

ZONING BOARD OF ADJUSTMENT, PANEL C
MONDAY, MAY 16, 2011
AGENDA

BRIEFING	5ES	11:00 A.M.
LUNCH		
PUBLIC HEARING	COUNCIL CHAMBERS	1:00 P.M.

Donnie Moore, Chief Planner
Steve Long, Board Administrator

MISCELLANEOUS ITEMS

Approval of the Monday, April 18, 2011 Board of Adjustment Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA 101-041	1801 W. Davis Street REQUEST: Application of Jonathan G. Vinson for a special exception to the landscape regulations	1
BDA 101-042	9821 Meadowbrook Drive REQUEST: Application of Tommy Mann and Kirk Williams, Winstead, PC for a special exception to the fence height regulations	2
BDA 101-044	2045 Lauraette Drive REQUEST: Application of Kamlesan Naidoo for a special exception to the fence height regulations	3
BDA 101-045	1032 N. Hampton Road REQUEST: Application of Brian VanderMolen for a special exception to the fence height regulations	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]

(Rev. 6-24-02)

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel C April 18, 2011 public hearing minutes.

FILE NUMBER: BDA 101-041

BUILDING OFFICIAL'S REPORT:

Application of Jonathan G. Vinson for a special exception to the landscape regulations at 1801 W. Davis Street. This property is more fully described as Lot 5 in City Block A/5127 and is zoned PD-830, Subdistrict 6-1, which requires mandatory landscaping. The applicant proposes to construct a structure and provide an alternate landscape plan which will require a special exception.

LOCATION: 1801 W. Davis Street

APPLICANT: Jonathan G. Vinson

REQUEST:

- A special exception to the landscape regulations is requested in conjunction with the constructing and maintaining an approximately 21,000 square foot sanctuary structure on a site currently developed as a church campus use (St. Cecilia Catholic Church), and not fully meeting the landscape regulations.

STAFF RECOMMENDATION:

Approval, subject to the following conditions:

1. Compliance with the submitted landscape plan is required.
2. In meeting compliance with the provisions of 51A-10.108, General Maintenance, and 51A-10.134, Tree Replacement, any 'preserved' trees on this plan that dies must be replaced with a similar tree from the Approved Replacement Tree List and placed in a general proximity to the original tree.

Rationale:

- The City's Chief Arborist supports the request with the conditions mentioned above imposed in conjunction with the request.
- The applicant has substantiated how strict compliance with the requirements of the Landscape Regulations of the Dallas Development Code will unreasonably burden the use of the property, and that the special exception will not adversely affect neighboring property. In this case the applicant is not able to fully meet the landscape requirements on the property given existing conditions in a relatively small area on the site that is not in close proximity to the new construction on the site triggering the applicant to fully comply with the landscape regulations site. Secondly, the applicant is seeking very minimal exception to the landscape regulations in a very small area/location

on the site, yet meeting/exceeding all other provisions of the landscape regulations elsewhere on the site.

STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REGULATIONS:

The board may grant a special exception to the landscape 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.

GENERAL FACTS:

- 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.

An alternate landscape plan has been submitted which according to the City of Dallas Chief Arborist is deficient from meeting the landscape requirements of Article X, more specifically, from the perimeter landscape buffer requirements that must be provided along the entire length of the portion of the lot where residential adjacency exists.

- The City of Dallas Chief Arborist submitted a memo to the Board Administrator and the Chief Board of Adjustment Planner (see Attachment A). The memo stated the following:
 - The applicant is requesting a special exception to the landscape requirements of Article X: The Landscape Regulations, more specifically the perimeter landscape buffer requirements of Section 51A-10.125(b)(1) which states that “a landscape buffer strip must be provided along the entire length of the portion of the perimeter of the lot where a residential adjacency exists.”

- Trigger:
New construction.

- Deficiencies – the proposed landscape plan is deficient in compliance with the perimeter landscape buffer requirements of Article X along the east side of the property. The deficiency occurs from an existing condition to the east of the existing school along Mary Cliff.
- Factors for consideration:
 - The building permit for construction was submitted on December 23, 2009, prior to the Council approval of Planned Development 830. The standing ordinances at the time of the permit application apply to this property.
 - Residential adjacencies, as stated under Article X, apply to the lot on the west, north, and east. A lot with residential adjacency is “a building site with a non-residential use that is adjacent to or directly across a street 64 feet or less in width, or an alley, from private property in an agricultural, single family, duplex, townhouse, CH, multifamily, or manufactured housing district.”
 - The street right-of-way to the east, Mary Cliff, is approximately 62 feet in width at the location of the primary deficiency adjacent to the existing structure and use on the property. Under the proposed plan, the remainder of the property meets or exceeds the buffer width requirements.
 - The proposed number of new interior trees between the building, and those covering the parking lots, with the residential adjacencies to the west and multifamily to the north, create a significant visual buffer to the non-residential uses on the property.
 - The primary construction on the property is to the west of the existing structure. Some large trees are remaining on the property and an extensive planting plan identifies all 510 caliper inches of mitigation (tree preservation ordinance) to be replaced on the property through planting 515 inches on site.
 - The site meets or exceeds all other Article X landscape requirements.

- Recommendation
 - Approval of the submitted landscape plan, subject to the following conditions:
 - In meeting compliance with the provisions of 51A-10.108, General Maintenance, and 51A-10.134, Tree Replacement, any ‘preserved’ trees on this plan that dies must be replaced with a similar tree from the Approved Replacement Tree List and placed in a general proximity to the original tree.
 - The applicant forwarded additional information beyond what was submitted with the original application (see Attachment B).

BACKGROUND INFORMATION:

Zoning:

Site: PD No. 830 (Planned Development)
North: PD No. 796 (Planned Development)
South: PD No. 830 (Planned Development)
East: R-7.5(A) & CD No. 1 (Single family 7,500 square feet and Conservation District)
West: PD No. 830 (Planned Development)

Land Use:

The site is currently developed as a church campus (St. Cecilia Catholic Church). The areas to the north and south are undeveloped; the area to the east is developed with single family uses; and the area to the west is developed with multifamily use.

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.

Timeline:

- March 23, 2011: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- April 20, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- April 21, 2011: 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 May 2nd deadline to submit additional evidence for staff to factor into their analysis; and the May 6th 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.
- May 2, 2011: The applicant submitted additional information to the Board Administrator beyond what was submitted in the original

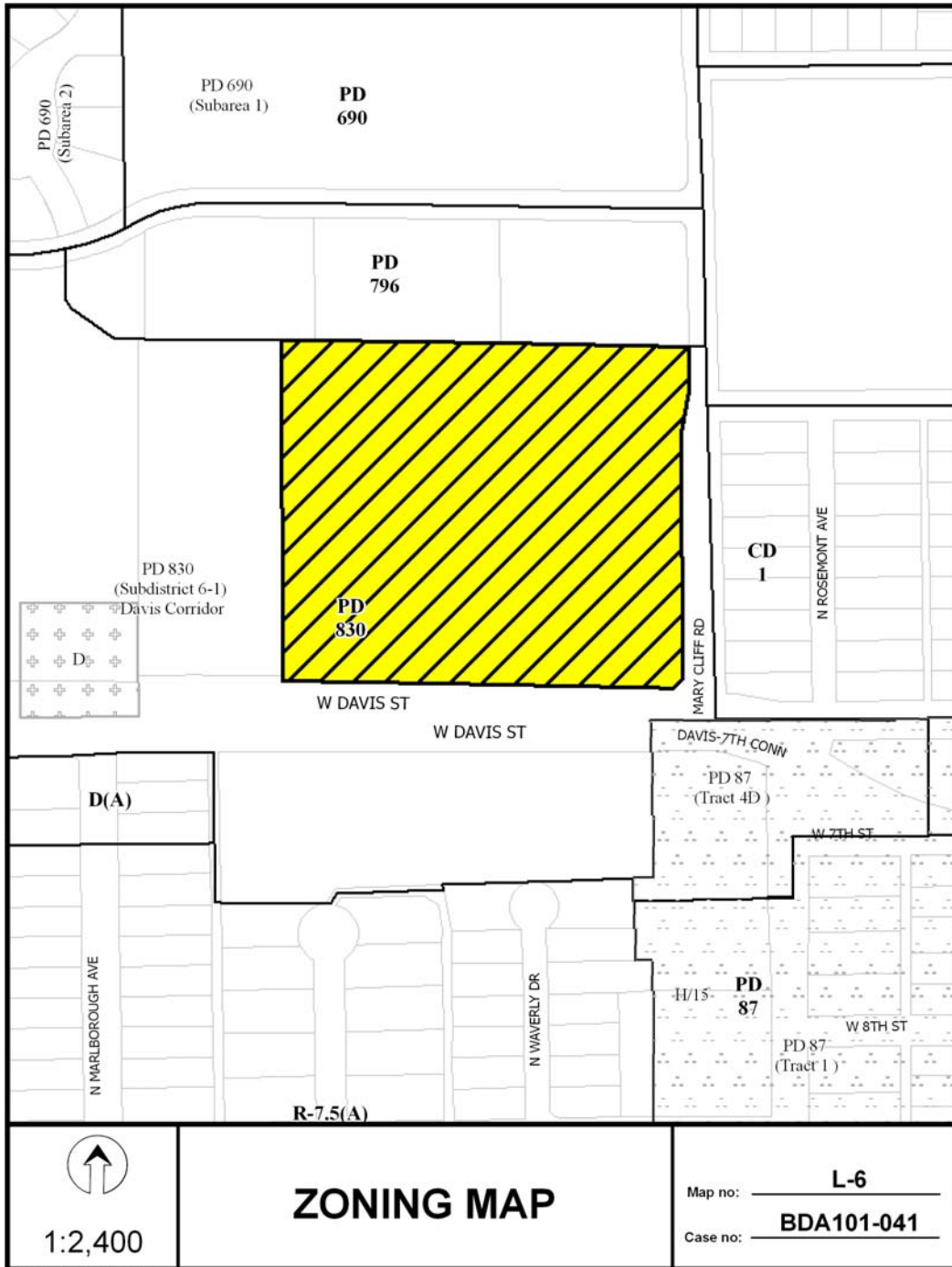
application for staff to consider at the May 3rd staff review team meeting.

- May 3, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.
- May 4, 2011: The Chief Arborist submitted a memo pertaining to the application to the Board Administrator and the Board of Adjustment Chief Planner (see Attachment A).
- May 5, 2011: The Sustainable Development Department Project Engineer submitted a review comment sheet marked "Has no objections if certain conditions are met" with the following comments: "Comply with all C.O.D visibility requirements."
- May 6, 2011: The applicant submitted additional information to the Board Administrator beyond what was submitted in the original application (see Attachment B).

STAFF ANALYSIS:

- This request focuses on constructing and maintaining an approximately 21,000 square foot sanctuary structure on a site currently developed as a church campus use (St. Cecilia Catholic Church), and being "excepted" from fully meeting the City's landscape regulations.
- An alternate landscape plan has been submitted whereby the applicant seeks a exception from the landscape requirements, in this specific case, a small area on the east side of the site where the applicant is not proposing to provide a portion of the code-required landscape buffer strip.
- The City of Dallas Chief Arborist supports the request (with the conditions previously mentioned in this case report) largely given that the area/way in which the applicant is not proposing to meet the landscape regulations is minimal combined with the fact that the applicant's submitted alternate landscape meets or exceeds the landscape regulations in all other ways and in all other areas.
- 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 conditions mentioned previously in this case report, the site would be minimally “excepted” from full compliance with the landscape buffer requirements of Article X: The Landscape Regulations in a relatively small area of the site on a portion of the east side of the site while meeting or exceeding all other landscape regulations in all other areas of the site.



Memorandum

BDA 101-041
Attach A
Pg 1



CITY OF DALLAS

DATE May 4, 2011

TO Donnie Moore, Chief Planner
Steve Long, Board of Adjustment Administrator

SUBJECT # BDA 101 - 041 1801 W Davis Street

The applicant is requesting a special exception to the landscape requirements of Article X. More specifically, the special exception is for relief from the perimeter landscape buffer requirements of Section 51A-10.125(b)(1), which states "a landscape buffer strip must be provided along the entire length of the portion of the perimeter of the lot where a residential adjacency exists."

Trigger

New construction.

Deficiencies

The proposed landscape plan is deficient in compliance with the perimeter landscape buffer requirements of Article X along the east side of the property. The deficiency occurs from an existing condition to the east of the existing school use along Mary Cliff.

Factors

The building permit for construction was submitted on December 23, 2009, prior to the Council approval of Planned Development 830. The standing ordinances at the time of the permit application apply to this property.

Residential adjacencies, as stated under Article X, apply to the lot on the west, north, and east. A lot with residential adjacency is "a building site with a non-residential use that is adjacent to or directly across a street 64 feet or less in width, or an alley, from private property in an agricultural, single family, duplex, townhouse, CH, multifamily, or manufactured housing district."

The street right-of-way to the east, Mary Cliff, is approximately 62 feet in width at the location of the primary deficiency adjacent to the existing structure and use on the property. Under the proposed plan, the remainder of the property meets or exceeds the buffer width requirements.

The proposed number of new interior trees between the building, and those covering the parking lots, with the residential adjacencies to the west and multifamily to the north, create a significant visual buffer to the non-residential uses on the property.

The primary construction on the property is to the west of the existing structure. Some large trees are remaining on the property and an extensive planting plan identifies all 510 caliper inches of mitigation (tree preservation ordinance) to be replaced on the property through planting 515 inches on site.

The site meets or exceeds all other Article X landscape requirements.

Recommendation

Approval of the submitted landscape plan, subject to the following conditions.

In meeting compliance with the provisions of 51A-10.108, General Maintenance, and 51A-10.134, Tree Replacement, any 'preserved' trees on this plan that dies must be replaced with a similar tree from the Approved Replacement Tree List and placed in a general proximity to the original tree.

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



JACKSON WALKER L.L.P.
ATTORNEYS & COUNSELORS

BDA 101-041
Attach B
Pg 1

Jonathan G. Vinson
(214) 953-5941 (Direct Dial)
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May 6, 2011

Via Scan/Email

Hon. Chair and Members, Panel C
Zoning Board of Adjustment
c/o Mr. Steve Long, Board Administrator
Department of Sustainable Development and Construction
City of Dallas
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

RE: BDA 101-041; 1801 West Davis Street

Dear Members of Panel C:

We represent St. Cecilia Roman Catholic Church at 1801 West Davis Street in Oak Cliff in their request for special exception to the landscape regulations of Article X. The reason for our request is one simple issue, as described further below. The context of our request is that the previous St. Cecilia Church, which had been here for many years, was completely destroyed in a fire on August 17, 2007.

Our request is related to the larger project involving the construction of the new St. Cecilia Church, which is being built farther to the west on the lot, and is almost complete. The lot had to be platted in order to come into conformance as a legal building site under the Dallas Development Code. This, in turn, triggered compliance with the current Article X requirements of the Development Code.

The Church, its architect, and its landscape architect have all worked diligently to achieve compliance with Article X, including full tree mitigation, in every respect. However, there is one aspect of the Article X requirements which would be very impractical for the Church to comply with. This requirement is for a ten foot perimeter landscape buffer strip on that portion of the Church property facing Mary Cliff Drive on the east. The existing sidewalk has been here, in this configuration, since 1933. Having to put in the ten foot landscape buffer strip would require complete removal of the existing 1933 sidewalk, essentially moving it over, and then installation of a berm or other landscape screening method.

All of this is explained in more detail in the May 2, 2011, letter I provided to the Staff, dated (copy attached), as well as an excellent explanation by Chief City Arborist Phil Erwin in his Memorandum dated May 4, 2011 (also included). I would refer you to both of those items for more detail. I have also enclosed aerial photos showing the site, a highlighted landscape plan showing the location of the sidewalk, and a selection of site photos showing existing conditions on Mary Cliff Drive.

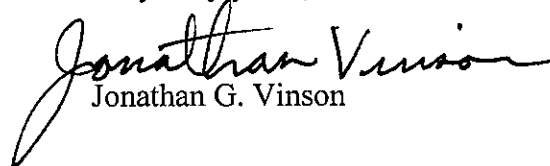
901 Main Street, Suite 6000 • Dallas, Texas 75202 • (214) 953-6000 • fax (214) 953-5822

Finally, I want to discuss briefly the Article X standard for approval of a landscape special exception, which has three elements:

- *Strict compliance with the requirements of Article X will unreasonably burden the use of the property.* Strict compliance on the part of the Church would require tearing up the 1933 sidewalk, moving it over ten feet, and then installation of a ten foot buffer, at great expense. This would take up more of the property that the School and the Church now use, and would serve no good purpose, since the rear of the neighbors' homes across the street face the sidewalk, and there have been no issues with this configuration in the last 78 years.
- *The special exception will not adversely affect neighboring property.* The sidewalk has been in this configuration since 1933, and it has never had any adverse impact whatsoever on the neighbors, whose homes face the opposite direction. In fact, there is no sidewalk at all across the street, and children attending the neighborhood schools use this sidewalk to walk to school safely.
- *The requirements are not imposed by a site-specific landscape plan approved by the City Plan Commission or the City Council.* There is no site-specific landscape plan which applies to this property, including in the current P.D. 380 Ordinance.

To conclude, this is a very reasonable request, especially when viewed in the context of the larger Church rebuilding project; the existence of the sidewalk here since 1933; and the general layout of the properties on both sides of Mary Cliff Drive. There is clearly no adverse impact at all on any of the neighbors. Therefore, this meets the standards for the granting of a landscape special exception. We respectfully ask that you approve our application at your May 16 hearing. Thank you very much for your time and consideration.

Very truly yours,


Jonathan G. Vinson

cc: Steve Malone
Rev. Edmundo Paredes
Mark Mortimer
Gregory Craig
Steve Morehead
Bill Dahlstrom

After fire tragedy, Oak Cliff's St. Cecilia Catholic Church breaking ground on future

By ROY APPLETON / The Dallas Morning News rappleton@dallasnews.com

Published 22 November 2009 02:33 AM

More than two years after a fire destroyed St. Cecilia Catholic Church, the time has come to rebuild the revered house of worship.

Parishioners will join church and community leaders today at a groundbreaking for an enlarged sanctuary and a rededication of the Oak Cliff landmark's spiritual and social mission.

"Out of a great tragedy comes a great opportunity," said the Rev. Edmundo Paredes, church rector.

The ceremony begins at 4 p.m. at the site of the ravaged church, 1801 W. Davis St., which will become a prayer garden. The event will include an unveiling of architectural renderings of the new sanctuary and a public reception.

Dallas Fire-Rescue investigators concluded that lightning sparked the Aug. 17, 2007, fire that razed all but the church office and rectory.

Worship services were moved to the cafeteria and gymnasium at the church's parochial school nearby. And with the change and limited parking, St. Cecilia lost members, Paredes said.

Still, the congregation numbers about 2,500 mostly Latino families, he said, making it one of the largest in the Dallas diocese. Nine weekend services typically attract about 3,000 worshippers.

And the new 1,000-seat sanctuary, with double the capacity of the previous church, should attract members, he said.

"I'm confident once the new sanctuary is built, they will come," the rector said.

The church will have a brick exterior and a bell tower. Anterooms will complement the sanctuary. A courtyard will link church and school.

Construction will begin within days of the groundbreaking, with completion targeted for fall 2011, Paredes said. The church has raised about \$5.5 million for the estimated \$7 million project.

St. Cecilia was established in July 1933, with members meeting at the Odd Fellows Hall at Polk Street and Jefferson Boulevard in Oak Cliff. The building on West Davis Street was dedicated in 1949.

Over the years, the church hosted baptisms, quinceañeras, weddings, funerals and other life events. With the larger sanctuary, its presence in the community will grow, Paredes said, along with Oak Cliff's Latino population.

"This is for the next generation," he said. "This is an opportunity to serve more people. We could not have continued in the old church."

Memorandum



DATE May 4, 2011
TO Donnie Moore, Chief Planner
Steve Long, Board of Adjustment Administrator
SUBJECT # BDA 101 - 041 1801 W Davis Street

The applicant is requesting a special exception to the landscape requirements of Article X. More specifically, the special exception is for relief from the perimeter landscape buffer requirements of Section 51A-10.125(b)(1), which states "a landscape buffer strip must be provided along the entire length of the portion of the perimeter of the lot where a residential adjacency exists."

Trigger

New construction.

Deficiencies

The proposed landscape plan is deficient in compliance with the perimeter landscape buffer requirements of Article X along the east side of the property. The deficiency occurs from an existing condition to the east of the existing school use along Mary Cliff.

Factors

The building permit for construction was submitted on December 23, 2009, prior to the Council approval of Planned Development 830. The standing ordinances at the time of the permit application apply to this property.

Residential adjacencies, as stated under Article X, apply to the lot on the west, north, and east. A lot with residential adjacency is "a building site with a non-residential use that is adjacent to or directly across a street 64 feet or less in width, or an alley, from private property in an agricultural, single family, duplex, townhouse, CH, multifamily, or manufactured housing district."

The street right-of-way to the east, Mary Cliff, is approximately 62 feet in width at the location of the primary deficiency adjacent to the existing structure and use on the property. Under the proposed plan, the remainder of the property meets or exceeds the buffer width requirements.

The proposed number of new interior trees between the building, and those covering the parking lots, with the residential adjacencies to the west and multifamily to the north, create a significant visual buffer to the non-residential uses on the property.

The primary construction on the property is to the west of the existing structure. Some large trees are remaining on the property and an extensive planting plan identifies all 510 caliper inches of mitigation (tree preservation ordinance) to be replaced on the property through planting 515 inches on site.

The site meets or exceeds all other Article X landscape requirements.

Recommendation

Approval of the submitted landscape plan, subject to the following conditions.

In meeting compliance with the provisions of 51A-10.108, General Maintenance, and 51A-10.134, Tree Replacement, any 'preserved' trees on this plan that dies must be replaced with a similar tree from the Approved Replacement Tree List and placed in a general proximity to the original tree.

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



JACKSON WALKER L.L.P.
ATTORNEYS & COUNSELORS

BDA 101-041
Attach B
Pg 7

Jonathan G. Vinso.
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jvinson@jw.com

May 2, 2011

Via Scan/Email

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

Re: **BDA 101-041; 1801 West Davis Street**

Dear Mr. Long:

In compliance with the Staff's deadline of 12:00 noon on Monday, May 2, to tender additional explanatory information prior to the Staff team meeting on May Board of Adjustment cases, I am providing you with the following information to supplement our application filed under BDA 101-041. We will also provide additional materials for the Board panel on or before Friday, May 6, including site photographs and other materials.

As you know, our request is for a special exception to the landscape regulations under Article X of the *Dallas Development Code* and approval of our submitted City Planting Plan and Tree Preservation Plan (our alternative landscape plan). This request is in connection with a much larger project involving the construction of the new St. Cecilia Roman Catholic Church on West Davis Street in Oak Cliff, to replace the previous St. Cecilia Church, which was completely destroyed in a fire on August 17, 2007. The new church is being constructed on a lot which was recently platted in order to come into conformance as a legal building site under the Development Code. This lot includes the new church building as well as the existing St. Cecilia School and the rectory and accessory buildings.

The St. Cecilia School has been present in this exact location since its construction in 1933, a fact I will come back to below. Because of the new construction of the church building, this required that the lot come into compliance with Article X. Thanks to strenuous efforts on the part of the Catholic Diocese of Dallas and its landscape architect and architect on this project, in addition to the expenditure of considerable resources, this project will comply in all respects with Article X, except for one item. This one special exception to the applicable regulations is with regard to the 10 foot perimeter landscape buffer strip, otherwise required under Sec. 51A-10.125(b)(1), due to the presence of residential adjacency across Mary Cliff Drive.

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This sidewalk, which you will see in the accompanying aerial photos along the west side of Mary Cliff Drive, has been here in this exact configuration since construction of the school in 1933. Compliance with the otherwise-required 10 foot landscape buffer strip would require the removal of the sidewalk, its reconstruction in a different location, and the installation of a berm or other landscape screening method.

The residential adjacency across Mary Cliff Drive is on the other side of what is a variable width right of way of approximately 62 feet (which includes certain right-of-way dedicated on the recent plat). Further, the homes on the other side of Mary Cliff actually face Rosemont Street, with the rear sides, consisting for the most part of garage entrances and solid privacy fences, facing Mary Cliff Drive and the St. Cecilia School. Most of these homes appear, in fact, to have been built after the installation of the sidewalk and the construction of the school in 1933. There is no adverse impact whatsoever from the mere continuation of this existing sidewalk in this location and configuration.

Further, the Diocese's consultants on this project have been meeting periodically with Mr. Phil Erwin, the City's Chief Arborist, since 2009, and he has been fully apprised of their progress on the overall project as well as on this particular issue. We met with Mr. Erwin most recently a few weeks ago, and while I will not presume to speak for him, it is my understanding that he is supportive of our approach on this issue, which I trust will be confirmed when he gives you his review comment sheet on this case.

Finally, the standard for a landscape special exception under Article X, as you know, is found in Section 51A-10.110, which says that the Board may grant a special exception to the requirements of Article 10 upon making a special finding from the evidence presented that: (1) strict compliance with the requirements of Article X 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. This request meets all three of these elements.

First, strict compliance with the ten-foot landscape buffer requirement, involving tearing up of the 1933 sidewalk and installation of a ten-foot buffer, would most definitely unreasonably burden the use of the property. This configuration has been here for 78 years, and the school property immediately adjacent to the sidewalk up to the school building is used for a variety of assembly purposes for the students of the school and the parishioners of the church.

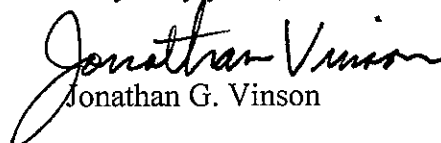
Second, the special exception will clearly not adversely affect neighboring property. Again, the sidewalk has been located in this exact configuration since 1933, and it is apparent that it does not now have, nor has it ever had, any adverse impact whatsoever on the neighbors, with most of the neighborhood having developed subsequent to that time. This is particularly true given the fact that the rear side of the neighbors' properties face Mary Cliff Drive. You should also be aware that the sidewalk in its current configuration

is the only sidewalk from Davis on this block of Mary Cliff, and it is heavily utilized by students not just of St. Cecilia Catholic School but also the nearby Rosemont Elementary. Third, even though this site was recently (August 11, 2010) included in P.D. 830 there is no site specific landscape plan affecting this property.

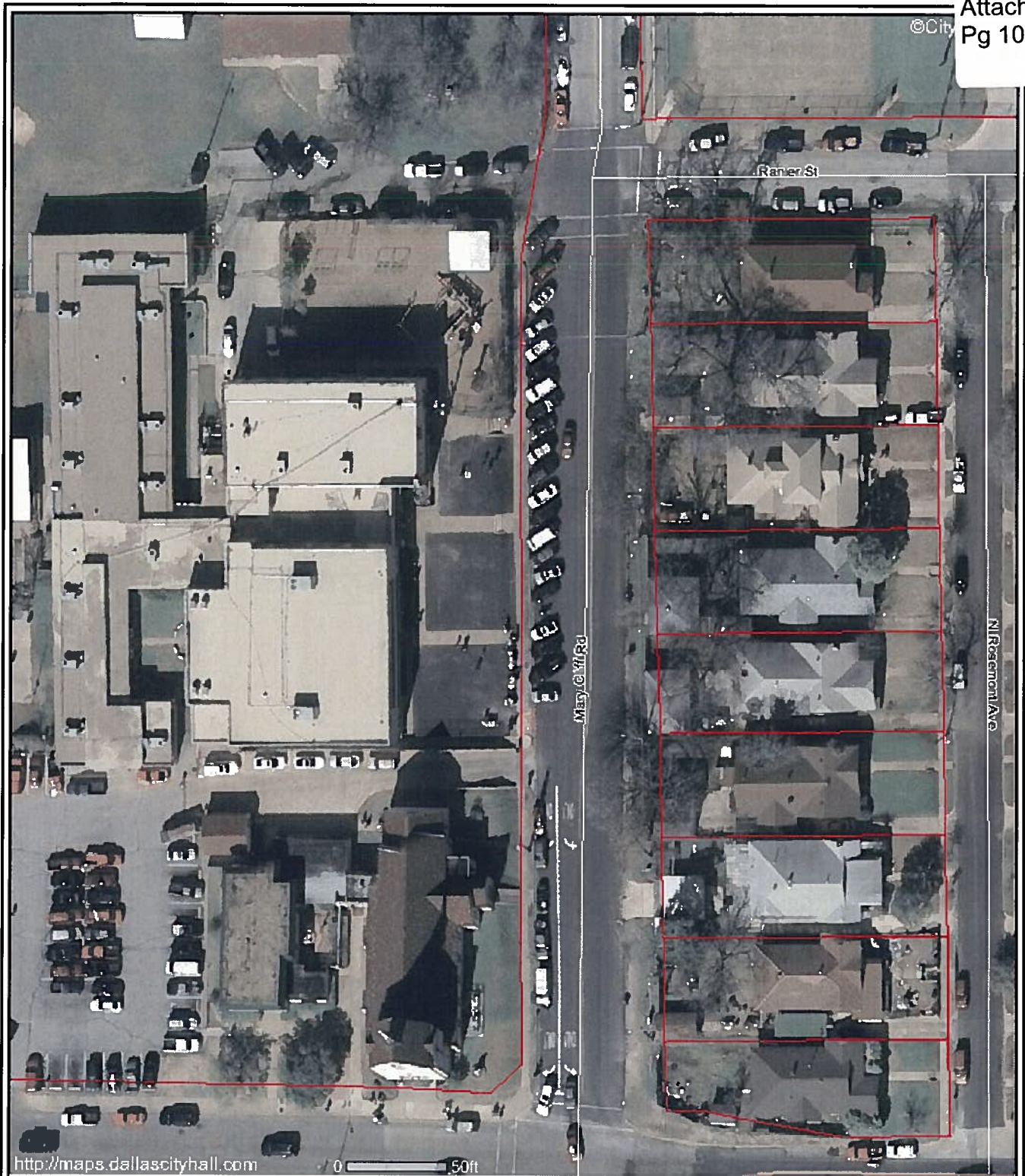
The Code also states that the Board shall consider the factors of the extent to which there is residential adjacency, the topography of the site, the extent to which landscaping exists for which no credit is given under Article X, and the extent to which other existing or proposed amenities will compensate for the reduction of landscaping. Along those lines, I have discussed the residential adjacency condition above. There are street trees at the southwest corner of the property, that is, the intersection of West Davis and Mary Cliff, there are a number of existing trees in the small parkway adjacent to the sidewalk, and in addition to the numerous new trees and heavy landscaping which will form part of the overall project, several additional trees will be planted on the Mary Cliff side. There is also an open space area at the corner of Mary Cliff and Davis which will be landscaped and which is frequently used not just by parishioners of the church but also by the neighbors, many of whom are also parishioners.

In summary, given the overall scope of the church construction project, and the strong and sincere efforts the Diocese is making to comply in all respects with Article X except for this one impractical request, we believe that the maintenance of the 1933 sidewalk in its present configuration is completely reasonable, and clearly meets the standard for approval of a landscape special exception. We therefore respectfully ask that staff take the foregoing factors into consideration and recommend approval to the Board. Of course, if you have any questions, we will be happy to answer them for you at any time. Thank you very much for your time and consideration.

Very truly yours,


Jonathan G. Vinson

cc: Steve Malone
Rev. Edmundo Paredes
Mark Mortimer
Gregory Craig
Steve Morehead
Bill Dahlstrom



<http://maps.dallascityhall.com>

0 50ft



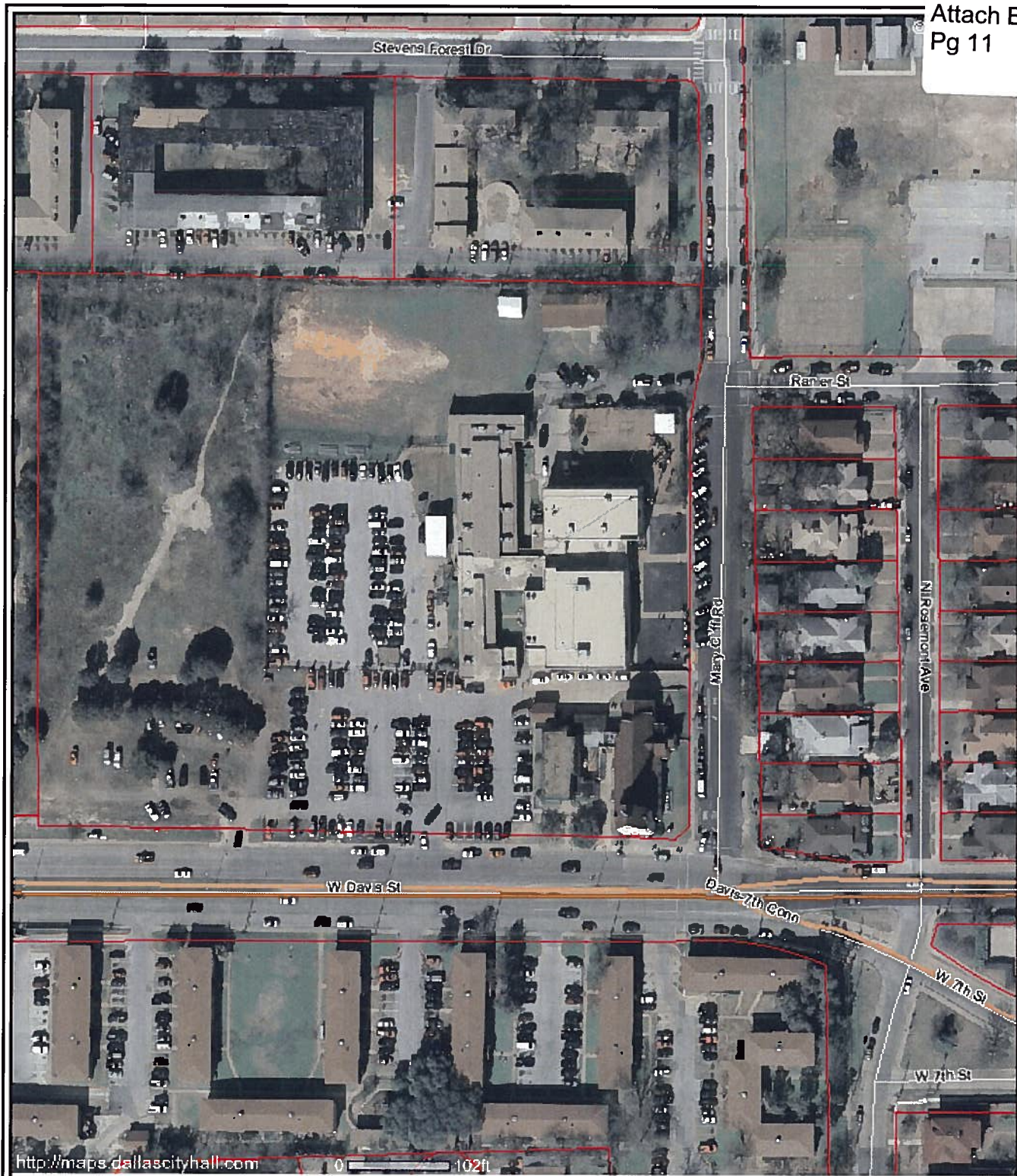
City of Dallas
 1500 Marilla Street
 Dallas, Texas 75201
 (214)-670-4513

City of Dallas

DISCLAIMER

This data has been compiled for The City of Dallas. Various official and unofficial sources were used to gather this information. Every effort was made to ensure the accuracy of this data, however, no guarantee is given or implied as to the accuracy of said data.





City of Dallas
1500 Marilla Street
Dallas, Texas 75201
(214)-670-4513

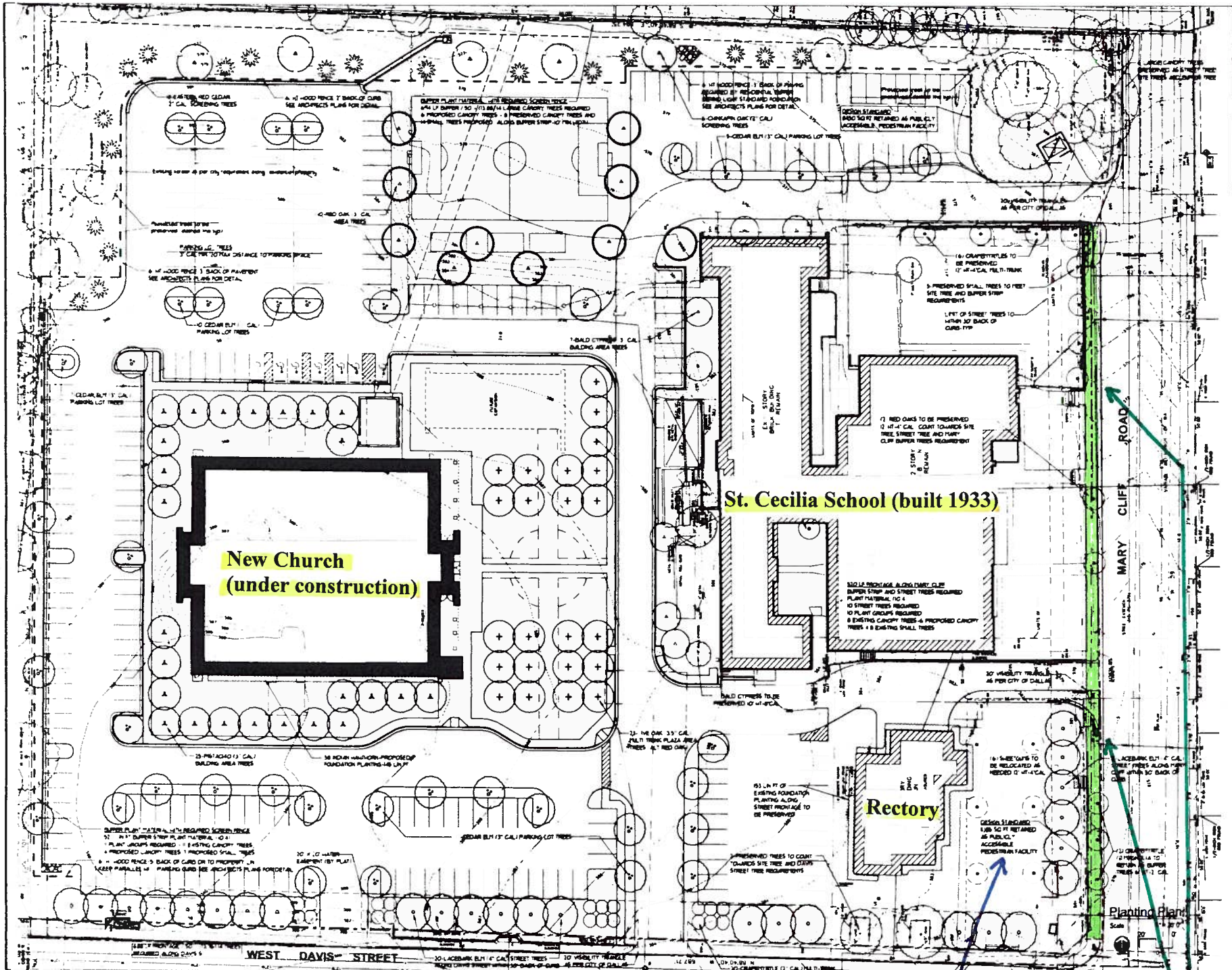
City of Dallas

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N





Location of previous Church

Location of existing (1933) sidewalk



Catholic Diocese of Dallas

ST. CECILIA CATHOLIC CHURCH

1889 W. Davis Street, Dallas, Texas 75208

BDA 101-041
Attach B
Pg 12

CITY PLANNING & TREE PRESERVATION

LC.01



1. The sidewalk viewed south on Mary Cliff Drive. Note the concrete retaining wall.



2. The continuation of the existing sidewalk south to West Davis Street.



3. Stamp in the concrete of the existing sidewalk – note the “193_” date.



4. Continuation of the sidewalk to the intersection with West Davis Street.



5. Looking north along the sidewalk back towards the St. Cecilia School.



6. View across Mary Cliff Drive showing the rearward orientation of the homes.



7. A similar view across Mary Cliff Drive.



8. Another view across Mary Cliff Drive.



9. Site of the former St. Cecilia Church, at the corner of West Davis and Mary Cliff.



10. The new St. Cecilia Church under construction.



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-041

Data Relative to Subject Property:

Date: 3-23-11

Location address: 1801 West Davis Street Zoning District: P.D. 830, Subd. 6-1

Lot No.: 5 Block No.: A/5127 Acreage: 8.164 Census Tract: 42.02

Street Frontage (in Feet): 1) 629.58 2) 539.69 3) _____ 4) _____ 5) _____ *Sub 16*

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Kevin Farrell, Bishop of the Roman Catholic Diocese of Dallas

Applicant: Jonathan G. Vinson Telephone: (214) 953-5941

Mailing Address: 901 Main Street, Suite 6000, Dallas, Texas Zip Code: 75202

Represented by: Jackson Walker L.L.P., Jonathan G. Vinson Telephone: (214) 953-5941

Mailing Address: 901 Main Street, Suite 6000, Dallas, Texas Zip Code: 75202

Affirm that a request has been made for a Variance , or Special Exception , to the landscape regulations of Article X, Division 51A-10.120.

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

Strict compliance will unreasonably burden the use of the property; the special exception will not adversely affect neighboring property; and the requirements are not imposed by a site-specific landscape plan, all of which will be documented and elaborated upon further by the applicant in additional items to be submitted to the City staff.

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

Respectfully submitted: Jonathan G. Vinson *Jonathan G. Vinson*
Applicant's name printed Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Jonathan G. Vinson 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.

Jonathan G. Vinson
Affiant (Applicant's signature)

Subscribed and sworn to before me this 22ND day of March, 2011

Michael L. Hair
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

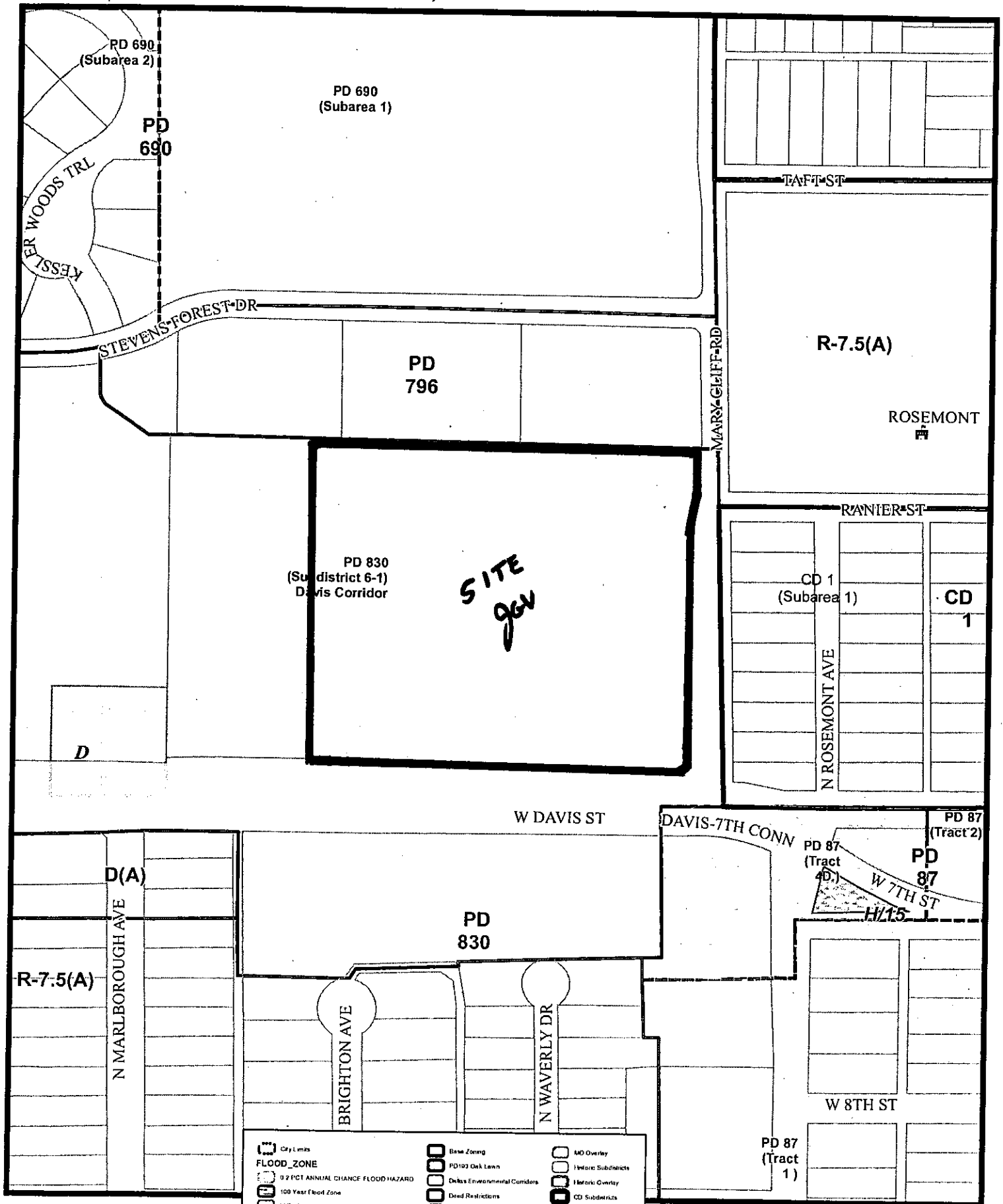
I hereby certify that Jonathan Vinson

did submit a request for a special exception to the landscaping regulations
at 1801 W. Davis Street

BDA101-041. Application of Jonathan Vinson for a special exception to the landscaping regulations at 1801 W. Davis Street. This property is more fully described as Lot 5 in city block A/5127 and is zoned PD-830, Subdistrict 6-1, 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 regulations.

Sincerely,

Batsheba Antebi
Batsheba Antebi, Building Official



	City Limits		Base Zoning		MO Overlay
	FLOOD_ZONE		PD103 Oak Lawn		Home Subdistrict
	0.2 PCT ANNUAL CHANCE FLOOD HAZARD		Delux Environmental Corridor		Home Overlay
	100 Year Flood Zone		Dead Restrictions		CD Subdistricts
	MFA Creek		SUP		PD Subdistricts
	Pea's Branch		D		PDS Subdistricts
	XPROTECTED BY LEVEL		D-1		NSD Subdistricts
	Parks		CP		NSD Overlay
			SP		Encampment Overlay

1:2,400

Case ID:
 Printed: 3/8/2011

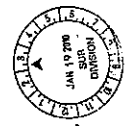
089-091

CERTIFICATE OF APPROVAL
I, the Mayor, City Council of
the City of Dallas, State of Texas,
do hereby certify that the above
mentioned instrument is correct and
true and that it is in conformity
with the laws of the State of Texas
and the City of Dallas.
WITNESSED my hand and the seal of
the City of Dallas, this 19th day of
January, 1970.

John M. Adams
City Mayor

John M. Adams
City Mayor

11000
11000
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S 089-091

St. Cecilia Catholic CH



Catholic Diocese of Dallas

ST. CECILIA CATHOLIC CHURCH

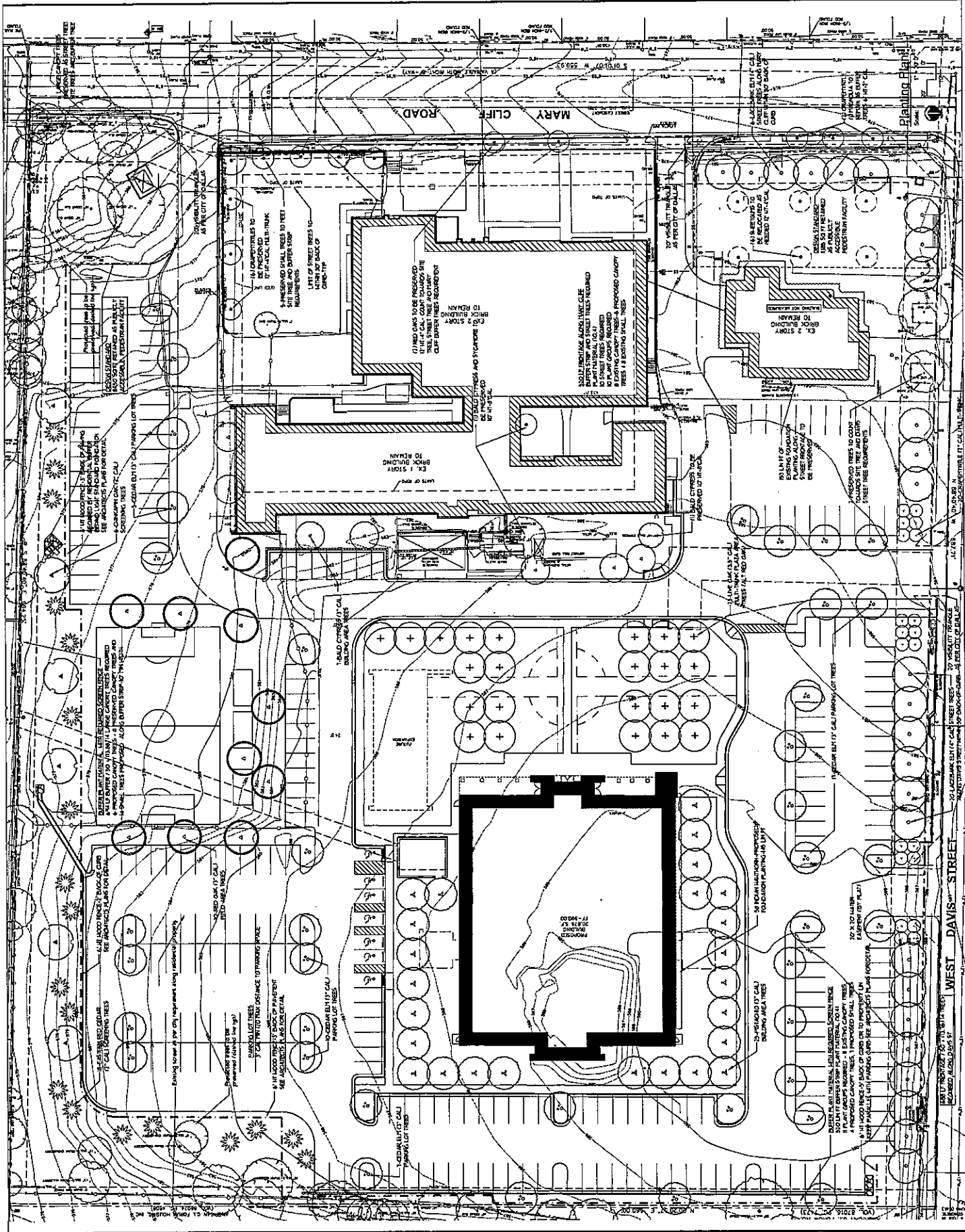
1823 W. Davis Street, Dallas, Texas 75208

PROJECT NO.	
DATE	
ISSUED FOR PERMITTING	
SCALE	
DATE	
BY	
CHECKED BY	
DATE	
BY	
CHECKED BY	
DATE	

3.11.11
08/10/2010
CADC
NAC
ISSUED FOR PERMITTING
DATE

CITY PLANTING PLAN & TREE PRESERVATION

LC.01



PROJECT NO.	1800 W. DRAKE STREET
DATE	10/10/16
SCALE	AS SHOWN
DESIGNED BY	VAI ARCHITECTS
DRAWN BY	VAI ARCHITECTS
CHECKED BY	VAI ARCHITECTS
DATE	10/10/16
PROJECT NO.	1800 W. DRAKE STREET
DATE	10/10/16
SCALE	AS SHOWN
DESIGNED BY	VAI ARCHITECTS
DRAWN BY	VAI ARCHITECTS
CHECKED BY	VAI ARCHITECTS
DATE	10/10/16

CITY OF DALLAS LANDSCAPE STANDARDS

ARTICLE X

ORDINANCE 51A-10-125 MANDATORY PROVISIONS

1. PERMETER LANDSCAPE BUFFER STRIP - REQUIRED AT OAC PERMETER OF ALL LOTS. BUFFER STRIP SHALL BE 10 FEET WIDE AND SHALL BE REQUIRED ALONG NORTH, EAST AND WEST PROPERTY LINES.
2. SITE TREES - 2" CAL. IN (1 PER 1000 SQ FT SITE AREA) (0.882 ACRES) 386,873 SQ FT 7,4000 + (% 17.91 SITE TREES REQUIRED 13,147 TREES) 386,873 SQ FT 7,4000 + (% 17.91 SITE TREES REQUIRED 13,147 TREES)
3. STREET TREES - 3" CAL. IN TREE / 50' OF STREET FRONTAGE WITHIN 50' OF FRONTAGE CURB
4. ALONG DAVIS STREET - 4896 LF FRONTAGE / 100' x 100' TO 174 TREES REQUIRED. PRESERVED TREES 4071 LF FRONTAGE / 100' x 100' TREES REQUIRED ALONG HAZEL. 100' x 100' TO 100 TREES REQUIRED. PRESERVED AND 6 PROPOSED STREET TREES ALONG HAZEL CLEAR ROAD
5. PARKING LOT TREES - 2" CAL. IN-NO RED PARKING SPACE SHALL BE LOCATED MORE THAN 100' FROM TRUNK OF LARGE CANOPY TREE
6. BUFFER PLANT MATERIAL - ONE PLANT GROUP / 50' OF PERMETER EAST PROPERTY HAZEL CLEAR ROAD-20'LE BUFFER STRIP / 50' x 100' TO 100 PLANT GROUPS REQUIRED
7. PRESERVED AND 6 PROPOSED CANOPY TREES WITH 10' PLANT GROUPS REQUIRED
8. SMALL PRESERVED TREES IN BUFFER STRIP
9. SMALL PRESERVED TREES IN BUFFER STRIP
10. SMALL PRESERVED TREES IN BUFFER STRIP
11. SMALL PRESERVED TREES IN BUFFER STRIP
12. SMALL PRESERVED TREES IN BUFFER STRIP
13. SMALL PRESERVED TREES IN BUFFER STRIP
14. SMALL PRESERVED TREES IN BUFFER STRIP
15. SMALL PRESERVED TREES IN BUFFER STRIP
16. SMALL PRESERVED TREES IN BUFFER STRIP
17. SMALL PRESERVED TREES IN BUFFER STRIP
18. SMALL PRESERVED TREES IN BUFFER STRIP
19. SMALL PRESERVED TREES IN BUFFER STRIP
20. SMALL PRESERVED TREES IN BUFFER STRIP

ORDINANCE 51A-10-126 DESIGN STANDARDS (2 SELECTED)

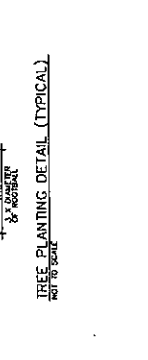
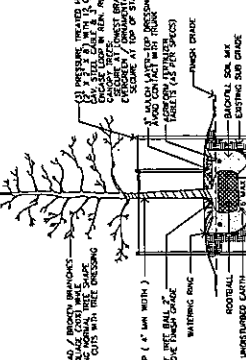
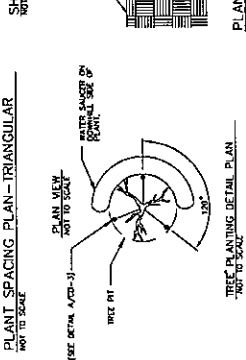
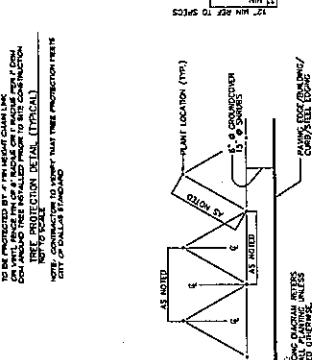
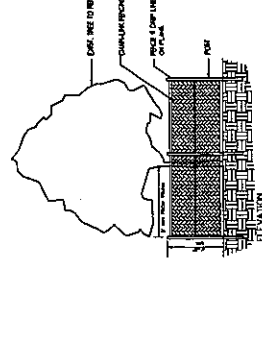
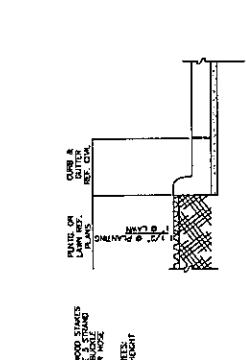
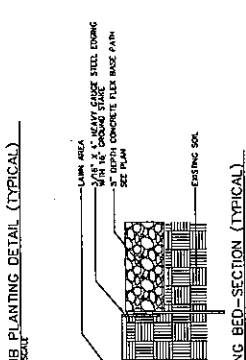
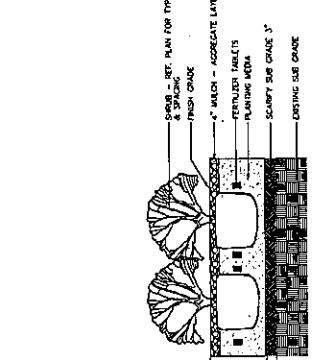
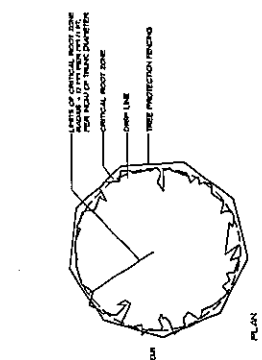
- A. ENHANCED PERMETER BUFFER (15' WIDTH)
- B. ENHANCED PERMETER BUFFER (15' WIDTH)
- C. ENHANCED PERMETER BUFFER (15' WIDTH)
- D. ENHANCED PERMETER BUFFER (15' WIDTH)
- E. ENHANCED PERMETER BUFFER (15' WIDTH)
- F. ENHANCED PERMETER BUFFER (15' WIDTH)
- G. ENHANCED PERMETER BUFFER (15' WIDTH)
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- I. ENHANCED PERMETER BUFFER (15' WIDTH)
- J. ENHANCED PERMETER BUFFER (15' WIDTH)
- K. ENHANCED PERMETER BUFFER (15' WIDTH)
- L. ENHANCED PERMETER BUFFER (15' WIDTH)
- M. ENHANCED PERMETER BUFFER (15' WIDTH)
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- V. ENHANCED PERMETER BUFFER (15' WIDTH)
- W. ENHANCED PERMETER BUFFER (15' WIDTH)
- X. ENHANCED PERMETER BUFFER (15' WIDTH)
- Y. ENHANCED PERMETER BUFFER (15' WIDTH)
- Z. ENHANCED PERMETER BUFFER (15' WIDTH)

ORDINANCE 51A-10-134 REPLACEMENT OF REMOVED TREES

1. QUANTITY, TOTAL CALIBER OF REPLACEMENT TREES MUST EQUAL OR EXCEED THE TOTAL CALIBER OF REMOVED TREES
2. SPECIES, 30% MAX OF ONE SPECIES TYPE
3. OF CALIBER INCHES REMOVED FROM SITE + 50 CAL. INCHES CALIBER INCHES REPLACED ON SITE + 50 CAL. INCHES

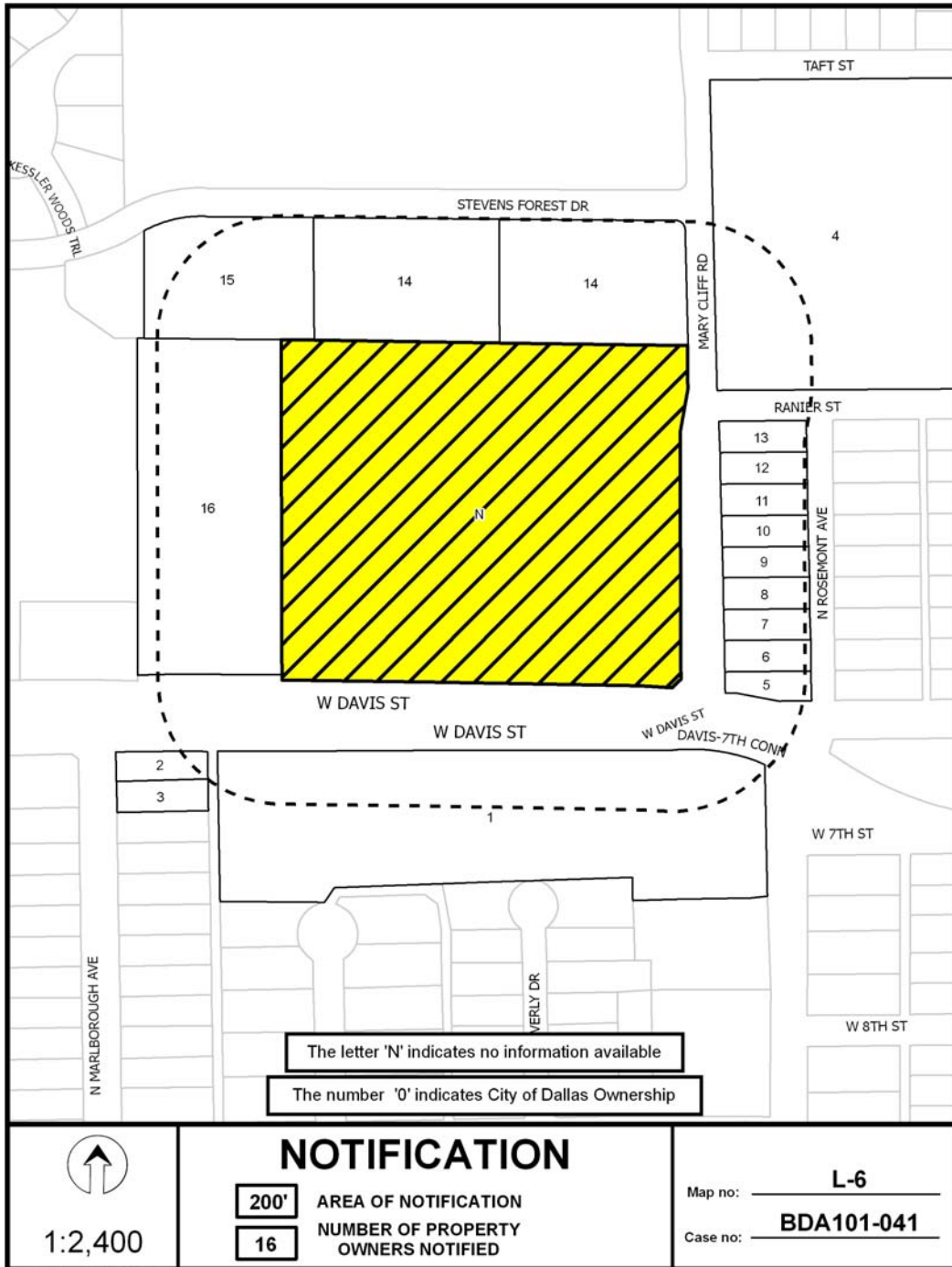
LANDSCAPE LEGEND

SYMBOL	DESCRIPTION	REMARKS
(1)	1" CAL. IN TREE	1" CAL. IN TREE
(2)	2" CAL. IN TREE	2" CAL. IN TREE
(3)	3" CAL. IN TREE	3" CAL. IN TREE
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EXISTING TREE LEGEND

SYMBOL	DESCRIPTION	REMARKS
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(79)	79" CAL. IN TREE	79" CAL. IN TREE
(80)	80" CAL. IN TREE	80" CAL. IN TREE
(81)	81" CAL. IN TREE	81" CAL. IN TREE
(82)	82" CAL. IN TREE	82" CAL. IN TREE
(83)	83" CAL. IN TREE	83" CAL. IN TREE
(84)	84" CAL. IN TREE	84" CAL. IN TREE
(85)	85" CAL. IN TREE	85" CAL. IN TREE
(86)	86" CAL. IN TREE	86" CAL. IN TREE
(87)	87" CAL. IN TREE	87" CAL. IN TREE
(88)	88" CAL. IN TREE	88" CAL. IN TREE
(89)	89" CAL. IN TREE	89" CAL. IN TREE
(90)	90" CAL. IN TREE	90" CAL. IN TREE
(91)	91" CAL. IN TREE	91" CAL. IN TREE
(92)	92" CAL. IN TREE	92" CAL. IN TREE
(93)	93" CAL. IN TREE	93" CAL. IN TREE
(94)	94" CAL. IN TREE	94" CAL. IN TREE
(95)	95" CAL. IN TREE	95" CAL. IN TREE
(96)	96" CAL. IN TREE	96" CAL. IN TREE
(97)	97" CAL. IN TREE	97" CAL. IN TREE
(98)	98" CAL. IN TREE	98" CAL. IN TREE
(99)	99" CAL. IN TREE	99" CAL. IN TREE
(100)	100" CAL. IN TREE	100" CAL. IN TREE



Notification List of Property Owners

BDA101-041

16 Property Owners Notified

Label #	Address	Owner
1	1836 DAVIS	CLIFFWOOD DEVELOPMENT LLC LLC
2	422 MARLBOROUGH	TORRES RICARDO & ESMERALDA DE LEON
3	418 MARLBOROUGH	ARREDONDOLEON AURORA
4	719 MONTCLAIR	Dallas ISD
5	601 ROSEMONT	RODRIGUEZ ESTER
6	607 ROSEMONT	SANCHEZ ELEAZAR
7	609 ROSEMONT	RODRIGUEZ RICHARD
8	619 ROSEMONT	WYATT DEBRA LYNN
9	623 ROSEMONT	MARQUEZ ALEJANDRO H & SYLVIA TORREZ MARQUEZ
10	627 ROSEMONT	CHRISTENSEN KEVIN D
11	631 ROSEMONT	CURIEL LYDIA M
12	635 ROSEMONT	VILLARREAL ELPIDIO
13	639 ROSEMONT	MAREZ ELIA ORTA
14	1836 STEVENS FOREST	CHATEAU CRETE DEVELOPMENT LLC
15	1916 STEVENS FOREST	CHATEAU CRETE DEVELOPMENT LLC
16	1901 DAVIS	AMERICAN GI FORUM HOUSING

FILE NUMBER: BDA 101-042

BUILDING OFFICIAL'S REPORT:

Application of Tommy Mann and Kirk Williams, Winstead, PC for a special exception to the fence height regulations at 9821 Meadowbrook Drive. This property is more fully described as Tract 10 in City Block 5601 and is zoned R-1ac(A) which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 12-foot 4-inch high fence which will require a special exception of 8 feet 4 inches.

LOCATION: 9821 Meadowbrook Drive

APPLICANT: Tommy Mann and Kirk Williams, Winstead, PC

REQUEST:

- A special exception to the fence height regulations of 8' 4" is requested in conjunction with constructing and maintaining an 8' 8" high open wrought iron fence with 9' 1" high columns and a 12' 4" high open wrought iron entry gate in the site's 40' front yard setback on a lot being developed with a single family home.

STAFF RECOMMENDATION:

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

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

GENERAL FACTS:

- The Dallas Development Code states that a person shall not erect or maintain a fence in a required yard more than 9' above grade, and additionally 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 applicant had submitted a site plan and a "landscape development plan"/partial elevation document indicating that the proposal in the required front yard setback reaches a maximum height of 12' 4".

- The following additional information was gleaned from the submitted site plan:
 - The proposal is approximately 148' in length parallel to the street.
 - The proposed fence is shown to be located approximately 5' from the front property line or about 15' from the pavement line.
 - The proposed gate is shown to be located approximately 17' from the front property line or about 27' from the pavement line.
- The submitted "landscape development plan"/partial elevation document denotes several notations pertaining to landscaping adjacent to the proposed fence including: "boxwood hedge maintained at 20" ht.," "evergreen hedge," two "existing site trees, six "flowering ornamental trees," "entry enrichment," and "evergreen groundcover."
- No single family home "fronts" to the proposal on the subject site since the homes to the east front either north to Edlen Drive or south to Falls Road.
- The Board Administrator conducted a field visit of the site and surrounding area (approximately 500' north and south of the subject site) and noted the following fences above four (4) feet high which appeared to be located in a front yard setback:
 - an approximately 6' high open chain link fence with 6' – 8' high stone entry wing walls and a 7.5' high steel gate two lots immediately north of the site that appears to be the result of a granted fence height special exception from September of 2006- BDA 056-204;
 - an approximately 8' high "masonry/wrought iron" fence/wall (5' wrought iron atop a 3' masonry base) two lots southeast of the subject site that appears to be the result of a granted fence height special exception from June of 2010 – BDA 090-070; and
 - an approximately 6' high open wrought iron fence (atop an approximately 2' high solid base) with approximately 7' high stucco columns located immediately south of the site that may be the result of a granted fence height special exception from June of 1980 – BDA 80-191 where the board granted a variance of 3' for the "application for a permit to erect a 7' high brick column and a 6' 3" wrought-iron fence which will permit a variance of 3'."

BACKGROUND INFORMATION:

Zoning:

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

West: R-1ac(A) (Single family district 1 acre)

Land Use:

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

Zoning/BDA History:

1. BDA 056-204, Property at 9901 Meadowbrook Drive (two lots north of subject site) On September 19, 2006, the Board of Adjustment Panel A granted a special exception to the fence height regulations of 4' imposing the following conditions to the request: Compliance with the submitted site plan/landscape plan/elevation is required; and that 5 gallon containers, 4 feet on center of Ilex x or Nellie R. Stevens be planted. The staff report stated that the request was made in conjunction with constructing and maintaining a 6' high chain link fence with 6' – 8' high stone wing walls and an approximately 7.5' high steel gate in the front yard setback.

2. BDA 090-070, Property at 5306 Falls Road (two lots southeast of subject site) On June 16, 2010, the Board of Adjustment Panel B granted a request for special exceptions to the fence height regulations of 4' 6" and imposed the submitted revised site plan/elevation document dated 6-10-10 as a condition to the request. The case report stated that the special exceptions to the fence height regulations of 4' 6" were requested in conjunction with constructing and maintaining an 8' high "masonry/wrought iron" fence/wall (5' wrought iron atop a 3' masonry base) in the site's Falls Road front yard setback, and an alternating 8' high solid masonry or stone fence wall with an 8' high wrought iron fence in the site's Meadowbrook Drive front yard setback.

3. BDA 80-191, Property at 9807 Meadowbrook Drive (the lot immediately south of subject site) On June 10, 1980, the Board of Adjustment granted a variance of 3' for the "application for a permit to erect a 7' high brick column and a 6' 3" wrought-iron fence which will permit a variance of 3'."

Timeline:

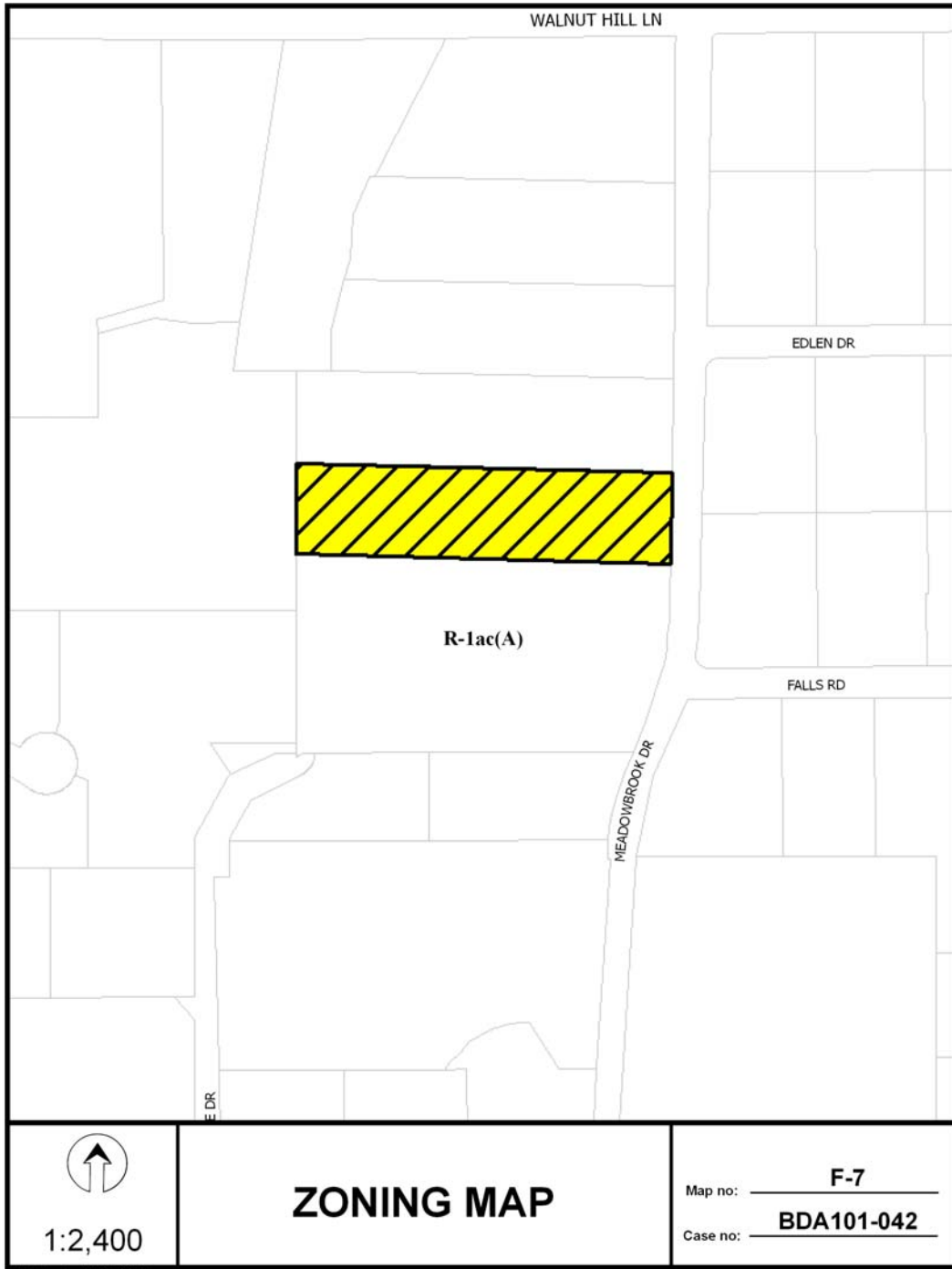
- March 24, 2011: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- April 20, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- April 21, 2011: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the May 2nd deadline to submit additional evidence for staff to factor into their analysis; and the May 6th 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.
- May 3, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.
- May 5, 2011: The Sustainable Development Department Project Engineer submitted a review comment sheet marked “Has no objections if certain conditions are met” with the following comments: “Comply with all C.O.D visibility requirements.” (Note that no item appears to be represented on the submitted plans as being located in a visibility triangle).

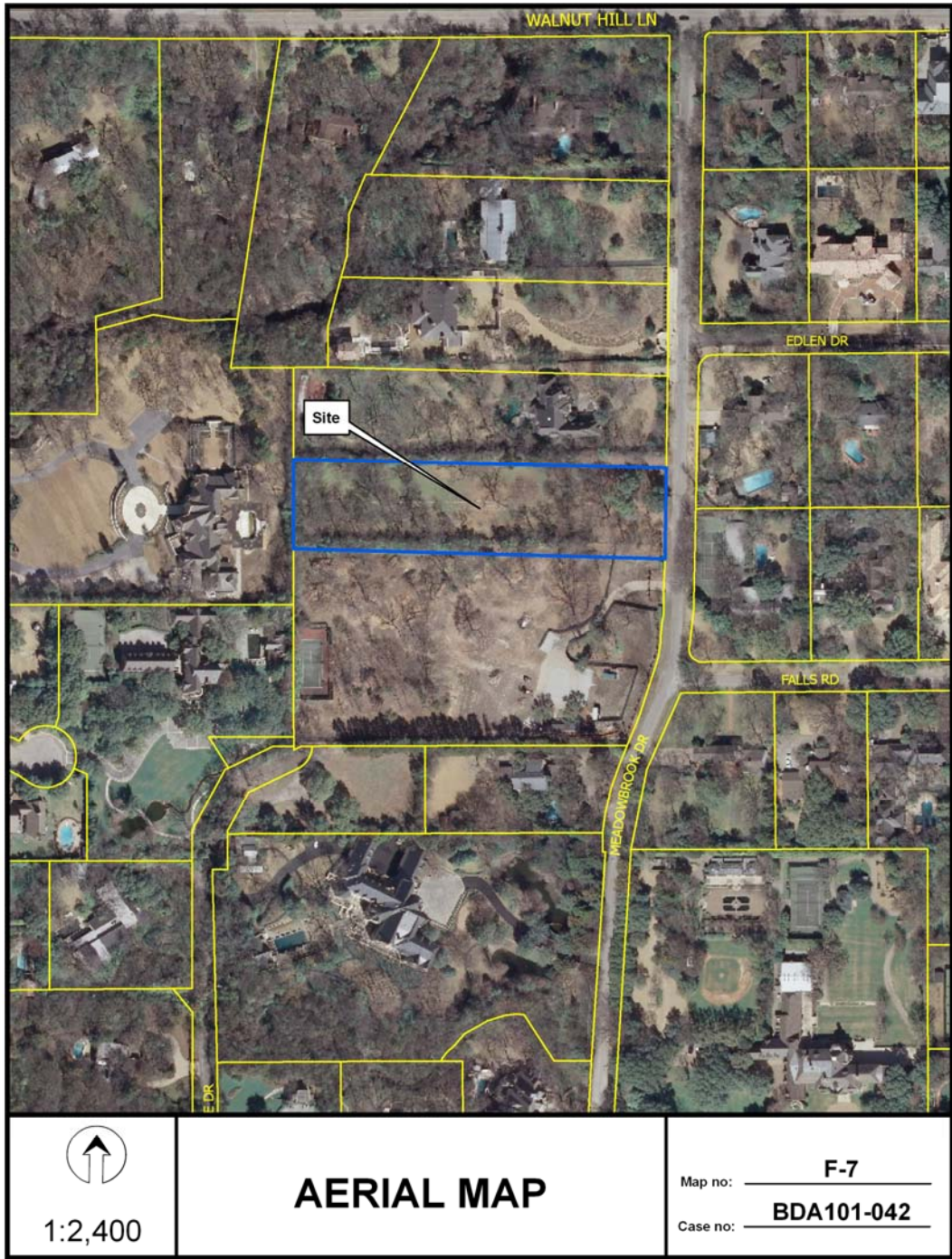
STAFF ANALYSIS:

- This request focuses on constructing and maintaining an 8’ 8” high open wrought iron fence with 9’ 1” high columns and a 12’ 4” high open wrought iron entry gate in the site’s 40’ front yard setback on a lot being developed with a single family home.
- The submitted site plan and “landscape development plan”/partial elevation document notes the location, height, and materials of the fence over 4’ in

height in the required front yard setback. The site plan indicates that the proposed fence is about 148' in length parallel to the street, approximately 5' from the site's front property line or about 15' from the curb line.

- A "landscape development plan"/partial elevation document has been submitted site plan which makes several notations pertaining to landscaping adjacent to the proposed fence including: "boxwood hedge maintained at 20" ht.," "evergreen hedge," two "existing site trees, six "flowering ornamental trees," "entry enrichment," and "evergreen groundcover."
- No single family home "fronts" to the proposal on the subject site since the homes to the east front either north to Edlen Drive or south to Falls Road.
- The Board Administrator conducted a field visit of the site and surrounding area and noted two other fences above four (4) feet high in the immediate area which appeared to be located in a front yard setback beyond what was previously described in the "General Facts" section of this case report.
- As of May 9, 2011, no letters had been submitted to staff in support or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 8' 4" will not adversely affect neighboring property.
- Granting this special exception of 8' 4" with a condition imposed that the applicant complies with the submitted site plan and "landscape development plan"/partial elevation document would provide assurance that the proposal exceeding 4' in height in the front yard setback would be maintained in the location and of the heights and materials as shown on these documents.







City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-042

Data Relative to Subject Property:

Date: 3/24/11

Location address: 9821 Meadowbrook Zoning District: R-1ac (A)

Tract Lot No.: 10 Block No.: 5601 Acreage: 2.066 Census Tract: 0075.00

Street Frontage (in Feet): 1) 146' 2) _____ 3) _____ 4) _____ 5) _____ NE2S

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Shula Netzer

Applicant: Tommy Mann; Kirk Williams, Winstead PC Telephone: (214)745-5400

Mailing Address: 1201 Elm St., Suite 5400 Zip Code: 75270

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

Affirm that a request has been made for a Variance _____, or Special Exception of 8ft, 4 inch to Sec. 51A-4.602 (a)(1) limiting fence height to four feet in the front yard of a residential zoning district to allow a maximum 12 ft, 4 inch tall fence as shown on the enclosed elevation

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

The proposed fence is compatible with existing fences in the immediate vicinity and will have no adverse impact on neighboring properties.

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

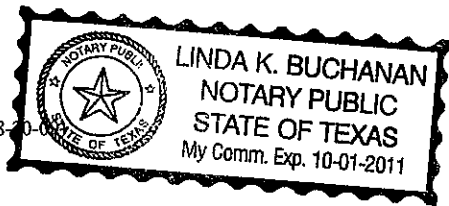
Respectfully submitted: TOMMY MANN Applicant's name printed [Signature] Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared _____ 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.

[Signature]
Affiant (Applicant's signature)

Subscribed and sworn to before me this 23rd day of March, 2011



[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

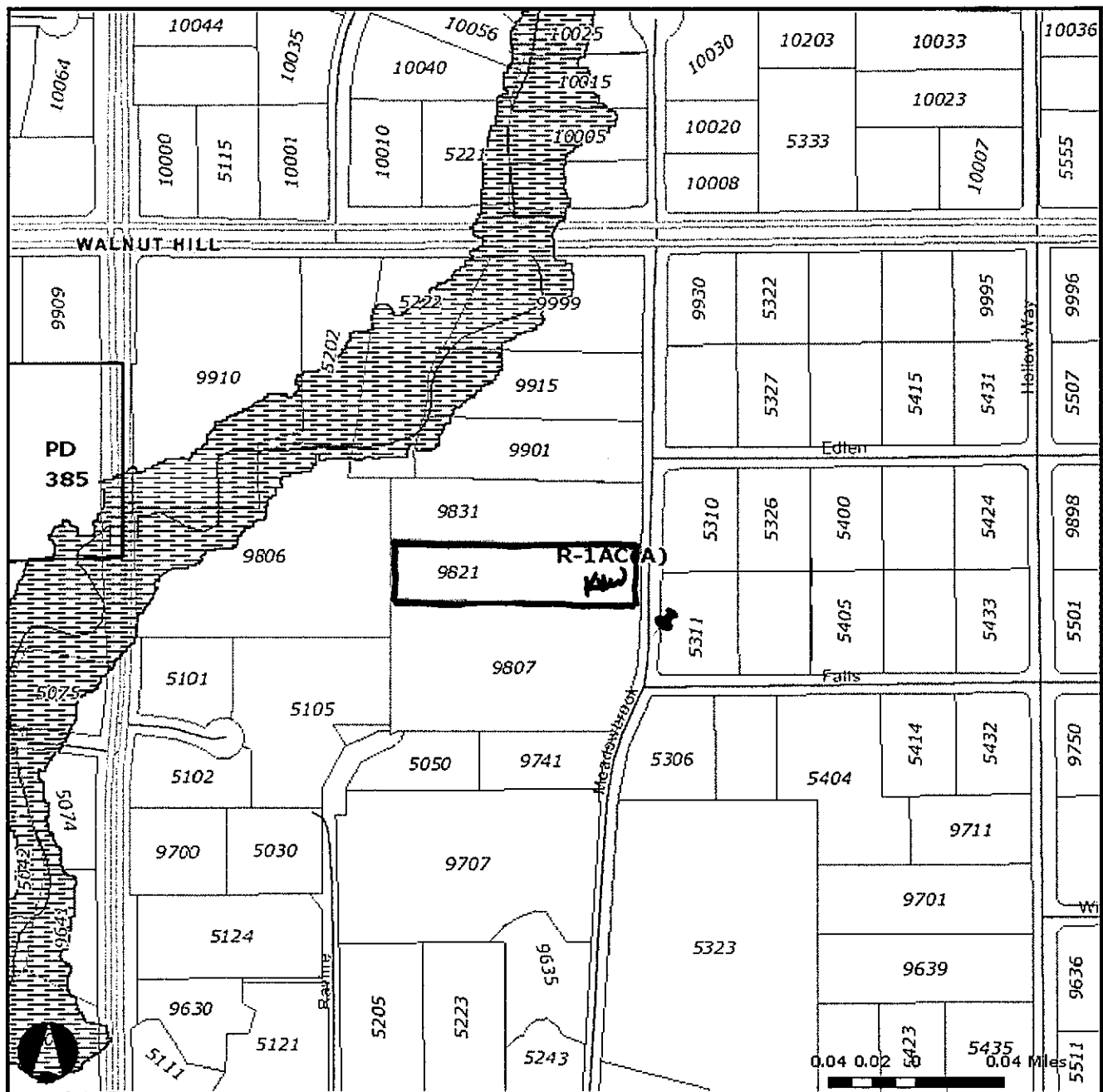
I hereby certify that Tommy Mann
did submit a request for a special exception to the fence height regulations
at 9821 Meadowbrook Drive

BDA101-042: Application of Tommy Mann for a special exception to the fence height regulations at 9821 Meadowbrook Drive. This property is more fully described as Tract 10 in city block 5601 and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 12 foot 4 inch high fence in a required front yard setback, which will require an 8 foot 4 inch special exception to the fence regulation.

Sincerely,

Batsheba Antebi
Batsheba Antebi, Building Official

City of Dallas Zoning



Address Candidates



City Boundaries



County



Certified Parcels



DISD Sites

SUP



Dry Overlay



D-1

Historic Overlay



Historic Subdistricts

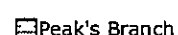
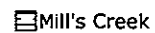
PDS Subdistricts

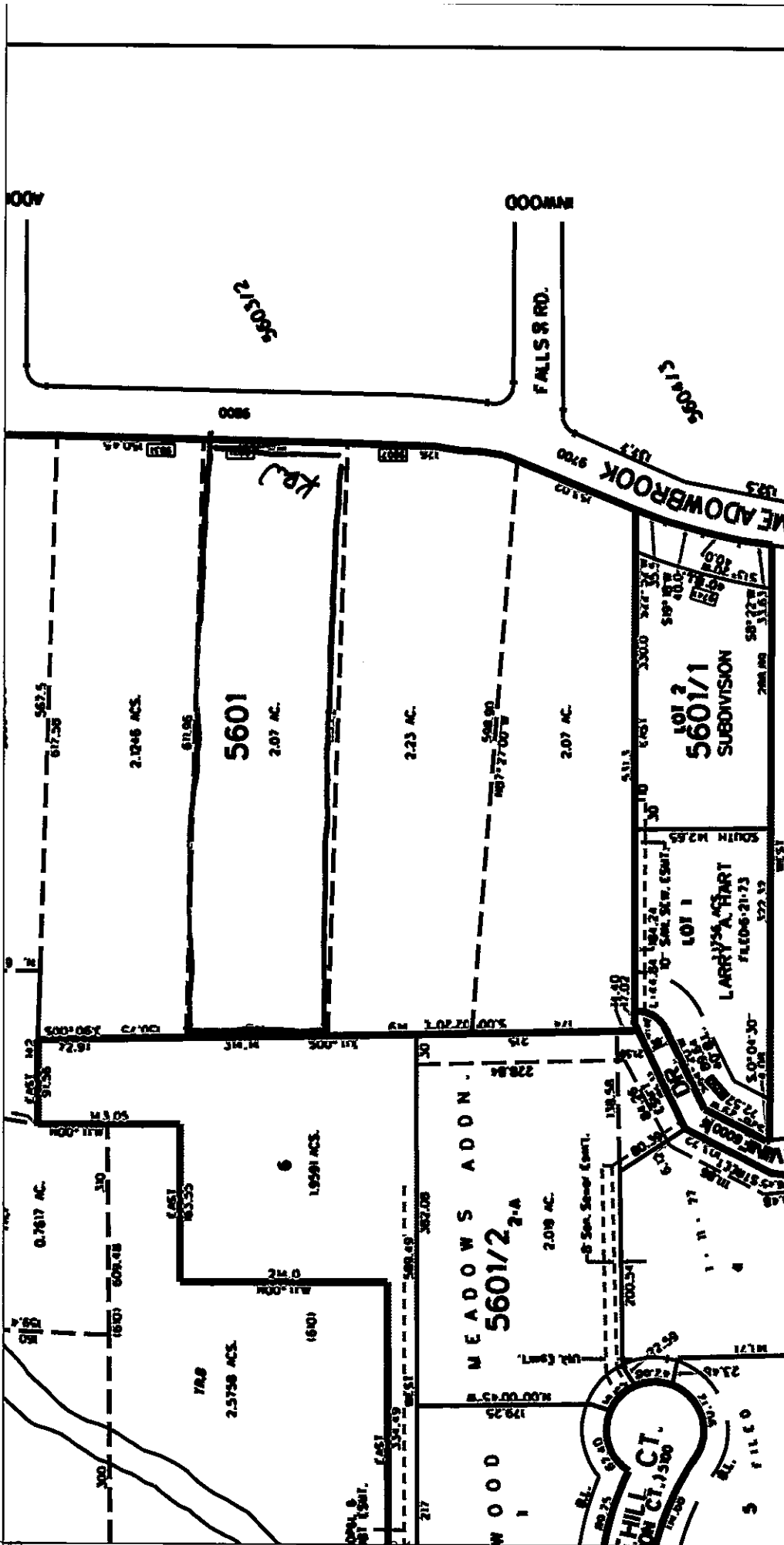


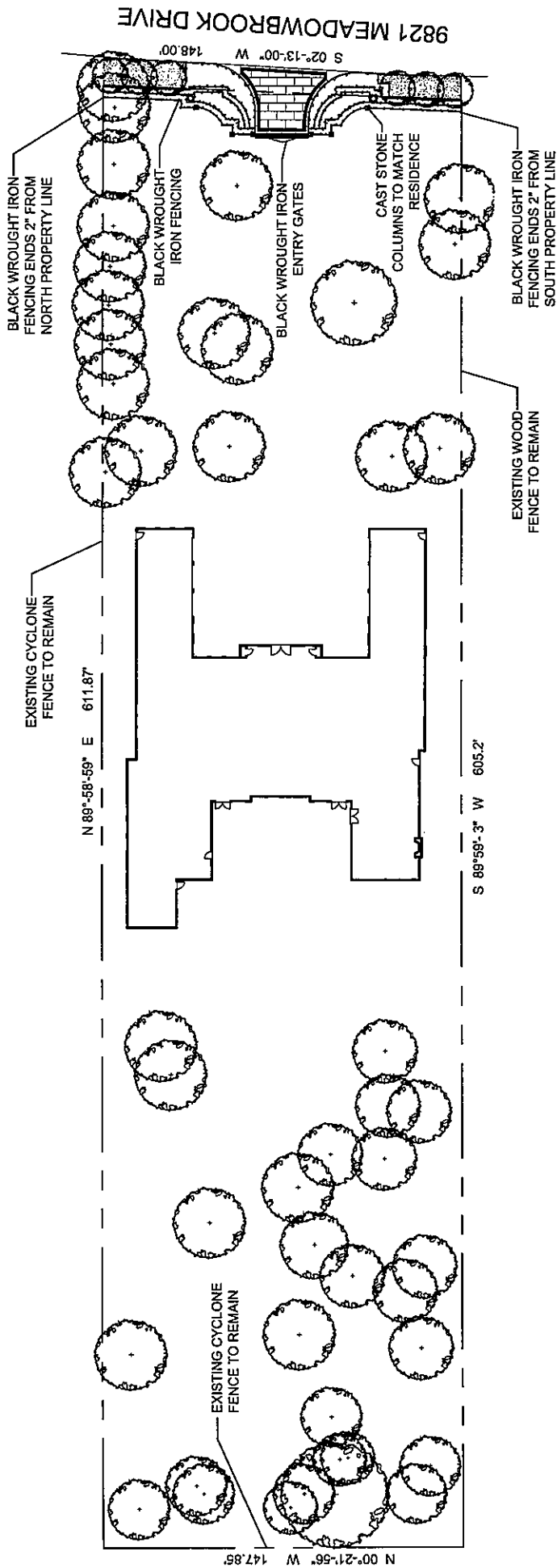
Base Zoning

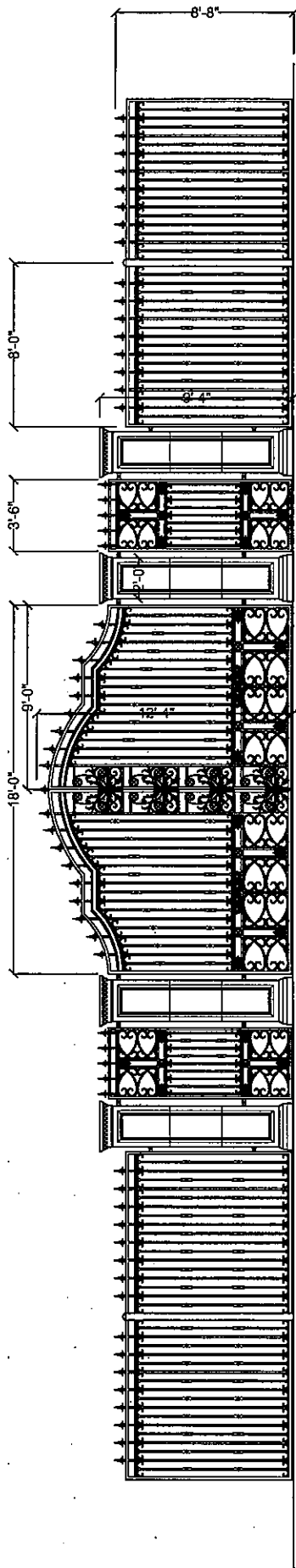


Floodplain

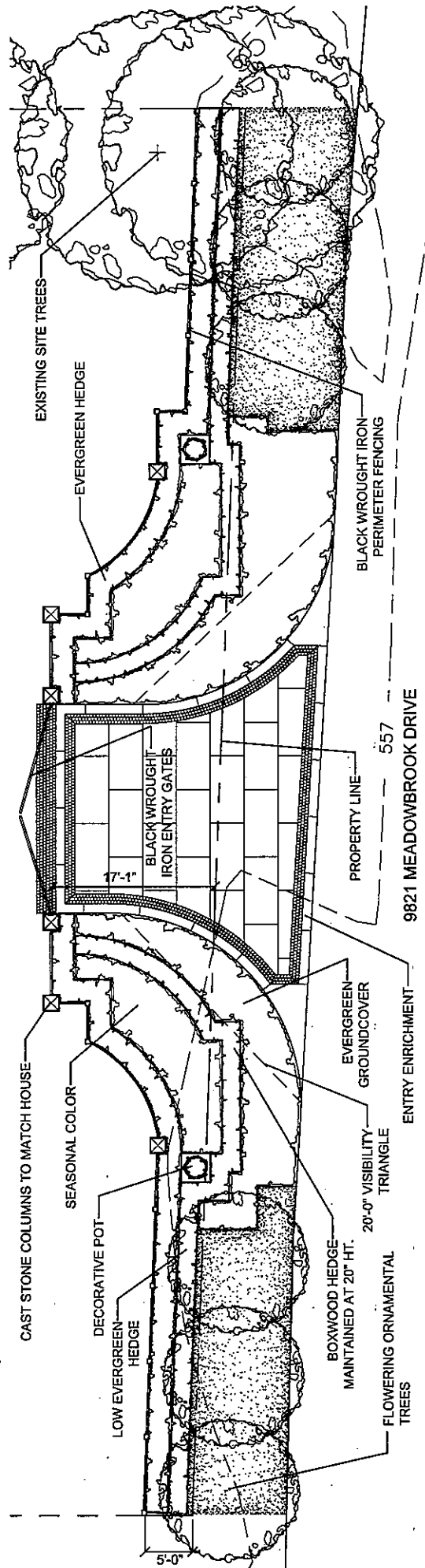








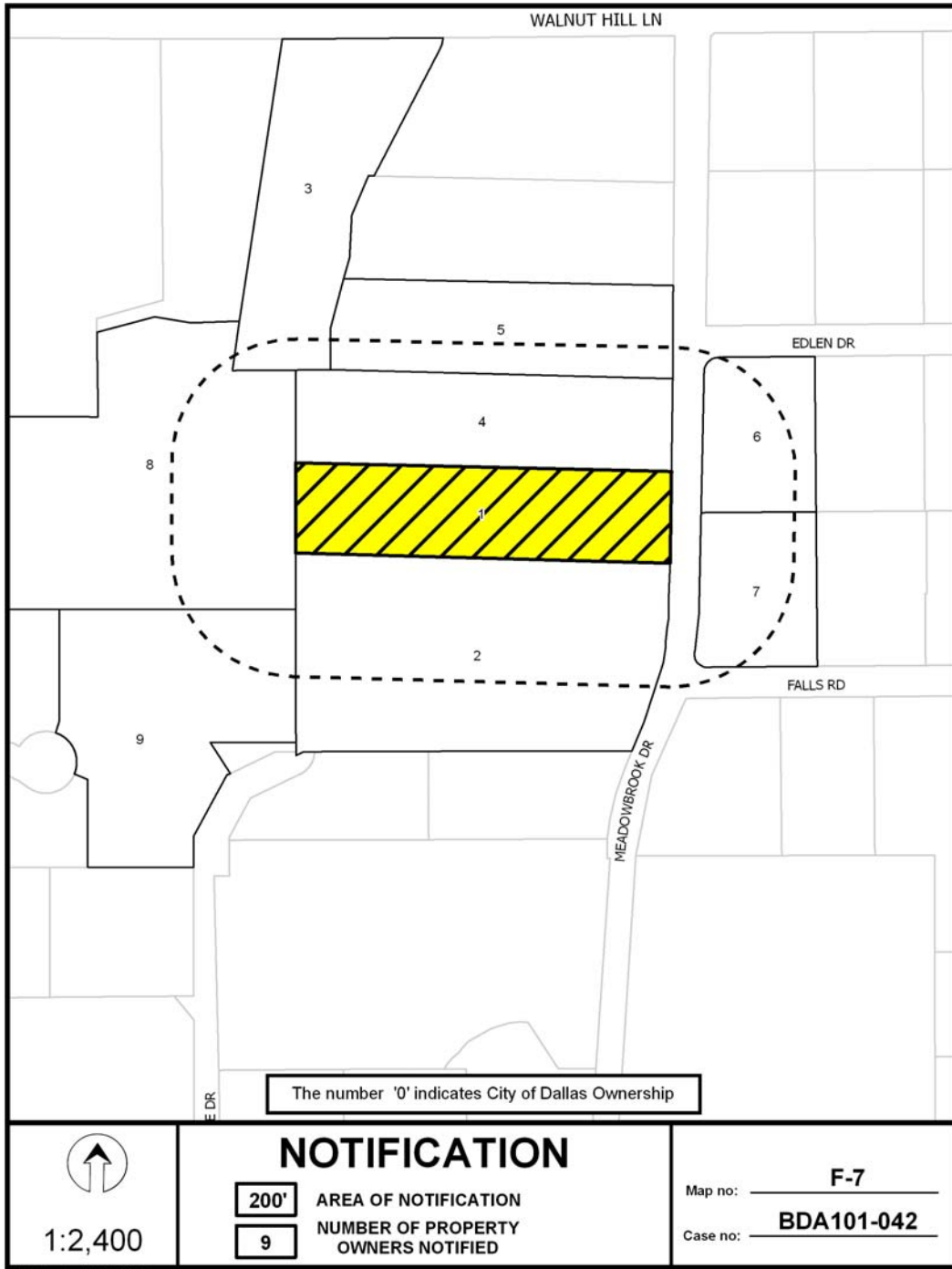
ENTRY GATE ELEVATION
DATE: 3/20/11 SCALE: 1/2"=1'-0"



NETZER RESIDENCE
DALLAS, TEXAS



LANDSCAPE DEVELOPMENT PLAN
DATE: 3/20/11 SCALE: 1/4"=1'-0"



Notification List of Property Owners

BDA101-042

9 Property Owners Notified

Label #	Address	Owner
1	9821 MEADOWBROOK	NETZER SHULA & AHARON
2	9807 MEADOWBROOK	BARRETT NONA N &
3	5222 WALNUT HILL	WETHERINGTON RONALD K & JUDITH A SWIFT
4	9831 MEADOWBROOK	PAULSON ROY STEVEN & DEBORAH KAY
5	9901 MEADOWBROOK	BLANKS DAN H & CHARLOTTE BLANKS
6	5310 EDLEN	WALKER REID S & STACEY S
7	5311 FALLS	FRELING RICHARD A
8	9806 INWOOD	CEALES TRUST
9	5105 LAKEHILL	TURLEY R WINDLE & SHIRLEY A

FILE NUMBER: BDA 101-044

BUILDING OFFICIAL'S REPORT:

Application of Kamlesan Naidoo for a special exception to the fence height regulations at 2045 Lauraette Drive. This property is more fully described as Lot 22 in City Block 7/4614 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 maintain a 6-foot high fence which will require a special exception of 2 feet.

LOCATION: 2045 Lauraette Drive.

APPLICANT: Kamlesan Naidoo

REQUEST:

- A special exception to the fence height regulations of 2' is requested in conjunction with maintaining an open wrought iron fence on a lot developed with a single family home that is either an average height of 5' 5" (according to the submitted elevation) or 6' in height (according to the application).

STAFF RECOMMENDATION:

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

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

GENERAL FACTS:

- The Dallas Development Code states that a person shall not erect or maintain a fence in a required yard more than 9' above grade, and additionally 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 applicant has submitted a revised site plan/partial elevation (see Attachment A) and full elevation indicating that the fence in the required front yard setback has an average height of 5' 5". Note however that the applicant has written on his application that a request has been made of "2 feet to the fence height in front yard to allow for a 6 ft fence height."

- The following additional information was gleaned from the submitted revised site plan:
 - The existing fence is shown to be approximately 110' in length parallel to the street and approximately 22' in length *perpendicular* to the street on the east and west sides of the site in the front yard setback.
 - The existing fence is shown to be located approximately 3' from the site's front property line or about 14' from the curb line.
- No single family home "fronts" to the fence on the subject site. The property immediately south and west of the site is the Stevens Park Golf Course.
- The Board Administrator conducted a field visit of the site and surrounding area and noted one other fence above four (4) feet high in the immediate area which appeared to be located in a front yard setback – an approximately 4' 4" – 4' 9" high open wrought iron fence with approximately 5' high stone columns with approximately 2' high decorative lamps atop immediately north of the subject site – a case (BDA 101—045) to be heard by Board of Adjustment Panel C on May 16, 2011.

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)(SUP 235) (Single family district 7,500 sq ft) (Specific Use Permit)

Land Use:

The subject site is developed with a single family home. The areas to the north and east are developed with single family uses; the areas to the south and west are developed with a public golf course (Stevens Park Golf Course).

Zoning/BDA History:

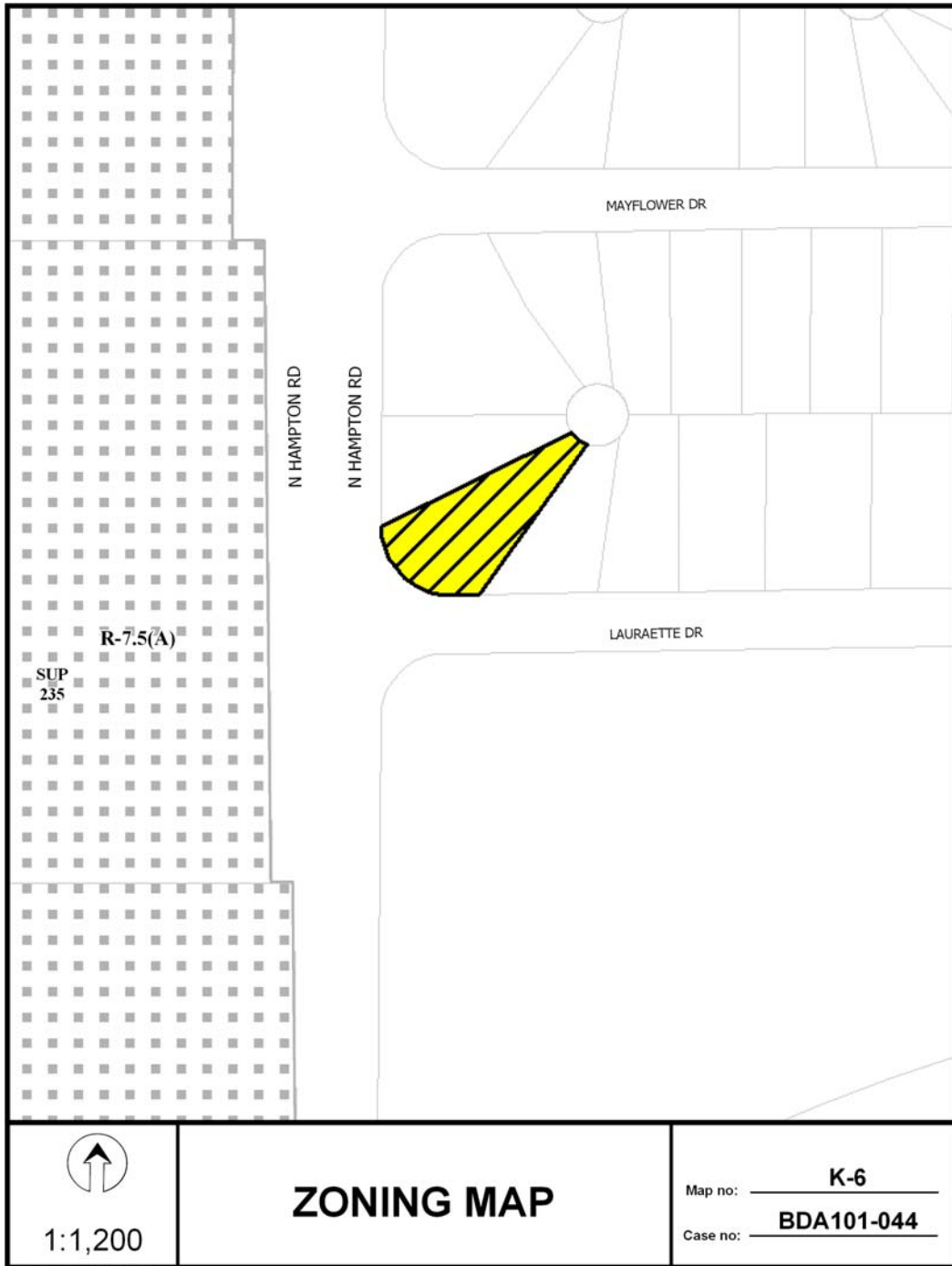
1. BDA 101-045, Property at 1032 N. Hampton road (the lot immediately north of subject site) On May 16, 2011, the Board of Adjustment Panel C will consider a request to the fence height regulations of 3' 6" to maintain a 4' 4" – 4' 9" high open iron fence with 7' 1" high pedestrian gate columns.

Timeline:

- March 29, 2011: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- April 20, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- April 21, 2011: 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 May 2nd deadline to submit additional evidence for staff to factor into their analysis; and the May 6th 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.
- May 3, 2011: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded a revised site plan/partial elevation to the Board Administrator (see Attachment A).
- May 3, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.
- May 5, 2011: The Sustainable Development Department Project Engineer submitted a review comment sheet marked “Has no objections if certain conditions are met” with the following comments: “Comply with all C.O.D visibility requirements.” (Note that no item appears to be represented on the submitted plans as being located in a visibility triangle).

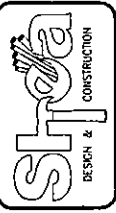
STAFF ANALYSIS:

- This request focuses on maintaining an open wrought iron fence on the site developed with a single family home which is either 5' 5" or 6' in height depending on information denoted on the submitted elevation or application.
- The submitted revised site plan/partial elevation and full elevation that documents the location, height, and materials of the fence over 4' in height in the required front yard setback. The revised site plan indicates that the existing fence is open wrought iron, is about 110' in length parallel to the street and approximately 22' in length *perpendicular* to the street on the east and west sides of the site in the front yard setback. The plan shows the fence is located approximately 3' from the site's front property line or about 14' from the curb line.
- No single family home "fronts" to the fence on the subject site. The property immediately south and west of the site is the Stevens Park Golf Course.
- The Board Administrator conducted a field visit of the site and surrounding area and noted one other fence above four (4) feet high in the immediate area which appeared to be located in a front yard setback – an approximately 4' 4" – 4' 9" high open wrought iron fence with approximately 5' high stone columns with approximately 2' high decorative lamps atop immediately north of the subject site – a case (BDA 101—045) to be heard by Board of Adjustment Panel C on May 16, 2011.
- As of May 9, 2011, a petition signed by 23 neighbors/owners in support of the application had been submitted to staff and no letters had been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 2' will not adversely affect neighboring property.
- Granting this special exception of 2' with a condition imposed that the applicant complies with the submitted revised site plan/partial elevation and full elevation would provide assurance that the proposal exceeding 4' in height in the front yard setback would be maintained in the location and of the height and material as shown on these documents.



DATE: April 28, 2011

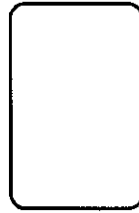




SHEA DESIGN
 &
 CONSTRUCTION
 737 S. RL THOMSON FHWY
 DALLAS, TEXAS 75203
 CELL (214) 818-7087
 FAX (214) 848-1188

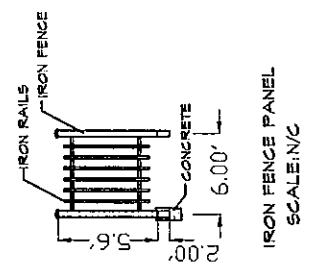
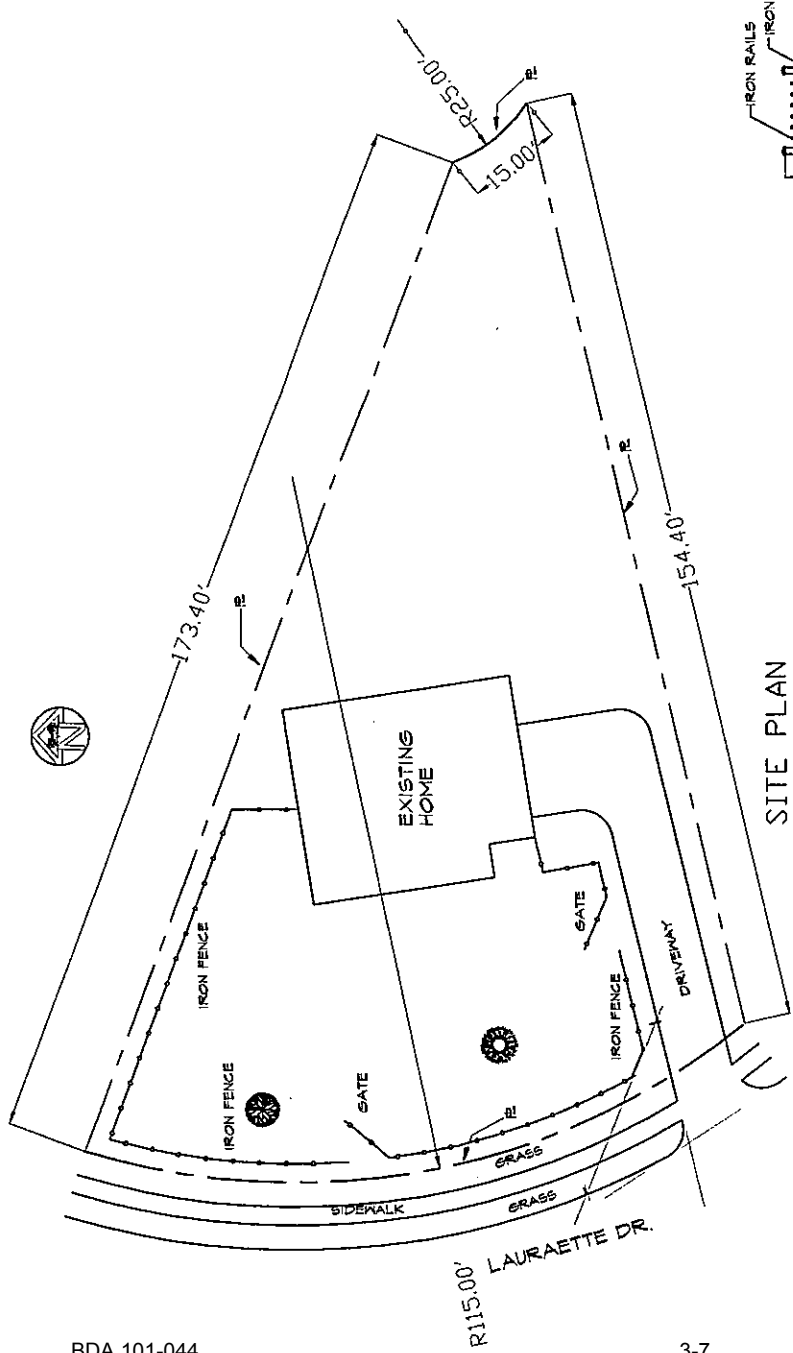
JOB NO. 2045 LAU
 DRAWN BY: L.O.A.
 DATE: _____
 SCALE: _____
 A1 OF _____

PROJECT:
 KAM ZAIDOO
 2045 LAURAETTE DR
 DALLAS, TEXAS
 LOT 22 BLK 7/4614



REV.	DATE
1	
2	
3	
4	
5	
6	

THIS DRAWING IS THE
 PROPERTY OF SHEA DESIGN
 & CONSTRUCTION (S.D.C.)
 AND IS NOT TO BE REPRODUCED
 OR TRANSMITTED IN ANY FORM
 WITHOUT THE EXPRESS WRITTEN
 PERMISSION OF SDC IS PROHIBITED.



SITE PLAN
 SCALE: 1" = 20'

IRON FENCE PANEL
 SCALE: 1/4"

KEEP 20 FT X 20 FT
 VISIBILITY TRIANGLES CLEAR



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-044

Data Relative to Subject Property:

Date: 3-29-11

Location address: 2045 Lauraette Dr Zoning District: R-7.5(A)

Lot No.: 22 Block No.: 7/4614 Acreage: .30 Census Tract: 44.00

Street Frontage (in Feet): 1) 115' 2) _____ 3) _____ 4) _____ 5) _____

SW16

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Kamlesan + Rina Naidoo

Applicant: Kamlesan Naidoo Telephone: 214-532-8477

Mailing Address: 2045 Lauraette Dr, Dallas, TX Zip Code: 75208

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

Affirm that a request has been made for a Variance _____, or Special Exception of 2 Feet to the fence height in front yard to allow for a 6 ft fence height

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

Please see attachment.

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

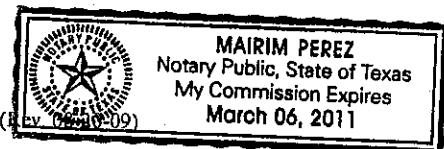
Respectfully submitted: Kamlesan Naidoo Applicant's name printed [Signature] Applicant's signature

Affidavit

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

Affiant (Applicant's signature)

Subscribed and sworn to before me this 28 day of February, 2011



[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 _____

Vertical lines for notes or additional information.

Chairman

Building Official's Report

I hereby certify that Kamlesan Naidoo

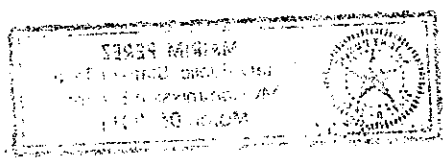
did submit a request for a special exception to the fence height regulations

at 2045 Lauraette Drive

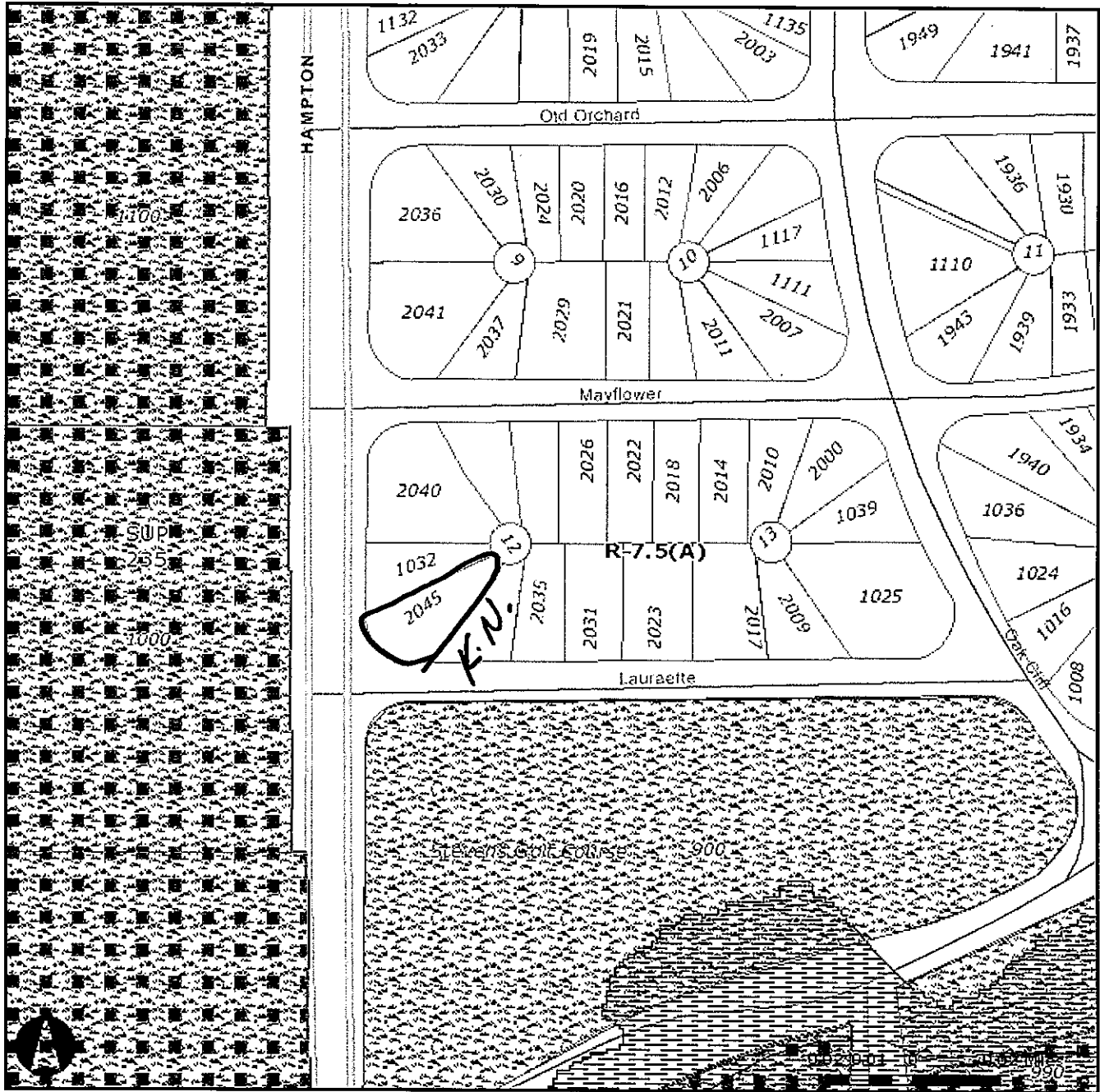
BDA101-044. Application of Kamlesan Naidoo for a special exception to the fence height regulations at 2045 Lauraette Drive. This property is more fully described as Lot 22 in city block 7/4614 and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 6 foot high fence in a required front yard setback, which will require a 2 foot special exception to the fence regulation.

Sincerely,

Batsheba Antebi
Batsheba Antebi, Building Official



City of Dallas Zoning



City Boundaries



County



Certified Parcels



DISD Sites



Council Districts



Waterways



Dry Overlay



D

D-1

Historic Overlay



Historic Subdistricts



NSO Overlay



NSO Subdistricts



Base Zoning



Floodplain

100 Flood Zone

Mill's Creek

Peak's Branch

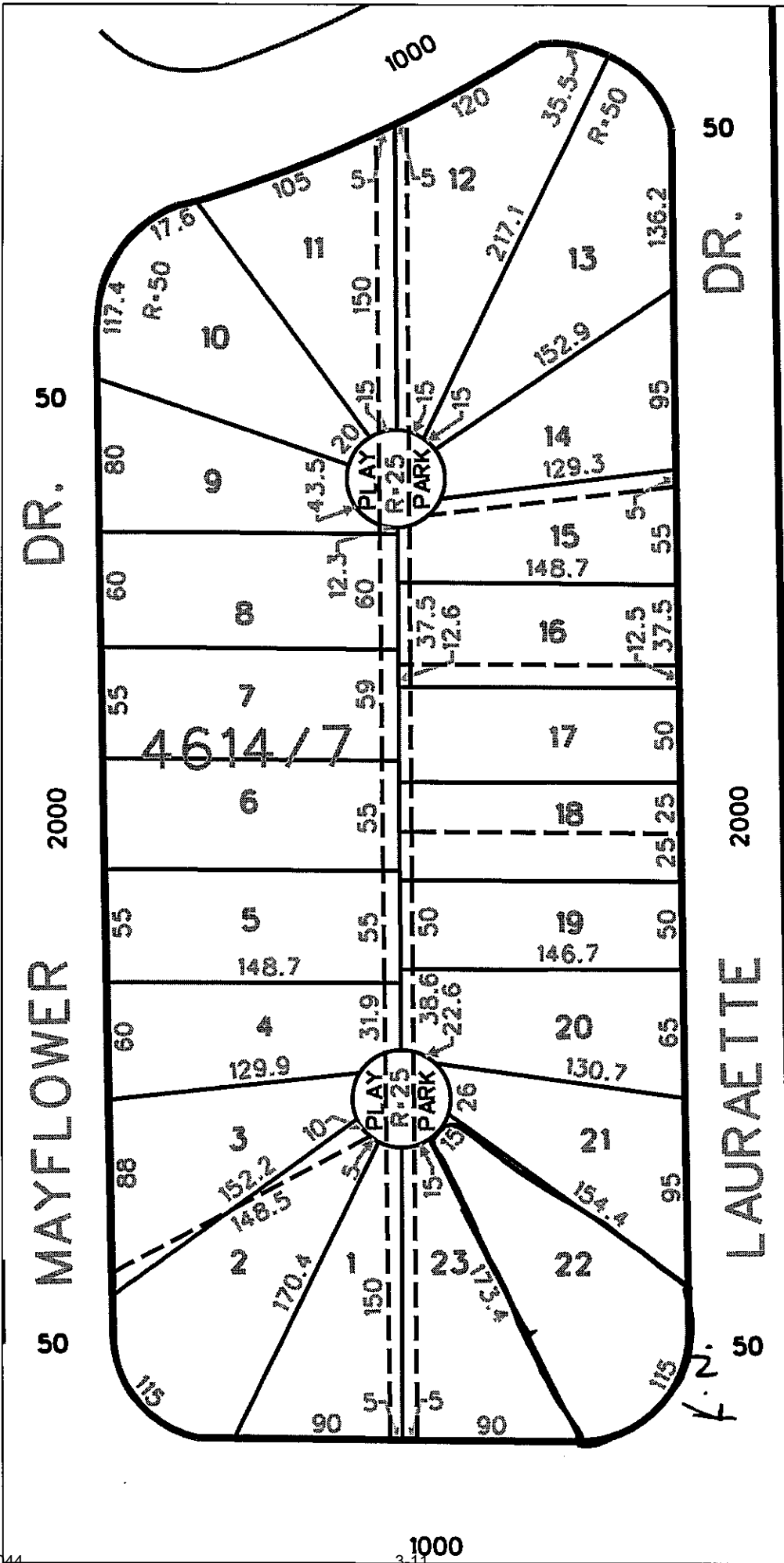
X PROTECTED BY LEVEE

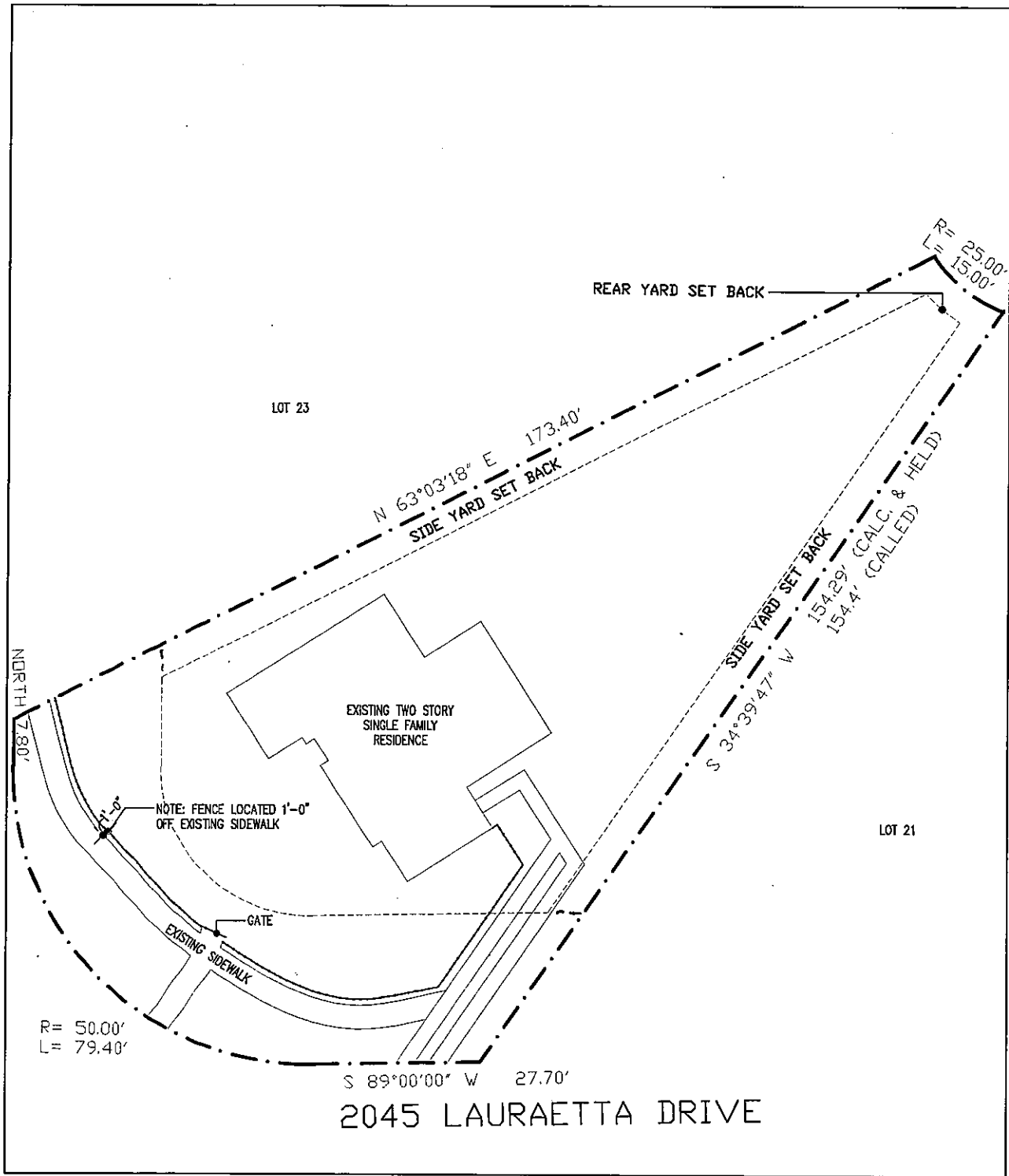
Pedestrian Overlay



CP

SP



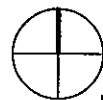


LEGAL DESCRIPTION

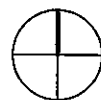
2045 LAURAETTA DRIVE, AND BEING LOT 22 BLOCK 7/4614, OF STEVENS PARK ESTATES, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 4, PAGE 116, MAP RECORDS, DALLAS COUNTY, TEXAS

01 FENCE PLAN

SCALE: 1/8" = 1'-0"



TRUE NORTH



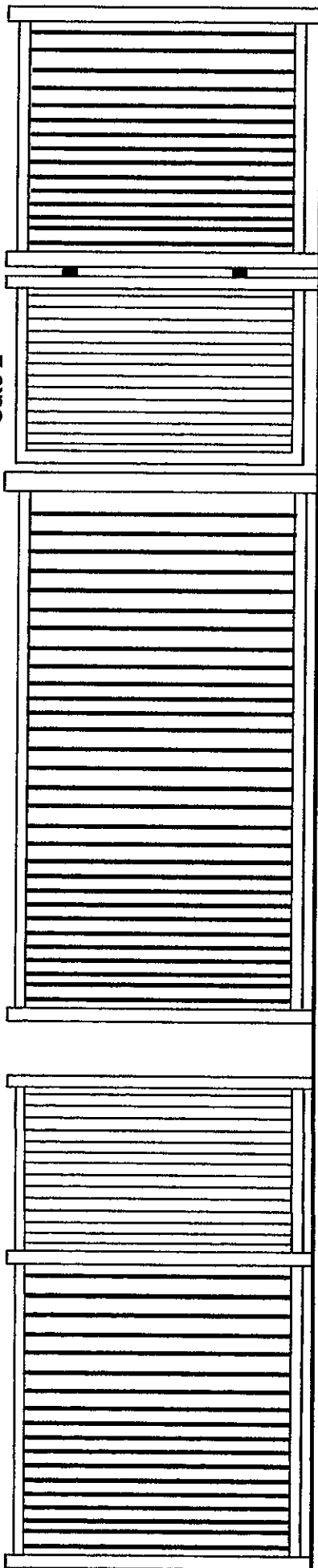
PLAN NORTH

NAIDOO FENCE

NOTE: AVERAGE FENCE
HEIGHT IS 5'-5"

NOTE: FENCE COMPOSITION IS
1/2" BLACK SQUARED WROUGHT IRON

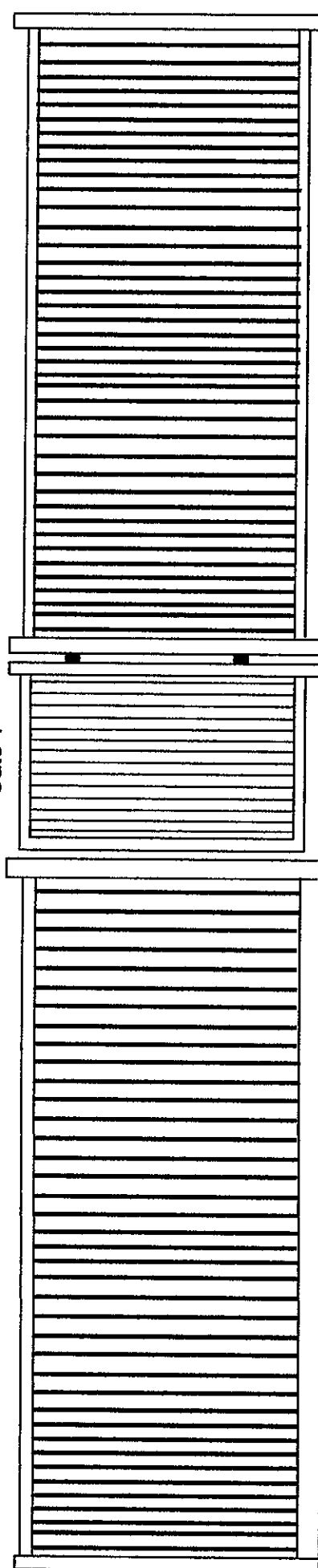
Gate 2



02 FENCE ELEVATION WEST
SCALE 1/4" = 1'-0"

03 FENCE ELEVATION EAST
SCALE 1/4" = 1'-0"

Gate 1



01 FENCE ELEVATION SOUTH
SCALE 1/4" = 1'-0"

NAIDOO FENCE

Application is now being made to the Honorable board of Adjustment, in accordance with the provisions of the Dallas Development Code to grant the described request for the following reason:

The installation of a wrought iron fence no higher than 6 ft will not have any adverse impact on the neighboring properties. Our property faces a golf course so no homes are directly impacted as no homes are directly in front of our home and the location of the fence. The fence is see through, with spacing of approximately 3 inches between each slat thereby full visibility of the house and property exist. The fence blends into the property and fits in with the other fences in the neighborhood-the vast majority being black wrought iron fences. The neighboring property has the exact fence and the owners have no objection. Additionally, a petition is included from more than 25 of our neighbors whose properties are closest to our home who have no objection to the existence of the fence.

March 24, 2011

To the Honorable Board of Adjustment:

My spouse and I had a wrought iron fence installed in November 2010. We had no intention of putting in a fence until our neighbors had their home broken into at noon on a weekday. Their property, like ours, is situated at the intersection of Hampton Rd. and one of the cross streets in our area. They are 2 streets down from us. Unlike our home, which has an extensively landscaped front yard that blocks the view of our entry, their home has full visibility to one of the busiest streets in Dallas. If someone could be so brave as to break into their home, our fear was that our home posed no defense against such an act.

We have a 2 year old son whom at the time was home with our Nanny during the day. She does not ever answer the door and is often dropped off by her sister so to the casual observer, no one is home during the day. The thought of our son and his Nanny being in any danger and also of our beloved Lab possibly running out if someone were to kick in the door prompted us to have the fence installed within a couple days of our neighbors home being burglarized.

The fence contractor asked me how high I wanted the fence and I said 5 feet looked good based on a couple things. First and foremost, my 2 year old is extremely adept at reaching things so I wanted to make sure that any latch would be at a height that he could not reach for a while. I also thought that a 5 ft fence provided an extra bit of security. We do not want to live in a fortress but we want to ensure our safety. We have chosen to live in Oak Cliff because we love the area and the people. We just happen to live right off an extremely busy street. Beyond the threat of a break in, we have constantly had discarded thrash come into our yard. We have spent a tremendous amount of money landscaping our yard mainly as we are a highly visible home due to our location and we want it to reflect well on the neighborhood that we love. This is also why we went with a fence that does not give our house the appearance of a fortress or make it unwelcoming. The fence has served its purpose of protection but has also reduced the amount of thrash being deposited in our yard.

We have no homes directly in front of our home but we do have Stevens Park Golf Course. During the 7 years we have resided in our home, we have averaged about 2-5 golf balls a week landing in our front yard. Occasionally you will have a golfer, like myself I should add, who thinks they are Tiger Woods and can recover from any poor shot-even one on someone's yard. Speaking from experience, I have yet to succeed in this regard. The course is currently undergoing a massive renovation and when it reopens, the hole directly in front of us will now tee off directly towards our home. While the city has added a large amount of new trees, it will be several years before they provide any defense against errant shots. A unintended benefit of the fence will be that it will probably stop quite a few balls from reaching our home and keep the occasional Tiger wannabe out of the yard-although if I am the one who hits it into my own yard, I still plan on playing through.

I should have probably taken more time before installing the fence to ensure that we would not run into any problems but I honestly acted in haste as a protective Dad. All I could see was someone kicking in our front door and my son, our nanny and our dog being in danger. We also had ADT come and add a glass break sensor to provide extra protection over what was already a pretty tricked out security system. Like the fence, this was within a couple days of the Hagen's home being broken into.

We respectfully ask that you grant this exception to the fence height standards. We acted only to protect those we love but at the same time, we tried to be as mindful of our neighbors as we could by installing a fence that we find both attractive and practical. Several neighbors have commented that they think the fence is very attractive and blends well with our home.

Sincerely,

A handwritten signature in black ink, appearing to be 'Kamlesan Naidoo', written over the printed name below it.

Kamlesan Naidoo

PETITION FOR FENCE HEIGHT EXCEPTION

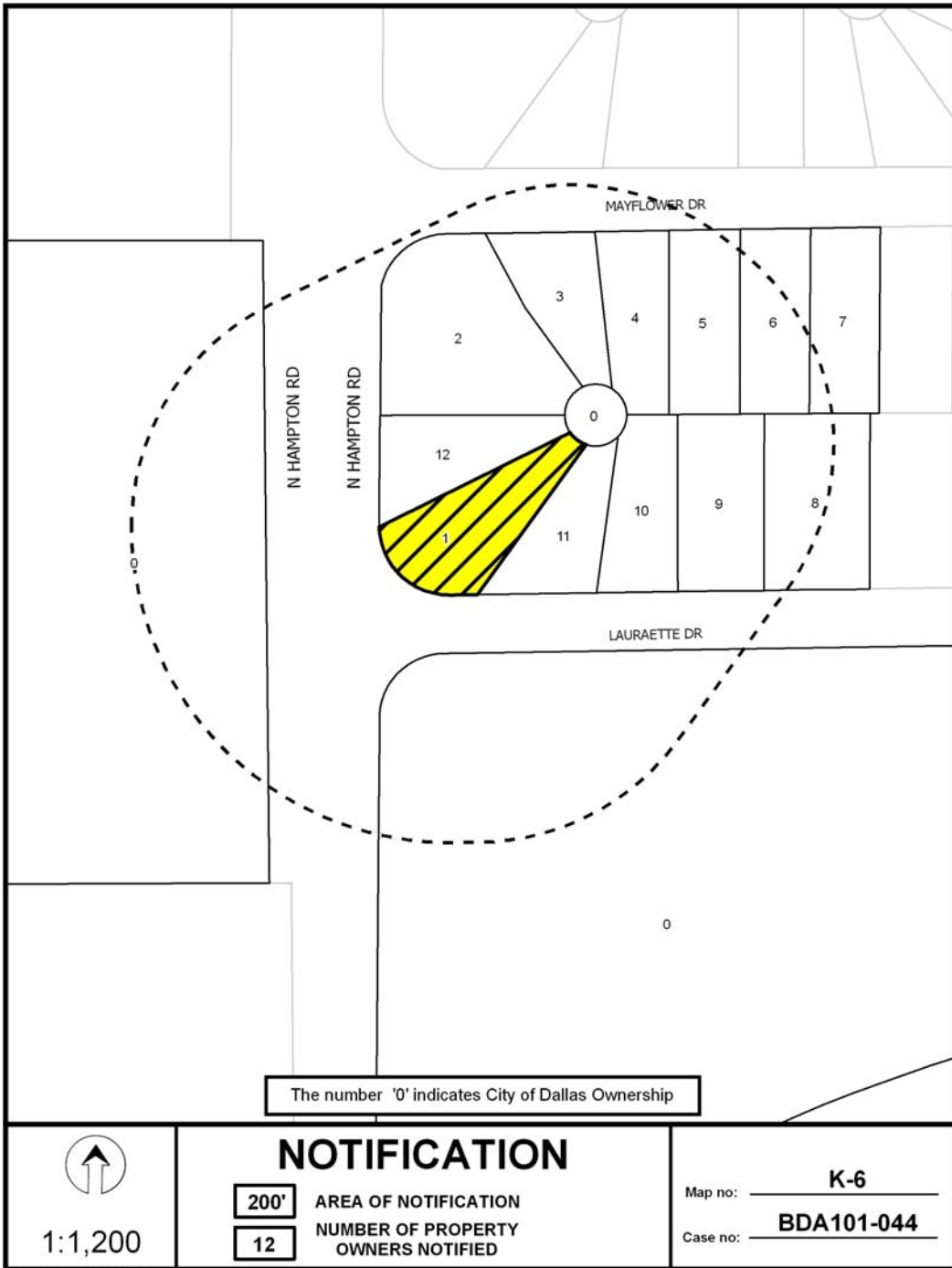
We, the undersigned, agree that the existing fence located at 2045 Lauraette Dr., Dallas, TX 75208 does not create an adverse affect on our neighborhood, Stevens Park Estates. Further, we agree that an exception be granted to allow a fence height up to 6 feet.

Agreed Upon by the following Signers

	Name	Address	Contact Phone/Email	Signature
1	Chad Ruelter	2035 Lauraette Dr	214-330-1121	
2	CHARLES BAILEY	2023 LAURAETTE DR.	214-941-4163	C.M. Bailey
3	Michael Argay	2009 Lauraette Dr	303 9995 4372	
4	John Bubbly	1016 N. Oak Cliff Blvd	214-948-9022	
5	Jonathan Deke	1039 N. Oak Cliff Blvd	214-542-6313	
6	Lucas Cepak	2000 Mayflower Dr	214 992 2444	
7	Sharon Argay	2017 Mayflower Ln	214-946-5659	
8	Berna VanderMolk	1032 N. Hampton	201-627-5960	
9	Beth E. Russell	2041 Lauraette	214-946-7613	Beth E. Russell
10	Scott Evans	2017 LAURAETTE DR	214 943 4710	
11	MARIO LEAL	Mario Leal	2031 LAURAETTE DR	Mario Leal
12	John M Green	2040 Mayflower	214-242-9100	
13	KAREN BICK	2021 Mayflower	214-943-6303	Karen Bick
14	FABIAN ARMAND	1117 N. Oak Cliff Blvd	214-213-3740	Fabian Armand
15	Tom Milner	2000 Old Orchard Dr.	214-942-1331	
16	TIM HAGEN	2036 Old Orchard Dr.	469-628-1635	

[Handwritten signatures and initials at the top of the page, including a large signature that appears to be "John" and several other initials.]

17	Gerald Frankowski	2019 Old Orchard	214-587-3916
18	Tim Strawderman	2019 Old Orchard	214 766 6985
19	Carl Andrews	2030 Mayflower	214 232 9015
20	Buddy Bonning	2041 Mayflower	730 840 6334
21	Ric Mewer	2041 Mayflower	469 371 0057
22	Jody Hall	2024 Old Orchard	214-356-5518
23	Cliff Bradley	2036 Mayflower	817 319 7303
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Notification List of Property Owners

BDA101-044

12 Property Owners Notified

Label #	Address	Owner
1	2045 LAURAETTE	NAIDOO RINA & KAMLESAN NAIDOO
2	2040 MAYFLOWER	GREEN J MICHAEL MICHELLE ALCALA GREEN
3	2036 MAYFLOWER	BRADLEY JAMES
4	2030 MAYFLOWER	KOHL SUSAN E
5	2026 MAYFLOWER	WALLER AARON B IV
6	2022 MAYFLOWER	PEIRSON ESTHER H
7	2018 MAYFLOWER	AYERS CHARLES MONROE & MARY ALICE
8	2023 LAURAETTE	BAILEY CHARLES M JR
9	2031 LAURAETTE	LEAL MARIO &
10	2035 LAURAETTE	RUEFFER CHAD NELSON
11	2041 LAURAETTE	RUSSELL BETH E
12	1032 HAMPTON	VANDERMOLEN BRIAN

FILE NUMBER: BDA101-045

BUILDING OFFICIAL'S REPORT:

Application of Brian VanderMolen for a special exception to the fence height regulations at 1032 N. Hampton Road. This property is more fully described as Lot 23 in City Block 7/4614 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 maintain a 7-foot 6-inch high fence which will require a special exception of 3 feet 6 inches.

LOCATION: 1032 N. Hampton Road

APPLICANT: Brian VanderMolen

REQUEST:

- A special exception to the fence height regulations of 3' 6" is requested in conjunction with maintaining (according to the submitted elevation) a 4' 3" – 4' 9" high open wrought iron fence with approximately 5' high stone columns with approximately 2' high decorative lamps atop on a lot developed with a single family home.

STAFF RECOMMENDATION:

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

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

GENERAL FACTS:

- The Dallas Development Code states that a person shall not erect or maintain a fence in a required yard more than 9' above grade, and additionally 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 applicant has submitted a revised site plan and elevation indicating a proposal that reaches a maximum height of 7' 1". (Note that although the applicant has requested a special exception of 3' 6", nothing appears on the submitted documents higher than 7' 1".)

- The following additional information was gleaned from the submitted revised site plan:
 - The proposal is approximately 50' in length parallel to the street and approximately 9' - 16' in length *perpendicular* to the street on the north and south sides of the site (respectively) in the front yard setback.
 - The fence is shown to be located approximately 9' – 16' from the site's front property line or about 17' – 23' from the curb line.
- No single family home "fronts" to the fence on the subject site. The property immediately west of the site is the Stevens Park Golf Course.
- The Board Administrator conducted a field visit of the site and surrounding area and noted the following two other fences above four (4) feet high in the immediate area which appeared to be located in a front yard setback:
 - an approximately 6' high open iron fence immediately south of the subject site – a case (BDA 101—044) to be heard by Board of Adjustment Panel C on May 16, 2011; and
 - an approximately 9' high solid wood fence wall immediately north of the subject site with no recorded BDA history.
- The applicant forwarded additional information beyond what was submitted with the original application (see Attachment A). This information included a revised site plan (that shows the fence to be in compliance with the visual obstruction regulations) and an updated petition from what was originally submitted with the application.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	R-7.5(A) (Single family district 7,500 square feet)
<u>North:</u>	R-7.5(A) (Single family district 7,500 square feet)
<u>South:</u>	R-7.5(A) (Single family district 7,500 square feet)
<u>East:</u>	R-7.5(A) (Single family district 7,500 square feet)
<u>West:</u>	R-7.5(A)(SUP 235) (Single family district 7,500 sq ft) (Specific Use Permit)

Land Use:

The subject site is developed with a single family home. The areas to the north, south, and east are developed with single family uses; the area to the west is developed with a public golf course (Stevens Park Golf Course).

Zoning/BDA History:

1. BDA 101-044, Property at 2045 Lauraette Drive (the lot immediately south of subject site) On May 16, 2011, the Board of Adjustment Panel C will consider a request to the fence height regulations of 2' to maintain a 6' open wrought iron fence.

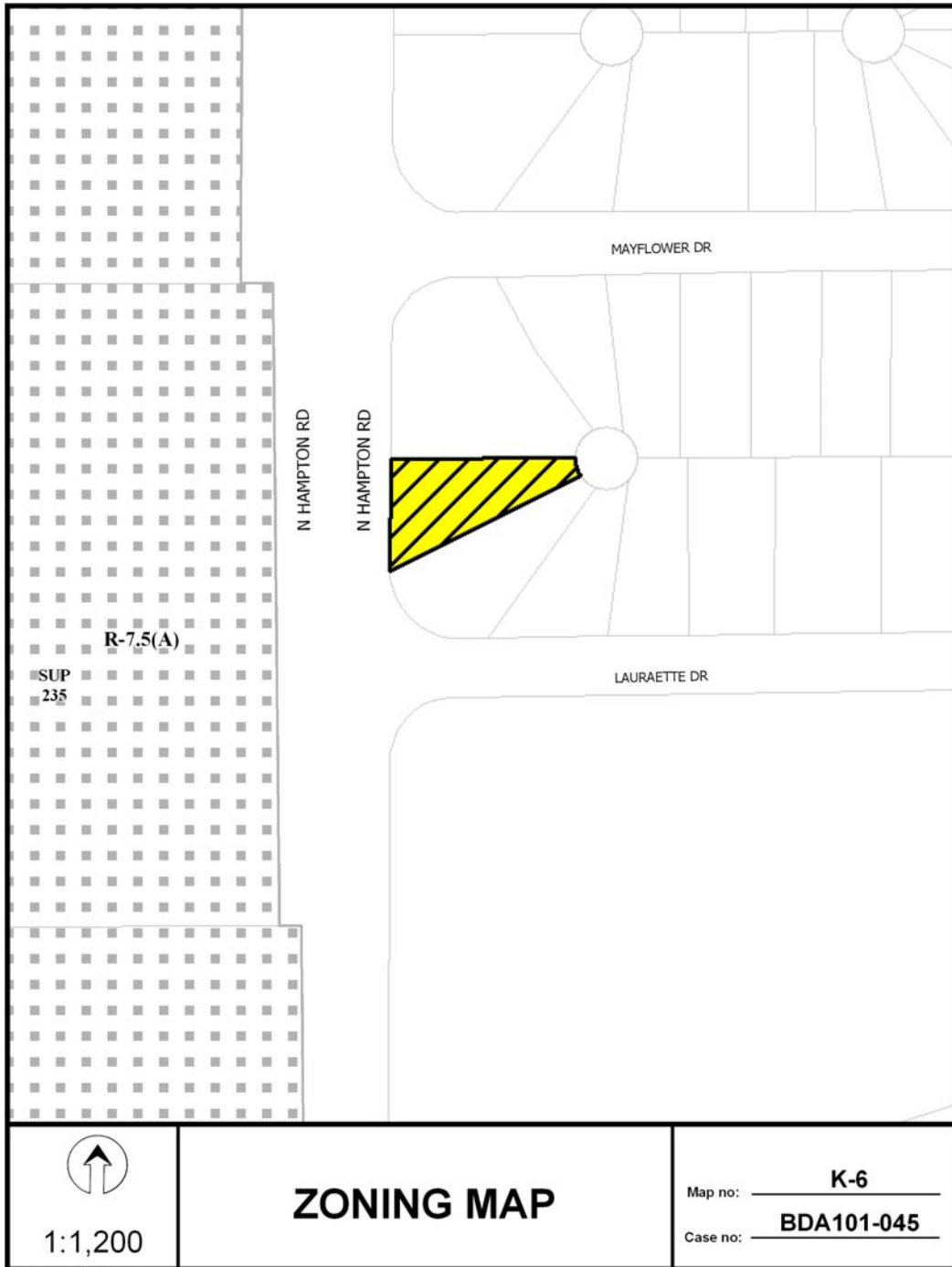
Timeline:

- March 29, 2011: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- April 20, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- April 21, 2011: 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 May 2nd deadline to submit additional evidence for staff to factor into their analysis; and the May 6th 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.
- May 2 and 4, 2011: The applicant forwarded additional information on this application beyond what was submitted with the original application (see Attachment A).
- May 3, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.
- May 5, 2011: The Sustainable Development Department Project Engineer submitted a review comment sheet marked “Has no objections if certain conditions are met” with the following comments: “Comply with all C.O.D visibility requirements.”

(Note that no item appears to be represented on the submitted plans as being located in a visibility triangle).

STAFF ANALYSIS:

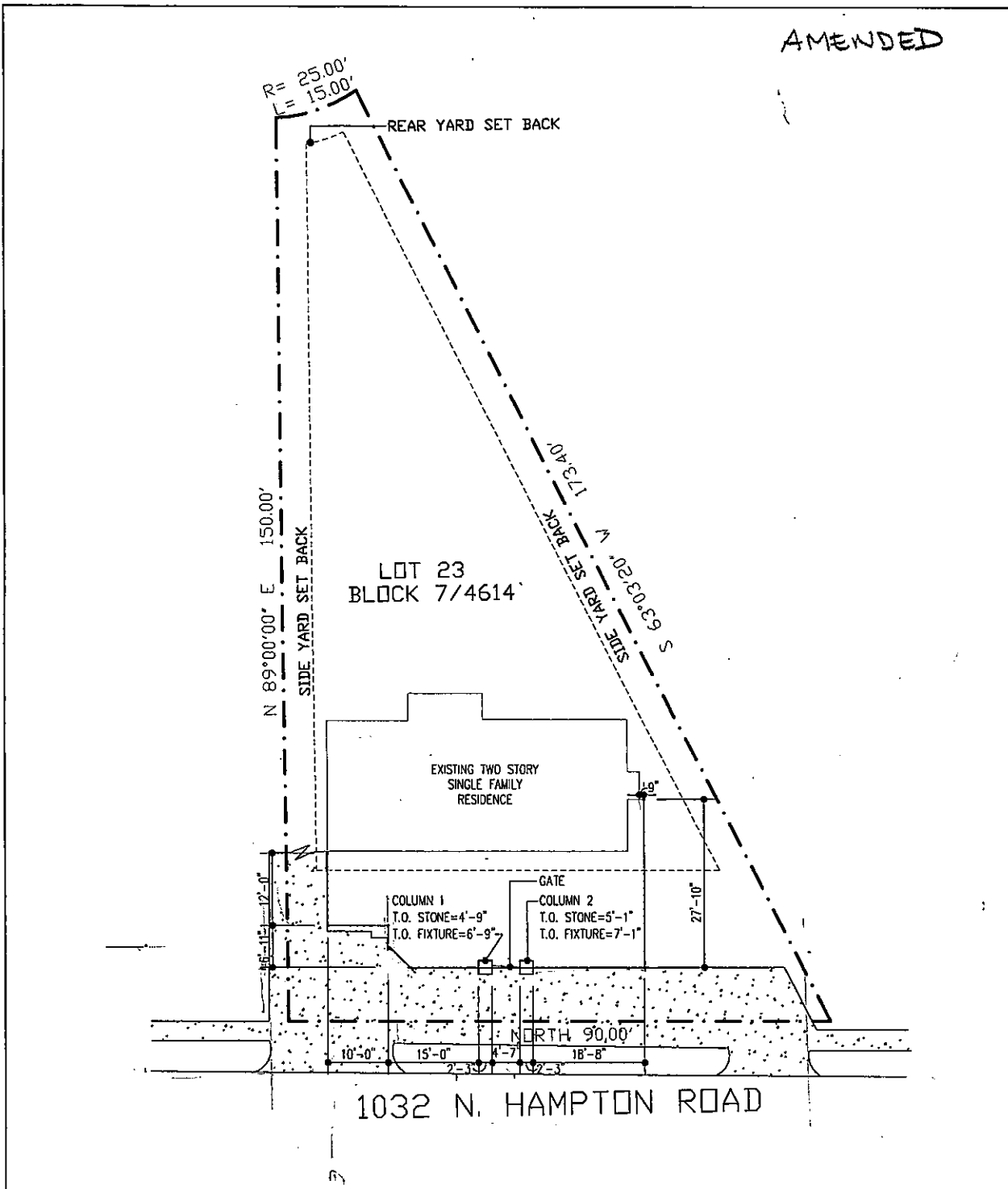
- This request focuses on maintaining (according to the submitted elevation) a 4' 3" – 4' 9" high open wrought iron fence with approximately 5' high stone columns with approximately 2' high decorative lamps atop on a lot developed with a single family home.
- The submitted revised site plan and elevation documents the location, height, and materials of the fence over 4' in height in the required front yard setback. The site plan indicates that the proposal is about 50' in length parallel to the street and approximately 9' - 16' in length *perpendicular* to the street on the north and south sides of the site (respectively) in the front yard setback. The plan shows the fence to be located approximately 9' – 16' from the site's front property line or about 17' – 23' from the curb line.
- No single family home "fronts" to the fence on the subject site. The property immediately west of the site is the Stevens Park Golf Course.
- The Board Administrator conducted a field visit of the site and surrounding area and noted two other fences above four (4) feet high in the immediate area which appeared to be located in a front yard setback beyond what was previously described in the "General Facts" section of this case report.
- As of May 9, 2011, a petition signed by 25 neighbors/owners in support of the application had been submitted to staff and no letters had been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 3' 6" will not adversely affect neighboring property.
- Granting this special exception of 3' 6' with a condition imposed that the applicant complies with the submitted revised site plan and elevation would provide assurance that the proposal exceeding 4' in height in the front yard setback would be maintained in the location and of the height and materials as shown on these documents.



DATE: April 28, 2011



AMENDED



LEGAL DESCRIPTION

1032 N. HAMPTON ROAD, AND BEING LOT 23, BLOCK 7/4614, OF STEVENS PARK ESTATES, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 4, PAGE 116, MAP RECORDS, DALLAS COUNTY, TEXAS

01 FENCE PLAN

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



TRUE NORTH




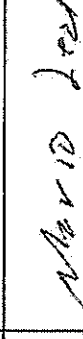




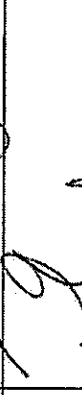





PLAN NORTH

VANDERMOLLEN FENCE











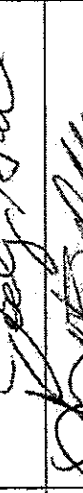

PETITION FOR FENCE HEIGHT EXCEPTION

We the undersigned agree that the existing fence located at 1032 North Hampton Rd. Dallas, Texas 75208, does not create an adverse affect on our neighborhood, Steven's Park Estates. Further we agree that an exception be granted to allow a fence height up to 7 feet 6 inches.

AGREED UPON BY THE FOLLOWING SIGNERS			
Name	Address	Contact Phone	Signature
Kam Naidoo	2023 Lauraette Drive	214-532-8477	
Beth E. Russell	2041 Lauraette Drive	214-946-7613	
Chad Rueffer	2035 Lauraette Drive	214 370 1121	
Mario Leal	2031 Lauraette Drive		
Charles Bailey	2023 Lauraette Drive	214 941 4163	
Scott Jenke	2017 Lauraette Drive	214 943 4710	
Michael Argy	2009 Lauraette Drive	303 995 4372	
John M. Green	2040 Mayflower Drive	214 242 9100	
Ric Melvin	2041 Mayflower Drive	469 371 0059	
Bridget Bonning	2041 Mayflower Drive	720 840 6334	
Clint Bradley	2036 Mayflower Drive	817 319 7303	
Carl Andrews	2019 Mayflower Drive	214 252 9013	

PETITION FOR FENCE HEIGHT EXCEPTION

We the undersigned agree that the existing fence located at 1032 North Hampton Rd. Dallas, Texas 75208, does not create an adverse affect on our neighborhood, Steven's Park Estates. Further we agree that an exception be granted to allow a fence height up to 7 feet 6 inches.

AGREED UPON BY THE FOLLOWING SIGNERS	Name	Address	Contact Phone	Signature
	Charles Ayers	2018 Mayflower Drive	214 946 5659	
	Lucas Cepak	2000 Mayflower Drive	214 942 2444	
	Karen Bick	2021 Mayflower Drive	214 943 6303	
	Tim Hagen	2036 Old Orchard Drive	469 628 1635	
	John Butler	1016 N. Oak Cliff Blvd	214 948 9022	
	Jonathan Dekle	1039 N. Oak Cliff Blvd	214 592 6363	
	Ron Milner	2000 Old Orchard	214 942 1331	
	Gerald Frankowski	2019 Old Orchard Drive	214 587 3926	
	Tim Strawderman	2019 Old Orchard Drive	214 766 6985	
	Jody Hall	2024 Old Orchard Drive	214 356 5518	
	LANIGA EDELMAN	2029 OLD ORCHARD DR		
	DAN WILLIAMS	1935 W COLORADO	214 942 4514	



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-045

Data Relative to Subject Property:

Date: 3-29-11

Location address: 1032 N. Hampton Rd Zoning District: R-7.5(A)

Lot No.: 23 Block No.: 7/4614 Acreage: .30 Census Tract: 44.00

Street Frontage (in Feet): 1) 90 2) _____ 3) _____ 4) _____ 5) _____ SW16

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Brian and Nicole Vandermolen

Applicant: Brian Vandermolen Telephone: 281-627-5960

Mailing Address: 1032 N. Hampton Rd Zip Code: 75208

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

Affirm that a request has been made for a Variance, or Special Exception of 3 feet 6 inches to the height of fence in front yard.

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

This fence has no adverse impact to the neighboring properties as there are no homes facing my property. The fence also blends in with other fences in neighborhood. The neighboring home has a wrought iron fence with neighbor owner as well. Also a petition with my closest neighbors has been signed with no objection to fence.

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

Respectfully submitted: Brian Vandermolen
Applicant's name printed

[Signature]
Applicant's signature

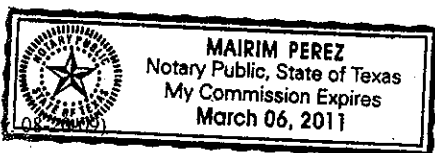
Affidavit

Before me the undersigned on this day personally appeared Brian Vandermolen 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.

[Signature]
Affiant (Applicant's signature)

Subscribed and sworn to before me this 28 day of February, 2011

[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

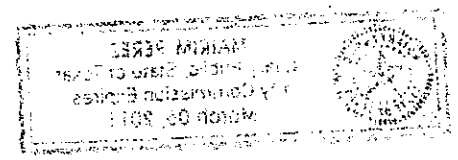
I hereby certify that Brian VanderMolen

did submit a request for a special exception to the fence height regulations
at 1032 N. Hampton Road

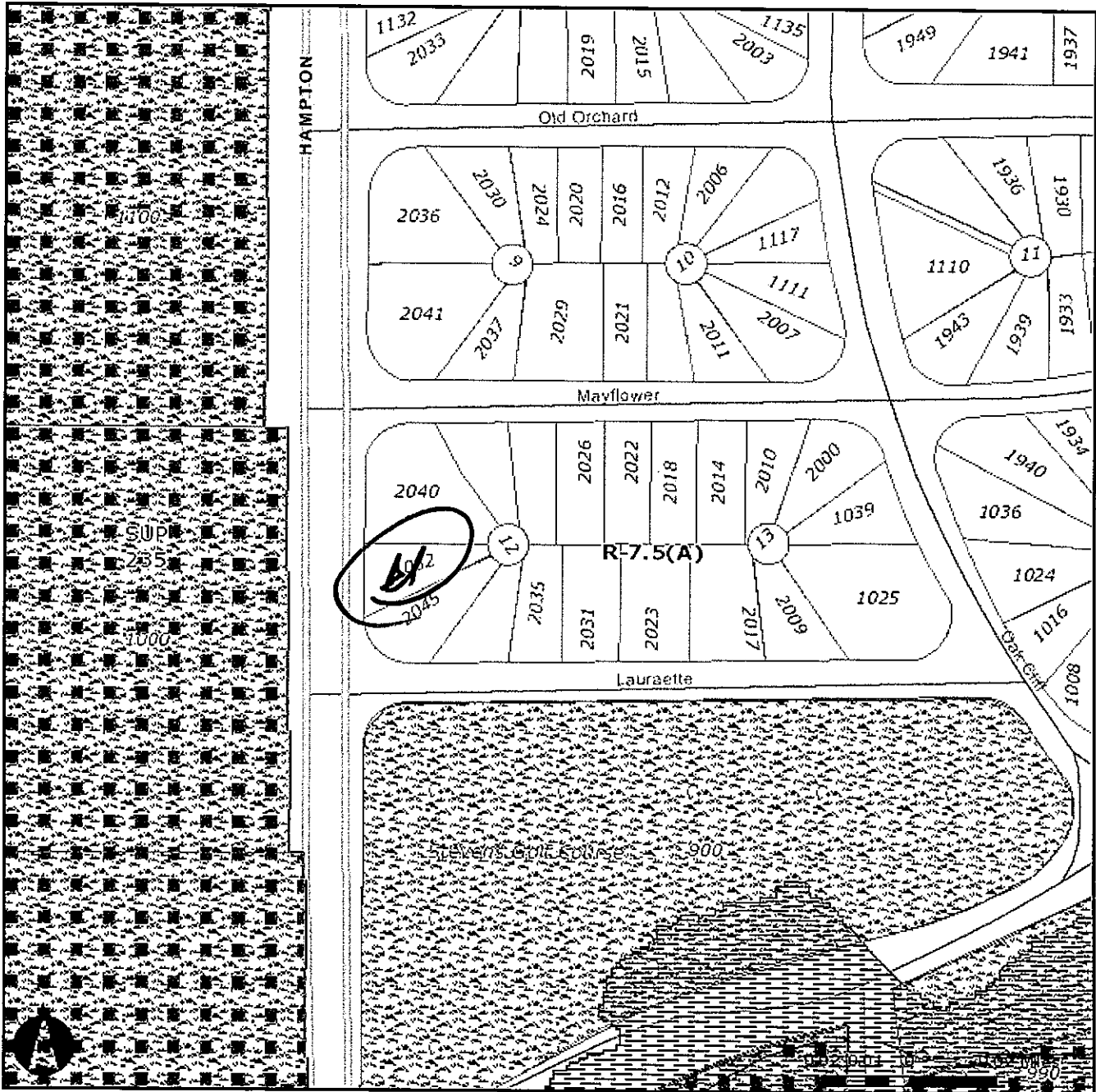
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Sincerely,

Batsheba Antebi
Batsheba Antebi, Building Official



City of Dallas Zoning



City Boundaries



County



Certified Parcels



DISD Sites



Council Districts



Waterways



Dry Overlay



Historic Overlay



Historic Subdistricts



NSO Overlay



NSO Subdistricts



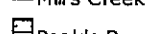
Base Zoning



Floodplain



100 Flood Zone



Mill's Creek



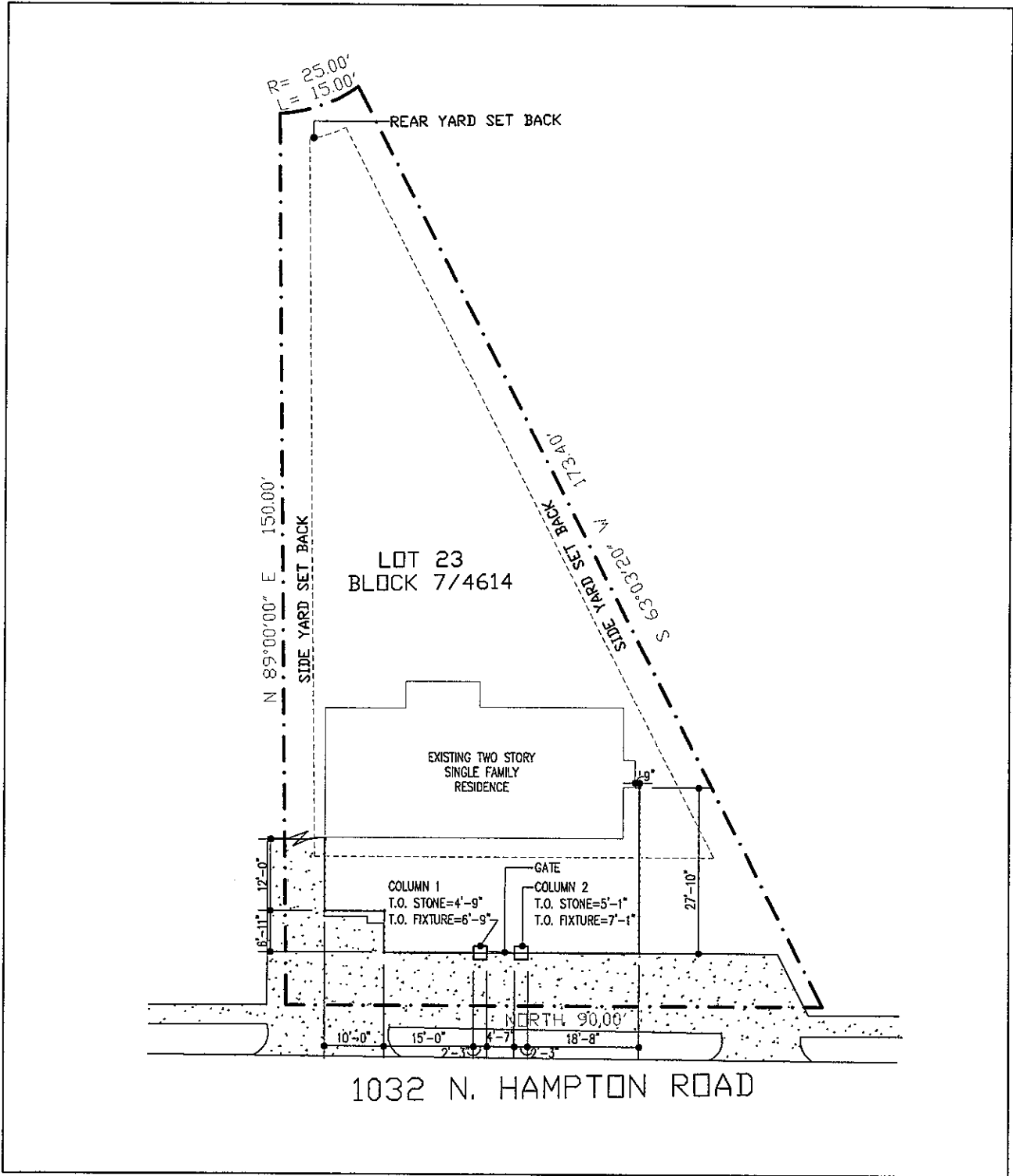
Peak's Branch



X PROTECTED BY LEVEE

Pedestrian Overlay



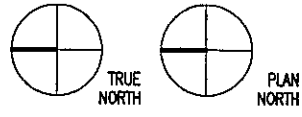


LEGAL DESCRIPTION

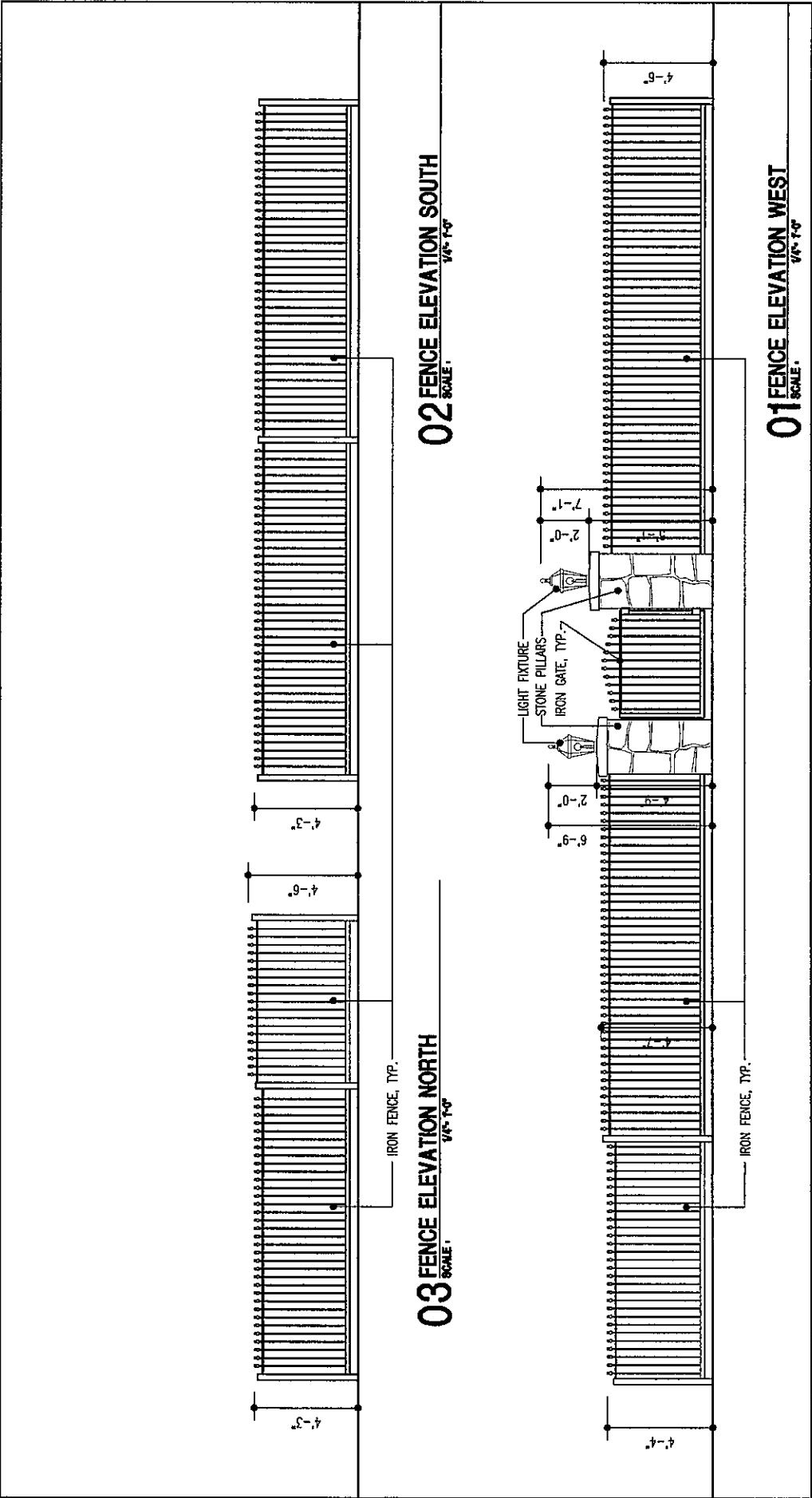
1032 N. HAMPTON ROAD, AND BEING LOT 23, BLOCK 7/4614, OF STEVENS PARK ESTATES, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 4, PAGE 116, MAP RECORDS, DALLAS COUNTY, TEXAS

01 FENCE PLAN

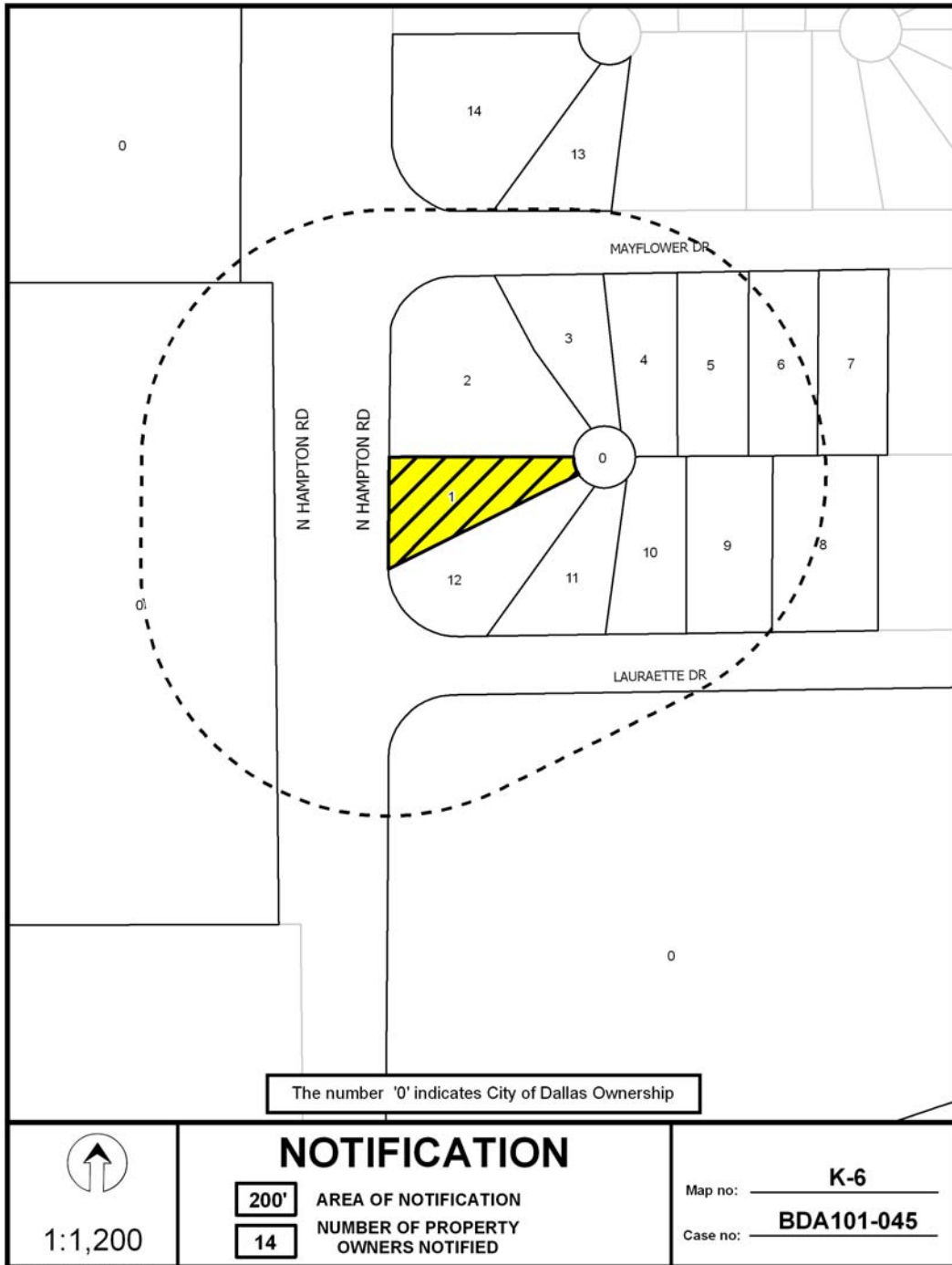
SCALE: 1/8" = 1'-0"



VANDERMOLEN FENCE



VANDERMOLLEN FENCE



DATE: April 28, 2011

Notification List of Property Owners

BDA101-045

14 Property Owners Notified

Label #	Address	Owner
1	1032 HAMPTON	VANDERMOLEN BRIAN
2	2040 MAYFLOWER	GREEN J MICHAEL MICHELLE ALCALA GREEN
3	2036 MAYFLOWER	BRADLEY JAMES
4	2030 MAYFLOWER	KOHL SUSAN E
5	2026 MAYFLOWER	WALLER AARON B IV
6	2022 MAYFLOWER	PEIRSON ESTHER H
7	2018 MAYFLOWER	AYERS CHARLES MONROE & MARY ALICE
8	2023 LAURAETTE	BAILEY CHARLES M JR
9	2031 LAURAETTE	LEAL MARIO &
10	2035 LAURAETTE	RUEFFER CHAD NELSON
11	2041 LAURAETTE	RUSSELL BETH E
12	2045 LAURAETTE	NAIDOO RINA & KAMLESAN NAIDOO
13	2037 MAYFLOWER	SMADES DAVID
14	2041 MAYFLOWER	MELVIN RIC