

ZONING BOARD OF ADJUSTMENT, PANEL C
MONDAY, DECEMBER 14, 2015
AGENDA

BRIEFING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	10:30 A.M.
TRAINING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	10:30 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 16, 2015 Board of Adjustment M1
Panel C Public Hearing Minutes

UNCONTESTED CASES

BDA145-121(SL)	7728 Goforth Circle REQUEST: Application of Dagmawi Asseged Yemenu, represented by Robert Reeves and Associates, Inc., for a variance to the front yard setback regulations and a special exception to the fence height regulations	1
BDA145-122(SL)	4106 Walnut Hill Lane REQUEST: Application of Catherine Jennings for a special exception to the fence height regulations	2
BDA145-123(SL)	13350 Dallas Parkway REQUEST: Application of Robert Reeves and Associates to enlarge a nonconforming use	3

BDA145-124(SL)	5915 Desco Drive REQUEST: Application of Karl A. Crawley of Masterplan for a special exception to the fence height regulations	4
BDA145-125(SL)	5545 Park Lane REQUEST: Application of Karl A. Crawley of Masterplan for a special exception to the fence height regulations	5

EXECUTIVE SESSION NOTICE

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

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

(Rev. 6-24-02)

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel C November 16, 2015 public hearing minutes.

FILE NUMBER: BDA 145-121(SL)

BUILDING OFFICIAL'S REPORT: Application of Dagmawi Asseged Yemenu, represented by Robert Reeves and Associates, Inc., for a variance to the front yard setback regulations and a special exception to the fence height regulations at 7728 Goforth Circle. This property is more fully described as Lot 17A, Block B/5446, and is zoned R-7.5(A), which requires a front yard setback of 25 feet and limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain 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, and to construct and maintain a 9 foot high fence, which will require a 5 foot special exception to the fence height regulations.

LOCATION: 7728 Goforth Circle

APPLICANT: Dagmawi Asseged Yemenu
Represented by Robert Reeves and Associates, Inc.

REQUESTS:

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

1. A variance to the front yard setback regulations of 15' is made to construct a single family home structure in one of the site's two 25' front yard setbacks (Goforth Road); and
2. A special exception to the fence height regulations of 5' is made to construct and maintain a 9' high board-on-board cedar fence in one of the site's two 25' front yard setbacks (Goforth Road).

STANDARD FOR A VARIANCE:

The Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, 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 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 (variance):

Approval, subject to the following condition:

- Compliance with the submitted revised site plan is required.

Rationale:

- Staff concluded that the subject site is unique and different from most lots zoned R-7.5(A) in that it is a lot with a restrictive area once two front yard setbacks, a required 20' sanitary sewer easement, and floodplain are accounted for. The atypical lot with these physical site constraints precludes the applicant from developing it in a manner commensurate with development (in this case with a two-story approximately 5,500 square foot house) found on other similarly zoned R-7.5(A) properties with the typical one front yard setback, two side yard setbacks, one rear yard setback, and with no easements or floodplain.

STAFF RECOMMENDATION (fence height special exception):

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-7.5(A) (Single family district 7,500 square feet)
- North: R-7.5(A) (SUP 972) (Single family district 7,500 square feet)(Specific Use Permit)
- 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 being developed with a single family use/structure. The areas to the north, east, and south are developed with single family uses; and the area to the west is developed with an institutional/water utilities use.

Zoning/BDA History:

1. BDA 145-092, Property located at 7743 Goforth Circle (the lot immediately northeast of subject site)

On September 23, 2015, the Board of Adjustment Panel B granted requests for a variance to the front yard setback regulations of 20' and special exceptions to the fence height regulations of 8' and to the visual obstruction regulations imposing the submitted site plan/elevation as a condition to these requests.

The case report stated that the requests were made to construct and maintain a new arbor, pool equipment, and existing air conditioning unit structures in the Goforth Road 25' front yard setback; to maintain a 6' 2" - 8' high board on board cedar fence some of which is located atop a stone retaining wall as high as 3' 10 1/4" in the site's Goforth Circle and Goforth Road front yard setbacks, and to maintain the 8' high board on board cedar fence some of which is located atop a stone retaining wall as high as 3' 10 1/4" in the 45' visibility triangle at the intersection of Goforth Circle and Goforth Road.

2. BDA 123-051, Property located at 7743 Goforth Circle (the lot immediately northeast of subject site)

On May 22, 2015, the Board of Adjustment Panel B granted a request for a variance to the front yard setback regulations of 12' 9" imposing the submitted site plan as a condition to the request.

The case report stated that the request was made to construct and maintain a two-story single family structure, part of which was to be located in one of the three front yard setbacks (Goforth Road).

GENERAL FACTS/STAFF ANALYSIS (variance):

- This request focuses on constructing and maintaining an approximately 5,500 square foot, two-story single family home structure in the site's Goforth Road 25' front yard setback.
- Structures on lots zoned R-7.5(A) are required to provide a minimum front yard setback of 25'.

- The subject site is located at the south corner of Goforth Road and Goforth Circle. Regardless of how the home being constructed on the site is oriented to front northward to Goforth Circle and to side westward onto Goforth Road, the site has two, 25' front yard setbacks. The site has a 25' front yard setback along Goforth Circle, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in a single-family zoning district. The site also has a 25' front yard setback along Goforth Road, the longer of the two frontages of this corner lot, which is typically regarded as a side yard. But the site's Goforth Road frontage is a side yard treated as a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lots developed with single family homes south of the site that front/are oriented westward towards Goforth Road.
- The submitted revised site plan indicates that the proposed single family home is located 10' from the Goforth Road front property line or 15' into this 25' front yard setback.
- No part of this application is made for any structure to encroach into the site's Goforth Circle front yard setback.
- According to DCAD records, there is "no main improvement" at 7728 Goforth Circle.
- The subject site is somewhat sloped, irregular in shape, and according to the application is 0.574 acres (or approximately 25,000 square feet) in area. The site is zoned R-7.5(A) where lots typically are 7,500 square feet in area.
- The applicant's representative states that a 20' wide sanitary easement is required on its northeast side (required by the City to be widened from 5'), and that approximately 60 percent of the site lies in the 100-year floodplain.
- The site has two, 25' front yard setbacks and two 5' side yard setbacks; most residentially-zoned lots have one front yard setback, two side yard setbacks, and one rear yard setback.
- According to the applicant's representative, approximately 13 percent of the air-conditioned space and approximately 50 percent of the garage would be located in the 25' front yard setback along Goforth Road.
- The applicant's representative submitted a document listing 13 other properties in the same R-7.5(A) zoning district as the subject site with development that is greater than the 5,500 square feet of home proposed on the subject site.
- The applicant has the burden of proof in establishing the following:
 1. 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.
 2. 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.
 3. 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 revised 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 located 10' from the Goforth Road front property line (or 15' into this 25' front yard setback).

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

- This request focuses on constructing and maintaining a 9' high board-on-board cedar fence in one of the site's two 25' front yard setbacks (Goforth Road) on a site being developed with a single family home.
- The subject site is zoned R-7.5(A).
- 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 located at the south corner of Goforth Road and Goforth Circle. Regardless of how the home on the site is oriented to front northward to Goforth Circle and to side westward onto Goforth Road, the site has two, 25' front yard setbacks. The site has a 25' front yard setback along Goforth Circle, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in a single-family zoning district. The site also has a 25' front yard setback along Goforth Road, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where a 9' high fence would be allowed by right. But the site's Goforth Road frontage is a side yard treated as a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lots developed with single family homes south of the site that front/are oriented westward towards Goforth Road.
- The applicant has submitted a revised site plan/elevation of the proposal in the Goforth Road front yard setback that reaches a maximum height of 9'
- No part of this application is made for any fence to exceed 4' in height in the site's Goforth Circle front yard setback.
- The following additional information was gleaned from the submitted revised site plan/elevation:
 - The portion of the fence that exceeds 4' in height on the subject site is in the Goforth Road front yard setback is about 250' in length parallel to this street and about 22' in length perpendicular to this street on the north and sides of this site in this front yard setback.
 - The fence over 4' in height in the front yard setback is located approximately 3' from the property line or approximately 13'- 26' from the Goforth Road pavement line.
 - 18 "boxwood buxus planted in 3' planting area in front of fence" along Goforth Road.
- The Board Administrator conducted a field visit of the site and surrounding area, and noted several other fences above 4 feet high which appeared to be located in a front yard setback, 4 of which are solid fences approximately 6' – 9' high located

immediately northeast of the subject site (one of which have recorded BDA history), and the other of which is a solid fence approximately 6' high located immediately northwest of the subject site with no recorded BDA history.

- No home fronts the proposed fence to be located in the subject site's Goforth Road. The property directly across from the proposed fence on the subject site is a property (City of Dallas Northeast Service Center) with an approximately 6' high solid fence in its front yard.
- As of December 4th, no letters had been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 5' will not adversely affect neighboring property.
- Granting this special exceptions of 5' with a condition imposed that the applicant complies with the submitted revised site plan/elevation would require the fence 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 this document.

Timeline:

October 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.

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

November 10, 2015: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the November 25th deadline to submit additional evidence for staff to factor into their analysis; and the December 4th 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.

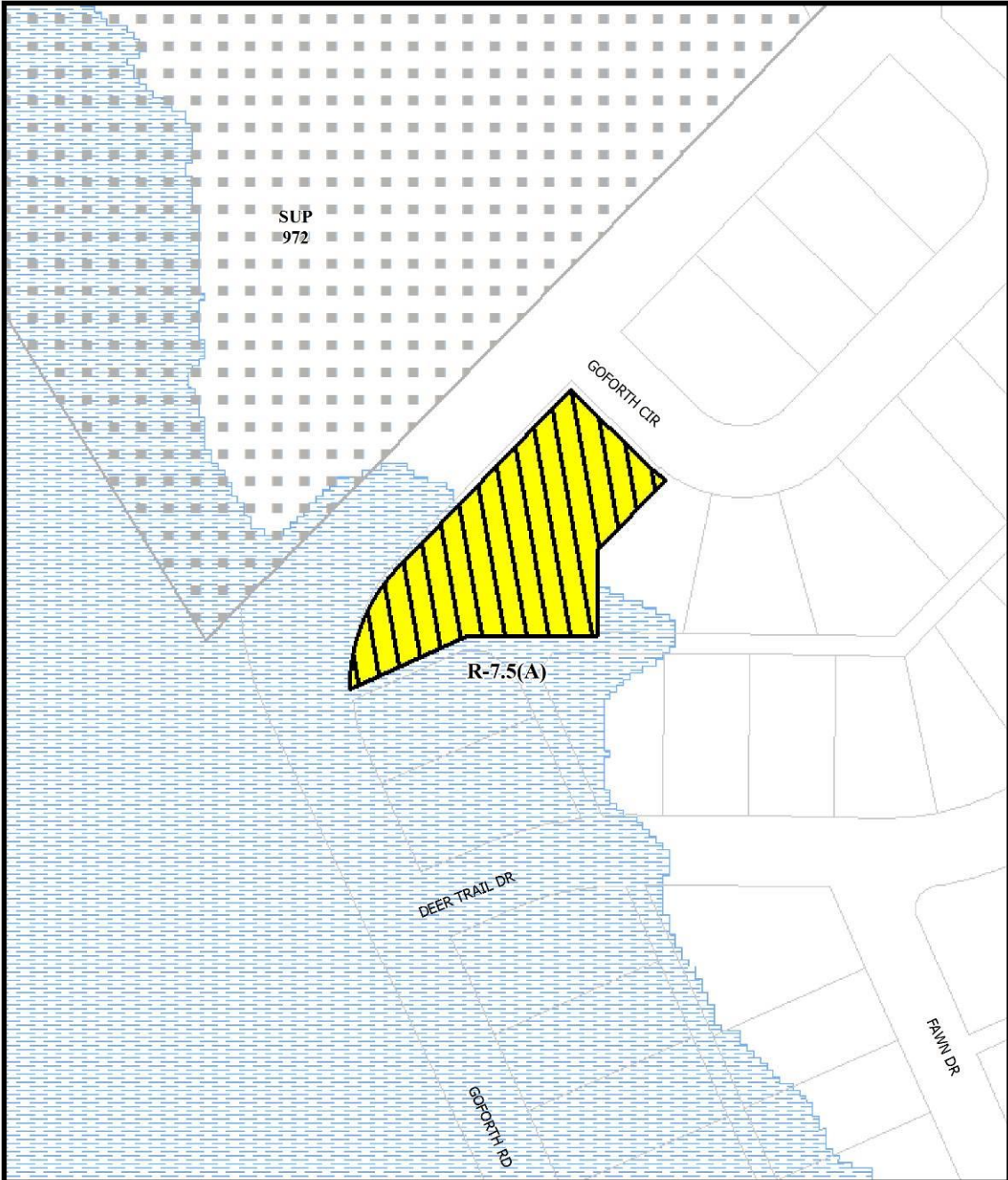
November 22, 2015: The applicant's representative submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).

December 1, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code

Specialist, 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.

December 3, 2015: The applicant's representative submitted additional documentation on this application beyond what was submitted with the original application (see Attachment B).



1:1,200

ZONING MAP

Case no: BDA145-121

Date: 11/17/2015



1:1,200

AERIAL MAP

Case no: BDA145-121

Date: 11/17/2015

ROBERT REEVES
& Associates, Inc.

PLANNING AND ZONING CONSULTANTS

November 22, 2015

Steve Long
Board of Adjustment Administrator
Department of Sustainable Development and Construction
City of Dallas
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

RE: BDA 145-121
7728 Goforth Circle

Dear Mr. Long:

Enclosed are updated site plans and renderings for the above referenced board case. We have inserted the interior layout of the first floor on both plans. One plan relates to the 15-foot front yard variance along a portion of Goforth Road and the second plan relates to our 5-foot special exception for a board-on-board fence along a portion of Goforth Road. Since we filed this case, the City Plan Commission deleted a portion of an existing 30-foot building line along a portion of Goforth Road across the street from the large city service center.

The following important information is for the board's consideration.

- 1) Attached is a list with the floor area of a few existing homes located in a R-7.5(A) District, which is the same zoning district as my client's new home. My client is proposing a 5,500 square foot home and unable to construct it based on the available buildable area, which 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.
- 2) Sixty percent of this lot lies within the 100-year flood plan; 20-foot wide sanitary sewer easement is required along the northeastern property line; 30-foot building line along Goforth Circle; and a 25-foot front yard setback along Goforth Road.
- 3) Thirteen percent of the air-conditioned floor area or 792 square feet and 50% of the garage fall outside the 25-foot front yard setback along Goforth Road.

BDA 145-121

Attach A

pg 2

Please include this information in the board docket and let me know if you need additional information.

Sincerely:

A handwritten signature in black ink, appearing to read 'Robert Reeves', with a long horizontal flourish extending to the right.

Robert Reeves

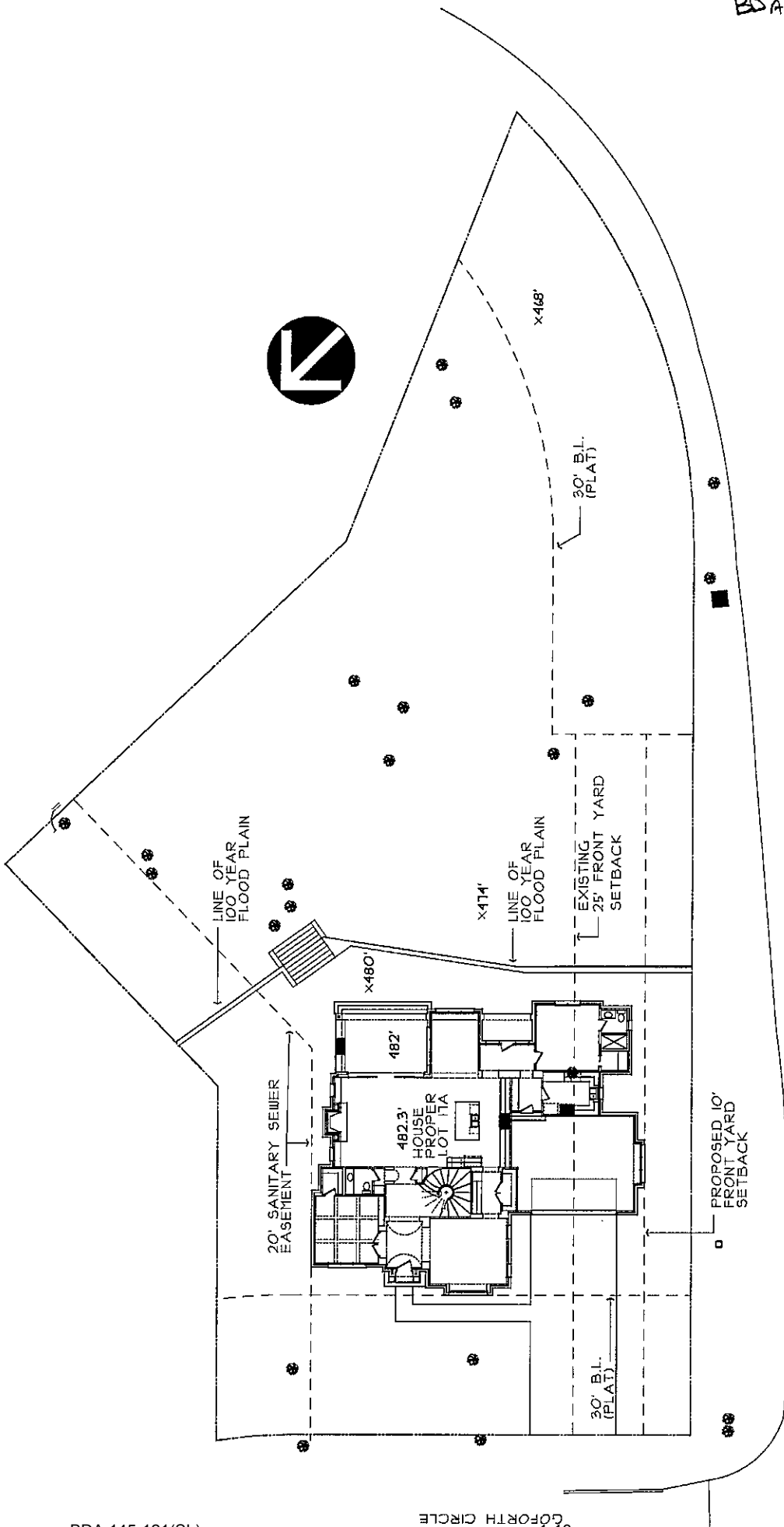
Case: BDA 145-121

7728 Goforth Circle

November 23, 2015

R-7.5(A) Properties with greater than 5,500 square feet.

<u>Address</u>	<u>SF</u>
6422 Lupton Dr.	7,981
6423 Lupton Dr.	6,042
6431 Lupton Dr.	6,697
6438 Lupton Dr.	5,862
6439 Lupton Dr.	6,489
6446 Lupton Dr.	7,198
6407 Prestonsire Ln.	6,704
6414 Prestonsire Ln.	8,037
6439 Prestonsire Ln.	7,116
6407 Stephanie Dr.	8,079
6414 Stephanie Dr.	7,420
6430 Stephanie Dr.	7,126
6446 Stephanie Dr.	6,580



BDA 145-121
A-H-2-A
P 94

10-28-15 SCALE: 3/32"=1'-0"

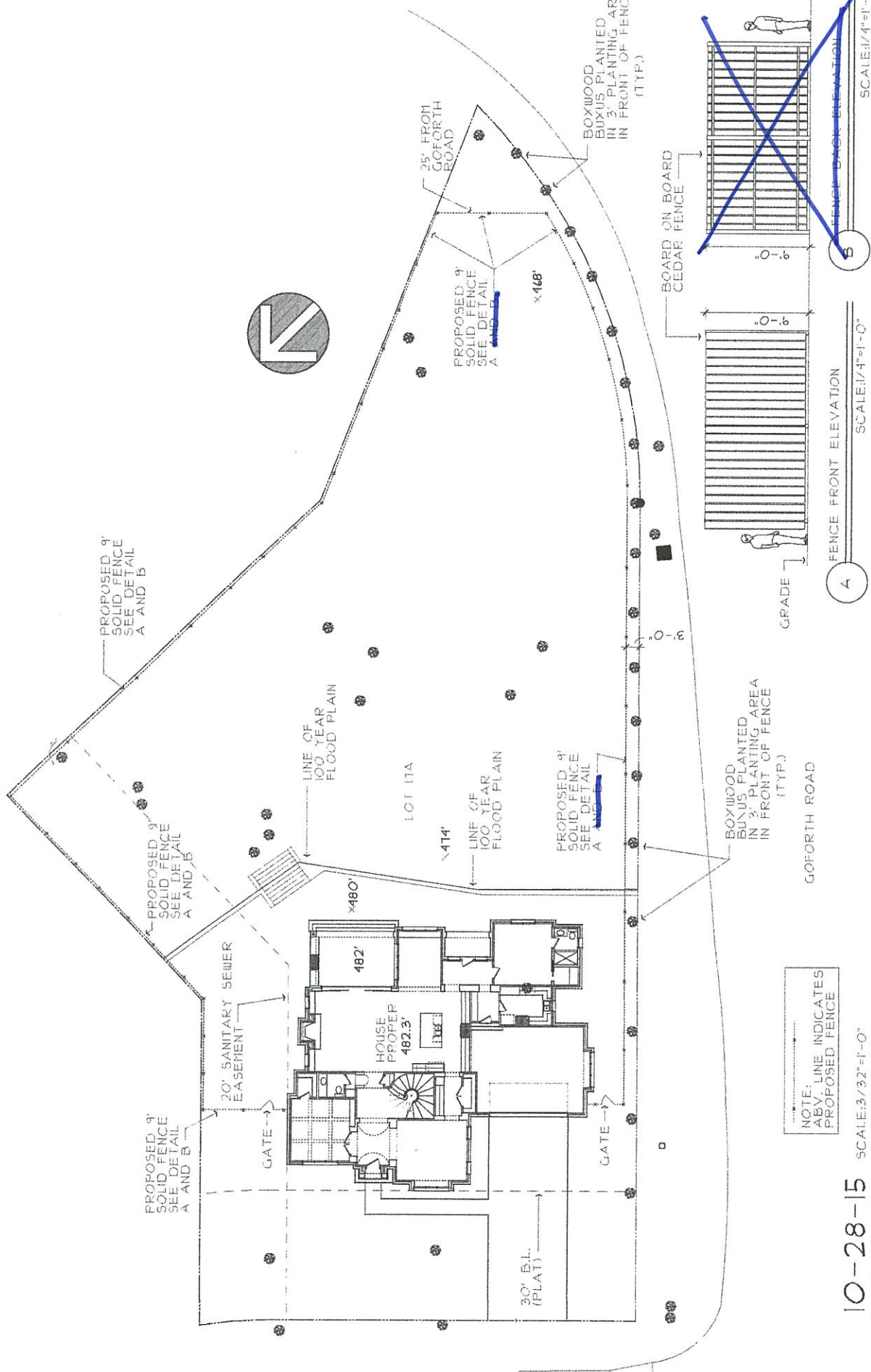
GOFORTH ROAD

PLANS FOR:
ROBERT ELLIOTT CUSTOM HOMES
 PROJECT ADDRESS:
7728 GOFORTH CIRCLE, DALLAS, TEXAS

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DATE
 9-2-15



BDA 145-121(SL)

GOFORTH CIRCLE 1-14

NOTE:
 DASHED LINE INDICATES
 PROPOSED FENCE

10-28-15 SCALE: 3/32"=1'-0"

PLANS FOR:
ROBERT ELLIOTT CUSTOM HOMES
 PROJECT ADDRESS:
 7728 GOFORTH CIRCLE, DALLAS, TEXAS

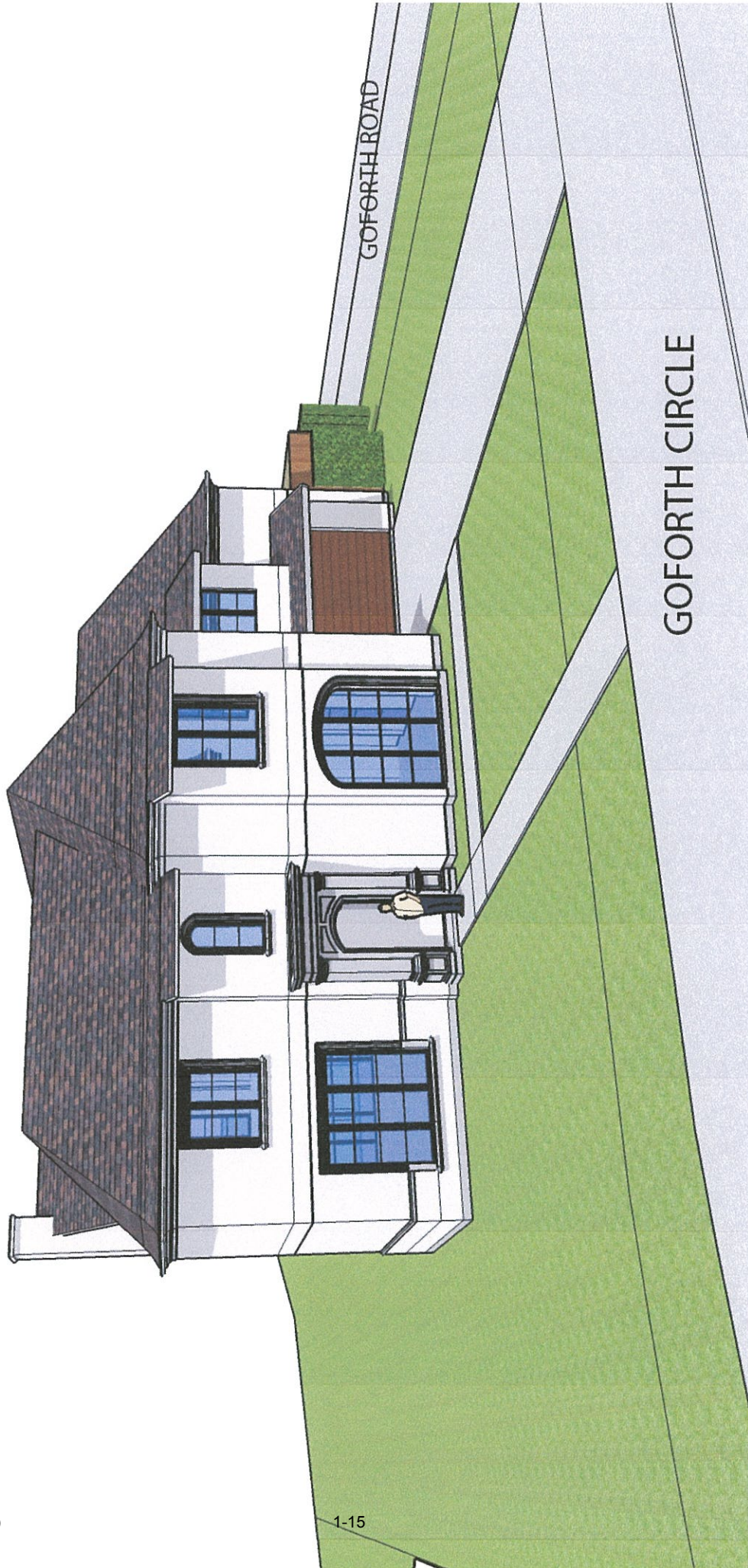
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BDA 145 -
121

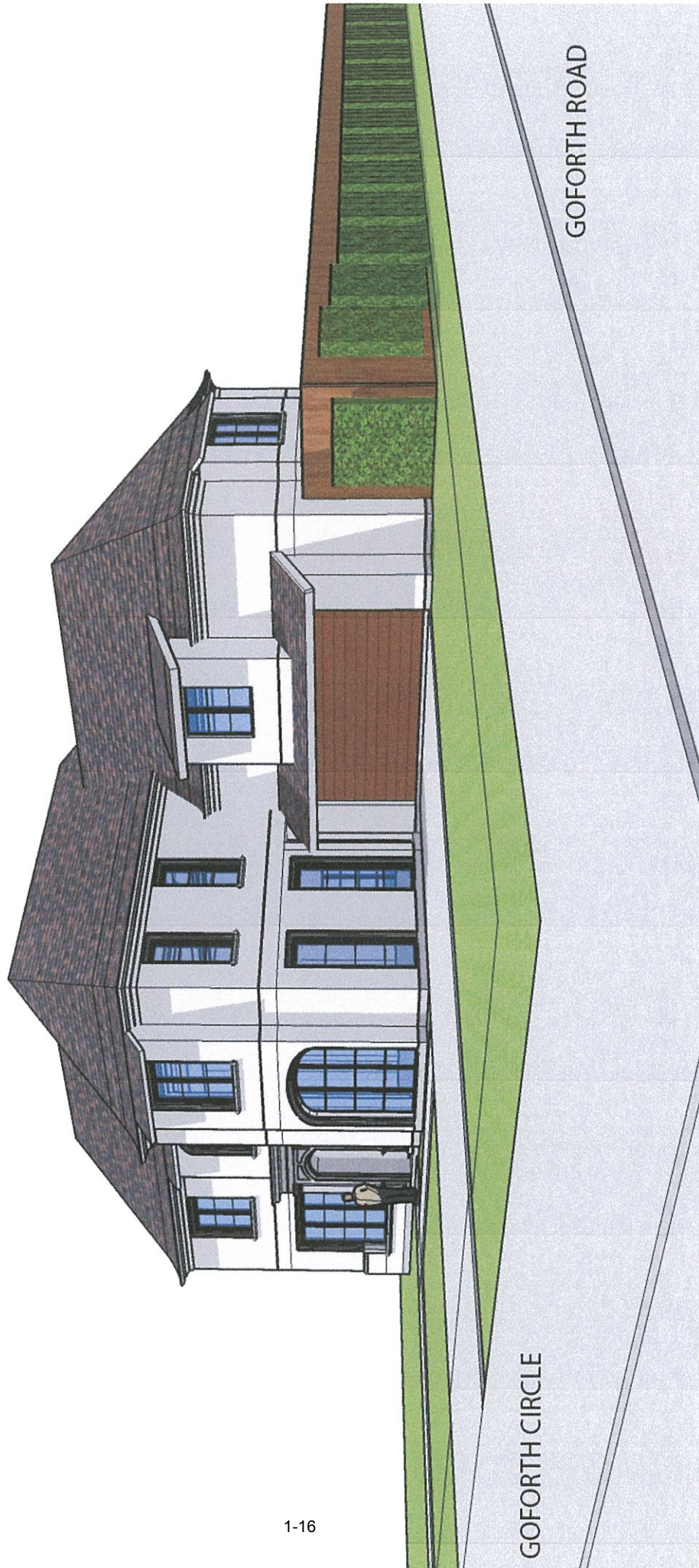
Attach A
Pg 6



BDA145-121

Attach 4

PS 7



BDA145-121

COPY

AH24 B
PS1

ROBERT REEVES
& Associates, Inc.

PLANNING AND ZONING CONSULTANTS

December 3, 2015

Todd Duerksen, Senior Building Official
Department of Sustainable Development & Construction
320 E. Jefferson Blvd., Room 115
Dallas, Texas 75203

RE: BDA145-12, Goforth

Todd:

Attached are the revised plans for BDA145-121, (Goforth). The revisions correct the North Arrow on both the floor plan and the site plan for the fence. This is the ONLY change on each plan.

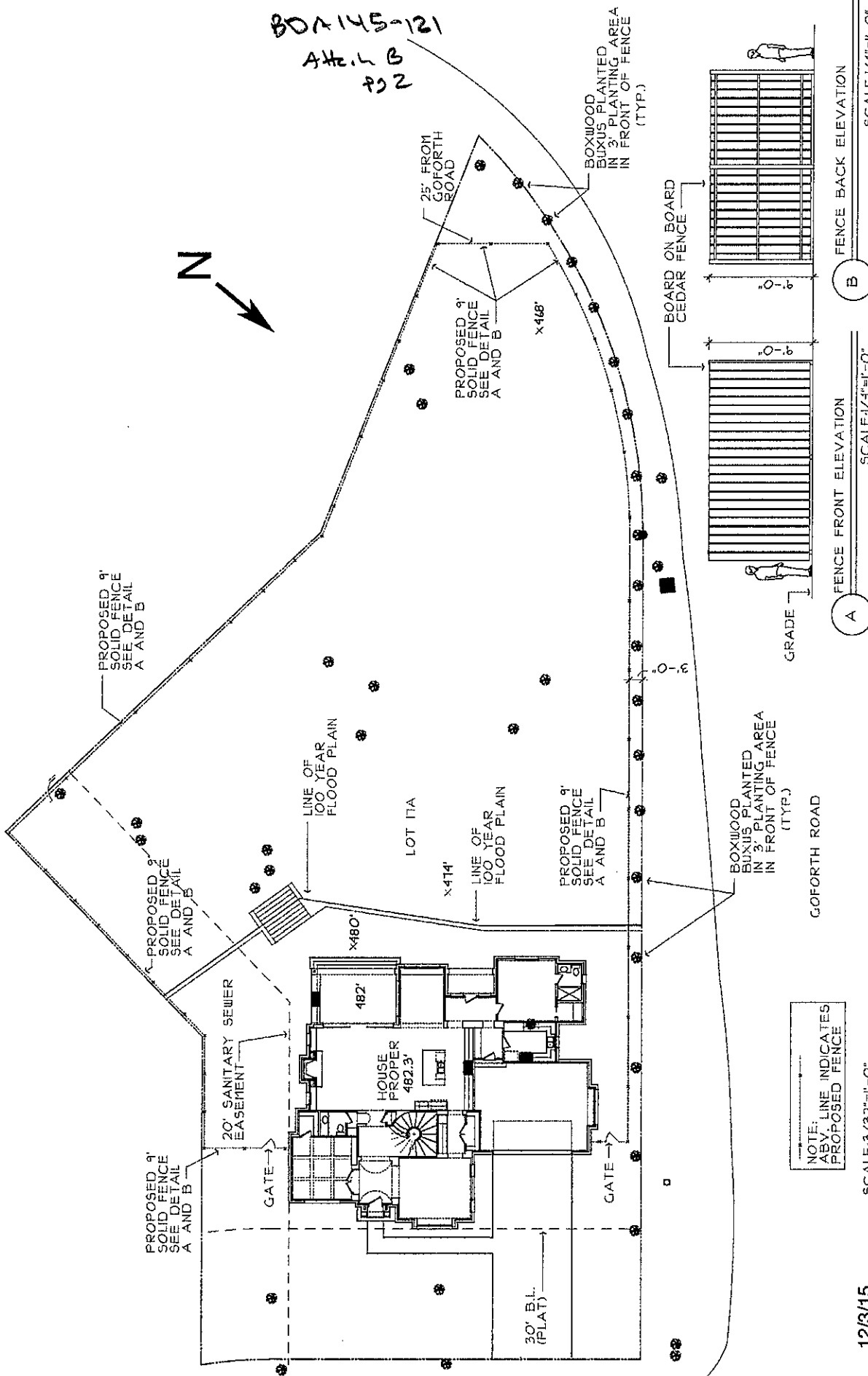
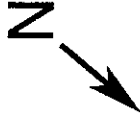
Let me know if you have any questions.

Sincerely:



Robert Reeves

BDA 145-121
Att. L B
#22



NOTE:
DASHED LINE INDICATES
PROPOSED FENCE

SCALE: 3/32" = 1'-0"

12/3/15

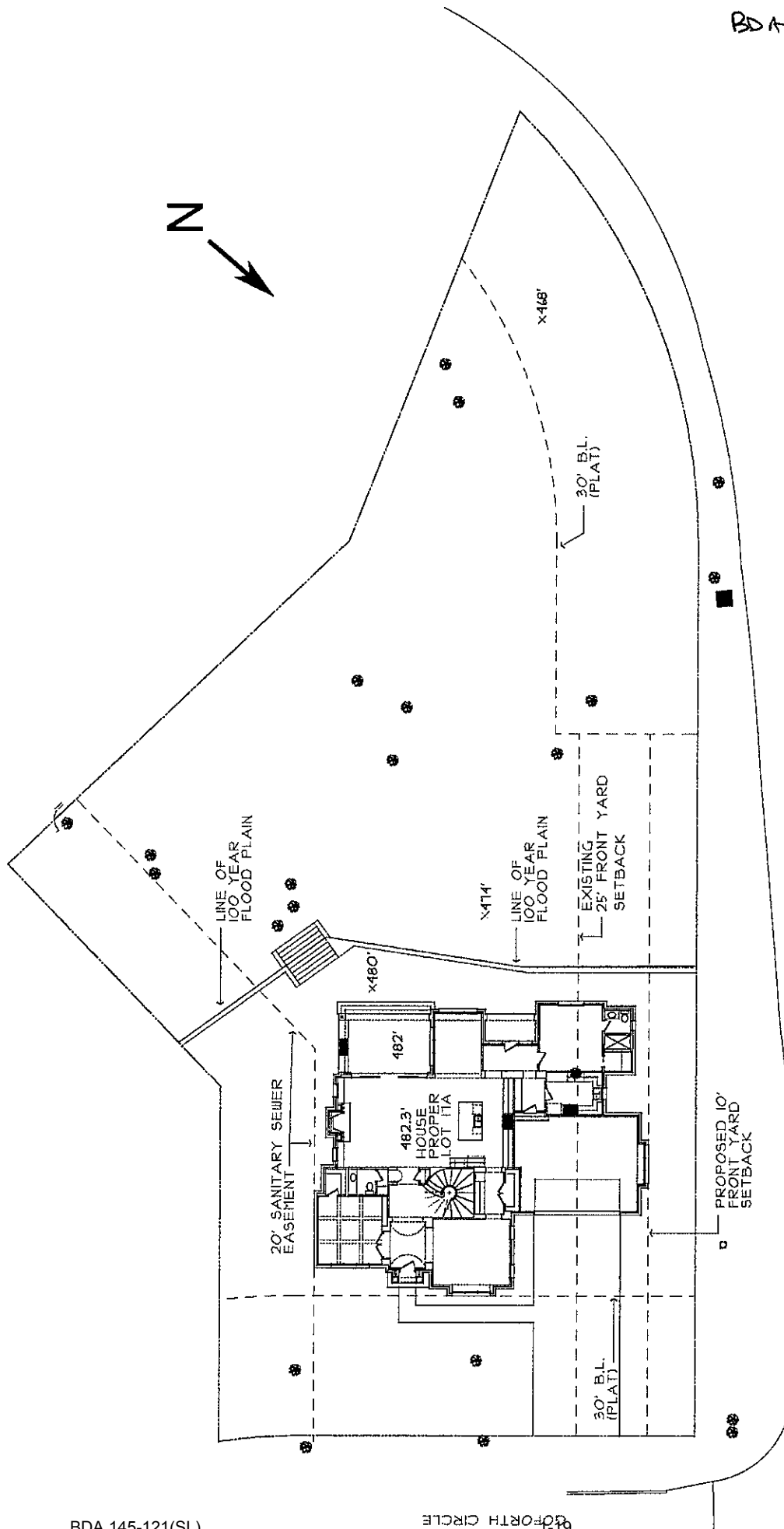
FENCE FRONT ELEVATION
SCALE: 1/4" = 1'-0"

FENCE BACK ELEVATION
SCALE: 1/4" = 1'-0"

PLANS FOR:
ROBERT ELLIOTT CUSTOM HOMES
 PROJECT ADDRESS:
 7728 GOFORTH CIRCLE, DALLAS, TEXAS

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BDA 145-121
ATTACH B
PJ 3

12/3/15 SCALE: 3/32"=1'-0"

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PLANS FOR:
ROBERT ELLIOTT CUSTOM HOMES
 PROJECT ADDRESS:
7728 GOFORTH CIRCLE, DALLAS, TEXAS

DATE
 9-2-15

12-3



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-121

Date: 10/20/15

Data Relative to Subject Property:

Location address: ~~7720 Goforth Rd.~~ & 7728 Goforth Circle Zoning District: R-7.5(A)

Lot No.: 17A Block No.: B/5446 Acreage: .574 Census Tract: 130.04

Street Frontage (in Feet): 1) 292.52' Goforth Rd. 2) 85' Goforth Cir. 3) _____ 4) _____ 5) _____

NES

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Dagmawi Asseged Yemenu & Addisalem W. Kassa, husband and wife

Applicant: Dagmawi Asseged Yemenu Telephone: 214-364-3347

Mailing Address: 8918 White Pine Lane Unit G Dallas, Texas Zip Code: 75238-3992

E-mail Address: dagmawiay@hotmail.com

Represented by: Robert Reeves & Associates, Inc. Telephone: 214-749-0530

Mailing Address: 900 Jackson St., Suite 160 Dallas, Texas Zip Code: 75202

E-mail Address: rob.reeves@sbcglobal.net

Affirm that an appeal has been made for a Variance X, or Special Exception X, of 15 ft. front yard setback variance ~~along Goforth Rd. for former lots 18 & 19 along with~~ a special exception of 5 ft for a front yard fence height ~~along Goforth Rd.~~

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 subject site is unique and different from most lots zoned R-7.5(A) in that it is a lot with restrictive area due to (1) a city requirement of a 20-foot wide sanitary sewer easement along the eastern property line. (2) City determination that there are two front yards, each requiring a 25-foot setback. (3) Both front yards have a 30' required front yard setback created by a platted building line. (4) Approx. 1/2 of Lot 17A falls within the 100-yr flood plain. Since Goforth Rd. is a busy street and the site is located directly across the street from the City of Dallas Northeast Service Center, the applicant would like to maximize safety, and minimize noise from Goforth Rd. and is requesting a special exception of 5 ft. to erect a 9ft. fence along Goforth Rd. ~~for these reasons this request will not affect neighboring properties.~~

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 Dagmawi Asseged Yemenu

(Affiant/Applicant's name printed)

Addisalem W. Kassa

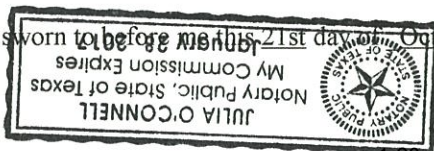
(Affiant/Applicant's name printed)

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)

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

Subscribed and sworn to before me this 21st day of October, 2015



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that DAGMAWI YEMENU
represented by Robert Reeves
did submit a request for a variance to the front yard setback regulations, and for a special
exception to the fence height regulations
at 7728 Goforth Circle

BDA145-121. Application of Dagmawi Yemenu represented by Robert Reeves for a variance to the front yard setback regulations and a special exception to the fence height regulations at 7728 Goforth Circle. This property is more fully described as Lot 17A, Block B/5446, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet and 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 regulation, and to construct a 9 foot high fence in a required front yard, which will require a 5 foot special exception to the fence regulation.

Sincerely,


Larry Holmes, Building Official

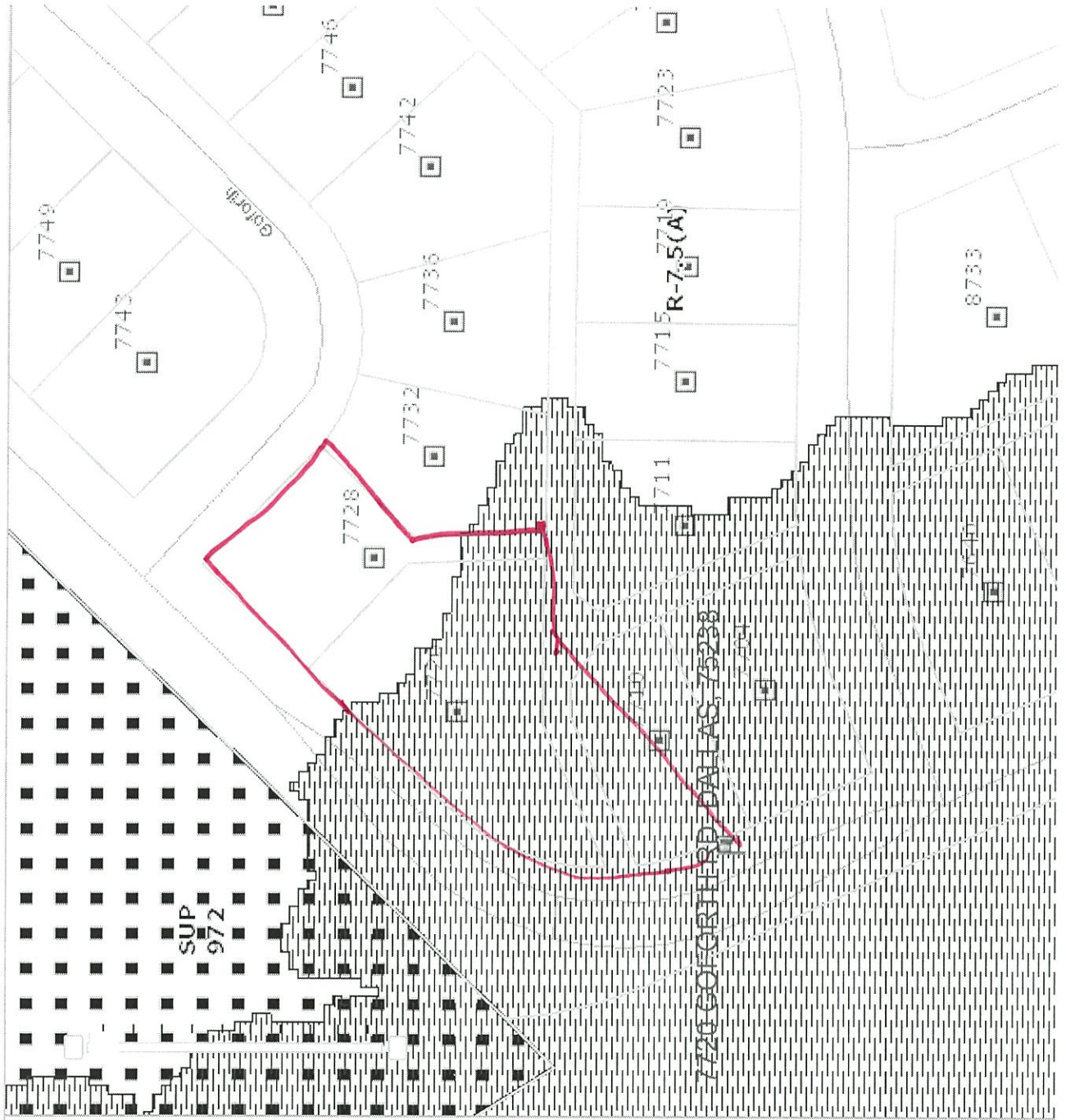


City of Dallas

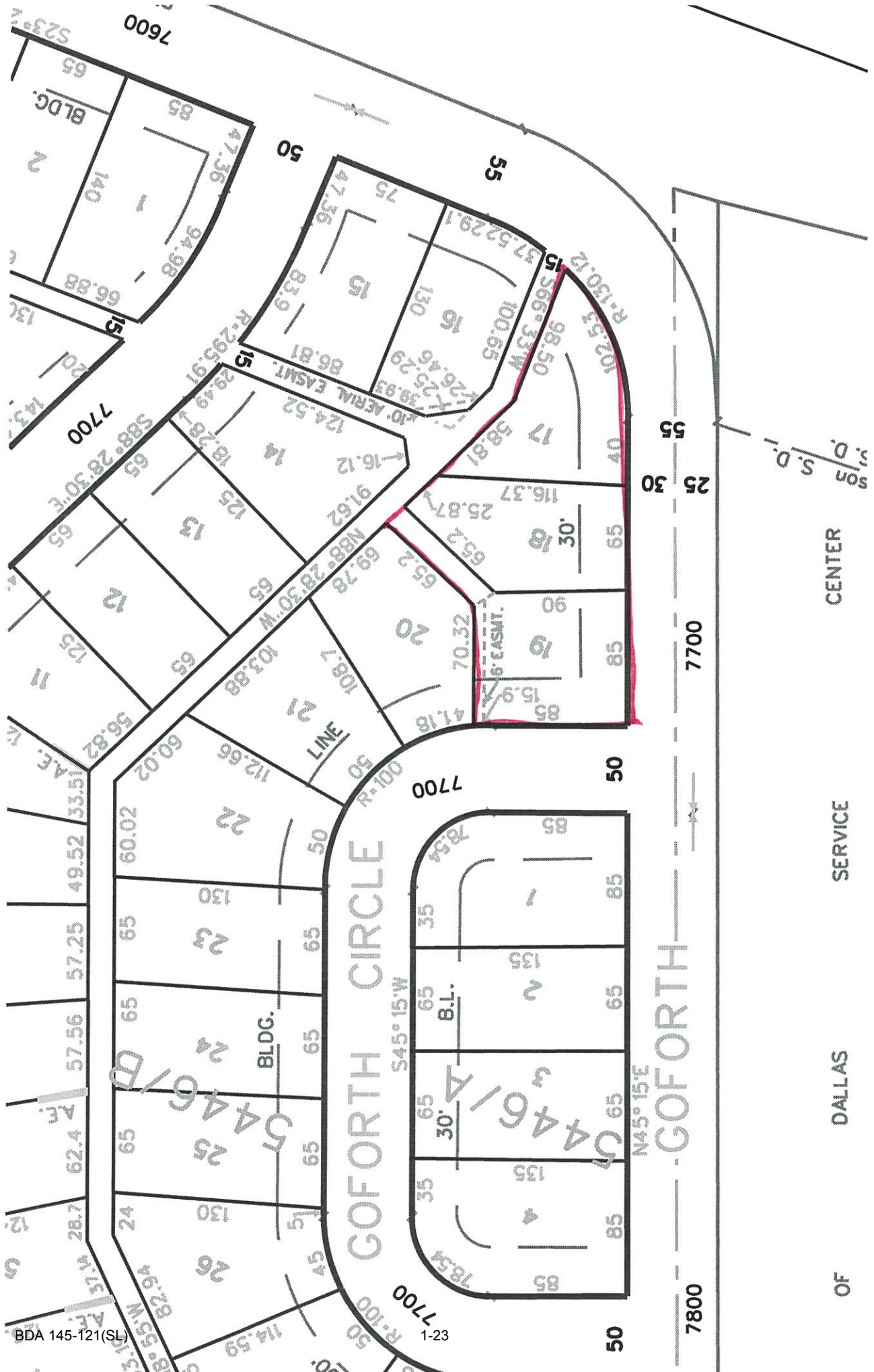
Internal Development Research Site

Legend

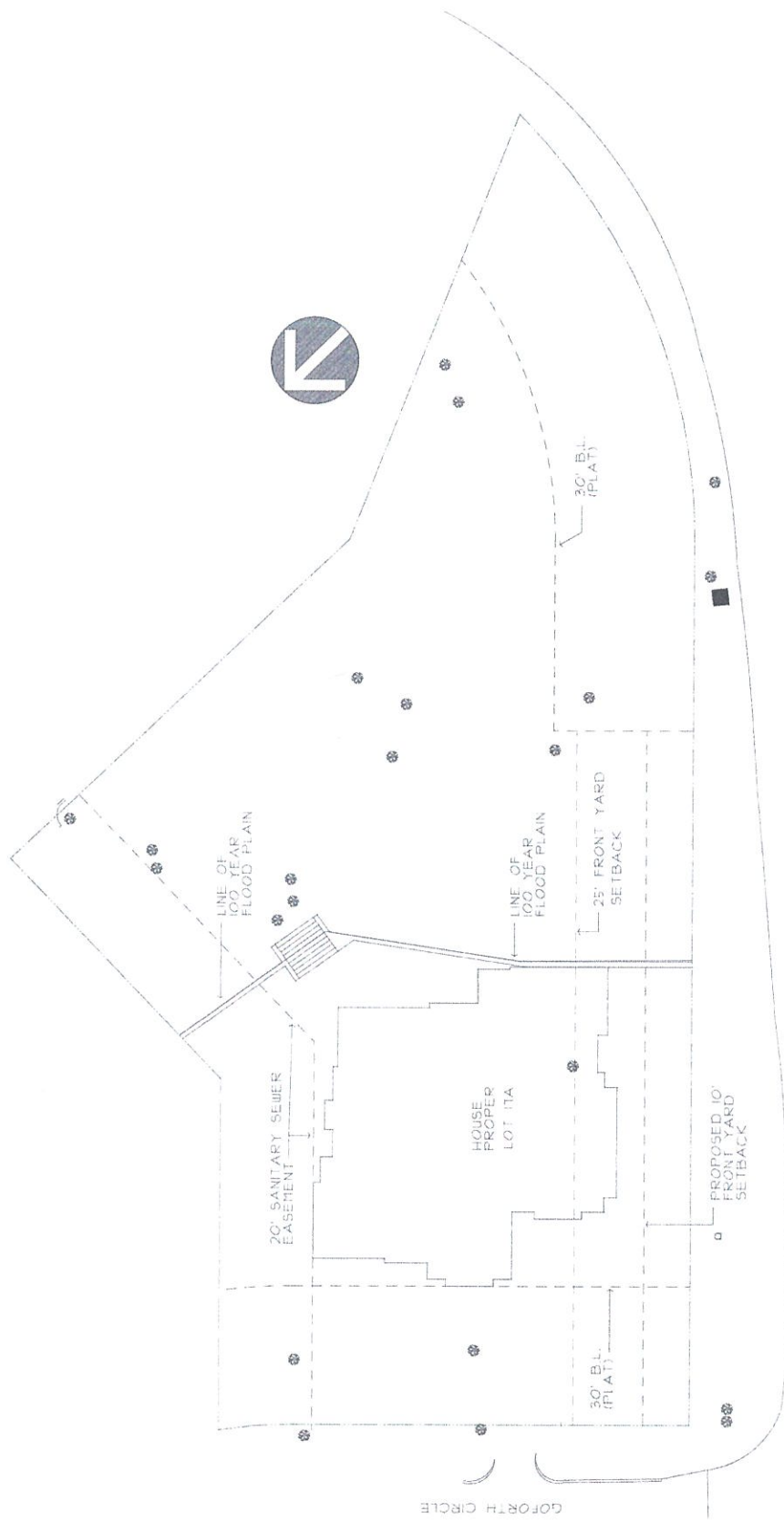
Locate Property



92



BDA 145-121(SL)



10-22-15 SCALE: 3/32"=1'-0"

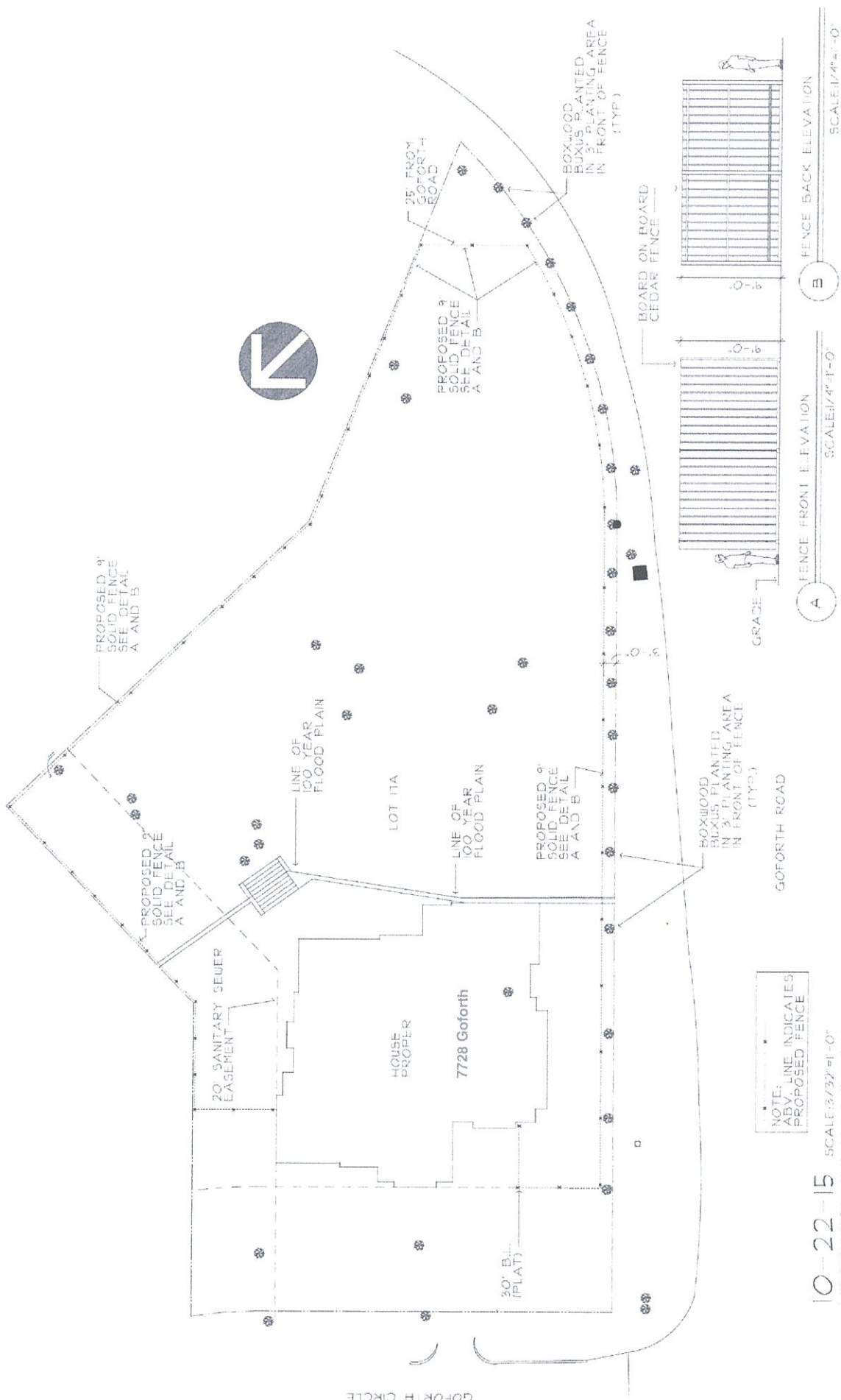
GOFORTH ROAD

B.K. DESIGN STUDIO
 445 TRAVIS ST. SUITE #202
 DALLAS, TEXAS 75204 (469) 855-1459

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PLANS FOR:
ROBERT ELLIOTT CUSTOM HOMES
 PROJECT ADDRESS:
 7728 GOFORTH CIRCLE, DALLAS, TEXAS

DATE
 9-2-15



PLANS FOR:
ROBERT ELLIOTT CUSTOM HOMES
 PROJECT ADDRESS:
7728 GOFORTH CIRCLE, DALLAS, TEXAS

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B.K. DESIGN STUDIO
 4145 TRAVIS ST. SUITE #202
 DALLAS, TEXAS 75204 (469) 955-7659

DATE
 9-2-15

ROBERT REEVES
& Associates, Inc.

PLANNING AND ZONING CONSULTANTS

October 22, 2015

Todd Duerksen, Senior Building Official
Department of Sustainable Development & Construction
320 E. Jefferson Blvd., Room 115
Dallas, Texas 75203

RE: Board of Adjustment Request, 7728 Goforth Circle

Dear Mr. Duerksen:

This is a request by Dagmawi Yemenu and Addisalem Kassa (husband & wife) for a two-part Board of adjustment request. The first request is for a 15-foot front yard variance along a portion of Goforth Road and the second request is for a 5-foot fence height special exception within the required front yard setback along Goforth Road.

Front Yard Variance:

A preliminary plat to combine Lots 17, 18, and 19 into Lot 17A was recently approved by the commission. The applicant is currently working on the final plat. Unfortunately, the City is requiring a 20-foot wide sanitary sewer easement along the northeastern lot line. In addition, there is an existing 30-foot building line along Goforth Road and Goforth Circle. The City has also determined that Goforth Road is a front yard requiring a 25-foot front yard setback. Since the lot is 85 feet wide, there is only a 35-foot wide area available for the applicant to build his new 5,500 square foot two-story home he and his wife have been planning on building. His dream house, which is consistent with the other homes along Goforth Circle, cannot be built.

The application has amended his plat to remove a portion of the 30-foot building line closest to Goforth Circle along the buildable portion of Goforth Road where their new house will be located. That request is scheduled for a commission hearing on November 5, 2015. Even if the commission removes a portion of the building line along Goforth Road, there is still a 25-foot front yard setback along Goforth Road, which allows only a 40-foot wide building area, still not enough to construct the new home.

Lot 17A is irregular in shape, restricted with a 20-foot wide sanitary sewer easement, two front yards, 9-foot grade change from Goforth Circle to the farthest point on Goforth Road and over ½ of the lot is in the flood plain. R-7.5 District zoning allows 45% lot coverage. Lot 17A is 24,990 square feet with an allowable lot coverage of 11,246 square

feet. Based on the current developable area of 2,470 square feet, the lot coverage is 10%. With the approval of the elimination of a portion of the building line and 15-foot front yard variance, the coverage is 3,850 square feet or 15%. This request meets the hardship standards.

Fence Special Exception:

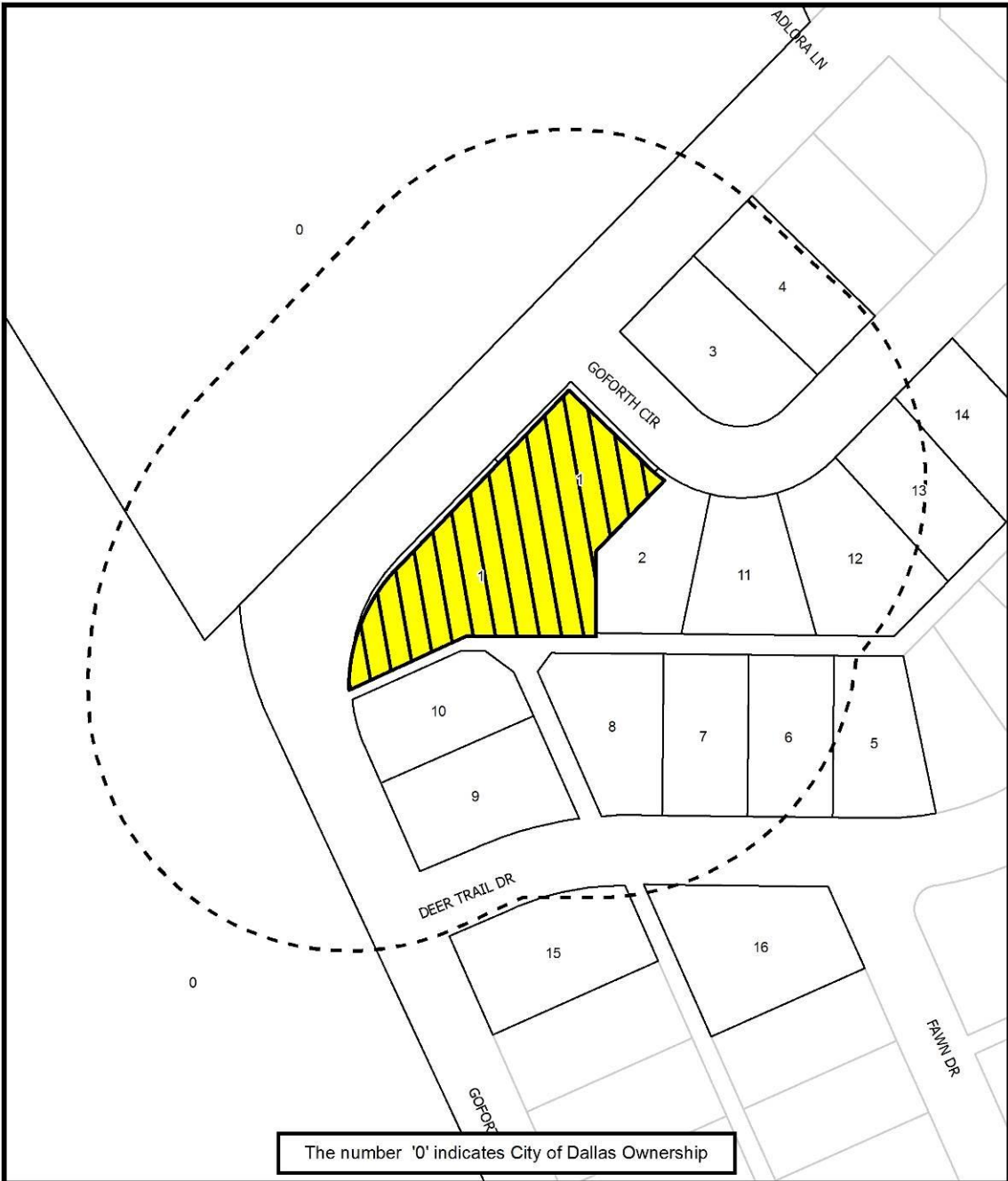
The applicant is also asking for a 5-foot fence height special exception for a solid fence in the required front yard along Goforth Road. The applicant's lot is from 3-foot to 5-foot lower than the elevation of Goforth Road. All the homes along this portion of Goforth Road either back-up or side on Goforth Road and have 6-foot to 8-foot high solid fences. Across Goforth Road is a very large City of Dallas municipal service center, which uses Goforth Road for its heavy truck traffic. The service center has a 6-foot masonry wall along Goforth Road, which is not tall enough to screen its truck and heavy equipment. The applicant has several young children and feels a 9-foot high fence is warranted because of change in grade between his lot and Goforth Road and the need for security and visual screen from traffic and the service center.

We respectfully request support of these two requests.

Sincerely:

A handwritten signature in black ink, appearing to read 'Robert Reeves', with a long, sweeping underline that extends to the right.

Robert Reeves



 1:1,200	NOTIFICATION		Case no: BDA145-121
	<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;">16</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 11/17/2015

Notification List of Property Owners

BDA145-121

16 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7728 GOFORTH CIR	YEMENU DAGMAWI ASSEGED &
2	7732 GOFORTH CIR	HIGHLAND CLASSIC HOMES LLC
3	7743 GOFORTH CIR	MILLER MATTHEW &
4	7749 GOFORTH CIR	BALDWIN ADAM K & SUMMER L
5	7723 DEER TRAIL DR	WALKER VERNON W
6	7719 DEER TRAIL DR	SCHMID CAROL A &
7	7715 DEER TRAIL DR	VASSAUR JOHN LEWIS II
8	7711 DEER TRAIL DR	OSBORN PATRICIA J &
9	7704 GOFORTH RD	BRITT H DAVID &
10	7710 GOFORTH RD	HAYS JEREMY W &
11	7736 GOFORTH CIR	BAIRD PATRICIA & VERNON PAUL
12	7742 GOFORTH CIR	MOORHEAD ROBERT J &
13	7746 GOFORTH CIR	RASMUSSEN ANNE REILLY
14	7750 GOFORTH CIR	NUTT TERRY L & STEPHANIE L
15	7640 GOFORTH RD	SIDHOM MATTHEW G & PAIGE H
16	8733 FAWN DR	SCHIELE LOREN EUGENE &

FILE NUMBER: BDA 145-122(SL)

BUILDING OFFICIAL'S REPORT: Application of Catherine Jennings for a special exception to the fence height regulations at 4106 Walnut Hill Lane. This property is more fully described as Lot 5, Block 2/6147, and is zoned R-10(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain an 8 foot 6 inch high fence, which will require a 4 foot 6 inch special exception to the fence height regulations.

LOCATION: 4106 Walnut Hill Lane

APPLICANT: Catherine Jennings

REQUEST:

A request for a special exception to the fence height regulations of 4' 6" is made to replace an approximately 5.5' – 6' high wood fence with an 8' 6" high board-on-board wood fence in the one of the site's two required front yards (Lakemont Drive) on a site that is developed with a single family home.

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-10(A) (Single family district 10,000 square feet)
North: PD 416 (Planned Development)
South: R-10(A) (Single family district 10,000 square feet)
East: R-10(A) (Single family district 10,000 square feet)
West: R-10(A) (Single family district 10,000 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 focuses on replacing an approximately 5.5' – 6' high wood fence with an 8' 6" high board-on-board fence in the one of the site's two required front yards (Lakemont Drive) on a site that is developed with a single family home.
- The subject site is zoned R-10(A).
- 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 southeast corner of Walnut Hill Lane and Lakemont Drive. Regardless of how the home on the site is oriented to front northward to Walnut Hill Lane and to side westward onto Lakemont Drive, the site has two required front yards. The site has a 50' required front yard along Walnut Hill Lane, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in a single-family zoning district, and a 30' required front yard along Lakemont Drive, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where a 9' high fence would be allowed by right. But the site's Lakemont Drive frontage is a side yard treated as a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lots developed with single family homes south of the site that front/are oriented westward towards Lakemont Drive.
- No part of the application is made to address any fence in the site's Walnut Hill Lane required front yard.
- The applicant has submitted a site plan and a revised elevation of the proposal in the front yard setback with notations indicating that the fence reaches a maximum height of 8' 6".
- The following additional information was gleaned from the submitted site plan:
 - The proposal is represented as being approximately 50' in length parallel to the Lakemont Drive, and approximately 30' perpendicular to Lakemont Drive on the north and south sides of the site in this front yard setback.
 - The proposal is represented as being located approximately on the Lakemont Drive front property line. (The distance between the fence and the pavement line cannot be determined from the submitted site plan given that there is no representation of the Lakemont Drive pavement).

- The proposal/existing fence is located across from one single family home, a property that has an approximately 5' – 6' high solid wood fence in its front yard setback along Lakemont Drive.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fence that appeared to be above 4' in height and located in a front yard setback other than the one previously mentioned directly west of the subject site.
- As of December 4th, 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 4' 6" will not adversely affect neighboring property.
- Granting this special exception of 4' 6" with a condition imposed that the applicant complies with the submitted site plan and revised elevation would require the proposal exceeding 4' in height in the Lakemont Drive required front yard to be replaced and maintained in the location and of the heights and materials as shown on these documents.

Timeline:

October 23, 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 C.

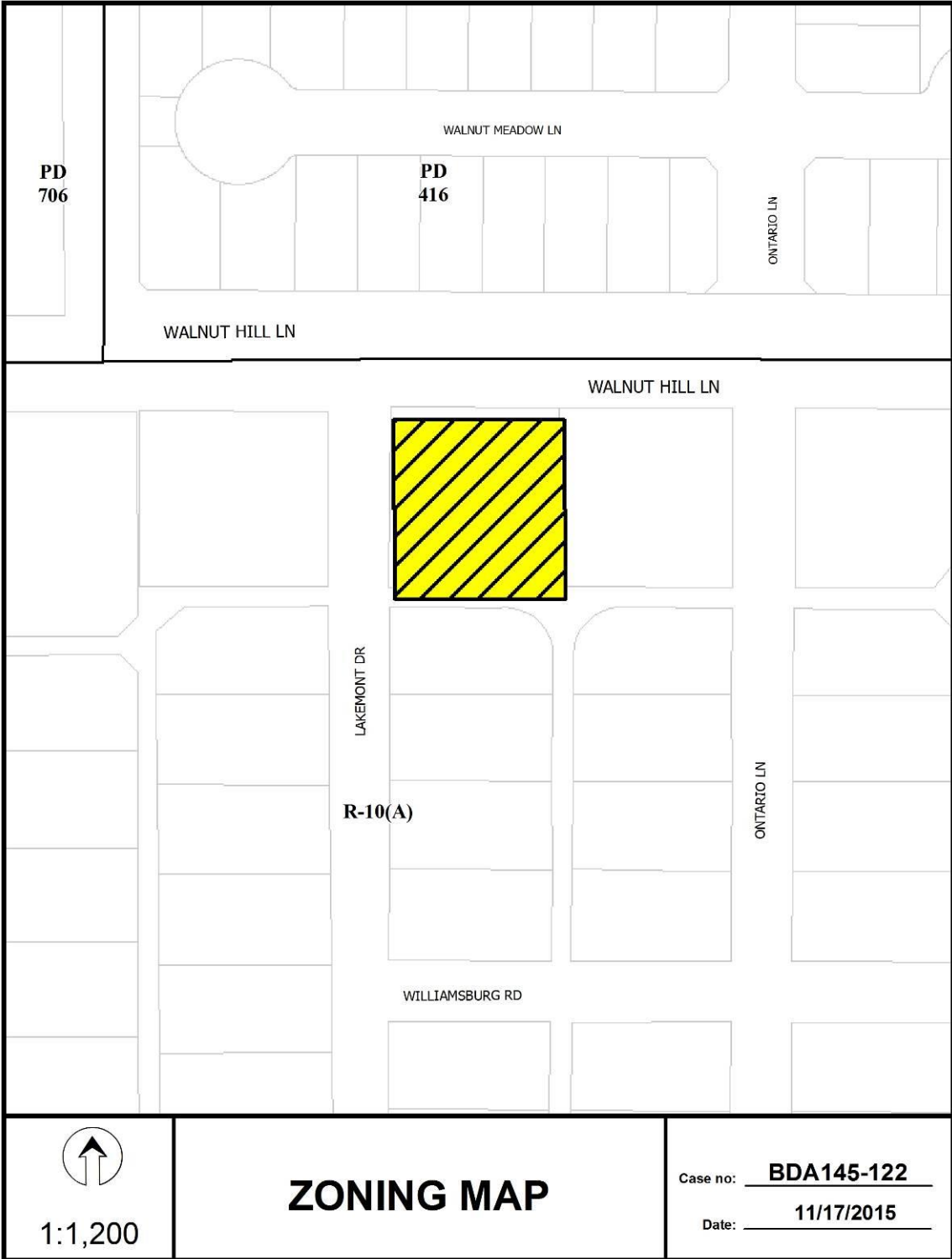
November 10, 2015: The Board Administrator emailed the applicant the following information:

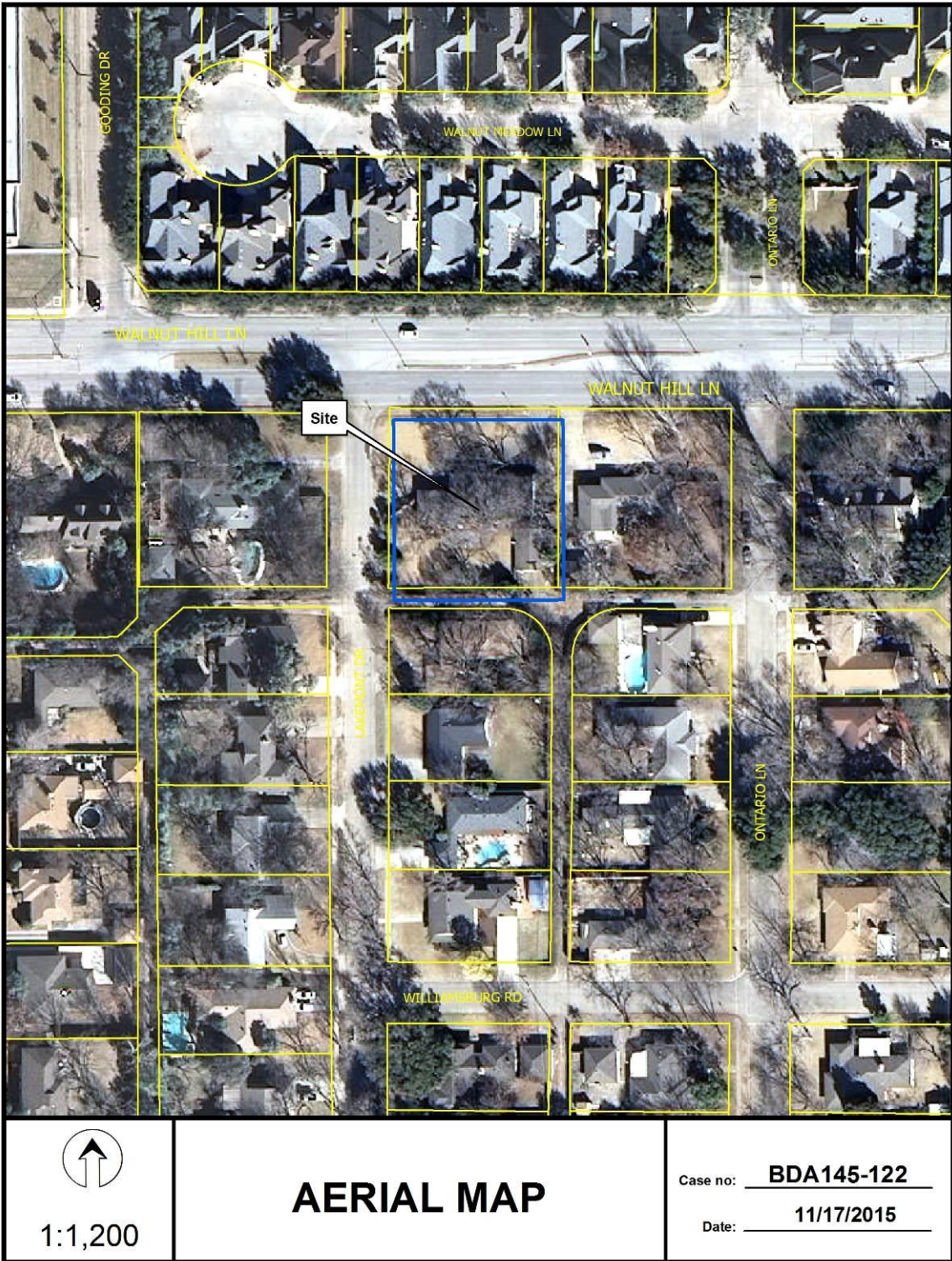
- an attachment that provided the public hearing date and panel that will consider the application; the November 25th deadline to submit additional evidence for staff to factor into their analysis; and the December 4th deadline to submit additional evidence to be incorporated into the Board's docket 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.

November 19, 2015: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).

December 1, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, 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.





Long, Steve

From: Duerksen, Todd
Sent: Thursday, November 19, 2015 9:44 AM
To: 'Marc Jennings'
Cc: Long, Steve; 'cathy jennings'
Subject: RE: BDA 145-122, Property at 4106 Walnut Hill Lane
Attachments: DOC.PDF

pg 1

I have revised the elevation drawing (see attached) to reflect the 8'-6" fence height and have revised the Building Official's Report to reflect the height increase.

From: Marc Jennings [<mailto:marc@3jdesign.com>]
Sent: Thursday, November 19, 2015 8:44 AM
To: Duerksen, Todd
Cc: Long, Steve; 'cathy jennings'
Subject: RE: BDA 145-122, Property at 4106 Walnut Hill Lane

Todd,
After speaking with Steve about our special exception application, I think we need some buffer on the height request to allow for grade changes. Could you please amend our request to 4'-6" instead of 4'-0"? I've attached a revised elevation if this is possible.

Marc Jennings | 3J Design
214.395.6015 mobile

From: cathy jennings [<mailto:cathy@derbyhill.com>]
Sent: Thursday, November 12, 2015 3:35 PM
To: 'Marc Jennings' <marc@3jdesign.com>
Cc: steve.long@dallascityhall.com
Subject: FW: BDA 145-122, Property at 4106 Walnut Hill Lane

Marc,
Steve Long, left me a message with some clarifications. Would you please call him to help answer any questions he may have?
Thanks,
Cathy

From: Long, Steve [<mailto:steve.long@dallascityhall.com>]
Sent: Tuesday, November 10, 2015 10:51 AM
To: cathy@derbyhill.com
Cc: Duerksen, Todd <todd.duerksen@dallascityhall.com>
Subject: BDA 145-122, Property at 4106 Walnut Hill Lane

Dear Ms. Jennings,

Here is information regarding your board of adjustment application referenced above:

1. Your application materials- all of which will be emailed to you, city staff, and the board of adjustment members in a docket report about a week ahead of the tentatively scheduled December 14th Board of Adjustment Panel C public hearing.

2. The provision from the Dallas Development Code allowing the board to consider/grant a special exception to the fence height regulations (51A-4.602(a)(6)).
3. A document that provides your tentative public hearing date and other deadlines for submittal of additional information to staff/the board.
4. The board's rule pertaining to documentary evidence.

Please carefully review the attached application materials to make sure they are complete, and within these materials, the Building Official's Report/second page of the application (page 2 of 6 in these attached materials). Please contact Todd Duerksen at 214/948-4475 no later than noon, Wednesday, November 25th with regard to any amendment that you feel is necessary to address the issue at hand, specifically if for any reason you feel that the statement in his report that the applicant proposes to construct an 8 foot high fence which will require a 4 foot special exception to the fence height regulations, or any other part of the report is incorrect. (Note that the discovery of any additional appeal needed beyond your requested fence height special exception will result in postponement of the appeal until the panel's next regularly scheduled public hearing).

Please write or call me at 214/670-4666 if I can be of any additional assistance to you on this application.

Thank you,

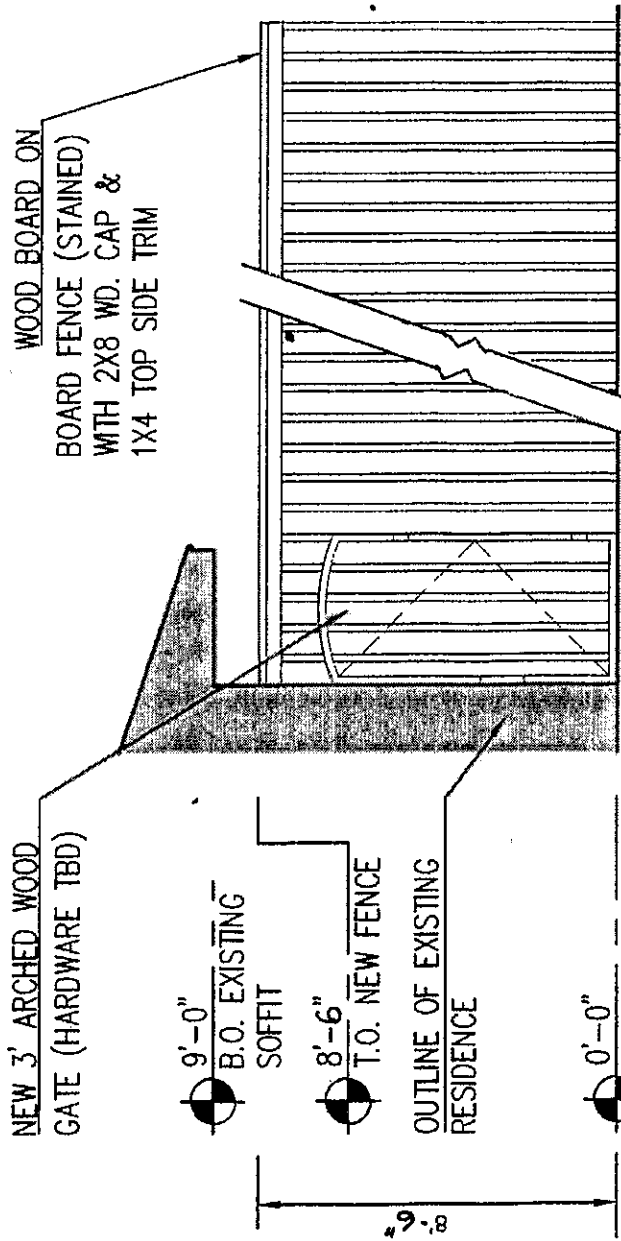
Steve

PS: If there is anything that you want to submit to the board beyond what you have included in your attached application materials, please feel free to email it to steve.long@dallascityhall.com or mail it to me at the following address:

Steve Long, Board of Adjustment Administrator
City of Dallas Sustainable Development and Construction
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

Jennings Residence
4106 Walnut Hill Ln.
Dallas, TX 75229

Scale: 1/4" = 1'



Proposed Fence Elevation, TYP.

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 Catherine Jennings

did submit a request for a special exception to the fence height regulations
at 4106 Walnut Hill Lane

BDA145-122. Application of Catherine Jennings for a special exception to the fence height regulations at 4106 Walnut Hill Lane. This property is more fully described as Lot 5, Block 2/6147, and is zoned R-10(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 8 foot 6 inch high fence in a required front yard, which will require a 4 foot 6 inch special exception to the fence regulation

Sincerely,


Larry Holmes, Building Official



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-122

Date: 10-23-15

Data Relative to Subject Property:

Location address: 4106 Walnut Hill Ln. Zoning District: R-10(A)

Lot No.: 5 Block No.: 2/6147 Acreage: */- 0.46 Census Tract: 94.02

Street Frontage (in Feet): 1) 137.5 2) 146.62 3) _____ 4) _____ 5) _____

NW2

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Catherine Jennings

Applicant: Catherine Jennings Telephone: 214.395.6057

Mailing Address: 4106 Walnut Hill Ln. Zip Code: 75229

E-mail Address: cathy@derbyhill.com

Represented by: self Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance __, or Special Exception X, of 4' for a
fence location and height in the front yd,

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:
Owner seeks to replace existing fence (in disrepair) located within the 30' building line along the West side 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 Catherine Jennings
(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 29th day of September 2015

(Rev. 08-01-11)



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

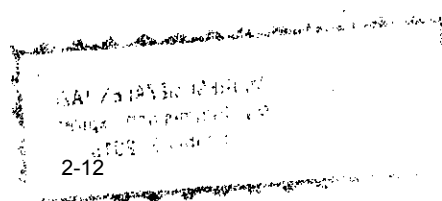
Building Official's Report

I hereby certify that Catherine Jennings
did submit a request for a special exception to the fence height regulations
at 4106 Walnut Hill Lane

BDA145-122. Application of Catherine Jennings for a special exception to the fence height regulations at 4106 Walnut Hill Lane. This property is more fully described as Lot 5, Block 2/6147, and is zoned R-10(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulation

Sincerely,


Larry Holmes, Building Official

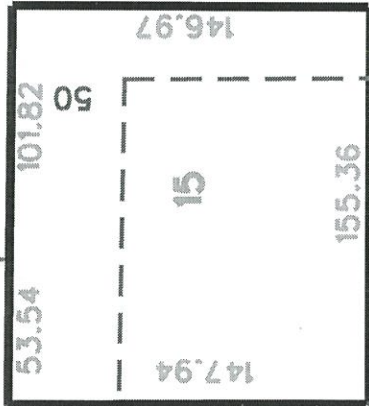


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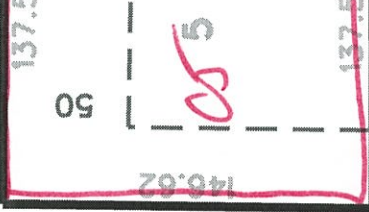
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4000

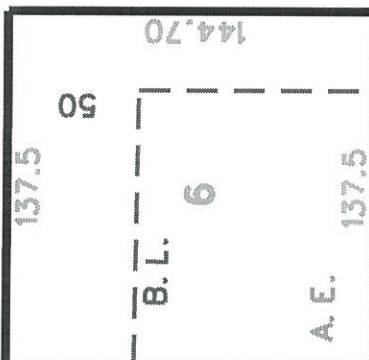


50 DRIVE



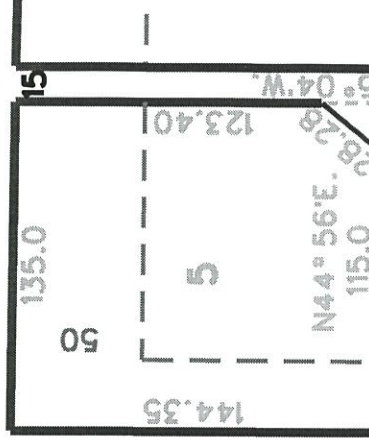
WALNUT HILL 4100

$S89^{\circ}39'54''E.$

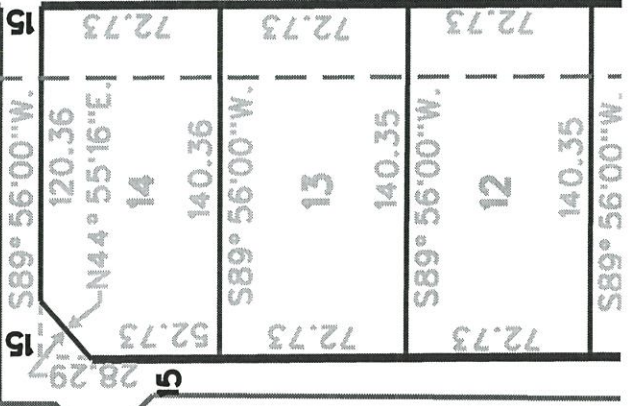


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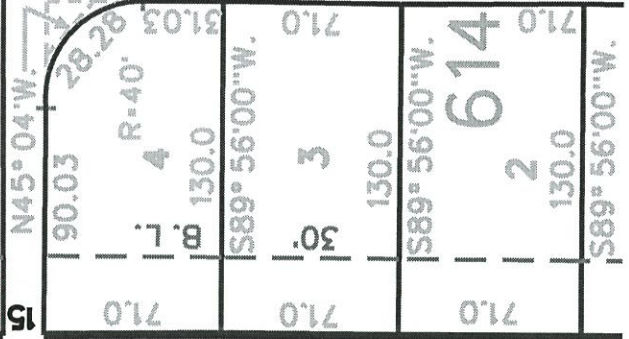
50 LANE



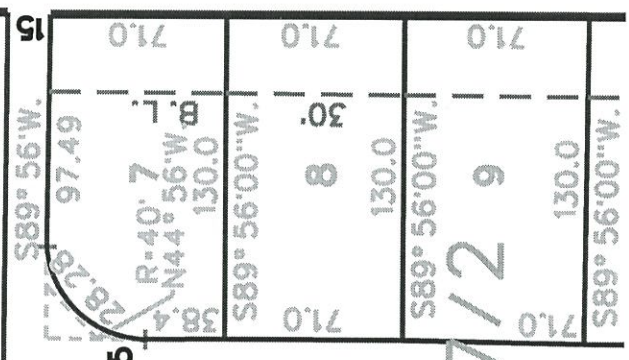
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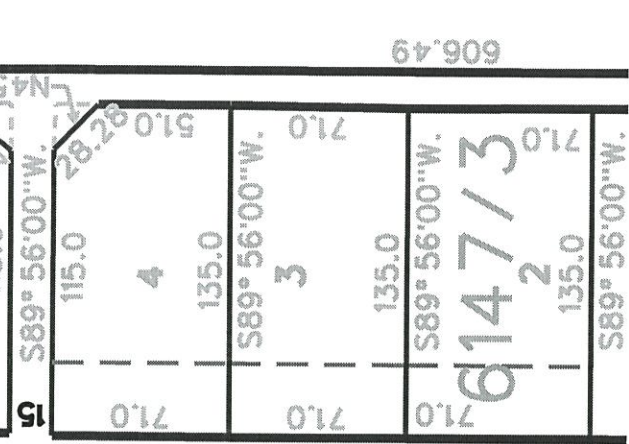
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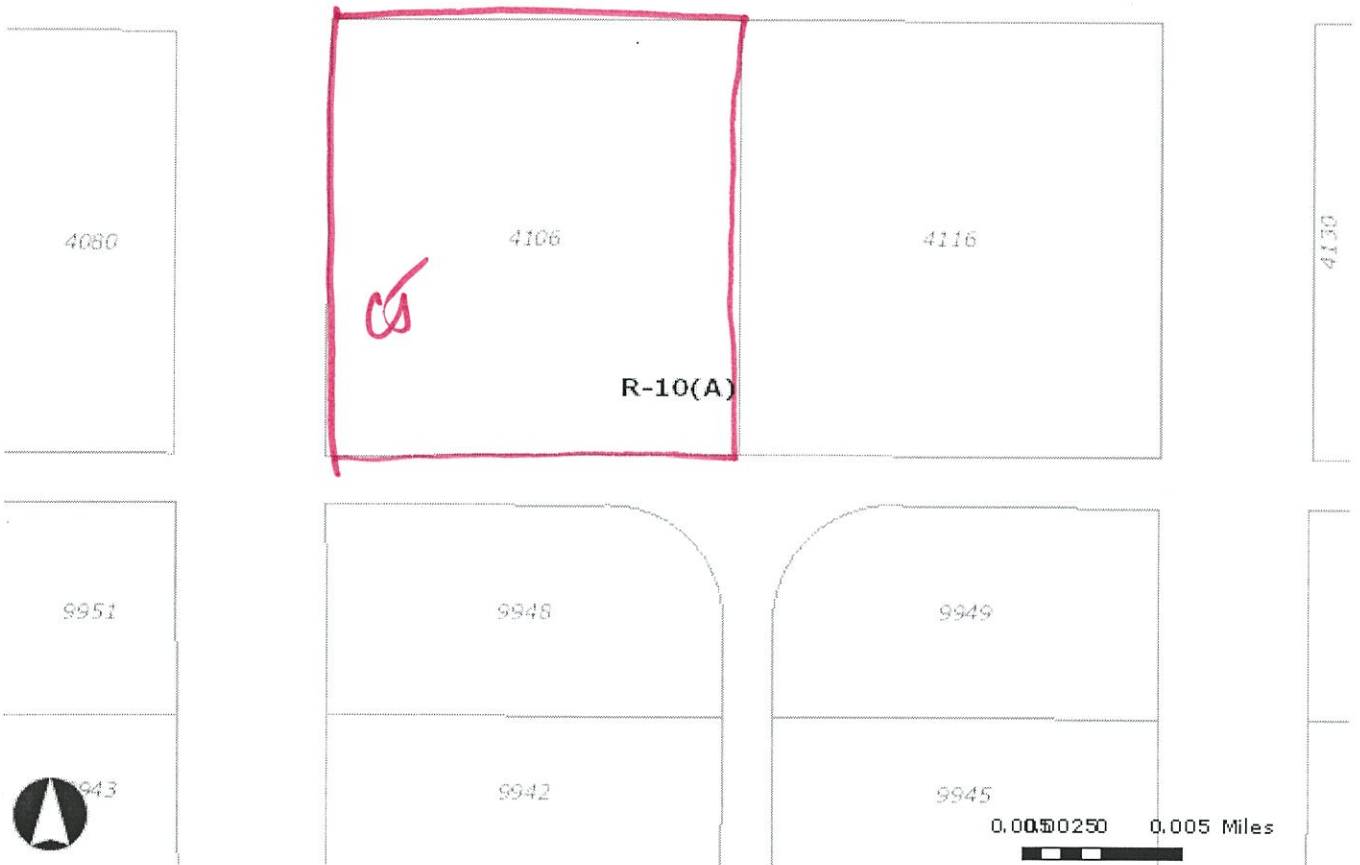
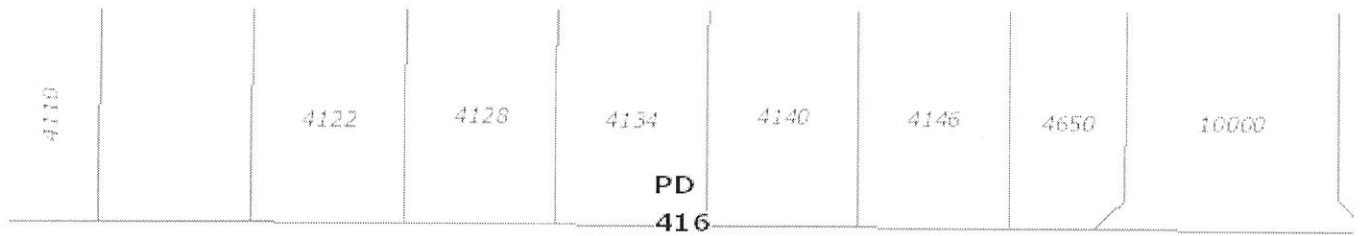


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606.49

6147/29

6147/32



SURVEY PLAT

This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at 4106 Walnut Hill Lane in the City of Dallas, Texas, being Lot 5, Block 2/6147 of SECOND SECTION OF THE SECOND INSTALLMENT OF GLENRIDGE ESTATES, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 16, Page 267, of the Map Records of Dallas County, Texas.

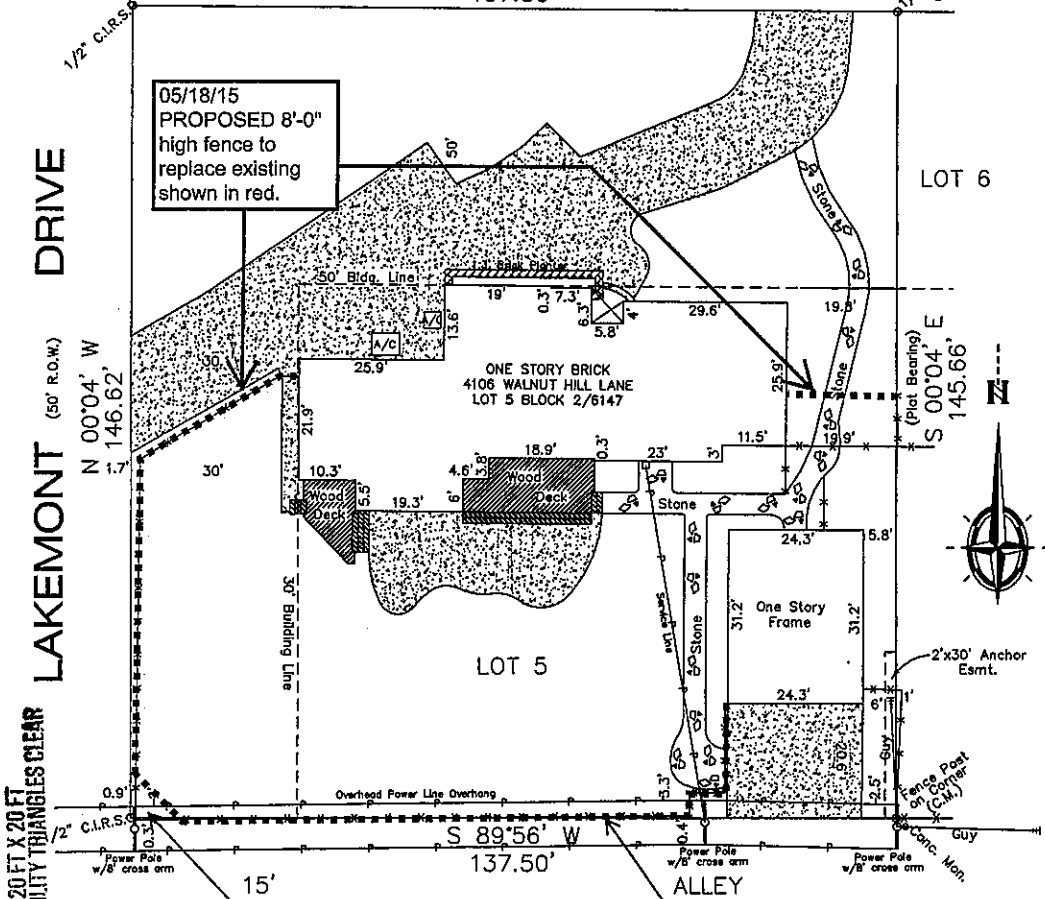
Property not located in a 100-year Flood Plain area per FIRM Community Panel No. 48113C0190 J (Zone X) Effective Date: August 23, 2001.

WALNUT HILL (50' R.O.W.) LANE

S 89°39'54" E
137.50'

1/2" I.R.F. bears
N 59°47' W - 0.4'

1/2" Pipe Fnd.
(C.M.)



05/18/15
PROPOSED 8'-0"
high fence to
replace existing
shown in red.

EXISTING
20' visibility triangle
requested by field
inspector.

12/04/14
dashed black line indicates
EXISTING section of fence
replaced under
permit # 1412041090

Note: C.M.=Control Monument

MARC JENNINGS

This survey was performed in connection with the transaction described in GF No. _____

The Company, USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR RISK AND UNDERSOND IS NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM. And the plat hereon is a true, correct, and accurate representation of the property as determined by survey, subject to any and all assessments, reservations and restrictions that may be of record, the lines and dimensions of said property being as indicated by the plat; the size, location, and type of buildings and improvements are as shown, all improvements being within the boundaries of the property, set back from property lines the distance indicated. EXCEPT AS SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS OR PROTRUSIONS APPARENT ON THE GROUND.

Scale 1" = 20'
Date 6/10/2013
Job 13-376
Drawn by Lynn L.

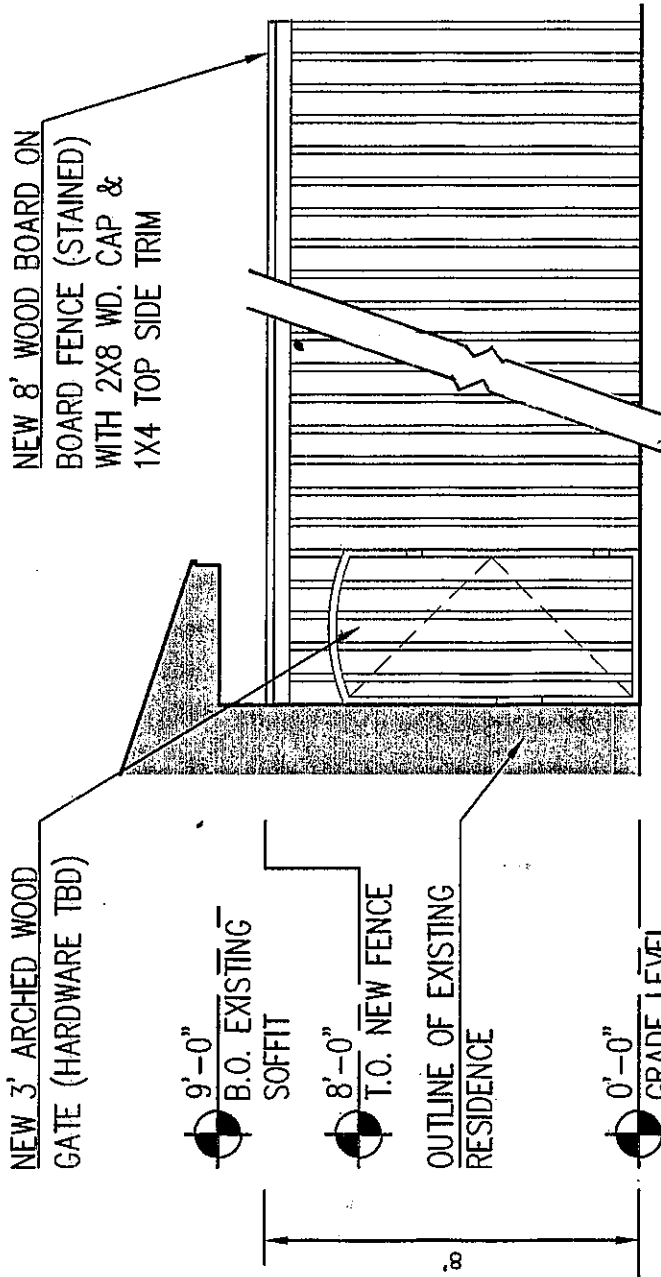


Ben D. Ryckuk
Registered Professional Land Surveyor 1630
SURVEYING ASSOCIATES
1018 S. Buckley, Dallas, Tx. 75203
Phone: (214) 945-3324
Fax: (214) 946-7540

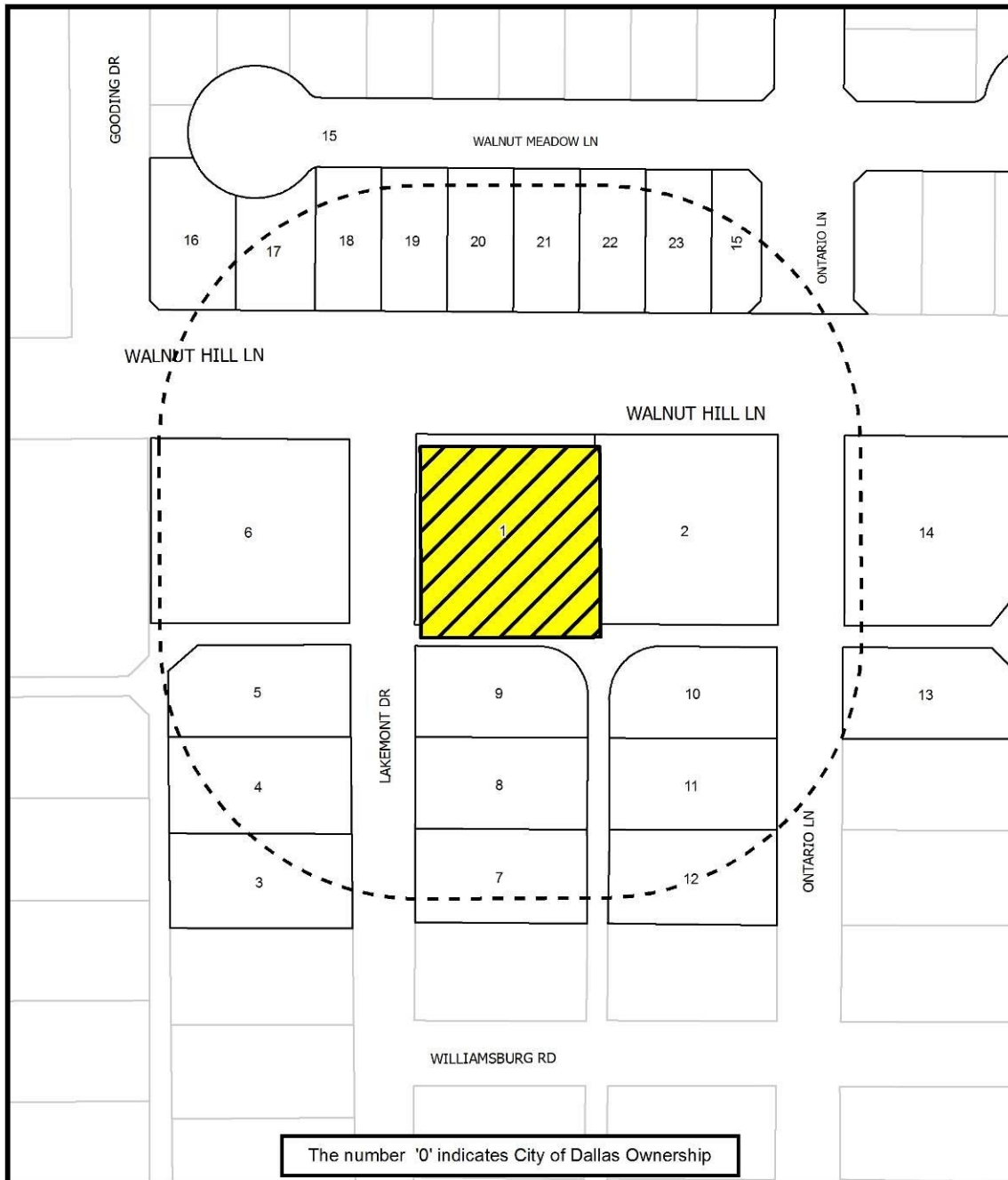
SURVEY LICENSE AGREEMENT: This survey plat is protected by U.S. copyright law and international treaties. The information shown or included in this document is solely the property of the author, the surveyor. All rights are reserved. This survey is intended for a single use only. Your use of this survey shall constitute acceptance of this license agreement. Unauthorized use or copies are illegal. The surveyor has not and does not give permission for anyone to use this survey for any subsequent use, transfer, loan, or reference or any other purpose. This survey is not valid without the surveyor's original enclosed, raised seal and original signature.

Jennings Residence
4106 Walnut Hill Ln.
Dallas, TX 75229

Scale: 1/4" = 1'



Proposed Fence Elevation, TYP.



 1:1,200	<h2>NOTIFICATION</h2>	Case no: BDA145-122
	<div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">200'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">23</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	Date: 11/17/2015

Notification List of Property Owners

BDA145-122

23 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4106 WALNUT HILL LN	JENNINGS CATHERINE
2	4116 WALNUT HILL LN	WALSH KEVIN G
3	9939 LAKEMONT DR	MILLAR SUSAN P
4	9943 LAKEMONT DR	WEBSTER KIPP
5	9951 LAKEMONT DR	WALKER DONALD B & CHRISTINA M
6	4080 WALNUT HILL LN	FLORES JAVIER &
7	9936 LAKEMONT DR	WHITE DUSTIN & REBECCA
8	9942 LAKEMONT DR	JONES VIRGINIA L
9	9948 LAKEMONT DR	CROSS JOHN E
10	9949 ONTARIO LN	BLUMBERG LEONARD E
11	9945 ONTARIO LN	OHEARN JOHN
12	9939 ONTARIO LN	LUCIDO LAWRENCE M
13	9948 ONTARIO LN	WEIGARD DAVID M
14	4130 WALNUT HILL LN	JOHNSTON KATHLEEN M TRUST
15	4650 WALNUT MEADOW LN	WALNUT MEADOWS JV I
16	4104 WALNUT MEADOW LN	FRAZAR RICHARD D & BARBARA K
17	4110 WALNUT MEADOW LN	KUEHNE ASHLEY GOLD
18	4116 WALNUT MEADOW LN	GOLEMON JAMES S & GLENDA M
19	4122 WALNUT MEADOW LN	CAITHNESS JOHN H & ANTIONETTE G
20	4128 WALNUT MEADOW LN	TANNER MAX H JR & SALLY A TRUSTEES
21	4134 WALNUT MEADOW LN	CREEKMORE JOSEPH M & SUSAN F
22	4140 WALNUT MEADOW LN	SHAMOUN JOE & PHYLLIS
23	4146 WALNUT MEADOW LN	RANDALL CHRISTOPHER P & DEBORAH G

FILE NUMBER: BDA 145-123(SL)

BUILDING OFFICIAL'S REPORT: Application of Robert Reeves and Associates to enlarge a nonconforming use at 13350 Dallas Parkway. This property is more fully described as a 23.64 acre tract in Block 7001 and part of Block 7002 and is zoned PD-887 (Subdistrict 7), which limits the legal uses in a zoning district. The applicant proposes to enlarge a nonconforming commercial amusement (inside) use, which will require a request to enlarge a nonconforming use.

LOCATION: 13350 Dallas Parkway

APPLICANT: Robert Reeves and Associates

REQUEST:

A request is made to enlarge a nonconforming “commercial amusement (inside)” use by adding an approximately 5,200 square foot “commercial amusement (inside)” use (skating rink) adjacent to an existing approximately 8,300 square foot “commercial amusement (inside)” use (skating rink) on the subject site that is currently developed with a mixed use development (The Galleria Dallas).

STANDARD FOR ENLARGING A NONCONFORMING USE:

The board may allow the enlargement of a nonconforming use when, in the opinion of the Board, the enlargement: 1) does not prolong the life of the nonconforming use; 2) would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right; and 3) will not have an adverse effect on the surrounding area.

STAFF RECOMMENDATION:

No staff recommendation is made on a request to enlarge a nonconforming use since the basis for this type of appeal is based on when, in the opinion of the Board, the enlargement: 1) does not prolong the life of the nonconforming use; 2) would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right; and 3) will not have an adverse effect on the surrounding area.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	PD 887 (Subdistrict 7) (Planned Development)
<u>North:</u>	PD 887 (Subdistrict 6) (Planned Development)
<u>South:</u>	MU-3 (Mixed use)
<u>East:</u>	PD 887 (Subdistrict 3) (Planned Development)
<u>West:</u>	CR (Community retail)

Land Use:

The subject site is developed as a mixed use development (The Galleria Dallas) which includes among other uses a “commercial amusement (inside)” use or skating rink. The area to the north is developed with a mix of uses; the area to the east is developed with mostly multifamily uses; the area to the south is the LBJ Freeway; and the area to the west is the Dallas North Tollway.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on enlarging a nonconforming “commercial amusement (inside)” use by adding an approximately 5,200 square foot “commercial amusement (inside)” use (skating rink) adjacent to an existing approximately 8,300 square foot “commercial amusement (inside)” use (skating rink) on the subject site that is currently developed with a mixed use development (The Galleria Dallas).
- The subject site is zoned PD 887 (Valley View-Galleria Area Special Purpose District) (Subdistrict 7).
- A “commercial amusement (inside)” use means “a facility wholly enclosed in a building that offers entertainment or games of skill to the general public for a fee. This use includes but not is limited to an adult arcade, adult cabaret, adult theater, amusement center, billiard hall, bowling alley, children’s amusement center, dance hall, motor track, or skating rink.”
- A “commercial amusement (inside)” use is permitted in PD 887 with a SUP (Specific Use Permit).
- The commercial amusement (inside) use on the subject site does not have an SUP.

- A document has been included in the case file that states the “commercial amusement (inside)” use at 13350 Dallas Parkway is a nonconforming use.
- The Dallas Development Code defines a nonconforming use as “a use that does not conform to the use regulations of this chapter, but was lawfully established under regulations in force at the beginning of operation and has been in regular use since that time.”
- The Dallas Development Code states that enlargement of a nonconforming use means any enlargement of the physical aspects of a nonconforming use, including any increase in height, floor area, number of dwelling units, or the area in which the nonconforming use operates.
- The applicant has been informed of the Dallas Development Code provisions pertaining to “Nonconforming Uses and Structures,” and how nonconforming uses can be brought to the Board of Adjustment for amortization where if the board determines that continued operation of the use will have an adverse effect on nearby properties, it shall proceed to establish a compliance date for that nonconforming use - a compliance date that is provided under a plan whereby the owner’s actual investment in the use before the time that the use became nonconforming can be amortized within a definite time period.
- The applicant has submitted a site plan that makes representation of the “existing ice rink 8,333 sq. ft.” and the “Galleria proposed ice rink expansion, ice rink expansion area/ice skating center, 5,250 SF.”
- The applicant has stated that the Dallas Galleria Mall was developed in 1982 under Chapter 51 Industrial 1 and Light Commercial District zoning which allowed an inside commercial amusement.
- A “commercial amusement (inside)” use could only become a *conforming* use on this property if/once it has obtained an SUP by the City Council through a public hearing process.
- The applicant has the burden of proof to establish that the enlargement of the non-conforming use:
 1. does not prolong the life of the nonconforming use;
 2. would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right; and
 3. will not have an adverse effect on the surrounding area.
- If the Board were to grant this request, they can consider imposing as a condition the applicant’s submitted site plan. If the Board were to grant the request and impose this as a condition to this request, the enlargement of the nonconforming use would be limited to what is shown on any such document.

Timeline:

October 7, 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.

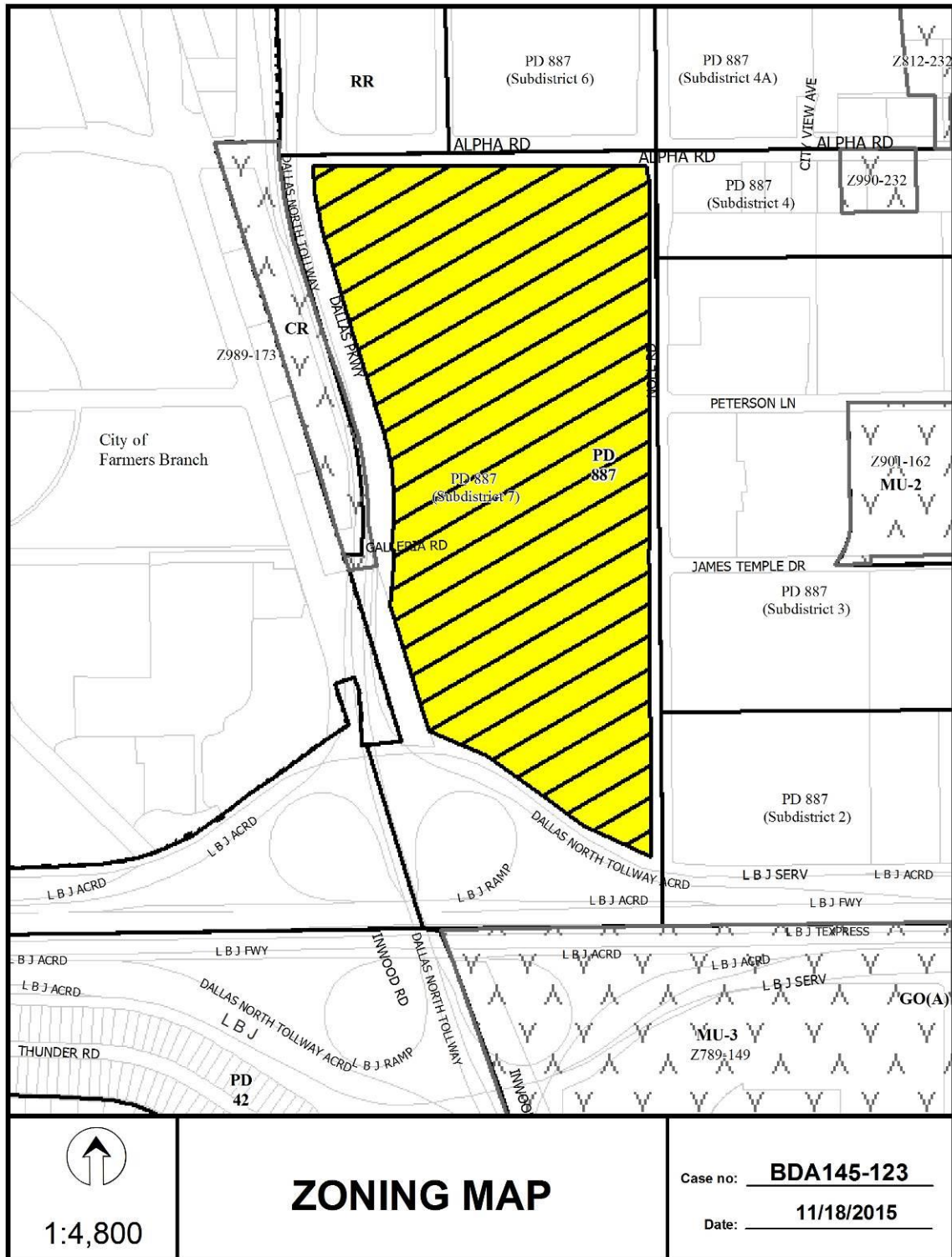
November 10, 2015: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

November 10, 2015: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the November 25th deadline to submit additional evidence for staff to factor into their analysis; and the December 4th 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;
- the section from the Dallas Development Code pertaining to nonconforming uses and structures; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

December 1, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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





 1:4,800	<h1>AERIAL MAP</h1>	Case no: <u> BDA145-123 </u> Date: <u> 11/18/2015 </u>
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City of Dallas

C

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-123

Data Relative to Subject Property:

Date: 10/7/15

Location address: 13350 Dallas North Parkway Zoning District: PD 887 Subdistrict 7

Lot No.: TR1 Block No.: 7001 & Part Blk 7002 Acreage: 23.64 Census Tract: 136.16

Street Frontage (in Feet): 1) 1,152.49' Alpha 2) 2,279.79' Noel 3) 845.34' LBJ 4) 1,812.35' Dallas Pkwy

NE2R

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Galleria Mall Investors, L.P.

Applicant Robert Reeves & Associates Telephone: 214-749-0530

Mailing Address: 900 Jackson Str., Ste 900 Dallas Texas E-mail Address: rob.reeves@sbcglobal.net

Represented by: Robert Reeves & Associates Telephone: 214-749-0530

Mailing Address: 900 Jackson Str., Ste 900 Dallas Texas Zip Code: 75202

E-mail Address: rob.reeves@sbcglobal.net

Affirm that an appeal has been made for a Variance , or Special Exception , of an enlargement of a nonconforming use for an inside commercial amusement, existing ice-skating rink.

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 owner is requesting to construct a temporary ice-skating rink adjacent to the existing rink, which will undergo major repairs. This will allow the current ice-skating rink operator to continue its training and instruction programs for approximately 800 students. There is no change in use or to parking, therefore

this request does not prolong the nonconforming use or have an adverse affect on the surrounding area.
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

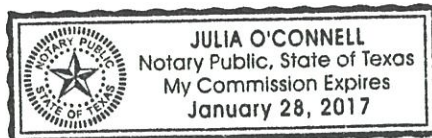
Before me the undersigned on this day personally appeared Robert Reeves
(Affiant/Applicant's name printed)

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 21 day of October, 2015.

(Rev. 08-01-11)



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Robert Reeves

did submit a request to enlarge a nonconforming use
at 13350 Dallas Parkway

BDA145-123. Application of Robert Reeves to enlarge a nonconforming use at 13350 Dallas Parkway. This property is more fully described as a 23.64 acre tract in Block 7001 and part of Block 7002 and is zoned PD-887 (Subdistrict 7), which limits the legal uses in zoning district. The applicant proposes to enlarge a nonconforming commercial amuseme (inside) use, which will require a special exception to the nonconforming use regulation.

Sincerely,


Larry Holmes, Building Official

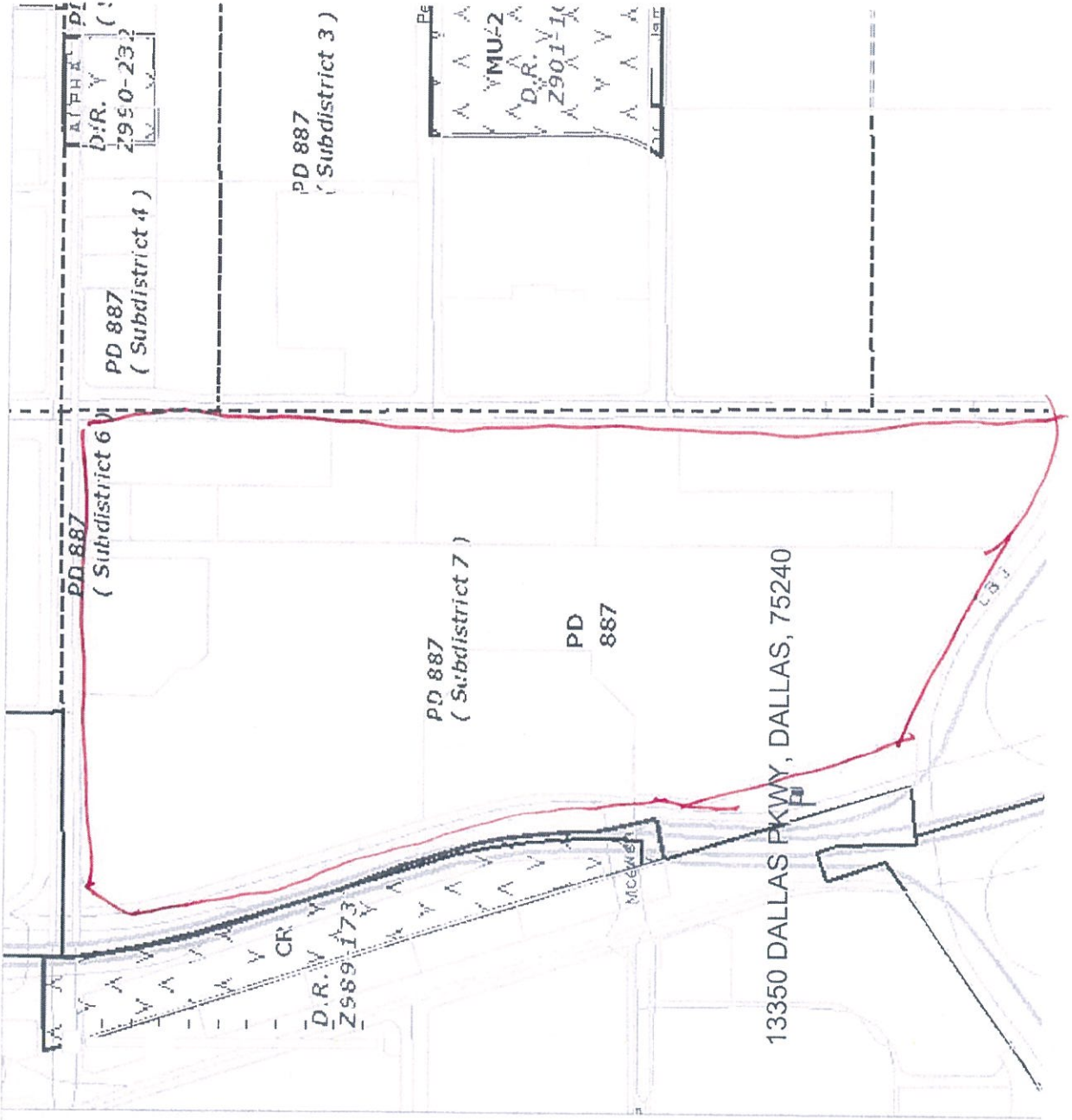
City of Dallas

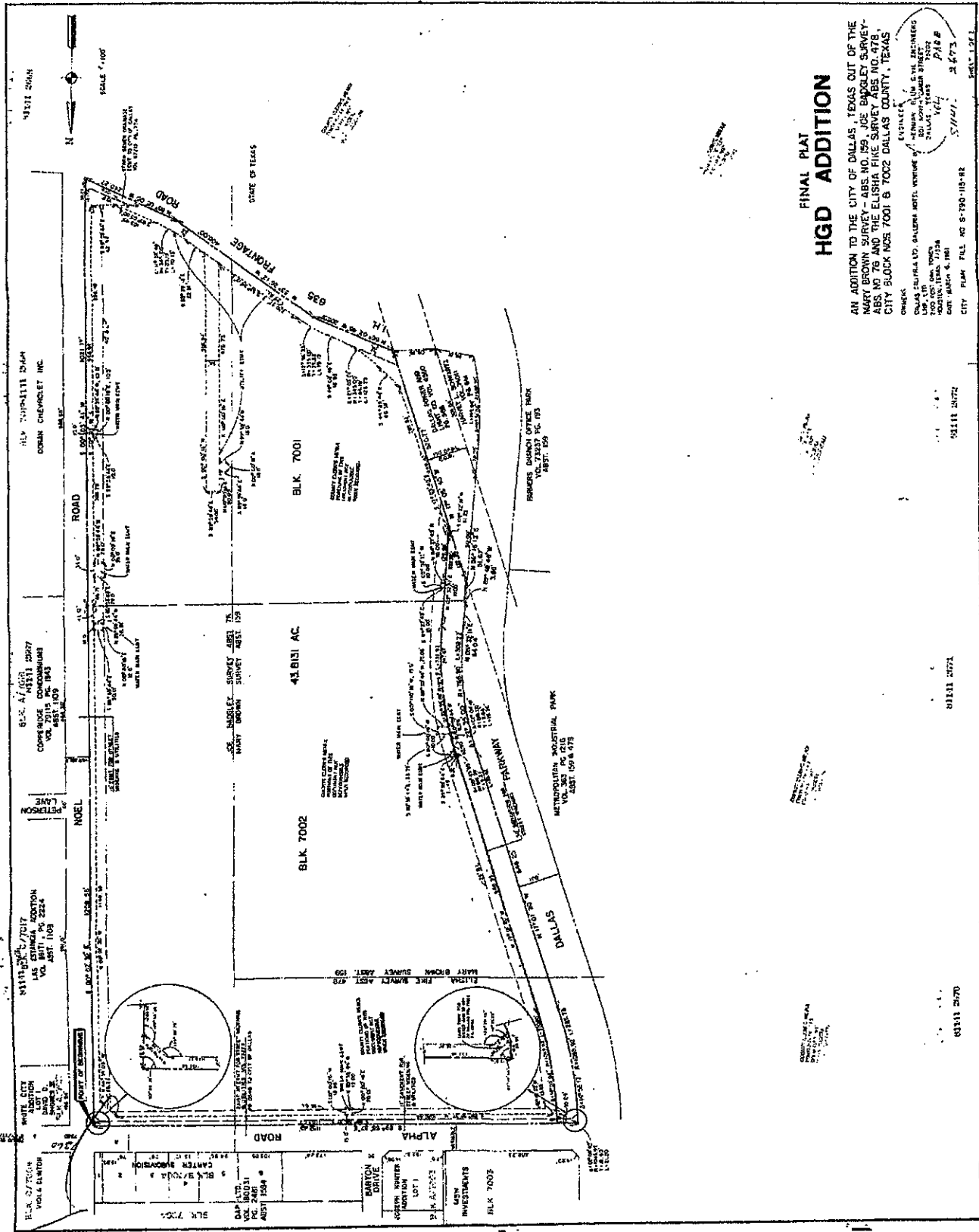
Internal Development Research Site

Legend

Locate Property

JD





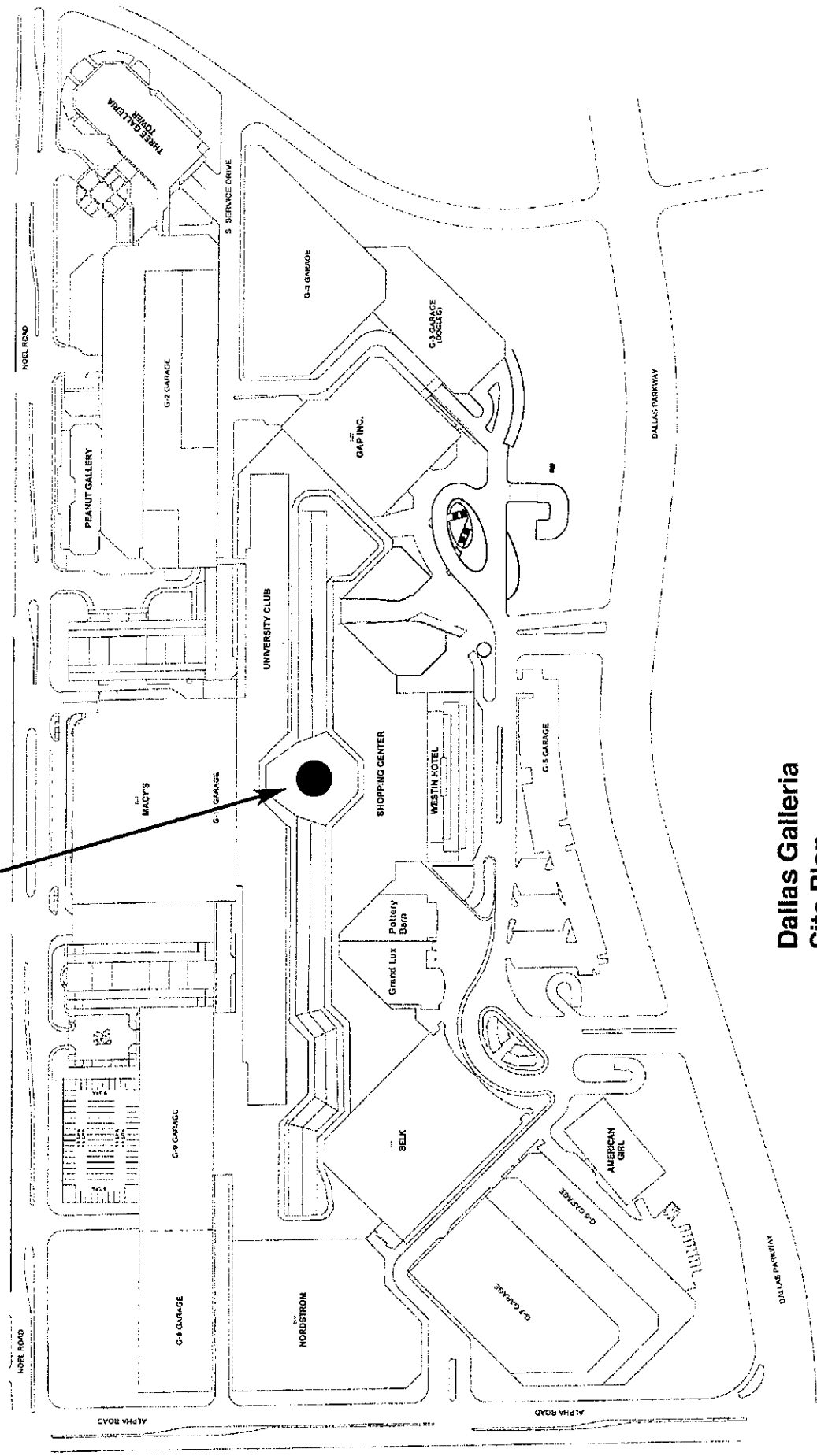
**FINAL PLAT
HGD ADDITION**

AN ADDITION TO THE CITY OF DALLAS, TEXAS, OUT OF THE
 MARY BROWN SURVEY - ABS. NO. 159, JOE BAGLEY SURVEY -
 ABS. NO. 76 AND THE ELISHA FINE SURVEY ABS. NO. 478,
 CITY BLOCK NOS. 7001 & 7002 DALLAS COUNTY, TEXAS.

ENGINEER
 DALLAS SURVEY CO., GALLERIA HOTEL VENTURE
 1001 SOUTH MAIN STREET
 DALLAS, TEXAS 75202
 VCL
 DATE: MARCH 5, 1981
 CITY PLAT FILE NO. S-790-115-82
 SHEET 1 OF 1

This site plan is provided for illustrative purposes only, and shall not be deemed to be a warranty, representation or agreement by the Company. The Company reserves the right to modify, add, delete, or otherwise alter the site plan, including but not limited to the location, size, shape, and orientation of buildings, parking areas, and other features, without notice. The Company shall not be liable for any errors or omissions in this site plan. The Company reserves the right to modify, add, delete, or otherwise alter the site plan, including but not limited to the location, size, shape, and orientation of buildings, parking areas, and other features, without notice.

Location of Ice Rink Expansion Lower Level (Ice Risk Level)



Dallas Galleria Site Plan

Galleria Dallas
 13350 North Dallas Parkway
 Dallas, Texas 75240
 SIMON™
 CORP # 7201

Modified: December 18, 2013

JONES COMMERCIAL INTERIORS
 3900 Willow Street Suite 150
 Dallas, TX 75226
 tele 972.690.3400
 fax 972.690.4122
 www.jcdi.com



JONES COMMERCIAL INTERIORS
 at THE GALLERIA

ICE-SKATING
 at THE GALLERIA

**ICE-SKATING CENTER
 EXPANSION**

GALLERIA DALLAS
 13350 DALLAS PARKWAY
 RINK LEVEL, SUITE 900
 DALLAS, TX 75240

PROJECT #:	0123.0402
ENG	08-31-15
APPROVED	08-31-15
ISSUED FOR BID	08-31-15
ISSUED FOR CONSTR.	
REVISED	
REVISED	

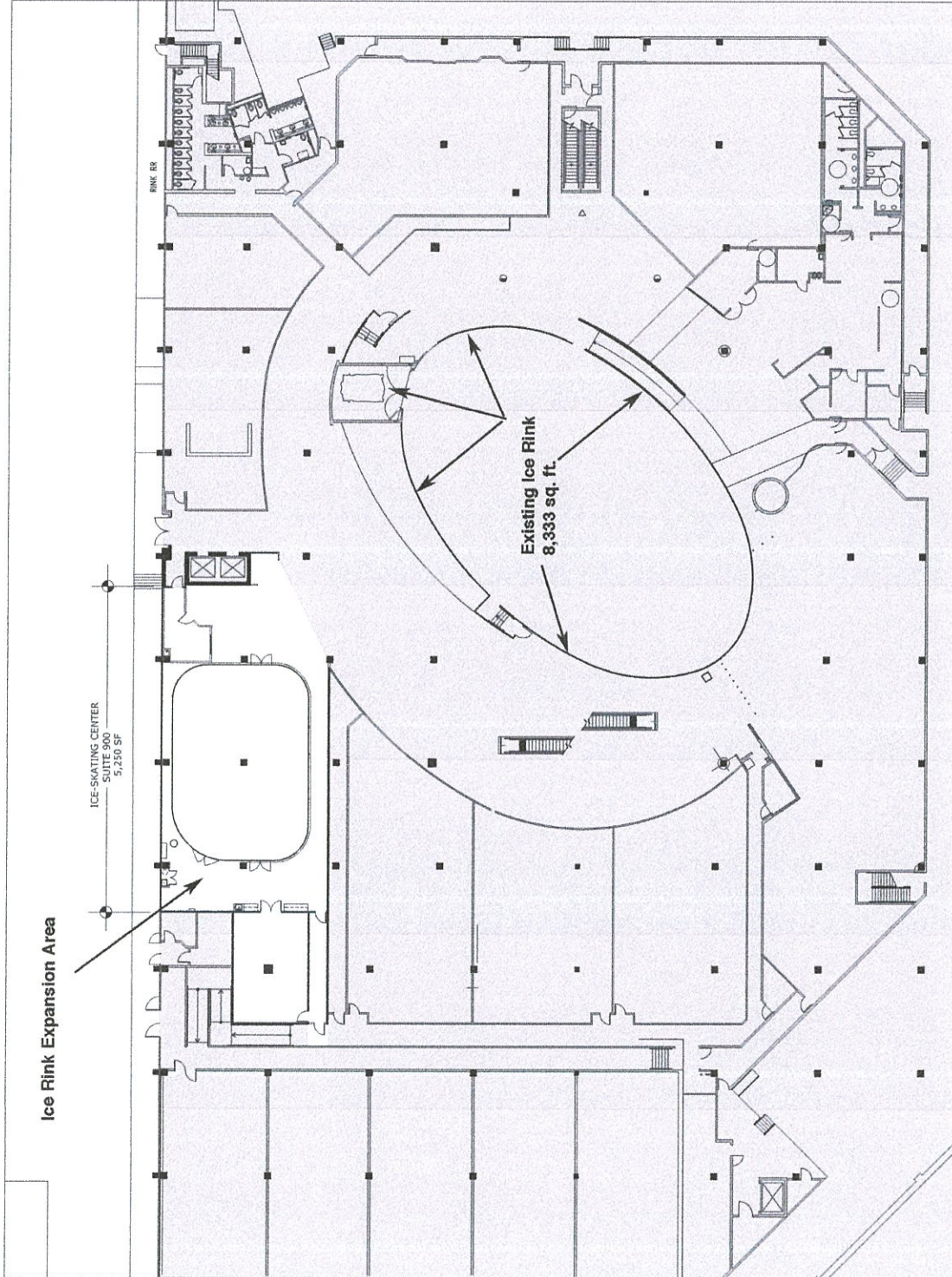
DRAWN BY: MK/AG
 SCALE: 1" = 25'
 (ON 18 X 24" PAPER ONLY)

ENLARGED KEY PLAN



PAGE
D4
 OF 10 PAGES

**GALLERIA PROPOSED
 ICE RINK EXPANSION
 5,250 Sq. Ft.**



Board of Adjustment Appeal BDA 145-123

Property address: 13350 Dallas Hwy.

The use in the above appeal,

Commercial amusements (inside)

has been identified by Building Inspection to be a nonconforming use.

Appeal for a special exception to enlarge a nonconforming use per Sec. 51A-4.704(b)(5)

Section 51A-4.704. Nonconforming uses and structures.

(b) Changes to nonconforming uses.

(5) Enlargement of a nonconforming use.

(A) In this subsection, enlargement of a nonconforming use means any enlargement of the physical aspects of a nonconforming use, including any increase in height, floor area, number of dwelling units, or the area in which the nonconforming use operates.

(B) The board may allow the enlargement of a nonconforming use when, in the opinion of the board, the enlargement:

- (i) does not prolong the life of the nonconforming use;
- (ii) would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right; and
- (iii) will not have an adverse effect on the surrounding area.

Appeal to establish a compliance date for a nonconforming use per Sec. 51A-4.704(a)(1)(A)

or

Appeal to reinstate a nonconforming use per Sec. 51A-4.704(a)(2)

SECTION 51A-4.704. NONCONFORMING USES AND STRUCTURES.

(a) Compliance regulations for nonconforming uses. It is the declared purpose of this subsection that nonconforming uses be eliminated and be required to comply with the regulations of the Dallas Development Code, having due regard for the property rights of the persons affected, the public welfare, and the character of the surrounding area.

(1) Amortization of nonconforming uses.

(A) Request to establish compliance date. The city council may request that the board of adjustment consider establishing a compliance date for a nonconforming use. In addition, any person who resides or owns real property in the city may request that the board consider establishing a compliance date for a nonconforming use. Upon receiving such a request, the board shall hold a public hearing to determine whether continued operation of the nonconforming use will have an adverse effect on nearby properties. If, based on the evidence presented at the public hearing, the board determines that continued operation of the use will have an adverse effect on nearby properties, it shall proceed to establish a compliance date for the nonconforming use; otherwise, it shall not.

(2) The right to operate a nonconforming use ceases if the nonconforming use is discontinued for six months or more. The board may grant a special exception to this provision only if the owner can show that there was a clear intent not to abandon the use even though the use was discontinued for six months or more.

ROBERT REEVES
& Associates, Inc.

PLANNING AND ZONING CONSULTANTS

October 23, 2015

Dallas Board of Adjustment
Building Inspection
Department of Sustainable Development & Construction
320 E. Jefferson Avenue, Room 105
Dallas, Texas 75203

RE: Special Exception for Expanding Nonconforming Use, Inside Commercial Amusement
13550 North Dallas Pkwy, Galleria Mall Investors, L.P.

Dear Board Members:

On behalf of my client, Galleria Mall Investors, L.P., we are requesting a special exception to expand the existing ice-skating rink, which is classified as an inside commercial amusement.

The Dallas Galleria Mall was developed in 1982 under Chapter 51 Industrial -1 and Light Commercial District zoning, which allowed an inside commercial amusement. On October 11, 1989 the mall zoning was converted to Planned Development District 322, which also allowed an inside commercial amusement use. In 2013, the City Council created the Valley View-Galleria Area Special Purpose District, Planned Development District 887. Unfortunately, PD 887 requires a Specific Use Permit for an inside commercial amusement use, ice-skating rink, which has been in existence since 1982 as an allowed use.

The existing rink requires significant repairs and upgrades to its cooling system and other elements, which will require its closure. The existing rink operator, Galleria Ice Skating Center, has approximately 800 students using the rink in addition to the general public. The mall intends to build a new smaller rink and party, which will be 5,250 square feet and located adjacent to the existing rink, so the rink will continue to operate during the time required to make the repairs. The existing rink is 8,333 square feet. Constructing the new rink will be an expensive expansion, so the mall would not only intend to use the smaller ring during repairs to the existing rink, but continue to use the smaller rink after the existing rink is operational.

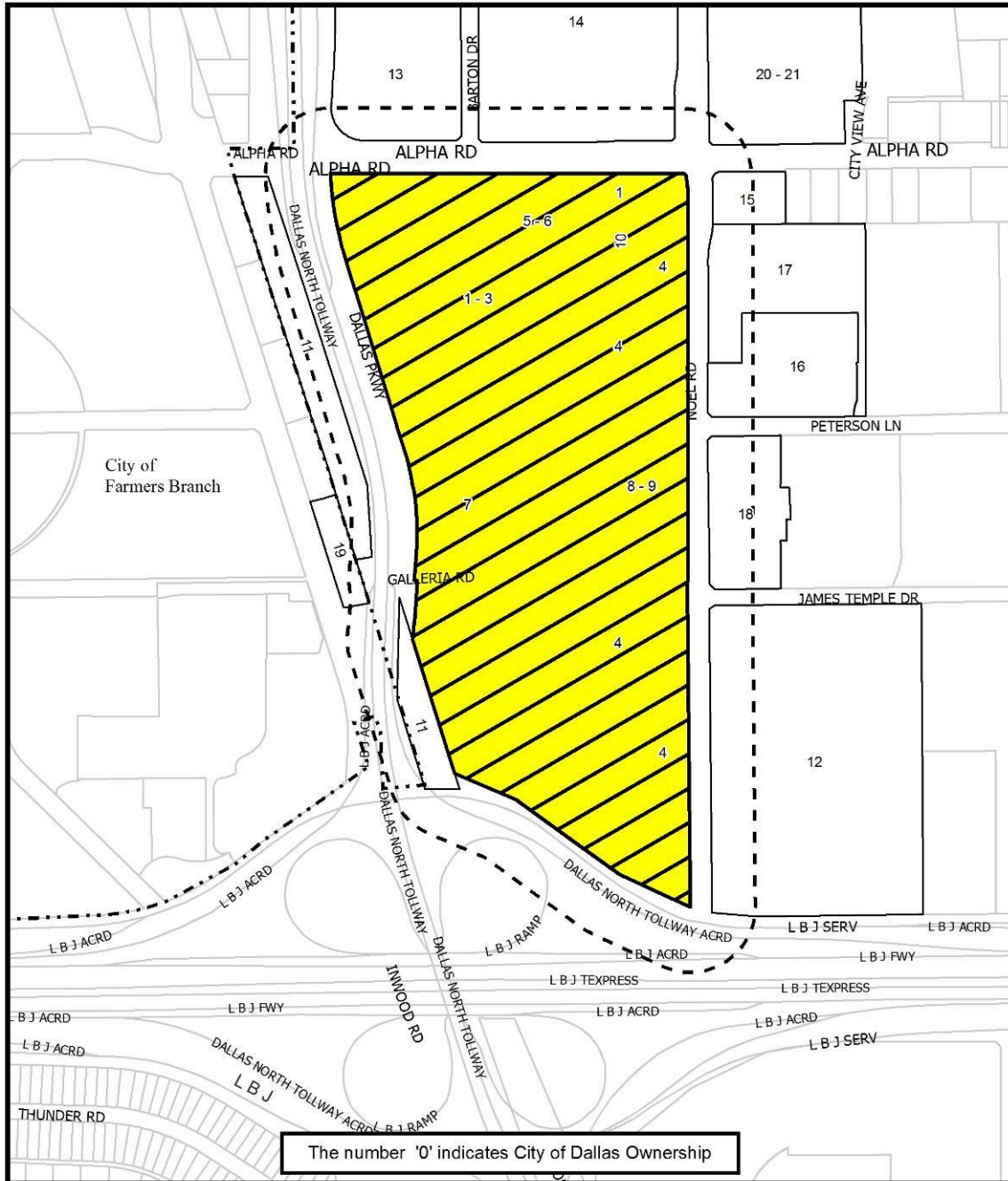
Since the ice skating rink has been a centerpiece for the Galleria since the mall was developed, an enlargement of the nonconforming use would not prolong the life of the nonconforming use, nor would it have an adverse effect on the surrounding area.

Thank you for your consideration. Please feel free to contact me if you require any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Reeves', with a long horizontal flourish extending to the right.

Robert Reeves



 1:4,800	NOTIFICATION	Case no: BDA145-123 Date: 11/18/2015
	<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;">21</div> NUMBER OF PROPERTY OWNERS NOTIFIED	

Notification List of Property Owners

BDA145-123

21 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	13350 DALLAS PKWY	GALLERIA MALL INV LP
2	13250 DALLAS PKWY	GAP INC
3	13550 DALLAS PKWY	MARSHALL FIELD & CO
4	13155 NOEL RD	GT DALLAS PROPERTIES LLC
5	5200 ALPHA RD	DALLAS GALLERIA LTD
6	5200 ALPHA RD	NORDSTROM
7	13340 DALLAS PKWY	GALLERIA INVESTORS LP
8	13401 NOEL RD	GALLERIA MALL INV LP
9	13375 NOEL RD	STAINBACK RAYMOND F JR
10	13450 NOEL RD	GALLERIA MALL INV LP
11	5201 VALLEY VIEW LN	TEXAS UTILITIES ELEC CO
12	5327 LBJ FWY	DALLAS MIDTOWN PROPERTIES LLC
13	13710 DALLAS PKWY	GALLERIA ALPHA PLAZA LTD
14	5203 ALPHA RD	REGENCY GALLERIA NORTH LLC
15	5304 ALPHA RD	EXPOIMPO DELAWARE LLC
16	13402 NOEL RD	AREPHEI DALLAS HOTEL LLC
17	13500 NOEL RD	TEXAS SFI PS 55 LTD
18	13330 NOEL RD	VILLA VERONA LTD
19	13450 INWOOD RD	LIBERTY BANKER S LIFE INSURANCE COMPANY
20	5301 ALPHA RD	CREST VG LP
21	5301 ALPHA RD	CARLYLE CYPRESS GALLERIA LLC

FILE NUMBER: BDA 145-124(SL)

BUILDING OFFICIAL'S REPORT: Application of Karl A. Crawley of Masterplan for a special exception to the fence height regulations at 5915 Desco Drive. This property is more fully described as Lot 4 & 5, Block E/5614, and part of Lot 1 & 8, Block D/5614, 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 high fence, which will require a 5 foot special exception to the fence height regulations.

LOCATION: 5915 Desco Drive

APPLICANT: Karl A. Crawley of Masterplan

REQUEST:

A request for a special exception to the fence height regulations of 5' is made to construct and maintain an approximately 6' 4" high open iron picket fence with an arched open wrought iron picket gate that reaches 9' in height in the one of the site's two front yard setbacks (Desco Drive) on a site that being developed with a single family home.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

1. BDA 045-181, Property located at 5831 Desco Drive (two lots west of the subject site)

On April 20, 2005, the Board of Adjustment Panel B granted a request for special exception to the fence height regulations of 2' 6", and imposed the following condition to the request: Compliance with a revised submitted site plan and elevation to be submitted to the Board Administrator indicating the fence, column and gate dimensions specified above is required.

The case report stated that the original request was made in conjunction with constructing a 6' 6"-high open metal tube fence with 6' 6"-high columns, and a 6' 6"-high open iron tube entry gate in the 40'-Desco Drive front yard setback on a site developed with a single family home but how the applicant offered at the public hearing to reduce the height of the fence in the Desco Drive front yard setback to 4' whereby the only item to be "excepted" by the board would be the proposed gate and entry columns in the Desco Drive front yard setback.

2. BDA 056-111, Property located at 5831 Desco Drive (four lots southwest of the subject site)

On May 15, 2006, the Board of Adjustment Panel C granted a request for special exception to the fence height regulations of 3', and imposed the following condition to the request: Compliance with the submitted site plan and elevation is required.

The case report stated that the request was made in conjunction with completing and maintaining (according to the submitted site plan and revised "proposed fence elevation") an approximately 6' 6" open picket fence with 7' high columns in the site's 40' Desco Drive and Douglas Avenue front yard setbacks on a site developed with a single family home.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing and maintaining an approximately 6' 4" high open iron picket fence with an arched open wrought iron picket gate that reaches 9' in height in the one of the site's two front yard setbacks (Desco Drive) on a site that being developed with a single family home.
- The subject site is zoned R-1ac(A).
- 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 located between Desco Drive and Watson Avenue. Regardless of how the single-family structure being developed on the site is oriented to front south to Desco Drive and to back to northward to Watson Avenue, the site has two 40' front yard setbacks since the code states that if a lot runs from one street to another and has double frontage, a required front yard must be provided on both streets.
- The applicant has chosen to make application only for a proposed fence to exceed 4' in height in the Desco Drive front yard setback, and not to address any existing or proposed fence that exceeds/will exceed 4' in height in the site's Watson Avenue front yard setback, or that may be located in any required visibility triangle.
- The applicant has submitted a site plan with partial elevations of the proposal in the front yard setback with notations indicating that the proposal reaches a maximum height of 108" or 9'.
- The following additional information was gleaned from the submitted site plan:
 - The proposal is represented as being approximately 175' in length parallel to the Desco Drive and approximately 30' perpendicular to Desco Drive on the east and west sides of the site in the front yard setback.
 - The fence/gate proposal is represented as being located approximately 2' -10' from the site's Desco Drive front property line or approximately 14' – 22' from the pavement line.
- The proposal is located across from two single family homes, neither property appears to have a fence in its front yard setback.
- The Board Administrator conducted a field visit of the site and surrounding area (the block from Douglas Avenue and Preston Road) and noted two other fences that appeared to be above 4' in height and located in a front yard setback. One fence was immediately east of the subject site (an approximately 5' high chain link fence with no recorded BDA history), and the other fence about four lots to the southwest (an approximately 6.5' high open picket fence with 7' high columns that is a result of an approved fence height special exception request in 2006: BDA 056-011 - see the Zoning/BDA History section of this case report for additional details).
- As of December 4th, one letter has been submitted in support of the request, and no letters have been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 5' will not adversely affect neighboring property.

- Granting this special exception of 5' with a condition imposed that the applicant complies with the submitted site plan with partial elevations would require the proposal exceeding 4' in height in the front yard setback to be constructed maintained in the location and of the heights and materials as shown on this document.
- If the Board were to grant this request, no exception would be provided to the fence height regulations with regard to any existing or proposed fence that may exceed 4' in height and be located in the site's front yard setback along Watson Drive, and no exception would be provided to the visual obstruction regulations with regard to any item that may be or is proposed to be located in a visibility triangle on the site.

Timeline:

October 23, 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.

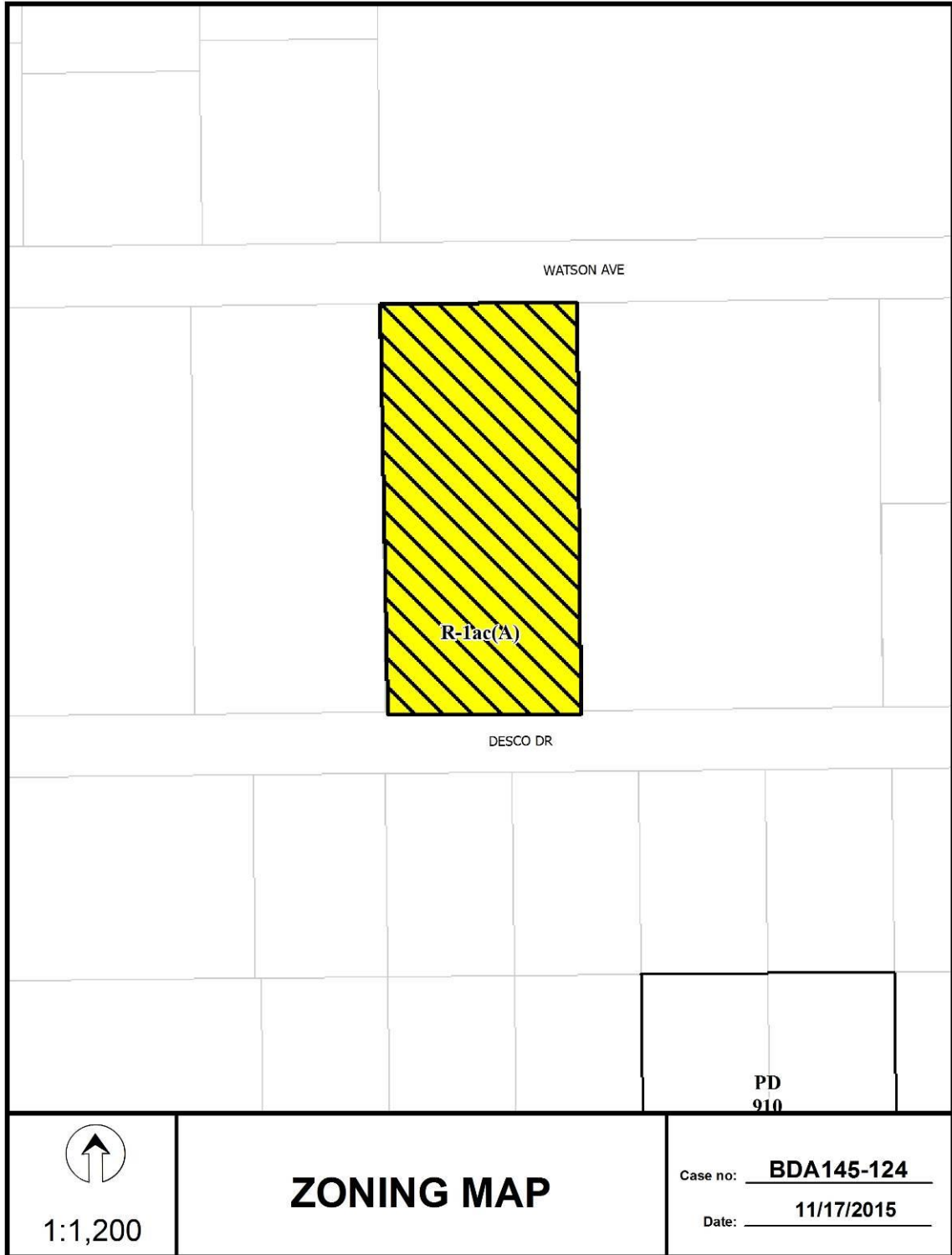
November 10, 2015: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

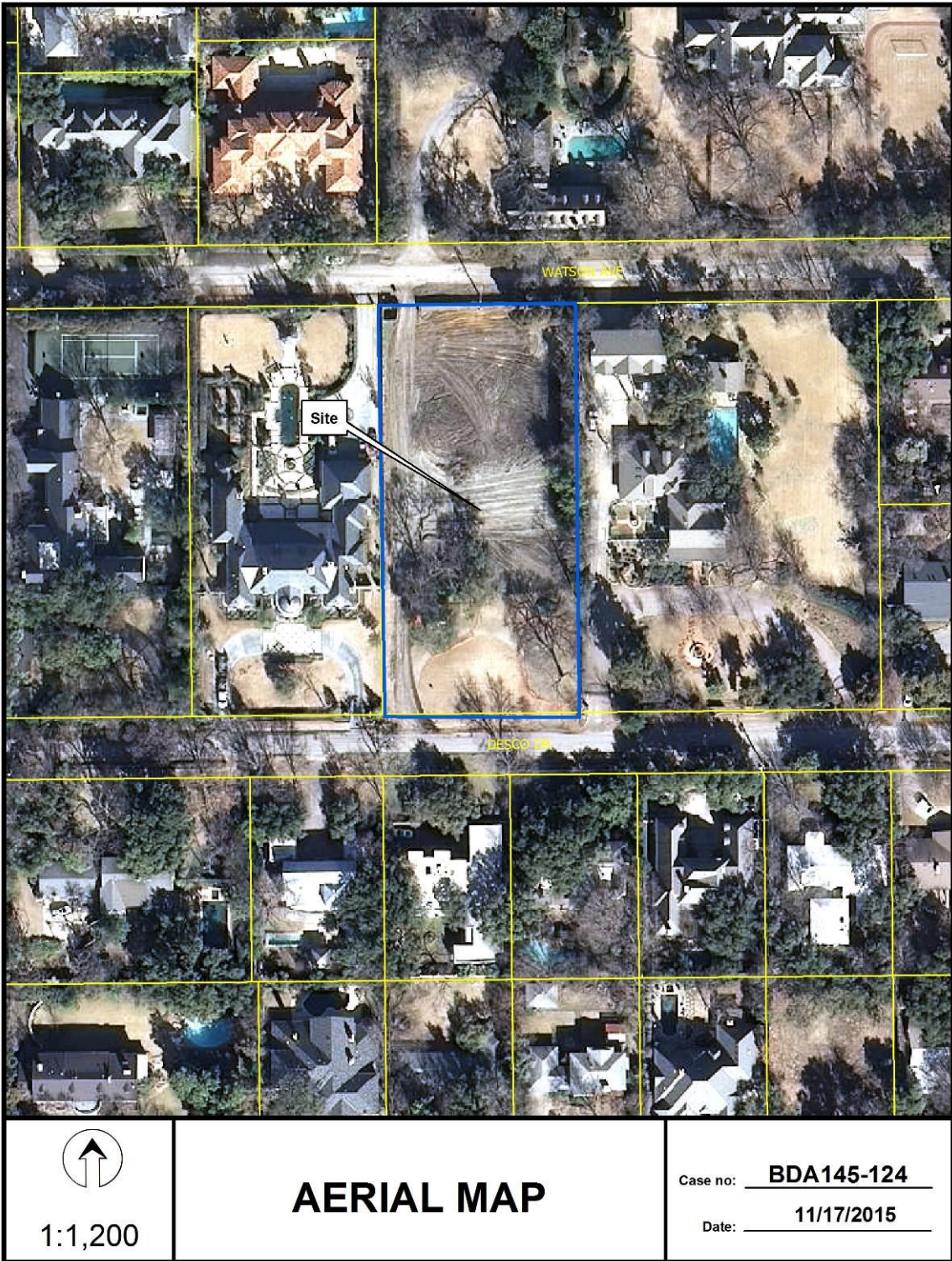
November 10, 2015: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the November 25th deadline to submit additional evidence for staff to factor into their analysis; and the December 4th 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.

December 1, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, 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.







City of Dallas

C

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-124

Date: 10-23-15

Data Relative to Subject Property:

Location address: 5915 Desco Drive Zoning District: R-1ac(A)
4 and 5 E/5614
Lot No.: 1 & 8 Block No.: D/5614 Acreage: 1.22 ac. Census Tract: 206.00
Desco Watson
Street Frontage (in Feet): 1 160 ft 2 160 3) _____ 4) _____ 5) _____

NE 2S

To the Honorable Board of Adjustment:

Owner of Property/or Principal JLJ REVOCABLE TRUST

Applicant: Karl A Crawley, MASTERPLAN Telephone: 214 761 9197
900 Jackson St, Ste 640

Mailing Address Dallas TX Zip Code: 75202

Represented by: Karl A Crawley Telephone: 214 761 9197
900 Jackson St, Ste 640

Mailing Address: Dallas Texas Zip Code: 75202

Affirm that a request has been made for a Variance __, or Special Exception X, of 5 feet
for a fence in the required front yard and the visibility obstruction regulations for a fence/gate
on Watson Avenue

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 proposed fence and columns will not adversely affect neighboring properties and the visual obstruction will not constitute a hazard.

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

Respectfully submitted: Karl A Crawley
Applicant's name printed

[Signature]
Applicant's signature

Affidavit

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

[Signature]
Affiant (Applicant's signature)

Subscribed and sworn to before me this 22 day of October, 2015

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



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Karl A. Crawley

did submit a request for a special exception to the fence height regulations
at 5915 Desco Drive

BDA145-124. Application of Karl A. Crawley for a special exception to the fence height regulations at 5915 Desco Drive. This property is more fully described as Lot 4 & 5, Block E/5614, and part of Lot 1 & 8, Block D/5614, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 9 foot high fence in a required front yard, which will require a 5 foot special exception to the fence regulation.

Sincerely,


Larry Holmes, Building Official

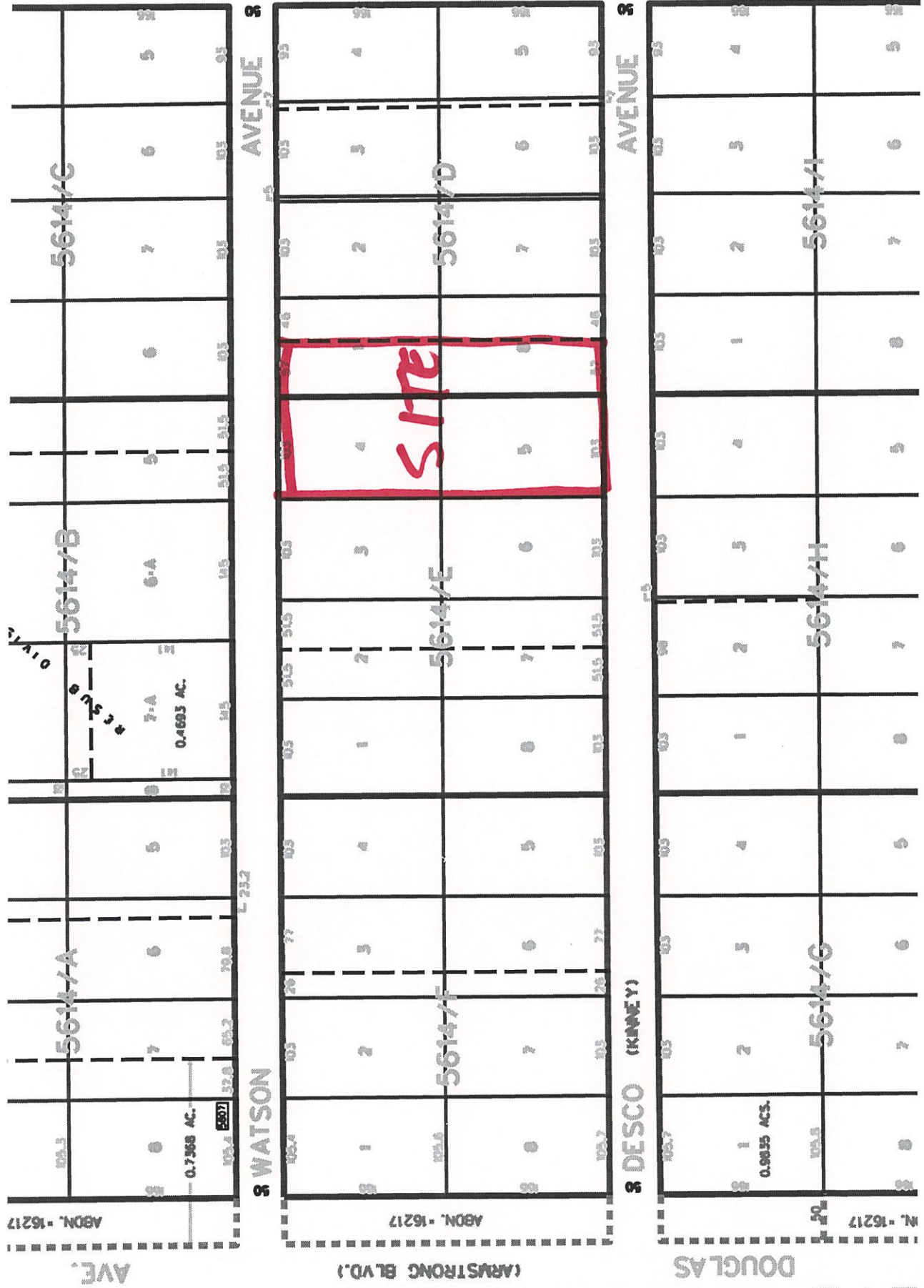
City of Dallas

Internal Development Research Site

Legend

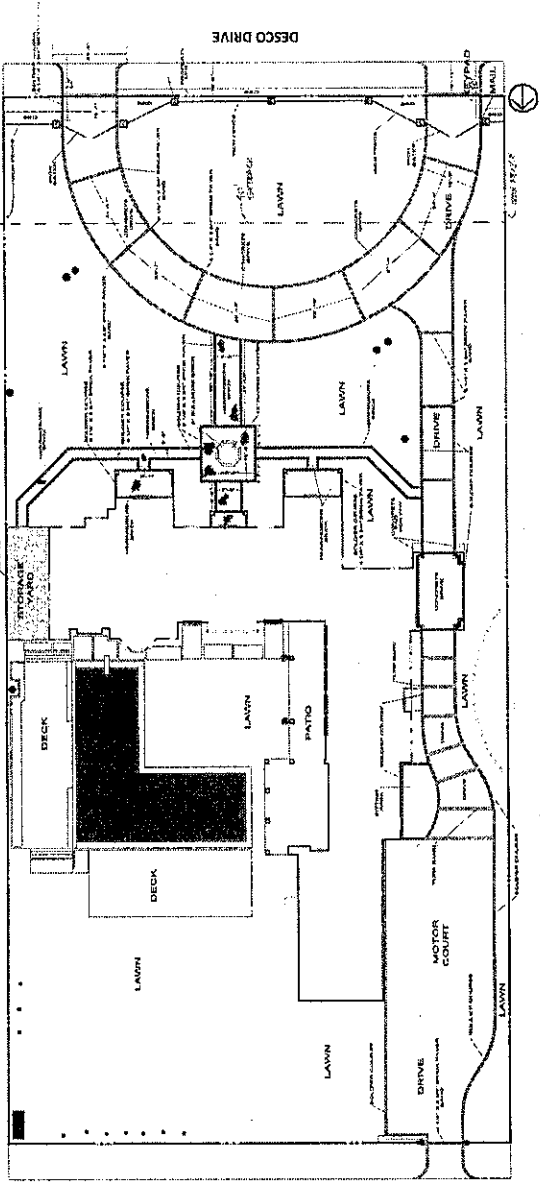
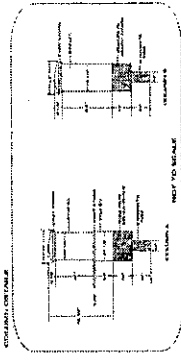
Locate Property





ESTION

THE AVAZIAN RESIDENCE
 5915 DESCO DRIVE
 DALLAS

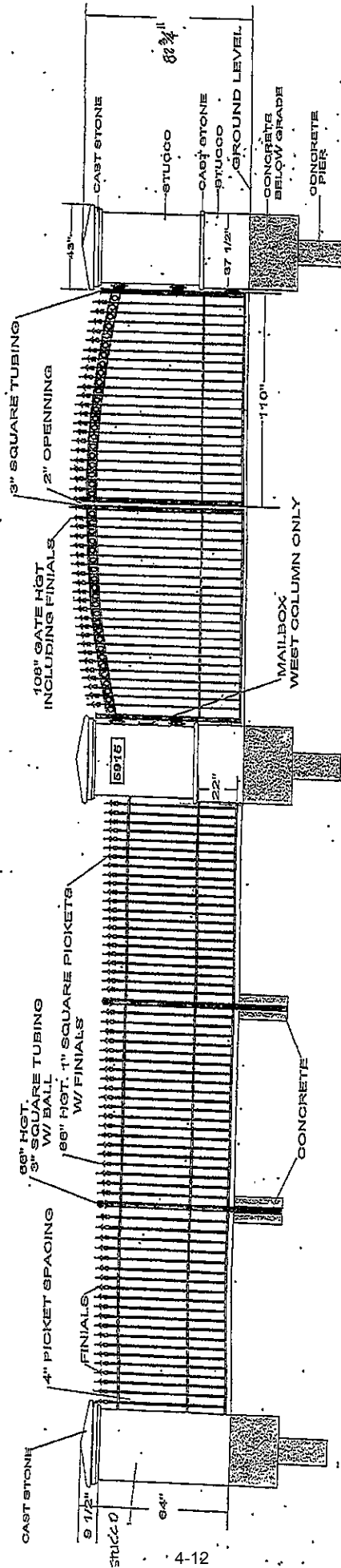


1"=20'

SITE PLAN 5915 DESCO DRIVE

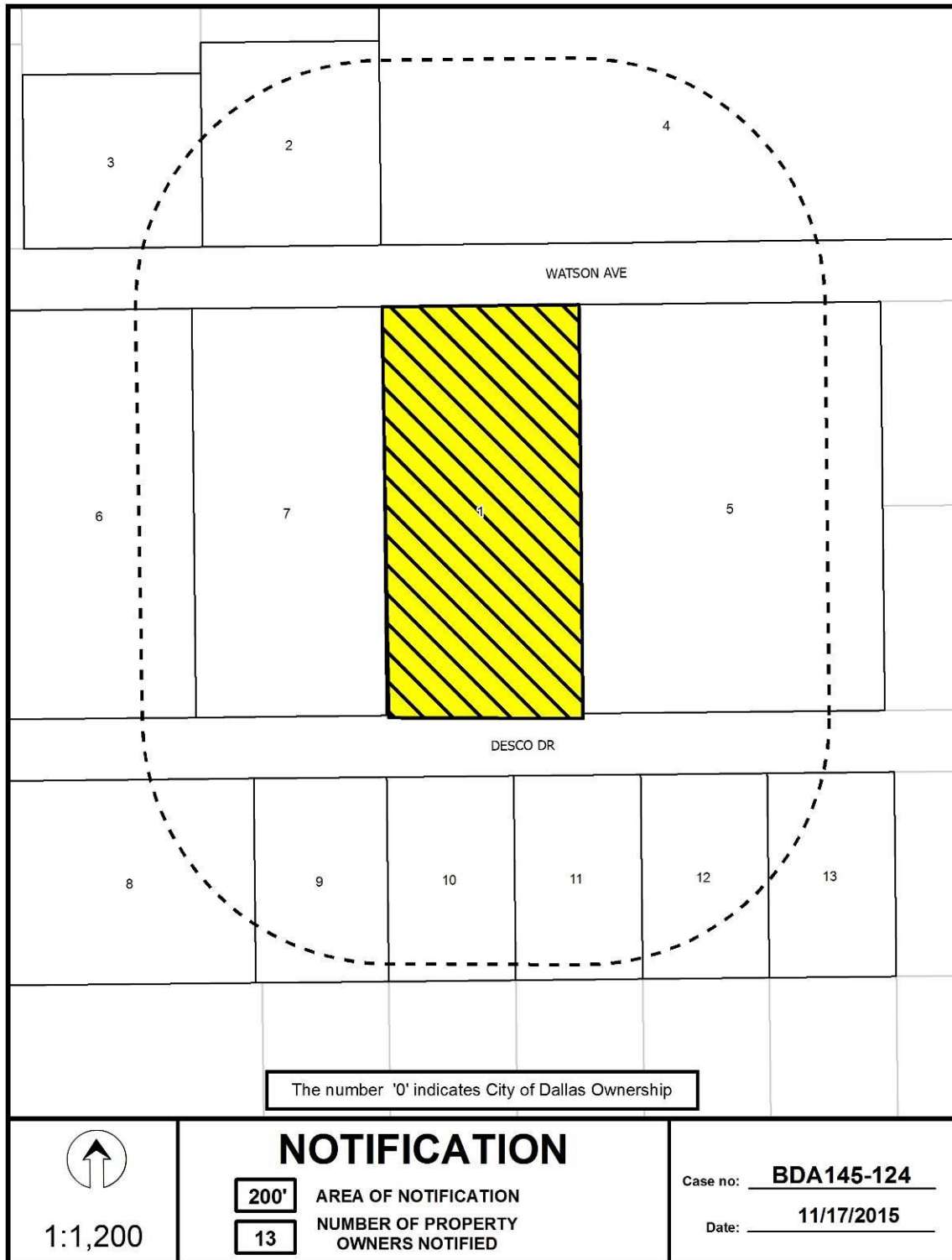
11-13-15

THE AYVAZIAN RESIDENCE
 5915 DESCO
 DALLAS



FRONT FENCE AND GATE ELEVATION

1/4" = 1'



Notification List of Property Owners

BDA145-124

13 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5915 DESCO DR	TRUSTEE OF THE JLJ REVOCABLE TRUST THE
2	5907 WATSON AVE	RAYMOND ROBERT J
3	5839 WATSON AVE	KELLY RICHARD D
4	9323 PRESTON RD	PACKER MILTON &
5	5931 DESCO DR	ZIEGLER JENNIFER
6	5839 DESCO DR	LEVY JOHN I & CAROL R
7	5909 DESCO DR	BRIGGS FAMILY TRUST
8	5846 DESCO DR	HALL SYDNEY
9	5908 DESCO DR	NEWMAN GORDON H &
10	5914 DESCO DR	STRAUSS SUE WAYNE
11	5922 DESCO DR	GLASS JEFFREY & NORMA M
12	5930 DESCO DR	CARREKER JAMES D
13	5938 DESCO DR	SUSS RICHARD A & ETAL

FILE NUMBER: BDA 145-125(SL)

BUILDING OFFICIAL'S REPORT: Application of Karl A. Crawley of Masterplan for a special exception to the fence height regulations at 5545 Park Lane. This property is more fully described as Lot 9, Block B/5592, 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 6 foot high fence, which will require a 2 foot special exception to the fence height regulations.

LOCATION: 5545 Park Lane

APPLICANT: Karl A. Crawley of Masterplan

REQUEST:

A request for a special exception to the fence height regulations of 2' is made to construct and maintain an approximately 5' 4" high open iron picket fence and gate with 5' 6" high masonry columns in the site's front yard setback on a site that being developed with a single family home.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

1. BDA 045-291, Property located at 5600 Park Lane (the lot southeast of the subject site)

On September 21, 2005, the Board of Adjustment Panel B granted a request for special exception to the fence height regulations of 6', and imposed the following condition to the request: Compliance with the submitted revised site plan/landscape/elevation plan is required. The case report stated that the requests were made in conjunction with maintaining an 8' high solid board-on-board wood fence and gate (with a 10'-high arbor over the gate) located in the 40'-front yard setbacks along Park Lane and Hathaway Street; and a 6'-high open chain link fence in the Hathaway Street front yard setback.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing and maintaining an approximately 5' 4" high open iron picket fence and gate with 5' 6" high masonry columns in the site's front yard setback on a site that being developed with a single family home.
- The subject site is zoned R-1ac(A).
- 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 Park Lane and Hathaway Street. The subject site has one front yard setback along Park Lane, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in a single-family zoning district. The site also has a 10' required side yard along Hathaway Street, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where a 9' high fence would be allowed by right. The site's Hathaway Street frontage is a side yard since there is no continuity of an established front yard setback to maintain along this street. (The property to the north of the subject site faces/fronts north to Winston Court).
- No part of the application is made to address any fence in the site's Hathaway Street side yard setback.

- The applicant has submitted a site plan and partial elevations of the proposal in the front yard setback with notations indicating that the proposal reaches a maximum height of 66" or 5' 6".
- The following additional information was gleaned from the submitted site plan:
 - The proposal is represented as being approximately 185' in length parallel to the Park Lane and approximately 40' perpendicular to Park Lane on the east and west sides of the site in the front yard setback.
 - The fence proposal is represented as being located approximately on the Park Lane front property line or approximately 16' from the pavement line.
 - The gate is represented as being located approximately 10' from the Park Lane front property line or approximately 26' from the pavement line.
 - A continuous row of Needlepoint Hollies are located immediately inside of the proposed fence along Park Lane.
- The proposal is located across from one single family home, a property that has no fence in its front yard.
- The Board Administrator conducted a field visit of the site and surrounding area and noted one other fence that appeared to be above 4' in height and located in a front yard setback. This fence is located immediately southeast of the subject site and appears to be an approximately 8' high solid wood fence. This fence is a result of a request for a fence height special exception granted by Board of Adjustment Panel B in 2005: BDA 045-291 (see the Zoning/BDA History section of this case report for additional details).
- As of December 4th, 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 2' will not adversely affect neighboring property.
- Granting this special exception of 2' with a condition imposed that the applicant complies with the submitted site plan and partial elevations would require the proposal exceeding 4' in height in the front yard setback to be constructed maintained in the location and of the heights and materials as shown on these documents.

Timeline:

October 28, 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 C.

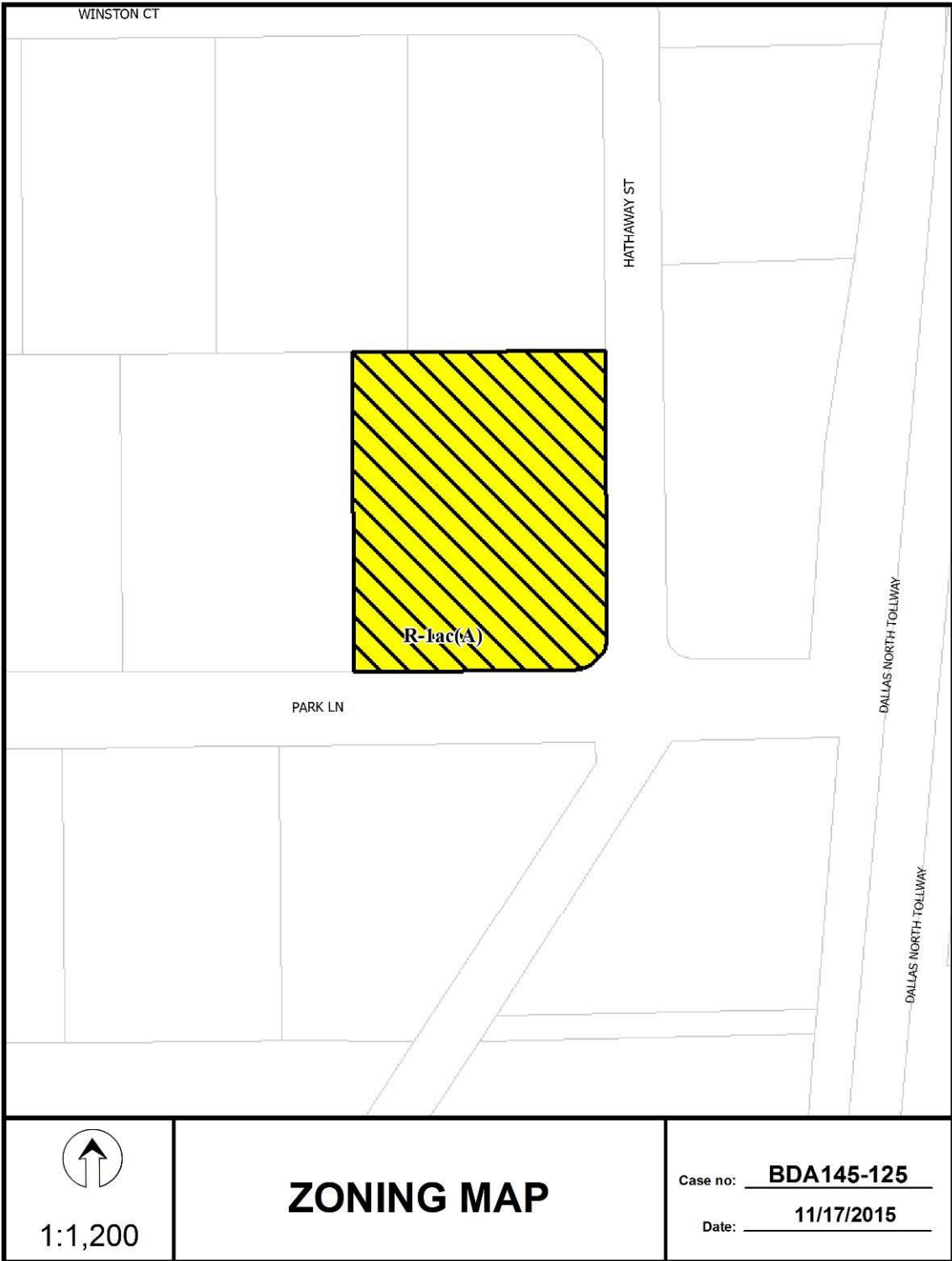
November 10, 2015: The Board Administrator emailed the applicant the following information:

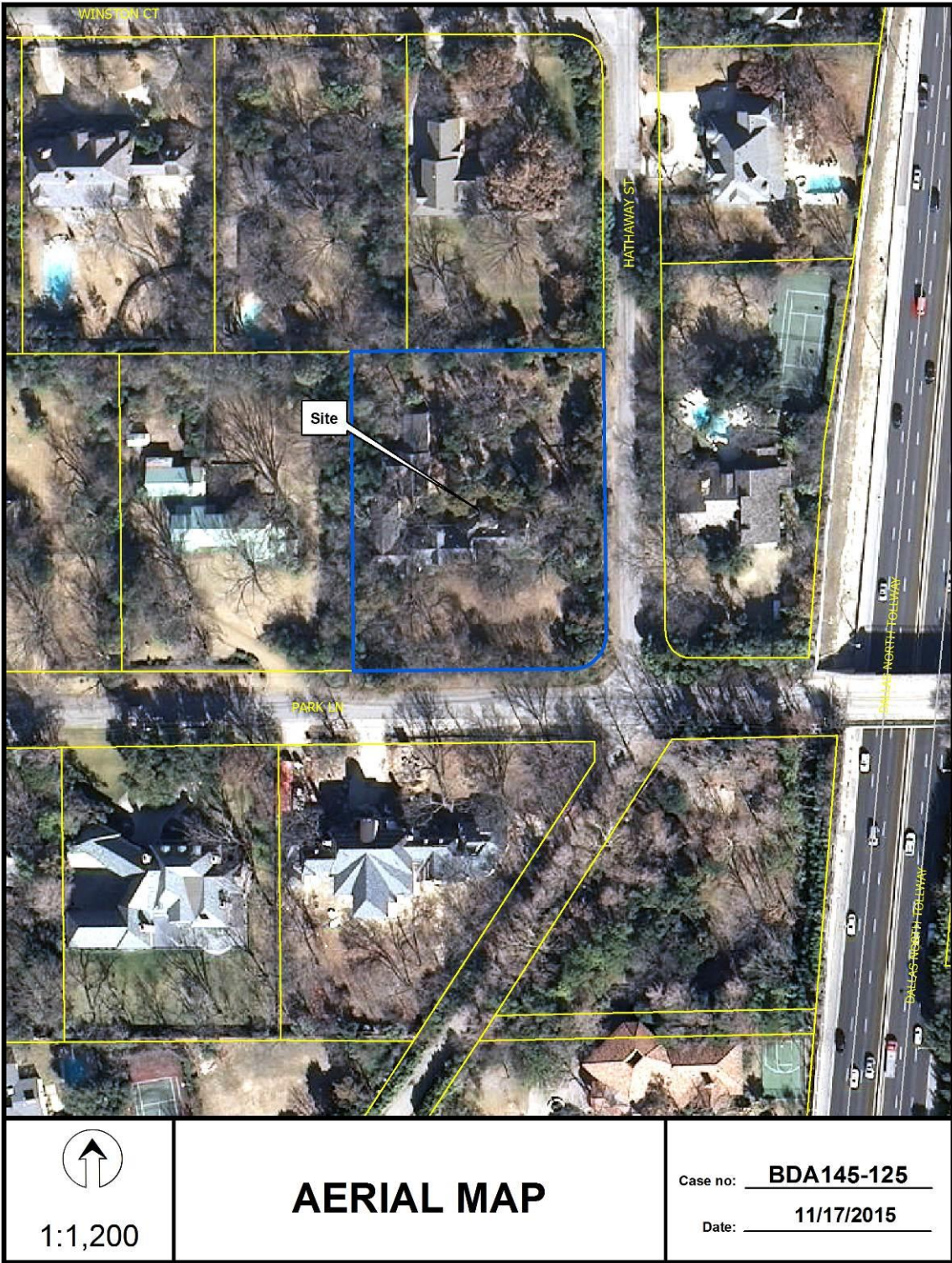
- an attachment that provided the public hearing date and panel that will consider the application; the November 25th deadline to submit additional evidence for staff to factor into their analysis;

- and the December 4th 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.

December 1, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, 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.







City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-125

Date: 10-28-15

Data Relative to Subject Property:

Location address: 5545 Park Lane Zoning District: R-1ac(A)

Lot No.: 9 Block No.: B/5592 Acreage: 1.17 ac. Census Tract: 206.00

Park Lane Hathaway

Street Frontage (in Feet): 1 202 ft 2 230 3) _____ 4) _____ 5) _____

NE2S

To the Honorable Board of Adjustment:

Owner of Property/or Principal Laura and Frederick Lear

Applicant: Karl A Crawley, MASTERPLAN Telephone: 214 761 9197

900 Jackson St, Ste 640

Mailing Address Dallas TX Zip Code: 75202

Represented by: Karl A Crawley Telephone: 214 761 9197

900 Jackson St, Ste 640

Mailing Address: Dallas Texas Zip Code: 75202

Affirm that a request has been made for a Variance __, or Special Exception X, of 2 feet
for a fence and columns

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 proposed fence and columns will not adversely affect neighboring properties

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

Respectfully submitted: KARL A CRAWLEY
Applicant's name printed

[Signature]
Applicant's signature

Affidavit

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

[Signature]
Affiant (Applicant's signature)

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

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



(Rev. 08-20-09)

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Karl A. Crawley

did submit a request for a special exception to the fence height regulations
at 5545 Park Lane

BDA145-125. Application of Karl A. Crawley for a special exception to the fence height regulations at 5545 Park Lane. This property is more fully described as Lot 9, Block B/559 and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 6 foot high fence in a required front yard, which will require a 2 foot special exception to the fence regulation.

Sincerely,


Larry Holmes, Building Official



City of Dallas

Internal Development Research Site

Legend

Locate Property



Handwritten signature or initials in red ink.



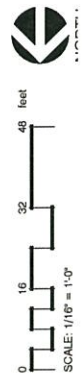
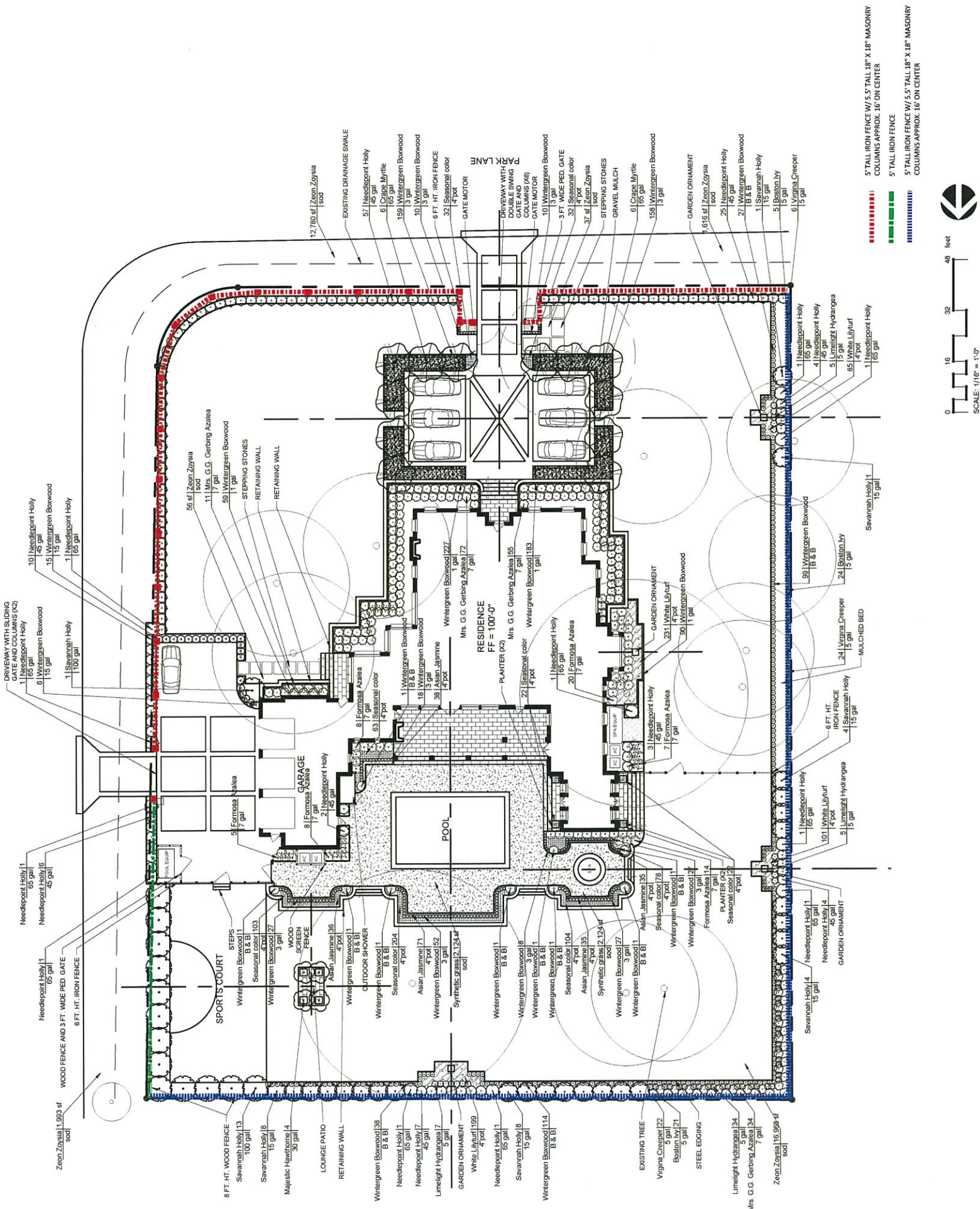
BDA 145-125(SL)

5-10

AC.

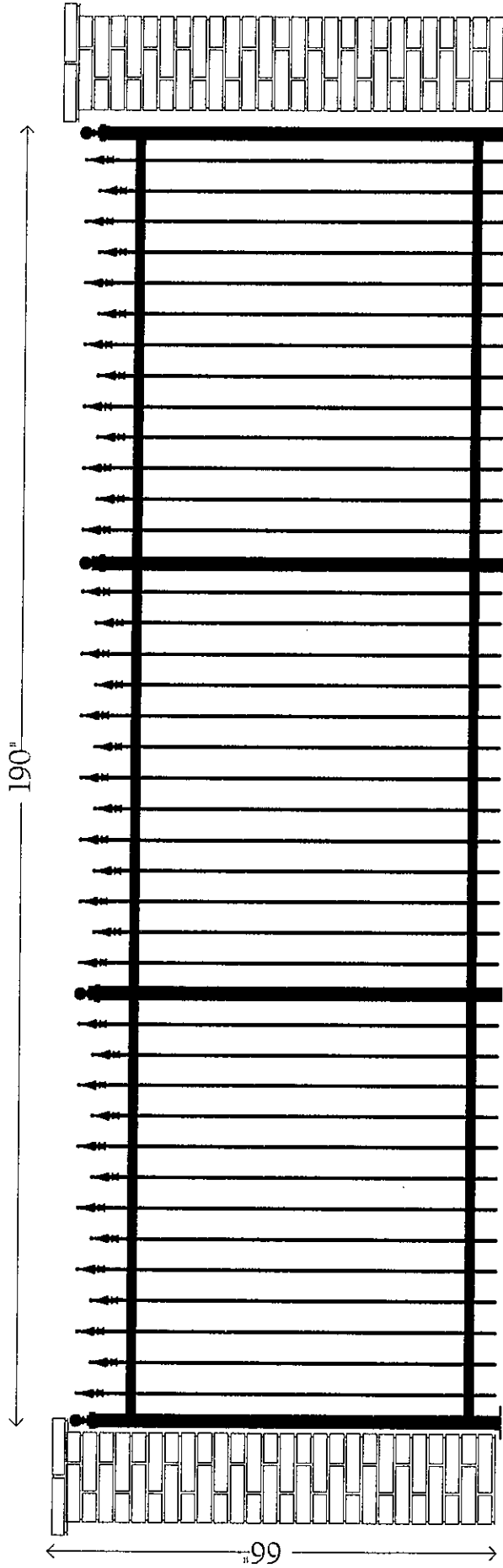
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55931

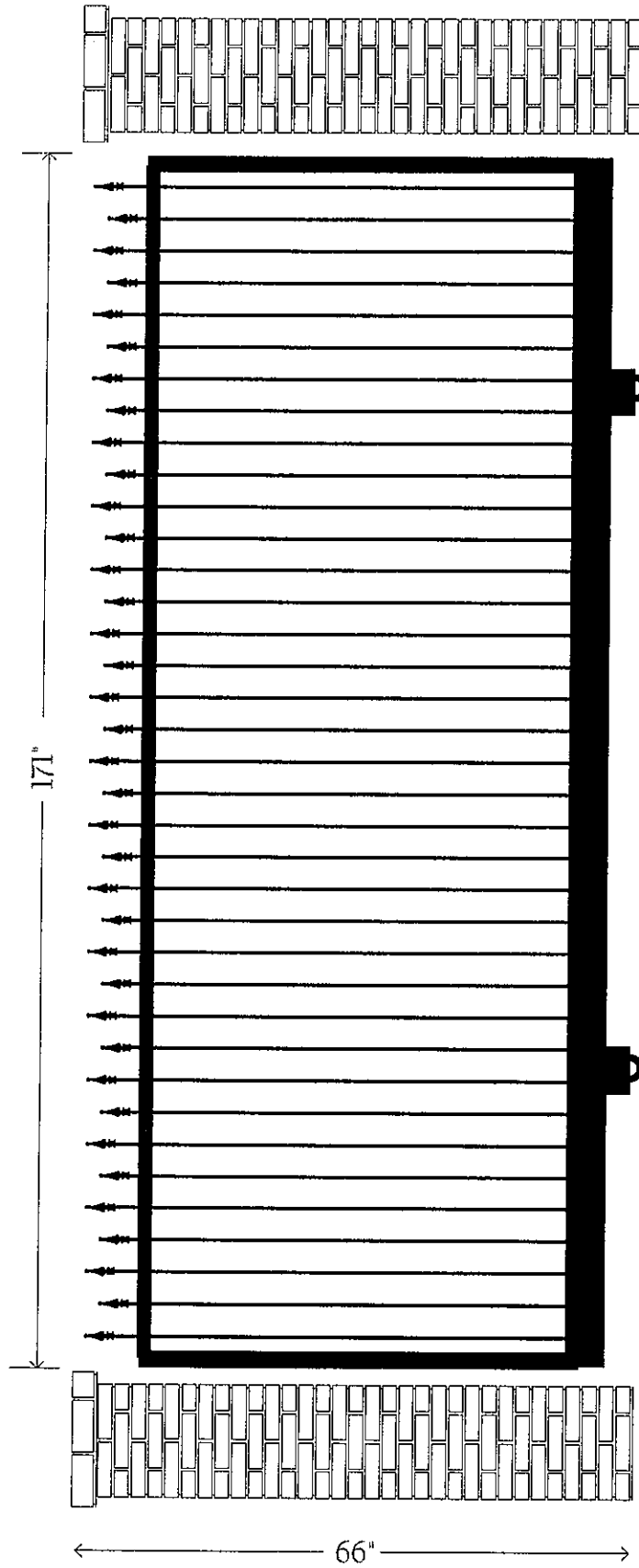


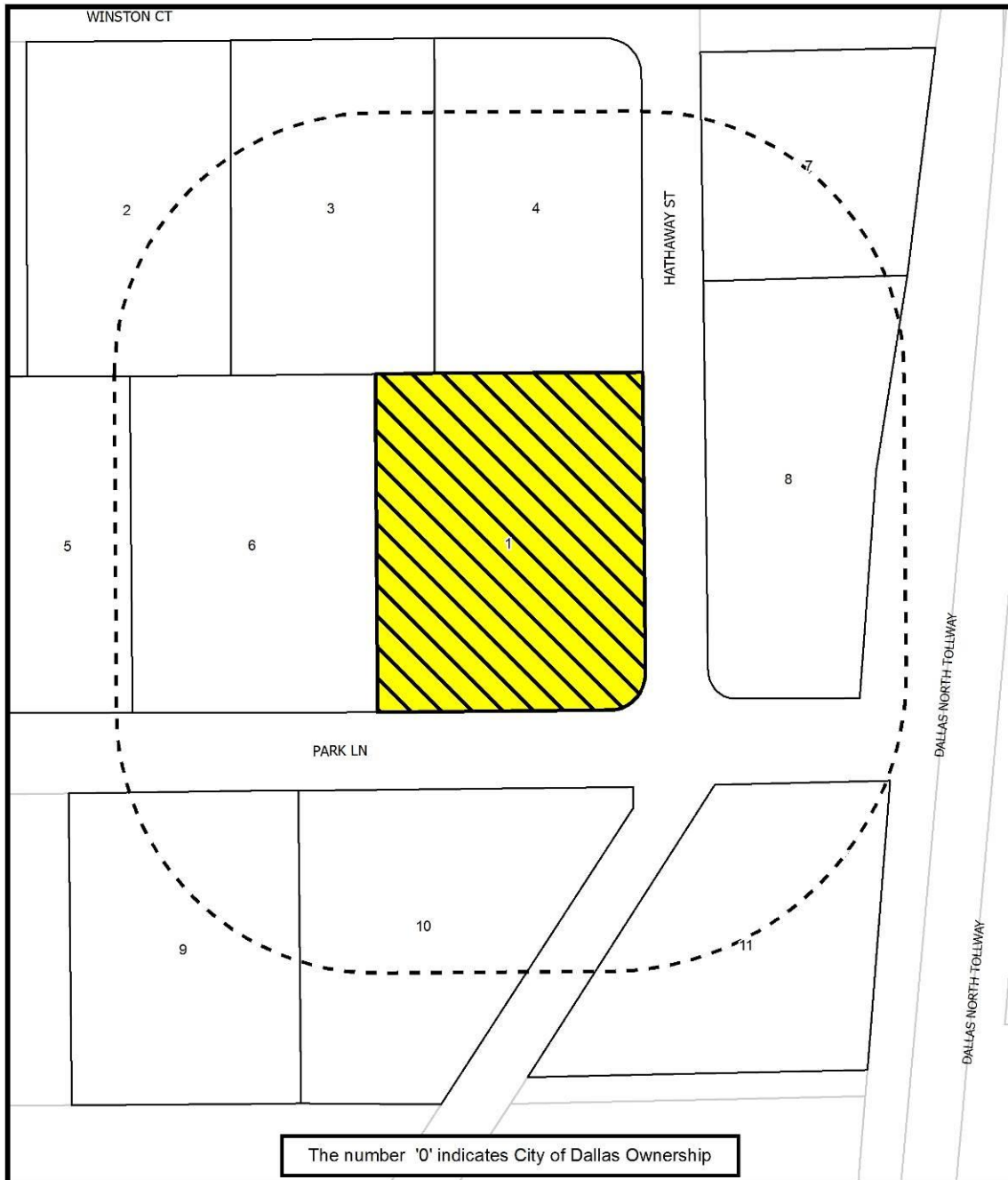
5' TALL IRON FENCE W/ 5.5' TALL 1.8" X 1.8" MASONRY COLUMNS APPROX. 16' ON CENTER
 5' TALL IRON FENCE
 5' TALL IRON FENCE W/ 5.5' TALL 1.8" X 1.8" MASONRY COLUMNS APPROX. 16' ON CENTER

Typical iron fence section with columns



Typical Ornamental Iron Slide Gate





 1:1,200	NOTIFICATION	Case no: BDA145-125			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">11</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	11	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
11	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA145-125

11 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5545 PARK LN	LEAR LAURA & FREDERICK
2	5530 WINSTON CT	JENNINGS JAMES B &
3	5542 WINSTON CT	JOHNSON HENRY D III &
4	5554 WINSTON CT	GROSSMAN MICHAEL & JACY
5	5523 PARK LN	MCDONALD JANET
6	5535 PARK LN	HOUSTON VIRGINIA COLE
7	9642 HATHAWAY ST	STOUTENBURGH DENNIS J
8	5601 PARK LN	STEWART JERRY W
9	5532 PARK LN	SZELC LIVING TRUST
10	5544 PARK LN	PERRY MALCOLM O III & VICTORIA L
11	5600 PARK LN	HOLMES CHARLETON C