

ZONING BOARD OF ADJUSTMENT, PANEL C  
MONDAY, AUGUST 20, 2018  
AGENDA

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BRIEFING	5ES 1500 MARILLA STREET DALLAS CITY HALL	11:00 A.M.
PUBLIC HEARING	COUNCIL CHAMBERS 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.

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

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**MISCELLANEOUS ITEM**

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Approval of the June 18, 2018 Board of Adjustment Panel C Public Hearing Minutes	M1
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**UNCONTESTED CASES**

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<b>BDA178-083(OA)</b>	2639 Searcy Drive <b>REQUEST:</b> Application of Andrea Gonzalez for a special exception to the single-family use regulations	1
<b>BDA178-085(OA)</b>	4101 Duncanville Road <b>REQUEST:</b> Application of John Chisholm, represented by Chase Flanary of Kirkham Engineering, for a special exception to the landscape regulations	2
<b>BDA178-088(OA)</b>	2015 Cullen Avenue <b>REQUEST:</b> Application of Brandon Oberschlake, represented by Bang Dang, for a variance to the front yard setback regulations	3

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### HOLDOVER CASES

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<b>BDA178-064(SL)</b>	5117 W. Lovers Lane <b>REQUEST:</b> Application of Robert Baldwin, represented by Baldwin Associates, for a variance to the off-street parking regulation	4
<b>BDA178-072(SL)</b>	3407 McKinney Avenue <b>REQUEST:</b> Application of Christopher Johnson, represented by Michael R, Coker Company, for a variance to the front yard setback regulations	5

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### REGULAR CASE

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<b>BDA178-089(OA)</b>	1 Bella Porta Place <b>REQUEST:</b> Application of David H. Goettsche for a variance to the front yard setback regulations	6
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**FILE NUMBER:** BDA178-083(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Andrea Gonzalez for a special exception to the single family use regulations at 2639 Searcy Drive. This property is more fully described as Lot 17, Block 9/5032, and is zoned R-7.5(A), which limits the number of dwelling units to one. The applicant proposes to construct and/or maintain an additional dwelling unit, which will require a special exception to the single family use regulations.

**LOCATION:** 2639 Searcy Drive

**APPLICANT:** Andrea Gonzalez

**REQUEST:**

A request for a special exception to the single family use regulations is made to maintain an existing 1-story additional "dwelling unit" structure on a site developed with a 1-story main single family home/dwelling unit structure.

**STANDARD FOR A SPECIAL EXCEPTION TO THE SINGLE FAMILY USE REGULATIONS TO AUTHORIZE AN ADDITIONAL DWELLING UNIT:**

The board may grant a special exception to the single family use regulations of the Dallas Development Code to authorize an additional dwelling unit on a lot when, in the opinion of the board, the additional dwelling unit will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties.

In granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent use of the additional dwelling unit as rental accommodations.

**STAFF RECOMMENDATION:**

No staff recommendation is made on this or any request for a special exception to authorize an additional dwelling unit since the basis for this type of appeal is when in the opinion of the board, the additional dwelling unit will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties.

**BACKGROUND INFORMATION:**

**Zoning:**

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

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

**Land Use:**

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

**Zoning/BDA History:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

- This request for a special exception to the single family use regulations focuses on maintaining an existing 1-story additional “dwelling unit” structure on a site developed with a 1-story main single family home/dwelling unit structure.
- The site is zoned R-7.5(A) where the Dallas Development Code permits one dwelling unit per lot.
- The single family use regulations of the Dallas Development Code states that only one dwelling unit may be located on a lot, and that the board of adjustment may grant a special exception to this provision and authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: 1) be contrary to the public interest; or 2) adversely affect neighboring properties.
- The Dallas Development Code defines “single family” use as “one dwelling unit located on a lot;” and a “dwelling unit” as “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
- The Dallas Development Code defines “kitchen” as “any room or area used for cooking or preparing food and containing one or more ovens, stoves, hot plates, or microwave ovens; one or more refrigerators; and one or more sinks. This definition does not include outdoor cooking facilities.”
- The Dallas Development Code defines “bathroom” as “any room used for personal hygiene and containing a shower or bathtub, or containing a toilet and sink.”
- The Dallas Development Code defines “bedroom” as “any room in a dwelling unit other than a kitchen, dining room, living room, bathroom, or closet. Additional dining rooms and living rooms, and all dens, game rooms, sun rooms, and other similar rooms are considered bedrooms.”
- The submitted site plan denotes the locations of two building footprints, the larger of the two with what appears to be the existing single family main structure and the smaller of the two denoted as “living quarters”.
- The submitted floor plan of what appears to be the “living quarters” denoted on the site plan shows a number of rooms/features that Building Inspection has determined makes it an additional dwelling unit - that is per Code definition: “one or more rooms

to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”

- This request centers on the function of what is proposed to be inside the smaller structure on the site – the “living quarters” structure, specifically its collection of rooms/features shown on the floor plan.
- The application states a request has been made for: “to allow my daughter and children to live there”.
- According to DCAD records, the “main improvement” for property addressed at 2639 Searcy Drive is a structure built in 1949 with 1411 square feet of total/living area with the following “additional improvements”: a 480 square-foot detached garage, a 416 square-foot room addition, and a 240 square-foot storage building.
- According to the submitted site plan the main structure contains 1,308 square feet and the additional dwelling unit structure contains 780 square feet.
- On August 1, 2018, the applicant provided a petition with 25 signatures from her neighbors supporting the existing additional dwelling unit, located at 2639 Searcy Drive, to the Board of Adjustment Senior Planner (see Attachment A).
- The applicant has the burden of proof in establishing that the additional dwelling unit will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.
- If the Board were to approve this request, the Board may choose to impose a condition that the applicant comply with the site plan if they feel it is necessary to ensure that the special exception will not adversely affect neighboring properties. But granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an additional dwelling unit on the site (i.e. development on the site must meet all required code requirements).
- The Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.
- If the Board were to grant this request, Building Inspection would view the structure denoted on the submitted site plan as “living quarters” as an additional “dwelling unit”.
- If the Board were to deny this request, Building Inspection would view the structure denoted on the submitted site plan as “living quarters” as an “accessory structure” whereby the applicant will be required to comply with the accessory structure code provision set forth in Section 51A-4.209(6) – provisions including but not limited to how the floor area of any individual accessory structure on a lot, excluding floor area used for parking, may not exceed 25 percent the floor area of the main building; and that the height of an accessory structure may not exceed the height of the main building.

### **Timeline:**

May 7, 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.

July 10, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

July 11, 2018: The Board Senior Planner emailed the applicant the following information:

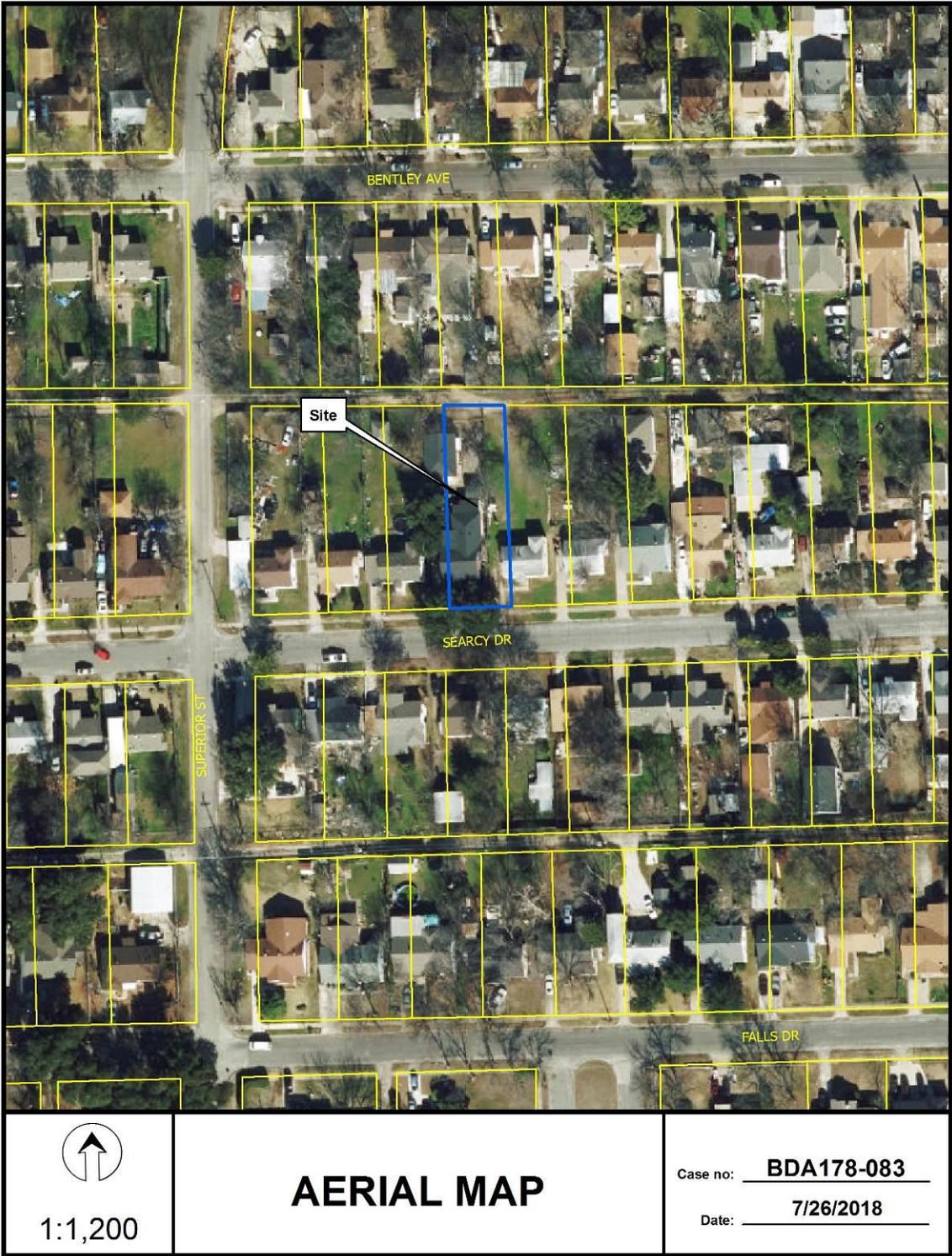
- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the August 1<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the August 10<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

August 1, 2018: The applicant's representative submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

August 7, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August 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 Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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





BDA178-083 RDA178-083 ATTACH A  
 2639 Searcy Dr. (pg 1/3)

Request for a secondary Dwelling Unit

Name	Signature	Address	Date
Miguel A. Avila	<i>[Signature]</i>	2643 Searcy Dr.	7-17-18
Teresa Dominguez	<i>[Signature]</i>	2647 Searcy Dr.	7-17-18
Joachim Hernandez	<i>[Signature]</i>	2703 Searcy Dr.	7-17-18
Francisco Vasquez	<i>[Signature]</i>	2646 Searcy Dr.	7/17/18
MARIA WILKINSON	<i>[Signature]</i>	2634 Searcy Dr.	7/8/18
Neida Gonzalez	<i>[Signature]</i>	2630 Searcy Dr.	7/18/18
Sandra Gonzalez	<i>[Signature]</i>	2618 Searcy Dr.	7/18/18
Soledad Ribera	<i>[Signature]</i>	2622 Searcy Dr.	7/18/18
NIHFA montroll	<i>[Signature]</i>	2697 Searcy Dr.	7/18/18
ESRILAN	<i>[Signature]</i>	2631 Searcy Dr.	7/12/18
rosa Arvizu	<i>[Signature]</i>	2423 Searcy Dr.	7/18/18
Carlos De La Fuente	<i>[Signature]</i>	2626 Searcy Dr.	7/18/18
Elysa De La Fuente	<i>[Signature]</i>	2626 Searcy Dr.	7/18/18

BDA178-083  
 2639 Searcy Dr.

BDA178-083

ATTACH A  
 (Pgs 2/3)  
 Page C

Request for a secondary Dwelling Unit

Name	Signature	Address	Date
Lourdes Rodriguez	Lourdes Rodriguez	2244 Searcy Dr Dallas TX 75221	7-23-18
Ferris Garcia	<del>Ferris Garcia</del>	2622 Brentley Ave Dallas TX 75228	7-23-18
Almaria J. Posales	Almaria J. Posales	2888 Bentley Ave Dallas TX 75228	7-27-18
Ebadio RUBENHAIN	Ebadio RUBENHAIN	2618 BENTLEY AVE 7-27-18	7-27-18
Gabriel Garcia	<del>Gabriel Garcia</del>	2050 Searcy Dallas TX 75221	7-27-18
Maria Peraza	Maria Peraza	2642 Searcy Dallas TX	7-27-18
Miguel Sanchez	Miguel Sanchez	2551 Searcy Dr Dallas TX 75211	07/29/18
Dorenda Castillo	Dorenda Castillo	2702 Searcy Dr Dallas TX 75211	07-29-18
Fernando Castillo	Fernando Castillo	2702 Searcy Dr Dallas TX 75211	07-29-18

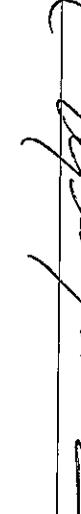
BDA178-083  
 2639 Searcy Dr.

BDA178-083

ATTACH  
 P 5 3/3

Part C

Request for a secondary Dwelling Unit

Name	Signature	Address
Elizabeth Ramirez		2643 Bentley Ave
Olivia Alvarez		2627 Gentry Ave
Veronica Martinez		2638 Bentley Ave.
Martin Santopons		2651 Searcy Dr. 07/25/18
Dorey Medlock		2635 Searcy Dr. 7/29/18



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-083

Data Relative to Subject Property:

Date: 5/7/18

Location address: 2639 Searcy dr

Zoning District: R-7.5(A)

Lot No.: 17 Block No.: 9/5032 Acreage: 0.18 Census Tract: 64.01

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Andrea Gonzalez

Applicant: Andrea Gonzalez Telephone: 4692632423

Mailing Address: 2639 Searcy dr Zip Code: 75211

E-mail Address: 31.texas100@gmail.com

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

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

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

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

Special exception for additional dwelling unit.

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 garage unit was converted to two dwelling units. The units were originally used by my son, but now they are rented. My plan is to change the units to one unit, to allow my daughter and children to live there.

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 Andrea Gonzalez

(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.

My Commission Expires July 22, 2018



Respectfully submitted: Andrea Gonzalez

(Affiant/Applicant's signature)

Subscribed and sworn to before me this 7 day of May, 2018

Cristel M. Wells

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

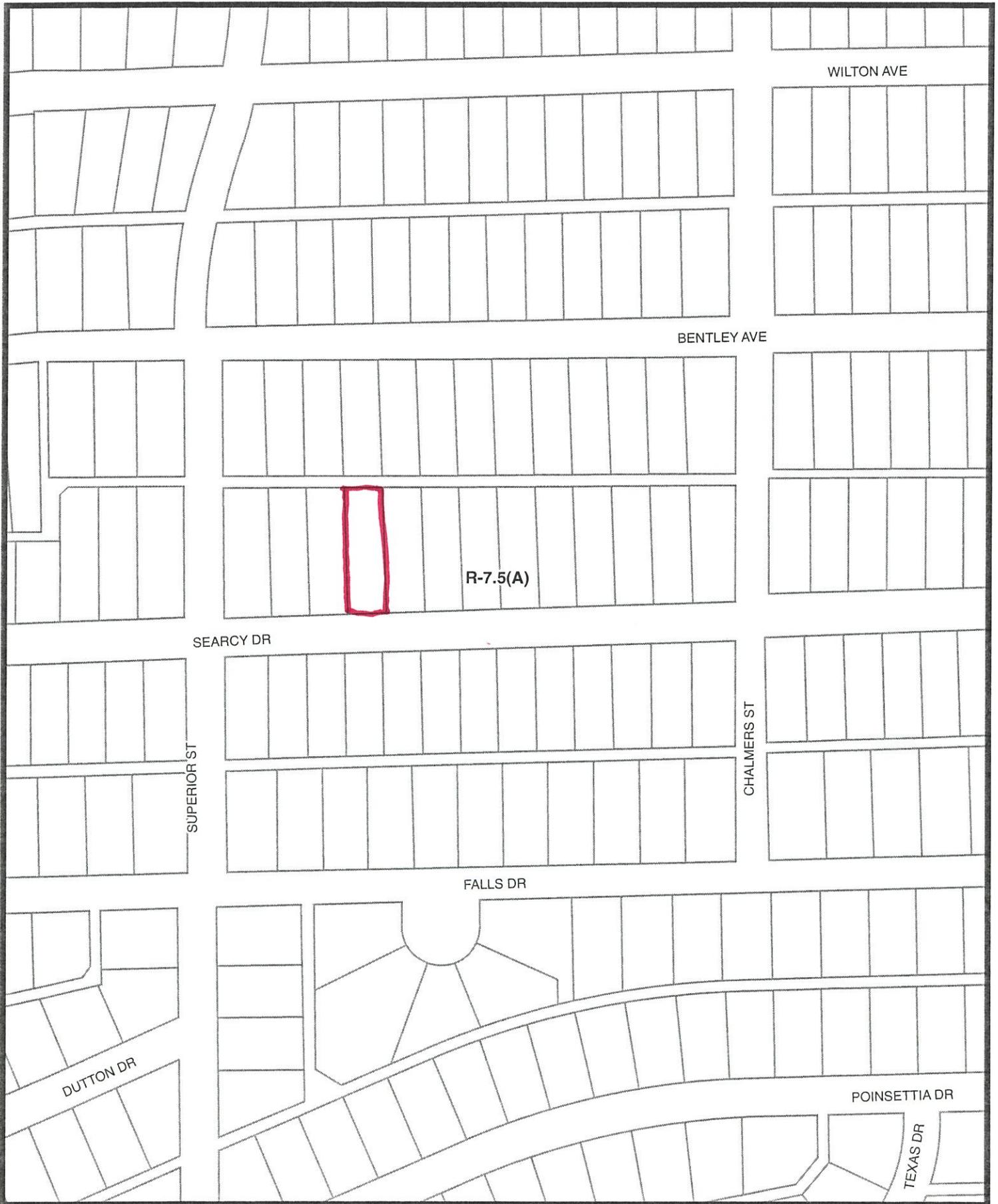
I hereby certify that ANDREA GONZALEZ

did submit a request for a special exception to the single family regulations  
at 2639 Searcy Drive

BDA178-083. Application of ANDREA GONZALEZ for a special exception to the single family regulations at 2639 SEARCY DR. This property is more fully described as Lot 17, Block 9/5032, and is zoned R-7.5(A), which limits the number of dwelling units to one. The applicant proposes to construct an additional dwelling unit, which will require a special exception to the single family zoning use regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



WILTON AVE

BENTLEY AVE

R-7.5(A)

SEARCY DR

SUPERIOR ST

CHALMERS ST

FALLS DR

DUTTON DR

POINSETTIA DR

TEXAS DR

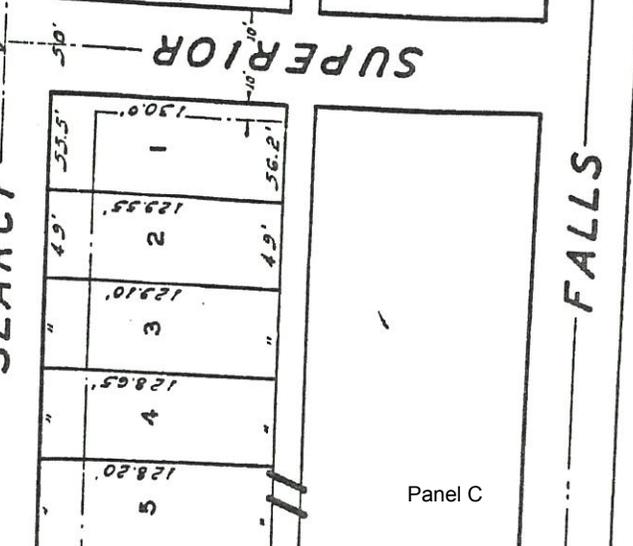
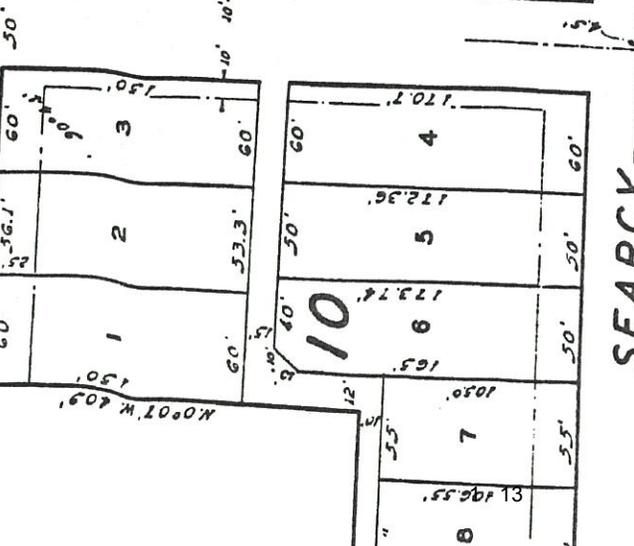
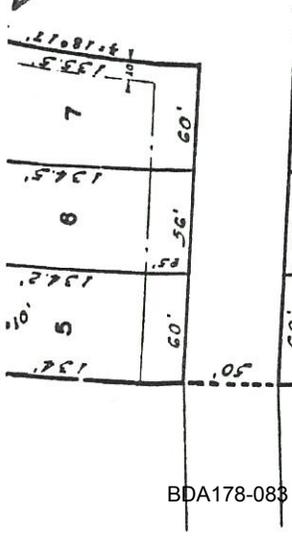
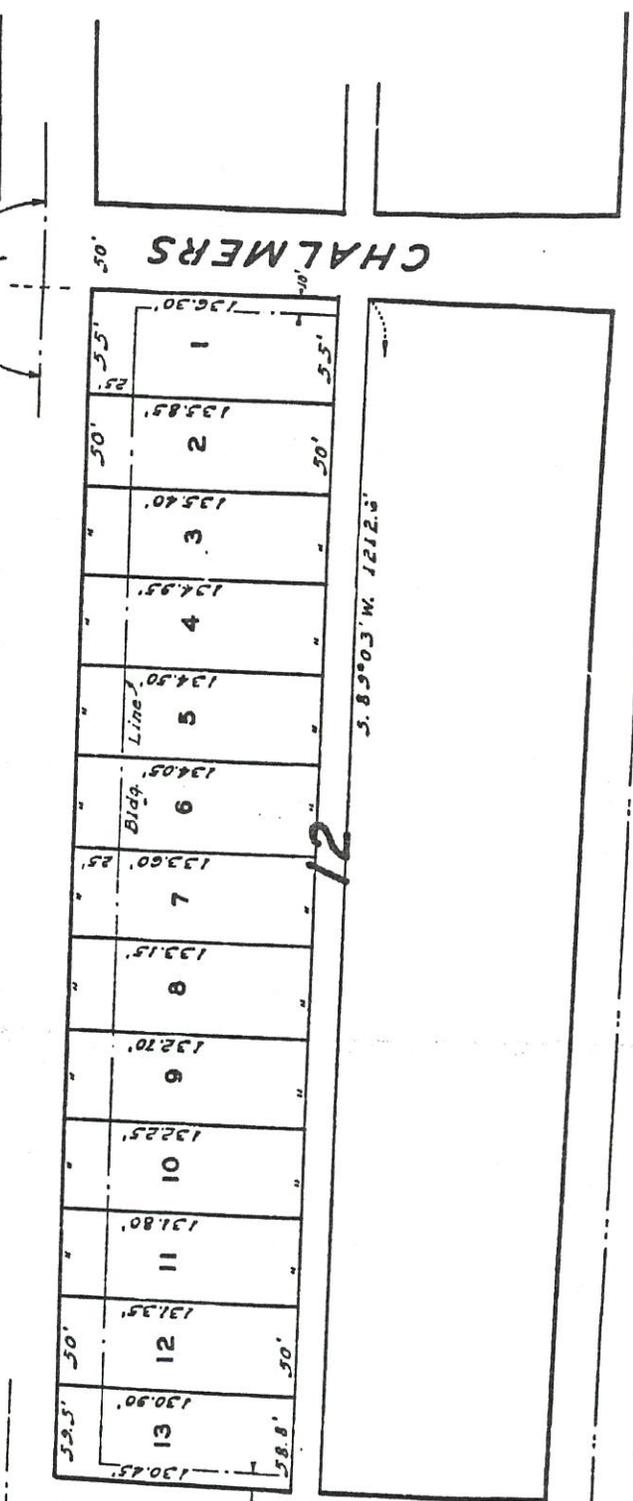
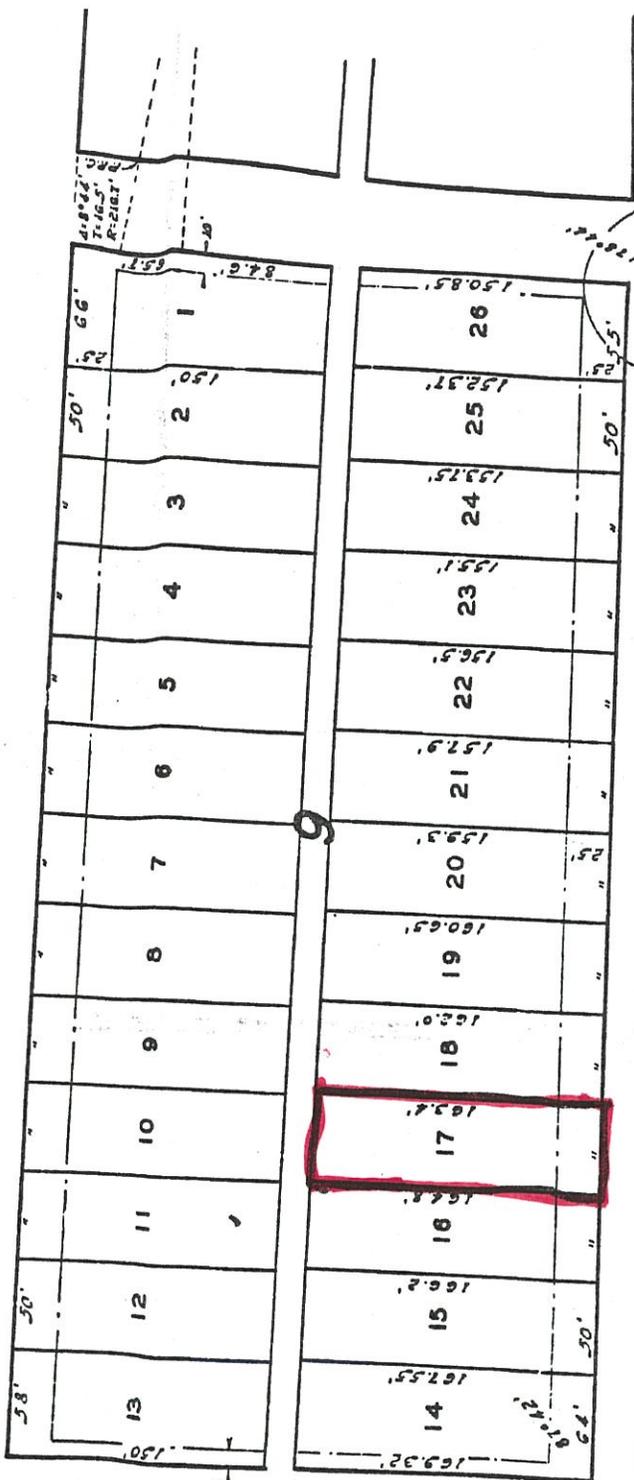
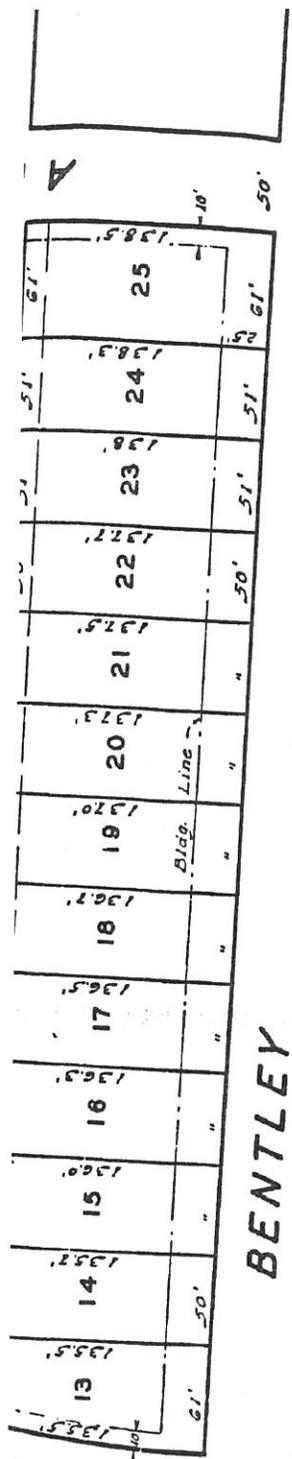
Printed Date: 5/7/2018

1:1,883  
BDA178-083

# Zoning Map

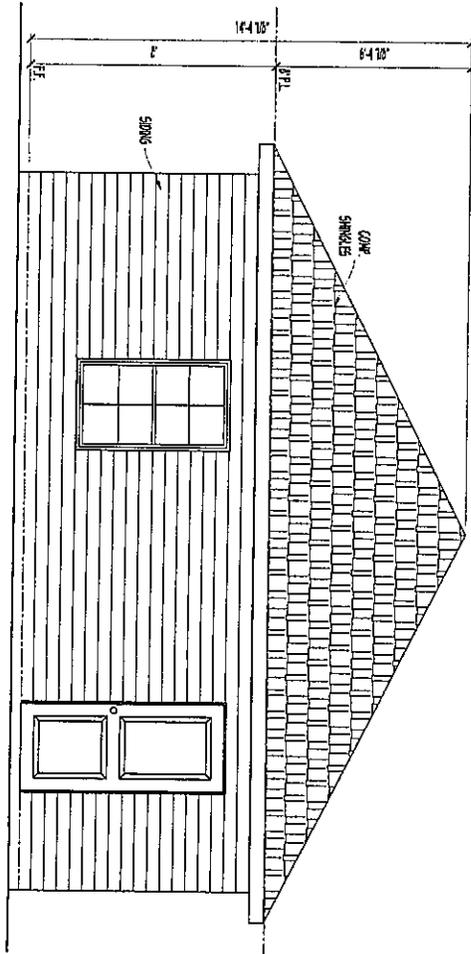
1-12

Panel C

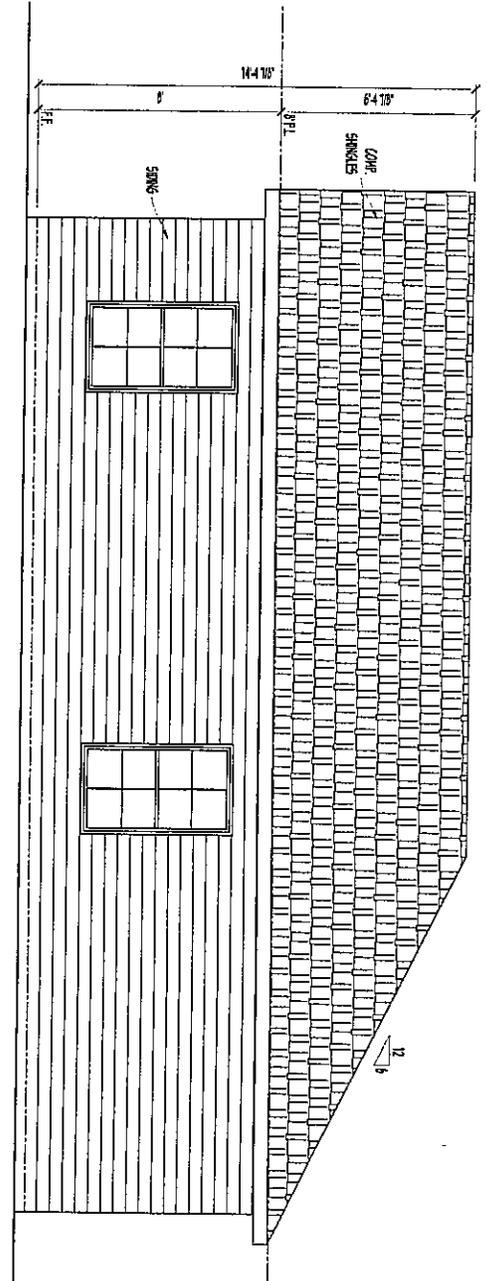








1 FRONT ELEVATION  
SCALE: 1/8" = 1'-0" (23X34)  
1/8" = 1'-0" (13X17)



2 LEFT ELEVATION  
SCALE: 1/8" = 1'-0" (23X34)  
1/8" = 1'-0" (13X17)

BDA178-083

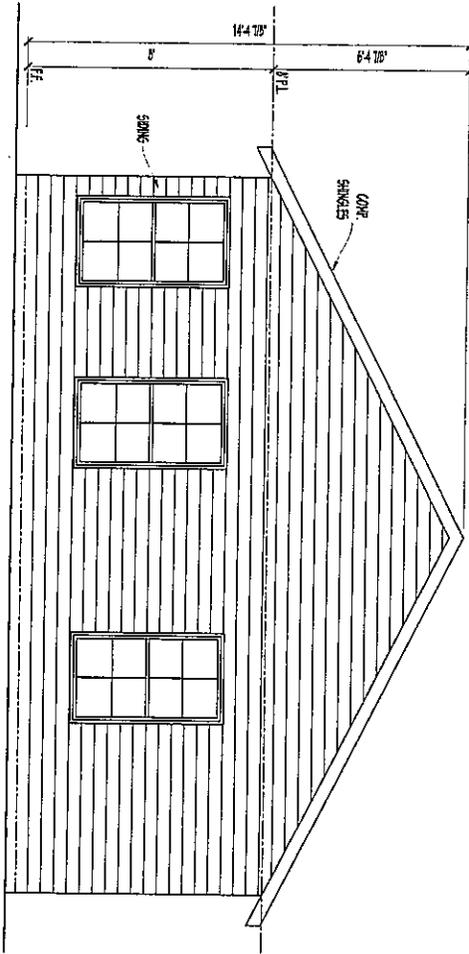
3

REVISION	DESCRIPTION	DATE
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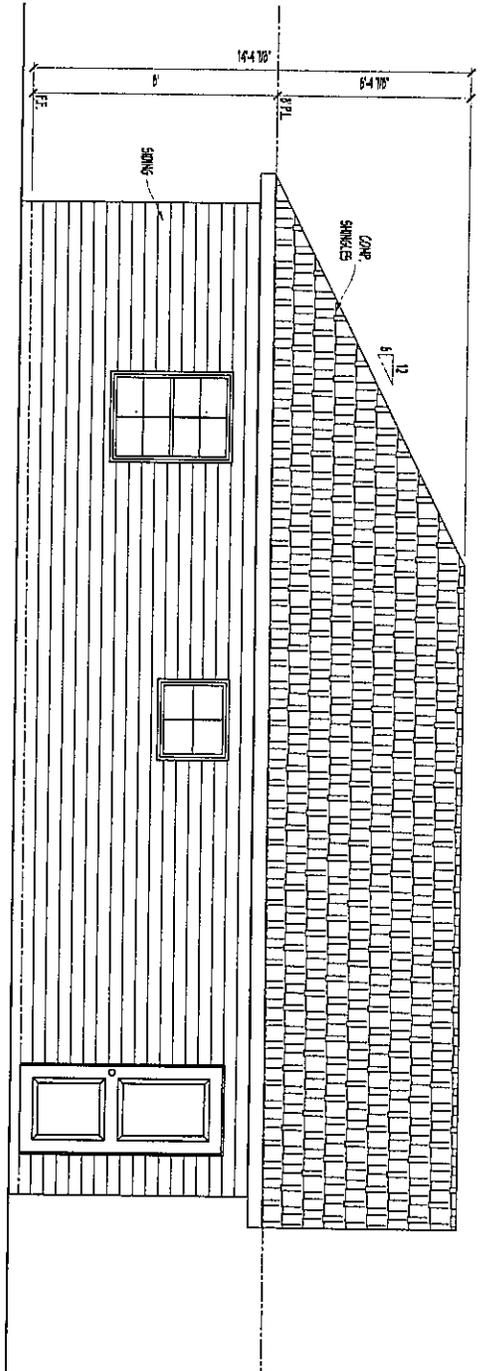
2639 SEARCY DR  
DALLAS TX 75211  
1 - 16 SHADY WOOD  
BLK 9/5032 LOT 17

ANDREA GONZALEZ

Panel C   
AJ DESIGN SOLUTIONS  
469-328-3215



1 REAR ELEVATION  
SCALE: 1/8"=1'-0" (11X17)



2 RIGHT ELEVATION  
SCALE: 1/8"=1'-0" (11X17)

BDA178-083

4

REVISION	DESCRIPTION	DATE
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SHEET SIZE:  
22X34  
11X17  
OVERALL SCALE AS NOTED

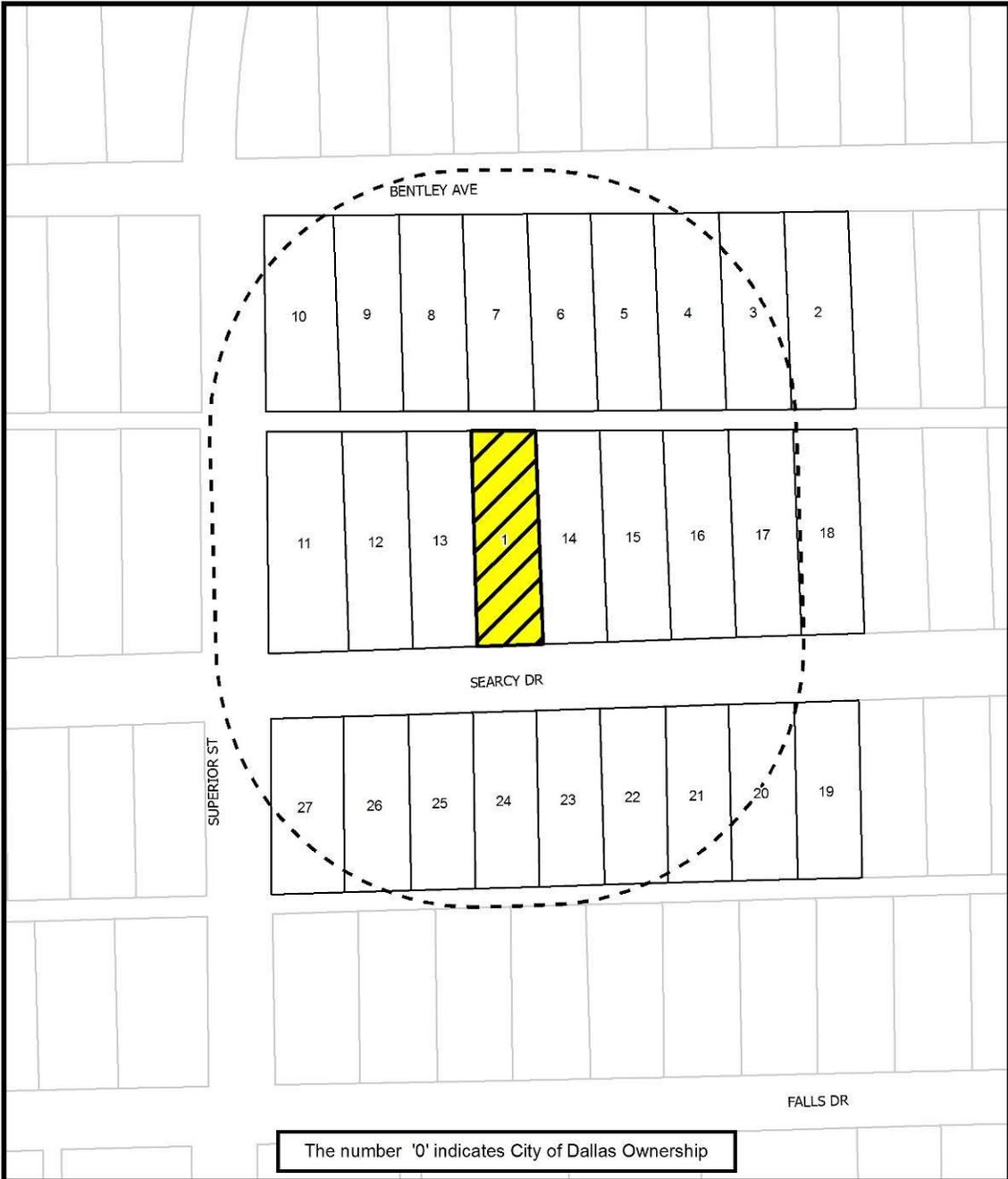
DRAWN BY: J. BAUER  
CHECKED BY: J.L.DATE: 04/20/18  
SCALE:

2639 SEARCY DR  
DALLAS TX 75211

1 - 17 SHADY WOOD  
BLK 9/5032 LOT 17

ANDREA GONZALEZ

Panel C  
AJ DESIGN SOLUTIONS  
469-328-3215



 1:1,200	<b>NOTIFICATION</b>	Case no: <b>BDA178-083</b>			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">27</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	27	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
27	NUMBER OF PROPERTY OWNERS NOTIFIED				

# *Notification List of Property Owners*

**BDA178-083**

**27 Property Owners Notified**

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2639 SEARCY DR	GONZALEZ ANDREA
2	2618 BENTLEY AVE	RUBALCABA EBODIO
3	2622 BENTLEY AVE	GARCIA EZEQUEIL T &
4	2626 BENTLEY AVE	CASTILLEJA VICTOR
5	2630 BENTLEY AVE	1G CAPITAL LLC
6	2634 BENTLEY AVE	ZUNIGA JOSE ROSALIO
7	2638 BENTLEY AVE	BAUTISTA BONIFACIO
8	2642 BENTLEY AVE	RODRIGUEZ CARLOS JAVIER &
9	2646 BENTLEY AVE	JOHNSON VIRGINIA M
10	2650 BENTLEY AVE	JOHNSON BARBARA JEAN
11	2651 SEARCY DR	HERNANDEZ JOAQUIN &
12	2647 SEARCY DR	HERNANDEZ PEDRO & TERESA
13	2643 SEARCY DR	AVILA MIGUEL & ROSA
14	2635 SEARCY DR	COUCH KEDRIC & PAT
15	2631 SEARCY DR	LEARD GORDON B
16	2627 SEARCY DR	MONROY ELICEO &
17	2623 SEARCY DR	ARVIZU ROSA
18	2619 SEARCY DR	ARVIZU FERMIN & ROSA
19	2618 SEARCY DR	CRUZ ALBERTO &
20	2622 SEARCY DR	HERNANDEZ EVELIO ETAL
21	2626 SEARCY DR	DELA FUENTE CARLOS
22	2630 SEARCY DR	GONZALEZ JUAN O
23	2634 SEARCY DR	WILKINSON MARIA
24	2638 SEARCY DR	SALINAS RAMON
25	2642 SEARCY DR	PERALTA MARIA
26	2646 SEARCY DR	VASQUEZ FRANCISCO &

07/26/2018

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	2650 SEARCY DR	GARCIA GABRIEL & JUANA

**FILE NUMBER:** BDA178-085(OA)

**BUILDING OFFICIAL'S REPORT:** Application of John Chisholm, represented by Chase Flanary of Kirkham Engineering, for a special exception to the landscape regulations at 4101 Duncanville Road. This property is more fully described as Lot 3, Block A/8032 and is zoned IR, which requires mandatory landscaping. The applicant proposes to construct and/or maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

**LOCATION:** 4101 Duncanville Road

**APPLICANT:** John Chisholm  
Represented by Chase Flanary of Kirkham Engineering

**REQUEST:**

A request for a special exception to the landscape regulations is made to construct and maintain a commercial/office use/structure, and not fully meet the landscape regulations, more specifically, to not meet street tree location requirements on the subject site.

**STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE AND TREE PRESERVATION REGULATIONS:**

The board may grant a special exception to the landscape and tree preservation regulations of this article upon making a special finding from the evidence presented that:

- (1) strict compliance with the requirements of this article will unreasonably burden the use of the property;
- (2) the special exception will not adversely affect neighboring property; and
- (3) the requirements are not imposed by a site-specific landscape plan approved by the city plan commission or city council.

In determining whether to grant a special exception, the Board shall consider the following factors:

- the extent to which there is residential adjacency;
- the topography of the site;
- the extent to which landscaping exists for which no credit is given under this article;
- the extent to which other existing or proposed amenities will compensate for the reduction of landscaping.

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted alternate landscape plan is required.

Rationale:

- The chief arborist recommends approval of the alternative landscape plan because strict compliance with Article X will unreasonably burden the use of the property, and the special exception will have no negative impacts on neighboring properties.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: IR (Industrial / Research District)
- North: IR (Industrial / Research District)
- South: IR (Industrial / Research District)
- East: IR (Industrial / Research District)
- West: IR (Industrial / Research District)

**Land Use:**

The subject site is undeveloped. The area to the north is developed with an office/warehouse use, and the areas to the east, south, and west are undeveloped.

**Zoning/BDA History:**

1. BDA167-132, Property at 4104 Duncanville Road (site)

On December 11, 2017, the Board of Adjustment Panel C granted a request for a special exception to the landscape regulations and imposed the submitted alternate landscape plan as a condition. The case report states that the request was made to maintain commercial/office use/structure and not fully meet the landscape regulations - more specifically, according to the City of Dallas Chief Arborist, the submitted alternate landscape plan did not provide the required street trees not providing street trees in the required location within 30' from the back of the street curb.

2. BDA134-119, Property at 4243 Duncanville Road (three lots south

On December 15, 2014, the Board of Adjustment Panel C granted a request for

of subject site)

a special exception to the landscape regulations and imposed the submitted alternate landscape plan as a condition. The case report states that the request was made to maintain a motor vehicle fueling station use (Questar Fueling Station), and not fully meet the landscape regulations - more specifically, according to the City of Dallas Chief Arborist, the submitted alternate landscape plan did not provide the required street trees factored at one tree per 50 linear feet of frontage within 30 feet of the curb.

### **GENERAL FACTS/STAFF ANALYSIS:**

- This request for a special exception to the landscape regulations focuses on constructing and maintaining a commercial/office use/structure, and not fully meeting the landscape regulations, more specifically, not providing street trees in the required location within 30' from the back of the street curb.
- The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period.
- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment A).
- The Chief Arborist's memo states the following with regard to "request":
  - The applicant requests a special exception to the landscape regulations in Article X for the construction of a non-residential structure. The special exception would allow for required street trees to be planted more than 30 feet from the back of the street curb (Sec. 51A-10.125(b) (4)), and parking spaces adjacent to the new southern building addition would not be within 120 feet of a large canopy tree (Sec. 51A-10.125(b) (5)).
- The Chief Arborist's memo states the following with regard to "provision":
  - The applicant is proposing to provide an alternative landscape plan which would comply with Article X with the exception of street tree location requirements and parking lot requirements for distance from a large canopy tree. The street buffer design standard is used on the plan which will provide one large non-canopy tree with each required canopy tree. The property will also retain a 3.5 acre preserved wooded area with a floodway easement.
- The Chief Arborist's memo states the following with regard to "deficiencies":
  - The property would not provide street trees within 30 feet of the curb, as required by ordinance. Two large easements forces trees to the edge of the easement

and away from Duncanville Road. The easement areas in the front yard will be maintained with permeable groundcover.

- The City of Dallas Chief Arborist recommends approval of the alternative landscape plan because strict compliance with Article X will unreasonably burden the use of the property, and the special exception will have no negative impacts on neighboring properties.
- The applicant has the burden of proof in establishing the following:
  - Strict compliance with the requirements of the landscape regulations of the Dallas Development Code will unreasonably burden the use of the property; and
  - The special exception will not adversely affect neighboring property.
- If the Board were to grant this request and impose the submitted alternate landscape plan as a condition to the request, the site would be provided exception from providing the street trees in the required location on the subject site.

**Timeline:**

May 2, 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.

July 10, 2018: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case”.

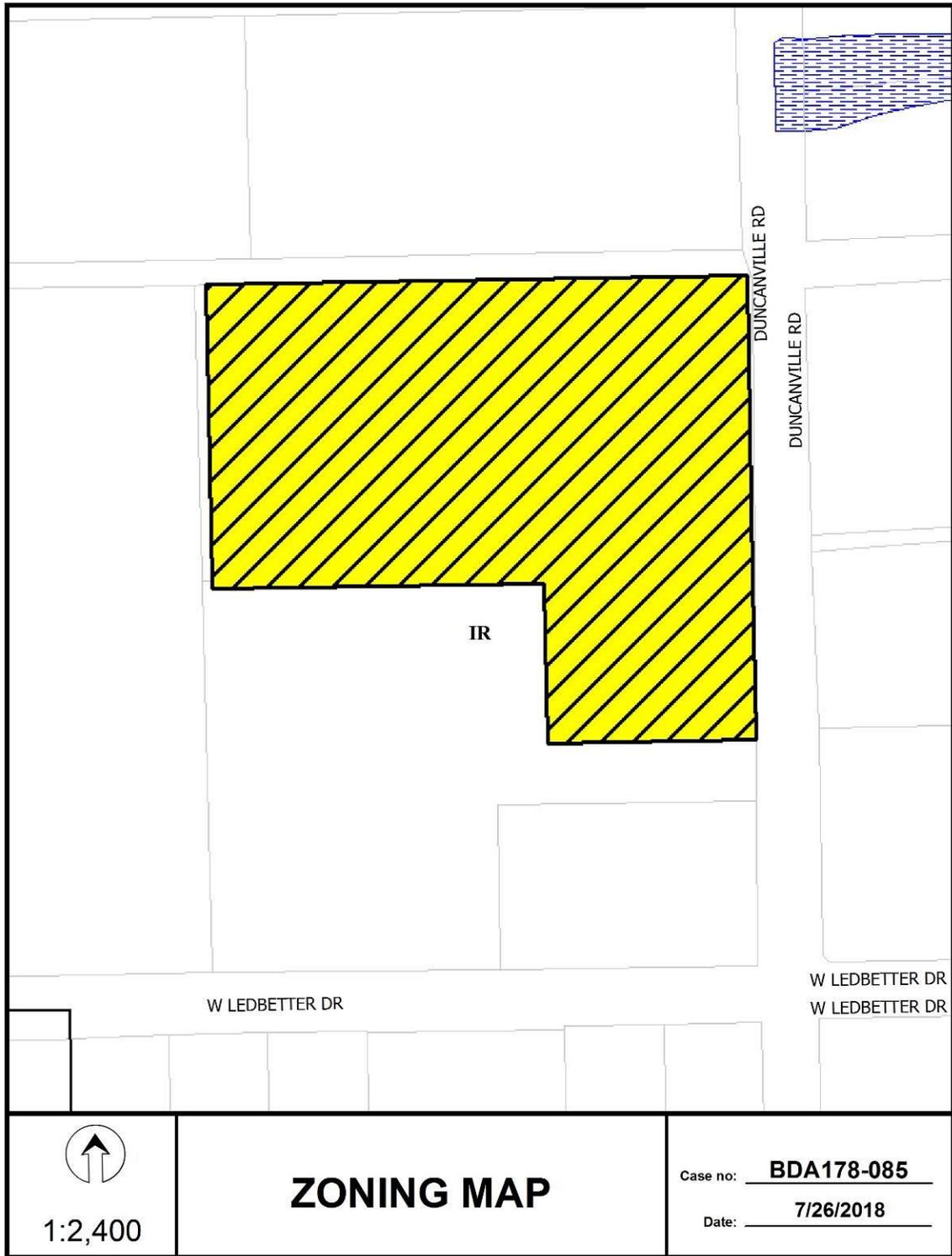
July 11, 2018: The Board Administrator emailed the applicant’s representative the following information:

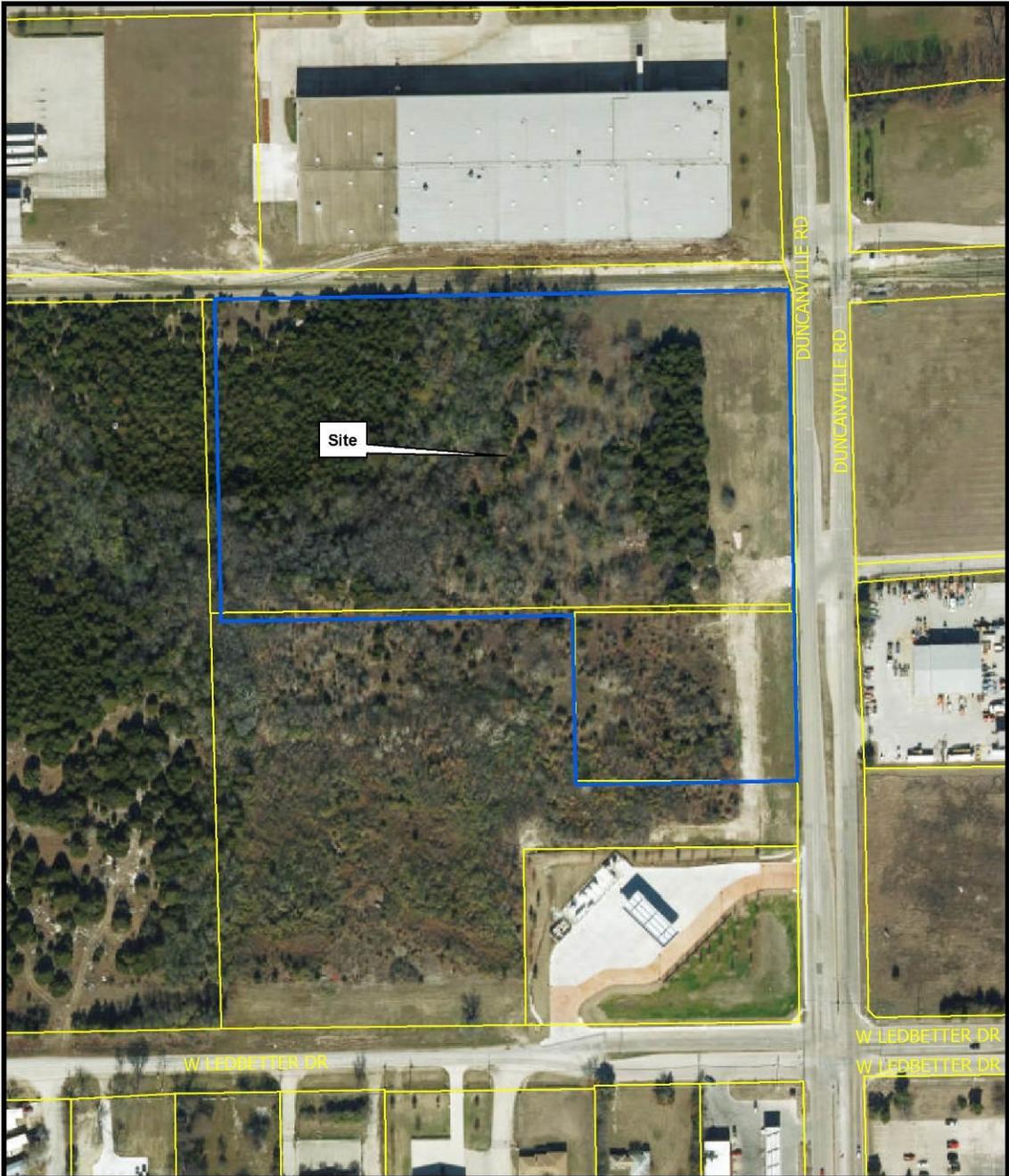
- an attachment that provided the public hearing date and panel that will consider the application; the August 1<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the August 10<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

August 7, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August 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 Senior Engineer, the Chief Arborist, the Sustainable Development and

Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

August 9, 2018: The City of Dallas Chief Arborist submitted a memo regarding this request (see Attachment A).





 1:2,400	<h1>AERIAL MAP</h1>	Case no: <u>BDA178-085</u> Date: <u>7/26/2018</u>
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# Memorandum



Date August 9, 2018  
To Oscar Aguilera, Board Administrator  
Subject BDA #178-085 4104 Duncanville Road Arborist report

## Request

The applicant is requesting a special exception to the landscape regulations of Article X for the construction of a non-residential structure and site expansion. The special exception would allow for required street trees to be planted more than 30 feet from the back of the street curb (Sec. 51A-10.125(b)(4)), and parking spaces adjacent to the new southern building addition would not be within 120 feet of a large canopy tree (Sec. 51A-10.125(b)(5)). The Article X regulations before July 1, 2018 amendments apply to this site.

## Provision

The applicant is proposing to provide an alternative landscape plan which would comply with Article X with the exception of street tree location requirements and parking lot requirements for distance from a large canopy tree. The street buffer design standard is used on the plan which will provide one large non-canopy tree with each required canopy tree. The property will also retain a 3.5 acre preserved wooded area with a floodway easement.

## Deficiency

The property would not provide street trees within 30 feet of the curb, as required by ordinance. Two large gas easements forces trees to the edge of the easement and away from Duncanville Road. The easement areas in the front yard will be maintained with permeable groundcover.

## Recommendation

The chief arborist recommends approval of the alternative landscape plan because strict compliance with Article X will unreasonably burden the use of the property, and the special exception will have no negative impacts on neighboring properties.

Philip Erwin  
Chief Arborist  
Building Inspection



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-085

Data Relative to Subject Property:

Date: 05/02/2018

Location address: 4104 Duncanville Road Zoning District: IR

Lot No.: 3 Block No.: A/8032 Acreage: 12.03 Census Tract: \_\_\_\_\_

Street Frontage (in Feet): 1) 755 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Johnny Ringo, LLC

Applicant: John Chisholm Telephone: 214-679-4316

Mailing Address: 2905 Dublin Road, Parker, TX Zip Code: 75002

E-mail Address: johnchisolm@verizon.net

Represented by: Kirkman Engineering/Chase Flanary Telephone: 817-488-4960

Mailing Address: 4821 Merlot Avenue, Suite 201 Zip Code: 76051

E-mail Address: shea.kirkman@trustke.com

Affirm that an appeal has been made for a Variance \_\_\_\_\_, or Special Exception X, of Alternate Landscape Plan

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: There are two large 30' gas easements along the frontage of the property that does not allow trees to be planted within them. The street trees need to be moved 60' from the frontage street to meet the landscape ordinance.

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.

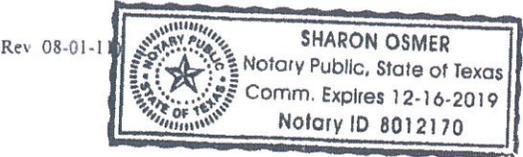
Affidavit

Before me the undersigned on this day personally appeared JOHN CHISHOLM (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 2nd day of May, 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

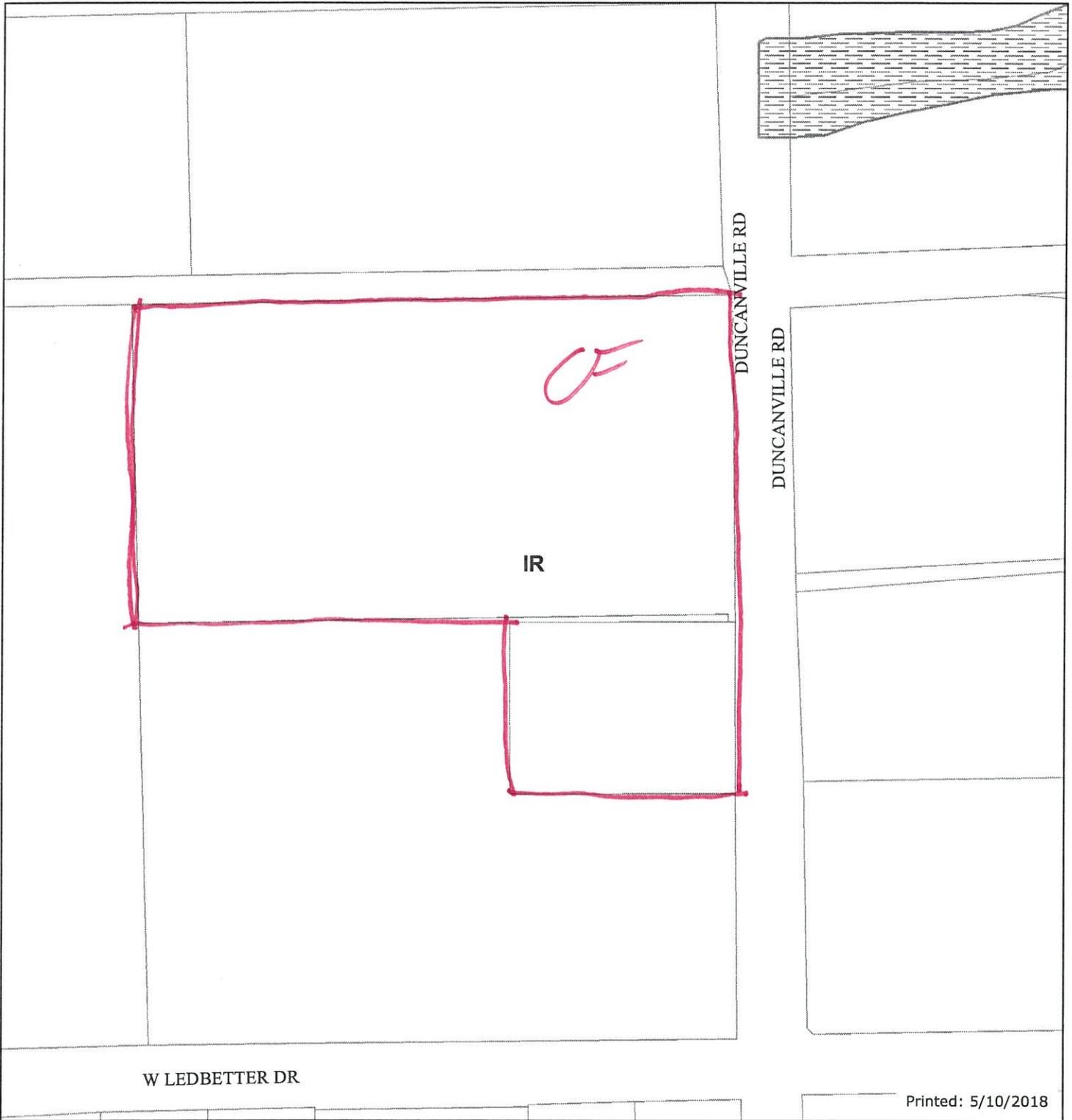
**Building Official's Report**

I hereby certify that John Chisholm  
represented by CHASE FLANARY  
did submit a request for a special exception to the landscaping regulations  
at 4101 Duncanville Rd.

BDA178-085. Application of John Chisholm represented by CHASE FLANARY for a special exception to the landscaping regulations at 4101 Duncanville Road. This property is more fully described as Lot 3, Block A/8032 and is zoned IR, which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official

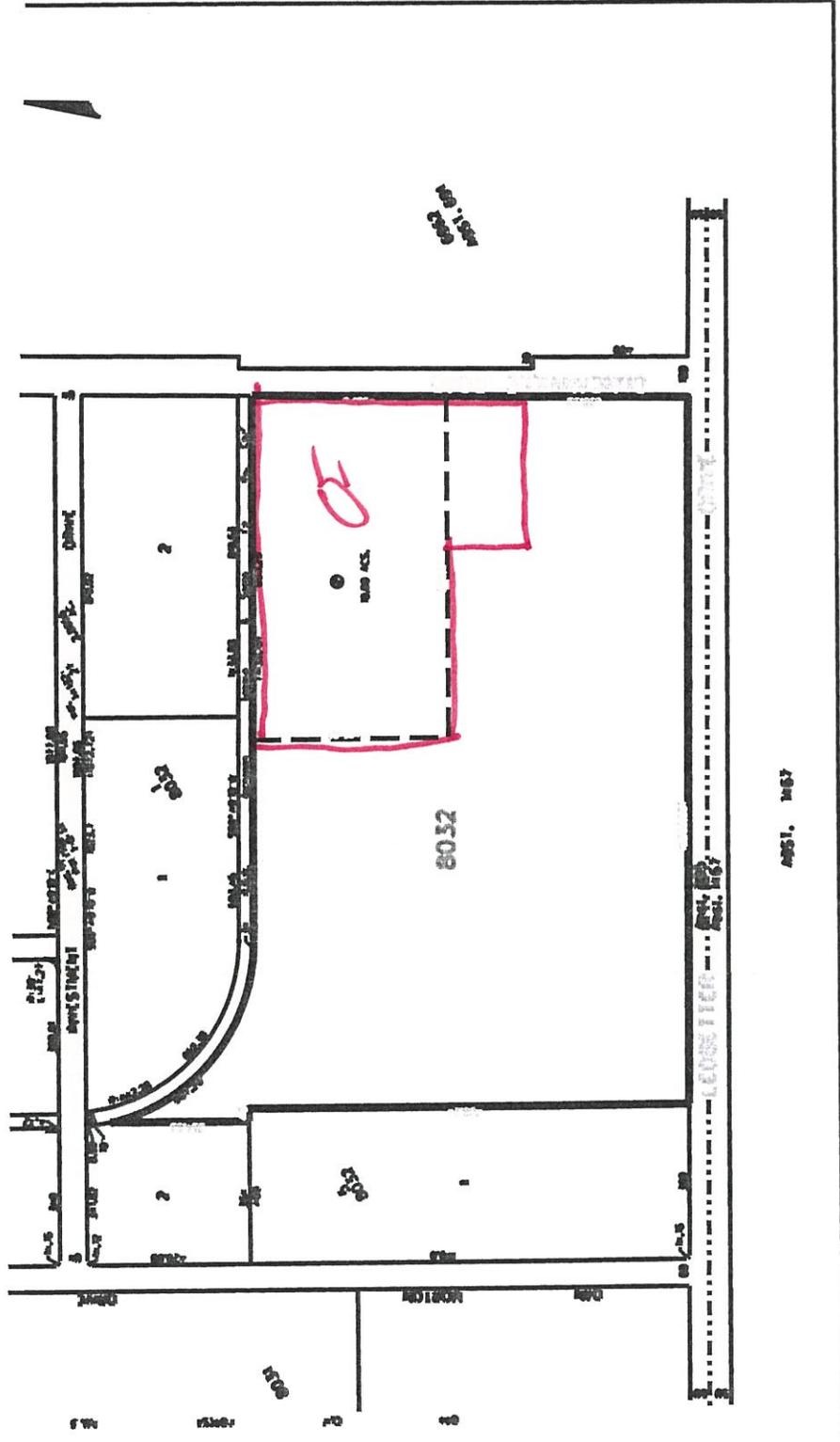


**Legend**

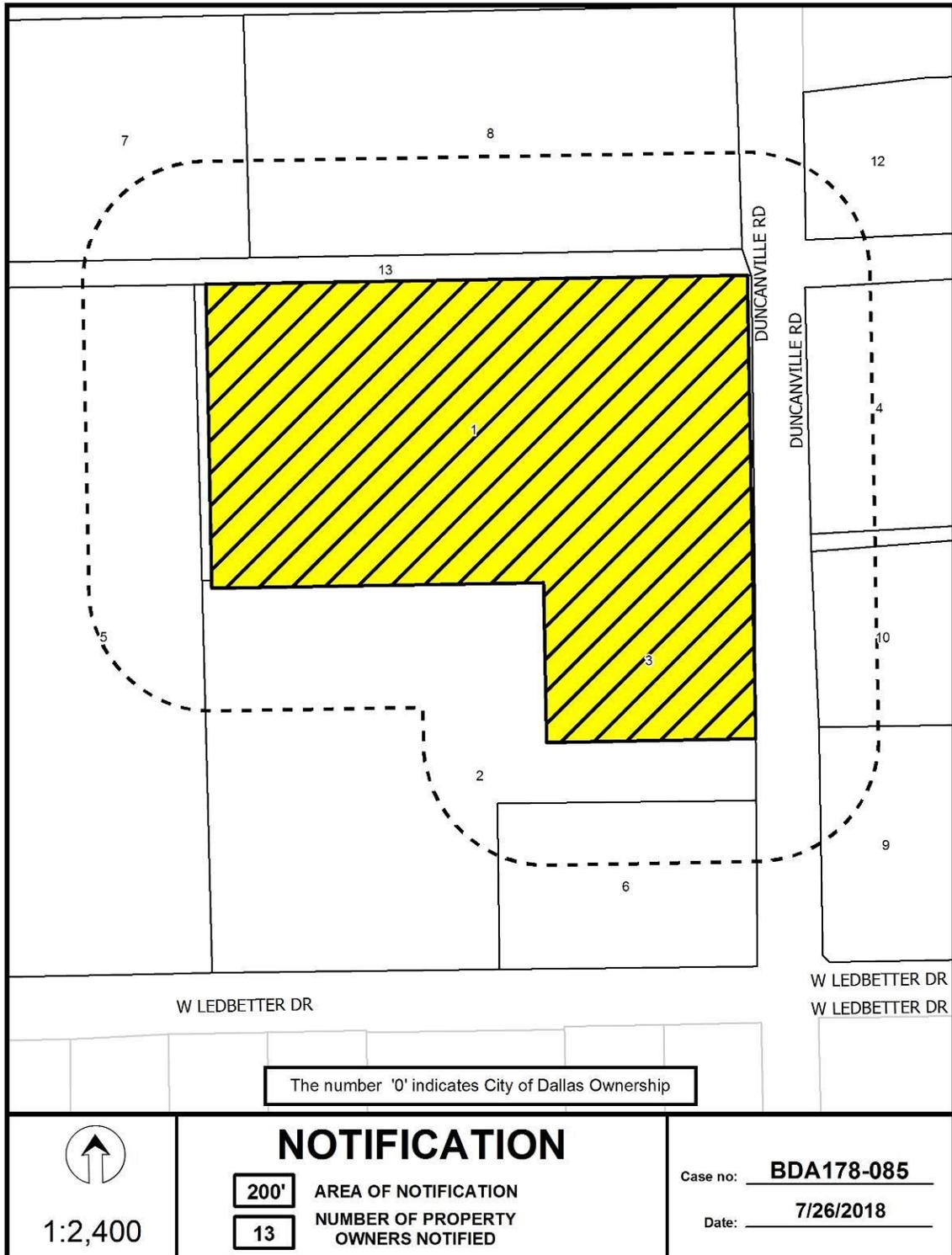
- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | <b>Dry Overlay</b>    | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| <b>Floodplain</b>    | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO_Overlay                |
| Peak's Branch        | SPSD Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | SUP                            | Historic Overlay      | Shop Front Overlay         |
|                      |                                | Height Map Overlay    |                            |

This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.' (Texas Government Code § 2051.102)









# *Notification List of Property Owners*

**BDA178-085**

## **13 Property Owners Notified**

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
1	4200 DUNCANVILLE RD	RINGO JOHNNY LLC
2	4200 DUNCANVILLE RD	REI LEASING MANAGEMENT LLC
3	4200 DUNCANVILLE RD	PROPIEDADES LOPEZ HOLDINGS LC
4	4040 DUNCANVILLE RD	TEXAS UTILITIES ELEC CO
5	8032 W LEDBETTER DR	DV REALM CO
6	4243 DUNCANVILLE RD	QUESTAR FUELING COMPANY
7	5252 INVESTMENT DR	REAL PARTNER INVEST LLC
8	5050 INVESTMENT DR	ETH INVESTMENT GROUP LLC
9	4321 W LEDBETTER DR	CRG PROPERTIES LLC
10	4100 DUNCANVILLE RD	ATKINSON SAMUEL J &
11	4060 DUNCANVILLE RD	NAUGATUCK LC
12	3930 DUNCANVILLE RD	BOISE CASCADE BUILDING MATERIALS DISTRIBUTION LLC
13	2300 AL LIPSCOMB WAY	BNSF RAILWAY

**FILE NUMBER:** BDA178-088(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Brandon Oberschlake, represented by Bang Dang, for a variance to the front yard setback regulations, and for special exceptions to the fence standards regulations at 2015 Cullen Avenue. This property is more fully described as Lot 6, Block C/1978, and is zoned R-7.5(A), which requires a front yard setback of 25 feet, which limits the height of a fence in the front yard to 4 feet, and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct and/or maintain a structure and provide a 5 foot front yard setback, which will require a 20 foot variance to the front yard setback regulations, to construct and/or maintain a 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence standards regulations, and to construct and/or maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence standards regulations.

**LOCATION:** 2015 Cullen Avenue

**APPLICANT:** Brandon Oberschlake  
Represented by Bang Dang

**REQUESTS:**

The following requests have been made on a site that is undeveloped:

1. A variance to the front yard setback regulations is made to construct/maintain:
  - (a) a one-story single family home structure with a total "slab area" of approximately 2,720 square feet or with a total "home size" of approximately 2,260 square feet to be located 5' from one of the site's two front property lines (Madera Street) or 20' into this 25' front yard setback; and,
  - (b) a "pool" structure part of which is to be located 10' from one of the site's two front property lines (Madera Street) or 15' into this 25' front yard setback;
2. A request for special exception to the fence standards regulations related to fence height of 4' is made to construct and maintain a fence (an 8' high solid board-on-board wood fence) higher than 4' in height in one of the site's two required front yards (Madera Street); and
3. A request for a special exception to the fence standards regulations related to a fence panel with a surface area that is less than 50 percent open is made to maintain an 8' high solid board-on-board wood fence located on the Madera Street front lot line (or less than 5' from this front lot line).

**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.

**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:**

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 R7.5 (A) zoning district. It is restrictive in area due to having an irregular shaped lot, it has two, 25' front yard setbacks when most lots in this zoning district have one 25' front yard setback. The approximately 8,900 square feet subject site has approximately 2,200 square feet of developable area available once the 25' front yard setback is accounted for the west, 25' front yard setback is accounted for the east and 5' side yard setback is accounted for on the north. If the lot were more typical to others in the zoning district with only one front yard setback, the site would have approximately 4,700 square feet of developable area.
- 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 2,264 square feet is commensurate to 10 other homes in the same R-7.5(A) zoning district that have average home size of approximately 3,600 square feet.

**STAFF RECOMMENDATION (fence standards):**

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

## **BACKGROUND INFORMATION:**

### **Zoning:**

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

### **Land Use:**

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

### **Zoning/BDA History:**

1. BDA167-022, Property at 2228 Madera Street (two lots northwest of the subject site) On February 23, 2017, the Board of Adjustment Panel C granted a variance to the front yard setback regulations. The case report stated that the requests were made to replace an existing single family structure in the front yard setback with a new single family structure that would be located as close as 14' from the front property line or as much as 11' into the required 25' front yard setback.
2. BDA123-086, Property at 5410 Melrose Avenue (four lots northwest of the subject site) On September 17, 2013, the Board of Adjustment Panel B granted variances to the front yard setback regulations, lot coverage regulations, and off-street parking regulations. The case report stated that the requests were made to replace an existing one-story structure with a two story structure.

### **GENERAL FACTS/STAFF ANALYSIS (front yard variance):**

- This request for a variance to the front yard setback regulations of 20' focuses on constructing and maintaining:
  - a) a one-story single family home structure with a total "slab area" of approximately 2,720 square feet or with a total "home size" of approximately 2,260 square feet to be located 5' from one of the site's two front property lines (Madera Street) or 20' into this 25' front yard setback; and

- b) a “pool” structure, part of which is to be located 10’ from one of the site’s two front property lines (Madera Street) or 15’ into this 25’ front yard setback.
- The property is located in an R-7.5 (A) (Single family district 7,500 square-foot) zoning district which requires a minimum front yard setback of 25 feet.
  - The subject site is located at the northwest corner of Cullen Avenue and Madera Street. Regardless of how the structure is proposed to be oriented to front Cullen Avenue, the subject site has 25’ front yard setbacks along both street frontages. The site has a 25’ front yard setback along Cullen Avenue, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in this zoning district. The site also has a 25’ front yard setback along Madera Street, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where a 5’ side yard setback is required. However, the site’s Madera Street 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 southward towards Madera Street.
  - The submitted site plan indicates that the proposed home structure is located as near as 5’ from the Madera Street front property line or 20’ into this 25’ front yard setback.
  - According to DCAD records, the “main improvement” for property addressed at 2015 Cullen Avenue is a structure built in 1926 with 862 square feet of total living area, however, this structure has been demolished.
  - The subject site is flat, irregular in shape and according to the submitted application is 0.20 acres (or approximately 8,900 square feet) in area. The site is zoned R-7.5 (A) where lots are typically 7,500 square feet in area.
  - Most lots in the R-7.5(A) zoning district have one 25’ front yard setback, two 5’ side yard setbacks, and one 5’ rear yard setback; this site has two 25’ front yard setbacks and one 5’ side yard setback.
  - The site plan represents that approximately ½ of the home structure and ¾ of the pool are located in the 25’ Madera Street front yard setback.
  - The approximately 8,900 square feet subject site has approximately 2,200 square feet of developable area available once the 25’ front yard setback is accounted for the west, 25’ front yard setback is accounted for the east and 5’ side yard setback is accounted for on the north. If the lot were more typical to others in the zoning district with only one front yard setback, the site would have approximately 4,700 square feet of developable area.
  - The applicant submitted a document with this application, indicating among other things that that the total home size of the proposed home on the subject site is 2,264 square feet, and the average of 10 other properties in the same zoning is approximately 3,600 square feet.
  - The following additional information was gleaned from the submitted site plan and elevation:
    - The “pool” structure is represented as being approximately 37’ in length parallel to Madera Street.
    - The “pool” structure is represented as being located approximately 10’ from the property line.

- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.
  - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which in this case is a home structure that would be located 5’ from the site’s Madera Street front property line (or 20’ into this 25’ front yard setback) and a pool structure that would be located 10’ from the site’s Madera Street front property line (or 15’ into this 25’ front yard setback).

**GENERAL FACTS/STAFF ANALYSIS (fence standards):**

- The requests for special exceptions to the fence standard regulations are twofold. A special exception to the fence standards regulations related to height of 4’ is to maintain an 8’ high solid board-on-board wood fence in one of the site’s two required front yards (Madera Street). A special exception to the fence standard regulations related to a fence with panels with surface areas less than 50 percent open is made to maintain an 8’ high solid board-on-board wood fence located on Madera Street front lot line (or less than 5’ from this front lot line).
- The property is located in an R-7.5 (A) (Single family district 7,500 square-feet) zoning district which requires a minimum front yard setback of 25 feet.
- The Dallas Development Code Sec. 4.602 (a) states that:
  - 1) In all residential districts except multifamily districts, a fence may not exceed 4’ above grade when located in the required front yard.
  - 2) In single family districts, a fence panel with a surface area that is less than 50 percent open may not be located less than five feet from the front lot line.
- The applicant submitted site plan and a site plan/elevation representing the proposed fence in the front yard setback with notations indicating that the proposal reaches a maximum height of 8’.
- The following additional information was gleaned from the submitted site plan:
  - The proposal is represented as being approximately 116’ in length parallel to Madera Street and approximately 25’ perpendicular to Madera Street on the north and approximately 6’ on the south side of the site in this front yard setback.
  - The proposal is represented as being located approximately at the front property line or approximately 12’ from the pavement line.

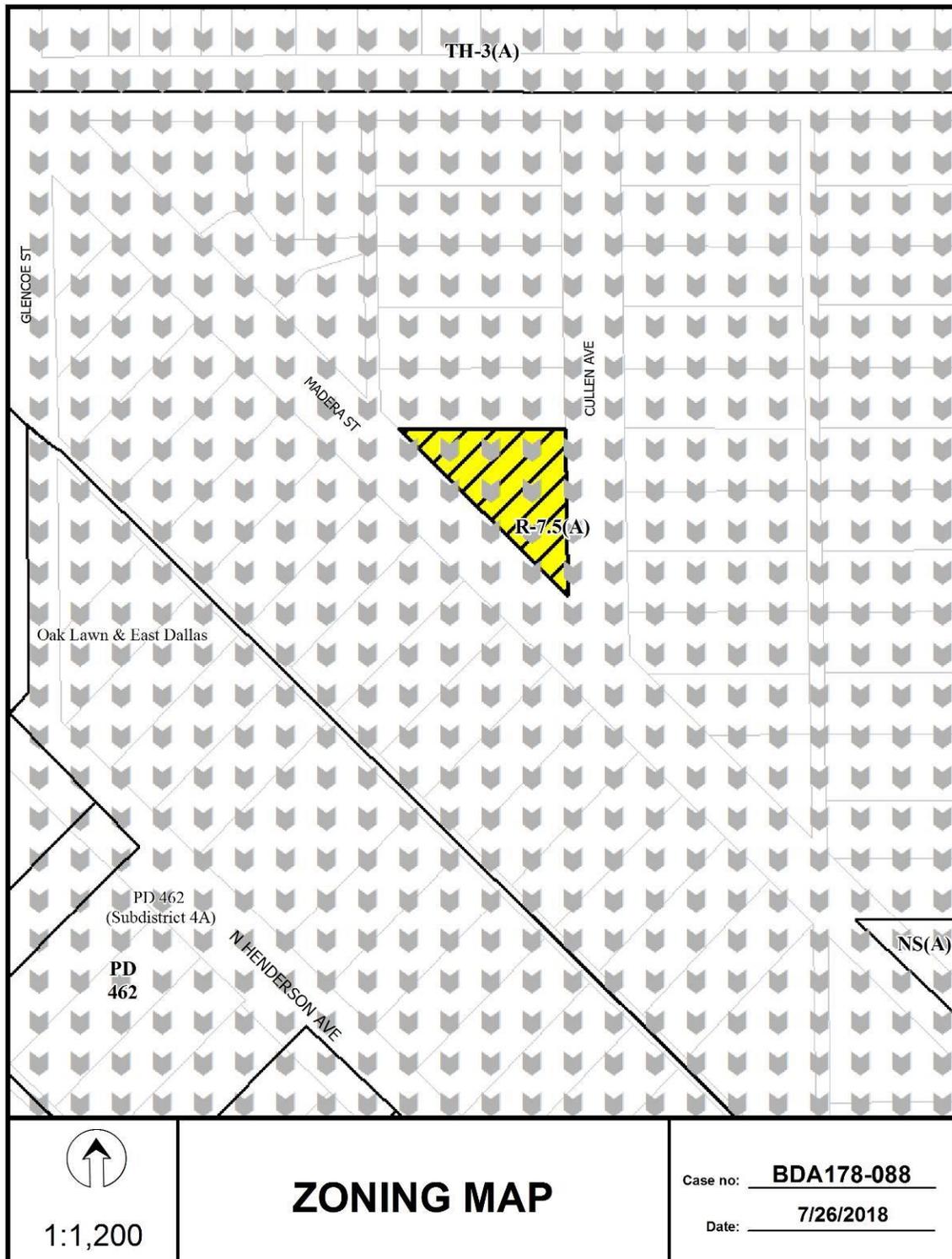
- The Sustainable Development and Construction Department Senior Planner conducted a field visit of the site and surrounding area from Cullen Avenue to Melrose Avenue and noted a similar fence that appeared to be over 4' in height and in a front yard setback - a solid wood fence that appeared to be above 8' in height located immediately north of subject site with no recorded BDA history.
- The applicant has the burden of proof in establishing that the special exception to the fence standards regulations related to fence height of 8' will not adversely affect neighboring property.
- As of August 10<sup>th</sup>, no letters have been submitted in support of or in opposition to this request.
- Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height to be located in the front yard setback to be constructed and maintained in the location and of the heights and materials as shown on these documents.

**Timeline:**

- May 16, 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.
- July 10, 2018: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- July 11, 2018: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the August 1<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the August 10<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
  - the criteria/standards that the board will use in their decision to approve or deny the requests; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- August 7, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August 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 Senior Engineer, the Chief Arborist, the Sustainable Development and

Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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

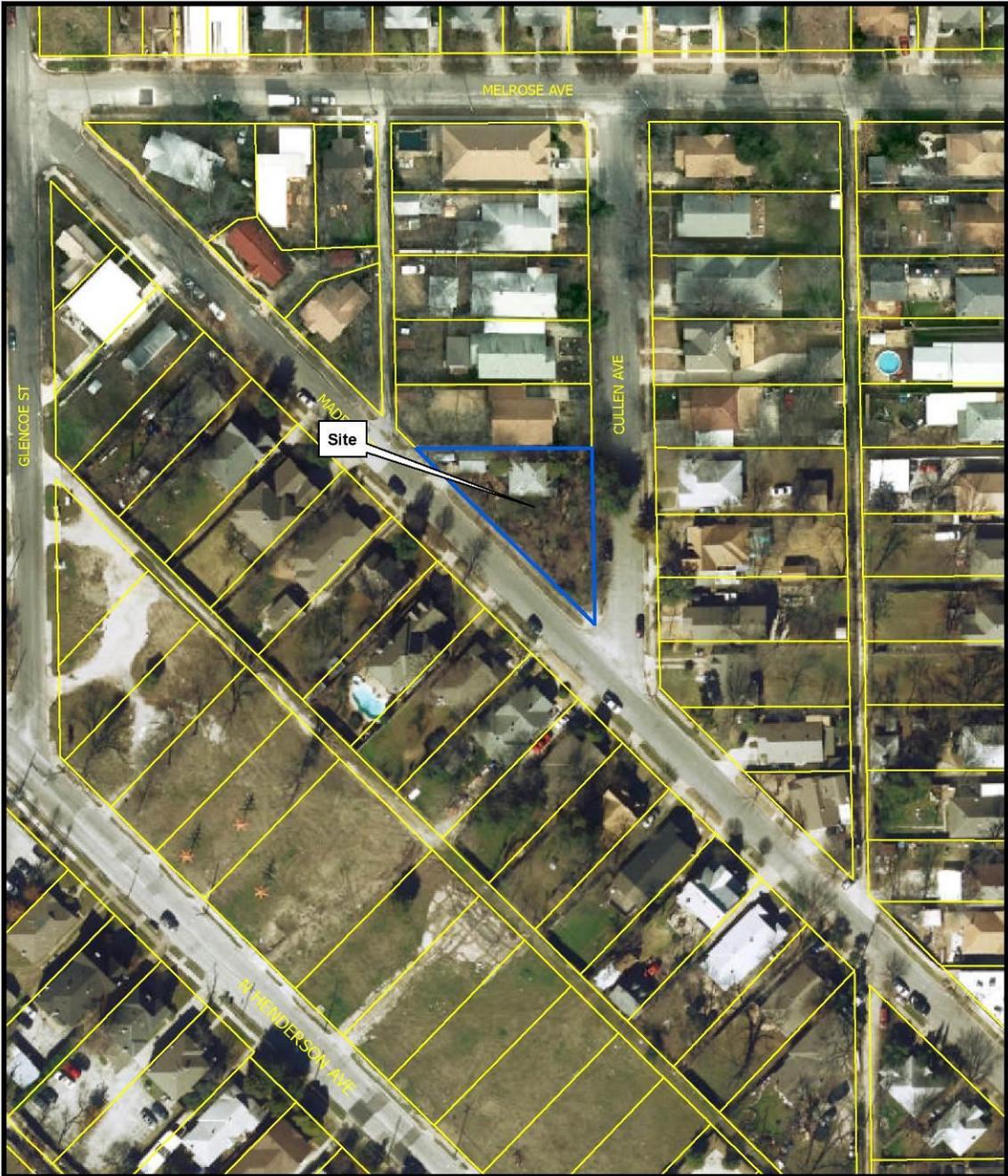


1:1,200

# ZONING MAP

Case no: **BDA178-088**

Date: **7/26/2018**



1:1,200

# AERIAL MAP

Case no: BDA178-088

Date: 7/26/2018



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-088

Data Relative to Subject Property:

Date: 05/16/2018

Location address: 2019 CULLEN AVE, DALLAS, TX 75206 Zoning District: R7.5(A)

Lot No.: 6 Block No.: C/1978 Acreage: .2096 Census Tract: 0010.02

Street Frontage (in Feet): 1) 133' 2) 188.43' 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): BRANDON OBERSCHLAK, JEFF VALYON

Applicant: BRANDON OBERSCHLAK Telephone: 917-705-4253

Mailing Address: 1945 BENNETT AVE, APT. 4009C, DALLAS, TX Zip Code: 75206

E-mail Address: oberschlakemsn@yahoo.com

Represented by: BANG DANG Telephone: 972-342-9345

Mailing Address: 4414 BUENA VISTA ST. #18, DALLAS, TX Zip Code: 75205

E-mail Address: bang.dang@forwarddang.com

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

ONE, THE LOT IS AN IRREGULAR SHAPED LOT.  
TWO, WITH THE 25' SETBACK AT MADEIRA ST., OUR ~~MAX~~ BUILDABLE AREA  
WOULD BE ONLY 50% OF WHAT OUR NEIGHBOR'S WOULD BE.

FLIP

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:

VARIANCE OF THE BUILDING PROTRUDING 20' INTO THE 25' SETBACK,  
LEAVING 5' OF SETBACK. SPECIAL EXCEPTION OF 4' TO THE REQUIRED FRONT  
YARD FENCE FOR A TOTAL HEIGHT OF 8'. SPECIAL EXCEPTION OF  
50% OPEN PANEL FOR AN OPAQUE PANEL OF FENCE.

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

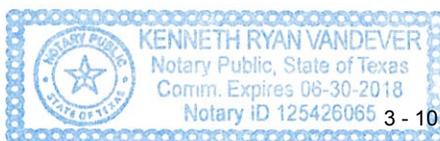
Before me the undersigned on this day personally appeared BRANDON OBERSCHLAK  
(Affiant/Applicant's name printed)

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 16 day of May, 2018

(Rev. 08-01-11)



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

**MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT**

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

I hereby certify that Brandon Oberschlake  
 represented by BANG DANG.  
 did submit a request for a variance to the front yard setback regulations, and for a special  
 exception to the fence height regulations, and for a special exception to the  
 fence standards regulations  
 at 2015 Cullen Avenue

BDA178-088. Application of Brandon Oberschlake represented by BANG DANG for a variance to the front yard setback regulations, and for a special exception to the fence height regulations, and for a special exception to the fence standards regulations at 2015 CULLEN AVE. This property is more fully described as Lot 6, Block C, 1978, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line and requires a front yard setback of 25 feet. The applicant proposes to construct a single family residential structure and provide a 5 foot front yard setback, which will require a 20 foot variance to the front yard setback regulations, and to construct a 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulations.

Sincerely,

*Philip Sikes*  
 Philip Sikes, Building Official



Printed: 5/16/2018

**Legend**

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Floodplain           | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO_Overlay                |
| Peak's Branch        | SPSD Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | SUP                            | Historic Overlay      | Shop Front Overlay         |
|                      |                                | Height Map Overlay    |                            |

This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.' (Texas Government Code § 2051.102)



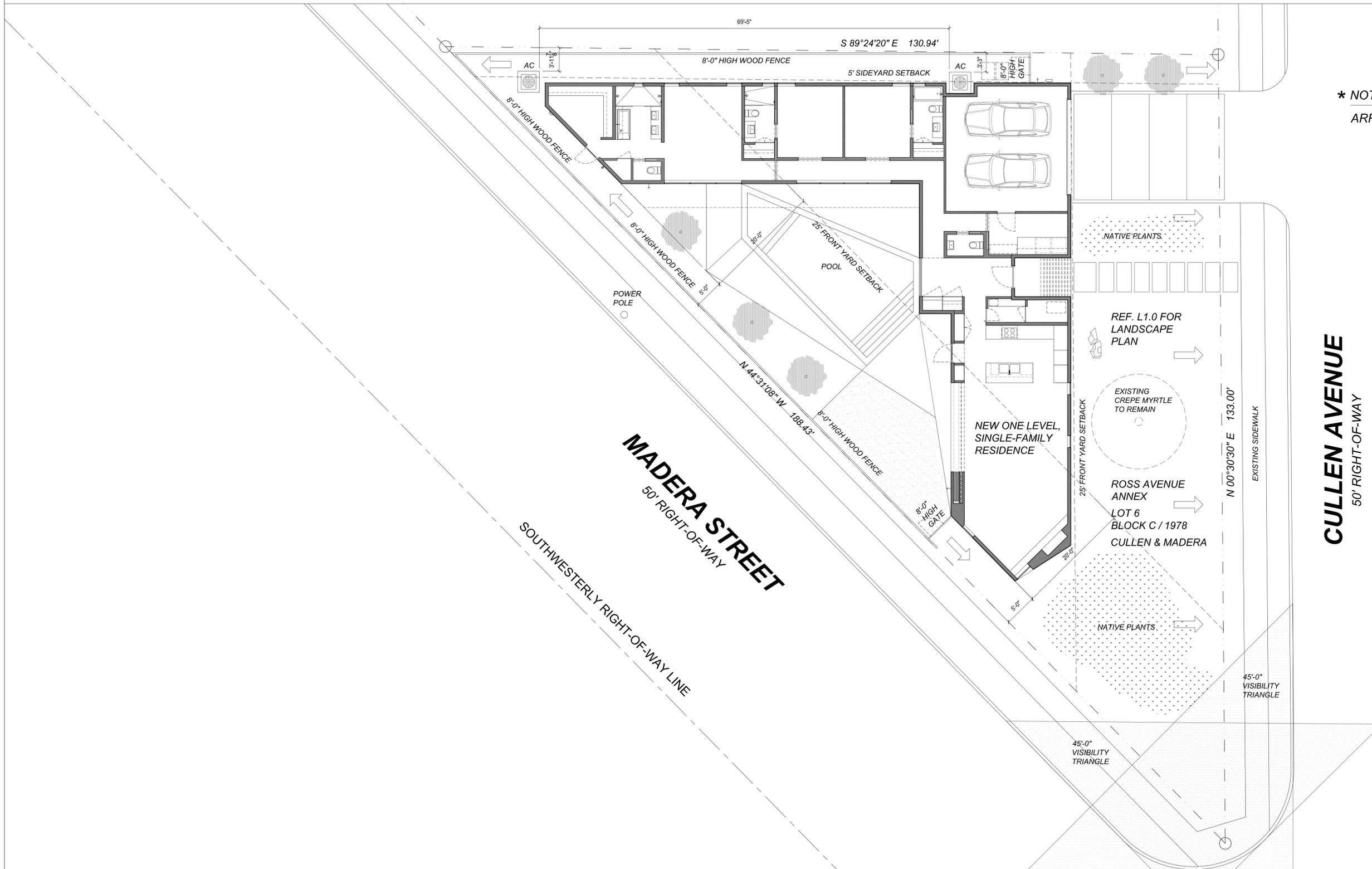


SITE PLAN NOTES

- 01 PLANS ARE DESIGNED TO 2015 INTERNATIONAL RESIDENTIAL CODES. CONTRACTOR TO VERIFY PLANS CONFORM TO LOCAL BUILDING STANDARDS PRIOR TO CONSTRUCTION.
- 02 GENERAL CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS IN FIELD AND NOTIFY OWNER AND 'FAR+DANG' OF ANY DISCREPANCIES IN THE PLANS.
- 03 GENERAL CONTRACTOR SHALL NOTIFY 'FAR+DANG' AND OWNER OF ANY DISCREPANCIES BETWEEN THE DRAWINGS AND OTHER TRADES.
- 04 GENERAL CONTRACTOR AND 'FAR+DANG' SHALL CONFIRM THE PERIMETER OF SLAB IS WITHIN THE BUILDING SETBACKS PRIOR TO THE POURING OF THE SLAB.

- 05 LANDSCAPE DESIGN IS CONCEPTUAL ONLY. PLANT TYPE AND PLANTING SPECIFICS SHALL BE COORDINATED WITH OWNER AND 'FAR+DANG'.
- 06 GENERAL CONTRACTOR SHALL VERIFY FENCE LOCATION AND HEIGHTS WITH THE CITY PRIOR TO CONSTRUCTION.
- 07 GENERAL CONTRACTOR SHALL VERIFY ROOF OVERHANG ALLOWANCES WITH THE CITY PRIOR TO CONSTRUCTION.
- 08 ALL DESIGN WORK BEYOND THE PROPERTY LINE OF THE PROJECT, INCLUDING ANY CIVIL ENGINEERING WORK, SHALL BE BY OTHERS.

- 09 GENERAL CONTRACTOR SHALL VERIFY POSITIVE DRAINAGE, AT LEAST THREE INCHES EVERY TEN FEET, AWAY FROM BUILDING LINE IN ALL DIRECTIONS. CONFIRM ALL GRADING RELATIVE TO EXISTING GRADES AND SITE DRAINAGE REQUIREMENTS.



\* NOTE:  
ARROWS DENOTE WATER FLOW

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

SITE PLAN 01

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CONSULTANT

No. Date Issue

04.15.18 CD

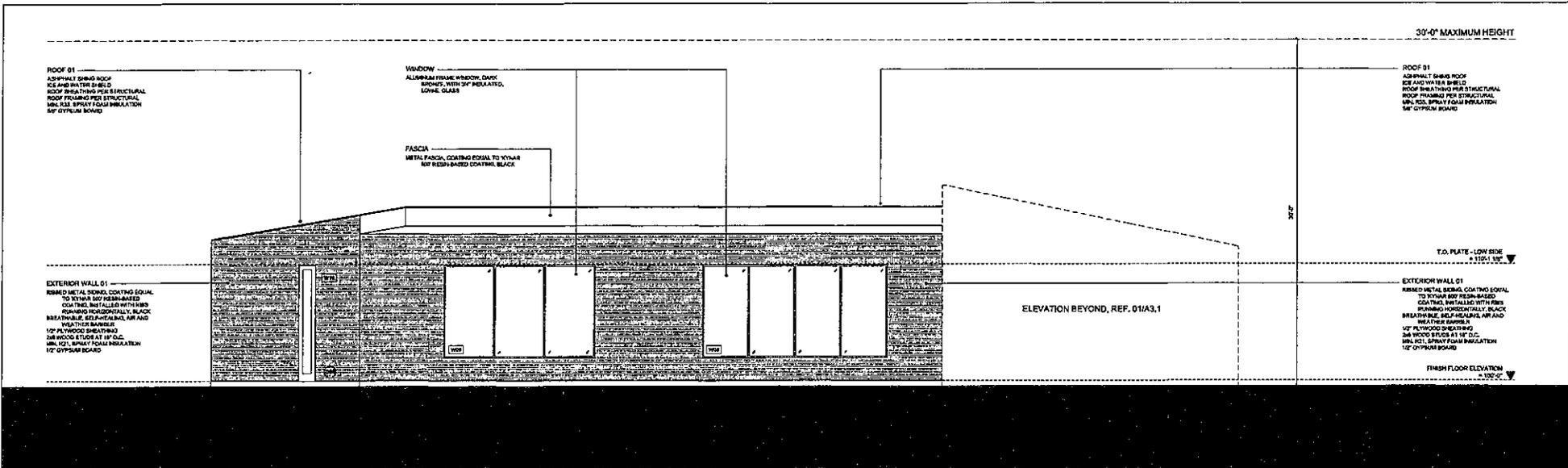


OWNER:  
JEFF VALYOU AND BRANDON OBERSCHLAKE

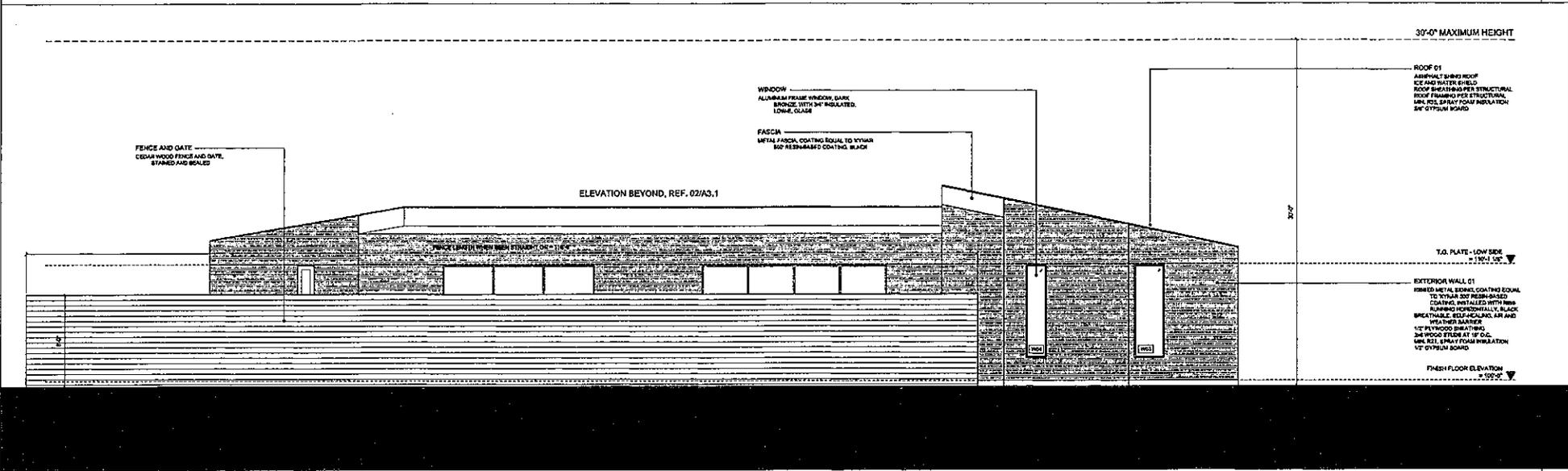
ARCHITECT  
**FAR + DANG**  
4414 BUENA VISTA ST NO. 18  
DALLAS, TEXAS 75204  
T 972.342.9345  
OFFICE@FARANDDANG.COM

2015 CULLEN AVENUE  
SINGLE-FAMILY RESIDENCE  
2015 CULLEN DRIVE, DALLAS, TEXAS 75206

**A1.0**  
SITE PLAN  
Panel C



SCALE: 1/4" = 1'-0" SOUTH ELEVATION AT COURTYARD 02



SCALE: 1/4" = 1'-0" SOUTH ELEVATION 01

<p>© FAR + DANG ALL RIGHTS RESERVED THE DRAWINGS, DESIGN, AND IDEAS EMBODIED THEREIN ARE THE PROPERTY OF FAR + DANG AND SHALL NOT BE COPIED, REPRODUCED, DISCLOSED TO OTHERS OR USED IN CONNECTION WITH ANY WORK OTHER THAN THE SPECIFIED PROJECT FOR WHICH THEY HAVE BEEN PREPARED, IN WHOLE OR IN PART, WITHOUT THE PRIOR WRITTEN AUTHORIZATION OF FAR + DANG</p>	<p>CONSULTANT</p>	<p>DATE: 04.15.14 CD No. Date Issue</p>		<p>OWNER: JEFF VALYUJ AND BRANDON OBERSCHLAGE</p>	<p>ARCHITECT <b>FAR + DANG</b> 4414 BUENA VISTA ST NO. 18 DALLAS, TEXAS 75204 7 972 342 1345 OFFICE@FARANDDANG.COM</p>	<p>2015 CULLEN AVENUE SINGLE-FAMILY RESIDENCE 2015 CULLEN DRIVE, DALLAS, TEXAS 75206</p>	<p><b>A3.1</b> EXTERIOR ELEVATIONS</p>
---	-------------------	---	--	---	--	--	--







<p><b>PROJECT INFO:</b></p> <p>NEW, 1-LEVEL, SINGLE-FAMILY RESIDENCE</p> <p><b>LOCATION:</b> 2015 CULLEN DRIVE, DALLAS, TEXAS 75206</p> <p><b>ADDRESS:</b> 2015 CULLEN DRIVE, DALLAS, TEXAS 75206</p> <p><b>LOT:</b> 6 CULLEN &amp; MADERA</p> <p><b>BLOCK:</b> BLK CH1978</p> <p><b>CITY:</b> DALLAS</p> <p><b>COUNTY:</b> DALLAS COUNTY</p> <p><b>STATE:</b> TEXAS</p> <p><b>ZONING AND OCCUPANCY:</b></p> <p><b>ZONING:</b> R-7.5 SINGLE FAMILY DISTRICT</p> <p><b>OCCUPANCY TYPE:</b> R-3</p> <p><b>ZONING DISTRICT STANDARDS:</b></p> <p><b>FRONT YARD SETBACK:</b> 25'-0"</p> <p><b>SIDE YARD SETBACK:</b> 5'-0"</p> <p><b>REAR YARD SETBACK:</b> 5'-0"</p> <p><b>DENSITY:</b> 1 DWELLING UNIT/ 5,000 SF</p> <p><b>HEIGHT:</b> 30'-0"</p> <p><b>LOT COVERAGE:</b> 45%</p> <p><b>PRIMARY USES:</b> SINGLE FAMILY</p> <p><b>CONSTRUCTION TYPE:</b> TYPE V-B</p> <p><b>SIZE:</b></p> <p><b>TOTAL SF [CONDITIONED]:</b> 2,264 SF</p> <p><b>2-CAR GARAGE:</b> 458 SF</p> <p><b>TOTAL SLAB COVERAGE:</b> 2,722 SF</p> <p><b>TOTAL ROOF COVERAGE:</b> 3,112 SF</p> <p><b>LOT COVERAGE:</b> 3,112 SF / 8,706 SF = 36% &lt; 45% ALLOWABLE LOT COVERAGE</p>	<p><b>APPLICABLE CODE:</b></p> <p>2015 INTERNATIONAL FIRE CODE, INCLUDING APPENDIX J, WITH DALLAS AMENDMENTS</p> <p>2015 INTERNATIONAL BUILDING CODE WITH DALLAS AMENDMENTS</p> <p>2015 INTERNATIONAL PLUMBING CODE WITH DALLAS AMENDMENTS</p> <p>2015 INTERNATIONAL MECHANICAL CODE WITH DALLAS AMENDMENTS</p> <p>2017 NATIONAL ELECTRICAL CODE WITH DALLAS AMENDMENTS</p> <p>2015 INTERNATIONAL RESIDENTIAL CODE WITH DALLAS AMENDMENTS</p> <p>2015 INTERNATIONAL ENERGY CONSERVATION CODE WITH DALLAS AMENDMENTS</p> <p>2015 INTERNATIONAL FUEL &amp; GAS CODE WITH DALLAS AMENDMENTS</p> <p>2015 INTERNATIONAL GREEN CONSTRUCTION CODE WITH DALLAS AMENDMENTS</p>	<p><b>DALLAS GREEN BUILDING PROGRAM NOTES:</b></p> <p><b>STORM WATER:</b> 70% OF THE NON-ROOF AREA TO HAVE VEGETATIVE LANDSCAPING OR PERMEABLE PAVING</p> <p><b>WATER USAGE:</b> UTILIZE DRIP IRRIGATION IN ALL PLANTING BEDS MUST COMPLY WITH 3 OF THE FOLLOWING 5 CATEGORIES</p> <p>LAVATORY FAUCETS TO HAVE A FLOW RATE OF 2.0 GPM MAX. SHOWER HEADS TO HAVE A FLOW RATE OF 2.0 GPM MAX. TOILETS TO HAVE AN AVERAGE FLUSH RATE OF 1.3 GPF MAX. DISHWASHER TO BE ENERGY STAR LABELED AND USE 6 GAL. MAX. PER CYCLE</p> <p>CLOTHES WASHERS TO BE ENERGY STAR LABELED AND A MODIFIED ENERGY FACTOR OF 2.0 MIN. AND WATER FACTOR OF 5 MAX.</p> <p><b>ENERGY EFFICIENCY:</b> THE HOUSE MUST ACHIEVE ENERGY EFFICIENCY 15% BETTER THAN THE DALLAS ENERGY CONSERVATION CODE USING THE IC3 CALCULATOR</p> <p><b>HEAT ISLAND MITIGATION:</b> ROOFING MATERIALS SHALL BE ENERGY STAR QUALIFIED WITH A LIGHT REFLECTANCE VALUE OF <math>\geq 0.25</math>. A PROPERLY INSTALLED RADIANT BARRIER OR A FOAM ENCAPSULATED ATTIC IS AN ACCEPTABLE ALTERNATIVE</p> <p><b>INDOOR AIR QUALITY:</b> HVAC AND DUCT WORK TO BE LOCATED OUTSIDE OF THE FIRE RATED GARAGE ENVELOPE</p> <p>MINIMIZE POLLUTANTS IN CONDITIONED SPACE ABOVE GARAGE</p> <p>A. PENETRATIONS SEALED B. FLOOR AND CEILING JOIST BAYS SEALED C. PAINTED WALLS AND CEILING OF CONDITIONED SPACE</p> <p>MINIMIZE POLLUTANTS IN CONDITIONED SPACE ADJACENT TO GARAGE</p> <p>A. PENETRATIONS SEALED B. DOORS WEATHERSTRIPPED C. CRACKS AT WALL BASE SEALED</p> <p>AIR FILTERS TO BE MERV 8 MIN. AIR HANDLER(S) TO BE PROPERLY SIZED BY THE MECHANICAL CONTRACTOR</p> <p>AIR FILTER HOUSING TO BE AIRTIGHT</p>
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**DRAWING SHEET INDEX:**

STRUCTURAL		ARCHITECTURAL	
	LETTER FOR POST-TENSIONED SLAB	A0.0	GENERAL NOTES
S1	FOUNDATION PLAN	A0.1	PARTITION TYPES
S2	DETAILS	A0.3	DEMOLITION PLAN
CS	COVER SHEET	A1.0	SITE PLAN
1	LOADING CAPACITY	A1.1	FLOOR PLAN
SW1	FLOOR PLAN AND STEEL TRELLIS	A1.2	DIMENSION PLAN
SW DET1	DETAILS	A1.3	ROOF PLAN
SW DET2	DETAILS	A1.4	LIGHTING PLAN
		A3.0	EXTERIOR ELEVATION
		A3.1	EXTERIOR ELEVATION
		A3.2	EXTERIOR ELEVATION
L1.0	LANDSCAPE PLAN	A4.0	BUILDING SECTIONS
AD1.0	SLAB DIAGRAM	A4.1	BUILDING SECTIONS
		A4.2	BUILDING SECTIONS
		A7.0	PLAN DETAILS
		A7.1	PLAN DETAILS
		A7.4	SECTION DETAILS
		A7.5	SECTION DETAILS
		A7.6	SECTION DETAILS
		A7.7	SECTION DETAILS
		A7.8	SECTION DETAILS
		A8.0	INTERIOR ELEVATIONS
		A8.1	INTERIOR ELEVATIONS
		A8.2	INTERIOR ELEVATIONS
		A8.3	INTERIOR ELEVATIONS
		A8.4	INTERIOR ELEVATIONS
		A8.5	INTERIOR ELEVATIONS
		A8.6	INTERIOR ELEVATIONS
		A9.0	DOOR SCHEDULE
		A9.1	WINDOW SCHEDULE
		A9.2	FINISH SCHEDULE



**2015 CULLEN DRIVE**

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T 972 342 9345  
office@faranddang.com

2015 CULLEN DRIVE  
DALLAS, TEXAS 75206  
**PERMIT SET**  
15 MARCH 2018



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 the home we have designed for 2015 Cullen Avenue is commensurate to other properties zoned R-7.5(A) and in fact, will be smaller and still add value to the neighborhood. This home will be one level as opposed to the larger two level homes in the neighborhood.

Without the variance granted, the odd triangular lot at 2015 Cullen Avenue will have a buildable lot size that is 50% less than the neighboring lots.

I have attached below newer homes very close to the 2015 Cullen Avenue lot to show you their conditioned space square feet as compared to ours. This is information obtained from the DCAD website.

**2015 Cullen Avenue: 2,264 SF, 1 Level**

Other neighboring homes:

**5410 Melrose Avenue: 3,188 SF, 2 Levels**

**2228 Madera Street: 2,634 SF, 2 Levels**

**2231 Madera Street: 4,200 SF, 2 Levels**

**2221 Madera Street: 3,093 SF, 2 Levels**

**2211 Madera Street: 2,995 SF, 2 Levels**

**2307 Madera Street: 3,475 SF, 2 Levels**

**2014 Cullen Avenue: 3,401 SF, 2 Levels**

**5405 Melrose Avenue: 2,746 SF, 2 Levels**

**5411 Melrose Avenue: 2,603 SF, 2 Levels**

**5414 Melrose Avenue: 2,774 SF, 2 Levels**

I am hoping that the Board will understand we are building a smaller, 1 level home that will be respectful of the neighbors and add value to the neighborhood but we can only make this possible if you grant us our variance.

Thank you in advance.

Bang Dang

972-342-9345, bang.dang@faranddang.com

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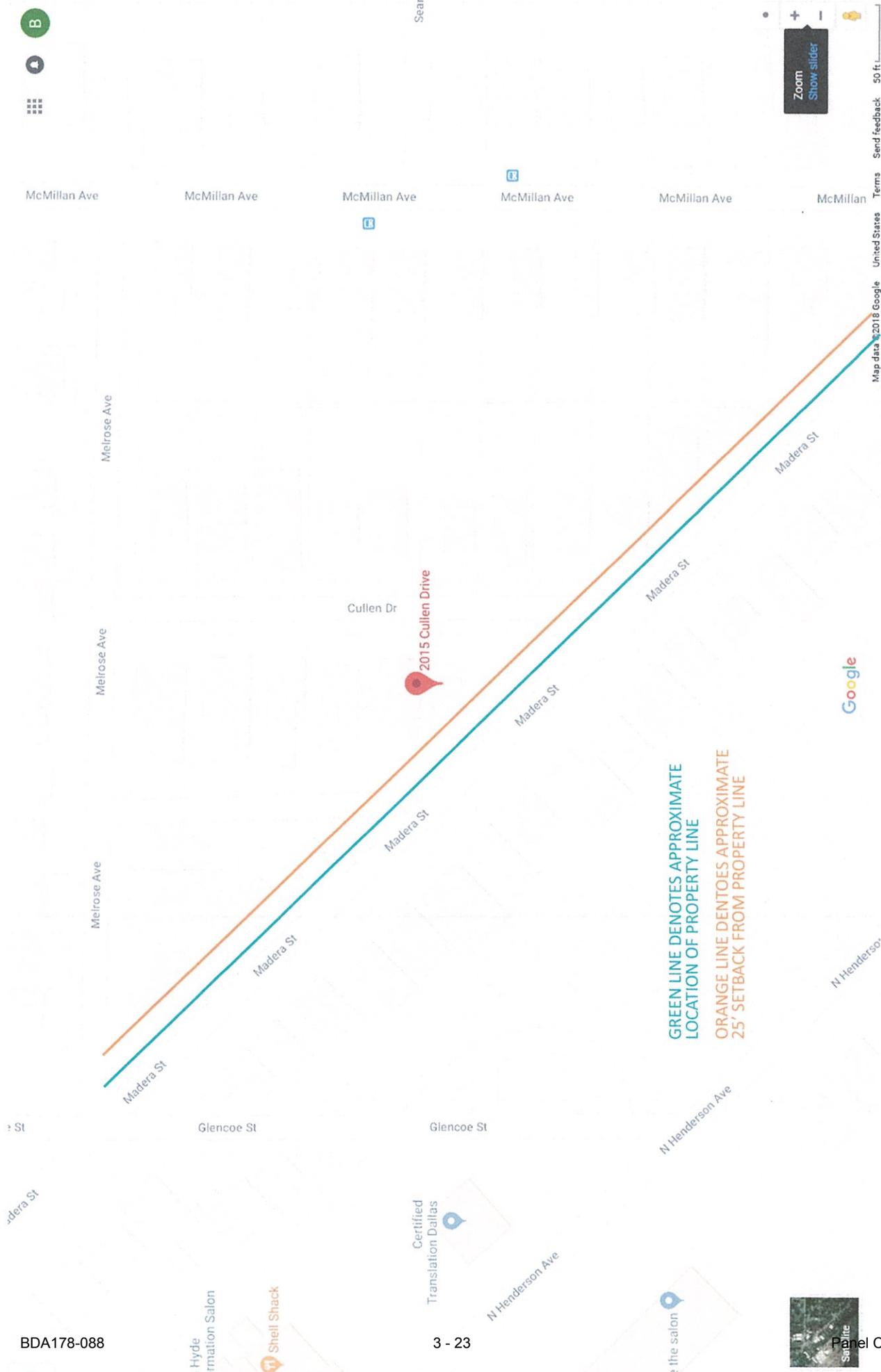
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972-342-9345, bang.dang@faranddang.com



GREEN LINE DENOTES APPROXIMATE LOCATION OF PROPERTY LINE  
 ORANGE LINE DENOTES APPROXIMATE 25' SETBACK FROM PROPERTY LINE



THESE ARE 2 HOUSES JUST TO THE LEFT OF 2015 CULLEN DRIVE ON THE SAME BLOCK THAT IMPEDE SUBSTANTIALLY INTO THE 25' FRONT YARD SETBACK. THEY ARE AT BEST 10' FROM THE PROPERTY LINE.

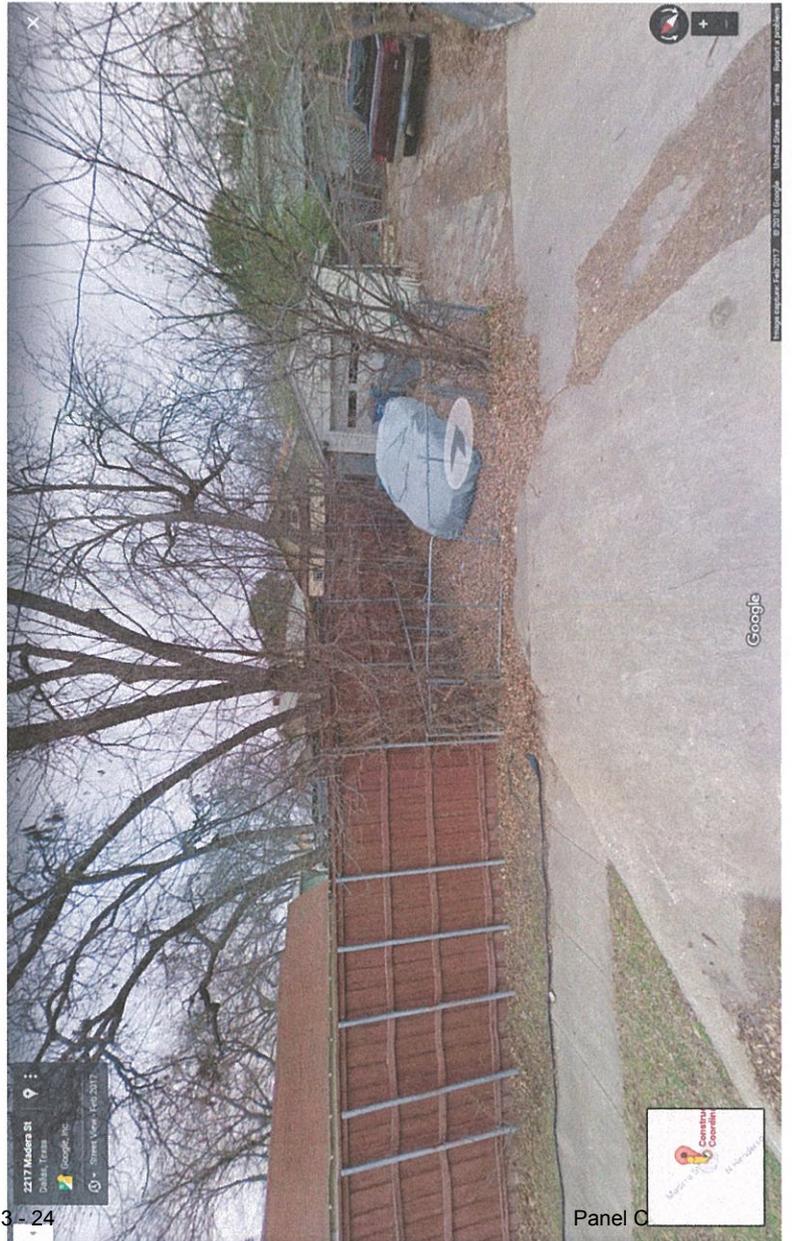
WE WENT TO THE SITE AND DOCUMENTED THE MADERA STREET BLOCK FACE AND FOUND NO CONTINUITY BEFORE WE BEGAN THE DESIGN WORK FOR THE HOUSE ON 2015 CULLEN DRIVE.



BDA178-088



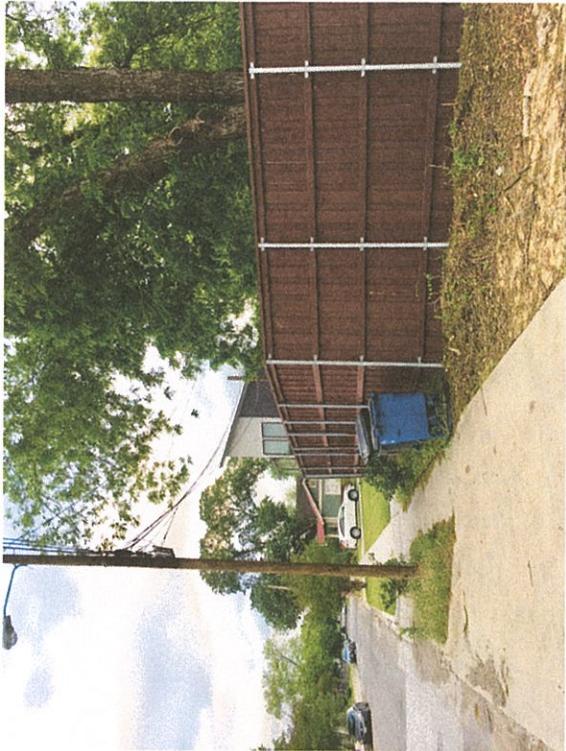
THIS IS THE PROPERTY DIRECTLY TO THE LEFT OF 2015 CULLEN DRIVE WITH AN 8' HIGH FENCE ONLY 5' FROM THE PROPERTY LINE. ONCE AGAIN, NO CONTINUITY OF BLOCK FACE.



3 - 24

Panel C





THESE ARE PHOTOS I TOOK THIS MORNING ON MADERA STREET AND ALL THESE PROPERTIES ARE LINED UP DIRECTLY TO THE LEFT OF EVERYONE OF THEM ENCROACH INTO THE 25' FRONT YARD SETBACK AND THUS BREAK THE CONTINUITY OF BLOCK FACE. THIS IS THE CONDITION WE FOUND WHEN WE FIRST VISITED THE SITE.

Dear Board of Adjustments,

When we first visited the site before we began to design the project, we immediately looked at our neighbors on Madera Street to see if in fact there was an obvious line that all the front of the houses sit on. If so, we would have naturally continued that setback because one, we would want to for the aesthetics of the street and two, because we would have assumed there was a deed restriction that caused this to happen.

But when we went out there and documented the block, just about every house facing Madera has its own different setback to the front yard property line and they almost all encroach substantially within 25' of the property line.

In fact, our Survey shows an existing garage on 2015 Cullen Drive that is also within the 25' setback.

Please find attached (5) PDF's where I have documented this for your review. We just feel there was no way to know this 25' setback existed when in fact, there is no *continuity of block face* that is actually built on Madera Street. I went out and took photos for you just this morning to show this.

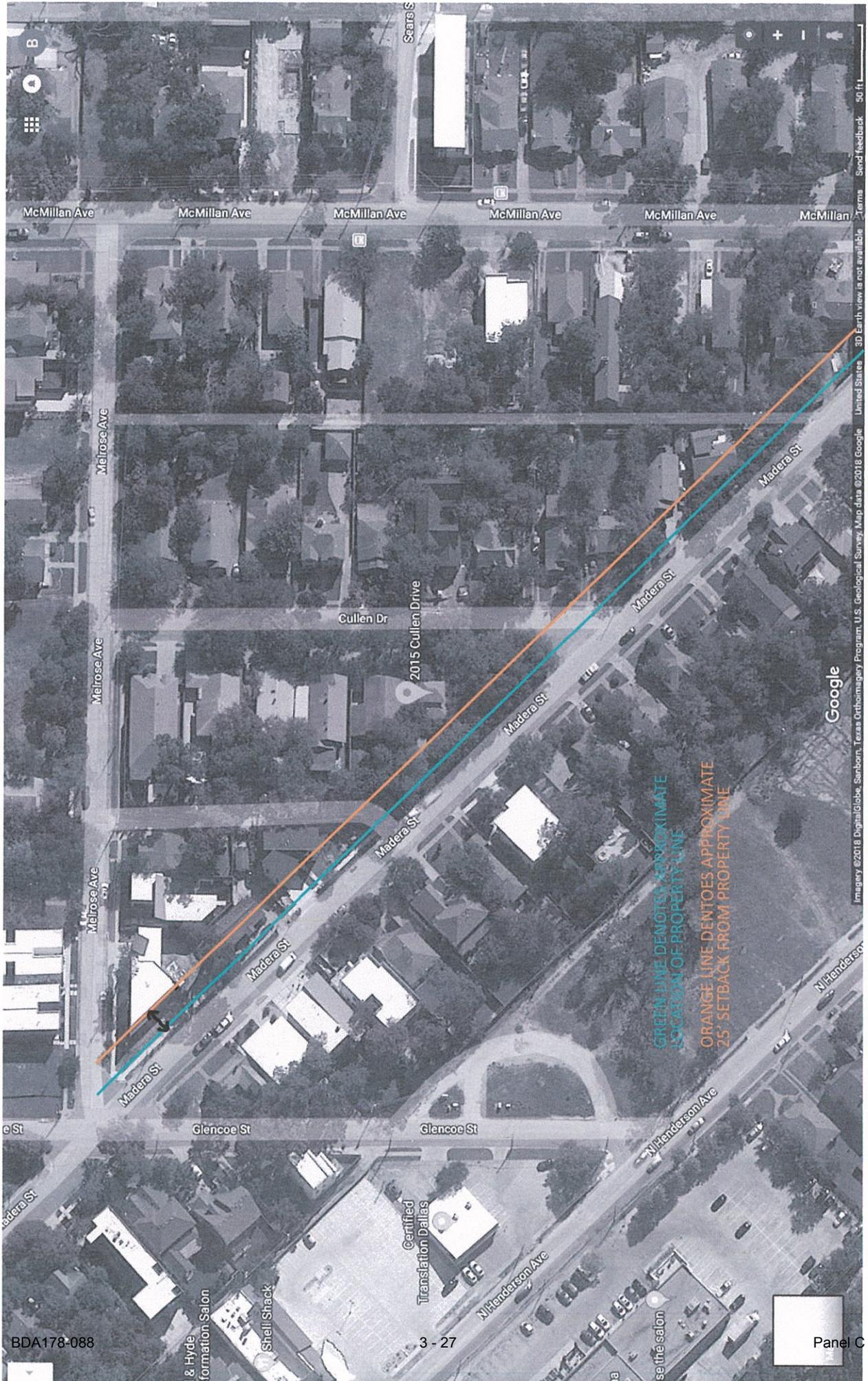
For our property, if we have to abide by the 25' setback at Madera Street, because of our irregularly shaped lot, our buildable area would be 50% less than all our neighbors on Cullen Avenue.

Thanks in advance for your consideration.

--

Bang Dang

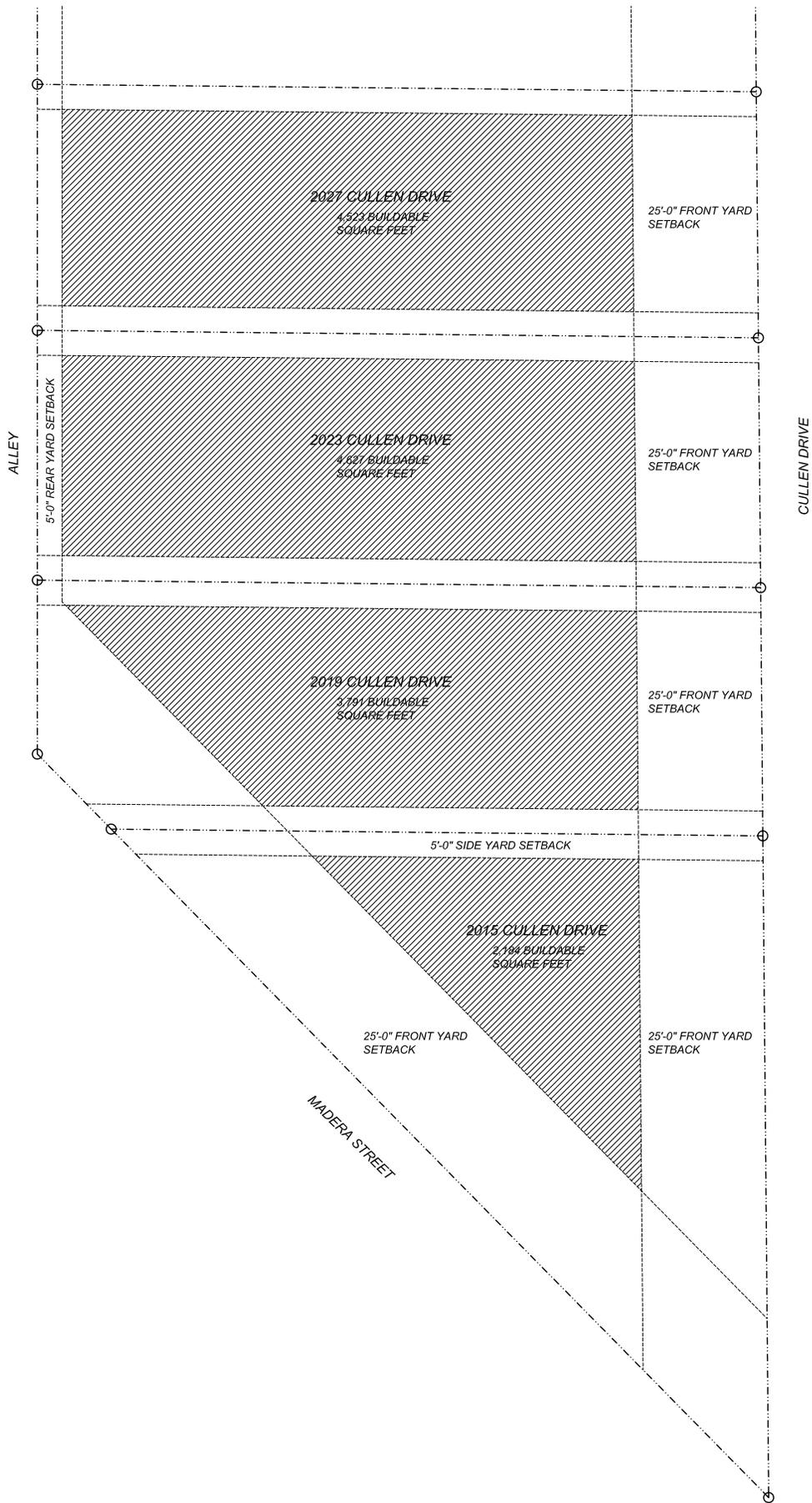
F A R + D A N G  
4414 BUENA VISTA STREET NO.18  
DALLAS, TEXAS 75205  
T: 972 342 9345



BDA178-088

3 - 27

Panel C





 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA178-088</b>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">31</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>7/26/2018</b>	

## *Notification List of Property Owners*

**BDA178-088**

### *31 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2015 CULLEN AVE	HURLEY SOFIA &
2	2030 CULLEN AVE	GONZALEZ JESUS E
3	2026 CULLEN AVE	GONZALEZ JESUS ESTRELLO
4	2020 CULLEN AVE	KORPONAI SANDOR G
5	2018 CULLEN AVE	INFANTE GUMERCIDA &
6	2014 CULLEN AVE	JL HIGHGATE HOMES LLC SERIES N
7	2010 CULLEN AVE	REYES JUAN G ETAL
8	2006 CULLEN AVE	MARTINEZ JOSE L JR &
9	2002 CULLEN AVE	HEPWORTH WESLEY W &
10	2110 MADERA ST	GUANAJUATO PEDRO &
11	2104 MADERA ST	MEDRANO RANDY I
12	2232 MADERA ST	CULLEN EDWARD V
13	2035 CULLEN AVE	SKAGGS KENNETH LEE &
14	2031 CULLEN AVE	CRUZ SAUL & GABRIELA
15	2023 CULLEN AVE	LOPEZ LAZARO S &
16	2019 CULLEN AVE	SANDOVAL JOSE
17	5418 MELROSE AVE	GASCA GILBERT JR &
18	5414 MELROSE AVE	CLARK EDWARD L JR
19	2228 MADERA ST	2228 MADERA LLC
20	2235 MADERA ST	AZCUE MICHAEL
21	2231 MADERA ST	GTM INVESTMENT LLC
22	2227 MADERA ST	GRIFFIN MATTHEW KEITH
23	2221 MADERA ST	ACY QUINCY
24	2217 MADERA ST	ZYLKA JOE &
25	2215 MADERA ST	MCCOLLEY JEFFREY W &
26	2211 MADERA ST	HUFFAKER CHARLOTTE BAKER &

07/26/2018

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
27	2201 MADERA ST	HERNANDEZ MARTIN &
28	2123 MADERA ST	HOLMES JOHN B
29	2119 MADERA ST	KUBIN MARY FRANCES
30	2115 MADERA ST	TAMEZ LORENA FIERRO
31	2111 MADERA ST	SEGURA LUIS A & IRMA V MARTINEZ &

**FILE NUMBER:** BDA178-064(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Robert Baldwin, represented by Baldwin Associates, for a variance to the off-street parking regulation at 5117 W. Lovers Lane. This property is more fully described as Lot 19&20, Block A/5006, and is zoned CR, which requires that the owner of off-street parking must provide screening to separate the parking area from a contiguous residential use or vacant lot if either is in an A, A(A), R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district and the parking area serves a nonresidential use. The applicant proposes to construct and maintain a nonresidential structure and not provide the required screening, which will require a variance to the off-street parking regulations.

**LOCATION:** 5117 W. Lovers Lane

**APPLICANT:** Robert Baldwin, Represented by Baldwin Associates

**REQUEST:**

A request for a variance to the off-street parking regulations, more specifically the screening provisions for off-street parking, is made to lease and maintain a particular use that requires a greater number of off-street parking spaces than the original use on the subject site that is developed with a vacant nonresidential structure, and not provided required screening between the required off-street parking on the site for this proposed use and the property to the north across an alley zoned R-7.5(A) and single family residential in use.

**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 physical features of the flat, rectangular in shape (137'x 50'), 0.157 acres (or approximately 6,900 square feet) site preclude it from being developed in a manner commensurate with the development upon other parcels of land in districts with the same CR zoning classification.
- Staff concluded that any hardship in this case is self-created in that the required screening that the applicant seeks variance for is prompted by the applicant's proposal/choice to obtain a certificate of occupancy (CO) for a particular use that requires a greater number of off-street parking spaces than the original use, and that the City could issue a new CO to the applicant for the same use that had occupied the site with no screening required or variance to the off-street parking regulations related to required screening.

**BACKGROUND INFORMATION:**

**Zoning:**

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

**Land Use:**

The subject site is developed with a vacant nonresidential structure. The area to the north is developed with a single family residential; the areas to the east, south, and west are developed with retail uses.

**Zoning/BDA History:**

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

**GENERAL FACTS/STAFF ANALYSIS (screening of off-street parking variance):**

- This request for a variance to the off-street parking regulations focuses on leasing and maintaining a particular use that requires a greater number of off-street parking spaces than the original use on the subject site that is developed with a vacant nonresidential structure, and not providing required screening between the required off-street parking on the site for this proposed use and the property to the north across an alley zoned R-7.5(A) and single family residential in use.

- The Dallas Development Code states the following related to the screening of off-street parking:
  - (1) The owner of off-street parking must provide screening to separate the parking area from:
    - (A) a contiguous residential use or vacant lot if either is in an A, A(A), R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district and the parking area serves a nonresidential use; or
    - (B) a contiguous single family or duplex use or a vacant lot if any of these are in an R, R(A), D, D(A), TH, TH(A), or CH district and the parking area serves a multifamily use.
  - (2) If an alley separates a parking area from another use, the use is considered contiguous to the parking area. If a street separates a parking area from another use, the use is not considered contiguous to the parking area.
- The Dallas Development Code states that the screening for off-street parking required under Subsection (f)(1) must be a brick, stone, or concrete masonry, stucco, concrete, or wood wall or fence that is not less than six feet in height. The wall or fence may not have more than ten square inches of open area for each square foot of surface area and may not contain any openings or gates for vehicular access. The owner of off-street parking must maintain the screening in compliance with these standards.
- The applicant submitted a site plan representing the location of a 6' tall wood fence and rolling gate on the north side of the property between the off-street parking on the site and the property to the north across an alley zoned R-7.5(A) and single family residential in use.
- Building Inspection has interpreted that the screening as represented on the submitted site plan is noncompliant with required screening on this site because of the rolling gate.
- Building Inspection has stated that the required screening that the applicant seeks variance for is prompted by the applicant's proposal/choice to obtain a certificate of occupancy (CO) for a new use that requires a greater number of off-street parking spaces than the original use, and that the City could issue a new CO to the applicant for the same use that had occupied the site with no screening required or variance to the off-street parking regulations related to screening required.
- According to DCAD records, the "improvements" for property addressed at 5117 W. Lovers Lane is a 3,000 square foot "free standing retail store" constructed in 1949.
- The subject site is flat, rectangular in shape (137'x 50'), 0.157 acres (or approximately 6,900 square feet) in area.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the off-street parking 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 CR 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 CR zoning classification.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the applicant would be able to lease the vacant nonresidential structure on the with a particular use that requires a greater number of off-street parking spaces than the original use without required screening between the required off-street parking for this proposed use on the site and the property to the north across an alley zoned R-7.5(A) and single family residential in use.

### **Timeline:**

March 19, 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.

May 15, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

May 15, 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 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the June 8<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

June 5, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included: the Sustainable Development and Construction Director 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 Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Sustainable Development and Construction Department Authorized

Hearing/Code Amendment Senior Planner, and the Assistant City Attorney to the Board.

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

June 18, 2018: The Board of Adjustment Panel C conducted a public hearing on this application, and delayed action on this application until the next public hearing to be held on August 20, 2018.

June 19, 2018: The Board Administrator wrote the applicant a letter of the board's action; the August 1<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the August 10<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials. (Note that the applicant has not submitted any additional documentation to staff since the June 18<sup>th</sup> public hearing).

August 7, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August 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 Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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

**BOARD OF ADJUSTMENT ACTION: JUNE 18, 2018**

APPEARING IN FAVOR: Rob Baldwin, 3604 Elm, #B, Dallas, TX

APPEARING IN OPPOSITION: No One

MOTION: **Agnich**

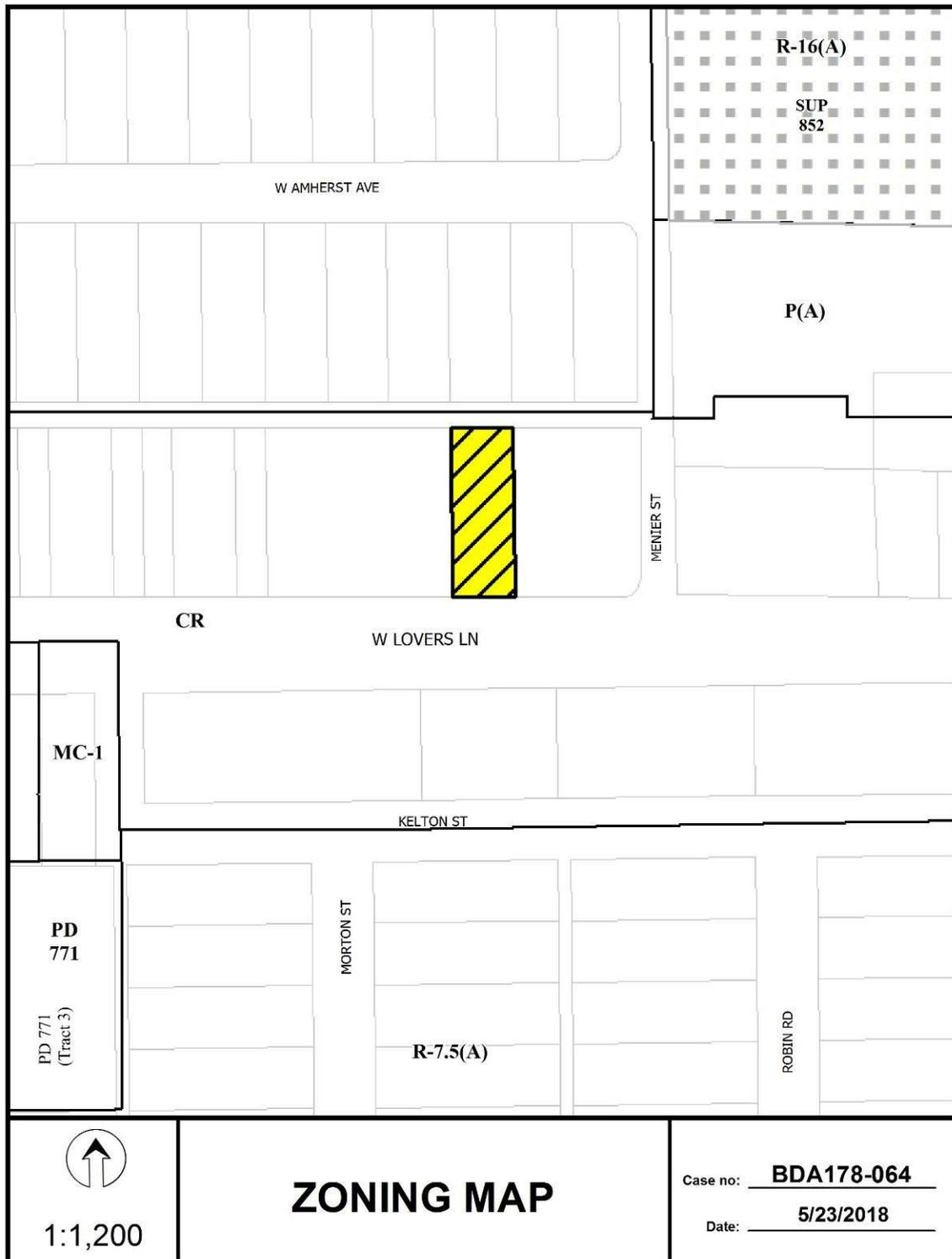
I move that the Board of Adjustment, in Appeal No. BDA 178-064, hold this matter under advisement until August 20, 2018.

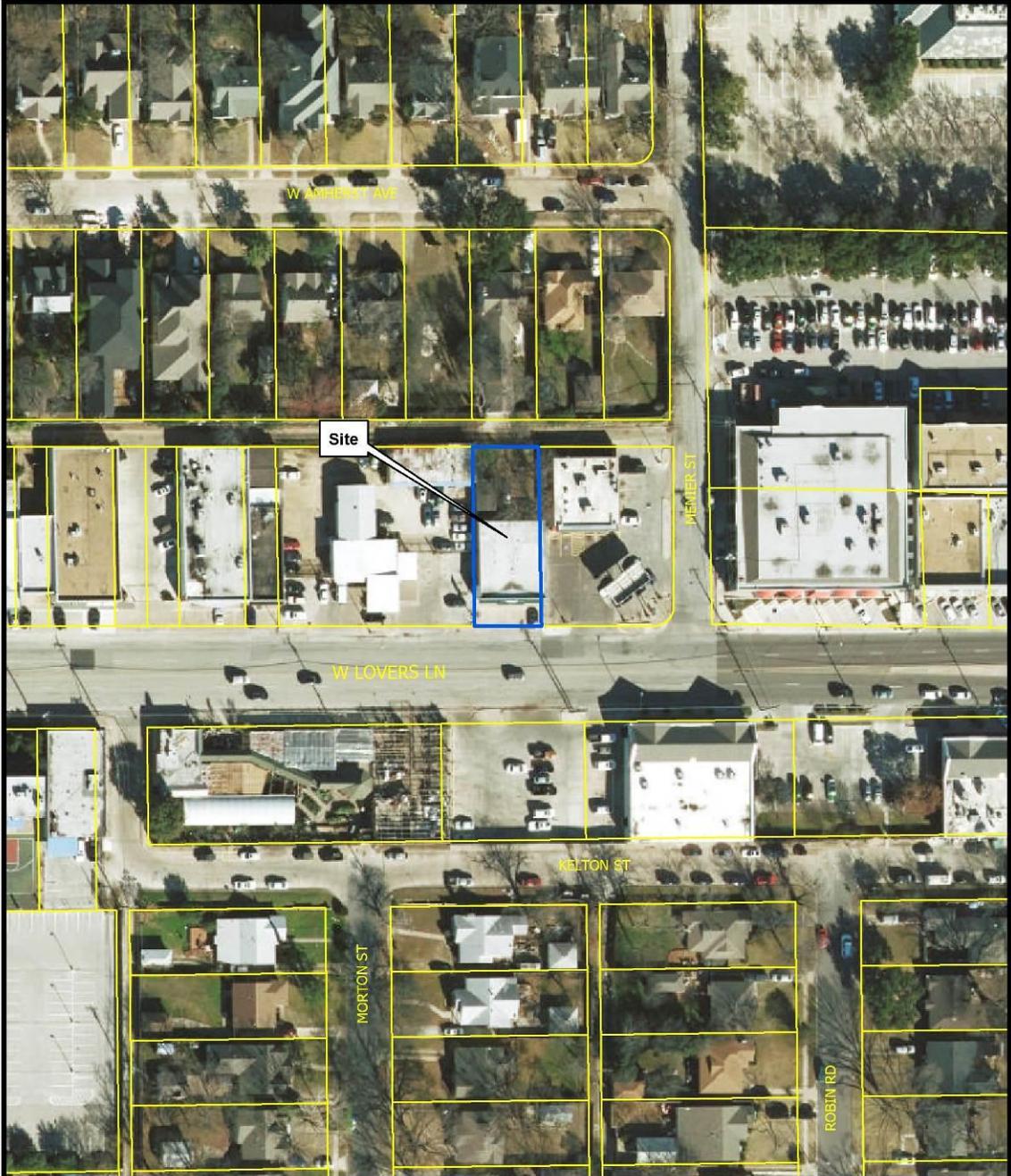
SECOND: **Bartos**

AYES: 4 – Richardson, Agnich, Shouse, Bartos, Halliday (stepped out)

NAYS: 0

MOTION PASSED: 4 - 0





1:1,200

# AERIAL MAP

Case no: BDA178-064

Date: 5/23/2018



C

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-064

Data Relative to Subject Property:

Date: March 19, 2018

Location address: 5117 W. Lovers Lane Zoning District: CR

Lot No.: 19 & 20 Block No.: A/5006 Acreage: 0.157 ac Census Tract: 73.02

Street Frontage (in Feet): 1) 49.95 ft 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): 5117 W LOVERS LANE LLC

Applicant: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

Mailing Address: 3904 Elm Street, Suite B, Dallas, TX Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Represented by: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

Mailing Address: 3904 Elm Street, Suite B, Dallas, TX Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance X , or Special Exception     , of      
To the off-street parking regulations to maintain a vehicular gate for alley access for non-residential uses on an alley shared with residential uses.

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:  
DCAD shows the property was developed in 1949. The property has head-in parking along Lovers Lane and a rear parking lot that accesses an alley shared with residential uses. The property is approximately 50' x 137' and the building is the width of the lot, so there is no other way to access the rear parking area. The rear parking area is for employee parking.

**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.

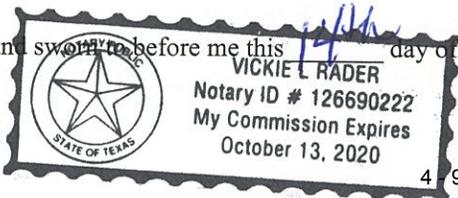
Affidavit

Before me the undersigned on this day personally appeared Robert Baldwin  
(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 14th day of May, 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**

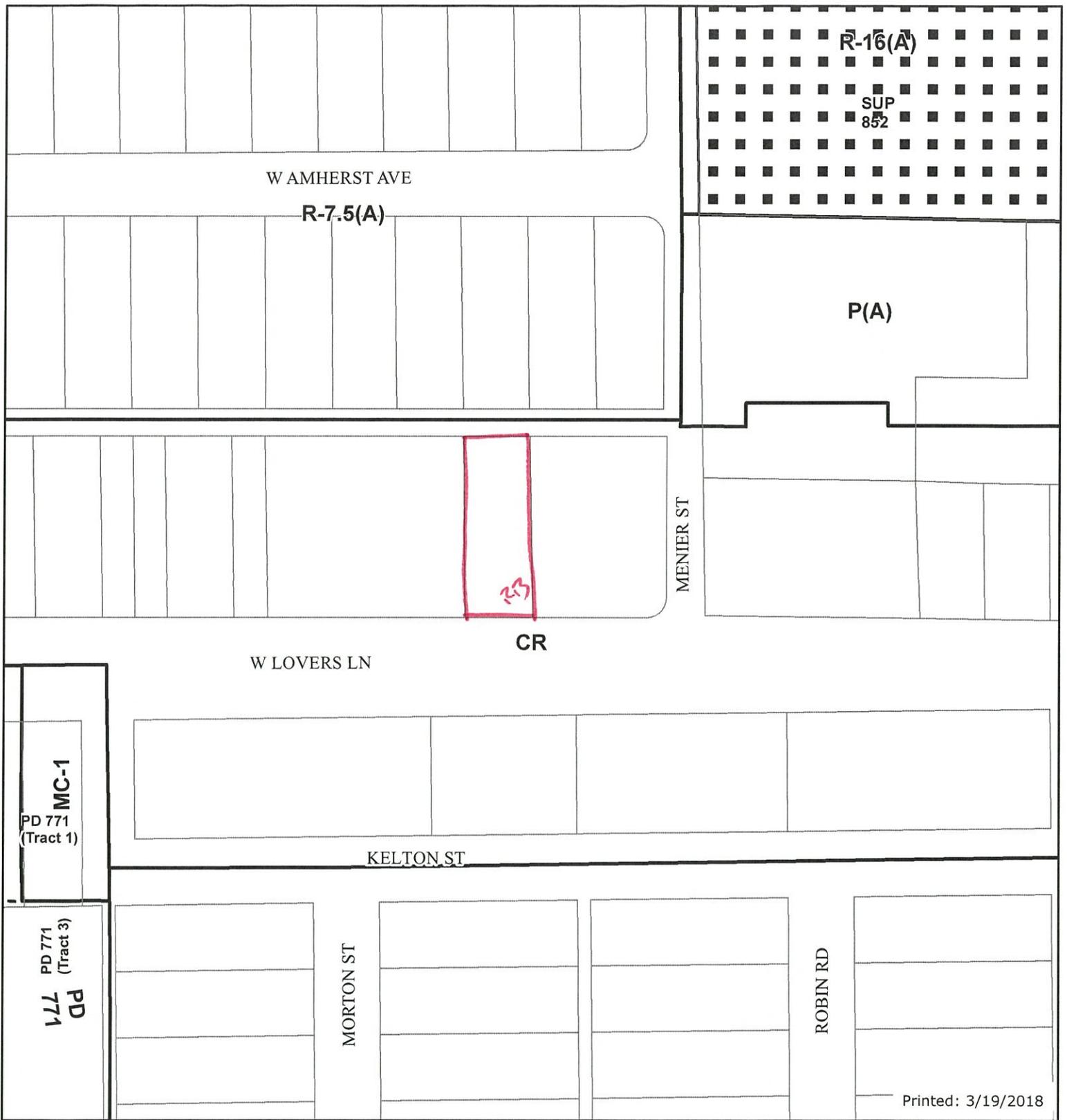
I hereby certify that Robert Baldwin

did submit a request for a variance to the off-street parking regulation  
at 5117 W. Lovers Lane

BDA178-064. Application of Robert Baldwin for a variance to the off-street parking regulation at 5117 W LOVERS LN. This property is more fully described as Lot 19&20, Block A/5006, and is zoned CR, which requires that the owner of off-street parking must provide screening to separate the parking area from a contiguous residential use or vacant lot if either is in an A, A(A), R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district and the parking area serves a nonresidential use. The applicant proposes to construct and maintain a nonresidential structure and not provide the required screening, which will require a variance to the off-street parking regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



### Legend

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Floodplain           | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO_Overlay                |
| Peak's Branch        | SPSP Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | SUP                            | Historic Overlay      | 4-11                       |
|                      |                                | Height Map Overlay    | Shop Front Overlay         |

This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.' (Texas Government Code § 2051.102)

Panel C



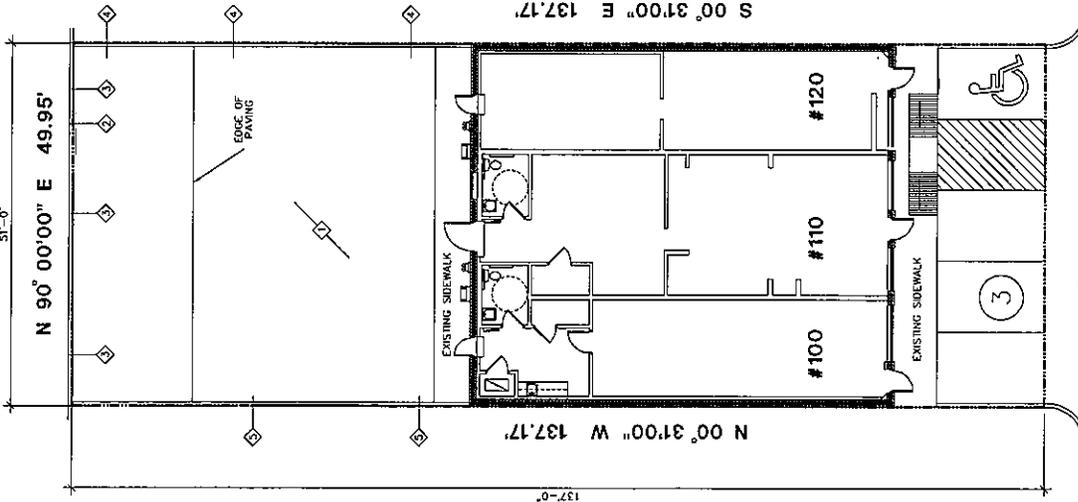
BDA1780064





ALLEY  
51'-0"

N 90° 00'00" E 49.95'



**KEYED NOTES:** ( NUMBERS IN DIAMONDS )

1. EXISTING CONCRETE PAVING BEHIND BUILDING - AREA TO BE USED AS PARKING
2. EXISTING ROLLING GATE TO REMAIN
3. EXISTING 6' TALL WOOD SCREENING FENCE TO REMAIN
4. EXISTING 8' TALL WOOD SCREENING FENCE TO REMAIN
5. EXISTING 8'0" HIGH WOOD FENCE ON WEST SIDE OF PROPERTY - FENCE EXTENDS TO EXISTING MASONRY STRUCTURE ON SOUTH END OF THE ADJ PROPERTY

5117 W. LOVERS LANE  
DALLAS, TEXAS

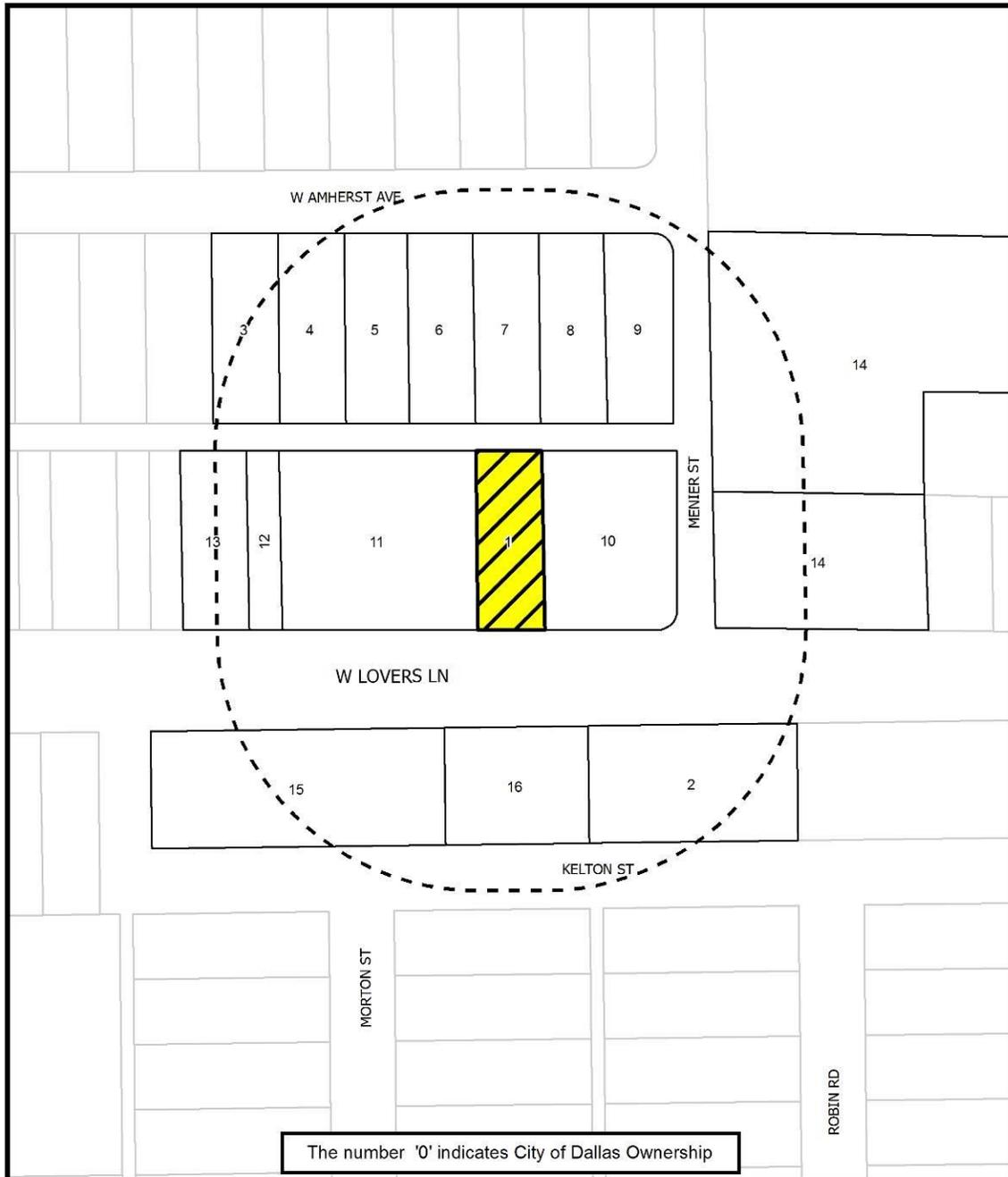
**BUILDING SUMMARY**

SUITE #100	956 SF
SUITE #110	1,184 SF
SUITE #120	920 SF
<b>TOTAL</b>	<b>3,060 SF</b>

**A SITE PLAN**  
SCALE : 1/8" = 1'0"

2017, Dallas, Tex.  
GTS PLANNERS  
10770 500-2601  
www.gtsplanners.com

Date:	01/04/18	Sheet Number	S-1
Revised:	18-002	STONE	



 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA178-064</b>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">16</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>5/23/2018</b>	

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

## ***BDA178-064***

### ***16 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	5117 W LOVERS LN	REISBERG FAMILY ASSOC LTD
2	5118 W LOVERS LN	LEWIS PAUL D LTD PS
3	5100 W AMHERST AVE	GUGENHEIM NANCY GENE
4	5106 W AMHERST AVE	WHITEHEAD JOHN RANDALL &
5	5110 W AMHERST AVE	LOGAN PAMELA M
6	5114 W AMHERST AVE	ALEXANDER HUNT DISTINCT
7	5118 W AMHERST AVE	BRIGHIU PERRI S & EMANUEL
8	5122 W AMHERST AVE	FUNG ANDREW Y & DAISY C
9	5126 W AMHERST AVE	FIFE KATHARINE D & JOHN
10	5125 W LOVERS LN	SOUTHLAND CORP 12205
11	5111 W LOVERS LN	MATUS WITOLD &
12	5101 W LOVERS LN	CHANTILIS ANGELO S
13	5027 W LOVERS LN	JOE F G
14	5203 W LOVERS LN	PRESCOTT INTERESTS LTD
15	5060 W LOVERS LN	BRACKEN LINDA B FAMILY TRUST
16	5110 W LOVERS LN	LEWIS PAUL D LTD PS

**FILE NUMBER:** BDA178-072(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Christopher Johnson, represented by Michael R, Coker Company, for a variance to the front yard setback regulations, at 3407 McKinney Avenue. This property is more fully described as part of Lot 9, Block 9/972, and is zoned PD 193 (LC), which requires a front yard setback of 10 feet. The applicant proposes to construct/maintain a structure and provide a 0-foot front yard setback, which will require a 10 foot variance to the front yard setback regulations.

**LOCATION:** 3407 McKinney Avenue

**APPLICANT:** Christopher Johnson  
Represented by Michael R, Coker Company

**REQUEST:**

A request for a variance to the front yard setback regulations of 10' is made to maintain the following "structures" located as close as on the site's front property line or as much as 10' into the site's 10' front yard setback on a site developed with a restaurant/bar use (Eastwood's Bar):

1. a "brick deck 10" above grade";
2. a "partially covered wood deck 31" above grade";
3. a "concrete walk/step 8" above grade";
4. a "concrete walk/step 15' above grade";
5. a "pole umbrella"; and
6. a "pole fan".

(Note that while the applicant's representative references "retaining walls" that require variance, Building Inspection states that in this particular case, the retaining walls are not "structures" that require variance to the front yard setback regulations).

**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:

- While staff recognized that the site was slightly irregular in shape, staff concluded that the applicant had not substantiated how this feature of the generally flat (an approximately 163’ long site which, according to the applicant’s representative, drops approximately 31” approximately halfway from the rear to the front property line), approximately 8,200 square foot site precludes it from being developed in a manner commensurate with the development upon other parcels of land with the same PD 193 (LC Subdistrict), nor how the size, shape or slope of the site precludes it from being developed with a structure/use that could meet the front yard setback regulations.
- The physical features of the subject site have allowed it to be developed with a structure where the submitted site plan represents that the “existing single story frame” structure and the steps leading to it are located out of the front yard setback and in compliance with the front yard setback regulations. The submitted site plan represents that the variance in this case is requested to maintain added deck structures (and steps within these deck structures) along with pole fan and pole umbrellas structures atop the added deck structures in the front yard setback.
- Staff concluded that the applicant had not substantiated how if the Board were to grant this request, it would not be to relieve a self-created or personal hardship, nor for financial reasons only.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: PD 193 (GR) (Planned Development, General Retail)
- North: PD 193 (GR) (Planned Development, General Retail)
- South: PD 193 (GR) (Planned Development, General Retail)
- East: PD 193 (GR) (Planned Development, General Retail)
- West: PD 193 (PDS 13) (Planned Development, Planned Development)

**Land Use:**

The subject site is developed with a restaurant/bar use (Eastwood’s Bar). The areas to the north, east, and south are developed with retail uses, and the area to the west is developed with multifamily use.

## **Zoning/BDA History:**

1. BDA101-064, Property at 3403 McKinney Avenue (the lot south of the subject site)

On October 17, 2011, the Board of Adjustment Panel C denied requests for a variance to the front yard setback regulations and special exception to the visual obstruction regulations without prejudice.

The case report stated that the requests were made to maintain an existing structure in the front yard setback, and to maintain a structure in the 20' visibility triangle at the drive approach on the north side of the site developed with a restaurant structure/use (The Patio Grill).

## **GENERAL FACTS/STAFF ANALYSIS:**

- The request for variance to the front yard setback regulations focuses on maintaining certain “structures” represented on the submitted site plan that are located on the site’s front property line or 10’ into the site’s 10’ front yard setback on a site developed with a restaurant/bar use (Eastwood’s Bar). The structures represented on the submitted site plan in the front yard setback are: a “brick deck 10” above grade”, a “partially covered wood deck 31” above grade”; a “concrete walk/step 8” above grade”; a “concrete walk/step 15’ above grade”; a “pole umbrella”; and a “pole fan”.
- The site is zoned PD 193 (LC Subdistrict) which requires a minimum front yard setback of 10’.
- According to DCAD records, the “improvements” at 3407 McKinney Avenue is a “restaurant” with 1,966 square feet built in 1964.
- The subject site is generally flat, slightly irregular in shape, and according to the submitted application is 0.176 acres (or approximately 8,200 square feet) in area. The site is zoned PD 193 (LC Subdistrict).
- The applicant has the burden of proof in establishing the following:
  - That granting the variance 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 IM (Industrial/manufacturing) 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 PD 193 (LC) zoning classification.

- If the Board were to grant this request, and impose the submitted site plan as a condition, the structures in the front yard setback would be limited to what is shown on this document.
- Granting the applicant's request for a variance to the front yard setback regulations would not provide any relief to any existing or proposed noncompliance on the site related to landscape and/or visual obstruction regulations.

**Timeline:**

April 17, 2108: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

May 15, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

May 15, 2018: The Board Administrator 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 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the June 8<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

May 31, 2018: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded a revised Building Official's report to the Board Administrator (see Attachment A).

June 5, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included: the Sustainable Development and Construction Director 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 Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Sustainable Development and Construction Department Authorized

Hearing/Code Amendment Senior Planner, and the Assistant City Attorney to the Board.

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

June 18, 2018: The Board of Adjustment Panel C conducted a public hearing on this application, and delayed action on this application until the next public hearing to be held on August 20, 2018.

June 19, 2018: The Board Administrator wrote the applicant's representative a letter of the board's action; the August 1<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the August 10<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials.

July 31, 2018 The applicant's representative submitted additional information to staff beyond what was submitted with the original application (see Attachment B).

August 7, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August 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 Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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

**BOARD OF ADJUSTMENT ACTION: JUNE 18, 2018**

**APPEARING IN FAVOR:** Michael R. Coker, 3112 Canton St., Dallas, TX

**APPEARING IN OPPOSITION:** No One

**MOTION #1: Bartos**

I move that the Board of Adjustment, in Appeal No. BDA 178-072, on application of Christopher Johnson, represented by Michael R. Coker, **deny** the variance to the front yard setback regulations requested by this applicant without prejudice, because our evaluation of the property and the 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 NOT result in unnecessary hardship to this applicant.

**SECOND: Richardson**

**AYES: 2 – Bartos, Richardson**

**NAYS: 3 – Agnich, Shouse, Halliday**

**MOTION FAILED: 2 – 3**

**MOTION #2: Agnich**

I move that the Board of Adjustment, in Appeal No. BDA 178-072, on application of Christopher Johnson, represented by Michael R. Coker, **grant** the 10-foot 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.

**SECOND: Halliday**

**AYES: 3 – Agnich, Shouse, Halliday**

**NAYS: 2 – Richardson, Bartos**

**MOTION FAILED: 3 -2**

**Motion #3: Agnich**

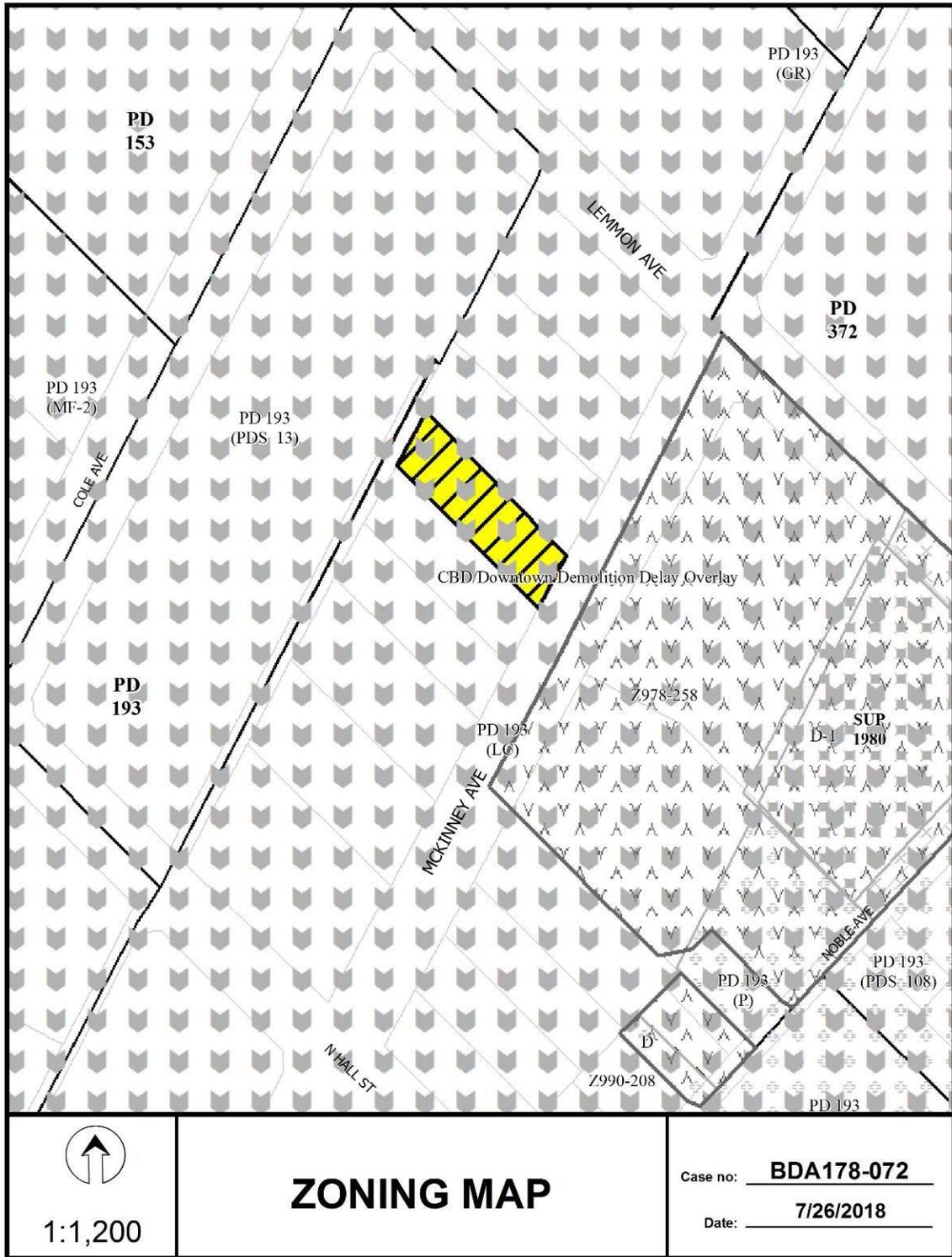
I move that the Board of Adjustment, in Appeal No. BDA 178-072, hold this matter under advisement until August 20, 2018.

**SECOND: Shouse**

**AYES: 5 – Richardson, Agnich, Shouse, Bartos, Halliday**

**NAYS: 0**

**MOTION PASSED: 5 – 0 (unanimously)**



  
 1:1,200

# ZONING MAP

Case no: BDA178-072  
 Date: 7/26/2018



1:1,200

# AERIAL MAP

Case no: BDA178-072

Date: 7/26/2018



BDA178-072

Attachment B

PS 1

Michael R. **COKER** Company

3111 Canton Street  
Suite 140  
Dallas, Texas 75226



July 31, 2018

Steve Long, Chief Planner/Board Administrator  
City of Dallas Board of Adjustment  
Sustainable Development and Construction  
1500 Marilla Street, Room 5BN  
Dallas, Texas 75201

Re: BDA178-072(SL), Property at 3407 McKinney Avenue

Dear Mr. Long:

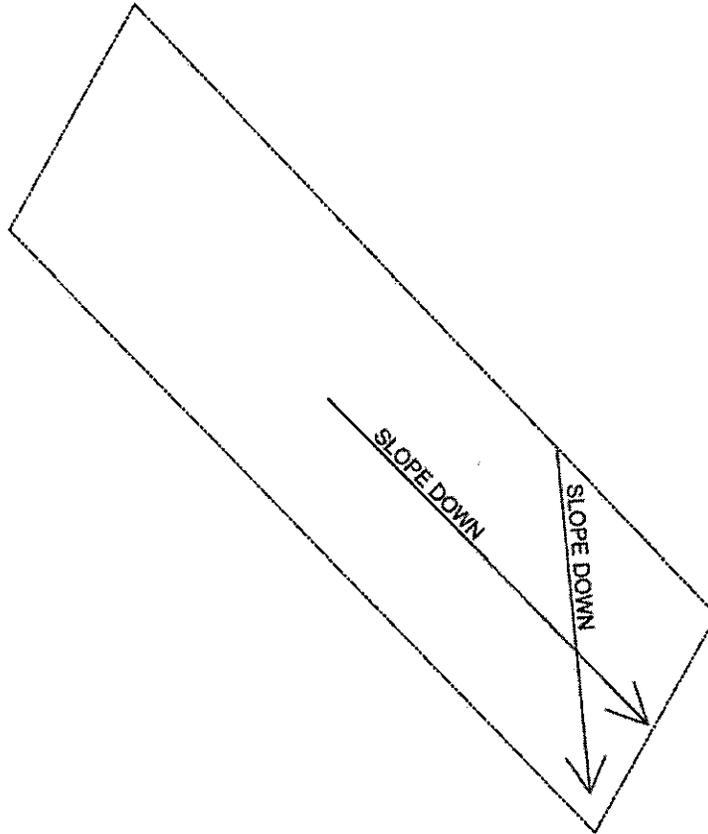
We are submitting this letter as additional information for staff review and inclusion in the Board's docket for the hearing schedule for August 20, 2018 for this case.

Our request is for a variance to the front yard setback regulations to allow for existing steps, retaining walls, decks and other structures in the front yard. The variance would allow this property to retain these structures in the front yard, making the development commensurate with other similar developments in this area.

This property has a legitimate hardship because of the significant nature of the slope. The main structure has its entry and associated patio 39 inches above the grade. Because the front of the main structure was placed only about one foot from the setback line, there is not enough room to allow for the additional stairs, decking and retaining walls that are necessary for the property to function well without encroaching in to the ten-foot front yard. The block retaining wall at the southern corner of the front property line is approximately 18 inches above grade and the block retaining wall at the northern corner of the front property line is approximately 10 inches above grade.

The two steps on the front walkway are 8 inches and 15 inches above grade. Additionally, there is a partially covered wood deck on the southern side of the walkway that is 31 inches above grade and a brick deck on the northern side of the walkway that is 10 inches above grade. These structures not only assist patrons in accessing the main structure but also allow the property to function in a similar manner to other properties on this same block of McKinney Avenue. The slope of the property begins dropping approximately half way from the rear and drops approximately 31 inches on the south side to the front property line.

The property slopes down toward the front property line on the north and south sides of the property but the slope is more significant towards the southern corner of the property.



Because of this unusual slope, we respectfully request that the Board of Adjustment grant our request for a variance to the front yard setback regulations.

Sincerely,

Michael R. Coker Company  
Michael R. Coker  
3111 Canton Street, Suite 140  
Dallas, Texas 75226  
(214) 821-6105 (o)  
mrcoker@cokercompany.com



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-072

Date: 4-17-18

Data Relative to Subject Property:

Location address: 3407 McKinney Avenue Zoning District: PD 193 (LC)

Lot No.: NE 1/2 Lot 9 Block No.: 9/972 Acreage: 0.176 Census Tract: 0018.00

Street Frontage (in Feet): 1) 48.13' 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): PDC Interests, LLC

Applicant: Christopher Johnson Telephone: 913-940-3359

Mailing Address: 2654 Colby Street, Apt. 3311, Dallas Zip Code: 75204

E-mail Address: chris.johnson8952@yahoo.com

Represented by: Michael R. Coker Company Telephone: 214-821-6105

Mailing Address: 3111 Canton Street, Ste. 140 Zip Code: 75226

E-mail Address: mrcoker@cokercompany.com

Affirm that an appeal has been made for a Variance X, or Special Exception X, of front and side setback regulations to allow for existing structures such as decks, railings, steps, fencing, ramps, portions of the main structure, and retaining walls to be located in the required front and side yards. fence in front yard 6'

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:

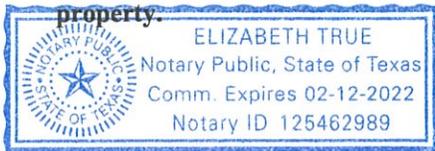
The decks, railings, steps, fencing and retaining walls are commensurate with other decks, railings steps, fencing and retaining walls adjacent to the site and throughout the surrounding neighborhood.

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

Affidavit

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

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



Respectfully submitted: (Affiant/Applicant's signature)

Subscribed and sworn to before me this 16th day of February, 2018

(Notary Public 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

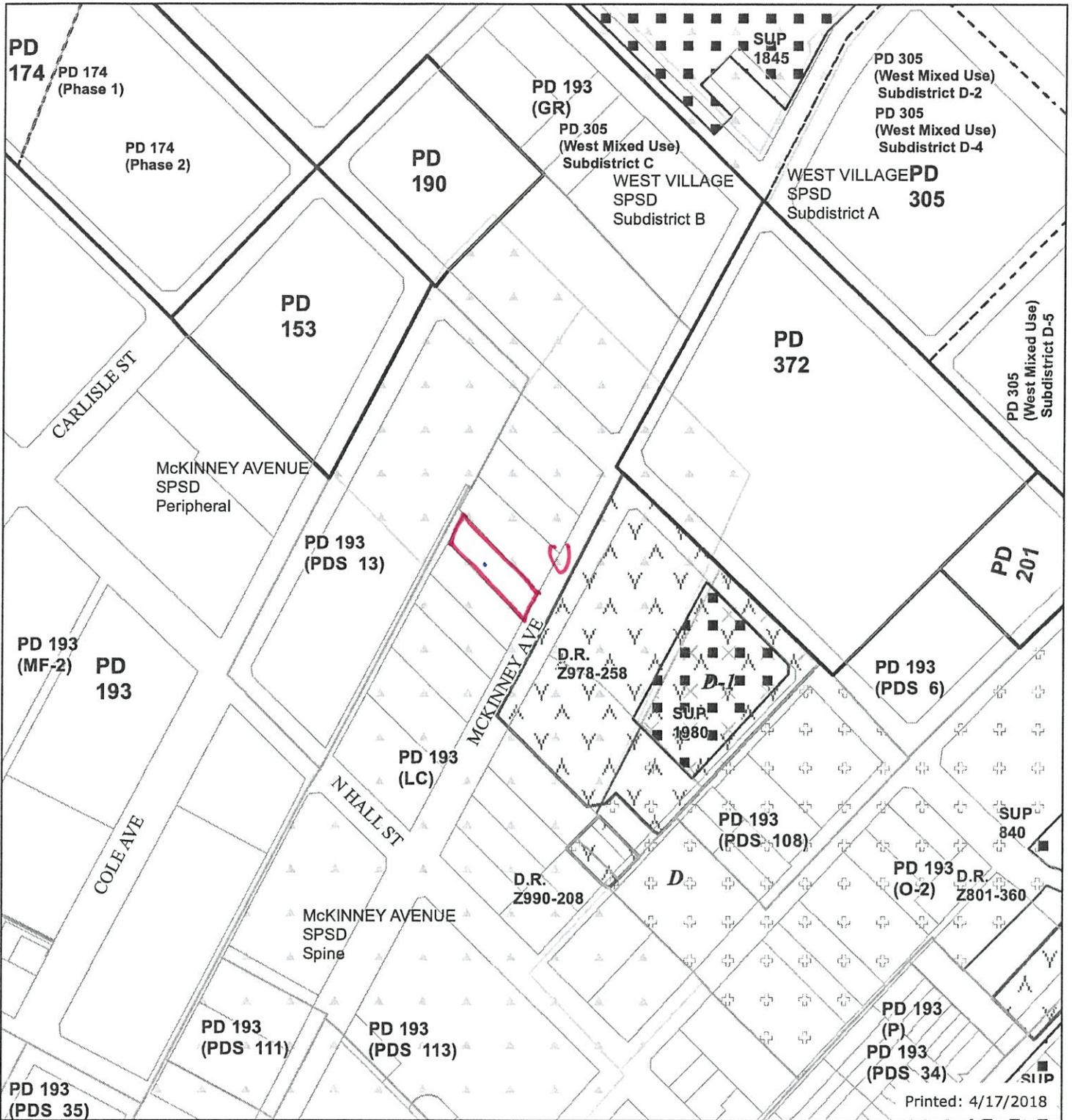
**Building Official's Report**

I hereby certify that Christopher Johnson  
represented by Michael R Coker  
did submit a request for a special exception to the fence height regulations, and for a variance to the front yard setback regulations, and for a variance to the side yard setback regulations, and for a variance to the side yard setback regulations  
at 3407 McKinney Avenue

BDA178-072. Application of Christopher Johnson represented by Michael R Coker for a special exception to the fence height regulations, and for a variance to the front yard setback regulations, and for a variance to the side yard setback regulations, and for a variance to the side yard setback regulations at 3407 MCKINNEY AVE. This property is more fully described as Lot NE 1/2 of Lot 9, Block 9/972, and is zoned PD-193 (LC), which limits the height of a fence in the front yard to 4 feet and requires a front yard setback of 1 feet and requires side yard setback of 10 feet . The applicant proposes to construct a 6 foot high fence in a required front yard, which will require a 2 foot special exception to the fence regulations, and to construct a non-residential structure and provide a 0 foot front yard setback, which will require a 10 foot variance to the front yard setback regulations, and to construct a non-residential structure and provide a 0 foot side yard setback, which will require a 10 foot variance to the side yard setback regulations, and to construct a non-residential structure and provide a 0 foot side yard setback, which will require a 10 foot variance to the side yard setback regulations.

Sincerely,

  
Philip Sikes, Building Official



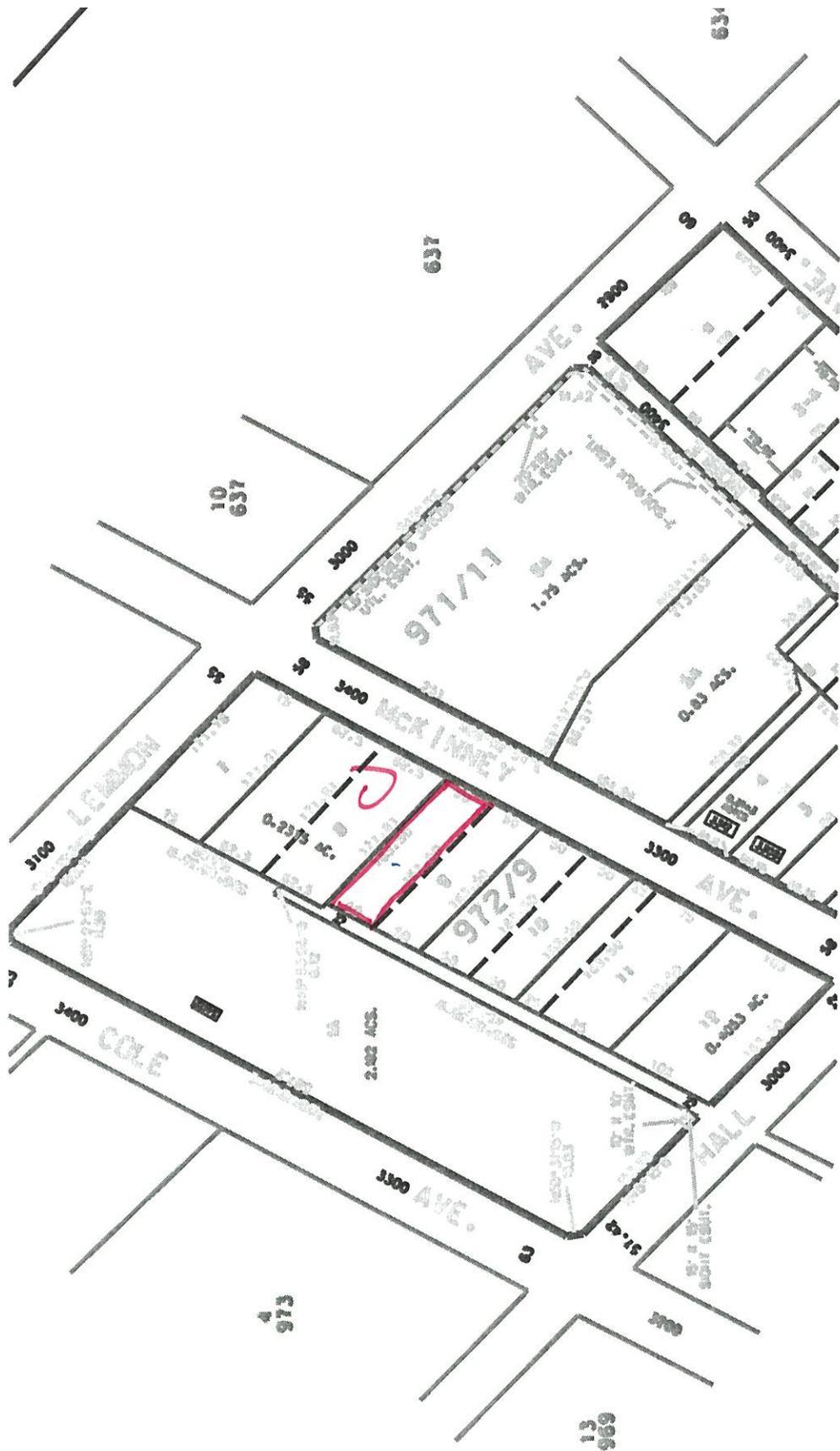
Printed: 4/17/2018

### Legend

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Floodplain           | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO_Overlay                |
| Peak's Branch        | SPSP Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | SUP                            | Historic Overlay      | Shop Front Overlay         |
|                      |                                | Height Map Overlay    |                            |

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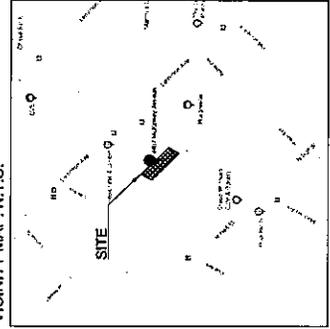
Michael R. Coker Company  
 11000 West Loop South, Suite 1000  
 Houston, Texas 77042

**EASTWOOD'S BAR**  
 3407 MCKINNEY AVENUE  
 DALLAS, TEXAS 75204

Issue/Revisions	Date	Author
1	03/20/18	Johnson-McKinney
2	03/20/18	Johnson-McKinney
3	03/20/18	Johnson-McKinney
4	03/20/18	Johnson-McKinney
5	03/20/18	Johnson-McKinney
6	03/20/18	Johnson-McKinney
7	03/20/18	Johnson-McKinney
8	03/20/18	Johnson-McKinney
9	03/20/18	Johnson-McKinney
10	03/20/18	Johnson-McKinney

**GENERAL NOTES:**  
 OWNER: RDC Interests, LLC  
 675 Spring Drive, Suite 580  
 Houston, Texas 77061  
 SITE: 3407 McKinney Avenue  
 Dallas, Texas 75204  
 Zoning: PDD 193 (LC)

VICINITY MAP: N.T.S.

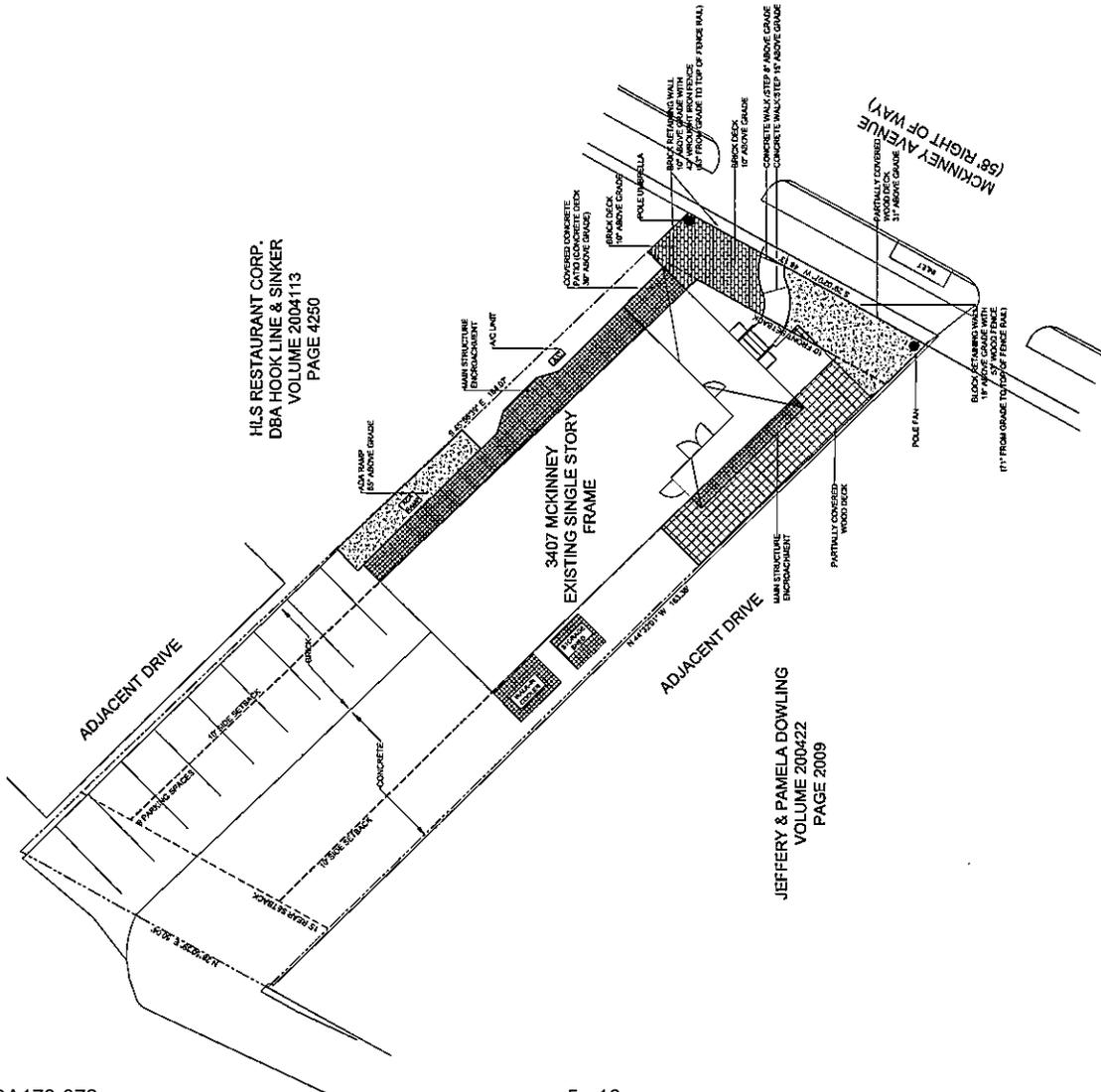


Drawing Title  
**SITE PLAN**

Issue Date: 03/20/18  
 Owner Co Project: 21718  
 Reviewed By: MRC  
 Drawn By: eca  
 Drawing Number

**Z-1**

Filename: JOHN-SON-MCKINNEY  
 3407 McKinney Avenue, Dallas, Texas  
 03/20/2018 10:00 AM



HLS RESTAURANT CORP.  
 DBA HOOK LINE & SINKER  
 VOLUME 2004113  
 PAGE 4250

JEFFERY & PAMELA DOWLING  
 VOLUME 200422  
 PAGE 2009



**A** SITE PLAN  
 SCALE: 1" = 10'-0"



P SHADE DESIGN, LLC  
 3628 McKinney Ave. #185206  
 Dallas, TX 75204  
 P: 214.443.7890

FOR REVIEW ONLY  
 NOT FOR  
 CONSTRUCTION.

THE DRAWINGS AND INFORMATION  
 HEREON ARE PREPARED BY THE ARCHITECT  
 FOR THE EXCLUSIVE USE OF THE CLIENT.  
 NO PART OF THESE DRAWINGS OR INFORMATION  
 IS TO BE REPRODUCED OR TRANSMITTED IN  
 ANY FORM OR BY ANY MEANS, ELECTRONIC  
 MECHANICAL, PHOTOCOPYING, RECORDING,  
 OR BY ANY INFORMATION STORAGE AND  
 RETRIEVAL SYSTEM, WITHOUT THE WRITTEN  
 CONSENT OF THE ARCHITECT.

# TENANT IMPROVEMENTS

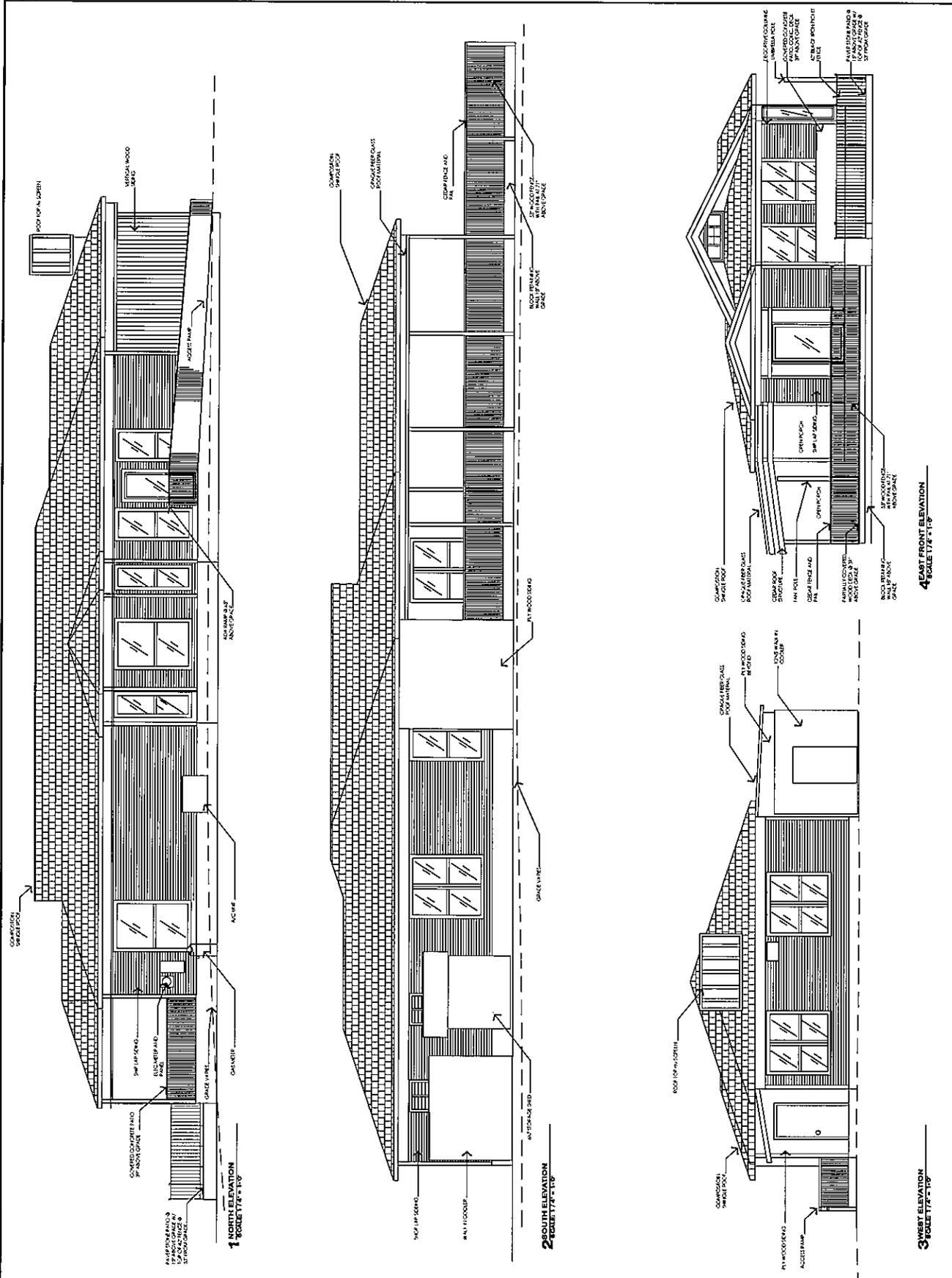
## EASTWOOD BAR AND GRILL

3407 MC KENNEY AVE  
 DALLAS, TX

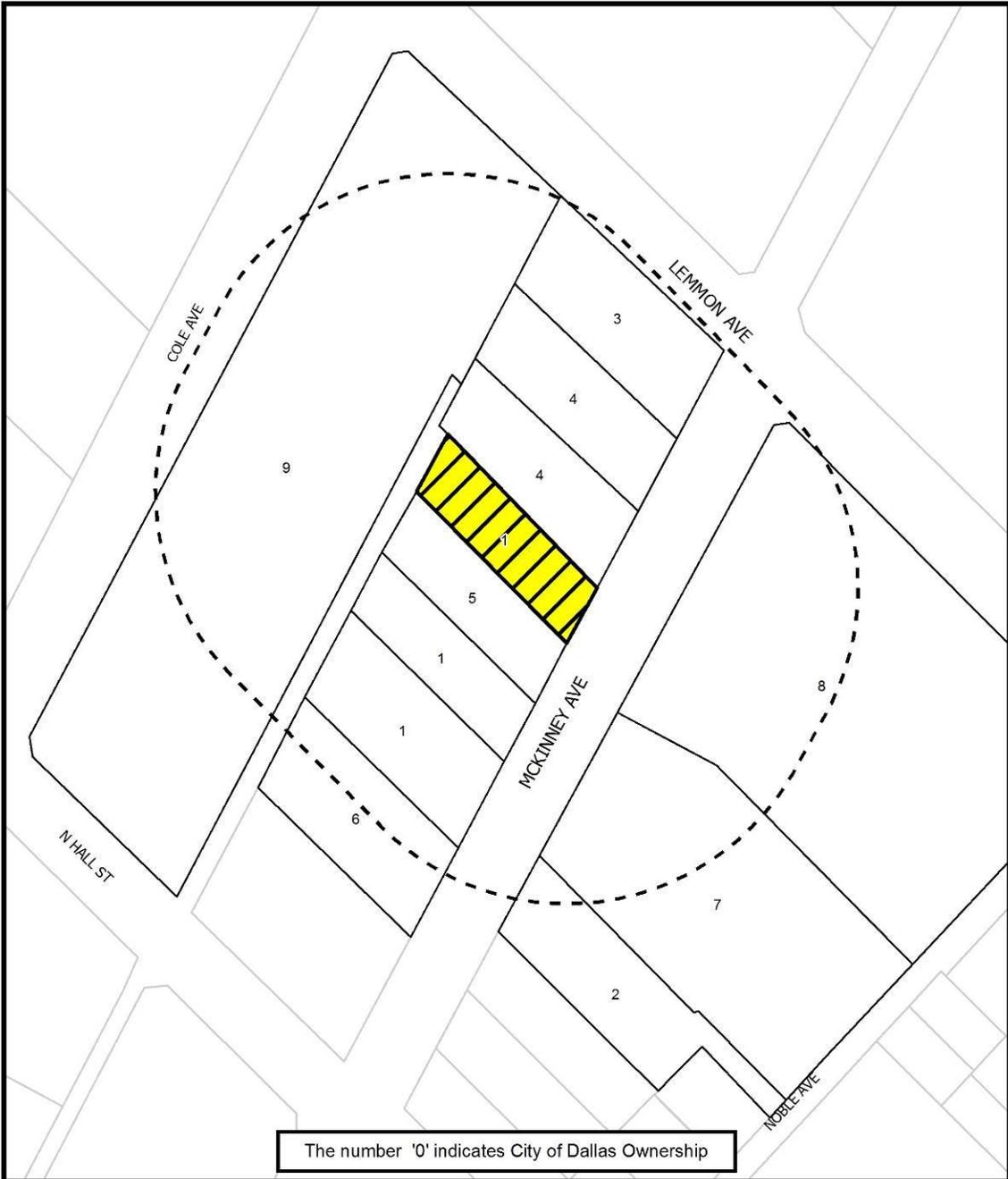
DATE: 4-09-2018

REVISIONS

EXISTING  
 ELEVATIONS  
 A1.0







 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA178-072</b>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">9</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: <b>7/26/2018</b>

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

***BDA178-072***

### ***9 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	3407 MCKINNEY AVE	PDC INTERESTS LLC
2	3312 MCKINNEY AVE	HUGHES HULL HOLDINGS LLC
3	3103 LEMMON AVE	MICHAEL CARMEN M &
4	3413 MCKINNEY AVE	HLS RESTAURANT CORP
5	3403 MCKINNEY AVE	DOWLING PAMELA G &
6	3309 MCKINNEY AVE	RACHOFSKY M J TRUST ETAL
7	3324 MCKINNEY AVE	JIK FIELDS EXCHANGE LLC &
8	3418 MCKINNEY AVE	WALGREEN CO
9	3402 COLE AVE	POST APARTMENT HOMES LP

**FILE NUMBER:** BDA178-089(OA)

**BUILDING OFFICIAL'S REPORT:** Application of David H. Goettsche for a variance to the front yard setback regulations at 1 Bella Porta Place. This property is more fully described as Lot 1, Block B/8176, and is zoned R-1/2ac(A), which requires a front yard setback of 40 feet. The applicant proposes to construct and/or maintain a structure and provide a 10 foot front yard setback, which will require a 30 foot variance to the front yard setback regulations.

**LOCATION:** 1 Bella Porta Place

**APPLICANT:** David H. Goettsche

**REQUEST:**

A request for a variance to the front yard setback regulations of 30' is made to construct and maintain a "pool" and "cabana" structures on an undeveloped lot, which would be located as close as 10' from the front property line or as much as 30' into the 40' front yard setback.

**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:

- While staff recognized that applicant had shown by submitting a document indicating among other things that the total living area/additional improvements on the subject site at approximately 7,700 square feet is commensurate to that what is found on 10 other properties in the same R-1/2ac (A) zoning district with approximately 7,880 square feet, staff concluded that the applicant had not substantiated how if the Board were to grant this request it would not be to relieve a self-created or personal hardship since the lot even though it is less than ½ acre in area was a result of a Community Unit Development (CUD) created on the site and surrounding properties in 2007.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: R-1/2ac (A) (Single family district 1/2 acre)
- North: R-1/2ac (A) (Single family district 1/2 acre)
- South: R-1/2ac (A) (Single family district 1/2 acre)
- East: R-1/2ac (A) (Single family district 1/2 acre)
- West: R-1/2ac (A) (Single family district 1/2 acre)

**Land Use:**

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

**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:**

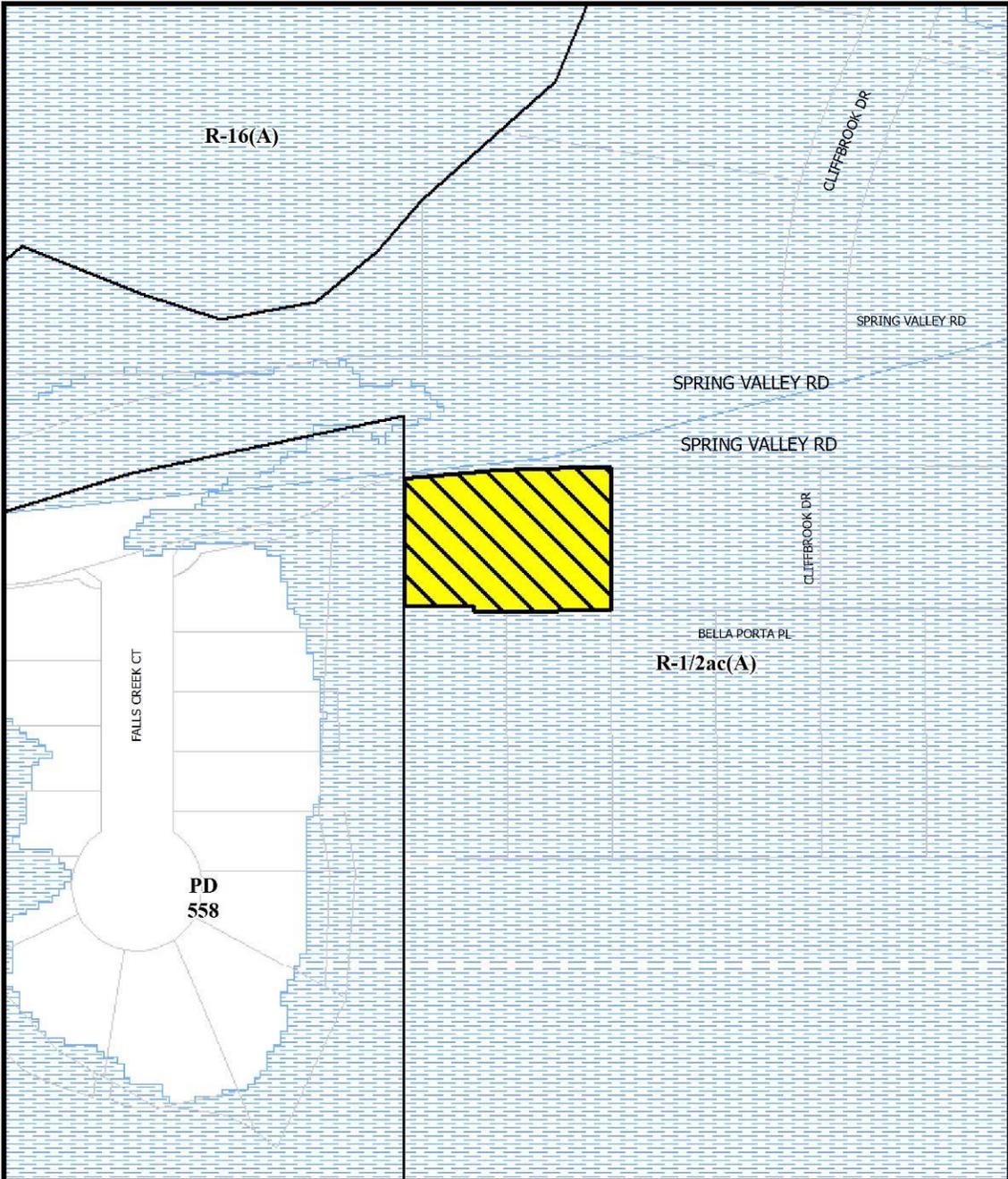
- The request for variance to the front yard setback regulations of 30’ focuses on constructing and maintaining a “pool” and “cabana” structures on a property developed with a single family home, which, according to the submitted revised site plan, would be located as close as 10’ from the front property line or as much as 30’ into the 40’ front yard setback.
- The subject site is zoned R-1/2ac (A) which requires a 40’ front yard setback.
- The submitted plan represents that a “pool” and cabana structures are proposed to be located as close as 10’ from the site’s front property line (or 30’ into the 40’ front yard setback).
- The subject site is flat, rectangular in shape, and according to the application, is 0.386 acres (or 16,819 square feet) in area. While most lots in this R-1/2ac(A) zoning have a typical lot size of 21,780 square feet, this 16,819 square feet lot size is less than what is typical in this zoning district because of a Community Unit

Development (CUD) created in 2007 part of which was due to the site and surrounding area being located in the 100 year flood plain.

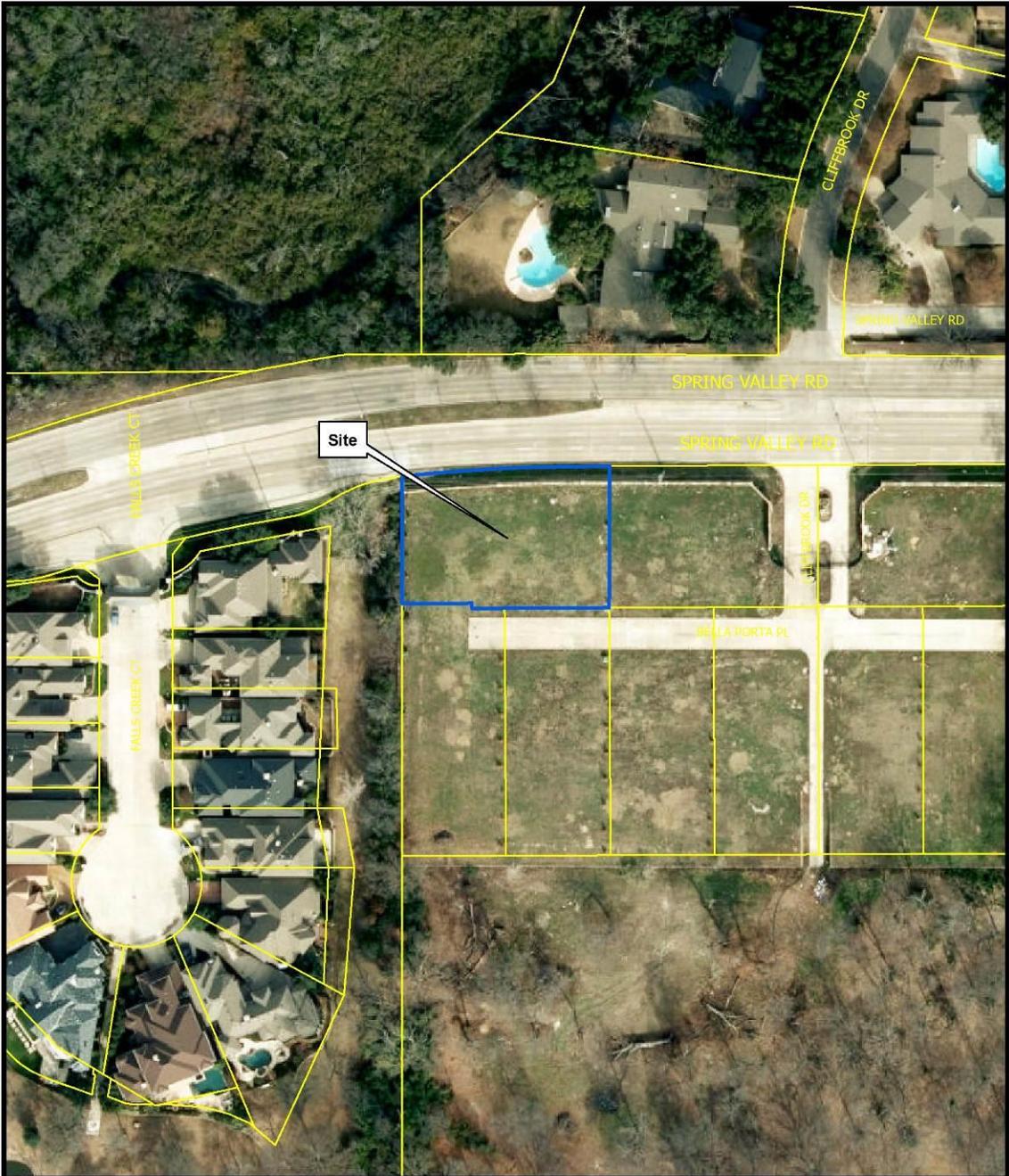
- DCAD records indicate “no main improvements” for the property at 1 Bella Porta Place.
- The following additional information was gleaned from the submitted site plan and elevation:
  - The pool structure is represented as being approximately 37’ in length and 17’ in width or approximately 630 square feet in area.
  - The pool structure is represented as being located approximately 10’ from the property line.
  - The cabana structure is represented as being approximately 14’ in length by 17’ in width or approximately 240 square feet in area.
  - The cabana structure is represented as being located approximately 10’ from the property line.
  - The cabana structure reaches approximately a maximum height of 12’ 2”
- The subject site has a 7’ 5” screening wall & traffic barrier easement along the north frontage that prevents access from Spring Valley Road.
- The applicant has submitted a document indicating that the total “maximum AC space” of the proposed home on the subject site is approximately 7,660 square feet which is smaller than that of 10 other homes he listed of properties in R-1/2ac (A) zoning. (The average square footage of 10 other properties listed in the applicant’s document is approximately 7,880 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 to front yard setback regulations 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-1/2ac(A) zoning classification.
  - The variance to front yard setback regulations 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-1/2ac(A) zoning classification.
- If the Board were to grant this 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 are pool and cabana structures to be located 10’ from the site’s front property line or 30’ into the required 40’ front yard setback.
- Granting this request for a variance to the front yard setback regulations would provide no relief to the Flood Plain regulations on the subject site.

**Timeline:**

- May 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.
- July 10, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- July 11, 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 August 1<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the August 10<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- August 2, 2018: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).
- August 7, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included: the Sustainable Development and Construction Director 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 Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Sustainable Development and Construction Department Authorized Hearing/Code Amendment Senior Planner, and the Assistant City Attorney to the Board.
- No review comment sheets were submitted in conjunction with this application.



 1:1,200	<h1>ZONING MAP</h1>	Case no: <u>    <b>BDA178-089</b>    </u> Date: <u>    <b>7/26/2018</b>    </u>
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1:1,200

# AERIAL MAP

Case no: BDA178-089

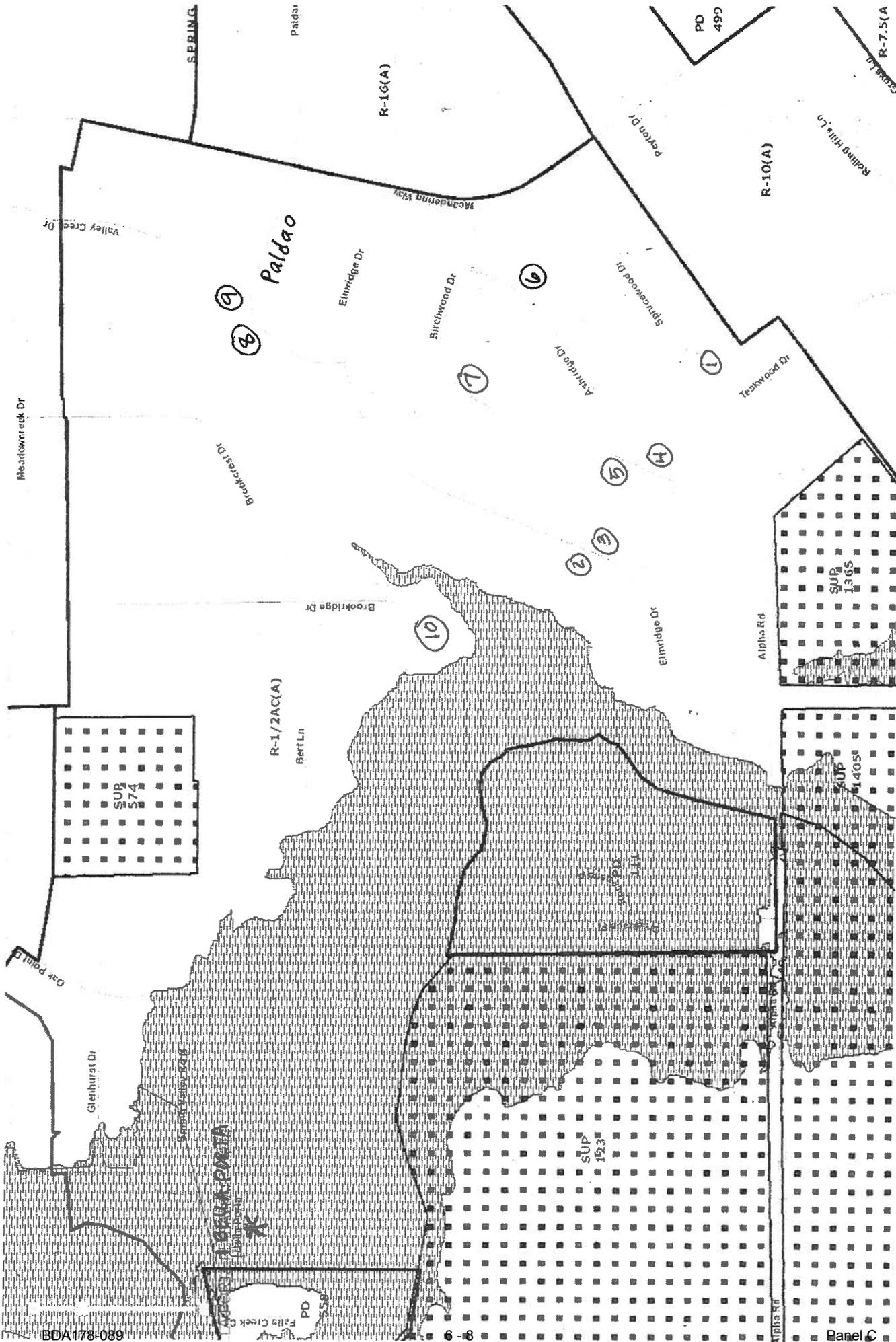
Date: 7/26/2018

1 BELLA PORTA  
OTHER 1/2 ACRE LOTS

ID on Map	Zoning	Address	Lot SF	Lot Dimensions	Living Area	Add'l Improvemts	Total	Pool
1	R-1/2AC(A)	13526 Sprucewood Dr, Dallas 75240	22,791	130x185	6,891	886	7,777	Yes
2	R-1/2AC(A)	7047 Elmridge Dr, Dallas 75240	43,845	128x295	8,367	1,495	9,862	Yes
3	R-1/2AC(A)	7018 Elmridge Dr, Dallas 75240	22,242	125x175	6,671	2,006	8,677	Yes
4	R-1/2AC(A)	13610 Ashridge Dr, Dallas 75240	32,105	173x166	6,030	920	6,950	Yes
5	R-1/2AC(A)	13619 Ashridge Dr, Dallas 75240	22,254	125x175	7,468	1,104	8,572	Yes
6	R-1/2AC(A)	13736 Ashridge Dr, Dallas 75240	29,626	115x197	5,649	2,278	7,927	Yes
7	R-1/2AC(A)	7148 Birchwood Dr, Dallas 75240	30,328	184x220	6,645	991	7,636	No
8	R-1/2AC(A)	7233 Paldao Dr, Dallas 75240	48,253	110x312	5,682	998	6,680	Yes
9	R-1/2AC(A)	7241 Paldao Dr, Dallas 75240	44,591	110x200	6,344	943	7,287	Yes
10	R-1/2AC(A)	14016 Brookridge Dr, Dallas 75240	48,598	102x222	6,419	1,005	7,424	Yes
		<b>AVERAGE</b>	<b>34,463</b>		<b>6,617</b>	<b>1,263</b>	<b>7,879</b>	
*	R-1/2AC(A)	1 Bella Porta Pl, Dallas 75254	16,762	162x104	5,238	2,423	7,661	Yes

BDA1178-089 ATTACH A

# 1 BELLA PORTA PLACE COMPARISON PROPERTIES (Pgs 2)





APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-089

Data Relative to Subject Property:

Date: 5/8/2018

Location address: #1 Bella Porta Place Zoning District: R-1/2 Ad(A)

Lot No.: 1 Block No.: B1876 Acreage: .386 Census Tract: 136.08

Street Frontage (in Feet): 1) 159.65 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): David H. Goettsche

Applicant: David H. Goettsche Telephone: 972/381-8995

Mailing Address: 5147 Quail Lake Dr. Zip Code: 75287

E-mail Address: david@descohomes.com

Represented by: David H. Goettsche Telephone: 972/381-8995

Mailing Address: 5147 Quail Lake Dr. Zip Code: 75287

E-mail Address: david@descohomes.com

Affirm that an appeal has been made for a Variance [X] or Special Exception, of Swimming Pool in front yard.

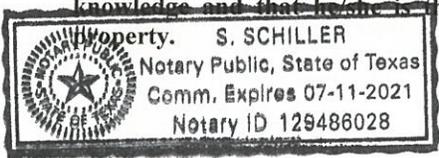
Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: what is considered a front yard is really a back yard. subdivision is a granted easement access, front yard and back yard are reversed.

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 [Signature] (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



Respectfully submitted: [Signature] (Affiant/Applicant's signature)

Subscribed and sworn to before me this 8 day of May 2018 [Signature]

(Rev. 08-01-11)

Notary Public in and for Dallas County, Texas

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

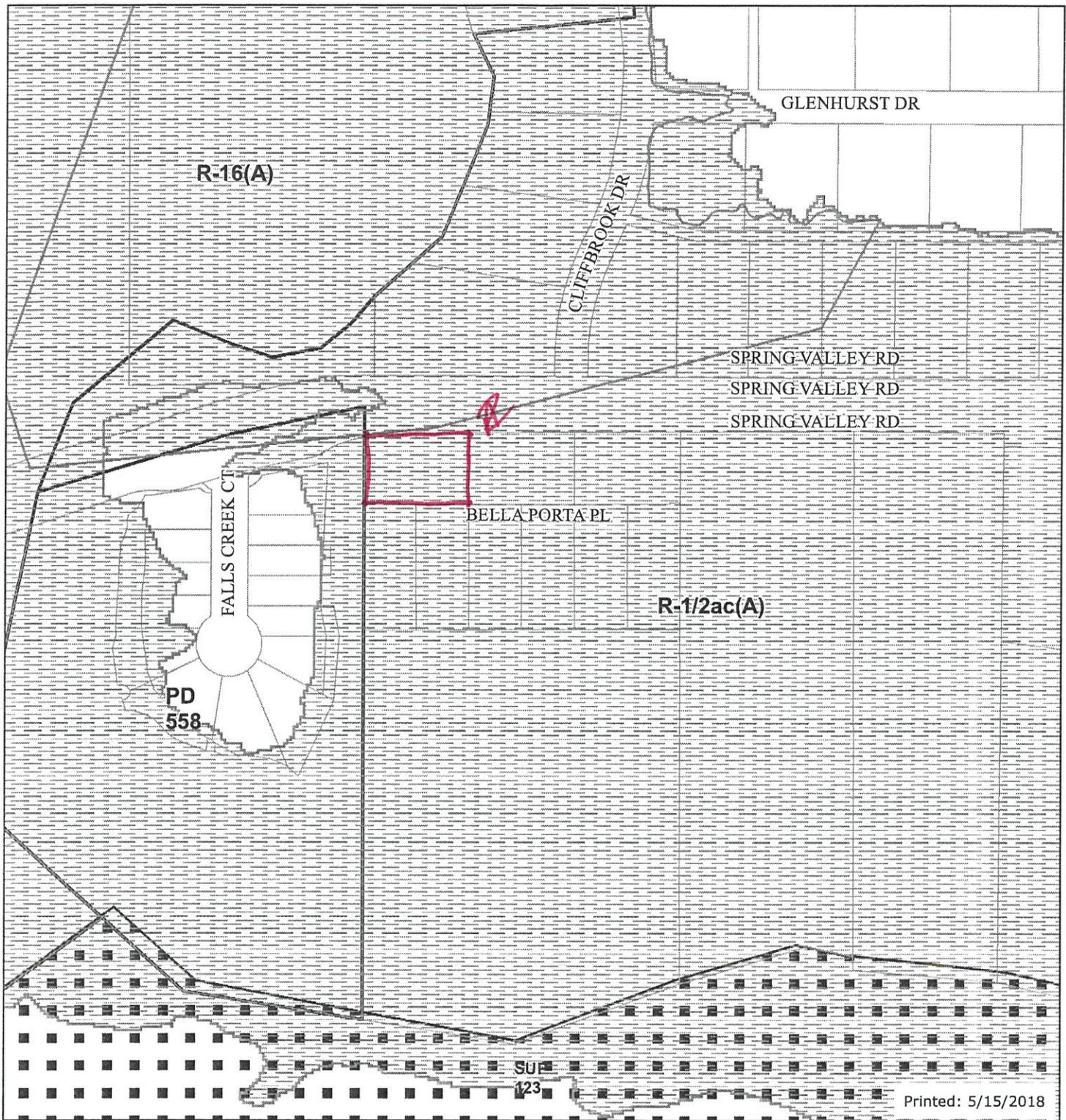
I hereby certify that **DAVID GOETTSCH**  
did submit a request for a variance to the front yard setback regulations  
at 1 Bella Porta Place

BDA178-089. Application of DAVID GOETTSCH for a variance to the front yard setback regulations at 1 Bella Porta Place. This property is more fully described as Lot 1, Block B/8176, and is zoned R-1/2ac(A), which requires a front yard setback of 40 feet. The applicant proposes to construct a single family residential accessory structure and provide a 10 foot front yard setback, which will require a 30 foot variance to the front yard setback regulations.



Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



Printed: 5/15/2018

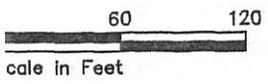
### Legend

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Floodplain           | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO_Overlay                |
| Peak's Branch        | SPSP Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | SUP                            | Historic Overlay      | Shop Front Overlay         |
|                      |                                | Height Map Overlay    |                            |

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1:2,400



BLOCK H/8183  
NORTHWOOD HILLS ESTATES  
SEVENTH SECTION  
V. 69245, P. 2004  
D.R.D.C.T.

BLOCK L/8183  
NORTHWOOD HILLS ESTATES  
SEVENTH SECTION  
V. 69245, P. 2004  
D.R.D.C.T.

LLAS  
3356  
GRES  
= 05°52'03"  
= 1,390.00'  
= 71.24'  
= 142.35'  
= 142.29'  
BRG. =  
1 86°48'29" E

of  
ining  
I ROD  
RPLS 4804  
ID (CM)

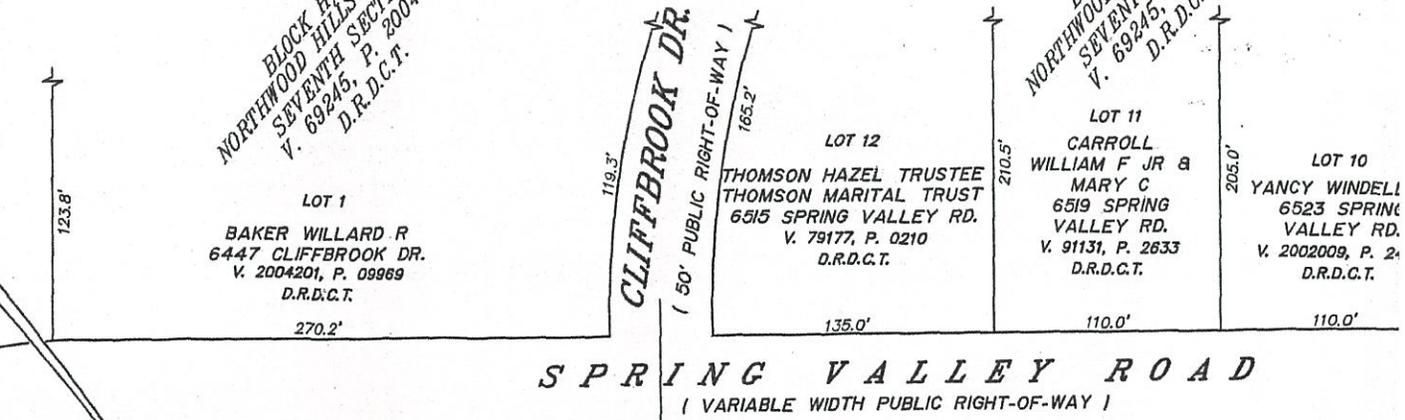
BLOCK A/8176  
SPRING VALLEY FALLS  
V. 2001027, P. 01719  
M.R.D.C.T.

COMMON AREA  
882.69'

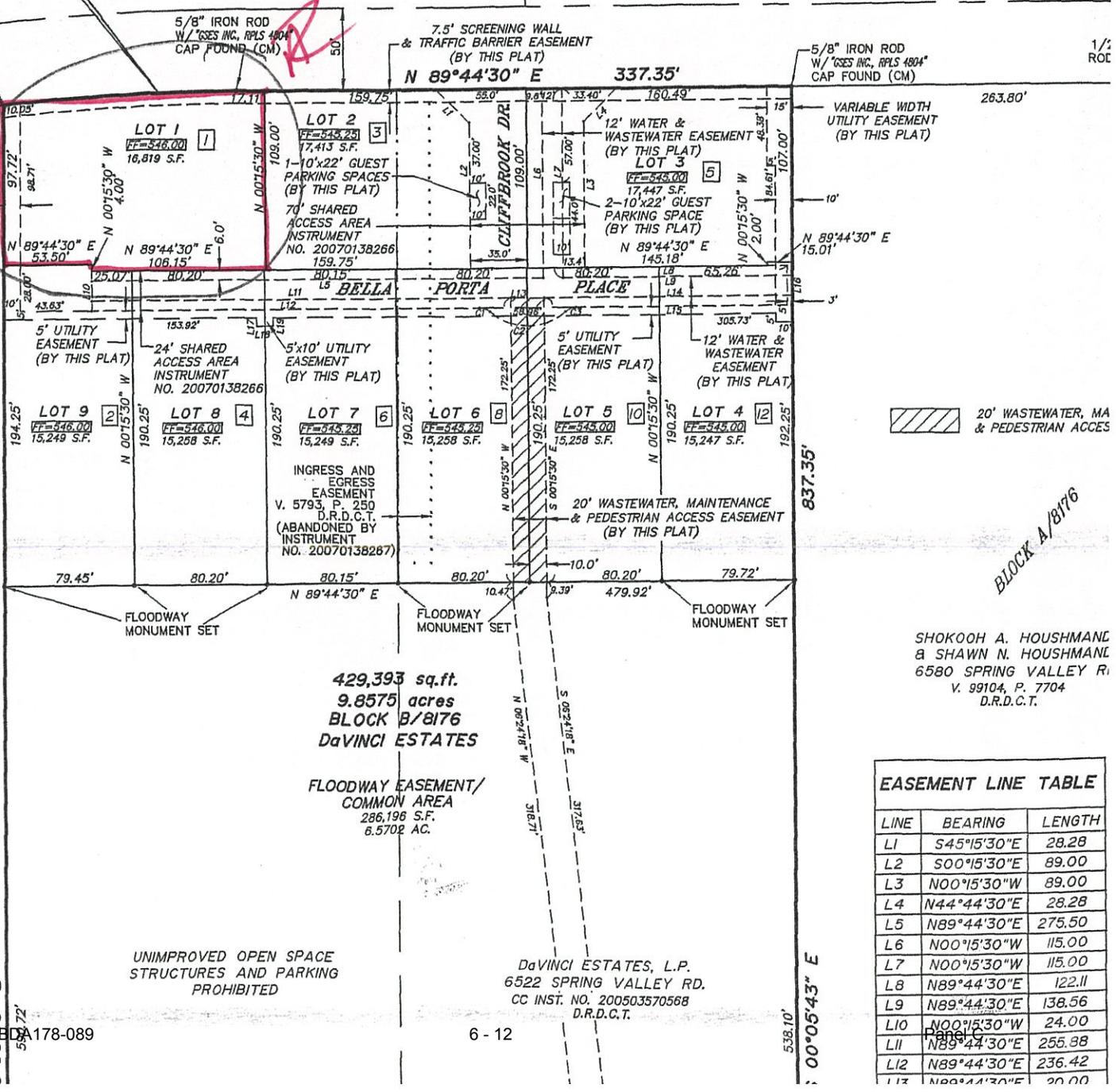
K CT.  
679

BLOCK A/8176  
SPRING VALLEY FALLS  
V. 2001027, P. 01719  
M.R.D.C.T.

ION AREA  
0°00'00" E  
5A 178-089



SPRING VALLEY ROAD  
( VARIABLE WIDTH PUBLIC RIGHT-OF-WAY )



429,393 sq.ft.  
9.8575 acres  
BLOCK B/8176  
DaVINCI ESTATES

FLOODWAY EASEMENT/  
COMMON AREA  
286,196 S.F.  
8.5702 AC.

UNIMPROVED OPEN SPACE  
STRUCTURES AND PARKING  
PROHIBITED

DaVINCI ESTATES, L.P.  
6522 SPRING VALLEY RD.  
CC INST. NO. 200503570568  
D.R.D.C.T.

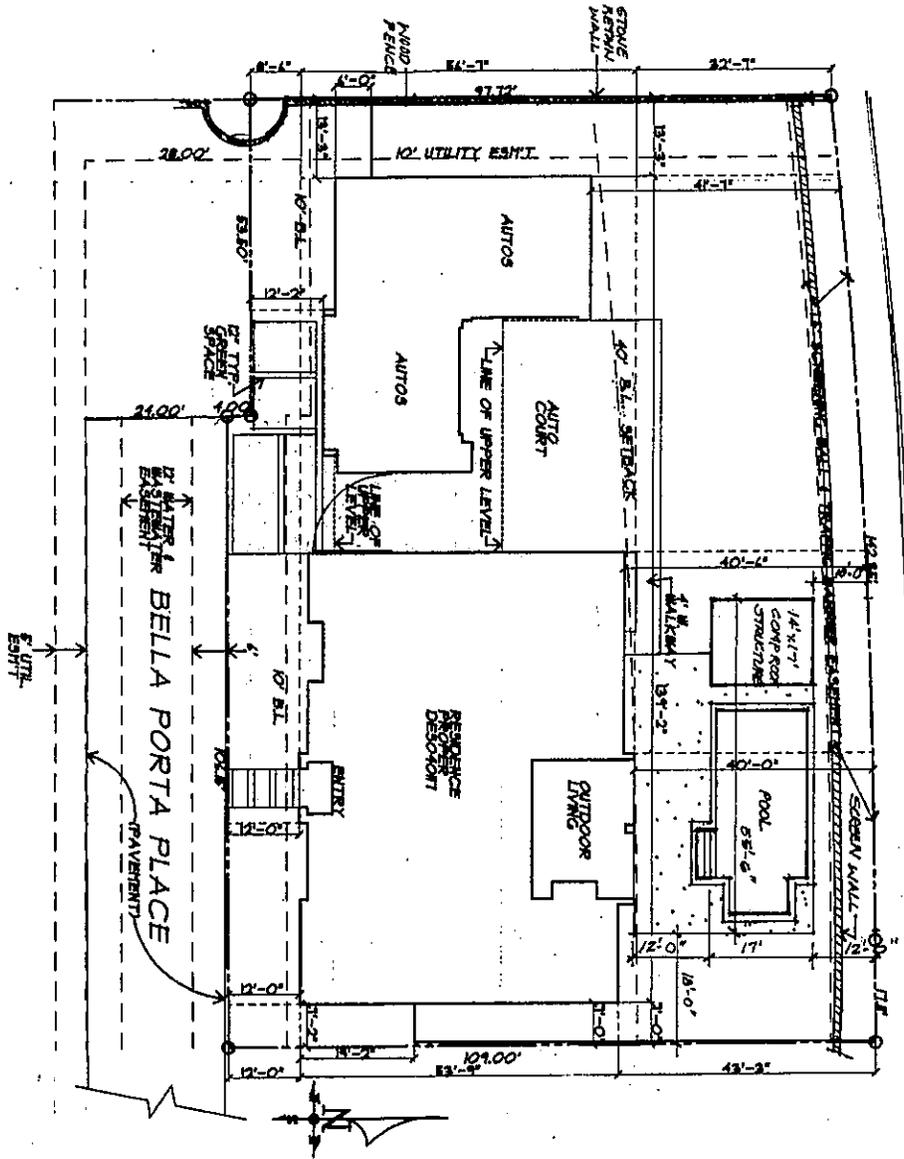
20' WASTEWATER, MA  
& PEDESTRIAN ACCESS

SHOKOOH A. HOUSHMANG  
& SHAWN N. HOUSHMANG  
6580 SPRING VALLEY RD.  
V. 99104, P. 7704  
D.R.D.C.T.

EASEMENT LINE TABLE

LINE	BEARING	LENGTH
L1	S45°15'30"E	28.28
L2	S00°15'30"E	89.00
L3	N00°15'30"W	89.00
L4	N44°44'30"E	28.28
L5	N89°44'30"E	275.50
L6	N00°15'30"W	115.00
L7	N00°15'30"W	115.00
L8	N89°44'30"E	122.11
L9	N89°44'30"E	138.56
L10	N00°15'30"W	24.00
L11	N89°44'30"E	255.38
L12	N89°44'30"E	236.42
L13	N89°44'30"E	25.00

SPRING VALLEY RD

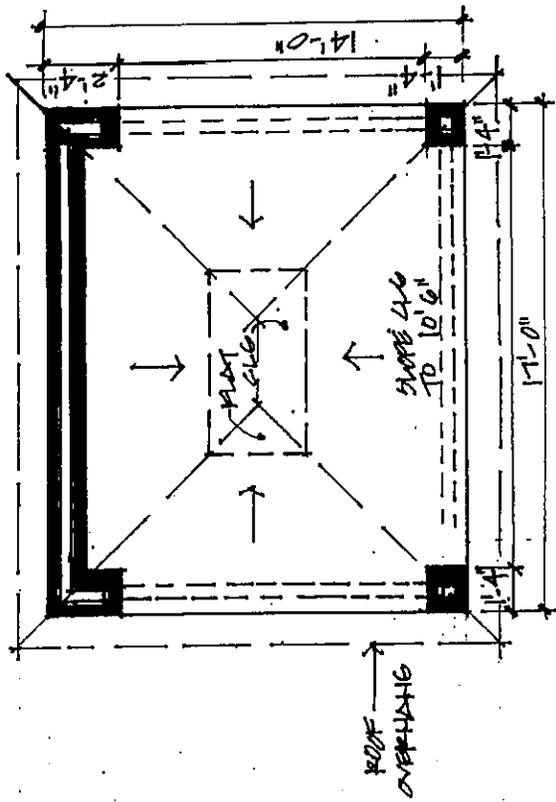


**SITE PLAN / POOL PLAN SCALE: 1/8"=1'-0"**  
 LOT 1, BLOCK B, 8/11,  
 DAVING ESTATES, PHASE 1  
 DALLAS, TEXAS

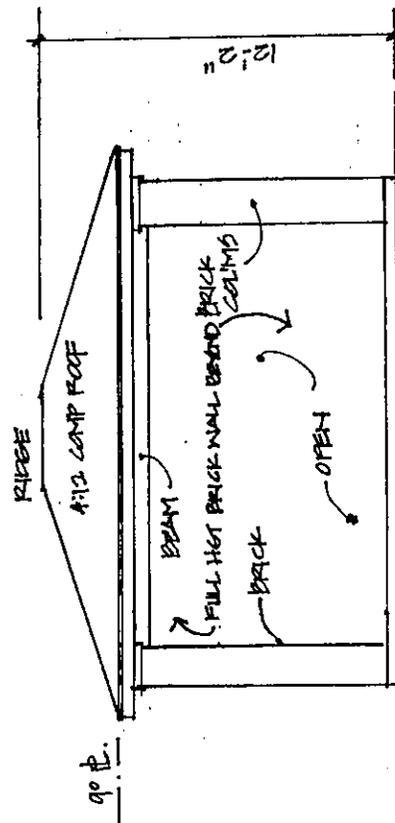
This Site Plan is not a survey. It is provided for building and site-work layout only. Prior to the start of construction, the general contractor shall verify with the city and/or the appropriate entities all grades, existing improvements, property lines, required building setbacks, easements, utilities, obstructions, and any other existing site conditions that could present a hazard or interfere with construction. Any discrepancies between this Site Plan and actual on-site conditions shall be the responsibility of the general contractor to resolve. Henderson Design + Associates shall be responsible only for the revision/correction of these documents, and then only as information is provided by the general contractor. These requirements apply from the time these documents are issued, and continue throughout the course of construction.

Fresh grade shall provide positive drainage away from (all) structures on this site, and shall furthermore be sensitive to adjacent sites, and shall meet all local requirements.

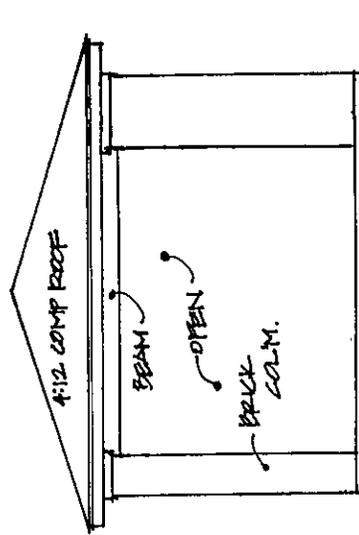
TOTAL LOT AREA:	1.047
TOTAL FOOTPRINT AREA:	1.030
PERCENTAGE OF COVERAGE:	98.35



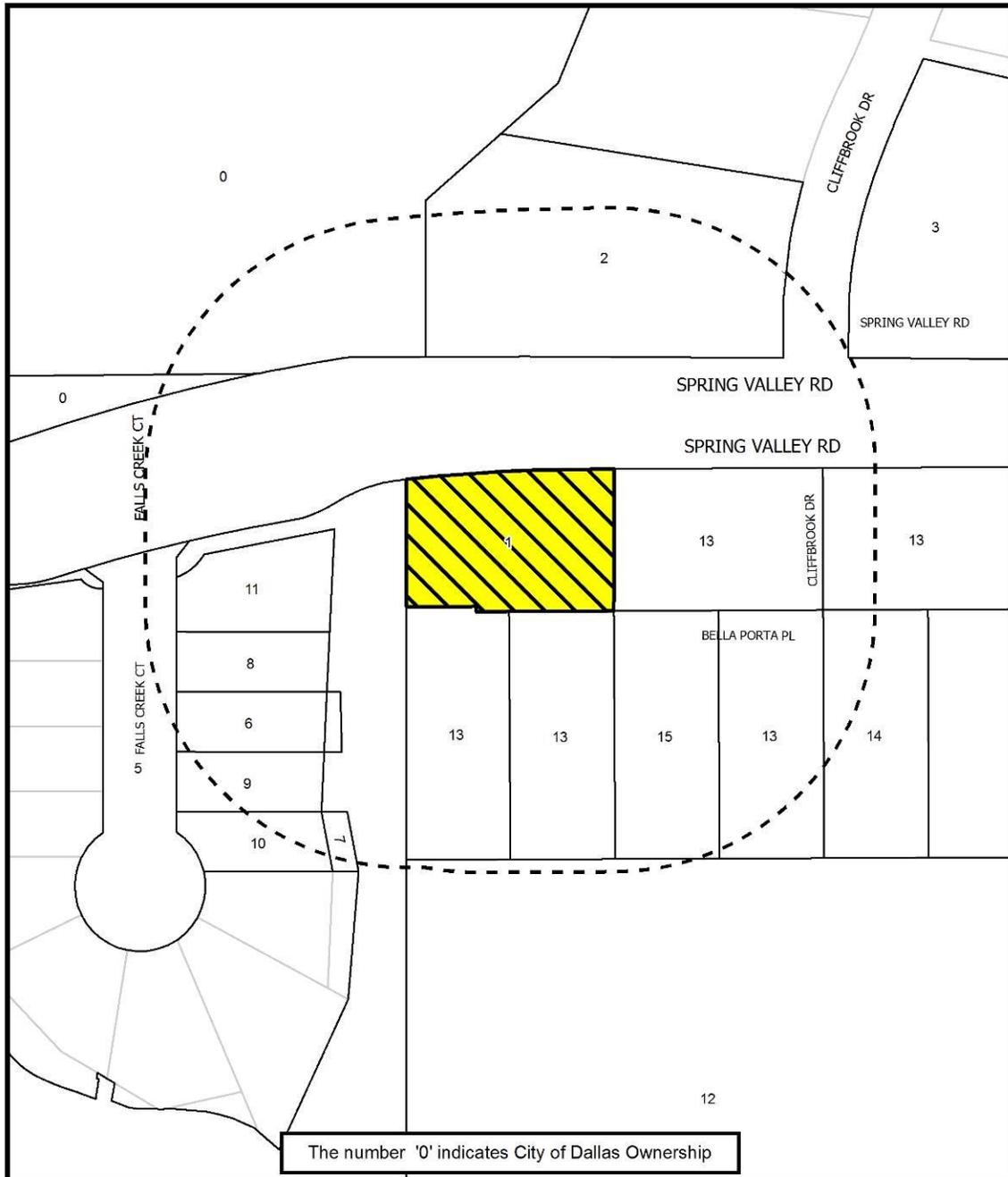
FLOOR PLAN



SIDE ELEVATION (STR. OPPOSITE HAND)



END ELEVATION



1:1,200

# NOTIFICATION

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

Case no: **BDA178-089**

Date: **7/26/2018**

## *Notification List of Property Owners*

***BDA178-089***

### *15 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1 BELLA PORTA PL	GOETTSCHE DAVID
2	6447 CLIFFBROOK DR	POGUE MELISSA
3	6515 SPRING VALLEY RD	RALL MATTHEW &
4	1 SPRING VALLEY RD	SPRING VALLEY FALLS LP
5	1 SPRING VALLEY RD	SPRING VALLEY FALLS LP
6	14028 FALLS CREEK CT	MCKINNEY SHEILA A
7	14020 FALLS CREEK CT	HUDDLESTON D WARREN &
8	14032 FALLS CREEK CT	GAO XIN LIN & LEI ZHAN
9	14024 FALLS CREEK CT	FRYE STUART & MEREDITH M TR
10	14020 FALLS CREEK CT	HUDDLESTON D WARREN &
11	14036 FALLS CREEK CT	NEUHOFF JAMES &
12	2 SPRING VALLEY RD	DAVINCI ESTATES LP
13	3 BELLA PORTA PL	MODERN PYRAMIDS INC
14	10 BELLA PORTA PL	NEXXUS HOMES INC
15	6 BELLA PORTA PL	KATIKANENI PRADEEP & SHALINI