	1611	JENSEN	HYDE CHRISTOPHER LEE & SARAH DAWN
61	1609	JENSEN	RODI NICOLE
62	1607	JENSEN	CASTELLANOS LUIS A

63	1605	JENSEN	LEPORI LISA
64	1603	JENSEN	STOCKMOE ELIZABETH D
65	3848	SAN JACINTO	SKINNER CLARISSA RENEE & CHARLES W BRANHAM III
66	3844	SAN JACINTO	SPENCE DAVID A &
67	3840	SAN JACINTO	DOUGLAS LANCE
68	3836	SAN JACINTO	CHAN TEE
69	3832	SAN JACINTO	FRANKOVICH DAVID R
70	3828	SAN JACINTO	ERVIN CHRISTOPHER ESPINOZA
71	1509	CADDO	HOOPS HALEY S
72	1513	CADDO	PROTHRO KATHRYN REAGAN
73	1517	CADDO	LARSON GEORGE D TR
74	1521	CADDO	FOLLOWILL MARK D
75	1525	CADDO	ZUCHOWSKI MICHAEL L
76	1529	CADDO	BRAZILL JEFFREY D &