

NOTICE FOR POSTING
MEETING OF
BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, JANUARY 20, 2016

Briefing:	11:30 A.M.	L1FN CONFERENCE CENTER AUDITORIUM
Training:	11:30 A.M.	L1FN CONFERENCE CENTER AUDITORIUM
Public Hearing:	1:00 P.M.	L1FN CONFERENCE CENTER AUDITORIUM

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

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

***All meeting rooms and chambers are located in Dallas City Hall, 1500 Marilla, Dallas, Texas 75201**

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

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

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

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

01-20-2016

ZONING BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, JANUARY 20, 2016
AGENDA

BRIEFING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	11:30 A.M.
TRAINIING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	11:30 A.M.
PUBLIC HEARING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.

Donna Moorman, Chief Planner
Steve Long, Board Administrator

MISCELLANEOUS ITEM

Approval of the November 18, 2015 Board of Adjustment Panel B Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA145-156 (SL)	10245 Strait Lane REQUEST: Application of Robert Baldwin for a special exception to the fence height regulations	1
BDA156-004(SL)	2201 Hawthorne Avenue, et al REQUEST: Application of Robert Baldwin for a special exception to the tree preservation regulations	2
BDA156-005(SL)	10650 Strait Lane REQUEST: Application of Nancy Rodriguez for a special exception to the fence height regulations	3

EXECUTIVE SESSION NOTICE

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

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

FILE NUMBER: BDA145-156(SL)

BUILDING OFFICIAL'S REPORT: Application of Robert Baldwin for a special exception to the fence height regulations at 10245 Strait Lane. This property is more fully described as Lot 4B, Block E/5532, and is zoned R-1ac(A), which limits the height of a fence in the rear yard to 9 feet. The applicant proposes to construct and maintain an 11 foot 8 inch high fence in a required rear yard, which will require a 2 foot 8 inch special exception to the fence height regulations.

LOCATION: 10245 Strait Lane

APPLICANT: Robert Baldwin

REQUEST:

- A request for a special exception to the fence height regulations of 2' 8" is made to construct and maintain an 11' 6' high masonry accent fence/wall that includes five approximately 8' 6" high wrought iron accent panels within it in the site's 10' rear yard setback on a site developed with a single family home.

STAFF RECOMMENDATION:

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

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

1. BDA 112-032, Property at 10245 Strait Lane (the subject site)

On April 18, 2012, the Board of Adjustment Panel B granted a request for a special exception to the fence height regulations of 3' 4" and imposed the submitted revised site plan/elevation as a condition to the request. The case report stated that the request was made to construct and maintain the following in the site's 40' front yard setback on a site being developed with a single family home: *parallel* to Strait Lane: a 7' 3" high open iron picket fence/wall (with 3' high stone base) with 7' 9" high brick columns, and two, 8' 8" high open iron picket gates with 8' high brick columns; and *perpendicular* to Strait Lane on the north and south "sides" of the site in the front yard setback: a 7' 3" high open iron picket fence with 7' 9" high brick columns.
2. BDA 967-213, Property at 10250 Strait Lane (the lot immediately south of the subject site)

On April 21, 1997, the Board of Adjustment Panel C granted a request for a special exception to the fence height regulations (subject to compliance with the submitted site plan, elevation plans, and landscape plan except for the portion of the proposed fence and columns to be located in the North Lindhurst drive visibility triangle), granted requests for special exceptions to visual obstruction regulations to maintain fence/columns/gates at the Strait Lane/N. Lindhurst intersection visibility triangle and at the Strait Lane drive approach (subject to compliance with the submitted site plan, elevation plans, and landscape plan except for the portion of the proposed fence and columns to be located in the North Lindhurst drive visibility triangle), and denied a request for a special exception to the visual obstruction regulations without prejudice at the North Lindhurst Drive approach visibility triangle.

The case report stated that the requests were made to construct and maintain an a fence at a maximum height of 6' for an open metal fence; 6' 4" for stucco columns; 7' 4" for open metal gates in the front yards and in intersection and drive approach visibility triangles on the property.

GENERAL FACTS/STAFF ANALYSIS:

- The request focuses on constructing and maintaining an 11' 6' high masonry accent fence/wall that includes five approximately 8' 6" high wrought iron accent panels within it in the site's 10' rear yard setback on a site developed with a single family home.
- The Dallas Development Code states that a person shall not erect or maintain a fence in a required yard more than 9' above grade, and that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The subject site is located in an R-1ac(A) zoning district that requires a 10' rear yard setback.
- The submitted a site plan/elevation of the fence proposal indicates it is located in the site's 10' rear yard setback and that it reaches a maximum height of 11' 6".
- The submitted site plan represents that the proposal is approximately 49' in length parallel to and located on the rear property line.
- The property immediately west of where the fence is proposed on the subject site has no fence in its rear yard setback.
- According to the applicant, the portion of the proposed fence will only be along the rear of the property also owned by the owners of the subject site.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other visible fences above 9' high which appeared to be located in a rear yard setback.
- As of January 8, 2016, no letters had been submitted in support or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 2' 8" will not adversely affect neighboring property.
- Granting this special exception of 2' 8" with a condition imposed that the applicant complies with the submitted site plan/elevation would require the proposal exceeding 9' in height in the rear yard setback to be constructed and maintained in the location and of the heights and materials this document.

Timeline:

October 19, 2015: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

November 10, 2015: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, "If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case."

December 7, 2015: The Board Administrator contacted the applicant and emailed 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 December 30th deadline to submit additional evidence for staff to factor into their analysis; and the January 8th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

January 5, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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

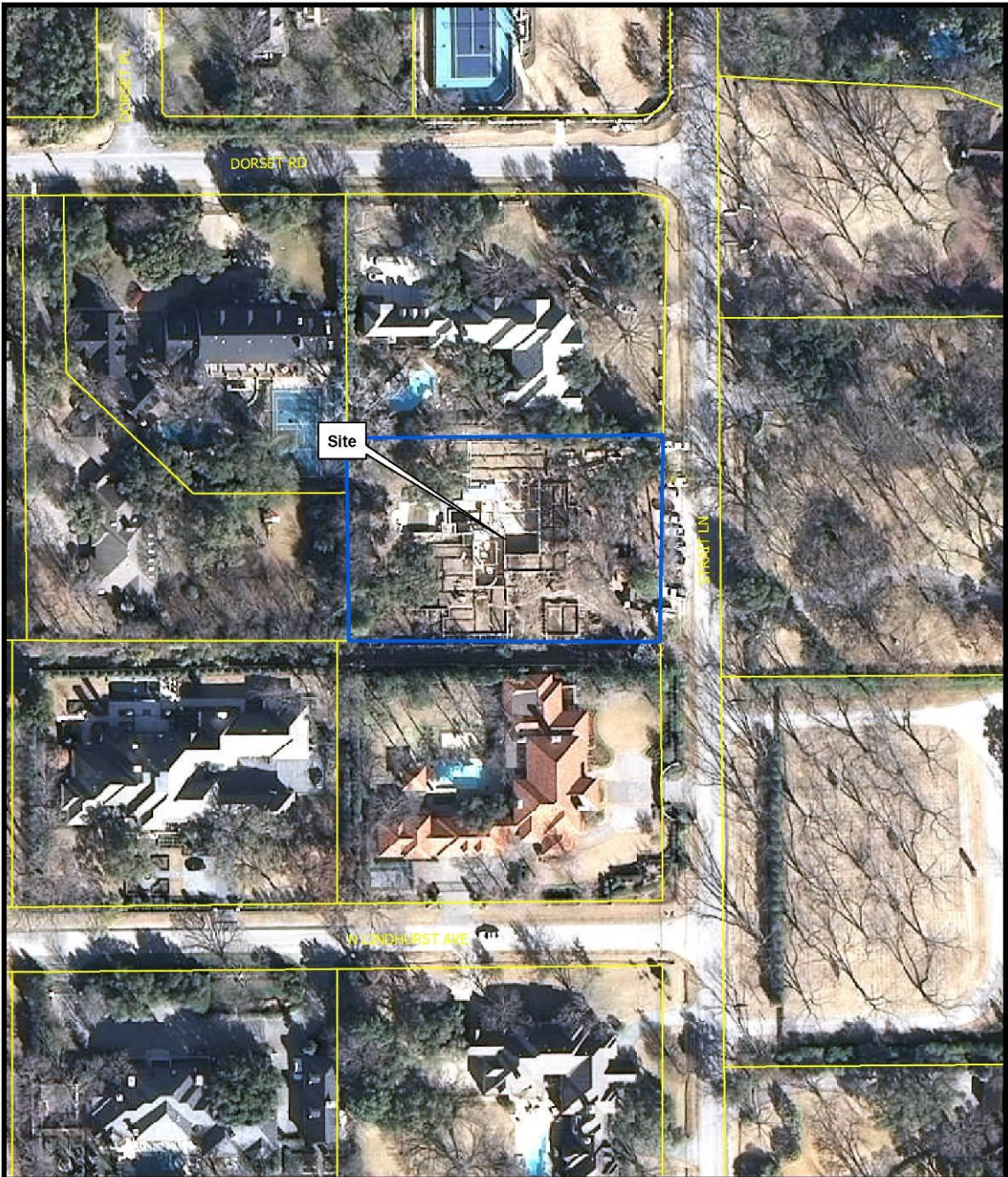


1:1,200

ZONING MAP

Case no: BDA145-156

Date: 11/17/2015



1:1,200

AERIAL MAP

Case no: BDA145-156

Date: 11/17/2015



City of Dallas

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APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-156

Date: 10/19/2015

Data Relative to Subject Property:

Location address: 10245 Strait Lane Zoning District: R-1(A)

Lot No.: 4B Block No.: E/5532 Acreage: 0.9700 acres Census Tract: 76.01

Frontage (in Feet): 1) 160 ft 2) _____ 3) _____ 4) _____ 5) _____

NE
ZA

To the Honorable Board of Adjustment :

Owner of Property/or Principal: John Scott Kirby and Kathleen Marie Kirby

Applicant: Robert Baldwin Telephone: 214.824.7949

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

Represented By: Robert Baldwin Telephone: 214.824.7949

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

Affirm that a request has been made for a Variance , or Special Exception X, of a special exception of two (2) feet eight (8) inches and for a fence located in a required rear yard.

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason: The applicant is seeking permission to construct a forty nine foot section of privacy fence in the in the rear yard of this lot which will exceed nine (9) feet in height. The fence that we are requesting will not exceed 11'8" in height and will be made of brick and masonry and be set eight inches from the rear property line. It will not adversely impact neighboring properties because the portion of the proposed fence will only be along the rear of the property that is also owned by Mr. and Mrs. Kirby.

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

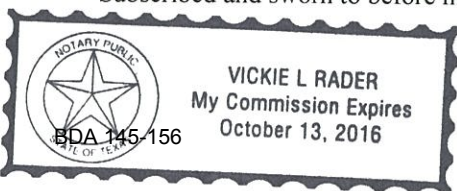
Respectfully submitted: Robert Baldwin Applicant's name printed [Signature] Applicant's signature

Affidavit

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

Affiant (Applicant's signature)

Subscribed and sworn to before me this 19th day of October 2015



Vickie L. Rader
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

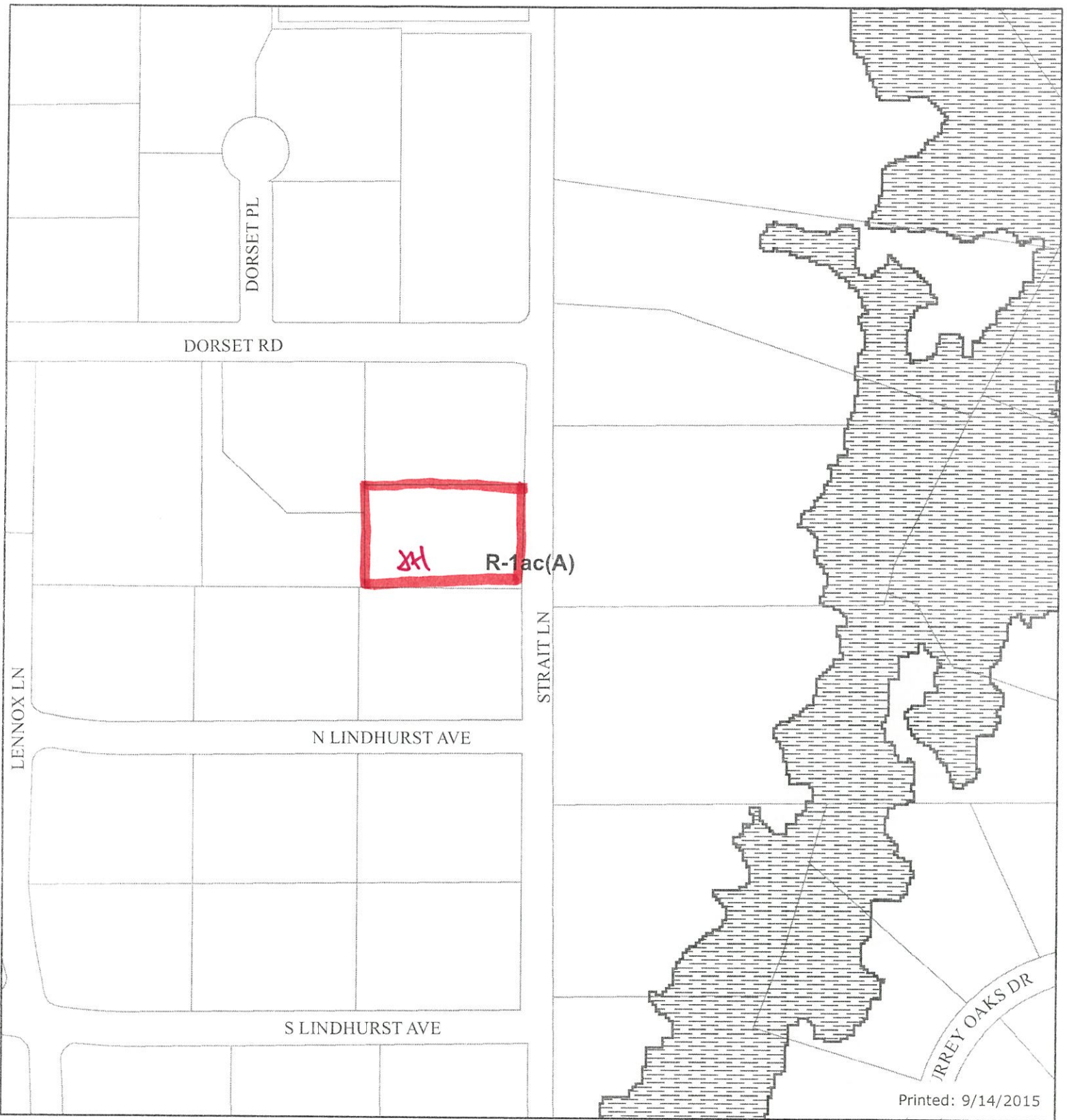
I hereby certify that Robert Baldwin

did submit a request for a special exception to the fence height regulations
at 10245 Strait Lane

BDA145-156. Application of Robert Baldwin for a special exception to the fence height regulations at 10245 Strait Lane. This property is more fully described as Lot 4B, Block E/5532, and is zoned R-1ac(A), which limits the height of a fence in the rear yard to 9 feet. The applicant proposes to construct an 11 foot 8 inch high fence in a required rear yard, which will require a 2 foot 8 inch special exception to the fence regulation.

Sincerely,


Larry Holmes, Building Official



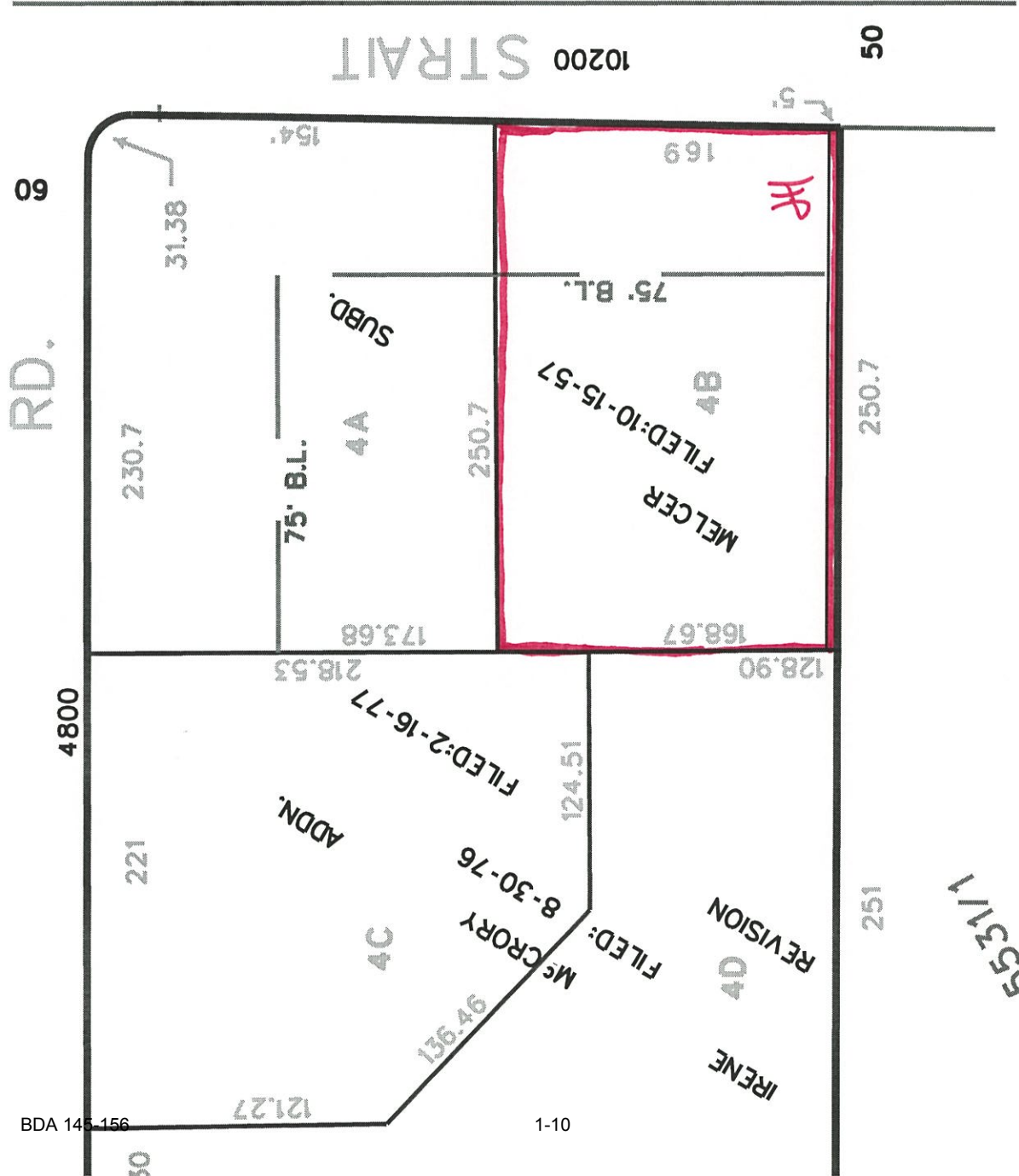
Printed: 9/14/2015

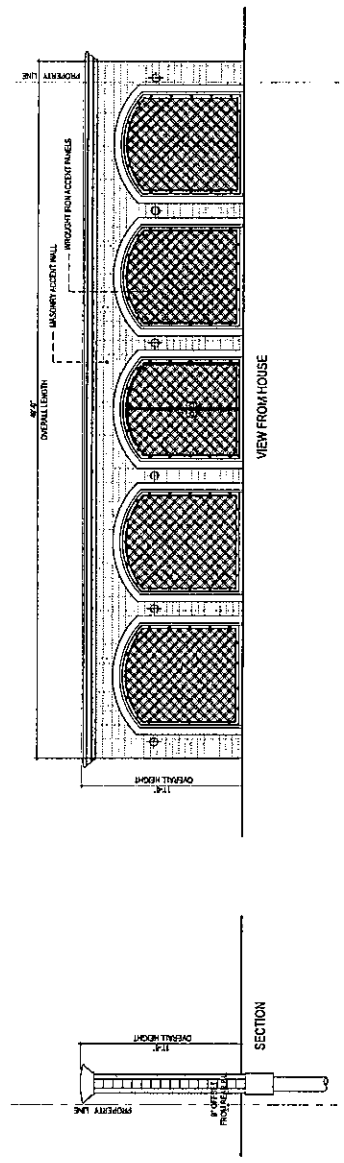
Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| 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 | BDA 145-156 SUP | Historic Overlay | 1-9 Shop Front Overlay |
| | | Height Map Overlay | |

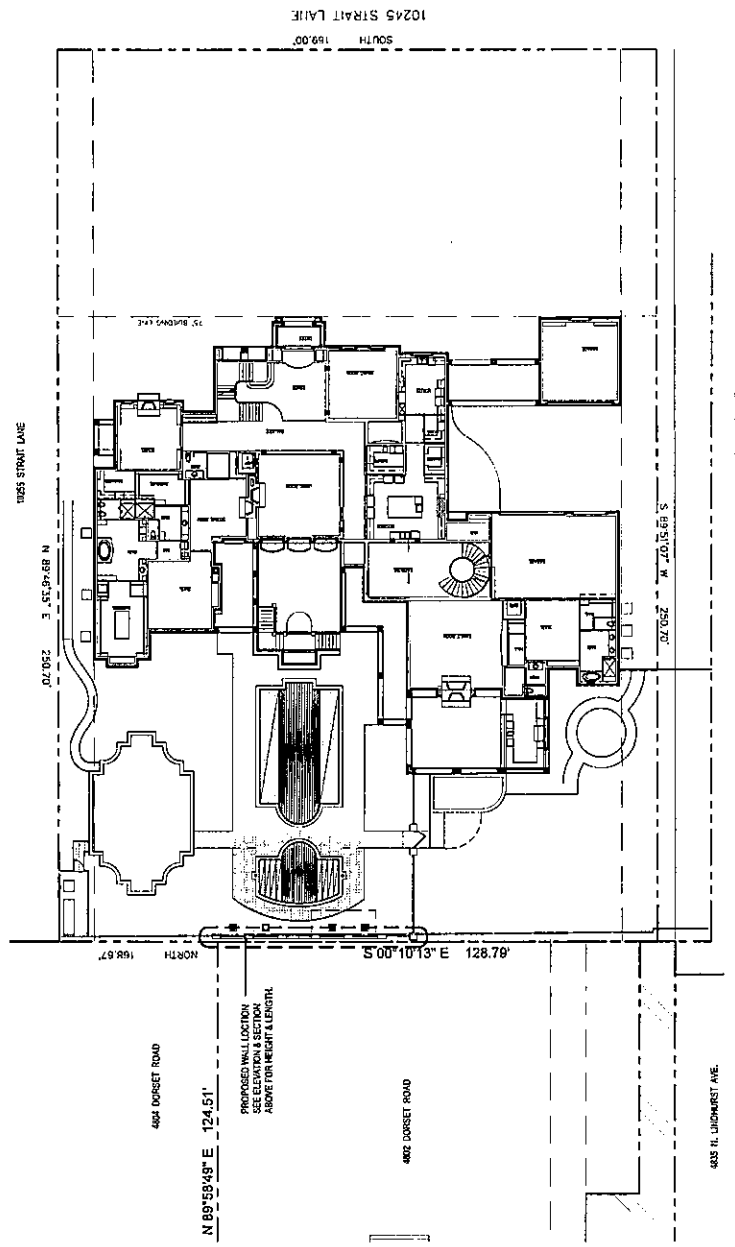
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, 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)



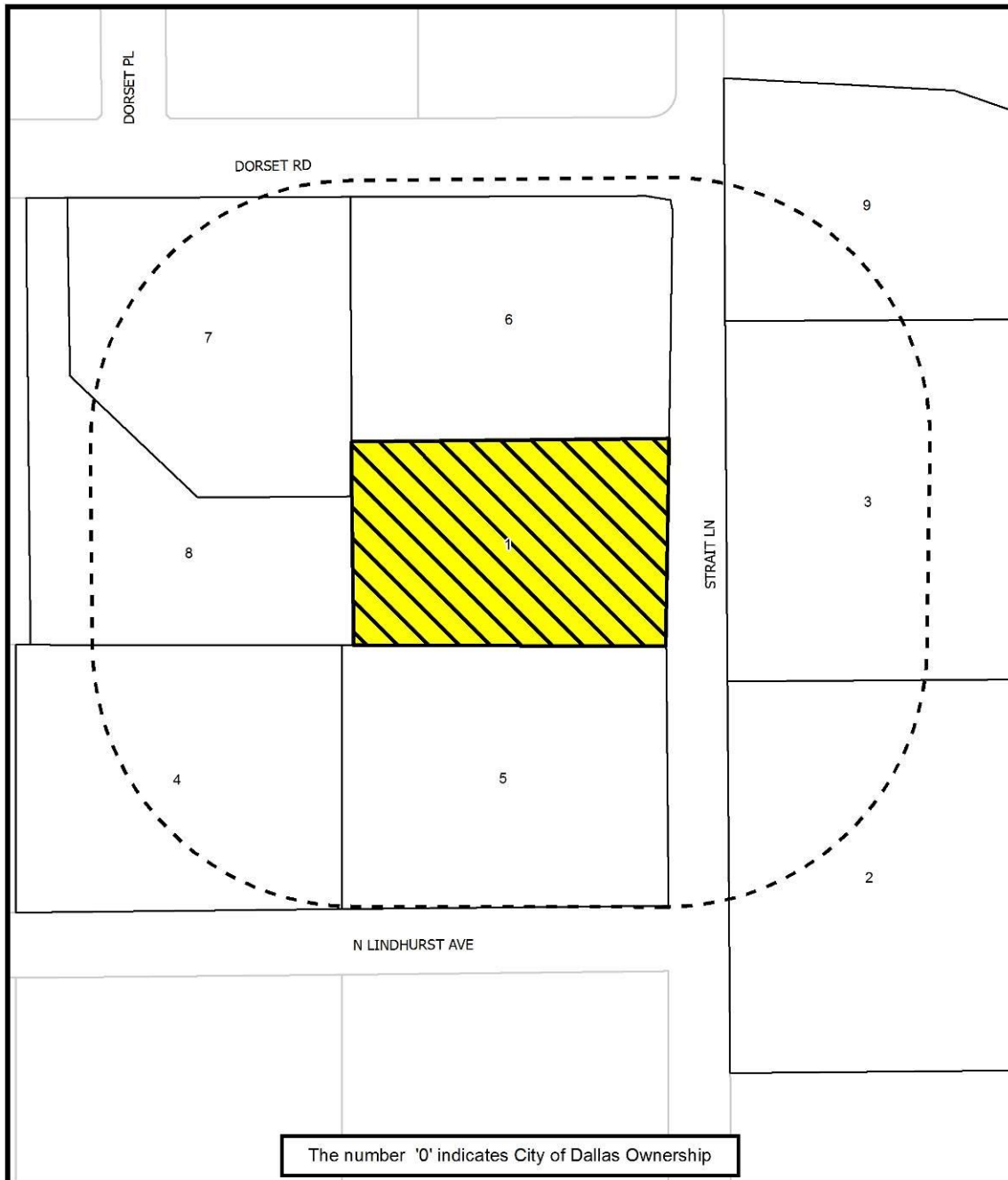




WALL SECTION & ELEVATION
SCALE: 1/4" = 1'-0"



PROJECT SITE PLAN
SCALE: 1/8" = 1'-0"



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

9

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA145-156**

Date: **11/17/2015**

11/17/2015

Notification List of Property Owners

BDA145-156

9 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	10245 STRAIT LN	KIRBY JOHN SCOTT & KATHLEEN MARIE MCCLEARY
2	10210 STRAIT LN	STRAIT MANAGEMENT TRUST
3	10240 STRAIT LN	PARKHURST ARLIS B TRUST
4	4835 N LINDHURST AVE	SAXTON VICKY & KELLY
5	10235 STRAIT LN	ALTABEF PETER A & JENNIFER B
6	10255 STRAIT LN	SHAMOUN C GREGORY
7	4804 DORSET RD	WATTERS JOHN P &
8	4802 DORSET RD	BMAS TRUST THE
9	10260 STRAIT LN	PARKHURST ARLIS B TRUST

FILE NUMBER: BDA156-004(SL)

BUILDING OFFICIAL'S REPORT: Application of Robert Baldwin for a special exception to the tree preservation regulations at 2201 Hawthorne Avenue, et al. This property is more fully described as Lots 1 through 71, Block A/2301, and is zoned PD 193, PDS 104, which requires mandatory tree mitigation. The applicant proposes to construct and maintain structures and provide an alternate tree mitigation plan, which will require a special exception to the tree preservation regulations.

LOCATION: 2201 Hawthorne Avenue, et al

APPLICANT: Robert Baldwin

REQUEST:

A special exception to the tree preservation regulations is requested in conjunction with, according to the application, allowing "additional time to complete tree mitigation" on a property that is undeveloped.

STANDARD FOR A SPECIAL EXCEPTION TO THE TREE PRESERVATION REGULATIONS:

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

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

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

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

STAFF RECOMMENDATION:

Approval, subject to the following conditions:

1. If the initial mitigation of 340 inches of the 1,712 inches required to be mitigated is to be completed through the Reforestation Fund, an established schedule of payment must be submitted to the Chief Arborist with the first payment of up to six installments, unless full payment is made for the 340 inches at that time. The initial installment must be made within 30 days of Board of Adjustment approval. Failure to comply with the schedule will forfeit the special exception unless full payment is completed early.
2. The minimum size of individual “small interior” or ornamental replacement trees may be reduced to 2” caliper where it is warranted for plant availability or site conditions, but the minimum amount of replacement trees planted on site must be 1,098 inches or greater.
3. All tree mitigation must be completed prior to a final certificate of completion or certificate of occupancy for all building sites in the development, or within three years of Board of Adjustment approval, whichever is sooner.

Rationale:

- The City’s Chief Arborist recommends approval of the request with the conditions above because strict compliance for timing with this code with unreasonably burden the use of the property at the special exception will not affect neighboring property. The Chief Arborist additionally concludes that:
 - 1) the purpose and function of Article X is to preserve large trees, or replace trees for the benefit of the local community back onto the tree removal property when it is practical and prudent to do so;
 - 2) the site is now finally prepared for development to be ready to receive its trees; and
 - 3) in the scope of sustaining the local urban forest, the completion of this mitigation by providing the replacement of trees back into the tree removal property is of greater importance in the long term than the prolonged time it has taken to be able to reasonably apply mitigation to the property.

BACKGROUND INFORMATION:

Zoning:

Site: PD No. 193 (PDS 104) (Planned Development District, Multifamily)
North: PD No. 193 (MF-2 Subdistrict) (Planned Development District, Multifamily)
South: IR (Industrial Research)
East: PD No. 193 (PDS 28) (Planned Development District)
West: IR (Industrial Research)

Land Use:

The subject site is undeveloped. The area to the north is developed with single family residential uses; the area to the east is developed as what appears to be an institutional/private school use; and the areas to the south and west are developed with office/industrial uses.

Zoning/BDA History:

1. BDA 145-110, Property at 2223 Hawthorne Avenue (the subject site)
On November 4, 2015, the applicant withdrew a request for a special exception to the tree preservation regulations that had been assigned to Board of Adjustment Panel B, and tentatively scheduled for their November 18, 2015 public hearing.

2. BDA 112-031, Property at 2223 Hawthorne Avenue (the subject site)
On March 21, 2012, the Board of Adjustment Panel B granted a request for a special exception to the tree preservation regulations, and imposed the following condition: Compliance with Article X tree preservation regulations is required, except that all tree mitigation must be completed before the final inspection on the first building or by March 21, 2015, whichever comes first.
The case report stated that the application was made in conjunction with allowing “additional time to complete tree mitigation” on a property that is undeveloped.

3. BDA 078-076, Property at 2223 Hawthorne Avenue (the subject site)
On June 25, 2008, the Board of Adjustment Panel B denied a request for a special exception to the tree preservation regulations without prejudice. The case report stated that the application was made in conjunction with mitigating removed protected trees on a site that is planned to be developed with a single family development.

GENERAL FACTS/STAFF ANALYSIS:

- An application has been made “to allow additional time to complete tree mitigation” on a property that is undeveloped.
- The request focuses on obtaining additional time to mitigate protected trees removed on this site beyond the 6 - 18 months the applicant had to do so from when a tree removal permit was issued on this site in November of 2006.
- The City of Dallas Chief Arborist has submitted a memo regarding this request (see Attachment B). The Chief Arborist states among other things that multiple actions and delays have extended compliance with tree replacement requirements to today which is beyond the accepted tree replacement time requirements of Section 51A-10.134.
- The City of Dallas Chief Arborist states that based on the tree survey provided in 2006, 105 trees for a total of 1,712 inches are to be replaced. As of today, there has been no replacement of protected trees nor alternate form of replacement for compliance. If they choose to pay into the Reforestation Fund, the value is \$145,842.
- The City of Dallas Chief Arborist has listed the following factors for consideration:
 1. The tree removal permit was issued on November 10, 2006.
 2. BDA123-031 was approved in March of 2012 for an extension of time to complete tree replacement. Full compliance was to be completed by the final inspection of the first building or March 21, 2015 whichever came first.
 3. The applicant is proposing the following conditions (with an added comment by the Chief Arborist) to extend the tree replacement requirements:
 - Timing: A building permit must be submitted within 90 days of the recording of the final plat for shard access developments. For all other uses, a building permit must be submitted within 180 days of the Board of Adjustment approval. Within 30 days of the Board of Adjustment approval, replacement inches not provided for on a Conceptual Tree Mitigation Plan must be completed through alternate methods of compliance as provided in the Tree Preservation Regulations of Section 51(A). If payment is made into the Reforestation Fund, the payment must be provided in SIX installments, paid biannually, within the time period to complete tree mitigation.
All tree mitigation must be completed prior to a final certificate of completion or certificate of occupancy for all building sites in the development OR within three years of Board of Adjustment approval.
 - Species: All trees to be planted from the approved replacement tree list in Section 51A=10.135 may qualify as a mitigation trees. PD 193 soil volumes allowed for landscape purposes are acceptable for mitigation trees.
 - Quantity and size: A Conceptual Tree Mitigation Plan, provided to the arborist, states a minimum of the following will be planted on the development project: 208” of 52 street trees; 348” of 87 creek edge trees; 208” of 52 large interior trees; and 608” of 152 small interior trees for a total of 1,372” of the 1,712” total mitigation required.

- *If, due to inhospitable soil conditions or inadequate space, it would be imprudent or impracticable to plant the required trees on the property, the minimum number of inches of replacement trees that must be planted on-site must be at least 80 percent (or 1,098") of the number of inches provided on the Conceptual Tree Mitigation Plan. The remaining mitigation under this extended time schedule must be completed by alternative methods of compliance in Section 51A-10.135 of Article X.*

ARBORIST SUMMARY:

Mitigation Due:	1,712 inches (105 protected trees, \$145,842)
Mitigation Due within 30 days:	340 inches (19.9 percent)
Reforestation value:	\$28,964
Distributed in 6 installments:	\$4,827.33 per installment (1 st in 30 days)
Remaining to be completed:	1,372 inches (no less than 1,098" on site)

Based on possible unidentified landscaping restrictions, the level of planting suggested on the Conceptual Tree Mitigation Plan is acceptable. The plan accounts for most space limitations to plant trees on the property. The conceptual plan is not binding to the landscape requirements for the subdistrict.

- The City of Dallas Chief Arborist recommends that the Board approve the request for a time extension of mitigation of 1,712 inches of protected trees, with conditions, because strict compliance for timing with this code with unreasonably burden the use of the property at the special exception will not affect neighboring property.
- The applicant has the burden of proof in establishing the following:
 - Strict compliance with the requirements of the Tree Preservation Regulations of the Dallas Development Code (i.e. mitigating all protected trees removed on the site within 30 days – 18 months from removal) will unreasonably burden the use of the property.
 - The special exception will not adversely affect neighboring property.
- If the Board were to grant this request and impose the conditions suggested by the Chief Arborist, the site would be granted exception from full compliance to the tree preservation regulations.

Timeline:

November 20, 2015: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

December 7, 2015: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, "If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case."

December 7, 2015: The Board Administrator contacted the applicant and emailed the following information:

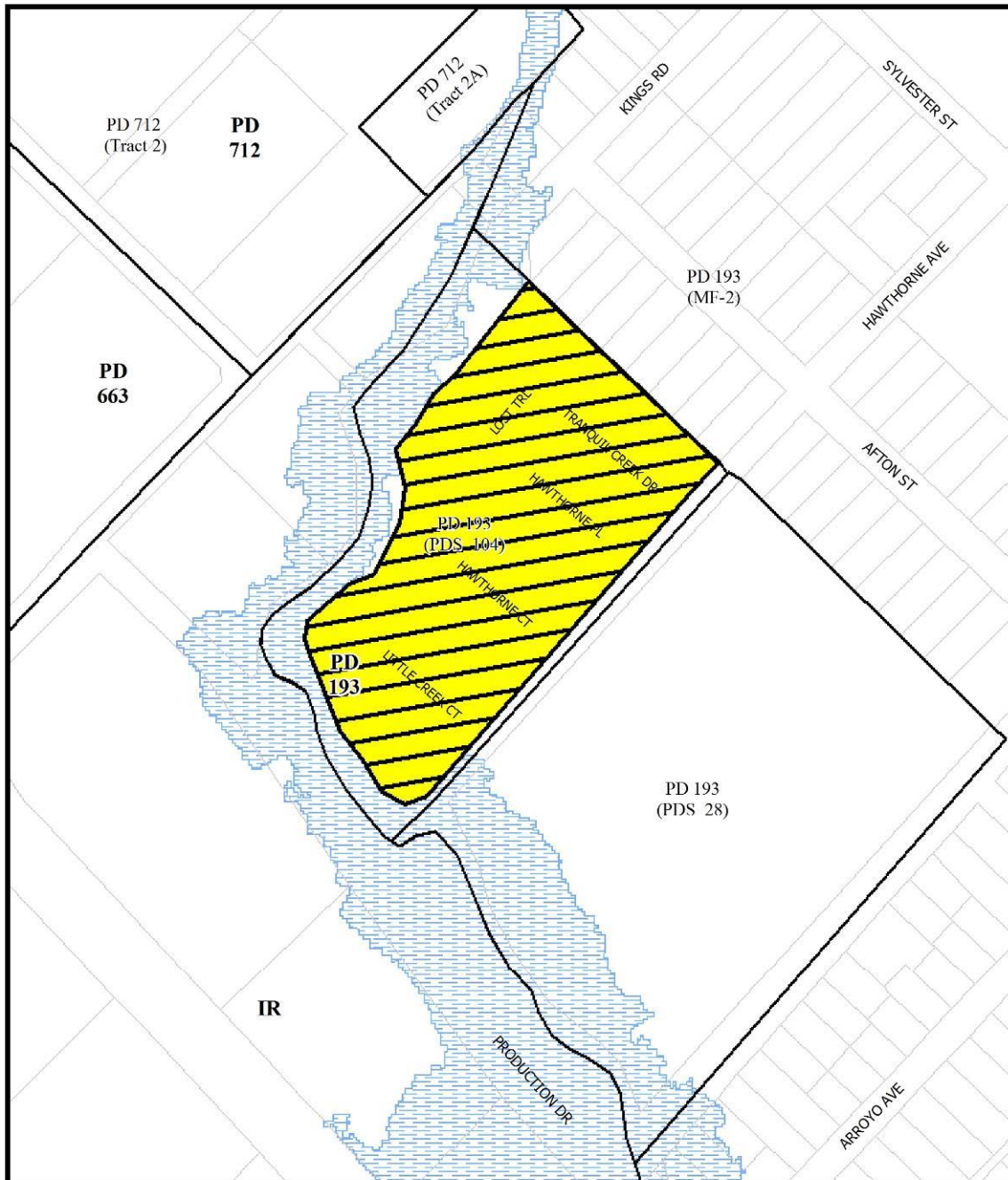
- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the December 30th deadline to submit additional evidence for staff to factor into their analysis; and the January 8th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

January 5, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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

January 5, 2016: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

January 8, 2016: The City of Dallas Chief Arborist submitted a memo regarding this request (see Attachment B).



1:2,400

ZONING MAP

Case no: **BDA156-004**

Date: **12/17/2015**



1:2,400

AERIAL MAP

Case no: BDA156-004

Date: 12/17/2015

Baldwin
Associates

BDA156-004

Attach A
Pg 1

January 5, 2016

City of Dallas Board of Adjustment

RE: BDA156-004
2201 Hawthorne Tree Mitigation Special Exception

Dear City Staff and Honorable Board Members:

We are respectfully requesting an extension of the time period to satisfy tree mitigation per Article X tree mitigation. The property was intended for single family development several years ago, but due to economic and engineering challenges, the development did not move forward. Since our last request on this matter before the Board, we worked with the TIF and City Design Studio to redesign the project and complete TIF documents. The property owner is ready to move forward with the development of this 115-home single family subdivision, but cannot file for building permits since the tree mitigation time period has lapsed.

The Property has the proper zoning for the proposed shared access, single family development. It will consist of two shared access areas located on both sides of a new public street (the extension of Bengal Drive) that will connect to a bridge across the creek. Because the layout is different from the development proposed several years ago, the property needs to be replatted and existing easements abandoned and reconfigured.

In order to request a time extension for satisfying tree mitigation for the above-referenced property, we have revised our proposed conceptual tree mitigation plan and offer the following conditions as we have been working with Phil Erwin, Chief Arborist. The purpose of the Conceptual Tree Mitigation Plan to show the amount of tree mitigation intended to be planted back on the property with the single family development.

We propose the following conditions to extend the tree mitigation:

- Except as provided, tree mitigation must be completed in accordance with Sec. 51A-10.130.
- A building permit must be submitted within 90 days of the recording of the final plat for a shared access development. For all other uses, a building permit must be submitted within 180 days of the Board of Adjustment approval.
- Within 30 days of the Board of Adjustment approval, mitigation inches not provided for on the Conceptual Tree Mitigation Plan must be completed through alternative methods of compliance in accordance with Sec. 51A-10.135. If paying into the Reforestation Fund, the payment may be provided in six installments, paid biannually within the time period granted to complete tree mitigation.

- All tree mitigation must be completed prior to a final certificate of completion or certificate of occupancy for all building sites in the development, OR within three years of Board of Adjustment approval.
- The minimum number of inches of mitigation trees that must be planted on-site must be at least 80% of the number of inches provided on the Conceptual Tree Mitigation Plan.
- All trees from the approved replacement tree list may qualify as a mitigation tree. PD 193 soil volumes for landscaping purposes are also acceptable for mitigation trees.

We respectfully ask for the Board of Adjustment to grant a special exception to the tree mitigation standards in order to extend the time period for completion of mitigation. The property has been vacant and out of compliance for several years, which negatively impacts surrounding properties for a development to be incomplete. Building permits cannot be obtained without a special exception. Strict compliance with Article X cannot be met and burdens the property by freezing the ability to develop.

Thank you,



Rob Baldwin

BDA156-004
Attach B, pg 1

Memorandum



CITY OF DALLAS

DATE January 8, 2016
TO Steve Long, Board of Adjustment Administrator
SUBJECT # BDA 156 · 004 2201 Hawthorne Avenue

The applicant is requesting a special exception to the tree replacement regulations of Article X.

Trigger

Protected trees were removed under a tree removal permit in conjunction with a grading permit issued November 10, 2006. Multiple actions and delays have extended compliance with the tree replacement requirements to today which is beyond the accepted tree replacement time requirements of Section 51A-10.134.

Deficiencies

Based on the tree survey provided in 2006, 105 trees for a total of 1,712 inches are to be replaced. As of today, there has been no replacement of protected trees nor alternate form of replacement for compliance. If they choose to pay into the Reforestation Fund, the value is \$145,842.

Factors

The tree removal permit (#0611101084) was issued on November 10, 2006.

Case BDA 112-031 was approved on March 31, 2012 for an extension of time to complete tree replacement. Full compliance was to be completed by either 1) the final inspection of the first building, or 2) by March 21, 2015, whichever came first.

The applicant is proposing the following conditions (*with my added comment*) to extend the tree replacement requirements:

TIMING.

A building permit must be submitted within 90 days of the recording of the final plat for shared access developments. For all other uses, a building permit must be submitted within 180 days of the Board of Adjustment approval.

Within 30 days of the Board of Adjustment approval, replacement inches not provided for on a Conceptual Tree Mitigation Plan must be completed through alternative methods of compliance in accordance with Section 51A-10.135. If payment is made into the Reforestation Fund, the payment may be provided in

SIX installments, paid biannually, within the time period granted to complete tree mitigation.

All tree mitigation must be completed prior to a final certificate of completion or certificate of occupancy for all building sites in the development OR within three years of Board of Adjustment approval.

SPECIES

All trees to be planted from the approved replacement tree list in Section 51A-10.135 may qualify as a mitigation tree. PD 193 soil volumes allowed for landscape purposes are acceptable for mitigation trees.

QUANTITY and SIZE.

A Conceptual Tree Mitigation Plan, provided to the arborist, states a minimum of the following will be planted on the development project:

- 52 Street Trees @ 4" caliper = 208"
- 87 Creek Edge Trees @ 4" caliper = 348"
- 52 Large Interior Trees @ 4" caliper = 208"
- 152 Small Interior Trees @ 4" caliper = 608"

Total = 1,372", being 80.1% of the 1,712" total mitigation required.

If, due to 'inhospitable soil conditions or inadequate space, it would be impracticable or imprudent' (10.135) to plant the required trees on the property, the minimum number of inches of replacement trees that must be planted on-site must be at least 80% (1,098") of the number of inches provided on the Conceptual Tree Mitigation Plan. The remaining mitigation under this extended time schedule must be completed by alternative methods of compliance in Section 51A-10.135 of Article X.

ARBORIST SUMMARY

Mitigation Due:	1,712 inches (105 protected trees, \$145,842)
Mitigation Due within 30 days:	340 inches (19.9%)
Reforestation Value:	\$28,964
Distributed in 6 installments:	\$4,827.33 per installment (1 st in 30 days)
Remaining to be completed:	1372 inches (no less than 1,098" on site)

Based on possible unidentified landscaping restrictions, I find the level of planting suggested on the Conceptual Tree Mitigation Plan to be acceptable. The plan accounts for most space limitations to plant trees on the property. The conceptual plan is not binding to the landscape requirements for the subdistrict.

Recommendation

The chief arborist recommends the Board approve the request for a time extension of mitigation of 1,712 inches of protected trees, with conditions, because strict compliance for timing with this code will unreasonably burden the use of the property and the special exception will not adversely affect neighboring property.

The purpose and function of Article X is to preserve large trees, or replace trees for the benefit of the local community back onto the tree removal property when it is practicable and prudent to do so. The site is now finally prepared for development to

BDA156-004
Attach B, pg 3

be ready to receive its trees. In the scope of sustaining the local urban forest, the completion of this mitigation by providing the replacement of trees back into the removal property is of greater importance in the long term than the prolonged time it has taken to be able to reasonably apply the mitigation to the property.

As condition, if the initial mitigation of 340 inches is to be completed through the Reforestation Fund, an established schedule of payment must be submitted to the chief arborist with the first payment of up to six installments, unless full payment is made for the 340 inches at that time. The initial installment must be made within 30 days of Board of Adjustment approval. Failure to comply with the schedule will forfeit the special exception unless full payment is completed early.

Second, the minimum size of individual 'small interior', or ornamental, replacement trees may be reduced to 2" caliper where it is warranted for plant availability or site conditions, but the minimum amount of replacement trees planted on site must be 1,098 inches or greater.

Third, all tree mitigation must be completed prior to a final certificate of completion or certificate of occupancy for all building sites in the development, or within three years of Board of Adjustment approval, whichever is sooner.

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



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA_156-004

Data Relative to Subject Property:

Date: November 20, 2015

Location address: 2201 Hawthorne Avenue et. al. Zoning District: PD 193 PDS 104

Lot No.: 1-71 Block No.: A/2301 Acreage: 5.509 acres Census Tract: 4.01

Street Frontage (in Feet): 1) 680 ft 2) 3) 4) 5) SW 22

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Texas Intownhomes, LLC

Applicant: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

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

E-mail Address: rob@baldwinplanning.com

Represented by: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

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

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance, or Special Exception X, of to allow additional time to complete tree mitigation

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 property was cleared of trees for a previous development but due to economic and engineering constraints has laid vacant for several years. The property owners are ready to move forward with developing the property for single family uses, but cannot move forward due to the tree mitigation time period having expired. The property owners have a conceptual tree mitigation plan to ensure that at least 50% of the number of inches removed will be replaced on the property, if not more, which will be determined with permit application.

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.

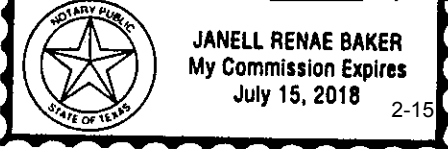
Affidavit

Before me the undersigned on this day personally appeared Robert Baldwin (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: (Affiant/Applicant's signature)

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



Notary Public in and for Dallas County, Texas

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

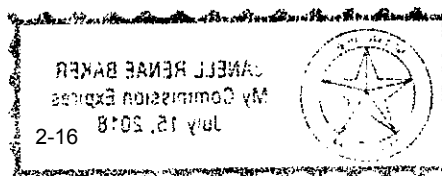
I hereby certify that Robert Baldwin

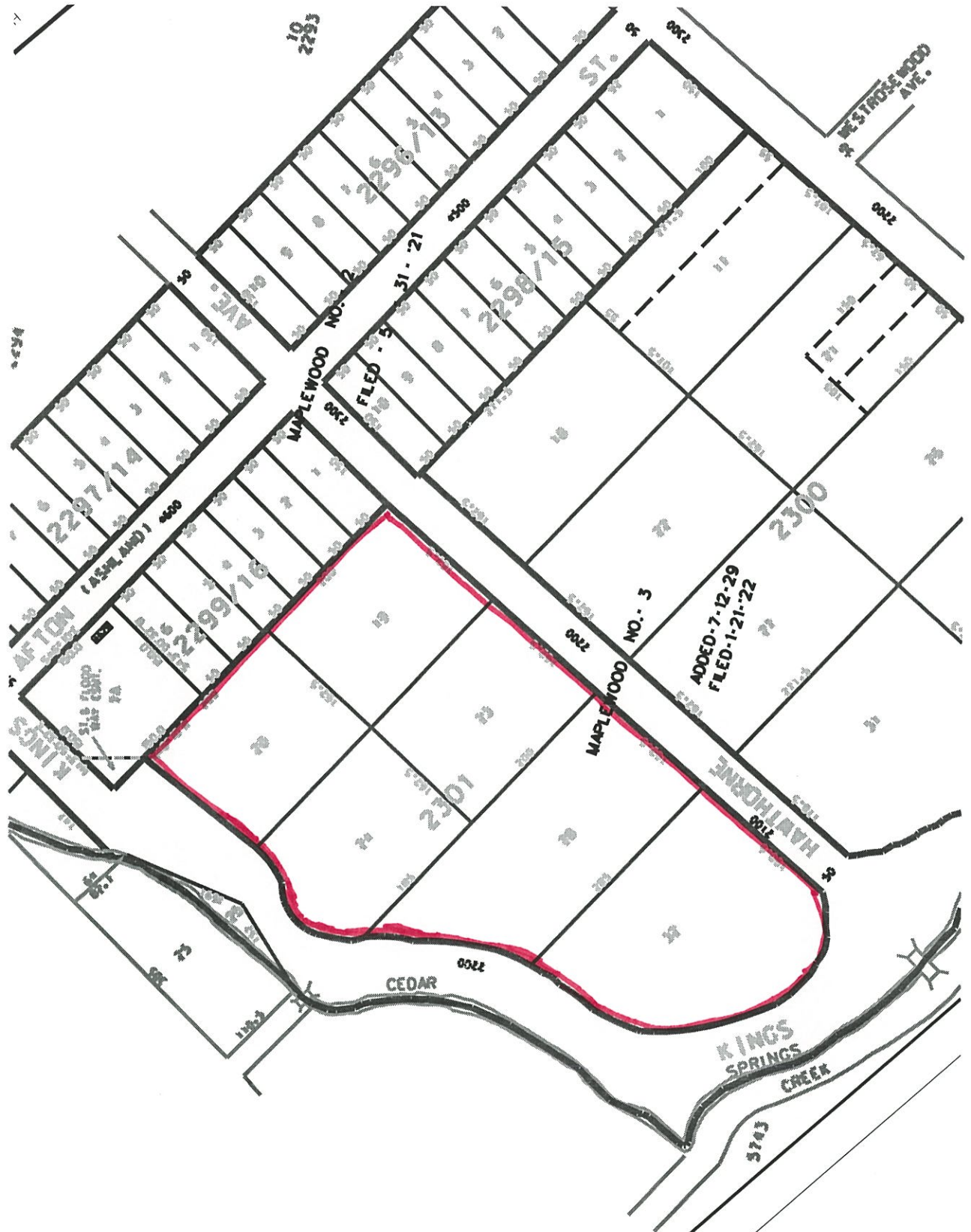
did submit a request for a special exception to the landscaping regulations
at 2201 Hawthorne Avenue, et. al.

BDA156-004. Application of Robert Baldwin for a special exception to the landscaping regulations at 2201 Hawthorne Avenue, et al. This property is more fully described as Lots through 71, Block A/2301, and is zoned PD 193, PDS 104, which requires mandatory landscaping and tree mitigation. The applicant proposes to construct single family residential structures and provide an alternate landscape plan for tree mitigation, which will require a special exception to the landscape and tree preservation regulations.

Sincerely,

Larry V. Holmes
Larry Holmes, Building Official





City of Dallas

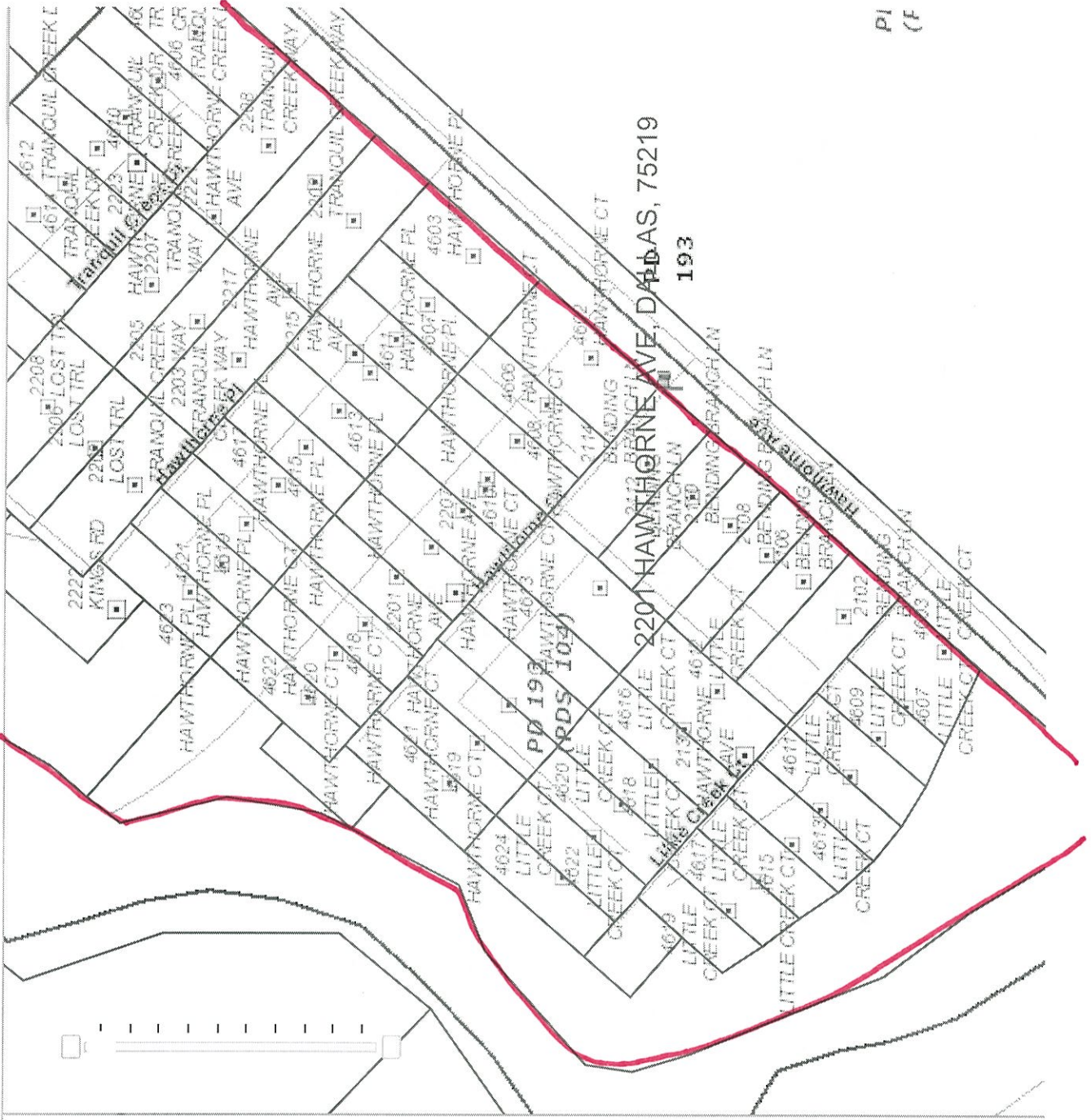
Internal Development Research Site

Legend

Locate Property

BDA 156-004

2-18

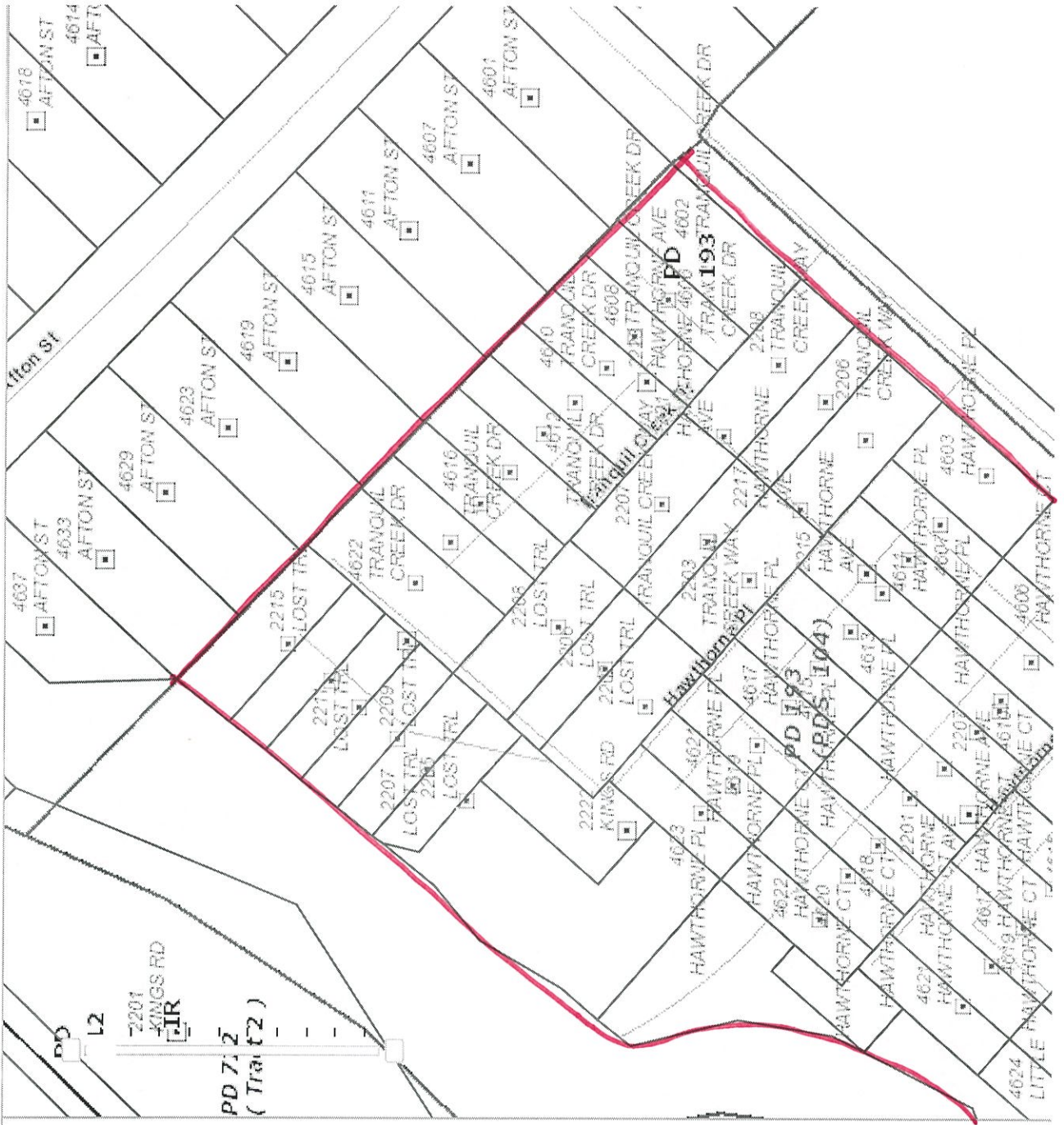


City of Dallas

Internal Development Research Site

Legend

Locate Property



Baldwin Associates

November 20, 2015

Todd Duerksen
City of Dallas Building Inspection
320 E. Jefferson Room 105
Dallas, TX 75203

RE: 2201 Hawthorne Tree Mitigation Special Exception

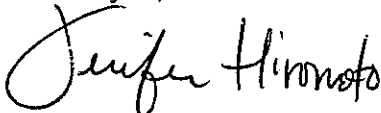
Dear Mr. Duerksen:

We are respectfully requesting an extension of the time period to satisfy tree mitigation per Article X tree mitigation. The property was intended for single family development several years ago, but due to economic and engineering challenges, the development did not move forward. The property owner is ready to move forward with the development of this single family subdivision, but cannot file for building permits since the tree mitigation time period has lapsed.

In order to request a time extension for satisfying tree mitigation for the above-referenced property, please note our proposal to show how the development will comply if the Board of Adjustment approves our request. The total number of inches of tree mitigation that is outstanding for this property is 1,712 inches per my conversation with Phil Erwin, Chief Arborist. We are preparing a Conceptual Tree Mitigation Plan that will demonstrate that we are committing to at least 50% of the required number of inches, which is 852 inches of trees, be planted on the property. The purpose of the Conceptual Tree Mitigation Plan to show that with the proposed single family development, at least 50% of the tree mitigation will be planted back on the property. We will continue to fine-tune the number of trees that will be planted on site and we expect to plant more trees on the property once final building permit plans and engineering reviews are complete. At that time, any outstanding mitigation will be completed by any available alternative methods of mitigation including payment into the Reforestation Fund.

We agree the completion of mitigation on-site will be met under the duration of the building project under permit, and in compliance with Article X for the amount, and allow for alternative methods of compliance for any inches which may not be practicable to be planted, as stipulated in the first paragraph of 51A-10.135.

Thank you,



Jennifer Hiromoto



 1:2,400	NOTIFICATION	Case no: BDA156-004			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">26</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	26	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
26	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA156-004

26 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2201 LOST TRL	TEXAS INTOWNHOMES LLC
2	2251 KINGS RD	SINGER ARTURO
3	2200 KINGS RD	ODONNELL AUDREY L
4	4600 AFTON ST	GALINDO XOCHILT
5	4606 AFTON ST	RAMIREZ JOSE &
6	4610 AFTON ST	MEDINA ADAN V &
7	4614 AFTON ST	VO HUONG THANH
8	4618 AFTON ST	DINH MY HOANG
9	4531 AFTON ST	ZUNIGA ANTONIO JUAN
10	4533 AFTON ST	BADR NADER
11	4535 AFTON ST	WANG MARK
12	4543 AFTON ST	MANUEL CLEMENTE
13	4601 AFTON ST	DICKERSON DOROTHY
14	4607 AFTON ST	GALINDO JOSE H & ROSA
15	4611 AFTON ST	PEREZ DENISE
16	4615 AFTON ST	FRANCISCO TOMAS
17	4619 AFTON ST	CAO TRANG THI
18	4623 AFTON ST	NGUYEN VAN NGOC
19	2201 KINGS RD	CRASH INC
20	4699 PRODUCTION DR	RUPLEY HELEN GAIL
21	4525 PRODUCTION DR	PRODUCTION PPTY PTNR LLC
22	4641 PRODUCTION DR	GREENWAY 4641 PRODUCTION
23	4637 AFTON ST	NGUYEN DIEM TRANG HOANG
24	4633 AFTON ST	NGO HUNG VI &
25	4629 AFTON ST	PHAM MAILAN
26	2221 LUCAS DR	Dallas ISD

FILE NUMBER: BDA156-005(SL)

BUILDING OFFICIAL'S REPORT: Application of Nancy Rodriguez for a special exception to the fence height regulations at 10650 Strait Lane. This property is more fully described as Lot 4B, Block 5519, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain a 9 foot 9 inch high fence in a required front yard which will require a 5 foot 9 inch special exception to the fence height regulations.

LOCATION: 10650 Strait Lane

APPLICANT: Nancy Rodriguez

REQUEST:

A request for a special exception to the fence height regulations of 5' 9" is made to replace an existing approximately 5' high open wrought iron fence and approximately 9' high arched wrought iron entry gate with a 7' 4" high solid stone veneer fence with 8' 4" high stone veneer columns and a 9' 9" high metal entry gate on a undeveloped site.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

1. BDA 023-113, Property at 10647 Strait Lane (the lot northwest of the subject site)

On August 26, 2003, the Board of Adjustment Panel A granted a request for a special exception to fence height regulations of 4' 9" and imposed the submitted scaled elevation/site plan as a condition to the request.

The case report stated the request was made to construct and maintain a 6' high open wrought iron fence with 7' high brick columns and two 6' – 8' 9" high open wrought iron entry gates.

2. BDA 001-172, Property at 10660 Strait Lane (the lot north of the subject site)

On March 27, 2001, the Board of Adjustment Panel A granted a request for a special exception to the fence height regulations of 6' and a special exception to allow a 2nd electrical meter on the site. The Board imposed the submitted elevation and site/landscape plan as a condition to these requests.

The case report stated the requests were made to construct and maintain a maximum 7' high combination open fence with a 2' 4" solid masonry base and a 10' high PVC-coated metal tennis court fence, and a special exception to allow a 2nd electrical meter on a site.

3. BDA 012-221, Property at 10620 Strait Lane (the lot south of the subject site)

On August 13, 2002, the Board of Adjustment Panel B granted a request for a special exception to the fence height regulations of 8' 1" and imposed the submitted site plan and fence elevations as a condition to this request.

The case report stated the requests were made to construct and maintain an 8' high open metal fence with 8' 1" high metal posts, 9' 4.5" high entry columns and a 12' 1" high arched entry gate.

4. BDA 001-258, Property at 10611 Strait Lane (the lot southwest of the subject site)

On November 12, 2001, the Board of Adjustment Panel C granted a request for a special exception to the fence height regulations of 3' 2", granted and a request for a special exception to the single family use regulations, and granted a request for a variance to the front yard setback regulations. The board imposed the submitted revised landscape site plan and revised fence elevation with regard to the requests for a fence height special exception and front yard variance requests, and imposed the revised landscape/site plan and that the property be deed-restricted to prohibit the additional dwelling unit from being used as rental accommodations with regard to the single family use special exception.

The case report stated the requests were made to construct and maintain a single family home, garage, and guest quarters on the site, and to construct and maintain an 8' 3" high open metal fence with 8' 9" high columns, and 9' 2" high metal entry gates.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on replacing an existing approximately 5' high open wrought iron fence with an approximately 9' high arched wrought iron entry gate with a 7' 4" high solid stone veneer fence with 8' 4" high stone veneer columns and a 9' 9" high metal entry gate on a undeveloped site.
- 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 subject site is zoned R-1ac(A) and has a 40' front yard setback.
- The applicant has submitted a full site plan and partial site plan with elevation of the proposal with notations indicating that the proposal reaches a maximum height of 9' 9".
- The following additional information was gleaned from the submitted full site plan:
 - The proposal is represented as being approximately 220' in length parallel to Strait Lane.
 - The proposed fence is represented as being located on the front property line, or approximately 16' from the pavement line, and the proposed gate is represented as being located 12' from the front property line, or approximately 28' from the pavement line.

- Two single family lots front the replacement fence, one with no fence in its front yard and the other with an approximately 6' high open metal fence with 7.5' high entry gates that that appears to be the result of a fence height special exception granted by the Board in 2001: BDA 001-258.
- The Board Administrator conducted a field visit of the site and surrounding area (approximately 400 feet north and south of the subject site) and noted a number of other fences over 4' in height and in front yard setbacks. In addition to the fence immediately west of the site previously described were the following: an approximately 7' high solid fence with 9' high gate immediately north of the subject site; an approximately 9' high open metal fence with 11' high gates immediately south of the subject site; and an approximately 6' high combination open metal/solid masonry fence located northwest of the subject site. (All of these properties have recorded BDA history for requests for special exceptions to fence height regulations).
- As of January 8, 2016, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 5' 9" will not adversely affect neighboring property.
- Granting this special exception of 5' 9" with a condition imposed that the applicant complies with the submitted a full site plan and partial site plan with elevation would require the proposal exceeding 4' in height in the front yard setback to be constructed and maintained in the location and of the heights and materials as shown on these documents.

Timeline:

November 19, 2015: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

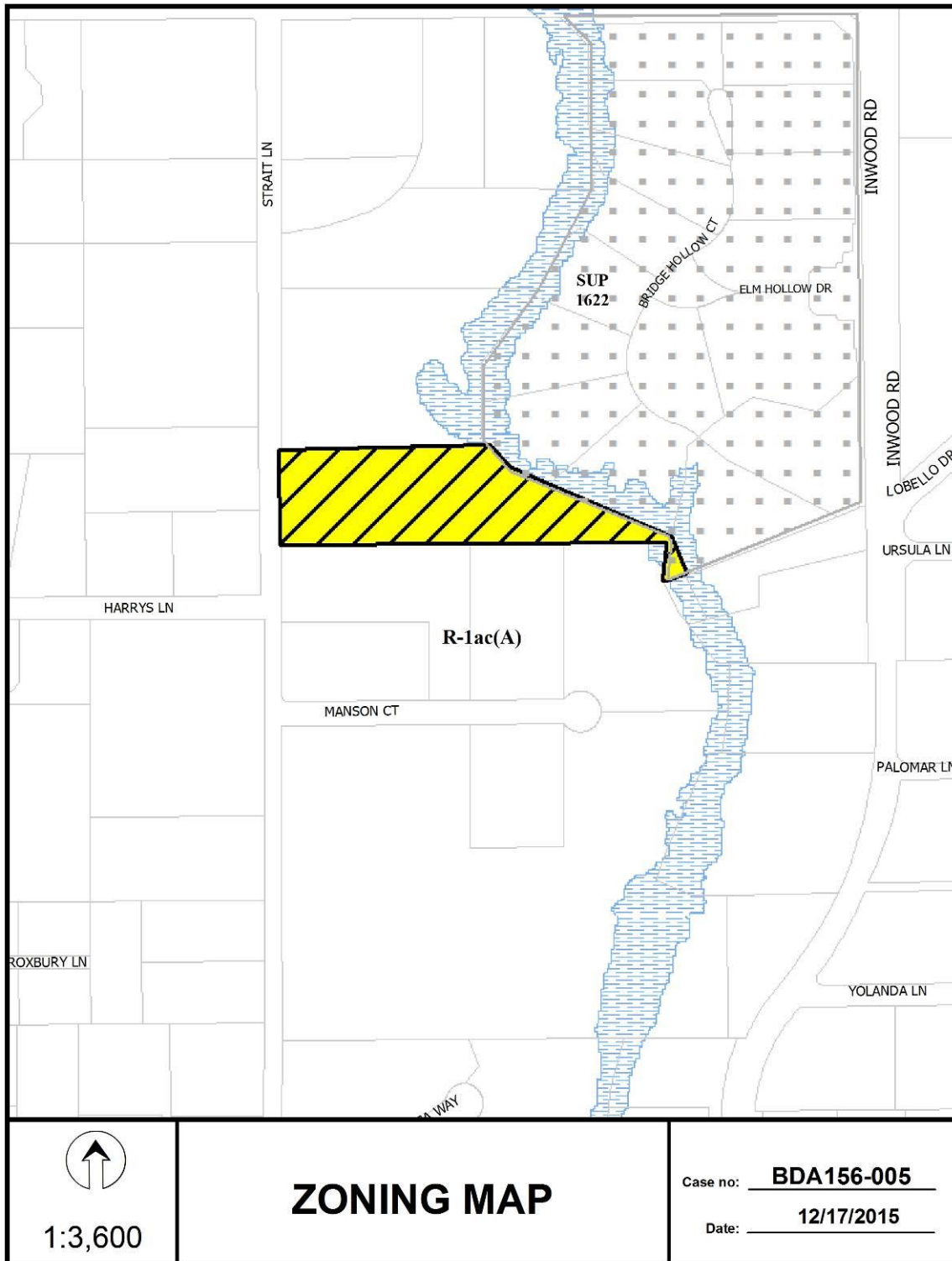
November 10, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

December 7, 2015: The Board Administrator contacted the applicant and emailed 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 December 30th deadline to submit additional evidence for staff to factor into their analysis; and the January 8th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

January 5, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

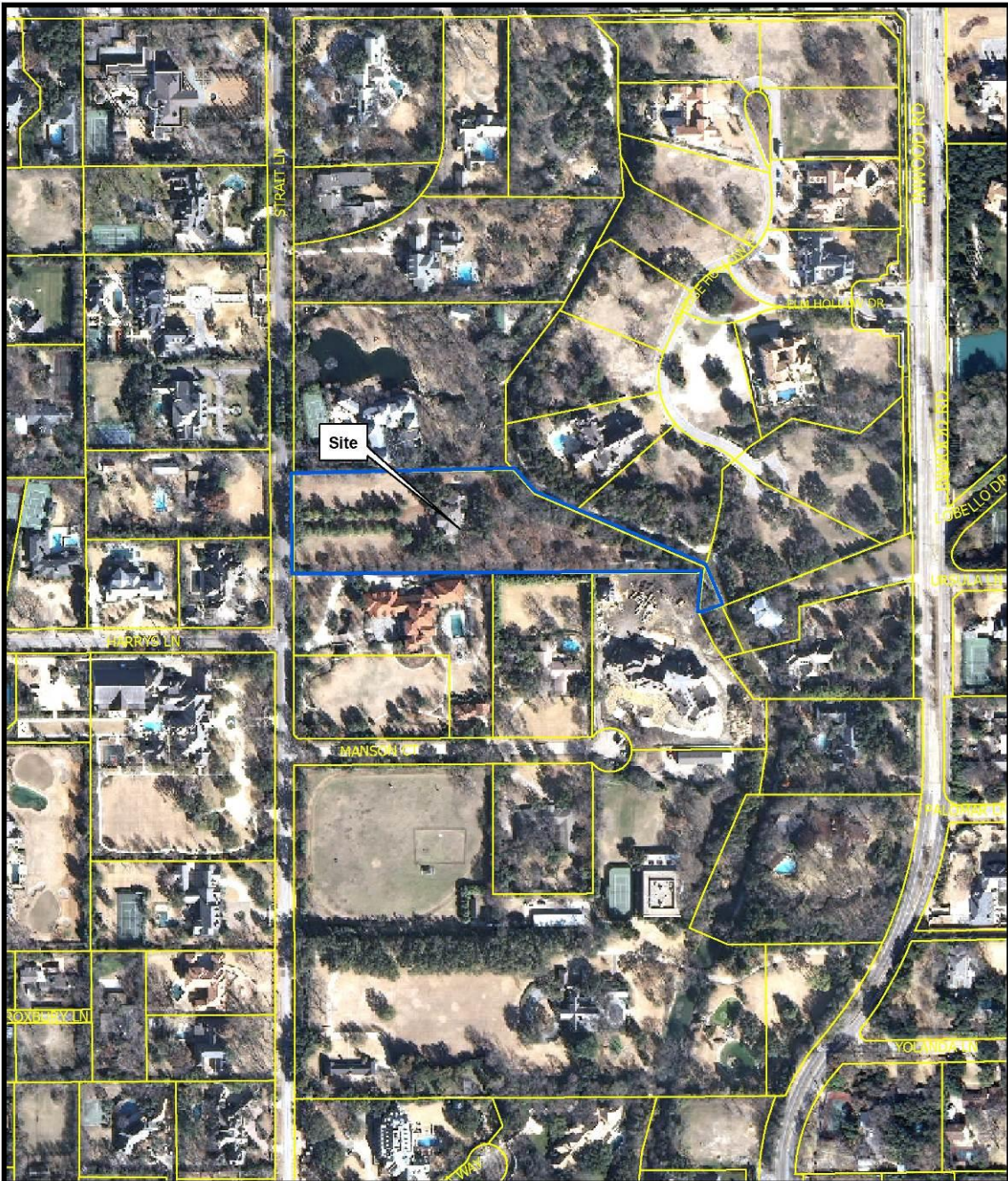
No review comment sheets were submitted in conjunction with this application.




 1:3,600

ZONING MAP

Case no: **BDA156-005**
 Date: **12/17/2015**



1:3,600

AERIAL MAP

Case no: BDA156-005

Date: 12/17/2015



City of Dallas

B

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-005

Data Relative to Subject Property:

Date: 11/19/15

Location address: 10650 Strait Lane

Zoning District: R-1ac(A)

Lot No.: 4B Block No.: 5519 Acreage: 3.97

Census Tract: 76.01

Street Frontage (in Feet): 1) 230.55 2) _____ 3) _____ 4) _____ 5) _____ NE 2A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Bryan Wilburn and wife Shanin Wilburn

Applicant: Nancy Rodriguez Telephone: 214-280-1277

Mailing Address: 8001 Wayne Way, Rowlett, Texas Zip Code: 75088

E-mail Address: nancy@mmchomes.com

Represented by: Nancy Rodriguez Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance __, or Special Exception x, of 9'-9" fence which exceeds the maximum height provisions building fence w/ stone w/ cast stone cap 5'-9" special exception

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: Request to build a 9'-9" (5'-9" special exception) fence along the south of the 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 Nancy Rodriguez (Affiant/Applicant's name printed)

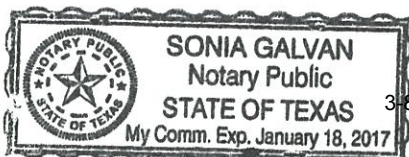
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 23 day of November, 2015

(Rev. 08-01-11)

BDA 156-005



[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

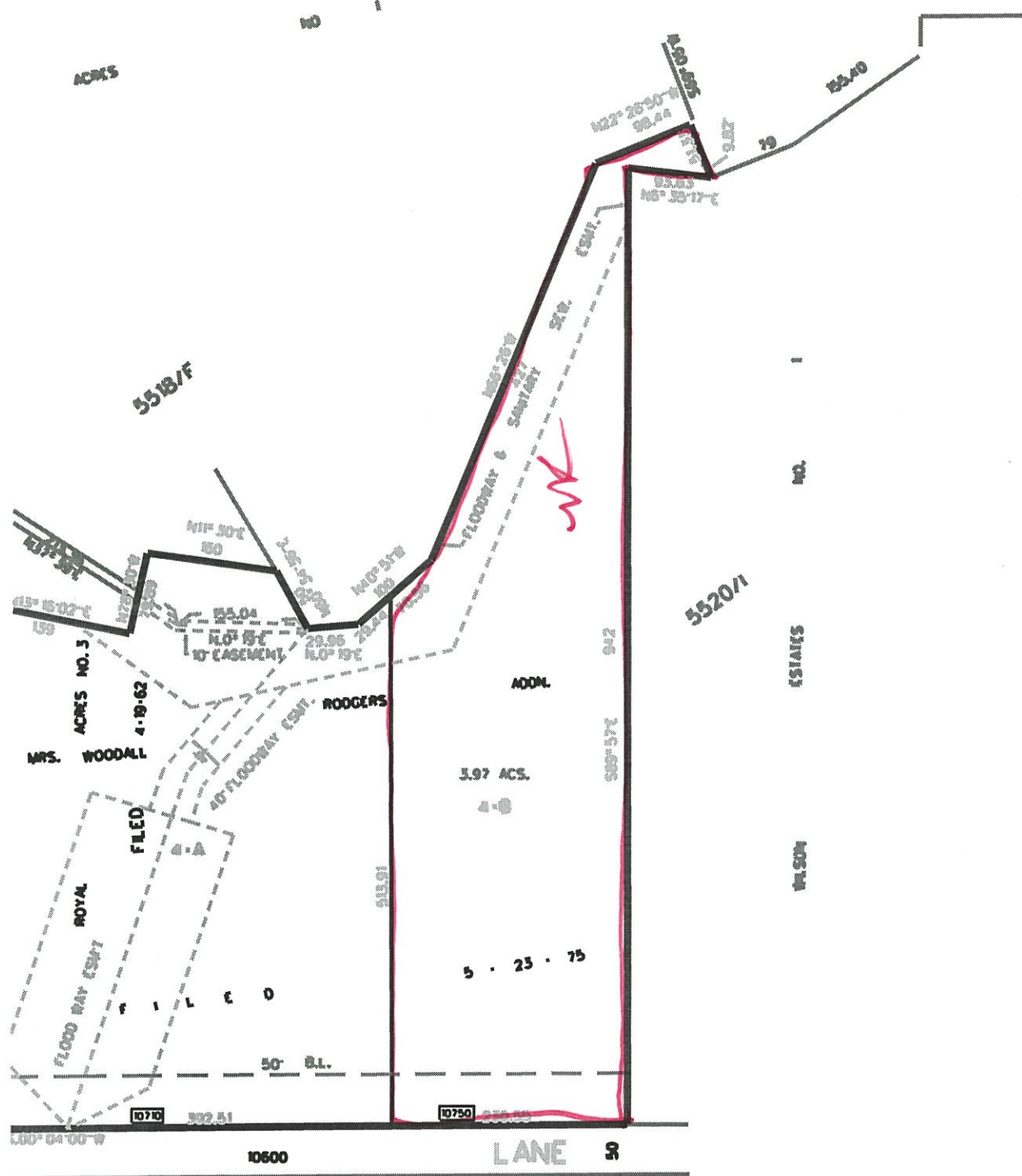
I hereby certify that Nancy Rodriguez

did submit a request for a special exception to the fence height regulations
at 10650 Strait Lane

BDA156-005. Application of Nancy Rodriguez for a special exception to the fence height regulations at 10650 Strait Lane. This property is more fully described as Lot 4B, Block 5519, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to to construct a 9 foot 9 inch high fence in a required front yard for a private stable use per Section 51A-4.201(4), which will require a 5 foot 9 inch special exception to the fence regulation.

Sincerely,


Larry Holmes, Building Official



ESTATES NO. 1

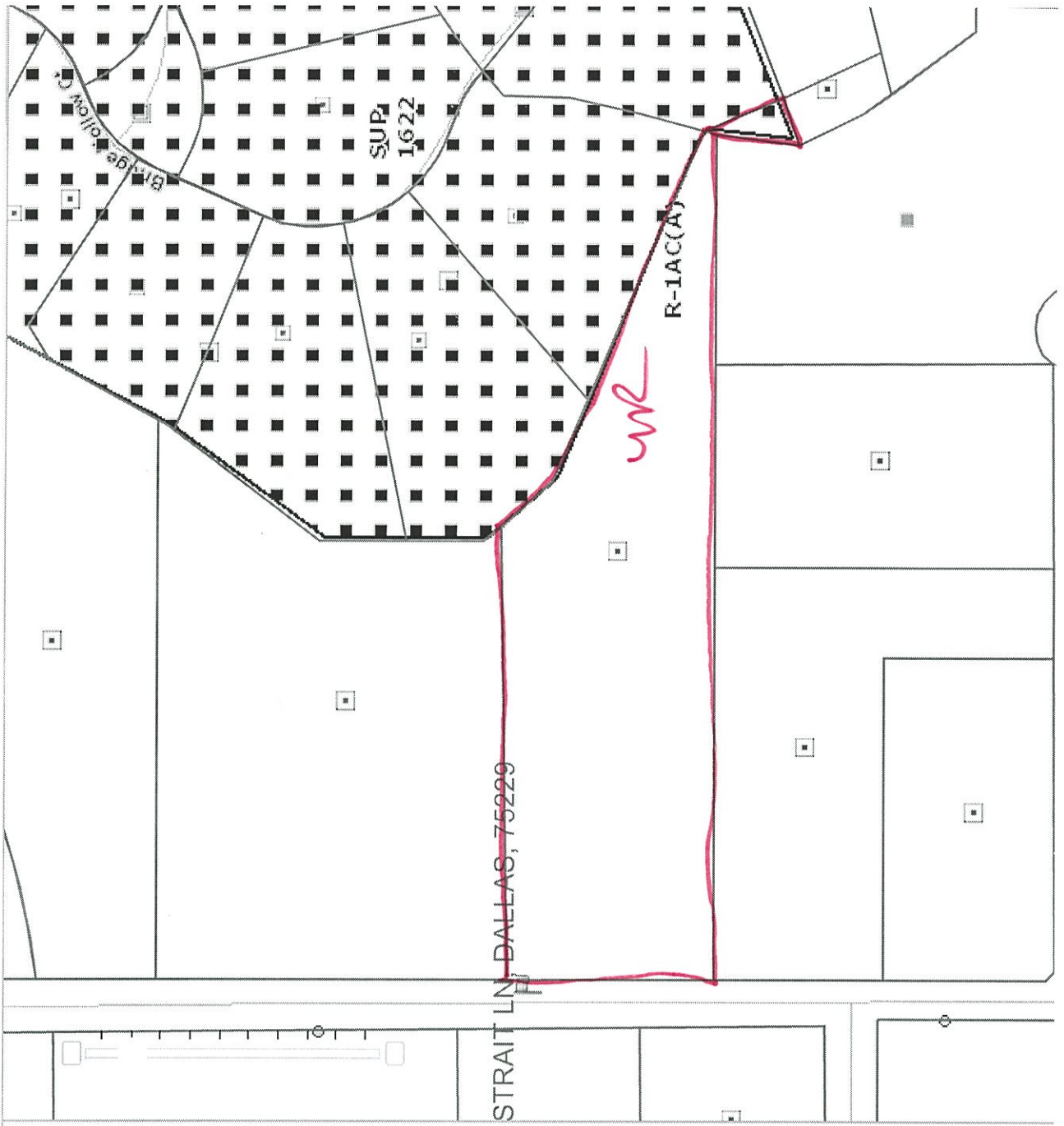
ESTATES NO. 1

City of Dallas

Internal Development Research Site

Legend

Locate Property





CONSULTANTS, INC.
1000 WEST 10TH STREET, SUITE 1000
DALLAS, TEXAS 75208
TEL: 214.760.0000
WWW.BLUECONSULTANTS.COM

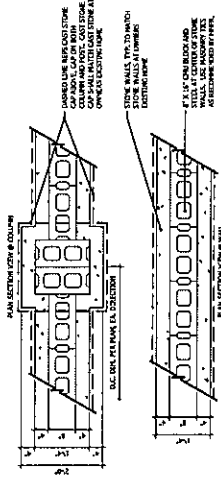
A NEW PRIVATE HORSE STABLE AT
10650 STRAIT LANE
IN THE CITY OF DALLAS TEXAS
FOR BRYAN WILBURN

ISSUED FOR PRELIMINARY REVIEW

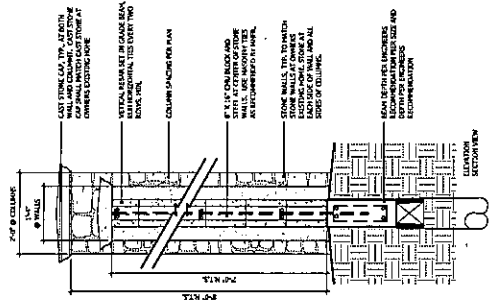
ISSUE DATE _____
ISSUED BY _____
ISSUE NO. _____

SHEET TITLE
GATE PLAN AND
DETAILS

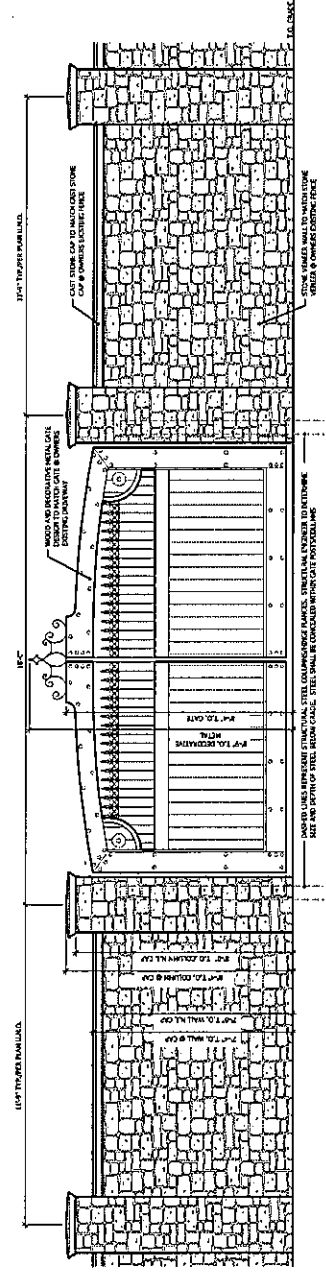
SHEET #
A2.01
PROJECT #
15-02



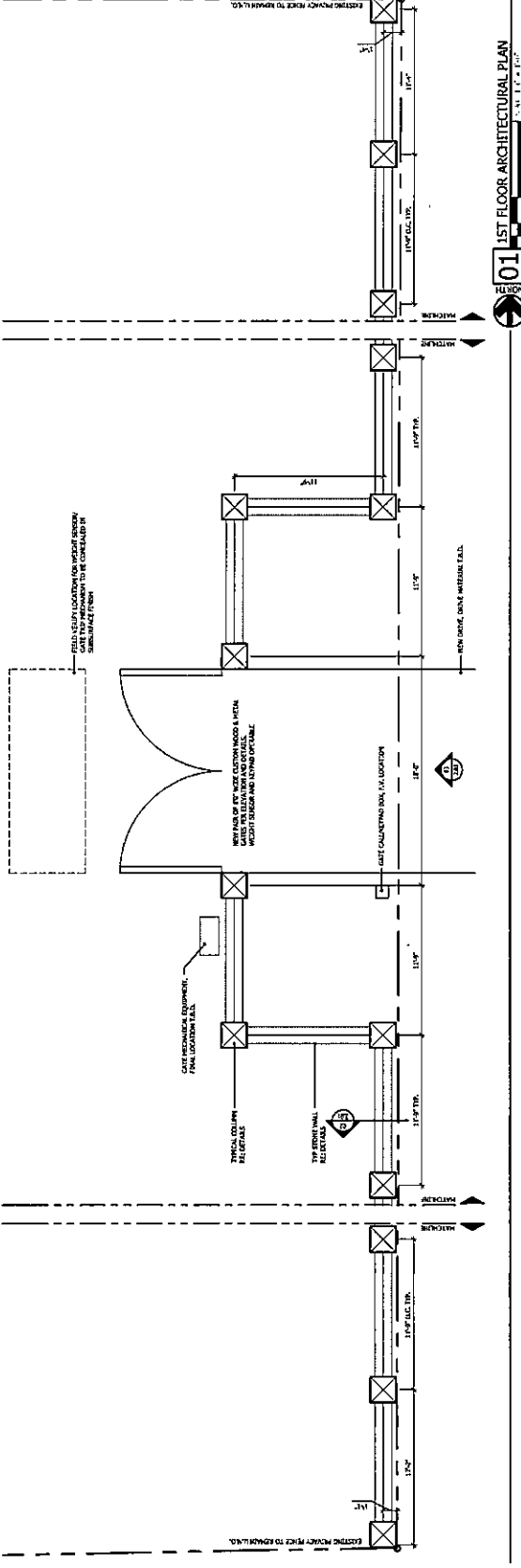
04 PRIVACY FENCE WALL PLAN DETAIL



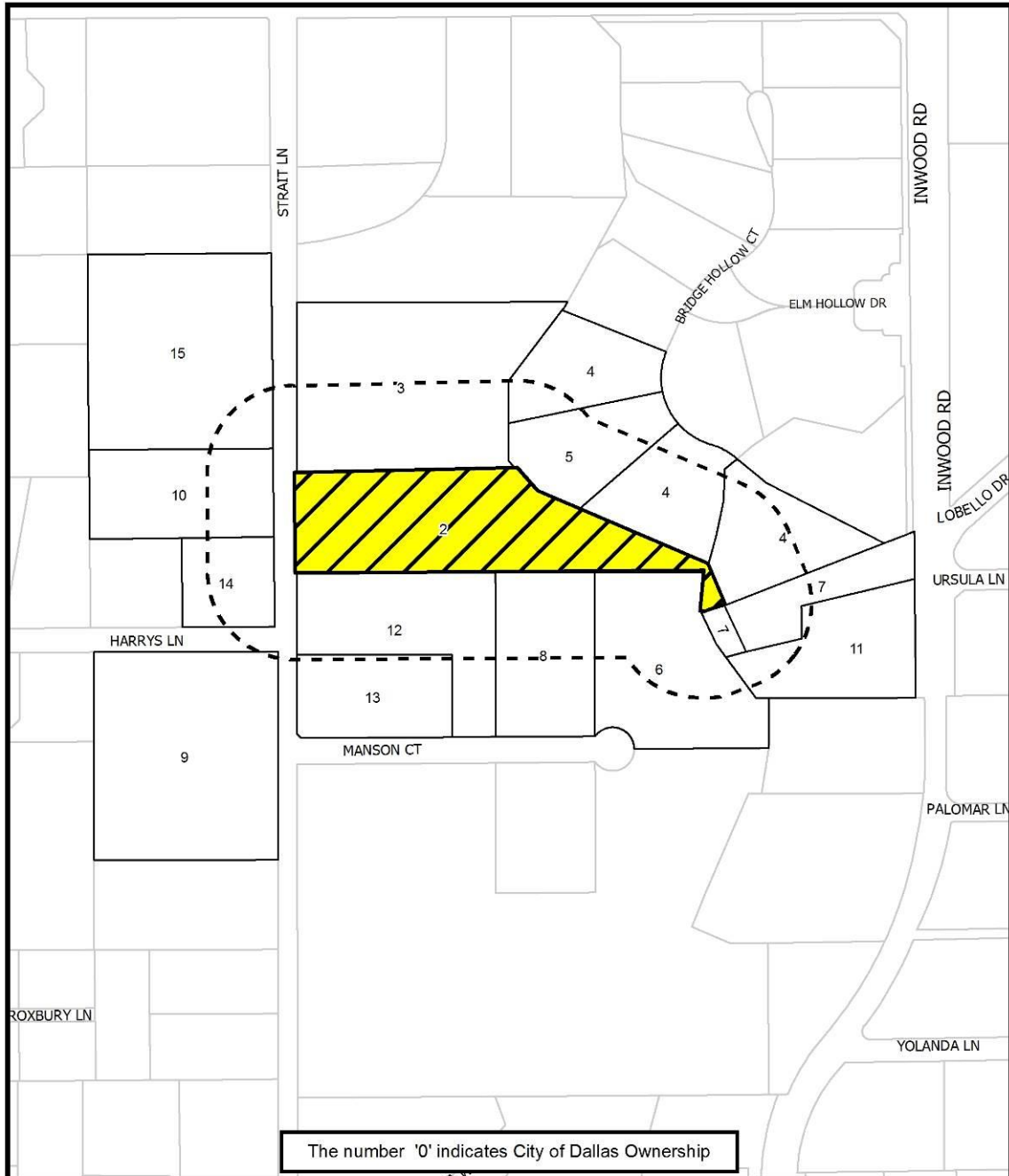
02 PRIVACY FENCE WALL DETAIL



03 ENLARGED GATE ELEVATION



01 1ST FLOOR ARCHITECTURAL PLAN



 1:3,600	NOTIFICATION		Case no: BDA156-005
	<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;">15</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 12/17/2015	

Notification List of Property Owners

BDA156-005

15 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	10629 INWOOD RD	COUNTESS DIANA LTD
2	10650 STRAIT LN	WILBURN BRYAN & SHANIN
3	10660 STRAIT LN	CADG 10660 STRAIT LANE LLC
4	10603 BRIDGE HOLLOW CT	CREEKS OF PRESTON HOLLOW
5	10627 BRIDGE HOLLOW CT	QUINN DAVID W & STEPHANIE
6	4939 MANSON CT	WILBURN BRYAN & SHANIN
7	10611 INWOOD RD	ALLISON MARGARET OGLESBY
8	4929 MANSON CT	BUCY J FRED JR
9	10595 STRAIT LN	TROUTT KENNY ALLAN &
10	10621 STRAIT LN	WILSON ROBERT A & LAURA C
11	10573 INWOOD RD	KRUSE DENNIS A &
12	10620 STRAIT LN	K & P STRAIT LANE LTD PS
13	4900 MANSON CT	K & P STRAIT LANE LTD PS
14	10611 STRAIT LN	RAJ GANESH &
15	10711 STRAIT LN	MALOUF RICHARD J & STEPHANIE L