

ZONING BOARD OF ADJUSTMENT, PANEL B  
WEDNESDAY, APRIL 18, 2018  
AGENDA

---

BRIEFING	L1FN AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	11:00 A.M.
PUBLIC HEARING	L1FN AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.

---

**Neva Dean, Assistant Director**  
**Steve Long, Board Administrator/Chief Planner**  
**Oscar Aguilera, Senior Planner**

---

**MISCELLANEOUS ITEM**

---

Approval of the March 21, 2018 Board of Adjustment Panel B Public Hearing Minutes	M1
--	----

---

**UNCONTESTED CASES**

---

<b>BDA178-037(OA)</b>	10811 Stone Canyon Road <b>REQUEST:</b> Application of Monica C. Ofcharik for special exceptions to the fence standards regulations	1
<b>BDA178-042(OA)</b>	1502 Denley Drive <b>REQUEST:</b> Application of Paul E. Lewis, represented by Anna Mojica, for a variance to the front yard setback Regulations	2

---

---

## REGULAR CASES

---

<b>BDA178-029(OA)</b>	9709 Chimney Hill Lane <b>REQUEST:</b> Application of Mohammed M. Rahman for special exceptions to the fence standards and visual obstruction regulations	3
<b>BDA178-045(SL)</b>	5838 Monticello Avenue <b>REQUEST:</b> Application of Virendra Seth for a variance to the front yard setback regulations	4

---

## EXECUTIVE SESSION NOTICE

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

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 City Council 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 §551.087]
7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex. Govt. Code §551.089]

**FILE NUMBER:** BDA178-037(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Monica C. Ofcharik for special exceptions to the standards, and for a special exception to the fence standards regulations, at 10811 Stone Canyon Road. This property is more fully described as Lot 22, Block Y/7288, and is zoned R-13(A), which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct and/or maintain an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence standards, and to construct and/or maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence standards.

**LOCATION:** 10811 Stone Canyon Road

**APPLICANT:** Monica C. Ofcharik

**REQUEST:**

The following requests for special exceptions to the fence standards regulations have been made on a site that is developed with a single family home:

- 1) A request for a special exception to the fence standards regulations related to height of 4' is made to maintain a fence (an 8' high solid board-on-board wood fence) higher than 4' in height in one of the site's two required front yards (Stone Canyon Road); and
- 2) A request for a special exception to the fence standards regulations related to a fence panel with a surface area that is less than 50 percent open is made to maintain an 8' high solid board-on-board wood fence located on the Stone Canyon Road front lot line (or less than 5' from this front lot line).

**STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:**

Section 51A-4.602 of the Dallas Development Code states that the board may grant a special exception to the fence standards 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 standards since the basis for this type of appeal is when in the opinion of the board, the special exception will not adversely affect neighboring property.

## **BACKGROUND INFORMATION:**

### **Zoning:**

Site: R-13(A) (Single family district 13,000 sf ft.)  
North: R-13(A) & R-16(A) (Single family district 13,000 sq. ft. & 16,000 sq. ft.)  
South: MF-2(A) & D-(A) (Multifamily district & Duplex District)  
East: MF-2(A) (Multifamily district)  
West: R-13(A) (Single family district 13,000 sq. ft.)

### **Land Use:**

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

### **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:**

- The requests for special exceptions to the fence standard regulations are twofold. A special exception to the fence standards regulations related to height of 4' is to maintain an 8' high solid board-on-board wood fence in one of the site's two required front yards (Stone Canyon Road). A special exception to the fence standard regulations related to a fence with panels with surface areas less than 50 percent open is made to maintain an 8' high solid board-on-board wood fence located on Stone Canyon Road front lot line (or less than 5' from this front lot line).
- The subject site is zoned R-13(A) which requires a 25' front yard setback.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The site is located at the southwest corner of Stone Canyon Road and Stone Canyon Place.
- Given the single family zoning and location of the corner lot subject site, it has two required front yards. The site has a 25' required front yard caused by a platted building line along Stone Canyon Road and along Stone Canyon Place.
- The applicant has submitted a site plan and elevation of the proposal along Stone Canyon Road with fence panels having a surface area that is less than 50 percent open and located less than 5' from this front lot line.
- The following additional information was gleaned from the submitted site plan:
  - The proposal is represented as being approximately 44' in length parallel to Stone Canyon Road and approximately 25' perpendicular to Stone Canyon Road on the north and south sides of the site in this front yard setback.

- The proposal is represented as being located at the Stone Canyon Road front property line or approximately 12' from the pavement line
- A multifamily complex fronts the existing fence, with similar height fences in the front yard setbacks.
- The Sustainable Development and Construction Department Senior Planner, conducted a field visit of the site and surrounding area approximately 1000 feet north and south of the site. Staff noted several solid board-on-board wood fences that appeared to be above over 6' in height located along Stone Canyon Road and south of Willcrest Drive. However, these fences, located on the properties along Stone Canyon Road and south of Willcrest Drive, are located in what appears to be side yards therefore most likely permitted by right.
- As of April 6, 2018, 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 that the special exceptions to the fence standards regulations related to height over 4' in the front yard setback and related to a fence with panels with surface areas less than 50 percent open less than 5' from the front lot line will not adversely affect neighboring property.
- Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in the front yard setback and with fence panels with surface areas less than 50 percent open located less than 5' from the front lot line to be maintained in the location and of the heights and materials as shown on these documents.

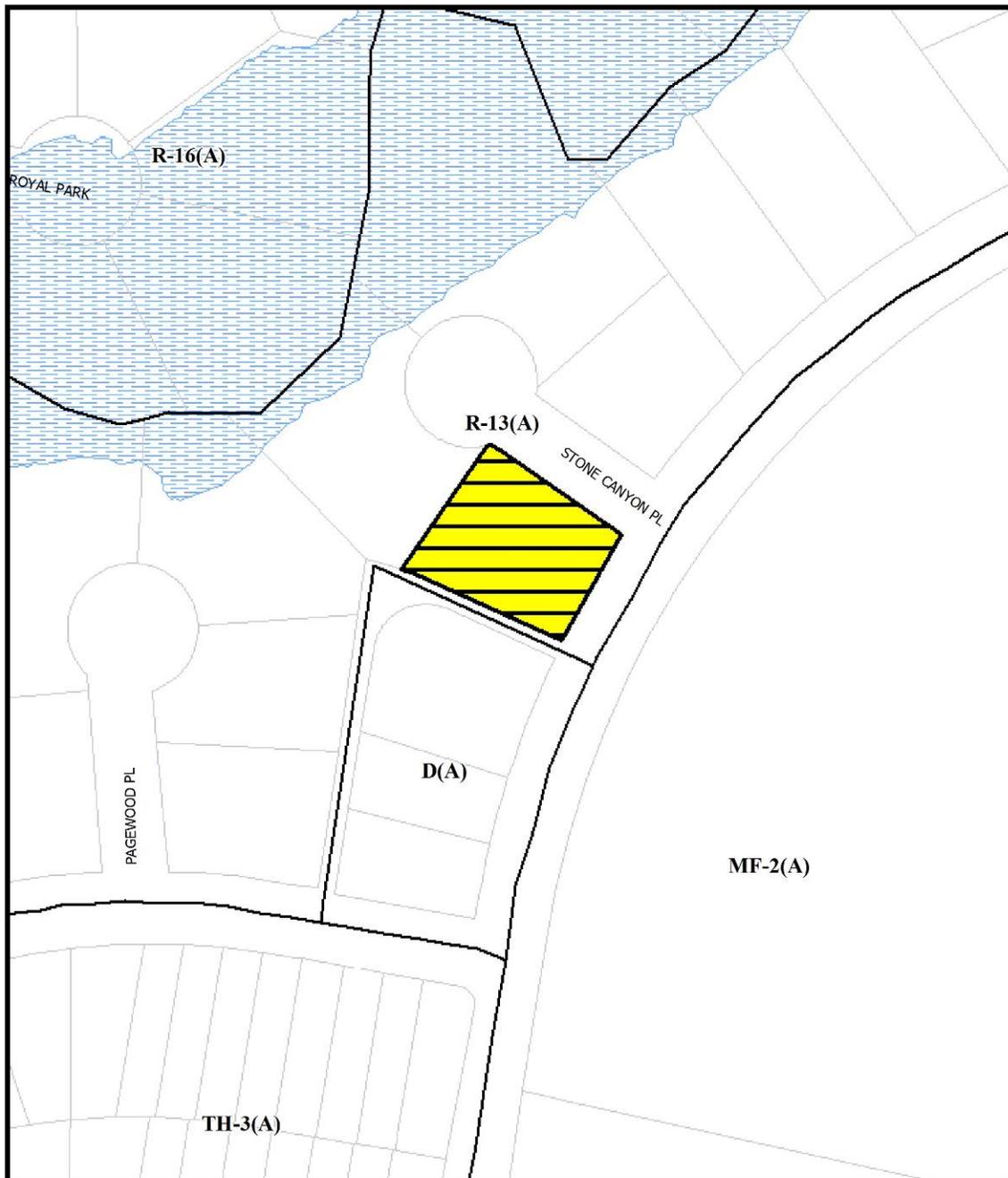
**Timeline:**

- January 28, 2018: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- March 13, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- March 13, 2018: The Sustainable Development and Construction Department Senior Planner, emailed the applicant's representative 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 March 28<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the April 6<sup>th</sup> 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."

March 28, 2018: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

April 3, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Project Engineer, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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

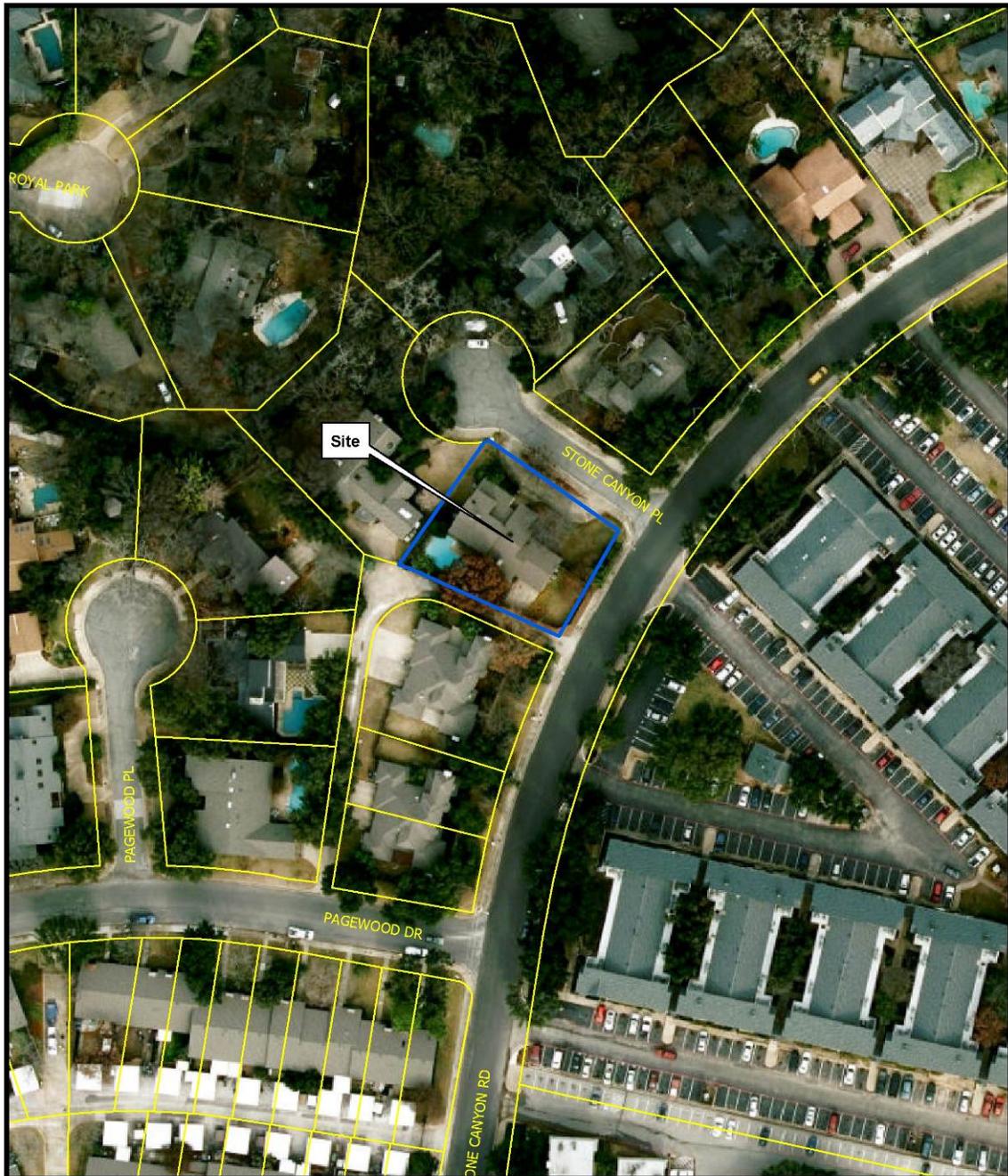


1:1,200

# ZONING MAP

Case no: BDA178-037

Date: 3/20/2018



1:1,200

# AERIAL MAP

Case no: BDA178-037

Date: 3/20/2018

## Aguilera, Oscar E

---

**From:** Monica Ofcharik <mofcharik@yahoo.com>  
**Sent:** Wednesday, March 28, 2018 2:18 PM  
**To:** Aguilera, Oscar E  
**Cc:** Monica Ofcharik  
**Subject:** BDA178-037 10811 Stone Canyon Road

BDA178-037 ATTACH A  
(pg 1/5)

Oscar....this is the text of the original email I sent yesterday. I will send the 7 attachments to you individually to see if you receive them this time.

Mr. Aguilera:

As requested, following is a list of the attached information which supports my application to the board of adjustment:

1. A brief summary of the reason for my request.
2. Letter from next door neighbor stating no objection to fence.
3. Receipt for fence purchase in 2013.
4. Photos of the fence located at 10811 Stone Canyon Place, including views from inside the fence evidencing that the fence offers privacy and security.
5. Photos of 10801 Branch Oaks Circle (neighborhood house), including a map of how close the home is from my residence.

I have saved all of the documents referenced and photos in the attached folder. If you have questions or need additional information, please do not hesitate to call or email.

Thanks,  
Monica Ofcharik  
214-546-0245

Following is a brief summary of the history of the fence in question:

Fence constructed in 2013 by previous owners Brian and Amy Wolf (receipt attached for reference).

I purchased the home in October 2015 with the fence already existing. During the buying process there was no mention of code violations regarding the fence when obtaining a mortgage or approval for closing (see deed provided with original submission).

In November 2017 I received a citation from the city indicating the fence was in violation, as there was never a permit issued for the fence and it did not meet the code requirements. Until this time I had no idea the fence did not meet code.

The proposed fence is visually pleasing (see attached), does not cause any obstructions to neighbors and offers the homeowner an added level of security. Given that the home is on a corner lot and has two front yards, the homeowner requests that the side of the home with the proposed fence be considered the side yard. There are no neighbors directly connected to this side of the property and the nearest neighbor is separated by an alley and would not be negatively affected by the fence.

The proposed fence also provides an added level of security for the pool located in the back yard and prevents any unwanted guests or animals from accessing the backyard/pool area. This side of the home faces the apartments across the street and the fence offers security and privacy from the apartment residents. The proposed fence is similar in height and design as the other homes in the neighborhood (pictures of 10801 Branch Oaks Circle attached).

The homeowner requests that she be granted a special exception and permit for the requested fence.

# Statement

Texas Best Fence  
 500 E. State Hwy 121  
 Building B  
 Lewisville, TX 75057

Date
3/13/2013

BDA178-037 ATTACH A  
 (Pg 3/75)

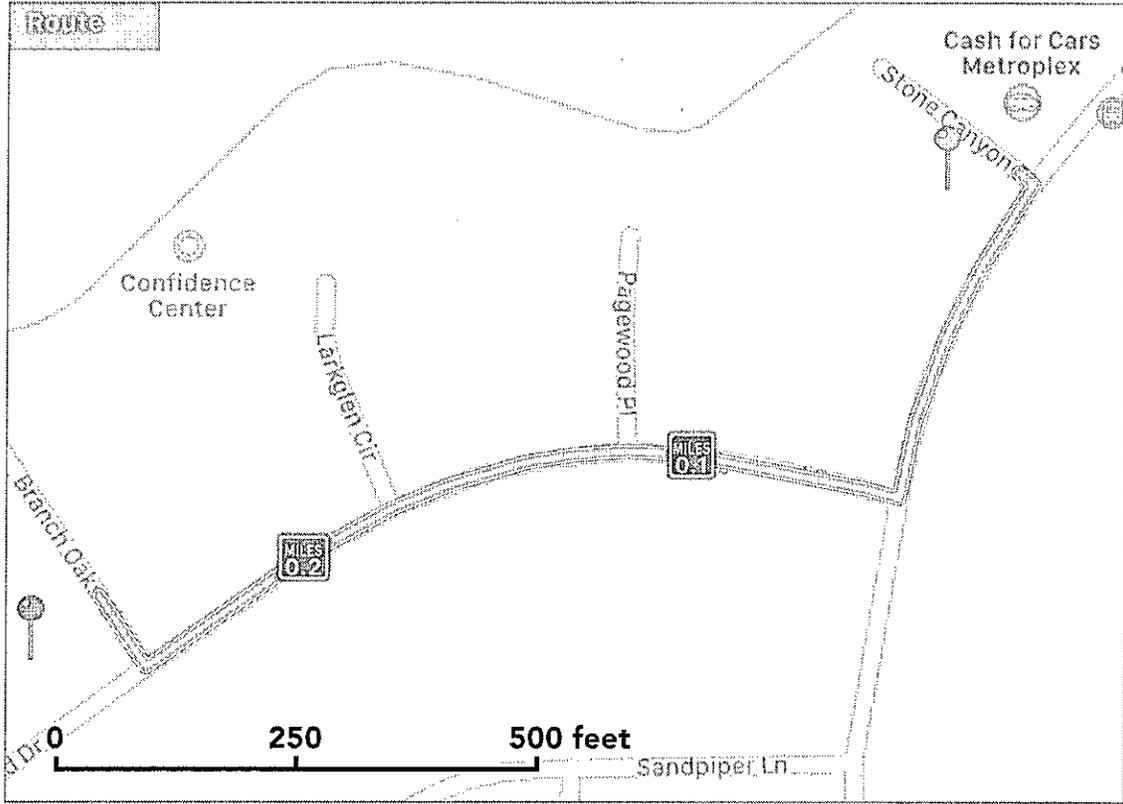
To:
Wolf, Brian 10811 Stone Canyon Dallas, TX 75230

		Amount Due	Amount Enc.		
		\$0.00			
Date	Transaction	Amount	Balance		
01/31/2013	Balance forward		0.00		
03/05/2013	INV #8878. Due 03/05/2013. Estimate 3302:	14,770.00	14,770.00		
03/05/2013	PMT 50%	-7,385.00	7,385.00		
03/07/2013	INV #9042. Due 03/07/2013.	0.00	7,385.00		
03/13/2013	INV #9070. Due 03/13/2013.	574.00	7,959.00		
03/13/2013	PMT #362312. Final	-7,959.00	0.00		
<b>CURRENT</b>	<b>1-30 DAYS PAST DUE</b>	<b>31-60 DAYS PAST DUE</b>	<b>61-90 DAYS PAST DUE</b>	<b>OVER 90 DAYS PAST DUE</b>	<b>Amount Due</b>
0.00	0.00	0.00	0.00	0.00	\$0.00

BDA178-037 ATTACH A  
(pg. 4/5)

 10801 Branch Oaks Cir

0.3 miles, 2 min



BDA178-037 ATTACH A (pg 5/8)

 10811 Stone Canyon Pl to 10801 Branch Oaks Cir 0.3 miles, 2 min



Start  
10811 Stone Canyon Pl

---

MILES  
0



80 feet  
Turn right onto Stone Canyon Rd

---

MILES  
0.01



350 feet  
Turn right onto Pagewood Dr

---

MILES  
0.08



800 feet  
Turn right onto Branch Oaks Cir

---

MILES  
0.24



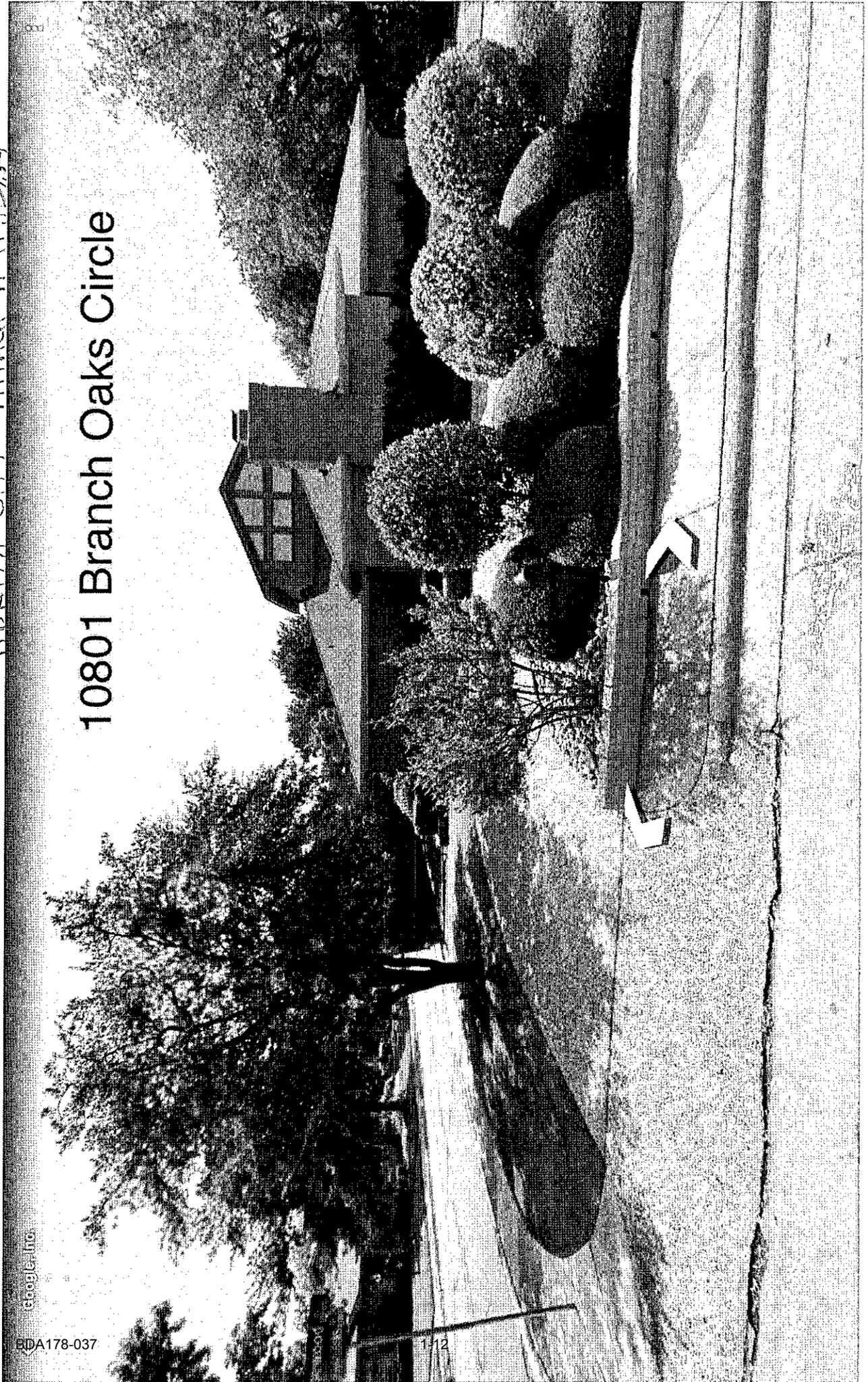
90 feet  
The destination is on your left

BDA178-037 ATTACH A (Page 6 of 8)

© Google, Inc.

BDA178-037

# 10801 Branch Oaks Circle

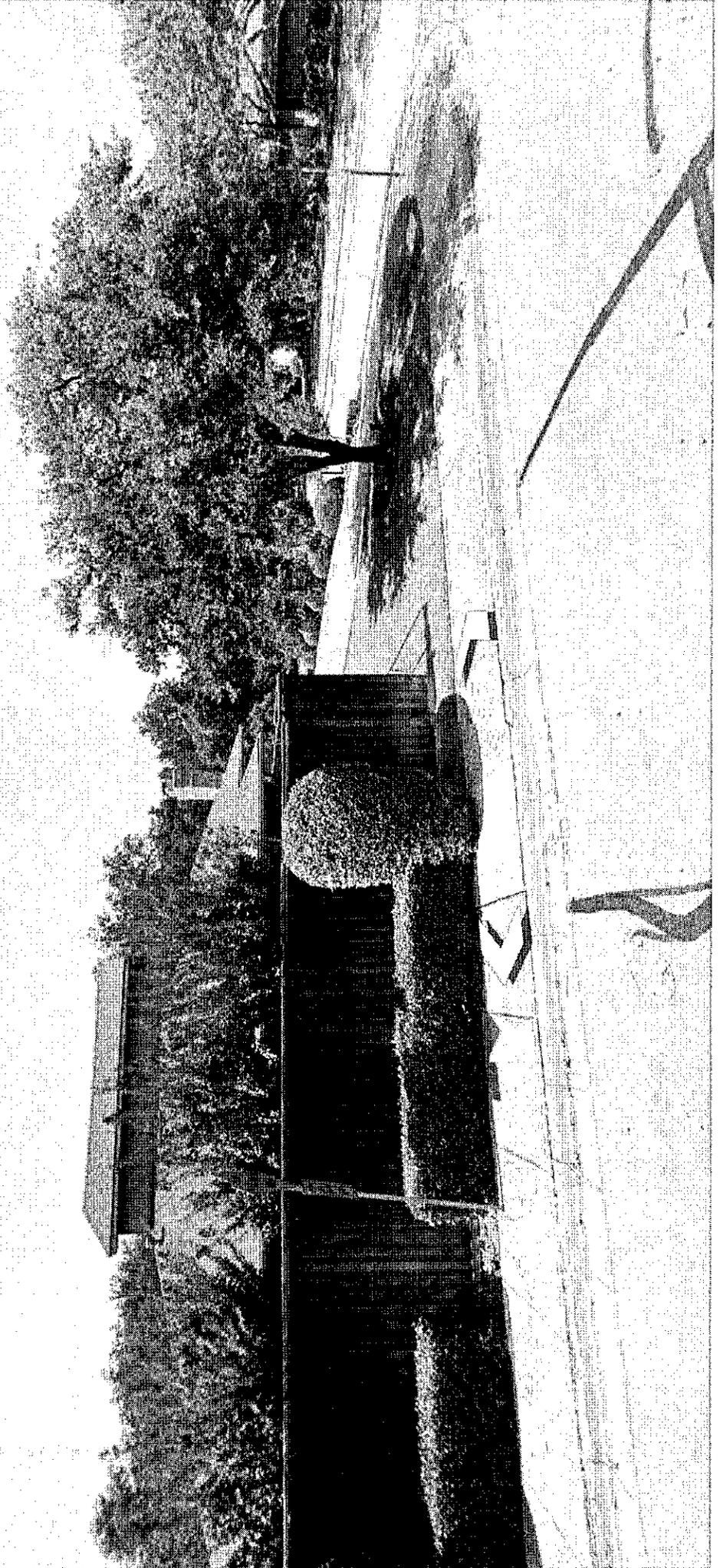


BDA178-037 ATTACH A (P. 7/15)

Google Inc

BDA178-037

# 10801 Branch Oaks Circle

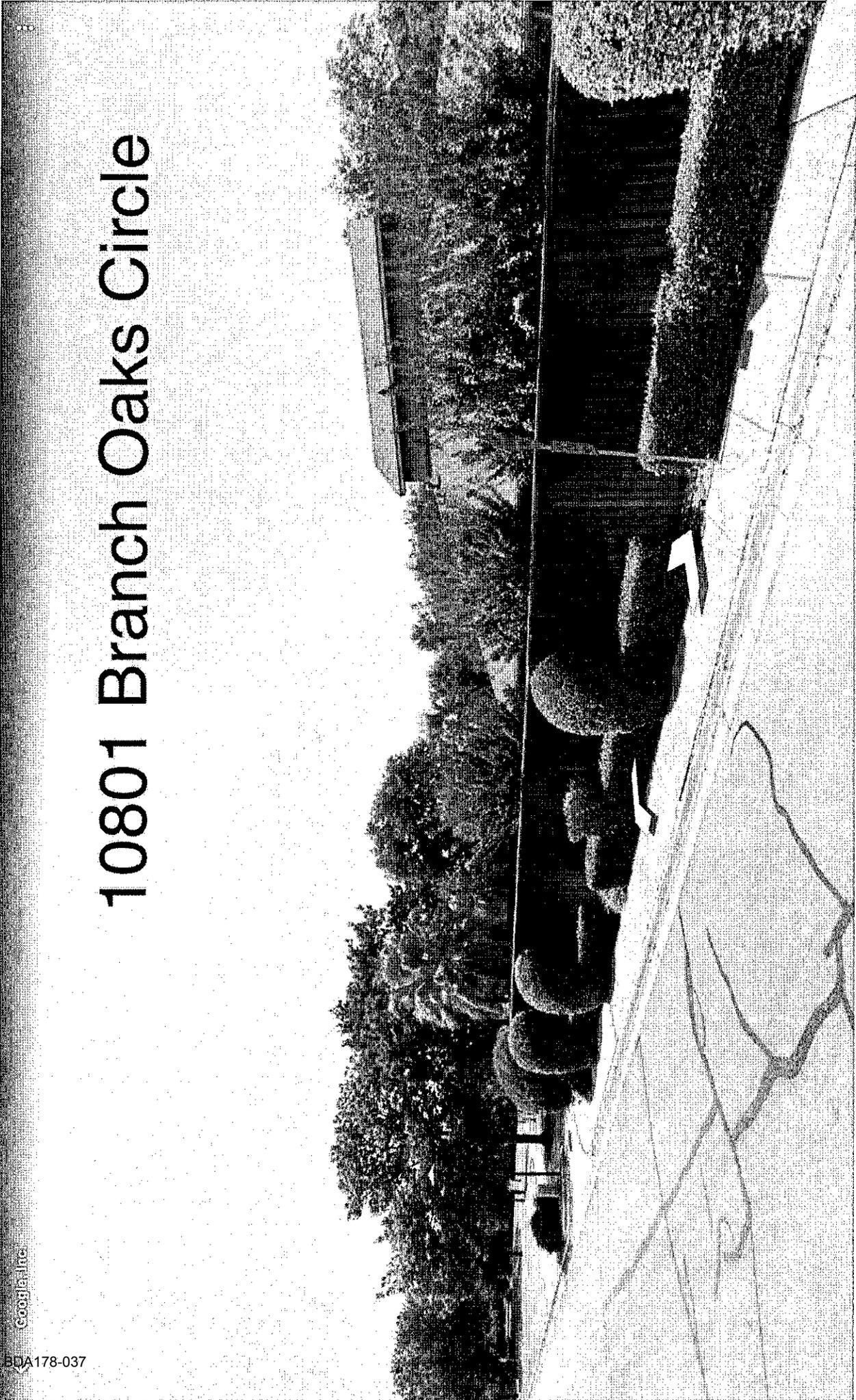


BDA178-037 ATTACH A (Pg 3/3)

# 10801 Branch Oaks Circle

Google Inc

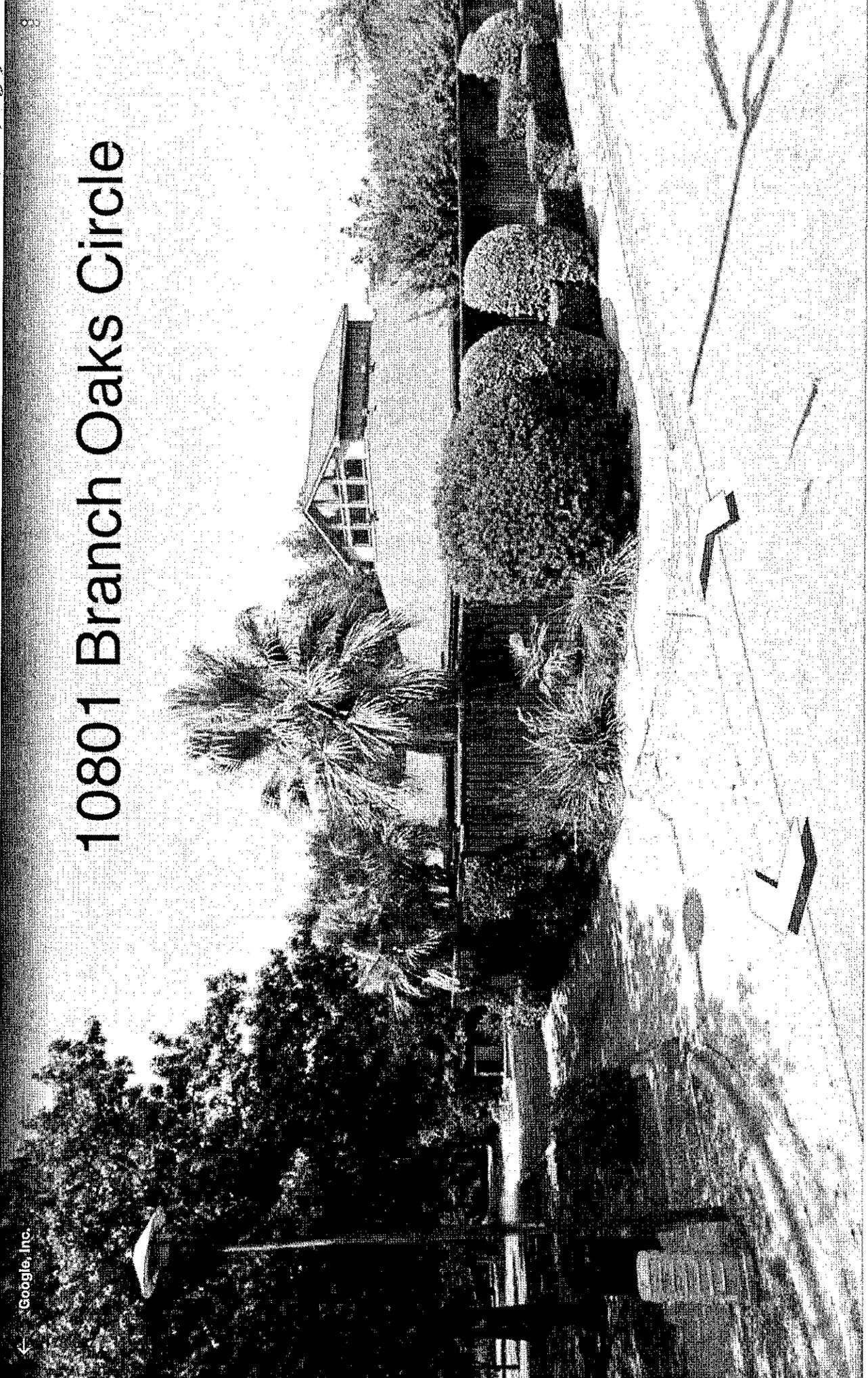
BDA178-037



BDA 178-037 ATTACH A (Pg 2/3)

← Google, Inc.

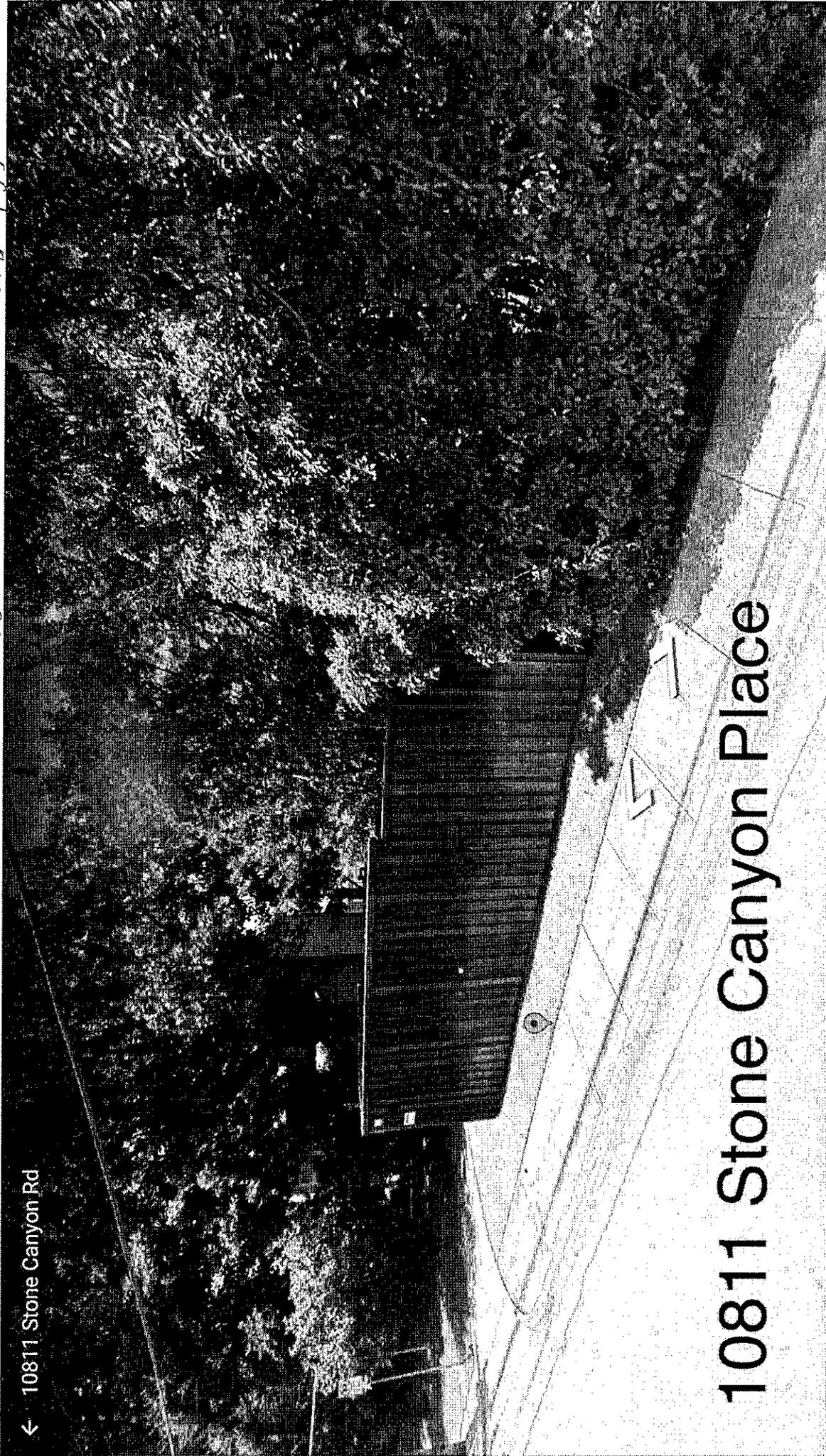
# 10801 Branch Oaks Circle



BDA178-037 ATTACH A (Pg 10/15)

BD

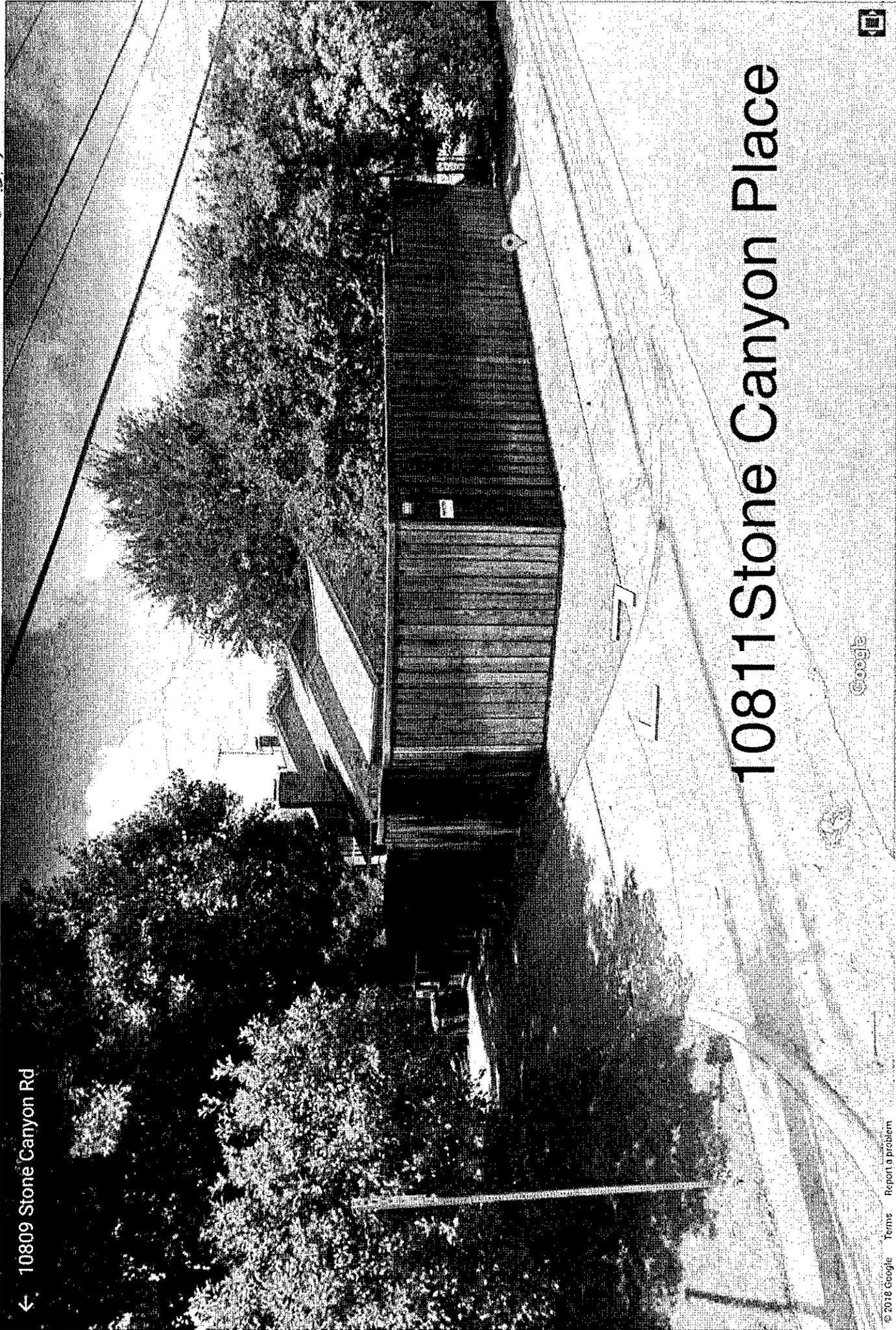
← 10811 Stone Canyon Rd



10811 Stone Canyon Place

BDA178-037 ATTACH A (PG 11/15)

← 10809 Stone Canyon Rd

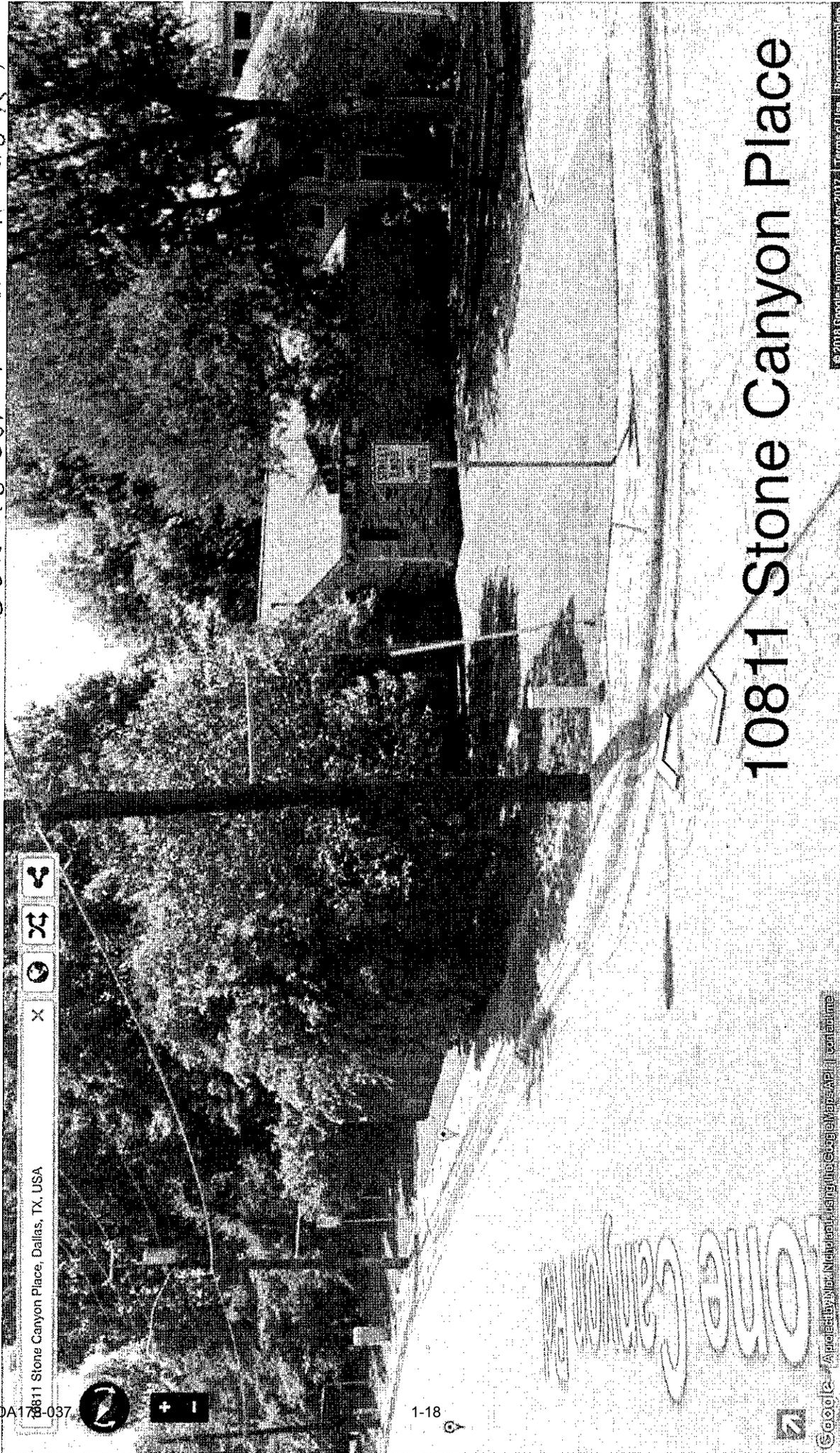


10811 Stone Canyon Place

Google

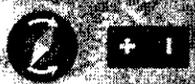
BDA 178-037 ATTACH A (pg 12)

BDA 178-037



10811 Stone Canyon Place, Dallas, TX, USA

X



1-18

# 10811 Stone Canyon Place

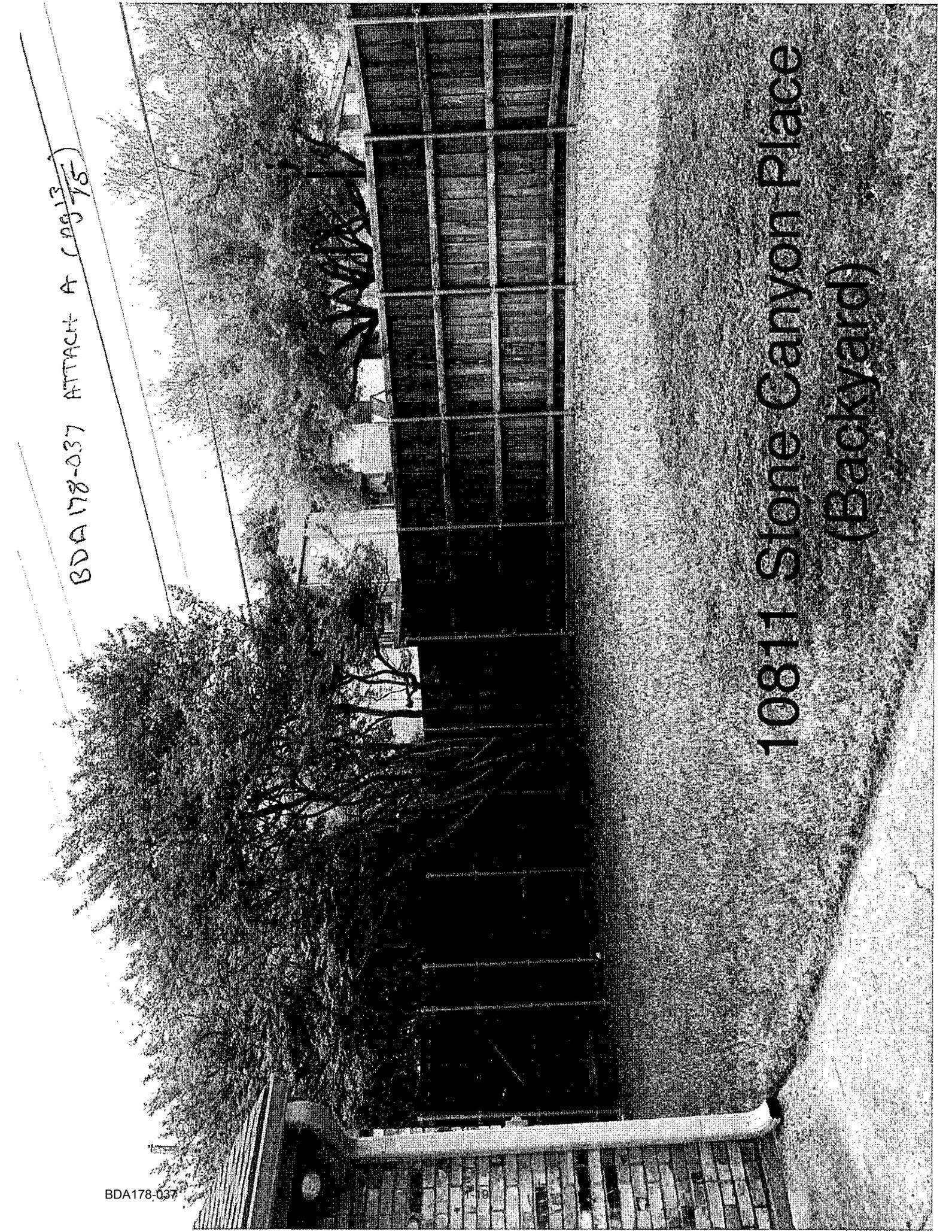
© 2018 Google. All rights reserved. Using the Google Maps API | Contains

© 2018 Google. Image Date: May 2017 | Terms of Use | Report a problem

BDA 178-037 ATTACH A (09/13/15)

BDA178-037

10811 Stone Canyon Place  
(Backyard)



BDA 178-037 ATTACH A (pg 14/15)

10811 Stone Canyon Place  
(Backyard)





BDA178-037 ATTACH A (09 15)

10811 Stone Canyon Place  
(Backyard)



City of Dallas

B

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-037

Data Relative to Subject Property:

Date: 1/28/2018

Location address: 10811 Stone Canyon Road Zoning District: R-13(A)

Lot No.: 22 Block No.: Y/7288 Acreage: .31 Census Tract: 131.05

Street Frontage (in Feet): 1) 121' 2) 91' 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Monica C. Ofcharik

Applicant: Monica C. Ofcharik Telephone: 214-546-0246

Mailing Address: 10811 Stone Canyon Pl. Dallas Zip Code: 75230

E-mail Address: mofcharik@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 4' to front yard fence with total height of 8' and 50% open panel, and visibility triangle @ driveway.

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

The house is situated on a corner lot which causes the home to have two front yards according to city code

cont. on attached

**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 Monica C. Ofcharik  
(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 28th day of January, 2018

Karen R. Hahn  
Notary Public in and for Dallas County, Texas

(Rev. 08-01-11)

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied \_\_\_\_\_

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

I hereby certify that Monica Ofcharik

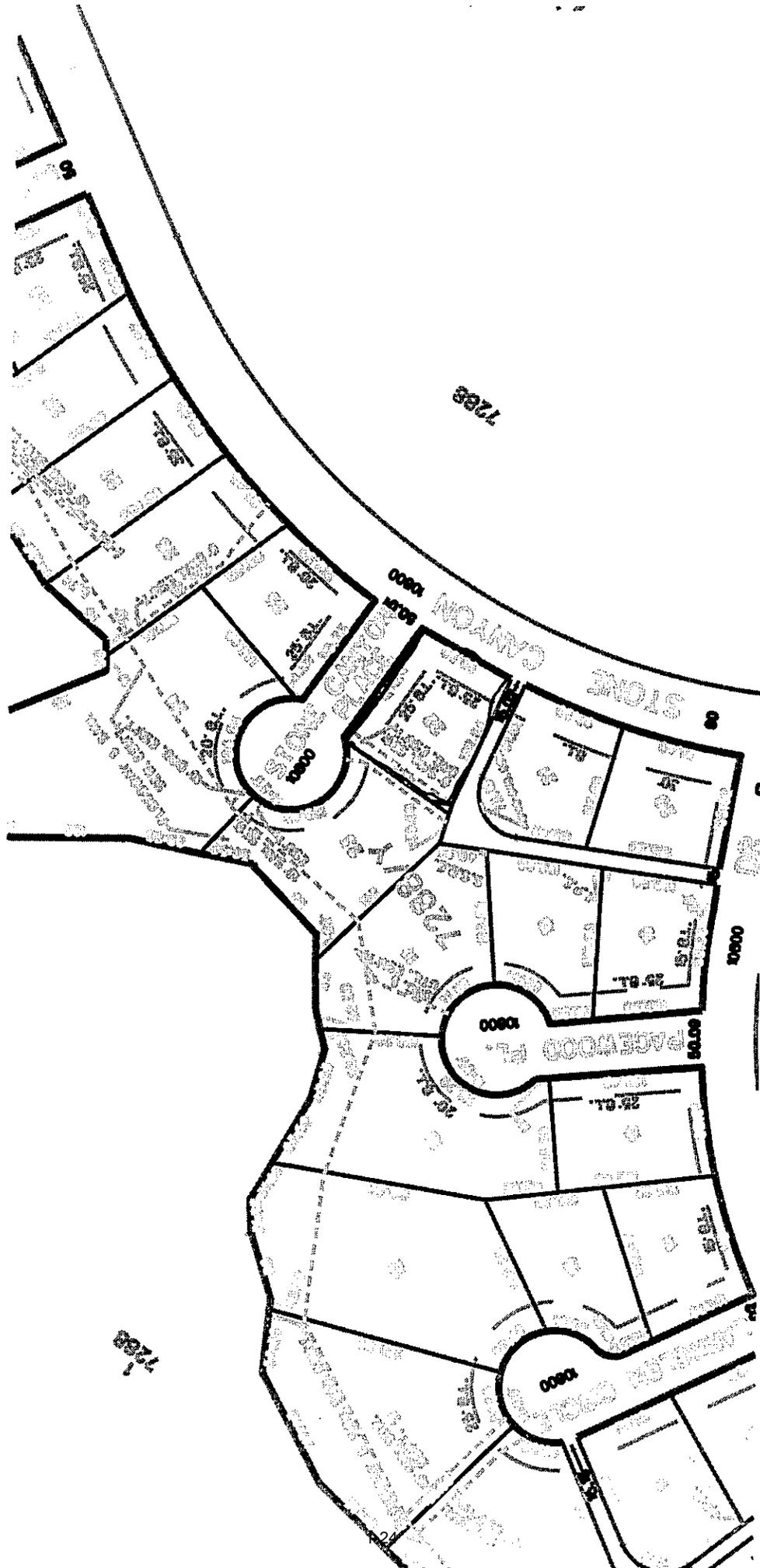
did submit a request for a special exception to the fence height regulations, and for a special exception to the fence standards regulations

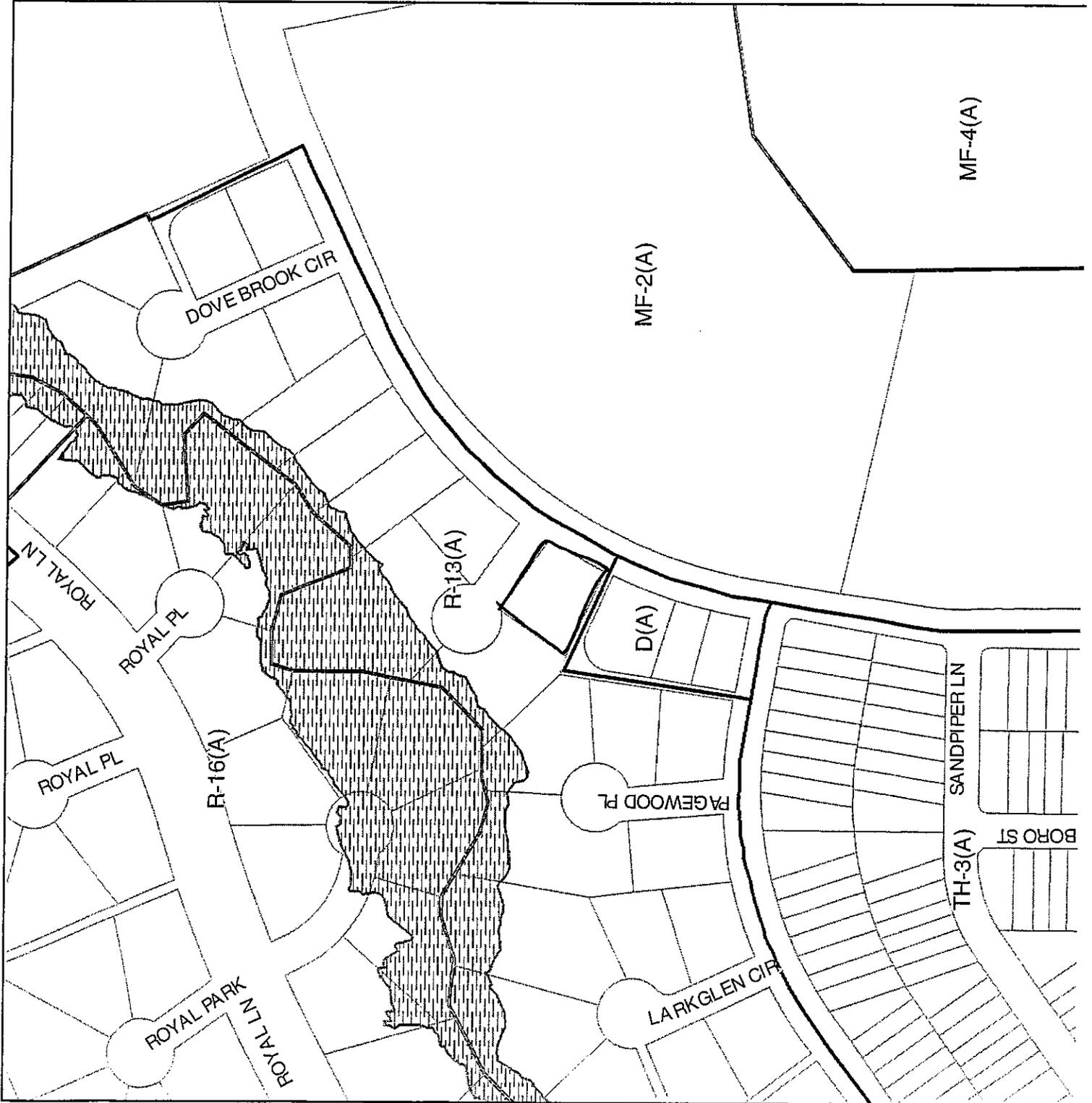
at 10811 Stone Canyon Road

BDA178-037. Application of Monica Ofcharik for a special exception to the fence height regulations, and for a special exception to the fence standards regulations, at 10811 STONE CANYON RD. This property is more fully described as Lot 22, Block Y/7288, and is zoned R-13(A), which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulations.

Sincerely,

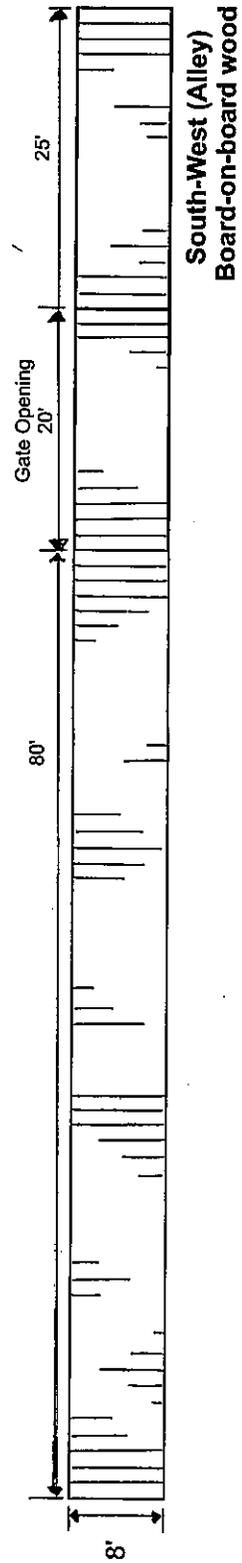
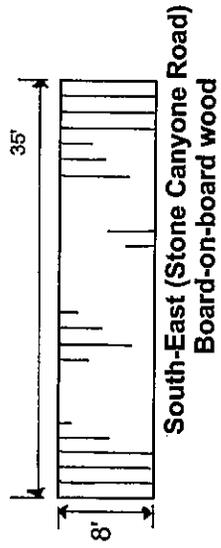
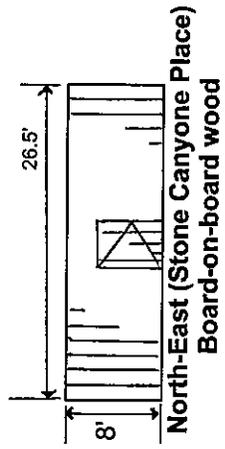
*Philip Sikes*  
Philip Sikes, Building Official







**Fenceline Elevation Drawings**  
**Scale: 1" = 10'**





 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA178-037</b>
	<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;">14</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>3/20/2018</b>	

## ***Notification List of Property Owners***

***BDA178-037***

### ***14 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	10811 STONE CANYON RD	OFCHARIK MONICA C
2	10825 PAGEWOOD PL	STRAUSS JAMES F
3	10827 PAGEWOOD PL	JENNINGS NATHAN & MEGAN
4	10831 PAGEWOOD PL	DAVIS EDWARD REX TR
5	10803 STONE CANYON RD	MOORE DAVID J SR
6	10805 STONE CANYON RD	MOORE DAVID J
7	10807 STONE CANYON RD	MOORE DAVIS J SR
8	10815 STONE CANYON RD	BLEICHER NORMAN L &
9	10817 STONE CANYON RD	DAVIS GEORGE
10	10819 STONE CANYON RD	MCGIVNEY DAVID W
11	10823 STONE CANYON RD	MOORE LINDA J ET AL
12	10705 ROYAL PARK	LEHNER PAUL M & LINDA
13	10706 ROYAL PARK	MILES KENNETH D &
14	10830 STONE CANYON RD	AVONDALE APARTAMENTS

**FILE NUMBER:** BDA178-042(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Paul E Lewis, represented by Anna Mojica, for a variance to the front yard setback regulations at 1502 S. Denley Drive. This property is more fully described as Lot 1, Block 6/3566 and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct and/or maintain a structure and provide a 10 foot 6 inch front yard setback, which will require a 14 foot 6 inch variance to the front yard setback regulations.

**LOCATION:** 1502 S. Denley Drive

**APPLICANT:** Paul E Lewis  
Represented by Anna Mojica

**REQUEST:**

A request for a variance to the front yard setback regulations of 14' 6" is made to construct and maintain a two-story single family home structure with a total "slab area" of approximately 1,260 square feet or with a total "home size" of approximately 1890 square feet, part of which is to be located 10' 6" from one of the site's two front property lines (Edgemont Avenue) or 14' 6" into this 25' front yard setback on a site that is undeveloped.

**STANDARD FOR A VARIANCE:**

Section 51(A)-3.102(d)(10) of 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, lot coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

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

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is unique and different from most lots in the R-7.5(A) zoning district. It is restrictive in area due to having two, 25' front yard setbacks when most lots in this zoning district have one 25' front yard setback. The 46' wide subject site has 16' of developable width available once a 25' front yard setback is accounted for on the northwest and a 5' side yard setback is accounted for on the northeast. If the lot were more typical to others in the zoning district with only one front yard setback, the 46' wide site would have 36' of developable width.
- Staff concluded that the applicant has shown by submitting a document indicating among other things that that the total home size of the proposed home on the subject site at approximately 1,890 square feet is commensurate to 6 other homes in the same R-7.5(A) zoning district that have average home size of approximately 2,112 square feet.

**BACKGROUND INFORMATION:**

**Zoning:**

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

**Land Use:**

The subject site is undeveloped. The areas to the north and west are developed with religious uses and single family uses; and the areas to the south, and east 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, for variance to the front yard setback regulations of 14' 6", focuses on constructing and maintaining a two-story single family home structure with a total "slab area" of approximately 1,260 square feet or with a total "home size" of approximately 1890 square feet, part of which is to be located 10' 6" from one of the site's two front property lines (Edgemont Avenue) or 14' 6" into this 25' front yard setback on an undeveloped site.
- The property is located in an R-7.5(A) (Single family district 7,500 square-foot) zoning district which requires a minimum front yard setback of 25 feet.
- The subject site is located at the northeast corner of Denley Drive and Edgemont Avenue. Regardless of how the structure is proposed to be oriented to front Denley Drive, the subject site has 25' front yard setbacks along both street frontages. The site has a 25' front yard setback along Denley Drive, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in this zoning district. The site also has a 25' front yard setback along Edgemont Avenue, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where a 5' side yard setback is required. However, the site's Edgemont Avenue frontage that would function as a side yard on the property is treated as a front yard setback nonetheless, to maintain the continuity of the established front yard setback established by the lots to the north that front/are oriented northward towards Edgemont Avenue.
- The submitted site plan indicates that the wall of the proposed structure is located 10' 6" from the Edgemont Avenue front property line or 14' 6" into this 25' front yard setback but the application is made for a variance of "10' 6" to the FYSB on Edgemont Avenue to establish a 10' 6" setback".
- According to DCAD records, there are "no main improvement" or "no additional improvements for property addressed at 1502 S. Denley Drive.
- The subject site is flat, rectangular in shape (approximately 150' x 46'), and according to the submitted application is 0.16 acres (or approximately 6,927.6 square feet) in area. The site is zoned R-7.5(A) where lots are typically 7,500 square feet in area.
- The site plan represents that approximately 1/3 of the structure is located in the 25' Edgemont Avenue front yard setback.
- The 46' wide subject site has 16' of developable width available once a 25' front yard setback is accounted for on the northwest and a 5' side yard setback is accounted for on the northeast. If the lot were more typical to others in the zoning district with only one front yard setback, the 46' wide site would have 36' of developable width.
- No variance would be necessary if the Edgemont Avenue frontage were a side yard since the site plan represents that the proposed home is 10' 6" from the Edgemont Avenue property line and the side yard setback for properties zoned R-7.5(A) is 5'.
- The applicant has submitted a document indicating among other things that that the total home size of the proposed home on the subject site is approximately 1890 square feet, and the average of 6 other properties in the same zoning is approximately 2,112 square feet.

- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.
  - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which in this case is a structure that would be located 10’ 6” from the site’s Edgemont Avenue front property line (or 14’ 6” into this 25’ front yard setback).

**Timeline:**

February 23, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

March 13, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

March 14, 2018: The Sustainable Development and Construction Department Senior Planner emailed the applicant’s representative the following information:

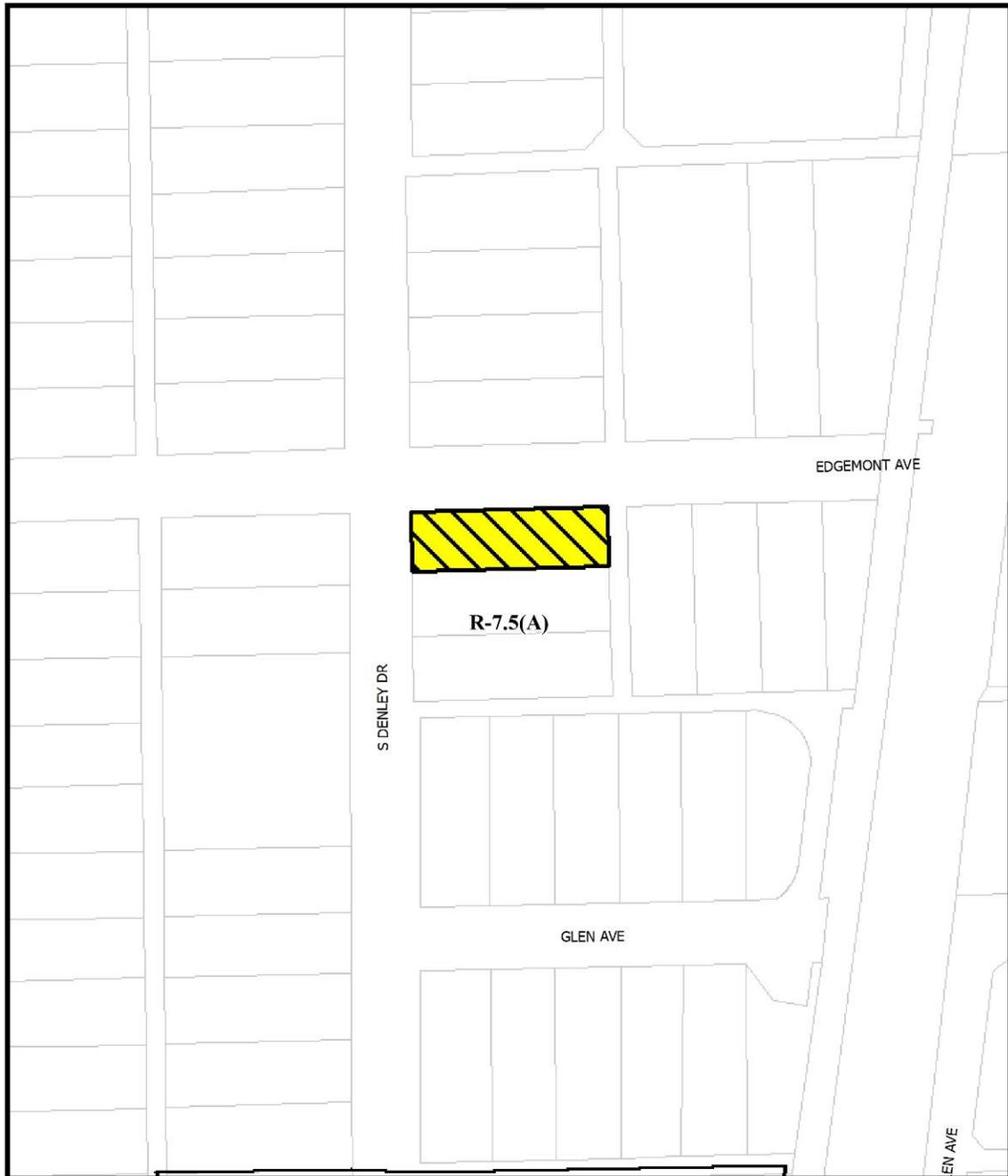
- an attachment that provided the public hearing date and panel that will consider the application; the March 28<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the April 6<sup>th</sup> deadline to submit additional evidence to be incorporated into the 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.

March 29, 2018: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

April 3, 2018:

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

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

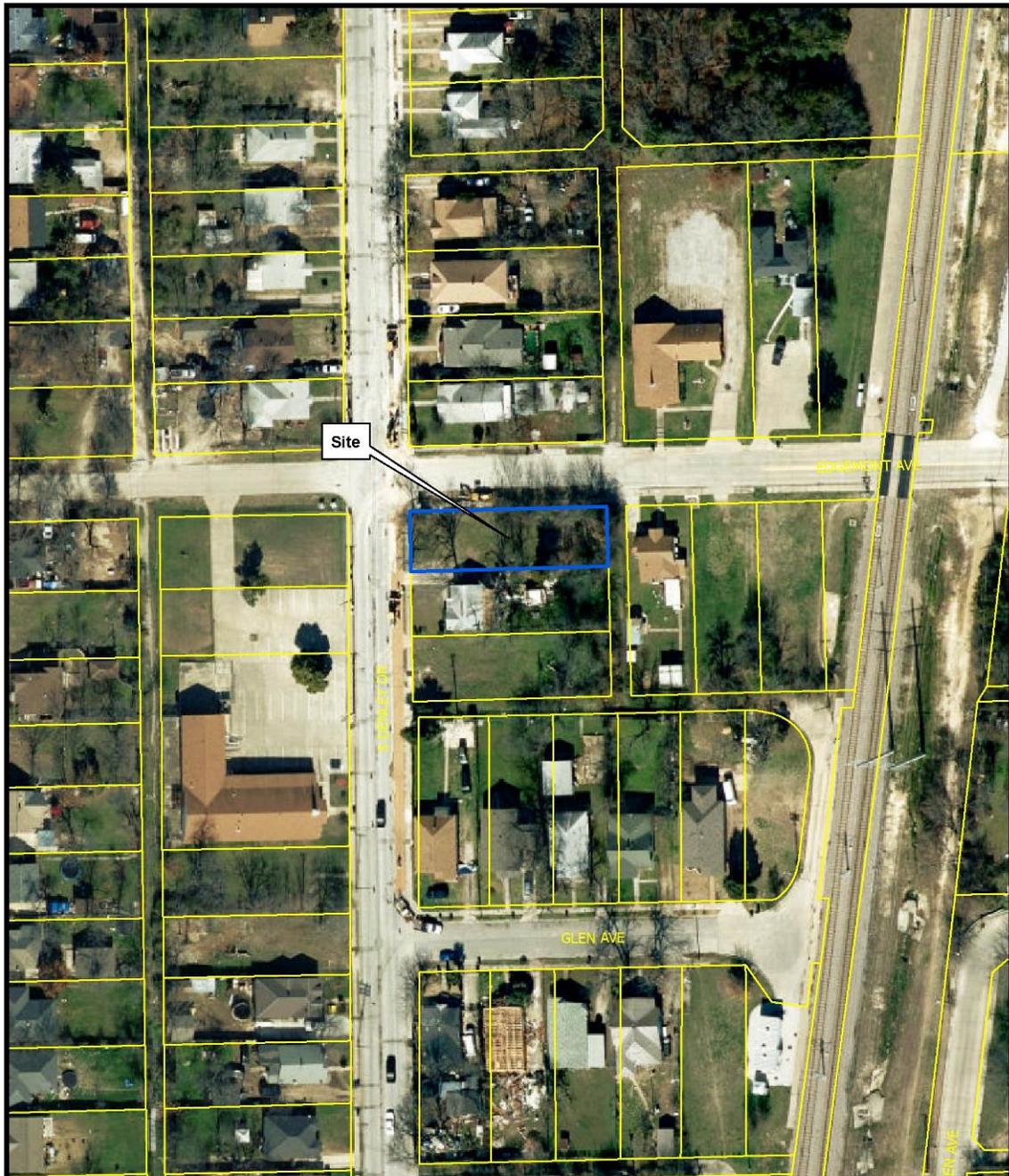


1:1,200

# ZONING MAP

Case no: BDA178-042

Date: 3/20/2018



1:1,200

# AERIAL MAP

Case no: BDA178-042

Date: 3/20/2018

BDA 178-042 ATTACH # (pg. 4)

Address

Home Size

1447 S. Denley Dr

1640

1506

1108

1502

1508

vacant lot

1519

5336

1446

1446

1447

1640

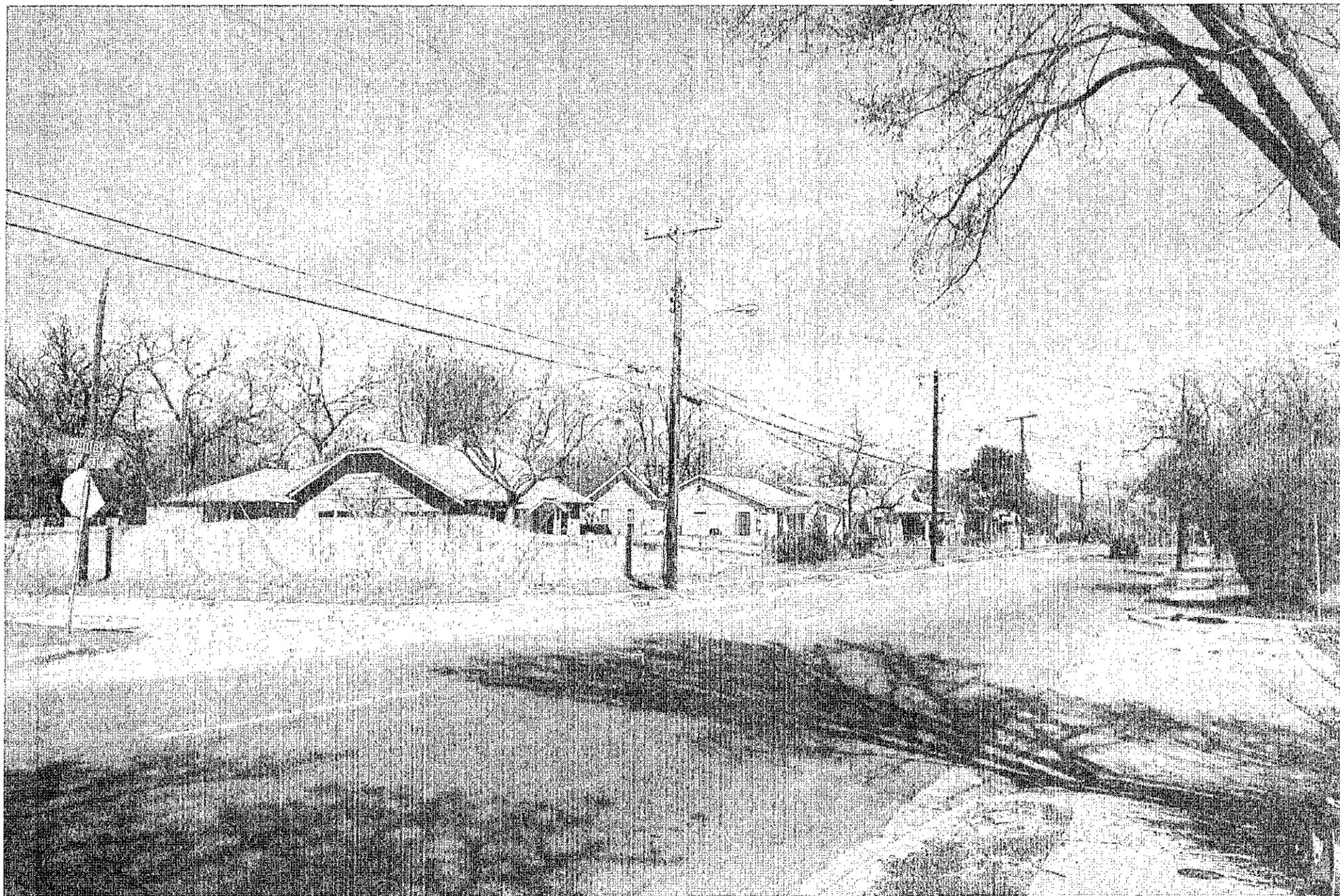
1314 Edgement

1502

1316, 1322 } }

vacant lot

BDA 178-042 ATTACH A (pg 2/8)



BDA178-042

1447 S. Denley Dr. (across the street from 1502 S. Denley Dr.)

BDA 178-042 ATTACH A (Pg. 3/8)



1502 E. Darley Dr. / Side View

BDA178-042

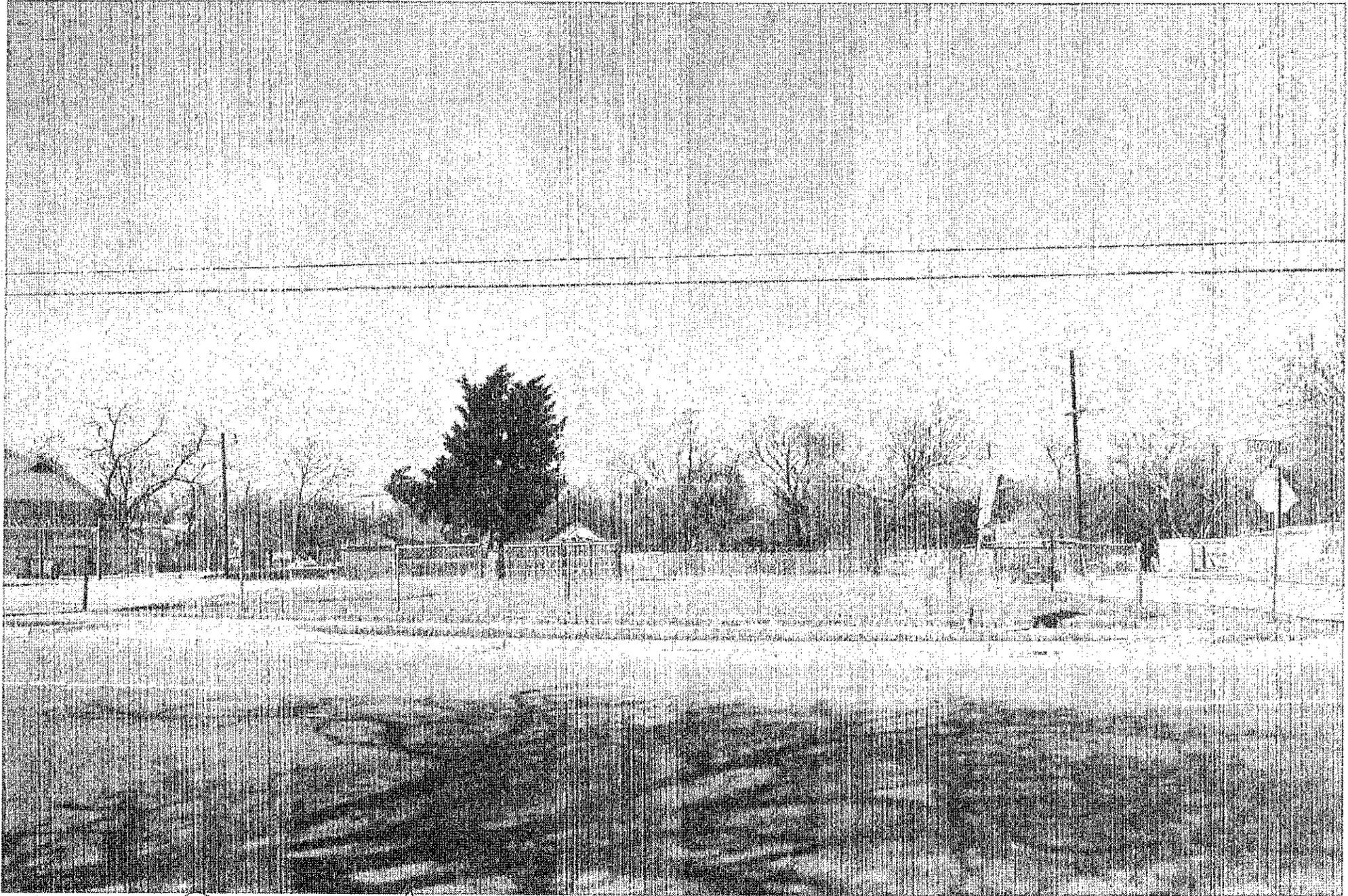
2-10

BDA 178-042 ATTACH A (Pg. 4/8)



1506 E. Denley Dr. (right next to 1502 E. Denley Dr.)

BDA 178-042 ATTACH A (Pg. 5<sub>3</sub><sup>0</sup>)

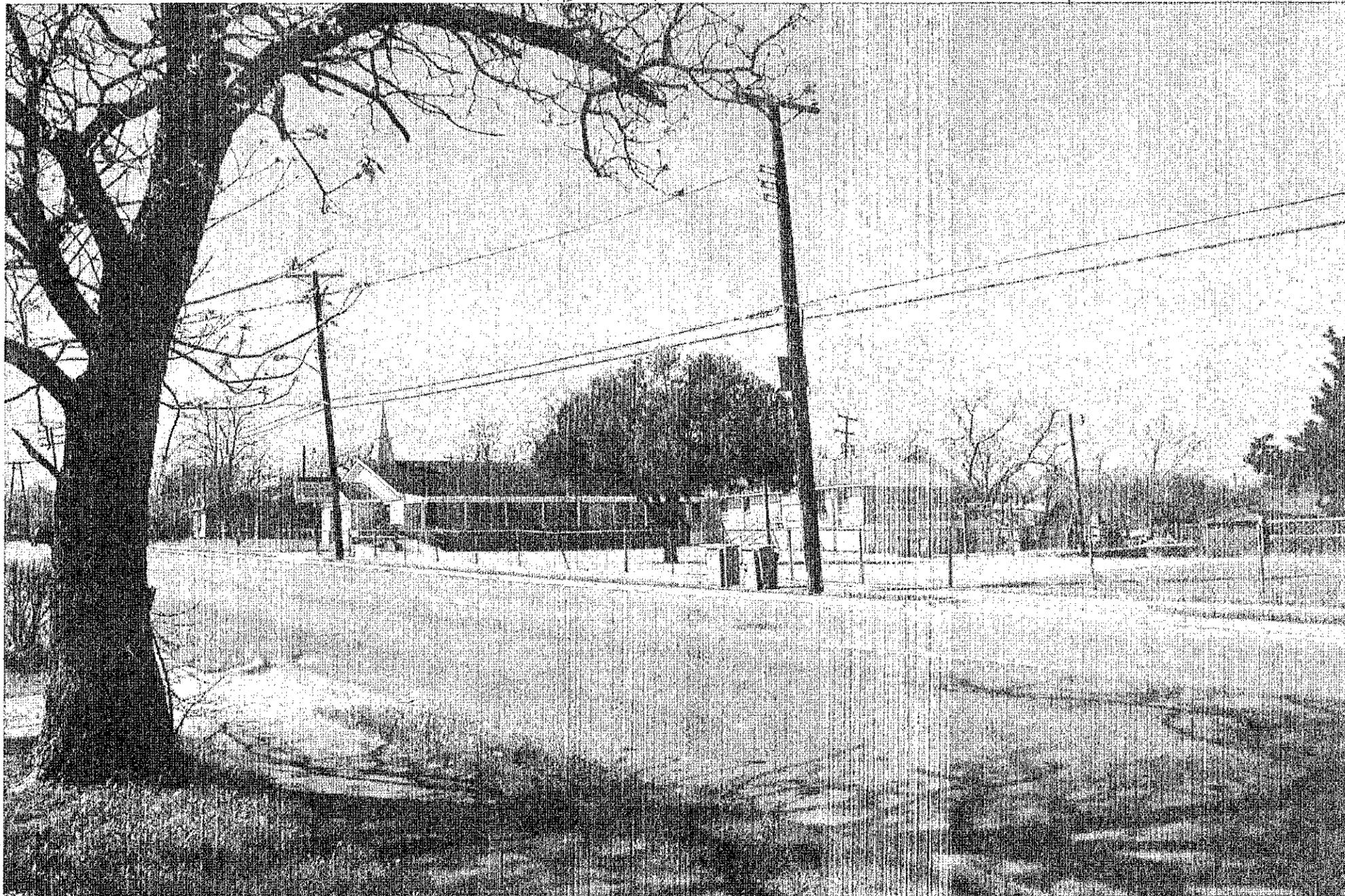


1519 S. Dunley Dr. Dunley Drive Missionary Baptist Church / Parking Lot

BDA178-042

2-12

BDA 178-042 ATTACH A (pg 2)



BDA178-042

(South  
East)

1519 Denley Dr.

2-17 "Henley Drive Missionary Baptist Church"

BDA 178-042 ATTACH A (pg. 7/8)



BDA178-042

Property across the street from 1502 S. Denley Dr.

2-14

BDA 178-042 ATTACH A (pg. 2/3)



1502 S. Denley Dr. / Front View

2-15



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-042

Data Relative to Subject Property:

Date: 2-23-2018

Location address: 1502 S. Denver Dr

Zoning District: R7.5(A)

Lot No.: 1 Block No.: 6/3566 Acreage: .15

Census Tract: 49.00

Street Frontage (in Feet): 1) 46' 2) 151' 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): RPL Properties, LLC

Applicant: Paul Lewis Telephone: 2149067293

Mailing Address: 4363 S. Hampton Rd Zip Code: 75232

E-mail Address: paulewis01@gmail.com

Represented by: Anna Mofica Telephone: 2143891614

Mailing Address: 2506 Woodlawn Dr Zip Code: 75119

E-mail Address: mofica.anna@yahoo.com

Affirm that an appeal has been made for a Variance X, or Special Exception, of 14.6' and provide a 10ft porch front yard setback measured to the foundation with a 2ft roof eave overhang.

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:

This property is a corner lot with two 25' front yard setbacks which drastically reduces my buildable area which prevents me from developing the lot commensurately.

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

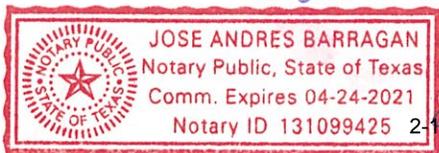
Before me the undersigned on this day personally appeared Paul Lewis (Affiant/Applicant's name printed)

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 25 day of January, 2018

(Rev. 08-01-11)



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

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

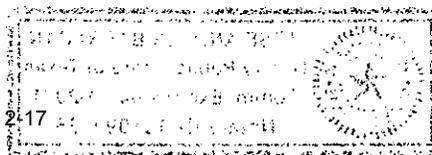
**Building Official's Report**

I hereby certify that PAUL E LEWIS  
represented by ANNA M MOJICA  
did submit a request for a variance to the front yard setback regulations  
at 1502 S Denley Drive

BDA178-042. Application of Paul E Lewis represented by Anna M Mojica for a variance to the front yard setback regulations at 1502 S Denley Drive. This property is more fully described as Lot 1, Block 6/3566 and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct a single family residential structure and provide a 10 foot 6 inch front yard setback measured at the foundation (with a 2 foot roof eave), which will require a 14 foot 6 inch variance to the front yard setback regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official







STIRLING AVE

TH-3(A)

GLEN AVE

STELLA AVE

R-7.5(A)

GLEN AVE

CR

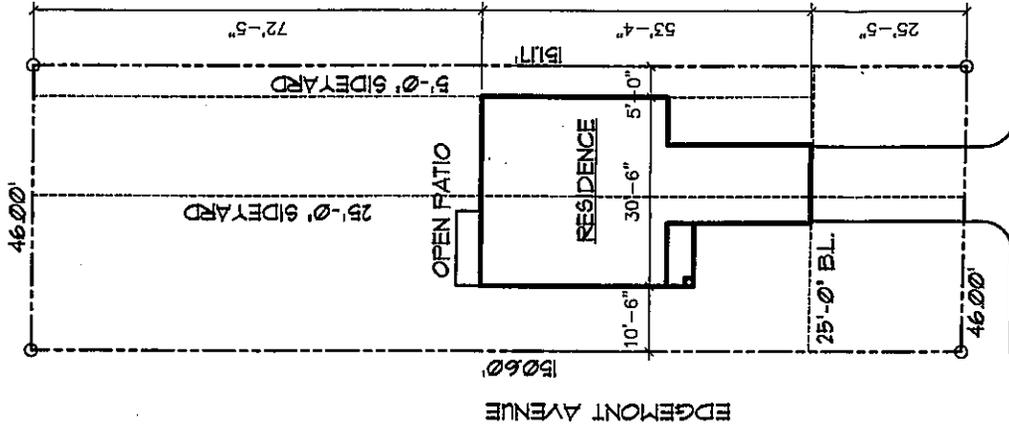
S DENLEY DR

EDGEMONT AVE

CARSON ST

GENOA AVE

STELLA AVE

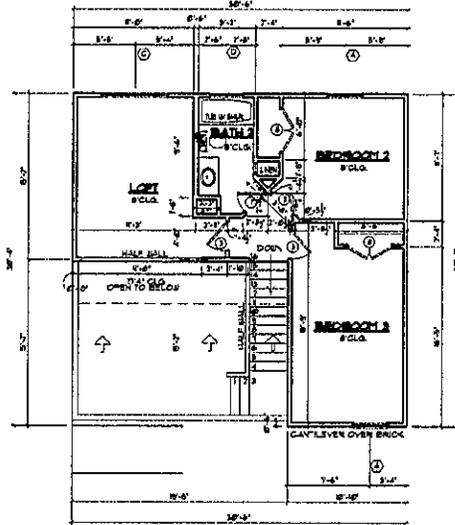
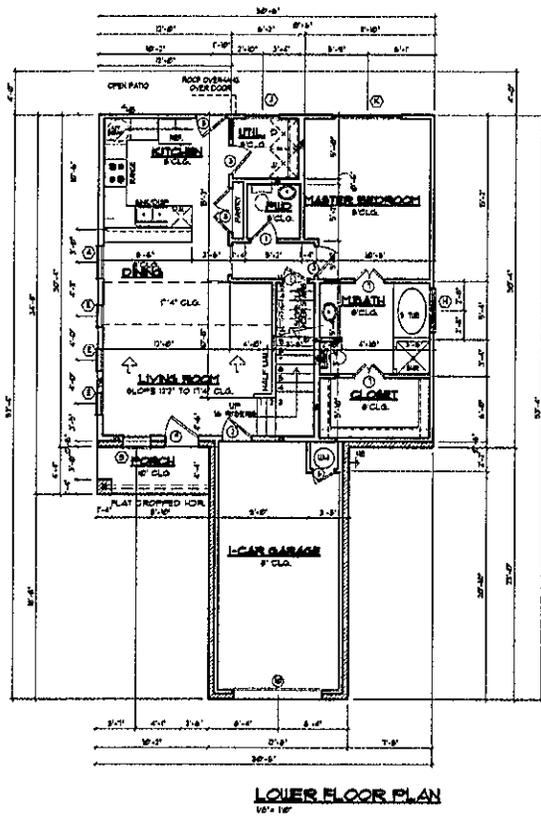


1502 S. DENLEY DRIVE

NOTE: CITY SIDEWALK PER SUBDIVISION

<p><b>PLOT PLAN</b>  SCALE: 1"=20'  LOT 1 BLOCK 6/3566  1502 S. DENLEY DRIVE  EDGEMONT ADDITION  PHASE 2  CITY OF DALLAS  DALLAS COUNTY, TEXAS  PLAN: 6624  DATE: 8/17/11</p>	
<p>THE PLAN FACTORY</p>	

IT SHALL BE THE FULL RESPONSIBILITY OF THE BUILDER TO VERIFY ALL ASPECTS OF THIS PLAN AND ADJUST IF REQUIRED



**WINDOW SCHEDULE**

NO.	TYPE	FINISH
1	6'-0" x 4'-0"	PAINTED
2	6'-0" x 4'-0"	PAINTED
3	6'-0" x 4'-0"	PAINTED
4	6'-0" x 4'-0"	PAINTED
5	6'-0" x 4'-0"	PAINTED
6	6'-0" x 4'-0"	PAINTED
7	6'-0" x 4'-0"	PAINTED
8	6'-0" x 4'-0"	PAINTED
9	6'-0" x 4'-0"	PAINTED
10	6'-0" x 4'-0"	PAINTED

**DOOR SCHEDULE**

NO.	TYPE	FINISH
1	6'-0" x 2'-0"	PAINTED
2	6'-0" x 2'-0"	PAINTED
3	6'-0" x 2'-0"	PAINTED
4	6'-0" x 2'-0"	PAINTED
5	6'-0" x 2'-0"	PAINTED
6	6'-0" x 2'-0"	PAINTED
7	6'-0" x 2'-0"	PAINTED
8	6'-0" x 2'-0"	PAINTED
9	6'-0" x 2'-0"	PAINTED
10	6'-0" x 2'-0"	PAINTED

TEXAS INVESTORS  
1302 SOUTH DENLEY DRIVE  
LOT 1 BLOCK 6/3566



NOTICE: IT IS THE SOLE RESPONSIBILITY OF THE BUILDER TO VERIFY ALL ASPECTS OF THIS PLAN AND TO ASSURE THAT THIS PLAN MEETS ALL GOVERNING CODES & REGULATIONS.

These Plans are the property of Plan Factory, Inc. and are not to be reproduced, copied, or used in any way without the express written permission of Plan Factory, Inc. All rights reserved. Plan Factory, Inc. is not responsible for any errors or omissions in these plans. The user assumes all liability for any use of these plans.

THE PLAN FACTORY  
3711 W. GREEN OAKS BLVD. - SUITE C - ARLINGTON, TX 76016  
MEXICO (817) 954-5912



**DESCRIPTION**

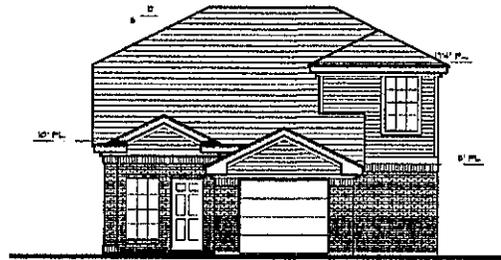
ITEM	QUANTITY	UNIT PRICE	TOTAL
FOUNDATION	1	100	100
WALLS	100	100	10000
FLOOR	100	100	10000
CEILING	100	100	10000
ROOF	100	100	10000
MECHANICAL	100	100	10000
ELECTRICAL	100	100	10000
PLUMBING	100	100	10000
PAINT	100	100	10000
LANDSCAPE	100	100	10000
TOTAL			100000

Drawn: LJ  
Job: 4424  
Date: 4/1/17

PLAN NO.  
TF27161345

PG. 2 OF 4

These Plans are the property of Plan Factory, Inc. and are to be used only for the project and location specified. Any other use, reproduction, or distribution without the written consent of Plan Factory, Inc. is strictly prohibited. ©2016 Plan Factory, Inc.



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



TEXAS INVESTORS  
1302 SOUTH DENLEY DRIVE  
LOT 1 BLOCK 6/3366

NOTE: IT IS THE SOLE RESPONSIBILITY OF THE BUILDER TO VERIFY ALL ASPECTS OF THIS PLAN AND TO INSURE THAT THE PLAN MEETS ALL GOVERNING CODES & REQUIREMENTS.

**THE PLAN FACTORY**  
3711 W. GREEN OAKS BLVD. - SUITE C - ARLINGTON, TX 76016  
METRO (817) 954-9012



**DESCRIPTION**

SQUARE FOOTAGE...	
LOBBY	30
HALL	346
TOTAL AGG.	376
CLOSET	17
PORCH	44
TOTAL LVA	500
OPEN PATIO	48

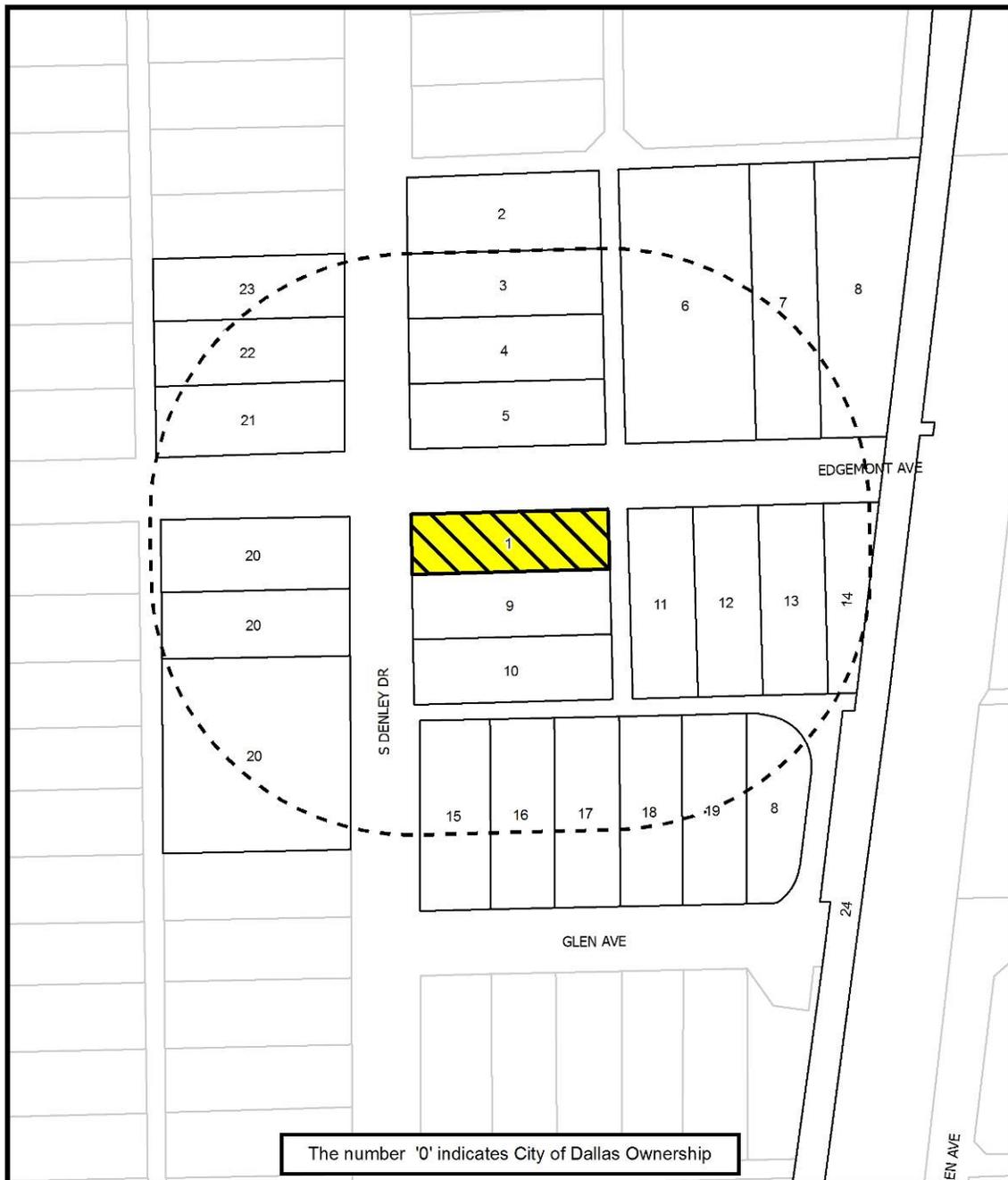
Drawn by: EJ  
Job: 4434  
Date: 8/1/16

**PLAN NO.**

TF07161349

PG. 1 OF 4





1:1,200

# NOTIFICATION

**200'** AREA OF NOTIFICATION  
**24** NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA178-042**

Date: **3/20/2018**

## *Notification List of Property Owners*

***BDA178-042***

### ***24 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	1502 S DENLEY DR	RPL PROPERTIES LLC
2	1432 S DENLEY DR	TAYLOR CARMEN
3	1438 S DENLEY DR	GREATER LOVE CHURCH OF
4	1442 S DENLEY DR	JOHNSON GOLDIE
5	1446 S DENLEY DR	BELL LOUIS W ESTATE OF
6	1315 EDMONT AVE	MIRACLE PRAYER OF FAITH CHURCH INC
7	1323 EDMONT AVE	WASHINGTON LULA P ESTATE OF
8	1327 EDMONT AVE	DALLAS AREA RAPID TRANSIT
9	1506 S DENLEY DR	MEDLOCK DOROTHY M
10	1508 S DENLEY DR	DALLAS HOUSING ACQUISITION & DEV CORP
11	1314 EDMONT AVE	DEARCOS LAURA
12	1316 EDMONT AVE	MIRACLE PRAYER OF FAITH CHURCH INC
13	1322 EDMONT AVE	MOATS ROAL BETTY FAYE
14	1326 EDMONT AVE	DALLAS AREA RAPID TRANSIT
15	1303 GLEN AVE	LEYVA ESMERALDA & TERESO
16	1307 GLEN AVE	BRYANT LELA JESSIE
17	1311 GLEN AVE	SMITH BETTIE A
18	1315 GLEN AVE	PARTIDA IDAN &
19	1319 GLEN AVE	LARA DAYANA
20	1519 S DENLEY DR	DENLEY DR MISSIONARY
21	1447 S DENLEY DR	MORALES BIANEY
22	1443 S DENLEY DR	MAGANA MARIANA
23	1439 S DENLEY DR	ALEXANDER GARY T
24	555 2ND AVE	DART

**FILE NUMBER:** BDA178-029(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Mohammed M. Rahman for special exceptions to the fence standards and visual obstruction regulations at 9709 Chimney Hill Lane. This property is more fully described as Lots A-K, Block D/8418 and is zoned MF-1(A), which limits the height of a fence in the front yard to 4 feet, requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line, and requires a 20 foot visibility triangle at alleys and at driveway approaches. The applicant proposes to construct and/or maintain a 6 foot 4 inch high fence in a required front yard, which will require a 2 foot 4 inch special exception to the fence standards, and to construct and/or maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence standards, and to locate and/or maintain items in required visibility triangles, which will require a special exception to the visual obstruction regulations.

**LOCATION:** 9709 Chimney Hill Lane

**APPLICANT:** Mohammed M. Rahman

**REQUESTS:**

The following requests have been made on a site that is being developed with townhouses:

1. Requests for special exceptions to the fence standards regulations related to fence height of 2' 4" are made to construct and maintain a fence higher than 4' in height in the site's Chimney Hill Lane 15' front yard setback and the site's Ferris Creek Lane 15' front yard setback – a 6' 4" high solid brick fence with a 6' 4" high brick columns;
2. Requests for special exceptions to the fence standards regulations related to a fence panels with a surface area that is less than 50 percent open less than 5' from the front lot line are made to construct and maintain the aforementioned 6' 4" high solid brick fence with 6' 4" high brick columns along Chimney Hill Lane and Ferris Creek Lane located less than 5' from these front lot lines;
3. Requests for special exceptions to the visual obstruction regulations are made to construct and maintain the aforementioned solid 6' 4" high solid brick fence with 6' 4" high brick columns in two 20' visibility triangles at a driveway into the site on Ferris Creek Lane;
4. A request for special exception to the visual obstruction regulations is made to construct and maintain the aforementioned solid 6' 4" high solid brick fence with 6' 4" high brick columns in the 20' visibility triangle at where the alley meets Ferris Creek Lane.

**STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:**

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

**STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:**

Section 51A-4.602(d)(3) of the Dallas Development Code states that the board shall grant a special exception to the requirements of the visual obstruction regulations when, in the opinion of the Board, the item will not constitute a traffic hazard.

**STAFF RECOMMENDATION (fence standards):**

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

**STAFF RECOMMENDATION (visual obstruction special exceptions):**

Denial:

Rationale:

- The Sustainable Development Department Senior Engineer recommends that these requests be denied commenting that “driveway sight distance and visibility obstructions should be aggressively managed for shared access (multiple lots). In addition, granting the exception would allow a driveway design that is wider than 30 feet, the maximum driveway width for high-density residential development. It would also restrict the ability to design an adequate curb radius”.
- Staff concluded that requests for special exceptions to the visual obstruction regulations should be denied because the applicant had not substantiated how the items proposed to be located in the visibility triangles do not constitute a traffic hazard.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: MF-1(A)(SUP#724) (Multifamily district 1, SUP for a Community Center)  
North: MF-1(A)(SUP#1102) (Multifamily district, SUP for a Handicapped Group Dwelling Units)  
South: TH-2(A) (Townhouse district 2)  
East: MF-1(A) (Multifamily district 1)  
West: MF-1(A) (Multifamily district 1)

## **Land Use:**

The subject site is being developed with townhomes. The area to the north is developed as a handicap group dwelling use; the area to the west is developed with apartment units; and the areas to the south and east are developed with townhomes.

## **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 (fence standards):**

- The requests for special exceptions to the fence standards focus are twofold. Special exceptions to the fence standards regulations related to height of 2' 4" are made to construct and maintain a fence higher than 4' in height in the site's Chimney Hill Lane 15' front yard setback and the site's Ferris Creek Lane 15' front yard setback – a 6' 4" high solid brick fence with 6' 4" high brick columns. Special exceptions to the fence standard regulations related to a fence with panels with surface areas less than 50 percent open are made to construct and maintain the aforementioned 6' 4" high solid brick fence with 6' 4" high brick columns along Chimney Hill Lane and Ferris Creek Lane less than 5' from these front lot lines.
- The subject site is zoned MF-1(A)(SUP#724) which requires a 15' front yard setback.
- Section 51A-4.602(a)(4) of the Dallas Development Code states that in multifamily districts, a fence located in the required front yard may be built to a maximum height of six feet above grade if all conditions in the following subparagraphs are met:
  - No lot in the blockface may be zoned as a single family or duplex lot.
  - No gates for vehicular traffic may be located less than 20 feet from the back of the street curb.
  - No fence panel having less than 50 percent open surface area may be located less than five feet from the property line.
- Section 51A-4.602(a)(5) of the Dallas Development Code states that If a fence panel setback is required under Paragraph (4)(C), the entire setback area, except for driveways and sidewalks, must be located within 100 feet of a verifiable water supply and landscaped with living evergreen shrubs or vines recommended for local use by the park and recreation director. Initial plantings must be calculated to cover a minimum of 30 percent of the fence panel(s) within three years after planting. Shrubs or vines must be planted 24 inches on center over the entire length of the setback area unless a landscape architect recommends otherwise.
- Section 51A-4.602(a)(6) of the Dallas Development Code states that unless all of the conditions in Paragraphs (4) and (5) are met, a fence in a multifamily district may not exceed four feet above grade when located in the required front yard, except when the required front yard is governed by the side or rear yard regulations pursuant to Section 51A-4.401.

- Since the applicant's fence proposal is unable to meet all of the conditions required by Section 51A-4.602(a)(4) of the Dallas Development Code, the proposed fence may not exceed four feet above grade when located in the required front yard. Therefore, in order for the applicant to accomplish his proposal, the applicant requests the above special exceptions to the fence standards.
- The site is located at the northwest corner of Chimney Hill Lane and Ferris Creek Lane.
- The site has two front yard setbacks given that it fronts two streets as any corner property would that is not zoned a single family, duplex, or agricultural district.
- The applicant submitted site plan and a site plan/elevation representing the proposed fences in the front yard setbacks with notations indicating that the proposal reaches a maximum height of 6' 4".
- On April 3, 2018, the applicant submitted a revised site plan (attachment C) representing the revised location for the proposed fences in the front yard setbacks.
- The applicant has submitted a revised site plan/elevation of the proposal along Chimney Hill Lane and Ferris Creek Lane with fence panels having a surface area that is less than 50 percent open and located less than 5' from this front lot line – a 6' 4 high solid brick fence approximately 225' in length parallel to Chimney Hill Lane, and approximately 179' in length parallel to Ferris Creek Lane of the site in the front yard setbacks in length located on these front lot lines.
- The following additional information was gleaned from the submitted site plan:
  - Along Chimney Hill Lane: the proposal is represented as being approximately 225' in length parallel to the street and approximately 15' perpendicular to the street on the west side of the site in this required front yard; located approximately at the property line from the front property line or approximately 15' from the pavement line.
  - Along Ferris Creek Lane: the proposal is represented as being approximately 179' in length parallel to the street and approximately 15' perpendicular to the street on the west side of the site in this required front yard; located approximately on the front property line or approximately 10' from the pavement line.
- The Sustainable Development and Construction Department Senior Planner conducted a field visit of the site and surrounding area and noted several other fences that appeared to be above 4' in height along Chimney Hill Lane located in a front yard setback. No fences were noted that appeared to be above 4' in height along Ferris Creek Lane. Each fence noted appears to be permitted by right.
- As of April 6, 2018, 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 that the special exceptions to the fence standards related to height above 4' and to location and fence panels with surface areas that are less than 50 percent open will not adversely affect neighboring property.

Granting these special exceptions to the fence standards related to height of up to 2' 4" and to location fence panels with surface areas that are less than 50 percent open in certain areas on the site with a condition imposed that the applicant complies with the revised site plan and elevation documents, would require the proposals exceeding 4' in height (solid 6' 4" high solid brick fence with 6' 4" high brick columns in the front yard setbacks and with solid brick fence panels on the front lot lines of Chimney Hill Lane and Ferris Creek Lane) to be constructed and maintained in the location as shown on these documents.

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

- The requests for special exceptions to the visual obstruction regulations focus on locating and maintaining portions of a solid 6' 4" high solid brick fence with 6' 4" high brick columns in two 20' visibility triangles at a driveway into the site on Ferris Creek Lane and a solid 6' 4" high solid brick fence with 6' 4" high brick columns in the 20' visibility triangle at where the alley meets Ferris Creek Lane.
- 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 is requesting for special exceptions to the visual obstruction regulations to the required 20 foot visibility triangles at the driveway into the site on Ferris Creek Lane and at the required 20 foot visibility triangle where the ally meets Ferris Creek Lane.
- While the originally submitted site plan represented that the 6' 4" high solid brick fence with 6' 4" high brick columns complied with the visual obstruction regulations, this plan did not represent the existence of an ally.
- On April 3, 2018, the applicant submitted a revised site plan (attachment C) indicating portions of a 6' 4" high solid brick fence with 6' 4" high brick columns located in the 20' visibility triangle at where the alley meets Ferris Creek Lane. However, while the applicant includes a notation that the fence will encroach 6 feet into the visibility triangles on both sides of the driveway, the revised site plan does not represent any encroachment of the solid 6' 4" high solid brick fence with 6' 4" high brick columns in two 20' visibility triangles at a driveway into the site on Ferris Creek.
- The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Recommends that this be denied" with the following comment:
  - "Driveway sight distance and visibility obstructions should be aggressively managed for shared access (multiple lots). In addition, granting the exception would allow a driveway design that is wider than 30 feet, the maximum driveway

width for high-density residential development. It would also restrict the ability to design an adequate curb radius” (Attachment D).

- The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations, to locate and maintain portions of a solid 6’ 4” high solid brick fence with 6’ 4” high brick columns located in two 20’ visibility triangles at a driveway into the site on Ferris Creek Lane and at where the alley meets Ferris Creek Lane, do not constitute a traffic hazard.
- Granting these requests with the condition that the applicant complies with the submitted revised site plan and elevation would require the items in the visibility triangles to be limited to and maintained in the locations, height and materials as shown on these documents. (Note that while the applicant has made requests for special exceptions to visual obstruction regulations to locate and maintain items in the two 20’ visibility triangles at the driveway into the property from Ferris Creek Lane, there is no representation of any item in these triangles on either the originally submitted or revised site plan).

### **Timeline:**

November 9, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

February 12, 2018: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B

February 20, 2018: The application was removed from the March 21<sup>st</sup> docket and postponed indefinitely until the application was deemed complete by city staff.

March 14, 2017: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

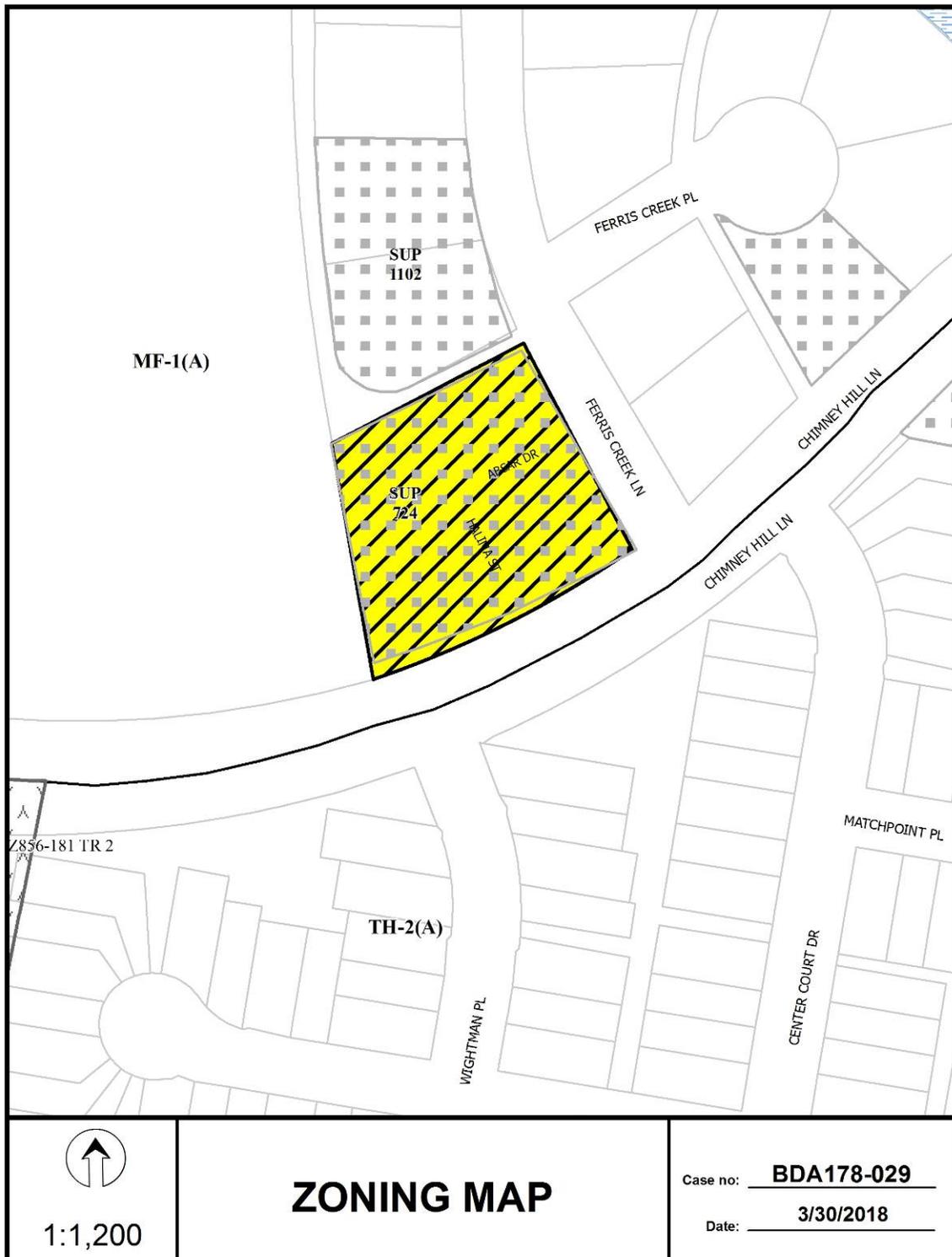
- an attachment that provided the public hearing date and panel that will consider the application; the March 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the April 7<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standards 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.

March 26, 2018: The Building Inspection Senior Plans Examiners/Development Code Specialist forwarded a revised Building Official’s report on this application to the Board Administrator (see Attachment A).

April 3, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public

hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Project Engineer, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board

- April 3, 2018: The Building Inspection Senior Plans Examiners/Development Code Specialist forwarded a revised Building Official's report on this application to the Board Administrator (see Attachment B).
- April 3, 2018: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachments C).
- April 4, 2018: The Sustainable Development Department Assistant Director of Engineering has submitted a review comment sheet marked "Recommends that this be denied" with the following comment: "Driveway sight distance and visibility obstructions should be aggressively managed for shared access (multiple lots). In addition, granting the exception would allow a driveway design that is wider than 30 feet, the maximum driveway width for high-density residential development. It would also restrict the ability to design an adequate curb radius" (see Attachment D).

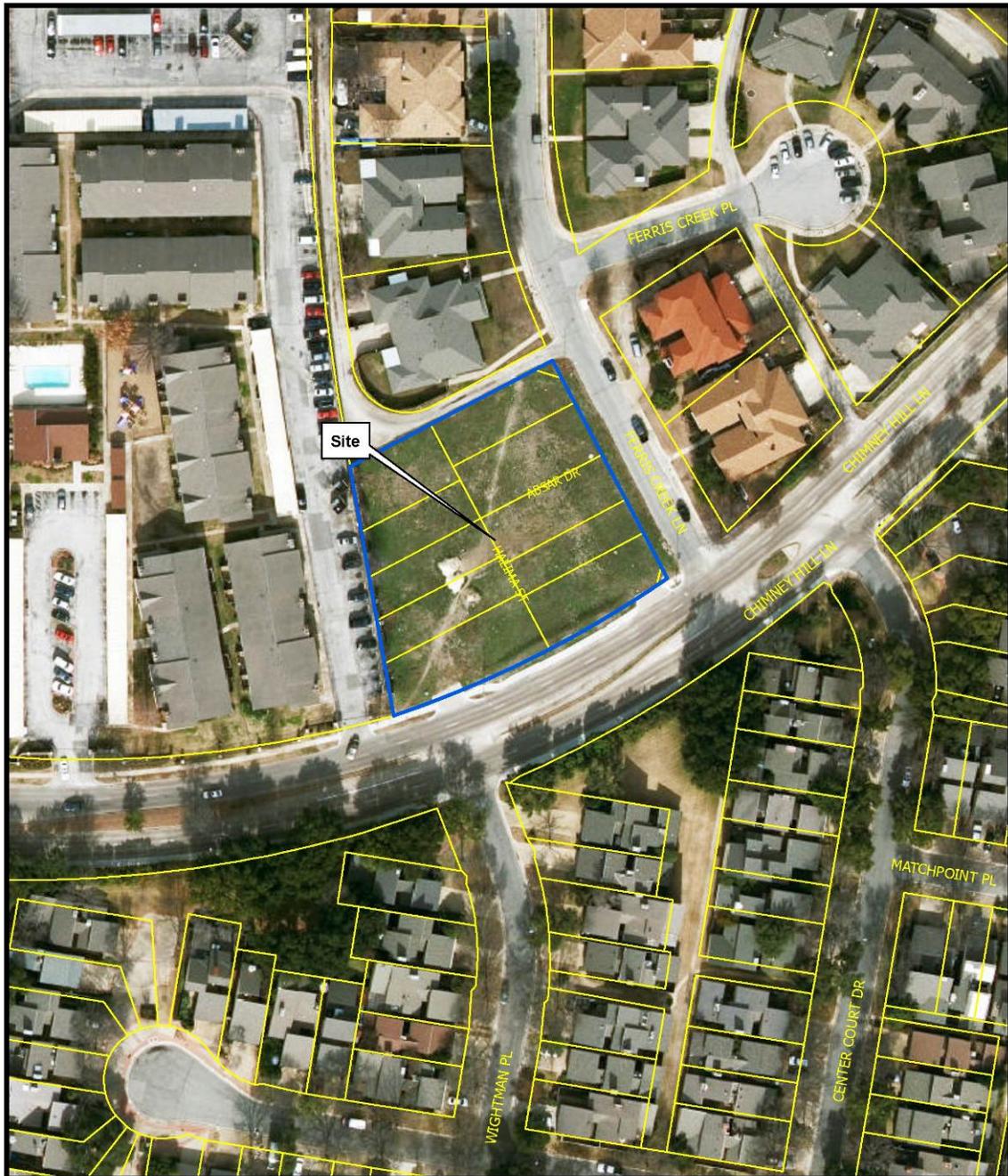


1:1,200

# ZONING MAP

Case no: BDA178-029

Date: 3/30/2018



1:1,200

# AERIAL MAP

Case no: BDA178-029

Date: 3/30/2018



**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** MOHAMMED RAHMAN

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

**at** 9709 Chimney Hill Lane

BDA178-029. Application of Mohammed Rahman for a special exception to the fence height regulations, and for a special exception to the fence standards regulations, and for special exception to the visibility obstruction regulations at 9709 Chimney Hill LN. This property is more fully described as Lots A-K, Block D/8418 and is zoned MF-1(A), which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at driveway approaches, and alley approaches and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct a 6 foot 4 inch high fence in a required front yard which will require a 2 foot 4 inch special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulations, and to construct a nonresidential structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulations.

BDA 178-029 ATTACH B



REVIEW COMMENT SHEET  
BOARD OF ADJUSTMENT  
HEARING OF APRIL 18, 2018(B)

Has no objections

Has no objections if certain conditions  
are met (see comments below or attached)

Recommends denial  
(see comments below or attached)

No comments

BDA 178-029 (OA)

BDA 178-037 (OA)

BDA 178-042 (OA)

COMMENTS:

**Driveway sight distance and visibility obstructions should be aggressively managed for a shared access (for multiple lots). In addition, granting the exception would allow a driveway design that is wider than 30 feet, the maximum driveway width for high-density residential development. It would also restrict the ability to design an adequate curb return radius.**

- 
- 
- 
- 
- 
- 
- 
- 
- 
- 
- 

David Nevarez, P.E., PTOE, SDC-Engineering  
Name/Title/Department

April 5, 2018 (REV)  
Date

Please respond to each case and provide comments that justify or elaborate on your response. Dockets distributed to the Board will indicate those who have attended the review team meeting and who have responded in writing with comments.



City of Dallas

B

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-029

Data Relative to Subject Property:

Date: 1-17-18

Location address: 9709 CHIMNEY HILL LANE Zoning District: MF-1(A)

Lot No.: A-F Block No.: D/8418 Acreage: 0.594 Census Tract: 190.34

Street Frontage (in Feet): 1) 173' 2) 224.7' 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): ABSAR LLe.

Applicant: MOHAMMED, M. Rahman. Telephone: 214-7831815

Mailing Address: 816 ARAF AVE. Richardson. Zip Code: TX-75081.

E-mail Address: MRahman839@gmail.com.

Represented by: \_\_\_\_\_ Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Affirm that an appeal has been made for a Variance \_\_, or Special Exception V, of 2'4" FOR FENCE  
A FENCE IN FOREYARD, AND SPECIAL EXCEPTION TWO  
THE VISIBILITY TRIANGLE OBSTRUCTION AT DRIVEWAY, AND  
LESS THAN 50% OPEN SPACE.

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:

Both our back and front neighbors have a  
six foot fence and we want it to  
look the same.

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.

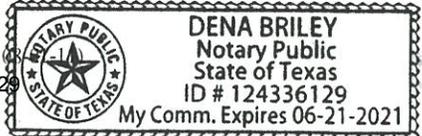
Affidavit

Before me the undersigned on this day personally appeared MOHAMMED, M. Rahman.  
(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: m.m. Rahman.  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 9 day of November, 2017



Dena Briley  
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 **MOHAMMED RAHMAN**  
**did submit a request** for a special exception to the fence height regulations, and for a special  
exception to the fence standards regulations, and for a special exception to  
the visibility obstruction regulations  
**at** 9709 Chimney Hill Lane

BDA178-029. Application of Mohammed Rahman for a special exception to the fence height regulations, and for a special exception to the fence standards regulations, and for special exception to the visibility obstruction regulations at 9709 Chimney Hill LN. This property is more fully described as Lots A-F, Block D/8418 and is zoned MF-1(A), which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at driveway approaches and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct a 6 foot 4 inch high fence in a required front yard, which will require a 2 foot 4 inch special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulations, and to construct a nonresidential structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official





# City of Dallas

Internal Development Research Site

Legend

Locate Property

Search by:

GIS Account #

Locate

OR

Street address.

Locate

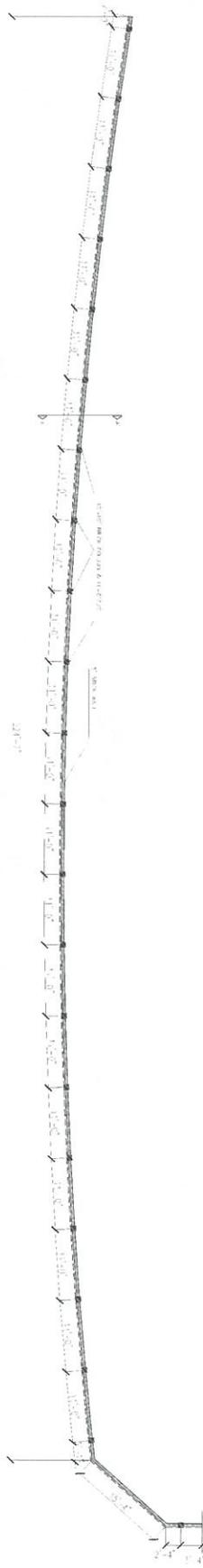
OR

Parcel address.  
Use street type for better re

Locate

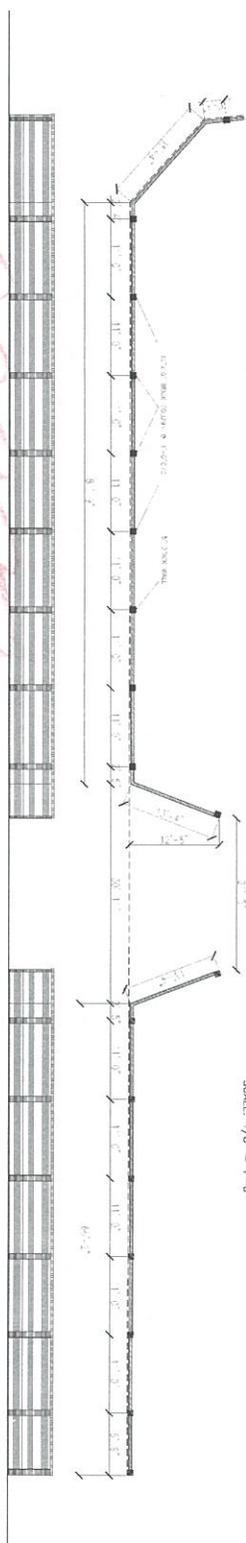


NH 029 D-9

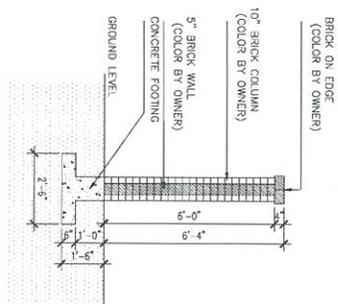


CHIMNEY HILL LANE.

SOUTH SIDE WALL (VIEW-1)  
SCALE: 1/8" = 1'-0"



EAST SIDE WALL (VIEW-2)  
SCALE: 1/8" = 1'-0"



PLAN  
SCALE: 1/32" = 1'-0"

SECTION A-A  
SCALE: 1/32" = 1'-0"

REVISED  
WITH REVISED  
SITE PLAN ON  
MARCH 6, 2018  
DA

BUILDER

DESIGN

TOWN-HOME HOUSING  
FOR MR. MIZSANUR RAHMAN

AT 9709 CHIMNEY HILL LANE  
DALLAS, TEXAS

3-18

Owner's Statement:  
The Owner has reviewed  
and approved this plan  
for construction.  
(Signature on File)

ISSUE DATE: JAN. 08, 2018

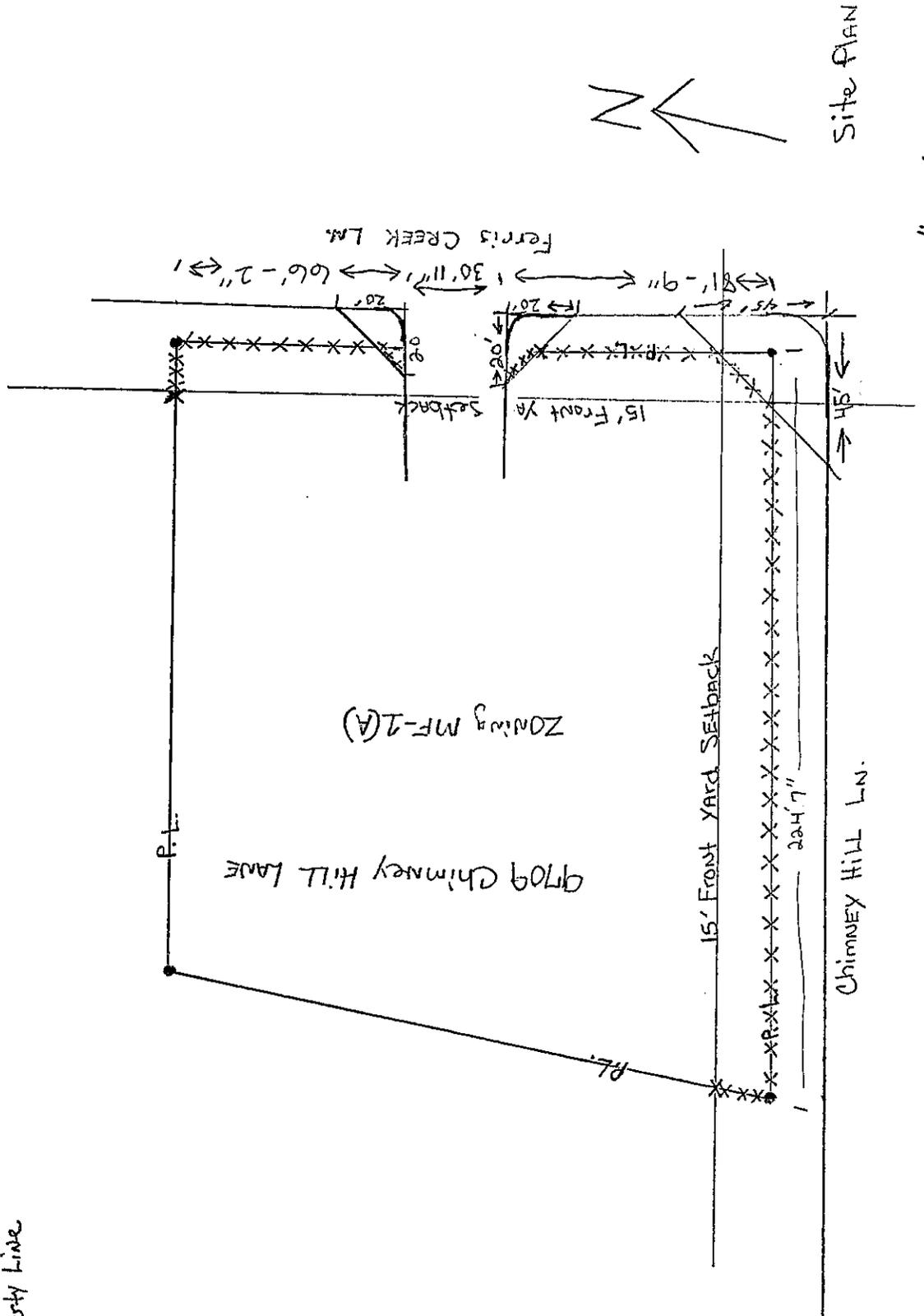
DRAWING TITLE:

BOUNDARY  
WALL

BDA178-029

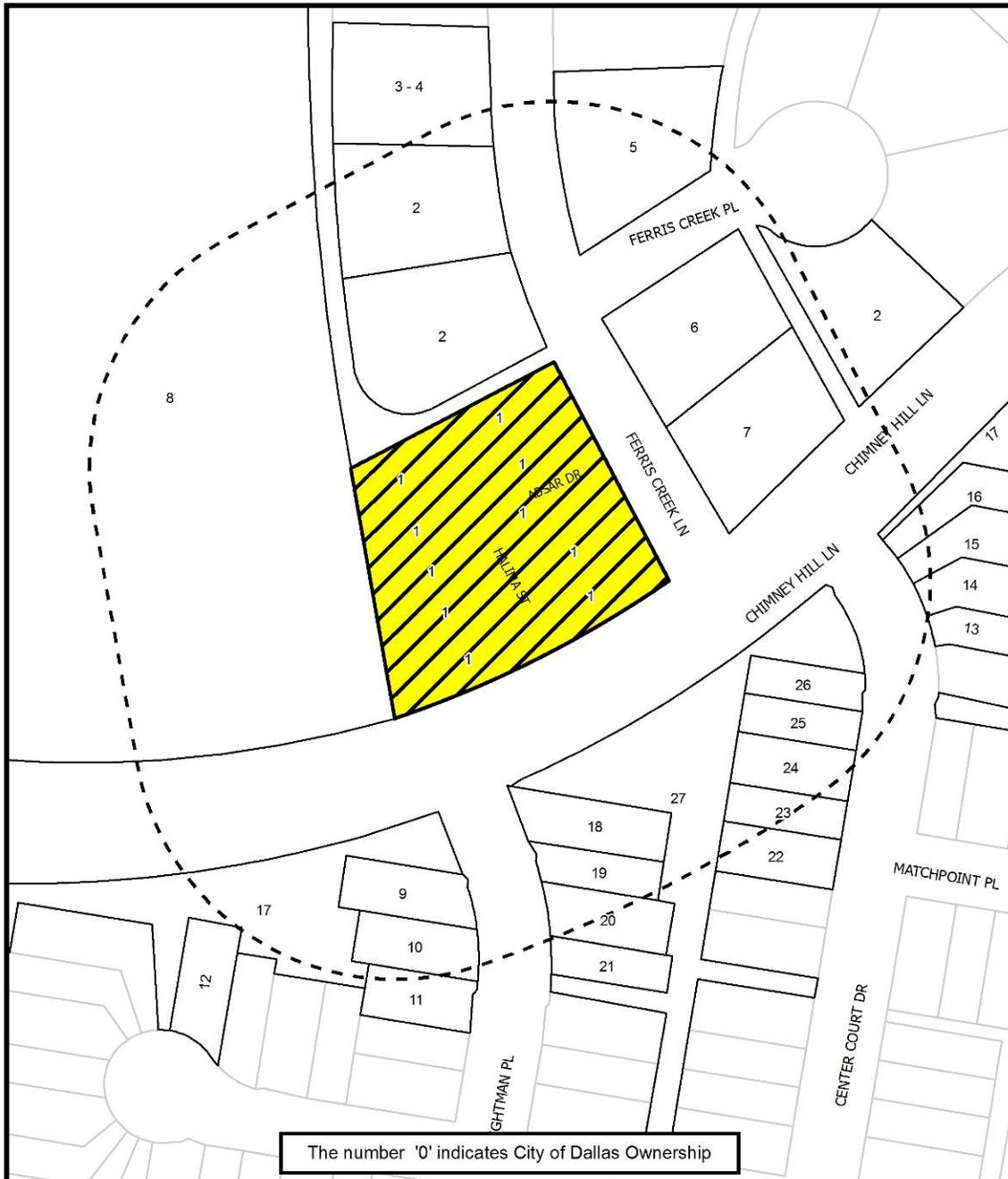
SHEET NO.  
A(b1-0)

- P.L. = Property Line
- X = Fence on Property Line



SCALE 1"=30'

Site Plan



 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA178-029</b>
	<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: <b>3/30/2018</b>	

# *Notification List of Property Owners*

## *BDA178-029*

### *27 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	12384 HALIMA ST	ABSAR LLC
2	12323 FERRIS CREEK LN	AUTISTIC TREATMENT CENTER INC
3	12333 FERRIS CREEK LN	STRIPLIN AIKO
4	12331 FERRIS CREEK LN	MARTIN CHARLENE ELAINE
5	12330 FERRIS CREEK LN	KELLY LIVING TRUST
6	12308 FERRIS CREEK LN	JETPURI MOHAMMED I & FARIDA YASMIN
7	12304 FERRIS CREEK LN	SEIDER STEVEN LYLE &
8	9655 CHIMNEY HILL LN	LACKLAND FOREST LP
9	12219 WIGHTMAN PL	PRADO ALEX
10	12215 WIGHTMAN PL	EZZELL KATHLEEN S
11	12209 WIGHTMAN PL	BLAYLOCK MATTHEW A
12	9619 BASELINE DR	HAYS DONALD G
13	12248 CENTER COURT DR	MARGIL YISROEL A
14	12252 CENTER COURT DR	TRAVIS MARY K &
15	12256 CENTER COURT DR	SMITH ROSCOE
16	9808 CHIMNEY HILL LN	CHIMNEY LN PATIO HOMES
17	9630 CHIMNEY HILL LN	CHIMNEY HILL LANE
18	12226 WIGHTMAN PL	BANKS CHELLE BOVIS
19	12222 WIGHTMAN PL	ALCERRECA HILDA M
20	12218 WIGHTMAN PL	SMITH ROBERTA L
21	12214 WIGHTMAN PL	CARRILLO HIRAM & PATRICIA ESCOBAR
22	12227 CENTER COURT DR	SINGH MARY S
23	12231 CENTER COURT DR	TRUE SITE CUSTOM BUILDERS INC
24	12235 CENTER COURT DR	CHANDLER TRUDY JOYCE
25	12239 CENTER COURT DR	ASBILL BUCK
26	12243 CENTER COURT DR	JONES DEANDRE

03/20/2018

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	9912 CHIMNEY HILL LN	CHIMNEY LN PATIO HOMES

**FILE NUMBER:** BDA178-045(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Virendra Seth for a variance to the front yard setback regulations at 5838 Monticello Avenue. This property is more fully described as Lot 22, Block 8/2153, and is zoned CD 11, which requires a front yard setback of 36 feet. The applicant proposes to construct and/or maintain a structure and provide a 28 foot 6 inch front yard setback, which will require a 7 foot 6 inch variance to the front yard setback regulations.

**LOCATION:** 5838 Monticello Avenue

**APPLICANT:** Virendra Seth

**REQUEST:**

A request for variance to the front yard setback regulations of 7' 6" is made to maintain and to modify/maintain an existing single family home structure, a portion of which is located 28' 6" from the front property line or 7' 6" into the 36' front yard setback. The existing structure in the front yard setback on the subject site is in part a nonconforming structure (steps and single family home structure constructed in the 1920's), and in part an illegal structure (an attached porch structure built in 2016).

**STANDARD FOR A VARIANCE:**

Section 51(A)-3.102(d)(10) of 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, lot coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

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

**STAFF RECOMMENDATION:**

Denial

Rationale:

- The applicant had not substantiated how the rectangular-shaped, flat, approximately 7,250 square foot subject site cannot be developed in a manner commensurate with the development upon other parcels of land with the same CD 11 zoning district. Other than the part of the existing structure in the CD 11 front yard setback that is assumed to have been built in the 1920's, features of the site have allowed it to be developed with an approximately 2,000 square foot single family home that had complied with front yard setbacks in the previous R-7.5(A) zoning, and as a nonconforming structure in the existing CD 11 zoning.
- Staff concluded that the applicant had not substantiated how if the Board were to grant the variance for an attached porch structure added to the nonconforming structure without a permit in 2016, it would not be to relieve a self-created or personal hardship, nor for financial reasons only.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: CD 11 (Conservation District)  
North: CD 11 (Conservation District)  
South: CD 11 (Conservation District)  
East: CD 11 (Conservation District)  
West: CD 11 (Conservation District)

**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 residential uses.

**Zoning/BDA History:**

1. BDA178-014, Property at 5838 Monticello Avenue (the subject site)

On February 21, 2018, the Board of Adjustment Panel B denied the applicant's appeal of the decision of an administrative official.

2. BDA178-015, Property at 5838 Monticello Avenue (the subject site)

On February 21, 2018, the Board of Adjustment Panel B denied a request for a variance to the front yard setback regulations of 7' 6" without prejudice. The case report stated the request was made to maintain and to modify/maintain an existing single family home structure, a portion of which is located 28' 6" from the front property line or 7' 6" into the 36' front yard setback whereby the existing structure on the subject site was in part a nonconforming structure (a step structure constructed in the 1920's), and in part a structure that was an illegal structure (a porch structure built in 2016).

**GENERAL FACTS/STAFF ANALYSIS:**

- The request for a variance to the front yard setback regulations of 7' 6" focuses on: 1) maintaining a nonconforming structure (steps and single family home) constructed in the 1920's, and 2) modifying and maintaining an illegal attached porch structure added to the existing single family home in 2016, both of which are located 28' 6" from the front property line or 7' 6" into the front yard setback.
- The site is located in CD 11 which states that minimum front yard setback is the average of the front yard of the contributing structures on the block face, with the average front yard of contributing main structures block face listed in Exhibit B of the ordinance. (Exhibit B lists that the average setback of the blockface is 36'). Prior to the creation of CD 11 in 2004, the property had been zoned R-7.5(A).
- The submitted scaled site plan indicates the following in the 36' front yard setback: 1) a "new awning over existing built area (5' 6" x 10') located 28' 6" from the front property line, and 2) "existing building footprint" located 34' 1" from the front property line.
- According to DCAD records, the "main improvement" for property addressed at 5838 Monticello Avenue is structure built in 1926 with 2,018 square feet of living/total area, and that "additional improvements" is a 420 square foot attached garage and pool. Because records show that the main improvement/structure on this site was built in the 1920's, it is assumed that the part of the existing structure on the site is a nonconforming structure.

- The code defines nonconforming structure as a structure that does not conform to the regulations of the code, but which was lawfully constructed under the regulations in force at the time of construction.
- The code states that the right to rebuild a nonconforming structure ceases if the structure is destroyed by the intentional act of the owner or the owner's agent.
- The code states that a person may renovate, remodel, repair, rebuild, or enlarge a nonconforming structure if the work does not cause the structure to become more nonconforming as to the yard, lot, and space regulations.
- The applicant has chosen to seek variance to the front yard setback regulations for both the nonconforming and illegal structures in the front yard setback.
- The site is flat, rectangular in shape (145' x 50') and 7,250 square feet in area. The site is zoned CD 11, however the site had been zoned R-7.5(A) where lots are typically 7,500 square feet in area prior to the creation of the CD in 2004.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the 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 CD 11 zoning classification.
  - If the Board were to grant the variance, it would not be 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 CD 11 zoning classification.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document which in this case is a nonconforming structure (steps and single family home) and an illegal structure (attached porch) that are located as close as 28' 6" from the front property line (or 7' 6" into this 36' front yard setback).
- Granting the front yard variance request will not provide any relief to architectural requirements of CD 11.

**Timeline:**

February 26, 2018: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

March 13, 2018: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B. 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".

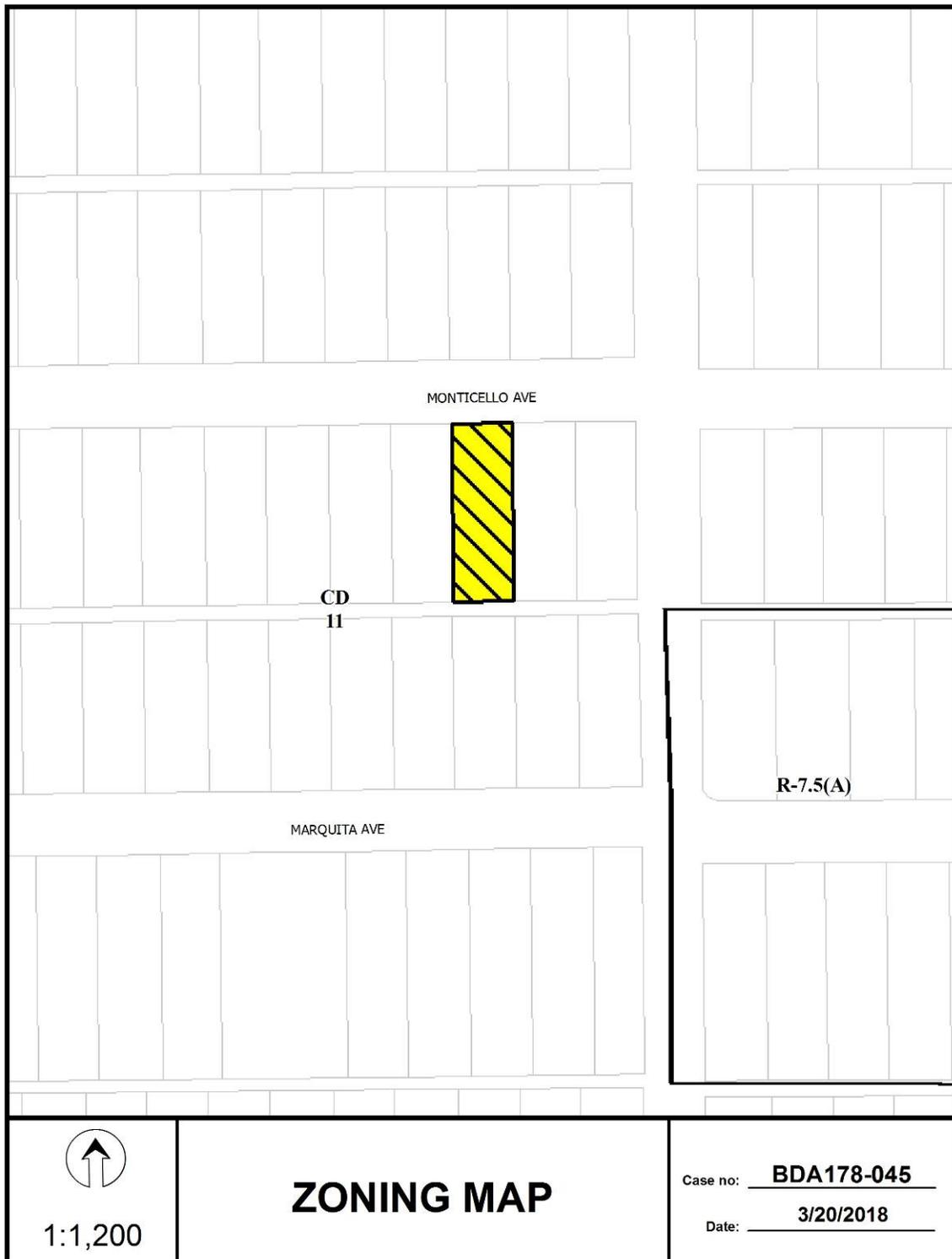
March 13, 2018: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the March 28<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and April 6<sup>th</sup> 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."

March 27, 2018: The applicant submitted additional documentation on this appeal to the Board Administrator beyond what was submitted with the original application (see Attachment A).

April 3, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Project Engineer, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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





27 March 2018

5838 Monticello Avenue  
Dallas, TX 75206

BDA: 178-045

Showing changes on the drawing sheets submitted last time:

Sheet 1

36'-0" Average front yard, results in:

- 2'-0" home foyer nonconforming, and
- 5'-6" deep 2 steps with awning above the steps nonconforming

Sheet 2

- New brick/stone columns to support awning

Sheet 3 (new)

- Shows various set-backs

Sheet 4 (new)

Shows extensive drainage on the north-west front corner:

- One gutter and one downspout resulted in water accumulation in a small area causing cracking of the front steps and damage to the foundation
- Additional gutter and a second downspout located at the awning allows water to spread over a larger area; no foundation damage or cracking of the stone steps has occurred since the awning was built

Sheet 5

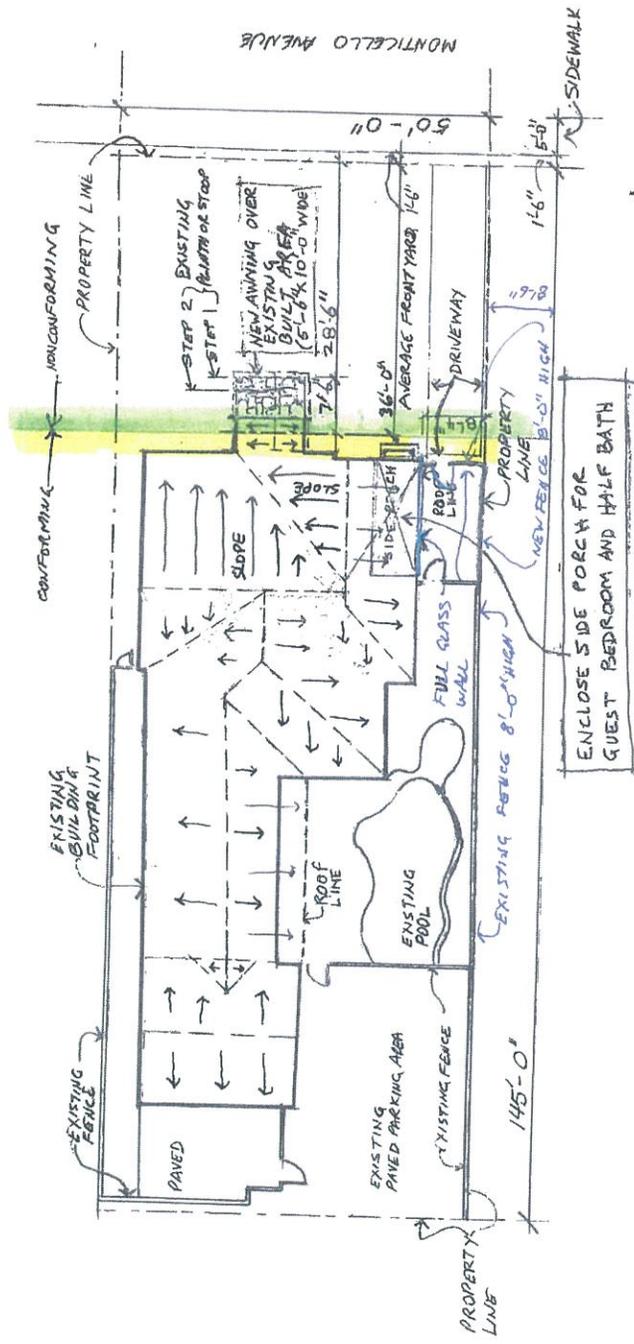
- Immediate neighbors to the side and in front are in favor of the awning



**SHEET 1**

23 FEB 2018

SCALE: 1" = 16'-0"

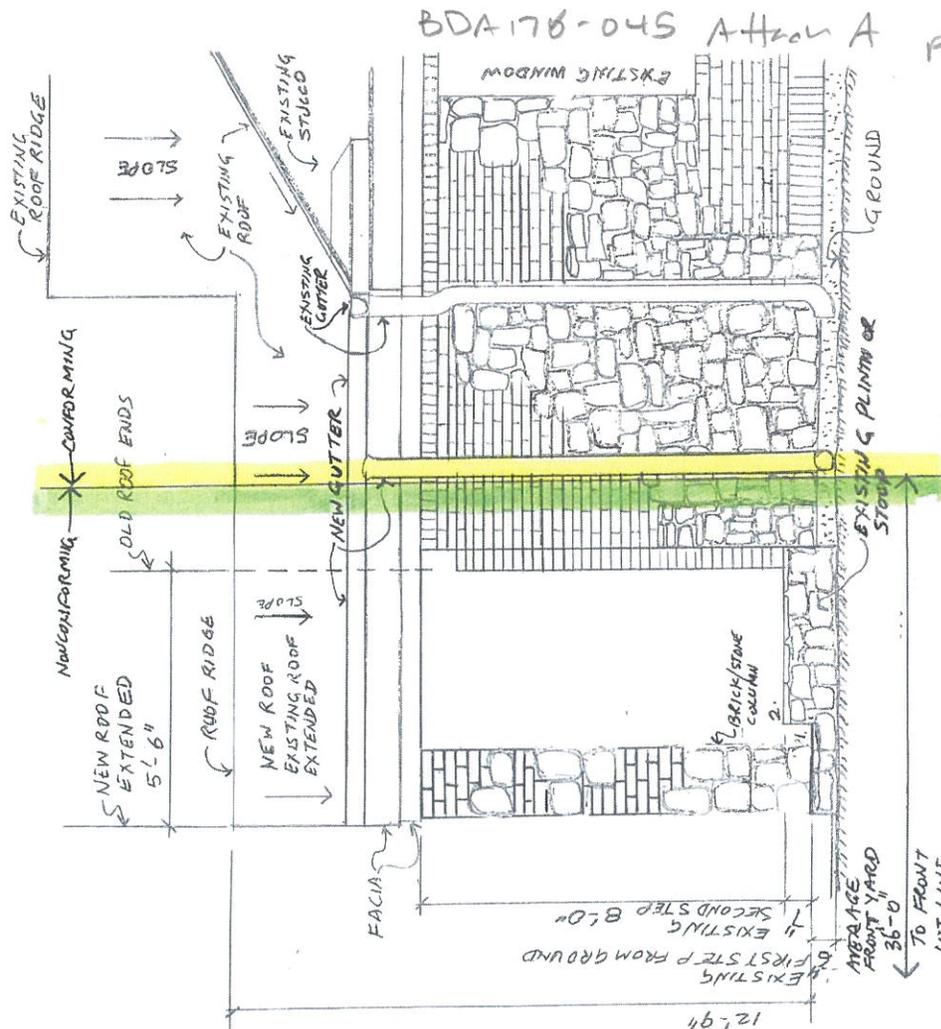


SITE PLAN





CONFORMING  
NONCONFORMING



SCALE: 3/8" = 1'-0"

SHEET 2

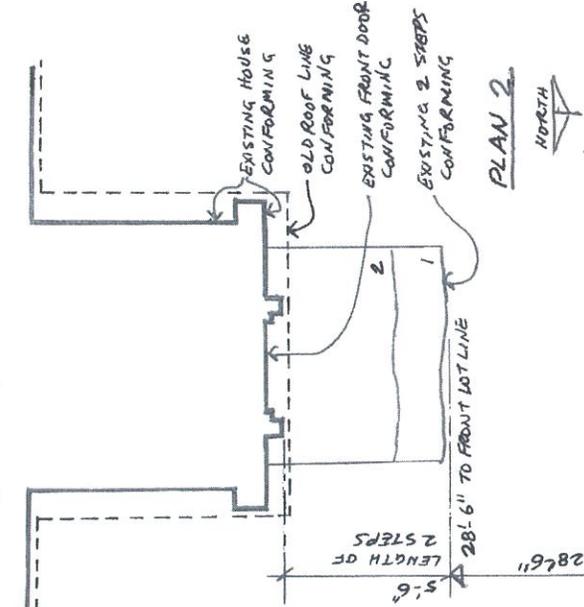
23 FEB 2018



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

TO LOT LINE

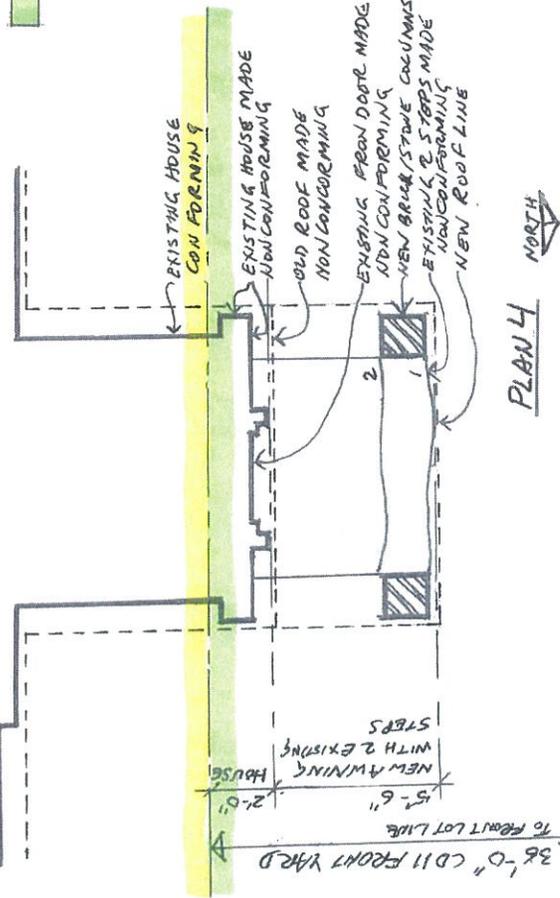
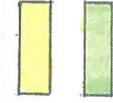
ZONING R-7.5  
28'-6" 2 STEPS FROM FRONT LOT LINE



PLAN 2



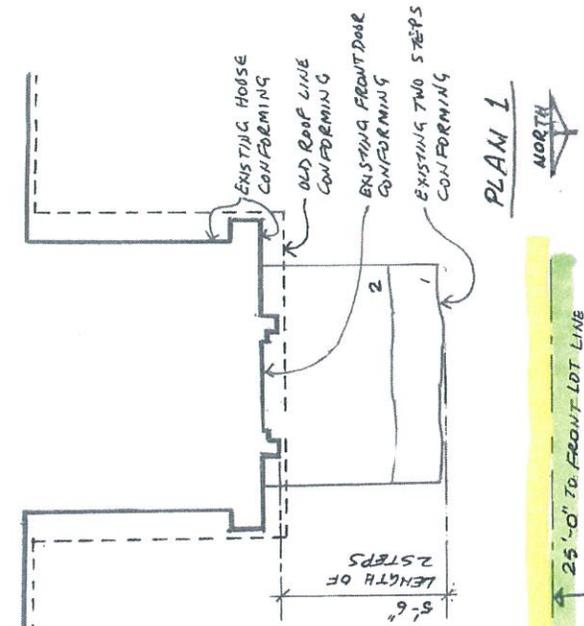
ZONING CD11  
36'-0" AVERAGE FRONT YARD



PLAN 4



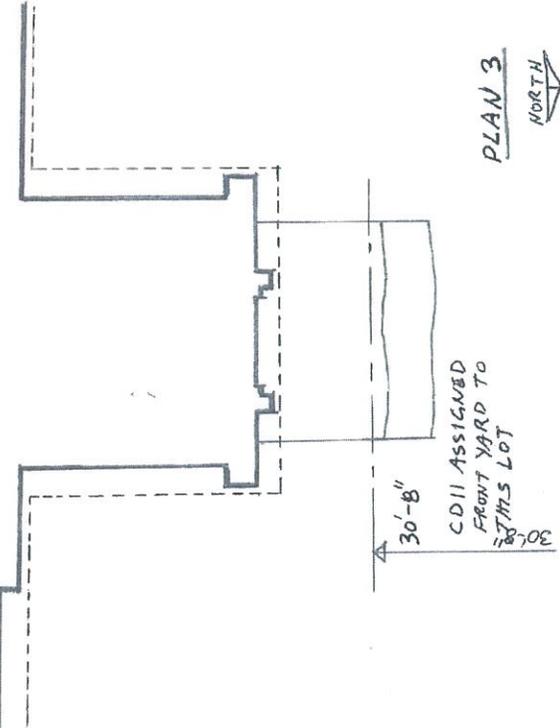
ZONING R-7.5  
24'-0" FRONT YARD



PLAN 1

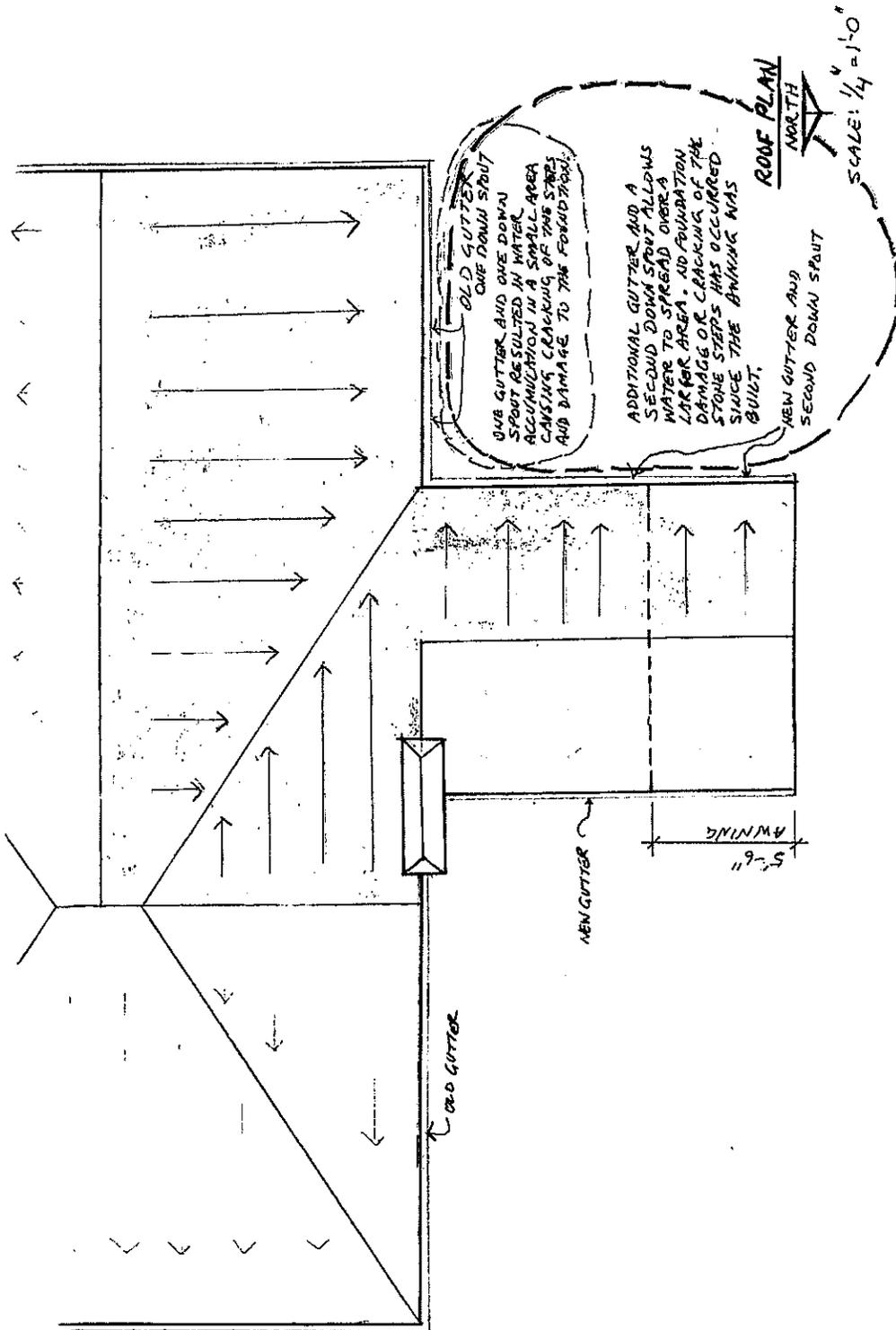


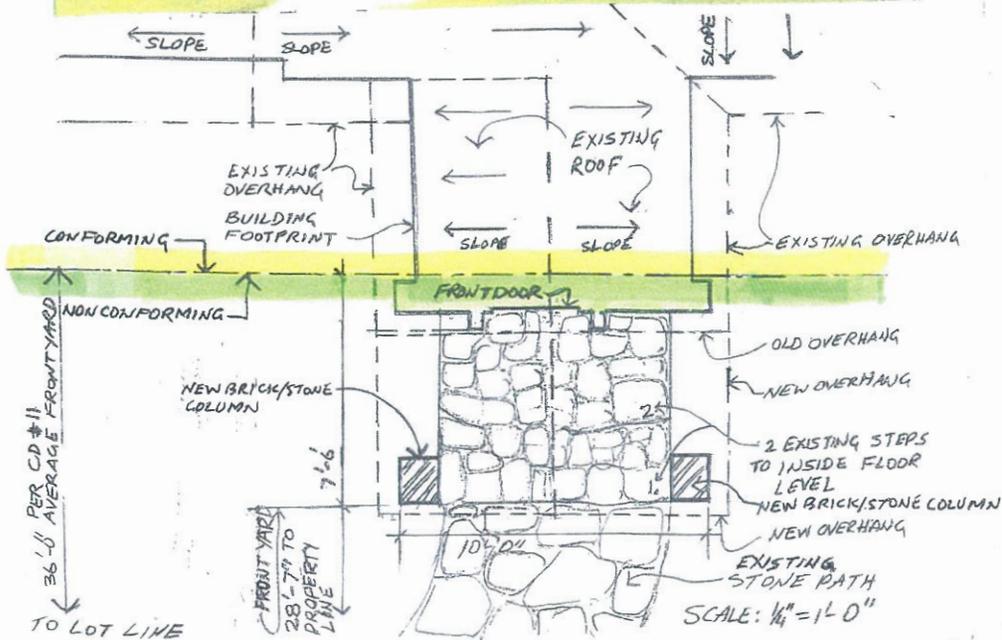
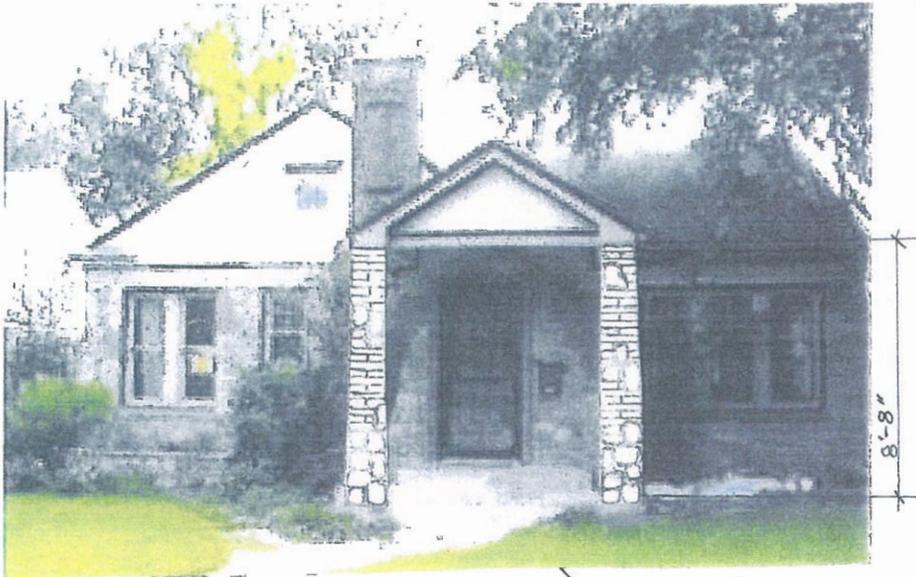
ZONING CD11  
30'-8" CD11 ASSIGNED FROM YARD TO THIS LOT



PLAN 3







5838 Monticello Avenue  
Dallas, TX 75206

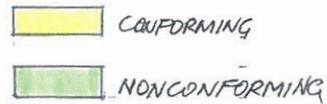
Our neighbor Mr. and Mrs. Seth are requesting the city of Dallas for approval of the following improvement:

- 7'-6" Front Yard Variance for Entryway Awning

This includes -

1. 2'-0" Inside the house; and
2. 5'-6" Awning that covers the 2 Front Steps.

Address	Owner		In Favor	In Opposition
5830 Monticello	<i>Peter Potts</i> Robert S. Bloss Jr	<i>[Signature]</i>	✓	
5834	Casey Evans	<i>[Signature]</i>	✓	
5842	Cynthia G. Neighbor & Ron Samples	<i>[Signature]</i>	✓	
5846	Hunter J. & Erica Austin	<i>[Signature]</i>	✓	
5831	Cliton K. & Madeline B. Gulick	<i>[Signature]</i>	✓	
5835	Steven M. LoBo <i>Thomas Venter</i>	<i>[Signature]</i>	✓	
5839	Campbell B. Reed	<i>[Signature]</i>	✓	
5843	Thomas & Tracy Chiang	<i>[Signature]</i>	✓	
5847	Philip T. & Jessica L. Dieke	<i>[Signature]</i>	✓	



SHEET 5  
26 MARCH 2018

BDA 178-045  
Attach A  
pg 6



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-045

Data Relative to Subject Property:

Date: 26 FEB 2018

Location address: 5838 MONTICELLO Av, DALLAS Zoning District: CD 11

Lot No.: 22 Block No.: 8/2153 Acreage: 0.166 Census Tract: 2, 02

Street Frontage (in Feet): 1) 50'-0" 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): VIRENDRA C. & LAKSHMI D. SETH

Applicant: VIRENDRA C. SETH Telephone: 214-692-9431

Mailing Address: 5838 MONTICELLO Av, DALLAS, TX Zip Code: 75206

E-mail Address: V.Seth@shcglobal.net

Represented by: KARL CRAWLEY, MASTERPLAN Telephone: 214-761-9197

Mailing Address: 900 JACKSON ST, SUITE 640, DALLAS, TX Zip Code: 75202

E-mail Address: Karl@masterplanconsultants.com

Affirm that an appeal has been made for a Variance FRONT YARD SETBACK OF 7'-6" FROM THE 36' REQUIREMENT, or Special Exception FRONT YARD SETBACK OF 7'-6" FROM THE 36' REQUIREMENT

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

REQUESTING APPROVAL OF 7'-6" FRONT YARD VARIANCE TO ALLOW FOR 2'-0" EXISTING HOUSE BUILT IN 1926, AND 5'-6" AWNING BUILT IN 2016, ABOVE THE 2 STEPS (LEADING TO FRONT DOOR) WHICH ARE A TOTAL OF 5'-6" LONG AND 1'-3" HIGH FROM THE GROUND.

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

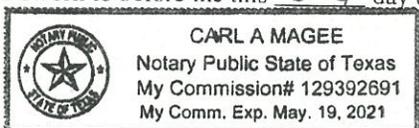
Before me the undersigned on this day personally appeared VIRENDRA C. SETH (Affiant/Applicant's name printed)

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

Respectfully submitted: \_\_\_\_\_

(Affiant/Applicant's signature)

Subscribed and sworn to before me this 26 day of February 2018



Carl A Magee  
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 V. C. Seth

did submit a request for a variance to the front yard setback regulations  
at 5838 Monticello Avenue

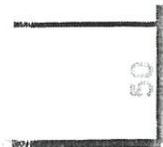
BDA178-045. Application of V. C. Seth for a variance to the front yard setback regulations at 5838 Monticello Avenue. This property is more fully described as Lot 22, Block 8/2153, and is zoned CD-11, which requires a front yard setback of 36 feet. The applicant proposes to construct a single family residential structure and provide a 28 foot 6 inch front yard setback, which will require a 7 foot 6 inch variance to the front yard setback regulations.

Sincerely,

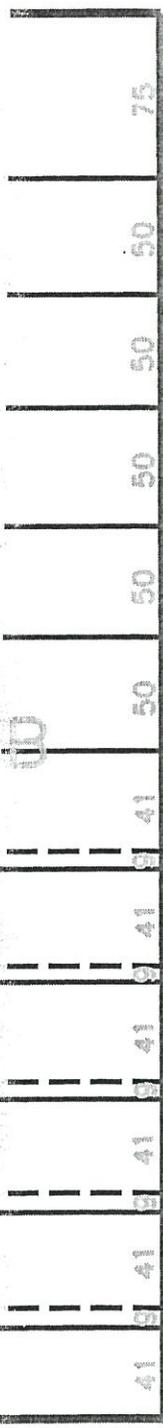
*Philip Sikes*  
Philip Sikes, Building Official







60



5800

MARQUITA



12  
145

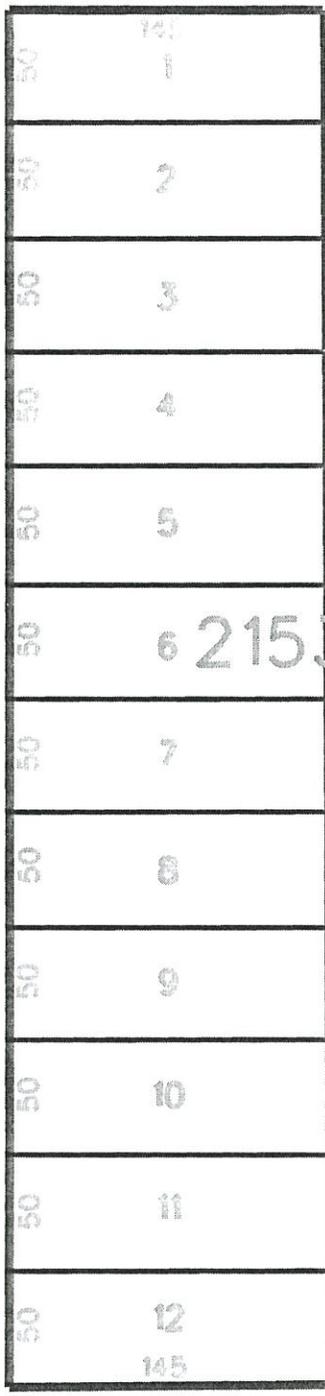


24  
145



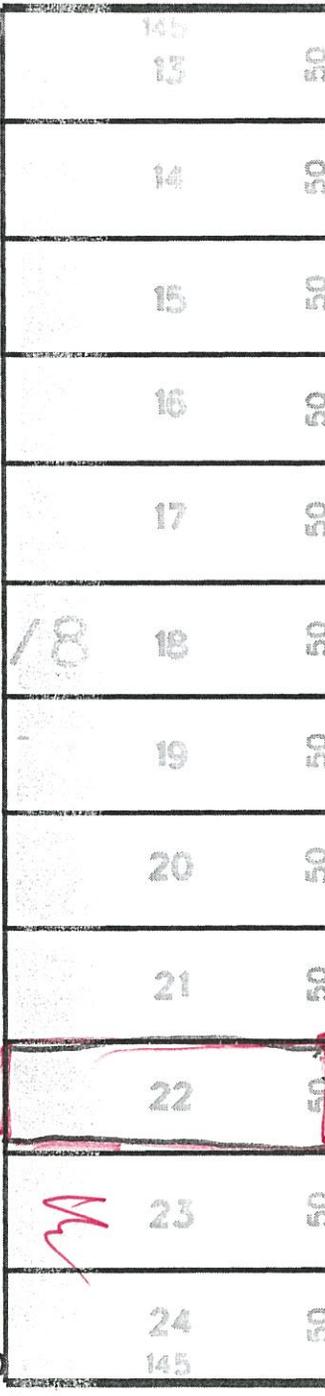
12  
145

90 (FLORENCE ST.) 3100



50

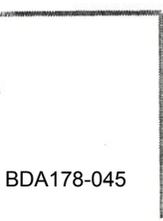
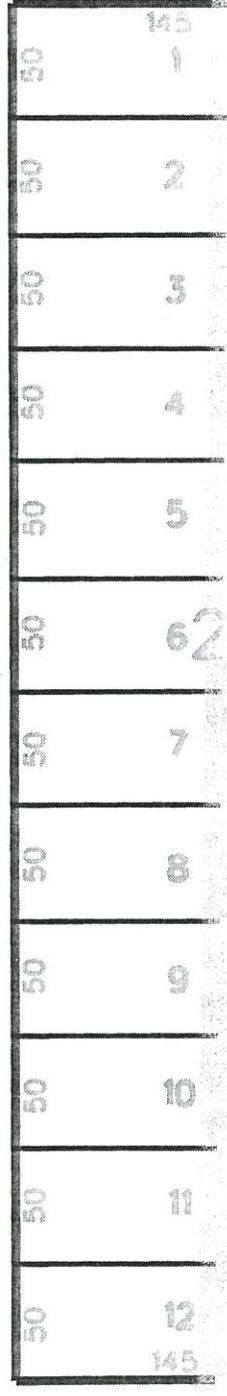
10



5800

MONTICELLO

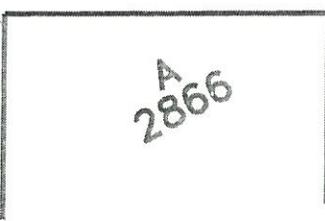
50



BDA178-045

*M*

5900



A  
2866

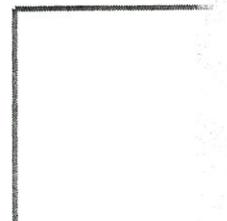
3100

4-17

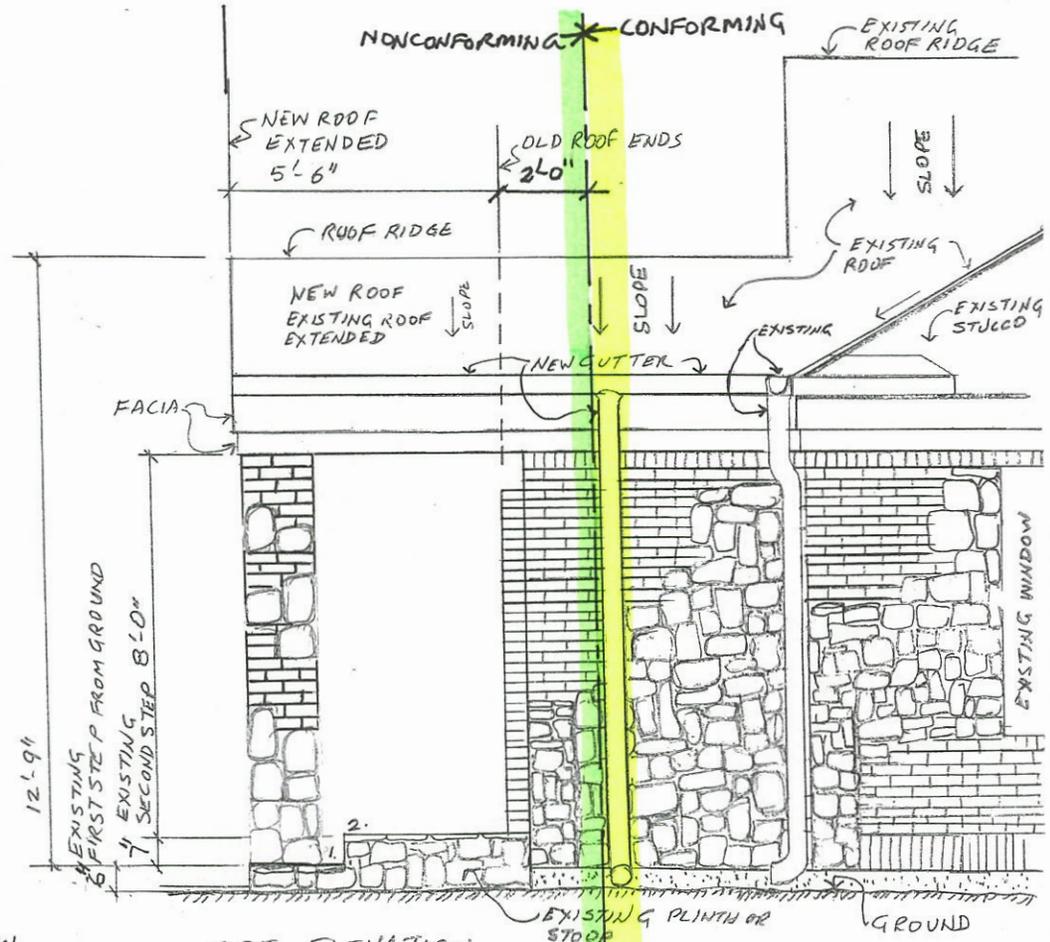
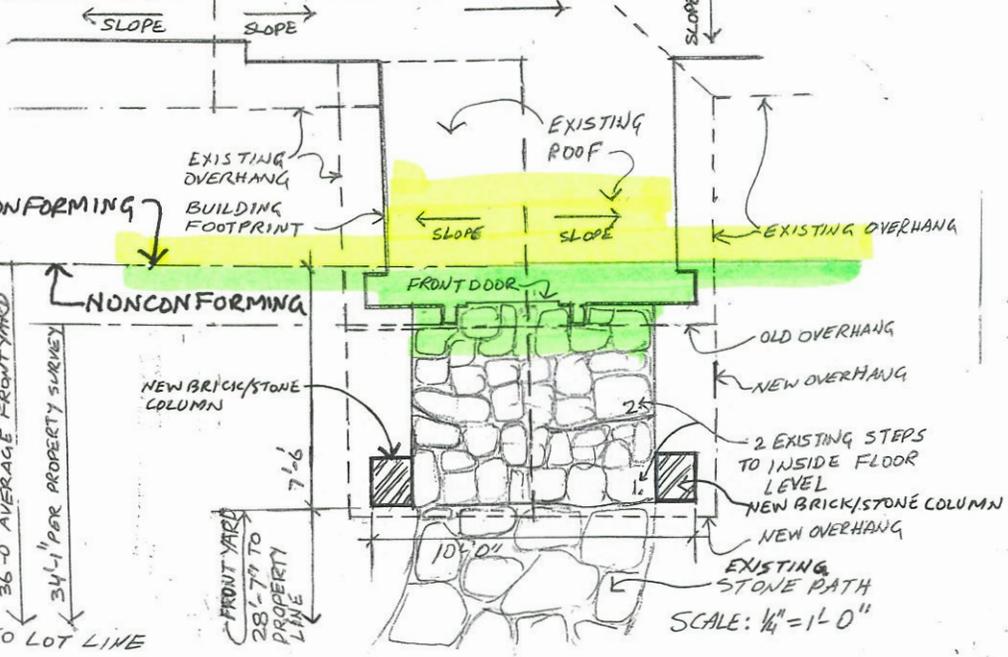


D  
2857

5900





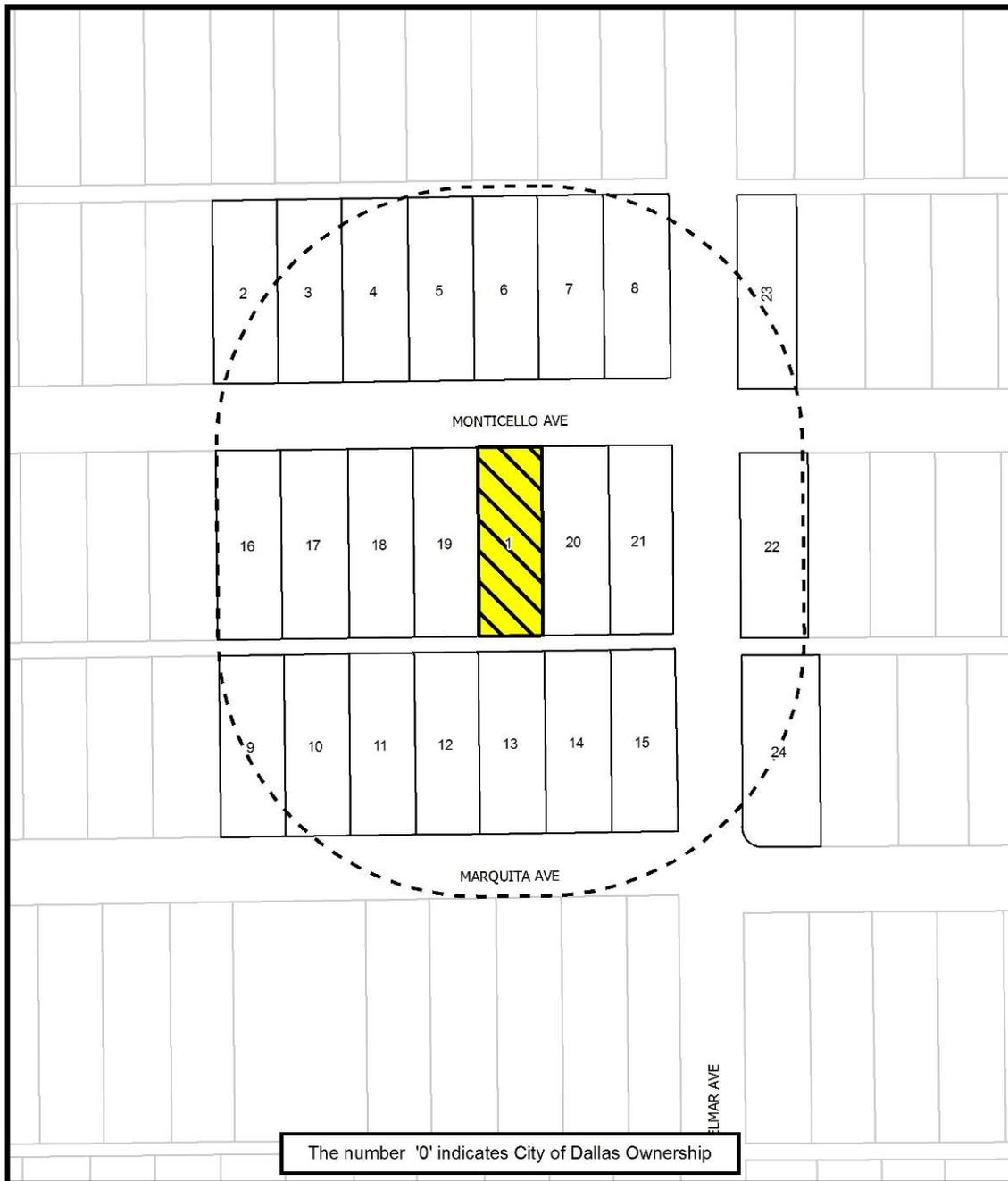


SIDE ELEVATION  
AWNING FRONTING NORTH

SCALE:  $\frac{3}{8}'' = 1'-0''$

**SHEET 2**

26 FEB 2018



 1:1,200	<h2 style="margin: 0;">NOTIFICATION</h2> <table style="margin: 5px auto; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; padding: 2px 5px; text-align: center;"><b>200'</b></td> <td style="padding: 2px 5px;">AREA OF NOTIFICATION</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px 5px; text-align: center;"><b>24</b></td> <td style="padding: 2px 5px;">NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>24</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u><b>BDA178-045</b></u> Date: <u><b>3/20/2018</b></u>
<b>200'</b>	AREA OF NOTIFICATION					
<b>24</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					

## *Notification List of Property Owners*

**BDA178-045**

### *24 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5838 MONTICELLO AVE	SETH VIRENDRA C & LAKSHMI D
2	5823 MONTICELLO AVE	MOQUIST BRIAN
3	5827 MONTICELLO AVE	WILLIFORD CHRISTINE
4	5831 MONTICELLO AVE	GULICK CLINTON K & MADELINE B
5	5835 MONTICELLO AVE	LOBO STEVEN M
6	5839 MONTICELLO AVE	READ CAMPBELL B &
7	5843 MONTICELLO AVE	CHIANG THOMAS & TRACY
8	5847 MONTICELLO AVE	DIEKE PHILLIP T & JESSICA L
9	5823 MARQUITA AVE	ALLEN ASHLEY
10	5827 MARQUITA AVE	TRAN JOHN
11	5831 MARQUITA AVE	BURNS WARREN T
12	5835 MARQUITA AVE	KOONTZ CARL H
13	5839 MARQUITA AVE	JABLONSKI JOSEPH STEVEN &
14	5843 MARQUITA AVE	FAUCHER MARYANN
15	5847 MARQUITA AVE	CLARY TAMMY L
16	5822 MONTICELLO AVE	LAFUZE WILLIAM L JR
17	5826 MONTICELLO AVE	SULLIVAN OLIVIA R
18	5830 MONTICELLO AVE	BLOSS ROBERT S JR
19	5834 MONTICELLO AVE	EVANS CASEY
20	5842 MONTICELLO AVE	NEIGHBOR CYNTHIA G
21	5846 MONTICELLO AVE	AUSTIN HUNTER J & ERICA
22	5902 MONTICELLO AVE	COONEY BETH
23	5901 MONTICELLO AVE	LOVETT SUZANNE
24	5903 MARQUITA AVE	FRATER GORDON H