

ZONING BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, MAY 23, 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 April 18, 2018 Board of Adjustment Panel B Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA178-055(SL)	13907 Noel Road REQUEST: Application of Robert Reeves and Associates, represented by Robert Reeves, for a special exception to the off-street parking regulations	1
BDA178-060(OA)	2907 Canberra Street REQUEST: Application of Jorge Rojas, represented by Karla Calderon, for a special exception to the fence standards regulations	2
BDA178-061(OA)	7203 Benning Avenue REQUEST: Application of Oraldo Guerrero, represented by Karla Calderon, for a special exception to the fence standards regulations	3

HOLDOVER CASE

BDA178-045(SL) 5838 Monticello Avenue 4
REQUEST: Application of Virendra Seth for a variance to
the front yard setback regulations

REGULAR CASE

BDA178-048(OA) 11021 Royalshire Drive 5
REQUEST: Application of Eric Messer for a variance to the
front yard setback regulations

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: BDA178-055(SL)

BUILDING OFFICIAL'S REPORT: Application of Robert Reeves and Associates, represented by Robert Reeves, for a special exception to the off-street parking regulations at 13907 Noel Road. This property is more fully described as Lot 1B, Block A/7005, and is zoned MU-3(SAH), which requires off-street parking to be provided. The applicant proposes to construct and/or maintain a structure for hotel or motel use, general merchandise or food store 3500 square feet or less use, and an animal shelter or clinic without outside runs uses, and provide 236 of the required 270 of-street parking spaces, which will require a 34 space special exception to the off-street parking regulations.

LOCATION: 13907 Noel Road

APPLICANT: Robert Reeves and Associates
Represented by Robert Reeves

REQUEST:

A request for a special exception to the off-street parking regulations of 34 spaces is made to construct and maintain a structure with a mix of hotel or motel, general merchandise or food store 3,500 square feet or less, animal shelter or clinic without outside runs uses where 236 of the required 270 spaces are proposed to be provided on a site that is currently undeveloped.

STANDARD FOR A SPECIAL EXCEPTION TO THE OFF-STREET PARKING REGULATIONS:

Section 51A-4.311 of the Dallas Development Code states the following:

- 1) The Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets. The maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(A). For the commercial amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 75 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). For the office use, the maximum reduction authorized by this section is 35 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta

credits, as defined in Section 51A-4.704(b)(4)(A). Applicants may seek a special exception to the parking requirements under this section and an administrative parking reduction under Section 51A-4.313. The greater reduction will apply, but the reduction may not be combined.

- 2) In determining whether to grant a special exception, the board shall consider the following factors:
 - (A) The extent to which the parking spaces provided will be remote, shared, or packed parking.
 - (B) The parking demand and trip generation characteristics of all uses for which the special exception is requested.
 - (C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district.
 - (D) The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan.
 - (E) The availability of public transit and the likelihood of its use.
 - (F) The feasibility of parking mitigation measures and the likelihood of their effectiveness.
- 3) In granting a special exception, the board shall specify the uses to which the special exception applies. A special exception granted by the board for a particular use automatically and immediately terminates if and when that use is changed or discontinued.
- 4) In granting a special exception, the board may:
 - (A) Establish a termination date for the special exception or; otherwise provide for the reassessment of conditions after a specified period of time;
 - (B) Impose restrictions on access to or from the subject property; or
 - (C) Impose any other reasonable conditions that would have the effect of improving traffic safety or lessening congestion on the streets.
- 5) The board shall not grant a special exception to reduce the number of off-street parking spaces required in an ordinance granting or amending a specific use permit.
- 6) The board shall not grant a special exception to reduce the number of off-street parking spaces expressly required in the text or development plan of an ordinance establishing or amending regulations governing a specific planned development district. This prohibition does not apply when:
 - (A) the ordinance does not expressly specify a minimum number of spaces, but instead simply makes references to the existing off-street parking regulations in Chapter 51 or this chapter; or
 - (B) the regulations governing that specific district expressly authorize the board to grant the special exception.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- The special exception of 34 spaces shall automatically and immediately terminate if and when the hotel or motel, general merchandise or food store 3,500 square feet or less, animal shelter or clinic without outside runs uses are changed or discontinued.

Rationale:

- The Sustainable Development and Construction Department Senior Engineer indicated that he has no objections to this request.

BACKGROUND INFORMATION:

Zoning:

Site: MU-3(SAH)(Deed restricted)* (Mixed use)
North: GO(A)(SAH)(Deed restricted) (General Office)
South: PD 887 (Planned Development)
East: PD 216 (Planned Development)
West: MU-3(SAH) (Mixed use)

- * Note that in January of 2018, the same applicant who filed an application to the Board of Adjustment at this time on this site for variances to front yard, side yard, loading regulations, and a similar requests for a special exception to off-street parking regulations for the same uses applied for in this application, represented in an email to the Board Administrator/Chief Planner that the deed restrictions on this property in no way conflicted with the requests made to the board of adjustment on that application (BDA178-020).

Land Use:

The subject site is undeveloped. The areas to the north is developed with a hotel use; the area to the east is developed with multifamily use; the area to the south is developed with an office use, and the area to the west is developed with retail use.\

Zoning/BDA History:

1. BDA178-020, Property at 13907 Noel Road (the subject site)

On February 21, 2018, the Board of Adjustment Panel B denied requests for variances to the front and side yard setback regulations, a variance to the off-street loading regulations, and a special exception to the off-street parking regulations of 33 spaces without prejudice.

The case report stated that the requests were made to construct and maintain a 6-story, approximately 72' high, approximately 170,000 square foot mixed structure (hotel or motel use, general merchandise or food

store 3,500 square feet or less use, animal shelter or clinic without outside runs use) (Plush Galleria Hotel) on a site that was currently undeveloped.

2. BDA990-372, Property at 13907 Noel Road (the subject site)

On December 6, 2000, the Board of Adjustment Panel B granted a request for a special exception to the off-street parking regulations of 6 spaces and imposed the following condition: the special exception granted automatically and immediately terminates if and when the retail and restaurant uses on the site are changed or discontinued.

The case report stated that the request was made to construct and maintain a retail development and restaurant on the undeveloped site and provide 95 of the required 101 off-street parking spaces required by code.

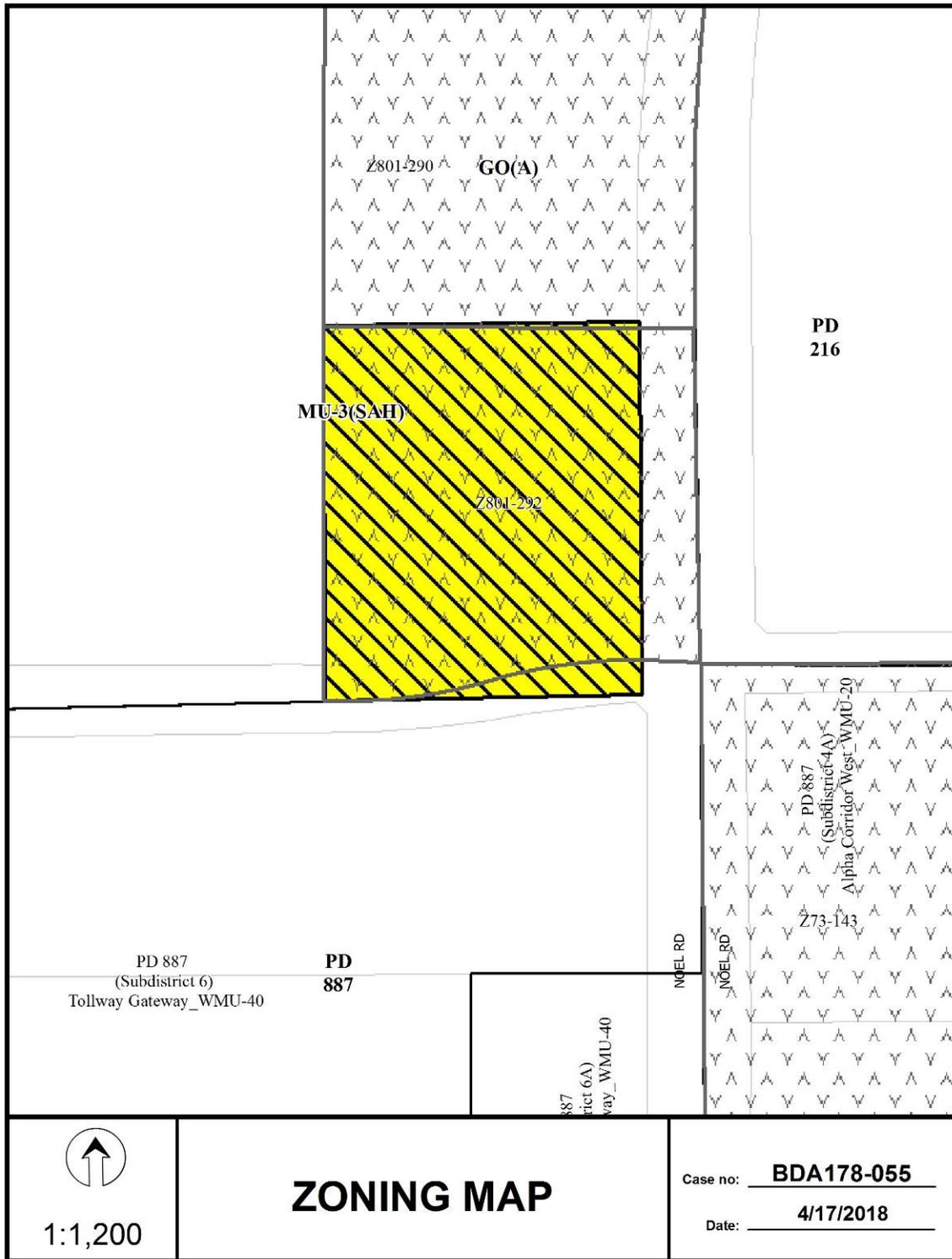
GENERAL FACTS/STAFF ANALYSIS:

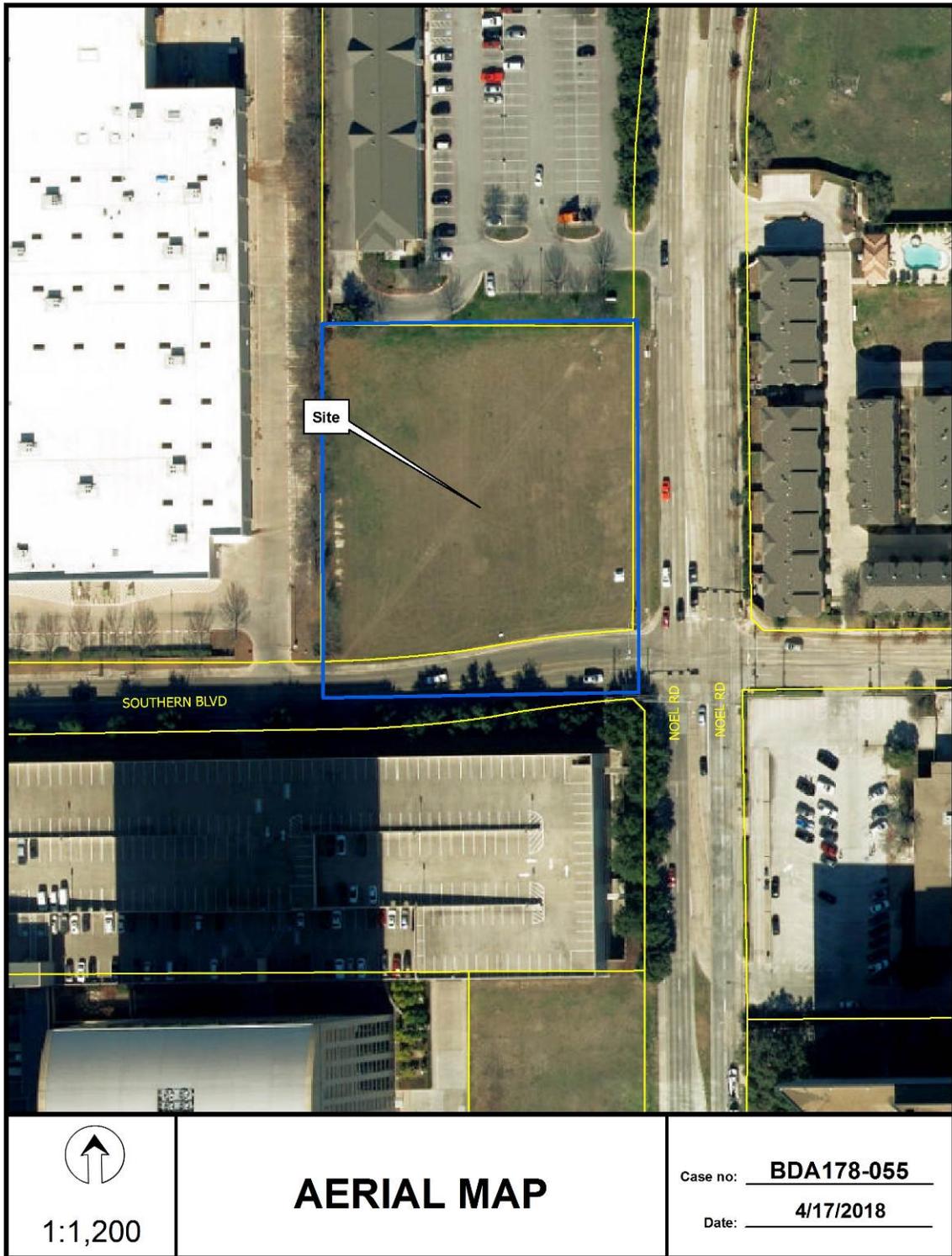
- This request for a special exception to the off-street parking regulations of 34 spaces focuses on constructing and maintaining a structure with a mix of hotel or motel (a 236 room hotel), general merchandise or food store 3,500 square feet or less (1,800 square feet of retail use), animal shelter or clinic without outside runs (7,300 square foot “doggy day care”) uses, and providing 236 (or 87 percent) of the 270 off-street parking spaces required by code.
- Chapter 51A requires the following off-street parking requirement:
 - Hotel or motel: one space for each unit for units 1 to 250; $\frac{3}{4}$ space for each unit for units 251 to 500, $\frac{1}{2}$ space for each unit for all units over 500; plus one space per 200 square feet of meeting room.
 - General merchandise or food store 3,500 square feet or less: one space per 200 square feet of floor area.
 - Animal shelter or clinic: One space per 300 square feet of floor area.
- The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked “Has no objections”.
- The applicant has the burden of proof in establishing the following:
 - The parking demand generated by the proposed hotel or motel, general merchandise or food store 3,500 square feet or less, animal shelter or clinic without outside runs uses does not warrant the number of off-street parking spaces required, and
 - The special exception of 34 spaces (or a 13 percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.

- If the Board were to grant this request, and impose the condition that the special exception of 34 spaces shall automatically and immediately terminate if and when the hotel or motel, general merchandise or food store 3,500 square feet or less, animal shelter or clinic without outside runs uses are changed or discontinued, the applicant could develop the site with a structure with these uses, and provide 236 (or 87 percent) of the 270 required off-street parking spaces.

Timeline:

- March 8, 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.
- April 10, 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”.
- April 10, 2018: The Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application;
 - an attachment that provided the public hearing date and panel that will consider the application; the May 2nd deadline to submit additional evidence for staff to factor into their analysis; and the May 11th 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.”
- May 8, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, 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.
- May 9, 2018: The Sustainable Development Department Senior Engineer submitted a review comment sheet marked “Has no objections”.







City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-055

Data Relative to Subject Property:

Date: 03/09/2018

Location address: 13907 Noel Rd. Zoning District: MU-3(SAH)

Lot No.: 1B Block No.: A/7005 Acreage: 1.7473 Census Tract: 0136.26

Street Frontage (in Feet): 1) 297.64' Noel Rd. 2) 255.8' Southern Blvd. 3) 4) 5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Curtis D. Hodgson and Kenneth Shipley, individuals (together, "Grantee")

Applicant: Robert Reeves & Associates, Inc. Robert Reeves Telephone: 214-749-0530

Mailing Address: 900 Jackson Street, Suite 160 Dallas, Texas Zip Code: 75202

E-mail Address: rob.reeves@sbcglobal.net

Represented by: Robert Reeves Telephone: 214-749-0530

Mailing Address: 900 Jackson Street, Suite 160 Dallas, Texas Zip Code: 75202

E-mail Address: rob.reeves@sbcglobal.net

Affirm that an appeal has been made for a Variance , or Special Exception X, a request for a special exception of 34 parking spaces, a 12.6% reduction, from 270 required parking spaces to 236 parking spaces,

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 A request to construct a mixed-use structure for a 236-room hotel or motel use; a 1,800 sq. ft. general merchandise or food store 3,500 sq. ft. or less use, or a 1,800 sq. ft. personal service use; and a 7,300 sq. ft. animal shelter or clinic without outside runs use which would require 270 parking spaces, we are requesting a 34 parking space special exception which would provide 236 parking spaces, a 12.6% parking special exception.

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.

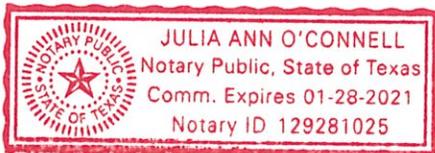
Affidavit

Before me the undersigned on this day personally appeared Robert Reeves
(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 9th day of March, 2018.



[Signature]
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 Robert Reeves
represented by Robert Reeves
did submit a request for a special exception to the parking regulations
at 13907 Noel Road

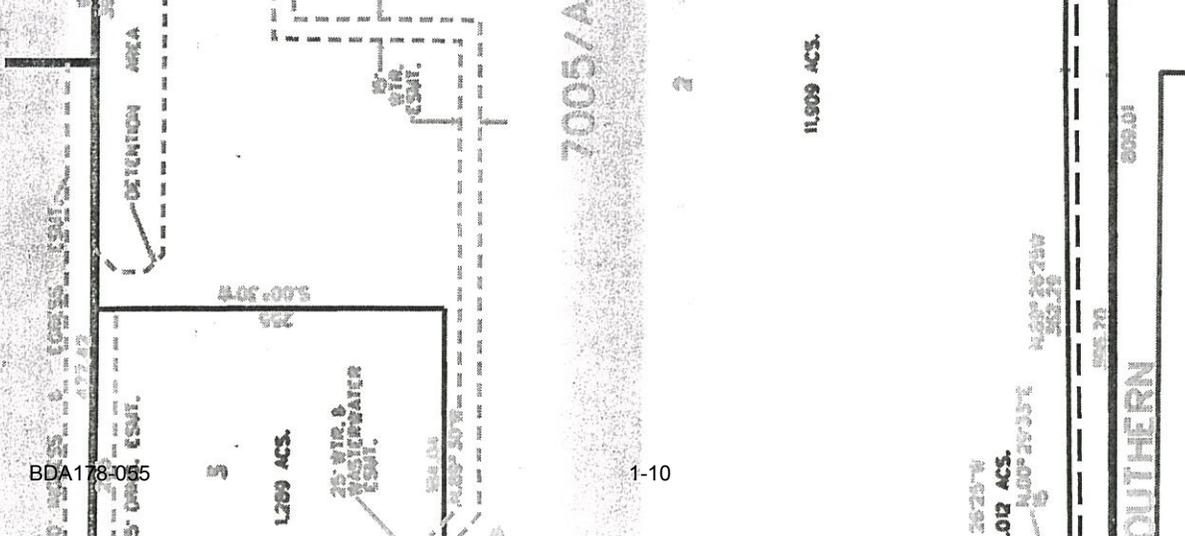
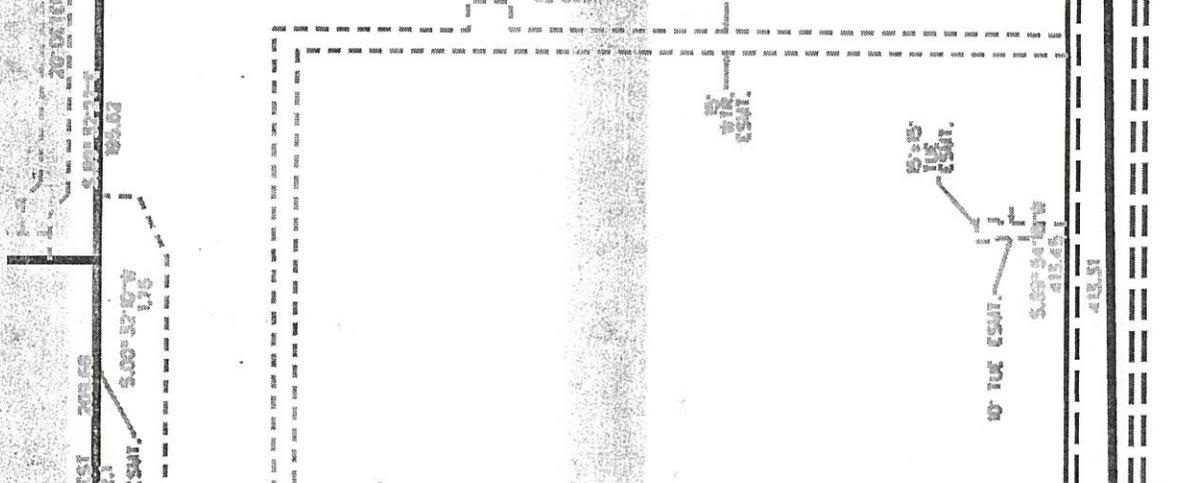
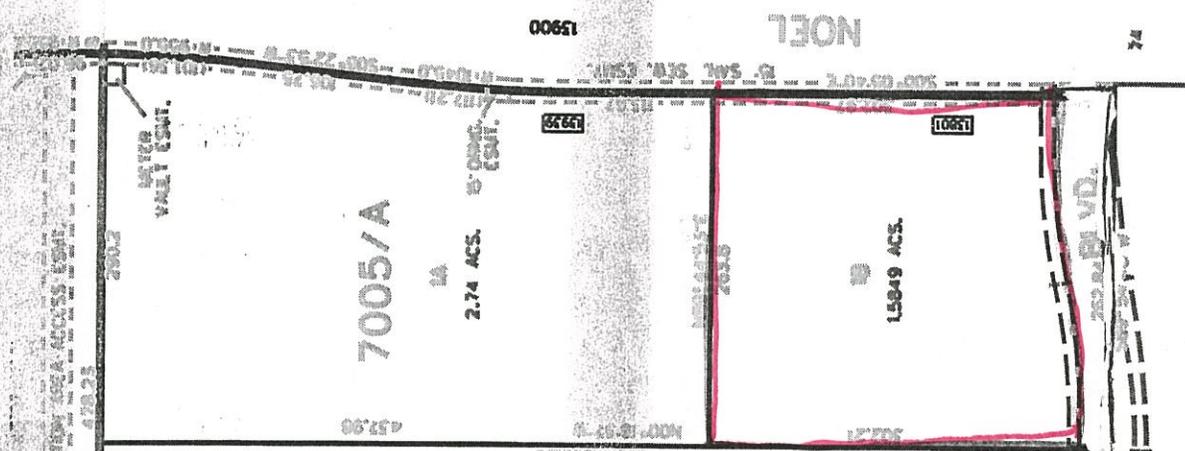
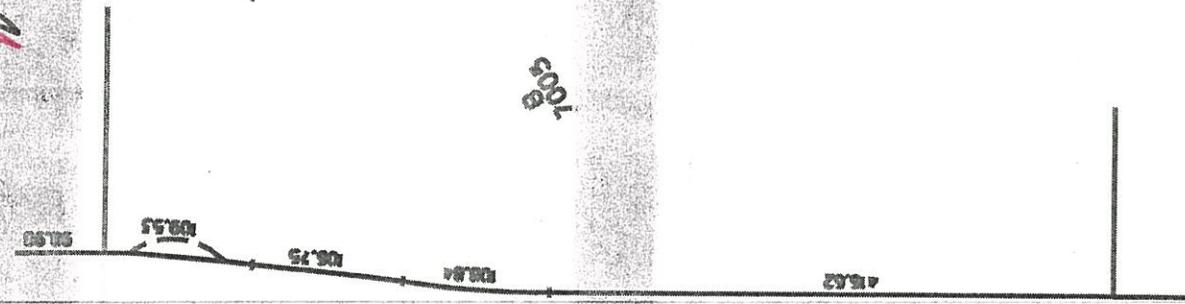
BDA178-055. Application of Robert Reeves represented by Robert Reeves for a special exception to the parking regulations at 13907 NOEL RD. This property is more fully described as Lot 1B, Block A/7005, and is zoned MU-3(SAH), which requires parking to be provided. The applicant proposes to construct a nonresidential structure for a hotel or motel use, a general merchandise or food store 3500 square feet or less use, and an animal shelter or clinic without outside runs use, and provide 236 of the required 270 parking spaces, which will require a 34 space special exception (12.6% reduction) to the parking regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



Handwritten initials in red ink.



BDA 178-055

City of Dallas

Internal Development Research Site

Legend

Locate Property

Search by:

GIS Account #

Locate

OR

Street address.

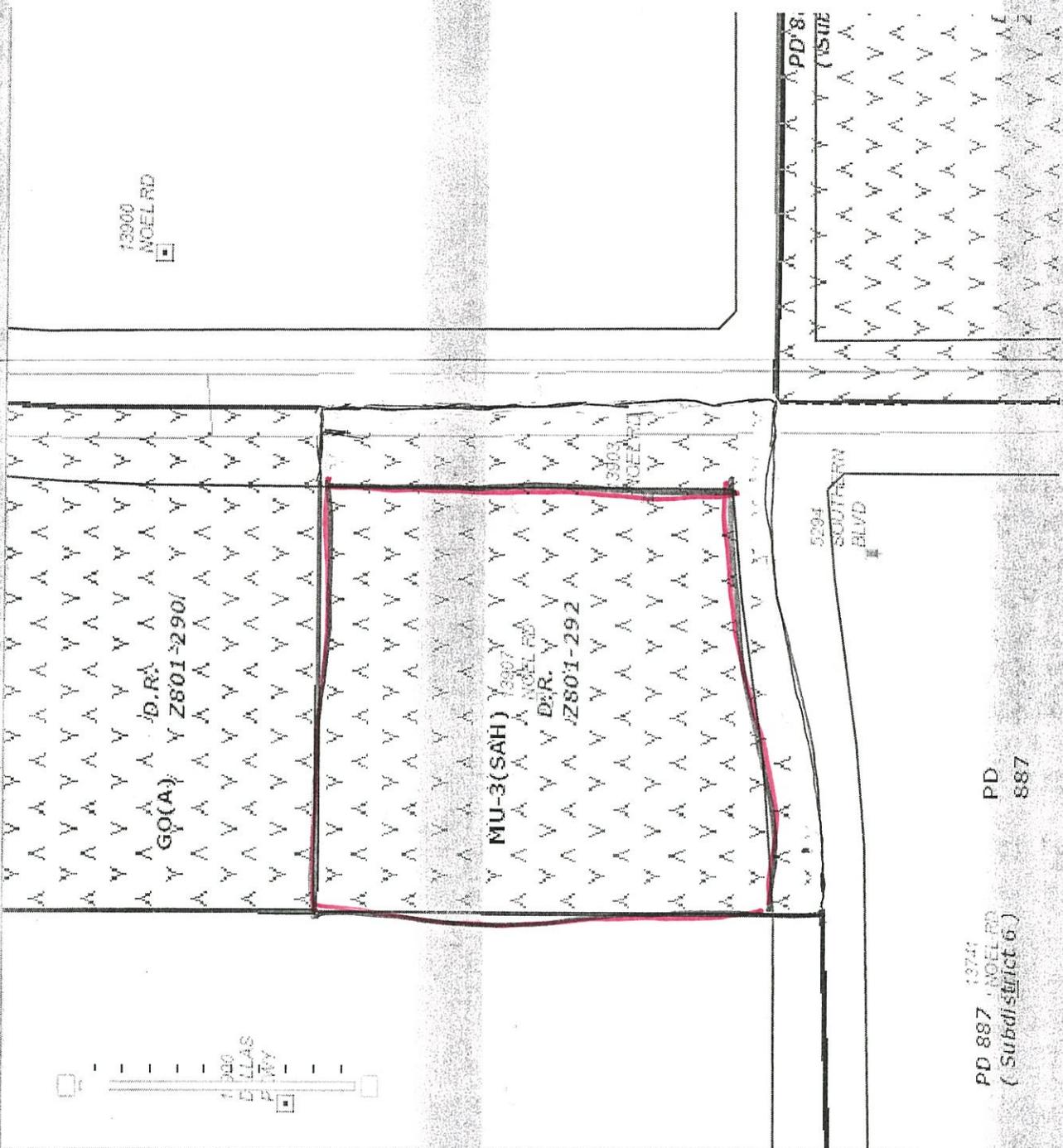
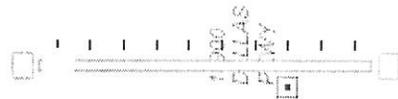
Locate

OR

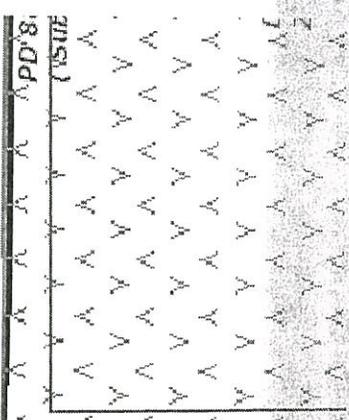
Parcel address.

Use street type for better results

Locate



13741 NOEL RD
PD 887 (Subdistrict 6)
PD 887



3/9/2018

Exhibits
13907 Noel Rd.

Site Plan:

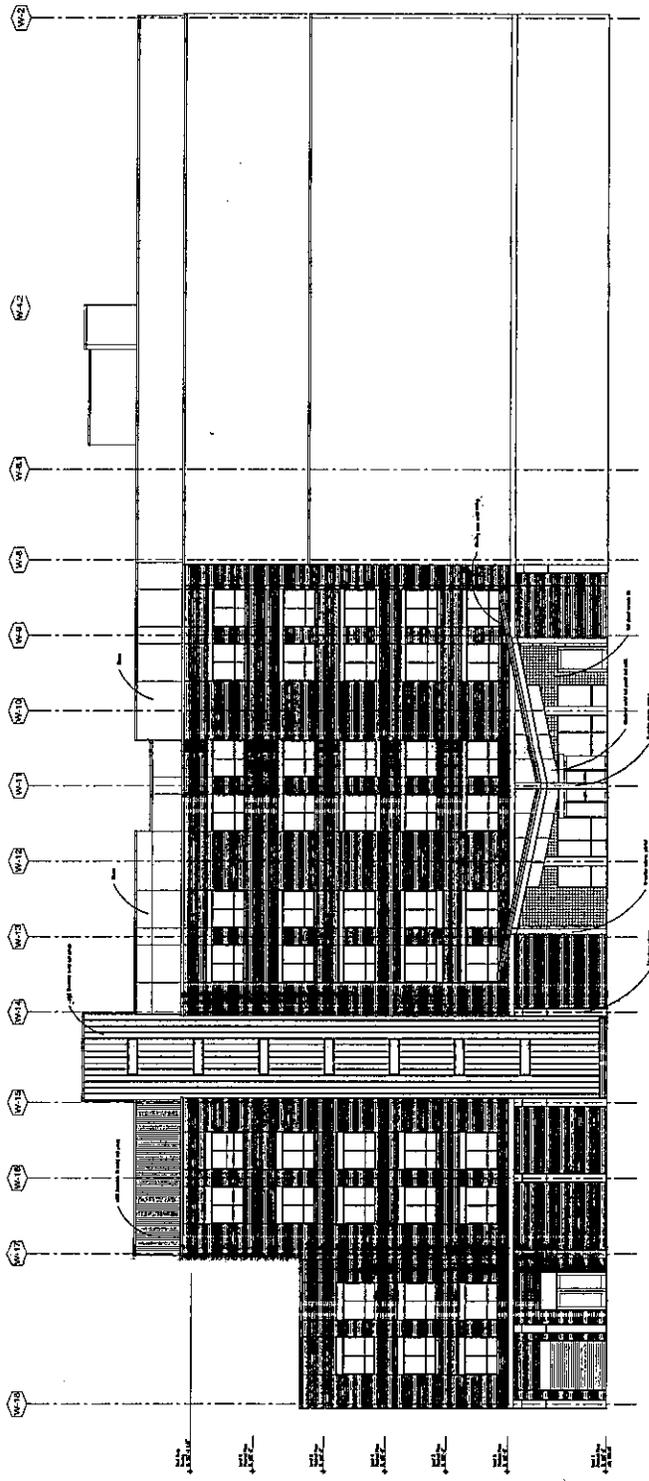
C2 - Site Plan – Plush Suites, 03/08/2018

Elevations:

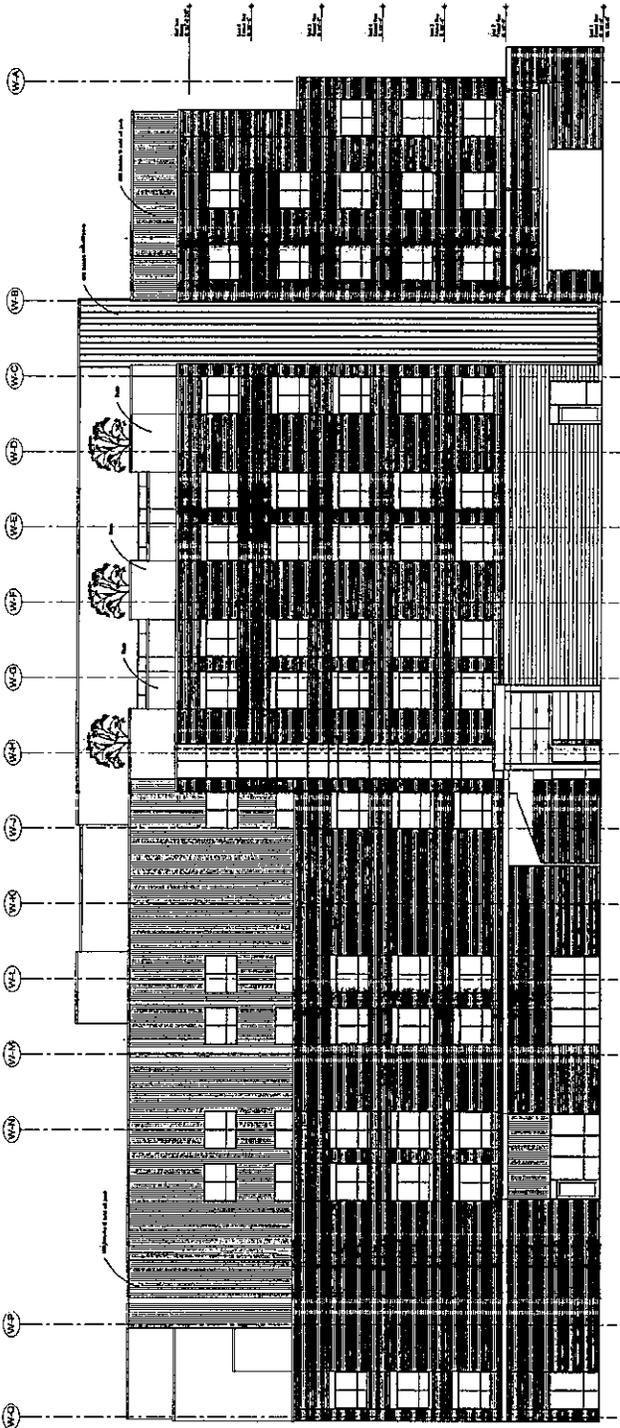
- 4.04 – Building Elevation – Main Entry
- 4.01 - Building Elevation - Facing Noel Rd
- 4.02 - Building Elevations – Facing Bed Bath & Beyond
- 4.03 - Building Elevation – Facing Southern
- 4.04 - Building Elevation - Facing Candlewood

Floor Plans:

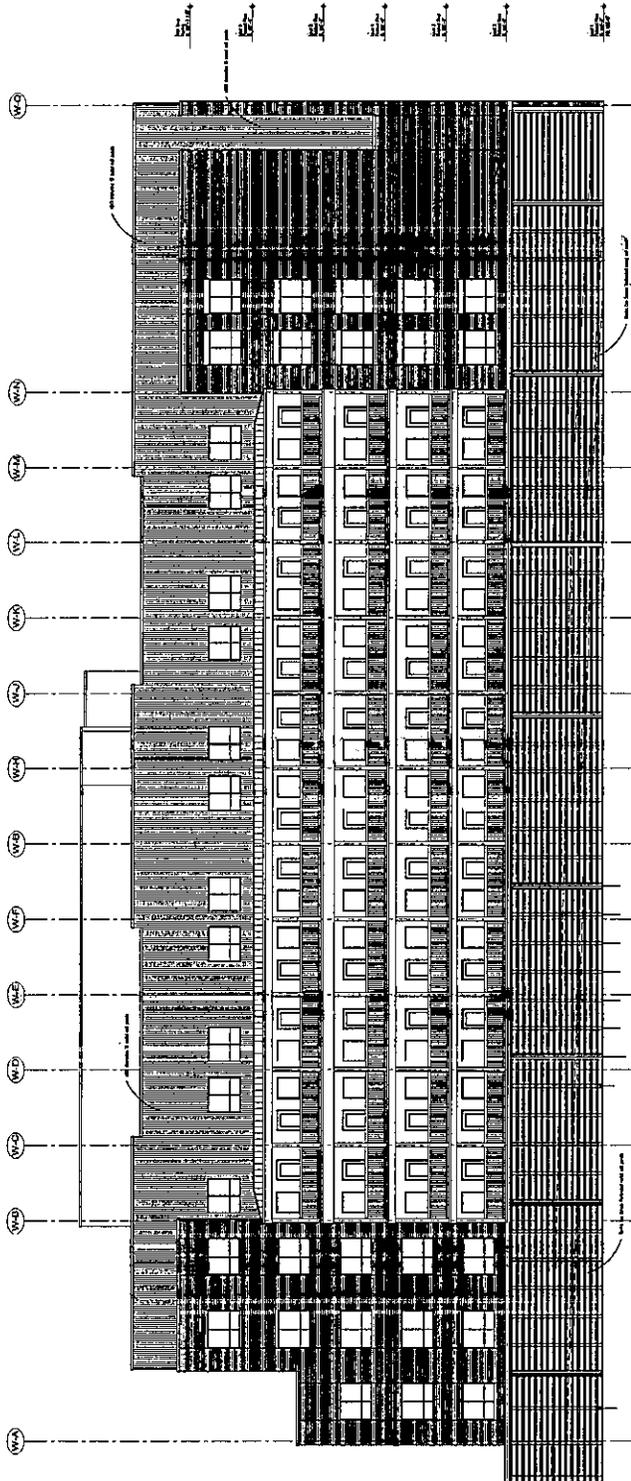
- 5.01 - Building Plan Level 1
- 5.02 - Building Plan Level 2



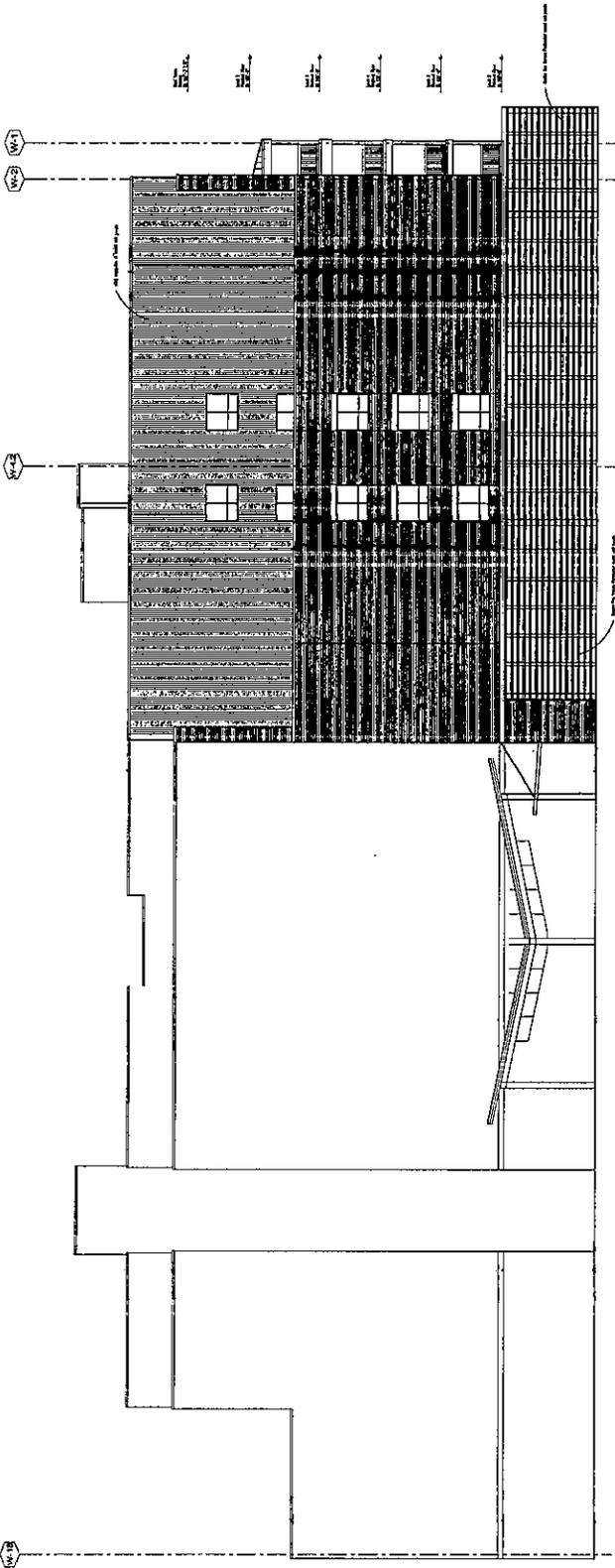
4.00-1 BUILDING ELEVATION-MAIN ENTRY
 1/8" = 1'-0"



4.01-1 BUILDING ELEVATION-FACING NOEL
 1/8" = 1'-0"



4.02-1 BUILDING ELEVATION-FACING BED BATH & BEYOND
1/8" = 1'-0"



4.04-1 BUILDING ELEVATION-FACING CANDLEWOOD
1/8" = 1'-0"

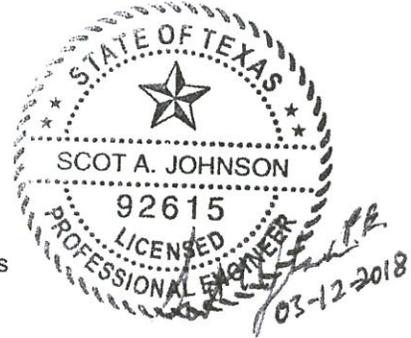
MEMORANDUM

To: Plush Hotel Dallas

From: Scot Johnson, P.E., PTOE
Kimley-Horn and Associates, Inc.
Registered Firm F-928

Date: March 12, 2018

Subject: Parking Demands for Modern Hotel Uses in Dallas



Introduction

The proposed Plush Hotel would contain 236 rooms and would be located on the northwest corner of Noel Road and Southern Boulevard in Dallas, Texas. Compared to traditional hotels, the proposed Plush Hotel would follow a new business model that serves a modern business user with different amenities. These differences mean the hotel's users would need fewer parking spaces than the City code would normally require. The site is proposed to provide 0.85 spaces per room, a reduction of 15% from the City code requirement of 1 space per room for the first 250 rooms in a hotel.

The hotel site will also contain 1,800 SF of retail uses and 7,300 SF of doggy day care uses. Both of these are assumed to be standalone operations, not accessory uses of the hotel. Code parking for the retail area is 1 space per 200 SF, and the doggy day care is 1 space per 300 SF.

Careful sizing of parking areas to specific uses will prevent the waste of space and building materials that is caused by providing parking that is rarely if ever used. Excessive parking also has negative impacts on often-hidden issues like walkable design, stormwater runoff, and urban heat island effects.

This memorandum describes the differences of the Plush Hotel, and then documents the two lines of inquiry which were investigated to find a reasonable parking supply requirement for the special hotel use. The investigation included a review of national parking research and observations of parking occupancy at comparable local sites.

Plush Hotel Characteristics

The proposed Plush Hotel would have amenities targeting guests' business and travel needs rather than operating a restaurant in an area already well-supplied with independent options, or a pool which appeals mostly to children. The hotel's value will be concentrated in the room finishes and in its integration with the surrounding neighborhood. The hotel's primary guests would be business users who are accessing the surrounding high density of office uses. The rooms would offer only king size beds, limiting the attractiveness to vacationing families or groups that tend to have multiple vehicles.

The hotel would not have a restaurant or pool. There would be a small gym space and a limited bar area for guests only. There may be limited banquet or conference spaces for use by guests, but the hotel would not offer catering or other support. Guest needs for restaurant, retail, and other non-lodging uses would be met in the nearby mixed-use areas of the Galleria and the upcoming Dallas Midtown district. As examples of services requiring less parking, keyless entry on all rooms reduces front desk staffing, and housekeeping would not serve every room every day. These procedures would significantly reduce the number of staff on site.

As business travelers, the Plush guests will have fewer personal vehicles than other hotel guests. Transportation network companies like Uber and Lyft will be popular, in addition to traditional taxis and the Plush site's shuttle service. The site will also provide bike rentals for local trips. With the proximity of the office areas for business uses and the mixed-use areas for eating and entertainment, guests will know they will not need a rental car to satisfy their basic needs during their stay.

Parking Research

The acknowledged source for national-level parking demand data is the Institute of Transportation Engineers (ITE) publication *Parking Generation, 4th Edition (2010)*. The category most closely matching the Plush Hotel is Land Use #312 Business Hotel. ITE's Business Hotel definition is lodging with limited facilities aimed at business travelers. The hotels have limited or no food service and no meeting spaces.

ITE observations show an average weekday parking demand of 0.60 vehicles per occupied room and an 85th-percentile demand, often used for design, of 0.75 vehicles per occupied room. Showing the business focus of the hotels, the weekend parking demand is nearly equal, with an average of 0.66 and an 85th-percentile of 0.72 vehicles per occupied room. These observations of business hotel parking demand are significantly lower than the Dallas code parking requirement of 1 space per room.

Dallas Observations

Multiple observations were made at two nearby hotels, Le Meridien at 13402 Noel Road and the Sheraton at 4801 LBJ Freeway. These peer hotels serve similar demographics as the proposed Plush Hotel, but are larger and have extensive amenities such as restaurants and meetings spaces. Observations were conducted nightly after 1:00 AM to focus on the peak of lodging parking demand, removing most of the parking demand that may be due to non-guest use of the amenities. With some influence of the amenities and the higher staffing levels, these observations can be considered to be conservatively high for actual lodging parking demand. **Table 1** shows the details of each site and the observations conducted in March 2017.

Across the week of data, the observed parking demand averaged 0.40 per room for Le Meridien and 0.44 per room for the Sheraton. The highest observed demand was 0.68 spaces per room for Le Meridien on Friday night, when there was an obvious late-night event still underway. All other observations at both sites were under 0.59 spaces per room, with the Monday to Thursday weeknight demands ranging from 0.24 to 0.44 spaces per room. These observed parking demands at nearby similar hotels show that these active, successful hotels are still generating much less parking demand than the Dallas city code supply requirement of 1 space per room.

Table 1. Dallas Hotel Parking Occupancy (2017)

Site	Day	Vehicles Parked	Parking Demand Per Room
Le Meridien 13402 Noel Road, Dallas 258 Rooms	Monday	70	0.27
	Tuesday	65	0.25
	Wednesday	61	0.24
	Thursday	89	0.34
	Friday	175	0.68
	Saturday	152	0.59
	<i>Mon-Sat Average</i>		
Sheraton 4801 LBJ Freeway 308 Rooms	Monday	118	0.38
	Tuesday	120	0.39
	Wednesday	120	0.39
	Thursday	136	0.44
	Friday	171	0.56
	Saturday	161	0.52
	<i>Mon-Sat Average</i>		

Applied Parking Requirement

Using the 0.85 spaces per room rate, the site’s parking requirement and supply for the current site plan would be as follows:

236 Hotel Rooms at 0.85 spaces per room	=	201 spaces
1,800 SF retail at 1 space per 200 SF	=	9 spaces
7,300 SF doggy day care at 1 space per 300 SF	=	25 spaces
Total Requirement		= 235 spaces
Site Supply		= 236 spaces
<i>Surplus</i>		= 1 spaces

The site’s proposed supply of 236 spaces is a reduction of 34 spaces from the basic code requirement of 270 spaces shown on the site plan. 34 spaces is an overall 13% reduction from the basic code requirement.

Shared Parking

While not necessary to meet the site’s code parking requirement, the site will additionally benefit from shared parking, where multiple users can occupy the same parking space across the course of a day. The retail use would typically see its peak demand at midday, with demand lower in the mornings and evenings, and no demand overnight. The doggy day care has a small staff parking demand throughout

the day, and then small peaks parking activity around the commuter peak hours for drop-off and pick-up. The hotel demand peaks overnight. With the parking usage spread out across 24 hours, the highest level of actual parking demand at any given time on the site will be somewhat lower than the sum of the parking requirements. This shared parking synergy provides an additional conservative margin between actual demand and the site's supply.

Summary

A parking supply of 0.85 spaces per room is reasonable and appropriate for the Plush Hotel development. The Plush Hotel is focused on lodging for business travelers and will provide minimal staffing and amenities. The 0.85 per room parking supply is above the observed parking demand at business hotels in national studies and comparable local hotels, leaving a comfortable margin. The other retail and doggy day care uses on the site can be served at the normal City code rates.

END

ROBERT REEVES
& Associates, Inc.

PLANNING AND ZONING CONSULTANTS

March 13, 2018

Building Inspection
City of Dallas
320 E. Jefferson Blvd., Room 105
Dallas, Texas 75203

RE: Request for a Board of Adjustment Request
Parking Special Exception

To Whom It May Concern:

This is a request to construct a nonresidential mixed-use structure located on the northwest corner of Noel Road and Southern Blvd. in an area zoned MU-3(SAH) with the following uses:

- A 236-room hotel or motel use
- An 1,800 sq. ft. general merchandise or food store 3,500 sq. ft. or less, or an 1,800 sq. ft. personal service use
- A 7,300 sq. ft. animal shelter or clinic without outside runs, (doggy daycare).

The above uses would require 270 parking spaces. We are requesting a 34-parking space special exception, which would provide 236 parking spaces, a 12.6% parking special exception.

The hotel use is based on a modern business model called Plush Hotel, which will serve a modern business user. Unlike other surrounding hotels, the Plush Hotel will have different amenities. It will have amenities targeting guests' business and travel needs rather than providing restaurants, large conference rooms, and pool, which appeal mostly to children. Often restaurants and conference facilities attract non-hotel users. Only king size beds will be provided limiting the appeal to families. Less parking is needed because there will be keyless entry on all rooms, which reduces front desk staffing and housekeep would not serve every room every day. The hotel will concentrate on room finishes and integration into the surrounding area.

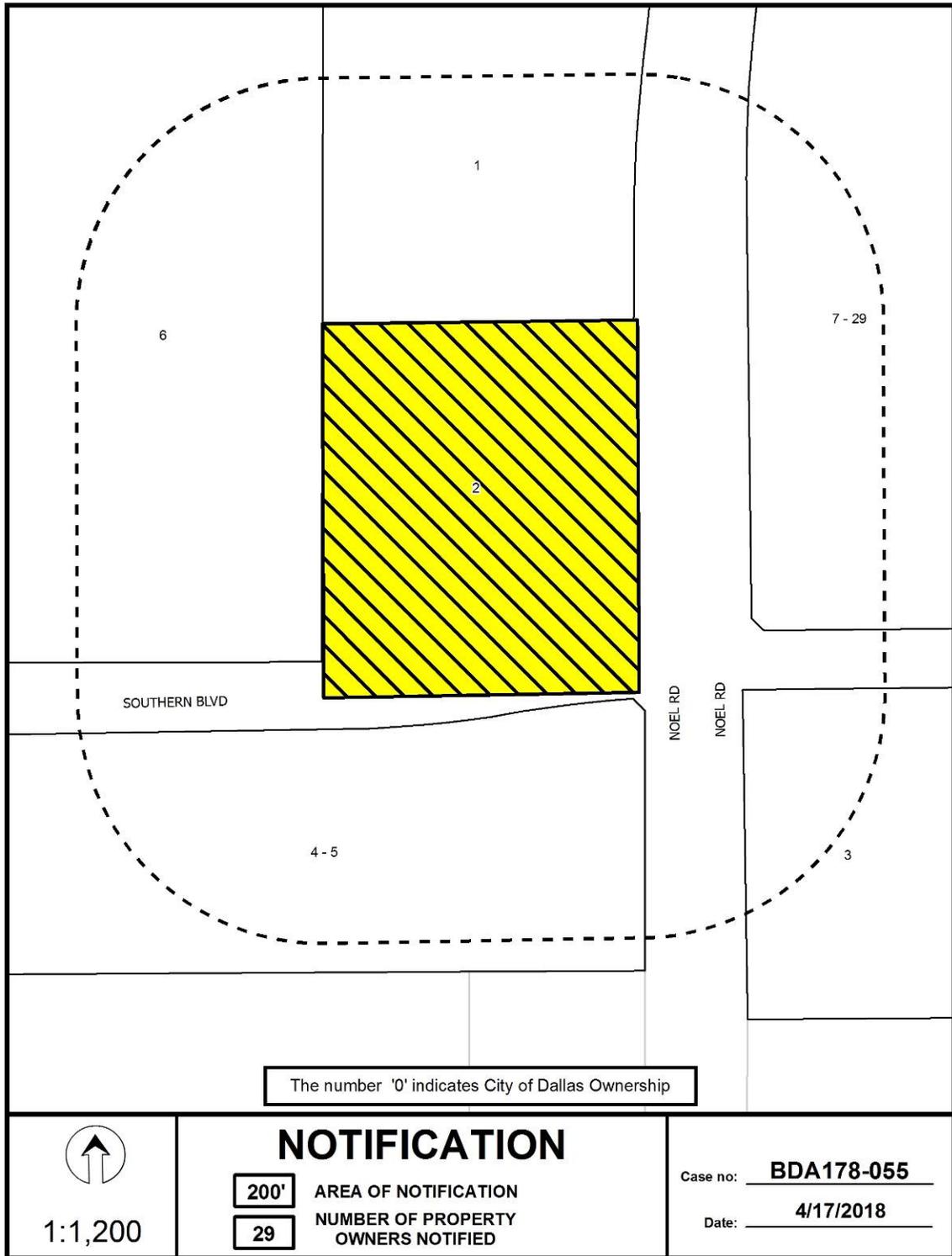
Less parking will be required because Plush Hotel guests would take advantage of transportation network companies like Uber and Lyft along with the Plush site's shuttle service to access the mixed-use office and restaurant/entertainment areas near the site.

Based on the above information, and the information provided in the enclosed parking demand study, we believe that our request would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.

Respectfully:

A handwritten signature in black ink, appearing to read 'R. Reeves', with a long horizontal flourish extending to the right.

Robert Reeves



Notification List of Property Owners

BDA178-055

29 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	13939 NOEL RD	HPT CW PROPERTIES TRUST
2	13907 NOEL RD	HODGSON CURTIS D &
3	13780 NOEL RD	U S POSTAL SERVICE
4	13741 NOEL RD	IPERS GALLERIA NORTH TOWER I &
5	13741 NOEL RD	GALLERIA HORIZONTAL ASSET LLC
6	13910 DALLAS PKWY	BED BATH & BEYOND INC
7	13900 NOEL RD	CORREA HERMINIA
8	13900 NOEL RD	EVANS AMY
9	13900 NOEL RD	ZHONG XIN
10	13900 NOEL RD	SABETI ARMIN & WENDY
11	13900 NOEL RD	GUERRA KARINA
12	13900 NOEL RD	NGUYEN TUONG V
13	13900 NOEL RD	MALIK IMAD
14	13900 NOEL RD	HOSEY KEVIN E
15	13900 NOEL RD	HARRIS MEGHAN A
16	13900 NOEL RD	HILL CHRISTOPHER M
17	13900 NOEL RD	BERGEN JACQUELINE A &
18	13900 NOEL RD	BOROWSKI OTYLIA
19	13900 NOEL RD	BALOUCHE FAHIM
20	13900 NOEL RD	HAGHI BEHZAD & YVETTE
21	13900 NOEL RD	NGO MAI T
22	13900 NOEL RD	ROBINSON MARIA C
23	13900 NOEL RD	BELLA FLUCHAIRE LLC
24	13900 NOEL RD	VILLERE MICHAEL PIERRE
25	13900 NOEL RD	WATSON ROBERT
26	13900 NOEL RD	WYLIE CINDY L

04/17/2018

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	13900 NOEL RD	WINSLOW WARREN A III
28	13900 NOEL RD	SU KORBAN C & NINTHALA
29	13900 NOEL RD	COLLI JULIANA M

FILE NUMBER: BDA178-060(OA)

BUILDING OFFICIAL'S REPORT: Application of Jorge Rojas, represented by Karla Calderon, for a special exception to the fence standards regulations at 2907 Canberra Street. This property is more fully described as Lot 34, Block 18/5975, and is zoned R-7.5(A), which prohibits the use of certain materials for a fence. The applicant proposes to construct and/or maintain a fence of a prohibited material, which will require a special exception to the fence standards regulations.

LOCATION: 2907 Canberra Street

APPLICANT: Jorge Rojas
Represented by Karla Calderon

REQUEST:

A request for a special exception to the fence standards regulations is made to maintain a fence of a prohibited fence material (corrugated metal) on a site developed with a single family home.

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

Land Use:

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

Zoning/BDA History:

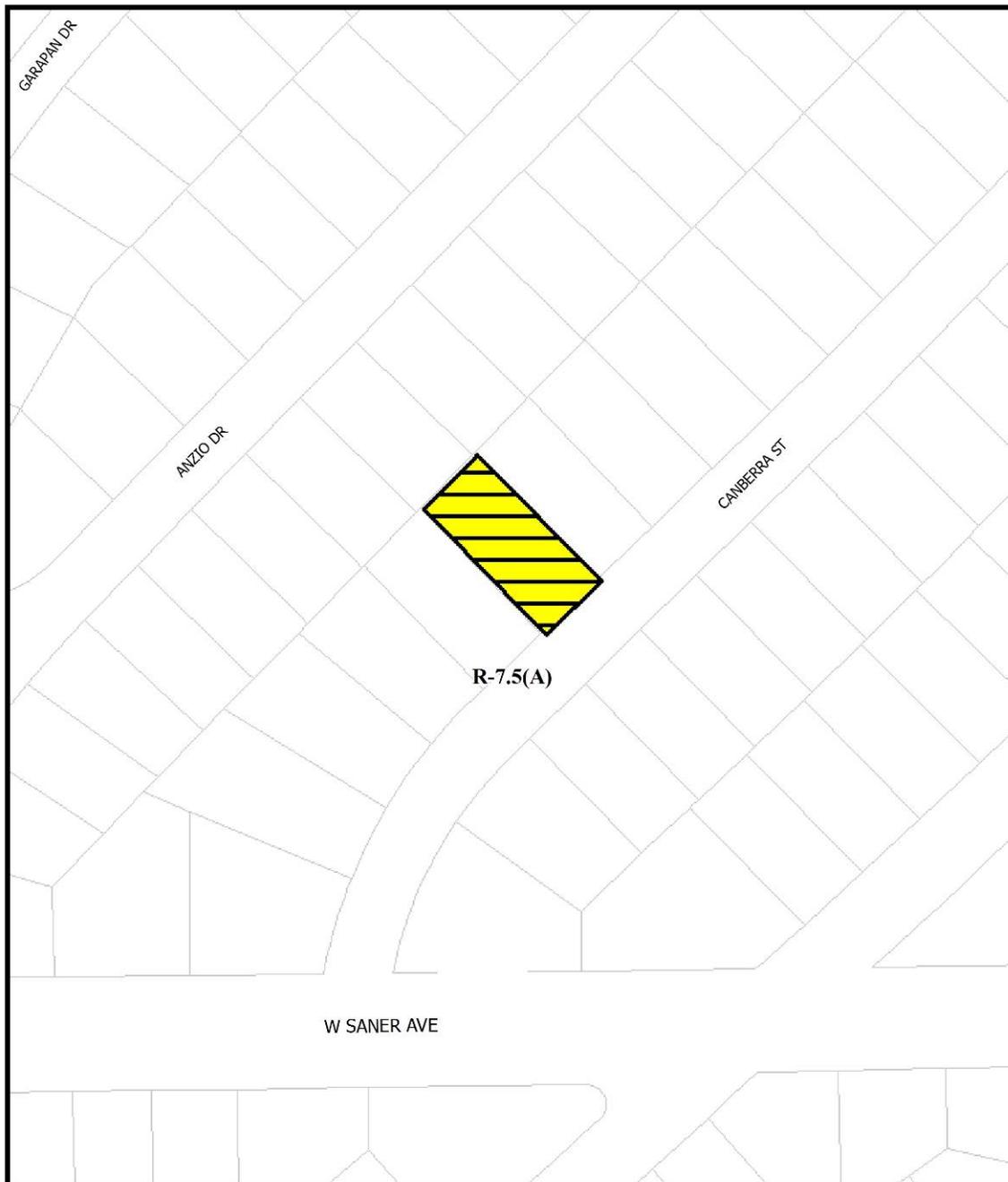
There has not been any recent related board or zoning cases recorded either on or in the immediate vicinity of the subject site.

GENERAL FACTS/STAFF ANALYSIS:

- The request for a special exception to the fence standards regulations related to fence materials is made maintain a fence of a prohibited fence material (corrugated metal) on a site developed with a single family home.
- Section 51A-4.602(a)(9) of the Dallas Development Code states that except as provided in this subsection, the following fence materials are prohibited:
 - Sheet metal;
 - Corrugated metal;
 - Fiberglass panels;
 - Plywood;
 - Plastic materials other than preformed fence pickets and fence panels with a minimum thickness of seven-eighths of an inch;
 - Barbed wire and razor ribbon (concertina wire) in residential districts other than an A(A) Agricultural District; and
 - Barbed wire razor ribbon (concertina wire) in nonresidential districts unless the barbed wire or razor ribbon (concertina wire) is six feet or more above grade and does not project beyond the property line.
- The applicant has submitted a site plan and elevation that represents the location of the existing corrugated metal fence on the property.
- The submitted elevation represents an 8' high corrugated metal fence.
- The submitted site plan represents a site that is approximately 8,000 square feet in area where approximately 205 linear feet of prohibited fence material (corrugated metal fence) is located on this property.
- The Sustainable Development and Construction Department Senior Planner conducted a field visit of the site and surrounding area. Several corrugated metal fences were noted within the area.
- As of May 8, 2018, no letters had been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence standards regulations related to a prohibited fence material (corrugated metal) will not adversely affect neighboring property.
- If the Board were to grant the special exception, and impose the submitted site plan and elevation as a condition, the fence of prohibited material on the property would be limited to what is shown on these documents.

Timeline:

- March 13, 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.
- April 10, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- April 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 May 2nd deadline to submit additional evidence for staff to factor into their analysis; and the May 11th 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.”
- May 8, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, 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.

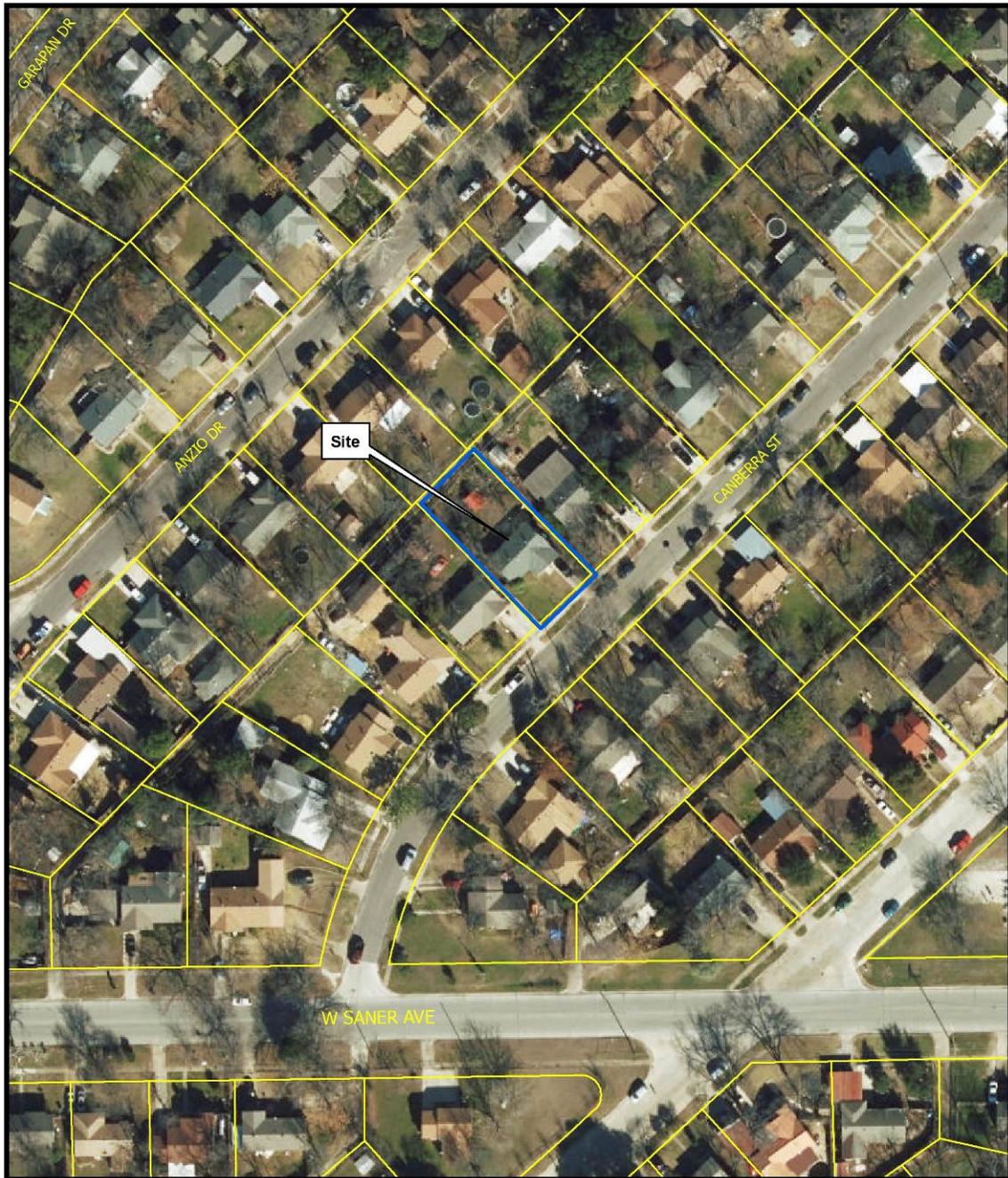


1:1,200

ZONING MAP

Case no: BDA178-060

Date: 4/17/2018



1:1,200

AERIAL MAP

Case no: BDA178-060

Date: 4/17/2018



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-060

Data Relative to Subject Property:

Date: 3/19/18

Location address: 2907 Canberra St Zoning District: R-7.5(A)

Lot No.: 34 Block No.: 18/5975 Acreage: 0.18 Census Tract:

Street Frontage (in Feet): 1) 69 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Jorge Rojas & Sofia Guerra

Applicant: Jorge Rojas Telephone: 214 650 4553

Mailing Address: 2907 Canberra St, Dallas TX Zip Code: 75224

E-mail Address:

Represented by: Karla Calderon Telephone: 469 987 6047

Mailing Address: 351 W. Jefferson Blvd, Dallas TX Zip Code: 75208

E-mail Address: Karla@projectsplans.net

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

Metal Fence on rear and sides of Property up to 9 feet of height

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:

A few year ago we paid a contractor to build this metal fence for us. The price charged included labor, material & permit. We found out later on that such permit was never obtained. Because of the current ordinance metal is not allowed. We want to get the required fence permit but we cannot afford to have it changed to another material.

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.

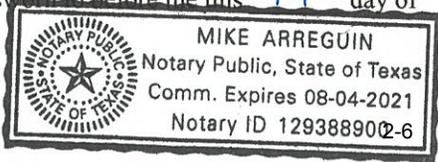
Affidavit

Before me the undersigned on this day personally appeared Jorge Rojas (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 19 day of March, 2018



[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

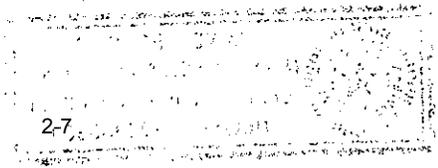
Building Official's Report

I hereby certify that Jorge Rojas
represented by KARLA CALDERON
did submit a request for a special exception to the fence standards regulations
at 2907 Canberra Street

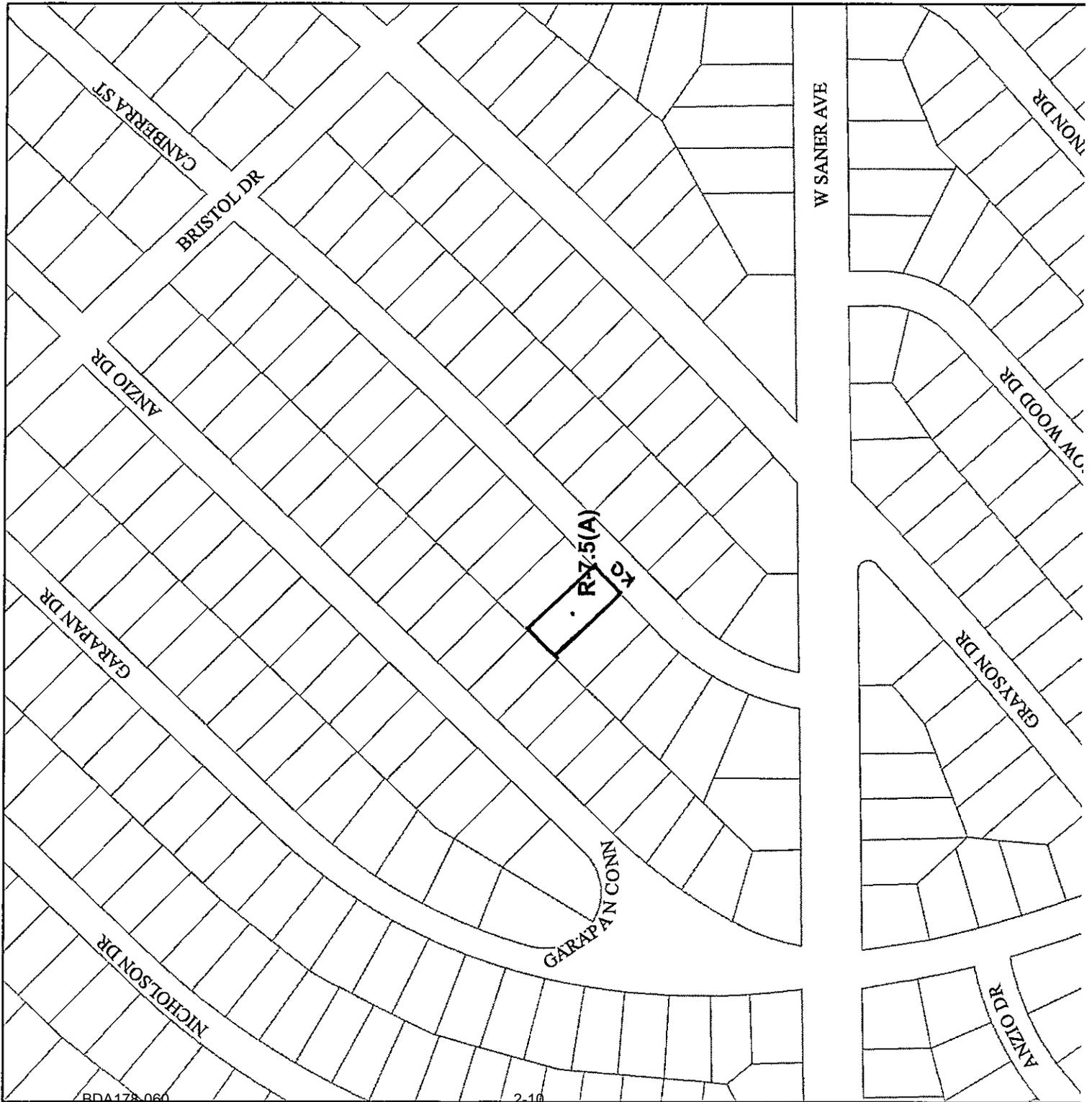
BDA178-060. Application of Jorge Rojas represented by Karla Calderon for a special exception to the fence standards regulations at 2907 Canberra St. This property is more fully described as Lot 34, Block 18/5975, and is zoned R-7.5(A), which prohibits the use of certain materials for a fence. The applicant proposes to construct a fence using a prohibited material, which will require a special exception to the fence regulations.

Sincerely,

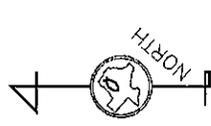
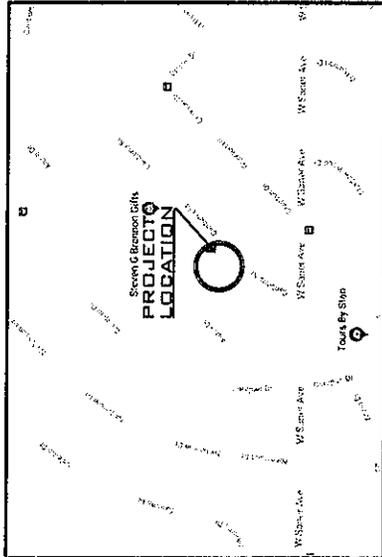
Philip Sikes
Philip Sikes, Building Official



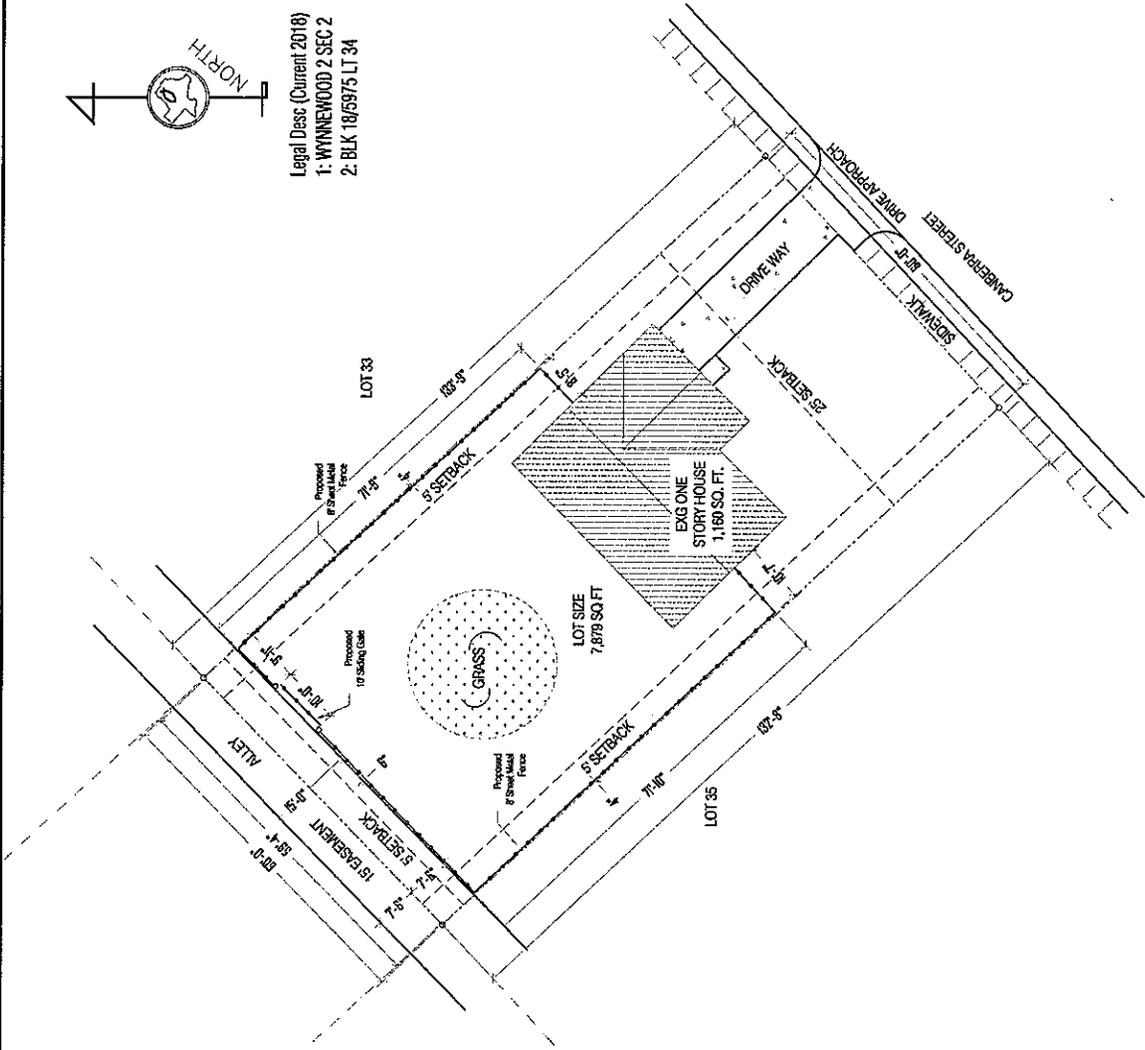




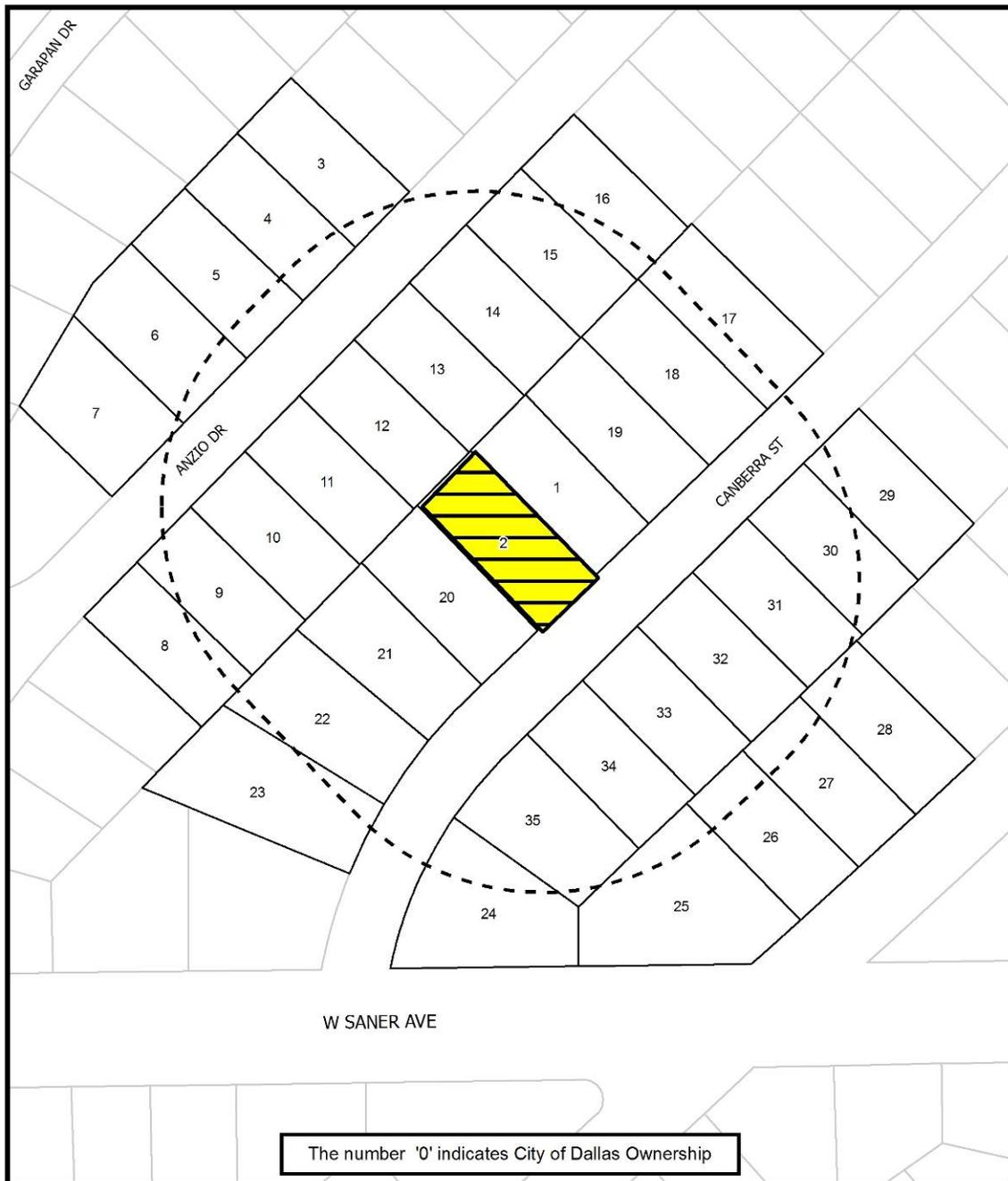
THIS PLAN AND ANY OTHER INSTRUMENTS OF TITLE ARE SUBJECT TO THE RECORDS OF THE COUNTY OF DALLAS, TEXAS, AND TO ANY OTHER INSTRUMENTS OF TITLE THAT MAY BE RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF DALLAS, TEXAS. THE RECORDS OF THE COUNTY OF DALLAS, TEXAS, SHALL BE CONSULTED TO VERIFY THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE OF ANY KIND. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF PROJECTS & PLANS LLC.



Legal Desc: (Current 2018)
1: WYNNEWOOD 2 SEC 2
2: BLK 18/5975 LT 34



Site Plan
scale: 1" = 10'-0"



 1:1,200	NOTIFICATION		Case no: BDA178-060
	<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;">35</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 4/17/2018

Notification List of Property Owners

BDA178-060

35 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2903 CANBERRA ST	ARELLANO DAVID &
2	2907 CANBERRA ST	ROJAS JORGE &
3	2727 ANZIO DR	ARELLANO GONZALO
4	2803 ANZIO DR	GILLON CAROLYN JONES
5	2807 ANZIO DR	FOREMAN JOHNNIE
6	2815 ANZIO DR	ROBLES BERNARDO &
7	2819 ANZIO DR	2012 PROPERIES LLC
8	2826 ANZIO DR	ORTIZ DAMIAN
9	2822 ANZIO DR	JOHNSON JOANN
10	2818 ANZIO DR	WILLIAMS ETHEL LEE
11	2812 ANZIO DR	JENKINS CHARLES RAY &
12	2808 ANZIO DR	SOLORZANO MARIO
13	2802 ANZIO DR	MARTINEZ MIGUEL &
14	2726 ANZIO DR	GILLON CAROLYN FAYE JONES
15	2722 ANZIO DR	BURRELL IRENE T EST OF
16	2718 ANZIO DR	REYES JUAN FRANCISCO &
17	2817 CANBERRA ST	ORTUNO HERMENEGILDO C
18	2823 CANBERRA ST	SHANNON EVELYN M
19	2827 CANBERRA ST	ORTA EVELIA & JESUS
20	2913 CANBERRA ST	TORRES JOSE & MARIA LUISA
21	2919 CANBERRA ST	JUAREZ MELITON &
22	2923 CANBERRA ST	JASSO LINO & RITA
23	2927 CANBERRA ST	CORLEY STEPHANIE ESTATE OF
24	2928 CANBERRA ST	GOMEZ ARMANDO S &
25	2837 GRAYSON DR	ELIZONDO RICARDO
26	2833 GRAYSON DR	CABRERA DOMINGA & TOBIAS

Label #	Address	Owner
27	2829 GRAYSON DR	VALENZUELA MARIA A
28	2823 GRAYSON DR	PALACIO RAMIRO M &
29	2816 CANBERRA ST	SOLIS SABINO S & ARACELI
30	2822 CANBERRA ST	JONES LEONARD
31	2826 CANBERRA ST	RAMIREZ ERNESTO & MARTHA
32	2904 CANBERRA ST	BANALES FERNANDO
33	2908 CANBERRA ST	ROBERSON CAROL EVETTE
34	2912 CANBERRA ST	GONZALEZ RUBEN L
35	2918 CANBERRA ST	BADILLO JOSE REFUGIO &

FILE NUMBER: BDA178-061(OA)

BUILDING OFFICIAL'S REPORT: Application of Oraldo Guerrero, represented by Karla Calderon, for a special exception to the fence standards regulations at 7203 Benning Avenue. This property is more fully described as Lot 27A, Block 5823, and is zoned R-7.5(A), which prohibits the use of certain materials for a fence. The applicant proposes to construct and/or maintain a fence of a prohibited material, which will require a special exception to the fence standards regulations.

LOCATION: 7203 Benning Avenue

APPLICANT: Oraldo Guerrero
Represented by Karla Calderon

REQUEST:

A request for a special exception to the fence standards regulations is made to maintain a fence of a prohibited fence material (corrugated metal) on a site developed with a single family home.

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

Land Use:

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

Zoning/BDA History:

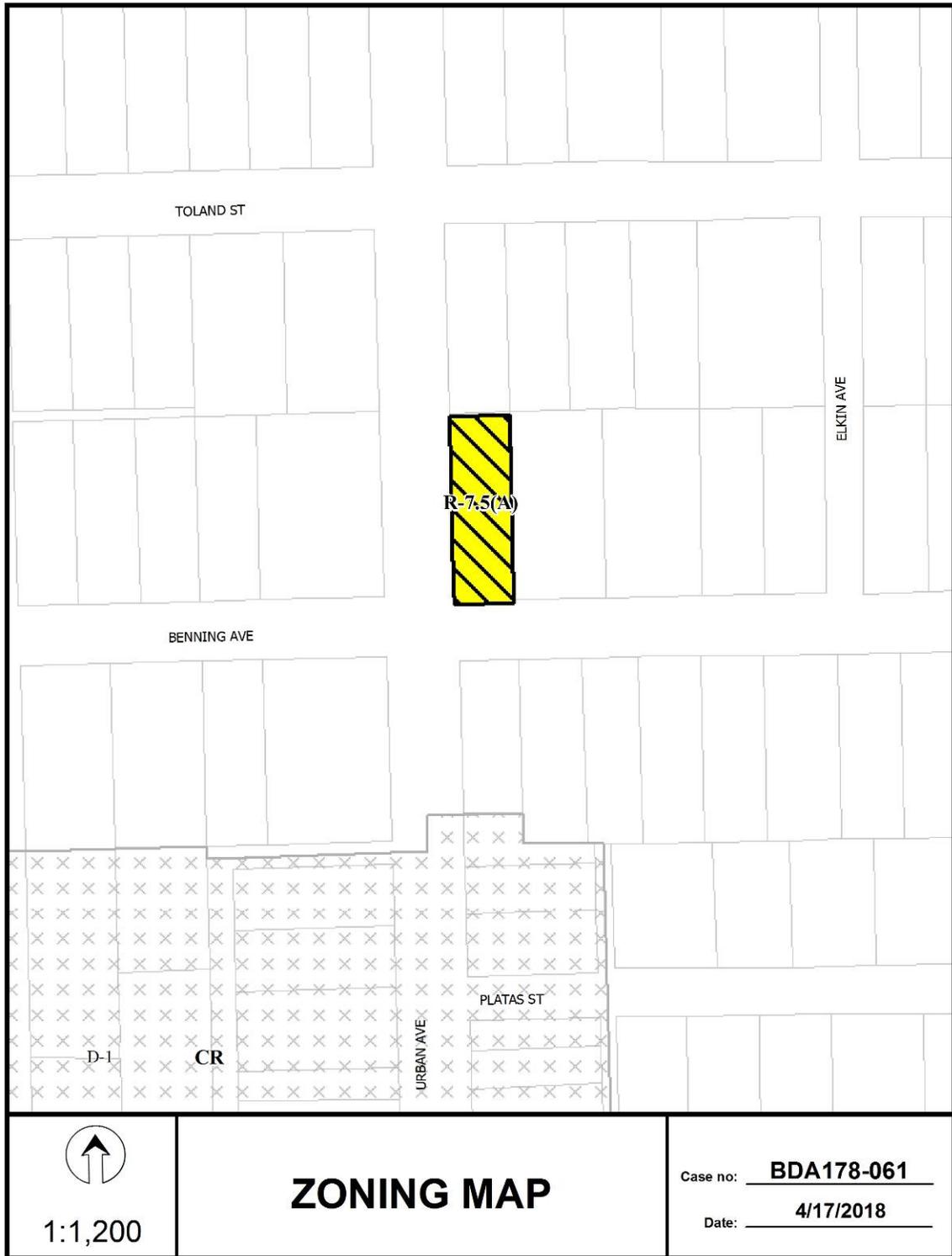
There has not been any recent related board or zoning cases recorded either on or in the immediate vicinity of the subject site.

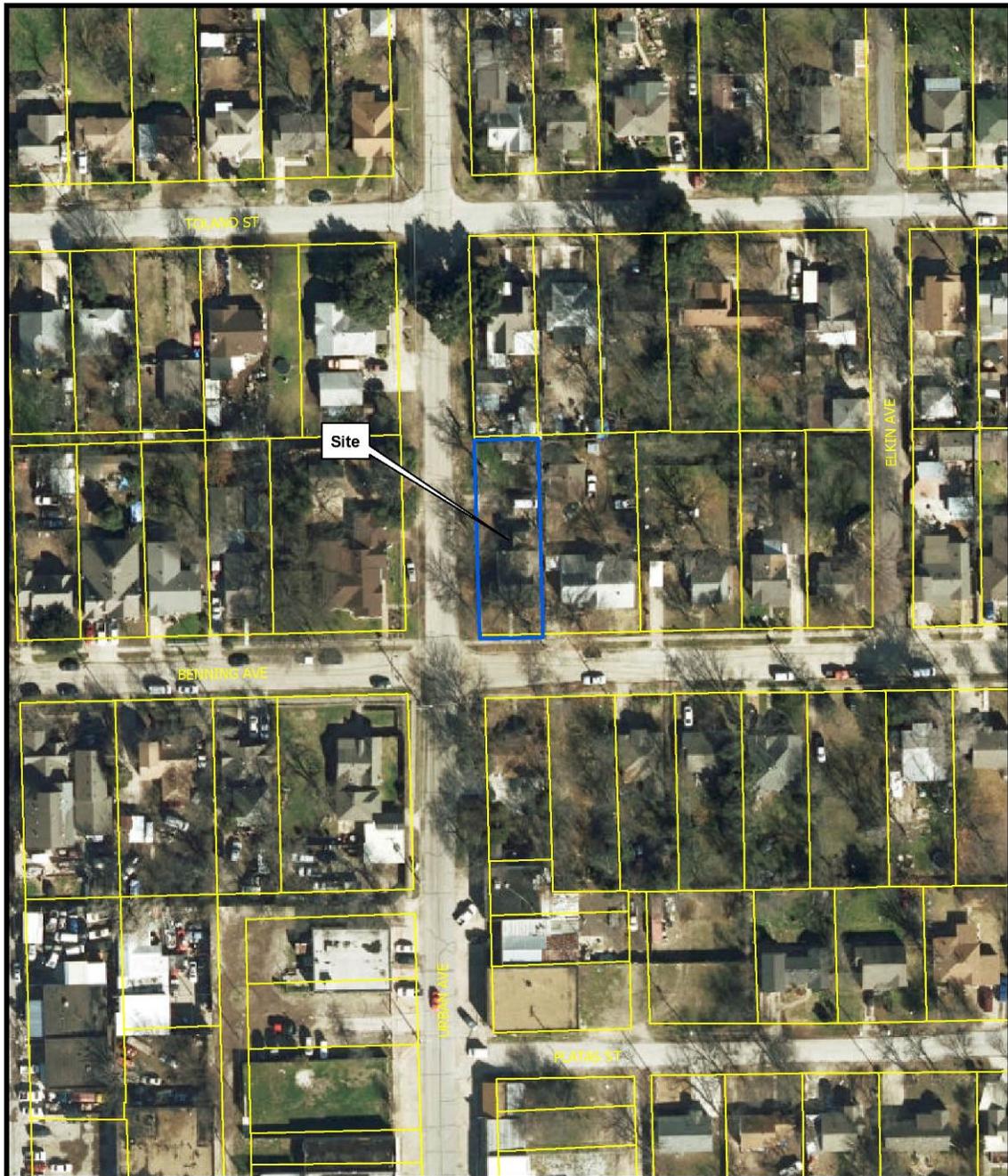
GENERAL FACTS/STAFF ANALYSIS:

- The request for a special exception to the fence standards regulations related to fence materials is made to maintain a fence of a prohibited fence material (corrugated metal) on a site developed with a single family home.
- Section 51A-4.602(a)(9) of the Dallas Development Code states that except as provided in this subsection, the following fence materials are prohibited:
 - Sheet metal;
 - Corrugated metal;
 - Fiberglass panels;
 - Plywood;
 - Plastic materials other than preformed fence pickets and fence panels with a minimum thickness of seven-eighths of an inch;
 - Barbed wire and razor ribbon (concertina wire) in residential districts other than an A(A) Agricultural District; and
 - Barbed wire razor ribbon (concertina wire) in nonresidential districts unless the barbed wire or razor ribbon (concertina wire) is six feet or more above grade and does not project beyond the property line.
- The applicant has submitted a site plan and elevation that represents the location of the existing corrugated metal fence on the property.
- The submitted elevation represents an 8' high corrugated metal fence.
- The submitted site plan represents a site that is approximately 7,500 square feet in area where approximately 226 linear feet of prohibited fence material (corrugated metal fence) is located on this property.
- The Sustainable Development and Construction Department Senior Planner conducted a field visit of the site and surrounding area. Several corrugated metal fences were noted within the area.
- As of May 8, 2018, no letters had been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence standards regulations related to a prohibited fence material (corrugated metal) will not adversely affect neighboring property.
- If the Board were to grant the special exception, and impose the submitted site plan and elevation as a condition, the fence of prohibited material on the property would be limited to what is shown on these documents.

Timeline:

- March 13, 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.
- April 10, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- April 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 May 2nd deadline to submit additional evidence for staff to factor into their analysis; and the May 11th 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.”
- May 8, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, 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

AERIAL MAP

Case no: BDA178-061

Date: 4/17/2018



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA / 78-061

Data Relative to Subject Property:

Date: 3/19/18

Location address: 7203 Benning Ave Zoning District: R-7.5 (A)

Lot No.: 27A Block No.: 5823 Acreage: 0.17 Census Tract: 85.00

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Oraldo Guerrero & Josefina Guerrero

Applicant: Oraldo Guerrero Telephone: 469 569 4941

Mailing Address: 1004 Placid Dr, Mesquite Tx Zip Code: 75150

E-mail Address:

Represented by: Karla Calderon Telephone: 469 987 6047

Mailing Address: 351 W Jefferson Blvd, Dallas Tx Zip Code: 75208

E-mail Address: karla@projectsplans.net

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

Metal Fence on sides and rear of property up to 9' in height.

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:

Due to high criminal activity in that area, we decided to invest in a sturdy and durable fence to protect our house. We were unaware that it was required to obtain a permit for an 8' fence or more. Later on we were notified by city reviewers that our fence material was not allowed.

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.

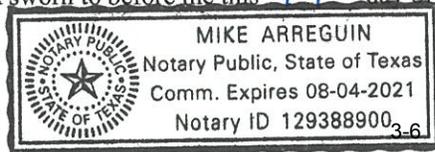
Affidavit

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

Subscribed and sworn to before me this 19 day of March, 2018



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

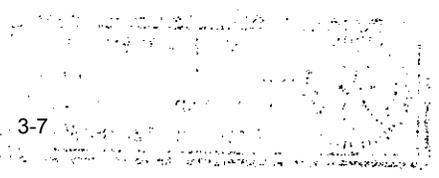
Building Official's Report

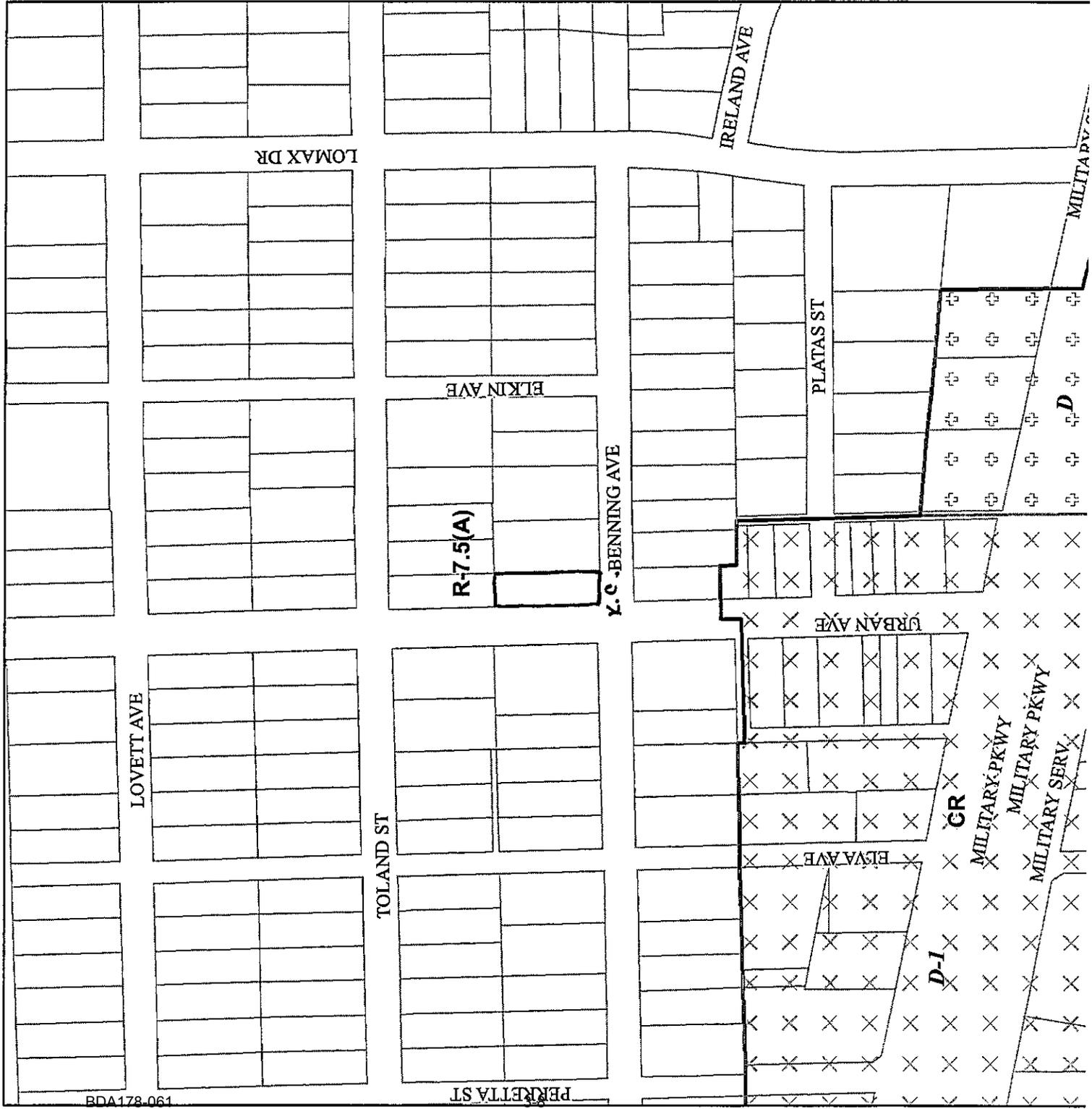
I hereby certify that Oraldo Guerrero
represented by KARLA CALDERON
did submit a request for a special exception to the fence standards regulations
at 7203 Benning Avenue

BDA178-061. Application of Oraldo Guerrero represented by Karla Calderon for a special exception to the fence standards regulations at 7203 Benning Ave. This property is more fully described as Lot 27A, Block 5823, and is zoned R-7.5(A), which prohibits the use of certain materials for a fence. The applicant proposes to construct a fence using a prohibited material, which will require a special exception to the fence regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





BDA178-061

PERKETTA ST

LOVETT AVE

TOLAND ST

LOMAX DR

EIKIN AVE

R-7.5(A)

Y.C. BENNING AVE

IRISLAND AVE

PLATAS ST

URBAN AVE

ELVA AVE

D-1

CR

D

MILITARY PKWY

MILITARY PKWY

MILITARY SERV.

MILITARY SERV.

OF DALLAS PLAT BOOKS
 URBAN DALE NO. 1

SCALE 100 FT. EQUALS 1 INCH

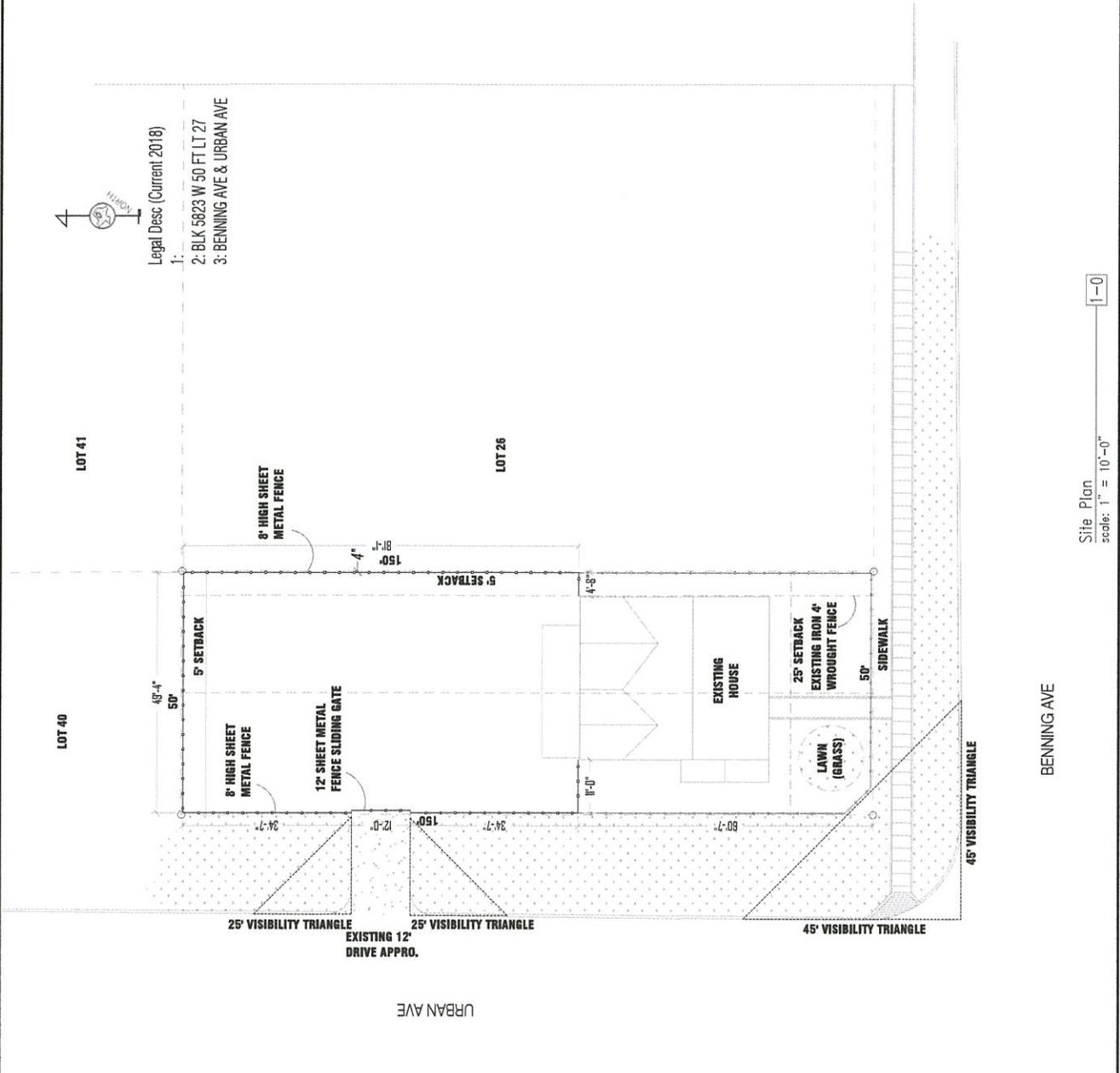
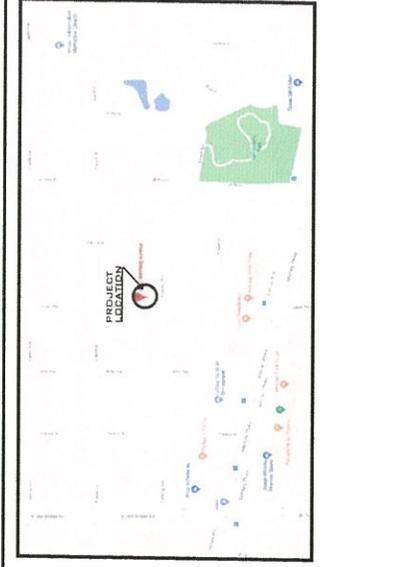


Scale: 1" = 10'-0"
 Date: 03.16.2018
 Sheet: 1-0

PROJECTS & PLANS LLC
 351 W JEFFERSON BLVD #750 DALLAS TX 75208
 214-264-7242 / 469-987-6047

7203 BENNING AVE
 DALLAS, TX
 75227

1-0
 SITE PLAN



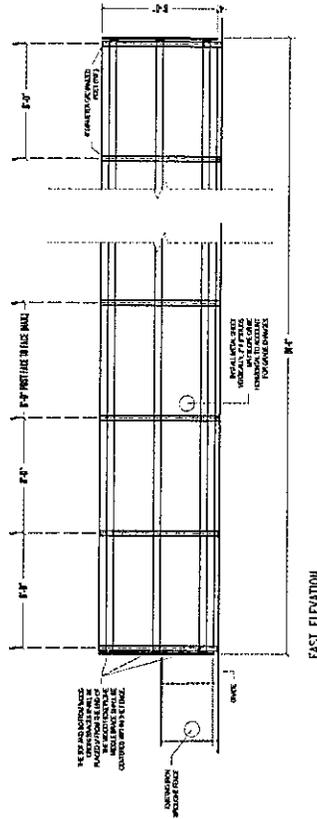
Site Plan
 scale: 1" = 10'-0"

2-0

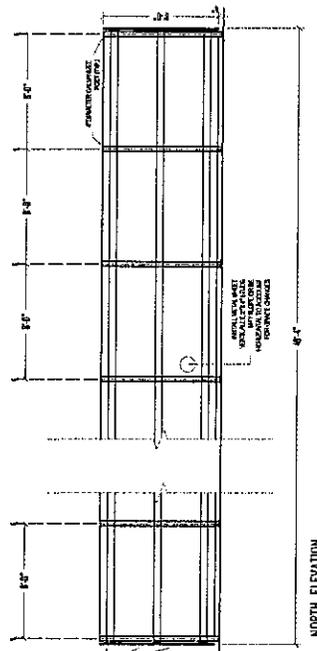
PROJECTS & PLANS LLC
 351 W JANTON BLVD #750 DALLAS TX 75208
 214-264-7242 / 469-887-6047

Project Address:
 7203 BENNING AVE
 DALLAS TX
 75227

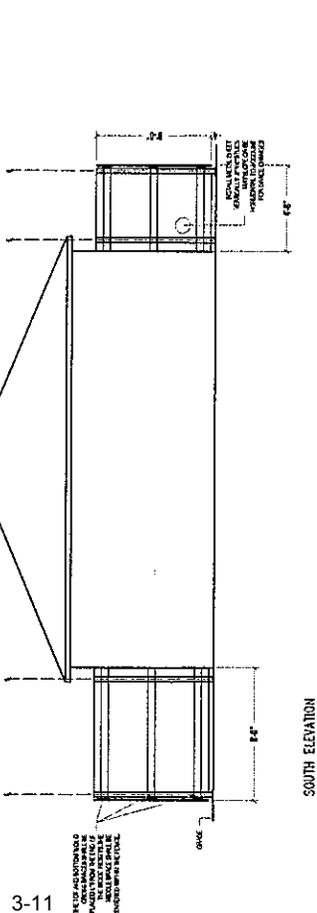
THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF PROJECTS & PLANS LLC. ANY REPRODUCTION OR DISTRIBUTION OF THESE PLANS WITHOUT THE WRITTEN PERMISSION OF PROJECTS & PLANS LLC IS STRICTLY PROHIBITED. PROJECTS & PLANS LLC SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THESE PLANS. THE USER OF THESE PLANS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE JURISDICTION. PROJECTS & PLANS LLC SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE TO PERSONS OR PROPERTY ARISING FROM THE USE OF THESE PLANS.



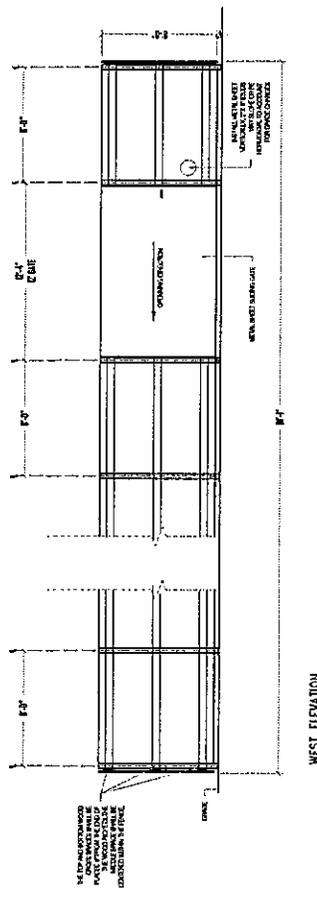
EAST ELEVATION



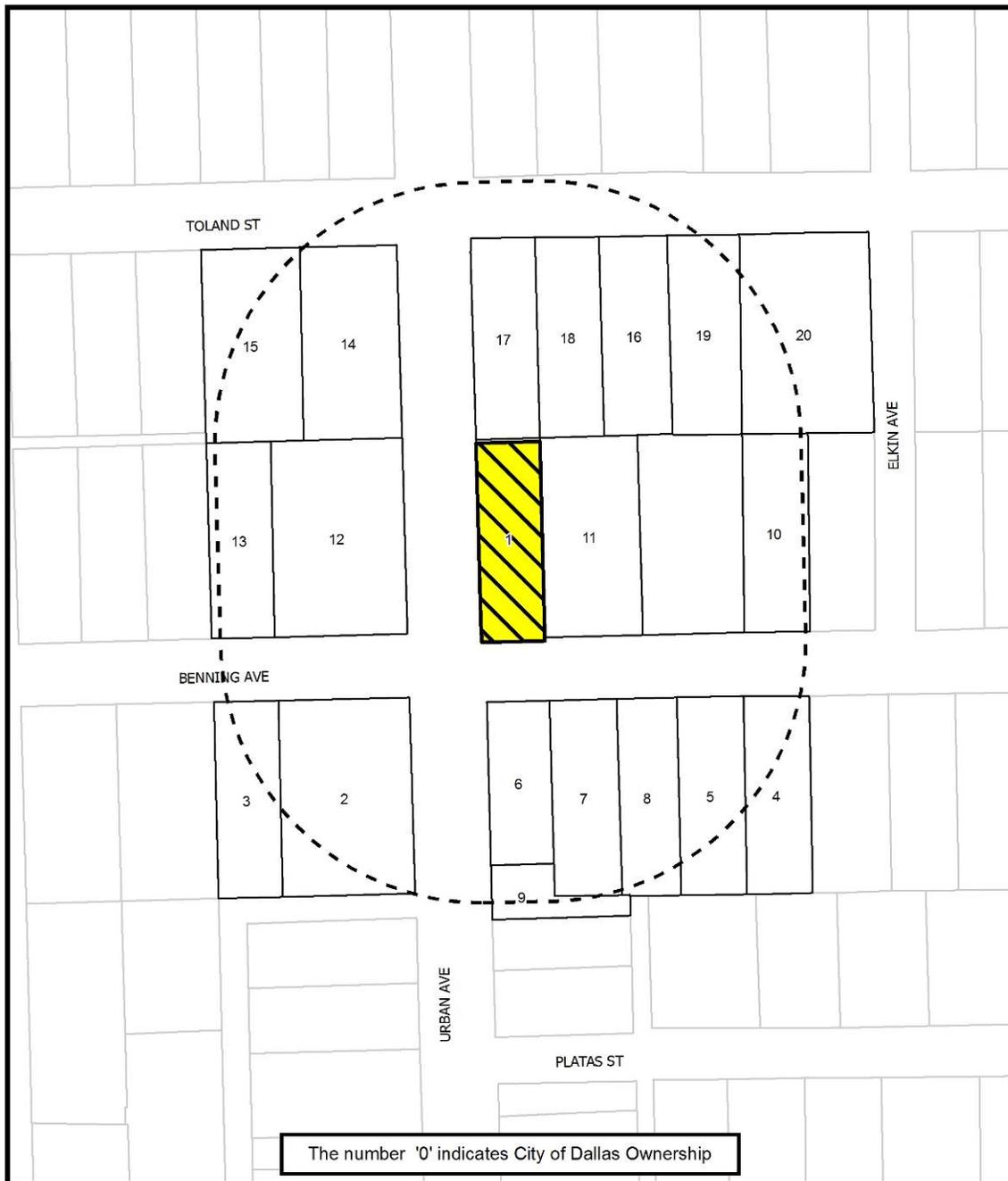
NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION



 1:1,200	NOTIFICATION		Case no: BDA178-061
	<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;">20</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 4/17/2018	

Notification List of Property Owners

BDA178-061

20 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7203 BENNING AVE	HUNTER KELSEY OF TEXAS LLC
2	7122 BENNING AVE	ALVARADO SANTIAGO &
3	7114 BENNING AVE	GUILLEN GILBERTO &
4	7218 BENNING AVE	MARQUEZ PATRICIA
5	7214 BENNING AVE	PARKER KENNETH IRBY
6	7202 BENNING AVE	ESQUIVEL JOSE &
7	7206 BENNING AVE	SUCHIL ISIDRO
8	7210 BENNING AVE	CASTILLO JAVIER &
9	4108 URBAN AVE	ARIAS JOSE &
10	7219 BENNING AVE	VASQUEZ ESTANISLADO
11	7207 BENNING AVE	TREVINO JAVIER & VERONICA
12	7123 BENNING AVE	MUNOZ KAREN SOFIA & JORGE A
13	7115 BENNING AVE	MARTINEZ MELCHOR
14	7114 TOLAND ST	LLAMAS VICTORIA
15	7122 TOLAND ST	RODRIGUEZ NELVIA
16	7210 TOLAND ST	COFFER JIMMY W ETAL
17	7206 TOLAND ST	MENDEZ SANDRA &
18	7202 TOLAND ST	RAMIREZ JUAN A
19	7222 TOLAND ST	MARTINEZ ERICA SANCHEZ
20	7214 TOLAND ST	PEREZ JESUS

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 28th deadline to submit additional evidence for staff to factor into their analysis; and April 6th 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.
- April 18, 2018: The Board of Adjustment Panel B conducted a public hearing on this application, and delayed action on this application until their next public hearing to be held on May 23, 2018.
- April 24, 2018: The Board Administrator wrote the applicant a letter of the board's action; the May 2nd deadline to submit additional evidence for staff to factor into their analysis; and the May 11th deadline to submit additional evidence to be incorporated into the Board's docket materials.
- May 1, 4, & 7, 2018: The applicant submitted additional documentation on this appeal to the Board Administrator beyond what was submitted with the original application and at the April public hearing (see Attachments B, C, and D).
- May 8, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, 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.

BOARD OF ADJUSTMENT ACTION APRIL 18, 2018

APPEARING IN FAVOR: Devika Seth, 1305 Normandy Ct., Southlake, TX
Devik Seth, 5838 Monticello Ln., Dallas, TX

APPEARING IN OPPOSITION: No One

MOTION#1: Bartos

I move that the Board of Adjustment, in Appeal No. BDA 178-045, on application of V.C. Seth, **GRANT** the seven-foot six-inch variance to the front yard setback regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

- Compliance with the submitted site plan is required.

SECONDED: Shouse

AYES: 3 – Torres Shouse ,Bartos

NAYS: 2 - Beikman ,Sahuc

MOTION FAILED: 3 – 2

MOTION#2: Bartos

I move that the Board of Adjustment, in Appeal No. BDA 178-045, hold this matter under advisement until May 23, 2018.

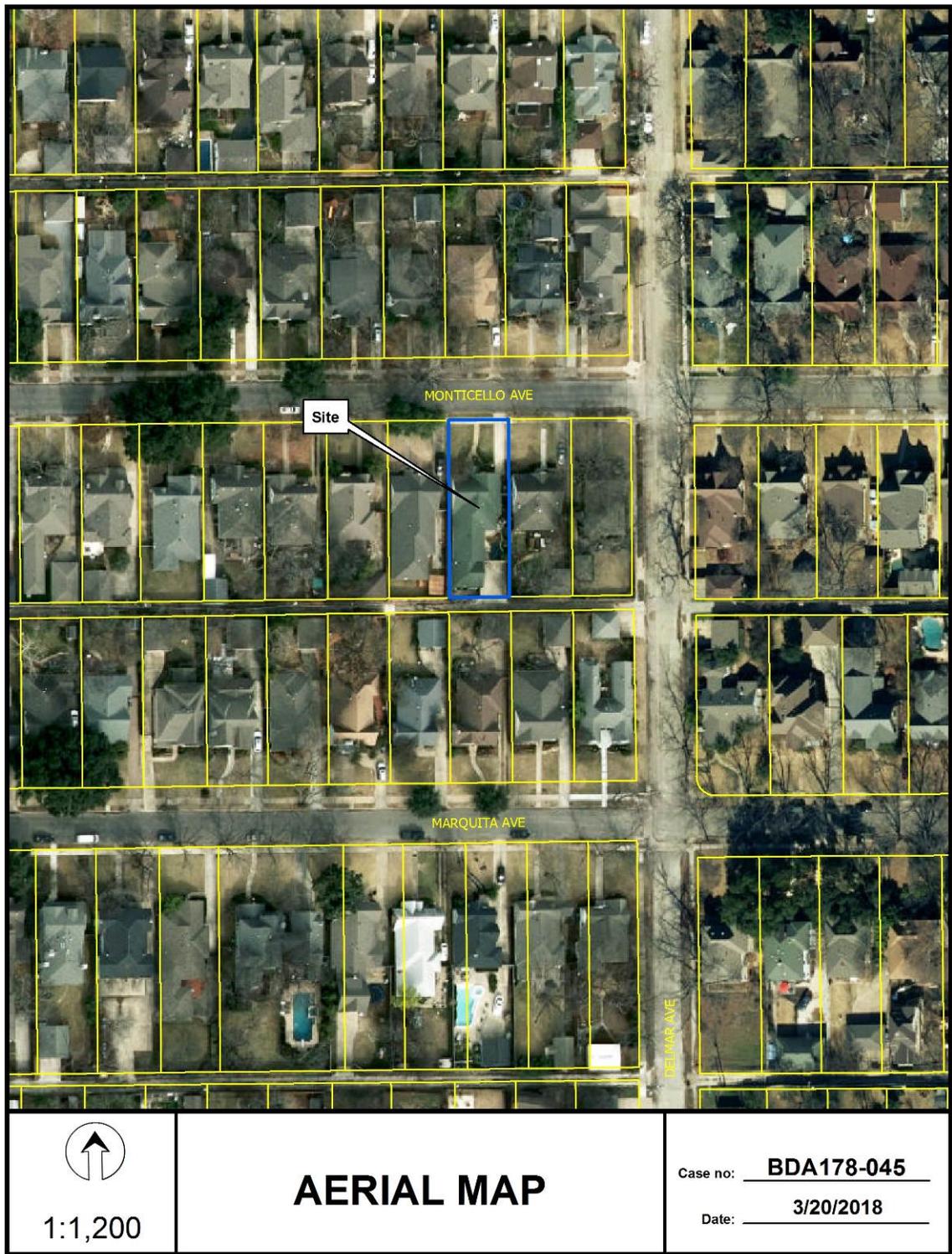
SECONDED: Torres

AYES: 4 – Torres, Shouse, Sahuc, Bartos

NAYS: 1 - Beikman

MOTION PASSED: 4 – 1





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

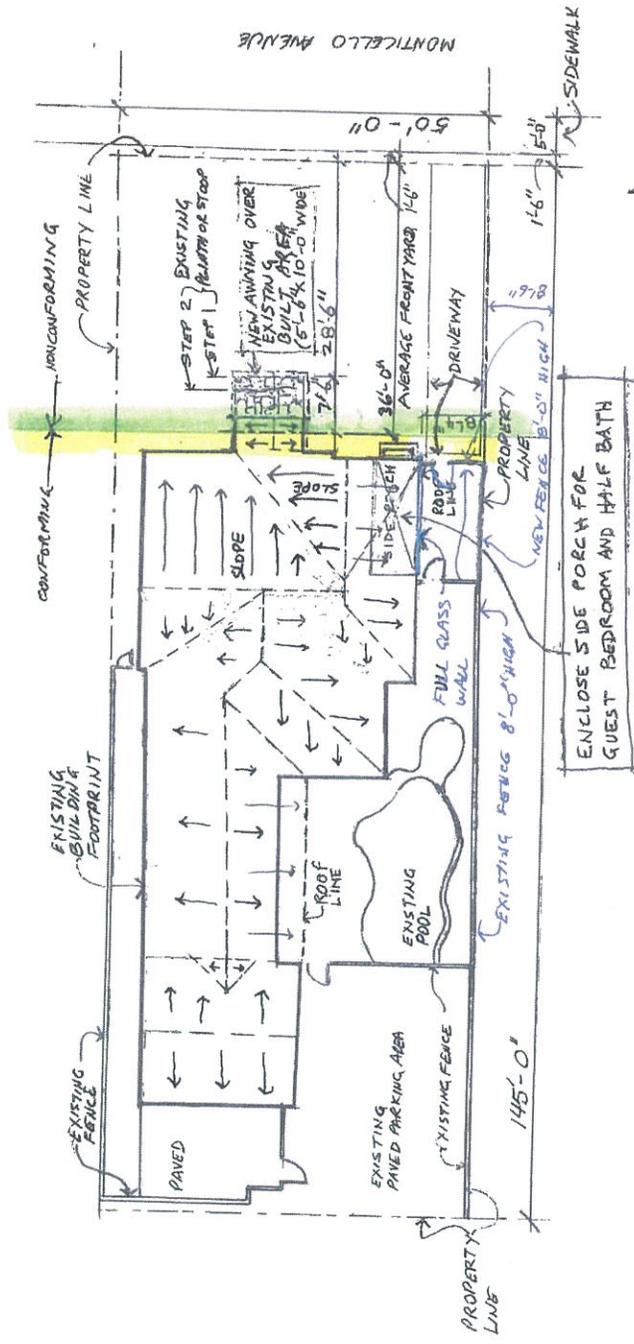
- Immediate neighbors to the side and in front are in favor of the awning



SHEET 1

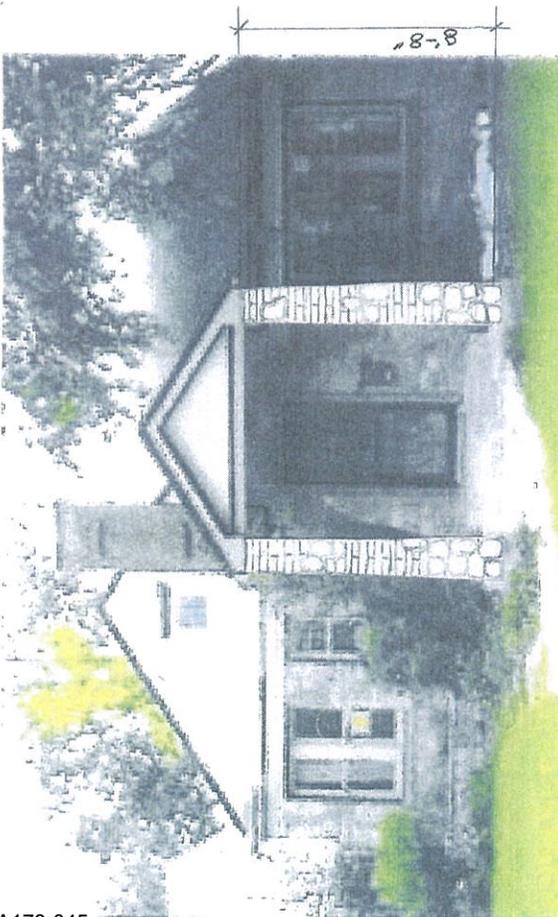
23 FEB 2018

SCALE: 1" = 16'-0"

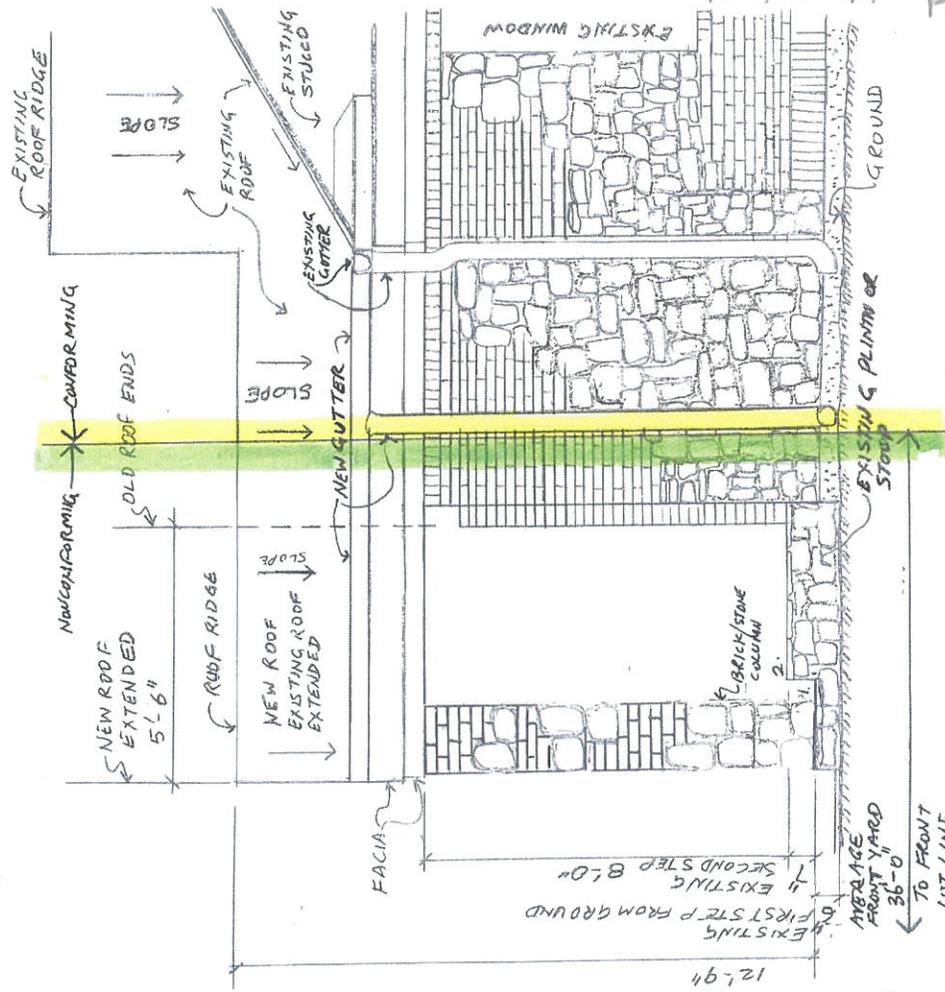


SITE PLAN

- CONFORMING
- NONCONFORMING



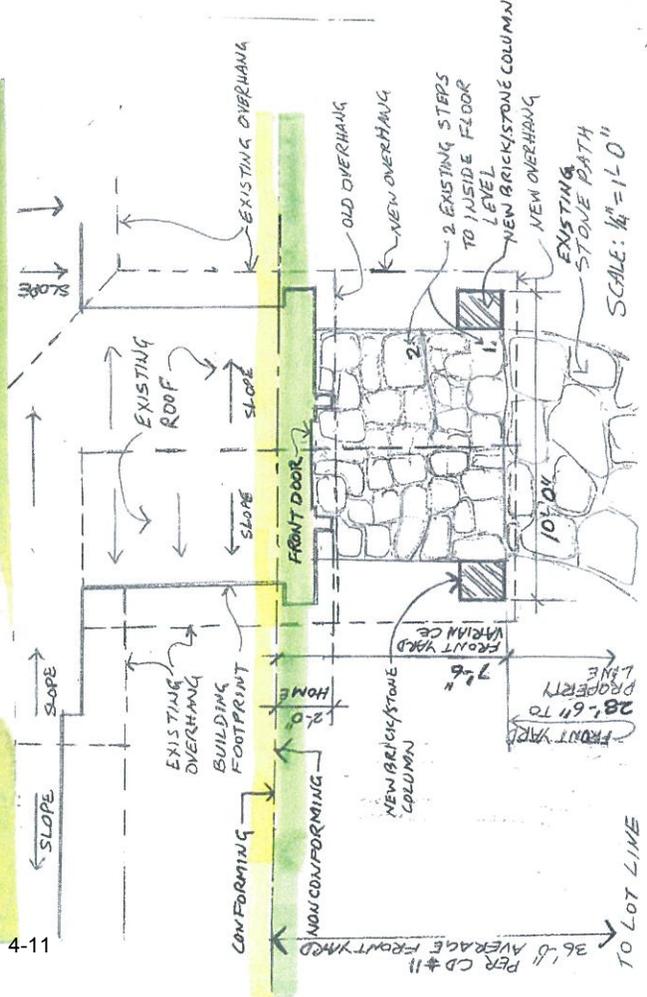
CONFORMING
 NONCONFORMING



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

SHEET 2

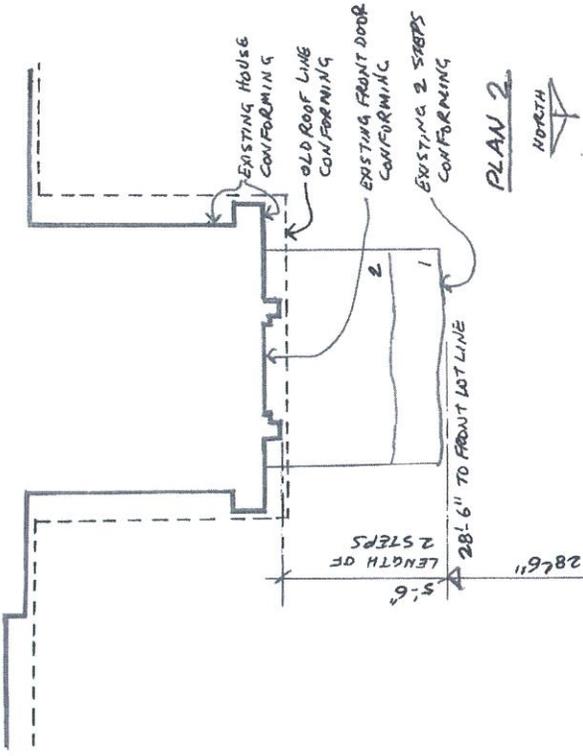
23 FEB 2018



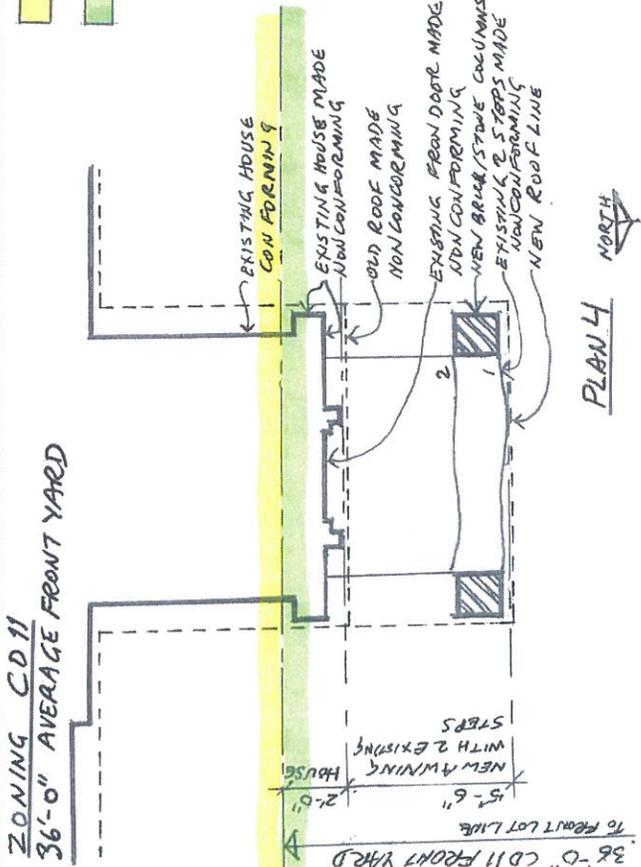
SCALE: $\frac{1}{4}'' = 1'-0''$

TO LOT LINE

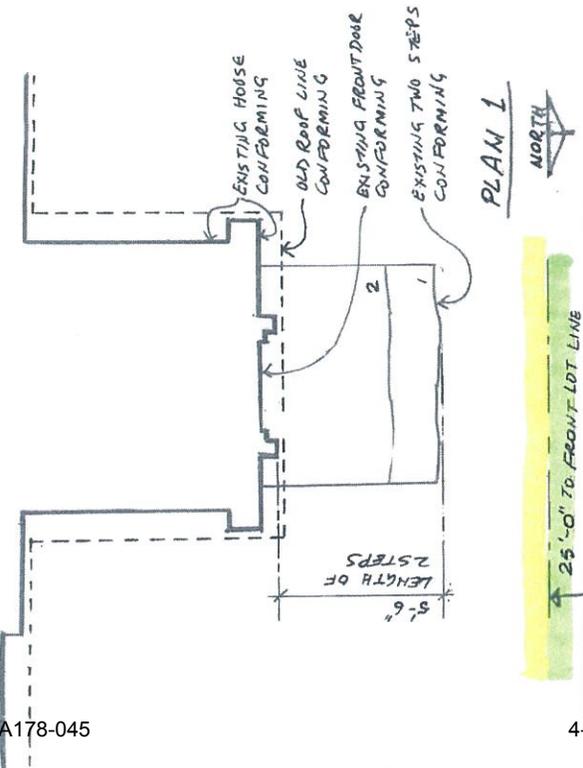
ZONING R-7.5
28'-6" 2 STEPS FROM FRONT LOT LINE



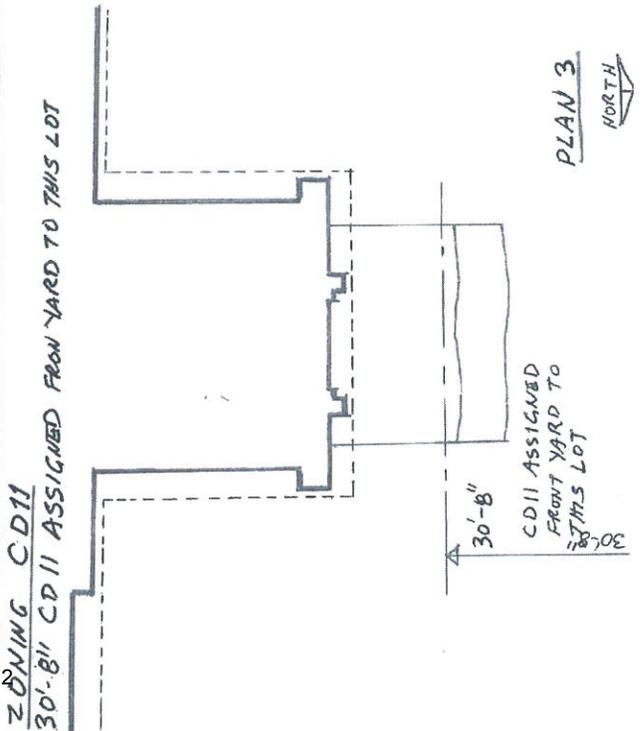
ZONING CD11
36'-0" AVERAGE FRONT YARD

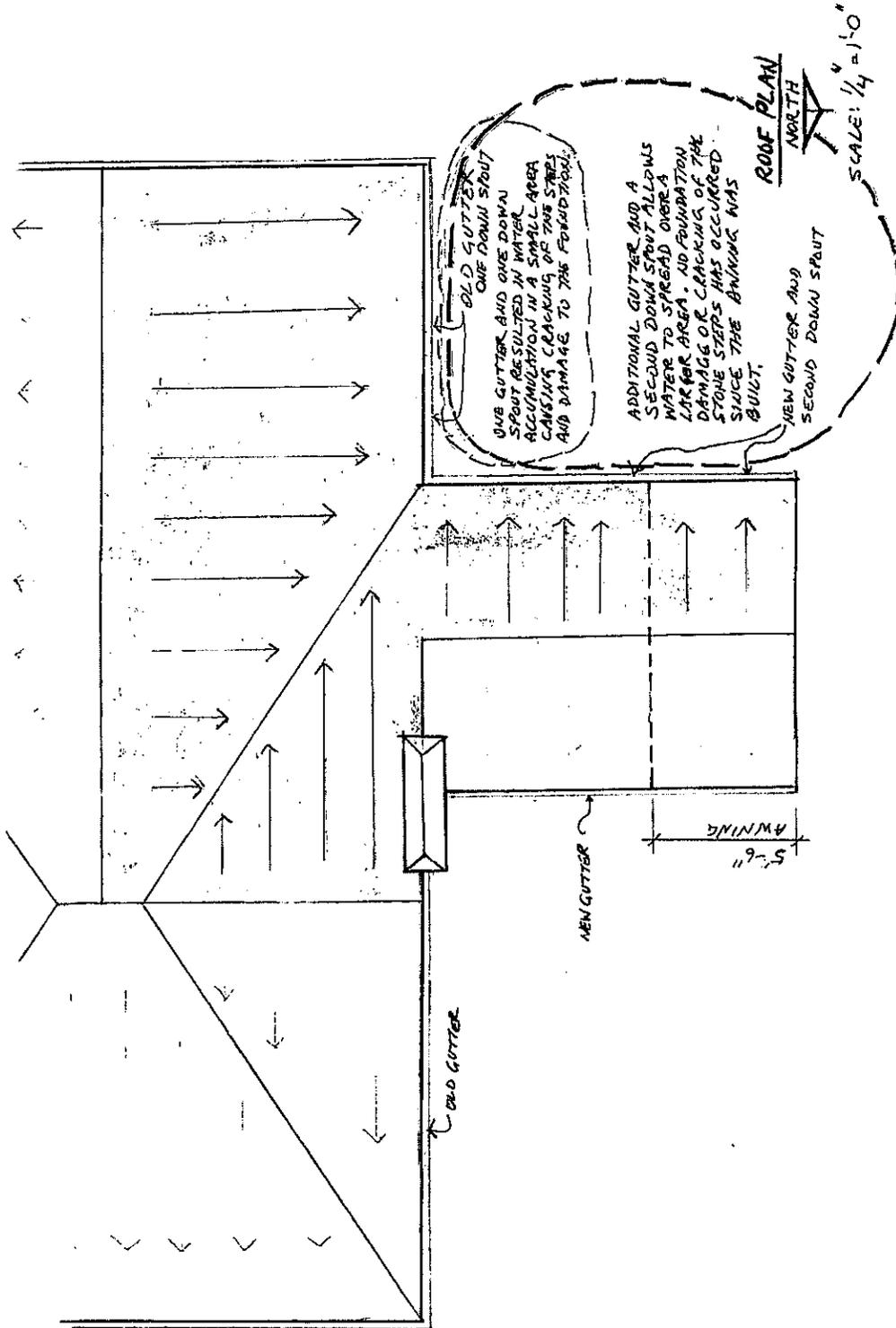


ZONING R-7.5
24'-0" FRONT YARD



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





Long, Steve

PS1

From: Seth, Virendra C. <SethV@aafes.com>
Sent: Tuesday, May 01, 2018 11:38 AM
To: Long, Steve
Cc: Trammell, Charles; Aguilera, Oscar E
Subject: RE: BDA178-045, Property at 5838 Monticello Avenue
Attachments: 5838 Monticell Avenue_BDAS 178-045_23 May 2018.pdf

Hello Steve ... These are for y'all's review for your report and for distribution to the BDA members.

SHEET 2A is new with photos of that area, these photos explain how large amount of water comes down the roof on to the two northwest side gutters and the two downspouts. These also explains why the downspout on the awning side gutter is located where it is because the stone part of the front wall extends out to the west-side and if the downspout was moved further north it could only be placed north of the stone wall and then would be visible from the awning and visually incompatible.

Also, if you notice the extended parts of the downspouts disperse water on two separate sides to protect the structural foundations on that side of the house.

We have asked the foundation company, that repaired the foundation when we moved in, to send us their analysis of awning side gutter/downspout requirement. We will send that to you as soon as we receive it. Thanks

VC

From: Long, Steve <steve.long@dallascityhall.com>
Sent: Tuesday, April 24, 2018 12:41 PM
To: Seth, Virendra C. <SethV@aafes.com>
Subject: [External-Mail]-RE: BDA178-045, Property at 5838 Monticello Avenue

Very good – it may save you a trip. ☺

Steve

From: Seth, Virendra C. [<mailto:SethV@aafes.com>]
Sent: Tuesday, April 24, 2018 11:38 AM
To: Long, Steve <steve.long@dallascityhall.com>
Cc: Trammell, Charles <charles.trammell@dallascityhall.com>; Aguilera, Oscar E <oscar.aguilera@dallascityhall.com>
Subject: RE: BDA178-045, Property at 5838 Monticello Avenue

Hello Steve ... Got it.

Greatly appreciate your help and support.

VC

From: Long, Steve <steve.long@dallascityhall.com>
Sent: Tuesday, April 24, 2018 11:04 AM

BDA178-045

Attachment B

PS2

To: Seth, Virendra C. <SethV@aafes.com>

Cc: Trammell, Charles <charles.trammell@dallascityhall.com>; Aguilera, Oscar E <oscar.aguilera@dallascityhall.com>

Subject: [External-Mail]-RE: BDA178-045, Property at 5838 Monticello Avenue

Dear V.C.,

Please remember the following with regard to the submission of any additional documents beyond what is attached on your board of adjustment application referenced above:

1. Any revised site plan should be "to scale" and include an 8.5 X 11 reduction, and should be submitted to Charles Trammell first, and then if/when accepted by Charles, to me.
2. Any other documents other than a revised site plan can be submitted directly to me via email that I can print on 8.5 x 11 paper. If any other paper documents are hand-delivered to me, an 8.5 x 11 reduction copy should be included in addition to larger paper copies.

Thank you,

Steve



Steve Long
Chief Planner
City of Dallas | www.dallascityhall.com
Current Planning Division
Sustainable Development and Construction
1500 Marilla Street, 5BN
Dallas, TX 75201
O: 214-670-4666
steve.long@dallascityhall.com



****OPEN RECORDS NOTICE:** This email and responses may be subject to the Texas Open Records Act and may be disclosed to the public upon request. Please respond accordingly.**

From: Seth, Virendra C. [<mailto:SethV@aafes.com>]
Sent: Tuesday, April 24, 2018 10:53 AM
To: Long, Steve <steve.long@dallascityhall.com>
Cc: Trammell, Charles <charles.trammell@dallascityhall.com>
Subject: RE: BDA178-045, Property at 5838 Monticello Avenue

Thanks Steve, I will hand deliver the documents to you before May 11th.

Appreciate it.

VC

From: Long, Steve <steve.long@dallascityhall.com>
Sent: Tuesday, April 24, 2018 10:44 AM
To: Seth, Virendra C. <SethV@aafes.com>

BDA178-045

Attach B

Pg 3

Cc: Trammell, Charles <charles.trammell@dallascityhall.com>
Subject: [External-Mail]-RE: BDA178-045, Property at 5838 Monticello Avenue

Dear V.C.,

Attached is a document that provides deadlines for the submittal of additional information to staff and the board on your application referenced above.

Please let me know if I can assist you in any other way on your application.

Sincerely,

Steve



Steve Long
Chief Planner
City of Dallas | www.dallascityhall.com
Current Planning Division
Sustainable Development and Construction
1500 Marilla Street, 5BN
Dallas, TX 75201
O: 214-670-4666
steve.long@dallascityhall.com



****OPEN RECORDS NOTICE:** This email and responses may be subject to the Texas Open Records Act and may be disclosed to the public upon request. Please respond accordingly. **

From: Seth, Virendra C. [<mailto:SethV@aafes.com>]
Sent: Friday, April 20, 2018 8:10 AM
To: Long, Steve <steve.long@dallascityhall.com>
Subject: Board of Adjustment: 23 May Public Hearing

Hello Steve ... I called you but you were out of office till Tuesday 24 April.

what is your deadline to send Public Hearing information to the Board members? Or could we hand the information to them at the time of the hearing? Thanks

Have a wonderful weekend.

VC

18 April 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
- 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 3 (new)

- Shows various set-backs

Sheet 4 (new)

- 4 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

BDA 178-045

A.H.A.B

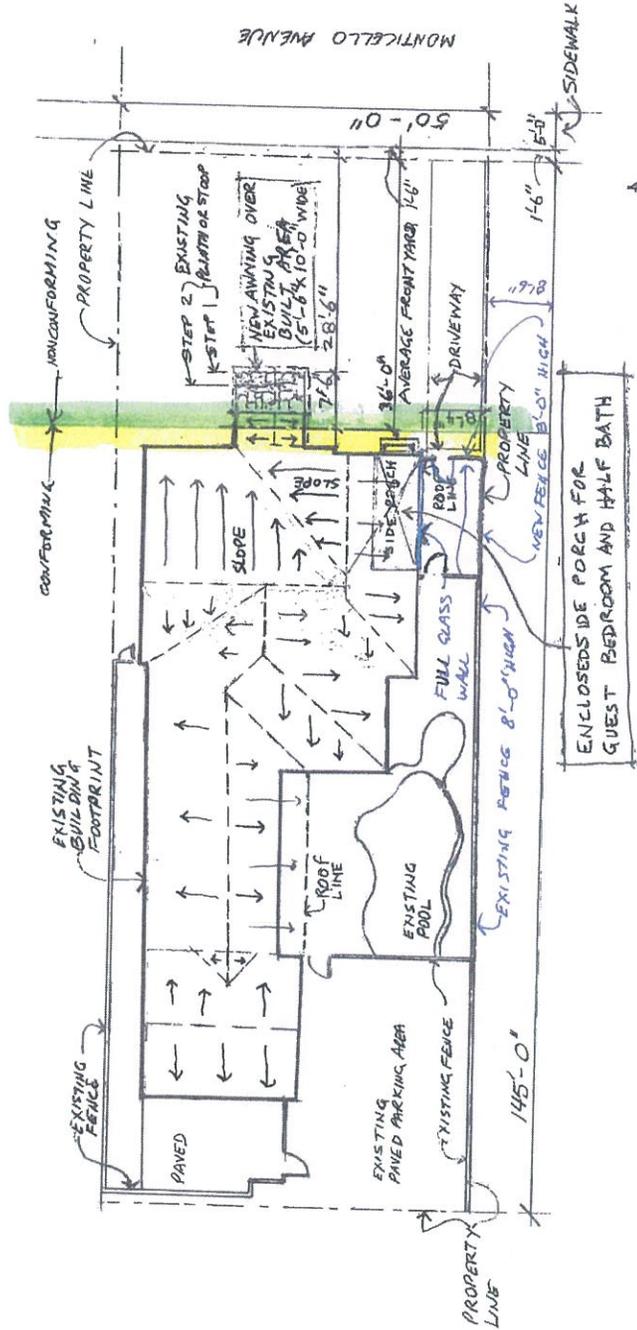
P34



SHEET 1

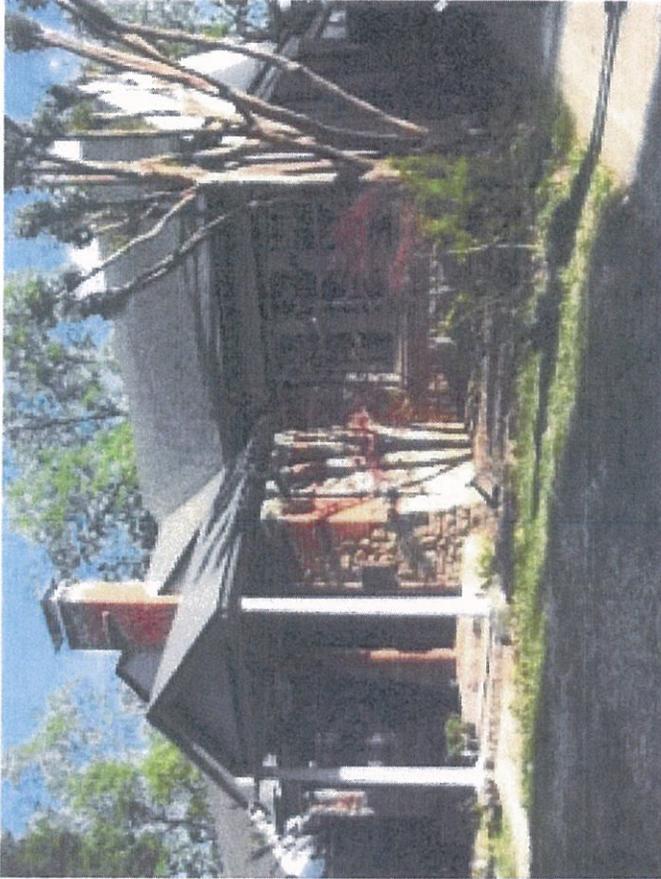
23 FEB 2018

SCALE: 1" = 16'-0"



SITE PLAN

- CONFIRMING
- NONCONFORMING



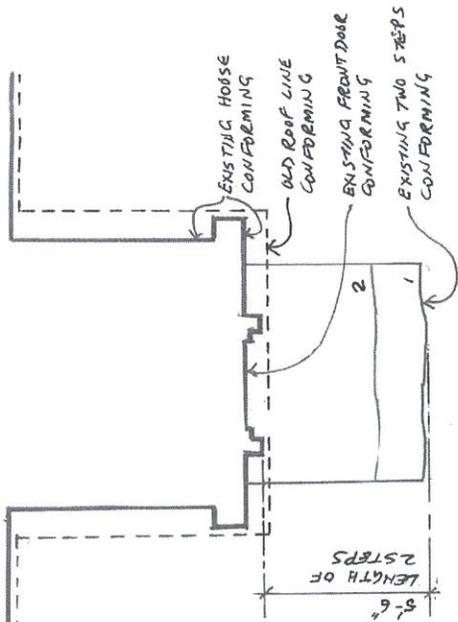
SHEET 2A

1 MAY 2018

BDA
178-
045
Attach
B
PS 7



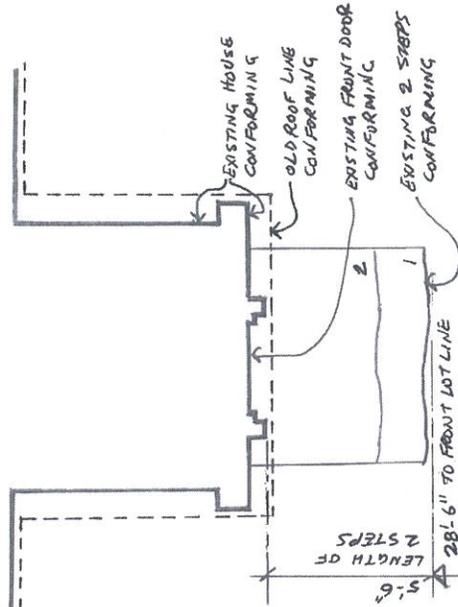
ZONING R-7.5
24'-0" FRONT YARD



PLAN 1

25'-0" TO FRONT LOT LINE

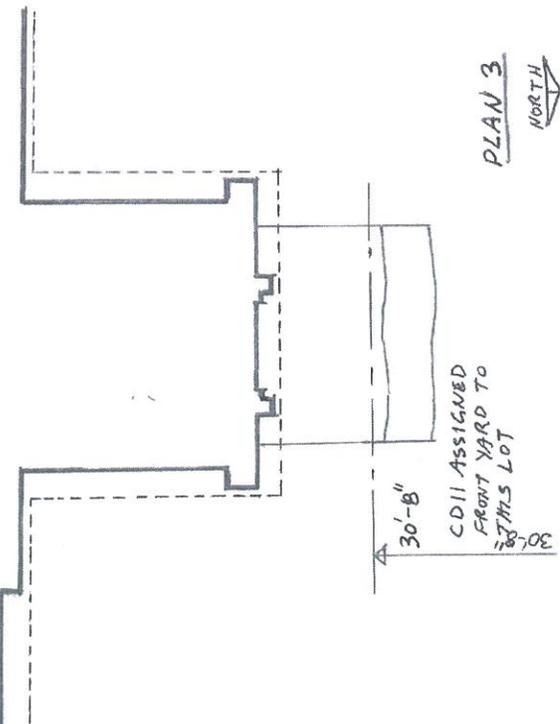
ZONING R-7.5
28'-6" 2 STEPS FROM FRONT LOT LINE



PLAN 2

28'-6" TO FRONT LOT LINE

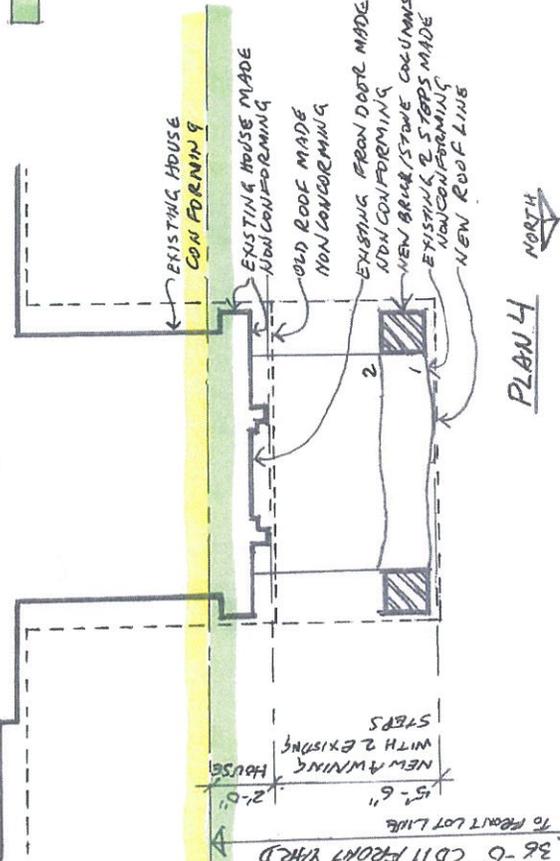
ZONING CD11
30'-8" CD11 ASSIGNED FRONT YARD TO THIS LOT



PLAN 3

30'-8" TO FRONT LOT LINE

ZONING CD11
36'-0" AVERAGE FRONT YARD



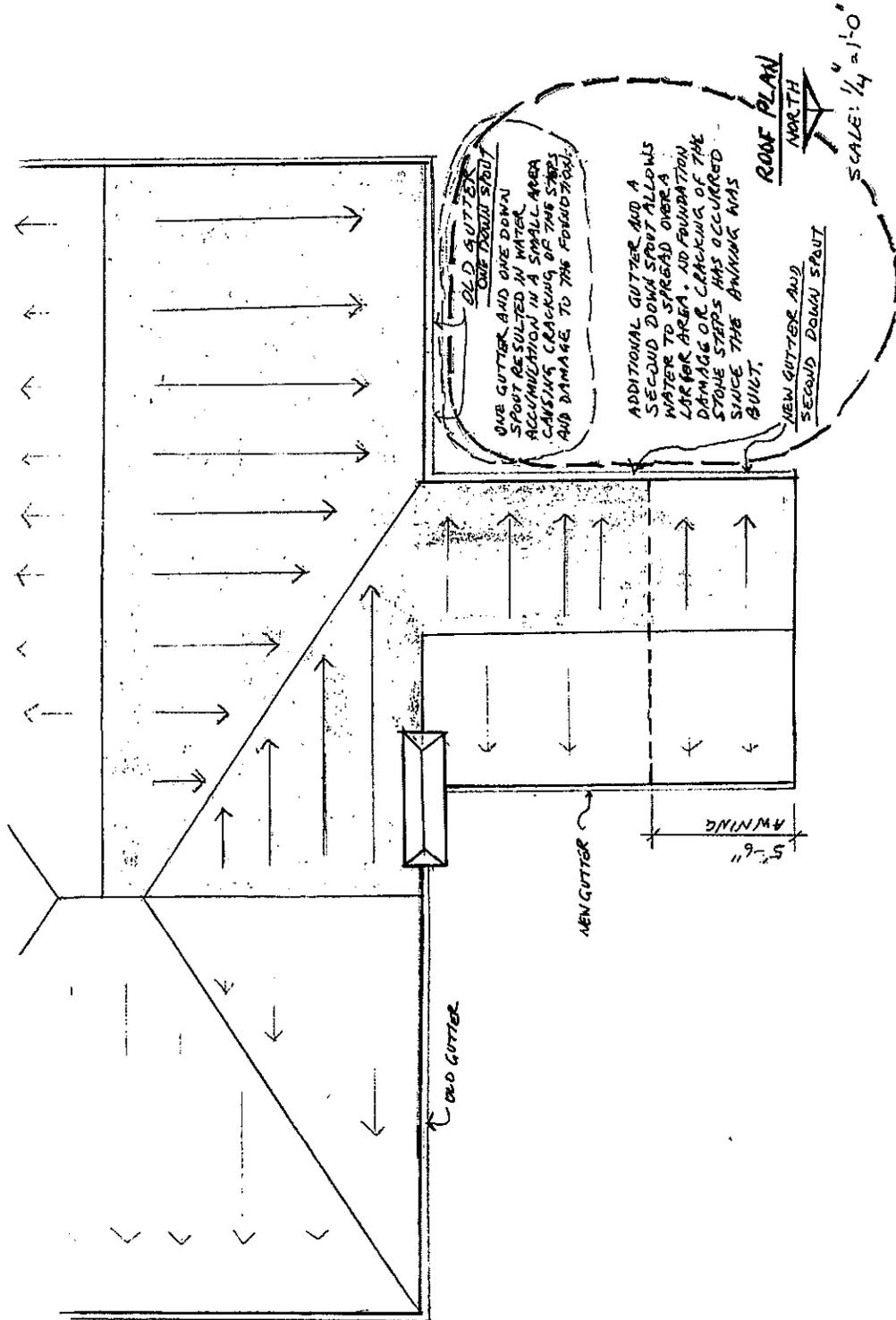
PLAN 4

36'-0" CD11 FRONT YARD TO FRONT LOT LINE

CONFORMING (Yellow box)
NON CONFORMING (Green box)

SHEET 3
26 MARCH 2018
BDA 178-045
AZ204 B
P56

BOA
178-045
Attach
B
PS 9



BDA178-045
Attachment C

Long, Steve

From: Seth, Virendra C. <SethV@aafes.com>
Sent: Friday, May 04, 2018 8:28 AM
To: Long, Steve
Cc: Trammell, Charles; Aguilera, Oscar E; Hersch, William; Dean, Neva
Subject: RE: BDA 178-045, Property at 5838 Monticello Avenue
Attachments: 5838 Minticello Ave Dallas.pdf

P31

Hello Steve ... We found the letter we had misplaced that we received from the foundation repair company in 2016 (copy attached). Hope this will be helpful to you at your staff discussion on 8 May and at the Board meeting on 23 May. Thanks

Greatly appreciate y'all's help and support.

Sincerely,

VC

From: Long, Steve <steve.long@dallascityhall.com>
Sent: Tuesday, May 1, 2018 11:55 AM
To: Trammell, Charles <charles.trammell@dallascityhall.com>; Aguilera, Oscar E <oscar.aguilera@dallascityhall.com>; Hersch, William <william.hersch@dallascityhall.com>; Dean, Neva <neva.dean@dallascityhall.com>
Cc: v.seth@sbcglobal.net; Seth, Virendra C. <SethV@aafes.com>
Subject: [External-Mail]-FW: BDA 178-045, Property at 5838 Monticello Avenue

Attached is additional information from the applicant (Virendra Seth) regarding the application referenced above that I have labeled Attachment B. This information will become part of what is discussed at the May 8th staff review team meeting, and what is included in the docket that is assembled and emailed to you, the applicant, and the board members the week of May 14th.

Please write or call me if you have questions or concerns.

Sincerely,

Steve



Steve Long
Chief Planner
City of Dallas | www.dallascityhall.com
Current Planning Division
Sustainable Development and Construction
1500 Marilla Street, 5BN
Dallas, TX 75201
O: 214-670-4666
steve.long@dallascityhall.com





BDA178-045

Attch C.
pg 2

To: Mrs. Seth

From: Kevin Proctor – A1 Guaranteed Foundation Repair

Re: Foundation recheck Performed 07/19/16, 5838 Monticello Ave. Dallas

Mrs Seth,

I measured your home today and found that the elevations show that there needs adjustments to be made to level the floor. Please find an attached quote to fix it.

"Complete leveling of the house should not be anticipated. We will raise the foundation only as much as the house will allow without creating additional stress or cosmetic damage."

During inspection I found the front of the house has a drainage issue causing water to migrate under the house. The ground slopes toward the house.

Part of the issue is there are no gutters on the front of the house. Adding gutters will help distribute the water further from the house and keep it out from under the house and stop the continued movment of the house.

Kevin Proctor
A1 Guaranteed Foundation Repair

Long, Steve

From: Seth, Virendra C. <SethV@aafes.com>
Sent: Monday, May 07, 2018 6:57 AM
To: Long, Steve
Cc: Trammell, Charles; Aguilera, Oscar E; Hersch, William; Dean, Neva
Subject: RE: BDA 178-045, Property at 5838 Monticello Avenue
Attachments: Foundation Repare Work Estimate & Payment for Work Completed.pdf

Hello Steve ... This is a follow up of my message of May 4th.

We also found rest of the papers for the foundation work and just to keep the record straight, I am attaching cost estimate for the foundation work done and copy of payment made for that work through PayPal. Thanks

Appreciate your help.

VC

From: Seth, Virendra C.
Sent: Friday, May 4, 2018 8:28 AM
To: Long, Steve <steve.long@dallascityhall.com>
Cc: Trammell, Charles <charles.trammell@dallascityhall.com>; Aguilera, Oscar E <oscar.aguilera@dallascityhall.com>; Hersch, William <william.hersch@dallascityhall.com>; Dean, Neva <neva.dean@dallascityhall.com>
Subject: RE: BDA 178-045, Property at 5838 Monticello Avenue

Hello Steve ... We found the letter we had misplaced that we received from the foundation repair company in 2016 (copy attached). Hope this will be helpful to you at your staff discussion on 8 May and at the Board meeting on 23 May. Thanks

Greatly appreciate y'all's help and support.

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From: Long, Steve <steve.long@dallascityhall.com>
Sent: Tuesday, May 1, 2018 11:55 AM
To: Trammell, Charles <charles.trammell@dallascityhall.com>; Aguilera, Oscar E <oscar.aguilera@dallascityhall.com>; Hersch, William <william.hersch@dallascityhall.com>; Dean, Neva <neva.dean@dallascityhall.com>
Cc: v.seth@sbcglobal.net; Seth, Virendra C. <SethV@aafes.com>
Subject: [External-Mail]-FW: BDA 178-045, Property at 5838 Monticello Avenue

Attached is additional information from the applicant (Virendra Seth) regarding the application referenced above that I have labeled Attachment B. This information will become part of what is discussed at the May 8th staff review team meeting, and what is included in the docket that is assembled and emailed to you, the applicant, and the board members the week of May 14th.

Please write or call me if you have questions or concerns.



AGREEMENT

Phone - 214-392-2633

Fax - 972-353-7703

a1guaranteedfr@gmail.com

BDA178-045

Attach D

pg 2

Date: 7/19/2016
 Owner: Mrs V. Seth
 Phone: 469-563-4212 Cell 214-692-9431 Home
 E-mail: v.seth@sbcglobal.net
 Project Address: 5838 Monticello Ave Dallas

Description and Cost of Repair:

Exterior Piers Concrete	<u>0</u>	no. @	<u>\$330.00</u>	each	<u>\$0.00</u>
Block and Pad Piers	<u>3</u>	no. @	<u>\$150.00</u>	each	<u>\$450.00</u>
Block and Pad Piers	<u>30</u>	Ft @	<u>\$100.00</u>	each	<u>\$3,000.00</u>
Engineering report	<u>1</u>	no. @	<u>\$550.00</u>	each	<u>\$550.00</u>
Add Beam	<u>20</u>	Sq Ft@	<u>\$18.00</u>	each	<u>\$360.00</u>
Plumbing	<u>0</u>	no. @	<u>\$250.00</u>	each	<u>\$0.00</u>
Permit	<u>1</u>	no. @	<u>\$150.00</u>	each	<u>\$150.00</u>
Repair Sill Plate	<u>20</u>	Sq Ft@	<u>\$28.00</u>	each	<u>\$560.00</u>
					<u>\$0.00</u>
				Total	<u>\$5,070.00</u>

Scope We will install two metal brackets to secure the cracks on the grade beam.
We will add a couple piers in areas of cracks in the grade beam.
We will replace the bad sill plate that is rotted.
We will re-shim under the house in these areas.
The house will not be perfectly level.

Cost of work	<u>\$5,070.00</u>
Discount	<u>\$300.00</u>
Total	<u>\$4,770.00</u>
Payment to Engineer	<u>\$550.00</u>
Payment to A-1 at Completion	<u>\$4,220.00</u>

Payments due as follows:

All materials used are guaranteed to be as specified. The work will be performed in accordance with the drawings and specifications shown on the engineer's report and completed in a workmanlike manner.

Our workers are employees of A1 Guaranteed Foundation Repair and are covered by general liability and Workers Compensation insurance. Proof of insurance is available on request.

The prices, terms, specifications, and conditions in this Agreement are satisfactory. I have received and understand all provisions of this Agreement and "Foundation Information and Preparation for Repair". I accept the prices, terms, specifications, and conditions and agree to pay for the work as outlined above.

DATE: _____ SIGNATURE: _____

See next page for General Conditions and Warranty Information

BDA178-045

Attach D

PS 3

On Thursday, September 1, 2016 10:13 AM, "service@paypal.com" <service@paypal.com> wrote:



Sep 1, 2016 08:04:09 PDT
Transaction ID: 54K231273S928904L

Hello VC Seth,

You sent a payment of \$4,220.00 USD to A1 Guaranteed Foundation Repair.

It may take a few moments for this transaction to appear in your account.

Merchant

A1 Guaranteed Foundation Repair

Instructions to merchant

You haven't entered any instructions.

Shipping address - confirmed

VC Seth
5838 Monticello Ave
Dallas, TX 75206
United States

Shipping details

The seller hasn't provided any shipping details yet.

<u>Description</u>	<u>Unit price</u>	<u>Qty</u>	<u>Amount</u>
Payment to A1 Guaranteed Foundation Repair for invoice 0294	\$4,220.00 USD	1	\$4,220.00 USD
	Subtotal		\$4,220.00 USD
	Total		\$4,220.00 USD
	Payment		\$4,220.00 USD

Charge will appear on your credit card statement as "PAYPAL *A1GUARANTEE"

Invoice ID: INV2-T3MQ-EY2J-EC7U-DEDB

Issues with this transaction?

You have 180 days from the date of the transaction to open a dispute in the Resolution Center.

? Questions? Go to the Help Center at www.paypal.com/help.

For assistance with matters regarding your PayPal account not identified above, please contact us toll free at 1-888-221-1161.

Please do not reply to this email. This mailbox is not monitored and you will not receive a response. For assistance, log in to your PayPal account and click **Help** in the top right corner of any PayPal page.



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-048

Data Relative to Subject Property:

Date: 2/20/18

Location address: 11021 ROYALSHIRE Zoning District: R-16(A)

Lot No.: 4 Block No.: 3/5500-1/2 Acreage: .363 Census Tract: 133.00

Street Frontage (in Feet): 1) 161 2) 160 3) 160 4) 97 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): MESSER HOLDINGS SERIES LLC

Applicant: ERIC MESSER Telephone: 972 741 6087

Mailing Address: 6312 WIDGEON DR, PLANO TX Zip Code: 75024

E-mail Address: ERIC@ERICMESSER.COM

Represented by: ERIC MESSER Telephone: 9727416887

Mailing Address: 6312 WIDGEON DR, PLANO TX Zip Code: 75024

E-mail Address: ERIC@ERICMESSER.COM

Affirm that an appeal has been made for a Variance X, or Special Exception _____, of 25' TO THE FRONT YARD SET BACK TO CURRENT SET BACK ON REX DRIVE CREATING NEW FRONT YARD SET BACK OF 10' WITH A 1 FOOT 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:

THE CURRENT FRONT YARD SETBACK FACING REX IS CAUSING A HARDSHIP THE RESTRICTIONS CAUSED BY THE CURRENT SET BACKS ARE NOT SELF-CREATED AND DO NOT ALLOW FOR A HOME TO BE BUILT THAT MEETS CURRENT VALUES BASED ON LAND VALUES FOR THE AREA

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 ERIC MESSER (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 20th day of February, 2018

[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 ERIC MESSER

did submit a request for a variance to the front yard setback regulations
at 11021 Royalshire Drive

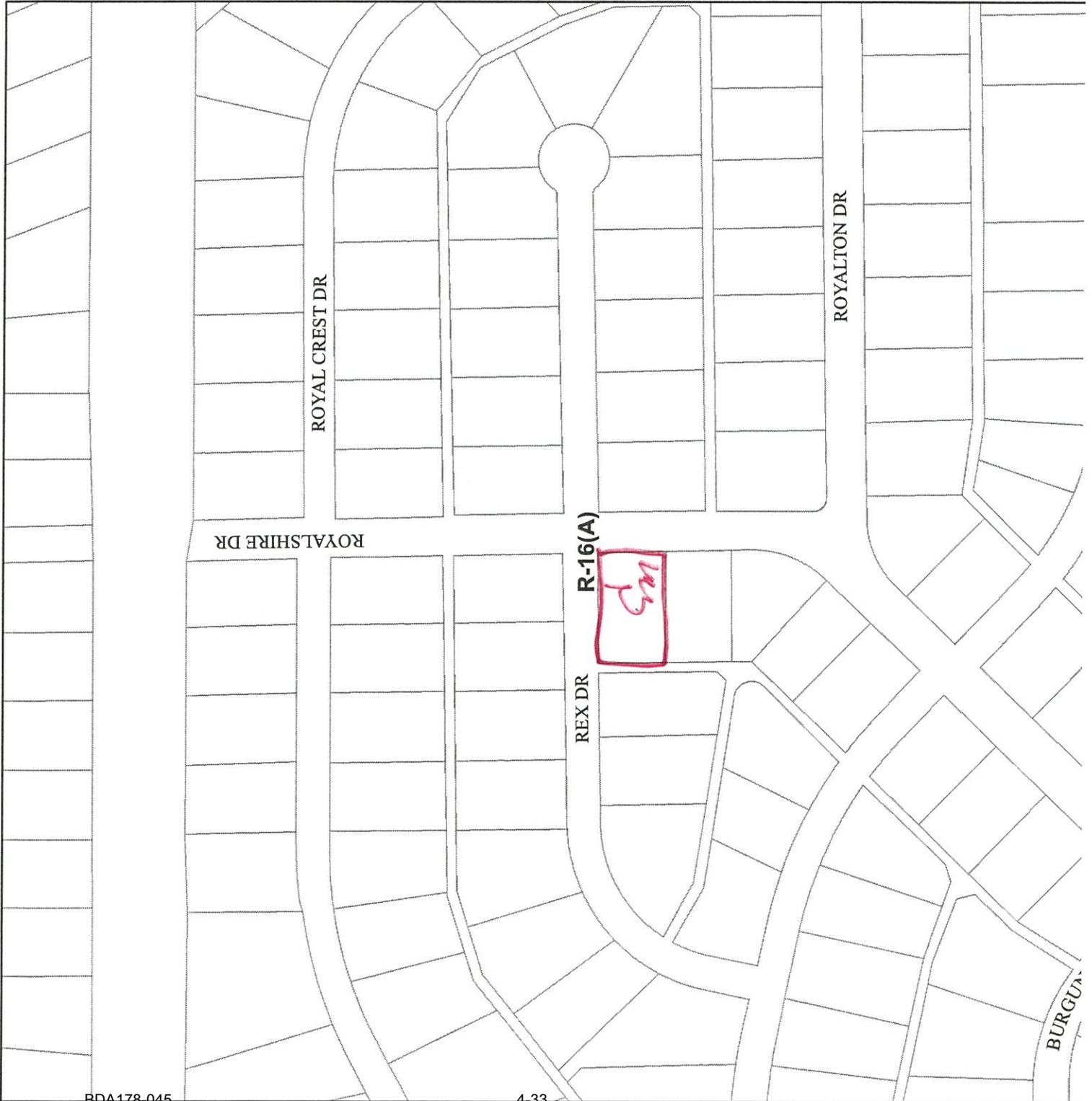
BDA178-048. Application of Eric Messer for a variance to the front yard setback regulations at 11021 ROYALSHIRE DR. This property is more fully described as Lot 4, Block 3/5500 and is zoned R-16(A), which requires a front yard setback of 35 feet. The applicant proposes to construct a single family residential structure and provide a 10 foot front yard setback measured at the foundation (with a 1 foot roof eave), which will require 25 foot variance to the front yard setback regulation.

Sincerely,

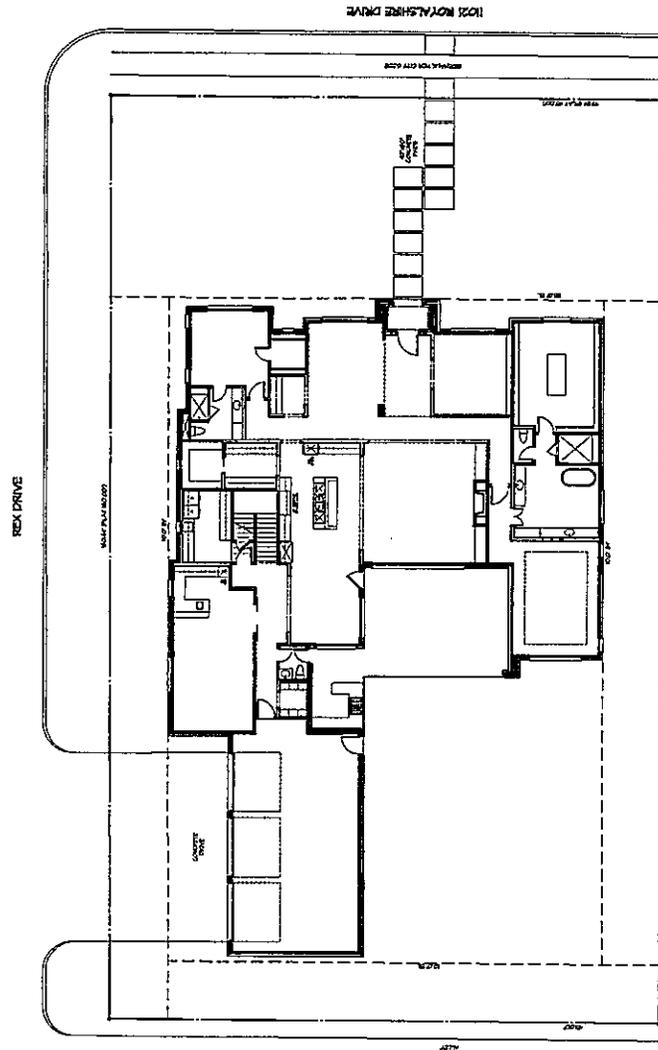
Philip Sikes
Philip Sikes, Building Official





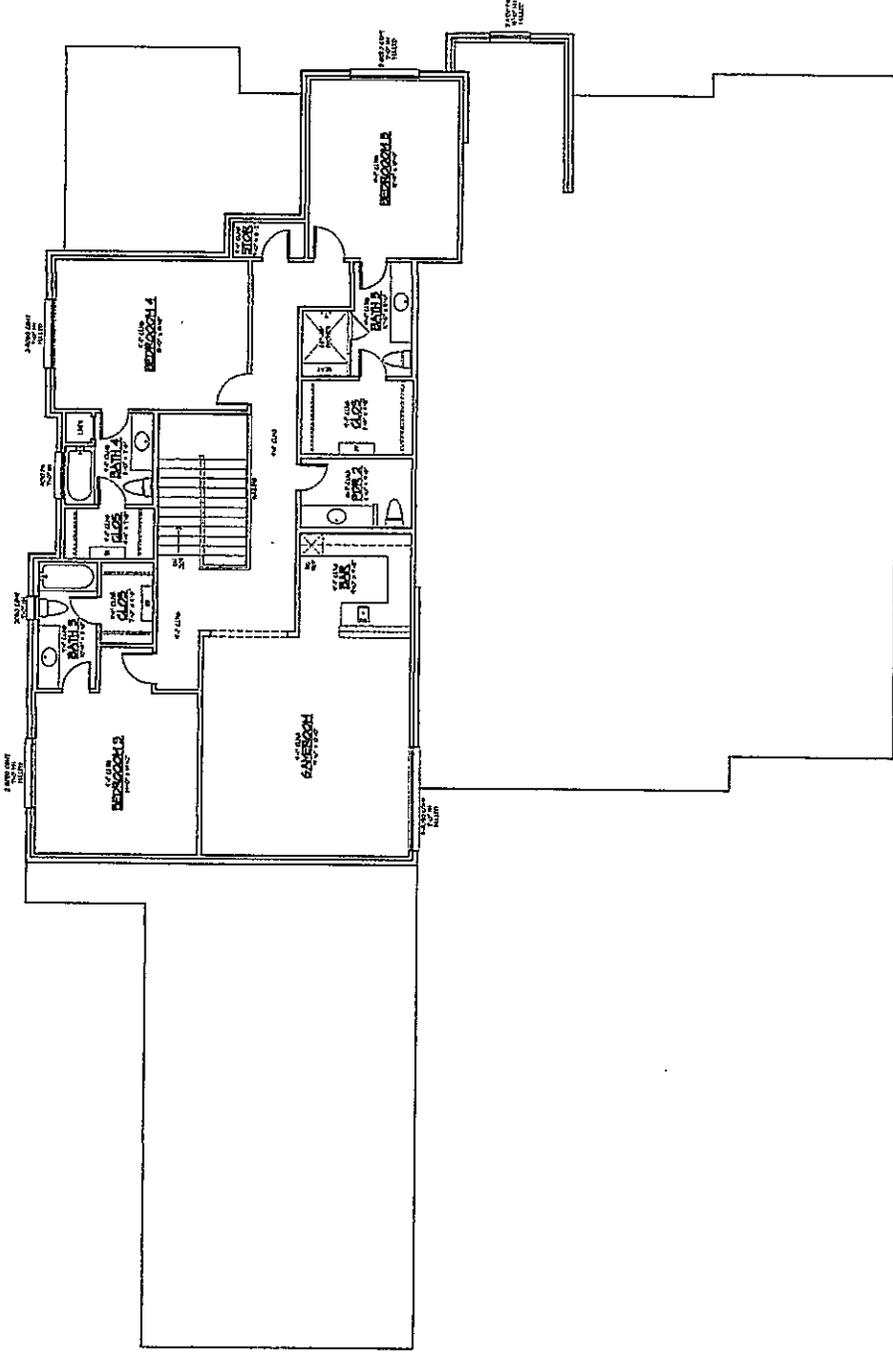


REVIEW SET: NOT FOR CONSTRUCTION



SITE PLAN
 SCALE: 1/8" = 1'-0"
 DATE: 09/10/09
 DRAWN BY: [Name]
 CHECKED BY: [Name]

REVIEW SET, NOT FOR CONSTRUCTION



UPPER LEVEL FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 3. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 4. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 5. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 6. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 7. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 8. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 9. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 10. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.

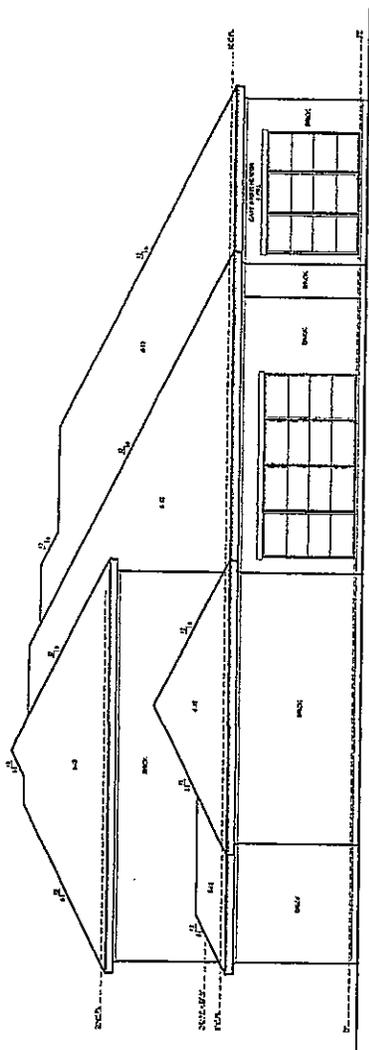
A. DUTTON KENNEDY ARCHITECTS
1001 AVENUE D
DALLAS, TEXAS

DESCO HOMES
17810 DAVENPORT, SUITE 111, DALLAS, TX 75242
972-783-4000 BLEBVCAT@HOTMAIL.COM

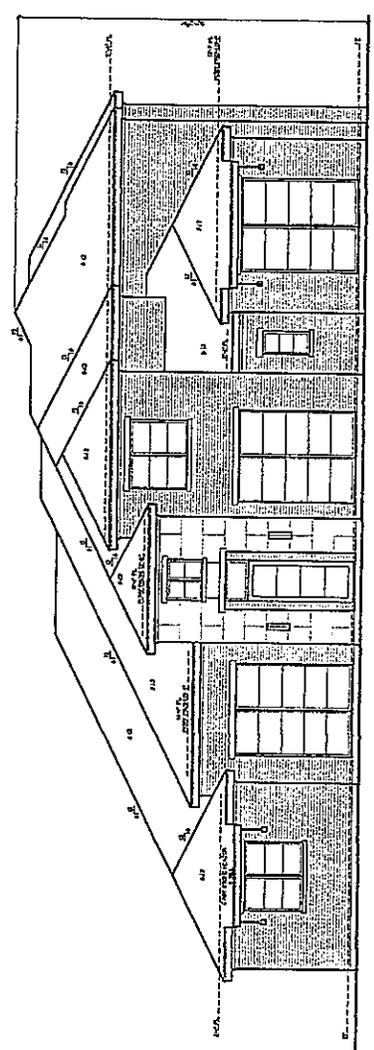
COVERT + ASSOCIATES

DATE: 4/07
SHEET: 4

REVIEW SET, NOT FOR CONSTRUCTION

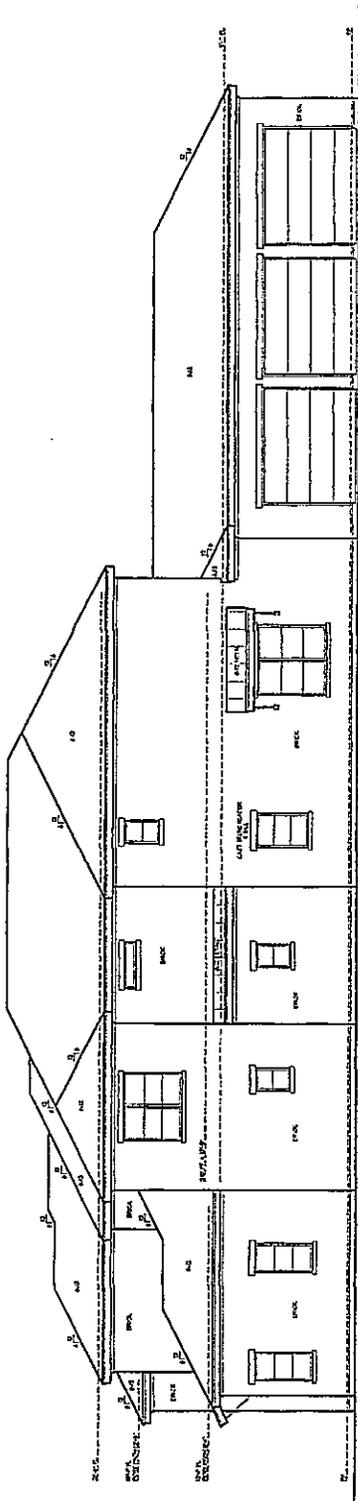


REAR ELEVATION
SCALE 1/4" = 1'-0"

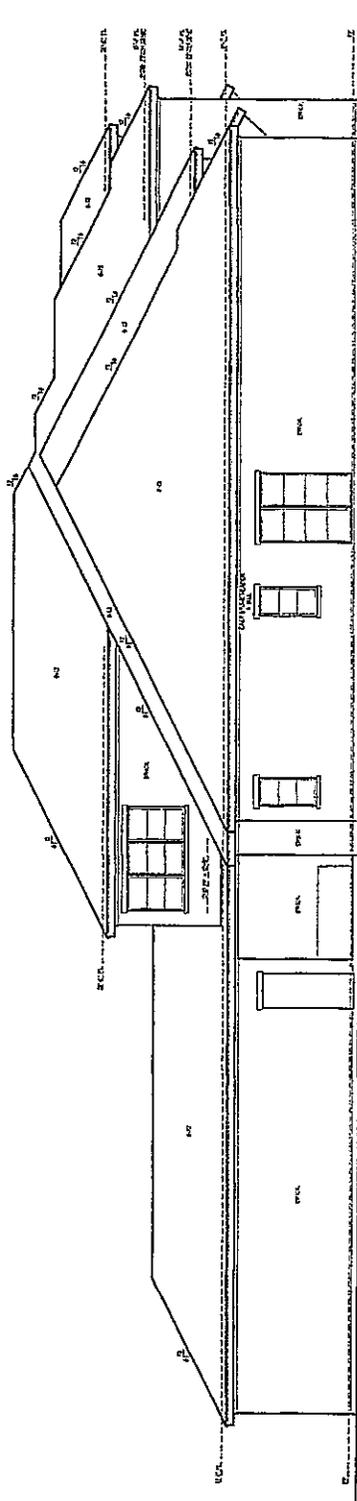


FRONT ELEVATION
SCALE 1/4" = 1'-0"

REVIEW SET, NOT FOR CONSTRUCTION



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



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

To: The Board of Adjustment

I am providing you with information that I hope will help you and your board better understand the need for a variance and show that the home to be built at 11021 Royalshire is commensurate to other properties zoned R-16(A). I have attached a list of properties that I believe are comparable in lot size and home square footage.

The home to be constructed at 11021 Royalshire will be 6114 square feet with a 3-car garage. The lot is .363 acres. The comparables are all within a couple of hundred feet in square footage and similar lot size. 11021 Royalshire is a corner lot and some of the properties used to compare are also corner lots.

11021 Royalshire is a corner lot and zoned with two front yards and two side yards. The front yard facing Royalshire is a 35-foot setback and the front yard facing Rex is a 35-foot set back. It is the front yard facing Rex that is causing the hardship. The restrictions caused by the current setbacks are not self-created and do not allow for a home to be built that will meet current market values based on land values for the area.

The home will not be contrary to the public interest and as mentioned above is commensurate with other properties zoned R-16(A) as shown on the attached list.

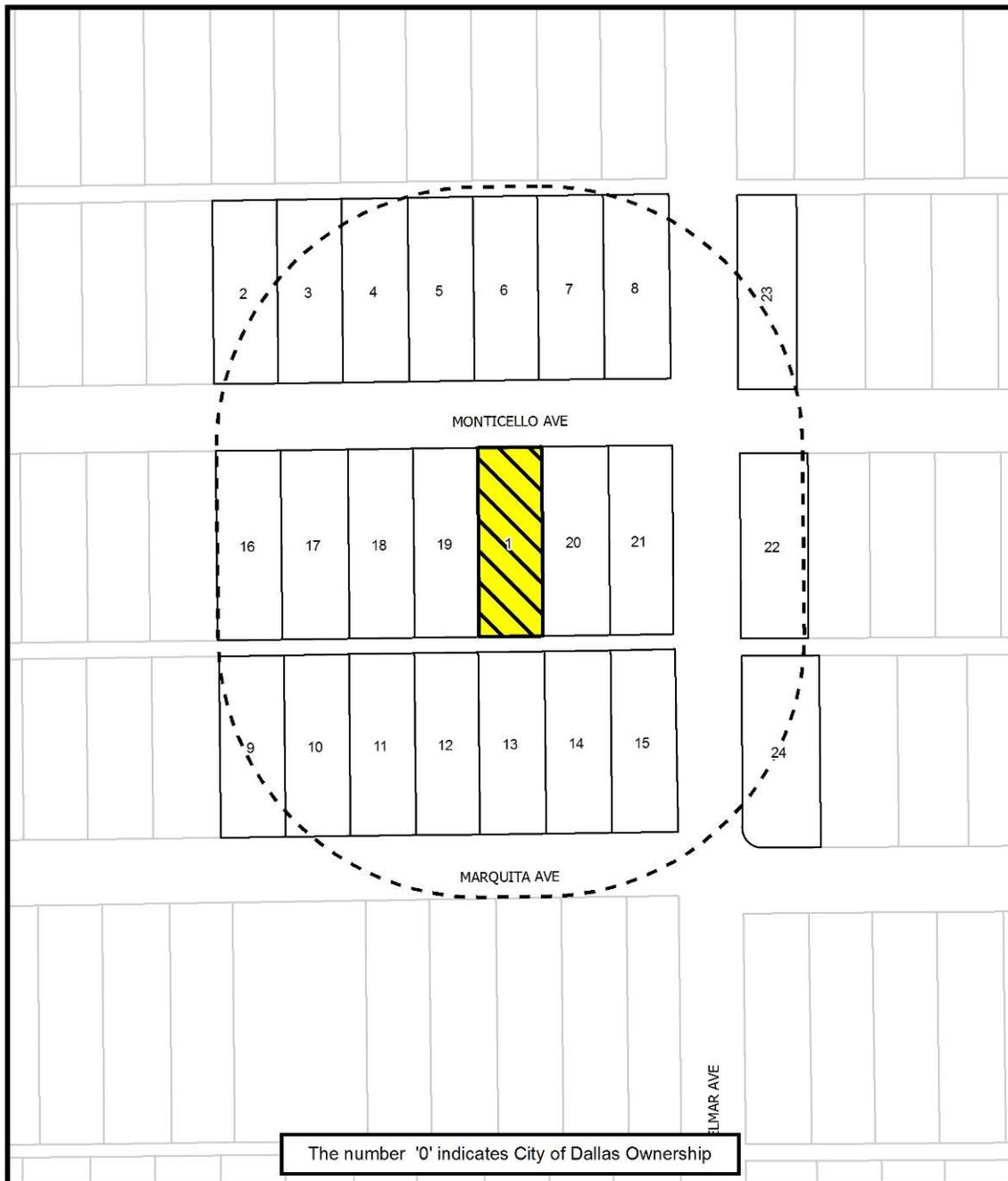
I am asking that the board adjust the set-backs for 11012 Royalshire. This will include the front yard facing Royalshire will have a 35 foot set-back, the front yard facing Rex will have a 10 foot set back and the two side yards each with 10 foot set-backs.

Thank you for your time and feel free to contact me with any questions. I look forward to seeing you again soon.

Eric Messer
972-741-6887
eric@ericmesser.com

LIST OF PROPERTIES ZONED R-16(A)

Subject Address	SqFt Total	Lot Size Area	Lot Location	Zoned
11021 Royalshire	6114	0.363	Corner	R-16(A)
Comparable Address SqFt Total Lot Size Area Lot Location Zoned				
1 5592 Rex	5,592	0.363	Corner	R-16(A)
2 6553 Rex	6,553	0.363	Corner	R-16(A)
3 6163 Rex	4,626	0.357	Corner	R-16(A)
4 6214 Rex	7,385	0.367		R-16(A)
5 11015 Royalshire	6,492	0.358		R-16(A)
6 6142 Rex	5,336	0.375		R-16(A)
7 6132 Rex	6,749	0.372		R-16(A)
8 6247 Rex	5,362	0.372		R-16(A)
9 6139 Royal Crest	6,228	0.35	Corner	R-16(A)
10 6114 Royal Crest	5,831	0.384		R-16(A)
11 6223 Rex	6,097	0.367		R-16(A)
12 6001 Rex	6,001	0.363		R-16(A)
13 6636 Willow	6,083	0.367		R-16(A)
14 6238 Royal Crest	5,701	0.367		R-16(A)
15 6222 Royal Crest	6,132	0.362		R-16(A)
16 11429 Parkchester	6,198	0.366		R-16(A)
Average	6,023	0.365		R-16(A)



 1:1,200	NOTIFICATION	Case no: BDA178-045			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">24</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	24	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
24	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

FILE NUMBER: BDA178-048(OA)

BUILDING OFFICIAL'S REPORT: Application of Eric Messer for a variance to the front yard setback regulations at 11021 Royalshire Drive. This property is more fully described as Lot 4, Block 3/5500 and is zoned R-16(A), which requires a front yard setback of 35 feet. The applicant proposes to construct and/or maintain a structure and provide a 10 foot front yard setback, which will require a 25 foot variance to the front yard setback regulations.

LOCATION: 11021 Royalshire Drive

APPLICANT: Eric Messer

REQUEST:

A request for a variance to the front yard setback regulations of 25' is made to construct and maintain a two-story single family home structure with a total "slab area" of approximately 5,800 square feet or with a total "home size" of approximately 6,100 square feet, part of which is to be located 10' from one of the site's two front property lines (Rex Drive) or 25' into this 35' 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-16(A) zoning district in that it is restrictive in area due to having two, 35' front yard setbacks when most lots in this zoning district have one 35' front yard setback. The 95' wide subject site has 50' of developable width available once a 35' front yard setback is accounted for on the north and a 10' side yard setback is accounted for on the south. If the lot were more typical to others in the zoning district with only one front yard setback, the 95' wide site would have 75' 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 6,100 square feet is commensurate to 31 other homes in the same R-16(A) zoning district that have average home size of approximately 6,400 square feet.

BACKGROUND INFORMATION:

Zoning:

Site: R-16(A) (Single family district 16000 square-feet)
North: R-16(A) (Single family district 16000 square-feet)
South: R-16(A) (Single family district 16000 square-feet)
East: R-16(A) (Single family district 16000 square-feet)
West: R-16(A) (Single family district 16000 square-feet)

Land Use:

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

Zoning/BDA History:

1. BDA 167-076, Property at 6143 Royalton Drive (the subject site)

On August 14, 2017, the Board of Adjustment Panel C denied requests for variances to the front yard setback regulations made to construct and maintain a single family structure in the front yard setbacks on one of the site's two front property lines (Azalea Drive).

The case report stated the request was made to construct and maintain a single family structure, part of which would be located 14' from the site's front property line) or 21' into the 35' front yard setback along Azalea Lane.

GENERAL FACTS /STAFF ANALYSIS:

- This request for variance to the front yard setback requirement of 25' focuses on constructing and maintaining a two-story single family home structure with a total "slab area" of approximately 5,800 square feet or with a total "home size" of approximately 6,100 square feet, part of which is to be located 10' from one of the site's two front property lines (Rex Drive) or 25' into this 35' front yard setback on a site that is undeveloped.
- The property is located in an R-16(A) zoning district which requires a minimum front yard setback of 35 feet.
- The subject site is located at the southwest corner of Royalshire Drive and Rex Drive. Regardless of how the structure is proposed to be oriented to front Royalshire Drive, the subject site has a 35' front yard setback along both street frontages. The site has a 35' front yard setback along Royalshire 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 35' front yard setback along Rex Drive, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where a 10' side yard setback is required. However, the site's Rex Drive 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 west that front/are oriented northward towards Rex Drive.
- The submitted site plan indicates the proposed structure is located 10' from the Rex Drive's front property line or 25' into this 35' front yard setback.
- According to DCAD records, there are "no main improvement" or "no additional improvements for property addressed at 11021 Royalshire Drive.

- The subject site is flat, rectangular in shape (approximately 160' x 95'), and according to the submitted application is 0.348 acres (or approximately 15,200 square feet) in area. The site is zoned R-16(A) where lots are typically 16,000 square feet in area.
- Most lots in the R-16(A) zoning district have one 35' front yard setback, two 10' side yard setbacks, and one 10' rear yard setback; this site has two 35' front yard setbacks and two 10' side yard setbacks.
- The site plan represents that approximately 1/3 of the structure is located in the 35' Rex Drive front yard setback.
- The 95' wide subject site has 50' of developable width available once a 35' front yard setback is accounted for on the north and a 10' side yard setback is accounted for on the south. If the lot were more typical to others in the zoning district with only one front yard setback, the 95' wide site would have 75' of developable width.
- No variance would be necessary if the Rex Drive frontage were a side yard since the site plan represents that the proposed home is 10' from the Rex Drive property line and the side yard setback for properties zoned R-16(A) is 10'.
- The applicant has submitted a document indicating among other things that the total home size of the proposed home on the subject site is approximately 6100 square feet, and the average of 31 other properties in the same zoning is approximately 6,400 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-16(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-16(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' from the site's Rex Drive front property line (or 25' into this 35' front yard setback).

Timeline:

February 20, 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.

April 11, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

April 12, 2018: The Sustainable Development and Construction Department Senior Planner emailed the applicant's representative the following information:

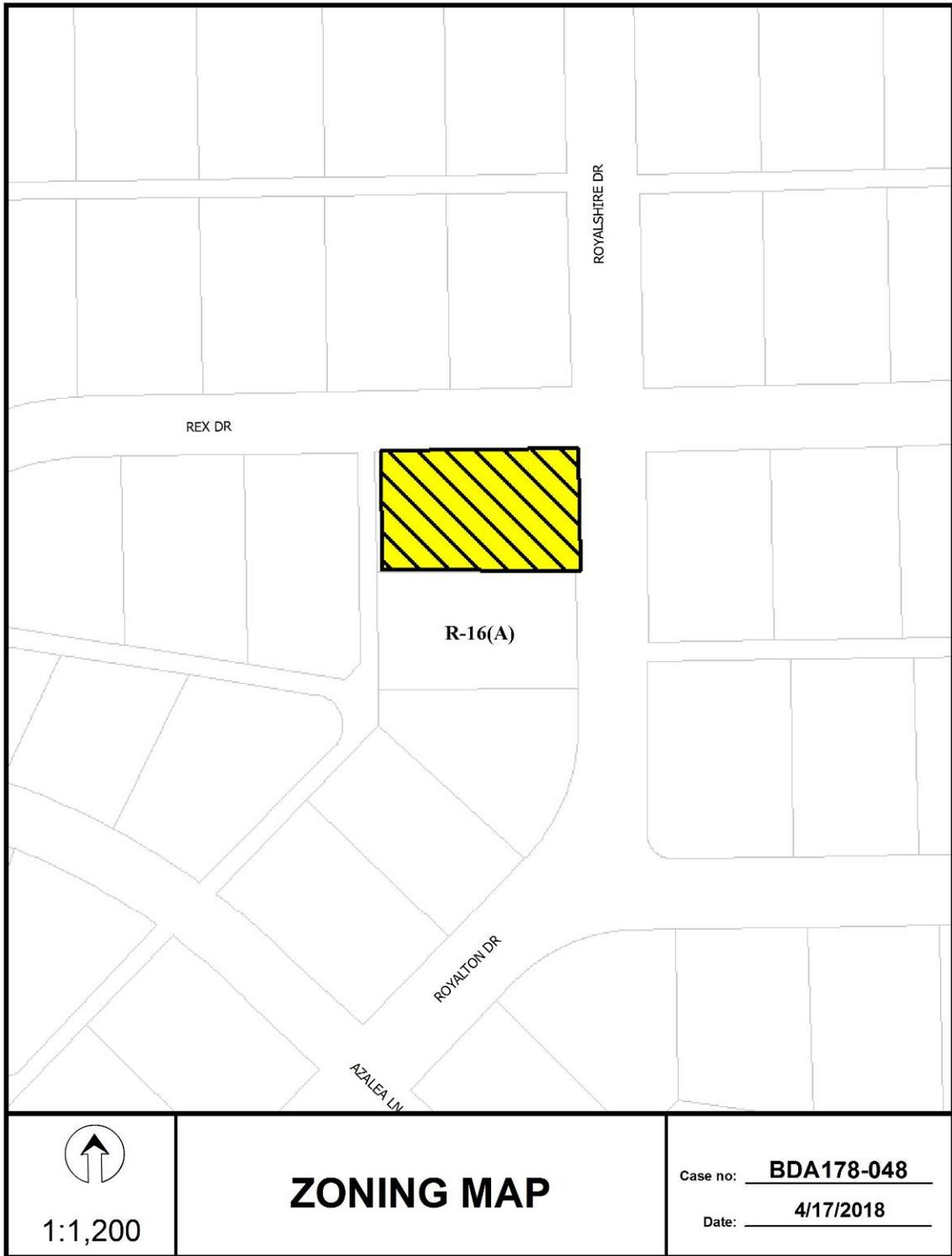
- an attachment that provided the public hearing date and panel that will consider the application; the May 2nd deadline to submit additional evidence for staff to factor into their analysis; and the May 11th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- 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.

April 25, 2018: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

May 1, 2018: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment B).

May 8, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, 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

AERIAL MAP

Case no: BDA178-048

Date: 4/17/2018

BDA178-048 ATTACH A
 (Pg 1/3)

LIST OF PROPERTIES ZONED R-16(A)

	Subject Address	SqFt Total	Lot Size	Location	Zoned	Lot Coverage*
	11021 Royalshire	6114	0.363	Corner	R-16(A)	0.39
	Comparable Address					
1	6553 Rex	6,553	0.363	Corner	R-16(A)	0.41
2	6214 Rex	7,385	0.367		R-16(A)	0.46
3	11015 Royalshire	6,722	0.358		R-16(A)	0.43
4	6132 Rex	6,749	0.372		R-16(A)	0.42
5	6139 Royal Crest	6,228	0.35	Corner	R-16(A)	0.4
6	6223 Rex	6,097	0.367		R-16(A)	0.38
7	6001 Rex	6,001	0.363		R-16(A)	0.38
8	6636 Willow	6,083	0.367		R-16(A)	0.38
9	5724 Del Roy	6,124	0.367	Corner	R-16(A)	0.39
10	5806 Boca Raton	6,177	0.374	Corner	R-16(A)	0.39
11	6222 Royal Crest	6,132	0.362		R-16(A)	0.43
12	11429 Parkchester	6,198	0.366		R-16(A)	0.39
13	5831 Burgundy	6,204	0.367		R-16(A)	0.39
14	12114 Prestonridge	6,226	0.370		R-16(A)	0.39
15	11429 Parkchester	6,198	0.367		R-16(A)	0.39
16	6465 Waggoner	6,500	0.360		R-16(A)	0.41
17	6823 Orchid	6,472	0.378		R-16(A)	0.39
18	6466 Tulip	6,142	0.379		R-16(A)	0.37
19	6806 Brookshire	6,408	0.367		R-16(A)	0.4
20	5812 Norway	6,601	0.363		R-16(A)	0.42
21	5918 Williamstown	6,225	0.374		R-16(A)	0.38
22	5717 Preston Haven	6,473	0.368		R-16(A)	0.4
23	6215 Rex	7,309	0.368		R-16(A)	0.46
24	6207 Rex	6,553	0.362	Corner	R-16(A)	0.42
25	6458 Orchid Lane	6,358	0.371		R-16(A)	0.39
26	6506 Pemberton Drive	6,863	0.372	Corner	R-16(A)	0.42

BDA178-048 ATTACH A
(Pg 2/3)

27	6616 Pemberton Drive	6,564	0.367		R-16(A)	0.41
28	6425 Northport Drive	6,706	0.376		R-16(A)	0.41
29	6622 Brookshire Drive	6,580	0.374		R-16(A)	0.4
30	6147 Rex	6,729	0.365		R-16(A)	0.42
31	11404 Royalshire	6,228	0.355		R-16(A)	0.39

Averages 6,444 0.367 0.4

*Lot Coverage is based on Square Footage of the home divided by the lot size

BDA178-048 ATTACH A
(pg ~~3~~ 3)

To: The Board of Adjustment

I am providing you with information that I hope will help the board better understand the need for a variance and show that the home to be built at 11021 Royalshire is commensurate to other properties zoned R-16(A) and will add value to the neighborhood. I have attached a list of 31 properties that are comparable in lot size and home square footage.

11021 Royalshire will be 6114 square feet with a 3-car garage. The lot is .363 acres. The house will not be out of character with the neighborhood and is not contrary to the public interest. 11021 Royalshire is commensurate with other properties zoned R-16(A) as shown on the attached list. The current setbacks treat this lot differently from other lots zoned R-16(A).

The building guidelines as set in place for R-16(A) will be followed for the home and are proportionate and match the setbacks for homes zoned R-16(A). The home is designed to be comparable to other homes in the area. There is a functioning ally that will act as a buffer to the home to the rear of 11021 Royalshire.

11021 Royalshire is a corner lot and zoned with two front yards and two side yards. The front yard facing Royalshire is a 35-foot setback and the front yard facing Rex is a 35-foot set back. The current setbacks for 11021 Royalshire greatly reduce the building area and if the variance is not granted, the lot will be treated differently from other lots that have homes recently constructed or are currently being constructed. When the lot was purchased, these restrictions were not disclosed, and the restrictions caused by the current setbacks are not self-created. The current setbacks create a hardship and do not allow for a home to be built that will meet current market values based on land values for the area and that will be equivalent to other homes zoned R-16(A).

I am asking that the board adjust the set-backs for 11012 Royalshire. I am asking that 11021 Royalshire be treated similar to lots in the same zoning. This will include the front yard facing Royalshire will have a 35 foot set-back, the front yard facing Rex will have a 10 foot set back and the two side yards each with 10 foot set-backs. The setbacks I am asking to be adjusted are not out of character for other lots zoned R-16(A)

Thank you for your time and feel free to contact me with any questions. I look forward to seeing you again soon.

Eric Messer
972-741-6887
eric@ericmesser.com

To: The Board of Adjustments,

I had an opportunity to read Mr. Weitman's email and the information he provided regarding some litigation I am involved in.

First, I do not see how this information has any bearing on my request for a variance at 11021 Royalshire. I am not looking to get involved in any type of litigation. Just the opposite. I am following all the guidelines and procedures set forth by the city of Dallas and Dallas County to ensure that the lot I have purchased is treated fairly and with the same consideration as other lots zoned R-16(A).

I am not sure what Mr. Weitman is implying, but I would like to take this opportunity to clarify his incomplete assessment of the situation. First let me state that I have been a certified home inspector in Texas, I have been a real estate agent since 2008 and a licensed real estate broker in the state of Texas since 2011. I have owned rental properties (some were section 8 housing) and renovated dozens of homes and built over 10 new homes. I have even had the pleasure of working with this board in the past. If one will take the time to look at my past business dealings, the records will show that I have never been involved in any type of litigation until recently. I will be glad to provide the board with a list of people and companies that I have conducted business with, who will vouch for my integrity and character

The circumstances are easily explained. I will provide a brief explanation.

The law suit with the Burns: I owned a lot at 5303 Miller which I sold to the Burns. The Burns hired New Summit Homes (NSH) to build them a house. I had nothing to do with the construction of the home, I only sold the land. I never worked for NSH, I was an investor and I used NSH to build homes for me. The Burns were not satisfied with the quality of work and when NSH refused to comply with their request to repair and remedy their claims, the Burns sued all parties involved. I am working with my attorney to be removed from the suite.

This now gets more interesting. As one of 30 plus investors who invested in NSH, we found ourselves involved in a Ponzi scheme where the owners of NSH stole between 12-15 million dollars. I am a victim of the scheme of which a few branches of the Federal Government are investigating. The purpose of my law suites in Tarrant County are to protect myself from fraudulent claims perpetrated by NSH.

I will be as transparent as the board sees fit and will provide as much information needed to further clarify.

As I mentioned previously, I do not see how any of this pertains to my request for a variance for 11021 Royalshire. I have already submitted information that shows that the current set-backs create a hardship and show the home to be built at 11021 Royalshire is commensurate to other properties zoned R-16(A) and will add value to the neighborhood.

I have built and renovated dozens of homes in the Dallas area. The goal has always been the same, provide the new home owner with quality home and to enhance the neighborhood.

Thank you for taking the time to read this.

Eric Messer



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-048

Data Relative to Subject Property:

Date: 2/20/18

Location address: 11021 ROYALSHIRE Zoning District: R-16(A)

Lot No.: 4 Block No.: 3/5500-1/2 Acreage: .363 Census Tract: 133.00

Street Frontage (in Feet): 1) 161 2) 160 3) 160 4) 97 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): MESSER HOLDINGS SERIES LLC

Applicant: ERIC MESSER Telephone: 972 741 6087

Mailing Address: 6312 WIDGEON DR, PLANO TX Zip Code: 75024

E-mail Address: ERIC@ERICMESSER.COM

Represented by: ERIC MESSER Telephone: 972 741 6087

Mailing Address: 6312 WIDGEON DR, PLANO TX Zip Code: 75024

E-mail Address: ERIC@ERICMESSER.COM

Affirm that an appeal has been made for a Variance X, or Special Exception _____, of 25' TO THE FRONT YARD SET BACK TO CURRENT SET BACK ON REX DRIVE CREATING NEW FRONT YARD SET BACK OF 10' WITH A 1 FOOT 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: THE CURRENT FRONT YARD SETBACK FACING REX IS CAUSING A HARDSHIP THE RESTRICTIONS CAUSED BY THE CURRENT SETBACKS ARE NOT SELF-CREATED AND DO NOT ALLOW FOR A HOME TO BE BUILT THAT MEETS CURRENT VALUES BASED ON LAND VALUES FOR THE AREA

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 ERIC MESSER (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 20th day of February, 2018

[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 ERIC MESSER

did submit a request for a variance to the front yard setback regulations
at 11021 Royalshire Drive

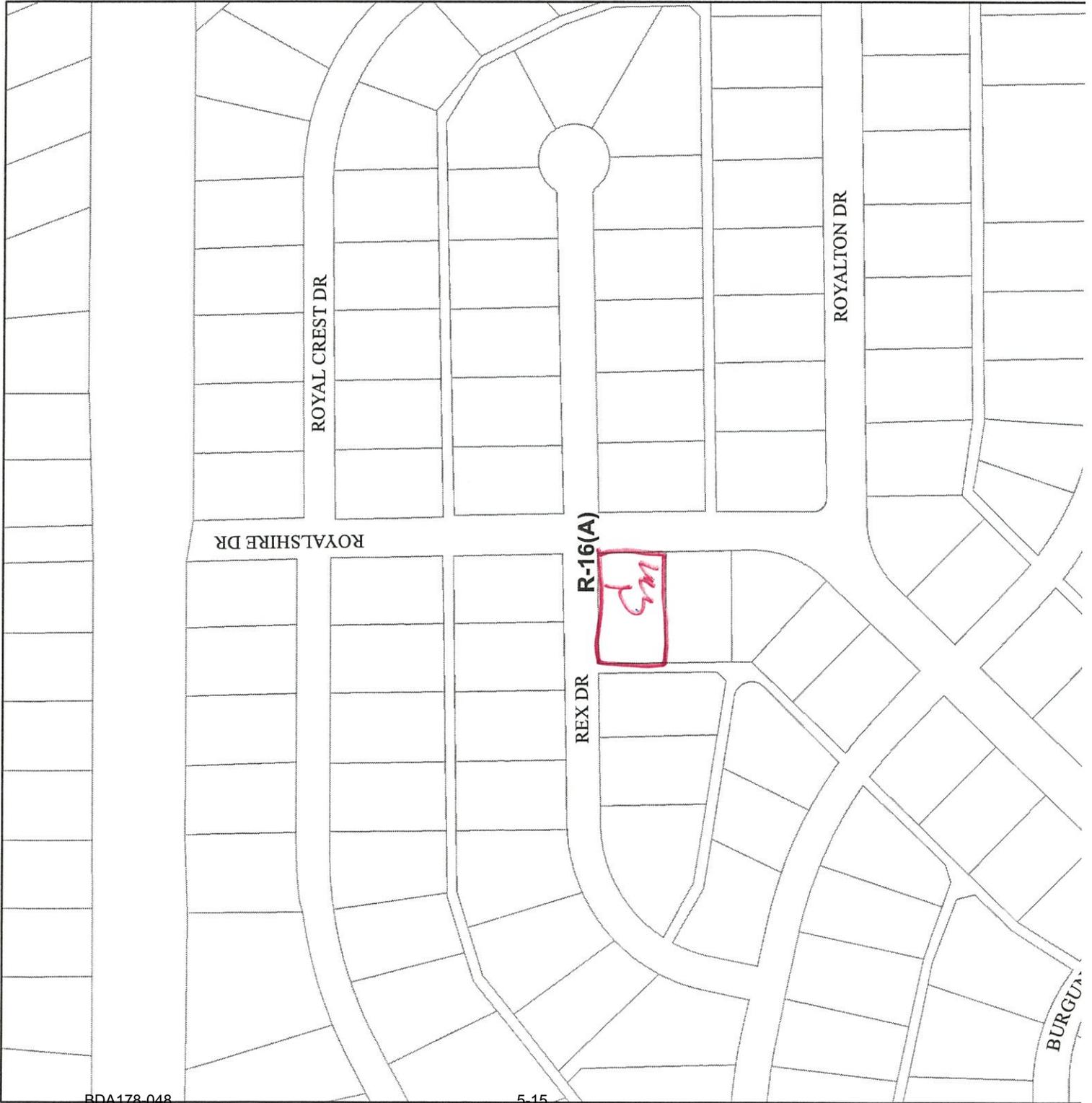
BDA178-048. Application of Eric Messer for a variance to the front yard setback regulations at 11021 ROYALSHIRE DR. This property is more fully described as Lot 4, Block 3/5500 and is zoned R-16(A), which requires a front yard setback of 35 feet. The applicant proposes to construct a single family residential structure and provide a 10 foot front yard setback measured at the foundation (with a 1 foot roof eave), which will require 25 foot variance to the front yard setback regulation.

Sincerely,

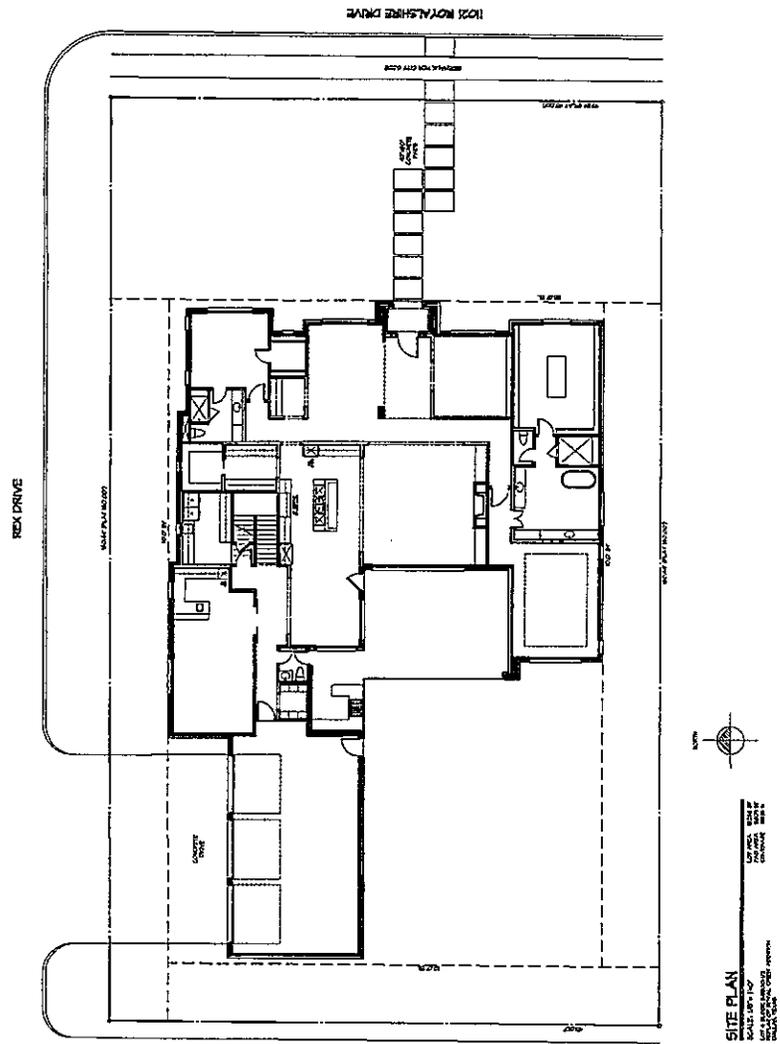
Philip Sikes
Philip Sikes, Building Official



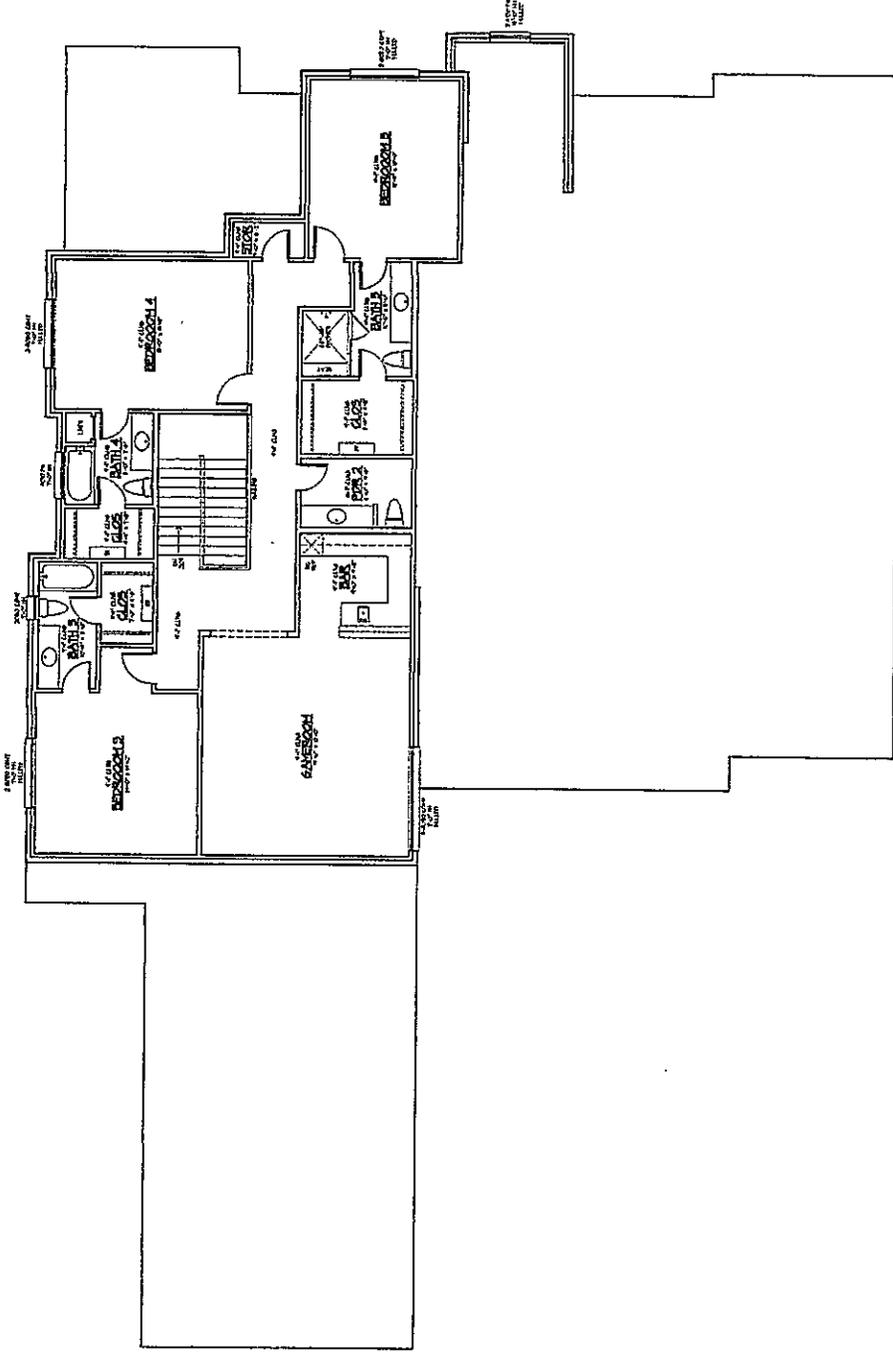




REVIEW SET: NOT FOR CONSTRUCTION



REVIEW SET, NOT FOR CONSTRUCTION



1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. FINISHES TO BE DETERMINED BY THE ARCHITECT.
 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK AND THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND ELECTRICAL CODES.
 4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES.
 5. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL PLUMBING AND MECHANICAL CODES.
 6. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL ELECTRICAL CODES.
 7. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL FIRE AND SAFETY CODES.
 8. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL ENERGY EFFICIENCY CODES.
 9. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL SUSTAINABLE DESIGN AND CONSTRUCTION CODES.
 10. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL ACCESSIBILITY STANDARDS.

UPPER LEVEL FLOOR PLAN

SCALE: 1/4" = 1'-0"
 DATE: 05/15/2024
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

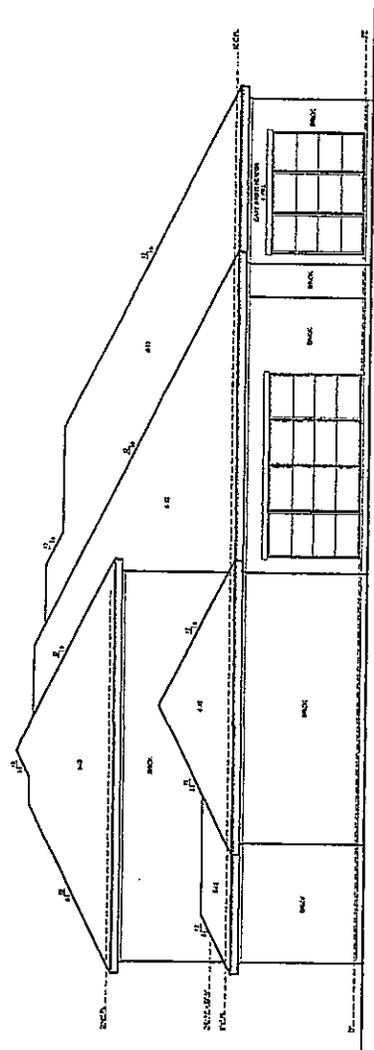
A. DUTTON KENNEDY ARCHITECTS
1001 AVENUE D
DALLAS, TEXAS

DESCO HOMES
17810 DAVENPORT, SUITE 111, DALLAS, TX 75242
972-783-4000 BLEBCHT@HGMAIL.COM

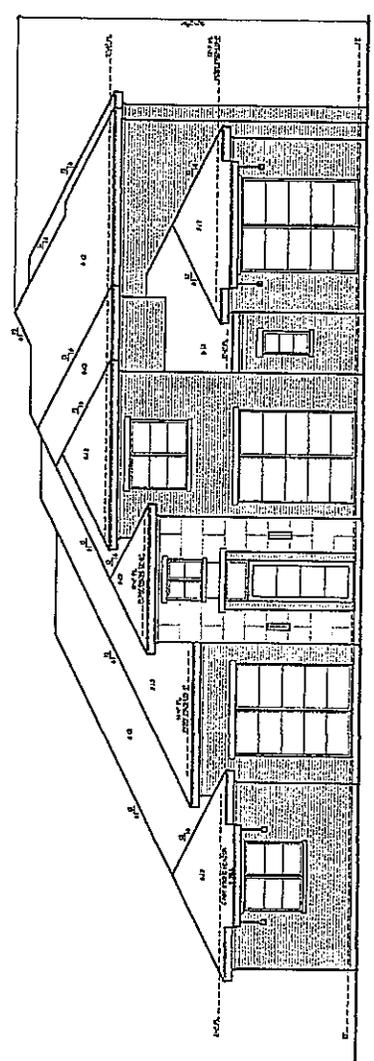
COVERT + ASSOCIATES

SHEET
4
OF 9

REVIEW SET, NOT FOR CONSTRUCTION

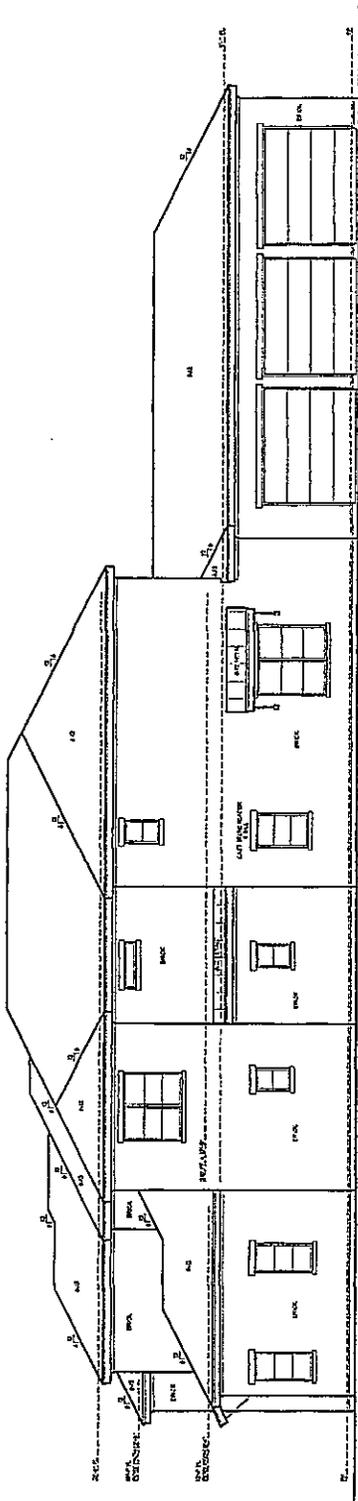


REAR ELEVATION
SCALE 1/4" = 1'-0"

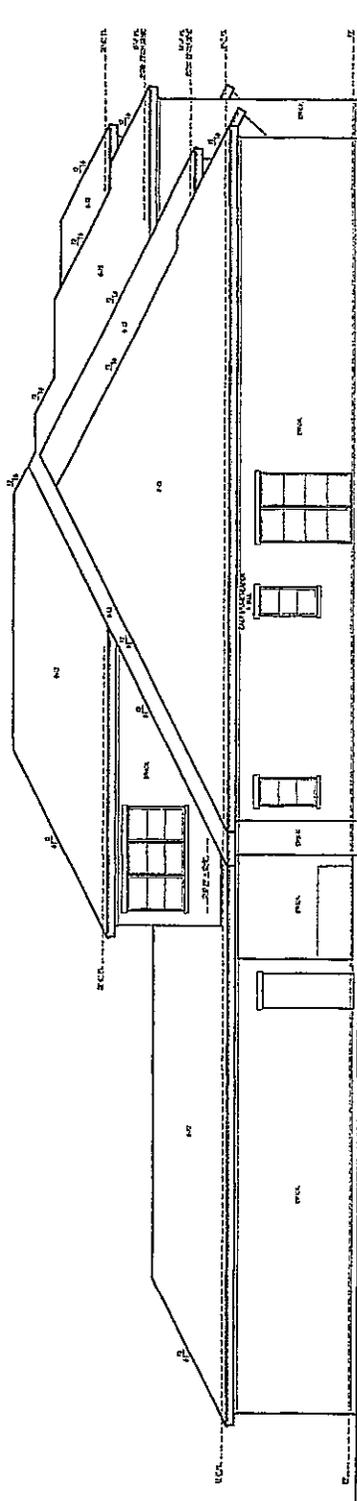


FRONT ELEVATION
SCALE 1/4" = 1'-0"

REVIEW SET, NOT FOR CONSTRUCTION



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



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

To: The Board of Adjustment

I am providing you with information that I hope will help you and your board better understand the need for a variance and show that the home to be built at 11021 Royalshire is commensurate to other properties zoned R-16(A). I have attached a list of properties that I believe are comparable in lot size and home square footage.

The home to be constructed at 11021 Royalshire will be 6114 square feet with a 3-car garage. The lot is .363 acres. The comparables are all within a couple of hundred feet in square footage and similar lot size. 11021 Royalshire is a corner lot and some of the properties used to compare are also corner lots.

11021 Royalshire is a corner lot and zoned with two front yards and two side yards. The front yard facing Royalshire is a 35-foot setback and the front yard facing Rex is a 35-foot set back. It is the front yard facing Rex that is causing the hardship. The restrictions caused by the current setbacks are not self-created and do not allow for a home to be built that will meet current market values based on land values for the area.

The home will not be contrary to the public interest and as mentioned above is commensurate with other properties zoned R-16(A) as shown on the attached list.

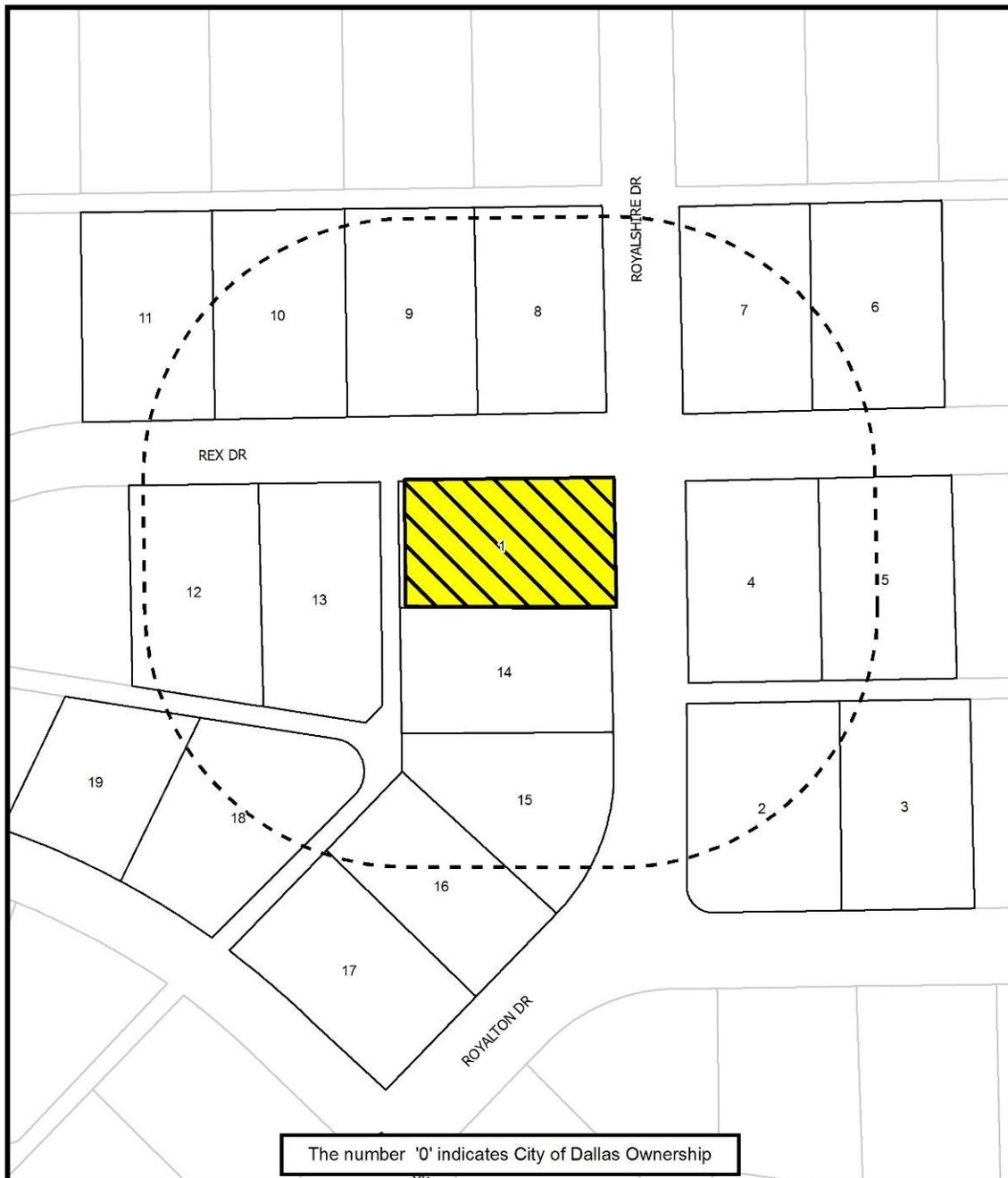
I am asking that the board adjust the set-backs for 11012 Royalshire. This will include the front yard facing Royalshire will have a 35 foot set-back, the front yard facing Rex will have a 10 foot set back and the two side yards each with 10 foot set-backs.

Thank you for your time and feel free to contact me with any questions. I look forward to seeing you again soon.

Eric Messer
972-741-6887
eric@ericmesser.com

LIST OF PROPERTIES ZONED R-16(A)

Subject Address	SqFt Total	Lot Size Area	Lot Location	Zoned
11021 Royalshire	6114	0.363	Corner	R-16(A)
Comparable Address SqFt Total Lot Size Area Lot Location Zoned				
1 5592 Rex	5,592	0.363	Corner	R-16(A)
2 6553 Rex	6,553	0.363	Corner	R-16(A)
3 6163 Rex	4,626	0.357	Corner	R-16(A)
4 6214 Rex	7,385	0.367		R-16(A)
5 11015 Royalshire	6,492	0.358		R-16(A)
6 6142 Rex	5,336	0.375		R-16(A)
7 6132 Rex	6,749	0.372		R-16(A)
8 6247 Rex	5,362	0.372		R-16(A)
9 6139 Royal Crest	6,228	0.35	Corner	R-16(A)
10 6114 Royal Crest	5,831	0.384		R-16(A)
11 6223 Rex	6,097	0.367		R-16(A)
12 6001 Rex	6,001	0.363		R-16(A)
13 6636 Willow	6,083	0.367		R-16(A)
14 6238 Royal Crest	5,701	0.367		R-16(A)
15 6222 Royal Crest	6,132	0.362		R-16(A)
16 11429 Parkchester	6,198	0.366		R-16(A)
Average	6,023	0.365		R-16(A)



 1:1,200	NOTIFICATION		Case no: BDA178-048
	<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;">19</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 4/17/2018	

Notification List of Property Owners

BDA178-048

19 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	11021 ROYALSHIRE DR	MESSER HOLDINGS SERIES LLC
2	11000 ROYALSHIRE DR	BAUER KATHERINE
3	6215 ROYALTON DR	JONES JEANNE KAY
4	6206 REX DR	FAGAN HUGH & AIMEE
5	6214 REX DR	METZ MATTHEW L & MARY A
6	6215 REX DR	WEST MIKE & TERRI
7	6207 REX DR	BONN JOHN E & ROBIN M
8	6163 REX DR	JAYARAMAN VIDYASAGAR &
9	6155 REX DR	GRAY STEVEN DIRK & DEBORAH K
10	6147 REX DR	REIHSEN GERALD J &
11	6139 REX DR	DETIENNE MARY L
12	6132 REX DR	STOLER ROBERT C
13	6142 REX DR	COBEN CHAD E & AMBER M
14	11015 ROYALSHIRE DR	DUNN JOSHUA JETT
15	6155 ROYALTON DR	WEINSTEIN GREG M
16	6151 ROYALTON DR	GOLDSMITH REGINALD M &
17	6143 ROYALTON DR	LOMAT INVESTMENTS INC
18	6069 AZALEA LN	WEINREB KAREN S
19	6063 AZALEA LN	HEXT GREGORY & KIMBERLY