

ZONING BOARD OF ADJUSTMENT, PANEL B  
WEDNESDAY, APRIL 19, 2017  
AGENDA

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BRIEFING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	11:00 A.M.
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PUBLIC HEARING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.
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**Donna Moorman, Chief Planner**  
**Steve Long, Board Administrator**

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**MISCELLANEOUS ITEM**

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Approval of the March 22, 2017 Board of Adjustment Panel B Public Hearing Minutes	M1
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**UNCONTESTED CASES**

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<b>BDA167-010(SL)</b>	6866 Burwood Lane <b>REQUEST:</b> Application of Paul S. Bhella for a special exception to the front yard setback regulations for a carport	1
<b>BDA167-035(SL)</b>	5919 Over Downs Drive <b>REQUEST:</b> Application of Jared Parks for special exceptions to the fence standards and visual obstruction regulations	2
<b>BDA167-044(SL)</b>	5918 Over Downs Drive <b>REQUEST:</b> Application of Jared Parks for special exceptions to the fence standards and visual obstruction regulations	3
<b>BDA167-050(SL)</b>	5028 Lilac Lane <b>REQUEST:</b> Application of Robert Anderes for a special exception to the fence standards	4

## EXECUTIVE SESSION NOTICE

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

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

**FILE NUMBER:** BDA167-010(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Paul S. Bhella for a special exception to the front yard setback regulations for a carport at 6866 Burwood Lane. This property is more fully described as Lot 10, Block C/2806, and is zoned R-10(A), which requires a front yard setback of 30 feet. The applicant proposes to construct and/or maintain a carport in a required front yard and provide a 1 foot setback, which will require a 29 foot special exception to the front yard setback regulations.

**LOCATION:** 6866 Burwood Lane

**APPLICANT:** Paul S. Bhella

**REQUEST:**

A request for a special exception to the front yard setback regulations of 29' is made to maintain a carport, part of which is located in the site's 30' front yard setback on a site developed with a single family home structure/use.

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

The Board of Adjustment may grant a special exception to the minimum front yard requirements to allow a carport for a single-family or duplex use when, in the opinion of the Board:

- (A) There is not adequate vehicular access to an area behind the required front building line that would accommodate a parking space; and
- (B) the carport will not have a detrimental impact on surrounding properties.

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

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

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

**STAFF RECOMMENDATION:**

No staff recommendation is made on this or any request for a special exception to the front yard setback regulations since the basis for this type of appeal is, when in the opinion of the board:

- (A) there is not adequate vehicular access to an area behind the required front building line that would accommodate a parking space; and
- (B) the carport will not have a detrimental impact on surrounding properties.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: R-10(A) (Single family district 10,000 square feet)
- North: R-10(A) (Single family district 10,000 square feet)
- 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 area to the north, east, south, and west are developed with single family uses.

**Zoning/BDA History:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

- The request for a special exception to the front yard requirements of 29' focuses on maintaining a carport that is located 1' from the front property line or 29' into the 30' front yard setback on a site developed with a single-family home structure/use.
- A 30' front yard setback is required in the R-10(A) zoning district.
- The applicant has submitted four documents in conjunction with this request - a revised site plan and three elevations. The revised site plan denotes that the "metal carport" is located 1' from the site's front property line or 29' into the 30' front yard setback.
- The following information was gleaned from the submitted revised site plan:
  - The carport is represented to be approximately 20' in length and approximately 10' in width (approximately 200 square feet in total area) all of which is located in the front yard setback.
- The three submitted elevations do not represent a front property line or building materials.



- The submitted elevations denote an approximate height of the carport to be 11’.
- The submitted revised site plan denotes approximate 6’ widths between the side property lines and the existing single family structure.
- There is no paved alley behind the property.
- The Board Administrator noted what appeared to be a parking space in an attached garage located behind the 30’ front building line.
- The Board Administrator conducted a field visit of 6800 block of Burwood Lane and noted no other carports that appeared to be located in a front yard setback.
- As of April 7<sup>th</sup>, three letters had been submitted in support of the request, and no letters had been submitted in opposition.
- The applicant has the burden of proof in establishing the following:
  - there is not adequate vehicular access to an area behind the required front building line that would accommodate a parking space; and
  - that granting this special exception to the front yard setback regulations of 29’ will not have a detrimental impact on surrounding properties.
- Granting this request and imposing the following conditions would require the carport to be maintained in the location and of the heights and materials as shown on these documents:
  1. Compliance with the submitted revised site plan and elevations is required.
  2. The carport structure must remain open at all times.
  3. All applicable building permits must be obtained.
  4. No item (other than a motor vehicle) may be stored in the carport.

**Timeline:**

- November 21, 2016: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- March 15, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- March 15, 2017: The Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application;
  - an attachment that provided the public hearing date and panel that will consider the application; the March 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the April 7<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

April 3, 2017: The Building Inspection Senior Plans Examiners/Development Code Specialist forwarded a revised Building Official's report on this application to the Board Administrator (see Attachment A).

April 3 & 5, 2017: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachments B and C).

April 4, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director Engineering, the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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



1:1,200

# ZONING MAP

Case no: BDA167-010

Date: 3/20/2017



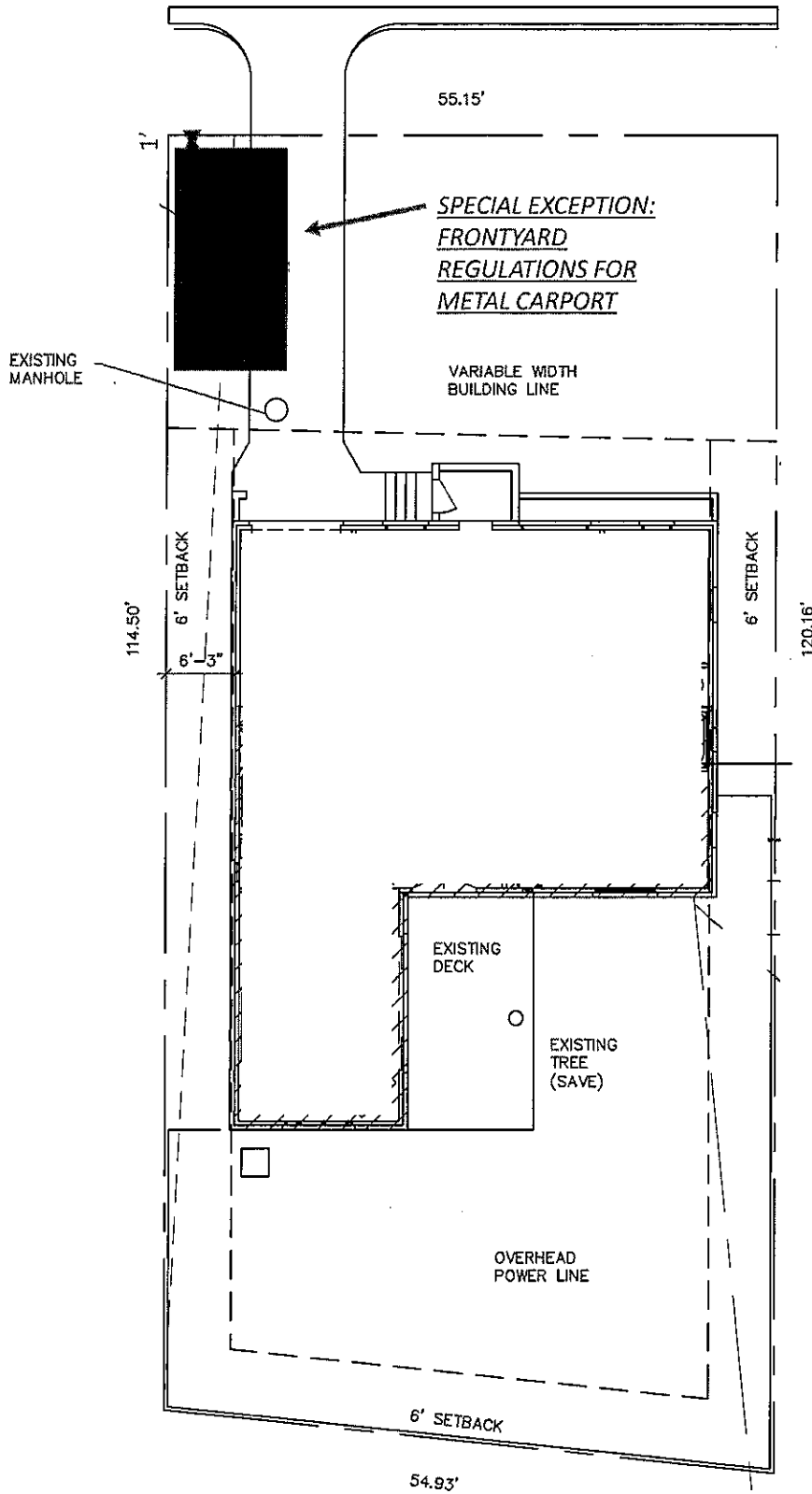
1:1,200

# AERIAL MAP

Case no: BDA167-010

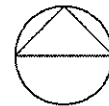
Date: 3/20/2017





CONTACT: PAUL BHELLA (214) 402 - 4667

6866 BURWOOD LANE  
DALLAS, TX 75214  
BLK C/2806 LT 10



NORTH

BDA167-010  
Attach A  
PS 2

6863 Burwood Ln  
Dallas, Texas 75214  
March 27, 2017

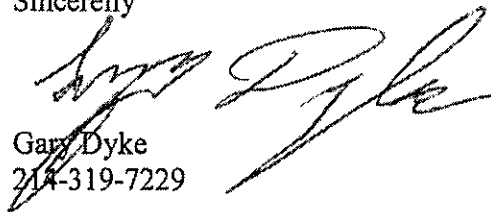
Board of Adjustment  
City of Dallas Sustainable Development and Construction  
1500 Marilla Street, Room 5BN  
Dallas, Texas 75201

Dear Board of Adjustment,

It has come to my attention that my neighbors across the street, Paul and Gwen Bhella, have constructed a very nice carport and are asking the City of Dallas for a variance for this structure. I fully support this. It not only looks nice, it also reduces the amount of on-street parking by adding an additional improved parking space to their home.

Please call me if you wish to discuss this further.

Sincerely

  
Gary Dyke  
214-319-7229

Kyle Coleman  
Peter M. Anastopoulos  
Robert B. Jackson



BDA 167-010

Attn: C  
PB

16250 Knoll Trail, Suite 105  
Dallas, Texas 75248  
P (972) 810-4380  
F (972) 810-4370  
www.caj-law.com

April 5, 2017

**Via USPS**

Board of Adjustment  
City of Dallas Sustainable Development and Construction  
1500 Marilla Street, Room 5BN  
Dallas, TX 75201

Dear Sir or Madam,

I am the neighbor of Paul Bhella. I am writing this letter to support the addition of a carport to his property. First, Mr. Bhella has done a wonderful job adding value to the neighborhood with the addition to his property. Due to the limitations of his lot, the carport is necessary. To that end, I couldn't be happier with the carport that he installed. It blends into the surroundings and is very unassuming. I drive by it every day and hardly notice the structure.

The carport does not have any detrimental impact on the surrounding properties. It does not obstruct views to or from his property. More importantly, it does not obstruct views from the neighboring properties nor does it impede the driveway of his neighbor directly to the west. The carport is also small in stature. It is designed for parking one car only. Even though he could have built a larger structure, he kept his neighbors in mind by making the structure the least obtrusive as possible.

Again, I support Mr. Bhella's carport. If you have any further questions from me, please do not hesitate to call me at (972) 810-4380 or my cell phone at (214) 226-5978.

Very truly yours,

Peter M. Anastopoulos

PMA/cn



April 5<sup>th</sup>, 2017

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

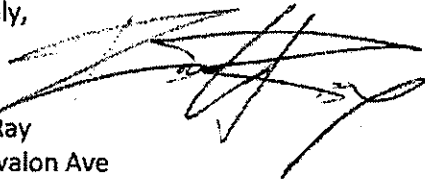
To Whom it May Concern:

This letter is in reference to the newly constructed carport at 6866 Burwood Lane, Dallas, TX 75214.

I think the carport looks appropriate for the type of construction of the home. The carport fits in with other homes nearby that look more mid-century modern. I do not feel the carport will have a detrimental impact on the surrounding properties.

Sincerely,

Ian G. Ray  
6874 Avalon Ave  
Dallas, TX 75214  
214-629-7905



BDA167-010  
Attach G  
PS 3

6863 Burwood Ln  
Dallas, Texas 75214  
March 27, 2017

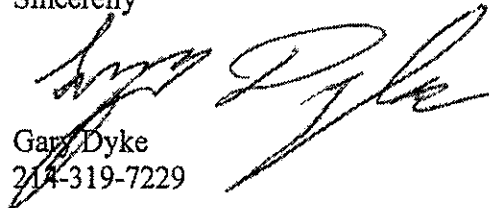
Board of Adjustment  
City of Dallas Sustainable Development and Construction  
1500 Marilla Street, Room 5BN  
Dallas, Texas 75201

Dear Board of Adjustment,

It has come to my attention that my neighbors across the street, Paul and Gwen Bhella, have constructed a very nice carport and are asking the City of Dallas for a variance for this structure. I fully support this. It not only looks nice, it also reduces the amount of on-street parking by adding an additional improved parking space to their home.

Please call me if you wish to discuss this further.

Sincerely



Gary Dyke  
214-319-7229



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-010

Data Relative to Subject Property:

Date: 11-21-16

Location address: 6866 Burwood Lane Dallas 75214 Zoning District: R-10(A)

Lot No.: 10 Block No.: C/2006 Acreage: 0.17 Census Tract: 1.00

Street Frontage (in Feet): 1) 55 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Paul S. Bhella

Applicant: Paul S. Bhella Telephone: 214 402 4667

Mailing Address: 6866 Burwood Lane Zip Code: 75214

E-mail Address: paul.bhella@gmail.com

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance, or Special Exception, of 15 foot to the front setback for the carport.

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:

There is no other location where a carport could be placed. The alley behind the house is not paved and is overgrown with trees and shrubs. The carport is of an open design which complements the mid-century modern architecture of the neighborhood. It will not adversely 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.

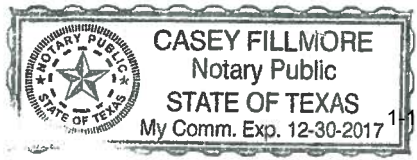
Affidavit

Before me the undersigned on this day personally appeared Paul S. Bhella (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: Paul Bhella (Affiant/Applicant's signature)

Subscribed and sworn to before me this 8th day of February, 2017



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 PAUL BHELLA

did submit a request for a special exception to the front yard setback regulations for a carport  
at 6866 Burwood Lane

BDA167-010. Application of Paul Bhella for a special exception to the front yard setback regulations for a carport at 6866 Burwood Lane. This property is more fully described as Lot10, Block C/2806, and is zoned R-10(A), which requires a front yard setback of 30 feet. The applicant proposes to construct and maintain a carport for a single family residential dwelling in a required front yard and provide a 15 foot setback, which will require a 15 foot special exception to the front yard setback regulation.

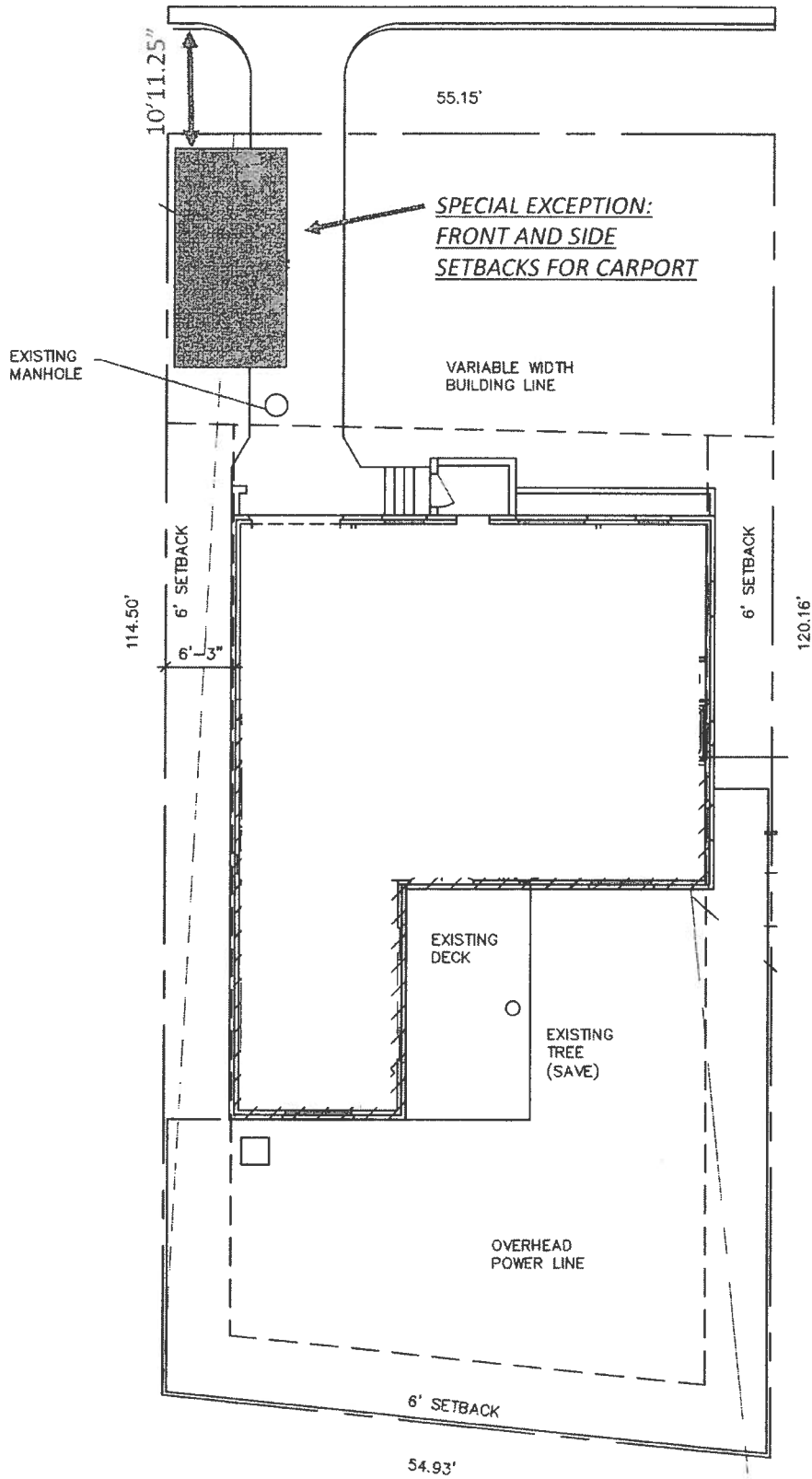
Sincerely,

  
Philip Sikes, Building Official



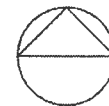






CONTACT: PAUL BHELLA (214) 402 - 4667

6866 BURWOOD LANE  
DALLAS, TX 75214  
BLK C/2806 LT 10



NORTH

EVERGREEN  
 STRUCTURES, LLC  
 QUALITY IN ENGINEERING  
 7324 GASTON AVE STE 124-335  
 DALLAS, TX 75214  
 TELEPHONE: 214-221-8866  
 FAX: 214-680-3210  
 www.evergreenstructures.com

ES4340

6866 BURWOOD LANE  
 DALLAS, TX 75214  
 BLK C/2806 LT 10

JOB:

CONTACT: P. BHELLA (214) 402 - 4667

AS-BUILT DRAWINGS

SHEET

1

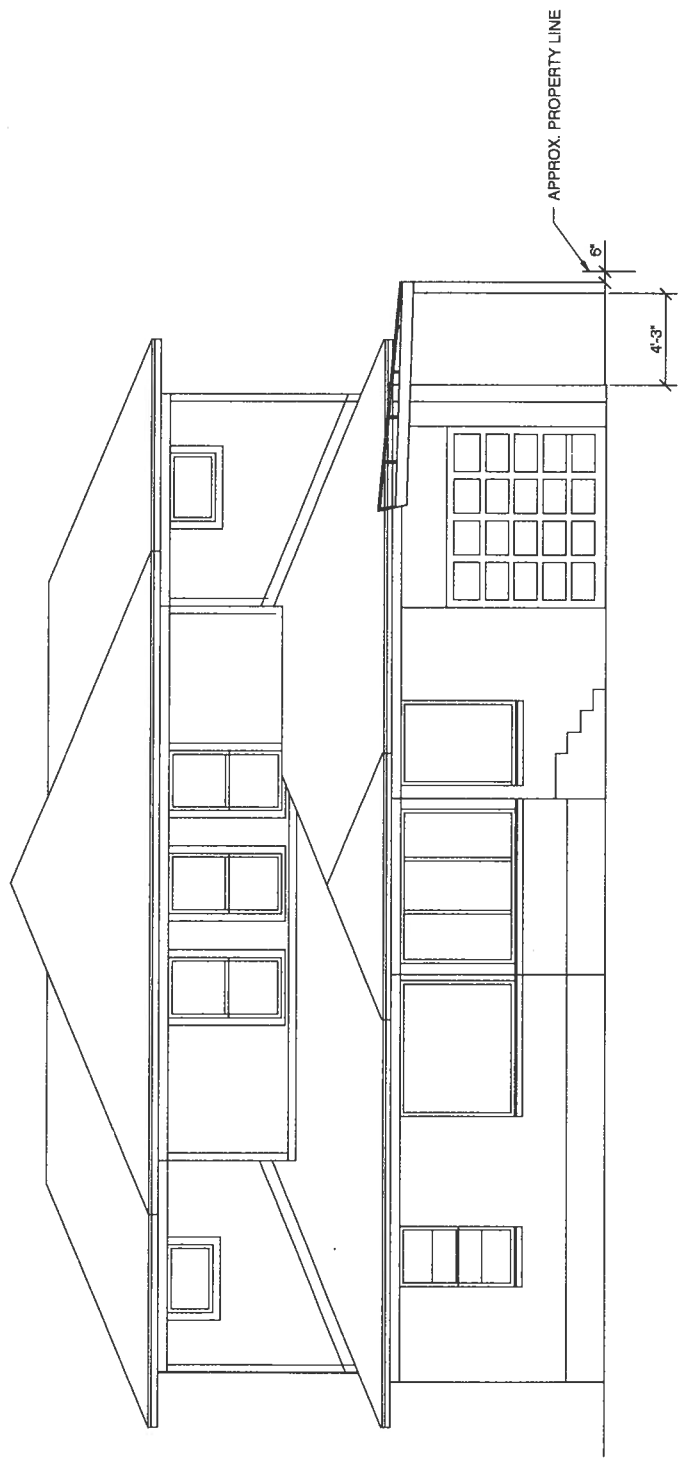
OF 3

SCALE: 3/16" = 1'-0"

DATE: 11/14/16

REVISION:

DRAWN BY: O.P.



SOUTH ELEVATION



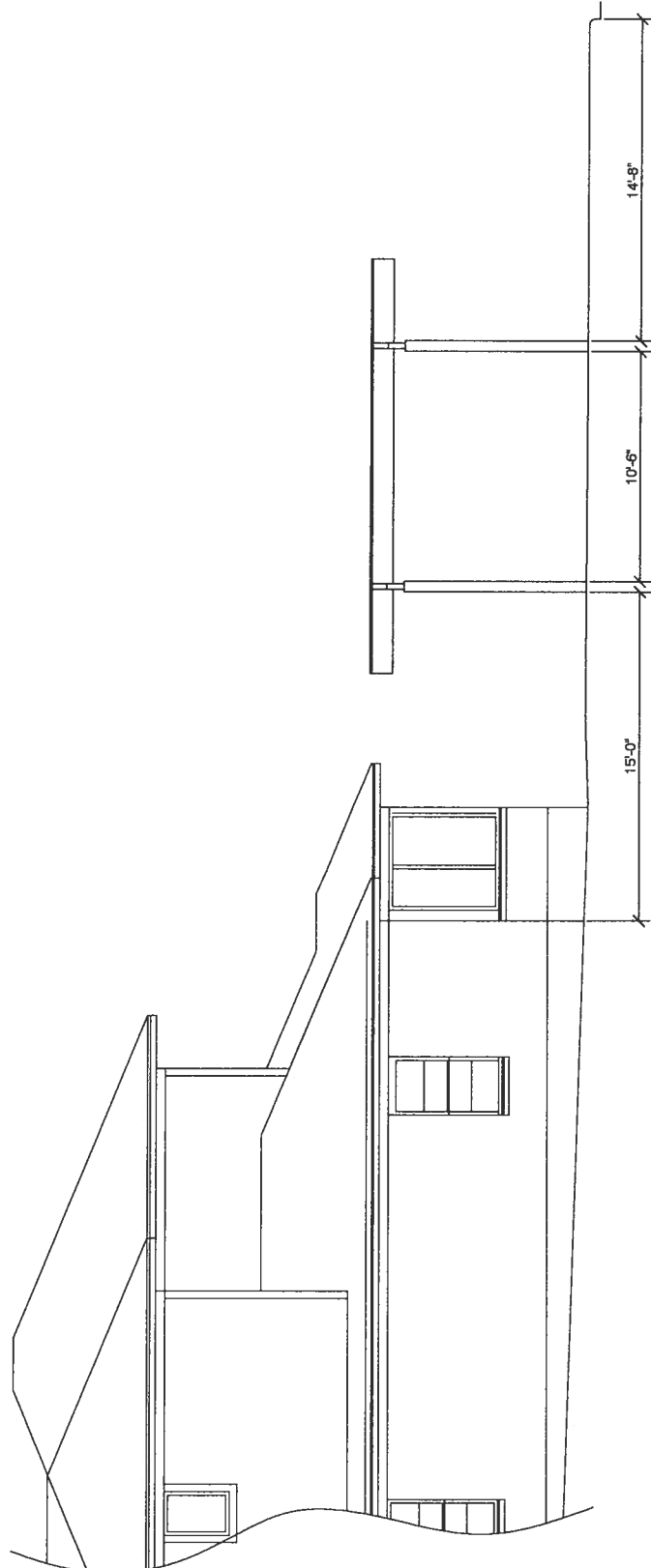
www.evergreenstructures.com  
FAX: 214-680-3210  
TELEPHONE: 214-221-8868  
DALLAS, TX 75214  
7324 GASTON AVE STE 124-336  
QUALITY IN ENGINEERING  
EVERGREEN  
STRUCTURES, LLC

REVISION:

JOB:

AS-BUILT DRAWINGS

SHEET  
2  
OF 3



EAST ELEVATION

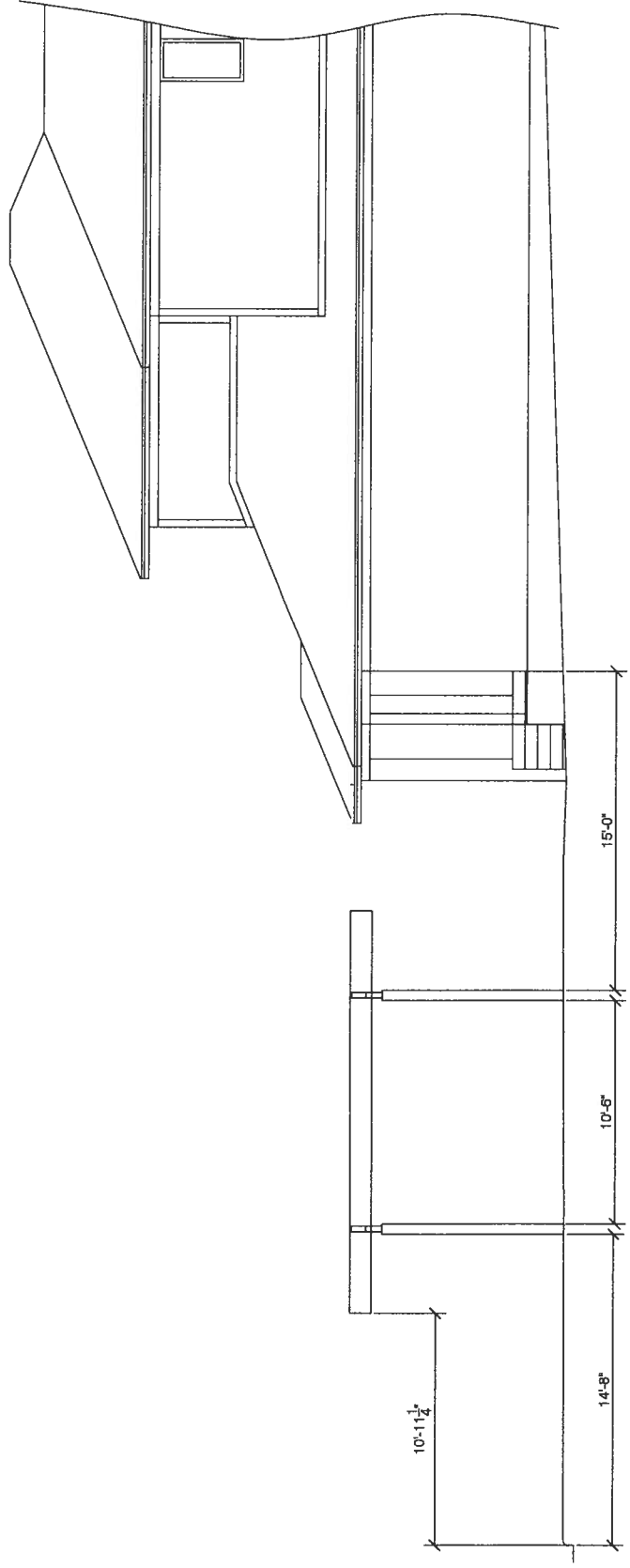

**EVERGREEN**  
 STRUCTURES, LLC  
 QUALITY IN ENGINEERING  
 7324 GASTON AVE STE 124-335  
 DALLAS, TX 75214  
 TELEPHONE: 214-221-8866  
 FAX: 214-660-3210  
 www.evergreenstructures.com

REVISION:

JOB:

SHEET  
**3**  
 OF 3

AS-BUILT DRAWINGS



**WEST ELEVATION**



 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA167-010</b>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">28</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>3/20/2017</b>	

## *Notification List of Property Owners*

### *BDA167-010*

#### *28 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6866 BURWOOD LN	BHELLA PAUL S
2	2343 PICKENS ST	SMITH J MURRAY JR & HUI
3	6858 AVALON AVE	JOHNSTON RICHARD D &
4	6850 AVALON AVE	COOK BYRON & APRIL REV TRUST
5	6870 LORNA LN	STANLEY KIM E
6	6866 LORNA LN	ORTEGA DANIEL
7	6862 LORNA LN	PETERS NIKI B & KENNETH L
8	6858 LORNA LN	READ WILLIAM C
9	6850 LORNA LN	LINK ERIC & ANGELA
10	6851 LORNA LN	RUBIO FERNANDO & SHANNON
11	6857 LORNA LN	ROTH STEVEN JAY &
12	6865 LORNA LN	HILDEBRAND SLOAN WESLEY & ELIZABETH B
13	6871 LORNA LN	BRUNI ELIZABETH
14	6875 LORNA LN	WOODS THOMAS F III &
15	6878 BURWOOD LN	GORDON BARBARA LORENZ
16	6872 BURWOOD LN	ELLIS THOMAS G III & DEBBIE M
17	6862 BURWOOD LN	JOHNSON ERIC W
18	6858 BURWOOD LN	ANASTOPOULOS PETER &
19	6863 BURWOOD LN	DYKE GARY
20	6869 BURWOOD LN	RAY IAN G
21	6879 BURWOOD LN	JOHNSON ALEEN
22	6883 BURWOOD LN	WALKUP JAMES O &
23	6878 AVALON AVE	INGRAM KELLY
24	6874 AVALON AVE	RAY IAN & ERIN M
25	2407 AUBURN AVE	DICKINSON WILLIAM SHELDON JR
26	2411 AUBURN AVE	LUNA THOMAS P &

03/20/2017

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
27	2415 AUBURN AVE	GILMORE JOHN L &
28	2419 AUBURN AVE	PICCOLA JOSEPH JAMES LIFE EST

**FILE NUMBER:** BDA167-035(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Jared Parks for special exceptions to the fence standards and visual obstruction regulations at 5919 Over Downs Drive. This property is more fully described as Lot 1, Block A/5508, and is zoned TH-1(A), which limits the height of a fence in the front yard to 4 feet and requires a 45 foot visibility triangle at street intersections. The applicant proposes to construct and maintain a 6 foot 4 inch high fence in a required front yard, which will require a 2 foot 4 inch special exception to the fence standards, and to locate and maintain items in a required visibility triangle, which will require a special exception to the visual obstruction regulations.

**LOCATION:** 5919 Over Downs Drive

**APPLICANT:** Jared Parks

**REQUESTS:**

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

1. A request for a special exception to the fence standards related to height of 2' 4" is made to construct and maintain a fence higher than 4' in height (an approximately 10' long, 6' high open iron picket fence with a 6' 4" high stone column) in one of the site's two required front yards (Over Downs Drive); and
2. A request for a special exception to the visual obstruction regulations is made to locate and maintain a portion of the aforementioned 6' high open iron picket fence and column in the 45' visibility triangle at the intersection of Preston Road and Over Downs Drive.

(Note that this application is immediately north of a property where the same applicant seeks similar special exceptions to the visual obstruction and fence standard regulations from the Board of Adjustment Panel B on April 19<sup>th</sup>: BDA167-044).

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

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

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

The Board shall grant a special exception to the requirements of the visual obstruction regulations when, in the opinion of the Board, the item will not constitute a traffic hazard.

**STAFF RECOMMENDATION (fence standards):**

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

**STAFF RECOMMENDATION (visual obstruction special exception):**

Approval, subject to the following condition:

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

Rationale:

- Staff concurred with the Sustainable Development Department Assistant Director of Engineering who has no objections to this request – that the 6’ high open iron picket fence with a 6’ 4” high stone column in the 45’ visibility triangle at the intersection of Preston Road and Over Downs Drive does not constitute a traffic hazard.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: TH-1(A) (Townhouse)
- North: TH-1(A) (Townhouse)
- South: TH-1(A) (Townhouse)
- East: PD 55 (Planned Development)
- West: TH-1(A) (Townhouse)

**Land Use:**

The subject site is developed with a single family home. The areas to the east, south, and west are developed with single family uses; and the area to the west is developed with a private school (St. Marks School of Texas).

**Zoning/BDA History:**

- |  |  |
|--|--|
| <ol style="list-style-type: none"> <li>1. BDA167-034, Property located at 5912 Orchid Lane (the property north of the subject site)</li> </ol> | <p>On March 22, 2017, the Board of Adjustment Panel B granted requests for special exceptions to the fence standard and visual obstruction regulations made to construct and maintain a fence (a 6’ high open iron picket fence with a 6’ 4” high stone column) higher than 4’ in height in one of the site’s two required front yards (Preston Road), and locate and maintain a portion of the aforementioned open iron picket fence in the</p> |
|--|--|

45' visibility triangle at the intersection of Preston Road and Orchid Lane.

2. BDA167-044, Property located at 5918 Over Downs Drive (the property south of the subject site)

On April 19, 2017, the Board of Adjustment Panel B will consider requests for special exceptions to the fence standard and visual obstruction regulations made to construct and maintain a fence (a 6' high open iron picket fence with a 6' 4" high stone column) higher than 4' in height in one of the site's two required front yards (Over Downs Drive), and locate and maintain a portion of the aforementioned open iron picket fence in the 45' visibility triangle at the intersection of Preston Road and Orchid Lane.

**GENERAL FACTS/STAFF ANALYSIS (fence standards):**

- The request for a special exception to the fence standards related to height of 2' 4" focuses on constructing and maintaining an approximately 10' long, 6' high open iron picket fence with a 6' 4" high stone column in one of the site's two required front yards (Over Downs Drive) on a site developed with a single family home.
- The subject site is zoned TH-1(A) which requires a 0' front yard setback. While TH-1(A) requires a 0' front yard setback, the subject site has a 10' required front yard on Over Downs Drive because of a platted building line on this street.
- 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 Preston Road and Over Downs Drive.
- Given the single family zoning and location of the corner lot subject site, the site has two required front yards – a 10' required front yard along Over Downs Drive (the shorter of the two frontages of the subject site which is always a front yard in this case) and a 10' required front yard along Preston Road. While Preston Road is the longer of the two frontages on the subject site which is typically considered a side yard where on this TH-1(A) zoned property a 9' high fence could be erected by right, the site has a required 10' required front yard along Preston Road because of a platted building line and in order to maintain continuity of the established front yard setback along this street frontage where a lot to the north of the subject site "fronts" on Preston Road.
- The applicant has submitted a site plan and an elevation of the proposal fence in the front yard setback with notations indicating that the proposal reaches a maximum height of 6' 4" for a stone column.
- The following additional information was gleaned from the submitted site plan:
  - The proposal is represented as being approximately 10' in length perpendicular to Over Downs Drive/parallel to the Preston Road.



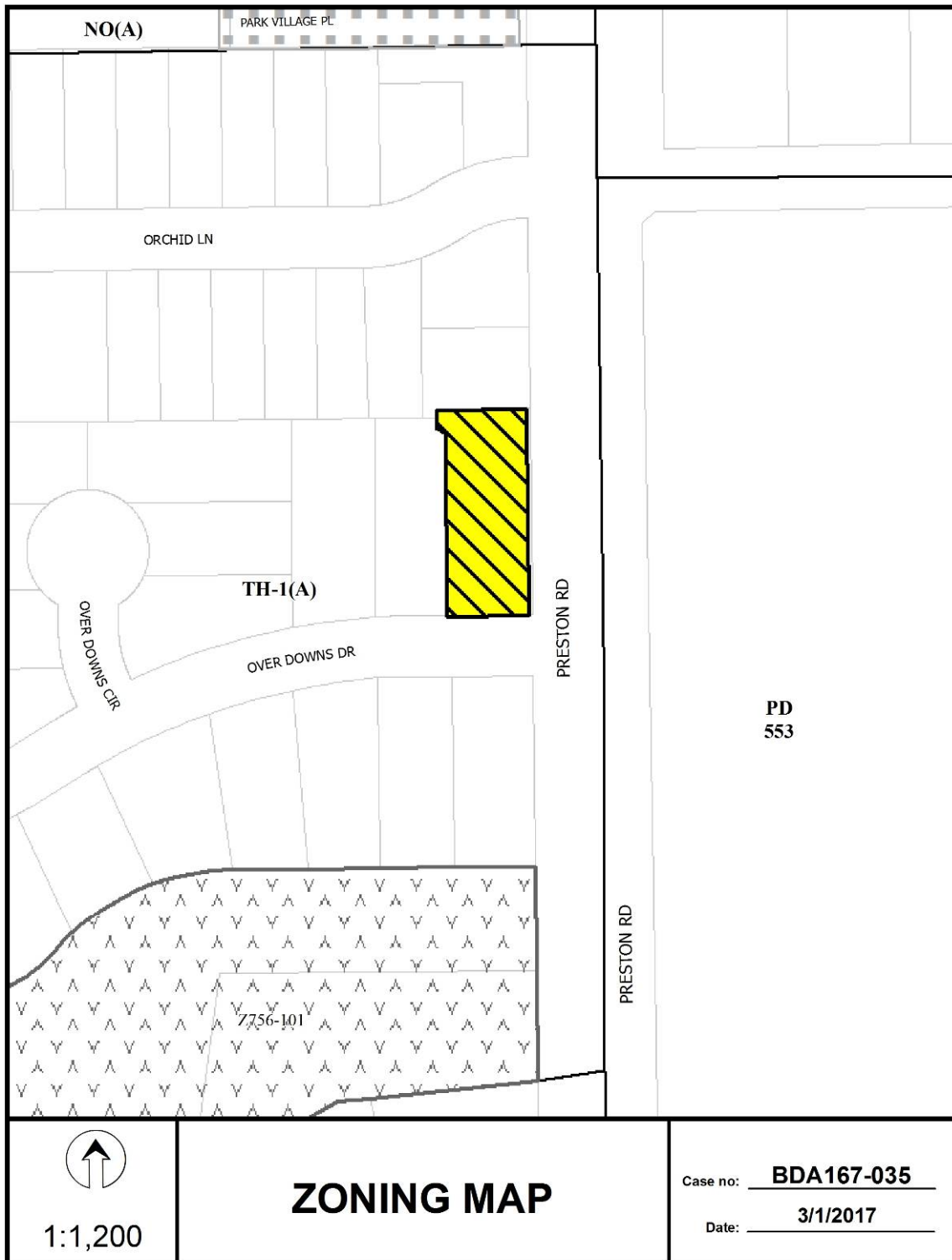
- The proposal is represented as being located approximately on the Over Downs Drive front property line or approximately 12' from the pavement line.
- One single family lot fronts the proposal. The lot fronting this proposal is seeking similar special exceptions to fence standard and visual obstruction regulations from Board of Adjustment Panel B on April 19<sup>th</sup>: BDA167-044.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences that appeared to be above 4' in height and located in a front yard setback.
- As of April 7, 2017 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 standards of 2' 4" will not adversely affect neighboring property.
- Granting this special exception of 2' 4" with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in the required front yard to be constructed and maintained in the location and of the heights and materials as shown on these documents.

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

- The request for a special exception to the visual obstruction regulations focuses on locating and maintaining a portion of a proposed approximately 10' long, 6' high open iron picket fence with a 6' 4" high stone column in the 45' visibility triangle at the intersection of Preston Road and Over Downs Drive.
- The Dallas Development Code states the following: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
  - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections, and 20 foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
  - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- The applicant submitted a site plan and an elevation representing an approximately 10' long, 6' high open iron picket fence with a 6' 4" high stone column in the 45' visibility triangle at the intersection of Preston Road and Over Downs Drive.
- The Sustainable Development Department Assistant Director of Engineering submitted a review comment sheet marked "Has no objections".
- The applicant has the burden of proof in establishing how granting the request for special exception to the visual obstruction regulations to locate and maintain portions of a proposed approximately 10' long, 6' high open iron picket fence with 6' 4" high stone column in the 45' visibility triangle at the intersection of Preston Road and Over Downs Drive does not constitute a traffic hazard.
- Granting this request with the condition that the applicant complies with the submitted site plan and elevation would require the items in the visibility triangle to be limited to and maintained in the locations, height and materials as shown on these documents.

## **Timeline:**

- January 27, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- March 15, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- March 15, 2017: 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 March 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the April 7<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
  - the criteria/standards that the board will use in their decision to approve or deny the requests; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- March 31, 2017: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).
- April 4, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director Engineering, the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.
- April 7, 2017: The Sustainable Development Department Assistant Director Engineering submitted a review comment sheet marked “Has no objections”.





1:1,200

# AERIAL MAP

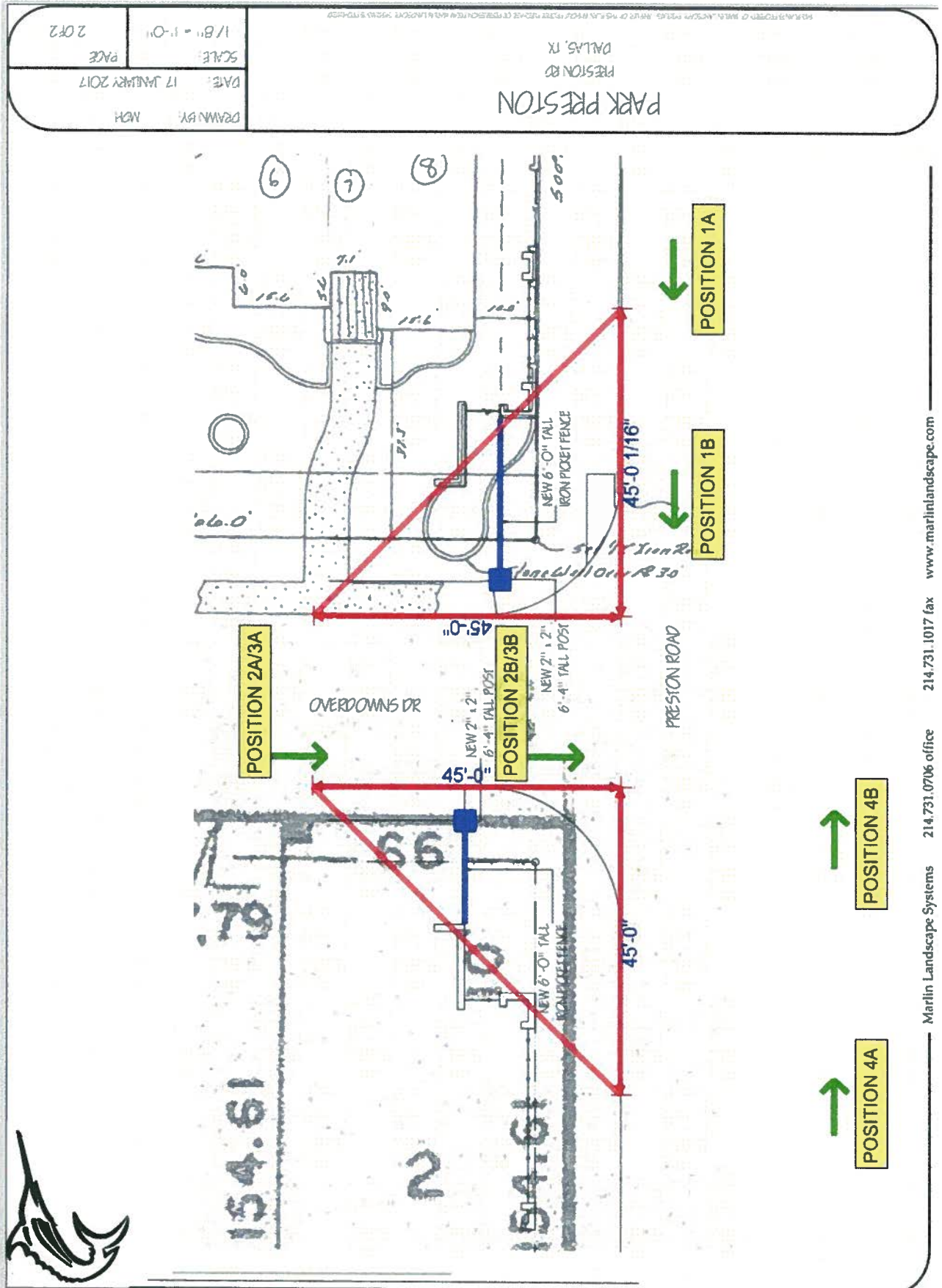
Case no: BDA167-035

Date: 3/1/2017





12" WIDE STONE COLUMN TO MATCH EXISTING



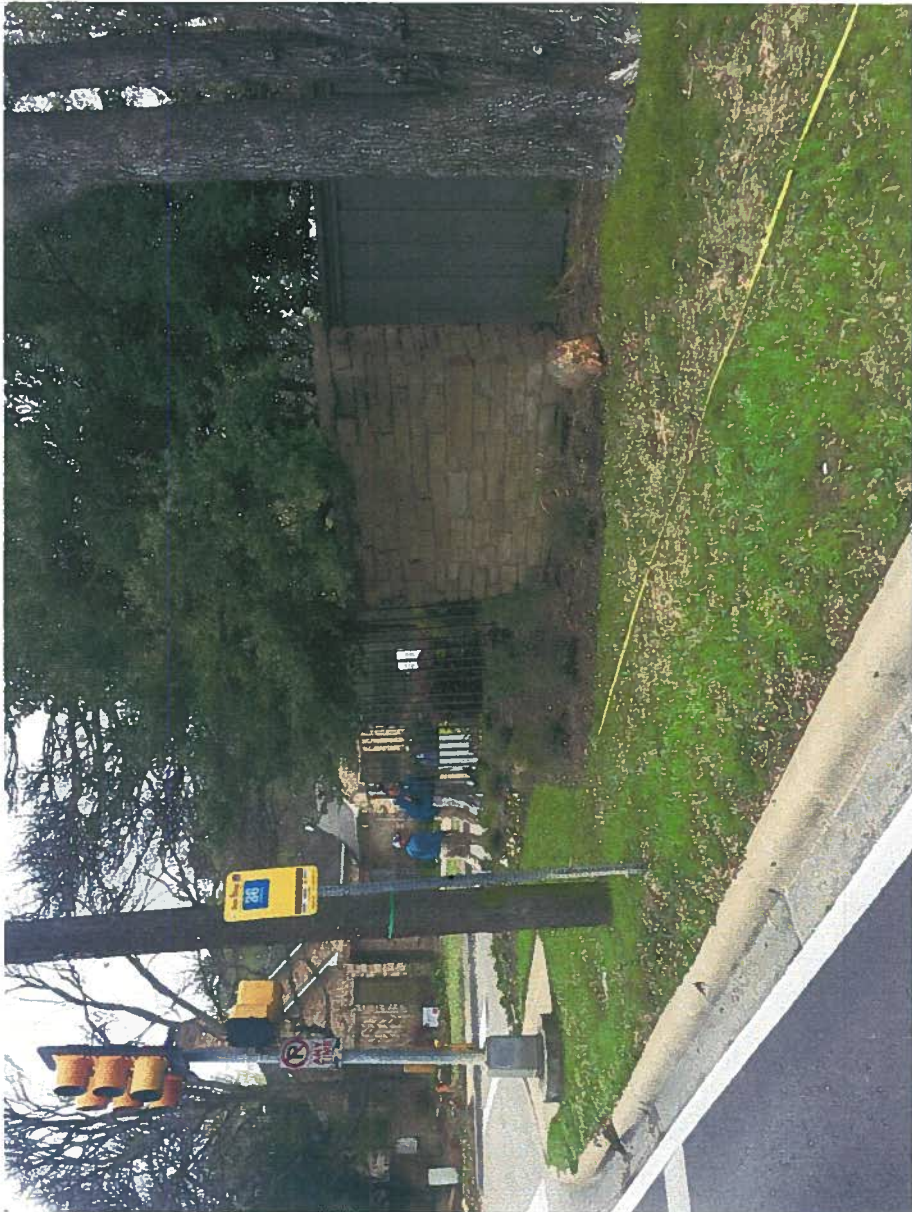
Marlin Landscape Systems 214.731.0706 office 214.731.1017 fax www.marlinlandscape.com



BDA 167-035  
Alt. A  
pg 2



POSITION 1B (SOUTHBOUND PRESTON RD)

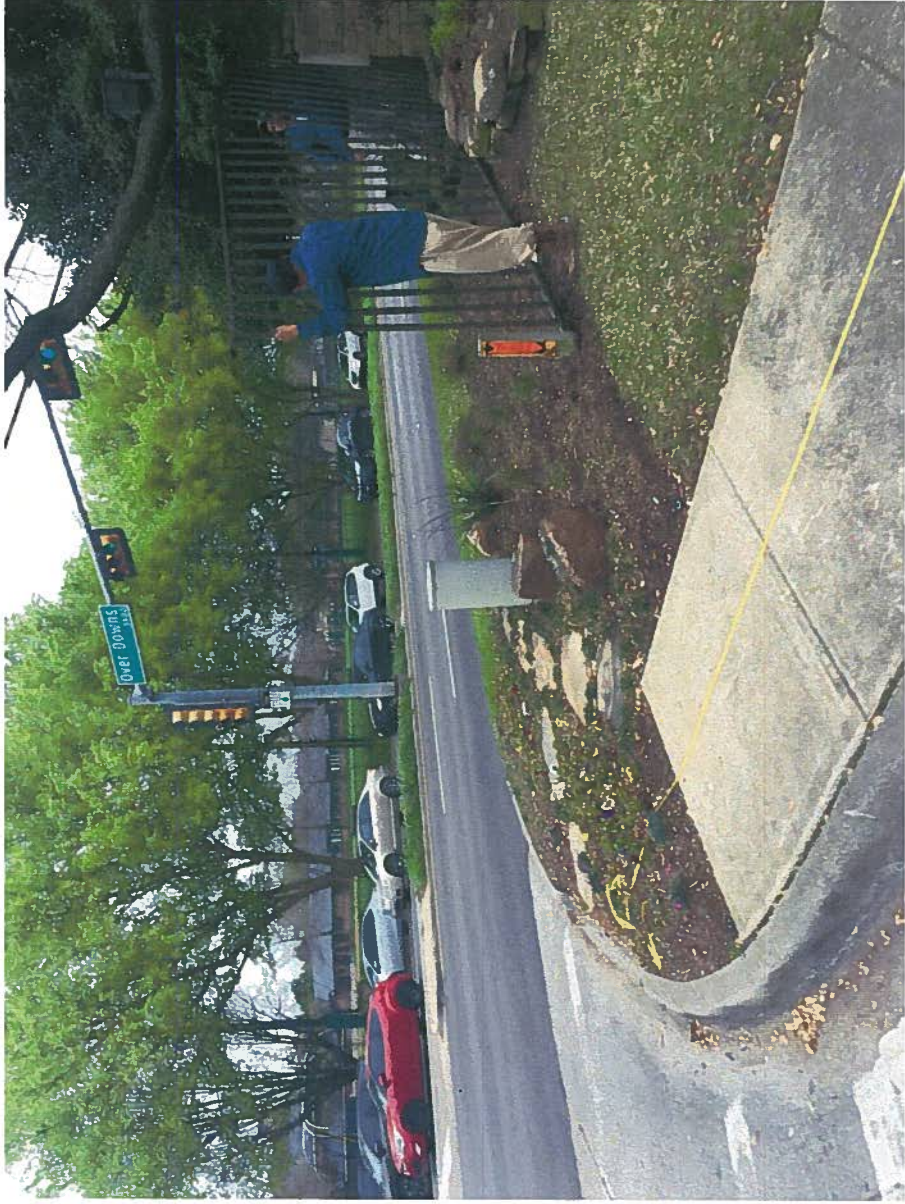


POSITION 1A (SOUTHBOUND PRESTON RD)





POSITION 2A (EASTBOUND OVERDOWNS)



POSITION 2B (EASTBOUND OVERDOWNS)

BDA167-035  
A424 A  
P331





POSITION 3A (EASTBOUND OVERDOWNS)



POSITION 3B (EASTBOUND OVERDOWNS)

BDA 167-035  
Attach A  
PS 4





POSITION 4B (NORTHBOUND PRESTON RD)



POSITION 4A (NORTHBOUND PRESTON RD)



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-035

Data Relative to Subject Property:

Date: 1/27/17

Location address: 5919 OVERDOWNS DR. Zoning District: TOWNHOUSE-1(A)

Lot No.: 1 Block No.: A/5508 Acreage: 0.247 Census Tract: 76.05

Street Frontage (in Feet): 1) 66 2) 158 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): IRENE HOSFORD

Applicant: JARED PARKS Telephone: 214-731-0706

Mailing Address: 411 W. COMMERCE ST. DALLAS, TX Zip Code: 75208

E-mail Address: jared@marlinlandscape.com

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance, or Special Exception checked, of COLUMN + FENCE BUILT ABOVE 30" WITHIN 45' VISIBILITY TRIANGLE, AND IRON PICKET FENCE BUILT 2'-4" ABOVE 4' TALL

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

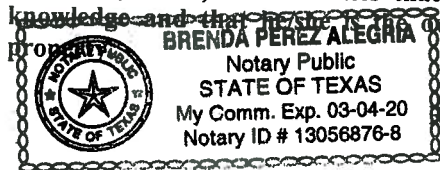
THE FENCE HEIGHT EXTENSION IS REQUESTED BY THE HOA AND APPROVED BY THE COMMUNITY. IT IS ON THE EAST PROPERTY LINE, AND THERE ARE NO NEIGHBORS TO THE EAST. THE IRON PICKET FENCE ALLOWS DRIVERS TO SEE THROUGH THE SPACE AND WILL NOT OBSTRUCT THEIR VISION. ADDITIONALLY, THE MAXIMUM SPEED LIMIT IN THE AREA IS 35 MPH, AND THE INTERSECTION IS CONTROLLED BY A TRAFFIC LIGHT.

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 Jared Parks 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 27th day of January, 2017





# City of Dallas

## Internal Development Research Site

Legend

Locate Property

Search by:

GIS Account #

Locate

OR

Street address.

5915 orchid

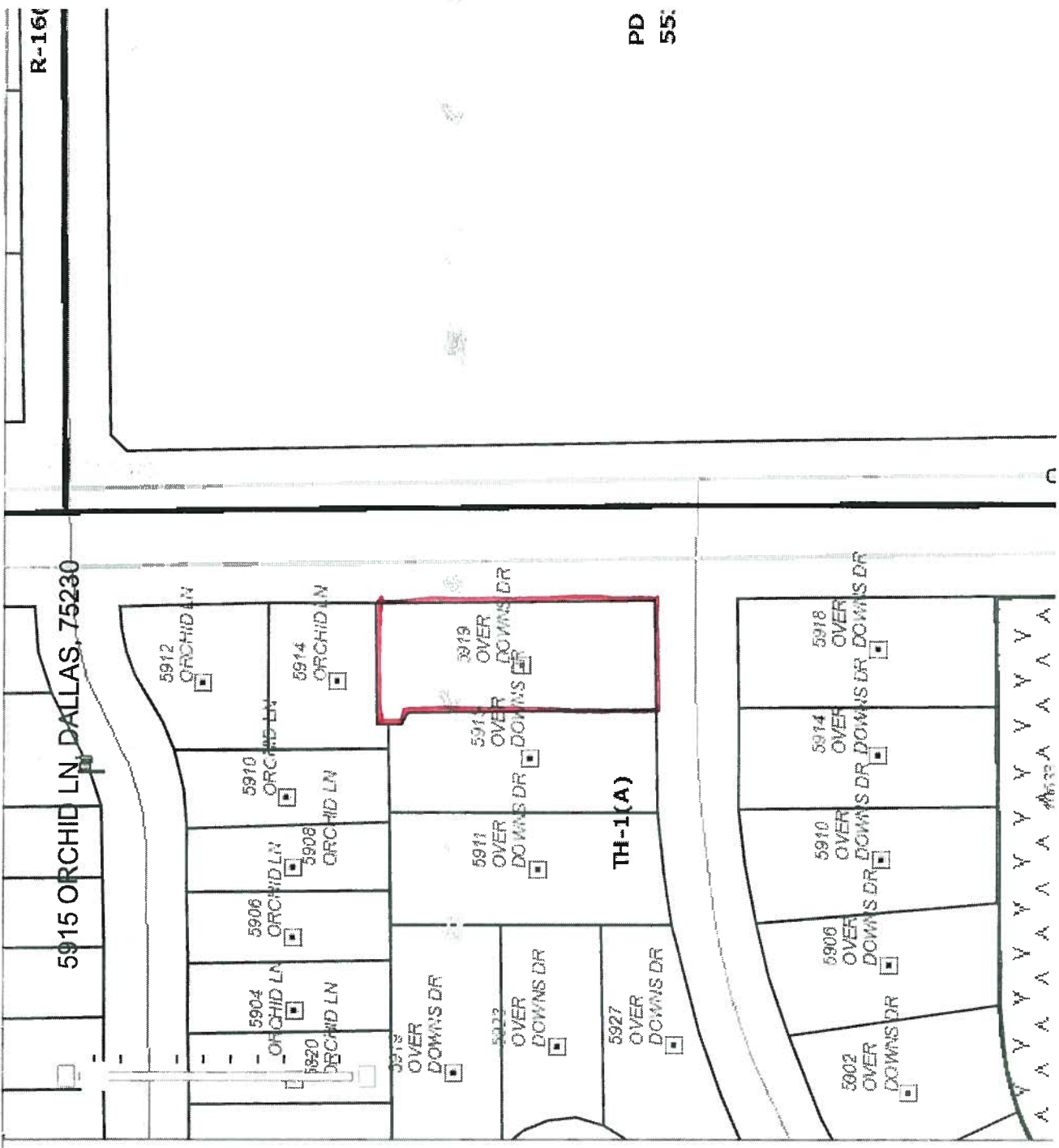
Locate

OR

Parcel address.

Use street type for better re

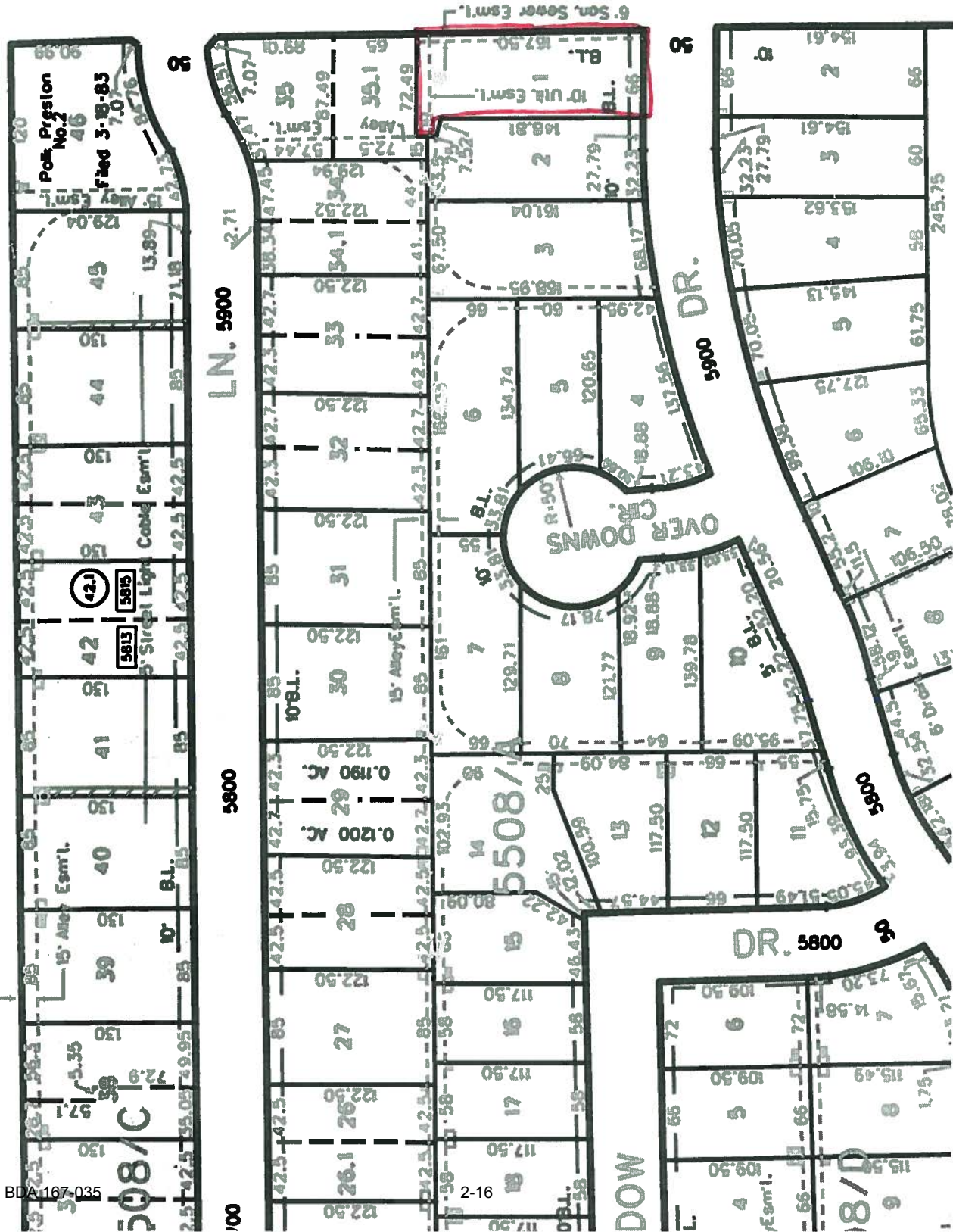
Locate



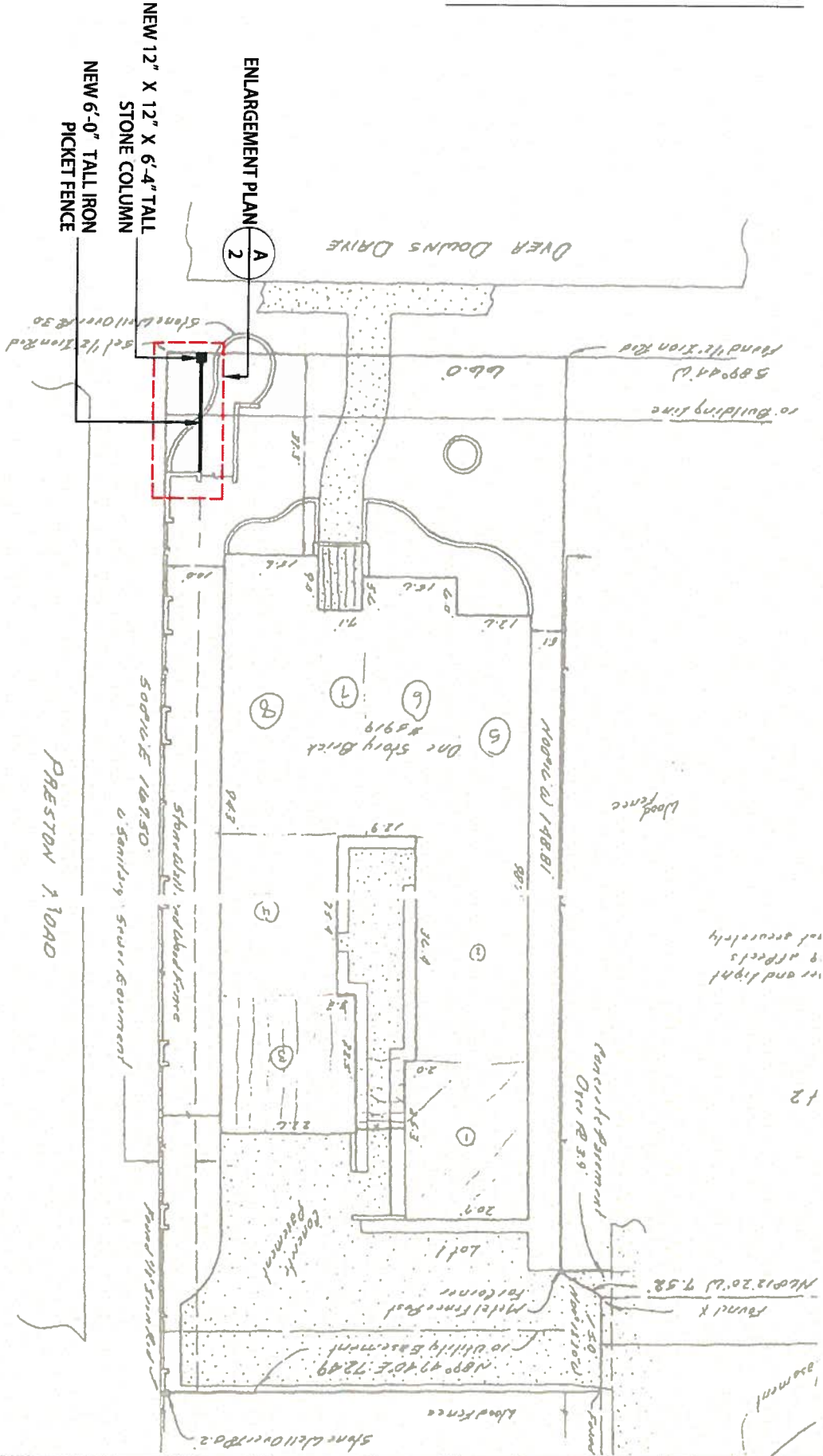
R-16

PD 55:





JP



ENLARGEMENT PLAN  
 A  
 2

NEW 12" X 12" X 6'-4" TALL  
 STONE COLUMN

NEW 6'-0" TALL IRON  
 PICKET FENCE

PRESTON 110AD

**RESIDENCE**

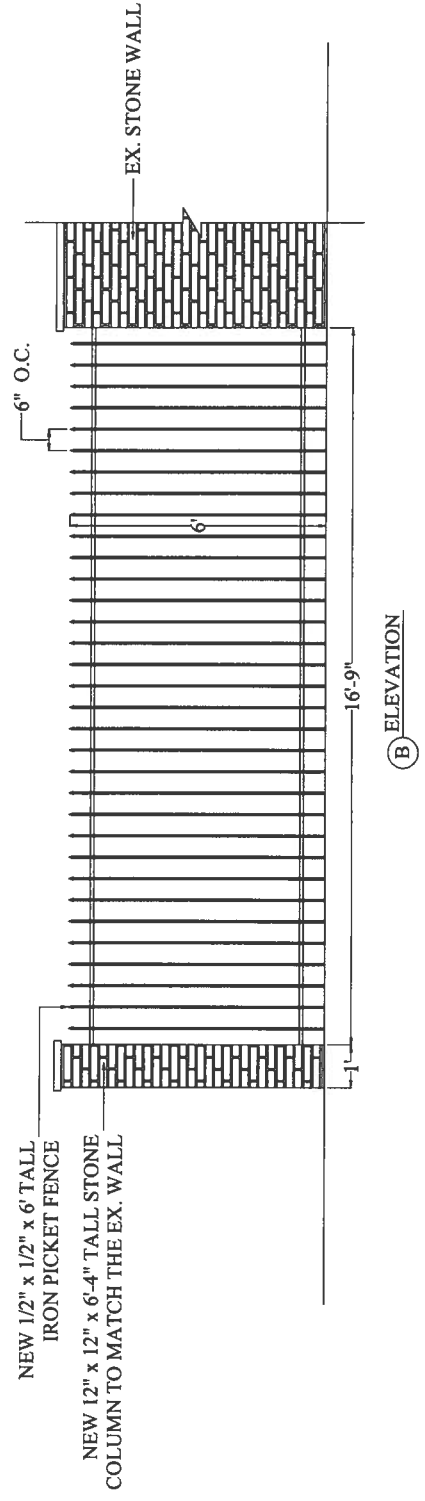
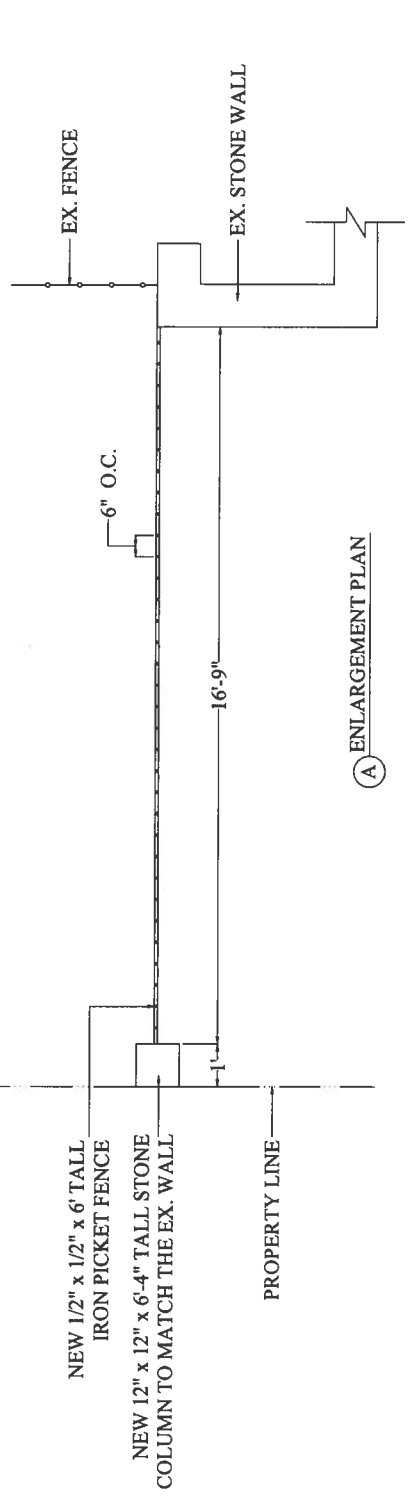
5919 OVER DOWNS  
 DALLAS, TX

DRAWN BY: XG

DATE: 25 JANUARY 2017

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

PAGE  
 1 OF 2




RESIDENCE  
5919 OVER DOWNS  
DALLAS, TX

DRAWN BY: XG  
DATE: 25 JANUARY 2017  
SCALE: 1/2" = 1'-0"  
PAGE 2 OF 2





  
 1:1,200

**NOTIFICATION**

<b>200'</b>	AREA OF NOTIFICATION
<b>21</b>	NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA167-035**  
 Date: **3/1/2017**



## *Notification List of Property Owners*

### *BDA167-035*

#### *21 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5919 OVERDOWNS DR	HOSFORD IRENE L
2	5915 OVERDOWNS DR	KRISHER VERDELL DAVIS &
3	5914 ORCHID LN	ANDERSON KATHLEEN J
4	5911 OVERDOWNS DR	PRYOR SAMUEL THOMAS &
5	5927 OVERDOWNS DR	SHANNON MAXINE
6	5923 OVERDOWNS CIR	BROWNING THOMAS C &
7	5919 OVERDOWNS CIR	MCWHORTER DAVID A
8	5820 ORCHID LN	WALKER VINITA B
9	5904 ORCHID LN	RIES MYRNA H
10	5906 ORCHID LN	VANDERMEER JAMES D & JUDITH A
11	5910 ORCHID LN	BAILEY MICHAEL & CYNTHIA
12	5912 ORCHID LN	CONDY DON A & KRISTIE
13	5918 OVERDOWNS DR	BYWATERS ELLEN E
14	5914 OVERDOWNS DR	CAIN WALTER JR & MARY A
15	5910 OVERDOWNS DR	ROCKEY ROBERT F & SARA
16	5906 OVERDOWNS DR	PETERSON LYNN MEISTER LIVING TRUST
17	5907 ORCHID LN	COLEMAN JOY LEIGH
18	5905 ORCHID LN	HURSIN DANNY L & MARY M
19	5911 ORCHID LN	WASOFF AMELIA PAULA
20	5915 ORCHID LN	BROWN MARY F
21	10600 PRESTON RD	ST MARKS SCHOOL OF TEXAS

**FILE NUMBER:** BDA167-044(SL)

**BUILDING OFFICIAL'S REPORT:** - Application of Jared Parks for special exceptions to the fence standards and visual obstruction regulations at 5918 Over Downs Drive. This property is more fully described as Lot 2, Block C/5508, and is zoned TH-1(A), which limits the height of a fence in the front yard to 4 feet and requires a 45 foot visibility triangle at street intersections. The applicant proposes to construct and maintain a 6 foot 4 inch high fence in a required front yard, which will require a 2 foot 4 inch special exception to the fence standards, and to locate and maintain items in a required visibility triangle, which will require a special exception to the visual obstruction regulations.

**LOCATION:** 5918 Over Downs Drive

**APPLICANT:** Jared Parks

**REQUESTS:**

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

1. A request for a special exception to the fence standards related to height of 2' 4" is made to construct and maintain a fence (an approximately 10' long, 6' high open iron picket fence with a 6' 4" high stone column) higher than 4' in height in one of the site's two required front yards (Over Downs Drive); and
2. A request for a special exception to the visual obstruction regulations is made to locate and maintain a portion of the aforementioned open iron picket fence and column in the 45' visibility triangle at the intersection of Preston Road and Over Downs Drive.

(Note that this application is immediately south of a property where the same applicant seeks similar special exceptions to the visual obstruction and fence standard regulations from the Board of Adjustment Panel B on April 19<sup>th</sup>: BDA167-035).

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

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

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

The Board shall grant a special exception to the requirements of the visual obstruction regulations when, in the opinion of the Board, the item will not constitute a traffic hazard.

**STAFF RECOMMENDATION (fence standards):**

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

**STAFF RECOMMENDATION (visual obstruction special exception):**

Approval, subject to the following condition:

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

Rationale:

- Staff concurred with the Sustainable Development Department Assistant Director of Engineering who has no objections to this request – that the 6’ high open iron picket fence with a 6’ 4” high stone column in the 45’ visibility triangle at the intersection of Preston Road and Over Downs Drive does not constitute a traffic hazard.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: TH-1(A) (Townhouse)
- North: TH-1(A) (Townhouse)
- South: TH-1(A) (Townhouse)
- East: PD 55 (Planned Development)
- West: TH-1(A) (Townhouse)

**Land Use:**

The subject site is developed with a single family home. The areas to the east and north are developed with single family uses the area to the west is developed with a private school (St. Marks School of Texas); and the area to the south is undeveloped.

**Zoning/BDA History:**

1. BDA167-035, Property located at 5919 Over Downs Drive (the property north of the subject site) On April 19, 2017, the Board of Adjustment Panel B will consider requests for special exceptions to the fence standard and visual obstruction regulations made to construct and maintain a fence (a 6’ high open iron picket fence with a 6’ 4” high stone column) higher than 4’ in height in one of the site’s two required front yards (Over Downs Drive), and locate and maintain a portion of the aforementioned open iron picket fence in the

45' visibility triangle at the intersection of Preston Road and Orchid Lane.

**GENERAL FACTS/STAFF ANALYSIS (fence standards):**

- The request for a special exception to the fence standards related to height of 2' 4" focuses on constructing and maintaining an approximately 10' long, 6' high open iron picket fence with a 6' 4" high stone column in one of the site's two required front yards (Over Downs Drive) on a site developed with a single family home.
- The subject site is zoned TH-1(A) which requires a 0' front yard setback. While TH-1(A) requires a 0' front yard setback, the subject site has a 10' required front yard on Over Downs Drive because of a platted building line on this street.
- 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 southwest corner of Preston Road and Over Downs Drive.
- Given the single family zoning and location of the corner lot subject site, it has two required front yards – a 10' required front yard along Over Downs Drive (the shorter of the two frontages of the subject site which is always a front yard in this case) and a 0' front yard setback along Preston Road. While Preston Road is the longer of the two frontages on the subject site which is typically considered a side yard where on this TH-1(A) zoned property a 9' high fence could be erected by right, the site has a front yard setback along Preston Road in order to maintain continuity of the established front yard setback along this street frontage where a lot to the south of the subject site "fronts" on Preston Road.
- The applicant has submitted a site plan and an elevation of the proposal fence in the front yard setback with notations indicating that the proposal reaches a maximum height of 6' 4" for a stone column.
- The following additional information was gleaned from the submitted site plan:
  - The proposal is represented as being approximately 10' in length perpendicular to Over Downs Drive/parallel to the Preston Road.
  - The proposal is represented as being located approximately on the Over Downs Drive front property line or approximately 12' from the pavement line.
- One single family lot fronts the proposal. The lot fronting this proposal is seeking similar special exceptions to fence standard and visual obstruction regulations from Board of Adjustment Panel B on April 19<sup>th</sup>: BDA167-035.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences that appeared to be above 4' in height and located in a front yard setback.
- As of April 7, 2017 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 standards of 2' 4" will not adversely affect neighboring property.
- Granting this special exception of 2' 4" with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal

exceeding 4' in height in the required front yard to be constructed and maintained in the location and of the heights and materials as shown on these documents.

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

- The request for a special exception to the visual obstruction regulations focuses on locating and maintaining a portion of a proposed approximately 10' long, 6' high open iron picket fence with a 6' 4" high stone column in the 45' visibility triangle at the intersection of Preston Road and Over Downs Drive.
- The Dallas Development Code states the following: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
  - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections, and 20 foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
  - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- The applicant submitted a site plan and an elevation representing an approximately 10' long, 6' high open iron picket fence with a 6' 4" high stone column in the 45' visibility triangle at the intersection of Preston Road and Over Downs Drive.
- The Sustainable Development Department Assistant Director of Engineering submitted a review comment sheet marked "Has no objections".
- The applicant has the burden of proof in establishing how granting the request for special exception to the visual obstruction regulations to locate and maintain portions of a proposed approximately 10' long, 6' high open iron picket fence with 6' 4" high stone column in the 45' visibility triangle at the intersection of Preston Road and Over Downs Drive does not constitute a traffic hazard.
- Granting this request with the condition that the applicant complies with the submitted site plan and elevation would require the items in the visibility triangle to be limited to and maintained in the locations, height and materials as shown on these documents.

**Timeline:**

January 27, 2017: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

March 15, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

March 15, 2017: 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 March 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis;

and the April 7<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;

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

March 31, 2017: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

April 4, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director Engineering, the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

April 7, 2017: The Sustainable Development Department Assistant Director Engineering submitted a review comment sheet marked "Has no objections".



PD  
553

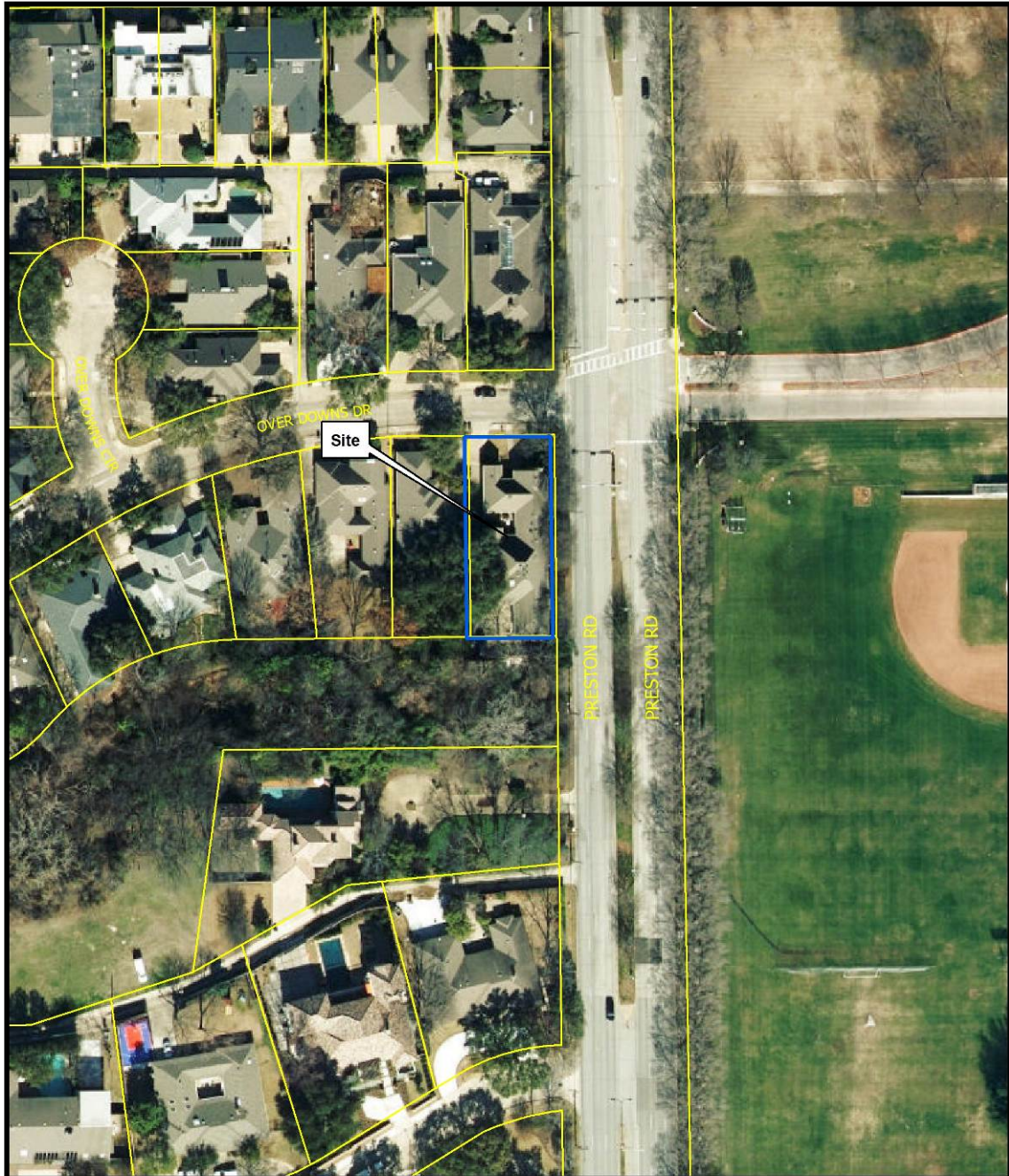


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# ZONING MAP

Case no: BDA167-044  
Date: 3/20/2017





1:1,200

# AERIAL MAP

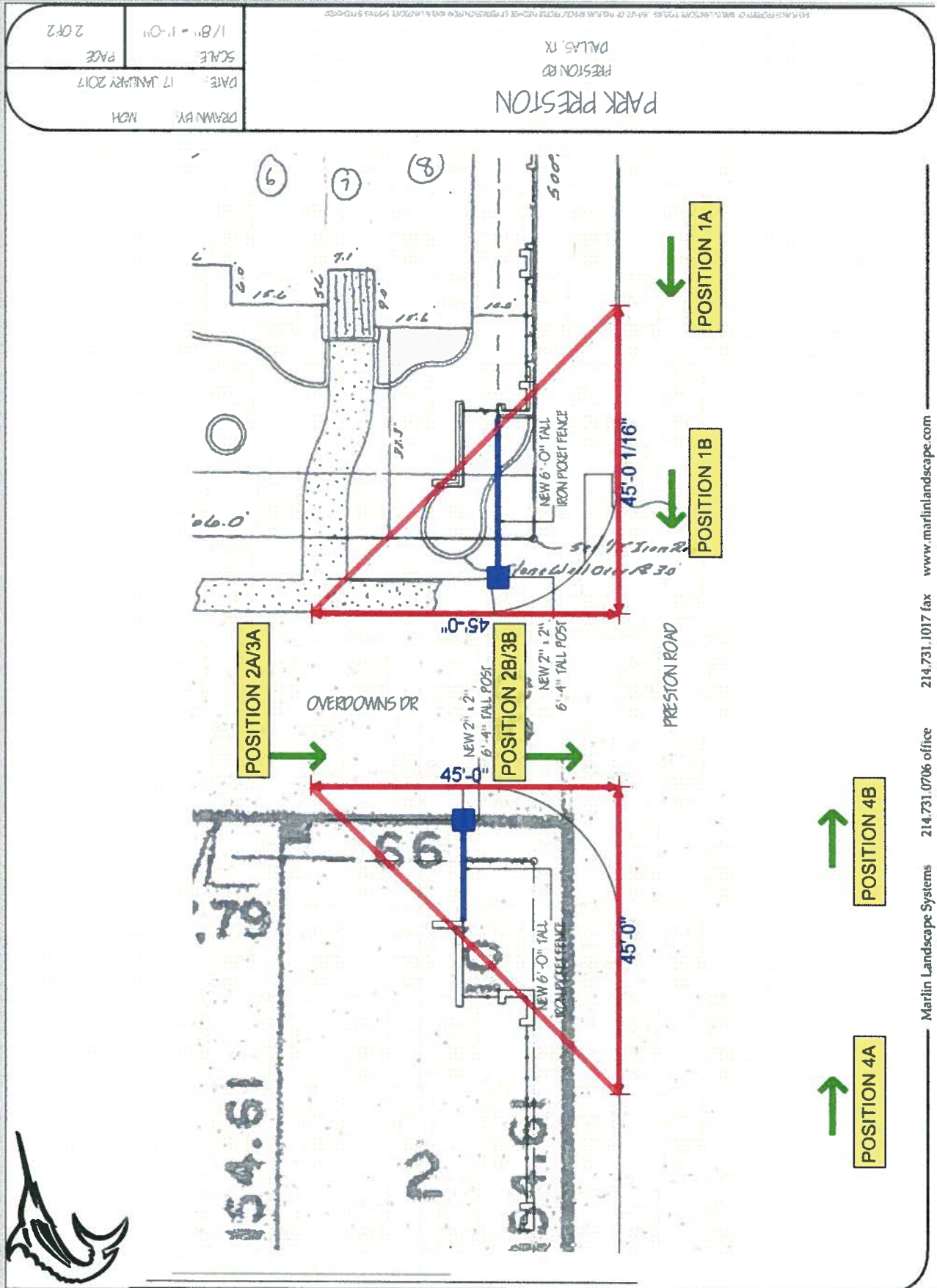
Case no: BDA167-044

Date: 3/20/2017

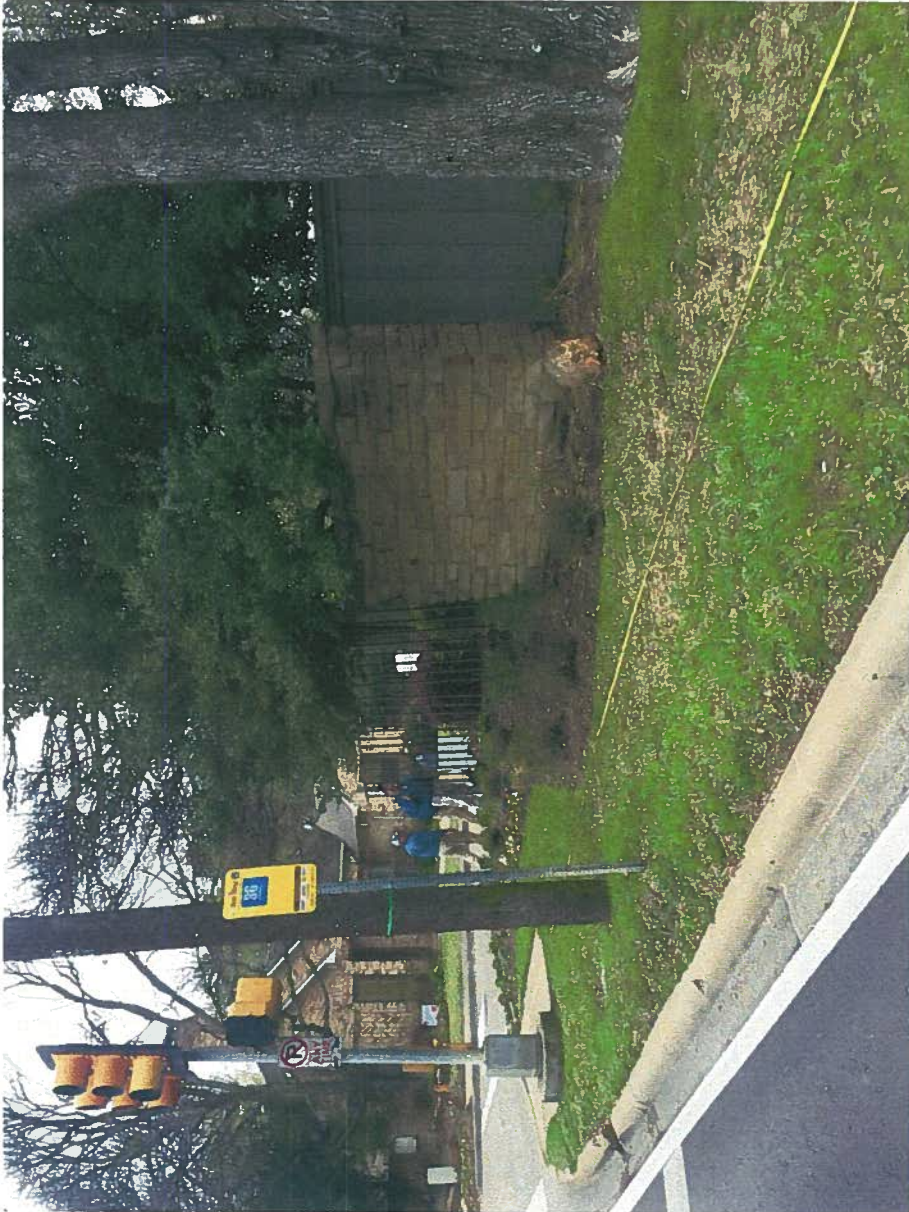




12" WIDE STONE COLUMN TO  
 MATCH EXISTING







POSITION 1A (SOUTHBOUND PRESTON RD)

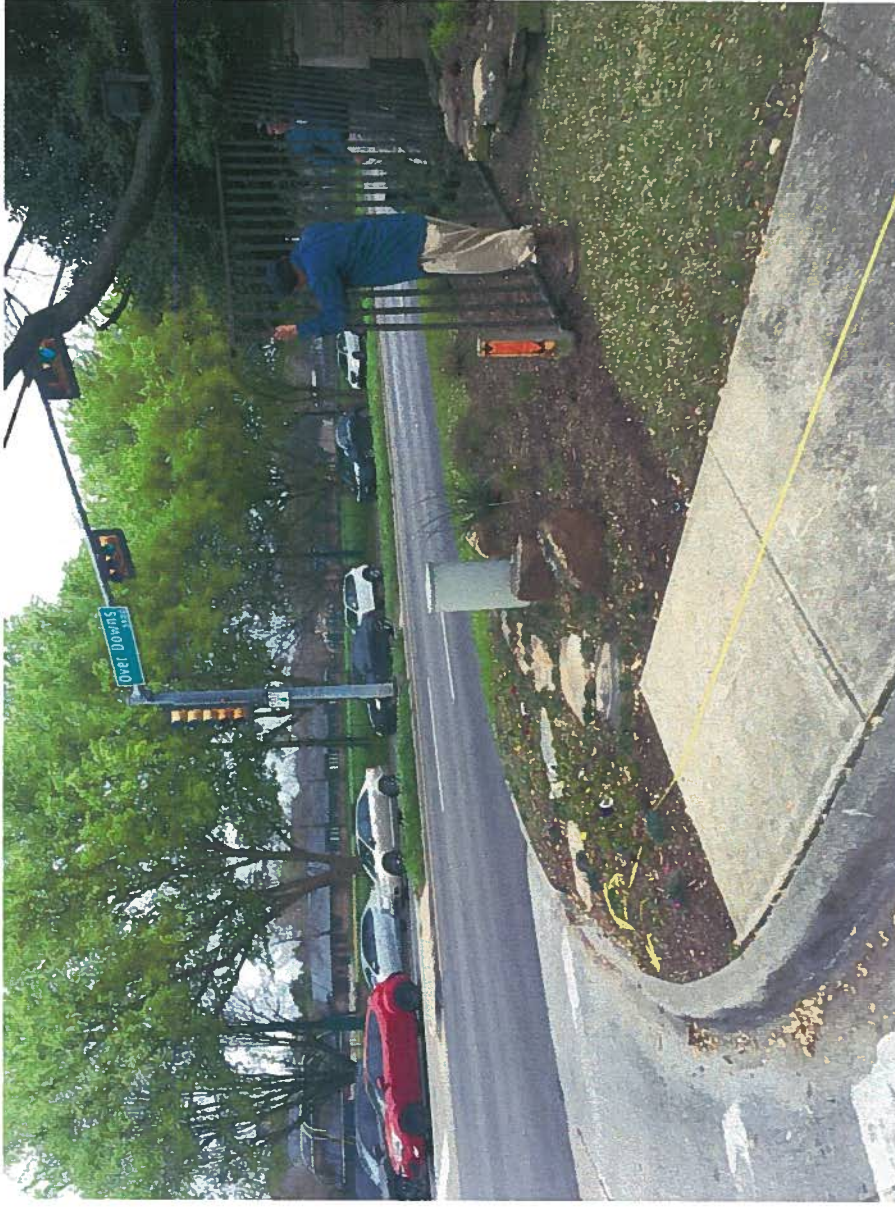


POSITION 1B (SOUTHBOUND PRESTON RD)





POSITION 2A (EASTBOUND OVERDOWNS)



POSITION 2B (EASTBOUND OVERDOWNS)



BDA167-044  
Attach A  
log 4



POSITION 3B (EASTBOUND OVERDOWNS)



POSITION 3A (EASTBOUND OVERDOWNS)





POSITION 4B (NORTHBOUND PRESTON RD)



POSITION 4A (NORTHBOUND PRESTON RD)



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-044

Data Relative to Subject Property:

Date: 1/27/17

Location address: 5918 OVERDOWNS DR.

Zoning District: TH-1(A)

Lot No.: 2 Block No.: e/5508 Acreage: 0.2345 Census Tract: 76.05

Street Frontage (in Feet): 1) 66 2) 155 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): ELLEN BYWATERS

Applicant: JARED PARKS Telephone: 214-731-0706

Mailing Address: 411 W. COMMERCE ST. DALLAS, TX Zip Code: 75208

E-mail Address: jared@marlinlandscape.com

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance, or Special Exception, of COLUMN & FENCE BUILT ABOVE 30" WITHIN 45' VISIBILITY TRIANGLE, AND IRON PICKET FENCE BUILT 2'-4" ABOVE 4' TALL.

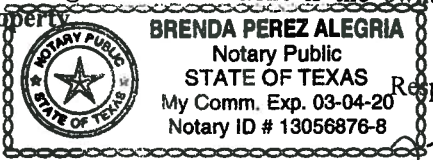
Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: THE FENCE HEIGHT EXTENSION IS REQUESTED BY THE HOA AND APPROVED BY THE COMMUNITY. IT IS ON THE EAST PROPERTY LINE AND THERE ARE NO NEIGHBORS TO THE EAST. THE IRON PICKET FENCE ALLOWS DRIVERS TO SEE THROUGH THE SPACE AND WILL NOT OBSTRUCT THEIR VISION. ADDITIONALLY, THE MAXIMUM SPEED LIMIT IN THE AREA IS 35 MPH, AND THE INTERSECTION IS CONTROLLED BY A TRAFFIC LIGHT.

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 Jared Parks 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 27th day of January 2017

[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 Jared Parks

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

at 5918 Over Downs Drive

BDA167-044. Application of Jared Parks for a special exception to the fence height regulations and a special exception to the visibility obstruction regulations at 5918 Over Downs Drive. This property is more fully described as Lot 2, Block C/5508, and is zoned TH-1(A), which limits the height of a fence in the front yard to 4 feet and requires a 45 foot visibility triangle at street intersections. The applicant proposes to construct a 6 foot 4 inch high fence in a required front yard, which will require a 2 foot 4 inch special exception to the fence regulation, and to construct a single family residential fence in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official

# City of Dallas

## Internal Development Research Site

### Legend

#### Locate Property

Search by:

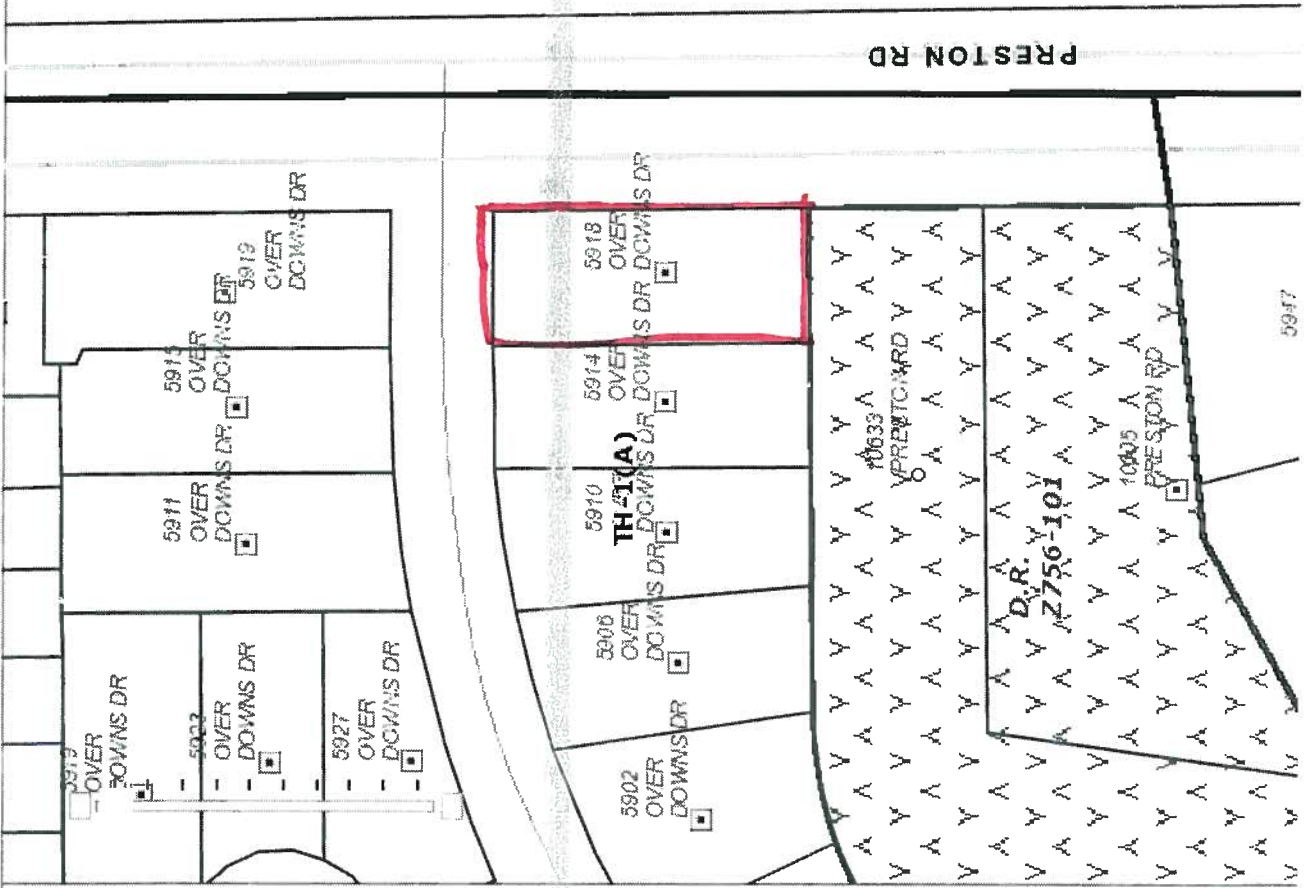
GIS Account #

OR

Street address.  
5918 overdowns

OR

Parcel address.  
Use street type for better re



PD 55

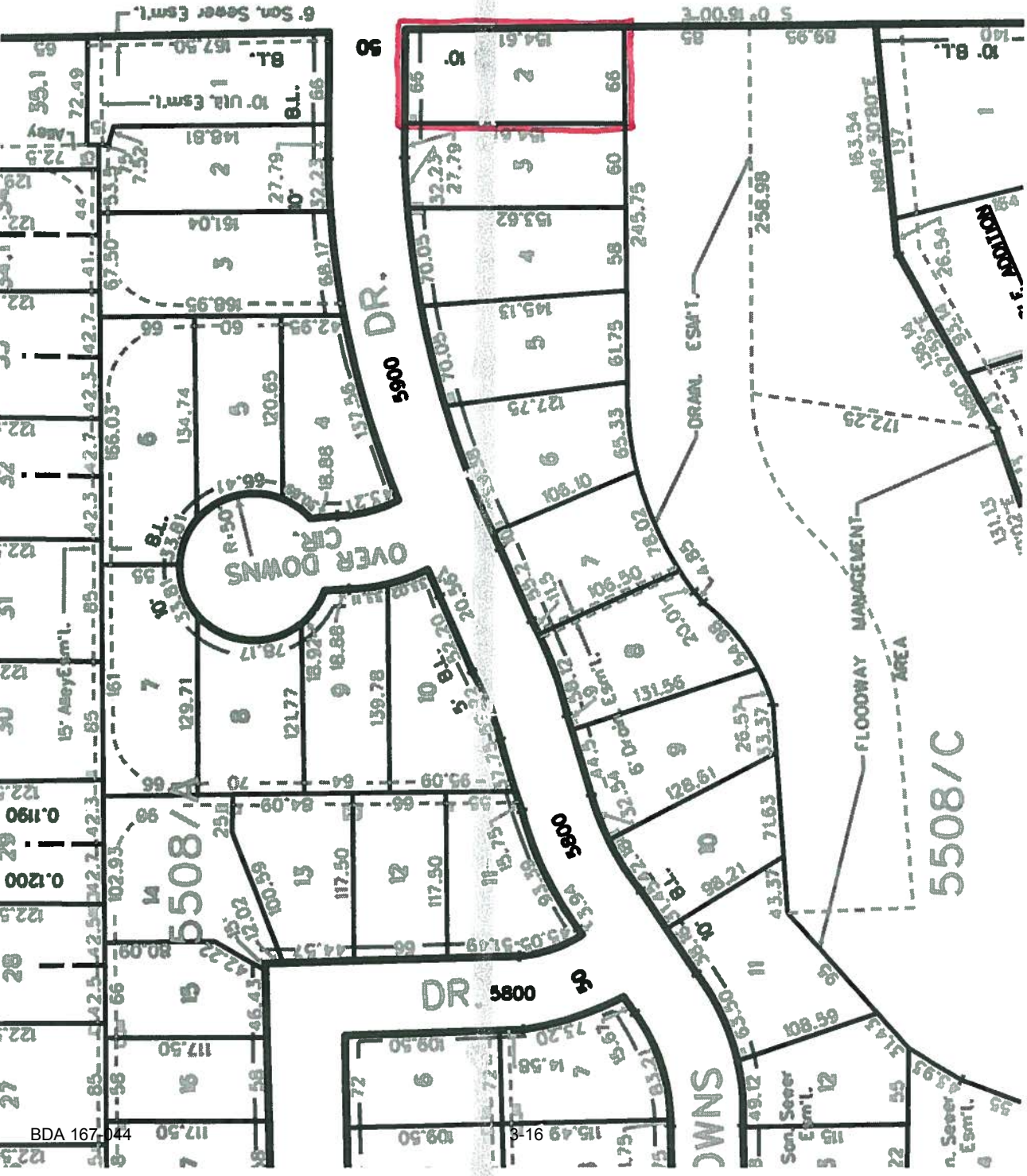




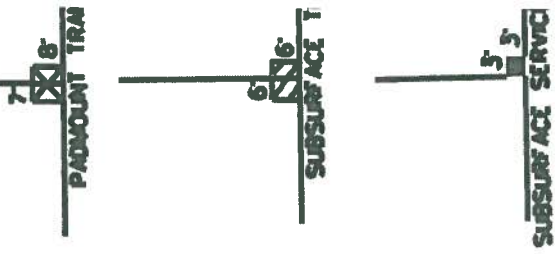
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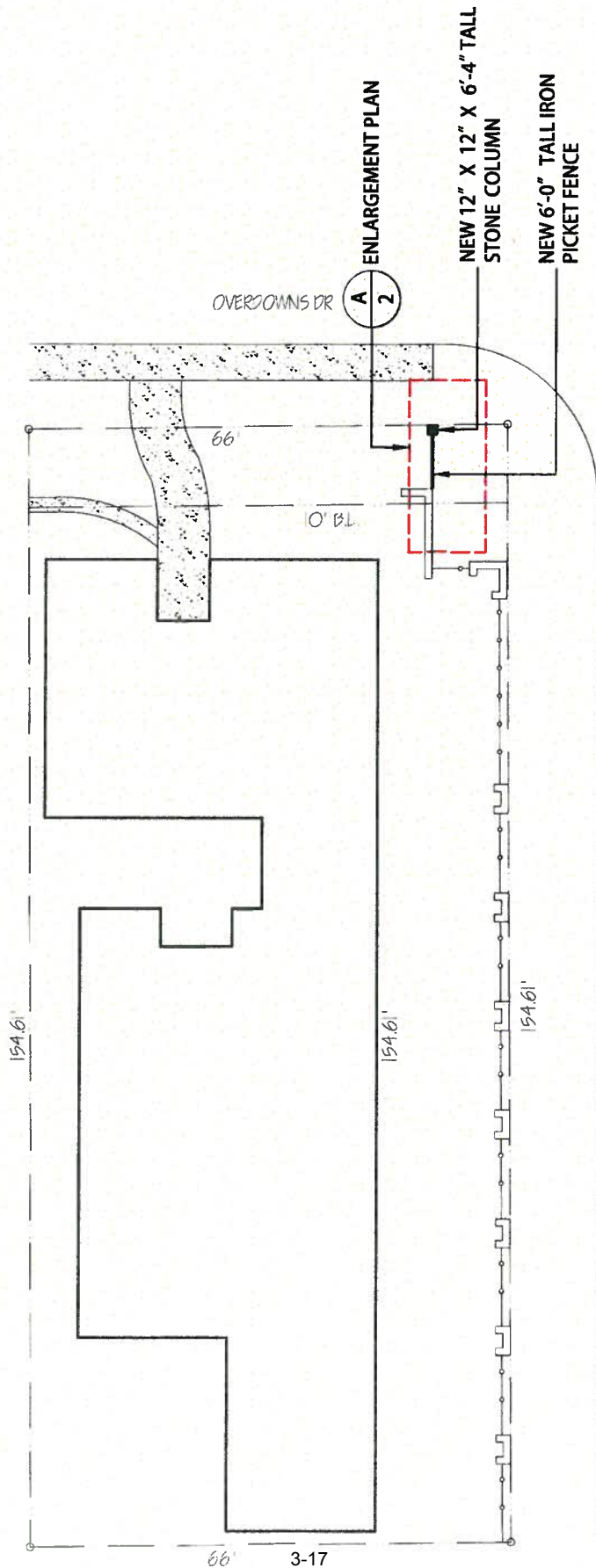
*JP*





BD 167-044

DRAWN BY: XG		DATE: 25 JANUARY 2017		SCALE: 3/32" = 1'-0"		PAGE 1 OF 2	
RESIDENCE				5918 OVERDOWNS DALLAS, TX			

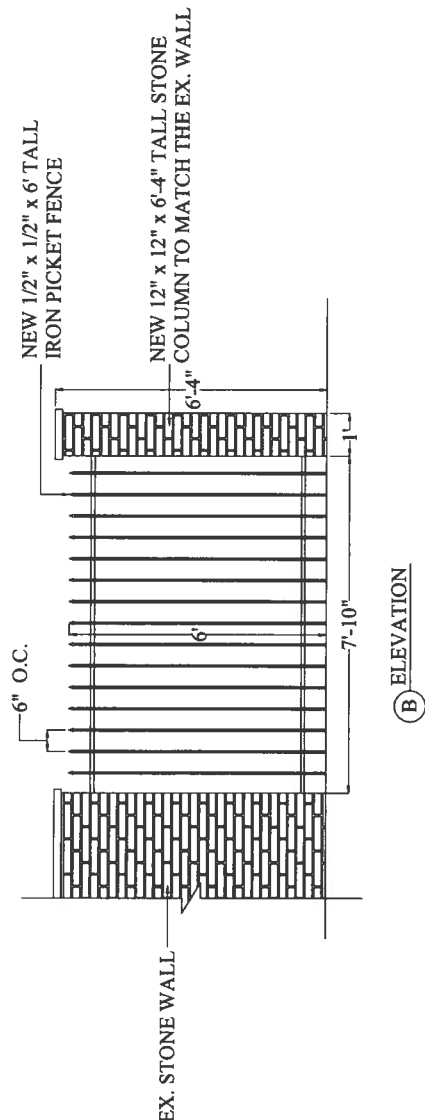
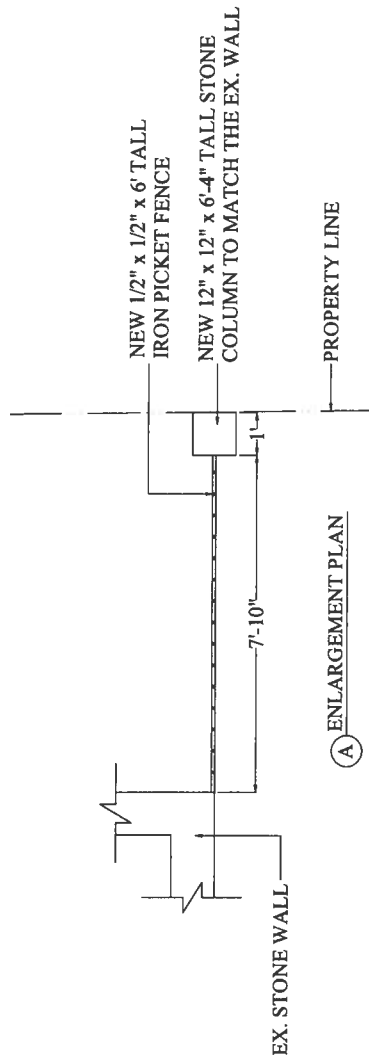




DRAWN BY: XG		DATE: 25 JANUARY 2017	
SCALE: 1/2" = 1'-0"		PAGE 2 OF 2	

RESIDENCE  
5918 OVER DOWNS  
DALLAS, TX

DISTRIBUTION OF LANDSCAPE SYSTEMS AND USE OF THE LANDSCAPE DESIGN IS LIMITED TO THE PROJECT AND SITE SPECIFIC CONDITIONS. ANY REUSE OR MODIFICATION OF THE DESIGN WITHOUT THE WRITTEN PERMISSION OF MARLIN LANDSCAPE SYSTEMS IS PROHIBITED.





1:1,200

## NOTIFICATION

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

Case no: **BDA167-044**

Date: **3/20/2017**

# *Notification List of Property Owners*

## *BDA167-044*

### *15 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5918 OVERDOWNS DR	BYWATERS ELLEN E
2	5914 OVERDOWNS DR	CAIN WALTER JR & MARY A
3	5919 OVERDOWNS DR	HOSFORD IRENE L
4	5915 OVERDOWNS DR	KRISHER VERDELL DAVIS &
5	5911 OVERDOWNS DR	PRYOR SAMUEL THOMAS &
6	5927 OVERDOWNS DR	SHANNON MAXINE
7	5923 OVERDOWNS CIR	BROWNING THOMAS C &
8	5919 OVERDOWNS CIR	MCWHORTER DAVID A
9	10605 PRESTON RD	WRIGHT FRANCES J
10	5910 OVERDOWNS DR	ROCKEY ROBERT F & SARA
11	5906 OVERDOWNS DR	PETERSON LYNN MEISTER LIVING TRUST
12	5902 OVERDOWNS DR	SEXTON NANCY L
13	5947 ST MARKS CIR	LING CHARLES A & HELMA M
14	5937 ST MARKS CIR	FINFER SCOTT
15	10600 PRESTON RD	ST MARKS SCHOOL OF TEXAS



**FILE NUMBER:** BDA167-050(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Robert Anderes for a special exception to the fence standards at 5028 Lilac Lane. This property is more fully described as Lot 9, Block 2/5671, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain a 6 foot high fence in a required front yard, which will require a 2 foot special exception to the fence standards.

**LOCATION:** 5028 Lilac Lane

**APPLICANT:** Robert Anderes

**REQUEST:**

A request for a special exception to the fence standards related to height of 2' is made to construct and maintain a fence (a 6' high solid cedar slat fence) higher than 4' in height in one of the site's two front yard setbacks (Horseshoe Trail) on a site being developed with a single family home.

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

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

**STAFF RECOMMENDATION:**

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

**BACKGROUND INFORMATION:**

**Zoning:**

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

### **Land Use:**

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

### **Zoning/BDA History:**

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

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

- The request for a special exception to the fence standards related to height of 2' focuses on constructing and maintaining a 6' high solid cedar slat fence in one of the site's two front yard setbacks (Horseshoe Trail) on a site being developed with a single family home.
- The subject site is zoned R-7.5(A) which requires a 25' front yard setback.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The site is located at the southwest corner of Lilac Lane and Horseshoe Trail.
- Given the single family zoning and location of the corner lot subject site, it has two 25' front yard setbacks – a front yard setback along Horseshoe Trail (the shorter of the two frontages of the subject site which is always a front yard in this case) and a front yard setback along Lilac Lane, (the longer of the two frontages which is typically considered a side yard where on this R-7.5(A) zoned property a 9' high fence could be erected by right). However the site has a front yard setback along Lilac Lane in order to maintain continuity of the established front yard setback along this street frontage where lots to the west of the subject site "front" on Lilac Lane.
- The applicant has submitted a site plan and an elevation of the proposal fence in the Horseshoe Trail front yard setback with notations indicating that the proposal reaches a maximum height of 6'. (The submitted site plan only denotes a fence higher than 4' in the Horseshoe Trail front yard setback).
- The following additional information was gleaned from the submitted site plan:
  - The proposal is represented as being approximately 50' in length.
  - The proposal is represented as being located at ranges from approximately 6' – 10' from the Horseshoe Trail front property line or at ranges from approximately 20' – 24' from the Horseshoe Trail pavement line.
- Two single family lots front the proposal, neither with fences in the front yard setbacks.
- 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. The only noted fence is an approximately 6' high solid wood fence located directly north of the site with no recorded BDA history.

- As of April 7, 2017, a petition signed by 5 people 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 standards 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 elevation would require the proposal exceeding 4' in height in the Horseshoe Trail front yard setback to be constructed and maintained in the location and of the heights and materials as shown on these documents.

**Timeline:**

February 22, 2017: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

March 15, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

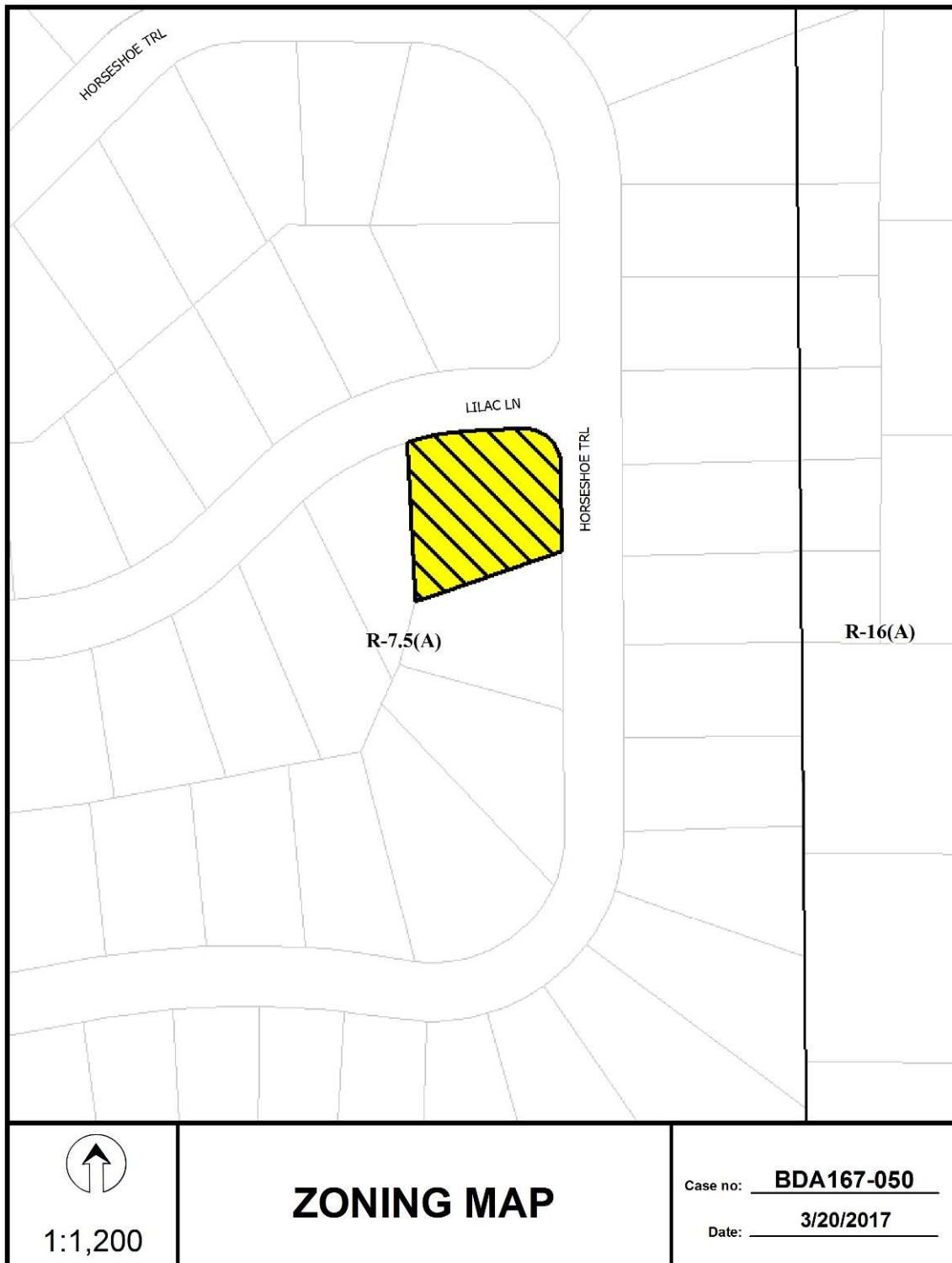
March 15, 2017: The Board Administrator emailed the applicant's representative the following information:

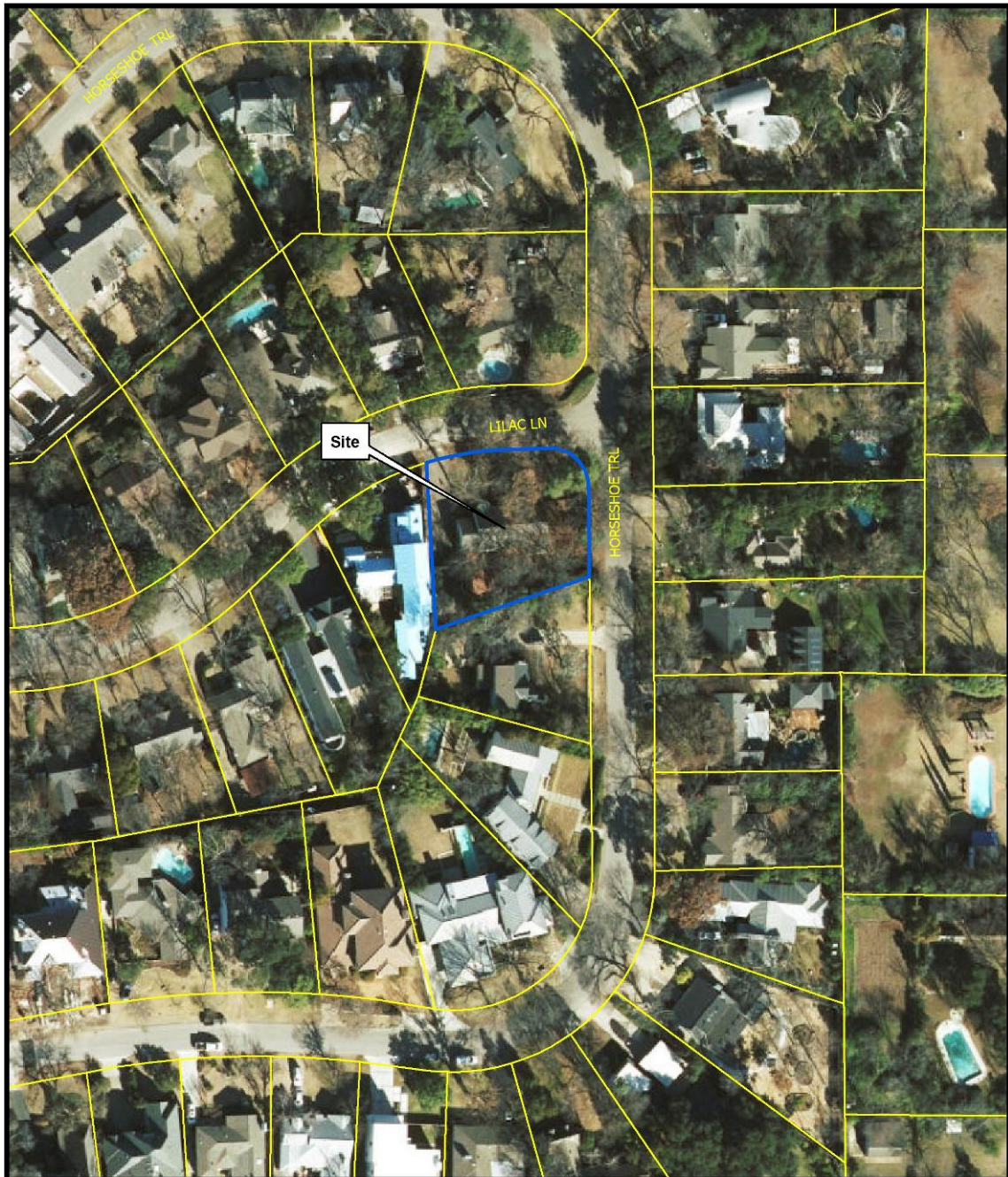
- an attachment that provided the public hearing date and panel that will consider the application; the March 29th deadline to submit additional evidence for staff to factor into their analysis; and the April 7<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standards that the board will use in their decision to approve or deny the requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

April 4, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director Engineering, the Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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

April 5, 2017: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).





1:1,200

# AERIAL MAP

Case no: BDA167-050

Date: 3/20/2017



## 5028 Lilac Lane Fence Exception Talking Points

1. The Fence that was on the property that we have taken down and are replacing was dilapidated, rotting, and falling down. Not only did it extend past the front yard 30' setback on Horseshoe Trail, it extended past the property line on to the City of Dallas property. Please see accompanying photo and marked up survey.
2. The fence we are proposing is a huge improvement to the neighborhood, much less invasive to the property line and respects the curve of Horseshoe Trail. Please see marked up survey
3. The proposed 6' fence will provide additional safety our neighbors by creating a taller barrier to the pool.

BDA 167-050  
Attach A  
p 2



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA \_\_\_\_\_

Data Relative to Subject Property:

Date: \_\_\_\_\_

Location address: 5028 LILAC LANE Zoning District: Colony Ridge

Lot No.: 9 Block No.: 2/5671 Acreage: .35 Census Tract: Colony Ridge

Street Frontage (in Feet): 1) 125 2) 98 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): ROBERT & ROXAN ANDERES

Applicant: ROBERT & ROXAN ANDERES Telephone: 214-707-1005

Mailing Address: 7407 CAILLET ST. DALLAS, TX Zip Code: 75209

E-mail Address: TRIFAM4@AOL.COM

Represented by: SELF Telephone: 214-707-1005

Mailing Address: 7407 CAILLET ST. DALLAS, TX Zip Code: 75209

E-mail Address: TRIFAM4@AOL.COM

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

SEE ATTACHMENT #1

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:

SEE ATTACHMENT #2

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 \_\_\_\_\_  
(Affiant/Applicant's name printed)

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

Respectfully submitted: \_\_\_\_\_  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,

BDA167-050  
Attach A  
Pg 3

ATTACHMENT 1 TO APPLICATION

Affirm that an appeal has been made for a Variance\_\_\_ Special Exception\_X

Of a fence on the East side of the lot at 5028 Lilac Lane, facing Horseshoe Trail.

Said proposed fence to be 6-0 feet high. Made of horizontal slat 1x6 inch cedar planks anchored to Tubular steel posts at 3-0 to 6-0 intervals.

Said proposed fence to extend into the East side setback as follows:

Setback is 30-0 feet

The first 20-0 feet of proposed fence will extend 16-0 feet into the 30-0 foot setback

The second 20-0 feet of proposed fence will extend 13-0 feet into the 30-0 foot setback.

The third and last 20-0 feet of proposed fence will extend 10-0 feet into the 30-0 foot setback

This special exception is requested strictly for the purposes of constructing the proposed fence and nothing else.

BDA 167-050  
Attach A  
B4

## ATTACHMENT 2 TO APPLICATION

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:

Our home at 5028 Lilac Lane in Dallas is on a corner lot bound by 2 residential streets, Horseshoe Trail and Lilac Lane. Horseshoe Trail borders our East facing side yard, while Lilac Lane is the street in front of our house, which our front door faces. Both of these streets have a 30-0 foot setback requirement, so that both the North facing front of our house, and the East facing side yard have a 30-0 foot setback requirement.

We are only applying for a special exception for 6-0 foot tall fence on the East facing side yard of our property as described in Attachment 1 to this application.

We ask that you grant this Special Exception to allow us to construct a fence taller than the 4-0 foot fence currently allowed. The proposed 6-0 foot tall fence will provide a much more secure and safe barrier to access to our pool from the street, provide greatly increased security, and assure that a child cannot climb a 4-0 tall fence and enter our pool area which faces the street. In the interest of public safety we ask that you grant us this allowance.

We are proposing an aesthetically pleasing fence that minimally extends into the setback, and gracefully steps back to only 10-0 feet into the 30-0 foot setback. This step back follows the curve of the street and lot, and minimizes its appearance from the street.

BDA 167-050  
A4421A  
155

The undersigned neighbors of Bobby and Roxan Anderes at 5028 Lilac Lane

Would like to indicate by their signature below, that they don't have any objection to the proposed "Special Exception" for a 6-0 foot tall fence on the East side of the Anderes property on 5028 Lilac Lane.

Name: Maureen Richards Address 5027 Lilac Lane  
Phone # \_\_\_\_\_

Name: Brent Hicks Address 5124 Lilac Lane  
Phone # 972-977-6644

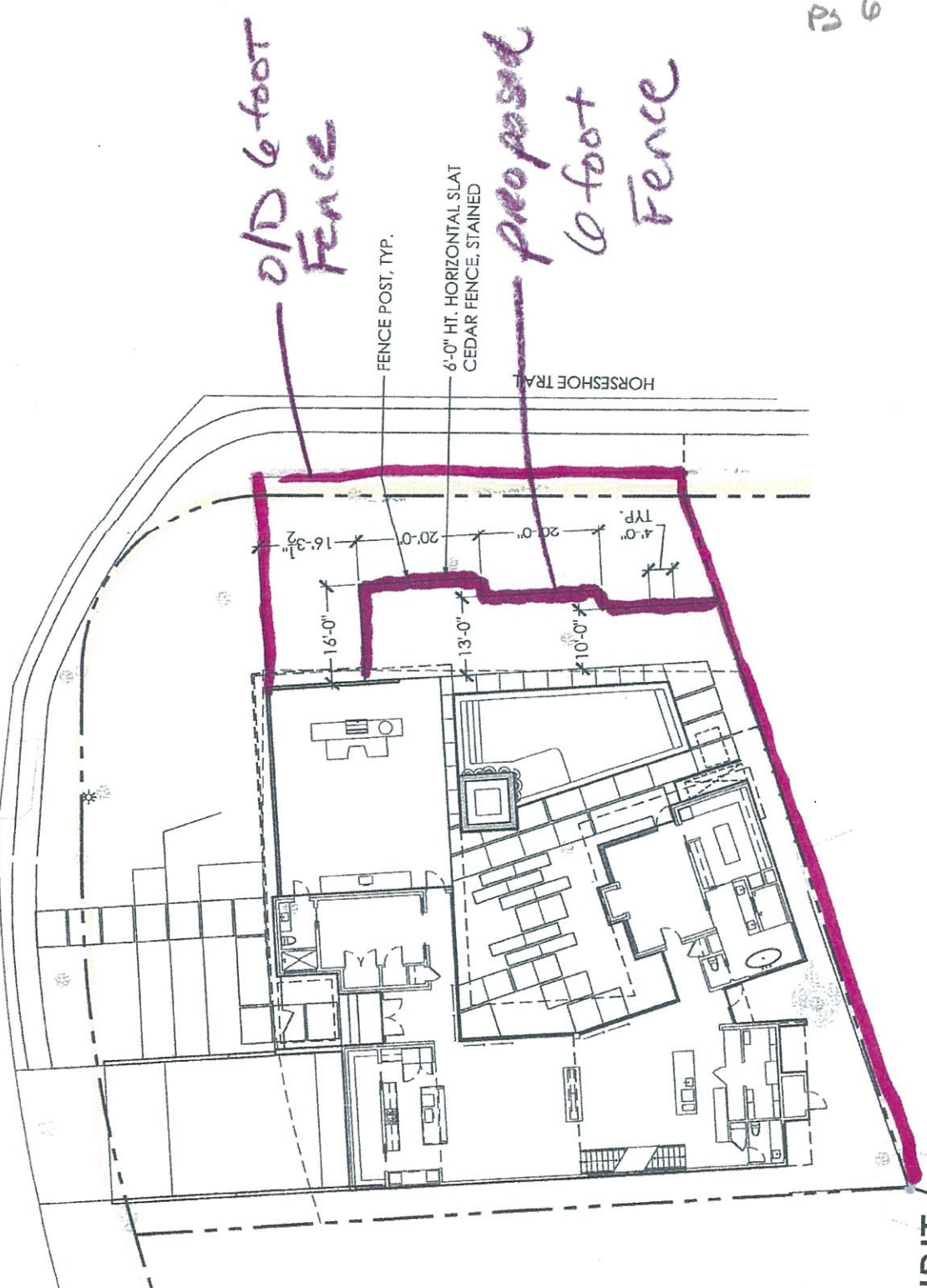
Name: Jimmy King Address 5104 Horseshoe Trail  
Phone# 214-356-6963

Name: Jennifer Cothbert Address: 5060 Horseshoe Trail  
Phone# 214-437-4865

Name: JORGEE LOPEZ Address: 5019 LILAC LN  
Phone # 214-358-3345



LILAC LANE



PLAN SCALE: 1/16" = 1'-0"

# FENCE EXHIBIT

5028 LILAC LANE



4/5/2017

AOL Mail - Message View

BDA 167-050  
Attach A  
PS 7

**Fence**

**From:** Roxan Anderes <trifam4@me.com>

**To:** Roxan Anderes <trifam4@aol.com>

**Date:** Wed, Apr 5, 2017 6:42 pm

Sent from my iPhone

2 Attached Images





4/5/2017

AOL Mail - Message View

BDA167-050  
ATTACH 4 P3 B







City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-050

Data Relative to Subject Property:

Date: 2-22-17 Zoning District: Colony Ridge R-7.5(A)

Location address: 5028 Lilac Lane

Lot No.: 9 Block No.: 2/5671 Acreage: .35 Census Tract: Colony Ridge 73.02

Street Frontage (in Feet): 1) 125 2) 98 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): ROBERT & ROXAN ANDERES

Applicant: ROBERT & ROXAN ANDERES Telephone: 214-707-1005

Mailing Address: 7407 CAILLET ST. DALLAS, TX Zip Code: 75209

E-mail Address: TRIFAM4@AOL.COM

Represented by: SELF Telephone: 214-707-1005

Mailing Address: 7407 CAILLET ST. DALLAS, TX Zip Code: 75209

E-mail Address: TRIFAM4@AOL.COM

Affirm that an appeal has been made for a Variance, or Special Exception, of 2ft to the fence height of a front yard setback.

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

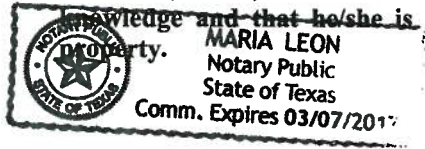
#2 We are proposing an aesthetically pleasing fence that minimally extends into the setback and gracefully steps back to only 10-0 feet into the 30-0 foot setback. The step back follows the curve of the street and lot and minimizes its appearance from the street.

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 L. ANDERES (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 02 day of February, 2017

[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 Anderes

did submit a request for a special exception to the fence height regulations  
at 5028 Lilac Lane

BDA167-050. Application of Robert Anderes for a special exception to the fence height regulations at 5028 Lilac Lane. This property is more fully described as Lot 9, Block 2/567 and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 6 foot high fence in a required front yard, which will require a 2 foot special exception to the fence regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official

# City of Dallas

## Internal Development Research Site

Legend

Locate Property

Search by:

GIS Account #

Locate

OR

Street address.

5028 lilac

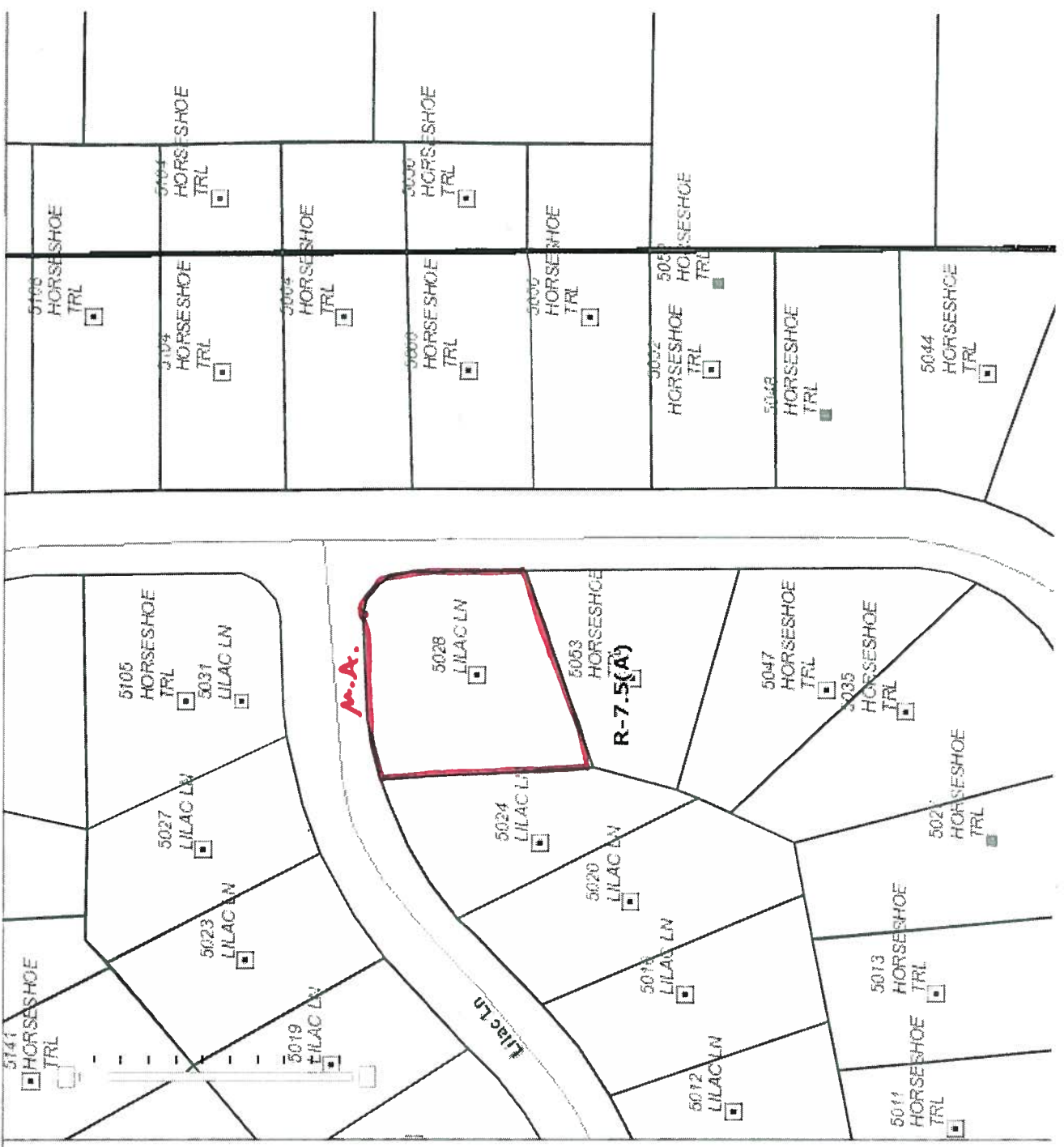
Locate

OR

Parcel address.

Use street type for better re

Locate



5673

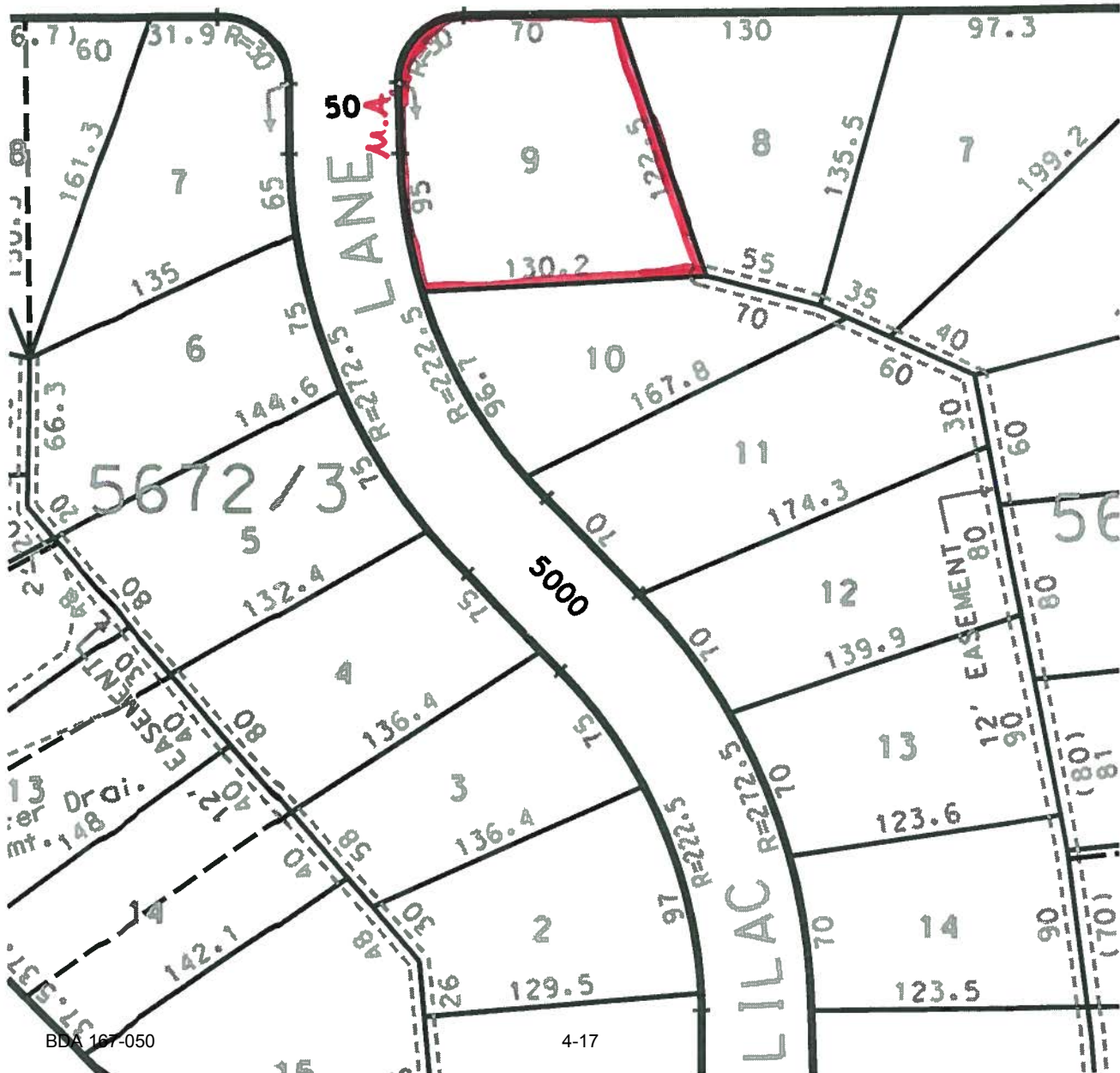
N. 0° 30' W. 10' EASEMENT

75	75	75	75	75	75	75	75
30	29	28	27	26	25	24	140
75	75	75	75	75	75	75	75

5670/1

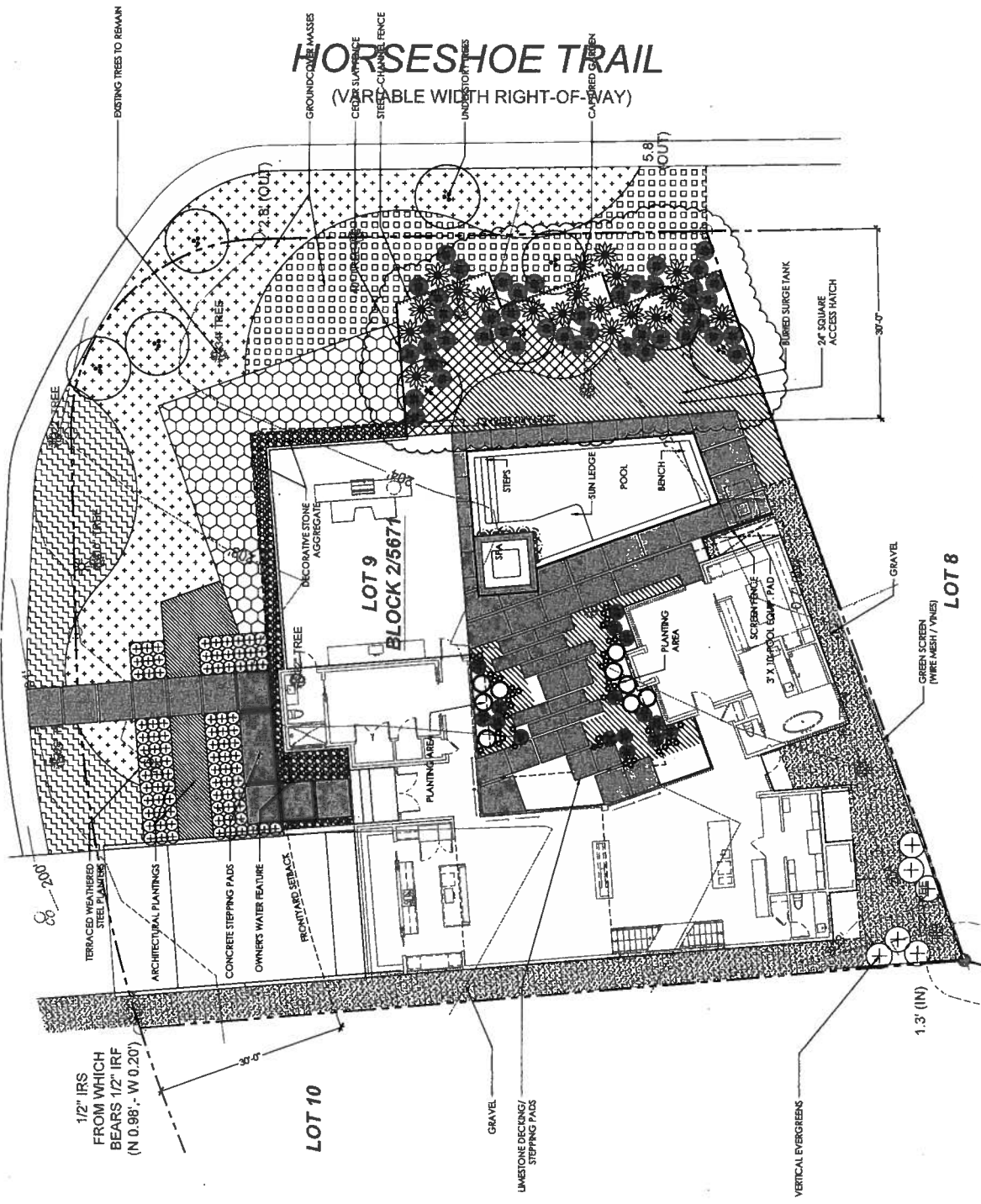
HORSESHOE

TRAIL 50

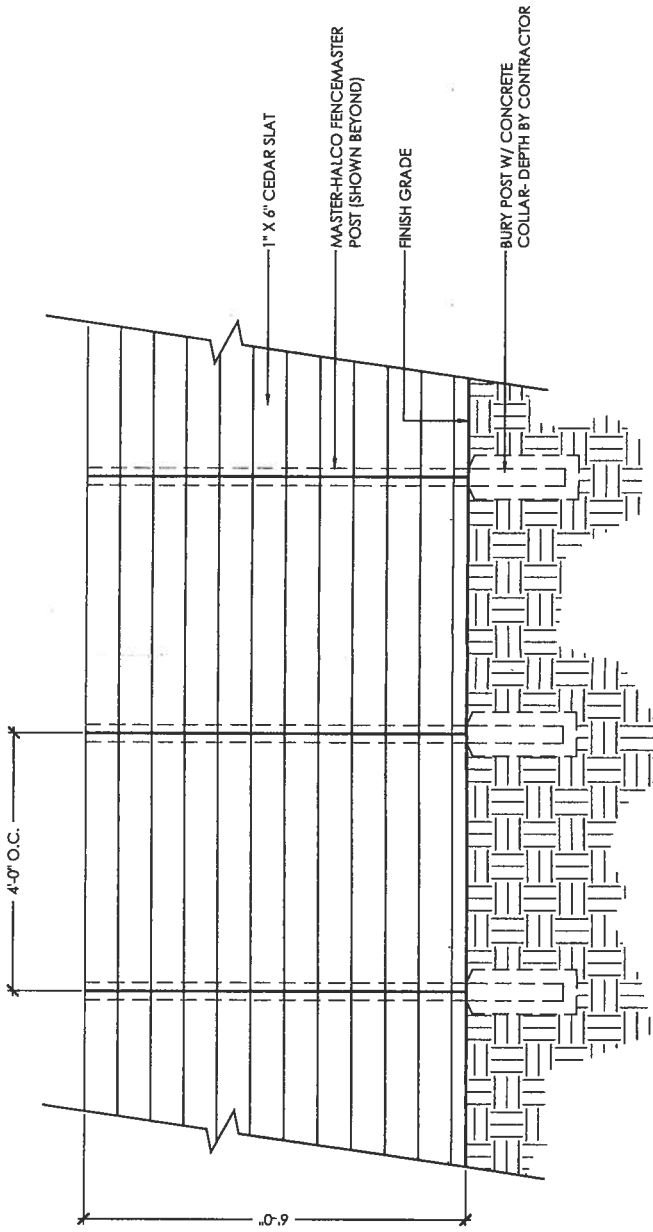


NO.	DATE	DESCRIPTION

LILAC LANE  
 (VARIABLE WIDTH RIGHT-OF-WAY)



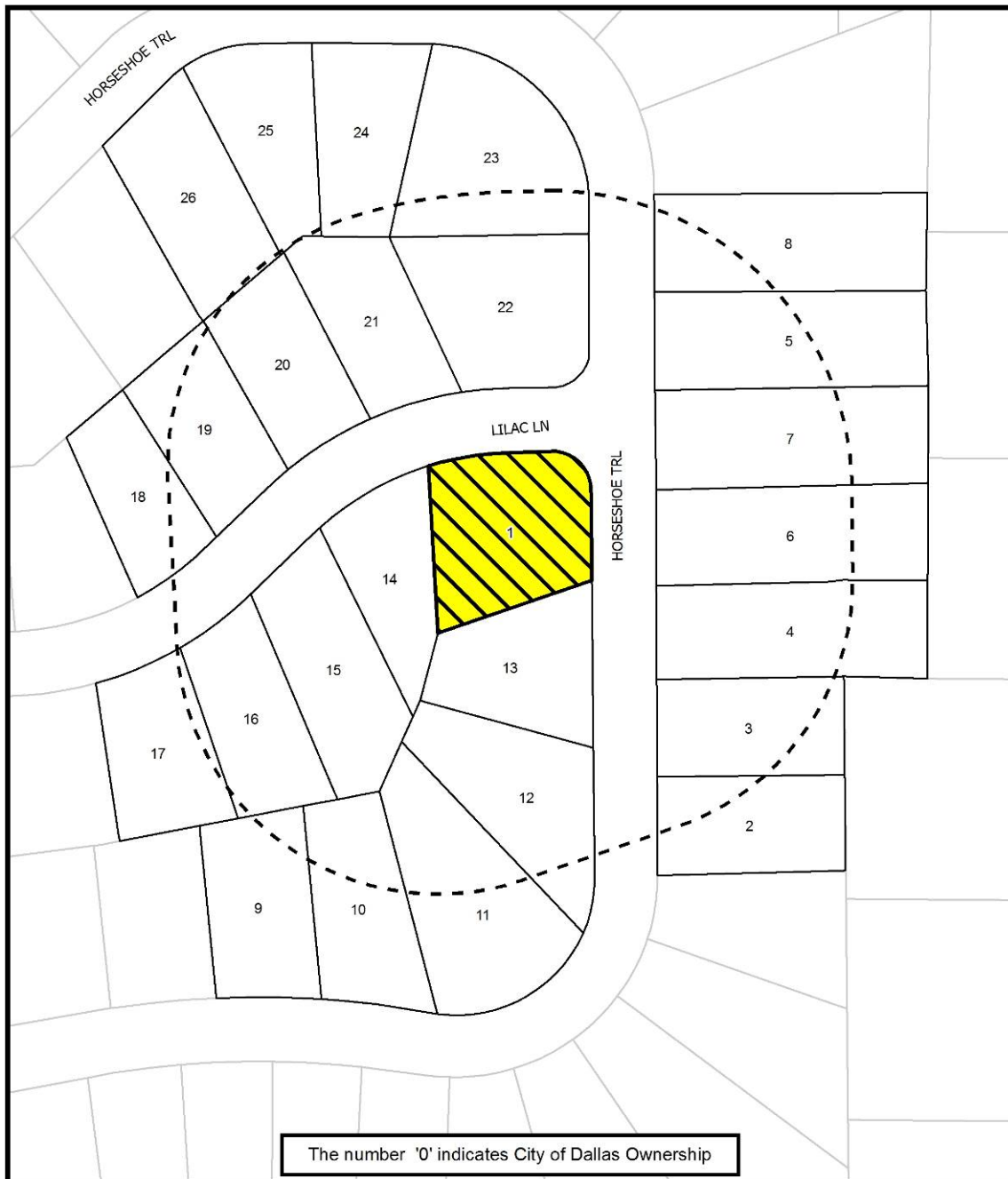




EXHIBIT

NE

ELEVATION SCALE: 1/2" = 1'-0"



 1:1,200	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td><b>26</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>26</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u><b>BDA167-050</b></u> Date: <u><b>3/20/2017</b></u>
<b>200'</b>	AREA OF NOTIFICATION					
<b>26</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					

## *Notification List of Property Owners*

### *BDA167-050*

#### *26 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5028 LILAC LN	ANDERES ROBERT L & ROXAN B
2	5048 HORSESHOE TRL	YATES JAMES M
3	5052 HORSESHOE TRL	TALMAGE SUSAN ANN
4	5056 HORSESHOE TRL	RHODES SANDRA LYNN
5	5104 HORSESHOE TRL	SWIFT JAMES EDWARD JR
6	5060 HORSESHOE TRL	SHAY JERRY W &
7	5064 HORSESHOE TRL	TONGIER W KENDALL
8	5108 HORSESHOE TRL	APEYA REALTY LLC
9	5013 HORSESHOE TRL	KUTTY MANOJ & SUVARNA
10	5027 HORSESHOE TRL	MULLER JOHN A & ROBYN M
11	5035 HORSESHOE TRL	BEAVERS BRUCE
12	5047 HORSESHOE TRL	HOWARD STEPHEN JAMES
13	5053 HORSESHOE TRL	GIOIA ELIZABETH
14	5024 LILAC LN	5024 LILAC LLC
15	5020 LILAC LN	HUNTINGTON ANN MARIE
16	5016 LILAC LN	SOWA JOHN SPENCE & JAMIE A
17	5012 LILAC LN	LOPEZ AMY S & JORGE A
18	5015 LILAC LN	SASSENHAGEN DEBORAH A
19	5019 LILAC LN	LOPEZ JORGE A &
20	5023 LILAC LN	PAUSKY SUSAN
21	5027 LILAC LN	RICHARDS MAUREEN A
22	5105 HORSESHOE TRL	ANDREWS STEVEN L
23	5119 HORSESHOE TRL	VAUGHAN PATRICIA A &
24	5127 HORSESHOE TRL	OHLER NATHAN C &
25	5133 HORSESHOE TRL	BRAMLETT THOMAS A
26	5141 HORSESHOE TRL	HUNT HILRE