

ZONING BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, SEPTEMBER 21, 2011
AGENDA

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

David Cossum, Assistant Director
Steve Long, Board Administrator

MISCELLANEOUS ITEM

Approval of the Wednesday, August 17, 2011 Board of Adjustment Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA 101-075	13815 Skyfrost Drive REQUEST: Application of Julio Nathal, represented by James Kellum, to enlarge a nonconforming use	1
BDA 101-077	4645 Meadowood Road REQUEST: Application of Robert Reeves for a special exception to the fence height regulations	2
BDA 101-081	6007 Azalea Lane REQUEST: Application of Elise and James Sher for a special exception to the fence height regulations	3
BDA 101-085	6414 Abrams Road REQUEST: Application of Ric Nesbit for a special exception to the landscape regulations	4

HOLDOVER CASE

BDA 101-063

3821 San Jacinto Street

5

REQUEST: Application of Shaun Feltner for special exceptions to the fence height and visual obstruction regulations

EXECUTIVE SESSION NOTICE

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

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

(Rev. 6-24-02)

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel B August 17, 2011 public hearing minutes.

FILE NUMBER: BDA 101-075

BUILDING OFFICIAL'S REPORT:

Application of Julio Nathal, represented by James Kellum, to enlarge a nonconforming use at 13815 Skyfrost Drive. This property is more fully described as Lot 135 in City Block 8817 and is zoned A(A) Agricultural District, which limits the legal uses in a zoning district. The applicant proposes to enlarge a nonconforming outside salvage and reclamation use, which will require a request to enlarge a nonconforming use.

LOCATION: 13815 Skyfrost Drive

APPLICANT: Julio Nathal
Represented by James Kellum

REQUEST:

- A request is made to enlarge a nonconforming "outside salvage and reclamation" use (Auto City Salvage) on the subject site. In this particular case, the enlargement involves constructing and maintaining an approximately 7,300 square foot (121' x 61') "proposed covered storage area" on a site that, according to DCAD, has improvements of a 2,800 square foot "automotive service" structure built in 1980 on it, on a site that, according to the application, is 11.6 acres in area.

STAFF RECOMMENDATION:

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

STANDARD FOR ENLARGING A NONCONFORMING USE:

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

GENERAL FACTS:

- The Dallas Development Code defines a nonconforming use as “a use that does not conform to the use regulations of this chapter, but was lawfully established under regulations in force at the beginning of operation and has been in regular use since that time.”
- The Dallas Development Code states that enlargement of a nonconforming use means any enlargement of the physical aspects of a nonconforming use, including any increase in height, floor area, number of dwelling units, or the area in which the nonconforming use operates.
- The application states that the site is 11.603 acres in area.
- The subject site is zoned A(A) (Agricultural).
- An “outside salvage and reclamation” use is not permitted in A(A) Agricultural District zoning.
- DCAD states that the site has improvements of an “automotive service” with 2,800 square feet built in 1980.
- Given provisions set forth the Dallas Development Code, the existing “outside salvage and reclamation” use on the site can obtain “conforming use” status upon obtaining a change in zoning to the IM (Industrial Manufacturing) district that permits this specific use with an SUP (Specific Use Permit) from the City Council.
- The applicant has been informed of the Dallas Development Code provisions pertaining to “Nonconforming Uses and Structures,” and how nonconforming uses can be brought to the Board of Adjustment for amortization where if the board determines that continued operation of the use will have an adverse effect on nearby properties, it shall proceed to establish a compliance date for that nonconforming use - a compliance date that is provided under a plan whereby the owner’s actual investment in the use before the time that the use became nonconforming can be amortized within a definite time period.
- The applicant submitted additional information beyond what was submitted with the original application (see Attachment A).

BACKGROUND INFORMATION:

Zoning:

Site: A(A) (Agricultural)
North: MH(A) (Manufactured home)
South: R-10(A)(Single family residential 10,000 square feet)
East: MH(A) (Manufactured home)
West: MH(A) (Manufactured home)

Land Use:

The 11.6 acre subject site is developed with an “outside salvage and reclamation” use (Auto City Salvage). The areas to the north and east are developed with manufactured home uses, the area to the south appears to be developed with single family uses; and the area to the west appears to be undeveloped.

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 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 B.

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;
- the section from the Dallas Development Code pertaining to nonconforming uses and structures; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

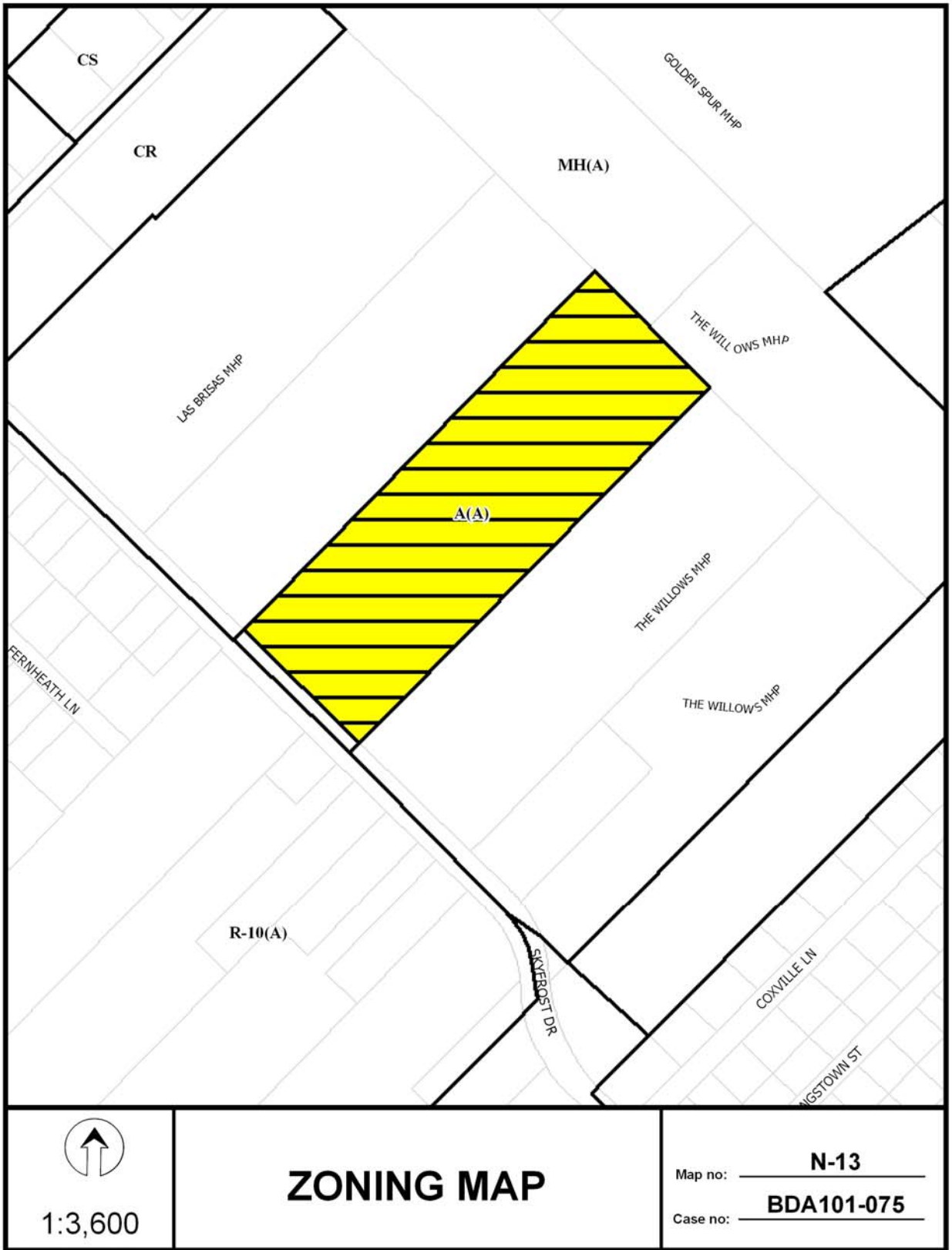
September 6, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for September public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Assistant Director, Sustainable 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.

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

September 9, 2011: The applicant submitted additional information to the Board Administrator beyond what was submitted with the original application (see Attachment A).

STAFF ANALYSIS:

- This request focuses on enlarging a nonconforming “outside salvage and reclamation” use (Auto City Salvage) on the subject site.
- In this particular case, the enlargement involves constructing and maintaining an approximately 7,300 square foot (121’ x 61’) “proposed covered storage area” on a site that, according to DCAD, has improvements of a 2,800 square foot “automotive service” structure built in 1980, on a site that, according to the application, is 11.6 acres in area.
- The subject site is zoned A(A) Agricultural District.
- An “outside salvage and reclamation” use is not permitted in A(A) Agricultural District zoning.
- The applicant has the burden of proof to establish that the enlargement of the non-conforming use:
 1. does not prolong the life of the nonconforming use;
 2. would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right; and
 3. will not have an adverse effect on the surrounding area.
- If the Board were to grant this request, with a condition imposed that the applicant comply with the submitted site plan and elevations, the enlargement of the nonconforming use on this site would be limited to what is shown on these documents.

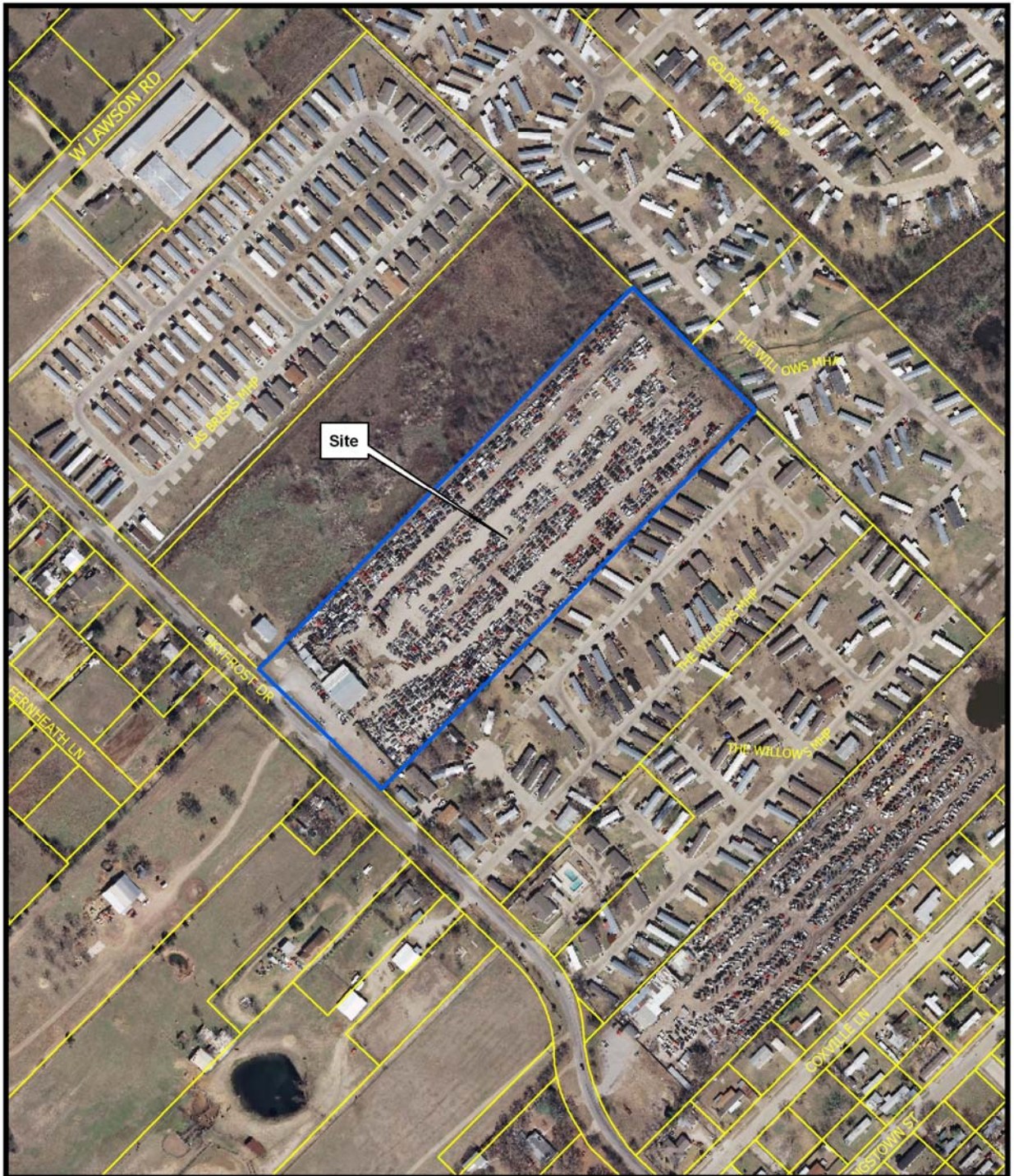


1:3,600

ZONING MAP

Map no: **N-13**
 Case no: **BDA101-075**

DATE: August 18, 2011



1:3,600

AERIAL MAP

Map no: N-13

Case no: BDA101-075

DATE: August 18, 2011

September 9, 2011

Mr. Steve Long,
Board Of Adjustment Administrator
City Of Dallas Sustainable Development And Construction
1500 Marilla Street, Room 5BN
Dallas, Texas

RE: BDA 101-075, Property At 13815 Skyfrost Drive, Dallas, Texas

TO: Distinguished Members Of The Board Of Adjustment And Appeals.

Thanks for the opportunity to appear in your presence in support of this application, Requesting a "Special Exception Of an enlargement of a non-conforming use".

This request does not prolong the life of the non-conforming use, It instead enhance and cover an existing foundation, Not enlarging the structure.

This exception and structure will not have an adverse effect on the surrounding area, This structure have a 900 ft buffer to the nearest inhabited building.

Zoning regulations did not exist in the area prior to the City Of dallas annexation in 1975 therefore the highest and best use of the property presently exist, The zoning regulations had they existed would have allowed the requested use.

There have to date been no complaints against this application, The same use have existed over a period of 25 years.

Thanks for your kind consideration to this request, Any questions, please refer to James Kellum, Tyler Consulting Group Inc., 214/923/5395.

Submitted,

James Kellum



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-075

Data Relative to Subject Property:

Date: 6-17-11

Location address: 13815 SkyFrost Drive

Zoning District: A(A)

Lot No.: 135 Block No.: 8817 Acreage: 11.603

Census Tract: 170.04

Street Frontage (in Feet): 1) 400 ft. 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

SE 10K

Owner of Property/or Principal: NATROD 11, LTD.

Applicant: Julio Nathal

Telephone: 214/697/9850

Mailing Address: 16531 Addison Rd., Addison, Tx.

Zip Code: 75001

Represented by: Tyler Consulting / James Kellum

Telephone: 214/923/ 5395

Mailing Address: P.O. Box 535064 Grand Prairie, Tx.

Zip Code: 75053

Affirm that a request has been made for a Variance or Special Exception of An Enlargement of a non-conforming use. Ch. 51A - 4.704(b)(5) D1 relief for storage.

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. Does not prolong the life of the non-conforming use.
- 2. Will not have an adverse effect on surrounding areas.
- 3. Would have been permitted under zoning regulation, had they existed at time of non-conforming use.

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: Julio Nathal

Applicant's name printed

Applicant's signature

Affidavit

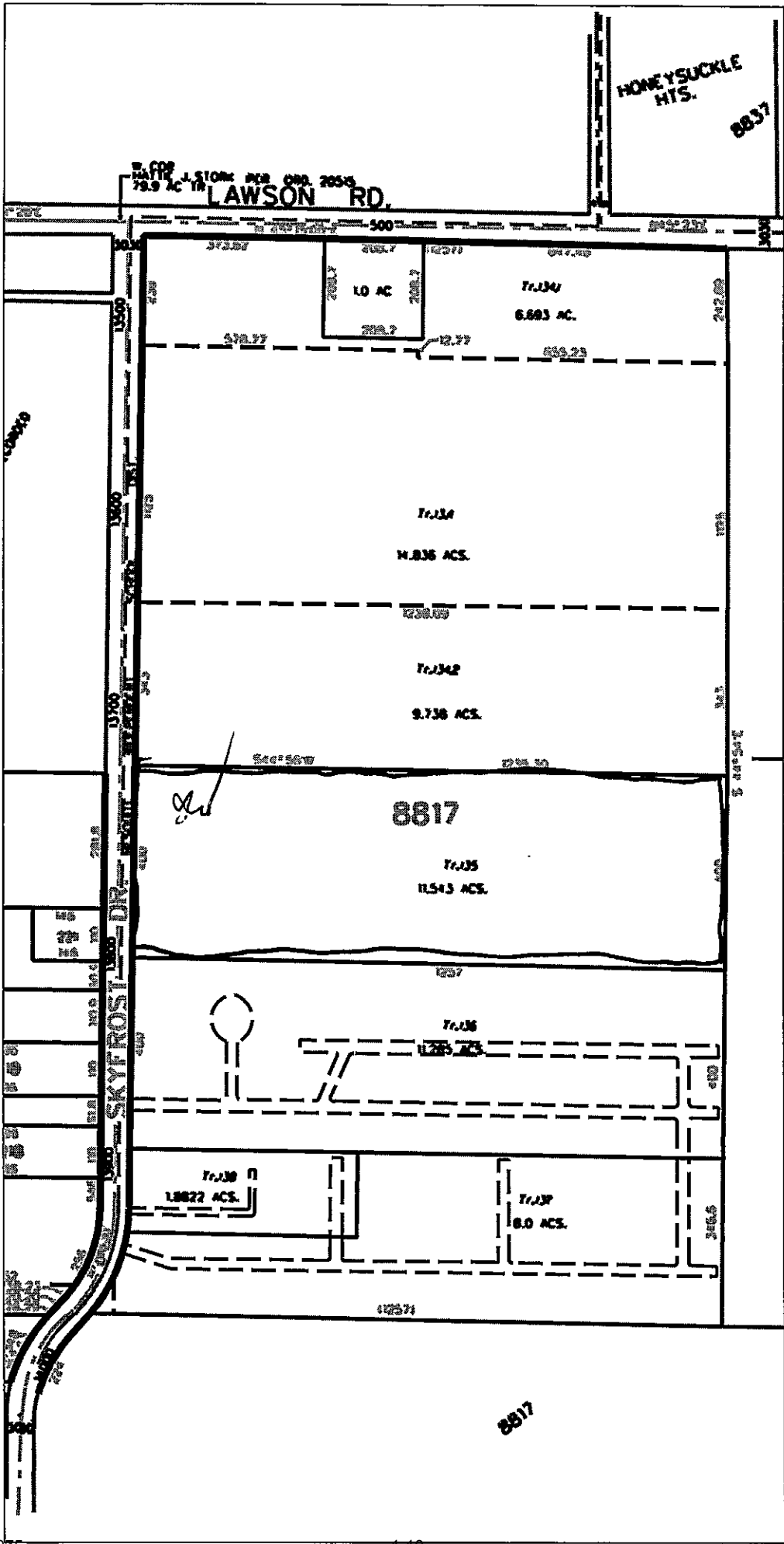
Before me the undersigned on this day personally appeared Julio Nathal who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Affiant (Applicant's signature)

Subscribed and sworn to before me this 31 day of May, 2011

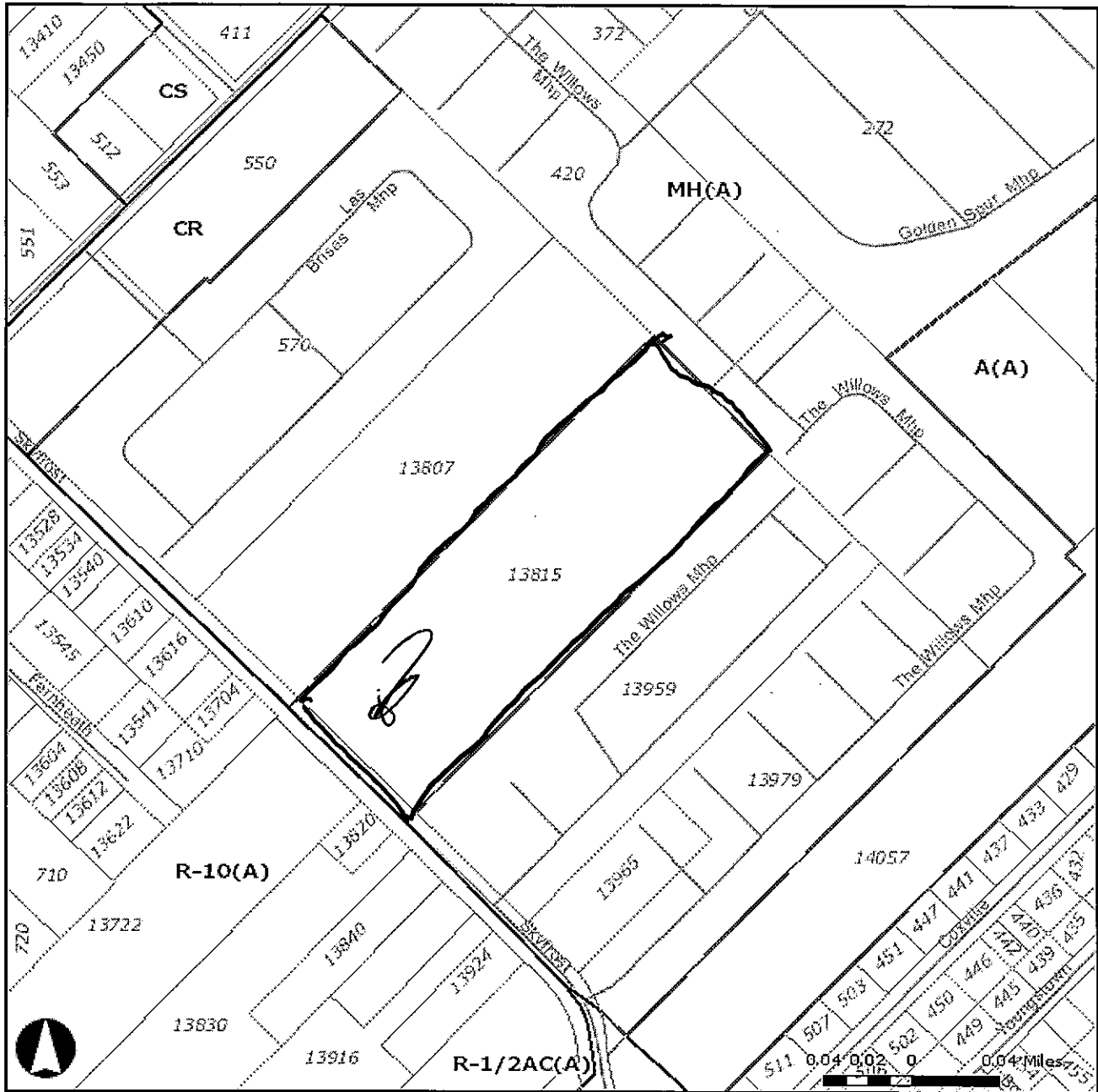


Notary Public in and for Dallas County, Texas



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City of Dallas Zoning



City Boundaries

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

Dry Overlay

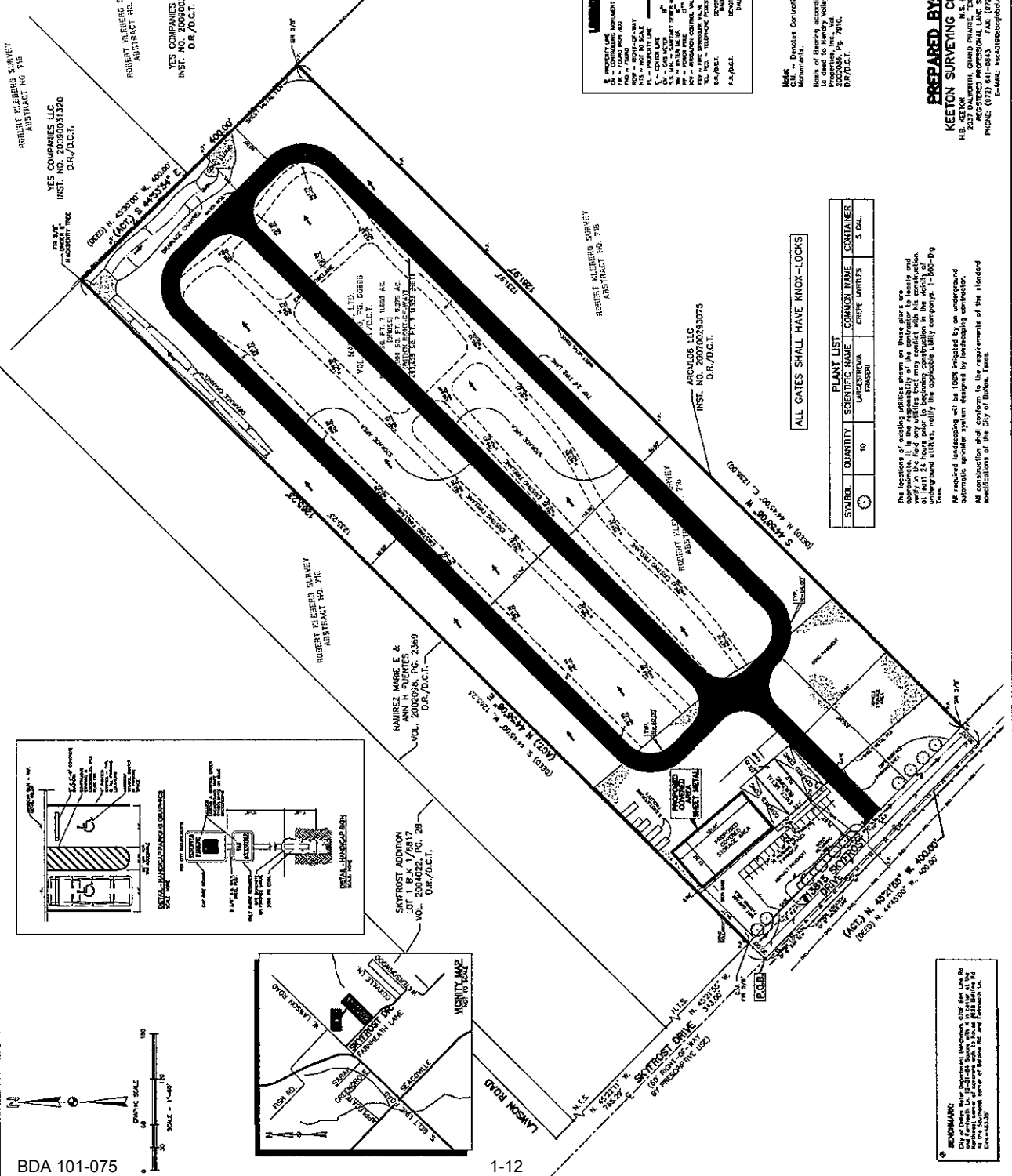
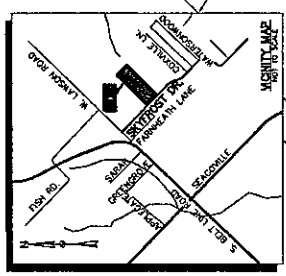
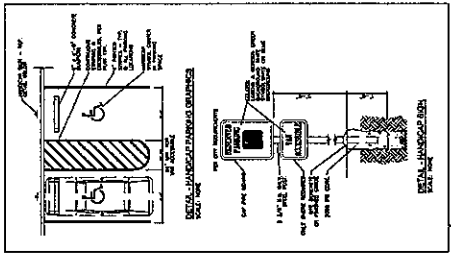
- Dry Overlay
- Historic Overlay
- Historic Subdistricts
- NSO Overlay

Base Zoning

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



BDA 101-075



FIELD NOTES

Being a tract of land situated in the Robert Kleberg Survey, Abstract No. 716, situated in the City of Dallas, Dallas County, Texas, and being part of the 80-acre tract of land conveyed to Walter J. Skiff and described in Dallas County Deed Book 17854, Page 104, and being more particularly described as follows:

REFERENCE: A point in the center of Skynet Drive, formerly (Wesley) Skynet Drive, 60' public right-of-way by prescriptive usage, said point being 1156.00 feet from the southeast corner of said Skiff 80-acre tract.

THENCE N. 44°50'00" E., with the northwesterly line of tract except tract of YES COMPANIES LLC, INST. NO. 20090031320, 200.00 feet to the northeast corner of said Skiff 80-acre tract, and the southeast corner of said Skiff 80-acre tract, and being more particularly described as follows:

THENCE N. 44°50'00" E., 200.00 feet to the northeast corner of said Skiff 80-acre tract, and the southeast corner of said Skiff 80-acre tract, and being more particularly described as follows:

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ALL GATES SHALL HAVE KNOX-LOCKS

The locations of existing utilities shown on these plans are shown for information only. It is the responsibility of the contractor to verify in the field any utilities that may conflict with his construction. At least 24 hours prior to beginning construction in the vicinity of any underground utilities, notify the appropriate utility company, 1-800-DIG-TEXAS.

All required underground utilities shall be 100% installed by an underground contractor. All construction shall conform to the requirements of the standard specifications of the City of Dallas, Texas.

SYMBOL	QUANTITY	SCIENTIFIC NAME	COMMON NAME	CONTAINER
☉	10	LARVAE	CRICKS	3 GAL.

PLANT LIST

PREPARED BY:
 KEETON SURVEYING COMPANY
 WESLEY KEETON, CHAIRMAN
 20070031320
 PHONE: (972) 441-0643 FAX: (972) 441-0644
 E-MAIL: wkeeton@keeton.com

DATE: FEBRUARY 05, 2011
REVISED: MARCH 17, 2011

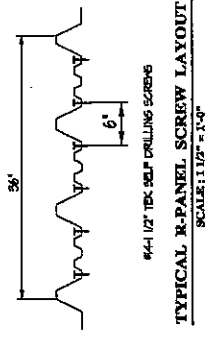
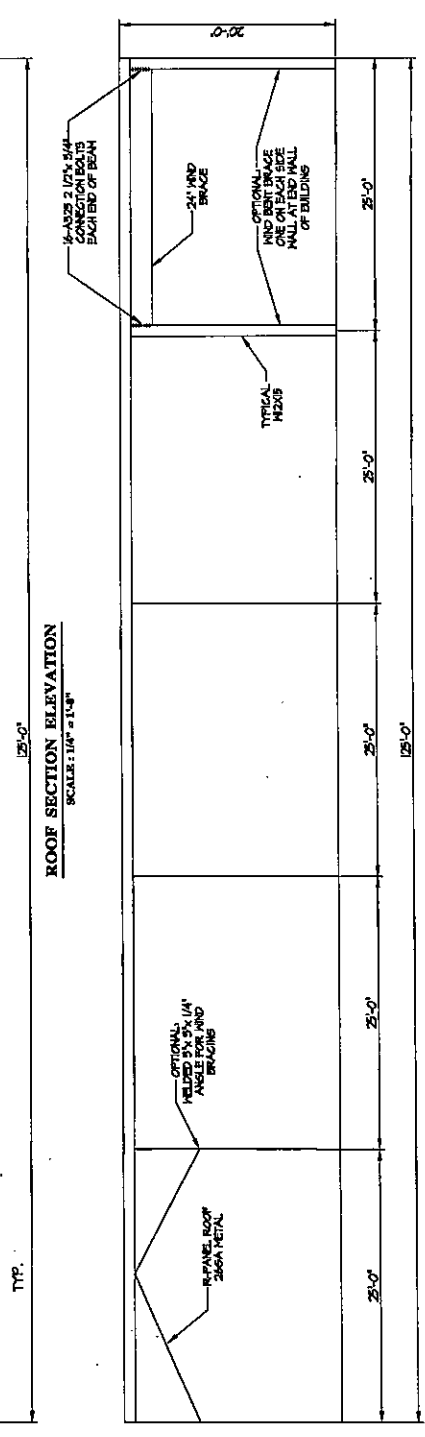
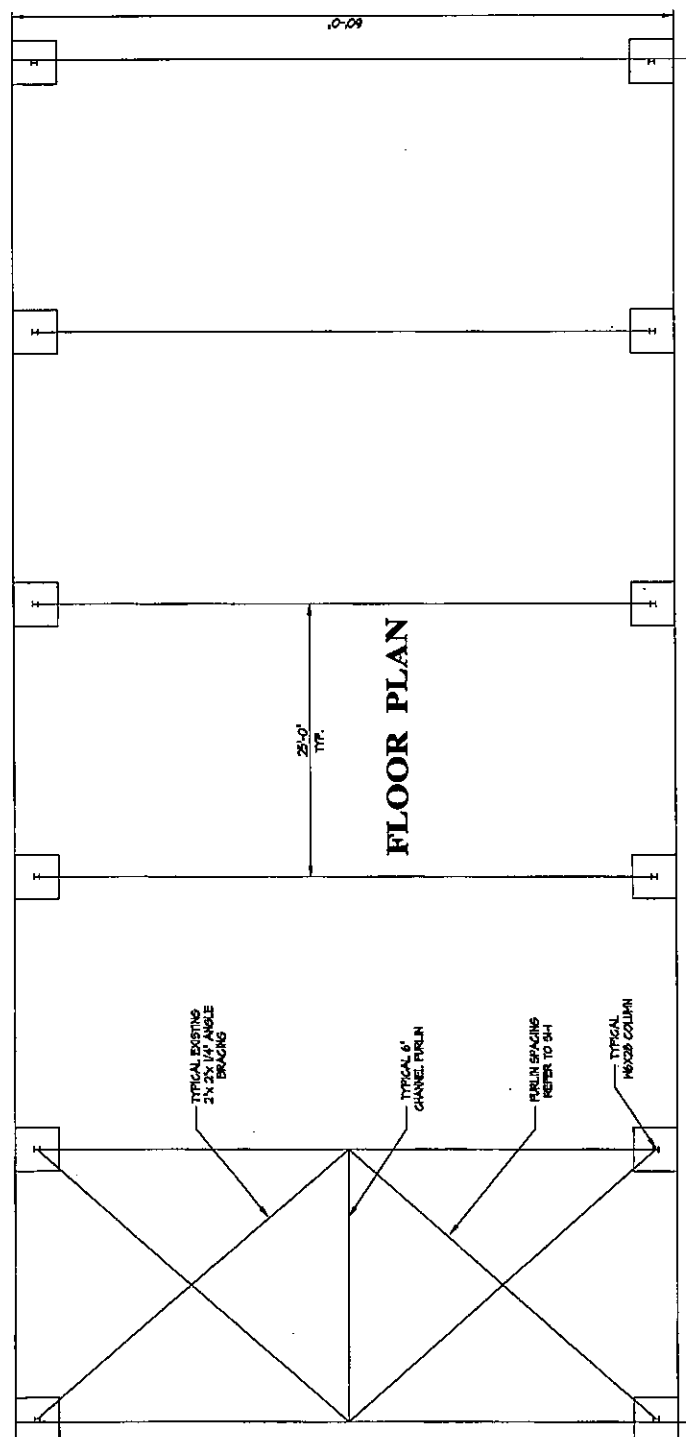
DATE: 4-28-11
 SCALE: 1/8" = 1'-0"
 DRAWN BY: AAN LOOSER

Ellis County Reprographics, Inc.
 201 JOHNSTON BLDG.
 WAXAHACHIE, TEXAS 75165
 972-938-4230

NOTICE OF NON-RESPONSIBILITY
 I, THE DRAWER, A PROFESSIONAL ARCHITECT, HEREBY CERTIFY THAT I AM THE AUTHOR OF THE DRAWING AND I AM NOT PROVIDING ANY PROFESSIONAL SERVICES TO THE CLIENT OR TO ANY OTHER PARTY. THE CLIENT IS ADVISED THAT THE DRAWING IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED BY HIM OR HER. THE ARCHITECT DOES NOT WARRANT OR REPRESENT THAT THE DRAWING IS FREE FROM ERRORS OR OMISSIONS. THE CLIENT IS ADVISED THAT THE ARCHITECT IS NOT PROVIDING ANY PROFESSIONAL SERVICES TO THE CLIENT OR TO ANY OTHER PARTY. THE CLIENT IS ADVISED THAT THE DRAWING IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED BY HIM OR HER. THE ARCHITECT DOES NOT WARRANT OR REPRESENT THAT THE DRAWING IS FREE FROM ERRORS OR OMISSIONS.

PLANS FOR
AUTO CITY SALVAGE
 13815 SKYFROST DR.
 DALLAS, TEXAS 75255

DRAWING:
**FLOOR PLAN,
 DETAILS
 AND
 ELEVATIONS**
 S3



NOTE:
 Ellis County Reprographics, Inc. is a Drafting & Design firm only. In no way does E.C.R. represent itself as Architects or Engineers. All drawings are based on dimensions/specifications furnished to E.C.R. Inc. by the builder and/or home owner.

DRAWN BY: [Name]

 CHECKED BY: [Name]

 DATE: 4-23-11

 PROJECT: 11-0111

 SHEET: 11-0111-01

 TITLE: ELEVATIONS

Ellis County Reprographics, Inc.

 201 JOHNSTON BLVD.

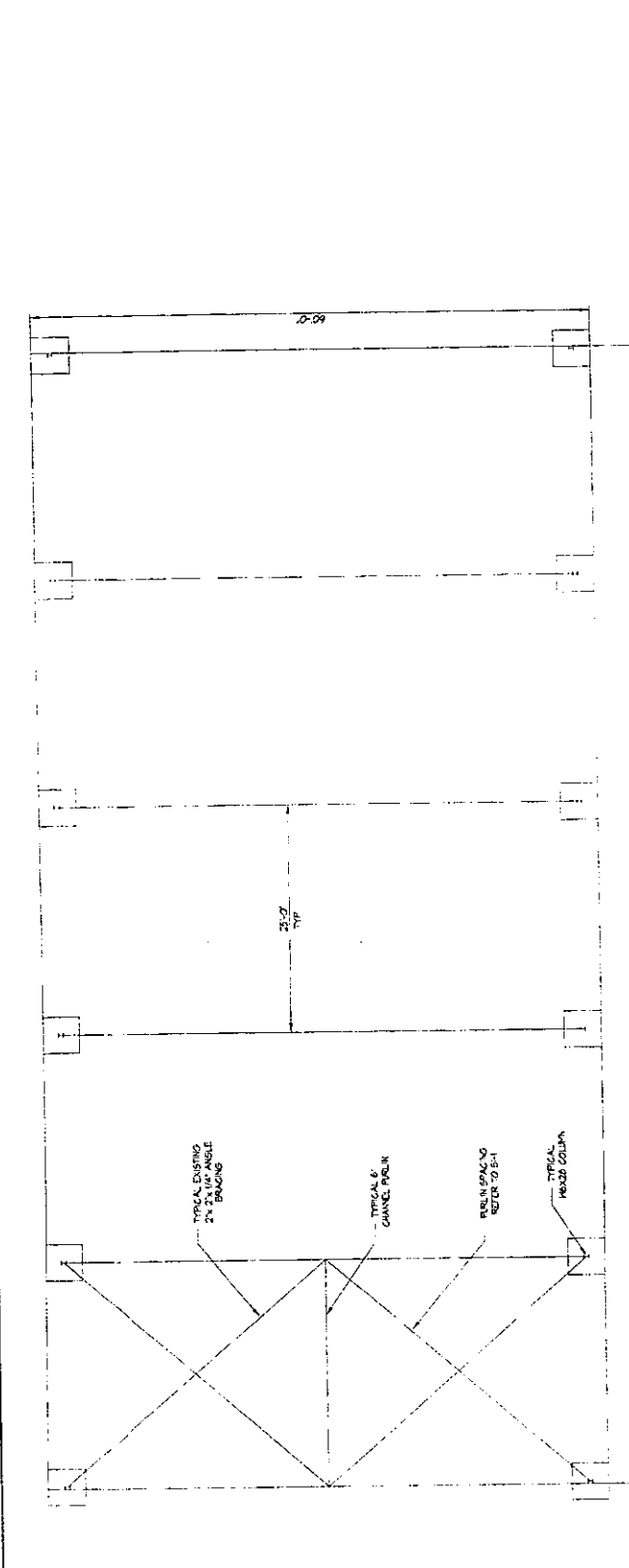
 WASHINGTON, MO 64783

 816-882-1133

AUTO CITY SALVAGE

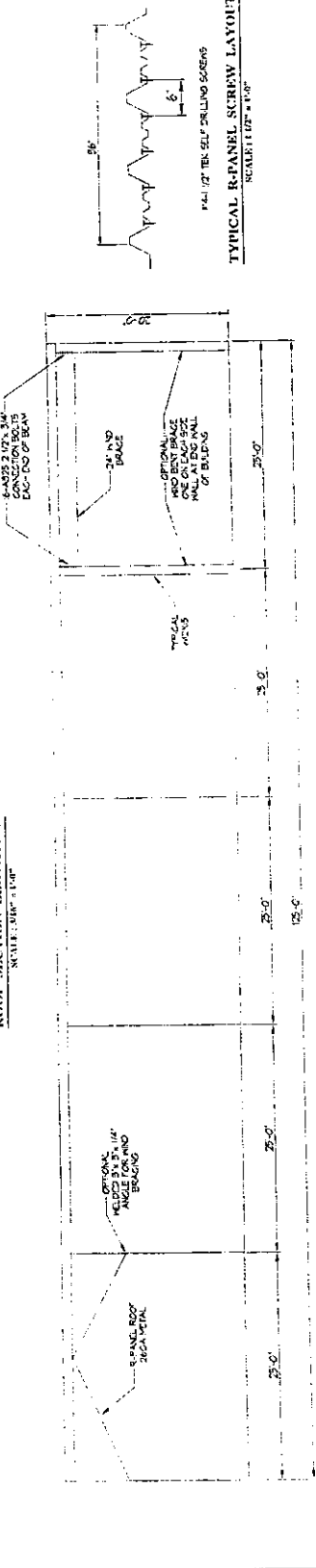
 13815 SKYFROST DR.

 WASHINGTON, MO 64783



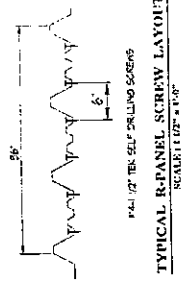
ROOF SECTION ELEVATION

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



EAST & WEST SIDE WALL ELEVATION

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



TYPICAL R-PANEL SCREW LAYOUT

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

NOTE:

 Ellis County Reprographics, Inc. is a Drafting & Design firm only. In no way does E.C.R. represent itself as an Architect or Engineer. All drawings are prepared by the firm and are not to be used for construction without the approval of the engineer of record. E.C.R. is not responsible for the builder and/or their contractor.

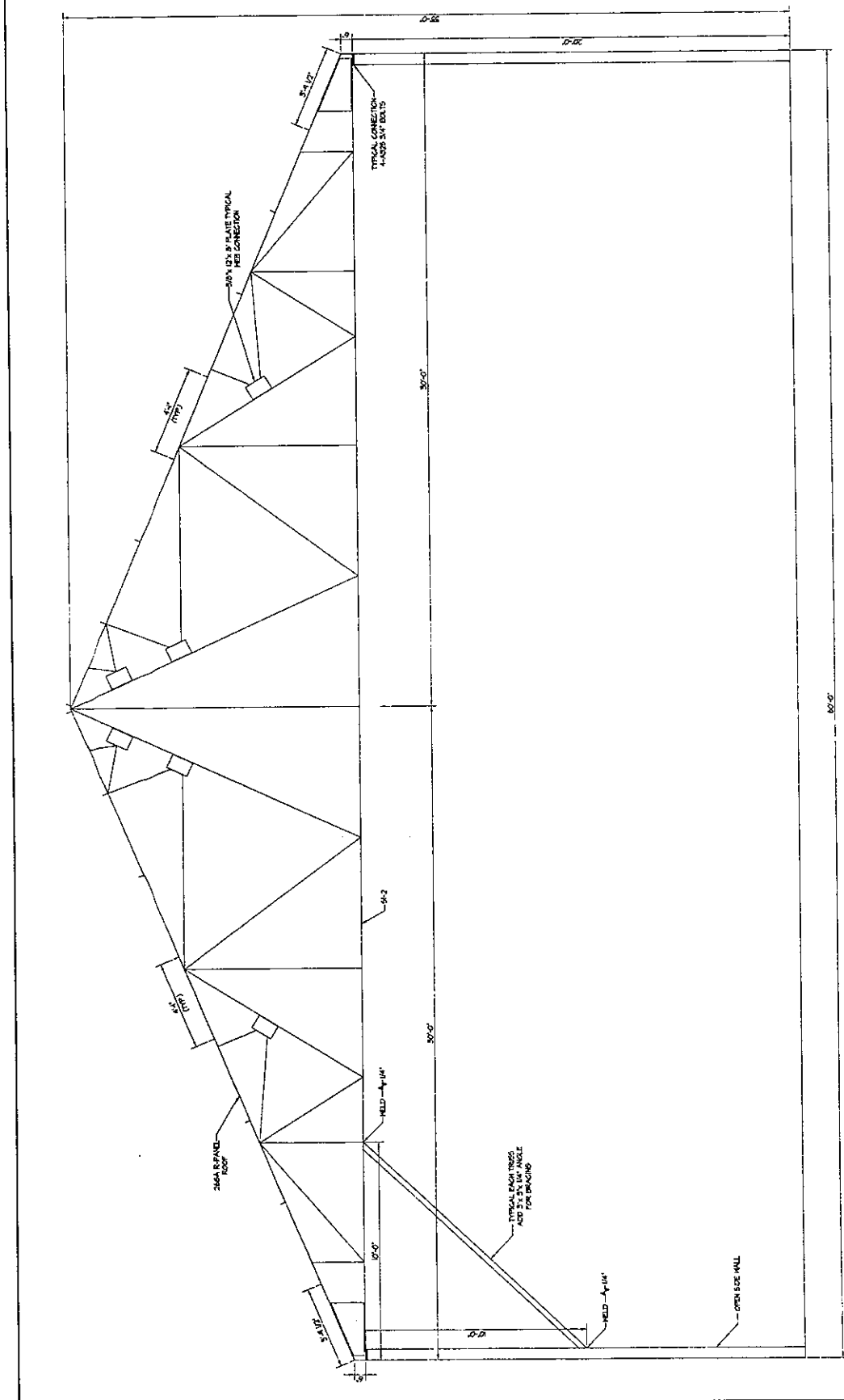


DRAWN BY: **Ellis County Regraphics, Inc.**
 201 JOHNSTON BLVD.
 WAXAHACHIE, TEXAS 75165
 072-938-2650

NOTICE OF NON-RESPONSIBILITY
 THE USER OF THESE PLANS FOR THE PROJECT IS NOT TO BE HELD RESPONSIBLE FOR THE DESIGN OR CONSTRUCTION OF THE PROJECT. THE DESIGNER HAS REVIEWED THE PLANS AND APPROVES THEM AS SHOWN. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE PROTECTION OF THE PROJECT. THE DESIGNER HAS REVIEWED THE PLANS AND APPROVES THEM AS SHOWN. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE PROTECTION OF THE PROJECT.

AUTO CITY SALVAGE
1815 SKYREST DR.
 DALLAS, TEXAS 75255

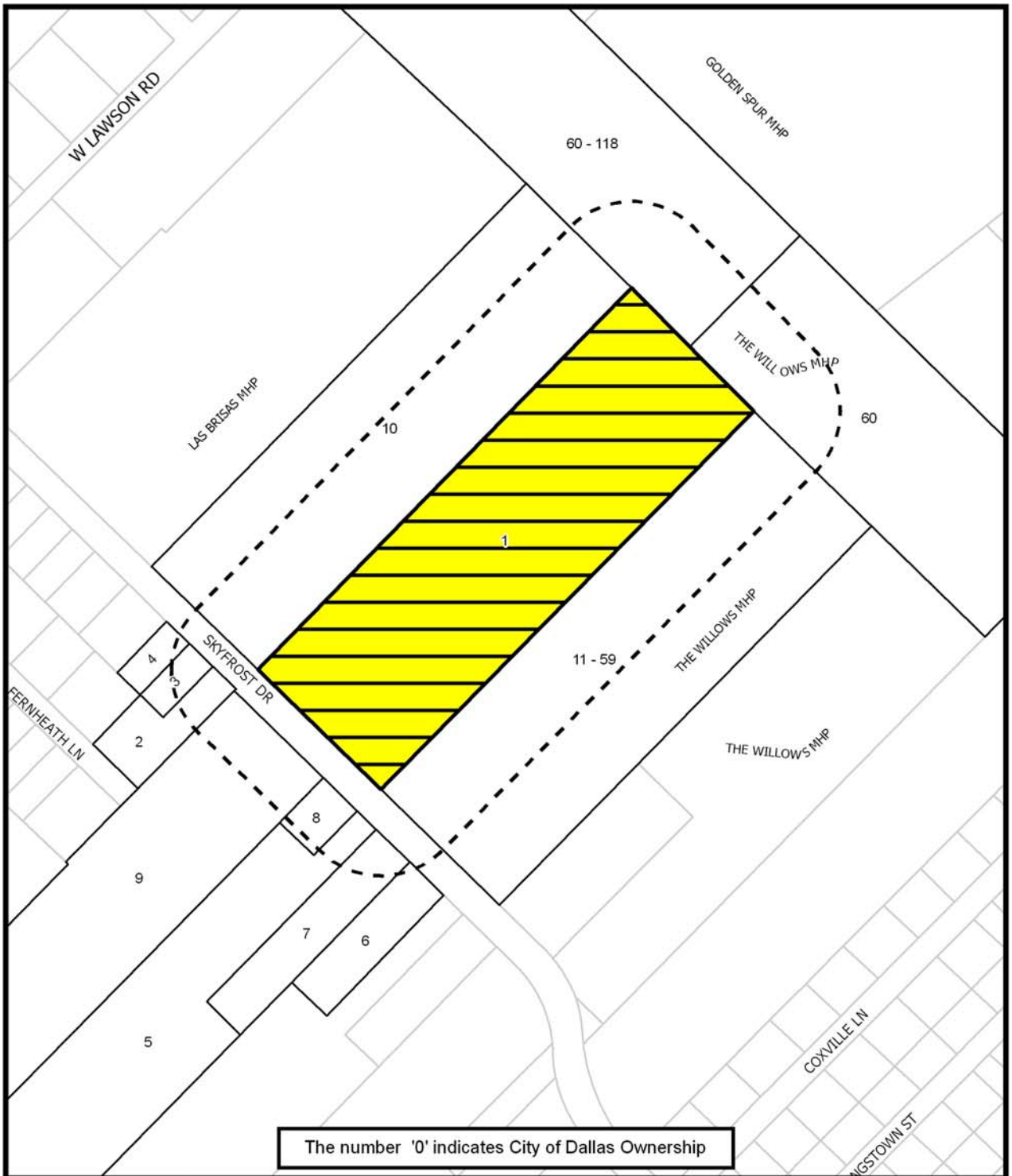
PLANS FOR
DETAILS AND ELEVATIONS
S3



TYPICAL SIDE VIEW ELEVATIONS
 SCALE: 1/2" = 1'-0"



NOTE:
 Ellis County Regraphics, Inc. is a Drafting & Design firm only. In no way does E.C.R. represent itself as an Architect or Engineer. All drawings are based on architectural specifications furnished to E.C.R. Inc. by the builder and/or those owner.



The number '0' indicates City of Dallas Ownership

 <p>1:3,600</p>	<h2 style="text-align: center;">NOTIFICATION</h2> <p>200' AREA OF NOTIFICATION</p> <p>118 NUMBER OF PROPERTY OWNERS NOTIFIED</p>	<p>Map no: N-13</p> <p>Case no: BDA101-075</p>
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DATE: August 18, 2011

Notification List of Property Owners

BDA101-075

118 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	13815 SKYFROST	NATROD II LTD
2	13710 SKYFROST	BAGGETT BENNY
3	13704 SKYFROST	BAGGETT JOE HAMMOND
4	13622 SKYFROST	RODGERS JOE M & ET AL
5	13830 SKYFROST	RENEGAR WANDA L
6	13916 SKYFROST	RAGSDALE H DUANE
7	13840 SKYFROST	CONNOLLEY CHRIS L & DEBRA A CONNOLLEY
8	13820 SKYFROST	CHAFFIN JOHN G
9	13722 SKYFROST	GOMEZ JOSE JESUS & DELIA Z GOMEZ
10	13807 SKYFROST	RAMIREZ MARIE E & ANN H FUENTES
11	13959 SKYFROST	ARCML06 LLC ATTN: SCOTT L GESELL
12	13959 SKYFROST	RODRIGUEZ ISRAEL & ALBERTO SPACE 46
13	13959 SKYFROST	ARCHOUSINGTX LP SUITE 400
14	13959 SKYFROST	SILVA CARLOS & MARIA SPACE 1
15	13959 SKYFROST	BARBOZA ARMANDO SPACE 6
16	13959 SKYFROST	MICHAEL TOMMY SPACE 10
17	13959 SKYFROST	GONZALEZ ROBERTO & MARIA 13959 SKYFROST
18	13959 SKYFROST	RODRIGUEZ AMELIO SPACE 12
19	13959 SKYFROST	ADRIAENSSENS DEBBIE SPACE 13
20	13959 SKYFROST	GUEVARA JUAN SPACE 20
21	13959 SKYFROST	GARCIA MAXIMIANO SPACE 22
22	13959 SKYFROST	LUNA MANUEL SPACE 25
23	13959 SKYFROST	ARC SUITE 400
24	13959 SKYFROST	GUZMAN CARLOS A SPACE 39
25	13959 SKYFROST	ARCHOUSINGTX LP SUITE 900
26	13959 SKYFROST	REYES ESTEBAN LOT 43

8/18/2011

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	13959 SKYFROST	MALTOS ROGELIO & MARIA SPACE 44
28	13959 SKYFROST	HERNANDEZ SANTOS SPACE 58
29	13959 SKYFROST	CAMPOS DAVID & MARIE LUCIO SPACE 59
30	13959 SKYFROST	OHARA SHANNON SPACE 62
31	13959 SKYFROST	VIQUEZ JOSE & RUTH SPACE 63
32	13959 SKYFROST	RESA ANTONIO & LUCILA SEBA SPACE 69
33	13959 SKYFROST	BRISENO CASIMIRO SPACE 82
34	13959 SKYFROST	MARKS GLENN PAUL & LILLIAN THELMA SPACE
35	13959 SKYFROST	MCCOY VINCENT SPACE 90
36	13959 SKYFROST	MCDANIEL JESSICA SPACE 93
37	13959 SKYFROST	PAYAN RAMON & ROSA SPACE 098
38	13959 SKYFROST	MEDINA FRANCISCO SPACE 99
39	13959 SKYFROST	LAWRENCE ARDIS SPACE 104
40	13959 SKYFROST	ELLIS SANDRA SPACE 108
41	13959 SKYFROST	ACEVEDO ADELITA SPACE 9
42	13959 SKYFROST	COPPOCK RONALD & DORIS N
43	13959 SKYFROST	ROBINSON SANDRA SPACE 29
44	13959 SKYFROST	RODRIGUEZ ANTONIO & FRANCISCA RODRIGUEZ
45	13959 SKYFROST	ROCHA ANDRES SPACE 60
46	13959 SKYFROST	BENAVIDES HECTOR SPACE 65
47	13959 SKYFROST	JOHNSON GENEVA SPACE 66
48	13959 SKYFROST	ROJAS ALMA
49	13959 SKYFROST	HIGHTOWER GLENN SPACE 83
50	13959 SKYFROST	CRUZ AURELIA SPACE 109
51	13959 SKYFROST	PINA JOSE SPACE 73
52	13959 SKYFROST	STOCKS ELLY SPACE 14
53	13959 SKYFROST	ARC DEALERSHIP SUITE 400
54	13959 SKYFROST	HERNANDEZ MARIA GUADALUPE LOT 79
55	13959 SKYFROST	ARC HOMES
56	13959 SKYFROST	HADISON BETTY
57	13959 SKYFROST	HERNANDEZ EVANGELINA LOT 78

58	13959	SKYFROST	JAMES ROGER & GLORIA SPACE 008
59	13959	SKYFROST	REYES SERGIO & MARIA DEL SOC SPACE
60	420	LAWSON	YES COMPANIES LLC
61	420	LAWSON	YES
62	420	LAWSON	OCHOA ESTER SPACE 074
63	420	LAWSON	DEWESE JOE SPACE 4
64	420	LAWSON	LOZANO ALFRED SPACE 6
65	420	LAWSON	COFFMAN CHRISTOPHER
66	420	LAWSON	MOORE CHARLOTTE SPACE 19
67	420	LAWSON	FOSTER GUY B & CRYSTAL JOHNSON
68	420	LAWSON	GILGREATH DOROTHY SPACE 22
69	420	LAWSON	SALINAS JESUS SPACE 29
70	420	LAWSON	LEE WILLIAM SPACE 33
71	420	LAWSON	ESPINOSA JUAN SPACE 42
72	420	LAWSON	CABRALES JUAN R SPACE 68
73	420	LAWSON	GARCIA HUMBERT D
74	420	LAWSON	ROBINSON MARK
75	420	LAWSON	PONCE RAMON SPACE 112
76	420	LAWSON	RILEY EDWIN SPACE 117
77	420	LAWSON	BRADDEN DORA SPACE 119
78	420	LAWSON	BENJAMIN LABONTE SPACE 122
79	420	LAWSON	MALONEY ROBERT SPACE 123
80	420	LAWSON	WALDROP JOHN SPACE 127
81	420	LAWSON	SPEARS MARGIE SPACE 128
82	420	LAWSON	HERNANDEZ JUAN SPACE 135
83	420	LAWSON	MONREAL RICARDO SPACE 36
84	420	LAWSON	VARELA ISRAEL SPACE 41
85	420	LAWSON	BUTTS CLARK SPACE 34
86	420	LAWSON	MARTINEZ MARIO SPACE 44
87	420	LAWSON	VANZANDT JOHNNY SPACE 49
88	420	LAWSON	JOHNSTON BOBBY SPACE 10

8/18/2011

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
89	420 LAWSON	HIGGS IRA SPACE 11
90	420 LAWSON	DEAN CLAUDE
91	420 LAWSON	AVILA JOSE A SPACE 018
92	420 LAWSON	RUEDA TOMASA SPACE 23
93	420 LAWSON	BRITO JESUS SPACE 025
94	420 LAWSON	ALEXANDER RANDAL
95	420 LAWSON	HERRING JIMMY
96	420 LAWSON	BRITO JESUS SPACE 35
97	420 LAWSON	GRADY STEGMAN SPACE 39
98	420 LAWSON	CASTANEDA ARMANDO SPACE 50
99	420 LAWSON	CORDOVA JOSE SPACE 53
100	420 LAWSON	SCHMIDT NOLAN SPACE 54
101	420 LAWSON	GOLDSMITH RONALD SPACE 60
102	420 LAWSON	TIMMONS MILDRED A SPACE 63
103	420 LAWSON	KEMP JENNIFER M SPACE 65
104	420 LAWSON	MANCILLA JOSE SPACE 67
105	420 LAWSON	WHITTINGTON DOUGLAS F & WHITTINGTON MARG
106	420 LAWSON	ROSAS LUCIO SPACE 081
107	420 LAWSON	GREENTREE STE 2
108	420 LAWSON	DAVIS FRANCES M MARVIN D LONG
109	420 LAWSON	JORDAN SHARON SPACE 98
110	420 LAWSON	SMITH JOHNNY
111	420 LAWSON	WILLIAMS BILLY JACK SPACE 116
112	420 LAWSON	COMBS JUDY SPACE 118
113	420 LAWSON	BAIRD DURWOOD SPACE 126
114	420 LAWSON	BERTHELETTE KEVIN
115	420 LAWSON	SHEETS DONNA SPACE 132
116	420 LAWSON	CARMONA RIGOBERTO & LORENA SPACE 138
117	420 LAWSON	MARTINEZ REFUGIO SPACE 24
118	420 LAWSON	YES HOMESALES LLC SUITE 350

FILE NUMBER: BDA 101-077

BUILDING OFFICIAL'S REPORT:

Application of Robert Reeves for a special exception to the fence height regulations at 4645 Meadowood Road. This property is more fully described as Lot 17A in City Block 5543 and is zoned R-1ac(A) which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 11-foot high fence, which will require a special exception of 7 feet.

LOCATION: 4645 Meadowood Road

APPLICANT: Robert Reeves

REQUEST:

- A special exception to the fence height regulations of 7' is requested in conjunction with constructing and maintaining a "5' 6"_± - "6' 0"_± high open ornamental iron fence with 7' high cast stone columns and two 11' high open metal gates/cast stone entry columns in the site's 40' front yard setback 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 site plan/elevation document indicating that the proposal in the required front yard setback reaches a maximum height of 11’.

- The following additional information was gleaned from the submitted site plan:
 - The proposal is approximately 200’ in length parallel to the street.
 - The proposed fence is shown to be located approximately on the front property line or about 13’ – 20’ from the pavement line.
 - The proposed gates are shown to be located approximately 11’ from the front property line or about 25’ from the pavement line.
- Three single family homes have direct/indirect frontage to the proposal on the subject site, the one with direct frontage with a fence that appears higher than 4’ in height in its front yard setback – an approximately 6’ high open fence with 6.5’ high columns and a 10’ high entry that appears to be the result of a granted fence height special exception from September of 1997 – BDA 967-225.
- In addition to the fence mentioned above, the Board Administrator noted the following fences above four (4) feet high in the immediate area (approximately 500 feet from the site) which appeared to be located in the front yard setback (Note that these locations and dimensions are approximations):
 - a 6’ high wrought iron fence with 6.5’ high stone columns and two 7’ high wrought iron gates immediately north of the site that appears to be the result of a granted fence height special exception from September of 2001 – BDA 001-250;
 - a 4’ high fence with 5’ high columns and an 8’ high entry gate on the property two lots north of the site;
 - a 4’ high open fence with an 8’ high stone entry wall located northeast of the site;
 - a 4’ - 5’ high stone entry fence and 8’ high stone entry columns east of the site;
 - a 4’ high open fence with 5.5’ high brick columns and a 9’ high entry gate south of the site; and
 - a 7’ high open metal fence with 8’ high columns southwest of the site that appears to be the result of a granted fence height special exception from March of 1996: BDA 956-160.
- The applicant submitted additional information beyond what was submitted with the original application (see Attachments A and B).

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, east, south, and west are developed with single family uses.

Zoning/BDA History:

1. BDA 001-250, Property at 4655 Meadowood Road (the lot immediately north of the site)
On September 11, 2001, the Board of Adjustment Panel B granted a request for a special exception to the fence regulations of 3' and imposed the submitted revised site/landscape plan and fence elevation as a condition to the request. The case report stated that the request was made in conjunction with constructing and maintaining a 6' high wrought iron fence with 6.5' high stone columns and two 7' high wrought iron gates along Meadowood Road.
2. BDA 967-295, Property at 4650 Meadowood Road (a lot east of the site)
On September 15, 1997, the Board of Adjustment Panel C granted a request for a special exception to the fence regulations of 6', needed in conjunction with constructing and maintaining a maximum 10' high open metal entry gate.
3. BDA 967-160, Property at 4637 Meadowood Road (a lot south of the subject site)
On March 26, 1996, the Board of Adjustment Panel A granted a request for a special exception to the fence regulations of 4', needed in conjunction with constructing and maintaining an open 6' high fence with 6.5' high columns and and 8' high entry gate/columns.

4. BDA 001-194, Property at 4669 Meadowood Road (two lots north of the site)

On May 15, 2001, the Board of Adjustment Panel B granted a request for a special exception to the fence regulations of 6' 1", needed in conjunction with constructing and maintaining a 6' high open iron fence with 7' high masonry pilasters, and a 10' 1" high entry gate. The Board imposed the following conditions: compliance with the submitted revised site plan and revised elevation is required; and the existing hedge along the entire street side of the proposed fence must be retained; and (or if/when needed) the plants (hedge) must be replaced with five-gallon Photinia, Nellie R. Stevens holly, or similar species planted three foot on center.

5. BDA 956-160, Property at 4637 Meadowood Road (the lot immediately southwest of the site)

On March 26, 1996, the Board of Adjustment Panel A granted a request for a special exceptions to the fence regulations of 7', needed in conjunction with constructing and maintaining a 7' 4" high open iron fence with 8' high stucco columns, and a 11' high entry gate.

Timeline:

- June 13, 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 B.
- 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 30 & Sept 7, 2011: The applicant submitted additional information beyond what was submitted with the original application (Attachments A and B).

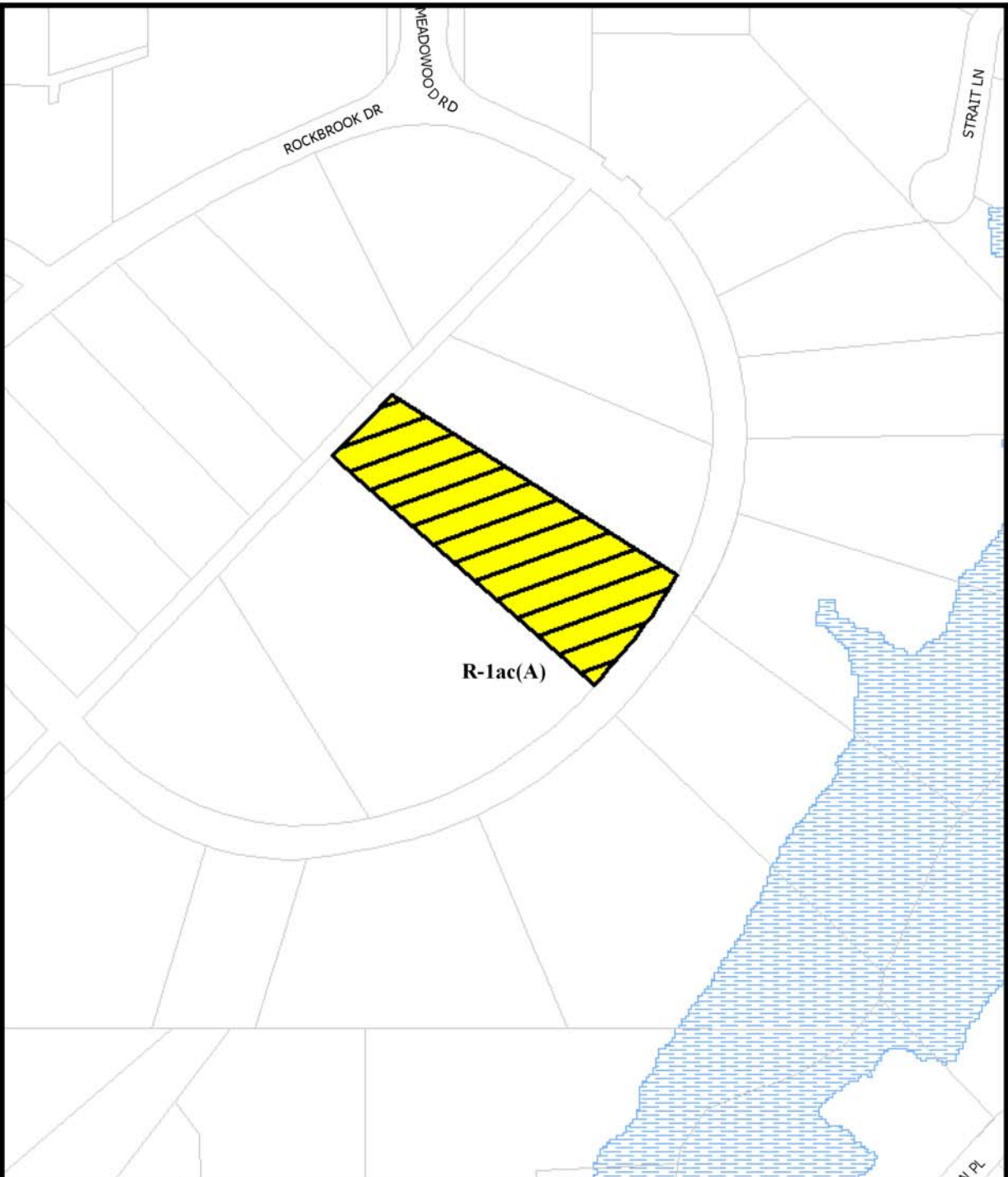
September 6, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for September public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Assistant Director, Sustainable 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 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:

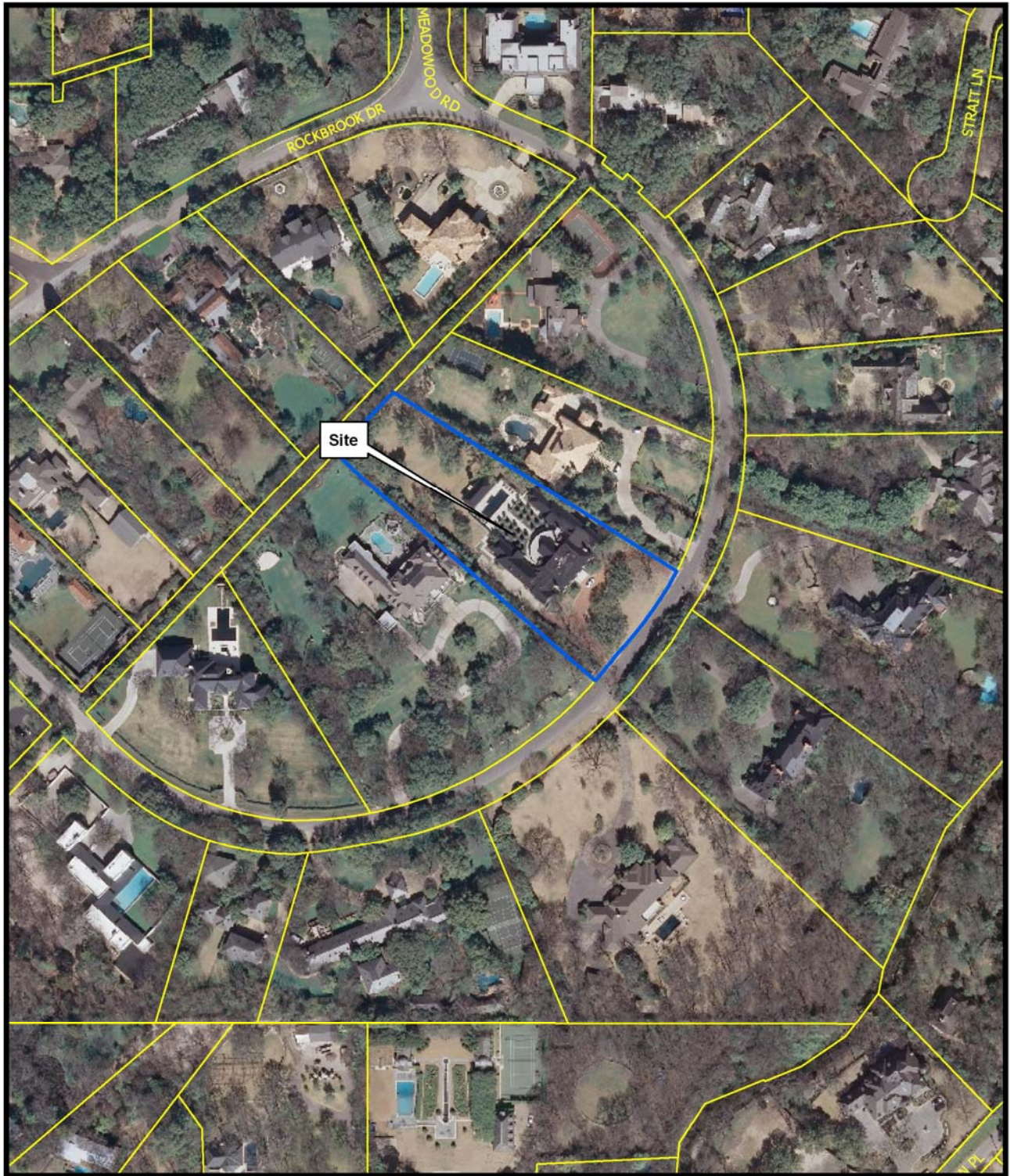
- This request focuses on constructing and maintaining a "5' 6"±" - "6' 0"±" high open ornamental iron fence with 7' high cast stone columns and two 11' high open metal gates/cast stone entry columns in the site's 40' front yard setback on a lot developed with a single family home.
- The submitted site plan/elevation notes the location, height, and materials of the proposal over 4' in height in the required front yard setback. The site plan indicates that the proposed fence is about 200' in length parallel to the street, approximately on the site's front property line or about 13' – 20' from the pavement line. (The proposed gates are shown to be located approximately 11' from the front property line or about 25' from the pavement line).
- Three single family homes have direct/indirect frontage to the proposal on the subject site, the one with direct frontage with a fence that appears higher than 4' in height in its front yard setback – an approximately 6' high open fence with 6.5' high columns and a 10' high entry that appears to be the result of a granted fence height special exception from September of 1997 – BDA 967-225.
- The Board Administrator conducted a field visit of the site and surrounding area and noted other fences above four feet high in the immediate area which appeared to be located in a front yard setback. These fences and locations are described in the "General Facts" section of this case report.

- As of September 12, 2011, 4 letters had been submitted to staff 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 fence height regulations of 7' will not adversely affect neighboring property.
- Granting this special exception of 7' with a condition imposed that the applicant complies with the submitted site plan/elevation would require that the proposal exceeding 4' in height in the front yard setback would be constructed and maintained in the location and of the heights and materials as shown on this document.



 1:2,400	ZONING MAP	Map no: <u> F-6 </u> Case no: <u> BDA101-077 </u>
--	-------------------	--

DATE: August 18, 2011



1:2,400

AERIAL MAP

Map no: F-6

Case no: BDA101-077

DATE: August 18, 2011

ROBERT REEVES
& Associates, Inc.

August 30, 2011

PLANNING AND ZONING CONSULTANTS

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

RE: Fence Height Special Exception, 4645 Meadowood Road
BDA 101-077

Dear Mr. Long:

My client, Mark Schwartz, has applied for a fence height special exception for his residence at 4645 Meadowood Road. Mr. Schwartz is proposing a 6-foot high ornamental iron fence with 7-foot stone columns. There will be two gates each setback 25 feet from the street pavement. The tallest point of the gates and columns located beside the gates will be 11 feet. This height will allowed a small scroll at the top of each gate and a small sphere on the top of each column located beside the gate, see attached drawings. The proposed ornamental iron fence will be very transparent and visually unobtrusive.

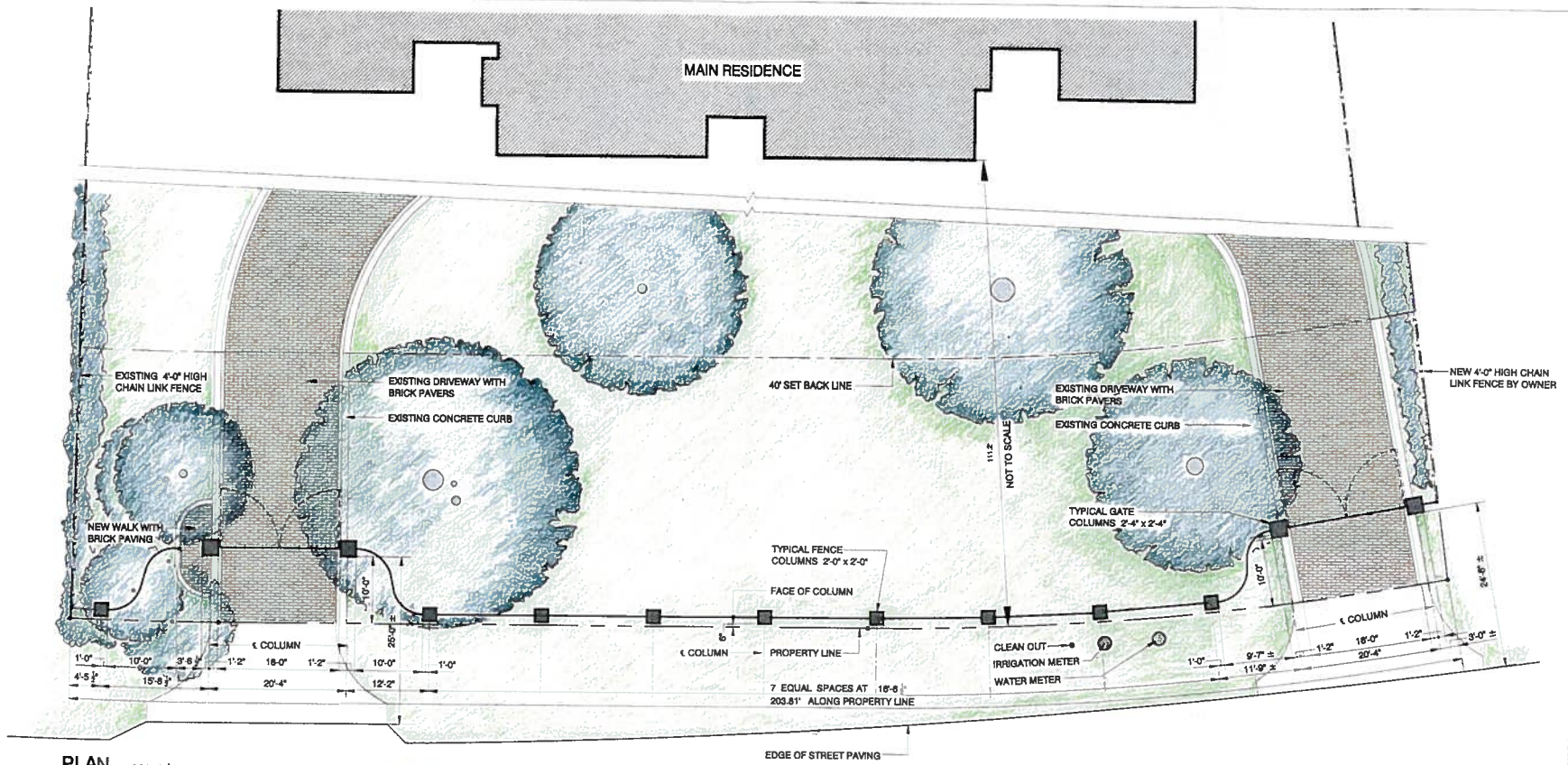
Virtually every homeowner located along this portion of Meadowood Road has some type of fence and gate of varying height and primarily constructed of ornamental iron with stone or brick columns. Consequently, we feel this proposed ornamental iron fence will be an attractive addition to the neighborhood and have no impact on the adjacent residences. It has been carefully designed to compliment my client's home and be compatible with the neighborhood.

Mr. Long, I have included a set of drawings to be included in the board docket along with this letter. I have provided additional copies for staff use along with a CD disk of the drawings. Please let me know if you have any questions.

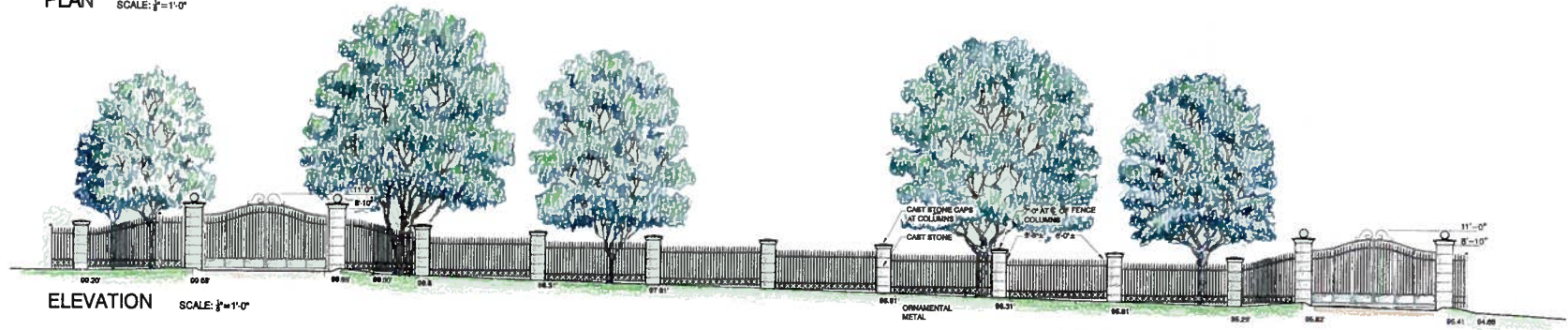
Sincerely:



Robert Reeves



PLAN SCALE: 1/4"=1'-0"



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

ESTATE ENCLOSURE AT 4645 MEADOWOOD ROAD

CHARLES EDWIN JONES • ARCHITECT

MAY 3, 2011



Proposed Fence in Front Yard
 4645 Meadowood Road
 BDA 101-077

ROBERT REEVES
& Associates, Inc.

PLANNING AND ZONING CONSULTANTS

September 7, 2011

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

RE: Additional Information
Fence Height Special Exception, 4645 Meadowood Road
BDA 101-077

Dear Mr. Long:

Please include the enclosed set of photographs in the board docket along with the other graphics I submitted last week.

Call me if you have any questions.

Sincerely:



Robert Reeves



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-077

Data Relative to Subject Property:

Date: 6/13/11

Location address: 4645 Meadowood Road Zoning District: R-1ac(A)

Lot No.: Pt of Lots 17 and 18 Block No.: 5543 Acreage: 1.9 Acres Census Tract: 74

Street Frontage (in Feet): 1) 204 2) _____ 3) _____ 4) _____ 5) _____

NE2A

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Mark E. Schwarz

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

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

Represented by: Applicant Telephone: 214-749-0530

Mailing Address: _____ Zip Code: _____

Affirm that a request has been made for a Variance _____ or Special Exception X, to the fence height of seven (7) feet to the fence height regulation in a required front yard setback. The highest point of the gate is eleven (11) feet. The ornamental iron fence is 6 feet and the fence columns are seven (7) feet.

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 fence height will have no impact on adjacent property owners. The fence height is consistent with other fences in 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: Robert G. Reeves, Jr.
Applicant's name printed

[Signature]
Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Robert G. Reeves, Jr. 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 13th 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

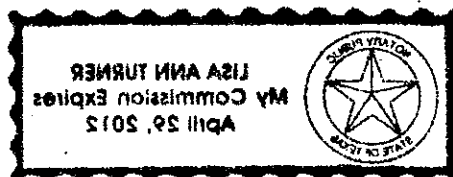
I hereby certify that ROBERT REEVES

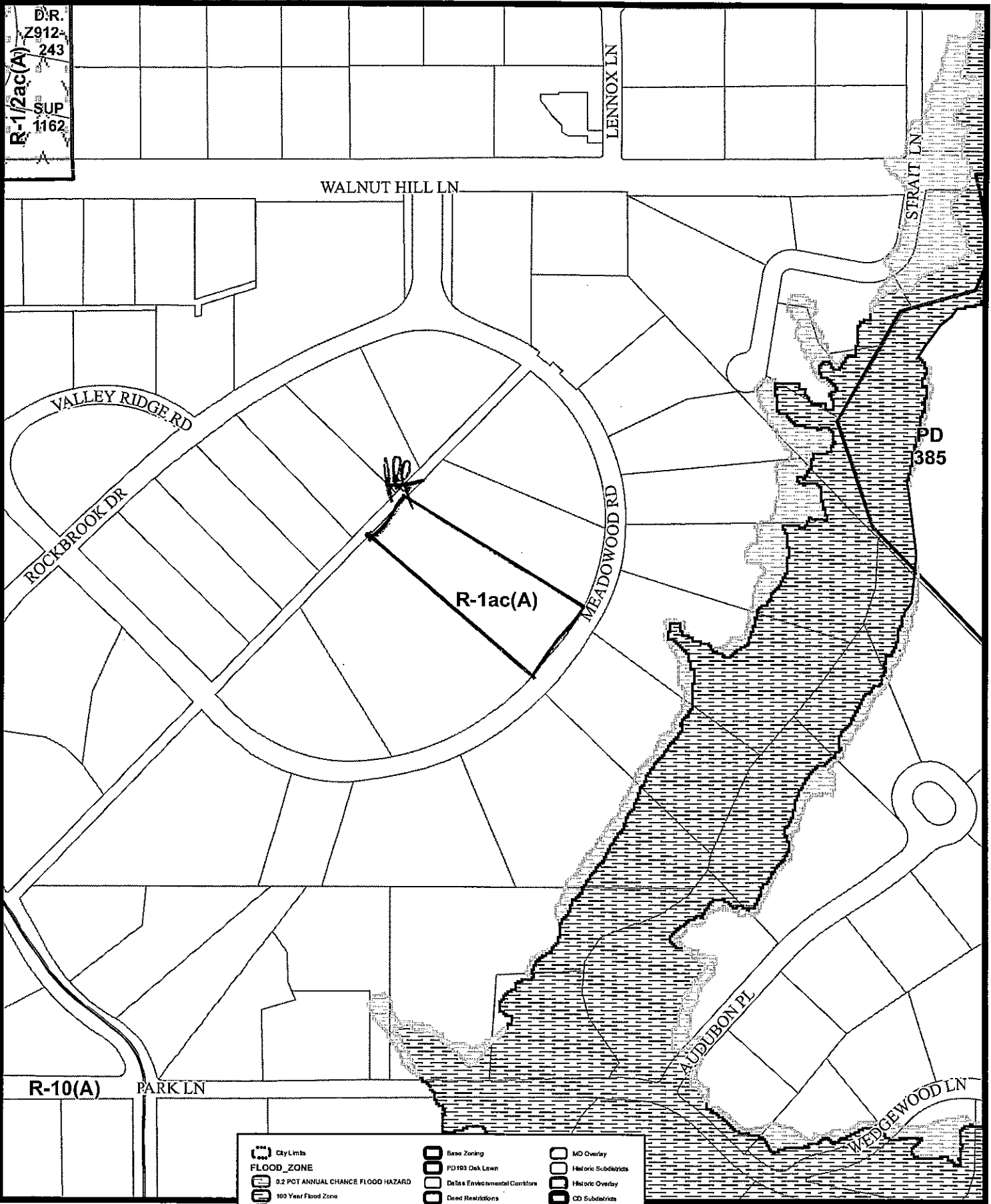
did submit a request for a special exception to the fence height regulation
at 4645 Meadowood Road

BDA101-077. Application of Robert Reeves for a special exception to the fence height regulation at 4645 Meadowood Road. This property is more fully described as lot 17A in city block 5543 and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 11 foot high fence in a required front yard setback, which will require a 7 foot special exception to the fence regulation.

Sincerely,

Batsheba Antebi
Batsheba Antebi, Building Official





D:R.
2912-
243
SUP
1162
R-1/2ac(A)

LENOX LN

WALNUT HILL LN

PD
385

R-1ac(A)

VALLEY RIDGE RD

ROCKBROOK DR

MEADOWOOD RD

R-10(A)

PARK LN

AUBUBON PL

WEDGEWOOD LN

City Limits	Base Zoning	MD Overlay
FLOOD_ZONE	PD 103 Oak Lawn	Historic Subdistricts
0.2 POT ANNUAL CHANCE FLOOD HAZARD	Data & Environmental Corridor	Historic Overlay
100 Year Flood Zone	Deed Restrictions	OD Subdistricts
Mfr's Creek	SUP	PD Subdistricts
Peck's Branch	D	PDS Subdistricts
X PROTECTED BY LEVEE	D-1	NSO Subdistricts
Parks	OP	NSO_Overlay
	SP	Escarpment Overlay

1:3,600

Case ID:
Printed: 3/17/2011

5540

5531

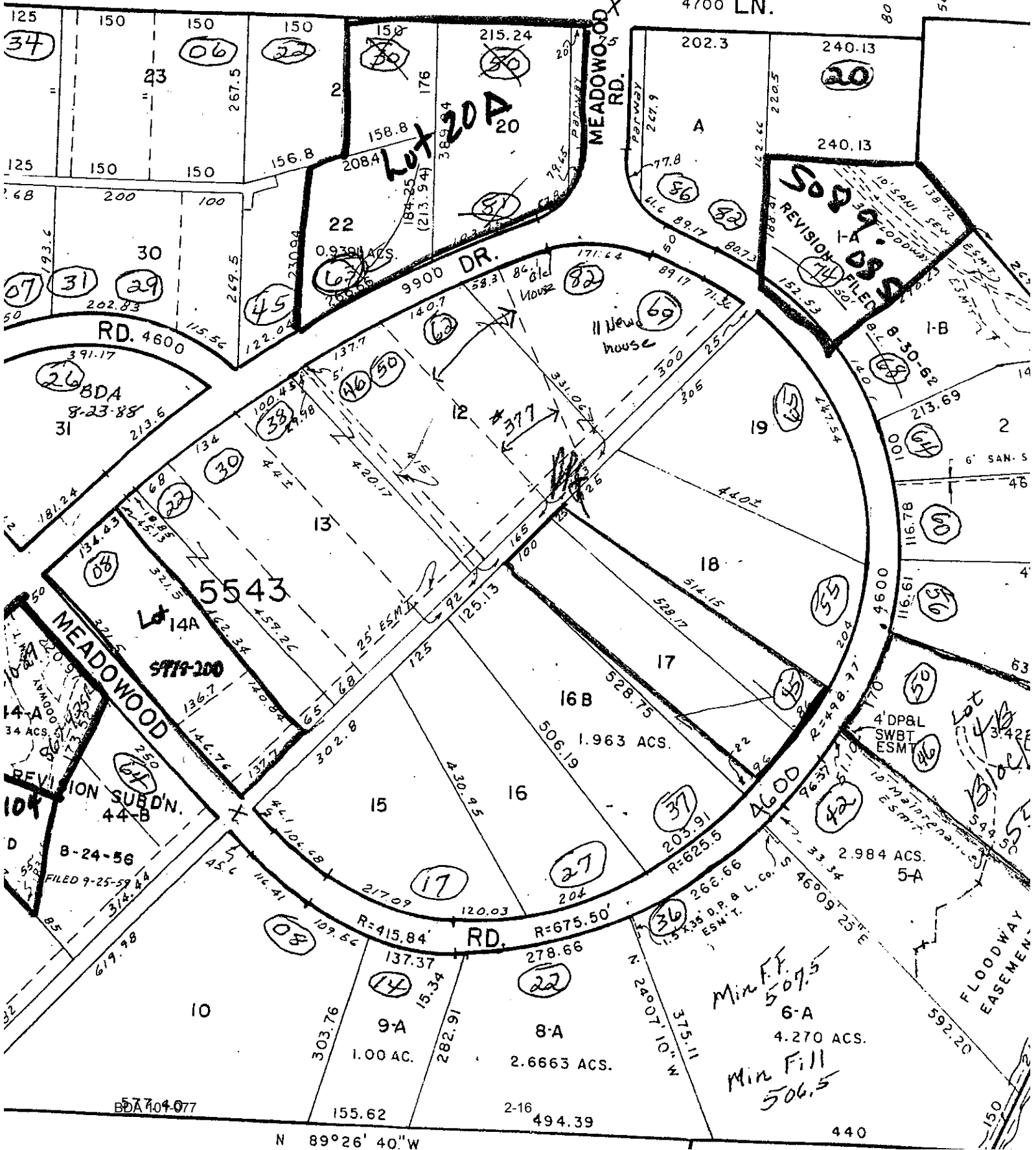
LENNOX

M 531

4500

4600

4700 LN.



N 89°26' 40" W

440

BDA 704-077

Min. FF.
509.5
6-A
4.270 ACS.
Min. Fill
506.5

FLOODWAY
EASEMENT

MEADOWWOOD
REVISION SUBDN.
44-B
8-24-56
FILED 9-25-59

4 DP&L
SWBT
ESMT
10" M&T
ESMT

104
8-24-56
FILED 9-25-59

R=415.84'
R=675.50'

4600 R=498.77'
R=625.5'
R=625.5'

MEADOWWOOD
REVISION SUBDN.
44-A
8-23-88

4 DP&L
SWBT
ESMT
10" M&T
ESMT

RD. 4600
BDA
8-23-88

REVISION
FILED
1-A
1-B
8-30-62

RD. 4600
BDA
8-23-88

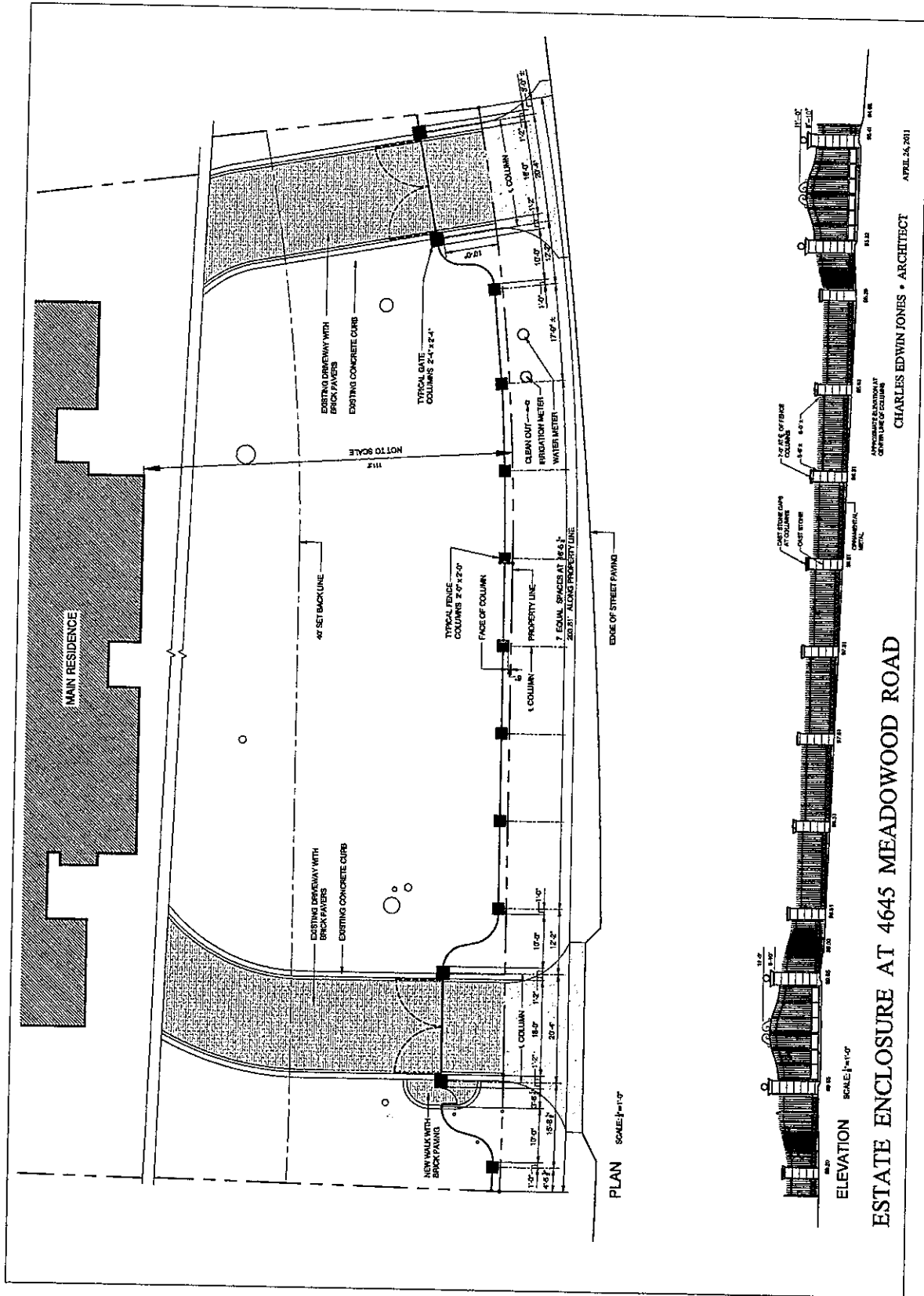
REVISION
FILED
1-A
1-B
8-30-62

RD. 4600
BDA
8-23-88

REVISION
FILED
1-A
1-B
8-30-62

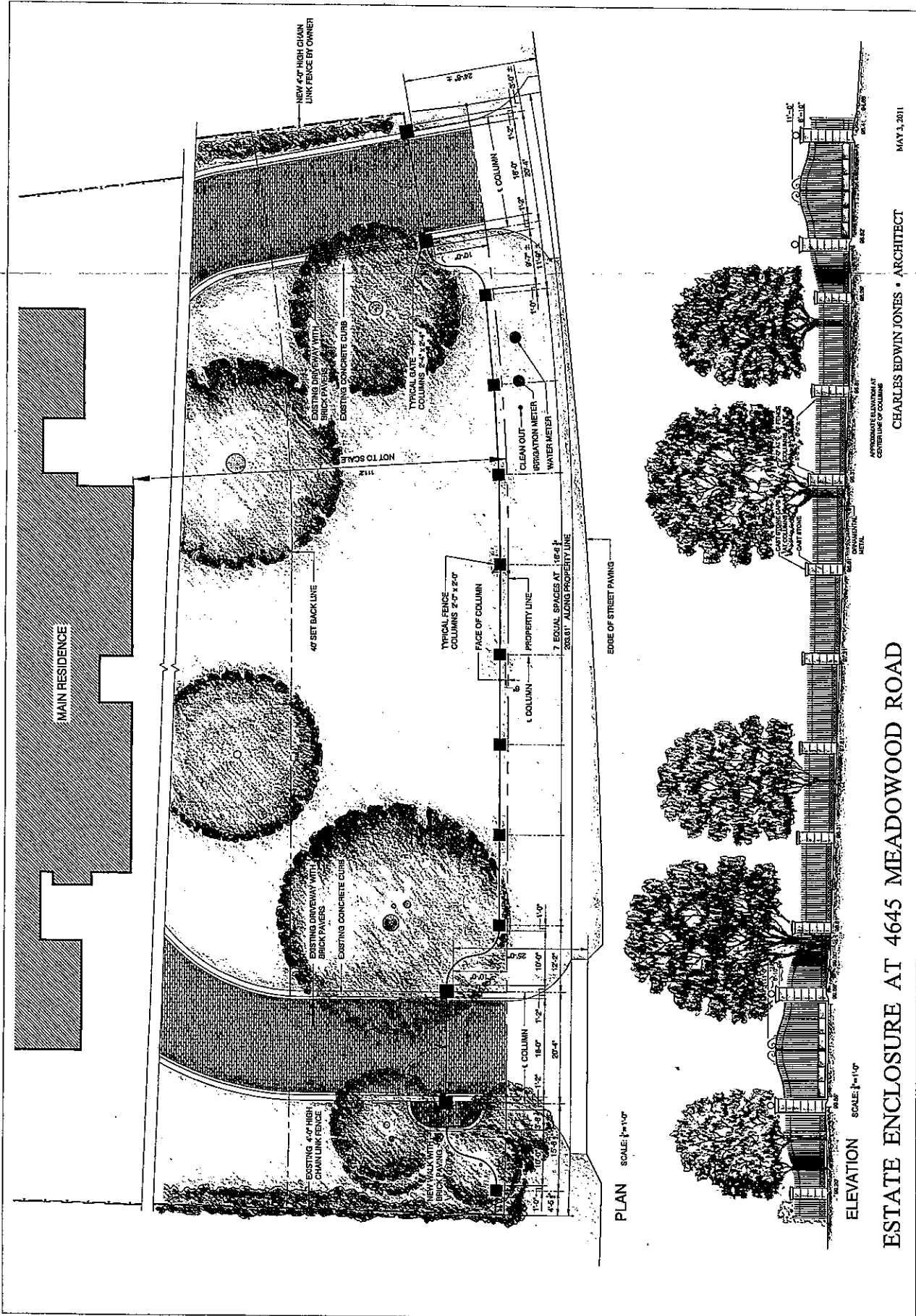
RD. 4600
BDA
8-23-88

REVISION
FILED
1-A
1-B
8-30-62



ESTATE ENCLOSURE AT 4645 MEADOWWOOD ROAD

CHARLES EDWIN JONES • ARCHITECT
APRIL 24, 2011



MAIN RESIDENCE

NEW 4'0" HIGH CHAIN LINK FENCE BY OWNER

EXISTING CONCRETE CURB WITH BRICK PAVING

EXISTING CONCRETE CURB

TYPICAL GATE COLUMNS 2'6" X 3'6"

NOT TO SCALE

CLEAN OUT - IRRIGATION METER WATER METER

L COLUMN

FACE OF COLUMN

PROPERTY LINE

7 EQUAL SPACES AT 18'-0" 28'-0" ALONG PROPERTY LINE

EDGE OF STREET PAVING

PLAN SCALE: 1/4" = 1'-0"

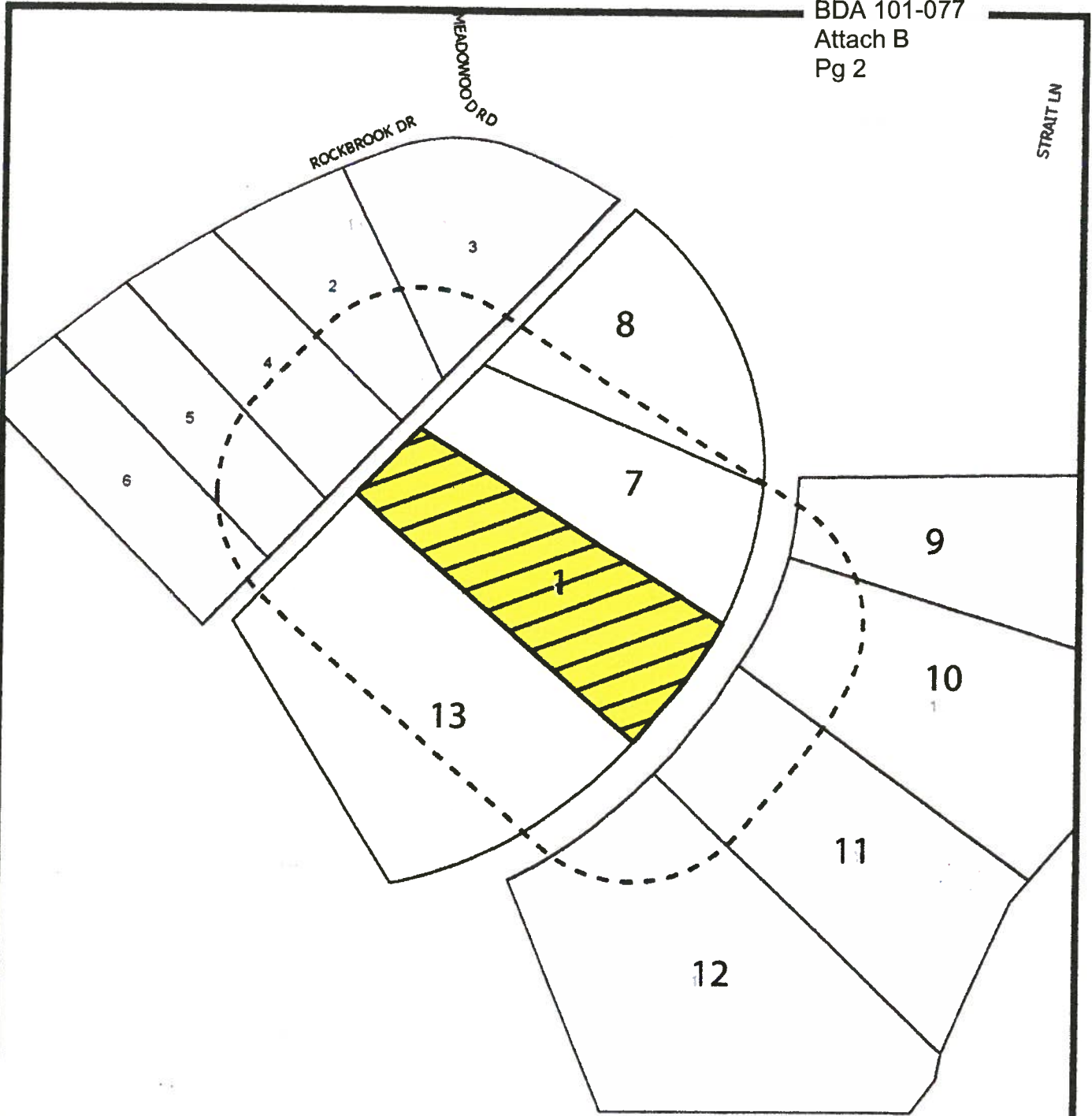
ELEVATION SCALE: 1/8" = 1'-0"

ESTATE ENCLOSURE AT 4645 MEADOWOOD ROAD

CHARLES EDWIN JONES • ARCHITECT

MAY 3, 2011

APPROXIMATE ELEVATION AT CENTERLINE OF COLUMN



The number '0' indicates City of Dallas Ownership



1:2,400

NOTIFICATION

200'

AREA OF NOTIFICATION

13

NUMBER OF PROPERTY OWNERS NOTIFIED

Map no: F-6

Case no: BDA101-077

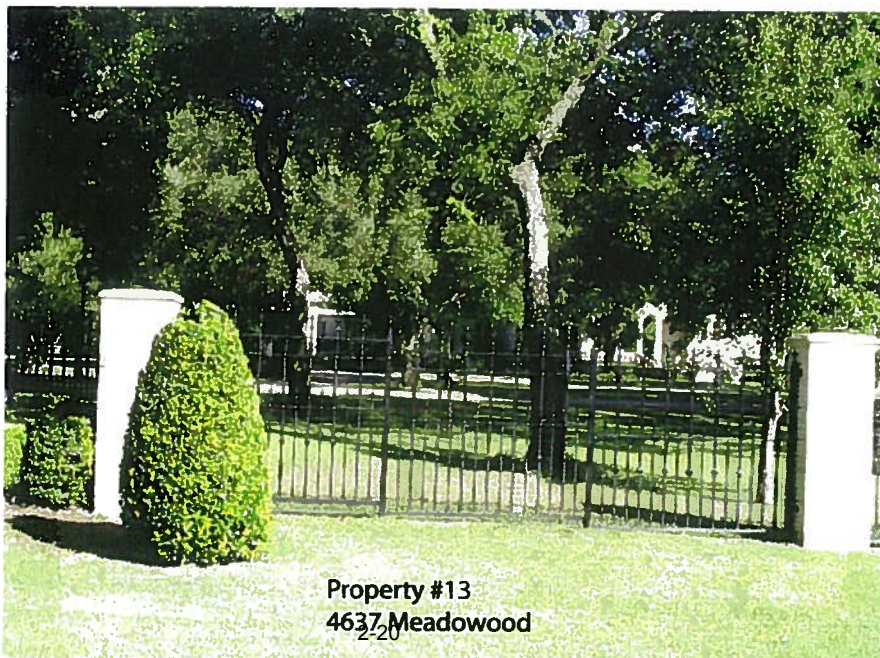
DATE: August 18, 2011



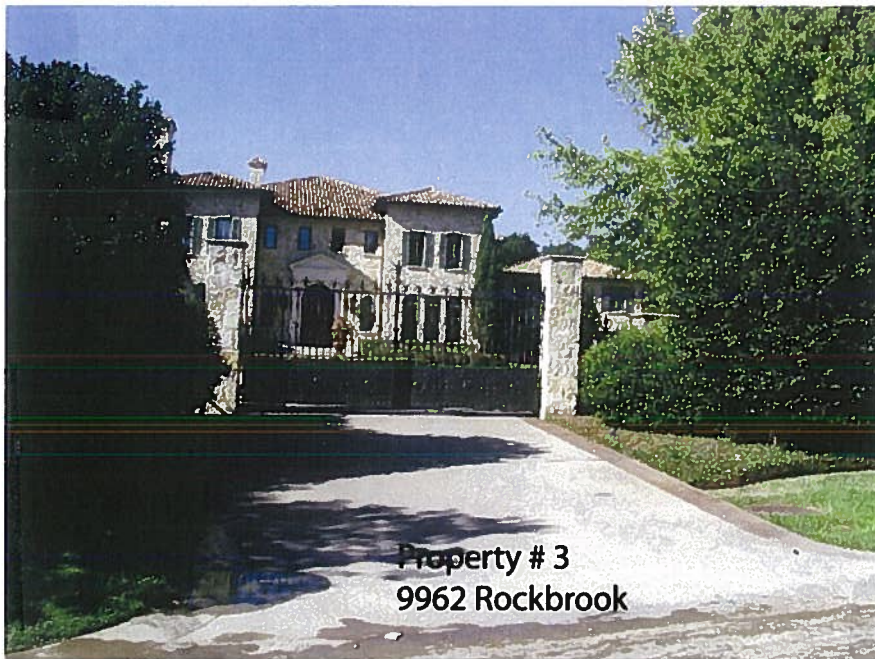
Property #1
4645 Meadowood



Property #13
4637 Meadowood



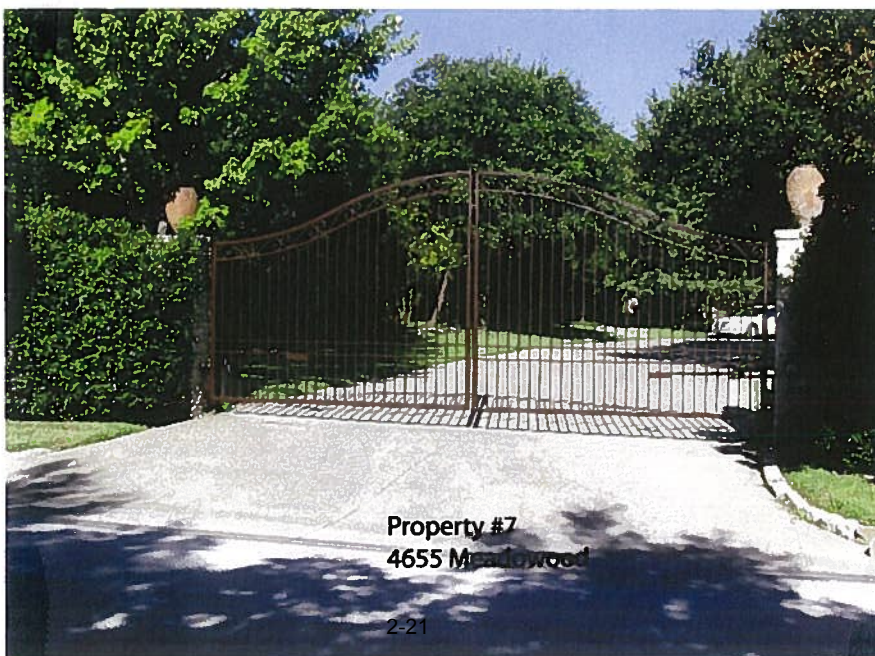
Property #13
4637 Meadowood



Property # 3
9962 Rockbrook



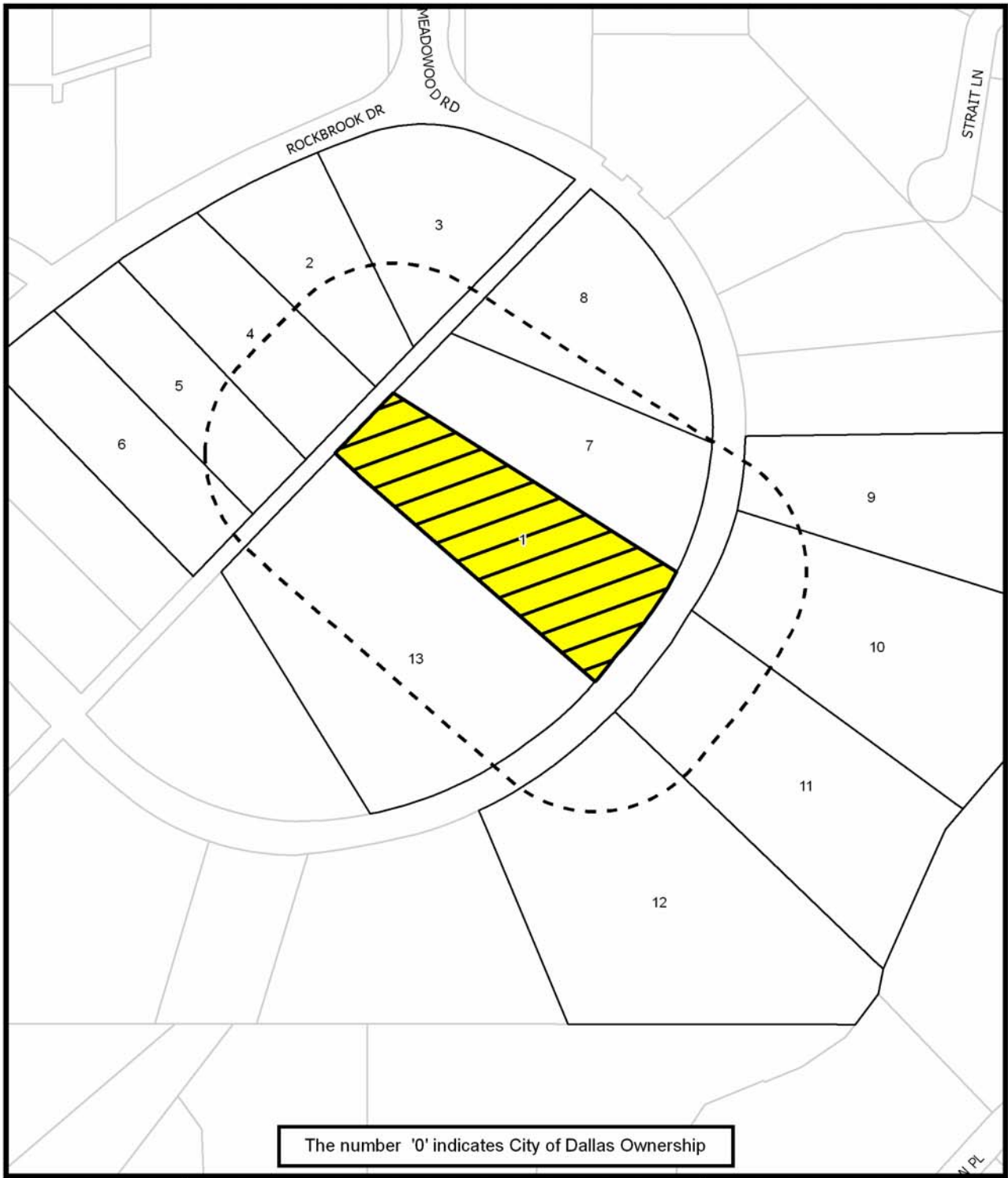
Property #8
4665 Meadowood



Property #7
4655 Meadowood







 1:2,400	<h2>NOTIFICATION</h2> <p> 200' AREA OF NOTIFICATION 13 NUMBER OF PROPERTY OWNERS NOTIFIED </p>	Map no: <u> F-6 </u> Case no: <u> BDA101-077 </u>
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DATE: August 18, 2011

Notification List of Property Owners

BDA101-077

13 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4645 MEADOWOOD	SCHWARZ MARK E
2	4669 MEADOWOOD	ALLYN ROBERT & MONICA ALLYN
3	9962 ROCKBROOK	GARTON DANIEL P & BARBARA BECK GARTON
4	9946 ROCKBROOK	NICOLAIS MICHAEL R & JANE L NICOLAIS
5	9938 ROCKBROOK	MOORE JAMES A JR TR & PAULA FRIZZELL MOO
6	9930 ROCKBROOK	BRODSKY JAMES W & CYNTHIA S
7	4655 MEADOWOOD	NICKELL ROBERT A
8	4665 MEADOWOOD	STEIN SHELDON I & BARBARA B
9	4656 MEADOWOOD	FOJTASEK JOE & JACQUELINE ELAINE
10	4650 MEADOWOOD	FINN SHLOMO SAM & MARGARET DELYON FINN
11	4642 MEADOWOOD	RAYMOND LEE R & CHARLENE B
12	4636 MEADOWOOD	MCCUTCHIN RONALD & CAROLYN
13	4637 MEADOWOOD	SEANOR WILLIAM C & KAREN J

FILE NUMBER: BDA 101-081

BUILDING OFFICIAL'S REPORT:

Application of Elise and James Sher for a special exception to the fence height regulations at 6007 Azalea Lane. This property is more fully described as Lot 22 in City Block 2/5500 and is zoned R-16(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and/or maintain an 8-foot 6-inch high fence, which will require a special exception of 4 feet 6 inches.

LOCATION: 6007 Azalea Lane

APPLICANT: Elise and James Sher

REQUEST:

- A special exception to the fence height regulations of 4' 6" is requested in conjunction with maintaining a solid cedar fence ranging from approximately 7' 3" – 8' in height with stone columns ranging from 7' 3" – 8' 6" in height in the site's front yard setback on a site 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 subject site is located at the northeast corner of Azalea Lane and Preston Road. The site has one front yard setback on Preston Road.
- 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 site plan, an elevation, and photos (with denoted height dimensions of the existing fence/columns on the site) indicating that the proposal in the front yard setback reaches a maximum height of 8' 6".

- The following additional information was gleaned from the submitted site plan:
 - The existing fence located in the required front yard over 4' in height is approximately 32' in length perpendicular to Azalea Lane and/or parallel to Preston Road. No part of the existing fence in the front yard setback is oriented parallel to Azalea Lane. The existing fence in the site's front yard setback is approximately 32' in length.
 - The proposal is shown to be located 11' from the site's front property line or 22' from the curb line.
- One single family home "fronts" to the existing fence on the subject site. This property has what appears to be virtually the same type of fence in terms of location and height as is on the subject site – a fence higher than 4' in height in what appears to be in the front yard setback with no recorded BDA history.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences above four feet high which appeared to be located in a front yard setback other than the one described above immediately south of the subject site at the southeast corner of Azalea Lane and Preston Road.

BACKGROUND INFORMATION:

Zoning:

Site: R-16(A) (Single family district 16,000 square feet)
North: R-16(A) (Single family district 16,000 square feet)
South: R-16(A) (Single family district 16,000 square feet)
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:

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.

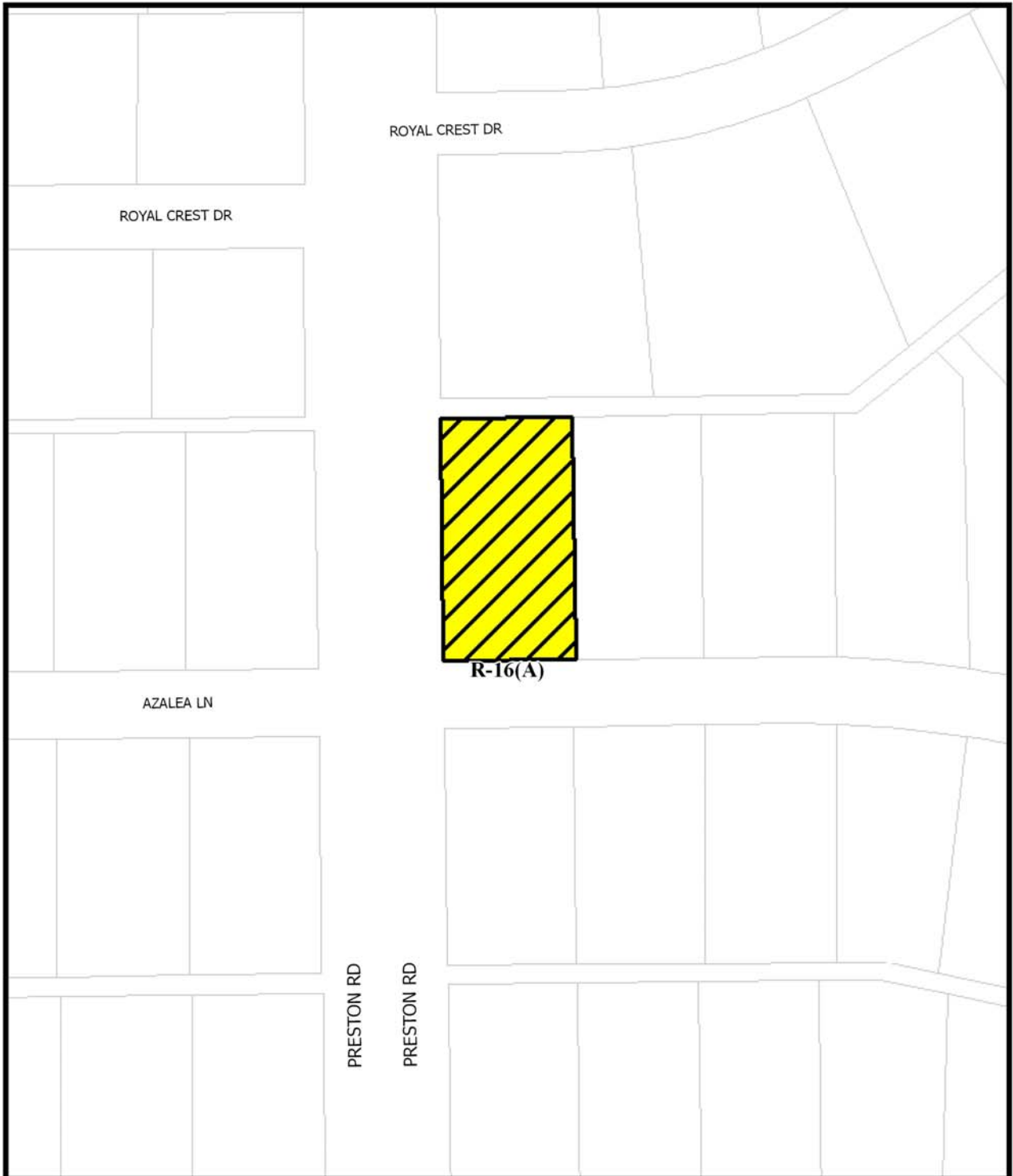
September 6, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for September public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Assistant Director, Sustainable 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: “Need to comply with all C.O.D visibility requirements.” (Note that no item appears to be represented on the submitted site plan as being located in a visibility triangle).

STAFF ANALYSIS:

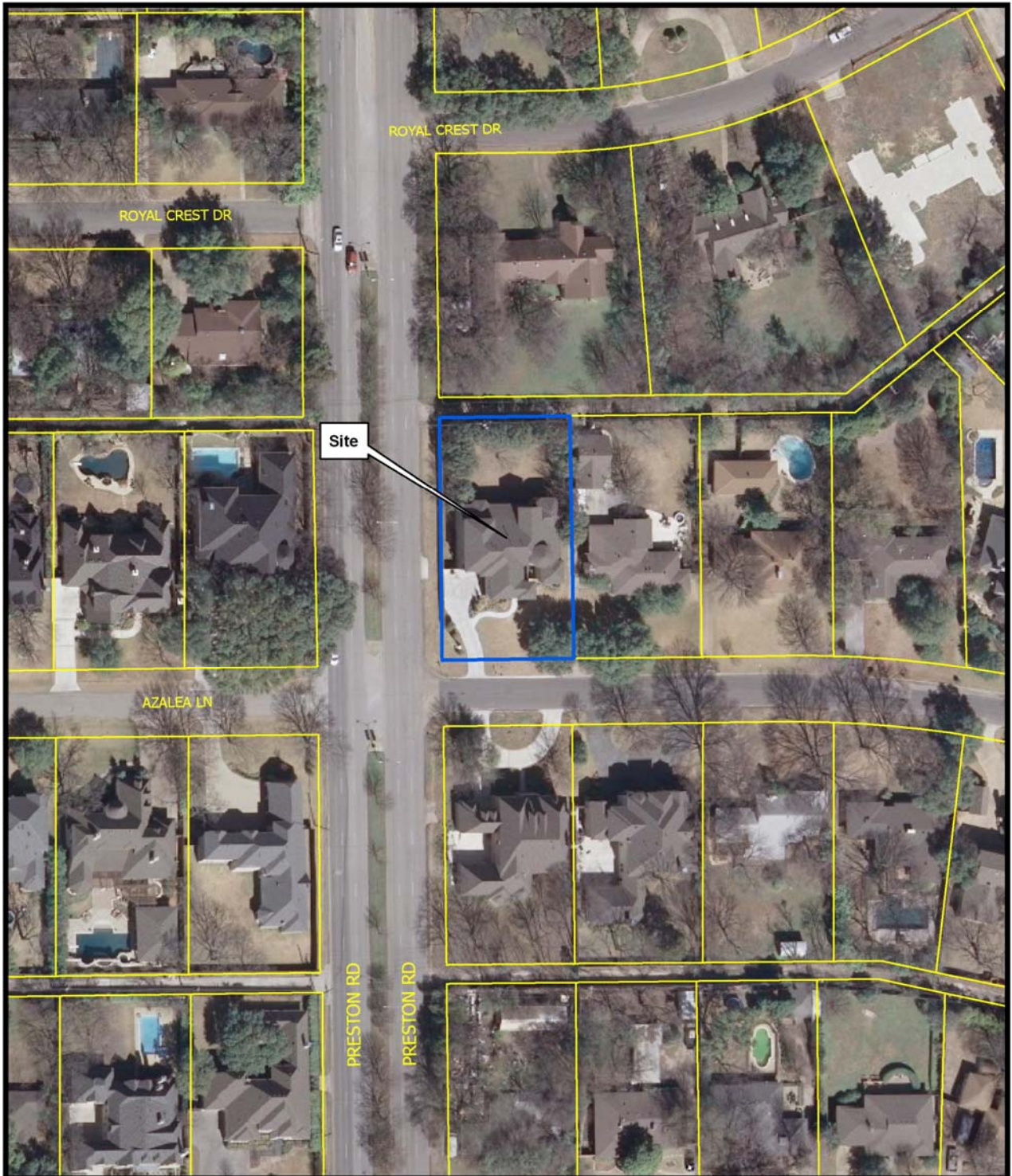
- This request focuses on maintaining a solid cedar fence ranging from approximately 7’ 3” – 8’ in height with stone columns ranging from 7’ 3” – 8’ 6” in height in the site’s front yard setback on a site developed with a single family home.
- The subject site is located at the northeast corner of Azalea Lane and Preston Road. The site has one front yard setback on Preston Road.

- The submitted site plan and elevation documents the location, height, and material of the fence over 4' in height in the front yard setback. The site plan shows the existing fence located in the required front yard over 4' in height is approximately 32' in length perpendicular to Azalea Lane and/or parallel to Preston Road. No part of the existing fence in the front yard setback is oriented parallel to Azalea Lane. The existing fence in the site's front yard setback is approximately 32' in length. The fence is shown to be located 11' from the site's front property line or 22' from the curb line.
- One single family home "fronts" to the existing fence on the subject site. This property has what appears to be virtually the same type of fence in terms of location and height as is on the subject site – a fence higher than 4' in height in what appears to be in the front yard setback with no recorded BDA history.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences above four feet high which appeared to be located in a front yard setback other than the one described above immediately south of the subject site at the southeast corner of Azalea Lane and Preston Road.
- 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 4' 6" will not adversely affect neighboring property.
- Granting this special exception of 4' 6" with a condition imposed that the applicant complies with the submitted site plan and elevation would require that the proposal exceeding 4' in height in the front yard setback to be maintained in the location and of the height and material as shown on these documents.



 1:1,200	<h1>ZONING MAP</h1>	Map no: <u> E-7 </u> Case no: <u> BDA101-081 </u>
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DATE: August 18, 2011



1:1,200

AERIAL MAP

Map no: E-7

Case no: BDA101-081

DATE: August 18, 2011



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-081

Data Relative to Subject Property:

Date: 6-27-11

Location address: 6007 Azalea Lane Zoning District: R-16(A)

Lot No.: 22 Block No.: 215500 Acreage: .42 Census Tract: 133.00

Street Frontage (in Feet): 1) 185 2) 100 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

NE3S

Owner of Property/or Principal: James and Elise Sher

Applicant: Elise & James Sher Telephone: 972 863 9767

Mailing Address: 6007 Azalea Lane Zip Code: 75230

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

Affirm that a request has been made for a Variance _____, or Special Exception of fence height 4ft w/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:

will not adversely affect neighboring property matches majority of rest of Preston Rd at am corner and fence does not touch a neighbor

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: James Sher Applicant's name printed [Signature] Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared James Sher 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 29 day of April, 2011



Kathleen C Talley
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

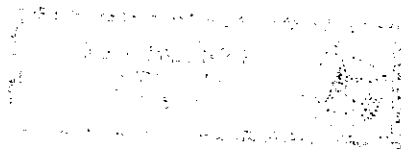
I hereby certify that Elise Sher

did submit a request for a special exception to the fence height regulation
at 6007 Azalea Lane

BDA101-081. Application of Elise Sher for a special exception to the fence height regulation at 6007 Azalea Lane. This property is more fully described as lot 22 in city block 2/5500 and is zoned R-16(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 8 foot 6 inch high fence in a required front yard setback, which will require a 4 foot 6 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-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



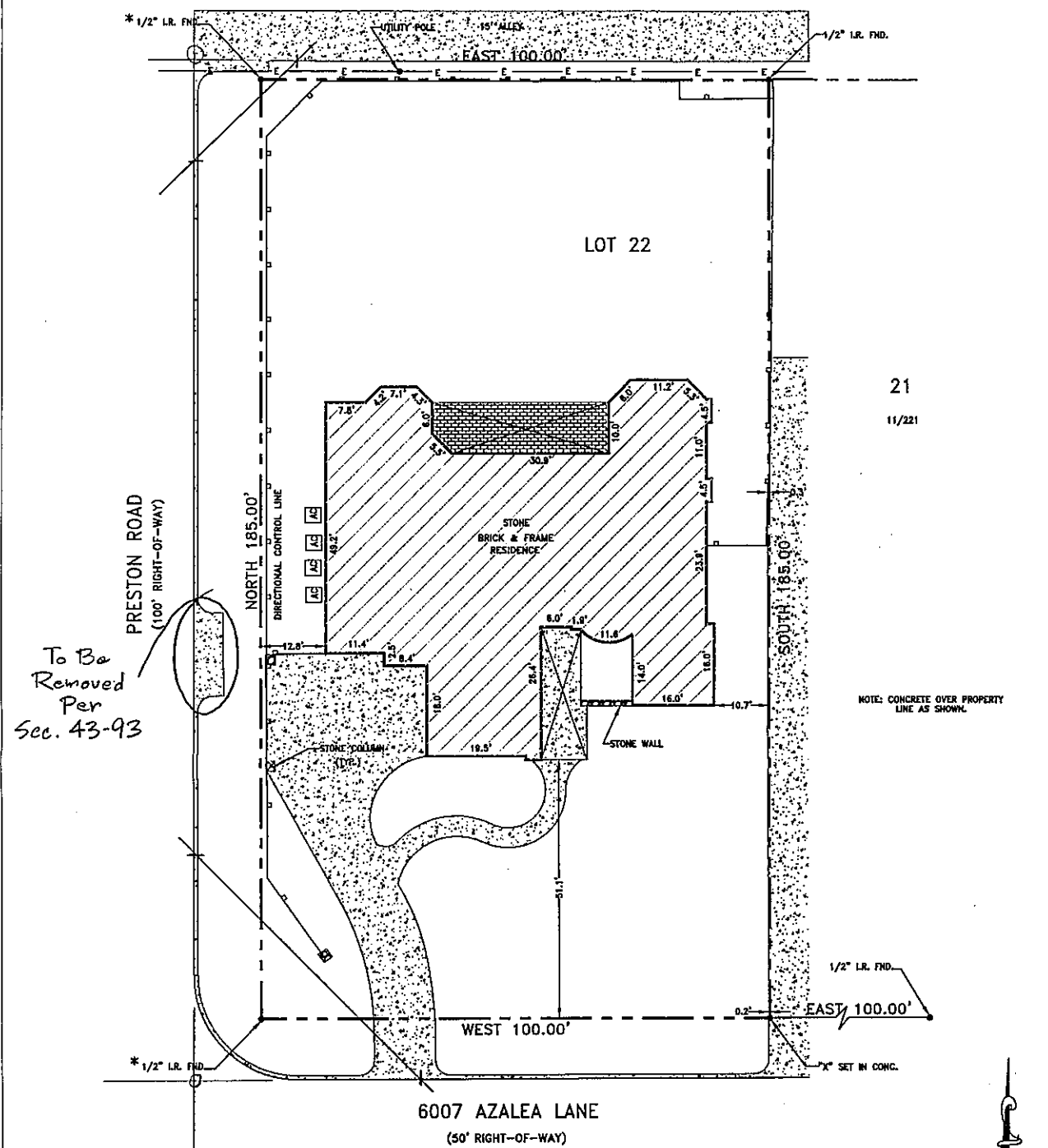
CP



SP



LENDER: WELLS FARGO
 TITLE CO.: ISI OF # JAMIE-10-0025221
 BUYER: SHER
 DATE: 3/5/10



LEGEND

	FENCE
	TELEPHONE
	ELECTRIC
	CONTROL MONUMENT
	CONCRETE
	ASPHALT

NOTE: BASIS OF BEARINGS FOR THIS SURVEY FROM DATA PROVIDED BY THE RECORDED PLAT.

Subject to the following Restrictions recorded in 11/221, MRDCT, 2003101/7859, 2004134/11366, RPRDCT.

PROPERTY DESCRIPTION: Lot 22, Block 2-5500 of Replat Royal Crest Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 11, Page 221, of the Map Records of Dallas County, Texas.

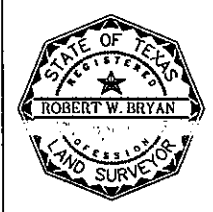
SURVEYOR'S STATEMENT:
 The undersigned Registered Professional Land Surveyor has prepared this survey for the exclusive use of the herein named purchaser, lender and title company only. The title commitment, referenced by the G.P. number shown hereon, and provided by said title company was relied upon for the preparation of this survey. No other abstracting was performed. The undersigned acknowledges that this survey was conducted by the surveyor or under his supervision on the date shown hereon; this plat of survey and the property description set forth hereon are a true representation of facts found at the time of an actual on-the-ground survey; there are no visible, above ground encroachments, or protrusions, except as shown. The use of this survey by any parties other than those named above for any other purposes shall be at the user's own risk and any loss resulting therefrom shall not be the responsibility of the undersigned. Unauthorized use is not permitted without the express written permission of Dowdy Land Surveyors, Inc.

UTILITY LEGEND

<input type="checkbox"/>	GAS METER	<input type="checkbox"/>	CABLE BOX
<input type="checkbox"/>	TEL. P.D.	<input type="checkbox"/>	ELEC. BOX
<input type="checkbox"/>	ELEC. TRANS.	<input checked="" type="checkbox"/>	WATER VALVE



Robert W. Bryan
 ROBERT W. BRYAN, R.P.L.S. No. 3508
 DOWDY LAND SURVEYORS, INC.
 6850 MANHATTAN BLVD., SUITE 310
 FORT WORTH, TEXAS 76120
 (817) 429-9898



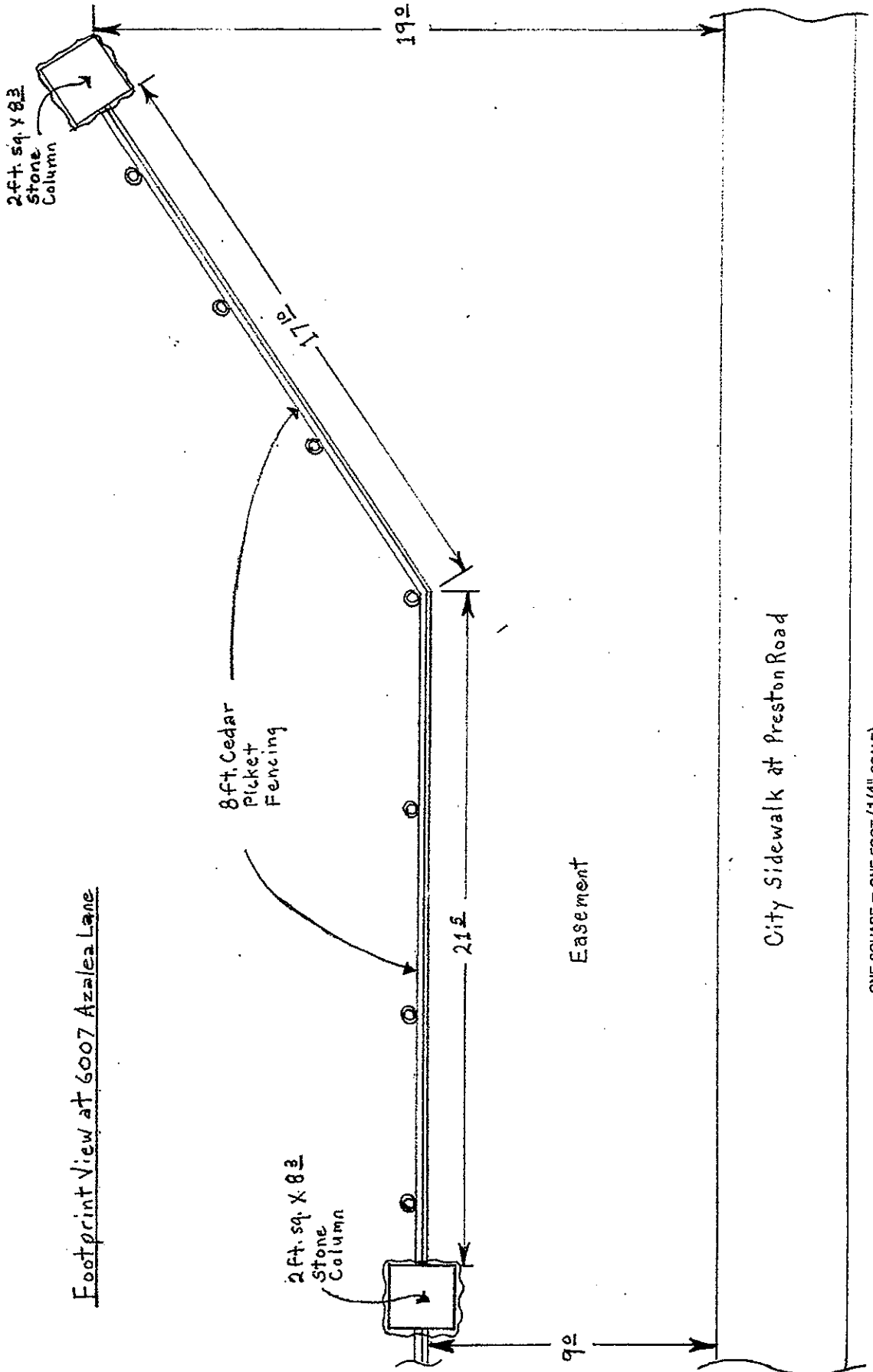
BDA 101-081

BLUE-LINE GRID

Telephone
972-863-9767
Name
Jaime/Elise Sher

6-5-11
Designer Name:
Crocker

Footprint View at 6007 Azalea Lane



ONE SQUARE = ONE FOOT (1/4" SCALE)

NTS

HDS-453 (11/87)

BLUE-LINE GRID

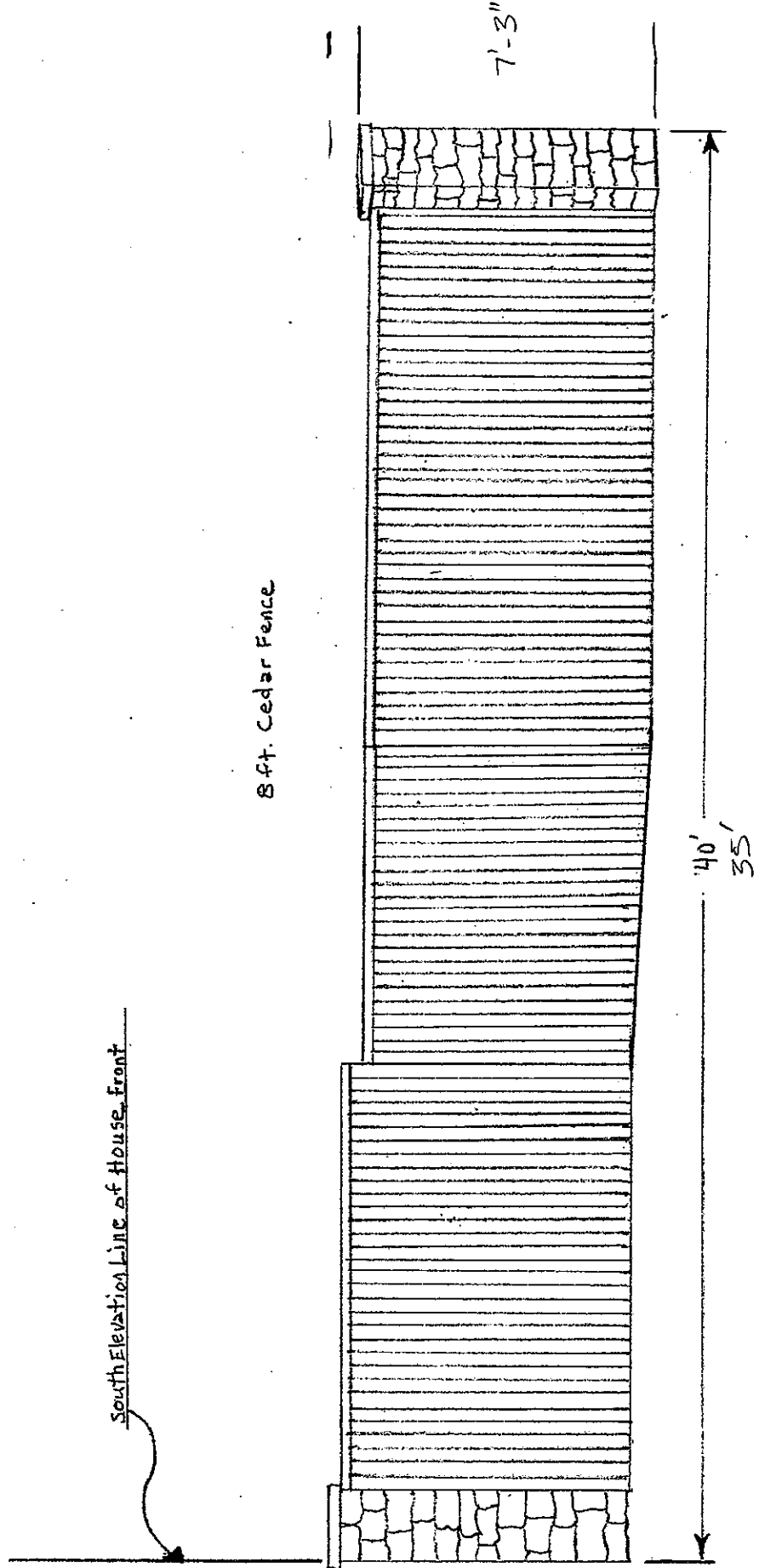
Telephone	972-863-9767
Name	Jaime/Elise Sher

6-5-11
Designer Name: Crocker

Street View at West Elevation 6007 Azalea Lane

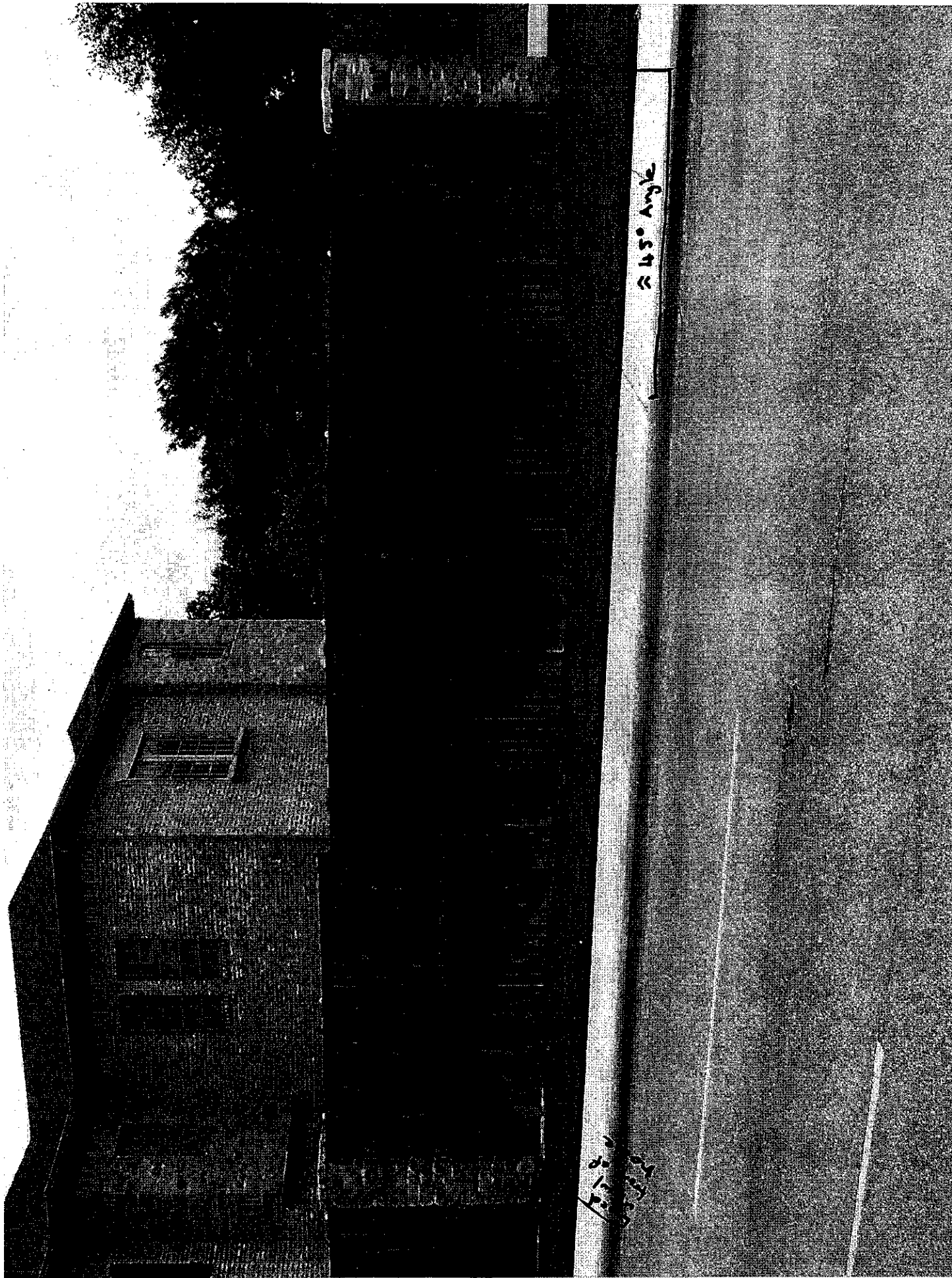
South Elevation Line of House front

8 ft. Cedar Fence



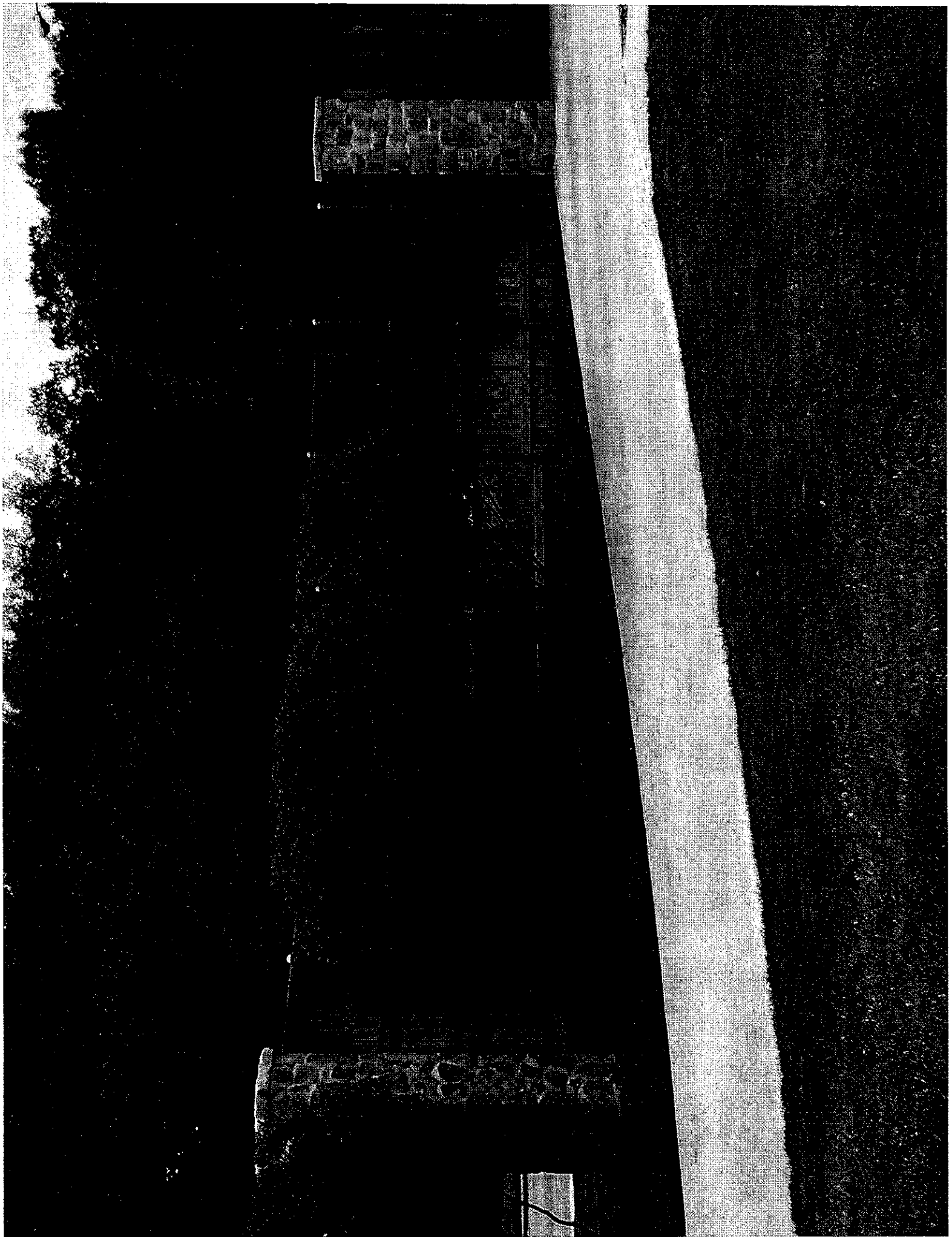
ONE SQUARE = ONE FOOT (1/4" SCALE)

NTS



45° Angle

1-1-12

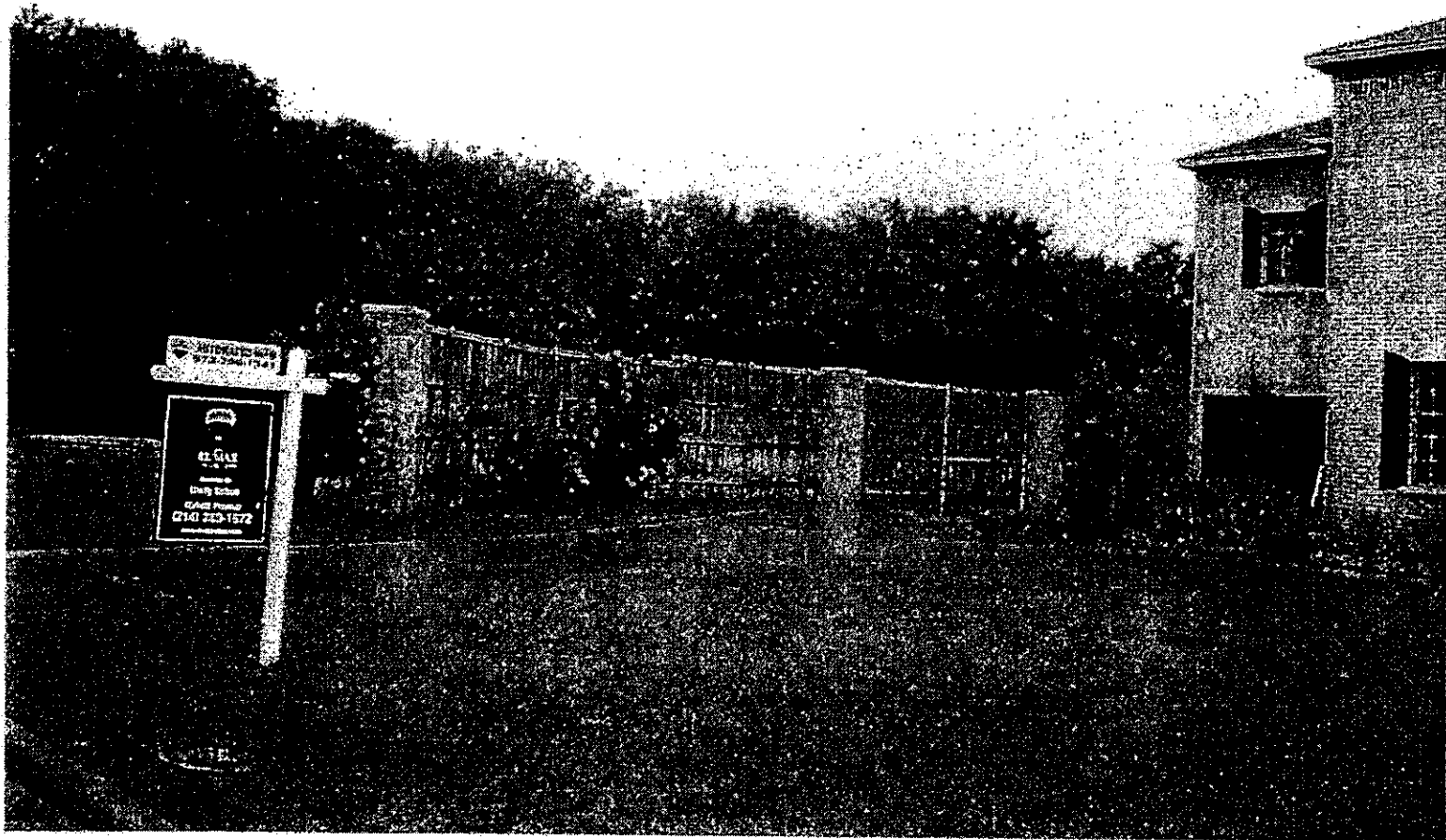


Service Request #: 08-00453860

Activity:

Image Type: Other

Details: 09/09/08 6007 AZALEA LN, violation confirmed, no permit on file for fence....RA

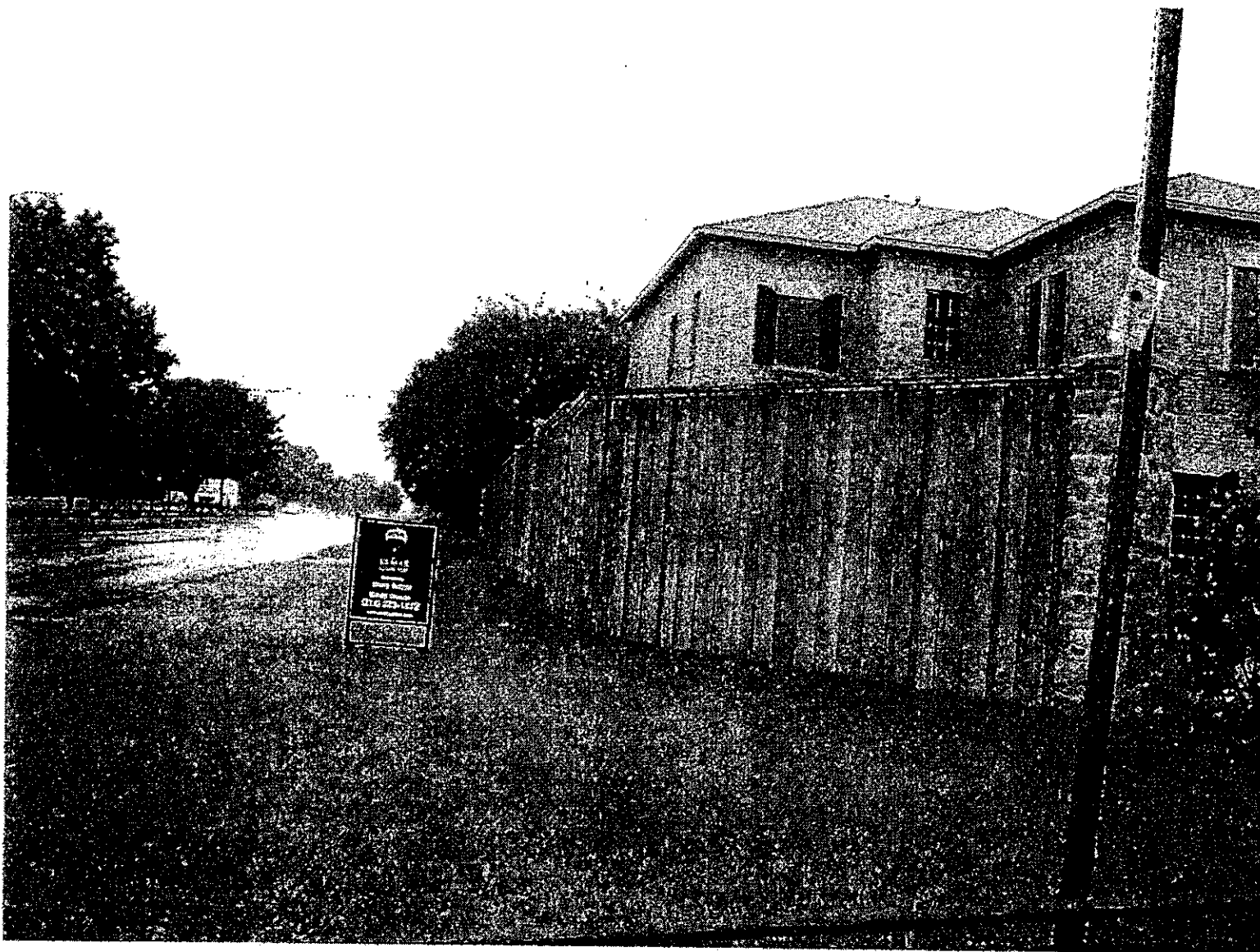


Service Request #: 08-00453860

Activity:

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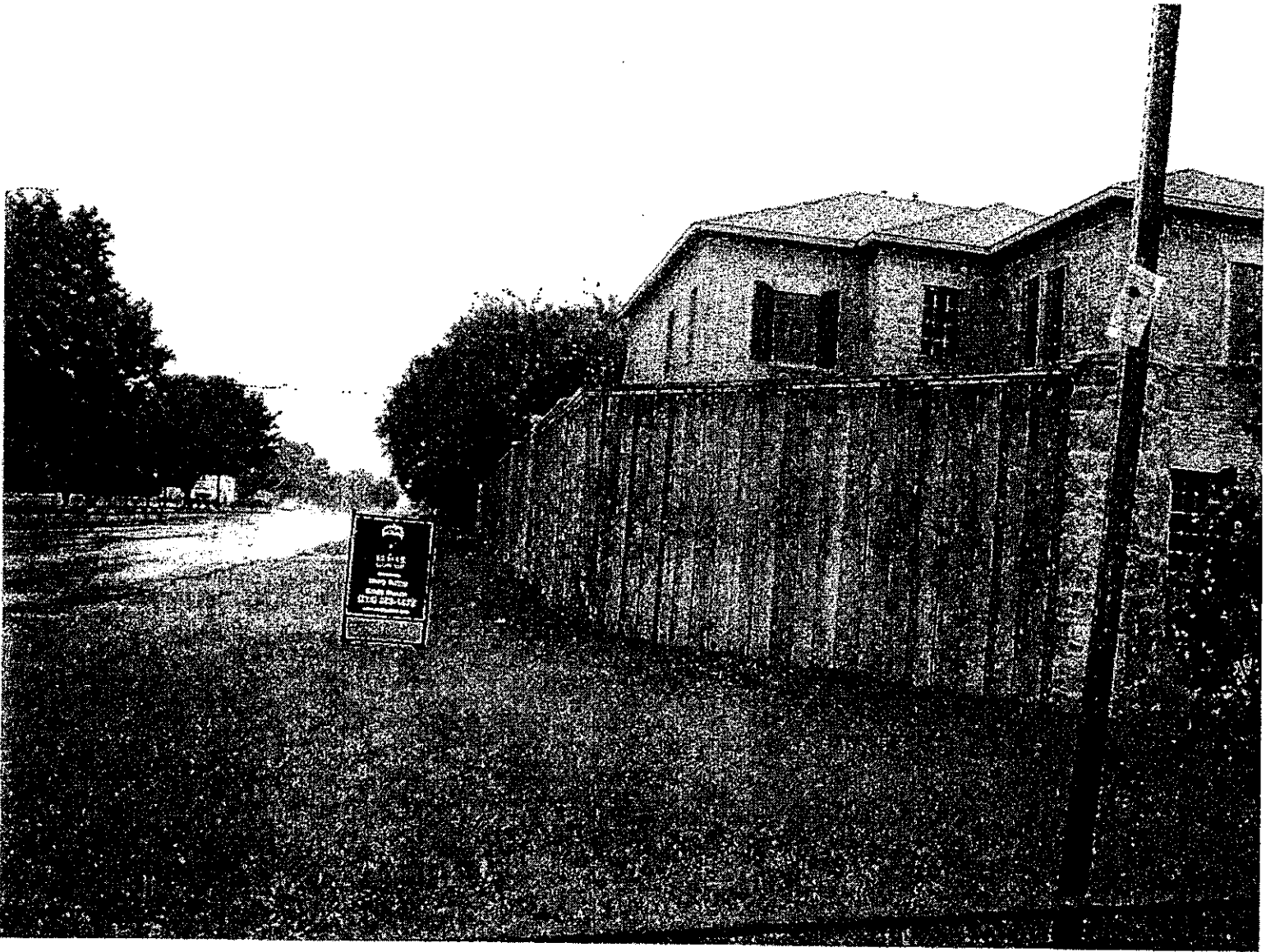


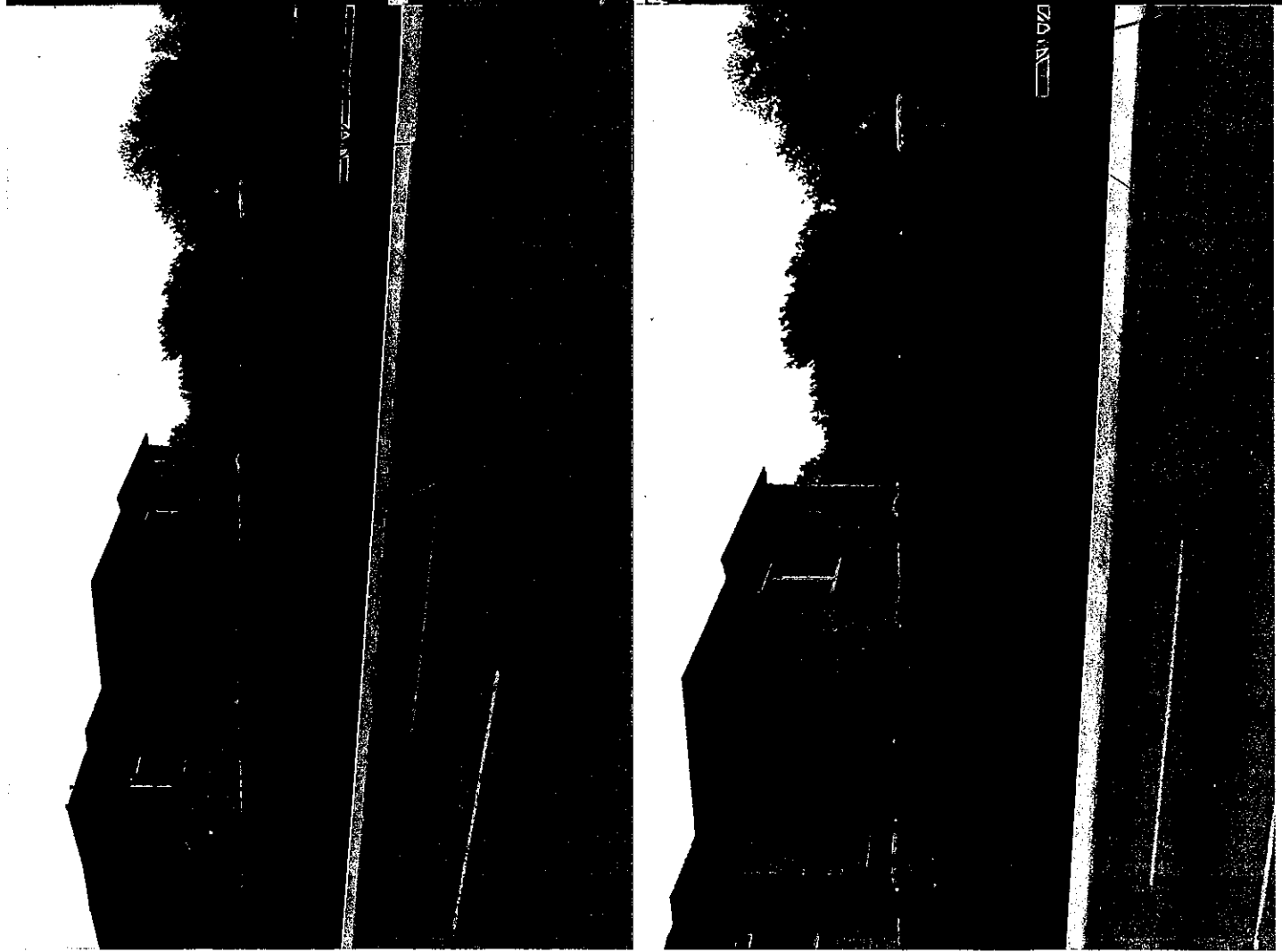
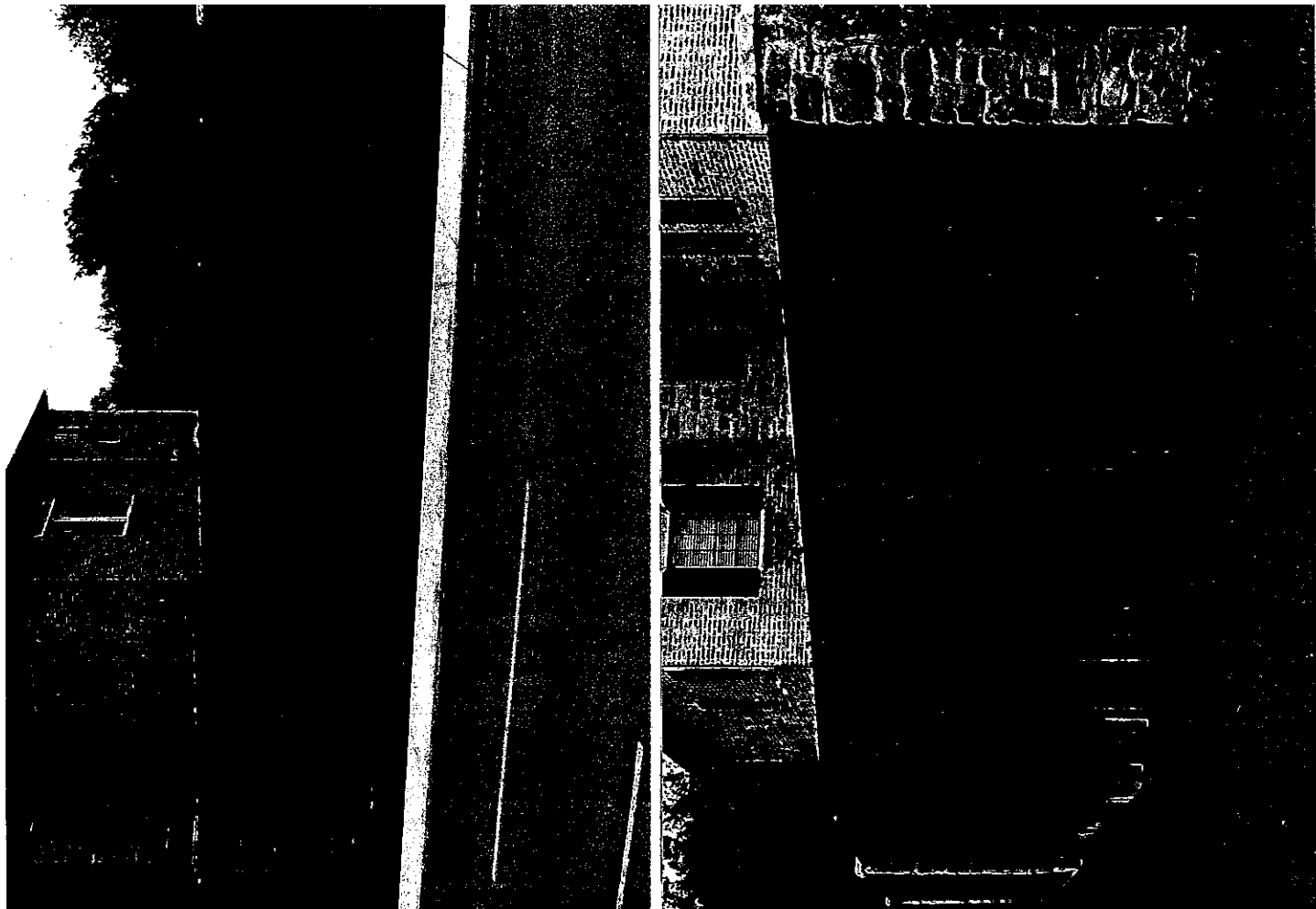
Service Request #: 08-00453860

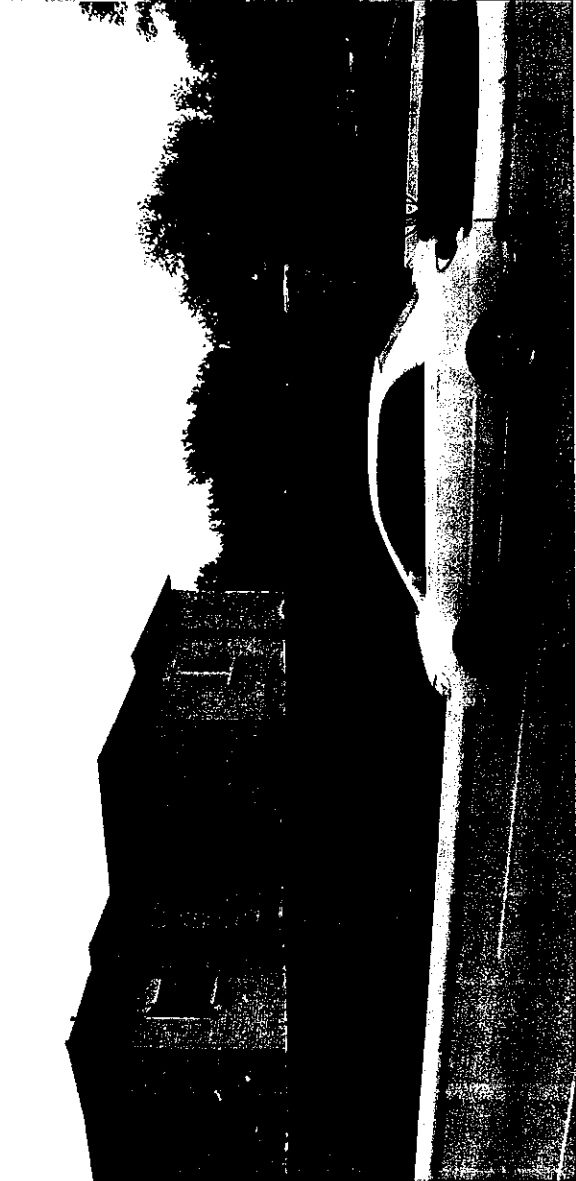
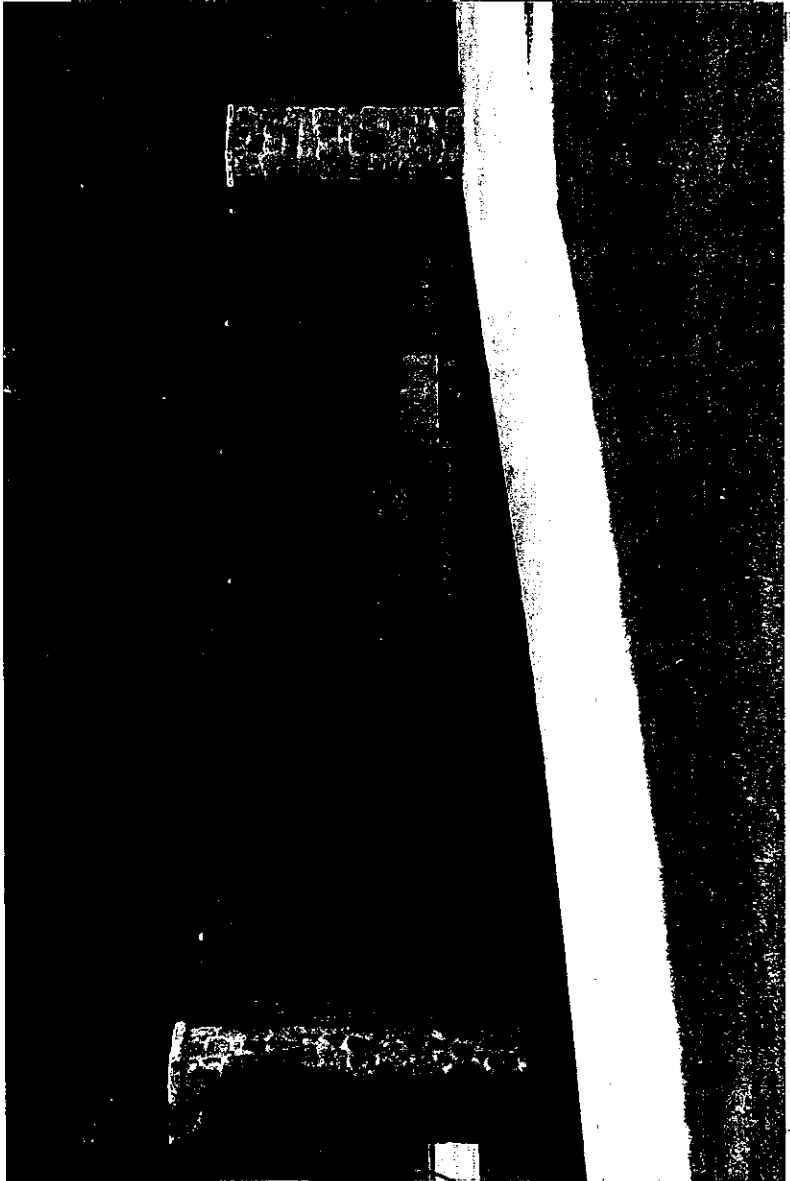
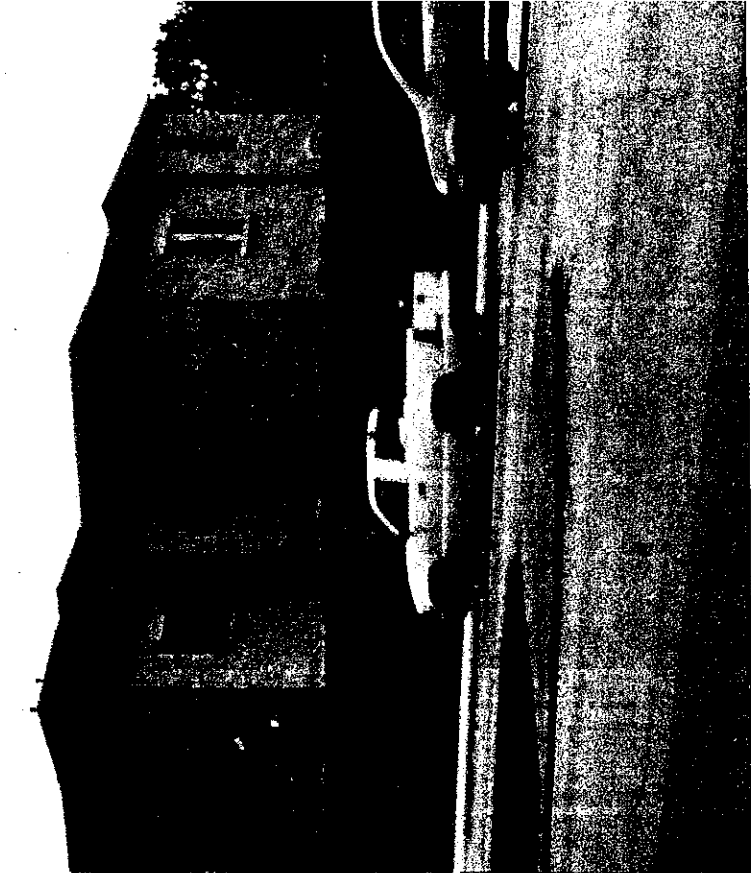
Activity:

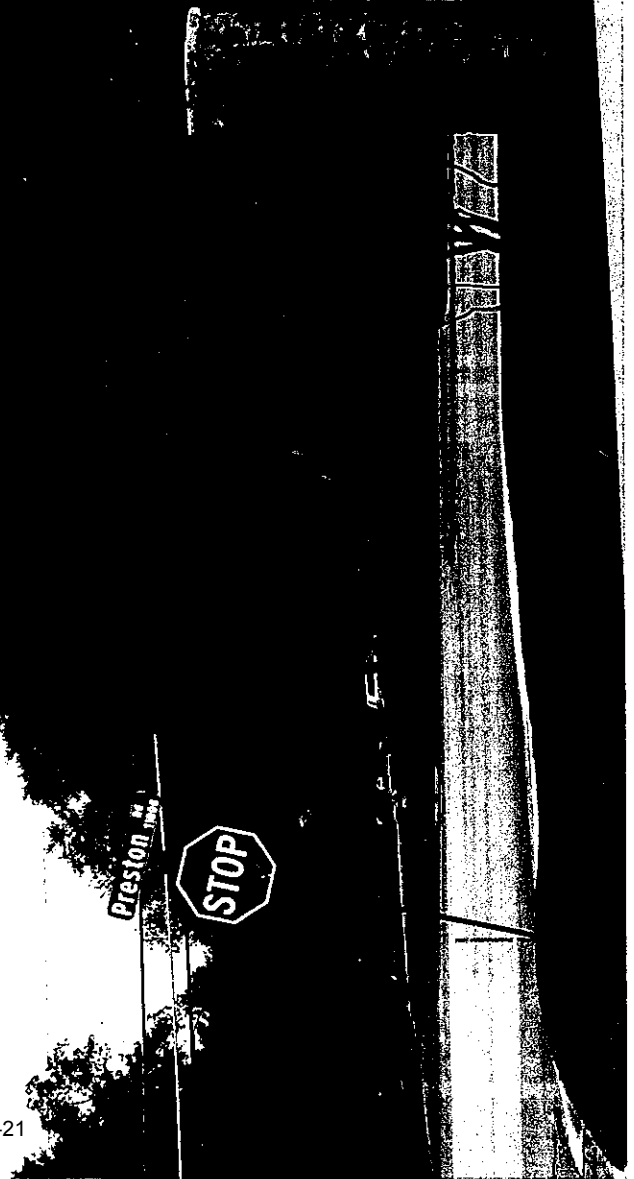
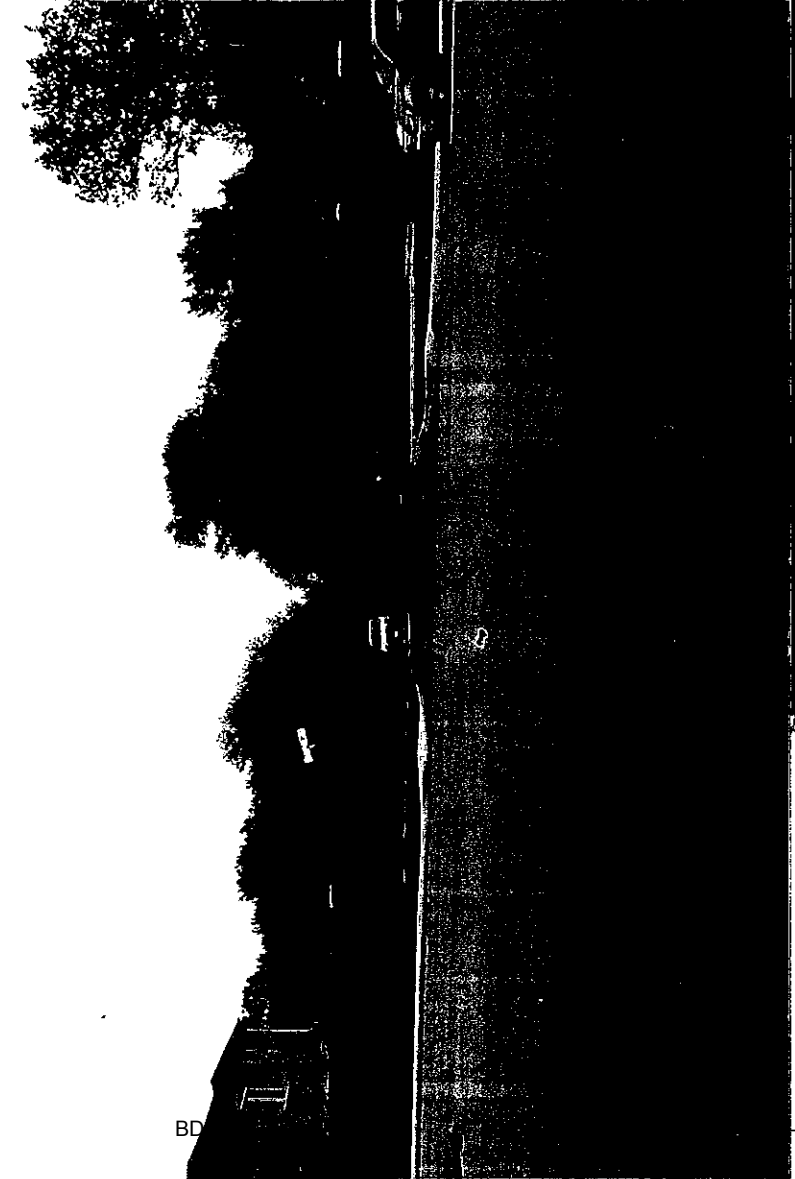
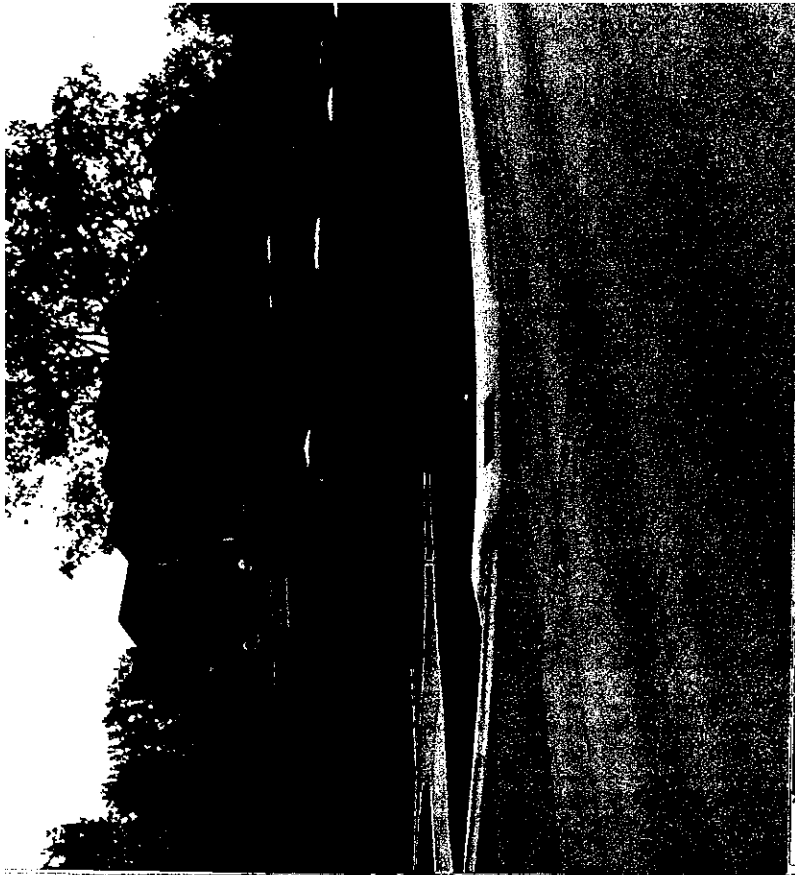
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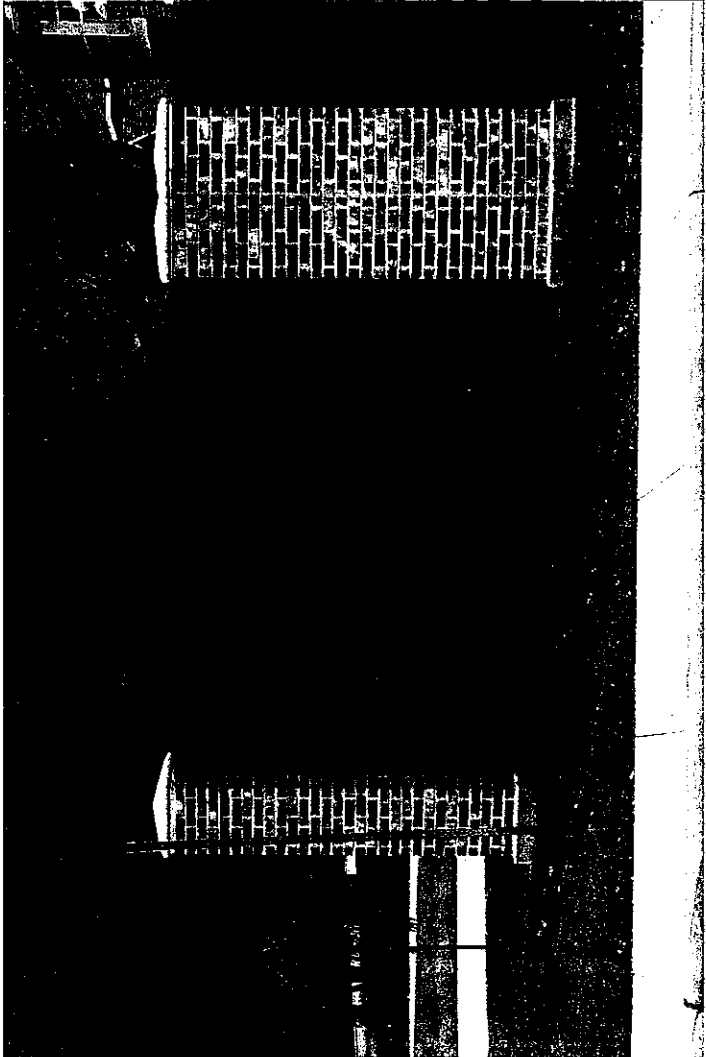
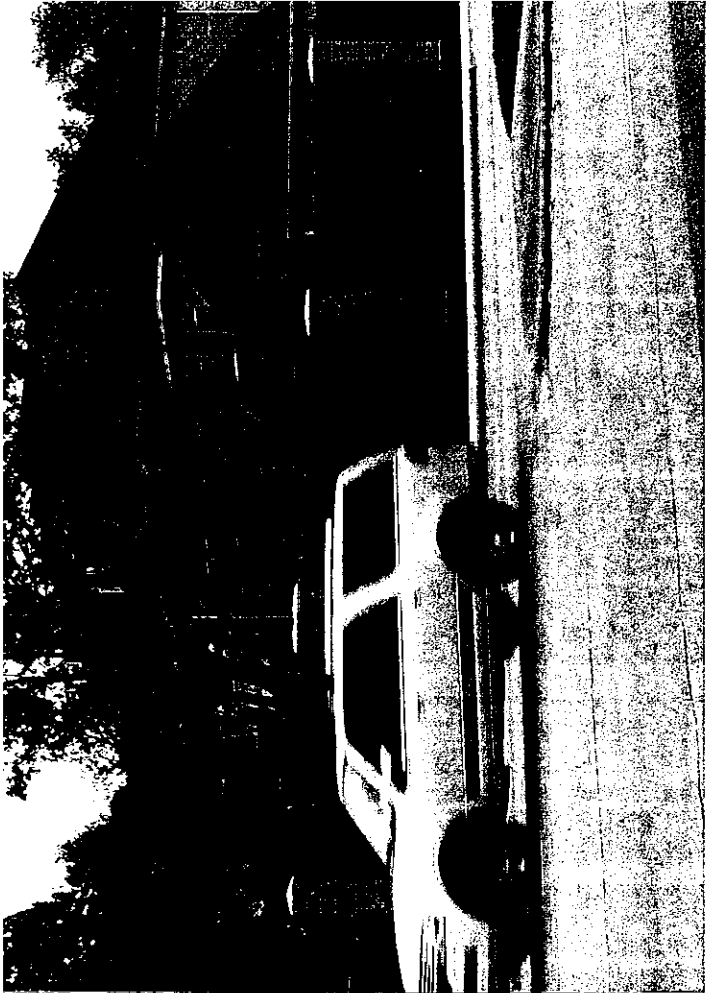
Details: 09/09/08 6007 AZALEA LN, violation confirmed, no permit on file for fence....RA

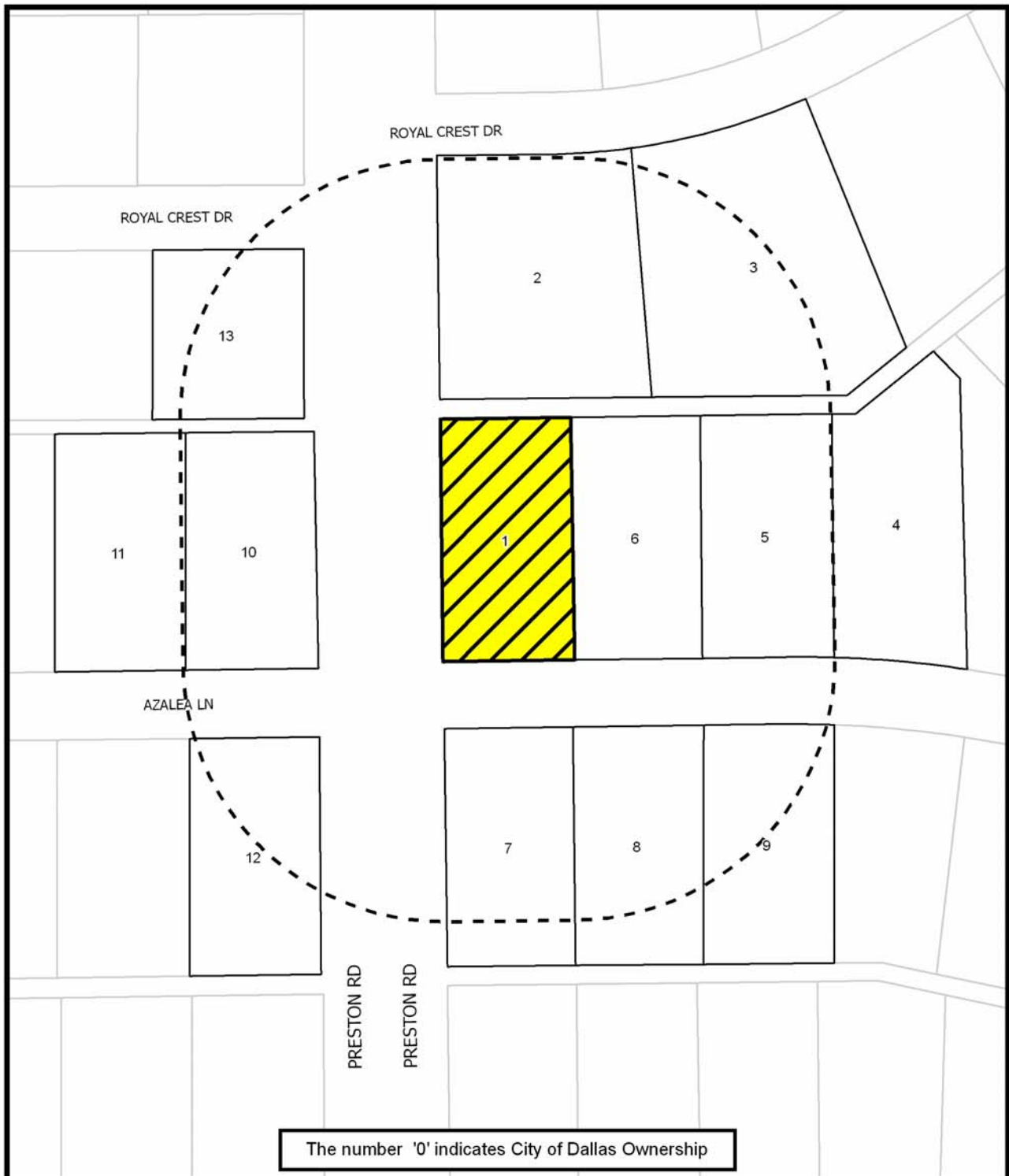












1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
13 NUMBER OF PROPERTY OWNERS NOTIFIED

Map no: E-7
 Case no: BDA101-081

DATE: August 18, 2011

Notification List of Property Owners

BDA101-081

13 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6007 AZALEA	SHER JAIMES & ELISE B
2	6010 ROYAL CREST	KUNOFSKY MORRIS IRVING
3	6018 ROYAL CREST	SMILEY RICHARD C
4	6031 AZALEA	WARANCH BARRY
5	6023 AZALEA	SCHAD DAVID C
6	6015 AZALEA	VAUGHAN GARY C & MARTHA S VAUGHAN
7	6006 AZALEA	NAGUMO SONOKO & ASAKO FANDRICH
8	6014 AZALEA	INAGANTI SRINI & KASTURI
9	6022 AZALEA	WEISBROD CARL & JAMIE
10	5973 AZALEA	FAZIO TERRENCE LAWLER TRUSTEE &
11	5965 AZALEA	CODD THOMAS W JR & MACHELLE D
12	5972 AZALEA	KEENE DANIEL WARD & BONNIE KAYE
13	5974 ROYAL CREST	STUDDARD DOROTHY

FILE NUMBER: BDA 101-085

BUILDING OFFICIAL'S REPORT:

Application of Ric Nesbit for a special exception to the landscape regulations at 6414 Abrams Road. This property is more fully described as Tract 9.1 and a part of Lot 9 in City Block 1/5437 and is zoned D(A), which requires mandatory landscaping. The applicant proposes to construct and maintain a structure and provide an alternate landscape plan, which will require a special exception.

LOCATION: 6414 Abrams Road

APPLICANT: Ric Nesbit

REQUEST:

- A special exception to the landscape regulations is requested in conjunction with the constructing and maintaining an approximately 1,700 square foot “new one story brick” structure (labeled on one of three plans submitted in conjunction with this appeal as a “reading room”) on a site developed with an approximately 4,400 square foot “existing one story brick” structure/church use, and not fully meeting the landscape regulations.

STAFF RECOMMENDATION:

Approval, subject to the following conditions:

1. Compliance with the submitted landscape plan is required, except that the City Arborist may approve the following substitute trees for a live oak tree shown on the Abrams Road frontage portion of the landscape plan if a live oak tree will interfere with adjacent overhead utilities: One 4-caliper inch large tree or two 2-caliper inch small trees from the City Approved Replacement Tree List in Article X of the Dallas Development Code.
2. All screening plant materials must be planted and maintained in compliance with City visibility regulations.

Rationale:

- The City's Chief Arborist supports the request with the conditions mentioned above imposed in conjunction with the request.
- The applicant has substantiated: 1) how strict compliance with the requirements of the Landscape Regulations of the Dallas Development Code will unreasonably burden the use of the property, and 2) that the special exception will not adversely affect neighboring property.

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.

In this particular application, three plans have been submitted to staff since it submittal to the City in July 2011. One plan was submitted with the application – a plan that appears to be merely a tree survey of the entire site. A second plan was submitted to the Building Inspection Development Code Specialist/Senior Plans Examiner near/on September 1st - a plan that appears to be a landscape plan for a part of the subject site (see Attachment A). A third plan was submitted to the Chief Arborist (and forwarded to the Board Administrator on September 13th) – a revised plan of the entire subject site – a plan in which the Chief Arborist has written his memo on the merits of this landscape special exception request (see Attachment B).

- The City of Dallas Chief Arborist’s memo to the Board Administrator stated the following:
 - The applicant is requesting a special exception to the landscape requirements of Article X: The Landscape Regulations, specifically the mandatory requirements and design standard requirements.
 - Trigger:

- Proposed construction of a new structure on a property to be replatted with adjoining property with a church use. The replat is to occur before permitting.
- Deficiencies:
 - Additional landscaping has been indicated only for the area near the new construction at the corner of Larmanda and Abrams. The new permit will require landscaping for the entire 1.77 acre property since the newly platted property will be less than 2 acres. The conditions for an artificial lot do not apply. Section 51A-10.122 states that a property over two acres in size may request for an artificial lot to satisfy the requirements of Article X that would not “violate the spirit of the landscape regulations.”
 - Chapter 51A-10.125(b)(1) and (b)(7). The property has a non-residential use in a residential (duplex) district. Article X requires a perimeter landscape buffer of a minimum of 10’ in width with the required plant groups where residential adjacency exists. The existing church site does not comply with buffer plant groups or buffer areas (portion of parking lot and driveway) on the south and east sides of the property. The areas for the new structure shows to have the required buffer area but not the required plant groups.
 - Chapter 51A-10.125(b)(4). The overall site requires 9 street trees. Three new street trees are proposed but no other tree on the property qualifies by Article X definition.
 - Chapter 51A-10.125(b)(5). The southern half of the existing parking lot does not currently conform to Article X requirements for parking lot trees. The new additional parking proposed for the new structure would comply be definition although these may be required parking spaces.
 - The property will require two design standards. The plan identifies two design standards for the new addition with: 1) screening of off-street parking; and 2) foundation planting. The plan does not identify all plantings at or near the existing church structure that might be accounted for in meeting the requirements. A small screening row could provide for screening the existing primary parking lot.
- Factors for consideration:
 - If the combined property was 10,000 square feet larger, the building site would meet the requirements for an artificial lot, per Section 51A-10.122 for landscape area reduction. The special exception request under the artificial lot would be for the perimeter landscape buffer groups and street trees.
 - There are a few large trees in open space locations of the property to the north of the church structure. Other maturing large and small tree species populate the property. The property does meet the requirements for Site Trees under Article X regulations.
 - The plan calls for 4 new live oak trees of 4” caliper each to be planted near the new construction. A row of evergreen screening shrubs has been proposed along the perimeter of the lot at Larmanda and

Abrams. A row of evergreen plantings have been proposed along the entire street side façade of the new structure.

- Several young trees will be removed for construction. Any mitigation will be enforced under Article X tree preservation regulations. Planting the four proposed 4-caliper inch live oaks would place 16-caliper inches of trees on the property.
- The exact location of the building, new impervious pavement and other improvements are subject to final review by Building Inspection.
- Recommendation
Approval, subject to the following conditions:
 - (1) Compliance with the submitted landscape plan is required, except that the City Arborist may approve the following substitute trees for a live oak tree shown on the Abrams Road frontage portion of the landscape plan if a live oak tree will interfere with adjacent overhead utilities: One 4-caliper inch large tree or two 2-caliper inch small trees from the City Approved Replacement Tree List in Article X of the Dallas Development Code.
 - (2) All screening plant materials must be planted and maintained in compliance with City visibility regulations.

BACKGROUND INFORMATION:

Zoning:

Site: D (A) (Duplex)
North: D (A) (Duplex)
South: D (A) (Duplex)
East: R-7.5(A) (Single family district 7,500 square feet)
West: PD No. 302 (Planned Development)

Land Use:

The site is developed as a church use (Seventh Church of Christ Scientist). The area to the north is developed with office use; the areas to the east and south are developed with single family uses; and the area to the west is developed with retail uses.

Zoning/BDA History:

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

Timeline:

- July 8, 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 B.
- 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.
- September 2, 2011: In response to the Board Administrator’s discovery that an alternate landscape plan had not been submitted with the application for a special exception to the landscape regulations in July, the Chief Arborist emailed the Board Administrator that he had spoken to the applicant on September 1st who had indicated that he would be attempting to have an alternate landscape plan submitted in conjunction with his request by the September 6th staff review team meeting. (As of September 2nd, the only plan that had been submitted to staff in conjunction with the applicant’s request for a special exception to the landscape regulations had been what appeared to be a tree survey).
- September 6, 2011: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded a “site/floor plan” to the Board Administrator (see Attachment A). This plan that was only a representation of the part of the subject site on which the proposed reading room is to be located.
- 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 8, 2011: The Board Administrator contacted the applicant with regard to whether location of the proposed structure that triggered the applicant's request for a special exception to the landscape regulations was in compliance with side yard setback regulations. The Board Administrator informed the applicant that the Chief Arborist had pointed out that the plan (tree survey) submitted in conjunction with the application showed a 10' setback denoted from one of two dashed lines. But depending on which of the two dashed lines was the actual side property line would be whether the structure is in compliance with the side yard setback. The applicant stated that he would touch base with his architect and confirm that this proposed structure was located out of the side yard setback since he had not intended to request variance to the side yard setback regulations for the proposed structure. (As of September 13th, the applicant had not confirmed with the Board Administrator that the proposed structure would be providing the required 10' setback from the side property line).

September 8, 2011: The Building Inspection Senior Plans Examiner/Development Code Specialist emailed the Board Administrator stating that he was unable to make a full determination with regard to whether the proposed structure was providing the required side yard setback. The applicant had submitted a plan to him and the Chief Arborist that was still showing two property lot lines side by side adjacent to the proposed structure's side yard setback area. The Code Specialist stated, however, that this did not affect the proposed alternate landscape plan since even if the applicant had to move the building over to meet the setback, the landscaping will still be provided as shown. The Code Specialist stated that the Chief Arborist had asked that the applicant's architect to confirm the correct property lot line.

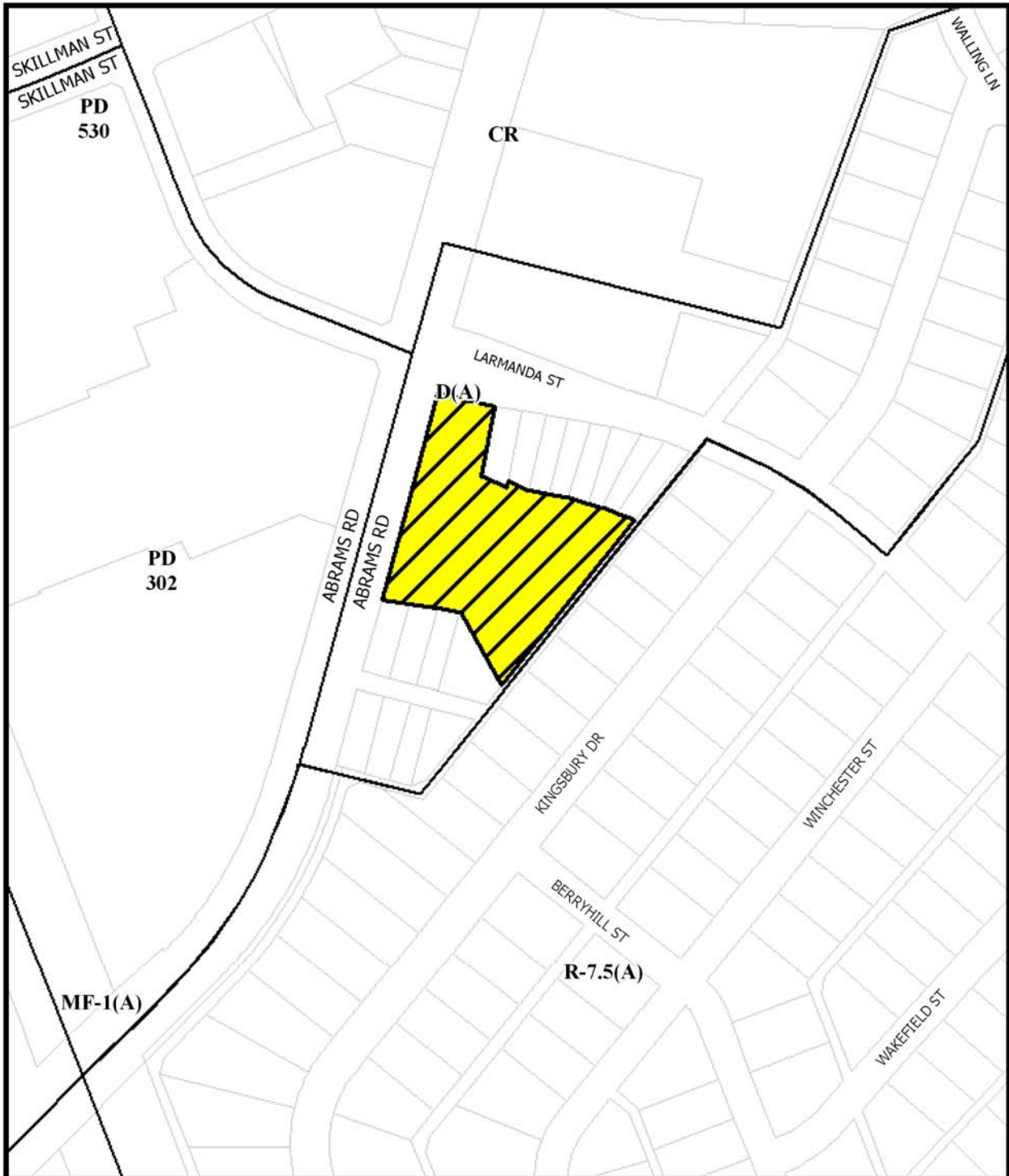
September 7, 2011: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections if certain conditions are met" with the following comments: "Need to comply with all C.O.D visibility requirements." (The Board Administrator was unable to make a determination as to compliance with these

regulations in that no full scale alternate landscape/site plan had been submitted to him as of September 13th).

September 13, 2011: The Chief Arborist submitted a reduced copy of a revised plan and a memo pertaining to the landscape special exception request to the Board Administrator (see Attachment B).

STAFF ANALYSIS:

- This request focuses on constructing and maintaining an approximately 1,700 square foot “new one story brick” structure (labeled on one of three plans submitted in conjunction with this appeal as a “reading room”) on a site developed with an approximately 4,400 square foot “existing one story brick” structure/church use, and being “excepted” from fully meeting the City’s landscape regulations.
- A number of plans have been submitted with this application, one of which the Chief Arborist has provided his assessment on. The Chief Arborist has stated that the applicant seeks an exception from the mandatory requirements and design standard requirements of Article X: The Landscape Regulations.
- The City of Dallas Chief Arborist supports the request with the conditions stated in the “Recommendation” section of this case report.
- 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 staff suggested conditions, the site would be “excepted” from full compliance with the mandatory requirements and design standard requirements of Article X: The Landscape Regulations.
- Note that the applicant has only made an application for a special exception to the landscape regulations. None of the applicant’s three submitted plans allows city staff to fully determine his ability to comply with the side yard setback requirements nor visual obstruction regulations. But, approval of the applicant’s request for a special exception to the landscape regulations will not provide any relief with regard to setbacks nor to visual obstruction regulations.



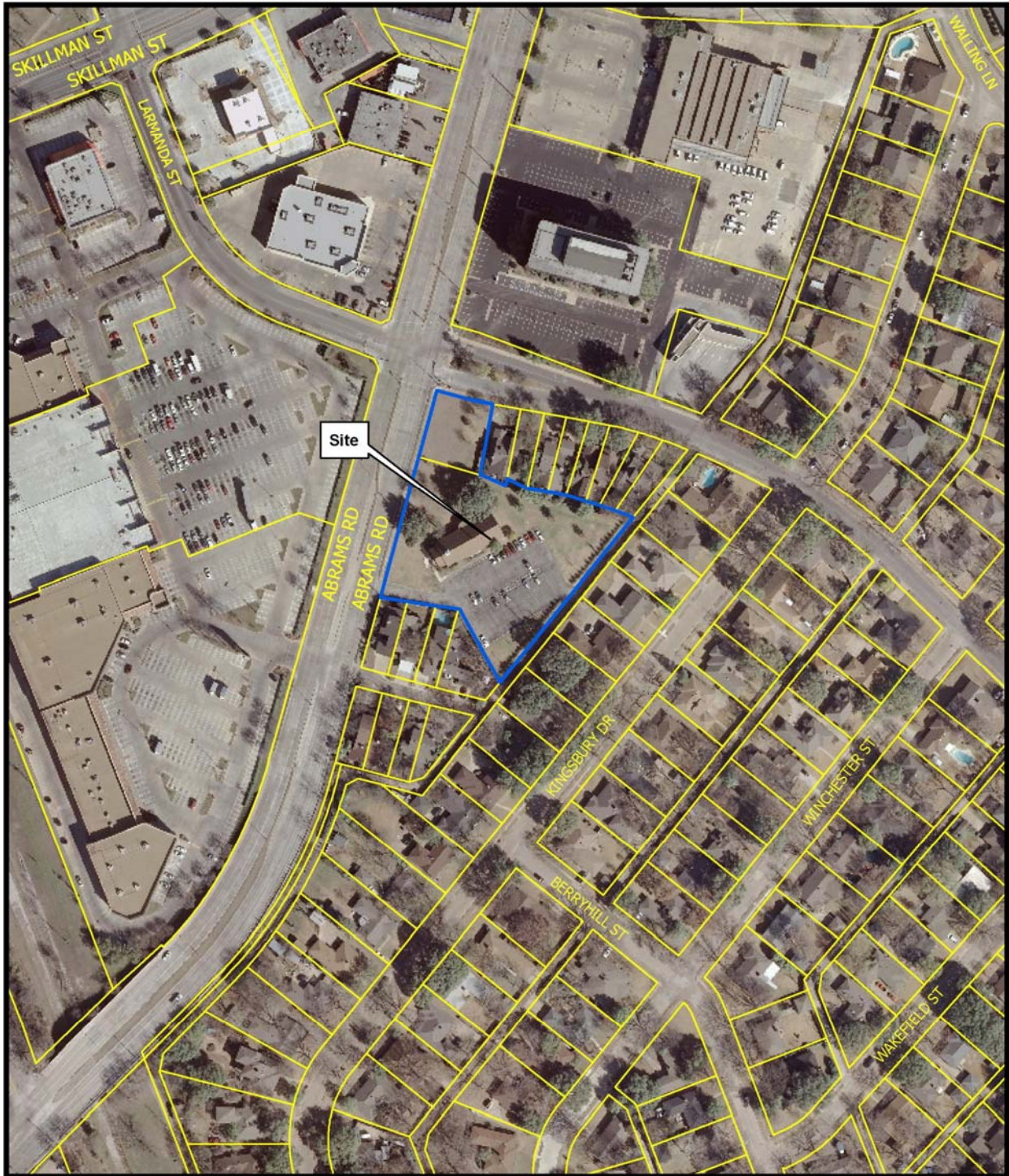
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ZONING MAP

Map no: G-8, G-9

Case no: BDA101-085

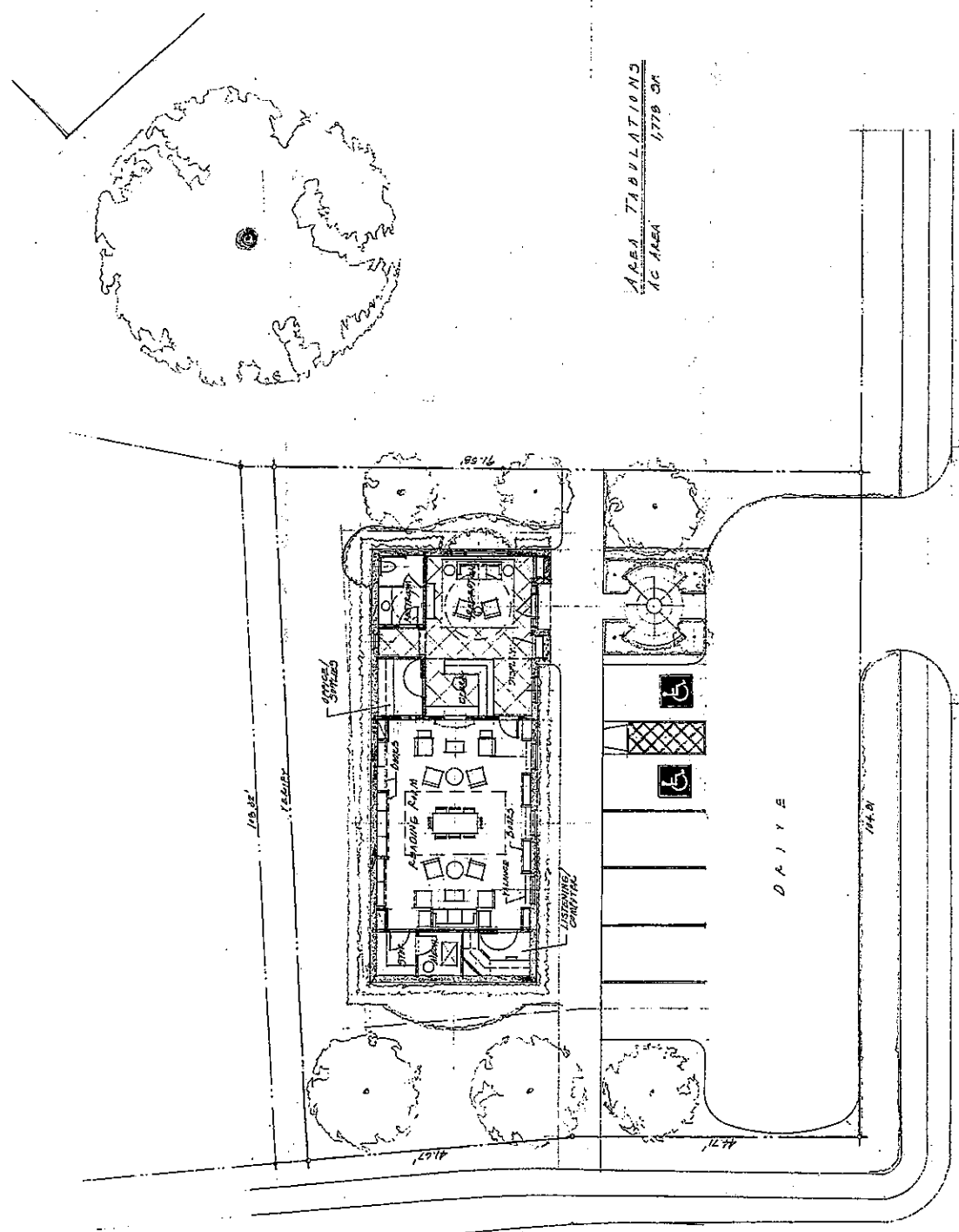
DATE: August 18, 2011



 1:2,400	<h1>AERIAL MAP</h1>	Map no: <u> G-8, G-9 </u> Case no: <u> BDA101-085 </u>
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DATE: August 18, 2011

BDA 101-085
Attach A



SITE / FLOOR PLAN
SCALE 1/8"=1'-0"

ABRAMS ROAD

LARAMANDA STREET

existing church structure that might be accounted for in meeting the requirements. A small screening row could provide for screening the existing primary parking lot.

Factors

If the combined property was 10,000 square feet larger, the building site would meet the requirements for an artificial lot, per Section 51A-10.122, for landscape area reduction. The special exception request under an artificial lot would be for the perimeter landscape buffer plant groups (51A-10.125(b)(7)), and street trees (51A-10.125(b)(4)).

There are a few large trees in open space locations on the property to the north of the church structure. Other maturing large and small tree species populate the property. The property does meet the requirements for Site Trees under Article X regulations.

The plan calls for four new live oak trees of 4" caliper each to be planted near the new construction. A row of evergreen screening shrubs has been proposed along the perimeter of the lot at Larmanda and Abrams. A row of evergreen plantings have been proposed along the entire street side facade of the new structure.

Several young trees will be removed for construction. Any mitigation will be enforced under Article X tree preservation regulations. Planting the four proposed 4" live oaks would place 16 inches onto the property.

The exact location of the building, new impervious pavement, and other improvements, is subject to final review by Building Inspection.

Recommendation

Approval of the submitted landscape plan subject to the following recommendations:

All screening plant material must be planted and maintained in compliance with City visibility regulations.

Allow any one 4" large tree, or two 2" small trees, from the City Approved Replacement Tree List, to substitute for each live oak tree proposed for the Abrams Road frontage for proper planting adjacent to the overhead utility.

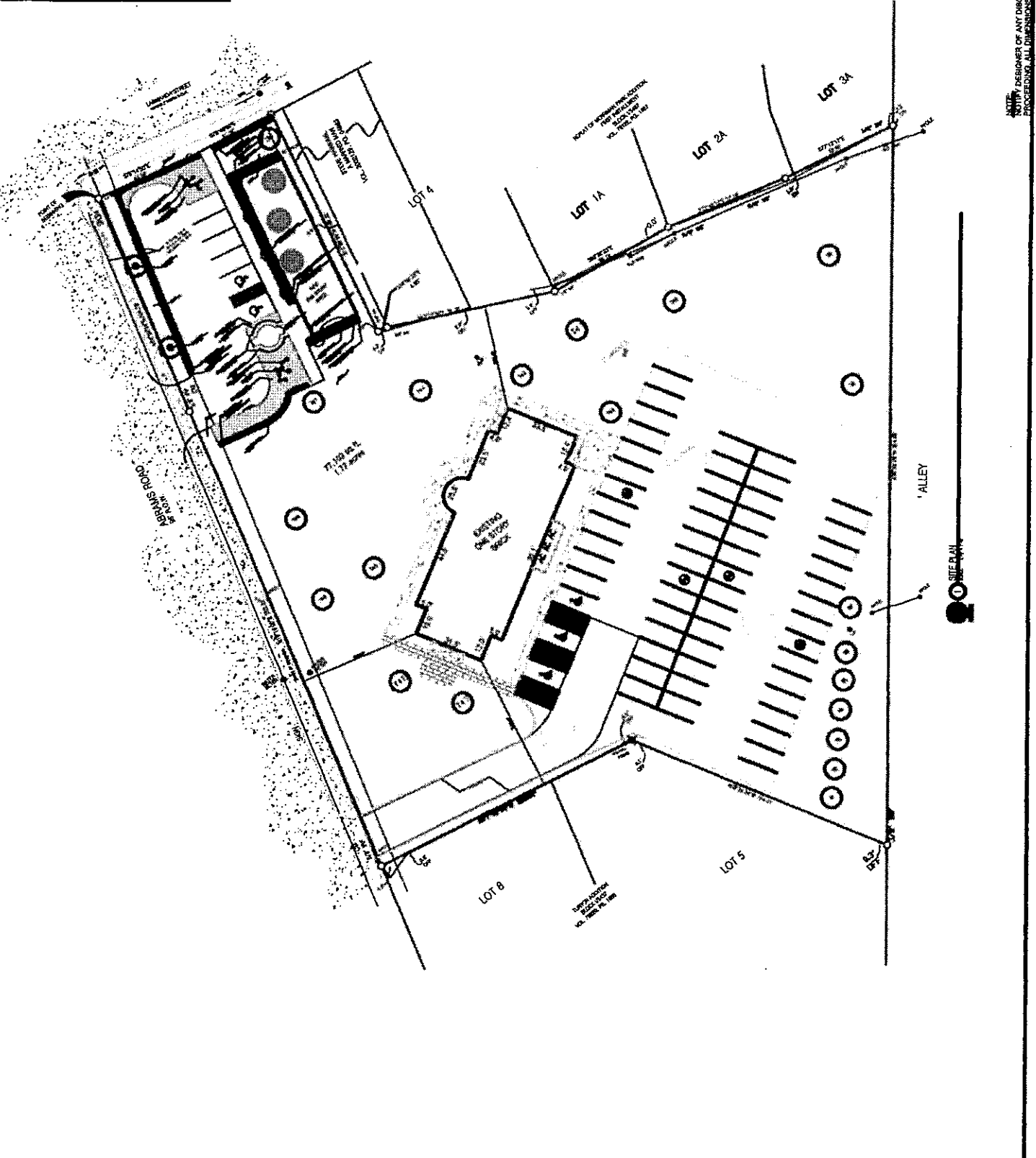
Philip Erwin, ISA certified arborist #TX-1284(A)
Chief Arborist

ALLEN KIRSCH & ASSOC., INC.
PLANNING AND DESIGN
1448 WESTWAY AVE.
DALLAS, TEXAS 75231
TEL: 972-358-8888
FAX: 972-358-8888
www.allenkirsch.com

SEVENTH CHURCH OF CHRIST SCIENTIST
6414 Abrams Rd.
Dallas, Texas 75231

DATE: _____
DRAWING NO.: _____
SCALE: _____

NO.	REVISION	DATE
1	ISSUED FOR PERMITS	03/15/08
2	ISSUED FOR PERMITS	03/15/08
3	ISSUED FOR PERMITS	03/15/08
4	ISSUED FOR PERMITS	03/15/08
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49	ISSUED FOR PERMITS	03/15/08
50	ISSUED FOR PERMITS	03/15/08



NOTE: DESIGNER OF ANY DISCREPANCIES ON DRAWINGS BEFORE PROCEEDING. ALL DIMENSIONS TO BE VERIFIED ON SITE.



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-085

Data Relative to Subject Property:

Date: 7-8-2011

Location address: 6414 ABRAMS RD 76231 Zoning District: D(A)
TRACT 9.1 and part of lot 9
Lot No.: Block No.: 15437 Acreage: 1.77 Census Tract: 78.09
Street Frontage (in Feet): 1) 326' 2) 86' 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property/or Principal: SEVENTH CHURCH OF CHRIST, SCIENTIST DALLAS

Applicant: Ric NESBIT Telephone: 817-371-0184

Mailing Address: 1701 DAVID CT FLEWORTH Zip Code: 76112

Represented by: Telephone:

Mailing Address: Zip Code:

Affirm that a request has been made for a Variance, or Special Exception, of alternative landscape plan

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 construction will be adequately landscaped as closely as possible to Article X standards and will have no adverse effect on neighboring property.

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.

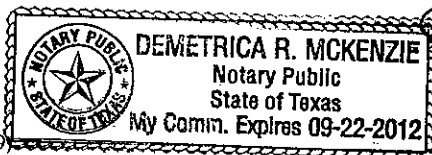
Respectfully submitted: RICHARD NESBIT Applicant's name printed [Signature] Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Richard Stetson Nesbit 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 8th day of July, 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 Ric Nesbit

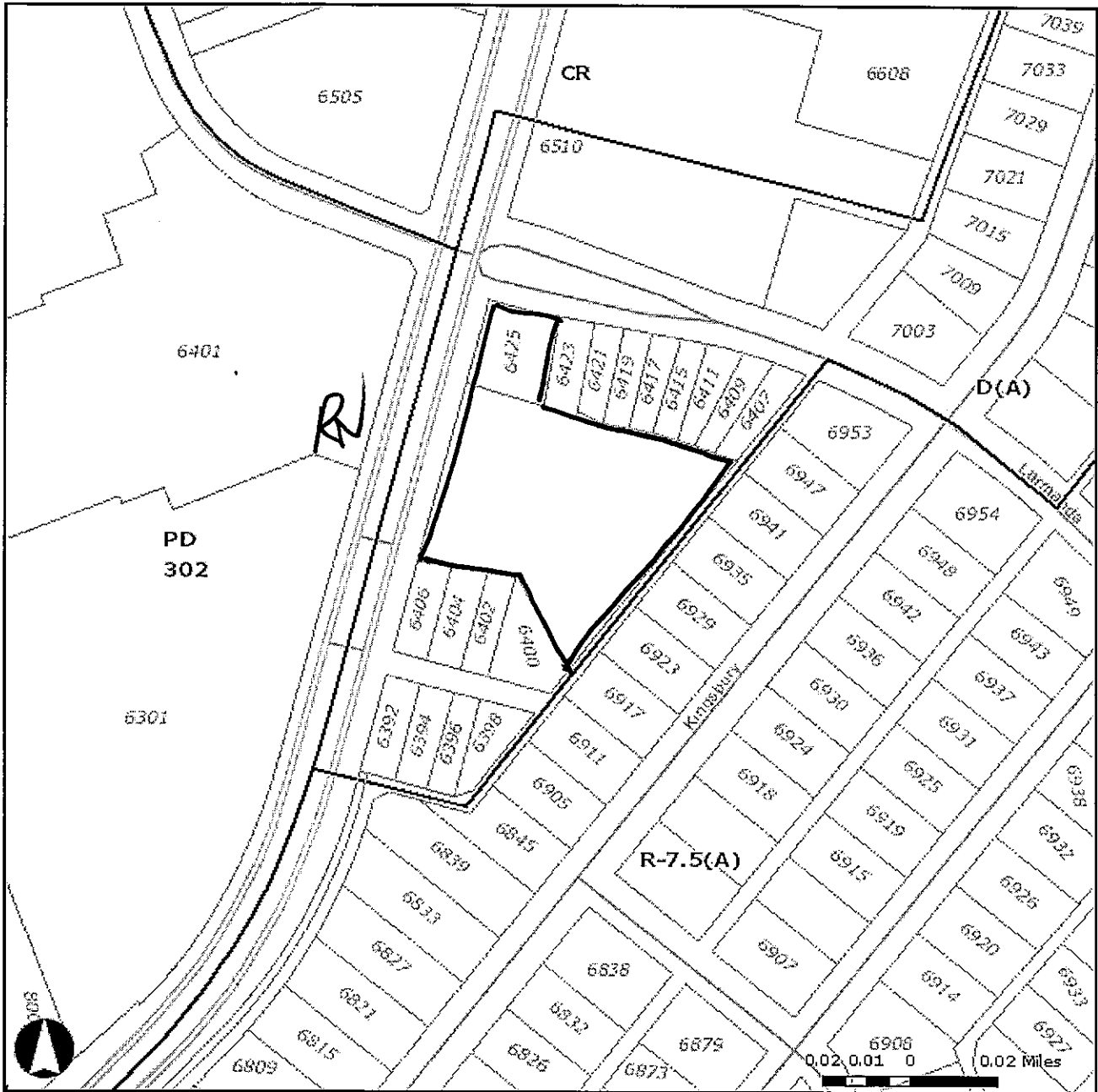
did submit a request for a special exception to the landscaping regulations
at 6414 Abrams Road

BDA101-085. Application of Ric Nesbit for a special exception to the landscaping regulations at 6414 Abrams Road. This property is more fully described as tract 9.1 and a part of lot 9 in city block 1/5437 and is zoned D(A), 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 of Dallas Zoning



City Boundaries

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

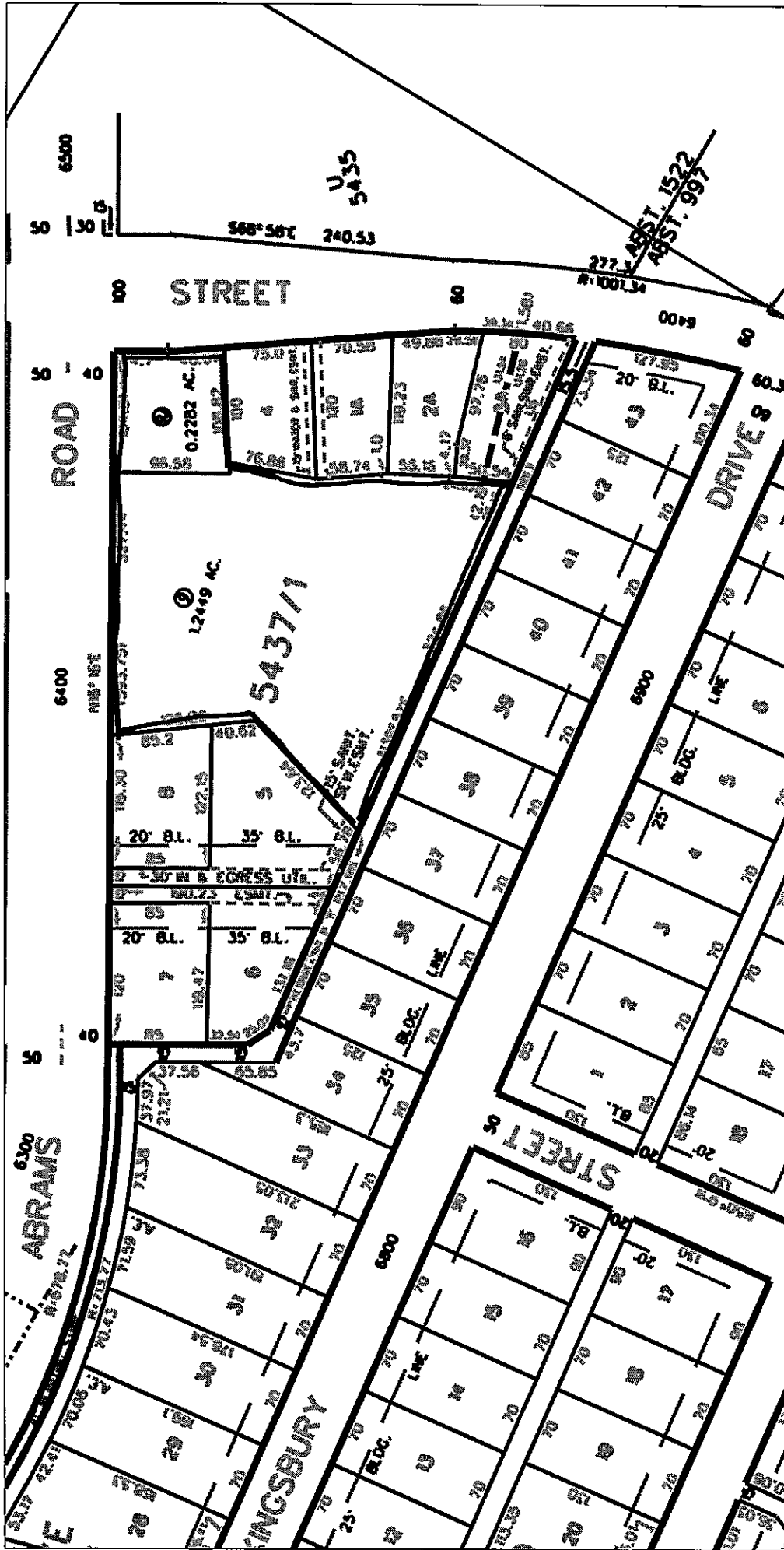
Dry Overlay

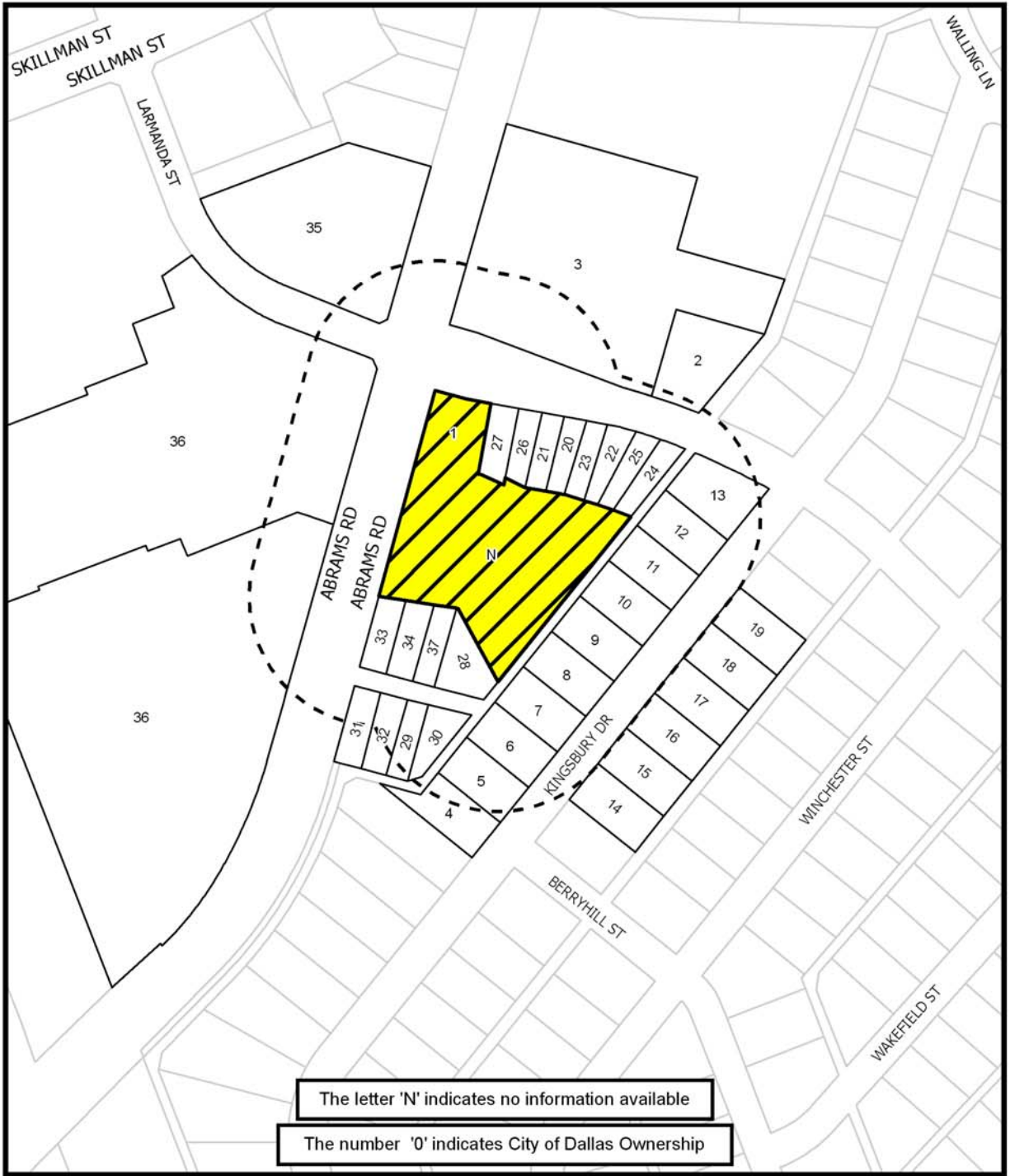
- D
- D-1
- Historic Overlay
- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts
- MD Overlay

Base Zoning

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

RN





 1:2,400	<h1>NOTIFICATION</h1>	G-8, G-9			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">37</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	37	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
37	NUMBER OF PROPERTY OWNERS NOTIFIED				

DATE: August 18, 2011

Notification List of Property Owners

BDA101-085

37 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6425 LARMANDA	SEVENTH CHURCH OF CHRIST SCIENTIST
2	6401 LARMANDA	COMERICA BANK TEXAS C/O COLLIERS INT L
3	6510 ABRAMS	HERMOSA LP STE 350
4	6845 KINGSBURY	BRYDON ALBERT ROBERT JR
5	6905 KINGSBURY	AUSTIN MARJORIE A
6	6911 KINGSBURY	SCHEIBE PAUL F JR
7	6917 KINGSBURY	KING REBECCA N & RANDOLPH
8	6923 KINGSBURY	PEAKE TERRENCE M
9	6929 KINGSBURY	CHRISMON KENNY S
10	6935 KINGSBURY	BERK MICHAEL J & LAUREL E FROWINE
11	6941 KINGSBURY	LA BARBA FRANK JR
12	6947 KINGSBURY	SALMON BELINDA R
13	6953 KINGSBURY	PROCTOR ALAN R & JANIS
14	6912 KINGSBURY	FRIESEN GLENNA A
15	6918 KINGSBURY	CROWDER DENISE & JAYE D
16	6924 KINGSBURY	HASELL LINDA
17	6930 KINGSBURY	IRONS RICKY LYNN & CHRIS
18	6936 KINGSBURY	WRIGHT JENNA P & PAUL F
19	6942 KINGSBURY	CRAIG PAULINE F
20	6417 LARMANDA	BUNDREN CHARLES & KAREN C & K RESIDENTIA
21	6419 LARMANDA	PETERSON ANTONE L III
22	6411 LARMANDA	DARTEZ CHRISTOPHER J
23	6415 LARMANDA	BULLARD SAM H & VERONICA I
24	6407 LARMANDA	SWANK ALICE RUTH
25	6409 LARMANDA	JENSEN DONALD J
26	6421 LARMANDA	GULLEY NICOLE

8/18/2011

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	6423 LARMANDA	HAWKINS STEVE
28	6400 ABRAMS	RUFF BEVERLY JO PATTON
29	6396 ABRAMS	REYNOLDS JUDITH D
30	6398 ABRAMS	HARRIS ANN M
31	6392 ABRAMS	KLINE JOHN EDWIN
32	6394 ABRAMS	HOMER CHRISTOPHER S
33	6406 ABRAMS	EVERITT CECIL H JR
34	6404 ABRAMS	EVERITT CECIL H JR
35	6505 ABRAMS	ABRAMS LARMANDA LTD PS
36	6401 ABRAMS	TSCA-232 LP STE 100
37	6402 ABRAMS	MYERS JACK E & THEA TEMPLE

FILE NUMBER: BDA 101-063

BUILDING OFFICIAL'S REPORT:

Application of Shaun Feltner for special exceptions to the fence height and visual obstruction regulations at 3821 San Jacinto Street. This property is more fully described as Lot 23 in City Block 641 and is zoned PD-298, Subarea 8, which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct/maintain a 6 foot high fence, which will require a special exception of 2 feet to the fence height regulations, and to locate/maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

LOCATION: 3821 San Jacinto Street

APPLICANT: Shaun Feltner

REQUESTS:

- The following appeals had been made in this application on a site that is currently being developed with a townhome development:
 1. a special exception to the fence height regulations of 2' had been requested in conjunction with constructing and maintaining a 6' high open iron picket fence/gates to be located in the front yard setback; and
 2. special exceptions to the visual obstruction regulations had been requested in conjunction with locating and maintaining a 6' high open iron picket fence/gates and vehicles that could potentially be parked in four 20' visibility triangles at two drive approaches into the site from San Jacinto Street.

However, the applicant's submittal of a revised site plan and elevation dated September 1, 2011 (see Attachment C) denotes no fence in the required front yard setback (subsequently eliminating the applicant's need to request a fence height special exception); and only vehicles that, if parked in spaces shown on the revised site plan, would be in the four 20' visibility triangles at the two drive approaches into the site from San Jacinto Street.

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 exceptions):

Approval, subject to the following condition:

- Compliance with the revised site plan and revised elevation both dated September 1, 2011 is required.

Rationale:

- The Sustainable Development and Construction Department Project Engineer has no objections to these requests (with the submitted revised site plan and elevation imposed as conditions) since the items in the visibility triangles would be minor encroachments of vehicles being located in the four existing parking spaces that do not constitute a traffic hazard.
- The applicant has substantiated how the location of the proposed items in the 20' visibility triangles at the two drive approaches into the site does 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):

- PD No. 298 states that for all residential uses, maximum fence height in the required front yard is four feet.
The applicant had submitted a revised site plan and revised elevation indicating that the proposal in the required front yard setback reaches a maximum height of 6'.
- The following additional information was gleaned from the originally submitted revised site plan:
 - The proposed fence located in the front yard setback is over 4' in height and is approximately 165' in length parallel to the street.

- The proposed fence is shown to be located on the front property line or about 9' from the curb line.
- No single family home “fronts” to the proposed fence on the subject site.
- The Board Administrator conducted a field visit of the site and surrounding area and noted the following fences above four feet high which appeared to be located in a front yard setback (note that the heights described below are approximations):
 1. a 6.5' high solid metal fence immediately east of the site with no recorded BDA history; and
 2. a 6.5' high solid metal fence immediately southwest of the site with no recorded BDA history.
- A revised site plan and revised elevation have been submitted that shows a “6' open iron picket fence” and gates located in four 20' visibility triangles at the two drive approaches into the site from San Jacinto Street (see Attachment A).
- On August 5, 2010, the applicant submitted photos of the site and surrounding area (see Attachment B).
- On August 17, 2011, the Board heard testimony from the applicant and staff at the public hearing, and delayed action on the application until their September 21st public hearing in order for the applicant to possibly amend his site plan and/or elevation in order to address concerns raised by city engineers.
- On September 6, 2011, the applicant submitted additional information to staff – information that included a revised site plan and revised elevation (see Attachment C dated September 1, 2011). These revised plans show a relocation of the fence and gates whereby they are no longer in the front yard setback. The relocation of the fence and gate out of the required front yard setback results in the applicant no longer needing a special exception to the fence height regulations.

GENERAL FACTS (visual obstruction special exceptions):

- 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 2.5 – 8 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 revised site plan and revised elevation had been submitted that showed a “6' open iron picket fence” and what would potentially be portions of parked

vehicles located in four 20' visibility triangles at the two drive approaches into the site from San Jacinito Street (see Attachment A).

- On August 5, 2010, the applicant submitted photos of the site and surrounding area (see Attachment B).
- On August 17, 2011, the Board heard testimony from the applicant and staff at the public hearing, and delayed action on the application until their September 21st public hearing in order for the applicant to possibly amend his site plan and/or elevation in order to address concerns raised by city engineers.
- On September 6, 2011, the applicant submitted additional information to staff – information that included a revised site plan and revised elevation (see Attachment C). These revised plans show a relocation of the fence and gates whereby they are no longer in the drive approach visibility triangles. The relocation of the fence and gate out of the visibility triangles results in the applicant only needing special exceptions to the visual obstruction regulations to potentially locate vehicles in the parking spaces shown on the revised site plan that are located in the four 20' visibility triangles at the two drive approaches into the site from San Jacinto Street

BACKGROUND INFORMATION:

Zoning:

Site: PD No. 298 (Planned Development)
North: PD No. 298 (Planned Development)
South: PD No. 298 (Planned Development)
East: PD No. 298 (Planned Development)
West: PD No. 298 (Planned Development)

Land Use:

The subject site is developed with a townhome development. The areas to the north, east, south, and west are developed with a mix of residential and nonresidential 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:

May 2, 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.

- June 22, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- 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.
- July 13, 2011: The applicant forwarded additional information beyond what was submitted with the original application (see Attachment A).
- August 2, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Development and Construction Department Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.
- August 4, 2011: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Recommends that this be denied" with the following comments: "Inadequate information provided. Gates need to be 40 feet (or at least 20') from the street curb, no mention of automatic openers, fire access, or blocking the parking space. Did this shared access development have a plat and engineering plans?"
- August 5, 2011: The applicant forwarded additional information beyond what was submitted with the original application (see Attachment B).
- August 15, 2011: The Sustainable Development and Construction Department Project Engineer submitted a revised review comment sheet marked "Recommends that this be denied" with the following comments: "Proposed site plan would be a traffic hazard: 1)

fences/gates would be added to the existing parking already in site triangles; 2) cars waiting to enter would block the sidewalk and/or the street. We have offered an alternative but the applicant is not agreeable.”

August 17, 2011: The Board heard testimony from the applicant and staff at the public hearing, and delayed action on the application until their September 21st public hearing in order for the applicant to possibly amend his site plan and/or elevation in order to address concerns raised by city engineers.

September 6, 2011: The applicant forwarded additional information beyond what was submitted with the original application and what was submitted to the Board at the August 17th public hearing (see Attachment C).

September 9, 2011: The Sustainable Development and Construction Department Project Engineer submitted a revised review comment sheet marked “Has no objections if certain conditions are met” with the following comments: “Update: We have no objection to the revised plan (dated after 8-30-11) showing the gates moved back more than 20’ from the street curb. We also recommend approval of the minor encroachment of the 4 existing parking spaces into the 20 x 20 visibility triangles.”

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

- The applicant had submitted a site plan and elevation with his application that created a need for a request for a special exception to the fence height regulations to construct and maintain a 6’ high open iron picket fence and gates that was to be located in the front yard setback on a site developed with a townhome development. However, the applicant submitted a revised site plan and revised elevation (dated September 1, 2011) that shows a relocation of the fence and gates whereby they are no longer located in the front yard setback. As a result, the applicant no longer needs approval on the fence height special exception request.

STAFF ANALYSIS (visual obstruction special exceptions):

- The applicant had originally made requests for special exceptions to the visual obstruction regulations to locate and maintain a 6’ high open iron picket fence/gates and vehicles that could potentially be parked in four 20’ visibility triangles at two drive approaches into the site from San Jacinto Street. However, the applicant submitted a revised site plan and revised elevation (dated September 1, 2011) that shows a relocation of the fence and gates whereby they are no longer located in the visibility triangles. As a result, the applicant only needs approval from the Board on his visual obstruction special

exception requests to allow would potentially be vehicles that if parked in spaces shown on the revised site plan in the four 20' visibility triangles at the two drive approaches into the site from San Jacinto Street

- The Sustainable Development and Construction Department Project Engineer has no objections to these requests (with the submitted revised site plan and elevation imposed as conditions) since the items in the visibility triangles would be minor encroachments of vehicles being located in the four existing parking spaces.
- The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations to locate and maintain potentially portions of parked vehicles in four 20' drive approach visibility triangles into the site from San Jacinto Street will not constitute a traffic hazard.
- If the Board chooses to grant any or all of these requests, subject to compliance with the submitted revised site plan and revised elevation dated September 1, 2011, the items shown on these documents (in this case, parked vehicles) would be "excepted" into the 20' drive approach visibility triangles.

BOARD OF ADJUSTMENT ACTION: **AUGUST 17, 2011**

APPEARING IN FAVOR: Shaun Feltner, 1610 Tribeca Way, Dallas, TX
Richard Delgado, 1610 Soho LN., Dallas, TX
Eric Williams, Dallas, TX

APPEARING IN OPPOSITION: No one

MOTION: Agnich

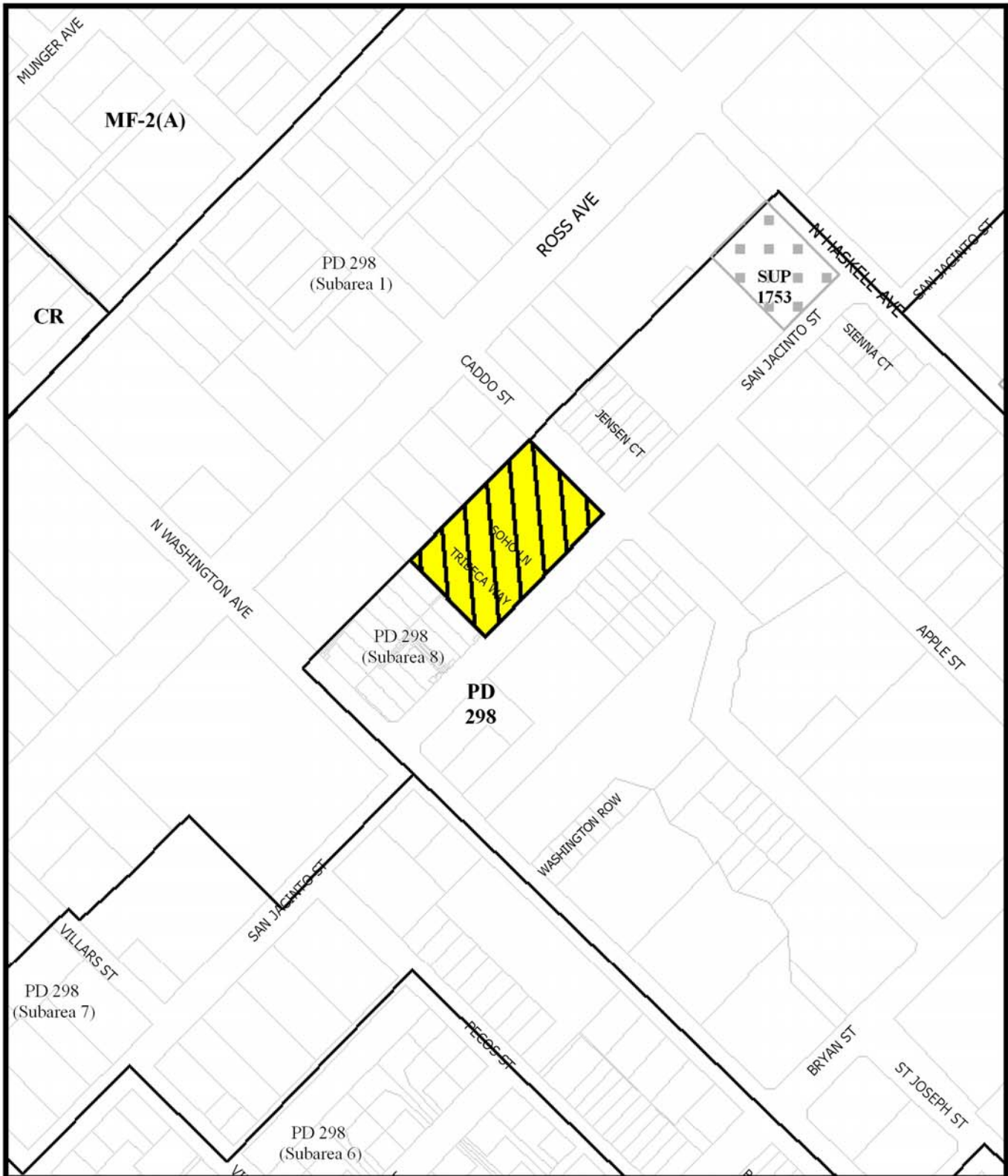
I move that the Board of Adjustment in Appeal No. **BDA 101-063**, hold this matter under advisement until **September 21, 2011**.

SECONDED: Chernock

AYES: 5–Gillespie, Chernock, Leone, Agnich, Duarte

NAYS: 0 –

MOTION PASSED 5 – 0 (unanimously)



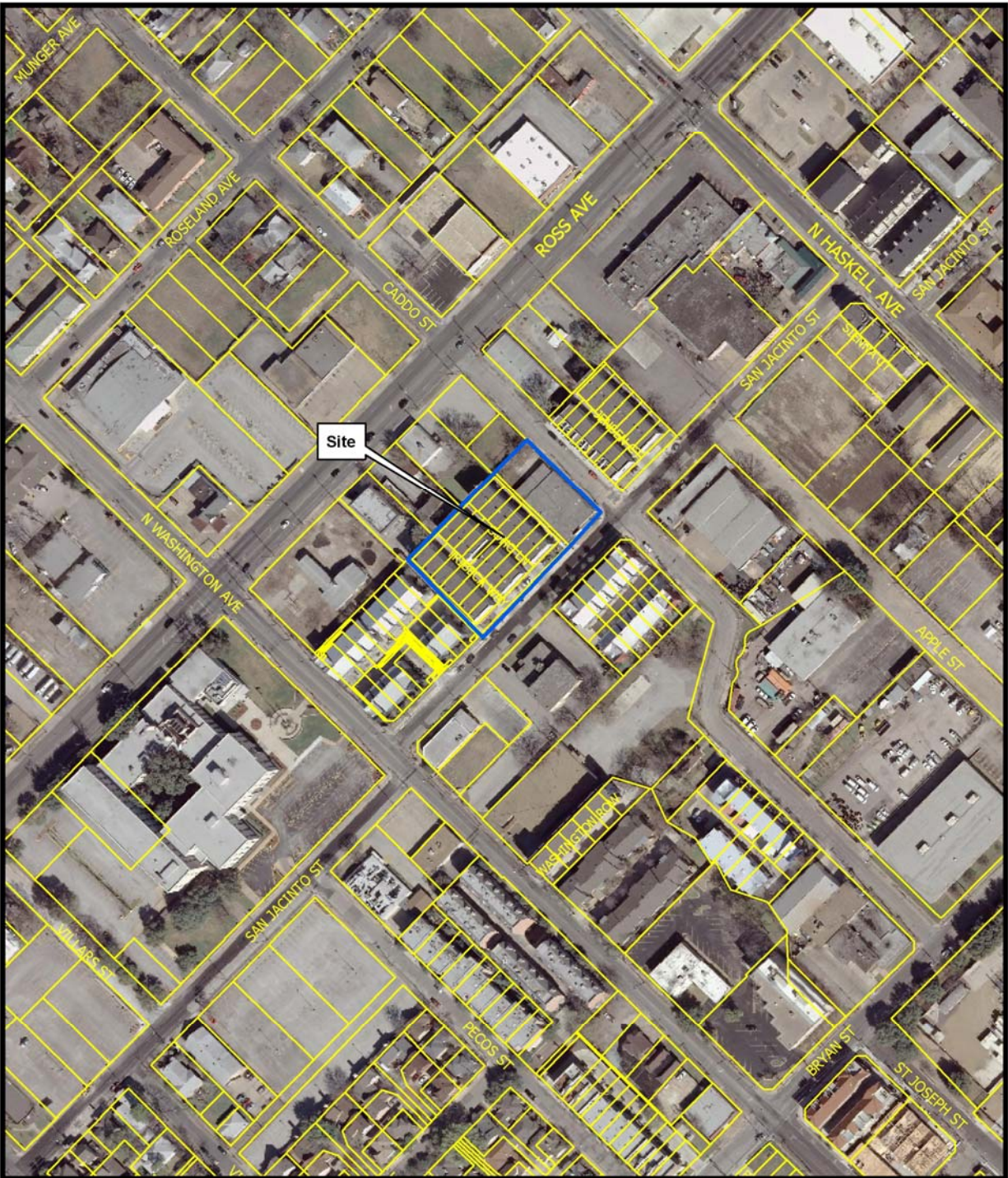
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ZONING MAP

Map no: I-7, I-8

Case no: BDA101-063

DATE: July 19, 2011



1:2,400

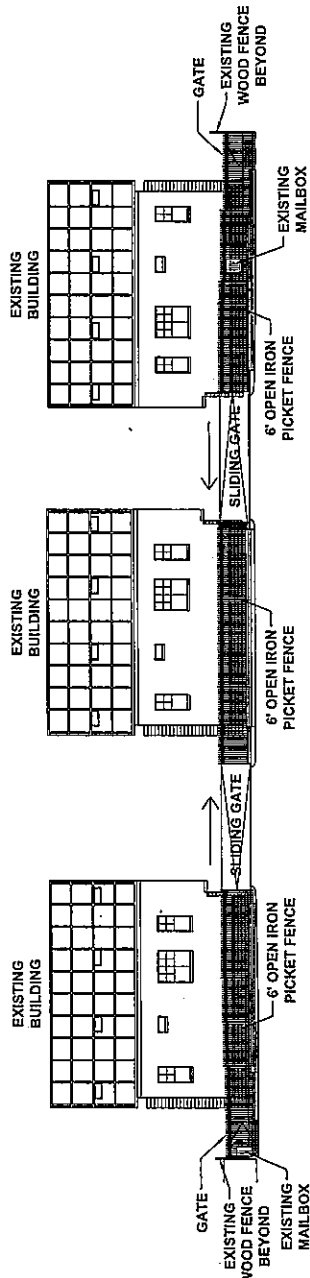
AERIAL MAP

Map no: I-7, I-8

Case no: BDA101-063

DATE: July 19, 2011

SCALE: 1" = 20'-0"
January 26, 2011

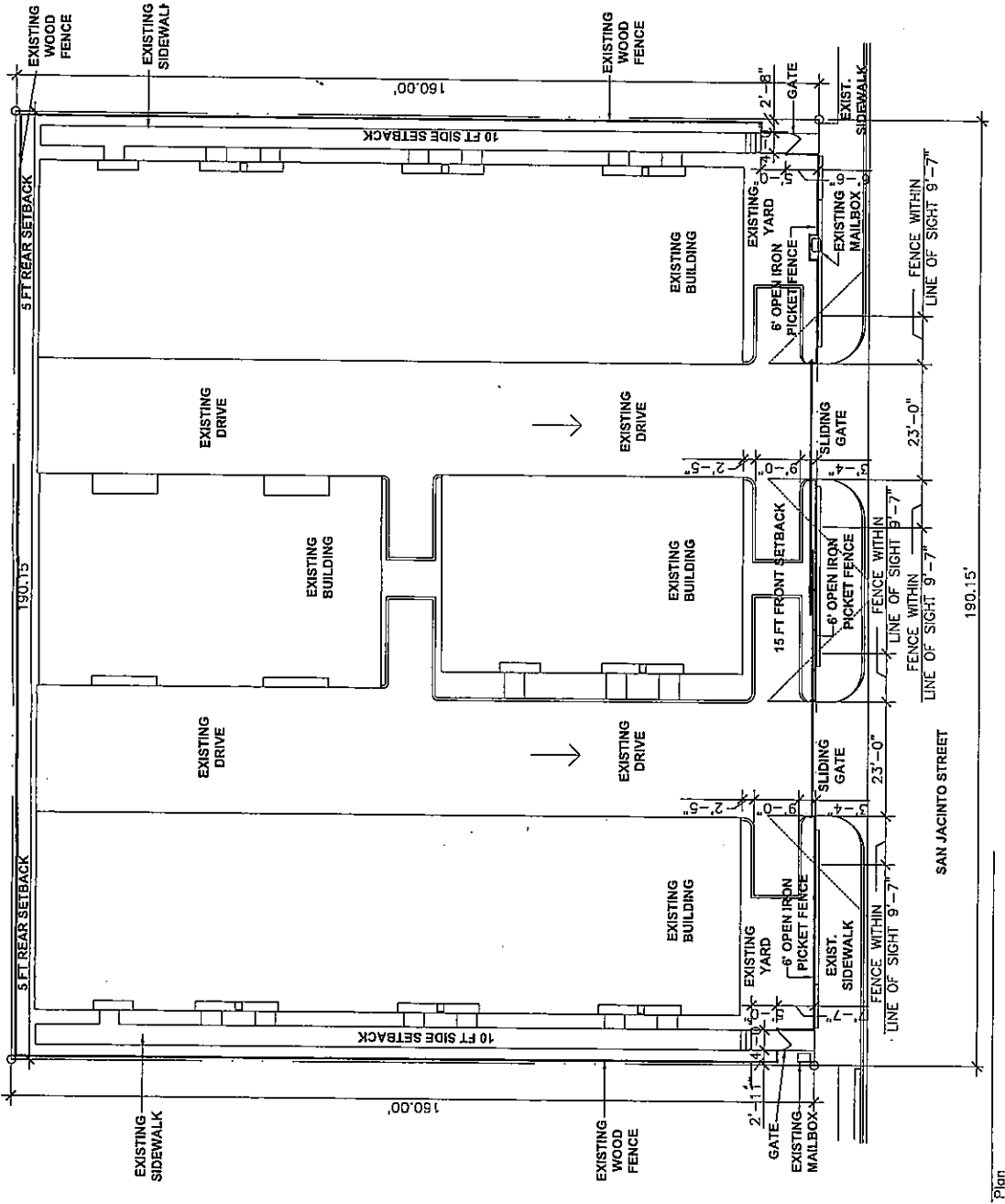


ZONING: PD 286 BRYAN AREA, SUBAREA 8
 FRONT YARD: 5' MINIMUM
 SIDE YARD: NONE REQUIRED, 10' MINIMUM IF PROVIDED
 REAR YARD: 5' MINIMUM

Street Elevation

SAN JACINTO LOFT TOWNHOMES - PROPOSED FENCE
Dallas, Texas

SCALE: 1"=20'-0"
 January 26, 2011



Plan

SAN JACINTO LOFT TOWNHOMES - PROPOSED FENCE
 Dallas, Texas

City of Dallas

The drawings have been revised since the last meeting, below are the changes that have been made to accommodate the concerns that have come up.

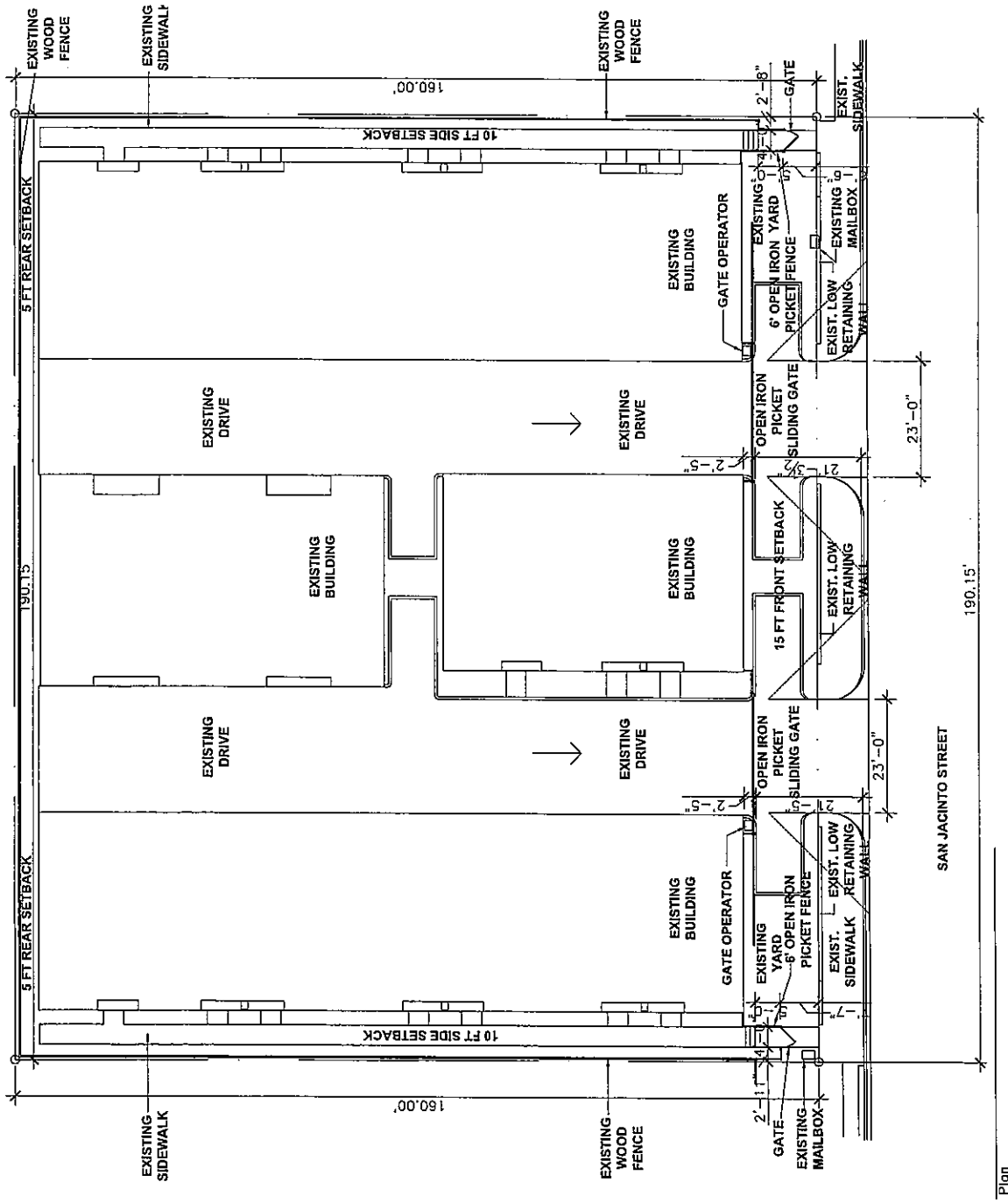
The changes made are as follows:

1. We have moved back both slide gates up to the building to keep them out of the drive area. The gates are now roughly 24' set back from back of curb. This should take care of the Traffic engineers concern for the street traffic. Moving the gates back up against the building will not interfere with the 4 existing parking spots.
2. We've eliminated majority of the fencing on the property (see elevation drawings), we've taken out the fencing in the center section as well as on the left and right hand of the property. We did this to accommodate the 4 parking spots on the property at the street.
3. We've kept the fencing section on the left and right hand of the property to allow for the man gates at these 2 locations. The location of the fencing now will not be in the required front yard area and hence no longer a need for a special exception to the fence height regulations.

Per these changes there isn't any permanent fence/gate items that will be in the visibility triangle other than possibly vehicles parked in the parking spots.

Sincerely

Shaun Feltner
HOA President

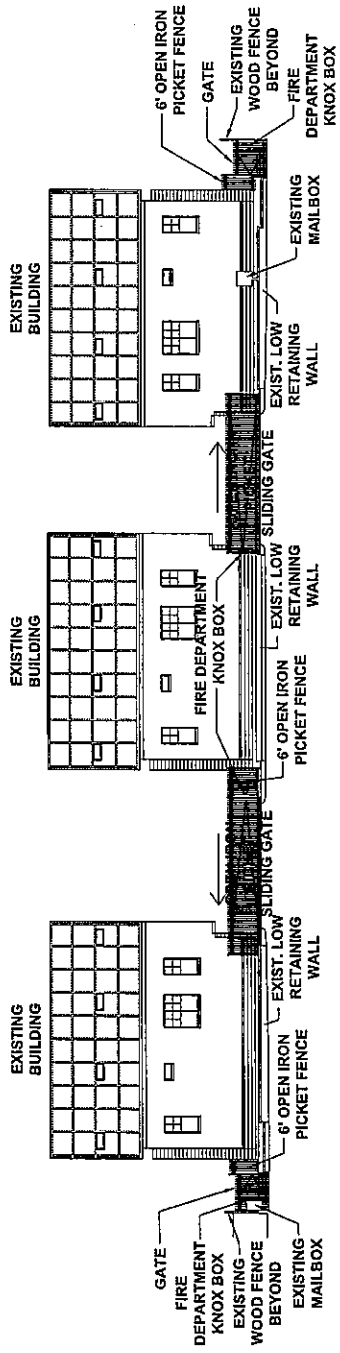


Plan

SAN JACINTO LOFT TOWNHOMES - PROPOSED FENCE
Dallas, Texas

BDA101-063
 Attach C
 pg 3

SCALE: 1" = 20'-0"
 September 1, 2011



ZONING: PD 298 BRYAN AREA, SUBAREA 8
 FRONT YARD: 5' MINIMUM
 SIDE YARD: NONE REQUIRED, 10' MINIMUM IF PROVIDED
 REAR YARD: 5' MINIMUM

Street Elevation

SAN JACINTO LOFT TOWNHOMES - PROPOSED FENCE
 Dallas, Texas



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-063

Date: 5/2/11

Data Relative to Subject Property:

Location address: 3821 San Jacinto St. Zoning District: PD298(sub 28)

W.D. T.C.

Lot No.: 23 Block No.: 641 Acreage: .119 Census Tract: 16.00

SA or PA

Street Frontage (in Feet): 1) 190' 2) 3) 4) 5)

SE 27

To the Honorable Board of Adjustment :

Owner of Property/or Principal: San Jacinto Lofts

Applicant: Shawn Feltner Telephone: 972 989 6253

Mailing Address: 1610 Tribeca Way Zip Code: 75204

Represented by: Telephone:

Mailing Address: Zip Code:

Affirm that a request has been made for a Variance or Special Exception of visibility through at driveway and special exceptions of 2' to the fence height in the 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:

The fence will not affect neighboring properties in anyway. The fence is a wrought iron scroll style fence it will not interfere with any vision while pulling into the street. This special exception being granted will also help with the concerns for security and safety of the property.

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: Shawn Feltner Applicant's name printed [Signature] Applicant's signature

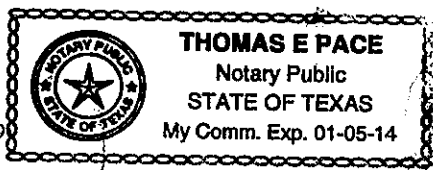
Affidavit

Before me the undersigned on this day personally appeared SHAWN FELTNER 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 2 day of May, 2-11

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



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that **SHAUN FELTNER**
did submit a request for a special exception to the visibility obstruction regulation, and for a
special exception to the fence height regulation
at 3821 San Jacinto Street

BDA101-063. Application of Shaun Feltner for a special exception to the visibility obstruction regulation and the fence height regulation at 3821 San Jacinto Street. This property is more fully described as Lot 23 in city block 641 and is zoned PD-298 (Subarea 8), which requires a 20 foot visibility triangle at driveway approaches and limits all residential uses to a maximum 4 foot fence height in the required front yard. The applicant proposes to construct a fence in required visibility obstruction triangles which will require a special exception to the visibility obstruction regulation and erect a 6 foot high fence in the required front yard which will require a 2 foot special exception to the fence height regulation.

Sincerely,

Batsheba Antebi
Batsheba Antebi, Building Official

OT 2
 K 1/642
 SUBDIVISION OF
 CK 642
 7, PG. 361
 D.C.T.

LOT 21
 BLOCK 1/642
 W.H. KNOX'S SUBDIVISION OF
 BLOCK 642
 VOL. 277, PG. 361
 M.R.D.C.T.

T 1
 1/642
 SUBDIVISION OF
 K 642
 , PG. 361
 D.C.T.

R US, INC.
 , PG. 2992
 D.C.T.

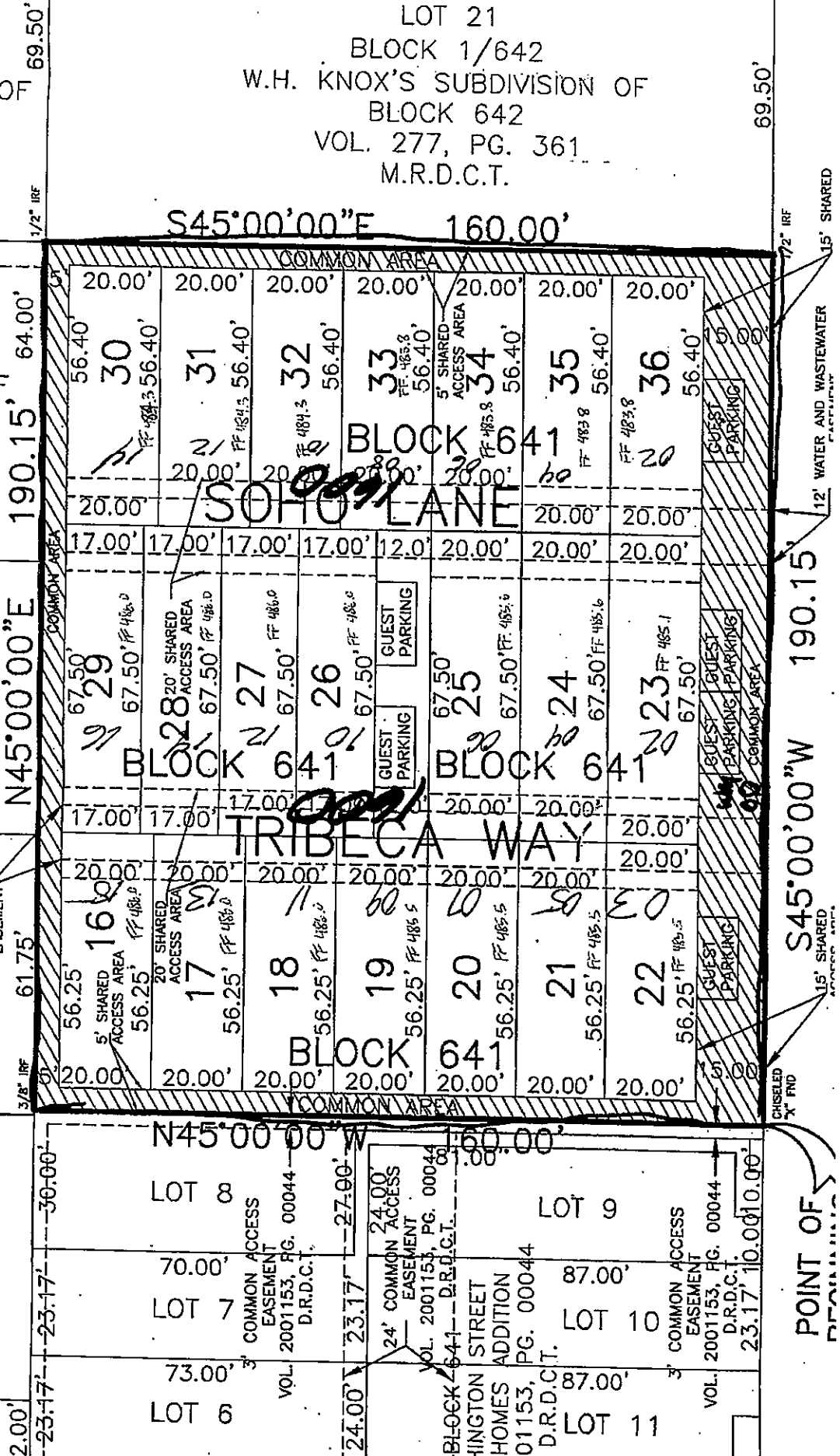
CT 4
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R US, INC.
 , PG. 2992
 D.C.T.

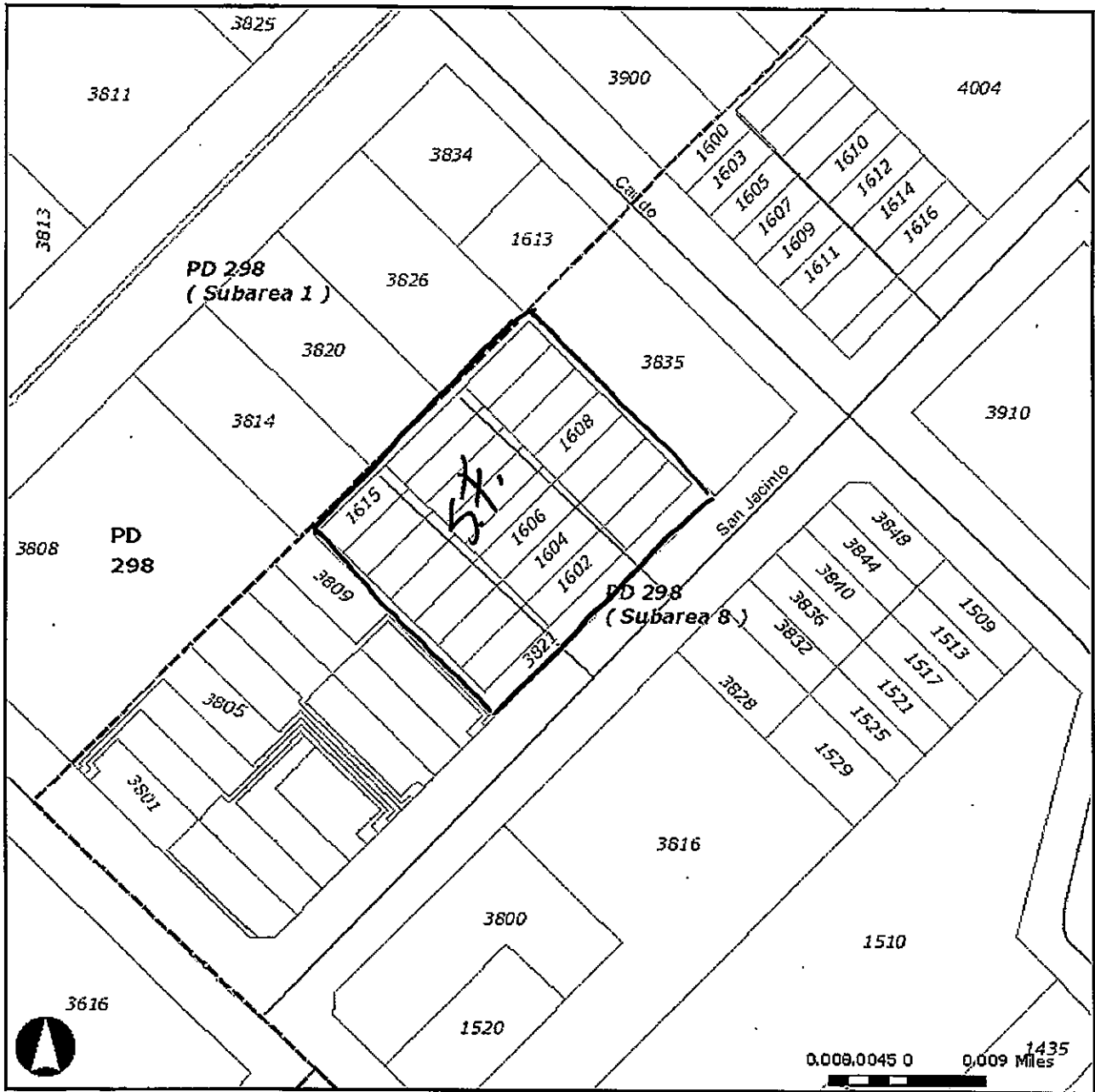
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641
 ENTS, LTD.
 PG. 2514
 C.T.

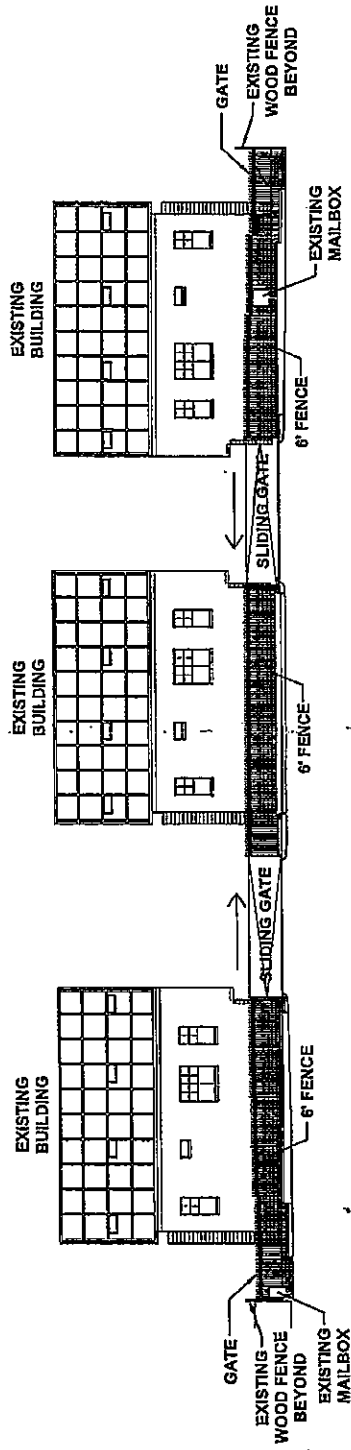
2
 145.00'
 50.00'
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City of Dallas Zoning

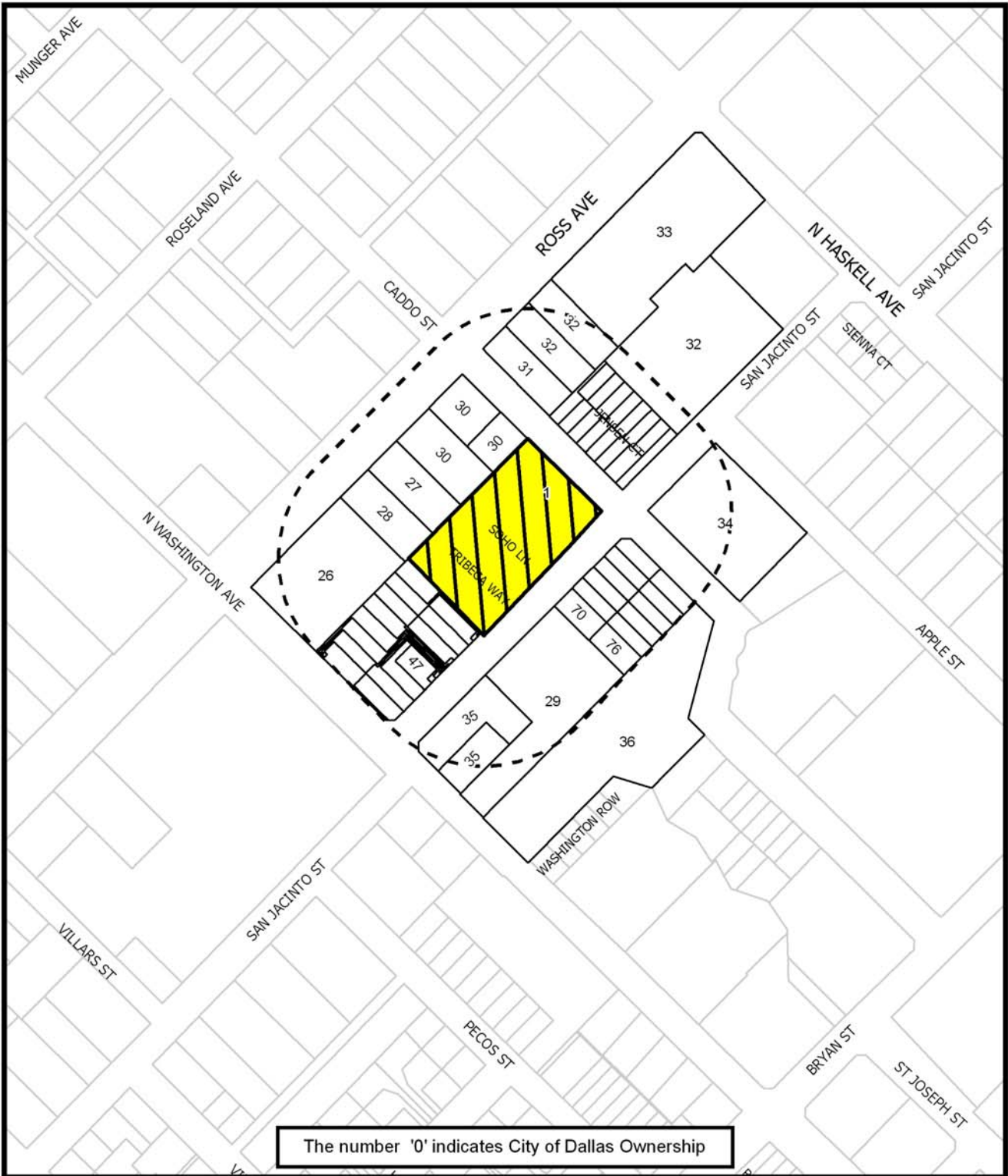


- | | | |
|-------------------|-----------------------|-------------------------|
| City Boundaries | SUP | PD193 Oak Lawn |
| County | Dry Overlay | PDS Subdistricts |
| Certified Parcels | D | Base Zoning |
| DISD Sites | D-1 | Pedestrian Overlay |
| Council Districts | Historic Overlay | CP |
| Waterways | Historic Subdistricts | SP |
| | NSO Overlay | Environmental Corridors |



ZONING: PD 288 BRYAN AREA, SUBAREA 8
FRONT YARD: 5' MINIMUM
SIDE YARD: NONE REQUIRED, 10' MINIMUM IF PROVIDED
REAR YARD: 5' MINIMUM

Street Elevation



The number '0' indicates City of Dallas Ownership



1:2,400

NOTIFICATION

200'

AREA OF NOTIFICATION

76

NUMBER OF PROPERTY OWNERS NOTIFIED

Map no: I-7, I-8

Case no: BDA101-063

DATE: July 19, 2011

Notification List of Property Owners

BDA101-063

76 Property Owners Notified

Label #	Address	Owner
1	3835 SAN JACINTO	SAN JACINTO CADDO LTD
2	3817 SAN JACINTO	SAN JACINTO URBAN LOFTS
3	3821 SAN JACINTO	SAN JACINTO URBAN LOFTS LP
4	3809 SAN JACINTO	ANGLIN RONALD G
5	1615 TRIBECA WAY	MCGILVREY ROBERT D & MELISSA M
6	1613 TRIBECA WAY	DAWKINS LASHEY
7	1611 TRIBECA WAY	MAE FANNIE
8	1609 TRIBECA WAY	TING SING TOH
9	1607 TRIBECA WAY	CANFIELD RYAN
10	1605 TRIBECA WAY	BOLIN KYLA
11	1603 TRIBECA WAY	DAVIS ERIC W
12	1602 TRIBECA WAY	ISKANDER JOHN H
13	1604 TRIBECA WAY	LEE JINEI
14	1606 TRIBECA WAY	ARAIZA OSCAR A
15	1610 TRIBECA WAY	FELTNER ISABELA
16	1612 TRIBECA WAY	HARTWIG BONNIE BOSE
17	1614 TRIBECA WAY	WHEELER DEONDRA L
18	1616 TRIBECA WAY	BRIGGS JOHN
19	1614 SOHO	FEDERAL NATL MTG ASSOC
20	1612 SOHO	LEIGHTON KIMBERLY J
21	1610 SOHO	DELGADO RICHARD A III
22	1608 SOHO	SANCHEZ CHRISTIAN
23	1606 SOHO	PATEL RUPAL
24	1604 SOHO	AGGEN GEORGE T
25	1602 SOHO	VILICANA JOSE RAMOS & ISMAEL RAMOS
26	3808 ROSS	JCJ INVESTMENTS LTD % JEWELL JOYCE
27		3820 ROSS TAN GEORGE ESTATE OF
28	3814 ROSS	ELDEN GORDON W
29	3816 SAN JACINTO	HECHO WORLD WIDE INC

30	3834	ROSS	SARKIS J KECHEJIAN TRUST
31	3900	ROSS	OUTLAW DR MARY K
32	4004	ROSS	ROSS AVE WAREHOUSE LP STE 300
33	4004	ROSS	ROSS AVE RETAIL LLC ATTN DAVID E CLAASSEN
34	3910	SAN JACINTO	AT & T CORP
35	3800	WASHINGTON	AKP REALTY LLC
36	1510	WASHINGTON	CADDO WASHINGTON DEVELOPMENT LLC SUITE 230
37	3801	SAN JACINTO	IRVIN GILBERT
38	3805	SAN JACINTO	HUSSEINI RAWAN M UNIT A
39	3805	SAN JACINTO	LAMBETH ERIC
40	3805	SAN JACINTO	MARSHALL WILLIAM UNIT C
41	3805	SAN JACINTO	ATRASH AMER H APT D
42	3805	SAN JACINTO	RAUSCH ERIC T
43	3809	SAN JACINTO	SPERLICH ROLAND
44	3809	SAN JACINTO	DOYLE ARICK & KARLA CONTRERAS
45	3809	SAN JACINTO	MCCORD SHANNON
46	3809	SAN JACINTO	GRAYSON ERIC
47	3801	SAN JACINTO	WEBSTER TIMOTHY P & JULIE WEBSTER
48	3801	SAN JACINTO	CURTIS BEN E III
49	3801	SAN JACINTO	CRAWFORD CARRELL & NORA # C
50	3801	SAN JACINTO	JOHNSON STEVEN S & JULIE
51	1600	CADDO	SAN JACINTO URBAN LOFTS STE 350
52	1616	JENSEN	FANNIE MAE
53	1614	JENSEN	LEAL BENJAMIN JESUS &
54	1612	JENSEN	HEMMI CHRISTINE
55	1610	JENSEN	KUZOV ALFRED & CANDICE KUZOV
56	1606	JENSEN	KOHLI RAJAN S
57	1604	JENSEN	LEWIS BILLY C
58	1602	JENSEN	FIDLER JAMES
59	1613	JENSEN	PIONTKOWSKY DAVID
60	1611	JENSEN	HYDE CHRISTOPHER LEE & SARAH DAWN
61	1609	JENSEN	RODI NICOLE
62	1607	JENSEN	CASTELLANOS LUIS A

63	1605	JENSEN	LEPORI LISA
64	1603	JENSEN	STOCKMOE ELIZABETH D
65	3848	SAN JACINTO	SKINNER CLARISSA RENEE & CHARLES W BRANHAM III
66	3844	SAN JACINTO	SPENCE DAVID A &
67	3840	SAN JACINTO	DOUGLAS LANCE
68	3836	SAN JACINTO	CHAN TEE
69	3832	SAN JACINTO	FRANKOVICH DAVID R
70	3828	SAN JACINTO	ERVIN CHRISTOPHER ESPINOZA
71	1509	CADDO	HOOPS HALEY S
72	1513	CADDO	PROTHRO KATHRYN REAGAN
73	1517	CADDO	LARSON GEORGE D TR
74	1521	CADDO	FOLLOWILL MARK D
75	1525	CADDO	ZUCHOWSKI MICHAEL L
76	1529	CADDO	BRAZILL JEFFREY D &