

RECEIVED

2024 SEP -9 AM 11:44

CITY SECRETARY
DALLAS, TEXAS



City of Dallas

Public Notice

2 4 0 8 4 4

POSTED CITY SECRETARY
DALLAS, TX

BOARD OF ADJUSTMENT (PANEL A)

**SEPTEMBER 17TH, 2024, BRIEFING AT 10:30 A.M. AND
THE PUBLIC HEARING AT 1:00 P.M.**

Dallas City Hall, Room 6ES Council Briefing and Videoconference

**Video Conference Link: <https://bit.ly/boa0917A>
Telephone: (408) 418-9388, Access Code: 325527**

The City of Dallas will make Reasonable Accommodations/Modifications to programs and/or other related activities to ensure any and all residents have access to services and resources to ensure an equitable and inclusive meeting. Anyone requiring auxiliary aid, service, and/or translation to fully participate in the meeting should notify the Board of Adjustment by calling (214) 670-4127 three (3) business days prior to the scheduled meeting. A video stream of the meeting will be available twenty-four (24) hours after adjournment by visiting <https://dallastx.new.swagit.com/views/113>.

Individuals and interested parties wishing to speak must register with the Board of Adjustment at <https://bit.ly/BDA-A-Register> by the close of business Monday, September 16th, 2024. In Person speakers can register at the hearing.

La Ciudad de Dallas llevará a cabo Adecuaciones/Modificaciones Razonables a los programas y/u otras actividades relacionadas para asegurar que todos y cada uno de los residentes tengan acceso a los servicios y recursos para asegurar una reunión equitativa e inclusiva. Cualquier persona que requiera asistencia adicional, servicio y/o interpretación para poder participar de forma íntegra en la reunión debe notificar a Junta de Ajustes llamando al (214) 670-4127 tres (3) días hábiles antes de la reunión programada. Una transmisión en video de la reunión estará disponible dos días hábiles luego de la finalización de la reunión en <https://dallastx.new.swagit.com/views/113>.

Las personas y las partes interesadas que deseen hacer uso de la palabra deben registrarse en Junta de Ajustes en at <https://bit.ly/BDA-A-Register> antes de cierre de oficina el Lunes, 16 de Septiembre, 2024. Las personas que deseen hablar en persona se pueden registrar en la Audiencia.

AGENDA

- I. **Call to Order** David A. Neumann, Chairman
- II. **Staff Presentation/Briefing**
- III. **Public Hearing** Board of Adjustment
- IV. **Public Testimony**
- V. **Miscellaneous Items –**
 - Approval of Panel A Minutes, August 20, 2024
- VI. **Case Docket** Board of Adjustment
 - Uncontested Items
 - Holdover Items
 - Individual Items
- VII. **Adjournment**

Handgun Prohibition Notice for Meetings of Governmental Entities

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."

"Pursuant to Section 46.03, Penal Code (places weapons prohibited), a person may not carry a firearm or other weapon into any open meeting on this property."

"De conformidad con la Sección 46.03, Código Penal (coloca armas prohibidas), una persona no puede llevar un arma de fuego u otra arma a ninguna reunión abierta en esta propiedad."

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]

UNCONTESTED CASE(S)

BDA234-105(CJ)	8340 Plainview Drive REQUEST: Application of Martha Duran for (1) a variance to the side-yard setback regulations, and for (2) a variance to the rear-yard setback regulations, and (3) a variance to the maximum allowed lot coverage of 10%.	1
BDA234-109(CJ)	10335 Lennox Lane REQUEST: Application of Hooman Sedighi represented by Jojoy Koshy for (1) a special exception to the fence height regulations.	3
BDA234-110(CJ)	1710 Morrell Avenue REQUEST: Application of Reinhart S. Hanson Jr. represented by DFW Project Solution for (1) a special exception to the tree conservation regulation of section 51A-10.134.	4

HOLDOVER

BDA234-101(CJ)	6801 Tyree Street REQUEST: Application of Akber Meghani to appeal the decision of the administrative official.	5
BDA234-101_FR1	6801 Tyree Street REQUEST: Application of Akber Meghani requesting a fee reimbursement for fees paid to appeal the decision of the administrative official.	6

INDIVIDUAL CASES

BDA234-108(BT)	5601 Ursula Lane REQUEST: Application of Jeff Boyum for (1) a variance to the front-yard setback regulations.	2
BDA234-111(BT)	6529 Victoria Avenue REQUEST: Application of Daniel Le to appeal the decision of the administrative official.	7
BDA234-111_FR1	6529 Victoria Avenue REQUEST: Application of Daniel Le requesting a fee reimbursement for fees paid to appeal the decision of the administrative official.	8



BOARD OF ADJUSTMENT

Panel A Minutes

August 20th, 2024

DRAFT

6ES Council Briefing
24923176153@dallascityhall.webex.com

David A. Neumann, Chairman

PRESENT: [5]

David A. Neumann, Chairman	
Nicholas Brooks	
Rachel Hayden	
Michael Hopkovitz @ 10:20 am	
Jay Narey - Virtual	

ABSENT: [1]

Kathleen Davis	

Chairman David A. Neumann called the briefing to order at **10:17 A.M.** with a quorum of the Board of Adjustment present.

Chairman David A. Neumann called the hearing to order at **1:00 P.M.** with a quorum of the Board of Adjustment present.

The Chairperson stated that no action of the Board of Adjustment shall set a precedent. Each case must be decided upon its own merits and circumstances, unless otherwise indicated, each use is presumed to be a legal use. Each appeal must necessarily stand upon the facts and testimony presented before the Board of Adjustment at this public hearing, as well as the Board's inspection of the property.

PUBLIC SPEAKERS

The Board of Adjustment provided "public speaker" opportunities for individuals to comment on matters that were scheduled on the agenda or to present concerns or address issues that were not matters for consideration listed on the posted meeting agenda.

- Clay Stapp – 4442 Bonham St., Dallas TX 75229
- Rem Le – 6714 Tyree Street, Dallas TX 75209
- Gus Perez – 1811 Morton Street, Dallas TX 75209
- Rene Zertas - 6815 Tyree Street, Dallas TX 75209
- Zac Thompson – 4715 University Blvd., Dallas TX 75209
- Kimberly Sims – 7219 Morton St., Dallas TX 75209
- Amelia Perez – 7811 Morton St., Dallas TX 75209
- Jonathan Maples – 6525 Oriole Dr., Dallas TX 75209

MISCELLANEOUS ITEMS

Approval of the Board of Adjustment Panel A, June 18th, 2024, Meeting Minutes. Changes were made to Page 17 of the Docket, BDA234-090, Motion # 1, motion was granted and Ms. Davis was absent.

Motion was made to approve Panel A, June 18th, 2024, Public Hearing Minutes.

Maker:	Rachel Hayden				
Second:	Nicholas Brooks				
Results:	5-0 unanimously				Motion to approve
		Ayes:	-	5	David A. Neumann, Rachel Hayden, Nicholas Brooks, Jay Narey and Michael Hopkovitz
		Against:	-	0	

CONSENT ITEMS

1. 325 N. Moore Street

This item was moved to Individual Cases

BDA234-093(CJ)

BUILDING OFFICIAL’S REPORT: Application of Ali Ebrahimi for **(1)** a variance to the front-yard setback regulations at 325 N. Moore St. This property is more fully described as Block 2/7675, Lot 31 and is zoned PD-1052 (R-5(A)), which requires a front-yard setback of 20-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 5-foot front-yard setback, which will require **(1)** a 15-foot variance to the front-yard setback regulations.

LOCATION: 325 N Moore St.

APPLICANT: Ali Ebrahimi

REQUEST:

(1) A request for a variance to the front-yard setback regulations.

STANDARDS OF REVIEW FOR A VARIANCE:

Section 51A-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.

ELEMENT II SUBSTITUTE:

Dallas Development Code §51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

- (i) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 of the Texas Tax Code.
- (ii) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
- (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (v) the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:

Variance to the front-yard setback regulations: **Approval**

Rationale: Based upon evidence presented and provided by the applicant, staff concluded that the site is:

- A. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted
- B. Is restrictive in area, shape, and slope.
 - The minimum lot area for residential use in the R-5(A) zoning district is 5,000 sq ft., the subject site is approximately 4,356 sq ft.
 - The subject site has a triangular shape with two front yards along N. Moore St. and Hutchins St. having 20-foot setbacks which restricts the developable shape and area.
 - The area is sloped
- C. Is not a self-created or personal hardship.

BACKGROUND INFORMATION:

BDA History:

No BDA history found at 325 N. Moore St. within the last 5 years.

Square Footage:

This lot contains 4,356 of square feet.
This lot is zoned R-5(A) which has a minimum lot size of 5,000 square feet.

Zoning:

Site: R-5 (A) (Single-Family Zoning District)

- North: R-5 (A) (Single-Family Zoning District)
South: R-5 (A) (Single-Family Zoning District)
East: R-5 (A) (Single-Family Zoning District)
West: R-5 (A) (Single-Family Zoning District)

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- The application for the Ali Ebrahimi property located at 325 N. Moore Street focuses on one request relating to the front yard setback regulations.
- A request for a variance to the front yard setback regulations of 15-feet is made to construct and/or maintain a single-family residential structure at 325 N. Moore Street.
- Zoning District PD-1052; R-5(A) requires a minimum front yard setback of 20-feet.
- It is imperative to note that the subject site is a corner lot and has double street frontage on North Moore Street and Hutchins Avenue.
- As gleaned from the submitted site plan, the proposed home is set to encroach 15-feet into the 20-foot required front yard setback at 325 N. Moore Street, specifically the front yard setback on Hutchins Avenue.
- Based upon staff's analysis of the surrounding properties, the subject site is restrictive in size being only 4,356 sqft in the R-5(A) zoning district which has a minimum lot size of 5,000 sqft. Staff has also concluded that the triangular shape of the subject site is irregular.
- The subject site is sloped in a way that may restrict the developable area.

The applicant has the burden of proof in establishing the following:

- That granting the variance to the front yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- The variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such 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
- 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 a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

The board may also consider Dallas Development Code **§51A-3.102(d)(10)(b)**, formerly known as **HB 1475** as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

- (a) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
 - (b) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
 - (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
 - (d) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - (e) the municipality considers the structure to be a nonconforming structure.
- Granting the proposed 15-foot variance to the front yard setback regulations with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
 - 200' Radius Video:

Timeline:

- June 21, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 3, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- July 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
 - an attachment that provided the hearing date and panel that will consider the application; the August 9, 2024, deadline to submit additional evidence for staff to factor into their analysis; and July 26, 2024, 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.
- July 29, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the August public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer

Speakers:

- For: Ali Ebrahimi, 2440 For Worth Ave., Dallas TX
- Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 234-093, on application of Ali Ebrahimi, **GRANT** the 15-foot variance to the front-yard setback regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

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

Compliance with the most recent version of all submitted plans are required.

Maker:	Rachel Hayden				
Second:	Nicholas Brooks				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	David A. Neumann, Rachel Hayden, Nicholas Brooks, Jay Narey and Michael Hopkovitz
		Against:	-	0	

2. 6130 Royalton drive

BDA234-095(CJ)

BUILDING OFFICIAL’S REPORT: Application of Rob Baldwin for **(1)** a variance to the front-yard setback regulations; and **(2)** a variance to the off-street parking regulations at 6130 Royalton Dr. This property is more fully described as Block 3/5500, Lot 4, and is zoned R-16(A), which requires a front-yard setback of 35-feet 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 in an enclosed structure, and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 15-foot front-yard setback at Azalea Ln., which will require **(1)** a 20-foot variance to the front-yard setback regulations. The applicant proposes to construct and/or maintain a single-family residential structure with a parking setback of 15-feet, which will require **(2)** a variance of 5-feet to the off-street parking regulations.

LOCATION: 6130 Royalton Rd.

APPLICANT: Rob Baldwin

REQUEST:

- (2) A request for a variance to the front-yard setback regulations.
- (3) A request for a variance to the off-street parking regulations.

STANDARDS OF REVIEW FOR A VARIANCE:

Section 51A-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:

- (D) **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.
- (E) **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
- (F) **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.

ELEMENT II SUBSTITUTE:

Dallas Development Code §51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

- (i) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 of the Texas Tax Code.
- (ii) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
- (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (v) the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:

1. 1st Request - Variance to the front-yard setback regulations

Approval

Rationale: Based upon evidence presented and provided by the applicant, staff concluded that the site is:

- C. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.
- D. Is not restrictive in shape or slope but is restrictive in area. The subject site is 16,988.4 sq ft. which is larger than the minimum lot are for residential use in the R-16(A) zoning district (16,000 sq ft.) but the developable area is less than the minimum lot size due to having two front yards that both require 35-foot setbacks; therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- E. Is not a self-created or personal hardship.

2. 2nd Request - Variance to the off-street parking regulations

Approval

Rationale: Based upon evidence presented and provided by the applicant, staff concluded that the site is:

- A. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.-
- B. Is not restrictive in shape or slope but is restrictive in area. The subject site is 16,988.4 sq ft. which is larger than the minimum lot are for residential use in the R-16(A) zoning district (16,000 sq ft.) but the developable area is less than the minimum lot size due to having two front yards that both require 35-foot setbacks; therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Is not a self-created or personal hardship.

BACKGROUND INFORMATION:

BDA History:

No BDA history found at 6130 Royalton Drive within the last 5 years.

Square Footage:

This lot contains 16,988.4 of square feet.

This lot is zoned R-16(A) which has a minimum lot size of 16,000 square feet.

Zoning:

- Site: R-16 (A) (Single-Family Zoning District)
- North: R-16 (A) (Single-Family Zoning District)
- South: R-16 (A) (Single-Family Zoning District)
- East: R-16 (A) (Single-Family Zoning District)
- West: R-16 (A) (Single-Family Zoning District)

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- The application for the Rob Baldwin property located at 6130 Royalton Drive focuses on 2 requests relating to the front yard setback regulations and the off-street parking regulations.
- A request for a variance to the front yard setback regulations of 20-feet is made to construct and/or maintain a single-family residential structure at 6130 Royalton Drive.
- Zoning District R-16 (A) requires a minimum front yard setback of 35-feet.
- It is imperative to note that the subject site has two street frontages as well as two front yards with 35-foot required front yard setbacks on Royalton Drive and Azalea Lane.
- The average lot in a single-family residential zoning district does not have two front yards.
- As gleaned from the submitted site plan, the proposed home is set to encroach 20-feet into the 35-foot required front yard setback at 6130 Royalton Drive.
- Secondly, a request for a variance to the off-street parking regulations of 5-feet is made to construct and/or maintain a single-family residential structure with an enclosed parking space facing Azalea Lane at 6130 Royalton Drive.

- 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 the street or alley.

The applicant has the burden of proof in establishing the following:

- That granting the variance to the front yard setback and/or 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(s) are necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such 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
- The variance(s) 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 a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

The board may also consider Dallas Development Code **§51A-3.102(d)(10)(b)**, formerly known as **HB 1475** as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

- (f) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
- (g) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
- (h) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (i) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (j) the municipality considers the structure to be a nonconforming structure.
- Granting the proposed 15-foot variance to the front yard setback regulations and/or the proposed 5-foot variance to the off-street parking regulations with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.

- 200' Radius Video:

Timeline:

June 21, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

July 3, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

July 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the August 9, 2024, deadline to submit additional evidence for staff to factor into their analysis; and July 26, 2024, 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.

July 29, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the August public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer

Speakers:

For: Rob Baldwin, 3904 Elm St., Suite B, Dallas TX 75226

Against: No Speakers

Motion

I move that the Board of Adjustment **GRANT** the following applications listed on the uncontested docket because it appears, from our evaluation of the property and all relevant evidence that the applications satisfy all the requirements of the Dallas Development Code and are consistent with the general purpose and intent of the Code, as applicable to wit:

BDA 234-095 – Application of Rob Baldwin for a variance to the front yard setback regulations in the Dallas Development Code is granted subject to the following condition:

Compliance with the most recent version of all submitted site plan is required.

BDA 234-095 – Application of Rob Baldwin for a variance to the parking regulations in the Dallas Development Code is granted subject to the following condition:

Compliance with the most recent version of all submitted site plan is required.

Maker:	Rachel Hayden				
Second:	Michael Hopkovitz				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	David A. Neumann, Rachel Hayden, Nicholas Brooks, Jay Narey and Michael Hopkovitz
		Against:	-	0	

HOLDOVER CASES

3. 607 W. Davis Street

BDA234-071(BT)

BUILDING OFFICIAL’S REPORT: Application of Houshang Jahvani for (1) a special exception to the landscaping regulations at 607 W. Davis St. This property is more fully described as Block A/3438 Lot 2A, and is zoned PD-830 Subdistrict 6, which requires mandatory landscaping. The applicant proposes to construct and/or maintain a nonresidential structure and provide an alternate landscape plan, which will require (1) a special exception to the landscape regulations.

LOCATION: 607 W. Davis St.

APPLICANT: Houshang Jahvani

REQUEST: A special exception to the landscape regulations.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO THE LANDSCAPING AND TREE MITIGATION:

Section 51A-10.110 of the Dallas Development Code states the board may grant a special exception to the requirements of this article upon making a special finding from the evidence presented that **strict compliance** with the requirements of this article **will unreasonably burden the use of the property**; the **special exception will not adversely affect neighboring property**; and **the requirements are not imposed by a site-specific landscape plan** approved by the city plan commission or city council. In determining whether to grant a special exception under Subsection (a), the board shall consider the following factors:

- The extent to which there is residential adjacency.
- The topography of the site.
- The extent to which landscaping exists for which no credit is given under this article.
- The extent to which other existing or proposed amenities will compensate for the reduction of landscaping. (Ord. Nos. 22053; 25155)

STAFF RECOMMENDATION:

Special Exceptions (1):

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

The arborist division revised comment as of August 1, 2024: The only location to add any new landscaping is within the ROW dedication. Any built improvements that are not there currently should be removed if called for by Transportation. The arborist division believes the Vitex are suitable for tree planting, but may also be able to be satisfied with the redbud if a sidewalk is not being placed along Fouraker. The applicant believes they can retain the 12" oak along Davis now that they're setting the building back to 10'. Chief Arborist is somewhat skeptical but open to the applicants effort to try to retain the tree. The tree branching away from the building location may help support the idea. Our Chief Arborist may condition it to if the tree fails, it must be replaced with a small tree.

The arborist division is favorable overall to the proposed landscape plan. The building reduction is favorable to increased landscaping.

BACKGROUND INFORMATION:

Zoning:

- Site: PD-830 Subdistrict 6
- North: PD-830 Subdistrict 6 & PD-830 Subdistrict 4
- East: PD-830 Subdistrict 6 & PD-160
- South: PD-830 Subdistrict 6
- West: PD-830 Subdistrict 6

Land Use:

The subject site is currently developed with a convenience store and gas station and the proposed one story retail addition. The surrounding area mainly consists of retail and single family structures.

BDA History:

No BDA history found within the last 5 years.

GENERAL FACTS/STAFF ANALYSIS:

- A request for a special exception to the landscape regulations.
- As gleaned from the submitted site plan, the applicant is proposing to construct and/or maintain and retail food mart resulting in the need for a landscape special exception.
- The original development was approved with an alternate landscape plan under BDA978-150 which was deficient from Article X (1994 amendments) requirements. The site had been modified in recent years with a reduction of some landscape area and paving expansion along Fouraker Street. Davis Street was improved by the City of Dallas with new street and sidewalk improvements and the introduction of three trees in the right-of-way in designated tree wells. One tree near Davis Street was lost to storm damage and one additional tree is proposed to be removed for the new building addition.
- Article X (2018 amendments) requires the provision of 1 large/medium tree per 40 feet of street frontage (6 trees per frontage) with a street buffer zone on both streets, and a residential buffer zone of a minimum of 6.5' wide along Fouraker Street. The narrow street and existing driveway and infrastructure conditions are not supportable to compliance for Fouraker Street or Davis Street.
- The property requires 10 landscape design option points. The plan provides for 5 points for foundation planting conditions.
- Along Fouraker Street, a new 5.5' wide right-of-way dedication places all existing and new landscaping inside the dedicated area. An additional 2' right-of-way dedication was placed along Davis Street. Infrastructure, visibility triangles, and infrastructure restrict planting.
- Granting the special exception to the landscape and tree mitigation regulations with a condition that the applicant complies with the submitted site and landscape plan, would require the proposal to be constructed as shown on the submitted documents.

- 200' Radius Video: [BDA234-071 607 W. Davis St](#)

Timeline:

April 19, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

May 15, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

May 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the May 24, 2024, deadline to submit additional evidence for staff to factor into their analysis; and June 7, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

June 3, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

June 18, 2024: The Board of Adjustment Panel **A**, at its public hearing held on Tuesday, June 18, 2024, moved to **HOLD** this matter under advisement until Tuesday, August 20, 2024.

July 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the August 9, 2024, deadline to submit additional evidence for staff to factor into their analysis; and July 26, 2024, 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.

July 29, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the August public hearings. Review team members in attendance included: The Board of Adjustment

Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

July 29, 2024: The applicant submitted a revised landscape plan.

August 1, 2024: Chief Arborist provided comments based on applicant’s revised landscape plan.

Speakers:

For: Houshang Jahvani, 2121 W. Josey Ln., # 200 Carrollton, TX 752006
 Against: Pam Conley, 901 N. Madison, Dallas TX 75208

Motion

I move that the Board of Adjustment, in Appeal No. BDA 234-071, on application of Houshang Jahvani, **GRANT** the request of this applicant for a special exception to the landscape requirements contained in Article X of the Dallas Development Code, as amended, because our evaluation of the property and testimony shows that (1) strict compliance with the requirements of this article will unreasonably burden the use of the property; (2) the special exception will not adversely affect neighboring properties, and (3) the requirements are not imposed by a site-specific landscape plan approved by the city plan commission or city council.

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

Compliance with the most recent version of all submitted plans are required.

In the event of the loss of a large tree on the subject property, as defined by Article X said tree must be replaced on the lot with a small tree from the City of Dallas approved tree list within 30 days of removal.

Maker:	Michael Hopkovitz				
Second:	Nicholas Brooks				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	David A. Neumann, Rachel Hayden, Nicholas Brooks, Jay Narey and Michael Hopkovitz
		Against:	-	0	

4. 3216 Peoria Avenue
 BDA234-077(CJ)

BUILDING OFFICIAL’S REPORT: Application of Joel Perales for (1) a special exception to the fence height regulations at 3216 PEORIA AVE. This property is more fully described as Block 21/7159, Lot 4 and is zoned as both R-5(A) and CS, which limits the height of a fence in the front yard to 4-feet. The applicant proposes to construct a 6-foot 6-inch-high fence in a required front-yard, which will require (1) a 2-foot 6-inch special exception to the fence regulations.

LOCATION: 3216 Peoria St.

APPLICANT: Joel Perales

REQUEST:

(1) A request for a special exception to the fence height regulations.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT STANDARDS REGULATIONS:

Section 51A-4.602(b)(2) of the Dallas Development Code states that the board may grant a special exception to the fence regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this or any request for a special exception since the basis for this type of appeal is when in the opinion of the board, the special exception will not adversely affect neighboring properties nor will it constitute a traffic hazard.

BACKGROUND INFORMATION:

BDA History:

BDA234-033 at 3216 Peoria Street

- A **SPECIAL EXCEPTION** to the fence height regulations.
 - The applicant proposed to construct and/or maintain a 6-foot-high fence in a required front yard, which will require (1) a 2-foot special exception to the fence regulations on Peoria St.
- A **SPECIAL EXCEPTION** to the fence standards regulations regarding opacity.
 - The applicant proposes to construct and/or maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line, which will require (2) a special exception to the fence regulations on Peoria St.
- A **SPECIAL EXCEPTION** to the 20-foot visibility obstruction regulations.
 - The applicant proposes to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle, which will require (3) a special exception to the 20-foot visibility obstruction regulation. on Peoria Street.
- Requests denied by Panel A, April 16, 2024

Square Footage:

- This lot contains 27,878.4 of square feet.
- This lot is zoned R-5(A) which has a minimum lot size of 5,000 square feet.

Zoning:

- Site: R-5 (A) (Single Family District)
- North: R-5 (A) (Single Family District)
- East: IM (Industrial Manufacturing Zoning District)
- South: R-5 (A) (Single Family District)
- West: R-5 (A) (Single Family District)

Land Use:

The subject site and surrounding properties to the north, east and south are developed with single-family uses. Properties to the east are developed with industrial manufacturing uses.

GENERAL FACTS/STAFF ANALYSIS:

- The application, for the Joel Perales property located at 3216 Peoria Street focuses on one request relating to fence height regulations.
- The applicant proposes to maintain and 6-foot-6-inch high fence in a required front yard, which will require a 2-foot 6-inch special exception to the fence height regulations.
- The subject site along with properties to the north, south, and west are all developed with single-family homes. Areas to the east are developed with industrial manufacturing uses.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to maintain a 6-foot 6-inch high fence around the circumference of the property at 3216 Peoria Street.
- The fence is material is partially wood, wrought iron and concrete.
- It is imperative to note that the subject site is a mid-block lot, and it has single street frontage on Peoria Street.
- Based upon staff’s analysis of the surrounding properties, there are a few homes along Peoria Street with fences and gates in the required front yard and/or some form of vegetation serving as a screening mechanism.
- Per staff’s review of the subject site, it has been confirmed that the fence surrounding the circumference of the property is existing and not proposed.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations relating to height will not adversely affect the neighboring properties.
- Granting the special exceptions to the fence standards relating to height regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200’ Radius Video: [BDA234-077 at 3216 Peoria St.](#)

Timeline:

April 26, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

May 15, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

May 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the May 24, 2024, deadline to submit additional evidence for staff to factor into their analysis; and June 7, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

June 3, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer

June 18, 2024: Panel A, at its regular scheduled hearing on June 18, 2024 voted to hold this matter under advisement until it’s August hearing.

July 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the August 9, 2024, deadline to submit additional evidence for staff to factor into their analysis; and July 26, 2024, 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.

July 29, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the August public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer

Speakers:

For: Blas Garza, 3216 Peoria Street, Dallas TX 75212
Joel Perales, 3216 Peoria Street, Dallas TX 75212
Translator: German Flores
Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA 234-077, on application of Joel Perales, **GRANT** the request of this applicant to construct and/or maintain a 6-foot 6-inch high fence as a special exception to the height requirement for fences contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

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

Compliance with height and fence location requirements illustrated in the most recent version of all submitted plans are required.

Maker:	David Neumann				
Second:	Nicholas Brooks				
Results:	4-1				Motion to grant
		Ayes:	-	4	David A. Neumann, Rachel Hayden, Nicholas Brooks and Jay Narey
		Against:	-	1	Michael Hopkovitz

INDIVIDUAL CASES

5. 6801 Tyree Street
 BDA234-101(CJ)

BUILDING OFFICIAL’S REPORT: Application of Akber Meghani to appeal the decision of the administrative official at 6801 Tyree St. This property is more fully described as Block C/2595, Lot 18, and is zoned PD-67, which requires compliance with Planned Development No. 67 land use and development standards. The applicant proposes to appeal the decision of an administrative official in the revocation of building project 2211181039 and associated master permit 2211181139 for the construction of a new duplex.

LOCATION: 6801 Tyree St.

APPLICANT: Akber Meghani

REQUEST:

A request is made to appeal the decision of an administrative official in the revocation of building project 2211181039 and associated master permit 2211181139 for the construction of a new duplex.

STANDARD FOR APPEAL FROM DECISION OF AN ADMINISTRATIVE OFFICIAL:

Dallas Development Code Sections 51A-3.102(d)(1) and 51A-4.703(a)(2) state that any aggrieved person may appeal a decision of an administrative official when that decision concerns issues within the jurisdiction of the Board of Adjustment.

The Board of Adjustment may hear and decide an appeal that alleges error in a decision made by an administrative official. Tex. Local Gov't Code Section 211.009(a)(1).

Administrative official means that person within a city department having the final decision-making authority within the department relative to the zoning enforcement issue. Dallas Development Code Section 51A-4.703(a)(2).

BDA History:

No BDA History found at 6801 Tyree Street in the last 5 years.

Zoning:

- Site: Planned Development (PD) 67 Zoning District
- North: Planned Development (PD) 67 Zoning District
- South: Planned Development (PD) 67 Zoning District
- East: Planned Development (PD) 67 Zoning District
- West: Planned Development (PD) 67 Zoning District

Land Use:

The subject site and surrounding properties are developed with a single-family residential use.

GENERAL FACTS/STAFF ANALYSIS:

- The board shall have all the powers of the administrative official on the action appealed. The board may in whole or in part affirm, reverse, or amend the decision of the official.

Timeline:

June 25, 2024: The applicant was sent a denial letter for permit number 2211181039 and master permit 2211181139 which were incorrectly issued by Development Services Department and invalid.

June 27, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

July 3, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

July 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the August 9, 2024, deadline to submit additional evidence for staff to factor into their analysis; and July 26, 2024, 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.

July 29, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the August public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer

Speakers:

For: Karl Crawley, 2201 Main Street # 1280, Dallas TX 75201
 Danielle Matthews, 2201 Main Street # 1280, Dallas TX 75201
 Laura Gunn, 2201 Main Street # 1280, Dallas TX 7201

Representing the City of Dallas: Justin Roy, 1500 Marilla Street 7DN, Dallas TX 75201

Motion

I move that the Board of Adjustment in Appeal No. BDA 234-101, **HOLD** this matter **under advisement until September September 17, 2024.**

Maker:	David Neumann				
Second:	Michael Hopkovitz				
Results:	4-1				Motion to hold
		Ayes:	-	4	David A. Neumann, Rachel Hayden, Jay Narey and Michael Hopkovitz
		Against:	-	1	Nicholas Brooks

6. 6801 Tyree Street
 BDA234-101_FR1(CJ)

BUILDING OFFICIAL’S REPORT: Application of Akber Meghani to appeal the decision of the administrative official at 6801 Tyree St. This property is more fully described as Block C/2595, Lot 18, and is zoned PD-67, which requires compliance with Planned Development No. 67 land use and development standards.

LOCATION: 6801 Tyree St.

APPLICANT: Akber Meghani

REQUESTS:

The applicant is requesting a fee reimbursement for fees paid for the application submitted to appeal the decision of the administrative official at 6801 Tyree Street which will appear before Panel A on August 20, 2024.

STANDARD FOR A FEE WAIVER OR REIMBURSEMENT:

Section 51A-1.105(b)(6) of the Dallas Development Code specifies the board of adjustment may waive the filing fee if the board finds that **payment of the fee would result in substantial financial hardship to the applicant**. The applicant may either pay the fee and request reimbursement at the hearing on the matter or request that the issue of financial hardship be placed on the board’s miscellaneous docket for predetermination. If the issue is placed on the miscellaneous docket, the applicant may not apply to the merits of the request for a waiver have been determined by the board. In making this determination, the board may require the production of financial documents.

STAFF RECOMMENDATION:

The staff does not make a recommendation on fee waiver requests since the standard is whether the board finds that payment of the fee would result in substantial financial hardship to the applicant.

Speakers:

For: None
 Against: None

Motion

I move that the Board of Adjustment in Appeal No. BDA 234-101, **HOLD** this matter **under advisement until September 17, 2024.**

Maker:	David Neumann				
Second:	Michael Hopkovitz				
Results:	4-1				Motion to hold
		Ayes:	-	4	David A. Neumann, Rachel Hayden, Jay Narey and Michael Hopkovitz
		Against:	-	1	Nicholas Brooks

****Recess at 2:25 pm – 2:40 pm****

****Recess at 2:52 pm – 3:10 pm****

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Chairman moved to adjourn the meeting at 3:25 p.m.

Maker:	Nicholas Brooks				
Second:	Michael Hopkovitz				
Results:	5-0 unanimously				Motion to adjourn

Required Signature:
Mary Williams, Board Secretary
Planning & Development Department

Date

Required Signature:
Dr. Kameka Miller-Hoskins, Board Coordinator
Planning & Development Department

Date

Required Signature:
David A. Neumann, Chairman
Board of Adjustment

Date

FILE NUMBER: BDA234-105 (CJ)

BUILDING OFFICIAL'S REPORT: Application of Martha Duran for **(1)** a variance to the side-yard setback regulations; **(2)** a variance to the rear-yard setback regulations; and **(3)** a variance to the maximum allowed lot coverage at 8340 Plainview Drive. This property is more fully described as Block 2/8526, Lot 5, and is zoned A(A), which allows a maximum lot coverage of 10%, and requires a side-yard setback of 20-feet, and requires a rear yard setback of 50-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide an 8-foot side-yard setback, which will require **(1)** a 12-foot variance to the side-yard setback regulations; to construct and/or maintain a single-family residential structure and provide a 14-foot 8-inch rear yard setback, which will require **(2)** a 35-foot 4-inch variance to the rear-yard setback regulations, and to construct and/or maintain a single-family residential structure with 2,331 square feet of floor area (23% lot coverage), which will require **(3)** a 1,302 square foot variance (13%) to the maximum allowed lot coverage of 1,029 square feet (10%).

LOCATION: 8340 Plainview Drive

APPLICANT: Martha Duran

REQUEST:

- (1) A request for a **variance to the side-yard setback regulations**; and
- (2) A request for a **variance to the rear-yard setback regulations**; and
- (3) A request for a **variance to the lot coverage regulations**.

STANDARDS OF REVIEW FOR A VARIANCE:

Section 51A-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.

ELEMENT II SUBSTITUTE:

Dallas Development Code §51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

- (i) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 of the Texas Tax Code.
- (ii) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
- (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (v) the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:

1. 1st Request - Variance to the side yard setback regulations

Approval

Rationale: Based upon evidence presented and provided by the applicant, staff concluded that the site is:

- A. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.
- B. The subject site is 10,390 sq ft. which is smaller than the minimum lot size for residential use in the A(A) zoning district (130,680 sq ft. or 3 ac). Having a 50-foot rear yard setback and a 20-foot side yard setback further decreases the developable area of the subject site; therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Is not a self-created or personal hardship.

2. 2nd Request - Variance to the rear yard setback regulations.

Approval

Rationale: Based upon evidence presented and provided by the applicant, staff concluded that the site is:

- A. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.
 - B. The subject site is 10,390 sq ft. which is smaller than the minimum lot size for residential use in the A(A) zoning district (130,680 sq ft. or 3 ac). Having a 50-foot rear yard setback and a 20-foot side yard setback further decreases the developable area of the subject site; therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
 - C. Is not a self-created or personal hardship.
3. 3rd Request - Variance to the lot coverage regulations.

Approval

Rationale: Based upon evidence presented and provided by the applicant, staff concluded that the site is:

- A. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.
- B. The subject site is 10,390 sq ft. which is smaller than the minimum lot size for residential use in the A(A) zoning district (130,680 sq ft. or 3 ac). Having a 50-foot rear yard setback and a 20-foot side yard setback further decreases the developable area of the subject site; therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Is not a self-created or personal hardship.

BACKGROUND INFORMATION:

BDA History:

No BDA history found at 8340 Plainview Drive within the last 5 years.

Square Footage:

This lot contains 10,018.8 of square feet.

This lot is zoned A(A) which has a minimum lot size of 130,680 square feet or 3 acres.

Zoning:

- Site: A (A) (Agriculture Zoning District)
- North: A (A) (Agriculture Zoning District)
- South: IR (Industrial Research District)
- East: A (A) (Agriculture Zoning District)
- West: A (A) (Agriculture Zoning District)

Land Use:

The subject site is currently vacant. The areas to the north, east, and west are developed and being developed with uses permissible in the A(A) zoning district. Areas to the south are zoned with Industrial Research (IR) uses.

GENERAL FACTS/STAFF ANALYSIS:

- The application for the Martha Duran property located at 8340 Plainview Drive focuses on 3 requests relating to the side yard setback regulations, rear yard setback regulations and the lot coverage regulations.
- A request for a variance to the side yard setback regulations of 12-feet is made to construct and/or maintain a single-family residential structure at 8340 Plainview Drive; Zoning District A(A) requires a minimum side yard setback of 20-feet.
- Secondly, a request for a variance to the rear yard setback regulations of 35-feet 4-inches is made to construct and/or maintain a single-family residential structure at 8340 Plainview Drive; Zoning District A(A) requires a minimum rear yard setback of 50-feet.
- Thirdly, a request for a 13 percent variance to the lot coverage regulations is made to construct and/or maintain a single-family residential structure with 2,331 square feet of floor area which is equivalent to 23% of lot coverage; the maximum allowed lot coverage in Zoning District A(A) is 10 percent.
- It is imperative to note that the subject site is a mid-block lot and has single street frontage on Plainview Drive.
- The subject site along with surrounding properties to the north, east and west are zoned with residential and agricultural uses. Areas to the south are zoned with Industrial Research uses.
- The subject site is currently vacant and heavily vegetated.

The applicant has the burden of proof in establishing the following:

- That granting the variance(s) 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(s) are necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such 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
- The variance(s) 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 a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

The board may also consider Dallas Development Code **§51A-3.102(d)(10)(b)**, formerly known as **HB 1475** as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

- (a) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
 - (b) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
 - (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
 - (d) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - (e) the municipality considers the structure to be a nonconforming structure.
- Granting the proposed variances below, with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
 - 12-foot variance to the side yard setback regulations; and
 - 35-foot 4-inch variance to the rear yard setback regulations; and
 - 13 percent variance to the lot coverage regulations.
 - 200' Radius Video: [BDA234-105 at 8340 Plainview Dr.](#)

Timeline:

July 19, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

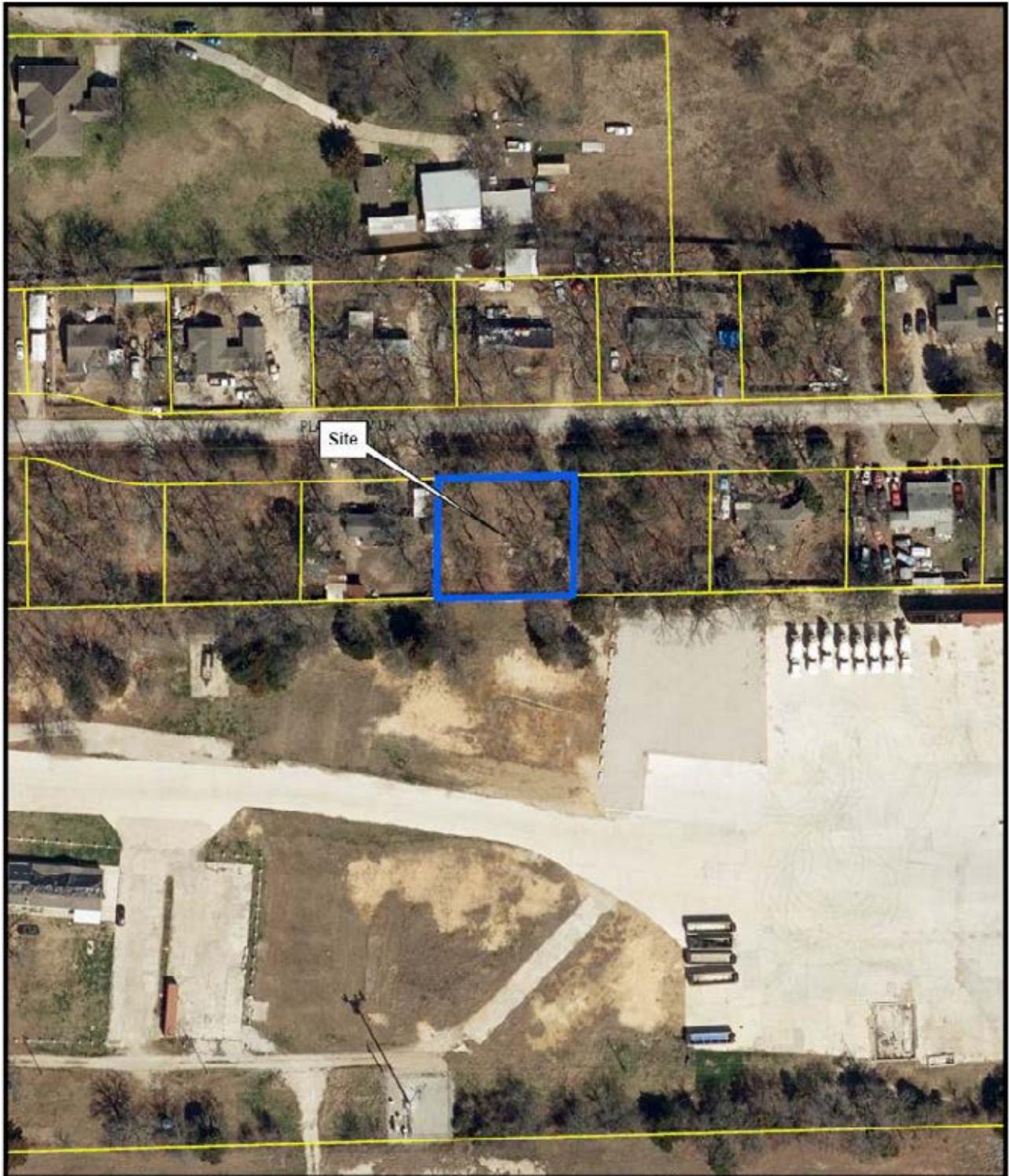
August 9, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

August 12, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the August 23, 2024, deadline to submit additional evidence for staff to factor into their analysis; and September 6, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.

- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

August 30, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the September public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

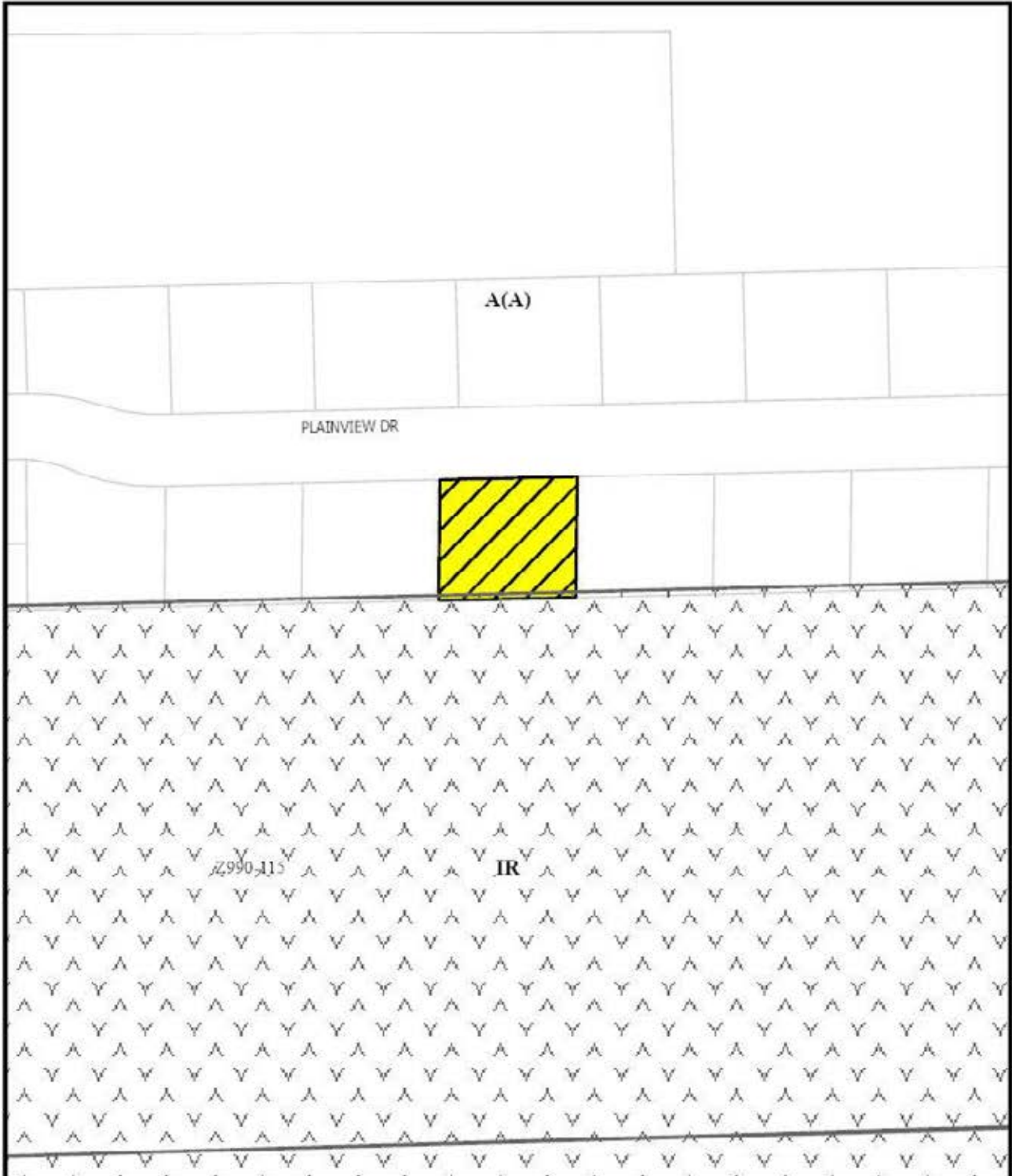


1:1,200

AERIAL MAP

Case no: BDA234-105

Date: 08/05/2024





1:1,200

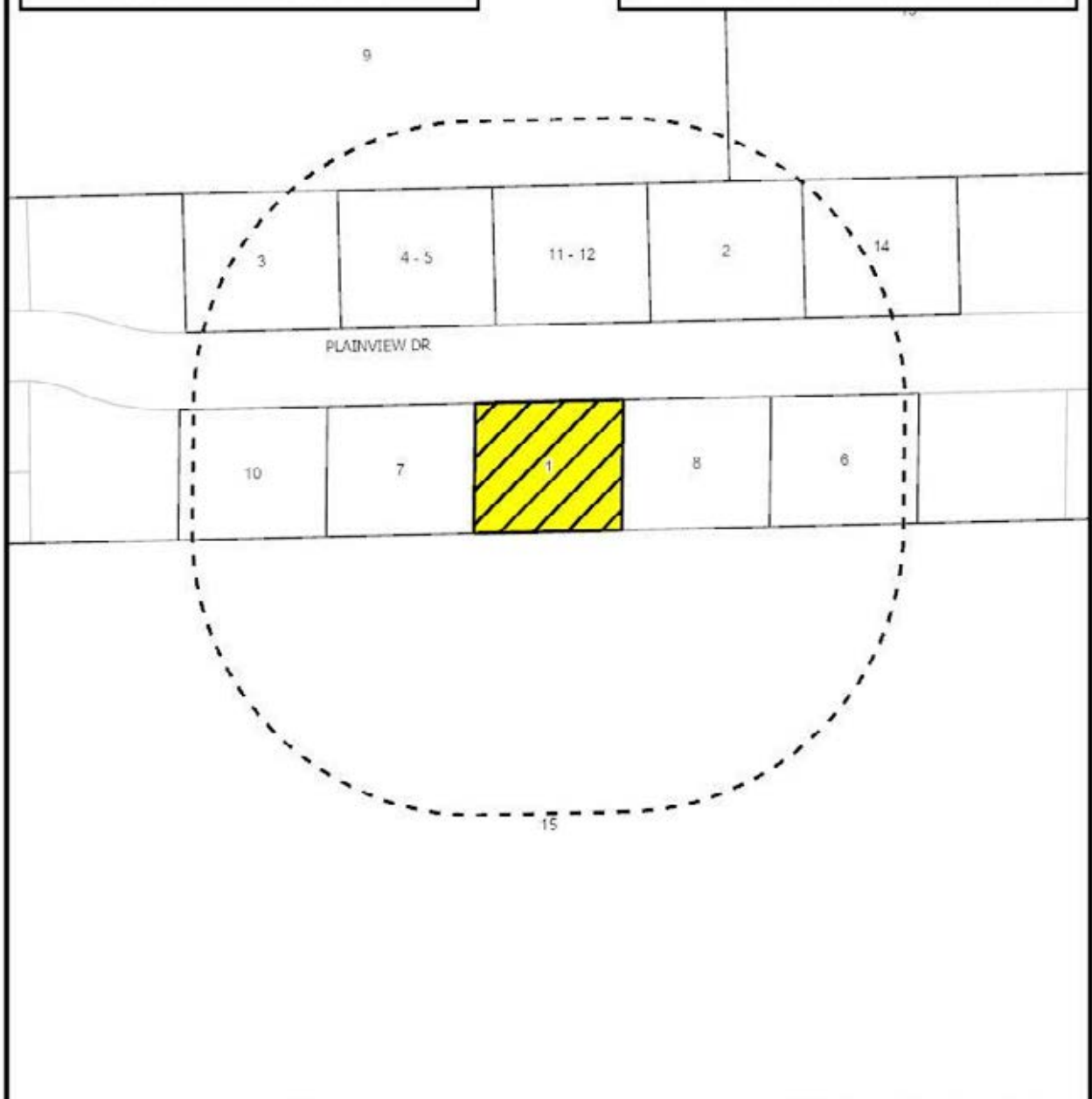
ZONING MAP

Case no: BDA234-105

Date: 08/05/2024

The area of request is hatched . Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.

El área de solicitud está sombreada . La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será re zonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.



The number '0' indicates City of Dallas Ownership


1:1,200


NOTIFICATION


200' AREA OF NOTIFICATION

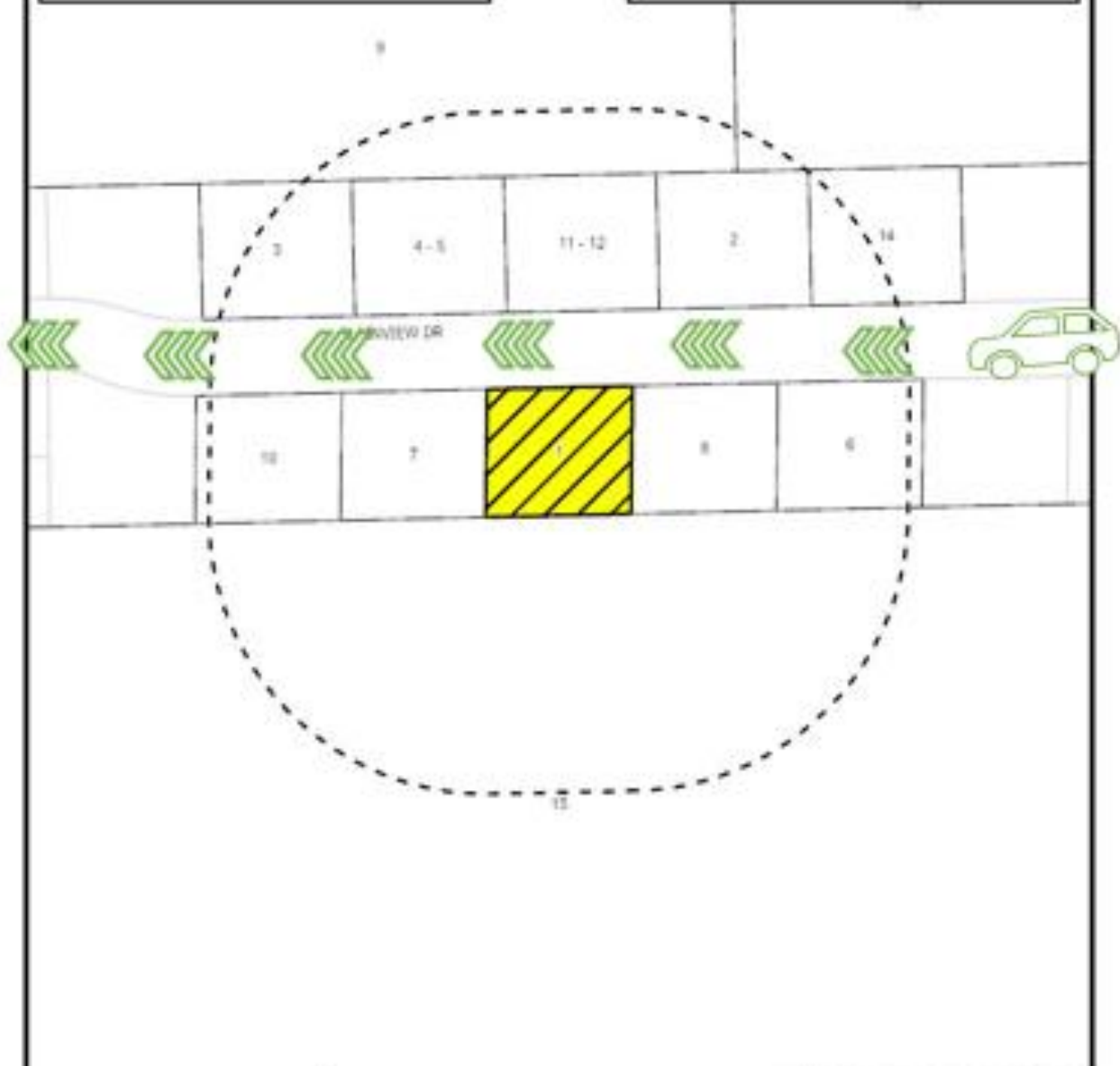
15 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA234-105**

Date: **8/5/2024**

The area of request is hatched . Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.

El área de solicitud está sombreada . La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será re zonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.



The number '0' indicates City of Dallas Ownership

 1:1,200	NOTIFICATION	Case no: BDA234-105
	<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;">15</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 8/5/2024

1
08/05/2024

Notification List of Property Owners

BDA234-105

15 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	8340 PLAINVIEW DR	BRANSON ALLINE
2	8349 PLAINVIEW DR	PERKINS RICKY & DEBBIE
3	8335 PLAINVIEW DR	PALACIOS MARCOS
4	8337 PLAINVIEW DR	BROWN RICHARD
5	8337 PLAINVIEW DR	BROWN RICHARD AND DONNA
6	8348 PLAINVIEW DR	MONDRAGON PEDRO LOPEZ
7	8336 PLAINVIEW DR	ASEGUERA CARLOS A
8	8344 PLAINVIEW DR	SOLIS JANETT DBA SOLIS
9	2020 DOWDY FERRY RD	GONZALES ISRAEL
10	8334 PLAINVIEW DR	MACEDO BULFRANO
11	8339 PLAINVIEW DR	BROWN RICHARD
12	8339 PLAINVIEW DR	BROWN RICHARD AND DONNA
13	1942 DOWDY FERRY RD	GONZALES DAVID & VICTORIA
14	8351 PLAINVIEW DR	CHAVERO FRANCISCO J
15	2040 DOWDY FERRY RD	2040 DOWDY FERRY ISF LLC



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

15

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA234-105**

Date: **8/5/2024**

NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)

NOTICE IS HEREBY GIVEN that the BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A) will hold a hearing as follows:

DATE: TUESDAY, SEPTEMBER 17TH, 2024

BRIEFING: 10:30 a.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla Street

HEARING: 1:00 p.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla Street

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment:

BDA234-105(CJ) Application of Martha Duran for (1) a variance to the side-yard setback regulations; for (2) a variance to the rear-yard setback regulations; and (3) a variance to the maximum allowed lot coverage at 8340 PLAINVIEW DR. This property is more fully described as Block 2/8526, Lot 5, and is zoned A(A), which allows a maximum lot coverage of 10%, and requires a side yard setback of 20-feet, and requires a rear-yard setback of 50-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide an 8-foot side-yard setback, which will require (1) a 12-foot variance to the side-yard setback regulations; to construct and/or maintain a single-family residential structure and provide a 14-foot 8-inch rear-yard setback, which will require (2) a 35-foot 4-inch variance to the rear-yard setback regulations, and to construct and/or maintain a single-family residential structure with 2,331 square feet of floor area (23% lot coverage), which will require (3) a 1,302 square foot variance (13%) to the maximum allowed lot coverage of 1,029 square feet.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Board of Adjustment hearing to express your support for or opposition to the application. You may also contact the Board of Adjustment by email to BDAREPLY@dallas.gov. Letters will be accepted until 9:00 am the day of the hearing. If you are unable to attend the hearing. If you choose to respond, it is important that you let the Board know your reasons for being in favor of or in opposition to the application. The Board members are very interested in your opinion.

Note: Any materials (such as plans, elevations, etc.) included within this notice may be subject to change.

The Board of Adjustment hearing will be held by videoconference and at 6ES at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure by joining the meeting virtually, must register online at <https://bit.ly/BDA-A-Register> by the close of business Monday, September 16th, 2024. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall

Speakers at the meeting are allowed a maximum of five (5) minutes to address the Board.

Additional information regarding the application may be obtained by calling Cambria Jordan, Senior Planner at (214) 948-4476, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

Board of Adjustment
Planning and Development Department
1500 Marilla Street 5CN, Dallas TX 75201

PLEASE SEND REPLIES TO:
BDAREPLY@dallas.gov
Letters will be received until 9:00
am the day of the hearing.

PLEASE REGISTER AT:
<https://bit.ly/BDA-A-Register>



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 234-105
Date: FOR OFFICIAL USE ONLY
RECEIVED
JUL 19 2024
BY: _____

Data Relative to Subject Property: _____ Date: _____
Location address: 8340 Plainview Dr. Dallas, TX 75217 Zoning District: Agricultural
Lot No.: 5 Block No.: 219 Acreage: 0.23 Census Tract: _____
Street Frontage (in Feet): 1) 107 2) Depth 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Dallmex Builders Inc, Juan Duran
Applicant: Martha L. Duran Telephone: 214-391-3118
Mailing Address: 246 Freddie St. Dallas, TX 75217 Zip Code: 75217
E-mail Address: marthaduranD40@gmail.com
Represented by: _____ Telephone: _____
Mailing Address: _____ Zip Code: _____
E-mail Address: _____

Affirm that an appeal has been made for a Variance or Special Exception _____ of (3) Variance to
sideyard, proposing set back at 8', rear yard proposing set
back at 14'8", and exceeding lot coverage

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:

We need the changes to utilize the space accordingly to the
needs of a family residence, while also improving the neighborhood.

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

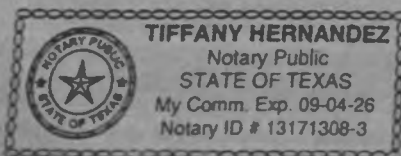
Affidavit

Before me the undersigned on this day personally appeared Martha Duran
(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: Martha L. Duran
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 12 day of JULY, 2024



[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

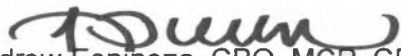
I hereby certify that Martha Duran

did submit a request for (1) a variance to the side-yard setback regulations, and for (2) a variance to the rear-yard setback regulations, and variance (3) to the maximum allowed lot coverage of 10%

at 8340 Plainview Dr.

BDA234-105(CJ) Application of Martha Duran for (1) a variance to the side-yard setback regulations; for (2) a variance to the rear-yard setback regulations; and (3) a variance to the maximum allowed lot coverage at 8340 PLAINVIEW DR. This property is more fully described as Block 2/8526, Lot 5, and is zoned A(A), which allows a maximum lot coverage of 10%, and requires a side yard setback of 20-feet, and requires a rear-yard setback of 50-feet, The applicant proposes to construct and/or maintain a single-family residential structure and provide an 8-foot side-yard setback, which will require (1) a 12-foot variance to the side-yard setback regulations; to construct and/or maintain a single-family residential structure and provide a 14-foot 8-inch rear-yard setback, which will require (2) a 35-foot 4-inch variance to the rear-yard setback regulations, and to construct and/or maintain a single-family residential structure with 2,331 square feet of floor area (23% lot coverage), which will require (3) a 1,302 square foot variance (13%) to the maximum allowed lot coverage of 1,029 square feet .

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



CITY OF DALLAS
AFFIDAVIT

Appeal number: BDA 234-105

I, Dallmex Builders Inc, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 8340 Plainview dr, Dallas tx 75217
(Address of property as stated on application)

Authorize: Martha L Duran
(Applicant's name as stated on application)

To pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s)

- Variance (specify below)
- Special Exception (specify below)
- Other Appeal (specify below)

Specify: (3) Variance to side yard, proposing set back at 8', rear-yard proposing set back at 14'8", and exceeding lot coverage

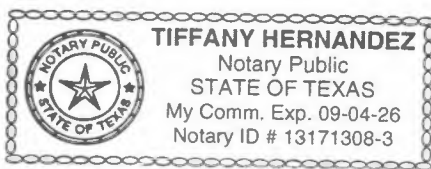
Dallmex Builders Inc Martha L Duran
Print name of property owner or registered agent Signature of property owner or registered agent

agent Date 7-12-2024

Before me, the undersigned, on this day personally appeared Martha L Duran

Who on his/her oath certifies that the above statements are true and correct to his/her best

knowledge. Subscribed and sworn to before me this 12 day of July, 2024



[Signature]
Notary Public for Dallas County, Texas

Commission expires on 09/04/24



Posting of Notification Sign

PER SEC 51A-1.106 Notification signs required to be obtained and posted

Address: 8340 Plainview dr, dallas Tx. 75217

Appeal Number: BDA 234-105

All required notification signs must be posted on the property within fourteen (14) days after an application has been made, prior to the Board of Adjustment Hearing, and not be removed until the hearing ends.

The sign must be posted at a prominent location adjacent to the public street, evenly spaced along each frontage, and easily visible from the street. Failure to properly post the sign(s) may result in either a postponement or denial of the appeal.

All required notification signs have been received. One sign is required for each 500 feet or less of frontage, or every tract of five (5) acres or less, with a maximum of five (5) signs required. The cost of each sign is \$10.00.

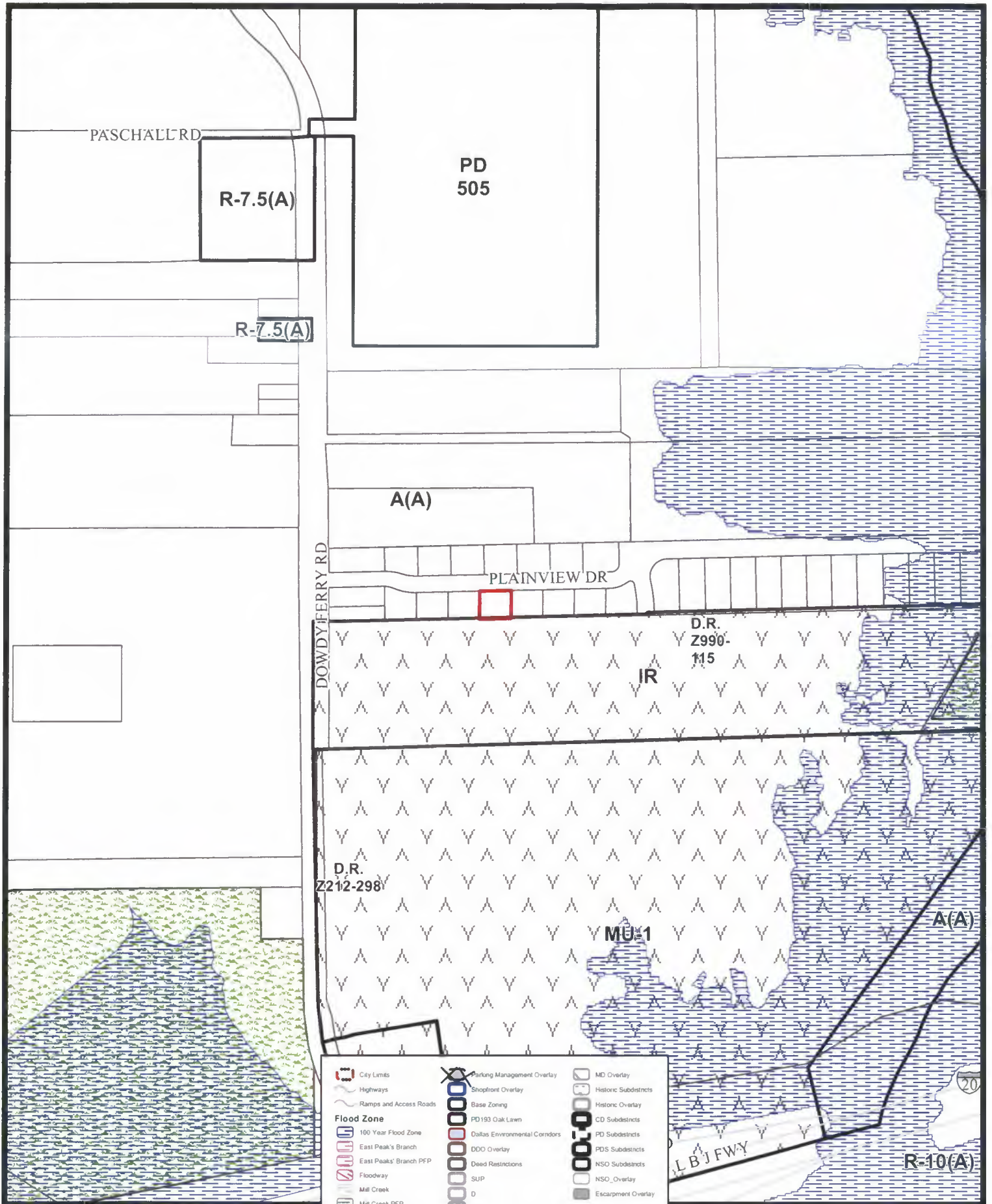
Footage of each street frontage: 105 feet

Number of acres: 10,179 sq. feet

Number of signs received: 1

Michael L. Duran
Signature of applicant or person receiving signs

07/14/24
Date



PASCHALL RD

R-7.5(A)

PD
505

R-7.5(A)

A(A)

PLAINVIEW DR

DOWDY FERRY RD

D.R.
Z990-
M5

IR

D.R.
Z212-298

MU-1

A(A)

R-10(A)

LBJ FWY

	City Limits		Parking Management Overlay		MD Overlay
	Highways		Shopfront Overlay		Historic Subdistricts
	Ramps and Access Roads		Base Zoning		Historic Overlay
Flood Zone					CD Subdistricts
	100 Year Flood Zone		Dallas Environmental Corridors		PD Subdistricts
	East Peak's Branch		DDO Overlay		PDS Subdistricts
	East Peaks' Branch PFP		Deed Restrictions		NSO Subdistricts
	Floodway		SUP		NSO_Overlay
	Mill Creek		D		Escarpment Overlay
	Mill Creek PFP		D-1		
	Peak's Branch		CP		
	Peak's Branch PFP		SP		
	X Protected by Levee				
	Parks				
	Height Map Overlay				



1:4,800

Case ID:

Printed: 7/10/2024

RSUP. 7/8 @ 10:30



REFERRAL FORM FOR BOARD OF ADJUSTMENT

APPLICANT: <u>Martha Duran</u>		OWNER:	
ADDRESS: <u>8340 Plainview</u>	STATE: <u>TX</u>	ZIP:	
LOT: <u>5</u>	BLOCK: <u>2/8</u>	ZONING: <u>(A)</u>	

<input type="checkbox"/> Variance <input checked="" type="checkbox"/> Yard setback <input type="checkbox"/> Lot width <input type="checkbox"/> Lot Depth <input checked="" type="checkbox"/> Lot Coverage <input type="checkbox"/> Floor area for accessory structures for single family uses <input type="checkbox"/> Height <input type="checkbox"/> Minimum width of sidewalk <input type="checkbox"/> Off-street parking <input type="checkbox"/> Off-street loading <input type="checkbox"/> Landscape regulations <input type="checkbox"/> Other	<input type="checkbox"/> Special Exception <input type="checkbox"/> Fence height and standards <input type="checkbox"/> Visibility triangle obstructions <input type="checkbox"/> Parking demand <input type="checkbox"/> Landscaping <input type="checkbox"/> Additional dwelling unit for a single-family <input type="checkbox"/> Carport <input type="checkbox"/> Non-conforming use <input type="checkbox"/> Other	<p>(A) F- 30' B.L per plat S- 20' R- 50' P- 1 H+ - 24' (16' midpoint) lot - 10% (@ 23%)</p>
--	--	---

Please list the City of Dallas Development Code(s) this project is non-compliant with:
Zoning- Agricultural District

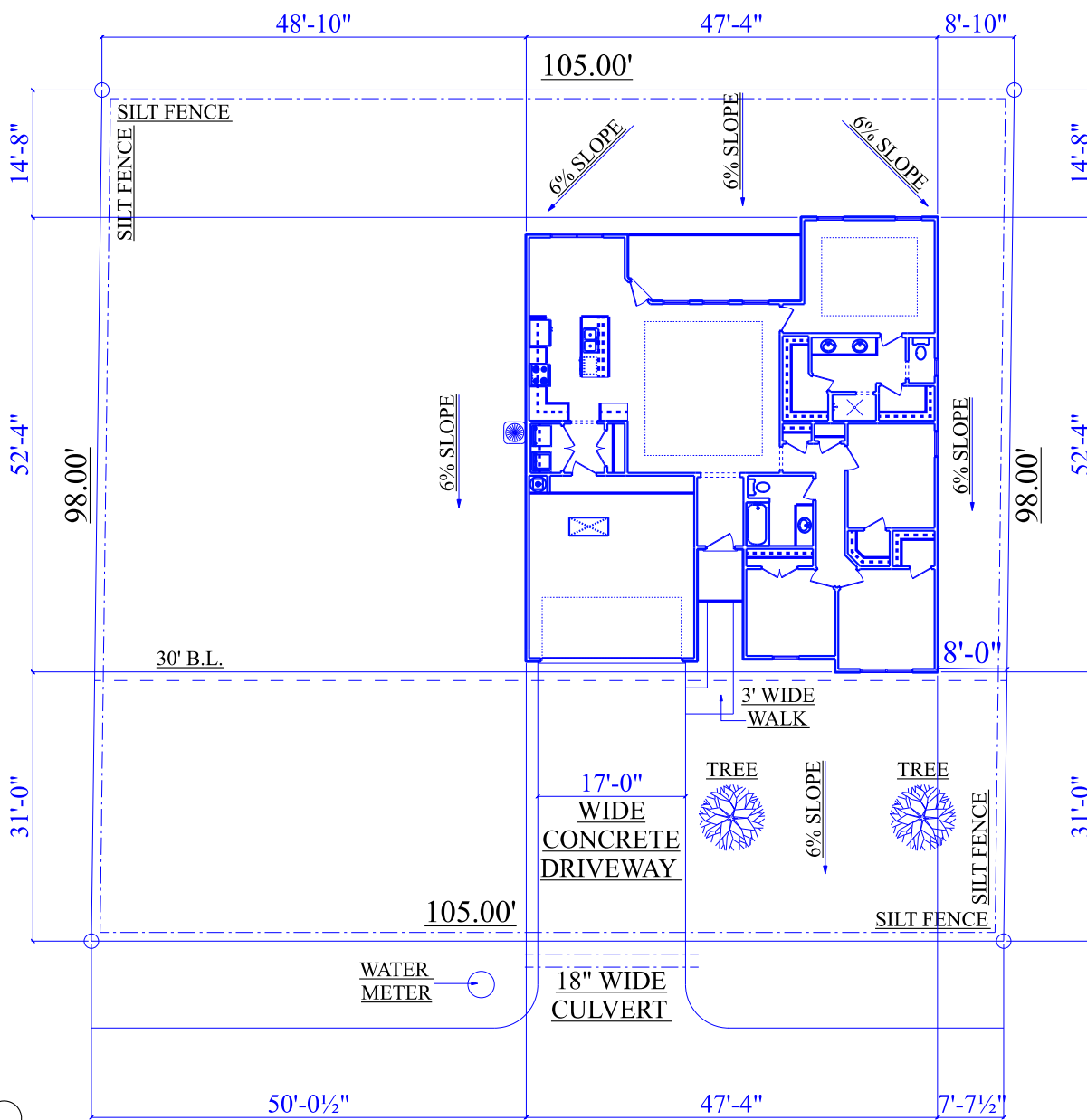
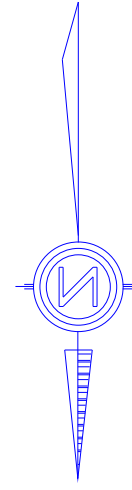
Description:
encroaching Sysb by 12' (proposing 8' RT)
encroaching Rysb by 35'-4" (proposing 14'-8"
Over lot coverage by 130% (proposing 230%)

Alternative resolutions discussed/offered:

Referred by: Mayra Hernandez Contact: 214.948.4017 Date: 7.8.2024

FOR INTERNAL USE ONLY

**LOT 5 BLOCK 2/8526
FOREST PLAINS ADDITION
DALLAS, TX - DALLAS COUNTY**



STORM WATER DRAINAGE PLAN

BUILDER TO VERIFY SETBACKS AND BUILDING LINES PRIOR TO CONSTRUCTION

8340 PLAINVIEW DRIVE

SITE PLAN
SCALE: 1" = 20'-0"

3L
Blm Line Design Co.

213 W ENNIS AVENUE
SUITE 400
ENNIS, TX 75119
OFFICE# (972)935-9710
WWW.PLAN-MASTER.COM

ABDD CERTIFICATION
BY
MATTHEW EDWARDS

JUNE 25th, 2024

A NEW SINGLE FAMILY HOME
TO BE LOCATED @
8340 PLAINVIEW DR.
LOT 5 BLOCK 2/8526
44 FOREST PLAINS ADDITION
DALLAS, TX - DALLAS COUNTY

DALLMEX BUILDERS

N-C-B-D-C

102









PLAINVIEW DRIVE

N88°22'41"E 105.00'

8340 Plainview Dr.

N00°54'30"W 98.00'

S00°54'30"E 98.00'

S88°22'41"W 105.00'

2040 DOWDY FERRY ISF LLC
INST. NO. 202200216412
D.R.T.C.T.

Jose B. Najlaro III
Registered Professional
Land Surveyor No. 6736
texterrasurveying@gmail.com
December 12, 2023



8340 PLAINVIEW DRIVE,
DALLAS, TEXAS

BEING LOT 5, BLOCK 2/8526, FOREST PLAINS
ADDITION, AN ADDITION TO THE CITY OF DALLAS,
DALLAS COUNTY, TEXAS, ACCORDING TO THE MAP
THEREOF RECORDED IN VOLUME 31, PAGE 187, MAP
RECORDS OF DALLAS COUNTY, TEXAS

TEXTERRA SURVEYING
P.O. BOX 202165
ARLINGTON, TX 76006
Telephone (817) 235-7326
TRPELS Firm # 10194685
www.texterrasurveying.com

LOT 4
102
Current
Set back

Proposing side
set back 8'

LOT 6
101
Current
Set back

Proposing
set back 14.8'

Current set
back 50'

Proposing
set back 23.1'

LOT 5, BLOCK 2/8526
FOREST PLAINS ADDITION
VOL. 31, PG. 187
P.R.D.C.T.

1.01
coverage

FIR 122*
471.00'
S86°17'52"
0.22'

FIR 122*
471.00'
Pp 2

FIR 122*

FILE NUMBER: BDA234-109(CJ)

BUILDING OFFICIAL'S REPORT: Application of Hooman Sedighi for **(1)** a special exception to the fence height regulations at 10335 Lennox Ln. This property is more fully described as Block C/5532, Lot 3, and is zoned R-1ac(A), which limits the height of a fence in the front-yard to 4-feet. The applicant proposes to construct and/or maintain a 6-foot high fence in a required front-yard, which will require **(1)** a 2-foot special exception to the fence height regulations.

LOCATION: 10335 Lennox Lane

APPLICANT: Hooman Sedighi

REQUEST:

(1) A request for a **special exception to the fence height regulations.**

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT STANDARD REGULATIONS:

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence height regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

BDA History:

No BDA history found at 10335 Lennox Lane in the last 5 years.

Square Footage:

- This lot contains 41,469.12 of square feet.
- This lot is zoned R-1ac (A) which has a minimum lot size of 43,560 square feet or 1 acre.

Zoning:

Site: R-1ac (A) (Single Family District)
North: R-1ac (A) (Single Family District)
East: R-1ac (A) (Single Family District)
South: R-1ac (A) (Single Family District)
West: R-1ac (A) (Single Family District)

Land Use:

The subject site and all surrounding properties are developed with single-family uses.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Hooman Sedighi for property located at 10335 Lennox Lane focuses on 1 request relating to the fence height standards.
- The applicant proposes to maintain a 6-foot high fence in a required front yard, which will require a 2-foot special exception to the fence height regulations.
- The submitted site plan and elevations show the applicant is proposing to maintain a 6-foot high fence in the required front yard along Lennox Lane.
- The subject site along with properties to the north, south, east, and west are all developed with single-family homes.
- The subject site is a mid-block lot with single street frontage along Lennox Lane.
- The proposed fence material is open wrought iron.
- Based upon staff's analysis of the surrounding properties, there are homes along Lennox Lane with fences and gates in the required front yard and/or some form of vegetation serving as a screening mechanism.
- Per staff's review of the subject site, it has been confirmed that the fence is proposed and not existing.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations relating to height will not adversely affect the neighboring properties.
- Granting the special exceptions to the fence standard regulations relating to height with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BDA234-109 at 10335 Lennox Ln.](#)

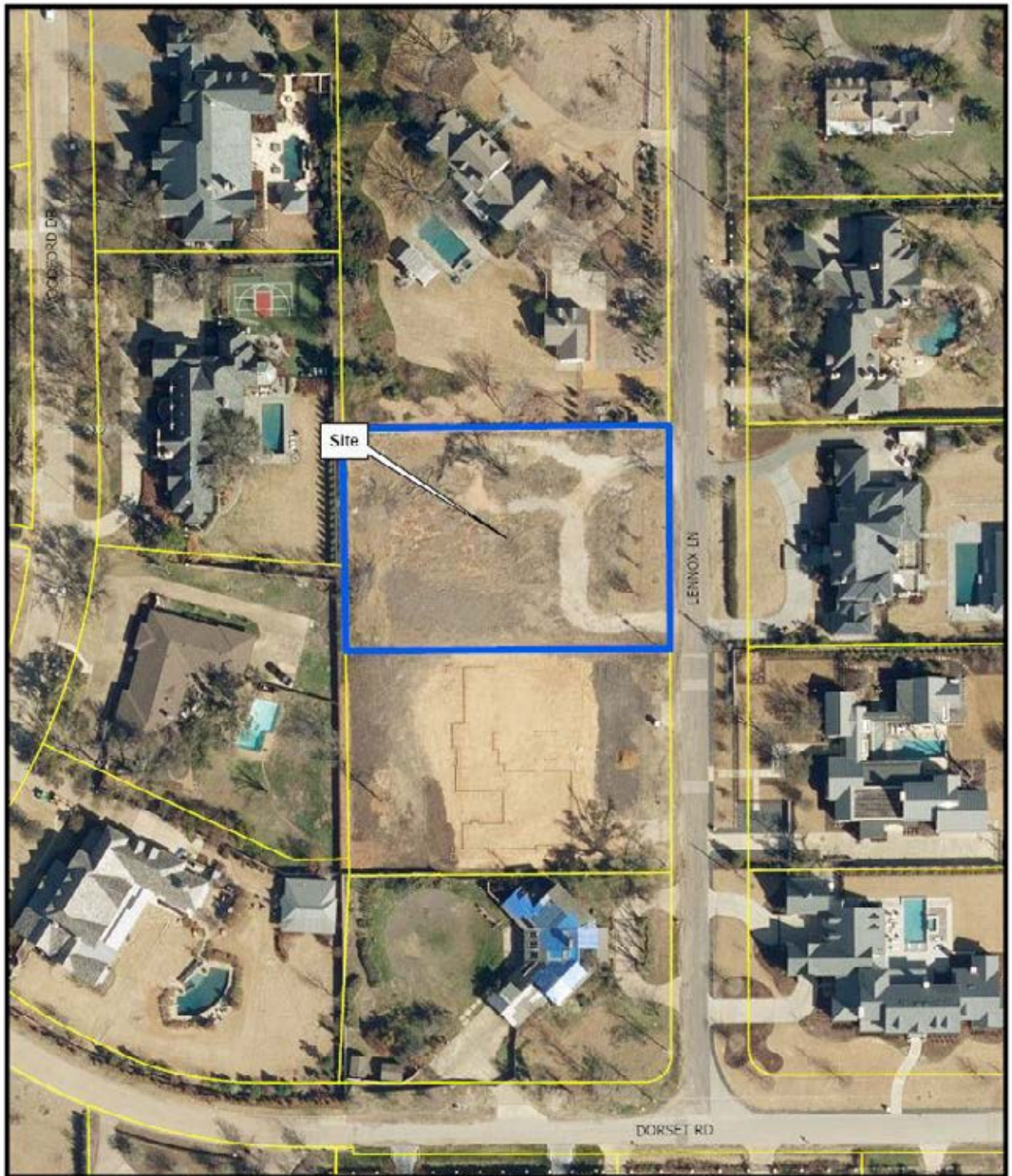
Timeline:

- July 25, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- August 9, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A
- August 12, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the August 23, 2024, deadline to submit additional evidence for staff to factor into their analysis; and September 6, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

August 30, 2024:

The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the September public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.



1:1,200


AERIAL MAP


Case no: **BDA234-109**

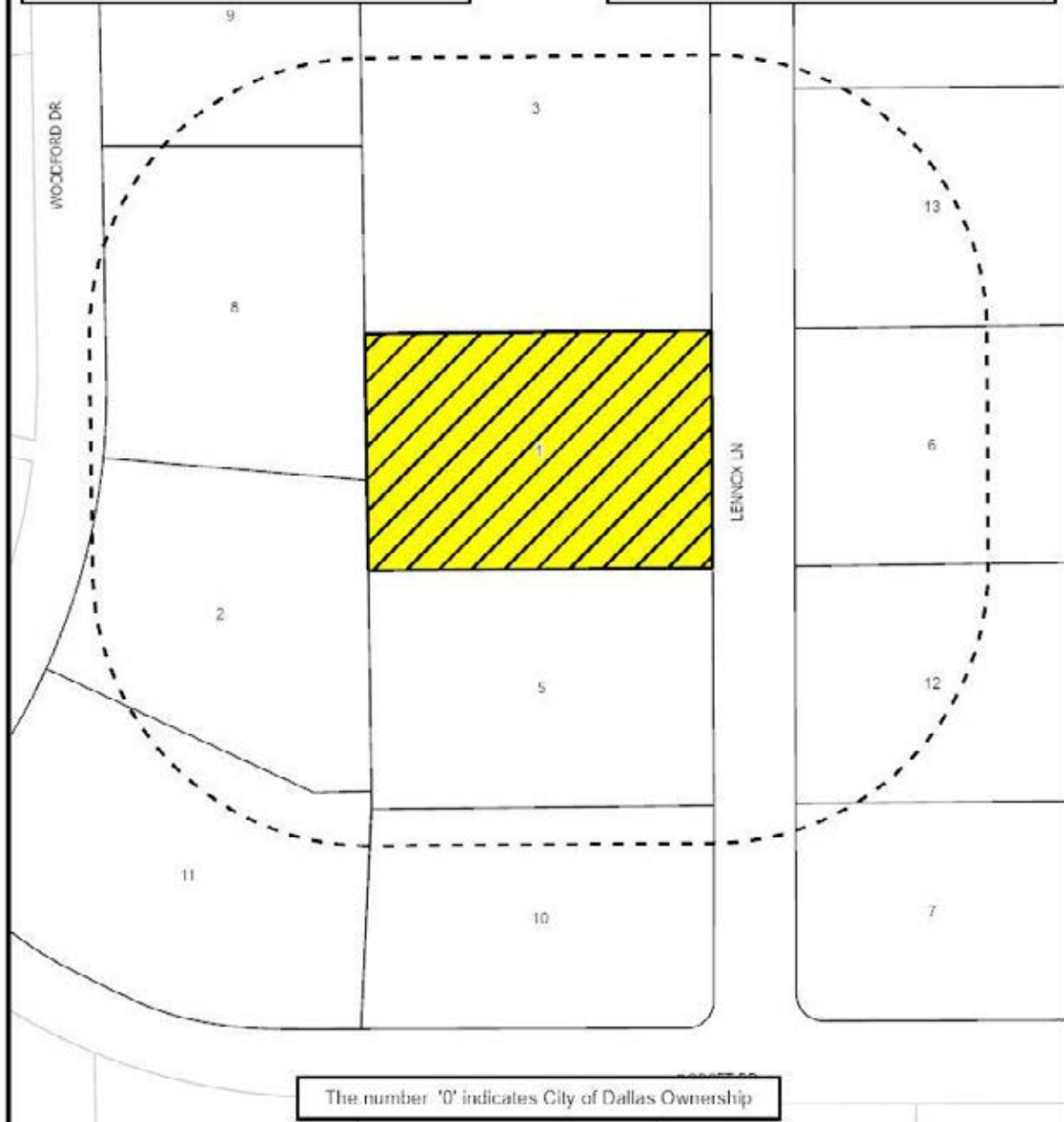
Date: **08/28/2024**



 1:1,200	<h1>ZONING MAP</h1>	Case no: <u>BDA234-109</u> Date: <u>08/28/2024</u>
--	---------------------	---


The area of request is hatched . Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.


El área de solicitud está sombreada . La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será re zonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.

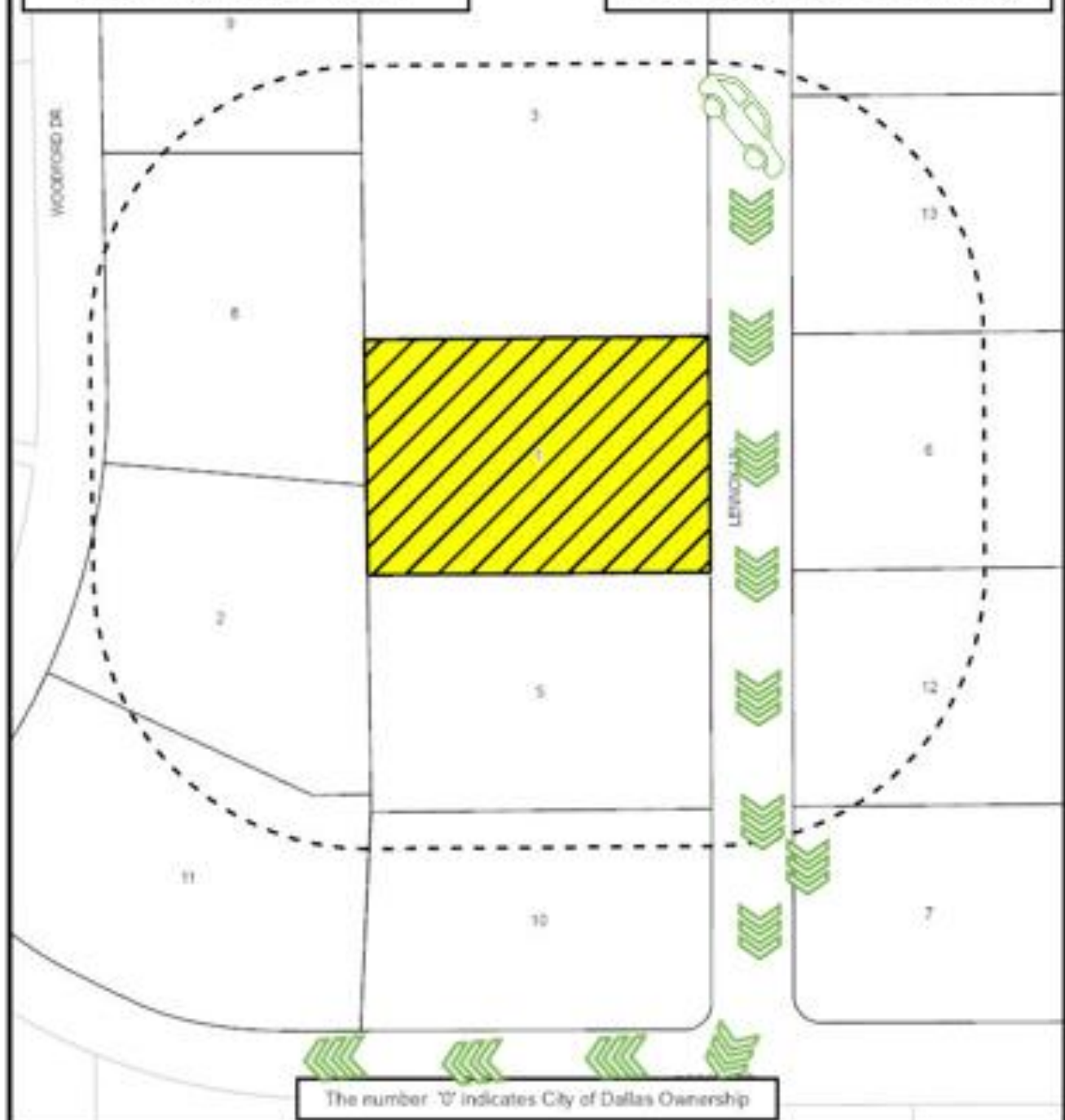


The number '0' indicates City of Dallas Ownership

 1:1,200	<h2>NOTIFICATION</h2>	Case no: BDA234-109
	<div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">200'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">13</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	Date: 8/28/2024

The area of request is hatched . Notification is sent to all property owners within the notification buffer area (shown by the dashed circles). Your property is not being requested if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.

El área de solicitud está sombreada . La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será notificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
13 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA234-109**

Date: **8/28/2024**

08/28/2024

Notification List of Property Owners

BDA234-109

13 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	10335 LENNOX LN	SEDIGHI HOOMAN &
2	10320 WOODFORD DR	LAWSON J W RANDOLPH &
3	4646 KELSEY RD	RYAN WILL & JANICE THE
4	4700 KELSEY RD	MOHR LADY GEORGE COLLINS
5	10323 LENNOX LN	PARMAR REVOCABLE TRUST
6	10334 LENNOX LN	NEWTON GEOFFREY L &
7	4707 DORSET RD	KORINEK JOHN T &
8	10332 WOODFORD DR	RICHARD M &
9	10342 WOODFORD DR	BROWN ABRAHAM &
10	10311 LENNOX LN	GOODING HOLDINGS LIMITED
11	10310 WOODFORD DR	TONTI MICHAEL T &
12	10322 LENNOX LN	LITTLE ELDON LEROY IV &
13	10346 LENNOX LN	ZLOTKY JEFFREY A & LAUREN



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

13

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA234-109**

Date: **8/28/2024**

NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)

NOTICE IS HEREBY GIVEN that the BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A) will hold a hearing as follows:

DATE: TUESDAY, SEPTEMBER 17TH, 2024
BRIEFING: 10:30 a.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla Street
HEARING: 1:00 p.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla Street

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment.

BDA234-109(CJ) Application of Hooman Sedighi for (1) a special exception to the fence height regulations at 10335 LENNOX LN. This property is more fully described as Block C/5532, Lot 3, and is zoned R-1ac(A), which limits the height of a fence in the front-yard to 4-feet. The applicant proposes to construct and/or maintain a 6-foot high fence in a required front-yard, which will require (1) a 2-foot special exception to the fence height regulations.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Board of Adjustment hearing to express your support for or opposition to the application. You may also contact the Board of Adjustment by email to BDAREPLY@dallas.gov. Letters will be accepted until 9:00 am the day of the hearing. If you are unable to attend the hearing. If you choose to respond, it is important that you let the Board know your reasons for being in favor of or in opposition to the application. The Board members are very interested in your opinion.

Note: Any materials (such as plans, elevations, etc.) included within this notice may be subject to change.

The Board of Adjustment hearing will be held by videoconference and at 6ES at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure by joining the meeting virtually, must register online at <https://bit.ly/BDA-A-Register> by the close of business Monday, September 16th, 2024. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall

Speakers at the meeting are allowed a maximum of five (5) minutes to address the Board.

Additional information regarding the application may be obtained by calling Cambria Jordan, Senior Planner at (214) 948-4476, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

Board of Adjustment
Planning and Development Department
1500 Marilla Street 5CN, Dallas TX 75201

PLEASE SEND REPLIES TO:

BDAREPLY@dallas.gov

Letters will be received until 9:00
am the day of the hearing.

PLEASE REGISTER AT:

<https://bit.ly/BDA-A-Register>



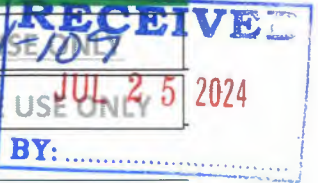
Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

BDA 234 SE 1017



Data Relative to Subject Property: _____

Date: _____

FOR OFFICE USE ONLY

Location address: 10335 Lennox Lane

Zoning District: R-1ac(A)

Lot No.: 3

Block No.: C/5532

Acreage: .952

Census Tract: 7601

Street Frontage (in Feet): 1) 173

2) _____

3) _____

4) _____

5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Hooman Sedighi

Applicant: Hooman Sedighi

Telephone: _____

Mailing Address: 13213 Glad Acres, Farmers Branch, TX

Zip Code: 75234

E-mail Address: drhoo11@aol.com

Represented by: Jojoy Koshy

Telephone: 214-734-5659

Mailing Address: 4675 Interstate 30, Suite 102, Mesquite, TX

Zip Code: 75150

E-mail Address: jojoy@atriumfinehomes.com

Affirm that an appeal has been made for a Variance _____, or Special Exception of _____ the fence standard at

10335 Lennox Lane,

The fence will be 6' feet tall, two feet over the 4 feet standard.

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:

install a 6 foot masonry/iron fence in the front of the house consisting of 2'x2' cmu columns covered in stucco, set every 25', with black iron railing materials between them.

Due to privacy concerns, need fence and gates similar to the house on both sides.

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 _____

Hooman Sedighi

(Affiant/Applicant's name printed)

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

Respectfully submitted: _____

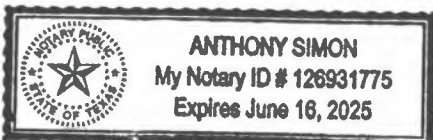
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 20th day of _____

July

2024

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 Hooman Sedighi
represented by Jojy Koshy
did submit a request for (1) a special exception to the fence height regulations
at 10335 Lennox Lane

BDA234-109(CJ) Application of Hooman Sedighi for (1) a special exception to the fence height regulations at 10335 LENNOX LN. This property is more fully described as Block C/5532, Lot 3, and is zoned R-1ac(A), which limits the height of a fence in the front-yard to 4-feet. The applicant proposes to construct and/or maintain a 6-foot high fence in a required front-yard, which will require (1) a 2-foot special exception to the fence height regulations

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



Appeal number: BDA 234-109

I, Hooman Sedighi and Tannaz Seidghi, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 10335 Lennox Lane, Dallas, TX 75229
(Address of property as stated on application)

Authorize: Jojoy Koshy
(Applicant's name as stated on application)

To pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s)

- Variance (specify below)
- XXX Special Exception (specify below)
- Other Appeal (specify below)

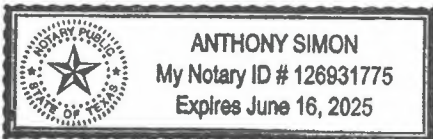
Specify: fence height over 4'

Hooman Sedighi
Print name of property owner or registered agent
agent Date June 26, 2024

[Signature]
Signature of property owner or registered agent

Before me, the undersigned, on this day personally appeared
Hooman Sedighi

Who on his/her oath certifies that the above statements are true and correct to his/her best
knowledge. Subscribed and sworn to before me this 26th day of
June, 2024



[Signature]
Notary Public for Dallas County,
Texas

Commission expires on
June 16, 2025


CITY OF DALLAS
AFFIDAVIT

Appeal number: BDA 234-109

I, Hooman Sedighi and Tannaz Sedighi, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 10335 Lennox Lane, Dallas, TX 75229
(Address of property as stated on application)


Authorize: Jojoy Koshy
(Applicant's name as stated on application)

To pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s)

- Variance (specify below)
- Special Exception (specify below)
- Other Appeal (specify below)

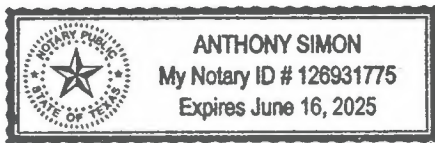
Specify: fence height over 4'

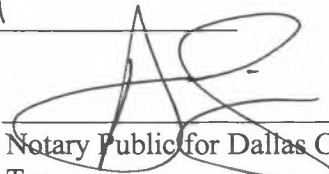
Tannaz Sedighi
Print name of property owner or registered agent
agent Date June 26, 2024


Signature of property owner or registered agent

Before me, the undersigned, on this day personally appeared
Tannaz Sedighi

Who on his/her oath certifies that the above statements are true and correct to his/her best
knowledge. Subscribed and sworn to before me this 26th day of
June, 2024




Notary Public for Dallas County,
Texas

Commission expires on
June 16, 2025

CITY OF DALLAS PLAT BOOKS

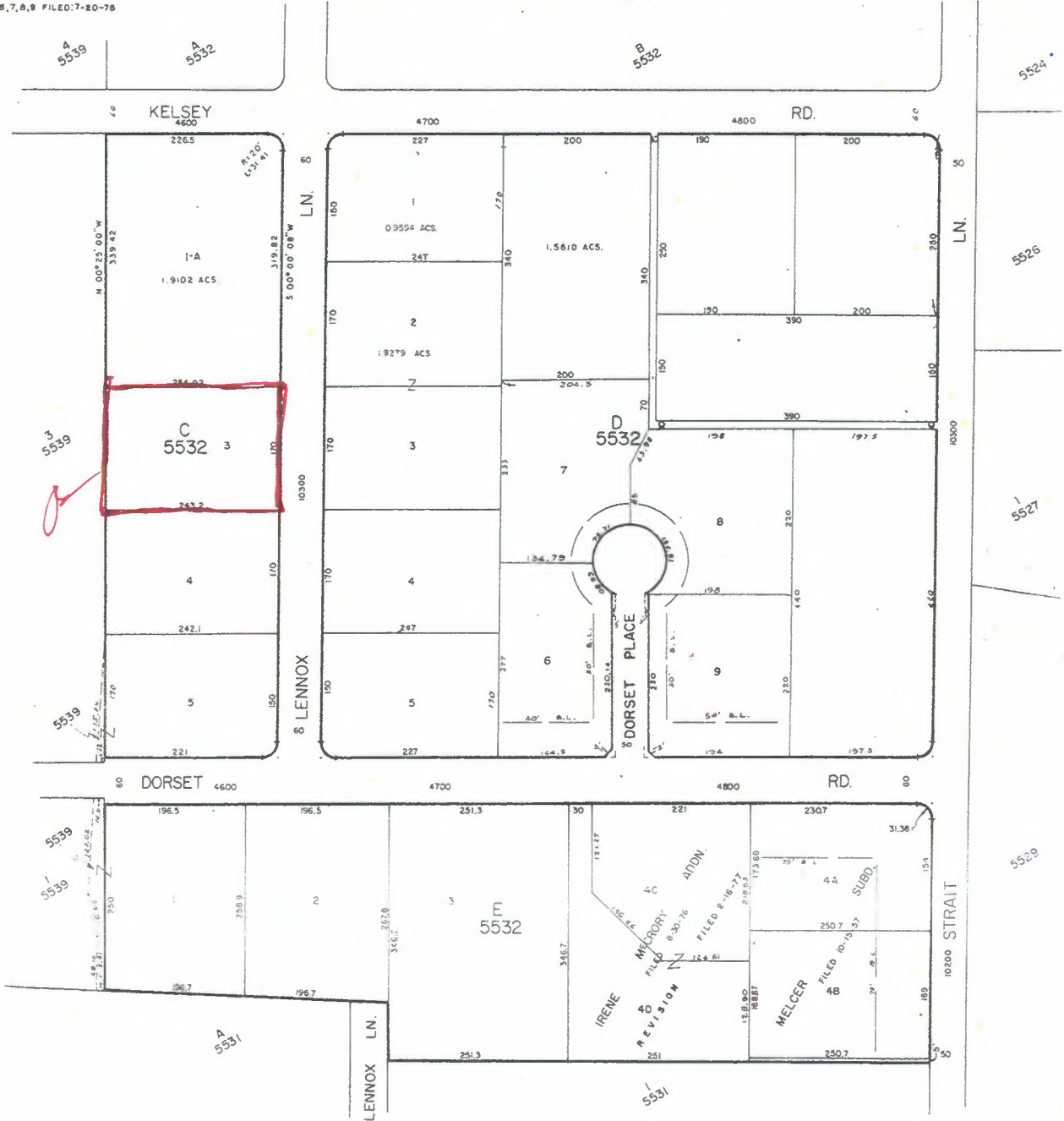
ANNEXED JULY 11, 1945 ORD. NO. 3653
 SURVEY M. F. FORTNER ABST. 479

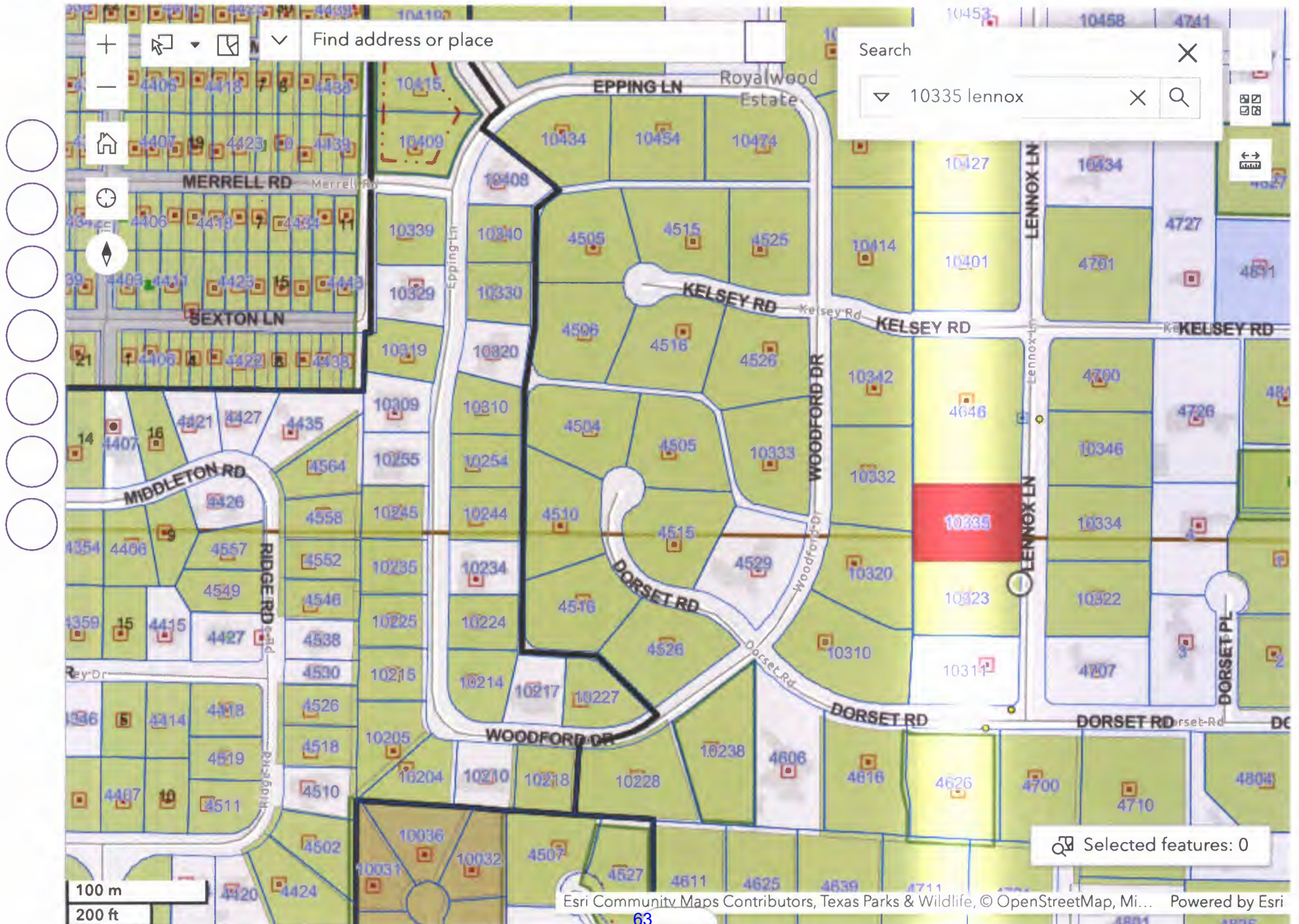
ADDITION ROXBURY PARK (PT)

BLOCKS C,D,E 5532
 SCHOOL DISTRICT DALLAS




SCALE 100 FT. EQUALS 1 INCH

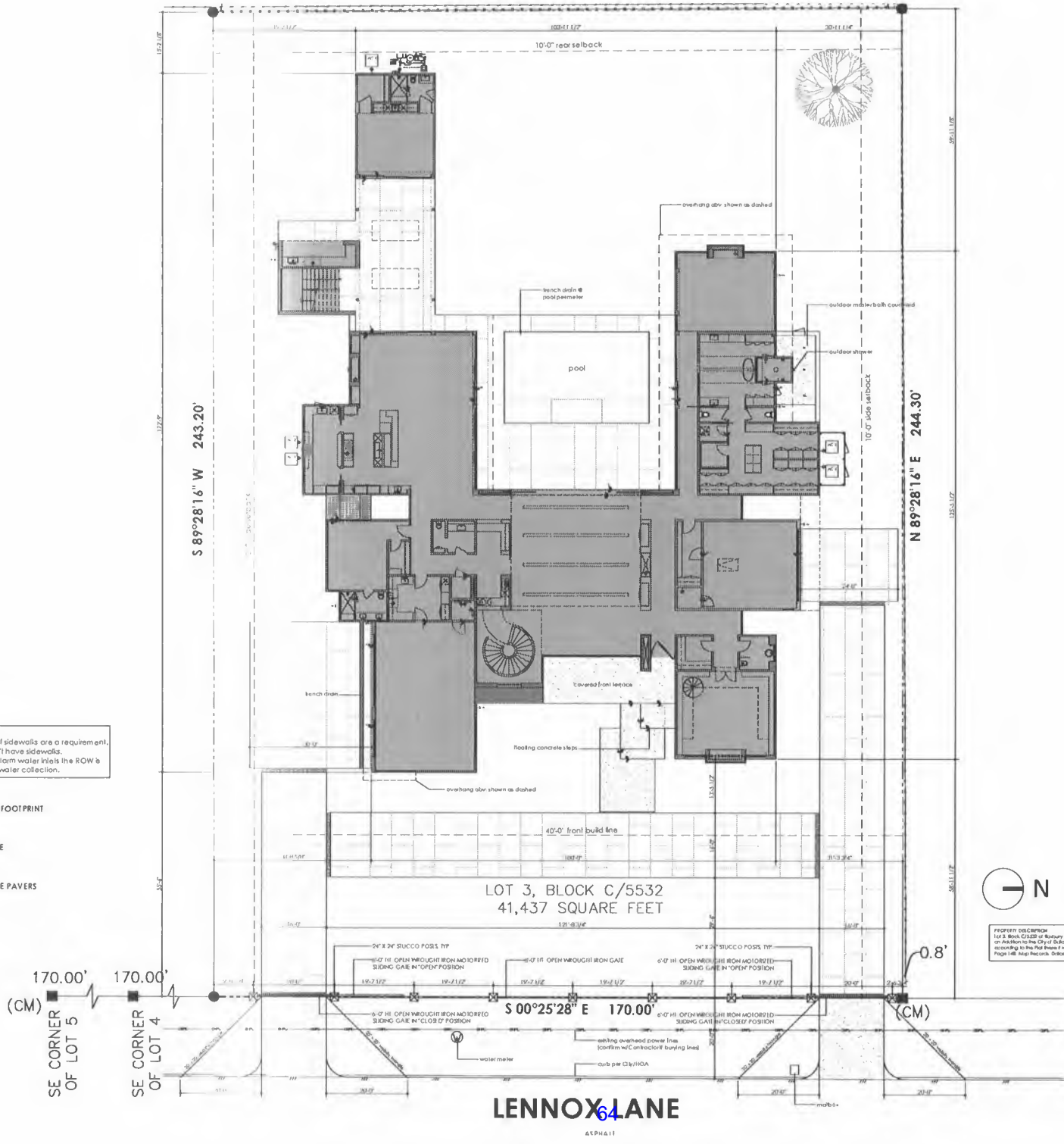
FILED 8-18-36
 DORSET PLACE ADDN. BLK. D/5532 LOTS 6,7,8,9 FILED:7-20-76
 LED 2-13-89 Replat LOT 1-A, BLK C/5532



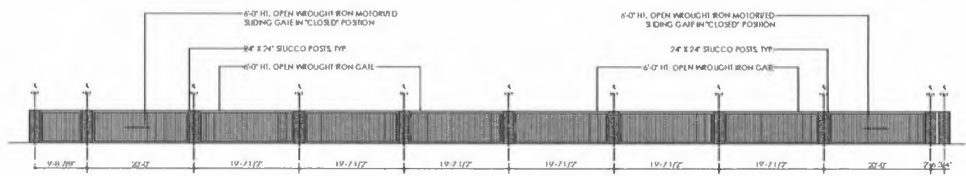


Note:
1. Confirm with City/HOA if sidewalks are a requirement. Currently the street doesn't have sidewalks.
2. Currently there are no storm water inlets the ROW is trrenched to allow run-off water collection.

-  BUILDING FOOTPRINT
-  CONCRETE
-  CONCRETE PAVERS



DATE	DESCRIPTION
10/20/2020	PRELIMINARY
11/10/2020	REVISED
12/15/2020	REVISED
01/20/2021	REVISED
02/10/2021	REVISED
03/05/2021	REVISED
03/25/2021	REVISED
04/15/2021	REVISED
05/05/2021	REVISED
05/20/2021	REVISED
06/10/2021	REVISED
06/25/2021	REVISED
07/10/2021	REVISED
07/25/2021	REVISED
08/10/2021	REVISED
08/25/2021	REVISED
09/10/2021	REVISED
09/25/2021	REVISED
10/10/2021	REVISED
10/25/2021	REVISED
11/10/2021	REVISED
11/25/2021	REVISED
12/10/2021	REVISED
12/25/2021	REVISED
01/10/2022	REVISED
01/25/2022	REVISED
02/10/2022	REVISED
02/25/2022	REVISED
03/10/2022	REVISED
03/25/2022	REVISED
04/10/2022	REVISED
04/25/2022	REVISED
05/10/2022	REVISED
05/25/2022	REVISED
06/10/2022	REVISED
06/25/2022	REVISED
07/10/2022	REVISED
07/25/2022	REVISED
08/10/2022	REVISED
08/25/2022	REVISED
09/10/2022	REVISED
09/25/2022	REVISED
10/10/2022	REVISED
10/25/2022	REVISED
11/10/2022	REVISED
11/25/2022	REVISED
12/10/2022	REVISED
12/25/2022	REVISED
01/10/2023	REVISED
01/25/2023	REVISED
02/10/2023	REVISED
02/25/2023	REVISED
03/10/2023	REVISED
03/25/2023	REVISED
04/10/2023	REVISED
04/25/2023	REVISED
05/10/2023	REVISED
05/25/2023	REVISED
06/10/2023	REVISED
06/25/2023	REVISED
07/10/2023	REVISED
07/25/2023	REVISED
08/10/2023	REVISED
08/25/2023	REVISED
09/10/2023	REVISED
09/25/2023	REVISED
10/10/2023	REVISED
10/25/2023	REVISED
11/10/2023	REVISED
11/25/2023	REVISED
12/10/2023	REVISED
12/25/2023	REVISED
01/10/2024	REVISED
01/25/2024	REVISED
02/10/2024	REVISED
02/25/2024	REVISED
03/10/2024	REVISED
03/25/2024	REVISED
04/10/2024	REVISED
04/25/2024	REVISED
05/10/2024	REVISED
05/25/2024	REVISED
06/10/2024	REVISED
06/25/2024	REVISED
07/10/2024	REVISED
07/25/2024	REVISED
08/10/2024	REVISED
08/25/2024	REVISED
09/10/2024	REVISED
09/25/2024	REVISED
10/10/2024	REVISED
10/25/2024	REVISED
11/10/2024	REVISED
11/25/2024	REVISED
12/10/2024	REVISED
12/25/2024	REVISED
01/10/2025	REVISED
01/25/2025	REVISED
02/10/2025	REVISED
02/25/2025	REVISED
03/10/2025	REVISED
03/25/2025	REVISED
04/10/2025	REVISED
04/25/2025	REVISED
05/10/2025	REVISED
05/25/2025	REVISED
06/10/2025	REVISED
06/25/2025	REVISED
07/10/2025	REVISED
07/25/2025	REVISED
08/10/2025	REVISED
08/25/2025	REVISED
09/10/2025	REVISED
09/25/2025	REVISED
10/10/2025	REVISED
10/25/2025	REVISED
11/10/2025	REVISED
11/25/2025	REVISED
12/10/2025	REVISED
12/25/2025	REVISED
01/10/2026	REVISED
01/25/2026	REVISED
02/10/2026	REVISED
02/25/2026	REVISED
03/10/2026	REVISED
03/25/2026	REVISED
04/10/2026	REVISED
04/25/2026	REVISED
05/10/2026	REVISED
05/25/2026	REVISED
06/10/2026	REVISED
06/25/2026	REVISED
07/10/2026	REVISED
07/25/2026	REVISED
08/10/2026	REVISED
08/25/2026	REVISED
09/10/2026	REVISED
09/25/2026	REVISED
10/10/2026	REVISED
10/25/2026	REVISED
11/10/2026	REVISED
11/25/2026	REVISED
12/10/2026	REVISED
12/25/2026	REVISED
01/10/2027	REVISED
01/25/2027	REVISED
02/10/2027	REVISED
02/25/2027	REVISED
03/10/2027	REVISED
03/25/2027	REVISED
04/10/2027	REVISED
04/25/2027	REVISED
05/10/2027	REVISED
05/25/2027	REVISED
06/10/2027	REVISED
06/25/2027	REVISED
07/10/2027	REVISED
07/25/2027	REVISED
08/10/2027	REVISED
08/25/2027	REVISED
09/10/2027	REVISED
09/25/2027	REVISED
10/10/2027	REVISED
10/25/2027	REVISED
11/10/2027	REVISED
11/25/2027	REVISED
12/10/2027	REVISED
12/25/2027	REVISED
01/10/2028	REVISED
01/25/2028	REVISED
02/10/2028	REVISED
02/25/2028	REVISED
03/10/2028	REVISED
03/25/2028	REVISED
04/10/2028	REVISED
04/25/2028	REVISED
05/10/2028	REVISED
05/25/2028	REVISED
06/10/2028	REVISED
06/25/2028	REVISED
07/10/2028	REVISED
07/25/2028	REVISED
08/10/2028	REVISED
08/25/2028	REVISED
09/10/2028	REVISED
09/25/2028	REVISED
10/10/2028	REVISED
10/25/2028	REVISED
11/10/2028	REVISED
11/25/2028	REVISED
12/10/2028	REVISED
12/25/2028	REVISED
01/10/2029	REVISED
01/25/2029	REVISED
02/10/2029	REVISED
02/25/2029	REVISED
03/10/2029	REVISED
03/25/2029	REVISED
04/10/2029	REVISED
04/25/2029	REVISED
05/10/2029	REVISED
05/25/2029	REVISED
06/10/2029	REVISED
06/25/2029	REVISED
07/10/2029	REVISED
07/25/2029	REVISED
08/10/2029	REVISED
08/25/2029	REVISED
09/10/2029	REVISED
09/25/2029	REVISED
10/10/2029	REVISED
10/25/2029	REVISED
11/10/2029	REVISED
11/25/2029	REVISED
12/10/2029	REVISED
12/25/2029	REVISED
01/10/2030	REVISED



FILE NUMBER: BDA234-110(CJ)

BUILDING OFFICIAL'S REPORT: Application of Reinhart Hanson Jr. for (1) a special exception to the tree conservation regulations at 1710 Morrell Avenue. This property is more fully described as Block 5898 TR 9 and Block 3/5896 Lot 2A and is zoned CR and MF-2(A), which requires mandatory landscaping and tree mitigation. The applicant proposes to construct and/or maintain a Multifamily development and obtain a reduction of overall tree mitigation for the site, which will require (1) a special exception to the tree conservation regulation.

LOCATION: 1710 Morrell Avenue

APPLICANT: Reinhart Hanson Jr.

REQUEST:

- (1) A request for a special exception to the tree conservation regulations.

DEVELOPMENT STANDARD FOR A SPECIAL EXCEPTION TO TREE CONSERVATION REGULATIONS:

SEC. 51A-10.134. REPLACEMENT OF REMOVED OR SERIOUSLY INJURED TREES.

- (c) Requirements.

- (1) Quantity.

(A) Except as provided in this section, the minimum total caliper of replacement trees must equal or exceed the total classified diameter inches of the protected trees removed or seriously injured as listed below.

- (B) Tree classification for mitigation:

- (i) Historic trees: 3:1
- (ii) Significant: 1.5:1
- (iii) Class 1: 1:1
- (iv) Class 2: 0.7:1
- (v) Class 3: 0.4:1

LEGAL STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO THE TREE CONSERVATION REGULATIONS:

Section 51A-10.110 of the Dallas Development Code states the board may grant a special exception to the requirements of this article upon making a special finding from the evidence presented that **strict compliance** with the requirements of this article **will unreasonably burden the use of the property**; the **special exception will not adversely affect neighboring property**; and **the requirements are not imposed by a site-specific landscape plan or tree mitigation plan** approved by the city plan commission or city council. In determining whether to grant a special exception under **Subsection (b)**, the board shall consider the following factors:

- The extent to which there is residential adjacency.
- The topography of the site.
- The extent to which landscaping exists for which no credit is given under this article.
- The ability to plant replacement trees safely on the property.
- The extent to which alternative methods of replacement will compensate for a reduction of tree mitigation or extended time for tree replacement. (Ord. Nos. 22053; 25155; 30929)

STAFF RECOMMENDATION:

Special Exception (1):

No staff recommendation is made on this request.

BACKGROUND INFORMATION:

BDA History:

No BDA history found at 1710 Morrell Avenue in the last 5 years.

Square Footage:

- This lot contains 220,849.2 of square feet.
- This lot is zoned MF-2(A) (Multifamily) / CR (Community Retail) which has no minimum lot size.

Zoning:

Site: MF-2(A) (Multifamily) / CR (Community Retail) Zoning District
North: Planned Development (PD) 1015
East: R-7.5(A) Zoning District
South: MF-2(A) (Multifamily) Zoning District
West: CR (Community Retail) Zoning District

Land Use:

The subject site and surrounding properties to the east and south are developed with residential uses. Surrounding properties to the west are developed with commercial uses and properties to the north are developed with uses permissible in Planned Development No. 1015.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Reinhart Hanson Jr., for the property located at 1710 Morrell Avenue focuses on one request relating to the tree conservation regulations.
- The applicant proposes to construct and/or maintain a Multifamily development and obtain a reduction of overall tree mitigation for the subject site, which will require a special exception to the tree conservation regulations as stated in Article X.
- The reduction requested is based on the cost of the preservation of one significant pecan tree (Tree #8833) on the subject site; the amount of remediation of this tree is stated to be in approximation of \$94,000. In short, the applicant is asking that their, above the norm, tree preservation efforts to preserve the significant pecan tree be taken into consideration in tree mitigation.
- It is imperative to note that the project is fully permitted under permit #2212131027 and is currently in compliance with tree conservation requirements for mitigation.
- A multifamily structure is currently under development at the subject site.
- The subject site has street frontage on South Corinth Street Road, Morrell Avenue and Hutchins Road.
- The arborist division has no objection to the request.
- The Dallas Development Code states that the minimum total caliper of replacement trees must equal or exceed the total classified diameter inches of the protected trees removed or seriously injured as listed in SEC. 51A-10.134 (c)(1)(B).
- The applicant has the burden of proof in establishing that the special exception to the tree conservation regulations will not adversely affect the neighboring properties and that the requirements are not imposed by a site-specific landscape plan or tree mitigation plan approved by the city plan commission or city council.
- Granting the special exceptions to the tree conservation regulations with a condition that the applicant complies with the submitted site plan/tree mitigation or landscape plan, would require the proposal to be constructed as shown on the submitted documents.
- (200' Radius Video): [BDA234-110 at 1710 Morrell Ave.](#)

Timeline:

- August 6, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- August 9, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**
- August 12, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

an attachment that provided the hearing date and panel that will consider the application; the August 23, 2024, deadline to submit additional evidence for staff to factor into their analysis; and September 6, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.

- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

August 30, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the September public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

September 3, 2024: The Chief Arborist provided staff with Arborist Report.

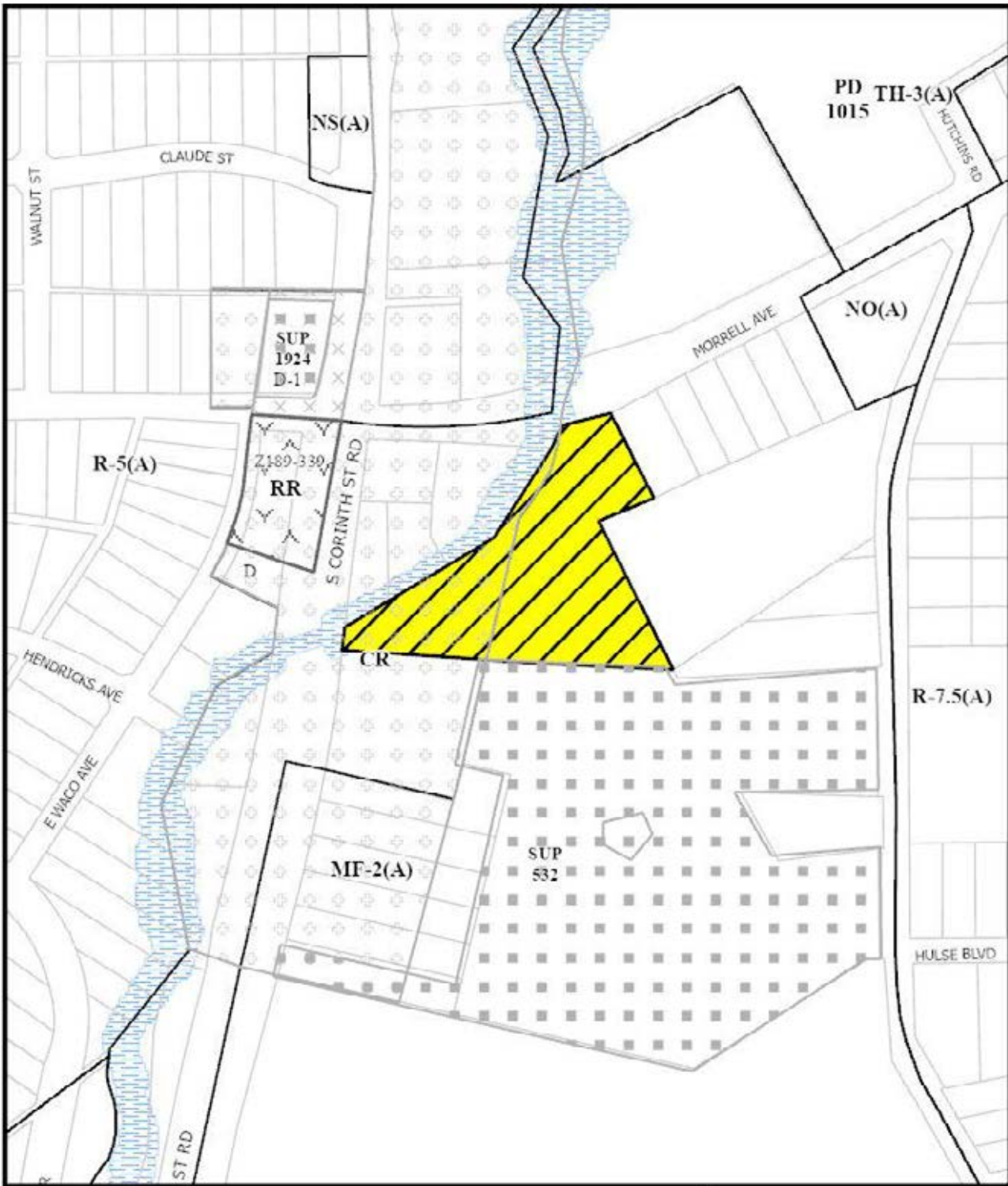


1:2,400

AERIAL MAP

Case no: BDA234-110

Date: 08/28/2024





1:2,400

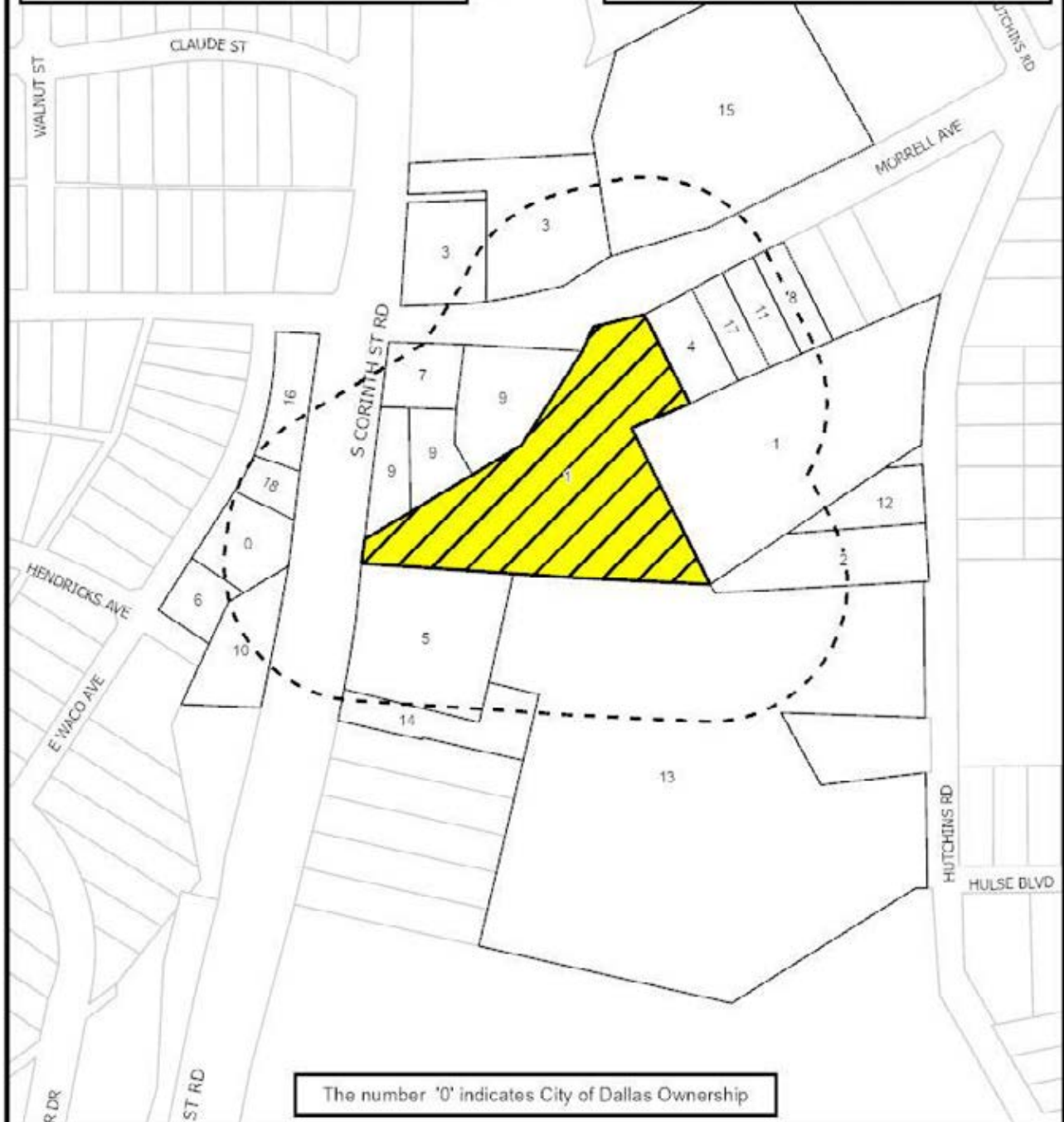
ZONING MAP

Case no: BDA234-110


Date: 08/28/2024

The area of request is hatched . Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.

El área de solicitud está sombreada . La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será re zonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.




The number '0' indicates City of Dallas Ownership



1:2,400

NOTIFICATION

200' AREA OF NOTIFICATION
18 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA234-110**
Date: **8/28/2024**

The area of request is hatched . Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.

El área de solicitud está sombreada . La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Si su propiedad no será re zonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.



The number 'V' indicates City of Dallas Ownership

 1:2,400	<h2>NOTIFICATION</h2>		Case no: BDA234-110
	200' AREA OF NOTIFICATION 18 NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 8/28/2024	

08/28/2024

Notification List of Property Owners

BDA234-110

18 Property Owners Notified

Label #	Address	Owner
1	1710 MORRELL AVE	MORRELL LANDCO LLC
2	917 HUTCHINS RD	HERNANDEZ IVAN RAFAEL
3	818 S CORINTH ST RD	CEDAR CLIFF APARTMENTS LLC
4	1714 MORRELL AVE	Taxpayer at
5	938 S CORINTH ST RD	WILLIAMS FRIED CHICKEN
6	1700 WACO AVE	YOUR WAY HOMES & LOTS LLC
7	900 S CORINTH ST RD	LOPEZ ANDRES &
8	1726 MORRELL AVE	1726 MORRELL AVENUE TRUST
9	910 S CORINTH ST RD	JJ PROPERTIES INC
10	945 S CORINTH ST RD	DUKES R C
11	1722 MORRELL AVE	COLEMAN NELSON & ITLAIA
12	907 HUTCHINS RD	LAWRENCE ISIAH W
13	1007 HUTCHINS RD	B E D 1007 HUTCHINS LLC
14	944 CORINTH ST	952 SOUTH CORINTH LLC
15	1735 MORRELL AVE	OM HOMEBUYERS LLC &
16	909 S CORINTH ST RD	ESTABLISHED INVESTORS INC
17	1718 MORRELL AVE	Taxpayer at
18	1718 WACO AVE	ADEWALE HAKEEM

 1:2,400	<h2>NOTIFICATION</h2>	Case no: BDA234-110
	200' AREA OF NOTIFICATION 18 NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 8/28/2024

NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)

NOTICE IS HEREBY GIVEN that the BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A) will hold a hearing as follows:

DATE: TUESDAY, SEPTEMBER 17TH, 2024

BRIEFING: 10:30 a.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla Street

HEARING: 1:00 p.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla Street

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment.

BDA234-110(CJ) Application of Reinhart Hanson Jr. for (1) a special exception to the tree conservation regulation of section 51A-10.134 at 1710 MORRELL AVE. This property is more fully described as Block 5898 TR 9 and Block 3/5896 Lot 2A, and is zoned CR and MF-2(A), which requires mandatory landscaping and tree mitigation. The applicant proposes to construct and/or maintain a multifamily development and obtain a reduction of overall tree mitigation for the site, which will require (1) a special exception to the tree conservation regulation.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Board of Adjustment hearing to express your support for or opposition to the application. You may also contact the Board of Adjustment by email to BDAreply@dallas.gov. Letters will be accepted until 9:00 am the day of the hearing. If you are unable to attend the hearing. If you choose to respond, it is important that you let the Board know your reasons for being in favor of or in opposition to the application. The Board members are very interested in your opinion.

Note: Any materials (such as plans, elevations, etc.) included within this notice may be subject to change.

The Board of Adjustment hearing will be held by videoconference and at 6ES at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure by joining the meeting virtually, must register online at <https://bit.ly/BDA-A-Register> by the close of business Monday, September 16th, 2024. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall

Speakers at the meeting are allowed a maximum of five (5) minutes to address the Board.

Additional information regarding the application may be obtained by calling Cambria Jordan, Senior Planner at (214) 948-4476, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

Board of Adjustment
Planning and Development Department
1500 Marilla Street 5CN, Dallas TX 75201

PLEASE SEND REPLIES TO:
BDAreply@dallas.gov
Letters will be received until 9:00
am the day of the hearing.

PLEASE REGISTER AT:
<https://bit.ly/BDA-A-Register>



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 234410

RECEIVED

Data Relative to Subject Property: _____

Date: FOR OFFICE USE ONLY
AUG 06 2024

Location address: 1710 Morrell Avenue, Dallas, TX 75203

Zoning District: MF2(A) / CR

Lot No.: 2A Block No.: 5898 TR9 & BLK 3:5896

Acreage: 5.07

Census Tract: 021100 - NOTE: Block & Lot is 1 of 5 parcels

Street Frontage (in Feet): 1) 258 2) 224 3) 59.7 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Dallas Public Facility Corporation

Applicant: Reinhart S. Hanson, Jr. Telephone: 214-497-8840

Mailing Address: 9925 Lakedale Dr., Dallas, TX Zip Code: 75218

E-mail Address: swede@smartlivingresidential.com

Represented by: DFW Project Solutions by Jonathan Wood Telephone: 806-252-1869

Mailing Address: 5910 North Central Exp, Suite 350, Dallas, TX Zip Code: 75206

E-mail Address: jonathan@dfwprojectsolutions.com

Affirm that an appeal has been made for a Variance or Special Exception of See attached
No previous appeals have been made.

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:

Requesting an additional means of mitigation under Section 51A-10.135 via payments toward conservation methods exceeding the minimum required under Section 51A-10.136.

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

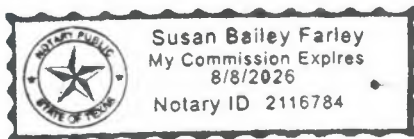
Before me the undersigned on this day personally appeared Reinhart S. Hanson, Jr.

(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: Reinhart S. Hanson, Jr.
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 23rd day of July, 2024



Susan Bailey Farley
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

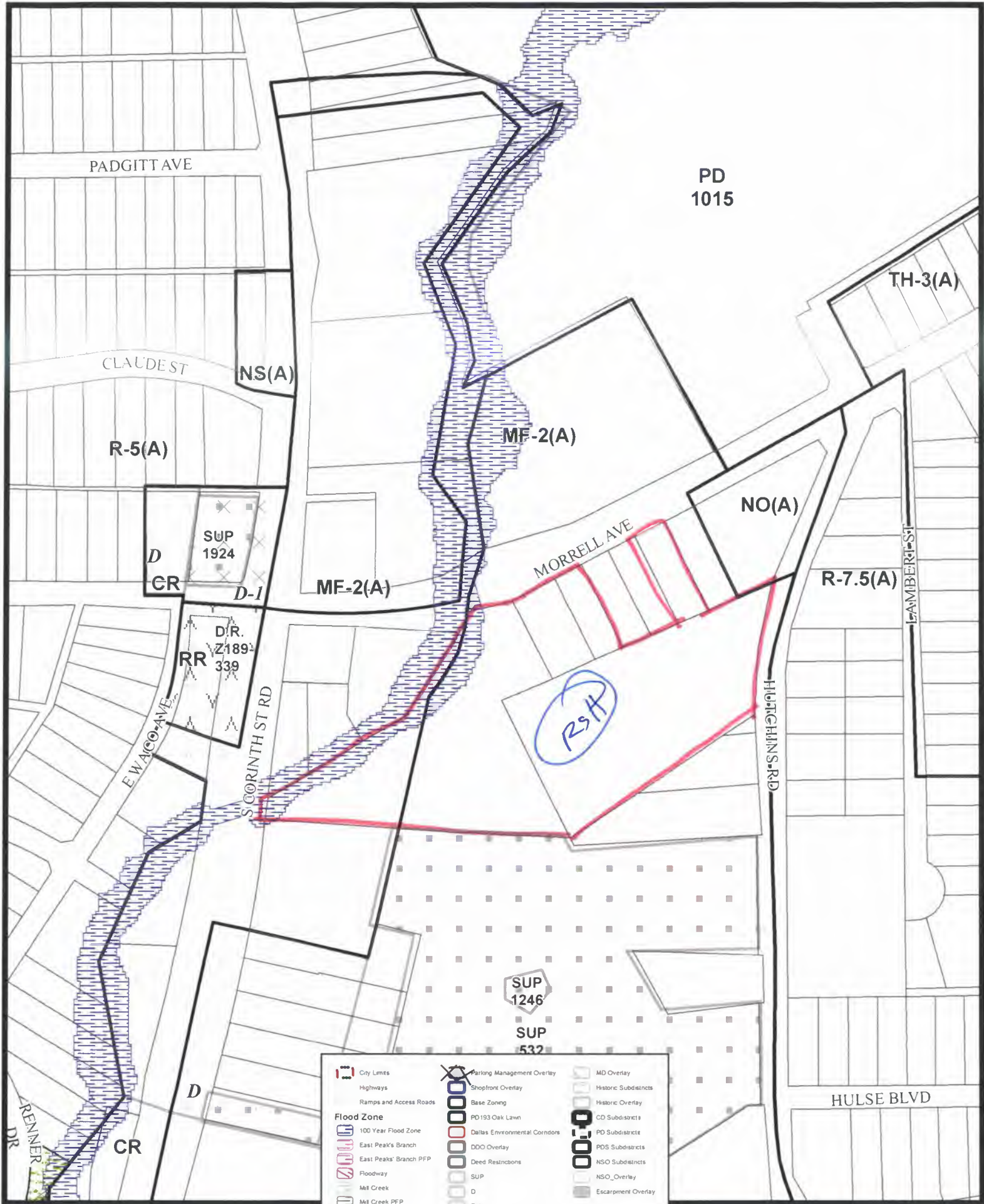
I hereby certify that Reinhart S. Hanson Jr.
represented by DFW Project Solution
did submit a request for (1) a special exception to the tree preservation and mitigation regulations
at 1710 Morrell Avenue

BDA234-110(CJ) Application of Reinhart Hanson Jr. for (1) a special exception to the tree conservation regulation of section 51A-10.134 at 1710 MORRELL AVE. This property is more fully described as Block 5898 TR 9 and Block 3/5896 Lot 2A, and is zoned CR and MF-2(A), which requires mandatory landscaping and tree mitigation. The applicant proposes to construct and/or maintain a multifamily development and obtain a reduction of overall tree mitigation for the site, which will require (1) a special exception to the tree conservation regulation.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



PD
1015

TH-3(A)

PADGITT AVE

CLAUDEST

R-5(A)

NS(A)

MF-2(A)

NO(A)

D

SUP
1924

CR

D-1

MF-2(A)

MORRELL AVE

R-7.5(A)

D.R.
Z189
339

RR

S CORINTH ST RD

R5H

HUTCHINS RD

LAMBERT ST

E WACO AVE

CR

SUP
1246

SUP
532

HULSE BLVD

	City Limits		Parking Management Overlay		MD Overlay
	Highways		Shopfront Overlay		Historic Subdistricts
	Ramps and Access Roads		Base Zoning		Historic Overlay
	Flood Zone		PD193 Oak Lawn		CD Subdistricts
	100 Year Flood Zone		Dallas Environmental Corridor		PD Subdistricts
	East Peak's Branch		DDO Overlay		PDS Subdistricts
	East Peak's Branch PFP		Deed Restrictions		NSO Subdistricts
	Floodway		SUP		NSO_Overlay
	Mill Creek		D		Escarpment Overlay
	Mill Creek PFP		D-1		
	Peak's Branch		CP		
	Peak's Branch PFP		SP		
	X Protected by Levee				
	Parks				
	Height Map Overlay				



1:2,400

Memorandum



CITY OF DALLAS

Date September 3, 2024
To Kameka Miller-Hoskins, PhD
Chief Planner/Board Administrator
Subject BDA #234-110 1710 Morrell Avenue Arborist report

Request

The applicant is seeking a special exception to the tree conservation requirements of Article X. The request is for a reduction of the required tree mitigation resulting from the removal of protected trees on the property under development for a multifamily use.

Provision

The project is fully permitted and is currently in compliance with tree conservation requirements for mitigation. The landscape and tree mitigation plans have been reviewed and approved for the tree mitigation to be resolved prior to the final inspections for the completion of the building project, in accordance with Article X regulations for the location and timing of mitigation in Sections 51A-10.134 and 10.135.

Tree Mitigation

- Total removal of protected trees (all classifications) = 1,026 diameter inches
- Total inches to be planted on site (67 new trees at 3" per tree) = 201 inches
- Total inches remaining to be mitigated after planting = 825 diameter inches
- Equivalent Reforestation Value (\$RV) @ \$193/diameter inch = \$159,225.00

Factors

- Reduction requested based on cost of preservation of one significant pecan tree (Tree #8833) on site. The amount of remediation of this tree is stated to be in approximation of \$94,000 but not written on application. The applicant stated "requesting an additional means of mitigation under Section 51A-10.135 via payments toward conservation methods exceeding the minimum required under Section 51A-10.136." In short, they ask tree preservation efforts above the norm to preserve the significant pecan tree be taken into consideration in tree mitigation.
- Nearly 20% of the mitigation inches will be replaced in required landscaping on the site.
- Surrounding property is multifamily zoned, commercial to the west and R-7.5(A) to the east.
- The property has high topography from the south sloping to the wooded creek and Morrell.

Recommendation

The arborist division has no objection to the request.

Philip Erwin
Chief Arborist
Development Services



TREE MITIGATION NOTES

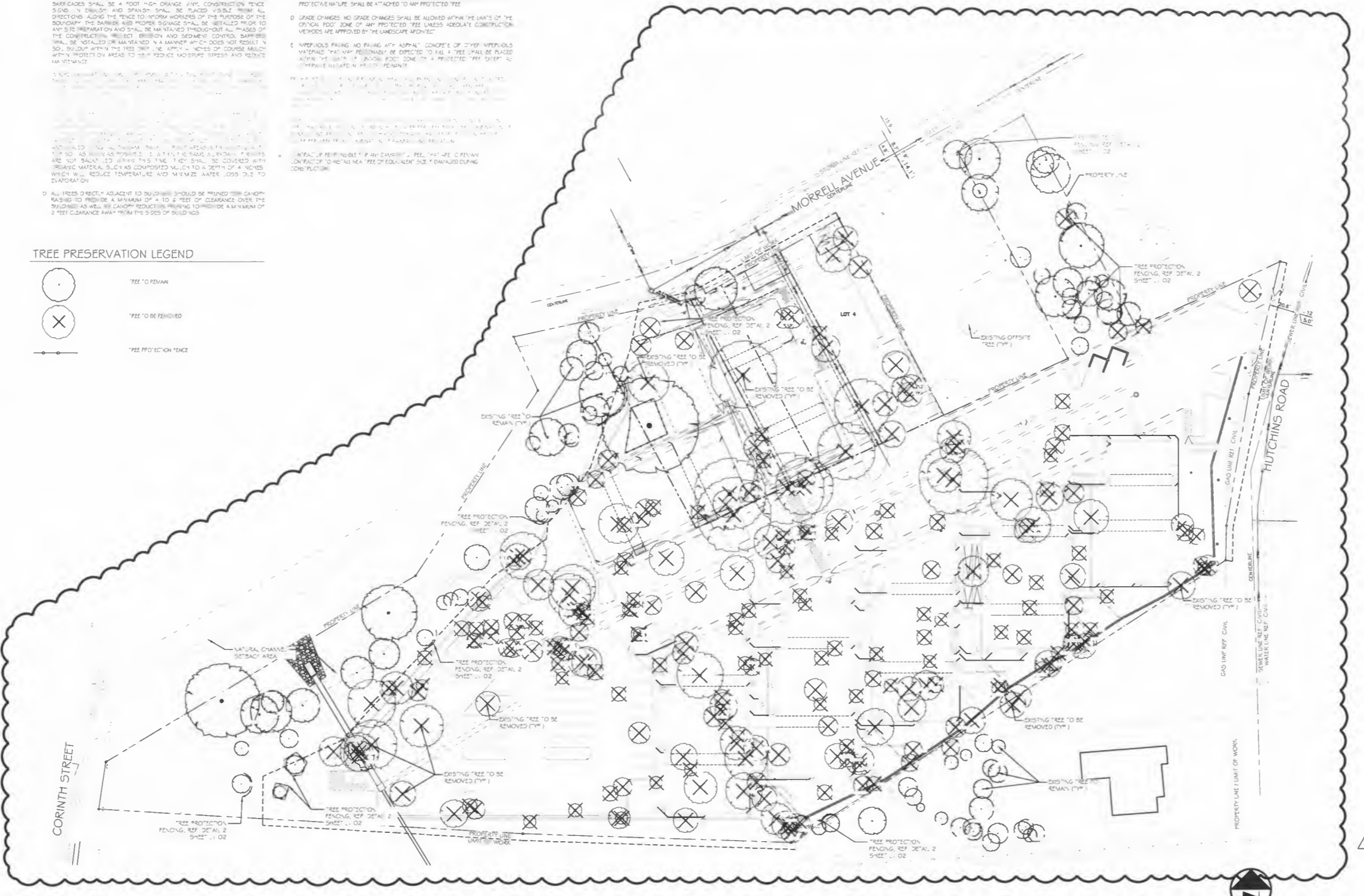
PROCEDURES REQUIRED PRIOR TO CONSTRUCTION. THE FOLLOWING PROCEDURES SHALL BE FOLLOWED ON ALL TYPES OF CONSTRUCTION PROJECTS:

- A. DURING THE CONSTRUCTION, TREES TO BE REMOVED SHOULD BE REMOVED FROM THE SITE IN A MANNER TO AVOID CLIPPING TO REMAINING TREES. REMOVAL OF STUMPS AND/OR ROOT SYSTEMS HEAVY EQUIPMENT SHALL NOT ENCROACH ON THE ROOT SYSTEMS OF TREES TO BE RETAINED. OTHER TYPES OF HEAVY EQUIPMENT, IF NECESSARY, TREES SHOULD BE REMOVED MANUALLY WITH CHAIN SAWS AND STUMPS SHOULD BE GROUND OUT INSTEAD OF USING HEAVY EQUIPMENT.
- B. CRITICAL ROOT ZONES SHALL BE ESTABLISHED AND MAINTAINED FOR ALL TREES TO BE CONSERVED ON A CONSTRUCTION SITE. THIS AREA MAY BE ADJUSTED FROM EXISTING BUILDINGS, WALKWAYS, AND ROADS BY PERMISSION OF OWNER. BARRICADES SHALL BE A FOOT (6") ORANGE WITH CONSTRUCTION PENCE 5/8" IN THICKNESS AND SPACING SHALL BE PLACED VISIBLY FROM ALL DIRECTIONS ALONG THE FENCE TO INFORM WORKERS OF THE PURPOSE OF THE BARRIER. THE BARRIER AND PROPER SIGNAGE SHALL BE INSTALLED PRIOR TO ANY SITE PREPARATION AND SHALL BE MAINTAINED THROUGHOUT ALL PHASES OF THE CONSTRUCTION. SLOTTED BRUSH AND SEDIMENT CONTROL BARRIERS SHALL BE INSTALLED OR MAINTAINED IN A MANNER WHICH DOES NOT RESULT IN SOIL BUILDUP WITHIN THE TREE ZONE. THE APPLICATION OF COURSE MATERIAL WITH PROTECTION AREAS TO REDUCE MOISTURE STRESS AND REDUCE MAINTENANCE.
- C. ALL TREES DIRECTLY ADJACENT TO BUILDINGS SHOULD BE PRUNED CANOPY RAISING TO PROVIDE A MINIMUM OF 4 TO 6 FEET OF CLEARANCE OVER THE BUILDING AS WELL AS CANOPY REDUCTION, PRUNING TO PROVIDE A MINIMUM OF 2 FEET CLEARANCE AWAY FROM THE SIDES OF BUILDINGS.

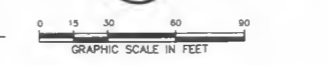
THE FOLLOWING ACTIVITIES ARE PROHIBITED WITHIN THE LIMITS OF THE CRITICAL FOOT ZONE OR ANY PROTECTED TREE SUBJECT TO THE REQUIREMENTS OF THE CITY ORDINANCE:

- A. MATERIAL STORAGE: NO MATERIALS INTENDED FOR USE IN CONSTRUCTION OR WASTE MATERIALS ACCUMULATED DUE TO EXCAVATION OR DEMOLITION SHALL BE PLACED WITHIN THE LIMITS OF THE CRITICAL FOOT ZONE OF ANY PROTECTED TREE.
- B. EQUIPMENT CLEANING/LOAD DISPOSAL: NO EQUIPMENT SHALL BE CLEANED OR OTHER LIQUIDS DEPOSITED OR ALLOWED TO DRAIN OUTSIDE WITHIN THE LIMITS OF THE CRITICAL FOOT ZONE OF A PROTECTED TREE. THIS INCLUDES WIPING LANTERN PAINT OR SOLVENTS ASPHALT CONCRETE MORTAR OR SIMILAR MATERIALS.
- C. TREE ADJACENTS: NO SIGN, WIRES OR OTHER ADJACENTS OTHER THAN THOSE A PROTECTIVE NATURE SHALL BE ATTACHED TO ANY PROTECTED TREE.
- D. GRADE CHANGES: NO GRADE CHANGES SHALL BE ALLOWED WITHIN THE LIMITS OF THE CRITICAL FOOT ZONE OF ANY PROTECTED TREE UNLESS ADEQUATE CONSTRUCTION METHODS ARE APPROVED BY THE LANDSCAPE ARCHITECT.
- E. LIQUIDS PAINTING: NO PAINTING WITH ASPHALT CONCRETE OR OTHER LIQUID MATERIALS THAT MAY PENETRATE OR BE DIRECTED TO FALL A TREE SHALL BE PLACED WITHIN THE LIMITS OF THE CRITICAL FOOT ZONE OF A PROTECTED TREE UNLESS ADEQUATE PROTECTIVE MEASURES ARE APPROVED BY THE LANDSCAPE ARCHITECT.

TREE PRESERVATION LEGEND



TREE MITIGATION PLAN
 1" = 30'



THE ELMS
 SMART LIVING RESIDENTIAL
 1710 MORRELL AVE.
 DALLAS, TX 75203

PROJECT: 210802

DATE	DESCRIPTION
2022.12.07	ORIG SUBMISSION
2023.02.28	CURRENT

SHEET NAME:
TREE MITIGATION PLAN

ORIG SUBMISSION: 2022.12.07
 CURRENT: 2023.02.28

Issue for Construction

SHEET:
L1.05



THE ELMS SMART LIVING RESIDENTIAL 1710 MORRELL AVE. DALLAS, TX 75203

Table with 2 columns: DATE, DESCRIPTION. Lists dates from 2022-12-01 to 2023-04-14.

SHEET NAME: TREE DATA

ORIG SUBMISSION: 2022.12.07 CURRENT: 2023.04.14

Issue for Construction

SHEET: L1.06

TREE SURVEY FIELD DATA table with columns: TREE ID, DBH (INCHES), TREE SPECIES (COMMON NAME), TREE SPECIES (BOTANICAL), CONDITION, PROTECTED (Y/N), REMOVAL REASON, TILT (DEGREES), MISCUT SA RATE, HEIGHT TO BE MAINTAINED, TREE CREDITS. Contains 100 rows of tree data.

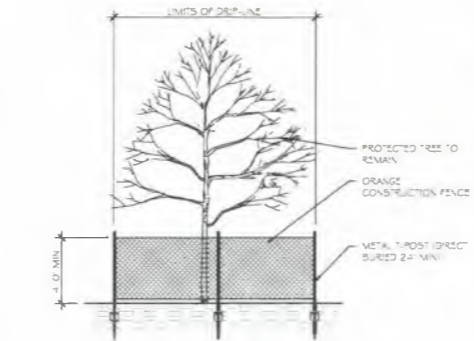
TREE SURVEY FIELD DATA table with columns: TREE ID, DBH (INCHES), TREE SPECIES (COMMON NAME), TREE SPECIES (BOTANICAL), CONDITION, PROTECTED (Y/N), REMOVAL REASON, TILT (DEGREES), MISCUT SA RATE, HEIGHT TO BE MAINTAINED, TREE CREDITS. Contains 100 rows of tree data.



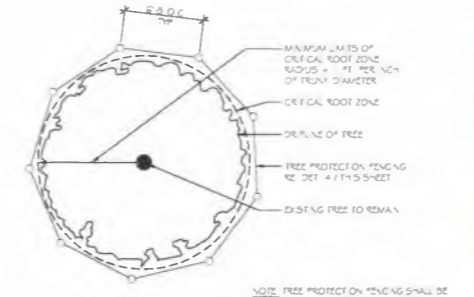
Vertical text on the left margin: A, B, C, D, 1, 2, 3, 4, 5, 6



TREE ID	DBH (INCHES)	TREE SPECIES (COMMON NAME)	TREE SPECIES (SCIENTIFIC)	LOCATION	PROTECTED	REMARKS	TREE CLASSIFICATION	MITIGATION	NO. OF INCHES TO BE MITIGATED	TREE CREDITS
8832	4	AMERICAN BLS	LIQUID AMERICANA	FAIR	✓	REMOVE	2	0.75	1.20	0.25
8833	7	PECAN	CARYA LACINIOSA	FAIR	✓	REMOVE	2	1.75	4.80	0.70
8834	4	RED OAK	QUERCUS RUBRA	FAIR	✓	REMOVE	2	0.75	4.30	0.50
8835	6	EMPEROR RED CEDAR	JUNIPERUS SPREADIANA	FAIR	✓	REMOVE	2	0.75	0.30	0.00
8836	3	RED OAK	QUERCUS RUBRA	FAIR	✓	REMOVE	2	0.50	0.30	0.00
8837	2	PECAN	CARYA LACINIOSA	FAIR	✓	REMOVE	2	0.50	0.70	0.00
8838	23.5	AMERICAN ELM	ULMUS AMERICANA	FAIR	✓	REMOVE	2	0.75	4.43	0.00
8839	6	AMERICAN ELM	ULMUS AMERICANA	FAIR	✓	REMOVE	2	0.75	4.00	0.00
8840	12	AUSTRIAN RED CEDAR	JUNIPERUS VIRGINIANA	FAIR	✓	REMOVE	2	0.75	4.40	0.00
8841	3.5	RED OAK	QUERCUS RUBRA	FAIR	✓	REMOVE	2	0.75	2.15	0.00
8842	2.5	AMERICAN ELM	ULMUS AMERICANA	FAIR	✓	REMOVE	2	0.75	4.75	0.00
8843	2.5	AMERICAN ELM	ULMUS AMERICANA	FAIR	✓	REMOVE	2	0.75	1.10	0.00
8844	1.5	AMERICAN ELM	ULMUS AMERICANA	FAIR	✓	REMOVE	2	0.75	0.00	0.00
8845	3.5	HACKBERRY	CELTIS	FAIR	✓	REMOVE	2	0.50	3.80	0.00
8846	4	AMERICAN ELM	ULMUS AMERICANA	FAIR	✓	REMOVE	2	0.75	4.30	0.00
8847	4	WHITE HACKBERRY	MAELIS ALBA	FAIR	✓	REMOVE	2	0.50	2.30	0.00
8848	4	HACKBERRY	CELTIS	FAIR	✓	REMOVE	2	0.50	2.50	0.00
8849	7	RED OAK	QUERCUS RUBRA	FAIR	✓	REMOVE	2	0.75	1.00	0.00
8850	3.5	PECAN	CARYA LACINIOSA	FAIR	✓	REMOVE	2	0.50	2.50	0.00
8851	2.5	WHITE HACKBERRY	MAELIS ALBA	FAIR	✓	REMOVE	2	0.50	1.00	0.00
8852	3.5	AMERICAN ELM	ULMUS AMERICANA	FAIR	✓	REMOVE	2	0.75	4.00	0.00
8853	3.5	HACKBERRY	CELTIS	FAIR	✓	REMOVE	2	0.50	2.30	0.00
8854	4	AMERICAN ELM	ULMUS AMERICANA	FAIR	✓	REMOVE	2	0.75	4.30	0.00
8855	4	WHITE HACKBERRY	MAELIS ALBA	FAIR	✓	REMOVE	2	0.50	2.30	0.00
8856	4	HACKBERRY	CELTIS	FAIR	✓	REMOVE	2	0.50	2.50	0.00
8857	7	RED OAK	QUERCUS RUBRA	FAIR	✓	REMOVE	2	0.75	1.00	0.00
8858	3.5	PECAN	CARYA LACINIOSA	FAIR	✓	REMOVE	2	0.50	2.50	0.00
8859	2.5	WHITE HACKBERRY	MAELIS ALBA	FAIR	✓	REMOVE	2	0.50	1.00	0.00
8860	2.5	HACKBERRY	CELTIS	FAIR	✓	REMOVE	2	0.50	1.00	0.00
8861	2.5	AMERICAN ELM	ULMUS AMERICANA	FAIR	✓	REMOVE	2	0.75	4.00	0.00
8862	2.5	HACKBERRY	CELTIS	FAIR	✓	REMOVE	2	0.50	2.30	0.00
8863	2.5	AMERICAN ELM	ULMUS AMERICANA	FAIR	✓	REMOVE	2	0.75	4.00	0.00
8864	2.5	HACKBERRY	CELTIS	FAIR	✓	REMOVE	2	0.50	2.30	0.00
8865	2.5	AMERICAN ELM	ULMUS AMERICANA	FAIR	✓	REMOVE	2	0.75	4.00	0.00
8866	2.5	HACKBERRY	CELTIS	FAIR	✓	REMOVE	2	0.50	2.30	0.00
8867	2.5	AMERICAN ELM	ULMUS AMERICANA	FAIR	✓	REMOVE	2	0.75	4.00	0.00
8868	2.5	HACKBERRY	CELTIS	FAIR	✓	REMOVE	2	0.50	2.30	0.00
8869	2.5	AMERICAN ELM	ULMUS AMERICANA	FAIR	✓	REMOVE	2	0.75	4.00	0.00
8870	2.5	HACKBERRY	CELTIS	FAIR	✓	REMOVE	2	0.50	2.30	0.00
8871	2.5	AMERICAN ELM	ULMUS AMERICANA	FAIR	✓	REMOVE	2	0.75	4.00	0.00
8872	2.5	HACKBERRY	CELTIS	FAIR	✓	REMOVE	2	0.50	2.30	0.00
8873	2.5	AMERICAN ELM	ULMUS AMERICANA	FAIR	✓	REMOVE	2	0.75	4.00	0.00
8874	2.5	HACKBERRY	CELTIS	FAIR	✓	REMOVE	2	0.50	2.30	0.00
8875	2.5	AMERICAN ELM	ULMUS AMERICANA	FAIR	✓	REMOVE	2	0.75	4.00	0.00
8876	2.5	HACKBERRY	CELTIS	FAIR	✓	REMOVE	2	0.50	2.30	0.00
8877	2.5	AMERICAN ELM	ULMUS AMERICANA	FAIR	✓	REMOVE	2	0.75	4.00	0.00
8878	2.5	HACKBERRY	CELTIS	FAIR	✓	REMOVE	2	0.50	2.30	0.00
8879	2.5	AMERICAN ELM	ULMUS AMERICANA	FAIR	✓	REMOVE	2	0.75	4.00	0.00
8880	2.5	HACKBERRY	CELTIS	FAIR	✓	REMOVE	2	0.50	2.30	0.00
8881	2.5	AMERICAN ELM	ULMUS AMERICANA	FAIR	✓	REMOVE	2	0.75	4.00	0.00
8882	2.5	HACKBERRY	CELTIS	FAIR	✓	REMOVE	2	0.50	2.30	0.00
8883	2.5	AMERICAN ELM	ULMUS AMERICANA	FAIR	✓	REMOVE	2	0.75	4.00	0.00
8884	2.5	HACKBERRY	CELTIS	FAIR	✓	REMOVE	2	0.50	2.30	0.00
8885	2.5	AMERICAN ELM	ULMUS AMERICANA	FAIR	✓	REMOVE	2	0.75	4.00	0.00
8886	2.5	HACKBERRY	CELTIS	FAIR	✓	REMOVE	2	0.50	2.30	0.00
8887	2.5	AMERICAN ELM	ULMUS AMERICANA	FAIR	✓	REMOVE	2	0.75	4.00	0.00
8888	2.5	HACKBERRY	CELTIS	FAIR	✓	REMOVE	2	0.50	2.30	0.00
8889	2.5	AMERICAN ELM	ULMUS AMERICANA	FAIR	✓	REMOVE	2	0.75	4.00	0.00
8890	2.5	HACKBERRY	CELTIS	FAIR	✓	REMOVE	2	0.50	2.30	0.00
8891	2.5	AMERICAN ELM	ULMUS AMERICANA	FAIR	✓	REMOVE	2	0.75	4.00	0.00
8892	2.5	HACKBERRY	CELTIS	FAIR	✓	REMOVE	2	0.50	2.30	0.00
8893	2.5	AMERICAN ELM	ULMUS AMERICANA	FAIR	✓	REMOVE	2	0.75	4.00	0.00
8894	2.5	HACKBERRY	CELTIS	FAIR	✓	REMOVE	2	0.50	2.30	0.00
8895	2.5	AMERICAN ELM	ULMUS AMERICANA	FAIR	✓	REMOVE	2	0.75	4.00	0.00
8896	2.5	HACKBERRY	CELTIS	FAIR	✓	REMOVE	2	0.50	2.30	0.00
8897	2.5	AMERICAN ELM	ULMUS AMERICANA	FAIR	✓	REMOVE	2	0.75	4.00	0.00
8898	2.5	HACKBERRY	CELTIS	FAIR	✓	REMOVE	2	0.50	2.30	0.00
8899	2.5	AMERICAN ELM	ULMUS AMERICANA	FAIR	✓	REMOVE	2	0.75	4.00	0.00
8900	2.5	HACKBERRY	CELTIS	FAIR	✓	REMOVE	2	0.50	2.30	0.00



1 TREE PROTECTION FENCING



2 TREE PROTECTION FENCING - PLAN VIEW

TREE MITIGATION SUMMARY	
TOTAL INCHES TO BE MITIGATED	1,026.0
TREE CREDITS	184.0
NEW TREES PLANTED (67 TREES AT 3" CAL SIZE)	201
REMAINING INCHES:	825
NOTE: OWNER TO PAY TO THE CITY FOR THE REMAINING CALIPER INCHES.	



THE ELMS
SMART LIVING RESIDENTIAL
1710 MORRELL AVE.
DALLAS, TX 75203

PROJECT: 210802

NO.	DATE	DESCRIPTION
1	06/23/23	ISSUE FOR CONSTRUCTION
2	06/23/23	ISSUE FOR CONSTRUCTION
3	06/23/23	ISSUE FOR CONSTRUCTION
4	06/23/23	ISSUE FOR CONSTRUCTION
5	06/23/23	ISSUE FOR CONSTRUCTION
6	06/23/23	ISSUE FOR CONSTRUCTION
7	06/23/23	ISSUE FOR CONSTRUCTION
8	06/23/23	ISSUE FOR CONSTRUCTION
9	06/23/23	ISSUE FOR CONSTRUCTION
10	06/23/23	ISSUE FOR CONSTRUCTION

SHEET NAME:
TREE DATA

ORIG SUBMISSION: 2022.12.07
CURRENT: 2023.04.14

Issue for Construction

SHEET:
L1.07

F
D
C
B
A



THE ELMS
SMART LIVING RESIDENTIAL
1710 MORRELL AVE.
DALLAS, TX 75203

PROJECT: 210802

#	DATE	DESCRIPTION
1	2022.12.07	ISSUE FOR CONSTRUCTION
2	2023.05.16	REVISED
3	2023.05.16	REVISED
4	2023.05.16	REVISED
5	2023.05.16	REVISED
6	2023.05.16	REVISED
7	2023.05.16	REVISED
8	2023.05.16	REVISED

SHEET NAME:
OVERALL PLANTING PLAN

ORIG SUBMISSION: 2022.12.07
CURRENT: 2023.05.16

Issue for Construction

SHEET:
L1.16

LANDSCAPE REQUIREMENTS - ARTICLE X

SITE DESCRIPTION				
ZONING DISTRICT: MF2				
TOTAL LOT SIZE: 1.07 ACRES (46,146 SF)				
STREET BUFFER ZONE (SBZ)		REQUIRED	PROVIDED	COMMENTS
MORRELL AVENUE	7' (1.14)	6 TREES	6 TREES, 3 EXISTING TREES & SMALL TREES	MINIMUM OF 1 LARGE OR MEDIUM TREE (CALIPER PER EVERY 40 LINEAR FEET OF STREET FRONTAGE) SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT. LARGE TREES SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT. LARGE TREES SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT. LARGE TREES SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT.
HUTCHINS ROAD	6.5' (1.4)	5 TREES	5 TREES (11' LARGEST TREE AND 2 SMALL TREES)	MINIMUM OF 1 LARGE OR MEDIUM TREE (CALIPER PER EVERY 40 LINEAR FEET OF STREET FRONTAGE) SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT. LARGE TREES SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT. LARGE TREES SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT. LARGE TREES SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT.
CORINTH STREET	11' (1.4)	1 TREE	1 TREE	REQUIREMENT CANCELLED BY THE CITY OF DALLAS. SEE THE CITY OF DALLAS WEBSITE FOR MORE INFORMATION.
RESIDENTIAL BUFFER ZONE (RBZ)				
RESIDENTIAL AREA ONLY SCREENING		REQUIRED	PROVIDED	COMMENTS
INTERIOR ZONE		REQUIRED	PROVIDED	COMMENTS
SCREENING OF OFF-STREET LOADING ZONE		REQUIRED	PROVIDED	COMMENTS
SITE TREES		REQUIRED	PROVIDED	COMMENTS
LANDSCAPE IRRIGATION				
LANDSCAPE DESIGN OPTIONS (30 POINTS)				
SCREENING	POINTS	COMMENTS		
SCREENING ALL BUILDING LOT ON THE LOT MUST BE PROVIDED AS A BUILT-UP SCREENING SYSTEM IN A BUILDING LOT. SCREENING SHALL BE PROVIDED AS A BUILT-UP SCREENING SYSTEM IN A BUILDING LOT. SCREENING SHALL BE PROVIDED AS A BUILT-UP SCREENING SYSTEM IN A BUILDING LOT. SCREENING SHALL BE PROVIDED AS A BUILT-UP SCREENING SYSTEM IN A BUILDING LOT.	10			
BUILDING FAÇADE	POINTS	COMMENTS		
SCREENING ALL BUILDING LOT ON THE LOT MUST BE PROVIDED AS A BUILT-UP SCREENING SYSTEM IN A BUILDING LOT. SCREENING SHALL BE PROVIDED AS A BUILT-UP SCREENING SYSTEM IN A BUILDING LOT. SCREENING SHALL BE PROVIDED AS A BUILT-UP SCREENING SYSTEM IN A BUILDING LOT. SCREENING SHALL BE PROVIDED AS A BUILT-UP SCREENING SYSTEM IN A BUILDING LOT.	5			
PEDESTRIAN USES	POINTS	COMMENTS		
SCREENING ALL BUILDING LOT ON THE LOT MUST BE PROVIDED AS A BUILT-UP SCREENING SYSTEM IN A BUILDING LOT. SCREENING SHALL BE PROVIDED AS A BUILT-UP SCREENING SYSTEM IN A BUILDING LOT. SCREENING SHALL BE PROVIDED AS A BUILT-UP SCREENING SYSTEM IN A BUILDING LOT. SCREENING SHALL BE PROVIDED AS A BUILT-UP SCREENING SYSTEM IN A BUILDING LOT.	5			
CONSERVATION	POINTS	COMMENTS		
SCREENING ALL BUILDING LOT ON THE LOT MUST BE PROVIDED AS A BUILT-UP SCREENING SYSTEM IN A BUILDING LOT. SCREENING SHALL BE PROVIDED AS A BUILT-UP SCREENING SYSTEM IN A BUILDING LOT. SCREENING SHALL BE PROVIDED AS A BUILT-UP SCREENING SYSTEM IN A BUILDING LOT. SCREENING SHALL BE PROVIDED AS A BUILT-UP SCREENING SYSTEM IN A BUILDING LOT.	10			
LOW-IMPACT DEVELOPMENT	POINTS	COMMENTS		
SCREENING ALL BUILDING LOT ON THE LOT MUST BE PROVIDED AS A BUILT-UP SCREENING SYSTEM IN A BUILDING LOT. SCREENING SHALL BE PROVIDED AS A BUILT-UP SCREENING SYSTEM IN A BUILDING LOT. SCREENING SHALL BE PROVIDED AS A BUILT-UP SCREENING SYSTEM IN A BUILDING LOT. SCREENING SHALL BE PROVIDED AS A BUILT-UP SCREENING SYSTEM IN A BUILDING LOT.	10			

PLANTING GENERAL NOTES

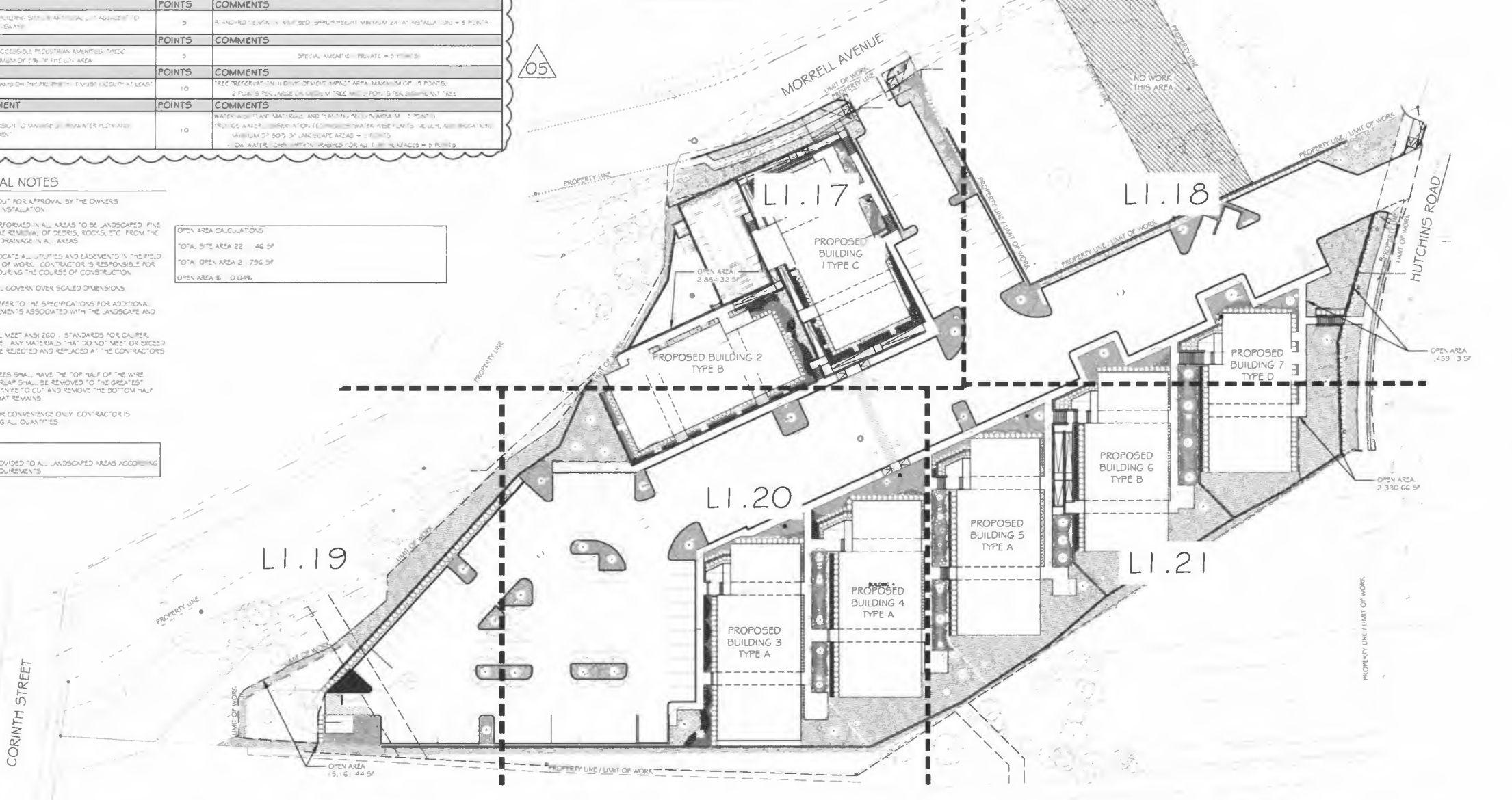
- All plants shall be set out for approval by the owner's representative prior to installation.
- Final grading shall be performed in all areas to be landscaped. Final grading shall include the removal of debris, rocks, etc. from the site and insure positive drainage in all areas.
- The contractor shall locate all utilities and easements in the field prior to commencement of work. Contractor is responsible for any damage to utilities during the course of construction.
- Written dimensions shall govern over scaled dimensions.
- The contractor shall refer to the specifications for additional information and requirements associated with the landscape and accessories.
- All plant materials shall meet ANSI Z60 - Standards for Caliper, Height and Root Ball Size. Any materials that do not meet or exceed such standards shall be rejected and replaced at the contractor's expense.
- Shaded and burlapped trees shall have the top half of the wire basket removed. The burlap shall be removed to the greatest extent possible, using a knife to cut and remove the bottom half under the wire basket that remains.
- Quantities are shown for convenience only. Contractor is responsible for verifying all quantities.

NOTE: AUTOMATIC IRRIGATION TO BE PROVIDED TO ALL LANDSCAPED AREAS ACCORDING TO ARTICLE X, CITY OF DALLAS REQUIREMENTS.

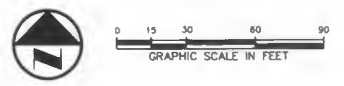
OPEN AREA CALCULATIONS	
TOTAL SITE AREA	22,466 SF
TOTAL OPEN AREA	2,796 SF
OPEN AREA %	12.4%

PLANT SCHEDULE

TREES	QTY	BOTANICAL / COMMON NAME	SIZE/CONTAINER	REMARKS	
AC2	10	ACER BARBATUM 'CADDO' CADDO SOUTHERN SUGAR MAPLE	CONTAINER	3" CAL. VERT. FULL MATCHING	
PC	10	MSTACIA CHINENSIS CHINESE MISTACHE	CONTAINER	3" CAL. STRAIGHT LEADER MATCHING	
JC2	10	JUNIPUS CRASSIFOLIA COBURN'S M	CONTAINER	3" CAL. MATCHED, WELL BRANCHED, STRONG CENTRAL LEADER	
UP2	6	JUNIPUS HORIZONTALIS JACOB'S L.M	CONTAINER	3" CAL. SINGLE, STRAIGHT LEADER MATCHING	
ORNA	5	BOTANICAL / COMMON NAME: CASPER'S CYPRESS 'CASPENSIS' CASPER'S REDWOOD	SUBCONTAINER	REMARKS: 3" CAL. MULTI-LEADER, FULL MATCHING	
LD	8	LEUKODENDRON 'MORRELL' MORRELL HOLY	CONTAINER	3" CAL. MULTI-LEADER, FULL MATCHING	
NY2	7	YUKON VONITORA YALPON'S M	CONTAINER	3" CAL. FULL MATCHING	
YC	5	YUKON AGNUS-CASTUS SHEAR CREEK CHERRY	30 GAL.	3" CAL. MULTI-LEADER, FULL MATCHING	
SHRUBS	QTY	BOTANICAL / COMMON NAME	SIZE	SPACING	REMARKS
AA2	13	AGAPANTHUS AFRICANUS AFRICAN LILY	1 GAL.	36" o.c.	FULL MATCHING
AC2	473	ADONIS AFRICANUS AFRICAN LILY	3 GAL.	24" o.c.	FULL MATCHING
AA2	750	ANEMONE 'MORRELL' MORRELL ANEMONE	5 GAL.	36" o.c.	FULL MATCHING
AA2	229	LEUKODENDRON 'MORRELL' MORRELL HOLY	7 GAL.	36" o.c.	FULL MATCHING
AA2	272	YUKON VONITORA YALPON'S M	3 GAL.	42" o.c.	FULL MATCHING



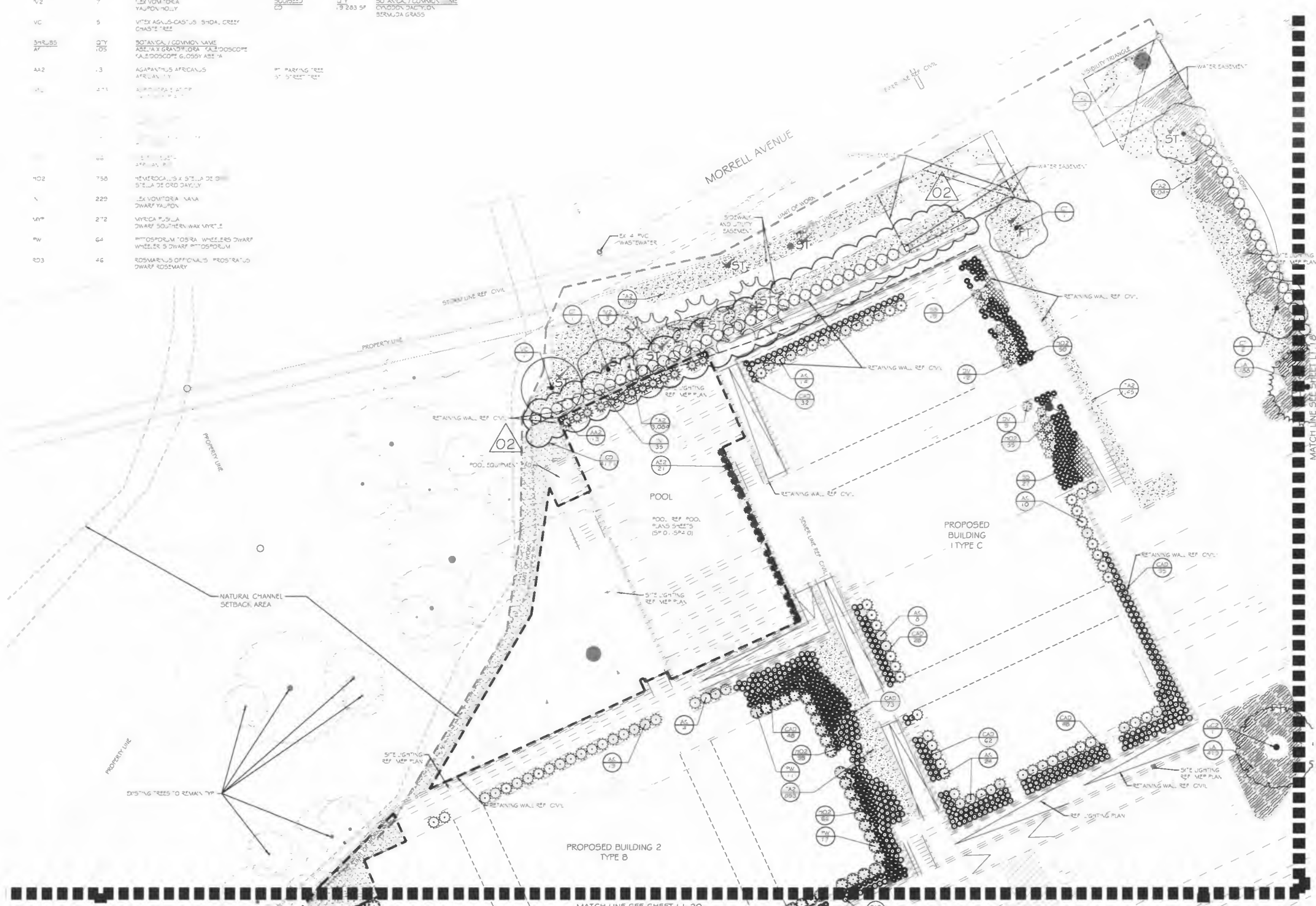
OVERALL PLANTING PLAN
1" = 30'



PLANT SCHEDULE

SYMBOL	QTY	BOTANICAL / COMMON NAME	SIZE	QTY	BOTANICAL / COMMON NAME
TREES	6	ROBINIA / COMMON NAME	5F	62	SAVIA FARNACIA
ACE		ACER BARSAMUM GARDEN			VEALY SAGE
		CADDIS SOUTHERN SUGAR MAPLE			
PC	10	PTISIA CHINENSIS	GROUND COVERS	609	ROBINIA / COMMON NAME
		CHINESE PTISIA			CAREX DIVULSA
PC2	10	LINUM CRASSIFOLIA			BERNARDI SCIRP
		CEDAR ELM	A	6,795	ROSE MUSCAR AZTEC
PC2	6	LINUM PARI POLIA			AZTEC JASMINE
		JACOBIN ELM	ON	4,976	OPHIOPOGON JAPONICUS
ORNA/MENTAL TREES	9	ROBINIA / COMMON NAME			NANA DWARF MONDO GRASS
		PERDIS CANADENSIS	95	46	SEASONAL COLOR
		EASTERN REDBUD			SEASONAL COLOR
TD	18	LEX DECIDUA	T2	14,399	TRACHELOSPERMUM ASIATICUM
		POSSUMPAW HOLLY			ASIATIC JASMINE
TD	7	LEX VOMITORIA	SOLO/SHED	QTY	ROBINIA / COMMON NAME
		YAUPOH HOLLY	19,283 SF	19,283 SF	OPHIOPOGON JAPONICUS
VC	5	VITEX AGASTIS-CASTUS SHODA	CREST		BERNARDI SCIRP
		CHASTE TREE			
SHRUBS	QTY	ROBINIA / COMMON NAME			
AT	103	AGASTIS GRAYI			VALSODOSCOPE
		VALSODOSCOPE GLOSSY ABELIA			
AA2	13	AGAPANTHUS AFRICANUS	PARING TREE		
		AFRICAN LILY	5" 5" 22" 22"		
AL	211	ALUMINUM			
102	750	HEMIOCALYPSUS x STELLA DE O			
		STELLA DE ORO DAVID			
V	229	LEX VOMITORIA			
		NANA DWARF YAUPOH			
W*	272	MYRTICA PUSILLA			
		DWARF SOUTHERN WAX MYRTLE			
W*	64	PTISIA CHINENSIS			
		WHOLEBERRY DWARF PTISIA			
RO3	46	ROSMARINUS OFFICINALIS			
		DWARF ROSEMARY			

A
B
C
D
E
F
G
H
I
J
K
L
M
N
O
P
Q
R
S
T
U
V
W
X
Y
Z



1 PLANTING PLAN



City of Dallas Stamps



parscale.
1317 BOTHAM JEAN BLVD
DALLAS, TX 75215
469.416.2135
parscalegroup.com

Pacheco Koch
Westwood Group



THE ELMS
SMART LIVING RESIDENTIAL
1710 MORRELL AVE.
DALLAS, TX 75203

PROJECT: 210802

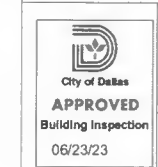
NO.	DATE	DESCRIPTION
1	06/23/23	ISSUE FOR CONSTRUCTION
2		
3		
4		
5		
6		
7		
8		
9		
10		

SHEET NAME:
PLANTING PLAN

ORIG SUBMISSION: 2022.12.07
CURRENT: 2023.03.07

Issue for Construction

SHEET:
L1.17



THE ELMS
 SMART LIVING RESIDENTIAL
 1710 MORRELL AVE.
 DALLAS, TX 75203

PROJECT: 210802

A	DATE	DESCRIPTION
1	2022.12.07	ISSUE FOR CONSTRUCTION
2	2023.05.16	REVISED
3	2023.05.16	REVISED
4	2023.05.16	REVISED
5	2023.05.16	REVISED
6	2023.05.16	REVISED

SHEET NAME:
 PLANTING PLAN

ORIG SUBMISSION: 2022.12.07
 CURRENT: 2023.05.16

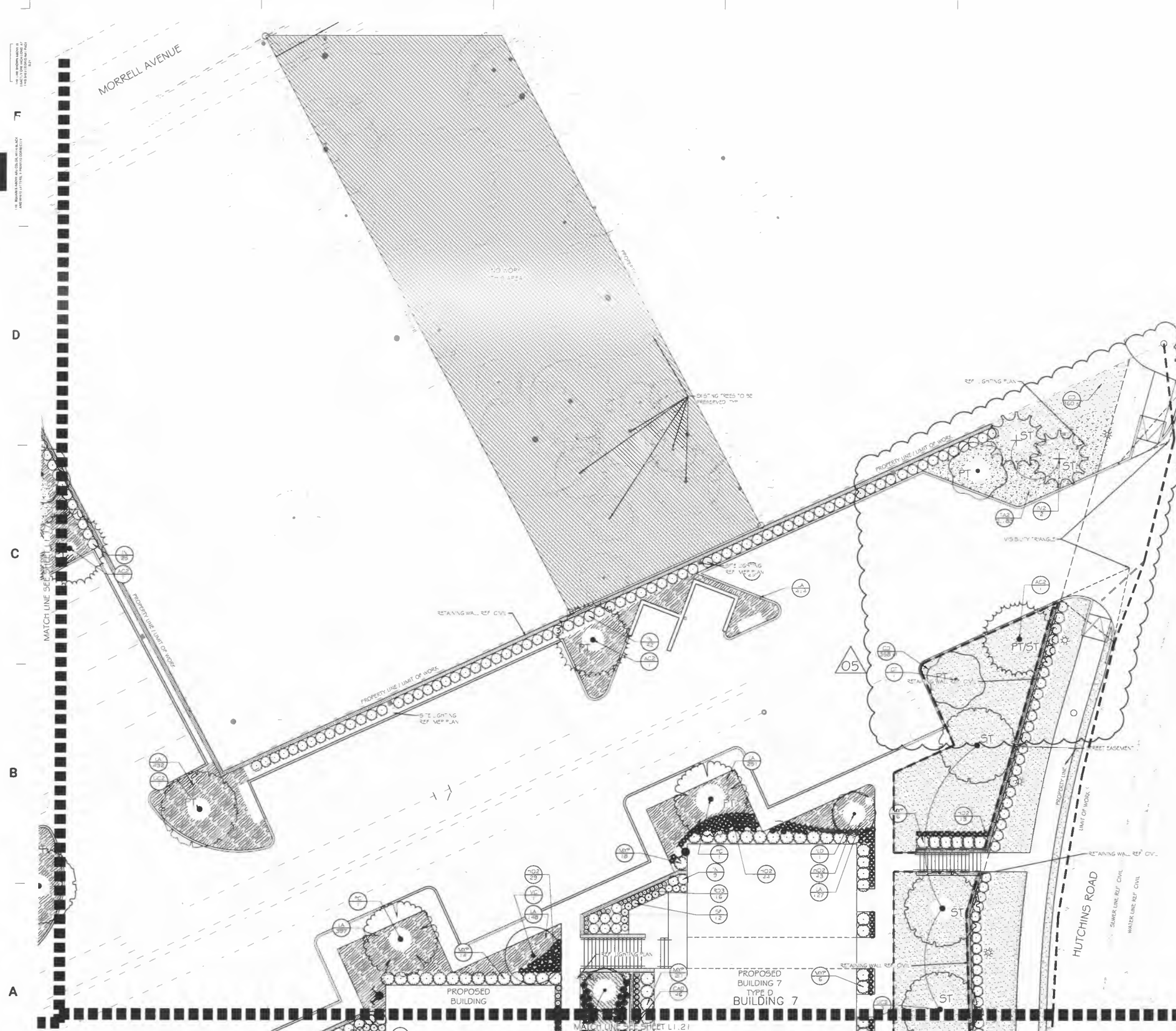
Issue for Construction

SHEET:
L1.18

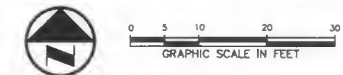
PLANT SCHEDULE

PT	0	PSTACIA THUNBERGII CHINESE PISTACHE
JC2	10	JUNIPERUS COMMUNIS CEDAR S.M.
JP2	6	JUNIPERUS PARVIFLORA JACOBIN S.M.
ORNA	QTY	BOTANICAL / COMMON NAME CERES GAVANUS SANTAL REDWOOD
LD	8	LIXYDENDRA POSSUMHAW HOLLY
V2	7	LIXYDENDRA YAUHON HOLLY
VC	5	VITEX AGNUS-SCAPULUS SHOAL CREEK CHASTE TREE
SHRUBS	QTY	BOTANICAL / COMMON NAME ABUTILON GRANDIFLORUM CALIFORNIA GLOSSY ABUTILON
AA2	13	AGAPANTHUS AFRICANUS AFRICAN LILY
AE2	473	ASPIDISTRA ELAEOCARPA CASTLE ROCK PLANT
CAO	946	CAREX DIVISA BERKELEY SEDGE
CF	130	CYRTOMIUM PALMIFOLIUM HOLLY FERN
DV	66	DYSSOTEA VEGUSTA AFRICAN VIOLET
HO2	756	HETEROCALIX STELLATA STELLA DE ORD DANCY
V	229	LIXYDENDRA NANA DWARF YAUHON
MYP	272	MYRTICA PUSILLA DWARF SOUTHERN WAX MYRTLE
FW	64	FITOSPORA TOBIANA WHEELER'S DWARF WHEELER'S DWARF
RO3	46	ROSMARINUS OFFICINALIS DWARF ROSEMARY
SF	62	SAVIA FARNACIA MEALY SAGE
GROUND COVERS	QTY	BOTANICAL / COMMON NAME CAREX DIVISA BERKELEY SEDGE
A	6,705	ARIZONA MUSCARI AZTEC AZTEC LILY
DN	4,976	DYSSOTEA JAPONICA DWARF WAX MYRTLE
SS	46	SEASONAL COLOR SEASONAL COLOR
TA2	14,395	TRACHELOSPERMUM ASIATICUM ASIANIC JASMINE
SOISSCED	QTY	BOTANICAL / COMMON NAME CYRTOMIUM PALMIFOLIUM BERKELEY SEDGE

PT *PARKING TREE
 ST *STREET TREE



PLANTING PLAN
 1" = 10'-0"





THE ELMS
 SMART LIVING RESIDENTIAL
 1710 MORRELL AVE.
 DALLAS, TX 75203

PROJECT: 210802

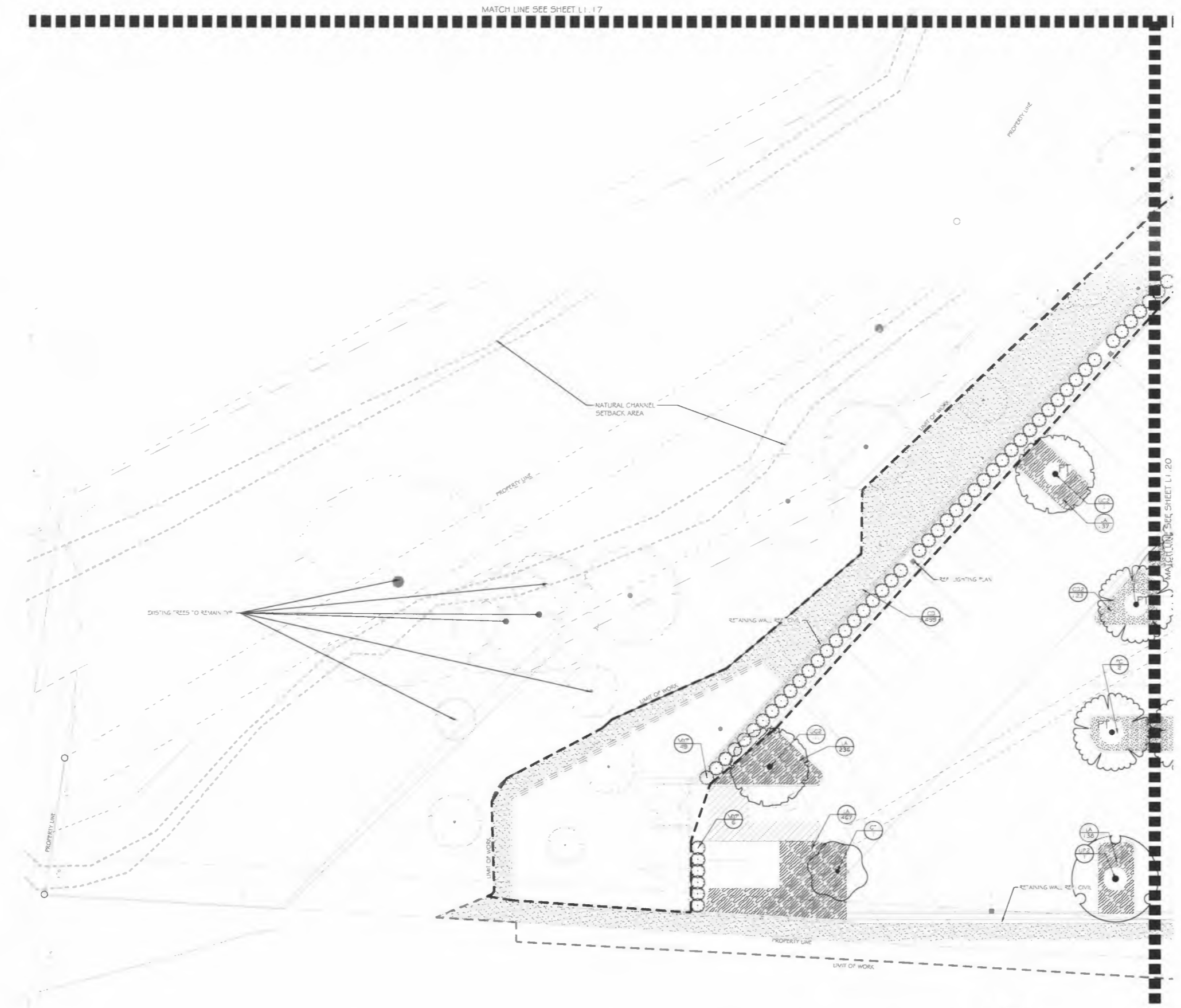
#	DATE	DESCRIPTION
1	2022.12.07	ISSUE FOR PERMITS
2	2023.03.07	ISSUE FOR CONSTRUCTION

SHEET NAME:
 PLANTING PLAN

ORIG SUBMISSION: 2022.12.07
 CURRENT: 2023.03.07

Issue for Construction

SHEET:
L1.19

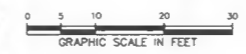


PLANT SCHEDULE

SYM	QTY	BOTANICAL / COMMON NAME
PC	0	PISTACHIA CHINENSIS CHINESE PISTACHE
JC2	0	JUNOS CRASSIFOLIA CEDAR ELM
JP2	6	JUNOS PARVIFOLIA JACOBARK ELM
ORNA	0	BOTANICAL / COMMON NAME
ORNA	5	CERES CANADENSIS CASTLE SPINDLE
LD	.6	LEX DECIDUA POSSUMHAW HOLLY
LV2	7	LEX VOMITORIA YALPON HOLLY
VC	5	VITEX AGNUS-CASTUS S'MOAL CREEK CHASTE TREE
SHRUBS	0	BOTANICAL / COMMON NAME
SHRUBS	109	ABELIA GRANDIFOLIA KALIDOSCOPE GLOSSY ABELIA
AA2	13	AGAPANTHUS AFRICANUS AFRICAN LILY
AE2	473	ASPIDISTRA ELAIOR CAST IRON PLANT
CA2	946	CAREX DIVISA BERKLEY SEDGE
CF	130	CYRTOMIUM PALCATUM HOLLY Fern
DF	66	DIETES VEGETA AFRICAN IRIS
HO2	758	HEVERSCALIS X STELLA DE DRIO STELLA DE ORO DAYLILY
IV	229	LEX VOMITORIA NANA DWARF YALPON
WP	272	MYRICA PUSILLA DWARF SOUTHERN WAX MYRTLE
FW	64	MITOSPORIUM OBUSA WHEELERS DWARF WHEATGRASS DWARF MITOSPORIUM
RO3	46	ROSMARINUS OFFICINALIS PROSTRATUS DWARF ROSEMARY
SP	62	SALVIA FARINACEA MEALY SAGE
GROUND COVERS	0	BOTANICAL / COMMON NAME
GC2	605	CAREX DIVISA BERKLEY SEDGE
JA	6785	JIBOTE MUSCARI AZTEC AZTEC LILY
OL	4976	ORHOPOGON JAPONICUS NANA DWARF MONDO GRASS
SS	46	SEASONAL COLOR SEASONAL COLOR
TA2	4395	TACHYLOSPERMUM ASIATICUM ASIATIC JASMINE
SOOKEEP	0	BOTANICAL / COMMON NAME
CD	19,263	CYNODON DACTYLON BERMUDA GRASS

PT - PARKING TREE
 ST - STREET TREE

PLANTING PLAN
 1" = 10'-0"





THE ELMS
SMART LIVING RESIDENTIAL
1770 MORRELL AVE.
DALLAS, TX 75203

PROJECT: 210802

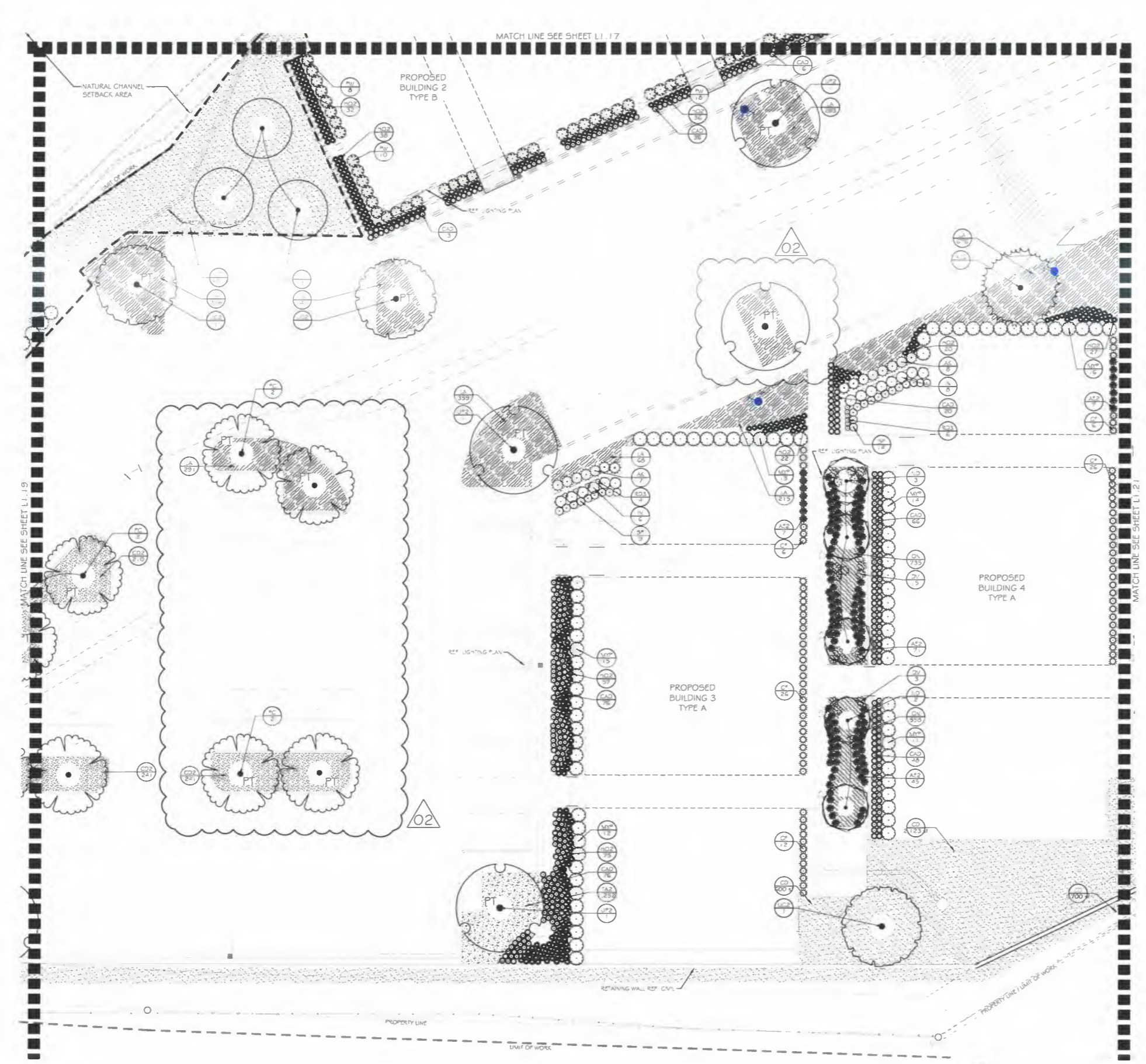
Δ	DATE	DESCRIPTION
1	2022.12.07	ISSUE FOR CONSTRUCTION
2	2023.03.07	CURRENT

SHEET NAME:
PLANTING PLAN

ORIG SUBMISSION: 2022.12.07
CURRENT: 2023.03.07

Issue for Construction

SHEET:
L1.20

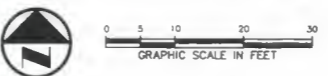


PLANT SCHEDULE

SYMBOL	QUANTITY	DESCRIPTION
PC	0	15' ADA COMPLIANT CHINESE WASHOE
JC2	0	JUNIPER CRASSIFOLIA CEDAR ELM
JP2	6	JUNIPER PARVIFLORA JACOBARK ELM
ORANGE TREE	0TY	BOTANICAL / COMMON NAME
CS	5	CERES CANADENSIS BIRCH
LD	6	1.5X LINDERA 'SOLIDARIS' HOLY
V2	7	1.5X VOMITORIA 'VALIDA' HOLY
VC	5	VITEX AGNUS-CASTUS 'SAND CREEK' CHASTE TREE
SHRUBS	0TY	BOTANICAL / COMMON NAME
AK	05	ABELIA GRANDIFLORA 'KALIDOSCOPE' KALIDOSCOPE GLOSSY ABELIA
AA2	3	AGAPANTHUS AFRICANUS AFRICAN LILY
AC2	473	ASPIDISTRA 'LATOR' CASP 'MON PLANT'
CO	946	CAREX DIVULSA BERKELEY SEDGE
C	30	CYRTOMUM 'FALCIFORM' HOLY Fern
TV	66	DIETES VEGETA AFRICAN VIOLET
HO2	756	HEMLOCKIS X STELLA DE ORO 'STELLA DE ORO' DAYLILY
N	229	1.5X VOMITORIA 'VALIDA' DWARF 'VALIDA'
MY	272	MYRTICA 'PUSILLA' DWARF 'SOUTHERN WAX MYRTLE'
FW	64	FRITOSPORIUM 'DWARF' WHEELER'S DWARF WHEELER'S DWARF FRITOSPORIUM
RO3	46	ROSMARINUS OFFICINALIS 'PROSTRATUS' DWARF ROSEMARY
S	62	SALVIA 'PARVIFLORA' MEALY SAGE
GROUND COVERS	0TY	BOTANICAL / COMMON NAME
CO2	605	CAREX DIVULSA BERKELEY SEDGE
A	6,785	JEROME MUSCARI AZTEC AZTEC 'MUSCARI'
OK	4,976	OPHIPOGON 'HARDY' NANA DWARF 'MONDO GRASS'
SS	46	SEASONAL COLOR SEASONAL COLOR
A2	4,395	'RACHNE' OSMORHIZA ASIA TICUM ASIA TIC JASMINE
SOD/SEED	0TY	BOTANICAL / COMMON NAME
CS	13,283 SF	CYNODON DACTYLON BERMUDA GRASS

1" PARKING TREE
5" STREET TREE

1 PLANTING PLAN
1" = 10'-0"





THE ELMS
SMART LIVING RESIDENTIAL
1710 MORRELL AVE.
DALLAS, TX 75203

PROJECT: 210802

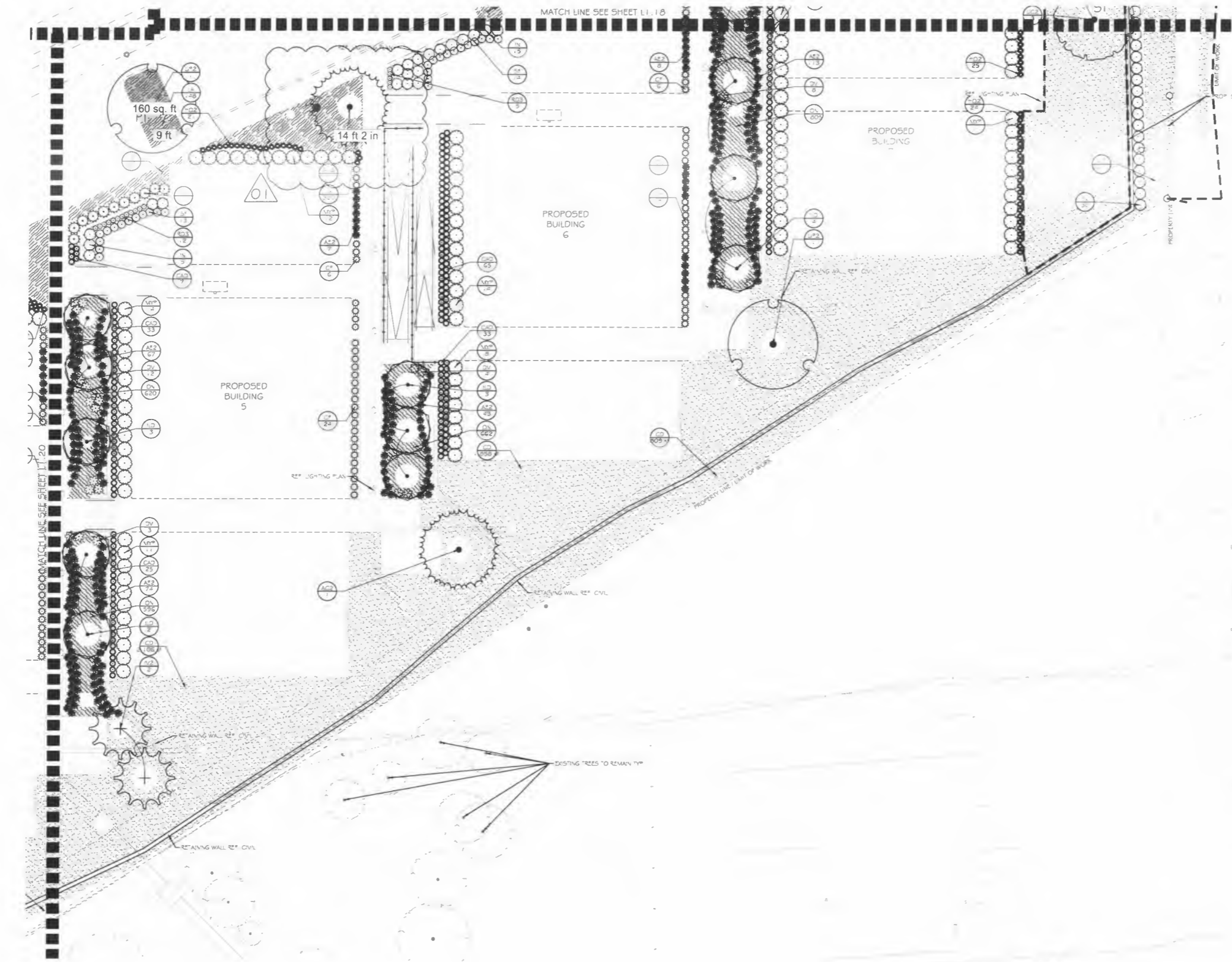
DATE	DESCRIPTION
06/23/23	ISSUE FOR CONSTRUCTION
06/23/23	DATE OF SUBMITTAL
06/23/23	DATE OF APPROVAL

SHEET NAME:
PLANTING PLAN

ORIG SUBMISSION: 2022.12.07
CURRENT: 2023.02.28

Issue for Construction

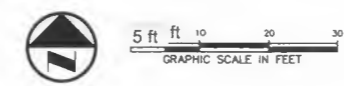
SHEET:
L1.21



PLANT SCHEDULE

SYMBOL	QTY	DESCRIPTION
P	6	5' x 10' PALM TREES
UC2	9	1.5' x 1.5' CRABAPPLE
UP2	6	1.5' x 1.5' PAVLOVA
OR	7	ORNAMENTAL TREE: 50" ANVCA / COMMON NAME, CERES CANADENSIS, CEDAR, EASTERN REDBUD
C	2	1.5' x 1.5' CHLOPSIS UNKARI, BUISSA DESERT WILLOW
LD	16	1.5' x 1.5' DECIDUA, YALPON
V2	13	1.5' x 1.5' VOMITORIA, YALPON
VC	5	1.5' x 1.5' VITEX AGNUS-CASTUS, SHOA, GREY, C-ASTE TREE
SHRUBS	103	50" ANVCA / COMMON NAME, AERIAL, GRAND, CALZOSCOPE, KALZOSCOPE, GLOSSY ABELIA
AA2	14	AGAPANTHUS AFRICANUS, AFRICAN LILY
AC2	473	ASPIDISTRA ELATOR, CASTRO, PAN
CAO	950	CAREX DIVULSA, BERKELEY SEDGE
C*	30	CYRTOMIUM CALICULUM, DOLLY TREE
DV	66	DIESS VIGETA, AFRICAN PINE
-O2	762	DIERACALIS x STELLA DE ORD, STELLA DE ORD DAWDLY
N	206	1.5' x 1.5' VOMITORIA, NANA, DWARF YALPON
LC	23	1.5' x 1.5' COPHYLLUM CANDIDUM, COMPACTA, DWARF TEXAS SAGE
MY*	274	MYRICA PUSILLA, DWARF SOUTHERN WAX MYRTLE
PW	64	PTISOPORUM OSIRA, WHEELERS DWARF WHEELERS DWARF PTISOPORUM
RD3	43	ROSMARINUS OFFICINALIS, PROSTRATUS, DWARF ROSEMARY
SP	62	SALVIA FARINACEA, MEALY SAGE
GC	664	GROUND COVERS: 50" ANVCA / COMMON NAME, CAREX DIVULSA, BERKELEY SEDGE
JA	7,094	1.5' x 1.5' RHOPE MUSCARI AZTEC, AZTEC LILY
ON	4,931	ORPHODOGON JAPONICUS, NANA, DWARF MONDO GRASS
SB	46	SEASONAL COLOR, SEASONAL COLOR
TA2	11,927	TRACHEOSPERMUM ASIATICUM, ASIATIC JASMINE
SO	20,026	SOONSEEED: 50" ANVCA / COMMON NAME, CYLINDROPUS, BERMUDA GRASS
PT	5	PARKING TREE: 5' x 5' TREE

1 PLANTING PLAN
1" = 10'-0"



LEGAL BUILD SITE BY PLAT
LOT 2B, BLOCK 2/5896
ZONING DISTRICT MF-2(A),
S212-307

YARD, LOT & SPACE REGULATIONS

	Proposed	Minimum
Front Yard	15'40"	15'
Side Yard	10'10"	10'
Rear Yard	73"	10'
Site Parking	161	96
Delta Credit By Pkg Agrmt		

	Proposed	Maximum
Height	43'	85'
FAR	0.6	N/A
Lot Coverage	19%	85%

**EARLY RELEASE
NO
CERTIFICATE OF OCCUPANCY
UNTIL FINAL PLAT IS FILED**

THE NUMBER OF PARKING SPACES SHALL BE AS SHOWN ON THESE PLANS. THESE PLANS SHALL BE FREE OF ALL OTHER UTILITY POLES, SIGNAGE, STRUCTURES, OR ANY OTHER OBSTACLES UNLESS SHOWN OTHERWISE AS SHOWN.

REQUIRED PARKING: **96**
PARKING PROVIDED: **161**

SEWERAGE, LEACHWAYS, SIDEWAYS MUST BE CONSTRUCTED BARRIER FREE FOR THE HANDICAPPED. ROW-8 STANDARD PAVED MATERIAL ON CITY PROPERTY REQUIRES APPROVAL OF DEPT OF PLANNING.

UTILITY EASEMENT MUST REMAIN OPEN AND UNOBSTRUCTED. NO ENCROACHMENTS PERMITTED.

LIGHT POLE STANDARDS MUST COMPLY WITH THE RESIDENTIAL PROXIMITY SLOPE.

SUBJECT TO FIELD INSPECTOR'S APPROVAL

THESE PLANS HAVE BEEN REVIEWED BY THE BUILDING INSPECTION DIVISION AND ARE APPROVED FOR THE START OF CONSTRUCTION. ANY DEVIATION FROM THESE PLANS SHALL BE APPROVED BY THE BUILDING OFFICIAL.

ZO DATE: 6/22/2023
By: Hema Sharma

THIS APPROVAL DOES NOT PERMIT THE VIOLATION OF ANY CITY ORDINANCE OR STATE LAW.

PARKING TO BE PAVED, STRIPED, LIGHTED AND SCREENED PER SECTION 61A-4.301.

LEAVES, GUTTERS AND OTHER PROJECTIONS MAY NOT EXTEND BEYOND PROPERTY LINES.

**4-BIKE RACKS REQUIRED
EACH BIKE SPACE= 2 5X6'**

WATER SHALL NOT BE REDIRECTED TO DRAIN ONTO ADJOINING PRIVATE PROPERTY.

SIGNS REQUIRE SEPARATE REVIEW PROCESS. SEPARATE APPROVAL AND SEPARATE PERMIT. THIS PERMIT DOES NOT AUTHORIZE THE PLACEMENT OR CONSTRUCTION OF ANY SIGN OR SIGN STRUCTURE.

BUILDING KEY

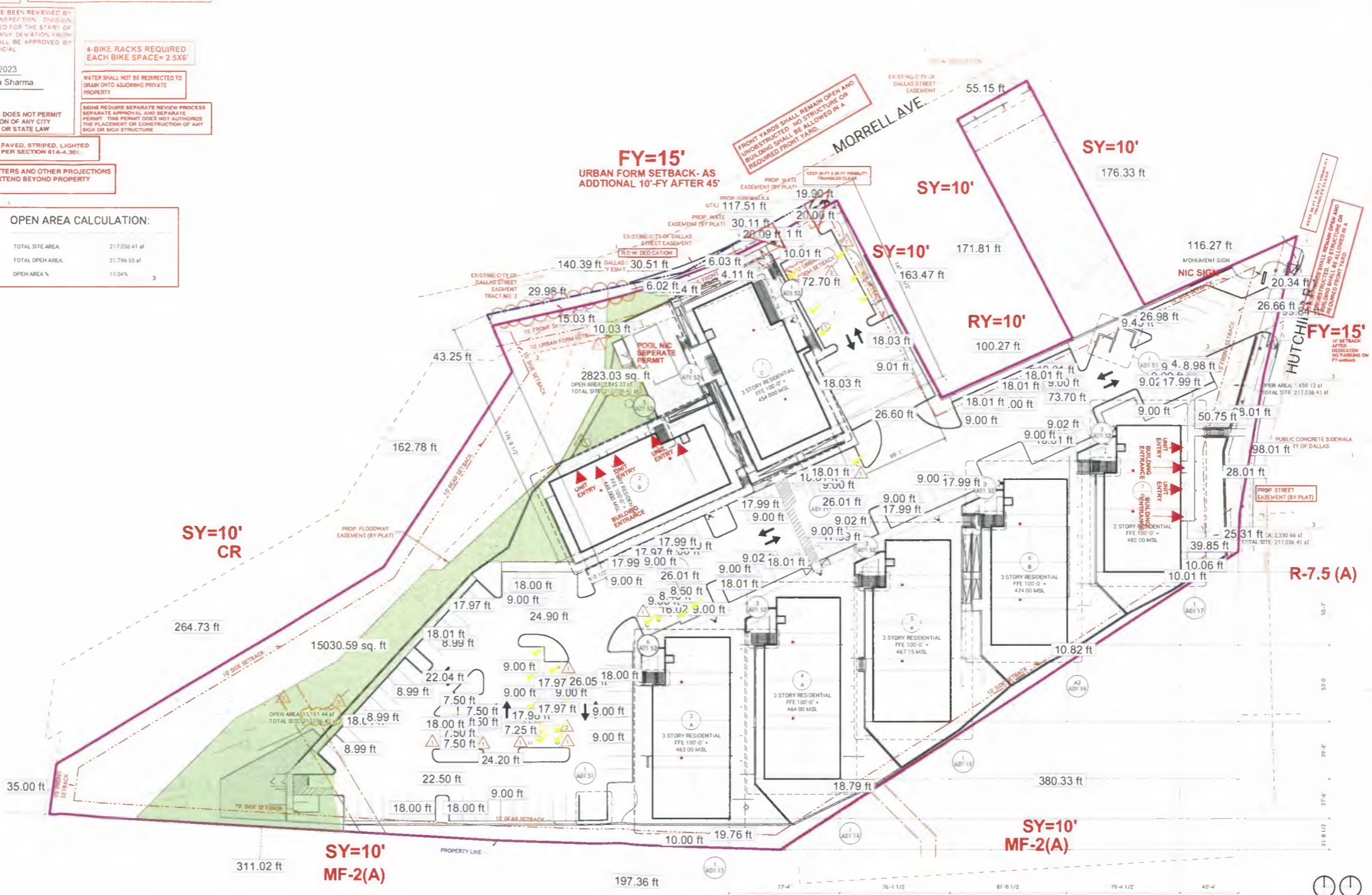
- 2 - BUILDING NUMBER
- 1 - BUILDING TYPE
- - FIRE RISER ROOM
- * - PROPOSED FIRE HYDRANT
- - FDC
- - BIKE RACK LOCATIONS
- - COMPACT PARKING STALLS
- - COMPACT PARKING STALLS
- - PEDESTRIAN SCALE LIGHTING

BUILDING KEY

- - PROPERTY LINE
- - SETBACK LINE
- - EASEMENTS
- - METAL PERIMETER FENCE
- - POOL FENCE
- - VISIBILITY TRIANGLE
- - OPEN AREA

OPEN AREA CALCULATION:

TOTAL SITE AREA	217,036.41 sf
TOTAL OPEN AREA	21,796.55 sf
OPEN AREA %	10.04%



MATTHEW PRIGMORE 23380

**THE ELMS
SMART LIVING RESIDENTIAL**
1710 MORRELL AVE.
DALLAS, TX 75203

PROJECT: 210802

#	DATE	DESCRIPTION
1	2022.12.07	Issue for Construction
2	2023.05.08	City Comments 01
3	2023.05.13	City Comments 02

KEY PLAN



SHEET NAME:
**SITE PLAN-
OVERALL**

ORIG SUBMISSION: 2022.12.07
CURRENT: 2023.05.15
City Comments 03

SHEET:
A01.00

E

D

C

B

A



City of Dallas

OFFICE OF CAROLYN KING ARNOLD
COUNCILMEMBER – DISTRICT 4

July 22, 2024

To whom it may concern:

I'm writing in support of Mr. Hanson's application / appeal to the Board of Adjustment for his proposed alternative means of mitigation under Section 51A-10.135 via payment toward the long-term conservation of a tree classified as "Significant."

We have discussed the proposal and as I understand it, Mr. Hanson has spent a considerable amount of money toward the conservation of a Significant, Protected tree on his property. I believe his efforts to conserve this tree and others on site will benefit District 4 and the Cedar Crest Community. I'm sure any consideration the Board of Adjustment extends to him will be utilized toward the continued success of his 1710 Morrell Avenue project and the community as a whole.

In Service,

Carolyn King Arnold
Council Member – District 4

1710 Morrell Avenue, Dallas, TX 75203

Reinhart S. Hanson, Jr.

Board of Adjustment Appeal: Additional Means of Mitigation Under Section 51A-10.135

OVERVIEW

Development of a high quality, mixed income 153-unit garden multifamily property (“**Project**”) in District 4 as the SEC of S. Corinth St. Rd. and Morrell Avenue.

SALIENT FACTS

- Applicant acquired the 5.07-acre tract of vacant land in July 2021.
- Tree survey performed by Tree Man Solutions in August 2022.
- Applicant’s landscape architect determined 843.8 caliper inches¹ of replacement trees required.
 - Includes approximately 158 inches from trees designated as “Class 3”,
- Applicant’s alternative method of compliance with Section 51A-10.134 “Replacement of Removed or Seriously Injured Trees” via a payment into the Reforestation Fund is estimated by the landscape architect (per Section 51A-10.135(i)) to be approximately \$163k.
- Received building permit in September 2023.
- Applicant met with Philip Erwin, Manager-Development (Arborists) of the City of Dallas on site to preview subject request.
- Applicant spoke with DMPT Carolyn King-Arnold, District 4 City Councilwoman, about subject request.

REQUESTED BOARD OF ADJUSTMENT CONSIDERATION

Request

A 57% reduction in the calculated payment due into the Reforestation Fund from \$162,853 to \$69,853. The \$93,000 reduction is dollar-for-dollar equivalent to the additional cost of construction and engineering work performed / modified² to conserve Tree #8833, a protected 47” DBH pecan classified as “Significant.” Applicant respectfully submits to the Board that the \$93k of work performed toward conserving Tree #8833 exceeded the minimum required under Section 51A-10.136 and could therefore be considered an additional means of mitigation under Section 51A-10.135.

Commentary

Applicant believes additional conservation efforts made outside the minimum required per Section 51A-10.136 “Conservation and Maintenance of Protected Trees During Construction or Other Disturbance,” to ensure long-term viability of a tree – one considered “Significant” – are just as important as preservation of the tree itself and further demonstrate the spirit of Division 51A-10.130 “Urban Forest Conservation.”

¹ See Exhibit 1 for detail.

² Reference invoices included in Exhibit 3 as evidence of the cost of work.

Salient Facts

1. Applicant has spent \$93k in additional, unbudgeted, arborist, engineering and construction costs toward conserving Tree #8833, a protected 47" DBH pecan classified as "Significant." Including³:
 - a. \$22,739 – Work with a certified arborist to brace, stake, fertilize, perform selective pruning and excavate to expose its root flare.
 - b. \$8,250 – Additional engineering fees to redesign adjacent retaining walls to preserve the tree's root system and give it ample room for continued growth.
 - c. \$62,000 – Additional drilling fees to install sectional cased piers⁴ near the tree because the less expensive, standard pier and the required equipment for installation would result in significant, permanent damage to the tree's canopy.

Documentation of the above costs has been included herein as Exhibit 3.

2. The Replacement Value of Tree #8833 is calculated to be \$9,071.
 - a. The more economically prudent decision would have been to remove the tree.

STAFF & CITY COUNCIL MEMBER RESPONSE

- On July 10, 2024, Applicant met with Philip Erwin on site to review all tree conservation efforts performed to date and preview the subject request. Mr. Erwin noted our additional efforts were commendable.
- On July 19, 2024, Applicant reviewed the subject Board of Adjustment request with District 4 City Councilwoman DMPT Arnold who subsequently issued a letter support which has been included as part of this application.

CONCLUSION

Applicant believes it has operated in the spirit of tree conservation and honors the intent behind section 51A-10.130 "Urban Forest Conservation." As demonstrated herein, efforts to conserve a tree classified as "Significant" have been above and beyond the minimum requirements outlined within Section 51A-10.136. Applicant has spent considerable capital exceeding the minimum and believes the additional means of mitigation proposed within are worthy of approval.

Applicant respectfully requests Board approval as an alternative method of compliance under Section 51A-10.135 the cost of the additional work performed toward conservation of Tree #8833 in the amount of \$93k; resulting in a net payment due into the Reforestation Fund of \$69,853.

³ Reference images attached as Exhibit 2.

⁴ As required per Section 51A-5.106 "Setback From Natural Channel Required"

Tree Class	Dia. % of Total		Dia. to Remove % of Total		Dia. to Remain % of Total		Dia. to Preserve % of Total		To be Mitigate % of Total		Reforestation Fund % of Total	
	Dia.	% of Total	Remove	% of Total	Remain	% of Total	Preserve	% of Total	Mitigate	% of Total	Fund	% of Total
SIGNIFICANT	303.5	7.9%	229.5	7.5%	74.0	9.7%	0.0	0.0%	200.3	19.3%	\$38,648	19.3%
1	253.5	6.6%	39.0	1.3%	214.5	28.1%	0.0	0.0%	0.0	0.0%	\$0	0.0%
2	2,261.0	58.8%	1,952.0	63.9%	288.0	37.8%	21.0	67.7%	678.0	65.5%	\$130,844	65.5%
3	863.5	22.5%	678.0	22.2%	185.5	24.3%	0.0	0.0%	157.6	15.2%	\$30,417	15.2%
OFFSITE TREE	164.5	4.3%	154.5	5.1%	0.0	0.0%	10.0	32.3%	0.0	0.0%	\$0	0.0%
Total	3,846.0	100.0%	3,053.0	100.0%	762.0	100.0%	31.0	100.0%	1,035.8	100.0%	\$199,909	100.0%

Replaced Inches on Planting Plan	192.0	\$37,056
Net Inches to be Mitigated	843.8	\$162,853
Requested Adjustment		(\$93,000)
Net After Adjustment	361.9	\$69,853

NOTE: All diameter measurements are in inches.

EXHIBIT 2

Tree #8833 – 47” DBH Pecan







Piers are permanently cased in sectional, steel cylinders since temporary casings would have damaged tree during removal.

Redesigned pier wall with leave outs for future tree growth



EXHIBIT 3

Cost of Work Documentation

To Swede Hanson
Firm 1710 Morrell Avenue, LLC.
9925 Lakedale Dr.
Dallas, Texas 75218

Date May 3, 2024
Change Order No. 12
Project No. 2023-02
Project Name The Elms
Cost Code See Below

Cost Code	Description	Total
8330006	Permanent Sectional Cased Piers	\$ 62,000.00
52-0000-00	Contractor Fee & Insurance - 6.5%	\$ 4,030.00
SUBTOTAL:		\$ 66,030.00
TAX:		Exempt
TOTAL ADD/DEDUCT THIS CHANGE ORDER:		\$66,030.00

the Purchase Order/Subcontract Price is modified as follows:

Owner Contract Number: **2023-03**

Owner Schedule of Values	\$18,858,216.34
by Previous Change Orders	(\$68,528.85)
Values Prior to this Change Order	\$18,789,687.49
ion by this Change Order	\$66,030.00
of Values including all Change Orders	\$18,855,717.49

ions of the Purchase Order/Subcontract and all prior Change
tor may require consent of the Subcontractor's surety, if any,
s of this Change Order.

Accepted and Agreed:

1710 Morrell Avenue, LLC.
Owner

Crimson Building Company, LLC
General Contractor

By: Reinhart S. Hanson, Jr.
Name: *Reinhart S. Hanson, Jr.*
Title: President
Date: May 09, 2024

By: Victor M. Colon
Name: Victor M. Colon
Title: Sr. Project Manager
Date: 5.09.2024



Change Order

Big Dog Drilling
965 Camp Creek Rd.
Rockwall, TX 75087

Date: 5/3/2024

Contractor: Crimson Building

Subcontractor: Big Dog Drilling, LLC

Project Name: Elms

Change Order Number: 03 Rev 1

Original Contract Date: 12/27/2023

The following changes have been made to the contracted scope of work

Permanent Sectional Cased Piers will be billed as follows:

Casing Adds =(7) 24" Piers at 270 total LF x \$30/LF = **\$8,100.00**

Casing Cost = \$125/LF x 270/LF = **\$33,750.00**

Cut/Weld labor = (3) days at 10hrs x \$275/hr. = **\$8,250.00**

Rig Rate per day = \$2800/day x (3) days = **\$8,400.00**

Casing Mobilization=**\$3,500.00**

The original contract sum was: \$54,850.00

Net amount of previous change orders: \$92,054.00

Total original contract amount plus or minus net change orders: \$146,904.00

Total amount of this change order: \$62,000.00

The new contract amount including this change order will be: \$208,904.00

The contract time will be changed by the following number of days: 3

The date of completion as of the date of this change order is: 1

Contractor

Company name

Crimson Building Company

Address

1705 Forest Ridge Dr

City, State, Zip

Bedford, TX 76022

Owner

Company name

Big Dog Drilling, LLC

Address

965 Camp Creek Rd

City, State, Zip

Rockwall, TX 75087



May 9, 2024

1710 Morrell Avenue, LLC
Attn: Swede Hansen
9925 Lakedale Dr.
Dallas, TX 752181

Re: Smart Living Residential
Proposed Additional Services Request – Retaining Walls
Parscale Group Project Number: 210802

Additional Services Request Number
Architect
Date of Signed Agreement for Architectural Services

008-r0
Parscale Group, LLC
2023-09-22

A. CHANGE IN SERVICES

This Additional Services Request authorizes the following consultants to make the following changes:

Included: Falkofske Design Services, associated with substantial increase in retaining wall design services.

A.1 Form of Agreement

This Additional Service has been entered into by the “Architect” and “Owner”. The terms and conditions of this Additional Services Authorization shall be in accordance with and governed by those terms and conditions contained in the Agreement dated as indicated above by and between “Architect” and “Owner”.

B. DESIGN SCHEDULE

The Schedule for Performance will be extended shortened by ## days or unchanged.

C. COMPENSATION

For the revised fee for the scope of services are as follows:

Falkofske: \$ 7,500.00

Basic Services	Compensation
The original Architect’s compensation was	\$625,118.00
The net change by previously authorized Additional Services Request	\$127,150.00
The Architect’s compensation prior to this Additional Services Request	\$785,632.00
The total Architect’s compensation will be changed by this Additional Services Request in the following amount	\$8,250.00
Compensation due to Architect	\$0.00
Compensation due to Consultant(s)	\$7,500.00
Architect’s Consultant Management Fee (10%)	\$750.00
The revised Architect’s total compensation including this Additional Services Request	\$793,882.00

By signing below, the parties indicated their acceptance of this Additional Services Directive.

Architect:

Justin Parscale, AIA, LEED AP
Partner/Managing Director
Parscale Group, LLC

Acceptance by:

Reinhart S. Hanson, Jr
Owner
SLR Morrell GP, LLC



Signature / Date: 05/09/2024



Signature / Date:



Tree Shepherds
 314 Carlisle
 Lake Dallas, Texas 75065

Invoice #26874
 Date: 02/22/2023
 From: Clayton

Invoice For

1710 Morrell Avenue, LLC

9925 Lakedale Dr.
 Dallas, TX 75218

mobile: 214-497-8840
swede@smartlivingresidential.com

Location

1710 Morrell Ave

Dallas, TX 75203

Terms

Due on receipt

Consultation on 47" Pecan

ITEM DESCRIPTION	AMOUNT
Consulting:Arborist Assessment 47" Pecan: - Assess for preservation	\$ 150.00

All balances not paid within 30 days of invoice date are subject to late fees. Please mail checks to the above address. Please use the contact information below for inquiries about this invoice.

Thank you for your business!

SUBTOTAL	\$ 150.00
SALES TAX	\$ 0.00
INVOICE TOTAL	\$ 150.00

Arborist that performed the work **Sales Arborist**

Scott
 Office: 972-317-9598
 Mobile: 972-765-9310
scott.geer@treeshepherds.net

Clayton
 Mobile: 469-464-6602
clayton.geer@treeshepherds.net





Tree Shepherds
 314 Carlisle
 Lake Dallas, Texas 75065

Invoice #26959-2
 Date: 08/16/2023
 From: Clayton

Invoice For

1710 Morrell Avenue, LLC

9925 Lakedale Dr.
 Dallas, TX 75218

mobile: 214-497-8840
swede@smartlivingresidential.com

Location

1710 Morrell Ave
 Dallas, TX 75203

Terms

Due on receipt

Preservation of Pecan tree on Morrell

ITEM DESCRIPTION	AMOUNT
<p>Tree Surgery 47" DBH Pecan on the left side of property, near the creek:</p> <ul style="list-style-type: none"> - Remove large deadwood - Clean up large broken limb and prune according to best practices for mature trees - Reduce long horizontal limbs - Prune for structural integrity - Prune any limbs that may conflict with the planned construction - Remove all young woody saplings and small trees from underneath the crown of the tree. Cut all off as close to soil line as possible 	\$ 2,700.00

All balances not paid within 30 days of invoice date are subject to late fees. Please mail checks to the above address. Please use the contact information below for inquiries about this invoice.

Thank you for your business!

SUBTOTAL	\$ 2,700.00
SALES TAX	\$ 0.00
INVOICE TOTAL	\$ 2,700.00

Arborist that performed the work

Austin austin.mago@treeshepherds.net	Clayton Mobile: 469-464-6602 clayton.geer@treeshepherds.net	Joseph S. Mobile: 469-996-9822 joseph.s@treeshepherds.net	Marcus Ballard Mobile: 901-691-7066 marcusballard901@gmail.com
--	---	---	--

Shun
 Mobile: 901-455-7889
eslie2121@gmail.com

Sales Arborist

Clayton Mobile: 469-464-6602 clayton.geer@treeshepherds.net	Scott Office: 972-317-9598 Mobile: 972-765-9310 scott.geer@treeshepherds.net
---	---





Tree Shepherds
314 Carlisle
Lake Dallas, Texas 75065

Invoice #26959-3
Date: 09/13/2023
From: Clayton

Invoice For

1710 Morrell Avenue, LLC

9925 Lakedale Dr.
Dallas, TX 75218

mobile: 214-497-8840
swede@smartlivingresidential.com

Location

1710 Morrell Ave

Dallas, TX 75203

Terms

Due on receipt

Preservation of Pecan tree on Morrell

ITEM DESCRIPTION	AMOUNT
<p>Tree Bracing *After pruning and climbing arborist assessment, support cables may be required to reduce the likelihood of limbs breaking in this area where people will eventually congregate 47" DBH Pecan on the left side of property, near the creek: -After pruning it was decided that two support cables would be sufficient to support the 3 major leads of the tree including the limb that the torsion crack was found in - Installation of two 5/16" Extra High Strength (EHS) cables to support large limbs using forged eye bolts, thimbles, and dead end grip cable attachments</p>	\$ 900.00
<p>Tree Bracing Large torsion crack was found during pruning. Six 3/4" threaded rods were installed perpendicular to the crack to reduce the risk of failure</p>	\$ 1,500.00

All balances not paid within 30 days of invoice date are subject to late fees. Please mail checks to the above address. Please use the contact information below for inquiries about this invoice.

Thank you for your business!

SUBTOTAL	\$ 2,400.00
SALES TAX	\$ 0.00
INVOICE TOTAL	\$ 2,400.00

Arborist that performed the work

Austin Clayton
austin.mago@treeshepherds.net Mobile: 469-464-6602
clayton.geer@treeshepherds.net

Sales Arborist

Clayton Scott
Mobile: 469-464-6602 Office: 972-317-9598
clayton.geer@treeshepherds.net Mobile: 972-765-9310
scott.geer@treeshepherds.net





Tree Shepherds
 314 Carlisle
 Lake Dallas, Texas 75065

Invoice #26959-4
 Date: 11/02/2023
 From: Clayton

Invoice For

1710 Morrell Avenue, LLC

9925 Lakedale Dr.
 Dallas, TX 75218

mobile: 214-497-8840
swede@smartlivingresidential.com

Location

1710 Morrell Ave
 Dallas, TX 75203

Terms
 Due on receipt

Preservation of Pecan tree on Morrell

ITEM DESCRIPTION	AMOUNT
PHC:Tree Staking 47" DBH Pecan on the left side of property, near the creek: - Establish a metallic tree protection fence along the line of construction surrounding the fence - Establish tree protection signage on the fencing	\$ 4,250.00

All balances not paid within 30 days of invoice date are subject to late fees. Please mail checks to the above address. Please use the contact information below for inquiries about this invoice.

Thank you for your business!

SUBTOTAL	\$ 4,250.00
SALES TAX	\$ 0.00
INVOICE TOTAL	\$ 4,250.00

Arborist that performed the work Sales Arborist

Clayton
 Mobile: 469-464-6602
clayton.geer@treeshepherds.net

Clayton
 Mobile: 469-464-6602
clayton.geer@treeshepherds.net

Scott
 Office: 972-317-9598
 Mobile: 972-765-9310
scott.geer@treeshepherds.net





Tree Shepherds
314 Carlisle
Lake Dallas, Texas 75065

RSH

Invoice #26959-12
Date: 07/26/2023
From: Clayton

Invoice For

1710 Morrell Avenue, LLC

9925 Lakedale Dr.
Dallas, TX 75218

mobile: 214-497-8840
swede@smartlivingresidential.com

Location

1710 Morrell Ave
Dallas, TX 75203

Terms
Due on receipt

Preservation of Pecan tree on Morrell

ITEM DESCRIPTION	AMOUNT
------------------	--------

Consulting:Arborist Assessment	\$ 375.00
47" DBH Pecan on the left side of property, near the creek: - Quarterly ISA Certified Arborist assessment and recommendations	

*Price is per visit. Quarterly assessments recommended

All balances not paid within 30 days of invoice date are subject to late fees. Please mail checks to the above address. Please use the contact information below for inquiries about this invoice.

Thank you for your business!

SUBTOTAL	\$ 375.00
SALES TAX	\$ 0.00
INVOICE TOTAL	\$ 375.00

Sales Arborist

Clayton	Scott
Mobile: 469-464-6602	Office: 972-317-9598
clayton.geer@treeshepherds.net	Mobile: 972-765-9310
	scott.geer@treeshepherds.net





Tree Shepherds
 314 Carlisle
 Lake Dallas, Texas 75065

Invoice #26959-13
 Date: 08/31/2023
 From: Clayton

Invoice For

1710 Morrell Avenue, LLC

9925 Lakedale Dr.
 Dallas, TX 75218

mobile: 214-497-8840
swede@smartlivingresidential.com

Location

1710 Morrell Ave

Dallas, TX 75203

Terms

Due on receipt

Preservation of Pecan tree on Morrell

ITEM DESCRIPTION	AMOUNT
<p>Root pruning 47" DBH Pecan on the left side of property, near the creek: - Along the established line of construction, prune all roots along the line to sever the Pecan from the construction site. - Roots are to be cut cleanly and at a 90 degree angle to the lateral direction of the root</p>	\$ 3,850.00
<p>Tree Growth Regulator Application 47" DBH Pecan on the left side of property, near the creek: -Application of Tree Growth Regulator (TGR)</p> <p>*TGRs are a hormone that reduce the growth in the crown of the tree. Energy resource allocation is directed to the roots, storage and defense systems, aiding the tree in re-developing lost absorbing roots. The result is much denser absorbing root root system *Material lasts in the tree for 3years*</p>	\$ 1,175.00
<p>Imidacloprid Soil Drench 47" DBH Pecan on the left side of property, near the creek: - Systemic Insecticide Drench used for Annual Control of Insect Infestation, primarily borers that may be attracted to a stressed tree</p>	\$ 470.00

All balances not paid within 30 days of invoice date are subject to late fees. Please mail checks to the above address. Please use the contact information below for inquiries about this invoice.

Thank you for your business!

SUBTOTAL	\$ 5,495.00
SALES TAX	\$ 0.00
INVOICE TOTAL	\$ 5,495.00

Arborist that performed the work

Caden John Imperial
 Mobile: 682-215-1107 Mobile: 979-777-6144
cadenk@treeshepherds.net john.i@treeshepherds.net

Sales Arborist

Clayton Scott
 Mobile: 469-464-6602 Office: 972-317-9598
clayton.geer@treeshepherds.net Mobile: 972-765-9310
scott.geer@treeshepherds.net





Tree Shepherds
314 Carlisle
Lake Dallas, Texas 75065

RSN Invoice #26959-14
Date: 11/28/2023
From: Clayton

Invoice For

1710 Morrell Avenue, LLC

9925 Lakedale Dr.
Dallas, TX 75218

mobile: 214-497-8840
swede@smartlivingresidential.com

Location

1710 Morrell Ave
Dallas, TX 75203

Terms
Due on receipt

Preservation of Pecan tree on Morrell

ITEM DESCRIPTION	AMOUNT
<p>Fertilization 47" DBH Pecan on the left side of property, near the creek: - Fertilization and Soil Mgmt - 150 gallons injected into the root zone of the tree - Nutrients, humates, soil bacteria, molasses, and seaweed - The goal is root system regeneration and healthy soil</p> <p>*Water must be available on-site *Price is per treatment *Treatment is recommended for three years, twice per year.</p>	\$ 414.00

All balances not paid within 30 days of invoice date are subject to late fees. Please mail checks to the above address. Please use the contact information below for inquiries about this invoice.

Thank you for your business!

SUBTOTAL	\$ 414.00
SALES TAX	\$ 0.00
INVOICE TOTAL	\$ 414.00

Arborist that performed the work

Caden John Imperial
Mobile: 682-215-1107 Mobile: 979-777-6144
cadenk@treeshepherds.net john.i@treeshepherds.net

Sales Arborist

Clayton Scott
Mobile: 469-464-6602 Office: 972-317-9598
clayton.geer@treeshepherds.net Mobile: 972-765-9310
scott.geer@treeshepherds.net





Tree Shepherds
314 Carlisle
Lake Dallas, Texas 75065

Invoice #26959-15
Date: 10/10/2023
From: Clayton

Invoice For

1710 Morrell Avenue, LLC

9925 Lakedale Dr.
Dallas, TX 75218

mobile: 214-497-8840
swede@smartlivingresidential.com

Location

1710 Morrell Ave

Dallas, TX 75203

Terms

Due on receipt

Preservation of Pecan tree on Morrell

ITEM DESCRIPTION	AMOUNT
Root Flare Excavation Service	\$ 5,500.00
47" DBH Pecan on the left side of property, near the creek: - Expose Root Flares down and out from the base of the tree - Prune circling and girdling roots that may be present	

*Payment due upon completion of work. Please give payment to the crew leader.
Please use the contact information below for inquiries about this invoice.*

Thank you for your business!

SUBTOTAL	\$ 5,500.00
SALES TAX	\$ 0.00
INVOICE TOTAL	\$ 5,500.00
Total Balance Due	\$ 4,800.00
As of 1/24/2024. Total Balance Due includes unpaid amounts from previous invoices.	

Arborist that performed the work

Caden	John Imperial	Thomas Cole
Mobile: 682-215-1107	Mobile: 979-777-6144	thomaskcole87@gmail.com
cadenk@treeshepherds.net	john.i@treeshepherds.net	

Sales Arborist

Clayton	Scott
Mobile: 469-464-6602	Office: 972-317-9598
clayton.geer@treeshepherds.net	Mobile: 972-765-9310
	scott.geer@treeshepherds.net





Tree Shepherds
 314 Carlisle
 Lake Dallas, Texas 75065

Invoice #26959-15
 Date: 10/10/2023
 From: Clayton

Invoice For

1710 Morrell Avenue, LLC

9925 Lakedale Dr.
 Dallas, TX 75218

mobile: 214-497-8840
swede@smartlivingresidential.com

Location

1710 Morrell Ave

Dallas, TX 75203

Terms

Due on receipt

Preservation of Pecan tree on Morrell

ITEM DESCRIPTION	AMOUNT
Root Flare Excavation Service 47" DBH Pecan on the left side of property, near the creek: - Expose Root Flares down and out from the base of the tree - Prune circling and girdling roots that may be present	\$ 700.00

All balances not paid within 30 days of invoice date are subject to late fees. Please mail checks to the above address. Please use the contact information below for inquiries about this invoice.

Thank you for your business!

SUBTOTAL	\$ 700.00
SALES TAX	\$ 0.00
INVOICE TOTAL	\$ 700.00

Arborist that performed the work

Caden Mobile: 682-215-1107 cadenk@treeshepherds.net	John Imperial Mobile: 979-777-6144 john.i@treeshepherds.net	Thomas Cole thomaskcole87@gmail.com
---	---	---

Sales Arborist

Clayton Mobile: 469-464-6602 clayton.geer@treeshepherds.net	Scott Office: 972-317-9598 Mobile: 972-765-9310 scott.geer@treeshepherds.net
---	---





Tree Shepherds
314 Carlisle
Lake Dallas, Texas 75065

Invoice #26959-16
Date: 09/11/2023
From: Clayton

Invoice For

1710 Morrell Avenue, LLC

9925 Lakedale Dr.
Dallas, TX 75218

mobile: 214-497-8840
swede@smartlivingresidential.com

Location

1710 Morrell Ave
Dallas, TX 75203

Terms
Due on receipt

Preservation of Pecan tree on Morrell

ITEM DESCRIPTION	AMOUNT
PHC:Mulch Application Mulch	\$ 465.00

All balances not paid within 30 days of invoice date are subject to late fees. Please mail checks to the above address. Please use the contact information below for inquiries about this invoice.

Thank you for your business!

SUBTOTAL	\$ 465.00
SALES TAX	\$ 0.00
INVOICE TOTAL	\$ 465.00

Arborist that performed the work

Caden John Imperial
Mobile: 682-215-1107 Mobile: 979-777-6144
cadenk@treeshepherds.net john.i@treeshepherds.net

Sales Arborist

Clayton Scott
Mobile: 469-464-6602 Office: 972-317-9598
clayton.geer@treeshepherds.net Mobile: 972-765-9310
scott.geer@treeshepherds.net





Tree Shepherds
 314 Carlisle
 Lake Dallas, Texas 75065

Invoice #30405
 Date: 02/28/2024
 From: Austin

Invoice For

1710 Morrell Avenue, LLC

9925 Lakedale Dr.
 Dallas, TX 75218

mobile: 214-497-8840
swede@smartlivingresidential.com

Location

1710 Morrell Ave

Dallas, TX 75203

Terms

Due on receipt

Construction Pruning Feb. 2024

ITEM DESCRIPTION	AMOUNT
Tree Pruning Tree(s) to be Pruned: Landmark Pecan tree: -Remove limbs as necessary to create space for in ground pier construction (This price is an estimate for 6 man hours including drive time. Final price will be adjusted to match actual time spent on job at \$110/man hour.)	\$ 990.00

Client Notes

Original estimate was 6 man hours.
 Actual man hours came to 9.

*Payment due upon completion of work. Please give payment to the crew leader.
 Please use the contact information below for inquiries about this invoice.*

Thank you for your business!

SUBTOTAL	\$ 990.00
SALES TAX	\$ 0.00
INVOICE TOTAL	\$ 990.00

Arborist that performed the work

Austin Joshua Jones
austin.mago@treeshepherds.net orthodoxyhasguts@gmail.com

Sales Arborist

Austin
austin.mago@treeshepherds.net



FILE NUMBER: BDA234-101(CJ)

BUILDING OFFICIAL'S REPORT: Application of Akber Meghani to appeal the decision of the administrative official at 6801 Tyree St. This property is more fully described as Block C/2595, Lot 18, and is zoned PD-67, which requires compliance with Planned Development No. 67 land use and development standards. The applicant proposes to appeal the decision of an administrative official in the revocation of a building project and the associated master permit for the construction of a new duplex.

LOCATION: 6801 Tyree St.

APPLICANT: Akber Meghani

REQUEST:

A request is made to appeal the decision of an administrative official in the revocation of a building project 2211181039 and the associated master permit 2211181139 for the construction of a new duplex.

STANDARD FOR APPEAL FROM DECISION OF AN ADMINISTRATIVE OFFICIAL:

Dallas Development Code Sections 51A-3.102(d)(1) and 51A-4.703(a)(2) state that any aggrieved person may appeal a decision of an administrative official when that decision concerns issues within the jurisdiction of the Board of Adjustment.

The Board of Adjustment may hear and decide an appeal that alleges error in a decision made by an administrative official. Tex. Local Gov't Code Section 211.009(a)(1).

Administrative official means that person within a city department having the final decision-making authority within the department relative to the zoning enforcement issue. Dallas Development Code Section 51A-4.703(a)(2).

BDA History:

No BDA History found at 6801 Tyree Street in the last 5 years.

Zoning:

Site: Planned Development (PD) 67 Zoning District
North: Planned Development (PD) 67 Zoning District
South: Planned Development (PD) 67 Zoning District
East: Planned Development (PD) 67 Zoning District
West: Planned Development (PD) 67 Zoning District

Land Use:

The subject site and surrounding properties are developed with a single-family residential use.

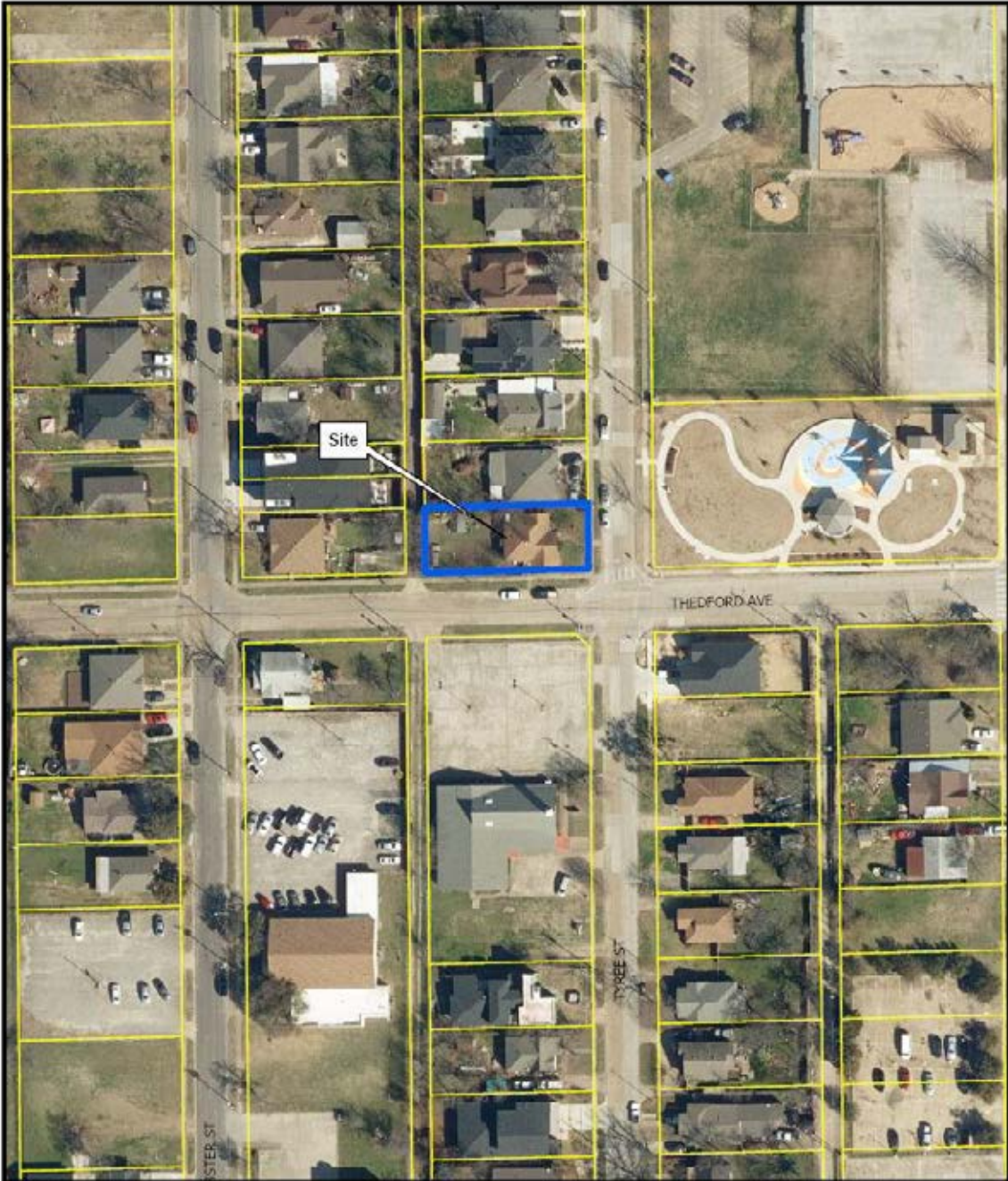
GENERAL FACTS/STAFF ANALYSIS:

- The board shall have all the powers of the administrative official on the action appealed. The board may in whole or in part affirm, reverse, or amend the decision of the official.

Timeline:

- June 25, 2024: The applicant was sent a denial letter for building permit number 2211181039 and master permit 2211181139 which were incorrectly issued by Development Services Department and invalid.
- June 27, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 3, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- July 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
- an attachment that provided the hearing date and panel that will consider the application; the August 9, 2024, deadline to submit additional evidence for staff to factor into their analysis; and July 26, 2024, 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.

- July 29, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the August public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer
- August 20, 2024: Panel A, at its regular scheduled hearing on August 20, 2024 voted to hold this matter under advisement until September hearings.
- August 30, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the September public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.



1:1,200

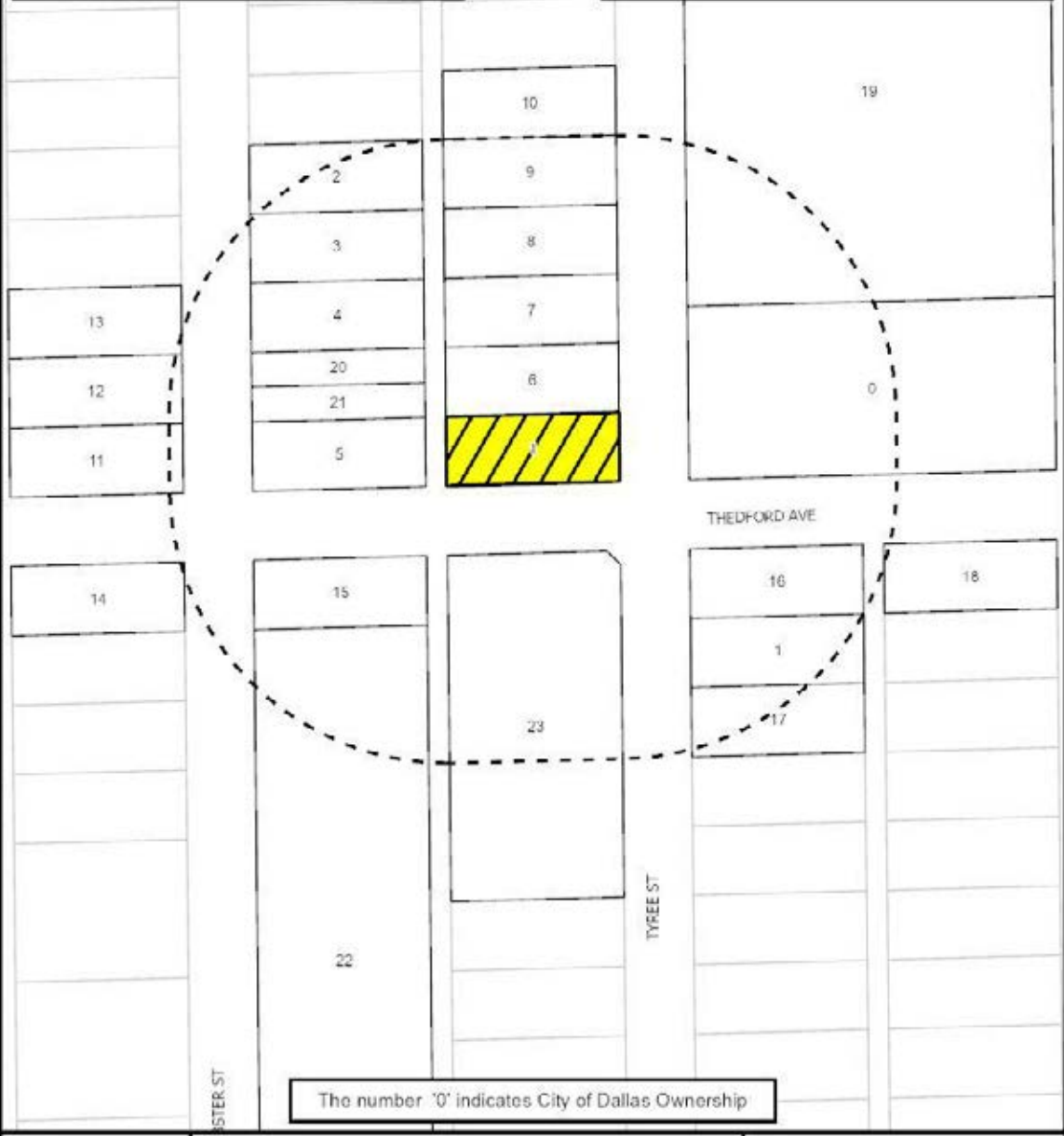
AERIAL MAP

Case no: BDA234-101

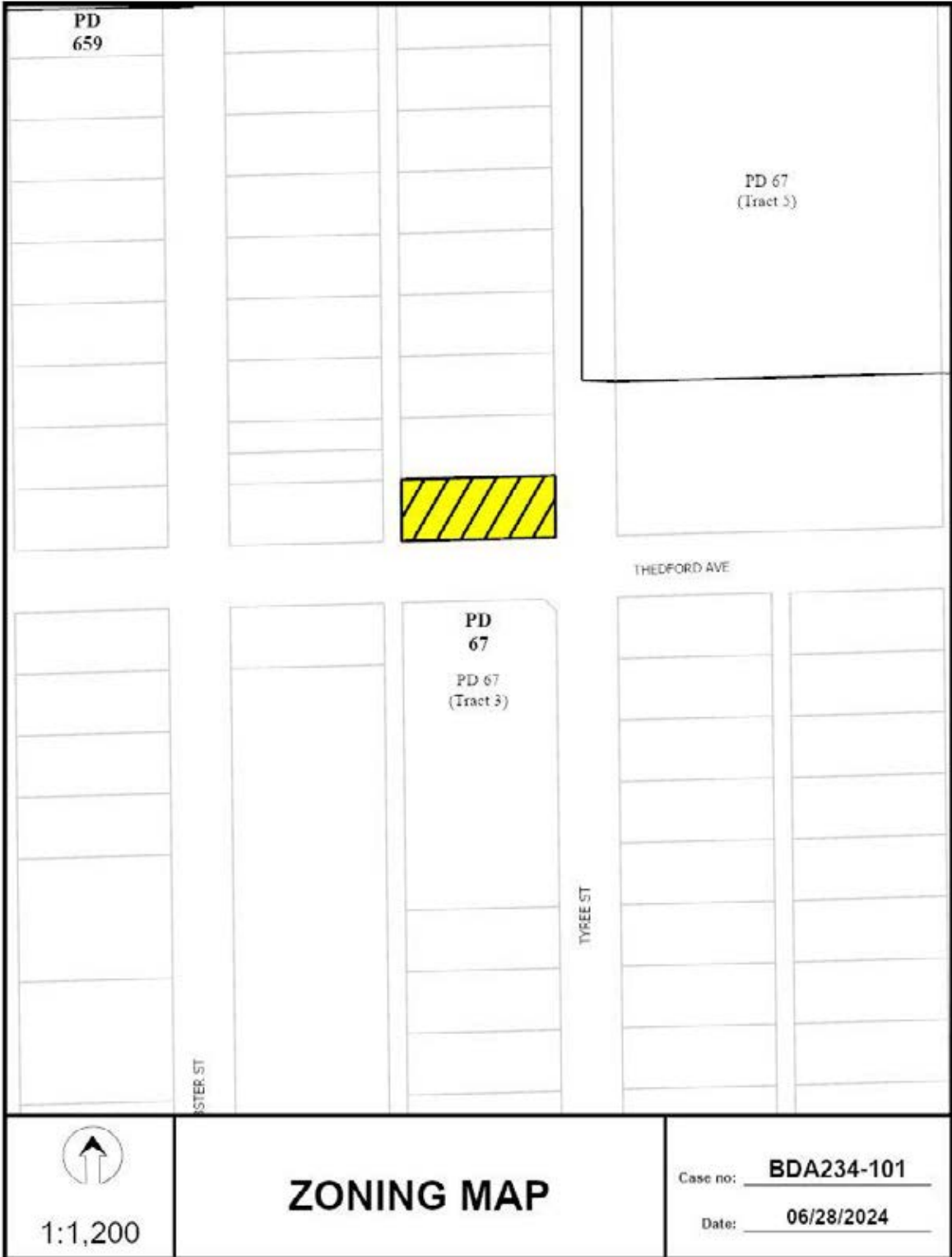
Date: 06/28/2024

The area of request is hatched . Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.

El área de solicitud está sombreada . La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será re zonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.



 1:1,200	<h2>NOTIFICATION</h2>		Case no: BDA234-101
	200' AREA OF NOTIFICATION 23 NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 6/28/2024	



ZONING MAP

1:1,200

Case no: BDA234-101
 Date: 06/28/2024

1
06/28/2024

Notification List of Property Owners

BDA234-101

23 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6803 TYREE ST	4901 4903 NEWMORE LLP
2	6818 WEBSTER ST	CRUZ JOSE & MARIA SARA
3	6812 WEBSTER ST	J C LEASING LLP
4	6810 WEBSTER ST	BUSTAMANTE VICENTE
5	6802 WEBSTER ST	ATAO MARIA &
6	6805 TYREE ST	LY NHON VAN
7	6811 TYREE ST	LOPEZ JOSE
8	6815 TYREE ST	ZERFAS RENE
9	6817 TYREE ST	MORENO GENARO &
10	6823 TYREE ST	LCD 6823 TYREE LLC
11	6801 WEBSTER ST	MONTELUPO LLC
12	6807 WEBSTER ST	Taxpayer at
13	6811 WEBSTER ST	ALLEN LEE & STEPHANIE
14	6735 WEBSTER ST	YANKOVICH JORDAN
15	6734 WEBSTER ST	DERIS INTERESTS LLC
16	6734 TYREE ST	LOPEZ ERICK
17	6724 TYREE ST	NEGRETE FELIPE DE JESUS
18	6735 VICTORIA AVE	SAN IGNACIO <u>PROPERTY</u>
19	6911 VICTORIA AVE	Dallas ISD
20	6806 WEBSTER ST	HAYES JASON & PATRICK MURRAY
21	6804 WEBSTER ST	FILLEY KYLE
22	6710 WEBSTER ST	BETHANY BAPTIST CHURCH
23	6725 TYREE ST	NORTHPARK CHRISTIAN METH

NOTICE OF ADMINISTRATIVE OFFICIAL APPEAL

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)

NOTICE IS HEREBY GIVEN that the **BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)** will hold a hearing as follows:

DATE: TUESDAY, SEPTEMBER 17TH, 2024
BRIEFING: 10:30 A.M. in **6ES**, Dallas City Hall, 1500 Marilla Street
HEARING: 1:00 P.M. in **6ES**, Dallas City Hall, 1500 Marilla Street

The purpose of the hearing is to consider the following appeal now pending before the Board of Adjustment. **This case was held under advisement on August 20th, 2024.**

BDA234-101(CJ) Application of Akber Meghani to appeal the decision of the administrative official at 6801 TYREE ST. This property is more fully described as Block C/2595, Lot 18, and is zoned PD-67, which requires compliance with Planned Development No. 67 land use and development standards. The applicant proposes to appeal the decision of an administrative official in the revocation of a master building permit for the construction of a new duplex.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Administrative Official Appeal during the public hearing of the Board of Adjustment to hear both the applicant's and the administrative official's cases and testimony. Although the Administrative Official Appeal item is not an open hearing, you may speak during the public testimony portion of the Board of Adjustment's Public Hearing at 1:00pm. Additionally, you may submit letters expressing your opinion on the subject of the appeal at BDAreply@dallas.gov.

Note: Any materials (such as plans, elevations, etc.) included within this notice may be subject to change.

Additional information regarding the application may be obtained by calling Cambria Jordan, Senior Planner at (214) 948-4476, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

Board of Adjustment
Planning and Development Department
1500 Marilla Street 5CN, Dallas TX 75201

PLEASE SEND REPLIES TO:
BDAreply@dallas.gov
Letters will be received until 9:00
am the day of the hearing.



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 234-101 **RECEIVED**
 Date: Lot 27, 28 **OFFICE USE ONLY**
THIN 2 7 REC'D
SBY

fee waiver
 Data Relative to Subject Property: 6801 TYREE STREET
 Location address: 6801 TYREE STREET DALLAS Zoning District: PD67 DALLAS
 Lot No.: 18 Block No.: C/2595 Acreage: .12 Census Tract: _____
 Street Frontage (in Feet): 1) 50 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:
 Owner of Property (per Warranty Deed): 4901-4903 NEWMORE LLP
 Applicant: AKBER MEGHANI Telephone: 2143953622
 Mailing Address: 5329 NORTHMOOR DR DALLAS Zip Code: 75229
 E-mail Address: AKBER@GRANDDEVELOPMENT.NET
 Represented by: AKBER MEGHANI Telephone: 214-395-3622
 Mailing Address: 5329 NORTHMOOR DR DALLAS Zip Code: 75229
 E-mail Address: AKBER@GRANDDEVELOPMENT.NET

Affirm that an appeal has been made for a Variance or Special Exception of _____
AO APPEAL - SEE REVOLUTION KPR

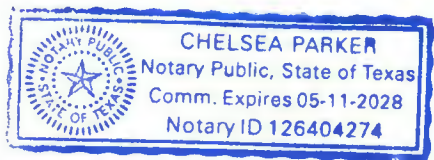
Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to Grant the described appeal for the following reason:

WE HAVE BEEN ISSUED BUILDING PERMIT AND LOT IS ZONED DUPLEX PD 67A AND THEN ZONE CHANGE TO SINGLE FAMILY WE HAVE ALREADY STARTED BUILDING AND WE HAVE DONE FRAMING AND NOW DRYWALL STAGE

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 Akber Meghani
 (Affiant/Applicant's name printed)
 who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property
 Respectfully submitted: [Signature]
 (Affiant/Applicant's signature)

Subscribed and sworn to before me this 11 day of June, 2024
[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 AKBER MEGHANI

did submit a request to appeal the decision of the administrative official
at 6801-6803 Tyree

BDA234-101(CJ). Application of AKBER MEGHANI to appeal the decision of the administrative official at 6801 TYREE ST. This property is more fully described as Block C/2595, Lot 18, and is zoned PD-67, which requires compliance with Planned Development No. 67 land use and development standards. The applicant proposes to appeal the decision of an administrative official in the revocation of building project 2211181039 and associated master permit 2211181139 for the construction of a new duplex.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



CITY OF DALLAS

June 25, 2024

Mr. Akber Meghani
5329 Northmoor Dr.
Dallas, TX 75229
akbermeghani@gmail.com

Via Email

RE: Project/Permit # 2211181039 and 2211181139

This letter serves as official notification that project 2211181039 and master permit 2211181139, for the construction of a new duplex at 6801 Tyree, Dallas, Texas 75209, were issued in error by the Development Services Department (DSD) are hereby revoked for the following reasons:

- Illegal Land Use per [Exhibit 67A](#) of [Planned Development No. 67](#).
- Structure exceeds the maximum allowed height for the district per Dallas Development Code [§ 51P-67.107\(c\)\(1\)](#).
- Non-compliant roof type per the design standards for Planned Development No. 67 per Dallas Development Code [§ 51P-67.107\(c\)\(3\)](#).

Next Steps:

Please reach out to Development Services to discuss any of the following options:

- **Option 1 – Board of Adjustment Administrative Official Appeal:** The Board of Adjustment is charged with the duty to hear and decide appeals from decisions of administrative officials made in the enforcement of the zoning ordinance of the city as listed in [51A-3.102\(d\)\(1\)](#) & [51A-4.703\(a\)\(2\)](#).
- **Option 2 – Submit New Permit:** Submit new plans and permit for a structure compliant with all [Planned Development No. 67](#) standards and conditions.

Please note, these options are provided as a means toward potential compliance and are not intended to constitute legal advice. Please do not hesitate to reach out to Jason Pool, Development Services Administrator, should you have any questions or require additional information.

Should the property owner choose not to take any of the above actions, this matter will be referred to the City's Department of Code Compliance for enforcement.



CITY OF DALLAS

This decision is final unless appealed to the Board of Adjustment in accordance with Section [51A-4.703\(a\)\(2\)](#) of the Dallas City Code within 20 days after written notice of the above action.

Thank you for your prompt attention to this matter.

A handwritten signature in blue ink, appearing to read 'Jason Pool'.

Jason Pool
Development Services Administrator
Land Development Division
214-948-4392
Jason.Pool@Dallas.gov

c: Andrew Espinoza, Director/Building Official
M. Samuel Eskander, Assistant Director
Vernon Young, Assistant Director
Michael Herron, Zoning Inspections Supervisor
Jill Haning, Assistant City Attorney

Christopher Christian, Director
Jeremy Reed, Assistant Director
Alfred Beecham, Manager
Stormy Gonzalez, Manager
Charlotta Riley, Assistant City Attorney



Permit # 2211181039

City of Dallas

Issue Date: 12/20/2022

Sustainable Construction and Development | Building Inspection Division | 214/948-4480 | www.dallascityhall.com

Address: **6801 TYREE ST 75209**

Land Use Description: TWO FAMILY DWELLING

Work Description: NEW DUPLEX

Value Of Work: \$0.00

Owner Or Tenant: akber meghani
5329
dallas
TX
75229
(214) 395-3622
akbermeghani@gmail.com

Applicant: akber meghani
Contractor: 4901-4903 NEWMORE LLP
Business Address: 5329 NORTHMOOR DR, DALLAS, TX 75229
Telephone: 214/395-3622 Fax:

Lot: 18	Block: C/259 5	Zoning: PD-67	PDD: 67	SUP:
Historic Dist:	Consv Dist: Chapter 51	Pro Park: 4	Req Park: 4	Park Agrmt: N
Dwlg Units: 2	Stories: 2	New Area: 5746	Lot Area: 6250	Total Area: 5746
Type Const: VB	Sprinkler: None	Occ Code: R3	Occ Load:	
Inches Of Removed Trees:				

ALL WORK SUBJECT TO FIELD INSPECTOR APPROVAL Parking is for entire project.

This document is issued on the basis of information furnished in the application and is subject to the provisions of all governing ordinances, which must be complied with, whether or not herein specified.

BOA234-101

THIS DOCUMENT SHALL BE POSTED AT WORK SITE AND IS SUBJECT TO CANCELLATION UPON NOTICE.

SHIPPED RECEIVED
 DATE: 12-8-95 DATE: 3-26-96
 ANNEXED OCTOBER 25, 1929 ORD. NO. _____
 SURVEY C. G. COLE ABST. 320

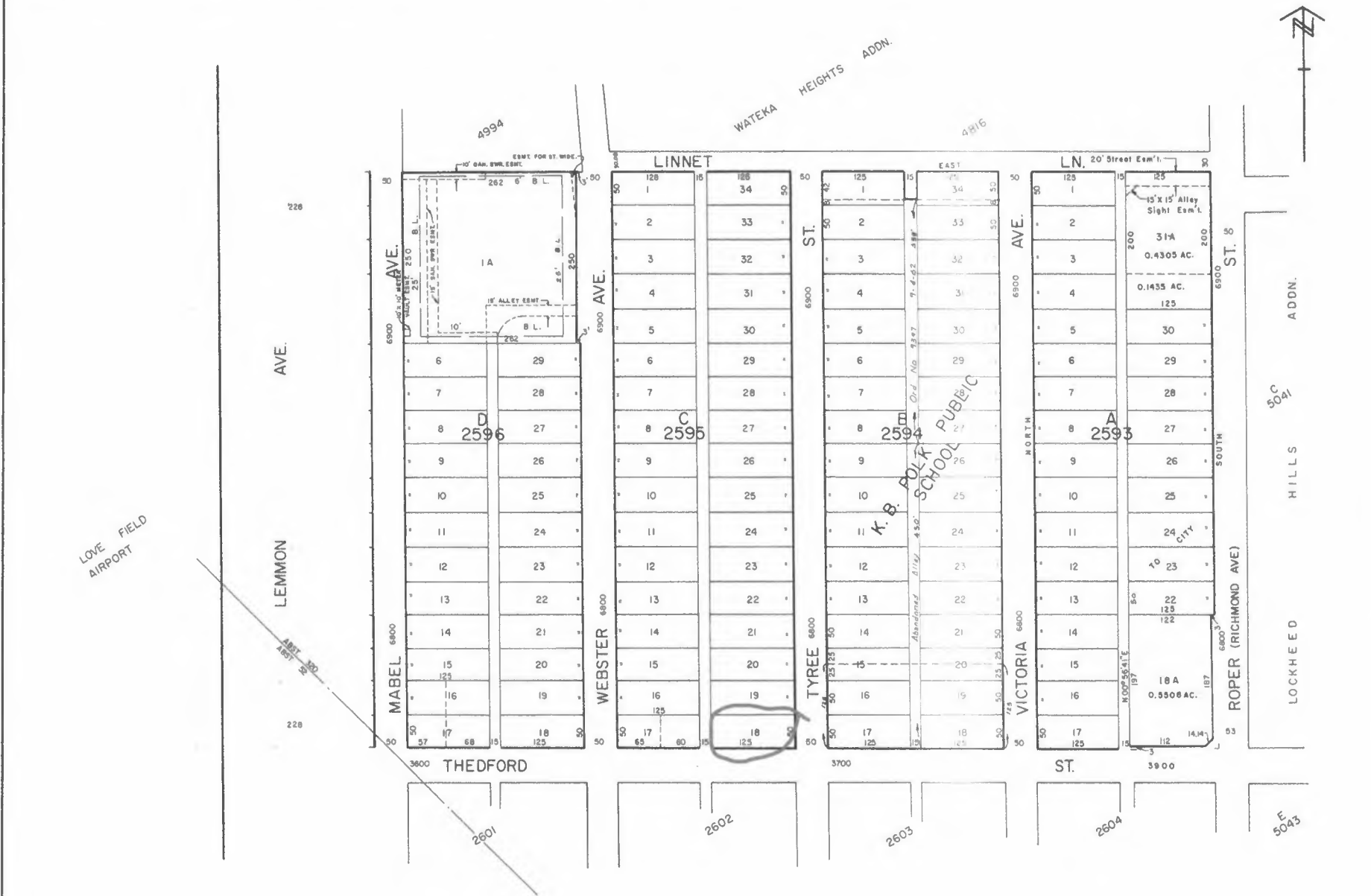
CITY OF DALLAS PLAT BOOKS
 ADDITION WEBSTER & WOOD'S NORTHPARK

A B C D
 BLOCKS 2593, 2594, 2595, 2596

SCALE 100 FT. EQUALS 1 INCH

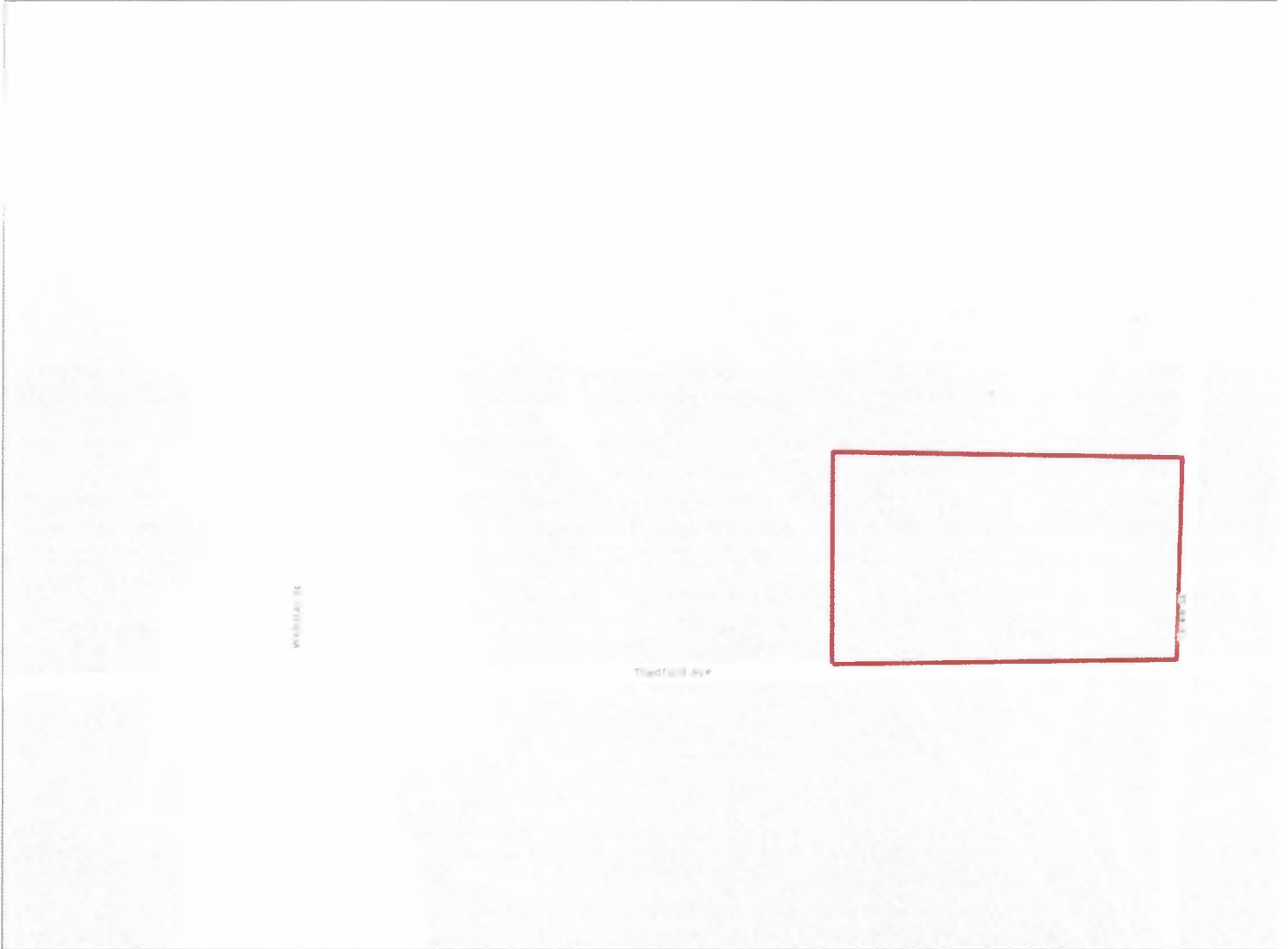
SCHOOL DISTRICT DALLAS

FILED: JUNE 5, 1890
 FILED: 9-30-85 BLK A/2593 LOT 18A POLK PARK (CITY PARK)
 FILED: 9-23-88 BLK Q/2596 LOT 1A LEMMON AVE POTTERY
 FILED: 2-2-93 Northpark Missionary Baptist Church LOT 31A, BLK. A/2593



BDA234-101

ArcGIS Web Map



6/11/2024, 12:35:03 PM

BDA234-101



1:1,128

BDA234-101

25423

061164

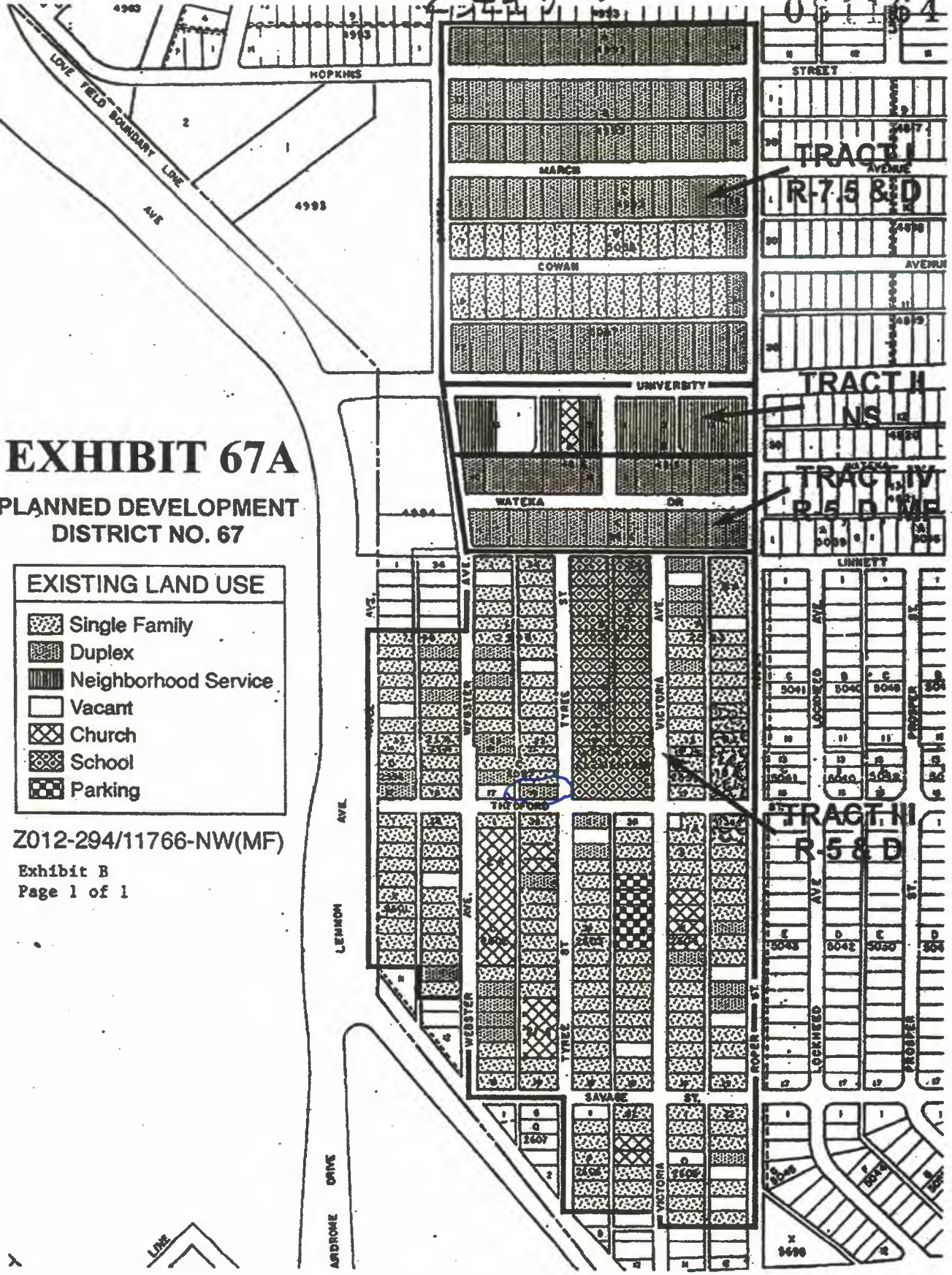


EXHIBIT 67A
PLANNED DEVELOPMENT
DISTRICT NO. 67

EXISTING LAND USE	
	Single Family
	Duplex
	Neighborhood Service
	Vacant
	Church
	School
	Parking

Z012-294/11766-NW(MF)

Exhibit B
Page 1 of 1

BDA234-101

BDA234-106





BDA234-101

WATER-RESISTIVE & AIR BARRIER PROTECTIVE MEMBRANE

STOP WORK ORDER

WORK IS STOPPED ON THIS PREMISES IN VIOLATION OF CHAPTER 51 OF THE DALLAS CITY CODE

ANY PERSON OR PERSONS PERFORMING CONSTRUCTION RELATED ACTIVITIES WHILE THIS NOTICE IS IN EFFECT, COMMITTS AN OFFENSE PUNISHABLE BY A FINE NOT TO EXCEED \$200 EACH DAY.

ADDRESS: *6801 Tyree*



FOR MORE INFORMATION CALL BUILDING INSPECTION:
PHONE: *214-671-1511*

PD 67 (TRACT 3)

F - 25'
S - 5'
R - 10'
HT - 36'
LOT - 60%
P - 4

MINIMUM 2 MEDIUM OR LARGE TREES REQUIRED

SUBJECT TO FIELD INSPECTOR'S APPROVAL

A PERMIT IS BEING ISSUED FOR WATER/WASTEWATER UTILITIES. YOU ARE RESPONSIBLE TO VERIFY THAT UTILITIES ARE AVAILABLE FOR THIS PROPERTY. IF UTILITIES ARE NOT AVAILABLE FOR THIS SITE, THE CITY OF DALLAS IS NOT RESPONSIBLE.

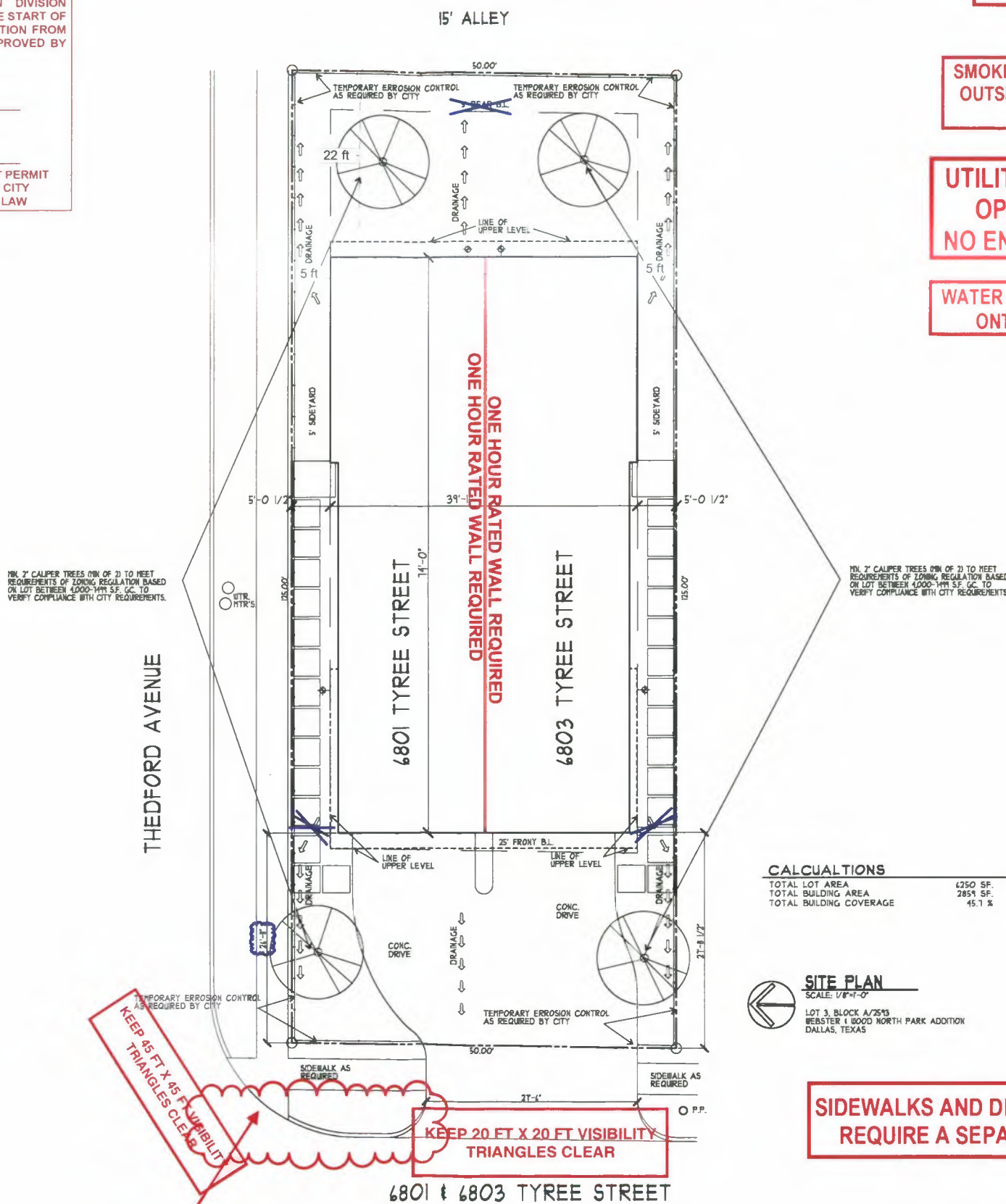
**NOTICE
CHECK FOR PRIVATE DEED RESTRICTIONS FILE AT COUNTY OFFICE**

THESE PLANS HAVE BEEN REVIEWED BY THE BUILDING INSPECTION DIVISION AND ARE APPROVED FOR THE START OF CONSTRUCTION. ANY DEVIATION FROM THESE PLANS SHALL BE APPROVED BY THE BUILDING OFFICIAL.
ZO DATE: 12/20/2022
BY: Loree Myers
BU DATE: 12/20/2022
BY: Loree Myers
THIS APPROVAL DOES NOT PERMIT THE VIOLATION OF ANY CITY ORDINANCE OR STATE LAW

SMOKE DETECTORS REQUIRED IMMEDIATELY OUTSIDE ALL SLEEPING AREAS AND AT ALL FLOOR LEVELS

UTILITY EASEMENT MUST REMAIN OPEN AND UNOBSTRUCTED. NO ENCROACHMENTS PERMITTED

WATER SHALL NOT BE REDIRECTED TO DRAIN ONTO ADJOINING PRIVATE PROPERTY



CALCULATIONS

TOTAL LOT AREA	6260 SF.
TOTAL BUILDING AREA	2854 SF.
TOTAL BUILDING COVERAGE	45.1 %

SITE PLAN
SCALE: 1/8"=1'-0"
LOT 3, BLOCK A/2513
WEBSTER & GOOD NORTH PARK ADDITION
DALLAS, TEXAS

SIDEWALKS AND DRIVE APPROACH REQUIRE A SEPARATE PERMIT

KEEP 45 FT X 45 FT VISIBILITY TRIANGLES CLEAR

KEEP 20 FT X 20 FT VISIBILITY TRIANGLES CLEAR

MINIMUM 30' TO CORNER

City of Dallas
APPROVED
Building Inspection
2/20/22

SHEET NO. 1
OF 1

221014

10-13-22

REVISIONS

A DUPLEX FOR
6801 & 6803 TYREE STREET
DALLAS, TEXAS

ROSSON
DESIGNER, INC.

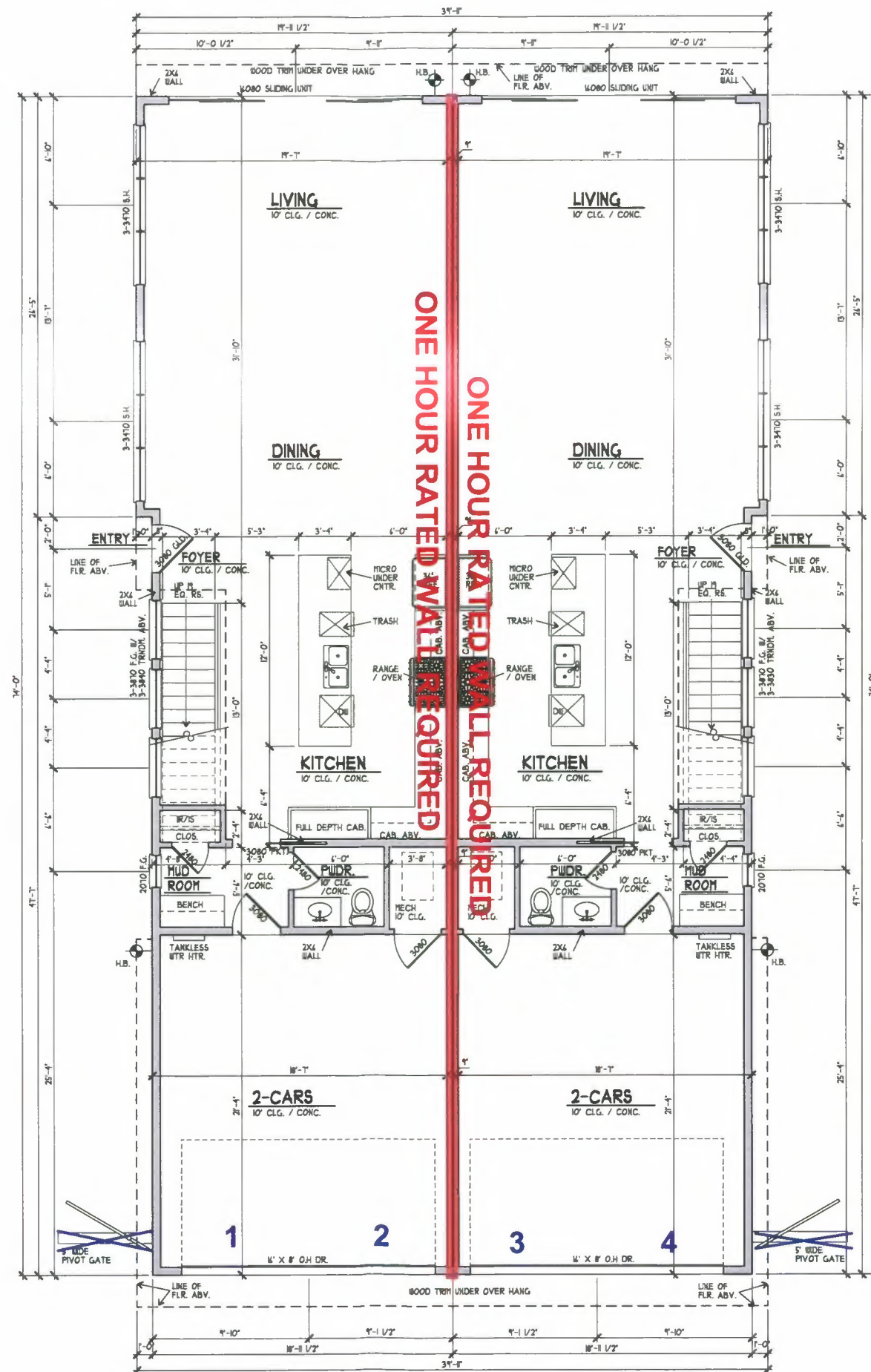
912-492-4384

All Documents by the corporation are instruments of service for the project and shall remain the property of the corporation, and shall not be used for any other endeavor without the written consent of the corporation.

copyright ©2022
all rights reserved
Ramon Design Home, Inc.

BDA234-101

SUBJECT TO FIELD INSPECTOR'S APPROVAL



6801 TYREE STREET

AREAS	SQ. FT.
LOWER LEVEL	411
UPPER LEVEL	145
TOTAL (A.C.)	240
AUTOS	401
MECHANICAL	54
TOTAL COVERED	283

6803 TYREE STREET

AREAS	SQ. FT.
LOWER LEVEL	411
UPPER LEVEL	145
TOTAL (A.C.)	240
AUTOS	401
MECHANICAL	54
TOTAL COVERED	283

NOTE:
2 x 4 STUDS • ALL EXTERIOR AND PLUMBING WALLS TYP.

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

BDA234-101


 SHEET NO. 2
 APPROVE
 Building Inspector
 12/2022

OF 1

221014

10-13-22

REVISIONS

A DUPLEX FOR
6801 & 6803 TYREE STREET
 DALLAS, TEXAS

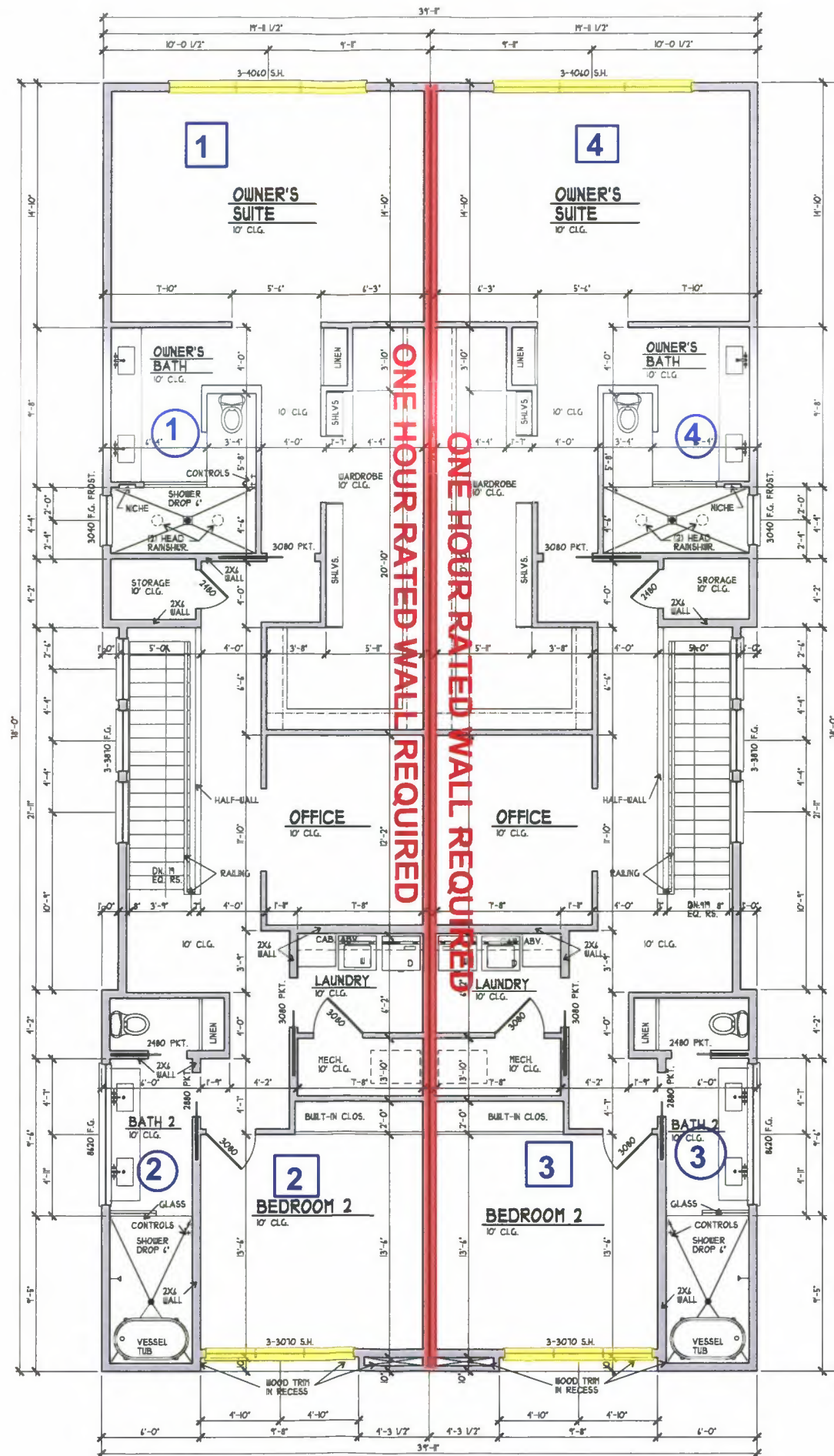

ROSSON
 DESIGNER
 HOMES, INC.

912-492-4384

All Documents by this corporation are instruments of service for the project and shall remain the property of this corporation, and shall not be used for any other endeavor without the written consent of this corporation.

Copyright © 2022
 All rights reserved.
 Rosson Designer Homes, Inc.

SUBJECT TO FIELD INSPECTOR'S APPROVAL



NOTE:
 2 x 4 STUDS • ALL EXTERIOR
 A/C AND PLUMBING WALLS TYP.
 136

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

BDA234-101

SHEET 3
 City of Dallas
 APPROVE
 Building Inspection
 12/22/22

OF 1
 221014
 10-13-22
 REVISIONS

A DUPLEX FOR
 6801 & 6803 TYREE STREET
 DALLAS, TEXAS

ROSSON
 DESIGNER
 L.L.P.

912-492-4384

All documents by this corporation are instruments of service for this project and shall remain the property of the corporation, and shall not be used for any other endeavor without the written consent of the corporation.

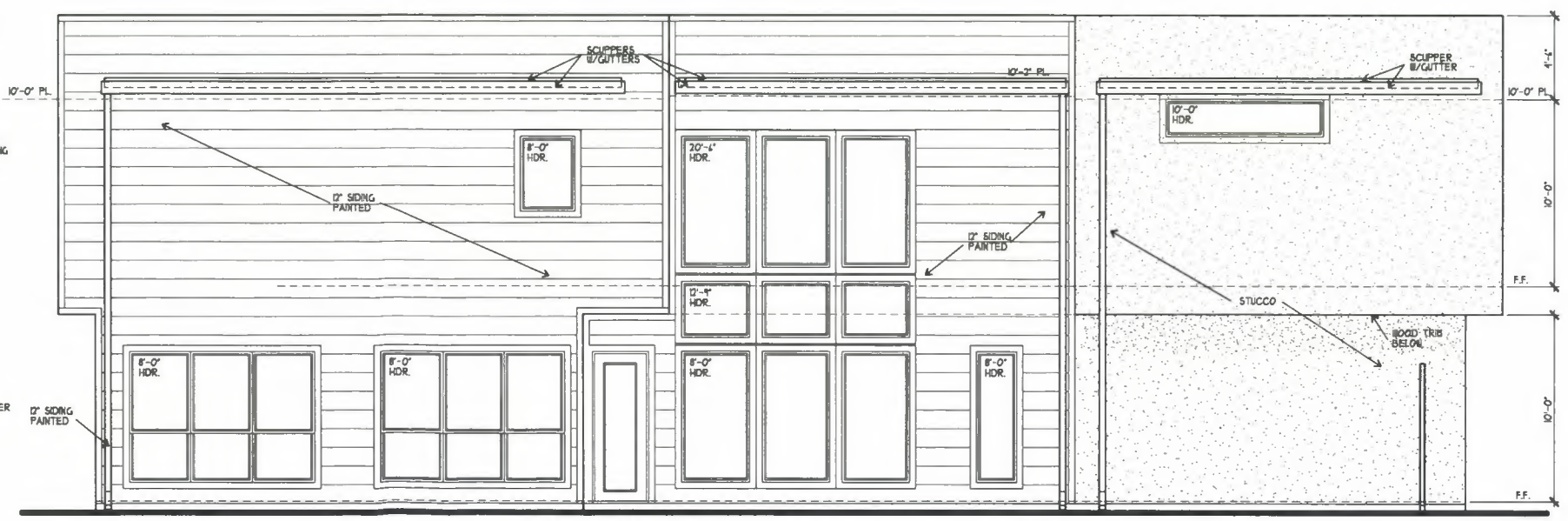
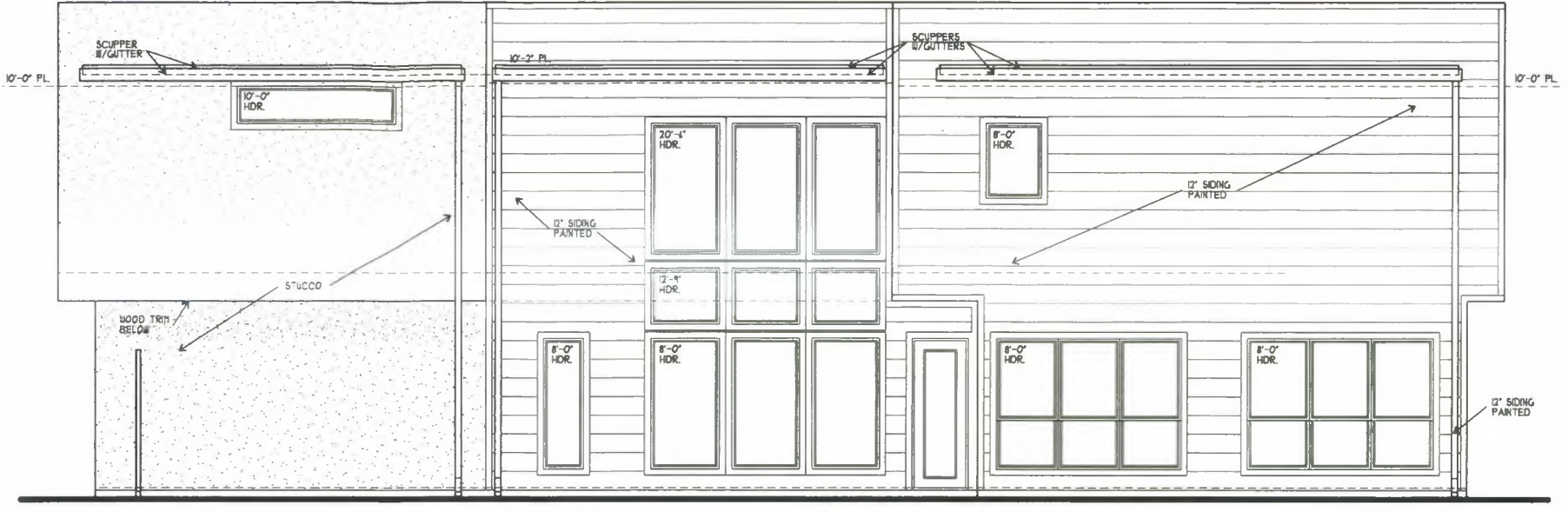
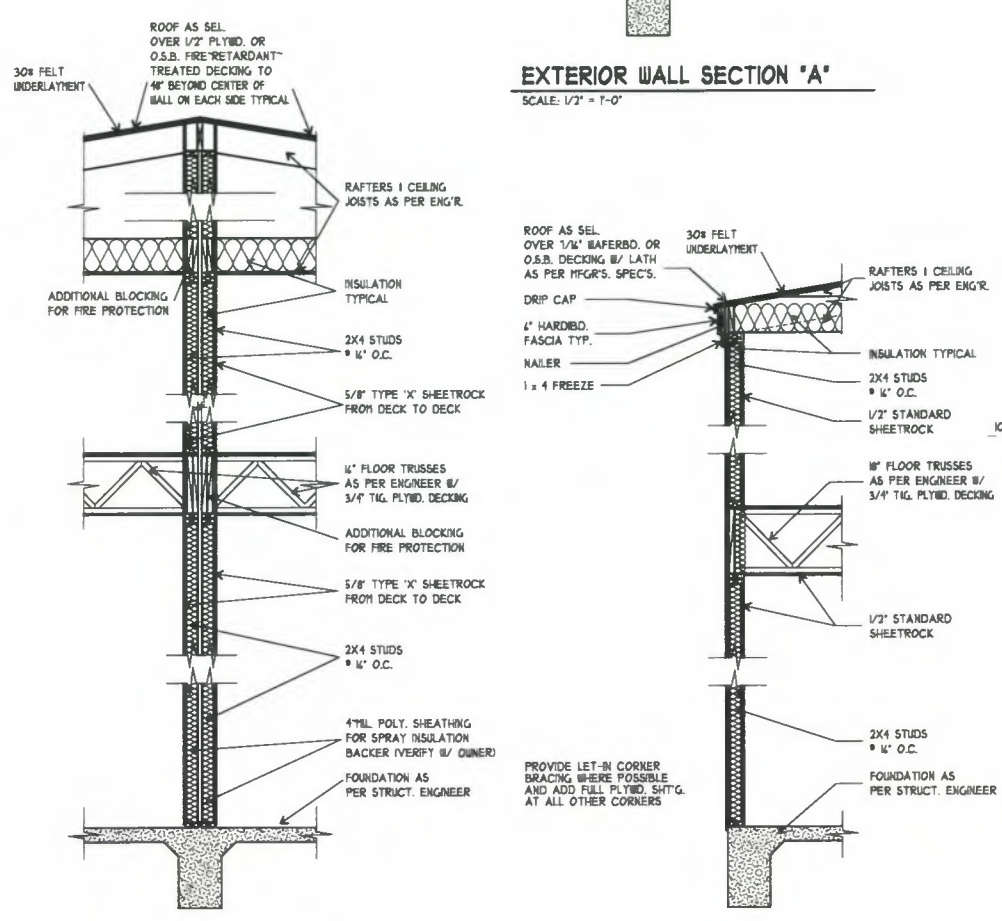
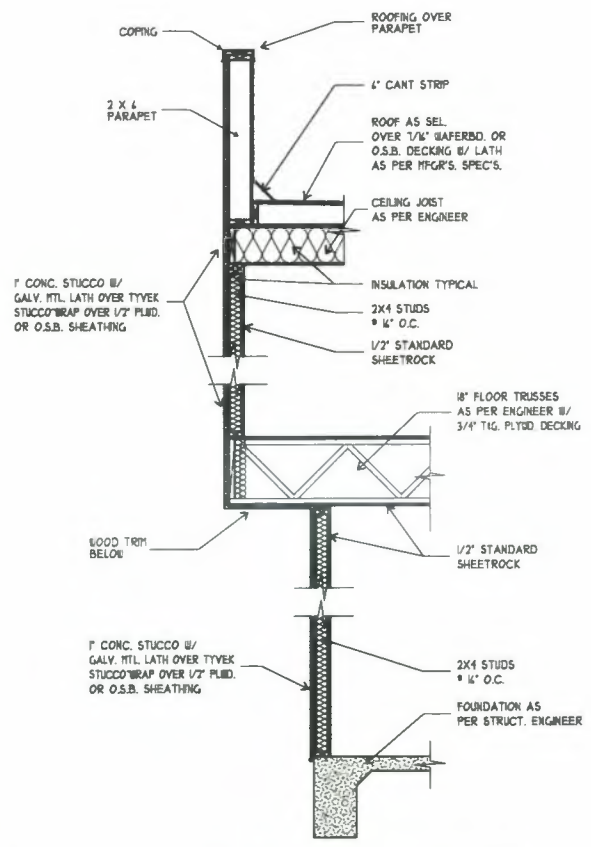
copyright © 2022
 all rights reserved
 Ross Design House, Inc.

A DUPLEX FOR
6801 & 6803 TYREE STREET
 DALLAS, TEXAS

ROSSON
 DESIGNER
Home, Inc.

26' 6" GRADE TO TOP
36' MAX HEIGHT

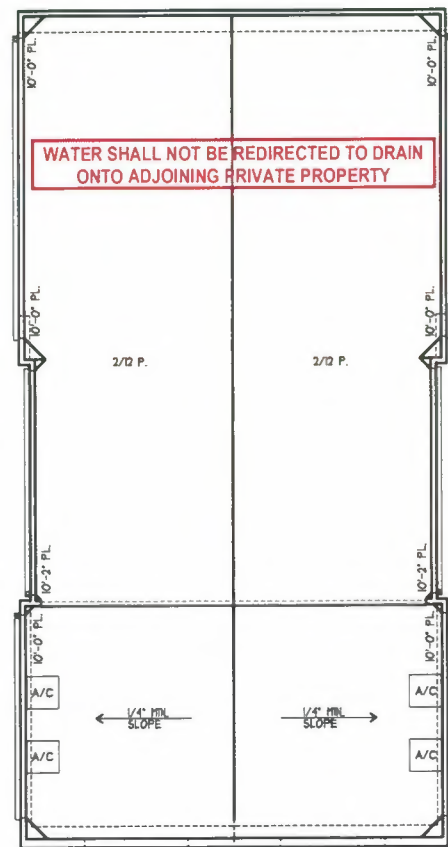
SUBJECT TO FIELD INSPECTOR'S APPROVAL



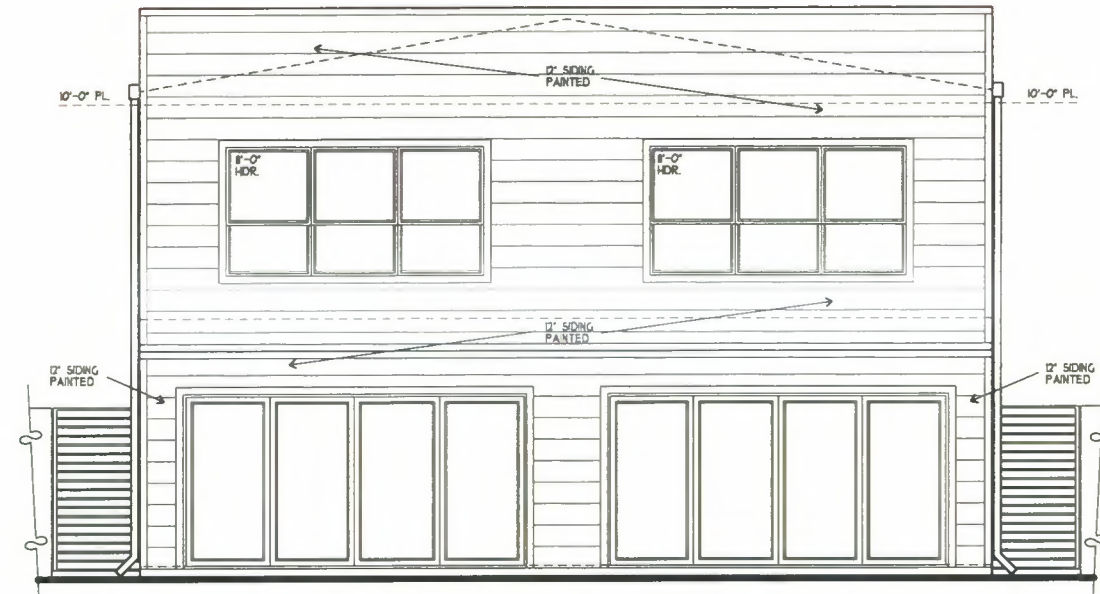
dwELLINGS SHALL BE SEPARATED FROM EACH OTHER BY WALL AND FLOOR ASSEMBLIES HAVING NOT LESS THAN A 1-HOUR FIRE RESISTANCE RATING WHERE TESTED IN ACCORDANCE WITH ASTM E119 OR UL207.

**26' 6" GRADE TO TOP
36' MAX HEIGHT**

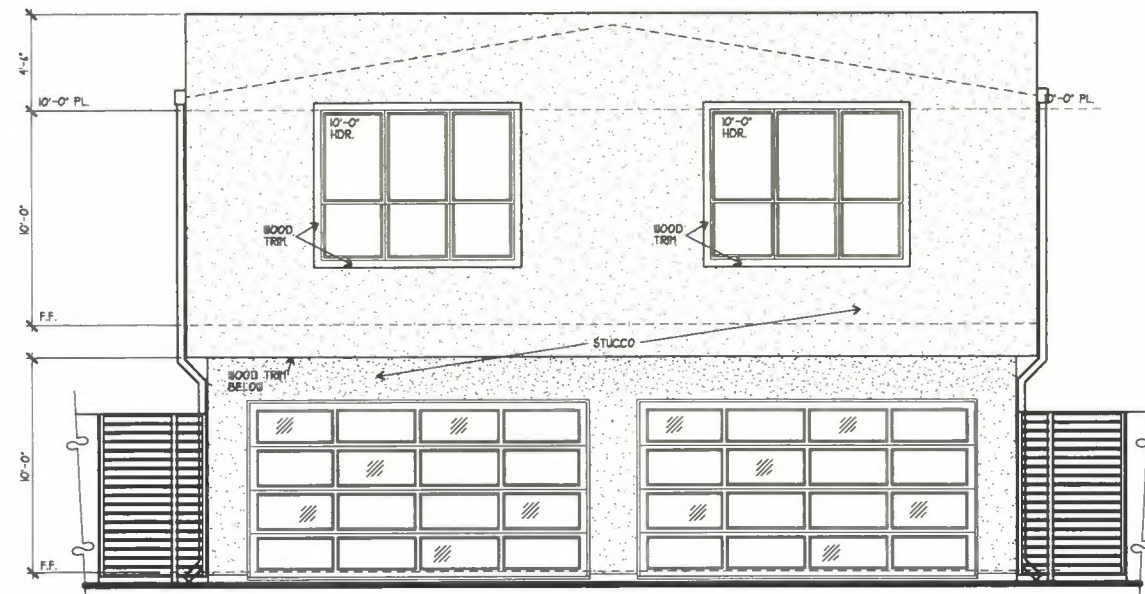
**SUBJECT TO FIELD INSPECTOR'S
APPROVAL**



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



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



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

City of Dallas
APPROVED
Building Inspection
10/13/22

OF 1

221014

10-13-22

REVISIONS

A DUPLEX FOR
6801 & 6803 TYREE STREET
DALLAS, TEXAS

ROSSON
DESIGNER
L.L.P.

912-492-4384

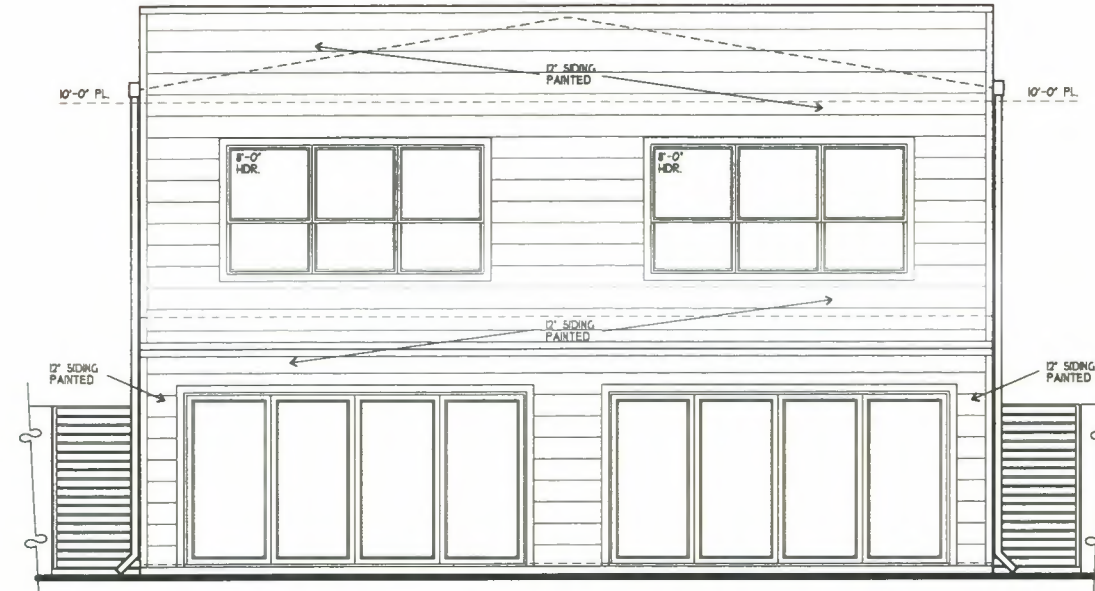
All Documents by the corporation are instruments of service for the project and shall remain the property of the corporation, and shall not be used for any other endeavor without the written consent of the corporation.

Copyright ©2022
All rights reserved
Ross Design House, Inc.

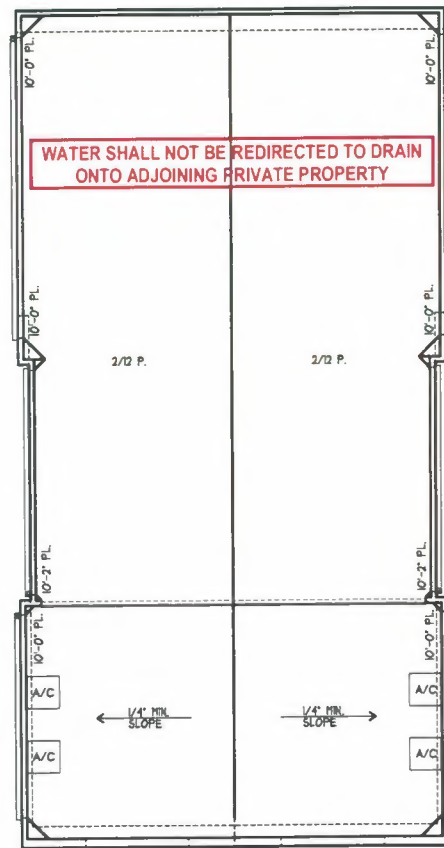
BDA234-101

26' 6" GRADE TO TOP
36' MAX HEIGHT

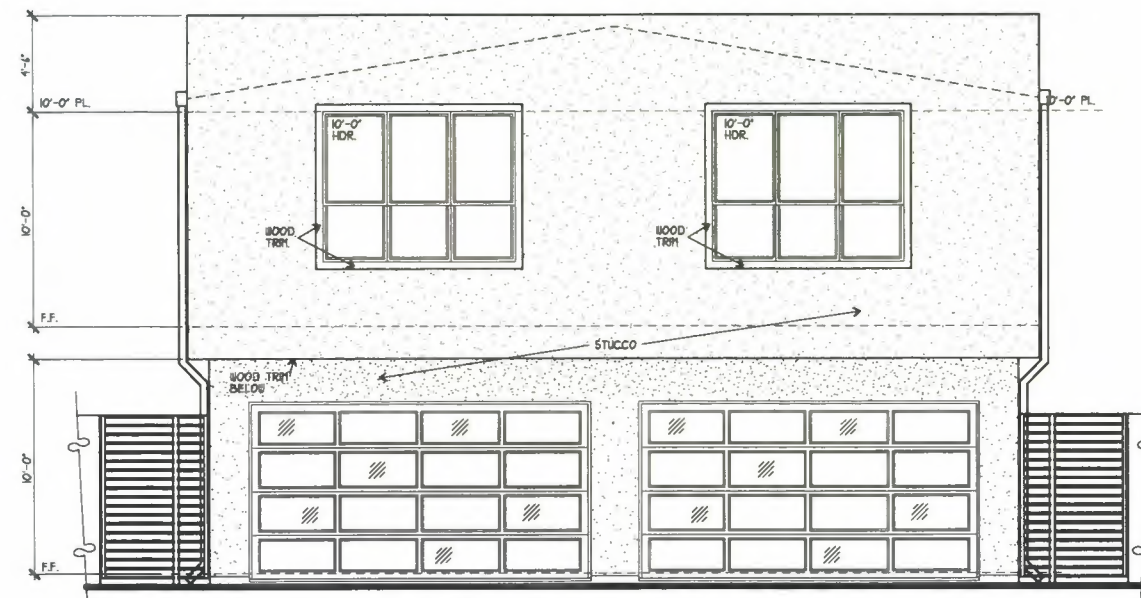
SUBJECT TO FIELD INSPECTOR'S
APPROVAL



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



ROOF PLAN
SCALE: 1/4"=1'-0"



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

SHEET NO. APPROVED
City of Dallas
Building Inspection
4/22/22

OF 1

221014

10-13-22

REVISIONS

A DUPLEX FOR
6801 & 6803 TYREE STREET
DALLAS, TEXAS

ROSSON
DESIGNER
CORP., LLC

912-492-4384

All Documents by the corporation are instruments of service for the project and shall remain the property of the corporation and shall not be used for any other endeavor without the written consent of the corporation.

Copyright © 2022
All rights reserved
Rossion Designer Homes, Inc.

BDA234-101



9 August 2024

Panel A, City of Dallas Board of Adjustment
Planning and Urban Design
1500 Marilla
Dallas, TX 75201

RE: BDA234-101; 6801 Tyree St.

Dear Board Member:

Pertinent Development Code Regulations

SEC. 51A-3.102(d)(1):

(d) Powers and duties. The board has the following powers and duties, which must be exercised in accordance with this chapter:

(1) To hear and decide appeals from decisions of administrative officials made in the enforcement of the zoning ordinance of the city. For purposes of this section, "administrative official" means that person within a city department having the final decision-making authority within the department relative to the zoning enforcement issue.

Request

We respectfully ask that the Board consider reinstating our permit for 6801 Tyree Street, approved in December of 2022. Please see the following screenshots. The applicant numerous times received green tags on inspections. The City numerous times had opportunities to correct the permit they now claim was issued in error.

Please be advised that, because the City of Dallas is examining the issuance of numerous building permits issued in the Elm Thicket area, including this request, we've asked this application be held under advisement until the September meeting. The City Manager's office issued the attached memo and a member of the council has also started an inquiry (see *Candy's Dirt* article www.candysdirt.com/2024/08/02/dallas-admits-elm-thicket-permits-were-issued-erroneously-builders-ordered-to-stop-work/ and find a *Dallas Morning News* article attached).

Conclusion

While the zoning was adopted in October of 2022, City staff members were not made aware of the changes until months later. Mr. Meghani's permit had already been applied for and issued.

Furthermore, several inspections occurred from 2023-2024, and a stop work order could have been issued at the time for noncompliance, but this did not happen. The City, instead, sent a letter of cancellation this year.

To date, the Client has invested significantly in the project. To ask him to tear down, reapply for a permit, and rebuild is asking the patient to take a severe dose of medicine. Let's hope wisdom from city leadership creates a viable alternative.

Cordially,

A handwritten signature in cursive script, appearing to read 'Dallas Cothrum'.

Dallas Cothrum, Ph.D.
President

Attachments:

City of Dallas Memorandum Re: Elm Thicket-Northpark Permit Oversights and Violations

DMN Article: "Dallas City Hall's Elm Thicket humiliation is another permitting mess"

Letter of Cancellation

Inspection Screenshots

Memorandum



CITY OF DALLAS

DATE: August 2, 2024

TO: Honorable Mayor and Members of the City Council

SUBJECT: **Elm Thicket-Northpark Permit Oversights and Violations**

In September 2017, the City Plan Commission authorized a hearing to amend Planned Development (PD) No. 67. The resulting amendment, effective October 12, 2022, sought to preserve Elm Thicket-Northpark's historic character and prevent displacement. Key changes included district expansion, height restrictions, a revised land-use map, reduced lot coverage, and new roof design standards.

Earlier this year, the City began receiving complaints about construction violations on new homes and duplexes. On June 12, 2024, Interim City Manager Tolbert (ICM) announced the consolidation of the Planning and Urban Design and Development Services departments with new leadership. Immediately, the staff of the newly merged departments collaborated on a deeper dive into the complaints. The initial fact finding revealed that permit applications for projects in the Elm Thicket-Northpark neighborhood reviewed between October 12, 2022 and June 2, 2023 were evaluated using outdated zoning information, and some permits may have been approved in error. We are working to determine what led to these errors.

A total of 29 initial sites were identified for review in collaboration with Save Elm Thicket, a neighborhood advocacy group. Of the 29 initial sites investigated, 10 met the PD requirements and therefore had no violations, five had non-compliant plans but had not yet started construction, and the rest were in various stages of construction with violations.

Last week, after completing the fact-finding and field visits, Planning and Development Department staff began contacting contractors and applicants to address the 19 sites with violations. Actions taken by staff included issuing stop work orders and placing holds on violating sites. Our residential and enforcement teams are working closely with applicants and contractors to quickly bring these sites into compliance with the new development provisions.

As a next step, Planning and Development staff will review all additional Elm Thicket-Northpark permits issued within the October 12, 2022 to June 2, 2023 timeframe. This review will be completed no later than September 30, and Planning and Development staff will update the City Council once that review is complete.

In addition to resolving these specific Elm Thicket-Northpark permitting errors, staff is looking at larger systemic changes to ensure this type of error does not occur in the future. As a reminder, in the last few weeks, ICM Tolbert announced the formation of a City Action Strike Team (CAST) to engage and collaborate cross-departmentally in situations

DATE August 2, 2024
SUBJECT Elm Thicket-Northpark Permit Oversights and Violations
PAGE 2 of 2

such as this. The CAST will evaluate the processes by which the City updates our GIS and permitting systems following an ordinance change. The CAST will also consider procedural changes such as allowing a short delay between ordinance approval and implementation to build in time for staff training and system updates. The recent consolidation of zoning, planning and permitting into one department under common leadership will also create stronger communication between the various land use teams.

As a reminder, please be advised that there may be some media coverage regarding this PD. We will continue to provide updates as the work progresses.

Should you have any questions or concerns, please do not hesitate to contact me or Emily Liu, Director of Planning and Development, yu.liu@dallas.gov.



Robin Bentley,
Assistant City Manager (I)

c: Kimberly Bizer Tolbert City Manager (I)
Tammy Palomino, City Attorney
Mark Swann, City Auditor
Billerae Johnson, City Secretary
Preston Robinson, Administrative Judge
Dominique Artis, Chief of Public Safety (I)
Dev Rastogi, Assistant City Manager

M. Elizabeth (Liz) Cedillo-Pereira, Assistant City Manager
Alina Ciocan, Assistant City Manager
Donzell Gipson, Assistant City Manager (I)
Jack Ireland, Chief Financial Officer
Elizabeth Saab, Chief of Strategy, Engagement, and Alignment (I)
Directors and Assistant Directors

MORE FROM HOMEPAGE

Gov. Greg Abbott orders hospitals to report treatment costs for undocumented migrants

What to know about Texas' new car inspection requirements



ADVERTISEMENT



THIS IS MEMBER-EXCLUSIVE CONTENT ⓘ

OPINION

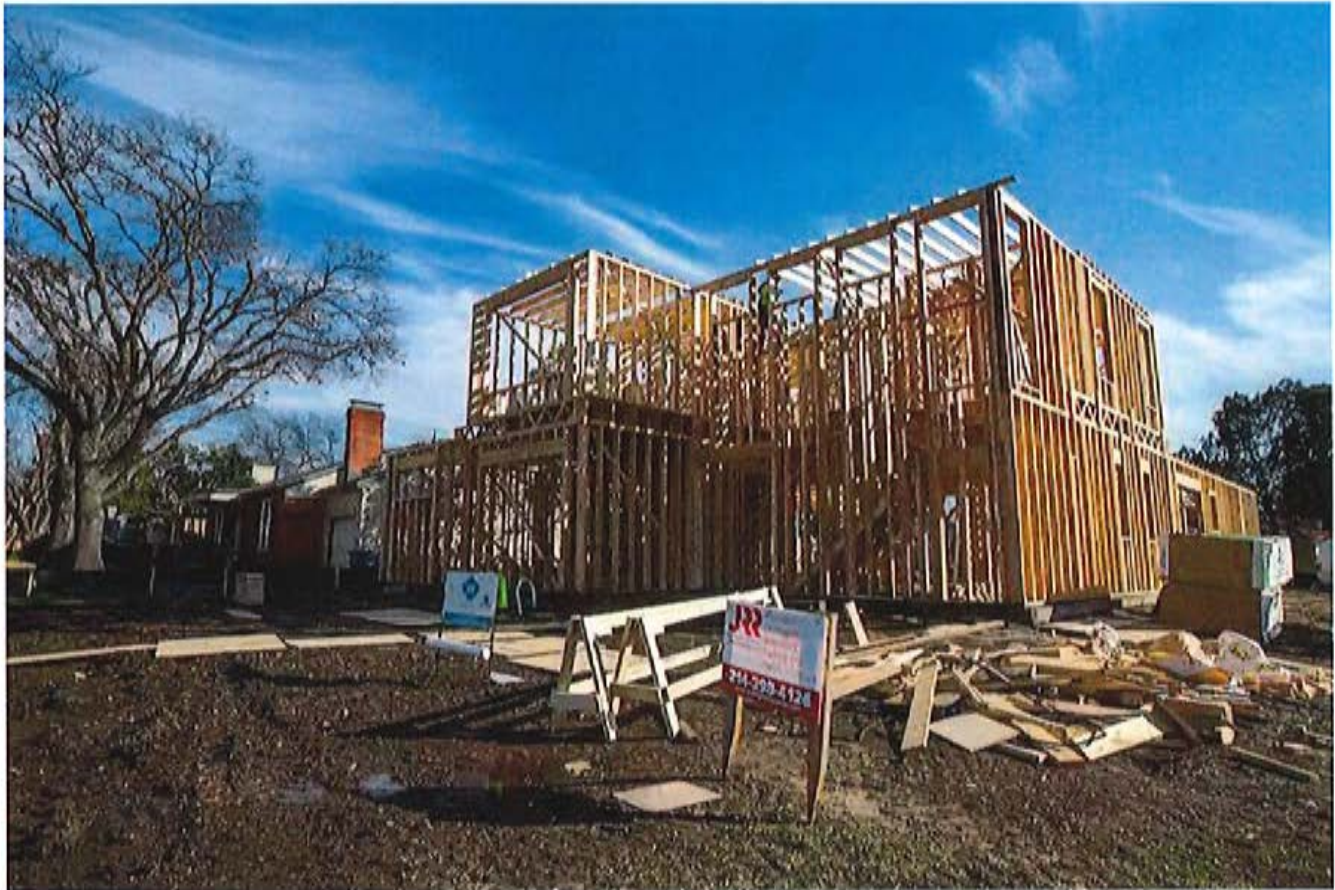
Dallas City Hall's Elm Thicket humiliation is another permitting mess

City must make property owners whole after issuing bad permits.



By **Dallas Morning News Editorial**

2:00 AM on Aug 9, 2024



Workers construct a new two-story house in the Elm Thicket-Northpark neighborhood in Dallas on Thursday. (Lynda M. Gonzalez / Staff Photographer)



It's been two years since we all but begged the [Dallas City Council](#) not to make the mistake of interfering in the renewal of a neighborhood of small homes near Love Field known as Elm Thicket.

The council didn't listen to us, but that's not particularly uncommon. A council majority instead decided that the right way to ensure affordable housing in Dallas is to scare away developers who might want to build here.

ADVERTISEMENT



adidas - Sponsored

Ahead of the class.

Shop back to school styles for your comeback era: sneakers, head-to-toe looks, and more.

Shop Now



Despite opposition from a huge majority of property owners, Elm Thicket was downzoned. Rights that landowners enjoyed when they bought their properties were stripped away. New homes needed to be smaller and thus less valuable, the council decided.

Longtime homeowners lost the opportunity to maximize the investment of their lives. Families who otherwise might have made Elm Thicket home decided to live elsewhere. Victory was declared.

D Opinion

Get smart opinions on the topics North Texans care about.

nicolle@masterplantexas.com

SIGN UP

Or with:



By signing up you agree to our [Terms of Service](#) and [Privacy Policy](#)

To us this was bad — a lost opportunity and a signal of how Dallas too often trips over its own feet. We had no idea that City Hall would figure out how to turn a mistake into a mess.

Wellness for the Win

ADVERTISEMENT

The latest news is this: after the downzoning, City Hall went ahead and issued permits to build homes that didn't fit the new constraints that our representatives decided were appropriate.

ADVERTISEMENT

There are now 14 homes in various stages of construction that “do not comply with current zoning.” Another five permits were issued for homes not yet under construction and city staff “is working with those developers to bring those plans into compliance.”

What a humiliation for the city. The Elm Thicket rezoning was hugely controversial. It was covered in every major media outlet. Dozens of people showed up to speak out at City Hall. But somehow the folks in the planning department didn't get the memo.

The city cannot now require homeowners who have invested in construction to bear the costs of these errors.

Interim City Manager Kimberly Bizer Tolbert has sounded the right level of frustration. "We are committed to uncovering what led to these errors and to resolving them as quickly and fairly as possible to ensure compliance with zoning regulations while minimizing the disruptive impact on residents and builders," she said.

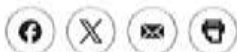
ADVERTISEMENT

She's promised that she will identify and address the systemic problem that led to this failure.

It's no secret Dallas' permitting department has not performed well in recent years. If Tolbert can get some accountability even in an interim role that will be a step forward.

But we need to be asking a deeper question, Dallas. Why are we telling people who want to invest in our city that their investment isn't welcome? It's the City Council's social engineering at the root of this mess. The rest of us are paying for it.

We welcome your thoughts in a letter to the editor. See the guidelines and [submit your letter here](#). If you have problems with the form, you can submit via email at letters@dallasnews.com



[Dallas Morning News Editorial](#). Dallas Morning News editorials are written by the paper's Editorial Board and serve as the voice and view of the paper. The board considers a broad range of topics and is overseen by the Editorial Page Editor.

editorialboard@dallasnews.com [@dmnooinion](https://twitter.com/dmnooinion)

TOP PICKS



Toll Trap
Inside the state's complex toll system



Deadly Fake
30 Days Inside Fentanyl's Grip on North Texas

10/10/2024



CITY OF DALLAS

June 25, 2024

Mr. Akber Meghani
5329 Northmoor Dr.
Dallas, TX 75229
akbermeghani@gmail.com

Via Email

RE: Project/Permit # 2211181039 and 2211181139

This letter serves as official notification that project 2211181039 and master permit 2211181139, for the construction of a new duplex at 6801 Tyree, Dallas, Texas 75209, were issued in error by the Development Services Department (DSD) are hereby revoked for the following reasons:

- Illegal Land Use per [Exhibit 67A](#) of [Planned Development No. 67](#).
- Structure exceeds the maximum allowed height for the district per Dallas Development Code [§ 51P-67.107\(c\)\(1\)](#).
- Non-compliant roof type per the design standards for Planned Development No. 67 per Dallas Development Code [§ 51P-67.107\(c\)\(3\)](#).

Next Steps:

Please reach out to Development Services to discuss any of the following options:

- **Option 1 – Board of Adjustment Administrative Official Appeal:** The Board of Adjustment is charged with the duty to hear and decide appeals from decisions of administrative officials made in the enforcement of the zoning ordinance of the city as listed in [51A-3.102\(d\)\(1\)](#) & [51A-4.703\(a\)\(2\)](#).
- **Option 2 – Submit New Permit:** Submit new plans and permit for a structure compliant with all [Planned Development No. 67](#) standards and conditions.

Please note, these options are provided as a means toward potential compliance and are not intended to constitute legal advice. Please do not hesitate to reach out to Jason Pool, Development Services Administrator, should you have any questions or require additional information.

Should the property owner choose not to take any of the above actions, this matter will be referred to the City's Department of Code Compliance for enforcement.



CITY OF DALLAS

This decision is final unless appealed to the Board of Adjustment in accordance with Section [51A-4.703\(a\)\(2\)](#) of the Dallas City Code within 20 days after written notice of the above action.

Thank you for your prompt attention to this matter.

A handwritten signature in blue ink, appearing to read 'Jason Pool'.

Jason Pool
Development Services Administrator
Land Development Division
214-948-4392
Jason.Pool@Dallas.gov

c: Andrew Espinoza, Director/Building Official
M. Samuel Eskander, Assistant Director
Vernon Young, Assistant Director
Michael Herron, Zoning Inspections Supervisor
Jill Haning, Assistant City Attorney

Christopher Christian, Director
Jeremy Reed, Assistant Director
Alfred Beecham, Manager
Stormy Gonzalez, Manager
Charlotte Riley, Assistant City Attorney

12:43



Dallas Home Building Inspection Home Offices Re

Electrical Inspection

Welcome, AKBER MEGHAN

Details Notes

2211181039 6801 TYREE ST

Inspection Called: Oct 3, 2023 Requested For: Oct 4, 2023

Trade Permit: 2211181039301 Electrical (EL)

Inspection Type: 314 T-Pole

Special Instructions:
JOSE CASTILLO (469) 254-7614

Inspection Results: Green Tag
T pole OK.

Reinspection Fee: 75 (None)

After Hours Total Time:

Send Electrical Release T-Pole

Trades Concealed

Building Electrical

Mechanical Plumbing Paving

Total Concealment Fee:

© 2001-2006 City of Dallas, To
Accessibility | Contact Us | P

AA elopdallas.dallascityhall.com



Inspection Passed: 220 Rough below floor level, DWV, water, etc.

12:44



Dallas Home Building Inspection Home Offices Rec

Plumbing Inspection

Welcome, AKBER MEGHAN

Details Checklist Notes

2211181039 6801 TYREE ST
Inspection Called: Feb 25, 2024 Requested Date: Feb 26, 2024
Inspection Type: 220 Rough below floor level, DWV, water, etc.
Trade Permit: 2211181039201 Plumbing (PL)
Special Instructions:

Inspection Results: Green Tag
Rough ok - PVC building drains with test, pex water distribution H105

Reinspection Fee: 75 (None)

After Hours Total Time:

Send Sewer Release (None)

Send Gas Release (None)

Trades Concealed

Building Electrical

Mechanical Plumbing Paving

Total Concealment Fee:

© 2001-2006 City of Dallas, Tex
Accessibility | Contact Us | Pi

AA elopdallas.dallascityhall.com



12:44



[Dallas Home](#) [Building Inspection Home](#) [Offices](#) [Records](#)

Plumbing Inspection

Welcome, AKBER MEGHANI -

Details Checklist Notes

2211181039 6601 TYREE ST
Inspection Cited: Feb 25, 2024 Requested Date: Feb 26, 2024
Inspection Type: 210 Utility service sewer-water-gas
Trade Permit: 2211181039201 Plumbing (PL)
Special Instructions:

Inspection Results: Green Tag
PVC tubding sewer with test ok, pex water service ok, no gas at this time. 14105

Reinspection Fee: 75 (None)

After Hours Total Time:

Send Sewer Release New - Single Family

Send Gas Release: (None)

Trades Concealed

Building Electrical
 Mechanical Plumbing Paving

Total Concealment Fee:

© 2001-2006 City of Dallas, Texas
[Accessibility](#) | [Contact Us](#) | [Privacy](#)

AA /relopdallas.dallascityhall.com



Inspection Passed: 323 (UFER) Concrete Encase Electrode

12:45



Dallas Home Building Inspection Home Off

Electrical Inspection

Welcome, AKBER

Details

Notes

2211181039

6801 TYREE ST

Inspection Called: Mar 6, 2024 Requested For: Mar 7, 2024

Trade Permit: 2211181039301 Electrical (EL)

Inspection Type: 323 (UFER) Concrete Encase Electrode

Special Instructions:

JOSE CASTILLO (469) 254-7614

Inspection Results: Red Tag

Fee Accessed no inspections at this time

Reinspection Fee: 75 (None)

After Hours Total Time

Send Electrical Release: (None)

Trades Concealed

Building Electrical

Mechanical Plumbing Paving

Total Concealment Fee :

© 2001-2006 City of
Accessibility | Contact

AA /elopardallas.dallascityhall.com



Inspection Passed: 120 Pier, Foundation, Excavation

12:46



[Dallas Home](#) [Building Inspection Home](#) [Offices](#) [Re](#)

[Building Inspection](#)

Welcome, AKBER MEGHA

Details **General** **Checklist** **Notes**

2211181039

6801 TYREE ST

Inspection Called: Mar 7, 2024 Requested For: Mar 8, 2024

Trade Permit: 2211181039101 Building (BU) NEW DUPLEX

Inspection Type: 120 Pier, Foundation, Excavation

Special Instructions:

Inspection Results: Red Tag
water in forms

Reinspection Fee: 75 (None)

After Hours Total Time:

Trades Concealed

Building Electrical

Mechanical Plumbing Paving

Total Concealment Fee:

© 2001-2006 City of Dallas, TX
[Accessibility](#) | [Contact Us](#) | [I](#)

AA /elopardallas.dallascityhall.com



Inspection Passed: 121 Zoning Foundation

12:46



[Dallas Home](#) [Building Inspection Home](#) [Office](#)

Building Inspection

Welcome, AKBER M

Details

Checklist

Notes

2211181039

6801 TYREE ST

Inspection Called: Mar 12, 2024 Requested For: Mar 13, 2024

Trade Permit: **2211181039251** Zoning (ZO)

Inspection Type: 121 Zoning Foundation

Special Instructions:

Inspection Results: Green Tag

Foundation ok

Reinspection Fee: 75 (None)

After Hours Total Time:

© 2001-2006 City of Dallas
[Accessibility](#) | [Contact](#)

AA /elopdallas.dallascityhall.com



12:46



[Dallas Home](#) [Building Inspection Home](#) [Offices](#) [Rec](#)

Building Inspection

Welcome, AKBER MEGHAN

Details **General** **Checklist** **Notes**

2211181019 6001 TYREE ST

Inspection Called: Mar 12, 2024 Requested For: Mar 13, 2024

Trade Permit: 2211181039101 Building (BU) NEW DUPLEX

Inspection Type: 120 Pier, Foundation, Excavation

Special Instructions:

after hours inspection

akber 214-395-3622

Inspection Results: Green Tag

Foundation ok

Reinspection Fee: 75 (None)

After Hours Total Time:

Trades Concealed

Building Electrical

Mechanical Plumbing Paving

Total Concealment Fee:

© 2001-2006 City of Dallas, Tex
[Accessibility](#) | [Contact Us](#) | [Pr](#)

AA /elopdallas.dallascityhall.com



Inspection Passed: 323 (UFER) Concrete Encase Electrode

electrical inspection

6801 TYRE

Details Notes

2211181039 6801 TYRE

Inspection Called: Mar 11, 2024 Requested For: Mar 12,

Trade Permit: 2211181039301 Electrical (EL)

Inspection Type: 323 (UFER) Concrete Encase Electrode

Special Instructions

JOSE CASTILLO (469) 254-7614

Inspection Results: Green Tag

Duplex 6801-03 Tyres

Ufer's are 5/8" rebar

Ufer for 6801 is Located at the left side front of house

Ufer for 6803 is Located at the right side front of house

Reinspection Fee: 75 (None)

After Hours Total Time:

Send Electrical Release: (None)

Trades Concealed

Building Electrical

Mechanical Plumbing Paving

Total Concealment Fee :

© 2001-2006 C

Accessibility | C

AA /elopardallas.dallascityhall.c

12:53



[Dallas Home](#) [Building Inspection Home](#) [Offices](#) [Records](#) [Newsletter](#) [Government](#)

Building Inspection

Welcome, **AKBER MEGHANI** • 4901-4903 NEWMORE LLP (BU)

Details **General** **Checklist** **Notes**

2211181039 4801 TYRRE ST
Inspection Call# Mar 12, 2024 Requested For Mar 13, 2024
Trade Permit 2211181039101 Building (BU) NEW DUPLEX
Inspection Type 120 Pier Foundation Excavation
Special Instructions
after hours inspection
call 214-595-2622
Inspection Results Green Tag
Foundation ok

Inspection Fee 75 None

After Hours Total Time

Trades Concealed

Building Electrical
 Mechanical Plumbing Paving

Total Concealment Fee

[More Info](#)

© 2001-2006 City of Dallas, Texas.

[Accessibility](#) | [Contact Us](#) | [Privacy Policy](#)

12:53



[Dallas Home](#) [Building Inspection Home](#) [Offices](#) [Records](#) [Newsletter](#) [Government](#)

Building Inspection **Welcome, AKBER MEGHANI - 4901-4903 NEWMORE LLP (BU)**

Details **Checklist** **Notes**

2211181039 4901 THREE ST
Inspection Called Mar 12, 2024 Requested For Mar 13, 2024
Trade Permit **2211181039251** Zoning (ZC)
Inspection Type 121 Zoning Foundation
Special Instructions

Inspection Results Green Tag
Foundation OK

Respection Fee: 75 (None)
After Hours Total Time

[Main Menu](#)

© 2001-2006 City of Dallas, Texas
[Accessibility](#) | [Contact Us](#) | [Privacy Policy](#)

Inspection Passed: 323 (UFER) Concrete Encase Electrode

12:54



[Dallas Home](#) [Building Inspection Home](#) [Offices](#) [Records](#) [Newsletter](#) [Government](#)
#Electrical Inspection **Welcome, AKBER MEGHANI - 4901-4903 NEWMORE LLP (BU)**

Details **Notes**

221181020 8801 TVM02 ST

Inspection Called: Mar 11, 2024 Requested For: Mar 12, 2024

Trade Permit: 22118100004 Electrical (E.L.)

Inspection Type: 323 (UFER) Concrete Encase Electrode

Special Inspector:

JOHN GASTON (409) 294 7414

Inspection Results: Green Tag

Diagrams: 8801.01 Types

Ufer's are 5/8" rebar

Ufer for 8801 is Located at the left side front of house

Ufer for 8802 is Located at the right side front of house

Noninspection Fee: 0 75 (None)

After Years Total Fees: (None)

Trade Completed:

Building Electrical

Mechanical Plumbing Paving

Total Commitment Fee:

[Back Home](#)

© 2001-2004 City of Dallas, Texas.
[Accessibility](#) | [Contact Us](#) | [Privacy Policy](#)

12:59



Dallas
Serving you!

[Dallas Home](#) [Building Inspection Home](#) [Office](#) [Records](#) [Newsletter](#) [Government](#)

Electrical Inspection **Welcome, AKBER MEGHANI - 4901-4903 NEWMORE LLP (BU)**

Details **History**

411183830 **4901-4903-01**

Inspection Called: Mar 01, 2024 Requested For: Mar 12, 2024

Trade Name: 4111838301 Electrical (E.I.)

Inspection Type: 314 T-Pole

Special Instructions:
4901-4903-01 4901-4903-01

Inspection Results: [View](#) [Top](#)
T-pole has 87 amp main breaker and 60-0 protection receptacles

Nonpayment Fee: No **Payment**

After Hours: **Not Done**

Send Equipment Removal: **T-Pole**

Trades Connected:

Building Electrical

Mechanical Plumbing HVAC

Seal/Conductance Fee

[View History](#)

12:59



Dallas Home Building Inspection Home Offices Records Newsletter Government

Electrical Inspection Welcome, AKBER MEGHANI - 4901-4903 NEWMORE LLP (BU)

Details **Notes**

211181628 4901-4903 NT
Inspection Called: Oct 8, 2022 Requested For: Oct 8, 2022
Trade Permit: 2271181628000 Electrical (E)
Inspection Type: 314 T-Pole
Special Instructions:
AKBER MEGHANI (AKBER) 4901-4903

Inspection Results: Green Tag
T-pole OK

Remediation Fee: No (None)

48hr Heavy Tag Fee

Send Electrical Permits 1-Pole

Trades Connected

Building Electrical

Mechanical Plumbing Other

Total Commitment Fee

[Back Home](#)

12:59



Dallas Home Building Inspection Home Offices Records Newsletter Government
Plumbing Inspection Welcome, AKBER MEGHANI - 4901-4903 NEWMORE LLP (BU)

Details Checklist Notes

2211181022 601 THREE ST
Inspection Date Feb 25 2024 Requested Date Feb 26 2024
Inspection Type 210 Utility service sewer-water-gas
Trade Permit 221118102201 Plumbing (P)
Special Instructions

Inspection Results Green Tag
PVC building sewer with test ok, gas water service ok, no gas at this time 18105

Reinspection Fee 25 (None)

After Hours Total Time
Send Sewer Release None - Single Family
Send Gas Release (None)

Trades Contacted
 Plumbing Electrical
 Mechanical Plumbing Paving
Total Consultation Fee

View More

Inspection Passed: 220 Rough below floor level, DMW, water, etc.

1:00



[Dallas Home](#) [Building Inspection Home](#) [Offices](#) [Records](#) [Newsletter](#) [Government](#)

[Plumbing Inspections](#) **Welcome, AKBER MEGHANI - 4901-4903 NEWMORE LLP (DU)**

Details | **Education** | **Notes**

2211818333 4901-4903 ST
 Inspection Category: **Rough** | Requested Date: **Feb 26, 2014**
 Inspection Type: **220 Rough Below Floor level, DMW, water, etc.**
 Trade Permit: **2211818333 Plumbing (PL)**
 Special Instructions:

Inspection Results: **Green Tag**
 Rough: **OK** - PVC building drains with test, per code distribution of 100

Resignation Fee: No **Yes**
 After Hours Test Date:
 Send Test Results: Paper **Phone**
 Send Test Results: Paper **Phone**

Trades Consented
 Plumbing Electrical
 Mechanical **Plumbing** **Plumbing**
 See Government Fee

[View Notes](#)

© 2001-2008 City of Dallas, Texas
[Accessibility](#) | [Contact Us](#) | [Privacy Policy](#)

September 9, 2024

Via Email to BDA Secretary

Board of Adjustment, Panel A
320 E. Jefferson Blvd., Rm. 210
Dallas, Texas 75203

Re: BDA 234-101: Appeal of Administrative Official Decision

Dear Board Members:

This is the administrative official's amended response to Akber Meghani's (the "Applicant") appeal of the administrative official's decision that permits numbered 2211181039 and 221118119 were issued in error and are invalid for a partially built duplex at P, Dallas, Texas 75209 (the "Property¹").

I. BACKGROUND

The Property is located in a planned development ("PD") district called the Elm Thicket - Northpark Neighborhood or PD 67 ("PD 67"). Dallas, Tex., Code §51P-67.101-02. The purpose of PD zoning is to provide flexibility in the planning and construction of development projects by allowing a combination of land uses developed under a uniform plan that protects contiguous land uses and preserves significant natural features. *Id.* at §51A-4.702(a)(1). Also, a PD may contain any use or combination of uses. *Id.* at §51A-4.702(a)(1).

On May 24, 1976, the Dallas City Council first established PD 67 and has amended PD 67 numerous times, with the latest amendment occurring on October 12, 2022, as Ordinance No. 32324. Ordinance 32324 incorporated a new land use map attached as Exhibit 67A ("land use map"). The land use map designated the uses for the tracts in PD 67 as of July 27, 2022. (*See* Exhibit A).

Applicant intends to build a duplex on the Property. However, the land use specified for the lot is for a single family home, not a duplex. (*See* Exhibit A.) When Applicant applied for a permit to build the duplex on the Property on November 18, 2022, the tract was zoned only for a single family home. Still, an error was made and Development Services (now known as Planning and Development) ("Department") approved the plans and issued the permits to the Applicant for the duplex use.

The Department believes little or no construction took place on the Property until the end of summer 2023. Construction commenced, but on June 25, 2024, a letter was issued by the

¹ Applicant appealed the matter as 6801 Tyree, Dallas, Texas. The original residential structure was designated by the City with the address 6803 Tyree. Because Applicant applied to build a duplex, 6801 Tyree was created for one half of the duplex, while the other is located at 6803 Tyree.

Department's administrator to Applicant revoking the permit. Applicant stopped construction and the structure is approximately fifty percent complete.

There were three reasons stated for the revocation:

- Illegal land use per Exhibit 67A of PD 67;
- The structure exceeds the maximum allowed height for the district, *see* Dallas, Tex., Code §51P-67.107(c)(1); and
- The roof type is not compliant with the design standards, *see id.* at §51P-67.107(c)(3).

(*See* Exhibit C).

In addition, Applicant is not compliant with the lot coverage requirements of PD 67. The Department requested Applicant either file an appeal with the Board of Adjustment (“BDA”) appealing the decision of the administrative official to revoke the permit or submit new plans and permit for a structure compliant with PD 67. This appeal was filed on June 27, 2024, asking the BDA to reverse the decision revoking the permit.

II. BURDEN OF PROOF

“The applicant has the burden of proof to establish the necessary facts to warrant favorable action of the board.” Dallas, Texas, Code §51A-4.703(d)(1).

III. DISCUSSION AND ARGUMENT

In this appeal, Applicant seeks to overturn the administrative official's decision to revoke Applicant's permit. However, there is no dispute that the permit was issued in error by the Department. The Applicant may make two arguments in support of his request: (1) construction has already begun, so the City is no longer allowed to enforce its laws; and (2) the Applicant was unaware of the zoning change. Under state and local law these are not permissible justifications for allowing the construction of a noncompliant structure to be completed.

The approval of the plans by the Department did “not permit the violation of any city ordinance or state law.” (*See* Exhibit B - 001). Further, the Dallas Code provides that issuance of a permit or approval of plans “shall not be construed to be a permit for, or an approval of, any violation of any provision of the codes or of any other city ordinance.” Dallas, Tex., Code ch. 52, § 302.4. The code further provides: “Any permit presuming to give authority to violate or cancel any provision of the codes or any other city ordinance shall not be valid.” *Id.* Issuance of a permit based on plans, specifications, or other data does not prevent the administrative official “from preventing building operations being carried on when in violation of the codes or of any other city ordinance.” *Id.* The code directs the building official to “suspend or revoke a permit . . . if he or she determines that the permit was issued in error or . . . in violation of any city ordinance or regulation or any provision of this chapter or the codes.” *Id.* § 302.6.1.

In cases similar to this one, the Texas Supreme Court determined that “[t]he mere issuance of a building permit does not render a city's zoning ordinances unenforceable.” *City of Dallas v.*

Vanesko, 189 S.W.3d 769, 774 (Tex. 2006) (the basis for such a ruling is that if this were not the case, the city would never be able to correct errors in the permitting process.) The Applicant is responsible for knowing the rules and regulations in the development of the lot.

There is evidence that Applicant knew about the zoning changes.² On July 18, 2022, Applicant submitted to the City an affidavit dated May 30, 2002, opposing the zoning change to PD 67. (See Exhibit D). Additionally, in an interview on August 15, 2024, Applicant indicated that he was aware of the zoning change because he was “a part of that one” and “knew it, and [he] participated, even to go to the city hall.” (See Exhibit E).

Because the Applicant applied for his permit after Ordinance 32324 was effective, Applicant must comply with the following current zoning regulations in that ordinance:

a. PD 67 prohibits a duplex use on Applicant’s lot.

Exhibit 67A specifically excludes any use other than single family use on the lot being developed by the Applicant. (See Exhibit A). Therefore, Applicant should refine its plans for the lot to develop a single family home.

b. The maximum structure height in PD 67 is 25 feet.

Applicant plans for the maximum height of the duplex to be 26 feet 6 inches from grade. (See Exhibit B – 004). Therefore, Applicant should refine its plans to lower the height of the roof of the structure. Dallas, Tex., Code §51P-67.107(c)(1) (limiting the height of a structure to 25 feet.)

c. The planned roof structure is not compliant with PD 67.

Applicant plans for the roof structure to be flat. (See Exhibit B – 004, 006). Therefore, Applicant should refine its building plans so the roof is hip and gable. Dallas, Tex., Code §51P-67.107(c)(3) (limiting the roof structure to hip and gable if the height of a roof is above 20 feet.)

d. The planned lot coverage of the structure is not compliant with PD 67.

The plans indicate that the lot coverage of the building structure is going to be 45 percent:

CALCUALTIONS	
TOTAL LOT AREA	4250 SF.
TOTAL BUILDING AREA	2851 SF.
TOTAL BUILDING COVERAGE	45.7 %

(See Exhibit B – 001). However, PD 67 allows the maximum lot coverage to be 40 percent for residential structures. Dallas, Tex., Code §51P-67.107(c)(2) (the maximum lot coverage is 40 percent.)

² City staff provided notice to 2,382 property owners of the zoning change including 4901 4903 Newmore LLP, the owner of the Property. (See Exhibit F, excerpt for the City Council case report for October 12, 2022 that can be found at: <https://cityofdallas.legistar.com/View.ashx?M=F&ID=11272555&GUID=89E18B08-EB78-4F59-B099-A3B2703A31D1>)

Accordingly, Applicant cannot meet his burden to establish the facts necessary to overturn the decision to revoke his building permits.

IV. CONCLUSION

The administrative official correctly determined that the Permits were issued in error. Applicant should refine his development plans for the lot so that the structure is compliant with the single family use requirement. Further, Applicant should comply with PD 67's requirements for the height of the structure, roof structure, and lot coverage.

Very truly yours,

Justin H. Roy
Assistant City Attorney
214-671-1593
justin.roy@dallas.gov

Exhibit A



PD 67 (TRACT 3)

- E - 20'
- S - 5'
- R - 10'
- LT - 30'
- LOT - 60%
- D - 4'

MINIMUM 2 MEDIUM OR LARGE TREES REQUIRED

NO.	REMARKS
01	Large Trees
02	Large Trees
03	Large Trees
04	Large Trees

SUBJECT TO FIELD INSPECTOR'S APPROVAL

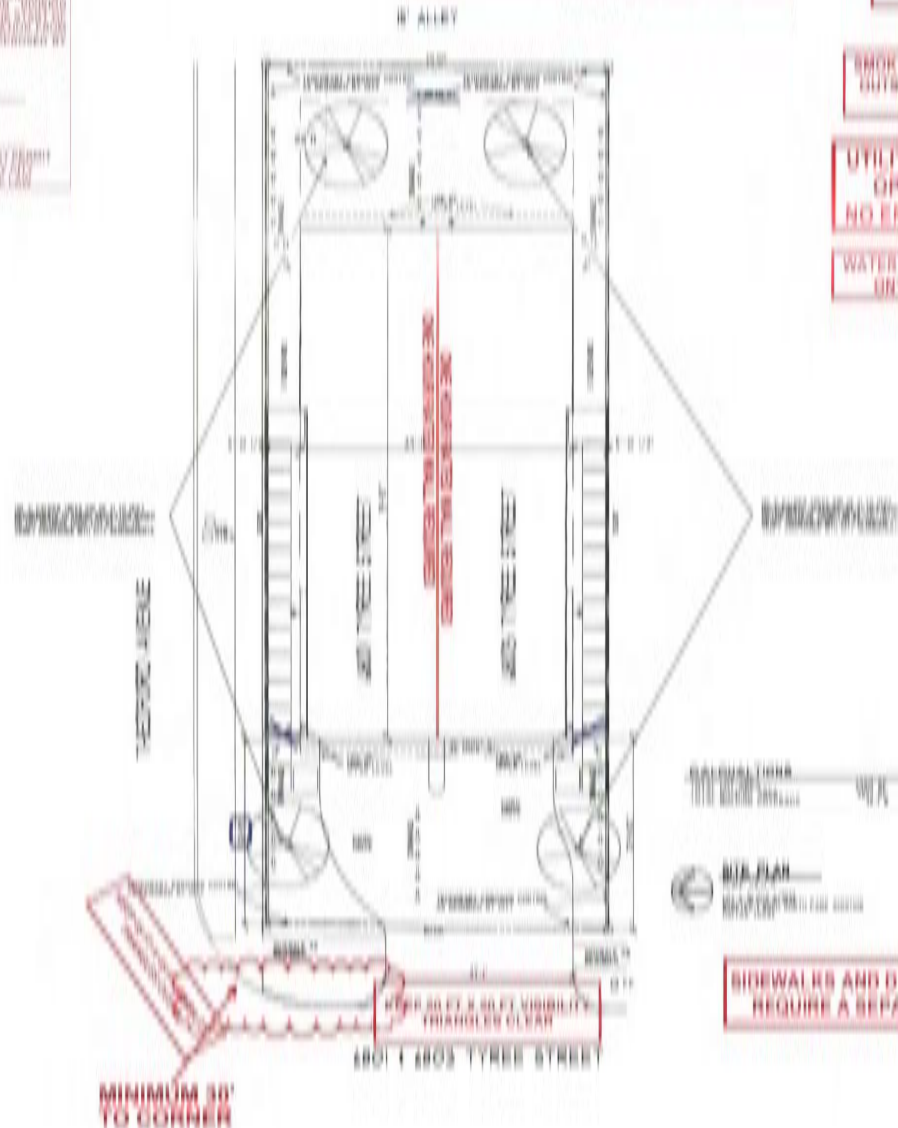
A PERMIT IS BEING SUBMITTED FOR WASTE/WASTEWATER UTILITIES. YOU ARE RESPONSIBLE TO VERIFY THAT UTILITIES ARE AVAILABLE FOR THE PROPERTY. IF UTILITIES ARE NOT AVAILABLE FOR THE SITE, THE CITY OF DALLAS IS NOT RESPONSIBLE.

NOTICE
CHECK FOR PRIVATE DEED RESTRICTIONS FILE AT COUNTY OFFICE

SMOKE DETECTORS REQUIRED IMMEDIATELY OUTSIDE ALL SLEEPING AREAS AND AT ALL FLOOR LEVELS

UTILITY EASEMENT MUST REMAIN OPEN AND UNOBSTRUCTED. NO ENCROACHMENTS PERMITTED

WATER SHALL NOT BE REDIRECTED TO DRAIN INTO ADJACING PRIVATE PROPERTY



SIDEWALKS AND DRIVE APPROACH REQUIRE A SEPARATE PERMIT

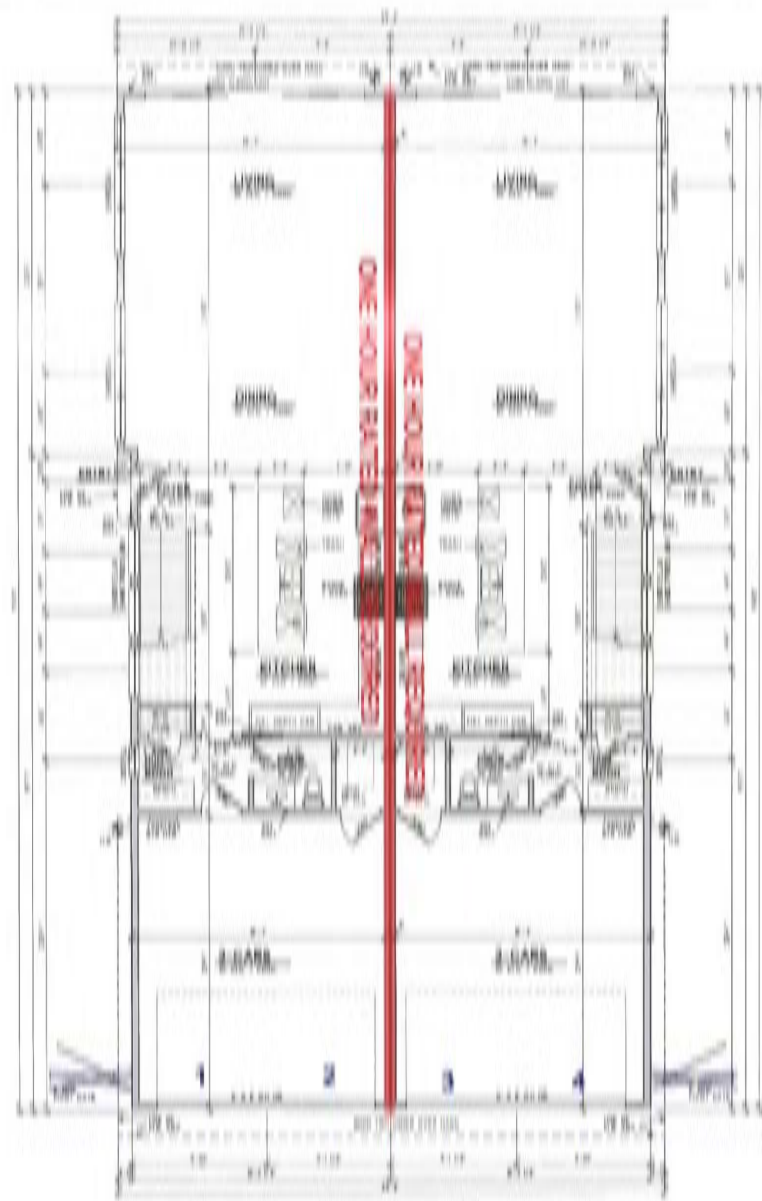
11050
11051
11052
11053
11054
11055
11056
11057
11058
11059
11060
11061
11062
11063
11064
11065
11066
11067
11068
11069
11070
11071
11072
11073
11074
11075
11076
11077
11078
11079
11080

A DOUBLE OR
1801 + 1805 TYREE STREET
11077

ROSSON
DESIGN
ARCHITECTURE

11077

SUBJECT TO FIELD INSPECTOR'S APPROVAL



4803 TYRRE STREET

AREA	NO. FT.
4803 TYRRE	1
4803 TYRRE	1

4803 TYRRE STREET

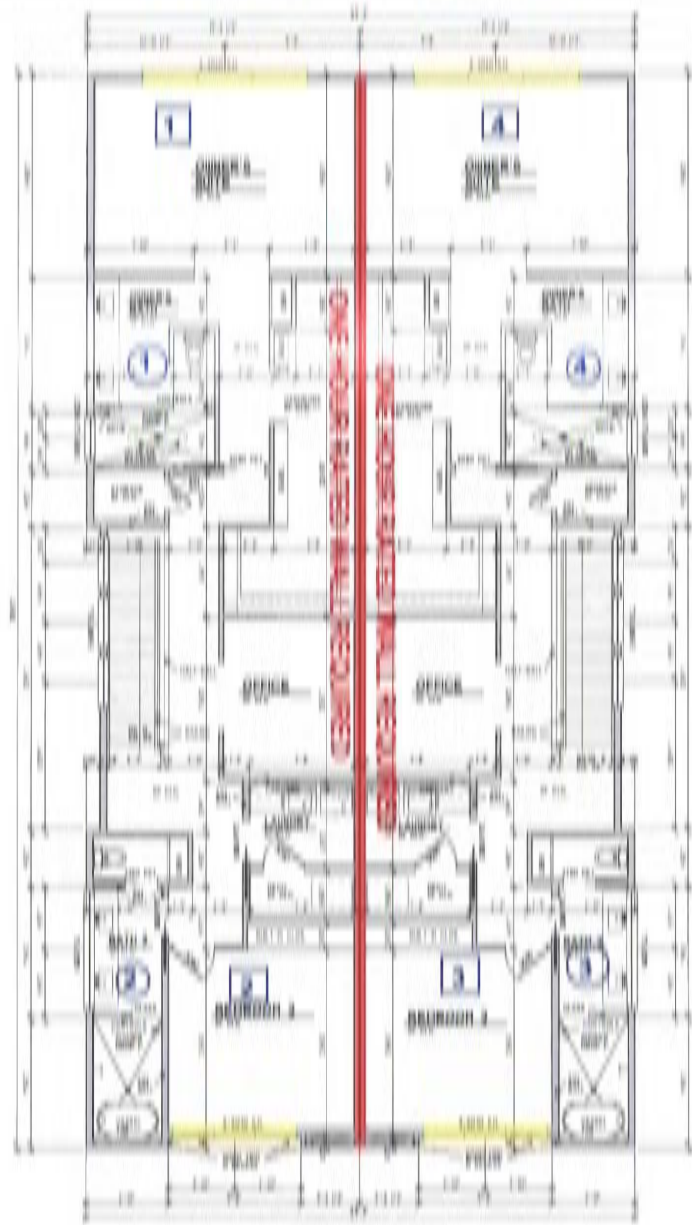
AREA	NO. FT.
4803 TYRRE	1
4803 TYRRE	1

1/11/2002
LA/ARCHITECTURE

LOWER LEVEL FLOOR PLAN

RUSSELL R. ROBERTS
 LICENSE NO. 10000
 STATE OF CALIFORNIA
 REGISTERED PROFESSIONAL ENGINEER
 CIVIL ENGINEERING
 4803 TYRRE STREET
 4803 TYRRE STREET
 4803 TYRRE STREET

SUBJECT TO FIELD INSPECTOR'S APPROVAL



SEE SUPPLEMENTAL SHEETS

SECOND LEVEL FLOOR PLAN

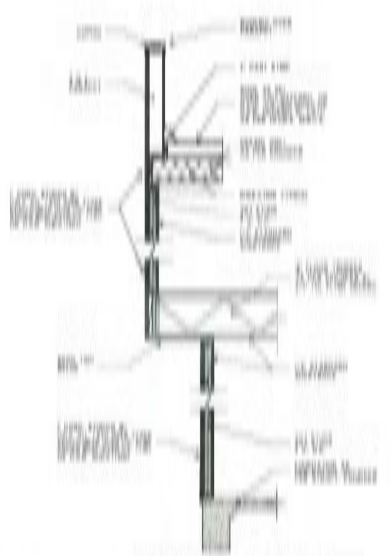
11/11/2011

RUSSON DESIGN GROUP

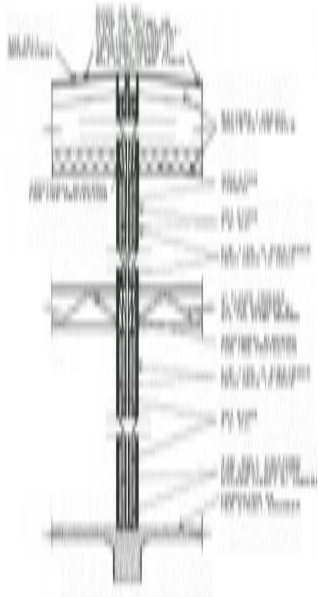
A DEPENDENT CORPORATION OF
ARON & ARON THREE STREET
PHILADELPHIA, PA 19106

NO. 1111
REV. 11/11/2011

11/11/2011



EXTERIOR WALL SECTION 'A'



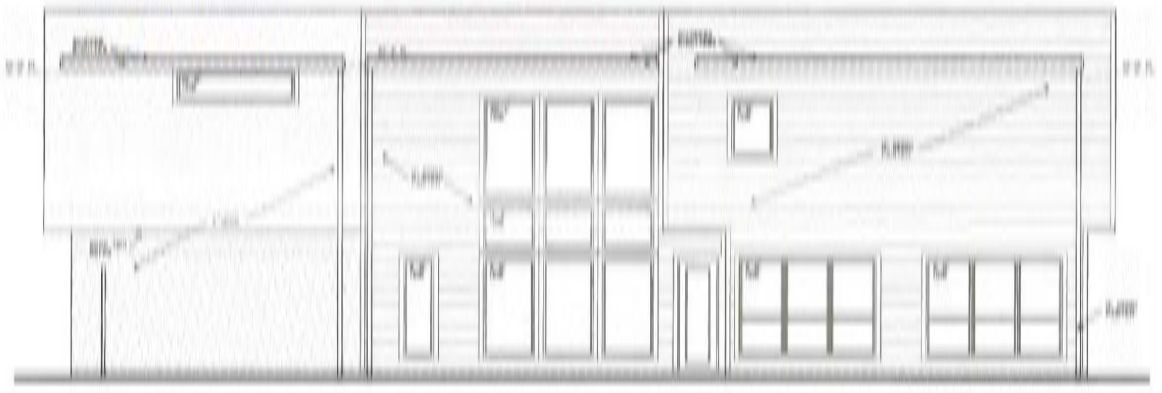
PARTY WALL SECTION
CROSS SECTION THROUGH PARTY WALL



EXTERIOR WALL SECTION 'B'

26' 6" GRADE TO TOP
36' MAX HEIGHT

SUBJECT TO FIELD INSPECTOR'S APPROVAL



RIGHT SIDE ELEVATION

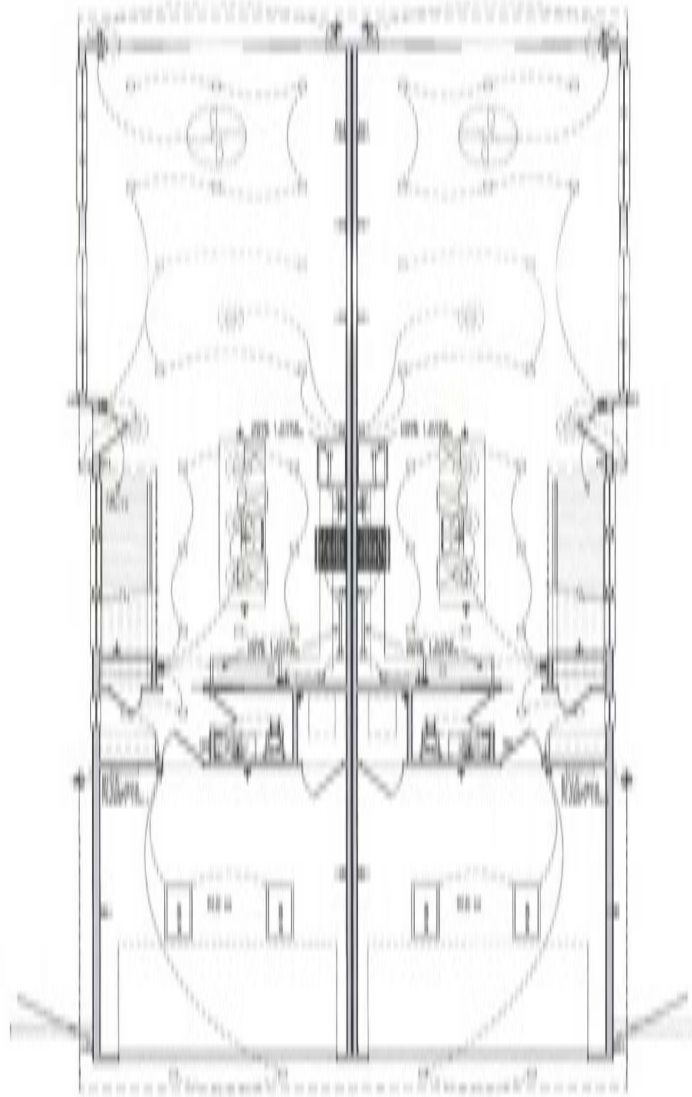


LEFT SIDE ELEVATION

SHEET NO. 101
 DATE 10/11/13
 PROJECT NO. 13-0001
 ADDRESS: 1401 W. 14TH STREET, DENVER, CO 80202
 ARCHITECT: ROSSON ARCHITECTURE
 SCALE: 1/8" = 1'-0"
 11/13/13

SUBJECT TO FIELD INSPECTOR'S
APPROVAL

SMOKE DETECTORS REQUIRED IMMEDIATELY
OUTSIDE ALL SLEEPING AREAS AND AT ALL
FLOOR LEVELS



ELECTRICAL NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND THE NATIONAL FIRE ALARM AND SIGNAL CODE (NFPA 72).

2. ALL WIRING SHALL BE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND THE NATIONAL FIRE ALARM AND SIGNAL CODE (NFPA 72).

3. ALL WIRING SHALL BE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND THE NATIONAL FIRE ALARM AND SIGNAL CODE (NFPA 72).

ELECTRICAL SYMBOLS

○	OUTLET
□	SWITCH
○	SMOKE DETECTOR
○	STAIR LIGHT
○	STAIR WALK-DOWN LIGHT
○	STAIR HANDRAIL LIGHT
○	STAIR WALK-DOWN LIGHT
○	STAIR HANDRAIL LIGHT
○	STAIR WALK-DOWN LIGHT
○	STAIR HANDRAIL LIGHT
○	STAIR WALK-DOWN LIGHT
○	STAIR HANDRAIL LIGHT

LOWER LEVEL ELECTRICAL PLAN

DATE: 11/11/11
BY: [Signature]
REVISIONS:
NO. 1
DATE 11/11/11
REVISIONS:
1. [Description]
2. [Description]
3. [Description]
4. [Description]
5. [Description]
6. [Description]
7. [Description]
8. [Description]
9. [Description]
10. [Description]
11. [Description]
12. [Description]
13. [Description]
14. [Description]
15. [Description]
16. [Description]
17. [Description]
18. [Description]
19. [Description]
20. [Description]
21. [Description]
22. [Description]
23. [Description]
24. [Description]
25. [Description]
26. [Description]
27. [Description]
28. [Description]
29. [Description]
30. [Description]
31. [Description]
32. [Description]
33. [Description]
34. [Description]
35. [Description]
36. [Description]
37. [Description]
38. [Description]
39. [Description]
40. [Description]
41. [Description]
42. [Description]
43. [Description]
44. [Description]
45. [Description]
46. [Description]
47. [Description]
48. [Description]
49. [Description]
50. [Description]
51. [Description]
52. [Description]
53. [Description]
54. [Description]
55. [Description]
56. [Description]
57. [Description]
58. [Description]
59. [Description]
60. [Description]
61. [Description]
62. [Description]
63. [Description]
64. [Description]
65. [Description]
66. [Description]
67. [Description]
68. [Description]
69. [Description]
70. [Description]
71. [Description]
72. [Description]
73. [Description]
74. [Description]
75. [Description]
76. [Description]
77. [Description]
78. [Description]
79. [Description]
80. [Description]
81. [Description]
82. [Description]
83. [Description]
84. [Description]
85. [Description]
86. [Description]
87. [Description]
88. [Description]
89. [Description]
90. [Description]
91. [Description]
92. [Description]
93. [Description]
94. [Description]
95. [Description]
96. [Description]
97. [Description]
98. [Description]
99. [Description]
100. [Description]

IN COMPLIANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND THE NATIONAL FIRE ALARM AND SIGNAL CODE (NFPA 72).

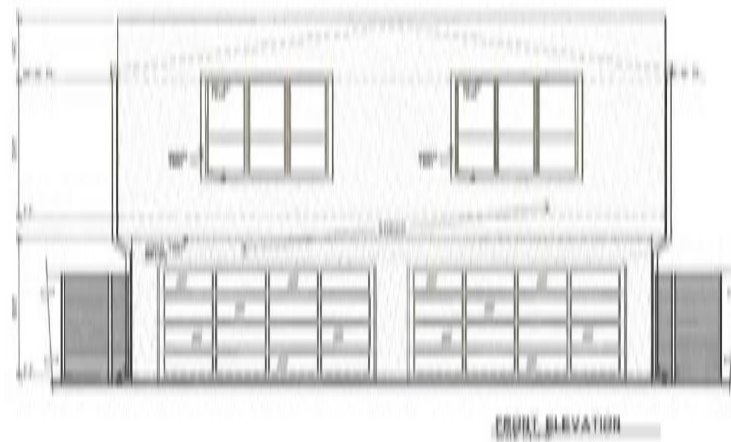
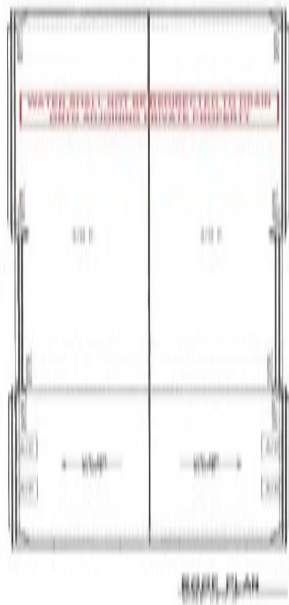
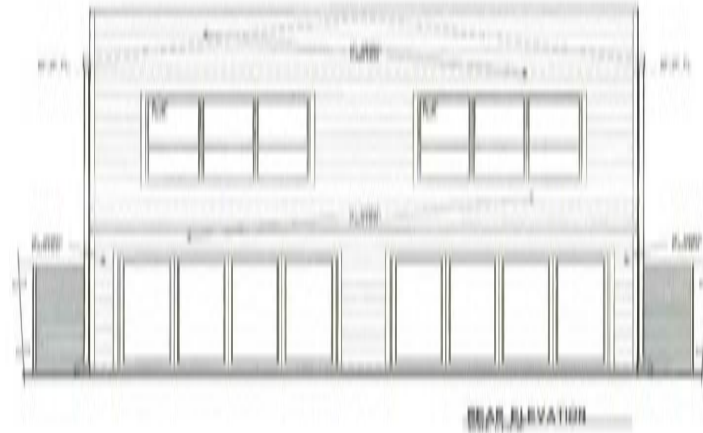
ROSSI
ELECTRICAL

11/11/11

11/11/11

28' 6" GRADE TO TOP
36' MAX HEIGHT

SUBJECT TO FIELD INSPECTOR'S
APPROVAL



DATE: 06/11/2018
TIME: 10:11
PROJECT: 1801 AND TREE STREET
1801 AND TREE STREET
1801 AND TREE STREET
1801 AND TREE STREET

A DISPLAY OF
ROSSIGNOL
WOODWORK

1801 AND TREE STREET
1801 AND TREE STREET
1801 AND TREE STREET

June 25, 2024

Mr. Akber Meghani
5329 Northmoor Dr.
Dallas, TX 75229
akbermeghani@gmail.com

Via Email

RE: Project/Permit # 2211181039 and 2211181139

This letter serves as official notification that project 2211181039 and master permit 2211181139, for the construction of a new duplex at 6801 Tyree, Dallas, Texas 75209, were issued in error by the Development Services Department (DSD) are hereby revoked for the following reasons:

- Illegal Land Use per [Exhibit 67A](#) of [Planned Development No. 67](#).
- Structure exceeds the maximum allowed height for the district per Dallas Development Code [§ 51P-67.107\(c\)\(1\)](#).
- Non-compliant roof type per the design standards for Planned Development No. 67 per Dallas Development Code [§ 51P-67.107\(c\)\(3\)](#).

Next Steps:

Please reach out to Development Services to discuss any of the following options:

- **Option 1 – Board of Adjustment Administrative Official Appeal:** The Board of Adjustment is charged with the duty to hear and decide appeals from decisions of administrative officials made in the enforcement of the zoning ordinance of the city as listed in [51A-3.102\(d\)\(1\)](#) & [51A-4.703\(a\)\(2\)](#).
- **Option 2 – Submit New Permit:** Submit new plans and permit for a structure compliant with all [Planned Development No. 67](#) standards and conditions.

Please note, these options are provided as a means toward potential compliance and are not intended to constitute legal advice. Please do not hesitate to reach out to Jason Pool, Development Services Administrator, should you have any questions or require additional information.

Should the property owner choose not to take any of the above actions, this matter will be referred to the City's Department of Code Compliance for enforcement.

Exhibit C

This decision is final unless appealed to the Board of Adjustment in accordance with Section [51A-4.703\(a\)\(2\)](#) of the Dallas City Code within 20 days after written notice of the above action.

Thank you for your prompt attention to this matter.



Jason Pool
Development Services Administrator
Land Development Division
214-948-4392
Jason.Pool@Dallas.gov

c: Andrew Espinoza, Director/Building Official
M. Samuel Eskander, Assistant Director
Vernon Young, Assistant Director
Michael Herron, Zoning Inspections Supervisor
Jill Haning, Assistant City Attorney

Christopher Christian, Director
Jeremy Reed, Assistant Director
Alfred Beecham, Manager
Stormy Gonzalez, Manager
Charlotta Riley, Assistant City Attorney

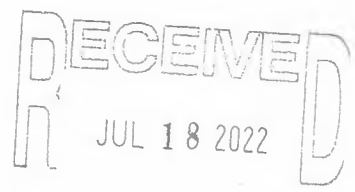
AFFIDAVIT OF OWNERSHIP AND PROTEST



THE STATE OF TEXAS)
COUNTY OF DALLAS)

Before me, the undersigned authority, on this day personally appeared Akber Meghani (If owner is not an individual): of who being duly sworn by stated under oath as follows:

- 1. Zoning Case Number: Z167-395
2. Date and time that this affidavit is being executed: May 30, 2022 at 11:10 a.m.



By

I (We) am (are) the sole owner(s) of the following described property (properties), to wit: (Please list all addresses that you own within the area of request or the notification area)

6920 Victoria Ave. Dallas TX 75209

My (our) property is located within the area of request or the area of notification for the above zoning case.

I (We) hereby oppose the change in the zoning district classification or boundary being requested in the zoning case mentioned above.

- Property owner (checked)
Authorized by a power of attorney
Representing a majority of property owners
President/Vice President
General Partner
Attorney in fact
Governing body/condo*
Individual owner/condo**

* I am authorized to sign by the governing body of the condominium in accordance with its bylaws
** A condominium unit owner must enclose a copy of the legal document that gives the individual owner the right to act separately from the governing body.

I (We) swear that all of the above information is within my (our) personal knowledge and true and correct. (Insert ownership entity name if not an individual):

Signature of Akber Meghani, President

By: Affiant: Title:

5329 North Northmoor Dr Dallas TX 75298

Mailing Address

SWORN TO AND SUBSCRIBED BEFORE ME on the 30 day of May 2022



NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
My commission Expires: 02/15/2026

Faxes or photocopies of signatures will not be accepted
It is a crime to knowingly submit a false government record. (Texas Penal Code §37.10)

Exhibit D

[Watch Live](#)

Dallas City Hall mistake could cost Elm Thicket developer nearly half a million dollars

By Lori Brown | Published August 15, 2024 5:39pm CDT | Dallas | FOX 4 |

City approves permit in violation of zoning rules

The city approved 19 building permits in violation of the Elm Thicket zoning restrictions. But with the city now ordering a stop to ongoing construction, developers are facing potentially huge financial setbacks.

DALLAS - A mistake by the city of Dallas has homeowners in a historic neighborhood frustrated and developers facing potentially huge financial setbacks.

It turns out the city issued 19 building permits in violation of the Elm Thicket neighborhood's zoning restrictions.

One developer says stopping construction now would be catastrophic for business and is appealing the city's order to stop work.

Mimi and Gus Perez have lived in Elm Thicket, also known as Ellum Thicket, for nearly 30 years.

"When the area was starting to really thrive, segregation was the rule of thumb. You had overt racism and, of course, redlining," Gus explained. "And that's where our neighbors, the legacy neighbors, were told they had to live by the city, by the government, essentially."

Exhibit E

Now, instead of the government forcing Black people to live in the neighborhood, some are worried new developments will be forcing Black and brown people out.

"The new homes are easily more than \$1 million in price. You can still get a cottage for anywhere between \$500,000 and \$800,000," Mimi said. "Is that workforce housing? I don't know. But I know it's not \$1.5 million."

Concerned about the character of the former Freedmen's Town, the Perez family fought several years ago for zoning changes to protect the quality of life there.

"Your home that you've lived in your entire life, you're not going to have a 36-foot wall next to you," Mimi said. "You can look out your kitchen window and still see sky instead of a brick wall."

On October 12, 2022, the new zoning rules took effect.

"It was a very well-publicized zoning case," Mimi said.

But neighbors continued to see homes that appeared to violate the new restrictions on duplexes, height and lot coverage.

"They were saying no violation found, and we're pulling our hair out," Gus said. "I was on that committee saying, 'here are the restrictions.' I know that's a violation of our restrictions. How can this pass?"

Eventually, city officials figured out they never updated the land use map at the city hall.

The city found that 19 building permits were issued despite the restrictions. Of those, construction had already started on 14 homes.

One of the developers caught up in this is Akber Meghani with Grand Development. He said he was aware of the zoning change.

"We were a part of that one. We knew it, and we participated, even to go to the city hall, also," he said.

A month after the new zoning took effect, Meghani applied for a duplex permit which was approved. He said he trusted the city knew what it was doing when it approved the permit.

"The city is supposed to be their police. They are supposed to check and deny or approve," he said.

After beginning construction in January costing \$500,000, Meghani received some surprising news.

"All of a sudden, we got an inspector came and put up the stop work order on the building," he said. "I thought it will be cleared up fast because we had a permit. We didn't do anything wrong. We had a permit, and we were following those things.

Each duplex was expected to sell for between \$850,000-\$950,000 in December. Now, three months have gone by with construction at a standstill.

In addition to the duplex, the height and lot size coverage are also violations.

"We already have foundation, already framed, I don't know how to reduce those things. It cannot happen," Meghani said.

"It's a shame that we're having to go through this. Again, our position is any fix, correction to the mistake that was made by the city is between the city and the builders. It should not be at the expense of our neighbors who fought really hard to get those restrictions put in place.

If Meghani is not granted an exception, he says his only choice will be to tear the construction down. His hearing before the board of adjustment is set for Tuesday.

This material may not be published, broadcast, rewritten, or redistributed. ©2024 FOX Television Stations

05/11/2022

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	6910 WEBSTER ST	CALIX MANUEL &
28	6906 WEBSTER ST	HENRY NELSON C &
29	6902 WEBSTER ST	MUALCIN LLC
30	6832 WEBSTER ST	GREAT INVESTMENTS LLC
31	6830 WEBSTER ST	NUYNH TAN THI
32	6826 WEBSTER ST	AMINI RAMINI
33	6822 WEBSTER ST	LUCKETT ALMA SWEET
34	6818 WEBSTER ST	CRUZ JOSE & MARIA SARA
35	6812 WEBSTER ST	J C LEASING LLP
36	6810 WEBSTER ST	BUSTAMANTE VICENTE
37	6802 WEBSTER ST	ATAO MARIA &
38	6803 TYREE ST	4901 4903 NEWMORE LLP
39	6805 TYREE ST	LY NHON VAN
40	6811 TYREE ST	LOPEZ SAUL ISRAEL
41	6815 TYREE ST	ZERFAS RENE
42	6817 TYREE ST	MORENO GENARO &
43	6823 TYREE ST	LCD 6823 TYREE LLC
44	6827 TYREE ST	SANCHEZ RAUL JR &
45	6831 TYREE ST	BROWER DOUGLAS
46	6835 TYREE ST	BARRERA DINA
47	6903 TYREE ST	ORDAZ GUSTAVO
48	6907 TYREE ST	LOPEZ MANUEL & LETICIA
49	6911 TYREE ST	SOTO JOSE R
50	6915 TYREE ST	Taxpayer at
51	6917 TYREE ST	TVC FUNDING IV LLC
52	6923 TYREE ST	MEZA JAIME & MARGARITA
53	6925 TYREE ST	DERIS INTERESTS LLC
54	6931 TYREE ST	SILVA JOSE & LETICIA
55	6902 MABEL AVE	MONTELUPO LLC
56	6824 MABEL AVE	TOVAR ODILON H
57	6814 MABEL AVE	TURNER MARY R ESTATE OF

FILE NUMBER: BDA234-101_FR1

BUILDING OFFICIAL'S REPORT: Application of Akber Meghani to appeal the decision of the administrative official at 6801 Tyree St. This property is more fully described as Block C/2595, Lot 18, and is zoned PD-67, which requires compliance with Planned Development No. 67 land use and development standards.

LOCATION: 6801 Tyree St.

APPLICANT: Akber Meghani

REQUESTS:

The applicant is requesting a fee reimbursement for fees paid for the application submitted to appeal the decision of the administrative official at 6801 Tyree Street which will appear before Panel A on August 20, 2024.

STANDARD FOR A FEE WAIVER OR REIMBURSEMENT:

Section 51A-1.105(b)(6) of the Dallas Development Code specifies the board of adjustment may waive the filing fee if the board finds that payment of the fee would result in substantial financial hardship to the applicant. The applicant may either pay the fee and request reimbursement at the hearing on the matter or request that the issue of financial hardship be placed on the board's miscellaneous docket for predetermination. If the issue is placed on the miscellaneous docket, the applicant may not apply to the merits of the request for a waiver have been determined by the board. In making this determination, the board may require the production of financial documents.

STAFF RECOMMENDATION:

The staff does not make a recommendation on fee waiver requests since the standard is whether the board finds that payment of the fee would result in substantial financial hardship to the applicant.

FILE NUMBER: BDA234-108(BT)

BUILDING OFFICIAL'S REPORT: Application of Jeff Boyum for **(1)** a variance to the front-yard setback regulations at **5601 URSULA LN**. This property is more fully described as Block B/5507, Lot 12 and is zoned R-1/2ac(A), which requires a front-yard setback of 40-feet along Ursula Ln. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 38-foot front-yard setback along Ursula Ln. measured to the step/landing, which will require **(1)** a 2-foot variance to the front-yard setback regulations.

LOCATION: 5601 Ursula Ln.

APPLICANT: Jeff Boyum

REQUEST:

- (1) A request for a variance to the front-yard setback regulations.

STANDARDS OF REVIEW FOR A VARIANCE:

Section 51A-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.

ELEMENT II SUBSTITUTE:

Dallas Development Code §51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

- (i) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 of the Texas Tax Code.

- (ii) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
- (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (v) the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:

Variance:

Denial

Rationale: Based upon evidence presented and provided by the applicant, staff concluded that the site is:

- A. Not contrary to the public interest as no letters of opposition were received.
- B. Lot is **not** restrictive in area, shape, or slope; it is a corner lot with two platted setbacks; however, it can be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Not self-created nor is it a personal hardship.

BACKGROUND INFORMATION:

Zoning:

- Site: R-1/2ac(A) (Single Family District)
- North: R-1/2ac(A) (Single Family District)
- East: R-1/2ac(A) (Single Family District)
- South: R-1/2ac(A) (Single Family District)
- West: R-1ac(A) (Single Family District)

Land Use:

The subject site and all surrounding properties are developed with single family uses.

Lot Square Footage:

This lot size is 26,400 sq. ft. (0.606 of an acre)

This lot is zoned R-1/2ac(A) which requires a minimum lot size of 21,780 sq. ft. (0.5 of an acre)

BDA History:

No BDA history

GENERAL FACTS/STAFF ANALYSIS:

- The application of Jeff Boyum for the property located at 5601 Ursula Ln. focuses on 1 request relating to a variance to the front-yard setback regulations.
- The applicant is requesting a variance to the front-yard setback regulations. The applicant is proposing to construct and maintain a residential structure and provide a 38-foot front yard setback at Ursula Ln., which will require a 2-foot variance to the front-yard setback regulations.
- The subject site along with surroundings properties are all developed with single-family homes.
- It is imperative to note that the subject site is a corner lot, having one 40-foot platted front-yard setback along Ursula Ln. Netherland Dr. has a 20-foot platted side-yard setback.
- Per staff's review of the subject site, it has been confirmed that the single-family structure of the property is under construction as part of permit #2306141085.
- The applicant has the burden of proof in establishing the following:
 - 1) That granting the variance to the front yard setback 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.
 - 2) The variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such 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
 - 3) 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 a parcel of land not permitted by this chapter to other parcels of land with the same zoning.
- Granting the variance to the front yard setback regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BDA234-108 at 5601 Ursula Ln](#)

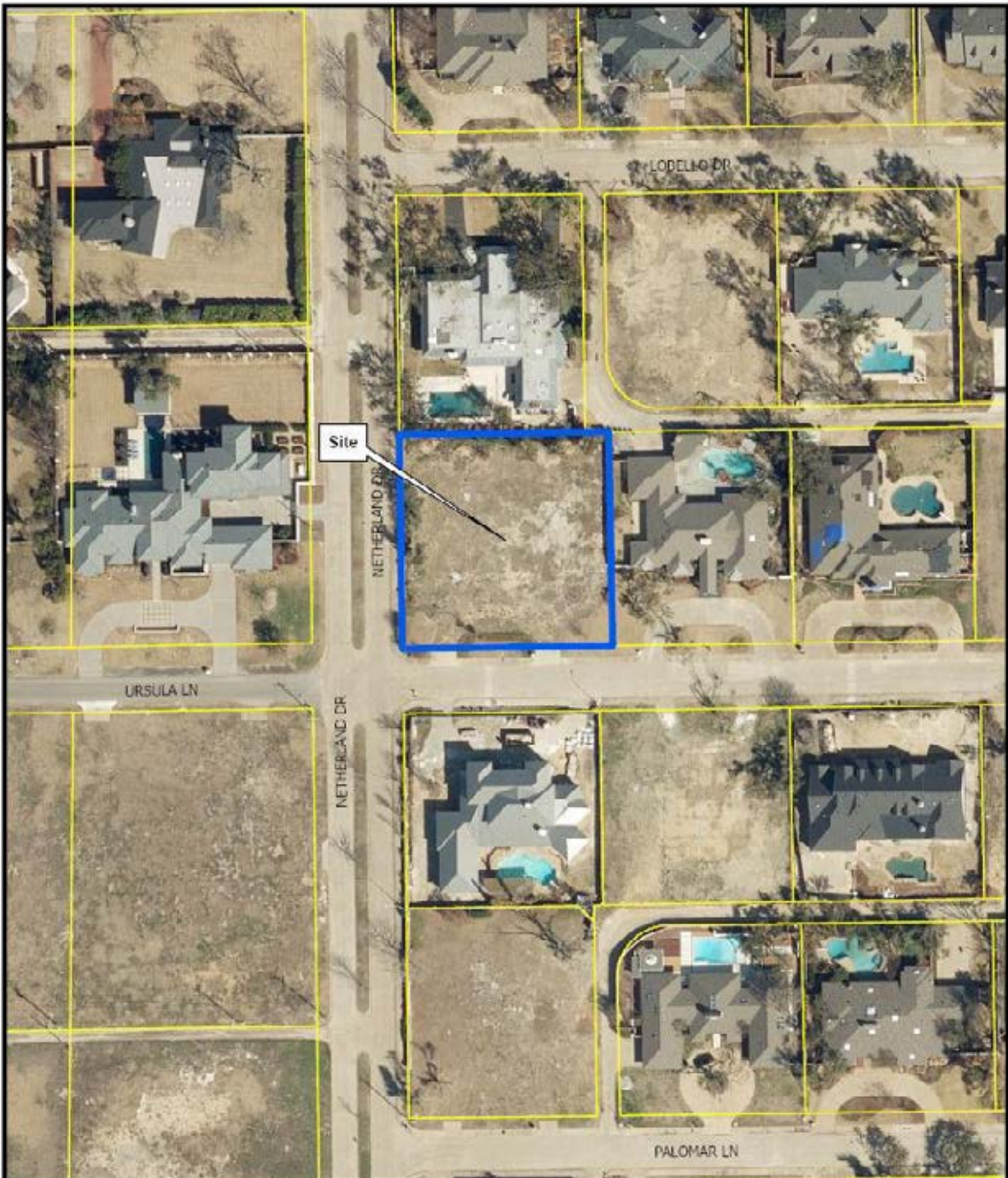
Timeline:

- July 24, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- August 9, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- August 21, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the August 23, 2024, deadline to submit additional evidence for staff to factor into their analysis; and September 6, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

August 30, 2024:

The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the September public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer

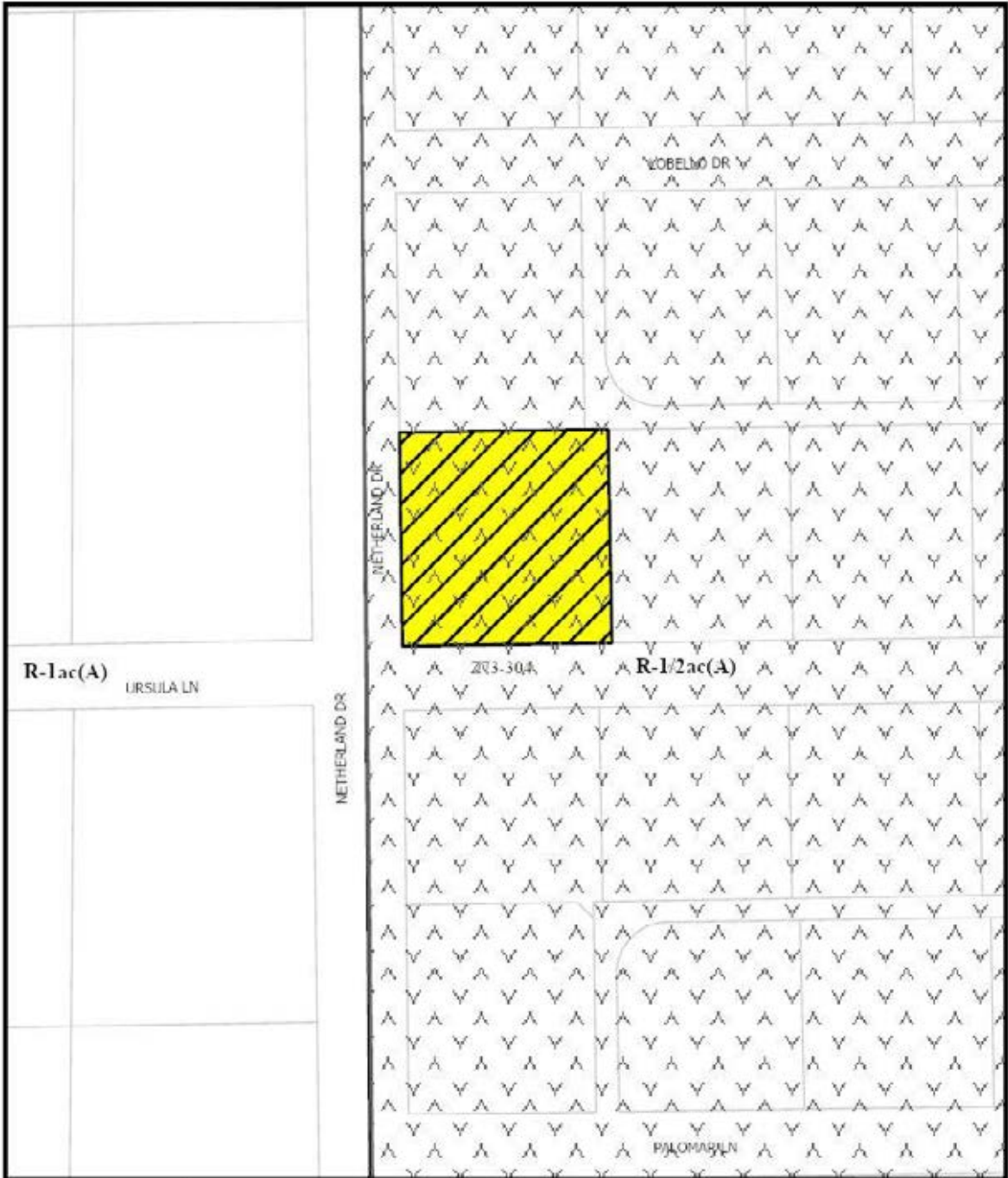


1:1,200

AERIAL MAP

Case no: BDA234-108

Date: 08/08/2024





1:1,200

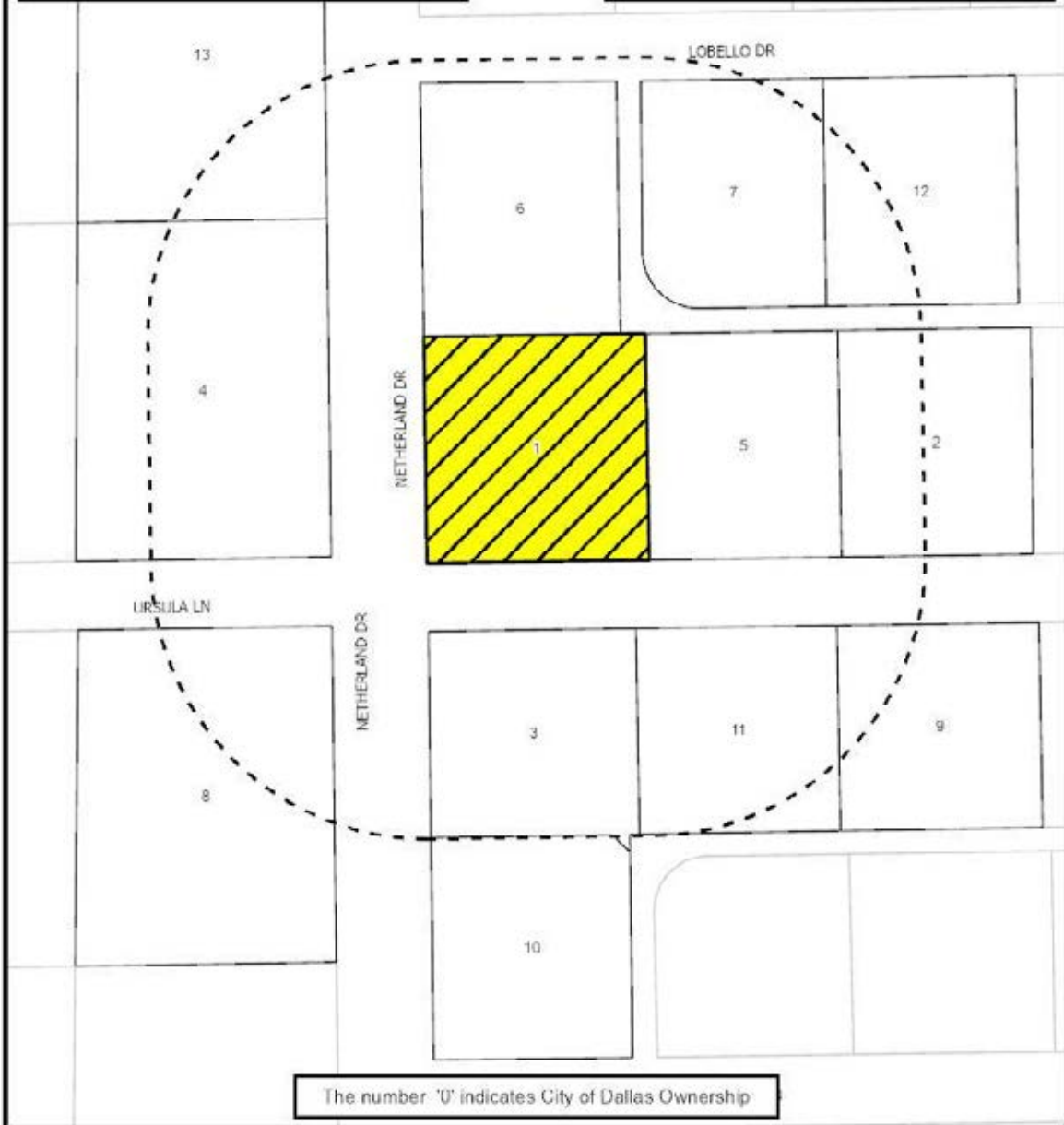
ZONING MAP

Case no: BDA234-108

Date: 08/08/2024

The area of request is hatched . Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.

El área de solicitud está sombreada . La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será rezonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.



The number '0' indicates City of Dallas Ownership

 1:1,200	<h2>NOTIFICATION</h2>	Case no: BDA234-108
	<div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">200'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">13</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	Date: 8/8/2024

08/08/2024

Notification List of Property Owners

BDA234-108

13 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5601 URSULA LN	HAGIN CHRISTOPHER CHASE &
2	5605 URSULA LN	RIDNOUR JERRY & PATRICIA
3	5602 URSULA LN	GRAVEL MICHAEL &
4	5531 URSULA LN	TURNER CHRISTOPHER LEE &
5	5603 URSULA LN	SLOAN JOHN R
6	5602 LOBELLO DR	HAGIN CHRISTOPHER CHASE
7	5604 LOBELLO DR	REHMATULLAH ADNAN P & ZAHARA H
8	5530 URSULA LN	QUEENS HIGHWAY INVESTMENTS LLC
9	5606 URSULA LN	GIAN JACK
10	5601 PALOMAR LN	LEVY JAY & KATHRYN
11	5604 URSULA LN	SINGER JAMES R &
12	5606 LOBELLO DR	MCCATHERN LEVI
13	5530 LOBELLO DR	LD LOYAL TRUST &



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

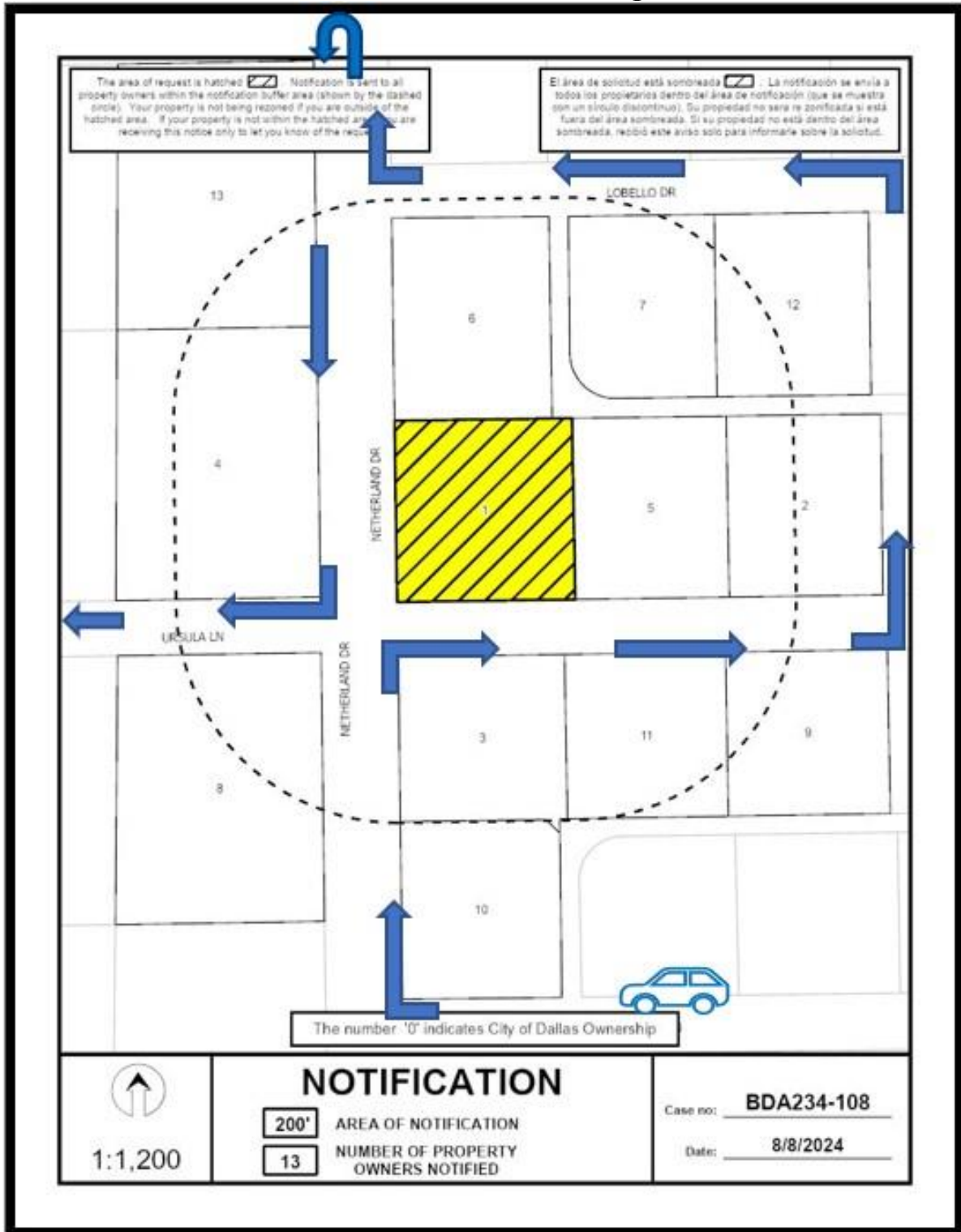
13

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA234-108

Date: 8/8/2024

200' Radius Route Map



NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)

NOTICE IS HEREBY GIVEN that the BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A) will hold a hearing as follows:

DATE: TUESDAY, SEPTEMBER 17TH, 2024

BRIEFING: 10:30 a.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla Street

HEARING: 1:00 p.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla Street

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment:

BDA234-108(BT) Application of Jeff Boyum for (1) a variance to the front-yard setback regulations at 5601 URSULA LN. This property is more fully described as Block B/5507, Lot 12 and is zoned R-1/2ac(A), which requires a front-yard setback of 40-feet at Ursula Ln. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 38-foot front-yard setback measured to the step/landing, which will require (1) a 2-foot variance to the front-yard setback regulations.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Board of Adjustment hearing to express your support for or opposition to the application. You may also contact the Board of Adjustment by email to BDAreply@dallas.gov. Letters will be accepted until 9:00 am the day of the hearing. If you are unable to attend the hearing. If you choose to respond, it is important that you let the Board know your reasons for being in favor of or in opposition to the application. The Board members are very interested in your opinion.

Note: Any materials (such as plans, elevations, etc.) included within this notice may be subject to change.

The Board of Adjustment hearing will be held by videoconference and at 6ES at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure by joining the meeting virtually, must register online at <https://bit.ly/BDA-A-Register> by the close of business Monday, September 17th, 2024. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall

Speakers at the meeting are allowed a maximum of five (5) minutes to address the Board.

Additional information regarding the application may be obtained by calling Bryant Thompson, Senior Planner (214) 948-4502, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

Board of Adjustment
Planning and Development Department
1500 Marilla Street 5CN, Dallas TX 75201

PLEASE SEND REPLIES TO:
BDAreply@dallas.gov
Letters will be received until 9:00
am the day of the hearing.

PLEASE REGISTER AT:
<https://bit.ly/BDA-A-Register>



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

2340108 FOR OFFICE USE ONLY

Data Relative to Subject Property:

Date: FOR OFFICE USE ONLY

RECEIVED

Location address: 5601 URSULA LANE Zoning District: R 1/2 AC

JUL 24 REC'D

Lot No.: 12 Block No.: B/5507 Acreage: 0.600 Census Tract:

BY:

Street Frontage (in Feet): 1) 160.0 2) 165.0 3) 159.87 4) 165 5) N/A

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): CHRISTOPHER & CATHERINE HAGIN

Applicant: JEFF BOYUM Telephone: 469.885.1807

Mailing Address: PO BOX 543126 Zip Code: 75359

E-mail Address: jeff@ftgul.com

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance or Special Exception of 2'-0" TO FRONTYARD SETBACK JB

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:

ADDITION OF 3-6" STEPS WITH STOOP INTO 40' FRONTYARD SETBACK

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

Affidavit

Before me the undersigned on this day personally appeared

JEFF BOYUM

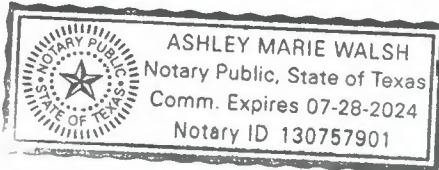
(Affiant/Applicant's name printed)

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 23 day of July, 2024



[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 JEFF BOYUM

did submit a request for (1) a variance to the front-yard setback regulations
at 5601 Ursula

BDA234-108(BT) Application of Jeff Boyum for (1) a variance to the front-yard setback regulations at 5601 URSULA LN. This property is more fully described as Block B/5507, Lot 12 and is zoned R-1/2ac(A), which requires a front-yard setback of 40-feet at Ursula Ln. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 38-foot front-yard setback measured to the step/landing, which will require (1) a 2-foot variance to the front-yard setback regulations.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



AFFIDAVIT

Appeal number: BDA 234-108

I. CHRISTOPHER CHASE HAGIN, Owner of the subject property
(As owner or "grantee" of property as it appears on the Warranty Deed)

at: 5601 URSULA LANE DALLAS, TX
(Address of property as stated on application)

Authorize: JEFF BOYUM
(Applicant's name as stated on application)

To pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s)

- Variance (specify below) 2'-0" TO FRONTYARD SETBACK
JB
- Special Exception (specify below)
- Other Appeal (specify below)

Specify: ADDITION OF 3 - 6" STEPS WITH
STOOP INTO 40' FRONTYARD SETBACK

JEFF BOYUM
Print name of property owner or registered agent

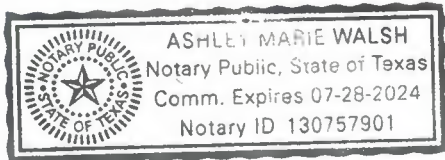
Signature of property owner or registered agent

agent Date 7/15/2024

Before me, the undersigned, on this day personally appeared
JEFF BOYUM

Who on his/her oath certifies that the above statements are true and correct to his/her best

knowledge. Subscribed and sworn to before me this 15th day of
JULY, 2024



Commission expires on 7/28/2024



Posting of Notification Sign

Address: 5601 URSULA LANE

Appeal Number: BDA 234-108

All required notification signs must be posted on the property within fourteen (14) days after an application has been made, prior to the Board of Adjustment Hearing, and not be removed until the hearing ends.

The sign must be posted at a prominent location adjacent to the public street, evenly spaced along each frontage, and easily visible from the street. Failure to properly post the sign(s) may result in either a postponement or denial of the appeal.

All required notification signs have been provided. One sign is required for each 500 feet or less of frontage, or every tract of five (5) acres or less, with a maximum of five (5) signs required. The cost of each sign is \$30.00.

Footage of each street frontage: 140

Number of acres: .606

Number of signs required: 2


Signature of applicant or person responsible for signs

07/29/21
Date

R-1/2ac(A)
 F-40' PER B.L.
 S-10'/20' PER B.L.
 R-10'
 HT-36'
 LOT COV-40%
 P-2

THESE PLANS HAVE BEEN REVIEWED BY THE BUILDING INSPECTION DIVISION AND ARE APPROVED FOR THE START OF CONSTRUCTION. ANY DEVIATION FROM THESE PLANS SHALL BE APPROVED BY THE BUILDING OFFICIAL.

ZO DATE: 6/30/2023
 BY: Edmon Lachica

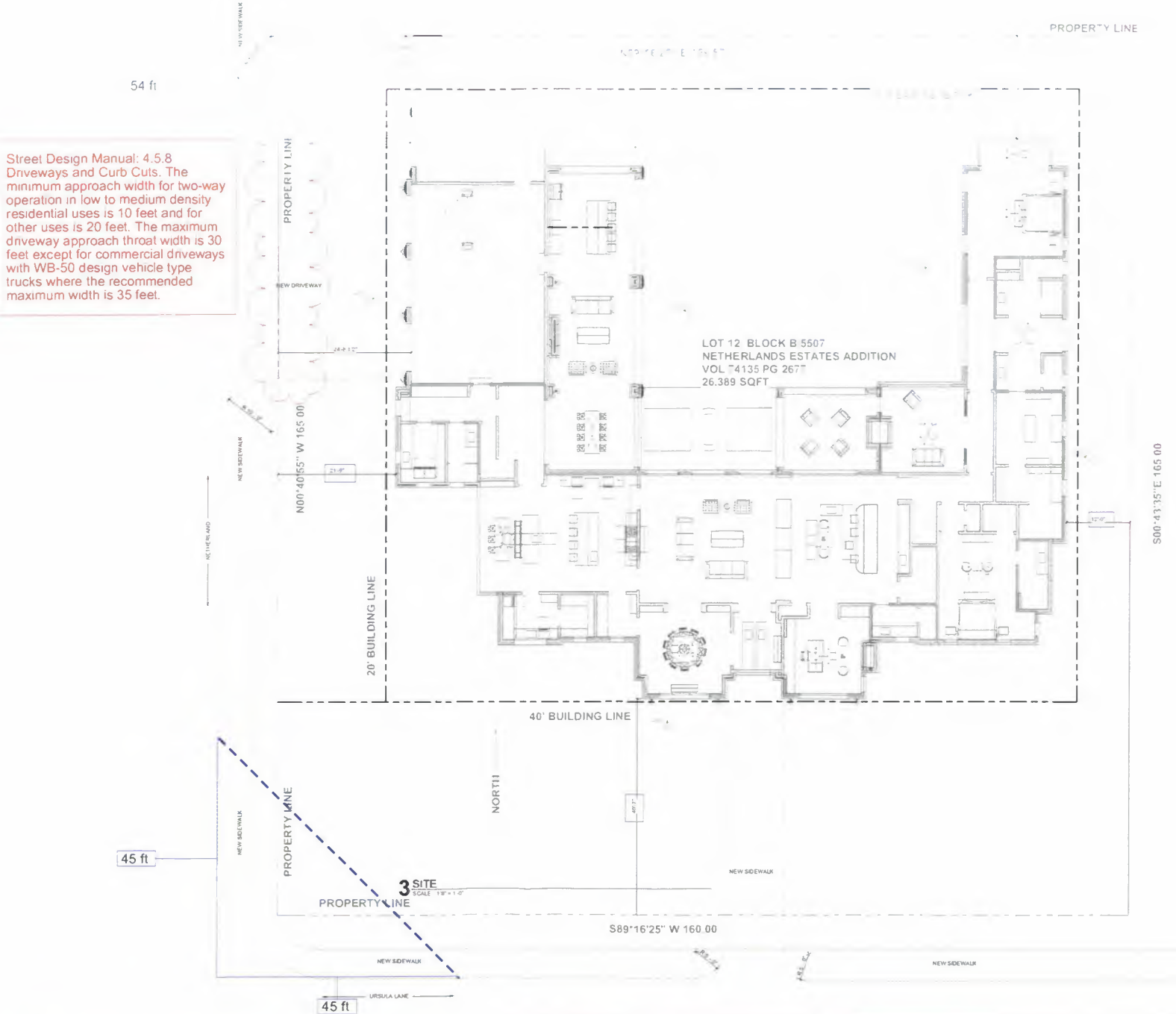
THIS APPROVAL DOES NOT PERMIT THE VIOLATION OF ANY CITY ORDINANCE OR STATE LAW

SUBJECT TO FIELD INSPECTOR'S APPROVAL

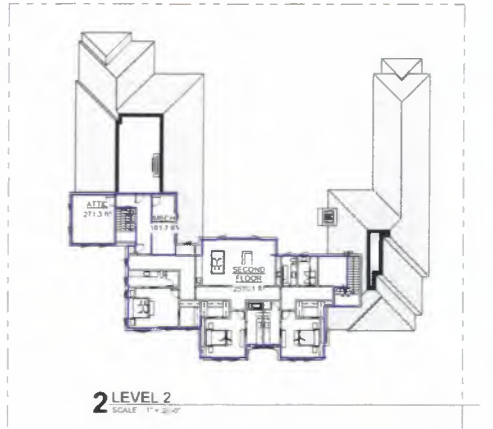
ALL CONSTRUCTION SHALL CONFORM TO THE 2021 IRC DALLAS ONE-AND TWO-FAMILY DWELLING CODE

FIRE SPRINKLER REQUIREMENTS OF SECTION R313 ARE TO BE MET

BUILDING AREA			
LEVEL	NAME	AREA	COMMENTS
LEVEL 1	FIRST FLOOR	1887.7 SF	1AC
LEVEL 2	SECOND FLOOR	2507.1 SF	1AC
NON AC		8127.6 SF	
LEVEL 1	REAR LOGGIA	1837.2 SF	NON AC
LEVEL 1	1ST CAR GARAGE	871.8 SF	NON AC
LEVEL 1	2ND CAR GARAGE	288.1 SF	NON AC
LEVEL 1	TRELLIS	388.7 SF	NON AC
LEVEL 1	POOR GARAGE	180.3 SF	NON AC
LEVEL 2	MECH	1181.7 SF	NON AC
LEVEL 2	ATTIC	220.3 SF	NON AC
NON AC		3403.0 SF	
TOTAL UNDER ROOF		11550.0 SF	



Street Design Manual: 4.5.8 Driveways and Curb Cuts. The minimum approach width for two-way operation in low to medium density residential uses is 10 feet and for other uses is 20 feet. The maximum driveway approach throat width is 30 feet except for commercial driveways with WB-50 design vehicle type trucks where the recommended maximum width is 35 feet.



NOTICE CHECK FOR PRIVATE DEED RESTRICTIONS AT COUNTY OFFICE

UTILITY EASEMENT MUST REMAIN OPEN AND UNOBSTRUCTED. NO ENCROACHMENTS PERMITTED.

WATER SHALL NOT BE REDIRECTED TO DRAIN ONTO ADJOINING PRIVATE PROPERTY.

FENCE/GATES/RETAINING WALL REQUIRE SEPARATE PERMIT.

SMOKE DETECTORS REQUIRED IMMEDIATELY OUTSIDE ALL SLEEPING AREAS AND AT ALL FLOOR LEVELS.

SILT FENCE REQUIRED FOR EROSION CONTROL.

A PERMIT IS BEING ISSUED FOR WATER/WASTEWATER UTILITIES. YOU ARE RESPONSIBLE TO VERIFY THAT UTILITIES ARE AVAILABLE FOR THIS PROPERTY. IF UTILITIES ARE NOT AVAILABLE FOR THIS SITE, THE CITY OF DALLAS IS NOT RESPONSIBLE.

LOTS 7,500 SQUARE FEET OR GREATER IN AREA REQUIRE A MINIMUM OF THREE (3) LARGE OR MEDIUM NURSERY STOCK TREES. MUST HAVE A MINIMUM OF TWO (2) TREES IN THE FRONT YARD. AN EXISTING TREE MAY BE USED FOR THE TREE REQUIREMENT. CONTACT THE CITY ARBORIST FOR CONFIRMATION.

KEEP 45 FT X 45 FT VISIBILITY TRIANGLES CLEAR

WATER METER BOX MAY NOT BE PLACED ON DRIVEWAY NOR DRIVE APPROACH.

KEEP 20FT X 20FT VISIBILITY TRIANGLES CLEAR.

ISSUE FOR PERMIT | 06/29/2023
 PROJECT ADDRESS | 5601 URSI

INDEX AND AREAS
 A-001

PLAN NOTES

- INTERIOR DIMENSIONS ARE TAKEN FROM FACE OF STUD.
- EXTERIOR DIMENSIONS ARE TAKEN FROM FACE OF FINISH.
- ARCHITECTURAL DIMENSION AND FLOOR PLAN REFERENCE A-200 SERIES.
- REFLECTED CEILING PLAN INDICATING CEILING HEIGHTS, DETAILS, LIGHTING AND ELECTRICAL INFORMATION REFERENCE A-300 SERIES.
- ROOF MATERIAL AND SLOPE INFORMATION REFERENCE A-300 SERIES.
- BUILDING FINISH, DOOR, WINDOW, CEILING, ELECTRICAL, ROOF AND CASEWORK SCHEDULES REFERENCE A-400.
- EXTERIOR ELEVATIONS AND SECTIONS REFERENCE A-400 SERIES.
- ISOMETRIC AND PERSPECTIVES REFERENCE A-400 SERIES.

ARCHITECTURAL ROOM TAG		RCP ROOM TAG	
ROOM NUMBER	ROOM NAME	ROOM NUMBER	ROOM NAME
150 SF	INTERIOR SQFT	150 SF	INTERIOR SQFT
Floor Finish	FLOOR FINISH	Ceiling Finish	CEILING FINISH

DOOR TAG		WINDOW TAG	
H	W	H	W
H 1'-0"	DOOR HEIGHT	H 1'-0"	WINDOW HEIGHT
W 1'-0"	DOOR WIDTH	W 1'-0"	WINDOW WIDTH
		SILL 2'-0"	WINDOW SILL HEIGHT
		HEAD 8'-0"	WINDOW HEAD HEIGHT

ROOF TAG		CASEWORK TAG	
11	ROOF TYPE	1	CASEWORK TYPE
Area	ROOF AREA		



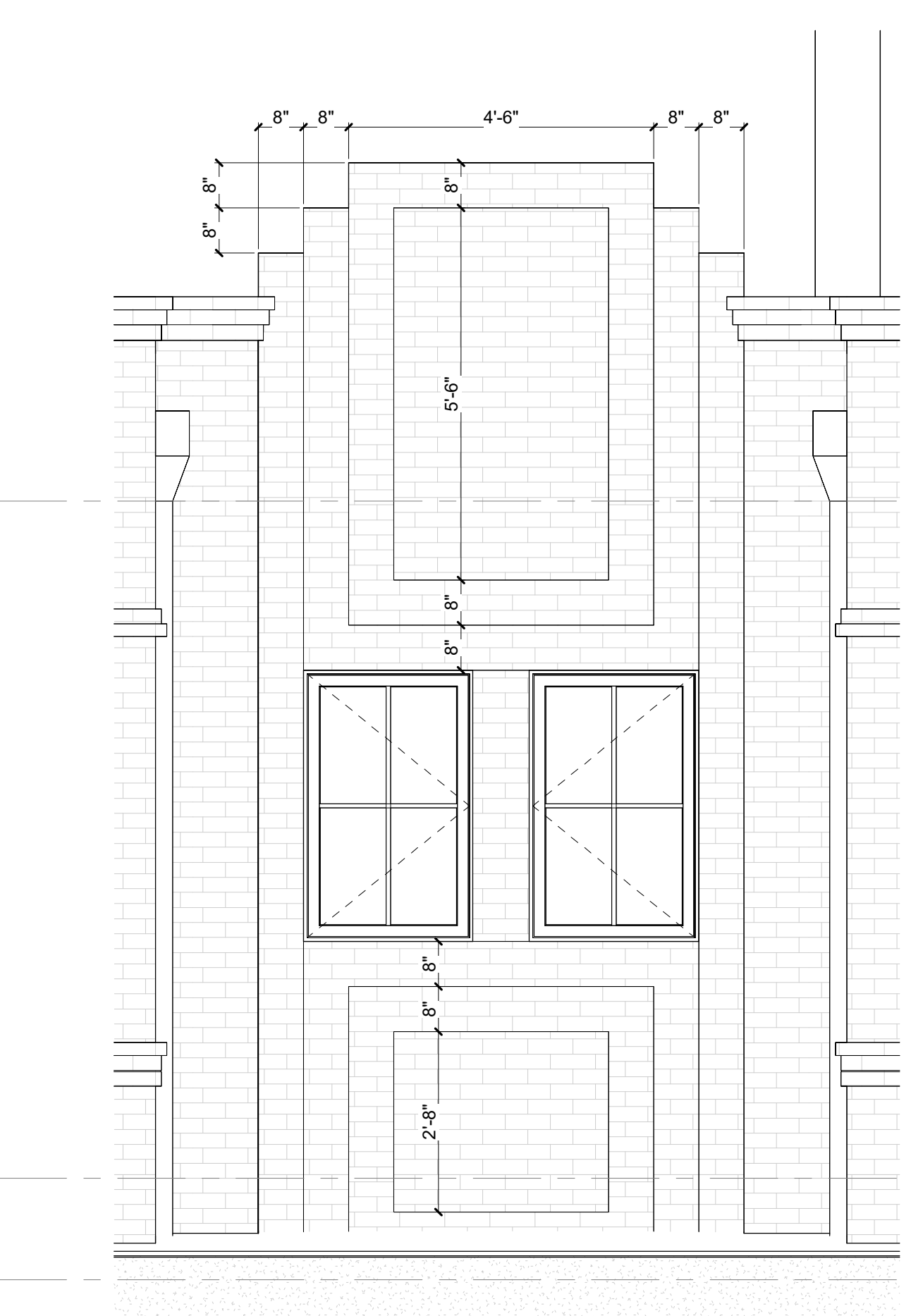
4 BAR ELEVATION
SCALE: 1/4" = 1'-0"

3 PRIMARY ELEVATION
SCALE: 1/4" = 1'-0"



7 Section 12
SCALE: 1/4" = 1'-0"

2 WEST ELEVATION
SCALE: 1/4" = 1'-0"



6 BRICK DETAL CALLOUT
SCALE: 1/2" = 1'-0"



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

FRONT STAIR VARIANCE | 07/18/2024
PROJECT ADDRESS | 5601 URSULA LANE | DALLAS | TEXAS

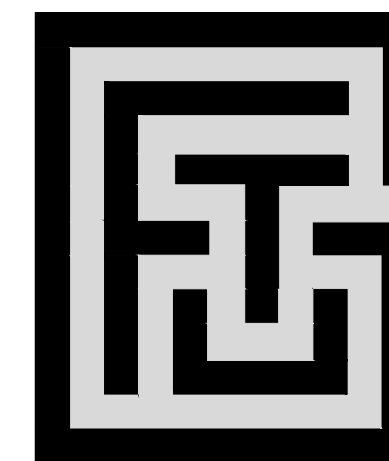
copyright 2023 M:GRAY ARCHITECTURE
THESE DOCUMENTS HAVE BEEN
PREPARED SPECIFICALLY FOR
CLIENT AND CHASE HANCOCK
THEY ARE NOT SUITABLE FOR USE ON OTHER
LOCATIONS WITHOUT THE APPROVAL OF
M:GRAY ARCHITECTURE P.L.L.C.

SCALE: As Indicated

EXTERIOR
ELEVATIONS

A-501

SHEET SIZE 30"x42" PRINTED FULL SIZE
7/18/2024 9:00:54 AM



FROM THE GROUND UP
DESIGN | INSTALL | MAINTAIN

A Landscape Design For:

The Hagin Residence

5601 Ursula Lane, Dallas, TX 75229

#	Date:	Description:
	2024-06-14	REVISIONS

The Architectural Copyright Protection Act of 1990 states that no one (including the building owner) may reuse these plans unless the Architect expressly agrees. By inclusion of this symbol (©) (copyright symbol) of '©' surrounded by a circle the law automatically grants the copyright to the creator. These drawings may NOT be reproduced, published or used in any way without the expressed written consent of the Architect.

	DESIGN:	RB
	DRAFTED:	JB
	CHECKED:	JB

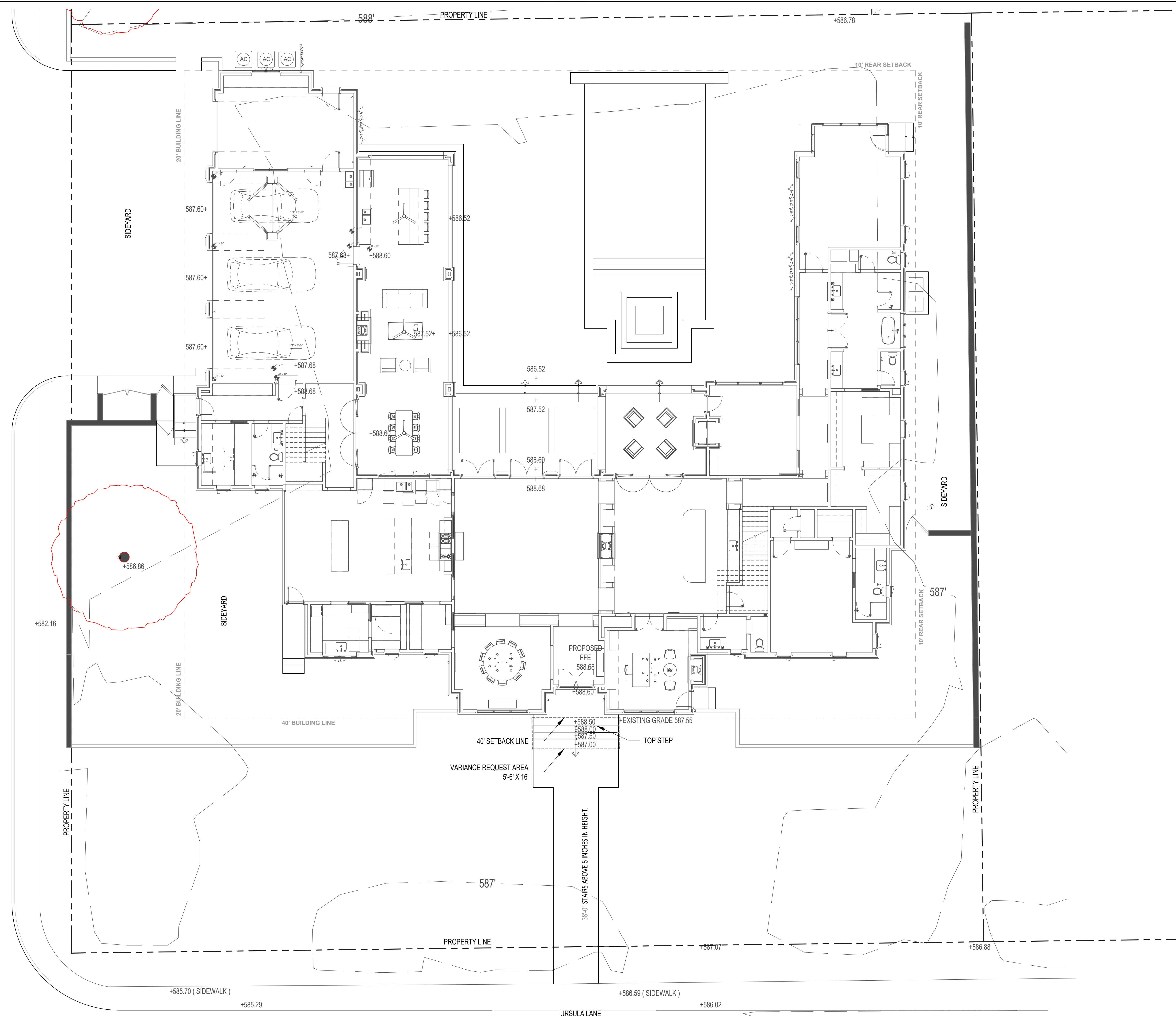
SCALE: 1/8" = 1'-0"



DATE: 08-08-2024

OVERALL LANDSCAPE PLAN

L1



FILE NUMBER: BDA234-111 (BT)

BUILDING OFFICIAL'S REPORT: Application of Daniel Le to **(1)** appeal the decision of the administrative official at **6529 VICTORIA AVE.** This property is more fully described as Block P/2606, Lot 18, and is zoned PD-67 (Tract 3), which allows a person who is aggrieved by the decision of an administrative official and is the owner of real property within 200 feet of the subject site related to a specific application, address, or project, may appeal to the board. The applicant proposes to **(1)** appeal the decision of an administrative official in the issuance of a building permit and associated master permit.

LOCATION: 6529 Victoria Ave.

APPLICANT: Daniel Le

REQUEST:

- (1) A request is made to appeal the decision of the administrative official in building permit 2301031121 and 2301041101 for structure exceeding maximum allowed height, exceeding maximum allowed lot coverage and non-compliant roof types.

STANDARD FOR APPEAL FROM DECISION OF AN ADMINISTRATIVE OFFICIAL:

Section Dallas Development Code Sections 51A-3.102(d)(1) and 51A-4.703(a)(2) state that any aggrieved person may appeal a decision of an administrative official when that decision concerns issues within the jurisdiction of the Board of Adjustment.

The Board of Adjustment may hear and decide an appeal that alleges error in a decision made by an administrative official. Tex. Local Gov't Code Section 211.009(a)(1).

Administrative official means that person within a city department having the final decision-making authority within the department relative to the zoning enforcement issue. Dallas Development Code Section 51A-4.703(a)(2).

BACKGROUND INFORMATION:

Zoning:

Site: PD-67 (Tract 3)
North: PD-67 (Tract 3)
East: PD-67 (Tract 3) and PD-67 (Tract 4)
South: PD-67 (Tract 3) and CR
West: PD-67 (Tract 3) and CR

Land Use:

The subject site is developed with a duplex use and surrounding properties to the north, and east are developed with single-family and duplex uses. Surrounding properties to the south and west are developed with single-family, duplex and non-residential uses.

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- Ashra Ortiz, represented by Pascual Mojica applied for a duplex permit (6529 and 6531 Victoria Ave.) on January 03, 2023
- Permit #2301031121 (Master Permit #2301041101) was approved on January 04,2023.
- Various green tags received with the last being issued on June 28, 2024.
- Project placed on hold on July 26, 2024.
- Letter via email to revoke permit #2301031121 and permit #2301041101 provided to applicant on August 7, 2024.
- The board shall have all the powers of the administrative official on the action appealed. The board may in whole or in part affirm, reverse, or amend the decision of the official.

Timeline:

August 7, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

August 9, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.

August 21, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the August 23, 2024, deadline to submit additional evidence for staff to factor into their analysis; and September 6, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

August 30, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the September public hearings. Review team members in attendance included: The Board of

Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.



1:1,200

AERIAL MAP

Case no: BDA234-111

Date: 08/28/2024

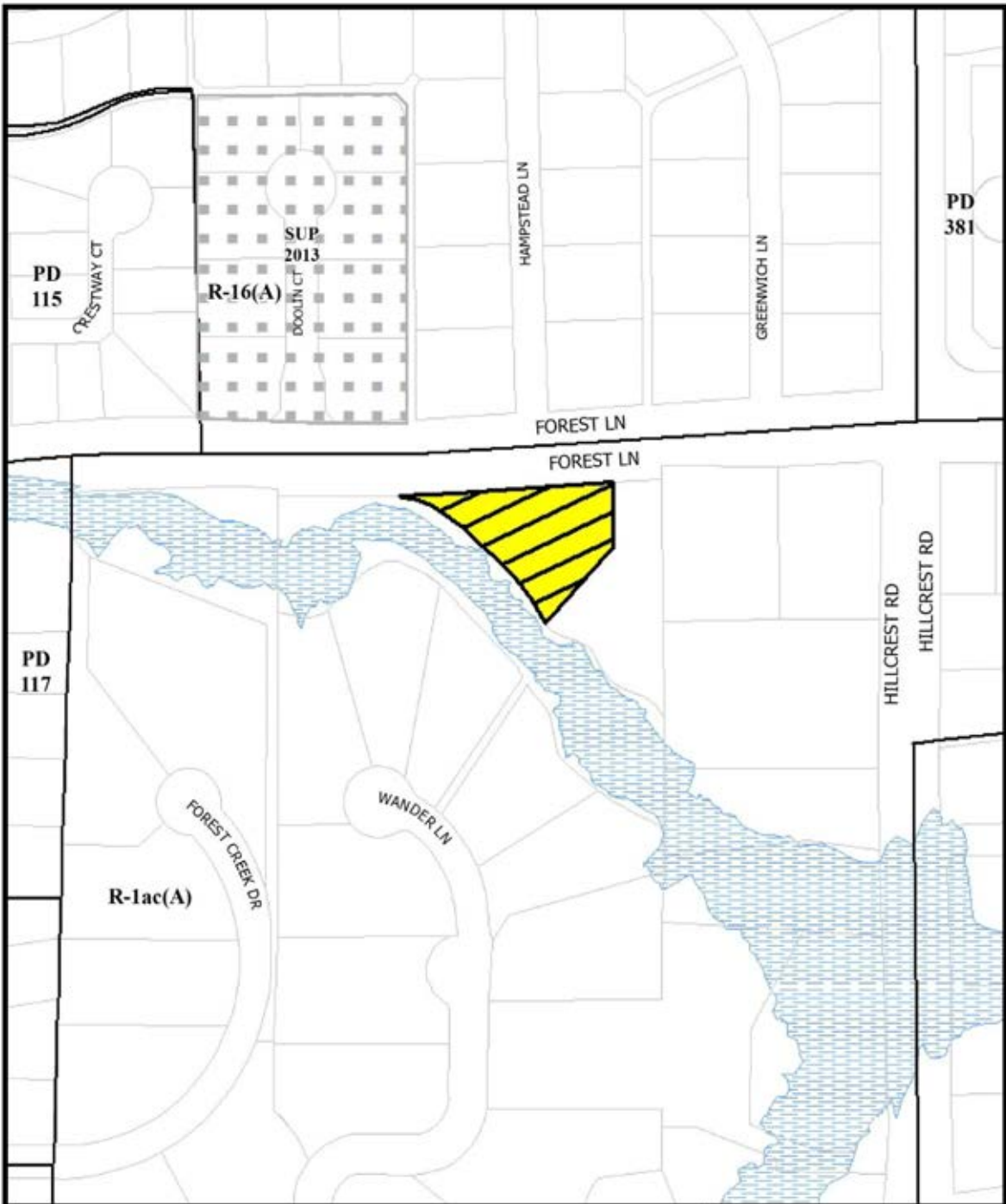


1:1,200

ZONING MAP

Case no: **BDA234-111**

Date: **08/28/2024**





1:2,400

ZONING MAP

Case no: BDA234-075

Date: 5/24/2024

The area of request is hatched  Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.

El área de solicitud está sombreada  La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será re-zonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso solo para informarle sobre la solicitud.



The number '0' indicates City of Dallas Ownership

 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <p>200' AREA OF NOTIFICATION</p> <p>27 NUMBER OF PROPERTY OWNERS NOTIFIED</p>	<p>Case no: BDA234-111</p> <p>Date: 8/28/2024</p>
--	---	---

08/28/2024

Notification List of Property Owners

BDA234-111

27 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6529 VICTORIA AVE	TRUTH ENTERPRISES LLC THE
2	6520 VICTORIA AVE	TRINIDAD PABLO
3	6527 VICTORIA AVE	FARLEY LASHANNA R
4	6504 TYREE ST	N & D PREMIER REALTY INC
5	6502 LEMMON AVE	POP HOLDINGS LP
6	6540 VICTORIA AVE	Taxpayer at
7	6527 ROPER ST	HINOJOSA ARNOLD
8	6529 ROPER ST	DOMANETTI DALLAS DUPLEX LLC
9	6545 VICTORIA AVE	TANG LY & VINH TRUONG
10	6524 VICTORIA AVE	BONILLA JUAN PABLO
11	6517 VICTORIA AVE	Taxpayer at
12	6521 VICTORIA AVE	GREATER NORTH PARK
13	6528 TYREE ST	STEWART BEVERLY A
14	6525 ROPER ST	NGUYEN LOC TRONG
15	6528 VICTORIA AVE	TRAN SANG QUANG & HUONG
16	6522 LEMMON AVE	N & D PREMIER REALTY
17	6516 TYREE ST	CABRERA EMMA
18	4415 W MOCKINGBIRD LN	Taxpayer at
19	6508 TYREE ST	CABRERA MARIA LUISA
20	6511 VICTORIA AVE	CHURCH5 FRIED CHICKEN INC
21	6524 TYREE ST	RODRIGUEZ JOSE ANGEL
22	6512 TYREE ST	GROGGS TEREICE LANEL
23	6606 LEMMON AVE	FIEDLER LLOYD
24	6532 VICTORIA AVE	GREATER NORTH PARK CHURCH OF GOD IN CHRIST
25	6512 VICTORIA AVE	4407 CORPORATION
26	6516 VICTORIA AVE	Taxpayer at

08/28/2024

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	6520 TYREE ST	KNOX BENJAMIN

 1:1,200	NOTIFICATION <table><tr><td>200'</td><td>AREA OF NOTIFICATION</td></tr><tr><td>27</td><td>NUMBER OF PROPERTY OWNERS NOTIFIED</td></tr></table>	200'	AREA OF NOTIFICATION	27	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA234-111</u> Date: <u>8/28/2024</u>
200'	AREA OF NOTIFICATION					
27	NUMBER OF PROPERTY OWNERS NOTIFIED					

NOTICE OF ADMINISTRATIVE OFFICIAL APPEAL

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)

NOTICE IS HEREBY GIVEN that the **BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)** will hold a hearing as follows:

DATE: TUESDAY, SEPTEMBER 17TH, 2024
BRIEFING: 10:30 A.M. in **6ES**, Dallas City Hall, 1500 Marilla Street
HEARING: 1:00 P.M. in **6ES**, Dallas City Hall, 1500 Marilla Street

The purpose of the hearing is to consider the following appeal now pending before the Board of Adjustment

BDA234-111(BT) Application of Daniel Le to appeal the decision of the administrative official at **6529 VICTORIA AVE**. This property is more fully described as Block P/2606, Lot 18 and is zoned PD-67 (tract III), which requires compliance with Planned Development No. 67 land use and development standards. The applicant proposes to appeal the decision of an administrative official in the revocation of building project and associated master permit for the construction of a new duplex.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Administrative Official Appeal during the public hearing of the Board of Adjustment to hear both the applicant's and the administrative official's cases and testimony. Although the Administrative Official Appeal item is not open as a public hearing, you may speak during the public testimony portion of the Board of Adjustment's Public Hearing at 1:00pm. Additionally, you may submit letters expressing your opinion on the subject of the appeal at BDAreply@dallas.gov.

Additional information regarding the application may be obtained by calling Bryant Thompson, Senior Planner at (214) 948-4502, Bryant.thompson@dallas.gov, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

Board of Adjustment Office
Planning and Development Department
1500 Marilla Street, 5CN, Dallas, TX 75201

PLEASE SEND REPLIES TO:
BDAreply@dallas.gov
Letters will be received until
9:00 am the day of the
hearing.



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

fee waiver

Case No.: BDA 234-111

Data Relative to Subject Property: 6529 VICTORIA AVE Date: 8-7-24

Location address: 6529 VICTORIA AVE Zoning District: PD 67

Lot No.: 18 Block No.: P/2606 Acreage: 0.14 Census Tract: _____

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

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): 6529 VICTORIA LLC

Applicant: Daniel Le Telephone: 339-674-8008

Mailing Address: 108 N BERNICE DRIVE, GARLAND Zip Code: 75042

E-mail Address: DANNY@FBOCAPITAL.COM

Represented by: ^{DO}SELF Daniel Le Telephone: 339-674-8008

Mailing Address: 108 N BERNICE DRIVE, GARLAND Zip Code: 75042

E-mail Address: DANNY@FBOCAPITAL.COM

Affirm that an appeal has been made for a Variance __, or Special Exception __, of
NO APPEAL. SEE REFERRAL FORM

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:

WE HAVE BEEN ISSUED A BUILDING PERMIT. ZONING WAS PD 67 TRACT 3/D(A) BUT CHANGED TO SINGLE FAMILY. WE HAVE ALREADY FRAMED.

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.

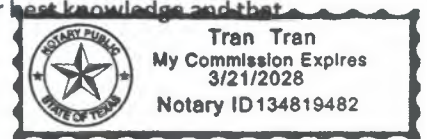
Affidavit

Before me the undersigned on this day personally appeared Daniel Le

(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 28 day of July, 2024

[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 DANIEL LE

did submit a request to appeal the decision of the administrative official
at 6529 Victoria

BDA234-111(BT) Application of Daniel Le to appeal the decision of the administrative official at 6529 VICTORIA AVE. This property is more fully described as Block P/2606, Lot 18 and is zoned PD-67 (tract III), which requires compliance with Planned Development No. 67 land use and development standards. The applicant proposes to appeal the decision of an administrative official in the revocation of building project and associated master permit for the construction of a new duplex.

*This application is attached to a fee waiver request; case report and docket will address this request.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



REFERRAL FORM FOR BOARD OF ADJUSTMENT

APPLICANT: Daniel Le OWNER: Daniel Le
ADDRESS: 529 Victoria STATE: TX CITY: 15207
LOT: 18 BLOCK: P/2606 ZONING: PD 67

- | | |
|---|---|
| <input type="checkbox"/> Variance | <input type="checkbox"/> Special Exception |
| <input type="checkbox"/> Yard setback | <input type="checkbox"/> Fence height and standards |
| <input type="checkbox"/> Lot width | <input type="checkbox"/> Visibility triangle obstructions |
| <input type="checkbox"/> Lot Depth | <input type="checkbox"/> Parking demand |
| <input checked="" type="checkbox"/> Lot Coverage | <input type="checkbox"/> Landscaping |
| <input type="checkbox"/> Floor area for accessory structures for single family uses | <input type="checkbox"/> Additional dwelling unit for a single-family |
| <input checked="" type="checkbox"/> Height | <input type="checkbox"/> Carport |
| <input type="checkbox"/> Minimum width of sidewalk | <input type="checkbox"/> Non-conforming use |
| <input type="checkbox"/> Off-street parking | <input checked="" type="checkbox"/> Other |
| <input type="checkbox"/> Off-street loading | |
| <input type="checkbox"/> Landscape regulations | |
| <input checked="" type="checkbox"/> Other | |

Please list the City of Dallas Development Code(s) this project is non-compliant with:
PD 67

Description: ~~A permit for a duplex was issued in error. Duplex use is not an allowed use for this lot.~~ The structure exceeds lot coverage, height and includes an unapproved roof type.

Alternative resolutions discussed/offered: Provide an addendum showing structure complies with PD 67

Referred by: Rene Lewis Contact: 214-948-4327 Date: 07/26/2024

FOR INTERNAL USE ONLY

Permit # 2301041101

Sustainable Construction and Development | Building Inspection Division | 214/948-4480 | www.dallascityhall.com

Address:

6529 VICTORIA AVE 75209

*****DUPLEX 6529-6531VICTORIA AVE*****

NOTE: STRUCTURE MUST BE PLACED AT THE 30' PROPOSED BUILDLINE PER SITEPLAN, IF PLACED AT THE 25' FYSB THE STRUCTURE WILL ENCROACH INTO FRONT YARD SETBACK. TO BE VERIFIED BY FIELD INSPECTOR.

Land Use Description:

TWO FAMILY DWELLING

Work Description:

DUPLEX

Value Of Work:

\$0.00

Owner Or Tenant:

The Truth Enterprises The Truth Enterprises
2865 FM 983
Red Oak
TX
75154
(469) 398-4774
ashra_07@yahoo.com

Applicant:

Ashra Ortiz

Contractor:

THE TRUTH ENTERPRISES

Business Address:

P O Box 1437, RED OAK, TX 75254

Telephone:

469/394-4774

Fax:

Lot:	18	Block:	P/260€	Zoning:	PD-67	PDD:	67	SUP:	
Historic Dist:		Consv Dist:	Chapter 51 PC	Pro Park:	4	Req Park:	4	Park Agrmt:	N
Dwlg Units:	2	Stories:	2	New Area:	2078	Lot Area:	6250	Total Area:	2078
Type Const:	VB	Sprinkler:	None	Occ Code:	R3	Occ Load:			
Inches Of Removed Trees:									

ALL WORK SUBJECT TO FIELD INSPECTOR APPROVAL Parking is for entire project.

This document is issued on the basis of information furnished in the application and is subject to the provisions of all governing ordinances, which must be complied with, whether or not herein specified.

THIS DOCUMENT SHALL BE POSTED AT WORK SITE AND IS SUBJECT TO CANCELLATION UPON NOTICE.

PD 67 TRACT3/D(A)
 F-25'
 S-5'
 R-5'
 HT-30'
 LOT COV-45%
 P-1

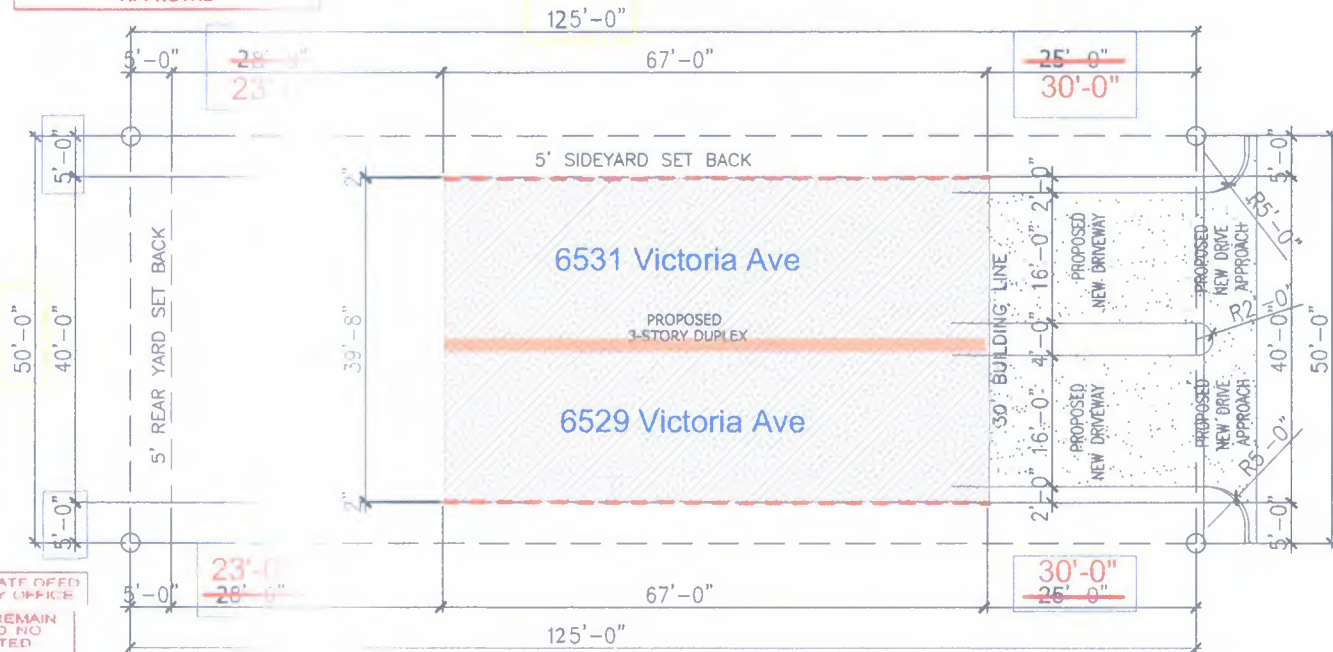
THESE PLANS HAVE BEEN REVIEWED BY THE BUILDING INSPECTION DIVISION AND ARE APPROVED FOR THE START OF CONSTRUCTION. ANY DEVIATION FROM THESE PLANS SHALL BE APPROVED BY THE BUILDING OFFICIAL.

20 DATE 3/24/2023
 BY Edmon Lachica

THIS APPROVAL DOES NOT EXEMPT THE VIOLATION OF ANY CITY ORDINANCE OR STATE LAW.

ALL CONSTRUCTION SHALL CONFORM TO THE 2015 IRC DALLAS ONE-AND TWO-FAMILY DWELLING CODE

SUBJECT TO FIELD INSPECTOR'S APPROVAL



WATER METER BOX MAY NOT BE PLACED ON DRIVEWAY NOR DRIVE APPROACH

KEEP 20FT X 20FT SOFT VISIBILITY TRIANGLES CLEAR

NOTICE: CHECK FOR PRIVATE DEED RESTRICTIONS AT COUNTY OFFICE

UTILITY EASEMENT MUST REMAIN OPEN AND UNOCCUPIED. NO ENCROACHMENTS PERMITTED

WATER SHALL NOT BE REDIRECTED TO DRAIN ONTO ADJOINING PRIVATE PROPERTY

FENCES/RETAINING WALL REQUIRE SEPARATE PERMIT

SMOKE DETECTORS REQUIRED IMMEDIATELY OUTSIDE ALL SLEEPING AREAS AND AT ALL FLOOR LEVELS

SILT FENCE REQUIRED FOR EROSION CONTROL

A PERMIT IS BEING ISSUED FOR WATER/WASTEWATER UTILITIES. YOU ARE RESPONSIBLE TO VERIFY THAT UTILITIES ARE AVAILABLE FOR THIS PROPERTY. IF UTILITIES ARE NOT AVAILABLE FOR THIS SITE, THE CITY OF DALLAS IS NOT RESPONSIBLE

LOTS OF 4,000 SQFT TO 7,499 SQFT IN AREA REQUIRE A MINIMUM OF TWO (2) LARGE OR MEDIUM TREES. MUST HAVE A MINIMUM OF ONE (1) TREE IN THE FRONT YARD. AN EXISTING TREE MAY BE USED FOR THE TREE REQUIREMENT. CONTACT THE CITY ARBORIST FOR CONFIRMATION.

NOTE: STRUCTURE MUST BE PLACED AT THE 30' PROPOSED BUILDLINE, IF PLACED AT THE 25' FYSB THE STRUCTURE WILL ENCROACH INTO FRONT YARD SETBACK. TO BE VERIFIED BY FIELD INSPECTOR.

ZONING PD 67
LEGAL WEBSTER & WOODS NORTH PARK
DESCRIPTION BLK P/2606 LT 18



1 SITE PLAN
 C1 SCALE 1" = 15'



SEAL

Project Consulting & Construction
 DESIGN • BUILD • CONSULTANCY

Ennis, TX 75119
 TEL. (214) 399-3662

REVISIONS

NO.	DESCRIPTION	DATE
△		

ADDRESS
 6529 VICTORIA AVENUE
 DALLAS, TEXAS 75209

DATE
 03/07/2023

DRAWN BY
 MACM/JARC

CHECKED BY

DESCRIPTION
 NEW CONSTRUCTION

SCALE
 1" = 15'

SHEET TITLE
 SITE PLAN

SHEET #
 C1.01

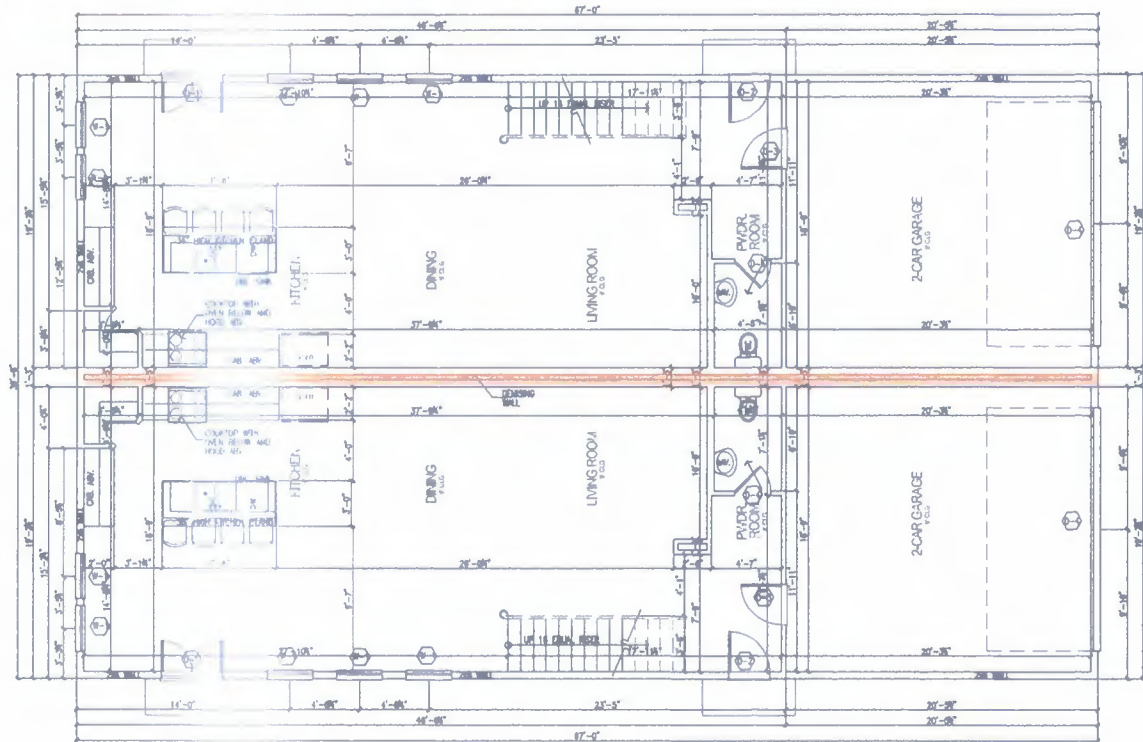
ALL CONSTRUCTION SHALL CONFORM TO THE 2015 IRC DALLAS ONE-AND TWO-FAMILY DWELLING CODE

SUBJECT TO FIELD INSPECTOR'S APPROVAL

KEEPING ROOM EGRESS WE ARE TO MEET THE REQUIREMENTS OF SECTION R310 SHALL BE FIELD VERIFIED

SMOKE DETECTORS REQUIRED INSIDE & IMMEDIATELY OUTSIDE ALL BEDROOMS & ALL LEVELS OF THE DWELLING
CARBON MONOXIDE DETECTORS REQUIRED IMMEDIATELY OUTSIDE ALL BEDROOMS
R314 & R315 - 2015 IRC

THE PROTECTION REQUIREMENTS OF SECTIONS R302.3 SHALL BE MET



1 PROPOSED FIRST FLOOR PLAN
A1 SCALE: 1/8" = 1'-0"



SEAL

Project Consulting & Construction
DESIGN • BUILD • CONSULTANCY

Ennis, TX, 75119
TEL. (214) 399-3662

REVISIONS

NO	DESCRIPTION	DATE
△		

ADDRESS

6529 VICTORIA AVENUE
DALLAS, TEXAS 75209

DATE

03/07/2023

DRAWN BY

MACM/JARC

CHECKED BY

DESCRIPTION

ADDITION

SCALE

1/8" = 1'-0"

SHEET TITLE

PROPOSED
FLOOR PLAN

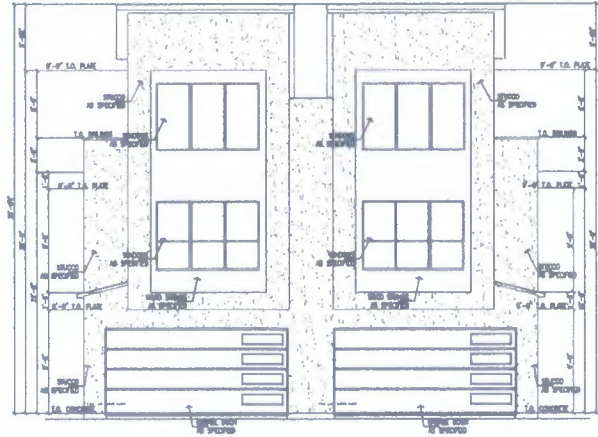
SHEET #

A1.01

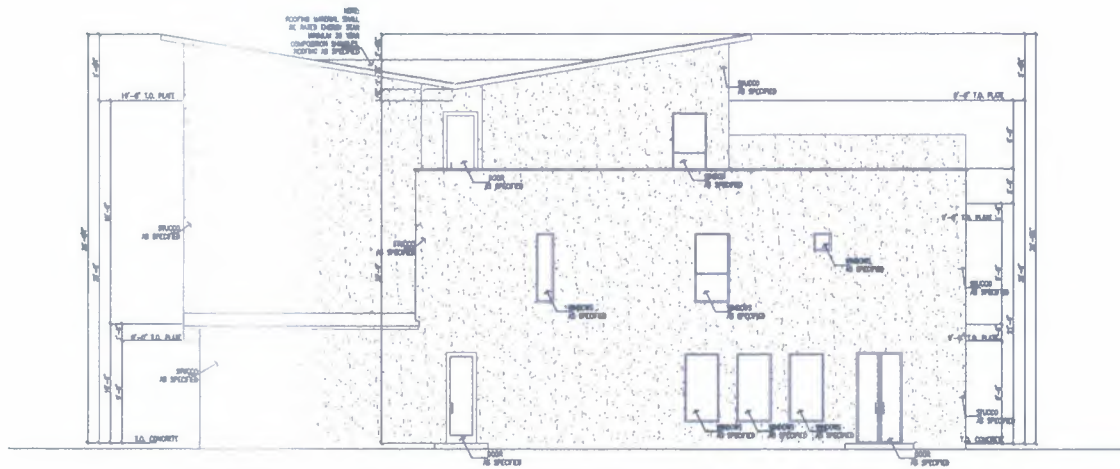
ALL CONSTRUCTION SHALL CONFORM TO THE 2015 IRC DALLAS ORDINANCE TWO-FAMILY DWELLING CODE

SUBJECT TO FIELD INSPECTOR'S APPROVAL

WATER SHALL NOT BE REDIRECTED TO DRAIN ONTO ADJOINING PRIVATE PROPERTY.



1 FRONT ELEVATION
SCALE: 3/32" = 1'-0"



2 RIGHT SIDE ELEVATION
SCALE: 3/32" = 1'-0"



SEAL

Project Consulting & Construction

DESIGN • BUILD • CONSULTANCY

Ennis, TX 75119
TEL (214) 399-3662

REVISIONS

NO.	DESCRIPTION	DATE
△		

ADDRESS

6529 VICTORIA AVENUE
DALLAS, TEXAS 75209

DATE

03/07/2023

DRAWN BY

MACM/JARC

CHECKED BY

DESCRIPTION NEW
CONSTRUCTION

SCALE

3/32" = 1'-0"

SHEET TITLE

ELEVATION

SHEET #

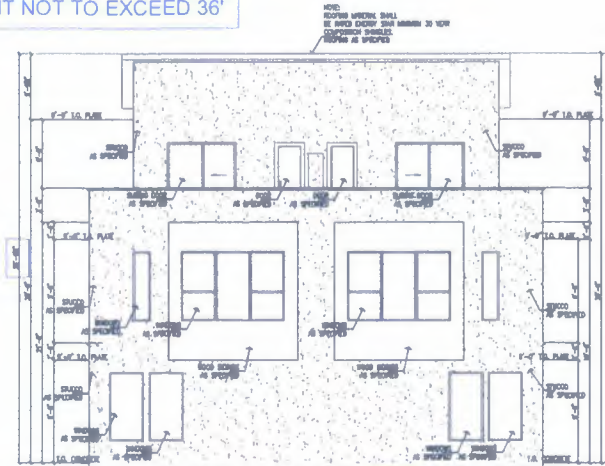
A1.07

ALL CONSTRUCTION SHALL CONFORM TO THE 2011 IRC DALLAS ONE- AND TWO-FAMILY DWELLING CODE

SUBJECT TO FIELD INSPECTOR'S APPROVAL

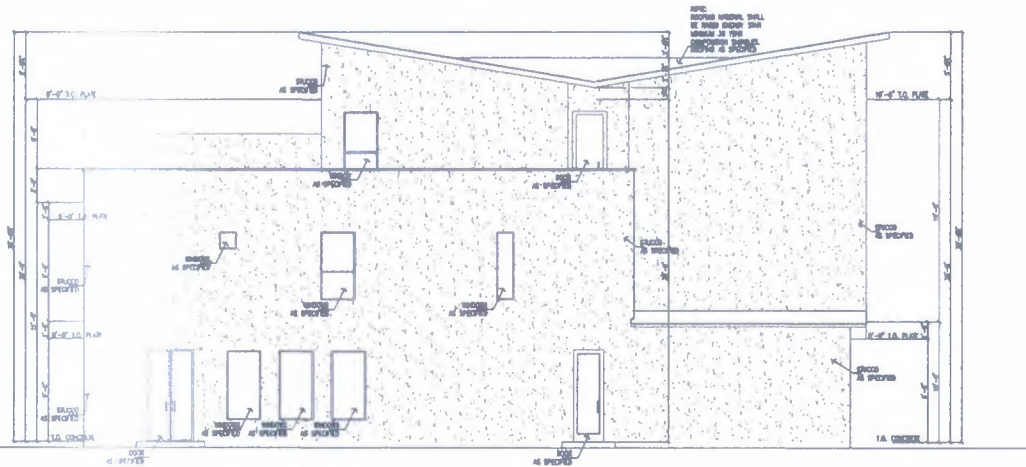
WATER SHALL NOT BE REDIRECTED TO DRAIN ONTO ADJOINING PRIVATE PROPERTY.

MAX HEIGHT NOT TO EXCEED 36'



ASSUMED LEVEL GRADE

3 REAR ELEVATION
A8 SCALE 3/32" = 1'-0"



4 LEFT SIDE ELEVATION
A8 SCALE 3/32" = 1'-0"



SEAL

Project Consulting & Construction
DESIGN • BUILD • CONSULTANCY

Ennis, TX 75119
TEL. (214) 399-3652

REVISIONS

NO.	DESCRIPTION	DATE
△		

ADDRESS
6529 VICTORIA AVENUE
DALLAS, TEXAS 75209

DATE
03/07/2023

DRAWN BY
MACM/JARC

CHECKED BY

DESCRIPTION
NEW CONSTRUCTION

SCALE
3/32" = 1'-0"

SHEET TITLE
ELEVATION

SHEET #
A1.08



CITY OF DALLAS

August 7, 2024

DANIEL LE
F80 CONSTRUCTION, INC
4804 PIER NINE DRIVE
ARLINGTON, TX 76016
danny@f80capital.com

Via Email

RE: Project/Permit # 2301031121 and 2301041101

This letter serves as official notification that project 2301031121 and master permit 2301041101, for the construction of a new duplex at 6529 Victoria Ave, Texas 75209, were issued in error by the Planning and Development Department (PDV) and are hereby revoked for the following reasons:

- Structure exceeds the maximum allowed height for the district per Dallas Development Code § 51P-67.107(c)(1).
- Structure exceeds the maximum allowed lot coverage of 40 percent for the district per Dallas Development code § 51P-67.107(c)(2).
- Non-compliant roof type per the design standards for Planned Development No. 67 per Dallas Development Code § 51P-67.107(c)(3).

Next Steps:

Please reach out to Planning and Development to discuss any of the following options:

- **Option 1 – Board of Adjustment Administrative Official Appeal:** The Board of Adjustment is charged with the duty to hear and decide appeals from decisions of administrative officials made in the enforcement of the zoning ordinance of the city as listed in 51A-3.102(d)(1) & 51A-4.703(a)(2).
- **Option 2 – Submit New Permit:** Submit new plans and permit application for a structure compliant with all Planned Development No. 67 standards and conditions.



CITY OF DALLAS

Please note, these options are provided as a means toward potential compliance and are not intended to constitute legal advice. Please do not hesitate to reach out to Jason Pool, Assistant Director (I), should you have any questions or require additional information.

Should the property owner choose not to take any of the above actions, this matter will be referred to the City's Department of Code Compliance for enforcement.

This decision is final unless appealed to the Board of Adjustment in accordance with Section 51A-4.703(a)(2) of the Dallas City Code within 20 days after written notice of the above action.

Thank you for your prompt attention to this matter.

A handwritten signature in black ink, appearing to read 'Jason Pool', with a large, loopy flourish underneath.

Jason Pool
Assistant Director (I)
Customer Experience
214-948-4392
Jason.Pool@Dallas.gov

c: Emily Liu, Director
M. Samuell Eskander, Deputy Director/Building Official (I)
Vernon Young, Deputy Director
Michael Herron, Zoning Inspections Supervisor
Jill Haning, Assistant City Attorney

Christopher Christian, Director
Jeremy Reed, Assistant Director
Alfred Beecham, Manager
Stormy Gonzalez, Manager
Charlotta Riley, Assistant City Attorney

(E) The issuance of a right-of-way landscape permit under this subsection does not excuse the property owner, his agents, or employees, from liability for the installation or maintenance of trees or other amenities in the public right-of-way.

(e) Skybridges. Skybridges as defined in Chapter 51A are prohibited on Tract II.

(f) Signs. Signs located on the Property must comply with the provisions for non-business zoning districts contained in Article VII. (Ord. Nos. 23873; 25219; 25423; 32324)

SEC. 51P-67.107.

TRACT III USES AND DEVELOPMENT STANDARDS.

(a) In general. Except as provided in this section, land use must remain as indicated on the "Existing Land Use" map with single-family uses and other permitted uses regulated by the requirements of the R-5(A) Single[-]Family District and with duplex uses and other permitted uses regulated by the requirements of the D(A) Duplex District and with the development of vacant property and the redevelopment of property governed by the provisions of Section 51P-67.110 below. Lots 27 through 31 of City Block M/2603 may be used for P(A) Parking District uses subject to the approved Tract III parking district site plan (Exhibit 67C).

(b) Duplex uses. Duplex use is permitted on property fronting Roper Street and Mabel Avenue.

(c) Single family and duplex structures.

(1) Height. Maximum structure height is 25 feet. No portion of the structure may be greater than 30 feet above grade.

(2) Lot coverage. Maximum lot coverage is 40 percent for residential structures.

(3) Roofs. When the height of a roof is above 20 feet, 90 percent of the roof of the main structure must be hip and gable. (Ord. Nos. 25219; 25423; 29890; 32324)

SEC. 51P-67.108.

TRACT IV USES AND DEVELOPMENT STANDARDS.

(a) In general. Except as provided in this section, land use must remain as indicated on the "Existing Land Use" map with single family uses and other permitted uses regulated by the requirements of the R-7.5(A) Single Family District and with duplex uses and other permitted uses regulated by the requirements of the D(A) Duplex District, with the development of vacant property and the redevelopment of property governed by the provisions of Section 51P-67.110 below.

(b) Single family and duplex structures.

(1) Height. Maximum structure height is 25 feet. No portion of the structure may be greater than 30 feet above grade.

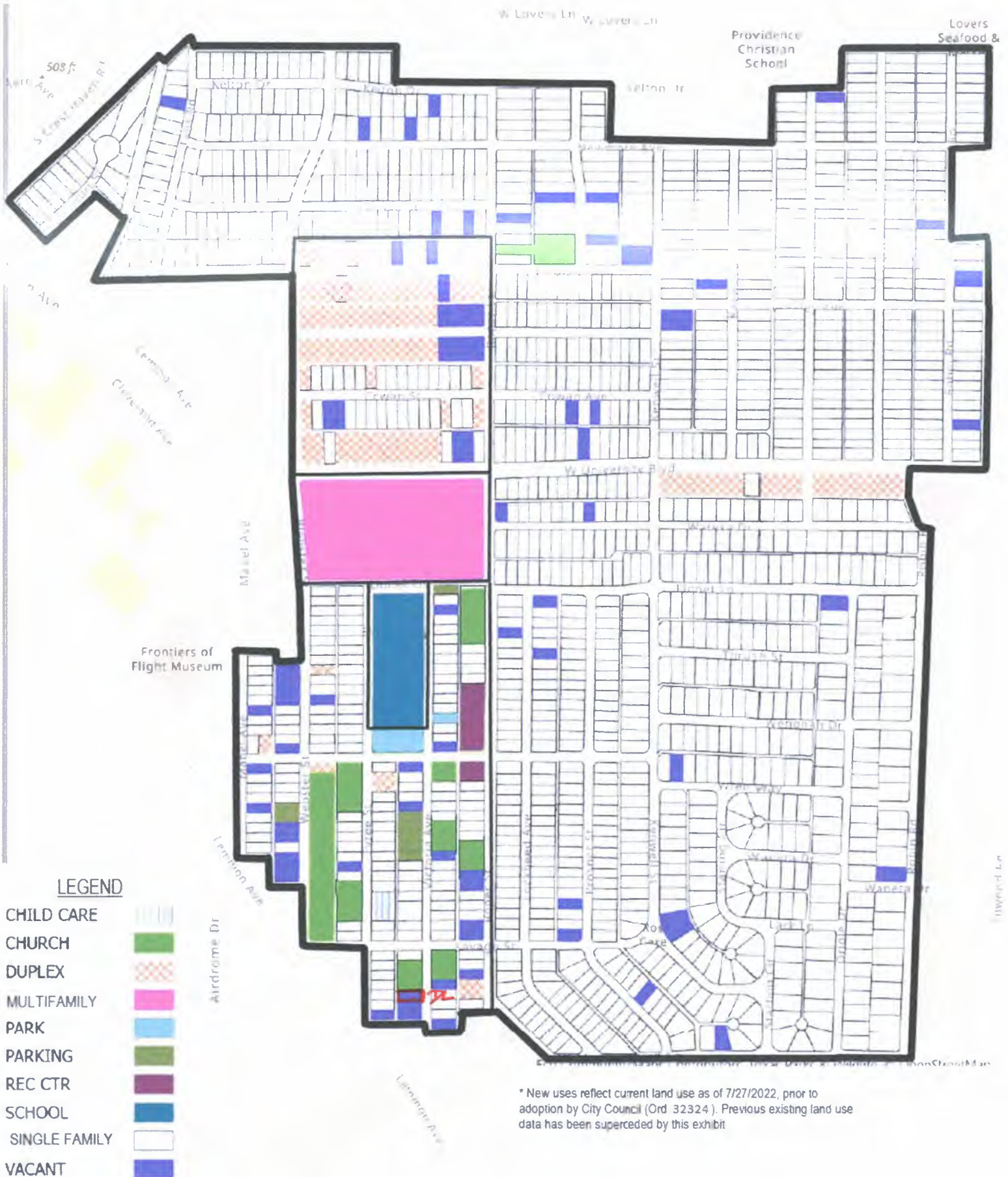
(2) Maximum lot coverage. Maximum lot coverage is 40 percent for residential structures.

(3) Roofs. When the height of a roof is above 20 feet, 90 percent of the roof of the main structure must be hip and gable. (Ord. Nos. 23873; 25219; 25423; 32324)

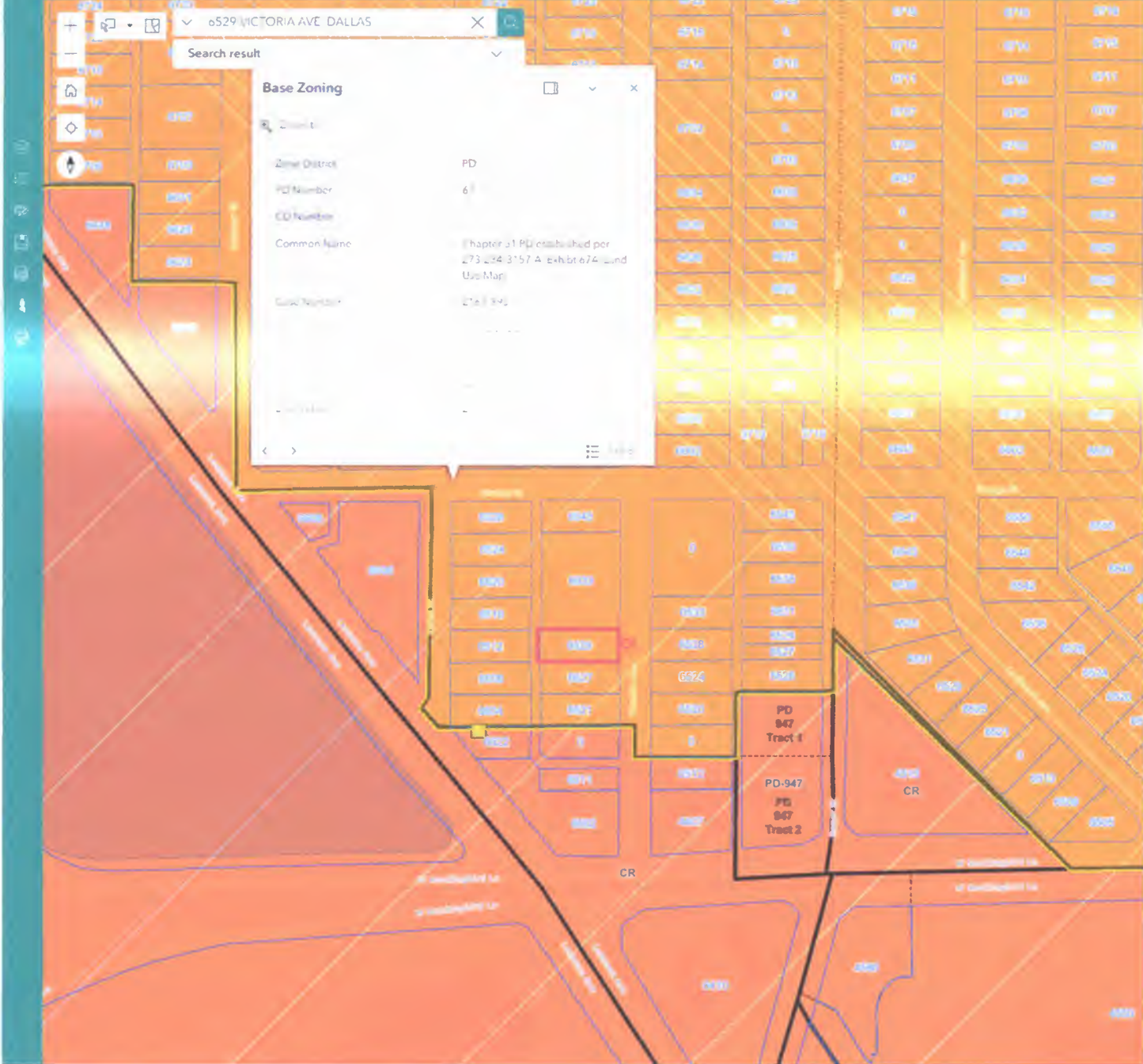
32324

Exhibit 67A – Land Use Map

22 1 5 6 6



* New uses reflect current land use as of 7/27/2022, prior to adoption by City Council (Ord 32324). Previous existing land use data has been superseded by this exhibit.



September 6, 2024

Via Email to BDA Secretary

Board of Adjustment, Panel A
320 E. Jefferson Blvd., Rm. 210
Dallas, Texas 75203

Re: BDA 234-111. Building Official's Brief in the appeal of the Building Official's decision that permits Nos. 2301031121 and 2301041101 were issued in error and are invalid.

Dear Board Members:

This is the building official's response to Daniel Le's (the "Applicant") appeal of the decision that permits numbered 2211181039 and 221118119 were issued in error and are invalid for a partially built duplex at 6529 Victoria Avenue, Dallas, Texas 75209 (the "Property").

I. BACKGROUND

The Property is located in a planned development ("PD") district called the Elm Thicket Northpark Neighborhood or PD 67 ("PD 67"). Dallas, Tex., Code §51P-67.101-02. The purpose of PD zoning is to provide flexibility in the planning and construction of development projects by allowing a combination of land uses developed under a uniform plan that protects contiguous land uses and preserves significant natural features. *Id.* at §51A-4.702(a)(1).

On May 24, 1976, the Dallas City Council first established PD 67 and has amended PD 67 numerous times with the latest amendment occurring on October 12, 2022 as Ordinance No. 32324, which incorporated in the written ordinance new standards for a structure's maximum height, maximum lot coverage, and roof structure type.

Applicant is intending to build a duplex on the Property and the lot is zoned to allow for a duplex. Applicant applied for a permit to build the duplex on the Property on January 3, 2023. However, the planned structure would violate PD 67's standards for the structure's height, lot coverage, and roof structure. Despite the restrictions, an error was made and on April 27, 2023, Development Services (now known as Planning and Development) ("Department") issued the permit to the Applicant.

We do not believe construction took place until the Spring or Summer of 2024. However, on August 7, 2024, a letter was issued by the Department to Applicant revoking the permit. When the letter was issued, Applicant was in the beginning stages of construction working on the structure's framing and constructions stopped. There are three reasons for the revocation:

- The structure exceeds the maximum allowed height for the district, *see* Dallas, Tex., Code §51P-67.107(c)(1);

- The roof type is not compliant with the design standards, *see id.* at §51P-67.107(c)(3); and
- The structure exceeds the maximum allowed lot coverage of 40 percent for the district, *see id.* at §51P-67.107(c)(2).

(*See Exhibit A.*)

The Department requested applicant either file an appeal with the Board of Adjustment (“BDA”) appealing the decision of the building official to revoke the permit or submit new plans for a structure compliant with PD-67. This appeal was filed on August 7, 2024, asking the BDA to reverse the decision to revoke the permit.

II. BURDEN OF PROOF

“The applicant has the burden of proof to establish the necessary facts to warrant favorable action of the board.” Dallas, Texas, Code §51A-4.703(d)(1).

III. DISCUSSION AND ARGUMENT

In this appeal, Applicant seeks to overturn the decision of the administrative official to revoke Applicant’s permit. However, there is no dispute that the permit was issued in error by the Department. The Applicant may make two arguments in support of his request: (1) construction has already begun, so the City is no longer allowed to enforce its laws; and (2) the Applicant was unaware of the zoning change. Under state and local law these are not permissible justifications for allowing the construction of a noncompliant structure to be completed.

The approval of the plans by the Department did “not permit the violation of any city ordinance or state law.” (*See Exhibit B - 001.*) Further, the Dallas Code provides that issuance of a permit or approval of plans “shall not be construed to be a permit for, or an approval of, any violation of any provision of the codes or of any other city ordinance.” Dallas, Tex., Code ch. 52, § 302.4. The code further provides: “Any permit presuming to give authority to violate or cancel any provision of the codes or any other city ordinance shall not be valid.” *Id.* Issuance of a permit based on plans, specifications, or other data does not prevent the administrative official “from preventing building operations being carried on when in violation of the codes or of any other city ordinance.” *Id.* The code directs the building official to “suspend or revoke a permit . . . if he or she determines that the permit was issued in error or . . . in violation of any city ordinance or regulation or any provision of this chapter or the codes.” *Id.* § 302.6.1.

In cases similar to this one, the Texas Supreme Court determined that “[t]he mere issuance of a building permit does not render a city’s zoning ordinances unenforceable.” *City of Dallas v. Vanesko*, 189 S.W.3d 769, 774 (Tex. 2006) (the basis for such a ruling is that if this were not the case, the city would never be able to correct errors in the permitting process.) The Applicant is responsible for knowing the rules and regulations in the development of the lot.¹ Because the

¹ City staff provided notice to 2,382 property owners of the zoning change including the owner of the Property (*See the City Council case report for October 12, 2022 that can be found at: <https://cityofdallas.legistar.com/View.ashx?M=F&ID=11272555&GUID=89E18B08-EB78-4F59-B099-A3B2703A31D1>.*)

Applicant applied for his permit after Ordinance 32324 was effective, Applicant must comply with the current zoning regulations in that ordinance.

a. The maximum structure height in PD 67 is 25 feet.

Applicant plans for the maximum height of the duplex to be 30 feet from grade. (*See* Exhibit B – 001.) Therefore, Applicant should refine its plans to lower the height of the roof of the structure. Dallas, Tex., Code §51P-67.107(c)(1) (limiting the height of a structure to 25 feet.)

b. The planned roof structure is not compliant with PD 67.

Applicant plans for the roof structure to be flat with a rear portion being in a butterfly (V shaped) style. (*See* Exhibit B– 004.) Therefore, Applicant should refine its building plans so the roof is hip and gable. Dallas, Tex., Code §51P-67.107(c)(3) (limiting the roof structure to hip and gable if the height of a roof is above 20 feet.)

d. The planned lot coverage of the structure is not compliant with PD 67.

The plans indicate that the lot coverage of the building structure is going to be 45 percent: (*See* Exhibit B – 001.) However, PD 67 allows the maximum lot coverage to be 40 percent for residential structures. Dallas, Tex., Code §51P-67.107(c)(2) (the maximum lot coverage is 40 percent.)

Accordingly, Applicant cannot meet his burden to establish the facts necessary to overturn the decision to revoke his building permits.

IV. CONCLUSION

The administrative official correctly determined that the Permits were issued in error. Applicant should refine his development plans for the lot so that the structure is compliant with PD 67's requirements for the height of the structure, roof structure, and lot coverage.

Very truly yours,

Justin H. Roy
Assistant City Attorney
214-671-1593
justin.roy@dallas.gov



CITY OF DALLAS

August 7, 2024

DANIEL LE
F80 CONSTRUCTION, INC
4804 PIER NINE DRIVE
ARLINGTON, TX 76016
danny@f80capital.com

Via Email

RE: Project/Permit # 2301031121 and 2301041101

This letter serves as official notification that project 2301031121 and master permit 2301041101, for the construction of a new duplex at 6529 Victoria Ave, Texas 75209, were issued in error by the Planning and Development Department (PDV) and are hereby revoked for the following reasons:

- Structure exceeds the maximum allowed height for the district per Dallas Development Code § 51P-67.107(c)(1).
- Structure exceeds the maximum allowed lot coverage of 40 percent for the district per Dallas Development code § 51P-67.107(c)(2).
- Non-compliant roof type per the design standards for Planned Development No. 67 per Dallas Development Code § 51P-67.107(c)(3).

Next Steps:

Please reach out to Planning and Development to discuss any of the following options:

- **Option 1 – Board of Adjustment Administrative Official Appeal:** The Board of Adjustment is charged with the duty to hear and decide appeals from decisions of administrative officials made in the enforcement of the zoning ordinance of the city as listed in 51A-3.102(d)(1) & 51A-4.703(a)(2).
- **Option 2 – Submit New Permit:** Submit new plans and permit application for a structure compliant with all Planned Development No. 67 standards and conditions.

Exhibit A



CITY OF DALLAS

Please note, these options are provided as a means toward potential compliance and are not intended to constitute legal advice. Please do not hesitate to reach out to Jason Pool, Assistant Director (I), should you have any questions or require additional information.

Should the property owner choose not to take any of the above actions, this matter will be referred to the City's Department of Code Compliance for enforcement.

This decision is final unless appealed to the Board of Adjustment in accordance with Section 51A-4.703(a)(2) of the Dallas City Code within 20 days after written notice of the above action.

Thank you for your prompt attention to this matter.

A handwritten signature in black ink, appearing to read 'Jason Pool'.

Jason Pool
Assistant Director (I)
Customer Experience
214-948-4392
Jason.Pool@Dallas.gov

c: Emily Liu, Director
M. Samuel Eskander, Deputy Director/Building Official (I)
Vernon Young, Deputy Director
Michael Herron, Zoning Inspections Supervisor
Jill Haning, Assistant City Attorney

Christopher Christian, Director
Jeremy Reed, Assistant Director
Alfred Beecham, Manager
Stormy Gonzalez, Manager
Charlotta Riley, Assistant City Attorney

PD 67 TRACT3/D(A)
 F-25'
 S-5'
 R-5'
 HT-30'
 LOT COV-45%
 P-1

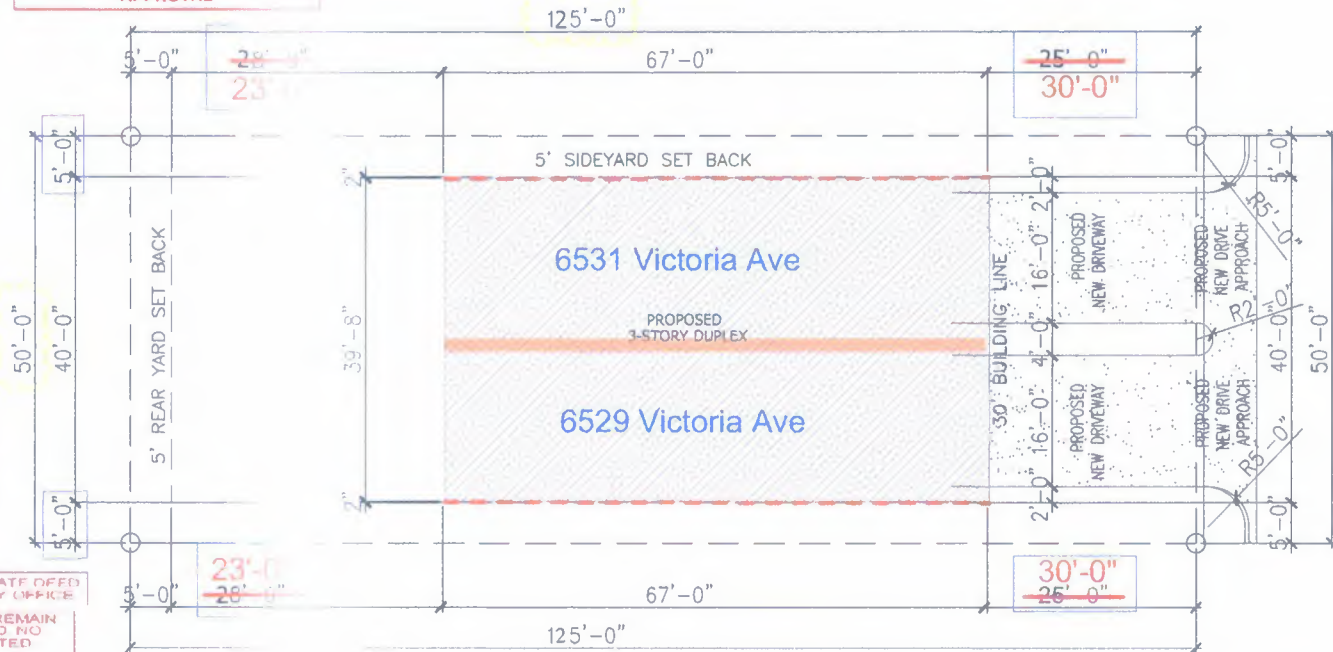
THESE PLANS HAVE BEEN REVIEWED BY THE BUILDING INSPECTION DIVISION AND ARE APPROVED FOR THE START OF CONSTRUCTION. ANY DEVIATION FROM THESE PLANS SHALL BE APPROVED BY THE BUILDING OFFICIAL.

20 DATE 3/24/2023
 BY Edmon Lachica

THIS APPROVAL DOES NOT EXEMPT THE VIOLATION OF ANY CITY ORDINANCE OR STATE LAW.

ALL CONSTRUCTION SHALL CONFORM TO THE 2015 IRC DALLAS ONE-AND TWO-FAMILY DWELLING CODE

SUBJECT TO FIELD INSPECTOR'S APPROVAL



WATER METER BOX MAY NOT BE PLACED ON DRIVEWAY NOR DRIVE APPROACH

KEEP 20FT X 20FT SOFT VISIBILITY TRIANGLES CLEAR

NOTICE: CHECK FOR PRIVATE DEED RESTRICTIONS AT COUNTY OFFICE

UTILITY EASEMENT MUST REMAIN OPEN AND UNOCCUPIED. NO ENCROACHMENTS PERMITTED

WATER SHALL NOT BE REDIRECTED TO DRAIN ONTO ADJOINING PRIVATE PROPERTY

FENCES/RETAINING WALL REQUIRE SEPARATE PERMIT

SMOKE DETECTORS REQUIRED IMMEDIATELY OUTSIDE ALL SLEEPING AREAS AND AT ALL FLOOR LEVELS

SILT FENCE REQUIRED FOR EROSION CONTROL

A PERMIT IS BEING ISSUED FOR WATER/WASTEWATER UTILITIES. YOU ARE RESPONSIBLE TO VERIFY THAT UTILITIES ARE AVAILABLE FOR THIS PROPERTY. IF UTILITIES ARE NOT AVAILABLE FOR THIS SITE, THE CITY OF DALLAS IS NOT RESPONSIBLE

LOTS OF 4,000 SQFT TO 7,499 SQFT IN AREA REQUIRE A MINIMUM OF TWO (2) LARGE OR MEDIUM TREES. MUST HAVE A MINIMUM OF ONE (1) TREE IN THE FRONT YARD. AN EXISTING TREE MAY BE USED FOR THE TREE REQUIREMENT. CONTACT THE CITY ARBORIST FOR CONFIRMATION.

NOTE: STRUCTURE MUST BE PLACED AT THE 30' PROPOSED BUILDLINE, IF PLACED AT THE 25' FYSB THE STRUCTURE WILL ENCROACH INTO FRONT YARD SETBACK. TO BE VERIFIED BY FIELD INSPECTOR.

ZONING PD 67
LEGAL WEBSTER & WOODS NORTH PARK
DESCRIPTION BLK P/2606 LT 18



1 SITE PLAN
 C1 SCALE 1" = 15'



SEAL

Project Consulting & Construction
 DESIGN • BUILD • CONSULTANCY
 Ennis, TX 75119
 TEL. (214) 399-3662

REVISIONS

NO.	DESCRIPTION	DATE
△		

ADDRESS
 6529 VICTORIA AVENUE
 DALLAS, TEXAS 75209

DATE
 03/07/2023

DRAWN BY
 MACM/JARC

CHECKED BY

DESCRIPTION
 NEW CONSTRUCTION

SCALE
 1" = 15'

SHEET TITLE
 SITE PLAN

SHEET #
 C1.01

ALL CONSTRUCTION SHALL CONFORM TO THE 2015 IRC DALLAS ONE-AND TWO-FAMILY DWELLING CODE

SUBJECT TO FIELD INSPECTOR'S APPROVAL

SMOKE DETECTORS REQUIRED INSIDE & IMMEDIATELY OUTSIDE ALL BEDROOMS & ALL LEVELS OF THE DWELLING
CARBON MONOXIDE DETECTORS REQUIRED IMMEDIATELY OUTSIDE ALL BEDROOMS
R314 & R315 - 2015 IRC

SMOKE DETECTORS REQUIRED INSIDE & IMMEDIATELY OUTSIDE ALL BEDROOMS & ALL LEVELS OF THE DWELLING
CARBON MONOXIDE DETECTORS REQUIRED IMMEDIATELY OUTSIDE ALL BEDROOMS
R314 & R315 - 2015 IRC

SMOKE DETECTORS REQUIRED INSIDE & IMMEDIATELY OUTSIDE ALL BEDROOMS & ALL LEVELS OF THE DWELLING
CARBON MONOXIDE DETECTORS REQUIRED IMMEDIATELY OUTSIDE ALL BEDROOMS
R314 & R315 - 2015 IRC

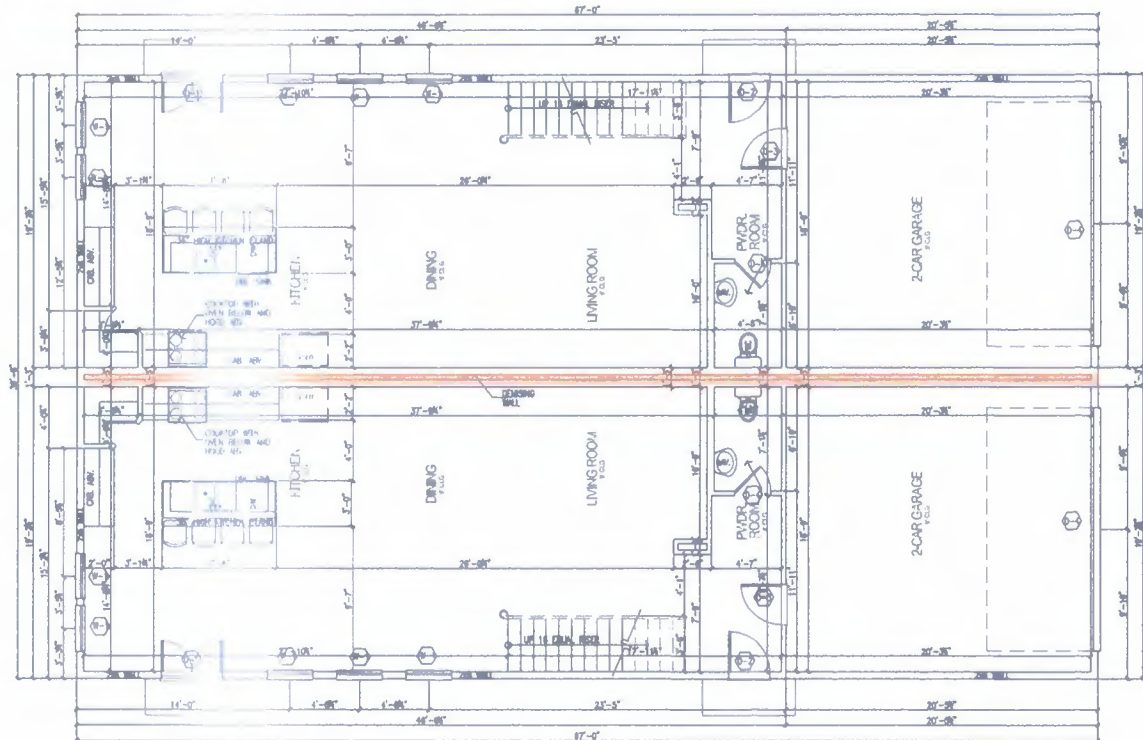


Exhibit B 002



1 PROPOSED FIRST FLOOR PLAN
A1 SCALE: 1/8" = 1'-0"



SEAL

Project Consulting & Construction
DESIGN • BUILD • CONSULTANCY
Ennis, TX, 75119
TEL. (214) 399-3662

REVISIONS		
NO	DESCRIPTION	DATE
△		

ADDRESS
6529 VICTORIA AVENUE
DALLAS, TEXAS 75209

DATE
03/07/2023

DRAWN BY
MACM/JARC
CHECKED BY

DESCRIPTION
ADDITION

SCALE
1/8" = 1'-0"

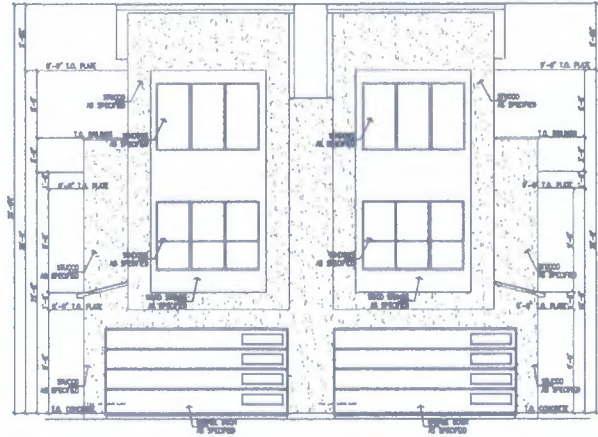
SHEET TITLE
PROPOSED FLOOR PLAN

SHEET #
A1.01

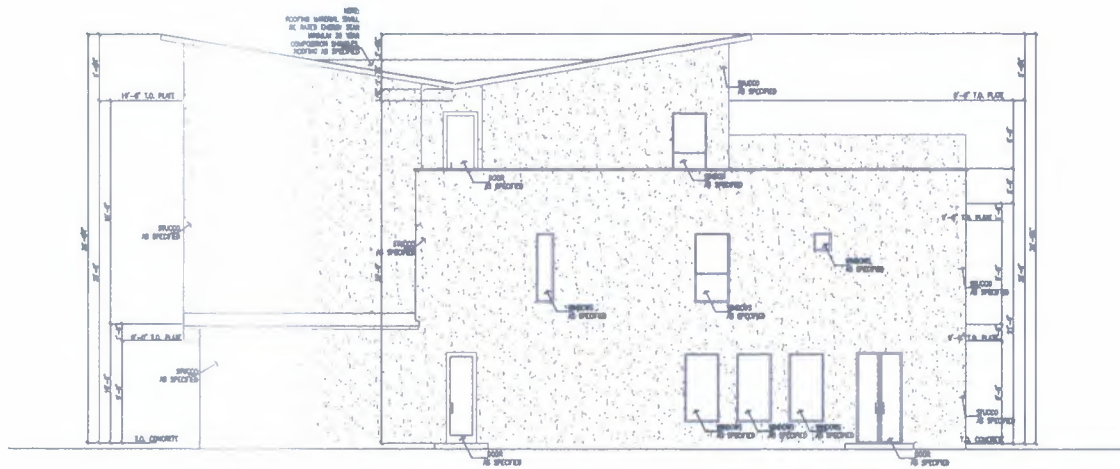
ALL CONSTRUCTION SHALL CONFORM TO THE 2015 IRC DALLAS ORDINANCE TWO-FAMILY DWELLING CODE

SUBJECT TO FIELD INSPECTOR'S APPROVAL

WATER SHALL NOT BE REDIRECTED TO DRAIN ONTO ADJOINING PRIVATE PROPERTY.



1 FRONT ELEVATION
SCALE: 3/32" = 1'-0"



2 RIGHT SIDE ELEVATION
SCALE: 3/32" = 1'-0"



SEAL

Project Consulting & Construction

DESIGN • BUILD • CONSULTANCY

Ennis, TX 75119
TEL (214) 399-3662

REVISIONS

NO.	DESCRIPTION	DATE
△		

ADDRESS

6529 VICTORIA AVENUE
DALLAS, TEXAS 75209

DATE

03/07/2023

DRAWN BY

MACM/JARC

CHECKED BY

DESCRIPTION NEW
CONSTRUCTION

SCALE

3/32" = 1'-0"

SHEET TITLE

ELEVATION

SHEET #

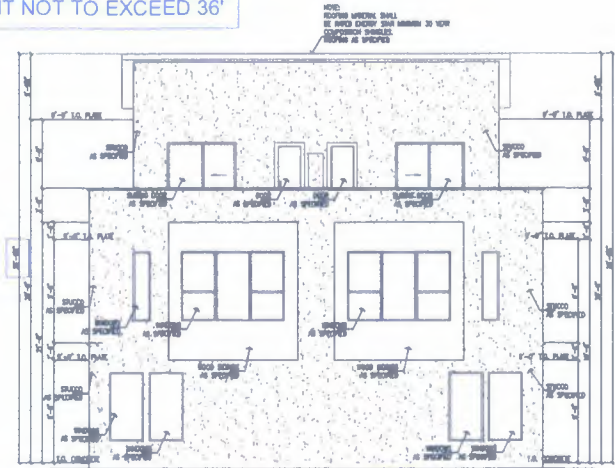
A1.07

ALL CONSTRUCTION SHALL CONFORM TO THE 2011 IRC DALLAS ONE- AND TWO-FAMILY DWELLING CODE

SUBJECT TO FIELD INSPECTOR'S APPROVAL

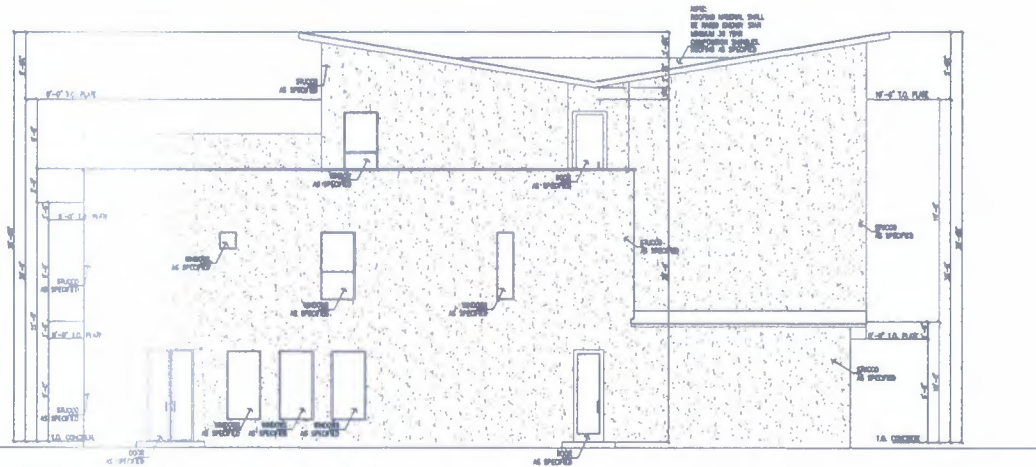
WATER SHALL NOT BE REDIRECTED TO DRAIN ONTO ADJOINING PRIVATE PROPERTY.

MAX HEIGHT NOT TO EXCEED 36'



3 REAR ELEVATION
A8 SCALE 3/32" = 1'-0"

ASSUMED LEVEL GRADE



4 LEFT SIDE ELEVATION
A8 SCALE 3/32" = 1'-0"



SEAL

Project Consulting & Construction
DESIGN • BUILD • CONSULTANCY

Ennis, TX 75119
TEL. (214) 399-3652

REVISIONS

NO.	DESCRIPTION	DATE
△		

ADDRESS
6529 VICTORIA AVENUE
DALLAS, TEXAS 75209

DATE
03/07/2023

DRAWN BY
MACM/JARC

CHECKED BY

DESCRIPTION
NEW CONSTRUCTION

SCALE
3/32" = 1'-0"

SHEET TITLE
ELEVATION

SHEET #
A1.08

FILE NUMBER: BDA234-111_FR1(BT)

BUILDING OFFICIAL'S REPORT: BDA234-111(BT) Application of Daniel Le to **(1)** appeal the decision of the administrative official at **6529 VICTORIA AVE**. This property is more fully described as Block P/2606, Lot 18, and is zoned PD-67 (Tract 3), which allows a person who is aggrieved by the decision of an administrative official and is the owner of real property within 200 feet of the subject site related to a specific application, address, or project, may appeal to the board. The applicant proposes to **(1)** appeal the decision of an administrative official in the issuance of a building permit and associated master permit.

LOCATION: 6529 Victoria Ave.

APPLICANT: Daniel Le

REQUEST:

The applicant is requesting a fee reimbursement for the application submitted to appeal the decision of the administrative official at 6529 Victoria Ave. which will appear before Panel B on September 18, 2024.

STANDARD FOR A FEE WAIVER OR REIMBURSEMENT:

Section 51A-1.105(b)(6) of the Dallas Development Code specifies the board of adjustment may waive the filing fee if the board finds that **payment of the fee would result in substantial financial hardship to the applicant**. The applicant may either pay the fee and request reimbursement at the hearing on the matter or request that the issue of financial hardship be placed on the board's miscellaneous docket for predetermination. If the issue is placed on the miscellaneous docket, the applicant may not apply to the merits of the request for a waiver have been determined by the board. In making this determination, the board may require the production of financial documents.

STAFF RECOMMENDATION:

The staff does not make a recommendation on fee waiver requests since the standard is whether the board finds that payment of the fee would result in substantial financial hardship to the applicant.