

ZONING BOARD OF ADJUSTMENT, PANEL A  
TUESDAY, MAY 19, 2015  
AGENDA

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

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**Donna Moorman, Chief Planner**  
**Steve Long, Board Administrator**

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**MISCELLANEOUS ITEM**

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Approval of the April 21, 2015 Board of Adjustment Panel A Public Hearing Minutes	M1
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**UNCONTESTED CASES**

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<b>BDA 145-056</b>	10001 Meadowbrook Drive <b>REQUEST:</b> Application of Mehrdad Ghani, represented by Saad Chehabi, for a variance to the front yard setback regulations	1
<b>BDA 145-058</b>	4715 W. Northwest Highway <b>REQUEST:</b> Application of Karl A. Crawley for a special exception to the fence height regulations	2
<b>BDA 145-061</b>	9727 Brockbank Drive <b>REQUEST:</b> Application of Jay Dossal of Lopez Tortillas for a special exception to the landscape regulations	3
<b>BDA 145-062</b>	4617 Meadowood Road <b>REQUEST:</b> Application of Susan Hirsch, represented by Michael Brooks, for special exceptions to the fence height and visual obstruction regulations	4

## EXECUTIVE SESSION NOTICE

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

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the Commission/Board under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices.. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay, or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex. Govt. Code §551.086]

**(Rev. 6-24-02)**

**MISCELLANEOUS ITEM NO. 1**

To approve the Board of Adjustment Panel A April 21, 2015 public hearing minutes.

**FILE NUMBER:** BDA 145-056

**BUILDING OFFICIAL'S REPORT:** Application of Mehrdad Ghani, represented by Saad Chehabi, for a variance to the front yard setback regulations at 10001 Meadowbrook Drive. This property is more fully described as an unplatted 1.034 acre tract, Block 5517, and is zoned R-1ac(A), which requires a front yard setback of 40 feet measured from the front lot line of the building site or the required right-of-way, whichever creates the greater setback. The applicant proposes to construct a single family residential structure and provide an 18 foot front yard setback (provide 19 feet 6 inch setback at foundation and 18 foot setback at roof eave), which will require a 22 foot variance to the front yard setback regulation.

**LOCATION:** 10001 Meadowbrook Drive

**APPLICANT:** Mehrdad Ghani  
Represented by Saad Chehabi

**REQUEST:**

A request for a variance to the front yard setback regulations of 22' is made to construct and maintain a ±10,692-square feet, single-family residential structure, part of which is located 18' (roof eave) and 19' 5" (foundation) from one of the site's two front property lines (Walnut Hill Lane), or 22' into this 40' front yard setback.

**STANDARD FOR A VARIANCE:**

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

- (A) not contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;
- (B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- (C) not granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

## **STAFF RECOMMENDATION:**

Approval

Rationale:

- The subject site is unique and different from most lots zoned R-1ac(A) in that, not only is a portion of the site located within a flood plain, the site also has two 40' front yard setbacks, one along Meadowbrook Drive, and one along Walnut Hill Lane. There is a 15' street easement along the Walnut Hill Lane frontage that requires the front yard setback to be measured from this easement and not from the property line, which is the usual case. Therefore, this requirement creates an even more restrictive setback. Furthermore, the site, while rectangular in shape, slopes at a 7% grade towards the creek located at the western property line, so the site would not be considered flat.

## **BACKGROUND INFORMATION:**

### **Zoning:**

Site: R-1ac(A) (Single family residential one acre)  
North: R-1ac(A) (Single family residential one acre)  
South: R-1ac(A) (Single family residential one acre)  
East: R-1ac(A) (Single family residential one acre)  
West: R-1ac(A) (Single family residential one acre)

### **Land Use:**

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

## **GENERAL FACTS/STAFF ANALYSIS:**

- This request focuses on constructing and maintaining a  $\pm 10,692$ - square foot, single-family residential unit, part of which is located 18' from one of the site's two front property lines: Walnut Hill Lane.
- Structures on lots zoned R-1ac(A) are required to provide a minimum front yard setback of 40'.
- The subject site is located at the northwest corner of Walnut Hill Lane and Meadowbrook Drive. Regardless of how the single-family residential unit is proposed to be oriented to front Meadowbrook Drive, the subject site has two front yard setbacks, one along each street. The site has a 40' front yard setback along Meadowbrook Drive, the shorter of the two frontages, which is always deemed the

front yard setback on a corner lot in this zoning district. The site also has a 40' front yard setback along Walnut Hill Lane, the longer of the two frontages of this corner lot, which is typically regarded as a side yard. But the site's Walnut Hill Lane frontage, though it functions as a side yard, is treated as a front yard setback to maintain the continuity of the front yard setback established by the lots to the west zoned R-1ac(A) that front and are oriented southward towards Walnut Hill Lane.

- A scaled site plan has been submitted indicating that a portion of the proposed single-family residential unit is to be located 18' from the Walnut Hill Lane front property line, or approximately 22' into this 40' front yard setback, to accommodate a roof eave, guest bedroom, and two garages.
- According to DCAD records, there is no "main improvement" or "additional improvement" for property addressed at 10001 Meadowbrook Drive.
- The Current Planner contacted the applicant's representative and then confirmed via e-mail that the square footage of the proposed development will be ±10,692-square feet (±5,948 SF for the first floor, ±3,354 SF for the second floor, ±893 SF for the garage, and ±497 SF for the covered porch).
- While the subject site is rectangular in shape (336.32'x 131.5'), and, according to the submitted application, 1.034 acres in area, the site is not flat. The site slopes at a 7% grade change downward towards a creek located at the western property line.
- The site is zoned R-1ac(A), where lots are typically 1 acre in area.
- Most lots in R-1ac(A) zoning have one 40' front yard setback, two 10' side yard setbacks, and one 10' rear yard setback; this site has two 40' front yard setbacks—one of which must be measured from a street easement and not the property line, which is the usual case—one 10' side yard setback, and one 10' rear yard setback.
- The 131.50' wide subject site has approximately 81.5' of developable width available once a 40' front yard setback is accounted for on the south and a 10' side yard setback is accounted for on the north. If the lot were more typical to others in the zoning district with only one front yard setback, the 131.50' wide site would have 111.5' of developable width.
- 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-1ac(A) zoning classification.
  - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-1ac(A) zoning classification.
- If the Board were to grant the variance request, and impose the submitted site plan, floor plan, and elevations as a condition, the structure in the front yard setback would be limited to what is shown on this document— which in this case is a portion

of a structure located as close as 18' from the site's Walnut Hill Lane front property line (or 22' into this 40' front yard setback).

- Note that granting the applicant's request for a variance to the front yard setback regulations will not provide any relief to any existing noncompliance that maybe on the site related to fence height.

### **Timeline:**

February 20, 2105: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

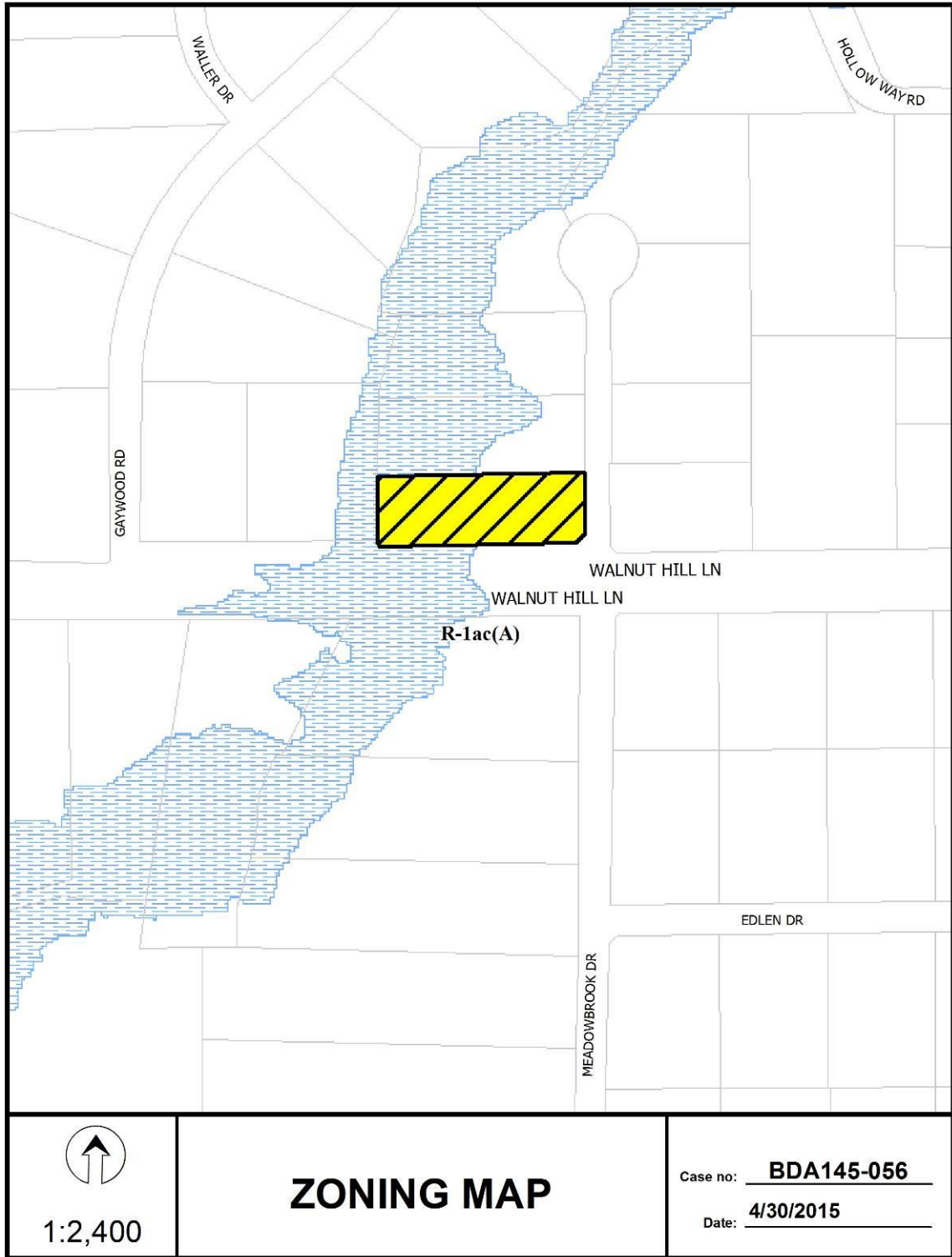
April 14, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

April 21, 2015: The Current Planner shared the following information with the applicant via e-mail:

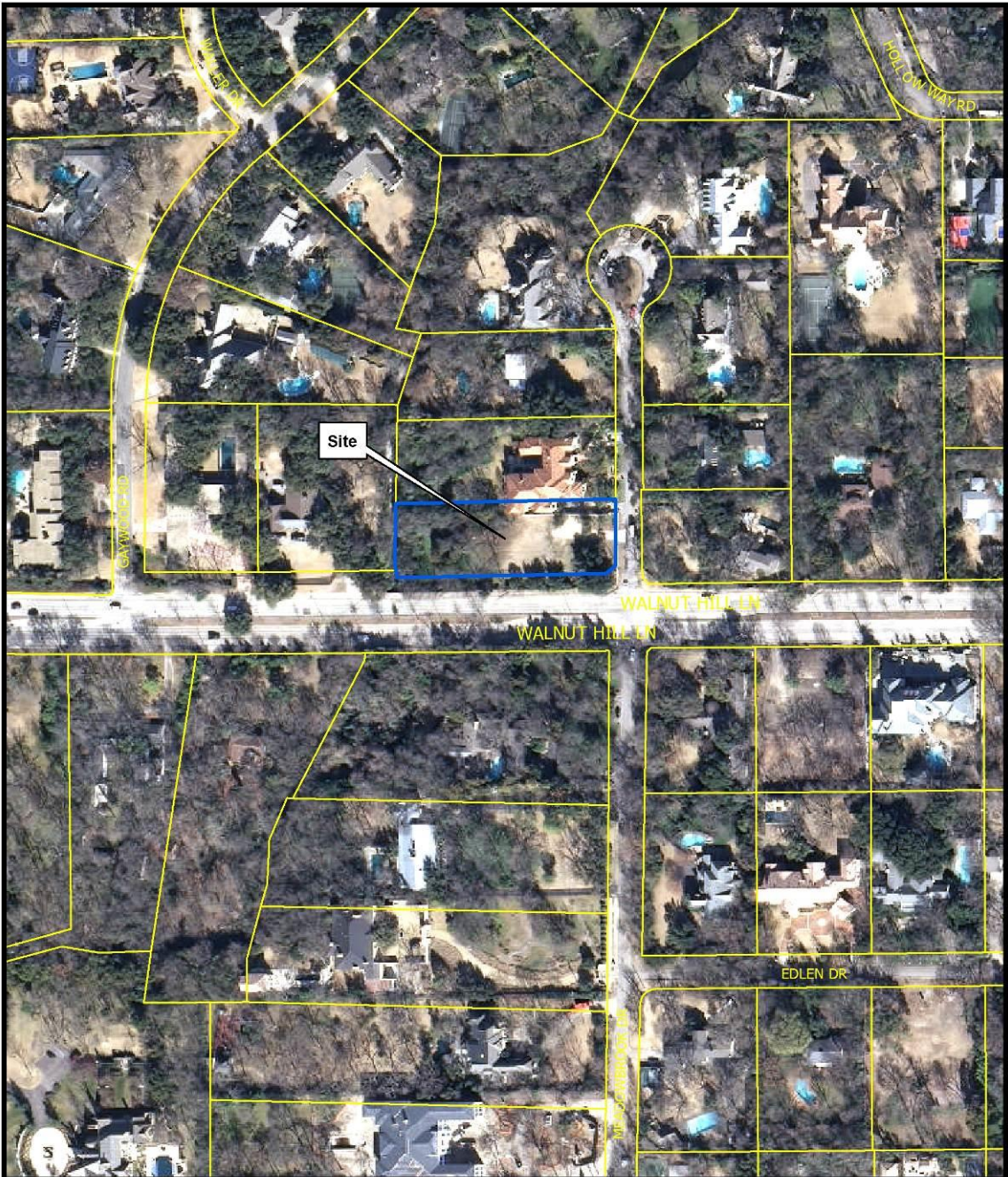
- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the April 29th deadline to submit additional evidence for staff to factor into their analysis; and the May 8th 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.

May 5, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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







1:2,400

# AERIAL MAP

Case no: BDA145-056

Date: 4/30/2015



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-056

Date: 02/20/2015

Data Relative to Subject Property:

Location address: 10001 Meadowbrook Dr. Zoning District: R-1ac(A)

Lot No.: Tr B Block No.: 5517 Acreage: 1.034 Census Tract: 76.05

Street Frontage (in Feet): 1) 131.5 2) 336.323 4) \_\_\_\_\_ 5) \_\_\_\_\_ NC2S

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): NAZNAT, LP

Applicant: Mehrdad GHANI Telephone: 214 704 8340

Mailing Address: P.O Box 704074, DALLAS Zip Code: 75370

E-mail Address: MGHANI@MGINTERNATIONALINC.COM

Represented by: SAAD CHEHABI Telephone: 214 505-7777

Mailing Address: 2101 CEDAR SPRINGS #1050 Zip Code: 75201  
DALLAS

E-mail Address: SRCHEHABI@YAHOO.COM

Affirm that an appeal has been made for a Variance , or Special Exception , of 22'  
FRONT YARD SETBACK ON WALNUT HILL SIDE

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:

LOT IS ON CORNER AND HAS 2 FRONT YARDS, CITY EASEMENT AND ENTIRE HALF OF LOT LOCATED IN FLOOD PLAIN. IT WILL BE IMPOSSIBLE TO BUILD IN A MANNER COMMENSURATE WITH THE DEVELOPMENT OF OTHER PROPERTIES WITH THE SAME ZONING WITHOUT A VARIANCE.

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 Mehrdad Ghani  
(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)

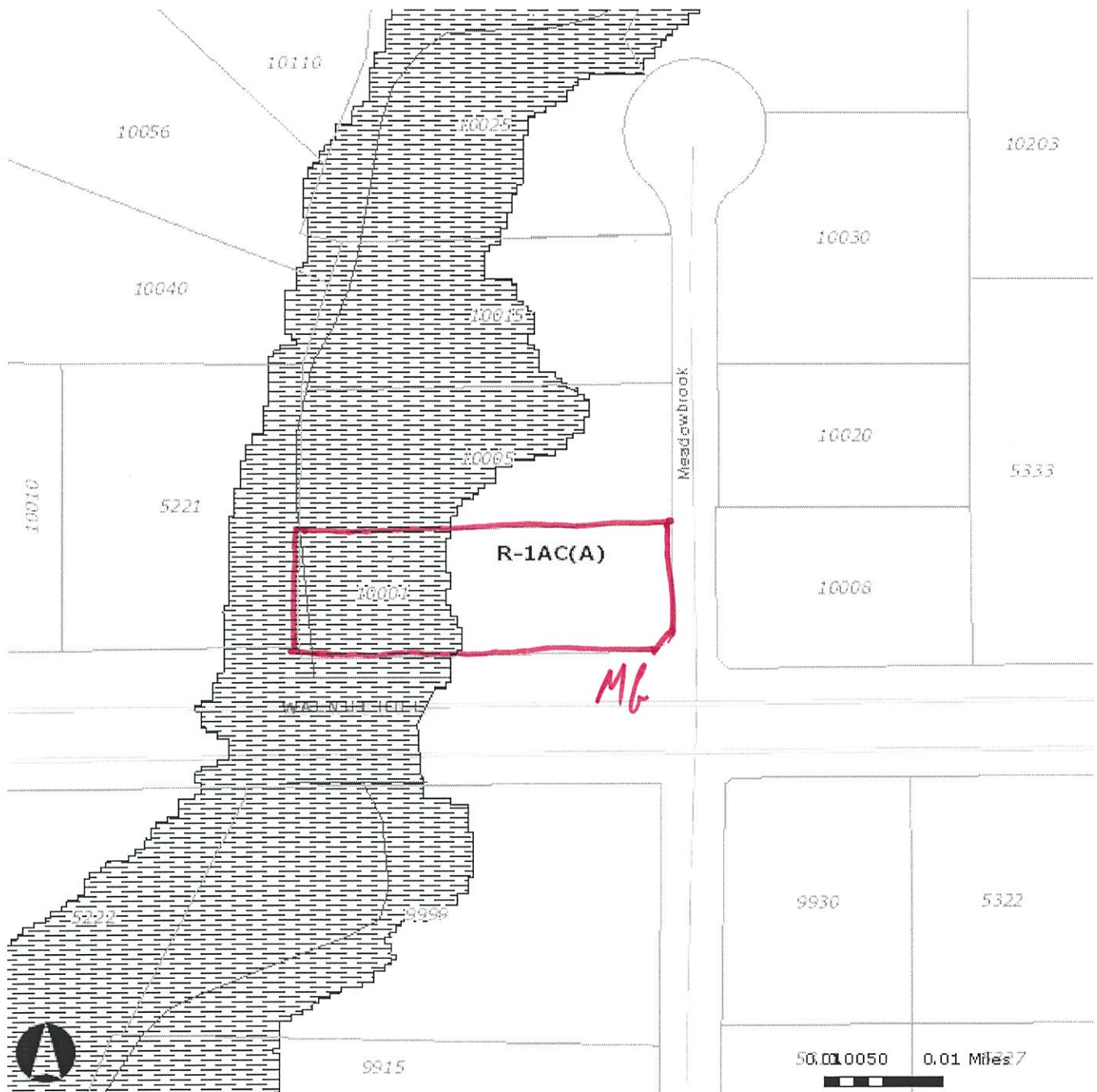
Subscribed and sworn to before me this 6 day of March, 2015

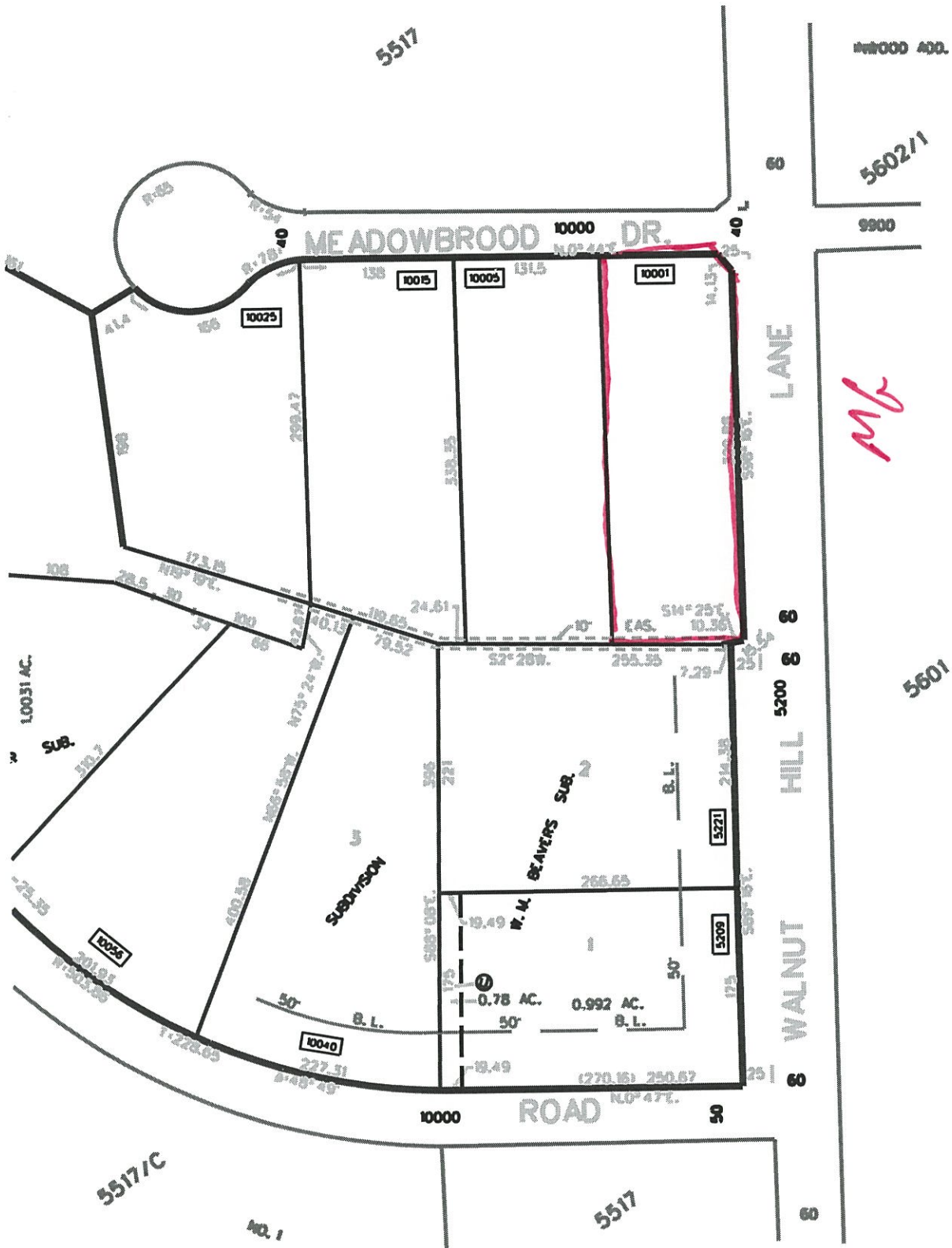
[Signature]  
Notary Public in and for Dallas County, Texas

(Rev. 08-01-10)

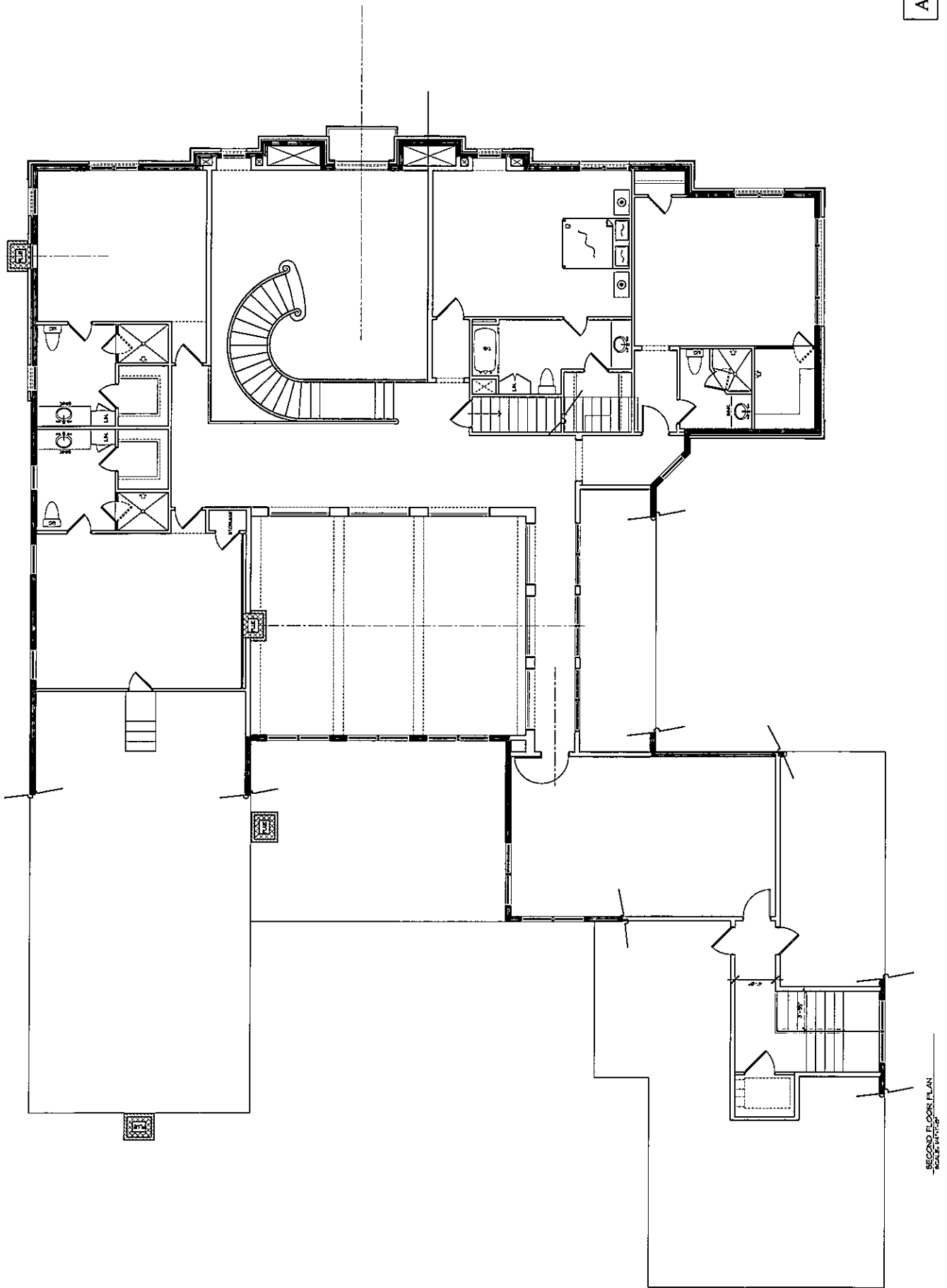








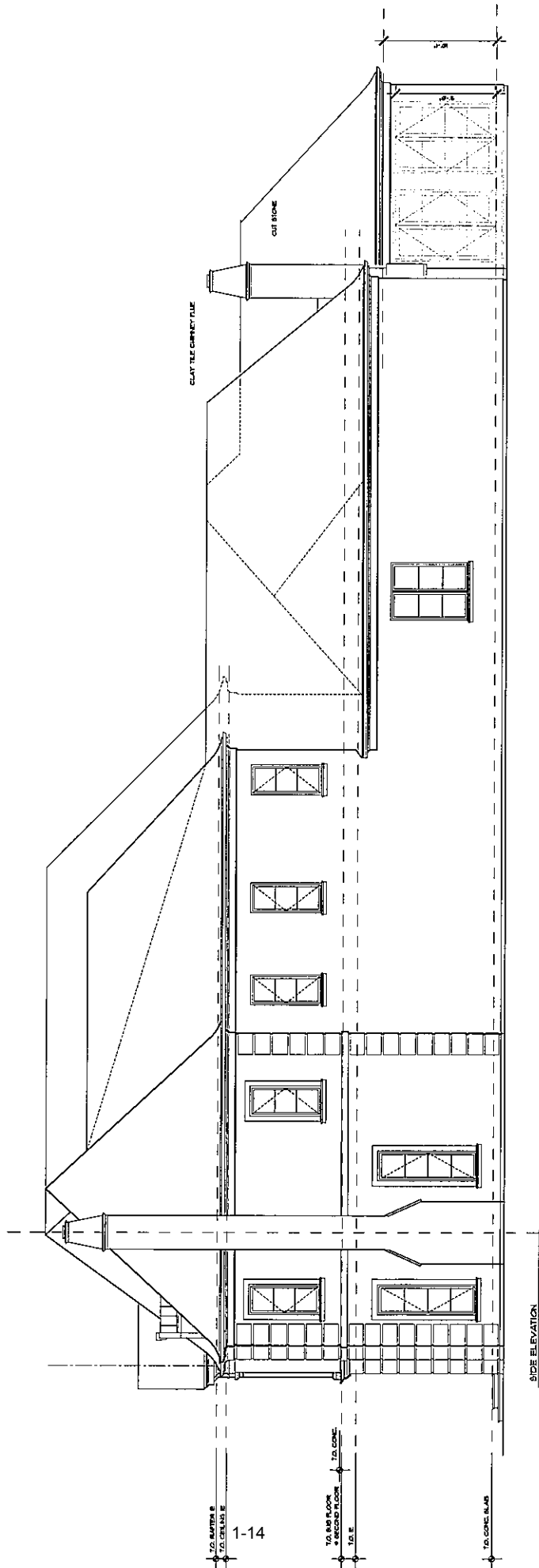


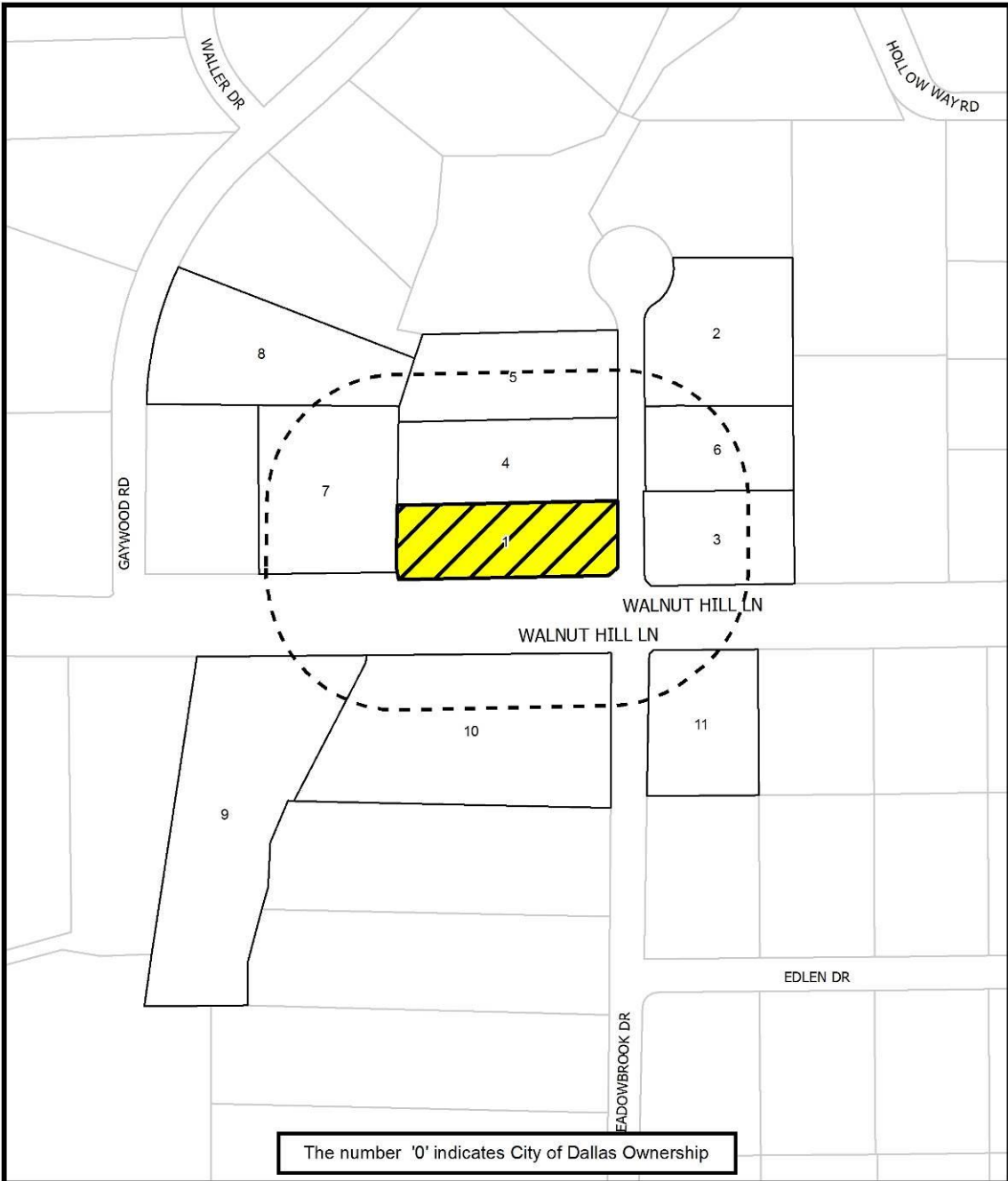


SECOND FLOOR PLAN  
SCALE: 1/8" = 1'-0"









 1:2,400	<b>NOTIFICATION</b>		Case no: <b>BDA145-056</b>
	<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;">11</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: <b>4/30/2015</b>

## *Notification List of Property Owners*

***BDA145-056***

### *11 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	10001 MEADOWBROOK DR	SIMMONS GLENN
2	10030 MEADOWBROOK DR	NEUHOFF JOE B
3	10008 MEADOWBROOK DR	JONES ROBERT W
4	10005 MEADOWBROOK DR	BEAUDRY PETROLEUM TRUST &
5	10015 MEADOWBROOK DR	BEHRENDT ROBERT E &
6	10020 MEADOWBROOK DR	SOLANA JOHN D TRUSTEE
7	5221 WALNUT HILL LN	BEDNARZ JEFFRY B &
8	10040 GAYWOOD RD	ROACH JOHN L & LAURA
9	5222 WALNUT HILL LN	WETHERINGTON RONALD K &
10	9999 MEADOWBROOK DR	ORR BRUCE W & CAROL H REVOCABLE TR
11	9930 MEADOWBROOK DR	TABOR R JAY & SUSAN R

**FILE NUMBER:** BDA 145-058

**BUILDING OFFICIAL'S REPORT:** Application of Karl A. Crawley for a special exception to the fence height regulations at 4715 W. Northwest Highway. This property is more fully described as Lot 11, Block 5558, 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 an 11 foot 4 inch high fence in a required front yard, which will require a 7 foot 4 inch special exception to the fence regulation.

**LOCATION:** 4715 W. Northwest Highway

**APPLICANT:** Karl A. Crawley, Masterplan Consultants

**REQUEST:**

The following request for a special exception has been made on a site that is developed with a single family home/use:

1. A request for a special exception to the fence height regulations of 7' 4" is made to construct a 10' high cedar wood board-on-board fence with cap rails (approximately 215' in length generally fronting along the northern line of West Northwest Highway), and a 10' high stucco fence (approximately 121' in length generally fronting along the northern line of West Northwest Highway). Inside the stucco portion of the fence is a 10' high, 24' wide wrought iron entry gate and several 11' 4" high stucco columns with cast stone caps. The fence is parallel to the street in the site's 40' front yard setback along West Northwest Highway.

**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 (FENCE HEIGHT):**

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 Residential District 1 Acre)

**North:** R-1ac(A) (Single Family Residential District 1 Acre)

South: R-1ac(A) (Single Family Residential District 1 Acre)  
East: R-1ac(A) (Single Family Residential District 1 Acre)  
West: R-1ac(A) (Single Family Residential District 1 Acre) and R-10(A) (Single Family Residential District 10,000 Square Feet)

**Land Use:**

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

**Zoning/BDA History:**

1. BDA 090-081, Property at 9054 Briarwood Lane (two lots southeast of the subject site)  
On August 17, 2010, the Board of Adjustment Panel A granted a request for a special exception to the fence height regulations of 5' 6", subject to the submitted site plan and revised elevation. The case report stated that the request was made to maintain 9' 6" high existing brick columns, and to replace an existing open wrought iron fence with (according to the applicant) a slightly higher 8' 3" high board-on-board cedar fence/wall in one of the site's two 40' front yard setbacks, the setback along Northwest Highway.
2. BDA 034-162, Property at 4618 Shadywood Lane (south of the subject site)  
On May 18, 2004, the Board of Adjustment Panel A granted a request for a special exception to the fence height regulations of 6', subject to the submitted site plan and elevation. The case report stated that the request was made to construct a 7.5'-high solid wooden fence with 8'-high wooden columns and an 8'-high wooden gate with 10'-high entry columns in the Northwest Highway front yard setback.

**GENERAL FACTS/STAFF ANALYSIS (FENCE HEIGHT):**

- This request focuses on constructing a 10' high cedar board-on-board fence with cap rails and a 10' high stucco fence, sections of which contain 11' 4' high stucco columns and a 10' high, 24' wide wrought iron gate, parallel to West Northwest Highway, in the 40' required front yard on a site developed with a single family home/use.

- The Dallas Development Code states that in all residential districts, except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- An R-1ac(A) Single Family Residential District requires the minimum front yard setback to be 40'.
- The following additional information was gleaned from the submitted site plan:
  - The proposal is represented as being approximately 336' in length parallel to West Northwest Highway. The cedar wood fence is approximately 215' in length, and the stucco fence is approximately 121' in length.
  - The cedar board-on-board fence will extend approximately 28' in length into the 40' required front yard, while the stucco fence, stucco columns, and wrought iron entry gate will extend generally 28' into the 40' required front yard.
  - The proposal is represented as being located approximately between 25'-46' from the pavement line.
  - The majority of the fence is represented as being located approximately 17' from the property line towards the western border of the property, while, from the eastern border of the property line, the fence is represented as being located approximately 36' from the property line.
- The Current Planner conducted a field visit of the site and surrounding area and noted two other visible fences above 4 feet in height which appeared to be located in a front yard setback. Both fences, located at 4618 Shadywood Lane and 9054 Briarwood, have recorded BDA history (BDA 034-162 and BDA 090-081, respectively).
- One home fronts the proposal.
- As of May 11<sup>th</sup>, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 7' 4" will not adversely affect neighboring property.
- Granting this special exception of 7' 4" with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 7' 4" in height in the front yard setback to be maintained in the location and of the heights and materials shown on these documents.
- Approval of this special exception to the fence height regulations does not provide any relief to any floodway easement requirements.

**Timeline:**

March 24, 2015: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

April 14, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

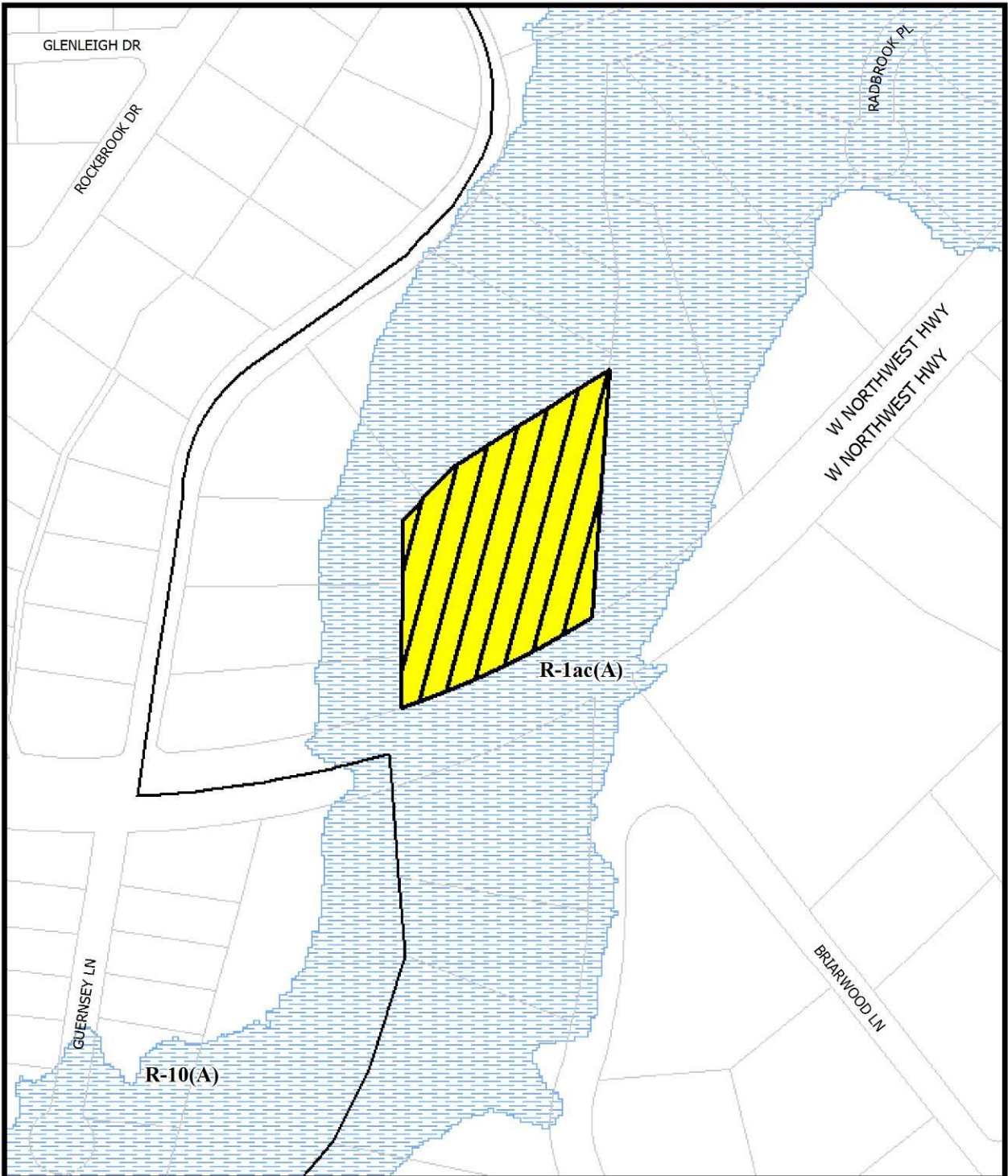
April 21, 2015: The Current Planner shared the following information with the applicant via e-mail:

- 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 April 29th deadline to submit additional evidence for staff to factor into their analysis; and the May 8th 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.

May 5, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

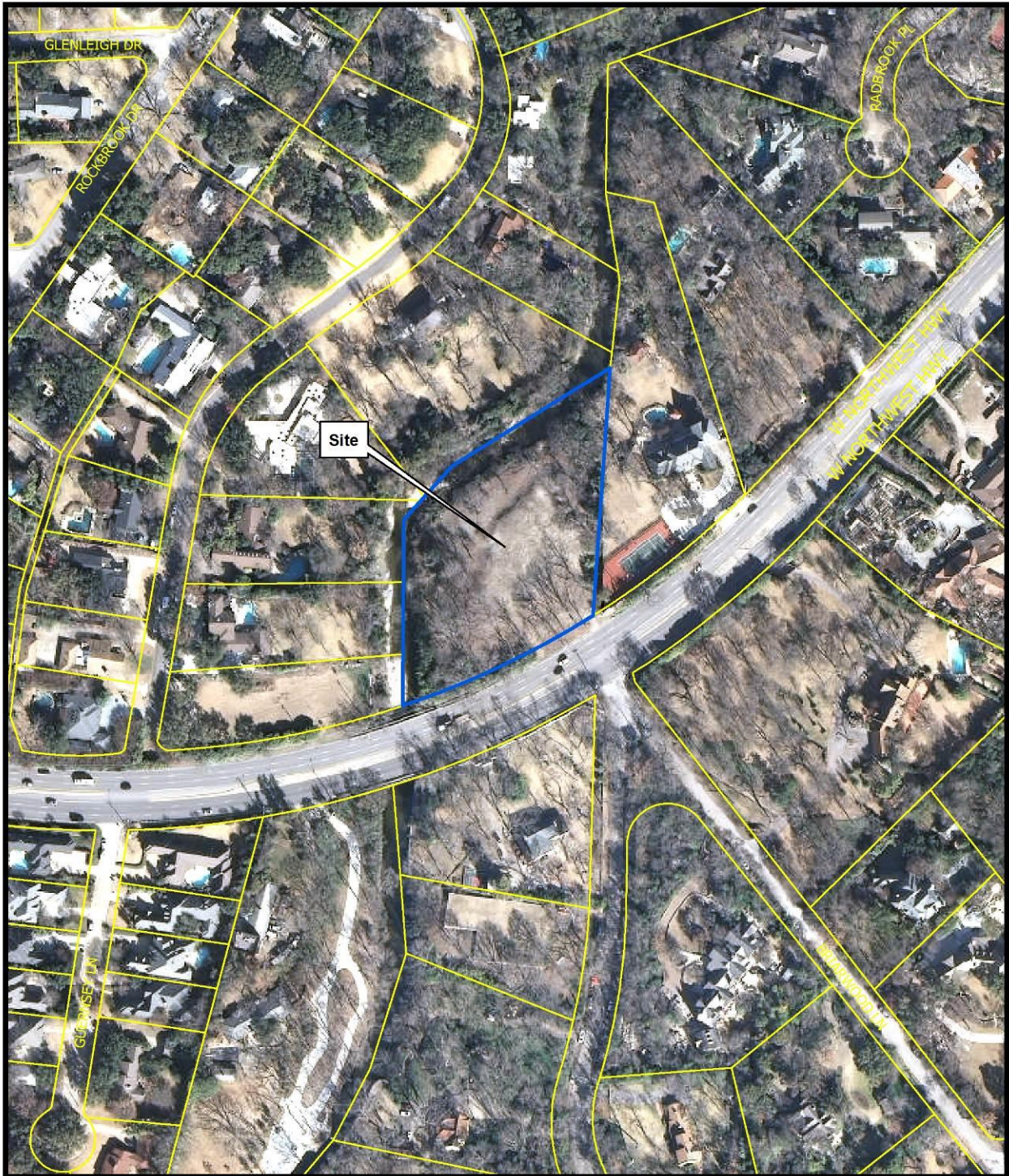
No review comment sheets with comments were submitted in conjunction with this application.


May 6, 2015: The applicant, via an e-mail to the Building Inspection Senior Plans Examiner/Development Code Specialist, revised his application to request a 7 foot 4 inch special exception to the fence height regulations to account for the cast stone caps on the stucco columns.



 1:2,400	<h1>ZONING MAP</h1>	Case no: <u>BDA145-058</u> Date: <u>4/30/2015</u>
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1:2,400

# AERIAL MAP

Case no: BDA145-058  
Date: 4/30/2015



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-058

Data Relative to Subject Property:

Date: 3-24-15

Location address: 4715 W. Northwest Highway Zoning District: R-lac (A)

Lot No.: 11 Block No.: 5558 Acreage: 2.596ac Census Tract: 206.00

Street Frontage (in Feet): 1 330 2 \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

*NE2A*

To the Honorable Board of Adjustment:

Owner of Property/or Principal Frederick A. Wysk

Applicant: Karl A Crawley Telephone: 214 761 9197

Mailing Address 900 Jackson St. Ste 640 Dallas TX Zip Code: 75202

Represented by: Karl A Crawley Telephone: 214 761 9197

Mailing Address: 900 Jackson St. Ste 640 Dallas TX Zip Code: 75202

Affirm that a request has been made for a Variance   , or Special Exception x, of 7 feet to allow a fence and gate with a height greater than four (4) feet in the required front yard.

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

*Property on Northwest Hwy - similar to neighbors fence.*

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: Karl A Crawley  
Applicant's name printed

*[Signature]*  
Applicant's signature

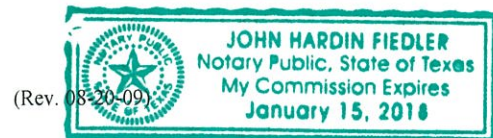
Affidavit

Before me the undersigned on this day personally appeared Karl A Crawley who on (his/her) oath certifies that the above statements are true and correct to his best knowledge and that he is the owner/or principal/or authorized representative of the subject property.

*[Signature]*  
Affiant (Applicant's signature)

Subscribed and sworn to before me this 20 day of March, 2015

*[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**

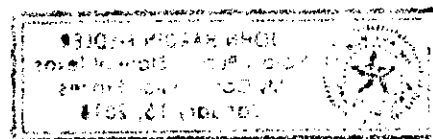
I hereby certify that Karl A. Crawley

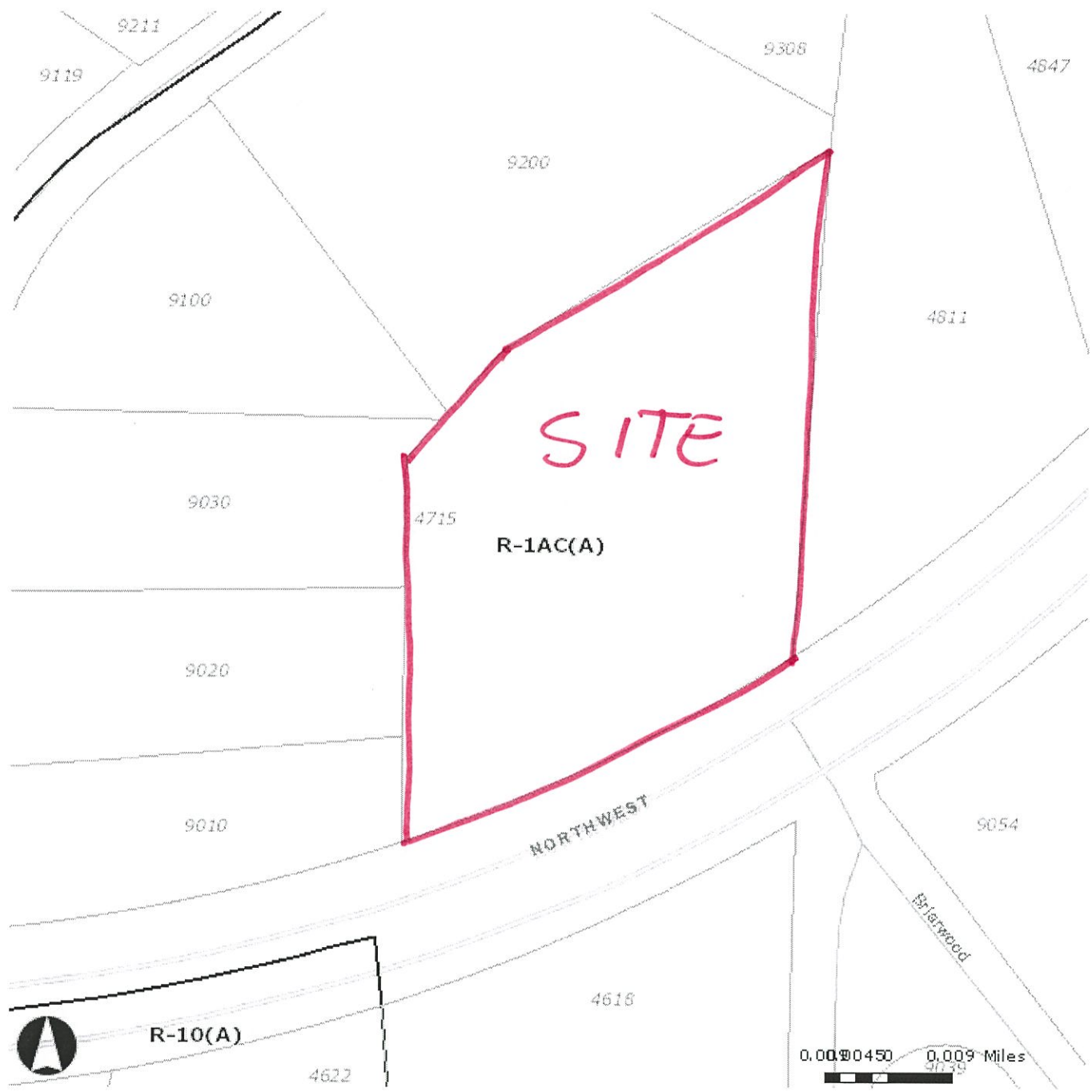
did submit a request for a special exception to the fence height regulations  
at 4715 W. Northwest Hwy.

BDA145-058. Application of Karl A. Crawley for a special exception to the fence height regulations at 4715 W. Northwest Highway. This property is more fully described as Lot 1 Block 5558, 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 an 11 foot high fence in a required front yard, which will require a 7 foot special exception to the fence regulation.

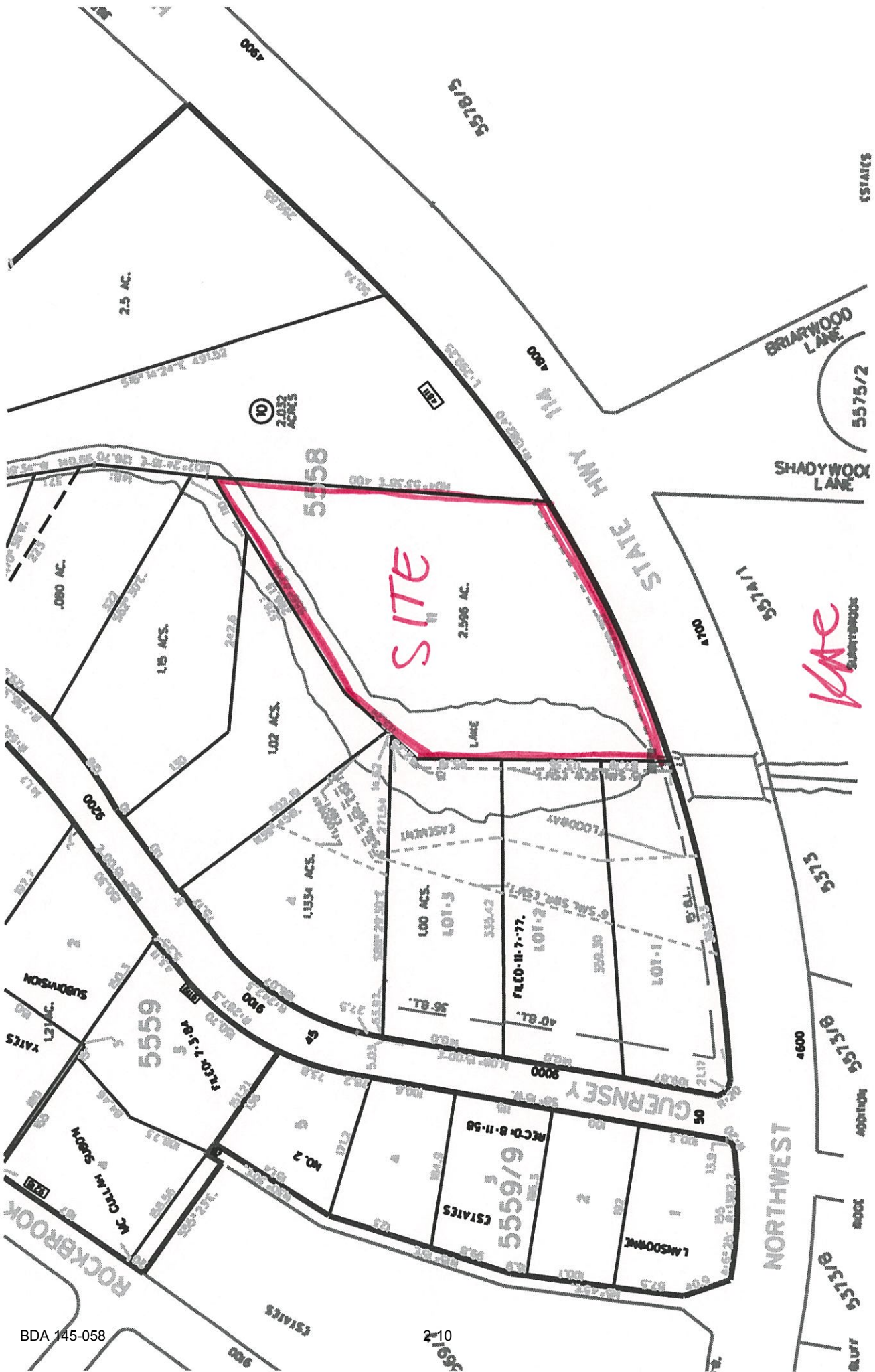
Sincerely,

  
Larry Holmes, Building Official





KAC



Drawn By  
 E.S.S.  
 Checked By  
 E.S.S.  
 Date  
 10-28-15  
 Remarks

THE WYSK FAMILY  
 A NEW RESIDENT FOR

B.K. DESIGN STUDIO  
 4145 FRANKS ST. SUITE 200  
 DALLAS, TEXAS 75244 (469) 954-7459

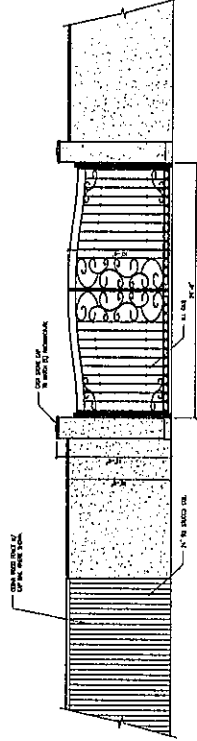
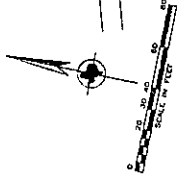
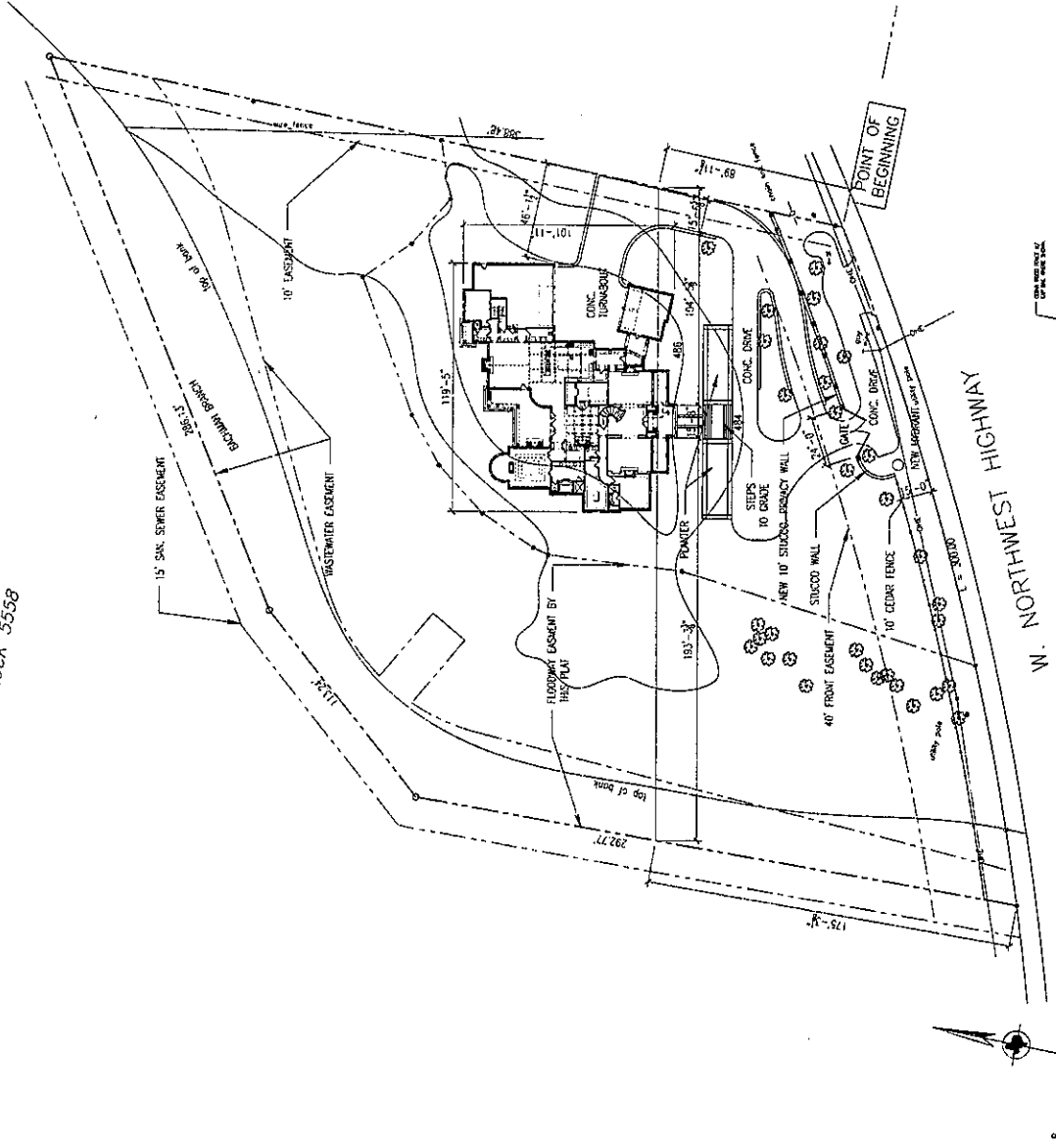
ROBERT ELLIOTT CUSTOM HOMES  
 4715 W. NORTHWEST HIGHWAY, DALLAS, TX  
 9525

Project No.  
 145-058  
 13

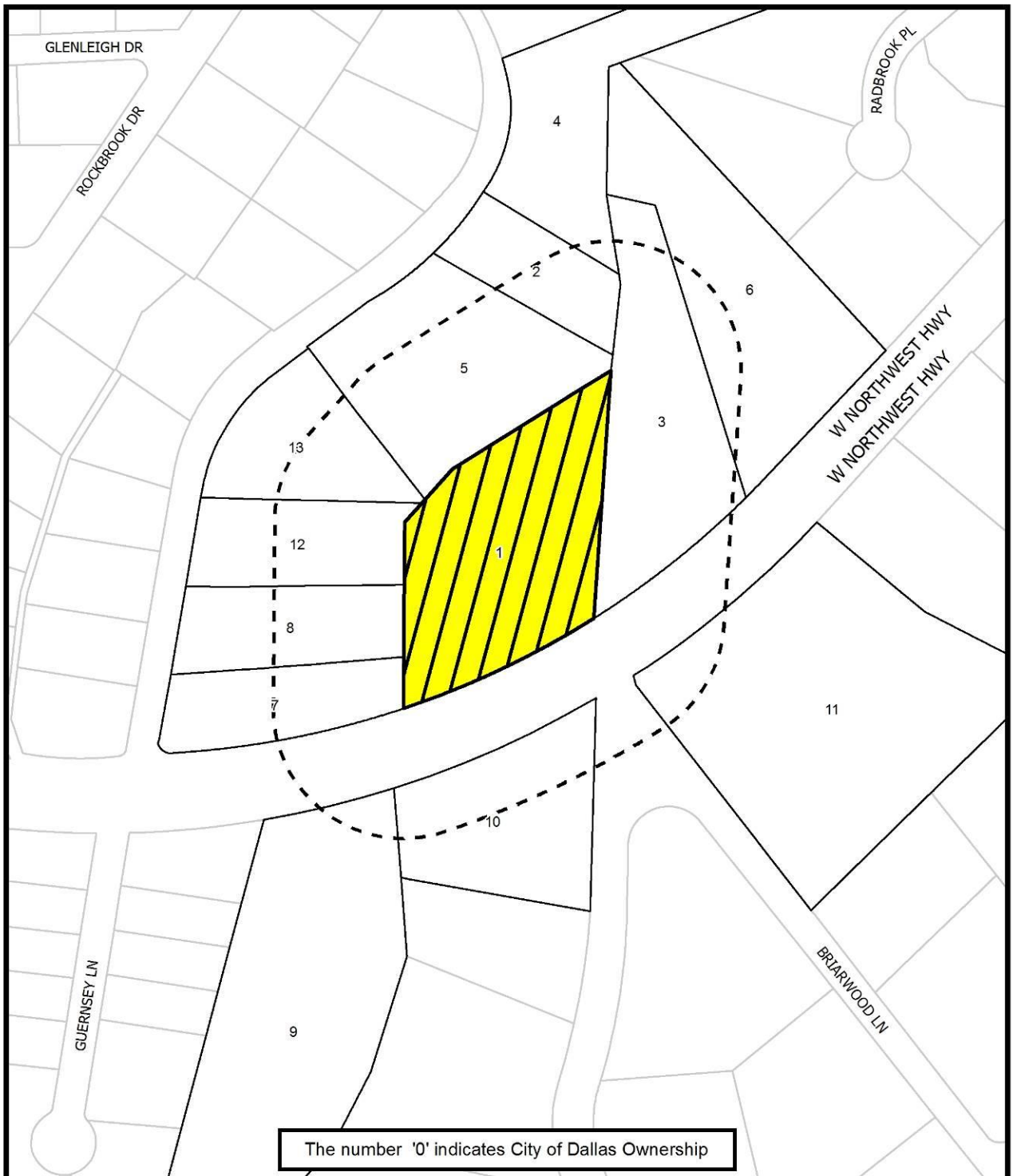
NOTE:  
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.  
 2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE.  
 4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS NOTED OTHERWISE.  
 5. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT UNLESS NOTED OTHERWISE.  
 6. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE UNLESS NOTED OTHERWISE.  
 7. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE SIDEWALK UNLESS NOTED OTHERWISE.  
 8. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE CURB UNLESS NOTED OTHERWISE.  
 9. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE PROPERTY LINE UNLESS NOTED OTHERWISE.  
 10. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ADJACENT PROPERTY LINE UNLESS NOTED OTHERWISE.

SITE PLAN  
 THIS PLAN IS A LEGAL INSTRUMENT.  
 IT IS TO BE FILED IN THE PUBLIC RECORDS OF THE COUNTY OF DALLAS, TEXAS.  
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CITY BLOCK 5558



STUCCO PRIVACY WALL DETAIL



The number '0' indicates City of Dallas Ownership

 <b>1:2,400</b>	<h2 style="text-align: center;">NOTIFICATION</h2> <p><b>200'</b> AREA OF NOTIFICATION</p> <p><b>13</b> NUMBER OF PROPERTY OWNERS NOTIFIED</p>	<p>Case no: <b>BDA145-058</b></p> <p>Date: <b>4/30/2015</b></p>
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## ***Notification List of Property Owners***

***BDA145-058***

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

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	4715 NORTHWEST HWY	WYSK FREDERICK A & FATIN J
2	9308 GUERNSEY LN	WHITE ROBERT A
3	4811 NORTHWEST HWY	ASRAWI SALIM
4	9316 GUERNSEY LN	VOGELSON JAY M
5	9200 GUERNSEY LN	HOWARD EDWARD &
6	4847 NORTHWEST HWY	HARRISON DAVID MICHAEL
7	9010 GUERNSEY LN	T&P WATSON LLC
8	9020 GUERNSEY LN	WATSON TRACY L
9	4622 NORTHWEST HWY	LANDRUM JAMES R TR
10	4618 SHADYWOOD LN	KLOSE ALLEN J
11	9054 BRIARWOOD LN	BABB RALPH W JR & BARBARA
12	9030 GUERNSEY LN	KNEIPPER RICHARD K
13	9100 GUERNSEY LN	MURRAY JOHN & MINNETTE



**FILE NUMBER:** BDA 145-061

**BUILDING OFFICIAL'S REPORT:** Application of Jay Dossal of Lopez Tortillas for a special exception to the landscape regulations at 9727 Brockbank Drive. This property is more fully described as Lot 7A, Block2/6451, and is zoned LI, which requires mandatory landscaping. The applicant proposes to construct and maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

**LOCATION:** 9727 Brockbank Drive

**APPLICANT:** Jay Dossal of Lopez Tortillas

**REQUEST:**

A request for a special exception to the landscape regulations is made to maintain an addition to a commercial structure/use (Lopez Foods/Tortillas), and not fully meet the landscape regulations.

**STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REGULATIONS:**

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

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

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

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

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted revised alternate landscape plan is required.

Rationale:

- The City of Dallas Chief Arborist recommends approval of the submitted revised alternate landscape because in his opinion the exception will not adversely affect neighboring property, and strict compliance with the requirements of Article X would unreasonably burden the use of the property.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: LI (Light Industrial)  
North: LI (Light Industrial)  
South: LI (Light Industrial)  
East: CS (Commercial Service)  
West: LI (Light Industrial)

**Land Use:**

The site is currently developed with a commercial use (Lopez Foods/Tortillas). The areas to the north, south, east, and west appear to be developed with commercial 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.

**GENERAL FACTS/STAFF ANALYSIS:**

- This request focuses on maintaining an addition to a commercial structure/use (Lopez Foods/Tortillas), and not fully meeting the landscape regulations. More specifically, according to the City of Dallas Chief Arborist, the revised alternate landscape plan is deficient in street, parking lot, and site trees, and in design standard requirements.
- The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period.
- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment B). The memo states how this request is triggered by a new building addition with a floor area increase on the lot greater than 35 percent.
- The Chief Arborist's memo lists the following factors for consideration:
  1. The property has existed and operated for many years prior to the building expansion that prompted the landscape regulations. The site is essentially fully

- paved and will require removal of concrete for a narrow bed along the fence line for new planting.
2. The street perimeter is restricted with overhead utility lines that do not favor planting large canopy trees in that proximity. The narrow spacing for providing trees on the street frontage is not favorable for large canopy trees.
  3. In order to work within the narrow space provided, the applicant has proposed a 3' tall wood screening fence alongside the metal picket fence which will meet minimum standards for screening of off-street parking.
- The City of Dallas Chief Arborist recommends approval of the submitted revised alternate landscape because in his opinion the exception will not adversely affect neighboring property, and strict compliance with the requirements of Article X would unreasonably burden the use of the property.
  - The applicant has the burden of proof in establishing the following:
    - Strict compliance with the requirements of the landscape regulations of the Dallas Development Code will unreasonably burden the use of the property; and the special exception will not adversely affect neighboring property.
  - If the Board were to grant this request and impose the submitted revised alternate landscape plan as a condition to the request, the site would be provided exception from full compliance with the street, parking lot, and site tree and design standard requirements of Article X: The Landscape Regulations.

**Timeline:**

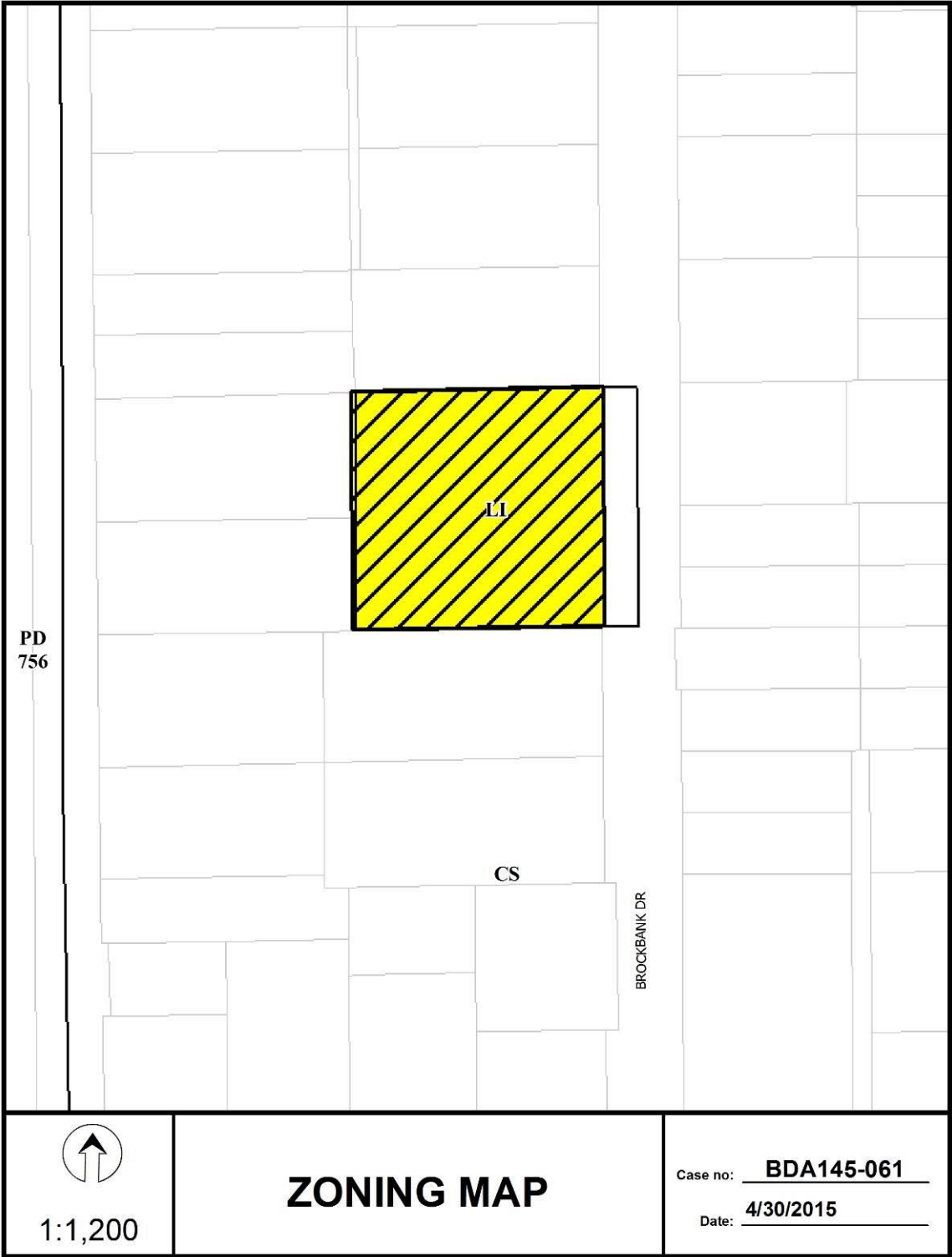
- March 20, 2015: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- April 14, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- April 16, 2015: The Board Administrator 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 April 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the May 8<sup>th</sup> 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.”
- May 5, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment

Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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

May 8, 2015: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

May 8, 2015: The City of Dallas Chief Arborist submitted a memo regarding the request (see Attachment B).





1:1,200

# AERIAL MAP

Case no: BDA145-061

Date: 4/30/2015



BDA145-061  
Attach B

## Memorandum



CITY OF DALLAS

DATE May 8, 2015  
TO Steve Long, Board of Adjustment Administrator  
SUBJECT # BDA 145 · 061 9727 Brockbank Drive

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

### Trigger

New building addition with a floor area increase on the lot greater than 35%.

### Deficiencies

The alternative landscape plan is deficient in street trees, parking lot trees, and site trees. Also, the plan proposes only one design standard (screening of off-street parking) where two are required.

### Factors

The property has existed in operation for many years prior to the building expansion that prompted the landscape regulations. The site is essentially fully paved and will require removal of concrete for a narrow bed along the fence line for new planting.

The street perimeter is restricted with overhead utility lines that do not favor planting large canopy trees in that proximity. The narrow spacing for providing trees on the street frontage is also not favorable for large canopy trees.

In order to work within the narrow available space provided, the applicant has proposed a three-foot tall wood screening fence alongside the existing metal picket fence which will meet minimum standards for screening of off-street parking.

### Recommendation

I recommend approval of the submitted alternate landscape plan because it is my opinion the exception will not adversely affect neighboring property, and strict compliance with the requirements of the ordinance will unreasonably burden the use of the property.

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





City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-061

Date: 3-20-15

Data Relative to Subject Property:

Location address: 9727 BROOKBANK Dr. Zoning District: LI

Lot No.: 7A Block No.: 2/6451 Acreage: 0.911 Census Tract: 98,03

Street Frontage (in Feet): 1) 194' 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): RAMIRO / ELIZABETH LOPEZ

Applicant: JAY DOSSAL - CFO LOPEZ TOMMAS Telephone: 214-289-2163

Mailing Address: 9727 BROOKBANK DR. Zip Code: 75220

E-mail Address:

Represented by: N/A Telephone:

Mailing Address: N/A Zip Code:

E-mail Address: N/A

Affirm that an appeal has been made for a Variance, or Special Exception X, of REPEATED STREET BUFFER AND SCREENING FOR OFF STREET PARKING. REQUESTING A 4'10" BUFFER DUE TO THE NEW STREET IMPROVEMENTS AND EXISTING CONDITIONS. Alternate landscape plan

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 IMPACT OF THE NEW STREET IMPROVEMENTS IN WIDENING THE STREET HAS REDUCED OUR ABILITY TO COMPLY WITH EXISTING CONDITIONS AND CODE REQUIREMENTS.

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 JAY DOSSAL (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 24 day of March, 2015



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

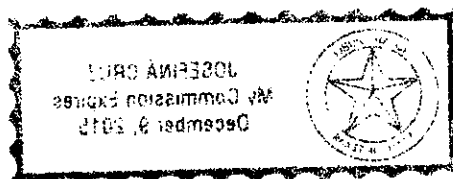
I hereby certify that JAY DOSSAL

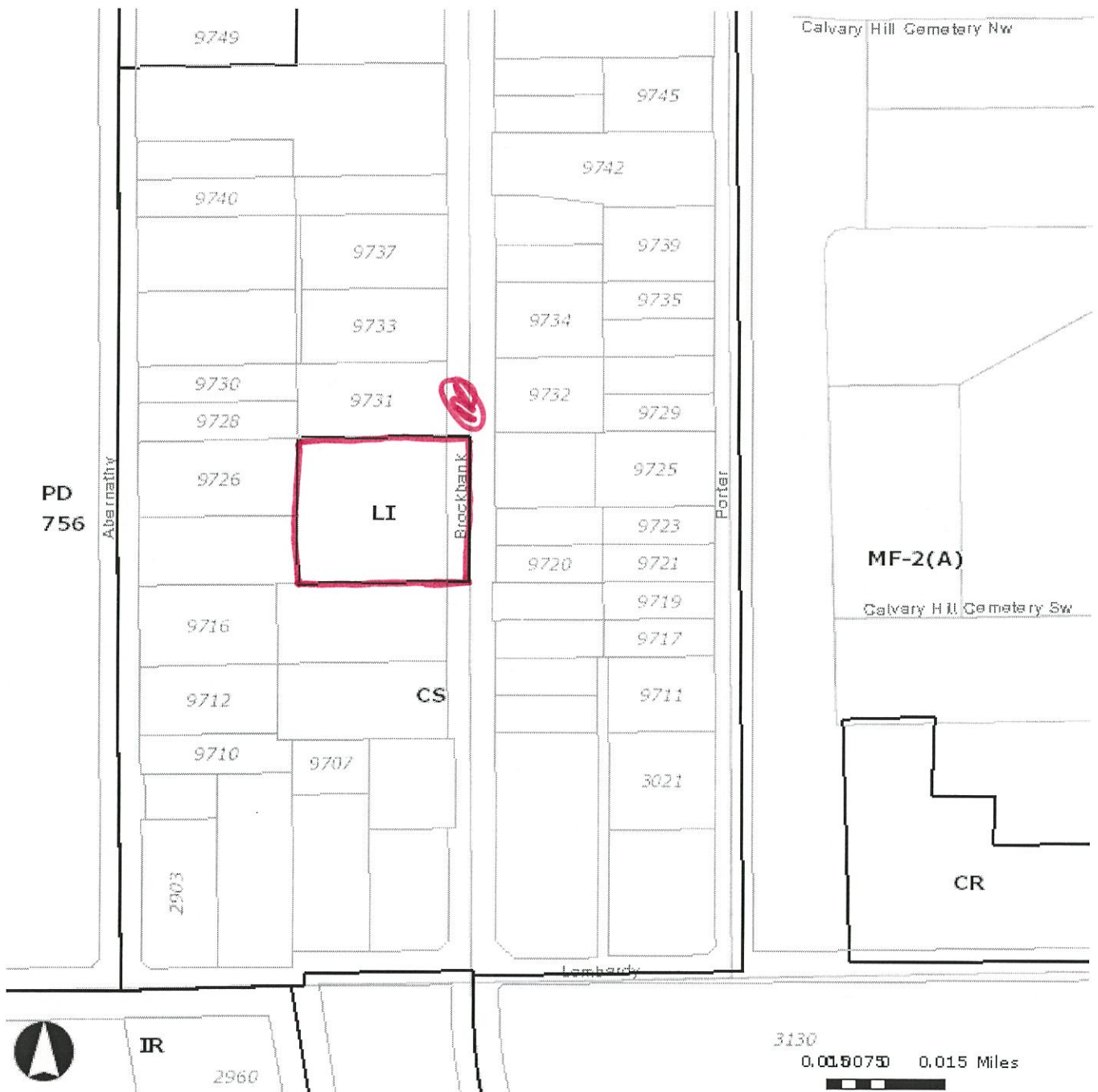
did submit a request for a special exception to the landscaping regulations  
at 9727 Brockbank Drive

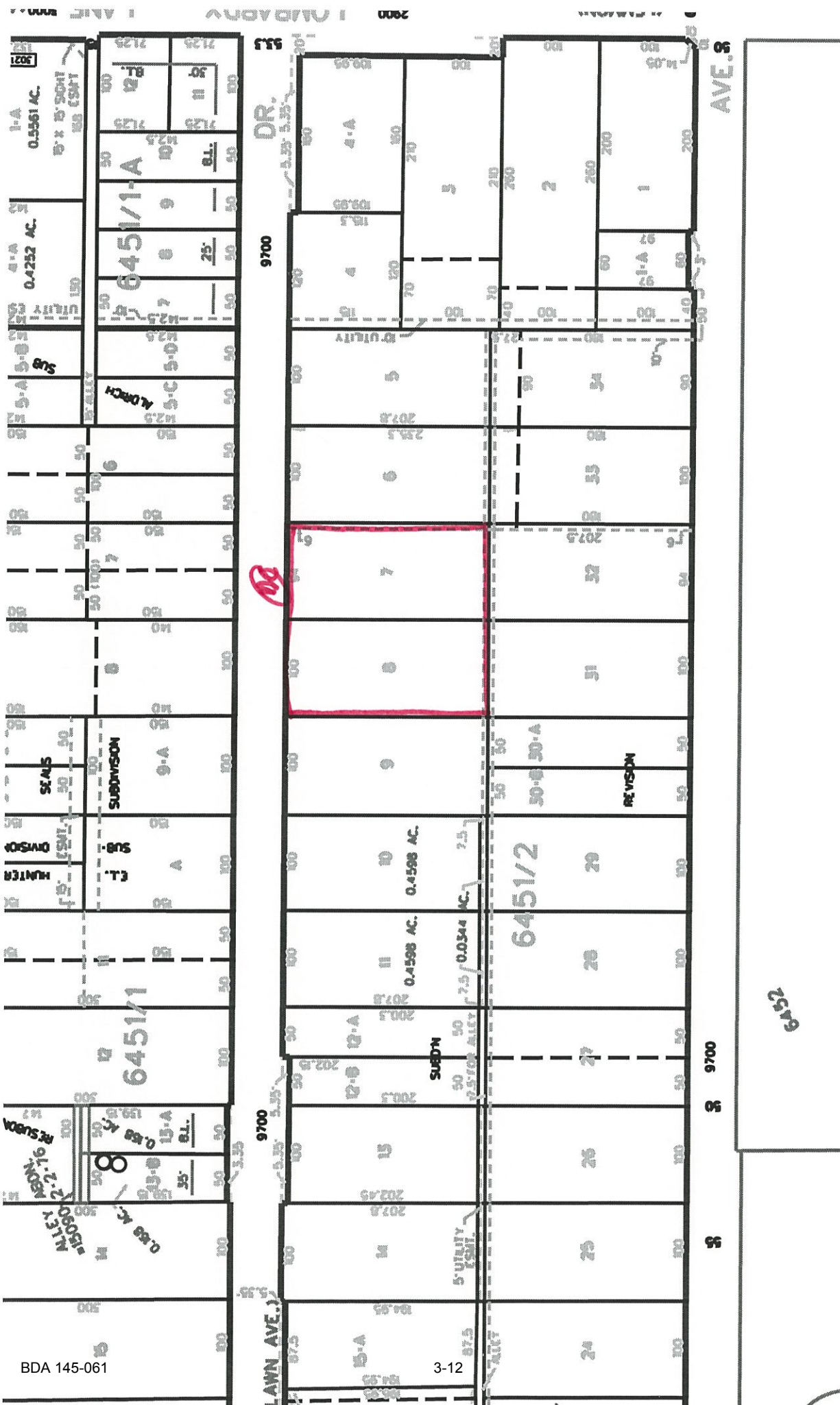
BDA145-061. Application of Jay Dossal for a special exception to the landscaping regulations at 9727 Brockbank Drive. This property is more fully described as Lot 7A, Block2/6451, and is zoned LI, which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,

*Larry V. Holmes*  
Larry Holmes, Building Official







BDA 145-061

3-12

AVE. 05

DR.

9700

9700

LAWN AVE.

9700

9700

9700

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0.5561 AC.  
10' x 10' 5041  
188 (SMT)

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0.4252 AC.

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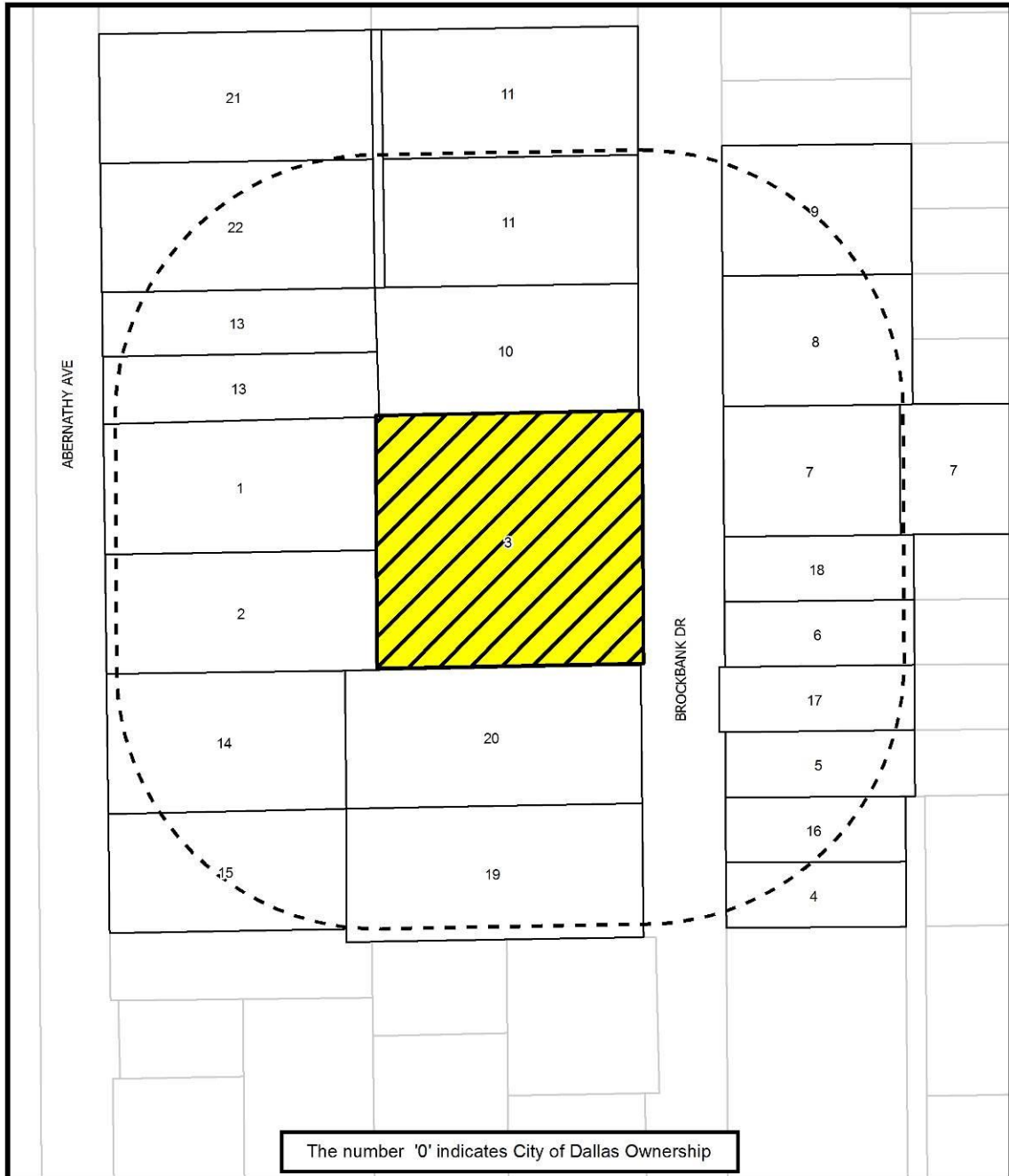
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 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA145-061</b>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">22</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: <b>4/30/2015</b>

## *Notification List of Property Owners*

### *BDA145-061*

#### *22 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	9726 ABERNATHY AVE	9726 REAL ESTATE HOLDINGS
2	9722 ABERNATHY AVE	9722 REAL ESTATE HOLDINGS
3	9727 BROCKBANK DR	LOPEZ RAMIRO & ELIZABETH FAMILY PARTNERSHI
4	9710 BROCKBANK DR	MARTINEZ JOSE LUIS &
5	9716 BROCKBANK DR	GARLAND CLYDE L JR
6	9720 BROCKBANK DR	RENERIA GREGORIO
7	9726 BROCKBANK DR	TREVINO MIGUEL & FELICIA IRREVOCABLE TRUST
8	9732 BROCKBANK DR	MANRIQUE ROGELIO & JULIETA CHAVEZ M
9	9734 BROCKBANK DR	ELM FAMILY PARTNERS LTD
10	9731 BROCKBANK DR	LOPEZ REALTY LLC
11	9733 BROCKBANK DR	DJK PROPERTIES LP
12	9734 ABERNATHY AVE	GANESH GROUP INC THE
13	9728 ABERNATHY AVE	GANESH GROUP THE
14	9716 ABERNATHY AVE	9722 REAL ESTATE HOLDINGS
15	9712 ABERNATHY AVE	LITTLE FISHERMAN CO
16	9714 BROCKBANK DR	PEREZ ARMANDO &
17	9718 BROCKBANK DR	CONTRERAS JOSE &
18	9722 BROCKBANK DR	MARTINEZ ARTURO
19	9715 BROCKBANK DR	KOREAN SENIOR CITIZENS
20	9719 BROCKBANK DR	CLEMENTS STEPHEN O
21	9738 ABERNATHY AVE	CONCRETE CORING CO INC
22	9734 ABERNATHY AVE	GANESH GROUP INC THE

**FILE NUMBER:** BDA 145-062

**BUILDING OFFICIAL'S REPORT:** Application of Susan Hirsch, represented by Michael Brooks, for special exceptions to the fence height and visual obstruction regulations at 4617 Meadowood Road. This property is more fully described as Lot 15, Block 5543, and is zoned R-1ac(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 and maintain a 12 foot 3 inch high fence, which will require an 8 foot 3 inch special exception to the fence height regulations, and to locate and maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

**LOCATION:** 4617 Meadowood Road

**APPLICANT:** Susan Hirsch  
Represented by Michael Brooks

**REQUESTS:**

The following requests have been made on a site that is developed with a single family home/use:

1. A request for a special exception to the fence height regulations of 8' 3" is made to construct and maintain two fenced entryways – each comprised of 6' high open cast iron picket fence that flanks on both sides of a 7' – 9' high open cast iron gate with 9' 3" high cast stone columns each topped with 3' high decorative lamps.
2. Requests for special exceptions to the visual obstruction regulations are made to locate and maintain unspecified landscape materials in the two 20' visibility triangles on both sides of the two driveways into the site from Meadowood Road.

**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):**

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):**

Denial of the requests

Rationale:

- The Sustainable Development and Construction Department Project Engineer recommends denial of these requests commenting that the proposed landscape species are not specified on the submitted plans, and that existing site conditions “allows for landscaping alternative that does not violate visibility triangle.”
- The applicant has not substantiated how the location and maintenance of unspecified landscape materials in the two 20’ visibility triangles on both sides of the two driveways into the site from Meadowood Road do not constitute a traffic hazard.

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

**Zoning/BDA History:**

1. BDA 91-002, Property at 4622 Meadowood Road (the lot immediately south of the subject site)

On March 12, 1991, the Board of Adjustment granted a request for a special exception to the fence height regulations to maintain a 5’ high fence. The board imposed the following condition: subject to the revised fence design agreed upon by the applicant and area property owners. The case report stated that the request was made to construct two 6; 3” high brick walls on each side of the 5’ 7” sliding steel gates, and that the applicant

proposed to attach a vinyl coated 5' high chain link fence to the existing 5' high chain link fence. /maintain a 6' 9" high wall with 6' 9" high columns, and a 12' 8" high open metal entry gate with 14' 4" high entry columns on property developed with a single family home.

- 2 . BDA 967-160, Property at 4637 Meadowood Road (the lot to the east of the subject site)

On March 26, 1996, the Board of Adjustment Panel A granted a request for a special exception to the fence regulations of 4', needed in conjunction with constructing and maintaining an open 6' high fence with 6.5' high columns and 8' high entry gate/columns.

- 3 . BDA 101-077, Property at 4645 Meadowood Road (two lots to the east of the subject site)

On September 21, 2011, the Board of Adjustment Panel A granted a request for granted a request to construct and maintain an eleven-foot-high fence. The Board imposed the following condition to this request: compliance with the submitted site plan/elevation is required. The case report stated that this request was made to construct and maintain a "5' 6"<sub>±</sub>" - "6' 0"<sub>±</sub>" high open ornamental iron fence with 7' high cast stone columns and two 11' high open metal gates/cast stone entry columns in the site's 40' front yard setback on a lot developed with a single family home.

### **GENERAL FACTS/STAFF ANALYSIS (fence height):**

- This request focuses on constructing and maintaining two fenced entryways – each comprised of 6' high open cast iron picket fence that flanks on both sides of a 7' – 9' high open cast iron gate with 9' 3" high cast stone columns each topped with 3' high decorative lamps in the front yard setback on a site developed with a single family home/use. (No fence is noted to be located on the site between or on either side of the fenced entryways).
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The applicant has submitted a site plan/elevation of the proposal in the front yard setback that reaches a maximum height of 12' 3".
- The following additional information was gleaned from the submitted site plan/elevation:
  - The proposal includes two fenced entryways that are represented as being curved to and recessed from the street.

- The two entryways are recessed from the street and are no closer than approximately 14' from the property line or 24' from the pavement line.
- The four curved fences that lie on both sides of the two entry gates range in lengths from approximately 20' – 40'.
- The site plan denotes “landscaping” and “existing landscaping” adjacent to the fence some of which appears to be located in the public right-of-way.
- The Board Administrator conducted a field visit of the site and surrounding area and noted several other visible fences above 4 feet high which appeared to be located in a front yard setback. The fences noted in the immediate area are detailed in the “Zoning/BDA History” section of this case report.
- Three homes front the proposal – one of which is a home that has a fence higher than 4' but in a location where it appears to be located outside of the front yard setback, one with a fence with an approximately 5' high fence that appears to reflect a fence height special exception granted by the Board on this property in 1991 (BDA 91-002), and the remaining with a fence with an approximately 6' high fence that appears to reflect a fence height special exception granted by the Board on this property in 1996 (BDA 967-160).
- As of May 11<sup>th</sup>, no letters had been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 8' 3” will not adversely affect neighboring property.
- Granting this special exception of 8' 3” with a condition imposed that the applicant complies with the submitted site plan/elevation would require the proposal exceeding 4' in height in the front yard setback to be maintained in the location and of the heights and materials as shown on this document.

**GENERAL FACTS/STAFF ANALYSIS (visual obstruction):**

- These requests focus on locating and maintaining unspecified landscape materials in the two 20' visibility triangles on both sides of the two driveways into the site from Meadowood Road.
- The Dallas Development Code states the following: 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 applicant has submitted a site plan/elevation denoting “landscaping” or “new landscaping” to be located and maintained in the 20' visibility triangles at the two drive approaches into the site from Meadowood Road. The applicant’s representative has informed the Board Administrator that these unspecified landscape materials will be of heights between 2 ½’ – 8 feet in height.
- The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked “Recommends that this be denied” with

the following additional comment: “Proposed landscape species not specified on plans. Existing site conditions allows for landscaping alternative that does not violate visibility triangle.”

- 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 unspecified landscape materials on both sides of the two driveways into the site from Meadowood Road does not constitute a traffic hazard.
- Granting these requests with the condition that the applicant complies with the submitted site plan/elevation would require the items to be limited to and maintained in the locations, height and materials as shown on this document.

### **Timeline:**

February 16, 2015: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

April 14, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

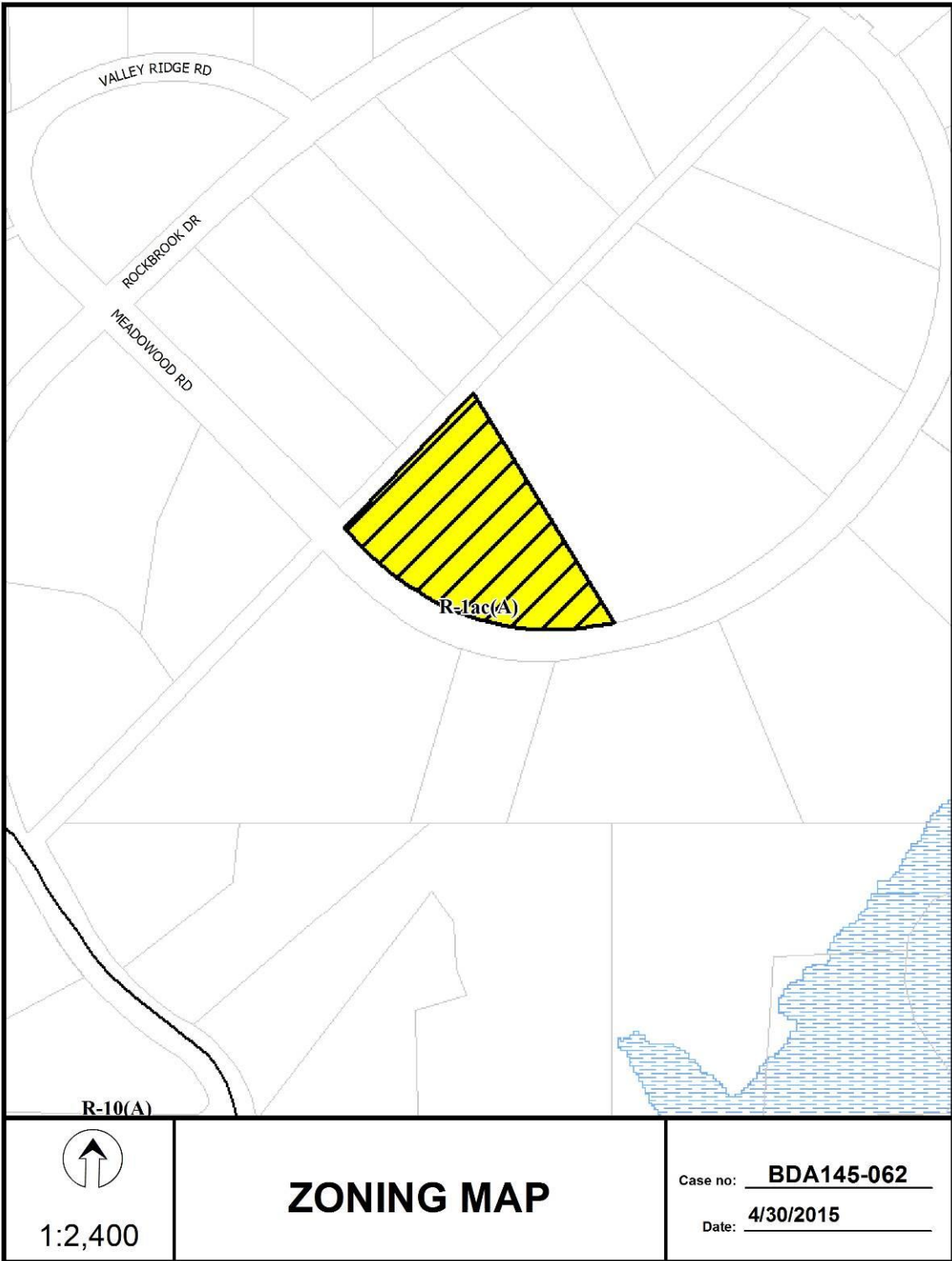
April 16, 2015: The Board Administrator emailed the applicant’s representative the following information:

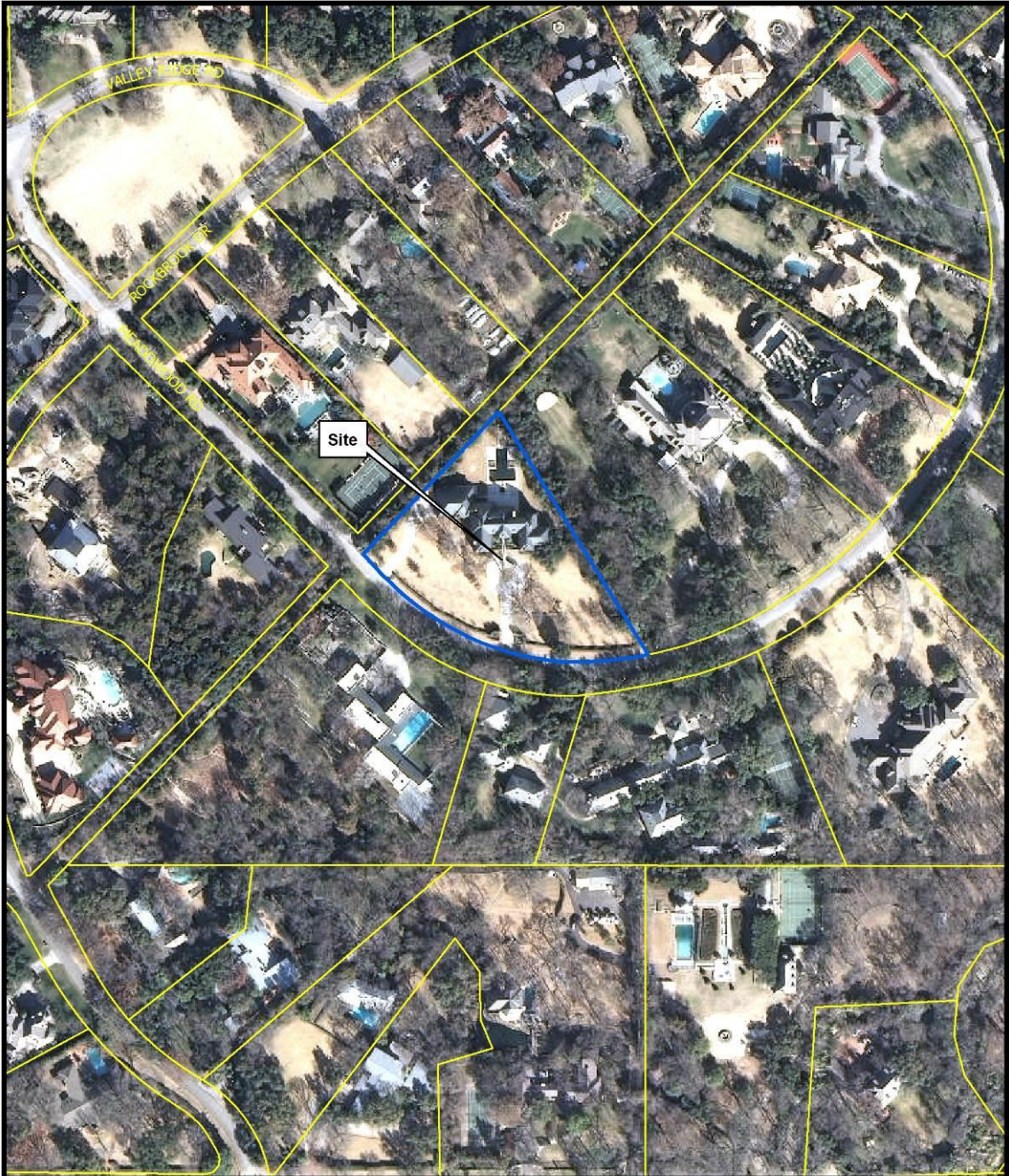
- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the April 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the May 8<sup>th</sup> 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.”

May 5, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

May 7, 2015: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked “Recommends that this be denied” with the following additional

comment: "Proposed landscape species not specified on plans. Existing site conditions allows for landscaping alternative that does not violate visibility triangle."





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# AERIAL MAP

Case no: BDA145-062

Date: 4/30/2015



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-062

Date: 02 / 16 / 2015

Data Relative to Subject Property:

Location address: 4617 MEADOWOOD RD DALLAS, TX 75220 Zoning District: R-1AC(A)

Lot No.: 15 Block No.: 5543 Acreage: 1.9500 Census Tract: 0074.00

Street Frontage (in Feet): 1) 485.84 2) N/A 3) N/A 4) N/A 5) N/A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): LAURENCE E & SUSAN HIRSCH

Applicant: SUSAN HIRSCH Telephone: \_\_\_\_\_

Mailing Address: 4617 MEADOWOOD RD DALLAS, TX Zip Code: 75220

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

Represented by: MICHAEL BROOKS Telephone: (214) 823-3623

Mailing Address: 928 S PEAK ST DALLAS, TX Zip Code: 75223

E-mail Address: info@lcfencegate.com

Affirm that an appeal has been made for a Variance \_\_\_\_\_, or Special Exception  . . . . , of

(I) 8'3" COLUMNS WITH STEEL VEHICLE GATE IN FRONT OF PROPERTY (II) LANDSCAPING AND EXISTING COLUMN IN VISIBILITY TRIANGLE

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:

(I) SEVERAL NEIGHBORING PROPERTIES HAVE STRUCTURES IN FRONT OF HOME ABOVE 48". (II) THE SPECIAL EXCEPTION WILL NOT BE CONTRARY TO THE PUBLIC INTEREST. (III) EXCEPTION WILL ENHANCE NEIGHBORHOOD BY MATCHING EXISTING STANDARDS OF OTHER RESIDENTS. (IV) LANDSCAPING IN VISIBILITY TRIANGLE WILL NOT ENDANGER OWNERS OR PUBLIC DUE TO POSTED LOW SPEED LIMIT SIGNAGE. (V) STREET IS LOW TRAFFIC

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.

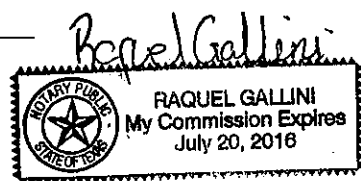
Affidavit

Before me the undersigned on this day personally appeared Susan Hirsch (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: A Susan Hirsch (Affiant/Applicant's signature)

Subscribed and sworn to before me this 24<sup>th</sup> day of March, 2015





MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

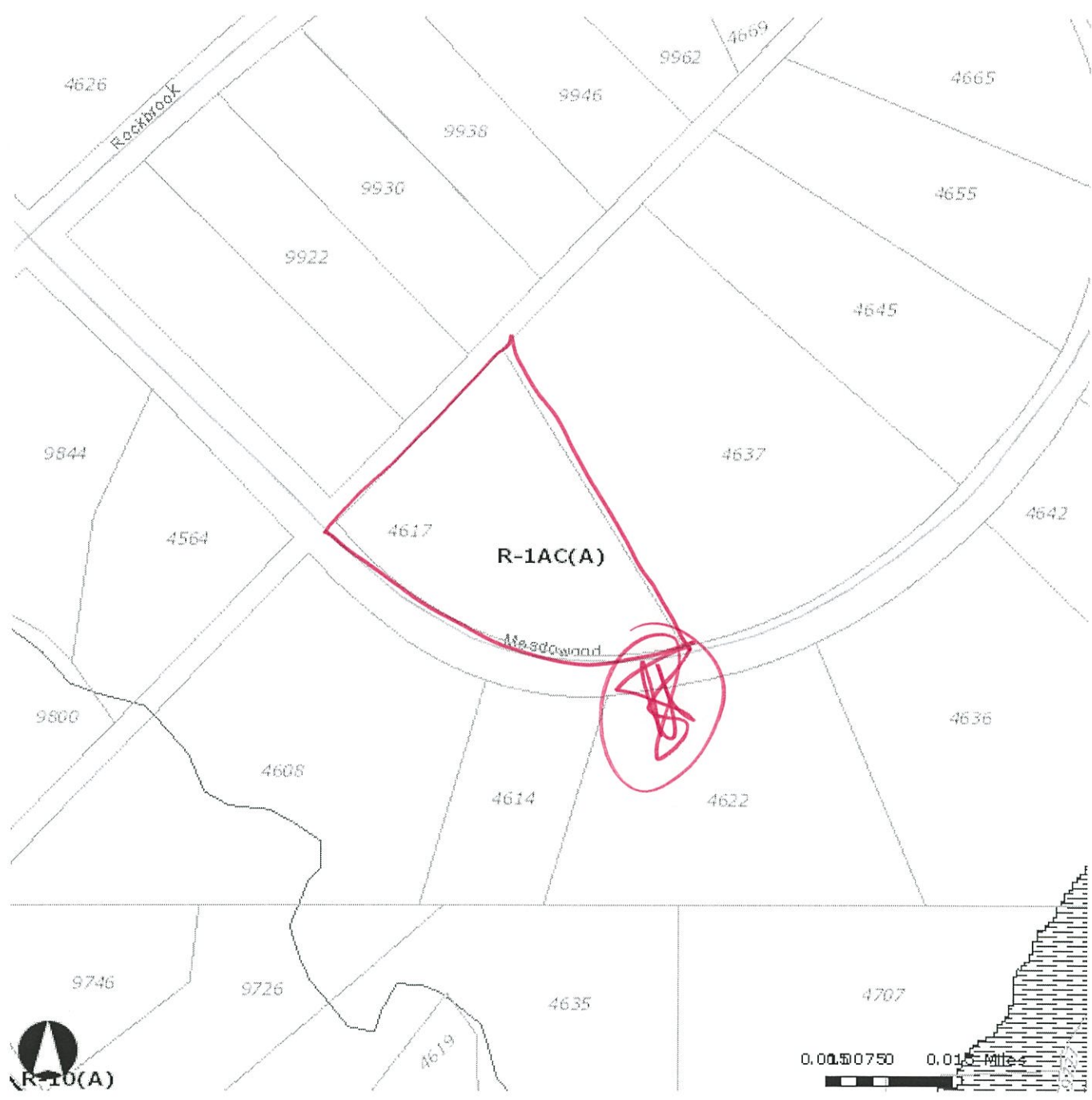
**Building Official's Report**

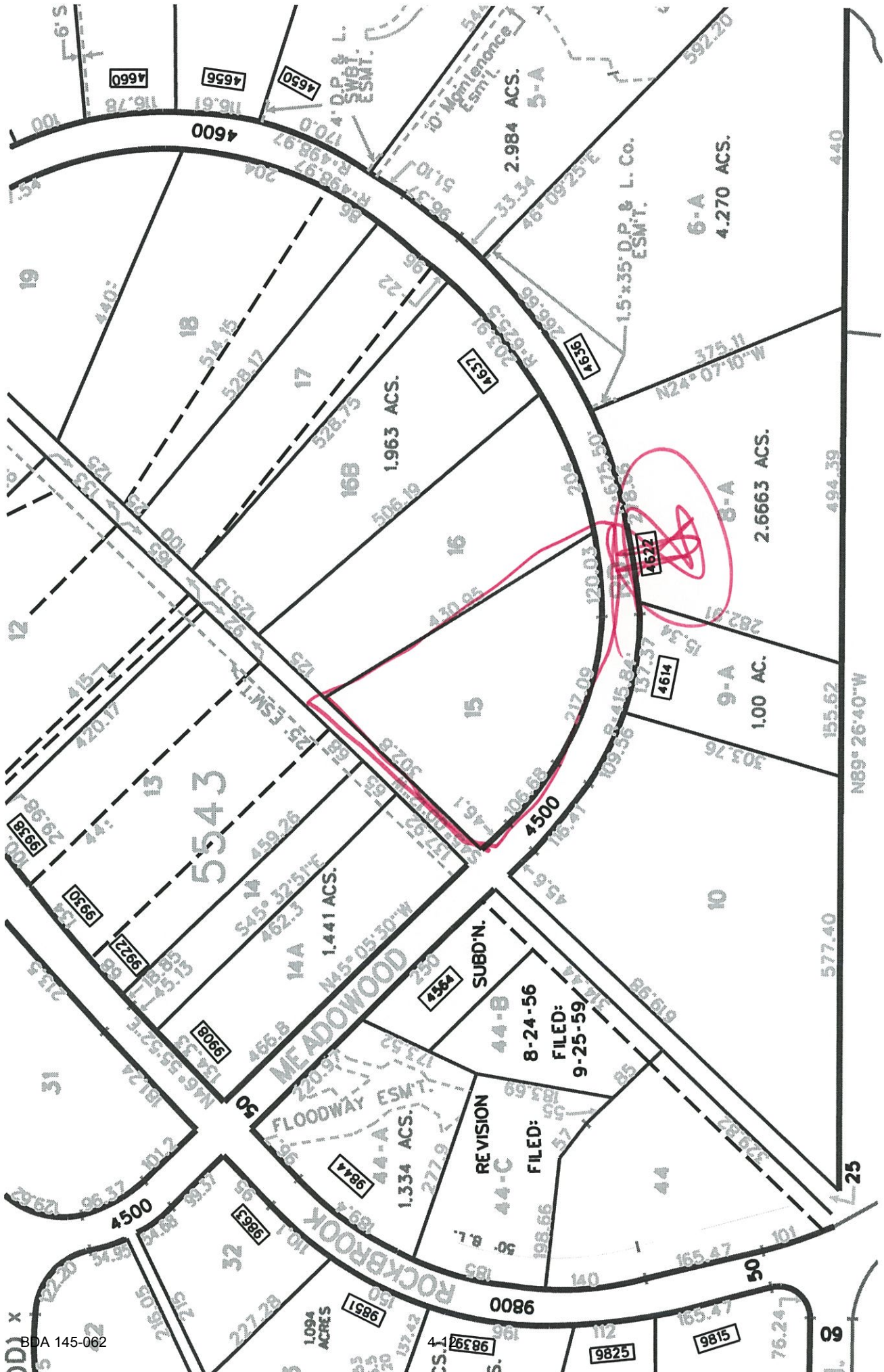
I hereby certify that Susan Hirsch  
represented by MICHAEL BROOKS  
did submit a request for a special exception to the fence height regulations, and for a special  
exception to the visibility obstruction regulations  
at 4617 Meadowood Road

BDA145-062. Application of Susan Hirsch represented by Michael Brooks for a special exception to the fence height regulations and a special exception to the visibility obstruction regulations at 4617 Meadowood Road. This property is more fully described as Lot 15, Block 5543, and is zoned R-1ac(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 a 12 foot 3 inch high fence in a required front yard, which will require an 8 foot 3 inch special exception to the fence regulation, and to construct a single family residential fence in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

  
Larry Holmes, Building Official





BDA 145-062

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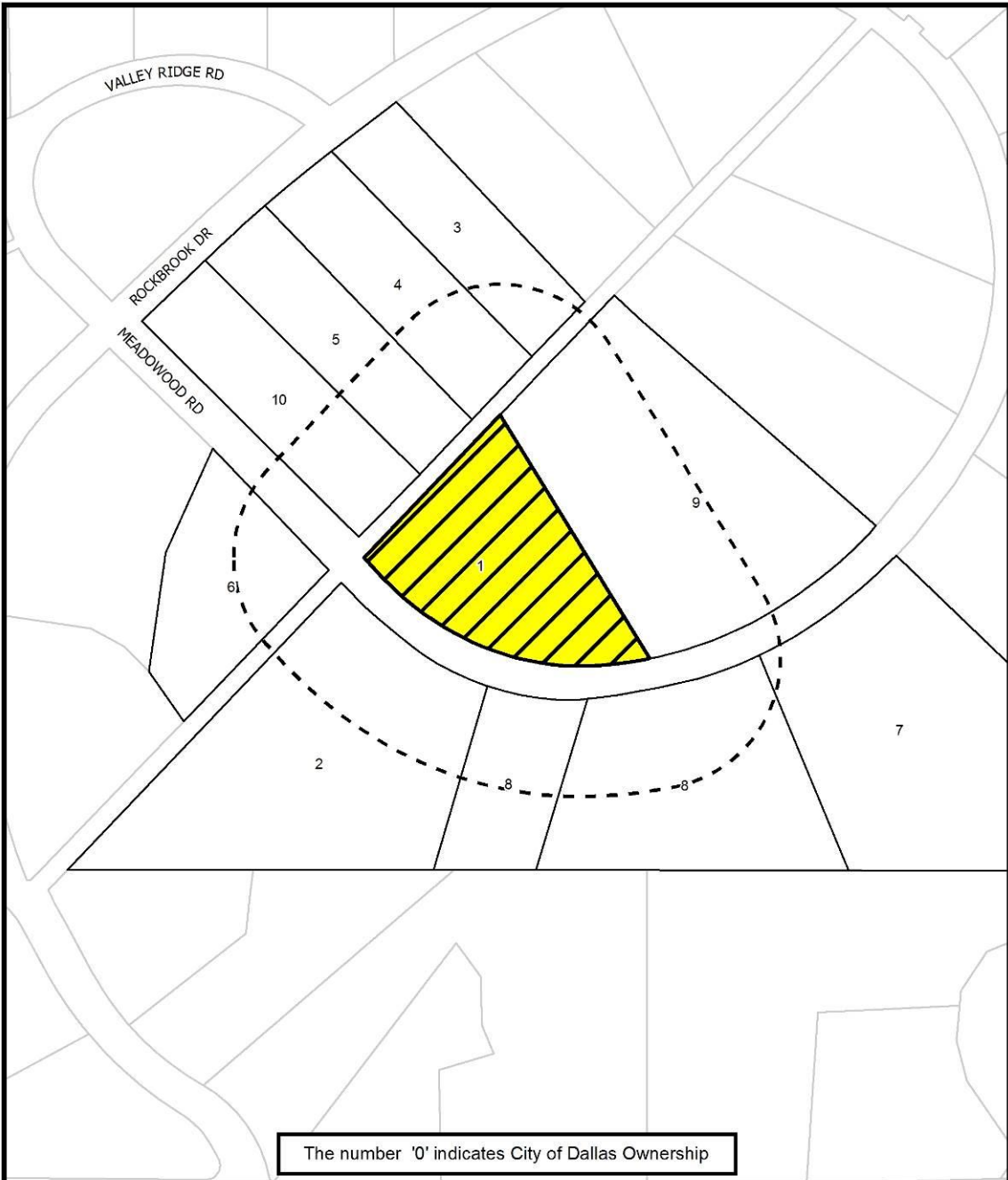
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 1:2,400	<b>NOTIFICATION</b>		Case no: <b>BDA145-062</b>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">10</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: <b>4/30/2015</b>

## *Notification List of Property Owners*

***BDA145-062***

### ***10 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	4617 MEADOWOOD RD	HIRSCH LAURENCE E &
2	4608 MEADOWOOD RD	ROSE WILLIAM & CATHERINE
3	9938 ROCKBROOK DR	MOORE JAMES A JR TR &
4	9930 ROCKBROOK DR	BRODSKY JAMES W &
5	9922 ROCKBROOK DR	ROONEY TIMOTHY P & MARY M
6	4564 MEADOWOOD RD	PULLY STEVEN J &
7	4636 MEADOWOOD RD	MCCUTCHIN RONALD &
8	4622 MEADOWOOD RD	MIDWELL EST HOLDING CO
9	4637 MEADOWOOD RD	SEANOR FAMILY TRUST
10	9908 ROCKBROOK DR	LIEBERMAN STEVEN A & LISA