

NOTICE FOR POSTING
MEETING OF
BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, FEBRUARY 19, 2014

Briefing:	11:30 A.M.	L1FN CONFERENCE CENTER AUDITORIUM
Public Hearing:	1:00 P.M.	L1FN CONFERENCE CENTER AUDITORIUM

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

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

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

02-19-2014

ZONING BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, FEBRUARY 19, 2014
AGENDA

BRIEFING	ROOM L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET	11:30 A.M.
PUBLIC HEARING	ROOM L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET	1:00 P.M.

Neva Dean, Interim Assistant Director
Steve Long, Board Administrator

MISCELLANEOUS ITEM

Approval of the Wednesday, January 22, 2014 Board of Adjustment Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA 134-009	4202 Bretton Bay Lane REQUEST: Application of Michael Spero for special exceptions to the fence height and visual obstruction regulations	1
BDA 134-016	6520 Kenwood Avenue REQUEST: Application of Philip Charles Piccola for a special exception to the side yard setback regulations for a carport	2

REGULAR CASE

BDA 134-019	6965 Abbey Court REQUEST: Application of Lou Olerio, represented by Steven Wood, for a special exception to the fence height regulations and a variance to the front yard setback regulations	3
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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. 6-24-12)

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel B January 22, 2014 public hearing minutes.

FILE NUMBER: BDA 134-009

BUILDING OFFICIAL'S REPORT: Application of Michael Spero for special exceptions to the fence height and visual obstruction regulations at 4202 Bretton Bay Lane. This property is more fully described as Lot 1, Block C/8705, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at drive approaches. The applicant proposes to construct and/or maintain a 7 foot 6 inch high fence which will require a special exception of 3 feet 6 inches 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: 4202 Bretton Bay Lane

APPLICANT: Michael Spero

REQUESTS:

The following appeals have been made on a site that is currently developed with a single family home/use:

1. A request for a special exception to the fence height regulations of 3' 6" is made in conjunction with maintaining a 6' high open iron picket fence with 6' 4" high posts and a 6' high open iron picket gate with one 89" high (or 7' 4" high) gate post in one of the site's two 25' front yard setbacks - Voss Road.
2. Requests for special exceptions to the visual obstruction regulations are made in conjunction with maintaining portions of the open iron picket fence/gate and metal posts in the 20' visibility triangles on either side of the driveway into the site from Voss Road.

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.

STAFF RECOMMENDATION (fence height):

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

STAFF RECOMMENDATION (visual obstruction):

Approval, subject to the following condition:

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

Rationale:

- The Sustainable Development and Construction Department Senior Engineer has indicated that he has no objections to these requests.
- The applicant has substantiated how the location of portions of the existing open iron picket fence and gate located in the 20' visibility triangles on either side of the driveway into the site from Voss Road does not constitute a traffic hazard.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

The subject site is developed with a single family home. The areas to the north, 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:

December 18, 2013: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

January 15, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

January 15, 2014: The Board Administrator emailed the following information to the applicant:

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

February 4, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Interim Assistant Director, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Engineer, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.

February 6, 2014: The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet regarding the applicant's request for a special exception to the visual obstruction regulations marked "Has no objections."

GENERAL FACTS/STAFF ANALYSIS (fence height):

- This request focuses on maintaining a 6' high open iron picket fence with 6' 4" high posts and a 6' high open iron picket gate with one 89" high (or 7' 4" high) gate post in one of the site's two 25' front yard setbacks - Voss Road.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.

- The site is located at the southeast corner of Bretton Bay Lane and Voss Road. The site has a 25' front yard setback along Bretton Bay Lane, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in a single-family zoning district. The site also has a 25' front yard setback along Voss Road, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where only a 5' setback is required. But the site's Voss Road frontage is a side yard treated as a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lots developed with single family homes south of the site that front/are oriented westward towards Voss Road. Regardless of how the existing home is oriented to front onto Bretton Bay Lane (and to "side" to Voss Road), the site has two 25' front yard setbacks where the focus of the applicant's request in this application is only to maintain a fence higher than 4' in the site's front yard setback on Voss Road. No part of the application is made to address any fence in the site's Bretton Bay Lane front yard setback.
- The applicant has submitted a site plan and a partial elevation of the proposal in the front yard setback that reaches a maximum height of 89" or 7' 4".
- The following additional information was gleaned from the submitted site plan:
 - The proposal is represented as being approximately 90' in length parallel to the Voss Road and approximately 21' in length perpendicular to Voss Road on the north and south sides of the site in the Voss Road front yard setback.
 - The proposal is represented as being located approximately 4' from the property line or about 16' from the Voss Road pavement line.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences above 4 feet high which appeared to be located in a front yard setback.
- Two homes front the proposal neither of which have fences in their front yards.
- As of February 10, 2014, 8 letters have been submitted in support of the application and no letters have been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 3' 6" will not adversely affect neighboring property.
- Granting this special exception of 3' 6" with a condition imposed that the applicant complies with the submitted site plan and partial elevation would require the proposal exceeding 4' in height in the front yard setback to be maintained in the location and of the heights and materials as shown on these documents.

GENERAL FACTS/STAFF ANALYSIS (visual obstruction):

- These requests focus on maintaining portions 6' high open iron picket fence with 6' 4" high posts and a 6' high open iron picket gate with one 89" high (or 7' 4" high) gate post in the 20' visibility triangles on either side of the driveway into the site from Voss Road.

- The Dallas Development Code states the following: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections, and 20 foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
 - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- A site plan and partial elevation has been submitted indicating portions of 6' high open iron picket fence with 6' 4" high posts and a 6' high open iron picket gate with one 89" high (or 7' 4" high) gate post in the 20' visibility triangles on either side of the driveway into the site from Voss Road.
- The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet regarding the applicant's request for a special exception to the visual obstruction regulations marked "Has no objections."
- The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations to maintain portions of 6' high open iron picket fence with 6' 4" high posts and a 6' high open iron picket gate with one 89" high (or 7' 4" high) gate post in the two 20' visibility triangles on either side of the driveway into the site from Voss Road does not constitute a traffic hazard.
- Granting these requests with a condition imposed that the applicant complies with the submitted site plan and partial elevation would require the items (a 6' high open iron picket fence with 6' 4" high posts and a 6' high open iron picket gate with one 89" high gate post in the 20' visibility triangles on either side of the driveway into the site from Voss Road) to be limited to and maintained in the locations, height and materials as shown on these documents.

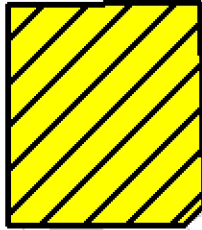
HIGH STAR LN

BRETTON BAY LN

BRETTON BAY CIR

R-7.5(A)

VOSS RD



1:1,200

ZONING MAP

Case no: BDA134-009

Date: 1/24/2014



1:1,200

AERIAL MAP

Case no: BDA134-009

Date: 1/24/2014



B

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-009

Data Relative to Subject Property:

Date: 12-18-13

Location address: 4202 Bretton Bay Ln

Zoning District: R-7.5(A)

Lot No.: 2 Block No.: C18705 Acreage: .28

Census Tract: 317.04

Street Frontage (in Feet): 1) 105 2) 120 3) _____ 4) _____ 5) _____

NEIR

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Michael Sperru & Julie Sperru

Applicant: Michael Sperru Telephone: 972-333 3499

Mailing Address: 4202 Bretton Bay Ln Zip Code: 75287

E-mail Address: mikeenorris7.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance _____, or Special Exception of 3 Foot Corn
The Fence Gate has one post that stands 39 in Tall
in a front yard, and visibility triangle @ driveway

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

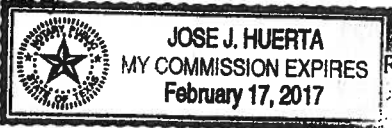
Although the fence is located on a corner lot Voss is not a main street w/ a lot of traffic. The fence is wrought iron & you can see through it in all directions. Being that it is wrought iron there are no visible obstructions at the corner of Voss and Bretton Bay you can clearly see all traffic coming from the north. The enclosed gated driveway is private w/ no public alley access. From the driveway you can clearly see all North/Southbound traffic 20ft's beyond, and all Sideways are 100% visible in both directions

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

Affidavit

Before me the undersigned on this day personally appeared Mike Sperru
(Affiant/Applicant's name printed)

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



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

Subscribed and sworn to before me this 17th day of December, 2013

[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 MIKE SPERO

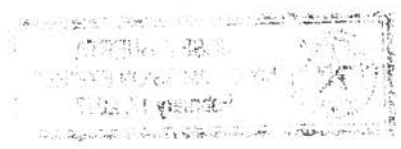
did submit a request for a special exception to the visibility obstruction regulations, and for a special exception to the fence height regulations

at 4202 Bretton Bay Lane

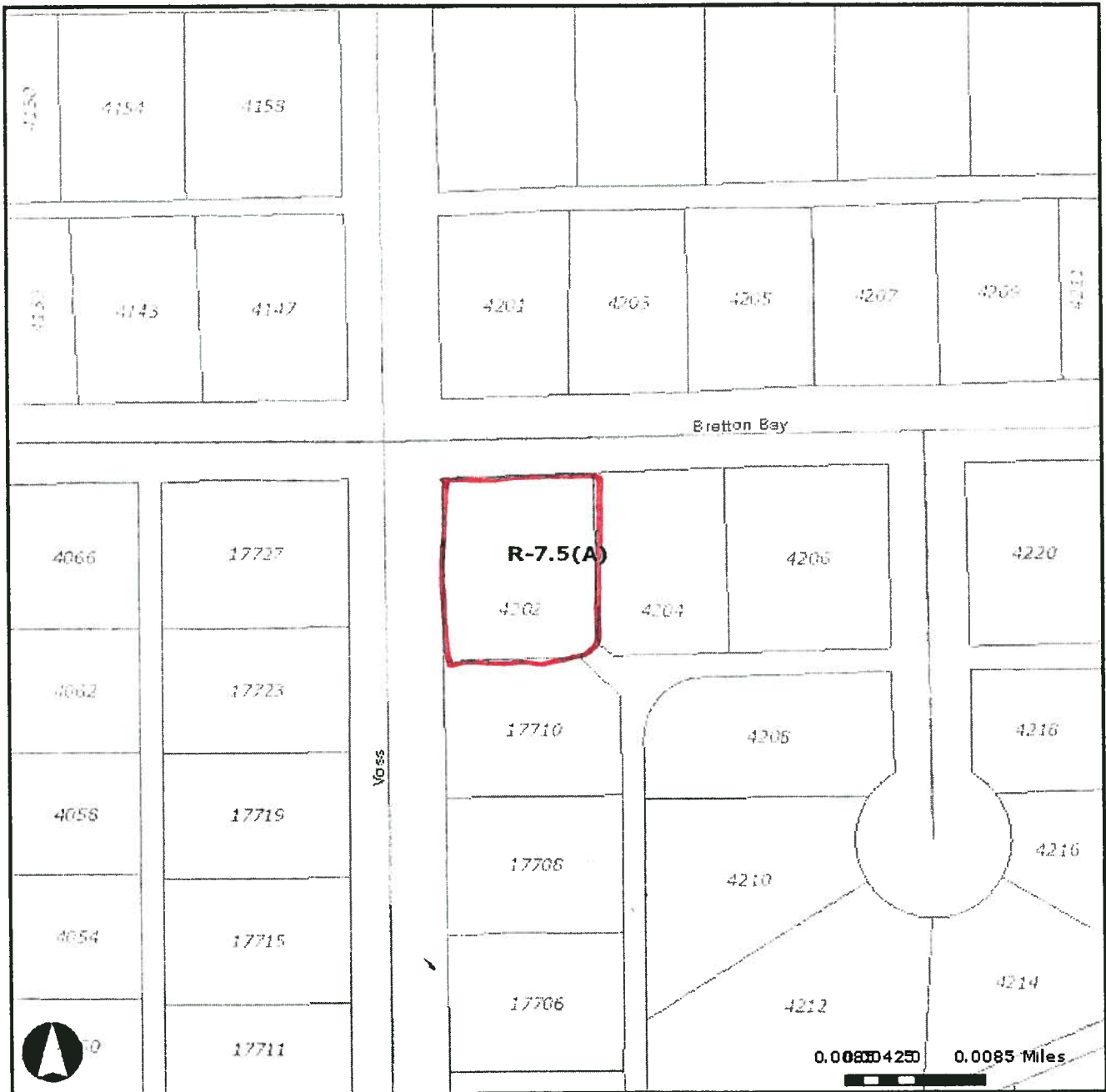
BDA134-009. Application of Mike Spero for a special exception to the visibility obstruction regulations and a special exception to the fence height regulations at 4202 Bretton Bay Lane. This property is more fully described as Lot 1, Block C/8705, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct and maintain a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation, and to construct a 7 foot inch high fence in a required front yard, which will require a 3 foot 6 inch special exception to the fence regulation.

Sincerely,

Larry V. Holmes
Larry Holmes, Building Official








City of Dallas Zoning








Address Candidates

-  City Boundaries
-  County
-  Certified Parcels
-  DISD Sites

SUP

-  Dry Overlay
-  D
-  D-1
-  Historic Overlay
-  Historic Subdistricts

PDS Subdistricts

-  Base Zoning
-  Floodplain
-  100 Flood Zone
-  Mill's Creek
-  Peak's Branch



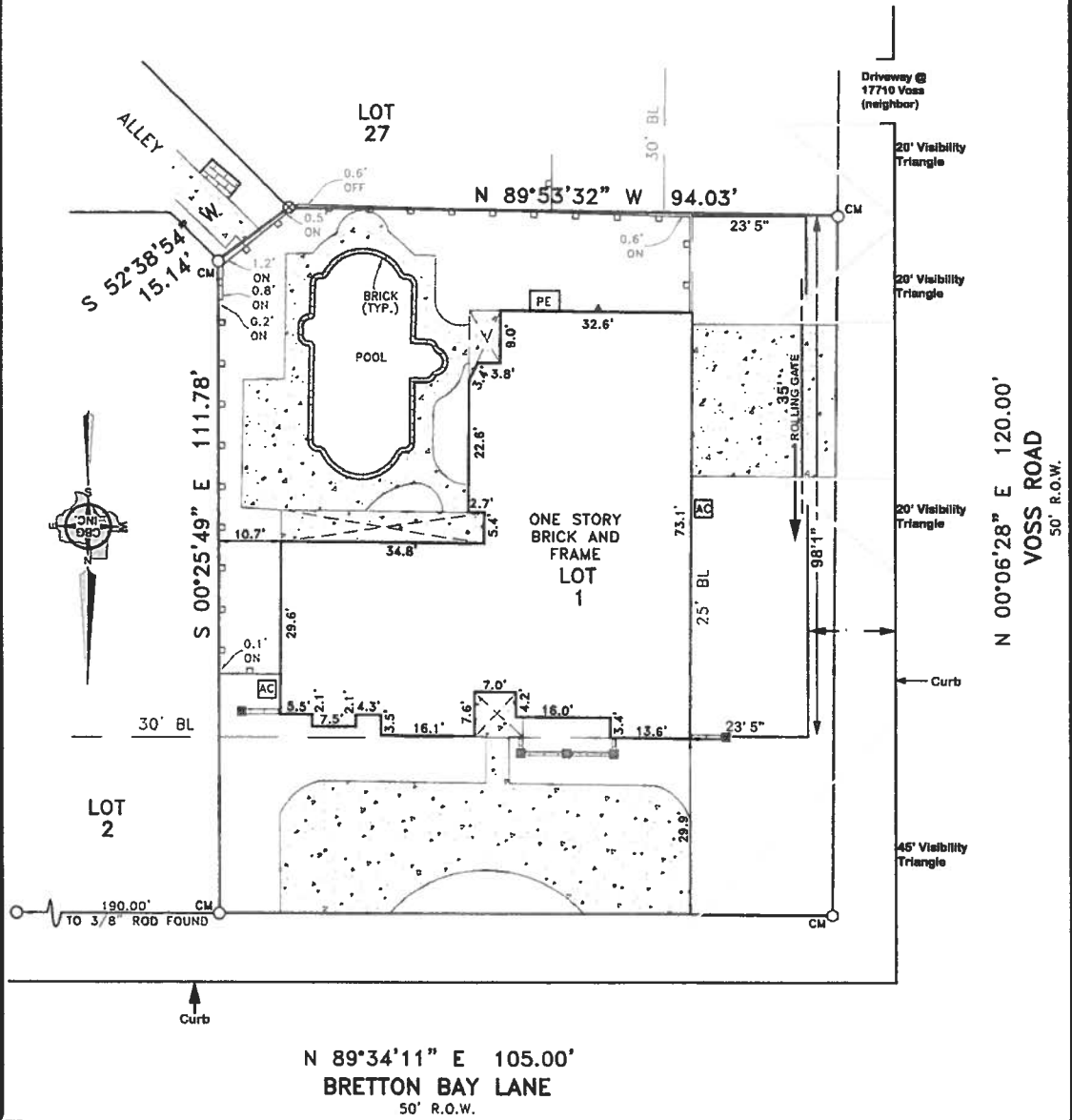
4202 Bretton Bay Lane

Being Lot 1, in Block C/8705, of Bent Tree West, Phase I, an Addition to the City of Dallas, formerly Renner, Texas, according to the Revised Map thereof recorded in Volume 12, Page 118, Map Records of Collin County, Texas.



LEGEND

- 5/8" ROD FOUND
- ⊙ 1/2" ROD SET
- 1/2" ROD FOUND
- ⊗ "x" FOUND/SET
- ◆ 60d NAIL FOUND
- FENCE POST FOR CORNER
- CM CONTROLLING MONUMENT
- AC AIR CONDITIONER
- PE POOL EQUIPMENT
- T TRANSFORMER PAD
- COLUMN
- POWER POLE
- ▲ UNDERGROUND ELECTRIC
- △ OVERHEAD ELECTRIC
- OHP— OVERHEAD ELECTRIC POWER
- OES— OVERHEAD ELECTRIC SERVICE
- CHAIN LINK
- WOOD FENCE 0.5' WIDE TYPICAL
- WOOD FENCE POST ONLY
- I — IRON FENCE
- X — BARBED WIRE
- EDGE OF ASPHALT
- EDGE OF GRAVEL
- CONCRETE
- COVERED AREA
- FENCE



EXCEPTIONS:

NOTE: PROPERTY SUBJECT TO TERMS, CONDITIONS, AND EASEMENTS CONTAINED IN INSTRUMENT RECORDED IN VOL. 888, PG. 776; VOL. 12, PG. 118

NOTES:

BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.

FLOOD NOTE: According to the F.I.R.M. No. 48085C0480J, this property does lie in Zone X and does not lie within the 100 year flood zone.

This survey is made in conjunction with the information provided by Stewart Title. Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. This is to certify that I have on this date made a careful and accurate survey on the ground of the subject property. The plat hereon is a correct and accurate representation of the property lines and dimensions as indicated; location and type of buildings as shown; and EXCEPT AS SHOWN, there are no visible and apparent encroachments or protrusions on the ground.

Date: _____ Accepted by: _____
 Purchaser
 Purchaser

Drawn By: BRD
 Scale: 1" = 20'
 Date: 06/04/13
 GF No.: 11306564
 Job No. 1303119-1

C.B.G. Surveying, Inc.
 12025 Shiloh Road, Ste. 250
 Dallas, TX 75228
 P 214.349.9485
 F 214.349.2216
 www.cbqdfw.com

Bryan Connolly
 BRYAN CONNOLLY
 REG. NO. 5513



4202 Bretton Bay Lane

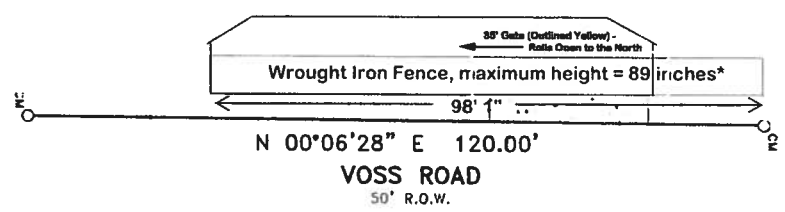
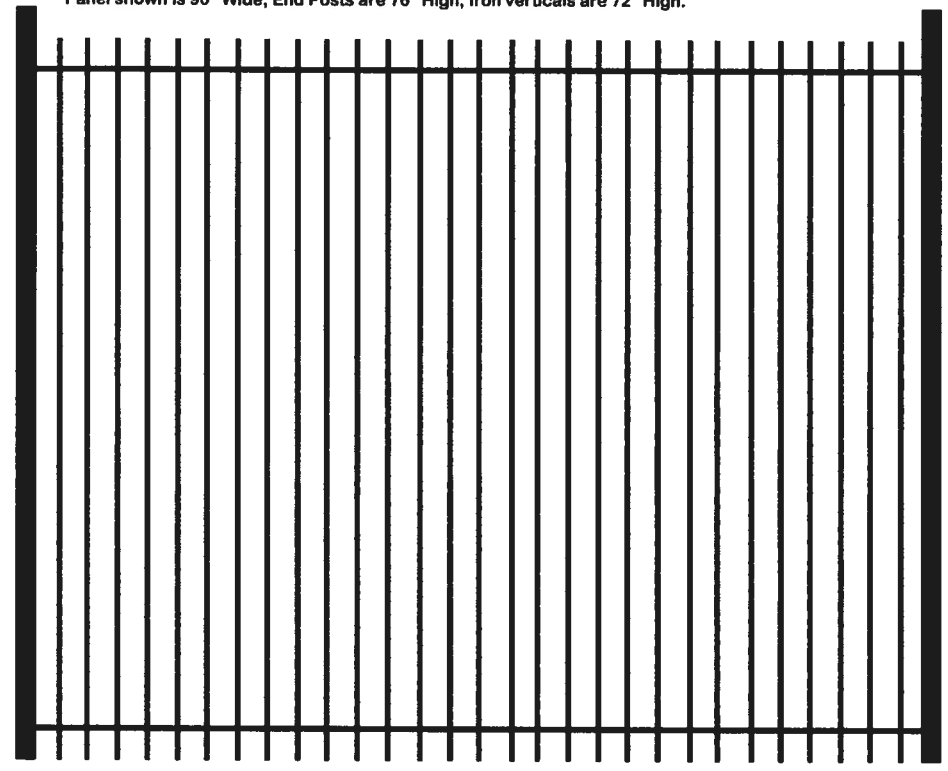
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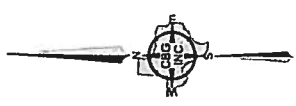
- LEGEND**
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 - WOOD FENCE POST ONLY
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 - X— BARBED WIRE
 - EDGE OF ASPHALT
 - ▲ EDGE OF GRAVEL
 - CONCRETE
 - COVERED AREA

Typical Fence Panel - Drawn at 1"=1' scale:

Panel shown is 90" Wide, End Posts are 76" High, Iron verticals are 72" High.



* 1 gate post at the left side of the driveway is 89" Tall. The maximum height on the fence is 76".
 Wrought iron verticals are 1/2" wide, spaced 4" apart, which affords visibility through the fence.
 Length of the fence = 98' 1".



EXCEPTIONS:

NOTE: PROPERTY SUBJECT TO TERMS, CONDITIONS, AND EASEMENTS CONTAINED IN INSTRUMENT RECORDED IN VOL. 988, PG. 776; VOL. 12, PG. 118

Accepted by: _____
 Purchaser

Date: _____
 Purchaser

NOTES:

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Drawn By: BRD

Scale: 1" = 20'

Date: 06/04/13

GF No.: 11306564

Job No. 1303119-1

C.B.G. Surveying, Inc.
 12025 Shiloh Road, Ste. 230
 Dallas, TX 75228
 P 214.349.9485
 F 214.349.2216
 www.cbqdfw.com

Bryan Conally
 BRYAN CONALLY
 S.P.S. NO. 5513

Date 12-25-13

I, (print name) Jake & Lori Jenkins,

wish to allow this letter to serve as my statement regarding the fence recently installed at: 4202 Bretton Bay Lane, Dallas, Texas, 75287.

I do not find the fence to obstruct my view or ability to walk the sidewalk on Voss Rd, Bretton Bay Lane or any other direction. I also do not find the fence offensive in its appearance or height. I would find it only fair to allow the residents to keep their fence at the current height as it allows their children and dog, as well as many neighborhood children, to safely play along the side of their house.

Signature: 

Address: 4203 Bretton Bay Ln.
Dallas TX 75287

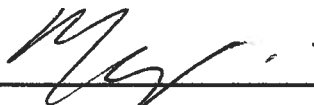
Additional comments:

Date 12.3.13

I, (print name) Rob Crump

wish to allow this letter to serve as my statement regarding the fence recently installed at: 4202 Bretton Bay Lane, Dallas, Texas, 75287.

I do not find the fence to obstruct my view or ability to walk the sidewalk on Voss Rd, Bretton Bay Lane or any other direction. I also do not find the fence offensive in its appearance or height. I would find it only fair to allow the residents to keep their fence at the current height as it allows their children and dog, as well as many neighborhood children, to safely play along the side of their house.

Signature: 

Address: 17710 Voss
Dallas, TX 75287

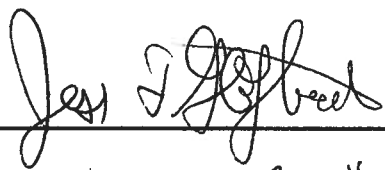
Additional comments:

Date 12/3/13

I, (print name) Jess G Lotzbech,

wish to allow this letter to serve as my statement regarding the fence recently installed at: 4202 Bretton Bay Lane, Dallas, Texas, 75287.

I do not find the fence to obstruct my view or ability to walk the sidewalk on Voss Rd, Bretton Bay Lane or any other direction. I also do not find the fence offensive in its appearance or height. I would find it only fair to allow the residents to keep their fence at the current height as it allows their children and dog, as well as many neighborhood children, to safely play along the side of their house.

Signature: 

Address: 4222 Bretton Bay Ln
Dallas, TX 75287

Additional comments:

Date 12-3-13

I, (print name) Justin Godsey & Robyn Hennegan,
wish to allow this letter to serve as my statement regarding the fence
recently installed at: 4202 Bretton Bay Lane, Dallas, Texas, 75287.

I do not find the fence to obstruct my view or ability to walk the
sidewalk on Voss Rd, Bretton Bay Lane or any other direction. I also do
not find the fence offensive in its appearance or height. I would find it
only fair to allow the residents to keep their fence at the current height
as it allows their children and dog, as well as many neighborhood
children, to safely play along the side of their house.

Signature: Justin Godsey

Address: 4205 Bretton Bay Ln.
Dallas, TX 75287

Additional comments:

I frequent this intersection and do not
see the fence as a problem nor does it obstruct
my view of traffic.

Date 12/2/13

I, (print name) Scott Beres

wish to allow this letter to serve as my statement regarding the fence recently installed at: 4202 Bretton Bay Lane, Dallas, Texas, 75287.

I do not find the fence to obstruct my view or ability to walk the sidewalk on Voss Rd, Bretton Bay Lane or any other direction. I also do not find the fence offensive in its appearance or height. I would find it only fair to allow the residents to keep their fence at the current height as it allows their children and dog, as well as many neighborhood children, to safely play along the side of their house.

Signature: 

Address: 4207 Bretton Bay Ln

Additional comments:

Date 12/3/13

I, (print name) Jeanne Moore,
wish to allow this letter to serve as my statement regarding the fence
recently installed at: 4202 Bretton Bay Lane, Dallas, Texas, 75287.

I do not find the fence to obstruct my view or ability to walk the
sidewalk on Voss Rd, Bretton Bay Lane or any other direction. I also do
not find the fence offensive in its appearance or height. I would find it
only fair to allow the residents to keep their fence at the current height
as it allows their children and dog, as well as many neighborhood
children, to safely play along the side of their house.

Signature: Jeanne Moore

Address: 4204 Bretton Bay Lane
Dallas, Tx
75287

Additional comments:

Safety and home improvement should be
encouraged . . . not penalized!
Fence is an addition that in no way
detracts from traffic safety.

Date 12/2/13

I, (print name) Bob + Carolyn Wirth
wish to allow this letter to serve as my statement regarding the fence recently installed at: 4202 Bretton Bay Lane, Dallas, Texas, 75287.

I do not find the fence to obstruct my view or ability to walk the sidewalk on Voss Rd, Bretton Bay Lane or any other direction. I also do not find the fence offensive in its appearance or height. I would find it only fair to allow the residents to keep their fence at the current height as it allows their children and dog, as well as many neighborhood children, to safely play along the side of their house.

Signature: Carolyn Wirth Robert Wirth

Address: 4201 Bretton Bay Ln
Dallas 75287

Additional comments:

I live across the street at 4201 Bretton Bay Lane. Actually I feel that the wrought iron fence improved the property at 4202 Bretton Bay Lane. In addition, the homeowner was simply attempting to be able to use side yard space for a place for his children to play. The fence does not obstruct the view of any vehicles that attempt to turn onto Voss Road or Bretton Bay Lane.

It seems that the laws sometimes punish the wrong people. By constructing a 6 foot fence, the homeowner felt that he was providing better protection for his children when they want to go outside and play.

In this neighborhood, we have a safety patrol that is made up of neighbors who volunteer. This was necessary because the resources of the city of Dallas are limited, and there are not enough police to provide the protection that we wanted in our neighborhood.

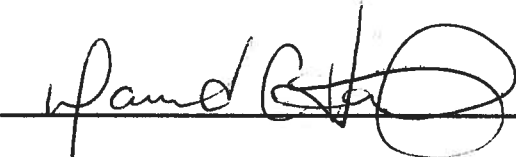
It seems to me that the homeowner simply made a mistake in being more concerned with his children's safety and with being a good neighbor than trying to circumvent any regulations. I would hope that any fines be waived and permit this homeowner to keep his fence as it is.

Date 12-9-13

I, (print name) DAVID HARTY

wish to allow this letter to serve as my statement regarding the fence recently installed at: ~~4202~~ 4303 Bretton Bay Lane, Dallas, Texas, 75287.

I do not find the fence to obstruct my view or ability to walk the sidewalk on Voss Rd, Bretton Bay Lane or any other direction. I also do not find the fence offensive in its appearance or height. I would find it only fair to allow the residents to keep their fence at the current height as it allows their children and dog, as well as many neighborhood children, to safely play along the side of their house.

Signature: 

Address: 4303 Bretton Bay

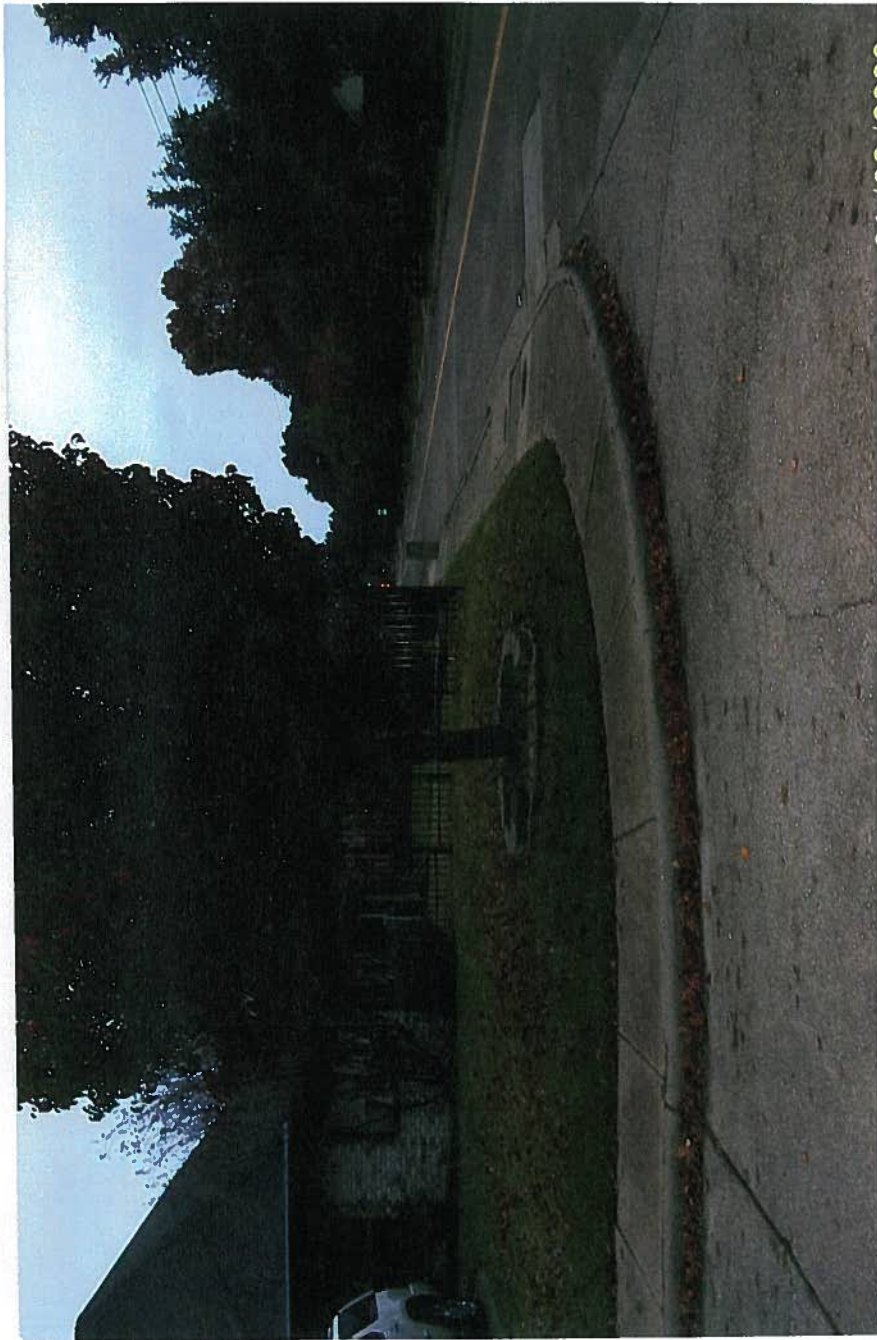
DALLAS 75287

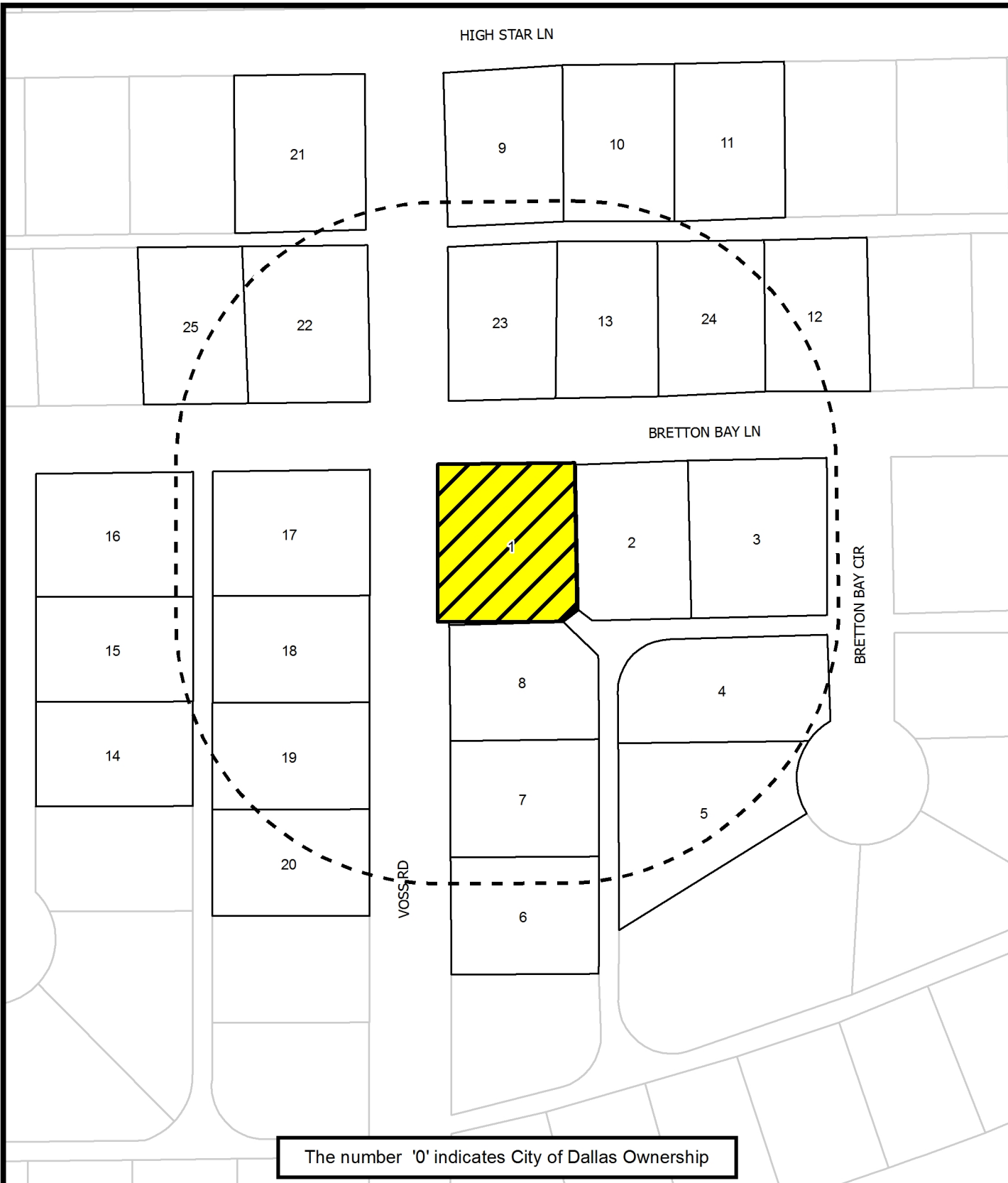
Additional comments:

The fence is a wonderful addition to the
landscape and the fact that it is wrought iron
(which allows visibility) shows foresight as to
it's safety impact on drivers. A solid wood
fence would have been a horrible choice.









The number '0' indicates City of Dallas Ownership



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

25

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA134-009**

Date: **1/24/2014**

Notification List of Property Owners

BDA134-009

25 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4202 BRETTON BAY	FREY JEANNETTE
2	4204 BRETTON BAY	MOORE ELMER L
3	4206 BRETTON BAY	PHILLIPS MARIANNE S ET VIR RONNIE
4	4208 BRETTON BAY	PICKETT BRYAN L
5	4210 BRETTON BAY	CROWELL CYNTHIA LU
6	17706 VOSS	DEMENT GREGORY & WENDY
7	17708 VOSS	ARDIZZONI DENNIS & HAMPTON BETHANY
8	17710 VOSS	CRUMP KAREY LYN & ROBERT WILLIAM JR
9	4202 HIGH STAR	HASSELL DENNIS R ETUX
10	4204 HIGH STAR	TOBY LEONA ANN
11	4206 HIGH STAR	PEABODY RICHARD A & TERI L
12	4207 BRETTON BAY	BERES FRANK S & JENNIFER P
13	4203 BRETTON BAY	JENKINS JACOB & LORI JENKINS
14	4058 VILLA GROVE	EIDSVIG LAUREN R
15	4062 VILLA GROVE	GIAMBALVO JOHN R & EILEEN B
16	4066 VILLA GROVE	MERRILL THOMAS S & JANA S
17	17727 VOSS	LAUDE LAWRENCE S & LEEANN
18	17723 VOSS	POWELL ALLEN JR ETUX
19	17719 VOSS	HOLMAN JEFFREY TODD & TINDOWEN DEMENE AD
20	17715 VOSS	DAVIS KUNTHEA
21	4158 HIGH STAR	LEE JOHN
22	4147 BRETTON BAY	KOULOV KONSTANTIN M & KALOYANOVA POLINA
23	4201 BRETTON BAY	WIRTH ROBERT ETUX CAROLYN
24	4205 BRETTON BAY	MARTIN FRED N ETUX JOYCE
25	4143 BRETTON BAY	MCNEECE GREGORY NEAL & KAREN RAE

FILE NUMBER: BDA 134-016

BUILDING OFFICIAL'S REPORT: Application of Philip Charles Piccola for a special exception to the side yard setback regulations for a carport at 6520 Kenwood Avenue. This property is more fully described as Lot 5 and part of Lot 4 & 6, Block F/4815, and is zoned R-7.5(A), which requires a side yard setback of 5 feet. The applicant proposes to construct/maintain a carport structure and provide a 3 foot side yard setback, which will require a 2 foot special exception to the side yard setback regulations.

LOCATION: 6520 Kenwood Avenue

APPLICANT: Philip Charles Piccola

REQUEST:

A special exception to the side yard setback regulations of 2' is requested in conjunction with constructing and maintaining an approximately 310 square foot carport that would attach to a single-family home, part of which is proposed to be located in the site's eastern 5' side yard setback.

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

The Board of Adjustment may grant a special exception to the minimum side yard requirements to allow a carport for a single-family or duplex use when, in the opinion of the Board, the carport will not have a detrimental impact on surrounding properties. In determining whether to grant a special exception, the Board shall consider the following:

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

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

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to the side yard setback regulations since the basis for this type of appeal is when in the opinion of the board, the carport will not have a detrimental impact on surrounding properties.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

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

Timeline:

- December 23, 2013: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- January 15, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- January 15, 2014: The Board Administrator contacted the applicant and shared the following information via email:
- an attachment that provided the public hearing date and panel that will consider the application; the January 29th deadline to submit additional evidence for staff to factor into their analysis; and the February 7th deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."
- January 27, 2014: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

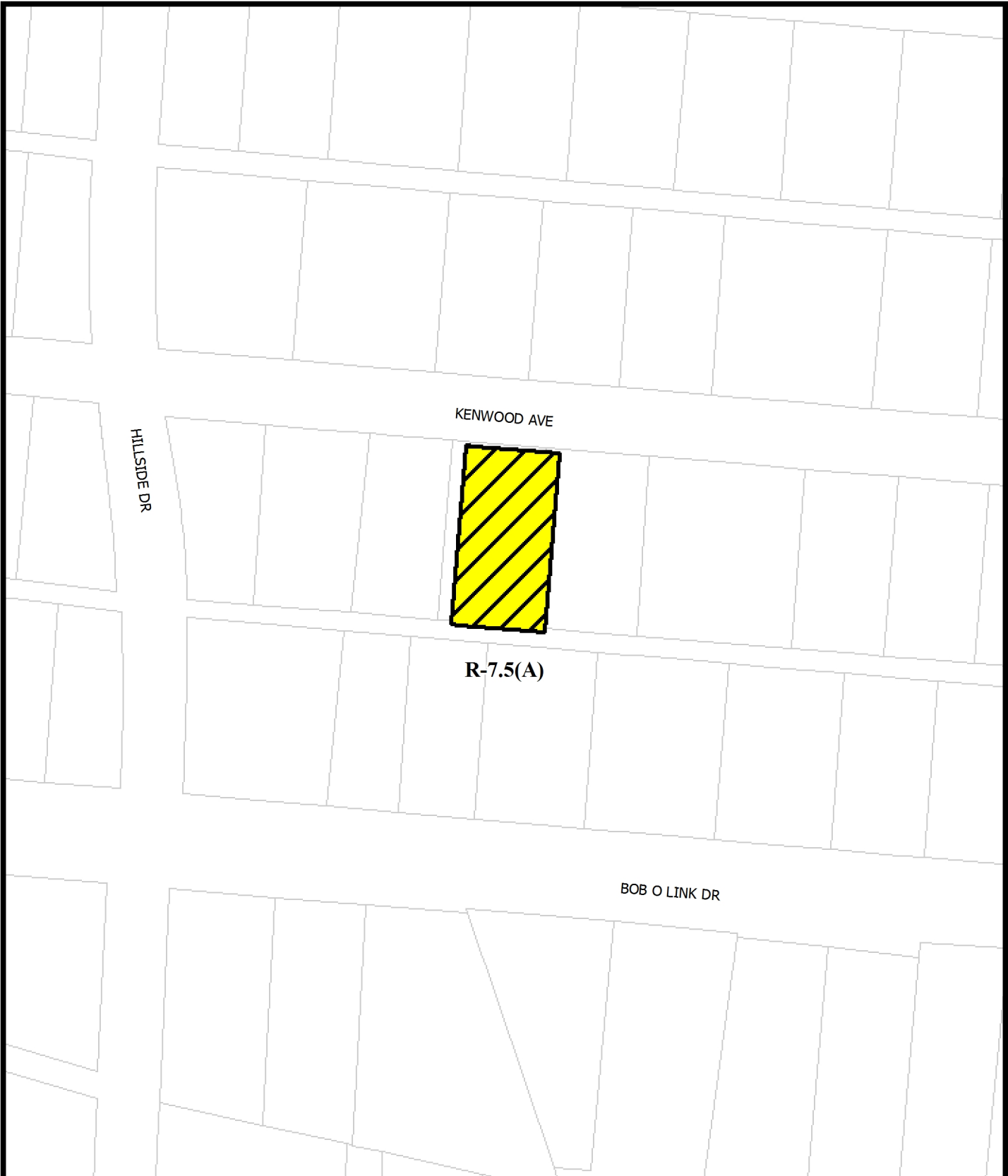
February 4, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Interim Assistant Director, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Engineer, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.

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

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing and maintaining an approximately 310 square foot carport that would attach to a single-family home, part of which is located in the site's eastern 5' side yard setback.
- A 5' side yard setback is required in the R-7.5(A) zoning district.
- The applicant has submitted a site plan and an elevation indicating the location of the carport about 3' 1" away from the site's eastern side property line.
- The following information was gleaned from the submitted site plan:
 - The carport is represented to be 22' 9" in length and 13.5' in width (approximately 310 square feet in total area) of which approximately 46 square feet (or approximately 15 percent) would be located in the eastern side yard setback.
- The following information was gleaned from the submitted elevation:
 - The carport is represented to be approximately 13' in height with Austin stone columns and "comp. roofing."
- The subject site is approximately 142' x 70' (or 9,900 square feet) in area.
- The Board Administrator conducted a field visit of the area approximately 500 feet east and west of the subject site and noted no other carports that appeared to be located in a side yard setback.
- As of February 10, 2014, one petition had been submitted signed by four neighbors/owners in support of the request and no letters have been submitted in opposition.
- The applicant has the burden of proof in establishing the following:
 - that granting this special exception to the side yard setback regulations of 2' will not have a detrimental impact on surrounding properties.

- Granting this request and imposing the following conditions would require that the carport be constructed/maintained in the location and of the heights and materials as shown on these documents:
 1. Compliance with the submitted site plan and elevation is required.
 2. The carport structure must remain open at all times.
 3. No lot-to-lot drainage is permitted in conjunction with this carport special exception.
 4. All applicable building permits must be obtained.
 5. No item (other than a motor vehicle) may be stored in the carport.

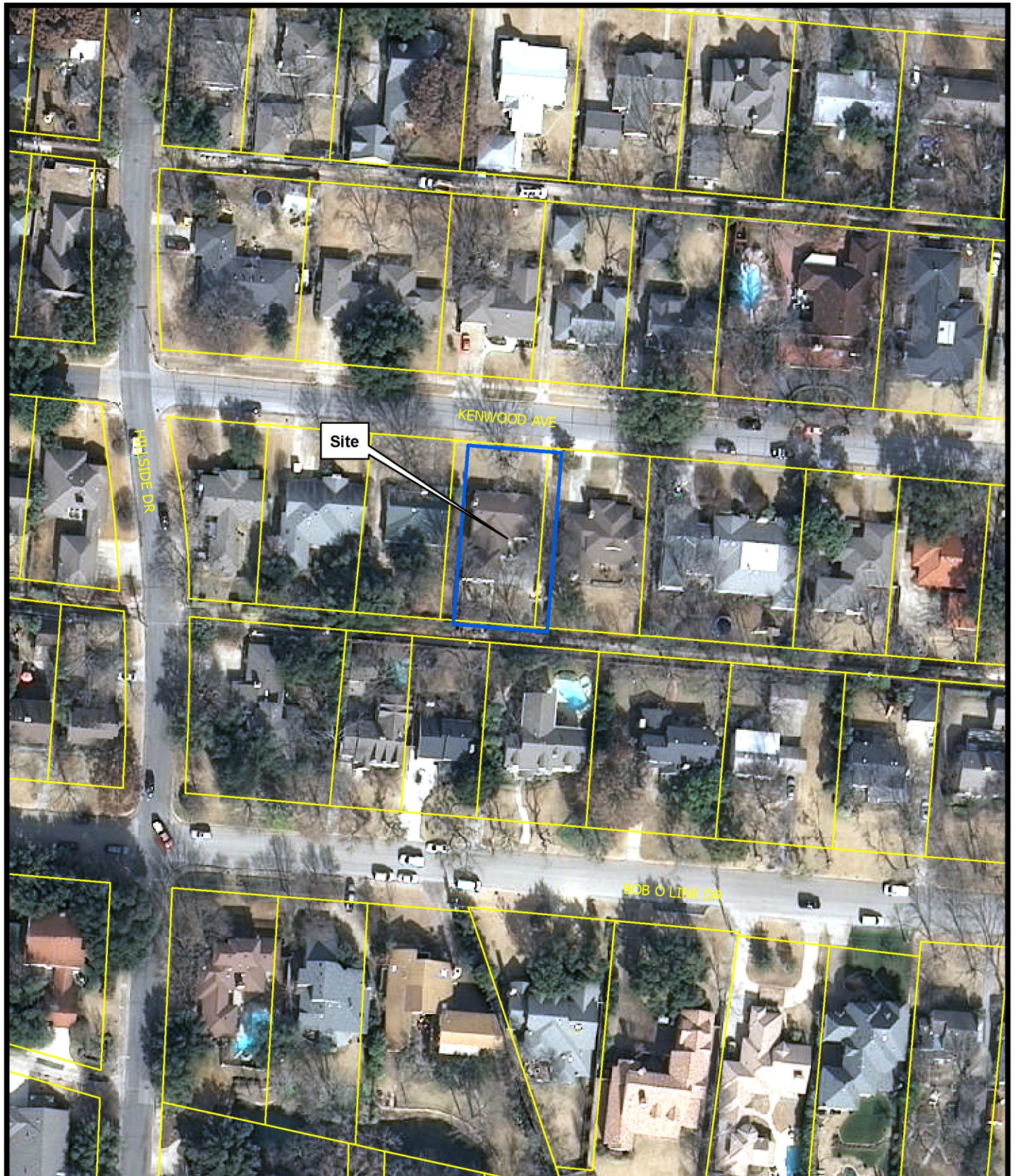


1:1,200

ZONING MAP

Case no: BDA134-016

Date: 1/24/2014



1:1,200

AERIAL MAP

Case no: BDA134-016

Date: 1/24/2014

CITY OF DALLAS
BOARD OF ADJUSTMENT
PANEL - B

Public Hearing Date / Time: Wednesday February 19, 2014 at 1pm (Dallas City Hall)

Request: Special exception to the side yard setback regulations for a carport at 6520 Kenwood Ave, Dallas, Texas 75214.

NEIGHBORS CONSENT

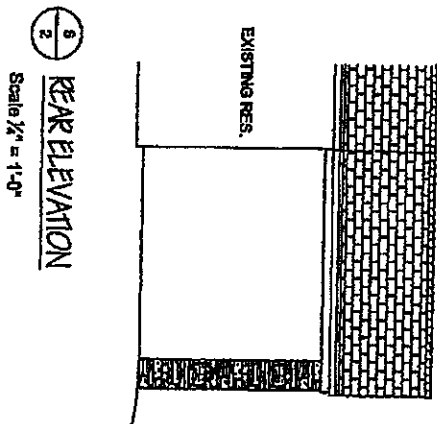
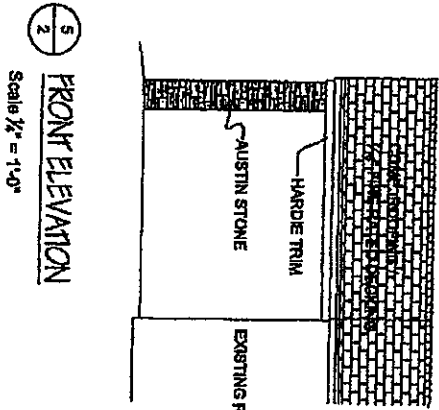
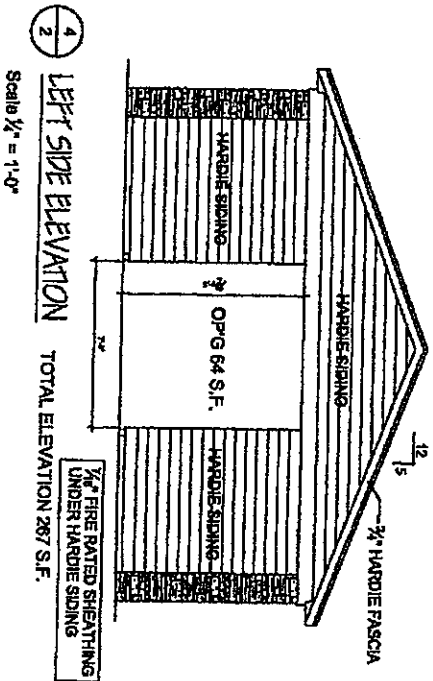
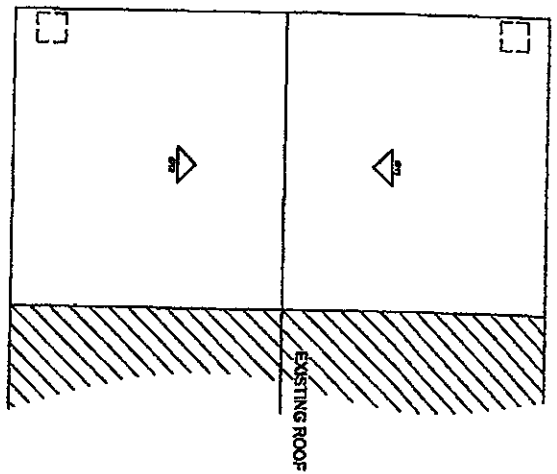
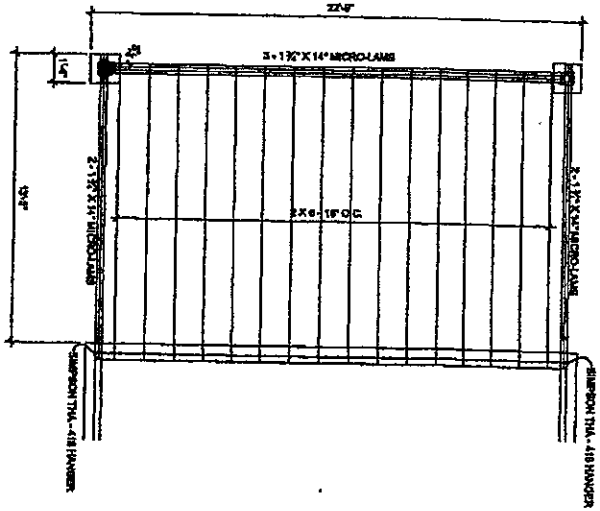
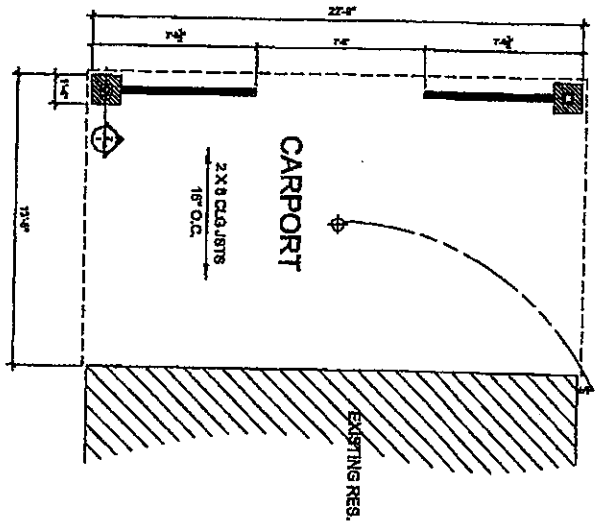
I / We have reviewed the attached plans by Mr. Philip Piccola to construct a carport on a side yard setback on his residential property at 6520 Kenwood Ave, Dallas, Texas 75214. I / We are in agreement as this carport will not have a detrimental impact on surrounding properties and will be compatible with the style and character of the neighborhood.

Printed Name: JOHN D HADEN
Signature: [Signature] Date: 1/25/14
Address: 6519 KENWOOD AVE
DALLAS, TX 75214

Printed Name: Joseph Van Blargen
Signature: [Signature] Date: 1/25/2014
Address: 6534 Kenwood Ave
Dallas TX 75214

Printed Name: ELIZABETH PRICE
Signature: [Signature] Date: 1/25/2014
Address: 6516 Kenwood Ave.
Dallas, Texas 75214

Printed Name: SUSAN CLARK
Signature: [Signature] Date: 1/25/14
Address: 6528 Kenwood Ave
Dallas, TX 75214



	DATE: 10/14/13 SHEET: 2 OF 2	CUSTOMER: PHIL PICCOLA 6520 KENWOOD AVE. DALLAS, TX.	PROJECT: CARPOT DRAWING: FLOOR PLAN ELEVATIONS	<table border="1"> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td>1</td> <td>00/00/00</td> <td></td> </tr> <tr> <td>2</td> <td>00/00/00</td> <td></td> </tr> <tr> <td>3</td> <td>00/00/00</td> <td></td> </tr> <tr> <td>4</td> <td>00/00/00</td> <td></td> </tr> </table>	REV	DATE	DESCRIPTION	1	00/00/00		2	00/00/00		3	00/00/00		4	00/00/00		THIS DRAWING AND ALL INFORMATION THEREON IS THE PROPRIETARY PROPERTY OF TREND BUILDERS AND SHALL NOT BE MADE PUBLIC OR COPIED. THIS DRAWING IS LOANED SUBJECT TO RETURN ON DEMAND AND IS NOT TO BE USED, DIRECTLY OR INDIRECTLY, IN ANY WAY RETRIBUTIVE TO THE BENEFIT OF TREND BUILDERS.
	REV	DATE	DESCRIPTION																	
1	00/00/00																			
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4	00/00/00																			



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-016

Data Relative to Subject Property:

Date: 12-23-13

Location address: 6520 KENWOOD, DALLAS, TX, 75214 Zoning District: R-7.5(A)

Lot No. ^{Lot 5} P/T 4, 6 Block No.: F/4815 Acreage: 10,295 Census Tract: 80.00

Street Frontage (in Feet): 1) 70 2) _____ 3) _____ 4) _____ 5) _____

SEC 5B

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Philip Charles Piccola

Applicant: Philip Charles Piccola Telephone: (214) 803-8700

Mailing Address: 6520 Kenwood, Dallas, TX, 75214 Zip Code: 75214

E-mail Address: ppicc@swbell.net

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance _____, or Special Exception , of 2 feet
to the side yard set back for a carport.

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

The special exception will not adversely affect neighboring property in that the attached carport will be constructed in a manner that will reflect the existing style of the original structure of the house (including 2 Austin stone pillars and roofing material) and will blend in with the existing architecture of the neighborhood. Adjacent neighbors are in favor.

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

Affidavit

Before me the undersigned on this day personally appeared Philip Charles Piccola
(Affiant/Applicant's name printed)

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

Respectfully submitted: Philip Charles Piccola
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 23 day of December, 2013

Irma Hayes
Notary Public in and for Dallas County, Texas

(Rev. 08-01-11)



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

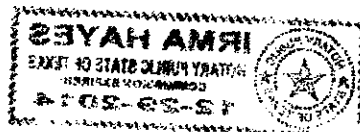
I hereby certify that Philip Charles Piccola

did submit a request for a special exception to the side yard setback regulations for a carport
at 6520 Kenwood Avenue

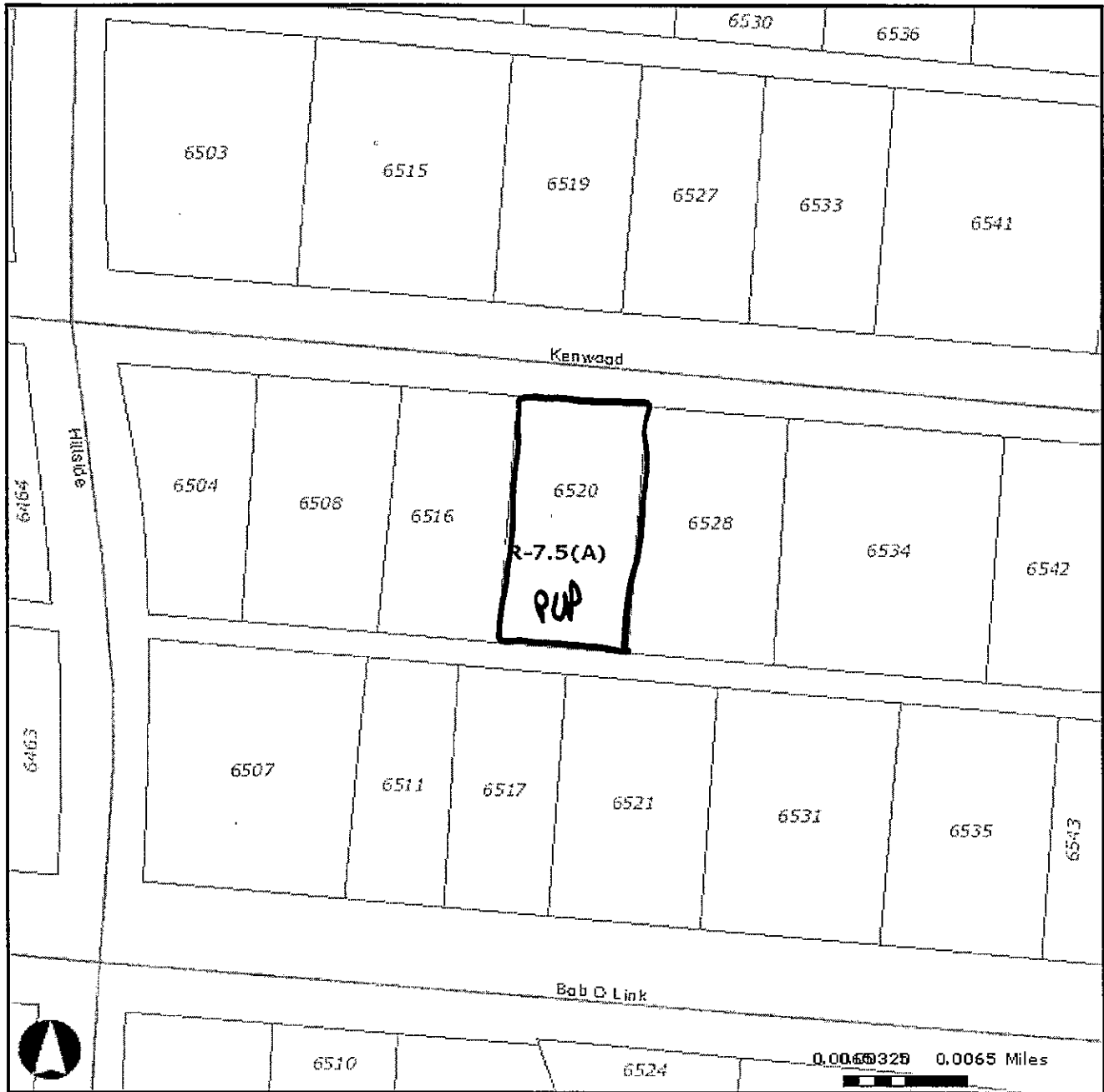
BDA134-016. Application of Philip Charles Piccola for a special exception to the side yard setback regulations for a carport at 6520 Kenwood Avenue. This property is more fully described as Lot 5 and part of Lot 4 & 6, Block F/4815, and is zoned R-7.5(A), which requires a side yard setback of 5 feet. The applicant proposes to construct a single family residential carport structure and provide a 3 foot side yard setback, which will require a 2 foot special exception to the side yard setback regulation.

Sincerely,


Larry Holmes, Building Official



City of Dallas Zoning



Address Candidates



City Boundaries



County



Certified Parcels



DISD Sites

SUP



Dry Overlay



D

D-1

Historic Overlay



Historic Subdistricts

PDS Subdistricts



Base Zoning

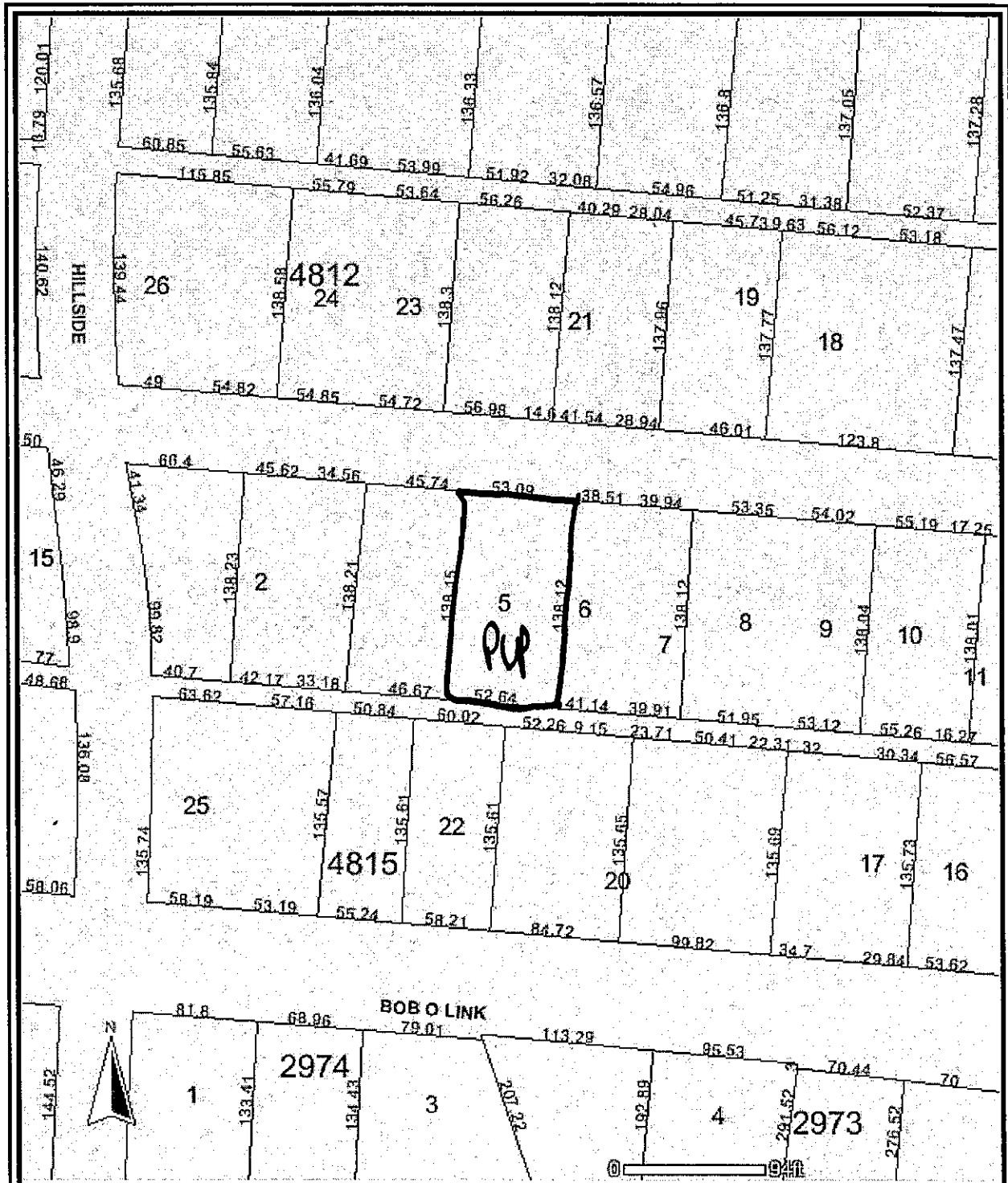


Floodplain

100 Flood Zone

Mill's Creek

Peak's Branch



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

DISCLAIMER

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

REVISIONS	NO. DATE Description
1	00/00/00
2	00/00/00
3	00/00/00
4	00/00/00
5	00/00/00

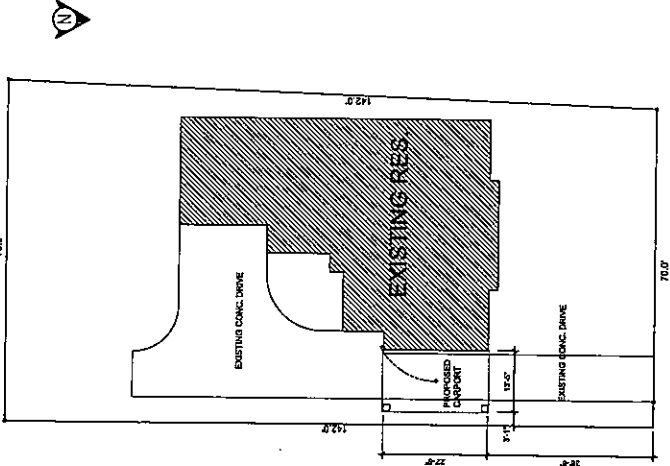
PROJECT: Attached Carport
DRAWING: Plot Plan

CUSTOMER: Phil Piccola
6520 Kenwood Ave.
Dallas, TX

TREND BUILDERS

DATE: 10/14/13
SYNOPSIS: 1 OF 2

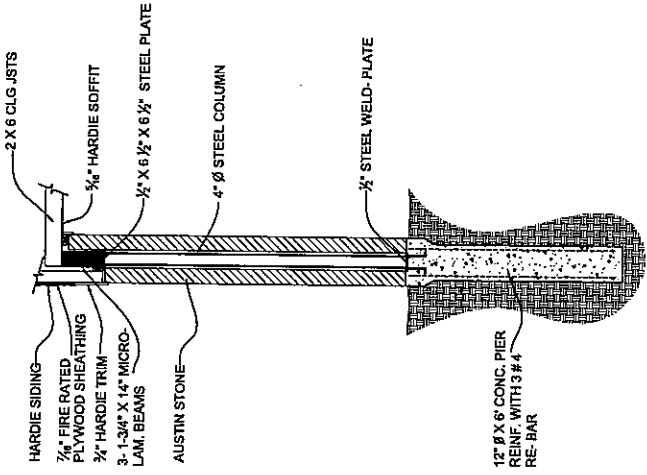
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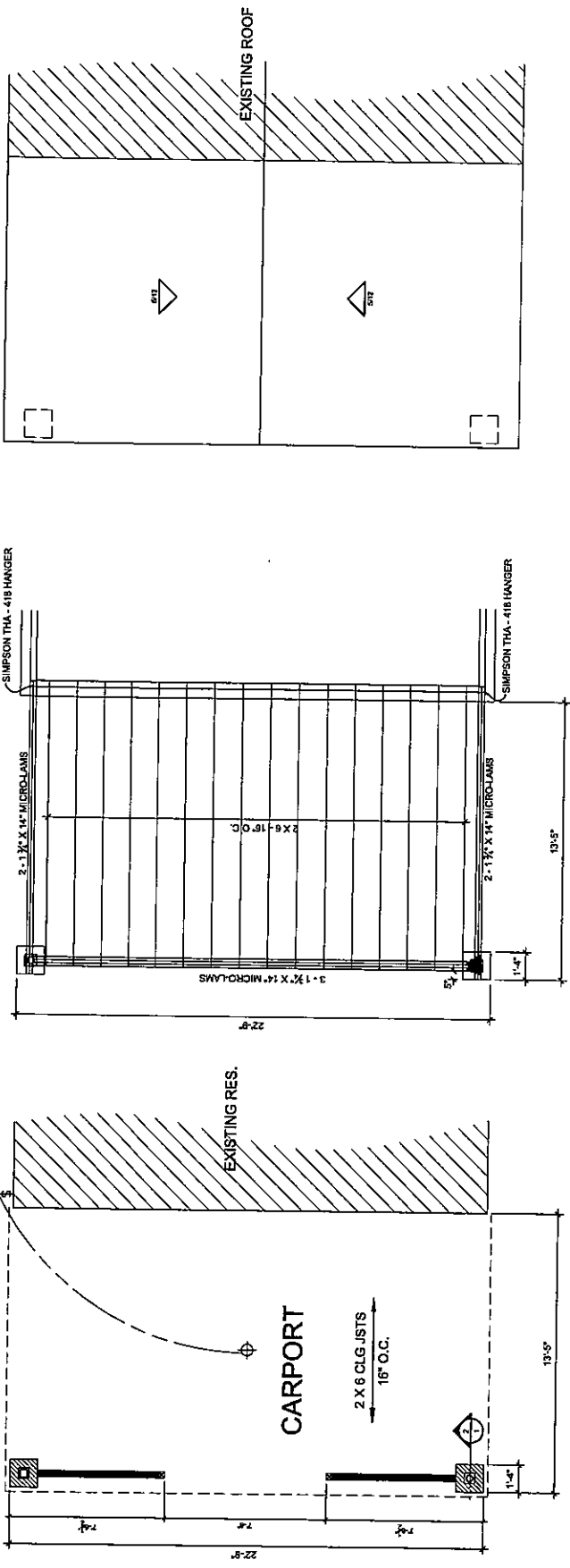
6520 Kenwood Ave.

1 PLOT PLAN
Scale 1" = 20'

Lot 5, Blk F / 4815
North Ridge Park



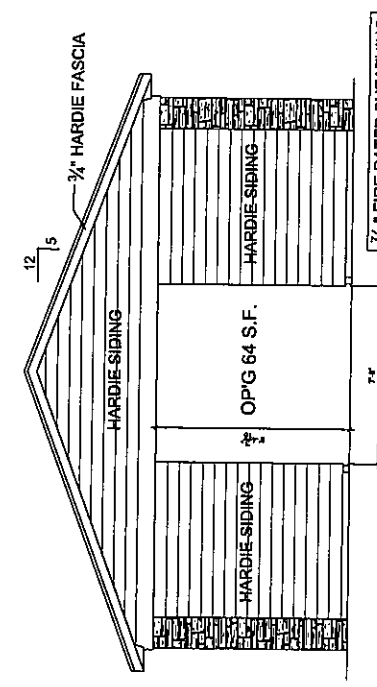
2 SECTION
Scale 3/8" = 1' - 0"



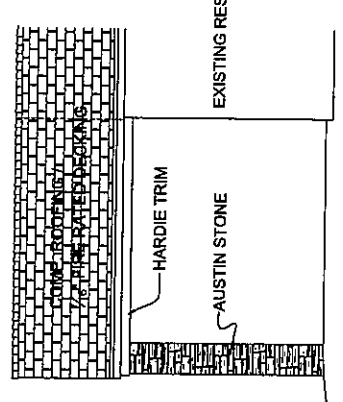
1 FLOOR PLAN
Scale 1/4" = 1'-0"

2 CLG FRAMING PLAN
Scale 1/4" = 1'-0"

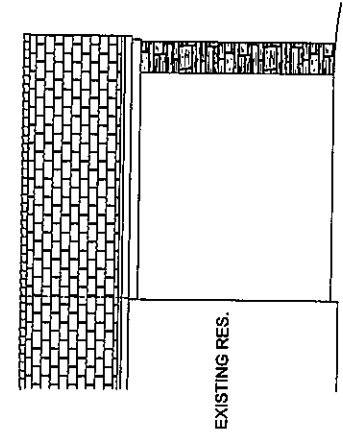
3 ROOF PLAN
Scale 1/4" = 1'-0"



4 LEFT SIDE ELEVATION
Scale 1/4" = 1'-0"
TOTAL ELEVATION 267 S.F.



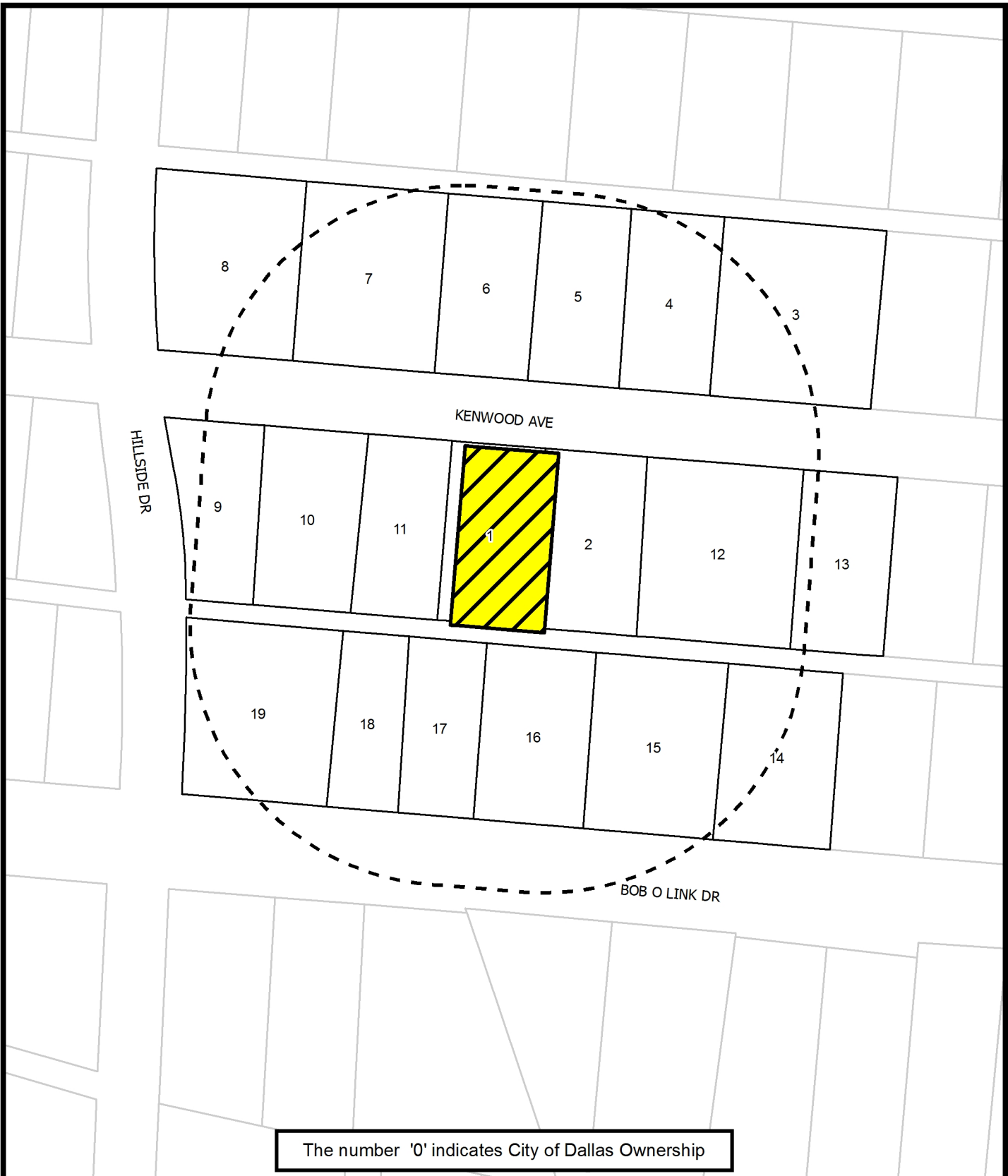
5 FRONT ELEVATION
Scale 1/4" = 1'-0"



6 REAR ELEVATION
Scale 1/4" = 1'-0"

TREND BUILDERS PHIL PICCOLA 6520 KENWOOD AVE DALLAS, TX	PROJECT: CARPORT DRAWING: FLOOR PLAN ELEVATIONS	REVISIONS NO. DATE 00/00/00 00/00/00 00/00/00 00/00/00	DATE: 10/14/13 SHEET: 2 OF 2
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The number '0' indicates City of Dallas Ownership



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

19

NUMBER OF PROPERTY OWNERS NOTIFIED

2-16

Case no: **BDA134-016**

Date: **1/24/2014**

Notification List of Property Owners

BDA134-016

19 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6520 KENWOOD AVE	PICCOLA PHILIP C
2	6528 KENWOOD AVE	CLARK CURTIS WAYNE & SUSAN PAULSON
3	6541 KENWOOD AVE	VINTON DOROTHY E
4	6533 KENWOOD AVE	SWEENEY KATHLEEN M
5	6527 KENWOOD AVE	THOMAS ZACHARY R & TIFFANY T
6	6519 KENWOOD AVE	HADEN JOHN D
7	6515 KENWOOD AVE	BAKER LENORE COUTRET
8	6503 KENWOOD AVE	BENEDETTO VITO
9	6504 KENWOOD AVE	CHUPIK SHARON KAY LIFE ESTATE REM: SUE G
10	6508 KENWOOD AVE	BROWN RYAN C & STEPHANIE L
11	6516 KENWOOD AVE	PRICE ELIZABETH ANN
12	6534 KENWOOD AVE	VANBLARGAN ANN K HADEN
13	6542 KENWOOD AVE	BLEND STEPHEN B & SHARON A
14	6535 BOB O LINK DR	PALUSO THOMAS & ANGELA
15	6531 BOB O LINK DR	CONINE MICHELE & JIM
16	6521 BOB O LINK DR	DAUDELIN ANDREW P & CHRISTINE
17	6517 BOB O LINK DR	JESBERG GEOFFREY & DONNA ELEANOR PARK
18	6511 BOB O LINK DR	VITALE RICHARD H & MAGDALENA
19	6507 BOB O LINK DR	SEE ALONZO BERTRAN III & ELIZABETH HOLME

FILE NUMBER: BDA 134-019

BUILDING OFFICIAL'S REPORT: Application of Lou Olerio, represented by Steven Wood, for a special exception to the fence height regulations and a variance to the front yard setback regulations at 6965 Abbey Court. This property is more fully described as Lot 21, Block A/2994, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet and requires a front yard setback of 25 feet. The applicant proposes to construct/maintain an 8 foot high fence, which will require a 4 foot special exception to the fence height regulations, and to construct/maintain a structure and provide a 3 foot front yard setback, which will require a 22 foot variance to the front yard setback regulations.

LOCATION: 6965 Abbey Court

APPLICANT: Lou Olerio
Represented by Steven Wood

REQUESTS:

The following appeals have been made on a site that is currently undeveloped:

1. A special exception to the fence height regulations of 4' is requested in conjunction with constructing and maintaining an 8' high solid cedar wood fence in the one of the site two 25' front yard setbacks (Mockingbird Lane).
2. A variance to the front yard setback regulations of 22' is requested in conjunction with constructing and maintaining a two-story single family structure with a total under roof area of 4,926 square feet, part of which is proposed to be located in one of the site's two 25' front yard setbacks (Mockingbird Lane).

(No request has been made in this application to construct/maintain any fence or structure in the site's Abbey Court front yard setback).

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 VARIANCE:

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

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

STAFF RECOMMENDATION (fence special exception):

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 (variance):

Denial

Rationale:

- While staff concluded that the subject site is unique and different from most lots zoned R-7.5(A) in that it is somewhat sloped, slightly irregular in shape, and is somewhat restrictive in area due to having two front yard setbacks, the applicant had not substantiated how any or all of these features preclude him from developing the subject site (with a 4,926 “under roof square footage” single family home) in a manner commensurate with development on other similarly zoned R-7.5(A) properties.
- The site at approximately 8,600 square feet is approximately 1,100 square feet larger than most lots zoned R-7.5(A).
- While the applicant has provided two lists with addresses of lots in R-7.5(A) zoning (a “lot square footage” list and “under roof square footage” list), the information shown on the two lists are unrelated to each other, and does not show how the proposed home with approximately 4,900 under roof square footage on the approximately 8,600 square foot site is commensurate with the development/the size of houses/“under roof square footages” found on other lots in the same R-7.5(A) zoning where lots are typically 7,500 square feet in area. (The lot square footage areas of certain listed addresses in the “lot square footage” list are all larger than 7,500 square feet, and the under roof square footage areas of other certain addresses listed in the “under roof square footage” list are mostly larger than that what is proposed on the subject site).
- The proposed home on the subject site is of a size/building footprint/location that would not meet the 5’ rear yard setback requirement if its Mockingbird Lane frontage were deemed a rear yard setback since the home is proposed to be only 3’ from the Mockingbird Lane property line.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

The subject site is undeveloped. The area to the north, south, and west are developed with single family uses; the area to the east is 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:

- December 23, 2013: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- January 15, 2014: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- January 15, 2014: The Board Administrator contacted the applicant's representative and shared the following information via email:
- an attachment that provided the public hearing date and panel that will consider the application; the January 29th deadline to submit additional evidence for staff to factor into their analysis; and the February 7th deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."
- January 29, 2014: The applicant's representative submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).

February 4, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Interim Assistant Director, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Engineer, the City of Dallas Chief Arborist, and the Assistant City Attorney to the Board.

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

GENERAL FACTS/STAFF ANALYSIS (fence special exception):

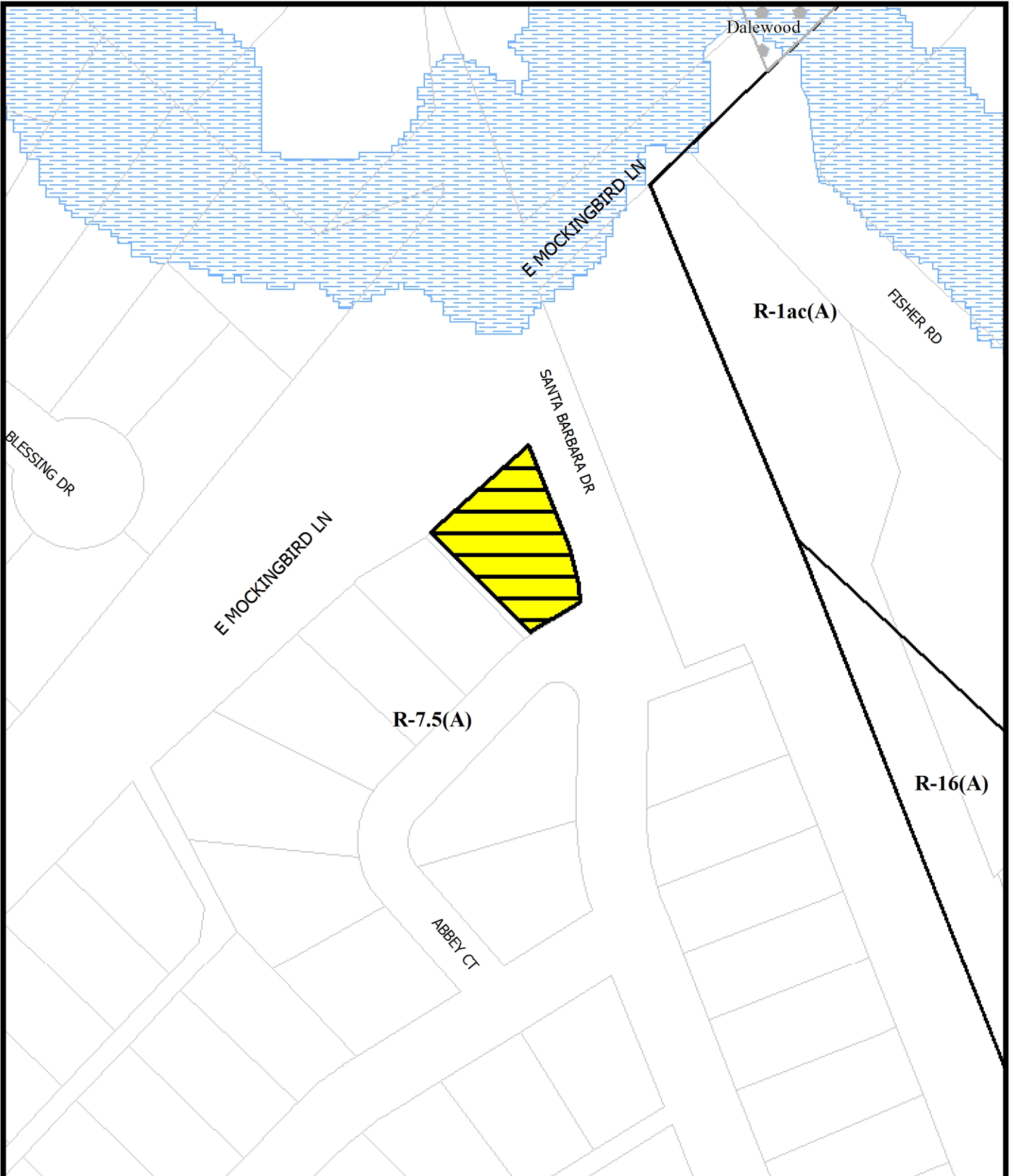
- This request focuses on constructing and maintaining an 8' high solid cedar wood fence in the one of the site two 25' front yard setbacks (Mockingbird Lane) on a site that is undeveloped.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The site is located on the west side of Santa Barbara Drive between Mockingbird Lane and Abbey Court. The subject site is a lot that runs from one street to another (Mockingbird Lane on the north, Abbey Court on the south). Regardless of how the proposed single-family structure appears to be oriented southward towards Abbey Court, the site has front yard setbacks on both streets since the code states that if a lot runs from one street to another and has double frontage, a required front yard must be provided on both streets.
- The site has two 25' front yard setbacks where the focus of the applicant's request in this application is only to construct and maintain a fence higher than 4' in the site's front yard setback on Mockingbird Lane. No part of the application is made to address any fence in the site's Abbey Court front yard setback or in the site's Santa Barbara Drive side yard setback.
- The applicant has submitted a site plan and elevations of the proposal in the Mockingbird Lane front yard setback with notations indicating that the fence reaches a maximum height of 8'.
- The following additional information was gleaned from the submitted site plan:
 - The proposed fence in the Mockingbird Lane front yard setback is represented as being approximately 72' in length parallel to the street; and approximately 6' in length perpendicular to the street on the lot's east side.
 - The proposal is represented as being located approximately 2' from the front property line. (No pavement line is shown on the site plan along Mockingbird Lane).

- The proposal is located on the south side of Mockingbird Lane where no house would appear to front the proposal given the topography of the site and the property immediately north.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences on the north side of Mockingbird Lane but noted two fences higher than 4' in height immediately west of the subject site.
- As of February 10, 2014, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 4' will not adversely affect neighboring property.
- Granting this special exception of 4' with a condition imposed that the applicant complies with the submitted site plan and elevations would require the proposal exceeding 4' in height in the front yard setback to be constructed and maintained in the location and of the heights and materials as shown on these documents.

GENERAL FACTS/STAFF ANALYSIS (variance):

- This request focuses constructing and maintaining a two-story single family structure with a total under roof area of 4,926 square feet, part of which is proposed to be located in one of the site's two 25' front yard setbacks (Mockingbird Lane) on a site that is under development. (No request has been made in this application to construct/maintain any structure in the site's Abbey Court front yard setback or in the site's Santa Barbara Lane side yard setback).
- Structures on lots zoned R-7.5(A) are required to provide a minimum front yard setback of 25'.
- The subject site is a lot that runs from one street to another (Mockingbird Avenue on the north, Abbey Court on the south). Regardless of how the proposed single-family structure appears to be oriented towards Abbey Court, the site has front yard setbacks on both streets since the code states that if a lot runs from one street to another and has double frontage, a required front yard must be provided on both streets.
- The submitted site plan denotes that the proposed single family home is located as close as 3' from the site's Mockingbird Avenue front property line or 22' into this 25' front yard setback.
- According to calculations taken from the site plan, about 800 square feet (or approximately 30 percent) of the proposed approximately 2,700 square foot lower floor building footprint is to be located in the site's Mockingbird Avenue 25' front yard setback.
- The subject site is somewhat sloped, somewhat irregular in shape, and according to the applicant's representative, is 8,632 square feet in area. The site is zoned R-7.5(A) where lots typically are 7,500 square feet in area.

- The site has two front 25' front yard setbacks; and two 5' side yard setbacks; most R-7.5(A) residentially-zoned lots have one 25' front yard setback, two 5' side yard setbacks, and one 5' rear yard setback. (Note that even if this were a typical R-7.5(A) zoned lot with one front yard, two side yards, and one rear yard, the applicant would still be required to seek a variance to the rear yard setback with the size home and location he is proposing on the site since he proposes to provide a 3' setback from the Mockingbird Lane property line and a 5' rear yard setback would be required if Mockingbird Lane were deemed a rear yard on this property).
- According to DCAD records, there are “no main improvements” at 6965 Abbey Court.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the Mockingbird Lane front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.
 - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which in this case is a structure to be located as close as 3' from the site's Mockingbird Lane front property line (or 22' into this 25' front yard setback).

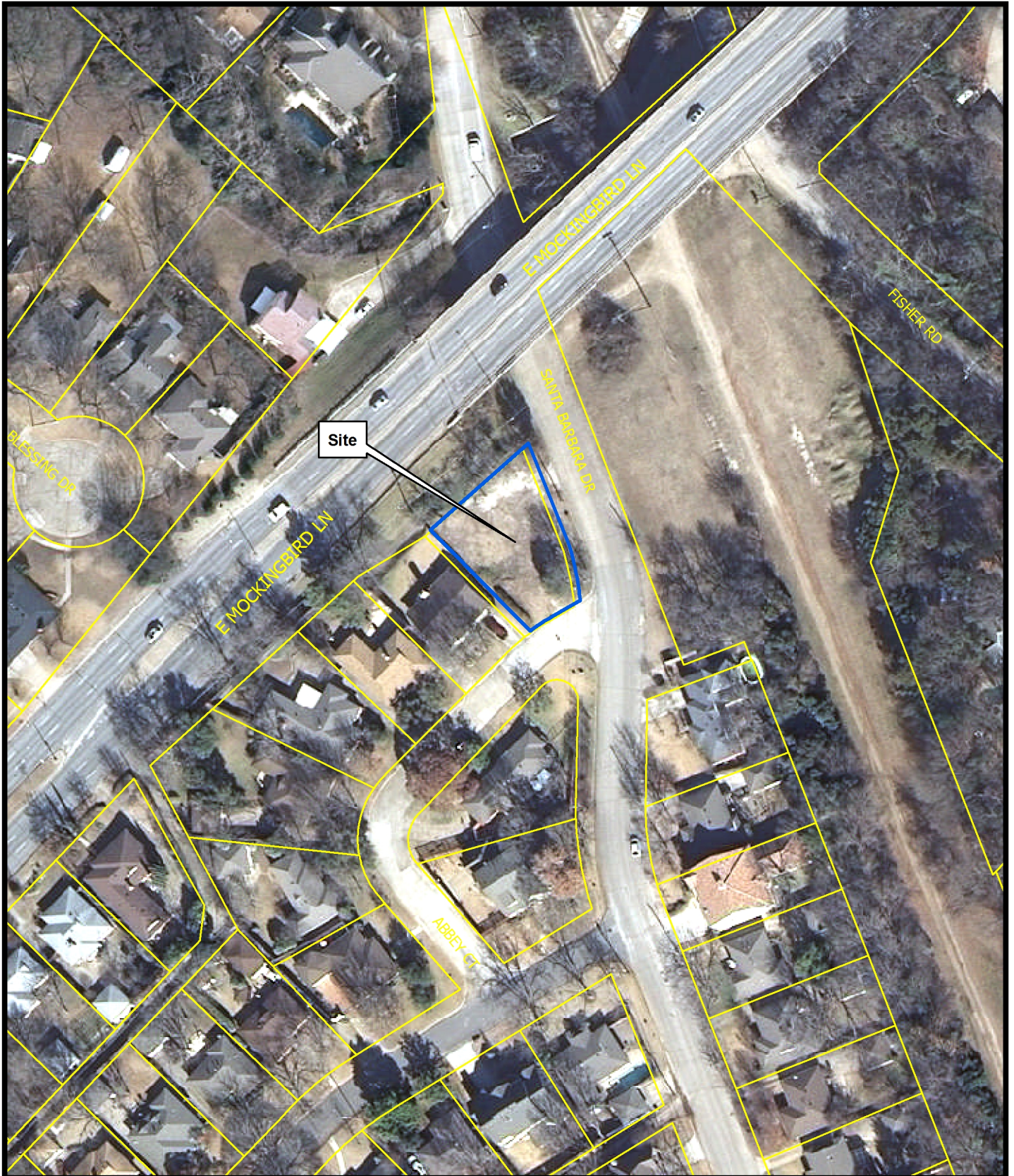


1:1,200

ZONING MAP

Case no: BDA134-019

Date: 1/24/2014



1:1,200

AERIAL MAP

Case no: BDA134-019

Date: 1/24/2014

To Board Of Adjustments Members/Whom It May Concern

Regarding BDA134-019, property at 6965 Abbey Court

We, the property owners, are requesting a Special Exception to the Residential Fence Height Regulation, and a Variance to the Front Yard set back. In this request we are asking for a 4' special exception allowing us to build an 8' fence along the rear of the yard along Mockingbird Lane which is considered street frontage, making there be 2 front yards. The request for the front yard set back is to build a house that is in commensurate to the zoning district, which is a R7.5(see table A showing the comparison of other properties). With the location of this property we are presented with 3 street frontages, making there 2 front yard setbacks creating a major hardship on this property, making our buildable area on this property significantly smaller that it would be if there was only one front yard setback like a normal residential lot. This house will be built commensurate with other houses with approximately same square footage in this zoning district. Also, with this lot being only 8,632 square feet, it makes this piece of property making it smaller than a lot of the others in this neighborhood and zoning district (see table B for further details of lot sizes). This creating a second hardship on this property not allowing us to develop this lot commensurate with the other lots. As well as this lots shape creates difficultly building the house, with how the setbacks run along side and froth yards, creating our third hardship.

The fence height special exception is also being requested because this house has 2 front yards making the development of fences on this property limited to 4' in the rear, which is considered front yard. We are requesting a 4' special exception to build an 8' high privacy fence with a small section of this fence running along Santa Barbra Dr. and the other running along a elevated portion of Mockingbird Lane. Mockingbird Lane has no available access to this property due to the fact of a berm and the elevation of Mockingbird Lane, making this fence very difficult in visibility to Mockingbird Lane. This fence would not be constructed in any visibility corner clips nor obstructing any driving visibility along the frontage streets. There currently is no landscaping that would be between the fence and the street frontages, for the most part in reason that the street frontage is separated by a large berm and the landscaping if provided would never be seen by traffic or pedestrians.

BDA134-019

Attach A

Pg 2

Thanks for you time and consideration,

Steven Wood

Consultant

Texas Permit and Development

PO Box 3293

Forney, Texas 75126

(c) 817-682-7218

BDA134-019
Attach A
B3

Table B

Address
Lot Square footage
6965 Abbey Court*
8,623
6973 Dalhart Lane
9,323
6959 Sperry Street
9,765
7087 Chantilly Lane
12,934
6818 Vada Dr
12,609
4617 Rockaway
10,686
6831 Blessing
11,643

Table A

Address
Under Roof Square Footage
6965 Abbey Court*
4,926
6921 Delrose

BDA134-019
Attach A
P34

4,533

7003 Delrose

5,077

6922 Wabash Cir

5,008

6700 Meadow Lake

6,206

6735 Westlake

6,717

6665 Lakeshore Dr

6,037



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-019

Data Relative to Subject Property:

Date: 12/23/13

Location address: 6965 Abbey Court

Zoning District: R-7.5(A)

Lot No.: 21 Block No.: A12954 Acreage: .91

Census Tract: 80.00

Street Frontage (in Feet): 1) 50 2) 130 3) 106 4) 5) 885B

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): McElory Ventures LLC

Applicant: Lou Olerio Telephone: 214-394-3688

Mailing Address: 5025 N Central #2020 Zip Code:

E-mail Address:

Represented by: Steven Wood Telephone: 817 682 7218

Mailing Address: PO Box 3293 Zip Code:

E-mail Address: Steven@txpermit.com

Affirm that an appeal has been made for a Variance, or Special Exception of 4' height and front yard & set back of 22' variance in the front yard.

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

Requesting a 4' special exception to build an 8' ft high fence to match the neighborhood and zoning district, also requesting a 22' special exception to the front yard set back due to the fact we have more than one property handship and would like to build the house consistent with the district

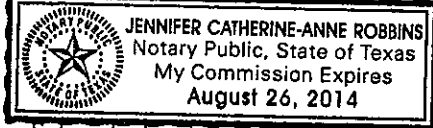
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Lou Olerio (Signature)

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

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



Respectfully submitted: (Affiant/Applicant's signature)

Subscribed and sworn to before me this 19 day of December, 2013

Jennifer Catherine-Anne Robbins (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

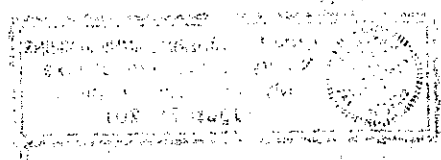
Building Official's Report

I hereby certify that LOU OLERIO
represented by Steven Wood
did submit a request for a special exception to the fence height regulations, and for a variance to
the front yard setback regulations
at 6965 Abbey Court

BDA134-019. Application of Lou Olerio represented by Steven Wood for a special exception to the fence height regulations and a variance to the front yard setback regulations at 6965 Abbey Court. This property is more fully described as Lot 21, Block A/2994, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet and requires a front yard setback of 25 feet. The applicant proposes to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulation, and to construct a single family residential structure and provide a 3 foot front yard setback, which will require a 22 foot variance to the front yard setback regulation.

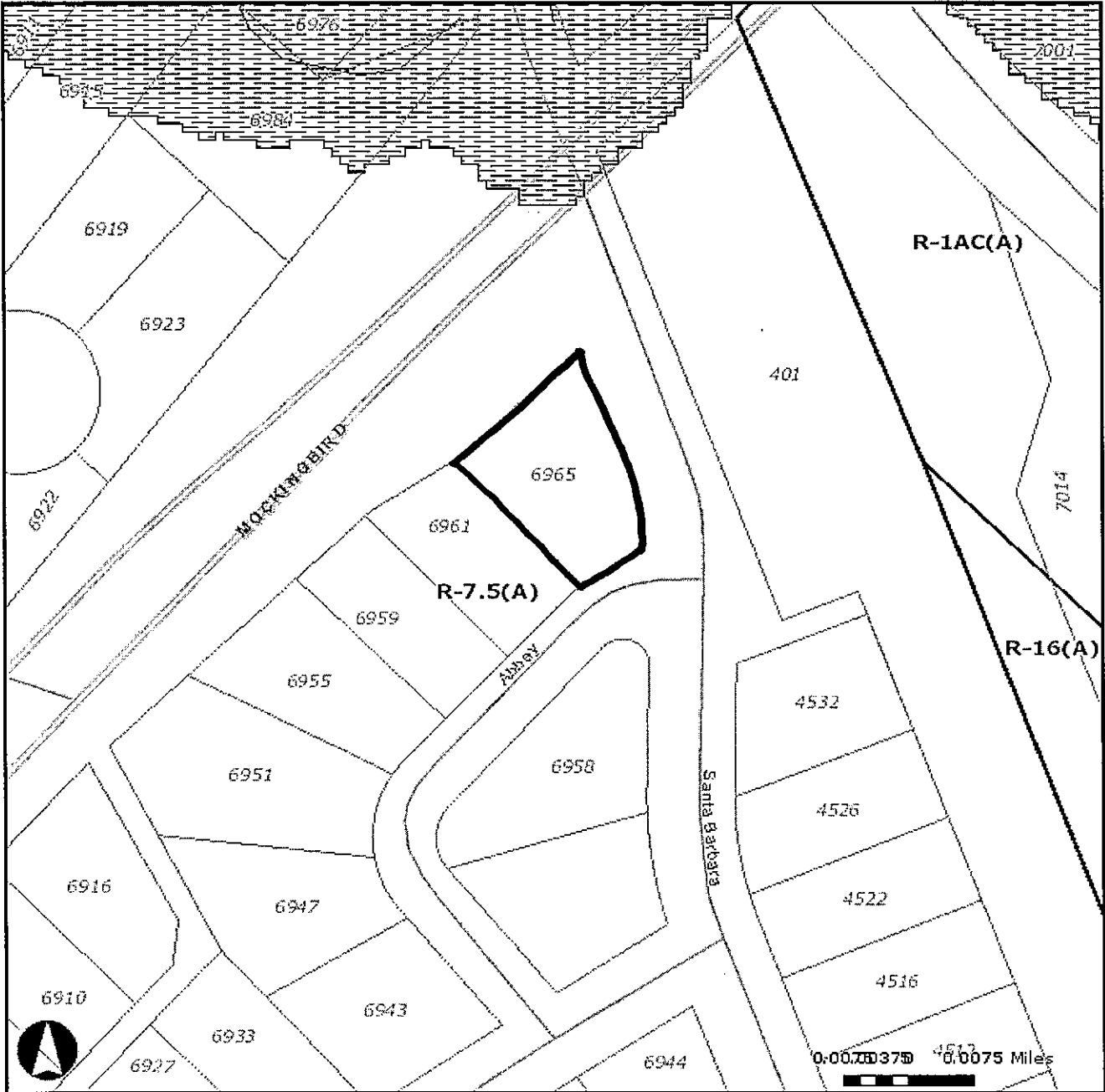
Sincerely,

Larry V. Holmes
Larry Holmes, Building Official



SN

City of Dallas Zoning



Address Candidates



City Boundaries



County



Certified Parcels



DISD Sites



SUP



Dry Overlay



Historic Overlay



Historic Subdistricts

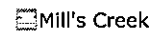
PDS Subdistricts



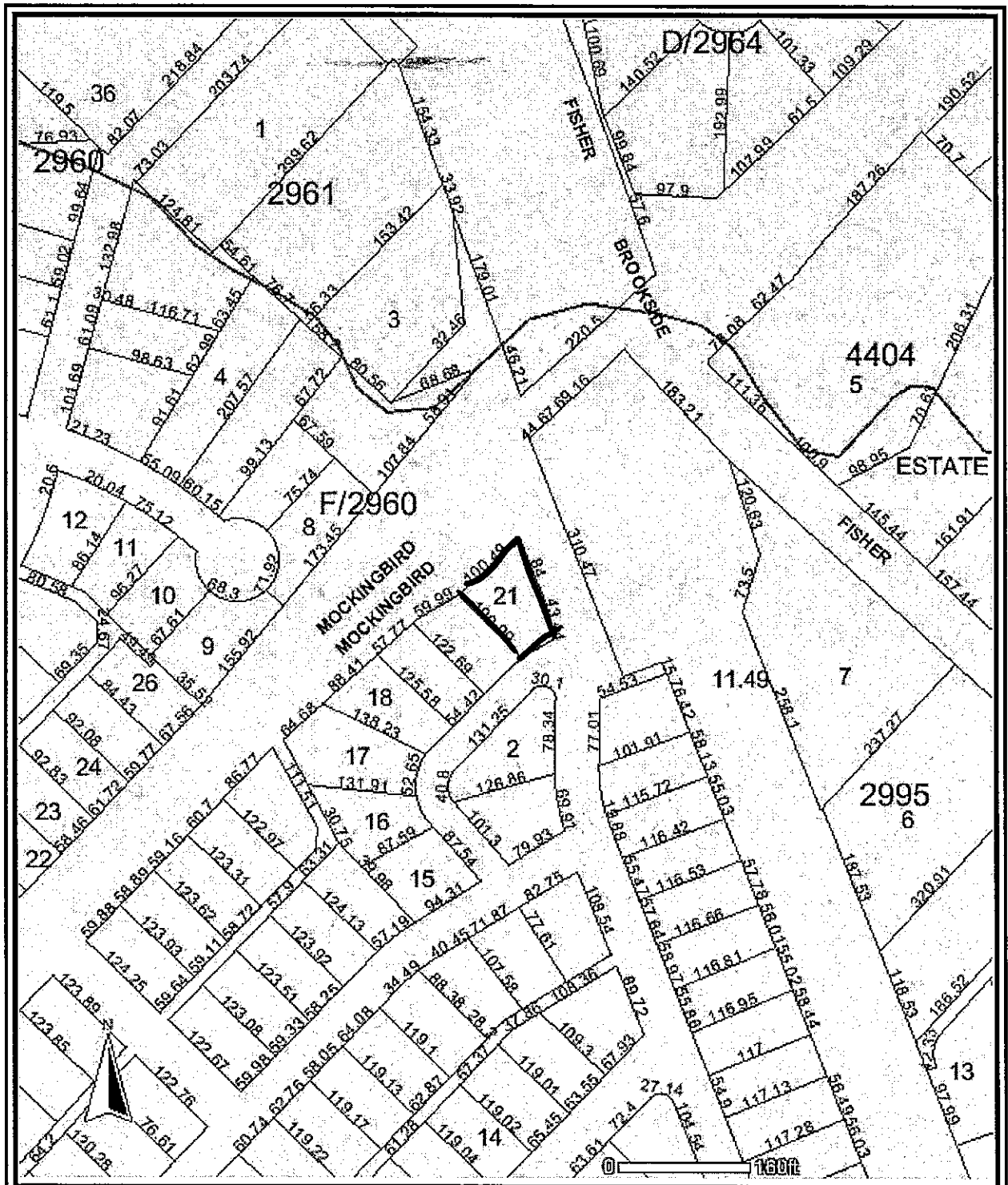
Base Zoning



Floodplain



EW

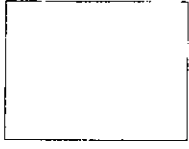


**Dallas Central
Appraisal District**
www.dallascad.org

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

Copyright, Watson Design, Inc. - 2013
 Watson Design Group
 3532 W. 7TH
 SUITE 5
 FORT WORTH, TEXAS
 0.817.882.8882
 F.817.882.9305

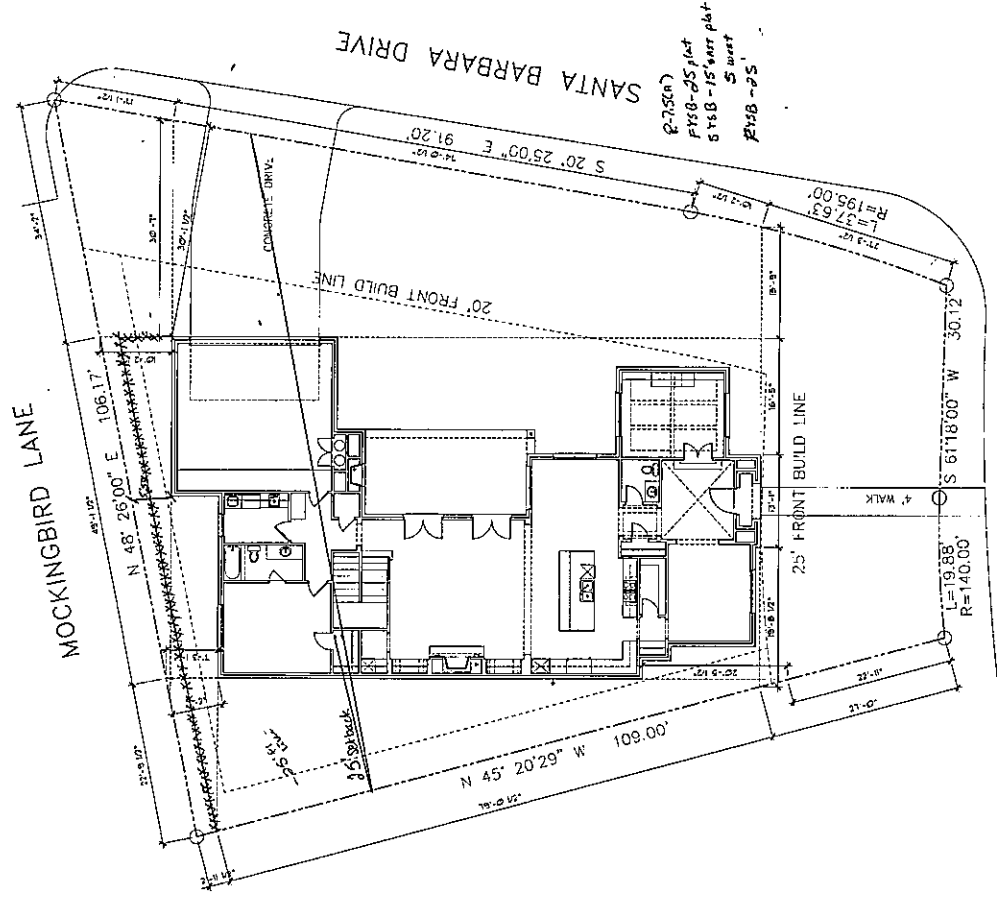
WATSON DESIGN GROUP



REGENT CUSTOM HOMES
 6965 ABBEY COURT
 LOT 21, BLOCK A/2994
 BOB O. LINKS DOWN #6
 DALLAS, TEXAS
 DALLAS COUNTY

PLAN NUMBER	
DATE	7/24/2013
SHEET NUMBER	A1

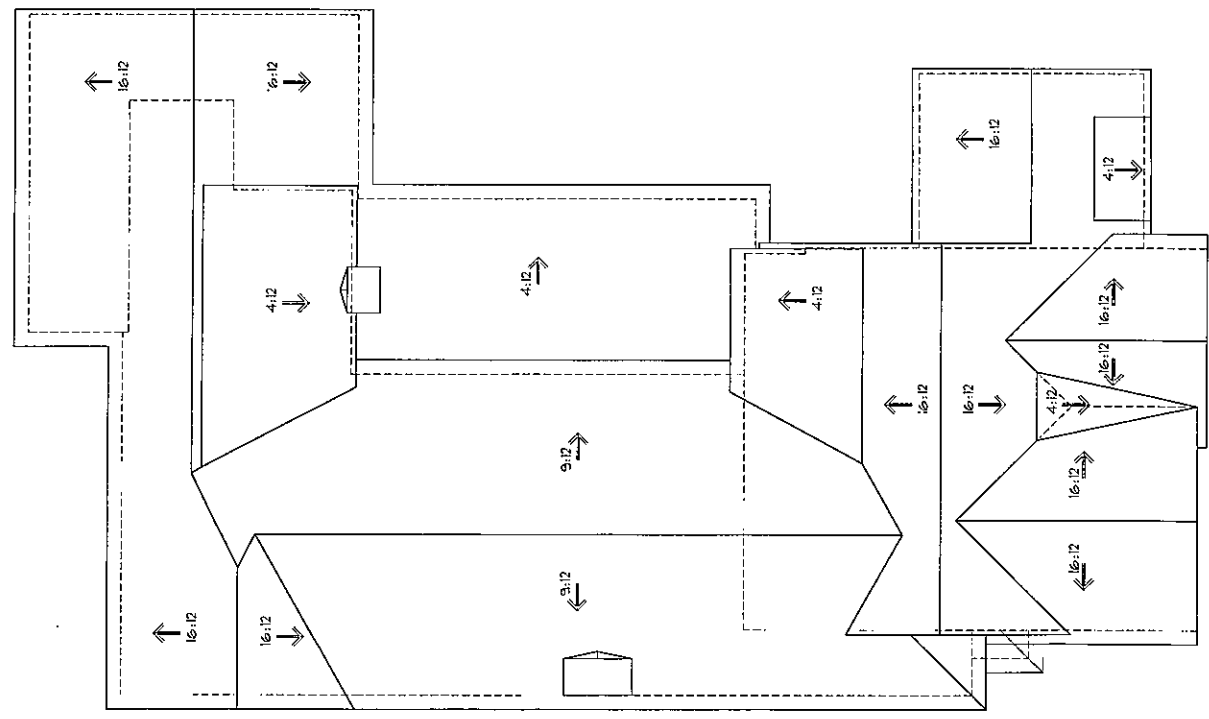
AREA TABULATION:	
FIRST FLOOR A/C:	2,995 sq.ft.
SECOND FLOOR A/C:	868 sq.ft.
TOTAL A/C:	4,063 sq.ft.
GARAGE:	511 sq.ft.
FRONT PORCH:	20 sq.ft.
SIDE COVERED:	332 sq.ft.
TOTAL AREA UNDER ROOF: 4,936 sq.ft.	



ABBAY COURT

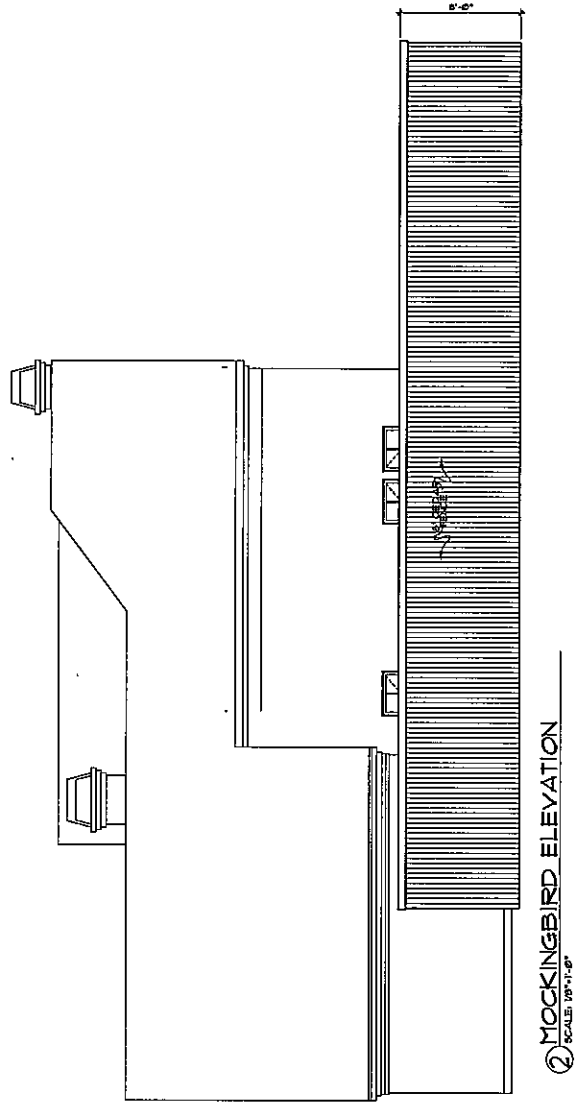
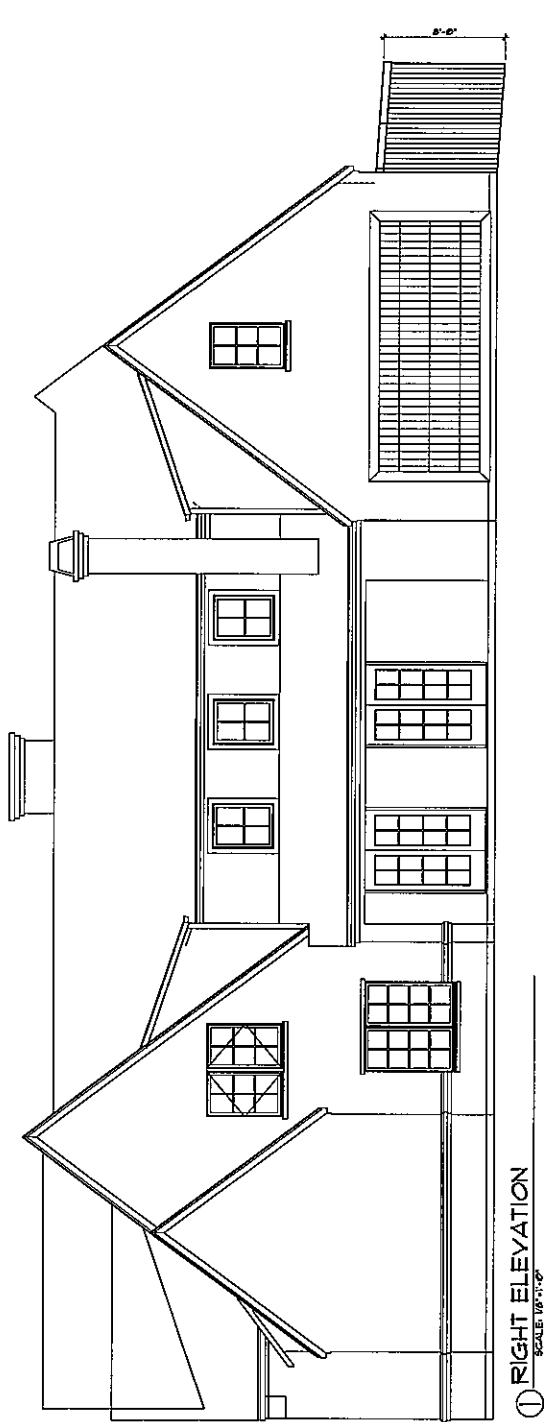
SITE PLAN

SCALE: 1/8"=1'-0"
 6965 ABBEY COURT
 LOT 21, BLOCK A/2994
 BOB O. LINKS DOWN #6
 DALLAS, TEXAS
 DALLAS COUNTY



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

ARBEY





1:1,200

AERIAL MAP

Case no: BDA134-019

Date: 1/24/2014

Notification List of Property Owners

BDA134-019

12 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6965 ABBEY CT	BRUCE AARON & LIZ
2	6984 SANTA BARBARA DR	LOCKE GARY H
3	6923 BLESSING DR	HAMLIN BRANDY
4	6951 ABBEY CT	BABB D KENDACE & EMILY C
5	6955 ABBEY CT	OHALLORAN MICHAEL & ALISON
6	6959 ABBEY CT	BELL CLINTON E
7	6961 ABBEY CT	CHAPMAN JO ANN
8	6943 INVERNESS LN	WEGNER WADE R & AMBER CAMP
9	6958 ABBEY CT	BRYANT JONATHAN W
10	4532 SANTA BARBARA DR	ROSENTHAL COREY & MARY
11	4526 SANTA BARBARA DR	BAJPAI MUNI & ANITA PUNJABI
12	401 BUCKNER BLVD	DART