

BOARD OF ADJUSTMENT, PANEL A
TUESDAY, SEPTEMBER 20, 2011
AGENDA

BRIEFING	5/E/S	11:30 A.M.
LUNCH		
PUBLIC HEARING	COUNCIL CHAMBERS ,1500 MARILLA STREET	1:00 P.M.

David Cossum, Assistant Director
Steve Long, Board Administrator

MISCELLANEOUS ITEM

Approval of the Tuesday, August 16, 2011 Board of Adjustment Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA 101-076	5946 Park Lane REQUEST: Application of Peter Pathos, represented by James Davis, for a special exception to the fence height regulations and for a special exception to the visual obstruction regulations	1
BDA 101-078	4361 W. Lawther Drive REQUEST: Application of Larry Dullye for a special exception to the fence height regulations	2
BDA 101-082	3930 Duncanville Road REQUEST: Application of Al Cron for a special exception to the screening regulations and for a special exception to the tree preservation regulations	3

EXECUTIVE SESSION NOTICE

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

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

(Rev. 6-24-02)

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel A August 16, 2011 public hearing minutes.

FILE NUMBER: BDA 101-076

BUILDING OFFICIAL'S REPORT:

Application of Peter Pathos, represented by James Davis, for a special exception to the fence height regulations and for a special exception to the visual obstruction regulations at 5946 Park Lane. This property is more fully described as Lot 2 in City Block A/5615 and is zoned R-1ac(A), which limits the height of a fence in the front yard to four feet and requires a 45 foot visibility triangle at street intersections. The applicant proposes to construct a 6 foot 6 inch will require a special exception to the fence height regulations of 2 feet 6 inches, and to locate and maintain items in a required visibility triangle, which will require a special exception to the visual obstruction regulations.

LOCATION: 5946 Park Lane

APPLICANT: Peter Pathos
Represented by James Davis

REQUESTS:

- The following appeals have been made in this application on a site that is developed with a single family home:
 1. a special exception to the fence height regulations of 2' 6" is requested in conjunction with constructing and maintaining primarily a 6' high open iron fence with 6' 6" high stone columns/iron entry gate to be located in the front yard setback; and
 2. a special exception to the visual obstruction regulations is requested in conjunction with maintaining portions of an existing solid cedar fence/wall and two 8' 6" high brick columns in the 45 foot visibility triangle at the intersection of Park Lane and Preston Road.
- * Note that a 6' high wood fence is proposed to be constructed/maintained in the site's front yard setback *perpendicular* to Park Lane along the western boundary of the subject site. Additionally note that an existing approximately 8' high wood with 8' 6" high brick columns is proposed to be maintained on the site in the front yard setback *perpendicular* to Park Lane on the *eastern* boundary – fence/columns that appear to have been a result of a previous board-approved fence height special exception in November of 2005: BDA 056-205.

STAFF RECOMMENDATION (fence height special exceptions):

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.

STAFF RECOMMENDATION (visual obstruction special exception):

Approval, subject to the following condition:

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

Rationale:

- The Sustainable Development and Construction Department Project Engineer has no objections to this request with the condition that the applicant complies with the submitted site plan and elevation. (Note that the submitted site plan provides an approximately 41' visibility triangle).
- The applicant has substantiated that the location of the items in the 45' visibility triangle at the intersection of Park Lane and Preston Road do not constitute a traffic hazard.

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.

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

GENERAL FACTS (fence height special exception):

- The Dallas Development Code states that a person shall not erect or maintain a fence in a required yard more than nine feet above grade, and additionally states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.
The applicant has submitted site plan and partial elevation document indicating that the proposal in the required front yard setback reaches a maximum height of 8' 6".
- The following additional information was gleaned from the submitted site plan:
 - The 6' high open iron fence is approximately 150 feet in length parallel to the street, and the 6' high wood fence is approximately 29 feet in length perpendicular to Park Lane on the west side of the site in the front yard setback.
 - The proposed fence is shown to be located approximately on the front property line or about 11' from the pavement line.
 - The proposed gate is shown to be located approximately 9' from the front property line or about 20' from the projected pavement line.
- One single family home "fronts" to the proposal on the subject site. This home does not have a fence in its front yard setback.
- The Board Administrator conducted a field visit of the site and surrounding area (an area about 500 feet west of the subject site) and noted no other fences above 4' high which appeared to be located in a front yard setback.

GENERAL FACTS (visual obstruction special exception):

- The Dallas Development Code states the following with regard to visibility triangles: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45-foot visibility triangles at intersections on properties in all zoning districts except central area districts, the Deep Ellum/Near Eastside District, State-Thomas Special Purpose District, and 20-foot visibility triangles at drive approaches on properties in all zoning districts); and
 - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).

A site plan and partial elevation has been submitted that denotes a portion of an “existing wood fence” and what appears to be two columns in 45’ visibility triangle at the intersection of Park Lane and Preston Road. Note that this request appears to be made in conjunction with maintaining fence/columns that were part of a Board of Adjustment application filed and approved in November of 2005: BDA 056-020. A review of plans submitted in conjunction with this 2005 appeal for merely a fence height special exception to locate and maintain an approximately 8’ high cedar fence wall in the site’s Park Lane front yard setback perpendicular to Park Lane show these plans were represented with notations of “45 foot view clip from corner point of origin” would be provided – but did not, hence the request for a special exception to the visual obstruction regulations in this application in order to maintain existing portions of this fence/columns in the 45 foot Park Lane/Preston Road intersection visibility triangle.

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-16(A) (Single family district 16,000 square feet)
West: R-1ac(A) (Single family district 1 acre)

Land Use:

The subject site is 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 056-020, Property at 5946
Park Lane (the subject site)

On November 15, 2005, the Board of Adjustment Panel A granted a request for a special exception to the fence regulations of 4' 6" and imposed the submitted site plan and elevation as a condition to the request. The case report stated that the request was made in conjunction with constructing and maintaining an approximately 8' 2" high rough cedar wall with 8' 6" high brick columns in the front yard setback perpendicular to Park Lane.

Timeline:

- June 17, 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.
- August 12, 2011: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, "If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case."
- August 18, 2011: The Board Administrator emailed the applicant's representative the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the September 1st deadline to submit additional evidence for staff to factor into their analysis; and the September 9th deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- June 23, 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 August 1st deadline to submit additional evidence for staff to factor into their analysis; and the August 5th 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.

September 6, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for September public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Assistant Director, Sustainable Development and Construction Department Engineering Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

September 7, 2011: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections if certain conditions are met" with the following comments: "No objection to fence height. Will provide minimum 40 x 40 feet visibility triangle." (Note that the submitted site plan provides an approximately 41' visibility triangle).

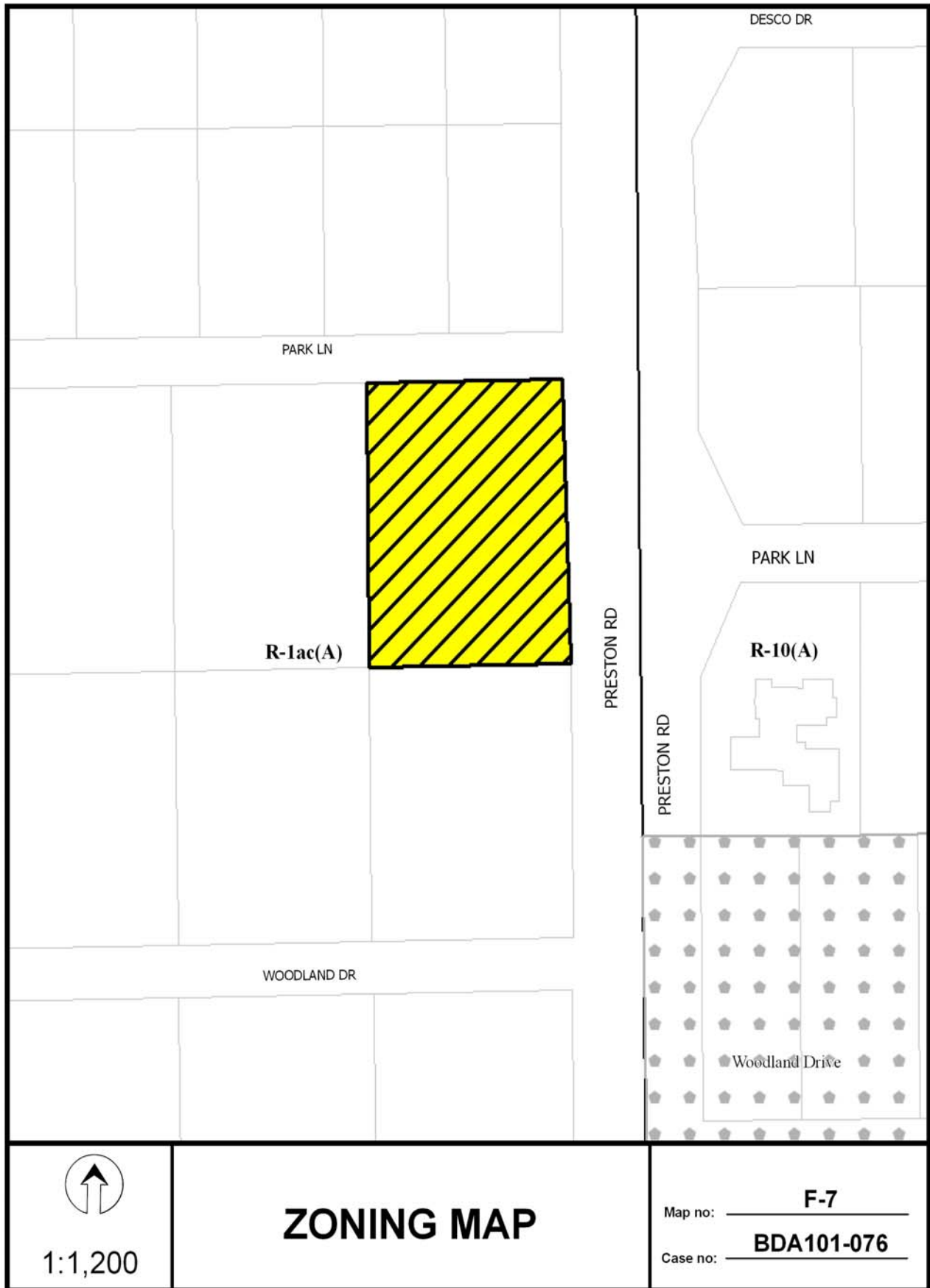
STAFF ANALYSIS (related to the fence height special exception):

- This request focuses on with constructing and maintaining primarily a 6' high open iron fence with 6' 6" high stone columns/iron entry gate to be located in the front yard setback on a site developed with a single family home.
- The submitted site plan and partial elevation documents the location, height, and materials of the fence over four feet in height in the required front yard. The site plan shows the proposal to be approximately 150' in length parallel to the street and approximately 29' in length perpendicular to the street on the west side of the site, and approximately on the front property line or about 11' from the pavement line. (The gate is shown to be about 9' from the front property line or about 20' from the projected pavement line). The partial elevation denotes that the fence is to be 6' in height with 6' 6" high columns and gate.
- One single family home "fronts" to the proposal on the subject site. This home does not have a fence in its front yard setback.
- The Board Administrator conducted a field visit of the site and surrounding area (an area about 500 feet west of the subject site) and noted no other fences above four feet high which appeared to be located in a front yard setback.
- As of September 12, 2011, no letters have been submitted in support or opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 2' 6" will not adversely affect neighboring property.
- Granting this special exception of 2' 6" with a condition imposed that the applicant complies with the submitted site plan and partial elevation would require that the proposal exceeding 4' in height in the required front yard would be constructed and maintained in the location and of the heights and materials as shown on these documents.
- Note that if the board were to grant this request and impose the submitted site plan and partial elevation as a condition, but the request for the special exception to the visual obstruction regulations, notations would be made of such action on the

submitted plan whereby the location of the items in the visibility triangle would not be “excepted.”

STAFF ANALYSIS (visual obstruction special exception):

- The request for a special exception to the visual obstruction regulations focuses on maintaining portions of an existing solid cedar fence/wall and two 8’ 6” high brick columns in the 45’ visibility triangle at the intersection of Park Lane and Preston Road.
- The Sustainable Development and Construction Department Project Engineer has submitted a review comment sheet marked “Has no objections if certain conditions are met” commenting: “No objection to fence height. Will provide minimum 40 x 40 feet visibility triangle.” (Note that the submitted site plan provides an approximately 41 foot visibility triangle).”
- The applicant has the burden of proof in establishing how granting the request for a special exception to the visual obstruction regulations to maintain portions of an existing solid cedar fence/wall and two 8’ 6” high brick columns in the 45’ visibility triangle at the intersection of Park Lane and Preston Road will not constitute a traffic hazard.
- If the Board chooses to grant this request, subject to compliance with the submitted site plan and partial elevation, the items shown on these documents would be “excepted” into the 45 foot Park Lane/Preston Road intersection visibility triangle.
- Note that if the board were to grant this request and impose the submitted site plan and partial elevation as a condition, but deny the request for a special exception to the fence height regulations, notations would be made of such action on the submitted plans whereby any fence in a front yard setback higher than four feet not previously granted by the board in a previous application would not be “excepted.”



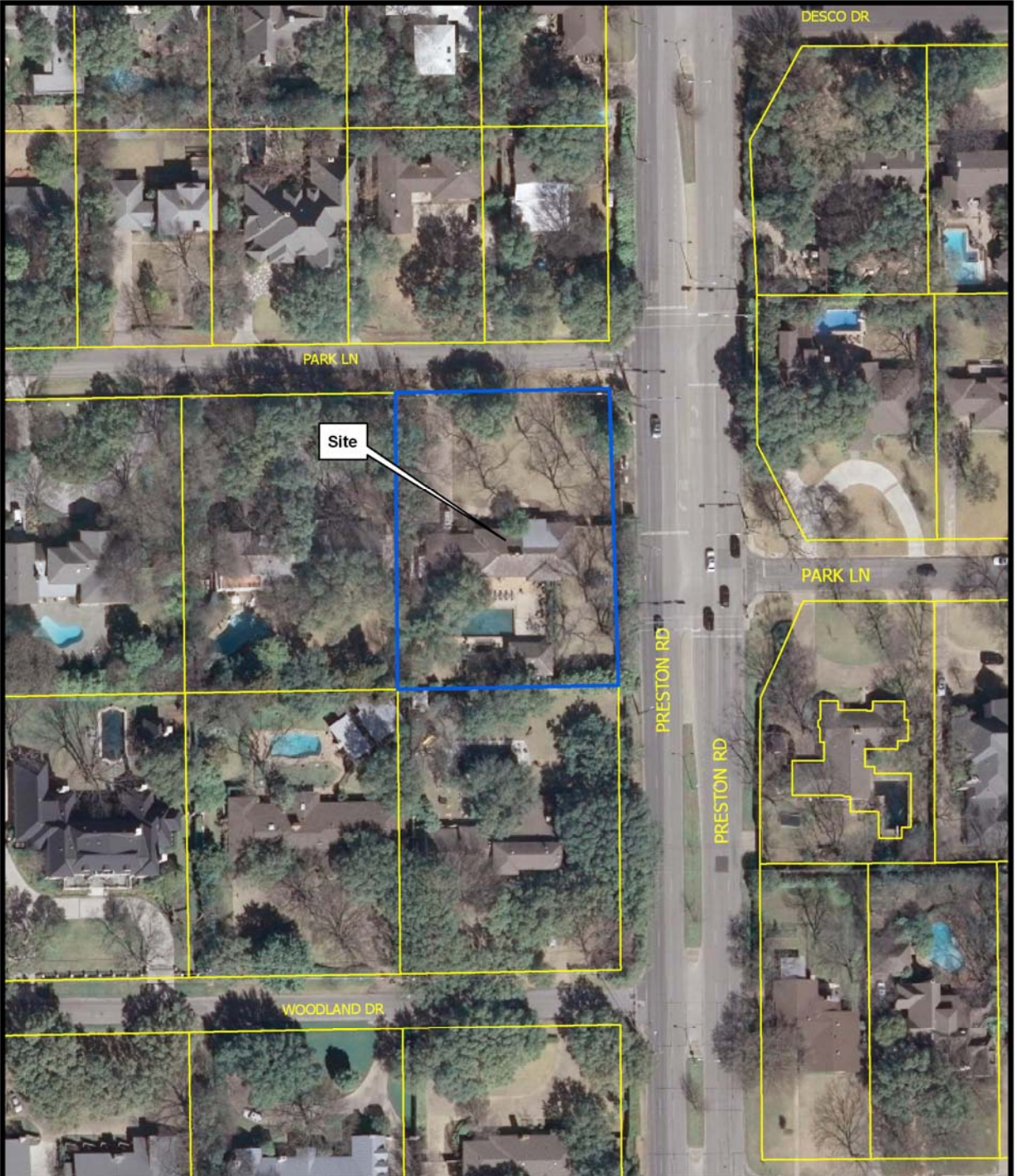
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ZONING MAP

Map no: F-7

Case no: BDA101-076

DATE: August 18, 2011




 1:1,200

AERIAL MAP

Map no: F-7
 Case no: BDA101-076

DATE: August 18, 2011



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-076

Date: 6/17/2011

Data Relative to Subject Property:

Location address: 5946 Park Ln, Dallas, TX 75225 Zoning District: R-1ac(A)

Lot No.: 2 Block No.: A/5615 Acreage: .86 Census Tract: 75.00

Street Frontage (in Feet): 1) 167.80 2) 225 3) 4) 5)

NE 25

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Peter Pathos

Applicant: Peter Pathos Telephone: 214-882-7249

Mailing Address: 5946 Park Ln. Dallas, TX Zip Code: 75225

Represented by: James Davis Telephone: 972-658-9206

Mailing Address: P.O. Box 12638 Dallas, TX Zip Code: 75225

Affirm that a request has been made for a Variance or Special Exception of 2'6" height in front yard fence and a special exception to the 45' visibility obstruction triangle.

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 community features estate lots where a number of residences have fences and drive gates that are taller than the requested 6'6". We wish to maintain an existing fence that minimally encroaches into the visibility triangle.

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: Peter Pathos Applicant's name printed

[Signature] Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Peter Pathos 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 17 day of June, 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

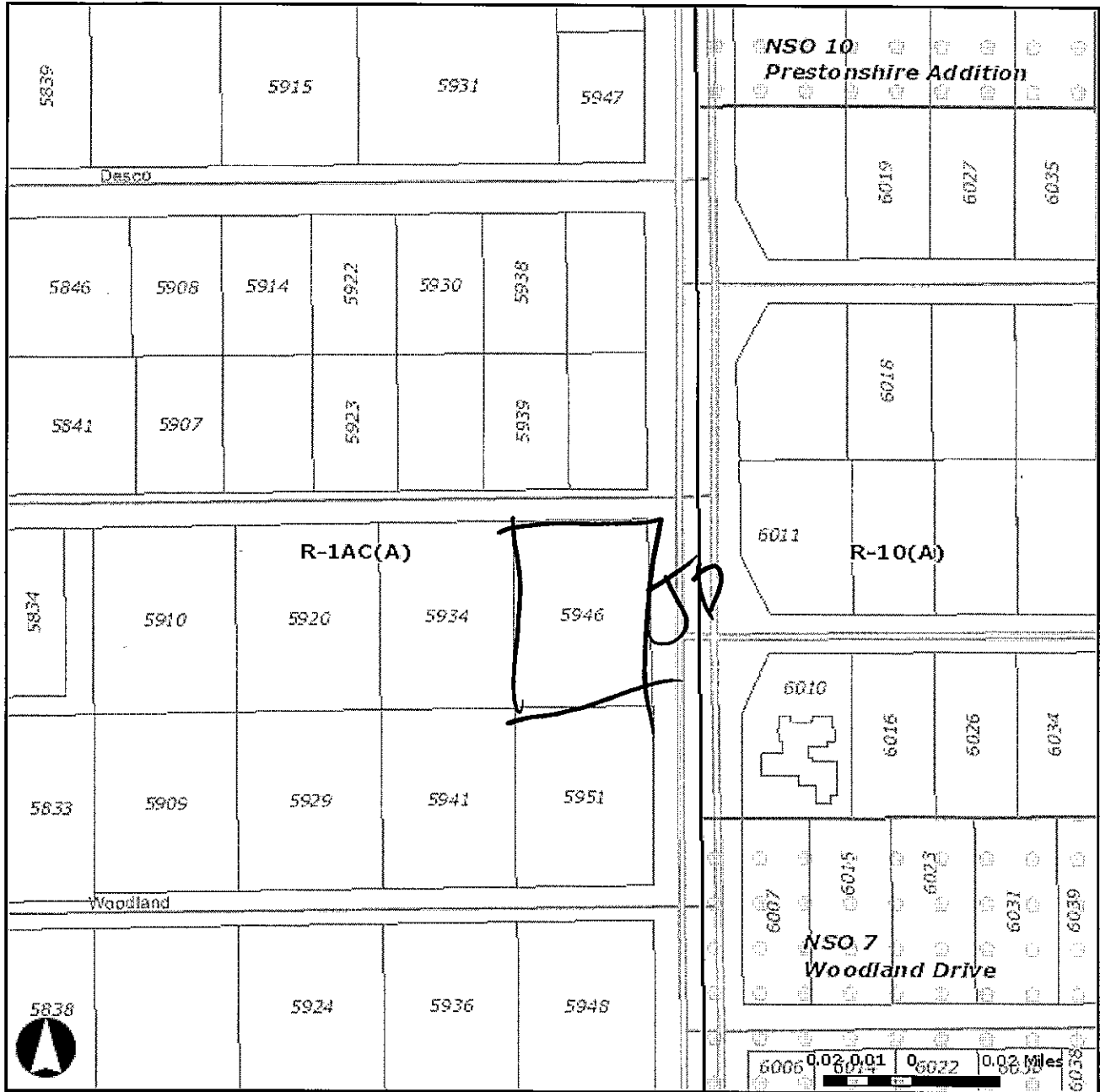
I hereby certify that Peter Pathos
represented by JAMES DAVIS
did submit a request for a special exception to the fence height regulations, and for a special
exception to the visibility obstruction regulations
at 5946 Park Lane

BDA101-076. Application of Peter Pathos represented by James Davis for a special exception to the fence height regulation and for a special exception to the visibility obstruction regulation at 5946 Park Lane. This property is more fully described as lot 2 in city block A/5615 and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet and requires a 45 foot visibility triangle at street intersections. The applicant proposes to construct a 6 foot 6 inch high fence in a required front yard setback, which will require a 2 foot 6 inch special exception to the fence regulation, and to construct and maintain a fence in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

Batsheba Antebi
Batsheba Antebi, Building Official

City of Dallas Zoning



City Boundaries

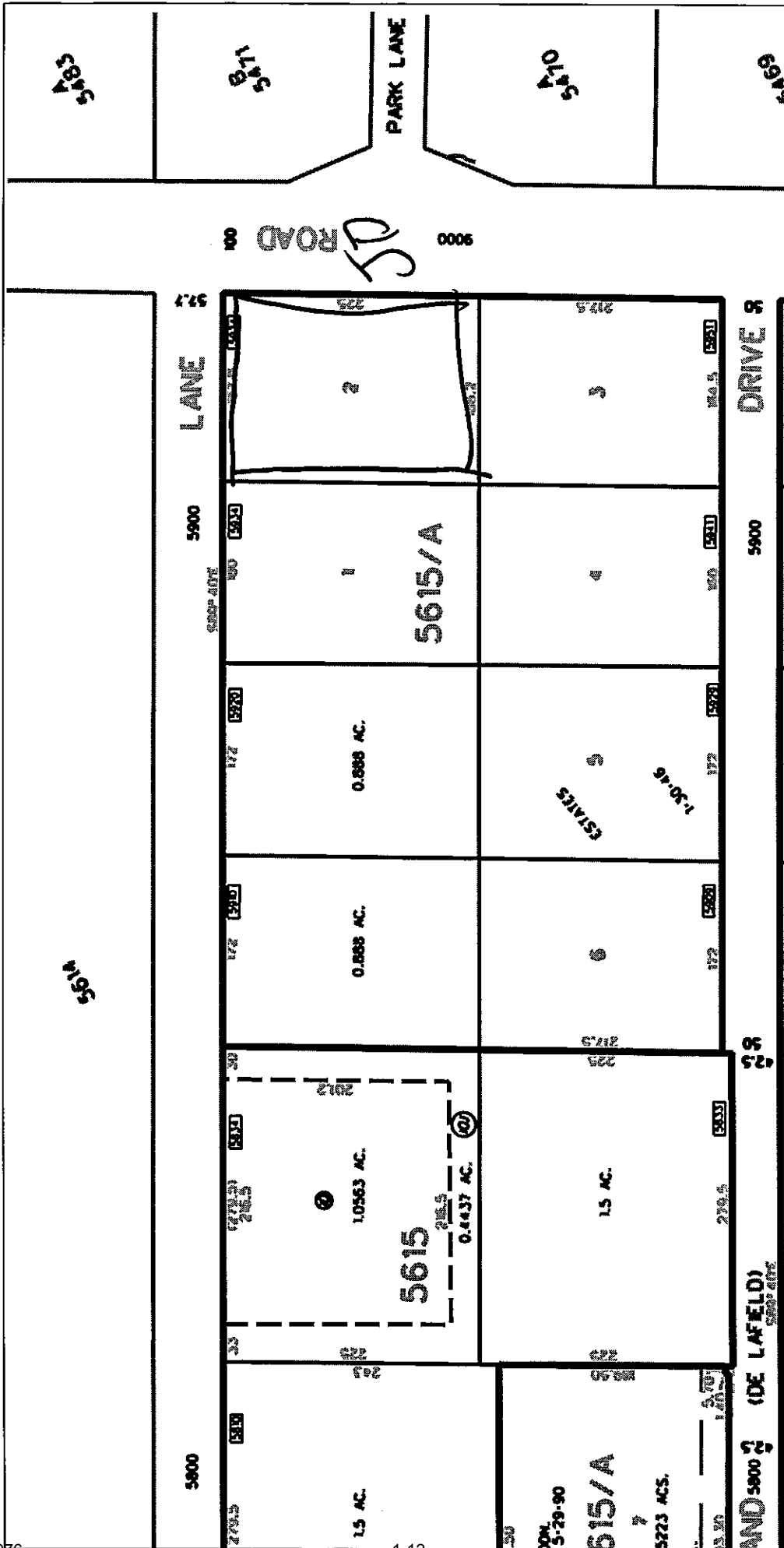
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways
- Parks

Dry Overlay

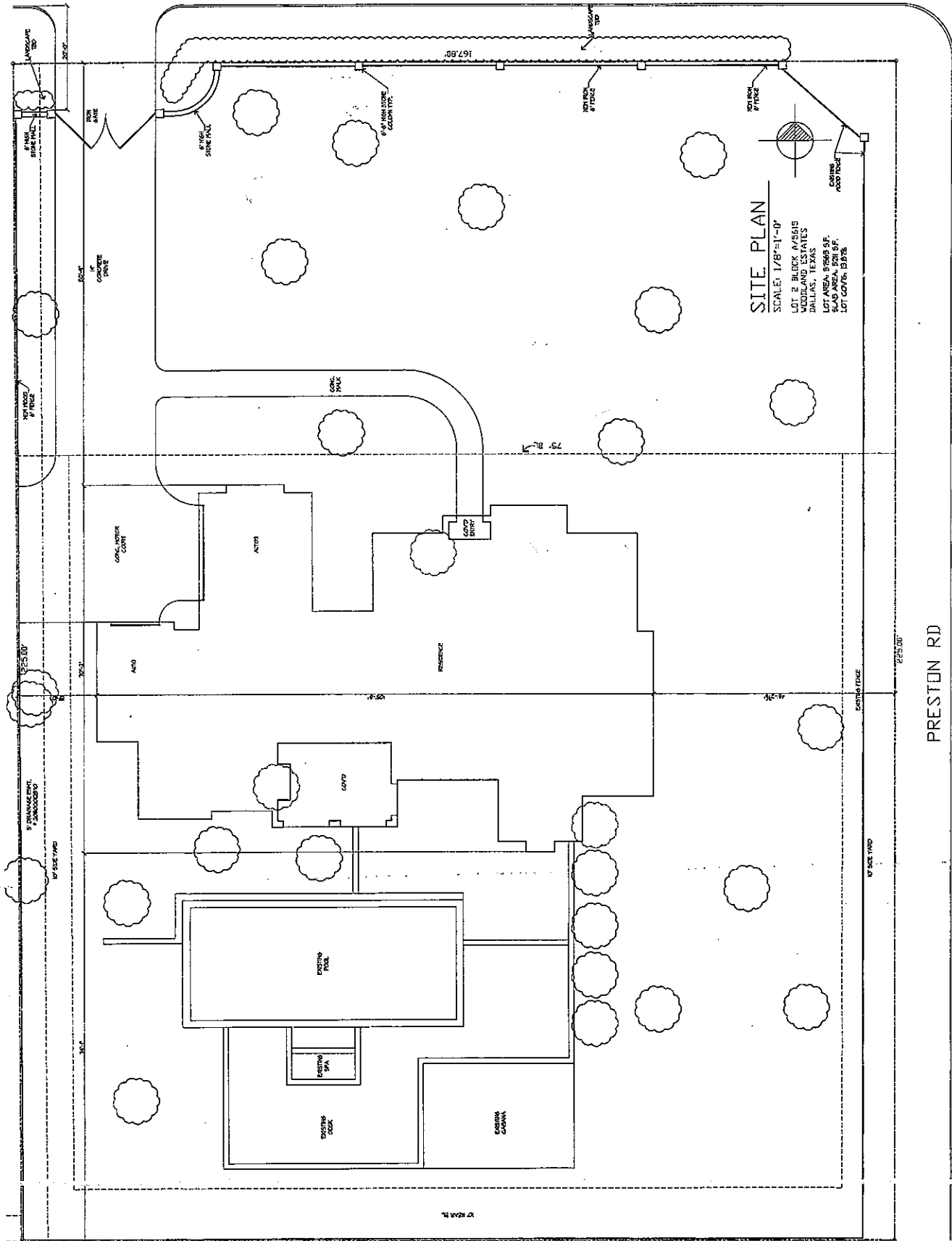
- D
- D-1
- Historic Overlay
- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts
- MD Overlay

Base Zoning

- Floodplain
- 100 Flood Zone
- Mill's Creek
- Peak's Branch
- X PROTECTED BY LEVEE
- Pedestrian Overlay
- CP
- SP
- Environmental Corridors

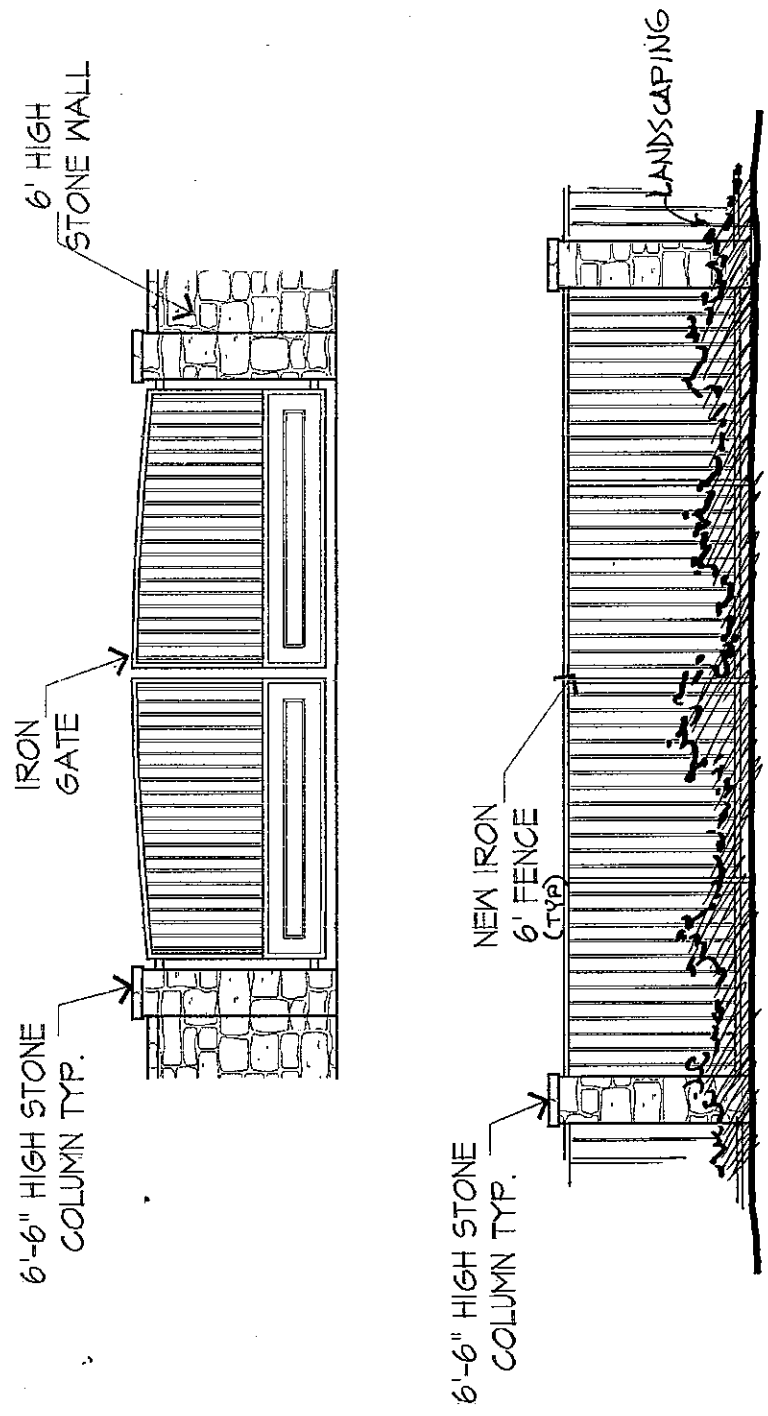


5946 PARK LANE

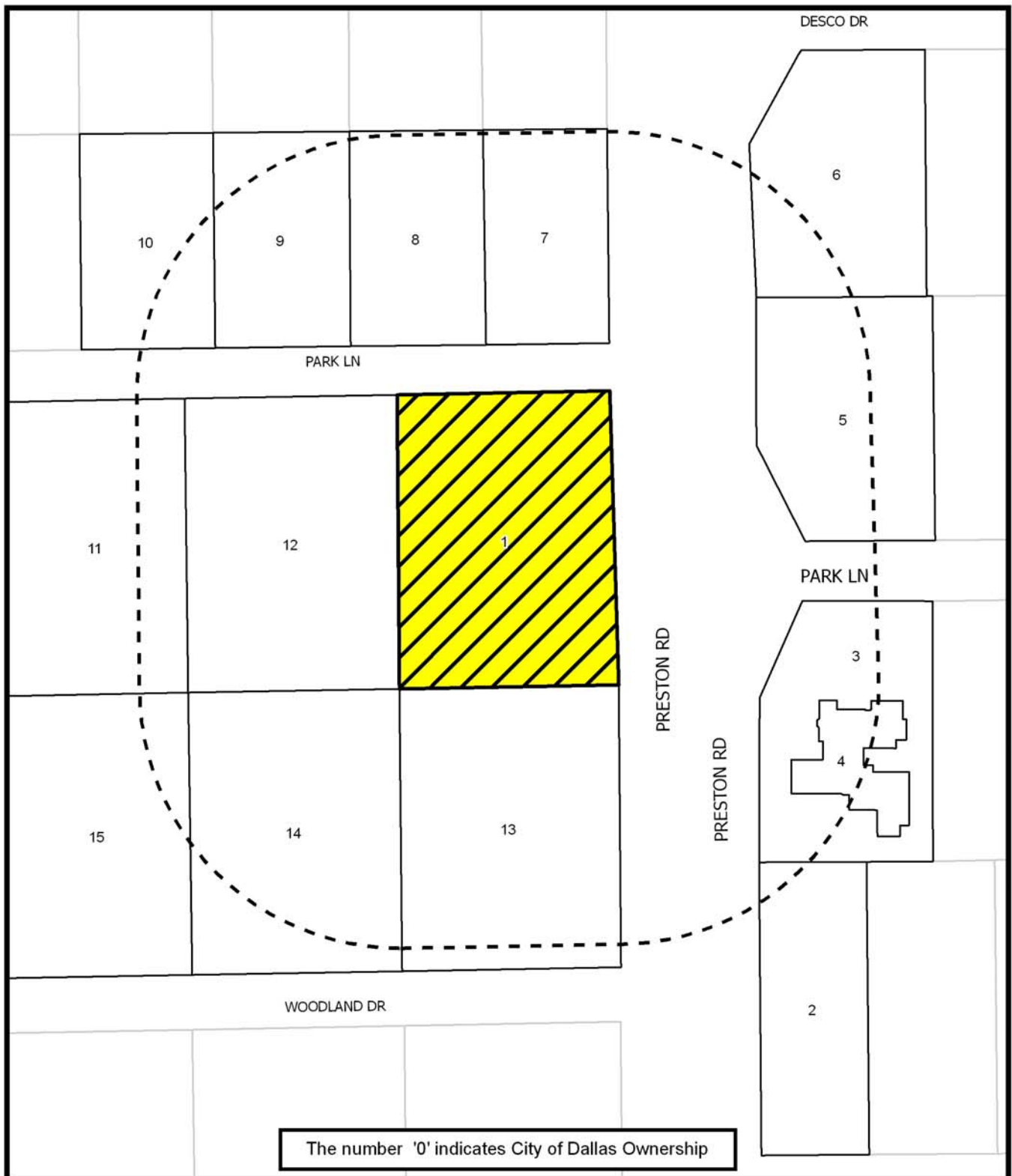


SITE PLAN
 SCALE: 1/8"=1'-0"
 LOT 3, BLOCK 4/665
 WOODLAND ESTATES
 DALLAS, TEXAS
 LOT AREA: 5769 SF
 SLAB AREA: 521 SF
 LOT COV: 6.18%

PRESTON RD



WALL ELEVATIONS 1/4" = 1'-0"



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

15

NUMBER OF PROPERTY OWNERS NOTIFIED

Map no: F-7

Case no: BDA101-076

DATE: August 18, 2011

Notification List of Property Owners

BDA101-076

15 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5946 PARK	MARSH CAL N
2	6007 WOODLAND	SUDBURY DAVID M & SUDBURY HOLLY R
3	6010 PARK	STONECOURT FAMILY LTD PS
4	6010 PARK	JONES RALPH H & MARY JANE
5	6011 PARK	MALONEY MICHAEL THOMAS & CYNTHIA A
6	6010 DESCO	DOWELL JAMES THOMAS
7	5947 PARK	BECKMAN ANDREW R
8	5939 PARK	GLENEAGLE REALTY OF TEXAS LLC
9	5931 PARK	WHITE ALAN B
10	5923 PARK	YANIGAN PATRICIA
11	5920 PARK	SAUSTAD NANCY W & DAVID C
12	5934 PARK	HERNANDEZ ANTHONY A
13	5951 WOODLAND	KILLIAN KIRK A & ANN E
14	5941 WOODLAND	MCREYNOLDS JOHN W & ANN
15	5929 WOODLAND	HORTON THOMAS W & JANET P

FILE NUMBER: BDA 101-078

BUILDING OFFICIAL'S REPORT:

Application of Larry Dullye for a special exception to the fence height regulations at 4361 W. Lawther Drive. This property is more fully described as a part of Tract 12 in City Block 4409 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 6-foot 9-inch high fence, which will require a special exception of 2 feet 9 inches.

LOCATION: 4361 W. Lawther Drive

APPLICANT: Larry Dullye

REQUEST:

- A special exception to the fence height regulations of 2' 6" is requested in conjunction with constructing and maintaining a 5' – 5' 5" high open wrought iron fence with one 6' 6" high masonry post in the site's 40' front yard setback on a lot developed with a single family home.
- * Note that although the Building Official's Report prepared with the original application conveys a special exception request of 2' 9", the applicant's subsequent submittal of a revised site plan and revised elevation denoting a proposal with a maximum height of 6' 6" creates a need for a special exception request of 2' 6".

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 revised elevation (see Attachment A) indicating that the proposal in the required front yard setback reaches a maximum height of 6' 6".

- The following additional information was gleaned from the submitted revised site plan:
 - The proposal in the front yard setback totals approximately 65' in length parallel/curved to the street.
 - The proposed fence is shown to be located at a range of approximately 15' – 40' from the front property line or at a range of 26' – 51' from the projected pavement line.
- No single family home “fronts” to the proposal on the subject site since the property immediately across W. Lawther Road is White Rock Lake.
- 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 one other fence above four (4) feet high which appeared to be located in a front yard setback- an approximately 5' high open wrought iron fence with approximately 5.5' high columns and an approximately 7.5' high gate immediately south of the subject site that appears to be the result of a granted fence height special exception from May of 2001 – BDA 001-204.

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 developed with a single family home. The areas to the north, south, and west are developed with single family uses; and the area to the east is White Rock Lake.

Zoning/BDA History:

1. BDA 001-204, Property at 4353 West Lawther Road (the lot immediately south of subject site) On May 25, 2001, the Board of Adjustment Panel A granted a special exception to the fence height regulations to maintain an 8' fence on the property and imposed the following condition to the request: Compliance with the submitted site plan and revised elevation is required (a revised elevation noting an 8' maximum height of an open metal gate on the site). The case report stated that the special exception to the

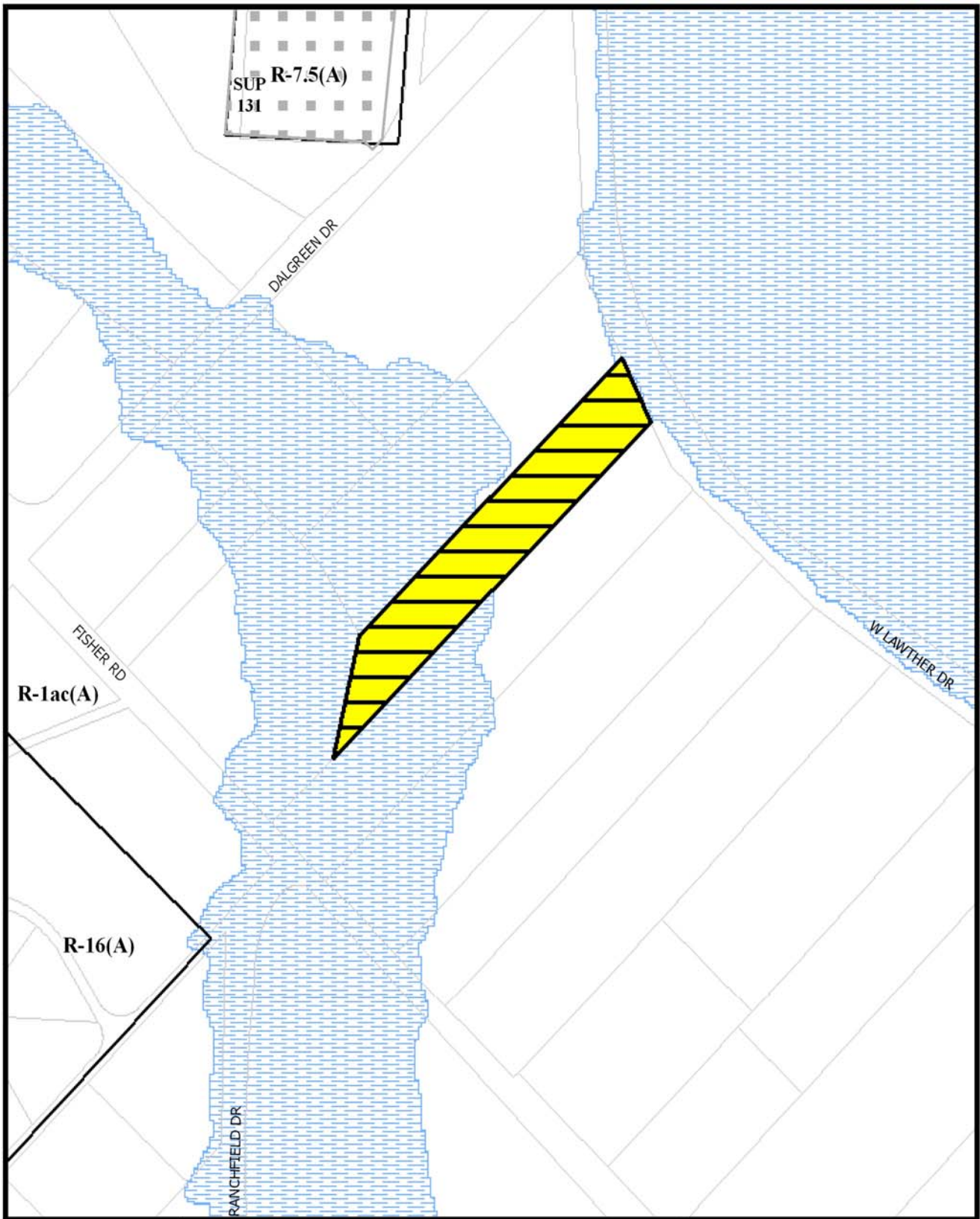
fence height regulations of 4' was requested in conjunction with constructing and maintaining an approximately 5' high open wrought iron fence with 5' 6" high columns and 7' 6" high entry columns.

Timeline:

- June 17, 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.
- August 12, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- August 18, 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 September 1st deadline to submit additional evidence for staff to factor into their analysis; and the September 9th deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- August 26, 2011: The applicant submitted additional information beyond what was submitted with the original application (Attachment A).
- September 6, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for September public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Assistant Director, Sustainable Development and Construction Department Engineering Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.
- September 7, 2011: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections if certain conditions are met" with the following comments: "Must comply with all C.O.D visibility requirements."

STAFF ANALYSIS:

- This request focuses on constructing and maintaining a 5' – 5' 5" high open wrought iron fence with one 6' 6" high masonry post in the site's 40' front yard setback on a lot developed with a single family home.
- The submitted revised site plan and revised elevation 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 proposal in the front yard setback is about 65' in length parallel/curved to the street, and approximately 15' – 40' from the site's front property line or about 26' – 51' from the projected pavement line.
- No single family home "fronts" to the proposal on the subject site since the property immediately across W. Lawther Road is White Rock Lake.
- 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 one other fence above four (4) feet high which appeared to be located in a front yard setback- an approximately 5' high open wrought iron fence with approximately 5.5' high columns and an approximately 7.5' high gate immediately south of the subject site that appears to be the result of a granted fence height special exception from May of 2001 – BDA 001-204.
- As of September 12, 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 2' 6" will not adversely affect neighboring property.
- Granting this special exception of 2' 6" with a condition imposed that the applicant complies with the submitted revised site plan and revised 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 heights and materials as shown on these documents.



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ZONING MAP

Map no: H-9
Case no: BDA101-078

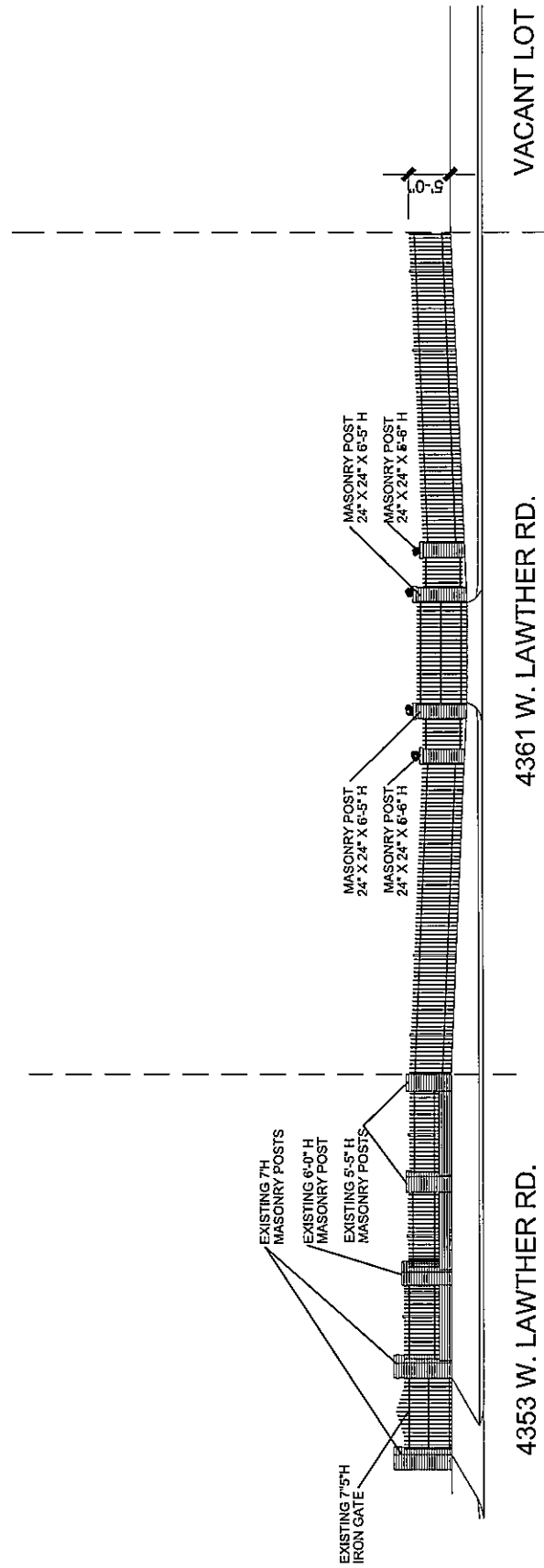


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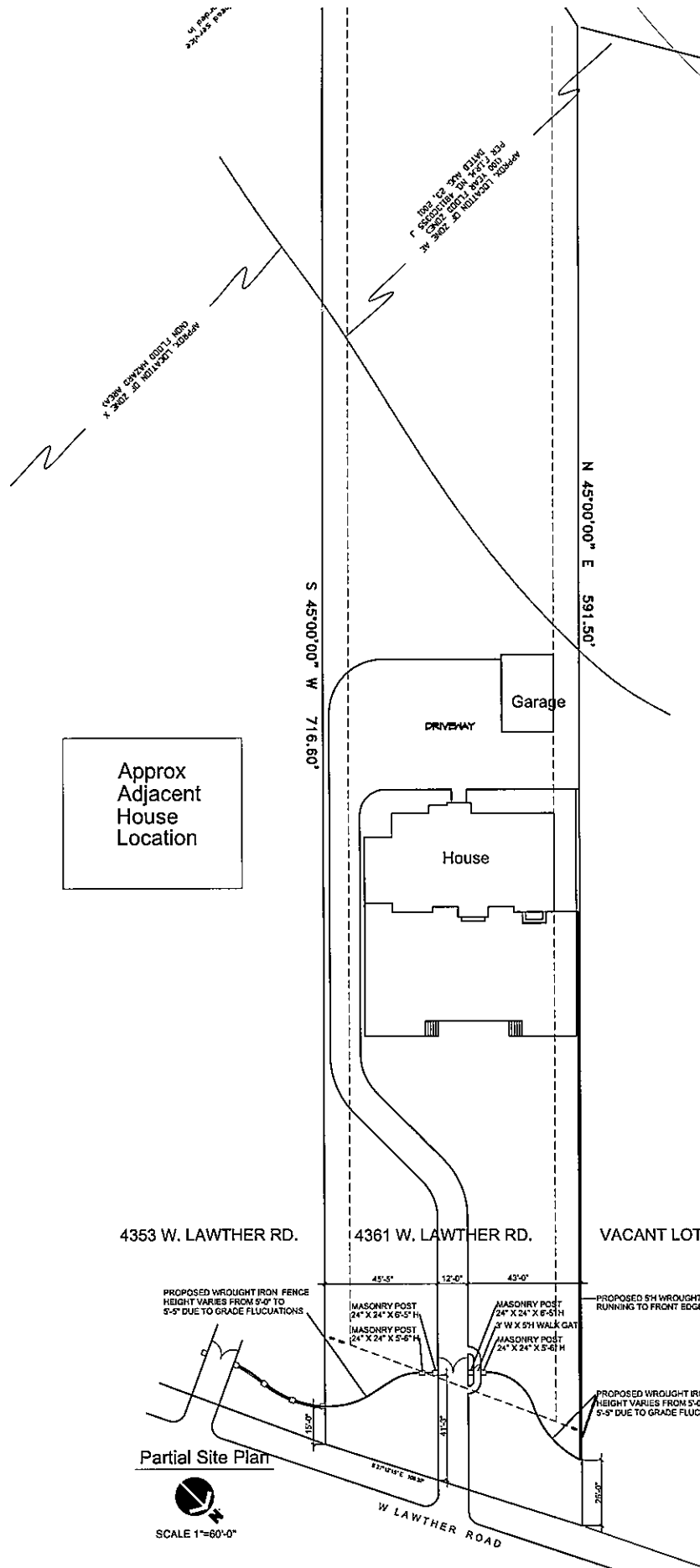
AERIAL MAP

Map no: H-9
Case no: BDA101-078

DATE: August 18, 2011



Fence Elevation
SCALE 1"=20'-0"





City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-078

Data Relative to Subject Property:

Date: 6-17-11

Location address: 4361 West Lawther Dr. Dallas 75214 Zoning District: 120 (A)

Lot No.: Tr 12 Block No.: 4409 Acreage: 1.52 Census Tract: 72 80.00

Street Frontage (in Feet): 1) 106.32 ft 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

SE 5B

Owner of Property/or Principal: Larry + Tara Dullye

Applicant: Larry + Tara Dullye Telephone: 214-403-1916

Mailing Address: 4361 West Lawther Dr. Dallas, TX Zip Code: 75214

Represented by: Larry Dullye Telephone: 214-403-1916

Mailing Address: 4361 West Lawther Drive Dallas, TX Zip Code: 75214

Affirm that a request has been made for a Variance or Special Exception of our front yard 2'-5" ht. fence to start at 5' tall & 15' feet from street on south end receding 6'5" in the middle when it is 40 feet from street. Then returning to 5' when it reaches our North property line 25' off the road.

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 is a request as we are applying for a exception. We would like to build a fence that stays within the characteristic style of our neighborhood. We are requesting that we be able to build a fence that is the same height & distance from the road as our neighbors. This will ensure that it is aesthetically pleasing & that it doesn't take away from neighborhood.

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: Larry Dullye Applicant's name printed [Signature] Applicant's signature

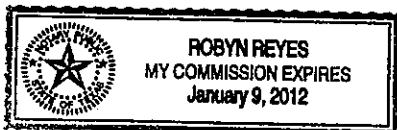
Affidavit

Before me the undersigned on this day personally appeared Larry Dullye 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 6th day of June, 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 LARRY DULLYE

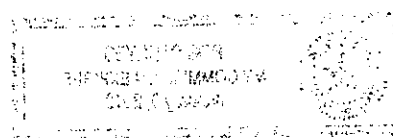
did submit a request for a special exception to the fence height regulation

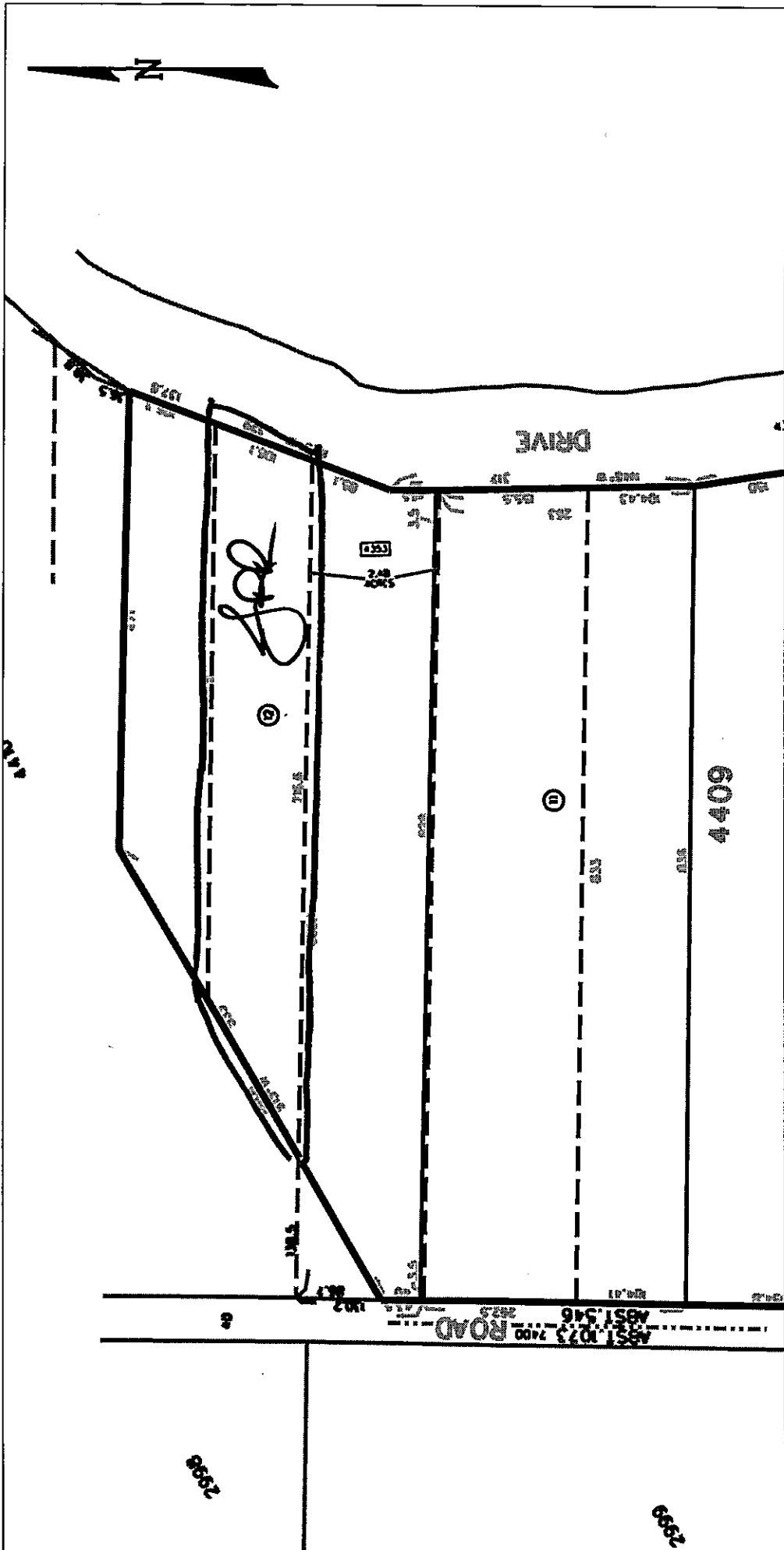
at 4361 W. Lawther Road

BDA101-078. Application of Larry Dullye for a special exception to the fence height regulation at 4361 W. Lawther Drive. This property is more fully described as a part of tract 12 in city block 4409 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 6 foot 9 inch high fence in a required front yard setback, which will require a 2 foot 9 inch special exception to the fence regulation.

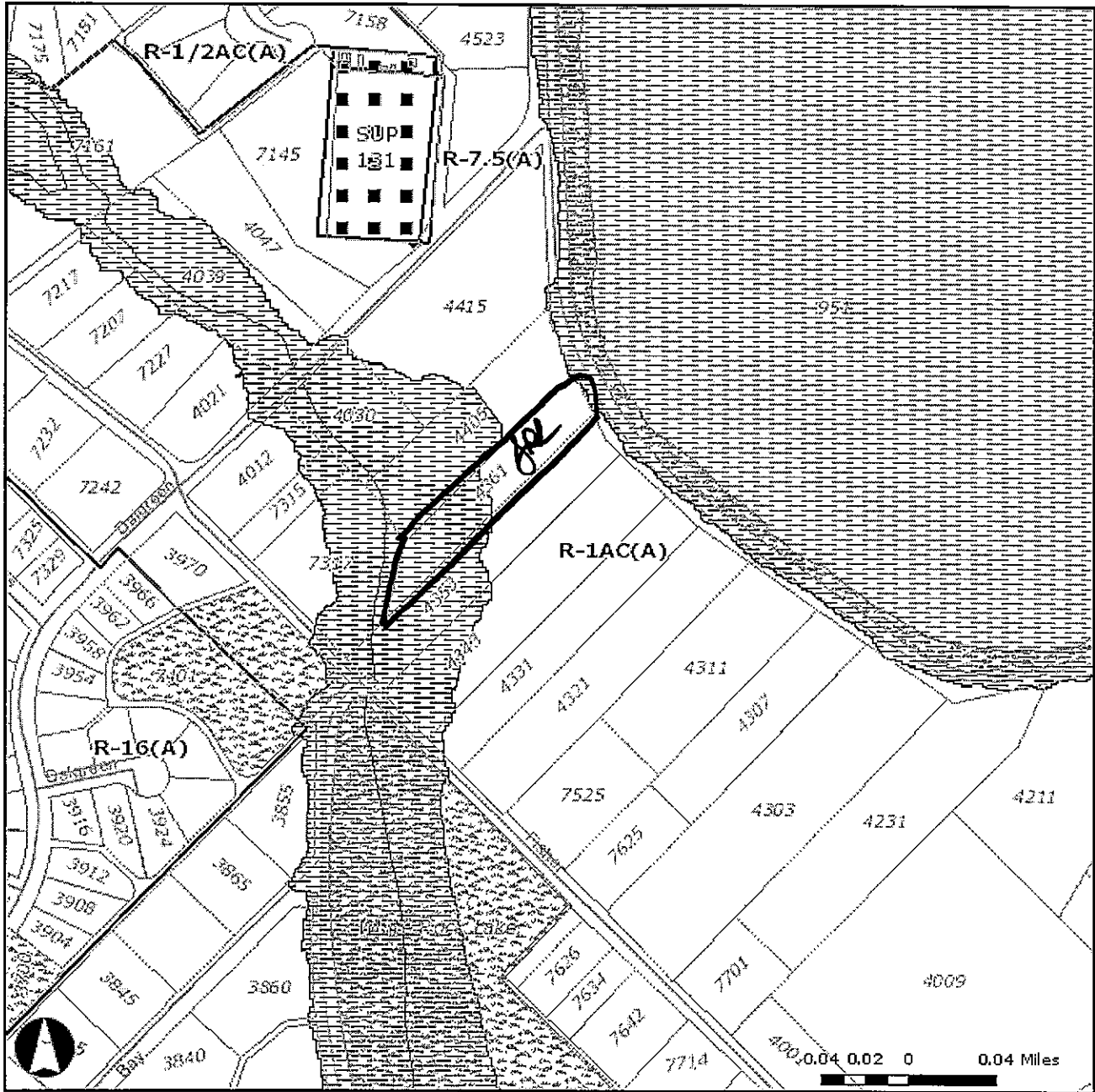
Sincerely,

Batsheba Antebi
Batsheba Antebi, Building Official





City of Dallas Zoning

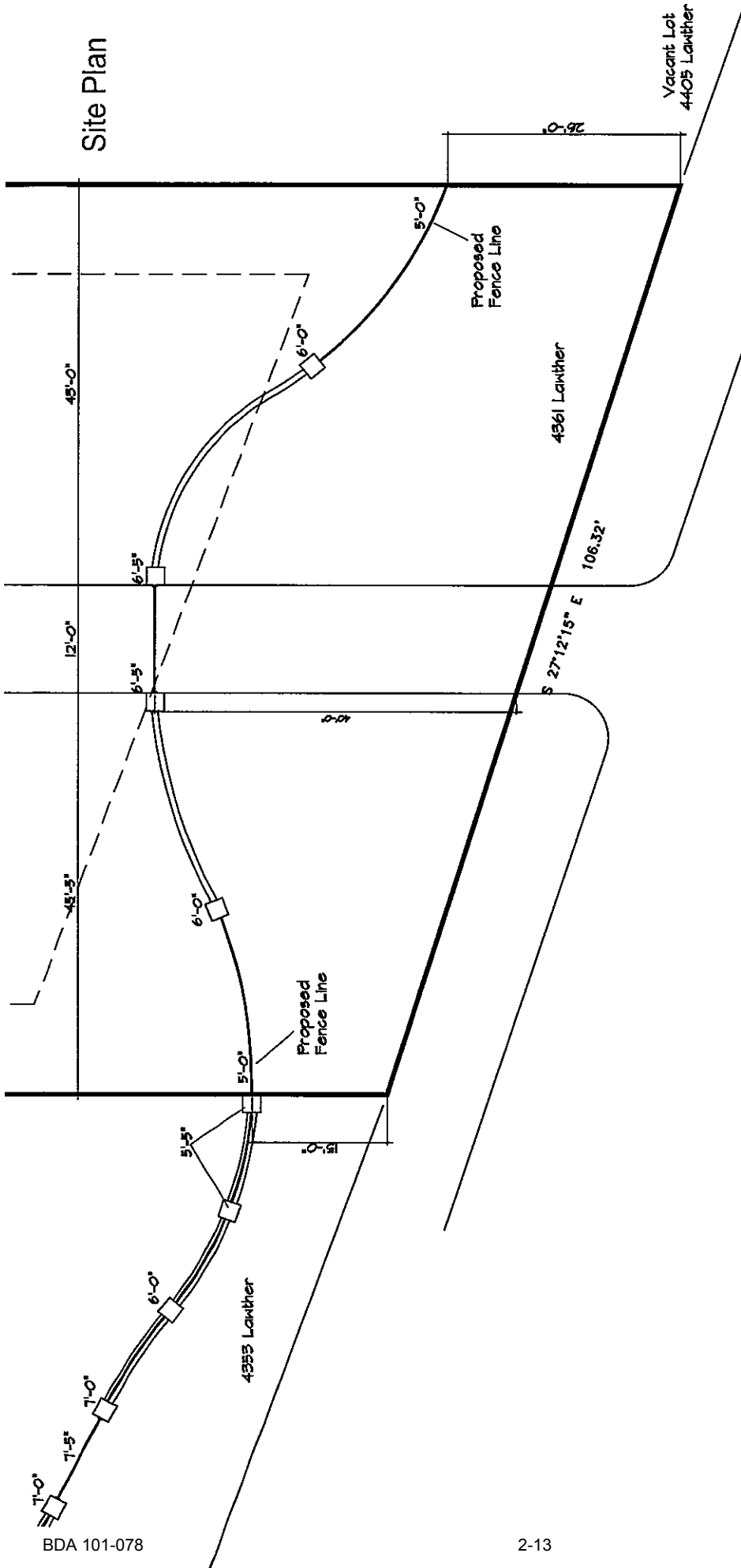


- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways
- Parks

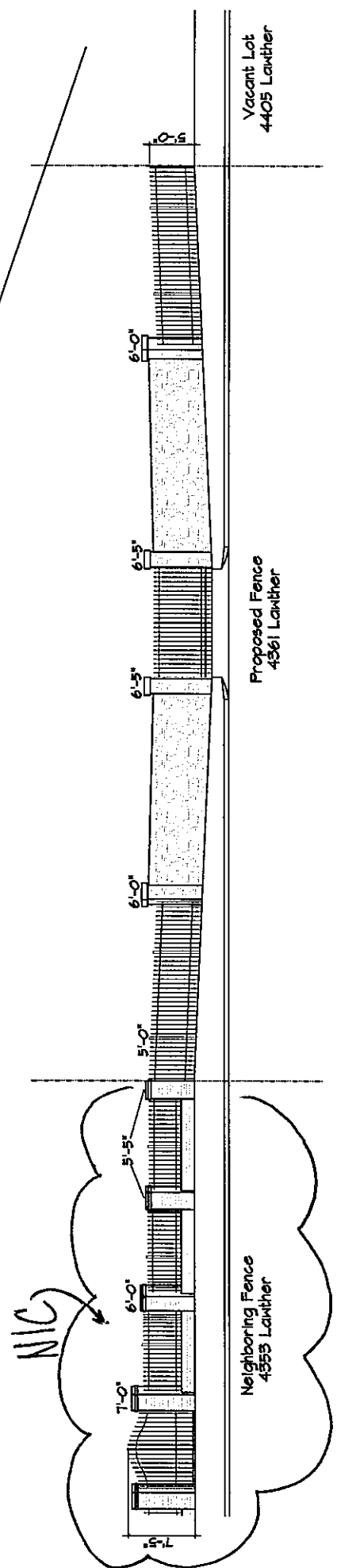
- Dry Overlay
- D
- D-1
- Historic Overlay
- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts
- MD Overlay

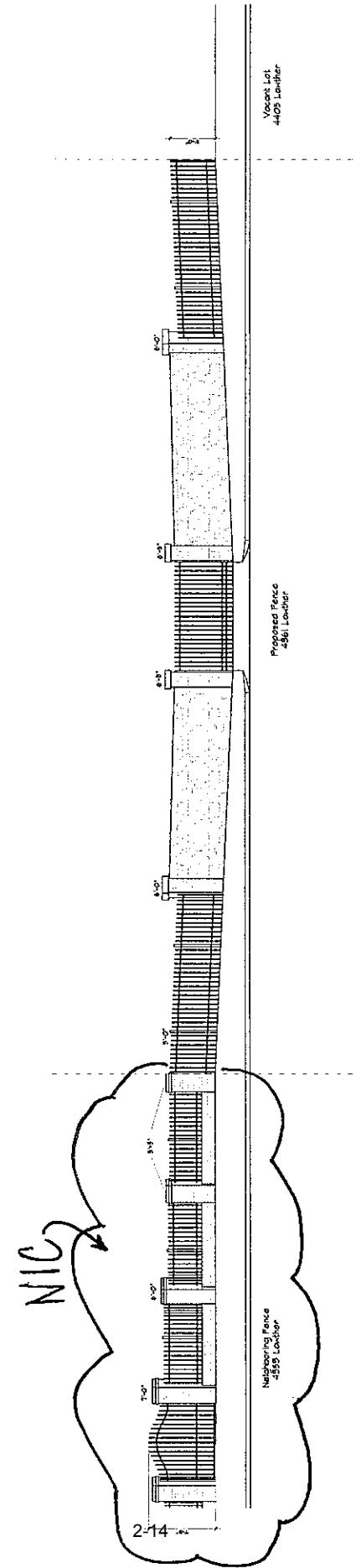
- Base Zoning
- Floodplain
- 100 Flood Zone
- Mill's Creek
- Peak's Branch
- X PROTECTED BY LEVEE
- Pedestrian Overlay
- CP
- SP
- Environmental Corridors

Site Plan



BDA 101-078





Duliyee Residence Fence
4361 Lanlier
Dallas, Texas

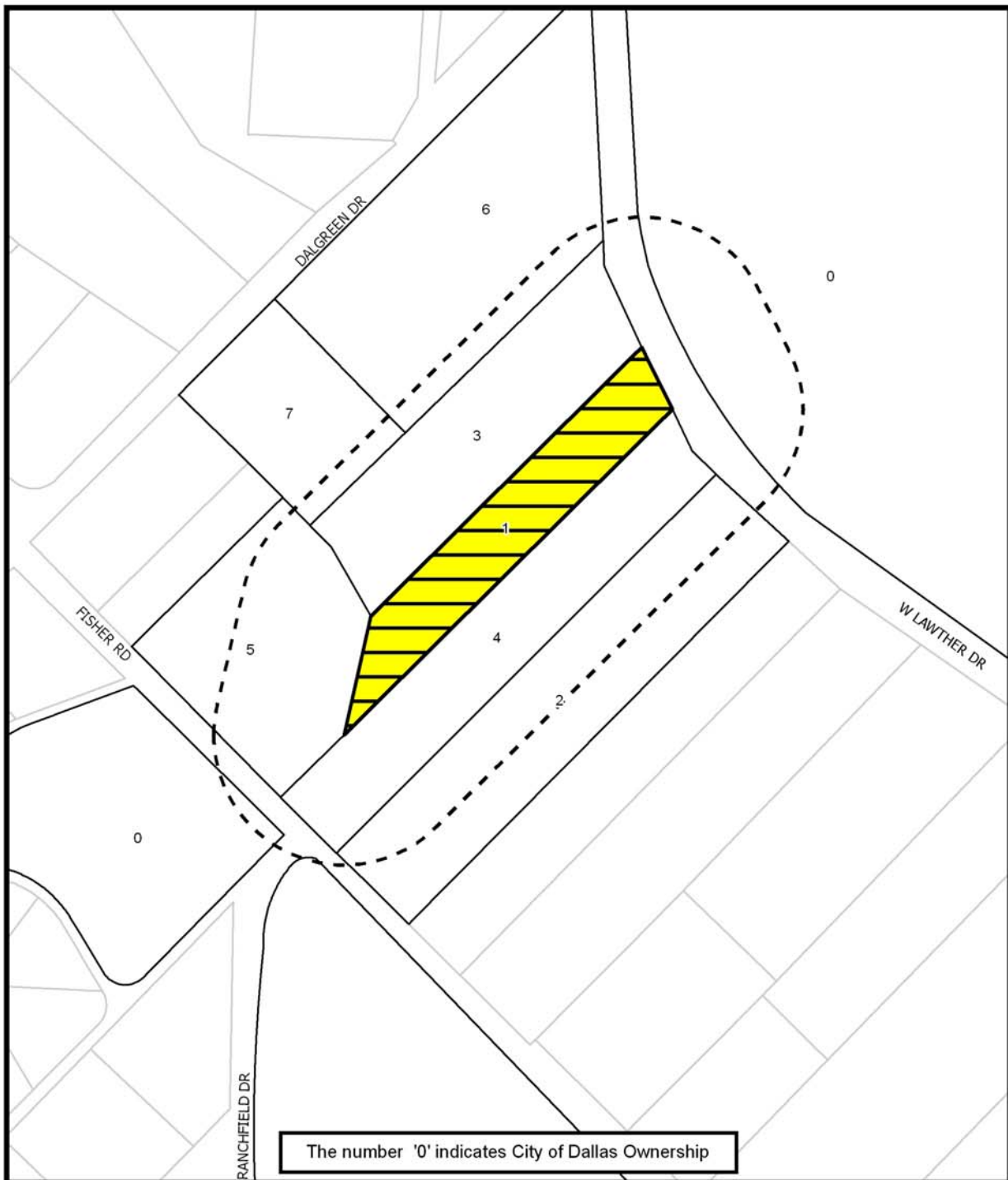
Plan Solutions
ARCHITECTS

4001 W. Park Row, Suite 200
Dallas, Texas 75210
Tel: 214.343.3333
www.plansolutionsarchitects.com

Drawn by: [Name]
Date: [Date]

Elevation

Scale: 1/8" = 1'-0"
Sheet: A-2



 1:2,400	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="0"> <tr> <td style="border: 1px solid black; padding: 2px; text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px; text-align: center;">7</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	7	NUMBER OF PROPERTY OWNERS NOTIFIED	Map no: <u> H-9 </u> Case no: <u> BDA101-078 </u>
200'	AREA OF NOTIFICATION					
7	NUMBER OF PROPERTY OWNERS NOTIFIED					

DATE: August 18, 2011

Notification List of Property Owners

BDA101-078

7 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4361 LAWOTHER	DULLYE LARRY II & TARA A
2	4343 LAWOTHER	JUETT KATHERINE L
3	4405 LAWOTHER	VERN LP
4	4353 LAWOTHER	DEASON DAVID & JILL
5	7317 FISHER	CHASE STEPHEN & LYDIA
6	4415 LAWOTHER	WOOLF MRS ORIEN &
7	4030 DALGREEN	RUSH CREEK STABLES LLC

FILE NUMBER: BDA 101-082

BUILDING OFFICIAL'S REPORT:

Application of Al Cron for a special exception to the screening regulations and for a special exception to the tree preservation regulations at 3930 Duncanville Road. This property is more fully described as Lot 1A in City Block 1/8018 and is zoned IR which requires minimum 6-foot high screening and requires tree mitigation. The applicant proposes to construct and maintain an outside storage use and provide no screening, which will require a special exception to the screening regulations, and to construct a structure and provide a tree mitigation plan, which will require a special exception to the tree preservation regulations.

LOCATION: 3930 Duncanville Road

APPLICANT: Al Cron

REQUESTS:

- The following appeals have been made in this application on a site developed with a "home improvement center, lumber, brick or building materials sales yard" use (Boise Cascade Building Materials Distribution):
 1. A special exception to the required screening regulations is requested in conjunction with obtaining a new CO (Certificate of Occupancy) for an "outside storage" use, and not providing 6' high brick, stone, concrete masonry, stucco, concrete, or wood screening that is required for this specific use on IR zoned properties; and
 2. A special exception to the tree preservation regulations is requested in conjunction with constructing and maintaining an approximately 77,000 square foot warehouse and an approximately 16,000 square foot office on a site developed with (according to the submitted site plan) an approximately 24,000 square foot warehouse, an approximately 10,000 square foot "pavilion," and an approximately 45,000 square foot "pavilion," and not fully mitigating protected trees (in this case, eastern red cedar trees) removed/to be removed on a site.

STAFF RECOMMENDATION (screening special exception):

No staff recommendation is made on this or any request for a special exception to the required screening 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.

STAFF RECOMMENDATION (tree preservation special exception):

Approval

Rationale:

- The applicant has substantiated how strict compliance with the requirements of the Landscape and Tree Preservation Regulations will unreasonably burden the use of the property; and that the special exception will not adversely affect neighboring property.
- The City’s Chief Arborist recommends approval of this request in that the applicant’s request in this case is only for exemption to mitigate for the eastern red cedar trees removed and/or to be removed on the site.

STANDARD FOR A SPECIAL EXCEPTION TO REQUIRED SCREENING REGULATIONS:

Section 51A-4.602 of the Dallas Development Code states that the board may grant a special exception to the required screening when in the opinion of the board, the special exception will not adversely affect neighboring property, except that the board may not grant a special exception to the height requirements for screening around off-street parking.

STANDARD FOR A SPECIAL EXCEPTION TO THE TREE PRESERVATION REGULATIONS:

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

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

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

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

GENERAL FACTS (screening special exception):

- The subject site is currently developed as a nonresidential use (Boise Cascade Building Materials Distribution) that currently has a CO (Certificate of Occupancy) for a “home improvement center, lumber, brick, or building materials sales yard” use. The special exception to the required screening regulations is triggered in part by Boise Cascade Building Materials proposing to increase the amount of outside storage on the property which requires them to make an application for a new CO for an “outside storage” use - a use that unlike “home improvement center, lumber, brick or building materials sales yard” requires screening around it.

- Note that the code allows a “home improvement center, lumber, brick, or building materials sales yard” use to have no more than 25 percent of the lot to be collectively occupied by accessory outside sales, accessory outside display of merchandise, and accessory outside storage. The code places no restriction of these functions for “outside storage” use.
- The subject site is zoned IR (Industrial Research). The applicant is seeking a new CO (Certificate of Occupancy) for an “outside storage” use on the property where the Dallas Development Code states that this use is permitted by right in CS, industrial, and central area districts. Screening required in CS, LI, IR, and central area districts.”
- The Dallas Development Code states that “required screening” must be not less than 6’ in height and must be constructed of brick, stone, or concrete masonry, stucco, concrete, or wood; earthen berm planted with turf grass or ground cover recommended for local use by the director of parks and recreation; evergreen plant materials recommended for local use by the director of parks and recreation; or any combination of these.

The applicant has requested that “the Board waive (sic) the 6’ high screening requirement for outside storage, and allow a fence that has zero height.”

GENERAL FACTS (tree preservation special exception):

- The Dallas Development Code states that the Tree Preservation, Removal, and Replacement Regulations apply to all property in the city except for: a) lots smaller than two acres in size that contain single family or duplex uses; and b) lots in a planned development district with landscaping and tree preservation regulations that vary appreciably from those in the provisions set forth in Chapter 51A.
- The Dallas Development Code states that if a tree removal application is approved, one or more healthy replacement trees must be planted in accordance with the following requirements:
 1. Quantity. The total caliper of replacement trees must equal or exceed the total caliper of the protected trees removed or seriously injured.
 2. Species. A replacement tree must be one of the specific “approved replacement trees” listed, and no one species of tree may constitute more than 30 percent of the replacement trees planted on a lot or tract.
 3. Location. The replacement trees must be planted on the lot from which the protected tree was removed or seriously injured, except as otherwise allowed by the code as an “alternate method of compliance with tree replacement requirements.” Replacement trees may not be planted within a visibility triangle, a water course, or an existing or proposed street or alley.
 4. Minimum size. A replacement tree must have a caliper of at least two inches.
 5. Timing. Except as otherwise provided in the code, all replacement trees must be planted within 30 days after the removal or serious injury of the protected trees.

If the property owner provides the building official with an affidavit that all replacement trees will be planted within six months, the building official shall permit the property owner to plant the replacement trees during the six-month period.

If the property owner provides the building official with a performance bond or letter of credit in the amount of the total cost of purchasing and planting

replacement trees, the building official may permit the property owner up to 18 months to plant the replacement trees with the following restrictions:

- For single family or multifamily developments, at least 50 percent of the total caliper of replacement trees must be planted before 65 percent of the development has received a final building inspection or a certificate of occupancy, and all replacement trees must be planted prior to the completion of the development; and
- In all other cases, the replacement trees must be planted prior to the issuance of a certificate of occupancy.

A replacement tree that dies within two years of the date it was planted must be replaced by another replacement tree that complies with the tree preservation regulations.

- The Dallas Development Code provides the following “alternate methods of compliance with tree replacement requirements” if the building official determines that, due to inhospitable soil conditions or inadequate space, it would be impracticable or imprudent for the responsible party to plant a replacement tree on the lot where the protected tree was removed or seriously injured (the “tree removal property”):
 1. Donate the replacement tree to the city’s park and recreation department.
 2. Plant the replacement tree on other property in the city that is within one mile of the tree removal property.
 3. Make a payment into the Reforestation Fund.
 4. Grant a conservation easement to the city.
- The applicant has stated on his application that “our expansion on the property requires us to remove 63 trees of which 20 are Cedar Elms and the balance are Bois D’Ark, Hawthorne, Oak, and Pecan. Since the Cedar trees simply grew up on the property that was not previously managed beyond the termination of its likely farmstead or ranching ancestry, I request that the Board waive the mitigation requirement for the Cedar Trees.”
- The City of Dallas Chief Arborist submitted a memo to the Board Administrator (see Attachment A). The memo stated the following:
 - The applicant is seeking a special exception to the tree mitigation regulations of Article X, specifically from Section 51A-10.134 pertaining to Replacement of Removed or Seriously Injured Trees.
 - Trigger:
New construction and expansion of paved outside storage area.
 - Deficiencies:
The applicant proposed to remove 63 protected trees for their development expansion. This would result in the sum of 661 caliper inches of protected tree removal. The applicant has requested in the application to be exempted from mitigation requirements for the 20 protected eastern red cedar trees which have been measured to 232 caliper inches. The other 43 trees are protected deciduous trees generally ranging from 8 – 12 inches with the largest being a 30” oak.
Reducing for the 232 inches from the 20 protected eastern red cedar trees would leave 429 inches (65 percent) remaining to be mitigated per Article X.
 - Factors:

- The project has been permitted and an Article X landscape plan has been approved.
- As indicated by their permit, the applicant proposes to complete all mitigation beyond what is exempted with this request. The plan review has indicated they would replace 84 inches on the property (12.7 percent) as a function of their landscaping. Article X allows for alternative methods of mitigation.
- The large majority of trees on the property in the development area that were removed for construction were “non-protected” (not subject to mitigation) eastern red cedar trees under 12 inches as defined under Article X through Council amendment in 2003.
- Recommendation
 - Approval of the reduction of the eastern red cedar trees from the mitigation requirement.

BACKGROUND INFORMATION:

Zoning:

Site: IR (Industrial Research)
North: IR (Industrial Research)
South: IR (Industrial Research)
East: MF-1(A) (Multifamily)
West: IR (Industrial Research)

Land Use:

The site is currently developed with a “home improvement center, lumber, brick or building materials sales yard” use (Boise Cascade Building Materials Distribution). The areas to the north, south, east, and west appear to be either undeveloped or developed with warehouse uses.

Zoning/BDA History:

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

Timeline:

- June 27, 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.
- August 12, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- August 18, 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 September 1st deadline to submit additional evidence for staff to factor into their analysis; and the September 9th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

September 6, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for September public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Assistant Director, Sustainable Development and Construction Department Engineering Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

September 7, 2011: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections if certain conditions are met" with the following comments: "Must comply with all C.O.D visibility requirements."

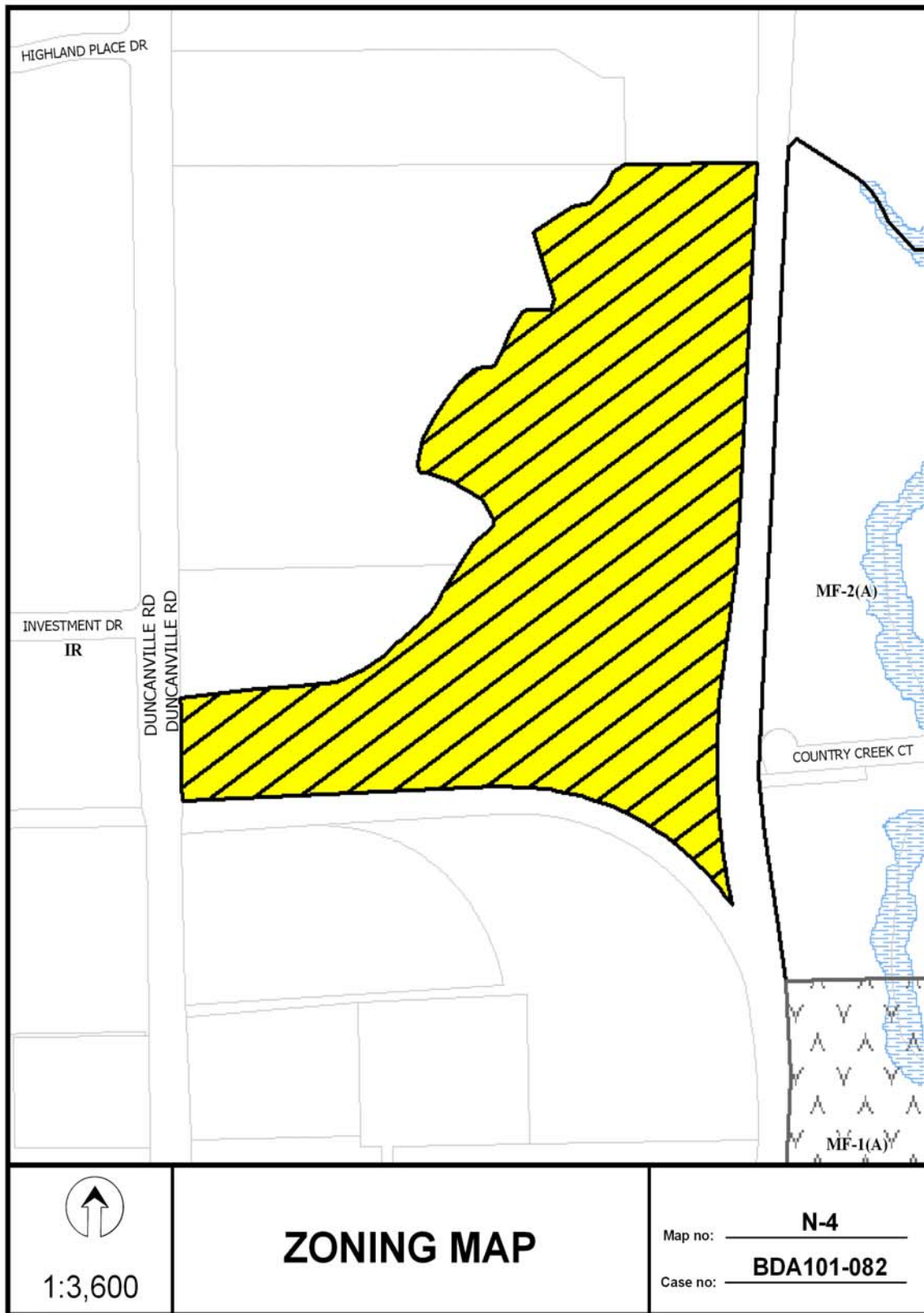
September 12, 2011: The City of Dallas Chief Arborist submitted a memo that provided his comments regarding the request for a special exception to the tree preservation regulations (see Attachment A).

STAFF ANALYSIS (screening special exception):

- This request focuses on not providing 6' high brick, stone, concrete masonry, stucco, concrete, or wood screening that is required for the proposed "outside storage" use on the property that is currently developed with a "home improvement center, lumber, brick or building materials sales yard" use (Boise Cascade Building Materials Distribution.)
- This request is triggered in part by Boise Cascade Building Materials proposing to increase the amount of outside storage on the property which requires them to make an application for a new CO for an "outside storage" use - a use that unlike "home improvement center, lumber, brick or building materials sales yard" requires screening around it.
- As of September 12, 2011, one letter had been submitted in support of the request, and no letters had been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exception to the screening regulations will not adversely affect neighboring property.
- Granting this special exception would allow the proposed "open storage" use without the required 6' high screening of brick/stone/concrete masonry, stucco, concrete, or wood; earthen berm; evergreen plant materials; or any combination of these.

STAFF ANALYSIS (tree preservation special exception):

- The request focuses on not fully mitigating protected trees (in this case, eastern red cedar trees) removed/to be removed on a site in conjunction in part with constructing and maintaining an approximately 77,000 square foot warehouse and an approximately 16,000 square foot office on a site developed with (according to the submitted site plan) an approximately 24,000 square foot warehouse, an approximately 10,000 square foot “pavilion,” and an approximately 45,000 square foot “pavilion.”
- The applicant has the burden of proof in establishing the following:
 - Strict compliance with the requirements of the Tree Preservation Regulations of the Dallas Development Code will unreasonably burden the use of the property; and
 - The special exception will not adversely affect neighboring property.
- The City of Dallas Chief Arborist recommends approval of the request since the only exemption sought from the Tree Preservation Regulations is for eastern red cedar trees removed and/or to be removed on the subject site.
- If the Board were to grant this request, the site would be “excepted” from full compliance to the Tree Preservation Regulations of the Dallas Development Code, in this case, an exception/exemption from mitigating eastern red cedar trees removed and/or to be removed on the site.





1:3,600

AERIAL MAP

Map no: N-4

Case no: BDA101-082

DATE: August 18, 2011

Memorandum



CITY OF DALLAS

DATE September 12, 2011
TO Steve Long, Board of Adjustment Administrator
SUBJECT # BDA 101 · 082 3930 Duncanville Road

The applicant is requesting a special exception to the tree mitigation regulations of Article X. Specifically, the applicant seeks relief from Section 51A-10.134, Replacement of Removed or Seriously Injured Trees.

Trigger

New construction and expansion of a paved outside storage area.

Deficiencies

The applicant proposed to remove 63 protected trees for their development expansion. This would result in the sum of 661 caliper inches of protected tree removal. The applicant has requested in the application to be exempted from mitigation requirements for the 20 protected eastern redcedar trees which have been measured to 232 caliper inches. The other 43 trees are protected deciduous trees generally ranging from 8 to 12 inches with the largest being a 30-inch oak tree.

Reducing for the 232 inches from 20 protected eastern redcedar trees would leave 429 inches (65%) remaining to be mitigated per Article X.

Factors

The project has been permitted and an Article X landscape plan has been approved.

As indicated by their permit, the applicant proposes to complete all mitigation beyond what is exempted with this request. The plan review has indicated they would replace 84 inches on the property (12.7% of the total) as a function of their required landscaping. Article X allows for alternative methods of mitigation (51A-10.135).

The large majority of trees on the property in the development area that were removed for construction were 'non-protected' (not subject to mitigation) eastern redcedar trees under 12 inches, as defined under Article X through Council amendment in 2003.

Recommendation

Approval of the reduction of the eastern redcedar trees from mitigation requirements.

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

Memorandum



CITY OF DALLAS

DATE September 12, 2011
TO Steve Long, Board of Adjustment Administrator
SUBJECT # BDA 101 · 082 3930 Duncanville Road

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Factors

The project has been permitted and an Article X landscape plan has been approved.

As indicated by their permit, the applicant proposes to complete all mitigation beyond what is exempted with this request. The plan review has indicated they would replace 84 inches on the property (12.7% of the total) as a function of their required landscaping. Article X allows for alternative methods of mitigation (51A-10.135).

The large majority of trees on the property in the development area that were removed for construction were 'non-protected' (not subject to mitigation) eastern redcedar trees under 12 inches, as defined under Article X through Council amendment in 2003.

Recommendation

Approval of the reduction of the eastern redcedar trees from mitigation requirements.

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



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-082

Data Relative to Subject Property:

Date: 6/27/11 6-27-11

Location address: 3930 Duncanville Road, Dallas, Texas _____ Zoning District: IR IR

Lot No.: 1A _____ Block No.: 1/8018 _____ Acreage: 27.131 _____ Census Tract: 165.01

Street Frontage (in Feet): 1) 245.53 _____ 2) _____ 3) _____ 4) _____ 5) _____ *SW 14*

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Boise Cascade Building Materials Distribution LLC _____

Applicant: Al Cron _____ Telephone: 214 333-4141 _____

Mailing Address: 3930 Duncanville Road, Dallas, Texas _____ Zip Code: 75236 _____

Represented by: Al Cron _____ Telephone: 214 333-4141 _____

Mailing Address: 3930 Duncanville Road, Dallas, Texas _____ Zip Code: 75236 _____

Affirm that a request has been made for a Variance __, or Special Exception X __, of _____

- 1. The landscaping and tree requirements _____
- 2. The 6' high screening requirements for outside storage. See 51-A 4.602 _____

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:

- 1. Our expansion project on the property requires us to remove 63 trees of which 20 are Cedar trees and the balance are Bois D'Ark, Hawthorn, Oak, and Pecan. Since the Cedar trees simply grew up on a property that was not previously managed beyond the termination of its likely farmstead or ranching ancestry, I request that the Board wave the mitigation requirement for the Cedar Trees.
- 2. Our expansion project on the property will allow additional concrete paving for outside storage. Section 51-A 4.602 requires a 6 foot high screening fence. I request the Board wave the 6' high screening requirement for outside storage, and allow a fence that has zero height. This exception should not affect our neighbors because the property is surrounded on the North and West side by a creek containing adequate heavy vegetation and numerous trees, on the East side by the railroad with heavy vegetation and trees, and the South side by our existing property. The new outside storage area cannot be seen from Duncanville Road.

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: Al Cron _____
Applicant's name printed

Al Cron
Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Al Cron

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

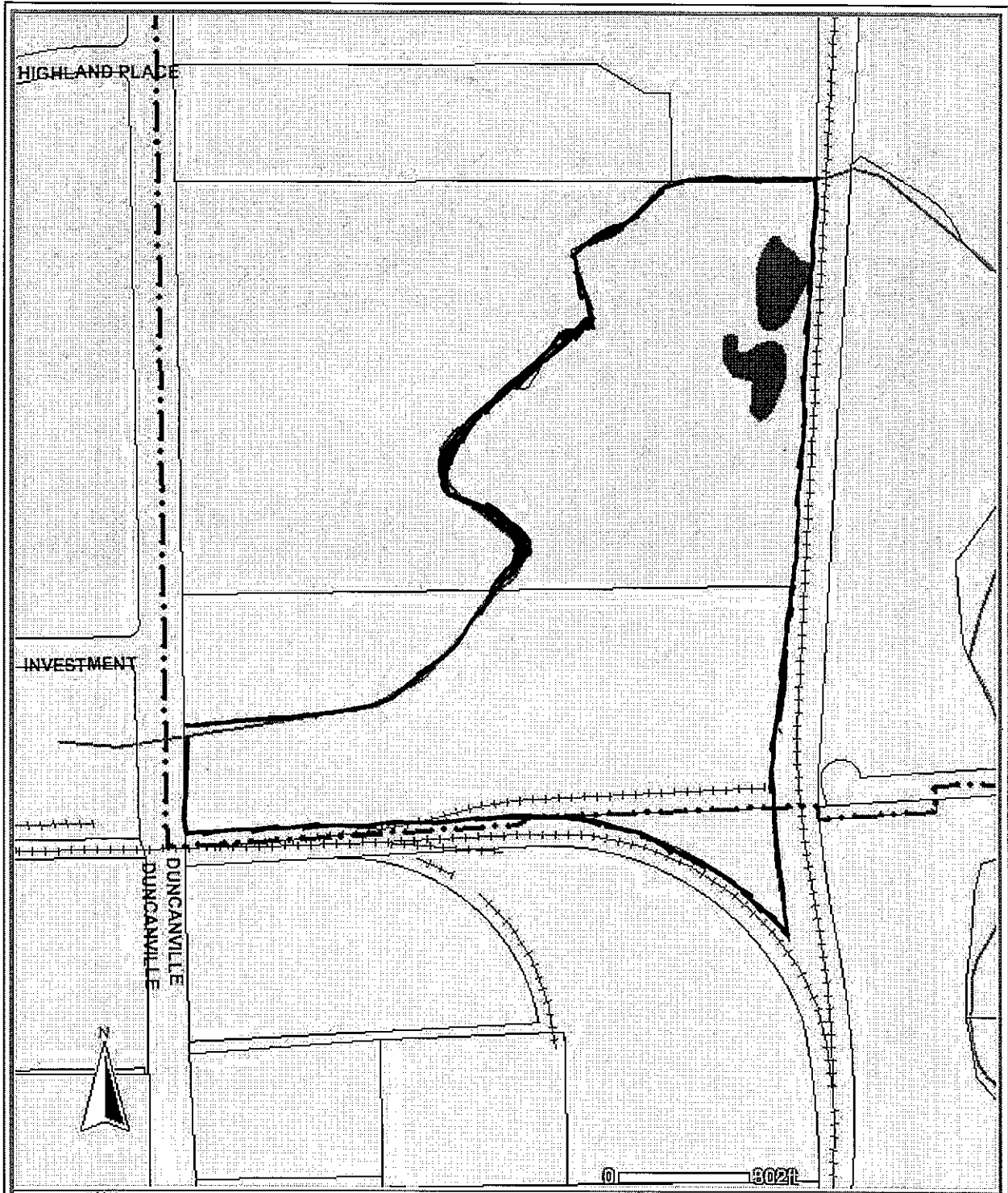
I hereby certify that Al Cron

did submit a request a special exception to the screening regulation, and for a special exception to the landscaping and tree preservation regulations
at 3930 Duncanville Road

BDA101-082. Application of Al Cron for a special exception to the screening regulation and for a special exception to the landscaping and tree preservation regulations at 3930 Duncanville Road. This property is more fully described as lot 1A in city block 1/8018 and is zoned IR, which requires a minimum 6 foot high screening fence and requires tree mitigation. The applicant proposes to construct and maintain a nonresidential outside storage use and provide an 0 foot high screening fence, which will require a special exception to the screening regulation, and to construct a nonresidential structure and provide an alternate landscape and tree preservation plan, which will require a special exception to the landscape regulations.

Sincerely,

Batsheba Antebi
Batsheba Antebi, Building Official

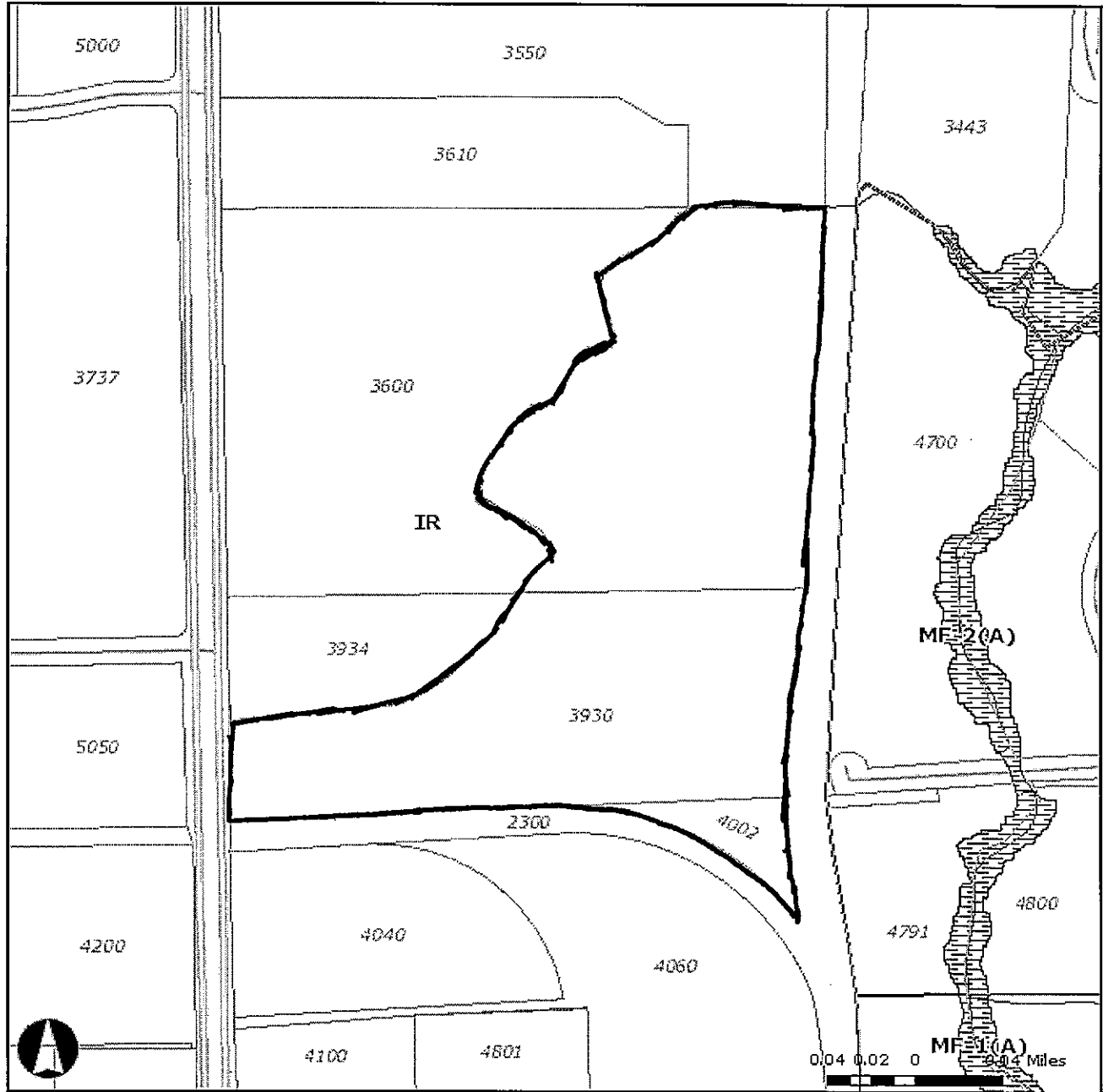


Dallas Central Appraisal District
www.dallascad.org

DISCLAIMER
The Dallas Central Appraisal District does not control or guarantee the accuracy, relevancy, timeliness or completeness of this data. DCAD assumes no legal responsibilities for the information represented on this map. Users should independently verify the data on this map before making any conclusions based on this data.

A handwritten signature in black ink, appearing to read "Al Co".

City of Dallas Zoning



City Boundaries

- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways
- Parks

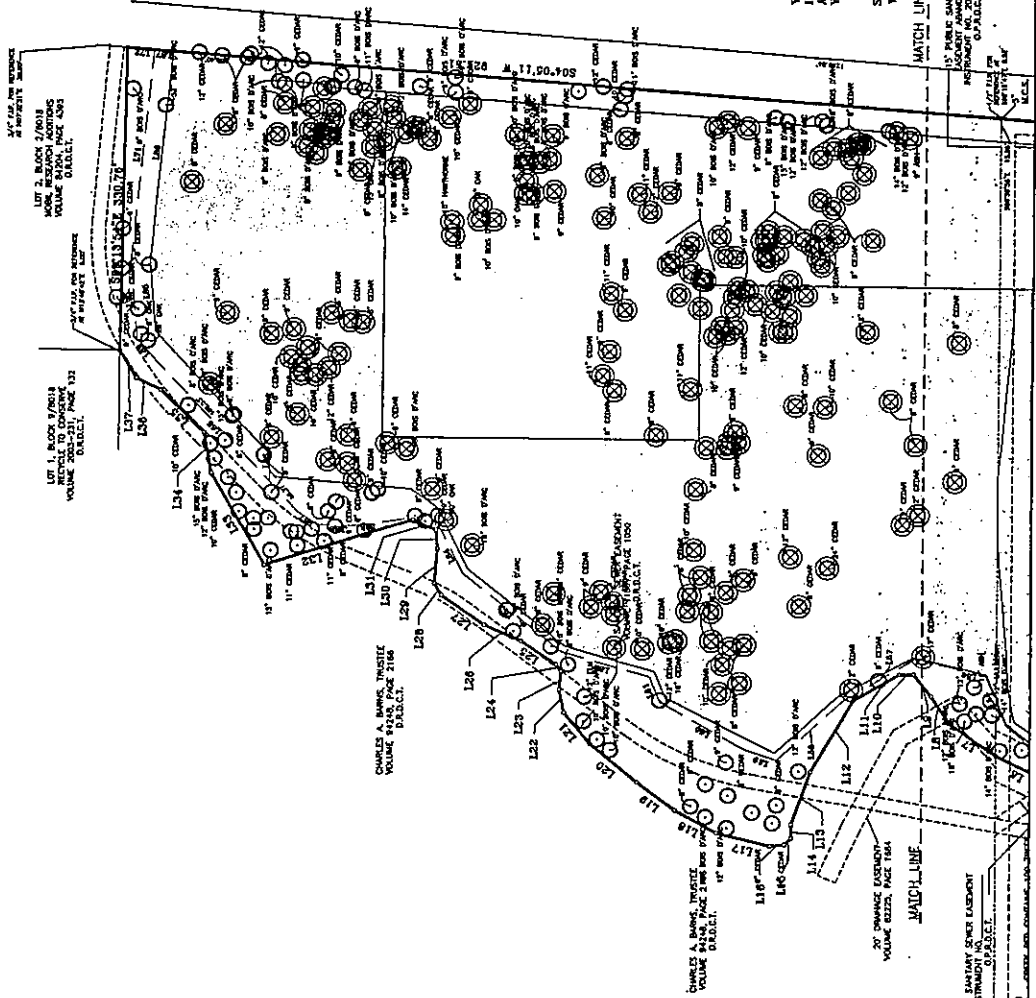
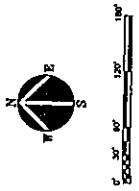
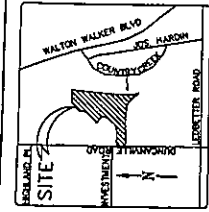
Dry Overlay

- Dry Overlay
- D
- D-1
- Historic Overlay
- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts
- MD Overlay

Base Zoning

- Base Zoning
- Floodplain
- 100 Flood Zone
- Mill's Creek
- Peak's Branch
- X PROTECTED BY LEVEE
- Pedestrian Overlay
- CP
- SP
- Environmental Corridors

Al Brown



Signature

THE SEAL AND SIGNATURE OF THE LICENSED PROFESSIONAL ENGINEER ARE REQUIRED FOR ALL SURVEYING AND ENGINEERING WORK. THIS SEAL IS THE PROPERTY OF THE STATE OF TEXAS AND IS TO BE USED ONLY BY THE LICENSEE FOR WHOM IT IS ISSUED.

**TREE SURVEY
BOISE ADDITION**

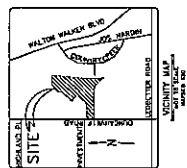
LOT 1A, BLOCK 1/8018
BEING A REPEAT OF LOT 1, BLOCK 1/8018,
VOLUME 84092, PAGE 2789 AND 13.112 ACRES
IN BLOCK 8018, VOLUME 804215, PAGE 00149,
AND 1.203 ACRES IN BLOCK 8042,
VOLUME 2009415, PAGE 00146, ABSTRACT 891.

SAMUEL P. LOVING SURVEY ABSTRACT No. 773
WILLIAM JAMES SURVEY ABSTRACT No. 691
CITY OF DALLAS, DALLAS COUNTY, TEXAS
CITY PLAN FILE No.: 5089-039

1" = 40' SCALE
DATE: 05-17-11
100.00.00

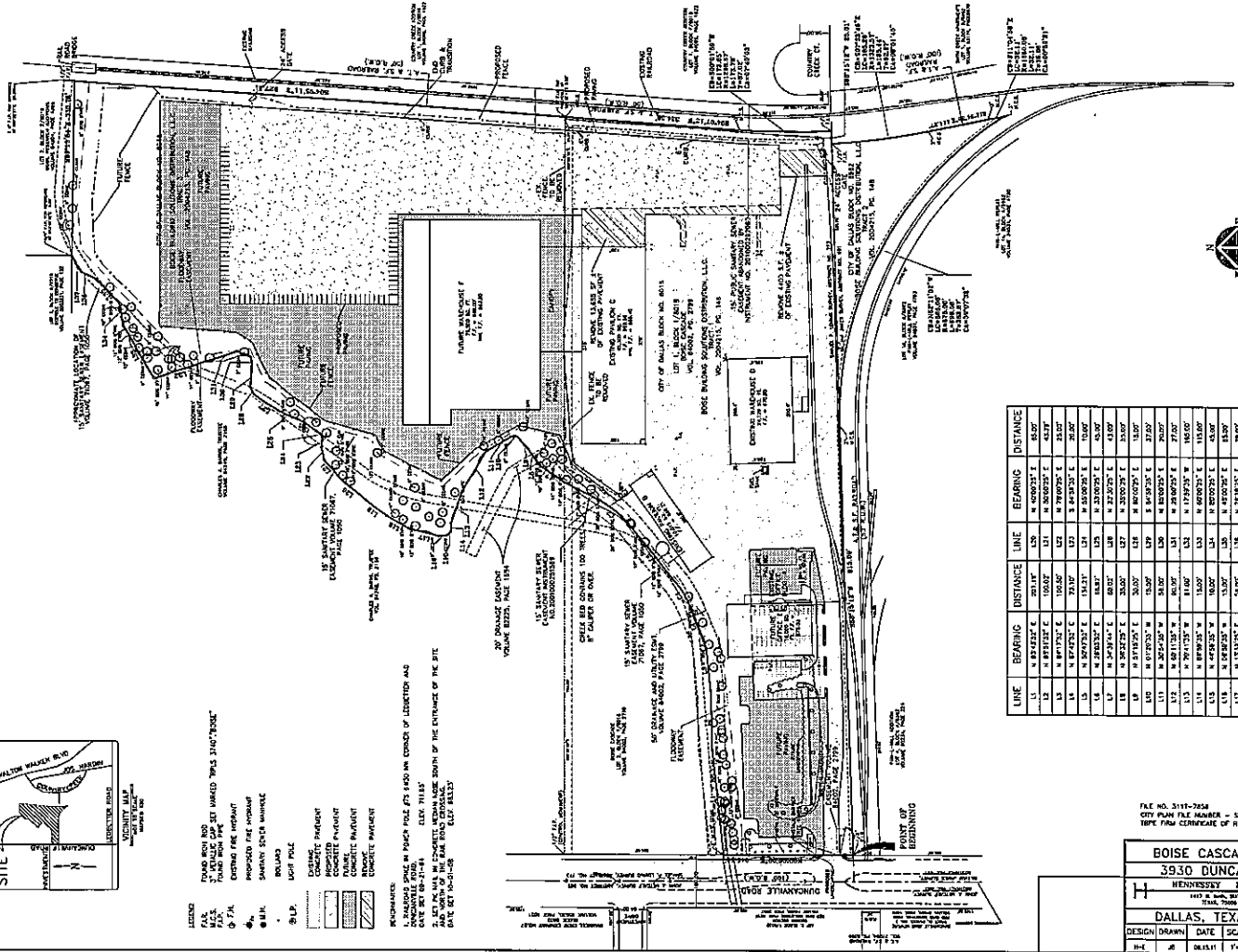
- LEGEND:
- EXISTING DEVELOPMENT
 - PROPOSED DEVELOPMENT
 - FUTURE DEVELOPMENT
 - TREES TO BE REMOVED
 - EXISTING TREE
 - PROPOSED TREE

100.00.00
DATE: 05-17-11
100.00.00
MAY 31, 2011-11:54am H:\GIS\Projects\2008\2008_0540\2008_0540_Proposed.dwg



LEGEND
 FILL AND SHIP SDG
 FILL
 FILL
 FILL
 FILL

REMARKS:
 1. EXISTING SIDEWALK AND DRIVEWAY ARE TO BE MAINTAINED.
 2. ALL PAVEMENT TO BE MAINTAINED.
 3. ALL UTILITIES TO BE MAINTAINED.



LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
1	N 75° 00' 00" W	100.00	1	N 75° 00' 00" W	100.00
2	N 85° 00' 00" W	200.00	2	N 85° 00' 00" W	200.00
3	N 70° 00' 00" W	150.00	3	N 70° 00' 00" W	150.00
4	N 60° 00' 00" W	250.00	4	N 60° 00' 00" W	250.00
5	N 75° 00' 00" E	100.00	5	N 75° 00' 00" E	100.00
6	N 85° 00' 00" E	200.00	6	N 85° 00' 00" E	200.00
7	N 70° 00' 00" E	150.00	7	N 70° 00' 00" E	150.00
8	N 60° 00' 00" E	250.00	8	N 60° 00' 00" E	250.00

CURVE	RADIUS	DELTA	ARC	TANGENT	BEARING	CHORD
1	200.00	115.50	33.00	79.15	N 89.53° E	55.19
2	300.00	135.00	45.00	85.30	N 85.31° E	65.35

FILE NO. 3141-7834
 CITY PLAIN FILE NUMBER - 3085-028
 10% PLAN CERTIFICATE OF SUBDIVISION NO. F-002958

BOISE CASCADE SITE (BOA)
3930 DUNCANVILLE ROAD
DALLAS, TEXAS 75202

HENNESSY ENGINEERING, INC.
 1411 N. WALTON BLVD. 12TH. FLOOR.
 DALLAS, TEXAS 75202

DESIGN	DRAWN	DATE	SCALE	NOTES	FILE	NO.
BPJ	JG	01/17/11	1"=40'		2840	

CHARLES A. BARNES

Mail: P.O. Box 541177
Dallas, TX 75354-1177
Office (214) 358-5131
Cell (214) 797-1588

2619 Lombardy Lane
Dallas, TX 75220
Fax (214) 353-0453
Res. (214) 361-7946

Re: Boise Cascade Building Materials Distribution L.L.C.
BDA # 101-082

City of Dallas
Board of Adjustment

Honorable Board of Adjustment,

I have reviewed with Al Cron, General Manager, Boise Cascade Building Materials Distribution L.L.C. – Dallas the expansion plans for the facility at 3930 Duncanville Road. My property borders the Boise Cascade property on the North and West side and we share about 2100 lineal feet of common property line. I whole hardily support his request for the "Special Exceptions" for the mitigation of the cedar trees and the screening requirements.

Boise Cascade will be removing 63 trees of which 20 are cedar trees and the balance are Bois D'Ark, Hawthorn, Oak, and Pecan and is willing to properly mitigate the non cedar trees. Since the cedar trees simply grew up on the property that was not properly mowed, it seems unreasonable to require mitigation for the cedar trees and I ask the Board to grant a special exception.

Since the property is in the Industrial Research zone, the zone requires a 6' screening fence for outside storage. Since the expansion project is surrounded by a creek and the railroad with adequate vegetation and trees and Boise Cascade's existing property and cannot be seen from Duncanville Road, I ask the Board to grant a special exception.

Boise Cascade has been my neighbor for many years and has been an asset to the area. Through those years Boise Cascade has operated in a peaceful manner, kept their property presentable at all times and is well respected. They will continue to provide the much needed jobs to South Dallas and this expansion will increase the tax base.

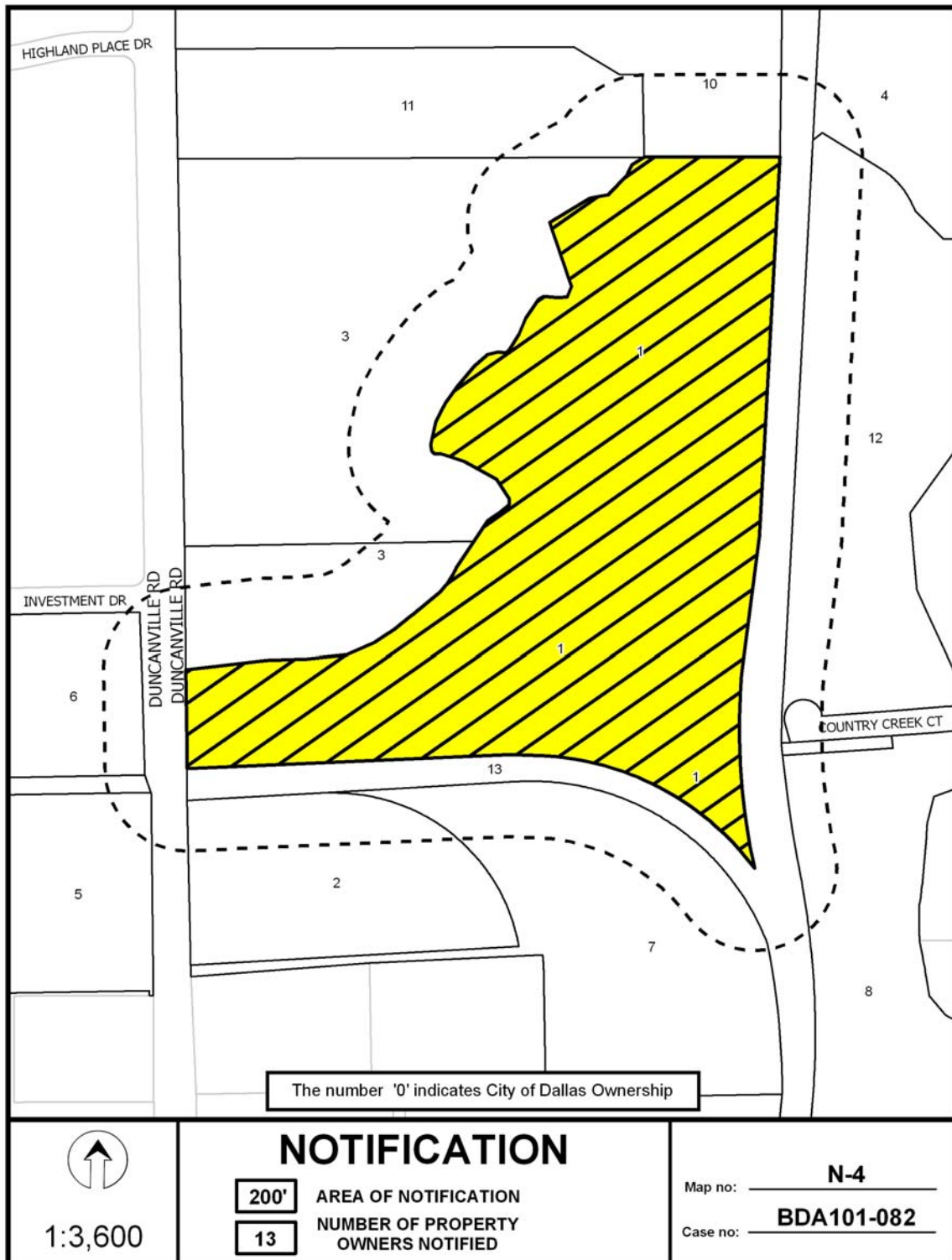
In closing, please grant the two special exemptions to Boise Cascade.

3600 Duncanville Road, Dallas, Texas

Barns Family Trust

Charles A. Barnes, Trustee

Charles A. Barnes



Notification List of Property Owners

BDA101-082

13 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3930 DUNCANVILLE	BOISE CASCADE BUILDING MATERIALS DISTRIB
2	4040 DUNCANVILLE	TEXAS UTILITIES ELEC CO % STATE & LOCAL
3	3600 DUNCANVILLE	BARNS CHARLES A TRUSTEE
4	3443 MORSE	WILLIAMS ROBERT H & DENNI
5	4200 DUNCANVILLE	REDBIRD 166 PARTNERS LP
6	5050 INVESTMENT	RCI REDBIRD LLC STE 300
7	4060 DUNCANVILLE	NAUGATUCK LC
8	4791 LEDBETTER	CANADA SMITH CREEK LP SUITE 222
9	4790 LEDBETTER	SMITH CREEK JOINT VENTURE % KAREN OUTLAN
10	3550 DUNCANVILLE	MOBILE MINI I % TAX DEPT
11	3610 DUNCANVILLE	RECYCLE TO CONSERVE TX IN STE 40
12	4700 COUNTRY CREEK	INDEPENDENT BUILDERS INC
13	2300 GRAND	BNSF RAILWAY % PROPERTY TAX DEPT