

NOTICE FOR POSTING
MEETING OF
BOARD OF ADJUSTMENT, PANEL C
MONDAY, OCTOBER 17, 2016

Briefing: 11:00 A.M. L1FN CONFERENCE CENTER AUDITORIUM

Public Hearing: 1:00 P.M. L1FN CONFERENCE CENTER AUDITORIUM

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

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

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

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

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

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

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

10-17-2016

ZONING BOARD OF ADJUSTMENT, PANEL C
MONDAY, OCTOBER 17, 2016
AGENDA

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

Donna Moorman, Chief Planner
Steve Long, Board Administrator

MISCELLANEOUS ITEMS

Approval of the September 19, 2016 Board of Adjustment Panel C Public Hearing Minutes	M1
Consideration and approval of Panel C's 2017 Public Hearing Calendar	M2

UNCONTESTED CASES

BDA156-098(SL)	2439 Walnut Hill Lane REQUEST: Application of Grayson Brent Evans, represented by Robert Fiester of Greenberg Farrow, for a special exception to the landscape regulations	1
BDA156-105(SL)	2748 Ivandell Avenue REQUEST: Application of Alejandro Murillo for a special exception to the fence height regulations	2

REGULAR CASE

BDA156-090(SL)

9324 Vinewood Drive

3

REQUEST: Application of Robert Baldwin for a special exception to the front yard setback regulations to preserve an existing tree, a variance to the off-street parking regulations, and a special exception to the fence height regulations

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)

FILE NUMBER: BDA156-098(SL)

BUILDING OFFICIAL'S REPORT: Application of Grayson Brent Evans, represented by Robert Fiester of Greenberg Farrow, for a special exception to the landscape regulations at 2439 Walnut Hill Lane. This property is more fully described as Lot 1C, Block 3/6512, and is zoned IR, which requires mandatory landscaping. The applicant proposes to construct and maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 2439 Walnut Hill Lane

APPLICANT: Grayson Brent Evans
Represented by Robert Fiester of Greenberg Farrow

REQUEST:

A request for a special exception to the landscape regulations is made to replace an existing convenience store use with a new convenience store use, and not fully meet the landscape regulations, more specifically, to not provide the required number of street trees on the property.

STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE AND TREE PRESERVATION REGULATIONS:

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

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

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

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted alternate landscape plan is required.

Rationale:

- Staff concurs with the Chief Arborist and recommends approval because strict compliance with the street tree requirements for this site will unreasonably burden the use of the property given that a 15' water, sanitary sewer & storm easement runs through the southern front of the property and in the ROW to the curb along Walnut Hill; and that the special exception will not adversely affect neighboring properties given that the overall green space from interior drive to the Walnut Hill street curb will be wider than provided under the previous development.

BACKGROUND INFORMATION:

Zoning:

- Site: IR (FP) (Industrial/research, flood plain)
- North: MC-2 (FP)(Multiple commercial, flood plain)
- South: IR (FP) (Industrial/research, flood plain)
- East: IR (FP) (Industrial/research, flood plain)
- West: IR (FP) (Industrial/research, flood plain)

Land Use:

The subject site is developed with a convenience store use. The areas to the north, east, south, and west are developed with retail uses.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the landscape regulations focuses on replacing an existing convenience store use with a new convenience store use, and not fully meeting the landscape regulations, more specifically not providing the required number of street trees.
- The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or

increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period.

- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment A). The memo states how this request is triggered by a new construction of a convenience store on the property.
- The Chief Arborist's memo stated that the proposed alternate landscape plan is deficient in that the new project requires 7 street trees which are large species to be planted at 3" caliper whereby the plan provides 2 large street trees along Composite Drive, and 4 small trees along Walnut Hill Lane.
- The Chief Arborist's memo listed the following factors for consideration:
 1. The property has a portion of a 15' water, sanitary sewer & storm easement running through the southern front of the property and in the ROW to the curb along Walnut Hill. The smaller trees are provided to address the reduced available landscape area on the north side of the easement and to also keep the trees manageable for the overhead electric utility. The overall green space from interior drive to the Walnut Hill street curb will be wider than provided under the previous development.
 2. All other minimum landscape requirements are met on the plan.
- The City of Dallas Chief Arborist recommends approval of the revised alternate landscape plan because it is my opinion that full compliance with the landscape regulations for street trees will unreasonably burden the use of the property, and the exception will not adversely affect neighboring properties.
- The applicant has the burden of proof in establishing the following:
 - Strict compliance with the requirements of the landscape regulations of the Dallas Development Code will unreasonably burden the use of the property; and the special exception will not adversely affect neighboring property.
- If the Board were to grant this request and impose the submitted alternate landscape plan as a condition to the request, the site would be provided exception from full compliance with the required number of street trees on the subject site.
- Note that if the Board were to grant the applicant's request for a special exception to the landscape regulations, this would not provide any relief to any existing or proposed noncompliance on the site with regard to flood plain and escarpment zone regulations.

Timeline:

July 28, 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.

September 13, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

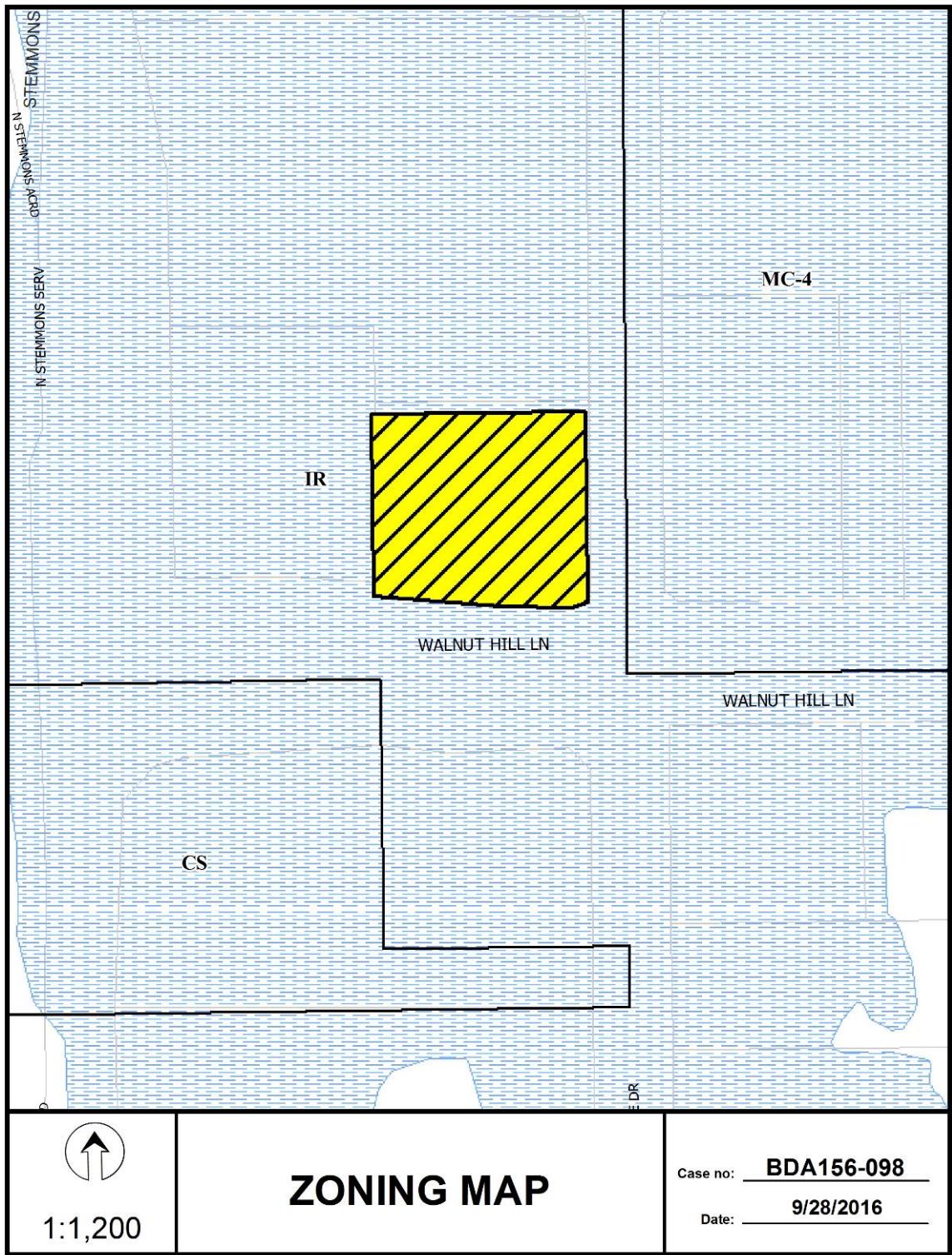
September 13, 2016: The Board Administrator emailed the applicant's representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the September 28th deadline to submit additional evidence for staff to factor into their analysis; and the October 7th 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.”

October 4, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, 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, 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.

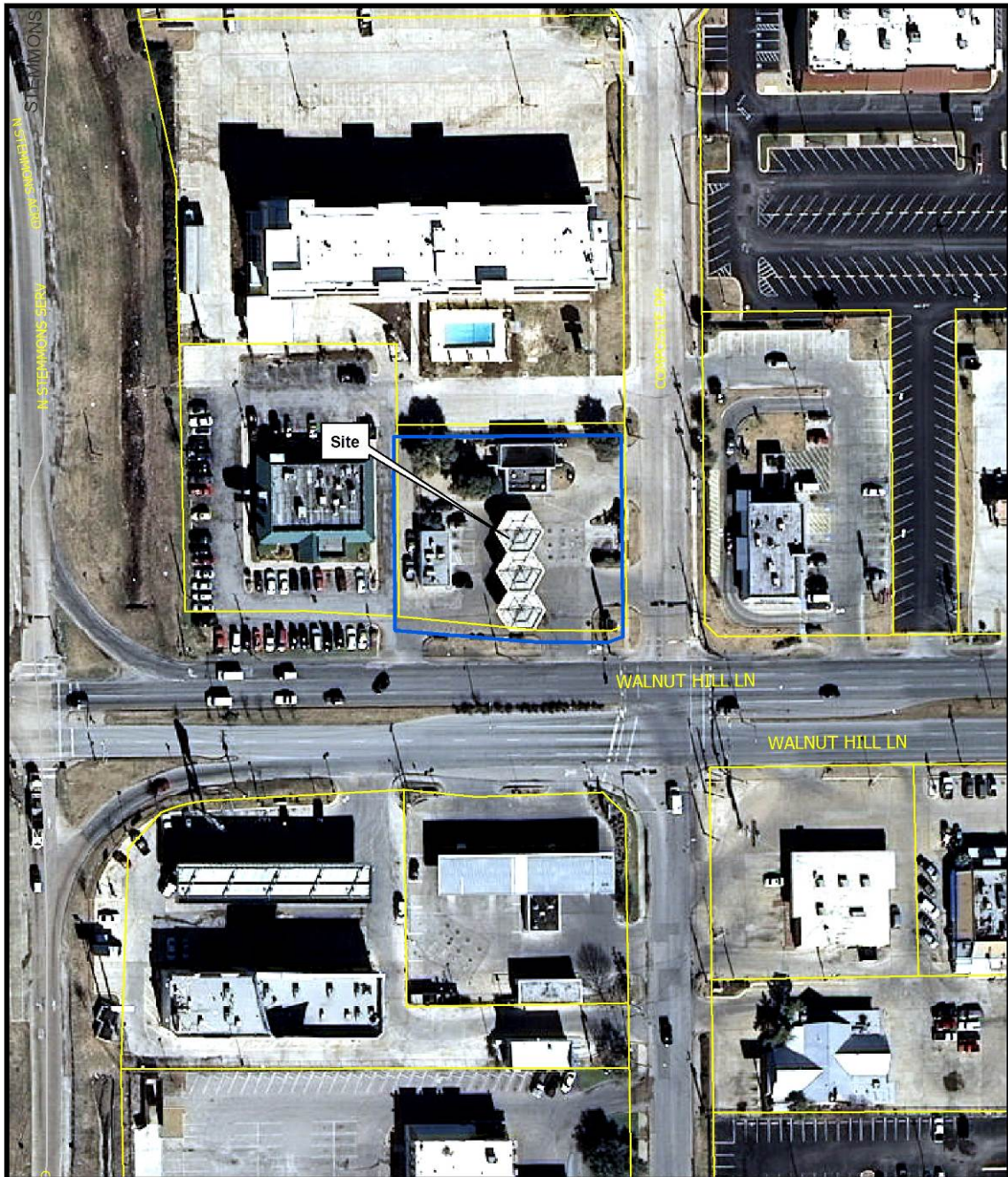
October 6, 2016: The City of Dallas Chief Arborist submitted a memo regarding this request (see Attachment A).




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ZONING MAP

Case no: BDA156-098
 Date: 9/28/2016



1:1,200

AERIAL MAP

Case no: BDA156-098

Date: 9/23/2016

Memorandum



CITY OF DALLAS

DATE October 6, 2016
TO Steve Long, Board of Adjustment Administrator
SUBJECT # BDA 156 - 098 2439 Walnut Hill Lane

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

Trigger

New construction of new convenience store.

Deficiencies

The new project requires 7 street trees which are large species to be planted at 3" caliper. The plan provides 2 large street trees (lacebark elm) per required specification along Composite Drive, and 4 small trees (desert willow) for Walnut Hill Lane.

Factors

The property has a portion of a 15' water, sanitary sewer & storm easement running through the southern front of the property and in the ROW to the curb along Walnut Hill. The smaller trees are provided to address the reduced available landscape area on the north side of the easement and to also keep the trees manageable for the overhead electric utility. The overall green space from interior drive to the Walnut Hill street curb will be wider than provided under the previous development.

All other minimum landscape requirements are met on the plan.

Recommendation

The chief arborist recommends approval of the revised alternate landscape plan because it is my opinion that full compliance with the landscape regulations for street trees will unreasonably burden the use of the property, and the exception will not adversely affect neighboring properties.

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



City of Dallas

C

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-098

Date: 7-28-16

Data Relative to Subject Property:

Location address: 2439 Walnut Hill Lane Dallas, TX Zoning District: IR

Lot No.: 1C Block No.: 3/6512 Acreage: .62 Census Tract: 99.00

Street Frontage (in Feet): 1) 175.4 2) 154.9 3) _____ 4) _____ 5) SW

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Mohammed Sadiq

Applicant: Grayson Brent Evans for Creighton Commercial Development Telephone: 239.210.0455

Mailing Address: 900 SW Pine Island Road, Suite 202 Cape Coral, FL Zip Code: 33991

E-mail Address: bevans@creightondev.com

Represented by: Robert Fiester for Greenberg Farrow Telephone: 214.440.1006

Mailing Address: 5500 Democracy Drive, Suite 125 Plano, TX Zip Code: 75024

E-mail Address: rfiester@greenbergfarrow.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of Article 'X' of the city ordinance governing requirements for landscape and tree preservation.

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:

Due to site constraints related to location of overhead utilities and size of the site, request for special exception is made to allow use of small canopy trees in proximity of the overhead utility lines and to reduce the required street tree count from 7 to 6 trees.

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

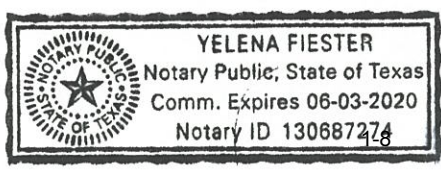
Before me the undersigned on this day personally appeared Grayson Brent Evans (Affiant/Applicant's name printed)

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 27 day of July, 2016

(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

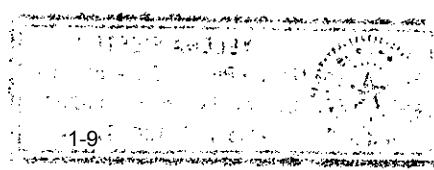
Building Official's Report

I hereby certify that Grayson Brent Evans
 represented by Robert Fiester
did submit a request for a special exception to the landscaping regulations
 at 2439 Walnut Hill Lane

BDA156-098. Application of Grayson Brent Evans represented by Robert Fiester for a special exception to the landscaping regulations at 2439 Walnut Hill Lane. This property is more fully described as Lot 1C, Block 3/6512, and is zoned IR, which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



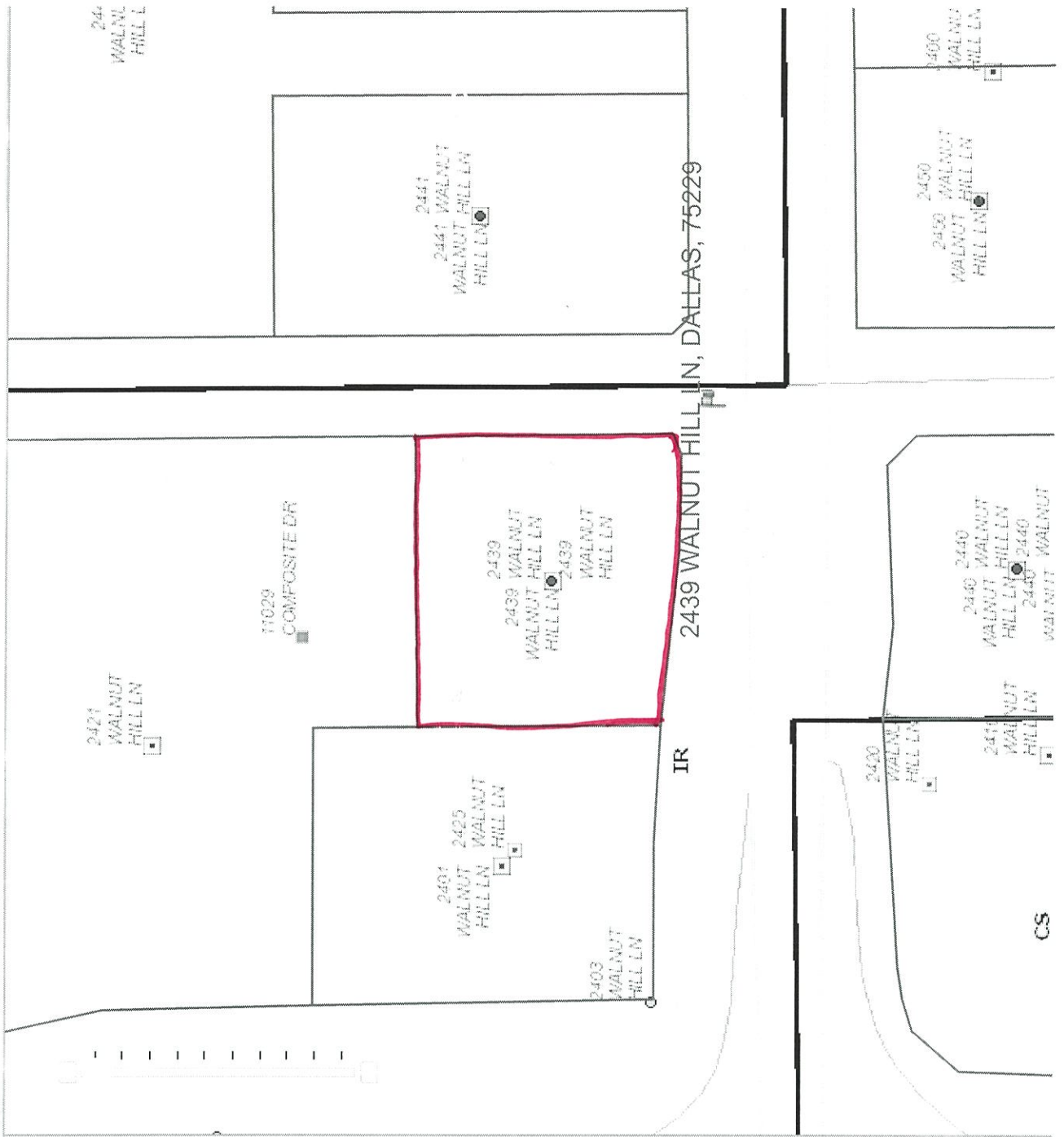
City of Dallas

Internal Development Research Site

Legend

BDA 156-098

1-10



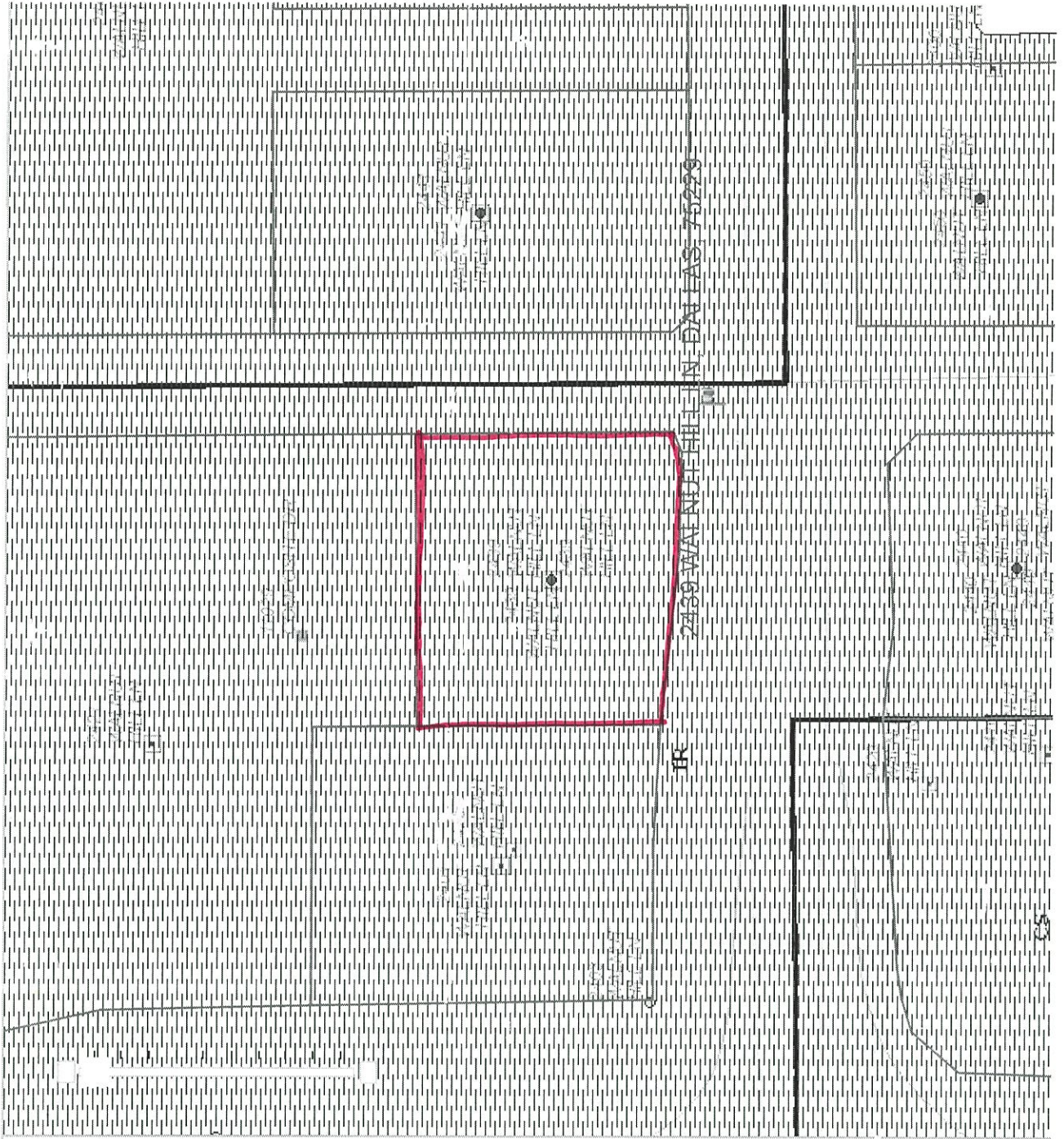
HS

City of Dallas

Internal Development Research Site

Legend

Locate Property



Brockhoff
Company
5000 Lemayway Drive, Suite 125
Dallas, Texas 75244
1 972 382 6116
PROJECT TEAM

CUSTOMER NAME	
CUSTOMER ADDRESS	
CUSTOMER PHONE	
CUSTOMER FAX	
DATE OF PLAN	
PROJECT NUMBER	
DRAWN BY	
CHECKED BY	
DATE	
SCALE	
PROJECT NAME	
PROJECT NUMBER	
PROJECT ADDRESS	
PROJECT CITY	
PROJECT STATE	
PROJECT ZIP	



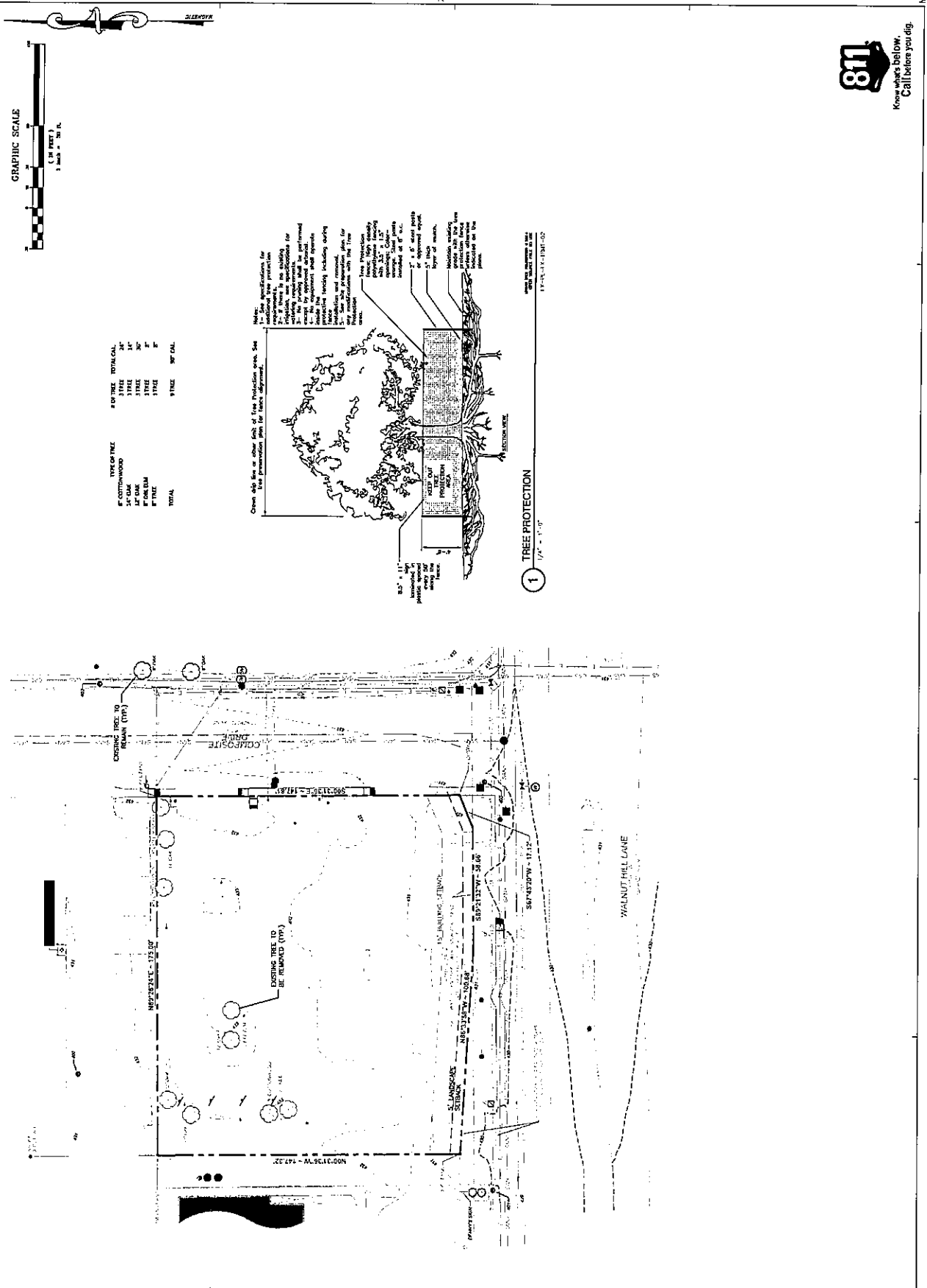
07-21-16
PROFESSIONAL ENGINEER
E. L. JOVANOVIĆ
LICENSE NO. 2192
MECHANICAL ENGINEERING
STATE OF TEXAS
DRAWN BY
CHECKED BY
PROJECT NAME
7-ELEVEN
1038072

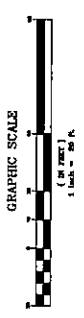
DALLAS
TEXAS
2439 WALNUT HILL LANE
DALLAS, TEXAS



PROJECT NUMBER
20151123
SHEET TITLE
**TREE MITIGATION
PLAN**
SHEET NUMBER
L-1.1

NOT ISSUED FOR CONSTRUCTION



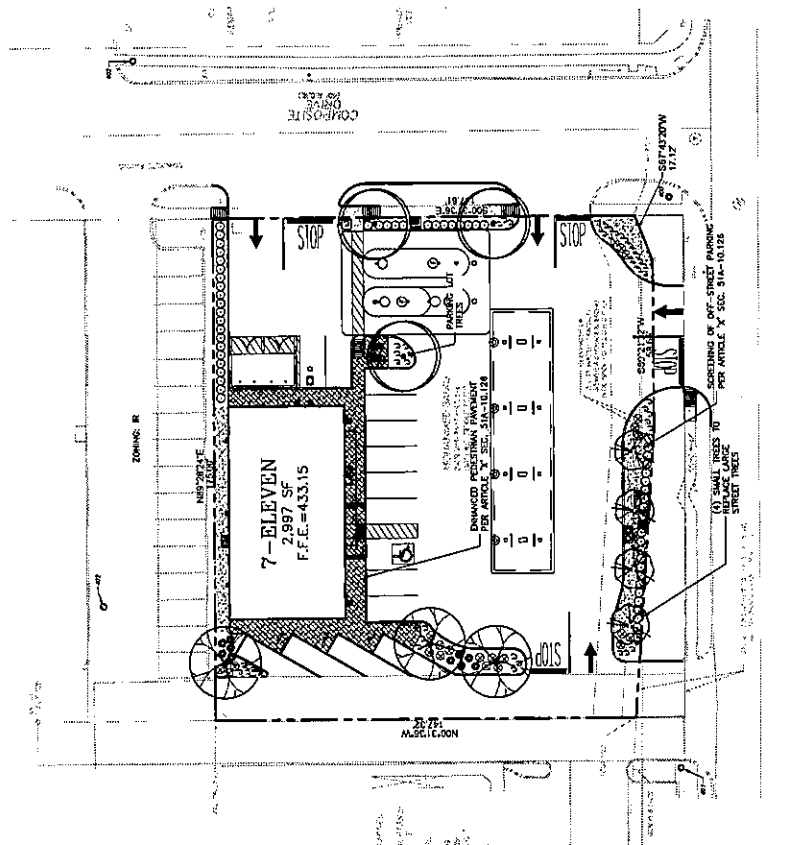


CITY REQUIREMENTS:

TYPE TREES	REQ.	PROV.
ONE (1) CAL. TREE PER 4000 SF OF LOT AREA WITH MINIMUM OF 4 TREES TREES $\geq 7'$ CALIBER = 7 TREES	7	15
STREET TREES ONE (1) CAL. TREE PER 25' OF STREET FRONTAGE WITH MINIMUM OF 2 TREES TOTAL FRONTAGE 250' / 25' = 7 TREES	7	6
PARKING LOT ALL REQUIRED PARKING SPACES LOCATED WITHIN LOT OF A LANE.		
SCREEN TREES FROM THE USE OF CALIBERED TREES 1. SCREEN TREES TO BE CALIBERED 6" TO 12" 2. SCREEN TREES TO BE CALIBERED 6" TO 12" 3. SCREEN TREES TO BE CALIBERED 6" TO 12" 4. SCREEN TREES TO BE CALIBERED 6" TO 12" 5. SCREEN TREES TO BE CALIBERED 6" TO 12" 6. SCREEN TREES TO BE CALIBERED 6" TO 12" 7. SCREEN TREES TO BE CALIBERED 6" TO 12" 8. SCREEN TREES TO BE CALIBERED 6" TO 12" 9. SCREEN TREES TO BE CALIBERED 6" TO 12" 10. SCREEN TREES TO BE CALIBERED 6" TO 12"		
MINIMUM TREE CALIBER TO BE 4"		1200 SF / 1400 SF

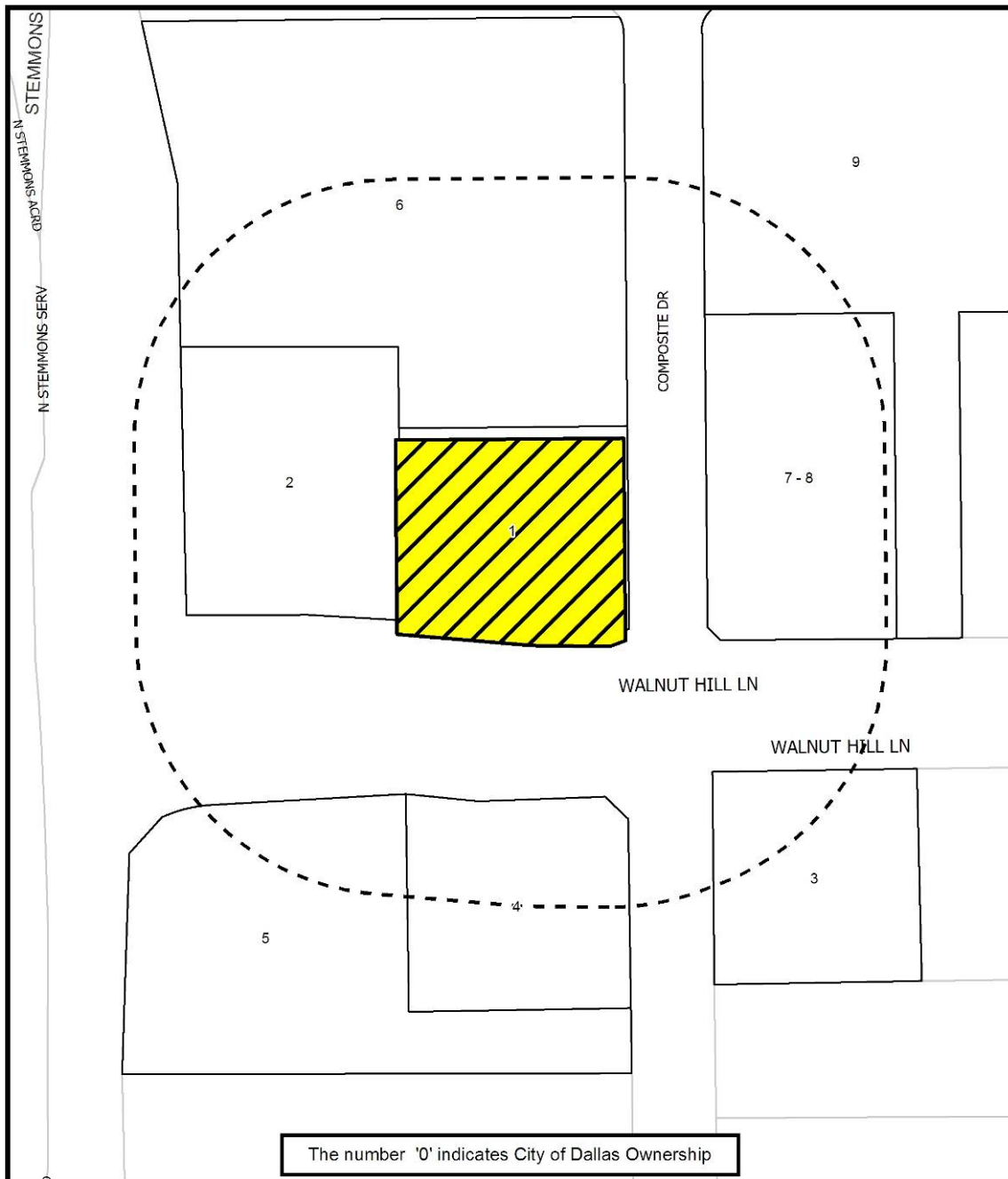
GENERAL LANDSCAPE NOTES:

- CONSTRUCT AND MAINTAIN GRASSED BUFFER STRIP WITHIN 5' OF ALL DRIVEWAYS AND PARKING AREAS. BUFFER STRIP SHALL BE 2" TALL AND 4" WIDE. ALL BUFFER STRIP SHALL BE COVERED WITH TURF GRASS AND MAINTAINED AT ALL TIMES.
- ALL PLANTING SHALL BE CALIBERED AND PLANTED AS SHOWN ON PLANT LIST. ALL TREES SHALL BE CALIBERED AND PLANTED AS SHOWN ON PLANT LIST.
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PLANT SCHEDULE

SYMBOL	CODE	SIZE	BIOMATERIAL NAME / COMMON NAME	QTY	NOTE
	08	4"	Cal. Dogwood	25	25 @ 25' 0" 4"-7"
	09	3"	Cal. Sycamore	20	20 @ 25' 0"
	10	3"	Cal. Live Oak	20	20 @ 25' 0"
	11	3"	Cal. Magnolia	20	20 @ 25' 0"
	12	3"	Cal. Redwood	20	20 @ 25' 0"
	13	3"	Cal. Cypress	20	20 @ 25' 0"
	14	3"	Cal. Juniper	20	20 @ 25' 0"
	15	3"	Cal. Yucca	20	20 @ 25' 0"
	16	3"	Cal. Agave	20	20 @ 25' 0"
	17	3"	Cal. Palm	20	20 @ 25' 0"
	18	3"	Cal. Hibiscus	20	20 @ 25' 0"
	19	3"	Cal. Lantana	20	20 @ 25' 0"
	20	3"	Cal. Shrub	20	20 @ 25' 0"
	21	3"	Cal. Flowering Shrub	20	20 @ 25' 0"
	22	3"	Cal. Groundcover	20	20 @ 25' 0"
	23	3"	Cal. Turf	20	20 @ 25' 0"
	24	3"	Cal. Mulch	20	20 @ 25' 0"
	25	3"	Cal. Concrete	20	20 @ 25' 0"



The number '0' indicates City of Dallas Ownership

 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="0"> <tr> <td style="border: 1px solid black; padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px;">9</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	9	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA156-098 Date: 9/23/2016
200'	AREA OF NOTIFICATION					
9	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA156-098

9 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2439 WALNUT HILL LN	SADIQ MOHAMMED
2	2401 WALNUT HILL LN	LEWIS PAUL D NO 5 LTD PS
3	2450 WALNUT HILL LN	MAJOKO LLC
4	2440 WALNUT HILL LN	BOSCHERT DANIEL S TR &
5	2410 WALNUT HILL LN	BUDDYS INVESTMENT INC
6	2421 WALNUT HILL LN	BDR HOSPITALITY LLC
7	2441 WALNUT HILL LN	BIDA LLC
8	2441 WALNUT HILL LN	BURGER KING #3092
9	2443 WALNUT HILL LN	ADRCC

FILE NUMBER: BDA156-105(SL)

BUILDING OFFICIAL'S REPORT: Application of Alejandro Murillo for a special exception to the fence height regulations at 2748 Ivandell Avenue. This property is more fully described as Lot 6, Block 4/3881, and is zoned CD 8 (Subarea 1), which limits the height of a fence in a required side yard to 4 feet. The applicant proposes to construct and/or maintain an 8 foot 6 inch high fence in a required side yard, which will require a 4 foot 6 inch special exception to the fence height regulations.

LOCATION: 2748 Ivandell Avenue

APPLICANT: Alejandro Murillo

REQUEST:

A request for a special exception to the fence height regulations of 4' 6" 9 is made to maintain an approximately 8' 6" high solid wood fence in the side yard setbacks on a property 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: CD 8 (Subarea 1)(Conservation District)
North: CD 8 (Subarea 1)(Conservation District)
South: CD 8 (Subarea 1)(Conservation District)
East: CD 8 (Subarea 1)(Conservation District)
West: CD 8 (Subarea 1)(Conservation District)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exceptions to the fence height regulations of 4' 6" focuses on maintaining an 8' 6" high solid wood fence in the side yard setbacks on a property developed with a single family home.
- The subject site is zoned CD 8 (Subarea 1) which states that the minimum side and rear yard setback is 5'.
- The subject site is zoned CD 8 which states the following "additional development standards applicable to all subareas with regard to fences: "In Subarea 1, fences in the front yard may not exceed 3' in height. Fences may not exceed 4' in height in the front yard in Subareas II and III, the front 50 percent of the side yard in all subareas, and the front 50 percent of a cornerside yard in all subareas. In all subareas, the rear 50 percent of the side yard, and the rear 50 percent of the cornerside yard may not exceed 9' in height".
- The applicant has submitted a site plan and an elevation that indicates the proposal reaches a maximum height of 8' 6" and is located in the two, front 50 percent of the 5' side yards on the east and west sides of the subject site.
- The following additional information was gleaned from the submitted site plan:
 - The proposal is represented as being approximately 50' in length along both of the front 50 percent of the side yards on the site, and approximately 5' in length parallel to the street on the west side.
 - The proposal is represented as being located on the side property lines.
- Two single family lots developed with single family structures are located on either side of the subject site. The property to the east of the subject site has a fence in its side yard that appears to be approximately 5' in height, and the property to the west has no fence in its side yard.
- The Board Administrator conducted a field visit of the site and surrounding area (properties along Ivandell Avenue from approximately 200 feet east and west of the site) and noted two other fences front 50 percent of side yards. An approximately 8' high solid wood fence was noted two lots to the east, and an approximately 5' high solid wood fence was noted directly northeast. There is no recorded BDA history for these fences.
- As of October 7th, 2016, one letter/email 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 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 elevation would require the proposal exceeding 4' in height in the side yard setbacks to be maintained in the location and of the heights and materials as shown on these documents.

Timeline:

August 26, 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.

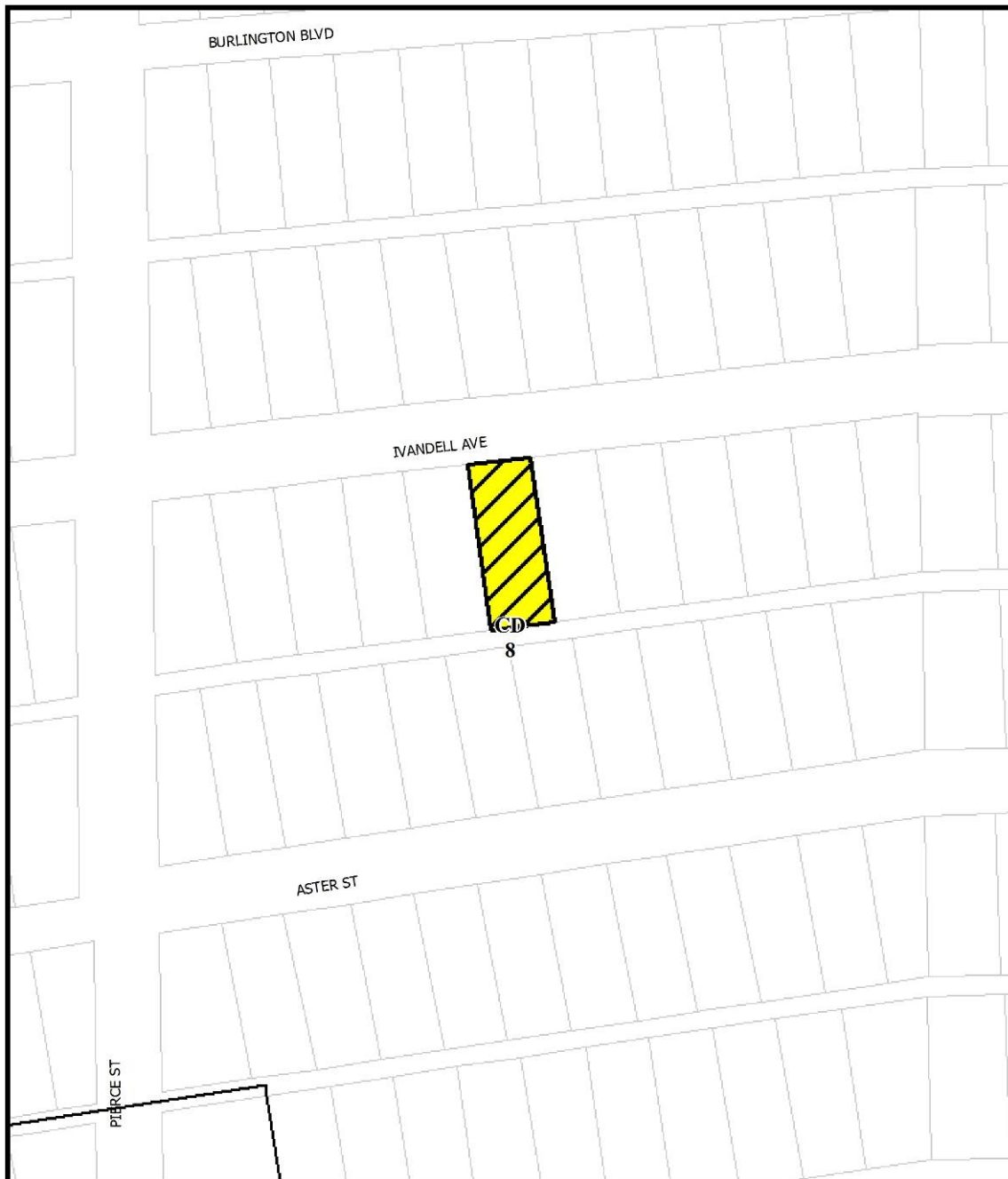
September 13, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

September 13, 2016: 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 September 28th deadline to submit additional evidence for staff to factor into their analysis; and the 1 p.m., October 7th 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."

October 4, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, 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, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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

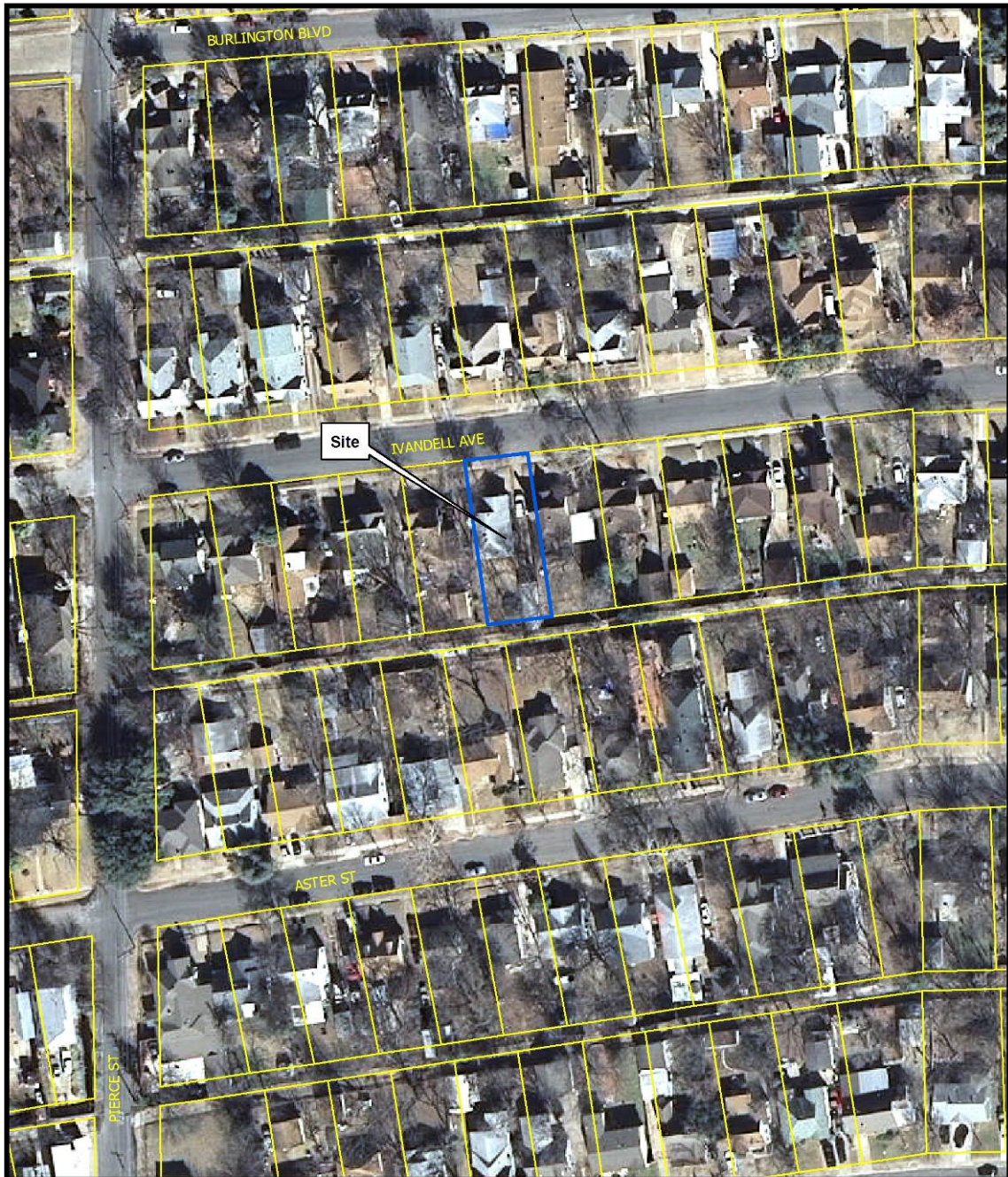


1:1,200

ZONING MAP

Case no: BDA156-105

Date: 9/28/2016



1:1,200

AERIAL MAP

Case no: BDA156-105

Date: 9/23/2016



City of Dallas

C

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-105

Data Relative to Subject Property:

Date: 08-26-16

Location address: 2748 Ivandell Ave. Dallas TX 75211

Zoning District: CD8 (Subarea 1)

Lot No.: 6 Block No.: 4/3881 Acreage: .15 Census Tract: _____

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Josefina Serrato

Applicant: ^{jm} Josefina Murillo Alejandro Murillo Telephone: 214-677-4408

Mailing Address: 2748 Ivandell Ave. Dallas TX Zip Code: 75211

E-mail Address: josefinaserrato@sbcgldbal.net

Represented by: Alejandro Murillo Telephone: 214-205-4128

Mailing Address: 2748 Ivandell Ave. Zip Code: 75211

E-mail Address: _____

Affirm that an appeal has been made for a Variance __, or Special Exception , of a
4ft 6" fence, for a required side yard
Side

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

The 8ft cedar wood fence would make my home look much better. It would also make the neighborhood look great and awesome.

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.

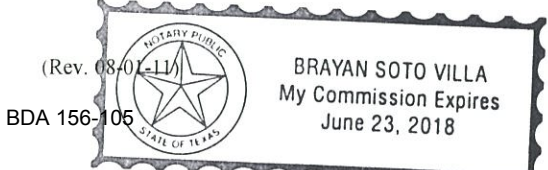
Affidavit

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

Subscribed and sworn to before me this 25TH day of August 2016



[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 Alejandro Murillo

did submit a request for a special exception to the fence height regulations
at 2748 Ivandell Avenue

BDA156-105. Application of Alejandro Murillo for a special exception to the fence height regulations at 2748 Ivandell Avenue. This property is more fully described as Lot 6, Block 4/3881, and is zoned CD 8 (Subarea 1), which limits the height of a fence in a required side yard to 4 feet. The applicant proposes to construct an 8 foot 6 inch high fence in a required side yard, which will require a 4 foot 6 inch special exception to the fence regulation.

[Handwritten signature]

Sincerely,

Philip Sikes
Philip Sikes, Building Official

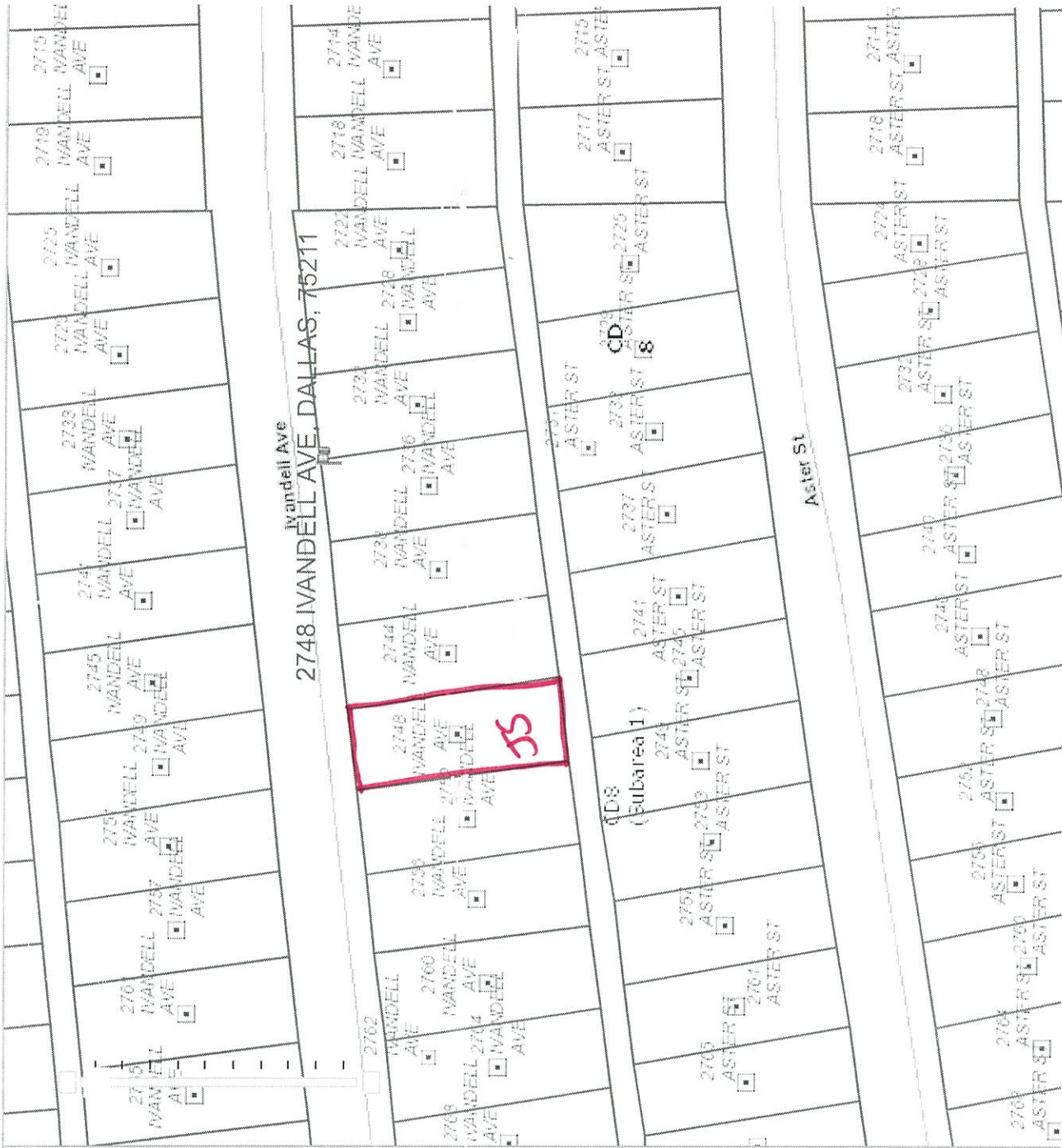


City of Dallas

Internal Development Research Site

Legend

Locate Property





RIGAR SOLUTIONS, LLC
 WE DESIGN, BUILD AND SOLVE
 9304 Forest Ln, Suite #5203
 Dallas, TEXAS, 75243
 TEL (214) 482 5150

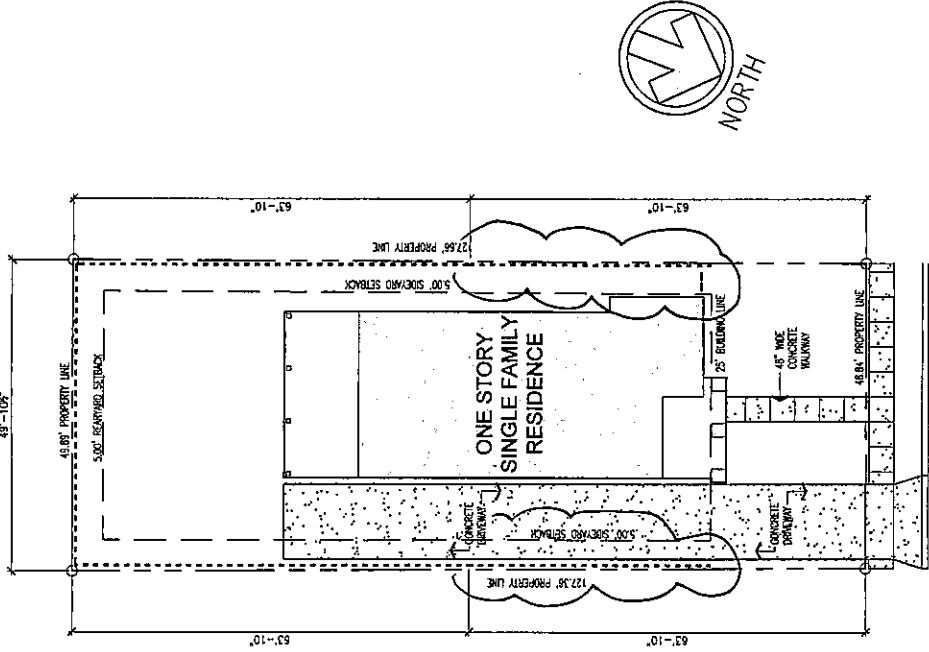
PROJECT BY:
SERRATO JOSEFINA
 Project@rigarsolutions.com

DATE: 08/17/2016
 SHEET: SP-10
 SCALE: 1"=20'

PROJECT:
FENCE

ADDRESS:
 2748 IVANDELL AVE.
 DALLAS TX, 75211

SITE PLAN
 THESE PLANS ARE INTENDED TO PROVIDE BASIC INFORMATION NECESSARY TO SUBSTANTIALLY BUILD THIS STRUCTURE. THESE PLANS MUST BE VERIFIED AND CHECKED BY THE BUILDER, ARCHITECT, AND ALL OTHERS INVOLVED IN THE CONSTRUCTION OF ANY HOME, MOBILE, ALL FEDERAL, STATE, AND LOCAL CODES AND ORDINANCES. THE BUILDER SHOULD OBTAIN COMPLETE ENGINEERING SERVICES, HVAC, AND ELECTRICAL BEFORE BEGINNING CONSTRUCTION OR ANY WORK. GREAT CARE AND EFFORT HAVE BEEN MADE INTO THE CREATION OF THESE PLANS. HOWEVER, BECAUSE OF THE VARIANCE IN GEOGRAPHIC LOCATIONS, RIGAR ENGINEERING WILL NOT ASSUME LIABILITY FOR ANY DAMAGES OR INJURIES, OMISSIONS, OR DEFICIENCIES ON THESE PLANS. OWNERS/BUILDERS MUST COMPLY WITH LOCAL BUILDING CODES PRIOR TO COMMENCEMENT OF CONSTRUCTION. THE ARCHITECT OR THESE PLANS ENTITLES THE BUYER TO CONSTRUCT THIS HOUSE ONLY ONCE, ANY COPYING, REPRODUCTION, OR ALTERING OF THESE PLANS IS NOT PERMITTED. VIOLATORS WILL BE SUBJECT TO PROSECUTION UNDER APPLICABLE LAWS.

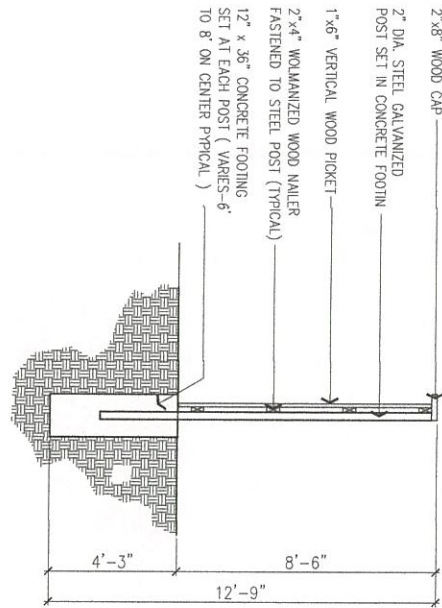


SQUARE FOOTAGE			
EXISTING HOUSE	APPROX.	1573	S.F.
REMODEL	APPROX.	1573	S.F.
ADDITION	APPROX.	315	S.F.
TOTAL AREA	APPROX.	1888	S.F.
LOT SIZE	APPROX.	6302	S.F.
% OF LOT	APPROX.	30	%

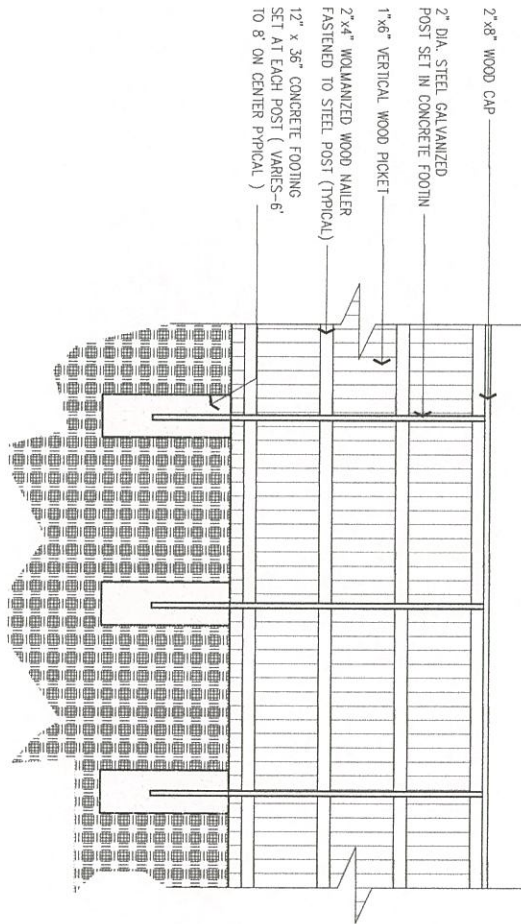
1 SITE PLAN
 SCALE: 1"=20'

- LEGAL DESCRIPTION**
- 1: SUNSET VIEW REV
 - 2: BLK 4/3881 LT 6
 - 3: VOL.2002105/8157 DD05202002 CODC
 - 4: 3881 004 00600 2003881 004
 - 5: Deed Transfer Date: 5/30/2002

2
F
CUT SECTION
SCALE: 1/4" = 1'-0"



1
F
FENCE ELEVATIONS
SCALE: 1/4" = 1'-0"



RIGARC SOLUTIONS LLC
"WE DESIGN, BUILD AND SOLVE"
9304 Forest Ln. Suite #S203
Dallas, TEXAS. 75243
BDA 156-105 TEL.(214) 462 5150

DESIGNED BY: projects@rigarc.com
DATE: 08/26/2016
SCALE: 1/4" = 1'-0"
SHEET: F-01
OWNER: SERRATO JOSEFINA
PROJECT: REMODEL
DRAWN BY: 2748 IVANDELLA
DALLAS TX 75211

THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION NECESSARY TO SUBSTANTIALLY BUILD THIS STRUCTURE. THESE PLANS MUST BE VERIFIED AND CHECKED BY THE BUILDER, HOMEOWNER, AND ALL OTHERS OF THIS JOB PRIOR TO CONSTRUCTION. BUILDER SHOULD OBTAIN COMPLETE ENGINEERING SERVICES, HVAC, AND STRUCTURAL BEFORE BEGINNING CONSTRUCTION OF ANY KIND. NOTE: ALL FEDERAL, STATE, AND LOCAL CODES AND RESTRICTIONS TAKE PRECEDENCE OVER ANY PART OF THESE PLANS.
GREAT CARE AND EFFORT HAVE GONE INTO THE CREATION OF THESE BLUEPRINTS. HOWEVER, BECAUSE OF THE VARIANCE IN GEOGRAPHIC LOCATIONS, RIGARC ENGINEERING WILL NOT ASSUME LIABILITY FOR ANY DAMAGES DUE TO ERRORS, OMISSIONS, OR DEFICIENCIES ON THESE PLANS. OWNER/BUILDER MUST COMPLY WITH LOCAL BUILDING CODES PRIOR TO COMMENCEMENT OF CONSTRUCTION.
THE PURCHASE OF THESE PLANS ENTITLES THE BUYER TO CONSTRUCT THIS HOUSE ONLY ONCE. ANY COPYING, TRACING, OR ALTERING OF THESE PLANS IS NOT PERMITTED. VIOLATORS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS.

Conservation District 8

SECTION 4. Interpretations and definitions. Unless the context clearly indicates otherwise:

(a) Interpretations.

- (7) Any special exception available in the Dallas Development Code, as amended, is also available for corresponding regulations in this district. For example, a property owner in this district may apply to the board of adjustment for the fence height special exception contained in Section 51A-4.602(a)(6) of the Dallas Development Code, as amended, subject to the rules and procedures applicable to that special exception.

SECTION 7. Development standards.

(d) Additional development standards applicable to all subareas.

- (4) Fences. In Subarea I, fences in the front yard may not exceed three feet in height. Fences may not exceed four feet in height in the front yard in Subareas II and III, the front 50 percent of the side yard in all subareas, and the front 50 percent of a cornerside yard in all subareas. In all subareas, fences in the rear yard, the rear 50 percent of the side yard, and the rear 50 percent of the cornerside yard may not exceed nine feet in height.



 1:1,200	NOTIFICATION	Case no: BDA156-105			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">38</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	38	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
38	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA156-105

38 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2748 IVANDELL AVE	SERRATO JOSEFINA
2	2756 BURLINGTON BLVD	JIMENEZ JUAN MANUEL
3	2752 BURLINGTON BLVD	JIMENEZ JUAN M & ROSALBA
4	2748 BURLINGTON BLVD	RIVERA GUADALUPE
5	2742 BURLINGTON BLVD	TRANG ANH
6	2767 IVANDELL AVE	CHILDERS ROY L
7	2765 IVANDELL AVE	DWORNIK BRIAN
8	2761 IVANDELL AVE	ZAVALA IRENE P & JAIME H
9	2757 IVANDELL AVE	KIVANANY POURISKA B &
10	2751 IVANDELL AVE	BOLLING JASON L JR
11	2749 IVANDELL AVE	FURR CLAUDIA P
12	2745 IVANDELL AVE	WASELL GARRET W & ABIGAIL R
13	2741 IVANDELL AVE	LITTLE JEFF PROP MGT INC
14	2737 IVANDELL AVE	OCB HOLDINGS LLC
15	2733 IVANDELL AVE	VILLALBA GARY J
16	2768 IVANDELL AVE	JC LEASING LLP
17	2764 IVANDELL AVE	COUCH ENTERPRISES LP
18	2760 IVANDELL AVE	WILHELM RONALD W &
19	2756 IVANDELL AVE	KAHLE BRIANNA J
20	2752 IVANDELL AVE	SANCHEZ JAMIE I &
21	2744 IVANDELL AVE	TAMEZ APRIL &
22	2738 IVANDELL AVE	MONSON MITCHELL J
23	2736 IVANDELL AVE	HARVARD KRISTI JILL &
24	2732 IVANDELL AVE	MAULDIN JENNIFER D
25	2728 IVANDELL AVE	PENA ROSA ITURRALDE
26	2765 ASTER ST	MARTINEZ ARTURO SR &

Label #	Address	Owner
27	2761 ASTER ST	ANGUIANO MARIA D
28	2757 ASTER ST	TORRES ISRAEL &
29	2749 ASTER ST	AVILA LORENZO H
30	2745 ASTER ST	RODRIGUEZ VINCENT III &
31	2741 ASTER ST	COUCH PATRICIA & KEDRIC
32	2737 ASTER ST	SANDOVAL SILVANO &
33	2733 ASTER ST	DEL VALLE GISELA RODRIGUEZ
34	2729 ASTER ST	ENRIQUEZ AUSENCIO LOPEZ &
35	2752 ASTER ST	COUCH PATRICIA
36	2748 ASTER ST	LOPEZ ADORACION C
37	2740 ASTER ST	ESPINOZA JUAN M & MARIA E
38	2736 ASTER ST	ALVAREZ JESUS & MARIA H

FILE NUMBER: BDA156-090(SL)

BUILDING OFFICIAL'S REPORT: Application of Robert Baldwin for a special exception to the front yard setback regulations to preserve an existing tree, a variance to the off-street parking regulations, and a special exception to the fence height regulations at 9324 Vinewood Drive. This property is more fully described as Lot 8, Block D/7396, and is zoned R-7.5(A), which requires a front yard setback of 25 feet, requires a parking space to be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley, and limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain a structure and provide a 5 foot front yard setback, which will require a 20 foot special exception to the front yard setback regulations to preserve an existing tree, to locate and maintain a parking space in an enclosed structure and provide a 5 foot setback from the right-of-way line adjacent to a street, which will require a variance of 15 feet to the off-street parking regulations, and to construct and maintain an 8 foot high fence, which will require a 4 foot special exception to the fence height regulations.

LOCATION: 9324 Vinewood Drive

APPLICANT: Robert Baldwin

REQUESTS:

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

1. A special exception special exception to the front yard setback requirements of up to 19' 3.5" to preserve an existing tree is made to construct and maintain garage and covered walkway addition structures to the existing one-story single family structure, which is proposed to be located as close as 5' 8.5" from the site's Pasteur Avenue front property line or as much as 19' 3.5" into this 25' front yard setback.
2. A variance to the off-street parking regulations of up to 14' 3.5" is made to locate and maintain enclosed parking spaces in the proposed garage addition to the existing single family home located as close as 5' 8.5" from the Pasteur Avenue front property/right-of-way line or as much as 14' 3.5" into the required 20' distance from this street right-of-way.
3. A request for a special exception to the fence height regulations of 4' is made to replace an existing wood fence higher than 4' in height (that according to the applicant was constructed in error) with a new 8' high solid wood fence in the site's Pasteur Avenue front yard setback.

STANDARD FOR A SPECIAL TO THE FRONT YARD REQUIREMENTS TO PRESERVE AN EXISTING TREE:

The Dallas Development Code specifies that the board may grant a special exception to the minimum front yard requirements to preserve an existing tree. In determining whether to grant this special exception, the board shall consider the following factors:

- A) Whether the requested special exception is compatible with the character of the neighborhood.
- B) Whether the value of the surrounding properties will be adversely affected.
- C) Whether the tree is worthy of preservation.

STANDARD FOR A VARIANCE:

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

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

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 (special exception to the front yard requirements to preserve an existing tree):

Denial

Rationale:

- While the City of Dallas Chief Arborist has indicated that there is a tree on this site in close proximity to the proposed garage structure that is worthy of preservation, staff concluded that the applicant had not substantiated how the requested special

exception is compatible with the character of the neighborhood, and how the value of the surrounding properties would not be adversely affected.

STAFF RECOMMENDATION (off-street parking variance):

Denial

Rationale:

- While the Sustainable Development and Construction Department Project Engineer has no objections to the request if the Board imposed the submitted revised site plan as a condition, staff concluded that there was no property hardship to the site that warranted a variance for a garage and walkway structures in the Pasteur Avenue front yard setback. While staff recognized that the site was slightly irregular in shape and sloped, and with two front yard setbacks and trees, the applicant had not demonstrated how these features precluded it from being developed in a manner commensurate with the development upon other parcels of land with the same R-7.5(A) zoning, particularly since the subject site is about 35,000 square feet in area or over four times larger in size than most lots in the R-7.5(A) zoning district.
- The applicant had not substantiated how the physical features of the flat, somewhat irregularly shaped, approximately 35,000 square foot site with two front yard setbacks preclude it (a site currently developed with, according to DCAD, an approximately 2,000 square foot home that complies with setbacks) from being developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification while simultaneously complying with code provisions including off-street setback regulations.

STAFF RECOMMENDATION (fence height):

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

BACKGROUND INFORMATION:

Zoning:

Site: R-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 and west are developed with single family uses; and the areas to the east and south are developed with church 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 (special exception to front yard requirements to preserve an existing tree):

- This request for a special exception to the front yard setback requirements of up to 19' 3.5" to preserve an existing tree focuses on constructing and maintaining garage and covered walkway addition structures to the existing one-story single family structure, which are proposed to be located as close as 5' 8.5" from the site's Pasteur Avenue front property line or as much as 19' 3.5" into this 25' front yard setback.
- The site is zoned R-7.5(A) which requires a minimum front yard setback of 25'.
- The subject site is located at the south corner of Vinewood Drive and Pasteur Avenue.
- Given the single family zoning and location of the corner lot subject site, it has two front yard setbacks – a 35' required front yard (caused by a platted building line) along Vinewood Drive (the shorter of the two frontages of the subject site) and a 25' front yard setback along Pasteur Avenue (the longer of the two frontages which is typically a side yard where on this R-7.5(A) zoned property would require a 5' side yard setback). However, the site has a 25' front yard setback along Pasteur Avenue given that while it is the longer of the two frontages it is a front yard notwithstanding in order to maintain continuity of the established front yard setback along this street frontage where the lot immediately south "fronts" on Pasteur Avenue.
- The applicant had originally submitted a site plan that denoted a structure as close as 4' 11.5" from the site's Pasteur Avenue front property line or approximately 20' into this 25' front yard setback. The originally submitted site plan denoted a number of existing trees on the site.
- The applicant submitted a revised site plan on October 4, 2016 (see Attachment A). This plan denoted a structure as close as 5' 8.5" from the site's Pasteur Avenue front property line or as much as 19' 3.5' into this 25' front yard setback. The submitted site plan denotes a number of existing trees on the site.
- No part of this application is made to construct or maintain any structure in the site's Vinewood Drive front yard setback.
- The Dallas Development Code allows the Board of Adjustment to consider this proposed structure encroachment in a front yard setback by an application for a special exception to the front yard requirements to preserve an existing tree with a standard largely based on compatibility, property values, and whether a tree located on a site that is worthy of preservation.

- According to calculations taken from the site plan, about 800 square feet (or approximately 85 percent) of the proposed approximately 920 square foot garage addition structure and about 175 square feet (or approximately 70 percent) of the proposed approximately 250 square foot walkway addition structure is to be located in the site's Pasteur Avenue 25' front yard setback.
- The City of Dallas Chief Arborist submitted a memo regarding this request (see Attachment B). The memo stated that while specific information was not given in the application to indicate a select tree for assessment that he had determined however after reviewing the case and visiting the property that one tree (listed as a 12" cedar on the proposed site plan) is in close proximity to the south side of the proposed garage structure. The Chief Arborist stated that this fully established and mature, single-stem eastern red cedar tree is in good condition and is worthy of preservation; and that construction activity in the large yard area further south and southwest of the proposed garage could also disrupt the extended root systems of other large mature trees identified on the site plan which he had determined to be worthy of preservation.
- The applicant has the burden of proof in establishing the following related to the front yard special exception request:
 1. Whether the requested special exception is compatible with the character of the neighborhood.
 2. Whether the value of the surrounding properties will be adversely affected.
 3. Whether the tree is worthy of preservation.
- If the Board were to grant the request for a special exception to the front yard requirements of up to 19' 3.5" to preserve an existing tree, imposing a condition whereby the applicant must comply with the submitted revised site plan, the structures in the front yard setback would be limited to that what is shown on this plan – which in this case garage and covered walkway addition structures to the existing one-story single family structure, which are proposed to be located as close as 5' 8.5" from the site's Pasteur Avenue front property line or as much as 19' 3.5" into this 25' front yard setback.

GENERAL FACTS/STAFF ANALYSIS (off-street parking variance):

- The request for a variance to the off-street parking regulations of up to 14' 3.5" focuses on locating and maintaining enclosed parking spaces in the proposed garage addition structure to the existing single family home located as close as 5' 8.5" from the Pasteur Avenue front property/right-of-way line or up to 14' 3.5" into the required 20' distance from this street right-of-way.
- The site is zoned R-7.5(A) which requires a minimum front yard setback of 25'.
- The subject site is located at the south corner of Vinewood Drive and Pasteur Avenue.
- Given the single family zoning and location of the corner lot subject site, it has two front yard setbacks – a 25' front yard setback along Vinewood Drive (the shorter of the two frontages of the subject site) and a 25' front yard setback along Pasteur Avenue (the longer of the two frontages which is typically a side yard where on this R-7.5(A) zoned property would require a 5' side yard setback). However, the site has

a 25' front yard setback along Pasteur Avenue given that while it is the longer of the two frontages it is a front yard notwithstanding in order to maintain continuity of the established front yard setback along this street frontage where the lot immediately south "fronts" on Pasteur Avenue.

- The Dallas Development Code states that a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in enclosed structure and if the space faces upon or can be entered directly from a street or alley.
- The applicant had originally submitted a site plan denoted the location of what would appear to be enclosed parking spaces in the garage structure as close as 4' 11 ½" from the Pasteur Avenue street right-of-way line or approximately 19.5' – 20' from the Pasteur Avenue pavement line.
- The applicant submitted a revised site plan on October 4, 2016 (see Attachment A). This plan denoted the location of what would appear to be enclosed parking spaces in the proposed garage structure as close as 5' 8.5" from the Pasteur Avenue street right-of-way line or as much as 14' 3.5" from the Pasteur Avenue pavement line.
- According to DCAD records, the "main improvement" for the property addressed at 9324 Vinewood Drive is a structure constructed in 1955 with 1,998 square feet of living area/total area with "no additional improvements".
- The subject site is somewhat sloped, somewhat irregular in in shape (approximately 98' on the north, approximately 125' on the south, and approximately 280' on the east and west), and according to the submitted application is 0.8 acres (or approximately 35,000 square feet) in area. The site is zoned R-7.5(A) where lots are typically 7,500 square feet in area.
- Most lots in the R-7.5(A) zoning district have one 25' front yard setback, two 5' side yard setbacks, and one 5' rear yard setback; this site has two front yard setbacks, and two 5' side yard setbacks.
- The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet regarding the applicant's request marked "Has no objections if certain conditions are met" commenting "subject to the site plan".
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the off-street parking regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.
 - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.
- If the Board were to grant the variance request, staff recommends imposing the following conditions:

1. Compliance with the submitted revised site plan is required.
2. An automatic garage door must be installed and maintained in working order at all times.
3. At no time may the area in front of the garage be utilized for parking of vehicles. (These conditions are imposed to help assure that the variance will not be contrary to the public interest).

GENERAL FACTS/STAFF ANALYSIS (fence height):

- The request for a special exception to the fence height regulations of 4' focuses on replacing an existing wood fence higher than 4' in height (that according to the applicant was constructed in error) with a new 8' high solid wood fence in the site's Pasteur Avenue front yard setback.
- 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 Vinewood Drive and Pasteur Avenue.
- Given the single family zoning and location of the corner lot subject site, it has two front yard setbacks – a 25' front yard setback along Vinewood Drive (the shorter of the two frontages of the subject site) and a 25' front yard setback along Pasteur Avenue (the longer of the two frontages which is typically a side yard where on this R-7.5(A) zoned property would require a 5' side yard setback). However, the site has a 25' front yard setback along Pasteur Avenue given that while it is the longer of the two frontages it is a front yard notwithstanding in order to maintain continuity of the established front yard setback along this street frontage where the lot immediately south "fronts" on Pasteur Avenue.
- The applicant had originally submitted a scaled site plan/fence elevation indicating a fence proposal that will reach 8' in height in the 25' Pasteur Avenue front yard setback.
- The applicant submitted a revised site plan/elevation on October 4, 2016 (see Attachment A). The applicant made no representation that the revised site plan/elevation had changed any aspect of the fence height special exception request from what was shown on the originally submitted site plan/elevation.
- The submitted original and revised site plan/fence elevation represents only a fence to exceed 4' in height in the Pasteur Avenue front yard setback and not into the site's Vinewood Drive front yard setback.
- The following information was gleaned from the originally submitted site plan/elevation
 - The proposal is represented as being a total of approximately 100' in length parallel to the Pasteur Avenue, and 25' in length perpendicular to this street on the north side of the site in the front yard setback.
 - The proposal is represented as being located approximately on the Pasteur Avenue front property line or 15' from this pavement line.

- The proposal is located across from lots developed with a single family home that fronts to Vinewood Drive and church that fronts to Ferguson Road, neither with a fence in the front yard setback.
- The Board Administrator conducted a field visit of the site and surrounding area along Pasteur Avenue (from Ferguson Road to Vinewood) and noted one other fence over 4' in a front yard – an approximately 8' high wood fence immediately south with no recorded BDA history.
- As of October 7, 2016, no letters 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 4' will not adversely affect neighboring property.
- Granting this special exception request of 4' with a condition imposed that the applicant complies with the submitted revised site plan/elevation would require the proposal exceeding 4' in height in the Pasteur Avenue front yard setback to be constructed and maintained in the location and of the heights and material as shown on this document.

Timeline:

- July 6, 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.
- August 4, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- August 5, 2016: The Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application;
 - an attachment that provided the public hearing date and panel that will consider the application; the August 31st deadline to submit additional evidence for staff to factor into their analysis; and the September 9th 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 requests; and
 - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- August 31, 2016: The applicant requested that the application be delayed until October.
- September 13, 2016: The Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application;

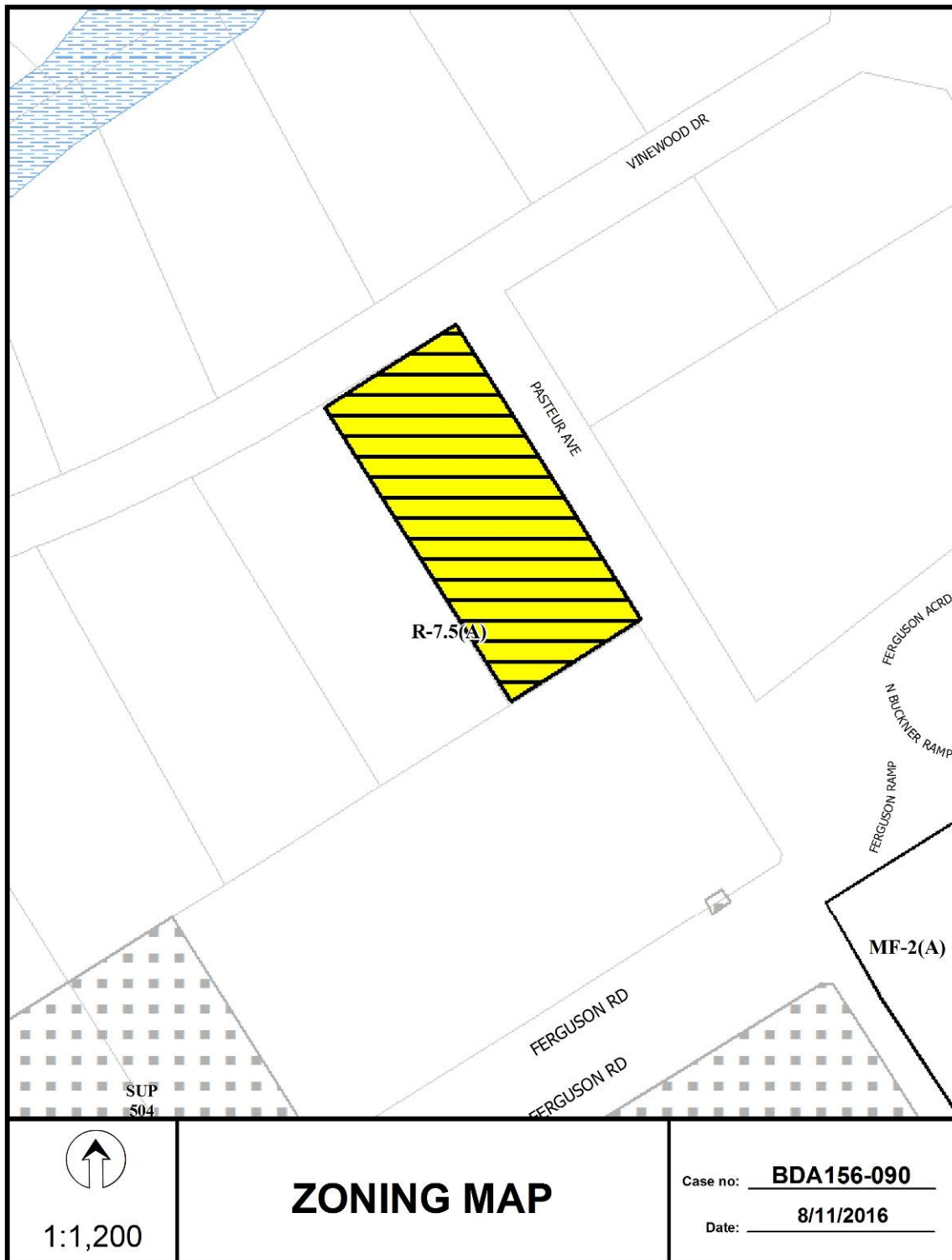
- an attachment that provided the public hearing date and panel that will consider the application; the September 28th deadline to submit additional evidence for staff to factor into their analysis; and the October 7th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

October 4, 2016: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

October 4, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, 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, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

October 6, 2016: The City of Dallas Chief Arborist submitted a memo regarding the request for a special exception to the front yard setback regulations of up to 19’ 3.5” for tree preservation (see Attachment B).

October 6, 2016: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked “Has no objections if certain conditions are met” commenting “subject to the site plan”.





1:1,200

AERIAL MAP

Case no: BDA156-090

Date: 8/11/2016

Transmittal Memo

To: Todd Duerksen
Steve Long
Date: 10/4/16
From: Jennifer Hiromoto
Zoning Case Number: BDA156-090
Project Address/Location: Vineland
Transmittal Notes: Revised site plan to show 20'
from edge of pavement

BDA156-090
Attach A
Pg 2

Long, Steve

From: Long, Steve
Sent: Tuesday, October 04, 2016 11:38 AM
To: 'Jennifer Hiromoto'; Rob Baldwin
Cc: Duerksen, Todd
Subject: RE: BDA156-090, Property at 9324 Vinewood Drive

Dear Rob and Jennifer,

Please meet with Todd before our staff review team meeting at 1 and have him amend his BO report while you're there. That way I can adjust the news notice before I send it to the DMN at 9 tomorrow morning.

Thank you,

Steve

From: Jennifer Hiromoto [mailto:jennifer@baldwinplanning.com]
Sent: Tuesday, October 04, 2016 11:29 AM
To: Long, Steve; Rob Baldwin
Cc: Duerksen, Todd
Subject: RE: BDA156-090, Property at 9324 Vinewood Drive

Please find the revised plan that provides a 20' setback from the edge of pavement. We will deliver hard copies to you ASAP.

1. This plan provides a 5' 8.5" setback for the closest corner of the garage. The special exception to the 25' FY should be 19' 3.5".
2. This plan provides a 5' 8.5" setback for the enclosed parking space. The parking variance should be 14' 3.5".

Thanks,
Jennifer

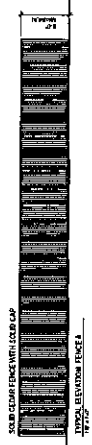
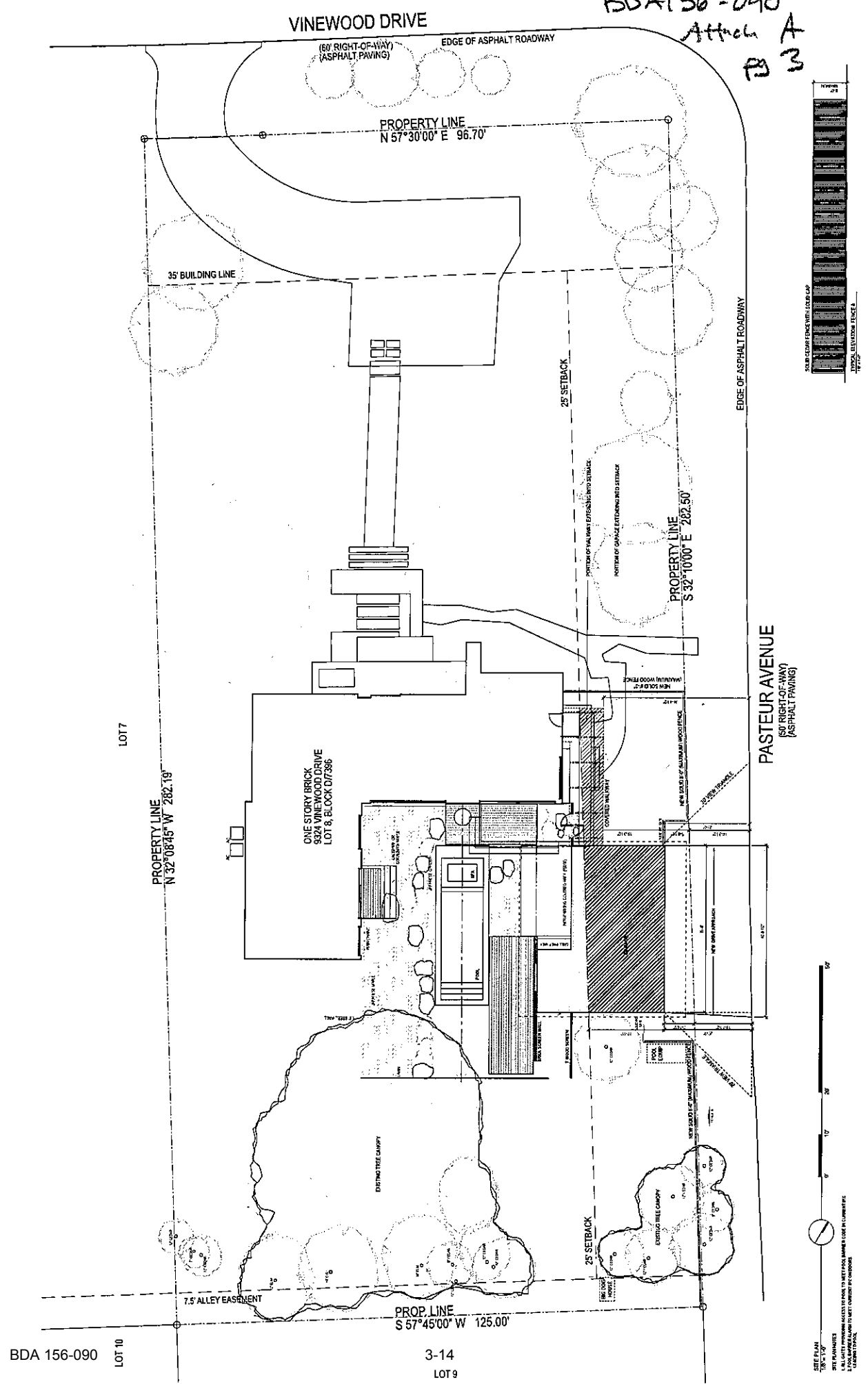
Jennifer Hiromoto
Baldwin Associates
3904 Elm Street Suite B
Dallas, TX 75226
Office: 214-824-7949
Cell: 469-275-2414

From: Long, Steve [mailto:steve.long@dallascityhall.com]
Sent: Tuesday, October 4, 2016 9:05 AM
To: Rob Baldwin <rob@baldwinplanning.com>
Cc: Duerksen, Todd <todd.duerksen@dallascityhall.com>; Jennifer Hiromoto <jennifer@baldwinplanning.com>
Subject: RE: BDA156-090, Property at 9324 Vinewood Drive

Dear Rob,

Ok. Two concerns:

BDA 156-090
 Attach A
 B3



PROJECT NO. 1570-09
 DATE: 08/11/2014
 TIME: 10:00 AM
 DRAWN BY: J. B. BRYAN
 CHECKED BY: J. B. BRYAN
 SCALE: AS SHOWN
 SHEET NO. 1 OF 1
 PROJECT: BDA 156-090

PROJECT NO. 1570-09
 MEYER RESIDENCE
 5324 Vinewood Dr.
 Dallas, Texas 75228

BDA 156-090

3-14
 LOT 9

SHEET NO. **A1.01**

Memorandum



Date October 6, 2016
To Steve Long, Board Administrator
Subject Case # 156-090 – 9824 Vinewood Drive – tree assessment

Specific information was not given in the application to indicate a select tree for assessment.

After reviewing the case and visiting the property, I determined that one tree, listed as a 12" cedar on the proposed site plan, is in close proximity to the south side of the proposed garage structure. This fully established and mature, single-stem eastern redcedar tree is in good condition and is worthy of preservation.

Construction activity in the large yard area further south and southwest of the proposed garage could also disrupt the extended root systems of other large mature trees identified on the site plan which I have determined to be worthy of preservation.

Phil Erwin
Chief Arborist



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-090

Data Relative to Subject Property:

Date: 7-6-16

Location address: 9324 Vinewood

Zoning District PD-193 R-7.5(A)

Lot No.: lot 8 Block No.: D/7396 Acreage: .80 acres Census Tract: 122.09

Street Frontage (in Feet): 1) 124 ft 2) 282 ft 3) 4) SE7

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Clint and Debbi Myers

Applicant: Robert Baldwin Telephone: 214-824-7949

Mailing Address: 3904 Main # B Zip Code: 75226

E-mail Address: Rob@baldwinplanning.com

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

Mailing Address: 3904 Elm St. #B Zip Code: 75227

E-mail Address: Rob@baldwinplanning.com Spec. Except.

Affirm that an appeal has been made for a Variance X, or Special Exception X of 15 (fifteen) feet to the 20 (twenty) requirement for off street parking and a variance of 20 (twenty) feet to the 25 ft required front yard setback. Additionally, we are requesting a special exception of 2 1/8 inches to the required 4-foot fence height regulation for the fence located along Pasture Ave. front yd. For tree preservation 4ft

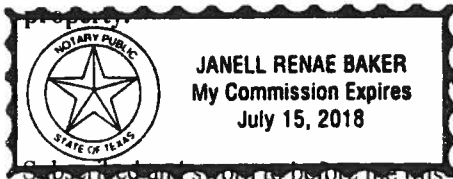
Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: The property is located on a corner which has encumbered the property with 2 front yards. The property directly to the south is a church and is built 15 feet into the required 25 feet setback. We feel that our request is reasonable and will not have any impact on our neighbors or 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 Baldwin (Affiant/Applicant's name printed)

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



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

Subscribed and sworn to before me this 5th day of July, 2016

[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 Baldwin

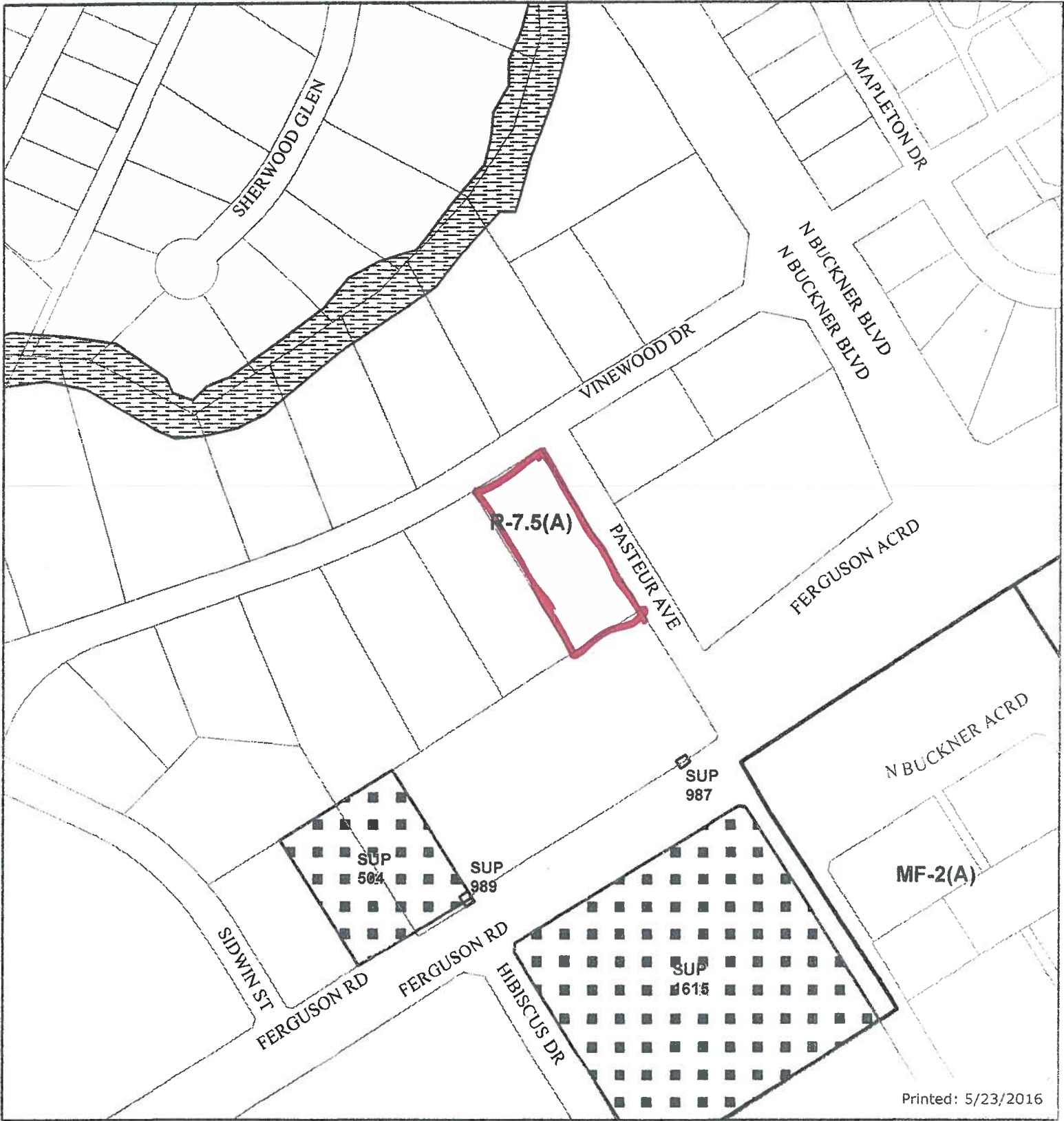
did submit a request for a special exception for tree preservation to the front yard setback regulations, and for a variance to the off-street parking regulation, and for a special exception to the fence height regulations

at 9324 Vinewood Drive

BDA156-090. Application of Robert Baldwin for a special exception to the front yard setback regulations, a variance to the off-street parking regulation, and a special exception to the fence height regulations at 9324 Vinewood Drive. This property is more fully described as Lot 8, Block D/7396, 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 and requires a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct a single family residential structure and provide a 5 foot front yard setback, which will require a 20 foot special exception for tree preservation to the 25 foot front yard setback regulation, and to construct a single family residential structure with a front yard setback of 5 feet, which will require a variance of 15 feet to the off-street parking regulation, and 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,


Philip Sikes, Building Official



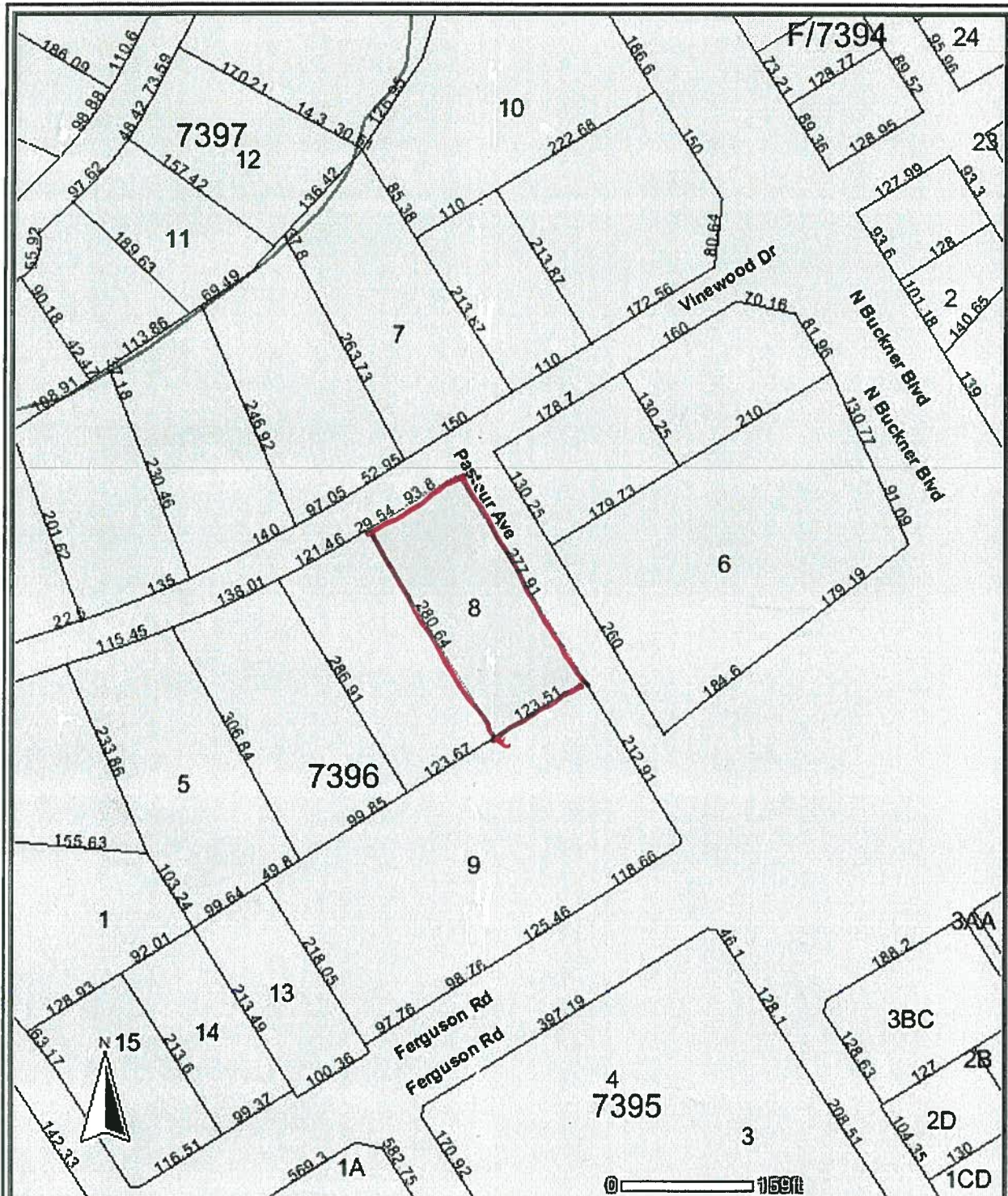
Printed: 5/23/2016

Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | BDA 156-090 | Historic Overlay | Sho-18-01 Overlay |
| | | Height Map Overlay | |

This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.' (Texas Government Code § 2051.102)

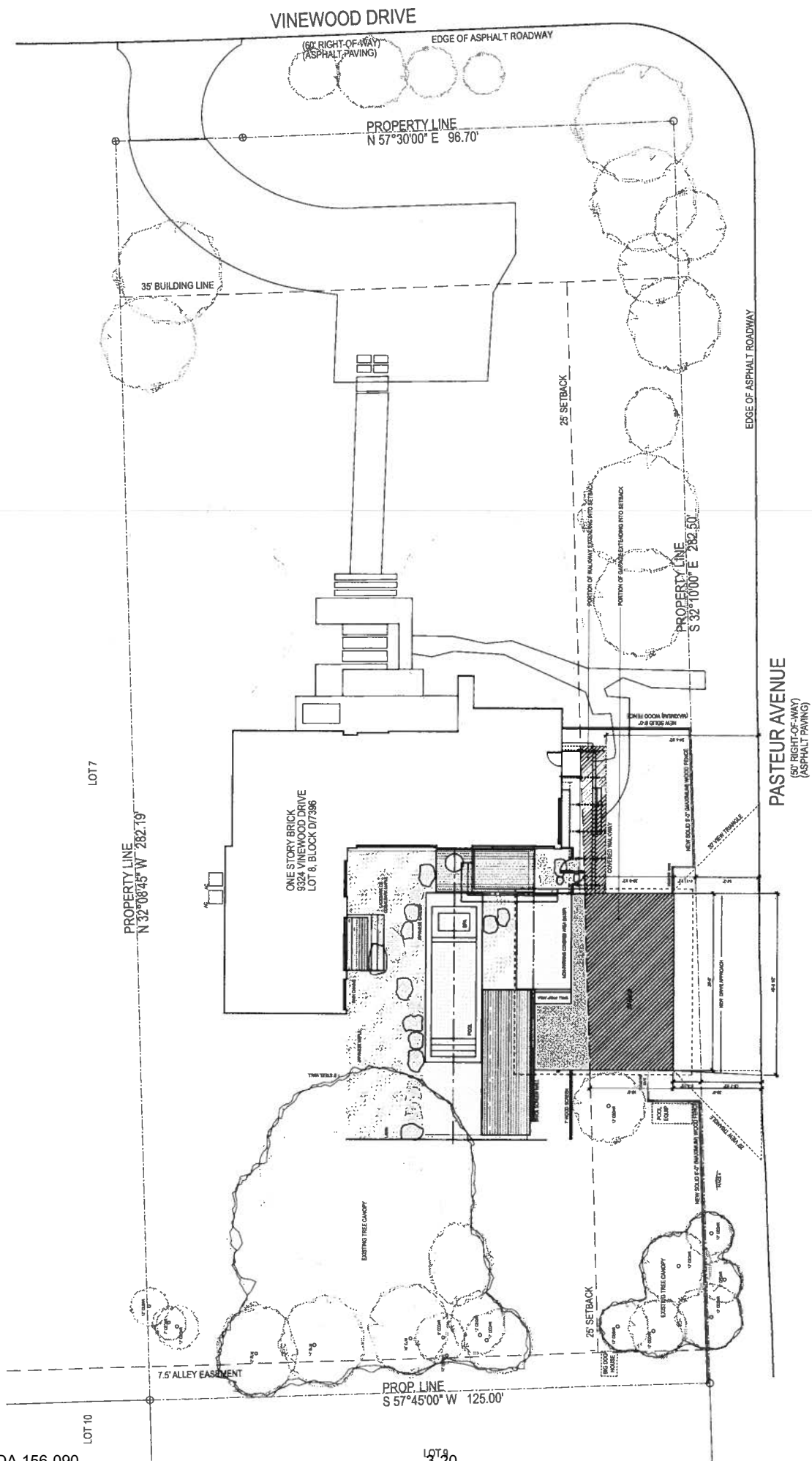




**Dallas Central
Appraisal District**
www.dallascad.org

DISCLAIMER

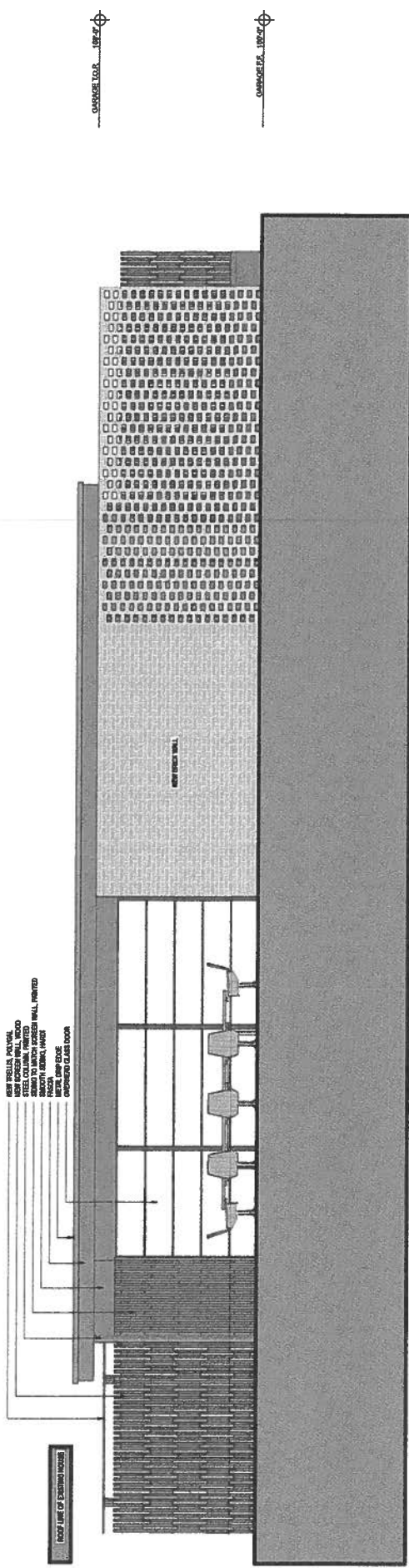
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



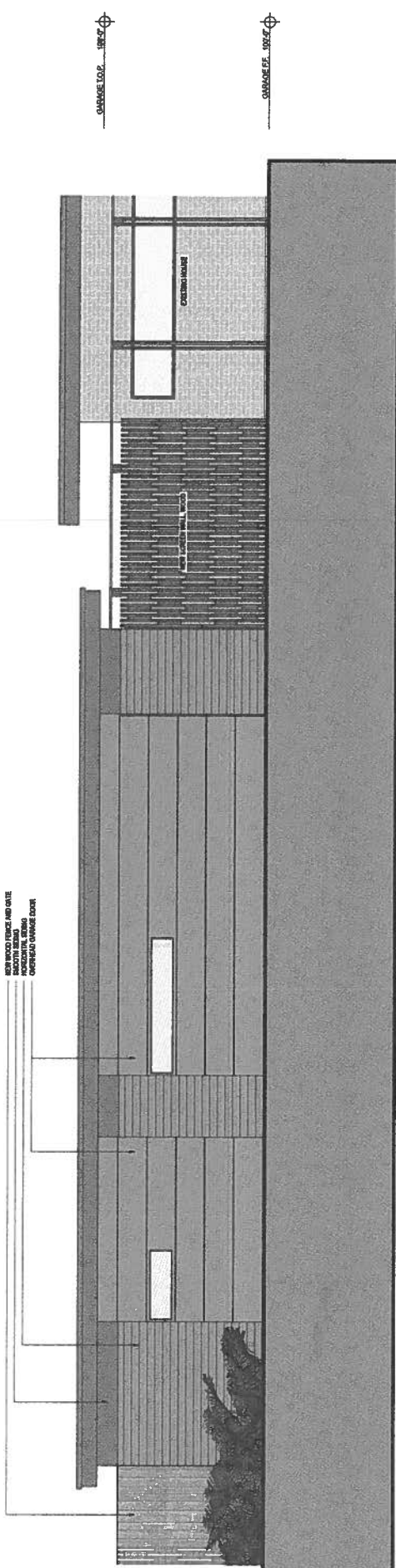
SHEET NO. 156-090
 DATE: 11/20/19
 BY: J. L. HAYES
 1. ALL SETBACKS PROVIDED ACCESS TO POOL TO MEET POOL NUMBER CODE AS CURRENT IBC
 2. ALL DIMENSIONS TO CENTER UNLESS NOTED OTHERWISE
 3. ALL DIMENSIONS TO CENTER UNLESS NOTED OTHERWISE



SHEET NO. 156-090
 DATE: 11/20/19
 BY: J. L. HAYES
 1. ALL SETBACKS PROVIDED ACCESS TO POOL TO MEET POOL NUMBER CODE AS CURRENT IBC
 2. ALL DIMENSIONS TO CENTER UNLESS NOTED OTHERWISE
 3. ALL DIMENSIONS TO CENTER UNLESS NOTED OTHERWISE



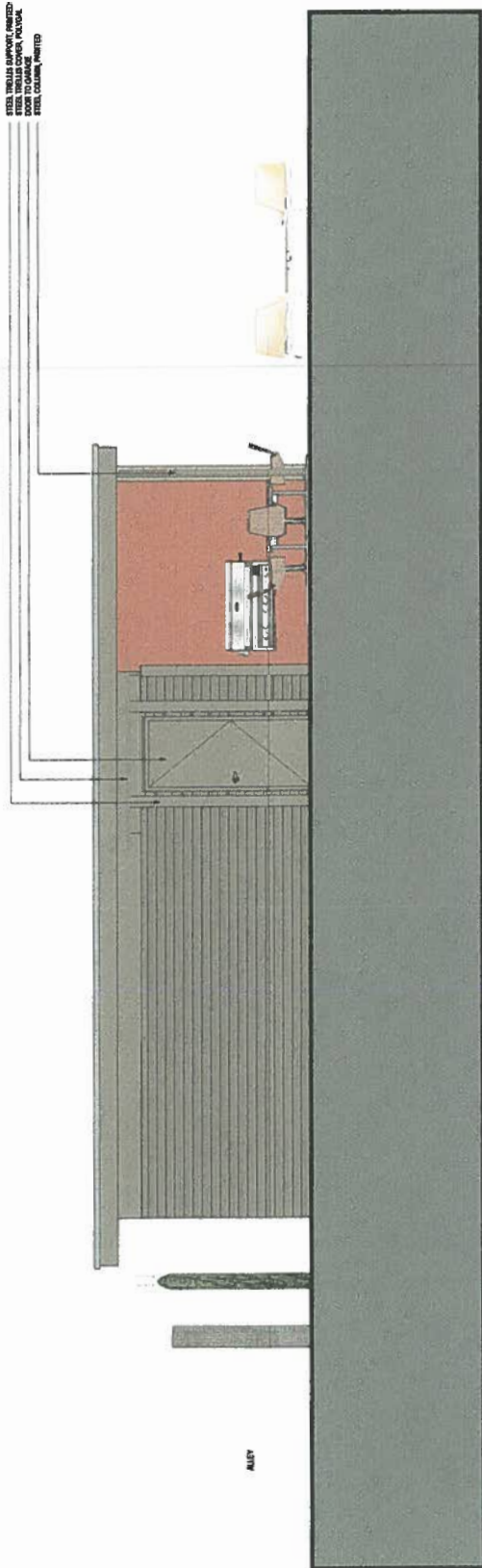
02 WEST ELEVATION



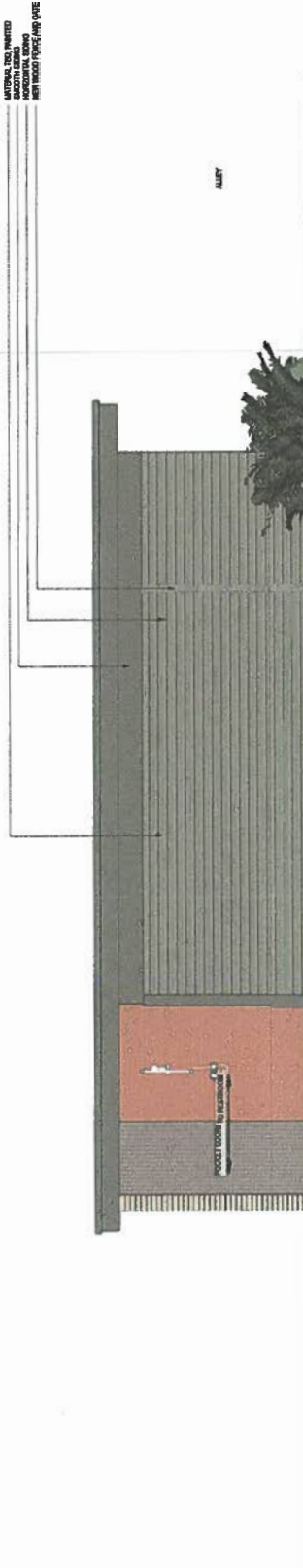
01 EAST ELEVATION



ELEVATIONS
1/8" = 1'-0"



02 NORTH ELEVATION



01 SOUTH ELEVATION



ELEVATIONS
1/8" = 1'-0"

Baldwin

Associates

August 31, 2016

Mr. Steve Long
Board of Adjustment Administrator
City of Dallas Department of Sustainable Development
1500 Marilla – Room 5BN
Dallas, TX 75201

Re: BDA 156-090 – 9023 Vinewood Drive

Dear Mr. Long,

This firm represents the Meyer Family in their efforts to renovate their home located at 9023 Vinewood Drive. This property is situated at the intersection of Vinewood Drive and Pasteur Avenue. This application is requesting three separate Board actions: 1) a special exception for tree preservation to the projected front yard setback; 2) permission to place an enclosed parking space within 20 feet of the right-of-way line; and 3) a special exception to allow a fence to be constructed in the projected front yard setback along Pasteur Avenue.

The Meyer's property fronts on to Vinewood Drive and backs to a church that faces Ferguson Road. Being a nonresidential use, this church is projecting a front yard setback on the Meyer's property due to the configuration of the church property. The church faces Ferguson Road and is located in a single-family residential zoning district (R-7.5(A)). The church property has a rectangular shape and the shorter of the street frontages is on Pasteur. This causes the Pasteur frontage to be considered the front yard and projects a front yard onto the Meyer property, which burdens this property with two front yards. As you will see from the attached photographs, the church treats our common property line as a rear yard, has a fence up to the property line, and a dumpster enclosure in their required front yard setback.

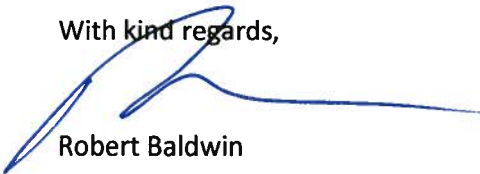
We believe that this is an unusual situation where a nonresidential use in a residential district triggers a second front yard setback on a property and we are seeking relief to allow for the construction of a new garage and covered walkway to enter the home. The proposed garage and covered walkway are located on the Pasteur side of the existing structure and is placed in this location in an effort to preserve and protect the existing large trees in the back yard of the property. I have attached photographs of the existing trees on the property and the location of the trees are also identified on the site plan. We understand the oak trees shown as "existing canopy" on the site plan have met their full maturity and have several decades of existing lifespan left. If we were to place structures closer than we are proposing and disturb the root system, it would leave the trees vulnerable to pests, infection, and disease. We believe the existing trees not only value the property, but also enhance the surrounding neighborhood.

The second request is to allow an enclosed parking space within 20 feet of the right-of-way. As you can see from the site plan, the parking space is approximately 20 feet from the pavement line, but only about 4 feet from the property line. This placement is tied to the proposed location of the garage. The purpose of this requirement is to make sure that vehicles do not block the street while they are waiting for the garage door to open. We propose to require an automatic garage door opener and we still almost meet the setback requirement from the actual travel lanes of the road. We believe that this request is reasonable.

The third request is a special exception to the fence requirements to allow for a fence greater than four feet in the projected front yard setback along Pasteur Avenue. As previously mentioned, the second front yard setback along Pasteur Avenue is being projected by the church and the church is not recognizing or complying with the same setback they are projecting on to the Meyers. There is an existing fence on the property line that apparently was constructed in error. We are seeking permission to allow the fence to be replaced and be kept in this current location.

Thank you very much for your assistance with this matter. If you have any questions or if I can be of any assistance, please do not hesitate to contact me.

With kind regards,

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

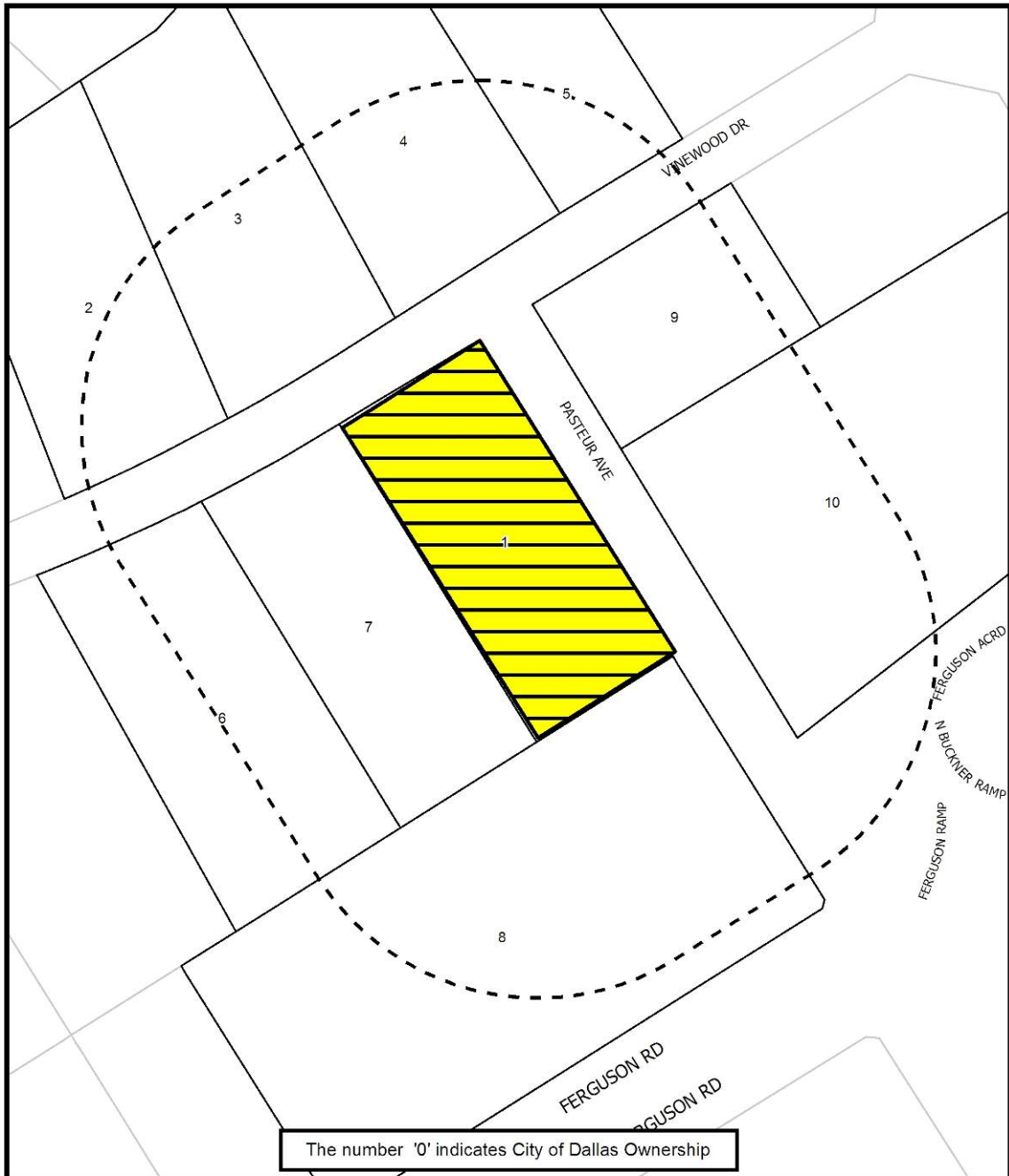
Robert Baldwin













 1:1,200

NOTIFICATION

200'	AREA OF NOTIFICATION
10	NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA156-090**
 Date: **8/11/2016**

Notification List of Property Owners

BDA156-090

10 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	9324 VINEWOOD DR	MEYER CLINT & DEBBI
2	9309 VINEWOOD DR	JUDD WENDELL W
3	9319 VINEWOOD DR	KANE MICHAEL &
4	9403 VINEWOOD DR	EDWARDS JOSEPH C &
5	9411 VINEWOOD DR	MCCARTHY WILLIAM M
6	9308 VINEWOOD DR	STANFORD JOHN M & BETTE D
7	9316 VINEWOOD DR	SPEAKS TIMOTHY &
8	9333 FERGUSON RD	GREATER GOLDEN GATE
9	9404 VINEWOOD DR	BOOTHE KATIE &
10	2525 N BUCKNER BLVD	NEW COVENANT PRESBYTERIAN