

ZONING BOARD OF ADJUSTMENT, PANEL A
TUESDAY, AUGUST 21, 2018
AGENDA

BRIEFING	5ES 1500 MARILLA STREET DALLAS CITY HALL	11:00 A.M.
PUBLIC HEARING	COUNCIL CHAMBERS 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.

Neva Dean, Assistant Director
Steve Long, Board Administrator/ Chief Planner
Oscar Aguilera, Senior Planner

MISCELLANEOUS ITEM

Approval of the June 19, 2018 Board of Adjustment Panel A Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA178-081(SL)	2954 Obannon Drive REQUEST: Application of Salvador Vera, represented by Susana Robles, for a special exception to the side yard setback regulations for a carport	1
BDA178-082(SL)	1322 Burlington Boulevard REQUEST: Application of Lakeith Fowler for a variance to the front yard setback regulations	2
BDA178-084(OA)	5715 Buffridge Trail REQUEST: Application of Karen S. Levinson for a special exception to the fence standards regulations	3

HOLDOVER CASE

BDA178-073(OA) 5333 Deloache Avenue 4
REQUEST: Application of Blake Byrd of Tatum Brown Custom Homes, represented by Blake Byrd, for a variance to the front yard setback regulations, and for special exceptions to the fence standards and visual obstruction regulations

FILE NUMBER: BDA178-081(SL)

BUILDING OFFICIAL'S REPORT: Application of Salvador Vera, represented by Susana Robles, for a special exception to the side yard setback regulations for a carport at 2954 Obannon Drive. This property is more fully described as Lot 16, Block 7/5976, and is zoned R-7.5(A), which requires a side yard setback of 5 feet. The applicant proposes to construct and/or maintain a carport in a required side yard and provide a 0 foot setback, which will require a 5 foot special exception to the side yard setback regulations.

LOCATION: 2954 Obannon Drive

APPLICANT: Salvador Vera
Represented by Susana Robles

REQUEST:

A request for a special exception to the side yard setback regulations of 5' is made to maintain a carport located 0' from the site's eastern side property line or 5' into this 5' required side yard setback on a site developed with a single family home structure/use.

STANDARD FOR A SPECIAL EXCEPTION TO ALLOW A CARPORT IN THE SIDE YARD:

The Board of Adjustment may grant a special exception to the minimum side yard requirements to allow a carport for a single-family or duplex use when, in the opinion of the Board, the carport will not have a detrimental impact on surrounding properties. In determining whether to grant a special exception, the Board shall consider the following:

- (1) Whether the requested special exception is compatible with the character of the neighborhood.
- (2) Whether the value of surrounding properties will be adversely affected.
- (3) The suitability of the size and location of the carport.
- (4) The materials to be used in construction of the carport.

(Storage of items other than motor vehicles is prohibited in a carport for which a special exception is granted in this section of the Code).

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to the side yard setback regulations since the basis for this type of appeal is, when in the opinion of the board, the carport will not have a detrimental impact on surrounding properties.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	R-7.5(A) (Single family district 7,500 square feet)
<u>North:</u>	R-7.5(A) (Single family district 7,500 square feet)
<u>South:</u>	R-7.5(A) (Single family district 7,500 square feet)
<u>East:</u>	R-7.5(A) (Single family district 7,500 square feet)
<u>West:</u>	R-7.5(A) (Single family district 7,500 square feet)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

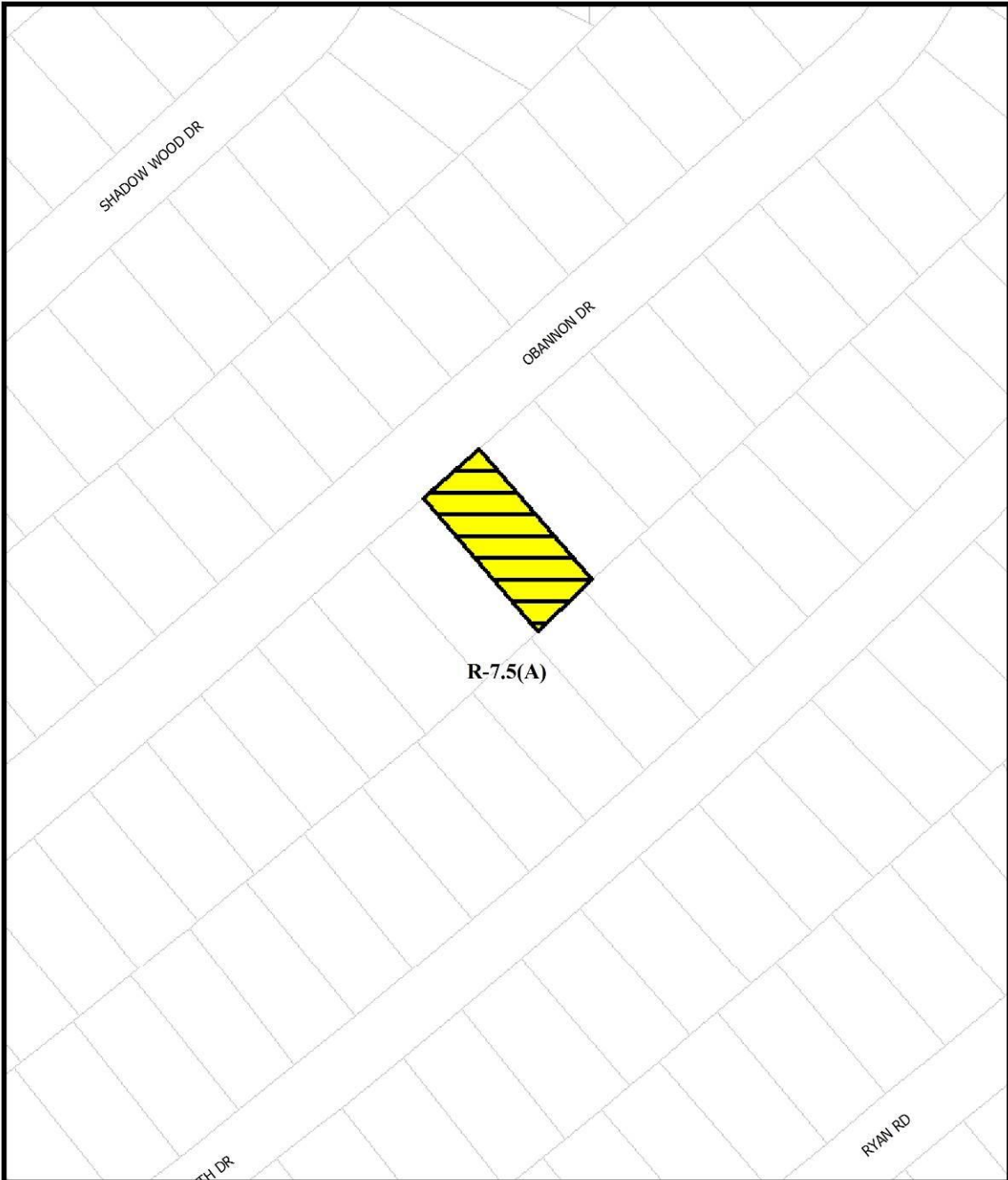
- This request for a special exception to the side yard setback of 5' focuses on maintaining an approximately 450 square foot carport 0' from the site's eastern side property line or 5' into the site's eastern 5' required side yard setback, on a site developed with a single family home structure/use.
- A 5' side yard setback is required in the R-7.5(A) zoning district.
- The submitted site plan and elevations represent the size and materials of the carport, and its location 0' from the site's eastern side property line.
- The submitted site plan represents the following:
 - The carport is approximately 40' in length and approximately 11' in width (approximately 450 square feet in total area) of which approximately 45 percent is located in the eastern 5' side yard setback.
- The submitted elevation represents the following:
 - Ranging in height from 7' 9" – 8' 6".
 - Gauge metal roofing.
 - Metal columns.
- The Board Administrator conducted a field visit of the area approximately 500 feet east and west of the subject site and noted no other carports that appeared to be located in a side yard setback.
- As of August 10, 2018, no letters had been submitted in support of or in opposition to this application.
- The applicant has the burden of proof in establishing the following:
 - that granting this special exception to the side yard setback regulations of 5' will not have a detrimental impact on surrounding properties.

- Granting this request and imposing the following conditions would require the carport to be maintained in the location and of the heights and materials as shown on these documents:
 1. Compliance with the submitted site plan and elevation is required.
 2. The carport structure must remain open at all times.
 3. No lot-to-lot drainage is permitted in conjunction with this carport special exception.
 4. All applicable building permits must be obtained.
 5. No item (other than a motor vehicle) may be stored in the carport.
- If the Board were to grant this request and impose the submitted site plan and elevation as a condition to the request, the structure in the side yard setback would be limited to that what is shown on these documents – a carport located on the eastern side property line or 5’ into this required 5’ side yard setback.

Timeline:

- May 2, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 10, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- July 10, 2018: 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 August 1st deadline to submit additional evidence for staff to factor into their analysis; and the August 10th 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 7, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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

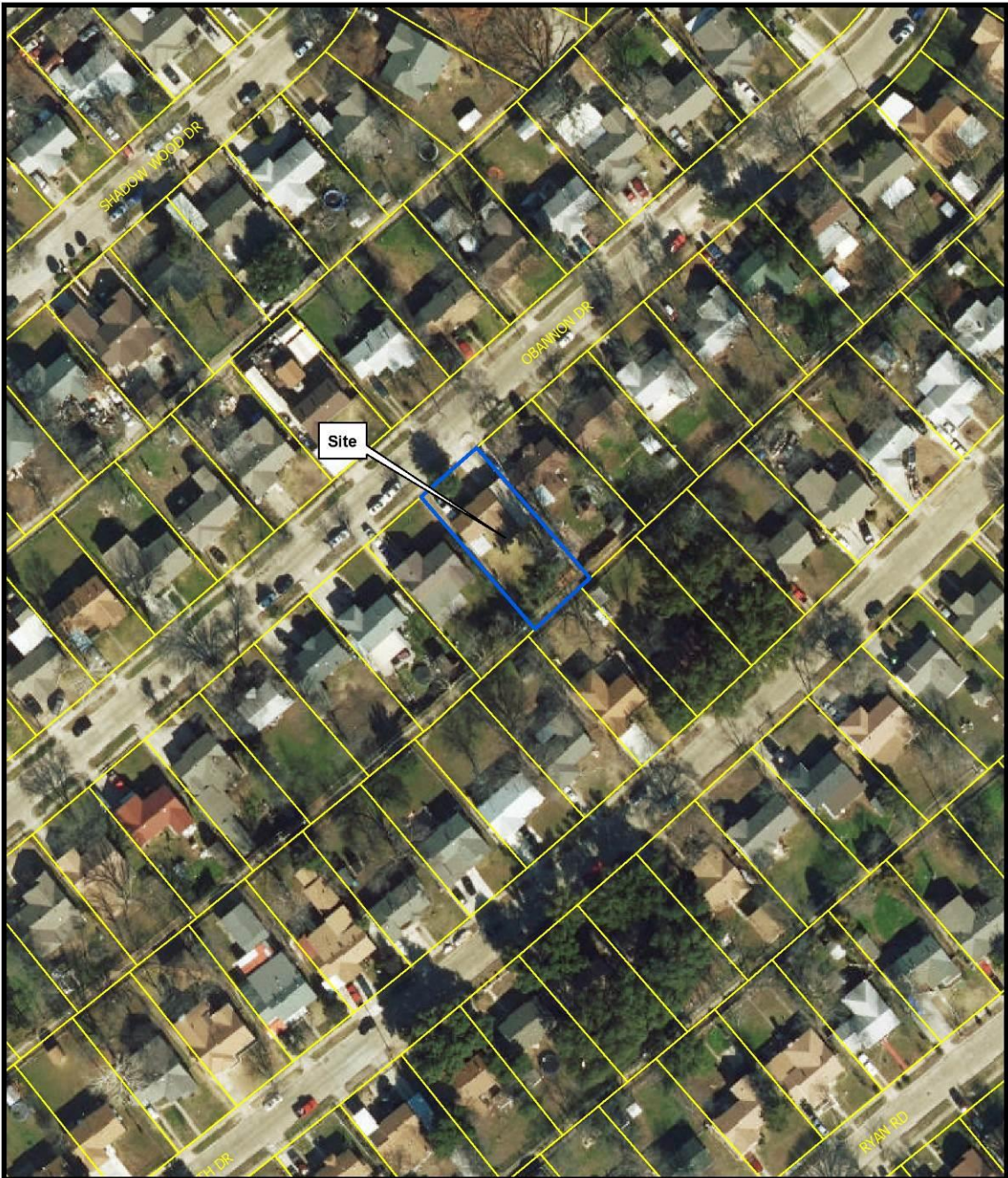


1:1,200

ZONING MAP

Case no: BDA178-081

Date: 7/26/2018



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AERIAL MAP

Case no: BDA178-081

Date: 7/26/2018



City of Dallas

A

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-081

Data Relative to Subject Property:

Date: 5-2-18
Location address: 2954 O'Bannon Dr. Dallas, TX 75224 Zoning District: R-7.5(A)
Lot No.: 16 Block No.: 715976 Acreage: .17 Census Tract: 60.01
Street Frontage (in Feet): 1) 57' 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Salvador Vera
Applicant: Salvador Vera Telephone: _____
Mailing Address: 2954 O'Bannon Dr. Dallas, TX 75224 Zip Code: 75232
E-mail Address: _____
Represented by: Susana Robles Telephone: 214-693-4054
Mailing Address: 6824 Golf Hill Dr. Dallas, TX Zip Code: 75232
E-mail Address: susana_robles@sbcglobal.net

Affirm that an appeal has been made for a Variance _____, or Special Exception X, of carport in side port, to encroach 5' into side yard setback, and provide 0' side yard setback.

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:
Carport in side yard will not have an adverse effect on neighboring properties due to other like structures in the neighborhood with like material. It will not allow water to flow to adjoining property.

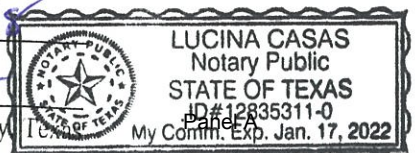
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Salvador E Vera
(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: SALVADOR E. VERA
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 2 day of May, 2018



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was---Granted OR Denied

Remarks _____

Chairman

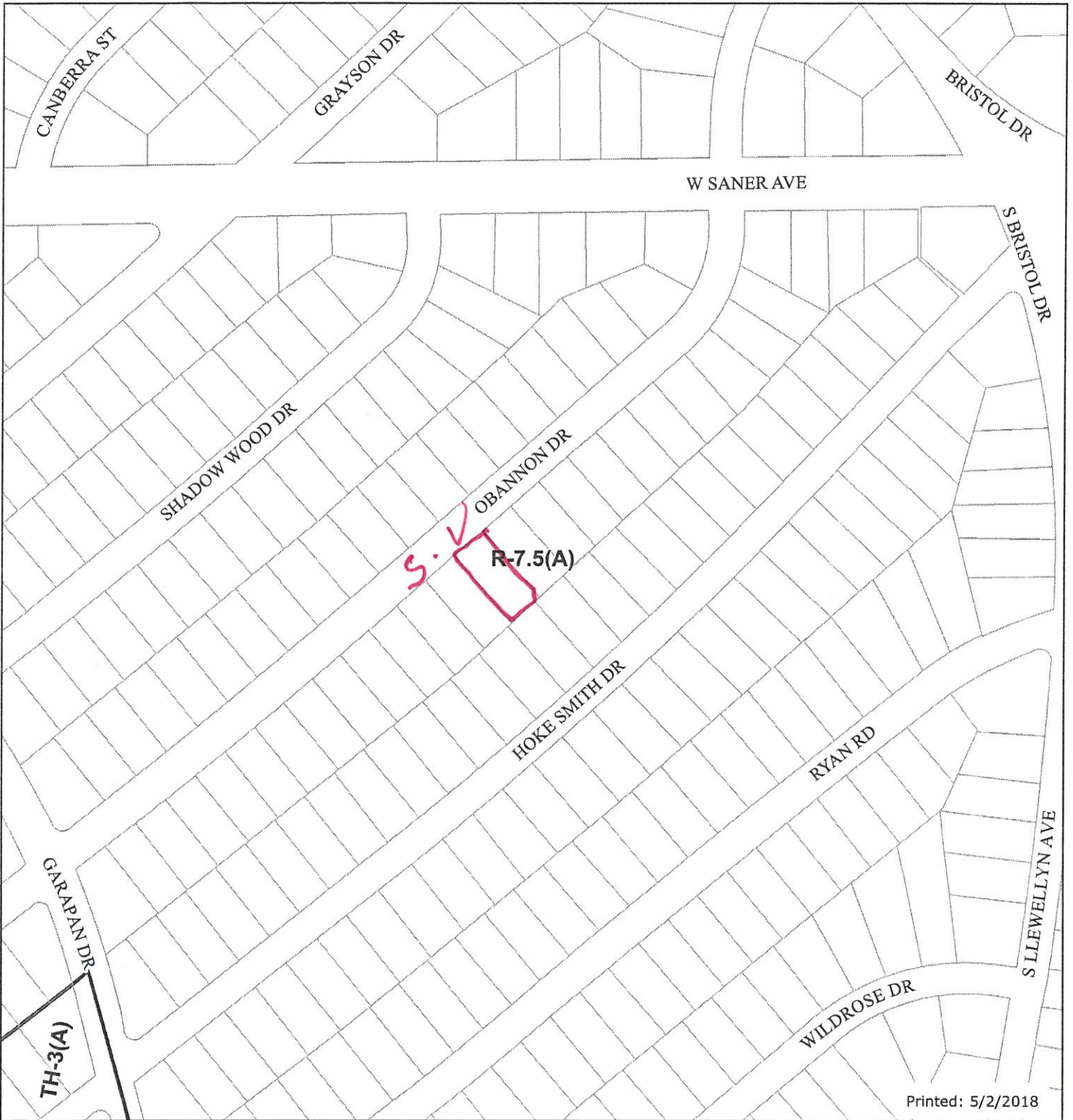
Building Official's Report

I hereby certify that SALVADOR VERA
represented by Susana Robles
did submit a request for a special exception to the side yard setback regulations
at 2954 Obannon Drive

BDA178-081. Application of SALVADOR VERA represented by Susana Robles for a special exception to the side yard setback regulations at 2954 OBANNON DR. This property is more fully described as Lot 16, Block 7/5976, and is zoned R-7.5(A), which requires a side yard setback of 5 feet. The applicant proposes to construct a carport for a single family residential dwelling in a required side yard and provide a 0 foot setback, which will require a 5 foot special exception to the side yard setback regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



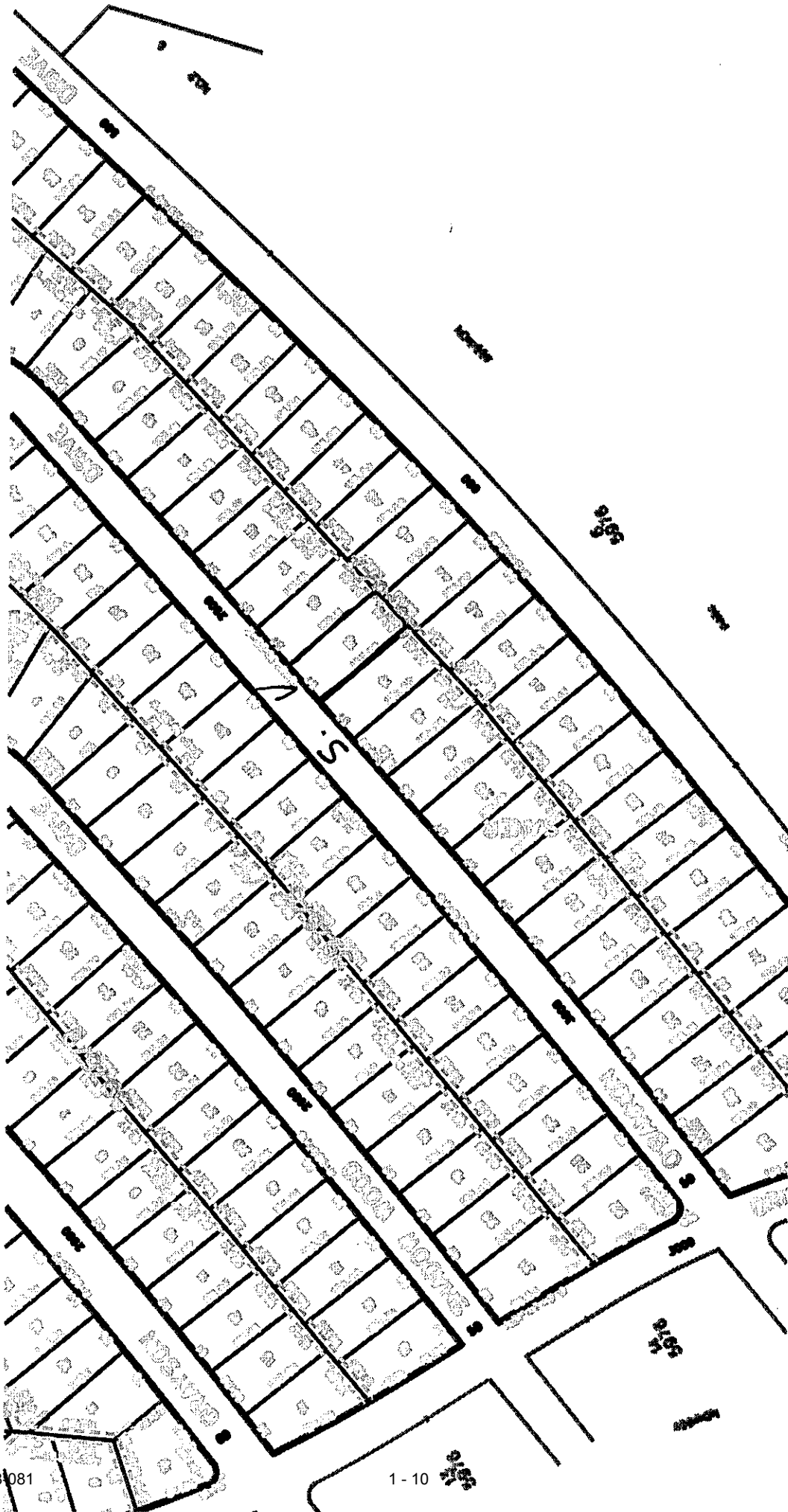
Printed: 5/2/2018

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 | 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)





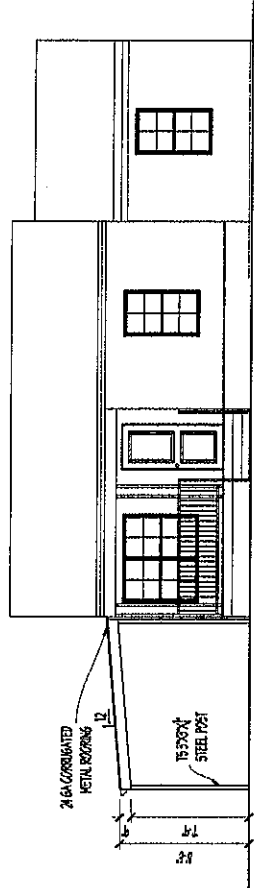


COVERED
CARPORT
ADDITION

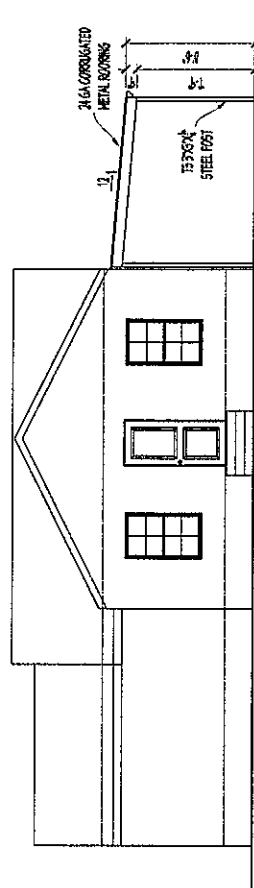
2954 OBANNON DR.
DALLAS, TX 75224-3443
WYNNEWOOD 2
BLK 7/5916 LOT 16

REVISION	DESCRIPTION	DATE
6		
5		
4		
3		
2		
1		

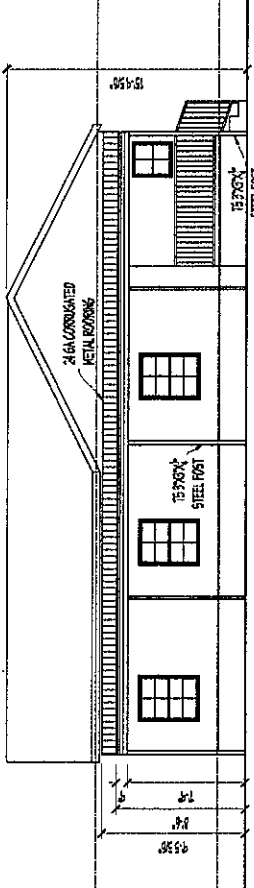
SHEET SIZE: 1/4" x 11" x 17"
2304
1/8" x 11" x 17"
ORANGE SCALE FOR WORDS
DRAWN BY: J. BARRON
CHECKED BY: J.L.
DATE: 04/25/18
SHEET: **4**



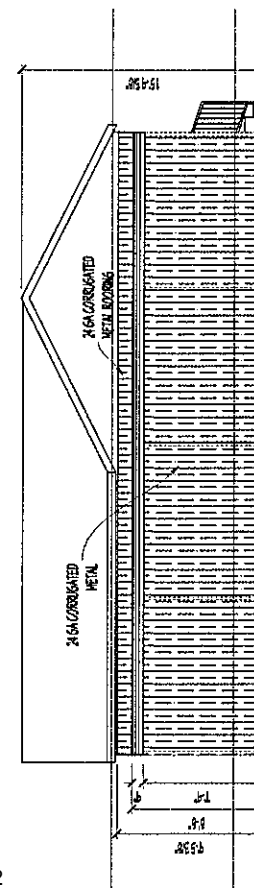
1 PROPOSED FRONT ELEVATION
SCALE: 1/8"=1'-0" (11X17)



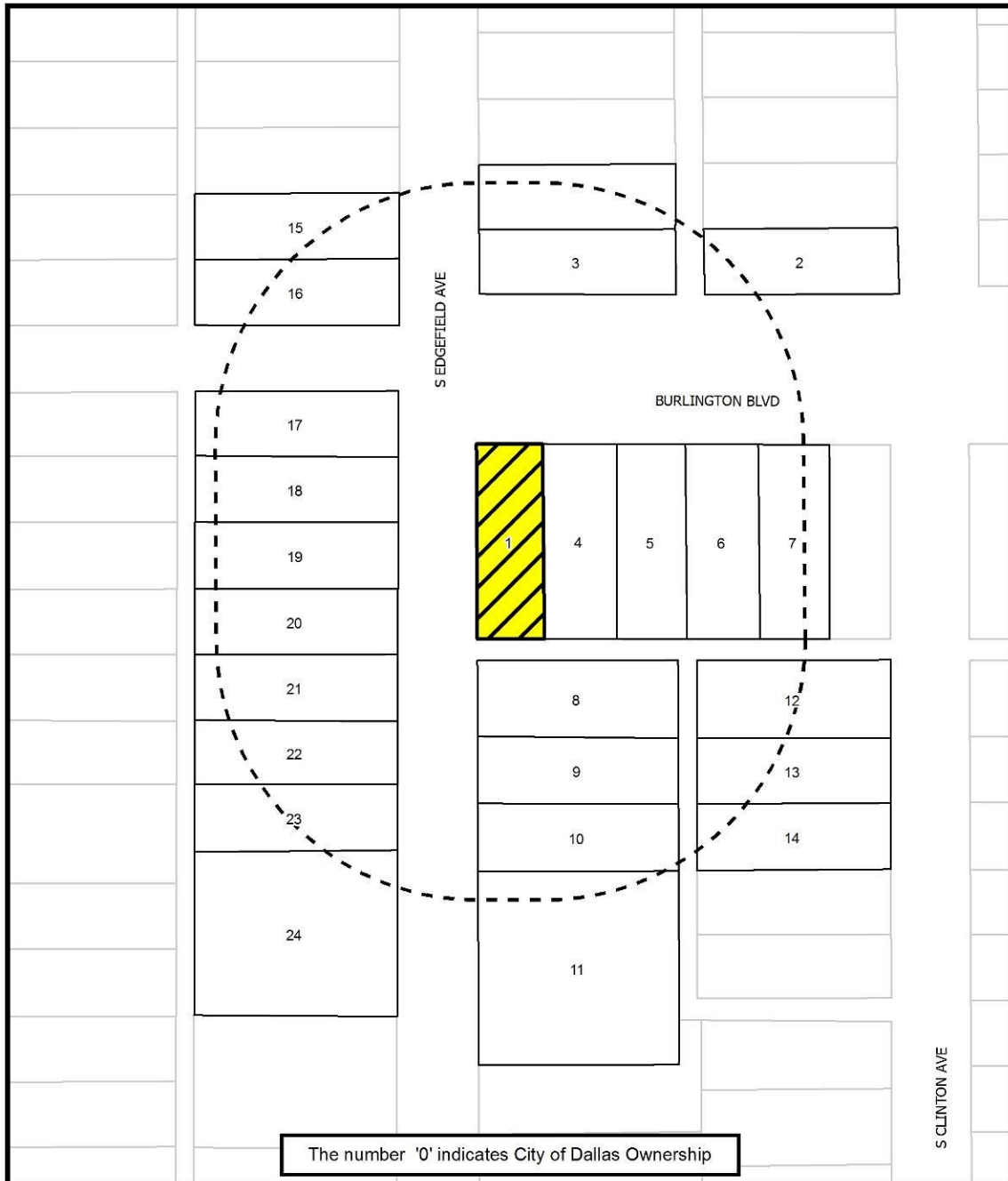
2 PROPOSED REAR ELEVATION
SCALE: 1/8"=1'-0" (11X17)



3 LEFT ELEVATION WITHOUT SIDE COVERED
SCALE: 1/8"=1'-0" (11X17)



4 LEFT ELEVATION WITH SIDE COVERED
SCALE: 1/8"=1'-0" (11X17)



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
24 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA178-082**
 Date: **7/26/2018**

Notification List of Property Owners

BDA178-081

36 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2954 OBANNON DR	VERA SALVADOR
2	616 HOKE SMITH DR	HORNBUCKLE RAYMOND
3	620 HOKE SMITH DR	GUERECA JUAN FRANCISCO
4	626 HOKE SMITH DR	PEREZ ELIDIA GUADALUP GARCIA &
5	630 HOKE SMITH DR	YOUNG MARY AGNES
6	634 HOKE SMITH DR	DELEON RENE & MARIA G
7	2938 OBANNON DR	RIVERA FERNANDO
8	2942 OBANNON DR	BRYANT LEONARD JR
9	2946 OBANNON DR	TORRES LEONEL ARZOLA
10	2950 OBANNON DR	REYES MIRTHA E
11	2960 OBANNON DR	ARCHIE BETTIE J ESTATE OF
12	2964 OBANNON DR	TOSTADO VICTOR
13	3002 OBANNON DR	FAJARDO DANIEL
14	3006 OBANNON DR	AGUIRRE MARIA
15	645 HOKE SMITH DR	TAYLOR DWIGHT
16	639 HOKE SMITH DR	MARES MARCO & DALINDA
17	635 HOKE SMITH DR	GERMANY IDA
18	631 HOKE SMITH DR	LOPEZ HERIBERTO C
19	627 HOKE SMITH DR	VERINO LUIS R & MARIA B
20	621 HOKE SMITH DR	VERA SALVADOR
21	617 HOKE SMITH DR	CLEM PAMELA
22	611 HOKE SMITH DR	GUTIERREZ CLAUDIA
23	607 HOKE SMITH DR	CORTES JOSE C
24	2916 SHADOW WOOD DR	MAZZMANIA LP
25	2922 SHADOW WOOD DR	GARCIA MARTIMIANO &
26	2926 SHADOW WOOD DR	MILAN NICASIO

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	2930 SHADOW WOOD DR	REECE ALFRED L JR
28	2936 SHADOW WOOD DR	LIMON JUAN SERGIO & SONIA
29	3007 OBANNON DR	ALVAREZ YOLANDA VERONICA
30	3003 OBANNON DR	BIRCH ALVA LEE
31	2959 OBANNON DR	BALDERAS GUADALUPE &
32	2955 OBANNON DR	RODRIGUEZ EDMUNDO &
33	2949 OBANNON DR	SAMUELS VANESSA E
34	2943 OBANNON DR	SALINAS VICENTE
35	2939 OBANNON DR	ALVAREZ CARLOS MANUEL &
36	2935 OBANNON DR	HERNANDEZ ISIDRO &

FILE NUMBER: BDA178-082(SL)

BUILDING OFFICIAL'S REPORT: Application of Lakeith Fowler for a variance to the front yard setback regulations at 1322 Burlington Boulevard. This property is more fully described as Lot 1, Block 5/3495, and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct a structure and provide a 10 foot front yard setback, which will require a 15 foot variance to the front yard setback regulations.

LOCATION: 1322 Burlington Boulevard

APPLICANT: Lakeith Fowler

REQUEST:

A request for a variance to the front yard setback regulations of 15' is made to construct and maintain a 1 1/2-story single family home structure with an approximately 2,700 square foot building footprint, part of which is to be located 10' from one of the site's two front property lines (Edgefield Avenue) or 15' into this 25' front yard setback on a site that is undeveloped.

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:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is unique and different from most lots in the R-7.5(A) zoning district in that it is restrictive in area due to having two, 25' front yard setbacks when most lots in this zoning district have one 25' front yard setback. The 50' wide subject site has 20' of developable width available once a 25' front yard setback is accounted for on the west and a 5' side yard setback is accounted for on the east. If the lot were more typical to others in the zoning district with only one front yard setback, the 50' wide site would have 40' of developable width.
- Staff concluded that the applicant has shown by submitting a document indicating among other things that the square footage of the proposed home on the subject site at approximately 2,700 square feet is commensurate to 13 other homes in the same R-7.5(A) zoning district that have average home size of approximately 4,200 square feet.

BACKGROUND INFORMATION:

Zoning:

- Site: R-7.5(A) (Single family district 7,500 square-feet)
- North: R-7.5(A) (Single family district 7,500 square-feet)
- South: R-7.5(A) (Single family district 7,500 square-feet)
- East: R-7.5(A) (Single family district 7,500 square-feet)
- West: R-7.5(A) (Single family district 7,500 square-feet)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS /STAFF ANALYSIS:

- This request for variance to the front yard setback regulations of 15' focuses on constructing and maintaining a 1 1/2-story single family home structure with an approximately 2,700 square foot building footprint, part of which is to be located 10' from one of the site's two front property lines (Edgefield Avenue) or 15' into this 25' front yard setback on an undeveloped site.
- The property is located in an R-7.5(A) zoning district which requires a minimum front yard setback of 25 feet.
- The subject site is located at the southeast corner of Burlington Boulevard and Edgefield Avenue. Regardless of how the structure is proposed to be oriented to front Burlington Boulevard, the subject site has 25' front yard setbacks along both

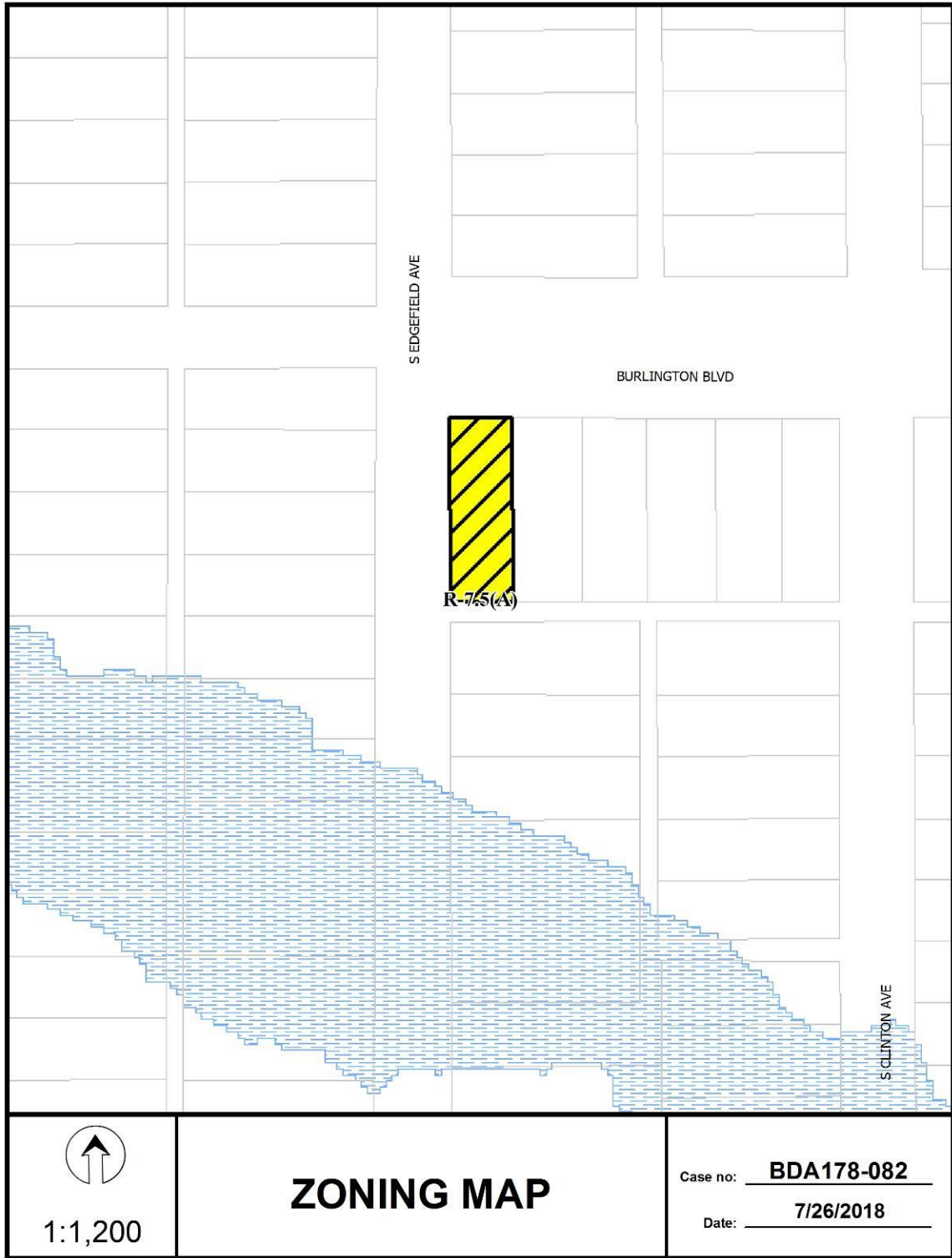
street frontages. The site has a 25' front yard setback along Burlington Boulevard, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in this zoning district. The site also has a 25' front yard setback along Edgefield Avenue, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where a 5' side yard setback is required. However, the site's Edgefield Avenue frontage that would function as a side yard on the property is treated as a front yard setback nonetheless, to maintain the continuity of the established front yard setback established by the lots to the south that front/are oriented west towards Edgefield Avenue.

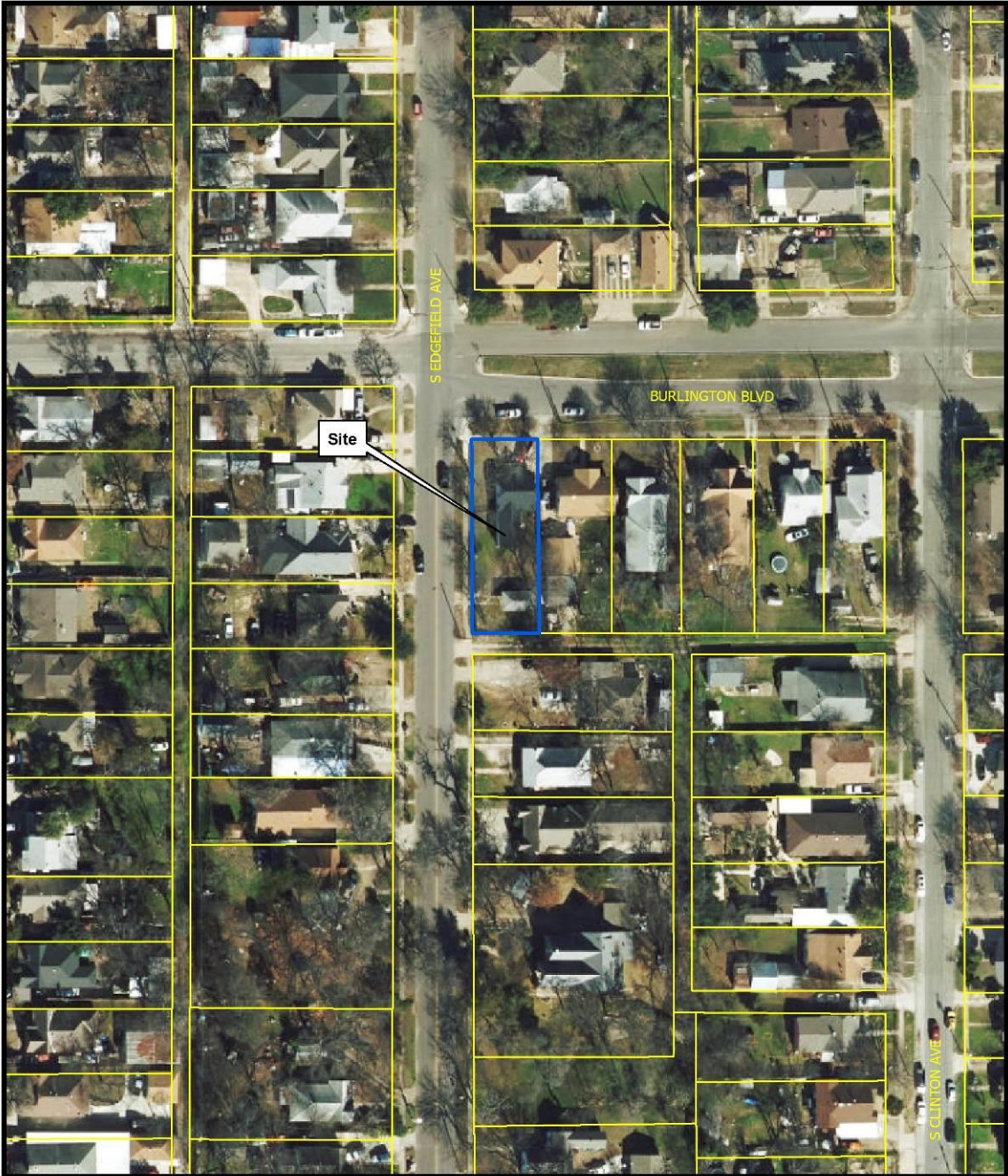
- The submitted site plan indicates that the proposed structure is located 10' from the Edgefield Avenue front property line or 15' into this 25' front yard setback.
- According to DCAD records, the "main improvement" for property addressed at 1322 Burlington Boulevard is structure built in 1924 with 1,120 square feet of living/total area, and that "additional improvements" are a 196 square foot room addition and a 240 square foot detached carport.
- The subject site is flat, rectangular in shape (approximately 150' x 50'), and according to the submitted application is 0.17 acres (or approximately 7,500 square feet) in area. The site is zoned R-7.5(A) where lots are typically 7,500 square feet in area.
- The site plan represents that approximately 1/2 of the structure is located in the 25' Edgefield Avenue front yard setback.
- The 50' wide subject site has 20' of developable width available once a 25' front yard setback is accounted for on the west and a 5' side yard setback is accounted for on the east. If the lot were more typical to others in the zoning district with only one front yard setback, the 50' wide site would have 40' of developable width.
- No variance would be necessary if the Edgefield Avenue frontage were a side yard since the site plan represents that the proposed home is 10' from the Edgefield Avenue property line and the side yard setback for properties zoned R-7.5(A) is 5'.
- The applicant has submitted a document indicating that square footage of the proposed home on the subject site is approximately 2,700 square feet and the average of square footage of 13 other homes in R-7.5(A) is approximately 4,200 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 structure in the front yard setback would be limited to what is shown on this document– which in this case is a structure that would be located 10’ from the site’s Edgefield Street front property line (or 15’ into this 25’ front yard setback).

Timeline:

- May 4, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 10, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- July 10, 2018: 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 August 1st deadline to submit additional evidence for staff to factor into their analysis; and the August 10th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- July 27, 2018 The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- August 7, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.
- No review comment sheets were submitted in conjunction with this application.





1:1,200

AERIAL MAP

Case no: BDA178-082
Date: 7/26/2018

Long, Steve

From: LaKeith Fowler <lakeith@me.com> PSI
Sent: Friday, July 27, 2018 9:17 AM
To: Long, Steve
Subject: I'm requesting a variance with other properties zoned R7.5a where...

I'm requesting a variance with other properties zoned R7.5a where the average square foot is 4191 and at my address 1322 Burlington Blvd it is 2701 sq ft. I don't believe that this new construction will adversely effect the neighborhood in any way nor will it be our intention to do so...

Quality Capital Investment
LaKeith Fowler
625 Gardenia st
Desoto Texas 75115

Long, Steve

From: LaKeith Fowler <lakeith@me.com>
Sent: Friday, July 27, 2018 9:31 AM
To: Long, Steve
Subject:

605 Murdock = 2195 sq ft
454 Greenbriar = 4148 sq ft
4170 Gladewater = 2482 sq ft
6267 Malcolm = 2796 sq ft
6429 Malcolm = 3043 sq ft
6260 McCommas = 5272 sq ft
6022 Ellsworth = 2563 sq ft
6555 Bob O Link = 4743 sq ft
1514 Cedar Hill = 5970 sq ft
1514 Junior Drive = 4365 sq ft
910 Kessler Pkwy = 5920 sq ft
6725 Northridge = 3830 sq ft
510 W Greenbriar = 7162 sq ft

Average Square Foot = 4191 sq ft

www.firstaidproperties.com



City of Dallas

A

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-082

Data Relative to Subject Property:

Date: 5-4-18

Location address: 1322 Boelington Blvd

Zoning District: R 7.5-(A)

Lot No.: 1 Block No.: 5/3495 Acreage: 0.17

Census Tract: 51.00

Street Frontage (in Feet): 1) 50 2) 150 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Quality Capital Investment

Applicant: Lakeith Fowler

Telephone: 972-400-2348

Mailing Address: 625 Garden St Desoto TX Zip Code: 75115

E-mail Address: lakeith@me.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance X, or Special Exception _____, of 15' to the
REQUIRED 25' FRONT YARD SETBACK AND PROVIDE A 10' FRONT
YARD SETBACK ALONG S. EDGE FIELD

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:

PROPERTY HAS 2 REQUIRED 25' FRONT YARD SETBACKS THAT GREATLY REDUCES THE BUILDABLE AREA, PREVENTING DEVELOPMENT TO COMMENSURATE WITH OTHER PARCELS OF LAND IN THE SAME BLOCK

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.

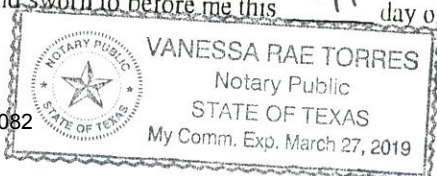
Affidavit

Before me the undersigned on this day personally appeared Lakeith Fowler
(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 4th day of May, 2018



[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 LAKEITH FOWLER

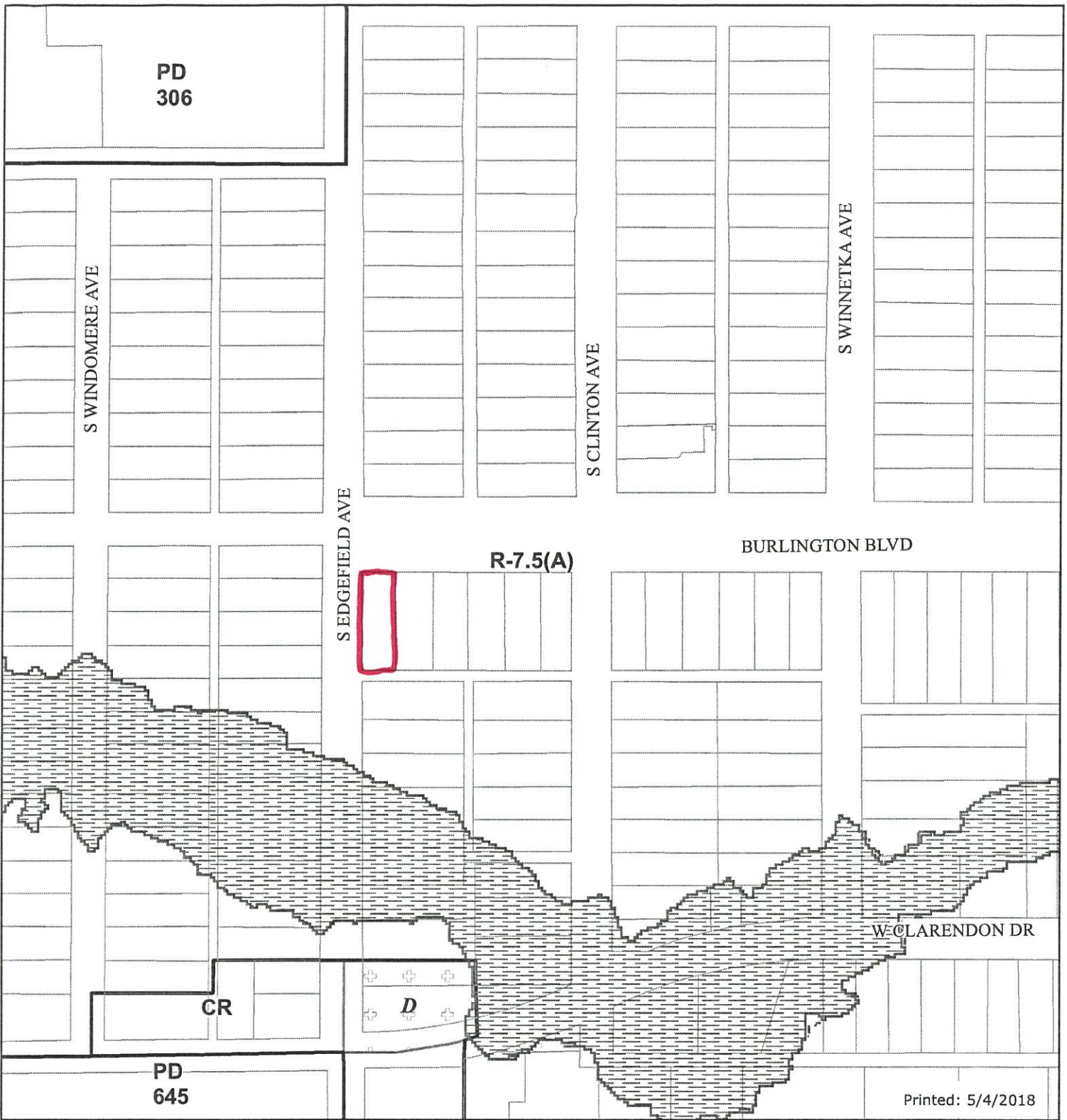
did submit a request for a variance to the front yard setback regulations

at 1322 Burlington Blvd

BDA178-082. Application of LAKEITH FOWLER for a variance to the front yard setback regulations at 1322 BURLINGTON BLVD. This property is more fully described as Lot 1, Block 5/3495, 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 10 foot front yard setback, which will require a 15 foot variance to the front yard setback regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



Printed: 5/4/2018

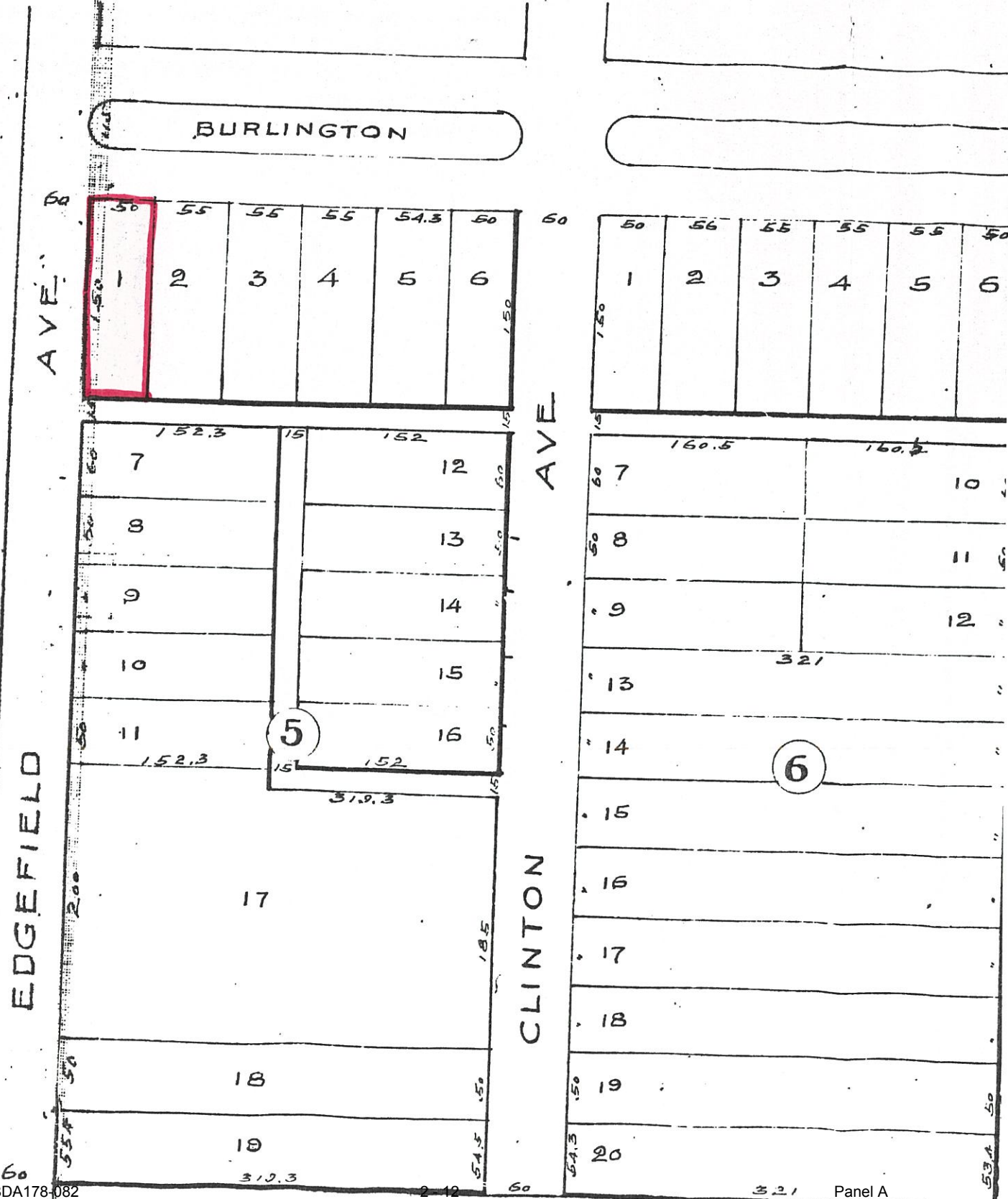
Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| 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 | 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)



MELROSE ADDITION TO THE SECOND SECTION

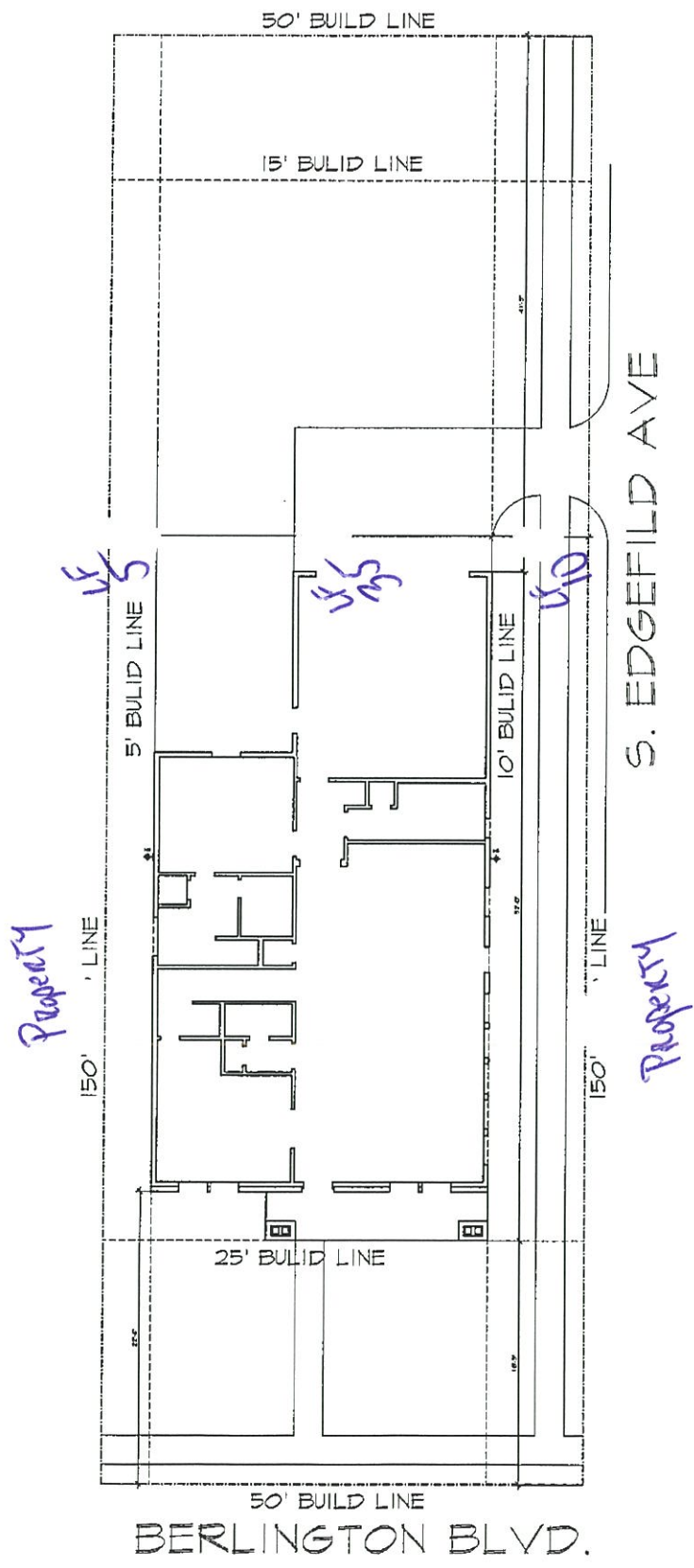


PLANS CANNOT BE REPRODUCED, REDESIGNED OR COPIED AND ARE FOR THE ONE TIME USE FOR SAID INVOICE OR ADDRESS SHOWN. INFRINGEMENT OF THESE PLANS IN ANY WAY WILL FALL UNDER THE U.S. COPYRIGHT LAWS

Residential Designs
 817-538-2910
 Doug Herron, *com*
 EMAIL: dougplans@aol.com

LOT: BLC	1-5
ADDRESS:	1322 BERLINGTON BLVD
SUBDIVISION:	MELBROS ADD
CITY:	DALLAS
COUNTY:	DALLAS
STATE:	TX
SCALE:	3/16

Plan No:
 058-2143-0418
 COPYRIGHT 2018



PLANS CANNOT BE REPRODUCED, REDESIGNED OR COPIED AND ARE FOR THE ONE TIME USE FOR SAID INVOICE OR ADDRESS SHOWN. INFRINGEMENT OF THESE PLANS IN ANY WAY WILL FALL UNDER THE U.S. COPYRIGHT LAWS

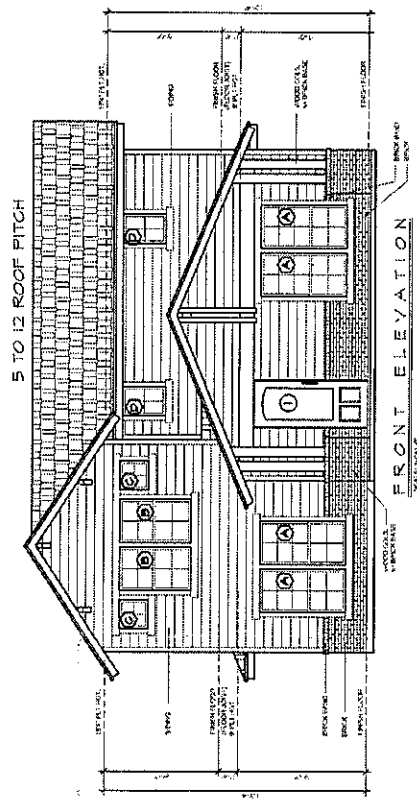
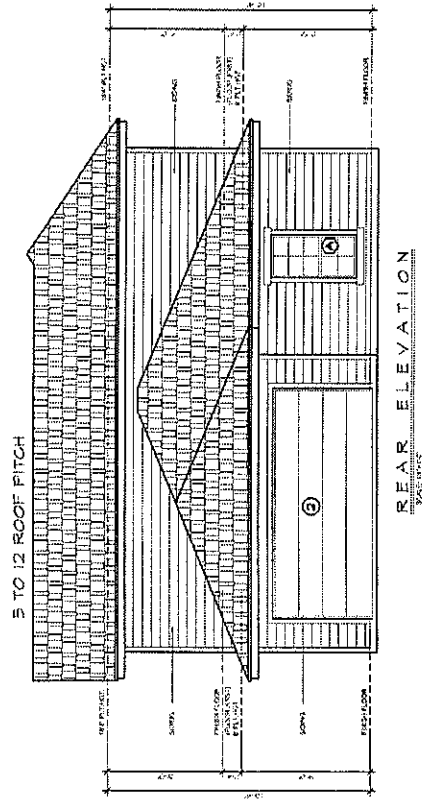
PLANS CANNOT BE REPRODUCED, REDESIGNED OR COPIED AND ARE FOR THE ONE TIME USE FOR SAID INVOICE OR ADDRESS SHOWN. INFRINGEMENT OF THESE PLANS IN ANY WAY WILL FALL UNDER THE US. COPYRIGHT LAWS

COPYRIGHT 2018

Don's Herron, .com
Residential Designs
817-538-2910
E-MAIL: donsherron@aol.com

LOT: BLK:	
ADDRESS:	
SUBDIVISION:	
CITY:	
COUNTY:	
STATE:	
SCALE:	

Plan # 16
 088-2143-041B
 3



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BDA178-082

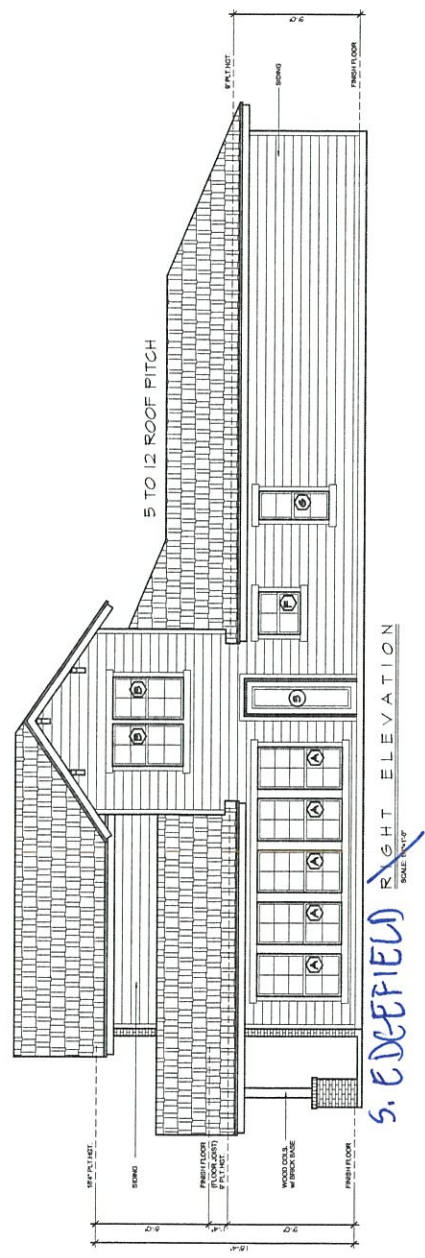
Panel A

COPYRIGHT 2018

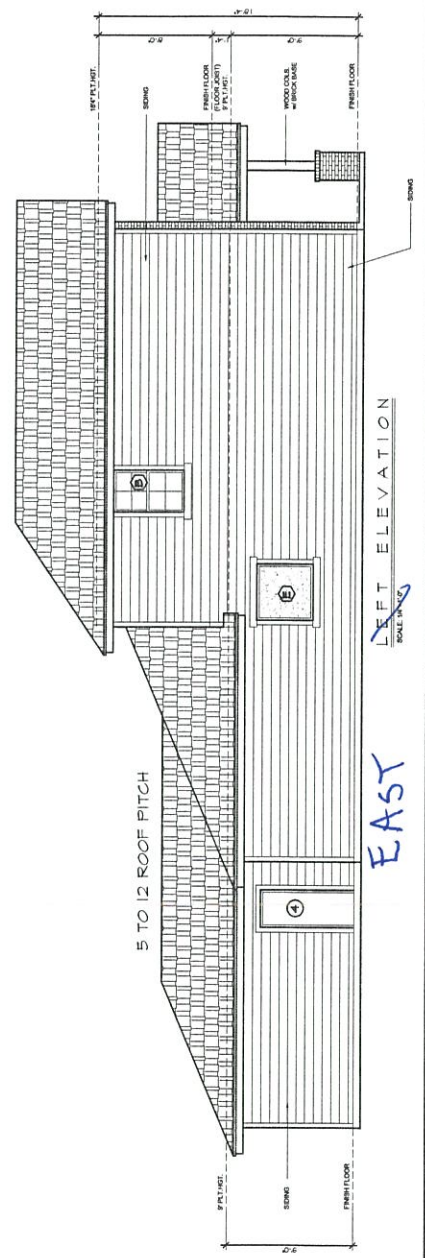
Doug Herron, com
Residential Designs
817-538-2910
EMAIL: dougplans@aol.com

LOT: BLK _____
ADDRESS: _____
SUBDIVISION: _____
CITY: _____
COUNTY: _____
STATE: _____
SCALE: _____

7/11/18
058-2143-041B
4

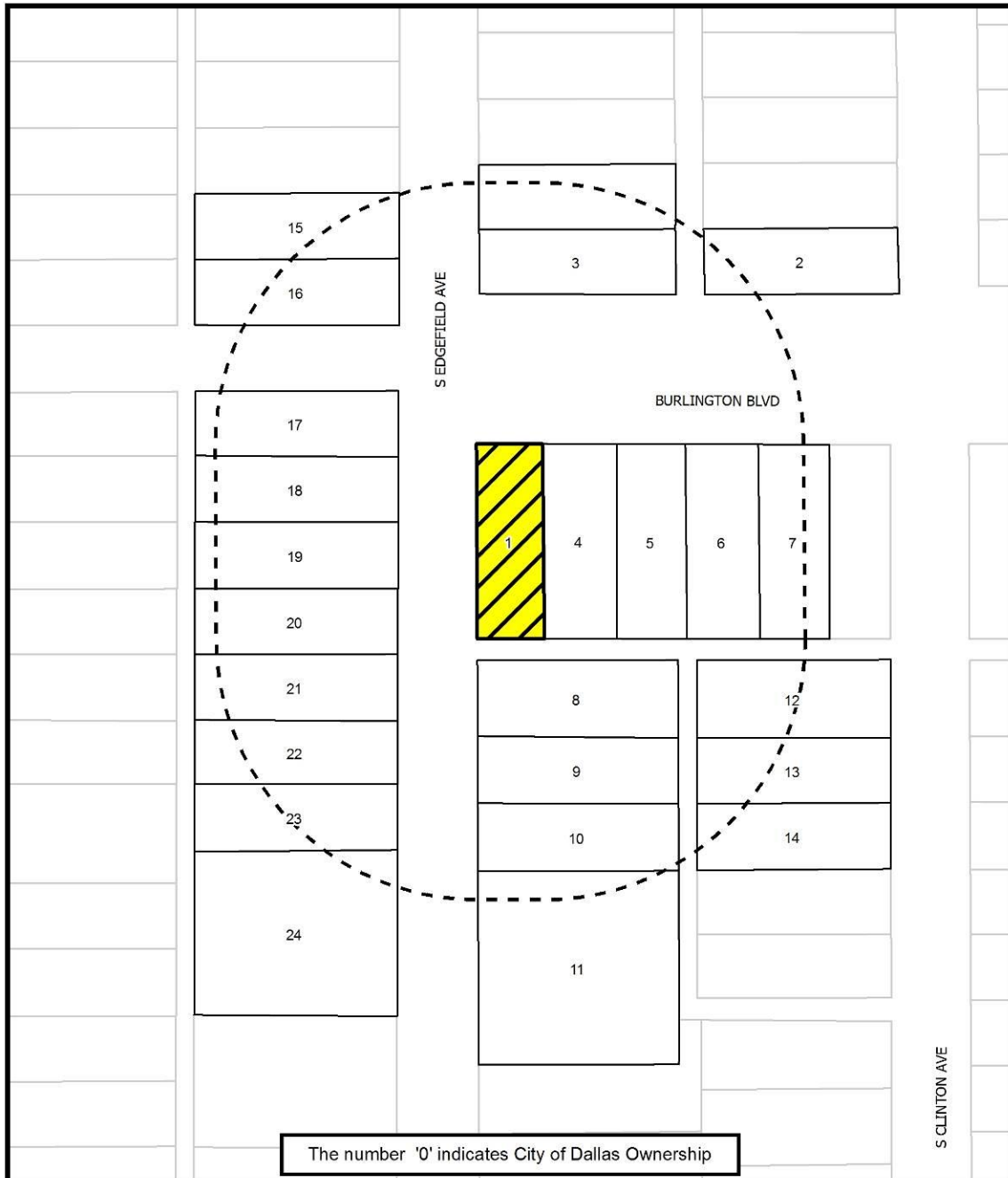


S. EDGEFIELD



EAST

PLANS CANNOT BE REPRODUCED, REDESIGNED OR COPIED AND ARE FOR THE ONE TIME USE FOR SAID INVOICE OR ADDRESS SHOWN. INFRINGEMENT OF THESE PLANS IN ANY WAY WILL FALL UNDER THE U.S. COPYRIGHT LAWS



 1:1,200	NOTIFICATION		Case no: BDA178-082
	<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;">24</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 7/26/2018	

Notification List of Property Owners

BDA178-082

24 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1322 BURLINGTON BLVD	WATSON HAZEL G
2	827 S CLINTON AVE	MARTINEZ MISAEL MORALES
3	826 S EDGEFIELD AVE	OLIVER MICHELLE
4	1318 BURLINGTON BLVD	MARTINEZ ERNEST & ALICE E
5	1314 BURLINGTON BLVD	HARLOW DALE ANNE EST OF
6	1308 BURLINGTON BLVD	VASQUEZ NOELIA
7	1306 BURLINGTON BLVD	ENRIQUEZ BARTOLO &
8	914 S EDGEFIELD AVE	MUNOZ GUADALUPE & JAVIER
9	920 S EDGEFIELD AVE	GARAY MARIA
10	922 S EDGEFIELD AVE	RAMOS GRETHEL F
11	1000 S EDGEFIELD AVE	GARCIA VICKI
12	915 S CLINTON AVE	VEGA RAUL & ESMERALDA
13	921 S CLINTON AVE	CHILDERS ROY & LINDA
14	925 S CLINTON AVE	LOPEZ JOE
15	835 S EDGEFIELD AVE	SANCHEZ MARIA DELCARMEN
16	839 S EDGEFIELD AVE	JC LEASING LLP
17	903 S EDGEFIELD AVE	REEVES CAROLYN ELAINE D
18	907 S EDGEFIELD AVE	VASQUEZ FELIX JIMENEZ &
19	911 S EDGEFIELD AVE	DELGADILLO FELIPE P
20	915 S EDGEFIELD AVE	DELGADILLO DELFINA
21	919 S EDGEFIELD AVE	DELGADO CELIA
22	923 S EDGEFIELD AVE	IPINA JAVIER & DULCE E
23	1003 S EDGEFIELD AVE	AVALOS MARTIN & MARIA
24	1007 S EDGEFIELD AVE	LOPEZ MANUEL D & ARCELIA

FILE NUMBER: BDA178-084(OA)

BUILDING OFFICIAL'S REPORT: Application of Karen S. Levinson for a special exception to the fence standards regulations at 5715 Buffridge Trail. This property is more fully described as Lot 20, Block 11/8760, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and/or maintain a 5 foot 6 inch high fence in a required front yard, which will require a 1 foot 6 inch special exception to the fence standards regulations.

LOCATION: 5715 Buffridge Trail

APPLICANT: Karen S. Levinson

REQUESTS:

A request for a special exception to the fence standards regulations related to height of 1' 6" is made to maintain a 5' 6" high wrought iron fence 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-7.5(A) (Single family district 7,500 square feet)
North: R-7.5(A) (Single family district 7,500 square feet)
South: R-7.5(A) (Single family district 7,500 square feet)
East: R-7.5(A) (Single family district 7,500 square feet)
West: R-7.5(A) (Single family district 7,500 square feet)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the fence height of 1' 6" focuses on maintaining a 5' 6" high wrought iron fence 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 4' above grade when located in the required front yard.
- The property is located in an R-7.5(A) zoning district which requires a minimum front yard setback of 25 feet.
- The applicant had submitted a site plan and elevation that shows the proposal in the front yard setback reaching a maximum height of 5' 6".
- The following additional information was gleaned from the submitted site plan:
 - The proposal is represented as being approximately 73' in length parallel to Buffridge Trail and approximately 25' perpendicular to Buffridge Trail on the north and south sides of the site in this front yard setback.
 - The proposal is represented as being located approximately on the front property line. (The distance between the fence and the pavement line is approximately 11').
- The Sustainable Development and Construction Department Senior Planner conducted a field visit of the site and surrounding area and no other fences were noted that appeared to be above 4' in height and located in a front yard setback.
- As of August 10th, no letters in opposition have been submitted and 15 letters have been submitted in support.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations (whereby the proposal that would reach 5' 6" in height) will not adversely affect neighboring property.
- Granting this special exception of 1' 6" with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height to be constructed/maintained in the location and of the heights and materials as shown on these documents.

Timeline:

March 17, 2018: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

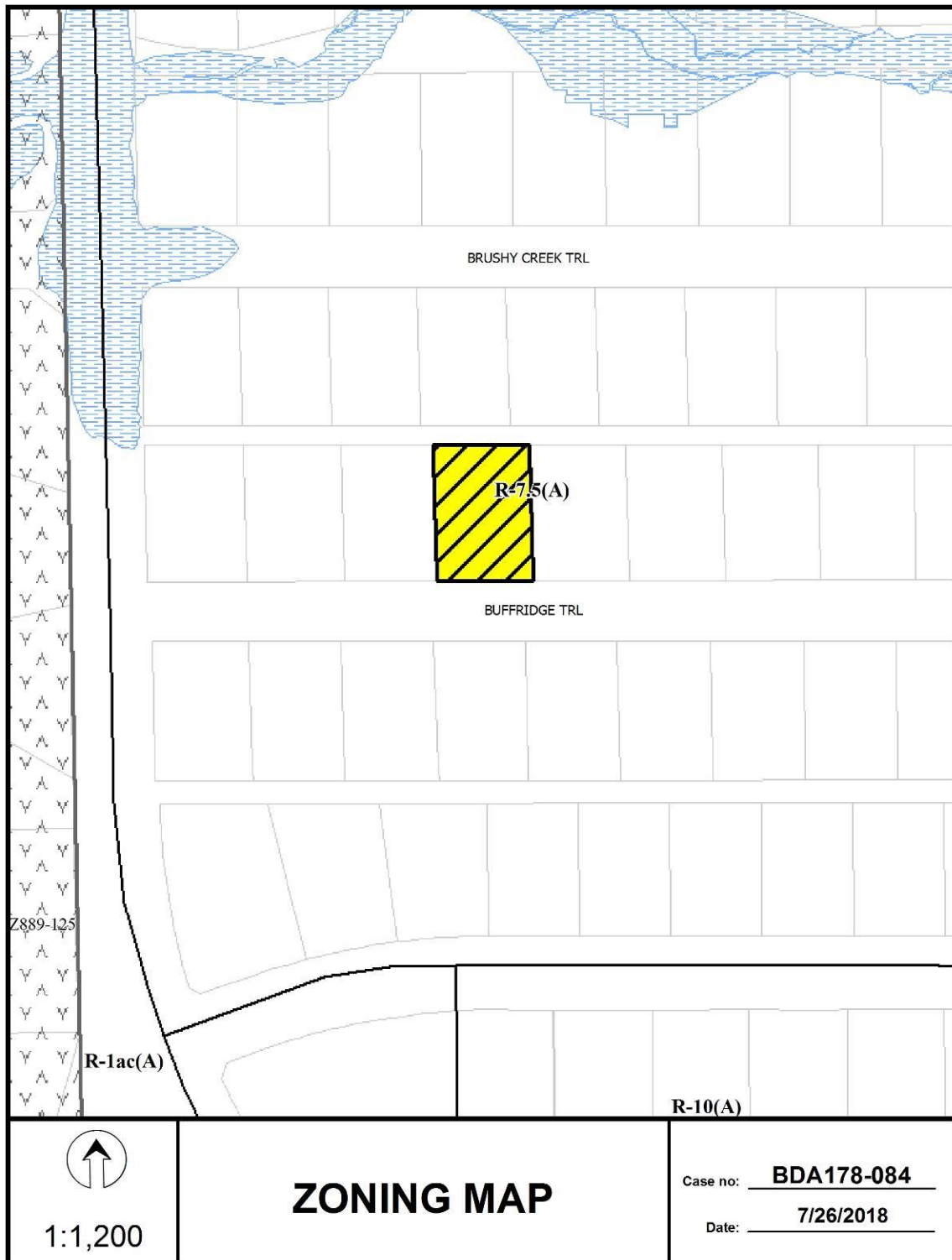
July 10, 2018: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.

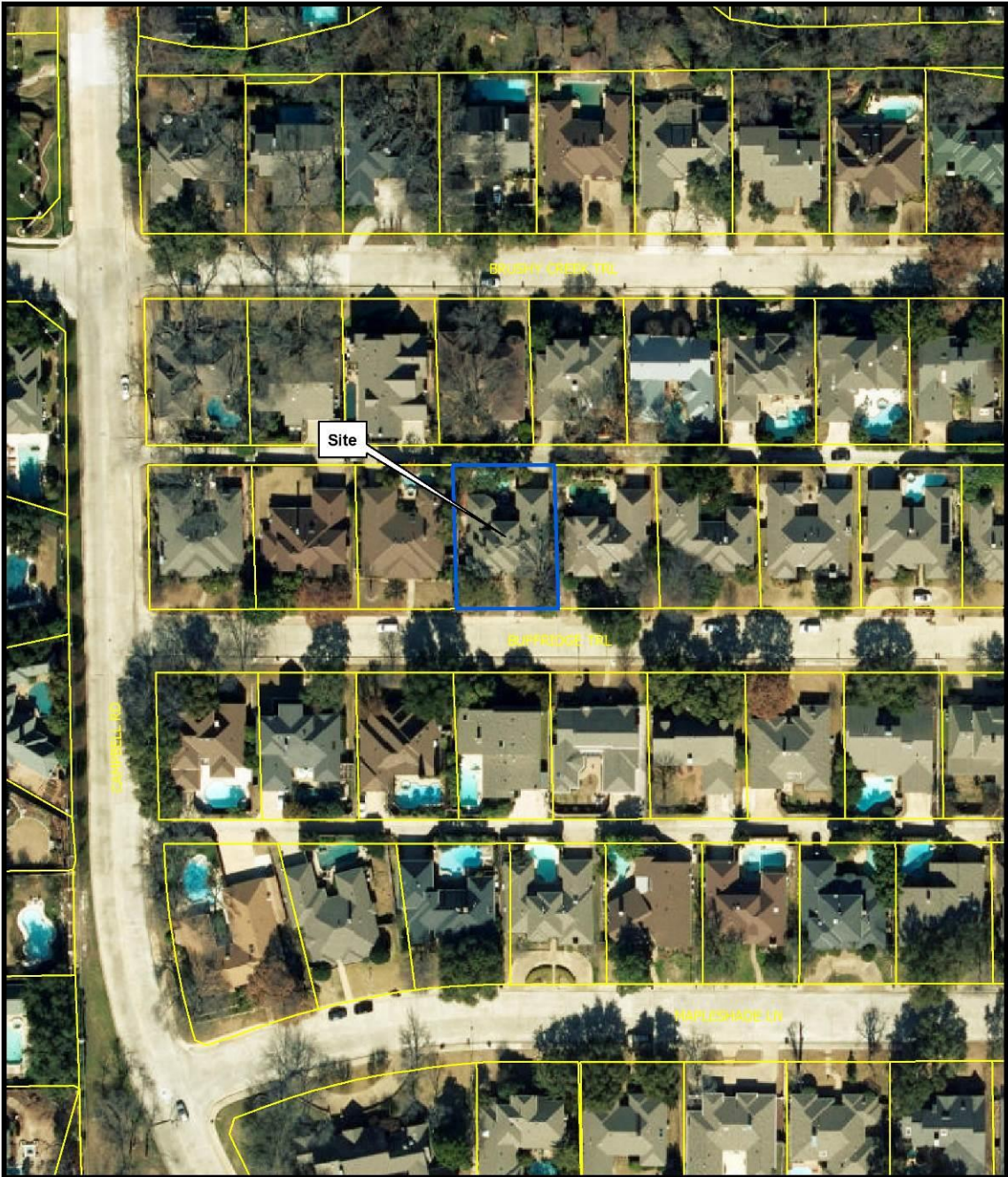
July 11, 2018: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the August 1st deadline to submit additional evidence for staff to factor into their analysis; and the August 10th 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 7, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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





1:1,200

AERIAL MAP

Case no: BDA178-084

Date: 7/26/2018



A

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-084
Date: 3/9/2018 4-9-18

Data Relative to Subject Property:

Location address: 5715 Buffridge Trail Zoning District: R-7.5
Lot No.: 20 Block No.: 11/8760 Acreage: .195 Census Tract: 31707
Street Frontage (in Feet): 1) 77' 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Karen S. Levinson
Applicant: Karen S. Levinson Telephone: 469 644 5055
Mailing Address: 5715 Buffridge Trail, Dallas Zip Code: 75252
E-mail Address: Karen1@provenstaffing.com
Represented by: Karen S. Levinson Telephone: 469 644 5055
Mailing Address: 5715 Buffridge Trail, Dallas Zip Code: 75252
E-mail Address: Karen1@provenstaffing.com

Affirm that an appeal has been made for a Variance, or Special Exception of 1ft 6"
to the required front yard fence height with total
height being 5ft 6" tall.

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:

If I believe the fence will not have an adverse
effect on the neighborhood due to being of
reasonable height and material.

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 _____

Karen S. Levinson
(Affiant/Applicant's name printed)

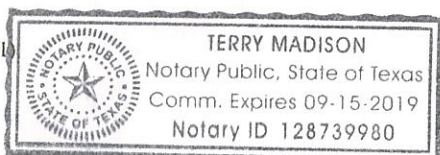
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: _____

Karen S. Levinson
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 17th day of March, 2018

(Rev. 08-01-11)
BDA178-084



Terry Madison
Notary Public in and for Dallas County, Texas
Collin
TX

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 KAREN LEVINSON

did submit a request for a special exception to the fence height regulations
at 5715 Buffridge Trail

BDA178-084. Application of KAREN LEVINSON for a special exception to the fence height regulations at 5715 BUFFRIDGE TRL. This property is more fully described as Lot 20, Block 11/8760, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 5 foot 6 inch high fence in a required front yard, which will require a 1 foot 6 inch special exception to the fence regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



WILLIAM MOSS
VOL 824, PAGE 84

FLOODWAY MANAGEMENT
AREA

TRACT 5
NOT PLATTED

N 1° 30' 23" W
110.90'

N 89° 34' 06" E. 924.12'

N 88° 29' 37" E 60.0'

BRUSHY CREEK TRAIL

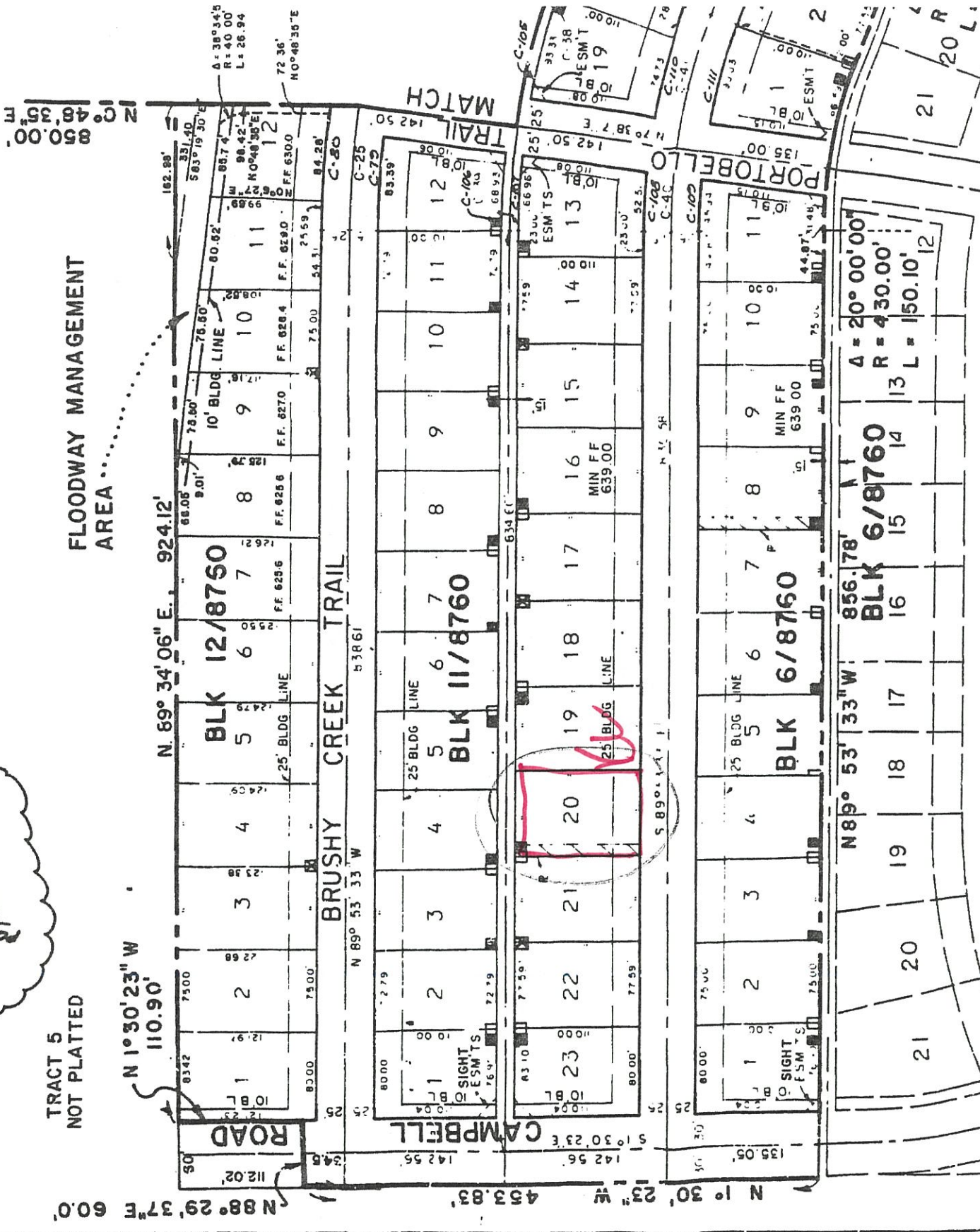
N 89° 53' 33" W 538.61'

CAMPBELL ROAD

N 1° 30' 23" W 453.83'

TRAIL MATCH

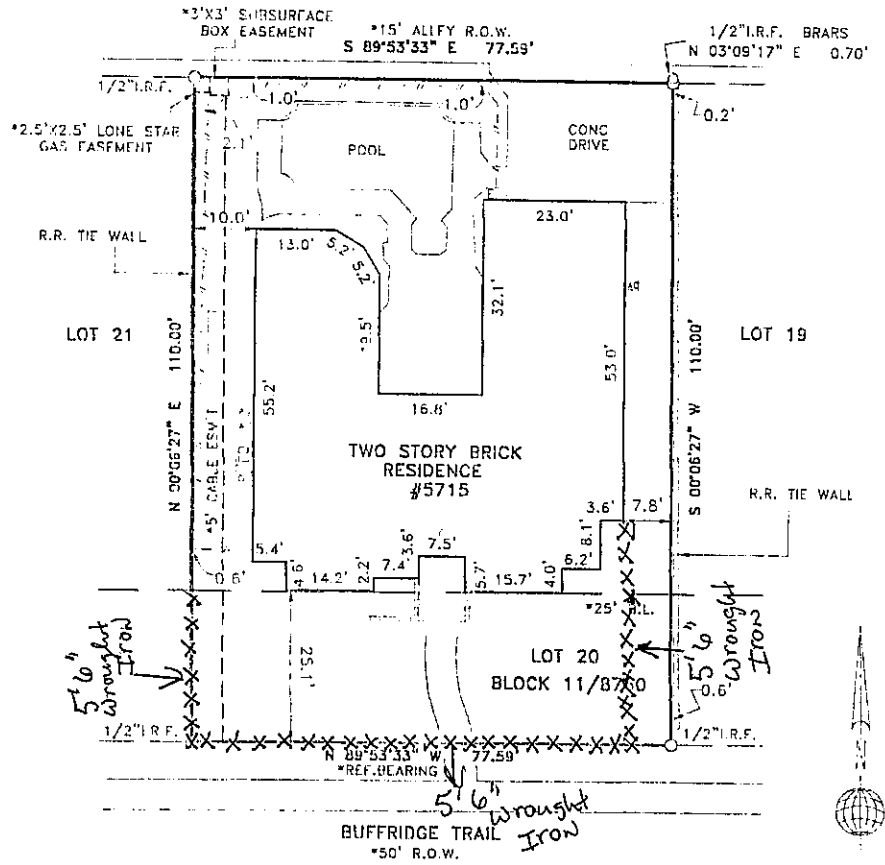
N 70° 38' 7" E 142.50'



SURVEY PLAT

Being Lot 20, Block 11/8760, of BENT TRAIL ADDITION, PHASE TWO, an Addition to the City of DALLAS, COLLIN County, Texas, according to the Plat thereof recorded in Volume C, Page 146, Map Records, COLLIN County, Texas.

X = Fence



THIS PROPERTY IS SUBJECT TO THE FOLLOWING EASEMENT: AGREEMENT BETWEEN STILES LAND CORP. AND D.P.&L., VOLUME 1321, PAGE 559, D.R.C.C.I.

NOTE: ALL 1/2" I.R.S. = 1/2" IRON ROD W/ CAP STAMPED "A-1 SURVEYS, INC." SET

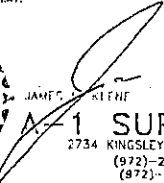
(*) INDICATES THAT BUILDING LINES, EASEMENTS, R.O.W.'S, ETC. AS SHOWN HEREON ARE PER PLAT RECORDED IN VOLUME C, PAGE 146, OF THE MAP RECORDS OF COLLIN COUNTY, TEXAS. THIS IS TO CERTIFY THAT THE SHOWN PROPERTY IS NOT WITHIN THE 100 YEAR FLOOD HAZARD AREA AS PUBLISHED IN COMMUNITY PANEL NO. 48113C 0045J, ZONE "X".

MAP DATED 8-23-01 OF THE FLOOD INSURANCE RATE MAP.
 I, JAMES P. KENEL, REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, DO CERTIFY THAT THE PLAT HEREON IS A TRUE, CORRECT AND ACCURATE REPRESENTATION OF THE PROPERTY SHOWN HEREON AS DETERMINED BY A SURVEY ON THE EARTH'S SURFACE UNDER MY SUPERVISION. THE LINES AND DIMENSIONS OF SAID PROPERTY BEING INDICATED BY THE PLAT. THE IMPROVEMENTS ARE WITHIN THE BOUNDARIES OF THE PROPERTY LINES AT THE DISTANCES INDICATED AND THERE ARE NO VISIBLE AND APPARENT EASEMENTS, ENCROACHMENTS, CONFLICTS OR PROTRUSIONS, EXCEPT AS SHOWN ON THE ABOVE PLAT.

NAME	LEVINSON
JOB NO.	02-0329
DATE	2-26-02
GF#	115000208
DRN. BY.	J.B.
SCALE	1" = 20'

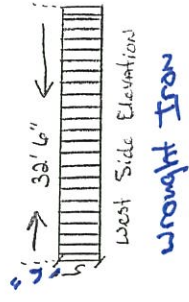
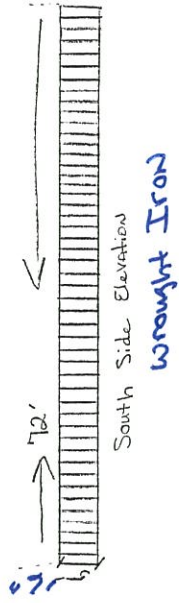
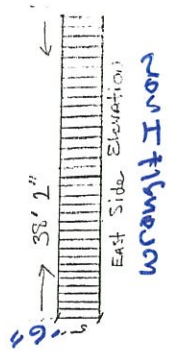
THIS SURVEY WAS PERFORMED FOR:
 REUNION TITLE
 USE OF THIS SURVEY BY ANY OTHER PARTY SHALL BE AT THEIR OWN RISK AND THE UNDERSIGNED IS NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM.




A-1 SURVEYS, INC.
 2734 KINGSLEY #14, GARLAND, TEXAS
 (972)-278-6789 VOICE
 (972)-278-6803 FAX

LEGEND	
AC	= AIR CONDITIONING PAD
E	= ELECTRIC METER
B.L.	= BUILDING LINE
U.L.	= UTILITY EASEMENT
I.R.F.	= IRON ROD FOUND
I.R.S.	= IRON ROD SET
---	= WOOD FENCE
-O-	= WROUGHT IRON FENCE
-0-	= CHAIN LINK FENCE
-X-	= BARR WIRE FENCE
---	= CONCRETE PAVING
P	= POWER LINE
---	= ASPHALT
GM	= GAS METER

Scale
1" = 10'



Karen Levinson

From: C Todd Young <ctoddyoung@aol.com>
Sent: Sunday, January 21, 2018 5:36 PM
To: karenl@provenstaffing.com
Subject: Email from Todd Young

To Whom It May Concern;

I live at 5706 Buffridge Trail in Dallas, where I have resided for over five years. I am aware that Karen Levinson who resides at 5715 Buffridge Trail has installed a fence in her front yard.

In no way do I feel this fence has had a negative impact on the neighborhood, and instead I believe Ms. Levinson's fence is a positive addition to the neighborhood. I certainly have no objection to this fence and hope it will remain intact as is for all to enjoy.

Should you require any further information, please feel free to contact me at cell #214-542-2537, or by email at CToddYoung@aol.com.

Regards,
Todd Young

Karen Levinson

From: Debbie Stern <savvystern@gmail.com>
Sent: Saturday, January 20, 2018 4:30 PM
To: karenl@provenstaffing.com
Subject: Fence at 5715 Buffridge Trail

Dear Karen,

We just wanted to let you know that we don't feel that your new fence has a negative impact on our property value here in the neighborhood. We live a few doors down and we approve of the fence. In fact, we find it attractive and aesthetically pleasing for the homes around us.

Best regards,

Debbie Stern Blonstein and Barry Blonstein
5727 Buffridge Trail
Dallas, Texas 75252
Mobile: (214) 697-4593
savvystern@gmail.com

Karen Levinson

From: levinsonkaren@gmail.com
Sent: Sunday, January 21, 2018 2:08 PM
To: Karen
Subject: Fwd: Wrought Iron Fence

Sent from my iPhone

Begin forwarded message:

From: Linda Walker <walker.lindak@gmail.com>
Date: January 20, 2018 at 5:26:27 PM CST
To: Karen Levinson <levinsonkaren@gmail.com>
Cc: Harold Walker <hcwalker123@gmail.com>
Subject: Wrought Iron Fence

Hello Karen,

This email is to give you our opinion on the appearance of your wrought iron fence. As your neighbor across the street at 5718 Buffridge Trail we find your wrought iron fence attractive not only to us but our neighborhood in general. The fencing is well designed and is in perfect harmony with the architectural design of your home.

Cordially,

Linda and Harold Walker

January 20, 2018

Karen Levinson
5715 Buffridge Trail
Dallas, Texas 75252

Dear Karen,

We wholeheartedly support the new iron fence surrounding your front yard. It is not only aesthetically pleasing, but a brilliant idea. Since your husband's untimely death, we have worried about your safety as a single woman.

We neighbors, led by your example, have been on a crusade to install safety measures due to crime in our neighborhood. It began with all the neighbors on Buffridge Trail turning on outside lights at night, installing security cameras, and motion detector lights. We want thieves to know that we are looking out for each other and protecting our property. That message has spread to other streets making our neighborhood safer.

You're a great neighbor, and we love knowing that the fence has brought you peace of mind and security. It's a beautiful addition to our street.

You have our support and blessing! If we can help in any other way, please let us know.

Werneth Avril
Betty Avril

Werneth and Betty Avril
5701 Buffridge Trail
Dallas, Texas 75252

Karen Levinson

From: levinsonkaren@gmail.com
Sent: Monday, January 22, 2018 11:37 AM
To: Karen
Subject: Fwd: Fence at 5715 Buffridge Trail

Sent from my iPhone

Begin forwarded message:

From: Ron Rahmatian <ron@sbmtx.com>
Date: January 22, 2018 at 11:18:52 AM CST
To: Karen Levinson <levinsonkaren@gmail.com>
Subject: Re: Fence at 5715 Buffridge Trail

To whom this may concern:

I live next door to Karen Levinson.

I don't feel that her fence has a negative impact in the neighborhood and I have no objection to it.

Sincerely,

Ron Rahmatian
5719 Buffridge Trail Dallas

Sent from my iPhone

Karen Levinson

From: melissa gulick <melissagulick@sbcglobal.net>
Sent: Tuesday, January 23, 2018 3:41 PM
To: karenl@provenstaffing.com
Subject: Fence at 5715 Buffridge Trail

To who it may concern,

I have no objections to the fence on the property of Karen Levinson at 5715 Buffridge Trail.

Regards,
Melissa Gulick
5718 Brushy Creek Trail

Karen Levinson

From: carol wilemon <abbe3mom@yahoo.com>
Sent: Thursday, January 25, 2018 5:27 PM
To: Karenl@provenstaffing.com
Subject: property values

The front fencing located on your property at 5715 Buffridge is very attractive and blends with our neighborhood nicely. I am confident that property values of the street and area will not be impacted.

Carol Arthur
5731 Mapleshade Ln.
Dallas, 75252

Karen Levinson

From: Richard Meeder <richard.meeder@gmail.com>
Sent: Saturday, January 27, 2018 1:48 PM
To: karenl@provenstaffing.com
Subject: 5715 Buffridge Trail

To whom it may concern,

I do not feel that the fence will have a negative impact on the neighborhood and I have no objection to it.

-Richard Meeder

--

Richard Meeder
214.808.8600 (mobile)

Karen Levinson

From: carol wilemon <abbe3mom@yahoo.com>
Sent: Thursday, January 25, 2018 5:27 PM
To: Karenl@provenstaffing.com
Subject: property values

The front fencing located on your property at 5715 Buffridge is very attractive and blends with our neighborhood nicely. I am confident that property values of the street and area will not be impacted.

Carol Arthur
5731 Mapleshade Ln.
Dallas, 75252

Karen Levinson

From: Daniel Garcia <dvg4145@yahoo.com>
Sent: Saturday, January 27, 2018 4:18 PM
To: karenl@provenstaffing.com
Subject: Letter of Support

January 27, 2018

Karen Levinson
5715 Buffridge Trail
Dallas, Texas, 72525

To Whom it May Concern:

I am writing this email in support of the recent front yard fencing additions made to 5715 Buffridge Trail the home of Karen Levinson. I feel the fencing adds positive artistic design to the property.

Thank You, a Neighbor of 17 Years

Daniel V. Garcia
5714 Brushy Creek Trail
Dallas, Texas, 75252

Karen Levinson

From: Steve Jebbia <stevejebbia@gmail.com>
Sent: Wednesday, January 31, 2018 9:54 AM
To: karenl@ProvenStaffing.com
Subject: New Fence

This new, well constructed front yard fence causes no harm to the neighborhood.

Steve Jebbia

5935 Buffridge Trail
Dallas, Texas 75252

Karen Levinson

From: Suzanne Mintz Kooi <smintzkooi@tx.rr.com>
Sent: Monday, January 29, 2018 3:12 PM
To: karenl@provenstaffing.com
Subject: 5715 Buffridge, Dallas 75252

To whom it may concern:

I live at 5730 Mapleshade Ln,
Dallas TX 75252, one block from
Karen Levinsohn house which I pass
on daily walks.

I would like to state her new metal fence and gate are attractive and in my opinion; not a deterrent to home values in our neighborhood.

I say this not only because I have lived in this neighborhood for 18 years, but also, because I have been a Texas Real Estate Broker for over 20 years in Dallas Texas.

Sent from my iPhone

Karen Levinson

From: Laura and Rich Garcia <heintzgarcia@gmail.com>
Sent: Thursday, February 1, 2018 10:44 AM
To: karenl@provenstaffing.com
Subject: Fence at 5715 Buffridge Trail, Dallas, TX 75252

To Whom It May Concern,

My name is Laura Heintz. My husband Rich Garcia and I live at 5727 Mapleshade Lane, Dallas, TX 75252. We walk our dogs around our block and pass the house at 5715 Buffridge Trail on a daily basis. We believe the fence is aesthetically pleasing and matches the style of the house. We do not feel the fence has a negative impact on property values on the street.

Thank you.

Laura Heintz
5727 Mapleshade Lane
Dallas, TX 75252
Phone: 214.513.3685

Karen Levinson

From: Karen via Nextdoor <reply@rs.email.nextdoor.com>
Sent: Tuesday, February 6, 2018 10:41 PM
To: karenl@provenstaffing.com
Subject: Private message: Fence

Fence

Conversation between you and Karen Dempster, Bent Trail



 Karen Dempster, Bent Trail

We have no problem with the fence on Karen Levinson's property on Buffridge Trail. We live down the street at 5835 Buffridge Trail.

We think it looks fine in our neighborhood.

Karen and James Dempster

[View or reply](#)

You can also reply to this email or use Nextdoor for [iPhone](#) or [Android](#)

This message is intended for karenl@provenstaffing.com.

[Unsubscribe or adjust your email settings](#)

Nextdoor, 875 Stevenson Street, Suite 700, San Francisco, CA 94103

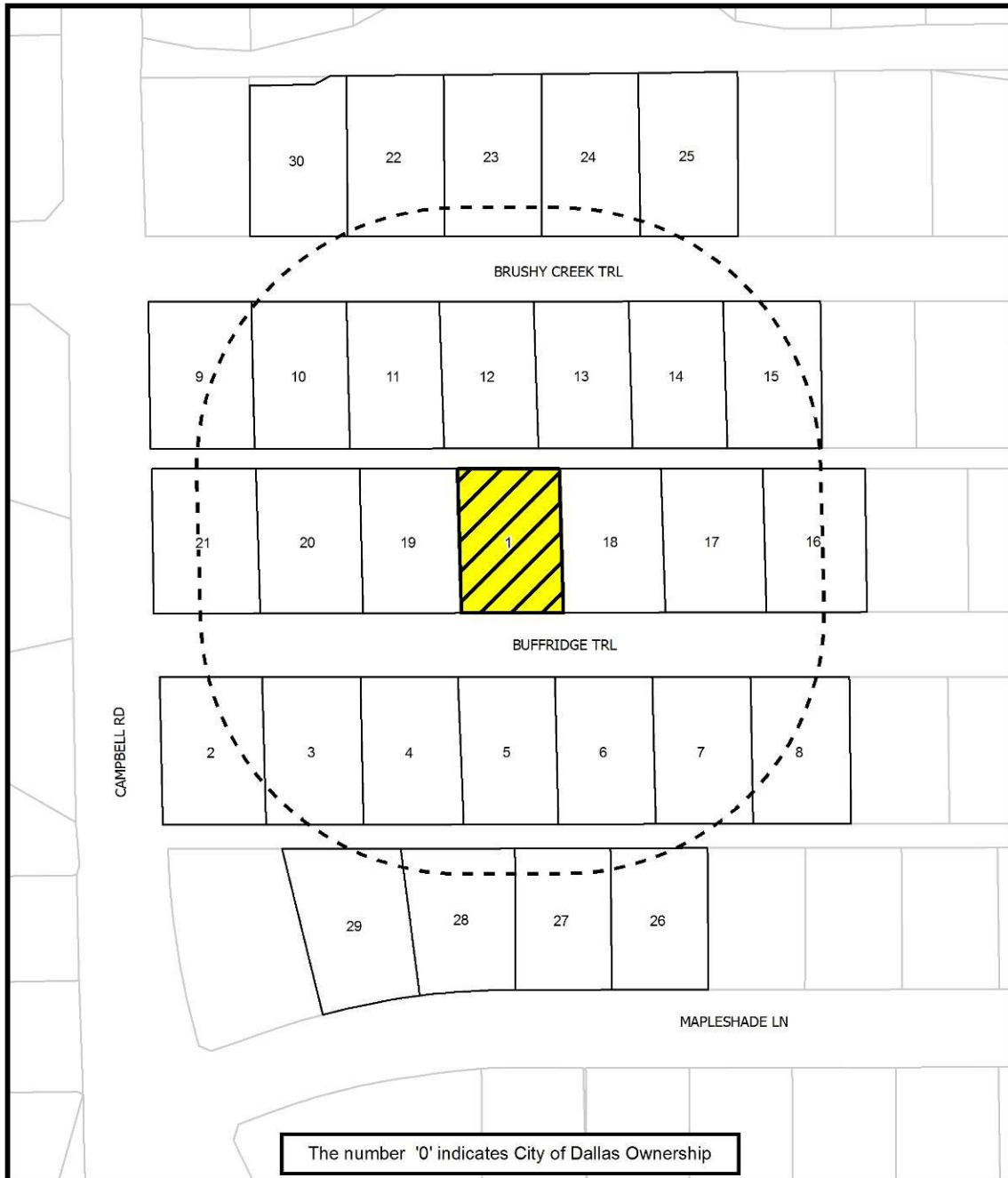
Karen Levinson

From: Ken Nelson <ken.n@icloud.com>
Sent: Sunday, February 4, 2018 3:06 PM
To: karenl@provenstaffing.com
Subject: fence

My name is Ken Nelson
I live at 5710 Buffridge Trail Dallas TX 75252

I do not feel the the fence at 5715 Buffridge Trail will harm property values or have any negative affect on the neighborhood and can't tell the difference between the fence at this address and others that I have seen in the area.

Thank You
Ken Nelson



 1:1,200	NOTIFICATION	Case no: BDA178-084			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">30</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	30	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
30	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA178-084

30 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5715 BUFFRIDGE TRL	LEVINSON KAREN S
2	5702 BUFFRIDGE TRL	ESQUENAZI MICHAEL & SUNNY
3	5706 BUFFRIDGE TRL	RYNER JAMES MICHAEL &
4	5710 BUFFRIDGE TRL	NELSON KENNETH W JR
5	5714 BUFFRIDGE TRL	MEEDER LIAT & RICHARD
6	5718 BUFFRIDGE TRL	WALKER HAROLD C & LINDA K
7	5722 BUFFRIDGE TRL	RANKIN DOUGLAS H & WENDY P
8	5726 BUFFRIDGE TRL	CABRERA ANNA ETAL
9	5702 BRUSHY CREEK TRL	STILLING JEFFREY A & TAMMY D
10	5706 BRUSHY CREEK TRL	GERI HETTERICH INTERVIVOS TRUST
11	5710 BRUSHY CREEK TRL	ANSARI AMIR
12	5714 BRUSHY CREEK TRL	GARCIA DANIEL V & IRMA L
13	5718 BRUSHY CREEK TRL	GULICK GREGORY ALLEN & MELISSA LOURDES
14	5722 BRUSHY CREEK TRL	STRONG JODY & STACEY
15	5726 BRUSHY CREEK TRL	LINSCOMB MICHAEL J & ROXANNE Q
16	5727 BUFFRIDGE TRL	BLONSTEIN BARRY J & DEBORAH S
17	5723 BUFFRIDGE TRL	WARNKE DONALD F & DEBBIE G
18	5719 BUFFRIDGE TRL	MEHRAN INHERITOR'S TRUST
19	5709 BUFFRIDGE TRL	KORBA LARA
20	5705 BUFFRIDGE TRL	ALLEN J MICHAEL & SARAH M
21	5701 BUFFRIDGE TRL	AVRIL WERNETH J & BETTY C
22	5709 BRUSHY CREEK TRL	NEPOMNICK STEVEN N
23	5715 BRUSHY CREEK TRL	BRASCHLER DARREN J & LAURI L
24	5719 BRUSHY CREEK TRL	BAIN ANDREW &
25	5723 BRUSHY CREEK TRL	WINEMILLER MICHAEL O & DONNA E - LE
26	5719 MAPLESHADE LN	BLUM SHARON

07/26/2018

Label #	Address	Owner
27	5715 MAPLESHADE LN	DADGOSTAR FARIBA
28	5709 MAPLESHADE LN	MAZOCH RODNEY &
29	5705 MAPLESHADE LN	GRAMBLING RONALD R
30	5705 BRUSHY CREEK TRL	ROONEY DOUGLAS S & CANDACE M

FILE NUMBER: BDA178-073(OA)

BUILDING OFFICIAL'S REPORT: Application of Blake Byrd of Tatum Brown Custom Homes, represented by Blake Byrd, for a variance to the front yard setback regulations, and for special exceptions to the fence standards and visual obstruction regulations at 5333 Deloache Avenue. This property is more fully described as Lot 16, Block 5/5595, and is zoned R-1ac(A), which requires a front yard setback of 40 feet, limits the height of a fence in the front yard to 4 feet, and requires a 20 foot visibility triangle at driveway approaches and a 45 foot visibility triangle at street intersections. The applicant proposes to construct/maintain a structure and provide a 7 foot front yard setback, which will require a 33 foot variance to the front yard setback regulations, to construct/maintain a 6 foot 6 inch high fence in a required front yard, which will require a 2 foot 6 inch special exception to the fence standards regulations, and to locate/maintain items in required visibility triangles at driveway approaches and at a street intersection, which will require special exceptions to the visual obstruction regulations.

LOCATION: 5333 Deloache Avenue

APPLICANT: Blake Byrd of Tatum Brown Custom Homes
Represented by Blake Byrd

REQUESTS:

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

1. A variance to the front yard setback regulations of 33' is made to construct/maintain a fountain structure to be located 7' from the front property line or 33' into this 40' front yard setback;
2. A special exception to the fence standards related to height of 2' 6" is made to construct/maintain a 6' high open combination steel rod/stone fence with 6' 6" high brick columns, and steel rod swinging gates in the site's required front yard;
3. Special exceptions to the visual obstruction regulations are made to construct and maintain:
 - a) portions of the aforementioned 6' high open combination steel rod/stone fence with 6' 6" high brick columns, and a steel rod swinging gate in the two 20' visibility triangles on both sides of the north driveway into the site on Alva Court; and
 - b) portions of the aforementioned 6' high open combination steel rod/stone fence with 6' 6" high brick columns in the 45' visibility triangle at the intersection of Deloache Avenue and Alva Court.

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.

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.

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:

Denial.

Rationale:

- Staff concluded that the applicant had not substantiated how 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 it cannot be developed in a manner commensurate with the development upon other parcels of land with the same R-1ac (A) zoning district.

STAFF RECOMMENDATION (fence standards):

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.

STAFF RECOMMENDATION (visual obstruction special exceptions 20' visibility triangles at the driveway):

Approval, subject to the following condition:

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

Rationale:

- The Sustainable Development Department Senior Engineer has no objections to the request.
- Staff concluded that the request for special exceptions to the visual obstruction regulations should be granted (with the suggested conditions imposed) because the item located in the visibility triangles do not constitute a traffic hazard.

STAFF RECOMMENDATION (visual obstruction special exceptions 45' visibility triangle at intersection of Alva Court and Deloache Avenue):

Approval, subject to the following condition:

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

Rationale:

- The Sustainable Development Department Senior Engineer has no objections to the request commenting that: 1) The property proposes a visibility improvement to intersection leaving a 30' by 30' visibility triangle; 2) The intersection effectively functions as a T-Intersection; and 3) The background traffic is generally limited to 9 homes.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

1. BDA056-003, Property at 9423 Alva Court (the lot north to the subject site)

On October 18, 2005, the Board of Adjustment Panel A granted requests for a special exception to the fence regulations of 3' and for special exceptions to the visual obstruction regulations, and imposed the following condition: Compliance with submitted revised site plan and revised fence elevation is required.

The case report stated the special exception to the fence standards was made to construct and maintain a 4' 8" high open metal fence (with an 18" brick base), 5' high brick columns, two 7' high arched entry gates with 6' high brick entry columns; and that the special exceptions to the visibility obstruction regulations were made to construct and maintain the fence and columns as described above in four, 20'-visibility triangles at the two drive approaches to the site on Alva Court.
2. BDA178-041, Property at 9434 Alva Court (the lot northeast to the subject site)

On May 21, 2018, the Board of Adjustment Panel C granted a request for a special exception to the fence height regulations of 8' 4". The board imposed the following condition: compliance with the submitted site/landscape plan is required.

The case report stated that the request was made to construct 9' high columns, and two 8' high entry gates one of which has 12' 4' high entry gate columns and an 8' high open wrought iron fence.

GENERAL FACTS/STAFF ANALYSIS (front yard variance):

- The request for a variance to the front yard setback regulations of 33' focuses on constructing and maintaining a fountain structure to be located 7' from the front

property line or 33' into this 40' front yard setback on a site that is currently being developed with a single family home.

- The subject site is zoned R-1ac (A) which requires a 40' front yard setback.
- The subject site is located at the northwest corner of Deloache Avenue and Alva Court. This site has one front yard setback on Alva Court.
- The submitted plan represents that a fountain structure is proposed to be located as close as 7' from the site's front property line (or 33' into the 40' front yard setback).
- The following additional information was gleaned from the submitted site plan and elevation:
 - The fountain structure is represented as being approximately 55' in length parallel to Alva Court.
 - The fountain structure is represented as being located approximately 7'- 21' from the property line.
 - The fountain structure reaches approximately a maximum height of 5' 5'.
- On July 13, 2018, the applicant submitted a revised elevation plan (attachment C) representing the revised elevation for the fountain in the front yard setbacks. The fountain structure now reaches approximately a maximum height of 3' 9'.
- The subject site is flat, rectangular in shape, and according to the application, is 0.947 acres (or approximately 41,251 square feet) in area. The site is zoned R-1 ac (A) where the typical lot size is 43,560 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-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 this request and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which is a fountain structure to be located 7' from the site's front property line or 33' into the required 40' front yard setback.

GENERAL FACTS/STAFF ANALYSIS (fence standards):

- The request for a special exception to the fence standards related to height of 2' 6" focuses on constructing/maintaining a 6' high open combination steel rod/stone fence with 6' 6" high brick columns, and steel rod swinging gates in the site's required front yard on a site being developed with a single family home.
- The subject site is zoned R-1 AC (A) which requires a 40' front yard setback.

- 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 site is located at the northwest corner of Deloache Avenue and Alva Court. The site has one front yard setback on Alva Court.
- The applicant submitted site plan and a site plan/elevation representing the proposed fences in the front yard setback with notations indicating that the proposal reaches a maximum height of 6' 6".
- The following additional information was gleaned from the submitted site plan:
 - The proposal is represented as being approximately 164' in length parallel to Alva Court and approximately 40' perpendicular to Alva Court on the north and south sides of the site in this front yard setback.
 - The proposal is represented as being located approximately at the front property line or approximately 12' – 14' from the pavement line.
- The Sustainable Development and Construction Department Senior Planner conducted a field visit of the site and surrounding area and noted several other fences that appeared to be above 4' in height along Alva Court and Deloache Ave located in front yard setback, some of which have recorded BDA history (see the Zoning/BDA History section of this case report for details, one that does not).
- The applicant has the burden of proof in establishing that the special exception to the fence standards regulations related to fence height of 6' 6" will not adversely affect neighboring property.
- As of August 10th, no letters have been submitted in support of or in opposition to this request.
- Granting this special exception with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 2' 6" in height to be located in the front yard setback to be constructed and maintained in the location and of the heights and materials as shown on these documents.

GENERAL FACTS/STAFF ANALYSIS (visual obstruction special exception driveways):

- These requests for special exceptions to the visual obstruction regulations focus on constructing/maintaining portions of a 6' high open combination steel rod/stone fence with 6' 6" high brick columns, and a steel rod swinging gate in the two 20' visibility triangles on both sides of the north driveway into the site on Alva Court.
- 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 is requesting for special exceptions to the visual obstruction regulations to the required two 20 foot visibility triangles on both sides of the north driveway into the site on Alva Court.
- The applicant submitted site plan and a site plan/elevation indicating portions of a 6' high open combination steel rod/stone fence with 6' 6" high brick columns, and steel rod swinging gate located in the two 20' visibility triangles on both sides of the north driveway into the site on Alva Court.
- The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".
- The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations, to locate and maintain portions of a 6' high open combination steel rod/stone fence with 6' 6" high brick columns, and steel rod swinging gate in the two 20' visibility triangles on both sides of the north driveway into the site on Alva Court 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 located in two 20' visibility triangles on both sides of the north driveway into the site on Alva Court to that what is shown on these documents – 6' high open combination steel rod/stone fence with 6' 6" high brick columns, and a steel rod swinging gate.

GENERAL FACTS/STAFF ANALYSIS (visual obstruction special exceptions 45' visibility triangle):

- This request for special exception to the visual obstruction regulations focuses on locating and maintaining a 6' high open combination steel rod/stone fence with 6' 6" high brick columns in the 45' visibility triangle at the northwest corner of Deloache Avenue and Alva Court on a site that is currently being developed with a single family home.
- Section 51A-4.602(d) of 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 subject site is zoned R-1 AC (A) which requires a 45 foot visibility triangle at the intersection of two streets.
- A site plan and an elevation have been submitted indicating a 6' high open combination steel rod/stone fence with 6' 6" high brick columns located in the 45' visibility triangle at the intersection of Deloache Avenue and Alva Court.
- The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".
- The applicant has the burden of proof in establishing how granting this request to locate and maintain a 6' high open combination steel rod/stone fence with 6' 6" high

brick columns in the 45' visibility triangle at the intersection of Deloache Avenue and Alva Court does not constitute a traffic hazard.

- Granting this request with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the item to be located and maintained in the 45' intersection visibility triangle to that what is shown on these documents – a 6' high open combination steel rod/stone fence with 6' 6" high brick columns.

Timeline:

April 17, 2018: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

May 15, 2018: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.

May 17, 2018: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the May 30th deadline to submit additional evidence for staff to factor into their analysis; and the June 8th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standards that the board will use in their decision to approve or deny the requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

June 4, 2018: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded a revised Building Official's report to the Board Administrator (see Attachment A).

June 4, 2018: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment B).

June 5, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included: the Sustainable Development and Construction Director the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Sustainable Development and Construction Department Authorized

Hearing/Code Amendment Senior Planner, and the Assistant City Attorney to the Board.

June 7, 2018 The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".

June 19, 2018: The Board of Adjustment Panel A conducted a public hearing on this application, and delayed action on this application until the next public hearing to be held on August 21, 2018.

June 19, 2018: The Board Administrator wrote the applicant a letter of the board's action; the August 1st deadline to submit additional evidence for staff to factor into their analysis; and the August 10th deadline to submit additional evidence to be incorporated into the Board's docket materials

July 13, 2018: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment C).

August 7, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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

BOARD OF ADJUSTMENT ACTION: JUNE 19, 2018

APPEARING IN FAVOR: Blake Byrd, 1528 Slocum St., Dallas, TX

APPEARING IN OPPOSITION: No One

MOTION: **Schulte**

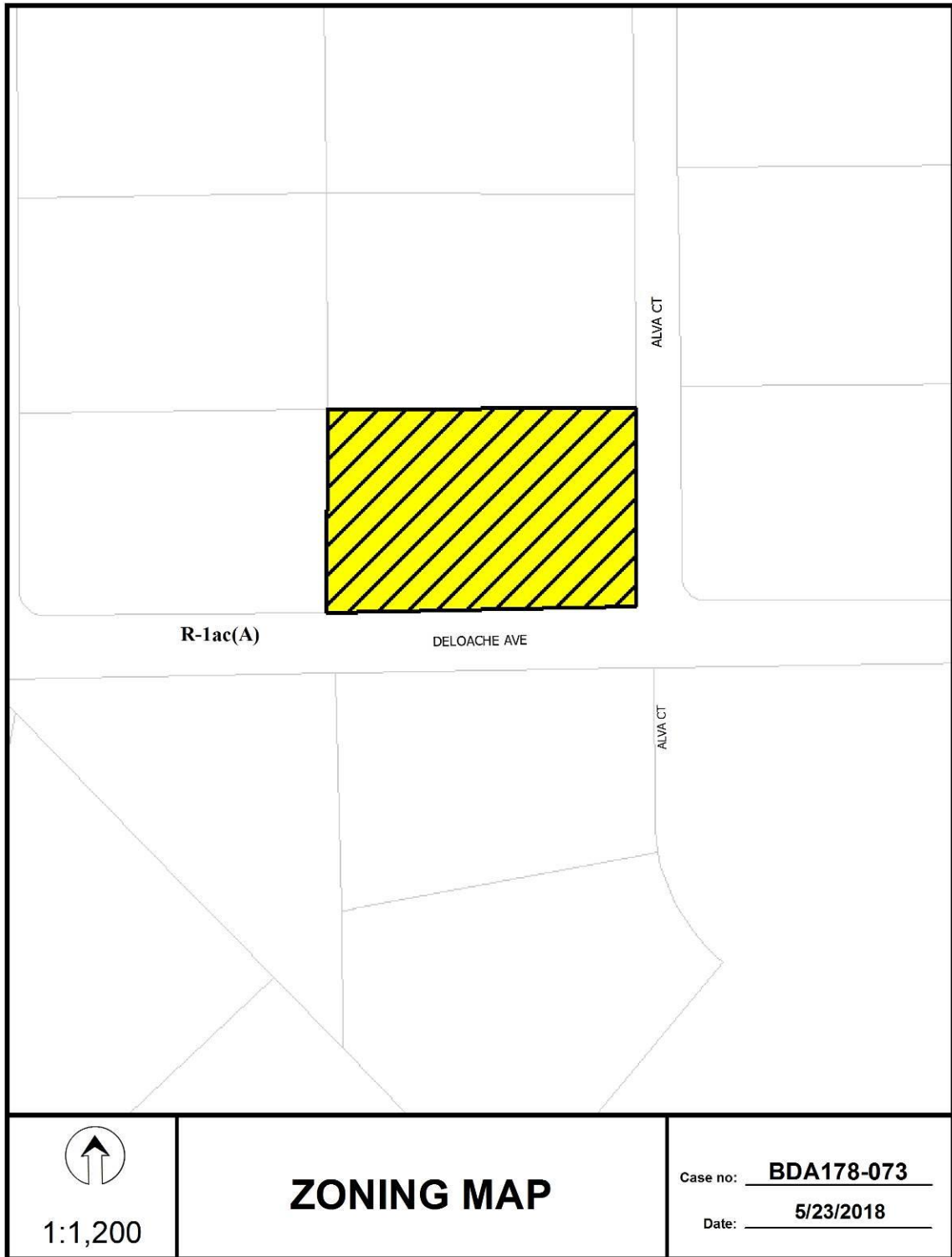
I move that the Board of Adjustment in Appeal No. BDA 178-073 hold this matter under advisement until August 21, 2018.

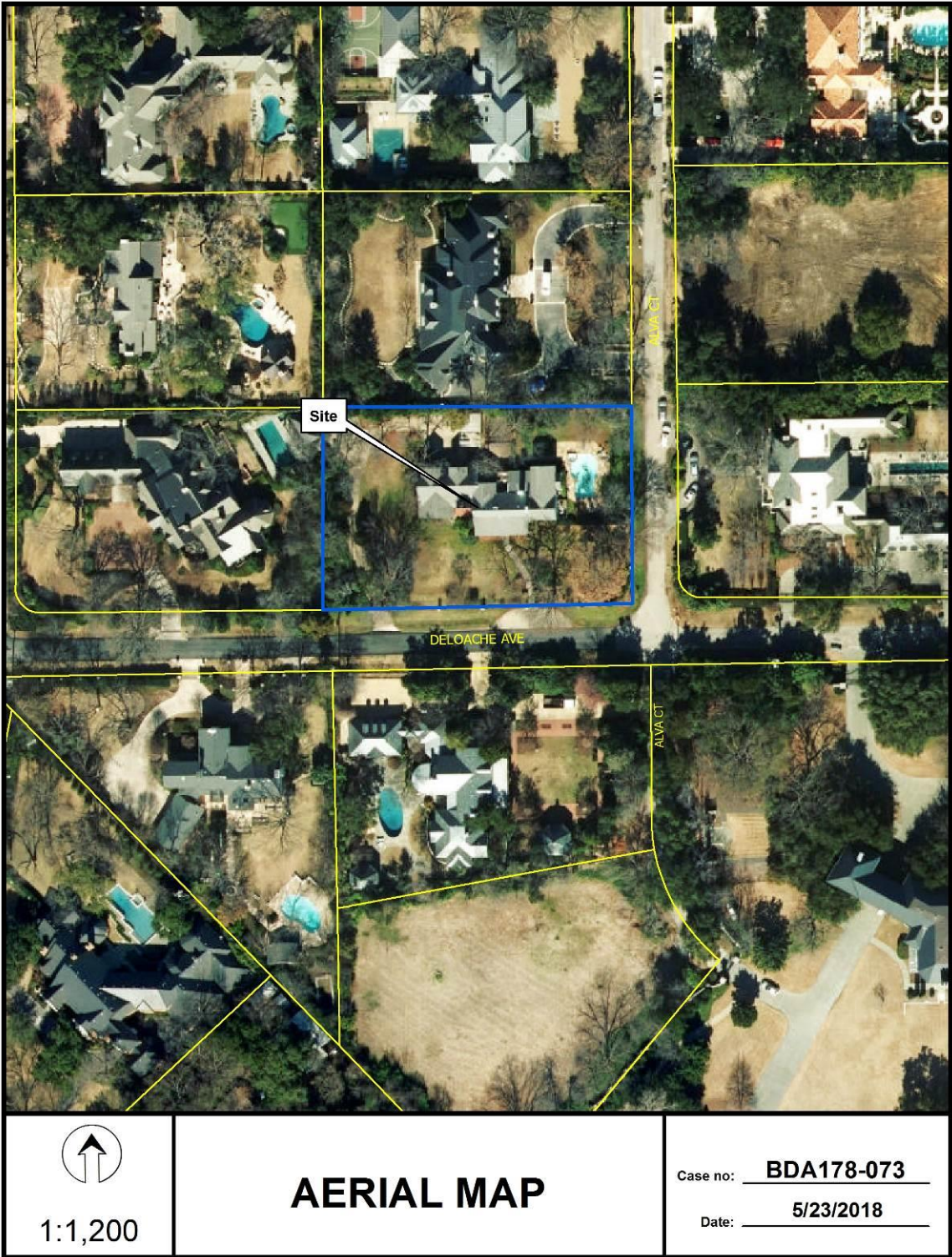
SECONDED: **Jones**

AYES: 5 – Schulte, Nelson, Sibley, Jones, Narey

NAYS: 0

MOTION PASSED: 5 – 0 (unanimously)





TATUM BROWN

CUSTOM HOMES

Board of Adjustment Notice

5333 Deloache Ave

5/15/18


Dear Board of Adjustment:

The homeowners at 5333 Deloache Ave, Mr. & Mrs. Kumar, are applying for three different items to be submitted to the board of adjustment with the City of Dallas that we are asking for your support on.

1. We are applying for a special exception to the fence regulation, to the 4 foot maximum fence height, that we may be granted a special exception to take the fence height to 6 foot 6 inch along Alva Ct frontage. This is typical in this neighborhood and are asking for your support on the fence height special exception.
2. We are applying for a special exception to the visual obstruction regulation at the intersection of Deloache Ave and Alva court. These fences will be wrought iron, and will be see through, so the visibility around the corner should not be an issue. This is in cosmetic accordance with the rest of the neighborhood and we are asking for your support on this.
3. We are applying for a variance to the front yard set back regulation to add a fountain to the front yard, within the 40 foot front yard setback. This is not an actual accessory structure, but just a fountain. The maximum city allowed height is six inches, we are planning to build a fountain that is 3 foot 9 inches tall to the top of the wall with a fire pot on each end that will be 5 foot 5 inches. It is not uncommon for fountains to be in the front yard in this neighborhood, and this is not going to be any taller than other fountains and we ask for your support on this front yard fountain.

Tatum Brown Custom Homes appreciates your support and cooperation. Our goal is to complete the variance items in a timely manner with minimal disruption to the neighborhood.

Sincerely,

 06/04/2018

Blake Byrd

Project Manager

Tatum Brown Custom Homes

BDA 178-073 ATTACH C
(A 1/2)

TATUM BROWN

CUSTOM HOMES

Board of Adjustment Notice

5333 Deloache Ave

7/13/18

Dear Board of Adjustment:

Per the last board meeting, it was your advisement to submit an updated elevation of the front fountain wall height for BDA 178-073. The homeowners at 5333 Deloache Ave, Mr. & Mrs. Kumar, have decided to remove the fire bowl on the top of the front fountain, which reduced the height of the fountain by 3'-3". This is reflected on the updated fountain elevation submitted with this memo. The fence height special exception request and the visibility triangle special exception request have not changed, due to the board advising that these will likely be passed as originally drawn.

Blake Byrd

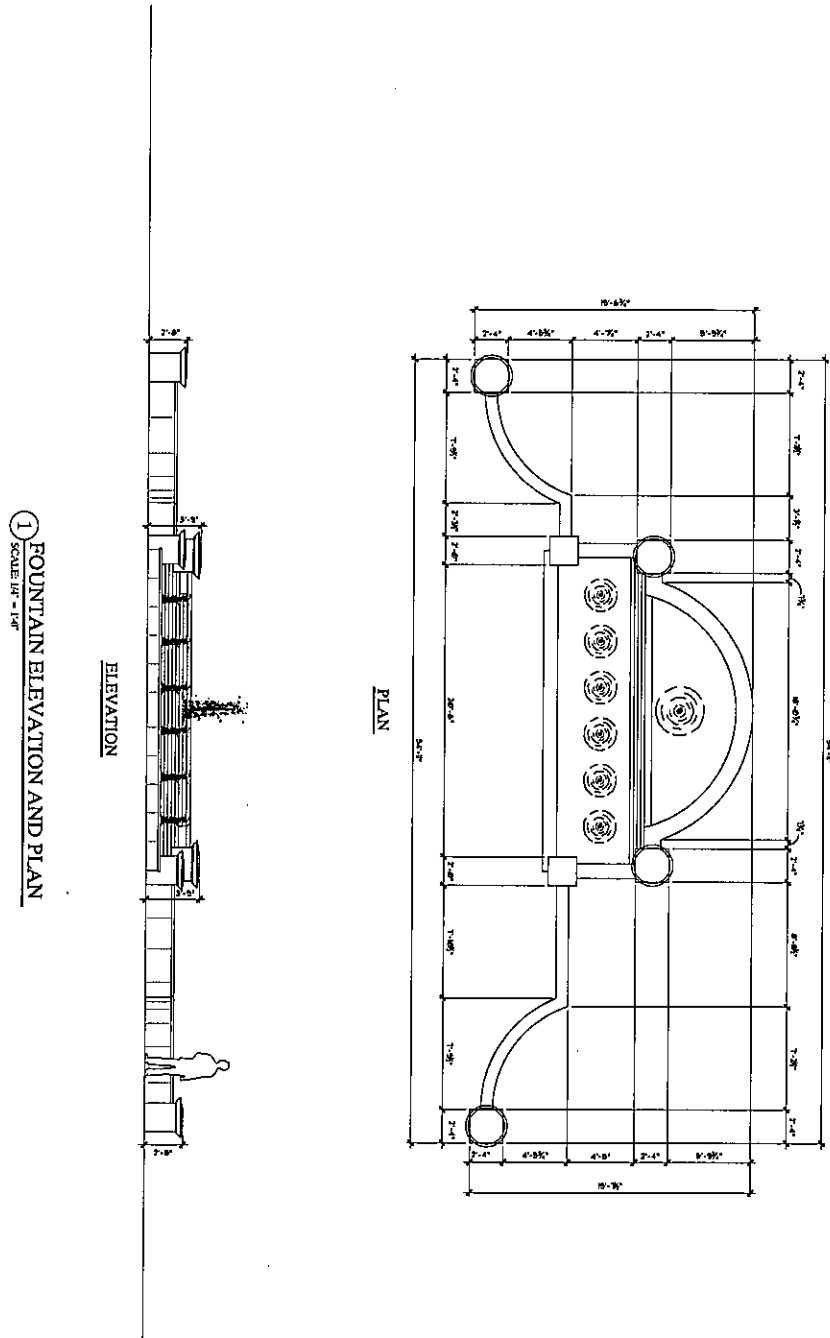


07/13/2018

Project Manager/Applicant

Tatum Brown Custom Homes

BDA178-073 ATTACH C
(PG 2/2)



A.6

BDA178-073

DATE: 07/13/2014

PROJECT: PANKAJ & MAHIMA KUMAR

LOCATION: DALLAS, TEXAS



RICHARD DRUMMOND DAVIS
ARCHITECT

2124 Farington Street, Suite 400 Dallas, Texas 75207 214-621-8765

A NEW RESIDENCE FOR
PANKAJ & MAHIMA KUMAR
DALLAS, TEXAS

Panel A

07/13/2014



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-073

Data Relative to Subject Property:

Date: 4/17/18

Location address: 5333 Deloache Ave. Zoning District: R-1AC(A)

Lot No.: 16 Block No.: 5/5595 Acreage: .9470 Census Tract: 0206.00

Street Frontage (in Feet): 1) 160.64 2) 248.14 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Pankaj & Mahima Kumar

Applicant: Tatum Brown Custom Homes/BLAKE BYRD Telephone: 214.361.4877

Mailing Address: 1528 Slocum St. Dallas, TX Zip Code: 75207

E-mail Address: bbyrd@tatumbrown.com

Represented by: Blake Byrd Telephone: 214.232.4424

Mailing Address: 1528 Slocum St. Dallas, TX Zip Code: 75207

E-mail Address: bbyrd@tatumbrown.com

Affirm that an appeal has been made for a Variance X, or Special Exception __, of _____

Proposing a fountain taller than 6" in the front yard, Eastern most distance to the front of the fountain is 33'-0 1/2" from the front yard set back _____ Proposing a fence taller than 4' in the front yard along Alva will need a variance of 2'-6" above the 4' height restriction. _____

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 taller fountain or fence will not have an effect on any property because it is consistent with other properties in the neighborhood.

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

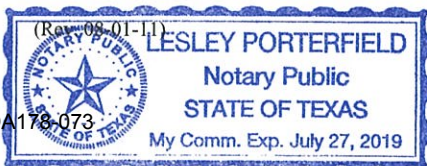
Before me the undersigned on this day personally appeared Blake Byrd (Affiant/Applicant's name printed)

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 17th day of April, 2018

[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 **BLAKE BYRD**

did submit a request for a special exception to the fence height regulations, and for a variance to the front yard setback regulations, and for a special exception to the visibility obstruction regulations, and for a special exception to the visibility obstruction regulations

at 5333 Deloache Avenue

BDA178-073. Application of BLAKE BYRD for a special exception to the fence height regulations, and for a variance to the front yard setback regulations, and for a special exception to the visibility obstruction regulations, and for a special exception to the visibility obstruction regulations at 9407 DELOACH AVE. This property is more fully described as Lot 16, Block 5/5595, 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 and requires a 45 foot visibility triangle at street intersections and requires a front yard setback of 40 feet. The applicant proposes to construct a 6 foot 6 inch high fence in a required front yard which will require a 2 foot 6 inch special exception to the fence regulations, and to construct a single family accessory structure and provide a 7 foot front yard setback, which will require a 33 foot variance to the front yard setback regulations, and 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, and 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,


Philip Sikes, Building Official



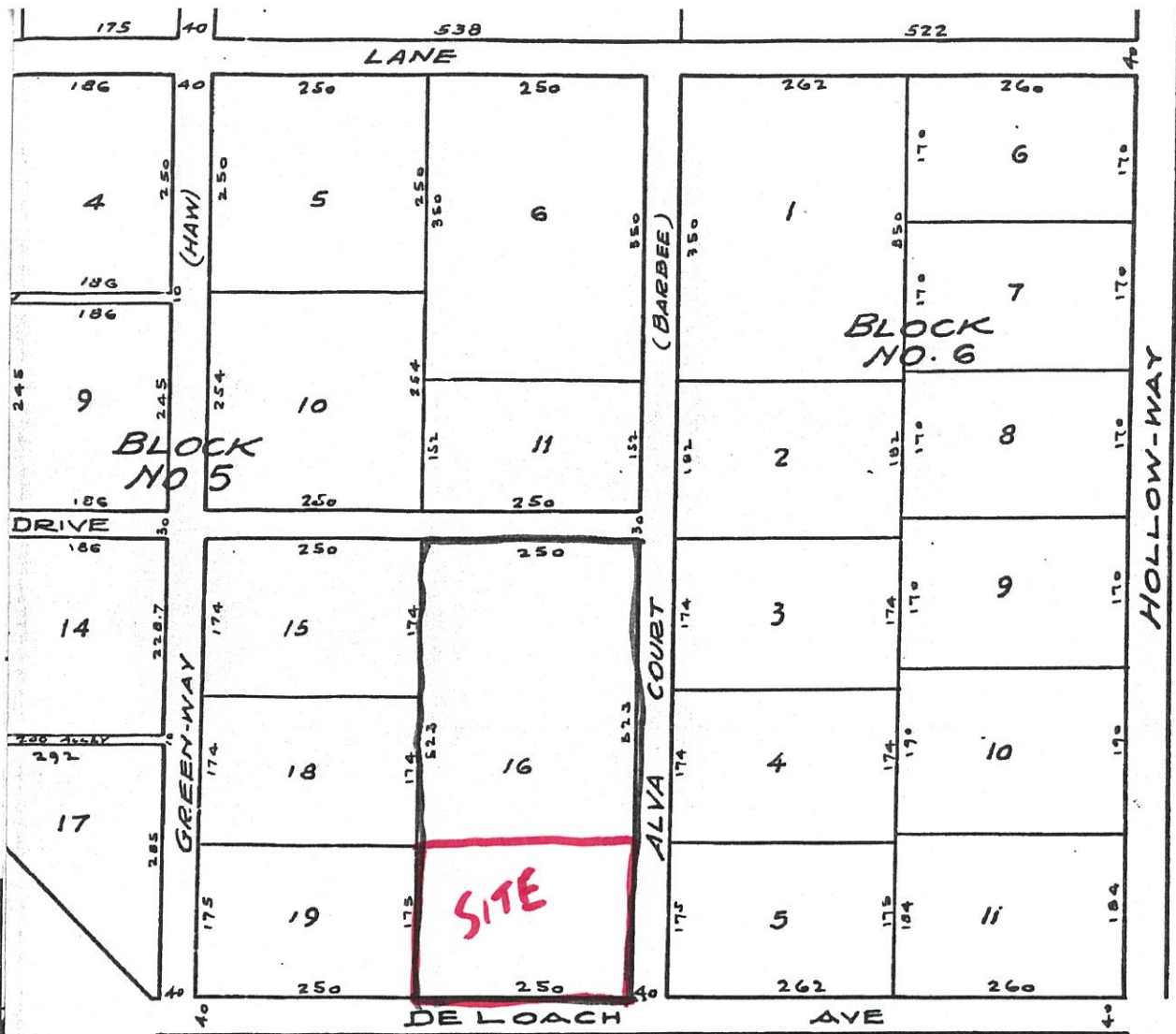
Printed: 4/17/2018

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 | 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)





Jno. R West, Jr.

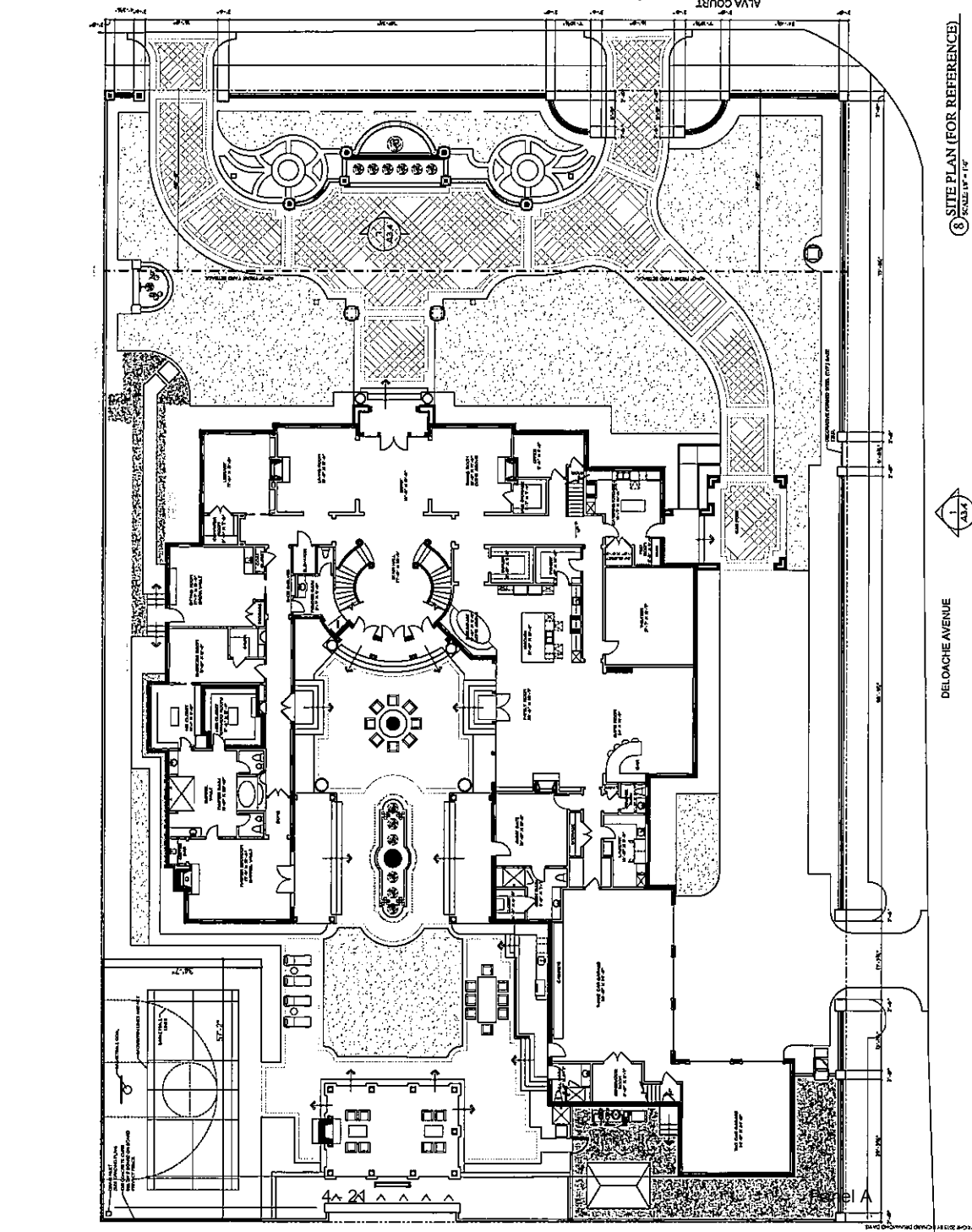
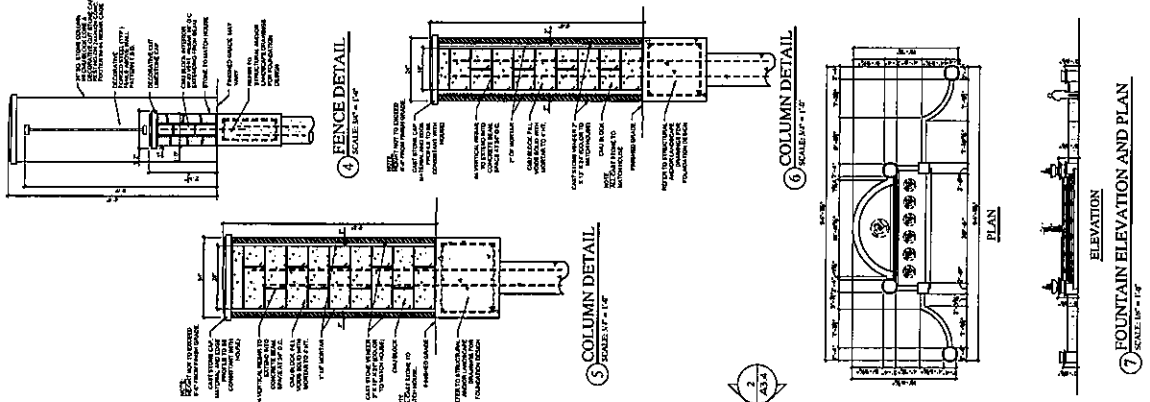
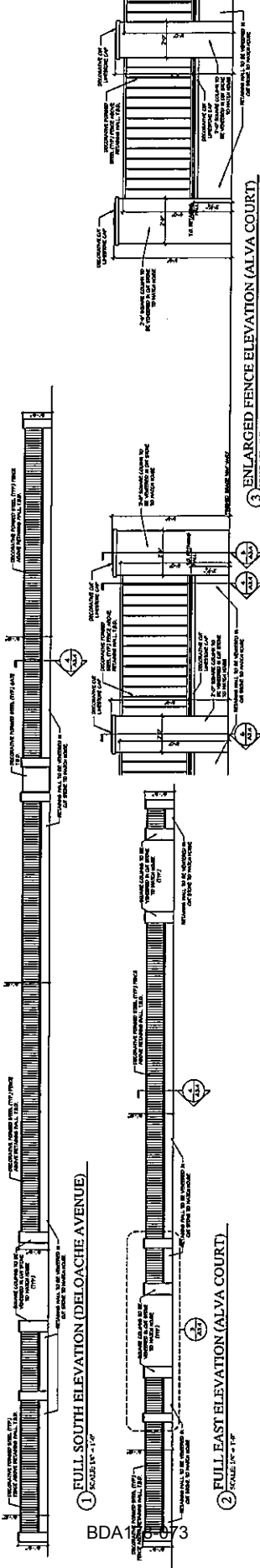
S
 Joyce and wife Nancy E Joyce, known to me
 acknowledged to me that they executed
 Nancy E Joyce, wife of said A G Joyce having
 fully explained to her, she, the said Nancy E Joyce
 and willingly signed the same for the purposes and

day of July 1926

W
 County, Texas.

Henry May

DEPUTY



Revisions

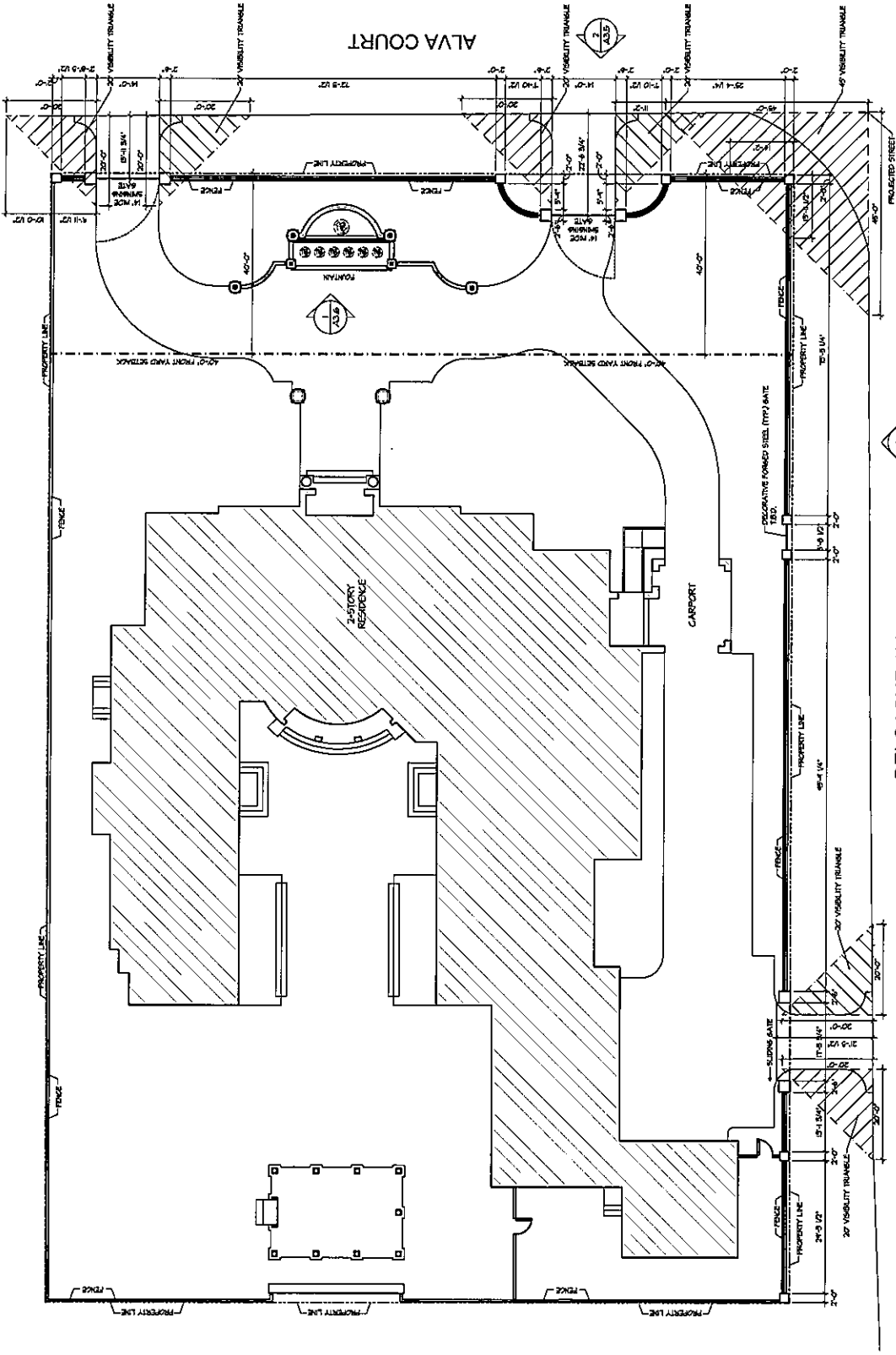
A NEW RESIDENCE FOR
PANKAJ & MAHIMA KUMAR
DALLAS, TEXAS

RICHARD DRUMMOND DAVIS
ARCHITECT
2121 FARMINGTON DRIVE, SUITE 100 DALLAS, TEXAS 75247 214-431-4140



Date: 04/13/2014
Job Address: 10711 DELOACHE AVENUE, DALLAS, TEXAS
County: DALLAS
Checked by: JLL
Sheet Number: A3.4

A3.4



1 SITE PLAN (FOR REFERENCE)
SCALE: 3/32" = 1'-0"



DELOACHE AVENUE

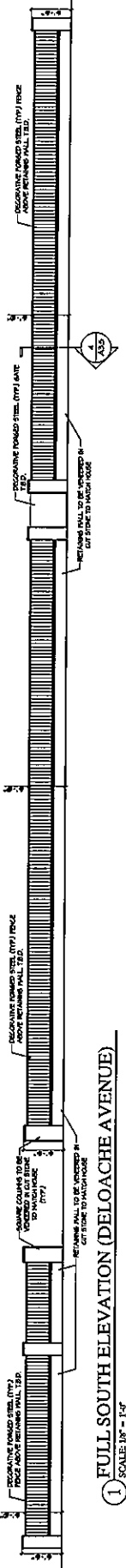
Revised:

A NEW RESIDENCE FOR
 TANAKA & MAHIMA KUMAR
 DALLAS, TEXAS

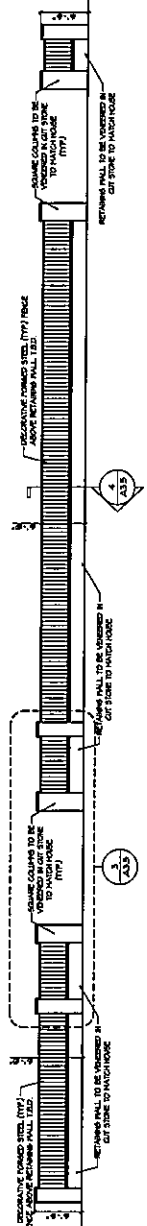
RICHARD DRUMMOND DAVIS
 ARCHITECT
 2124 Fairington Street, Suite 100, Dallas, Texas 75207 214-421-1193



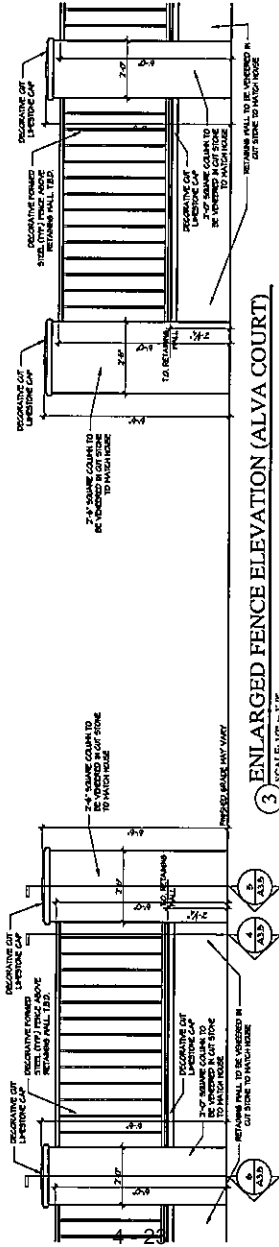
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 Job Address: 10000 BUCKLEBUSH AVE
 Drawn by: NCG
 Checked by: JLL
 Sheet Number: A3.5



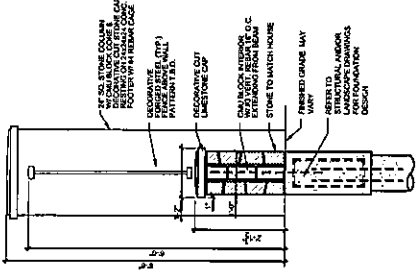
1 FULL SOUTH ELEVATION (DELOACHE AVENUE)
 SCALE: 1/8" = 1'-0"



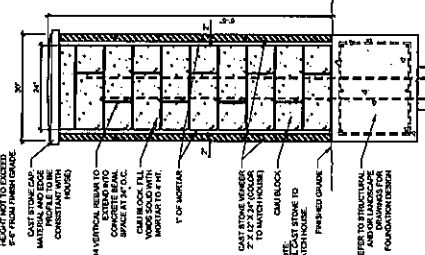
2 FULL EAST ELEVATION (ALVA COURT)
 SCALE: 1/8" = 1'-0"



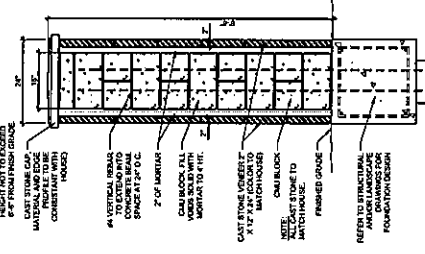
3 ENLARGED FENCE ELEVATION (ALVA COURT)
 SCALE: 1/2" = 1'-0"



4 FENCE DETAIL
 SCALE: 3/4" = 1'-0"



5 COLUMN DETAIL
 SCALE: 3/4" = 1'-0"



6 COLUMN DETAIL
 SCALE: 3/4" = 1'-0"

Revisions

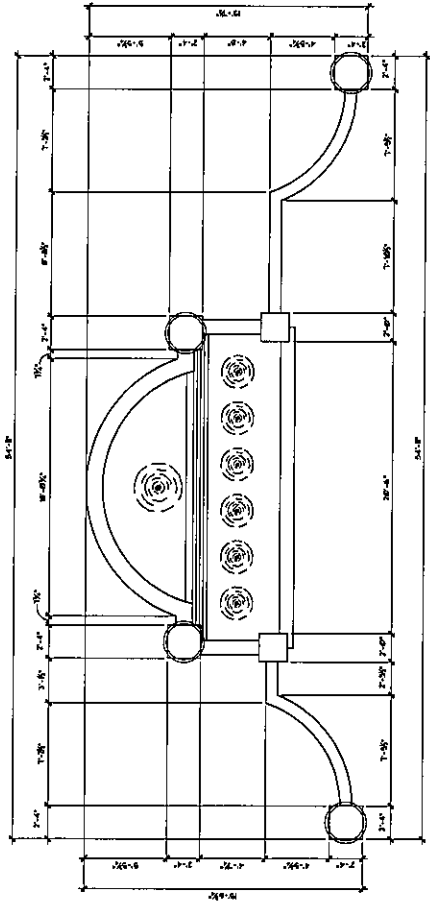
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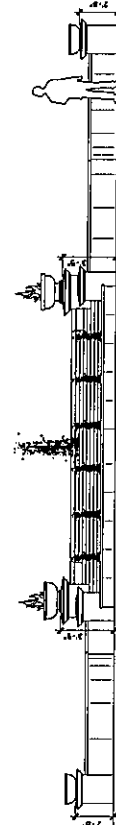


Date: 04/12/2015
Prepared by: RICHARD DRUMMOND DAVIS
Drawn by: -
Checked by: -
Sheet Number: -

A3.6



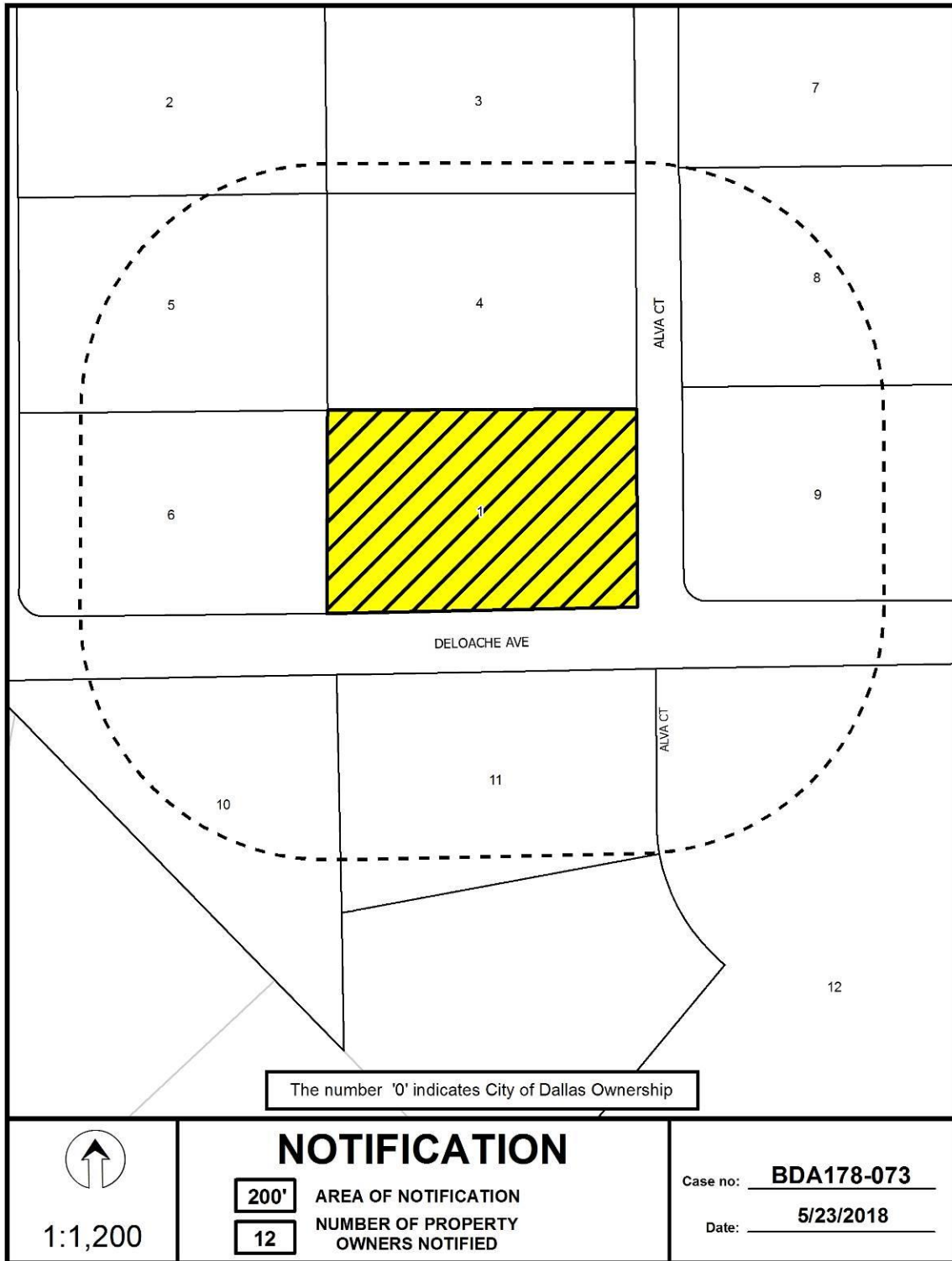
PLAN



ELEVATION

① FOUNTAIN ELEVATION AND PLAN

SCALE: 1/4" = 1'-0"



Notification List of Property Owners

BDA178-073

12 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5333 DELOACHE AVE	KUMAR PANKAJ &
2	9436 MEADOWBROOK DR	JUNKINS MARILYN J &
3	5332 RAVINE DR	SAVOLDELLI FAMILY TRUST THE
4	9423 ALVA CT	LEDBETTER TERRY LEE &
5	9424 MEADOWBROOK DR	ROUSSOS CHRISTOPHER W &
6	9400 MEADOWBROOK DR	ACKERMAN EDWARD M EST OF
7	9434 ALVA CT	PICKENS TONI BRINKER
8	9422 ALVA CT	AARON TODD S & DAWN S
9	9410 ALVA CT	BIRENBAUM DENNIS H
10	5300 DELOACHE AVE	GOVER HERBERT C &
11	9398 ALVA CT	LANGDALE MARK
12	5424 DELOACHE AVE	CUBAN MARK