

ZONING BOARD OF ADJUSTMENT, PANEL A
TUESDAY, AUGUST 25, 2015
AGENDA

BRIEFING	6ES, 1500 MARILLA STREET DALLAS CITY HALL	11:30 A.M
PUBLIC HEARING	6ES 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.

Donna Moorman, Chief Planner
Steve Long, Board Administrator

MISCELLANEOUS ITEM

Approval of the June 23, 2015 Board of Adjustment Panel A Public Hearing Minutes	M1
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UNCONTESTED CASE

BDA 145-072	6709 Hollis Avenue REQUEST: Application of Isabel Aceves for a special exception to the side yard setback regulations for a carport	1
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REGULAR CASES

BDA 145-076	4519 Cherokee Trail REQUEST: Application of David J. Ferre for a special exception to the fence height regulations	2
BDA 145-081	922 S. Glasgow Drive REQUEST: Application of Rogelio Guerrero Ramirez for special exceptions to the side yard setback regulations for a carport and visual obstruction regulations	3

EXECUTIVE SESSION NOTICE

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

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

(Rev. 6-24-02)

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel A June 23, 2015 public hearing minutes.

FILE NUMBER: BDA 145-072

BUILDING OFFICIAL'S REPORT: Application of Isabel Aceves for a special exception to the side yard setback regulations for a carport at 6709 Hollis Avenue. This property is more fully described as Lot 2, Block 5/5818, and is zoned R-7.5(A), which requires a side yard setback of 5 feet. The applicant proposes to construct and/or maintain a carport in a side yard and provide a 0 foot setback, which will require a 5 foot special exception to the side yard setback regulations.

LOCATION: 6709 Hollis Avenue

APPLICANT: Isabel Aceves

REQUEST:

A request for a special exception to the side yard setback regulations of 5' is made to modify and maintain a carport, part of which is to remain located in the site's eastern 5' side yard setback on a site developed with a single family home structure/use.

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.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on modifying and maintaining carport, part of which is located in the site's eastern 5' side yard setback, on a site developed with a single-family home structure/use.
- A 5' side yard setback is required in the R-7.5(A) zoning district.
- The applicant has submitted a site plan and elevation indicating the location of the carport on the site's eastern side property line.
- The application states that the carport has been in existence since 1960; that the property was purchased in 1988 with carport; and that a permit was granted in 1995 to re-roof entire residence which included the carport.
- The following information was gleaned from the submitted site plan:
 - The carport is represented to be 45' in length and 10' in width (approximately 450 square feet in total area) of which approximately half is located in the eastern side yard setback.
- The following information was gleaned from the submitted elevation:
 - The carport is represented to be approximately 10' in height with wood columns, a 1-hour rated wall and "asphalt shingles over wood rafters" roof.
- The subject site is approximately 130' x 58' (or approximately 7,500 square feet) in area.
- According to DCAD records, the "main improvement" for property addressed at 6709 Hollis Avenue is a structure built in 1950 with 1,098 square feet of living/total area; and with the following additional improvements: a 578 square foot attached garage, a 320 square foot outbuilding.

- 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 August 14, 2015, no letters had been submitted in support of the request, and no letters had been submitted in opposition.
- The applicant has the burden of proof in establishing the following:
 - that granting this special exception to the side yard setback regulations of 5’ will not have a detrimental impact on surrounding properties.
- Granting this request and imposing the following conditions would require the carport to be modified/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.

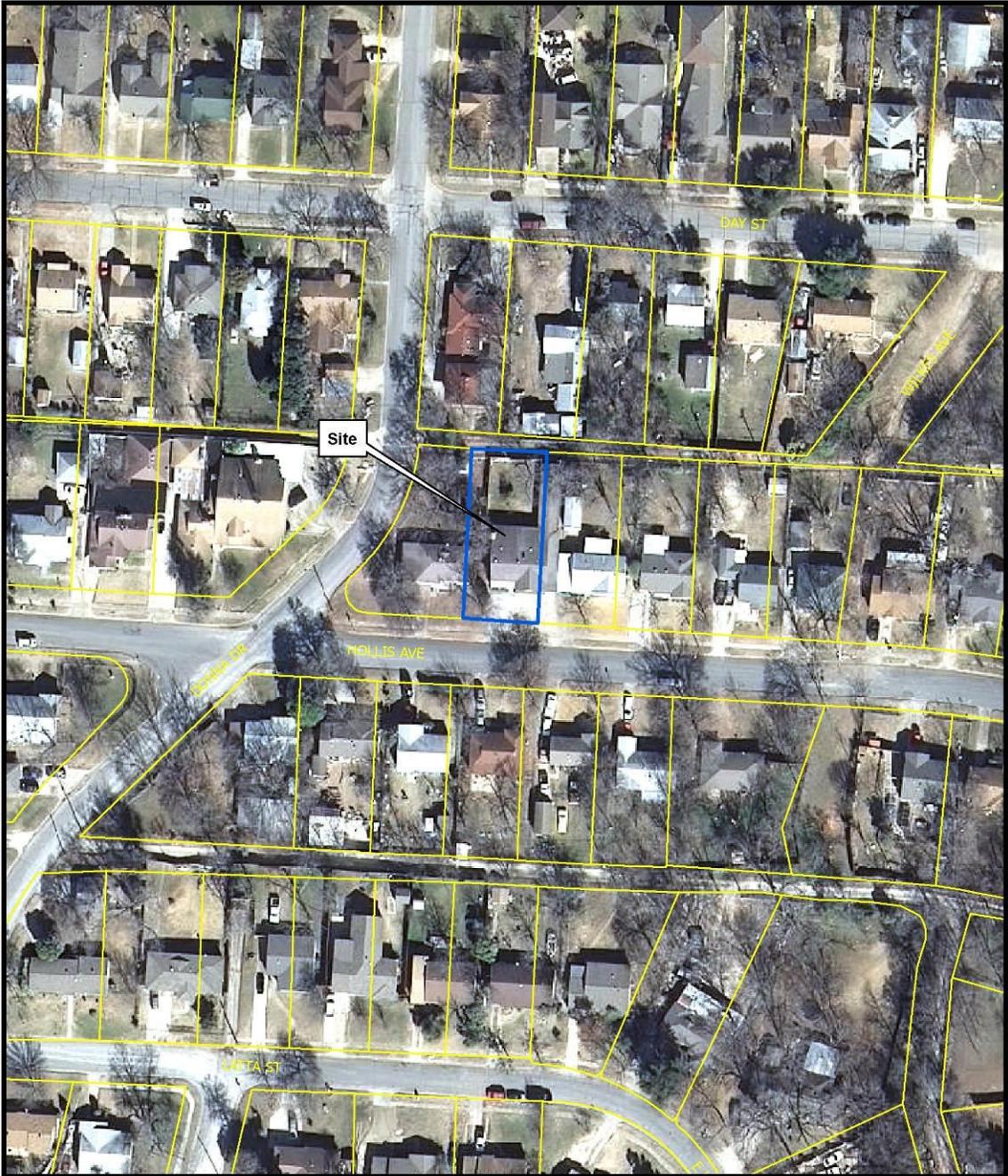
Timeline:

- May 6, 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.
- June 19, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- June 19, 2015: The Board Administrator contacted the applicant and emailed the following information:
 - a copy of the application materials including the Building Official’s report on the application;
 - an attachment that provided the public hearing date and panel that will consider the application; the July 29th deadline to submit additional evidence for staff to factor into their analysis; and the August 14th 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 11, 2015: 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 Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief

Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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





1:1,200

AERIAL MAP

Case no: BDA145-072

Date: 7/22/2015



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-072

Data Relative to Subject Property:

Date: 05-06-13

Location address: 6709 Hollis Ave Dallas TX 75227 Zoning District: R-7.5(A)

Lot No.: 2 Block No.: 5/5818 Acreage: .17 Census Tract: 84.00

Street Frontage (in Feet): 1) 58' 2) _____ 3) _____ 4) _____ 5) _____ 509

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Raul B. Aceves & Maria N. Aceves

Applicant: Isabel Aceves Telephone: 214-878-6794

Mailing Address: 6716 Hollis Ave Dallas, TX Zip Code: 75227

E-mail Address: aka-izzy@yahoo.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 Carport, 5' side yard setback.

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:

Carport garage has been in existence since 1960. Property was purchased in 1988 with carport. In addition, permit was granted in 1995 to re-roof entire residence which included carport that extends to rear garage. Garage original permit shows 3' side yard setback.

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.

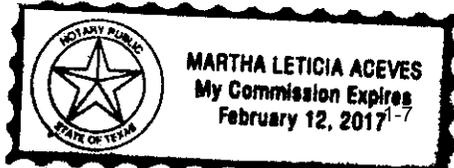
Affidavit

Before me the undersigned on this day personally appeared Isabel Aceves (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: Isabel Aceves (Affiant/Applicant's signature)

Subscribed and sworn to before me this 6th day of May, 2013



Martha Leticia Aceves 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

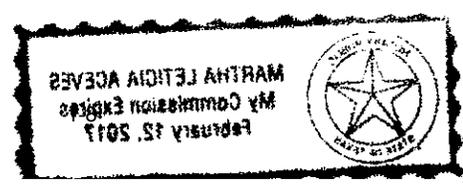
I hereby certify that ISABEL ACEVES

did submit a request for a special exception to the side yard setback regulations
at 6709 Hollis Avenue

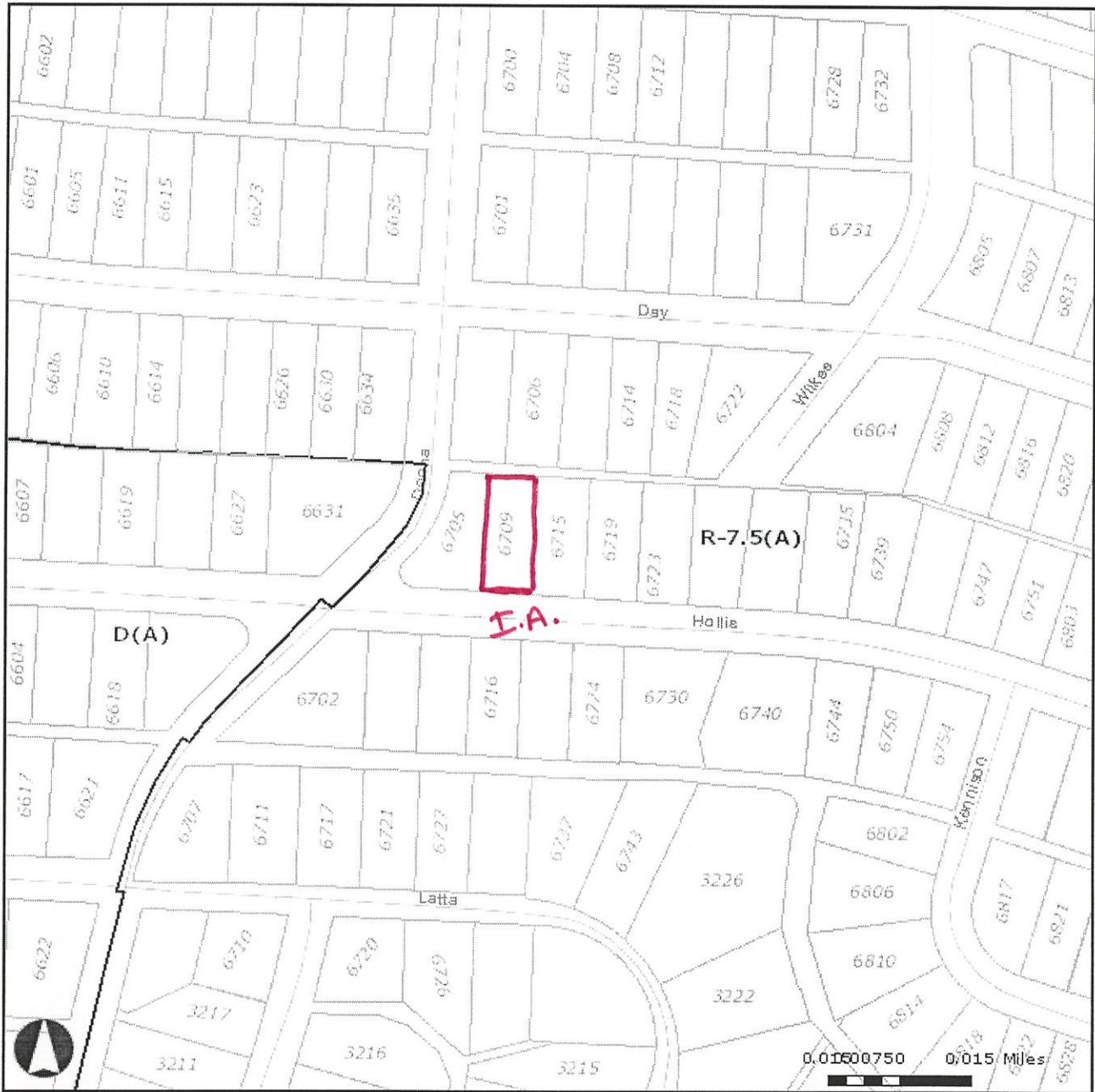
BDA145-072. Application of Isabel Aceves for a special exception to the side yard setback regulations at 6709 Hollis Avenue. This property is more fully described as Lot 2, Block 5/5818, and is zoned R-7.5(A), which requires a side yard setback of 5 feet. The applicant proposes to construct and maintain a carport for a single family residential dwelling in a side yard and provide a 0 foot setback, which will require a 5 foot special exception to the side yard setback regulation.

Sincerely,

Larry V. Holmes
Larry Holmes, Building Official



City of Dallas Zoning



City Boundaries

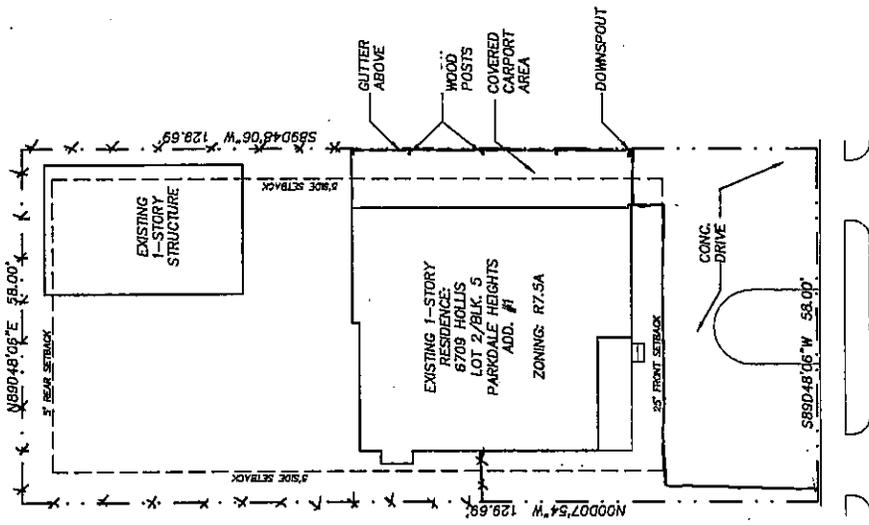
- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways
- Parks

Dry Overlay

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

Base Zoning

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



HOLLIS



01 SITE PLAN
1"=20'-0"

PROPOSED
CARPORT
6709 HOLLIS AVE.
DALLAS, TX 75227

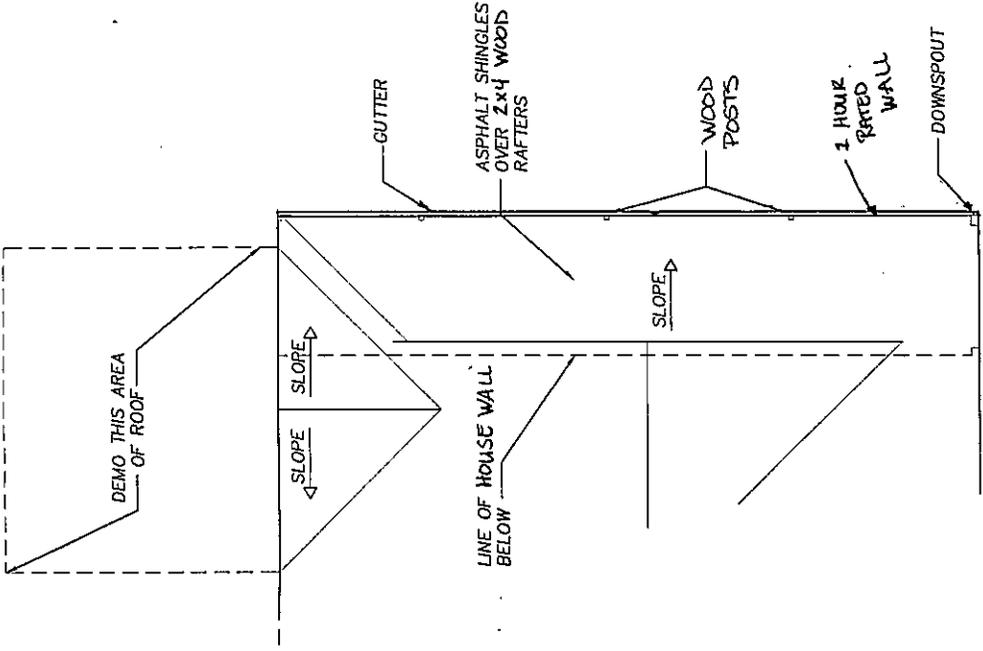
SHEET	SITE PLAN/PLANS
ISSUE	
JOB #	1314-D
DATE	04.16.15

A1.0

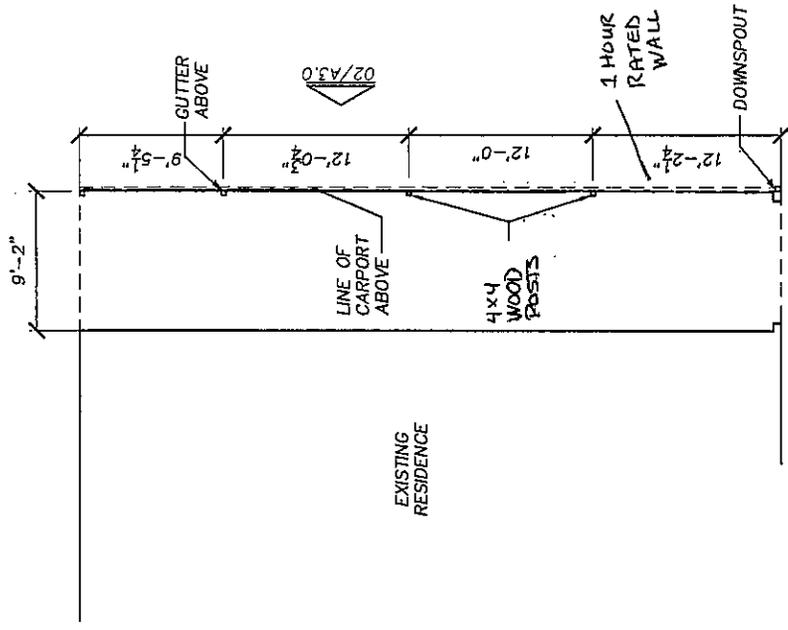
PROPOSED
CARPORT
8788 HOLLIBAY AVE.
DALLAS, TX 75227

SHEET FLOOR/ROOF PLANS
ISSUE 1314.D
JOB # 04.16.15
DATE 04.16.15

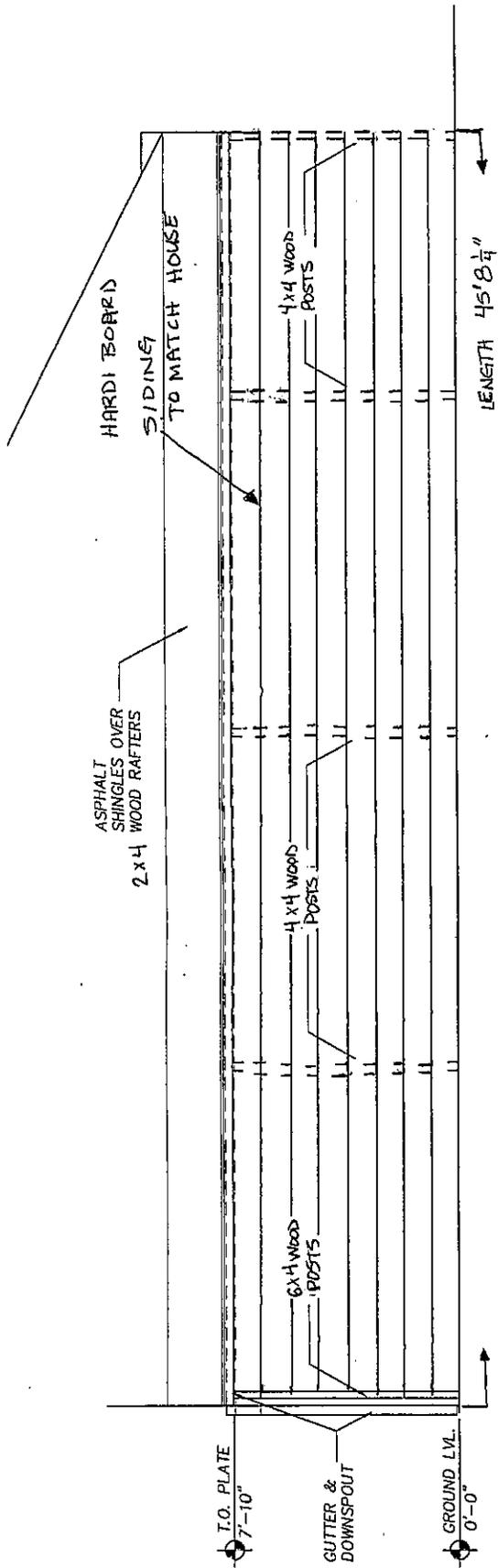
A2.0



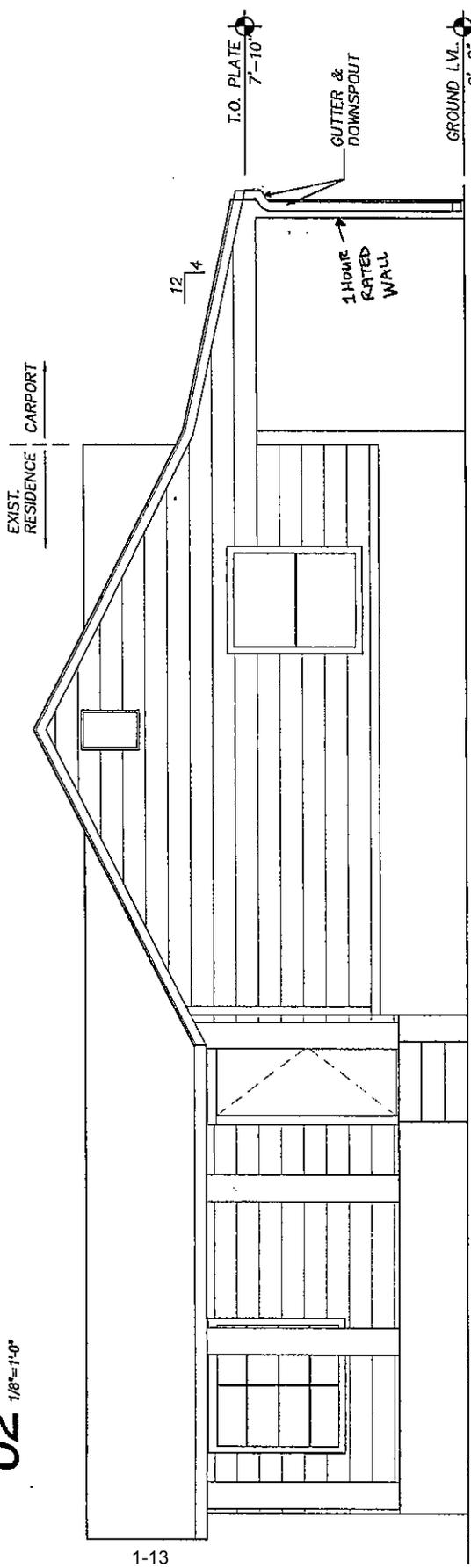
02 ROOF PLAN
1/8"=1'-0"



01 FLOOR PLAN
1/8"=1'-0"



02 SIDE ELEVATION
1/8"=1'-0"



01 FRONT ELEVATION
1/4"=1'-0"

PROPOSED
CARPORT
8709 HOLUS AVE.
DALLAS, TX 75227

SHEET EXT. ELEVS.
ISSUE PERMIT/CONSTRUCTION
JOB # 1314.D
DATE 04.16.15

A3.0



 1:1,200	NOTIFICATION		Case no: <u>BDA145-072</u>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">24</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: <u>7/22/2015</u>

Notification List of Property Owners

BDA145-072

24 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6709 HOLLIS AVE	ACEVES RAUL & MARIA
2	6626 DAY ST	REYES HORACIO
3	6630 DAY ST	CASTILLO JOSE A &
4	6634 DAY ST	SANCHEZ GERARDO & ANA Y
5	6702 DAY ST	GONZALEZ ENRIQUE
6	6706 DAY ST	FLORES MANUEL & LUCILA M
7	6710 DAY ST	MARTINEZ GREGORIO
8	6714 DAY ST	ELIZONDO ADELIA R
9	6718 DAY ST	GARCIA ERICA &
10	6722 DAY ST	RIVERA CANDIDO
11	6705 HOLLIS AVE	JOHNSON KATHERINE SIMMONS
12	6715 HOLLIS AVE	DILLINGHAM FAYE
13	6719 HOLLIS AVE	ROMERO NORBERTO & SOFIA
14	6723 HOLLIS AVE	GURROLA HUGO
15	6727 HOLLIS AVE	ACEVES MARTHA L
16	6702 HOLLIS AVE	MARTINEZ MARIO &
17	6706 HOLLIS AVE	SEPULVEDA MIGUEL &
18	6710 HOLLIS AVE	TORRES MELCHOR ET AL
19	6716 HOLLIS AVE	ACEVAS MARIA DELREFUGIO
20	6720 HOLLIS AVE	AYERS WILLIAM G
21	6724 HOLLIS AVE	SANCHEZ JOSE
22	6730 HOLLIS AVE	GUEVARA JUAN CARLOS &
23	6631 HOLLIS AVE	SIMMONS MARY KATHERINE
24	6631 HOLLIS AVE	SIMMONS MARY KATHERINE

FILE NUMBER: BDA 145-076

BUILDING OFFICIAL'S REPORT: Application of David J. Ferre for a special exception to the fence height regulations at 4519 Cherokee Trail. This property is more fully described as Lot 14, Block Q/4986, and is zoned PD 455, which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and/or maintain a 5 foot high fence, which will require a 1 foot special exception to the fence height regulations.

LOCATION: 4519 Cherokee Trail

APPLICANT: David J. Ferre

REQUEST:

A request for a special exception to the fence height regulations of 1' is made to maintain an open picket/post fence that ranges in height given grade variations on the property from 4' 2 1/2" – 4' 6 1/2" on a site developed with a single family home.

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: PD 455 (Planned Development)
North: PD 455 (Planned Development)
South: PD 455 (Planned Development)
East: PD 455 (Planned Development)
West: PD 455 (Planned Development)

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 990-201, Property at 4501 Cherokee Trail (three lots west of the subject site) On February 15, 2000, the Board of Adjustment Panel B denied a request for a special exception to the fence height regulations of 4.5' without prejudice. The case report stated the request was made to construct and maintain a 6' high open wrought iron picket fence with 6.5' high stone/brick columns, an 8' high open wrought iron gate with 8.5' high columns.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on maintaining an open picket/post fence that ranges in height given grade variations on the property from 4' 2 ½" – 4' 6 ½" on a site developed with a single family home.
- 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.
- While the application requests a 1 foot special exception, the applicant has submitted a site plan/elevation of the proposal in the front yard setback indicating that it reaches a maximum height of 4' 6 ½". (The applicant has submitted a document stating a request has been made for a 60" fence to ensure that there is no discrepancy when field measurements are completed by different parties).
- The following additional information was gleaned from the submitted site plan/elevation:
 - The proposal is represented as being approximately 150' in length parallel to the street and approximately 30' perpendicular to the street on the east and west sides of the site in the 30' front yard setback.
 - The fence is represented to be located on the front property line or about 20' from the pavement line.
- The proposal is located on the site where one lot has direct frontage – a lot with no fence in its front yard.
- The Board Administrator conducted a field visit of the site and surrounding area along Cherokee Trail (approximately 400 feet east and west of the site) and noted no other visible fences above 4 feet high which appeared to be located in a front yard setback.
- As of August 14, 2015, one letter had been submitted in support of the request, and four letters had been submitted in opposition.

- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 1' will not adversely affect neighboring property.
- Granting this special exception of 1' with a condition imposed that the applicant complies with the submitted site plan/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 this document.

Timeline:

May 13, 2015: 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 19, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

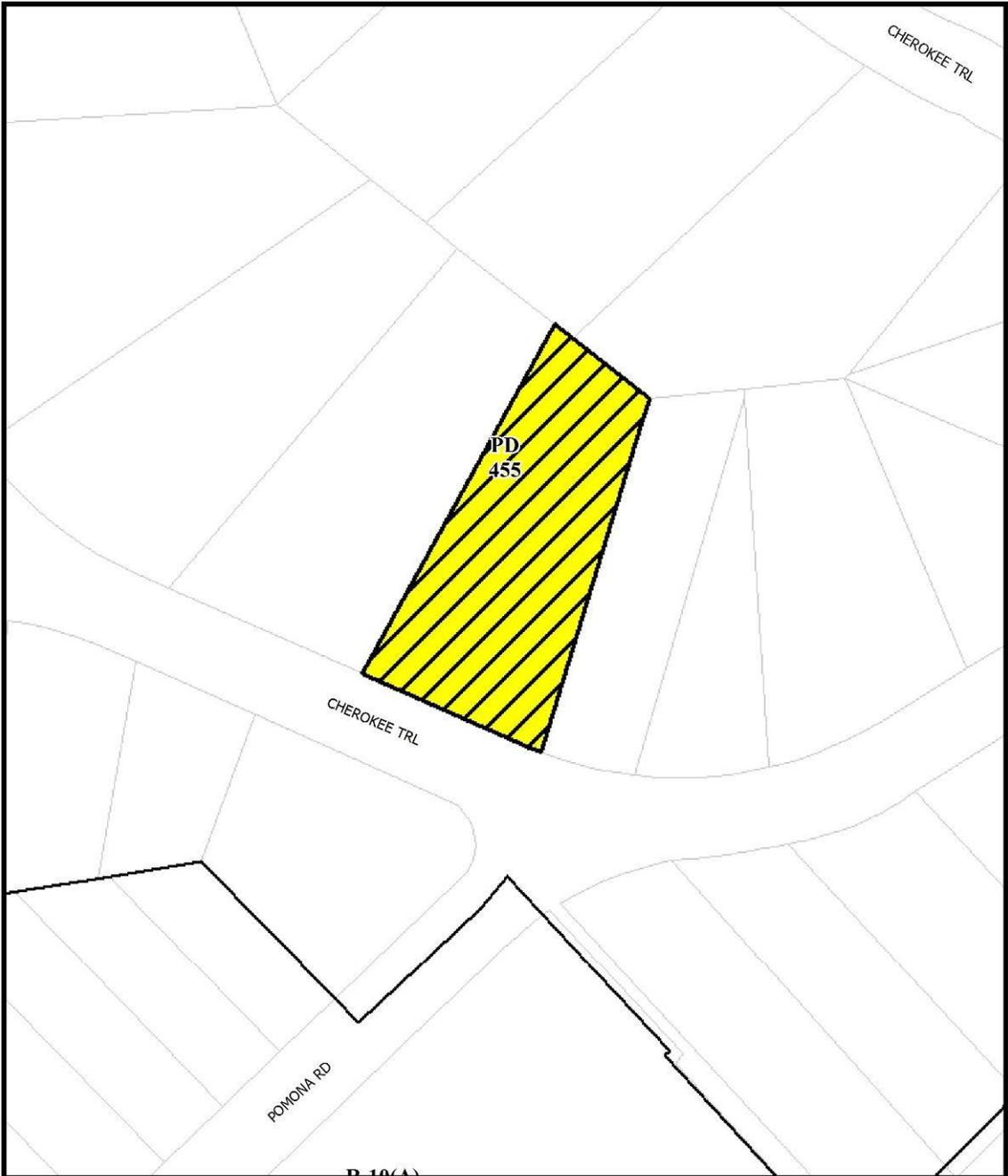
June 19, 2015: The Board Administrator emailed the applicant the following information:

- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the July 29th deadline to submit additional evidence for staff to factor into their analysis; and the August 14th 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 11, 2015: 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 Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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

August 11, 2015: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).

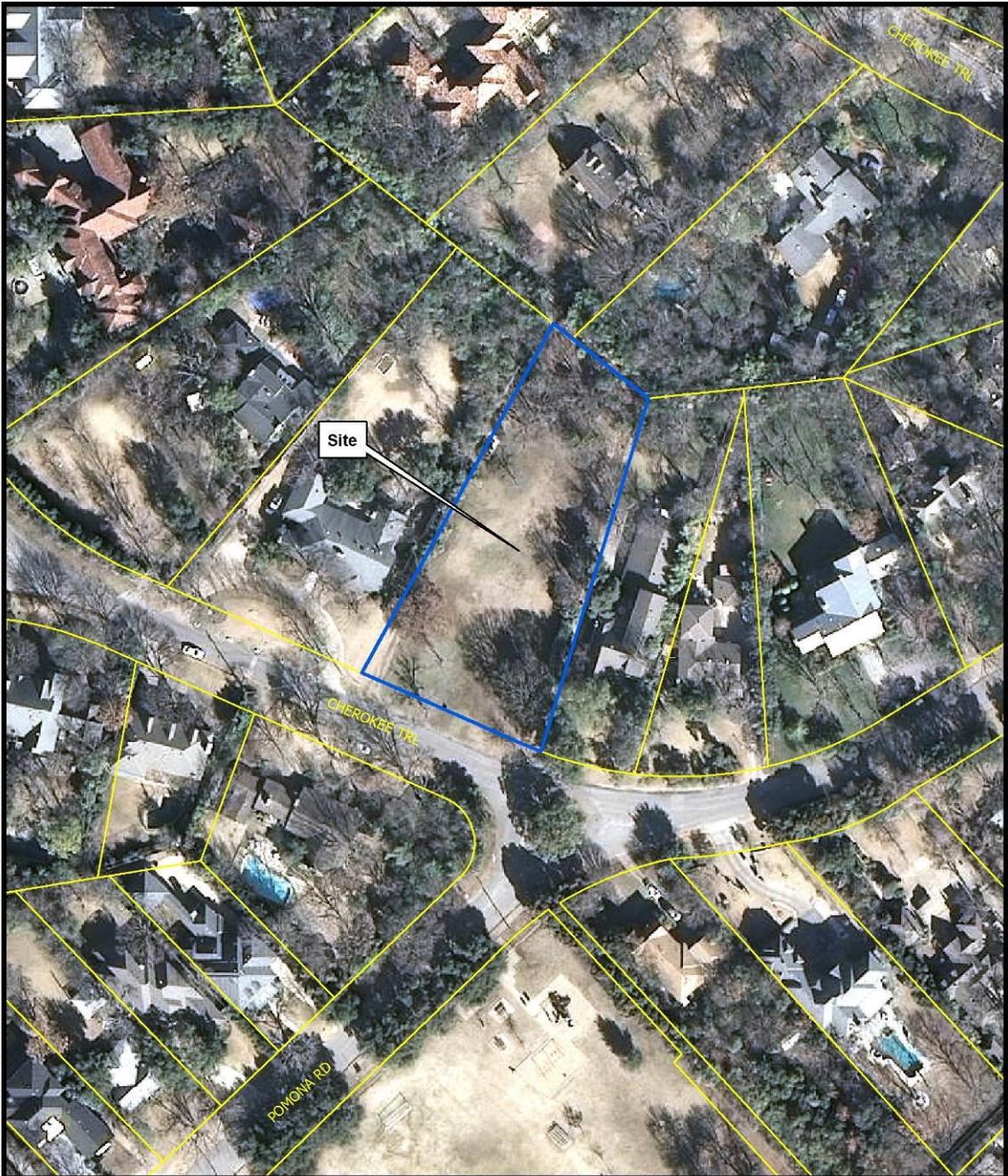


1:1,200

ZONING MAP

Case no: BDA145-076

Date: 7/22/2015



1:1,200

AERIAL MAP

Case no: BDA145-076

Date: 7/22/2015

August 11, 2005

City of Dallas, Board of Adjustment, BDA# 145-076, Hearing Date August 25, 2015

To: Board of Adjustment Members

From: David J. Ferre, Applicant and Property Owner of 4519 Cherokee Trail

Re: Fence Height of Greater than 48" and Less than 60" at 4519 Cherokee Trail, Dallas, 75209

- The Fence Height Special Exception is for a metal open picket fence which has already been constructed and installed at 4519 Cherokee Trail.
- This Special Exception request is for the purpose of allowing the fence to remain as currently installed. No increases in the current fence height are planned.
- The fence was installed too high, in error. It was not our intent to violate city code. The height of the fence varies from 49" to 54" above grade across the property.
- The Fence Sections, as constructed, are 46" tall – bottom rail to top rail
- The Fence Posts, as constructed, are 48.5" tall – bottom rail to top of post
- The ground level of the property changes across the sides and front of the property.
- The fence was installed with a gap between the bottom rail and the ground which varies from .5" to 6" across the length and width of its installation.
- The top rail of the fence was kept at a constant level across the property for aesthetic reasons.
- The fence cannot be trimmed down from the top to comply with the 48" limit.
- The fence is tasteful, classic in design, and is aesthetically compatible with the neighborhood.
- We are requesting a maximum height of 5' or 60" to ensure we have no discrepancies when field measurements are completed by different parties. We do not want to raise the height further nor set a precedent in the neighborhood.

Fence Sections are 46" tall – bottom rail to top rail:

Fence Bottom Rail @ 0"



Fence Top Rail @ 46"



In photo above the height of the Fence Post from bottom fence rail to top of post is 48.5"

Ground Level Variation and Air Gap Examples:



Fence As It Appears Looking In From the Bluffview Neighborhood:



Fence As It Appear Looking Out Into Bluffview Neighborhood:

BDA 145-076
Attach A
Pg 5



August 11, 2005

City of Dallas, Board of Adjustment, BDA# 145-076, Hearing Date August 25, 2015

To: Board of Adjustment Members

From: David J. Ferre, Applicant and Property Owner of 4519 Cherokee Trail

Re: Fence Height of Greater than 48" and Less than 60" at 4519 Cherokee Trail, Dallas, 75209

- The Fence Height Special Exception is for a metal open picket fence which has already been constructed and installed at 4519 Cherokee Trail.
- This Special Exception request is for the purpose of allowing the fence to remain as currently installed. No increases in the current fence height are planned.
- The fence was installed too high, in error. It was not our intent to violate city code. The height of the fence varies from 49" to 54" above grade across the property.
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- The Fence Posts, as constructed, are 48.5" tall – bottom rail to top of post
- The ground level of the property changes across the sides and front of the property.
- The fence was installed with a gap between the bottom rail and the ground which varies from .5" to 6" across the length and width of its installation.
- The top rail of the fence was kept at a constant level across the property for aesthetic reasons.
- The fence cannot be trimmed down from the top to comply with the 48" limit.
- The fence is tasteful, classic in design, and is aesthetically compatible with the neighborhood.
- We are requesting a maximum height of 5' or 60" to ensure we have no discrepancies when field measurements are completed by different parties. We do not want to raise the height further nor set a precedent in the neighborhood.

Fence Sections are 46" tall – bottom rail to top rail:

Fence Bottom Rail @ 0"



Fence Top Rail @ 46"



In photo above the height of the Fence Post from bottom fence rail to top of post is 48.5"

Ground Level Variation and Air Gap Examples:



Fence As It Appears Looking In From the Bluffview Neighborhood:



Fence As It Appear Looking Out Into Bluffview Neighborhood:

BDA 145-076
Attach A
Pg 5





City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-076

Data Relative to Subject Property:

Date: 5-13-15

Location address: 4519 Cherokee Trail, Zoning District: PD455

Lot No.: 14 Block No.: Q/4986 Acreage: .75 Census Tract: 73.02

Street Frontage (in Feet): 1) 134.09' 2) _____ 3) _____ 4) _____ 5) _____

NW21A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): DAVID J. & ESTHER J. FERRE

Applicant: DAVID J. FERRE Telephone: 972.461.0245

Mailing Address: PO Box 195219, Dallas, TX Zip Code: 75219

E-mail Address: DSFERRE@YAHOO.COM

Represented by: DAVID J. FERRE Telephone: 972.461.0245

Mailing Address: PO Box 195219, Dallas, TX Zip Code: 75219

E-mail Address: DSFERRE@YAHOO.COM

Affirm that an appeal has been made for a Variance, or Special Exception , of 1 foot to the fence height 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:

it is Aesthetically compatible with existing properties in the neighborhood.

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.

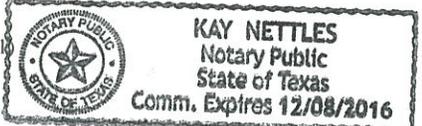
Affidavit

Before me the undersigned on this day personally appeared DAVID J. FERRE
(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 8th day of May 2015



[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

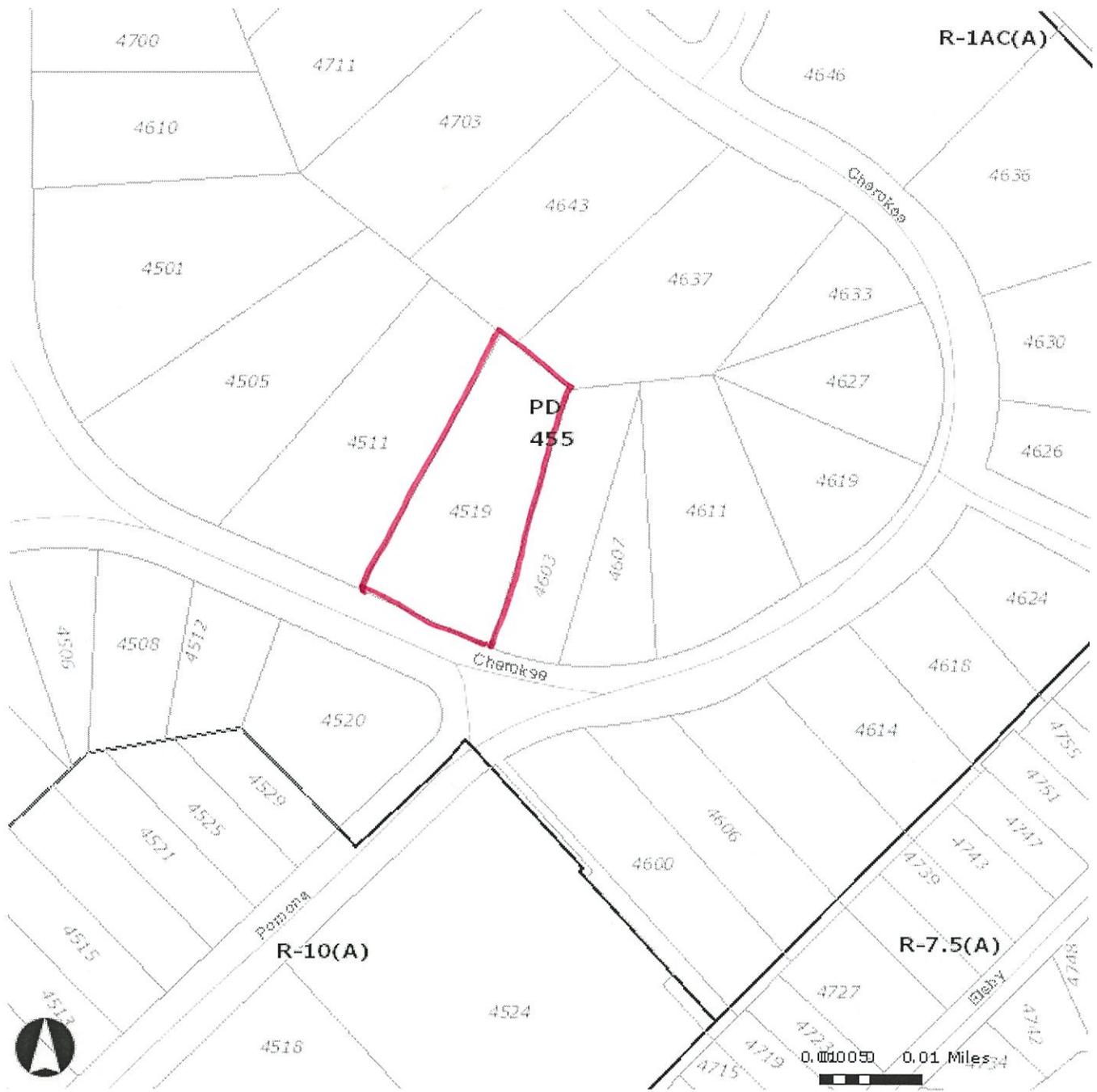
Building Official's Report

I hereby certify that David J Ferre
did submit a request for a special exception to the fence height regulations
at 4519 Cherokee Trail

BDA145-076. Application of David J. Ferre for a special exception to the fence height regulations at 4519 Cherokee Trail. This property is more fully described as Lot 14, Block Q/4986, and is zoned PD-455, which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 5 foot high fence in a required front yard, which will require a 1 foot special exception to the fence regulation.

Sincerely,


Larry Holmes, Building Official



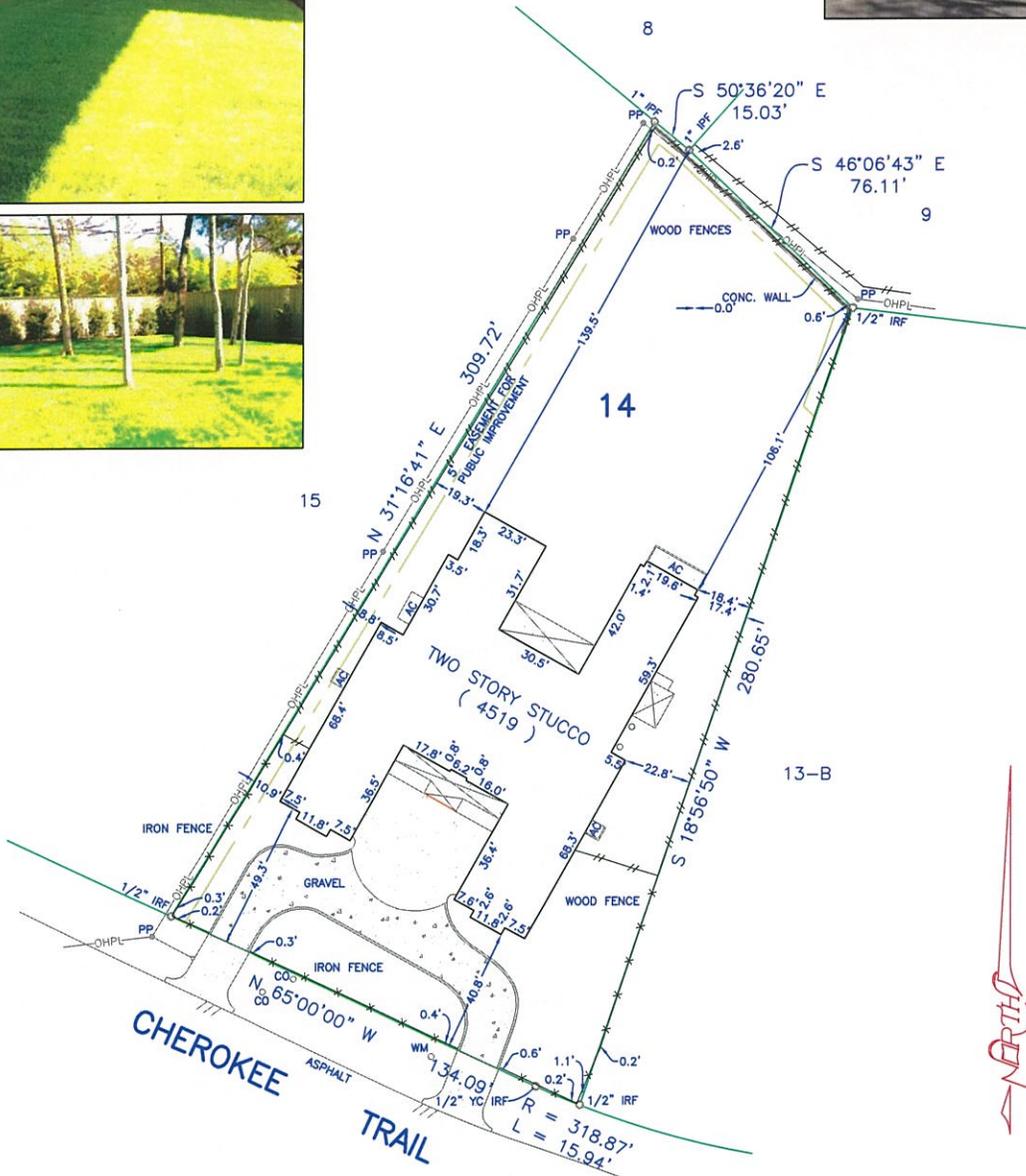
[Handwritten signature]

SURVEY PLAT

RHODES
Surveying
WWW.RHODESURVEYING.COM



TITLE AND ABSTRACTING WORK FURNISHED BY: FERRE GROUP LLC.



NORTH

THIS CERTIFICATION DOES NOT TAKE INTO CONSIDERATION ADDITIONAL FACTS THAT AN ACCURATE TITLE SEARCH AND OR EXAMINATION MIGHT DISCLOSE.

BRIAN S. RHODES Registered Professional Land Surveyor (972) 475-8940
 This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No. 4519 CHEROKEE TRAIL, in the city of DALLAS Texas.
 Lot No. 14, Block No. Q/4986
 of BLUFFVIEW ESTATES, an addition to the city of DALLAS, DALLAS COUNTY Texas according to the PLAT RECORDED in VOLUME 3 at PAGE 131 of the MAP records of DALLAS COUNTY, TEXAS.

The plat hereon is true, correct, and accurate representation of the property as determined by survey, the lines and dimensions of said property being as indicated by the plat; the size, location and type of building and improvements are as shown, all improvements being within the boundaries of the property, set back from property lines the distance indicated, or visible and apparent easements.

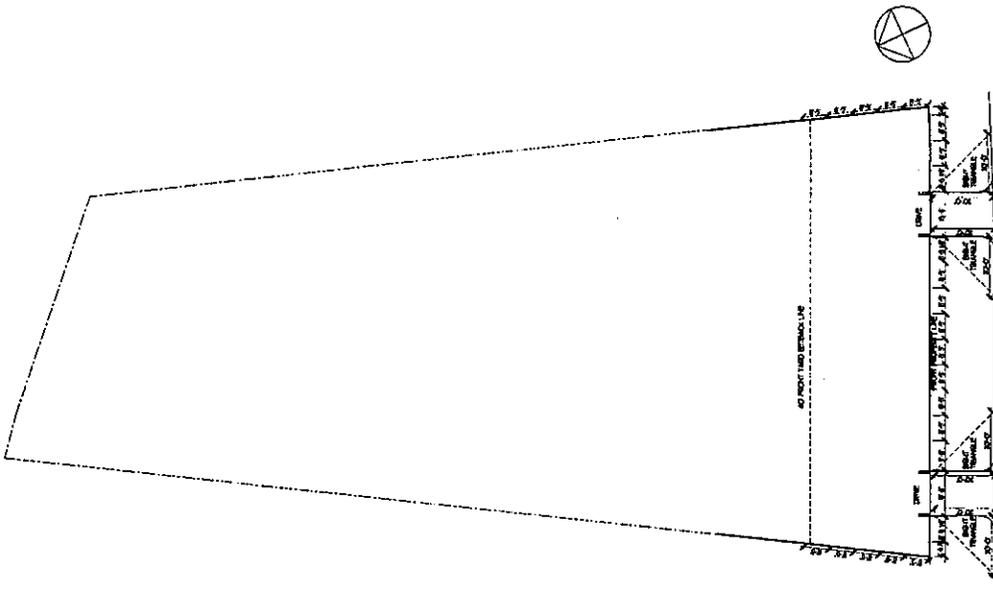
THERE ARE NO ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS, EXCEPT AS SHOWN.

Scale: 1" = 40'
 Date: 1/30/2015
 G. F. No.: _____
 Job no.: 90762
 Drawn by: KW/BR

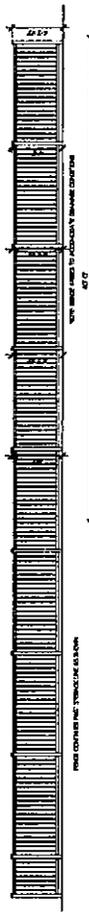
—	TEXT
—	IMPROVEMENTS
—	BOUNDARY LINE
—	EASEMENT SETBACK
—	RESIDENCE/FENCES

THIS SURVEY WAS PERFORMED EXCLUSIVELY FOR FERRE GROUP LLC.
 USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR OTHER PARTIES SHALL BE AT THEIR RISK AND UNDERSIGNED IS NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM.

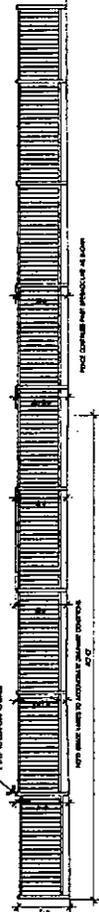




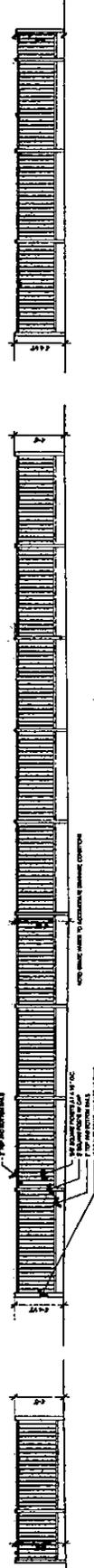
1 Site Plan
 SCALE: 1/8" = 1'-0"



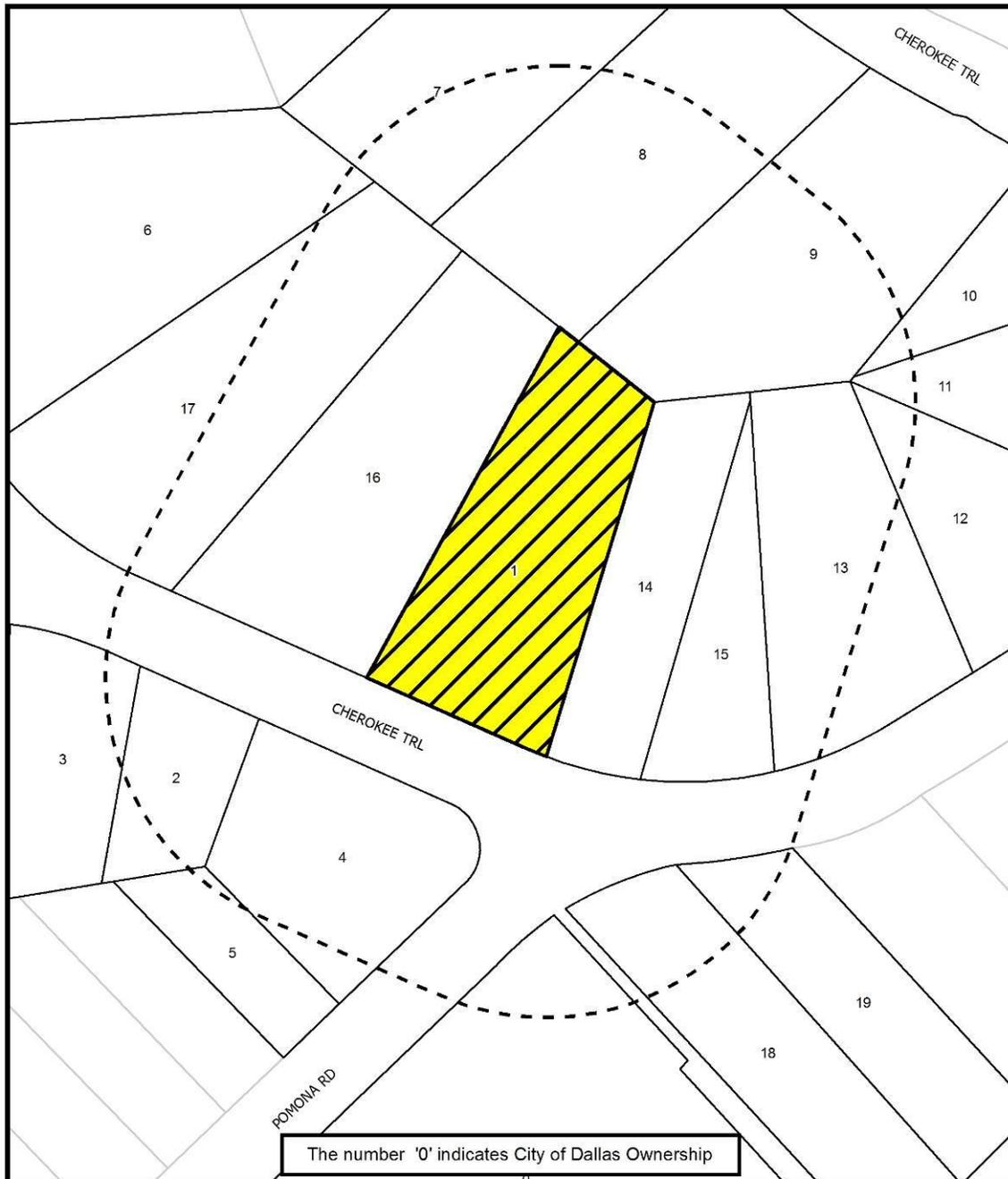
4 Fence Elevation at West Property Line
 SCALE: 1/4" = 1'-0"



3 Fence Elevation at East Property Line
 SCALE: 1/4" = 1'-0"



2 Fence Elevations at Street
 SCALE: 1/4" = 1'-0"



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">19</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	19	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA145-076</u> Date: <u>7/22/2015</u>
200'	AREA OF NOTIFICATION					
19	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA145-076

19 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4519 CHEROKEE TRL	FERRE DAVID J & ESTHER J
2	4512 CHEROKEE TRL	SHAPIRA ADAM ROSS & DEBRA
3	4508 CHEROKEE TRL	ANDERSON LARS C & SUSAN I
4	4520 CHEROKEE TRL	REES J RICHARD & KRISTIN
5	4529 POMONA RD	ROYBAL MICHAEL
6	4501 CHEROKEE TRL	JENNINGS DAVID & LYNN
7	4703 CHEROKEE TRL	BLUMENFELD MICHAEL
8	4643 CHEROKEE TRL	WIGGINS J C
9	4637 CHEROKEE TRL	THOMAS ROBERT
10	4633 CHEROKEE TRL	STUBBS JUDY NEAL
11	4627 CHEROKEE TRL	DRYDEN ROBERT E
12	4619 CHEROKEE TRL	BOND WILLIAM R
13	4611 CHEROKEE TRL	COHEN STEWART C &
14	4603 CHEROKEE TRL	HARRIS JAMES C
15	4607 CHEROKEE TRL	RUTLEDGE DAVID &
16	4511 CHEROKEE TRL	YU YUNG L &
17	4505 CHEROKEE TRL	DEYOUNG EDWIN R &
18	4600 POMONA RD	MANION BRIAN
19	4606 CHEROKEE TRL	SHIWACH RAJINDER S &

FILE NUMBER: BDA 145-081

BUILDING OFFICIAL'S REPORT: Application of Rogelio Guerrero Ramirez for special exceptions to the side yard setback regulations for a carport and visual obstruction regulations at 922 S. Glasgow Drive. This property is more fully described as Lot 1, Block 15/1614, and is zoned PD-134 (Subarea A), which requires a side yard setback of 5 feet, and 20 foot visibility triangles at driveways and a 45 foot visibility triangle at street intersections. The applicant proposes to construct and/or maintain a carport in a side yard and provide a 1 foot setback, which will require a 4 foot special exception to the side yard setback regulations, and to locate and/or maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

LOCATION: 922 S. Glasgow Drive

APPLICANT: Rogelio Guerrero Ramirez

REQUESTS:

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

1. A request for a special exception to the side yard setback regulations of 4' is made to maintain a carport, part of which is to remain located in the site's eastern 5' side yard setback.
2. Requests for special exceptions to the visual obstruction regulations are made to maintain:
 - a 4' high iron rod fence located in the two 20' visibility triangles on both sides of the circle driveway into the site from Glasgow Drive;
 - an 8' high solid sheet metal fence and sliding gate located in the two 20' visibility triangles on both sides of the driveway into the site from Gurley Avenue; and
 - a 4' high iron rod fence and what appears to be plant material located in the 45' visibility triangle at the intersection of Glasgow Street and Gurley Street.

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).

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 (side yard special exception):

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.

STAFF RECOMMENDATION (visual obstruction special exceptions):

Approval of the visual obstruction special exceptions requests at all driveway visibility triangles, subject to the following condition:

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

Rationale:

- The Sustainable Development and Construction Department Project Engineer had indicated that he has no objections to the requests for special exceptions to driveway visibility triangles.
- The applicant had substantiated how the location and maintenance of 4' high iron rod fence located in the two 20' visibility triangles on both sides of the circle driveway into the site from Glasgow Drive; and an 8' high solid sheet metal fence and sliding gate in the two 20' visibility triangles on both sides of the driveway into the site from Gurley Avenue does not constitute a traffic hazard.

Denial of the visual obstruction special exception request at the Glasgow Drive/Gurley Street intersection triangle

Rationale:

- The Sustainable Development and Construction Department Project Engineer had recommended that this request be denied, and that the visual obstruction should be removed from this triangle.
- The applicant had not substantiated how the location and 4' high iron rod fence and what appears to be plant material in the 45' visibility triangle at the intersection of Glasgow Street and Gurley Street does not constitute a traffic hazard.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	PD 134 (Planned Development)
<u>North:</u>	PD 134 (Planned Development)
<u>South:</u>	PD 134 (Planned Development)
<u>East:</u>	PD 134 (Planned Development)
<u>West:</u>	PD 134 (Planned Development)

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.

GENERAL FACTS/STAFF ANALYSIS (side yard special exception):

- This request focuses on maintaining an approximately 525 square foot carport, part of which is located in the site's eastern 5' side yard setback on a site developed with a single-family home structure/use.
- A 5' side yard setback is required in the Subarea A of the PD 134 zoning district.
- The applicant has submitted a site plan and an elevation indicating the location of the carport 1' from the site's eastern side property line or 4' into this 5' side yard setback.
- The application states that the carport has been on the property since 2006.
- The following information was gleaned from the submitted site plan:
 - The carport is represented to be approximately 42' in length and approximately 12.5' in width (approximately 525 square feet in total area) of which approximately a third is located in the eastern side yard setback.
- The following information was gleaned from the submitted elevation:
 - The carport is represented to be approximately 12' in height. No materials are denoted on the elevation.
- The subject site is approximately 130' x 70' (or approximately 9,100 square feet) in area.
- According to DCAD records, the "main improvement" for property addressed at 922 S. Glasgow Drive is a structure built in 2005 with 3,241 square feet of living/total area; and with the following additional improvements: a 400 square foot detached garage.
- The Board Administrator conducted a field visit of the area approximately 500 feet north and south of the subject site and noted three other carports, two of which appeared to be located in a side yard setback.

- As of August 14, 2015, no letters had been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing the following:
 - that granting this special exception to the side yard setback regulations of 4' will not have a detrimental impact on surrounding properties.
- Granting this request and imposing the following conditions would require the carport to be modified/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.

GENERAL FACTS/STAFF ANALYSIS (visual obstruction special exceptions):

- These requests focus on maintaining a 4' high iron rod fence located in the two 20' visibility triangles on both sides of the circle driveway into the site from Glasgow Drive; an 8' high solid sheet metal fence and sliding gate located in the two 20' visibility triangles on both sides of the driveway into the site from Gurley Avenue; and a 4' high iron rod fence and what appears to be plant material located in the 45' visibility triangle at the intersection of Glasgow Street and Gurley Street.
- 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).
- The applicant has submitted a site plan and elevation representing a 4' high iron rod fence located in the two 20' visibility triangles on both sides of the circle driveway into the site from Glasgow Drive, an 8' high solid sheet metal fence and sliding gate in the two 20' visibility triangles on both sides of the driveway into the site from Gurley Avenue, and a 4' high iron rod fence and what appears to be plant material in the 45' visibility triangle at the intersection of Glasgow Street and Gurley Street.
- 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 additional comment: "No objection to driveway visibility triangles. Deny street intersection visibility triangle request. Remove visual obstruction."
- The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations to maintain a 4' high iron rod fence located in the two 20' visibility triangles on both sides of the circle driveway into the site from Glasgow Drive, an 8' high solid sheet metal fence and sliding gate

in the two 20' visibility triangles on both sides of the driveway into the site from Gurley Avenue, and a 4' high iron rod fence and what appears to be plant material in the 45' visibility triangle at the intersection of Glasgow Street and Gurley Street does not constitute a traffic hazard.

- Granting these requests with the condition that the applicant complies with the submitted site plan and elevation would require the previously described items in the visibility triangles to be limited to and maintained in the locations, height and materials as shown on these documents.

Timeline:

May 9, 2015: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

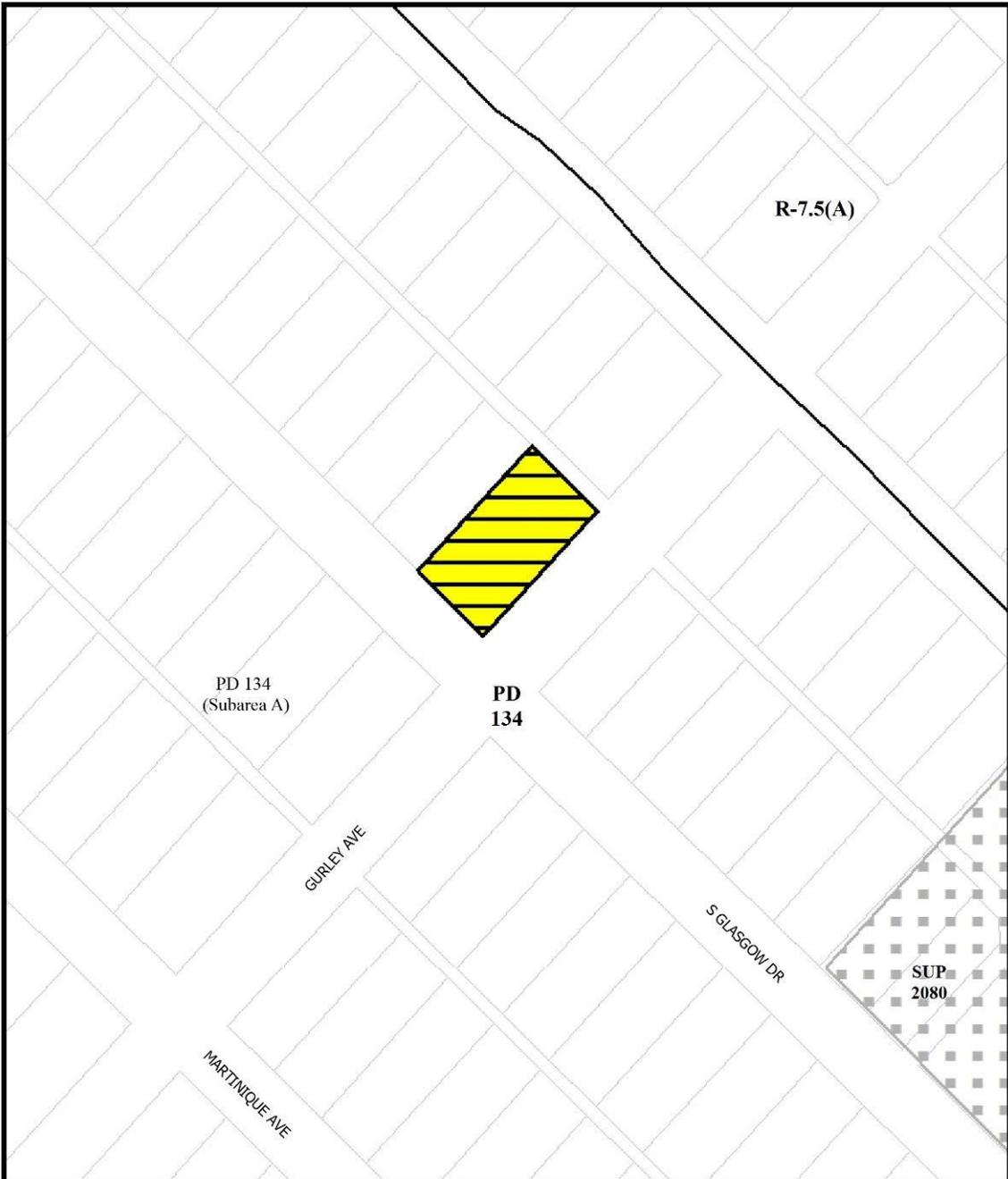
June 19, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

June 19, 2015: The Board Administrator contacted the applicant and emailed the following information:

- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the July 29th deadline to submit additional evidence for staff to factor into their analysis; and the August 14th 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."

August 11, 2015: 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 Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

August 13, 2015: 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 additional comment: "No objection to driveway visibility triangles. Deny street intersection visibility triangle request. Remove visual obstruction."

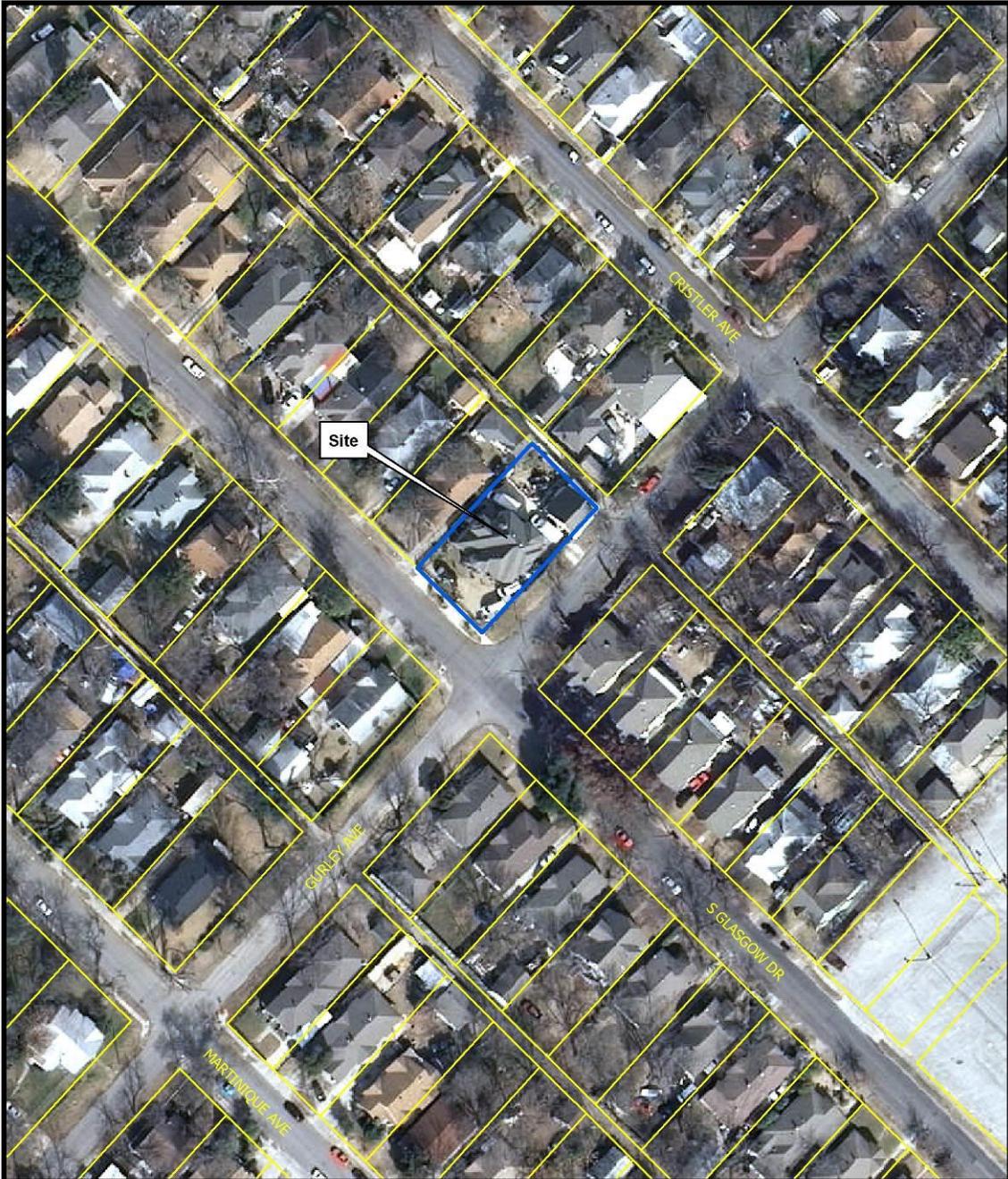


1:1,200

ZONING MAP

Case no: BDA145-081

Date: 7/23/2015



1:1,200

AERIAL MAP

Case no: BDA145-081

Date: 7/23/2015



City of Dallas

A

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-081

Data Relative to Subject Property:

Date: 5/4/15

Location address: 922 S GLASGOW Dr. Dallas TX 75223 Zoning District: PD134 (Sub A)

Lot No.: 1 Block No.: 15/1614 Acreage: .20 Census Tract:

Street Frontage (in Feet): 1) 70' 2) 130' 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Rogelio Guerrero Ramirez

Applicant: Rogelio Guerrero Ramirez Telephone: 469-587-4709

Mailing Address: 922 S. Glasgow Dr. Dallas TX 75223 Zip Code: 75223

E-mail Address: - ~~FA~~ rogelio.guerrero214@gmail.com

Represented by: SELF Telephone: 469-587-4709

Mailing Address: 922 S. Glasgow Dr. Zip Code: 75223.

E-mail Address: -

Affirm that an appeal has been made for a Variance, or Special Exception X, of CARPORT AT

922 S GLASGOW Dr of 4' to the side yard setback for a carport & visibility triangle, obstructions at driveways and street intersection

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:

CARPORT HAS BEEN THERE SINCE 2006 - ALL WORK IS DONE WELL, and WE HAVE THE STREET NEXT TO IT. AND WE DONT HAVE NEIGHBORS.

5 kids. So they can play special because I have one 6 years old with teahy an

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

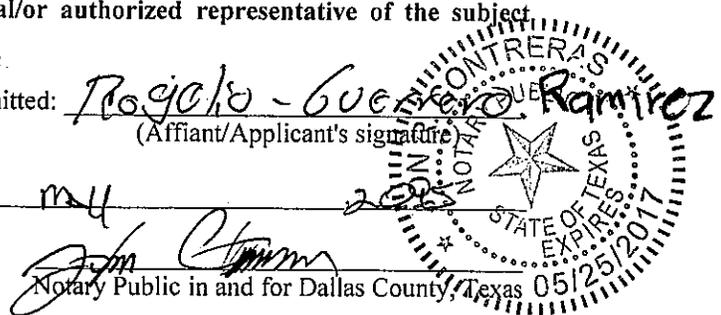
Before me the undersigned on this day personally appeared Rogelio Guerrero Ramirez (Affiant/Applicant's name printed)

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: Rogelio Guerrero Ramirez (Affiant/Applicant's signature)

Subscribed and sworn to before me this 4 day of May 2015

(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 Rogelio Guerrero Ramirez

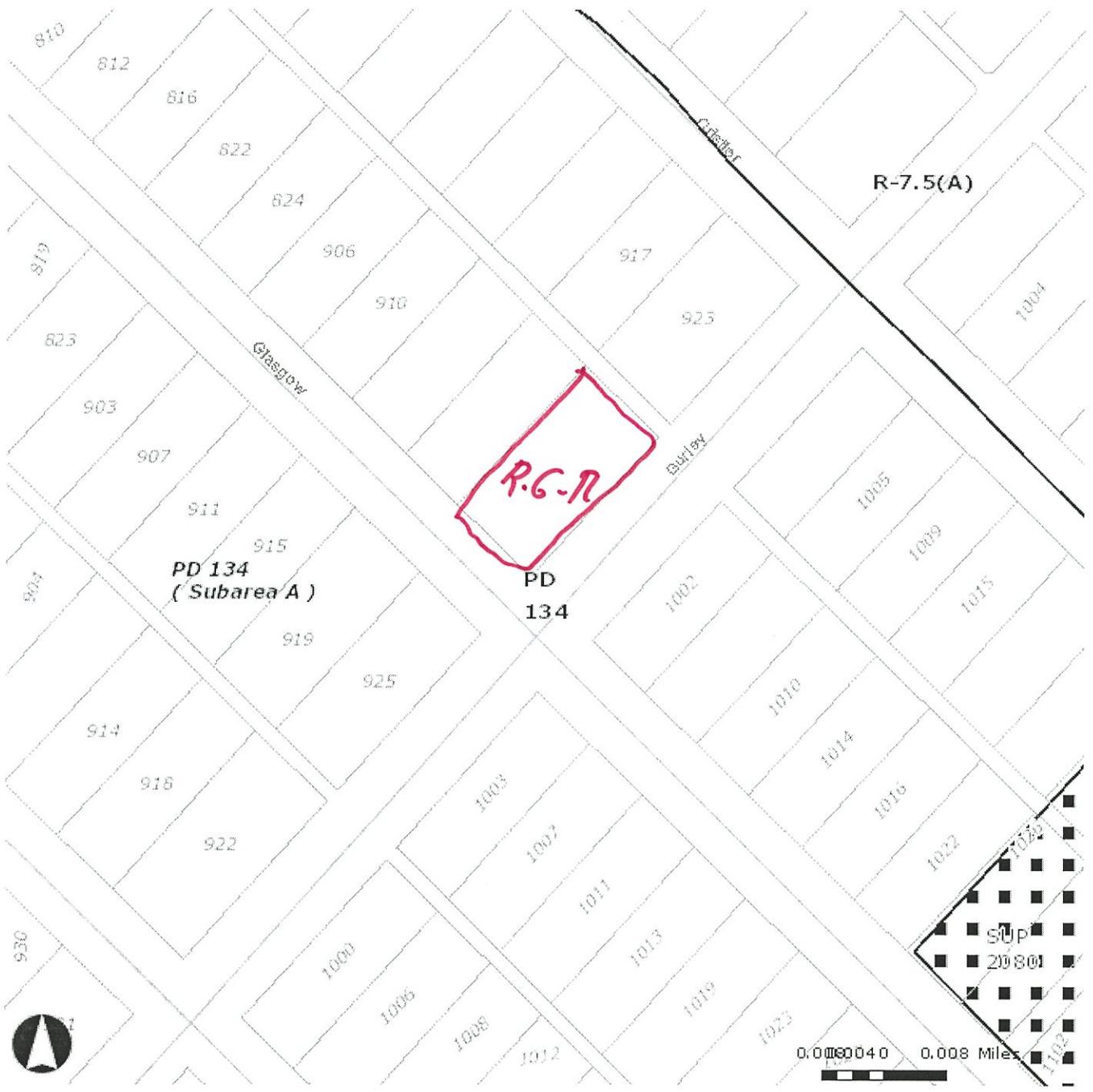
did submit a request for a special exception to the side yard setback regulations, and for a special exception to the visibility obstruction regulations

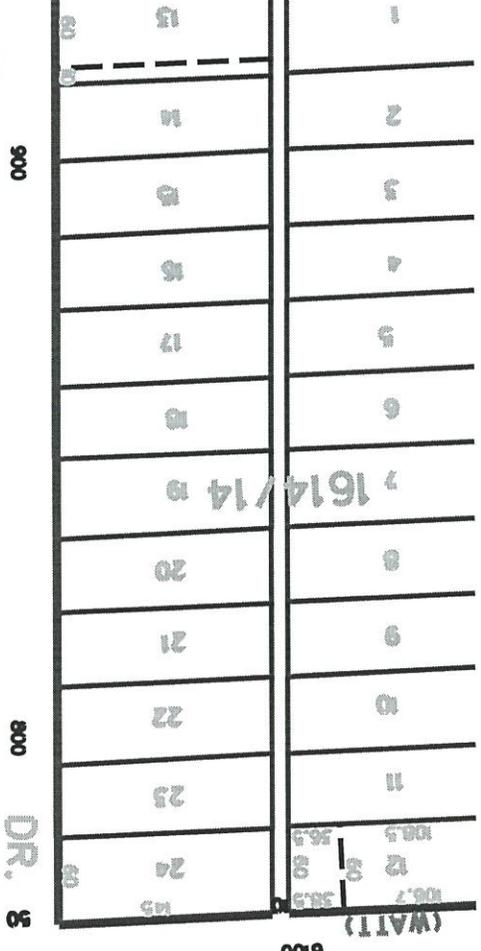
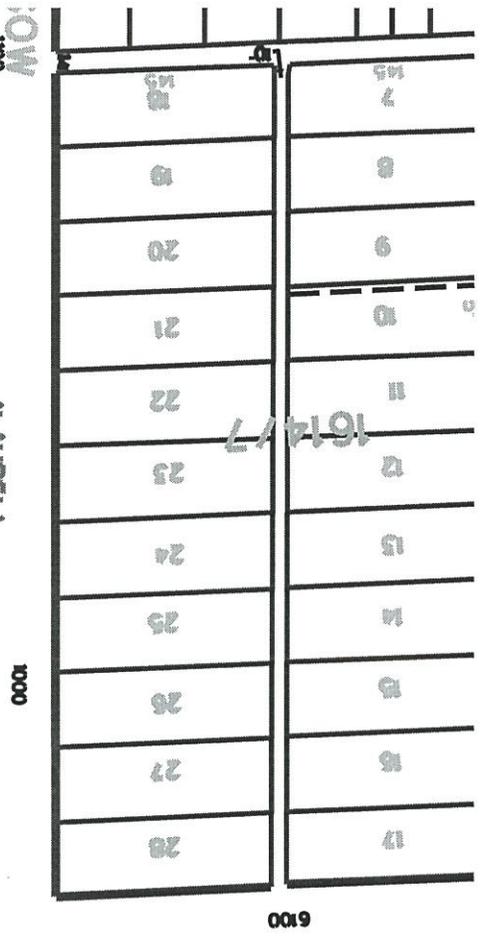
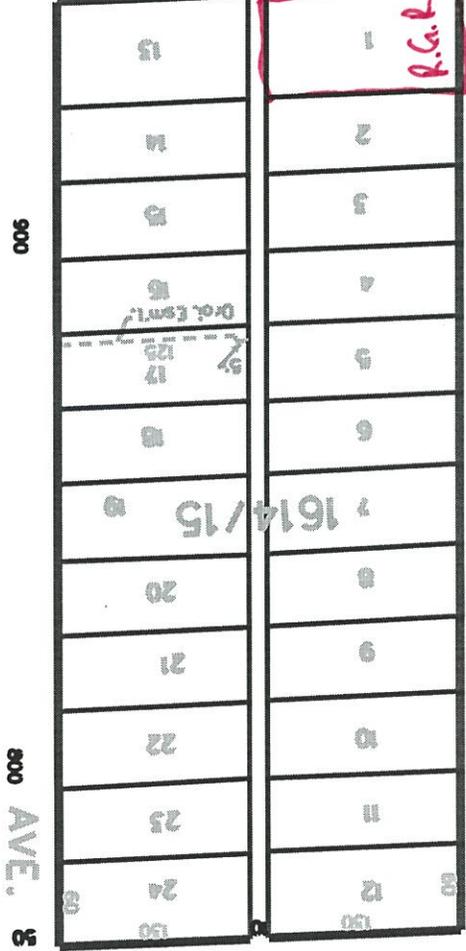
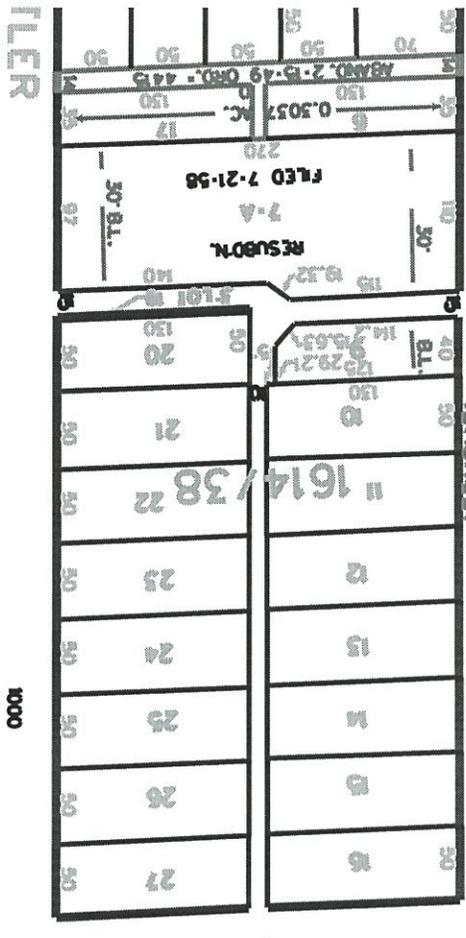
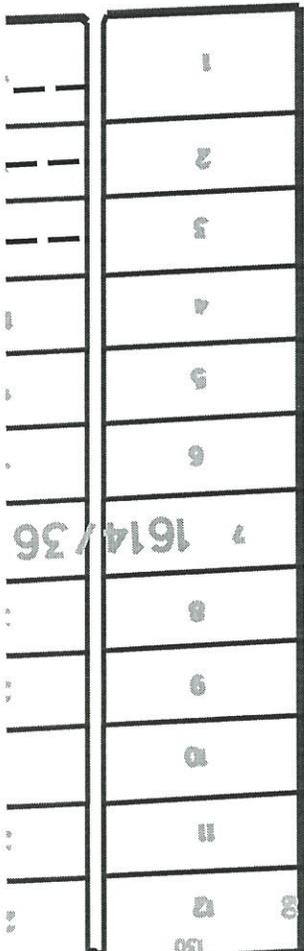
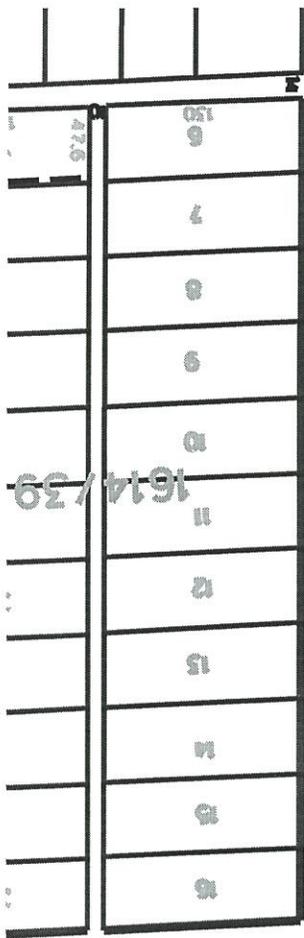
at 922 S. Glasgow Drive

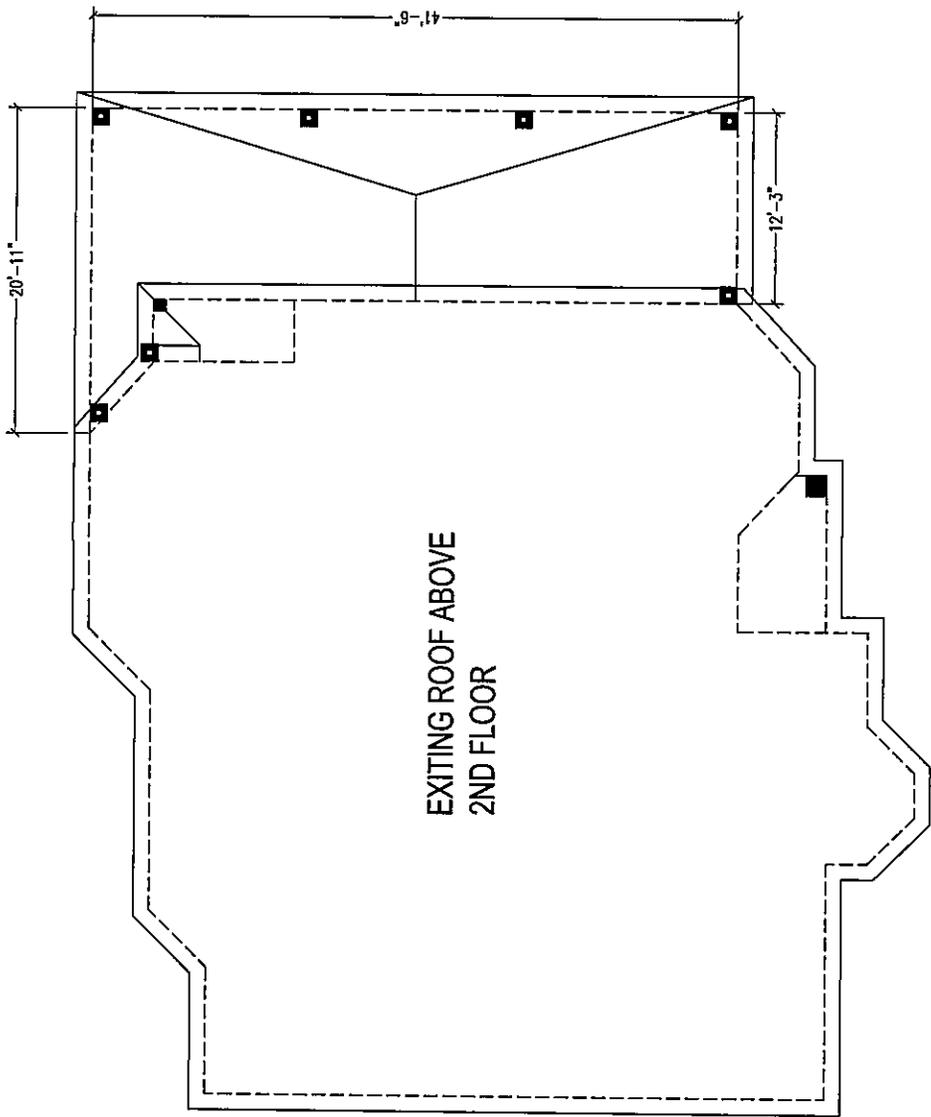
BDA145-081. Application of Rogelio Guerrero Ramirez for a special exception to the side yard setback regulations for a carport and special exceptions to the visibility obstruction regulations at 922 S. Glasgow Drive. This property is more fully described as Lot 1, Block 15/1614, and is zoned PD-134 (Subarea A), which requires 20 foot visibility triangles at driveways and a 45 foot visibility triangle at street intersections and requires a side yard setback of 5 feet. The applicant proposes to construct and maintain a carport for a single family residential dwelling in a side yard and provide a 1 foot setback, which will require a foot special exception to the side yard setback regulation, and to construct and maintain a single family residential fence in required visibility obstruction triangles, which will require special exceptions to the visibility obstruction regulation.

Sincerely,


Larry Holmes, Building Official





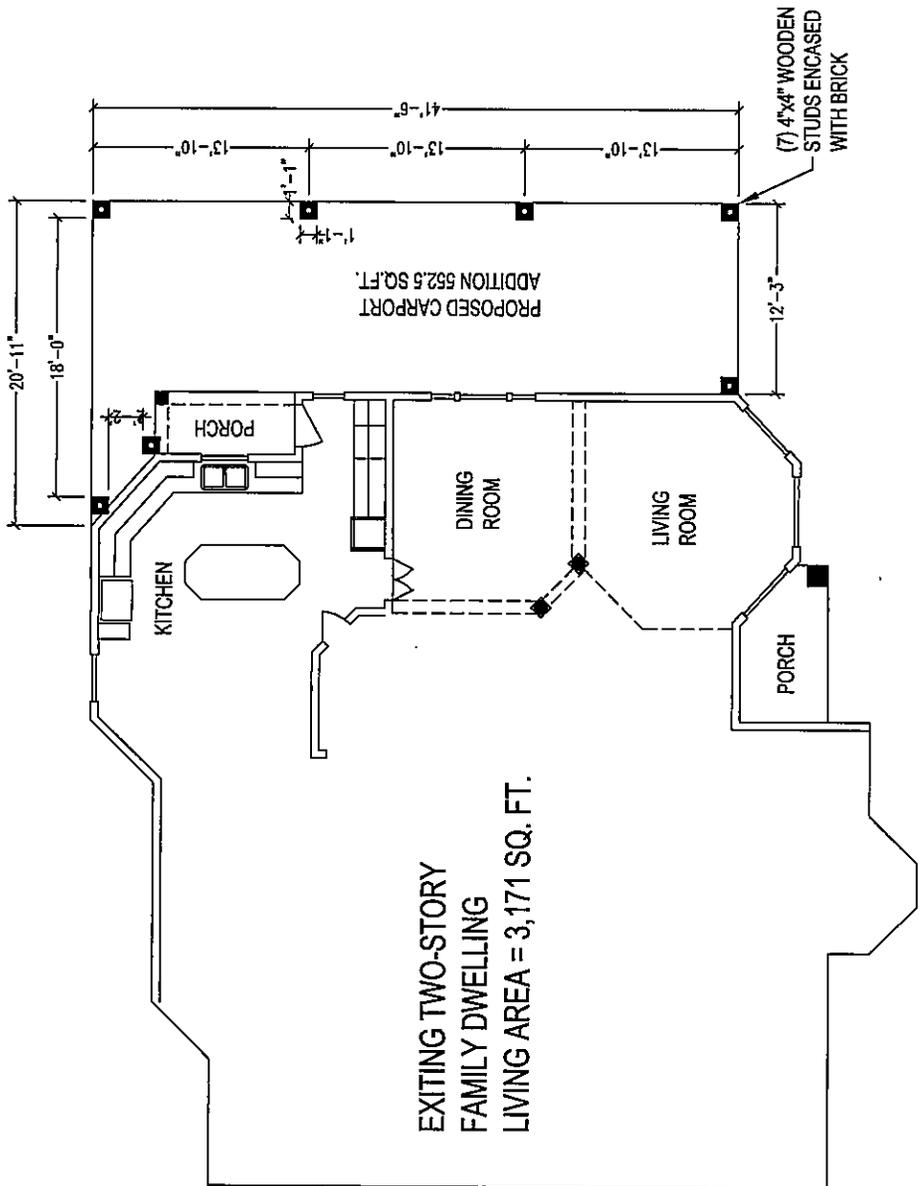


PROPOSED CARPORT
 ROOF TO BE ABOVE
 1ST FLOOR

EXISTING ROOF ABOVE
 2ND FLOOR

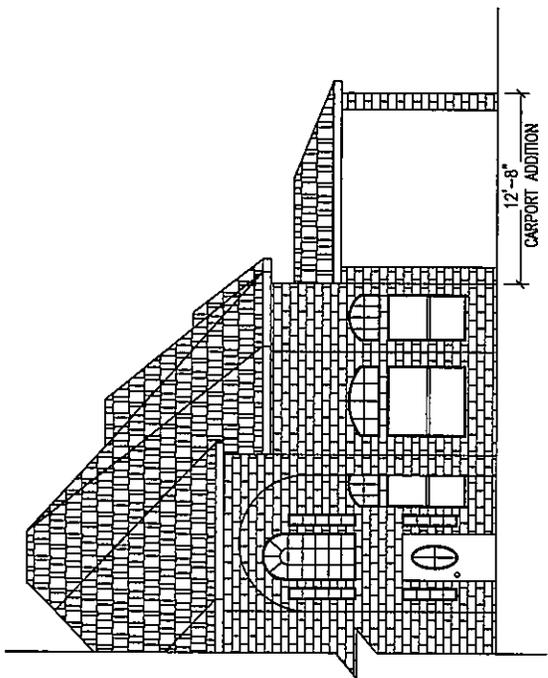
1ST FLOOR ROOF PLAN

SCALE 1/8"=1'-0"



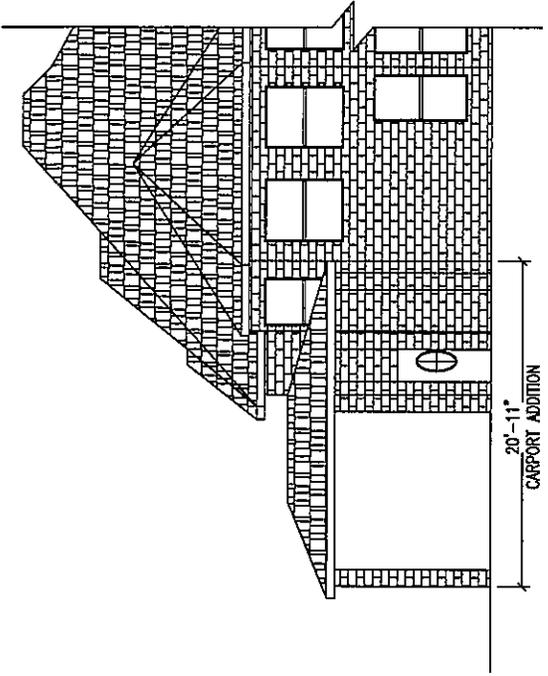
EXISTING TWO-STORY
 FAMILY DWELLING
 LIVING AREA = 3,171 SQ. FT.

PARTIAL 1ST FLOOR PLAN
 SCALE 1/8"=1'-0"



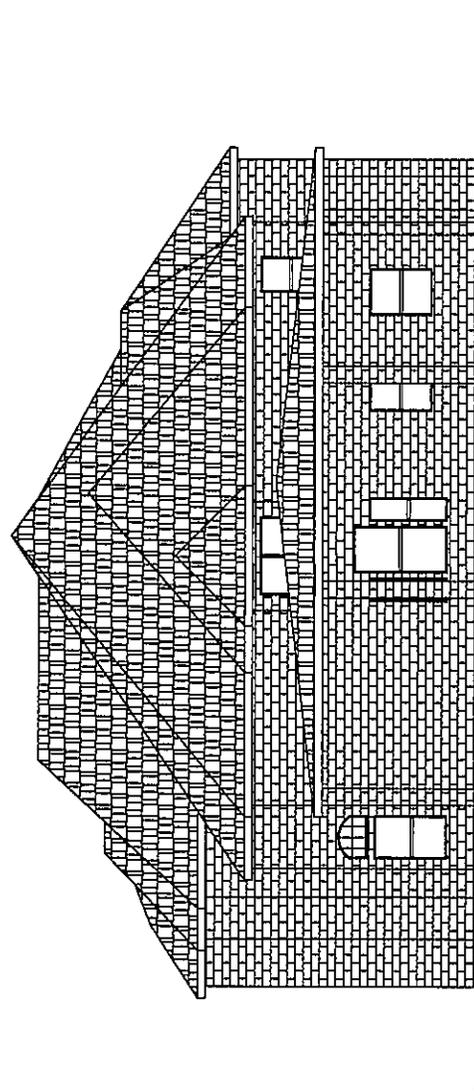
FRONT ELEVATION

SCALE 1/8"=1'-0"



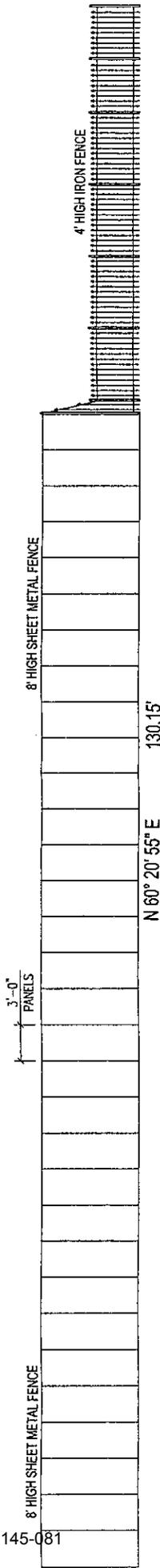
REAR ELEVATION

SCALE 1/8"=1'-0"

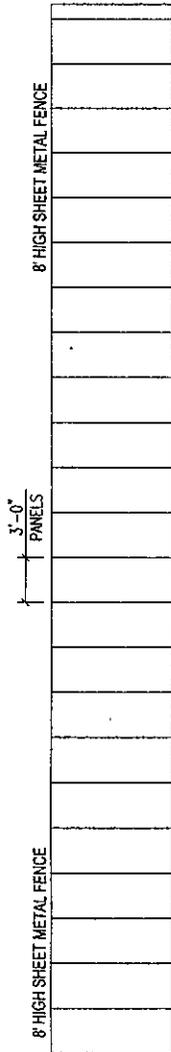


RIGHT ELEVATION

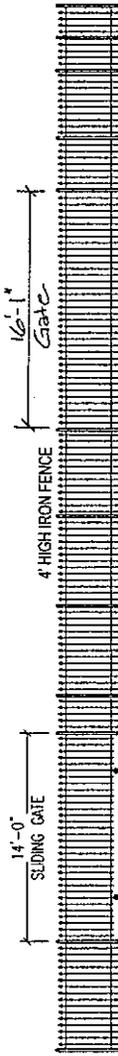
SCALE 1/8"=1'-0"



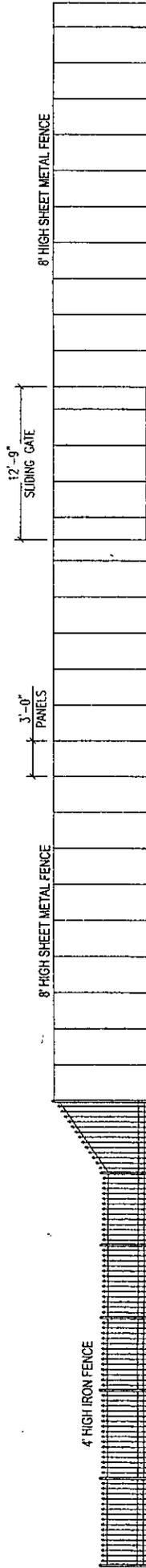
LEFT ELEVATION
SCALE 1/8" = 1'-0"



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

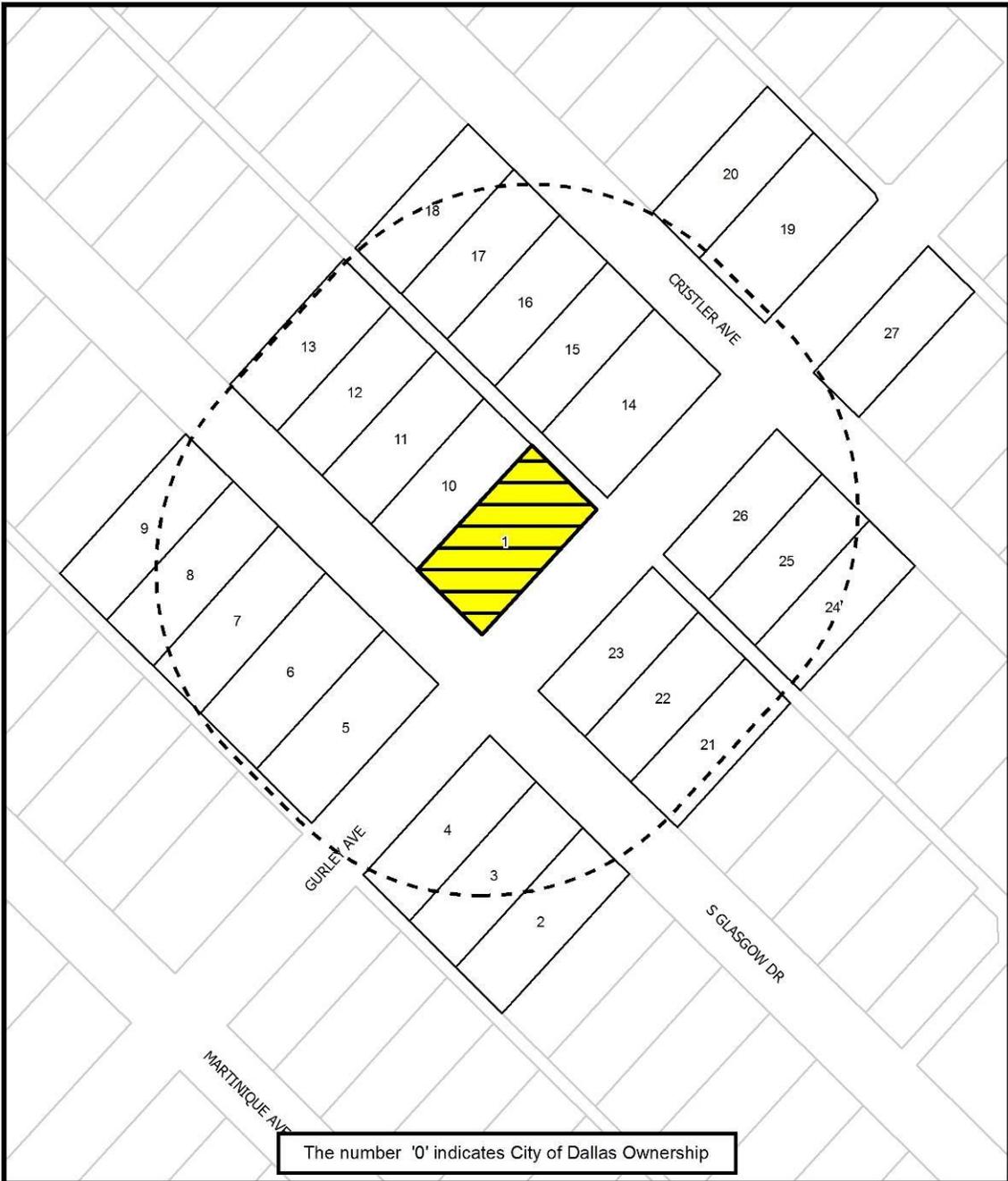


FRONT ELEVATION
SCALE 1/8" = 1'-0"



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

BDA145-081, 922 S. Glasgow Drive



 1:1,200	NOTIFICATION		Case no: BDA145-081
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">27</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 7/23/2015

Notification List of Property Owners

BDA145-081

27 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	922 GLASGOW DR	RAMIREZ ROGELIO GUERRERO
2	1011 GLASGOW DR	FERNANDEZ GREGARIO ET AL
3	1007 GLASGOW DR	RAMSEY ELENA M
4	1003 GLASGOW DR	BALDERAS TERESO &
5	925 GLASGOW DR	MATA JUAN
6	919 GLASGOW DR	MORENO JOSE S & MANUELA
7	915 GLASGOW DR	JAIMES RAMONA
8	911 GLASGOW DR	SANCHEZ NOE R & DALIA P
9	907 GLASGOW DR	AVILA DOMINGO & NORMA
10	918 GLASGOW DR	GUERRERO OLGA LIDIA
11	914 GLASGOW DR	GARCIA DANNY & SOCORRO
12	910 GLASGOW DR	PEREZ TEODORO M
13	906 GLASGOW DR	PEREZ ELISEO & CLEMENTINA
14	923 CRISTLER AVE	GUERRERO MARIA DE LOS ANGELES
15	917 CRISTLER AVE	SAUCEDA EPIFANIO &
16	915 CRISTLER AVE	MUNN JOHN L
17	911 CRISTLER AVE	JONES LORI M
18	907 CRISTLER AVE	CASTRO ALBERTO & DOLORES
19	922 CRISTLER AVE	MARTINEZ RENE RUIZ &
20	918 CRISTLER AVE	BERMUDEZ JOSE &
21	1010 GLASGOW DR	FERNANDEZ GREGORIO V &
22	1006 GLASGOW DR	MARTINEZ ELIZABETH
23	1002 GLASGOW DR	SEGURA CARLOS &
24	1009 CRISTLER AVE	OUENES OUSSAMA
25	1005 CRISTLER AVE	GUZMAN MARIA ESTALLA DE
26	1003 CRISTLER AVE	UVALLE GLORIA A

07/22/2015

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	1000 CRISTLER AVE	MCSTRAVICK MICHAEL J &