

**NOTICE FOR POSTING**  
**MEETING OF**  
**BOARD OF ADJUSTMENT, PANEL B**  
**WEDNESDAY, SEPTEMBER 23, 2020**

<b>Briefing*:</b>	<b>11:00 A.M.</b>	<b>Video Conference</b>
<b>Public Hearing*:</b>	<b>1:00 P.M.</b>	<b>Video Conference</b>

**\*The Board of Adjustment hearing will be held by videoconference. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure should contact the Sustainable Development and Construction Department at 214-670-4209 by the close of business Tuesday, September 22, 2020. Only registered speakers will be allowed to address the Board during the public hearing. The following videoconference link is available to the public to listen to the meeting and Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 95 or 96 and the WebEx link:**

<https://dallascityhall.webex.com/dallascityhall/onstage/g.php?MTID=eb4e82dd78ca274d23157424ddef904ef>

**Purpose:** To take action on the attached agenda, which contains the following:

1. Board of Adjustment appeals of cases the Building Official has denied.
2. And any other business which may come before this body and is listed on the agenda.

**Handgun Prohibition Notice for Meetings of Governmental Entities**

*"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."*

*"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."*

*"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."*

*"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."*



**CITY OF DALLAS**  
**BOARD OF ADJUSTMENT, PANEL B**  
**WEDNESDAY, SEPTEMBER 23, 2020**  
**AGENDA**

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BRIEFING	Video Conference	11:00 A.M.
PUBLIC HEARING	Video Conference	1:00 P.M.

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**Neva Dean, Assistant Director**  
**Jennifer Muñoz, Chief Planner/Board Administrator**  
**Oscar Aguilera, Senior Planner**  
**LaTonia Jackson, Board Secretary**

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**PUBLIC TESTIMONY**

Minutes

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**MISCELLANEOUS ITEM**

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Approval of the August 19, 2020 Board of Adjustment Panel B Public Hearing Minutes	M1
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**UNCONTESTED CASE(S)**

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<b>BDA190-083(OA)</b>	7706 Midbury Dr. <b>REQUEST:</b> Application of Betty Dixon for a special exception to the fence height regulations	1
<b>BDA190-085(OA)</b>	9032 Clearhurst Dr. <b>REQUEST:</b> Application of Jason Metcalf for a special exception to the fence height regulations	2

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**REGULAR CASE(S)**

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<b>BDA190-078(OA)</b>	5330 Belmont Ave. <b>REQUEST:</b> Application of Thomas Tsang for two variances to the front yard setback regulations	3
<b>BDA190-082(OA)</b>	5707 Williamstown Rd. <b>REQUEST:</b> Application of Eric Messer for special exceptions to the visibility obstruction regulations	4

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**HOLDOVER CASE(S)**

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None

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## EXECUTIVE SESSION NOTICE

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

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



**FILE NUMBER:** BDA190-083(OA)

**BUILDING OFFICIAL’S REPORT:** Application of Betty Dixon for a special exception to the fence height regulations at 7706 Midbury Drive. This property is more fully described as Lot 4, Block 1/7278 and is zoned an R-16(A) Single Family District, which limits the height of a fence in the front yard to four feet. The applicant proposes to construct a five-foot one-inch-high fence in a required front yard, which will require a one-foot one-inch special exception to the fence regulations.

**LOCATION:** 7706 Midbury Drive

**APPLICANT:** Betty Dixon

**REQUESTS:**

A request for a special exception to the fence standards regulations related to the fence height of one-foot one-inch is made to construct and maintain a five-foot one-inch-high solid cinderblock fence with a five-foot metal pedestrian gate in the required front yard on a site developed with a single-family home.

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

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

**STAFF RECOMMENDATION:**

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

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: R-16 (A) (Single family district)
- North: R-16 (A) (A) (Single family district)
- East: R-16 (A) (A) (Single family district)
- South: R-16 (A) (A) (Single family district)
- West: R-16 (A) (A) (Single family district)

**Land Use:**

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

**Zoning/BDA History:**

There have not been any recent related board or zoning cases recorded either on or near the subject site.

**GENERAL FACTS/STAFF ANALYSIS:**

The purpose of this request for a special exception to the fence height standards is to construct and maintain a four-foot six-inch-high solid cinderblock fence with a five-foot metal pedestrian gate in the required front yard on a site developed with a single-family home.

The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.

The subject site is zoned an R-16(A) Single Family District and this property has a platted building line of 40-foot front yard setback.

The proposed fence is to be located in this required front yard. The following additional information was gleaned from the submitted site plan:

- The proposed fence is approximately 76 feet-in-length parallel to Midbury Drive and runs approximately 10-to-40 feet perpendicular to Midbury Drive as the fence approaches the east side from the west side of the property.
- The distance between the proposed fence and the pavement line is between 22 and 39 feet.

Section 51A-4.602(a)(2) of the Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.

Staff conducted a field visit of the site and surrounding area (approximately 400 feet north, south, east, and west of the subject site) and no other fences that appear to be above four feet-in-height and located in a front yard setback.

As of September 11, 2020, no letters have been received in opposition or support to this request.

The applicant has the burden of proof in establishing that the special exception to the fence height regulation of three feet will not adversely affect neighboring property.

Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding one foot one inch-in-height in the front yard setback to be constructed in the location and heights as shown on these documents.

**Timeline:**

July 27, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.

August 18, 2020: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B..

August 19, 2020: The Board Senior Planner emailed the applicant the following information:

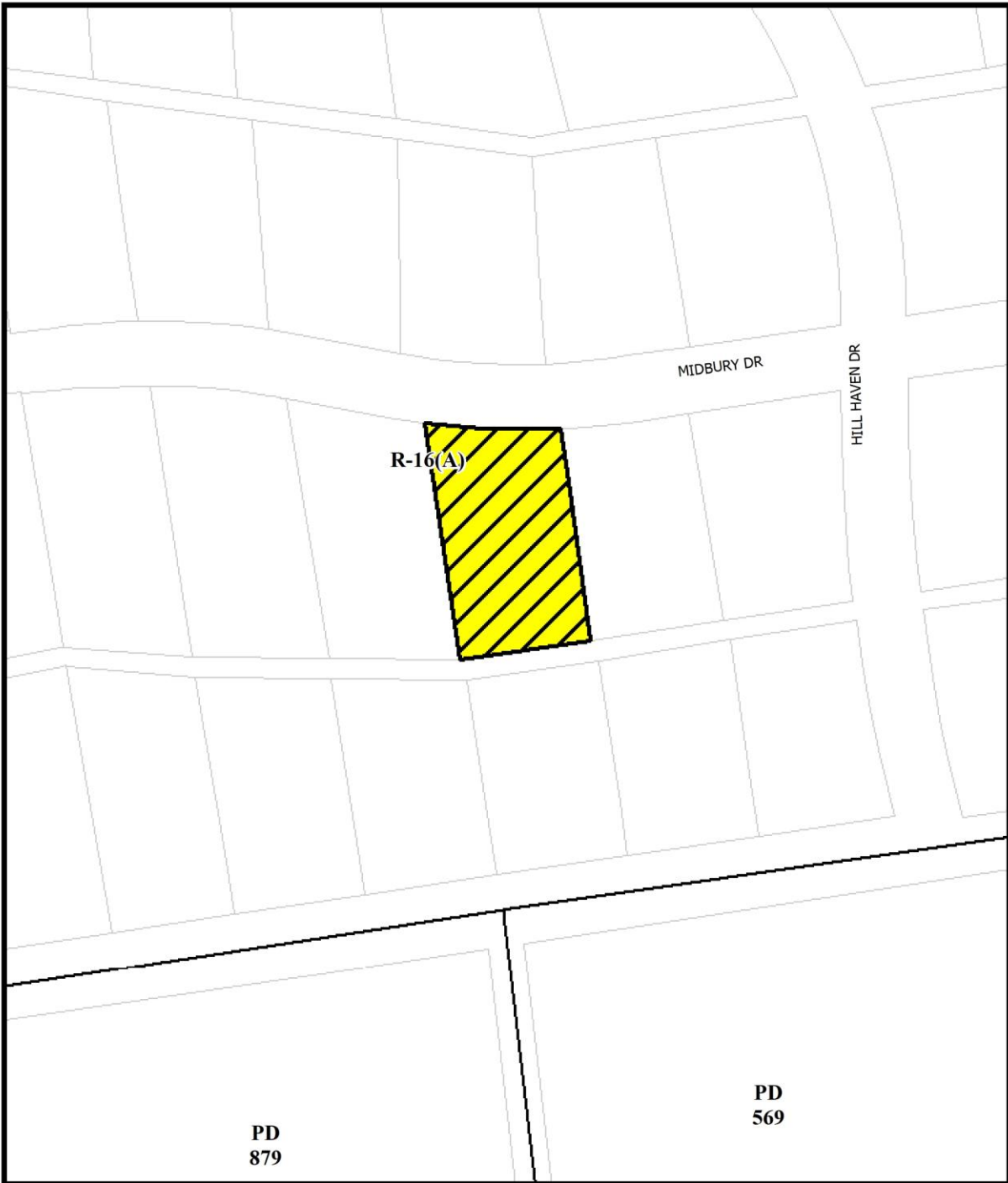
- a copy of the application materials including the Building Official’s report on the application.
- an attachment that provided the public hearing date and panel that will consider the application; the September 2, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the September 11, 2020 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 27, 2020: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

September 4, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September public hearing. The review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Sing Specialist, the Building Inspection Senior Plans Examiner/Development Code Specialist,

the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Assistant City Attorney to the Board.

No review comment sheets were submitted in conjunction with this application

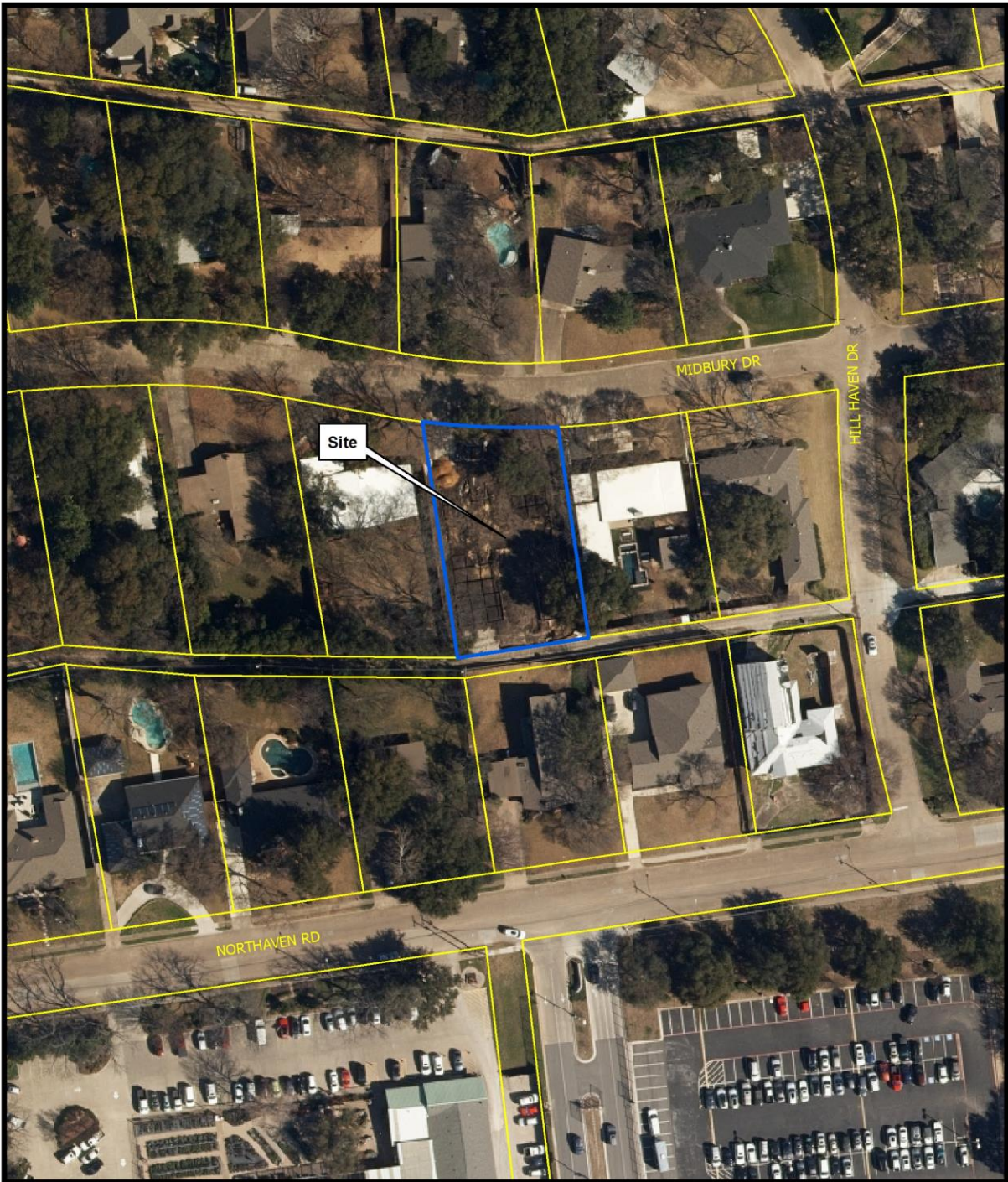


1:1,200

# ZONING MAP

Case no: BDA190-083

Date: 9/2/2020



1:1,200

# AERIAL MAP

Case no: BDA190-083

Date: 9/2/2020





City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-083

Date: 7-27-20 *col*

Data Relative to Subject Property:

Location address: 7706 Midbury Dr Zoning District: R-16(A)

Lot No.: 4 Block No.: 117278 Acreage: 21<sup>394</sup> (17,722 sq ft) Census Tract: 131.01

Street Frontage (in Feet): 1) 130' 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Gert Lessing + Stephanie Lessing

Applicant: Betty Dixon / Heritage Homes Telephone: 817.601.4576

Mailing Address: PO Box 92279 Southlake TX 76092 Zip Code: 76092

E-mail Address: bettyd@yourheritagehomes.com

Represented by: Betty Dixon / Heritage Homes Telephone: 817.601.4576

Mailing Address: PO Box 92279 Southlake TX Zip Code: 76092

E-mail Address: bettyd@yourheritagehomes.com

Affirm that an appeal has been made for a Variance \_\_, or Special Exception , of a fence, over 4' in height in front yard. It varies in height from 3 1/2' - 5 1/2' due to topography.

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: To obtain final certificate of occupancy of residence.

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

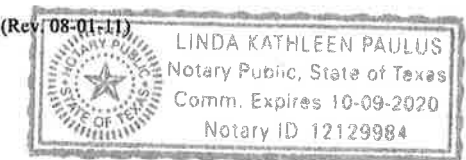
Before me the undersigned on this day personally appeared Betty Dixon (Affiant/Applicant's name printed)

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: Betty Dixon (Affiant/Applicant's signature)

Subscribed and sworn to before me this 17th day of July, 2020

Linda K Paulus 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 Betty Dixon

did submit a request for a special exception to the fence height regulations  
at 7706 Midbury Drive

BDA190-083. Application of Betty Dixon for a special exception to the fence height regulations at 7706 MIDBURY DR. This property is more fully described as Lot 4 Block 1/7278, 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 an 5 foot 1 inch high fence in a required front yard, which will require a 1 foot 1 inch special exception to the fence regulations.

Sincerely,

*David Session*  
David Session, Building Official







CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 190-083

I, Gert Lessing, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 7706 Midbury Dr  
(Address of property as stated on application)

Authorize: Betty Dixon / Heritage Homes  
(Applicant's name as stated on application)

To pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s)

- Variance (specify below)
- Special Exception (specify below)
- Other Appeal (specify below)

Specify: Approval of fence in front yard exceeding 4' in height.

GERT LESSING  
Print name of property owner or registered agent

[Signature]  
Signature of property owner or registered agent

Date 7/17/2020

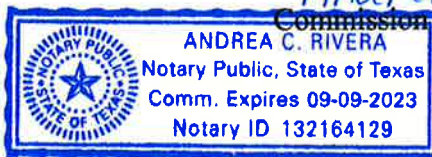
Before me, the undersigned, on this day personally appeared Gert Lessing

Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 17<sup>th</sup> day of July, 2020

Andrea C. Rivera  
Notary Public for Dallas County, Texas

Andrea C. Rivera  
Commission expires on 09-09-2023





CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 190-083

I, Stephanie Lessing, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 7706 Midbury Dr  
(Address of property as stated on application)

Authorize: Betty Dixon / Heritage Homes  
(Applicant's name as stated on application)

To pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s)

- Variance (specify below)
- Special Exception (specify below)
- Other Appeal (specify below)

Specify: Approval of fence in front yard exceeding 4' in height.

STEPHANIE LESSING  
Print name of property owner or registered agent

[Signature]  
Signature of property owner or registered agent

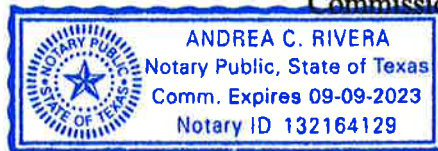
Date July 21, 2020

Before me, the undersigned, on this day personally appeared Stephanie Lessing

Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 21<sup>st</sup> day of July, 2020

Andrea C. Rivera  
Notary Public for Dallas County, Texas  
Andrea C. Rivera  
Commission expires on 09-09-2023





Printed: 7/22/2020

**Legend**

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | Railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Floodplain           | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO_Overlay                |
| Peak's Branch        | SPSD Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | SUP                            | Historic Overlay      | Front Overlay              |
|                      |                                | Height Map Overlay    |                            |

This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.' (Texas Government Code § 2051.102)

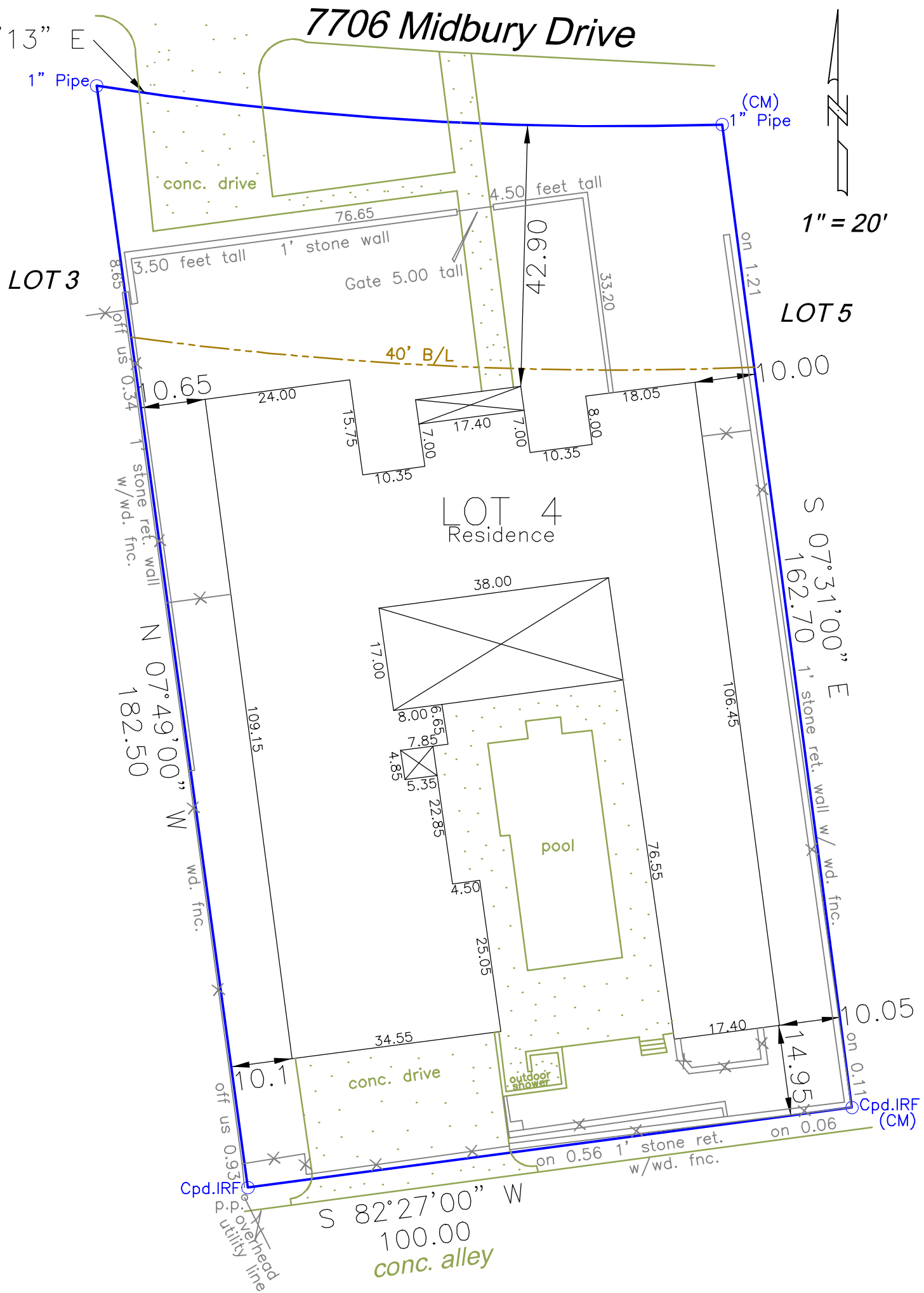


NOTICE  
ALL EXISTING BUILDINGS,  
BUILDING LINES, &  
EASEMENTS AS SHOWN





A=103.02  
R=550.00  
CB=S 86°27'13" E  
CL=102.87



**As-Built Survey of  
7706 Midbury Drive**



Wilhite Land Surveying, Inc.  
PO Box 407  
Valley View, Texas 76272  
940-726-6150  
Fax 940-726-6151  
www.wilhitelandsurveying.net  
Firm No. 10083800

Job No. -



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="0" style="width: 100%;"> <tr> <td style="border: 1px solid black; padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px;">13</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	13	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA190-083</u> Date: <u>9/2/2020</u>
200'	AREA OF NOTIFICATION					
13	NUMBER OF PROPERTY OWNERS NOTIFIED					

09/02/2020

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

***BDA190-083***

### ***13 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	7706 MIDBURY DR	LESSING GERT C &
2	7614 MIDBURY DR	SUTHERLAND ELEANOR LIFE ESTATE OF
3	7622 MIDBURY DR	TOOMAY SETH
4	7714 MIDBURY DR	SHIPP BLAKE &
5	7722 MIDBURY DR	ZIMMER ELLIOT
6	7739 NORTHAVEN RD	CATALYST RESOURCE GROUP INC
7	7723 NORTHAVEN RD	MCCORMICK JOHN & ELIZABETH
8	7715 NORTHAVEN RD	BERNBAUM BRUCE & CINDY
9	7707 NORTHAVEN RD	HART KEITH & CHERIE DARLENE
10	7723 MIDBURY DR	BIRD DEBRA S
11	7715 MIDBURY DR	PALMER GEORGE & WENDY
12	7623 MIDBURY DR	JMD9 PROPERTIES LLC
13	7615 MIDBURY DR	SCHWARTZ WILLIAM F &

**FILE NUMBER:** BDA190-085(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Jason Metcalf for a special exception to the fence height regulations at 9032 Clearhurst Drive. This property is more fully described as Lot 24, Block C/8123, and is zoned Tract 2 within Planned Development District No. 343, which limits the height of a fence in the front yard to four feet. The applicant proposes to construct an 11-foot three-inch-high fence in a required front yard, which will require a seven-foot three-inch special exception to the fence regulations.

**LOCATION:** 9032 Clearhurst Drive

**APPLICANT:** Jason Metcalf

**REQUESTS:**

A request for a special exception to the fence standards regulations related to fence height of up to seven feet three-inches is made to construct and maintain a solid wood with brick base fence that ranges in overall height from eight feet to 11-feet three-inches located in one of the two required front yards (White Pine Lane) on a site developed with a single-family home.

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

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

**STAFF RECOMMENDATION:**

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

**BACKGROUND INFORMATION:**

**Zoning:**

Site: PD No. 343 Tract 2 (Planned Development District)

North: PD No. 343 Tract 2 (Planned Development District)

East: PD No. 343 Tract 2 (Planned Development District)

South: PD No. 343 Tract 2 (Planned Development District)



West: PD No. 343 Tract 2 (Planned Development District)

**Land Use:**

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

**Zoning/BDA History:**

There have not been any recent related board or zoning cases recorded either on or near the subject site.

**GENERAL FACTS/STAFF ANALYSIS:**

The purpose of this request for a special exception to the fence height standards is to construct and maintain a solid wood with brick base fence that ranges in overall height from eight feet to 11-feet three-inches located in one of the two required front yards (White Pine Lane) on a site developed with a single-family home.

The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.

The subject site is zoned Tract 2 within PD No. 343. The minimum front yard setback is 15 feet. For purposes of Tract 2, front yard means that portion of a lot which abuts a street and extends across the width of the lot between the back of the curb and the setback line.

According to Section 51A-4.602.(7) fence heights shall be measured from:

(i) 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. If the fence is constructed on fill material that alters grade, as determined by the building official, the height of the artificially altered grade shall be included in the height of the fence. For purposes of this provision, artificially altered grade means the placement of fill material on property that exceeds a slope of one foot of height for three feet of distance; and

(ii) the top of the fence to the level of the ground on the inside of the fence in the required side or rear yard.

(B) In all other zoning districts, fence heights shall be measured from the top of the fence to the level of the ground on the inside of the fence.

While the portion of the fence material is less than 11-feet-in-height, since the base includes a berm with a brick face, that measurement is included in the overall height of the fence.

The proposed fence is to be located in this required front yard. The following additional information was gleaned from the submitted site plan:

- The proposed fence is approximately 36 feet-in-length parallel to White Pine Lane and runs approximately three feet perpendicular to White Pine Lane in the north side of the property as the fence approaches the 15-foot required setback.
- The distance between the proposed fence and the pavement line is between 12 and 15 feet.

Section 51A-4.602(a)(2) of the Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.

Staff conducted a field visit of the site and surrounding area (approximately 400 feet north, south, east, and west of the subject site) and no other fences that appear to be above four feet-in-height and located in a front yard setback.

As of September 11, 2020, no letters have been received in opposition or support to this request.

The applicant has the burden of proof in establishing that the special exception to the fence height regulation of three feet will not adversely affect neighboring property.

Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding seven-foot three-inch in the front yard setback to be constructed in the location and heights as shown on these documents.

**Timeline:**

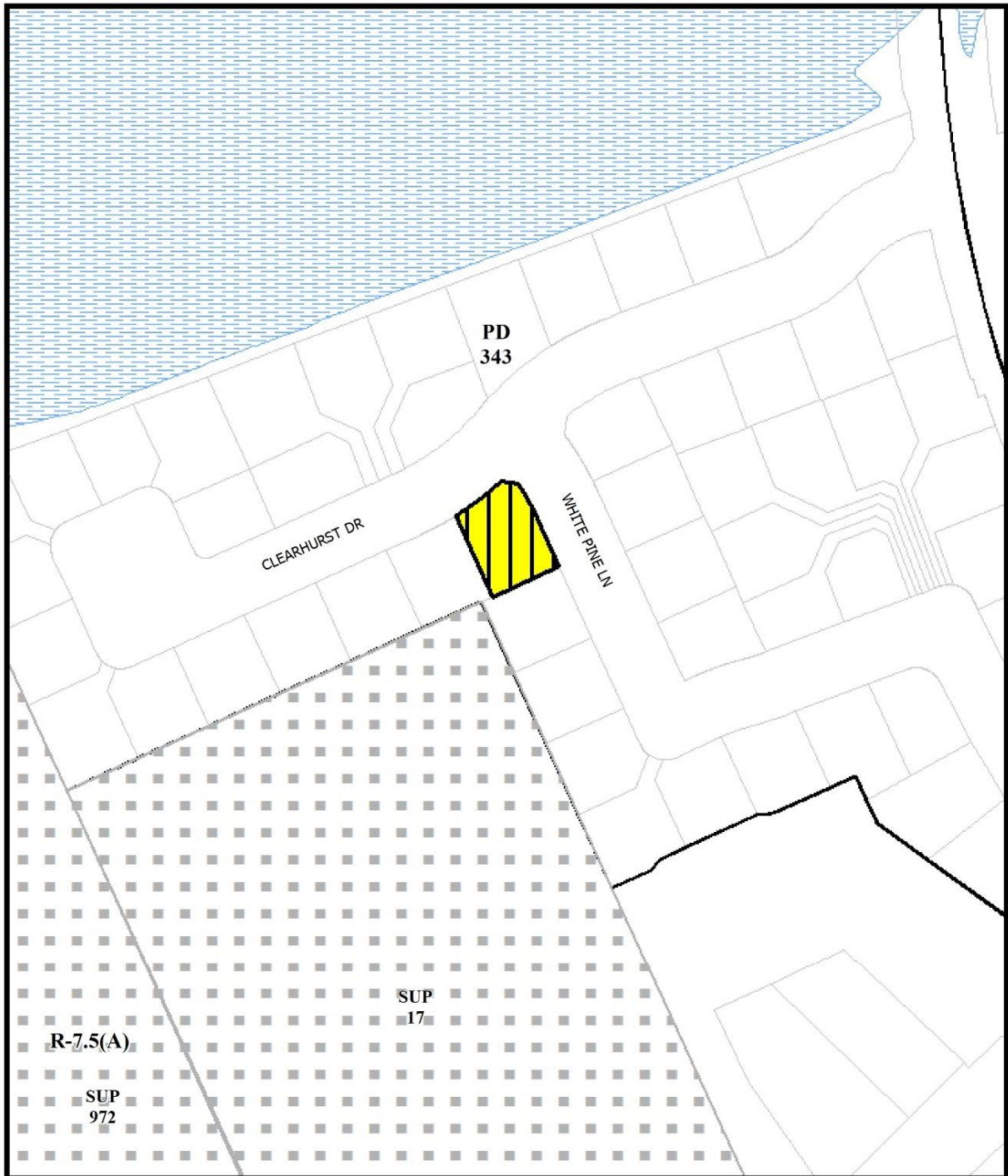
- July 28, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.
- August 18, 2020: The Board of Adjustment Secretary assigned this case to the Board of Adjustment Panel B.
- August 19, 2020: The Board Senior Planner emailed the applicant the following information:
  - a copy of the application materials including the Building Official’s report on the application.
  - an attachment that provided the public hearing date and panel that will consider the application; the September 2, 2020 deadline to submit additional evidence for staff to factor into their analysis;

and the September 11, 2020 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 1, 2020: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

September 4, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September public hearing. The review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Sing Specialist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Assistant City Attorney to the Board.



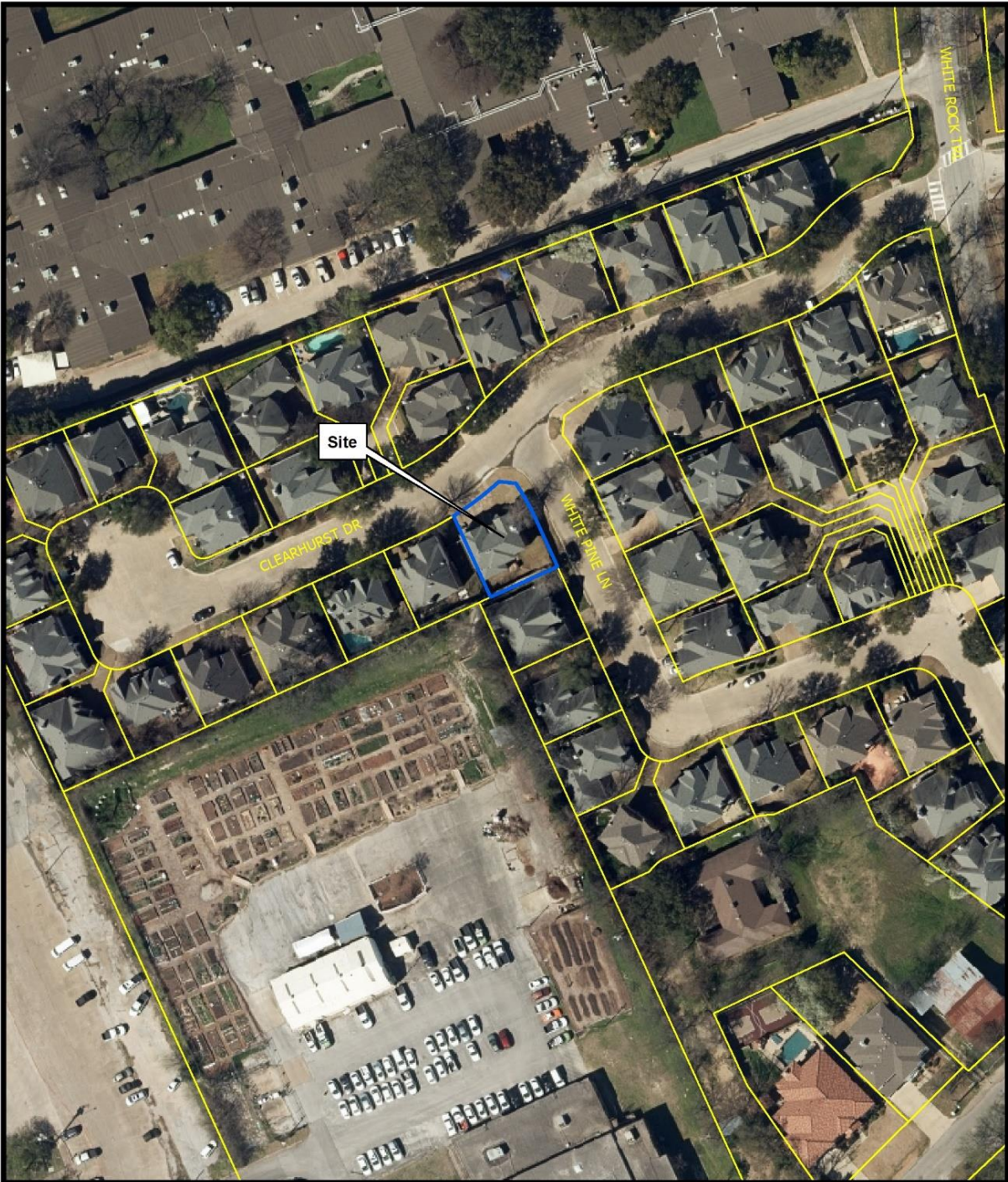
1:1,200

# ZONING MAP

Case no: BDA190-085

Date: 9/2/2020





1:1,200

# AERIAL MAP

Case no: BDA190-085

Date: 9/2/2020



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA/190-085

Date: 7/24/2020 7-28-20 cot

Data Relative to Subject Property:

Location address: 9032 Clearhurst Drive

Zoning District: PD 343 Subarea 2

Lot No.: 24 Block No.: C/18123 Acreage: 0.094

Census Tract: 130.04

Street Frontage (in Feet): 1) 355' 2) 71' 3) 31' 4) 40' 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Jason Metcalf + Bridgid Hayward

Applicant: Jason Metcalf Telephone: 2145375697

Mailing Address: 9032 Clearhurst Drive Zip Code: 75238

E-mail Address: jam5ee@yahoo.com

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

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

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

Affirm that an appeal has been made for a Variance, or Special Exception, of 41 foot 7'3" for fence height set-back or a 10.9 foot encroachment of the rearward 15 foot set-back of a swimming pool or other structure from the property line

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:

- 1) Variance was granted to 8905 White Pine Lane for similar reason in 2011 which is in same subdivision 2) Bringing the Property up to neighborhood Standards 3) Given Property lay-out, no other alternative to construct structure without variance. In fact, current house is built within 15' feet of property line 4) Dispute that White Pine is a frontage.

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 Jason Metcalf (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: J.A. 92 (Affiant/Applicant's signature)

Subscribed and sworn to before me this 23 day of July 2020

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 Jason Metcalf

did submit a request for a special exception to the fence height regulations  
at 9032 Clearhurst Drive

BDA190-085. Application of Jason Metcalf for a special exception to the fence height regulations at 9032 CLEARHURST DR. This property is more fully described as Lot 24, Block C/8123, and is zoned PD-343 Subarea 2, which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 11 foot 3 inch high fence in a required front yard, which will require a 7 foot 3 inch special exception to the fence regulations.

Sincerely,

  
David Session, Building Official





CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 190-085

I, Brigid Hayward, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 9032 Clearhurst Drive Dallas, Tx 75238  
(Address of property as stated on application)

Authorize: Jason Metcalf  
(Applicant's name as stated on application)

To pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s)

- Variance (specify below)
- Special Exception (specify below)
- Other Appeal (specify below)

Specify: Set back Variance for Construction of Pool

BRIGID HAYWARD  
Print name of property owner or registered agent

[Signature]  
Signature of property owner or registered agent

Date 07/23/2020

Before me, the undersigned, on this day personally appeared Brigid Hayward

Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 23 day of July, 2020

[Signature]  
Notary Public for Dallas County, Texas

Commission expires on 6-26-22







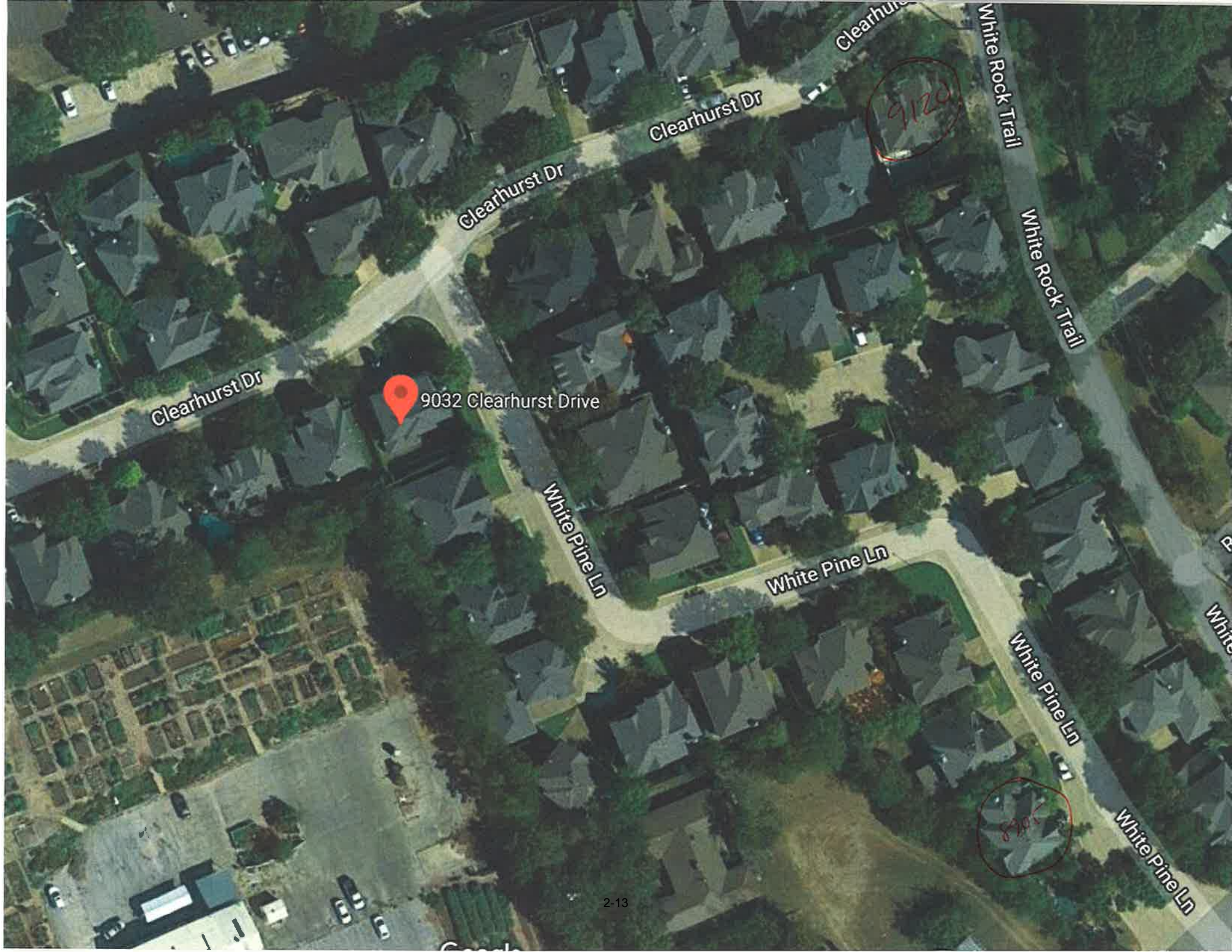












9032 Clearhurst Drive

9120

8905



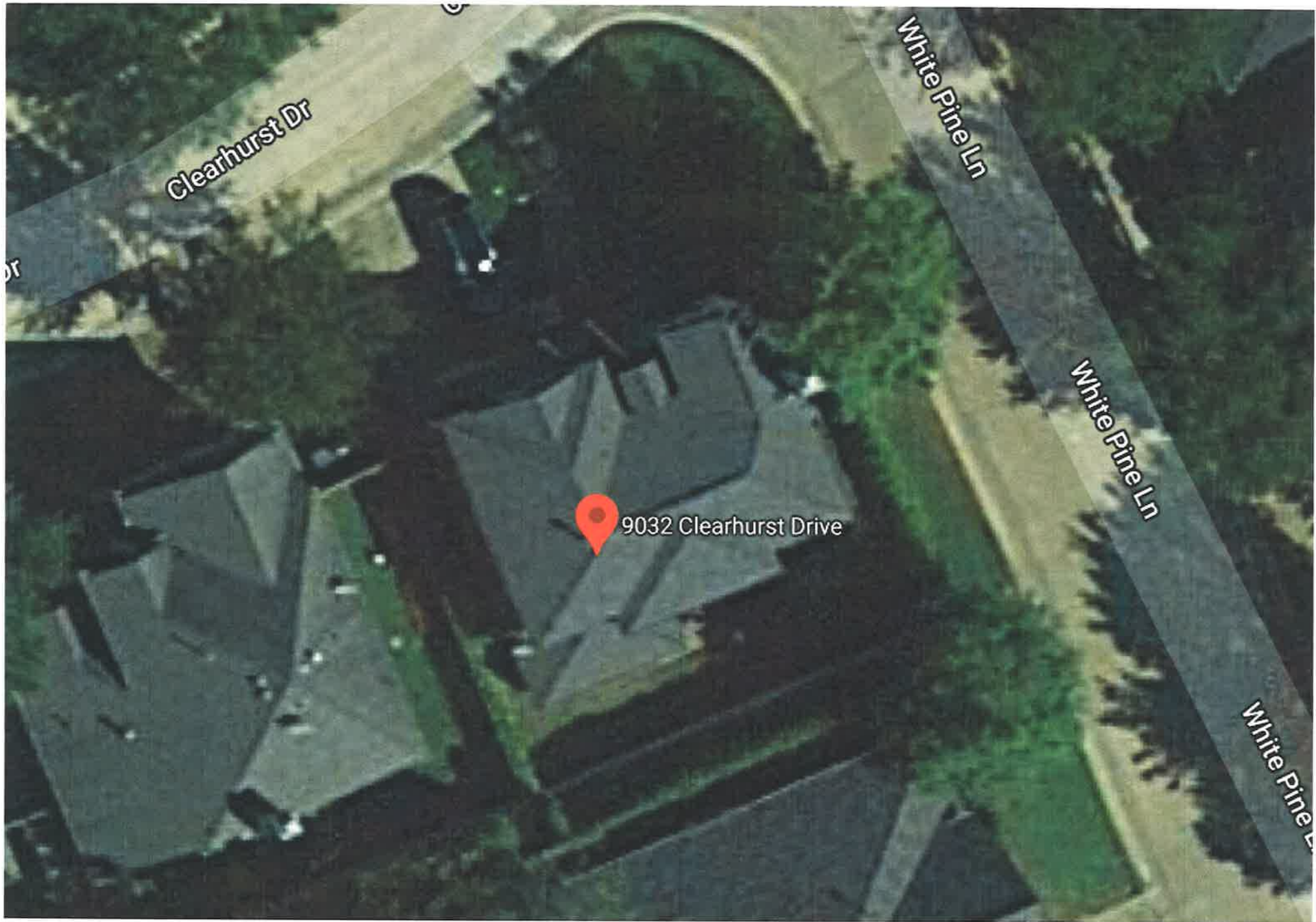
Clearhurst Dr

White Rock Trail

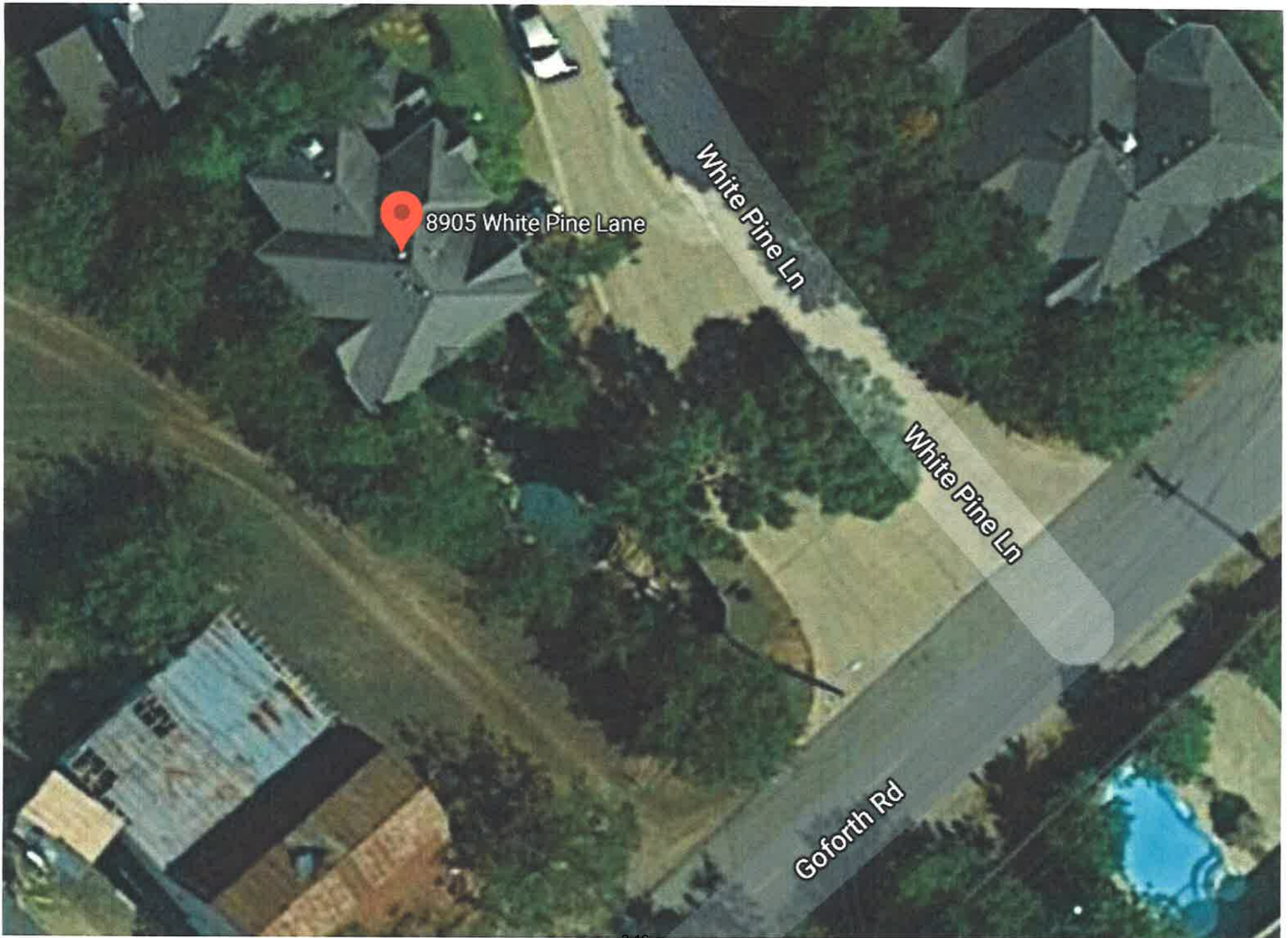
9120 Clearhurst Drive

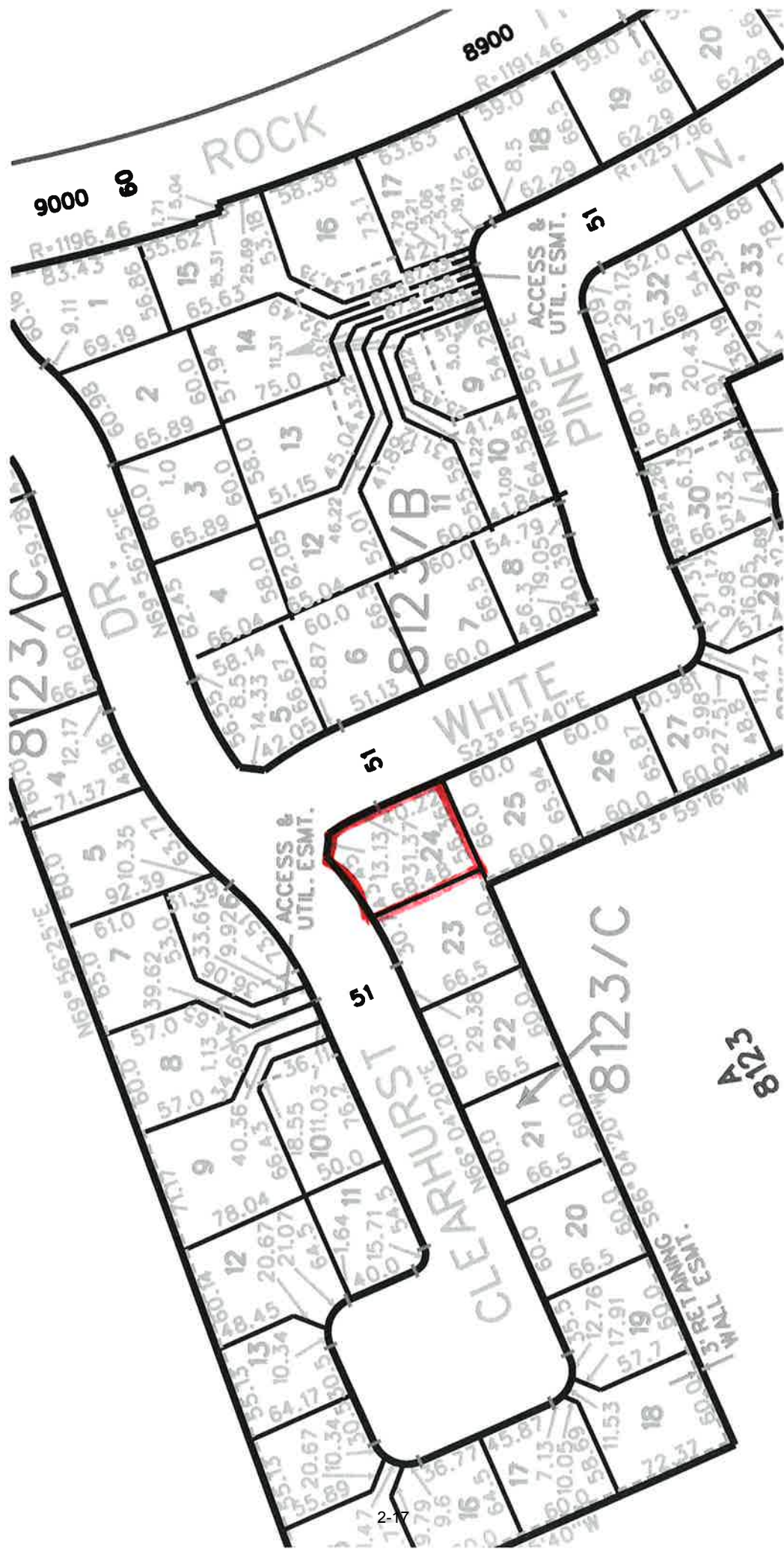
White Rock Trail

White Rock Trail









9000 60

8900

ROCK

8123/C

DR.

51

WHITE PINE LN.

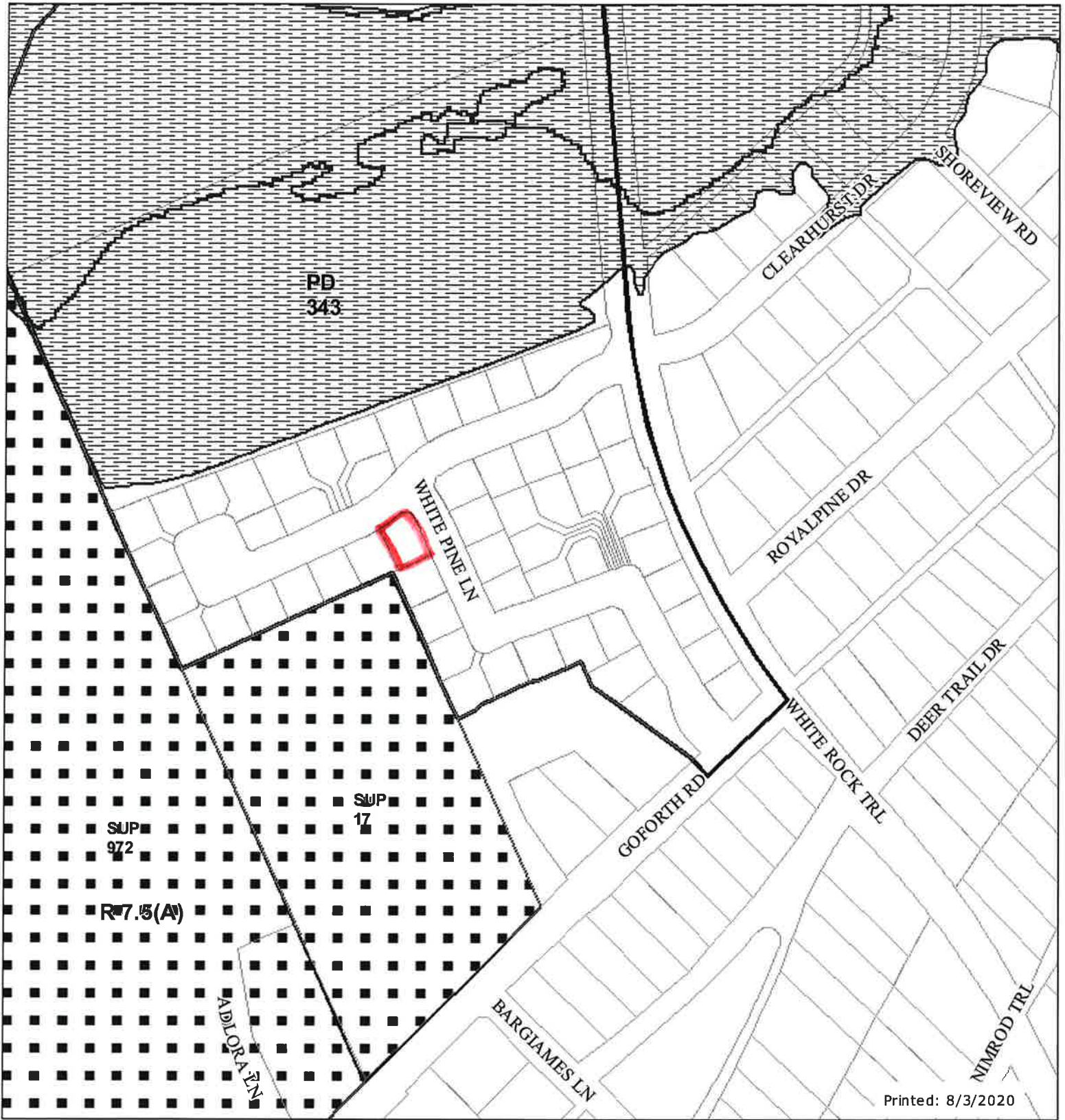
51

ACCESS & UTIL. ESMT.

8123/C

8128





Printed: 8/3/2020

Legend

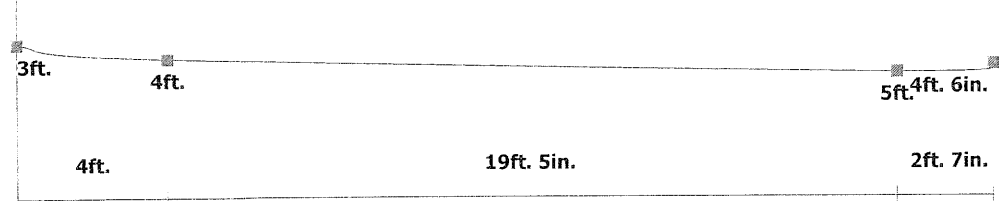
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|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Floodplain           | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO_Overlay                |
| Peak's Branch        | SPSPD Overlay                  | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | SUP                            | Historic Overlay      | Shop Front Overlay         |
|                      |                                | Height Map Overlay    |                            |

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1:2,400

**Pool Depth Profile**



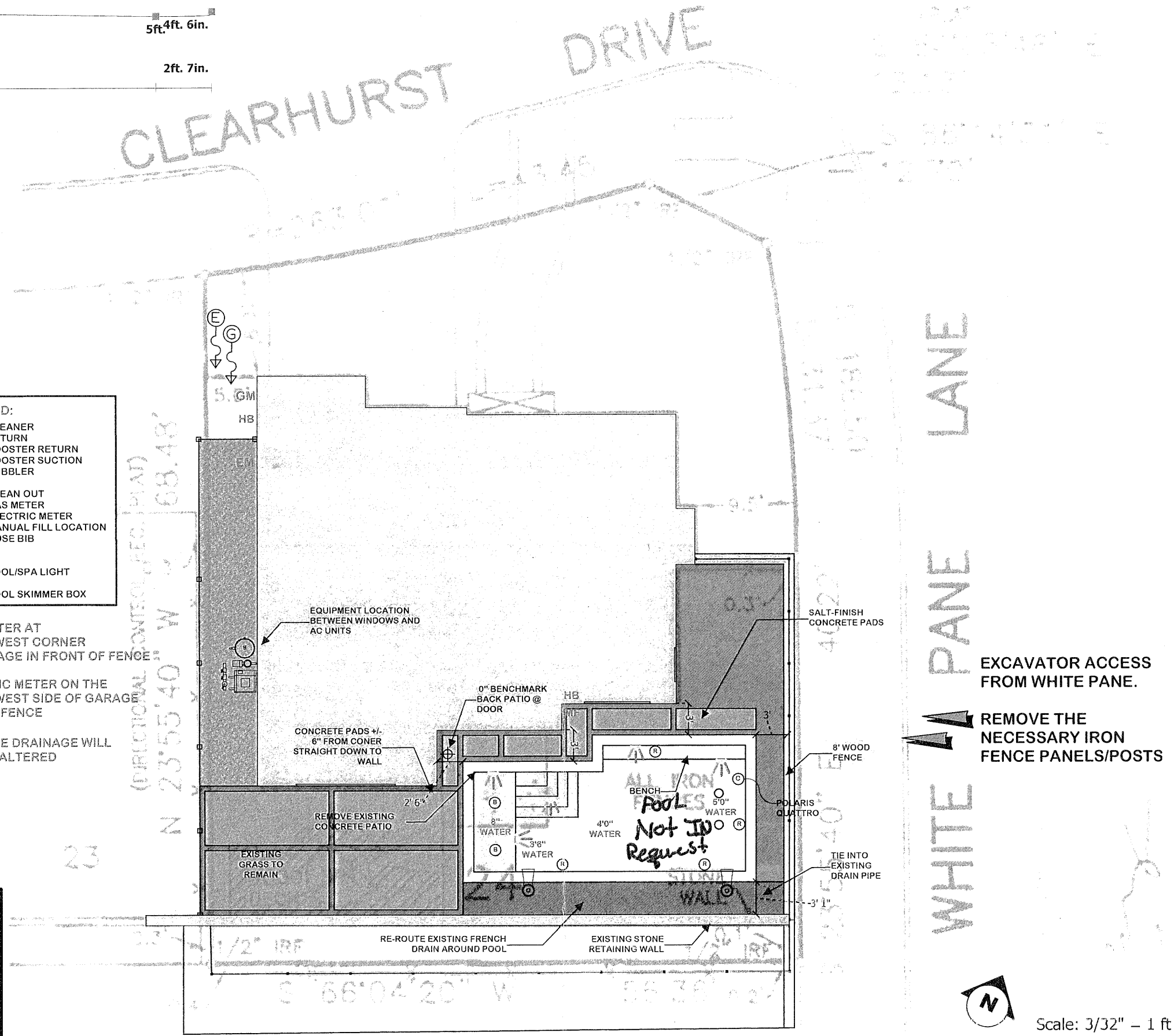
Project Name: Metcalfe Residence  
 Client Name: Jason & Brigid Metcalf  
 Client Email: jam5ee@yahoo.com  
 Client Phone: 214.537.5697  
 Address: 9032 Clearhurst Dr  
 City: Dallas  
 State/Province: TX  
 Zip/Postal Code: 75238  
 Designer Name: Bryce Bartlett  
 Block: C/8123  
 Subdivision: WHITE ROCK VILLAS  
 Lot #: 24 Gate Code: \_\_\_\_\_  
 PG: \_\_\_\_\_ PB: \_\_\_\_\_

- LEGEND:**
- ⊙ CLEANER
  - ⊙ RETURN
  - ⊙ BOOSTER RETURN
  - ⊙ BOOSTER SUCTION
  - ⊙ BUBBLER
  - CO CLEAN OUT
  - GM GAS METER
  - EM ELECTRIC METER
  - MF MANUAL FILL LOCATION
  - HB HOSE BIB
  - ⊙ POOL/SPA LIGHT
  - ⊙ POOL SKIMMER BOX

GAS METER AT NORTHWEST CORNER OF GARAGE IN FRONT OF FENCE

ELECTRIC METER ON THE NORTHWEST SIDE OF GARAGE BEHIND FENCE

SURFACE DRAINAGE WILL NOT BE ALTERED



**Pool Specs**

Perimeter: 76' Area: 281.06 ft<sup>2</sup>  
 Envelope: 26' x 12'  
 Depth: 3'6" TO 5'0" RTNS: 6- (2) on sun ledge  
 Drains: 2 Lights: 5  
 Skim: \_\_\_\_\_ P.C.: \_\_\_\_\_  
 Dig Type \_\_\_\_\_ Volume: 7,128 gallons  
 Spillover Length(s): \_\_\_\_\_  
 Coping Material: Leuders Limestone  
 Interior Finish: Pebble Tech Sheen, Color TBD  
 Notes: \_\_\_\_\_

**Tile Specs**

Pool Tile Material: TBD  
 Spa Tile Material: \_\_\_\_\_  
 Notes: \_\_\_\_\_

**Deck Specs**

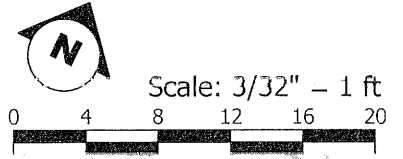
Area: +/- 100 ft<sup>2</sup>  
 Coping Area: \_\_\_\_\_  
 Coping Material: \_\_\_\_\_  
 Surface Material: Salt-finish concrete

**Equipment**

Circ Pump: Jandy Pro Series PlusHP VS 2.7 HP  
 Control Panel: iAqualink Pool Only Bundle  
 Sanitizer: Nature 2 Mineral Fusion & UV Light  
 (1) Extra cartridge  
 Filter: Jandy Pro Series CV Series CV460  
 Heater: Jandy 400K BTU NG IID low nox w/Versafo  
 Cleaner: Polaris Quattro Sport IG  
 Cleaner Booster: Polaris .97HP 115/230V EE TEFC  
 Pool Light: (5) 24W 12V 100' RGBW Nichless LED  
 Transformer (1) 300w Intermatic  
 Valves: (2) 2"-2.5" 2-port neverlube  
 (1) SP0801-20H2 2"S CPVC corrosion resistant check valve

**Approval**

I/We have reviewed the above plan and confirm that the layout of the project and the items included in the plan match Exhibit A of the contract package. Any changes to this plan will not be implemented without written notice, signed by all parties to the contract.



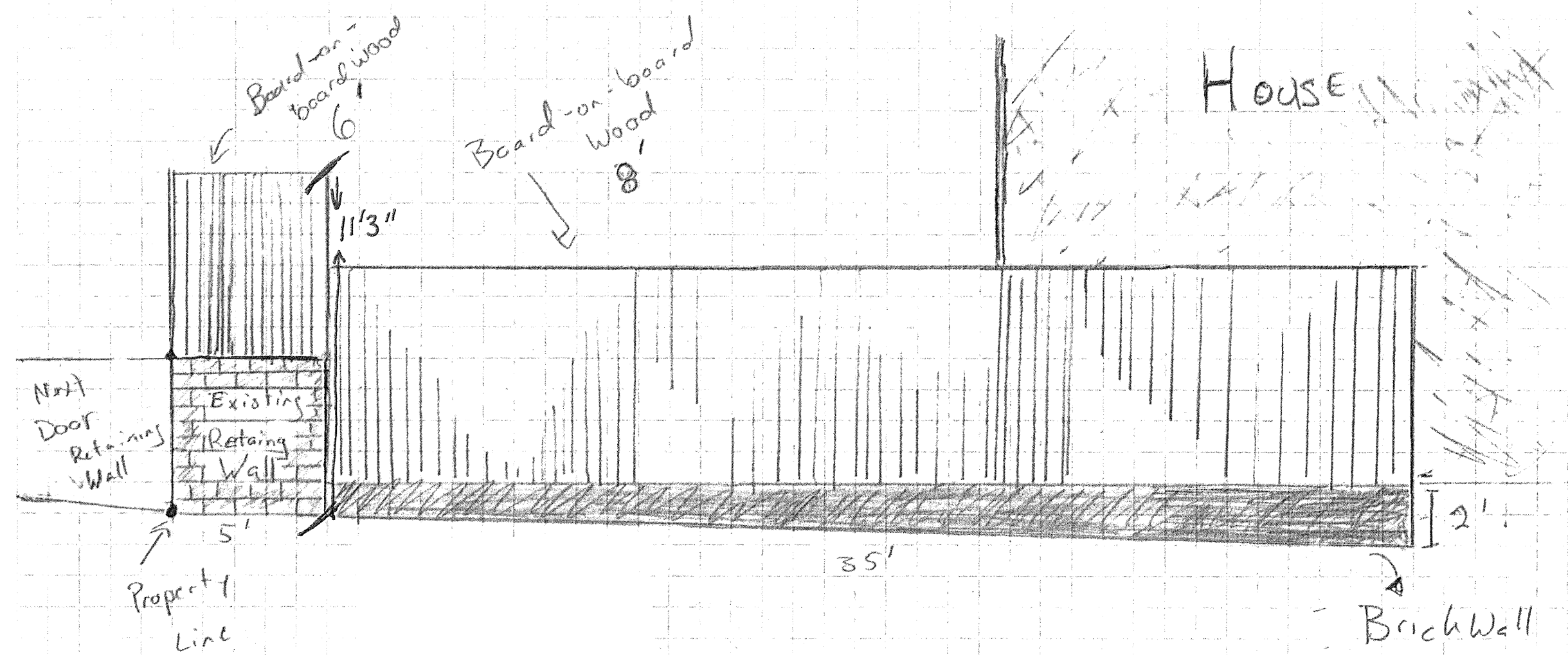


Project Name: Metcalf Residence  
Client Name: Jason & Brigid Metcalf  
Client Email: jam5ee@yahoo.com  
Client Phone: 214.537.5697  
Address: 9032 Clearhurst Dr  
City: Dallas  
State/Province: TX  
Zip/Postal Code: 75238

Block: C/8123  
Subdivision: WHITE ROCK VILLAS  
Lot #: 24 Gate Code: \_\_\_\_\_  
PG: \_\_\_\_\_ PB: \_\_\_\_\_  
Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# View from White Pine Dr Elevation

Scale  
2" = 1'

























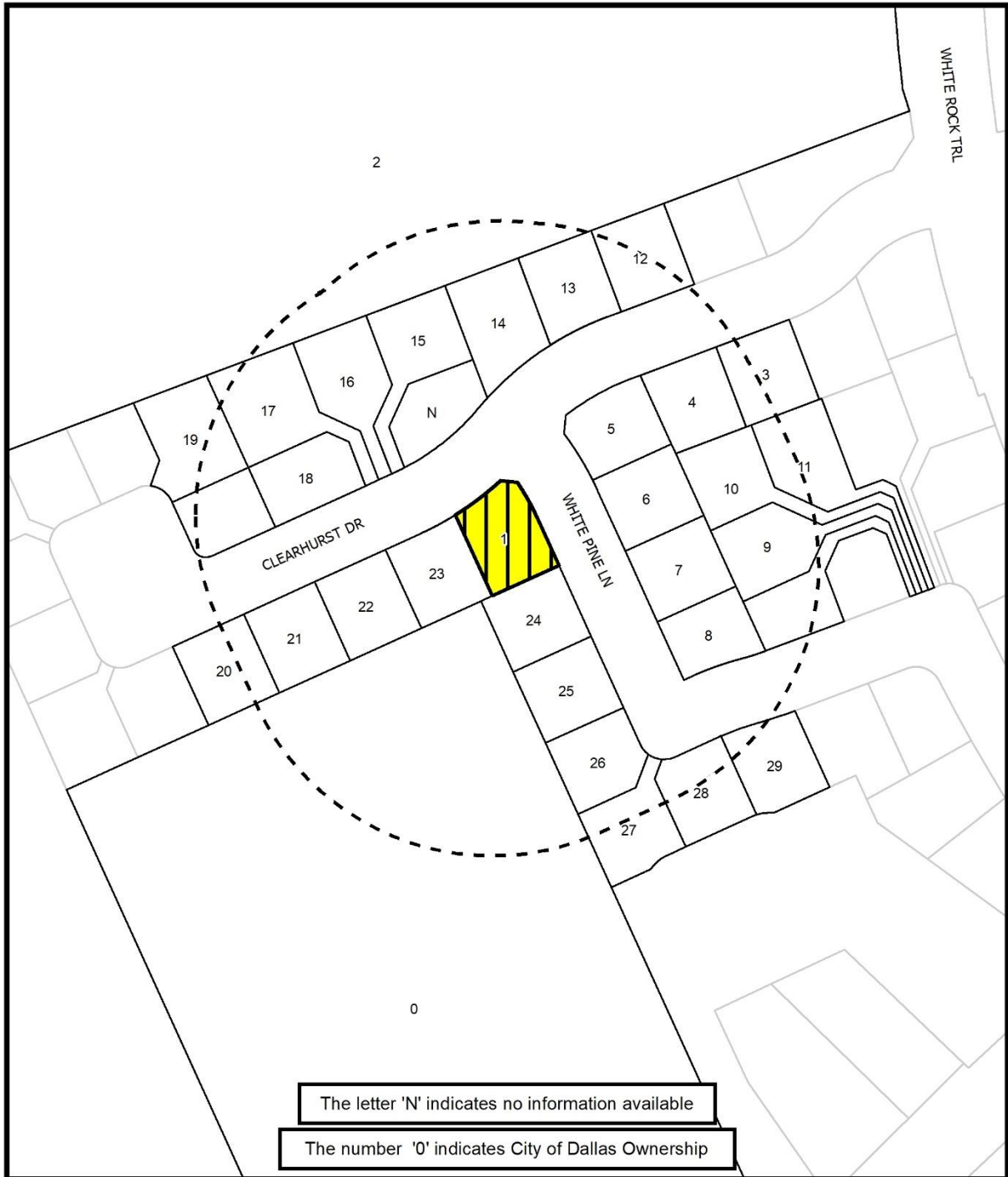
**NOTICE**  
PROPERTY OWNERS: PLEASE  
CONTACT US AT 404-455-1234  
FOR MORE INFORMATION  
ON HOW TO PROTECT YOUR  
PROPERTY FROM INTRUSION











The letter 'N' indicates no information available

The number '0' indicates City of Dallas Ownership



1:1,200

# NOTIFICATION

**200'**

AREA OF NOTIFICATION

**29**

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA190-085**

Date: **9/2/2020**



09/02/2020

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

***BDA190-085***

### ***29 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	9032 CLEARHURST DR	METCALF JASON A & BRIGID
2	9009 WHITE ROCK TRL	STERLING ACQUISITION CORP
3	9114 CLEARHURST DR	ESTRERA JOSEPH P & JULIE P
4	9110 CLEARHURST DR	SUIT NEAL J & ALICIA A
5	9106 CLEARHURST DR	CREASON KIMBERLY A
6	8930 WHITE PINE LN	NEGASH MEHRET & MULUGETA
7	8926 WHITE PINE LN	MCLEAN PETER & CAROLINE
8	8922 WHITE PINE LN	LITTLE JORDAN LEE & LAUREN FISHER
9	8918 WHITE PINE LN	GLASS MARK WILLIAM
10	8918 WHITE PINE LN	ALEXANDER JES
11	8918 WHITE PINE LN	PHAM SIMON TUNG & LIEN T
12	9113 CLEARHURST DR	WRIGHT COLTON & DORI
13	9109 CLEARHURST DR	MCILWAIN FAMILY TRUST
14	9105 CLEARHURST DR	LAMKIN LIVING TRUST
15	9039 CLEARHURST DR	AMIRKHAN ELLEN A
16	9035 CLEARHURST DR	ELLIS DAVID B & KRISTIN C
17	9031 CLEARHURST DR	MCFAUL JENDA B
18	9027 CLEARHURST DR	GRANT RICHARD &
19	9019 CLEARHURST DR	ARNOLD LINDA C
20	9016 CLEARHURST DR	GIBELLI GIANNI &
21	9020 CLEARHURST DR	COPPLE JULIE F
22	9024 CLEARHURST DR	MORRIS CHARRY &
23	9028 CLEARHURST DR	HOFFMAN ELIZABETH A &
24	8943 WHITE PINE LN	ATKINSON BRAD C
25	8939 WHITE PINE LN	BLUDAU BERNICE
26	8935 WHITE PINE LN	BURKE AARON & CASSIE

09/02/2020

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	8931 WHITE PINE LN	VAZHAPPILLY GEORGE JOSEPH &
28	8927 WHITE PINE LN	FALLY MARY JANE
29	8923 WHITE PINE LN	BRYANT RUBY

**FILE NUMBER:** BDA190-078(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Thomas Tsang a variance to the front yard setback regulations at 5330 Belmont Ave. This property is more fully described as Part of Lot 7, Block 3/1975, and is zoned an R-7.5(A) Single Family District, which requires a front yard setback of 25 feet. The applicant proposes to construct a single family residential structure and provide a six-foot front yard setback along Belmont, which will require a 19-foot variance to the front yard setback regulations along Belmont, and provide a zero-foot front yard along Glencoe, which will require a 25-foot variance to the front yard regulations along Glencoe.

**LOCATION:** 5330 Belmont Avenue

**APPLICANT:** Thomas Tsang

**REQUESTS:**

The following requests have been made on a site that is being developed with a a two-story, approximately 4,262-square-foot, single-family structure with a 533 square-foot deck :

1. A variance to the front yard regulations of 19 feet is made to allow the structure to be located six feet from the site's Belmont Avenue front property line; and,
2. A variance to the front yard regulations of 25 feet is made to allow the structure to be located at the property line for the site's Glencoe Street front property line.

**STANDARD FOR A VARIANCE:**

Section 51(A)-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

- (A) not contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;
- (B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and

- (C) not granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

**STAFF RECOMMENDATION (Height, Front Yard, and Side Yard Variances):**

Denial

Rationale:

- Staff concluded that the applicant had not substantiated how the variances are necessary to permit development of the subject site or whether the property 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 R-7.5(A) zoning designation.
- Staff concluded from the information submitted by the applicant at the time of the September 4<sup>th</sup> staff review team meeting that while staff recognized that the site is irregular in shape, requires two front yards, and the site has a restrictive area due to the portion of the lot being 5,338 square feet in area; however, the applicant had not substantiated how the variance is necessary to permit development of the subject site that differs from other parcels of land that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same R-7.5 zoning district or that the applicant had not substantiated how the variances are not contrary to the public interest and how granting this request would not be to relieve a self-created or personal hardship, nor for financial reasons only.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: R-7.5(A) (Single family district)  
North: R-7.5(A) (Single family district)  
South: R-7.5(A) (Single family district)  
East: R-7.5(A) (Single family district)  
West: R-7.5(A) (Single family district)

**Land Use:**

The site is a portion of Lot 7, Block 3/1975. This portion of the lot is undeveloped. However, the remainder of the lot has an existing single family home. The areas to the north, south, east, and west are developed with single family structures/use.

**Zoning/BDA History:**

There have not been any related board or zoning cases recorded either on or in the immediate vicinity of the subject site within the last five years.

**GENERAL FACTS/STAFF ANALYSIS (front yard variance):**

The subject site is zoned an R-7.5(A) Single Family District which requires a minimum front yard setback of 25 feet. The property is located at the southwest corner of Belmont Avenue and Glencoe Street. Regardless of how the structure is proposed to be oriented to front Belmont Avenue, the lot has a 25-foot front yard setback along both street frontages to maintain the continuity of the established front yard setback established by the lots to the south that front and are oriented towards Glencoe Street and the continuity of the established front yard setback established by the lots to the southwest that front and are oriented towards Belmont Avenue.

The requests for a variance to the front yard setback regulations focus on constructing and maintaining a two-story, approximately 4,262-square-foot, single family structure with a 533 square-foot deck proposed to be located six feet from the property line or 19 feet from Belmont Avenue front property line and at the property line or 0 feet from the Glencoe Street's front property line.

The submitted site plan indicates the proposed structure is to be located six feet from the Belmont Avenue's front property line or 19 feet into this 25-foot front yard setback, and zero feet from the Glencoe Street's front property line or 25 feet into this 25-foot front yard.

According to DCAD records, there are "no main improvement" and "no additional improvements" for the portion of Lot 7, Block 3/1975 addressed at 5330 Belmont Avenue.

The subject site is flat, irregular in shape, and according to the application, it is 0.123 acres (or approximately 5,338 square feet) in area. In an R-7.5(A) District, the minimum lot size is 7,500 square feet.

The applicant has the burden of proof in establishing the following:

- That granting the variance to the front yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
- The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.
- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing

this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.

If the board were to grant the variance request and impose the submitted site plan as a condition, the single-family structure in the front yard setback would be limited to what is shown on this document– which in this case is a single family structure with a 533 square foot deck that would be located six feet from the Belmont Avenue’s front property line or 19 feet into this 25-foot front yard setback and zero feet from Glencoe Street’s front property line or 25 feet into this 25-foot property line.

**Timeline:**

July 10, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.

August 18, 2020: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B.

August 19, 2020: The Board Senior Planner emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application.
- an attachment that provided the public hearing date and panel that will consider the application; the September 2, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the September 11, 2020 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, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September public hearing. The review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Sing Specialist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the

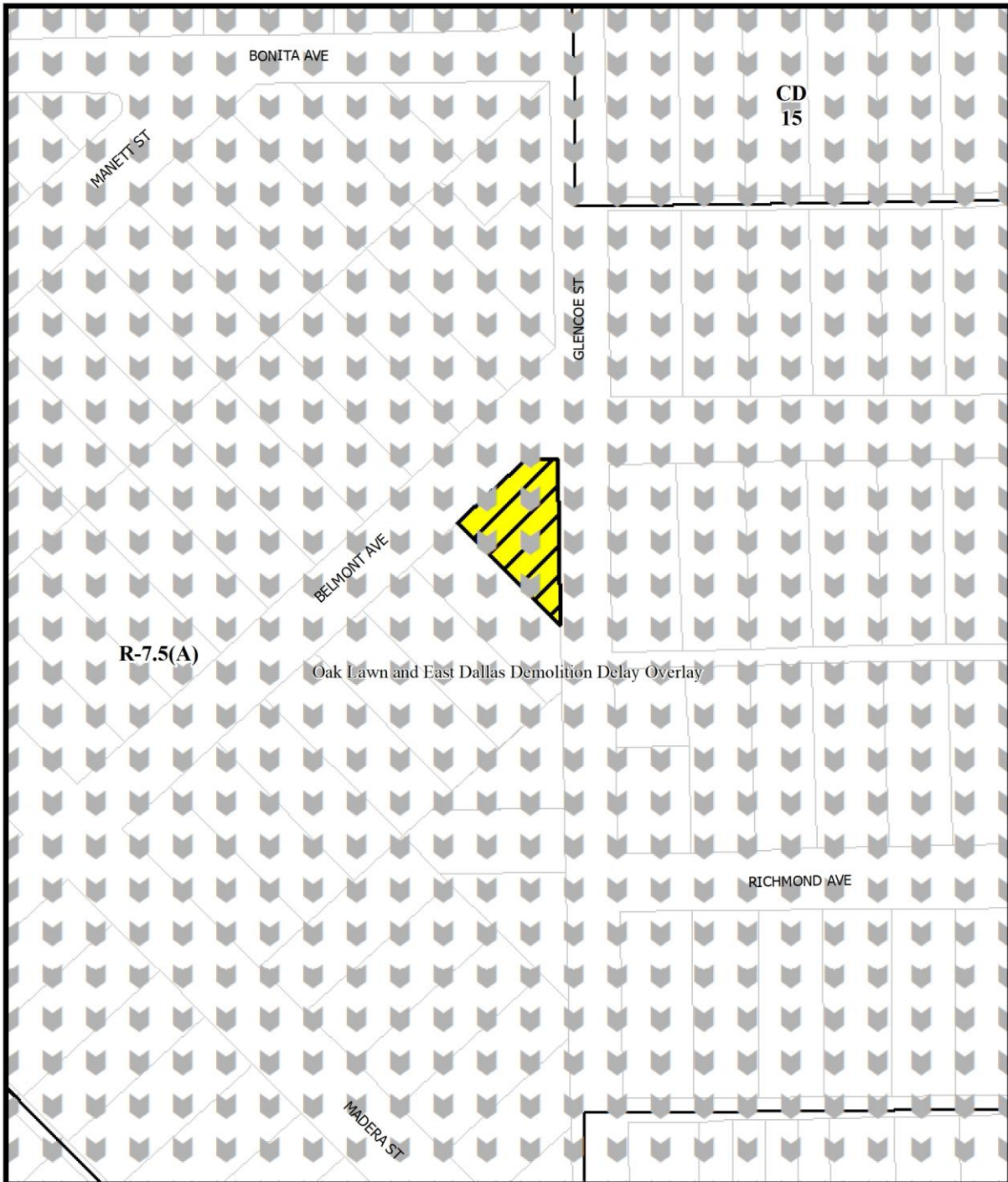


Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Assistant City Attorney to the Board.

September 8, 2020: Mr Brown (not authorized to represent the applicant/owner per application) submitted a comparable table to the board (see Attachment A).

September 10, 2020: Mr Brown (not authorized to represent the applicant/owner per application) submitted a comparable table to the board (see Attachment B).

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



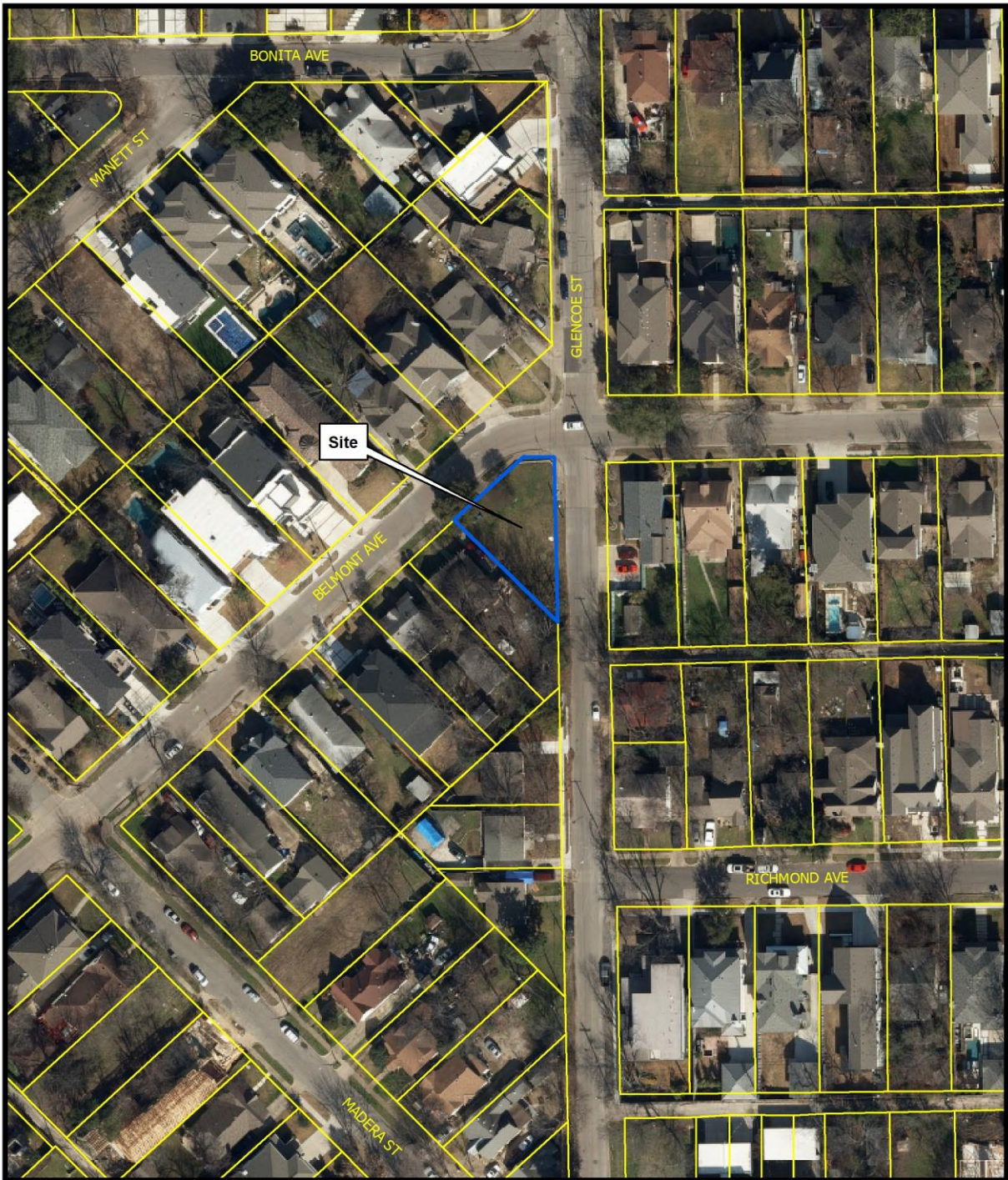
1:1,200

# ZONING MAP

Case no: BDA190-078

Date: 9/2/2020





1:1,200

# AERIAL MAP

Case no: BDA190-078

Date: 9/2/2020





City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-078

Date: 7-16-20 *of*

Data Relative to Subject Property:

Location address: 5330 Belmont Avenue Zoning District: R-7.5(A)

Lot No.: PT LT 7 Block No.: 3/1975 Acreage: 0.123 Census Tract: 0010.02

Street Frontage (in Feet): 1) 98.26' 2) 143.51' 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Thomas Tsang

Applicant: Thomas Tsang Telephone: 214.725.8081

Mailing Address: 3941 Legacy Drive Ste. 204 Zip Code: 75023

E-mail Address: ati.llc@hotmail.com

Represented by: Thomas Tsang Telephone: -

Mailing Address: - Zip Code: -

E-mail Address: -

Affirm that an appeal has been made for a Variance X, or Special Exception   , of the Glencoe Street 25' Front Building Setback Line, to allow a new residence to be constructed up to but no further than 20' past this setback line no closer than 5' to the Glencoe Street Right of Way. 25' *8' & 6' VARIANCE ON BELMONT*

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:

This variance is to provide for commensurate development with other lots by providing additional compensative area for the following site conditions:

a. Restrictive Area - Small lot area with buildable area further reduced by double street frontage (two 25' front setbacks) and unusable dedicated street easement.

b. Shape - Triangular shape makes for less efficient use of the lot's buildable area.

**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**

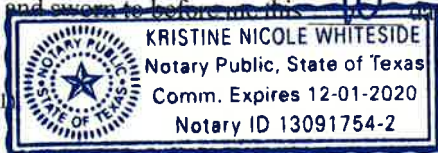
Before me the undersigned on this day personally appeared Thomas Tsang  
(Affiant/Applicant's name printed)

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 10 day of July 2020

(Rev. 08-01-11)



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

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

I hereby certify that THOMAS TSANG

did submit a request for a variance to the front yard setback regulations  
at 5330 Belmont Avenue

BDA190-078. Application of THOMAS TSANG for a variance to the front yard setback regulations at 5330 BELMONT AVE. This property is more fully described as Pt of Lt 7, Block 3/1975, and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct a single family residential structure and provide a 6 foot front yard setback along Belmont, which will require a 19 foot variance to the front yard setback regulations along Belmont, and provide a zero foot front yard along Glencoe, which will require a 25 foot variance to the front yard regulations along Glencoe.

Sincerely,

*David Session*  
David Session, Building Official





Printed: 7/8/2020

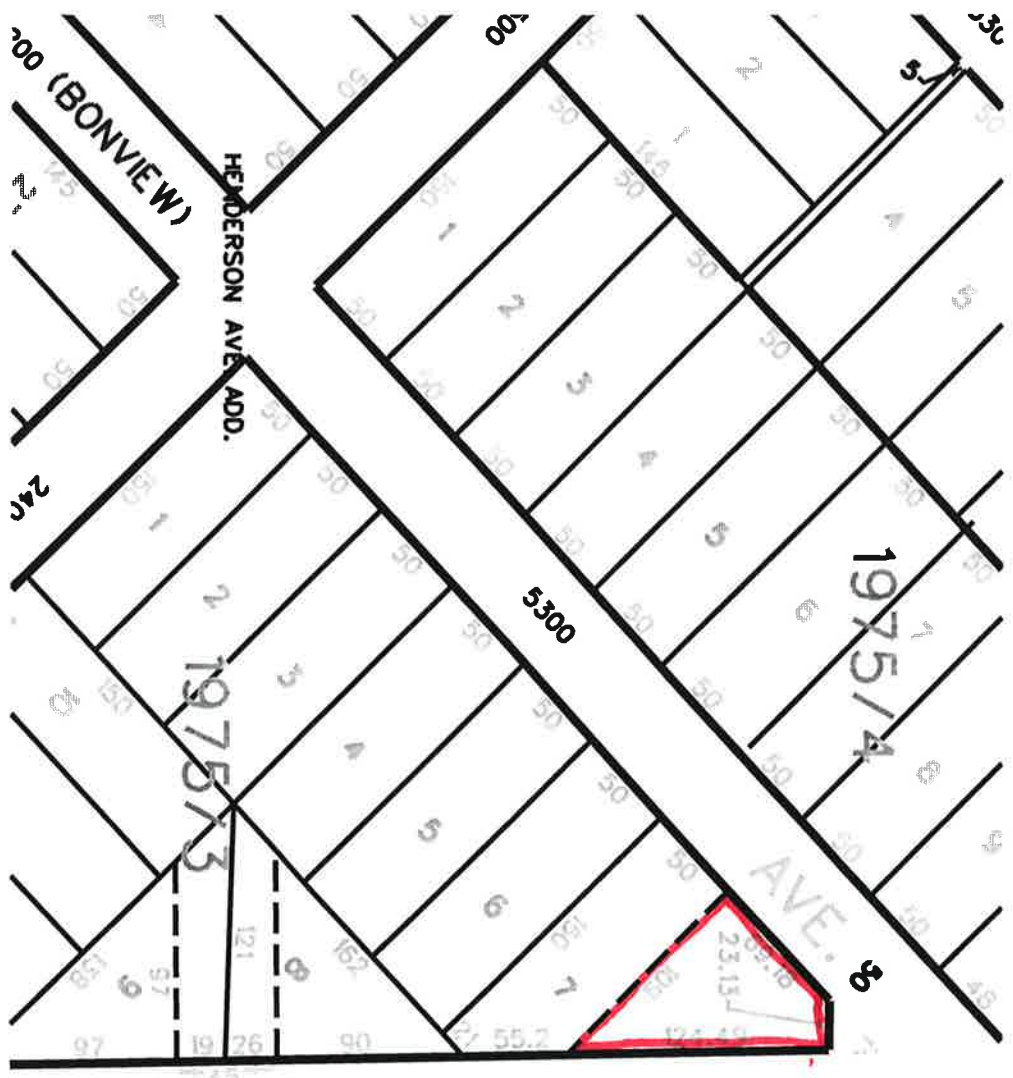
**Legend**

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Floodplain           | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
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| Peak's Branch        | SPSP Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | SUP                            | Historic Overlay      | Ship Front Overlay         |
|                      |                                | Height Map Overlay    |                            |

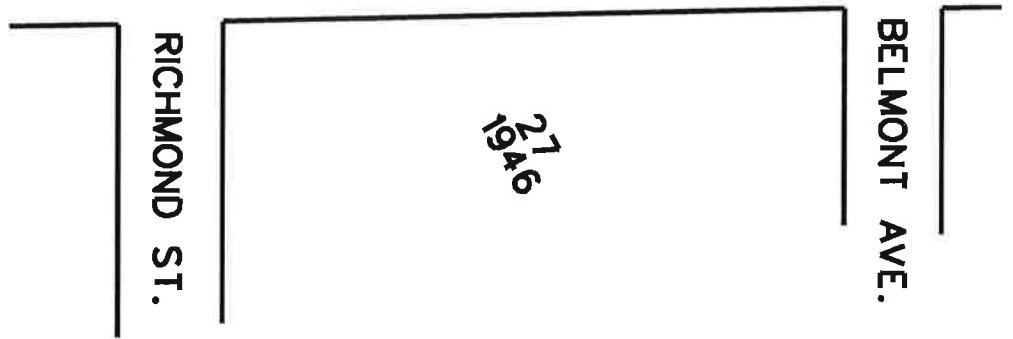
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.' (Texas Government Code § 2051.102)







2200



BELMONT AVE.

RICHMOND ST.

21  
1946



**PROPERTY COMPARISON for:**  
**APPEAL FOR BUILDING SETBACK VARIANCE ALONG GLENCOE STREET**  
**NEW RESIDENCE - 5330 BELMONT AVENUE, DALLAS, TX 75206**  
**BLK 3/1975 PT LT 7**

**1) Lot Area Comparison**

- R-7.5 A Zoning Minimum Lot Area** ..... 7,500 SF
- Average Lot Area** (As determined page 2) ..... 7,622 SF
- 5330 Belmont Lot Area**
  - **Lot Area (Street Easement Area Removed)** ..... 5,101 SF
  - **Lot Area (Includes Street Easement)** ..... 5,338 SF

**2) Structure Area Comparison**

- **Average Structure** (As determined page 2)
  - **Living Area** ..... 3,976 SF
- **5330 Belmont Avenue** (Per this Architect's Plans)
  - **Living Area** ..... 3,574 SF

**3) Average Lot Area and Structure Area Calculations**

Lots/Homes selected for Comparison are:

- Within same R-7.5A Zoning Area
- Within proximity to 5330 Belmont Ave.
- Represent Development mostly last 5 years

See Page 2



September 8, 2020

## Lot Areas and Structure Areas from DCAD Website

(2020 Appraisal Notice)

Lot				Building		
	Address	Block & Lot	Lot Area	Year Built	Stories	Living Area
1	5318 Belmont Ave.	3/1975 5	7,500 SF	2018	2	4,083 SF
2	5321 Belmont Ave.	4/1975 4	7,500 SF	2016	2	4,708 SF
3	5323 Belmont Ave.	4/1975 6	7,500 SF	2017	2	4,321 SF
4	5329 Belmont Ave.	4/1975 7	7,500 SF	2014	2	4,121 SF
5	5337 Belmont Ave.	4/1975 9	7,500 SF	2015	2	3,574 SF
6	5403 Belmont Ave.	26/1945 30	8,064 SF	2008	2	3,902 SF
7	5414 Belmont Ave.	27/1946 4	7,200 SF	2016	2	3,929 SF
8	5430 Belmont Ave.	27/1946 8	7,200 SF	2018	2	3,508 SF
9	5438 Belmont Ave.	27/1946 10	7,200 SF	2006	2	3,679 SF
10	5454 Belmont Ave.	27/1946 14	7,200 SF	2019	2	3,626 SF
11	5458 Belmont Ave.	27/1946 15	7,200 SF	2015	2	3,692 SF
12	5335 Bonita Ave.	22/1942 20	9,900 SF	2016	2	4,574 SF
<b>TOTALS</b>			<b>91,464 SF</b>			<b>47,717 SF</b>
<b>LOT AREA AVERAGE (TOTAL /12)</b>			<b>7,622 SF</b>			
<b>LIVING AREA AVERAGE (TOTAL /12)</b>						<b>3,976SF</b>





# PROOF OF SITE

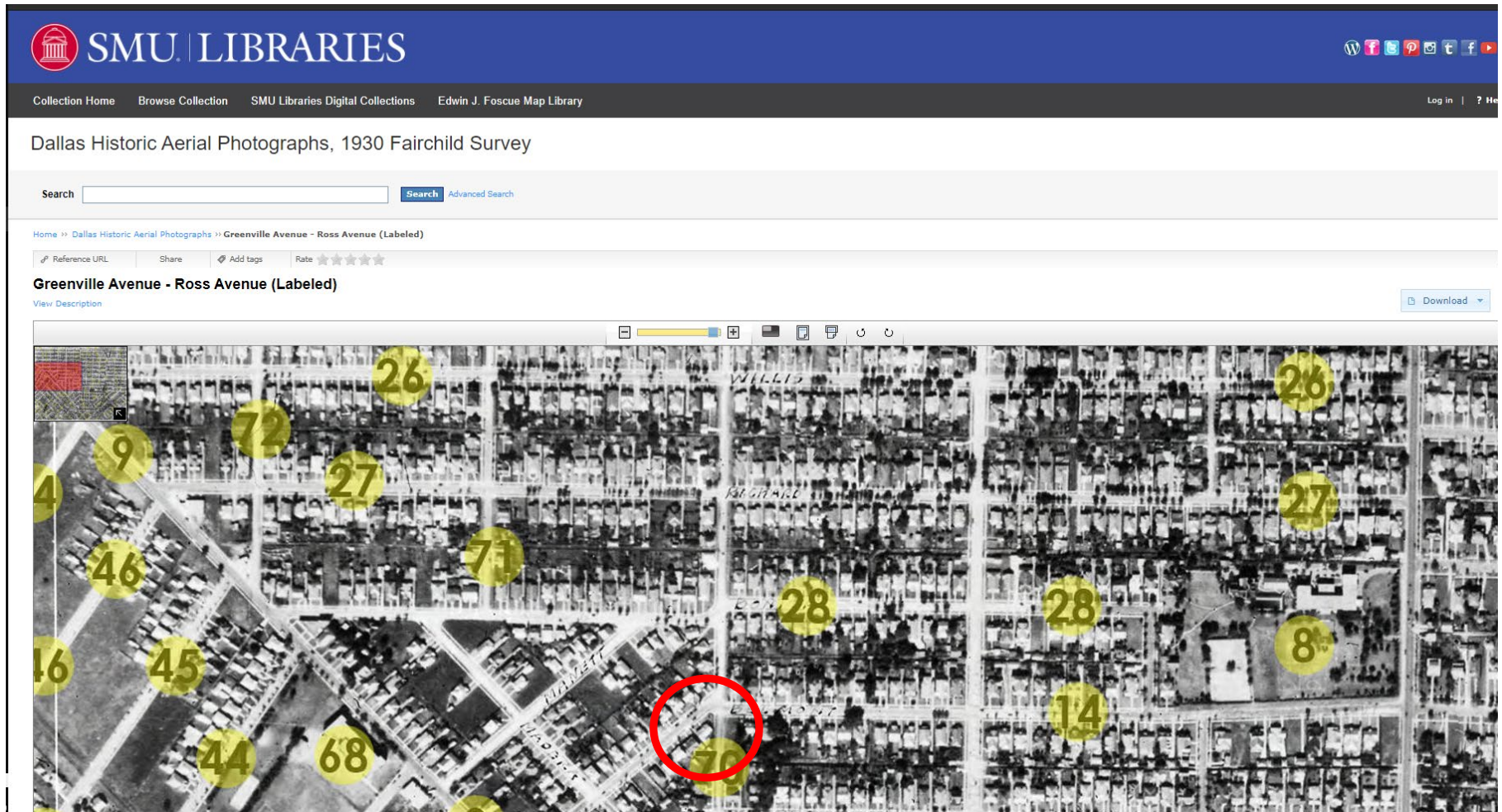
## Residence existed at 5330 Belmont when surveyed in 1930 Aerial Photo

This shows legal lot status per 51A-4.601. (a) (5)

(Home built prior to 1989)

Link to photo is <http://digitalcollections.smu.edu/cdm/ref/collection/dmp/id/161>

Residence is circled in red.



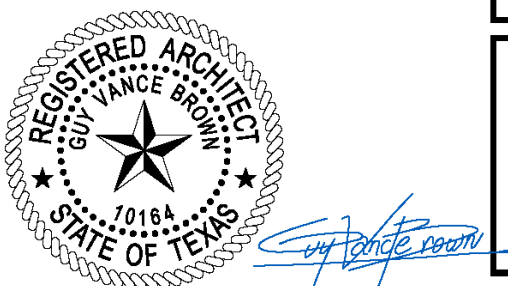
Aerial Photo



Enlarged Aerial Photo

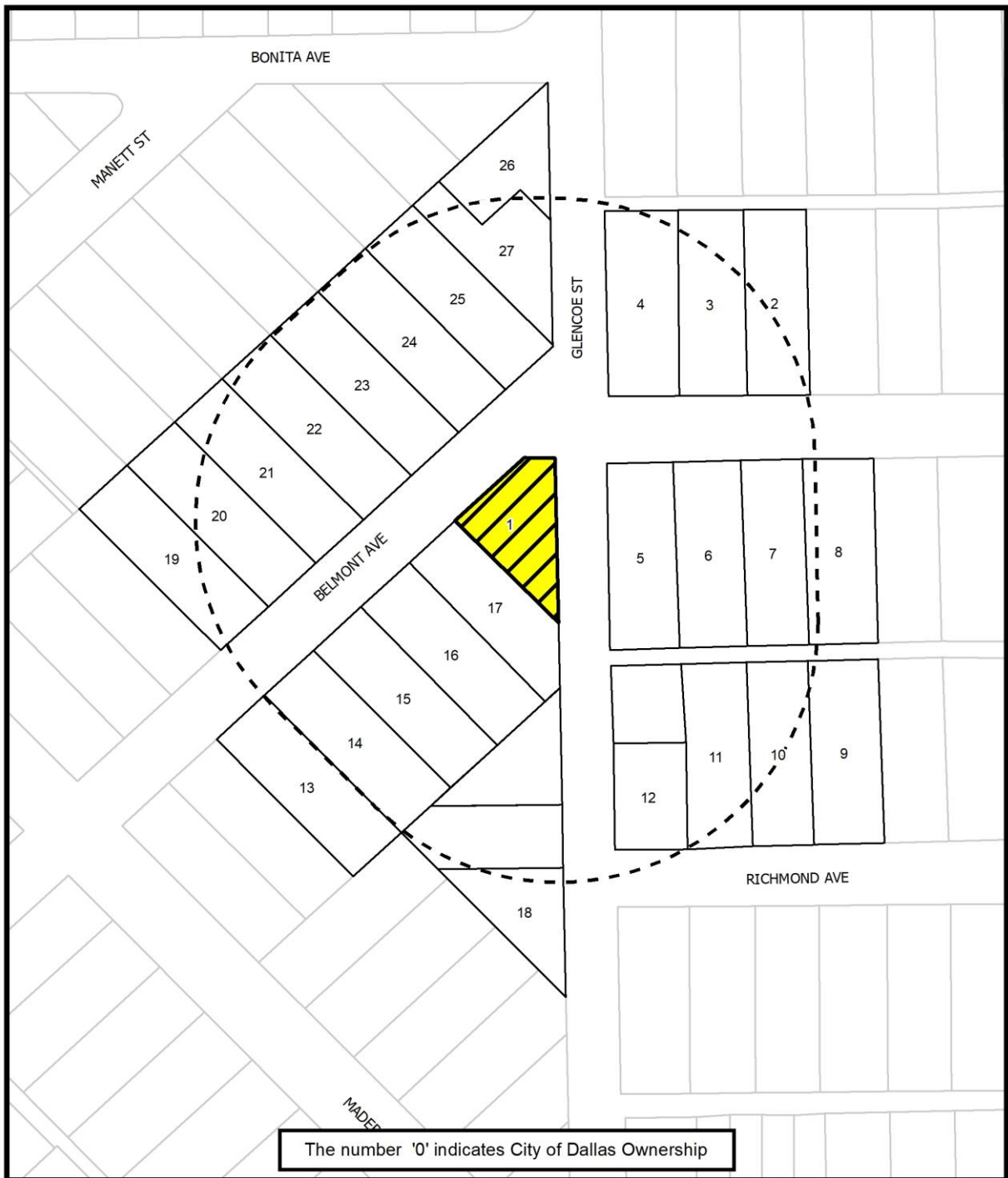
REVISION	ISSUE NAME	ISSUE DATE

APPLICANT/OWNER: THOMAS TSANG  
214.725.8081 ATI.LLC@HOTMAIL.COM  
3941 LEGACY DRIVE STE. 204 PLANO, TEXAS 75023



**APPEAL FOR  
BUILDING SETBACK VARIANCE  
ALONG GLENCOE STREET**  
NEW RESIDENCE  
5330 BELMONT AVENUE DALLAS, TX 75206

ORIGINAL ISSUE  
JUNE 26, 2020  
SHEET NO.



1:1,200

# NOTIFICATION

**200'** AREA OF NOTIFICATION  
**27** NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA190-078**  
 Date: **9/2/2020**



09/01/2020

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

***BDA190-078***

### ***27 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	5330 BELMONT AVE	TSANG THOMAS
2	5411 BELMONT AVE	ZUNIGA JORGE & ROSALBA
3	5407 BELMONT AVE	KUPRYCZ CHRISTOPHER P &
4	5403 BELMONT AVE	HR & M MANAGEMENT LLC
5	5402 BELMONT AVE	HERNANDEZ J GUADALUPE
6	5406 BELMONT AVE	MARTINEZ FAUSTINA M
7	5410 BELMONT AVE	AREVALO FRANCISCO
8	5414 BELMONT AVE	MILLER ANTHONY J
9	5413 RICHMOND AVE	M STREET PROPERTIES I LP
10	5411 RICHMOND AVE	TORRES DAVID A
11	5407 RICHMOND AVE	MARTINEZ JOSE MA & ANA B
12	5403 RICHMOND AVE	BAUGH HARBOR LLC
13	5310 BELMONT AVE	GONZALES DEBORA
14	5314 BELMONT AVE	ELMER ANNE
15	5318 BELMONT AVE	HICKS HARRIS CONSTRUCTION LLC
16	5322 BELMONT AVE	DIAZ HUMBERTO R
17	5326 BELMONT AVE	SIMS MYLINH
18	2127 GLENCOE ST	SELMA VENTURES LTD
19	5315 BELMONT AVE	BUDINI SERGIO
20	5321 BELMONT AVE	MOSCHETTO ANTHONY
21	5323 BELMONT AVE	HICKS HARRIS CONSTRUCTION LLC
22	5329 BELMONT AVE	ZORINSKY DAVID AARON
23	5331 BELMONT AVE	PHAM DANA
24	5337 BELMONT AVE	MALEKAN DAVID & CHARLOTTE BROOKE
25	5339 BELMONT AVE	ZAVALA NICOLAS L &
26	2311 GLENCOE ST	HENRY SARAH C &
27	2309 GLENCOE ST	ZAVALA NICHOLAS L &



**FILE NUMBER:** BDA190-082(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Eric Messer for a special exception to the visibility obstruction regulations at 5707 Williamstown Road. This property is more fully described as Lot 1, Block B/6991, and is zoned an R-16(A) Single Family District, which requires a 20-foot visibility triangle at driveway approaches. The applicant proposes to construct a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

**LOCATION:** 5707 Williamstown Road

**APPLICANT:** Eric Messer

**REQUESTS:**

A request for special exceptions to the visual obstruction regulations is made to locate and maintain portions of an eight-foot-high solid wood fence and solid motorized wood gates in the two 20-foot visibility triangles at the intersection of the street and driveway approaches into the property from Nuestra Drive on a site developed with a single family home.

**STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:**

Section 51A-4.602(d)(3) of the Dallas Development Code states that 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 (visual obstruction regulations):**

Denial.

Rationale:

- The Sustainable Development Department Senior Engineer has objections to the requests. The Senior Engineer finds that the fence compromises visibility of pedestrians, bicyclists, and motorists without enough sight distance to see vehicles exiting (and potentially backing out) of the subject driveway onto a thoroughfare corridor if the aforementioned conditions are imposed as part of the requests.

- Staff concluded that requests for special exceptions to the visual obstruction regulations should not be granted because the items to be located and maintained in the visibility triangles do constitute a traffic hazard.

### **BACKGROUND INFORMATION:**

#### **Zoning:**

Site: R-16(A) (Single Family District)  
North: R-16(A) (Single Family District)  
South: R-16(A) (Single Family District)  
East: R-16(A) (Single Family District)  
West: R-16(A) (Single Family District)

#### **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 have not been any recent related board or zoning cases recorded in the vicinity of the subject site within the last five years.

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

The requests for special exceptions to the visual obstruction regulations on a site developed with a single family home focus on locating and maintaining a portion of an eight-foot-high solid wood fence and solid motorized wood gates in the two 20-foot visibility triangles at the intersection of the street and driveway approaches into the property from Nuestra Drive on a site developed with a single family home.

Section 51A-4.602(d) of the Dallas Development Code states that 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 street intersections and 20-foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
- between two-and-a-half and eight 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).

The property is located in an R-16(A) Single Family District which requires the portion of a lot with a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and the adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge end the street curb line 20 feet from the intersection.

A site plan and elevation have been submitted indicating portions of eight-foot-high solid wood fence and solid motorized wood gates in the two 20-foot visibility triangles at the intersection of the street and driveway approaches into the site from Nuestra Drive.

The Sustainable Development Department Senior Engineer has objections to the requests and determined the proposed fence in the visibility triangle to cause a traffic hazard (see Attachment A).

The applicant has the burden of proof in establishing how granting these request to maintain portions of an eight-foot-high solid wood fence and solid motorized wood gates in the two 20-foot visibility triangles at the intersection of the street and driveway approaches into the property from Nuestra Drive does not constitute a traffic hazard.

Granting these requests with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the items to be located and maintained in the two 20-foot visibility triangles at the drive approaches into the site from Nuestra Drive, to that what is shown on these documents – portion of an eight-foot-high solid wood fence and a solid motorized wood gate.

**Timeline:**

- July 27, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.
- August 18, 2020: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B.
- August 19, 2020: The Board Senior Planner emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application.
  - an attachment that provided the public hearing date and panel that will consider the application; the September 2, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the September 11, 2020 deadline to submit additional evidence to be incorporated into the Board’s docket materials;

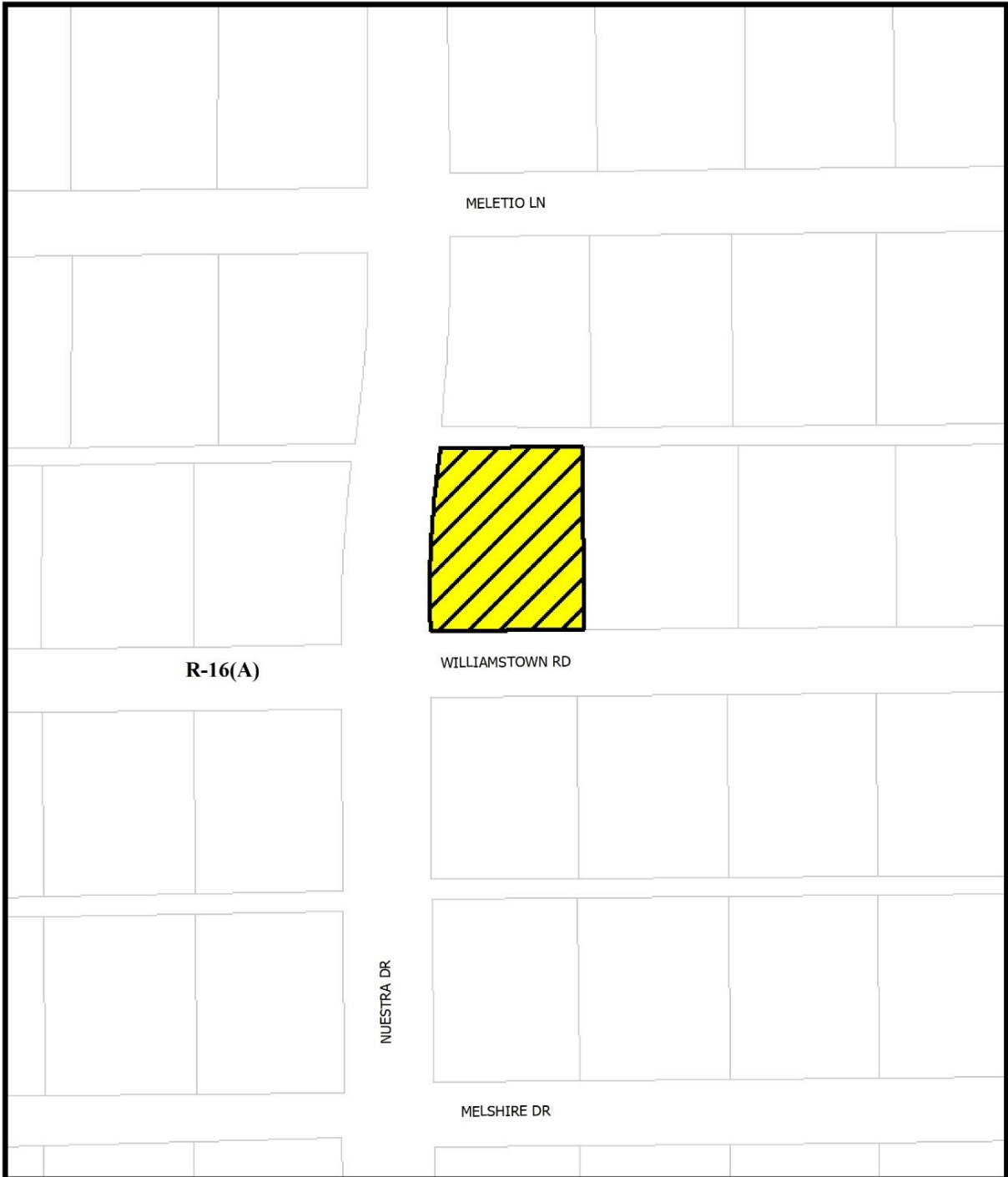


- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

September 4, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September public hearing. The review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Sing Specialist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Assistant City Attorney to the Board.

September 8, 2020: The Sustainable Development and Construction Senior Engineer submitted a review comment sheet marked “Recommends Approval”.

September 10, 2020: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment B).

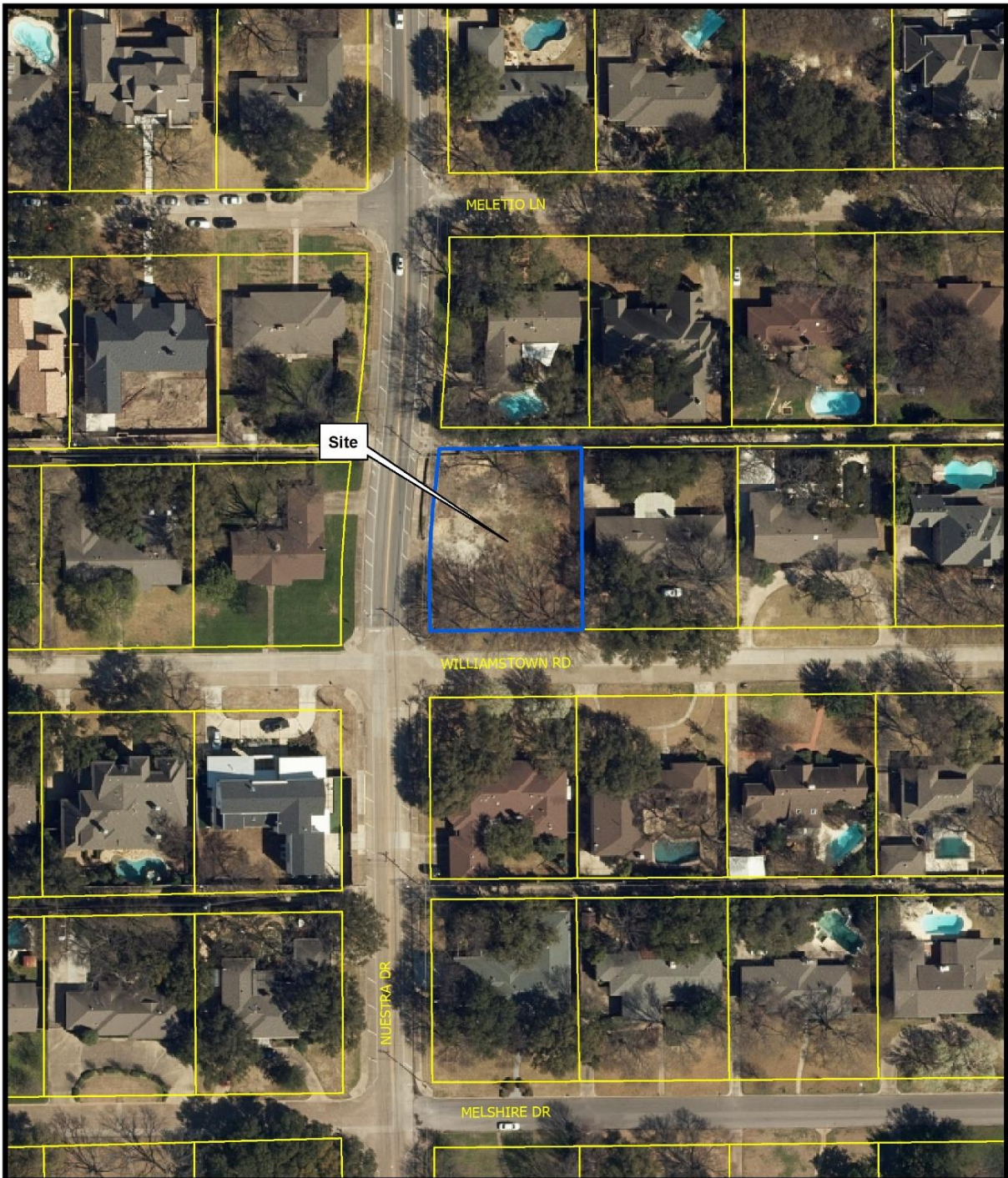


1:1,200

# ZONING MAP

Case no: BDA190-082

Date: 9/2/2020



1:1,200

# AERIAL MAP

Case no: BDA190-082

Date: 9/2/2020





City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-082

Date: ~~7/23/2020~~ 7-27-20

Data Relative to Subject Property:

Location address: 5707 Williamstown, Dallas Zoning District: R16(A)  
Lot No.: 1 Block No.: B/6991 Acreage: .380 Census Tract: 96.04  
Street Frontage (in Feet): 1) 118 2) 64 3) 77 4) 109 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): George Cochrum

Applicant: Eric Messer Telephone: 972-741-6887

Mailing Address: 6312 Widgeon Dr, Plano TX Zip Code: 75024

E-mail Address: eric@emrohomesllc.com

Represented by: Eric Messer Telephone: 972-741-6887

Mailing Address: 6312 Widgeon Dr, Plano TX Zip Code: 75024

E-mail Address: eric@emrohomesllc.com

Affirm that an appeal has been made for a Variance \_\_, or Special Exception , of No visibility Triangle exiting the residence driveway

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 owner wants to install a fence with a motorized gate to their driveway for security and safety. The fence with motorized gate is commensurate with other fences with motorized gates on corner lots in R16(A).

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 Eric Messer  
(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 23 day of July 2020

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

(Rev. 08-01-11)



MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

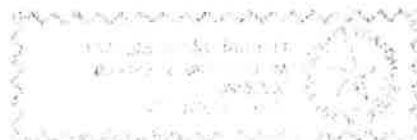
I hereby certify that Eric Messer

did submit a request for a special exception to the visibility obstruction regulations  
at 5707 Williamstown Road

BDA190-082. Application of Eric Messer for a special exception to the visibility obstruction regulations at 5707 WILLIAMSTOWN RD. This property is more fully described as Lot 1, Block B/6991, and is zoned R-16(A), which requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

  
David Session, Building Official





CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 190-082

I, GEORGE COCHRUM, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 5707 WILLIAMSTOWN RD, DALLAS, TX 75230  
(Address of property as stated on application)

Authorize: ERIC MESSER  
(Applicant's name as stated on application)

To pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s)

- Variance (specify below)
- Special Exception (specify below)
- Other Appeal (specify below)

Specify: NO VISABILITY TRIANGLE EXITING RESIDENCE DRIVEWAY

GEORGE COCHRUM  
Print name of property owner or registered agent

[Signature]  
Signature of property owner or registered agent

Date JULY 23, 2020

Before me, the undersigned, on this day personally appeared George Cochrum

Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 23 day of JULY 2020

[Signature]  
Notary Public for Dallas County, Texas

Commission expires on 2/5/2024







**EMRO HOMES**  
Construction + Renovations

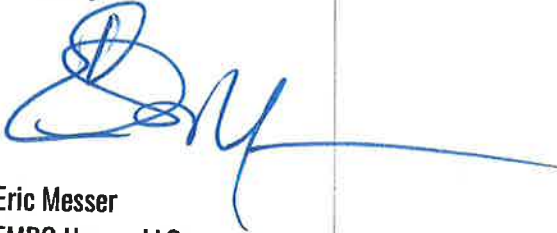
To: The Board of Adjustment

I am providing information that I hope will help the board better understand the need for the special exception for the fence the homeowner at 5707 Williamstown is requesting. The fence with motorized gate that will be built, is commensurate to other similar fences in the immediate neighborhood and homes zoned R16(A).

The homeowner is requesting the special exception as the fence will provide security and safety to their property. I have attached photographs of similar fences that other homes in the area have constructed that do not have the visibility triangle exiting the private driveway.

All other required visibility triangles will be maintained per city requirements. The homeowner is only requesting the special exception for their private driveway.

Thank you



Eric Messer  
EMRO Homes LLC  
972-741-6887  
eric@emrohomesllc.com

5707 Williamstown  
Similar Fence Designs No Visibility Triangle



5624 Williamstown



5639 Williamstown



5630 ridge town



5907 Charlestown



5508 Ridgetown



5707 Willow



4531 Naswood/Welsh



4547 Willow/Welsh







Printed: 7/27/2020

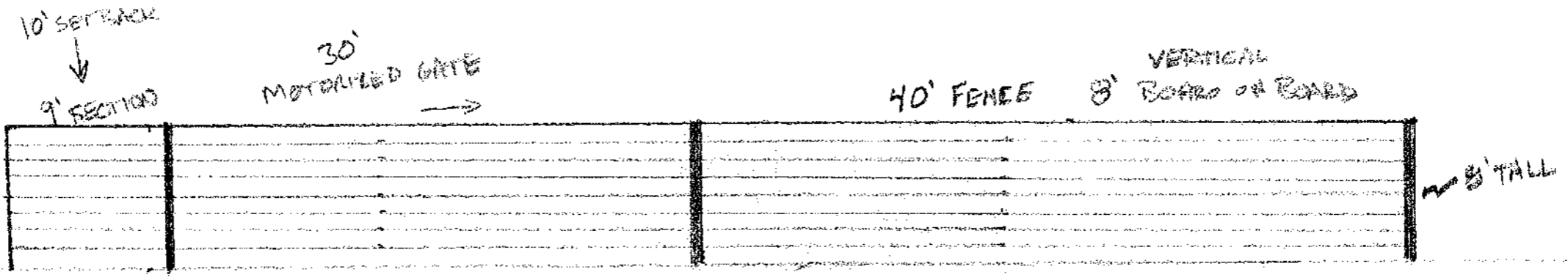
### Legend

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Floodplain           | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO_Overlay                |
| Peak's Branch        | SPSP Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | SUP                            | Historic Overlay      | Shop Front Overlay         |
|                      |                                | Height Map Overlay    |                            |

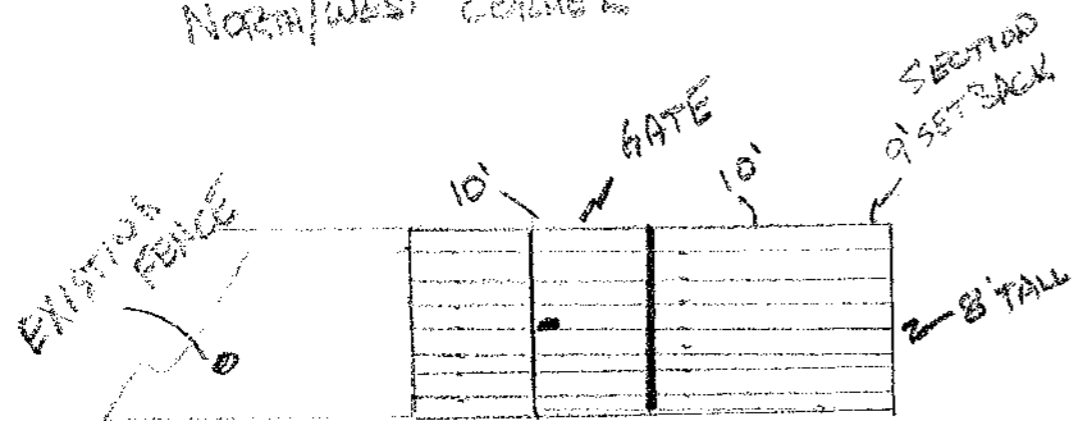
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.' (Texas Government Code § 2051.102)



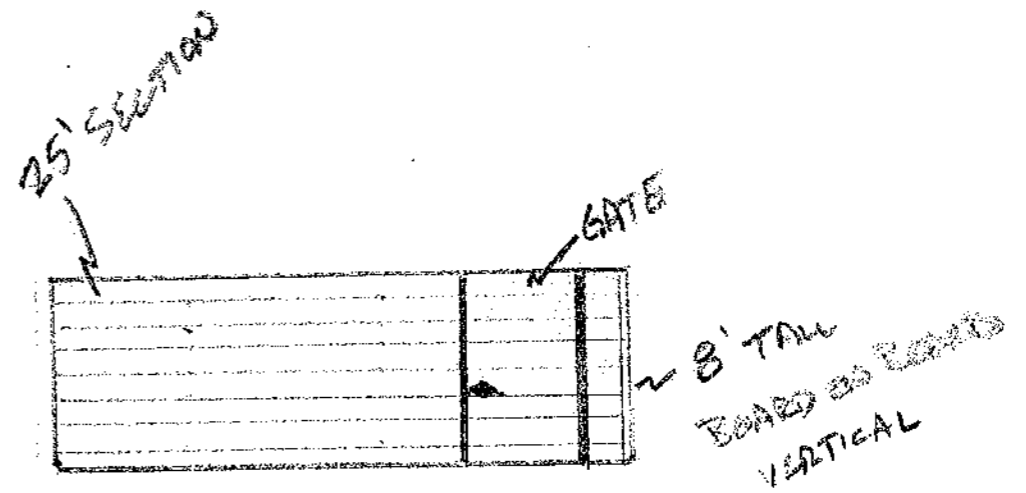
WEST SIDE  
ALONG NUESTRA



NORTH/WEST CORNER



FRONT  
YARD VIEW



1/8" = 1'



REVIEW COMMENT SHEET  
BOARD OF ADJUSTMENT

- |   |                                     |
|---|-------------------------------------|
| <input type="checkbox"/> Has no objections  |                                     |
| <input type="checkbox"/> Has no objections if certain conditions are met (see comments below or attached) | <input type="checkbox"/>            |
| <input checked="" type="checkbox"/> Recommends denial (see comments below or attached)                    | <input checked="" type="checkbox"/> |
| <input type="checkbox"/> No comments  | <input type="checkbox"/>            |

COMMENTS:

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***David Nevarez, PE, PTOE, DEV - Engineering***

Name/Title/Department

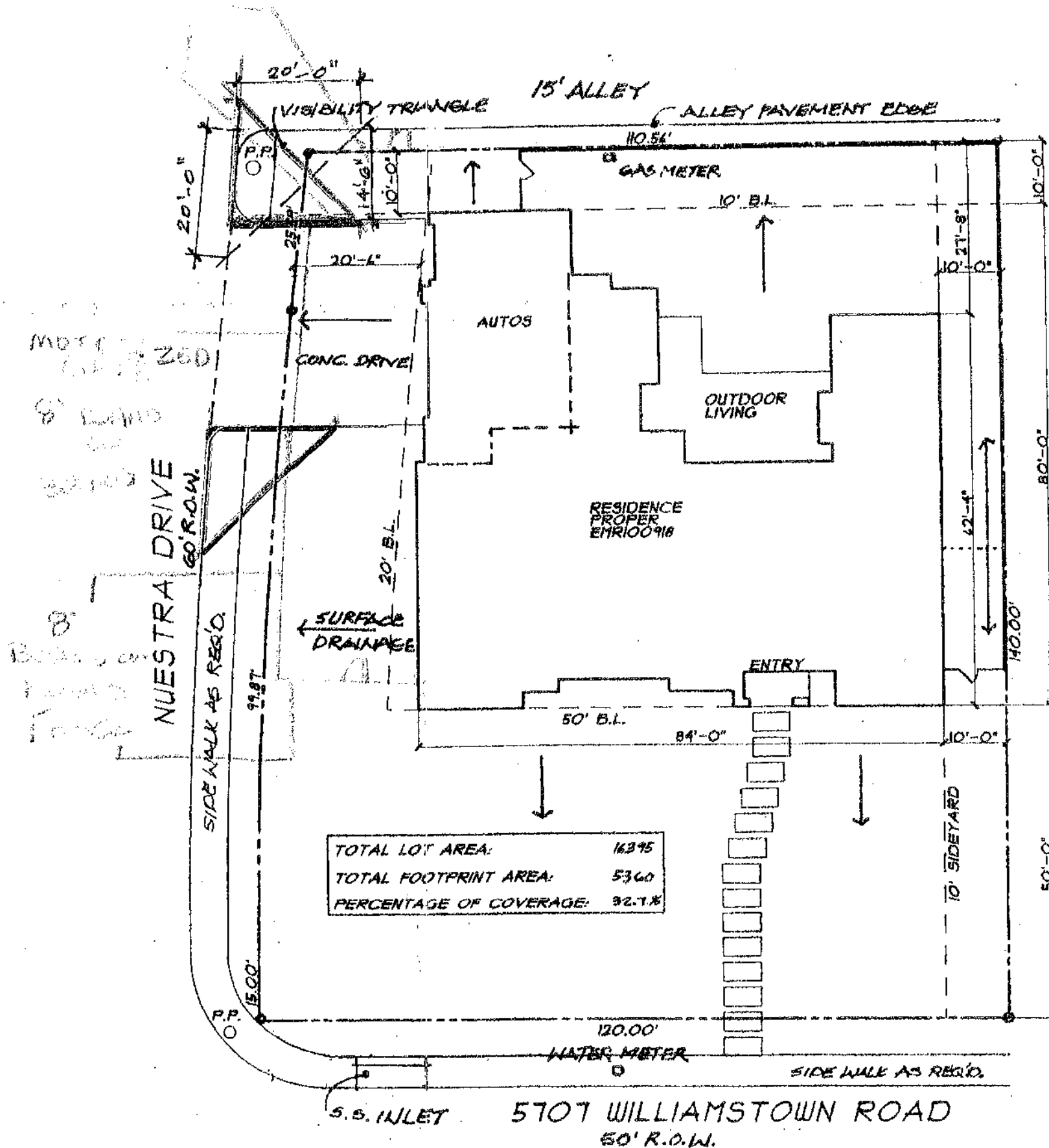
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Date

Please respond to each case and provide comments that justify or elaborate on your response. Dockets distributed to the Board will indicate those who have attended the review team meeting and who have responded in writing with comments.

8' EDWARD M. BOARD

FENCE



MOTIC 260  
 8' EDWARD M. BOARD  
 30100  
 NUESTRA DRIVE  
 60' R.O.W.  
 SIDE WALK AS REQ'D.  
 9' BT

**SITE PLAN**

SCALE: 1"=20'-0"

LOT 1, BLOCK B/L991  
 MELSHIRE ESTATES  
 DALLAS, TEXAS

This Site Plan is not a survey. It is provided for building and site-work layout only. Prior to the start of construction, the general contractor shall verify with the city and/or the appropriate utilities all grades, existing improvements, property lines, required building setbacks, easements, utilities, substructures, and any other existing site condition that could present a hazard or interfere with construction. Any discrepancies between this Site Plan and actual on-site conditions shall be the responsibility of the general contractor to resolve. Henderson Design & Associates shall be responsible only for the revision/correction of these documents, and then only as information is provided by the general contractor. These requirements apply from the time these documents are issued, and continue throughout the course of construction.

Finish grade shall provide positive drainage away from (all) structure(s) on this site, and shall furthermore be sensitive to adjacent sites, and shall meet all local requirements.

Additional information for 5707 Williamstown Fence Special Exception



This is not a bike lane but a no Traffic lane



This is a very busy street



Very busy street



LockMaster LKM-LM140 Alarm Lamp - Red

★★★★★ Be the first to review this product

Product Highlights:

- 24VDC
- Red Transparent, Fade-Resistant Dome
- 5" H x 3" Diameter
- Shock Resistant
- Flash Frequency Adapting Electronic Circuit
- 1 Year Warranty

MPN: LM140

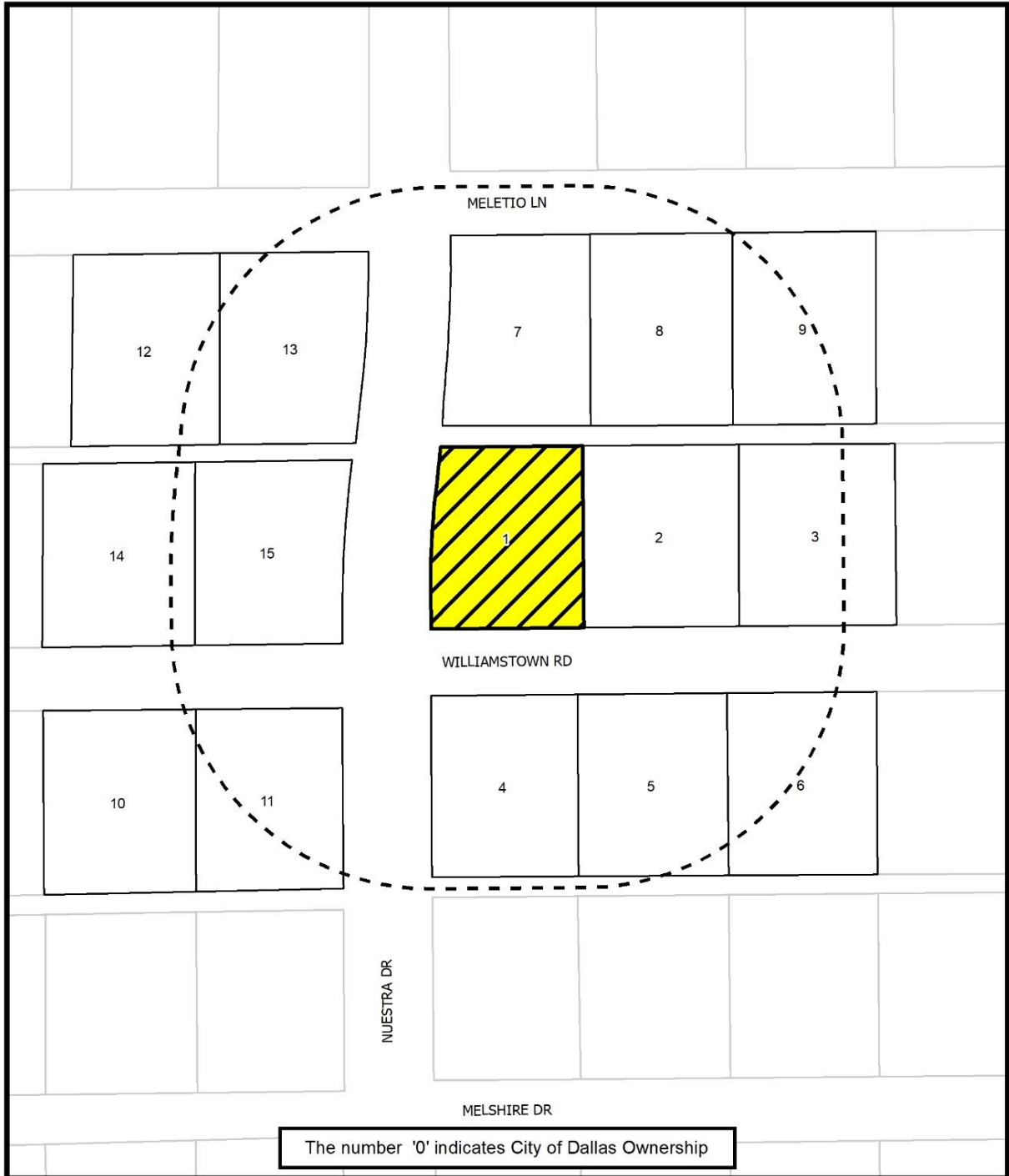
SKU: LKM-LM140

Qty:

[Add to Cart](#)

This will be added to the gate. When the gate is being opened, the red light will flash a warning signal to any approaching pedestrians and cars.





1:1,200

# NOTIFICATION

**200'** AREA OF NOTIFICATION  
**15** NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA190-082**

Date: **9/2/2020**

09/02/2020

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

***BDA190-082***

***15 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	5707 WILLIAMSTOWN RD	EMRO HOMES LLC
2	5715 WILLIAMSTOWN RD	BAKER RICHARD Y
3	5723 WILLIAMSTOWN RD	FONBERG MITCHELL
4	5706 WILLIAMSTOWN RD	WIER JEFFREY A
5	5712 WILLIAMSTOWN RD	FRIEDMAN JOSEPH S &
6	5722 WILLIAMSTOWN RD	SHMUEL NAFTALI &
7	5706 MELETIO LN	YATES ROBERT E & MARY R
8	5714 MELETIO LN	FIELDER CHARLES R &
9	5722 MELETIO LN	SMITH CHRISTINA EMILY
10	5618 WILLIAMSTOWN RD	DOREY MICHAEL R & PATRICIA
11	5624 WILLIAMSTOWN RD	YOO HANS & BRITTANI
12	5618 MELETIO LN	BLINN MARK A
13	5624 MELETIO LN	MILLER C SUZETTE &
14	5617 WILLIAMSTOWN RD	ROSS SHARON L
15	5623 WILLIAMSTOWN RD	SCHWARCZ JOSEPH PHILLIP