ZONING BOARD OF ADJUSTMENT, PANEL C MONDAY, OCTOBER 20, 2014 AGENDA

BRIEFING ROOM L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET 12:00 NOON ROOM L1FN CONFERENCE CENTER AUDITORIUM PUBLIC HEARING 1500 MARILLA STREET 1:00 P.M. **Donna Moorman, Chief Planner** Steve Long, Board Administrator **MISCELLANEOUS ITEMS** Approval of the September 15, 2014 Board of Adjustment M1 Panel C Public Hearing Minutes Consideration and approval of Panel C's 2015 M2 Public Hearing Calendar **REGULAR CASE BDA 134-097** 9008 Briarwood Lane 1 **REQUEST:** Application of Robert Baldwin for special exceptions to the fence height regulations

EXECUTIVE SESSION NOTICE

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

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

(Rev. 6-24-02)

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel C September 15, 2014 public hearing minutes.

MISCELLANEOUS ITEM NO. 2

To approve the Board of Adjustment Panel C's 2015 public hearing calendar (see Attachment A).

FILE NUMBER: BDA 134-097

BUILDING OFFICIAL'S REPORT: Application of Robert Baldwin for a special exception to the fence height regulations at 9008 Briarwood Lane. This property is more fully described as part of Lots 8 & 9, Block 5/5578, 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 and maintain a 6 foot 10 inch high fence, which will require a 2 foot 10 inch special exception to the fence height regulations.

LOCATION: 9008 Briarwood Lane

APPLICANT: Robert Baldwin

REQUESTS:

Requests for special exceptions to the fence height regulations of 2' 10" are made to replace an existing fence (which according to the applicant exceeds 4' in height) with the following on a site developed with a single family home:

- In the Briarwood Lane front yard setback: a 5' 3" high open metal fence with 6' 1" high limestone columns parallel to this street, with an entryway that includes a 6' 10" high open metal gate with 6' 5" high limestone entry columns and two, approximately 15' long, 5' 3" high solid limestone veneer wing walls.
- In the Seneca Drive front yard setback: a 5' 3" high open metal fence with 6' 1" high limestone columns parallel to this street, with an entryway that includes a 6' 3" high open metal gate with two, approximately 25' long, 5' 3" - 6' high solid limestone veneer wing walls.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

1. BDA 090-076, Property at 9009 Briarwood Lane (the subject site)

On September 13, 2010, the Board of Adjustment Panel C granted a request for a special exception to the single family use development standard regulations, and imposed the following condition: The property must be deed restricted to prohibit the additional dwelling unit on the site from being used as rental accommodations.

The case report states that the request was made in conjunction with constructing and maintaining a two-story "dwelling unit"/"cabin" structure with an approximately 600 square foot (approximately 30' x 20') building footprint on a site being developed with a dwelling unit/single family home structure that has (according to DCAD) approximately 15,000 square feet of living area.

2. BDA 090-081, Property at 9054
Briarwood Lane (two lots north of the subject site)

On August 17, 2010, the Board of Adjustment Panel A granted a request for a special exception to fence height regulations of 5' 6", and imposed the following condition: compliance with the submitted site plan and revised fence elevation is required.

The case report states that the request was made in conjunction with maintaining 9' 6" high existing brick columns, and replacing an existing open wrought iron fence with (according to the applicant) a slightly higher 8' 3" high board on board cedar fence/wall in one of the site's two 40' front yard setbacks: Northwest Highway.

3. BDA 045-215, Property at 9039
Briarwood Lane (two lots northwest of the subject site)

On December 12, 2005, the Board of Adjustment Panel C granted a request for a special exception to fence height regulations of 7', subject to the following condition: compliance with the submitted revised site plan, revised landscape plan and revised fence elevation is required.

The case report states that the request was made in conjunction with constructing the following in the 40'-Shadywood Lane and Briarwood Lane front yard setbacks on a site developed with a single family home: a 9'-high open wrought iron fence, a 9'-high stone wall, and two, 9'-high solid wood gates with 10.5'-high columns — a fence that would replace a 7'-high open iron fence that existed on the site.

4. BDA 95-036, Property at 9039 Briarwood Lane (two lots northwest of the subject site)

On March 28, 1995, the Board of Adjustment granted a request for a special exception to fence height regulations of 3' 9", subject to the following conditions: 1) Compliance with the submitted site plan, landscape plan, and elevation is required; 2) compliance with the provision that no protected trees (8 inch caliper or greater) can be removed without a permit.

The case report states that the request was made in conjunction with constructing approximately 825 linear feet of a 7' 3" open metal fence with metal posts located approximately 7' on center along Briarwood Lane and Shadywood Lane; and an approximately 50 linear foot 7' 6" solid stone fence along Shadywood Lane.

GENERAL FACTS/STAFF ANALYSIS:

- These requests focus on replacing an existing fence that according to the applicant exceeds 4' in height in the two front yard setbacks with the following on a site located at the north corner of Briarwood Lane and Seneca Drive and developed with a single family home:
- in the Briarwood Lane front yard setback: a 5' 3" high open metal fence with 6' 1" high limestone columns parallel to this street, with an entryway that includes a 6' 10" high open metal gate with 6' 5" high limestone entry columns and two, approximately 15' long, 5' 3" high solid limestone wing walls; and
- in the Seneca Drive front yard setback: a 5' 3" high open metal fence with 6' 1" high limestone columns parallel to this street, with an entryway that includes a 6' 3" high open metal gate with two, approximately 25' long, 5' 3" 6' high solid limestone wing walls.
- 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 north corner of Briarwood Lane and Seneca Drive. The site has a 40' front yard setback along Seneca Drive, 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 40' front yard setback along Briarwood Lane, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where a 9' high fence is allowed by right. But the site's Briarwood Lane frontage is a side yard treated as a front yard setback nonetheless to maintain the continuity of the front yard setback established by the lots developed with single family homes northwest of the site that front/are oriented southwestward towards Briarwood Lane.

- The applicant has submitted a revised site plan/elevation of the proposal in the front yard setbacks that reaches a maximum height of 6' 10".
- The following additional information was gleaned from the submitted site plan:
 - Along Briarwood Lane: the fence is approximately 280' in length, approximately on the property line, and approximately 15' from the pavement line.
 - Along Seneca Drive: the fence is approximately 240' in length, approximately on the property line, and approximately 12' from the pavement line.
- There are two single family homes west of the subject site that have direct frontage to the proposal on Briarwood, neither of which have fences in their front yards; and two single family homes south of the subject site that would have direct frontage to the proposal on Seneca Drive, one of which has a fence in its front yard setback that appears in places to exceed 4' in height with no recorded history with the Board of Adjustment, and the other with no fence in its front yard.
- The Board Administrator conducted a field visit of the site and surrounding area (approximately 300' north and south on Briarwood, and approximately 300' east on Seneca Drive). Other than the fence described and noted above south of the subject site, on Seneca Drive, one other fence was noted in a front yard setback higher than 4' an approximately 9' high open wrought iron fence screened with extensive landscaping fence located two lots northwest of the subject site on Briarwood Lane that appears to be a result of a fence height special exception request granted by the Board of Adjustment in 2005: BDA 045-215 (see the "Zoning/BDA History" section of this case report for additional details).
- As of October 13, 2014, 4 letters had been submitted in support of the requests had been submitted, and 9 letters had been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exceptions to the fence height regulations of 2' 10" will not adversely affect neighboring property.
- Granting these special exceptions of 2' 10" with a condition imposed that the
 applicant complies with the submitted revised site plan/elevation would require the
 proposal exceeding 4' in height in the front yard setbacks to be constructed and
 maintained in the location and of the heights and materials as shown on this
 document.

Timeline:

July 23, 2014: The applicant submitted an "Application/Appeal to the Board of

Adjustment" and related documents which have been included as

part of this case report.

September 9, 2014: The Board of Adjustment Secretary assigned this case to Board of

Adjustment Panel C.

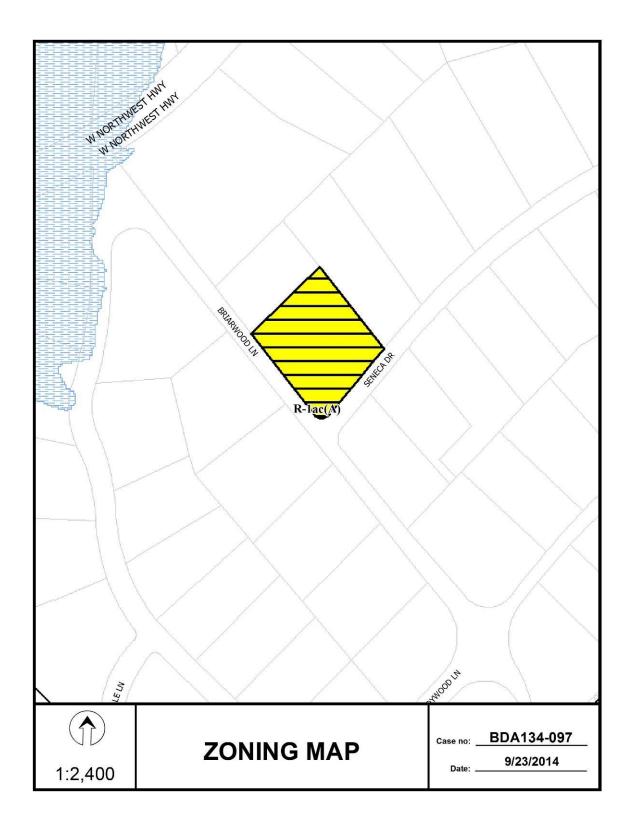
September 10, 2014: The Board Administrator emailed the applicant the following information:

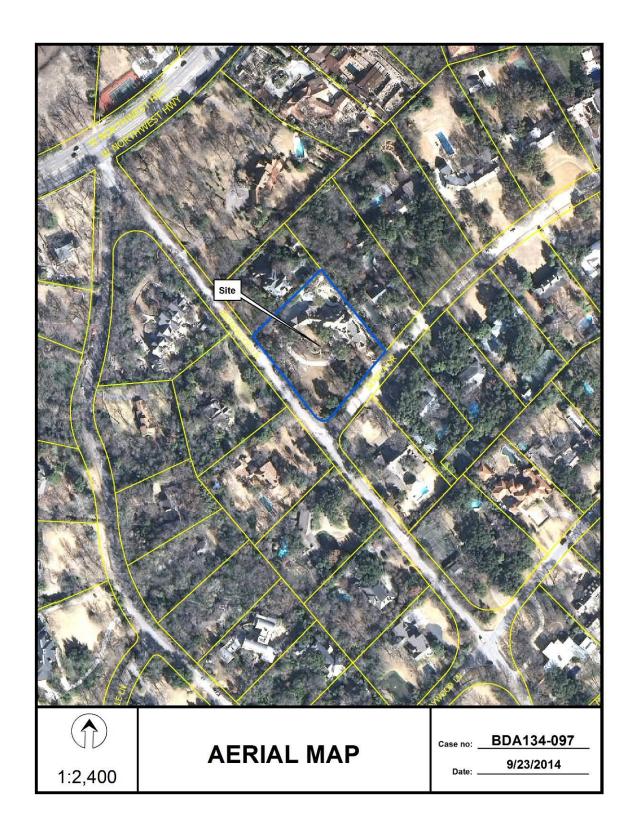
 an attachment that provided the public hearing date and panel that will consider the application; the September 26th deadline to submit additional evidence for staff to factor into their analysis;

- and the October 10th 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.
- September 26, 2014: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- October 3, 2014: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment B).
- October 7, 2014: The Building Inspection Senior Plans Examiners/Development Code Specialist forwarded a revised Building Official's report to the Board Administrator (see Attachment C).
- October 7, 2014: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, and the Assistant City Attorney to the Board.

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

October 10, 2014: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment D).





<u>Baldwin</u>

Associates

September 26, 2014

Steve Long
Board Administrator
City of Dallas
City Hall
1500 Marilla Street, Room 5BN
Dallas, TX 75201-6390

RE:

Fence request to City of Dallas

BDA134-097 9008 Briarwood

Dear Mr. Long,

This firm represents Mark and Pam Okada in requesting approval for a fence they would like to build on their property at the corner of Briarwood and Seneca. The Okadas are renovating their home and with this renovation, they are requesting to replace their existing fence with a new fence along the front property lines.

The existing fence exceeds four feet in height and is decorative wrought iron with brick columns and brick wingwalls at the driveways and corner. The proposed fence will also be decorative wrought iron with solid masonry columns as shown on the site plan and fence elevations. The majority of the wrought fence panels will be 5'3" in height, with some shorter panels where the property slopes along the northeast side property line. Solid masonry columns will be 6'1" except for a few 6'5" in certain locations near the Briarwood vehicular gates as shown. The vehicular gates will be up to 6'10" in height on the Briarwood side and 6'2.5" on the Seneca side. Solid masonry panels will be adjacent to the driveway gates and will be 5'3" in height on the Briarwood side and 6'0" in height on the Seneca side.

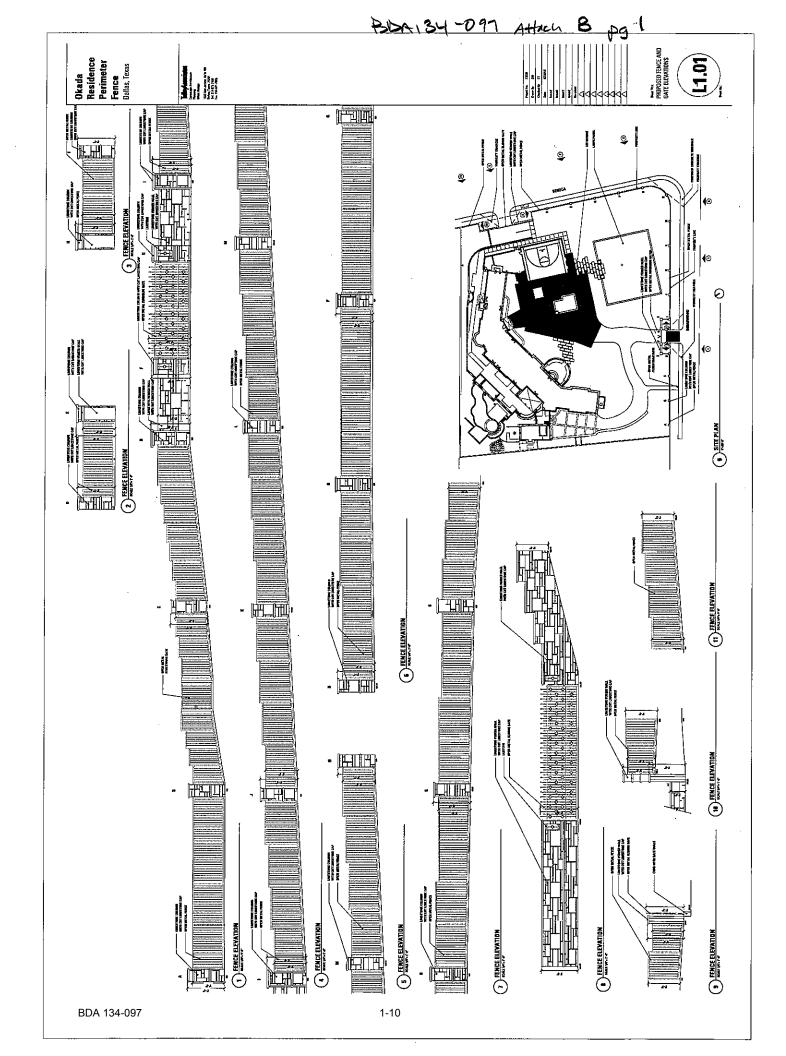
There is a rectangular area shown on the site plan on the Briarwood side of the property that was mistakenly described as a tennis court on this application to the Board of Adjustment. The rectangular area is a landscaping area that will have a low wall no taller than four feet in height. The basketball court visible on the site plan will be enclosed within a building.

We believe that the proposed fence is very similar to the fencing that is on the Okada property today and will be an enhancement for the neighborhood, just as other front yard fences are on the surrounding properties.

Thank you for your assistance with this matter. If you have any questions or need any additional information, please do not hesitate to call me.

Very truly yours.

Robert B. Baldwin, AICP



The Honorable Board of Adjustment c/o Steve Long, Board Administrator City Hall
1500 Marilla Street – Suite 5BN
Dallas, Texas 75201

Relph W. Bedle J.

Re: BDA134- 097, 9008 Briarwood – Fence Special Exception

Dear members of the Board of Adjustment Panel C,

I have reviewed the plans for the fence proposed for the property known as 9008 Briarwood and I support this request.

Sincerely,

Printed Name: Ralph W. Babb Jr. and Barbara L. Babb

Address: 9054 Briarwood Lane, Dallas, Texas 75209

Date: Sepfenber 24,2014

BDA134-097 Attach A Pg 3

The Honorable Board of Adjustment c/o Steve Long, Board Administrator City Hall 1500 Marilla Street – Suite 5BN Dallas, Texas 75201

Re: BDA134-097, 9008 Briarwood - Fence Special Exception

Dear members of the Board of Adjustment Panel C,

I have reviewed the plans for the fence proposed for the property known as 9008 Briarwood and I support this request.

Sincerely,

Printed Name: DON HENLEY

Address: 9017-9039 Briarwood LANE, DALLAS

Date: SEAT 29, 2014

Don Idenley

BD4134-097 Affect A PJ 4

The Honorable Board of Adjustment c/o Steve Long, Board Administrator City Hall 1500 Marilla Street – Suite 5BN Dallas, Texas 75201

Re: BDA134-097, 9008 Briarwood - Fence Special Exception

Dear members of the Board of Adjustment Panel C,

I have reviewed the plans for the fence proposed for the property known as 9008 Briarwood and I support this request.

Sincerely,

Printed Na	me: John T Evans
Address: _	9030 Briarwood Ln, Dallas Tx 75209
Date:	9/30/14

MEMORANDUM OF ACTION TAKEN BY THE BOARD OF ADJUSTMENT

Appeal was-Granted OR Denied Remarks

Chairman

Building Official's Report

I hereby certify that Robert Baldwin

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

at 9008 Briarwood Lane

BDA134-097. Application of Robert Baldwin for a special exception to the fence height regulations at 9008 Briarwood Lane. This property is more fully described as part of Lots & 9, Block 5/5578, and is zoned R-1ac(A), which limits the height of a fence in the front yar to 4 feet. The applicant proposes to construct a 6 foot 10 inch high fence in a required fron yard, which will require a 2 foot 10 inch special exception to the fence regulation.

Sincerely,

Larry Holfnes, Building Official

BDA 134-097

<u>Baldwin</u>

Associates

October 10, 2014

Steve Long Board Administrator City of Dallas City Hall 1500 Marilla Street, Room 5BN Dallas, TX 75201-6390

RE:

Fence request to City of Dallas

BDA134-097 9008 Briarwood

Dear Mr. Long,

I would like to be sure that the Okada's Board of Adjustment application is clear and correct. This application is for a perimeter fence in the required front yards along Briarwood and Seneca. The requested maximum fence height of 6'10" for the special exception request has been corrected with Todd Duerksen.

There is a rectangular area shown on the site plan on the Briarwood side of the property that was mistakenly described as a tennis court on the original application to the Board of Adjustment. There will be no tennis court or tennis court lighting in the Briarwood yard. The rectangular area is a landscaping area that will have a low wall no talter than four feet in height. I attempted to clarify this issue in a letter to you on September 26, 2014.

I apologize for any confusion this has caused in reviewing this application. Thank you for your assistance with this matter. If you have any questions or need any further clarification, please do not hesitate to call me.

Very truly yours,

Robert B. Baldwin, AICP

BDA 134-097



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 134-Data Relative to Subject Property: Date: July 23, 2014 Location address: 9008 Briarwood Zoning District: R-1(A) Lot No.: part 8&9 Block No.: 5/5578 Acreage: 1.76 acres Census Tract: 135 73,02 Street Frontage (in Feet): 1) <u>255</u> 2) <u>278</u> 3) 4) 5) To the Honorable Board of Adjustment: Owner of Property/or Principal: Mark Okada Pumæla Toy Okada Applicant: Robert Baldwin Telephone: 214-824-7949 Mailing Address: 3904 Elm St # B Dallas, TX Zip Code: 75226 Represented by: Rob Baldwin Telephone: (214) 824-7949 Mailing Address: 3904 Elm St. # B Dallas, TX Zip Code: 75226 Affirm that a request has been made for a Variance __, or Special Exception X of X foot 6 inches to allow a Six foot 6 inch foot tall fence in the required 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 be made of masonry post with wrought iron panels. The fence is needed to provide safety for a tennis court that is being constructed. additionally there are other fences in the area similar to this one. 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. Applicant's signature Respectfully submitted: Affidavit Before me the undersigned on this day personally appeared Kobert Baldwin 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. and evern to before me this 74M day of August VICKIE L RADER My Commission Expires

October 13, 2016

Chairman
Remarks
Appeal wasGranted OR Denied
Date of Hearing
MEMORANDUM OF ACTION TAKEN BY THE BOARD OF ADJUSTMENT

Building Official's Report

I hereby certify that

Robert Baldwin

did submit a request

for a special exception to the fence height regulations

af

9008 Briarwood Lane

BDA134-097. Application of Robert Baldwin for a special exception to the fence height regulations at 9008 Briarwood Lane. This property is more fully described as part of Lots & 9, Block 5/5578, and is zoned R-1ac(A), which limits the height of a fence in the front ya to 4 feet. The applicant proposes to construct a 6 foot 6 inch high fence in a required front yard, which will require a 2 foot 6 inch special exception to the fence regulation.

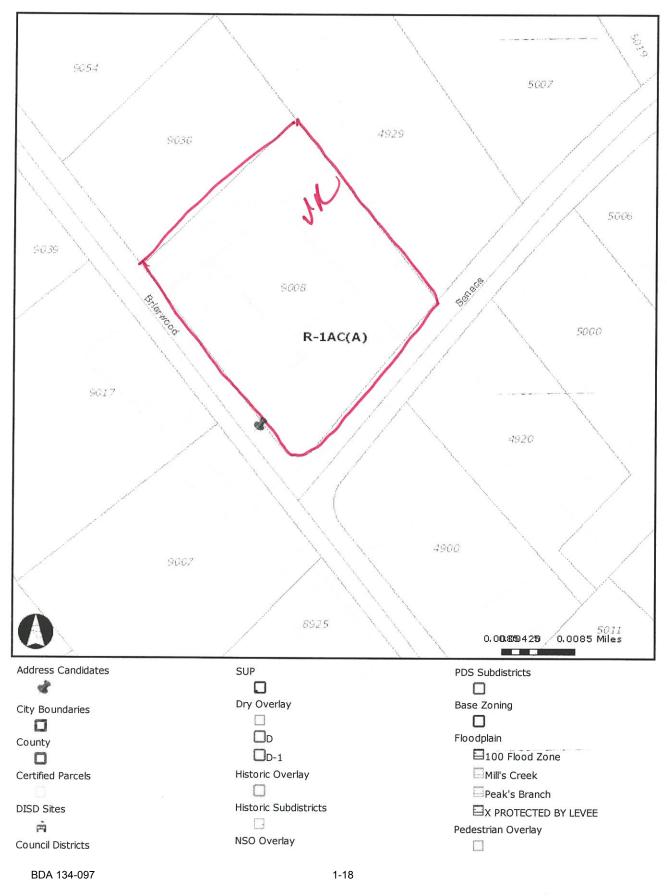
Sincerely,

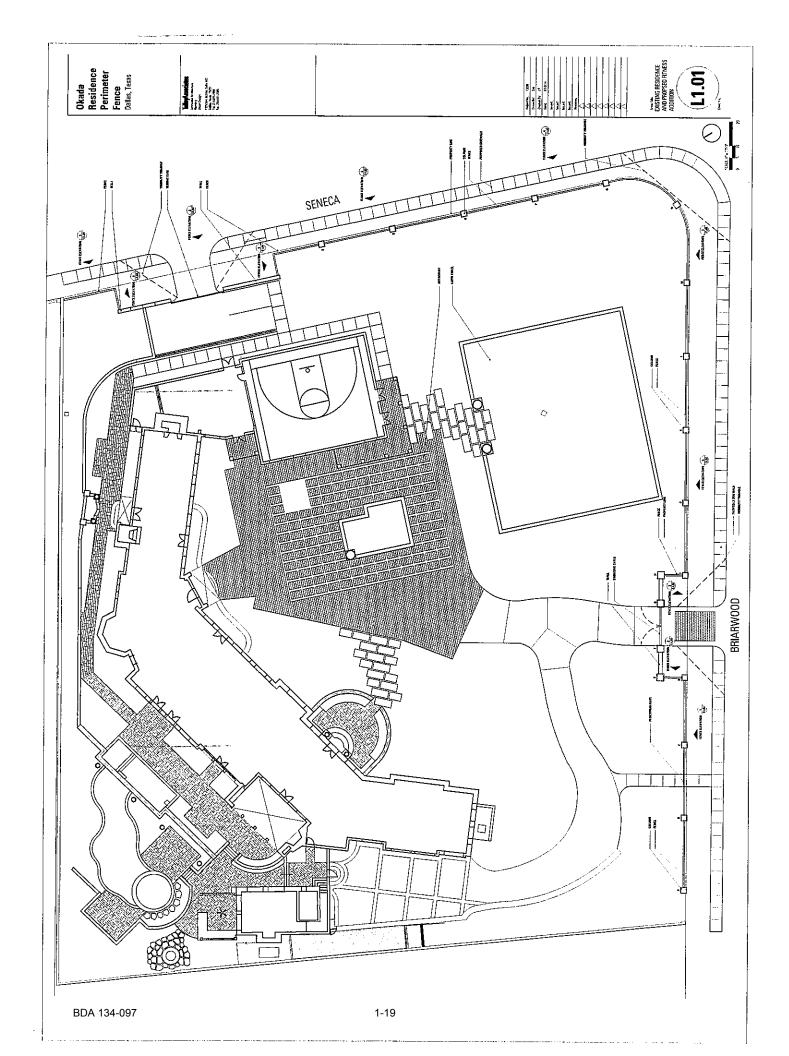
Larry Holmes, Building Official

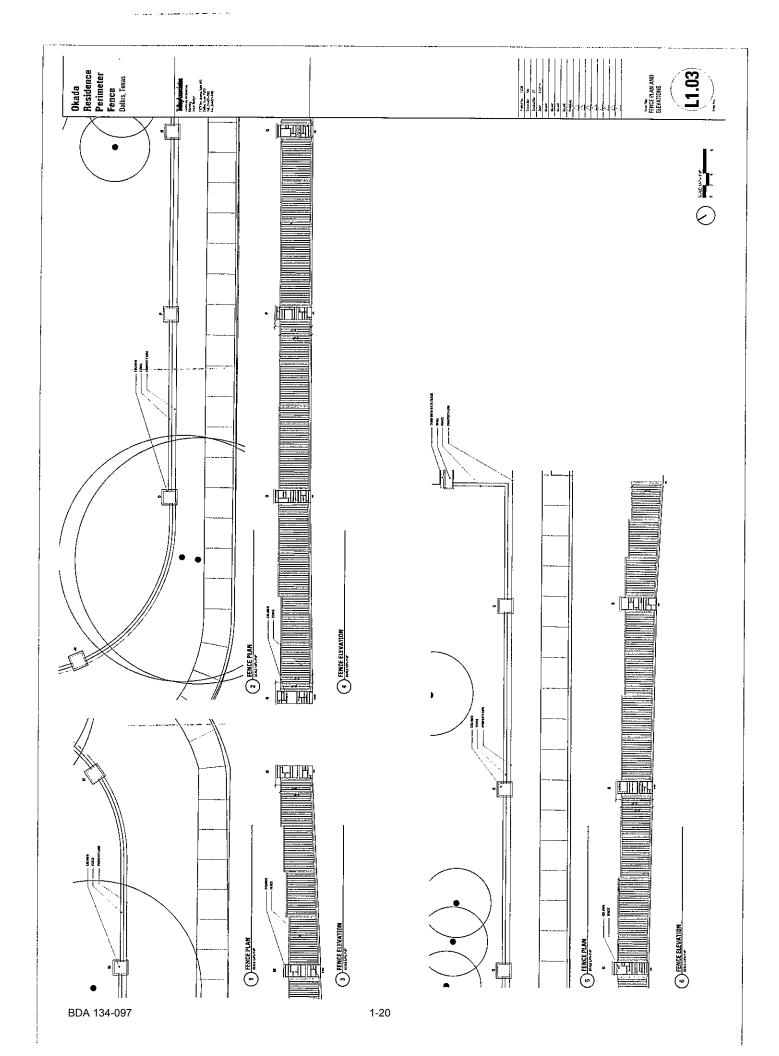
AROE RADER

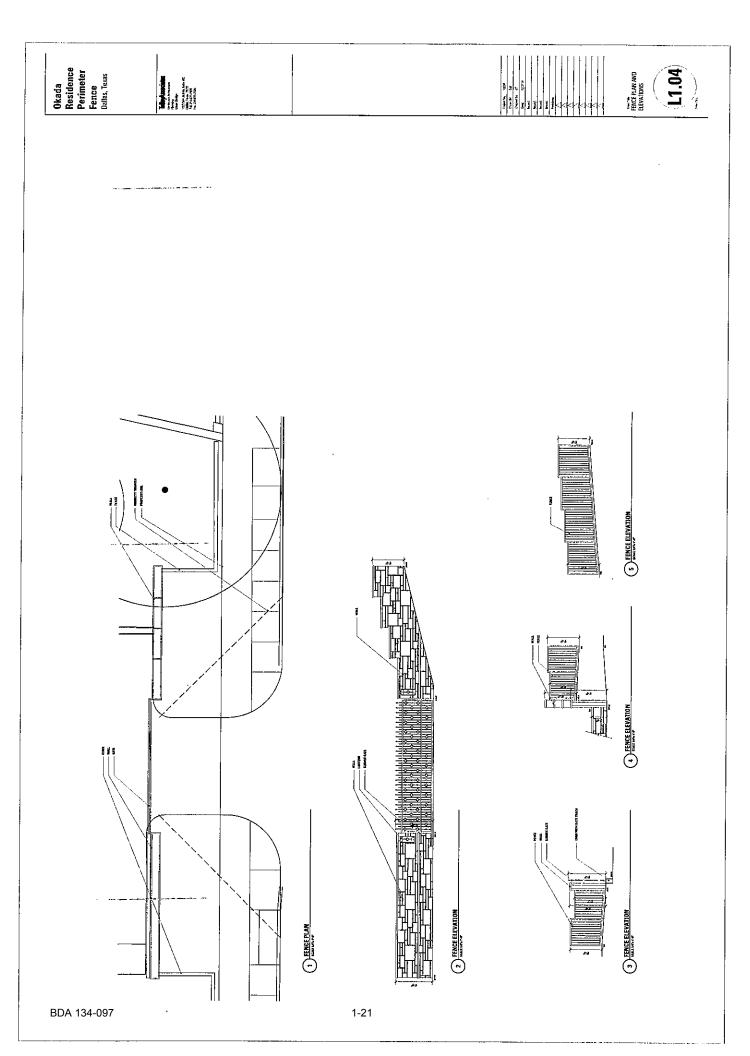
BDA 134-097

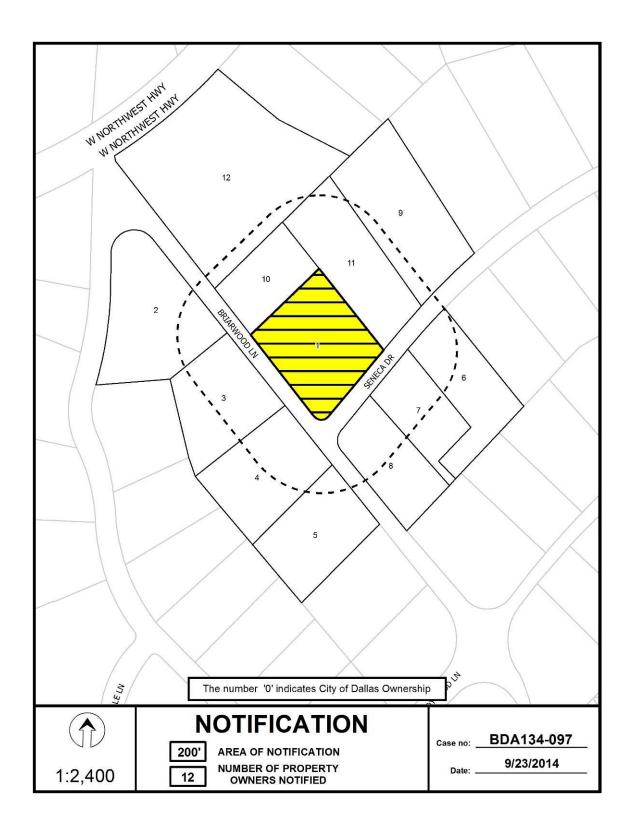
City of Dallas Zoning











Notification List of Property Owners BDA134-097

12 Property Owners Notified

Label #	Address		Owner
1	9008	BRIARWOOD LN	OKADA MARK K & PAMELA JOY
2	9039	BRIARWOOD LN	LOBLOLLY TRUST THE
3	9017	BRIARWOOD LN	RED OAK TRUST
4	9007	BRIARWOOD LN	HYDE WILLIAM L JR &
5	8925	BRIARWOOD LN	WEBB DAVID JR & TUCEAN
6	5000	SENECA DR	NUSSBAUMER BERNARD
7	4920	SENECA DR	BECKERT JOHN A & PAMELA M
8	4900	SENECA DR	LOFTUS JOHN R &
9	5007	SENECA DR	MARSH TOM F
10	9030	BRIARWOOD LN	EVANS JOHN T II
11	4929	SENECA DR	ODONNELL PETER JR
12	9054	BRIARWOOD LN	BABB RALPH W JR & BARBARA