ZONING BOARD OF ADJUSTMENT, PANEL C
MONDAY, AUGUST 15, 2011
AGENDA

BRIEFING  5ES  11:00 A.M.
LUNCH
PUBLIC HEARING  COUNCIL CHAMBERS, 1500 MARILLA STREET  1:00 P.M.

David Cossum, Assistant Director
Steve Long, Board Administrator

MISCELLANEOUS ITEM

Approval of the Monday, June 13, 2011 Board of Adjustment Public Hearing Minutes

UNCONTESTED CASES

BDA 101-065  4360 Hallmark Drive  1
REQUEST: Application of Lee Williams represented by Rob Baldwin, for a special exception to the fence height regulations

BDA 101-066  2002 Idaho Avenue  2
REQUEST: Application of Ruby Taylor, represented by Steve Myers, for a variance to the front yard setback regulations

BDA 101-071  1026 Cliffdale Avenue  3
REQUEST: Application of James Moore for a special exception to the fence height regulations

REGULAR CASE

BDA 101-072  3003 S. Buckner Boulevard  4
REQUEST: Application of Mohammed I. Sultan, represented by Mohammed Kamal, for variances to the side yard setback 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]

6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay, or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex. Govt. Code §551.086]

(Rev. 6-24-02)
MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel C June 13, 2011 public hearing minutes.
BOARD OF ADJUSTMENT MONDAY, AUGUST 15, 2011
CITY OF DALLAS, TEXAS

FILE NUMBER: BDA 101-065

BUILDING OFFICIAL’S REPORT:

Application of Lee Williams represented by Rob Baldwin, for a special exception to the fence height regulations at 4360 Hallmark Drive. This property is more fully described as Lot 13 in City Block L/6396 and is zoned R-16(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 9 foot high fence, which will require a special exception of 5 feet.

LOCATION: 4360 Hallmark Drive

APPLICANT: Lee Williams
Represented by Rob Baldwin

REQUEST:

• A special exception to the fence height regulations of 5’ is requested in conjunction with constructing and maintaining a 7’ 11” – 8’ 4” high board on board wood fence parallel to Crestline Avenue and a 7’ 8” – 8’ 6” stone wall perpendicular to Crestline Avenue (with stone columns reaching 9’ in height) to be located in one of the site’s two required front yards on a site being developed with a single family home – Crestline Avenue. (No fence proposal is shown to be located in the site’s Hallmark Drive required front yard).

STAFF RECOMMENDATION:

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

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

GENERAL FACTS:
• The subject site is located at the southwest corner of Hallmark Drive and Crestline Avenue. The site has two required front yards - a 20’ required front yard created by a platted building line along its shorter frontage (Crestline Avenue) and a 40’ required front yard (created by a platted building line) along its longer frontage (Hallmark Drive). Regardless of how the site’s Crestline Avenue frontage functions as a side yard on the property, it is a front yard nonetheless given that is it the shorter of the property’s two street frontages. The site’s longer Hallmark Drive frontage that functions as the property’s front yard is also deemed a front yard to maintain continuity of the required front yards established by the lots west of the site fronting northward onto Hallmark Drive.

• The Dallas Development Code states that a person shall not erect or maintain a fence in a required yard more than 9’ above grade, and additionally states that in all residential districts except multifamily districts, a fence may not exceed 4’ above grade when located in the required front yard. The applicant has submitted a site plan and elevation indicating that the proposal in the 20’ Crestline Avenue required front yard reaches a maximum height of 9’.

• The following additional information was gleaned from the submitted site plan:
  − The proposal located in the Crestline Avenue required front yard over 4’ in height is approximately 80’ in length parallel to the street and approximately 16’ – 20’ in length perpendicular to Crestline Avenue on the north and south sides of the site in the required front yard.
  − The proposal is shown to be located at a range of 0’ – 4’ from the site’s Crestline Avenue front property line or a range of 9’ - 13’ from the curb line.

• No single family home “fronts” to the proposed fence on the subject site since the home on the lot immediately east across Crestline Avenue fronts northward onto Hallmark Drive as does the home being developed on the subject site.

• The Board Administrator conducted a field visit of the site and surrounding area and noted one other fence above 4’ high, which appeared to be located in a front yard setback – an approximately 6’ high wood fence located immediately south of the subject site.

• The applicant submitted information beyond what was submitted with the original application (see Attachment A). This information included a letter (and related graphic) that provided additional details about the request.

BACKGROUND INFORMATION:

Zoning:

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

**Land Use:**

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

**Zoning/BDA History:**

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

**Timeline:**

May 9, 2011: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

June 22, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

June 23, 2011: The Board Administrator emailed the applicant’s representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the August 1st deadline to submit additional evidence for staff to factor into their analysis; and the August 5th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

July 26, 2011: The applicant’s representative submitted additional information to the Board Administrator beyond what was submitted with the original application (see Attachment A).

August 2, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Development and Construction Department Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.
August 4, 2011: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked “Has no objections if certain conditions are met” with the following comments: “Need to comply with all C.O.D. visibility requirements.” (Note that no item appears to be represented on the submitted site plan as being located in a visibility triangle).

**STAFF ANALYSIS:**

- This request focuses on constructing and maintaining a 7’ 11” – 8’ 4” high board on board wood fence parallel to Crestline Avenue and a 7’ 8” – 8’ 6” stone wall perpendicular to Crestline Avenue (with stone columns reaching 9’ in height) to be located in the one of the site’s two required front yards on a site being developed with a single family home – Crestline Avenue. (No fence proposal is shown to be located in the site’s Hallmark Drive required front yard).

- The subject site is located at the southwest corner of Hallmark Drive and Crestline Avenue. The site has two required front yards - a 20’ required front yard created by a platted building line along its shorter frontage (Crestline Avenue) and a 40’ required front yard (created by a platted building line) along its longer frontage (Hallmark Drive). Regardless of how the site’s Crestline Avenue frontage functions as a side yard on the property, it is a front yard nonetheless given that is it the shorter of the property’s two street frontages. The site’s longer Hallmark Drive frontage that functions as the property’s front yard is also deemed a front yard in order to maintain continuity of the required front yards established by the lots west of the site fronting northward onto Hallmark Drive.

- Note that if the site’s Crestline Drive frontage were approximately 10’ longer, it would be deemed the property’s side yard and the applicant would not be required to make an application to the board since a 9’ high fence can be erected and maintained by right.

- The submitted site plan and elevation documents the location, height, and material of the fence over 4’ in height in the Crestline Avenue required front yard. The site plan shows the fence to be approximately 80’ in length parallel to Crestline and approximately 16’ - 20’ in length **perpendicular** to Crestline Avenue on the north and south sides of the site in the required front yard; and to be located on 0’ – 4’ from the Crestline Avenue front property line or 9’ - 13’ from the curb line. The elevation shows that the proposed fence to be between 7’ 8” – 8’ 6” in height with 9’ stone columns, and materials to be either board on board parallel to Crestline Avenue or stone parallel to Hallmark Drive in the Crestline Avenue required front yard.

- No single family home “fronts” to the proposed fence on the subject site since the home on the lot immediately east across Crestline Avenue fronts northward onto Hallmark Drive as does the home being developed on the subject site.
• The Board Administrator conducted a field visit of the site and surrounding area and noted one other fence above four (4) feet high which appeared to be located in a front yard setback – an approximately 6’ high wood fence located immediately south of the subject site.

• As of August 8, 2011, no letters have been submitted in support or opposition to the request.

• The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 5’ (whereby the proposal would reach a maximum of 9’ in height in the site’s Crestline Avenue required front yard) will not adversely affect neighboring property.

• Granting this special exception of 5’ with a condition imposed that the applicant complies with the submitted site plan and elevation would assure that the proposal exceeding 4’ in height in the Crestline Avenue required front yard would be constructed and maintained in the location and of the heights and materials as shown on these documents.
July 26, 2011

Mr. Steve Long
Board of Adjustment Administrator
City of Dallas
1500 Marilla
Dallas, TX 75201

Re: BDA 101-065 – 4360 Hallmark Drive

Dear Steve,

As you may recall, I am working with Lee Williams in his request for a Special Exception to the City’s fence standards. This property is located at the southwest corner of the intersection of Hallmark Drive and Crestline Drive. Specifically, Mr. Williams is seeking permission to construct a fence taller than four feet in height along Crestline Drive. The proposed fence along Crestline Drive is proposed to be nine (9) feet tall. The fence will be constructed out of wood and have brick columns every 13’ 2”. The brick will match the house that Mr. Williams is currently constructing on the property.

This is an odd situation in that the entire neighborhood was designed and built so that the houses face and front on the streets that go from east to west (such as Hallmark Drive). The streets that go north and south (such as Crestline Drive) are designed to be side yards and it is common to have privacy fences along Crestline Drive. Unfortunately, due to the way the Dallas zoning ordinance is written, on corner lots, the narrower street frontage is considered the front yard and the Crestline frontage is about 10 feet narrower than the Hallmark Drive frontage. Therefore, the City of Dallas considers the Crestline Drive frontage to be the front yard and the Hallmark Drive frontage to be the side yard. The city would grant a permit to construct the fence along Hallmark Drive, but not along Crestline. This is why Mr. Williams’ is seeking this special exception.

If you have any questions or would like to speak with us about this, please contact me at rob@baldwinplanning.com or call me at (214) 824-7949.

With kind regards,

Robert Baldwin
Direction House is Facing

Fences along Crestline Drive
City of Dallas

APPLICATION/PEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-065

Data Relative to Subject Property:

Date: 3-9-11

Location address: 4360 Hallmark Drive Zoning District: R-16(A)

Lot No.: 13 Block No.: L/6396 Acreage: 0.40 acres Census Tract: 135

Street Frontage (in Feet): 1) 137.16' 2) 126.45' 3) 4) 5)

To the Honorable Board of Adjustment:

Owner of Property/Principal: Lee Williams

Applicant: Lee Williams Telephone: (214) 824-7949

Mailing Address: 14131 Midway Road #1160 Addison, TX Zip Code: 75001

Represented by: Rob Baldwin

APPLICATION/PEAL TO THE BOARD OF ADJUSTMENT

Mailing Address: 3904 Elm St. # B Dallas, TX Zip Code: 75226

Data Relative to Subject Property:

Date: 3-9-11

Location address: 4360 Hallmark Drive Zoning District: R-16(A)

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 front yard per the city code actually functions as a side yard and there are many tall fences along Crestline.

To the Honorable Board of Adjustment:

Owner of Property/Principal: Lee Williams

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

Respectfully submitted: Lee Williams

Mailing Address: 3904 Elm St. # B Dallas, TX Zip Code: 75226

Represented by: Rob Baldwin

Affidavit

Before me the undersigned on this day personally appeared who on (his/her) oath verifies 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.

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 front yard per the city code actually functions as a side yard and there are many tall fences along Crestline.

Subscribed and sworn to before me this day of August, 2011

Notary Public in and for Dallas County, Texas

Respectfully submitted: Lee Williams

BDAM 9632 62350-160 11-10
Building Official's Report

I hereby certify that  
represented by  
did submit a request  
at  
Lee Williams  
Baldwin Associates  
for a special exception to the fence height regulations  
4360 Hallmark Drive

BDA101-065. Application of Lee Williams represented by Rob Baldwin for a special exception to the fence height regulations at 4360 Hallmark Drive. This property is more fully described as Lot 13 in city block L/ 6396 and is zoned R-16(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 9 foot high fence in a required front yard setback, which will require a 5 foot special exception to the fence regulation.

Sincerely,

Batsheba Antebi, Building Official
City of Dallas Zoning
The number ‘0’ indicates City of Dallas Ownership

NOTIFICATION

1:1,200

AREA OF NOTIFICATION
200'

NUMBER OF PROPERTY OWNERS NOTIFIED
17

DATE: July 18, 2011

Map no: E-6
Case no: BDA101-065
**Notification List of Property Owners**

**BDA101-065**

**17 Property Owners Notified**

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<td>ALTA VISTA GIOVANNINI VICTORIA L &amp; V STEVEN</td>
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Application of Ruby Taylor, represented by Steve Myers, for a variance to the front yard setback regulations at 2002 Idaho Avenue. This property is more fully described as Lot 11 in City Block 5/3677 and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct/maintain a structure and provide a 14 foot front yard setback, which will require a variance of 11 feet.

LOCATION: 2002 Idaho Avenue

APPLICANT: Ruby Taylor
Represented by Steve Myers

REQUEST:
• A variance to the front yard setback regulations of 11’ is requested in conjunction with replacing an existing single family home structure with a new single family home structure, part of which would be located in one of the site’s two 25’ front yard setbacks (Louisiana Avenue). (No request has been made in this application to construct/maintain any portion of a structure in the site’s Idaho Avenue front yard setback).

STAFF RECOMMENDATION:

Approval, subject to the following condition:
• Compliance with the submitted site plan is required.

Rationale:
• The subject site is unique and different from most lots zoned R-7.5(A) in that it is a corner lot with a restrictive area due to two front yard setbacks. The atypical two front yard setbacks on the typically sized 7,500 square foot property/subject site precludes it from being developed in a manner commensurate with development on other similarly zoned properties - in this case, development being a single family home with an approximately 1,100 square foot building footprint.

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.

GENERAL FACTS:

- Single family structures on lots zoned R-7.5(A) are required to provide a minimum front yard setback of 25’.
- The subject site is located at the southeast corner of Idaho Avenue and Louisiana Avenue. Regardless of how the proposed structure on the site may be oriented or addressed, the subject site has two 25’ front yard setbacks along both streets. The site has a 25’ front yard setback along Idaho Avenue, the shorter of the two frontages which is always deemed the front yard setback on a corner lot in a single family zoning district, and a 25’ front yard setback along Louisiana Avenue, the longer of the two frontages of this corner lot which would typically be regarded as a side yard where only a 5’ yard setback would be required. But the site’s Louisiana Avenue frontage is deemed a front yard setback nonetheless in order to maintain the continuity of the established front yard setback established by the lots east of the site that are oriented northward onto Louisiana Avenue – lots that appear to be currently vacant/undeveloped.
- A scaled site plan has been submitted denoting a portion of the proposed single family home to be located 14’ from the Louisiana Avenue front property line or 11’ into the 25’ front yard setback. (No encroachment is proposed in the site’s Idaho Avenue 25’ front yard setback).
- According to calculations taken by the Board Administrator from the submitted site plan, the area of the proposed structure to be located in the site’s Louisiana Avenue 25’ front yard setback is approximately 385 square feet in area or approximately 1/3 of the approximately 1,110 square foot building footprint.
- According to DCAD records, the “main improvement” on the site is a 1,099 square foot structure built in 1925 in “poor” condition.
- The subject site is flat, rectangular in shape (150’ x 50’), and 7,500 square feet in area. The site is zoned R-7.5(A) where lots in this zoning district are typically 7,500 square feet in area. This site has two 25’ front yard setbacks;
and two 5’ side yard setbacks; most residentially-zoned lots have one front yard setback, two side yard setbacks, and one rear yard setback.

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, south, and west are developed with single family uses; and the area to the east is undeveloped.

Zoning/BDA History:

1. Miscellaneous Item # 2, 2002 Idaho Avenue (the subject site) On April 18, 2011, the Board of Adjustment Panel C waived the filing fee to be submitted in conjunction with a pending board of adjustment application at this address and for this applicant.

Timeline:

May 26, 2011: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

June 23, 2011: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case.”

June 23, 2011: The Board Administrator emailed the applicant’s representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the August 1st deadline to submit additional evidence for staff to factor into their analysis; and the August 5th deadline to submit;
- additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

August 2, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Development and Construction Department Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

August 4, 2011: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked “Has no objections if certain conditions are met” with the following comments: “Need to comply with all C.O.D visibility requirements.” (Note that no item appears to be represented on the submitted site plan as being located in a visibility triangle).

STAFF ANALYSIS:

- This request focuses on replacing an existing single family home structure with a new single family home structure, part of which would be located in one of the site’s two 25’ front yard setbacks (Louisiana Avenue). (According to the applicant, the existing house on the property encroaches into the Louisiana Avenue front yard setback).
- The proposed replacement single family home structure that is the issue of this request is to be located on a site that has two front yard setbacks – a site with one front yard setback on Idaho Avenue (where no structure is proposed to be located in); the other front yard setback on Louisiana Drive (where the proposed structure that is the issue of this application is shown to be 14’ from the Louisiana Avenue front property line or 11’ into the 25’ front yard setback).
- Regardless of how the proposed structure on the site may be oriented or addressed, the subject site has two 25’ front yard setbacks along both streets. The site has a 25’ front yard setback along Idaho Avenue, the shorter of the two frontages which is always deemed the front yard setback on a corner lot in a single family zoning district, and a 25’ front yard setback along Louisiana Avenue, the longer of the two frontages of this corner lot which would typically be regarded as a side yard where only a 5’ yard setback would be required.
- The site’s Louisiana Avenue frontage is deemed a front yard setback nonetheless in order to maintain the continuity of the established front yard setback established by the lots east of the site that front/are oriented...
northward onto Louisiana Avenue – lots that appear to be currently vacant/undeveloped.

- According to calculations taken by the Board Administrator from the submitted site plan, the area of the proposed structure to be located in the site’s Louisiana Avenue 25’ front yard setback is approximately 385 square feet in area or approximately 1/3 of the approximately 1,110 square foot building footprint.

- According to DCAD records, the “main improvement” on the site is a 1,099 square foot structure built in 1925 in “poor” condition.

- The subject site is flat, rectangular in shape (150’ x 50’), and 7,500 square feet in area. The site is zoned R-7.5(A) where lots in this zoning district are typically 7,500 square feet in area. This site has two 25’ front yard setbacks; and two 5’ side yard setbacks; most residentially-zoned lots have one front yard setback, two side yard setbacks, and one rear yard setback.

- The site has approximately 120’ x 20’ of developable area left once its setbacks are accounted for as opposed to 120’ x 40’ of developable area left if the site were more typical with having just one front yard setback.

- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the Louisiana Avenue 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, subject to the submitted site plan, 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 14’ from the Louisiana Avenue front property line (or 11’ into this 25’ front yard setback).
APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-066

Date: 5-26-11

City of Dallas

Data Relative to Subject Property:

Location address: 2002 IDAHO AVE Zoning District: R-7.5(A)

Lot No.: 11 Block No.: 5/3677 Acreage: 17 Census Tract:

Street Frontage (in Feet): 1) 50' 2) 150' 3) 4) 5) LOUISIANA

To the Honorable Board of Adjustment:

Owner of Property/or Principal: RUBY TAYLOR

Applicant: RUBY TAYLOR Telephone: 214-941-4427

Mailing Address: 2002 IDAHO DALLAS, TX Zip Code: 75216

Represented by: SCHRUND MCGUIRE CUSTOM BUILDERS Telephone: 214-794-1932

Mailing Address: 18208 PRESTON RD. #D 67 DALLAS, TX Zip Code: 75252

Affirm that a request has been made for a Variance of 11.0 FT VARIANCE TO NORTH PROPERTY LINE SET BACK TO BE CHANGED TO 13.0 FEET 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:
ALLOW 32.0" WIDE SINGLE FAMILY HOME TO BE BUILT AFTER REMOVAL OF EXISTING HOME. NEW HOME TO HAVE APPROXIMATE SET BACK OF EXISTING HOME, DUE TO SMALLER CORNER LOT WITH 2 FLAT UNITS. RESULTS IN A SMALLER BUILDABLE AREA THAN THE SURROUNDING ZONED LOTS. LEAVING ONLY A 20' WIDE BUILDABLE AREA.

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

Respectfully submitted:

Applicant's name printed

Ruby Taylor

Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared

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

Ruby Taylor

Affiant (Applicant's signature)

Subscribed and sworn to before me this 13 day of MAY, 2011

Notary Public in and for Dallas County, Texas

(Rev. 08-20-09)

KENNETH WILLINGHAM
MY COMMISSION EXPIRES
September 13, 2014

BDA 101-066
I hereby certify that R TAYLOR
represented by STEVE MYERS
did submit a request for a variance to the front yard setback regulations
at 2002 Idaho Avenue

BDA101-066. Application of Ruby Taylor represented by Steve Myers for a variance to the front yard setback regulations at 2002 Idaho Avenue. This property is more fully described as Lot 11 in city block 6/3677 and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a single family structure and provide a 14 foot front yard setback, which will require an 11 foot variance to the front yard setback regulation.

Sincerely,

[Signature]
Batsheba Antebi, Building Official
# Notification List of Property Owners

**BDA101-066**

<table>
<thead>
<tr>
<th>Label #</th>
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<td>LAZO TEODORO &amp; EDUWIGES</td>
</tr>
<tr>
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<td>HMK LTD</td>
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<td>FERNANDEZ RICARDO</td>
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<td>MANNING GOERGE &amp; CHARLIE</td>
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<td>POLK LEANDREL</td>
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<td>11</td>
<td>911 WOODIN</td>
<td>MUNGUIN CALIXTO &amp; LEOCADA</td>
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<tr>
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<td>915 WOODIN</td>
<td>PENNINGTON HERMAN E</td>
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<td>GULLEY CHRIS L</td>
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<td>FULL GOSPEL HOLY TEMPLE</td>
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<td>1918 IDAHOSHEWACH ROBERT S PMB 339</td>
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Application of James Moore for a special exception to the fence height regulations at 1026 Cliffdale Avenue. This property is more fully described as Lot 1 in City Block 8/5123 and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to maintain an 8 foot high fence, which will require a special exception of 4 feet.

LOCATION: 1026 Cliffdale Avenue

APPLICANT: James Moore

REQUEST:

• A special exception to the fence height regulations of 4’ is requested in conjunction with maintaining what is represented on submitted plans as a 6’-8’ high board on board wood fence in one of the site’s two front yard setbacks on a site developed with a single family home – Buna Drive. (No existing or proposed fence is shown to be located in the site’s Cliffdale Avenue front yard setback).

STAFF RECOMMENDATION:

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

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

GENERAL FACTS:

• The subject site is located at the southeast corner of Cliffdale Drive and Buna Drive. The site has two 25’ front yard setbacks - one front yard setback along its shorter frontage (Cliffdale Avenue) and the other front yard setback along
its longer frontage (Buna Drive). Regardless of how the site’s Buna Drive
frontage is the longer of the corner lot’s frontages (usually deemed a side
yard where a fence in a side yard setback can reach 9’ in height) and
functions as a side yard on the property, it is a front yard nonetheless in order
to maintain continuity of the required front yard setback established by one lot
east of the site fronting northward onto Buna Drive.

- The Dallas Development Code states that a person shall not erect or maintain
a fence in a required yard more than 9’ above grade, and additionally states
that in all residential districts except multifamily districts, a fence may not
exceed 4’ above grade when located in the required front yard.

- The applicant has submitted a revised site plan (see Attachment A) and
revised elevations indicating that the fence in the Buna Drive 25’ front yard
setback reaches a maximum height of 8’.

- The following additional information was gleaned from the submitted revised
site plan:
  - The fence located in the Buna Drive front yard setback over 4’ in height is
    approximately 80’ in length parallel to the street and approximately 20’ in
    length perpendicular to Buna Drive on the east and west sides of the site
    in the required front yard.
  - The fence is shown to be located approximately 4’ from the site’s Buna
    Drive front property line or about 8’ from the pavement line.

- Three single family homes “front” to the existing fence, none of which have
fences in their front yard setbacks.

- The Board Administrator conducted a field visit of the site and surrounding
area and noted no other fences above four (4) feet high which appeared to be
located in a front yard setback.

- The applicant submitted information beyond what was submitted with the
original application (see Attachment A). This information included a revised
site plan, revised elevations, and a petition signed by 28 neighbors/owners in
support of the request.

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:**

- **May 25, 2011:** The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- **June 22, 2011:** The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- **June 28, 2011:** The Board Administrator emailed the applicant the following information:
  - an attachment that provided the public hearing date and panel that will consider the application; the August 1\textsuperscript{st} deadline to submit additional evidence for staff to factor into their analysis; and the August 5\textsuperscript{th} deadline to submit additional evidence to be incorporated into the Board’s docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- **June 30, 2011:** The applicant submitted additional information to the Board Administrator beyond what was submitted with the original application (see Attachment A).
- **August 2, 2011:** The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Development and Construction Department Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.
- **August 4, 2011:** The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked “Has no objections if certain conditions are met” with the following comments: “Need to comply with all C.O.D visibility requirements.” (Note that no item appears to be represented on the submitted site plan as being located in a visibility triangle).
STAFF ANALYSIS:

- This request focuses on maintaining what is represented on submitted plans as a 6’- 8’ high board on board wood fence in one of the site’s two front yard setbacks on a site developed with a single family home – Buna Drive.
- The subject site is located at the southeast corner of Cliffdale Drive and Buna Drive. The site has two 25’ front yard setbacks - one front yard setback along its shorter frontage (Cliffdale Avenue) and the other front yard setback along its longer frontage (Buna Drive). Regardless of how the site’s Buna Drive frontage is the longer of the corner lot's frontages (usually deemed a side yard where a fence in a side yard setback can reach 9’ in height) and functions as a side yard on the property, it is a front yard nonetheless in order to maintain continuity of the required front yard setback established by one lot east of the site fronting northward onto Buna Drive.
- The one lot east of the site fronting northward onto Buna Drive is what makes the Buna Drive frontage on the subject site a front yard and requires the applicant to seek exception for the existing fence that reaches 8’ in height. Otherwise the applicant could maintain up to a 9’ high fence along his longer Buna Drive frontage by right.
- The submitted revised site plan and revised elevation documents the location, height, and material of the fence over 4’ in height in the Buna Drive required front yard setback. The revised site plan shows the fence to be approximately 80’ in length parallel to Buna Drive and approximately 20’ in length perpendicular to Buna Drive on the east and west sides of the site in the front yard setback; and to be located approximately 4’ from the Buna Drive front property line or 8’ from the pavement line. The elevation shows that the fence to be between 6’ – 8’ in height and comprised of board on board.
- Three single family homes “front” to the existing fence none of which have fences in their front yard setbacks.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences above four (4) feet high which appeared to be located in a front yard setback.
- As of August 8, 2011, a petition signed by 28 neighbors/owners in support had 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 4’ (whereby the existing fence reaches a maximum of 8’ in height in the site’s Buna Drive front yard setback) does not adversely affect neighboring property. Granting this special exception of 4’ with a condition imposed that the applicant complies with the submitted revised site plan and revised elevations would assure that the fence exceeding 4’ in height in the Buna Drive front yard setback would be maintained in the location and of the heights and material as shown on these documents.
Fence is 1x6 Whitewood, Steel post (4x95 Heavywall) set in concrete.
Board on board
Hat Top 1x4 trim
3x6 baseboard
Pre-stain & Seal Brown

Base of fence
Cliffdale Ave
Dallas, TX 75211

2x6 4in
Double Gate
136+8in
46+1
46+1
76+8in
Petition to increase height of fence on side yard

Increase height of fence on front side yard by 4' (actually 2' w/ slope of property) at 1026 Cliffdale Ave Dallas Texas 75211

We, the undersigned, residents of El Tivoli Place have no problem or displeasure with the height, material, placement, color or construction of replacement fence surrounding 1026 Cliffdale Ave Dallas, Texas 75211 owned by K. Wages and J. Moore. We feel this is an enhancement to the community and the surrounding properties. Exception for 8' fence on side front yard on corner Cliffdale and Buna.

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<td>A. Garcia</td>
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<td>2745 Buna Dr</td>
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D-01-071
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<td>Printed Name</td>
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APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Data Relative to Subject Property:

Case No.: BDA 101-021  
Date: 5/27/11

Location address: 1026 Cliffdale Ave. Dallas TX  
Zoning District: R-7.5 (A)

Lot No.: 1  Block No.: 8/514 3  Acreage: 0.16  Census Tract: 

Street Frontage (in Feet): 1) 54  2) 126  3) 4)  5)

To the Honorable Board of Adjustment:

Owner of Property/Principal: Kevin Wages / James K. Moore

Applicant: James K. Moore  
Telephone: 214-330-6686

Mailing Address: 1026 Cliffdale Ave. Dallas TX  
Zip Code: 75211

Represented by: James K. Moore  
Telephone: 214-330-6686

Mailing Address: 1026 Cliffdale Ave. Dallas TX  
Zip Code: 75211

Affirm that a request has been made for a Variance  
Special Exception  

on side yard corner lot to replace existing wood fence

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 reasons:

TO ENHANCE & BEAUTIFY NEIGHBORHOOD & INCREASE PROPERTY VALUES. ADD CHARM & ELEGANCE TO OLDER NEIGHBORHOOD.

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

Respectfully submitted: James Kent Moore

Applicant's name printed

Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared James Kent Moore  
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.

Subscribed and sworn to me this 27th day of May 2011

James Kent Moore  
Affiant (Applicant's signature)

(Rev. 08-26-09)

SANDY JANE \\ NOTARY PUBLIC \ STATE OF TEXAS \ Comm. Exp. 08-14-2013

Notary Public in and for Dallas County, Texas
Building Official’s Report

I hereby certify that JAMES MOORE did submit a request for a special exception to the fence height regulations at 1026 Clifdale Avenue.

BDA101-071. Application of James Moore for a special exception to the fence height regulations at 1026 Clifdale Avenue. This property is more fully described as Lot 1 in city block 8/5123 and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 8 foot high fence in a required front yard setback, which will require a 4 foot special exception to the fence regulation.

Sincerely,

Batsheba Antebi, Building Official
BDA 101-071

ALL FENCE IS:
1x6 Whitewood
Steel post (4x4 Heavy Wall)
set in concrete
Board on Board
Flat Top 1x4 trim
2x4 Base Board
Prefinish & Seal Brown

1926 Clifford Ave.
Dallas TX 75211

287

A

← 6ft bin →

296+ 4in

← 136+ 8in →

Double gate

← 46+ → 1 ← 46+ → 1

76+ 8in
The number 'O' indicates City of Dallas Ownership

NOTIFICATION

1:1,200

AREA OF NOTIFICATION

200'

NUMBER OF PROPERTY OWNERS NOTIFIED

24

DATE: July 19, 2011

Map no: K-5

Case no: BDA101-071
# Notification List of Property Owners

**BDA101-071**

24 Property Owners Notified

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<td>WAGES KEVIN J</td>
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<td>1011 CLIFFDALE</td>
<td>RODRIGUEZ JOSE ALEJANDRO</td>
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Application of Mohammed I. Sultan, represented by Mohammed Kamal, for variances to the side yard setback regulations at 3003 S. Buckner Boulevard. This property is more fully described as Lot 1 in City Block D/6179 and is zoned PD-366, Subarea 6, which requires a side yard setback of 20 feet where there is residential adjacency. The applicant proposes to construct/maintain a structure and provide a 1 foot side yard setback, which will require a variance of 19 feet.

LOCATION: 3003 S. Buckner Boulevard

APPLICANT: Mohammed I. Sultan
Represented by Mohammed Kamal

REQUESTS:

• The following appeals have been made in this application on a site developed with a fuel station/convenience store structure/use (Conoco):
  1. A variance to the side yard setback regulations of 19’ is made in conjunction with maintaining an approximately 1,100 square foot addition on an approximately 1,000 square foot convenience store structure, virtually of which is located in the site’s 20’ side yard setback on the north side of the site;
  2. A variance to the side yard setback regulations of approximately 16’ 6” is made in conjunction with maintaining an approximately 1,100 square foot addition on an approximately 1,000 square foot convenience store structure part of which is located in the site’s 20’ side yard setback on the west side of the site;
  3. A variance to the side yard setback regulations of approximately 2’ is made in conjunction with maintaining an approximately 1,000 square foot convenience store structure, part of which is located in the site’s 20’ side yard setback on the west side of the site; and
  4. A variance to the side yard setback regulations of up to 18’ 8” is requested in conjunction with locating and maintaining an approximately 64 square foot dumpster structure which is located in the site’s 20’ side yard setback on the west side of the site.

STAFF RECOMMENDATION:

Denial
Rationale:
- The applicant had not substantiated how either the restrictive area, shape, or slope of the site/lot preclude it from being developed in a manner commensurate with development found on other PD No. 366 (Subarea 6) zoned lots.

**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.

**GENERAL FACTS:**

- The minimum side yard setback on a lot zoned lot PD 366 (Subarea 6) is 20 feet where adjacent to or directly across an alley from a single family, duplex, townhouse, or multifamily zoning district; or no minimum in all other cases. The subject site directly abuts to an R-7.5(A) (single family) zoning district to the north and west – an area that is developed as the Pleasant Mound Cemetery.

The applicant has submitted a site plan indicating a “proposed extension” structure that is 1,082 square feet attached to an “existing 1 story building” that is 1,030 square feet. Although the site plan denotes a “proposed extension” along with an “existing 1 story building,” it appears from a field visit of the site that the “proposed extension” has been completed and is in the setbacks. The “proposed extension” structure is represented on the site plan as being 1’ 1” from the site’s northern side property line (or 18’ 11” into this required 20’ side yard setback) and approximately 3’ 6” from the site’s western side property line (or 16’ 6” into this required 20’ side yard setback). The site plan also represents that the “existing 1 story building” structure is approximately 18’ from the site’s side property line on the west (or 2’ into this required 20’ side yard setback). Lastly, the site plan also denotes a dumpster structure that (given its mobility) could potentially be located as close as 1’ 4”
from the site’s side property line on the west (or as much as 18’ 8” into this required 20’ side yard setback).

- According to calculations taken by the Board Administrator from the submitted site plan, virtually the entire 1,082 square foot “proposed extension” structure is located in the site’s northern 20’ side yard setback; about 320 square feet (or approximately 30 percent) of the “proposed extension” structure, about 50 square feet (or approximately 4 percent) of the 1,030 square foot “existing 1 story building” structure, and the entire 64 square foot dumpster structure are located in the site’s western 20’ side yard setback.

- The site is flat, is rectangular in shape (116.5’ x 125’), and is approximately 14,600 square feet in area. The site is zoned PD 366 (Subarea 6). The site has two front yard setbacks along both street frontages which is typical of any corner lot not zoned agricultural, single family, or duplex.

- According to DCAD records, the “improvements” on the property is a 976 square foot “convenience store” built in 1998.

**BACKGROUND INFORMATION:**

**Zoning:**

- **Site:** PD No. 366 (Subarea 6) (Planned Development)
- **North:** R-7.5(A) (SUP 92) (Single family district 7,500 square feet)(Specific Use Permit)
- **South:** R-7.5(A) (SUP 92) (Single family district 7,500 square feet)(Specific Use Permit)
- **East:** PD No. 366 (Subarea 6) (Planned Development)
- **West:** R-7.5(A) (SUP 92) (Single family district 7,500 square feet)(Specific Use Permit)

**Land Use:**

The subject site is developed with a convenience store/fuel station structure/use (Conoco). The areas to the north, south, and west are developed a cemetery use (Pleasant Mound Cemetery); and the area to the east is developed with commercial and retail uses.

**Zoning/BDA History:**

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

**Timeline:**

- **June 6, 2011:** The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
June 22, 2011: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

June 30, 2011: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the August 1st deadline to submit additional evidence for staff to factor into their analysis; and the August 5th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

August 2, 2011: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Development and Construction Department Assistant Director, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

The Building Inspection Senior Plans Examiner/Development Code Specialist raised a concern about whether the site was in compliance with Article X: The Landscape Regulations. Staff discussed that while the site may not be in compliance with these regulations, the applicant made no request for the board to consider any leniency or exception to these regulations, and that the applicant’s request for variances to the side yard setback regulations will not provide any relief to any existing or proposed noncompliant issues on the subject site pertaining to Article X: The Landscape Regulations.

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

**STAFF ANALYSIS:**

- The requests focus on maintaining portions of an existing convenience store structure/use (Conoco), part of which are located in the northern and western side yard setbacks, and a dumpster structure all of which is located in the western side yard setback.
According to calculations taken by the Board Administrator from the submitted site plan, virtually the entire 1,082 square foot “proposed extension” structure is located in the site’s northern 20’ side yard setback; about 320 square feet (or approximately 30 percent) of the “proposed extension” structure, about 50 square feet (or approximately 4 percent) of the 1,030 square foot “existing 1 story building” structure, and the entire 64 square foot dumpster structure are located in the site’s western 20’ side yard setback.

The site is flat, is rectangular in shape (116.5’ x 125’), and is approximately 14,600 square feet in area. The site is zoned PD 366 (Subarea 6). The site has two front yard setbacks along both street frontages which is typical of any corner lot not zoned agricultural, single family, or duplex.

According to DCAD records, the “improvements” on the property is a 976 square foot “convenience store” built in 1998.

The applicant has the burden of proof in establishing the following:

- That granting the variances to the side yard setback regulations of up to 19’ 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 variances are 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 PD No. 366 (Subarea 6) zoning classification.

- The variances 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 PD No. 366 (Subarea 6) zoning classification.

If the Board were to grant the variances to the side yard setback regulations, imposing a condition whereby the applicant must comply with the submitted site plan, the encroachments into these setbacks would be limited to what is shown on this plan which in this case are structures that are located as close as 1’ from the side property line or as much as 19’ into the 20’ side yard setbacks.

The applicant’s request for variances to the side yard setback regulations will not provide any relief to any existing or proposed noncompliant issues on the subject site pertaining to Article X: The Landscape Regulations.
City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 101-072
Date: 6-6-11

Data Relative to Subject Property:

Location address: 3003 S Buckner Zoning District: PD 366 (Subarea 6)
Lot No.: 1 Block No.: D/6179 Acreage: .33 Census Tract: 
Street Frontage (in Feet): 1) 116 2) 125 3) 4) 5)

To the Honorable Board of Adjustment:

Owner of Property/or Principal: East Bengal Corp.

Applicant: Mohammed I Sultan Telephone: 214-682-4824
Mailing Address: 3003 S Buckner Blvd, Dallas Zip Code: 75227
Represented by: Mohammed S. Kamar Telephone: 469-544-8150
Mailing Address: 7953 Pinkerton Ct, Plano Zip Code: 75025

Affirm that a request has been made for a Variance or Special Exception of Need variance 18'-6" set back on west side and 19'-7 set back on north side.

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: Building needed Bathrooms for the employees and customers due to increased size approved by the city previously also required extra space for the employees by providing the needed FFOU's and parking.

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

Respectfully submitted:

Mohammed I Sultan

Applicant's name printed

Applicant's signature

Affidavit

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

Affiant (Applicant's signature)

Subscribed and sworn to before me this 17 day of May, 2011

Notary Public in and for Dallas County, Texas

(Rev. 08-20-09)

MOIN HOQUE
MY COMMISSION EXPIRES
March 25, 2012

BDA 101-072 4-8
I hereby certify that Mohammed I Sultan, represented by MOHAMMED KAMAL, did submit a request for a variance to the side yard setback regulations at 3003 S. Buckner Blvd.

BDA101-072. Application of Mohammed I Sultan represented by Mohammed Kamal for a variance to the side yard setback regulations at 3003 S. Buckner Blvd. This property is more fully described as Lot 1 in city block D/6179 and is zoned PD-366, Subarea 6, which requires a side yard setback of 20 feet where there is residential adjacency for new construction. The applicant proposes to construct and maintain a nonresidential structure and provide a 1 foot side yard setback, which will require a 19 foot variance to the side yard setback regulation.

Sincerely,

[Signature]
Batsheba Antebi, Building Official
# Notification List of Property Owners

**BDA101-072**

**8 Property Owners Notified**

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<tr>
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<td>3151</td>
<td>BUCKNER PLEASANT MOUND CEMETERY ASSOCIATION</td>
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<td>3003</td>
<td>BUCKNER EAST BENGAL CORP</td>
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<td>SCYENE CEMETERY</td>
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<td>SCYENE ZUNIGA CLAUDIA Y</td>
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<td>BUCKNER FIREBRAND PROPERTIES LP</td>
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<tr>
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<td>BUCKNER ROBERTSON EUGENE</td>
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