

Via Hand Delivery

Patrick Baugh
Director, Community Development
City of University Park
4420 Worcola
Dallas, Texas 75206

Re: Application for Special Exception

Dear Mr. Baugh:

Enclosed please find an application for a special exception to construct a fence in a front yard at 6700 Turtle Creek Blvd. It is my understanding that the Community Development Department will accept this application for processing as long as it is submitted today, the included plan is in conformance with the provisions of the zoning ordinance applicable to special exceptions in SF-1 Districts, which it is, and with the understanding that the application fee is non-refundable. Consideration of this special exception application at the Board of Adjustment's July 27, 2021 meeting is dependent upon the city council approving a right of way abandonment at the July 6, 2021, city council meeting, and the applicant providing a certified copy of the abandonment ordinance after paying for the abandoned right of way. Both of these conditions need to be satisfied prior to the July 27, 2021, Board of Adjustment meeting. If a special exception is obtained, final permitting of the fence will be subject to review and platting.



**CITY OF UNIVERSITY PARK
BOARD OF ADJUSTMENT APPLICATION**

ADDRESS: 6700 Turtle Creek Boulevard DATE: 6-25-21
SUBDIVISION Brookside Estates Addition LOT # 6R-1 BLOCK # 13
LOT DIMENSIONS 204.91 x 356.77 X 131.5 x 32.10 x 242.47 ZONING DISTRICT SF-1
x 70.68 x 63.00

PROPERTY OWNER: The Heppner Family Home Trust
ADDRESS: 6700 Turtle Creek Boulevard
CITY: Dallas STATE: Texas ZIP: 75205
PHONE: 214-534-5244 E-MAIL: bheppner@beneficient.com

APPLICANT (IF DIFFERENT THAN PROPERTY OWNER)** Corey Ford
ADDRESS: 8350 N. Central Expressway, Ste. 1220
CITY: Dallas STATE: Texas ZIP: 75206
PHONE: 214-502-9472 E-MAIL: coreyford@tommyford.net

**Must have Letter of Authority signed by Owner.

REQUEST IS FOR:

 A VARIANCE TO THE
ZONING ORDINANCE

 ✓ A SPECIAL EXCEPTION
TO THE ZONING ORDINANCE

 APPEAL OF DECISION
UNDER SECTION 9.8.1 OF THE
ZONING ORDINANCE

TO THE BOARD OF ADJUSTMENT:

AN APPLICATION HAS BEEN MADE FOR A PERMIT TO:

Request to construct a 6 foot iron fence and 8 foot masonry columns along the front property line.

Reference ordinance 8.4.4.A

THE PERMIT APPLIED FOR HAS BEEN REVIEWED AND DENIED BY THE BUILDING INSPECTION/COMMUNITY DEVELOPMENT DEPARTMENT, AS IT WAS DEEMED CONTRARY TO THE ZONING ORDINANCE OF THE CITY OF UNIVERSITY PARK. THEREFORE, AN APPEAL, SPECIAL EXCEPTION OR VARIANCE IS NOW MADE TO THE BOARD OF ADJUSTMENT FOR (Describe relief requested and legal grounds):

Within the front yard building setback, construct front 6ft. iron fence and 8ft. masonry columns along property line, with entry gates and columns not to exceed 8 ft.

The plans conform to SF-1 District special exception conditions 1-8 and 10 where applicable.

See attached document for list of met requirements.

*Add additional sheets if necessary.

STATE OF TEXAS

AFFIDAVIT OF PROPERTY OWNER

COUNTY OF DALLAS

I, RANDY M. EGGER, THE UNDERSIGNED AFFIANT, DO HEREBY SWEAR THAT I HAVE READ THE ATTACHED INSTRUCTIONS, AND THAT THE FACTS STATED IN THIS APPLICATION TO THE BOARD OF ADJUSTMENT ARE WITHIN MY PERSONAL KNOWLEDGE AND ARE TRUE AND CORRECT.

AUTHORIZED AGENT of

SIGNATURE OF PROPERTY OWNER – (Sign and Print or Type Name)

Signature:

Randy M. Egger

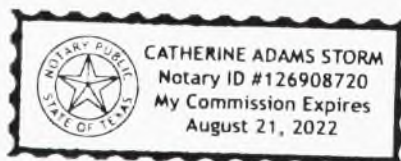
Print or Type Name:

RANDY M. EGGER

Subscribed and sworn to before me by the said Randy Egger on this 25th day of June 20 21

Catherine Adams Storm

Notary Public, State of Texas



June 28, 2021

Mr. Randy Egger,

You are authorized to sign on my behalf for The Heppner Family Home Trust for the application submission to the Board of Adjustment for 6700 Turtle Creek in UP.

Thanks,

A handwritten signature in blue ink, appearing to read "Brad K. Heppner". The signature is fluid and cursive, with a long horizontal stroke at the end.

Brad K. Heppner
Trustee of The Heppner Family Home Trust
6700 Turtle Creek Blvd
University Park, TX 75205
214-445-4700

6700 Turtle Creek Boulevard, University Park
Board of Adjustments
Special Exception Conditions
June 25, 2021

8.4.4 Special Exception for Front Yard Fences
SF-1 District

1. The board of adjustment is authorized to approve front yard fences on SF-1-zoned lots, in accordance with the special exception procedures of Section 9.6, if the board of adjustment determines that the proposed fence will not be contrary to the public interest and will comply with all applicable regulations of this subsection.
2. Front yard fences may be approved only on SF-1-zoned lots with a minimum area of one acre. **See attached Survey Plan that identifies Lot at 1.70 acres.**
3. Front yard fences in SF-1 districts may not exceed 6 feet in height above grade at any point. **6' max. See Front Yard Plan Enlargement and Fence Elevation Exhibit.**
4. Front yard fences must be constructed with openings of not less than 50% of the total area of the fence (maximum 50% opacity). **Opening space between pickets are more than 50% and total fence opacity, including all gates and columns, is less than 50% opacity. See Front Yard Plan Enlargement and Fence Elevation Exhibit.**
5. Front yard fences must be dark in color, either black or dark green. **Iron fence color to be black as identified on Front Yard Plan Enlargement and Fence Elevation Exhibit.**
6. Front yard fences in SF-1 districts must be constructed of a solid material, except wood or any wood product. **All fencing will be constructed of solid steel material as identified on Front Yard Plan Enlargement and Fence Elevation Exhibit.**
7. The special exception application for a front yard fence must be accompanied by a site plan containing at least the following information:
 - a. A layout of the fence on the property, including all gates; **See 1/16" scale Overall Site Plan and Front Yard Plan Enlargement and Fence Elevation Exhibit.**
 - b. A description of the fence, including material, colors, and all relevant design details. **See Front Yard Plan Enlargement and Fence Elevation Exhibit.**
8. The special exception application for a front yard fence must also be accompanied by a landscape plan showing that the fence will be screened from view from any adjoining property by landscape material greater than 6 feet in height and planted on centers close enough to maintain a complete screening of the fence at all points, and including an irrigation system for such landscape materials, **See Front Yard Plan Enlargement and Fence Elevation Exhibit**, with:
 - a. A recordable, written covenant executed by the property owner that the landscape material will be irrigated and maintained at all times as a condition to continuance of the special exception; **One will be provided at the meeting and will be recorded upon approval of the Special Exception**, and
 - b. Written approval of the design of fence gates by the University Park Fire Department, which design must include a plan for access to the property through such gates in the event of fire or other emergency. **University Park Fire Marshal, Margaret Corn, has stated in an email, they have no issues with gates as configured on Special Exception Exhibit and will provide approval.**
9. **Not Applicable.** As an alternative to a fence screened by landscape material, the board of adjustment may approve an open, wrought-iron or wrought-iron appearance fence under the following conditions:
 - a. The fence must be kept in an "open" state that is not screened by a landscape barrier or hedge;
 - b. The fence must be black or dark green metal picket fence, with brick column construction;
 - c. The brick columns must be no greater than 2 feet in width;
 - d. The fence must be constructed with openings of not less than 75% of the total area of the fence (maximum 25% opacity);

e. The fence may not exceed 6 feet in height above grade at any point;

f. The fence may be installed upon a brick "knee" or base wall, not exceeding 2 feet in height.

10. Gates and columns abutting driveways in front yard areas may not exceed 8 feet in height above grade, including any light, lamp fixture, capstone, or other ornamentation mounted on the top thereof.

All gates and columns do not exceed 8' in height, as required, including lanterns, capstones or other ornamentation. See Front Yard Plan Enlargement and Fence Elevation Exhibit.

From: Corey Ford <coreyford@tommyford.net>
Subject: Fwd: 6700 Turtle Creek front fence
Date: June 24, 2021 at 12:49 PM
To: Annabeth Webb <annabeth@haroldleidner.com>
Cc: Harold Leidner <harold@haroldleidner.com>, Jim Hanke <jim@haroldleidner.com>

Here is what I have from the fire marshal. You can contact her to see if there is something more formal you need.

Begin forwarded message:

From: Marty Corn <mcom@uptexas.org>
Date: June 14, 2021 at 4:28:26 PM CDT
To: Corey Ford <coreyford@tommyford.net>
Cc: Phyllis Mahan <pmahan@uptexas.org>
Subject: RE: 6700 Turtle Creek front fence

I have no issue with the walk thru gate.

Thank you



Margaret Corn
University Park Fire Department
Fire Marshal
3800 University Blvd, University Park, TX 75205
Tel: 214.987.5382 | Fax: 214.987.5384
mcom@uptexas.org | web: uptexas.org

From: Corey Ford <coreyford@tommyford.net>
Sent: Monday, June 14, 2021 2:18 PM
To: Marty Corn <mcom@uptexas.org>
Cc: Phyllis Mahan <pmahan@uptexas.org>
Subject: Re: 6700 Turtle Creek front fence

CAUTION! This is an external email. DO NOT click on links or attachments unless you know the sender and contents are safe.

It is a walk through gate. The two existing driveway gates will remain and will have Knox overrides.
Thanks,
Corey

On Jun 14, 2021, at 2:04 PM, Marty Corn <mcom@uptexas.org> wrote:

Cory,

Is this a walk through gate or drive thru? If is a drive through we will need to discuss a Knox key override for the gate.

<image001.jpg>

Margaret Corn
University Park Fire Department
Fire Marshal
3800 University Blvd, University Park, TX 75205
Tel: 214.987.5382 | Fax: 214.987.5384
mcom@uptexas.org | web: uptexas.org

From: Corey Ford <coreyford@tommyford.net>
Sent: Monday, June 14, 2021 10:31 AM
To: Phyllis Mahan <pmahan@uptexas.org>; Marty Corn <mcom@uptexas.org>
Subject: 6700 Turtle Creek front fence

CAUTION! This is an external email. DO NOT click on links or attachments unless you know the sender and contents are safe.

Marty and Phyllis,

The homeowners at 6700 Turtle Creek are purchasing a portion of the existing right-of-way at the front of the property and will relocate the existing fence to the new property line. Currently the fence is in the right-of-way. They are planning to submit the attached plan to the Board of Adjustment. I understand that it needs an approval from the Fire Marshal. Please let me know if there is additional information you need for that.
Thank you,
Corey