

ZONING BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, SEPTEMBER 19, 2012
AGENDA

BRIEFING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET	11:30 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, August 15, 2012 Board of Adjustment Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA 112-087	4931 Allencrest Lane REQUEST: Application of Jennifer Paschall for a special exception to the fence height regulations	1
BDA 112-090	4833 Walnut Hill Lane REQUEST: Application of Rob Baldwin for a special exception to the fence height regulations	2
BDA 112-091	6109 Orchid Lane REQUEST: Application of Clyde R. Lee, represented by Michael Warner, for special exceptions to the fence height regulations and visual obstruction regulations	3

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]

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel August 15, 2012 public hearing minutes.

FILE NUMBER: BDA 112-087

BUILDING OFFICIAL'S REPORT:

Application of Jennifer Paschall for a special exception to the fence height regulations at 4931 Allencrest Lane. This property is more fully described as Lot 12 in City Block F/6394 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/maintain a 5 foot 6 inch high fence, which will require a special exception of 1 foot, 6 inches.

LOCATION: 4931 Allencrest Lane

APPLICANT: Jennifer Paschall

REQUEST:

- A special exception to the fence height regulations of 1' 6' is requested in conjunction with constructing and maintaining a 5' 6" high open wrought iron picket fence in the site's Nashwood Lane 30' required front yard on a site developed with a single family home. (No part of this application is made to construct and/or maintain a fence higher than 4' in the site's Allencrest Lane required front yard).

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.

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.

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:

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

Timeline:

July 9, 2012: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

August 16, 2012: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

August 16, 2012: 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 29th deadline to submit additional evidence for staff to factor into their analysis; and the September 7th 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 30 &

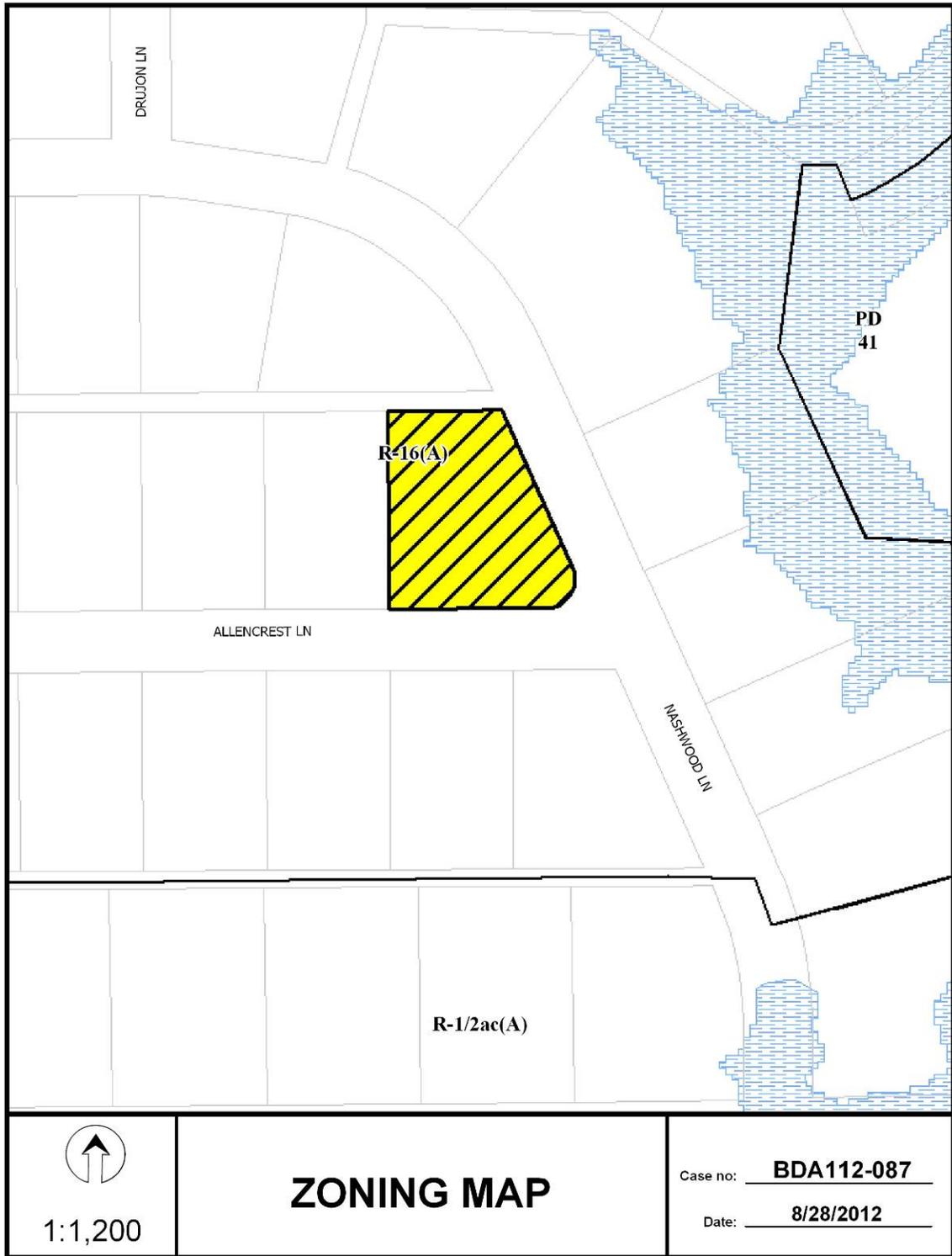
September 7, 2012: The applicant submitted additional information beyond what was submitted with the original application (see Attachments A and B).

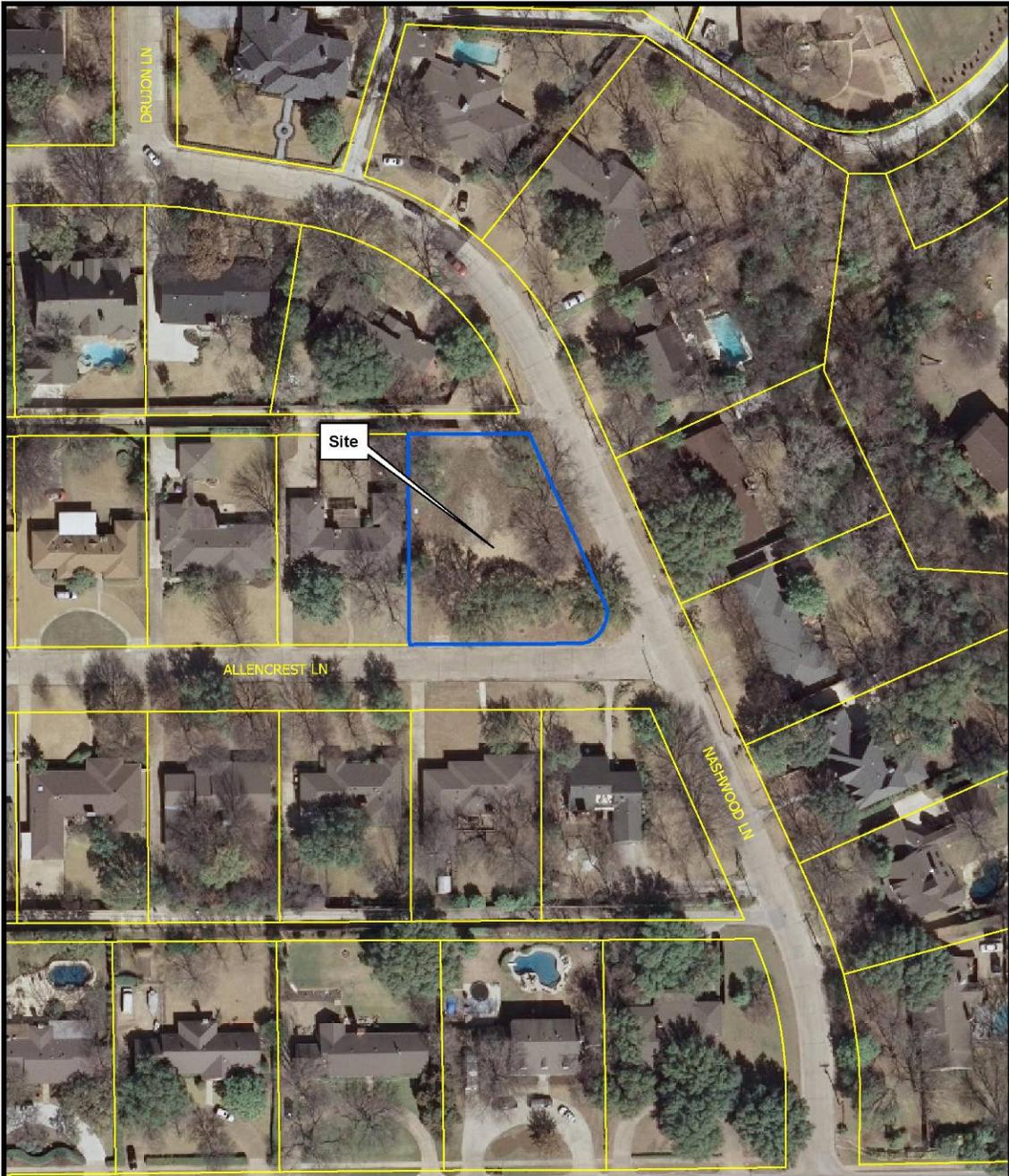
September 4, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for September public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, Building Inspection Chief Planners, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

GENERAL FACT /STAFF ANALYSIS:

- This request focuses on constructing and maintaining a 5' 6" high open wrought iron picket fence in the site's Nashwood Lane 30' required front yard on a site developed with a single family home.
- The subject site is a corner lot zoned R-16(A) with two street frontages of unequal distance. The site is located at the northwest corner of Allencrest Lane and Nashwood Lane. Even though the Allencrest Lane frontage appears to function as its front yard and the Nashwood Lane frontage appears to function as its side yard, the subject site has two required front yards created by platted building lines: a 45' required front yard along Allencrest Lane and a 30' required front yard along Nashwood Lane.
- The site's Allencrest Lane frontage is a required front yard since it is the shorter of the two frontages which is always deemed the front yard setback on a corner lot of unequal frontage distance in a single family zoning district. The site's Nashwood Lane frontage is a required front yard since the continuity of the established front yard setback along this street created by one lot north fronting this street must be maintained – a front yard that carries across the Nashwood Lane side of the site to where it meets Allencrest Lane. (If it were not for the one lot north of the subject site, this longer street frontage on the site would be deemed a side yard where a 9' high fence can be constructed/maintained per code).
- The Dallas Development Code states that a person shall not erect or maintain a fence in a required yard more than 9' above grade, and additionally states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The applicant has submitted a revised site plan (see Attachment A) and a partial elevation that shows the proposal in the Nashwood Lane required front yard reaching a maximum height of 5' 6".
- The following additional information was gleaned from the submitted revised site plan:
 - Approximately 110' in length parallel to Nashwood Lane (and approximately 15' in length perpendicular on the north and south sides of the site in the required front yard), approximately 15' from the Nashwood Lane front property line/pavement line where one home would have direct/indirect frontage to the proposal.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other *front yard* fences higher than 4' were noted in the immediate area. However, a fence higher than 4' was noted immediately south– a fence about 6' in height that appears to be located in this property's side yard.
- As of September 10, 2012, 16 letters had been submitted to staff in support of the request and no letters had been submitted 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 5' 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 and elevation would require the proposal exceeding 4' in height in the Nashwood Lane required front yard to be

constructed/maintained in the location and of the heights and materials as shown on these documents.





1:1,200

AERIAL MAP

Case no: BDA112-087

Date: 8/28/2012

4931 Allencrest Lane

Being Lot 12, Block F/6394, of Forestcrest Estates, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 29, Page 103, Map Records of Dallas County, Texas.



Hexter-Fair
First American Title



BDA 112-087

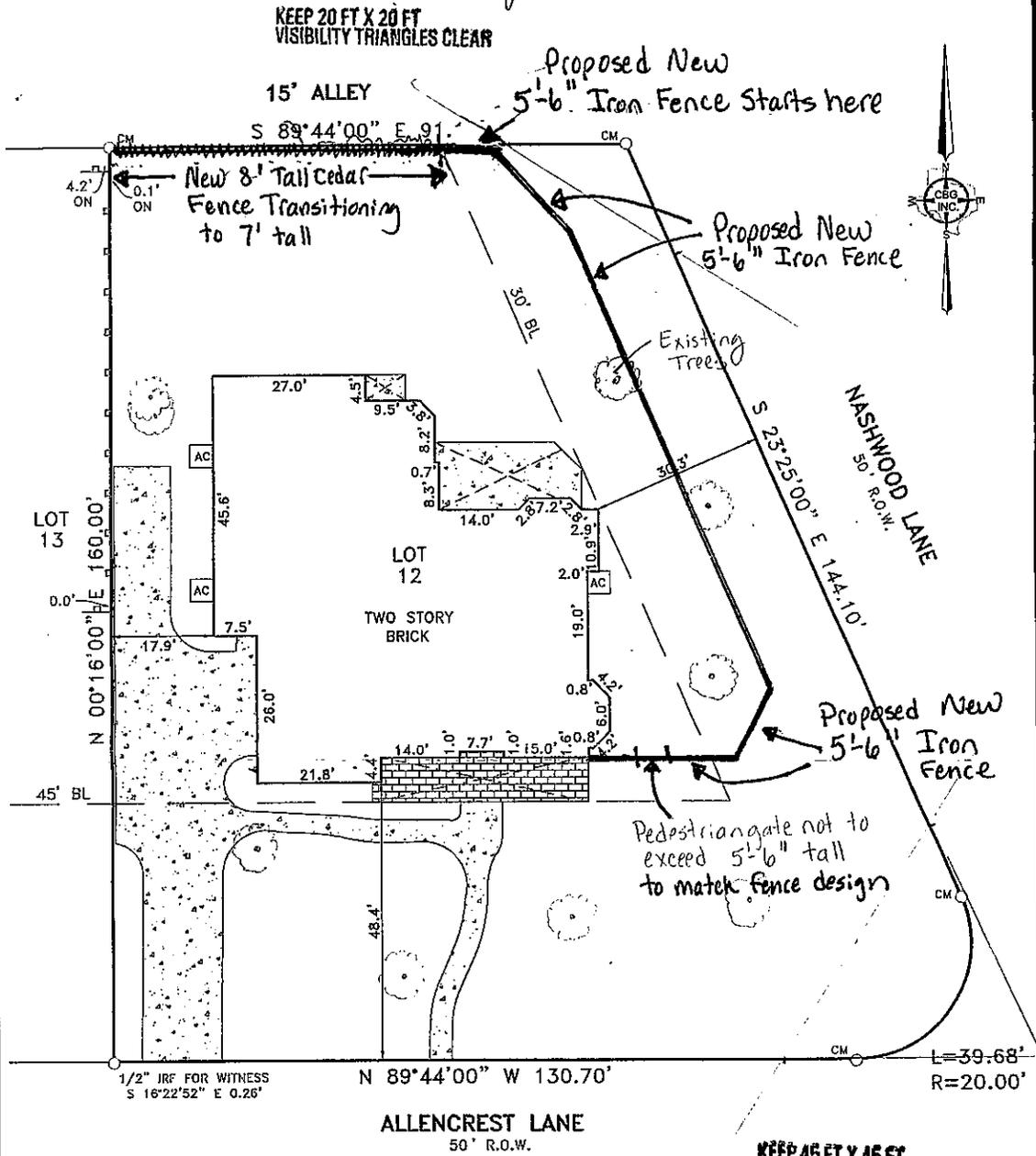
Attach A

pg 1

J.D. 8/07/12 Revised

LEGEND

- 1/2" ROD FOUND
- ⊗ 1/2" ROD SET
- 1" PIPE FOUND
- ⊗ "X" FOUND/SET
- ⊕ 60d NAIL FOUND
- FENCE POST FOR CORNER
- CM CONTROLLING MONUMENT
- AC AIR CONDITIONER
- PE POOL EQUIPMENT TRANSFORMER PAD
- T COLUMN
- POWER POLE
- ▲ UNDERGROUND ELECTRIC
- △ OVERHEAD ELECTRIC
- OHP— OVERHEAD ELECTRIC POWER
- DES— OVERHEAD ELECTRIC SERVICE
- CHAIN LINK
- WOOD FENCE 0.5' WIDE TYPICAL
- ▭ IRON FENCE
- × BARBED WIRE
- EDGE OF ASPHALT
- EDGE OF GRAVEL
- ▨ CONCRETE
- ▨ COVERED AREA



EXCEPTIONS:

NOTE: PROPERTY SUBJECT TO TERMS, CONDITIONS, AND EASEMENTS CONTAINED IN INSTRUMENT RECORDED IN VOL. 29, PG. 103; VOL. 4477, PG. 476 C.F. NO. 20080079200

Accepted by: _____
Purchaser

Date: BDA 112-087

_____ Purchaser

NOTES:

BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.

FLOOD NOTE: According to the F.I.R.M. No. 48113C0190J, this property does lie in Zone X and does not lie within the 100 year flood zone.

This survey is made in conjunction with the information provided by Hexter-Fair / First American Title. Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. This is to certify that I have on this date made a careful and accurate survey on the ground of the subject property. The plat hereon is a correct and accurate representation of the property lines and dimensions as indicated; location and type of buildings as shown; and EXCEPT AS SHOWN, there are no visible and apparent encroachments or protrusions on the ground.

Drawn By: CM

Scale: 1" = 20'

Date: 06/12/12

GF No.: 1702199-HXF71

Job No. 1202630-1

C.B.G. Surveying, Inc.
12025 Shiloh Road, Ste. 250
Dallas, TX 75228
P 214.349.9485
F 214.349.2216
www.cbgsurvey.com

STATE OF TEXAS
REGISTERED
BRYAN CONNALLY
5873
PROFESSIONAL SURVEYOR
BRYAN CONNALLY
R.P.C.S. NO. 5513

Neighbor Support Document

Steve Long
Board of Adjustments Administrator
City of Dallas Sustainable Development and Construction
1500 Marilla Street, Room 5BN
Dalla, TX 75201

Dear Mr. Long,

I reside in close proximity to the property 4931 Allencrest Lane, Dallas, TX 75244. I have reviewed the Paschall's plans for building their 5'-6" tall iron fence and would be in support of the board granting them a special exception to the 4'-0" tall allowable height.

Name: Nilesh Dave

Signature: 

My Street Address: 4916 Allencrest Lane

Neighbor Support Document

Steve Long
Board of Adjustments Administrator
City of Dallas Sustainable Development and Construction
1500 Marilla Street, Room 5BN
Dalla, TX 75201

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Name: CATHY FRYE

Signature: 

My Street Address: 4905 NASHWOOD LANE

Neighbor Support Document

Steve Long
Board of Adjustments Administrator
City of Dallas Sustainable Development and Construction
1500 Marilla Street, Room 5BN
Dalla, TX 75201

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Name: Amir Shafiq Esfahani

Signature: 

My Street Address: 4923 Allencrest Lane Dallas, TX 75244

Neighbor Support Document

Attach A
PS

Steve Long
Board of Adjustments Administrator
City of Dallas Sustainable Development and Construction
1500 Marilla Street, Room 5BN
Dalla, TX 75201

Dear Mr. Long,

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Name: Kimberly Hart

Signature: Kimberly Hart

My Street Address: 4931 Nashwood Ln Dallas 75244

Neighbor Support Document

Steve Long
Board of Adjustments Administrator
City of Dallas Sustainable Development and Construction
1500 Marilla Street, Room 5BN
Dalla, TX 75201

Dear Mr. Long,

I reside in close proximity to the property 4931 Allencrest Lane, Dallas, TX 75244. I have reviewed the Paschall's plans for building their 5'-6" tall iron fence and would be in support of the board granting them a special exception to the 4'-0" tall allowable height.

Name: Sara Herndon

Signature: Sara Herndon

My Street Address: 4915 Nashwood

Neighbor Support Document

Attachment A
PS 7

Steve Long
Board of Adjustments Administrator
City of Dallas Sustainable Development and Construction
1500 Marilla Street, Room 5BN
Dalla, TX 75201

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Name: Ruth Mabry

Signature: Ruth Mabry

My Street Address: 4932 Allencrest

Neighbor Support Document

Attn: A
PJB

Steve Long
Board of Adjustments Administrator
City of Dallas Sustainable Development and Construction
1500 Marilla Street, Room 5BN
Dalla, TX 75201

Dear Mr. Long,

I reside in close proximity to the property 4931 Allencrest Lane, Dallas, TX 75244. I have reviewed the Paschall's plans for building their 5'-6" tall iron fence and would be in support of the board granting them a special exception to the 4'-0" tall allowable height.

Name: Tori Mallad

Signature: Tori Mallad

My Street Address: 4959 Nashwood LN
Dallas TX 75244

Neighbor Support Document

Steve Long
Board of Adjustments Administrator
City of Dallas Sustainable Development and Construction
1500 Marilla Street, Room 5BN
Dalla, TX 75201

Dear Mr. Long,

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Name:

Vicki Moffett and John Moffett

Signature:

Vicki Moffett John Moffett

My Street Address:

4940 Allencrest Lane
Dallas, TX 75244

Neighbor Support Document

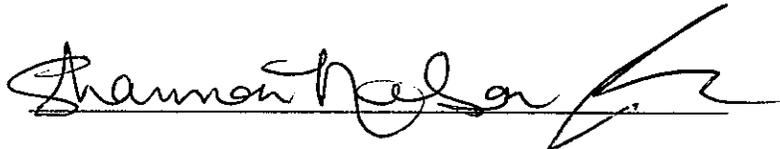
Attach A
PS 10

Steve Long
Board of Adjustments Administrator
City of Dallas Sustainable Development and Construction
1500 Marilla Street, Room 5BN
Dalla, TX 75201

Dear Mr. Long,

I reside in close proximity to the property 4931 Allencrest Lane, Dallas, TX 75244. I have reviewed the Paschall's plans for building their 5'-6" tall iron fence and would be in support of the board granting them a special exception to the 4'-0" tall allowable height.

Name: Ben & Shannon Nelson

Signature: 

My Street Address: 4908 Nashwood Ln
Dallas 75244

Neighbor Support Document

Attach A
ps 11

Steve Long
Board of Adjustments Administrator
City of Dallas Sustainable Development and Construction
1500 Marilla Street, Room 5BN
Dalla, TX 75201

Dear Mr. Long,

I reside in close proximity to the property 4931 Allencrest Lane, Dallas, TX 75244. I have reviewed the Paschall's plans for building their 5'-6" tall iron fence and would be in support of the board granting them a special exception to the 4'-0" tall allowable height.

Name: KATHRYN PARRISH

Signature: Kathryn Parrish

My Street Address: 4918 Freshwood Ln

BDA112-087

Attach A

1312

Neighbor Support Document

Steve Long
Board of Adjustments Administrator
City of Dallas Sustainable Development and Construction
1500 Marilla Street, Room 5BN
Dalla, TX 75201

Dear Mr. Long,

I reside in close proximity to the property 4931 Allencrest Lane, Dallas, TX 75244. I have reviewed the Paschall's plans for building their 5'-6" tall iron fence and would be in support of the board granting them a special exception to the 4'-0" tall allowable height.

Name: Roshlyn Reed

Signature: Roshlyn Reed

My Street Address: 4941 Nashwood Ln.

Neighbor Support Document

Steve Long
Board of Adjustments Administrator
City of Dallas Sustainable Development and Construction
1500 Marilla Street, Room 5BN
Dalla, TX 75201

Dear Mr. Long,

I reside in close proximity to the property 4931 Allencrest Lane, Dallas, TX 75244. I have reviewed the Paschall's plans for building their 5'-6" tall iron fence and would be in support of the board granting them a special exception to the 4'-0" tall allowable height.

Name:

Cherri and Spencer Shaw

Signature:

Cherri Shaw

My Street Address:

4915 Allencrest

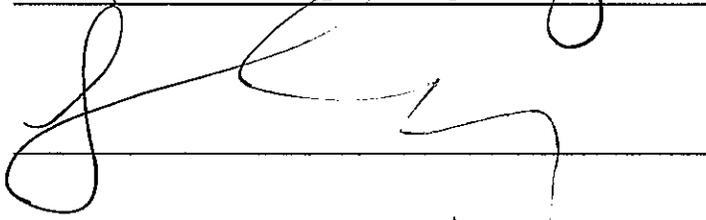
Neighbor Support Document

Steve Long
Board of Adjustments Administrator
City of Dallas Sustainable Development and Construction
1500 Marilla Street, Room 5BN
Dalla, TX 75201

Dear Mr. Long,

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Name: Tori Swandy

Signature: 

My Street Address: 4931 Allencrest Ln

BDA112-087
Attachment
Pg 15

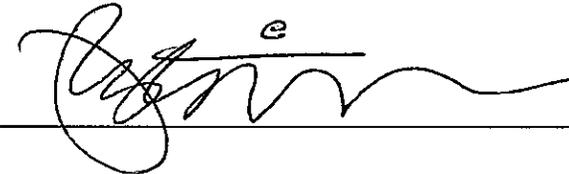
Neighbor Support Document

Steve Long
Board of Adjustments Administrator
City of Dallas Sustainable Development and Construction
1500 Marilla Street, Room 5BN
Dalla, TX 75201

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Name: JOHN STIFLER

Signature: 

My Street Address: 4951 NASHWOOD LN

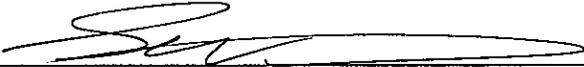
Neighbor Support Document

Steve Long
Board of Adjustments Administrator
City of Dallas Sustainable Development and Construction
1500 Marilla Street, Room 5BN
Dalla, TX 75201

Dear Mr. Long,

I reside in close proximity to the property 4931 Allencrest Lane, Dallas, TX 75244. I have reviewed the Paschall's plans for building their 5'-6" tall iron fence and would be in support of the board granting them a special exception to the 4'-0" tall allowable height.

Name: SCOTT VOPNI

Signature: 

My Street Address: 4969 NASHWOOD LN
DALLAS TX 75244

BDA 112-087

Attach A

PS 17

Neighbor Support Document

Steve Long
Board of Adjustments Administrator
City of Dallas Sustainable Development and Construction
1500 Marilla Street, Room 5BN
Dalla, TX 75201

Dear Mr. Long,

I reside in close proximity to the property 4931 Allencrest Lane, Dallas, TX 75244. I have reviewed the Paschall's plans for building their 5'-6" tall iron fence and would be in support of the board granting them a special exception to the 4'-0" tall allowable height.

Name:

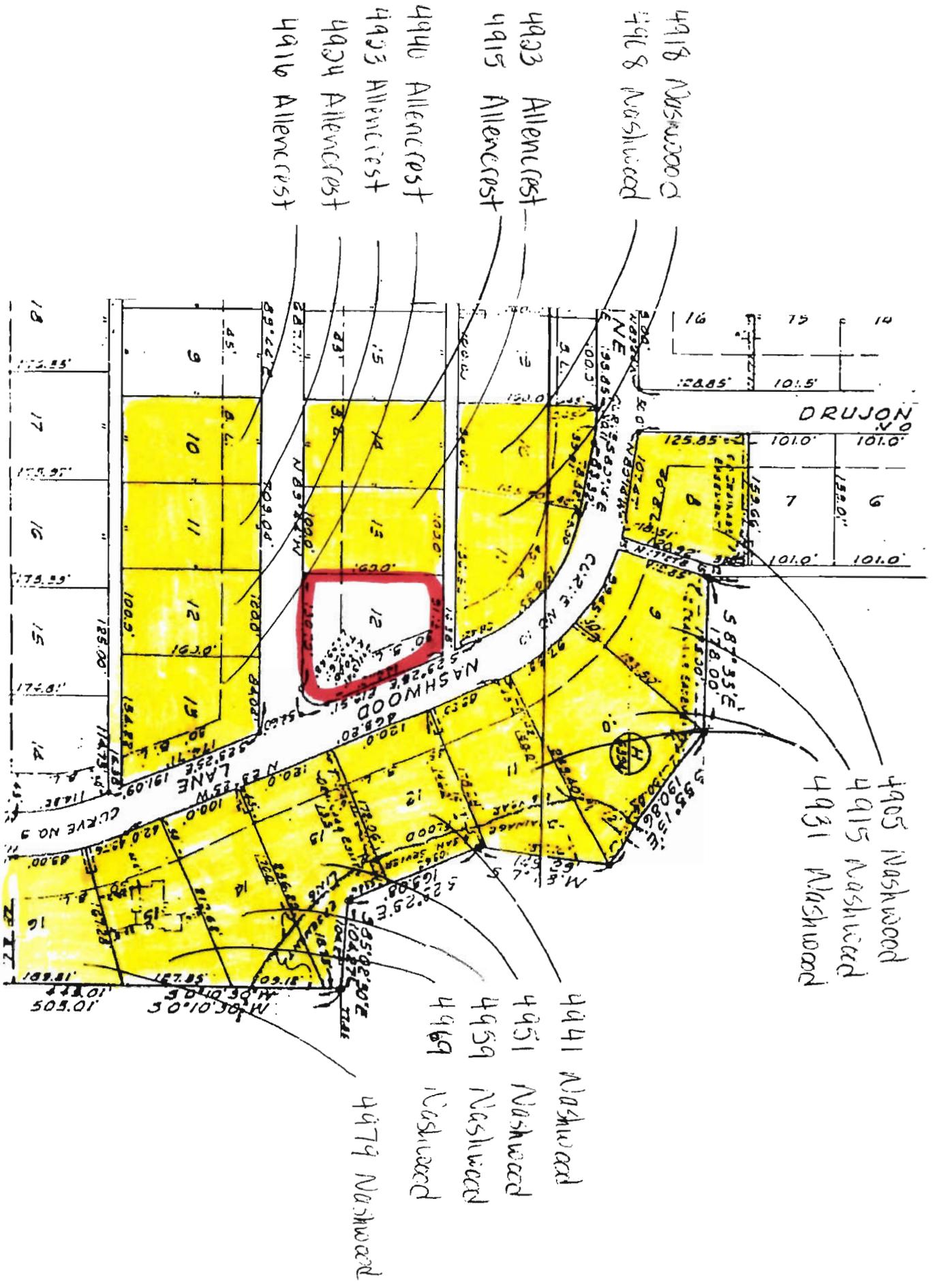
SUZANNE YAEGER

Signature:

Suzanne Yeager

My Street Address:

4979 NASHWOOD LN.



- 4918 Nashwood
- 4933 Allencrest
- 4915 Allencrest
- 4940 Allencrest
- 4933 Allencrest
- 4934 Allencrest
- 4916 Allencrest

- 4905 Nashwood
- 4915 Nashwood
- 4931 Nashwood

- 4941 Nashwood
- 4951 Nashwood
- 4959 Nashwood
- 4969 Nashwood
- 4979 Nashwood



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-087

Data Relative to Subject Property:

Date: 7/9/12

Location address: 4931 Allencrest Lane Zoning District: R-16(A)

Lot No.: 12 Block No.: F/6394 Acreage: 0.4586 Census Tract: 96.03

Street Frontage (in Feet): 1) 130.70 2) 144.10 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Dusty W. Paschall and Jennifer Paschall

Applicant: Jennifer Paschall Telephone: 512-426-2983

Mailing Address: 4931 Allencrest Lane, Dallas Zip Code: 75244

E-mail Address: jendusty@yahoo.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance _____, or Special Exception X, of building a 5'-6" Black Open Iron Fence outside the building line. A 1'-6" special exception to the fence height in a front yard.

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

The fence is only 1'-6" taller than allowed and would not adversely affect neighboring properties. It is going to be open iron so it would not obstruct visibility and we have added landscaping to soften the impact the fence might have.

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

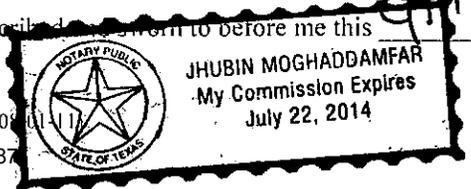
Affidavit

Before me the undersigned on this day personally appeared Dusty W. Paschall & Jennifer Paschall (Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 9th day of July, 2012



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

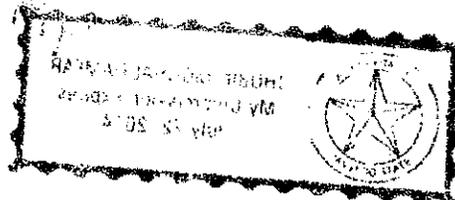
I hereby certify that Jennifer Paschall
did submit a request for a special exception to the fence height regulations
at 4931 Allencrest Lane

BDA112-087. Application of Jennifer Paschall for a special exception to the fence height regulations at 4931 Allencrest Lane. This property is more fully described as lot 12 in city block F/6394 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 5 foot 6 inch high fence in a required front yard which will require a 1 foot 6 inch special exception to the fence regulation.

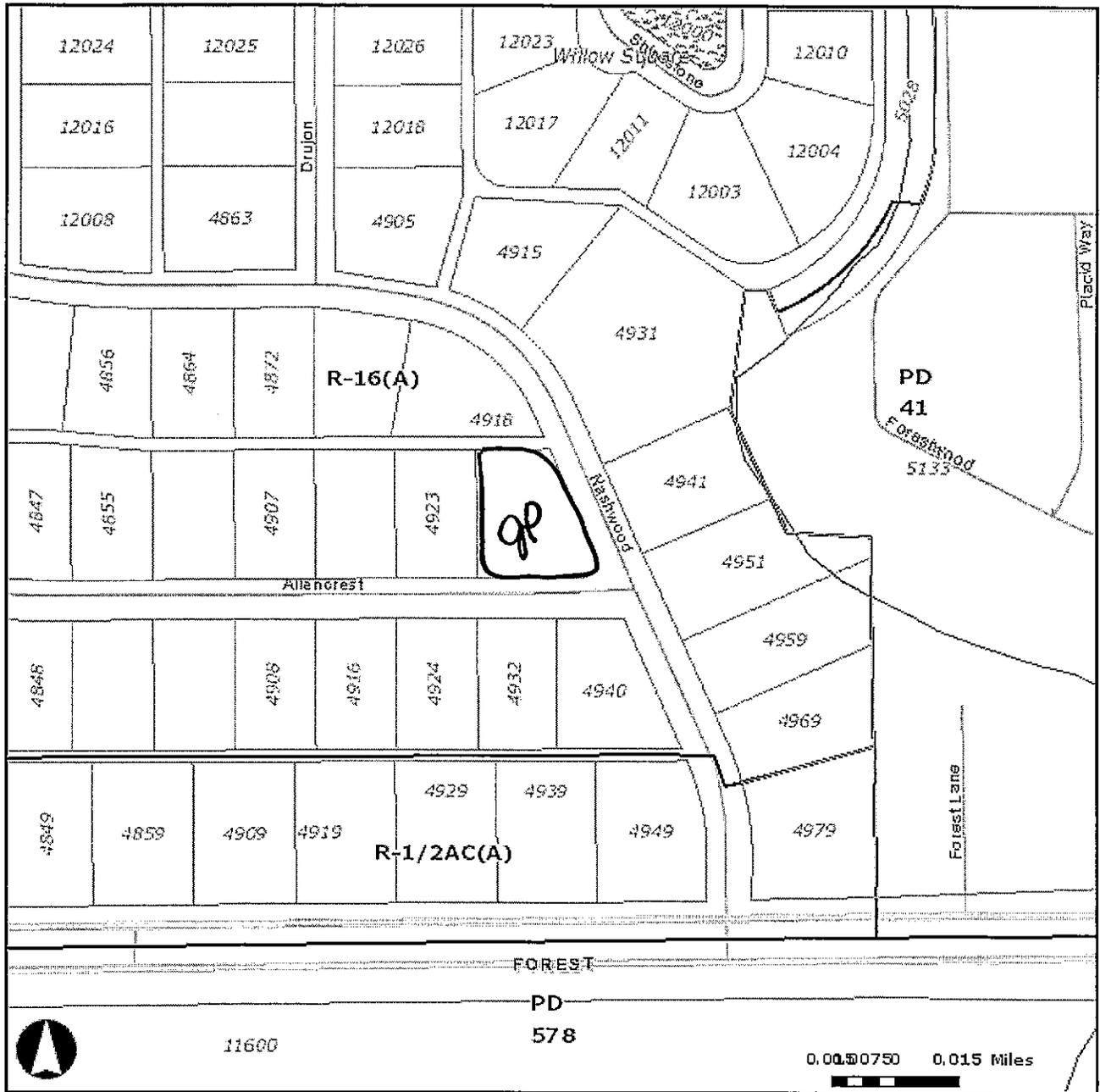
[Faint handwritten notes and signatures]

Sincerely,

[Signature]
Lloyd Denman, Building Official



City of Dallas Zoning

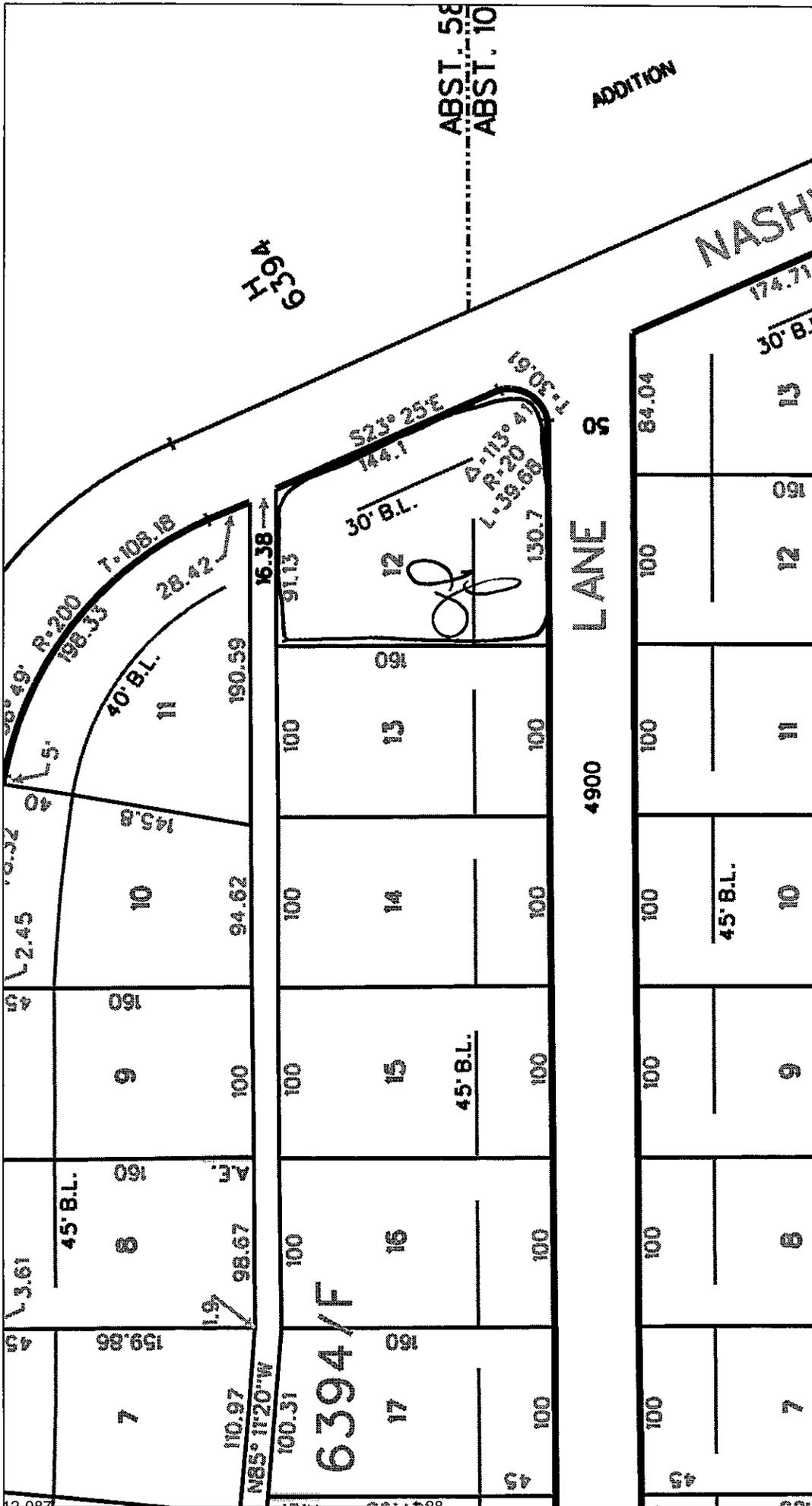


11600

FOREST
PD
578

0.005 0.0075 0.015 Miles

- | | | |
|--|--|--|
| <p>City Boundaries</p> <p><input type="checkbox"/> City</p> <p><input type="checkbox"/> County</p> <p><input type="checkbox"/> Certified Parcels</p> <p><input type="checkbox"/> DISD Sites</p> <p><input type="checkbox"/> Council Districts</p> <p><input type="checkbox"/> Waterways</p> <p><input type="checkbox"/> Parks</p> | <p>Dry Overlay</p> <p><input type="checkbox"/> D</p> <p><input type="checkbox"/> D-1</p> <p>Historic Overlay</p> <p><input type="checkbox"/> Historic Subdistricts</p> <p>NSO Overlay</p> <p><input type="checkbox"/> NSO Subdistricts</p> <p>MD Overlay</p> | <p>Base Zoning</p> <p><input type="checkbox"/> Floodplain</p> <p><input type="checkbox"/> 100 Flood Zone</p> <p><input type="checkbox"/> Mill's Creek</p> <p><input type="checkbox"/> Peak's Branch</p> <p><input type="checkbox"/> X PROTECTED BY LEVEE</p> <p>Pedestrian Overlay</p> <p><input type="checkbox"/> CP</p> <p><input type="checkbox"/> SP</p> <p>Environmental Corridors</p> |
|--|--|--|



1634
60

ABST. 58
ABST. 10

ADDITION

NASHV

LANE 4900

4900

60

174.71

30' B.L.

13

09

12

11

10

9

8

7

6394/F

17

09

45

16

100

100

100

100

15

45' B.L.

100

100

100

100

100

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14

100

100

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13

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100

12

30' B.L.

91.13

16.38

190.59

28.42

7-108.18

198.33

198.33

198.33

198.33

S23°25'E

144.1

42-113°4'

L-39.68

130.7

19'05"±

7-30.61

100

100

100

100

100

100

100

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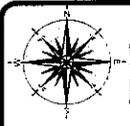
100

45' B.L.

45' B.L.

45' B.L.

45' B.L.



4931 Allencrest Lane

Being Lot 12, Block F/6394, of Forestrest Estates, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 29, Page 103, Map Records of Dallas County, Texas.

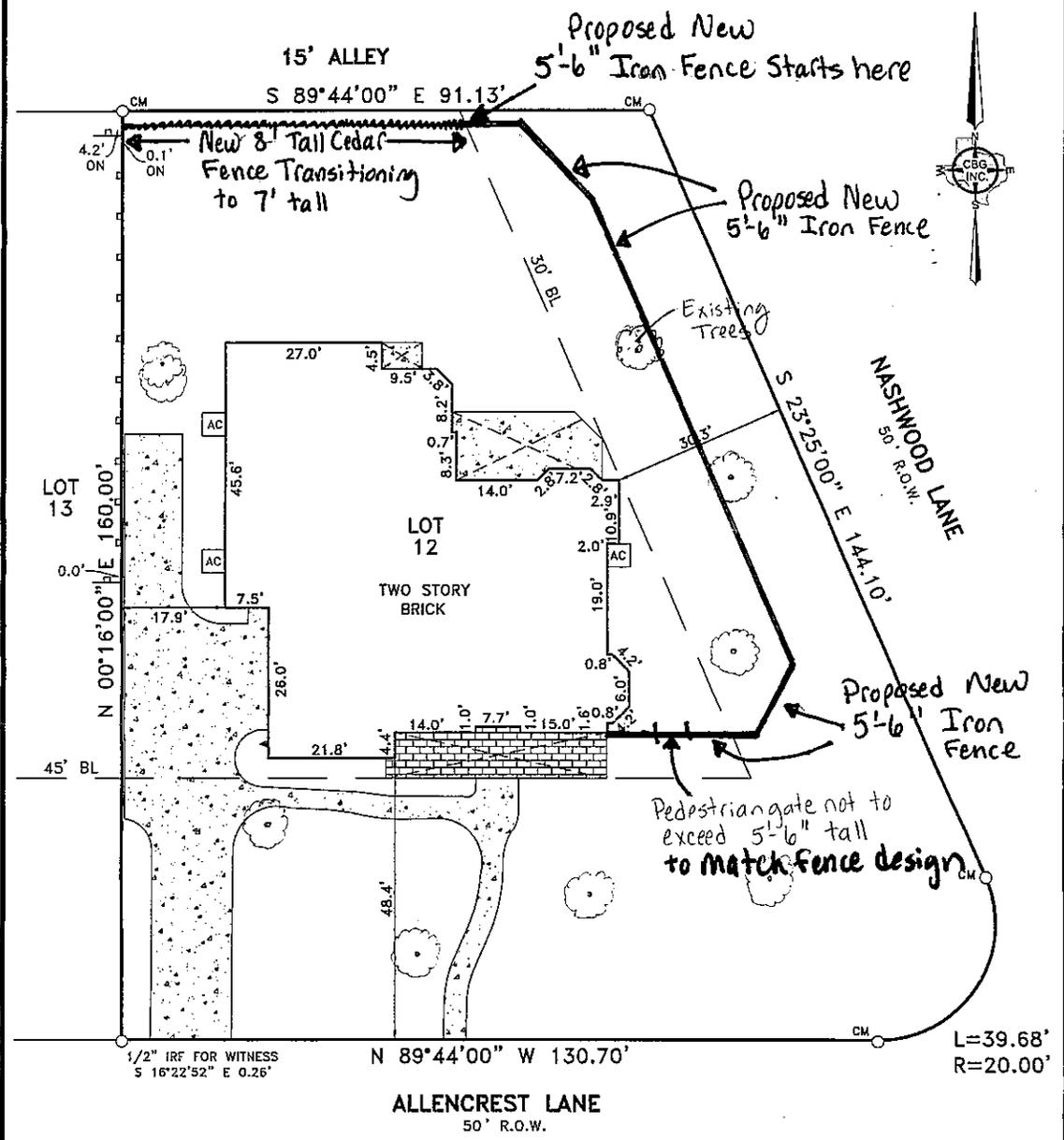


Hexter-Fair
First American Title



LEGEND

- 1/2" ROD FOUND
- ⊗ 1/2" ROD SET
- 1" PIPE FOUND
- ⊗ "X" FOUND/SET
- ◆ 60d NAIL FOUND
- FENCE POST FOR CORNER
- CM CONTROLLING MONUMENT
- AC AIR CONDITIONER
- PE POOL EQUIPMENT
- T TRANSFORMER PAD
- COLUMN
- POWER POLE
- ▲ UNDERGROUND ELECTRIC
- △ OVERHEAD ELECTRIC
- OHP— OVERHEAD ELECTRIC POWER
- OES— OVERHEAD ELECTRIC SERVICE
- CHAIN LINK
- WOOD FENCE 0.5' WIDE TYPICAL
- ▭ IRON FENCE
- × BARBED WIRE
- EDGE OF ASPHALT
- EDGE OF GRAVEL
- CONCRETE
- COVERED AREA



EXCEPTIONS:

NOTE: PROPERTY SUBJECT TO TERMS, CONDITIONS, AND EASEMENTS CONTAINED IN INSTRUMENT RECORDED IN VOL. 29, PG. 103; VOL. 4477, PG. 476 C.F. No. 20080079200

NOTES:

BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.

FLOOD NOTE: According to the F.I.R.M. No. 48113CD190J, this property does lie in Zone X and does not lie within the 100 year flood zone.

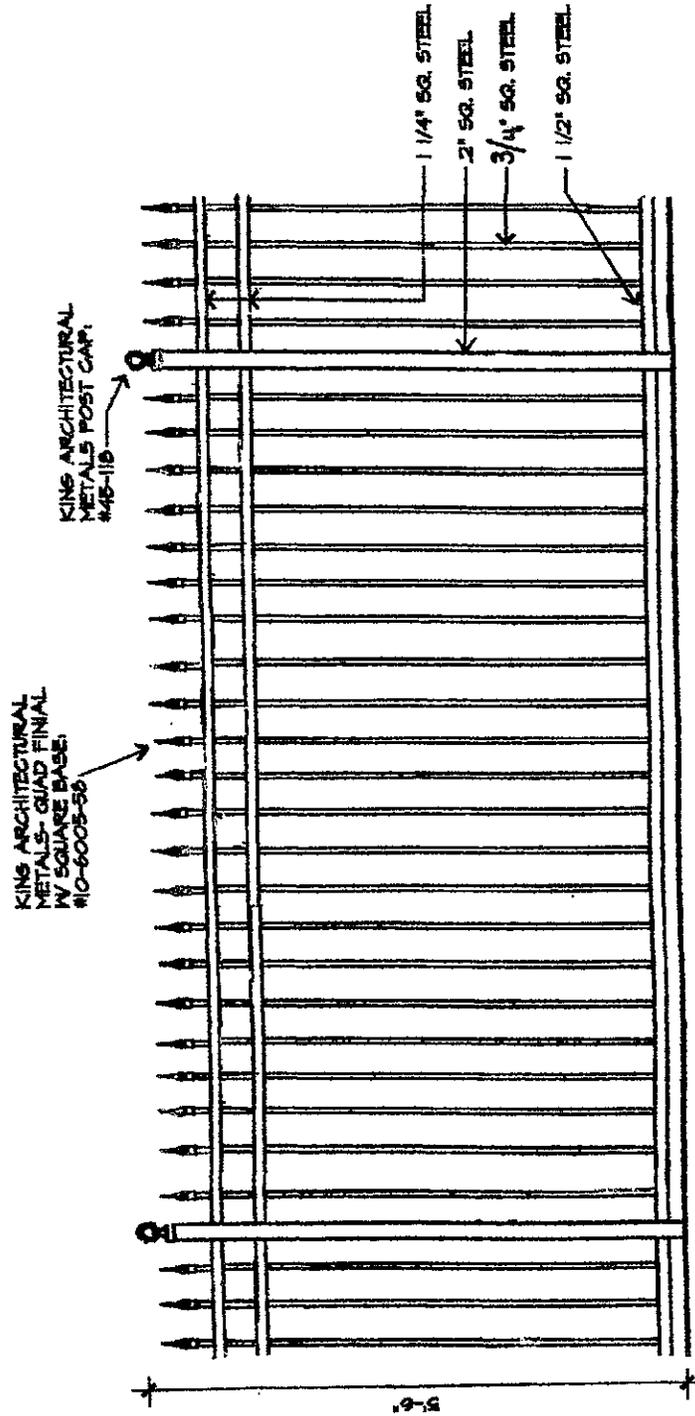
This survey is made in conjunction with the information provided by Hexter-Fair / First American Title. Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. This is to certify that I have on this date made a careful and accurate survey on the ground of the subject property. The plat hereon is a correct and accurate representation of the property lines and dimensions as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, there are no visible and apparent encroachments or protrusions on the ground.

Drawn By: CM
 Scale: 1" = 20'
 Date: 06/12/12
 GF No.: 1702199-HXF71
 Job No. 1202630-1

C.B.G. Surveying, Inc.
 12025 Shiloh Road, Ste. 200
 Dallas, TX 75228
 P 214.349.8485
 F 214.349.2216
 www.cbqdfw.com

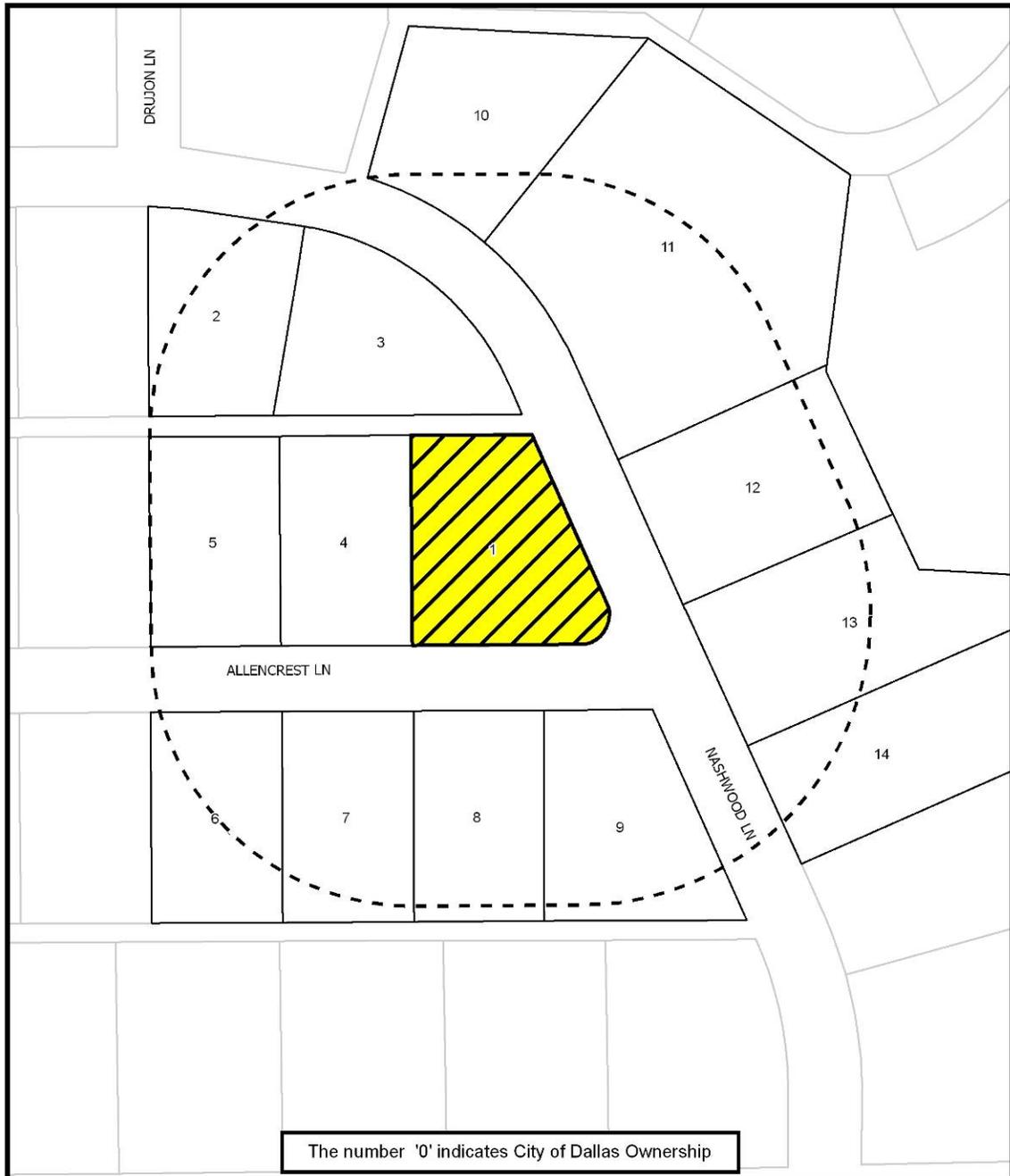
Accepted by: _____
 Date: _____ Purchaser

1-20
 Purchaser



Typ.
FENCE ELEVATION

SCALE: 1/2" = 1'-0"



 1:1,200	NOTIFICATION		Case no: BDA112-087
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">14</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 8/28/2012	

Notification List of Property Owners

BDA112-087

14 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4931 ALLENCREST LN	PASCHALL DUSTY W & JENNIFER
2	4908 NASHWOOD LN	NELSON BENJAMIN D & SHANNON
3	4918 NASHWOOD LN	PARRISH KATHRYN B
4	4923 ALLENCREST LN	SHAFIEY ALEXANDER
5	4915 ALLENCREST LN	SHAW SPENCER G & CHERRI A
6	4916 ALLENCREST LN	DAVE NILESH B & MANISHA H
7	4924 ALLENCREST LN	SNODDY WILL T & VICTORIA E
8	4932 ALLENCREST LN	MABRY RUTH E
9	4940 ALLENCREST LN	MOFFETT VICKI & JOHN III
10	4915 NASHWOOD LN	HERNDON WESLEY C & SARA S
11	4931 NASHWOOD LN	HART ROBERT S & KIMBERLY A
12	4941 NASHWOOD LN	GARDSBANE GILDA K
13	4951 NASHWOOD LN	STIFLER LINDSEY D
14	4959 NASHWOOD LN	MALLAD TIMOTHY A & TORI M

FILE NUMBER: BDA 112-090

BUILDING OFFICIAL'S REPORT:

Application of Rob Baldwin for a special exception to the fence height regulations at 4833 Walnut Hill Lane. This property is more fully described as Lot 5 in City Block 3/5531 and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct/maintain a 9 foot 6 inch high fence, which will require a special exception of 5 feet 6 inches.

LOCATION: 4833 Walnut Hill Lane

APPLICANT: Rob Baldwin

REQUEST:

- A special exception to the fence height regulations of 5' 6' is requested in conjunction with replacing an existing wooden fence with a solid masonry wall of the same height (ranging from approximately 5' – 7' in height) with a 6' 3' high metal gate and columns (ranging from approximately 6' – 7.5' in height) atop an existing retaining wall (ranging from approximately 1' 6" – 3' in height) on a site being developed with a single family home. The maximum height requested/denoted on the submitted elevation is 9' 6" which is the height of the proposed entry gate columns combined with the height of the existing retaining wall.

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.

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.

BACKGROUND INFORMATION:

Zoning:

Site: R-1ac(A) (Single family district 1 acre)

North: R-1ac(A) (Single family district 1 acre)

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

Land Use:

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

Zoning/BDA History:

1. BDA 067-013, Property at 10011 Strait Lane (the property immediately east of the subject site) On February 14, 2007, the Board of Adjustment Panel B granted requests for special exceptions to the fence height of 5' 6" and visual obstruction regulations and imposed the submitted revised site plan/elevation, and the submitted landscape plan (with regard to the landscape materials indicated on this plan on the street-side of Walnut Hill Lane) as conditions to these requests. The case report stated that the fence height special exception requests were made to construct/maintain in the site's 40' front yard setback along Strait Lane: both an 8' high solid stucco wall with 9' high columns (about 28' in length) and a 6' high open iron fence with 7' high columns, and two 9' high open iron gates with 9.5' high entry columns (about 128' in length); and in this site's 40' front yard setback along Walnut Hill Lane: an 8' high solid stucco wall with 9' high stucco columns, and an 8.5' high solid iron gate (with 9.5' high columns; and that a special exception to the visibility obstruction regulations was made to construct and maintain portions of the 8' solid stucco wall with approximately 9' high stucco columns in the site's 45 visibility triangle at the intersection of Strait Lane and Walnut Hill Lane.
2. BDA 87-246, Property at 10015 Lennox Lane (the lot west of the subject site) On November 10, 1987, the Board of Adjustment granted a request for a fence height special exception of 3' and imposed the following condition: "Submit a revised site plan showing the 55 foot visibility

triangle, increasing the wrought iron along Walnut Hill Lane and tapering the level of the fence on the east side of Walnut Hill Lane from the building line to the property line. The plan should be submitted for approval on the December 8, 1987 docket.” The case report stated that the request was made to construct/maintain a fence that was to be a combination of solid brick panels and wrought iron/brick panels along Walnut Hill Lane, and wrought iron with brick columns along Lennox Lane.

3. BDA 056-122, Property at 4722 Walnut Hill Lane (the lot south of the subject site)

On April 19, 2006, the Board of Adjustment Panel B granted a request for a fence height special exception of 4’ 10” and imposed the submitted site plan and fence elevation as a condition to this request. The case report stated that the request was made to maintain an 8’ high solid stucco fence with 8’ 10” stucco columns and 8’ metal gates in the front yard setback on a site that is developed with a single family house

Timeline:

- July 31, 2012: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- August 16, 2012: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- August 16, 2012: 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 29th deadline to submit additional evidence for staff to factor into their analysis; and the September 7th 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.
- September 4, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for September public hearings. Review team members in attendance included: the

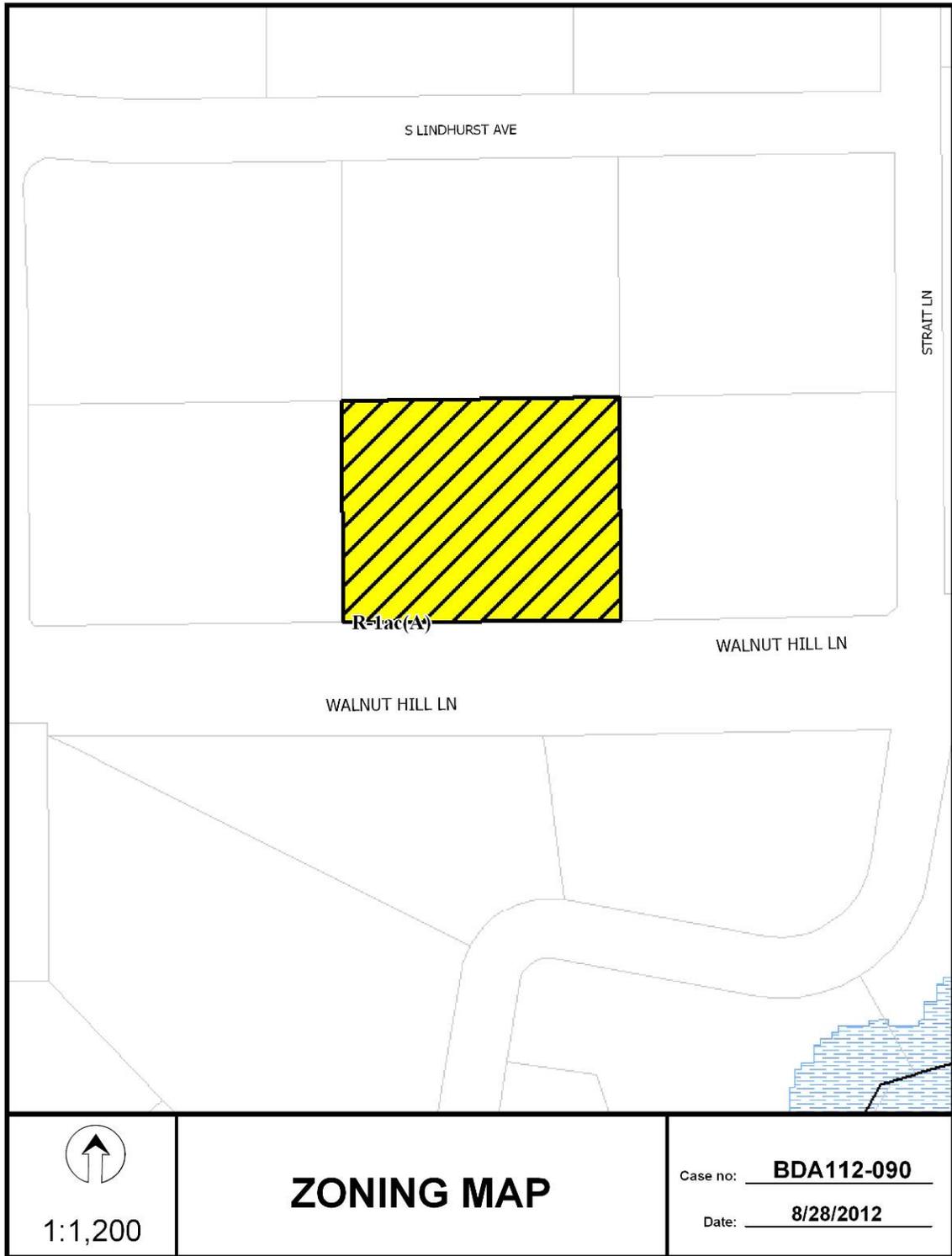
Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, Building Inspection Chief Planners, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

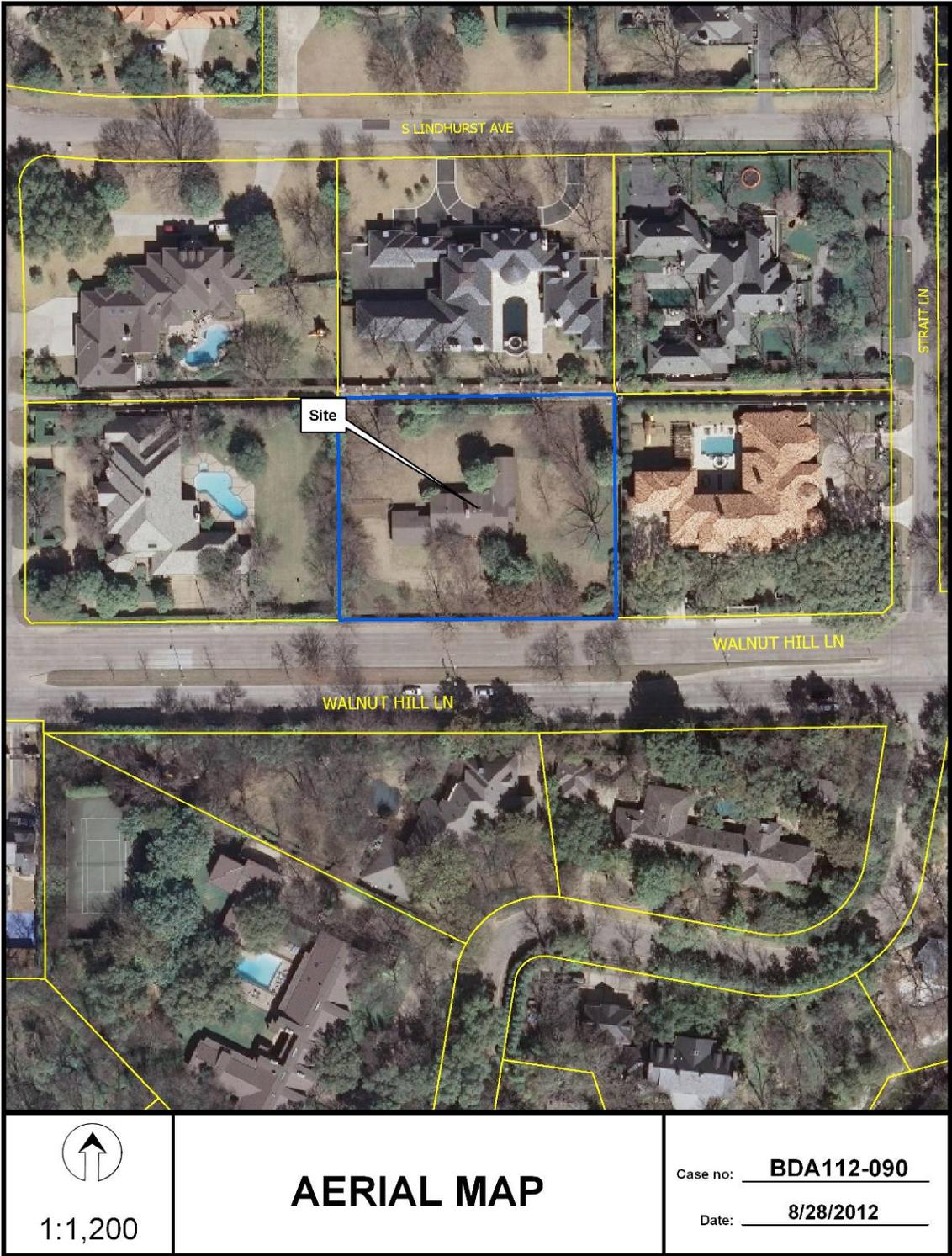
September 7, 2012: The applicant submitted additional information beyond what was submitted with the original application (see Attachment A).

GENERAL FACT /STAFF ANALYSIS:

- This request focuses on constructing and maintaining a solid masonry wall (ranging from approximately 5' – 7' in height) with columns (ranging from approximately 6' – 7.5' in height) atop an existing retaining wall (ranging from approximately 1' 6" – 3' in height) on a site being developed with a single family home. The maximum height requested/denoted on the submitted elevation is 9' 6" which is the height of the proposed entry gate columns combined with the height of the existing retaining wall.
- 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 had submitted a site plan and elevation that shows the proposal in the front yard setback reaching a maximum height of 9' 6".
- The following additional information was gleaned from the submitted site plan:
 - Approximately 220' in length parallel to Walnut Hill Lane, approximately 1' from the front property line and 14' from the pavement line where no home would have direct/indirect frontage to the proposal since the lots immediately south of the site face southward onto Straight Lane. (The entry way is recessed from the street at a location about 13' from the front property line and about 21' from the pavement line).
- The Board Administrator conducted a field visit of the site and surrounding area along Walnut Hill Lane (approximately 500' east and west of the subject site) and noted the following fences above four (4) feet high which appeared to be located in the front yard setback (Note that the following dimensions and descriptions are *approximate* heights):
 - An 8' high solid brick wall with 9' high columns behind a full hedge west of the subject site. (This Board of Adjustment granted a fence special exception on this site in November of 1997 to construct/maintain a fence that was to be a combination of solid brick panels and wrought iron/brick panels along Walnut Hill Lane, and wrought iron with brick columns along Lennox Lane (BDA 87-246).
 - An 8' high solid stucco wall with 9' high stucco columns, and an 8.5' high solid iron gate with 9.5' high columns east of the site – a fence that appears to be the result of a fence height special exception request in 2007- BDA 067-013.

- An 8' high solid stucco fence with 8' 10" stucco columns and 8' metal gates south of the site – a fence that appears to be the result of a fence height special exception request in 2006- BDA 056-122.
- As of September 12, 2012, no letters had been submitted in support or in opposition to the request.
- 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 site plan and elevation would require the proposal exceeding 4' in height to be constructed/maintained in the location and of the heights and materials as shown on these documents.





Baldwin
Associates

September 4, 2012

The Honorable Board of Adjustment
c/o The Board of Adjustment Administrator
City of Dallas
1500 Marilla
Dallas, Texas 75201

Re: Fence Special Exception for 4833 Walnut Hill Lane

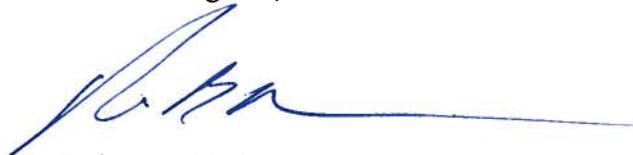
Dear Sir or Madam,

I am working with Jimmy and Teri Shankle, the property owners of 4833 Walnut Hill Lane, in their request to reconstruct their fence along Walnut Hill Lane. Since the proposed fence exceeds four-feet in height, the Shankels have to obtain a Special Exception from the city in order to rebuild their fence.

There is an existing wooden fence on the property today that exceeds four feet in height and the proposal is to keep the same fence height and location, but change the materials from wood, to masonry to match the house. The fence will be put back on top of the existing retaining wall. The overall fence height requested in this request is nine (9) feet and this height is measured from the sidewalk and includes the height of the retaining wall. The proposed fence has been designed to complement the new home and will be in keeping with the other residential structures in the immediate vicinity.

I appreciate your time with this matter.

With kind regards,



Robert Baldwin

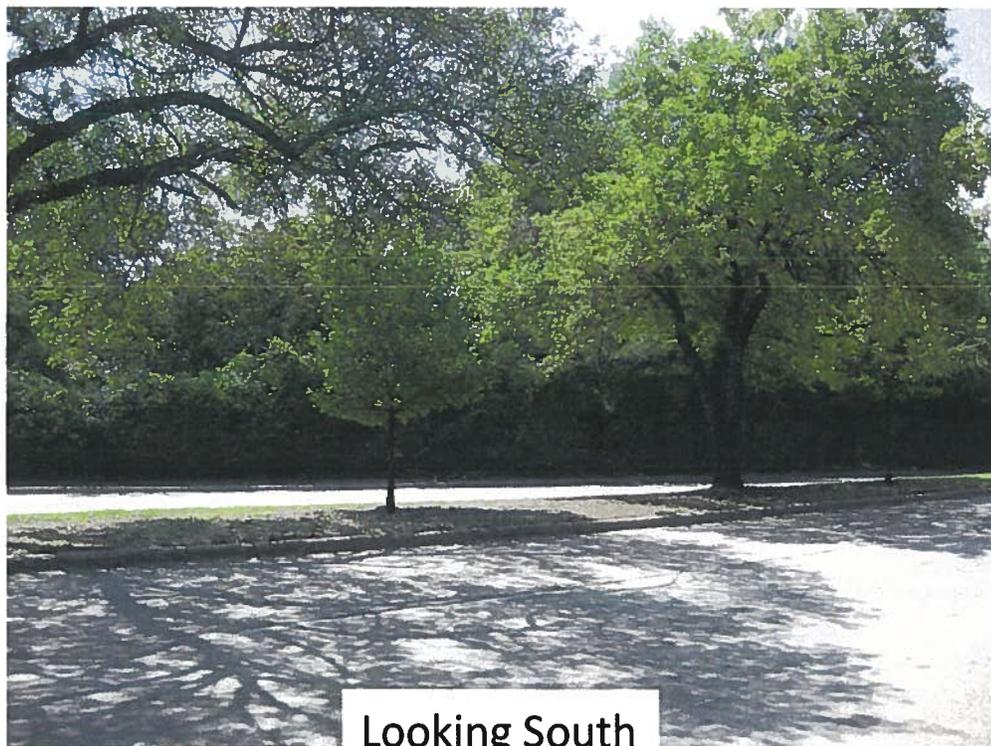
BDA 112-090



BDA 112-090



BDA 112-090



Looking South



Eastern Neighbor's Existing Gate



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: 112-090

Data Relative to Subject Property:

Date: 7-30-12

Location address: 4833 Walnut Hill Lane Zoning District: R-1(A)

Lot No.: 5 Block No.: 3/5531 Acreage: 0.9386 acres Census Tract: 76.01

Frontage (in Feet): 1) 225 ft 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Jimmy & Teri Shankle

Applicant: Robert Baldwin Telephone: 214.824.7949

Mailing Address: 3904 Elm Street - Suite B, Dallas, TX Zip Code: 75226

Represented By: Robert Baldwin Telephone: 214.824.7949

Mailing Address: 3904 Elm Street - Suite B Zip Code: 75226

Affirm that a request has been made for a Variance, or Special Exception X, of a special exception of five (5) feet and six (6) inches for a fence located in a 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: The applicant is seeking permission to construct a fence in the in the front yard of this lot which will exceed four (4) feet in height. The fence that we are requesting will not exceed 9' 6" in height.

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

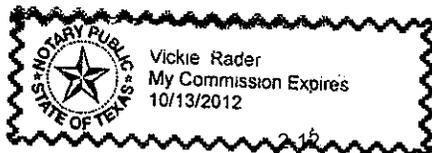
Affidavit

Before me the undersigned on this day personally appeared Rob 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 25 day of July, 2012 [Signature] Notary Public in and for Dallas County, Texas

(Rev. 08-20-09)



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

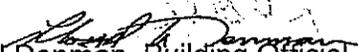
Building Official's Report

I hereby certify that ROB BALDWIN

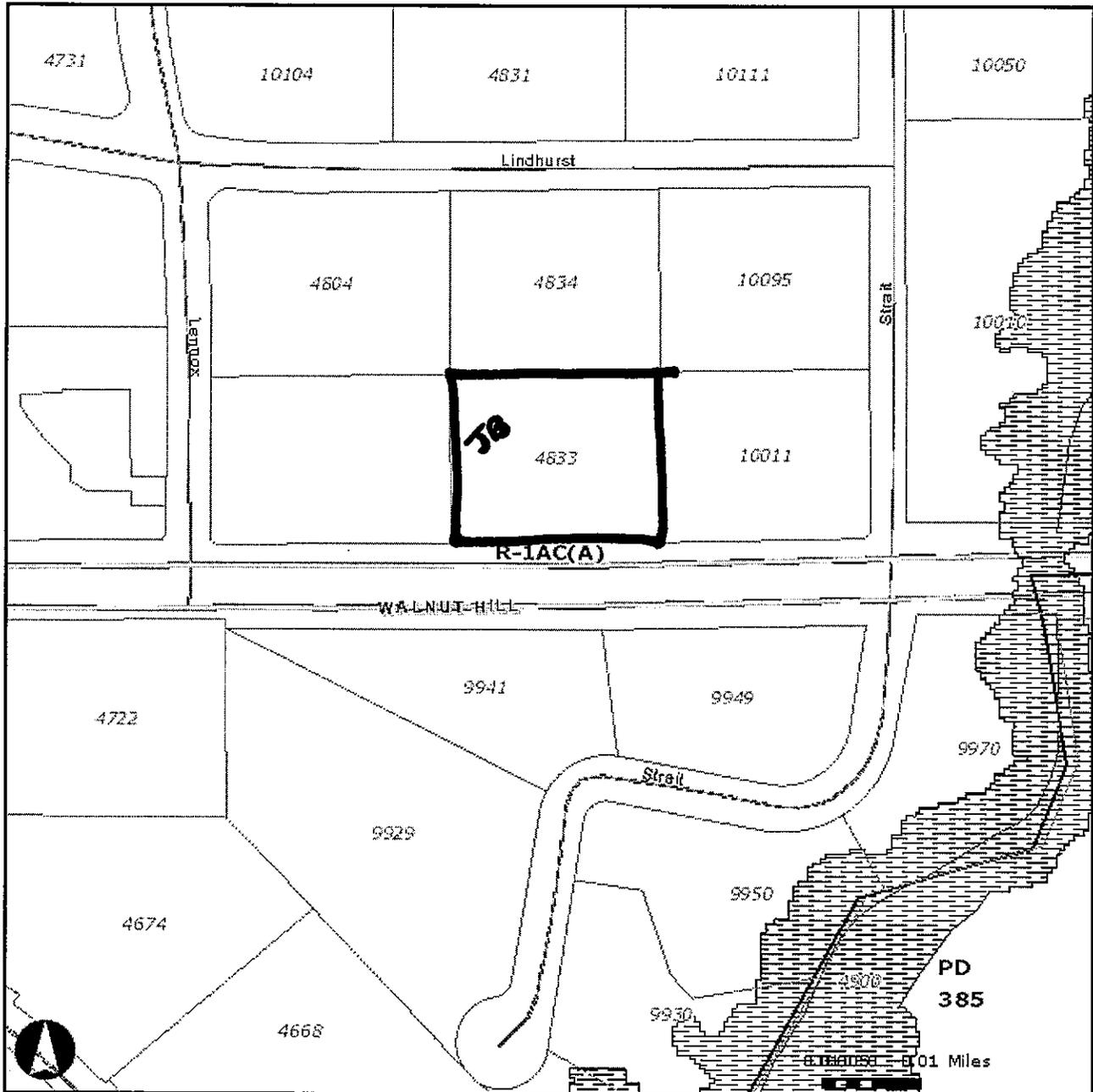
did submit a request for a special exception to the fence height regulations
at 4833 Walnut Hill Lane

BDA112-090. Application of Rob Baldwin for a special exception to the fence height regulations at 4833 Walnut Hill Lane. This property is more fully described as lot 5 in city block 3/5531 and is zoned R-1ac(A), which limits the height of a fence in the front yard to feet. The applicant proposes to construct a 9 foot 6 inch high fence in a required front yard which will require a 5 foot 6 inch special exception to the fence regulation.

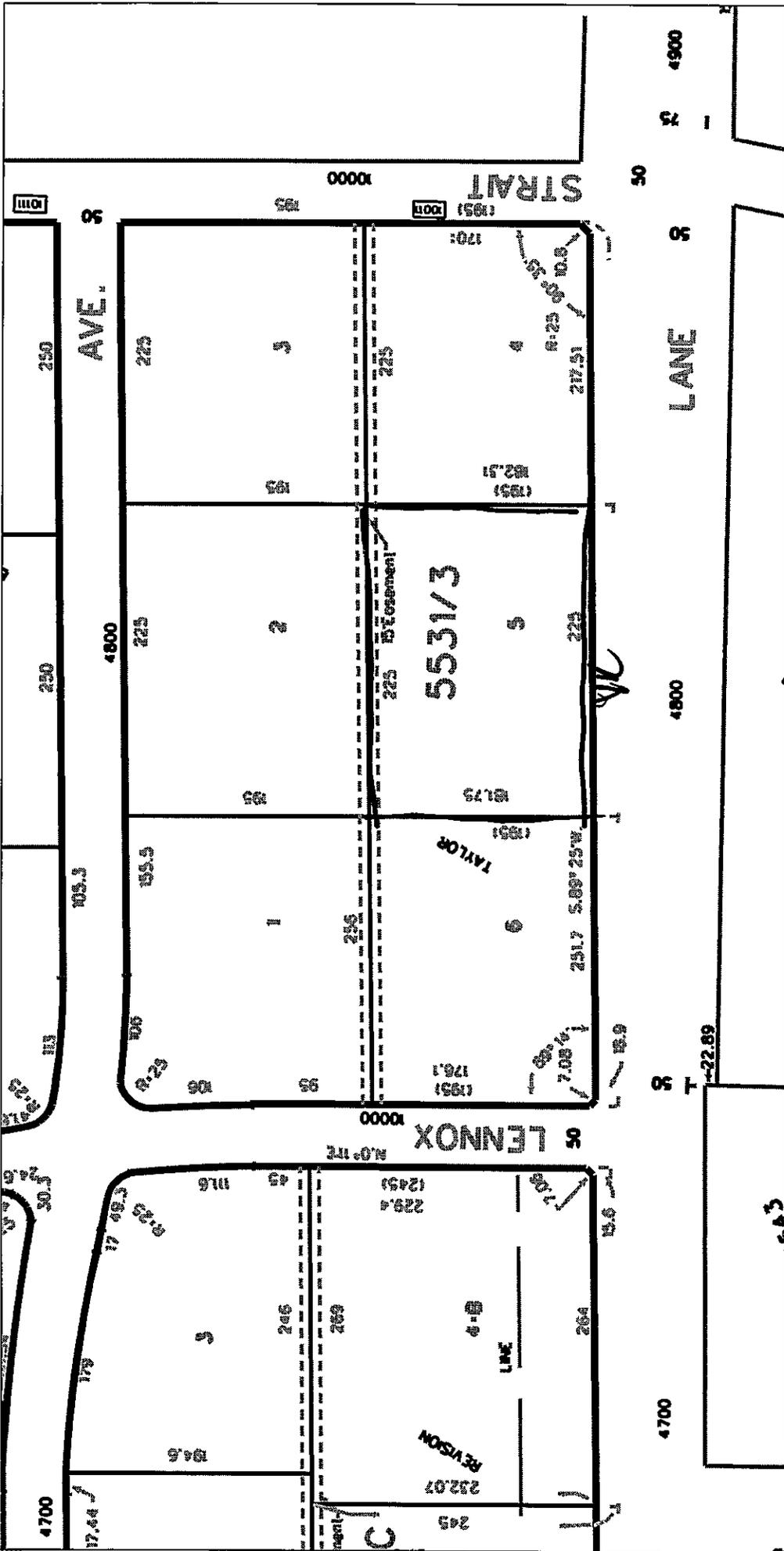
Sincerely,

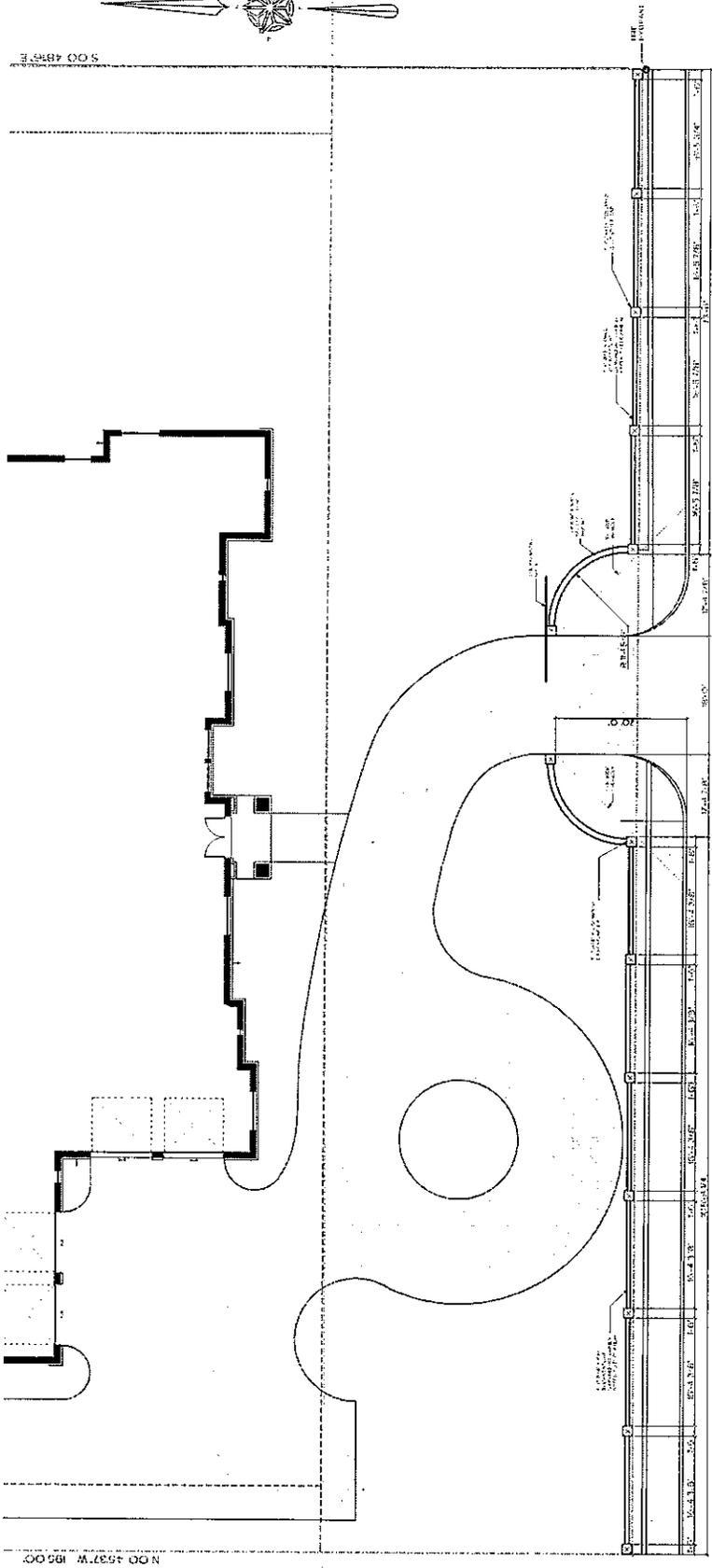

Lloyd Denman, Building Official

City of Dallas Zoning



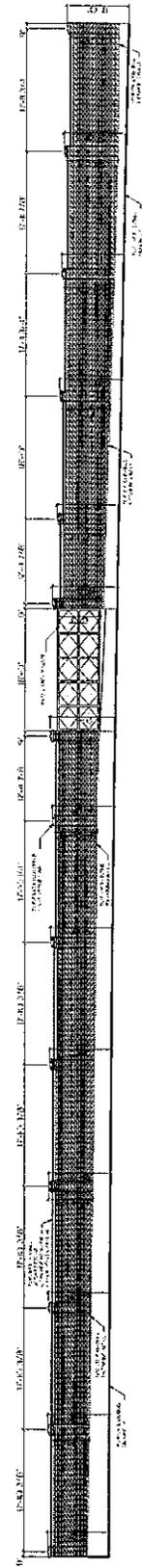
- | | | |
|---|--|---|
| <p>City Boundaries</p> <p>County</p> <p>Certified Parcels</p> <p>DISD Sites</p> <p>Council Districts</p> <p>Waterways</p> | <p>Dry Overlay</p> <p>D</p> <p>D-1</p> <p>Historic Overlay</p> <p>Historic Subdistricts</p> <p>NSO Overlay</p> <p>NSO Subdistricts</p> | <p>Base Zoning</p> <p>Floodplain</p> <p>100 Flood Zone</p> <p>Mill's Creek</p> <p>Peak's Branch</p> <p>X PROTECTED BY LEVEE</p> <p>Pedestrian Overlay</p> <p>CP</p> <p>SP</p> |
|---|--|---|





2 REV WARENCE SITE PLAN

WALNUT HILL LANE
00' R.O.W.



1 MARQUETTE WALL ELEVATION

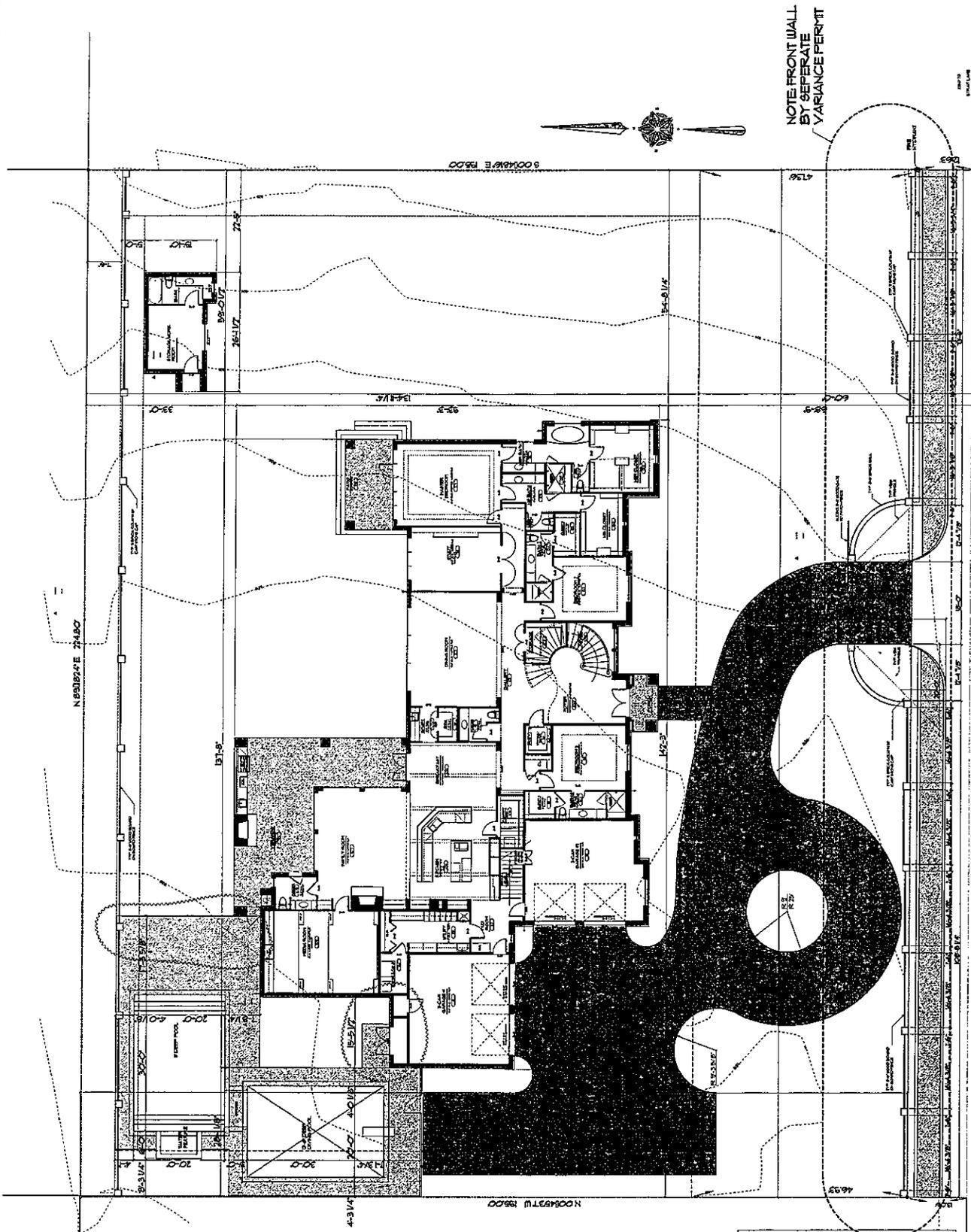
DATE: 10/15/14
 DRAWN BY: J. M. MURPHY
 CHECKED BY: J. M. MURPHY
 SCALE: AS SHOWN

CONTRACTOR: B. B. BELLER (PH) 402.333.2200
 1001 S. 17TH AVE. SUITE 100
 LINCOLN, NE 68502
 PHONE: 402.333.2200
 FAX: 402.333.2201
 WWW.BBELLER.COM

Shartliff Munitz
 UNCONVENTIONAL CUSTOM HOMES
 1001 S. 17TH AVE. SUITE 100
 LINCOLN, NE 68502
 PHONE: 402.333.2200
 FAX: 402.333.2201
 WWW.SHARTLIFFMUNITZ.COM

4833 WALNUT HILL LANE
 LOT 5 BLOCK 3/5531
 DODGE, TEXAS 75229

A-14



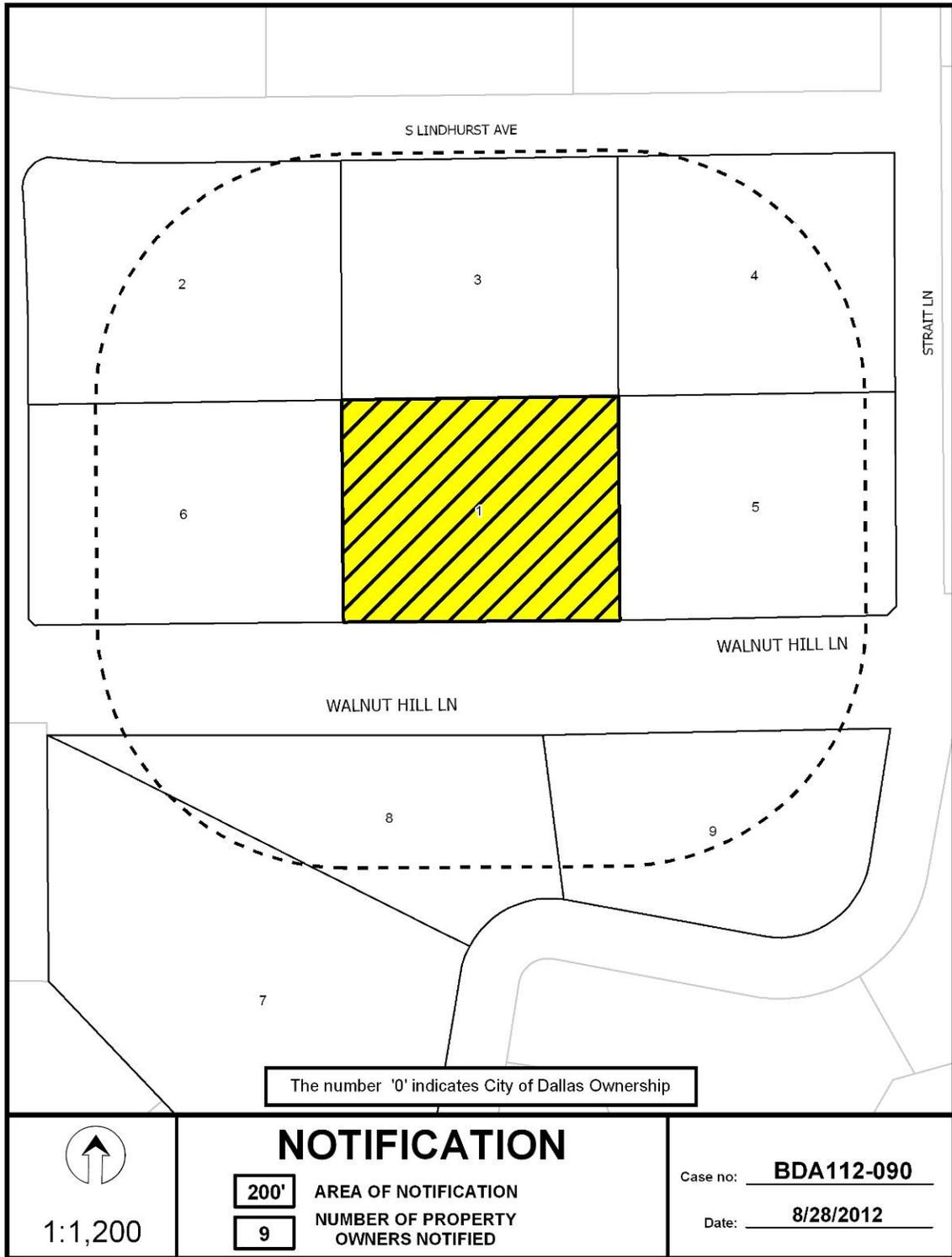
2 SITE PLAN
 11/1/10

NOTE: CHANGES TO SETBACKS AND WALLS OVER FRONT SETBACK ARE BY VARIANCE ONLY

WALNUT HILL LANE
 40' F.S.D.

N. SIBLEY LANE

DRAWING INDEX	
01	INDEX - SITE PLAN
02	FIRST FLOOR PLAN
03	FRONT REAR ELEVATIONS
04	FRONT REAR ELEVATIONS
05	SECTION INTERIOR ELEVATIONS
06	SECTION INTERIOR ELEVATIONS
07	2ND FLOOR REFLECTED CEILING PLAN
08	2ND FLOOR REFLECTED CEILING PLAN
09	FIRST FLOOR ELECTRICAL PLAN
10	FIRST FLOOR ELECTRICAL PLAN
11	FOUNDATION PLAN
12	FOUNDATION PLAN



Notification List of Property Owners

BDA112-090

9 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4833 WALNUT HILL LN	NAGLER MARY CROCKETT
2	4804 LINDHURST AVE	DEWEY TODD M & KIMBERLY K MEZERA
3	4834 LINDHURST AVE	SHARIF & MUNIR RESIDENTIAL LTD
4	10095 STRAIT LN	MCINTYRE MICHAEL P & STACYE E
5	10011 STRAIT LN	JENNINGS BRIAN J & LISA C
6	10010 LENNOX LN	LOP REAL ESTATE HOLDINGS LLC
7	9929 STRAIT LN	POLLOCK RICHARD & KAREN S
8	9941 STRAIT LN	KING MARK A & MARCIA J
9	9949 STRAIT LN	GILES CLARICE T & STEPHEN

FILE NUMBER: BDA 112-091

BUILDING OFFICIAL'S REPORT:

Application of Clyde R. Lee, represented by Michael Warner, for special exceptions to the fence height regulations and visual obstruction regulations at 6109 Orchid Lane. This property is more fully described as Lot 1 in City Block 5/5499 and is zoned R-16(A), 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 an 8 foot 2 inch high fence and to locate/maintain items in required visibility triangles, which will require a special exception to the fence regulations 4 feet 2 inches and special exceptions to the visual obstruction regulations.

LOCATION: 6109 Orchid Lane

APPLICANT: Clyde R. Lee
Represented by Michael Warner

REQUESTS:

- The following appeals had been made in this application on a site that is developed with a single family home:
 1. special exceptions to the fence height regulations of 4' 2" in conjunction with constructing and maintaining a 6' high open wrought iron picket fence, three 7' high arched open wrought iron picket gates, and 8' 2" high masonry columns (6' 8' high masonry columns with 1' 6" high decorative lamps atop) to be located in the site's two 35' front yard setbacks (Orchid Lane and Camellia Drive), and
 2. special exceptions to the visual obstruction regulations in conjunction with locating and maintaining portions of the open wrought iron fence and masonry columns in the two 20' visibility triangles on either side of the two driveways into the site from Camellia Drive, and in the two 20' visibility triangles on either side of the driveway into the site from Orchid Lane.

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.

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):

Approval, subject to the following condition:

- Compliance with the submitted site plan and elevation is required.

Rationale:

- The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked “Has no objections” to the requests.
- The applicant has substantiated how the location of a proposed open wrought iron fence and masonry columns in the two 20’ visibility triangles on either side of the two driveways into the site from Camellia Drive, and in the two 20’ visibility triangles on either side of the driveway into the site from Orchid Lane do not constitute traffic hazards.

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: PD 553 (Planned Development)
- 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, and west are developed with single family uses; and the area to the south is developed as a private school (St. Mark’s School of Texas).

Zoning/BDA History:

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. BDA 067-093, Property at 10727 Camellia Drive (the property immediately north of the subject site) | <p>On August 13, 2007, the Board of Adjustment Panel C granted requests for special exceptions to the fence height of 4’ 4” and visual obstruction regulations and imposed the submitted site plan and elevation as a condition to these requests.</p> |
|--|--|

The case report stated that the special exception to the fence height regulations of 4' 4" were requested in conjunction with maintaining a 5' 10" high open wrought iron fence; an 8' 4" high open wrought iron gate; and an 8' high solid cedar plank wall with 8' 4" high columns the following in the site's 35' front yard setback; and that the special exceptions to the visibility obstruction regulations were requested in conjunction with maintaining portions of the open wrought iron fence and gates in the site's six 20' visibility triangles at the three drive approaches into the site from Mum Place and Camellia Drive, in the site's 20' visibility triangle at the intersection of the alley and Mum Place, and in the site's 45' visibility triangle at the intersection of Mum Place and Camellia Drive. The case report noted that these appeals were made to maintain the same fence, wall, and gates that exceeded the maximum fence height and visibility obstruction regulations on the subject site (and the separately platted lot immediately adjacent that is owned by the same person as the subject site) that were filed in 2005: BDA045-275 – requests for special exceptions to the fence height and visibility obstruction regulations on these lots that the Board of Adjustment Panel C denied in November of 2005 without prejudice. The minutes for this application noted that the applicant acknowledged receipt of the case report on this matter, that the board was only considering the existing fence/wall/gates/columns located on Lot 1 of City block 2/5499, and that the existing fence on Lot 2 of City block 2/5499 (which he owns as well) in a front yard setback higher than 4' in height would have to be brought into compliance with the code or sought to be remedied by a separately filed application to the board of adjustment. The applicant submitted photos of the fence/wall/gates on subject site.

2. BDA 045-275, 10727 and 10735
Camellia Drive (the subject site
and the lot immediately north,
Lots 1 and 2 of City Block
2/5499)

On November 14, 2005, the Board of Adjustment Panel C denied a request for a special exception to the fence height regulations of 3' 5" and a special exception to the visibility obstruction regulations without prejudice. The case report stated that the requests were made to maintain an 8' high wood fence with 8' 5" high stucco and concrete brick columns, and a 5' 10" high wrought iron fence with 6' 6" high wrought iron posts with 8' 4" high wrought iron gates in the 35' Camellia Drive front yard setback; and to maintain the above referenced fence and gates located in the 45' visibility triangle at the Camellia Drive and Mum Place intersection, and in nine 20' visibility triangles on Mum Place and Camellia Drive.

Timeline:

August 8, 2012: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

August 16, 2012: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

August 16, 2012: 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 29th deadline to submit additional evidence for staff to factor into their analysis; and the September 7th 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 requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

September 4, 2012: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for September public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant

Director, Building Inspection Chief Planners, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

September 10, 2012: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked "Has no objections."

GENERAL FACTS /STAFF ANALYSIS (fence height special exceptions):

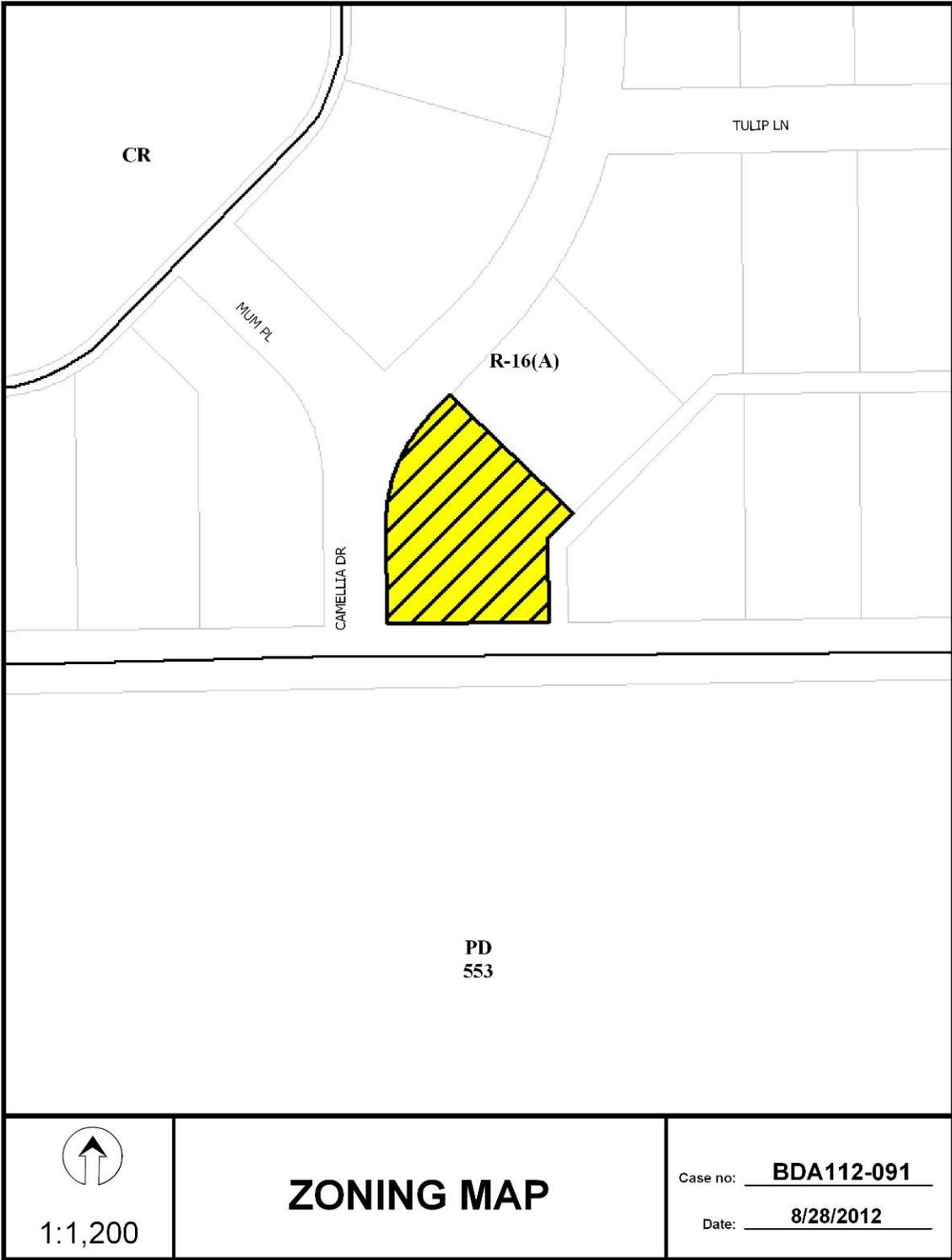
- These requests focus on constructing and maintaining a 6' high open wrought iron picket fence, three 7' high arched open wrought iron picket gates, and 8' 2" high masonry columns (6' 8" high masonry columns with 1' 6" high decorative lamps atop) to be located in the site's two 35' front yard setbacks (Orchid Lane and Camellias Drive).
- The subject site is a corner lot zoned R-16(A) with two street frontages of unequal distance. The site is located at the northeast corner of Orchid Lane and Camellia Lane.
- The site has a front yard setback along Orchid Lane as the shorter of the two frontages is always deemed the front yard setback on a corner lot of unequal frontage distance. The site's Camellia Drive frontage is deemed a front yard as well to maintain the continuity of the established front yard setback along this street because of the lot northeast that fronts Camellia Drive – a front yard that carries across the subject site along Camellia Drive to where it meets Orchid Lane; otherwise, this street frontage would be deemed a side yard where a 9' high fence can be constructed/maintained per code.
- 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 had submitted a site plan and elevation indicating that the proposal in the Orchid Lane and Camellia Drive front yard setbacks reaches a maximum height of approximately 8' 2".
- The following additional information was gleaned from the submitted site plan:
 - About 130' in length parallel along Orchid Lane (and approximately 34' perpendicular on the east side in this front yard setback), approximately 1' from on the front property line and about 14' from the pavement line where no single family home fronts this proposal – immediately to the south is a surface parking lot for the St. Mark's School of Texas).
 - Approximately 200' in length along Camellia Drive, approximately 1' from the front property line and about 14' from the pavement line where a single family home is located across the street but fronts southward to Orchid Lane.
- The Board Administrator conducted a field visit of the site and surrounding area and noted two other fences higher than 4' in the immediate area in what appears to be a

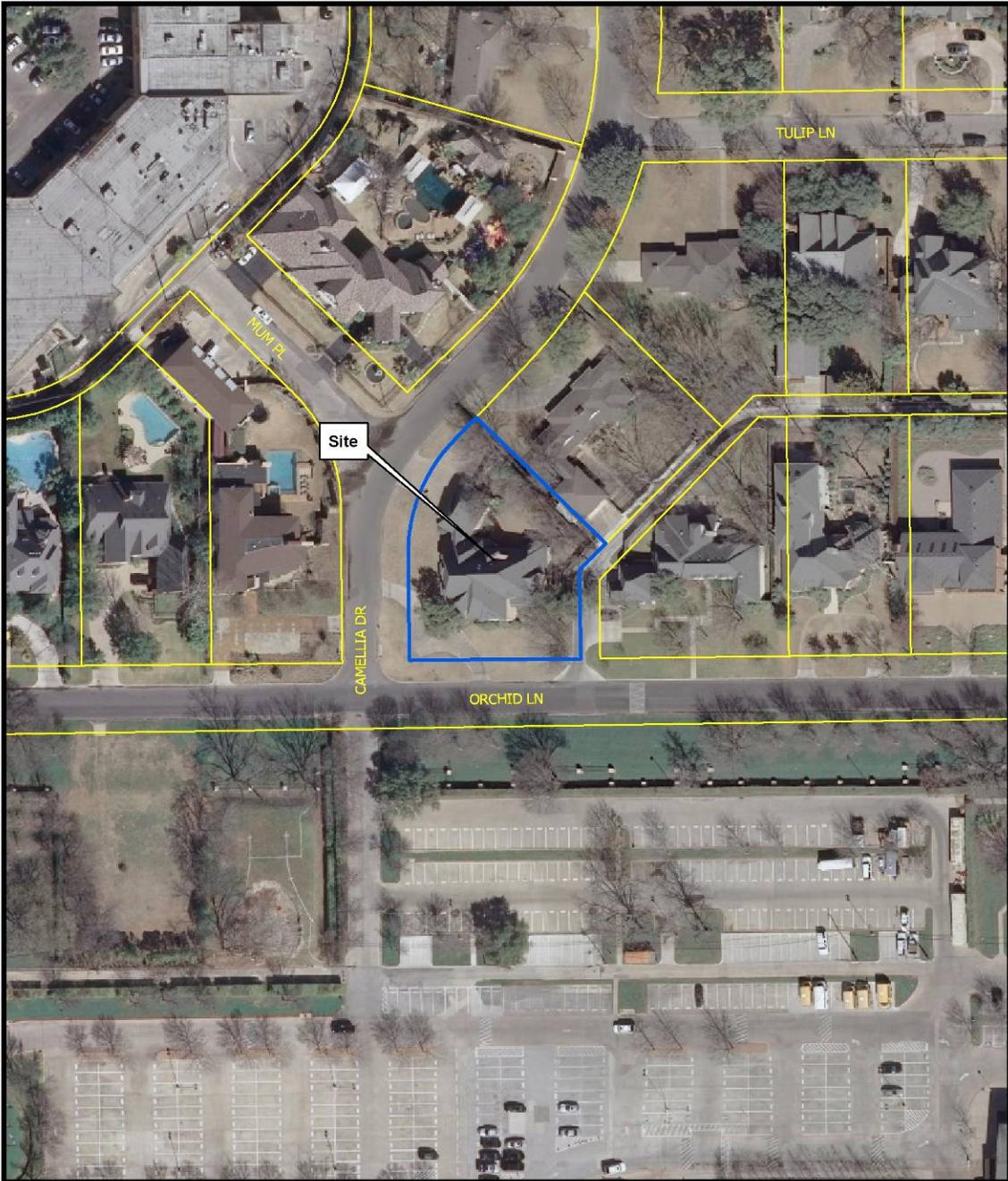
front yard setback – one of which (an approximately 6’ high open wrought iron fence immediately north) that appears to be a result of a granted fence height special exception request (BDA 067-093), and another (an approximately 10 high solid board fence two lots immediately north) that appears to have no recorded BDA history.

- As of September 10, 2012, no letters had been submitted in support or opposition to the request.
- The applicant has the burden of proof in establishing that the special exceptions to the fence height regulations of 4’ 2” will not adversely affect neighboring property.
- Granting this special exception of 4’ 2” with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4’ in height in the Orchid Lane and Camellias Drive front yard setbacks to be constructed and maintained in the location and of the heights and materials as shown on these documents.

GENERAL FACTS /STAFF ANALYSIS (visual obstruction special exceptions):

- These request focus on locating and maintaining portions of the aforementioned open wrought iron fence and masonry columns in the two 20’ visibility triangles on either side of the two driveways into the site from Camellia Drive, and in the two 20’ visibility triangles on either side of the driveway into the site from Orchid Lane.
- 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 and 20-foot visibility triangles at drive approaches); 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 site plan and elevation has been submitted indicating approximately 6 foot lengths of an open wrought iron fence/masonry columns in each of the two 20’ visibility triangles on either side of the two driveways into the site from Camellia Drive, and in the two 20’ visibility triangles on either side of the driveway into the site from Orchid Lane.
- The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked “Has no objections.”
- 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 portions of the open wrought iron fence and masonry columns in the two 20’ visibility triangles on either side of the two driveways into the site from Camellia Drive, and in the two 20’ visibility triangles on either side of the driveway into the site from Orchid Lane will not constitute a traffic hazard.
- Granting these requests with a condition imposed that the applicant complies with the submitted site plan and elevation document would require that the items in the aforementioned visibility triangles to be limited to the locations, heights, and materials of those items as shown on these documents.





1:1,200

AERIAL MAP

Case no: BDA112-091

Date: 8/28/2012



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-091

Date: 8-8-12

Data Relative to Subject Property:

Location address: 6109 Orchid Lane Dallas TX Zoning District: R-16(A)

Lot No.: 1 Block No.: 5/5499 Acreage: .44 Census Tract: 76.04

Street Frontage (in Feet): 1) 132.60' 2) 207' 3) _____ 4) _____ 5) _____ NE 35

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Clyde R. Lee and wife, Julie L. Lee

Applicant: Clyde R. Lee Telephone: (972) 880-3032

Mailing Address: 6109 Orchid Lane Dallas, TX Zip Code: 75230

E-mail Address: clydelee67@gmail.com

Represented by: Michael Warner Telephone: (214) 724-3097

Mailing Address: 5505 Flowerwood Ln. McKinney TX - Zip Code: 75070

E-mail Address: m and w designs@hotmail.com

Affirm that an appeal has been made for a Variance , or Special Exception X, of 4'2" fence height variance and three private driveway visibility triangles

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:
the fence will be open and unobstructed without vegetation and will not adversely effect the neighboring properties; the columns in the visibility triangles will not obstruct visibility to any unsafe degree for users of the private driveways

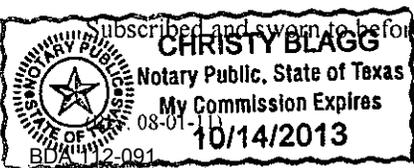
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared CLYDE R. LEE
(Affiant/Applicant's name printed)

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

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



Subscribed and sworn to before me this 8th day of August, 2012
[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

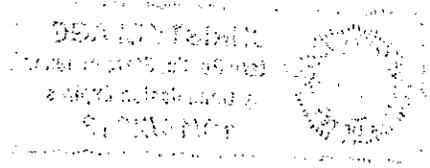
Building Official's Report

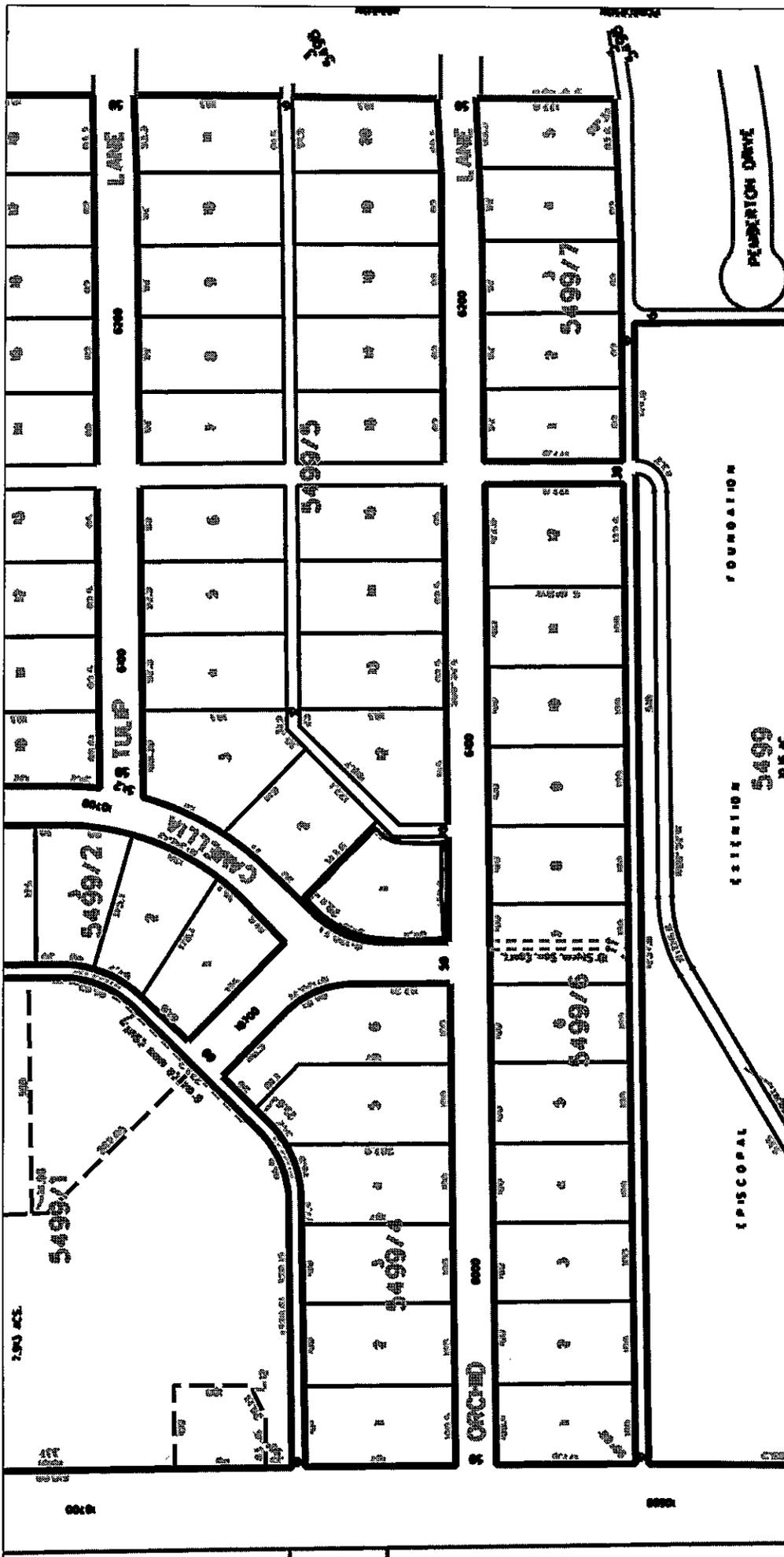
I hereby certify that Clyde R. Lee
represented by MICHAEL WARNER
did submit a request for a special exception to the fence height regulations, and for a special
exception to the visibility obstruction regulations
at 6109 Orchid Lane

BDA112-091. Application of Clyde R. Lee represented by Michael Warner for a special exception to the fence height regulations and a special exception to the visibility obstruction regulations at 6109 Orchid Lane. This property is more fully described as lot 1 in city block 5/5499 and is zoned R-16(A), 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 an 8 foot 2 inch high fence in a required front yard, which will require a 4 foot 2 inch special exception to the fence regulation, and to construct a fence in required visibility obstruction triangles, which will require a special exception to the visibility obstruction regulations.

Sincerely,


Lloyd Denman, Building Official

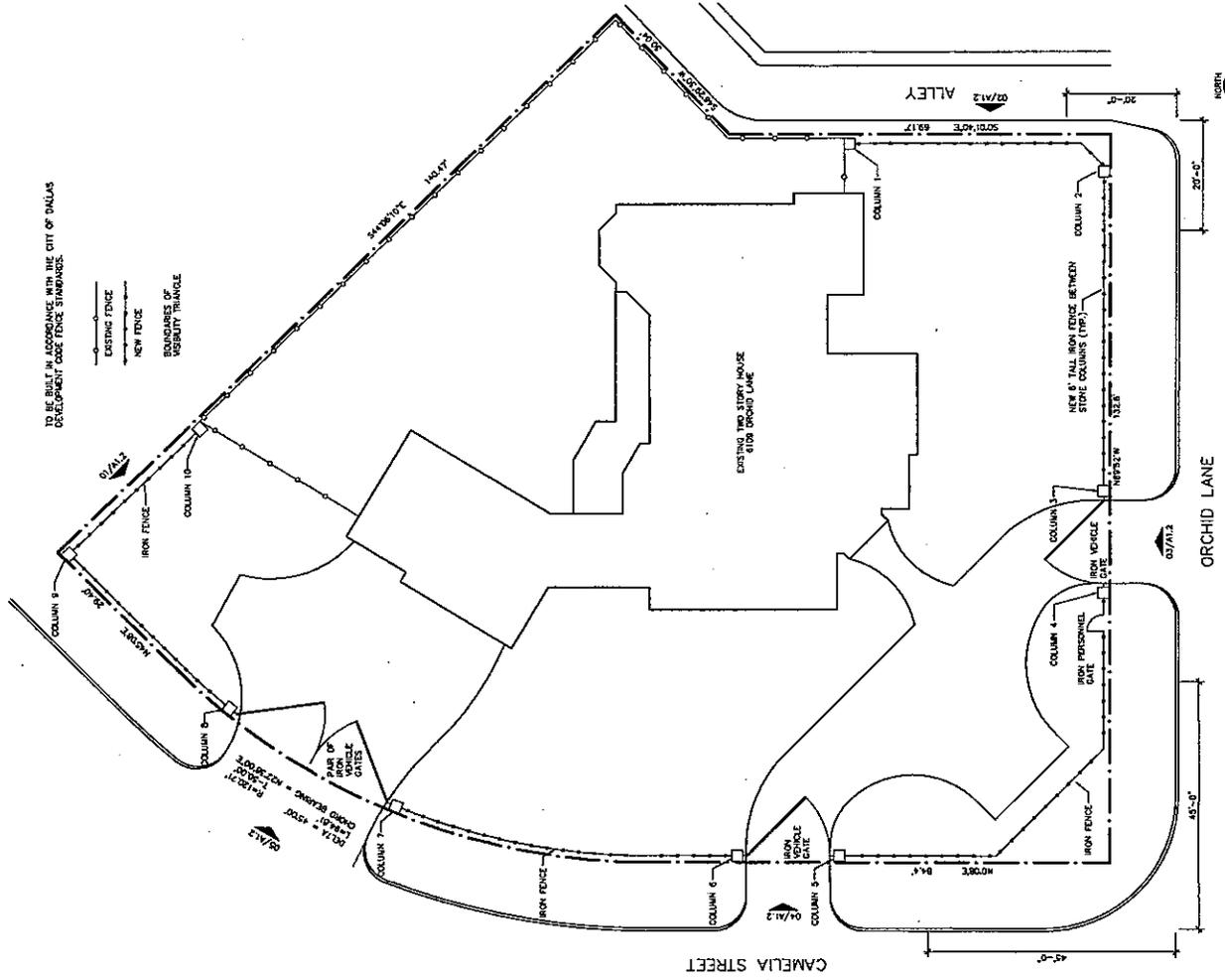




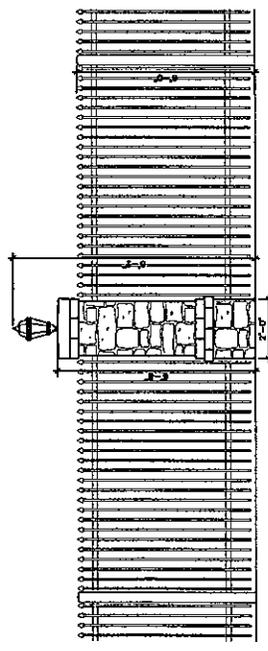
JW

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ISSUED FOR DESIGN REVIEW ONLY. NOT FOR CONSTRUCTION. AUGUST 6, 2012

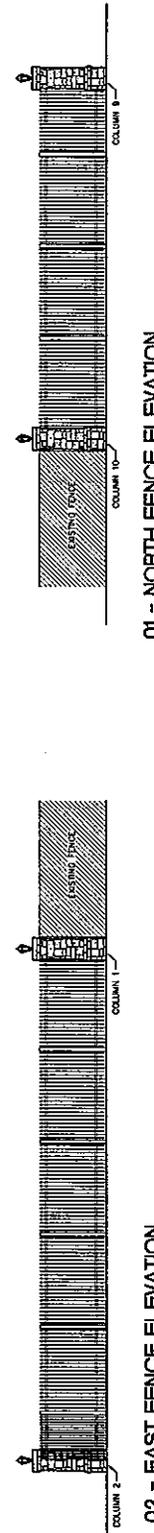
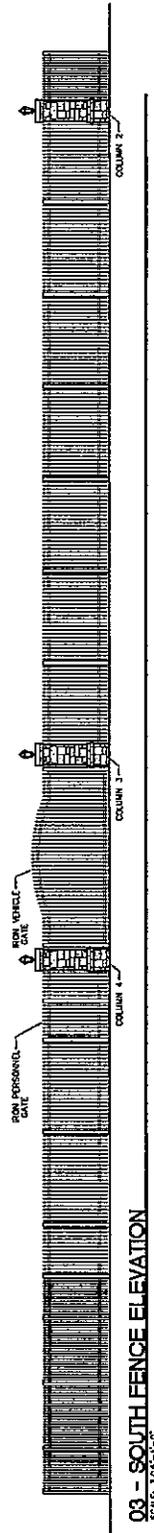
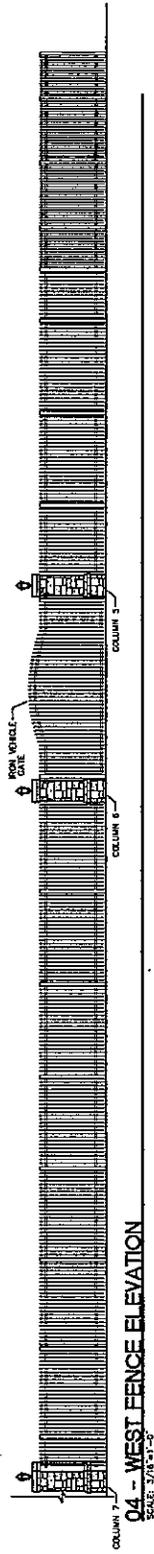
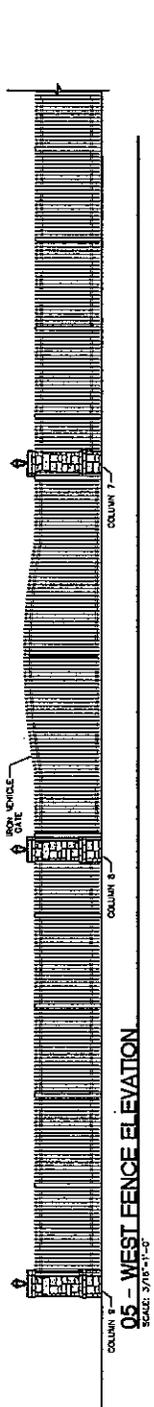


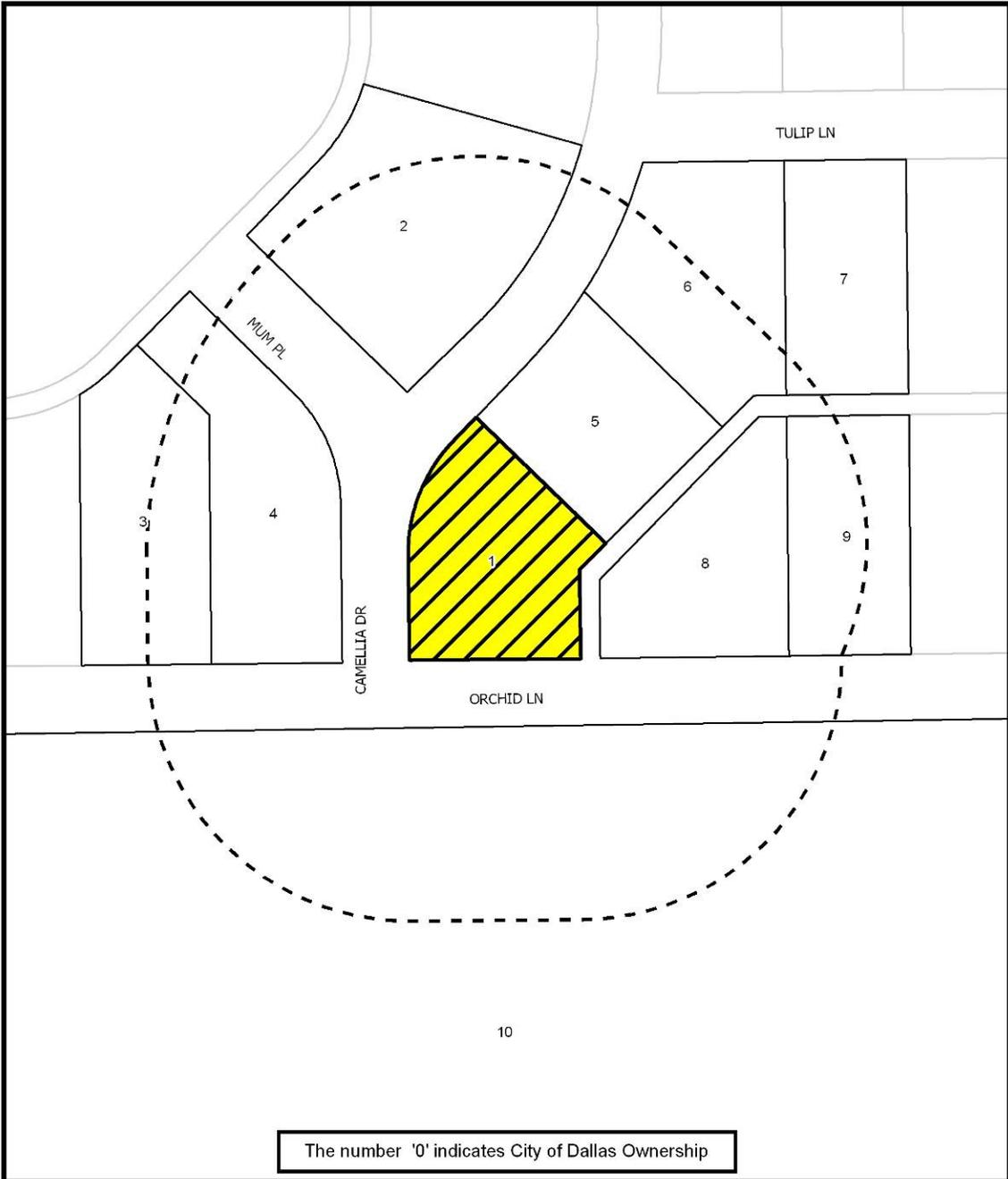
01 - SITE PLAN
SCALE: 3/32"=1'-0"



02 - FENCE ELEVATION (TYPICAL)
SCALE: 1/2"=1'-0"

ISSUED FOR DESIGN REVIEW ONLY. "NOT FOR CONSTRUCTION" AUGUST 6, 2012





 1:1,200	<h2>NOTIFICATION</h2>	Case no: BDA112-091
	<div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">200'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">10</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	Date: 8/28/2012

Notification List of Property Owners

BDA112-091

10 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6109 ORCHID LN	FERNANDES VALENTINO FJ & IONA M
2	10727 CAMELLIA DR	MAGNET LLC
3	6039 ORCHID LN	Taxpayer at
4	6047 ORCHID LN	REISENBICHLER THOMAS H & LORI J REISENBI
5	10722 CAMELLIA DR	TAYLOR BETTY J
6	6106 TULIP LN	SCOTT JOYCE
7	6114 TULIP LN	JENNINGS JAMIE ELIZABETH
8	6123 ORCHID LN	GUNN G DOUGLAS & REGINA R
9	6131 ORCHID LN	RAMACIOTTI CLAUDIO & ANA
10	10600 PRESTON RD	ST MARKS SCHOOL OF TEXAS