

**BOARD OF ADJUSTMENT, PANEL A
PUBLIC HEARING MINUTES
DALLAS CITY HALL, COUNCIL CHAMBERS
TUESDAY, JUNE 15, 2010**

MEMBERS PRESENT AT BRIEFING: Rob Richmond, Chair, Jordan Schweitzer, Panel Vice-Chair, Ben Gabriel, regular member, Steve Harris, regular member and Scott Housel, regular member

MEMBERS ABSENT FROM BRIEFING: No one

STAFF PRESENT AT BRIEFING: Steve Long, Board Administrator, Bert Vandenberg, Asst. City Attorney, Donnie Moore, Chief Planner, Todd Duerksen, Development Code Specialist, and Trena Law, Board Secretary

MEMBERS PRESENT AT HEARING: Rob Richmond, Chair, Jordan Schweitzer, Panel Vice-Chair, Ben Gabriel, regular member, Steve Harris, regular member and Scott Housel, regular member

MEMBERS ABSENT FROM HEARING: No one

STAFF PRESENT AT HEARING: Steve Long, Board Administrator, Bert Vandenberg, Asst. City Attorney, Donnie Moore, Chief Planner, Todd Duerksen, Development Code Specialist, and Trena Law, Board Secretary

11:00 A.M. The Board of Adjustment staff conducted a briefing on the Board of Adjustment's **June 15, 2010** docket.

1:01 P.M.

The Chairperson stated that no action of the Board of Adjustment shall set a precedent. Each case must be decided upon its own merits and circumstances, unless otherwise indicated, each use is presumed to be a legal use. Each appeal must necessarily stand upon the facts and testimony presented before the Board of Adjustment at this public hearing, as well as the Board's inspection of the property.

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel A **May 18, 2010** public hearing minutes.

BOARD OF ADJUSTMENT ACTION: JUNE 15, 2010

MOTION: Schweitzer

I move **approval** of the Tuesday, **May 18, 2010** public hearing minutes as amended.

SECONDED: Gabriel

AYES: 5 – Richmond, Schweitzer, Gabriel, Harris, Hounsel

NAYS: 0 -

MOTION PASSED: 5– 0 (unanimously)

FILE NUMBER: BDA 090-073

BUILDING OFFICIAL'S REPORT:

Application of Alan R. Winn for a special exception to the fence height regulations at 10806 Camellia Drive. This property is more fully described as Lot 3 in City Block 4/5500 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 6 inch high fence which will require a special exception of 5 feet 6 inches.

LOCATION: 10806 Camellia Drive

APPLICANT: Alan R. Winn

REQUEST:

- A special exception to the fence height regulations of 5' 6" is requested in conjunction with constructing and maintaining an 8' high, solid wood board-on-board fence/wall to be located atop an existing 16" high retaining wall in the site's 35' front yard setback along Royal Lane on a site developed with a single family home. (No

portion of this request is to construct/maintain a fence in the site's Camellia Drive 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 northeast corner of Camellia Drive and Royal Lane. Even though the Camellia Drive frontage of the subject site functions as its front yard and the Royal Lane frontage functions as its side yard, the subject site has two 35' front yard setbacks along both streets – a 35' front yard setback along Camellia Drive (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 35' front yard setback along Royal Lane (the longer of the two frontages of this corner lot which would typically be regarded as a side yard where a 9' high fence could be maintained by right but deemed a front yard nonetheless in order to maintain the continuity of the established front yard setbacks established by the lots east of the site that front/are oriented southward onto Royal Lane.
- 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/partial fence elevation document indicating that the proposal in the 35' Royal Lane front yard setback is proposed to reach a maximum height of 9' 6". (No fence is proposed to be constructed/maintained in the subject site's 35' Camellia Drive front yard setback).
- The revised site plan indicates the location of the proposal in the site's Royal Lane front yard setback. The following additional information was gleaned from this revised site plan:
 - The proposal would be approximately 100' in length parallel to Royal Lane and approximately 35' in length perpendicular to Royal Lane on the east and west sides of the site in the front yard setback.
 - The proposed fence/wall in the required front yard setback is shown to be located approximately 1' away from the front property line or about 9' from the Royal Lane pavement line.

- The proposal is located on the site where two single family homes would “front” the fence, neither which have fences in their front yard setbacks.
- The Board Administrator conducted a field visit of the site and surrounding area and noted two fences/walls above 4’ in height along Royal Lane on lots immediately west and southwest of the subject site. Both of these fences/walls appeared to be approximately 8’ – 9’ in height, whereby the fence located southwest of the site appearing to be a result of an approved fence height special exception by the Board of Adjustment in 1984 – BDA84-258.
- On June 2 and 4, 2010, the applicant submitted additional information beyond what was submitted with the original application (see Attachment A). This information included the following:
 - a revised site plan/partial elevation; and
 - petitions/letters/emails from 18 neighbors/owners.

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

Zoning/BDA History:

1. BDA 84-258, Property at 10767 Camelia Drive (the lot immediately southwest of the subject site)

On July 24, 1984, the Board of Adjustment granted a request for a variance to the fence height regulations and a variance to the front yard setback regulations. The minutes stated that staff had recommended approval of both variances with the basis being: “The existing house is located closer to the street than the proposed pool. The proposed fence is similar to other fences along Royal Lane and is needed to screen out the adjacent shopping center and traffic along Northwest Highway.

Timeline:

April 30, 2010: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

May 11, 2010: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

May 14, 2010: The Board Administrator left a phone message with the applicant providing him with the following information:

- the public hearing date and panel that will consider the application; the May 27th deadline to submit additional evidence for staff to factor into their analysis; and the June 4th 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 1, 2010: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, 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 relayed the following concerns to the Board Administrator and the applicant: This is a front yard along Royal Lane. The fence height is measured from the top of the fence to the level of the ground on the inside and outside of any fence within the required front yard. The fence height shall be the greater of these two measurements. It appears from the submitted materials and site photos that the applicant proposes an 8' fence atop (what appears to be) a 1' retaining wall. The fence height is a combination of the two on the outside, or a 9' high fence; there appears to be a drive approach on Royal Lane so the applicant would have to provide visibility triangles on either side of that drive approach (...or eliminate the drive approach.) Currently the 1' high retaining wall is located in this drive approach's visibility triangles, but it is less than 30" in height and does not interfere with the visibility triangle.

June 2 & 4, 2010: The applicant submitted petitions signed by owners/neighbors in support of his request, and a revised site plan/elevation in response to the Building Inspection Senior Plans Examiner/Development Code Specialist's concerns mentioned above (see Attachment A).

(The revised plan triggered a revised Building Official's Report – see Attachment B).

June 4, 2010

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: "No objection to extra fence height. Must still comply with all C.O.D visibility requirements."

STAFF ANALYSIS:

- The request focuses on constructing and maintaining an 8' high, solid wood board-on-board fence/wall to be located atop an existing 16" high retaining wall in the site's 35' front yard setback along Royal Lane on a site developed with a single family home.
- The proposed fence/wall that is the issue of this request is to be located on a site that has two front yard setbacks – one front yard setback on Camellia Drive (where no fence is existing over 4' in height or proposed); the other front yard setback on Royal Lane (where the proposed fence/wall is that is the issue of this request is to be located– a fence/wall that reaches 9' 6" at its highest point).
- Even though the site's Royal Lane frontage functions as its side/rear yard, and is the longer of the two street frontages of the corner lot which is typically a side yard where a 9' high fence can be built by right, the site's Royal Lane frontage is deemed a front yard nonetheless in order to maintain the continuity of the established front yard setbacks established by the lots east of the site that front/are oriented southward onto Ferndale Road.
- A revised scaled site plan/partial elevation document has been submitted documenting the location of the proposed fence/wall relative to the Royal Lane property line/pavement line, the length of the proposal relative to the entire lot, and the proposed building materials. The proposed fence/wall is shown to be located approximately 1' from the property line or about 9' from the pavement line of Royal Lane. The proposal is shown to be about 100' long parallel to Royal Lane and about 35' in length perpendicular to Royal Lane on both sides of the site in the front yard setback.
- The proposal is located on the site where two single family homes would "front" the fence/wall, neither which have fences in their front yard setbacks.
- Two approximately 8' – 9' high wood fences were noted in a field visit of the site and surrounding area. These two fences/walls were noted along Royal Lane on the lots immediately west and southwest of the subject site. Both of these fences/walls appeared to be approximately 8' – 9' in height, whereby the fence located southwest of the site appearing to be a result of an approved fence height special exception by the Board of Adjustment in 1984 – BDA84-258.
- As of June 7, 2010, 18 signatures had been submitted on petitions/letters/emails in support of the application, and no letters or emails had been submitted in opposition.

- The applicant has the burden of proof in establishing that the special exception to the fence height regulations (whereby the proposal that would reach 9' 6" in height) will not adversely affect neighboring property.
- Granting this special exception of 5' 6" with a condition imposed that the applicant complies with the submitted revised site plan/elevation would assure that the proposal would be completed and maintained in the location and of the heights and materials as shown on this document.

BOARD OF ADJUSTMENT ACTION: JUNE 15, 2010

APPEARING IN FAVOR: No one

APPEARIN IN OPPOSITION: No one

MOTION: **Schweitzer**

I move that the Board of Adjustment grant application **BDA 090-073** listed on the uncontested docket because it appears, from our evaluation of the property and all relevant evidence, that the application satisfies all the requirements of the Dallas Development Code or appropriate PD as applicable, and are consistent with its general purpose and intent of the Code or PD. I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code.

- Compliance with the submitted revised site plan/partial elevation is required.

SECONDED: **Gabriel**

AYES: 5 – Richmond, Schweitzer, Gabriel, Harris, Hounsel

NAYS: 0 -

MOTION PASSED: 5– 0 (unanimously)

FILE NUMBER: BDA 090-074

BUILDING OFFICIAL'S REPORT:

Application of Lisa Lieberman, represented by Dean Smith Architect, for a variance to the front yard setback regulations at 9908 Rockbrook Drive. This property is more fully described as Lot 14A in City Block 5543 and is zoned R-1ac(A) which requires a front yard setback of 40 feet. The applicant proposes to construct and maintain a structure and provide a 10 foot front yard setback which will require a variance of 30 feet.

LOCATION: 9908 Rockbrook Drive

APPLICANT: Lisa Lieberman
Represented by Dean Smith Architect

REQUEST:

- A variance to the front yard setback regulations of 30' is requested in conjunction with constructing and maintaining a two-vehicle "auto shelter" structure on a site developed with a single family home, all of which would be located in one of the site's two 40' front yard setbacks (Meadowood Road).

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-1ac(A) in that it has two 40' front yard setbacks- most residentially-zoned lots have one front yard setback. In addition to there being two front yard setbacks, the site at approximately 62,800 square feet (or 1.44 acres) in area is not substantially larger than the standard sized lot in the R-1ac(A) zoning district. The applicant has shown how the proposed development in the site's Meadowood Road front yard setback is to allow development commensurate with the development found on parcels of land in the same zoning - the applicant has submitted a table that shows that the house on the subject site currently has about 10,600 square feet of living area with a 3 car garage while the average living area of 21 other homes on Rockbrook Drive and Meadowood Road is about 9,800 square feet with a 5.2 car garage.
- Granting the variance does not appear to be contrary to the public interest in that: 1) the structure would be in compliance with the required 10' side yard setback if the corner lot/site's longer frontage along Meadowood Road could be deemed a side yard setback (the lot immediately east of the site oriented southward to Meadowood Road creates a situation where the continuity of its one and only front yard setback must be maintained along the subject site's Meadowood Road frontage to where it meets its other front yard setback on Rockbrook Drive); 2) the proposed structure in the site's Meadowood Road frontage will be barely visible from Meadowood Road given the significant foliage on the site, part of which must be maintained in conjunction with a previous fence height special exception granted on the site in February of 2002: BDA 012-139; and 3) the site's Meadowood Road frontage "reads" very much as a side yard setback given the development on the subject site, and the separation of the site from the properties/lots to the east where the Meadowood Road frontage originates from by an alley.

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:

- (A) the variance is 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) the variance is 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) the variance is 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-1ac(A) are required to provide a minimum front yard setback of 40'. The site is located at the northeast corner of Rockbrook Drive and Meadowood Road. Even though the Meadowood Road frontage of the subject site functions as its side yard and the Rockbrook Drive frontage functions as its front yard, the subject site has two 40' front yard setbacks along both streets – a 40' front yard setback along Rockbrook Drive (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 40' front yard setback along Meadowood Road (the longer of the two frontages of this corner lot which would typically be regarded as a side yard but deemed a front yard nonetheless in order to maintain the continuity of the established front yard setbacks established by the lots east of the site that front/are oriented southward onto Meadowood Road.
A scaled site plan and elevation document has been submitted denoting a “proposed auto shelter” structure with a “glass canopy connector” structure that is located 10' from the Meadowood Road front property line (or 30' into the 40' front yard setback). (No encroachment is proposed in the site’s Rockbrook Drive 40' front yard setback).
- According to calculations taken by the Board Administrator from the submitted site plan, the area of the proposed “auto shelter” structure to be located in the site’s Meadowood Road 40' front yard setback is approximately 460 square feet in area or approximately 8 percent of the approximately 6,000 square foot building footprint.
- According to DCAD records, the site is developed with the following:
 - a structure built in 1999 that is in “very good” condition with 10,596 square feet of living area;
 - a 1,338 square foot attached garage;
 - a 720 square foot cabana;
 - a tennis court, and
 - a pool.
- The subject site is zoned R-1ac(A), is flat, rectangular in shape (approximately 465' x 135'), and approximately 62,800 square feet (or 1.44 acres) in area where lots are typically 43,560 square feet or 1 acre in area. The site has two 40' front yard setbacks. Most residentially-zoned lots have one front yard setback.

- The applicant's representative submitted information beyond what was submitted with the original application (see Attachment A). This information included the following:
 - a table "showing inequity of protected automobile spaces on neighboring properties verses 9908 Rockbrook;"
 - photos of the site and neighboring area.

BACKGROUND INFORMATION:

Zoning:

Site: R-1 (A) (Single family district 1 acre)
North: R-1 (A) (Single family district 1 acre)
South: R-1 (A) (Single family district 1 acre)
East: R-1 (A) (Single family district 1 acre)
West: R-1 (A) (Single family district 1 acre)

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:

1. BDA 078-089, Property located at 9908 Rockbrook Drive (the subject site)

On June 27, 2008, the Board of Adjustment Panel A granted requests for a special exception to the fence height regulations of 6', a special exception to the side yard fence height regulations of 1', and a variance to the side yard setback regulations of 7' and imposed the following condition: compliance with the submitted revised site plan and elevation is required. site/fence elevation plan and landscape The case report stated that the special exceptions to the *front* yard fence height regulations of 6' and to the *side* yard fence height regulations of 1' were requested in conjunction with constructing and maintaining a 10' high black metal fence with black chain link fabric in the site's 40' Meadowood Road front yard setback, and in the site's 10' northern and eastern side yard setbacks; and that the variance to the side yard setback regulations of 7' was requested in conjunction with constructing and maintaining three light poles/two basketball

goals for a recreation court in the site's eastern 10' side yard setback on a site developed with a single family home.

2. BDA 012-139, Property located at 9908 Rockbrook Drive (the subject site)

On February 26, 2002, the Board of Adjustment Panel A granted a request for a special exception to the fence height regulations of 2' 6" and imposed the following conditions: compliance with the submitted site/fence elevation plan and landscape plan is required, and the existing landscaping (hedge) shall remain in place along the entire length of the 6' high vinyl coated (black) cyclone fence along Meadowood Road, or when needed must be replaced and retained with minimum 6' height at maturity such that the entire length of the fence will not be visible from the Meadowood Road. The case report stated that the request was made in conjunction with constructing and maintaining a "6'-0" high vinyl coated (black) cyclone fence" in the Meadowood Road front yard to replace, according to a notation on a submitted site plan, a "6'-6" high existing galvanized cyclone fence."

3. BDA 045-265, Property located at 9863 Rockbrook Drive (the lot immediately west of the subject site)

On August 15, 2005, the Board of Adjustment Panel C granted a request to the special exception to the fence height regulations of 4' and imposed the following condition: Compliance with the revised submitted site plan/fence elevation/wall elevation is required. The case report stated that the request was made to "compliment the fence by maintaining 8'-00" in height brick wall in south corner of property with existing brick caps; 6'-00" in height wrought iron gate will be installed between existing columns; construct alley fence with max. height of 8'-00".

4. BDA034-178, Property located at 9863 Rockbrook Drive (the lot immediately west of the subject site)

On April 18, 2005, the Board of Adjustment Panel C denied a request to the fence height regulations of 4' without prejudice. The case report stated that the request was made to

construct a 6'-high decorative wrought iron fence with 6'-6" high masonry columns, and 6'-high wrought iron entry gates in the required Rockbrook Drive and Meadowood Road front yard setbacks; and maintaining a portion of an existing 8' high masonry wall in the Rockbrook Drive front yard setback.

- 5. BDA034-177, Property located at 9863 Rockbrook Drive (the lot immediately west of the subject site)

On April 18, 2005, the Board of Adjustment Panel C granted a request for a variance to the front yard setback regulations of 23 feet, and imposed the following conditions: 1) compliance with the submitted site/landscape plan and elevation is required; and 2) relocation of the air conditioning units outside a required setback. The case report states that variances were requested to maintain an approximately 700 square foot portion of a two-story single family home, and to add an a/c unit both either located or to be located in the Meadowood Road front yard setback.

- 6. BDA023-138, Property located at 9863 Rockbrook Drive (the lot immediately west of the subject site)

On April 19, 2004, the Board of Adjustment Panel C denied a request for a variance to the front yard setback regulations of 23 feet without prejudice. The staff had recommended that the board grant the request, subject to compliance with the submitted site plan. The case report states that variances to the front yard setback regulations were requested to maintain an approximately 700 square foot portion of a two-story single family home, and to add an a/c unit both either located or to be located in the Meadowood Road front yard setback.

Timeline:

- April 30, 2010: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- May 11, 2010: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A. 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.”

May 12, 2010: 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 May 27th deadline to submit additional evidence for staff to factor into their analysis; and the June 4th 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 1, 2010: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, 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.

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

June 4, 2010 The applicant’s representative submitted additional information to the Board Administrator (see Attachment A).

June 4, 2010 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: “Must comply with all C.O.D visibility requirements.”

STAFF ANALYSIS:

- This request focuses on constructing and maintaining an “auto shelter” structure on a site developed with a single family home, all of which would be located in one of the site’s two 40’ front yard setbacks (Meadowood Road). (The applicant’s representative has submitted a partial site plan indicating that the proposed auto shelter would cover two vehicles on a site that is currently developed with a single family home with an attached three-car garage).
- The “auto shelter” 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 Rockbrook Drive (where no structure is proposed to be located in); the other front yard setback on Meadowood Road (where the proposed structure that is the issue of this request

is to proposed to be located– an “auto shelter”/porte cochere/carport structure that is located as close as 10’ from the Meadowood Road front property line or as much as 30’ into this 40’ front yard setback).

- Even though the site’s Meadowood Road frontage functions as its side/rear yard, and is the longer of the two street frontages of the corner lot which is typically a side yard where a 10’ side yard setback is required (and where the proposed structure would comply if it were a side yard), the site’s Meadowood Road frontage is deemed a front yard nonetheless in order to maintain the continuity of the established front yard setbacks established by the lots east of the site that front/are oriented southward onto Meadowood Road.
- According to calculations taken by the Board Administrator from the submitted site plan, the area of the proposed “auto shelter” structure to be located in the site’s Meadowood Road 40’ front yard setback is approximately 460 square feet in area or approximately 8 percent of the approximately 6,000 square foot building footprint.
- According to DCAD records, the site is developed with the following:
 - a structure built in 1999 that is in “very good” condition with 10,596 square feet of living area;
 - a 1,338 square foot attached garage;
 - a 720 square foot cabana;
 - a tennis court, and
 - a pool.
- The applicant’s representative has submitted a table that indicates that the house on the subject site has about 10,600 square feet of living area with a 3 car garage. This table shows that the average living area of 21 other homes on Rockbrook and Meadowood is about 9,800 square feet with a 5.2 car garage.
- The subject site is zoned R-1ac(A), is flat, rectangular in shape (approximately 465’ x 135’), and approximately 62,800 square feet (or 1.44 acres) in area where lots are typically 43,560 square feet or 1 acre in area. The site has two 40’ front yard setbacks. Most residentially-zoned lots have one front yard setback.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the Meadowood Road 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-1ac(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-1ac(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 approximately 460 square foot “auto shelter” structure located as close as 10’ from the Meadowood Road front property line (or as much as 30’ into this 40’ front yard setback).

BOARD OF ADJUSTMENT ACTION: JUNE 15, 2010

APPEARING IN FAVOR: No one

APPEARIN IN OPPOSITION: No one

MOTION: **Schweitzer**

I move that the Board of Adjustment grant application **BDA 090-074** listed on the uncontested docket because it appears, from our evaluation of the property and all relevant evidence, that the application satisfies all the requirements of the Dallas Development Code or appropriate PD as applicable, and are consistent with its general purpose and intent of the Code or PD. I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code.

- Compliance with the submitted plan is required.

SECONDED: **Gabriel**

AYES: 5 – Richmond, Schweitzer, Gabriel, Harris, Hounsel

NAYS: 0 -

MOTION PASSED: 5– 0 (unanimously)

MOTION: **Harris**

I move to adjourn this meeting.

SECOND: **Hounsel**

AYES: 5– Richmond, Schweitzer, Gabriel, Harris, Hounsel

NAYS: 0 -

MOTION PASSED: 5– 0 (unanimously)

1:05 P.M. - Board Meeting adjourned for **June 15, 2010.**

CHAIRPERSON

BOARD ADMINISTRATOR

BOARD SECRETARY

Note: For detailed information on testimony, refer to the tape retained on file in the Department of Planning and Development.