

ZONING BOARD OF ADJUSTMENT, PANEL A
TUESDAY, APRIL 16, 2019
AGENDA

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

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

MISCELLANEOUS ITEM

Approval of the March 19, 2019 Board of Adjustment Panel A Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA189-037(SL)	2016 Vilbig Road REQUEST: Application of Juan Z. Davila for a special exception to the fence standards regulations	1
BDA189-044(SL)	604 N. Tyler Street REQUEST: Application of Good Space LLC/David Spence, represented by Santos T. Martinez, for a special exception to the visual obstruction regulations	2

REGULAR CASES

BDA189-040(SL)	1107 N. Edgefield Avenue REQUEST: Application of Michael Wilmoth for a variance to the off-street parking regulations	3
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- BDA189-043(OA)** 2831 Jordan Valley Road 4
REQUEST: Application of Mirna Badillo, represented by Santos Martinez, for a special exception to the minimum side yard setback requirements to preserve an existing tree
- BDA189-046(OA)** 1611 Browder Street 5
REQUEST: Application of Darryl Evans, represented by Michael Forbes, for variances to the side yard setback and off-street parking regulations, and for a special exception to the visual obstruction regulations
-

EXECUTIVE SESSION NOTICE

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

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

FILE NUMBER: BDA189-037(SL)

BUILDING OFFICIAL'S REPORT: Application of Juan Z. Davila for a special exception to the fence standards regulations at 2016 Vilbig Road. This property is more fully described as Lot 1, Block 3960, and is zoned IR, which prohibits the use of certain materials for a fence. The applicant proposes to construct and/or maintain a fence of a prohibited material, which will require a special exception to the fence standards regulations.

LOCATION: 2016 Vilbig Road

APPLICANT: Juan Z. Davila

REQUEST:

A request for a special exception to the fence standards regulations is made to maintain a fence of a prohibited fence material (corrugated metal) on a site developed with, according to the Certificate of Occupancy, a "commercial parking lot or garage" use.

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: IR (Industrial/research)
North: CS (Commercial service)
South: R-7.5(A) (Single family residential 7,500 square feet)
East: R-7.5(A) (Single family residential 7,500 square feet)
West: PD 256 (Planned Development)

Land Use:

The subject site is developed with, according to the most recent Certificate of Occupancy, a “commercial parking lot or garage” use. The area to the north appears to be developed with a commercial use; the area to the east is undeveloped; the area to the south is developed with single family use; and the area to the west is developed with the City of Dallas Police Auto Pound.

Zoning/BDA History:

- | | |
|--|---|
| 1. Z189-225, Vilbig at Seale Street (the subject site) | An application for a Specific Use Permit was filed on this property on March 14, 2019 for a “commercial motor vehicle parking” use. This request is tentatively scheduled for a May 16, 2019 City Plan Commission public hearing. |
|--|---|

GENERAL FACTS/STAFF ANALYSIS:

- The request for a special exception to the fence standards regulations related to fence materials focuses on maintaining a fence of a prohibited fence material (corrugated metal) on a site developed with, with, according to the most recent Certificate of Occupancy, a “commercial parking lot or garage” use.
- Section 51A-4.602(a)(9) of the Dallas Development Code states that except as provided in this subsection, the following fence materials are prohibited:
 - Sheet metal;
 - Corrugated metal;
 - Fiberglass panels;
 - Plywood;
 - Plastic materials other than preformed fence pickets and fence panels with a minimum thickness of seven-eighths of an inch;
 - Barbed wire and razor ribbon (concertina wire) in residential districts other than an A(A) Agricultural District; and
 - Barbed wire razor ribbon (concertina wire) in nonresidential districts unless the barbed wire or razor ribbon (concertina wire) is six feet or more above grade and does not project beyond the property line.
- The applicant has submitted a revised site plan and revised elevation that represents the location of the existing corrugated metal fence on the property.
- The submitted elevation represents an 8’ high corrugated metal fence.
- The application states that the subject site is 2.17 acres. The submitted site plan represents that there is approximately 830 linear feet of prohibited fence material (corrugated metal fence) located on this property.
- The Board of Adjustment Chief Planner/Board Administrator conducted a field visit of the site and the surrounding area and noted no other fences of prohibited materials.
- As of April 5, 2019, no letters have been submitted in conjunctions with this request.
- The applicant has the burden of proof in establishing that the special exception to the fence standards regulations related to a prohibited fence material (corrugated metal) will not adversely affect neighboring property.

- If the Board were to grant the special exception and impose the submitted site plan and elevation as a condition, the fence of prohibited material on the property would be limited to what is shown on these documents.

Timeline:

February 19, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

March 11, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

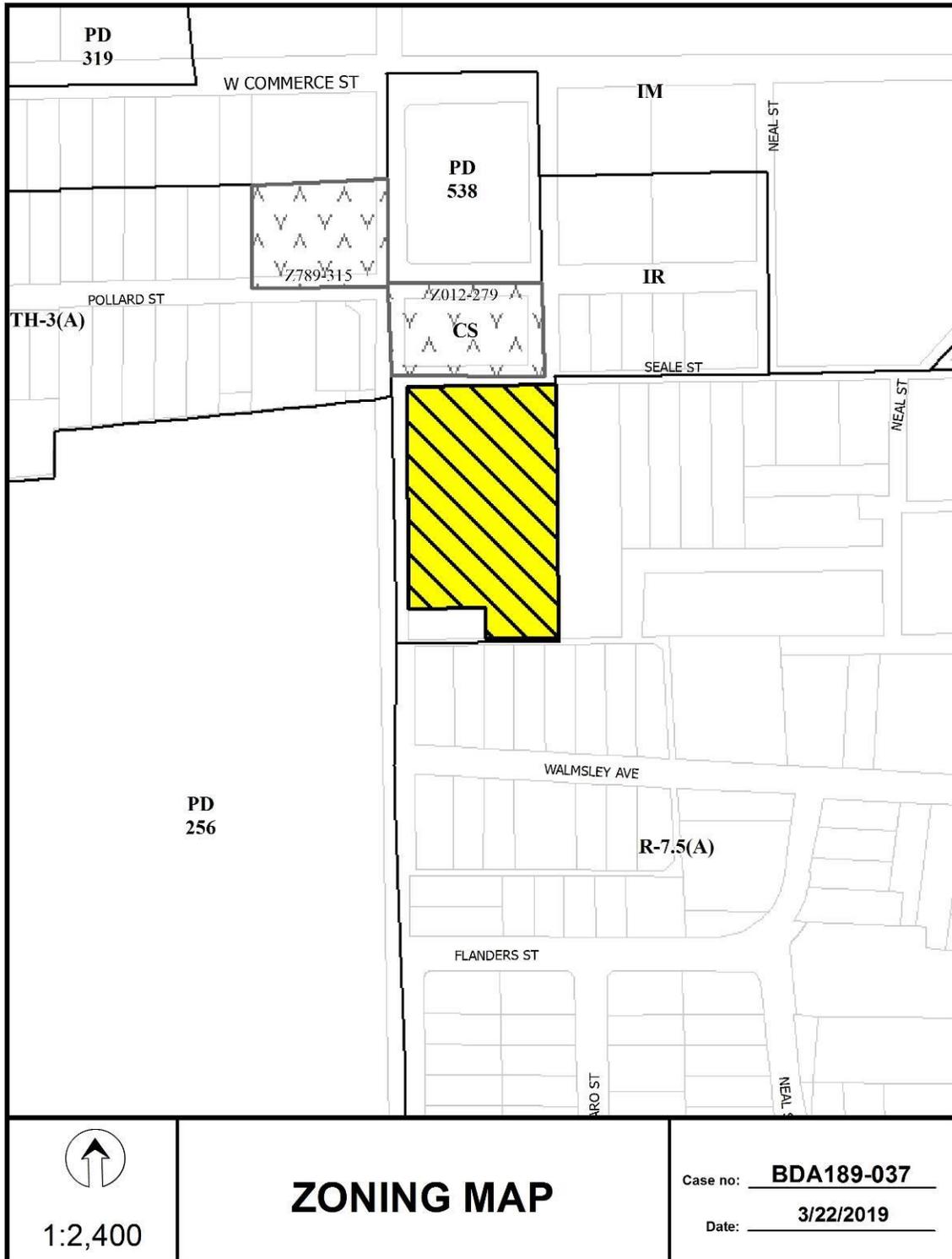
March 12, 2019: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the March 27th deadline to submit additional evidence for staff to factor into their analysis; and the April 5th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

March 18, 2019: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).

April 2, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, 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.

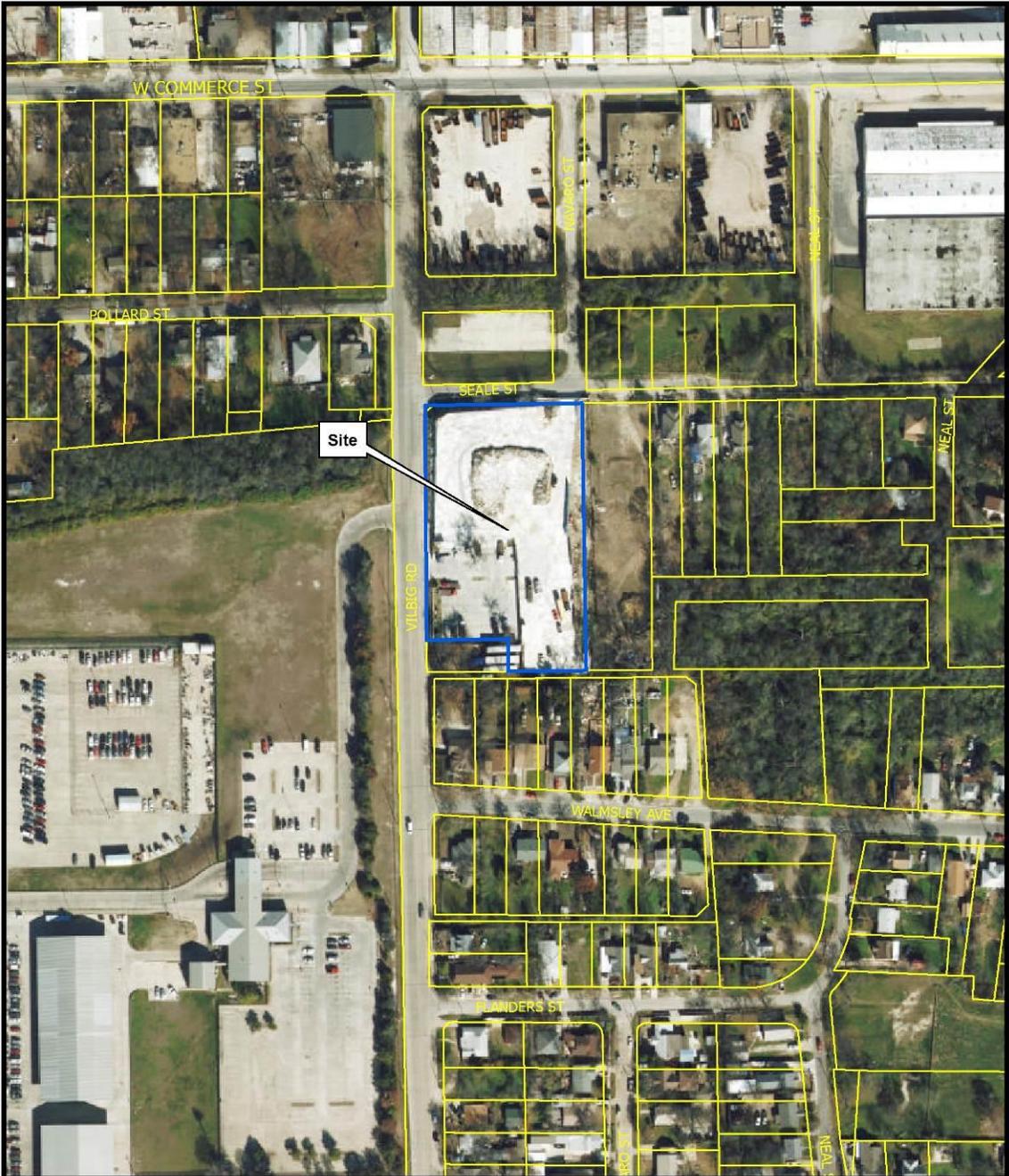


1:2,400

ZONING MAP

Case no: BDA189-037

Date: 3/22/2019



1:2,400

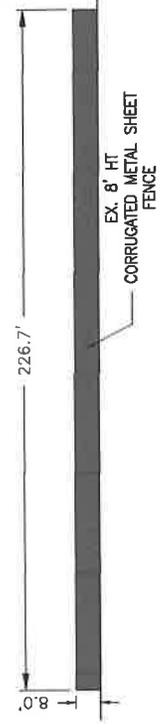
AERIAL MAP

Case no: BDA189-037

Date: 3/22/2019

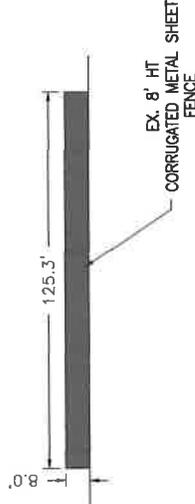
3-18

OWNER/CONTACT PERSON JUAN DAVILA CELL. 469-487-9135		PROJECT NO. 010145 DRAWN BY: NJL CHECKED: AS NOTED DATE: 02/18/19 SHEET NUMBER: SP-1.2	
LUNA DESIGN & DRAFTING PH: 469-487-9166 e-mail: luna.design12@gmail.com		2016 VILBIG RD DALLAS TX. 75208 FENCE ELEVATION PLAN	
REVISIONS BY DATE DESCRIPTION	No. DATE DESCRIPTION		



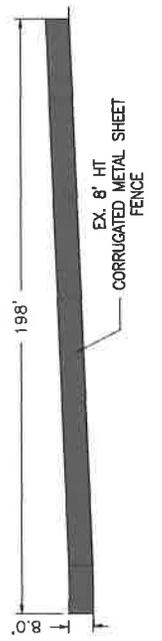
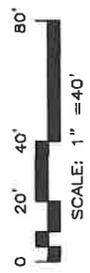
FENCING PERPENDICULAR TO THE ALLEY

SCALE: 1"=40'-0"



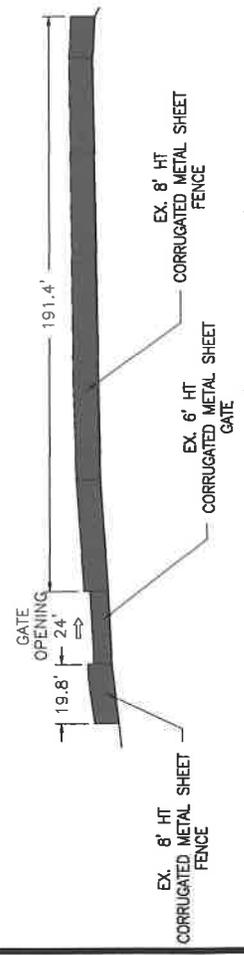
FENCING PERPENDICULAR TO VILBIG RD.

SCALE: 1"=40'-0"



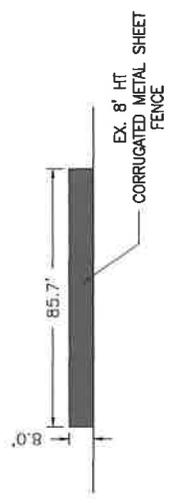
WEST-FACING FENCELINE (VILBIG RD.)

SCALE: 1"=40'-0"



NORTH-FACING FENCELINE (SEALE ST.)

SCALE: 1"=40'-0"



SOUTH-FACING FENCELINE (ALLEY.)

SCALE: 1"=40'-0"



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-037

Data Relative to Subject Property:

Date: 2-19-19

Location address: 2016 Vilbig Rd Zoning District: IR

Lot No.: 1 Block No.: 3960 Acreage: 2.17 Census Tract: 43.00

Street Frontage (in Feet): 1) 372.58' 2) 236.69' 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Juan Z. Davila

Applicant: Juan Z. Davila Telephone: 469-487-9135

Mailing Address: 115 N Justin Ave. Dallas TX Zip Code: 75211

E-mail Address: jdavila13@tx.rr.com

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance, or Special Exception X, of Standards Prohibited fence material, 8' Ht. corrugated metal sheet fence on Seale Street & portion of Vilbig Rd.

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:

Protection of property and business

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

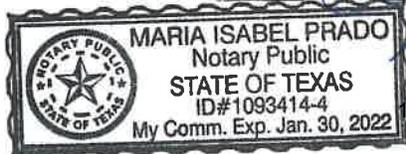
Before me the undersigned on this day personally appeared Juan Z. Davila (Affiant/Applicant's name printed)

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.

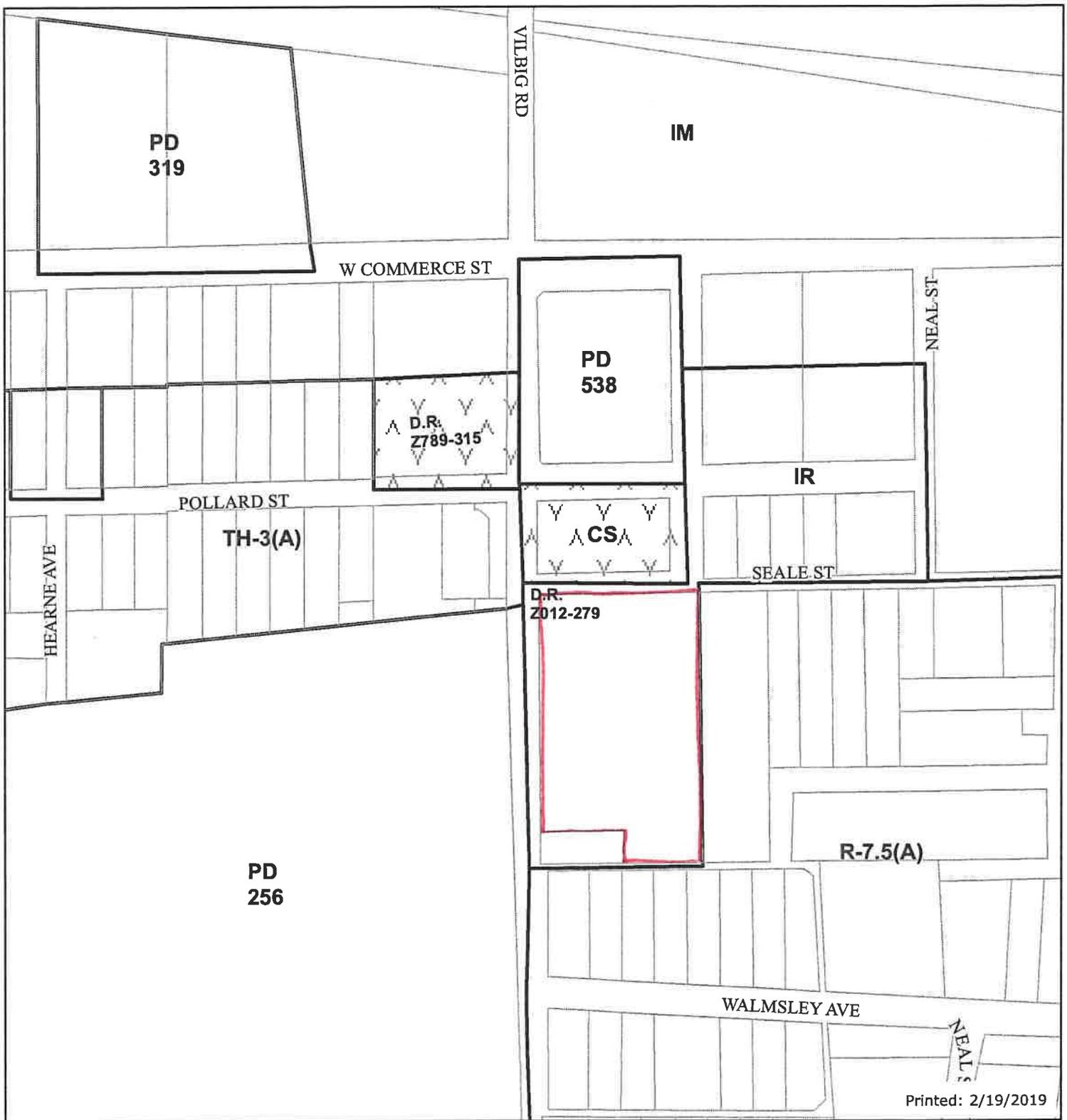
Respectfully submitted: Juan Davila (Affiant/Applicant's signature)

Subscribed and sworn to before me this 19th day of February, 2019

(Rev. 08-01-11)



Maria Isabel Prado Notary Public in and for Dallas County, Texas



Printed: 2/19/2019

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 | |

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)

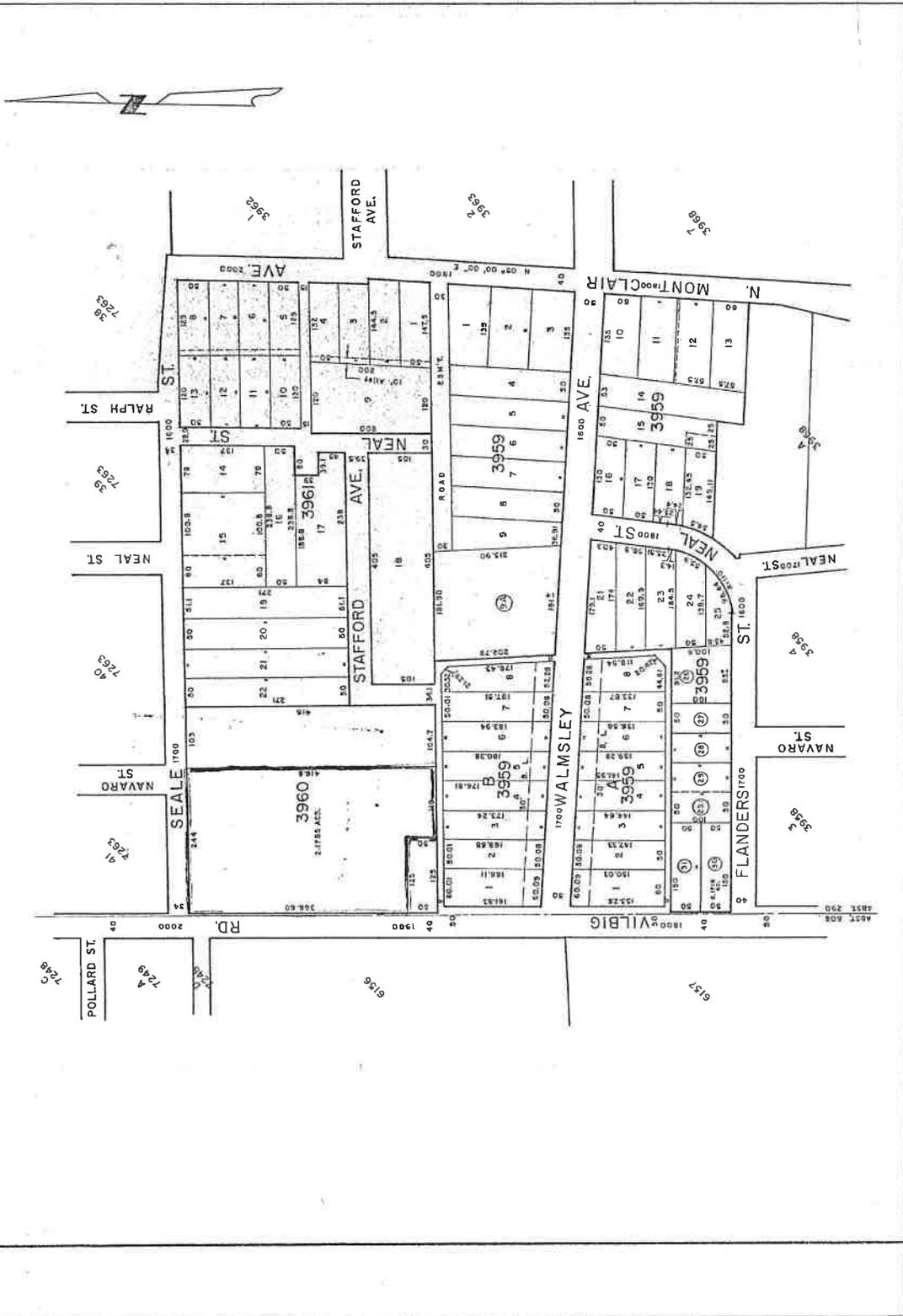


CITY OF DALLAS PLAT BOOKS

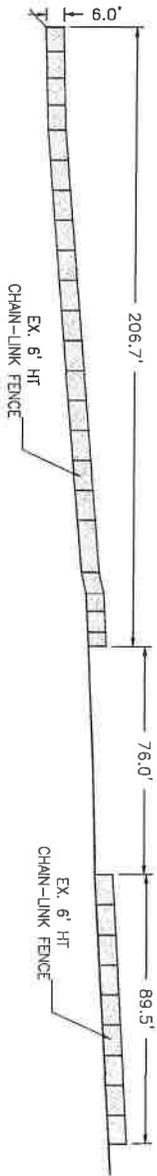
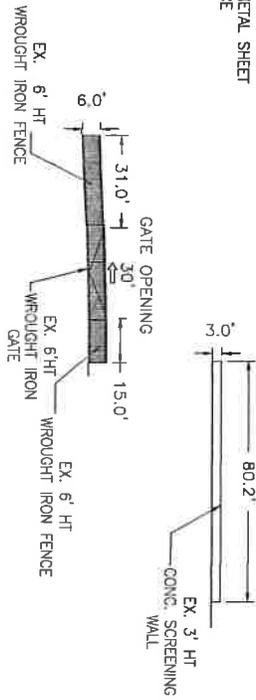
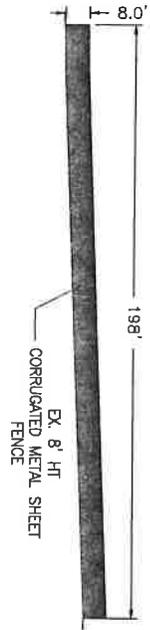
A-B
BLOCKS 3959, 3959, 3960, 3961
SCHOOL DISTRICT, DALLAS

ADDITION
SCALE 100 FT. EQUALS 1 INCH

SHIPPED 5/16/96 RECEIVED
DATE: APRIL 27, 1997 ORD. NO. 8659
SURVEY WILLIAMS COOMBS ABST. 290
FILED: 3-21-91 BLK. 3960 & 3961
FILED: 3-11-95 BLK. 3959 & A/B/3959

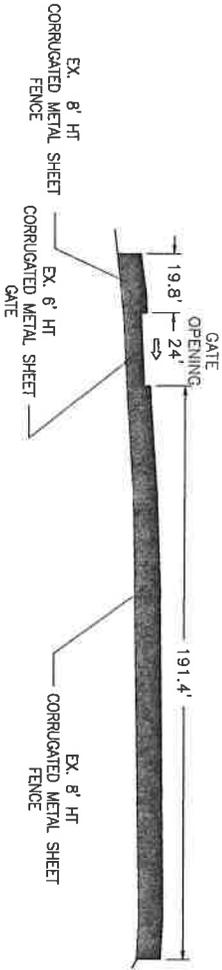


TRUE AND CORRECT
COPY OF RECORD
ON FILE IN CITY
SURVEYORS OFFICE
BY: *[Signature]*
DATE: 2-16-2019



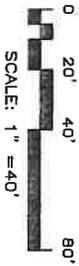
WEST-FACING FENCELINE (VILBIG RD.)

SCALE: 1"=40'-0"



NORTH-FACING FENCELINE (SEALE ST.)

SCALE: 1"=40'-0"



REVISIONS			
No.	DATE	DESCRIPTION	BY

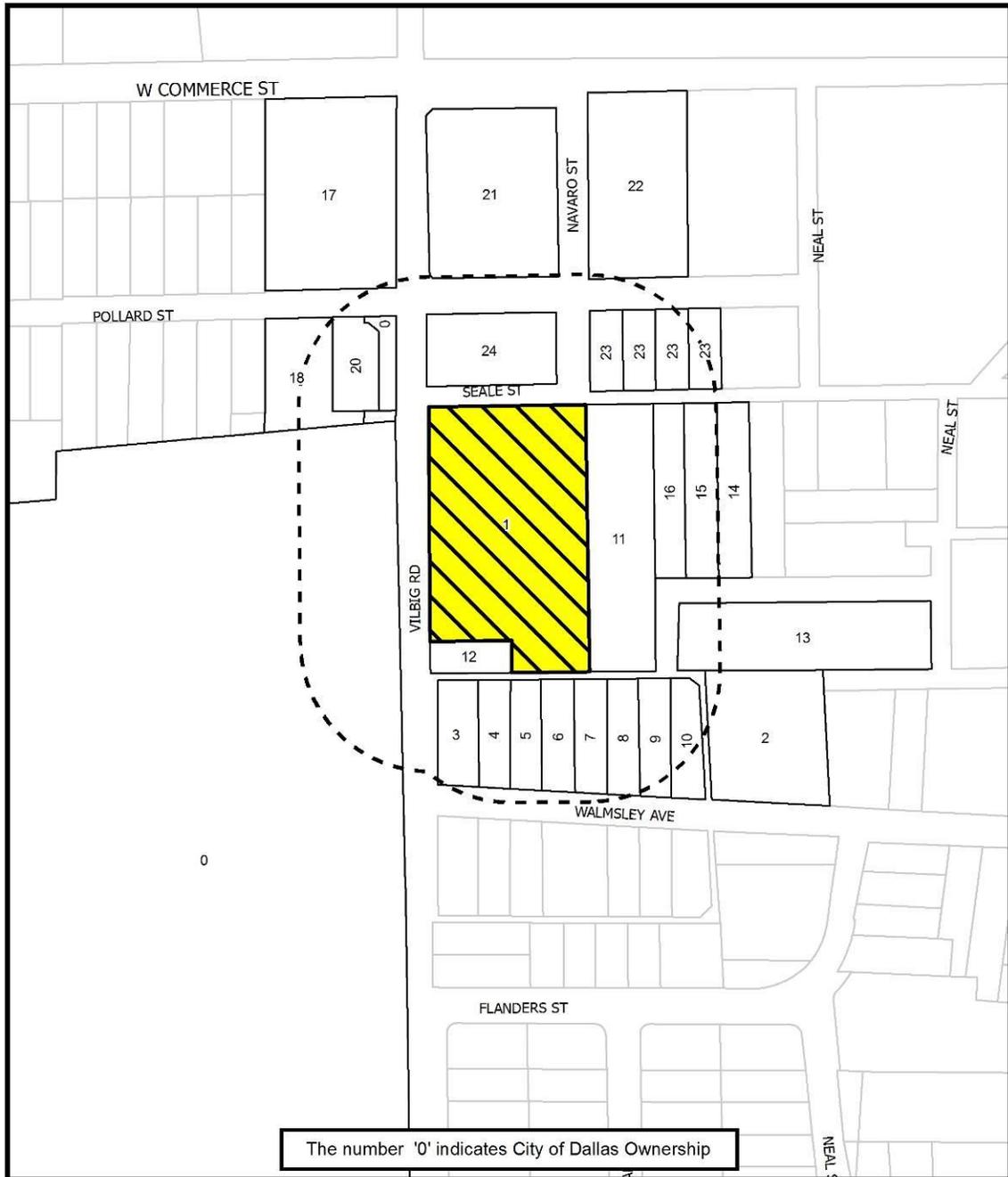
LUNA DESIGN & DRAFTING
 PH: 469-487-9166
 e-mail: luna.design12@gmail.com

OWNER / CONTACT PERSON
 JUAN DAVILA
 CELL. 469-487-9135

2016 VILBIG RD
 DALLAS TX. 75208
 FENCE ELEVATION PLAN

PROJECT NO.	0101-18
DRAWN BY	M.L.
CHECKED BY	AS/MSD
DATE	02/19/19
SCALE	AS SHOWN

SP-1.2



1:2,400

NOTIFICATION

200' AREA OF NOTIFICATION
24 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA189-037**

Date: **3/22/2019**

Notification List of Property Owners

BDA189-037

24 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2016 VILBIG RD	DAVILA JUAN Z
2	1625 WALMSLEY AVE	HMK LTD RP
3	1719 WALMSLEY AVE	VARELA FELIX
4	1715 WALMSLEY AVE	UNITED REPUBLIC PROPERTIES LLC
5	1711 WALMSLEY AVE	POSADA REGULO & MARIA
6	1707 WALMSLEY AVE	VARA MARIA
7	1703 WALMSLEY AVE	ALVARADO CARLOS & GLORIA
8	1629 WALMSLEY AVE	SANTACRUZ ANTONIO
9	1625 WALMSLEY AVE	HERRERA BENITO F &
10	1621 WALMSLEY AVE	MBC TEXAS LLC
11	1702 SEALE ST	MORIN JOSE L & MARIE C
12	1918 VILBIG RD	CORONADO VICTOR
13	1909 NEAL ST	HUMPHREY JAMES B
14	1620 SEALE ST	ESCALANTE GRACIELA C &
15	1628 SEALE ST	ROGERS TONY GARCIA
16	1632 SEALE ST	J C LEASING LLP
17	1804 W COMMERCE ST	HF COMMERCIAL PPTIES LLC
18	1810 POLLARD ST	GUERRERO AGUSTINA G
19	2000 VILBIG RD	LEFORS CHARLES M
20	1806 POLLARD ST	HERNANDEZ SUSAN M
21	1706 W COMMERCE ST	COMMERCIAL METALS COMPANY
22	1618 W COMMERCE ST	JUNG BUCK L & HELEN W
23	1625 SEALE ST	COMMERCIAL SCRAP MGMT CO
24	2011 NAVARO ST	RALPH THADOG LLC

FILE NUMBER: BDA189-044(SL)

BUILDING OFFICIAL'S REPORT: Application of Good Space LLC/David Spence, represented by Santos T. Martinez, for a special exception to the visual obstruction regulations at 604 N. Tyler Street. This property is more fully described as Lot 1, Block A/3108, and is zoned PD 830, which requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to locate and maintain items in a required visibility triangle, which will require a special exception to the visual obstruction regulations.

LOCATION: 604 N. Tyler Street

APPLICANT: Good Space, LLC/David Spence
Represented by Santos T. Martinez

REQUEST:

A request for a special exception to the visual obstruction regulations is made to locate, construct, and maintain portions of a fence, a column, and clear plastic sheets/windows that are part of a patio in the 20' visibility triangle on the south side of the driveway into the site from N. Tyler Street on a site that is developed with a retail structure.

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan and revised elevation is required.

Rationale:

- The Sustainable Development Department Senior Engineer has no objections to the request.
- Staff concluded that request for a special exception to the visual obstruction regulations should be granted (with the suggested conditions imposed) because the items to be located and maintained in the visibility triangle does not constitute a traffic hazard.

BACKGROUND INFORMATION:

Zoning:

Site: PD 830 (Subdistrict 6) (SUP 2238) (Planned Development, Specific Use Permit)
North: PD 160 (Planned Development)
South: PD 830 (Subdistrict 6) (Planned Development)
East: PD 830 (Subdistrict 6) (Planned Development)
West: PD 830 (Subdistrict 5) (Planned Development)

Land Use:

The subject site is developed with a retail structure. The areas to the north, south, east, and west are developed with retail or commercial uses.

Zoning/BDA History:

1. Z167-164, East side of North Tyler Street, between Fouraker Street and West Davis Street (the subject site)

On April 12, 2017, the City Council approved an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge, or tavern and a private club-bar on property zoned Subdistrict 6 (Davis Corridor) within PD 830. (Part of the conditions imposed with this request was a site plan, a time limit (4-12-2020), floor area (a maximum of 1,007 square feet), and hours of operation. (Note that the applicant's representative was advised on April 2, 2019, that because his request to the Board of Adjustment for a special exception to the visual obstruction regulations involves increasing the floor area, he will have to go about the zoning public hearing process of amending the SUP currently on the property).

GENERAL FACTS/STAFF ANALYSIS:

- The request focuses on locating, constructing, and maintaining portions of a fence, a column, and clear plastic sheets/windows that are part of a patio in the 20' visibility triangle on the south side of the driveway into the site from N. Tyler Street on a site that is developed with a retail structure.

- Section 51A-4.602(d) of the Dallas Development Code states the following: a person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections, and 20 foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
 - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- The property is located in PD 830 which does not provide any visual obstruction regulations. As a result, the provisions in the Dallas Development Code applies, which in this case. requires a 20 foot visibility triangle at drive approaches.
- A site plan and a revised elevation have been submitted indicating part of a fence, a column, and clear plastic sheets/windows that is proposed to be located in the 20' visibility triangle on the south side of the driveway into the site from N. Tyler Street.
- The Sustainable Development Department Senior Engineer submitted a review comment sheet marked "Has no objections".
- The applicant has the burden of proof in establishing how granting this request to locate and maintain part of a fence, a column, and clear plastic sheets/windows in the 20' visibility triangle on the south side of the driveway into the site from N. Tyler Street does not constitute a traffic hazard.
- Granting this request with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the item to be located and maintained in the 20' visibility triangle at the south side of the driveway into the site from N. Tyler Street to that what is shown on these documents – part of a fence, a column, and clear plastic sheets.

Timeline:

February 19, 2019: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

March 11, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

March 12, 2019: The Board Administrator/Chief Planner emailed the applicant's representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the March 27th deadline to submit additional evidence for staff to factor into their analysis; and the April 5th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

March 24 & 27,
and April 1,
2019:

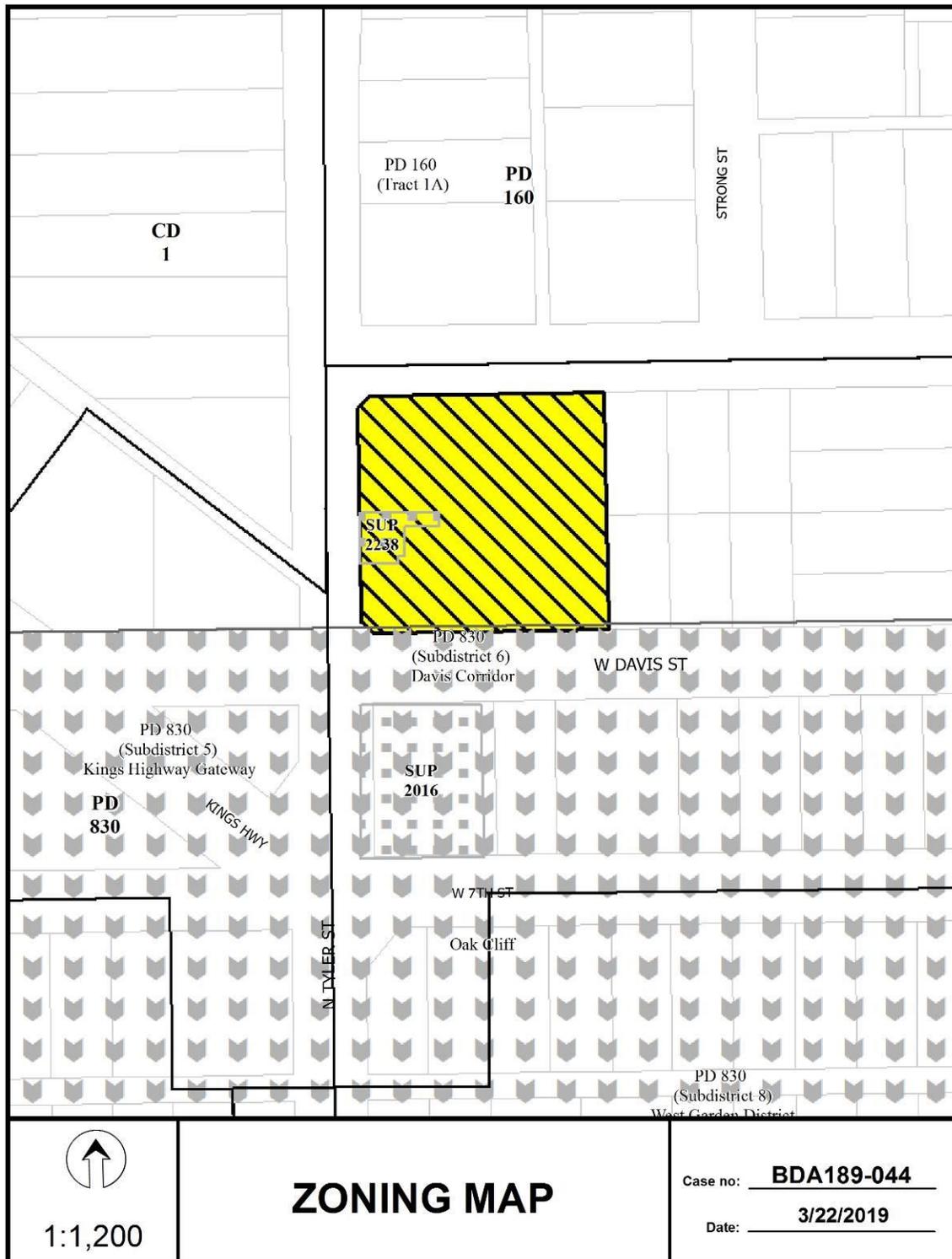
The applicant's representative submitted additional documentation on this application beyond what was submitted with the original application (see Attachments A, B, and C).

April 2, 2019:

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

April 3, 2019:

The Sustainable Development Department Senior Engineer submitted a review comment sheet marked "Has no objections".





1:1,200

AERIAL MAP

Case no: BDA189-044

Date: 3/22/2019

BDA189-044

ATTACH A PS 1

Long, Steve

From: santos@lasierrapg.com
Sent: Sunday, March 24, 2019 9:46 PM
To: Long, Steve
Subject: BDA 189-044
Attachments: BDA 189-044 elevations.pdf; BDA 189-044 site plan.pdf; exiting drive approach.jpg; 20190321_165801.jpg

Steve,

I have attached a few items to help assist with the review of this case.

PDD 830 does not utilize a conceptual plan or require development plans for property within its boundaries (Sec 51P-830.107 51P-830.108)

SUP 2238 allows a patio in the area of this request. The only provision listed in the SUP regarding an outdoor patio is that it cannot exceed 350 square feet. There are no restrictions on whether or not it can be covered.

The proposed fencing already exists on the site. It includes bench seating and is located just outside of the visibility triangle. I have included a photo that shows the existing elements. We do intend to construct a roof over the patio in accordance with approved plans.

As you can see in the attached exhibits, most of the proposed enclosed and covered patio is allowed within this area with the exception of those elements over 2.5' and less than 8'. I have attached a marked elevation and site plan to show the areas that are within the restricted areas.

I will also prepare a letter highlighting the elements of our request for your review.

Please let me know if you have any questions with these items.

Thanks,

Santos T. Martinez
President
La Sierra Planning Group
(214) 684-2775
www.lasierrapg.com

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BDA 189-044 Altan A pg 2

DAVID FISHER + ARCHITECTS, INC.
Architectural - Interiors - Planning
905 SYLVANIA DRIVE DALLAS, TEXAS 75218
(214) 227-8308 CELL (214) 522-4741

TINY VICTORIES
602 TYLER STREET
Dallas, Texas



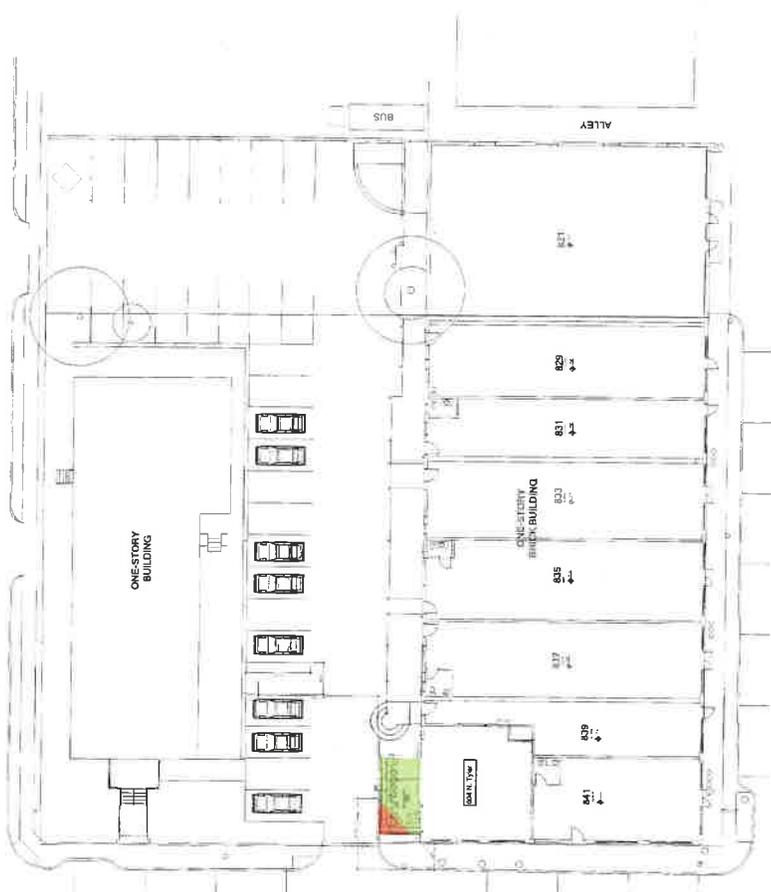
NO.	DATE	DESCRIPTION
1	12/12/11	PRELIMINARY
2	12/13/11	REVISED
3	12/14/11	REVISED
4	12/15/11	REVISED
5	12/16/11	REVISED
6	12/17/11	REVISED
7	12/18/11	REVISED
8	12/19/11	REVISED
9	12/20/11	REVISED
10	12/21/11	REVISED
11	12/22/11	REVISED
12	12/23/11	REVISED
13	12/24/11	REVISED
14	12/25/11	REVISED
15	12/26/11	REVISED
16	12/27/11	REVISED
17	12/28/11	REVISED
18	12/29/11	REVISED
19	12/30/11	REVISED
20	12/31/11	REVISED

DATE: JAN 28, 2012
SHEET NO.

A1.01

DATE PLOTTED: 01/28/12

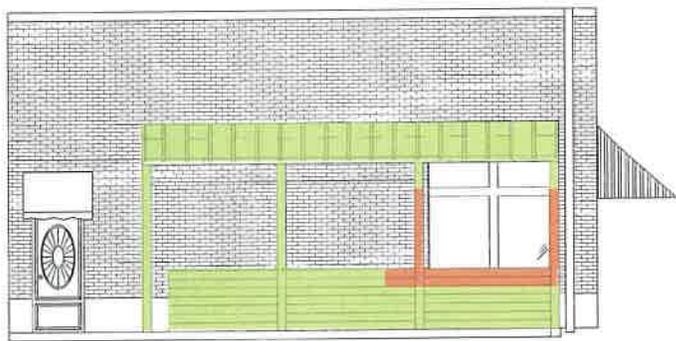
FOURAKER STREET



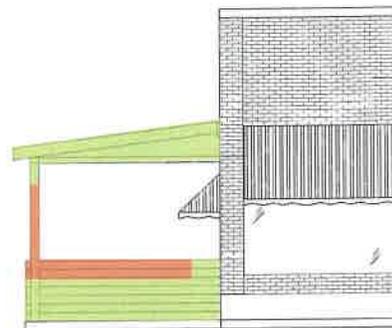
TYLER STREET

DAVIS STREET

01 SITE PLAN
SCALE: 1/8" = 1'-0"



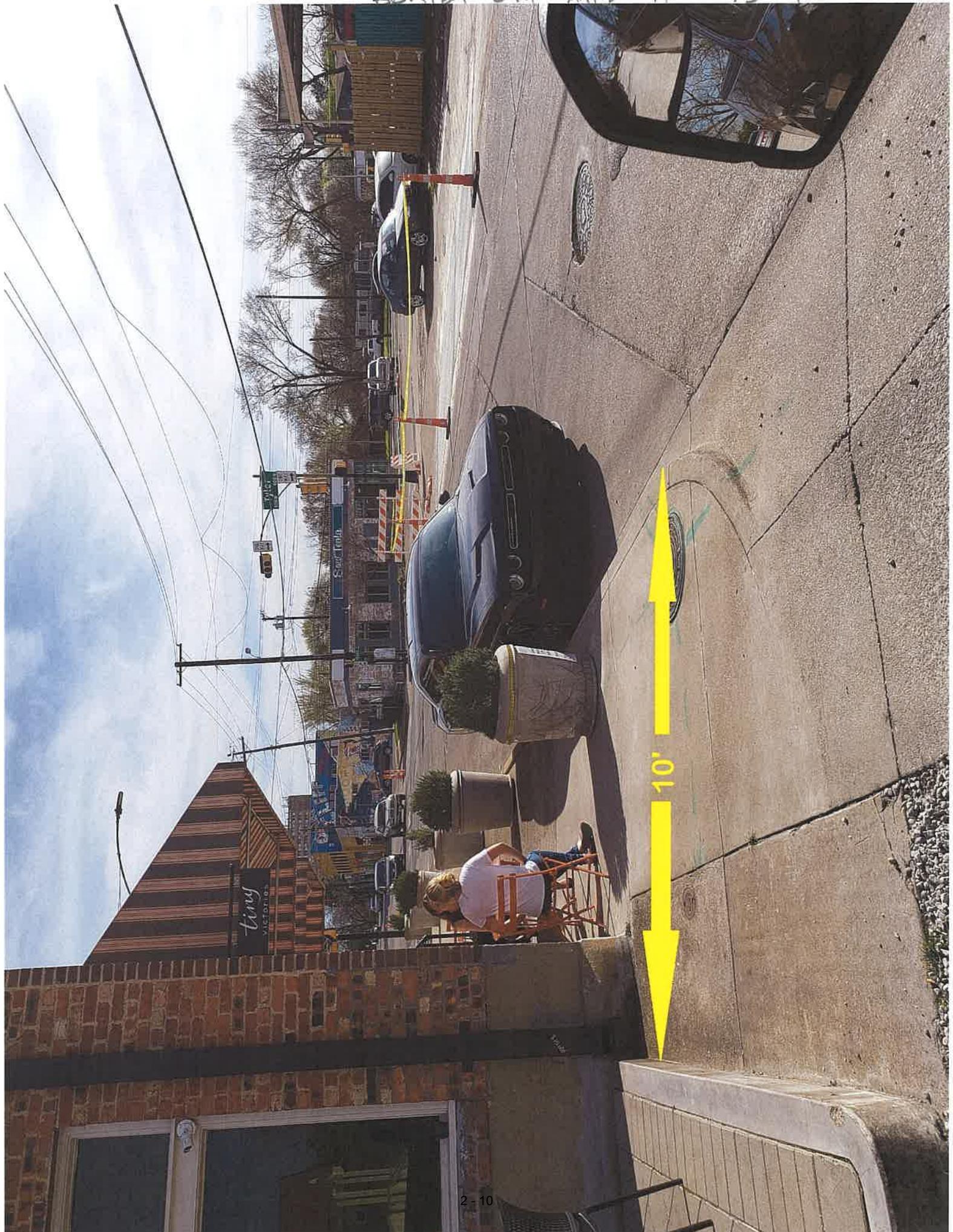
FRONT



RIGHT

604 N. TYLER ST

ELEVATION PLAN	SCALE	DATE	SHEET
	3/16"=1'0"	01/30/18	004



tiny victories



BDA 189-044

Attch B
PS 1



March 26, 2019

Mr. Steve Long
City of Dallas
Board of Adjustment Administrator
1500 Marilla, 5BN
Dallas, TX 75201

RE: BDA 189-044

Dear Mr. Long,

We are seeking approval to construct an enclosed patio within portions of the visibility triangle generated by an existing drive approach. The property owner was successful in securing a specific use permit for an alcoholic beverage establishment or private club with an attached patio. The conditions of SUP 2238 do not restrict the patio from being covered or enclosed. The existing brick building does not have any portions located within the visibility triangle.

A wooden fence with bench seating is currently located on the patio, but outside of the visibility triangle. This request is to move this seating to the edge of open patio where there are currently tables and chairs. The property owner seeks to add a roof over the patio. The columns of the roof will be of wood as well. During inclement weather, the property owner will slide transparent plastic panels in the openings between the wooden fence and the new roof.

The property is located within PDD 830 which allows all uses to count any striped on street parking towards the required parking for uses on the property. The property currently has seven (7) parking spaces available for patrons along Tyler Street. Although the visibility triangle is typically counted from the curb line, we believe there is an additional 8 feet that a vehicle must account for before it can enter the drive lane of Tyler Street. A vehicle exiting onto Tyler Street must also take into account the traffic signal at the intersection of Tyler Street and Davis Street that is approximately 100' to the south. Traffic along Tyler Street is one way in this block (northbound only).

Our elevation exhibit shows that the portion of the request is limited to the areas in red. Most of the bench seating and fence are located within the allowable heights (they are highlighted in green). The portions located in red are limited to the support columns and the upper portions of the fencing (identified in red). Since the existing structure does not fall within the visibility triangle, there is also an area of the proposed fencing that is outside of the triangle as well near the existing façade (noted in green on the attached site plan).

The placement of this enclosed patio is ten feet from the existing curb. There is a 7.5' sidewalk between the building façade and the curb line. The patio sits another 2.5' behind the façade. Drivers that are exiting the property onto Tyler Street can see pedestrians and oncoming traffic without obstructions.

BDA189-044
Attach B
p02



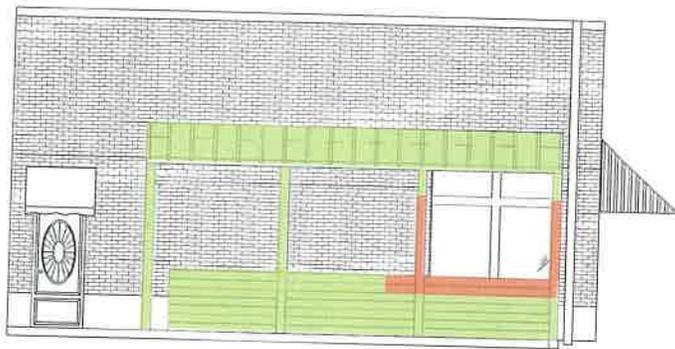
For your review, I have included photos of the existing patio and wooden bench seating. I have marked the areas that would be within the visibility triangle standards if the structure were to be moved to its proposed location.

Please let me know if you may need any additional items or clarification of these exhibits.

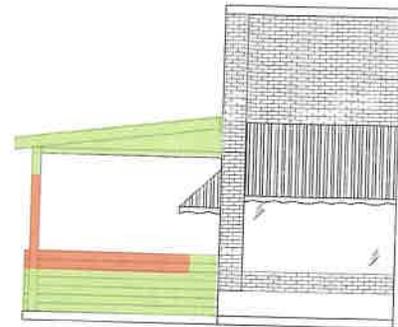
Sincerely,

Santos T. Martinez
Authorized representative

604-189-044
Att. 2 B
Pg 4



FRONT



RIGHT

604 N. TYLER ST			
ELEVATION PLAN	SCALE	DATE	SHEET
	3/16"=1'0"	01/30/18	004

60A189-044
A44h B
P99



BDA 183-044

Attch B

pg 4



BDA189-044

Attch B

p57



BDA 189-044
Attach C

Long, Steve

From: santos@lasierrapg.com
Sent: Monday, April 01, 2019 10:13 PM
To: Long, Steve
Subject: BDA 189-044
Attachments: BDA 189-044 elevation with plastic coverings in openings.pdf

PS 1

Steve,

Per our conversation this afternoon, I have attached an additional exhibit for this request. The property owner indicated that during inclement weather, they seek to place clear plastic sheets in the openings. I have marked an exhibit to show what portions would be within the visibility triangle portions. Again, it is a clear plastic that is transparent but portions would be within the 2'6"-8' mark. I have only marked these portions as the remainder would be transparent.

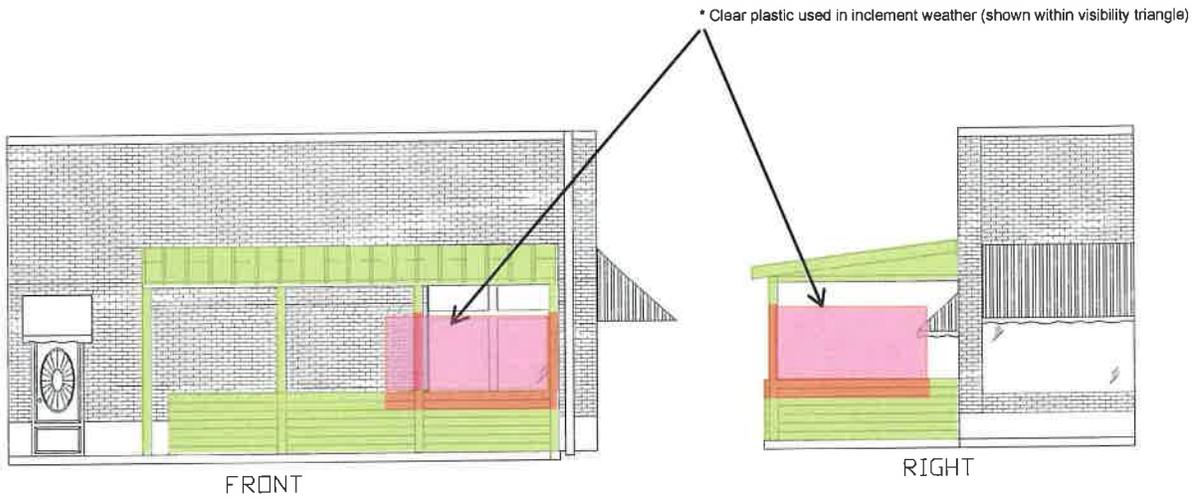
I mentioned in my narrative that the property owner would like to have this allowance.

Please let me know if you may need any other items regarding this request.

Thanks,

Santos T. Martinez
President
La Sierra Planning Group
(214) 684-2775
www.lasierrapg.com

The information contained in this e-mail message is intended only for the personal and confidential use of the recipient named above. La Sierra Planning Group does not provide legal advice. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message. Unless expressly stated this message should not be construed as a digital or electronic signature.



604 N. TYLER ST			
ELEVATION PLAN	SCALE	DATE	SHEET
	3/16"=1'0"	01/30/18	004



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-044

Data Relative to Subject Property:

Date: 2-19-19

Location address: 604 N. Tyler Zoning District: PDD 830

Lot No.: 1 Block No.: A/3108 Acreage: .8838 ac. Census Tract: 42.01

Street Frontage (in Feet): 1) 173' 2) 380' 3) 380' 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Good Space X LLC

Applicant: Good Space LLC / DAVID SPENCE Telephone: _____

Mailing Address: 408 W. 8th Street #103 Dallas, Texas Zip Code: 75208

E-mail Address: _____

Represented by: Santos T. Martinez Telephone: 214-684-2775

Mailing Address: P.O. Box 1275 Angel Fire, NM Zip Code: 87710

E-mail Address: santos@lasierrapg.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of visibility triangle

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: property owner seeks to maintain a patio with fence and roof located within the visibility triangle. The existing sidewalk and parallel parking along Tyler Street still provides adequate spacing for vehicles to identify oncoming traffic prior to entering the right of way. Tyler Street is a one way street with a controlled intersection half a block from this request.

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 TELY 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)

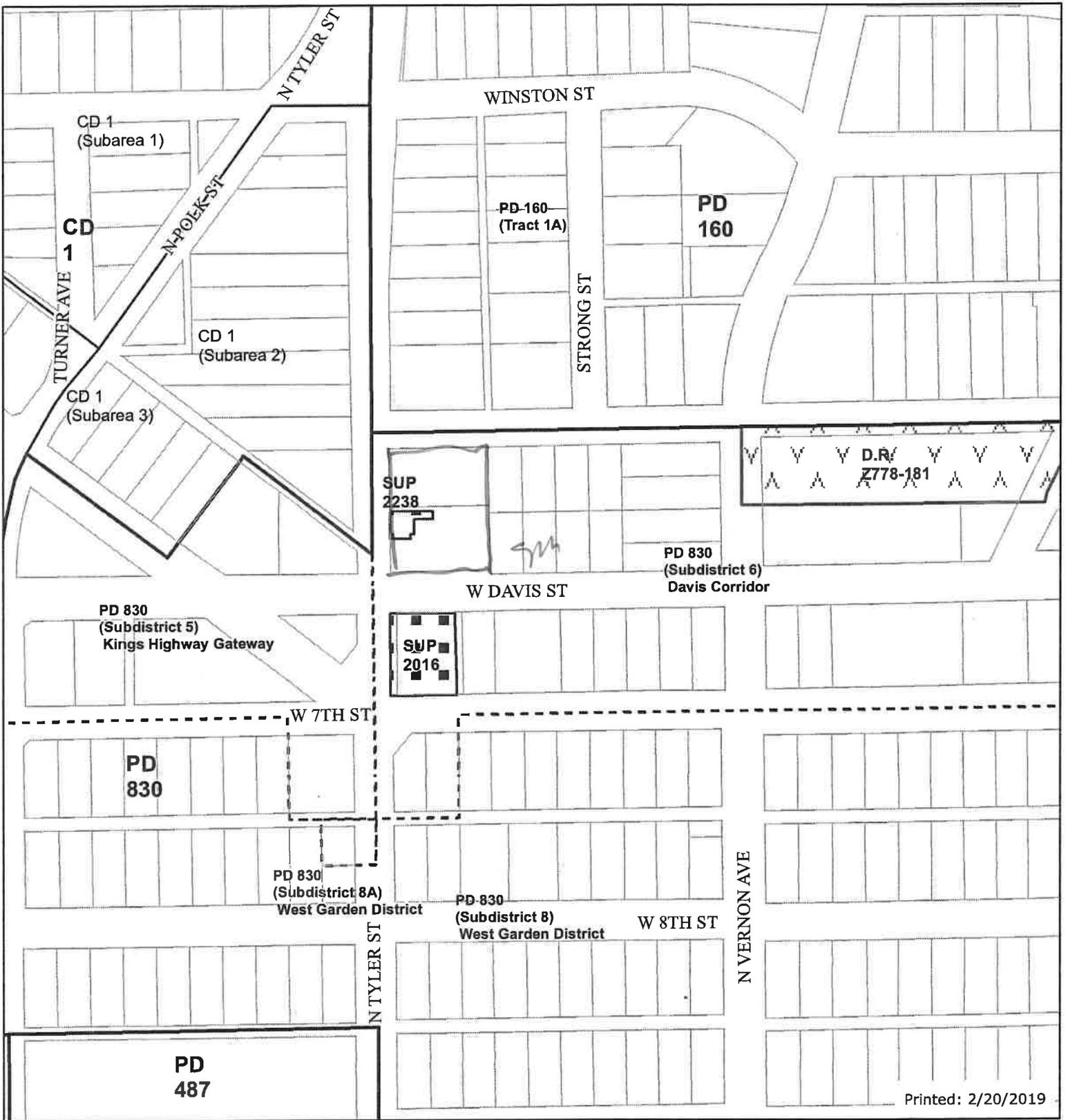
Subscribed and sworn to before me this 19 day of February, 2019

(Rev. 08-01-11)



Notary Public in and for Dallas County, Texas

[Signature]



Printed: 2/20/2019

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 | |

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)

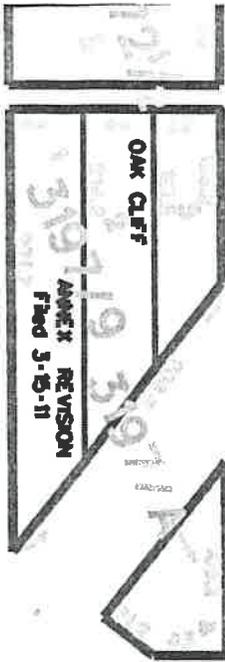




HWY.

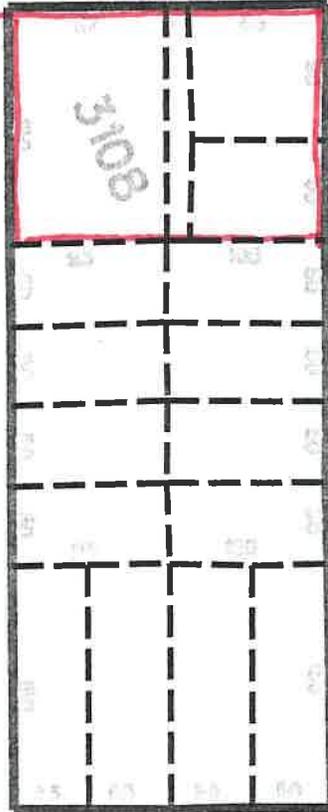
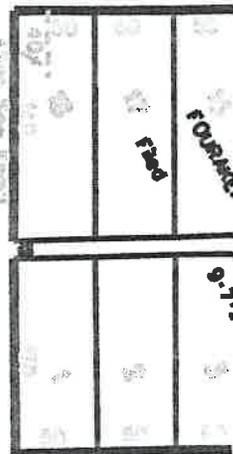
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600 TYLER 600

8 FOURAKER

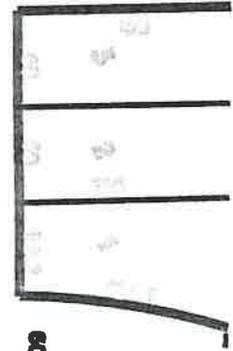


ASST. 1011
ASST. 770

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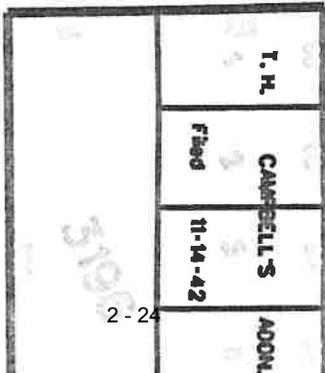
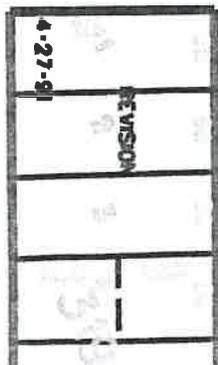
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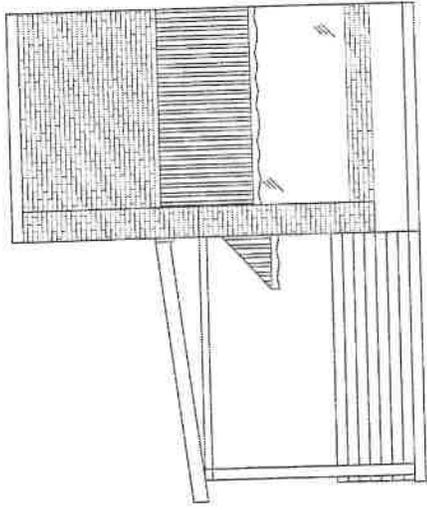


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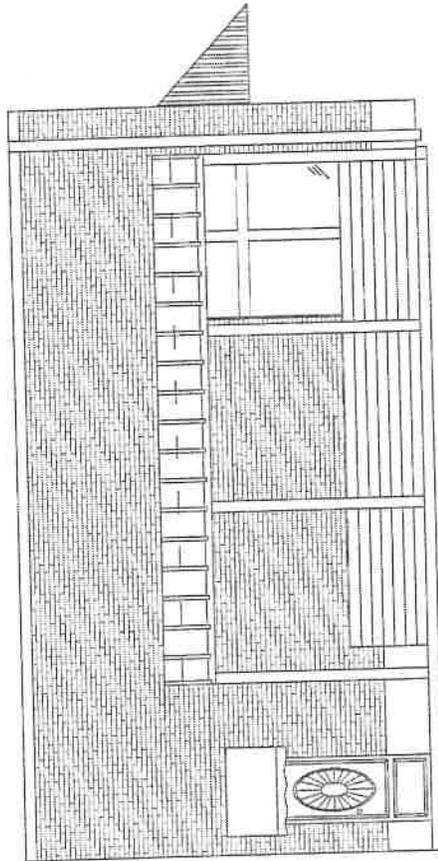
VERNON



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RIGHT

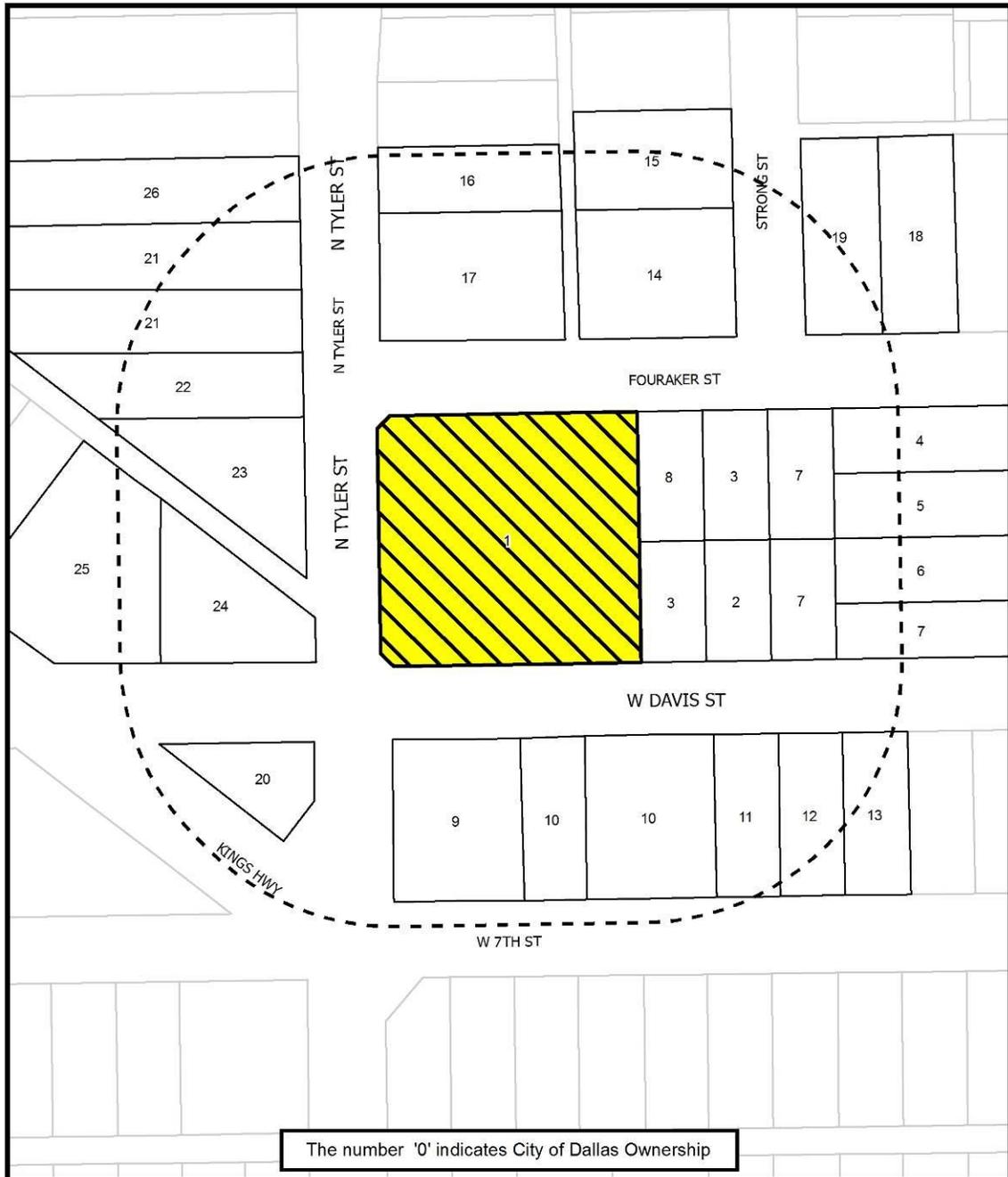


FRONT

604 N. TYLER ST

ELEVATION PLAN

SCALE	DATE	SHEET
3/16"=1'0"	01/30/18	004



 1:1,200	NOTIFICATION		Case no: BDA189-044
	200' 26	AREA OF NOTIFICATION NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 3/22/2019

Notification List of Property Owners

BDA189-044

26 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	600 N TYLER ST	GOOD SPACE X LLC
2	817 W DAVIS ST	VALPARAISO HOLDINGS LLC
3	819 W DAVIS ST	VALPARAISO HOLDINGS LLC
4	613 N VERNON AVE	ROSAS CONNIE
5	609 N VERNON AVE	ANGEL 11 11 LLC
6	605 N VERNON AVE	ANGEL 11 11 LLC
7	803 W DAVIS ST	ANGEL 11 11 LLC
8	820 FOURAKER ST	VALPARAISO HOLDINGS LLC
9	833 W 7TH ST	GIURA PETER
10	828 W DAVIS ST	828 DAVIS LLC
11	830 W DAVIS ST	PATTERSON RONALD M &
12	813 W 7TH ST	PATTERSON RONALD M &
13	810 W DAVIS ST	J & PD LLC
14	623 STRONG ST	TEJADA JESUS S &
15	633 STRONG ST	TRINITY PREFERRED PROPERTIES
16	628 N TYLER ST	RAMIREZ RICARDO
17	624 N TYLER ST	ANDREW GONZALES
18	807 FOURAKER ST	GUZMAN JUAN M
19	813 FOURAKER ST	GUZMAN GUADALUPE
20	900 W DAVIS ST	TYLER ARTS DISTRICT INVESTMENTS LLC
21	625 N TYLER ST	GRBK FRISCO LLC
22	617 N TYLER ST	617 N TYLER ST LLC
23	611 N TYLER ST	SALINAS SALVADOR &
24	901 W DAVIS ST	WILSON VERNON E
25	1001 KINGS HWY	RAHIM TAISER
26	629 N TYLER ST	MONROY MARY ANGELES

03/22/2019

Label # Address

Owner

FILE NUMBER: BDA189-040(SL)

BUILDING OFFICIAL'S REPORT: Application of Michael Wilmoth for a variance to the off-street parking regulations at 1107 N. Edgefield Avenue. This property is more fully described as Lot 16, Block D/3788, and is zoned CD 13 (subarea 2), which requires a parking space to be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to locate and maintain parking spaces in an enclosed structure with a setback of 5 feet, which will require a variance of 15 feet to the off-street parking regulations.

LOCATION: 1107 N. Edgefield Avenue

APPLICANT: Michael Wilmoth

REQUEST:

A request for a variance for to the off-street parking regulations of 15' is made to replace an existing approximately 360 square foot garage with parking spaces in it that are accessed from N. Edgefield Avenue to the east with a new approximately 650 square foot garage with parking spaces in it that would be accessed from the alley to the west – parking spaces in this new enclosed structure/garage that would be located 5' from the right-of-way line adjacent to the alley or 15' into the 20' required distance these enclosed parking spaces must be from the alley right-of-way line on a site developed with a single family home.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Denial

Rationale:

- While granting this request does not appear to be contrary to the public interest in that the Sustainable Development and Construction Senior Engineer has no objections, staff recommends that this request be denied because the applicant had not substantiated how the variance is necessary to permit development of this somewhat sloped, rectangular in shape, and approximately 7,700 square site (which prior to the creation of CD 13 in 2005, had been zoned R-7.5(A) where the typical lot size is 7,500 square feet) in a manner commensurate with the development upon other parcels of land with the same CD 13 (Subarea 2) zoning. The features of the site has not restricted it from being developed with a single family home and detached garage that complies with code including off-street parking regulations.

BACKGROUND INFORMATION:

Zoning:

Site: CD 13 (Subarea 2) (Conservation District)
North: CD 13 (Subarea 2) (Conservation District)
South: CD 13 (Subarea 2) (Conservation District)
East: CD 13 (Subarea 2) (Conservation District)
West: CD 13 (Subarea 2) (Conservation District)

Land Use:

The subject site is developed with a single family home. The areas to the north, south, east, and west are developed with single family 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 (parking variance):

- This request for a variance to the off-street parking regulations of 15' focuses on replacing an existing approximately 360 square foot garage with parking spaces in it that are accessed from N. Edgefield Avenue with a new approximately 650 square foot garage with parking spaces in it that would be accessed from the alley – parking spaces in this new enclosed structure/garage that would be located 5' from the right-of-way line adjacent to the alley or 15' into the 20' required distance these enclosed

parking spaces must be from the alley right-of-way line on a site developed with a single family home.

- Section 51(A)-4.301(a)(9) of the Dallas Development Code states that a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in enclosed structure and if the space faces upon or can be entered directly from a street or alley.
- The submitted site plan denotes the location of parking spaces in an enclosed structure (the new garage) 5' from the alley right-of-way line or 15' into the 20' setback line that an enclosed parking space must be from this right-of-way line.
- DCAD records indicate the following for the property addressed at 1107 N. Edgefield Avenue: "main improvement" – a structure with 2,605 square feet of total area/living area built in 1925; and "additional improvement" – a 400 square foot detached garage.
- The subject site is somewhat sloped, rectangular in shape, and is approximately 7,700 square feet in area. Prior to the creation of CD 13 in 2005, the subject site and surrounding properties had been zoned R-7.5(A) where the typical lot size is 7,500 square feet.
- The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked "Has no objections".
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the off-street parking regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same CD 13 (Subarea 2) 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 CD 13 (Subarea 2) zoning classification.
- If the Board were to grant the request for a variance of 15', staff recommends imposing the following conditions:
 1. Compliance with the submitted site plan is required.
 2. An automatic garage door must be installed and maintained in working order at all times.

(These conditions are imposed to help assure that the variance will not be contrary to the public interest).

Timeline:

February 7, 2019: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

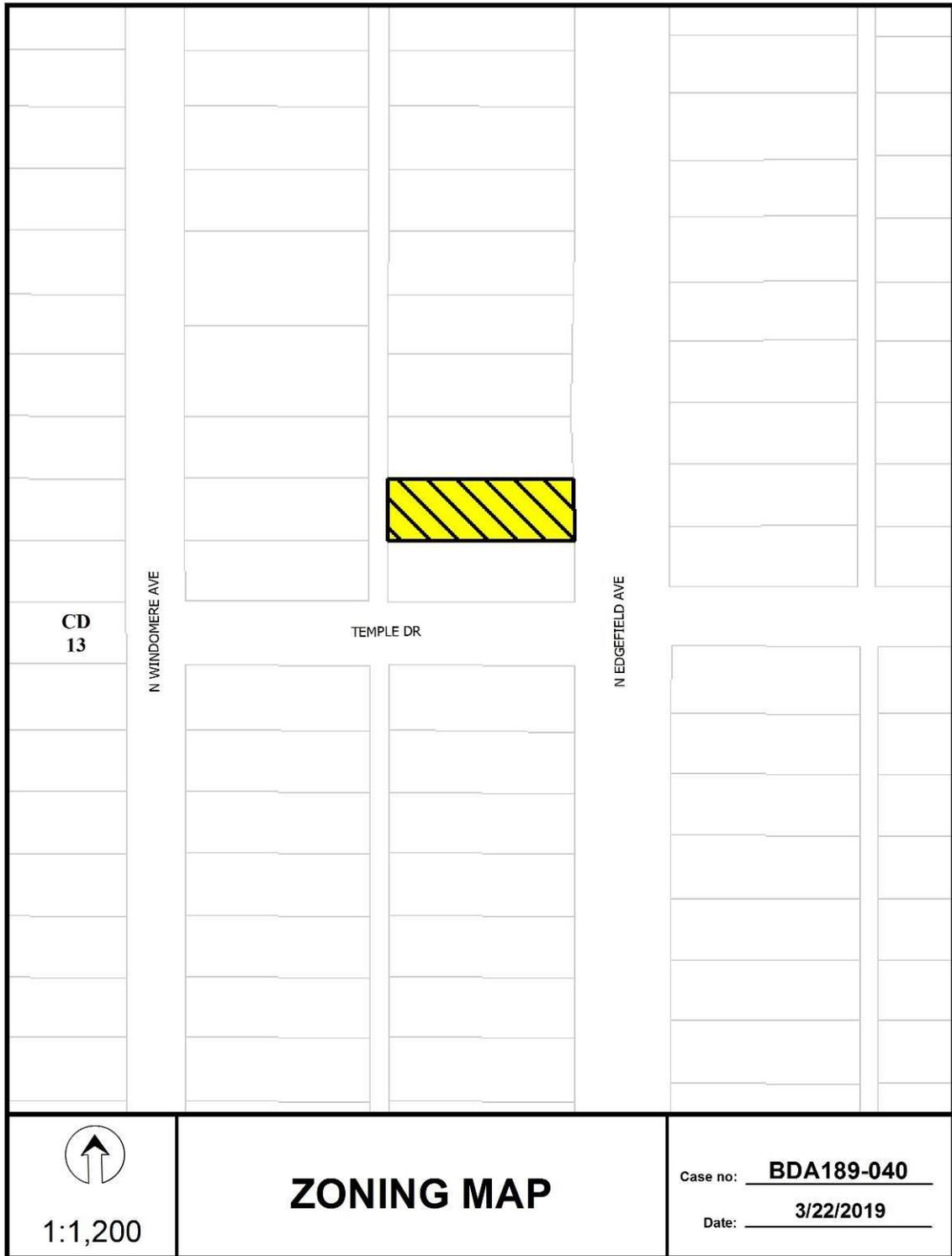
March 11, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

March 12, 2019: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the March 27th deadline to submit additional evidence for staff to factor into their analysis; and the April 5th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

April 2, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board

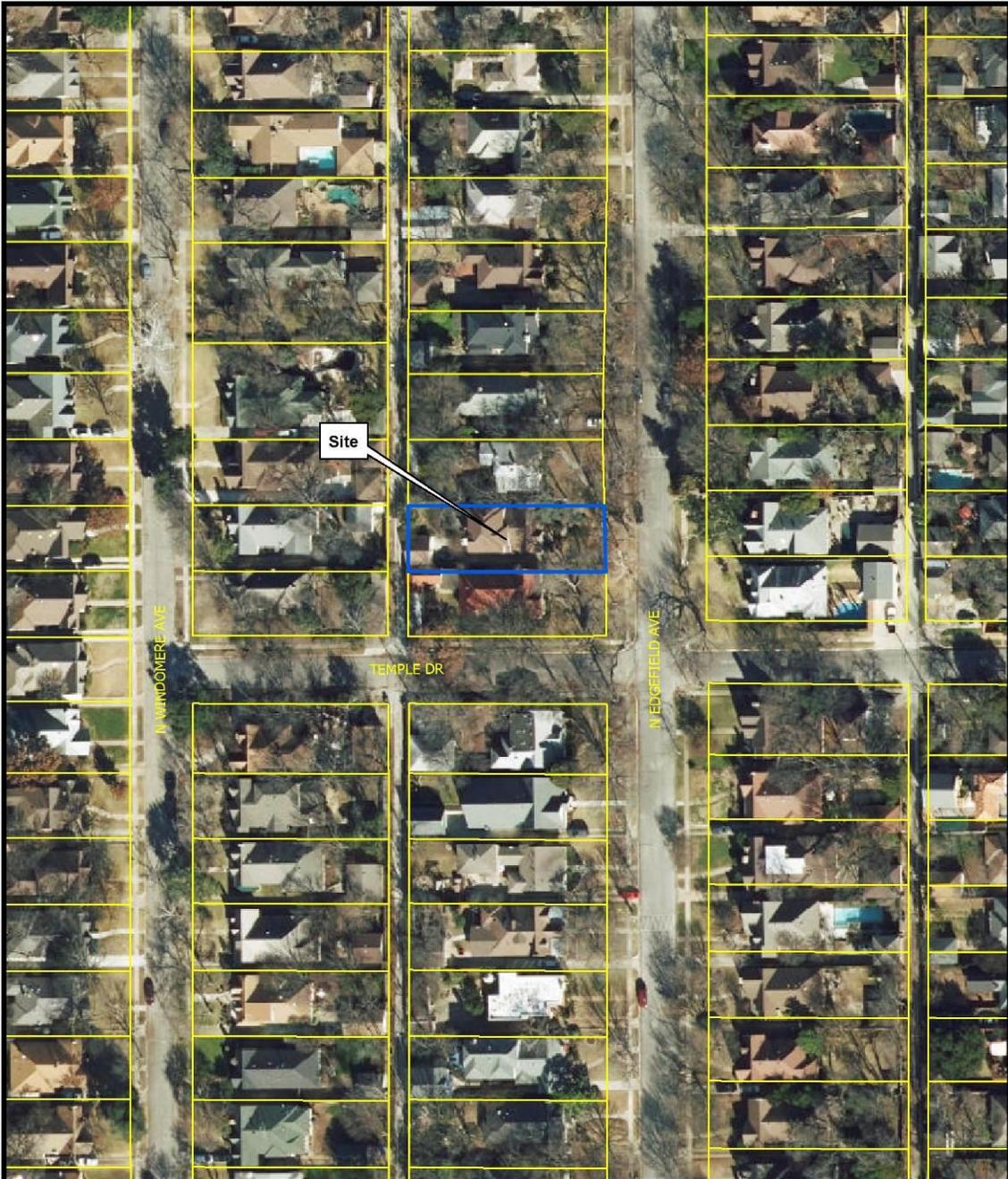
April 3, 2019: The Sustainable Development and Construction Senior Engineer submitted a review comment sheet marked "Has no objections".




 1:1,200

ZONING MAP

Case no: BDA189-040
 Date: 3/22/2019



1:1,200

AERIAL MAP

Case no: BDA189-040

Date: 3/22/2019



City of Dallas

4

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-040

Data Relative to Subject Property:

Date: 2/7/2019

Location address: 1107 N EDGEFIELD AVE Zoning District: CD-13 (Sub 2)

Lot No.: 16 Block No.: D/3788 Acreage: 0.177 Census Tract: 44.00

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): MICHAEL WILMOTH & CRAIG TUMINARO

Applicant: MICHAEL WILMOTH Telephone: 703.403.3521

Mailing Address: 1107 N EDGEFIELD AVE, DALLAS, TX Zip Code: 75208

E-mail Address: CMBILLIE@COMCAST.NET

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance X, or Special Exception _____, of 15 FEET OF THE REQUIRES 20 FT PROPERTY LINE SETBACK FOR PARKING REQUIREMENT, TO ALLOW FOR ALLEY ENTRANCE GARAGE. THE PLAN WOULD PROVIDE A 5 FT DRIVEWAY FOR A REAR-ENTRANCE GARAGE THAT WOULD OCCUPY THE SAME SPACE AS THE EXISTING GARAGE.

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:

LOT LIMITATIONS WERE EXISTING AND CREATED DURING THE NEIGHBORHOOD DESIGN IN THE 1920s. THE HOUSE IS SETBACK FROM THE STREET, LIMITING BACKYARD SPACE AND THE CONSERVATION DISTRICT WILL NOT ALLOW A GARAGE IN THE FRONT YARD. THE PROPOSED PLAN WOULD BE IN KEEPING WITH THE LOOK & FEEL OF THE NEIGHBORHOOD. MANY NEARBY HOUSES HAVE SIMILAR ALLEY-ENTRANCE GARAGES; PHOTOS OF A FEW ARE ATTACHED

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

Affidavit

Before me the undersigned on this day personally appeared MICHAEL WILMOTH (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: Michael Wilmoth (Affiant/Applicant's signature)



Subscribed and sworn to before me this 7th day of February, 2019

Notary Public in and for Dallas County, Texas



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DRAP

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41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60

1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60

1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60

8 TABLE

1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60

1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
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51	52	53	54	55	56	57	58	59	60

M. Gu



Printed: 2/8/2019

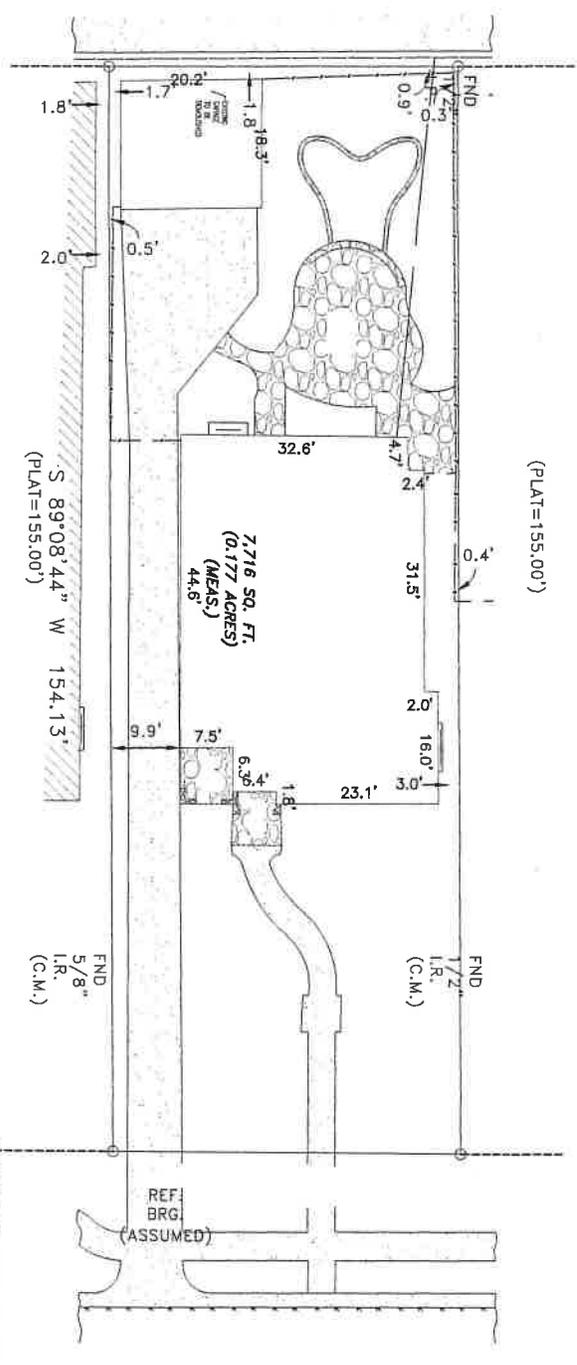
Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| 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 | 3-10 Shop Front Overlay |
| | | Height Map Overlay | |

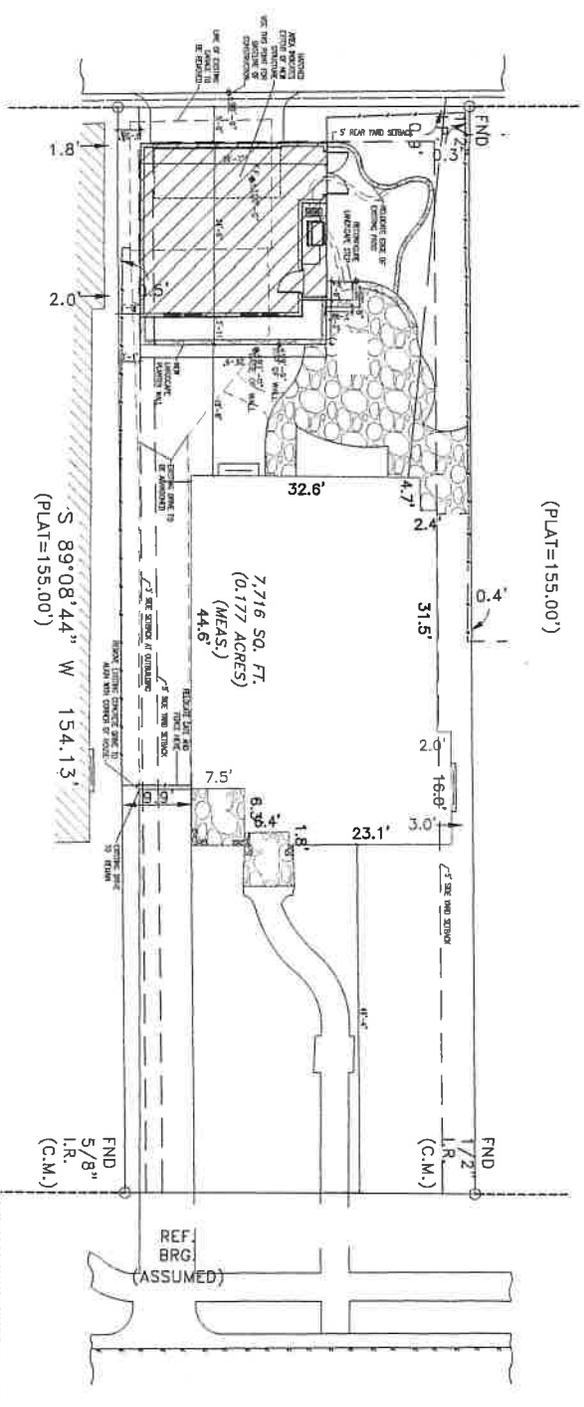
M9W

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)

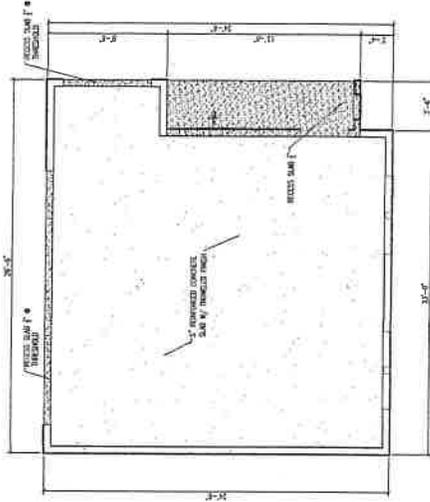




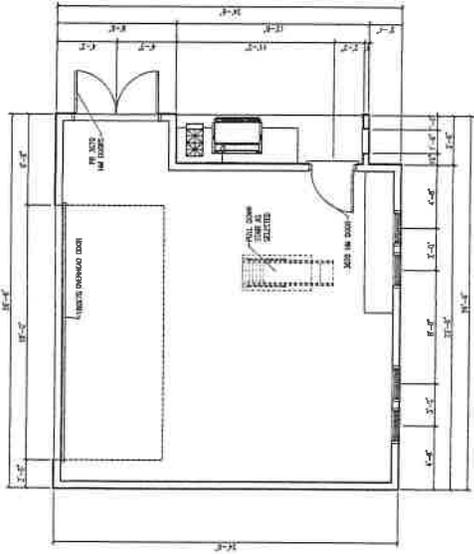
01 EXISTING SITE PLAN



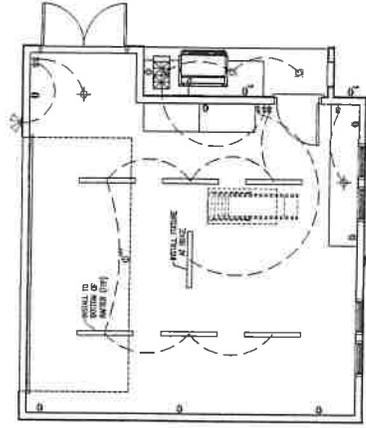
02 EXISTING SITE PLAN



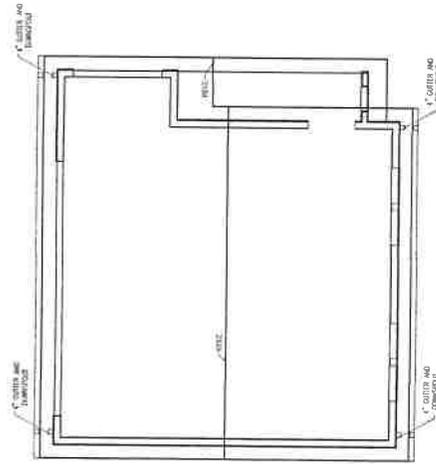
01 FOUNDATION PLAN



02 FLOOR PLAN



03 POWER AND LIGHTING PLAN



04 ROOF PLAN

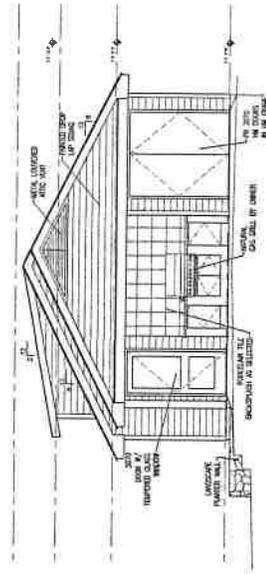
Project

Tumbaro - Wilmoth Residence
 1107 North Edgefield Avenue
 Dallas, Texas

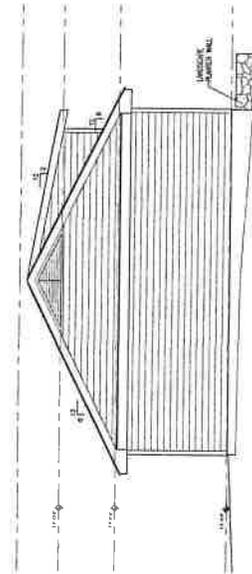
Date 02.07.19

Revision

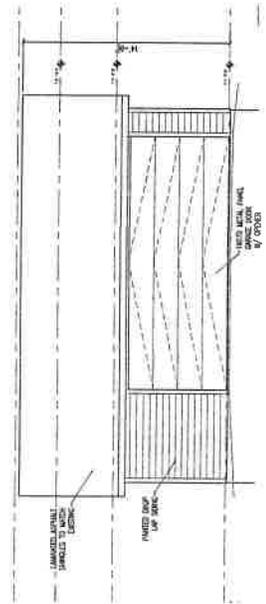
Sheet **A1.02**



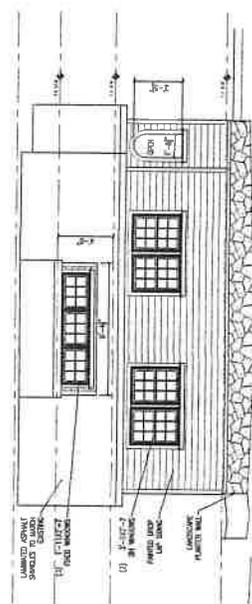
01 NORTH ELEVATION



03 SOUTH ELEVATION



02 WEST ELEVATION



04 EAST ELEVATION

#3. 1107 N Clinton Ave:

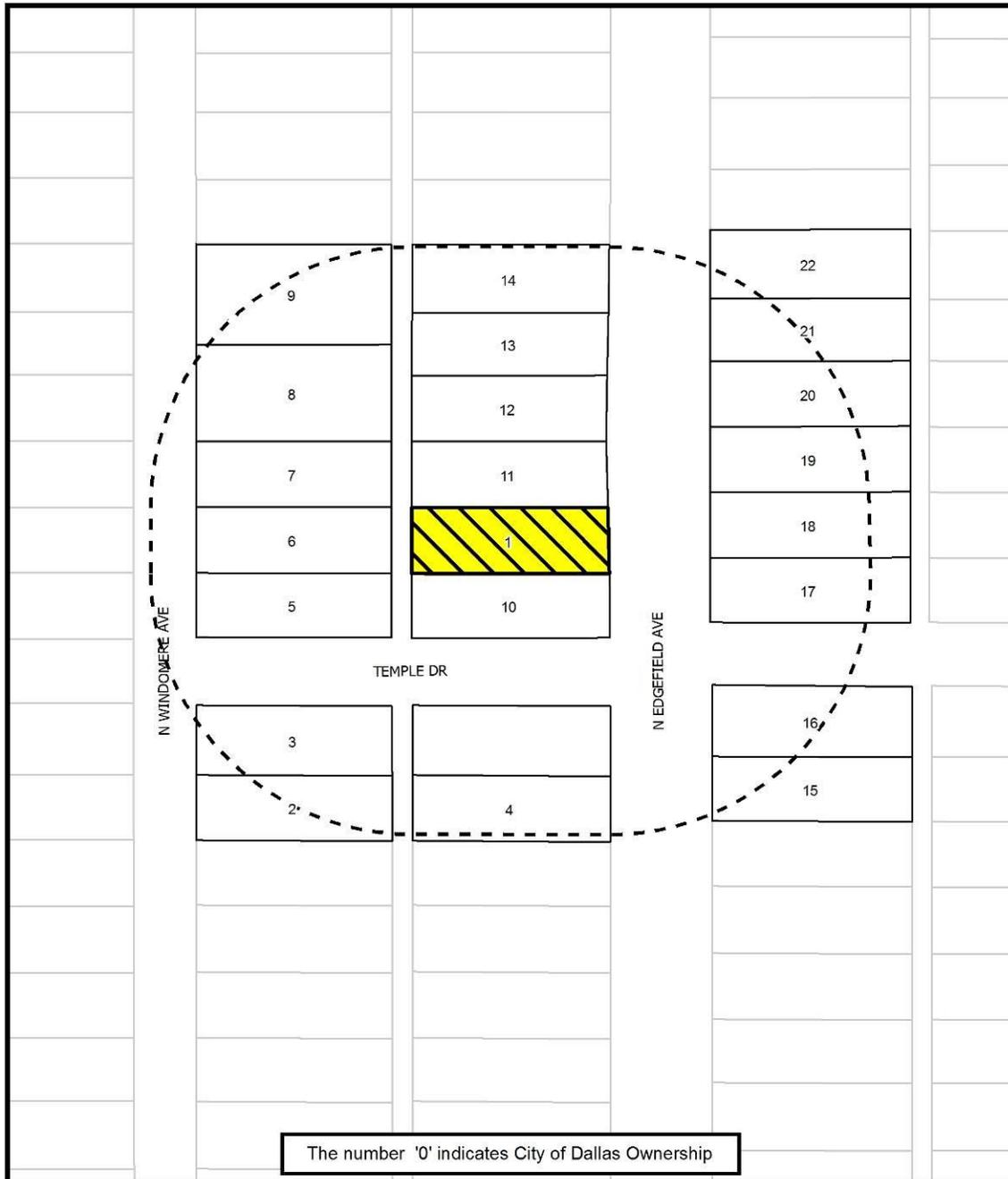


#1. 1047 N Edgefield Ave:



#2. 1106 N Edgefield Ave:





 1:1,200	NOTIFICATION		Case no: BDA189-040
	<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;">22</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 3/22/2019

Notification List of Property Owners

BDA189-040

22 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1107 N EDGEFIELD AVE	WILMOTH MICHAEL &
2	1046 N WINDOMERE AVE	TARSKI MICHAEL T & SANDI P
3	1050 N WINDOMERE AVE	GERHARD RICHARD S JR
4	1047 N EDGEFIELD AVE	SCHLIEVE MAXWELL & KATHERINE
5	1102 N WINDOMERE AVE	LIGHTBODY STEVEN J & CRYSTAL R
6	1106 N WINDOMERE AVE	BENSON JULIE D
7	1110 N WINDOMERE AVE	BALLINGER MARY
8	1114 N WINDOMERE AVE	BAXLEY PHILLIP R
9	1122 N WINDOMERE AVE	QUINN JAMES W II &
10	1103 N EDGEFIELD AVE	MORGAN ROSEMARY HAEDGE
11	1111 N EDGEFIELD AVE	SMITH MONTY L
12	1115 N EDGEFIELD AVE	FEARS CATHEY ANN
13	1119 N EDGEFIELD AVE	ROMINE BYRON L &
14	1123 N EDGEFIELD AVE	HENNEN CHLOE HARRIS
15	1046 N EDGEFIELD AVE	BAUGHMAN ROBIN E &
16	1050 N EDGEFIELD AVE	LINDSAY MILDRED N
17	1102 N EDGEFIELD AVE	FORTUNA YOLANDA C &
18	1106 N EDGEFIELD AVE	MORIN PATRICK & ELNA ELIZABETH NALSEN
19	1110 N EDGEFIELD AVE	LANIER JASON J & ELIZABETH C
20	1114 N EDGEFIELD AVE	MURPHY DIANE K
21	1118 N EDGEFIELD AVE	VAKY ALEXANDER PETER JR
22	1122 N EDGEFIELD AVE	DOHERTY RICHARD E & JAN

FILE NUMBER: BDA189-043(OA)

BUILDING OFFICIAL'S REPORT: Application of Mirna Badillo, represented by Santos Martinez, for a special exception to the minimum side yard setback requirements to preserve an existing tree at 2831 Jordan Valley Road. This property is more fully described as Lot 1, Block A/8789, and is zoned A(A), which requires a side yard setback of 20 feet. The applicant proposes to construct and/or maintain structure and provide a 3-foot 4-inch side yard setback, which will require a 16-foot 8-inch special exception to the minimum side yard setback requirements to preserve an existing tree.

LOCATION: 3136 E. Illinois Avenue

APPLICANT: Mirna Badillo
Represented by Santos Martinez

REQUEST:

A request for a special exception to the minimum side yard requirements to preserve existing trees of 16' 8" is made to maintain an approximately 6,250 square foot "stable" structure which is located 3' 4" from the side property line or 16' 8" into the 20' side yard setback on a site that is developed with a "commercial stable" use.

STANDARD FOR A SPECIAL EXCEPTION TO THE MINIMUM SIDE YARD REQUIREMENTS TO PRESERVE AN EXISTING TREE:

Section 51(A)-4.402(d) of the Dallas Development Code specifies that the board may grant a special exception to the minimum side yard requirements in this section to preserve an existing tree. In determining whether to grant this special exception, the board shall consider the following factors:

- (A) Whether the requested special exception is compatible with the character of the neighborhood.
- (B) Whether the value of surrounding properties will be adversely affected.
- (C) Whether the tree is worthy of preservation.

STAFF RECOMMENDATION:

Denial

Rationale:

- The City of Dallas Chief Arborist has indicated that that the congregation of trees are not worthy of preservation. In addition, the applicant had not substantiated how the requested special exception is compatible with the character of the neighborhood, and how the value of the surrounding properties would not be adversely affected.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	A (A) (Agricultural District)
<u>North:</u>	A (A) (Agricultural District)
<u>South:</u>	A (A) (Agricultural District)
<u>East:</u>	R-10 (A) (Single-family district 10,000 square feet)
<u>West:</u>	A (A) (Agricultural District)

Land Use:

The subject site is developed with a “commercial stable” use. The areas to the north, south, east, and west are developed with agricultural uses and single family uses.

Zoning/BDA History:

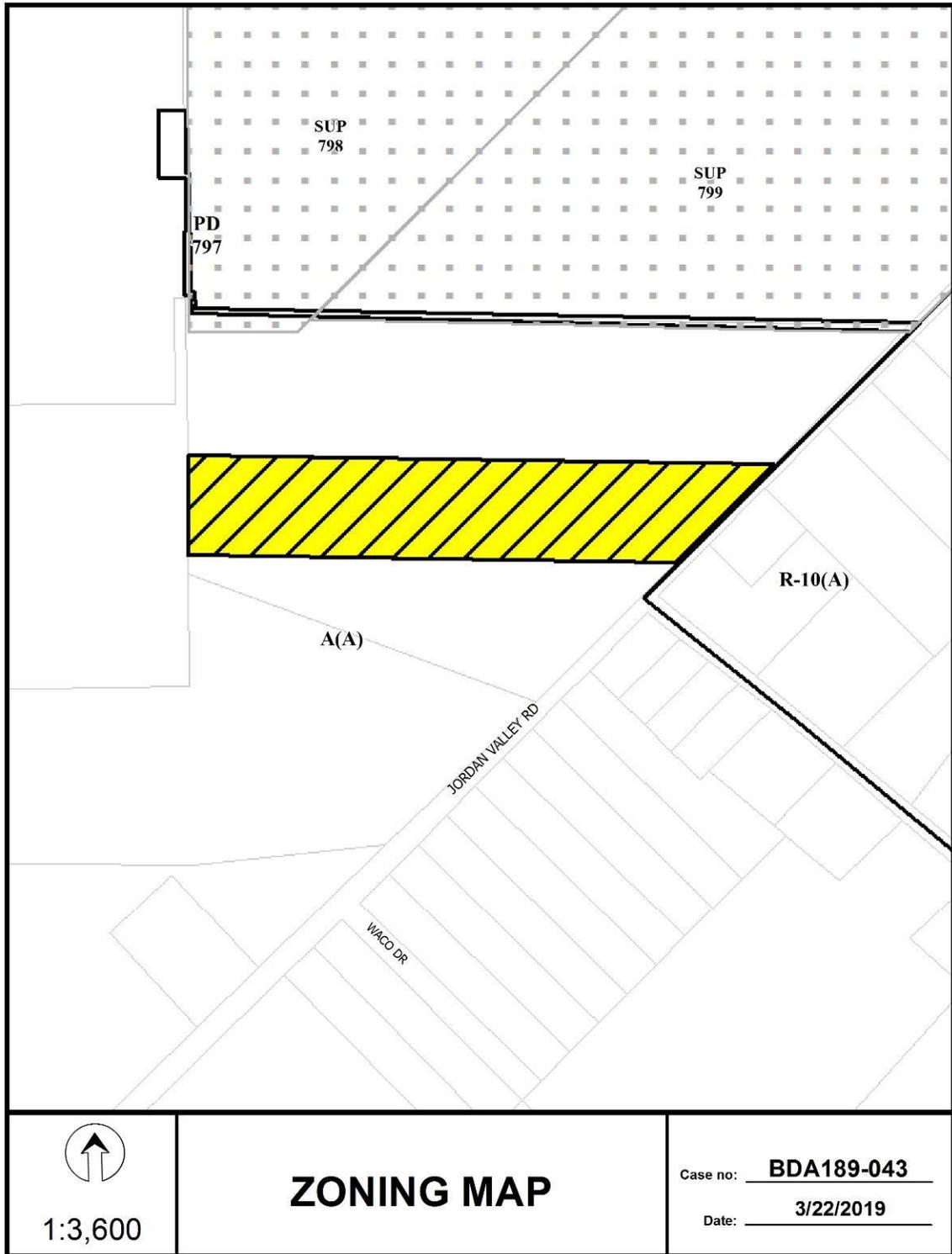
There has not been any recent related board or zoning cases recorded either on or in the immediate vicinity of the subject site.

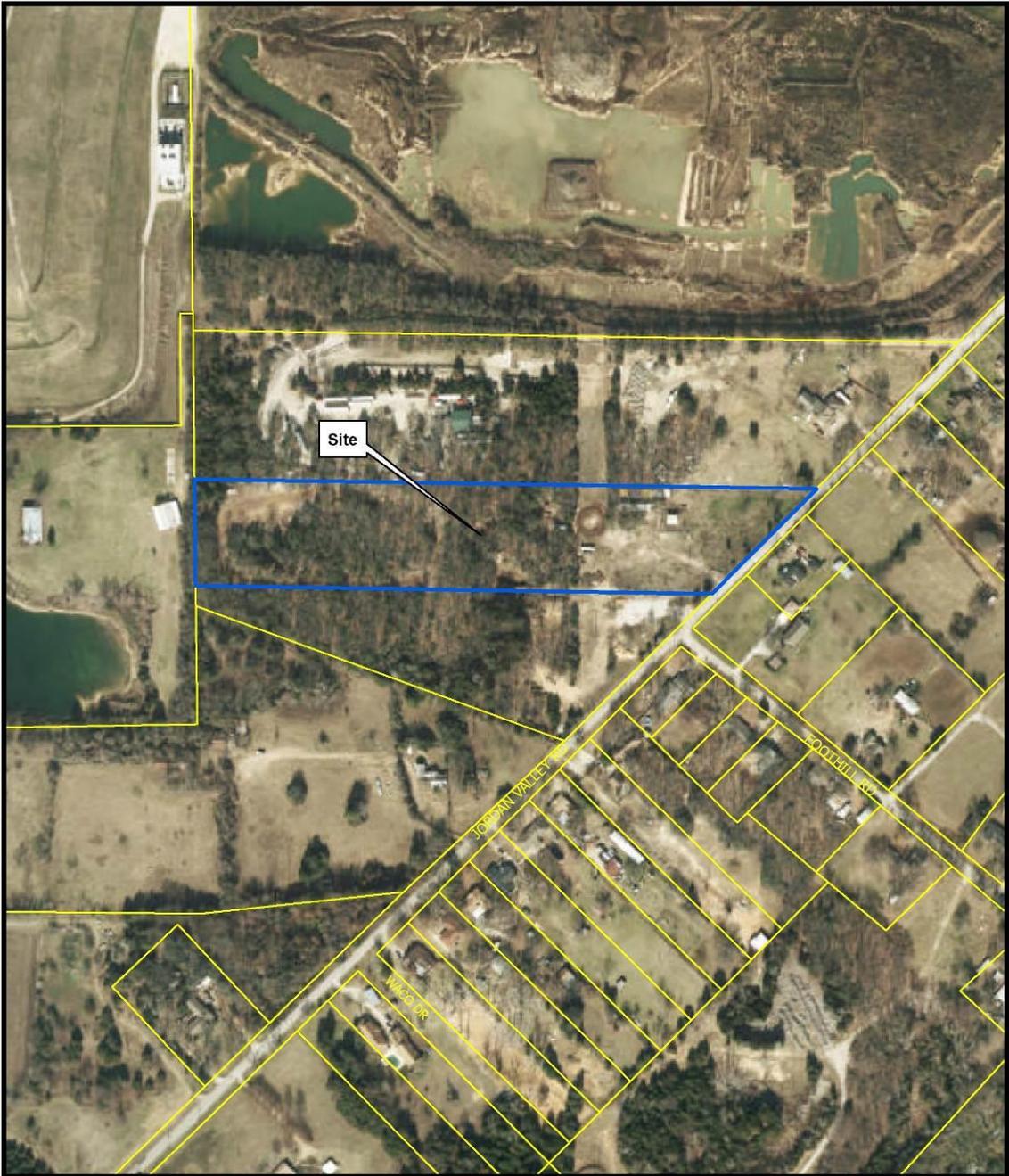
GENERAL FACTS /STAFF ANALYSIS:

- This request for a special exception to the minimum side yard requirements to preserve existing trees of 16’ 8” focuses on maintaining an approximately 6,250 square foot “stable” structure located 3’ 4” from the side property line or 16’ 8” into the 20’ side yard setback on a site that is developed with a “commercial stable” use.
- The property is located in an A (A) (Agricultural District) zoning district which requires a minimum side yard of 20 feet.
- The submitted site plan indicates a “stable” structure located 3’ 4” from the north side property line or 16’ 8” into this 20’ side yard setback, and several trees within the site.
- The City of Dallas Chief Arborist submitted a memo regarding this request (see Attachment A). The memo stated that the arborist staff has investigated the site and the trees and concluded based on the observed circumstances of construction and site activities at the building location, the congregation of trees are not worth of preservation.
- The applicant has the burden of proof in establishing the following:
 - Whether the requested special exception is compatible with the character of the neighborhood.
 - Whether the value of surrounding properties will be adversely affected.
 - Whether the tree is worthy of preservation.
- If the Board were to grant the special exception request, and impose the submitted site plan as a condition, the structure in the side yard setback would be limited to what is shown on this document – which in this case is a structure that is located 3’ 4” from the site’s side property line (or 16’ 8” into this 20’ side yard setback).

Timeline:

- February 14, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- March 11, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- March 13, 2019: The Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application;
 - an attachment that provided the public hearing date and panel that will consider the application; the March 27th deadline to submit additional evidence for staff to factor into their analysis; and the April 5th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- April 2, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.
- April 4, 2018: The City of Dallas Chief Arborist emailed the Board Administrator information regarding this application (see Attachment A).





1:3,600

AERIAL MAP

Case no: BDA189-043

Date: 3/22/2019

Memorandum



Date April 4, 2019
To Oscar Aguilera, Board Administrator
Subject BDA #189-043 2831 Jordan Valley Road - Arborist report

The question before me on this case is whether or not the trees to the south of the proposed barn structure location are worthy of preservation. The arborist staff has investigated the site and the trees and conclude the following:

- Based on the observed circumstances of construction and site activities at the building location, the congregation of trees are not worthy of preservation.

The owner may present evidence that one or more of the trees on the southern side of the structure are worthy of preservation if they can show a reasonable conclusion by a professional assessment that each tree is not severely impacted by soil compaction, root compression, or other environmental conditions which would threaten the life expectancy of the post oak trees.

If the owner can demonstrate tree protections and remediation to restore the soil conditions of one or more of the post oak trees near the structure, I can reassess our findings to establish an opinion for each individual tree.

Philip Erwin
Chief Arborist
Building Inspection



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-043

Date: ~~12-21-18~~ 2-14-19

Data Relative to Subject Property:

Location address: ²⁸³¹ JORDAN VALLEY RD. Zoning District: A (A)

Lot No.: 1 Block No.: A/8789 Acreage: 7.39 Census Tract: 171.02

Street Frontage (in Feet): 1) 341.98 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): ELOY RAMOS + MIRNA BADILLO

Applicant: MIRNA BADILLO Telephone: 469-490-9444

Mailing Address: 1127 N. JIM MILLER RD. DALLAS, TX. Zip Code: 75217

E-mail Address: _____

Represented by: SANTOS MARTINEZ Telephone: 469-490-9444

Mailing Address: 1127 N. JIM MILLER Rd. Zip Code: 75217

E-mail Address: _____

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

20' SIDEYARD SPECIAL EXCEPTION TO PRESERVE EXISTING TREE STAND, request 16'8" SysB And provide 3'4" to the required 20' SysB.

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 OWNER SEEKS TO MAINTAIN AN EXISTING STAND OF TREES ON THE NORTHERN PROPERTY LINE. HE HAS CONSTRUCTED A STABLE AND TO RELOCATE HALF OF THE STRUCTURE WOULD REQUIRE THE REMOVAL OF THIS EXISTING TREE STAND IN ORDER TO ACCOMMODATE THE SIDE YARD SETBACK. THE STABLE WAS PLACED ON THE NORTH SIDE OF THE

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.

MATURE TREE STAND TO PROVIDE SUBSTANTIAL SHADE FOR THEE HORSES AND STABLES.

Affidavit

Before me the undersigned on this day personally appeared X Mirna Badillo (Affiant/Applicant's name printed)

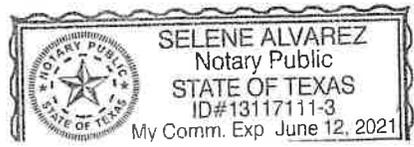
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: Mirna Badillo (Affiant/Applicant's signature)

Subscribed and sworn to before me this 21 day of December, 2018

(Rev. 08-01-11)

Selene Alvarez
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

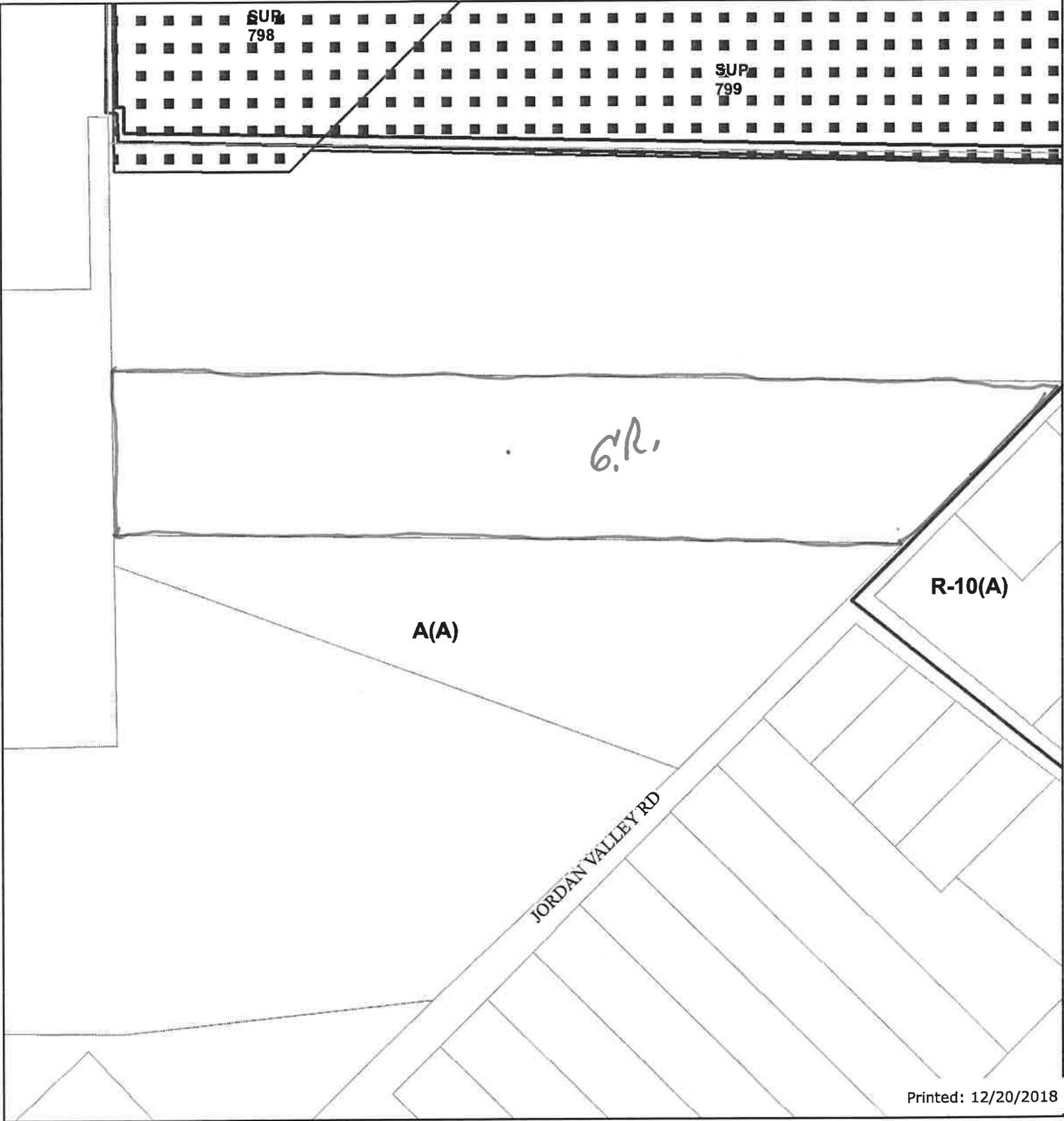
Building Official's Report

I hereby certify that Mirna Badillo
represented by SANTOS MARTINEZ
did submit a request for a special exception to the side yard setback regulations for tree
preservation
at 2831 Jordan Valley Road

BDA189-043. Application of Mirna Badillo represented by SANTOS MARTINEZ for a special exception to the side yard setback regulations at 2831 JORDAN VALLEY RD. This property is more fully described as Lot 1, Block A/8789, and is zoned A(A), which requires a side yard setback of 20 feet. The applicant proposes to construct a non-residential structure and provide a 3 foot 4 inch side yard setback, which will require a 16 foot 8 inch special exception to the side yard setback regulations for tree preservation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



Printed: 12/20/2018

Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPD 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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VICINITY MAP
NOT TO SCALE

Thence South 44 degrees 49 min Jordan Valley Road, a distance of corner of a tract of land conveyed in Volume 5707, Page 653, Deed

Thence North 69 degrees 54 min Valley Road and along the North 1/2 inch iron rod found for corner, c Scoggins by deed recorded in Vol

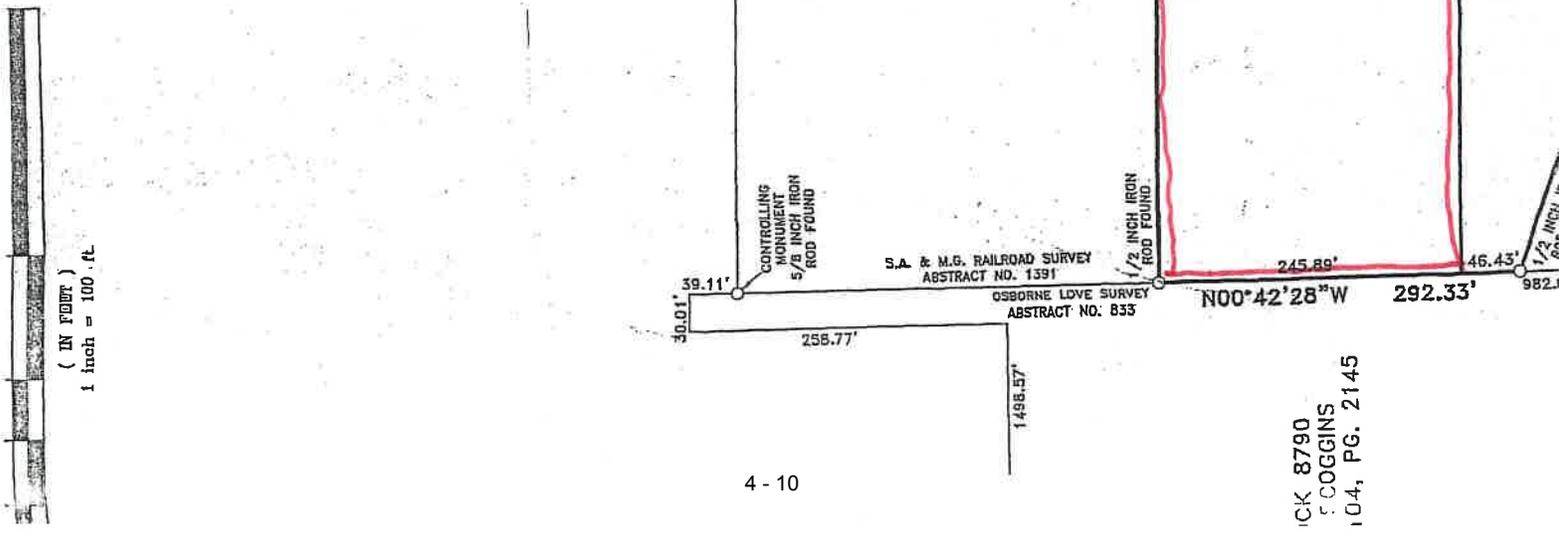
Thence North 00 degrees 42 min distance of 292.33 feet to a 1/2 the remainder of said Hernandez

Thence South 89 degrees 13 min Hernandez tract, a distance of 1 square feet or 12.7508 acres of

BLOCK 8789 & 8791
MESQUITE LANDFILL TX, L.P.,
A DELAWARE LIMITED PARTNERSHIP
VOL. 98105, PG. 04698

(BASIS OF BEARINGS)
S89°13'23"E 1782.41'

(IN FOOT)
1 inch = 100 .ft.



UBALDO ADDITION
BLOCK A/8789
GROSS AREA
555,428.60 sq.ft.
12.7508 acres
R.O.W. DEDICATION
8,250.92 sq.ft.
= 0.1894 acres
NET AREA
547,177.68 sq.ft.
12.5614 acres

LOT 1
322,226.04 sq.ft.
7.3973 acres

BLOCK 8799

1/2 INCH IRON ROD FOUND

S.A. & M.G. RAILROAD SURVEY
ABSTRACT NO. 1391

OSBORNE LOVE SURVEY
ABSTRACT NO. 833

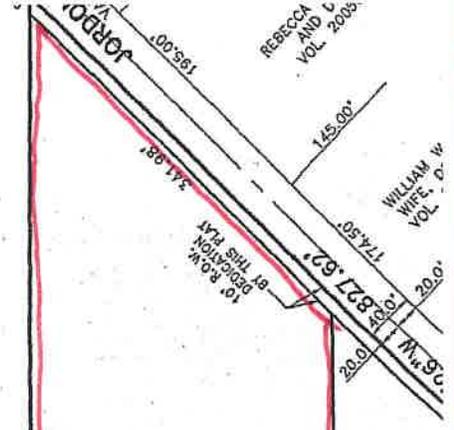
N00°42'28"W 292.33'

1/2 INCH IRON ROD FOUND

1/2 INCH IRON ROD FOUND

CK 8790
COGGINS
104, PG. 2145

POINT OF BEGINNING



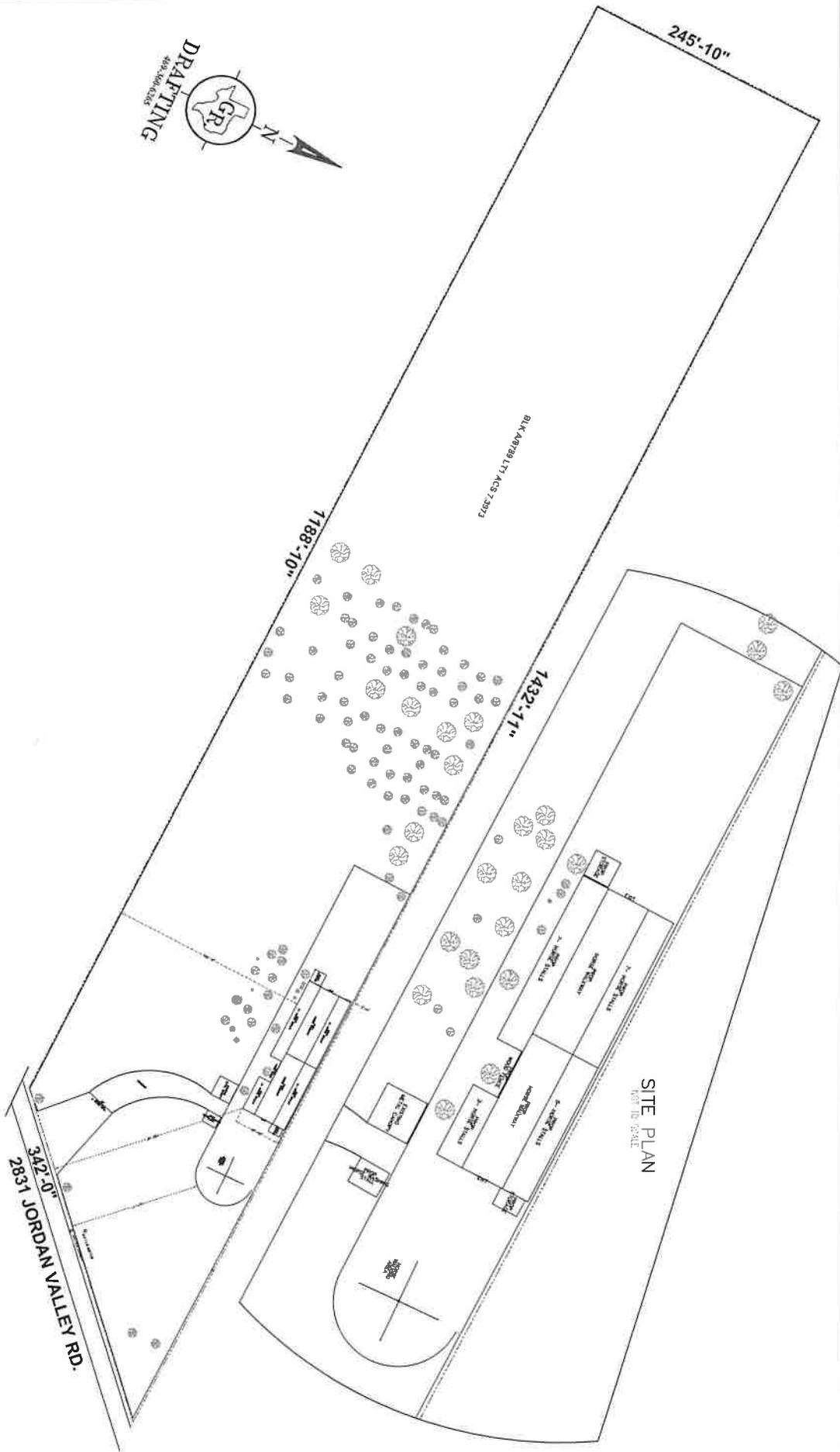
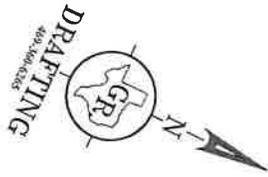
REBECCA AND C VOL. 2008

WILLIAM W WIFE, D. VOL. 2008

TO R.O.W. DEDICATION BY THIS PLAT

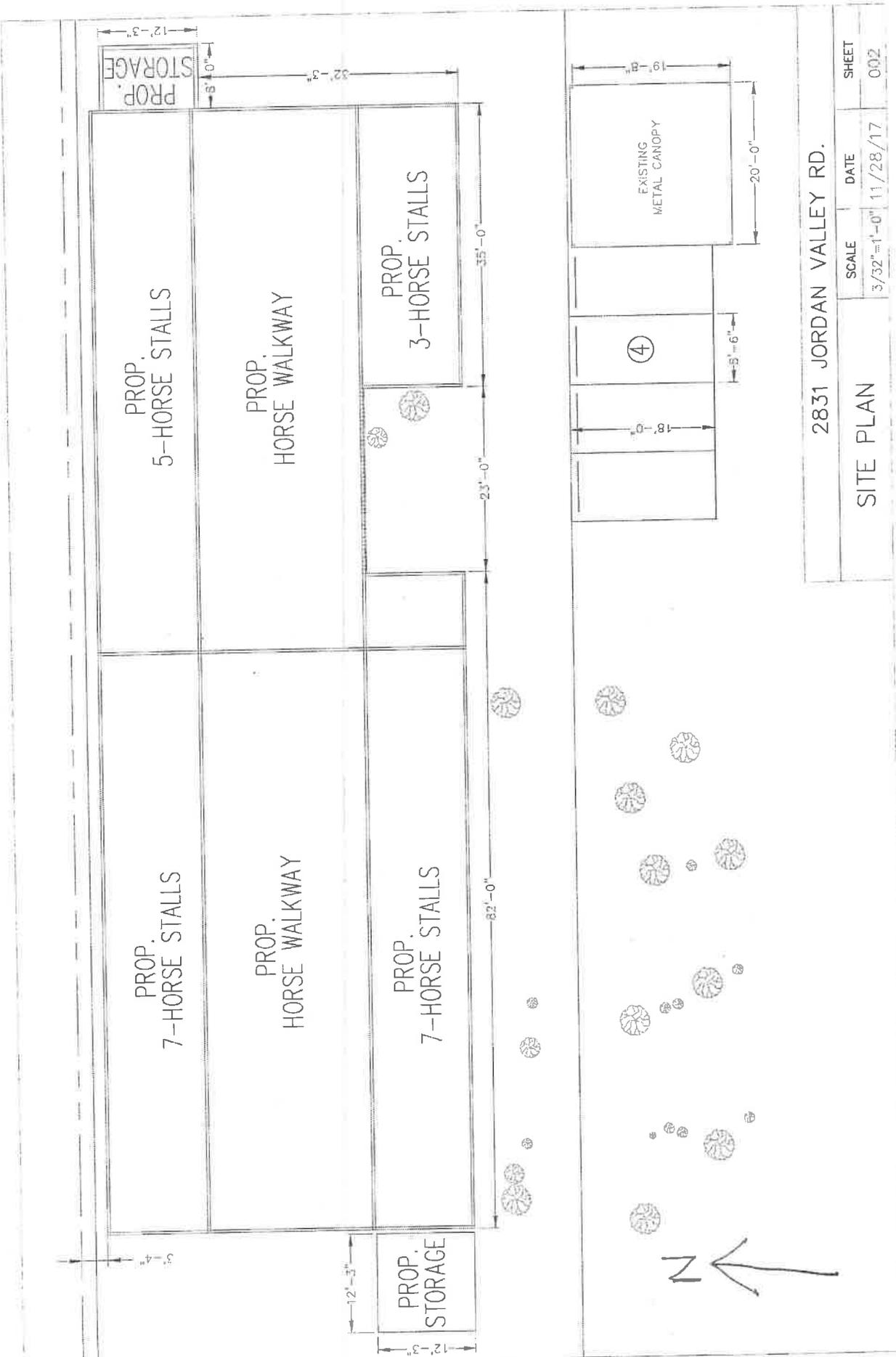
TO R.O.W. DEDICATION BY THIS PLAT

C.R.



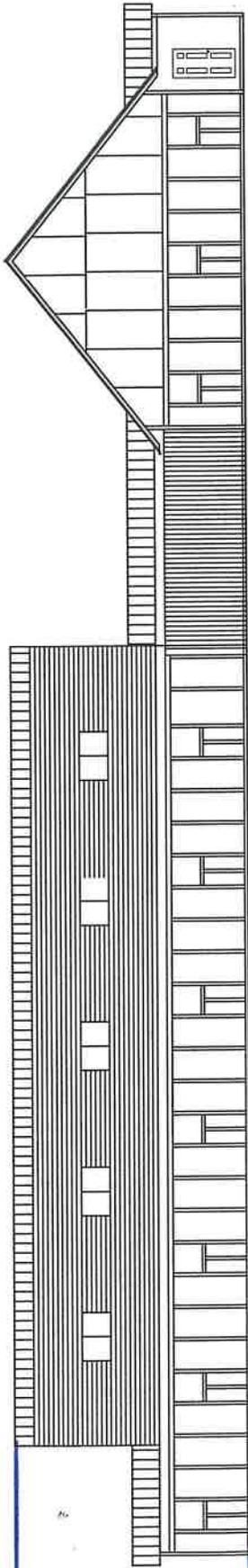
LEGAL DESCRIPTION
 URBAN LOT ACDM,
 BLK 48789 LT 4 CS 73973
 DEED TOWN OF DALLAS
 ELEV / GARAGE &
 1527 ONE SINGLE FLD.
 DALLAS, TEXAS 75217

2831 JORDAN VALLEY RD.		
SITE PLAN	SCALE	DATE
	1/64" = 1'-0"	11/21/2017
		SHEET
		001

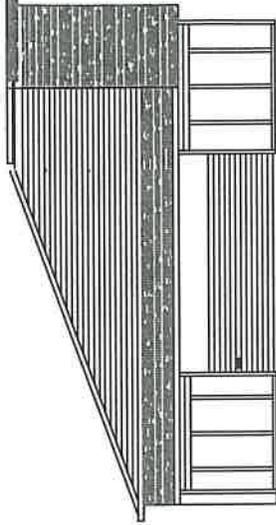


2831 JORDAN VALLEY RD.

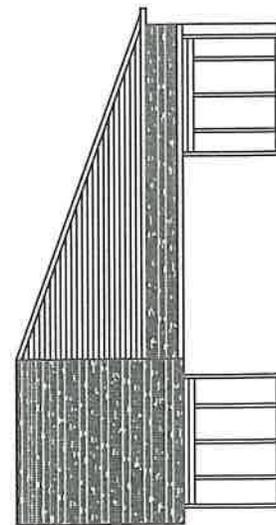
SITE PLAN	SCALE	DATE	SHEET
	3/32"=1'-0"	11/28/17	002



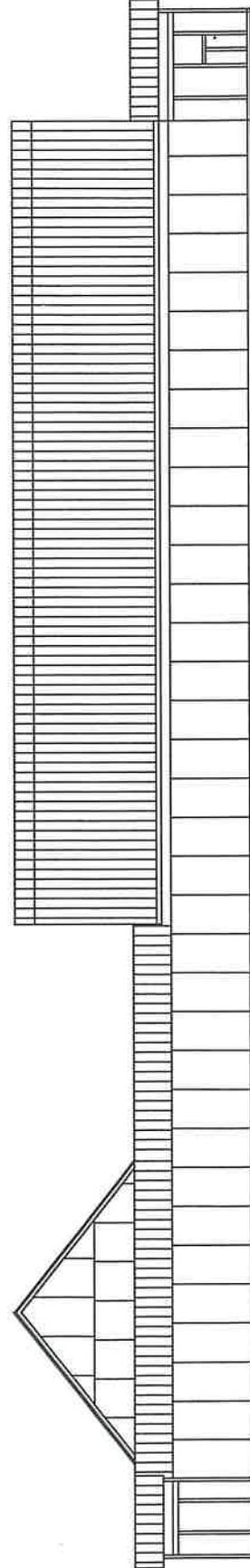
FRONT



LEFT



RIGHT



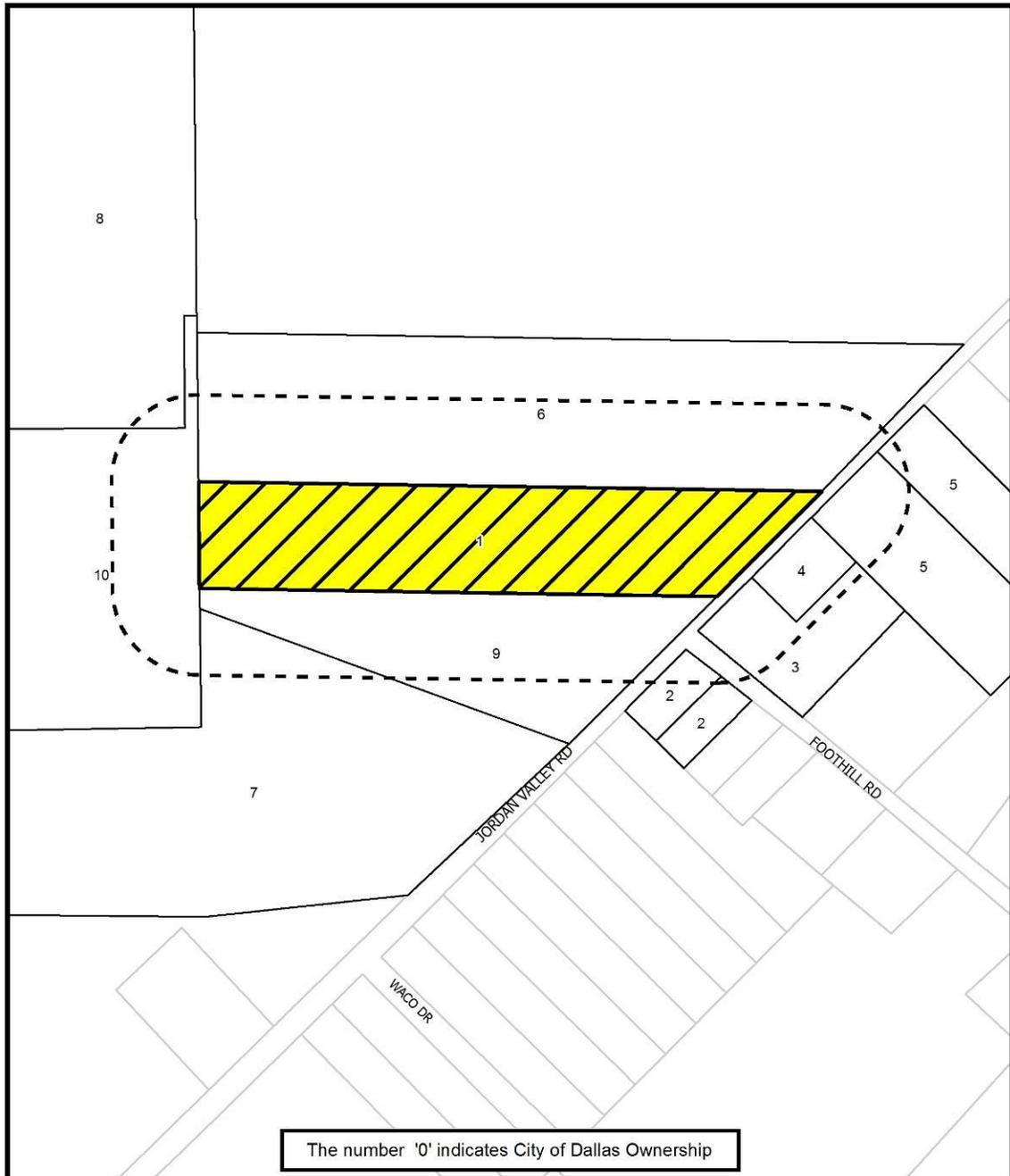
REAR

→ 9,14 ←

2831 JORDAN VALLEY RD.

ELEVATION PLAN

SCALE	DATE	SHEET
1/8"=1'-0"	11/28/17	005



 1:3,600	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">10</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	10	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA189-043 Date: 3/22/2019
200'	AREA OF NOTIFICATION					
10	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA189-043

10 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1 JORDAN VALLEY RD	RAMOS ELOY &
2	12414 FOOTHILL DR	MILLER CHARLES D &
3	12425 FOOTHILL DR	WELCH DOROTHY
4	2802 JORDAN VALLEY RD	HERRERA ELIZALDE RODOLFO VALENTIN
5	2820 JORDAN VALLEY RD	MONARREZ LAURENCIO V
6	2900 JORDAN VALLEY RD	HERNANDEZ OSCAR & ROMANA
7	3005 JORDAN VALLEY RD	DOOREY DEBORAH B
8	2000 JORDAN VALLEY RD	MESQUITE LANDFILL TX LP
9	2905 JORDAN VALLEY RD	ROSILLO LUIS
10	2755 JORDAN VALLEY RD	PORTER CAROL M

FILE NUMBER: BDA189-046(OA)

BUILDING OFFICIAL'S REPORT: Application of Darryl Evans, represented by Michael Forbes, for variances to the side yard setback and off-street parking regulations, and for a special exception to the visual obstruction regulations at 1611 Browder Street. This property is more fully described Tract 14, Block 448, and is zoned PD 317 (Subdistrict 1), which requires a side yard setback of 10 feet, requires a parking space to be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley, and requires a 45 foot visibility triangle at street intersections. The applicant proposes to construct and/or maintain a structure and provide a 3 foot side yard setback, which will require a 7 foot variance to the side yard setback regulations, to locate and maintain parking spaces in an enclosed structure with a setback of 17 feet, which will require a variance of 3 feet to the off-street parking regulations, and to locate and maintain items in a required visibility triangle, which will require a special exception to the visual obstruction regulations.

LOCATION: 1611 Browder Street

APPLICANT: Darryl Evans
Represented by Michael Forbes

REQUESTS:

The following requests have been made on a property that is currently one building site (approximately 102' in length and approximately 48' in width) developed with a vacant single-family home that the applicant intends to demolish and construct a multi-family structure:

1. A request for a variance to the side yard setback regulations of 7' is made to construct and maintain a three-story 4-unit multi-family structure with an approximately 2,480 square foot building footprint located 3' from the site's northwestern side property line or 7' into this required 10' side yard setback.
2. A request for a variance to the off-street parking regulations of 3' is made to locate and maintain parking spaces in an enclosed structure (four (4) attached garages) of the aforementioned three-story 4-unit multi-family structure that is proposed on the subject site where spaces in this enclosed garages would be located 17' from the right-of-way line adjacent to the street or 3' into the required 20' distance from the right-of-way line adjacent to McKee Street.
3. A request for a special exception to the visual obstruction regulations is made to construct and maintain the aforementioned three-story 4-unit multi-family structure in the 45' visibility triangle at the intersection of McKee Street and Browder Street.

STANDARD FOR A VARIANCE:

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

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

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION (side yard setback variance):

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 317(1) zoning district. The total size of the subject site is approximately 4,950 square feet which is smaller than that of 15 other corner lots listed of properties in PD 317(1) zoning district. The average lot size of 15 other properties listed in the applicant's document is approximately 8,300 square feet.
- In addition, staff concluded the proposed development is commensurate with the development upon other parcels of land with the same zoning because the applicant has shown by submitting a document indicating among other things that total size of each unit of the proposed 4-unit multi-family structure on the subject site is approximately 1,780 square feet which are equal to that of 4 other units listed of properties in PD 317(Subdistrict 1) zoning district.

STAFF RECOMMENDATION (parking variance):

Denial

Rationale:

- While the applicant substantiated how the variance to the off-street parking regulations is necessary to permit development by demonstrating that the total size of the subject site is approximately 4,950 square feet which is smaller than that of 15 other corner lots listed of properties in PD 317(1) zoning district and that staff concluded that the subject site is unique and different from most lots in the PD 317(1) zoning district, the Sustainable Development and Construction Senior Engineer has submitted a review comment sheet marked “recommends denial” stating commenting “maneuvering of vehicles on public right of way out of a multifamily development with two more drives that the maximum allow by city code”.

STAFF RECOMMENDATION (visibility triangle special exception):

Denial

Rationale:

- The Sustainable Development and Construction Senior Engineer has submitted a review comment sheet marked “recommends denial” stating that “driveway encroaches into the already reduce (36 x 36-foot) visibility triangle”.

BACKGROUND INFORMATION:

Zoning:

- Site: PD 317(1) (Planned Development Subdistrict 1)
- North: PD 317(1) (Planned Development Subdistrict 1)
- South: PD 317(1) (Planned Development Subdistrict 1)
- East: PD 317(1) (Planned Development Subdistrict 1)
- West: PD 317(1) (Planned Development Subdistrict 1)

Land Use:

The subject site is currently one building site (approximately 102’ in length and approximately 48’ in width) developed with a single-family home that the applicant intends to demolish and built a three-story 4-unit multi-family structure. The areas to the north, south, east, and west are undeveloped.

Zoning/BDA History:

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. BDA189-013, Property at 1475 McKee Street (the subject site) | <p>On February 19, 2019, the Board of Adjustment Panel A denied a request for variances to the side yard setback regulations of 7’, the off-street parking regulations of 3’, and a special exception to the visual obstruction regulations. These requests are made to construct and maintain a single family home in the rear yard setback, and to</p> |
|---|--|

locate and maintain parking spaces in an enclosed structure (an attached garage) proposed on the undeveloped subject site – spaces in an enclosed structure that would be located 17’ from the right-of-way line adjacent to the street or 3’ into the required 20’ distance from the right-of-way line adjacent to McKee Street, and to locate and maintain the single-family home in the 45’ visibility triangle at the intersection of McKee Street and Browder Street.

2. BDA189-014, Property at 1467 McKee Street (the subject site)

On February 19, 2019, the Board of Adjustment Panel A denied a request for variances to the rear yard setback regulations of 7’ and to off-street parking regulations of 3’ made to construct and maintain a single family home in the rear yard setback, and to locate and maintain parking spaces in an enclosed structure (an attached garage) proposed on the undeveloped subject site – spaces in an enclosed structure that would be located 17’ from the right-of-way line adjacent to the street or 3’ into the required 20’ distance from the right-of-way line adjacent to McKee Street.

3. BDA189-015, Property at 1459 McKee Street (the subject site)

On February 19, 2019, the Board of Adjustment Panel A denied a request for variances to the rear yard setback regulations of 7’ and to off-street parking regulations of 3’ made to construct and maintain a single family home in the rear yard setback, and to locate and maintain parking spaces in an enclosed structure (an attached garage) proposed on the undeveloped subject site – spaces in an enclosed structure that would be located 17’ from the right-of-way line adjacent to the street or 3’ into the required 20’ distance from the right-of-way line adjacent to McKee Street.

4. BDA189-016, Property at 1451 McKee Street (the subject site)

On February 19, 2019, the Board of Adjustment Panel A denied a request for variances to the rear yard setback regulations of 7’ and to off-street parking regulations of 3’ made to construct and maintain a single

family home in the rear yard setback, and to locate and maintain parking spaces in an enclosed structure (an attached garage) proposed on the undeveloped subject site – spaces in an enclosed structure that would be located 17’ from the right-of-way line adjacent to the street or 3’ into the required 20’ distance from the right-of-way line adjacent to McKee Street.

GENERAL FACTS/STAFF ANALYSIS (side yard setback variance):

- This request for a variance to the side regulations of 7’ focuses on constructing and maintaining a three-story, 4-unit multi-family structure with an approximately 2,480 square foot building footprint located 3’ from the site’s northwestern side property line or 7’ into this required 10’ side yard setback on property that is currently one building site (approximately 102’ in length and approximately 48’ in width) developed a vacant single-family home that the applicant intends to demolish.
- The subject site is zoned PD 317 (Subdistrict 1) where the side yard setback is not required; however, if a side yard is provided, it must be a minimum of 10 feet.
- The applicant has submitted a site plan that represents that the proposed three-story 4-unit multi-family structure provides a 3’ side yard setback from the side property line on the northwest.
- DCAD records indicate the following improvements for property located at 1611 Browder Street: “main improvement: “converted residence” with 1,302 square feet built in 1940”.
- The subject site is flat, virtually rectangular in shape (approximately 48’ x 25’), and according to the submitted application, is 0.11 acres (or 4,800 square feet) in area. While this site is located at the corner of Browder Street and McKee Street and has two front yard setbacks, this feature is typical of any lot on a corner that is not zoned single family, duplex, or agricultural district.
- The applicant submitted a document with the application materials indicating that the total size of the subject site is approximately 4,950 square feet which is smaller than that of 15 other corner lots he listed of properties in PD 317 (Subdistrict 1) zoning. (The average lot size of 15 other properties listed in the applicant’s document is approximately 8,300 square feet). Furthermore, the document represents that the total size of each unit of the proposed 4-unit multi-family structure on the subject site is approximately, 1780 square feet which are equal than that of 4 other units he listed of properties in PD 317 (Subdistrict 1) zoning. The average square footage of 4 other properties listed in the applicant’s document is approximately 1,750 square feet.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the side 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 317 (Subdistrict 1) 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 317 (Subdistrict 1) zoning classification.
- If the Board were to grant the request for a variance of 7' and impose the submitted site plan as a condition, the structure in the side yard would be limited to that what is shown on this document.

GENERAL FACTS/STAFF ANALYSIS (parking variance):

- This request for a variance to the off-street parking regulations of 3' focuses on locating parking spaces in an enclosed structure (four (4) attached garages) of proposed three-story 4-unit multi-family structure where these parking spaces entered from the street right-of-way line would be located 17' from the McKee Street right-of-way line or 3' into the required 20' distance from this right-of-way line.
- The subject site is zoned PD 317 (Subdistrict 1) where no minimum front yard setback is required.
- Section 51(A)-4.301(a)(9) of the Dallas Development Code states that a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in enclosed structure and if the space faces upon or can be entered directly from a street or alley.
- The submitted site plan denotes the location of parking spaces in the enclosed structure 17' from the McKee Street right-of-way line or 3' into the 20' setback line that an enclosed parking space must be from this right-of-way line. (The submitted site plan represents that the parking spaces in the enclosed structure are approximately 23' from the McKee Street pavement line).
- DCAD records indicate the following improvements for property located at 1611 Browder Street: "main improvement: "converted residence" with 1,302 square feet built in 1940".
- The subject site is flat, virtually rectangular in shape (approximately 48' x 25'), and according to the submitted application, is 0.11 acres (or 4,800 square feet) in area. While this site is located at the corner of Browder Street and McKee Street and has two front yard setbacks, this feature is typical of any lot on a corner that is not zoned single family, duplex, or agricultural district.
- The applicant submitted a document with the application materials indicating that the total size of the subject site is approximately 4,950 square feet which is smaller than that of 15 other corner lots he listed of properties in PD 317 (Subdistrict 1) zoning. (The average lot size of 15 other properties listed in the applicant's document is approximately 8,300 square feet). Furthermore, the document represents that the total size of each unit of the proposed 4-unit multi-family structure on the subject site is approximately, 1,780 square feet which are equal than that of 4 other units he

listed of properties in PD 317 (Subdistrict 1) zoning. The average square footage of 4 other properties listed in the applicant's document is approximately 1,750 square feet.

- The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Recommends that this be denied" with the following comment:
 - "Maneuvering of vehicles on public right of way out of a multifamily development with two more driveways than the maximum allowed by code" (Attachment A).
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the off-street parking regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 317 (Subdistrict 1) 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 317 (Subdistrict 1) zoning classification.
- If the Board were to grant the request for a variance of 3', staff recommends imposing the following conditions:
 1. Compliance with the submitted site plan is required.
 2. An automatic garage door must be installed and maintained in working order at all times.

GENERAL FACTS/STAFF ANALYSIS (visual obstruction special exception):

- The request for special exception to the visual obstruction regulations focuses on locating and maintaining three-story 4-unit multi-family structure in the 45' visibility triangle at the intersection of McKee Street and Browder Street on a property that is currently one building site (approximately 102' in length and approximately 48' in width) developed a vacant single-family home that the applicant intends to demolish and subdivide into 4-unit multi-family structure.
- Section 51A-4.602(d) of the Dallas Development Code states the following: a person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections, and 20-foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
 - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).

- The property is located in PD 317 which requires a 45-foot visibility triangle at the intersection of two streets.
- A site plan and an elevation have been submitted a single-family home structure to be located in the 45' visibility triangle at the intersection of McKee Street and Browder Street.
- The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Recommends that this be denied" with the following comment:
 - "Driveway encroaches into an already reduce (36 x 36 foot) visibility triangle" (Attachment A).
- The applicant has the burden of proof in establishing how granting this request to locate and maintain a structure in the 45' visibility triangle at the intersection of McKee Street and Browder Street does not constitute a traffic hazard.
- Granting this request with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the item to be located and maintained in the 45' intersection visibility triangle to that what is shown on these documents – a portion of a three-story 4-unit multi-family structure.

Timeline:

February 22, 2019: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

March 11, 2019: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, "If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case".

March 13, 2019: The Board Administrator emailed the applicant's representative the following information:

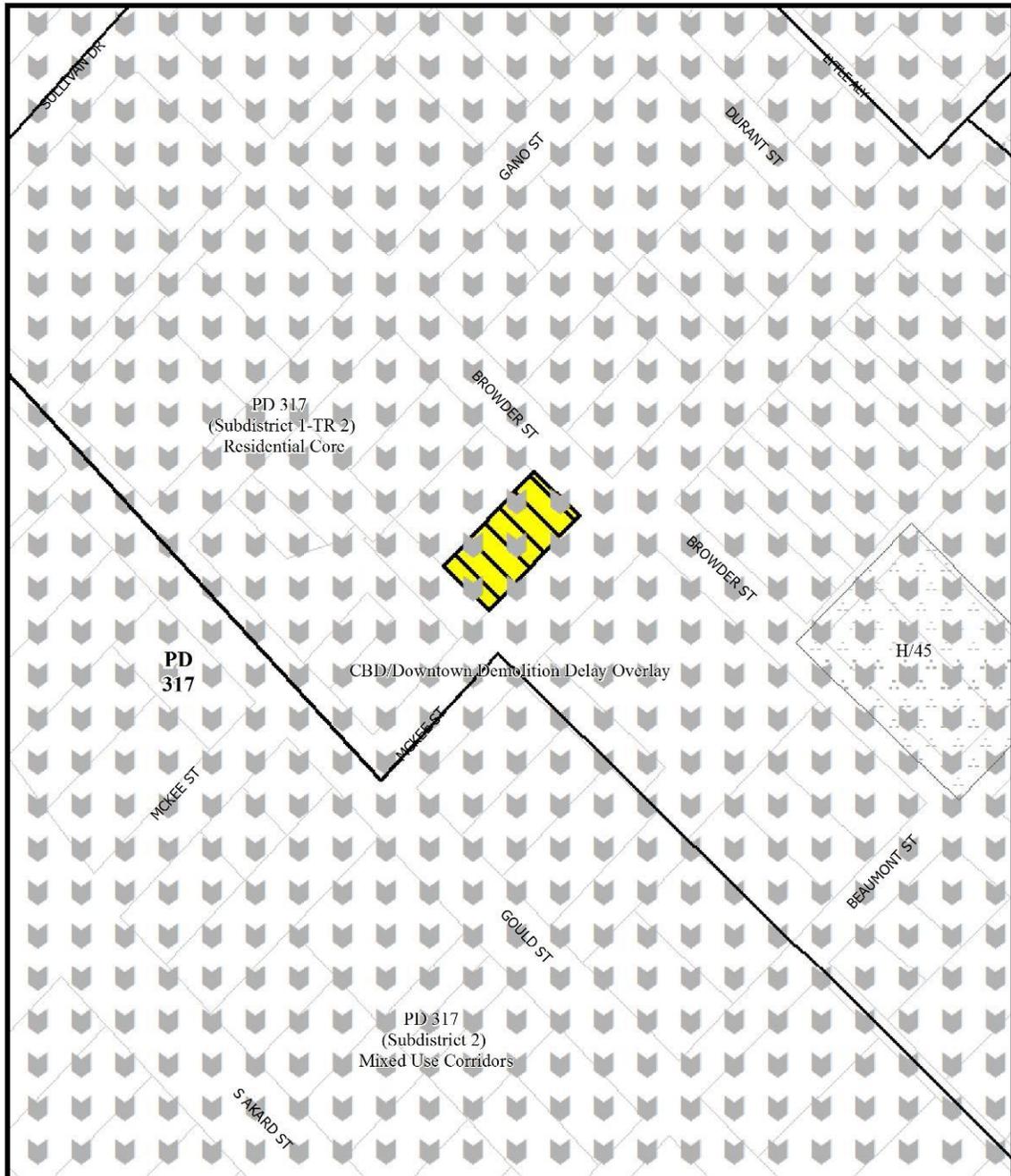
- an attachment that provided the public hearing date and panel that will consider the application; the March 27th deadline to submit additional evidence for staff to factor into their analysis; and the April 5th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

April 2, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the

Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

April 5, 2019:

The Sustainable Development Department Assistant Director of Engineering has submitted a review comment sheet marked "Recommends that this be denied" with the following comment: "Maneuvering of vehicles on public right of way out of a multifamily development with two more driveways than the maximum allowed by code and Driveway encroaches into an already reduce (36 x36 foot) visibility triangle" (Attachment A).



1:1,200

ZONING MAP

Case no: BDA189-046

Date: 3/22/2019



1:1,200

AERIAL MAP

Case no: BDA189-046

Date: 3/22/2019

REVIEW COMMENT SHEET
 BOARD OF ADJUSTMENT
 HEARING OF **APRIL 16, 2019 (A)**

Has no objections

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

Recommends denial
 (see comments below or attached)

No comments

BDA 189-037 (SL)

BDA 189-040 (SL)

BDA 189-043 (OA)

BDA 189-044 (SL)

BDA 189-046 (OA)

COMMENTS:

**1. Driveway encroaches into an already
 reduced (36 x 36-foot) visibility triangle.**

**2. Maneuvering of vehicles on public right of
 way out of a multifamily development with
 two more driveways than the maximum
 allowed by City Code.**

David Nevarez, P.E., PTOE, SDC-Engineering

Name/Title/Department

April 5, 2019

Date

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



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-046

Date: 2-22-19

Data Relative to Subject Property:

Location address: 1611 Browder Street Zoning District: PD-317

Lot No.: 14 Block No.: A/448 Acreage: .11 Census Tract: 14

Street Frontage (in Feet): 1) 103 2) 48 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): 1611 Browder, LLC

Applicant: Darryl Evans Telephone: 469-831-7111

Mailing Address: 8726 S Sepulveda Blvd. Suite DD131, Los Angeles, CA Zip Code: 90045

E-mail Address: darryl@devanscommercial.com

Represented by: Michael Forbes Telephone: 682-401-4955

Mailing Address: P.O. Box 172725 Arlington TX Zip Code: 76003

E-mail Address: michael@trinitecm.com

Affirm that an appeal has been made for a Variance X, or Special Exception _____, of ENCROACH 7' INTO SIDE YARD + PROVIDE A 3' SIDE YARD SETBACK TO THE
0 OR 10 FOOT SIDE YARD SETBACK REQUIREMENT, ENCROACH INTO THE 45x45 VISIBILITY TRIANGLE.
ENCROACH 3' INTO THE REQUIRED 20' GARAGE DOOR + PROVIDE 17'

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:

1. 48' lot dimension creates a hardship with literal interpretation of setback requirements.
2. Due to the small size of the lot (48' dimension) one can not develop the site in a manner commensurate with other PD317 developments.
3. I made no changes to the lot, it is the same single platted lot as purchased therefore not self inflicted.

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 Darryl Evans

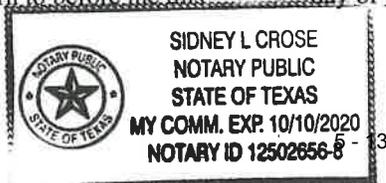
(Affiant/Applicant's name printed)

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 21 day of February, 2019

(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

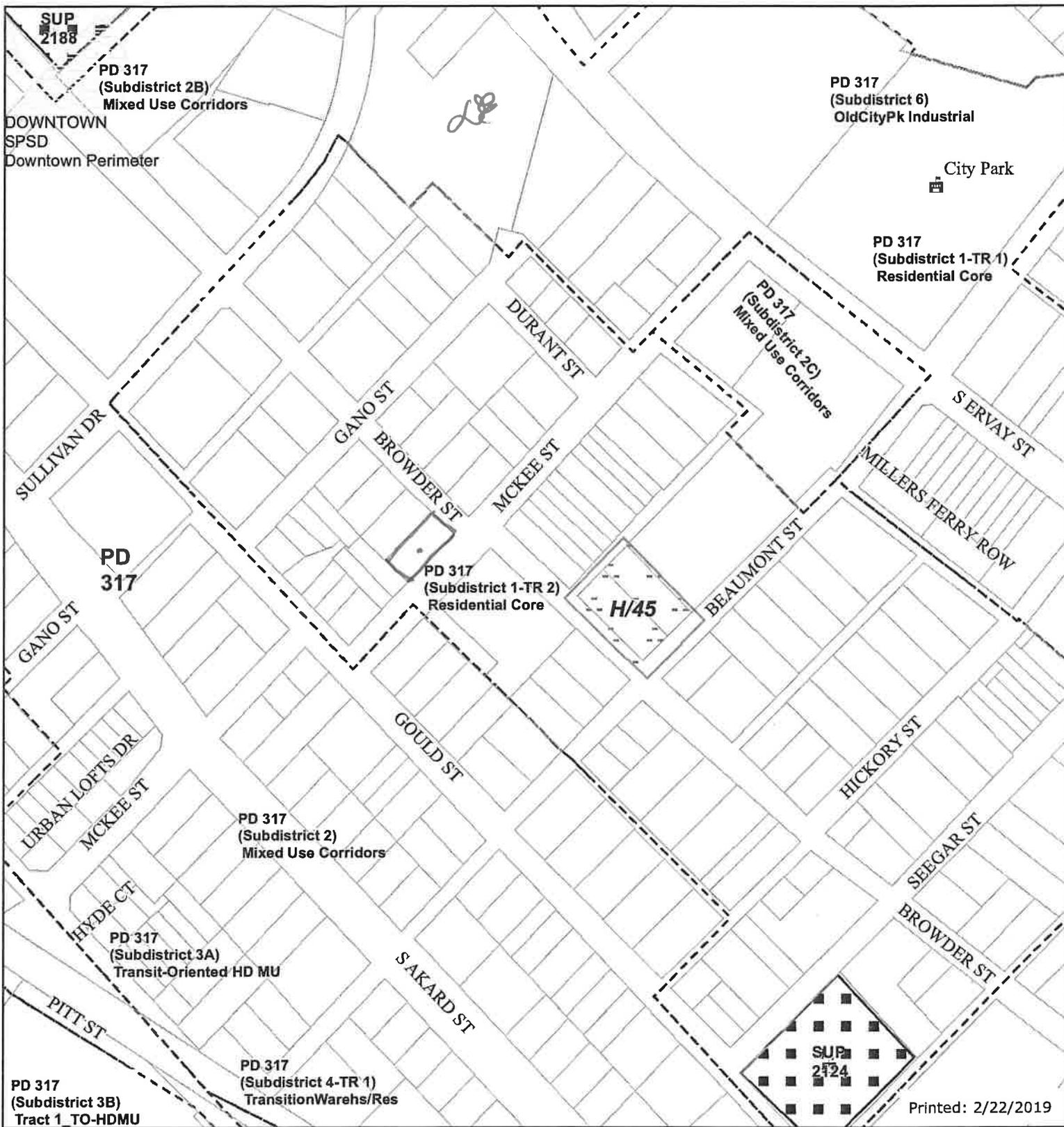
I hereby certify that DARRYL EVANS
represented by MICHAEL FORBES
did submit a request for a variance to the side yard setback regulations, and for a variance to the off-street parking regulations, and for a special exception to the visibility obstruction regulations
at 1611 Browder Street

BDA189-046. Application of DARRYL EVANS represented by MICHAEL FORBES for a variance to the side yard setback regulations, and for a variance to the off-street parking regulations, and for a special exception to the visibility obstruction regulations at 1611 BROWDER ST. This property is more fully described Tract 14, Block 448, and is zoned PD-317 subdistrict 1, which requires a 45 foot visibility triangle at street intersections and requires a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley and requires a side yard setback of 10 feet. The applicant proposes to construct a multi-family residential structure and provide a 3 foot side yard setback, which will require a 7 foot variance to the side yard setback regulations, and to construct a multi-family residential structure with a setback of 17 feet, which will require a variance of 3 feet to the off-street parking regulations, and to construct a multi-family structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





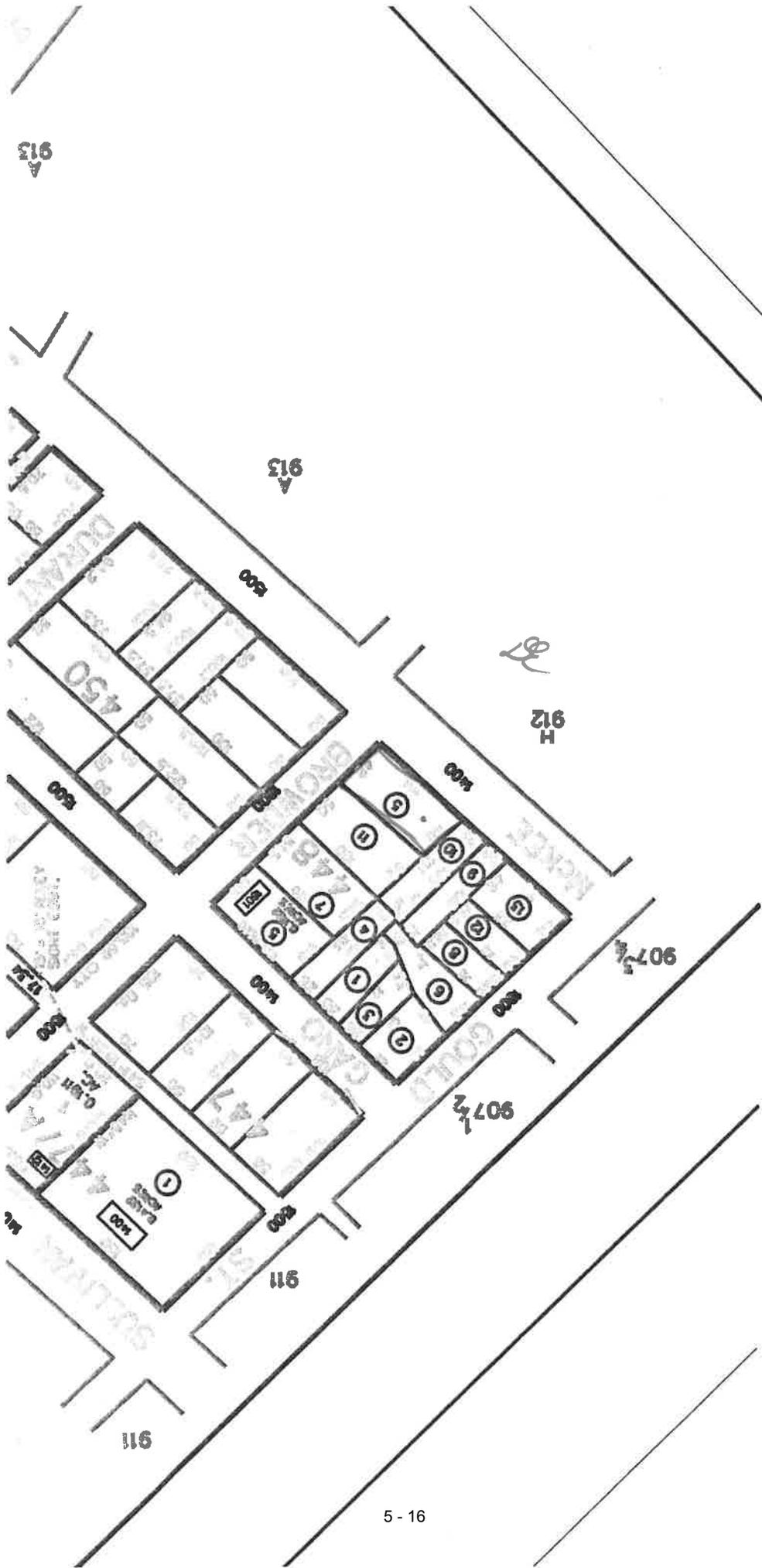
Printed: 2/22/2019

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 | 5-15 Shop Front Overlay |
| | | Height Map Overlay | |

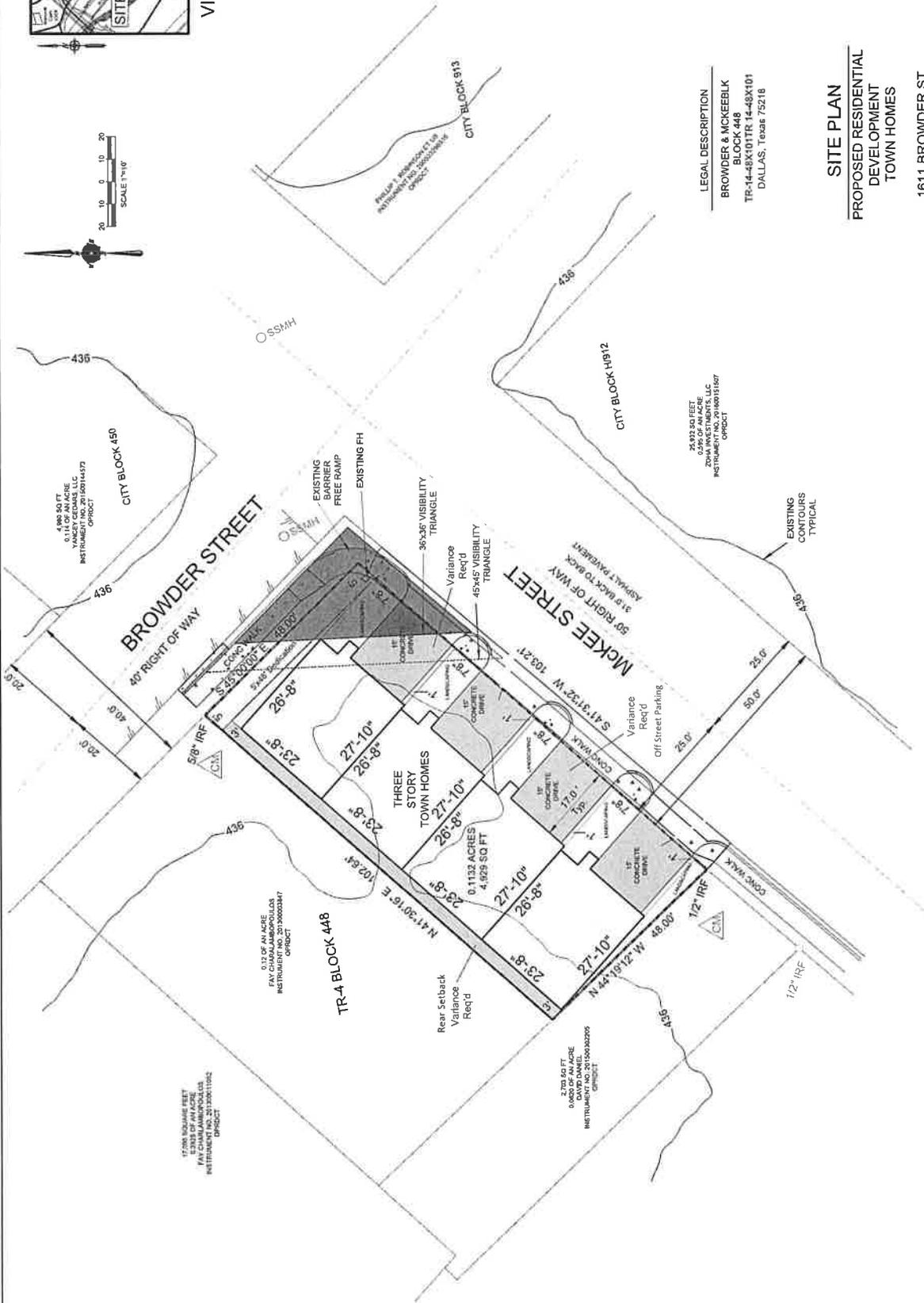
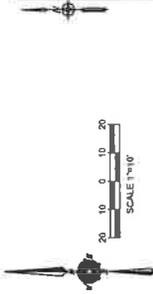
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, 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)







VICINITY MAP

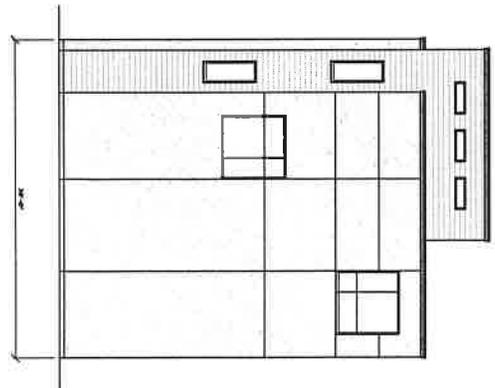
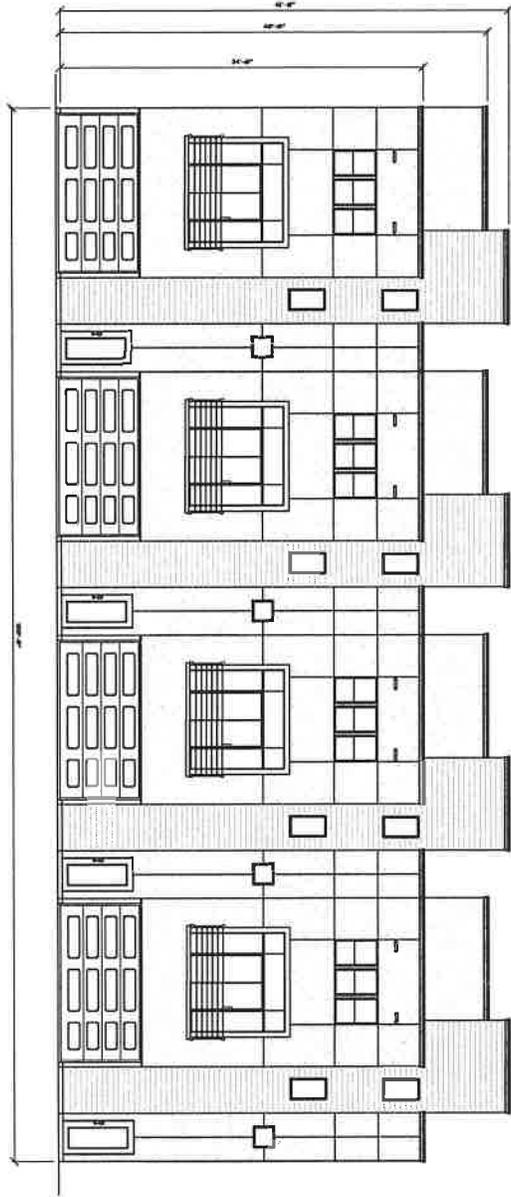


LEGAL DESCRIPTION
 BROWDER & MCKEEBLK
 BLOCK 448
 TR-14-48X101TR 14-48X101
 DALLAS, Texas 75218

SITE PLAN
 PROPOSED RESIDENTIAL
 DEVELOPMENT
 TOWN HOMES
 1611 BROWDER ST
 DALLAS, TX 75215

DEVELOPER: MICHAEL OWENS 4800 W. 15TH ST DALLAS, TX 75244	ENGINEER: J. D. BROWN, P.E. J. D. BROWN & ASSOCIATES, P.C. 1111 W. 15TH ST DALLAS, TX 75244	
Project Name & Address: PROPOSED RESIDENTIAL DEVELOPMENT TOWN HOMES 1611 BROWDER ST DALLAS, TX 75215		
Name: _____ Title: _____ Date: _____ Scale: 1" = 20' Sheet No.: _____ Total No.: C-1		

FRONT + ELEVATION



1611 Browder St.

Variance Hearing Case Plan

Project Site Description

1611 Browder St. (NW corner of McKee St.)

- Currently a boarded up old house
- 4,940 sf Corner Lot
- Lot dimensions: **48'** x 103'
- Zoned PD₃₁₇ - 1

As Is Condition



Proposed project



Issue

Main Issue: The **48'** lot dimension is smaller than other PD317-1 lots and prevents development commensurate with other PD317-1 projects

The Request

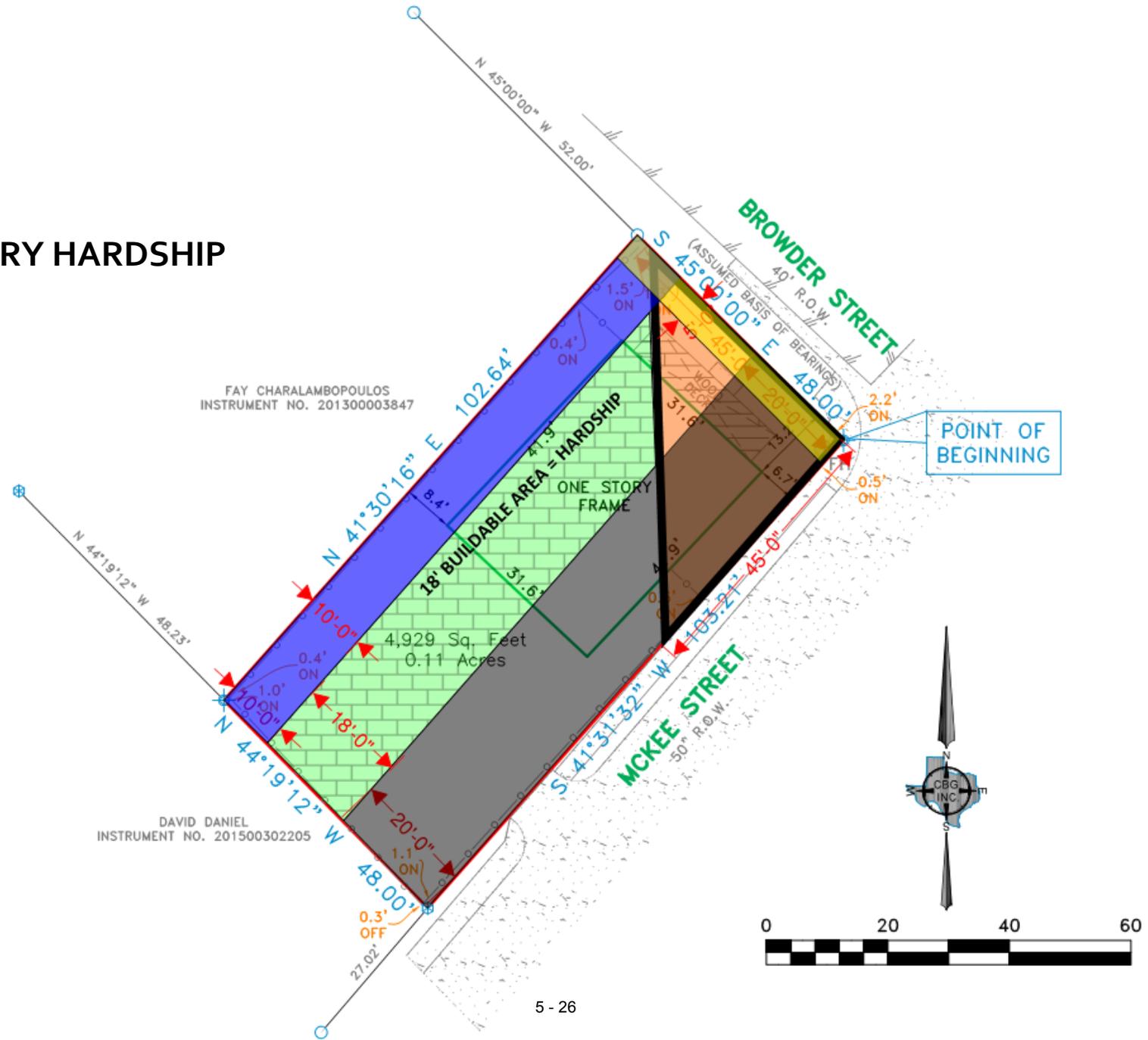
(2) Variances & (1) Special exception

- (1) Variance to allow for a 3' side yard setback
- (1) Variance to allow for a 17' driveway setback
- (1) Special Exception to allow a 36 degree visibility triangle

Unnecessary Hardship

- **As Is the site presents an Unnecessary Hardship**
 - **48'** deep lot
 - Minus 10' side yard setback
 - Minus 20' driveway setback
 - **Leaves 18' deep buildable area**

UNNECESSARY HARDSHIP



**Lot is
Restrictive b/c
of Area**

- **Subject Lot is 4,940 sf**
- **Average corner lot in PD317-1 is 8,284 sf**
- **Avg. townhome lot in PD317-1 is 16,357 sf**

**Not self
inflicted**

- **Purchased a platted 48' corner lot**
 - Max 18' deep building due to mandated setbacks
- **No replat or any other changes**

Market Analysis

PD317-1 Comparisons

- 100% of other developed lots are larger
- No corner lot has a dimension as small
48'

PD 317-1 COMPARABLE STUDY

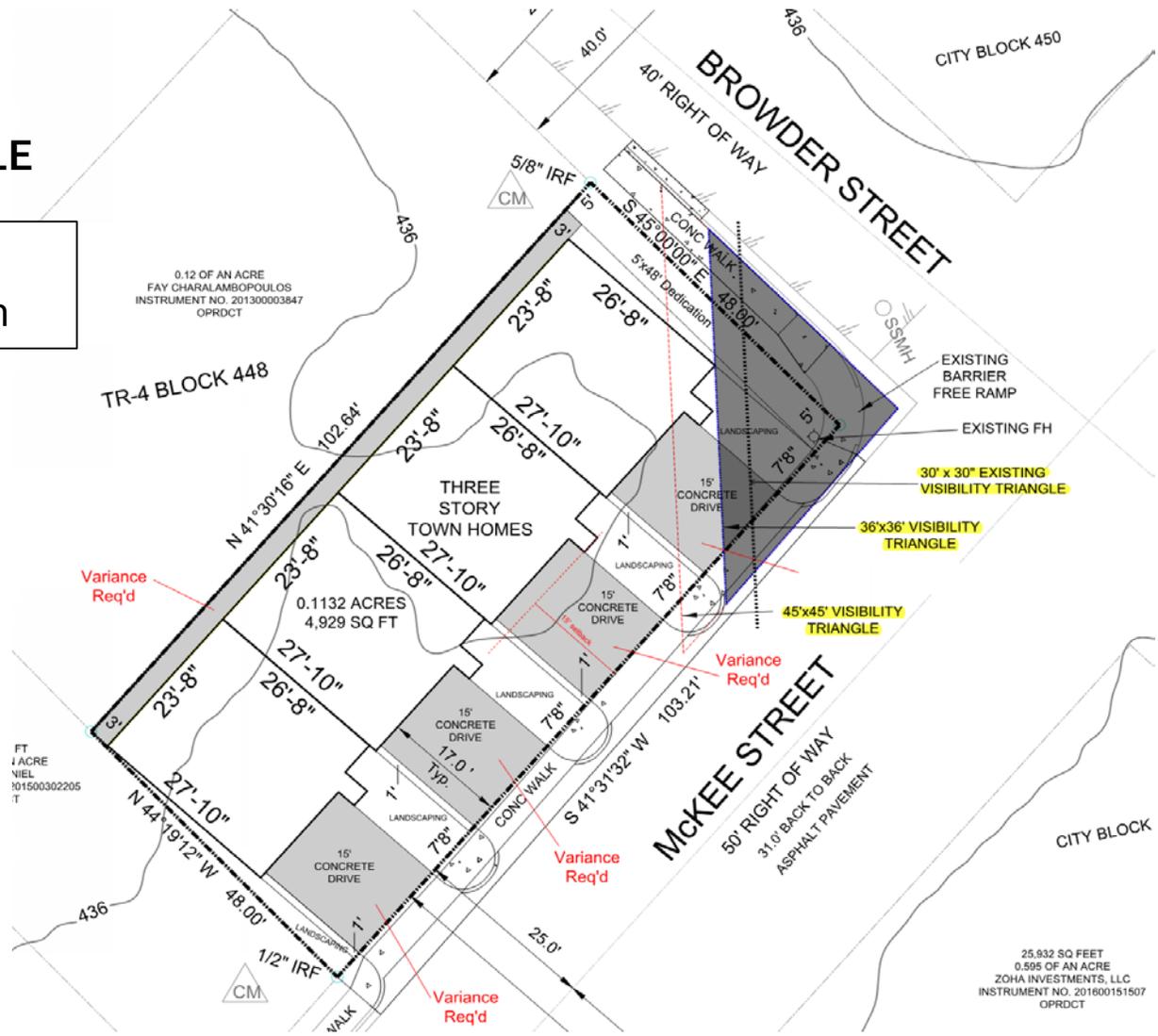
Address	Lot Dimensions			Yield		Unit Dimensions				Year Built
	Lot Depth	Lot Width	Lot Size	No. of Units	% of units/LF	Unit size	unit ft. print width	unit ft. print depth	unit footprint area	
1611 Browder w/o Varances	48	103	4,944	4	4%	943	23.75	18	428	
1611 Browder w/Variances	48	103	4,944	4	4%	1,780	23.75	30	707	
PD 317-1 Townhome development projects										
Averages	109	150	16,357	6	4%	1,747	23	40	958	
1815 Browder St	84	147	12,348	6	4%	2,167	22	37	814	2018
1521-29 Hickory St	100	143	14,300	6	4%	1,783	30	50	1500	2019
1533 Seegar St*	113	160	18,080	7	4%	1,352	19.5	35	676	2005
1500-1510 McKee*	138	150	20,700	6	4%	1,685	20	38	843	2004
PD 317-1 corner lots										
Averages	72	114.43	8,284							
1500 Sullivan	122	109	13,298							
1412 Sullivan	70	120	8,399							
1417 Gano	68	104	7,072							
1501 Gano	105	110	11,550							
1601 Browder	52	97	4,996							
1602 Browder	53	73	3,854							
1614 Browder	50	100	5,000							
1701 Browder	117	177	20,709							
1501 Beaumont St	50	138	6,900							
1419 Beaumont St	57	112	6,384							
1416-20 Beaumont St	63	130	8,176							
1802 Browder St	50	98	4,900							
1609 Durant St	69	85	5,865							
1605 Durant St	100	121	12,100							
1531 Hickory St	61	142	8,662	5 - 30						

Visibility Triangle

- **(e) 30 degree triangle since 1940's**
 - proposed 36 degree triangle improves existing 30 degree triangle
 - Does not create nor increase any traffic hazards or concerns per City Traffic Engineer

VISIBILITY TRIANGLE

6 degree improvement from existing triangle



Conclusion

Pursuant to the above rationale and comparable projects please serve the public's best interest and:

- Grant (1) variance for 3' side yard setback
- Grant (1) variance for 17' garage setback
- Grant (1) special exception to visibility triangle



NOTICE
 BOARD OF ADJUSTMENT APPEAL
 REQUEST 2148 *Handwritten*
 1611 *Handwritten*
 CASE NO. 161-016
 FOR MORE INFORMATION
 CALL
 214-670-4206

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 BOARD OF ADJUSTMENT APPEAL
 REQUEST 2148 *Handwritten*
 1611 *Handwritten*
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 214-670-4206



 1:1,200	NOTIFICATION		Case no: BDA189-046
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">27</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 3/22/2019

Notification List of Property Owners

BDA189-046

27 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1611 BROWDER ST	WHITMIRE JULIE
2	1401 GANO ST	KAPLAN HARRY L ESTATE
3	1409 GANO ST	KAPLAN HARRY L
4	1408 GANO ST	CHARALAMBOPOULOS FAY
5	1400 GANO ST	BLANCHARD BECKER FAMILY TRUST
6	1610 GOULD ST	DANIEL DAVID O
7	1407 MCKEE ST	DANIEL DAVID
8	1501 GANO ST	MARTINEK MARK
9	1605 DURANT ST	HERNDON SUSAN W &
10	1602 BROWDER ST	BANOWSKY BRITTON B
11	1509 MCKEE ST	SHIPBUILD LLC
12	1508 GANO ST	BANOWSKY BRITTON B
13	1513 MCKEE ST	SHIPBUILD PARTNERS LP
14	1608 BROWDER ST	YANCEY CEDARS LLC
15	1709 GOULD ST	SHIPBUILD LLC
16	1312 MCKEE ST	RITETRACK BUILDER INC
17	1704 S AKARD ST	AMORY STREET PPTIES LLC SERIES A
18	1701 BROWDER ST	ZOHA INVESTMENTS LLC
19	1708 GOULD ST	FEIGENSON JEFFREY &
20	1704 GOULD ST	DIJKMAN CELIA MARIA TRUST
21	1400 MCKEE ST	VELA STEVEN
22	1510 MCKEE ST	FREEMAN RICHARD H SR &
23	1508 MCKEE ST	REMUS PATRICK L
24	1506 MCKEE ST	PARKER AMANDA
25	1504 MCKEE ST	WALLACE MICHAEL
26	1502 MCKEE ST	KIM SANGHYUN D & HYEREE

03/22/2019

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	1500 MCKEE ST	ROBINSON PHILLIP T & STEPHANIE