

ZONING BOARD OF ADJUSTMENT, PANEL B  
WEDNESDAY, SEPTEMBER 19, 2018  
AGENDA

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

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

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**BRIEFING ITEM**

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Recent code amendments regarding accessory dwelling units  
Donna Moorman, Chief Planner

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**MISCELLANEOUS ITEM**

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Approval of the August 22, 2018 Board of Adjustment Panel B Public Hearing Minutes	M1
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**UNCONTESTED CASES**

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<b>BDA178-099(OA)</b>	3943 Atlanta Street <b>REQUEST:</b> Application of Rutilio Antonio Bernal, represented by Bryan Esquivel of Iron Horse Custom Homes, for a variance to the front yard setback Regulations	1
<b>BDA178-103(SL)</b>	1026 S. Montclair Avenue <b>REQUEST:</b> Application of Jose J Rodriguez, represented by Santos T. Martinez of Masterplan, for special exceptions to the front and side yard setback regulations for a carport	2

**BDA178-104(OA)** 7710 Cliffbrook Drive 3  
**REQUEST:** Application of Steven John Kubik for special exceptions to the fence standards regulations

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**REGULAR CASE**

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**BDA178-090(SL)** 1813 Caddo Street 4  
**REQUEST:** Application of Alexander Remington, represented by Michael R. Coker, for a variance to the front yard setback regulations

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## EXECUTIVE SESSION NOTICE

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

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt. Code §551.087]
7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex. Govt. Code §551.089]

**FILE NUMBER:** BDA178-099(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Rutilio Antonio Bernal, represented by Bryan Esquivel of Iron Horse Custom Homes, for a variance to the front yard setback regulations at 3943 Atlanta Street. This property is more fully described as Lot 1, Block A/1728, and is zoned PD-595 (R-5(A)), which requires a front yard setback of 20 feet. The applicant proposes to construct and/or maintain a structure and provide a 5 foot front yard setback, which will require a 15 foot variance to the front yard setback regulations.

**LOCATION:** 3943 Atlanta Street

**APPLICANT:** Rutilio Antonio Bernal  
Represented by Bryan Esquivel of Iron Horse Custom Homes

**REQUEST:**

A request for a variance to the front yard setback regulations of 15' is made to construct and maintain a one-story single family home structure with a total "slab area" of approximately 1,530 square feet or with a total "home size" of approximately 1,200 square feet, part of which is to be located 5' from one of the site's two front property lines (Eugene Street) or 15' into this 20' front yard setback on a site that is undeveloped.

**STANDARD FOR A VARIANCE:**

Section 51(A)-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

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

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is unique and different from most lots in the PD-595 (R-5(A)) zoning district in that it is restrictive in area due to having two, 20' front yard setbacks when most lots in this zoning district have one 20' front yard setback. The 35' wide subject site has 10' of developable width available once a 20' front yard setback is accounted for on the southwest and a 5' side yard setback is accounted for on the northwest. If the lot were more typical to others in the zoning district with only one front yard setback, the 35' wide site would have 25' of developable width.
- Staff concluded that the applicant has shown by submitting a document indicating among other things that that the total home size of the proposed home on the subject site at approximately 1,200 square feet is commensurate to 7 other homes in the same PD-595 (R-5(A)) zoning district that have average home size of approximately 1,500 square feet.

## **BACKGROUND INFORMATION:**

### **Zoning:**

Site: PD595 (R-5(A)) (Planned Development) (Single family district 5,000 square-feet)  
North: PD595 (R-5(A)) (Planned Development) (Single family district 5,000 square-feet)  
South: PD595 (R-5(A)) (Planned Development) (Single family district 5,000 square-feet)  
East: PD595 (R-5(A)) (Planned Development) (Single family district 5,000 square-feet)  
West: PD595 (R-5(A)) (Planned Development) (Single family district 5,000 square-feet)

### **Land Use:**

The subject site is undeveloped. The area to the north is developed with single family uses and vacant lots; the area to the east and south are developed with a public park and single family uses; and the area to the west is developed with single family uses.

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

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

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

- This request for variance to the front yard setback requirement of 15' focuses on constructing and maintaining a one-story single family home structure with a total "slab area" of approximately 1,530 square feet or with a total "home size" of approximately 1,200 square feet, part of which is to be located 5' from one of the site's two front property lines (Eugene Street) or 15' into this 20' front yard setback on a site that is undeveloped.

- The property is located in PD-595 (R-5(A)) zoning district which requires a minimum front yard setback of 20 feet.
- The subject site is located at the northwest corner of Atlanta Street and Eugene. Regardless of how the structure is proposed to be oriented to front Atlanta Street, the subject site has a 20' front yard setback along both street frontages. The site has a 20' front yard setback along Atlanta Street, 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 20' front yard setback along Eugene 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 Eugene 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 southwest that front/are oriented southeast towards Eugene Street.
- The submitted site plan indicates the proposed structure is located 5' from the Eugene Street's front property line or 15' into this 20' front yard setback.
- According to DCAD records, there are "no main improvement" or "no additional improvements for property addressed at 3943 Atlanta Street.
- The subject site is flat, slightly irregular in shape (approximately 35' x 91'), and according to the submitted application is 0.655 acres (or approximately 2900 square feet) in area. The site is zoned PD-595 (R-5(A)) where lots are typically 5,000 square feet in area.
- Most lots in the PD-595 (R-5(A)) zoning district have one 20' front yard setback, two 5' side yard setbacks, and one 5' rear yard setback; this site has two 20' front yard setbacks and two 5' side yard setbacks.
- The site plan represents that approximately 3/4 of the structure is located in the 20' Eugene Street front yard setback.
- The 35' wide subject site has 10' of developable width available once a 20' front yard setback is accounted for on the southwest and a 5' side yard setback is accounted for on the northwest. If the lot were more typical to others in the zoning district with only one front yard setback, the 35' wide site would have 25' of developable width.
- No variance would be necessary if the Eugene Street frontage were a side yard since the site plan represents that the proposed home is 5' 2" from the Eugene Street property line and the side yard setback for properties zoned PD-595 (R-5(A)) is 5'.
- The applicant has submitted a document indicating among other things that that the total home size of the proposed home on the subject site is approximately 1,200 square feet, and the average of 7 other properties in the same zoning is approximately 1500 square feet.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope,

that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD-595 (R-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 PD-595 (R-5(A)) zoning classification.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which in this case is a structure that would be located 5’ from the site’s Eugene Street front property line (or 15’ into this 20’ front yard setback).

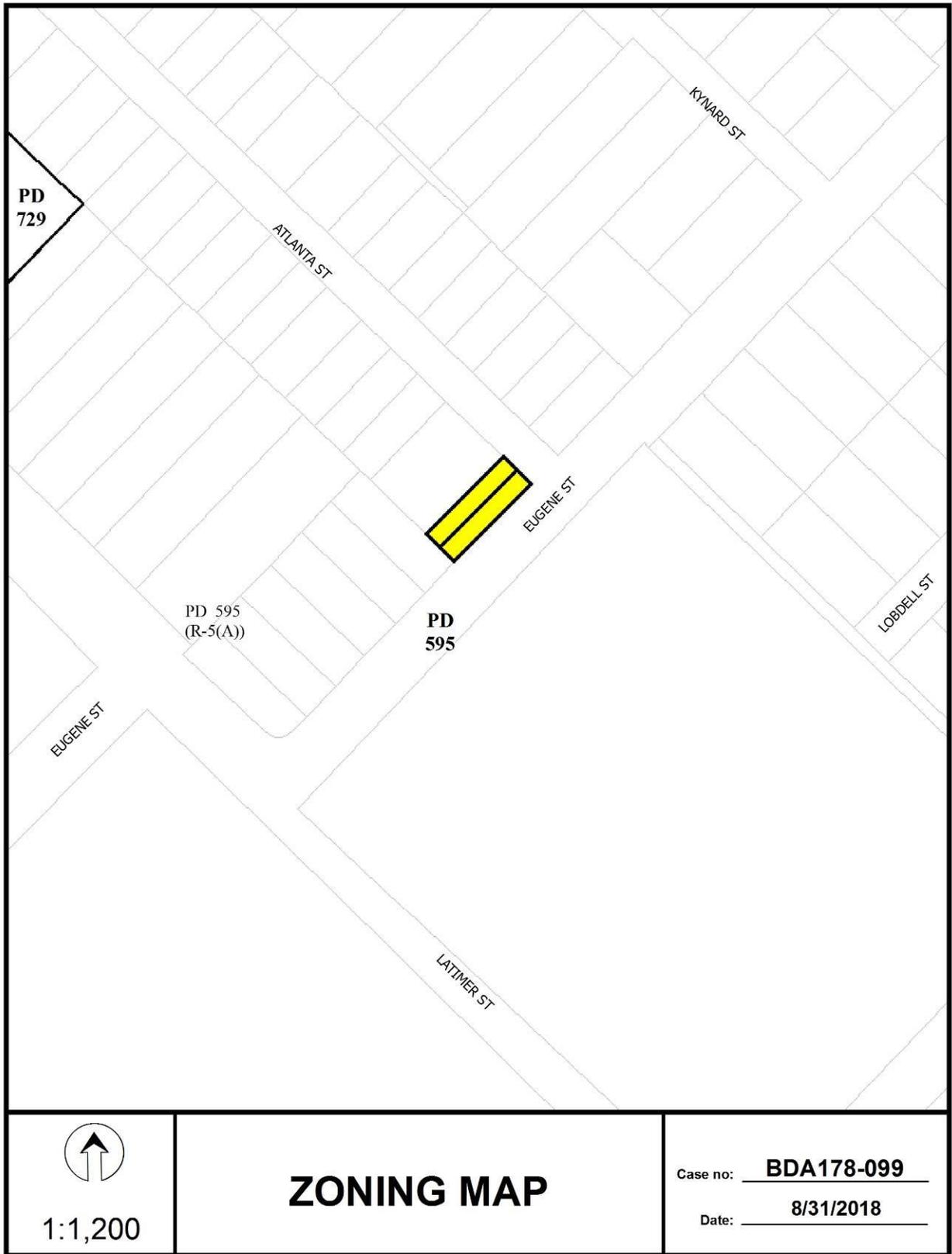
**Timeline:**

- June 1, 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.
- August 14, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- August 16, 2018: The Sustainable Development and Construction Department Senior Planner emailed the applicant’s representative the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the August 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the September 7<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 28, 2018: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- August 29, 2018: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment B).
- September 4, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September public hearings. Review team members in attendance included: the Sustainable Development and Construction Director, the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of

Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Authorized Hearing/Development Code Amendment Chief Planner, 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.



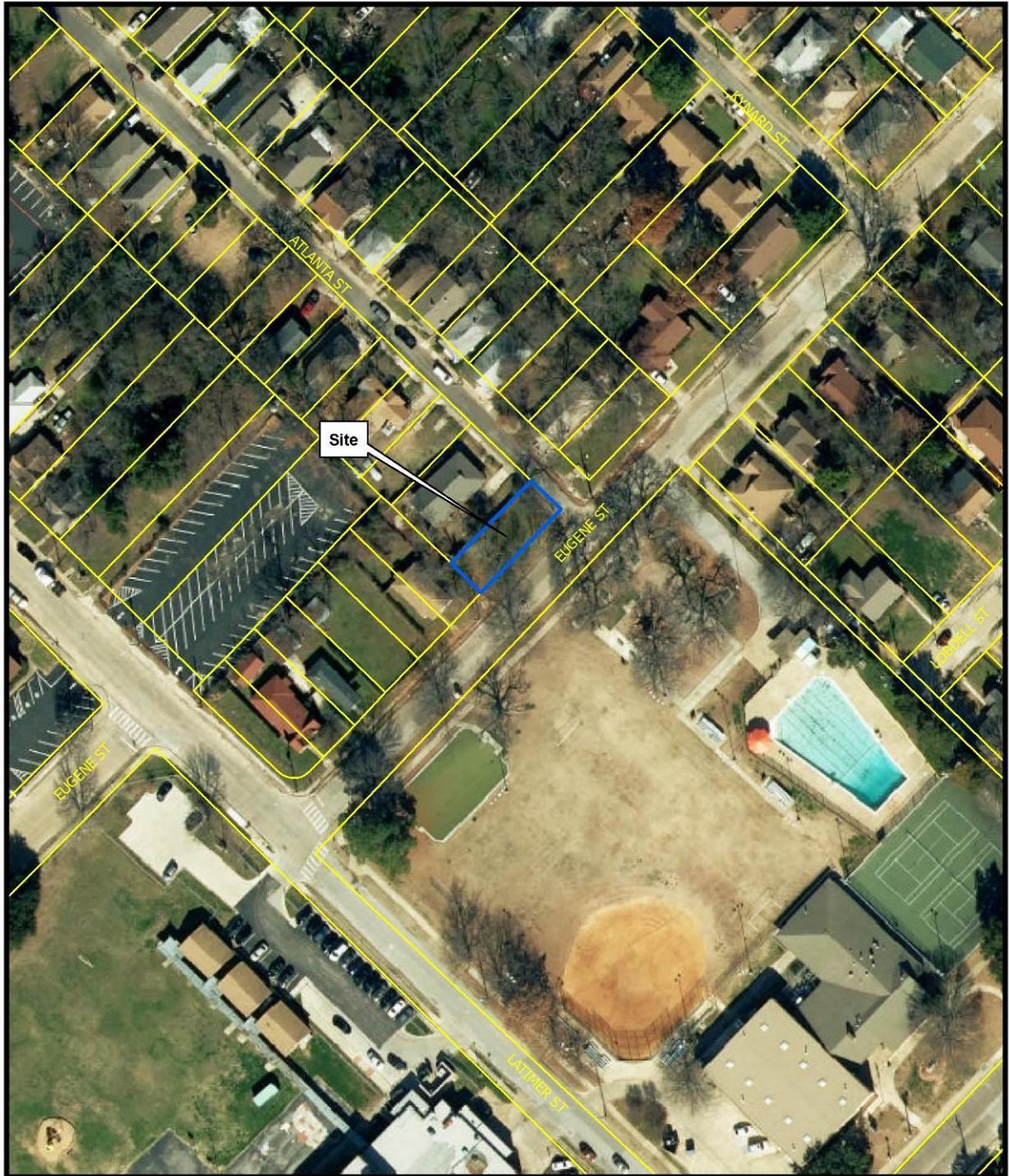


1:1,200

# ZONING MAP

Case no: **BDA178-099**

Date: **8/31/2018**



1:1,200

# AERIAL MAP

Case no: **BDA178-099**

Date: **8/31/2018**

Address	Lot Size	Living Area	Zoning Area
3943 Atlanta St. Dallas, TX	2,854 sq ft	1,200 sq ft	PD 595 (R-5(A))
3939 Atlanta St. Dallas, TX	5,702 sqft	1,456 sq ft	PD 595 (R-5(A))
3935 Atlanta St. Dallas, TX	2,959 sq ft	1,422 sq ft	PD 595 (R-5(A))
2333 Eugene St. Dallas, TX	11,660 sq ft	2,552 sq ft	PD 595 (R-5(A))
2327 Eugene St. Dallas, TX	8,297 sq ft	1,444 sq ft	PD 595 (R-5(A))
3910 Crozier St. Dallas, TX	3,646 sq ft	1,260 sq ft	PD 595 (R-5(A))
2505 Eugene St Dallas TX	3,619 sqft	1,396 sqft	PD 595 (R-5(A))



2505 Eugene St. Dallas, TX



3939 Atlanta St. Dallas, TX.



3935 Atlanta St. Dallas, TX.



2333 Eugene St. Dallas, TX.



2327 Eugene St. Dallas, TX.

BDA 178-099ATTACH B (pg 6/6)



3910 Crozier St. Dallas, TX.

BD

1-15

Panel B



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-099

Data Relative to Subject Property:

Date: 6-15-18

Location address: 3943 Atlanta St.

Zoning District: PD 595 (R-5(A))

Lot No.: 1 Block No.: A/1728 Acreage: .065

Census Tract: 37.00

Street Frontage (in Feet): 1) 35' 2) 91' 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Rutilio Antonio Bernal

Applicant: Rutilio Antonio Bernal Telephone: 817-680-7133

Mailing Address: 3717 Kimbo Rd Ft Worth Zip Code: 76111

E-mail Address: tony1.empire@gmail.com

Represented by: Iron Horse Custom Homes Telephone: (469) 810-9485

Mailing Address: PO Box 380737 Duncanville, TX Zip Code: 75138

E-mail Address: ihcustomhomesllc@gmail.com

Affirm that an appeal has been made for a Variance, or Special Exception, of 15' to the required 20' front yard setback and provide a 5' front yard setback.

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

Due to my required two front yards my buildable area is severely reduced and therefore I can not develop the property in a manner commensurate with neighboring properties.

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 Rutilio Antonio Bernal (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 11 day of June, 2018. Notary Public in and for Dallas County, Texas

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

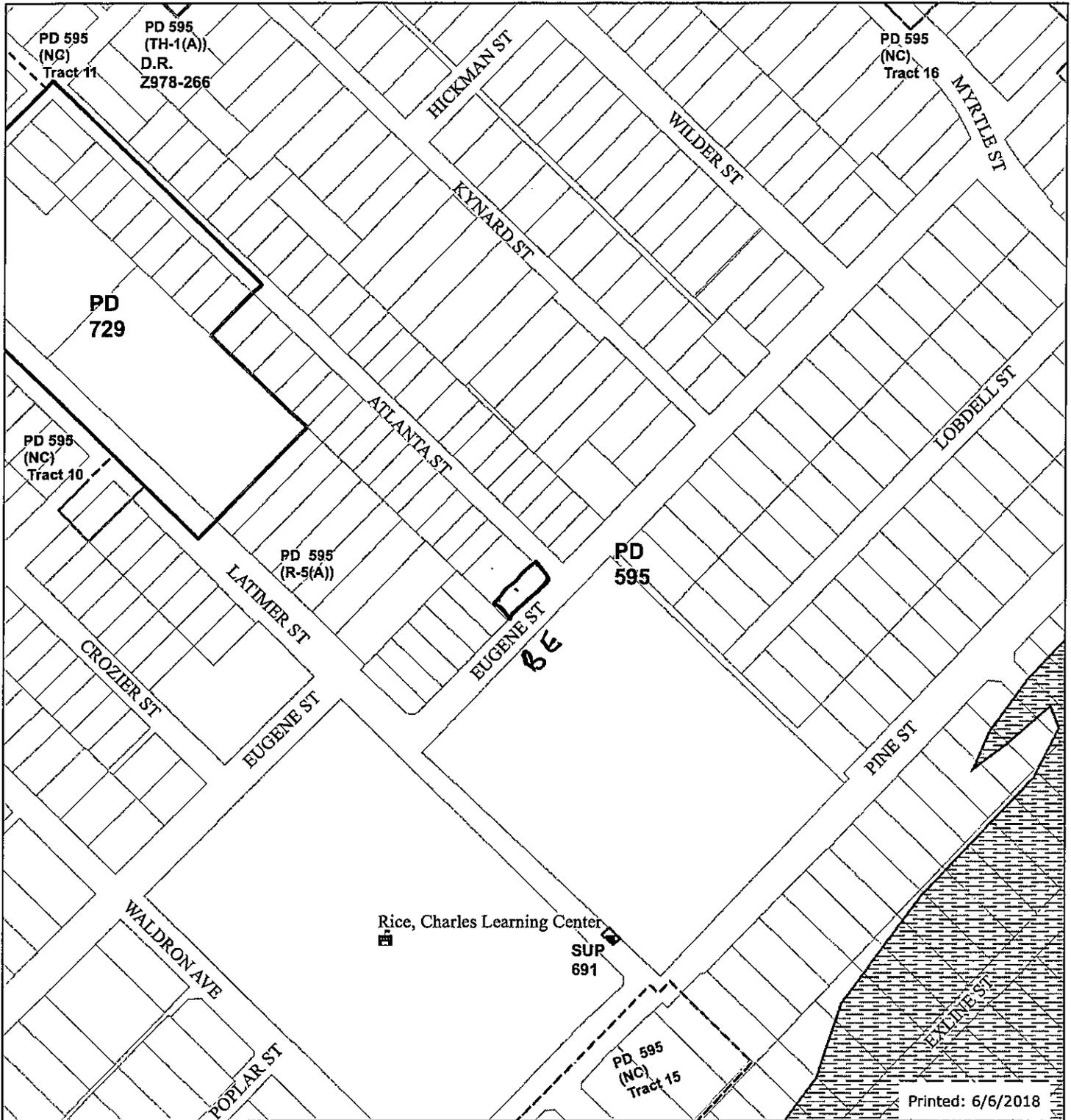
Building Official's Report

I hereby certify that RUTILIO ANTONIO BERNAL  
represented by BRYAN ESQUIVEL  
did submit a request for a variance to the front yard setback regulations  
at 3943 Atlanta Street

BDA178-099. Application of RUTILIO ANTONIO BERNAL represented by BRYAN ESQUIVEL for a variance to the front yard setback regulations at 3943 ATLANTA ST. This property is more fully described as Lot 1, Block A/1728, and is zoned PD-595 (R-5A), which requires a front yard setback of 20 feet. The applicant proposes to construct a single family residential structure and provide a 5 foot front yard setback, which will require a 15 foot variance to the front yard setback 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)



# OAK GROVE ADDITION

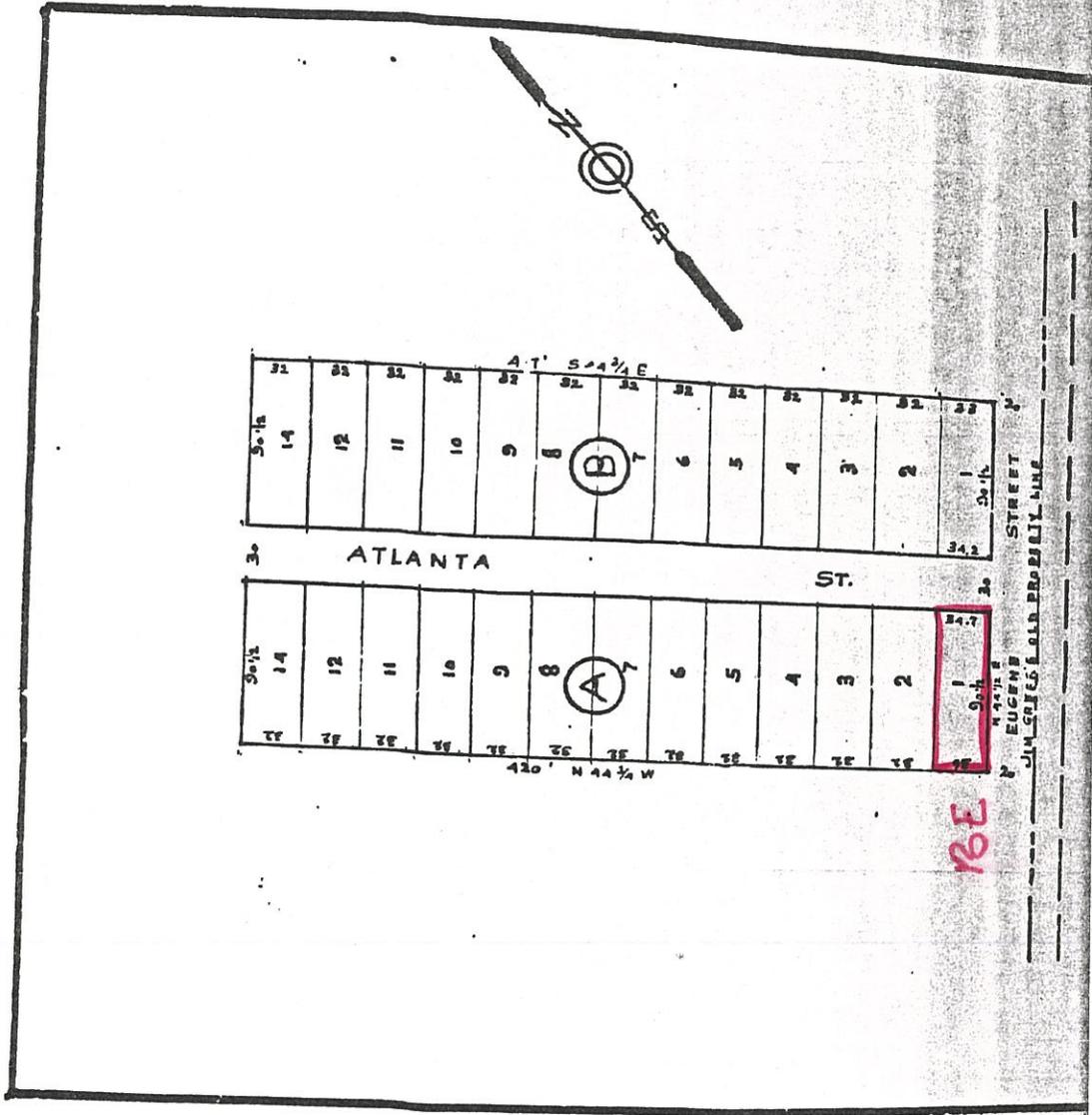
TO THE CITY OF DALLAS, TEXAS, BEING

A SUBDIVISION OF THE 2<sup>027</sup>/<sub>1000</sub> ACRES

PURCHASED BY JIM M. REILLY FROM

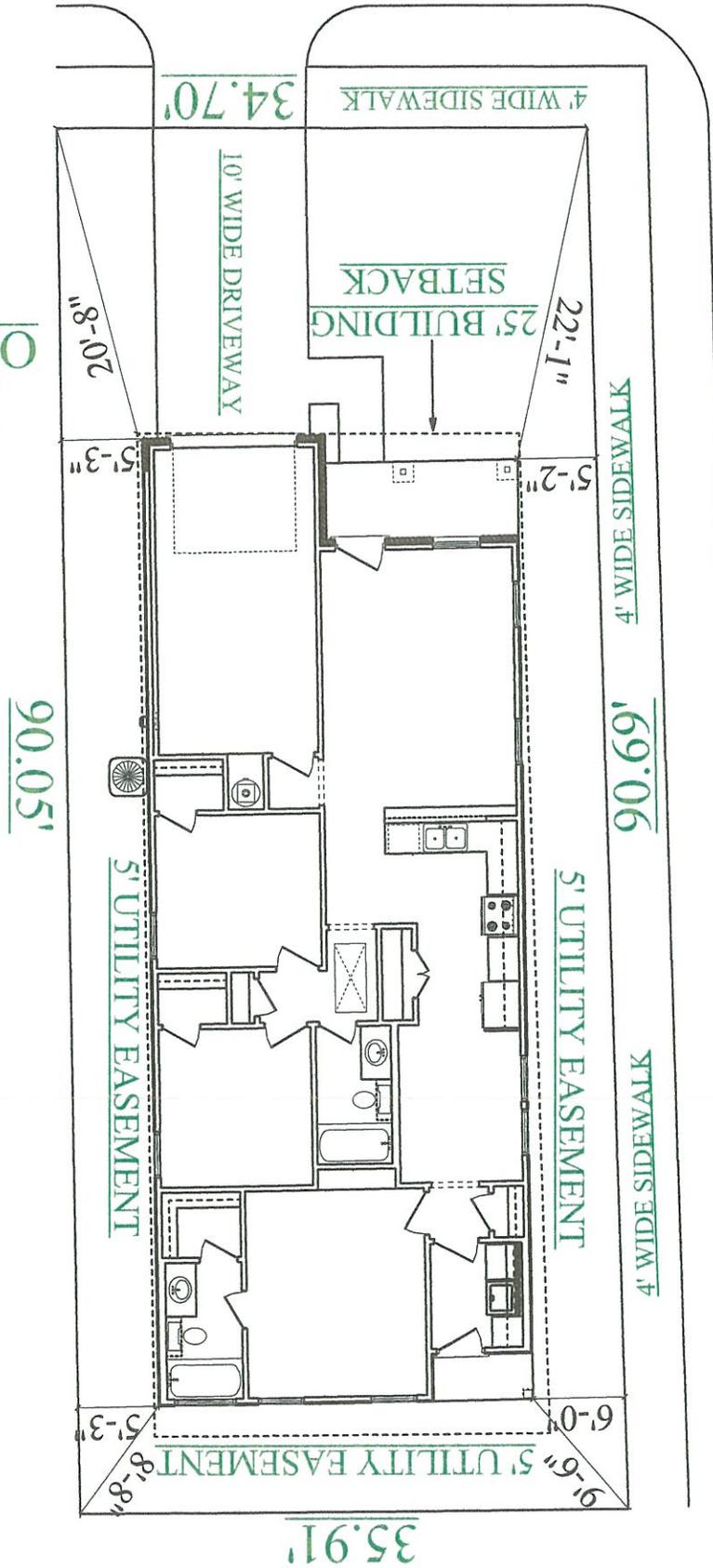
J. A. GREER, OUT OF THE WILLIAM

RCMINE SURVEY.



3943 ATLANTA STREET

EUGENE STREET



SITE PLAN

SCALE: 1" = 10'-0"

DALLAS, TEXAS

LOT 1 BLOCK A/1728  
OAK GROVE ADDITION



DATE:  
MAY 10th, 2018

IRON HORSE  
CUSTOM HOMES LLC  
GEORGE 972-880-5100

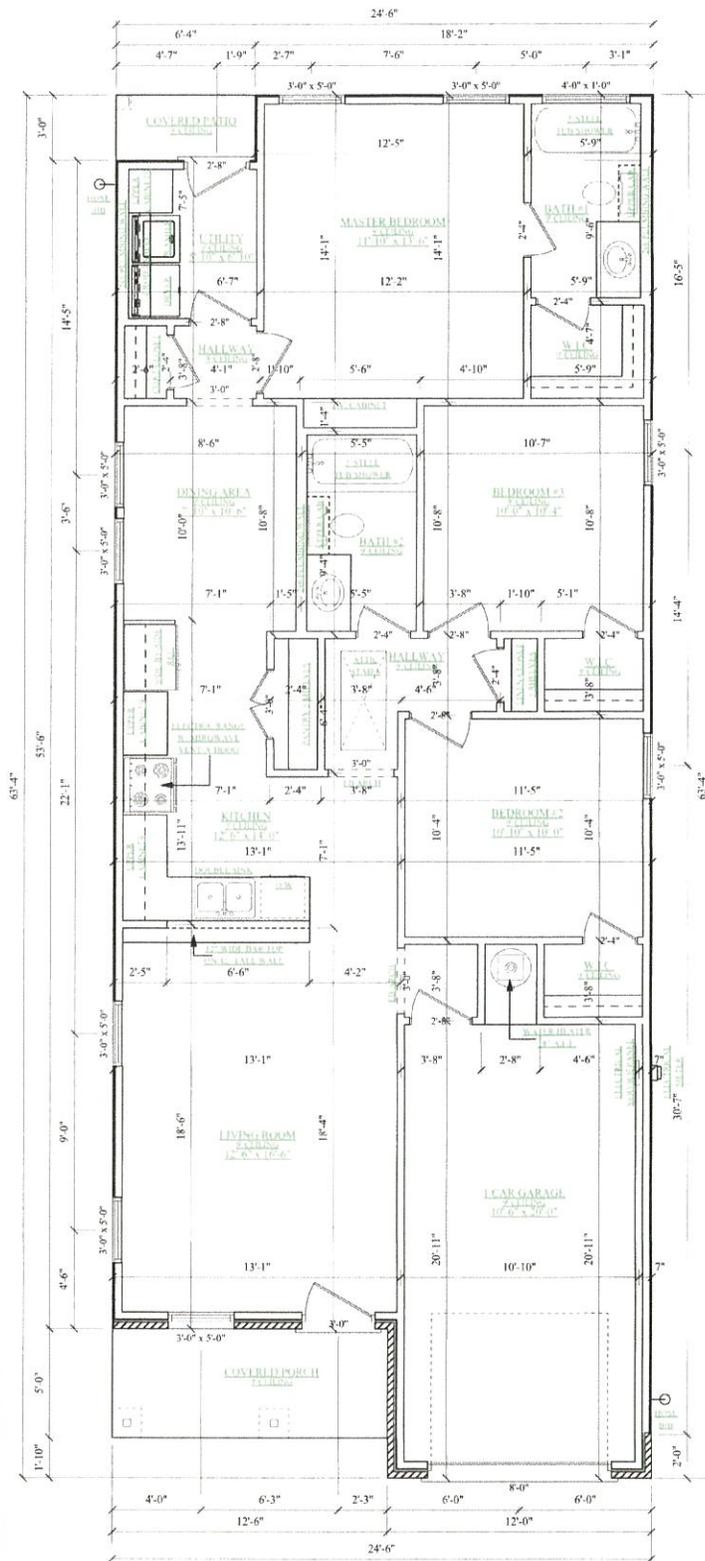
DC TEXAS DESIGNS  
115 PARK PLACE BLVD. SUITE 500  
WAXAHACHIE, TEXAS 75165  
PHONE # 972-351-4558 or 972-921-7306

A NEW SINGLE FAMILY RESIDENCE  
TO BE LOCATED AT  
3943 ATLANTA STREET  
LOT 1 BLOCK A/1728 DALLAS, TEXAS

FINAL PLANS  
Panel B

AREA TOTALS	
LIVING AREA	1,200
1 CAR GARAGE	247
COVERED PORCH	62
COVERED PATIO	19
TOTAL FOUNDATION	1,528

**FLOOR PLAN**  
SCALE: 1/4" = 1'-0"



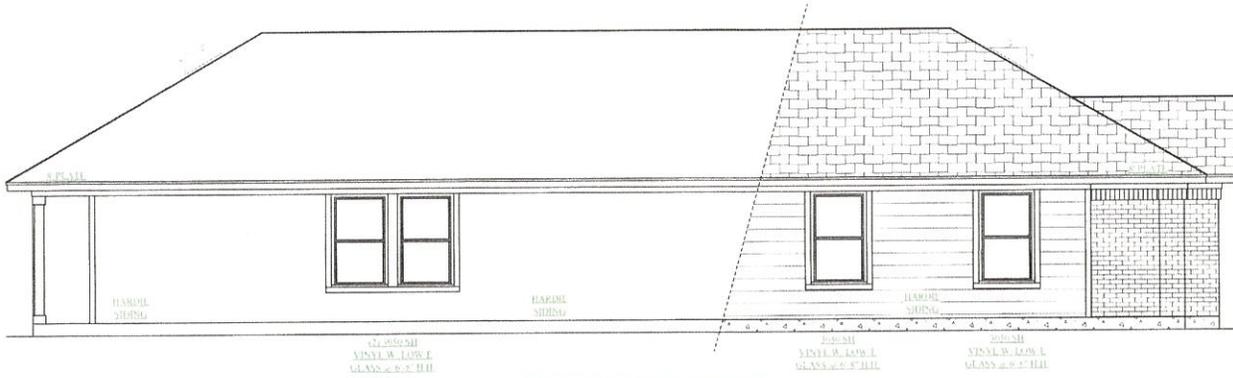
DATE:  
MAY 10th, 2018

IRON HORSE  
CUSTOM HOMES LLC  
GEORGE 972-880-5100

DC TEXAS DESIGNS  
115 PARK PLACE BLVD. SUITE 500  
WAXAHACHIE, TEXAS 75165  
PHONE # 972-351-4558 or 972-921-7306

A NEW SINGLE FAMILY RESIDENCE  
TO BE LOCATED AT  
3943 ATLANTA STREET  
LOT 1 BLOCK A/1728 DALLAS, TEXAS

FINAL PLANS



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



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

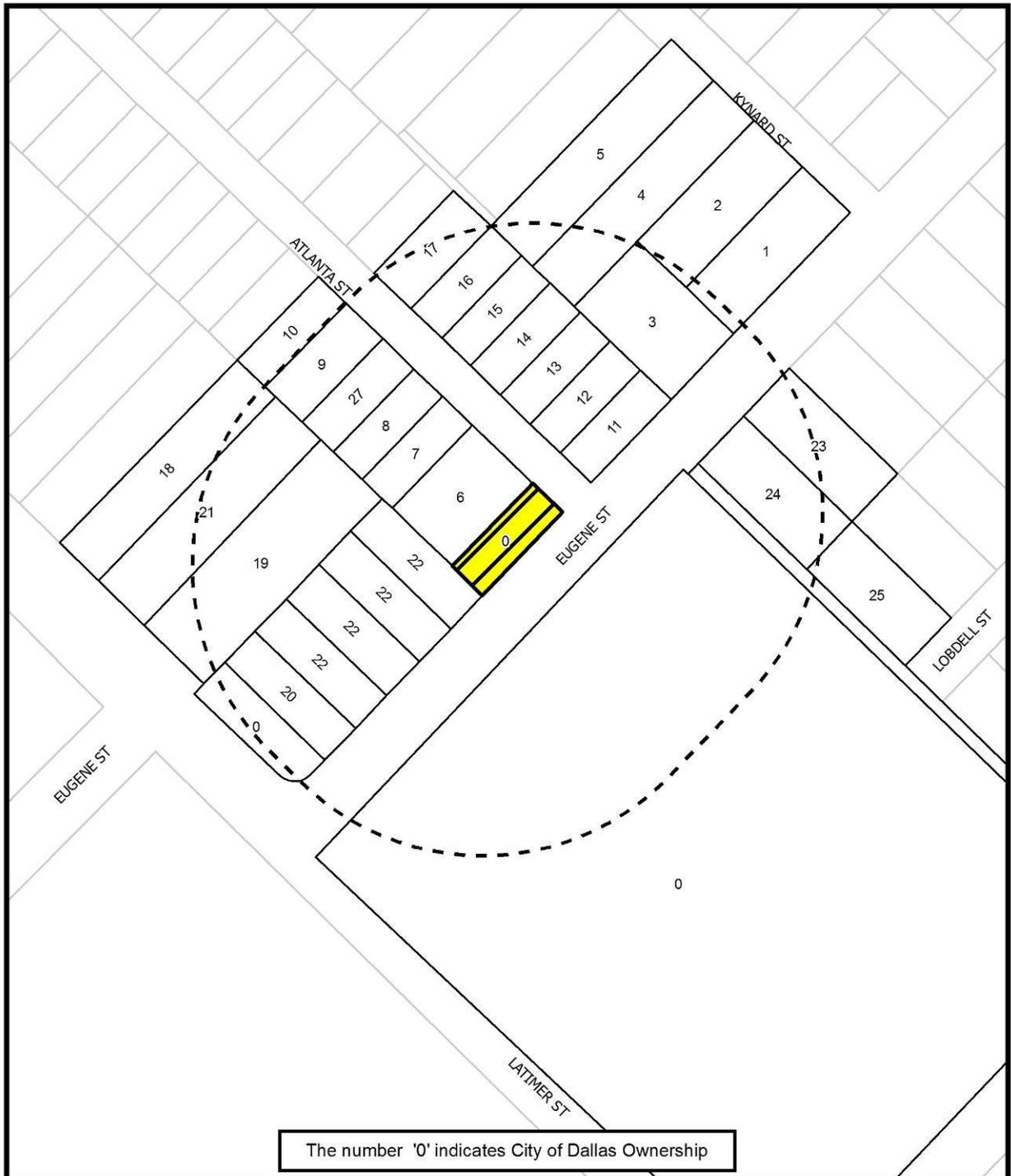


○ REAR ELEVATION  
SCALE: 1/4" = 1'-0"



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

<b>Address</b>	<b>Land SqFt</b>	<b>Structure SqFt</b>
3943 Atlanta St Dallas TX	2854 sqft	1,200 sqft
3939 Atlanta St Dallas TX	5,702 sqft	1,456 sqft
3937 Atlanta St Dallas TX	2,840 sqft	vacant
3935 Atlanta St Dallas TX	2,721 sqft	vacant
3931 Atlanta St Dallas TX	3,483 sqft	610 sqft
3925 Atlanta St Dallas TX	2,678 sqft	960 sqft
3923 Atlanta St Dallas TX	2,790 sqft	vacant
3921 Atlanta St Dallas TX	2,885 sqft	vacant
3919 Atlanta St Dallas TX	2,754 sqft	vacant
3917 Atlanta St Dallas TX	2,934 sqft	vacant
3915 Atlanta St Dallas TX	2,884 sqft	888 sqft
3911 Atlanta St Dallas TX	2,904 sqft	903 sqft
3909 Atlanta St Dallas TX	3,336 sqft	1,048 sqft
3905 Atlanta St Dallas TX	4,029 sqft	vacant
3837 Atlanta St Dallas TX	3,879 sqft	vacant
3835 Atlanta St Dallas TX	3,711 sqft	1,008 sqft
3831 Atlanta St Dallas TX	3,780 sqft	vacant
3829 Atlanta St Dallas TX	3,618 sqft	vacant
3823 Atlanta St Dallas TX	3,780 sqft	vacant
3821 Atlanta St Dallas TX	3,780 sqft	vacant
3817 Atlanta St Dallas TX	3,780 sqft	vacant
3815 Atlanta St Dallas TX	3,780 sqft	vacant
3811 Atlanta St Dallas TX	3,780 sqft	vacant
3809 Atlanta St Dallas TX	3,330 sqft	vacant
2515 Eugene St Dallas TX	3,772 sqft	888 sqft
2511 Eugene St Dallas TX	3,784 sqft	vacant
2509 Eugene St Dallas Tx	3,913 sqft	vacant
2507 Eugene St Dallas TX	3,711 sqft	504 sqft
2505 Eugene St Dallas TX	3,619 sqft	1,396 sqft
2501 Eugene St Dallas Tx	3,298 sqft	vacant



 1:1,200	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td style="padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px;">27</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	27	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <b>BDA178-099</b> Date: <b>8/31/2018</b>
200'	AREA OF NOTIFICATION					
27	NUMBER OF PROPERTY OWNERS NOTIFIED					

# *Notification List of Property Owners*

**BDA178-099**

**27 Property Owners Notified**

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3947 KYNARD ST	WYATT HERMAN
2	3943 KYNARD ST	SOUTH D HOMES LLC
3	2537 EUGENE ST	SIGLER LORECE JR
4	3939 KYNARD ST	CASTILLO LUCIA
5	3935 KYNARD ST	ROMERO FRANCISCO ARMANDO
6	3939 ATLANTA ST	SMITH YOSHIKA & CHARLES
7	3937 ATLANTA ST	EASTER AVAN SR & MELBA J
8	3935 ATLANTA ST	EASTER AVAN & MELBA
9	3931 ATLANTA ST	BRUNO MAGDALENO
10	3925 ATLANTA ST	COIT DORIS &
11	3942 ATLANTA ST	MARTINEZ AURELIO
12	3940 ATLANTA ST	SEABROOKS JANICE J
13	3938 ATLANTA ST	OIBARA CATTLE FAMILY HOLDINGS LLC
14	3936 ATLANTA ST	WALTON THERMAN D
15	3934 ATLANTA ST	PAGE KATHRYN S
16	3930 ATLANTA ST	EDWARDS MAMIE LAVERNE
17	3928 ATLANTA ST	MOTLEY MRS JAMES A
18	3922 LATIMER ST	SALEM INSTITUTIONAL BAPTIST CHURCH
19	3934 LATIMER ST	SALEM INSTITUTIONAL BAPTIST CHURCH
20	2505 EUGENE ST	MILLER SHERI
21	3928 LATIMER ST	SALEM INSTITUTIONAL
22	2507 EUGENE ST	MILLER CLEOPHUS JR
23	2540 EUGENE ST	FLOOD LINDA
24	2536 EUGENE ST	WELLS DONNA MARIE &
25	2531 LOBDELL ST	GALICIA JORGE A &
26	2535 PINE ST	SOUTH DALLAS INVESTMENT PROPERTIES

08/31/2018

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	3935 ATLANTA ST	EASTER AVAN SR & MELBA

**FILE NUMBER:** BDA178-103(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Jose J Rodriquez, represented by Santos T. Martinez of Masterplan, for special exceptions to the front and side yard setback regulations for a carport at 1026 S. Montclair Avenue. This property is more fully described as Lot 1, Block G/3543, and is zoned R-7.5(A), which requires a front yard setback of 25 feet and a side yard setback of 5 feet. The applicant proposes to construct and/or maintain a carport and provide a 1 foot front yard setback, which will require a 24 foot special exception to the front yard setback regulations, and to provide a 0 foot side yard setback, which will require a 5 foot special exception to the side yard setback regulations.

**LOCATION:** 1026 S. Montclair Avenue

**APPLICANT:** Jose J. Rodriquez  
Represented by Santos T. Martinez of Masterplan

**REQUESTS:**

The following requests have been made on a site developed with a single family home:

1. a special exception to the front yard setback regulations of 24' is made to maintain a carport located as close as 1' from the site's Clarendon Drive front property line or as much as 24' into this 25' required front yard setback
2. a special exception to the side yard setback regulations of 5' is made to maintain the aforementioned carport located 0' from the site's eastern side property line or 5' into this 5' required side yard setback.

**STANDARD FOR A SPECIAL EXCEPTION TO ALLOW A CARPORT IN THE FRONT YARD:**

The Board of Adjustment may grant a special exception to the minimum front yard requirements to allow a carport for a single-family or duplex use when, in the opinion of the Board, there is no adequate vehicular access to an area behind the required front building line that would accommodate a parking space; and the carport will not have a detrimental impact on surrounding properties.

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

- (1) Whether the requested special exception is compatible with the character of the neighborhood.
- (2) Whether the value of surrounding properties will be adversely affected.
- (3) The suitability of the size and location of the carport.
- (4) The materials to be used in construction of the carport.

(Storage of items other than motor vehicles is prohibited in a carport for which a special exception is granted in this section of the Code).

**STANDARD FOR A SPECIAL EXCEPTION TO ALLOW A CARPORT IN THE SIDE YARD:**

The Board of Adjustment may grant a special exception to the minimum side yard requirements to allow a carport for a single-family or duplex use when, in the opinion of the Board, the carport will not have a detrimental impact on surrounding properties. In determining whether to grant a special exception, the Board shall consider the following:

- (1) Whether the requested special exception is compatible with the character of the neighborhood.
- (2) Whether the value of surrounding properties will be adversely affected.
- (3) The suitability of the size and location of the carport.
- (4) The materials to be used in construction of the carport.

(Storage of items other than motor vehicles is prohibited in a carport for which a special exception is granted in this section of the Code).

**STAFF RECOMMENDATION (front yard special exception):**

No staff recommendation is made on this or any request for a special exception to the front yard setback regulations since the basis for this type of appeal is, when in the opinion of the board, there is no adequate vehicular access to an area behind the required front building line that would accommodate a parking space; and the carport will not have a detrimental impact on surrounding properties.

**STAFF RECOMMENDATION (side yard special exception):**

No staff recommendation is made on this or any request for a special exception to the side yard setback regulations since the basis for this type of appeal is, when in the opinion of the board, the carport will not have a detrimental impact on surrounding properties.

**BACKGROUND INFORMATION:**

**Zoning:**

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

**Land Use:**

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

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

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

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

- The special exceptions to the front yard setback side yard setback regulations of 24' and to the side yard setback regulations of 5' focus on maintaining an approximately 800 square foot carport 1' away from the site's W. Clarendon Drive front property line or 24' into this 25' front yard setback, and 0' from the site's eastern side property line or 5' into the site's eastern 5' required side yard setback on a site developed with a single family home structure/use.
- The subject site is zoned R-7.5(A) which requires a 25' front yard setback and a 5' side yard setback.
- The subject site is located at the northeast corner of S. Montclair Avenue and W. Clarendon Drive. The site has two 25' front yard setbacks (one on the west, the other on the south), and two 5' side yard setbacks (one on the east, the other on the north).
- The submitted site plan and the submitted three elevations represent the size and materials of the carport, and its location in the site's W. Clarendon Drive 25' front yard setback, and in the site's 5' eastern side yard setback.
- The submitted site plan represents the following:
  - The carport is approximately 45' in length and approximately 18' in width (approximately 800 square feet in total area) of which approximately half is located in the W. Clarendon Drive front yard setback and approximately 1/3 is located in the eastern 5' side yard setback.
- The submitted elevations represent the following:
  - Ranging in height from approximately 12' – 12.5'.
  - Composite deck roof.
  - Notes "structure constructed of non-combustible materials".
  - Notes "minimum 1 hour rated wall, non-combustible materials and UL listing per Dallas Building Code".
- The Board Administrator conducted a field visit of the area approximately 500 feet east and west of the subject site and noted no other carports that appeared to be located in a front or side yard setback.
- As of September 7, 2018, no letters had been submitted in support of or in opposition to this application.
- With regard to the request for a special exception to the front yard setback regulations of 24', the applicant has the burden of proof in establishing the following:
  - that there is no adequate vehicular access to an area behind the required front building line that would accommodate a parking space; and the carport will not have a detrimental impact on surrounding properties.

- With regard to the request for a special exception to the side yard setback regulations of 5', the applicant has the burden of proof in establishing the following:
  - that granting this special exception to the side yard setback regulations of 5' will not have a detrimental impact on surrounding properties.
- Granting one or both of these requests and imposing the following conditions would require the carport to be maintained in the location and of the heights and materials as shown on these documents:
  1. Compliance with the submitted site plan and elevations is required.
  2. The carport structure must remain open at all times.
  3. No lot-to-lot drainage is permitted in conjunction with this carport special exception.
  4. All applicable building permits must be obtained.
  5. No item (other than a motor vehicle) may be stored in the carport.
- If the Board were to grant one or both of these request and impose the submitted site plan and elevations as a condition to the request, the structure in the setbacks would be limited to that what is shown on these documents – a carport located 1' away from the W. Clarendon Drive front property line or 24' into this required 25' front yard setback, and on the eastern side property line or 5' into this required 5' side yard setback.
- Granting either one or both of these special exceptions on this site will not provide any relief to any existing or proposed noncompliance on the site related to fence standard or visual obstruction regulations.

**Timeline:**

- June 26, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- August 14, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- August 14, 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 August 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the September 7<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.”

September 4, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September public hearings. Review team members in attendance included: the Sustainable Development and Construction Director, the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Authorized Hearing/Development Code Amendment Chief Planner, 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

# AERIAL MAP

Case no: BDA178-103

Date: 8/31/2018



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-103

Data Relative to Subject Property:

Date: 6-26-18

Location address: 1026 S. Montclair Zoning District: R-7.5(A)

Lot No.: 1 Block No.: G/3543 Acreage: .18 Census Tract: 52.00

Street Frontage (in Feet): 1) 75 2) 107.5 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Jose J. Rodriguez

Applicant: JOSE RODRIGUEZ Telephone: \_\_\_\_\_

Mailing Address: 1026 S. Montclair Dallas, Tx. Zip Code: 75208

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

Represented by: Masterplan (Santos T. Martinez) Telephone: 214-761-9197

Mailing Address: 900 Jackson, Suite 640 Dallas, Tx. Zip Code: 75202

E-mail Address: santos@masterplantexas.com

Affirm that an appeal has been made for a Variance \_\_, or Special Exception X, of to maintain a carport in a required setback A 24' variance to the required front yard and 5' variance to the required side yard.

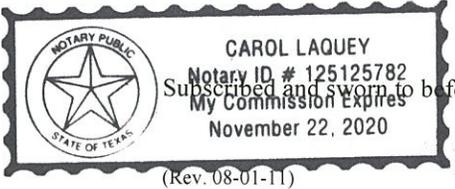
Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: Due to the continuation of developed block face, the property has two required front yard setbacks. The property owner seeks to maintain a metal carport in a required front yard and side yard setback.

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

Affidavit

Before me the undersigned on this day personally appeared Santos T. Martinez (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 26 day of June, 2018  
Carol Laquey  
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

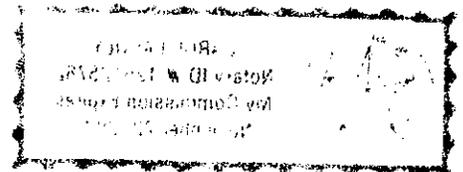
**Building Official's Report**

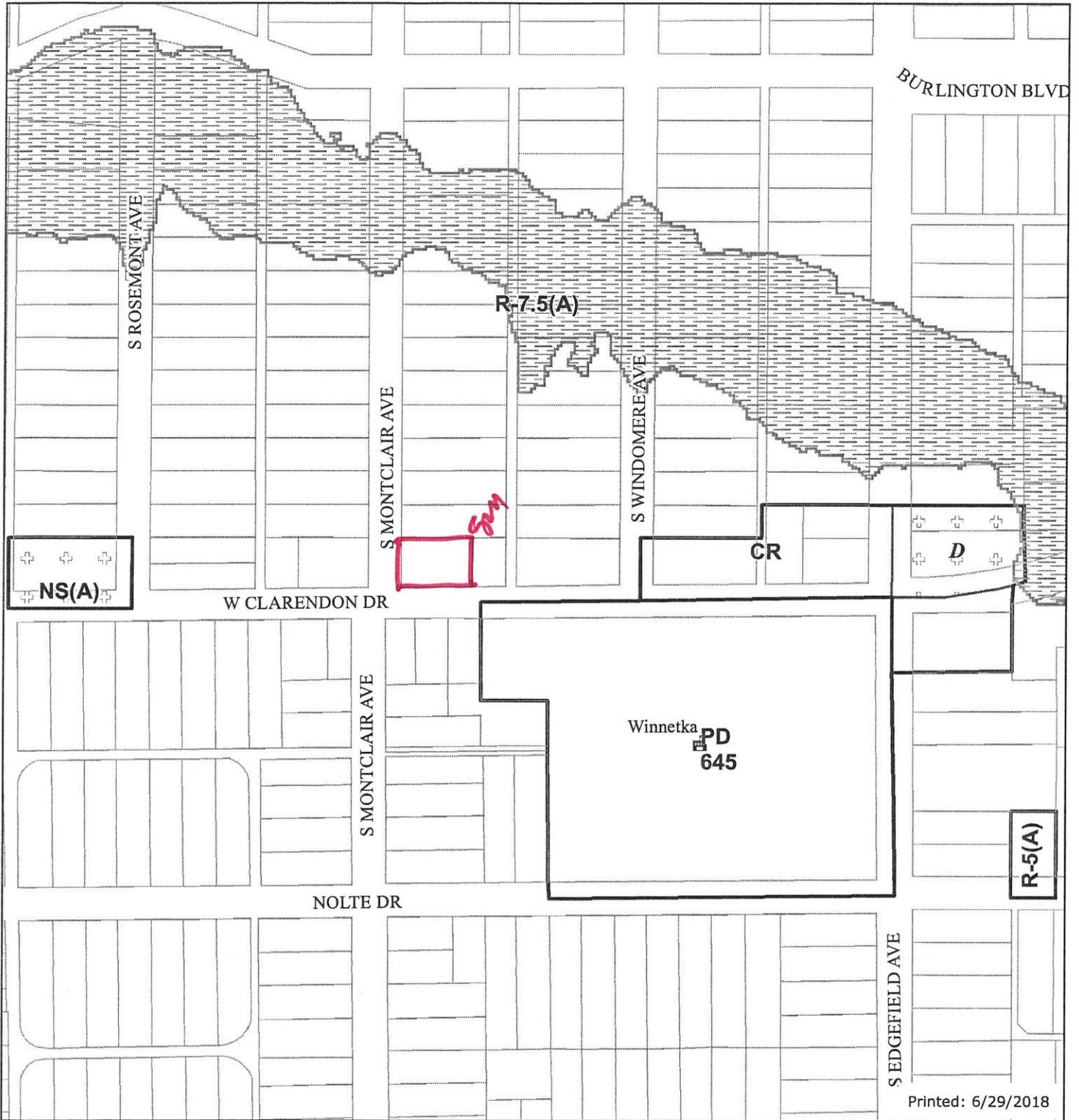
I hereby certify that Jose J Rodriguez  
represented by SANTOS MARTINEZ  
did submit a request for a special exception to the front yard setback regulations, and for a  
special exception to the side yard setback regulations  
at 1026 S. Montclair Avenue

BDA178-103. Application of Jose J Rodriguez represented by SANTOS MARTINEZ for a special exception to the front yard setback regulations, and for a special exception to the side yard setback regulations at 1026 S MONTCLAIR AVE. This property is more fully described as Lot 1, Block G/3543, and is zoned R-7.5(A), which requires a front yard setback of 25 feet and requires a side yard setback of 5 feet . The applicant proposes to construct a single family residential structure and provide a 1 foot front yard setback, which will require a 24 foot special exception to the front yard setback regulations, and to construct a single family residential structure and provide a 0 foot side yard setback, which will require a 5 foot special exception to the side yard setback regulations.

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        | 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)





4225

5797

5797

5797

1026 S. MONTCLAIR AVENUE

CLARENDON DRIVE

ONE STORY  
FRAME RES.

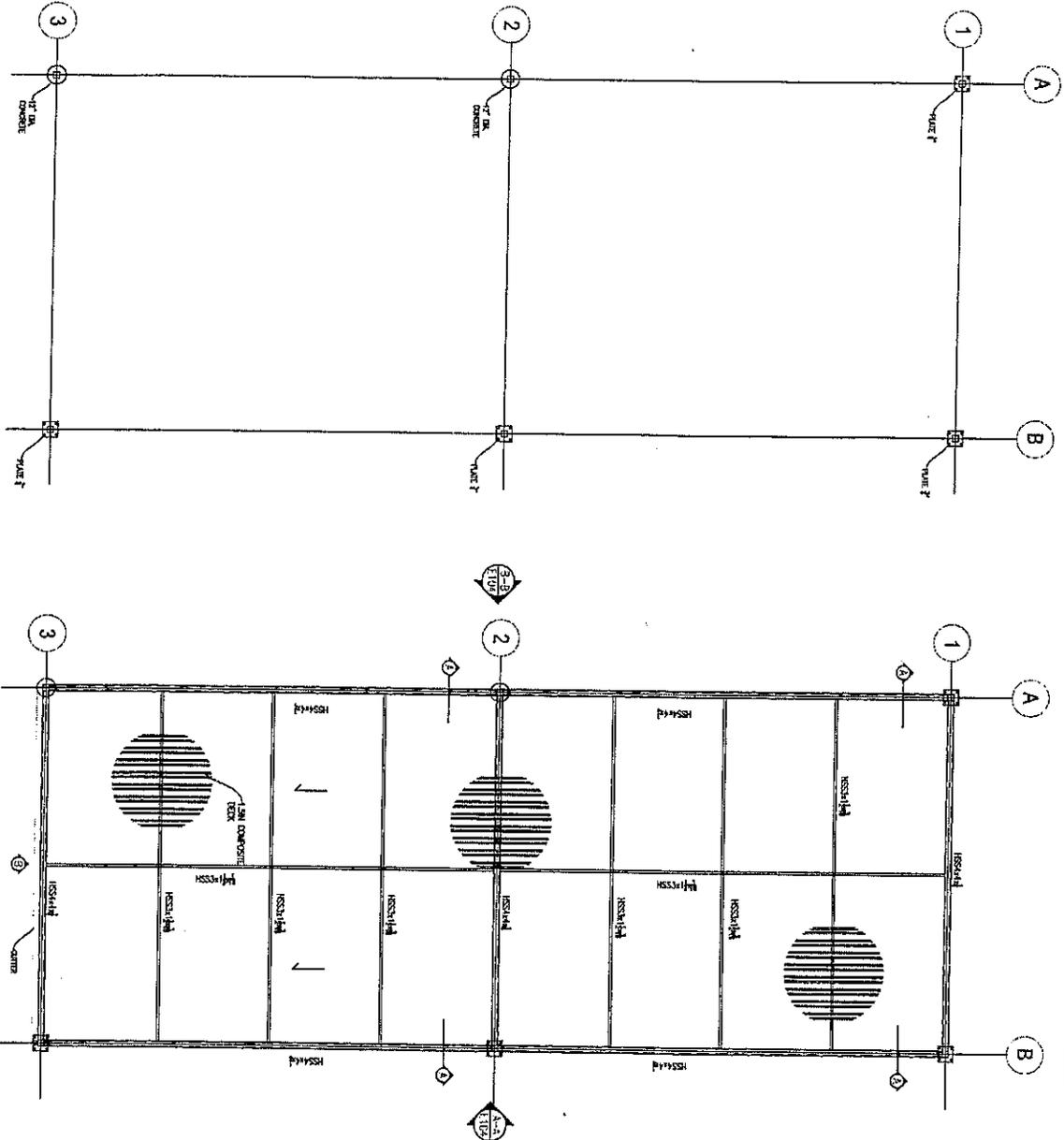
FRAME  
GARAGE

CARPPORT  
STRUCTURE

\* position dependent of  
from concrete materials

11"

SHEET: SCALE: 3/32"=1'-0"		PROJECT NAME: CARPORT		RDZ Custom Welding Services Llc.	
E101		DRAWN BY: R.H.			
DATE: 11-06-2017		REVISION:			



CARPORIT - PLANVIEW

**RDZ** Custom Welding Services Llc.

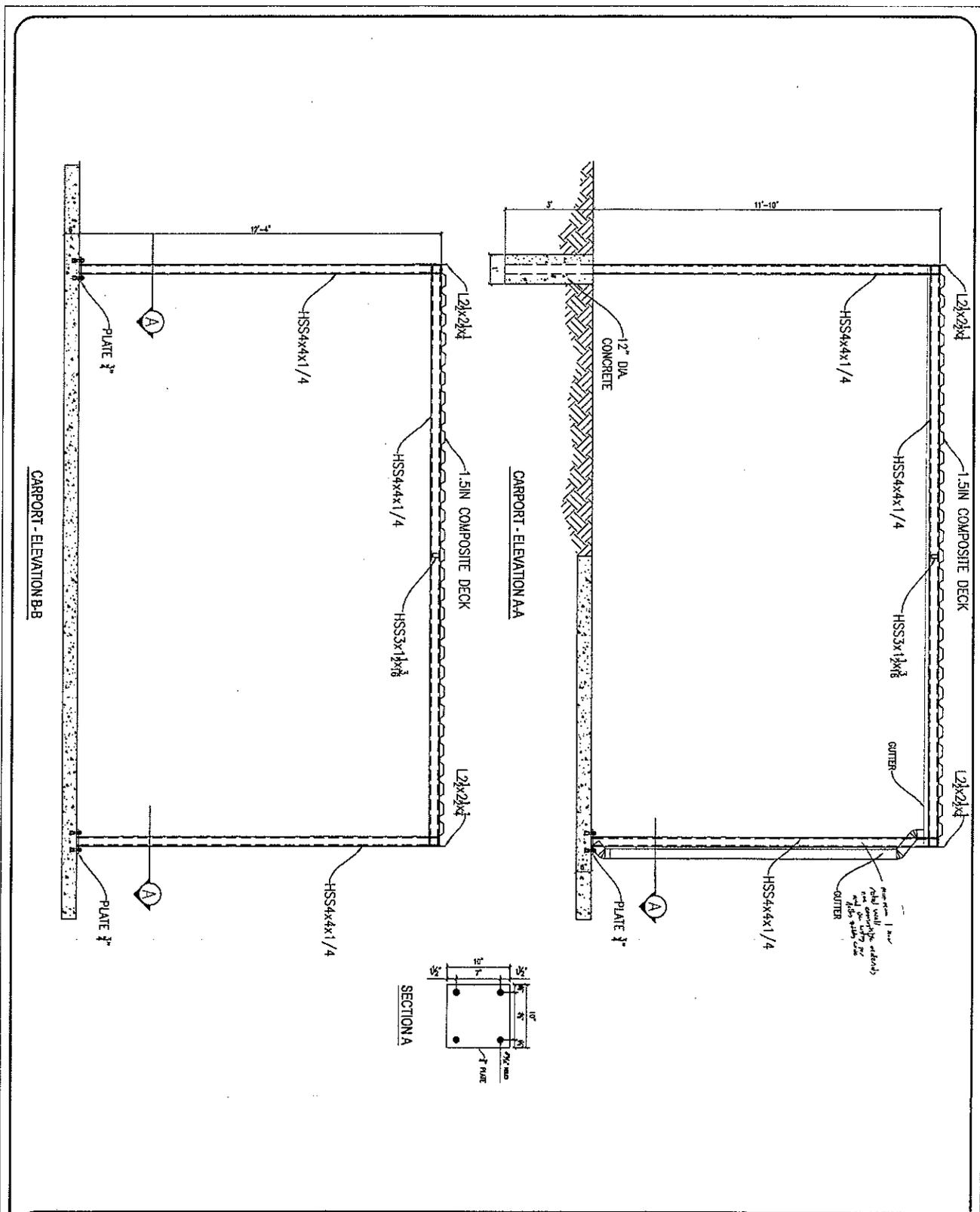
PROJECT NAME:  
CARPORT

DRAWN BY:  
R.H.

DATE:  
11-06-2017

REVISION:

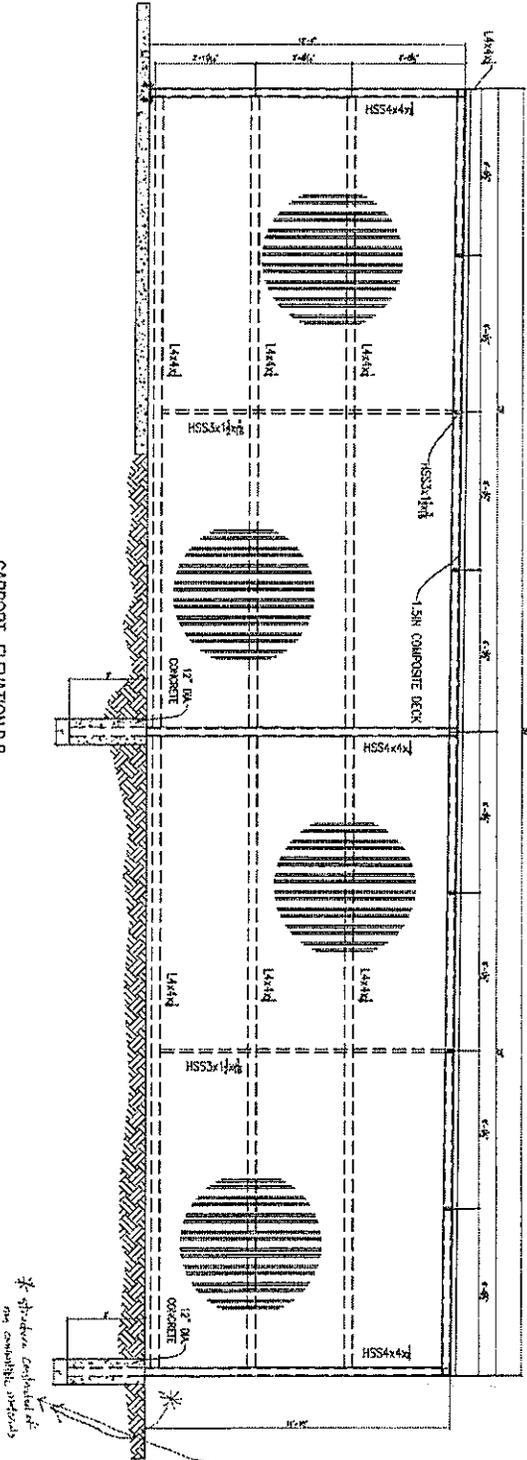
SHEET:  
E102  
SCALE: 1/8"=1'-0"



PROJECT NAME: CARPORT	DRAWN BY: R.H.	DATE: 11-08-2017	REVISION: 	SHEET: E103	SCALE: 3/8"=1'-0"
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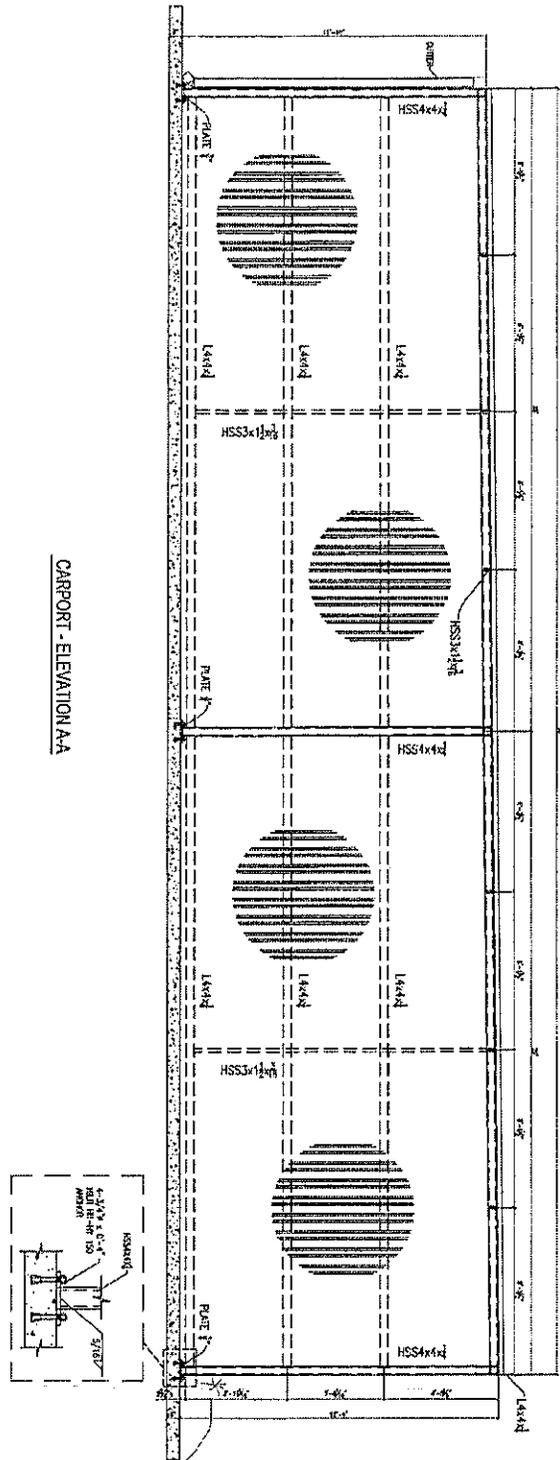
**RDZ** Custom Welding Services Llc.

CARPORIT - ELEVATION B-B



\* Structure Confined at  
on concrete sections

CARPORIT - ELEVATION A-A



PROJECT NAME CARPORIT	DRAWN BY: R.H.	DATE 11-08-2017	REVISION:
SHEET: E104			
SCALE: 1/4"=1'-0"			

**RDZ** Custom Welding Services Llc.



# *Notification List of Property Owners*

## *BDA178-103*

### *28 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1026 S MONTCLAIR AVE	RODRIGUEZ JOSE J
2	1011 S MONTCLAIR AVE	CORTES AURELIANO P
3	1013 S MONTCLAIR AVE	CORTES AURALIANO P
4	1019 S MONTCLAIR AVE	MARTINEZ LUCIO & LETICIA
5	1023 S MONTCLAIR AVE	YBARRA CHRISTOPHER
6	1611 W CLARENDON DR	GALVAN MARIA SOLEDAD
7	1027 S MONTCLAIR AVE	MENDEZ PEDRO P & TERESA C
8	1515 W CLARENDON DR	CHAN CLEMENTE
9	1022 S MONTCLAIR AVE	TIMMONS LOIS M
10	1018 S MONTCLAIR AVE	TSATOUMAS HOLDINGS LLC
11	1014 S MONTCLAIR AVE	ESCOBEDO BERNABE &
12	1010 S MONTCLAIR AVE	ALVAREZ MARY E &
13	1011 S WINDOMERE AVE	RAMOS RAQUEL
14	1015 S WINDOMERE AVE	VILLEGAS AUSTREBERTO
15	1019 S WINDOMERE AVE	MORALES GLADYS
16	1023 S WINDOMERE AVE	SANCHEZ JOSE S & ANGELICA M
17	1027 S WINDOMERE AVE	PEREZ PEDRO &
18	1115 S MONTCLAIR AVE	CARMONA NICOLAS & BENEDICTA &
19	1604 W CLARENDON DR	FAZ ISAAC D
20	1600 W CLARENDON DR	REGALADO CELSO
21	1610 W CLARENDON DR	MARTINEZSALAZAR MAYRA GISELA &
22	1110 S MONTCLAIR AVE	TEMPLO LOS TRIUNFADORES
23	1110 S MONTCLAIR AVE	TEMPLO LOS TRIUNFADORES DE LA FE
24	1530 W CLARENDON DR	DAVILA FRANCISCA
25	1522 W CLARENDON DR	CHAN CLEMENTE & GLENDA
26	1526 W CLARENDON DR	MERCADO AUGUSTIN I &

08/31/2018

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	1114 S MONTCLAIR AVE	DELAROSA MIGUEL &
28	1151 S EDGEFIELD AVE	Dallas ISD

**FILE NUMBER:** BDA178-104(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Steven John Kubik for special exceptions to the fence standards regulations at 7710 Cliffbrook Drive. This property is more fully described as Lot 5, Block J/8041, and is zoned R-10(A), which limits the height of a fence in the front yard to 4 feet, and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct and/or maintain an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence standards 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:** 7710 Cliffbrook Drive

**APPLICANT:** Steven John Kubik

**REQUEST:**

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

- 1) A request for a special exception to the fence standards regulations related to height of 4' is made to complete 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 (Edgecrest Drive); and
- 2) A request for a special exception to the fence standards regulations related to a fence panel with a surface area that is less than 50 percent open is made to complete and maintain the aforementioned 8' high solid board-on-board wood fence located on the Edgecrest Drive front lot line (or less than 5' from this front lot line).

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

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

**STAFF RECOMMENDATION:**

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

**BACKGROUND INFORMATION:**

**Zoning:**

Site: R-10(A) (Single family district 10,000 square feet)  
North: R-10(A) (Single family district 10,000 square feet)  
South: R-10(A) (Single family district 10,000 square feet)  
East: R-10(A) (Single family district 10,000 square feet)  
West: R-10(A) (Single family district 10,000 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:**

- 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 complete and maintain an 8' high solid board-on-board wood fence in one of the site's two required front yards (Edgecrest Drive). 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 complete and maintain an 8' high solid board-on-board wood fence located on Edgecrest Drive front lot line (or less than 5' from this front lot line).
- The subject site is zoned R-10(A) which requires a 30' front yard setback.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The site is located at the southeast corner of Cliffbrook Drive and Edgecrest Drive.
- Given the single family zoning and location of the corner lot subject site, it has two required front yards. The site has a 25' required front yard along Edgecrest Drive and a 35' required front yard along Cliffbrook Drive caused by a platted building lines.
- The applicant has submitted a site plan and elevation of the proposal along Edgecrest Drive with fence panels having a surface area that is less than 50 percent open and located less than 5' from this front lot line.
- The following additional information was gleaned from the submitted site plan:
  - The proposal is represented as being approximately 95' in length parallel to Edgecrest Drive and approximately 25' perpendicular to Edgecrest Drive on the north and south sides of the site in this front yard setback.
- The proposal is represented as being located at the Edgecrest Drive front property line or approximately 16' from the pavement line.

- The Sustainable Development and Construction Department Senior Planner, conducted a field visit of the site. Staff noted several solid board-on-board wood fences that appeared to be above over 6' in height located along Edgecrest Drive. However, these fences, located on the properties along Edgecrest Drive are located in what appears to be side yards therefore most likely permitted by right.
- As of September 7, 2018, one letter had been submitted in support of the request, a petition of support with 8 signatures, and no letters had been submitted in opposition. (see Attached A & B)
- The applicant has the burden of proof in establishing that the special exceptions to the fence standards regulations related to height over 4' in the front yard setback and related to a fence with panels with surface areas less than 50 percent open less than 5' from the front lot line will not adversely affect neighboring property.
- Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in the front yard setback and with fence panels with surface areas less than 50 percent open located less than 5' from the front lot line to be maintained in the location and of the heights and materials as shown on these documents.

**Timeline:**

July 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.

August 14, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

August 16, 2018: The Sustainable Development and Construction Department Senior Planner, emailed the applicant's representative the following information:

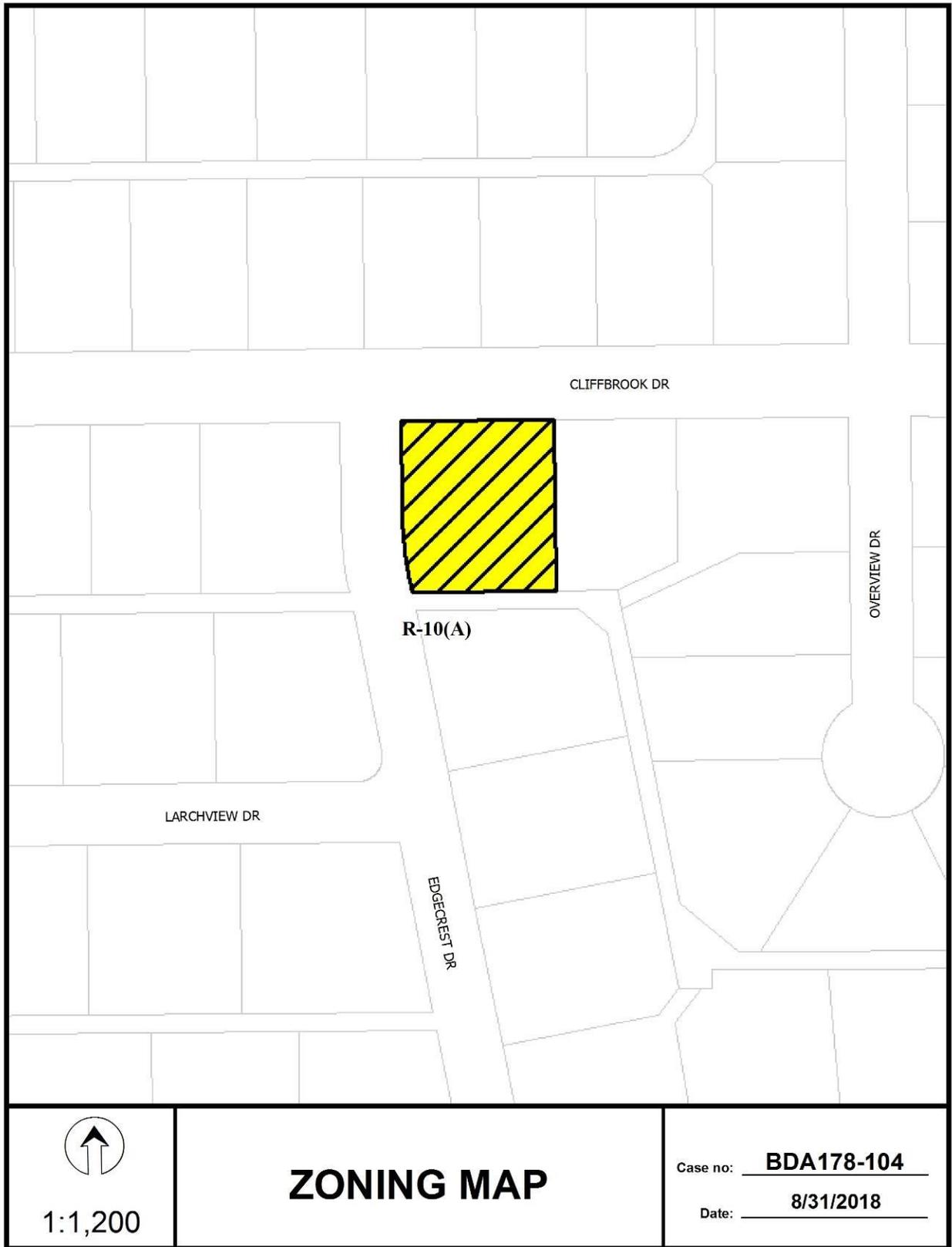
- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the August 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the September 7<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."

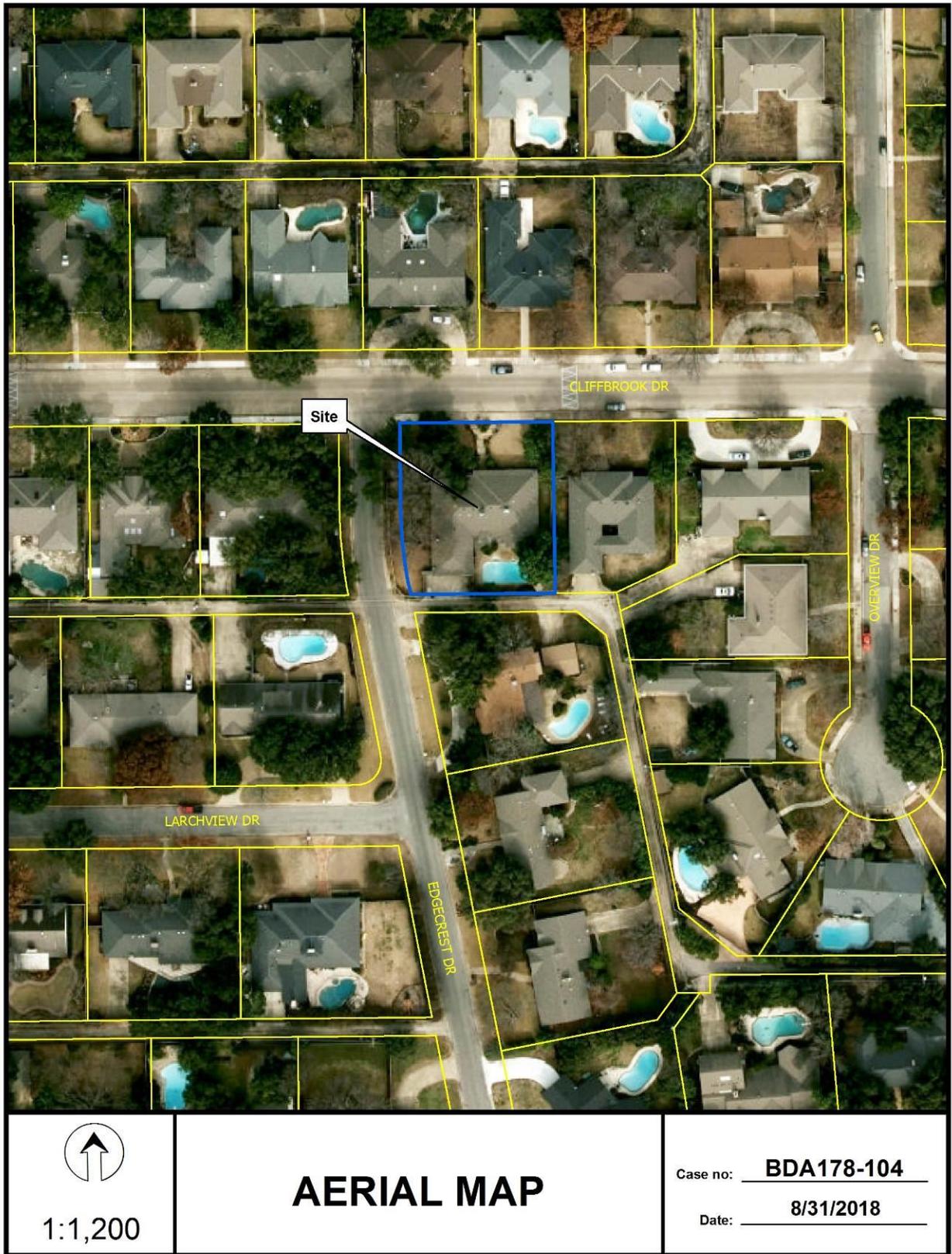
August 27, 2018: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

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

September 4, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September public hearings. Review team members in attendance included: the Sustainable Development and Construction Director, the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Authorized Hearing/Development Code Amendment Chief Planner, 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.







BDA 178-104  
ATTACH A

July 5, 2018

Janet Marcum  
President  
Northwood Hills Homeowners Association  
PO Box 800874  
Dallas, Texas 75380

To whom it may concern:

My name is Janet Marcum, and I currently serve as the President of the Northwood Hills Homeowners Association (NHHA). I've spoken to Steven J. Kubik regarding his and his wife's efforts to obtain special exceptions from the City of Dallas Board of Adjustment in order to build an eight (8) foot board-on-board wooden fence along the west-facing side of 7710 Cliffbrook Dr., Dallas, Texas 75254 (facing Edgecrest Drive). The property in question is situated in the Northwood Hills neighborhood and Steven and his wife, Vanessa, are members of NHHA.

In my opinion, based on my experience as a Northwood Hills homeowner, as President of NHHA, and in my professional capacity as a real estate broker in the area, the special exception Mr. Kubik is seeking would not adversely affect the neighboring properties. In fact, an eight-foot board on board wooden fence would help his property better conform with the height and style of the fences on the immediately neighboring properties and the neighborhood on the whole. A short fence or the absence of a fence would potentially draw negative attention to his property, as it would then stand out against other houses nearby. I support Mr. and Mrs. Kubik's appeal to the Board of Adjustment and their efforts to build an eight-foot board-on-board wooden fence on the west-facing side of 7710 Cliffbrook Dr because of the adverse effect they and their neighbors may experience if they are forced to erect a fence that is substantially shorter than eight feet.

If you have any questions, please feel free to contact me at (469) 371-1085 or [jm@northwoodhills.org](mailto:jm@northwoodhills.org).

Sincerely,

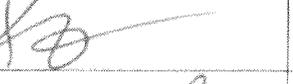
Janet Marcum  
President

Northwood Hills Homeowners Association

To whom it may concern:

I've spoken to Steven J. Kubik regarding his and his wife's efforts to build an eight (8) foot board-on-board wooden fence along the west-facing side of 7710 Cliffbrook Dr., Dallas, Texas 75254 (the "Fence"). I understand that Mr. Kubik is seeking special exceptions from the City of Dallas Board of Adjustment in order to build the Fence, and I have been given the opportunity to review Mr. Kubik's Application/Appeal to the Board of Adjustment, Case No. BDA178-104, dated July 3, 2018 (the "Appeal").

By signing below, I confirm that I am in support of the Appeal and in my opinion, the Fence would not adversely affect the neighboring properties.

<u>Printed Name</u>	<u>Signature</u>	<u>Address</u>	<u>Date</u>
Penny Weinberg		14440 Edgcrest	8/27/18
Bob Dunn		7634 Cliffbrook	8/27/18
Barbara Dunn		7634 Cliffbrook	8/27/18
Sharon Newman		7624 Cliffbrook	8/27/2018
Kit Courten		7631 Cliffbrook	8/27/2018
NICK VLADOV		7707 Cliffbrook	8/27/2018
TIFFANY PIRO		7715 CLIFFBROOK	8/27/2018
Blake Piro		7715 Cliffbrook	8/27/18

7710 Cliffbrook Dr.  
Neighbor Executed Petition in Support

CLIFFBROOK DR

R-10(A)

LARCHVIEW DR

EDGECREST DR

Printed: 8/28/2018

Legend

- City Limits
- School
- Floodplain
- 100 Year Flood Zone
- Mie's Creek
- Peak's Branch
- X Protected by Levee
- Parks
- Railroad
- Certified Parcels
- Base Zoning
- PD193 Oak Lawn
- Dallas Environmental Corridors
- SPSD Overlay
- Deed Restrictions
- SUP
- Dry Overlay
- D
- D-1
- CP
- SP
- MD Overlay
- Historic Subdistricts
- Historic Overlay
- Hugot Map Overlay
- CD Subdistricts
- PD Subdistricts
- PB5 Subdistricts
- NSD Subdistricts
- NSO Overlay
- Escarpment Overlay
- Parking Management Overlay
- Shoe Free 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)



EXHIBIT C

**INDEX**

<b>Exhibit</b>	<b>Description</b>
C-1	Demonstrative Map of Comparable Neighboring Fences
C-2	Pictures of Comparable Fence at 7714 Maplecrest Dr., Dallas, Texas 75254
C-3	Pictures of Comparable Fence at 7227 Oakbluff Dr., Dallas, Texas 75254
C-4	Pictures of Comparable Fence at 7332 Oakbluff Dr., Dallas, Texas 75254
C-5	Pictures of Comparable Fence at 14170 Valley Creek Dr., Dallas, Texas 75254
C-6	Pictures of Comparable Fence at 7240 Cliffbrook Dr., Dallas, Texas 75254



**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                |
| Peg's Branch         | SPSP Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Dead Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | SUP                            | Historic Overlay      | Shop Front Overlay         |
|                      |                                | Height Map Overlay    |                            |

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BDA178-104 ATTACH B (PG 5/30)



BDA178-104 ATTACH B (PS 6/30)



BDA178-104 ATTACH B (P. 7/30)



BDA 178-104 ATTACH B (PS 8/30)

BDA178-104

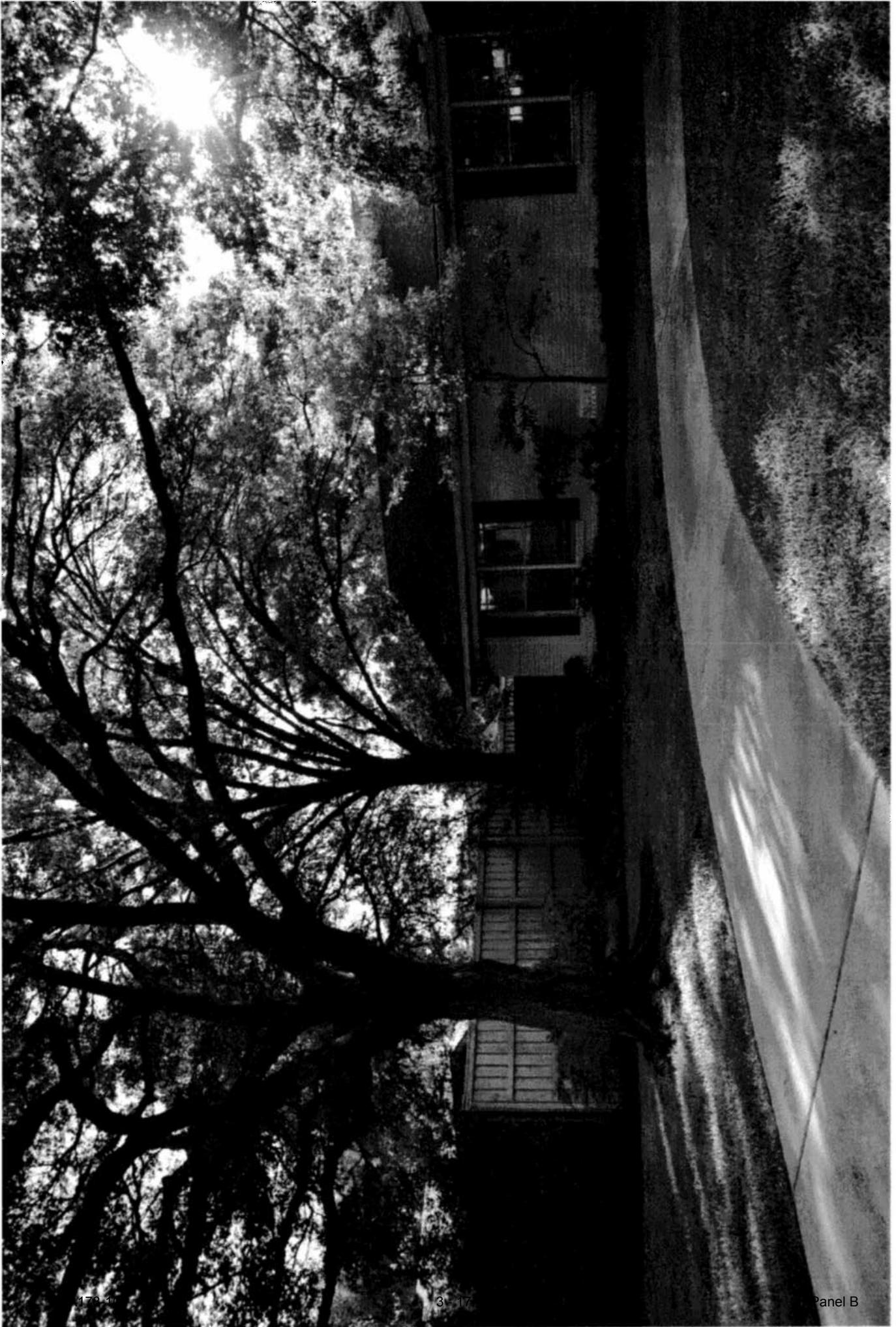
Panel B



BDA178 - 104 ATTACH B (AS 9/30)



BDA178-107 ATTACH B (PG 10/30)



BDA178-104 ATTACH B (PG 1/30)

BDA178-104

Panel B



BDA178-104 ATTACH B (Pg 12/30)



BDA178-104 ATTACH B (Pg 13/30)



BDA178-104 ATTACH B (pg 1/20)



BDA178-104 ATTACH B (09/31)



BDA-178-104 ATTACH B CPS 1780



BDA178-104 ATTACH B CPS (30)



BDA 178-104 ATTACH B (Pg 17/30)



BDA178-104 ATTACH 8 (PS 1/20)



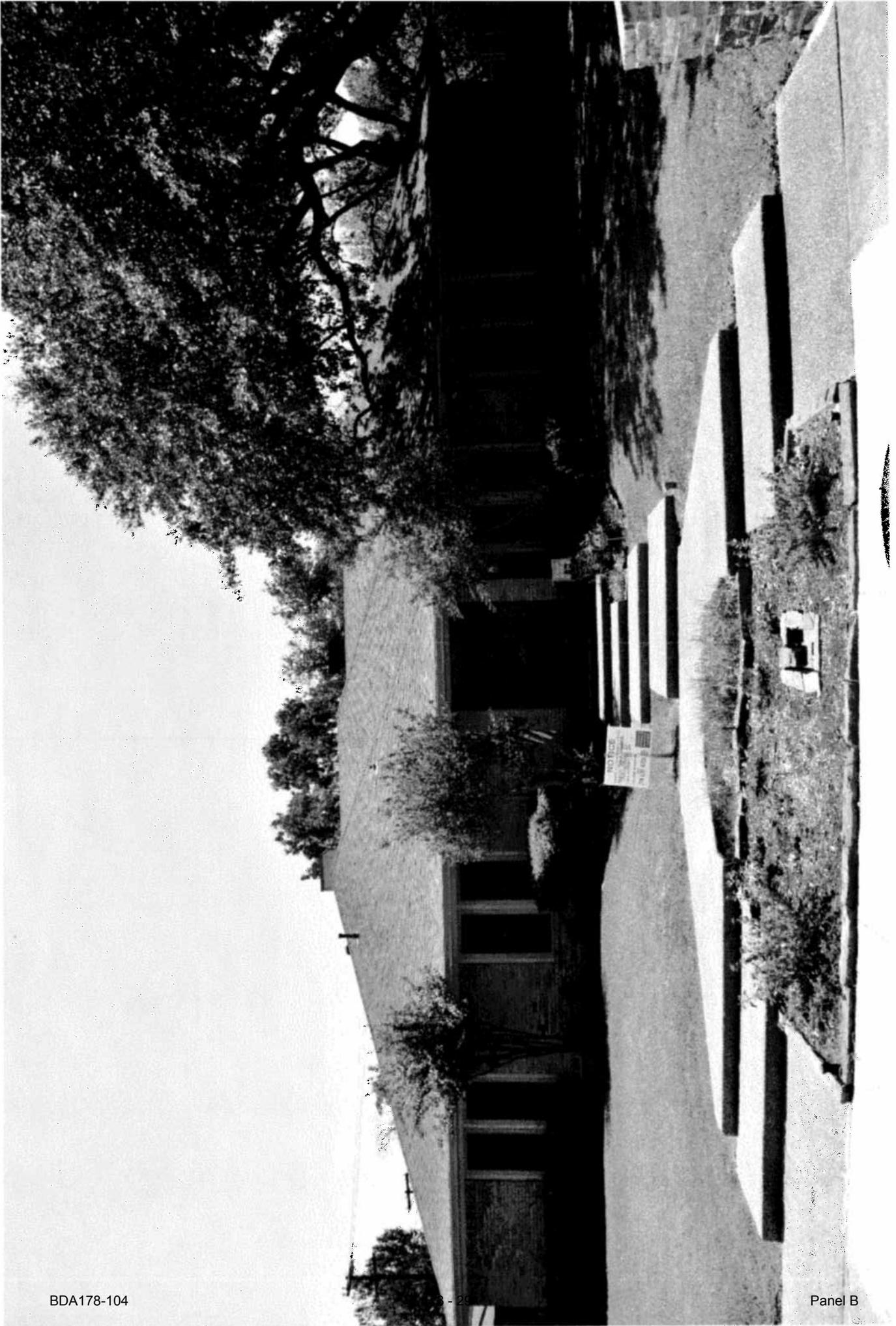
BDA178-104 ATTACH B (pg 19/30)



BDA178-104 ATTACHED (09/30)



BDA178-104 ATTACH B (pg 21/30)



BDA178-104 ATTACH B (05/23/30)



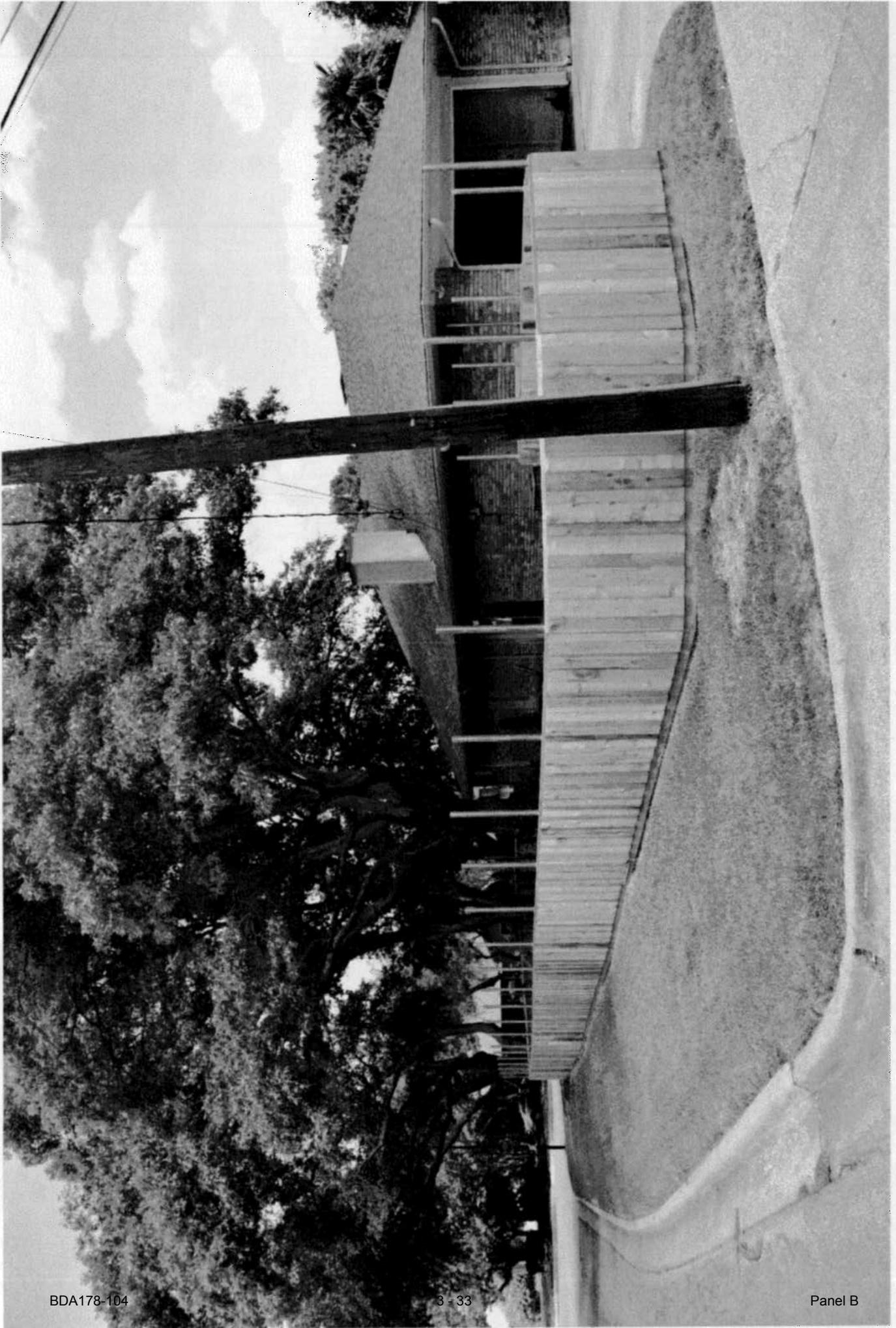
BDA 178-104 ATTACH B (PS 73)



(Ref 250) B H-3A LLA 101-821A DB



BDA-178-104 ATTACH B (PS 2550)



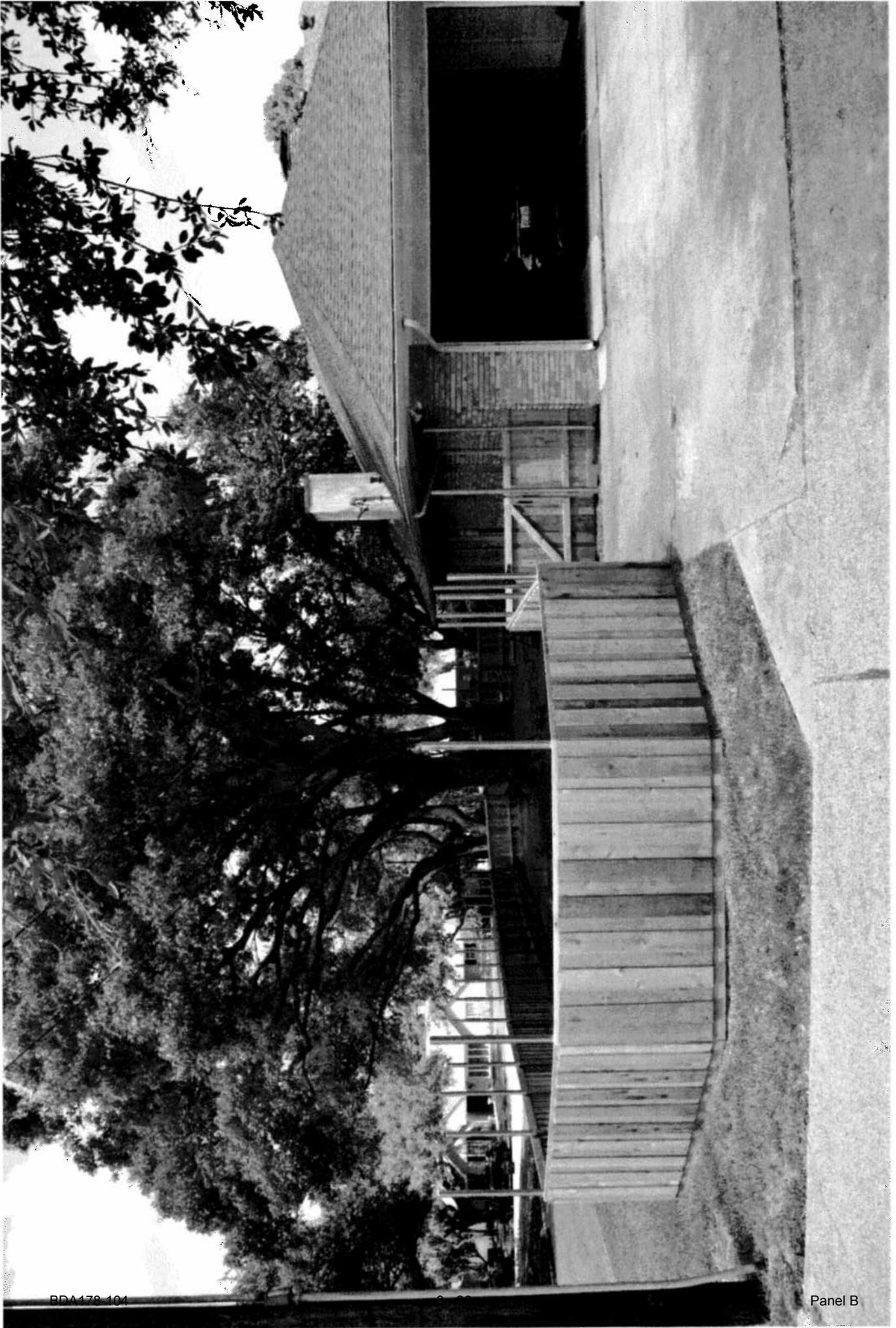
BDA178-104 ATTACH B (of 3)



BDA 178 - 104 ATTACH B (PS 3/30)

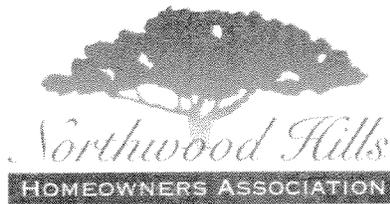


BDA178-104 ATTACH B (p5 22/30)



BDA178-104 ATTACH B (PS 30)





BDA178-104 ATTACH B  
(pg 30/30)

July 5, 2018

Janet Marcum  
President  
Northwood Hills Homeowners Association  
PO Box 800874  
Dallas, Texas 75380

To whom it may concern:

My name is Janet Marcum, and I currently serve as the President of the Northwood Hills Homeowners Association (NHHA). I've spoken to Steven J. Kubik regarding his and his wife's efforts to obtain special exceptions from the City of Dallas Board of Adjustment in order to build an eight (8) foot board-on-board wooden fence along the west-facing side of 7710 Cliffbrook Dr., Dallas, Texas 75254 (facing Edgecrest Drive). The property in question is situated in the Northwood Hills neighborhood and Steven and his wife, Vanessa, are members of NHHA.

In my opinion, based on my experience as a Northwood Hills homeowner, as President of NHHA, and in my professional capacity as a real estate broker in the area, the special exception Mr. Kubik is seeking would not adversely affect the neighboring properties. In fact, an eight-foot board on board wooden fence would help his property better conform with the height and style of the fences on the immediately neighboring properties and the neighborhood on the whole. A short fence or the absence of a fence would potentially draw negative attention to his property, as it would then stand out against other houses nearby. I support Mr. and Mrs. Kubik's appeal to the Board of Adjustment and their efforts to build an eight-foot board-on-board wooden fence on the west-facing side of 7710 Cliffbrook Dr because of the adverse effect they and their neighbors may experience if they are forced to erect a fence that is substantially shorter than eight feet.

If you have any questions, please feel free to contact me at (469) 371-1085 or [jm@northwoodhills.org](mailto:jm@northwoodhills.org).

Sincerely,

Janet Marcum  
President  
Northwood Hills Homeowners Association



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-104

Date: 7-3-18

Data Relative to Subject Property:

Location address: 7710 Cliffbrook Dr. Zoning District: R-10(A)

Lot No.: 5 Block No.: J/8041 Acreage: .39 Census Tract: 136.09

Street Frontage (in Feet): 1) 127 2) 143 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Steven John Kubik and Vanessa Rosa-Kubik

Applicant: Steven John Kubik Telephone: 210 288 3656

Mailing Address: 7710 Cliffbrook Dr. Zip Code: 75254

E-mail Address: steven@kubiklawfirm.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 four (4) feet to the required front yard fence height regulations and provide a total fence height of eight (8) feet, and a special exception to the less than 50% fence panel opening regulations.

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 requested special exceptions would not adversely affect neighboring property and would conform to the height and style of neighboring properties including at least two other neighboring properties with multiple front-yard set backs on corner lots

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

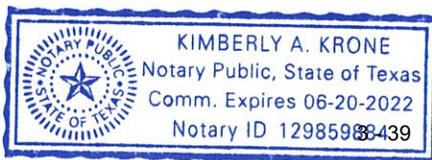
Before me the undersigned on this day personally appeared Steven J. Kubik (Affiant/Applicant's name printed)

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 July, 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 STEVEN KUBIK

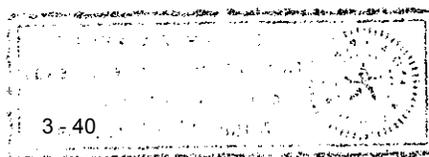
did submit a request for a special exception to the fence height regulations, and for a special exception to the fence standards regulations

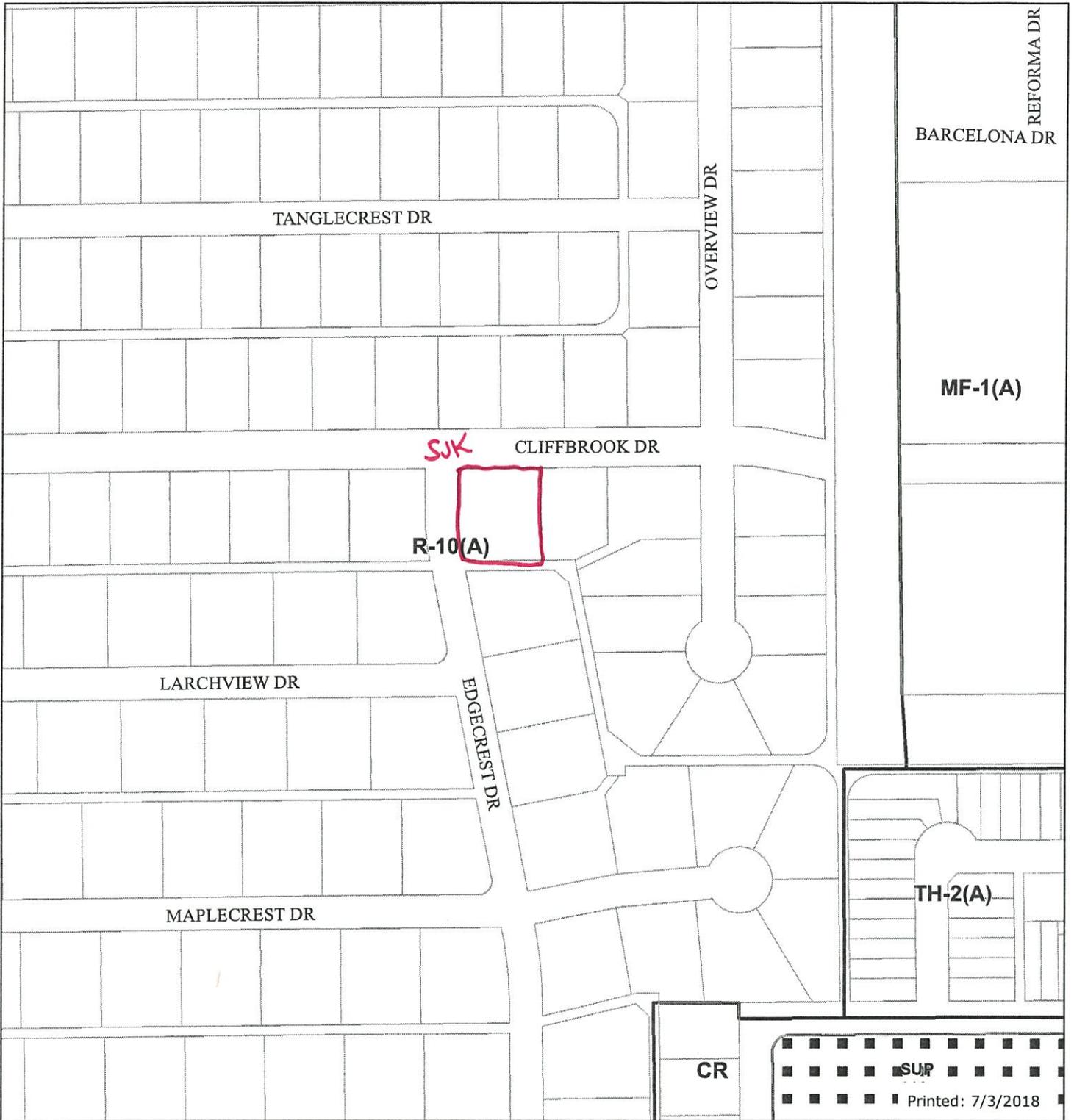
at 7710 Cliffbrook Drive

BDA178-104. Application of STEVEN KUBIK for a special exception to the fence height regulations, and for a special exception to the fence standards regulations at 7710 CLIFFBROOK DR. This property is more fully described as Lot 5, Block J/8041, and is zoned R-10(A), which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official





**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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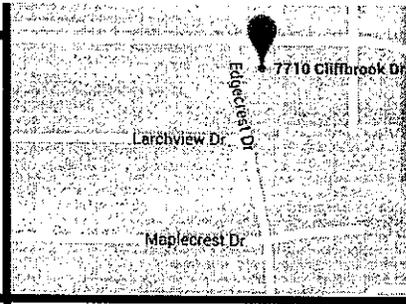


Printed: 7/3/2018



**Legal Description:**

Lot 5, in Block J/8041 of Northwood Hills, Twelfth Section, an Addition to the City of Dallas, Dallas County, Texas according to the Plat thereof recorded in Volume 68065, Page 1910, Map Records, Dallas County, Texas.



Address: 7710 Cliffbrook Drive, Dallas, TX 75254

Client Order #: 16-241246-PN

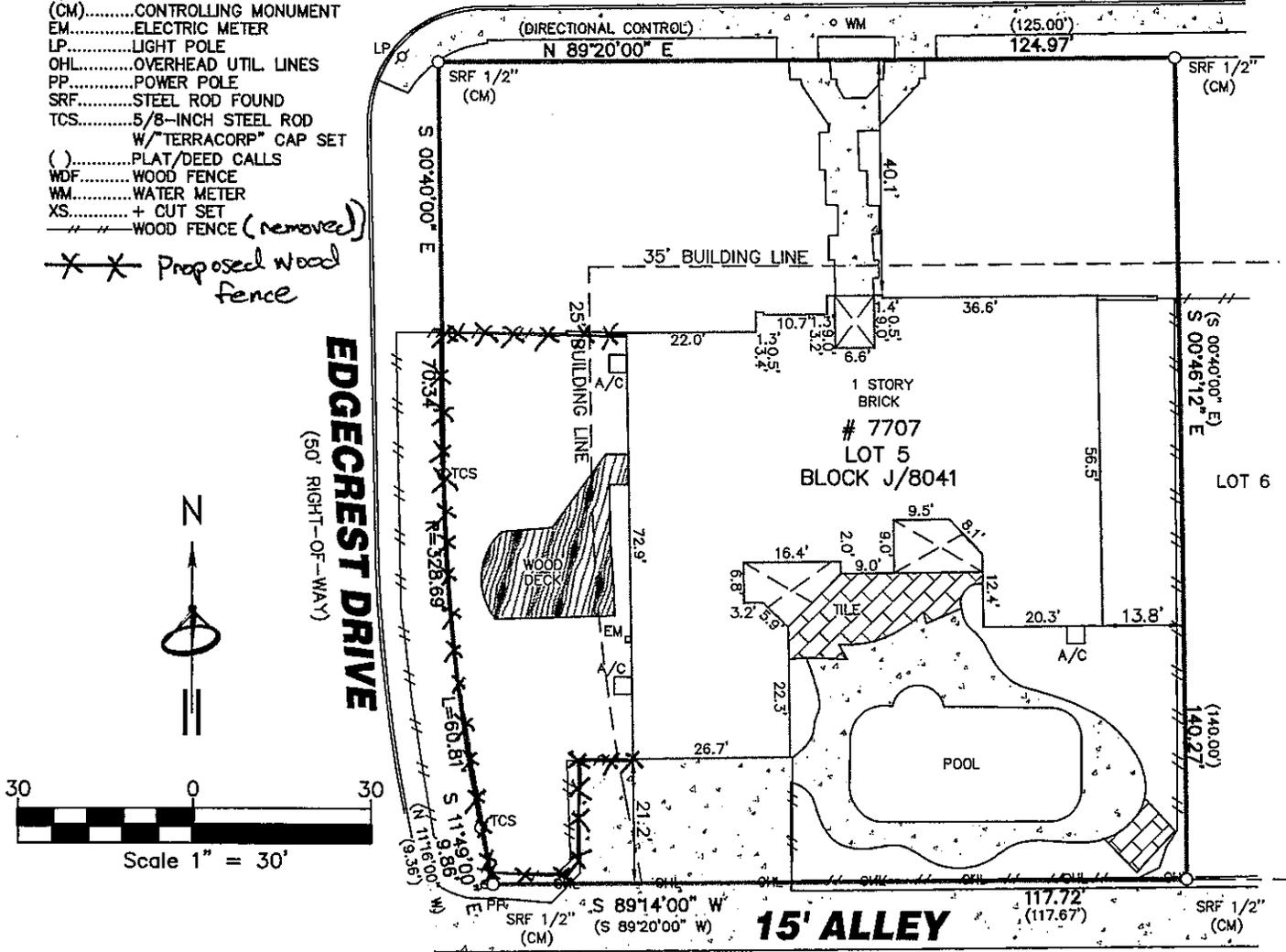
Completed: 02/05/2016

**LEGEND**

- A/C.....AIR CONDITION
- (CM).....CONTROLLING MONUMENT
- EM.....ELECTRIC METER
- LP.....LIGHT POLE
- OHL.....OVERHEAD UTIL LINES
- PP.....POWER POLE
- SRF.....STEEL ROD FOUND
- TCS.....5/8-INCH STEEL ROD
- W....."TERRACORP" CAP SET
- ( ).....PLAT/DEED CALLS
- WDF.....WOOD FENCE
- WM.....WATER METER
- XS.....+ CUT SET
- //--- WOOD FENCE (removed)

*X X Proposed Wood fence*

**CLIFFBROOK DRIVE**  
(50' RIGHT-OF-WAY)



**FLOOD NOTE**

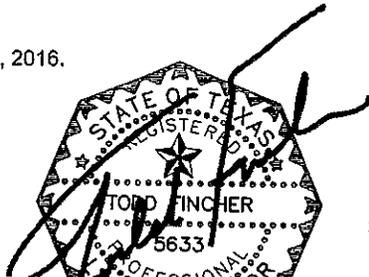
According to the F.I.R.M. # 48113C0185K this property does lie in "Zone X" and does not lie within the 100-year flood zone.

I hereby certify that this plat represents the results of a survey made on the ground on the 5th day of February, 2016.

Signed 5th day of February, 2016.

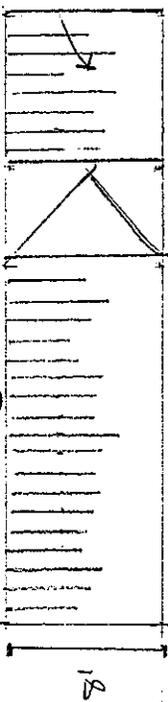
**NOTES**

1. Directional Control shown hereon is based on Northwood Hills, Twelfth Section, an addition to the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Volume 68065, Page 1910 of the Map Records of Dallas County, Texas.
2. The following items are from Schedule B, Commitment for Title Insurance, Capital Title Insurance Company, G.F. No. 16-241246-PN, issued January 7, 2016.
5. Easement(s) and/or Building line(s) affecting the subject property as shown on Map or Plat recorded in Volume 68065, Page 1910 of the Map Records of Dallas County, Texas.
  - 35 foot building line along the front property line.
  - 25 foot building line along the west property line.



7710 Cliffbrook Dr., Dallas, TX 75254  
 Fenceline Elevation Drawings

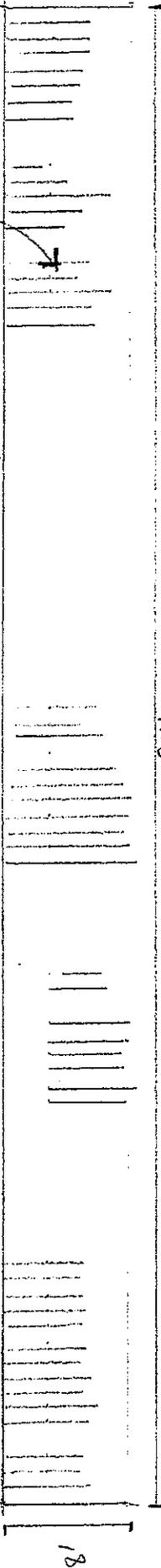
North-Facing Fenceline (Cliffbrook Dr.)



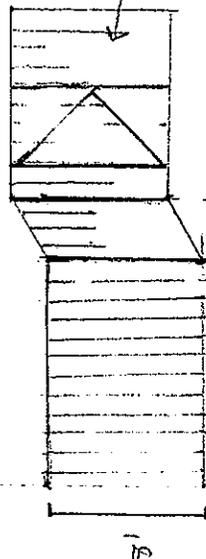
BDA178-104

Board-on-board wood

West-Facing Fenceline (Edgecrest Dr.)



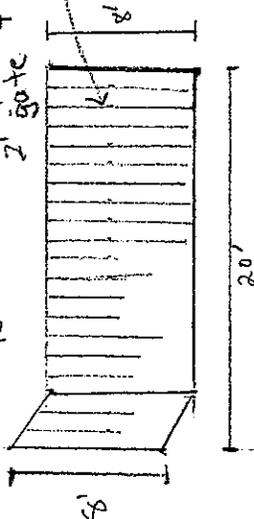
South-Facing Fenceline (Alley)



3-44

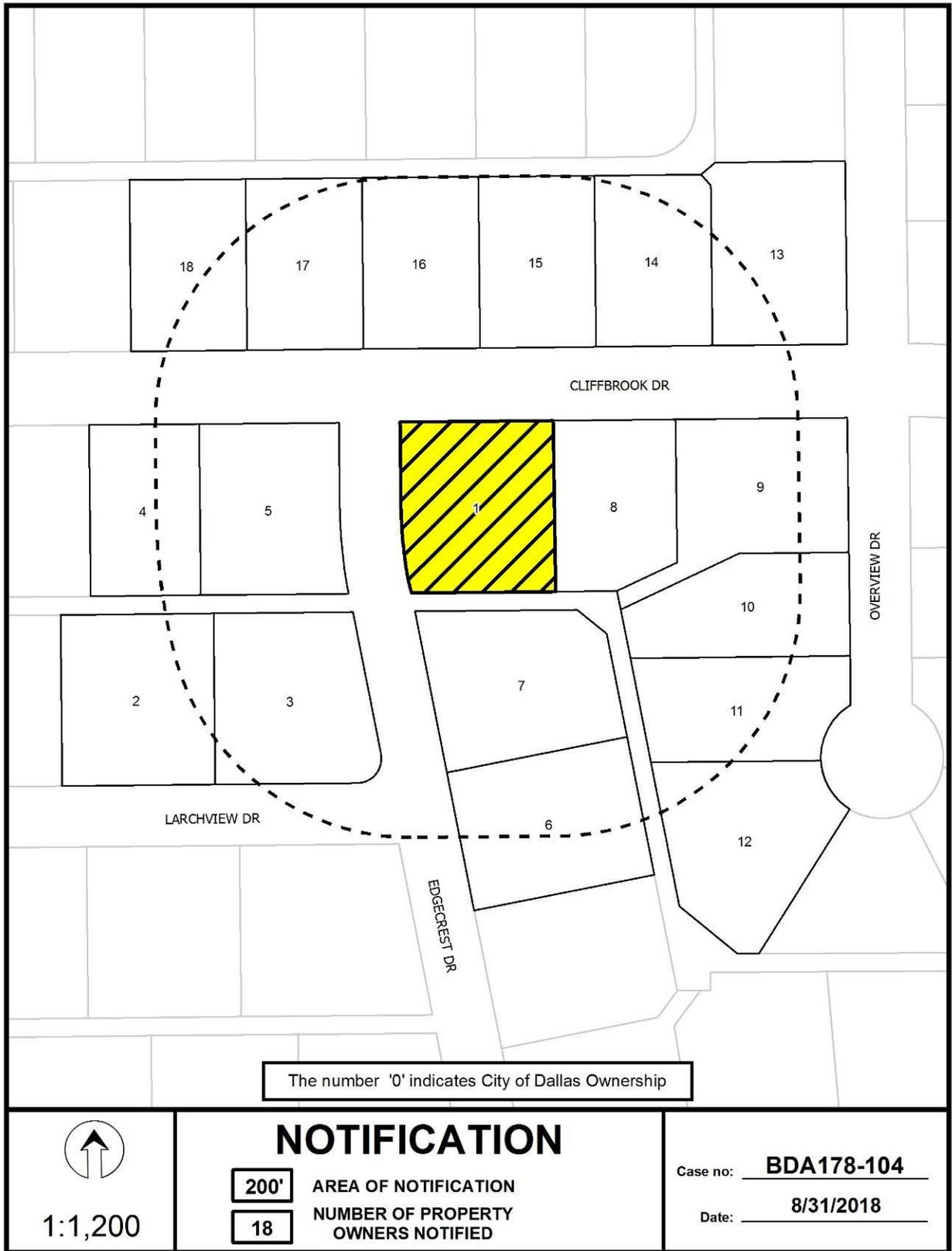
Board-on-board wood

East-Facing Fenceline (Driveway)



Scale: 1" = 10'

Panel B



# *Notification List of Property Owners*

## *BDA178-104*

### *18 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7710 CLIFFBROOK DR	MAHANEY TODD & PAMELA
2	7607 LARCHVIEW DR	LAZUKA HUTCHINS MARJORIE
3	7617 LARCHVIEW DR	LONTOS REVOCABLE TRUST
4	7624 CLIFFBROOK DR	NEWMAN GLYNN E &
5	7634 CLIFFBROOK DR	DUNN ROBERT S &
6	14430 EDGECREST DR	EGBERS DUSTIN J
7	14440 EDGECREST DR	WEINBERG LYNNE PENNY
8	7718 CLIFFBROOK DR	CHEN CHYNHYR & LINGCHI WU REVOCABLE LIVING TR
9	7730 CLIFFBROOK DR	PITTSOON MALINDA A &
10	14421 OVERVIEW DR	LAVERTY THOMAS R & VIVIAN
11	14415 OVERVIEW DR	CROWDER BARRY D & KAREN E
12	14407 OVERVIEW DR	DYER AARON DAN &
13	7731 CLIFFBROOK DR	PICKOWITZ STEVEN JOSEPH
14	7723 CLIFFBROOK DR	BRISTOL MICHAEL D
15	7715 CLIFFBROOK DR	GRIMES TIFFANY &
16	7707 CLIFFBROOK DR	VLADOV NIKOLAY &
17	7631 CLIFFBROOK DR	CELEBRITY AUTO GROUP INC
18	7623 CLIFFBROOK DR	WALLER DAVID A

**FILE NUMBER:** BDA178-090(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Alexander Remington, represented by Michael R. Coker, for a variance to the front yard setback regulations at 1813 Caddo Street. This property is more fully described as Lot 1, Block 1/600, and is zoned MF-2(A), which requires a front yard setback of 15 feet. The applicant proposes to construct and/or maintain a structure and provide a 0 foot front yard setback, which will require a 15 foot variance to the front yard setback regulations.

**LOCATION:** 1813 Caddo Street

**APPLICANT:** Alexander Remington  
Represented by Michael R. Coker

**REQUEST:**

A variance to the front yard setback regulations of 15' is made to construct and maintain five step/railing/landing structures to be located on the site's Caddo Street front property line or 15' into this 15' front yard setback on an undeveloped site that is proposed to be developed with a 10-unit multifamily development.

**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:

- Staff concluded that the applicant had not substantiated how the variance was 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 it cannot be developed in a manner commensurate with the development upon other parcels of land with the same MF-2(A) zoning district.
- Staff concluded that the characteristics/features of the subject site does not preclude the applicant from developing it commensurate with others in the same zoning district, and in a way that complies with all zoning code provisions including front yard setback regulations.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: MF2(A) (Multifamily)
- North: MF2(A) (Multifamily)
- South: MF2(A) (Multifamily)
- East: MF2(A) (Multifamily)
- West: MF2(A) (Multifamily)

**Land Use:**

The subject site is undeveloped. The areas to the north, east, south, and west are developed with a mixture of single family and multifamily 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 (variance):**

- This request for a variance focuses on constructing and maintaining five step/railing/landing structures to be located on the site’s Caddo Street front property line or 15’ into this 15’ front yard setback on a site proposed to be developed with a 10-unit multifamily development.
- The subject site is located at the south corner of Caddo Street and Munger Avenue.
- The site is zoned MF-2(A) which requires a minimum front yard setback of 15’.
- The site has two front yard setbacks and two side yard setbacks.
- The submitted site plan denotes five step/railing/landing structures to be located on the site’s Caddo Street front property line or 15’ into this 15’ front yard setback.
- According to DCAD records, there are “no improvements” listed at 1813 Caddo Street.

- The subject site is generally flat, rectangular in shape, and according to the submitted application is 0.440 acres (or approximately 19,000 square feet) in area. The site is zoned MF-2(A).
- The site has two front yard setbacks as any corner property has in this zoning district.
- 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 MF-2(A) zoning classification.
  - If the Board were to grant the variances, 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 MF-2(A) zoning classification.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structures located in the front yard setback would be limited to what is shown on these documents which in this case are five step/railing/landing structures located on the site's Caddo Street front property line or 15' into this 15' front yard setback.

**Timeline:**

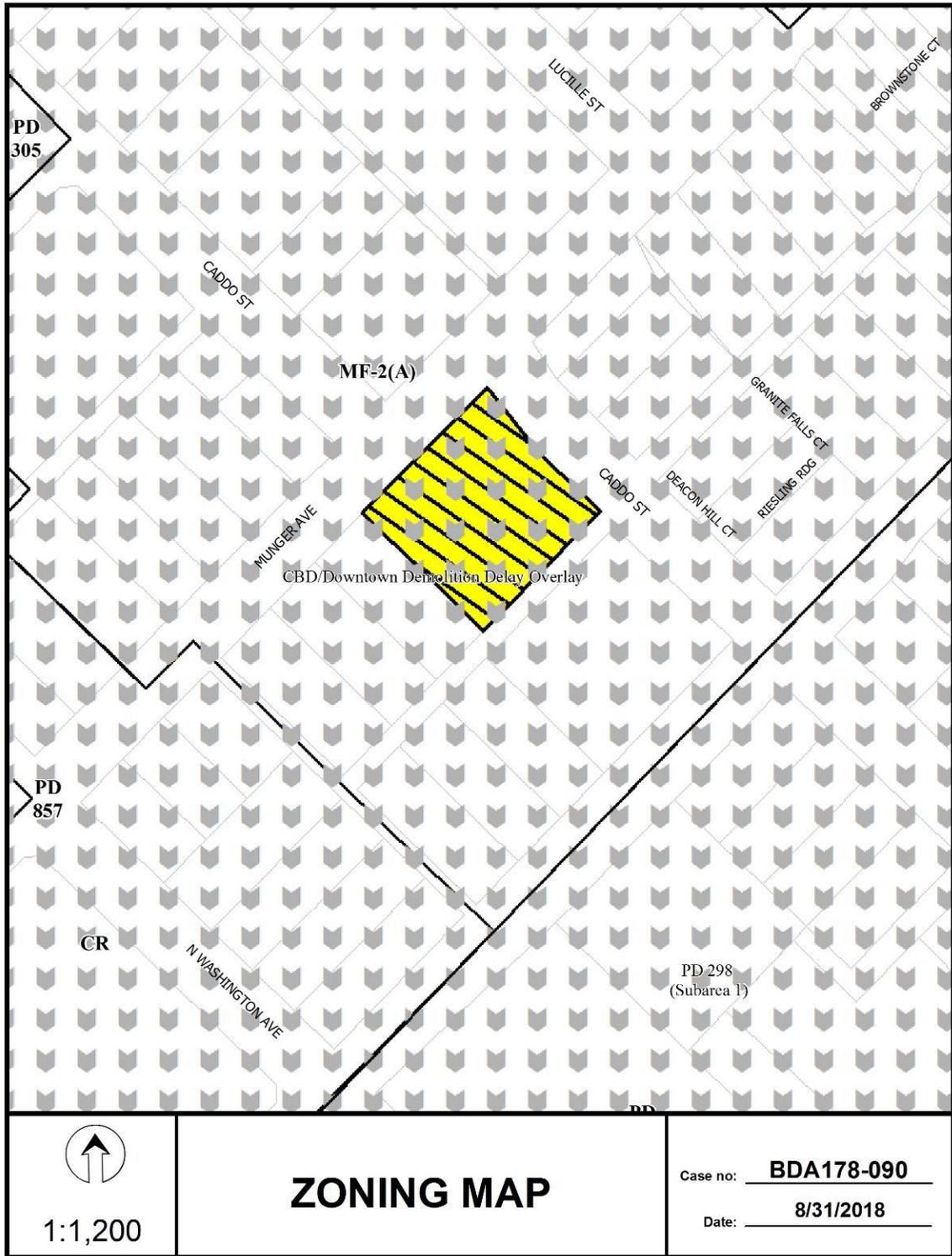
- May 8, 2018: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- August 14, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- August 14, 2018: The 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 August 29<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the September 7<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.”

September 4, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September public hearings. Review team members in attendance included: the Sustainable Development and Construction Director, the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Authorized Hearing/Development Code Amendment Chief Planner, 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.

September 5, 2018: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded a revised Building Official’s report regarding the application (see Attachment A). This revised report reflected the applicant’s withdrawal of a request for a special exception to the fence standards regulations he had made with the original application.





1:1,200

# AERIAL MAP

Case no: BDA178-090

Date: 8/31/2018





City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA/178-090

Data Relative to Subject Property:

Date: May 8, 2018

Location address: 1813 and 1823 Caddo Street Zoning District: MF-2(A)

Lot No.: 1 Block No.: 1/600 Acreage: 0.440 acs. Census Tract: 0016.00

Street Frontage (in Feet): 1) Munger 135.00' 2) Caddo 141.88' 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Munger Realty Partners, LP

Applicant: Alexander Remington Telephone: 214-457-3000

Mailing Address: 4533 Cedar Springs Road, Ste. C6 Zip Code: 75219

E-mail Address: alex@alexremington.com

Represented by: Michael R. Coker 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 ~~special exception of 7 feet to the fence height to allow for a six foot fence and gates and a variance to allow retaining walls, steps, railings, and landings in the required front yards; special exception for gates for vehicular traffic to be less than 20 feet from back of street curb.~~

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 slope of the front yard is significant enough to warrant retaining walls, steps, railings and landings that encroach in the required front yards. The variance and special exception requests do not adversely affect neighboring properties.

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

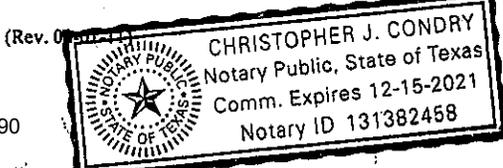
Before me the undersigned on this day personally appeared Alexander Remington (Affiant/Applicant's name printed)

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: Alexander Remington (Affiant/Applicant's signature)

Subscribed and sworn to before me this 14th day of MAY 2018

CHRIS CONDRI 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

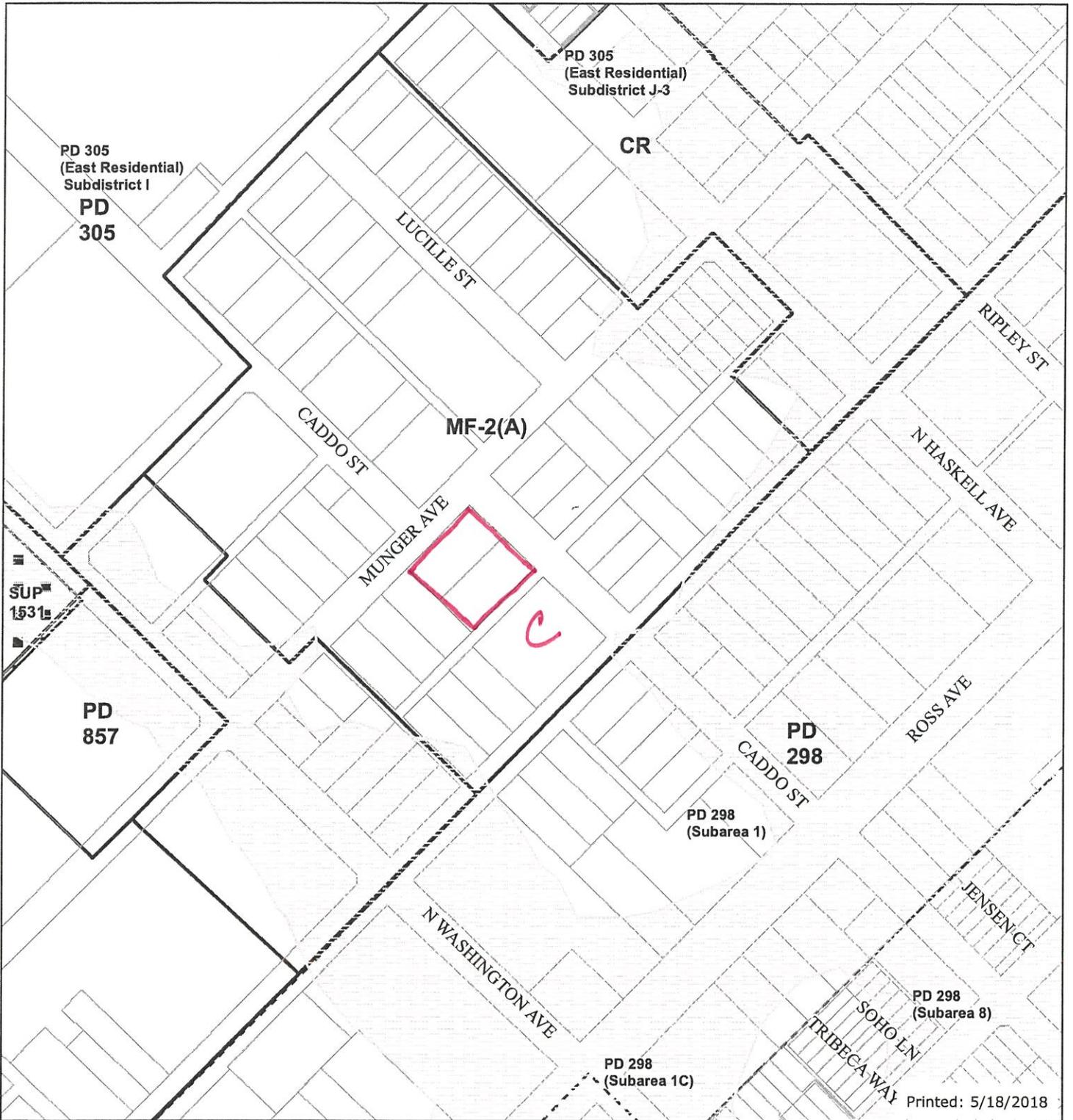
Building Official's Report

I hereby certify that Alexander Remington  
represented by Michael R Coker  
did submit a request for a variance to the front yard setback regulations, and for a special  
exception to the fence standards regulations  
at 1813 Caddo Street

BDA178-090. Application of Alexander Remington represented by Michael R Coker for a  
variance to the front yard setback regulations, and for a special exception to the fence  
standards regulations at 1813 CADDO ST. This property is more fully described as Lot 1,  
Block 1/600, and is zoned MF-2(A), and prohibits a vehicular gate for multi-family closer  
than 20 feet from back of curb and requires a front yard setback of 15 feet. The applicant  
proposes to construct a multi-family residential structure and provide a 0 foot front yard  
setback, which will require a 15 foot variance to the front yard setback regulations, and to  
construct a vehicular gate for multi-family closer than 20 feet from back of curb, which will  
require a special exception to the fence standards regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



Printed: 5/18/2018

**Legend**

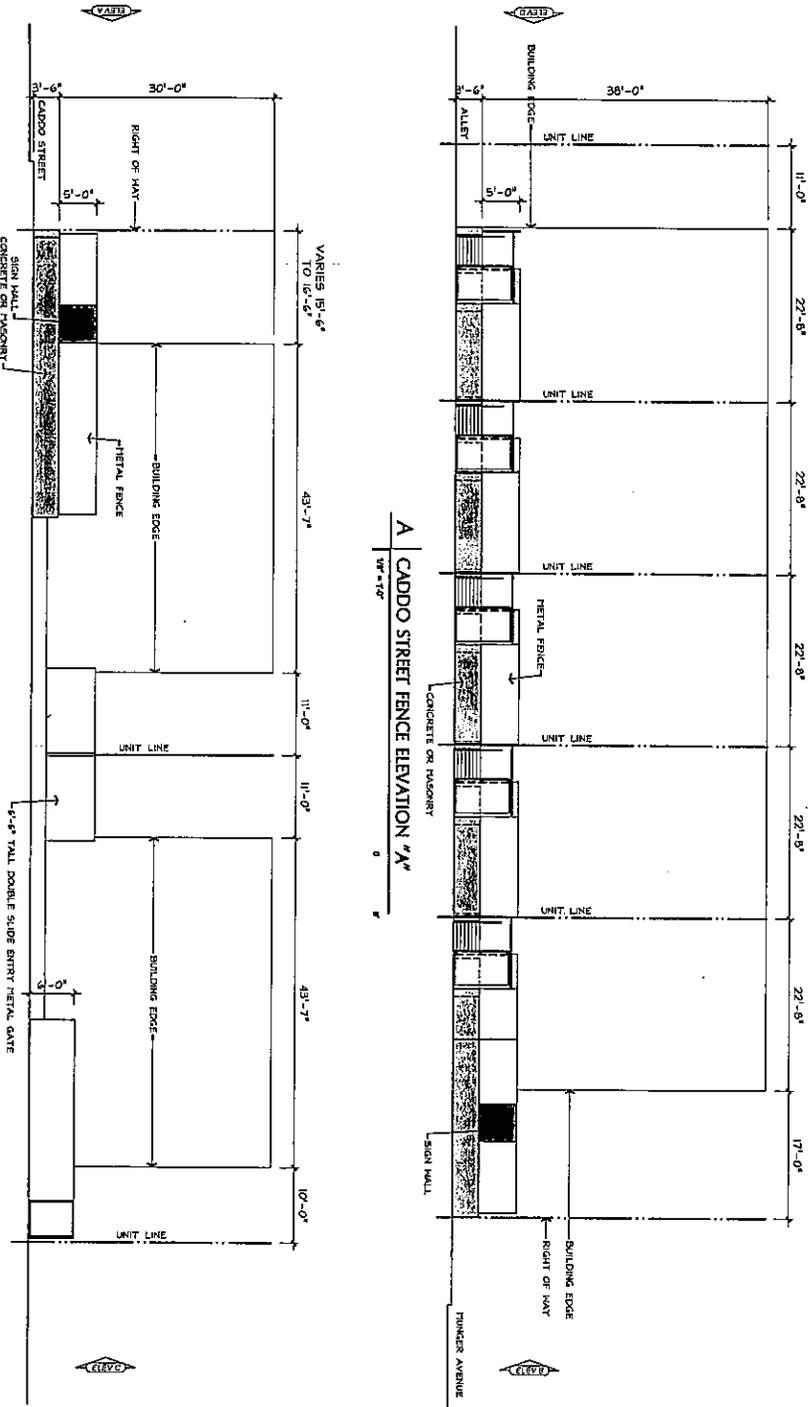
- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | 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        | 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    |                            |

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)

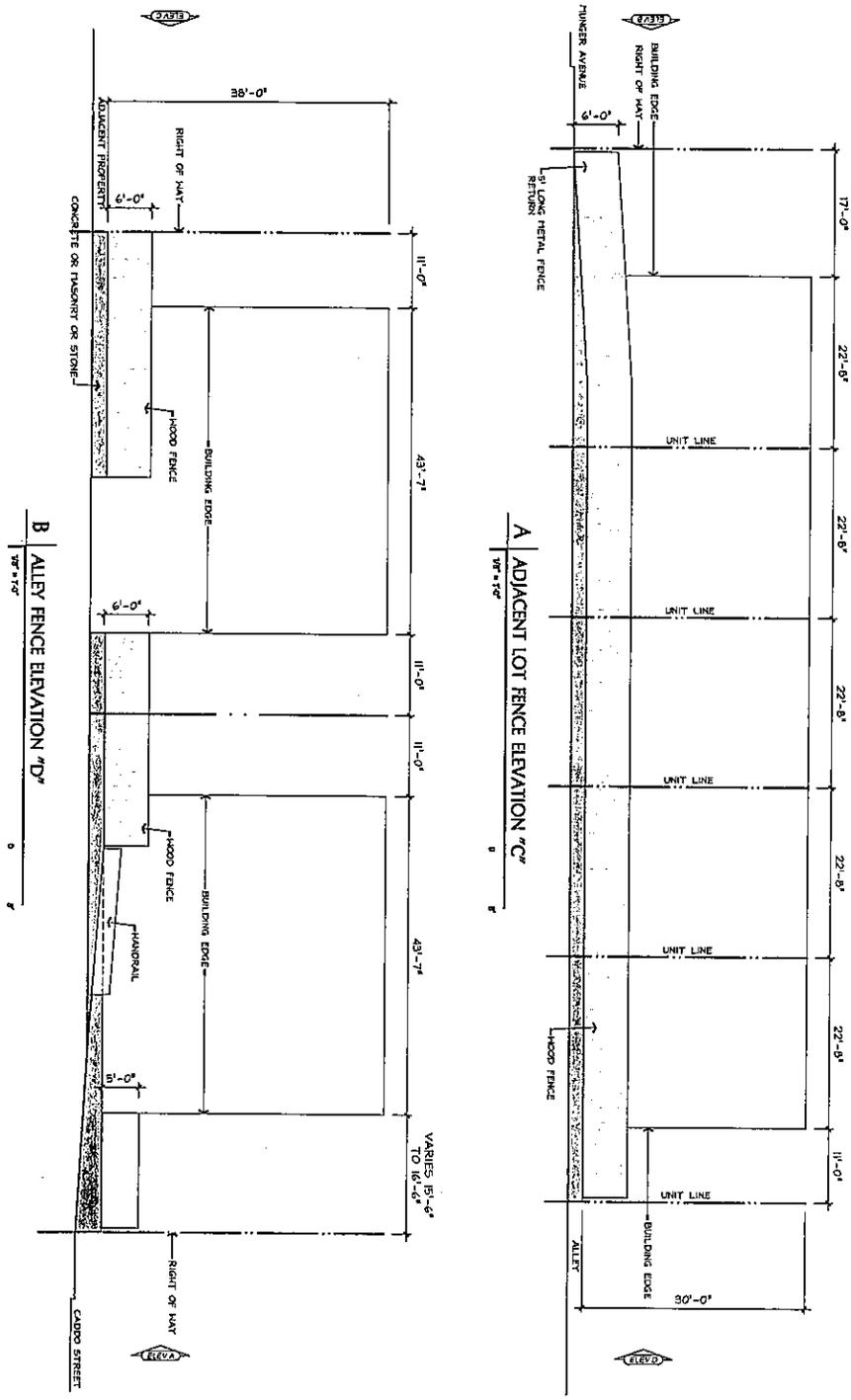




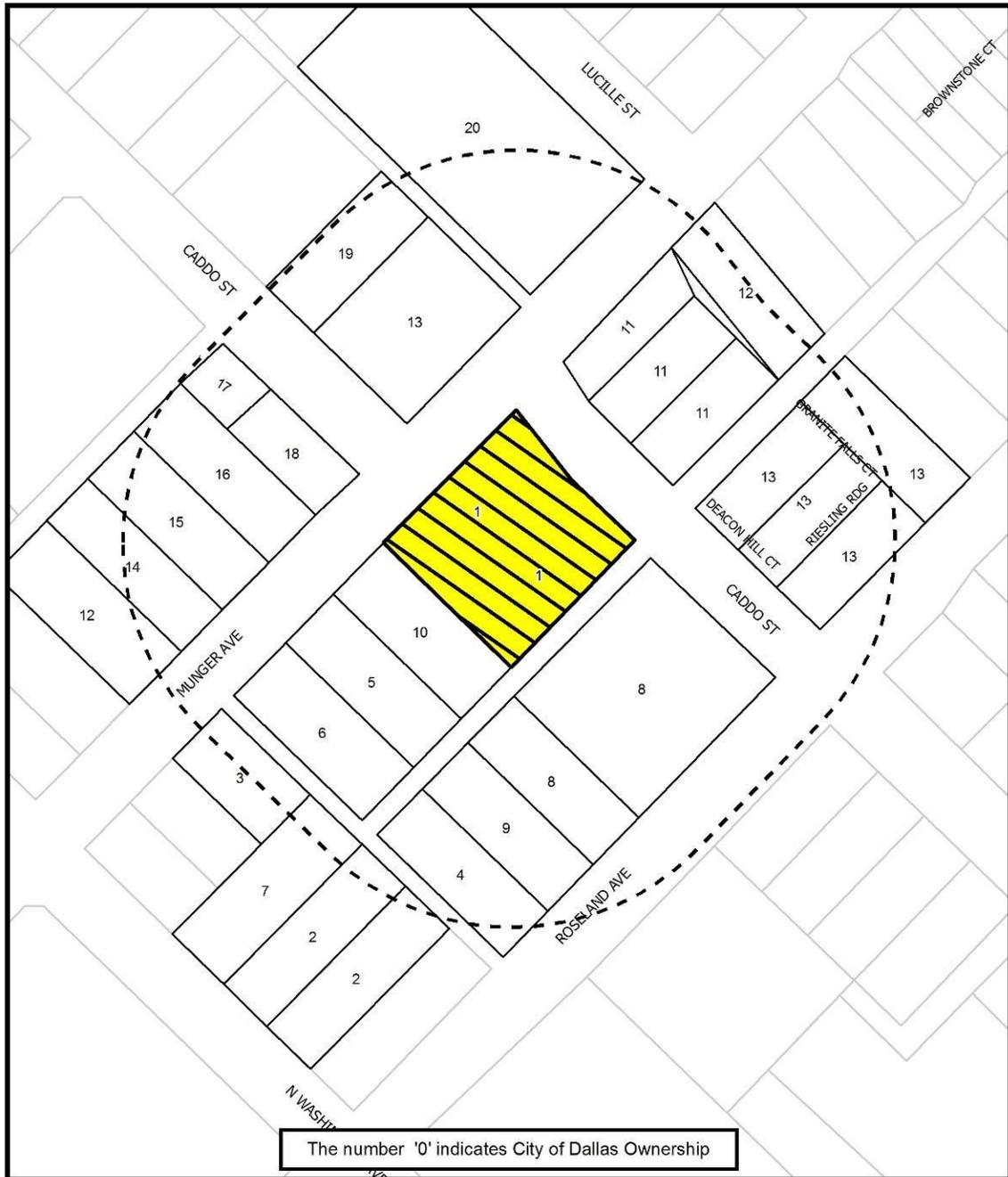




<p><b>CADDO STREET MULTIFAMILY</b> 1813 CADDO ST DALLAS TEXAS</p>		
<p>DATE: 02.09.2016</p> <p>CHECKED BY: MSK</p> <p>DRAWN BY: DSG</p>	<p>PROJECT NO.:</p> <p>SHEET NO.:</p>	



<p><b>CARRELL PARTNERS &amp; YOST</b>          ARCHITECTS</p>											
<p>1813 CADDO STREET DALLAS TEXAS</p>		<p>1813 CADDO STREET DALLAS TEXAS</p>		<p>1813 CADDO STREET DALLAS TEXAS</p>		<p>1813 CADDO STREET DALLAS TEXAS</p>		<p>1813 CADDO STREET DALLAS TEXAS</p>		<p>1813 CADDO STREET DALLAS TEXAS</p>	
<p>DATE: 02/03/2018</p>		<p>DATE: 02/03/2018</p>		<p>DATE: 02/03/2018</p>		<p>DATE: 02/03/2018</p>		<p>DATE: 02/03/2018</p>		<p>DATE: 02/03/2018</p>	
<p>PROJECT NO: VL-3</p>		<p>PROJECT NO: VL-3</p>		<p>PROJECT NO: VL-3</p>		<p>PROJECT NO: VL-3</p>		<p>PROJECT NO: VL-3</p>		<p>PROJECT NO: VL-3</p>	



The number '0' indicates City of Dallas Ownership

 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA178-090</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;">20</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>8/31/2018</b>	

## *Notification List of Property Owners*

***BDA178-090***

***20 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	1823 CADDO ST	CAMPAGNA FAMILY TRUST # 1 &
2	1810 WASHINGTON AVE	PILGRIM REST BAPTIST CHURCH
3	3810 MUNGER AVE	DAVIS GUSTAVA
4	3815 ROSELAND AVE	HAWKINS ADA F
5	3818 MUNGER AVE	PADILLA SENDY &
6	3814 MUNGER AVE	DURHAM NINA MICHELE &
7	1812 N WASHINGTON AVE	PILGRIM REST BAPTIST
8	3829 ROSELAND AVE	RAFTER WALKER REAL ESTATE LLC
9	3819 ROSELAND AVE	SOLES BARBARA
10	3824 MUNGER AVE	CHANEY TIMOTHY ALAN &
11	1812 CADDO ST	CASINO PPTIES INC
12	3910 MUNGER AVE	TRISKELE LLC
13	1806 CADDO ST	GRBK FRISCO LLC
14	3815 MUNGER AVE	BOTELLO BLANCA ELIA
15	3817 MUNGER AVE	PILGRIM REST VILLAGE
16	3821 MUNGER AVE	NELSON JUDITH WATTNER &
17	1909 CADDO ST	ELKHOORY NEHMAT
18	3825 MUNGER AVE	ARMSTRONG ELDRIDGE
19	1906 CADDO ST	ASPEN ACQUISITIONS INC
20	3919 MUNGER AVE	MUNGER AVENUE BAPTIST CHURCH