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City of Dallas
BOARD OF ADJUSTMENT (PANEL A)

February 20th, 2024, Briefing at 10:30 A.M. and the Public Hearing at 1:00 P.M.
Dallas City Hall, Room 6ES and Videoconference

Video Conference Link: https://bit.ly/boa0220-A
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, February 19th, 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, 19 de Febrero, 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, January 16th, 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 propriedad."

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)

BDA234-013(CJ)	1717 Jeffries Street **REQUEST:** Application of Baldwin Associates for **(1)** a special exception to the landscaping and tree mitigation regulations.	1
BDA234-014(KMH)	4468 Twin Post Road **REQUEST:** Application of Baldwin Associates for **(1)** a special exception to the 20-foot visibility obstruction regulations.	2
BDA234-016(KMH)	2511 Jordan Valley Road **REQUEST:** Application of Arturo Munoz for **(1)** a special exception to the fence height regulations.	3
BDA234-019(CJ)	8343 Douglas Avenue **REQUEST:** Application of Jonelle Smith for **(1)** a special exception to the sign regulations.	4
BDA234-021(CJ)	3110 E. Ledbetter Drive **REQUEST:** Application of Jennifer Hiromoto for **(1)** a special exception to the landscaping regulations.	5
BDA234-025(CJ)	4625 Walnut Hill Lane. **REQUEST:** Application of Darian Kaar for **(1)** a special exception to the fence height regulations, and for **(2)** a special exception to the fence standards regulations regarding prohibited material, and for **(3)** a special exception to the 20-foot visibility obstruction regulations	6

HOLDOVER

BDA223-097(KMH)	2764 Catherine Street **REQUEST:** Application of Robert Smith for **(1)** a special exception to the fence height regulations, and for **(2)** a special exception to the 20-foot visibility obstruction regulations, and for **(3)** a special exception to the 20-foot visibility obstruction regulations.	7

INDIVIDUAL CASES

BDA234-003_FR1	715 W. Redbird Avenue **REQUEST:** The applicant is requesting a fee reimbursement for fees paid for the application of a variance to the side-yard setback regulations.	8
BDA234-009_FR1	909 S. Corinth Street Road **REQUEST:** The applicant is requesting a fee reimbursement for fees paid for the application of a variance to the front-yard setback regulations.	9

BOARD OF ADJUSTMENT

Panel A Minutes

January 16, 2024

DRAFT

6ES Council Briefing
24923176153@dallascityhall.webex.com
David A. Neumann, Chairman

PRESENT: [4]

Kathleen Davis	
Rachel Hayden	
Jay Narey	
Michael Hopkovitz	

ABSENT: [1]

David A. Neumann, Chairman	

Assisting City Attorney Matthew Sapp called the briefing to order at **10:31 A.M.** with a quorum of the Board of Adjustment present.

It was proposed by City Attorney Matthew Sapp to elect a Temporary Presiding Officer for the briefing and hearing. Ms. Rachel Hayden made a motion to elect Kathleen Davis as a temporary presiding officer, second by Jay Narey.

Presiding Officer Rachel Hayden called the hearing to order at **1:03 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.

- We had no speakers for public testimony during this hearing.

MISCELLANEOUS ITEMS

Approval of the Board of Adjustment 2022-2023 BOA Annual Report

Motion was made to approve the Board of Adjustment Special Call Meeting Minutes.

Maker:	Rachel Hayden				
Second:	Jay Narey				
Results:	4-0 unanimously				Moved to approve
		Ayes:	-	4	Rachel Hayden, Kathleen Davis, Michael Hopkovitz and Jay Narey
		Against:	-	0	

Approval of the Board of Adjustment Panel A, November 14th, 2023 meeting minutes.

Motion was made to approve Panel A, November 14th, 2023 public hearing minutes.

Maker:	Michael Hopkovitz				
Second:	Rachel Hayden				
Results:	4-0 unanimously				Moved to approve
		Ayes:	-	4	Rachel Hayden, Kathleen Davis, Michael Hopkovitz and Jay Narey
		Against:	-	0	

CONSENT ITEMS

1. 4701 S. Denley Drive
***This case was moved to Individual Cases.**
BDA234-005(KMH)

BUILDING OFFICIAL'S REPORT: Application of Erick Bonilla for (1) a variance to the front-yard setback regulations at 4701 S. DENLEY DR. This property is more fully described as block 4353, part of tract 1, and is zoned R-7.5(A), which requires a front-yard setback of 25-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide an 8-foot front-yard setback, which will require (1) a 17-foot variance to the front-yard setback regulations.

LOCATION: 4701 S. Denley Dr.

APPLICANT: Erick Bonilla

REQUEST:

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

STANDARD 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:

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.
B. Restrictive in shape as it is an irregularly shaped lot; restrictive in area as it does not meet the minimum lot size of 7,500 square feet for the zoning district; and it is a corner lot, which means that it has two street frontages; therefore the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
C. Not a self-created or personal hardship.

BDA HISTORY:
No BDA history found within the last 5 years.

Square Footage:
This lot contains 6,997.23 of square feet.
This lot is zoned R-7.5(A) which requires a minimum lot size of 7,500 square feet.

Zoning:

Site:	R-7.5(A) Single Family District
North:	R-7.5(A) Single Family District and PD 855
South:	R-7.5(A) Single Family District
East:	PD-855 and Community Retail (CR)
West:	R-5(A)- Single Family District

Land Use:
The subject site is developed with a single family home. The areas to the immediate north, south, east, and west are developed with single family homes.

GENERAL FACTS/STAFF ANALYSIS:

- A request for a variance to the front yard setback regulations of 17-feet is made to construct and/or maintain a residential structure.
- The site is currently developed with a single-family residential home. The applicant is proposing to remodel the home and provide an 8-foot front yard setback, which will require a 17-foot variance to the front yard setback regulations.
- The R-7.5(A) zoning district requires a minimum front yard setback of 25-feet.
- It is imperative to note that the subject site is a corner lot which has two street frontages along S. Denley Drive and Atlas Dr. On a typical lot, there would only be one street frontage and side yards; however, this site is bound by two front yards.
- The lot is also irregularly shaped, and it is restrictive in area as it does not meet the minimum lot size requirements of 7,500 square feet as defined by the R-7.5(A) yard, lot, and space regulations. The subject site is 6,997.23 square feet.

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

- 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.
- 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 17-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.

- BDA234-005 at 4701 S. Denley Dr. (200' radius video)

Timeline:

November 17, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

December 1, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

December 6, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the December 22, 2023, deadline to submit additional evidence for staff to factor into their analysis; and January 5, 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.

December 28, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January public hearings. Review team members in attendance included: The Board of Adjustment Interim Chief Planner/Board Administrator, the Development Services Senior Plans Examiner and the Senior Planner.

Speakers:

For: Erick Bonilla, 4701 denley Dr, Dallas TX 75216

Against: No Speakers

Motion
I move that the Board of Adjustment, in Appeal No. BDA 234-005, on application of Erick Bonilla, **GRANT** the 17-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:	Jay Narey				
Second:	Rachel Hayden				
Results:	4-0 Unanimously				Moved to grant
		Ayes:	-	4	Kathleen Davis, Jay Narey, Rachel Hayden and Michael Hopkovitz
		Against:	-	0	

2. 5433 E. Grand Avenue Suite B
***This case was moved to Individual Cases**
BDA234-008(CJ)

BUILDING OFFICIAL'S REPORT: Application of Baldwin Associates for (1) a variance to the parking regulations at 5433 EAST GRAND AVE Ste B. This property is more fully described as Block A/1610, Part of lot 2 and is zoned RR, which requires parking to be provided. The applicant proposes to construct and/or maintain a non-residential structure for a general merchandise or food store 3500 square feet or less use, and a personal service use, and provide 7 (per delta credits) of the required 12 parking spaces, which will require (1) a 5-space variance (42% reduction) to the parking regulation.

LOCATION: 5433 East Grand Ave.

APPLICANT: Baldwin Associates - Rob Baldwin

REQUEST:

(2) A request for a variance to the parking regulations.

STANDARD 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:

Approval
Based upon the evidence presented and provided to staff, staff concluded that the request is:

- not contrary to public interest as no opposition was received;
- The site is restrictive; in that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning;
- Is not a self-created/personal hardship.

BDA HISTORY:
No BDA history found within the last 5 years.

Square Footage:
This lot contains 3,340 of square feet.
This lot is zoned RR which has a minimum lot size of 7,500 square feet.

Zoning:

Site:	RR (Rural Residential District)
North:	RR (Rural Residential District)
South:	RR (Rural Residential District)
East:	RR (Rural Residential District) & LO-1 (Limited Office District)
West:	RRR (Rural Residential District)

Land Use:
The subject site is developed with a dental office. The areas to the north, south, east, and west are developed with retail/office uses.

GENERAL FACTS/STAFF ANALYSIS:

- A request for a variance to the parking regulations of a 5-space variance (42% reduction) is made to construct and/or maintain a single-family nonresidential structure.
- The subject site is currently developed with a dental office.

- Zoning RR requires one parking space for each 200 square feet of floor area for general merchandise, food store or 3500 sq. ft. or less and one parking space for each 333 square feet of floor area for office service uses.

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

- That granting the variance to the parking regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- The variance is necessary to permit development of 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:

(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 5-space variance (42% reduction) to the 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: BDA234-008: 5433 East Grand Ave.

Timeline:

November 21, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

December 1, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

December 6, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the December 22, 2023, deadline to submit additional evidence for staff to factor into their analysis; and

January 5, 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.

December 28, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the December public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner and the Senior Planner.

Speakers:

For: Rob Baldwin, 3904 Elm Street # B, Dallas TX 75226

Against: Sean Rafford (Did Not Speak) 110 W. A St., San Diego, CA

Motion
I move that the Board of Adjustment, in Appeal No. BDA 234-008, on application of Baldwin Associates, **GRANT** the 5-space variance to the parking 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:	Jay Narey					
Results:	4-0 Unanimously					Moved to grant
		Ayes:	-		4	Kathleen Davis, Rachel Hayden, Michael Hopkovitz and Jay Narey
		Against:	-		0	

3. 909 S. Corinth Street Road
***This case was moved to Individual Cases**
BDA234-009(KMH)

BUILDING OFFICIAL'S REPORT: Application of Dejuan Session for (1) a variance to the front-yard setback regulations at 909 S. CORINTH ST. RD. This property is more fully described as Block 27/3588, Lot 4-6 and part of lot 3, and is zoned RR, which requires a front yard setback of 15-feet. The applicant proposes to construct and/or maintain a non-residential structure and provide a 4-foot front-yard setback, which will require (1) an 11-foot variance to the front-yard setback regulations.

LOCATION: 909 S. Corinth St. Rd.

APPLICANT: Dejuan Session

REQUEST:

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

STANDARD 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:

(G) **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.

(H) **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

(I) **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 **non-conforming structure**.

STAFF RECOMMENDATION:

Approval

Rationale: Based upon evidence presented and provided by the applicant, staff concluded that the site is:
D. Not contrary to the public interest as no letters of opposition were received.

E. Restrictive in shape as it is an irregularly shaped lot. The lot is also bound by three street frontages, requiring a minimum front yard setback of 15-feet for each frontage; therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
F. Not a self-created or personal hardship.

BDA HISTORY:
No BDA history found within the last 5 years.

Square Footage:
This lot contains 11,873.55 of square feet.
This lot is zoned RR and does not require a minimum lot size.

Zoning:

Site:	RR- Regional Retail
North:	SUP 1924
South:	RR- Regional Retail and CR Community Retail
East:	RR- Regional Retail and CR Community Retail
West:	R-5(A)- Single Family District

Land Use:
The subject site is developed with a retail use. The areas to the north, south, east, and west are developed commercial/retail uses and single family uses.

GENERAL FACTS/STAFF ANALYSIS:

- A request for a variance to the front yard setback regulations of 11-feet is made to construct and/or maintain a non-residential structure.
- The subject site is currently developed with a commercial/retail building. The site also contains a food trailer that is located only 4-feet away from the property line.
- The applicant is proposing to maintain the food trailer providing a 4-foot front yard setback, requiring an 11-foot variance to the front yard setback regulations.
- The subject site is unique in nature as the lot is irregularly shaped and has 3 street frontages, Morrell Ave., S. Corinth St. Rd., and E. Waco Ave.
- The Regional Retail (RR) zoning district requires a minimum front yard setback of 15-feet.

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

- 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.
- 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:

(k) 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.
(l) 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.
(m) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
(n) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
(o) the municipality considers the structure to be a nonconforming structure.

- Granting the proposed 11-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.

- BDA234-009 at 909 S. Corinth St. Rd. (200' radius video)

Timeline:

November 27, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

December 1, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

December 6, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the December 22, 2023, deadline to submit additional evidence for staff to factor into their analysis; and January 5, 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.

December 28, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January public hearings. Review team members in attendance included: The Board of Adjustment Interim Chief Planner/Board Administrator, the Development Services Senior Plans Examiner and the Senior Planner.

Speakers:

For: DeJuan Session, 909 S. Corinth Street Rd, Dallas TX 75202

Against: No Speakers

Motion
I move that the Board of Adjustment, in Appeal No. BDA 234-009, on application of Dejuan Session, **DENY** the variance to the front-yard setback regulations requested by this applicant **without** prejudice, because our evaluation of the property and the testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would NOT result in unnecessary hardship to this applicant.

Maker:	Rachel Hayden					
Second:	Jay Narey					
Results:	4-0 unanimously					Moved to deny
		Ayes:	-		4	Rachel Hayden, Kathleen Davis, Michael Hopkovitz and Jay Narey
		Against:	-		0	

4. 3010 Citation Drive
***This case was moved to Individual Cases**
BDA234-012(CJ)

BUILDING OFFICIAL'S REPORT Application of Ignacio Ochoa for (1) a special exception to the fence height regulations, and for (2) a special exception to the fence opacity standards regulations at 3010 CITATION DR. This property is more fully described as Block C/6431, Lot 27, and is zoned R-10(A), which limits the height of a fence in the front-yard to 4-feet; and requires a fence panel with a surface area that is less than 50 percent open not be located 5-feet from the front-lot line. The applicant proposes to construct and/or maintain a 9-foot high fence in a required front- yard, which will require (1) a 5-foot special exception to the fence regulations, and to construct a fence in a required front-yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the front-lot line, which will require (2) a special exception to the fence opacity regulations.

LOCATION: 3010 Citation Dr.

APPLICANT: Ignacio Ochoa

REQUEST:

(1) A request for a special exception to the fence height regulations; and
(2) A request for a special exception to the fence opacity standard regulations.

STANDARD 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.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE OPACITY 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 regulations when in the opinion of the board, the special exception will not adversely affect neighboring property.

STAFF RECOMMENDATION:

Special Exceptions (2):

No staff recommendation is made on this or any request for a special exception to the fence 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 property.

BACKGROUND INFORMATION:

Zoning:

Site:	R-10 (A) (Single Family District)
North:	R-10 (A) (Single Family District)
East:	R-10 (A) (Single Family District)
South:	R-10(A) (Single Family District)
West:	R- 10(A) (Single Family District)

Land Use:

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

BDA History:

No BDA history

GENERAL FACTS/STAFF ANALYSIS:

- The application Ignacio Ochoa, for the property located at 3010 Citation Drive focuses on 2 requests relating to the fence height and fence opacity regulations.
- The applicant proposes to construct and maintain and 9-foot-high fence in a required front yard, which will require a 5-foot special exception to the fence height regulations.
- Secondly, the applicant is proposing to construct and 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 requires a special exception to the fence opacity regulations.
- The subject site along with properties to the north, east, south and west are all developed with single-family homes.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to construct and maintain a 9-foot-high board on board metal frame fence around the circumference of the property at 3010 Citation Drive.
- It is imperative to note that the subject site is a corner lots and it has two street frontages, Citation Drive and Venetian Way. It is important to also note that where the applicant is proposing to construct the fence would typically be a side yard, if the site was not a corner lot.
- 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 Dallas Development Code also states that no fence panel having less than 50 percent open surface area may be located less than 5-feet from the lot line.

- The applicant has the burden of proof in establishing that the special exception(s) to the fence regulations will not adversely affect the neighboring properties.
- Granting the special exceptions to the fence standards relating to height and opacity 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.

Timeline:

November 22, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

December 1, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

December 6, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the December 22, 2023, deadline to submit additional evidence for staff to factor into their analysis; and January 5, 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.

December 28, 2023: The Board of Adjustment staff review team meeting was held regard request and other requests scheduled for the November public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Assistant City Attorney

Speakers:

For: Logan Klein, 3010 Citation Dr., Dallas TX 75229
Whitney McAteer, 3010 Citation Dr., Dallas TX 75229

Against: No Speakers

It was moved to suspend the Rules and accept more than 5 pages as documentary evidence:

Maker:	Jay Narey				
Second:	Rachel Hayden				

Motion # 1
I move that the Board of Adjustment, in Appeal No. BDA 234-012, on application of Ignacio Ochoa, **GRANT** the request of this applicant to construct and/or maintain a 9-foot 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:	Jay Narey				
Second:	Michael Hopkovitz				
Results:	4-0 Unanimously				Moved to grant
		Ayes:	-	4	Rachel Hayden, Kathleen Davis, Michael Hopkovitz and Jay Narey
		Against:	-	0	

Motion # 2
I move that the Board of Adjustment, in Appeal No. BDA 234-012, on application of Ignacio Ochoa, **GRANT** the request of this applicant to construct and/or maintain a fence with panel having less than 50 percent open surface area located less than five-feet from the front lot line as a special exception to the surface area openness requirement for fences in the Dallas Development Code, 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 opacity and fence location requirements illustrated in the most recent version of all submitted plans are required.

Maker:	Jay Narey				
Second:	Michael Hopkovitz				
Results:	4-0 Unanimously				Moved to grant
		Ayes:	-	4	Rachel Hayden, Kathleen Davis, Michael Hopkovitz and Jay Narey
		Against:	-	0	

HOLDOVER CASES

5. 5526 E.R.L. Thornton Freeway
BDA212-078(KMH)

BUILDING OFFICIAL'S REPORT Application of Christopher Cole for (1) a special exception to the fence height regulations at 4515 Harrys Lane. This property is more fully described as Block D/5534, Lot 8 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 a 7-foot-high fence in a required front yard, which will require (1) a 3-foot special exception to the fence regulations.

LOCATION: 4515 Harrys Lane

APPLICANT: Christopher Cole

REQUEST:

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

STANDARD 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 Exception

No staff recommendation is made on this or any request for a special exception to the fence 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 property.

BACKGROUND INFORMATION:

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) and R-16(A) (Single Family Districts)
West:	R- 1ac(A) (Single Family District)

Land Use:

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

BDA History:

No BDA history

GENERAL FACTS/STAFF ANALYSIS:

- The application of Christopher Cole for the property located at 4515 Harrys Lane focuses on the fence height regulations. The applicant is proposing to construct and maintain a 7-foot-high fence in a required front yard, which will require a 3-foot special exception.
- The subject site along with properties to the north, east, south and west are all developed with single-family homes.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to construct and maintain a 7' open iron fence in the required front yard along Harrys Lane with an open iron entrance gate.
- 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 will not adversely affect the neighboring properties.
- Granting the special exceptions to the fence standards 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.

Timeline:

September 11, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

October 2, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

October 4, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the October 23, 2023, deadline to submit additional evidence for staff to factor into their analysis; and November 3, 2023, 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.

October 23, 2023: The applicant provided documentary evidence.

November 1, 2023: The Board of Adjustment staff review team meeting was held regard request and other requests scheduled for the November public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development

Services Senior Plans Examiner, the Assistant City Attorney to the Board, the Senior Planner Code Compliance staff.

Speakers:

For: Audra Buckley, 1414 Belleview St # 150 Dallas TX 75215

Against: No Speakers

Motion # 1
I move that the Board of Adjustment, in Appeal No. BDA 212-078, on application of John Doe, **GRANT** the request of this applicant to provide 22 off-street parking spaces to the off-street parking regulations contained in the Dallas Development Code, as amended, which requires 26 off-street parking spaces, because our evaluation of the property use and the testimony shows that this special exception will not increase traffic hazards or increase traffic congestion on adjacent or nearby streets, and the parking demand generated by the use does not warrant the number of required parking spaces. This special exception is granted for a restaurant with a drive-in or drive-through.

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

The special exception of four spaces shall automatically and immediately terminate if and when the motor vehicle fueling station, restaurant with drive-in or drive-through service use, and a general merchandise or food store use is changed or discontinued.

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

Maker:	Michael Hopkovitz						
Second:	Rachel Hayden						
Results:	4-0 Unanimously						Moved to grant
		Ayes:	-			4	Kathleen Davis, Michael Hopkovitz, Rachel Hayden, Jay Narey
		Against:	-			0	

Motion #
I move that the Board of Adjustment, in Appeal No. BDA 212-078, on application of Audra Buckley, **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.

Maker:	Michael Hopkovitz						
Second:	Rachel Hayden						
Results:	4-0 Unanimously						Moved to grant
		Ayes:	-			4	Kathleen Davis, Michael Hopkovitz, Rachel Hayden, Jay Narey
		Against:	-			0	

6. 2764 Catherine Street
BDA223-097(KMH)

BUILDING OFFICIAL'S REPORT Application of Robert Smith for (1) a special exception to the fence height regulations, and for (2) a special exception to the 20-foot visibility obstruction regulations, and for (3) a special exception to the 20-foot visibility obstruction regulations at 2764 Catherine St. This property is more fully described as Block 2/3879, Lot 1, and is zoned CD-8; subarea 1 (R-7.5(A)), which limits the height of a fence in the 50% of the side-yard and corner side-yard to 4-feet and requires a 20-foot visibility triangle at driveway approaches, and requires a 20-foot visibility triangle at the point of intersection of the edge of an alley and an adjacent street curb line. The applicant proposes to construct a 6-foot high fence in a required side-yard, which will require (1) a 2-foot special exception to the fence height regulations; and to construct a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require (2) a special exception to the 20-foot visibility obstruction regulation at driveway approaches; and to construct a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require (3) a special exception to the 20-foot visibility obstruction regulation intersection of the edge of an alley and an adjacent street curb line**.**

LOCATION: 2764 Catherine St.

APPLICANT: Robert Smith

REQUEST:

1. A request for a special exception to the fence height regulations,
2. A request for a special exception to the 20-foot visibility obstruction regulations, and;
3. A request for a special exception to the 20-foot visibility obstruction regulations.

STANDARD 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**.

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

Section 51A-4.602(d)(3) of the Dallas Development Code states that the board shall grant a special

exception to the requirements of the visual obstruction regulations when, in the opinion of the board, **the item will not constitute a traffic hazard**.

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to the fence 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 property.

No staff recommendation is made on this or any request for a special exception to the visual obstruction regulations since the basis for this type of appeal is when in the opinion of the board, the item will not constitute a traffic hazard.

BACKGROUND INFORMATION:

Zoning:

Site:	CD-8; Subarea R-7.5 (A) (Single Family District)
North:	CD-8
East:	CD-8
South:	CD-8
West:	CD-8

Land Use:

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

BDA History:

No BDA history in the last five years.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Robert Smith for the property located at 2764 Catherine Street focuses on 3 requests. The first request is for a special exception to the fence height regulations of 4-feet. The applicant is proposing to construct and 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 applicant is proposing the fence along Pierce Street and along the alley. It is imperative to note the fence along Pierce Street will include a gate
- Secondly, the applicant proposes to maintain a single-family fence in a required visibility triangle at the driveway approach along Pierce Street, which will require a special exception to the visual obstruction regulations. The visual obstruction regulations require a 20-foot visibility triangle at all driveway approaches.
- Additionally, the applicant proposes to maintain a single-family fence structure in a required visibility triangle at the intersection of the edge of an alley and an adjacent street curb line, which requires a 20-foot special exception to the visual obstruction regulations.
- The subject site along with the surrounding properties are all developed with single family uses.
- It is imperative to note that the subject site is a corner lot.

- As gleaned from the submitted site plan and elevations, the applicant is proposing to maintain a new 6-foot wooden fence. The proposed fence and gate are shown to encroach into the required visibility triangle at the driveway approach along Pierce Street. The proposed fence is also shown to encroach into the visibility triangle at the street intersection and the alley.
- The CD-8 zoning district limits the height of a fence in the 50% of the side-yard and corner side-yard to 4-feet.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations will not adversely affect the neighboring property.
- The applicant has the burden of proof in stablishing that the special exception to the visual obstruction regulations does not constitute a traffic hazard.
- If the Board were to grant this special exception request and impose a condition that the applicant complies with the submitted site plan/elevation, the proposal over 2-feet in height in the front yard setback would be limited to that what is shown on the submitted documents.
- Additionally, granting this request for a special exception to the visual obstruction regulations with a condition imposed that the applicant complies with the submitted site plan would limit the proposed fence in the 20-foot visibility triangles at the driveway into the site from Pierce Street and the alley to what is shown on the submitted documents.
- BDA223-097 2764 Catherine

Timeline:

September 13, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

October 2, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.

October 4, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the October 23, 2023, deadline to submit additional evidence for staff to factor into their analysis; and November 3, 2023, 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.

November 1, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the July public hearings. Review team members in attendance included: The Board of Adjustment

Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.

December 19, 2023: The applicant requested that this case be postponed until February due to unexpected family emergencies that has caused a delay with making revisions to his plans and trying to come into compliance.

Speakers:

For: Gilbert Cortez, 5434 Ross Ave., Dallas TX 75206

Against: No Speakers

Motion # 1
I move that the Board of Adjustment in Appeal No. BDA 223-097 **hold this matter** under advisement until **February 20, 2024.**

Maker:	Rachel Hayden					
Second:	Jay Narey					
Results:	4-0 unanimously					Moved to hold until 02/20/24
		Ayes:	-		4	Rachel Hayden, Kathleen Davis, Michael Hopkovitz and Jay Narey
		Against:	-		0	

INDIVIDUAL CASES

7. 5524 Vickery Boulevard
BDA223-107_FR1(DB)

BUILDING OFFICIAL'S REPORT: Application of Michael Vann to appeal the decision of the administrative official at 5524 Vickery Blvd

LOCATION: 5524 Vickery Blvd.

APPLICANT: Michael Vann

REQUESTS:

The applicant is requesting a fee reimbursement for an appeal the decision of the administrative official.

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: No Speakers

Against: No Speakers

Motion
I move that the Board of Adjustment, in Appeal No. BDA 223-107_FR1, on application of Michael Vann, **DENY** the request to reimburse the filing fees in association with a request for an appeal of the decision of the administrative official as requested by this applicant (with/without) prejudice, because our evaluation of the property and the testimony shows that payment of the fee would NOT result in substantial financial hardship to this applicant.

Maker:	Rachel Hayden				
Second:	Jay Narey				
Results:	3-1				Moved to deny
		Ayes:	-	3	Rachel Hayden, Kathleen Davis, and Jay Narey
		Against:	-	1	Michael Hopkovitz

8. 715 W. Redbird Lane
BDA234-003(KMH)

BUILDING OFFICIAL'S REPORT: Application of Leticia Dorsey for (1) a variance to the side-yard setback regulations at 715 W. RED BIRD LN. This property is more fully described as Block 13/6909, Lot 15, and is zoned R-7.5(A), which requires side-yard setback of 5-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 2-foot side-yard setback, which will require (1) a 3-foot variance to the side-yard setback regulations.

LOCATION: 715 W. Red Bird Lane

APPLICANT: Leticia Dorsey

REQUEST:

(4) A request for a variance to the side-yard setback regulations.

STANDARD 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:

(J) **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.

(K) **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

(L) **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:

Denial

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

G. Not contrary to public interest as no letters of opposition were received.
H. Not restrictive in area, shape or slope; in which the property cannot be developed in a manner commensurate with development upon other parcels of land with the same zoning.
I. Self-created hardship/personal hardship.

BDA HISTORY:
No BDA history found within the last five years.

Square Footage:
The lot contains 11,389.75 of square feet.
The lot is zoned R-7.5(A) with a minimum lot size of 7,500 square feet.

Zoning:

Site:	R-7.5(A) Single Family District
North:	R-7.5(A) Single Family District
South:	R-7.5(A) Single Family District
East:	R-7.5(A) Single Family District
West:	R-7.5(A) Single Family District

Land Use:
The subject site is developed with a single family home. The areas to the north, east, and west are developed with single-family uses, to the south of the property is a church.

GENERAL FACTS/STAFF ANALYSIS:

- A request for a variance to the side yard setback of 3-feet is made to maintain a single-family residential structure.
- The applicant is proposing to only provide a 2-foot side yard setback, whereas a minimum 5-foot side yard setback is required as defined in the yard, lot, and space regulations for the R-7.5(A) zoning district.
- The subject site is currently developed with a single-family dwelling unit and is surrounded by single family homes, with the exception of a church/congregational facility to the immediate south.
- As gleaned from the submitted site plan, the applicant is proposing to maintain an addition to the home along the eastern border of the property.

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

- That granting the variance to the side 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.
- 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:

(p) 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.
(q) 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.
(r) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
(s) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
(t) the municipality considers the structure to be a nonconforming structure.

- Granting the proposed 3-foot variance to the side 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.

- BDA234-003 at 715 W. Red Bird Lane (200' Radius Video)

Timeline:

November 9, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

December 1, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

December 6, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the December 22, 2023, deadline to submit additional evidence for staff to factor into their analysis; and January 5, 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.

December 28, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the December public hearings. Review team members in attendance included: The Board of Adjustment Interim Chief Planner/Board Administrator, the Development Services Senior Plans Examiner and the Senior Planner.

Speakers:

For: Leticia Dorsey, 715 W. Red Bird Ln., Dallas TX 75232

Against: No Speakers

Motion
I move that the Board of Adjustment, in Appeal No. BDA 234-003, on application of Leticia Dorsey, **GRANT** the 3-foot variance to the side-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:	Michael Hopkovitz					
Second:	Rachel Hayden					
Results:	4-0 unanimously					Moved to grant

		Ayes:	-		4	Rachel Hayden, Kathleen Davis, Michael Hopkovitz and Jay Narey
		Against:	-		0	

9. 2000 Euclid Street
BDA234-006(DB)

BUILDING OFFICIAL'S REPORT: BDA234-006(DB) Application of Baldwin Associates for (1) a variance to the front-yard setback regulations, and for (2) a special exception to the fence height regulations, and for (3) a special exception to the fence opacity standards regulations, and for (4) a special exception to the visibility obstruction regulations at 2000 EUCLID ST. This property is more fully described as block B/1981, lot 8 and is zoned R-7.5(A), which requires a front-yard setback of 25-feet, and limits the height of a fence in the front-yard to 4-feet and requires a fence panel with a surface area that is less than 50 percent open not be located 5 feet from the front-lot line and requires a 20-foot visibility triangle at driveway approaches. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 4-foot 8-inch front-yard setback, which will require (1) a 20-foot 4-inch variance to the front- yard setback regulations, and to construct and/or maintain a 9-foot high fence in a required front-yard, which will require (2) a 5-foot special exception to the fence regulations, and to construct and/or maintain a fence in a required front-yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the front-lot line, which will require (3) a special exception to the fence opacity regulations, and to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle, which will require (4) a special exception to the visibility obstruction regulation.

LOCATION: 2000 EUCLID ST

APPLICANT: Baldwin Associates-Rob Baldwin

REQUEST:

(1) Variance to the front-yard setback regulations;
(2) Special exception to the fence height regulations;
(3) Special exception to the fence standards regulations;
(4) Special exception to the 20-foot visibility obstruction regulations.

STANDARD 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:

(M) **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.

(N) **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

(O) **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.

STANDARD FOR A SPECIAL EXCEPTION:

Fence Standards
The board shall grant a special exception to the requirements of this section when, in the opinion of the board, the special exception will not adversely affect neighboring property.

Fence Standards
The board shall grant a special exception to the requirements of this section when, in the opinion of the board, the special exception will not adversely affect neighboring property.

Visual Obstruction regulations
The board shall grant a special exception to the requirements of this section when, in the opinion of the board, the item will not constitute a traffic hazard.

STAFF RECOMMENDATION:

Variance to the front yard setback:
Approval

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

J. Not contrary to the public interest as no letters of opposition were received.
K. Subject lot is restrictive in shape and area due to the configuration and the double frontage; therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
L. Not a self-created or personal hardship.

Special Exception(s):
No staff recommendation is made on this or any request for a special exception to the fence 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 property.
No staff recommendation is made on this or any request for a special exception to the fence 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 property.
No staff recommendation is made on this or any request for a special exception to the visibility obstruction regulation since the basis for this type of appeal is when in the opinion of the board, the item will not constitute a traffic hazard.

BDA HISTORY:
No BDA history within the last 5 years.

Square Footage:
This lot contains 8400 square feet.
This lot is zoned R-7.5(A) which requires a minimum lot size of 7,500 square feet.

Zoning:

Site:	R-7.5(A)-Residential Zoning District
North:	R-7.5(A)-Residential Zoning District
South:	MF-2(A)-Multifamily Zoning District
East:	R-7.5(A)-Residential Zoning District
West:	R-7.5(A)-Residential Zoning District

Land Use:
The subject site is developed with an existing single-family residential structure use. The areas to the north, east and west of the property are developed with single-family uses and the areas to the south contain single-family and multifamily uses.

GENERAL FACTS/STAFF ANALYSIS:

- This lot is zoned R-7.5(A)-Residential Zoning, which a requires a 25-foot front yard setback
- This lot has 2-street frontages, which cannot treat the longer street frontage (Sears) as a side due to continuity of the established block face
- A request for a variance to encroach into the required front-yard setback is being proposed to maintain the existing structure.
- A permit for the construction of the single-family dwelling was approved as an oversite as it was treated as a side yard in error.
- A request for a special exception to exceed the maximum allowed height of a fence located in the required front yard is being proposed.
- A permit for the construction of the fence was issued as an oversite as it was treated as a side yard in error.
- A request for a special exception to exceed the maximum allowed opacity to the fence regulations is being proposed.
- A permit for the construction of the board on board fence was approved as an oversite as it was treated as a side yard in error.
- A request for a special exception to encroach into the 20-foot visibility triangles at the drive approach is being proposed.
- Staff “redlined” the visibility triangles on the approved site plan stating 20’ x 20’ visibility triangles must remain clear and unobstructed.
- Fence is constructed on top of the retaining wall with a total height of 9-feet.

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:

(u) 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.
(v) 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.
(w) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
(x) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
(y) the municipality considers the structure to be a nonconforming structure.

Timeline:

November 20, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

December 4, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

December 6, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the December 22, 2023, deadline to submit additional evidence for staff to factor into their analysis; and January 5, 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.

December 28, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the November public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.

Speakers:

For: Rob Baldwin, 3904 Elm Street # B, Dallas TX 75226

Against: No Speakers

Motion # 1
I move that the Board of Adjustment, in Appeal No. BDA 234-006, on application of Baldwin Associates, **GRANT** the 20-foot 4-inch variance to the front-yard setback regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

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

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

Maker:	Rachel Hayden					
Second:	Jay Narey					
Results:	4-0 unanimously					Moved to grant
		Ayes:	-		4	Rachel Hayden, Kathleen Davis, Michael Hopkovitz and Jay Narey
		Against:	-		0	

Motion # 2
I move that the Board of Adjustment, in Appeal No. BDA 234-006, on application of Baldwin Associates, **GRANT** the request of this applicant to construct and/or maintain a 9-foot 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:	Rachel Hayden				
Second:	Kathleen Davis				
Results:	2-2				Moved to grant / Motion fails
		Ayes:	-	2	Rachel Hayden, Kathleen Davis,
		Against:	-	2	Michael Hopkovitz and Jay Narey

Motion # 3
I move that the Board of Adjustment, in Appeal No. BDA 234-006, on application of Baldwin Associates, **DENY** the special exception requested by this applicant to construct and/or maintain a 9-foot high fence **without** prejudice, because our evaluation of the property and the testimony shows that granting the application would adversely affect neighboring property.

Maker:	Rachel Hayden				
Second:	Kathleen Davis				
Results:	4-0 Unanimously				Moved to deny
		Ayes:	-	4	Rachel Hayden, Kathleen Davis, Michael Hopkovitz and Jay Narey

		Against:	-	0	

Motion # 4
I move that the Board of Adjustment, in Appeal No. BDA 234-006, on application of Baldwin Associates, **DENY** the special exception requested to construct and/or maintain a fence with panel having less than 50 percent open surface area located less than five-feet from the front lot line as a special exception to the surface area openness by this applicant **without** prejudice, because our evaluation of the property and the testimony shows that this special exception will adversely affect neighboring property.

Maker:	Rachel Hayden				
Second:	Jay Narey				

Withdrawn	Jay Narey				

Maker:	Rachel Hayden				
Second:	Michael Hopkovitz				
Results:	4-0 Unanimously				Moved to deny
		Ayes:	-	4	Rachel Hayden, Kathleen Davis, Michael Hopkovitz and Jay Narey
		Against:	-	0	

Motion # 5
I move that the Board of Adjustment, in Appeal No. BDA 234-006, on application of Baldwin Associates**, DENY** the special exception requested by this applicant to maintain items in the visibility triangle at the drive approach **without** prejudice, because our evaluation of the property and the testimony shows that granting the application would constitute a traffic hazard.

Maker:	Rachel Hayden				
Second:	Jay Narey				
Results:	4-0 Unanimously				Moved to deny
		Ayes:	-	4	Rachel Hayden, Kathleen Davis, Michael Hopkovitz and Jay Narey
		Against:	-	0	

10. 2000 Euclid Avenue
BDA234-006_FR1(DB)

BUILDING OFFICIAL'S REPORT: Application of Baldwin Associates for a variance to the front yard setback regulations, and for a special exception to the fence height regulations, and for a special exception to the fence standards regulations, and for a special exception to the visibility obstruction regulations at 2000 Euclid Ave.

LOCATION: 2000 Euclid Avenue

APPLICANT: BALDWIN ASSOCIATES

REQUESTS:

The applicant is requesting a fee reimbursement for fees paid for the application of a variance to the front yard setback regulations, and for a special exception to the fence height regulations, and for a special exception to the fence standards regulations, and for a special exception to the visibility obstruction regulations at 2000 Euclid Ave.

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: Rob Baldwin, 3904 Elm Street # B, Dallas TX 75226

Against: No Speakers

Motion # 1
I move that the Board of Adjustment, in Appeal No. BDA 234-006_FR1, on application of Baldwin Associates, **GRANT** the request to reimburse the filing fees in association with a request for a special exception to the fence height regulations, a special exception to the fence opacity standards, and a special exception to the visibility obstruction regulations as requested by this applicant because our evaluation of the property and testimony shows that the payment of the fee would result in substantial financial hardship to this applicant.

Maker:	Jay Narey				
Second:	Kathleen Davis				
Results:	2-2 Unanimously				Moved to grant / Motion fails
		Ayes:	-	2	Kathleen Davis and Jay Narey
		Against:	-	2	Michael Hopkovitz and Rachel Hayden

Motion # 2
I move that the Board of Adjustment, in Appeal No. BDA 234-006_FR1, on application of Baldwin Associates, **DENY** the request to reimburse the filing fees for a special exception to the fence height regulations, a special exception to the fence opacity standards, and a special exception to the visibility obstruction regulations as requested by this applicant **without** prejudice, because our evaluation of the property and the testimony shows that payment of the fee would NOT result in substantial financial hardship to this applicant.

Maker:	Jay Narey				
Second:	Kathleen Davis				
Results:	4-0 Unanimously				Moved to deny
		Ayes:	-	4	David A. Neumann, Rachel Hayden, Kathleen Davis, Michael Hopkovitz and Jay Narey
		Against:	-	0	

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Presiding Officer Kathleen Davis moved to adjourn the meeting at 3:11 p.m.

Maker:	Jay Narey				
Second:	Rachel Hayden				

Required Signature: Date
Mary Williams, Board Secretary
Development Services Dept.

Required Signature: Date
Dr. Kameka Miller-Hoskins, Interim Chief Planner
Development Services Dept.

Required Signature: Date
Rachel Hayden, Presiding Officer
Board of Adjustment

FILE NUMBER: BDA234-013(CJ)

BUILDING OFFICIAL'S REPORT Application of Baldwin Associates for (1) a special exception to the landscaping and tree mitigation regulations at 1717 Jeffries St. This property is more fully described as Block 5/858, Lot 1, and is zoned PD-346; tract 3, which requires mandatory landscaping and tree mitigation. The applicant proposes to construct and/or maintain a nonresidential structure and provide an alternate landscape plan for tree mitigation, which will require (1) a special exception to the landscape and tree preservation regulations.

LOCATION: 1717 Jeffries St.

APPLICANT: Baldwin Associates - Rob Baldwin

REQUEST: Baldwin Associates - Rob Baldwin

(1) A request for a special exception to the landscape and tree regulations

STANDARD FOR A SPECIAL EXCEPTION IN GENERAL AND URBAN FOREST CONSERVATION REGULATIONS:

SEC. 51A-10.110. (b) IN GENERAL AND URBAN FOREST CONSERVATION.

(b) In general and urban forest conservation.

(1) The board may grant a special exception to the requirements of Division 51A-10.130, other than fee and notice requirements, upon making a special finding from the evidence presented that:

(A) strict compliance with the requirements of Division 51A-10.130 will unreasonably burden the use of the property;

(B) the special exception will not adversely affect neighboring property; and

(C) the requirements are not imposed by a site-specific landscape plan or tree mitigation plan approved by the city plan commission or city council.

(2) In determining whether to grant a special exception under Paragraph (1), the board shall consider the following factors:

(A) The extent to which there is residential adjacency.

(B) The topography of the site.

(C) The extent to which landscaping exists for which no credit is given under this article.

(D) The ability to plant replacement trees safely on the property.

(E) 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)

DIVISION. 51A-10.130. URBAN FOREST SONSERVATION.

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this or any request for a special exception to the landscape and tree preservation 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 property.

BACKGROUND INFORMATION:

Zoning:

Site:	PD 346 (Planned Development)
North:	IM (Industrial Manufacturing District)
East:	IM (Industrial Manufacturing District)
South:	IM (Industrial Manufacturing District)
West:	IM (Industrial Manufacturing District)

Land Use:

The subject site is in Planned Development 346 and all surrounding properties are developed with industrial manufacturing uses.

BDA History:

No BDA history

GENERAL FACTS/STAFF ANALYSIS:

- The application Rob Baldwin, for the property located at 1717 Jeffries Street focuses on 1 request relating to the landscape and tree preservation regulations.
- The applicant proposes to construct and/or maintain a nonresidential structure and provide an alternate landscape plan for tree mitigation, which will require (1) a special exception to the landscape and tree preservation regulations.

- The applicant is seeking a special exception to the landscaping and tree preservation regulations. The site conditions of the new development include tree mitigation as a result of the development of the facility which caused the removal of protected and unprotected trees that were surveyed and reviewed as a part of the project. All options stated In Article X are currently available to the applicant.
- It is imperative to note that the subject site has four street frontages: Jeffries Street, South Malcolm X Boulevard, Dawson Street and Hickory Street.
- The Dallas Development Code, Article X division for tree conservation, states in Sec. 51A-10.134 how and when tree mitigation is to apply. All replacement for the project must be completed before the final Certificate of Occupancy may be issued for the facility. When mitigation cannot be fully completed on site, Sec. 51A-10.135 provides multiple alternatives to direct replacement on site including planting within 5 miles of the tree removal property, donation of trees to city departments, providing a conservation easement, or making a payment in-lieu of planting into the Dallas Reforestation Fund.
- The arborist division has no recommendation to the proposed alternate landscape plan for the new development.
- The applicant has the burden of proof in establishing that the special exception(s) to the landscape and tree preservation regulations will not adversely affect the neighboring properties.
- Granting the special exceptions to the landscape and tree preservation regulations with a condition that the applicant complies with the submitted site plan/landscape plan, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: BDA234-013_1717 Jeffries St.

Timeline:

December 5, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

January 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

January 11, 2024: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

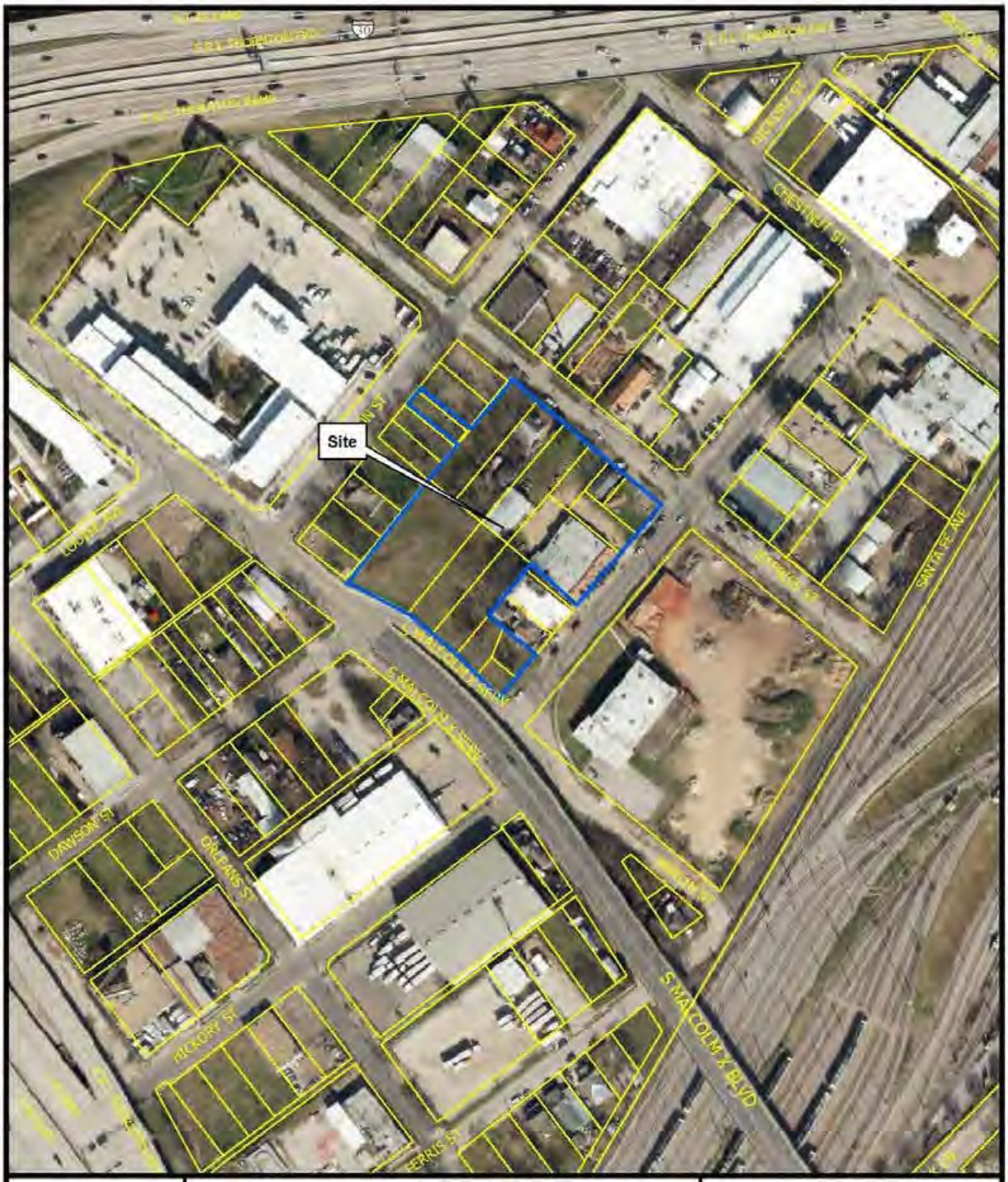
- an attachment that provided the public hearing date and panel that will consider the application; the January 26, 2024, deadline to submit additional evidence for staff to factor into their analysis; and February 9, 2024, deadline to

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.

February 2, 2024: The Board of Adjustment staff review team meeting was held regard request and other requests scheduled for the February public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Assistant City Attorney to the Board, the Senior Planner Code Compliance staff.

February 5, 2024: The Chief Arborist provided staff with Arborist Report; no recommendation.

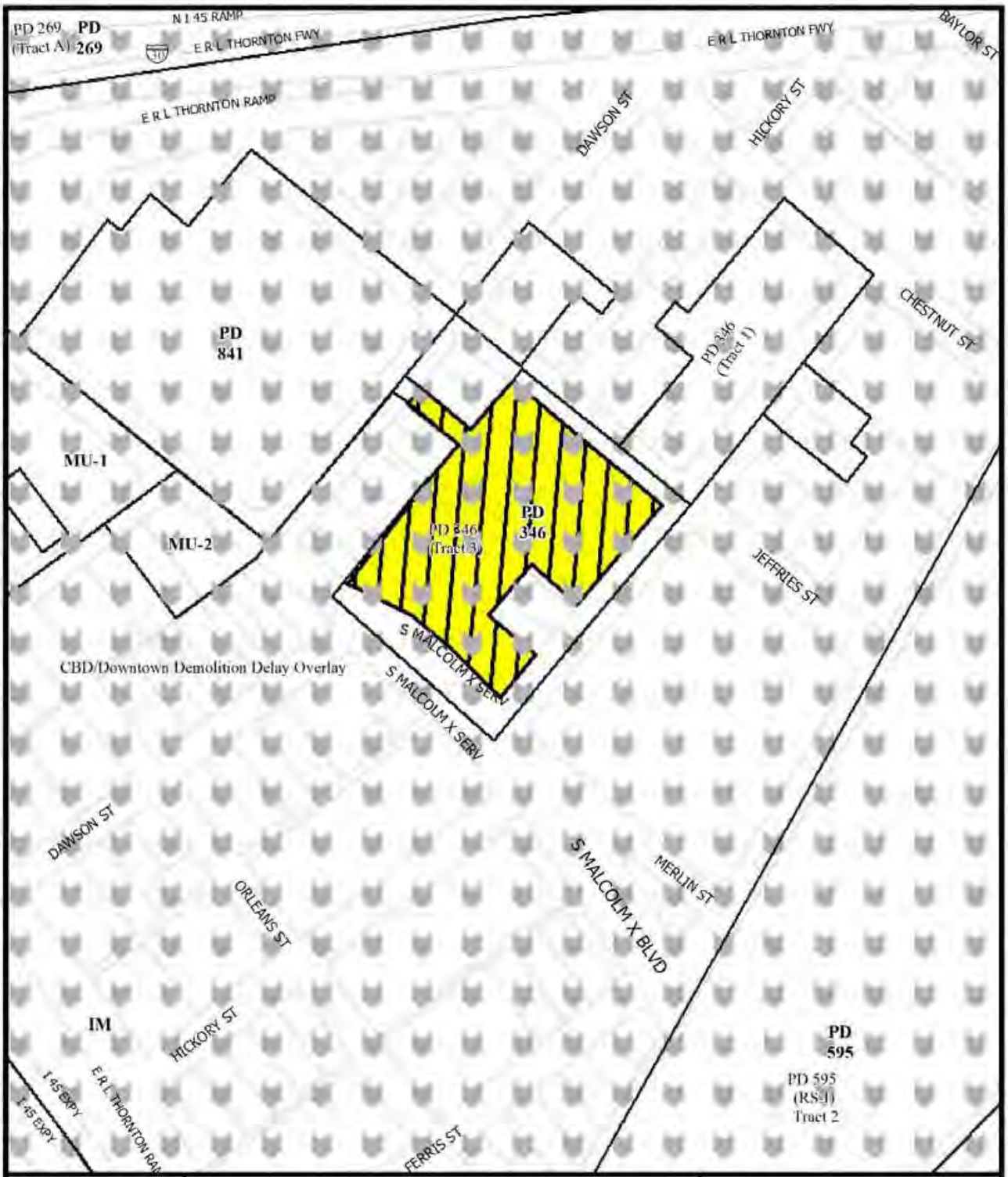


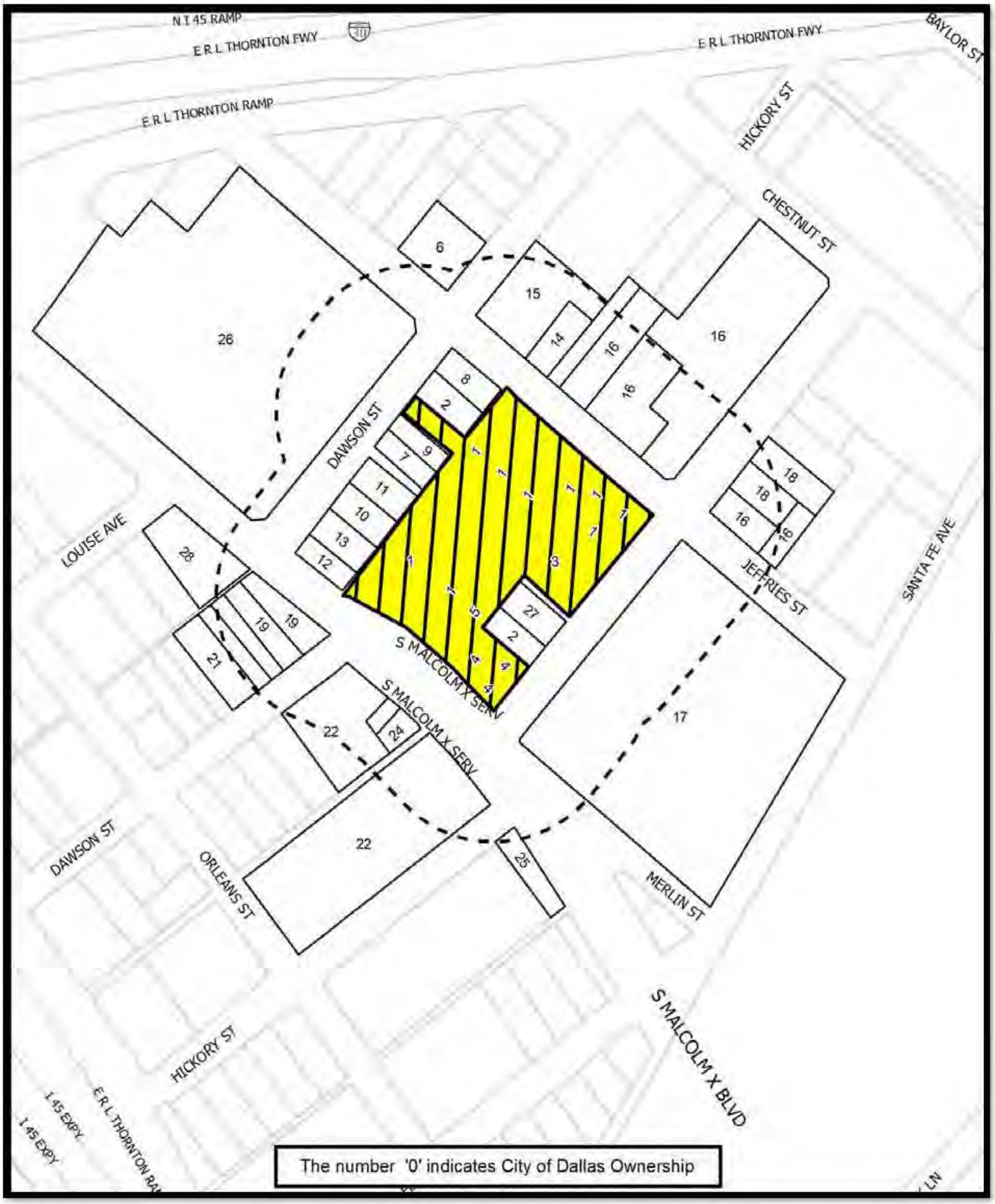
1:2,400

AERIAL MAP

Case no: BDA234-013

Date: 1/18/2024


PD 269 (Tract A)
PD 269
N I 45 RAMP
E R L THORNTON FWY
E R L THORNTON RAMP
E R L THORNTON FWY
BAYLOR ST
DAWSON ST
HICKORY ST
CHESTNUT ST
PD 841
PD 346 (Tract 1)
MU-1
MU-2
PD 346 (Tract 3)
PD 346
JEFFRIES ST
S MALCOLM X SERV
CBD/Downtown Demolition Delay Overlay
S MALCOLM X SERV
DAWSON ST
ORLEANS ST
S MALCOLM X BLVD
MERLIN ST
IM
HICKORY ST
PD 595
PD 595 (RSJ) Tract 2
I 45 EXPY
E R L THORNTON RAMP
I 45 EXPY
FERRIS ST
1:2,400
ZONING MAP
Case no: BDA234-013
Date: 1/18/2024


N I 45 RAMP
E R L THORNTON FWY
E R L THORNTON FWY
BAYLOR ST
E R L THORNTON RAMP
HICKORY ST
CHESTNUT ST
DAWSON ST
LOUISE AVE
S MALCOLM X SERV
JEFFRIES ST
SANTA FE AVE
S MALCOLM X SERV
DAWSON ST
ORLEANS ST
MERLIN ST
HICKORY ST
S MALCOLM X BLVD
I 45 EXPY
E R L THORNTON RA
I 45 EXPY
The number '0' indicates City of Dallas Ownership

01/18/2024

Notification List of Property Owners

BDA234-013

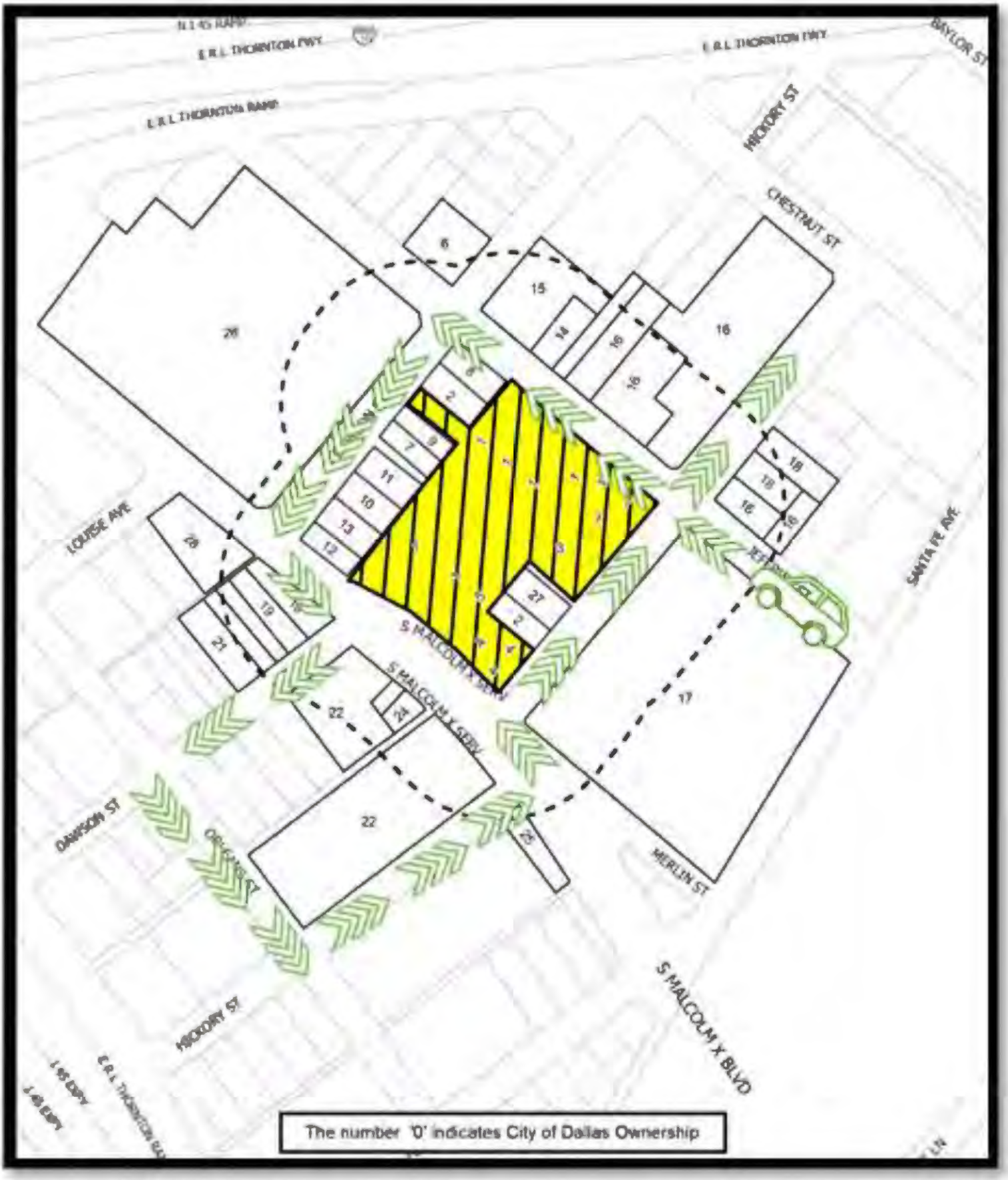
28 Property Owners Notified

Label #	Address		Owner
1	2818	DAWSON ST	AUSTIN STREET REAL ESTATE
2	2822	DAWSON ST	AUSTIN STREET CENTER
3	2819	HICKORY ST	Taxpayer at
4	2803	HICKORY ST	AUSTIN STREET REAL ESTATE
5	1818	S MALCOLM X BLVD	Taxpayer at
6	1624	JEFFRIES ST	MUHAMED MULAT
7	2814	DAWSON ST	DALLAS HOUSING ACQUISITION &
8	2826	DAWSON ST	ALLIED ROOFING OF TEX INC
9	2816	DAWSON ST	TOVAR DOMINGA &
10	2808	DAWSON ST	RAMIREZ HERMAN
11	2812	DAWSON ST	GARCIA FRED
12	2800	DAWSON ST	CITY SQUARE
13	2804	DAWSON ST	SERRANO ROSEMARY RODRIGUEZ
14	1710	JEFFRIES ST	LANCASTER ROBERT P &
15	2900	DAWSON ST	SMITH KEITH
16	1714	JEFFRIES ST	AUSTIN STREET CENTER
17	1940	S MALCOLM X BLVD	Dallas ISD
18	2908	HICKORY ST	2908 HICKORY LLC
19	2723	DAWSON ST	JONES BERNICE
20	2717	DAWSON ST	PEREZ BLAS & ASUNCION
21	2713	DAWSON ST	2713 DAWSON ST
22	2711	HICKORY ST	VISHNUKRIPA LLC
23	1805	S MALCOLM X BLVD	FJV FOUNDATION
24	1807	S MALCOLM X BLVD	AVILA RIGO
25	2728	HICKORY ST	LARA RAFAEL JAMAICA
26	1610	S MALCOLM X BLVD	CITYSQUARE

01/18/2024

Label #	Address		Owner
27	2813	HICKORY ST	Taxpayer at
28	1701	S MALCOLM X BLVD	TEOF




E R L THORNTON FWY
E R L THORNTON FWY
BAYLOR ST
HICKORY ST
CHESTNUT ST
LOUISE AVE
SANTA FE AVE
S MALCOLM X BLVD
S MALCOLM X BLVD
DAWSON ST
MERLIN ST
HICKORY ST
S MALCOLM X BLVD
The number '0' indicates City of Dallas Ownership

City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 234-013

Date:

Data Relative to Subject Property:

Location address: 1717 JEFFRIES Zoning District: PD-346, Tract 3

Lot No.: 1 Block No.: 5/858 Acreage: Census Tract: 48113020401

Street Frontage (in Feet): 1) 300 2) 380 3) 325 4) 25 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Austin Street Real Estate

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

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

E-mail Address: rob@baldwinplanning.com

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

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

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance __ , or Special Exception X , of Tree mitigation requiements. Reduce tree mitigation fee to $42,000. See attached letter

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:

Strict compliance with the tree mitigation requirements will unduly burden the property. The proeprty is located in an industrial area and is nicely landscaped. The property hosts the Austin Street Shelter and the tree mitigation fees woudl unduly burden their mission for providing support to Dallas' homelsss population.

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

Affidavit

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

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

Respectfully submitted:
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 10 day of July, 2023

Notary Public in and for Dallas County, Texas

MICHELE STOY
Notary Public, State of Texas
Comm. Expires 07-20-2024
Notary ID 130747076

(Rev. 08-01-11)

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman _____

Building Official's Report

I hereby certify that BALDWIN ASSOCIATES

did submit a request for (1) a special exception to the landscaping and tree mitigation regulations

at 1717 JEFFRIES

BDA234-013. Application of BALDWIN ASSOCIATES for (1) a special exception to the landscaping and tree mitigation regulations at 1717 JEFFRIES ST. This property is more fully described as Block 5/858, Lot 1, and is zoned PD-346; tract 3, which requires mandatory landscaping and tree mitigation. The applicant proposes to construct and/or maintain a nonresidential structure and provide an alternate landscape plan for tree mitigation, which will require (1) a special exception to the landscape and tree preservation regulations.

Sincerely,

Andrew Espinoza, CBO, MCP, CFM, CCEA

Baldwin
Associates

October 10, 2023

Mr. Philip Erwin
Chief Arborist
City of Dallas
320 E. Jefferson
Dallas, TX 75203

Re: 1717 Jefferies

Dear Mr. Erwin,

This firm is representing the Austin Street Center in their request to be released from tree mitigation fees for their property at 1717 Jefferies. The Austin Street Center is a facility that provides safe shelter to Dallas' most vulnerable homeless population. They have been serving Dallas since 1983 and have recently expanded their operation into a new facility located at 1717 Jefferies.

The Austin Street Center is located in an industrial area and is surrounded by industrial and commercial uses. The new facility is attractive and has been extensively landscaped to meet the requirements of PD-346 and to meet Article X. We are seeking a waiver to the remaining tree mitigation requirements for this property as it is a financial burden for the Shelter who runs on a shoestring budget and believes that it is in the city's best interest to have their limited resources dedicated to serving the unhoused population.

I hope you can agree that the Austin Street Shelter facility is attractive and serves the greater good. Please let me know if you would like to discuss in greater detail.

With kind regards,

Robert Baldwin

3904 Elm Street Suite B · · Dallas, TX 75226 · · 214-824-7949

BDA234-013

CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 234-013

I, Daniel Roby, CEO of the Austin Street Center, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 1717 Jefferies Street
(Address of property as stated on application)

Authorize: Rob Baldwin, Baldwin Associates
(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)

X_____Special Exception (specify below)

_____Other Appeal (specify below)

Specify: Alternative compliance for tree mitgation.

Daniel Roby
Print name of property owner or registered agent

Signature of property owner or registered agent

Date 6/9/2023

Before me, the undersigned, on this day personally appeared Monica Gregory

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

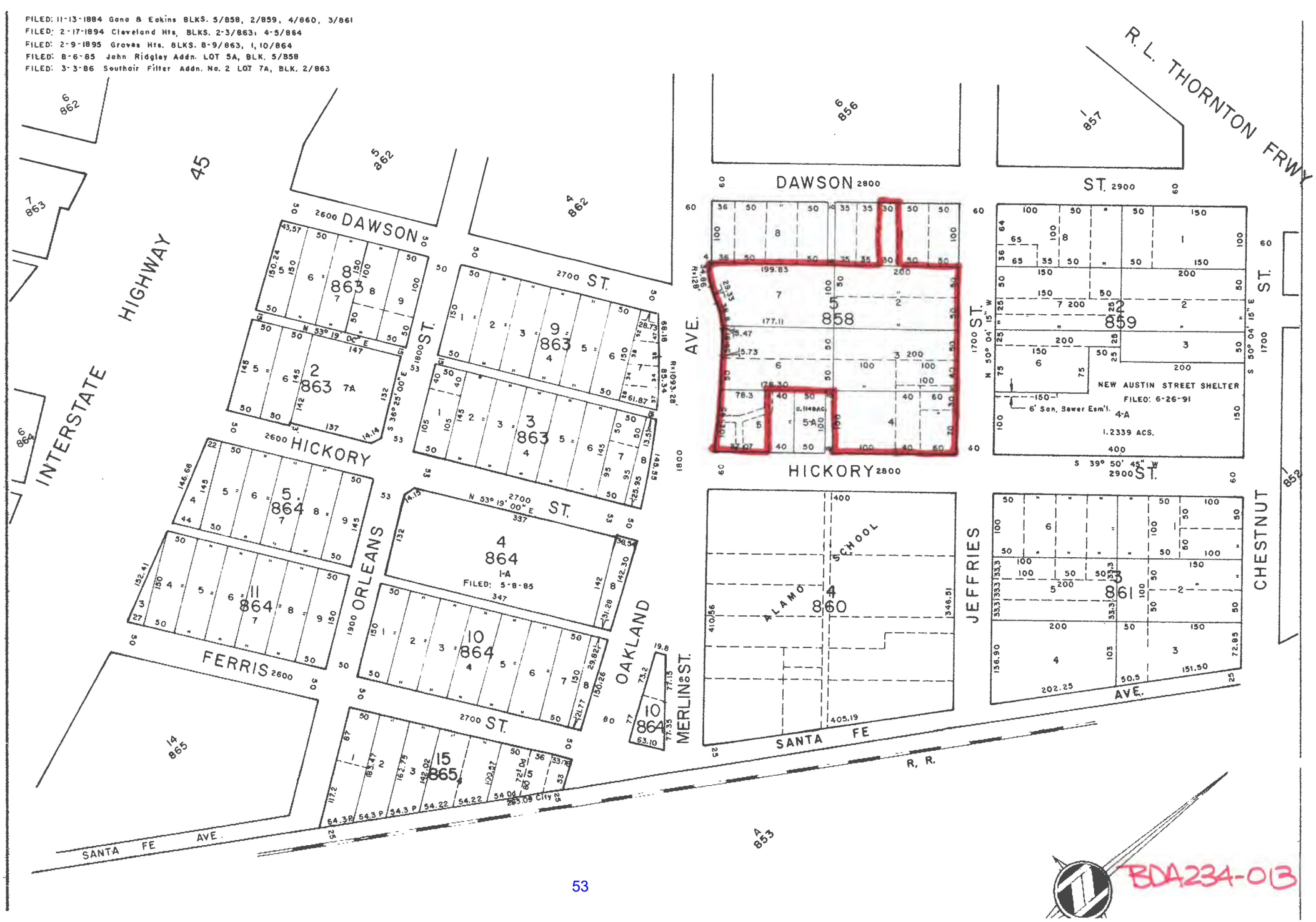
Subscribed and sworn to before me this 9th day of June, 2023

MONICA LAINE GREGORY
Notary Public, State of Texas
Comm. Expires 04-13-2027
Notary ID 134304386

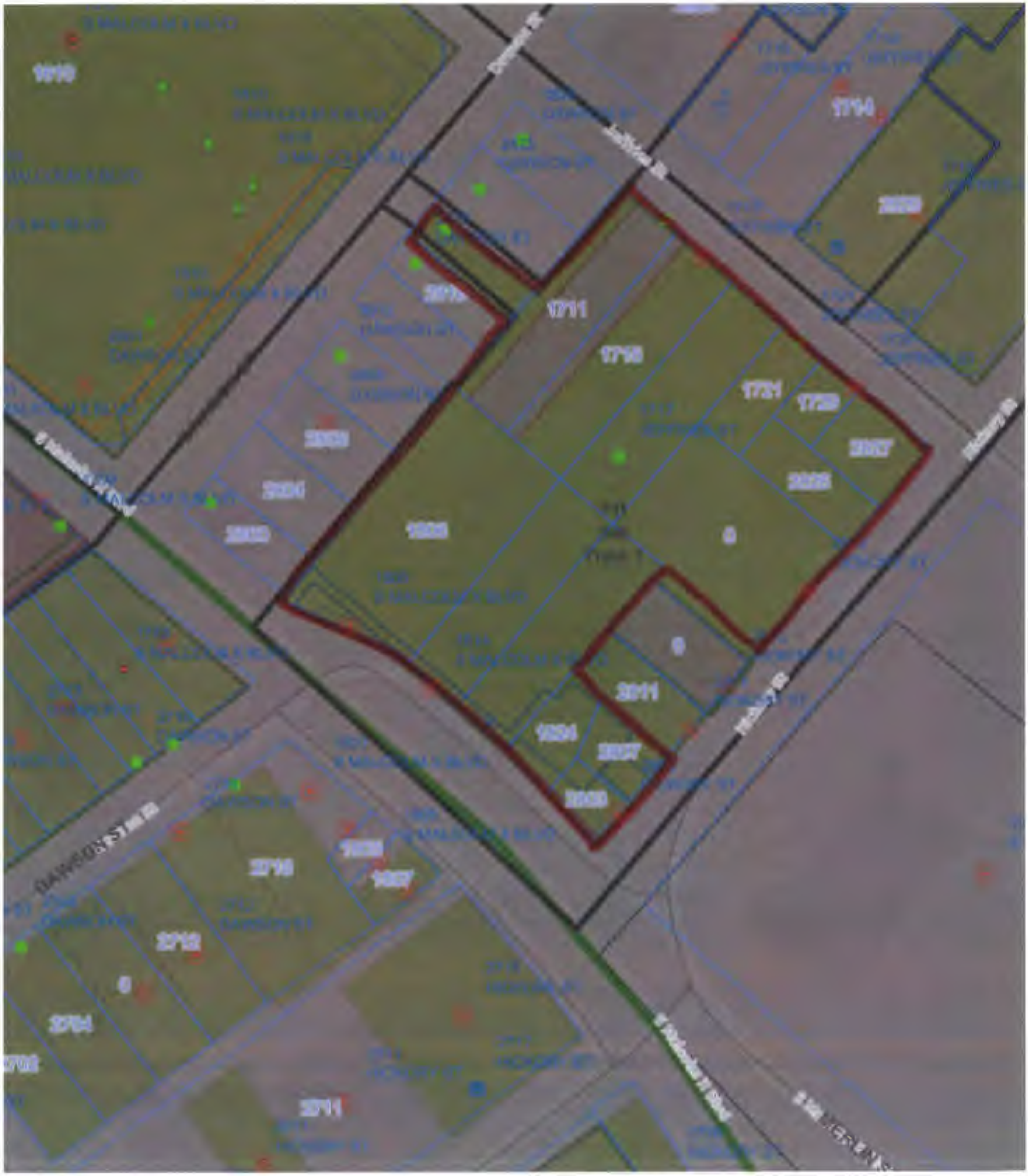
Notary Public for Dallas County, Texas

Commission expires on 4/13/2027

FILED: 11-13-1884 Gano & Eakins BLKS. 5/858, 2/859, 4/860, 3/861
FILED: 2-17-1894 Cleveland Hts, BLKS. 2-3/863; 4-5/864
FILED: 2-9-1895 Graves Hts. BLKS. 8-9/863, 1, 10/864
FILED: 8-6-85 John Ridgley Addn. LOT 5A, BLK. 5/858
FILED: 3-3-86 Southair Filter Addn. No. 2 LOT 7A, BLK. 2/863



BDA234-013



BDA234-013

Dallas CAD Web Map



6/27/2023, 2:00:45 PM

Parcels
Abstracts
Subdivision
Parcel Dimension
Lot
Street Centerline
Dallas County Boundary

1:1,128

0 0.01 0.01 0.03 mi

0 0.01 0.03 0.05 km

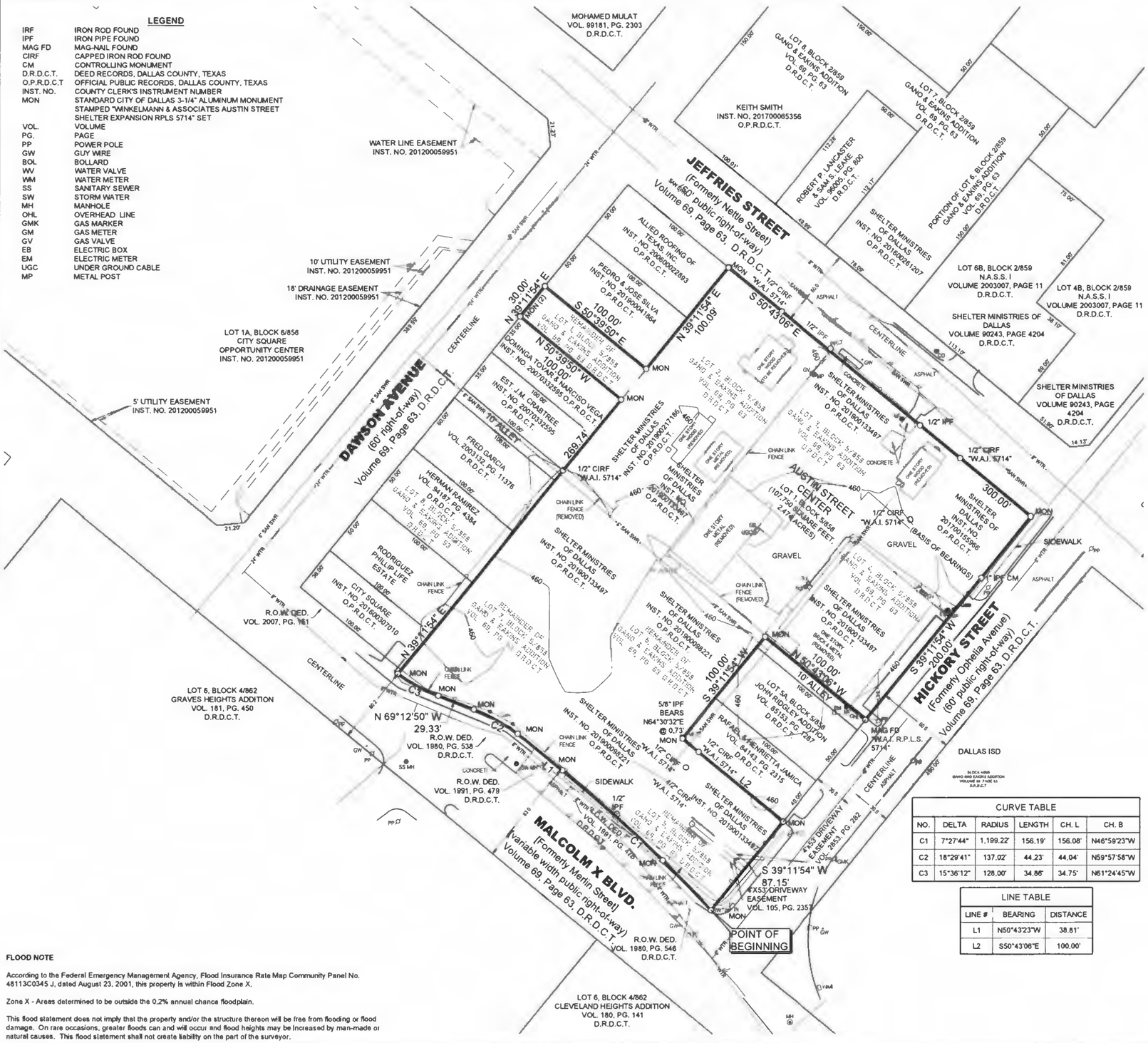
BDA234-013

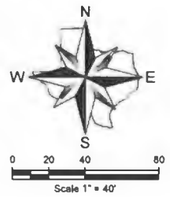
Esri Community Maps Contributors, Baylor University, Texas Parks & Wildlife, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, Dallas County Appraisal District, BIS Consulting - www.bisconsulting.com

Disclaimer: This product is for informational purposes only and has not been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries.

LEGEND

IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
MAG FD	MAG-NAIL FOUND
CIRF	CAPPED IRON ROD FOUND
CM	CONTROLLING MONUMENT
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
INST. NO.	COUNTY CLERK'S INSTRUMENT NUMBER
MON	STANDARD CITY OF DALLAS 3-1/4" ALUMINUM MONUMENT STAMPED "WINKELMANN & ASSOCIATES AUSTIN STREET SHELTER EXPANSION RPLS 5714" SET
VOL.	VOLUME
PG.	PAGE
PP	POWER POLE
GW	GUY WIRE
BOL	BOLLARD
WV	WATER VALVE
WM	WATER METER
SS	SANITARY SEWER
SW	STORM WATER
MH	MANHOLE
OHL	OVERHEAD LINE
GMK	GAS MARKER
GM	GAS METER
GV	GAS VALVE
EB	ELECTRIC BOX
EM	ELECTRIC METER
UGC	UNDER GROUND CABLE
MP	METAL POST







VICINITY MAP
NOT TO SCALE

GENERAL NOTES:

1. LOT TO LOT DRAINAGE WILL NOT BE ALLOWED WITHOUT CITY OF DALLAS PAVING & DRAINAGE ENGINEERING SECTION APPROVAL.
2. COORDINATES LABELED HEREON UTILIZE THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 ON GRID COORDINATE VALUES, NO SCALE AND NO PROJECTION.
3. BEARINGS SHOWN HEREON ARE BASED UPON AN ON-THE-GROUND SURVEY PERFORMED IN THE FIELD ON THE 6TH DAY OF FEBRUARY, 2019, UTILIZING A G.P.S. MEASUREMENT (NAD 83) OF SOUTH 39 DEG 11 MIN 44 SEC WEST (PLAT-SOUTH 45 DEG 00 MIN 00 SEC WEST) ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF DAWSON AVENUE, RECORDED IN VOLUME 69, PAGE 63, D.R.D.C.T.
4. PURPOSE OF THIS PLAT IS TO COMBINE EXISTING TRACTS/LOTS INTO 1 TRACT AND ADD ANY NEEDED EASEMENTS FOR DEVELOPMENT.
5. ALL GRAYED OUT STRUCTURES ARE TO BE REMOVED.

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CH. L	CH. B
C1	7°27'44"	1,199.22'	156.19'	156.08'	N46°59'23"W
C2	18°29'41"	137.02'	44.23'	44.04'	N59°57'58"W
C3	15°36'12"	128.00'	34.86'	34.75'	N61°24'45"W

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N50°43'23"W	38.81'
L2	S50°43'06"E	100.00'

FLOOD NOTE

According to the Federal Emergency Management Agency, Flood Insurance Rate Map Community Panel No. 48113C0345 J, dated August 23, 2001, this property is within Flood Zone X.

Zone X - Areas determined to be outside the 0.2% annual chance floodplain.

This flood statement does not imply that the property and/or the structure thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.

PRELIMINARY PLAT
AUSTIN STREET CENTER
LOT 1, BLOCK 5/858
BEING A REPLAT OF A PORTION OF LOTS 1 AND 5-7, AND ALL OF LOTS 2-4, BLOCK 5/858, OF THE GANO & EAKINS ADDITION, AND BEING 2.474 ACRES OUT OF THE J. GRIGSBY SURVEY, ABSTRACT NO. 495, CITY OF DALLAS, DALLAS COUNTY, TEXAS
CITY PLAN FILE NO. S190-171
CITY ENGINEER PLAN FILE NO.:_____

OWNER:
SHELTER MINISTRIES OF DALLAS
2929 Hickory Street
DALLAS,TEXAS 75226
PH# 214-421-7910

SURVEYOR/ENGINEER:
Winkelmann & Associates, Inc.
6750 Hillcrest Plaza Drive
Suite 215
Dallas, Texas 75230
ph# 214-490-7090

No.	DATE	REVISION	APPROV.

Winkelmann & Associates, Inc.
CONSULTING CIVIL ENGINEERS ■ SURVEYORS
6750 HILLCREST PLAZA DRIVE, SUITE 215
DALLAS, TEXAS 75230
(972) 490-7090 FAX

J. GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS
DALLAS COUNTY, TEXAS

SHELTER MINISTRIES OF DALLAS
2929 HICKORY STREET
DALLAS, TEXAS 75226

PRELIMINARY PLAT
AUSTIN STREET CENTER
LOT 1, BLOCK 5/858

Date : 04.28.20
Scale : 1" = 40'
File : 58204.0E-PRPLT
Project No. : 58204.0E

SHEET 1 OF 2

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BDA234-013

OWNERS CERTIFICATE

STATE OF TEXAS §
COUNTY OF DALLAS §

WHEREAS, Shelter Ministries of Dallas is the sole owner of a tract of land situated in the J. GRIGSBY SURVEY ABSTRACT NO. 495 City of Dallas, Dallas County Texas and being a portion of Lots 1 and 5-7, and all of Lots 2-4, Block 5/858, Gano and Eakins Addition an addition to the City of Dallas, Dallas County Texas according to the plat thereof recorded in Volume 69, Page 63 Map Records Dallas County Texas and being the same tracts of land described in Special Warranty Deed, as recorded in Instrument number 201900217186, 201900133497 201700155966 and 201900098221 Official Public Records Dallas County Texas, and being more particularly described as follows

BEGINNING at a 3-1/4-inch aluminum monument stamped "WINKELMANN & ASSOCIATES AUSTIN STREET CENTER R.P.L.S 5714" set for corner at the intersection of the Northwesterly right-of-way of Hickory Street and the Northeasterly right-of-way of Malcom X Boulevard, (formerly Merlin Street) a variable width right-of-way, said monument being the beginning of a curve to the left, with a radius of 1 199.22 feet a central angle of 07 deg 27 min 44 sec a chord bearing of North 46 deg 59 min 23 West and a chord length of 156.08 feet;

THENCE departing the Northwesterly right-of-way of said Hickory Street and along the Northeasterly right-of-way of said Malcom X Boulevard the following,

Along said curve to the left, an arc distance of 156.19 feet to a 3-1/4-inch aluminum monument stamped "WINKELMANN & ASSOCIATES AUSTIN STREET CENTER R.P.L.S. 5714" set for corner

North 50 deg 43 min 23 sec West, a distance of 38.81 feet to a 13-1/4-inch aluminum monument stamped "WINKELMANN & ASSOCIATES AUSTIN STREET CENTER R.P.L.S. 5714" set for corner said monument being the beginning of a curve to the left, with a radius of 137.02 feet, a central angle of 18 deg 29 min 41 sec, a chord bearing of North 59 deg 57 min 58 sec West, and a chord length of 44.04 feet

Along said curve to the left, an arc distance of 44.23 feet to a 3-1/4-inch aluminum monument stamped "WINKELMANN & ASSOCIATES AUSTIN STREET CENTER R.P.L.S. 5714" set for corner

North 69 deg 12 min 50 sec West, a distance of 29.33 feet to a 3-1/4-inch aluminum monument stamped "WINKELMANN & ASSOCIATES AUSTIN STREET CENTER R.P.L.S. 5714" set for corner said monument beng the beginning of a curve to the right, with a radius of 128.00 feet, a central angle of 15 deg 35 min 12 sec a chord bearing of North 61 deg 24 min 45 sec West, and a chord length of 34.75 feet;

Along said curve to the right, an arc distance of 34.86 feet to a 3-1/4-inch aluminum monument stamped "WINKELMANN & ASSOCIATES AUSTIN STREET CENTER R.P.L.S. 5714" set for corner, said monument being situated in the Northwesterly line of said Lot 7

THENCE North 39 deg 11 min 54 sec East, departing the Northeasterly right-of-way of said Malcom X Boulevard and along the Northwesterly line of said Lot 7 and Lot 2, a distance of 269.74 feet to a 3-1/4-inch aluminum monument stamped "WINKELMANN & ASSOCIATES AUSTIN STREET CENTER R.P.L.S. 5714" set for corner, said monument being situated in the Northwesterly ling of said Lot 2 and the Southeasterly line of said Lot 1;

THENCE North 50 deg 39 min 50 sec West, departing the Northwesterly line of said Lot 2 and over and across said Lot 1 a distance of 100.00 feet to a 3-1/4-inch aluminum monument stamped "WINKELMANN & ASSOCIATES AUSTIN STREET CENTER R.P.L.S. 5714" set lor corner, said monument being situated in the Northwesterly line of said Lot 1 and the Southeasterly right-of-way of Dawson Avenue, a 60-foot right-of-way

THENCE North 39 deg 11 in 54 sec East, along the Southeasterly nght-of-way of said Dawson Avenue and the Northwesterly line of said Lot 1 a distance of 30.00 feet to a3-1/4-inch aluminum monument stamped "WINKELMANN & ASSOCIATES AUSTIN STREET CENTER R.P.L.S. 5714" set for corner

THENCE South 50 deg 39 min 50 sec East, departing the Southeasterly nght-of-way of said Dawson Avenue and over and across said Lot 1, a distance of 100.00 feet to a 3-1/4-inch aluminum monument stamped "WINKELMANN & ASSOCIATES AUSTIN STREET CENTER R.P.L.S. 5714" set for corner, said monument being situated in Northwesterly line of said Lot 2

THENCE North 39 deg 11 min 54 sec East, along the Northwesterly line of said Lot 2, a distance of 100.09 feet to a 3-1/4-inch aluminum monument stamped "WINKELMANN & ASSOCIATES AUSTIN STREET CENTER R.P.L.S. 5714" set for the Northwesterly corner of said Lot 2 said monument being situated in the Southwesterly line of Jeffries Street, a 60-foot right-of-way

THENCE South 50 deg 43 min 06 sec East, along the Southwesterly right-of-way of said Jeffries Street and the Northeasterly lines of said Lots 2-4, a distance of 300.00 feet to a 3-1/4-inch aluminum monument stamped "WINKELMANN & ASSOCIATES AUSTIN STREET CENTER R.P.L.S. 5714" set for the Northeasterly corner of said Lot 4, said monument beng situated et the intersection of the Southwesterly right-of-way of said Jeffries Street and the Northwesterly right-of-way of said Hickory Street

THENCE South 39 deg 11 min 54 sec West, along the Southeasterly line of said Lot 4 and the Northwesterly right-of-way of said Hickory Street, a distance of 200.00 feet to a Mag-Nail with shiner stamped "W.A.I. R.P.L.S. 5714" found for the Southeasterly corner of said Lot 4 and the Southeasterly corner of a 10-foot alley

THENCE North 50 deg 43 min 06 sec West, along the Southwesterly line of said Lot 4 and the Northeasterly line of said 10-foot Alley, a distance of 100.00 feet to a 3-1/4-inch aluminum monument stamped "WINKELMANN & ASSOCIATES AUSTIN STREET CENTER R.P.L.S. 5714" sat for the Southwesterly corner of said Lot 4, the Southeasterly corner of said Lot 3, the Northeasterly corner of said Lot 6 and the Northeastarly corner of said 10-foot Alley

THENCE South 39 deg 11 min 54 sec West along the Southeasterly line of sad Lot 6 and the Northwesterly line of said 10-foot Alley, passing at a distance of 10.00 feet the Northwesterly corner of said 10-foot Alley and the Northwesterly corner of Lot 5A, Block 5/858, John Ridgley Addition, an addition to the City of Dallas Dallas County, Texas according to the plat thereof recorded in Volume 84143, Page 2315 Deed Records Dallas County, Texas continuing along the Northwesterly line of said Lot 5A, and the Southwesterly line of said Lot 6, passing at a distance of 50.00 feet the Southwest corner of said Lot 5A and the Northwesterly corner of the remainder of said Lot 5, continuing along the Northwesterly line of said Lot 5 and the Southeasterly line of said Lot 6, for a total distance of 100.00 feet to a 3-1/4-inch aluminum monument stamped "WINKELMANN & ASSOCIATES AUSTIN STREET CENTER R.P.L.S. 5714" set for corner, from which a 5/8-inch iron pipe bears North 64 deg 30 min 32 sec East, at a distnace of 0.73 feet

THENCE South 50 deg 43 min 06 sec East, departing the Southeasterly line of sad Lot 6 and over and across said Lot 5, a distance of 100.00 feet to a 3-1/4-inch aluminum monument stamped "WINKELMANN & ASSOCIATES AUSTIN STREET CENTER R.P.L.S. 5714" set for corner said monument beng situated in the Southeasterly line of said Lot 5 and the Northwesterly nght-of-way of said Hickory Street

THENCE South 39 deg 11 min 54 sac West, along the Northwesterly right-of-way of said Hickory Street and the Southeasterly line of said Lot 5, a distance of 87.15 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 107 750 square feet or 2.474 acres of land, more or less.

Bearings shown hereon are based upon an on-the-ground Survey performed in the field on the 6th day of Febauary, 2019, utilizing a G.P.S. measurement (NAD 83) of South 39 deg 11 min 44 sec West (plat-South 45 deg 00 min 00 sec West) along the Southeasterly right-of-way line of Dawson Avenue recorded in Volume 69 Page 63 D.R.D.C.T

OWNERS DEDICATION

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS

That SHELTER MINISTRIES OF DALLAS, acting by and through its duly authorized agent, Daniel Roby does hereby adopt this plat designating the herein described property as **AUSTIN STREET CENTER**, an addition to the City of Dallas Dallas County, Texas, and do hereby dedicate, in fee simple, to the public use forever any streets, alleys and floodway management areas shown thereon. The easements shown thereon are hereby reserved for the purposes indicated. The utility and fire lane easements shall be open to the public fire and police units garbage and rubbish collection egencies and all public and private utilities for each particular use. The maintenance of paving on the utility and fire lane easements is the responsibility of the property owner. No buildings fences trees shrubs or other improvements or growths shall be constructed, reconstructed or placed upon over or across the easements as shown. Said easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use same. All, and any public utility shall have the right to remove and keep removed all or parts of any building, fences, trees, shrubs, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective system on the easements, and all public utilities shall at all times have the full right of ingress and egress to or from the said easements for the purpose of constructing, reconstructing, inspecting, patrolling maintaining and adding to or removing all or parts of its respective systems without the necessity at any time of procuring the permission of anyone. (Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and any maintenance or service required or ordinarily performed by that utility)

Water main and wastewater easements shall also include additional area of working space for construction and maintenance of the systems. Additional easement area is also conveyed for installation and maintenance of manholes cleanouts fire hydrants, water services and wastewater services from the main to the curb or pavement line, and description of such additional easements herein granted shall be determined by their location as installed.

This plat approved subject to all platting ordinances rules regulations, and resolutions of the City of Dallas.

WITNESS my hand at Dallas, Texas, this the _____ day of _____, 2020.

SHELTER MINISTRIES OF DALLAS

By _____
Daniel Roby
CEO

STATE OF TEXAS §
COUNTY OF DALLAS §

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Daniel Roby, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this _____ day of _____, 2020.

_____
Notary Public in and for the State of Texas

_____
My Commission Expires On:

SURVEYOR'S STATEMENT

I Leonard J. Lueker a Registered Professional Land Surveyor licensed by the State of Texas, affirm that this plat was prepared under my direct supervision, from recorded documentation, evidence collected on the ground during field operations and other reliable documentation and that this plat substantially complies with the Rules and Regulations of the Texas Board of Professional Land Surveying, the City of Dallas Development Code (Ordinance no. 19455, as amended) and Texas Local Government Code, Chapter 212. I further affirm that monumentation shown hereon was either found or placed in compliance with the City of Dallas Development Code Sec. 51A-8.617 (a)(b)(c)(d) & (e) and that the digital drawing file accompanying this plat is a precise representation of this Signed Final Plat.

Dated this the____ day of _____, 2020.

PRELIMINARY, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.

_____
Leonard J. Lueker
Registered Professional Land Surveyor
Texas Registration # 5714
Winkelmann & Associates Inc
6750 Hillcrest Plaza Drive, Suite 215
Dallas, Texas 75230
(972) 490-7090

STATE OF TEXAS §
COUNTY OF DALLAS §

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Leonard J. Lueker, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this _____ day of _____, 2020.

_____
Notary Public in and for the State of Texas

_____
My Commission Expires On:

PRELIMINARY PLAT
AUSTIN STREET CENTER
LOT 1, BLOCK 5/858
BEING A REPLAT OF A PORTION OF LOTS 1 AND 5-7 AND ALL OF LOTS 2-4, BLOCK 5/858, OF THE GANO & EAKINS ADDITION, AND BEING 2.474 ACRES OUT OF THE J. GRIGSBY SURVEY, ABSTRACT NO. 495, CITY OF DALLAS DALLAS COUNTY TEXAS
CITY PLAN FILE NO. S190-171
CITY ENGINEER PLAN FILE NO._____

OWNER:	SURVEYOR/ENGINEER
SHELTER MINISTRIES OF DALLAS	Winkelmann & Associates, Inc
2929 Hickory Street	6750 Hillcrest Plaza Drive
DALLAS,TEXAS 75226	Suite 215
PH# 214-421-7910	Dallas, Texas 75230
	ph# 214-490-7090

No.	DATE	REVISION	APPROV.

Winkelmann & Associates, Inc.
CIVIL ENGINEERS & SURVEYORS
6750 HILLCREST PLAZA DR., SUITE 215
DALLAS, TEXAS 75230 (972) 490-7090

J. GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS
DALLAS COUNTY, TEXAS

SHELTER MINISTRIES OF DALLAS
2929 HICKORY STREET
DALLAS,TEXAS 75226

PRELIMINARY PLAT
AUSTIN STREET CENTER
LOT 1, BLOCK 5/858

Date 04.28.20
Scale N/A
File 58204.0E-PRPLT
Project No 58204.0E

SHEET 2 OF 2

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TREE REMOVAL LIST - AUSTIN STREET CENTER

Tree Number	Description	Cal Inches	Protected	Removed	Class	Mitigation Ratio	Cal Inches to Mitigate	Cal Inches Removed	Mitigation Fee	Note
1	HACKBERRY	9	Y	Y	Class 3	0.4:1	3.60	9.00	$ 694.80	Remove due to construction
2	HACKBERRY	7	N	Y	Class 3	0.4:1	0.00	7.00	$ -	non-protected due to caliper inch size
3	HACKBERRY	19	Y	Y	Class 3	0.4:1	7.60	19.00	$ 1,466.80	Remove due to construction
4	CEDAR	14	Y	Y	Class 2	0.7:1	9.80	14.00	$ 1,891.40	Remove due to construction
5	PECAN	14	Y	Y	Class 2	0.7:1	9.80	14.00	$ 1,891.40	Remove due to construction
6	HACKBERRY	14	Y	Y	Class 3	0.4:1	5.60	14.00	$ 1,080.80	Remove due to construction
7	OAK	13	Y	Y	Class 2	0.7:1	9.10	13.00	$ 1,756.30	Remove due to construction
8	CHINABERRY	6	N	Y	Class 3	0.4:1	0.00	6.00	$ -	non-protected due to caliper inch size
9	HACKBERRY	6	N	Y	Class 3	0.4:1	0.00	6.00	$ -	non-protected due to caliper inch size
10	ASH	28	Y	Y	SIG	1.5:1	42.00	28.00	$ 8,105.00	Remove due to construction
11	ASH	18	Y	Y	Class 2	0.7:1	12.60	18.00	$ 2,431.80	Remove due to construction
12	HACKBERRY	8	Y	Y	Class 3	0.4:1	3.20	8.00	$ 617.60	Remove due to construction
13	HACKBERRY	15	Y	Y	Class 3	0.4:1	6.00	15.00	$ 1,158.00	Remove due to construction
14	HACKBERRY	12	Y	Y	Class 3	0.4:1	4.80	12.00	$ 926.40	Remove due to construction
15	HACKBERRY	8	Y	Y	Class 3	0.4:1	3.20	8.00	$ 617.60	Remove due to construction
16	PECAN	14	Y	Y	Class 2	0.7:1	9.80	14.00	$ 1,891.40	Remove due to construction
17	PECAN	13	Y	Y	Class 2	0.7:1	0.00	13.00	$ -	No mitigation per arborist 1/14/2020
18	HACKBERRY	8	Y	Y	Class 3	0.4:1	3.20	8.00	$ 617.60	Remove due to construction
19	HACKBERRY	13	Y	Y	Class 3	0.4:1	5.20	13.00	$ 1,003.60	Remove due to construction
20	HACKBERRY	17	Y	Y	Class 3	0.4:1	0.00	17.00	$ -	No mitigation per arborist 1/14/2020
21	HACKBERRY	6	N	Y	Class 3	0.4:1	0.00	6.00	$ -	non-protected due to caliper inch size
22	HACKBERRY	9	Y	Y	Class 3	0.4:1	3.60	9.00	$ 694.80	Remove due to construction
23	HACKBERRY	6	N	Y	Class 3	0.4:1	0.00	6.00	$ -	non-protected due to caliper inch size
24	HACKBERRY	7	Y	Y	Class 3	0.4:1	2.80	7.00	$ 540.40	Remove due to construction
25	HACKBERRY	6	N	Y	Class 3	0.4:1	0.00	6.00	$ -	non-protected due to caliper inch size
26	HACKBERRY	6	N	Y	Class 3	0.4:1	0.00	6.00	$ -	non-protected due to caliper inch size
27	HACKBERRY	9	Y	Y	Class 3	0.4:1	0.00	9.00	$ -	No mitigation per arborist 1/14/2020
28	HACKBERRY	8	Y	Y	Class 3	0.4:1	0.00	8.00	$ -	No mitigation per arborist 1/14/2020
29	HACKBERRY	8	Y	Y	Class 3	0.4:1	3.20	8.00	$ 617.60	Remove due to construction
30	HACKBERRY	6	N	Y	Class 3	0.4:1	0.00	6.00	$ -	non-protected due to caliper inch size
31	HACKBERRY	8	Y	Y	Class 3	0.4:1	3.20	8.00	$ 617.60	Remove due to construction
32	HACKBERRY	6	N	Y	Class 3	0.4:1	0.00	6.00	$ -	non-protected due to caliper inch size
33	HACKBERRY	6	N	Y	Class 3	0.4:1	0.00	6.00	$ -	non-protected due to caliper inch size
34	HACKBERRY	8	Y	Y	Class 3	0.4:1	3.20	8.00	$ 617.60	Remove due to construction
35	HACKBERRY	9	Y	Y	Class 3	0.4:1	3.60	9.00	$ 694.80	Remove due to construction
36	HACKBERRY	11	Y	Y	Class 3	0.4:1	4.40	11.00	$ 849.20	Remove due to construction
37	ASH	12	Y	Y	Class 2	0.7:1	0.00	12.00	$ -	No mitigation per arborist 1/14/2020
38	ASH	8	Y	Y	Class 2	0.7:1	0.00	8.00	$ -	No mitigation per arborist 1/14/2020
39	HACKBERRY	6	N	Y	Class 3	0.4:1	0.00	6.00	$ -	non-protected due to caliper inch size
40	ASH	14	Y	Y	Class 2	0.7:1	9.80	14.00	$ 1,891.40	Remove due to construction
41	HACKBERRY	6	Y	Y	Class 3	0.4:1	2.40	6.00	$ 463.20	Remove due to construction
42	ASH	13	Y	Y	Class 2	0.7:1	9.10	13.00	$ 1,756.30	Remove due to construction
43	ASH	13	Y	Y	Class 2	0.7:1	9.10	13.00	$ 1,756.30	Remove due to construction
44	HACKBERRY	7	N	Y	Class 3	0.4:1	0.00	7.00	$ -	non-protected due to caliper inch size
45	ASH	11	Y	Y	Class 2	0.7:1	7.70	11.00	$ 1,486.10	Remove due to construction
46	ASH	12	Y	Y	Class 2	0.7:1	8.40	12.00	$ 1,621.20	Remove due to construction
47	HACKBERRY	9	Y	Y	Class 3	0.4:1	0.00	9.00	$ -	No mitigation per arborist 1/14/2020
48	ASH	14	Y	Y	Class 2	0.7:1	0.00	14.00	$ -	No mitigation per arborist 1/14/2020
49	HACKBERRY	13	Y	Y	Class 3	0.4:1	0.00	13.00	$ -	No mitigation per arborist 1/14/2020
50	ELM	14	Y	Y	Class 2	0.7:1	9.80	14.00	$ 1,891.40	Remove due to construction
51	ELM	26	Y	N	SIG	1.5:1	39.00	26.00	$ 7,527.00	Remove due to construction
52	HACKBERRY	11	Y	Y	Class 2	0.7:1	0.00	11.00	$ -	No mitigation per arborist 1/14/2020
53	HACKBERRY	7	Y	Y	Class 3	0.4:1	0.00	7.00	$ -	No mitigation per arborist 1/14/2020
54	ASH	13	Y	N	Class 2	0.7:1	9.10	13.00	$ 1,756.30	Remove due to construction
55	HACKBERRY	13	Y	Y	Class 2	0.7:1	0.00	13.00	$ -	No mitigation per arborist 1/14/2020
56	HACKBERRY	14	Y	Y	Class 2	0.7:1	0.00	14.00	$ -	No mitigation per arborist 1/14/2020
57	HACKBERRY	8	Y	Y	Class 2	0.7:1	0.00	8.00	$ -	No mitigation per arborist 1/14/2020
	TOTALS:	619					263.80	619.00	$ 50,932.70	

NOTE: TREES LISTED ARE WITHIN 60-FEET OF CONSTRUCTION AND WITHIN PROPERTY LINES

NOTE: REFER MITIGATION FEE CHART FOR FINAL FEES OWED AFTER PLANTING CREDIT IS APPLIED

Tree Classifications	Ratio	Fee Per Caliper Inch	
Historic Tree	3:01	$579	
Significant Tree (Signif)	1.5:1	$290	Tree 24" or greater / 12" Post Oak or greater
Class 1 Tree	1:01	$193	50 FL above escarpment zone
Class 2 Tree	07:1	$135	not class 1 or 3 tree
Class 3 Tree	.04:1	$77	Species: AA, BW, CW, HB, HL, Meso, Mimosa, Mulberry, ornamental, P, SM, SB
Unprotected	0:01	$0	Tree species listed below and trees 8 caliper inches or less.

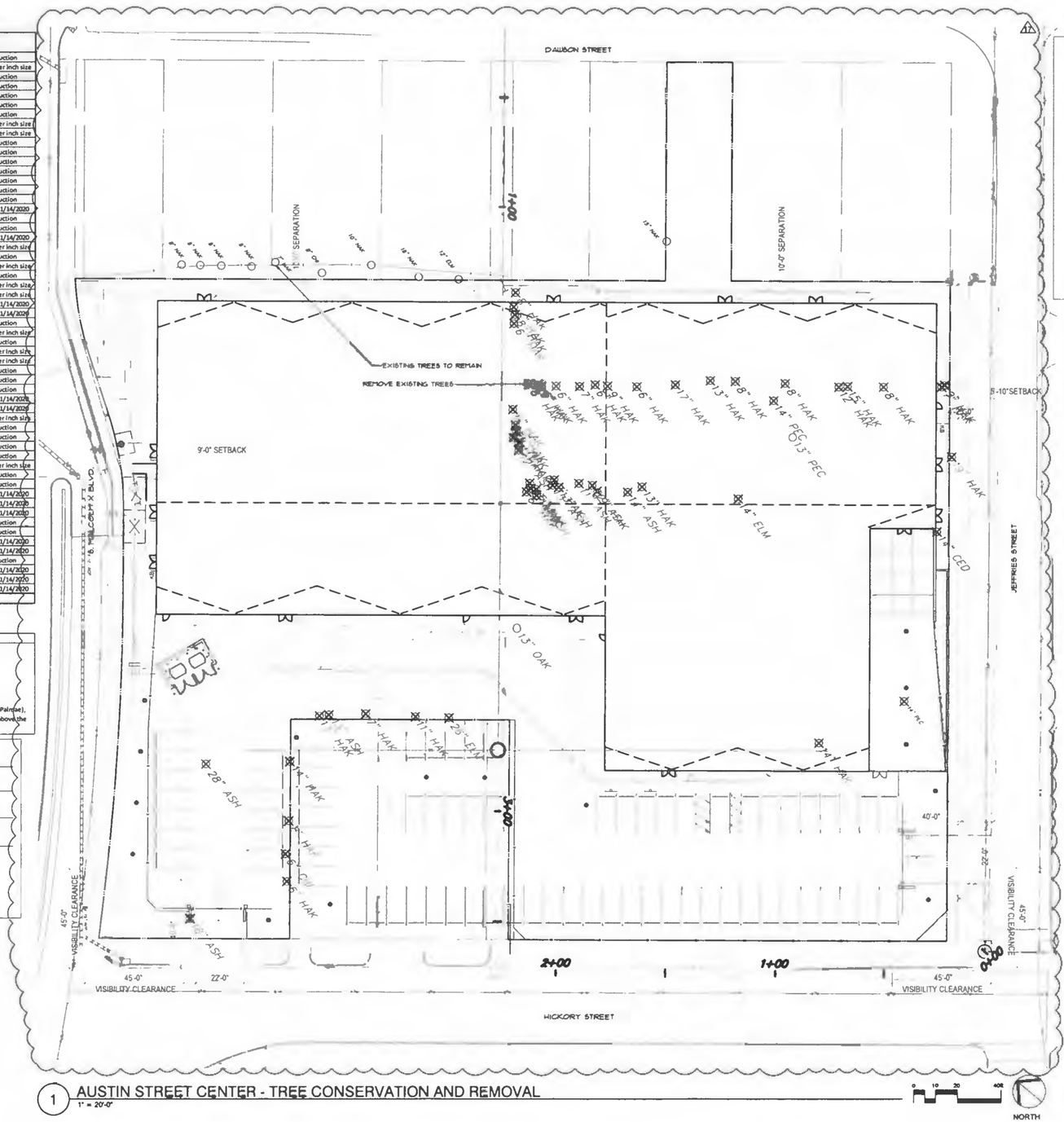
Unprotected Species: Callery pear (all cultivars), chinaberry, Chinese tallow, Ilex species (except yaupon holly and Possumhaw), palm (all plants in Palmae), tree-of-heaven (Ailanthus), other trees listed as invasive plants; and trees with a diameter of less than 10 inches at the point on the trunk 4.5 feet above the ground, located on a lot with an existing single family or duplex use that is occupied at the time of removal.

DALLAS TREE MITIGATION FEES

TOTAL CALIPER INCHES TO BE MITIGATED	263.80 CALIPER INCHES, $41,849.40 FEE	
21 TOTAL SHADE TREES PLANTED AT 3" CALIPER	63	CALIPER INCH CREDIT
9 TOTAL SHADE TREES PLANTED AT 2" CALIPER	10	CALIPER INCH CREDIT
TOTAL CALIPER INCHES REMOVED	264	CALIPER INCHES REMOVED
TOTAL CALIPER INCHES REMOVED	- 45	CALIPER INCHES PLANTED
DIFFERENCE =	219	CALIPER INCHES
	X $193.00	MITIGATION FEE
TOTAL PAYMENT INTO THE REFORESTATION FUND AFTER NEW PLANTING	$42,267.00	

NOTES:
1. LIMB UP TREES AT WALKWAYS AND WHERE NOTED TO PROVIDE MINIMUM 7-FEET VERTICAL CLEARANCE. LIMB REMOVAL TO BE APPROVED BY LANDSCAPE ARCHITECT FOR TREES LABLED 'L.A.'
2. REMOVE DEAD LIMBS UNDERGROUTH VEGETATION, AND VINES PER SPEC 01 5639.
3. PRUNE ALL ROOTS ADJACENT TO NEW CONSTRUCTION, GRADING, BUILDING AND PAVEMENT. REFER TO SPEC 015639
4. PERFORM TREE PRUNING AS STATED IN SPEC 015639

NOTE: DO NOT PARK, DRIVE, ETC. BENEATH ANY EXISTING TREE TO REMAIN, INCLUDING THOSE NOT SHOWN WITH TREE PROTECTION FENCING. ALL EXISTING TREES TO REMAIN ON SITE SHALL BE PROTECTED, WHETHER OR NOT FENCING IS SHOWN.



1 AUSTIN STREET CENTER - TREE CONSERVATION AND REMOVAL
1" = 20'-0"

0 10 20 40ft NORTH

LEGEND

- EXISTING TREE TO REMAIN
- EXISTING TREE TO BE REMOVED
- TREE PROTECTION FENCING, CHAIN LINK REF. L1.01 FOR DETAILS

AUSTIN STREET CENTER

BECK ARCHITECTURE
1801 ELM ST
SUITE 3800
DALLAS, TX 75201
PH: 214-303-4200
FAX: 214-303-4300
WWW.BECKARCHITECTURE.COM

ARCHITECT NAME
STATE REGISTRATION #

ARCHITECT SEAL 01/24/2020

CURRENT SUBMISSION: PROGRESS SET

#	DATE	SUBMISSION
E	09/21/20	ISSUE FOR CONSTRUCTION
16	01/19/2022	RFI #88 - REVISION 14
16	02/03/2022	RFI #92 - REVISION 16
17	10/14/2022	CITY REVISION
17	11/14/2023	CITY REVISION

AUSTIN STREET CENTER

TREE CONSERVATION AND REMOVAL

171806 JOB NO

L1.00 SHEET

BDA234-013

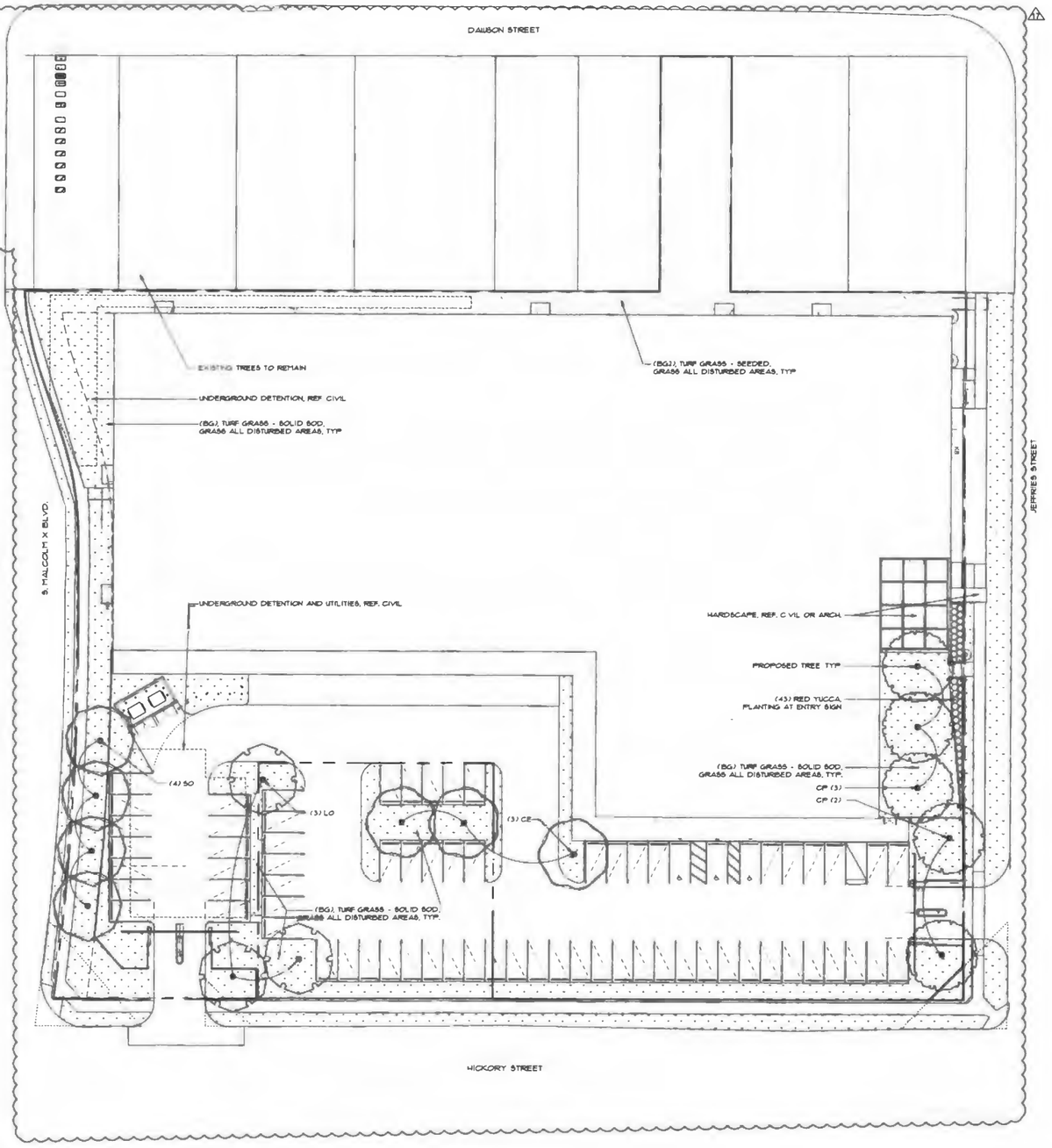
LEGEND

EXISTING TREE TO REMAIN

TREES	CODE	COMMON NAME
	CE	CEDAR ELM
	CP	CHINESE PISTACHE
	SO	SHUMARD RED OAK
	LO	LIVE OAK

SHRUBS	CODE	COMMON NAME
	RY	RED YUCCA

GROUND COVERS	CODE	COMMON NAME
	BG2	BERMUDA GRASS - SEED
	BG	BERMUDA GRASS - SOD



1 AUSTIN STREET CENTER - PLANTING PLAN
1" = 20'-0"

0 10 20 40'
NORTH

BDA234-013

City of Dallas Stamp Area (KEEP CLEAR)

AUSTIN STREET CENTER

BECK ARCHITECTURE
1691 ELM ST
SUITE 3000
DALLAS, TX 75201
PH 214-303-6200
FAX 214-303-6300
WWW.BECKARCHITECTURE.COM

ARCHITECT NAME
STATE REGISTRATION #

ARCHITECT SEAL 01/24/2020

CURRENT SUBMISSION: PROGRESS SET

#	DATE	SUBMISSION
E	09/21/20	ISSUE FOR CONSTRUCTION
16	01/19/2022	RFI #68 - REVISION 14
16	02/03/2022	RFI #92 - REVISION 16
17	11/14/2023	CITY REVISION

AUSTIN STREET CENTER

PLANTING PLAN

171806 JOB NO

L3.00 SHEET

FILE NUMBER: BDA234-014(KMH)

BUILDING OFFICIAL'S REPORT Application of BALDWIN ASSOCIATES for (1) a special exception to the 20-foot visibility obstruction regulations at 4468 TWIN POST RD. This property is more fully described as Block 9/8396, Lot 7 and is zoned R-16(A), which requires a 20-foot visibility triangle at the connection of a street and alley. The applicant proposes to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle, which will require (1) a special exception to the 20-foot visibility obstruction regulation.

LOCATION: 4468 Twin Post Road

APPLICANT: Rob Baldwin/Baldwin Associates

REQUEST:

1. A request for a special exception to the 20-foot visibility obstruction regulations.

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to the visual obstruction regulations since the basis for this type of appeal is when in the opinion of the board, the item will not constitute a traffic hazard.

The Transportation Engineer for Development Services does not have any objections to the proposed encroachment to the visibility triangles at 4468 Twin Post Road.

BACKGROUND INFORMATION:

Zoning:

Site:	R-16(A)
North:	R-16(A)
East:	R-16(A)
South:	R-16(A)
West:	R-16(A)

Land Use:

The subject site and all surrounding properties are developed with single-family uses. The property to the immediate east is developed with a church.

BDA History:

No BDA history in the last five years.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Rob Baldwin/Baldwin Associates for the property located at 4468 Twin Post Road focuses on one request. The request is for a special exception to the visual obstruction regulations.
- The applicant is proposing to construct and/or maintain a single-family residential structure in a required visibility obstruction triangle, which requires a special exception to the 20-foot visibility obstruction regulation.
- Per the applicant's application and other pertinent documents, the applicant proposes to install a new wooden fence along Schreiber Drive and along a portion of the alley. The fence will slightly encroach into the driveway and alley visibility triangles.
- As gleaned from the submitted site plan, it appears that the proposed fence encroaches roughly about 5' into the alley visibility triangle and about 8' into the drive approach visibility triangle.
- The Dallas Development Code states that, "a person shall not erect, place, or maintain a structure, berm, plant life, or any other item on a lot if the item is in a visibility triangle."
- The applicant has the burden of proof in establishing that the special exception to the visual obstruction regulations does not constitute a traffic hazard.
- Granting this request for a special exception to the visual obstruction regulations with a condition imposed that the applicant complies with the submitted site plan would limit the proposed fence in the 20-foot visibility triangles at the drive approach and at the alley to what is shown on the submitted documents.
- BDA234-014 at 4468 Twin Post Rd 200' Radius Video

Timeline:

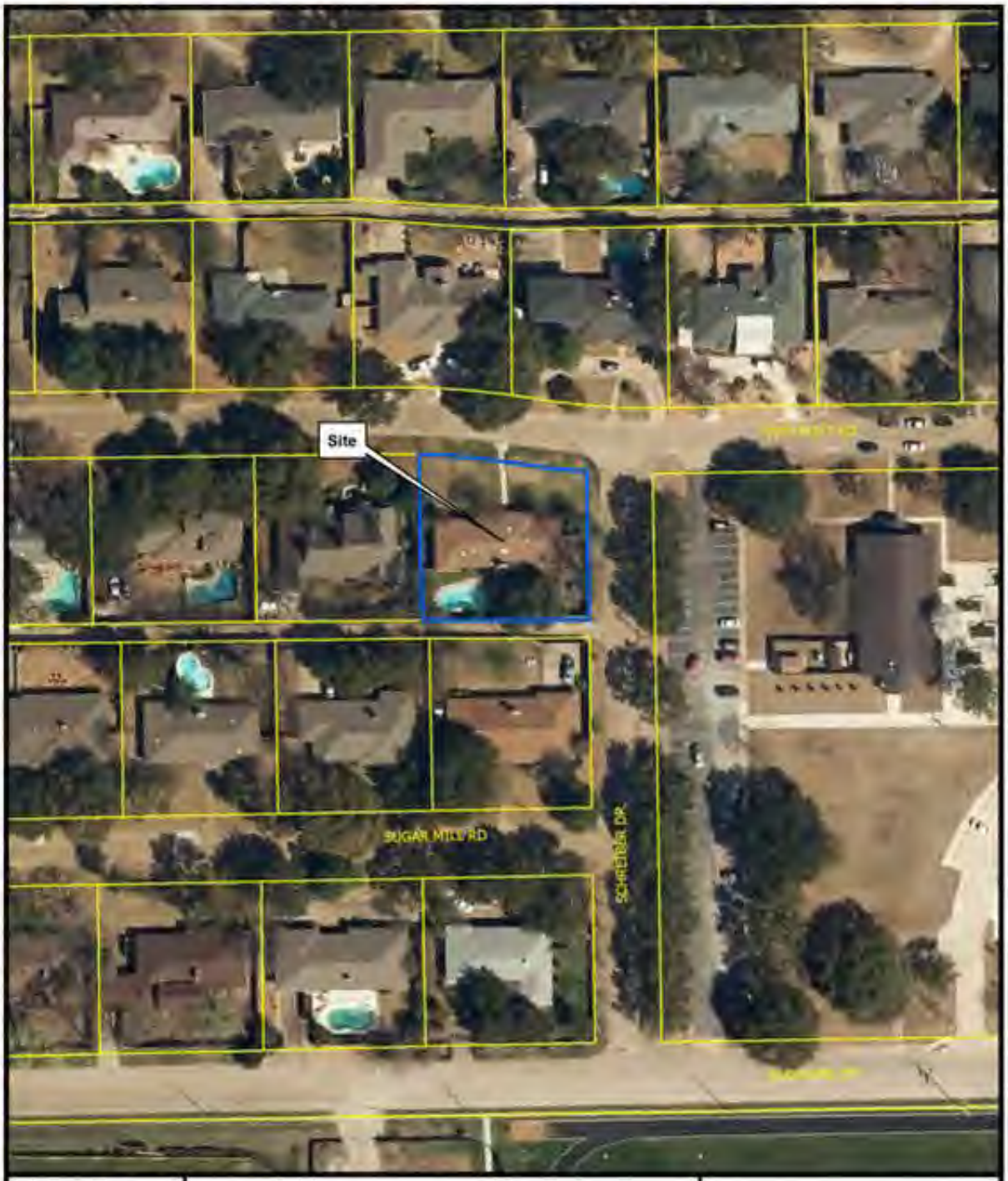
December 5, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

January 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.

January 10, 2024: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

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

February 2, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the July public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.



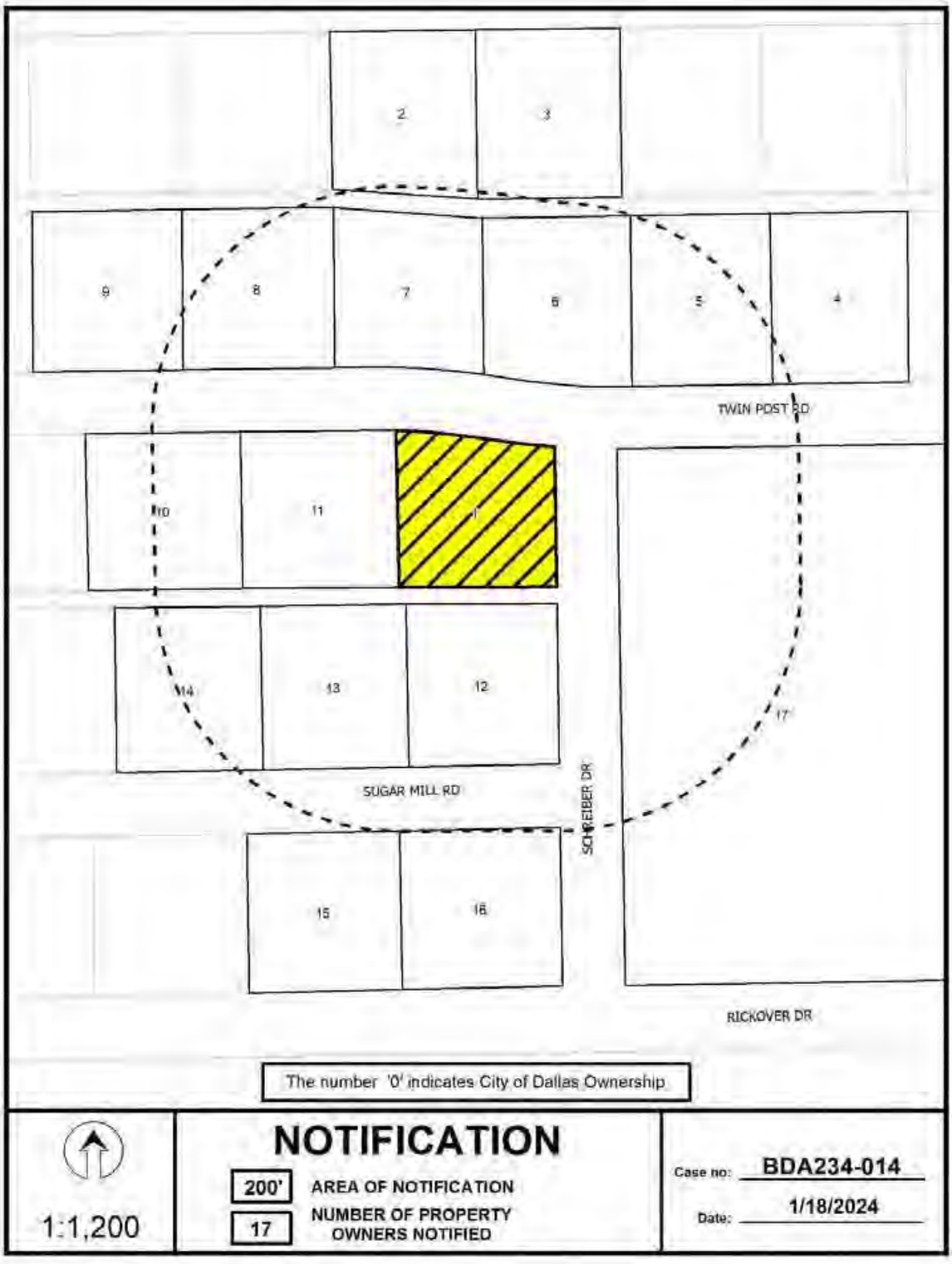
1:1,200

AERIAL MAP

Case no: BDA234-014

Date: 1/18/2024

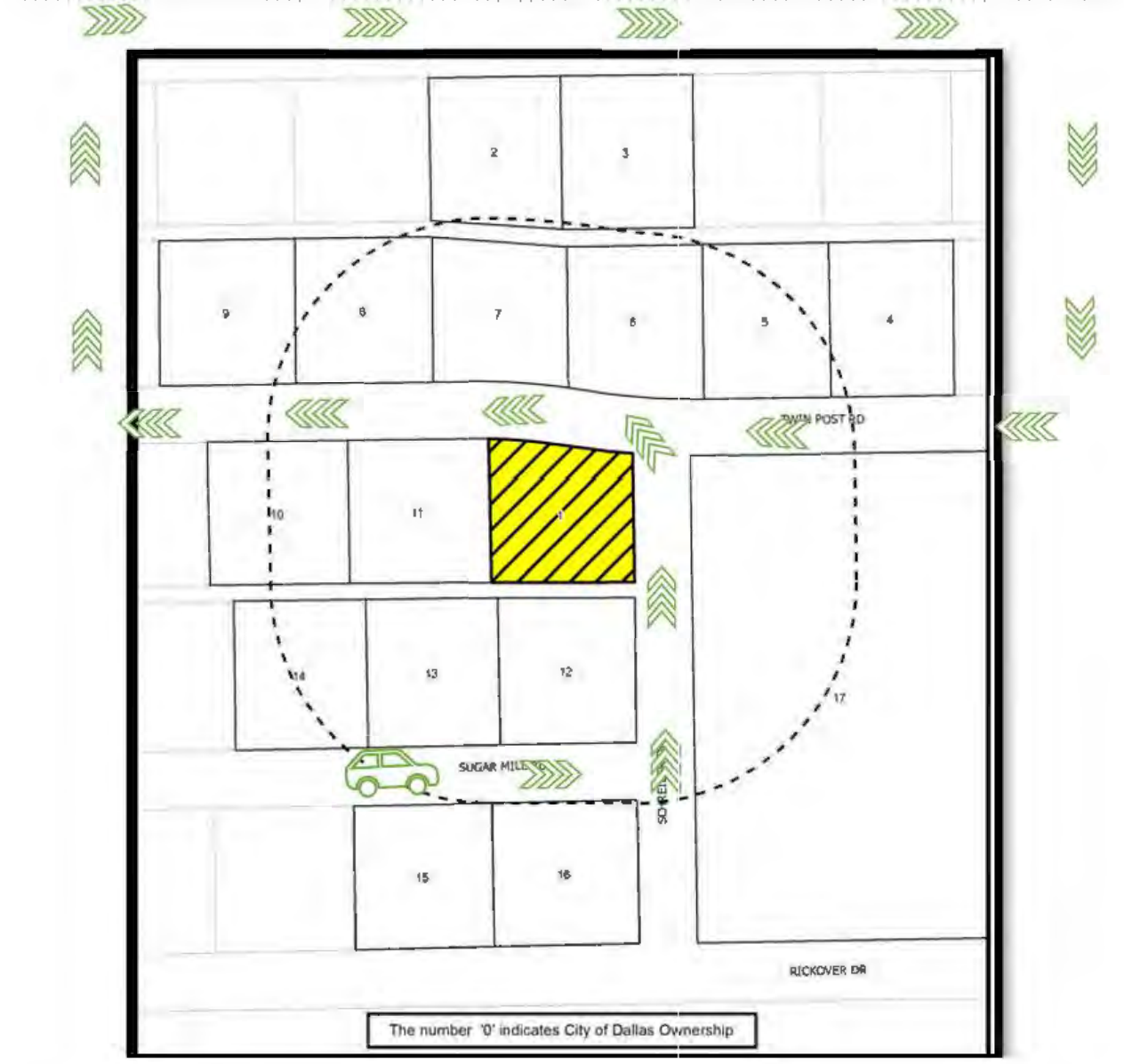

TWIN POST RD
R-1(6)(A)
SUGAR HILL RD
SCHREIBER DR
1:1,200
ZONING MAP
Case no: BDA234-014
Date: 1/18/2024


2
3
9
8
7
6
5
4
TWIN POST RD
10
11
1
14
13
12
17
SUGAR MILL RD
SCHNEIBER DR
15
16
RICKOVER DR
The number '0' indicates City of Dallas Ownership
NOTIFICATION
200'
AREA OF NOTIFICATION
17
NUMBER OF PROPERTY OWNERS NOTIFIED
1:1,200
Case no: BDA234-014
Date: 1/18/2024

17 Property Owners Notified

Label #	*Address*		*Owner*
1	4468	TWIN POST RD	CURRIE DAVID LANCE & REBECCA E
2	4508	MILL CREEK RD	RUDBERG WALTER LEON &
3	4516	MILL CREEK RD	TABET JOHN M & MARY ANN
4	4519	TWIN POST RD	LOHOEFER STEPHEN ERIC &
5	4509	TWIN POST RD	GARCIA RANDY & MARTHA
6	4475	TWIN POST RD	WALKER THOMAS L & STEPHANIE J
7	4465	TWIN POST RD	FRISBIE TRACY JOANNE
8	4455	TWIN POST RD	MACDUFF GORDON S &
9	4445	TWIN POST RD	BLAKE KATHERINE B
10	4448	TWIN POST RD	LIDDELL BRIAN D &
11	4458	TWIN POST RD	HALL ALAN S & SUSAN N
12	4463	SUGAR MILL RD	PICKRELL LESTER &
13	4453	SUGAR MILL RD	MCDONNELL ALMER C &
14	4443	SUGAR MILL RD	LOGAN PATRICK &
15	4452	SUGAR MILL RD	BURKE RICHTER DARRYL &
16	4462	SUGAR MILL RD	DIAZ HORTENSIA
17	4525	RICKOVER DR	HIGHLAND PARK UNITED METHODIST CHURCH

200’ Radius (Route Map)





APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 234-014 FOR CITY USE ONLY

Date: DEC 6 RECD FOR CITY USE ONLY

Data Relative to Subject Property:

Location address: 4468 Twin Post Road Zoning District: R-16(A)

Lot No.: Lot 7 Block No.: 9/8396 Acreage: .36 Census Tract: 48113009603

Street Frontage (in Feet): 1) 135 2) 114 3) 4) 5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): David Lance and Rebecca E Currie

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

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

E-mail Address: rob@baldwinplanning.com

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

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

E-mail Address: rob@baldwinplanning.com

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

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

The owner proposes to install a new wooden fence along the side yard (Schreiber Drive) and along a portion of the alley. The fence will slightly encroach into the driveway and alley visibility triangles. We feel that this is a reasonable request and will not negatively impact the surrounding neighbors.

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 Rob Baldwin

(Affiant/Applicant's name printed)

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

Respectfully submitted: _____

(Affiant/Applicant's signature)

Subscribed and sworn to before me this 16 day of November, 2023

Michele Stoy

Notary Public in and for Dallas County, Texas

MICHELE STOY
Notary Public, State of Texas
Comm. Expires 07-20-2024
Notary ID 130747076

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 BALDWIN ASSOCIATES

did submit a request for (1) a special exception to the 20-foot visibility obstruction regulations

at 4468 Twin Post Rd.

BDA234-014. Application of BALDWIN ASSOCIATES for (1) a special exception to the 20-foot visibility obstruction regulations at 4468 TWIN POST RD. This property is more fully described as Blcok 9/8396, Lot 7 and is zoned R-16(A), which requires a 20-foot visibility triangle at the connection of a street and alley. The applicant proposes to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle, which will require (1) a special exception to the 20-foot visibility obstruction regulation.

Sincerely,

Andrew Espinoza, CBO, MCP, CFM, CCEA

CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 234-014

I, D. Lance Currie, Owner of the subject property
(Owner or "Grantee" of property as it appear on the Warranty Deed)

at: 4468 Twin Post Road
(Address of property as stated on application)

Authorize: Rob Baldwin, Baldwin Associates, LLC
(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)

__X__Special Exception (specify below)

_____Other Appeal (specify below)

Specify: Request for a Special Exception to allow fence to encroach into the sight visibility triangles.

David "Lance" Currie
Print name of property owner or registered agent

D. Lance Currie
Signature of property owner or registered agent

Date 11-15-23

Before me, the undersigned, on this day personally appeared DAVID "LANCE" CURRIE

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 November, 2023

Angela Barrera
Notary Public for Dallas County, Texas

ANGELA BARRERA
Notary Public
State of Texas
ID # 13397008-7
My Comm. Expires 09-19-2026

Commission expires on 9/19/2026

12

CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 234-014

I, Rebecca Currie, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 4468 Twin Post Road
(Address of property as stated on application)

Authorize: Rob Baldwin, Baldwin Associates, LLC
(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)

__X__Special Exception (specify below)

_____Other Appeal (specify below)

Specify: Request for a special exception to allow fence to encroach into sight visibility triangles.

Rebecca Currie
Print name of property owner or registered agent

Rebecca Currie
Signature of property owner or registered agent

Date 11-16-23

Before me, the undersigned, on this day personally appeared Rebecca Currie

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

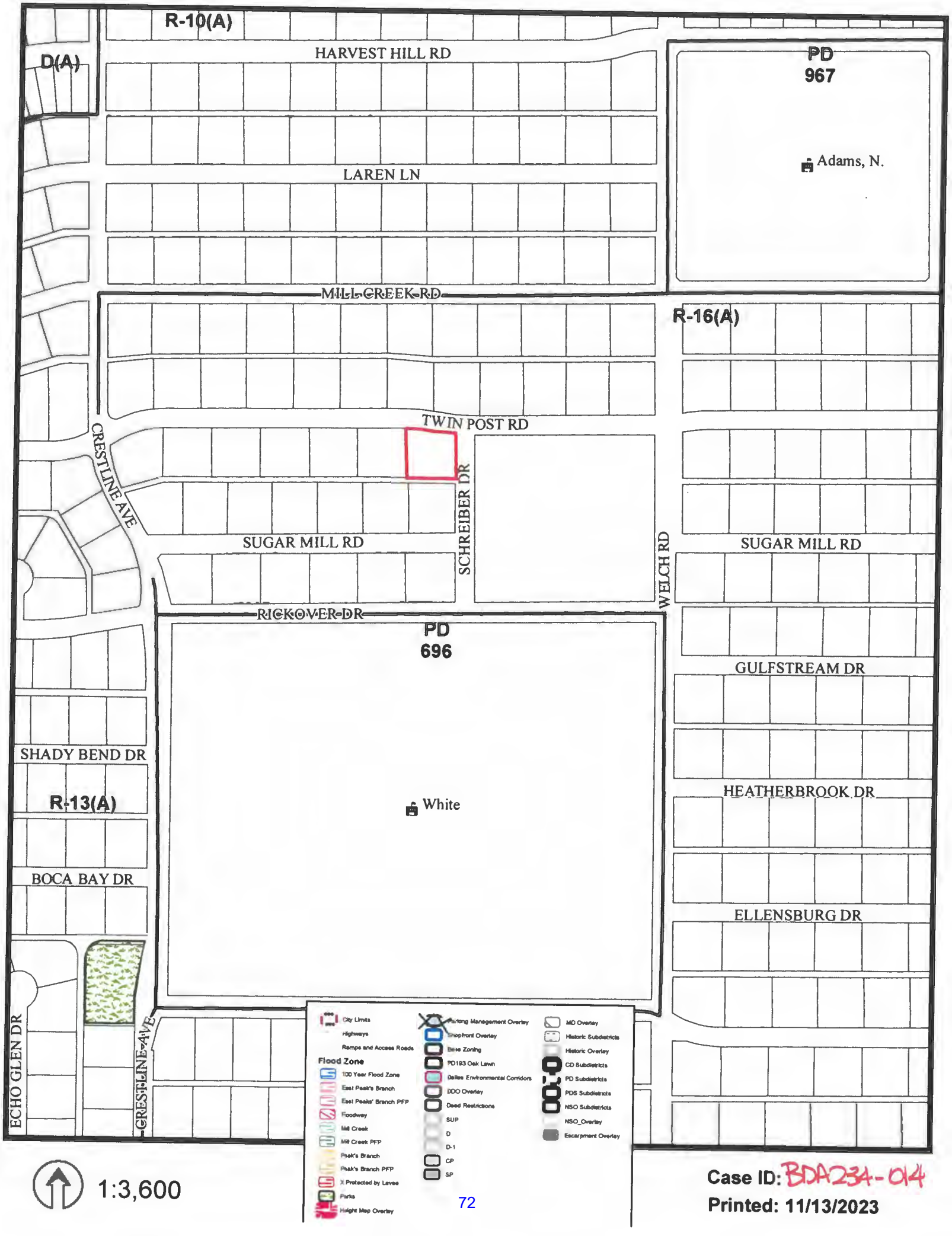
Subscribed and sworn to before me this 16th day of November, 2023

Notary Public for Dallas County, Texas

MARIA THERESE KOUNTZ
Notary Public
State of Texas
ID 12430733-0
My Comm. Expires 11-18-2026

Commission expires on 11-18-2026

12

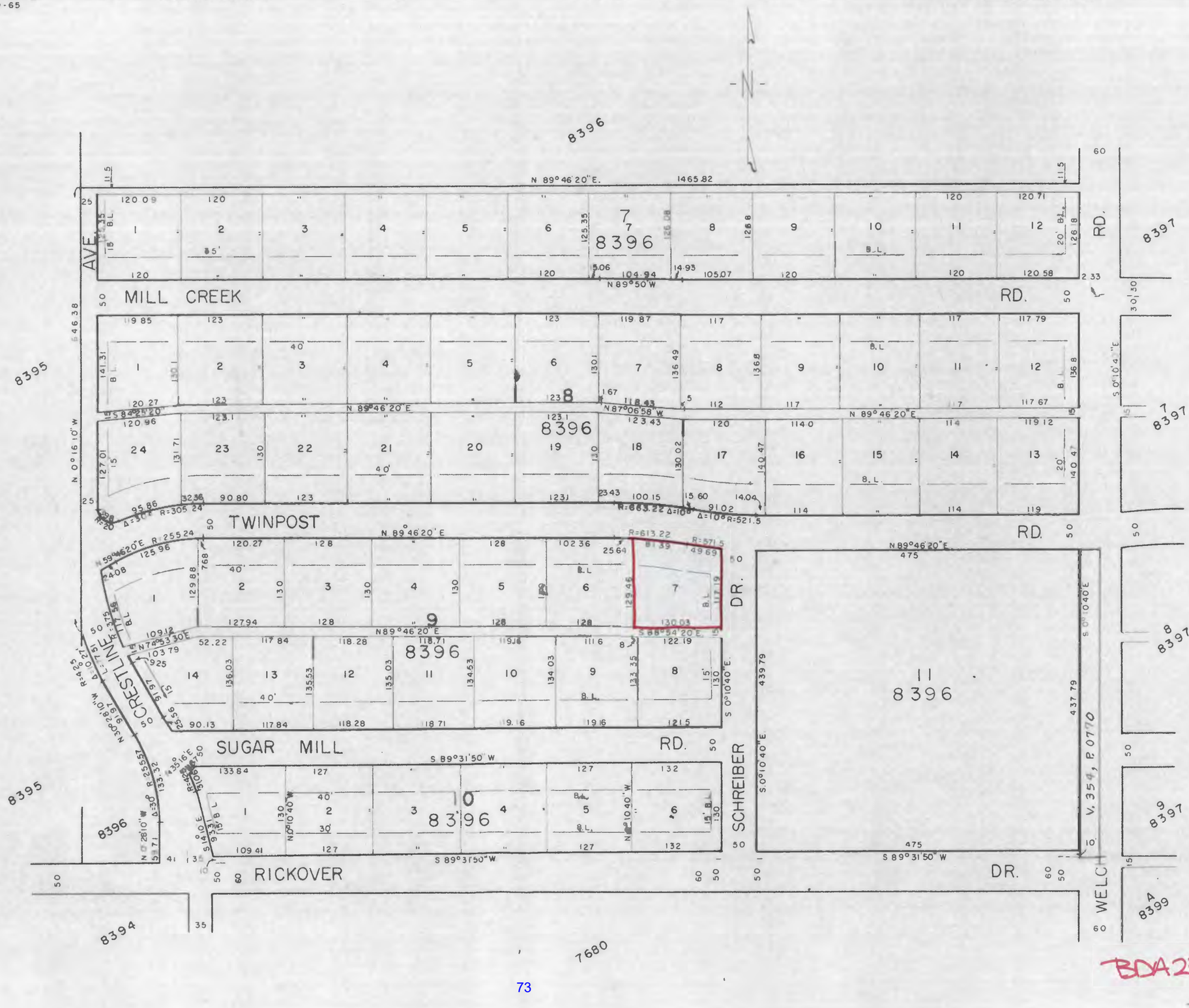

R-10(A)
D(A)
HARVEST HILL RD
PD
967
Adams, N.
LAREN LN
MILL CREEK RD
R-16(A)
TWIN POST RD
CRESTLINE AVE
SCHREIBER DR
SUGAR MILL RD
WELCH RD
SUGAR MILL RD
RICKOVER DR
PD
696
GULFSTREAM DR
SHADY BEND DR
R-13(A)
White
HEATHERBROOK DR
BOCA BAY DR
ELLENSBURG DR
ECHO GLEN DR
CRESTLINE AVE
City Limits
Highways
Ramps and Access Roads
Flood Zone
100 Year Flood Zone
East Peak's Branch
East Peaks' Branch PFP
Floodway
Mill Creek
Mill Creek PFP
Peak's Branch
Peak's Branch PFP
X Protected by Levee
Parks
Height Map Overlay
Parking Management Overlay
Shopfront Overlay
Base Zoning
PD193 Oak Lawn
Dallas Environmental Corridors
IDO Overlay
Deed Restrictions
SUP
D
D-1
CP
SP
MD Overlay
Historic Subdistricts
Historic Overlay
CD Subdistricts
PD Subdistricts
PDS Subdistricts
NSO Subdistricts
NSO_Overlay
Escarpment Overlay
1:3,600
Case ID: BDA234-014
Printed: 11/13/2023

SURVEY A.M. HARWOOD ABST. 581

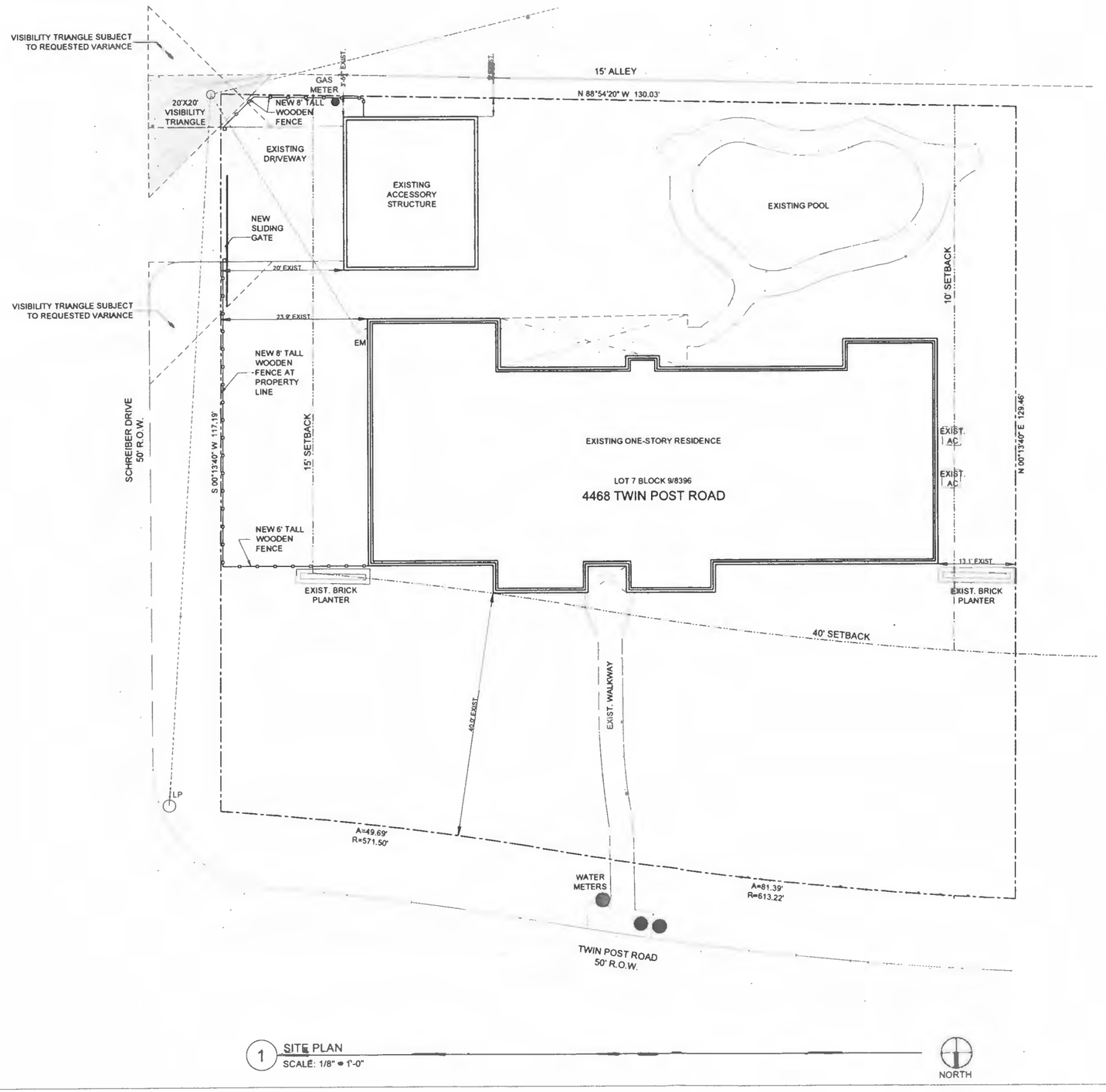
SCALE 100 FT. EQUALS 1 INCH

SCHOOL DISTRICT DALLAS

FILED 3-19-65



BDA234-014



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

NORTH

BDA234-044

REGISTERED ARCHITECT
ERIC LAPOINTE
26816
STATE OF TEXAS
STUDIO ELTE
ERIC LAPOINTE
ARCHITECT
414.477.9402
evlapointe@yahoo.com

4468
TWIN POST RD.
DALLAS, TX.
75244

REVISIONS

PROJECT TITLE
TWIN POST RESIDENCE
LOT 7, BLOCK 9/8396

DATE
11.15.2023

ISSUE
PERMIT SET

SHEET TITLE
SITE PLAN

SHEET NO. 1.0

Applicant's Documentary Evidence

Baldwin
Associates

February 9, 2024

Chairman David Neuman
City of Dallas Board of Adjustment
City of Dallas
1500 Marilla St., 5BN
Dallas, TX 75201

Re: BDA234-014 – 4468 Twin Post Road

Dear Chair Neuman and Board of Adjustment,

I am writing to you today on behalf of David and Rebecca Currie, regarding their property located at 4468 Twin Post Road. The purpose of this correspondence is to petition for a Special Exception to the visual obstruction regulations pertaining to a fence located at their driveway.

The Curries are specifically seeking relief from the visual obstruction regulations to allow for the installation of a fence in the side yard where their property intersects with an alley. We firmly believe that granting this Special Exception will not result in any adverse effects on neighboring properties.

It's imperative to note that the Curries' property is situated on a corner lot, fronting Twin Post Road and abutting Schreiber Drive. Historically, access to their garage is facilitated through the alley, and there was a masonry wall along Schreiber Drive. However, the Curries removed the masonry wall to reposition their driveway to connect with Schreiber Drive. Along the southern boundary of the alley is a wooden fence, similarly situated to what the Curries propose. Moreover, Schreiber Drive, spanning approximately 450 feet, experiences minimal traffic volume. Additionally, there exists a telephone pole within the sight visibility triangle adjacent to the Curries' side of the alley.

The primary rationale behind the Curries' request is to build a fence wooden fence where the previous masonry wall was located, thereby creating a safe recreational area for their children. It's worth emphasizing that the removal of the masonry wall resulted in the forfeiture of their nonconforming rights, necessitating our appeal to the board. The proposed wooden fence and sliding gate will maintain the historic configuration, thereby preserving the status quo.

In accordance with the board's guidelines, a Special Exception to the visual obstruction regulations may be granted if it is determined that such an allowance will not detrimentally impact neighboring properties. Given that the proposed wooden fence will mirror the historic location of the masonry wall in configuration and function, we are confident that the approval of this request will have no adverse consequences for adjacent properties.

We sincerely appreciate your attention to this matter and kindly request your assistance in granting the relief sought by the Curries.

Thank you for your consideration.

With kind regards,



Robert Baldwin

FILE NUMBER: BDA234-016 (KMH)

BUILDING OFFICIAL'S REPORT Application of ARTURO MUNOZ for (1) a special exception to the fence height regulations at 2511 JORDAN VALLEY RD. This property is more fully described as Block 2/8788, Lot 2, and is zoned R-10(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 regulations.

LOCATION: 2511 Jordan Valley Rd.

APPLICANT: Arturo Munoz

REQUEST:

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

STANDARD 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 Exception

No staff recommendation is made on this or any request for a special exception to the fence 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 property.

BACKGROUND INFORMATION:

Zoning:

Site:	R-10(A) (Single Family District)
North:	A(A) and SUP 799
East:	R-10(A) and R-7.5(A)
South:	R-10(A)
West:	R-10(A)

Land Use:

The subject site and the properties to the east, south, and west are developed with single family homes; the properties to the north are vacant.

BDA History:

No BDA history

GENERAL FACTS/STAFF ANALYSIS:

- The application of Arturo Munoz for the property located at 2711 Jordan Valley Road focuses on one request relating to the fence height regulations.
- 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.
- It is important to note that the fence itself measures 5-feet, however, the highest point of the gate measures at 6-feet.
- The applicant states that, "due to growing criminal activities in the neighborhood, we would like to make our front gate more secure."
- It is also imperative to note that the fence is currently 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 will not adversely affect the neighboring properties.
- Granting the special exceptions to the fence standards 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.
- BDA234-016 at 2511 Jordan Valley 200' Radius Video

Timeline:

December 7, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

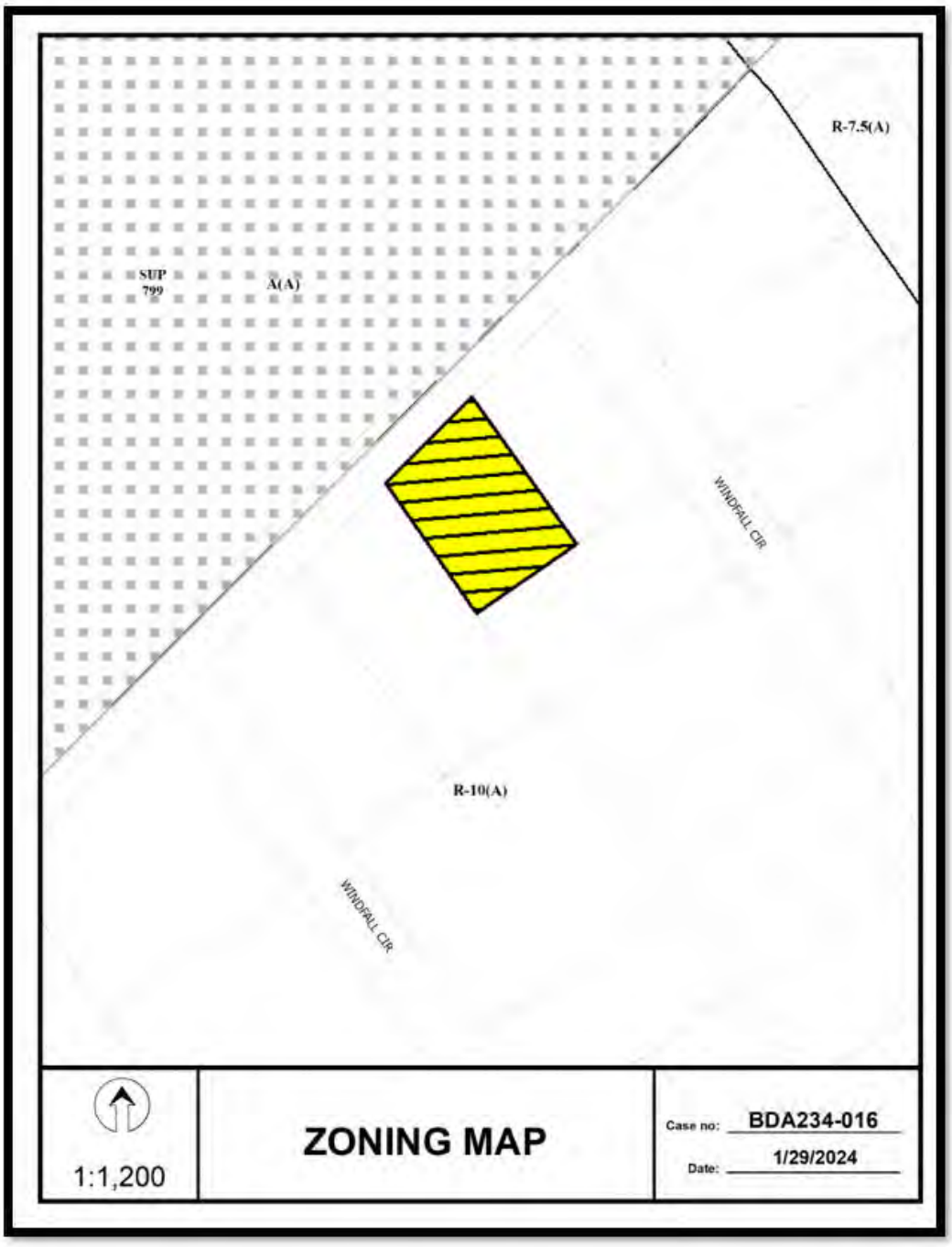
January 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

January 10, 2024: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

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

February 2, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January public hearings. Review team members in attendance included: The Board of Adjustment Interim Chief Planner/Board Administrator, the Development Services Senior Plans Examiner and the Senior Planner.


Site
1:1,200
AERIAL MAP
Case no: BDA234-016
Date: 1/29/2024


R-7.5(A)
SUP 799
A(A)
WINDFALL CIR
R-10(A)
WINDFALL CIR
1:1,200
ZONING MAP
Case no: BDA234-016
Date: 1/29/2024

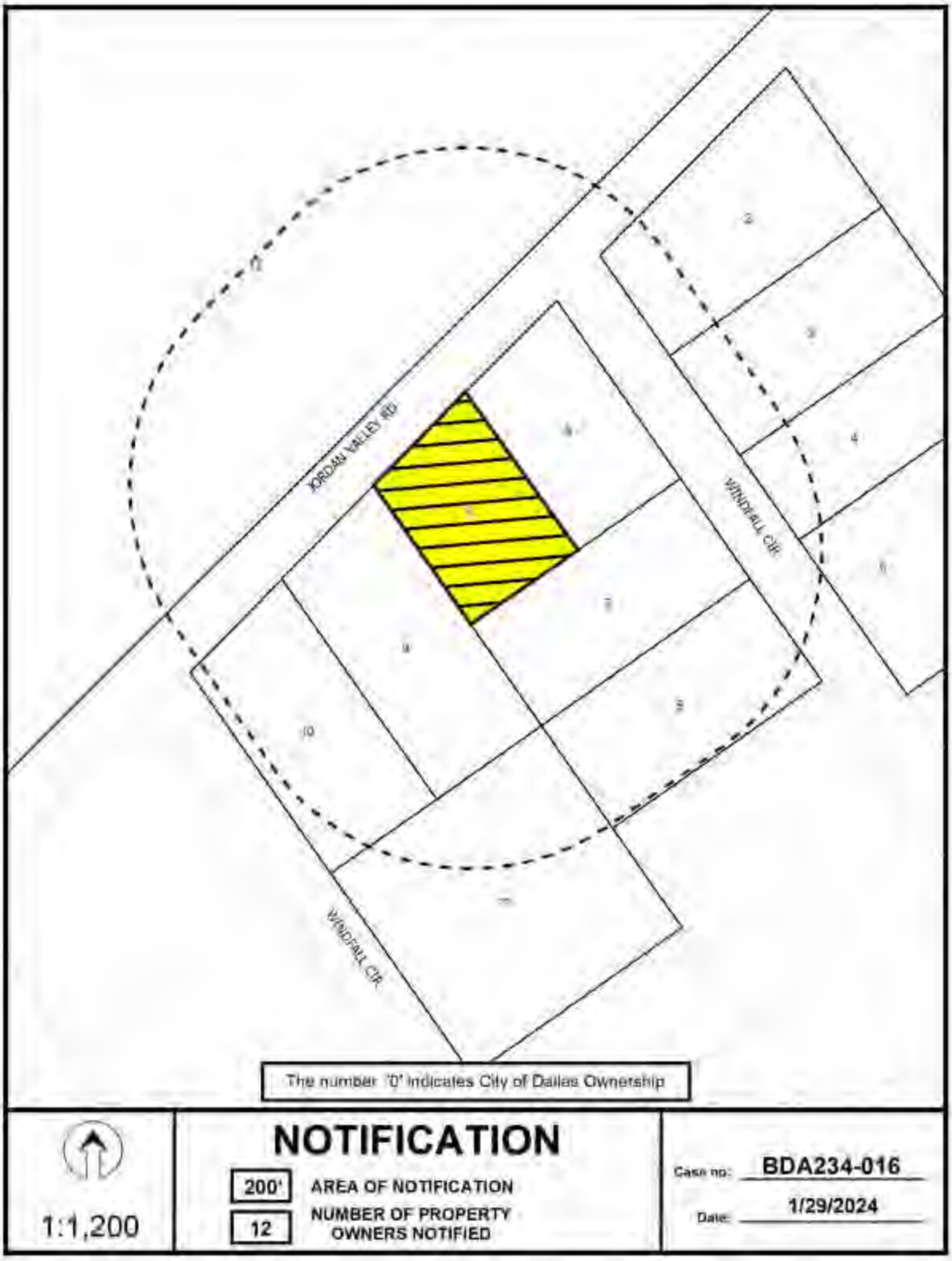
/
01/29/2024

Notification List of Property Owners

BDA234-016

12 Property Owners Notified

Label #	Address		Owner
1	2511	JORDAN VALLEY RD	RENTERIA IMELDA & ARTURO MUNOZ
2	12503	WINDFALL CIR	MARTINEZ ADRIAN &
3	12509	WINDFALL CIR	AVILA EDUARDO &
4	12515	WINDFALL CIR	SEGOVIA ERNEST JR &
5	12521	WINDFALL CIR	LINEWEAVER DANNY L
6	2505	JORDAN VALLEY RD	PINALES YVETTE R & JOSE RESENDIZ
7	12516	WINDFALL CIR	ALLEN DENNIS P
8	12522	WINDFALL CIR	MORALES RODRIGO
9	2517	JORDAN VALLEY RD	BATRES CARLOS
10	12941	WINDFALL CIR	SAUCEDO EDUARDO & DIANA
11	12929	WINDFALL CIR	LOPEZ PATRICIA
12	2430	JORDAN VALLEY RD	MESQUITE LANDFILL TX LP



1:1,200

NOTIFICATION

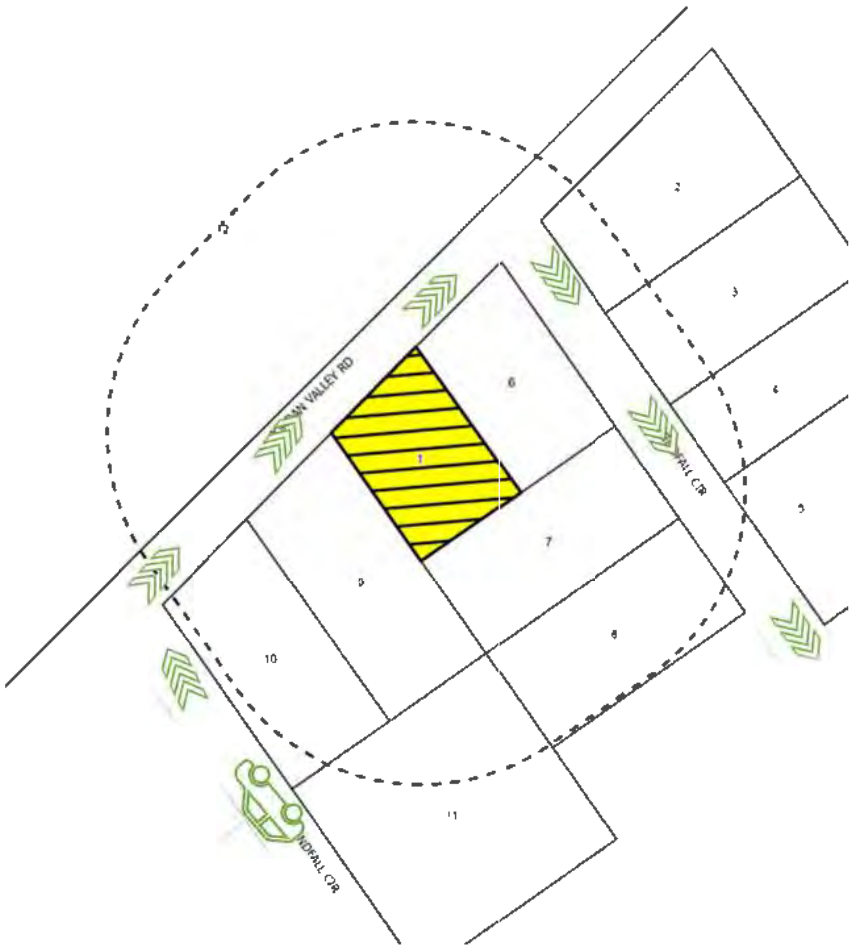
200' AREA OF NOTIFICATION

12 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA234-016

Date: 1/29/2024

200’ Radius (Route Map)



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 234-046

Data Relative to Subject Property: Code compliance Date: 11-20-2023

Location address: 2511 Jordan Valley Rd Dallas TX Zoning District: R-10

Lot No.: 2 Block No.: 2/8788 Acreage: 0.36 Census Tract:

Street Frontage (in Feet): 1) 166 2) 159 3) 139 4) 105 5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Imelda Renteriz / Arturo Muñoz

Applicant: Arturo Muñoz Telephone: 469-258-1536

Mailing Address: 2511 Jordan Valley Rd Dallas TX Zip Code: 75253

E-mail Address: AYI3134@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 X, of Iron fence in front yard exceeding 4 Feet height. New height is 5 feet. Requesting special exception of 2 foot in height. Am.

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

Due to growing Criminal activities in the neighborhood, we would like to make our front gate A more secure. Previous drunk drivers have damaged our property. And we fear our safety.

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 Arturo Muñoz

(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 20 day of November, 2023

Nahomi Esmeralda Gaytan Canela

Notary Public in and for Dallas County, Texas

NAHOMI ESMERALDA GAYTAN CANELA
Notary Public, State of Texas
Comm. Expires 05-11-2026
Notary ID 133755417

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 ARTURO MUNOZ

did submit a request for (1) a special exception to the fence height regulations

at 2511 Jordan Valley

BDA234-016. Application of ARTURO MUNOZ for (1) a special exception to the fence height regulations at 2511 JORDAN VALLEY RD. This property is more fully described as Block 2/8788, Lot 2, and is zoned R-10(A), which limits the height of a fence in the front yard to 4-feet. The applicant proposes to construct and/or mainitain a 6-foot high fence in a required front yard, which will require (1) a 2-foot special exception to the fence regulations.

Sincerely,

Andrew Espinoza, CBO, MCP, CFM, CCEA

CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 234-016

I, Imelda Renteria Mota, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 2511 Jordan Valley Rd Dallas TX 75253
(Address of property as stated on application)

Authorize: Arturo Munoz
(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)

__X__Special Exception (specify below)

_____Other Appeal (specify below)

Specify: Iron fence in front yard exceeding 4 feet height. New height is 5 feet Requesting Special exception of 2 feet in height. A.M.

Imelda Renteria
Print name of property owner or registered agent

X ImeldaRM
Signature of property owner or registered agent

Date 11/20/2023

Before me, the undersigned, on this day personally appeared
Imelda Rentena

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 20 day of November, 2023

Notary Public for Dallas County, Texas

DESTINEE MCNEAL
Notary Public
STATE OF TEXAS
ID# 13433688-5
My Comm Exp 05/01/2027

Commission expires on 05/01/2027

ArcGIS Web Map



11/27/2023 10:18:47 AM

1:2,660

0 0.03 0.06 0.11 mi

0 0.04 0.09 0.17 km

Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, and the GIS User Community

Am.

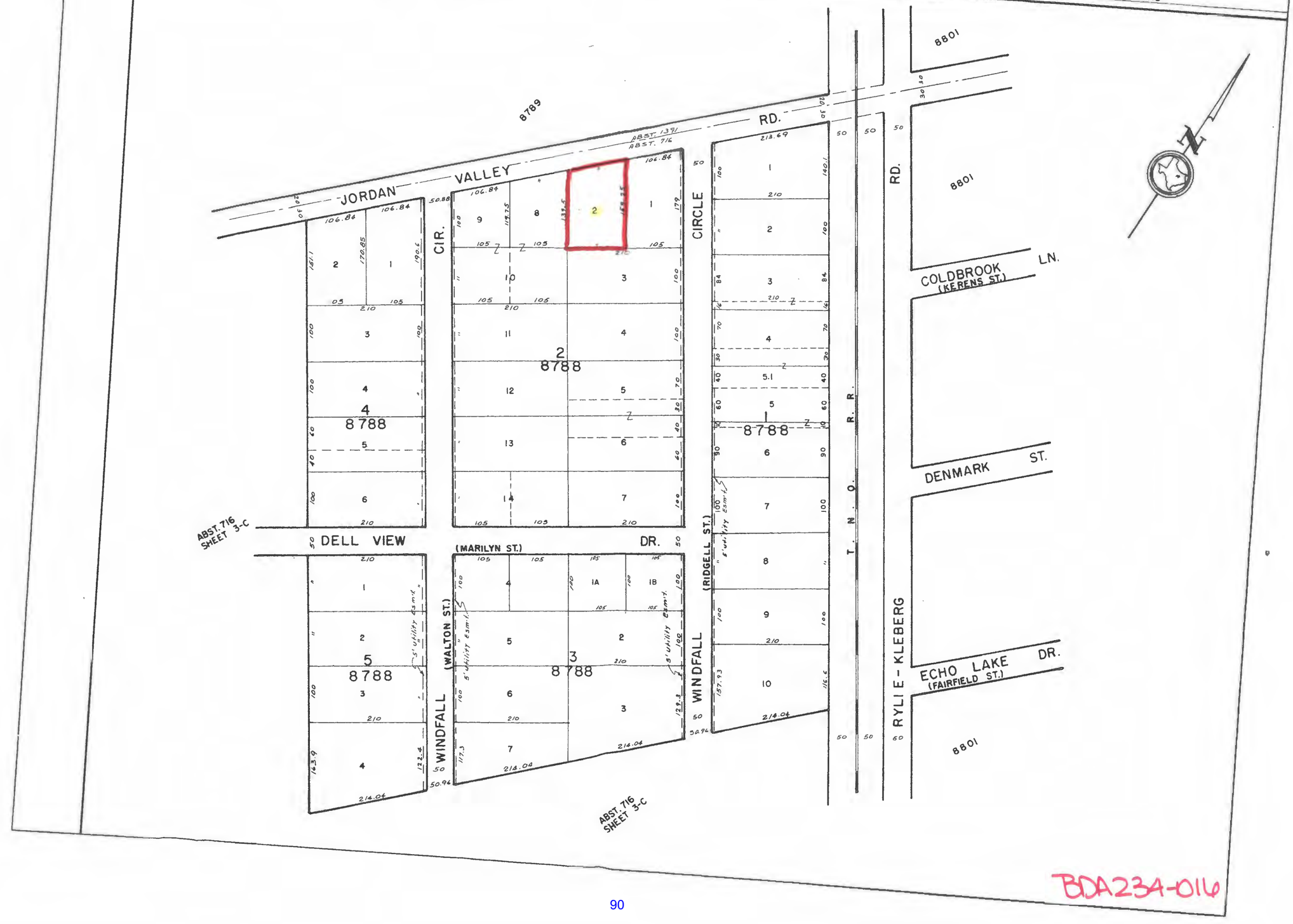
BDA234-016

SHIPPED — RECEIVED
DATE: 7-5-79 DATE: 8-16-79
CONSOLIDATED 4-1-78
ANNEXED ORD. NO. 15 794
SURVEY ROBERT KLEBERG ABST. 716

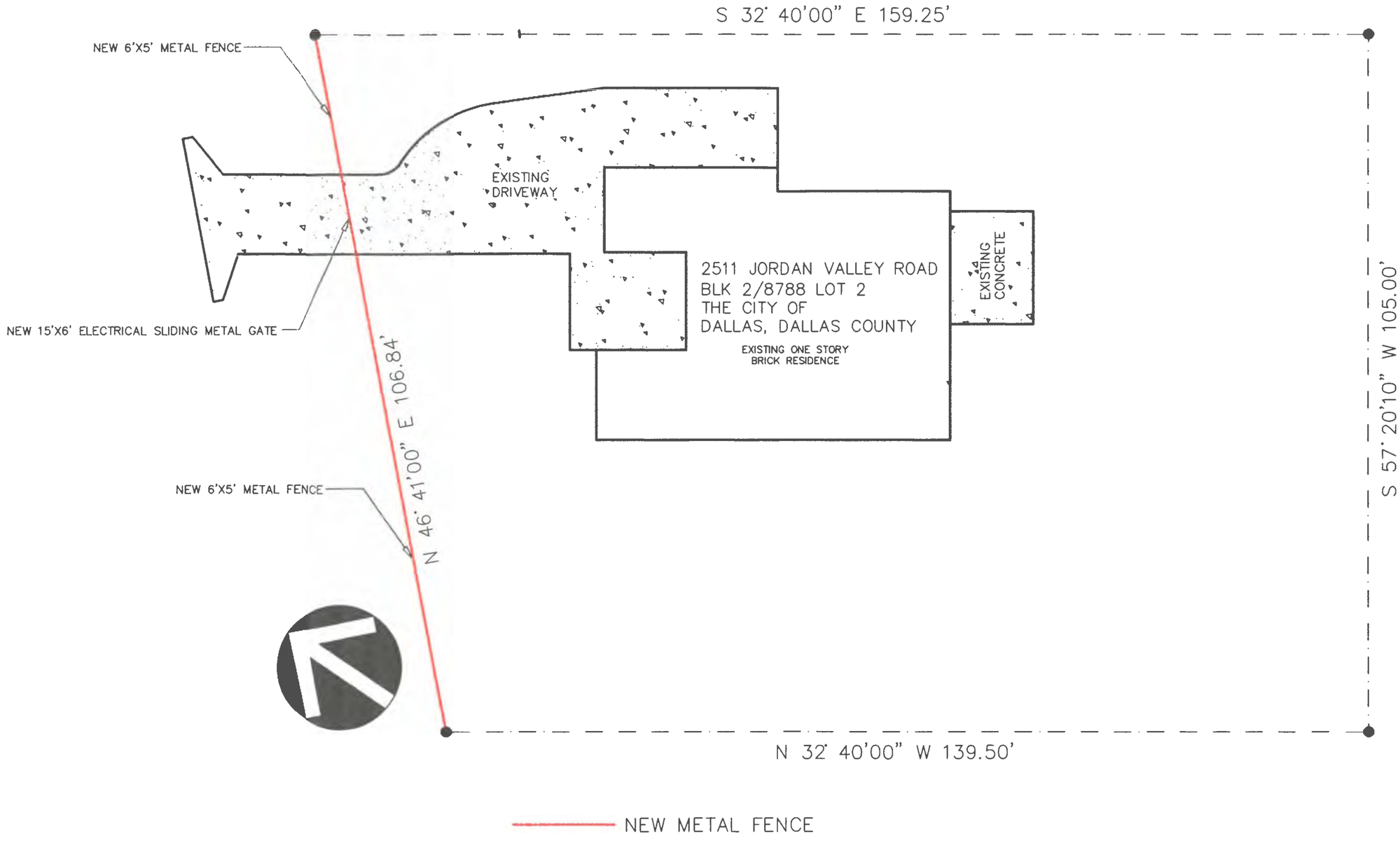
CITY OF DALLAS PLAT BOOKS

ADDITION CHESTER DAVIS
SCALE 100 FT. EQUALS 1 INCH
PHA
1-5
BLOCKS 8788
SCHOOL DISTRICT DALLAS
D.C.4-21-80

FILED: 1-13-48
Wm. M. Bradshaw Subdiv. Blk 3/8788 Lot 14 & 18 Filed: 10-11-63



BDA234-016



SITE PLAN

SCALE: 1/16"=1'-0"

BDA234-016

DATE: 11/06/23
PLAN NO. B231106

2511 Jordan Valley Rd.
Dallas, TX 75253

REVISIONS: PRR #
11/06/23
11/29/23

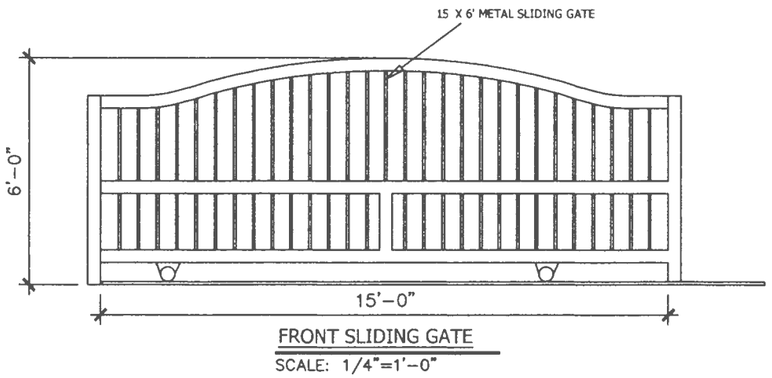
Drawn By: UD

Plan Number: B231106

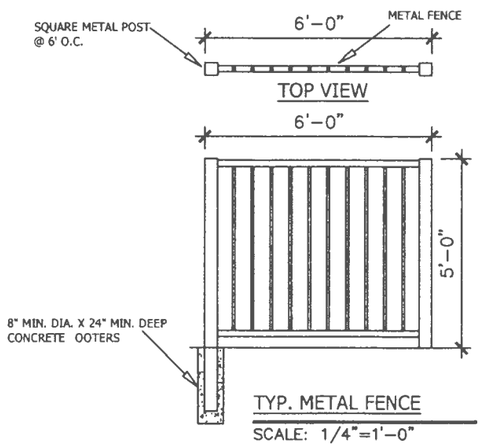
A1

1 of 2

Am Open Iron 106 Feet long



FRONT SLIDING GATE
SCALE: 1/4"=1'-0"



TYP. METAL FENCE
SCALE: 1/4"=1'-0"

BDA234-016

It is the responsibility of the Builder/Owner to verify that the plans received meet all State, County, Local or Municipal Requirements and Regulations and to Structural Requirements. Any discrepancy should be reported to the Builder and Designer before Construction. Furthermore, it is the responsibility of the Builder/Owner or their Agents (Subcontractors) to verify the dimensions of all plans and report any discrepancy to the Designer prior to construction. Any discrepancy found after Construction commencement to be responsibility of the Builder/Owner.

DATE: 11/06/23
PLAN NO. B231106

2511 Jordan Valley Rd.
Dallas, TX 75253

RL : NS
PRP #
11/06/23
11/29/23

Drawn By:
UD

Plan Number
B231106

A2
2 of 2

2464 Jordan Valley Rd

Dallas, Texas

Google Street View

Mar 2022 See more dates



Image capture: Mar 2022 © 2023 Google



BDA23A-016

FILE NUMBER: BDA234-019(CJ)

BUILDING OFFICIAL'S REPORT Application of Jonelle Smith for (1) a special exception to the sign regulations at 8343 Douglas Ave. This property is more fully described as Block 2/5625, Lot 5A, and is zoned PD-314; tract 2, which limits the number of detached signs on a premise to one for each 600 feet, or fraction thereof, of frontage along a public way, other than an alley. The applicant proposes to construct one additional detached premises sign on a nonresidential premise, which will require (1) a special exception to the sign regulations.

LOCATION: 8343 Douglas Ave.

APPLICANT: Jonelle Smith

REQUEST: SSC Signs & Lighting

(1) A request for a special exception to the sign regulations

STANDARD FOR DETACHED SIGN STANDARDS REGULATIONS:

Section 51A-7.403(a)(2) of the Dallas Development Code states that each premise may have one detached sign for each 600 feet, or fraction thereof, of frontage along a public way, other than an alley.

STANDARD FOR A SPECIAL EXCEPTION TO SIGN STANDARD REGULATIONS:

Section 51A-7.703(d)(2) of the Dallas Development Code states that the board may grant a Authorize one additional detached premise sign on a premise in excess of the number permitted by this article.

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this or any request for a special exception to the sign 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 property.

BACKGROUND INFORMATION:

Zoning:

Site: PD 314 (Planned Development)
North: PD 314 (Planned Development)

East: PD 314 (Planned Development)
South: PD 314 (Planned Development)
West: PD 314 (Planned Development)

Land Use:

The subject site and all surrounding properties are developed with uses permitted under PD-314 use regulations.

BDA History:

No BDA history

GENERAL FACTS/STAFF ANALYSIS:

- The application Jonelle Smith, for the property located at 8343 Douglas Avenue focuses on 1 request relating to the sign regulations.
- The applicant proposes to construct one additional detached premises sign on a nonresidential premise, which will require a special exception to the sign regulations
- The subject site along with properties to the north, east, south, and west are all developed within the Preston Center Special Purpose District/PD 314.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to construct and maintain one additional detached premises sign at 8343 Douglas Avenue, a non-residential premise.
- It is imperative to note that the subject site is a corner lot, and it has double street frontage on Douglas Avenue and Luther Lane.
- The Dallas Development Code limits the number of detached signs on a premise to one for each 600 feet, or fraction thereof, of frontage along a public way, other than an alley
- The applicant has the burden of proof in establishing that the special exception(s) to the sign regulations will not adversely affect the neighboring properties.
- Granting the special exceptions to the sign standards relating to sign 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): BDA234-019_ 8343 Douglas Ave.

Timeline:

December 19, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

January 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

January 11, 2024: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

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

February 2, 2024: The Board of Adjustment staff review team meeting was held regard request and other requests scheduled for the February public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Assistant City Attorney to the Board and of Adjustments.

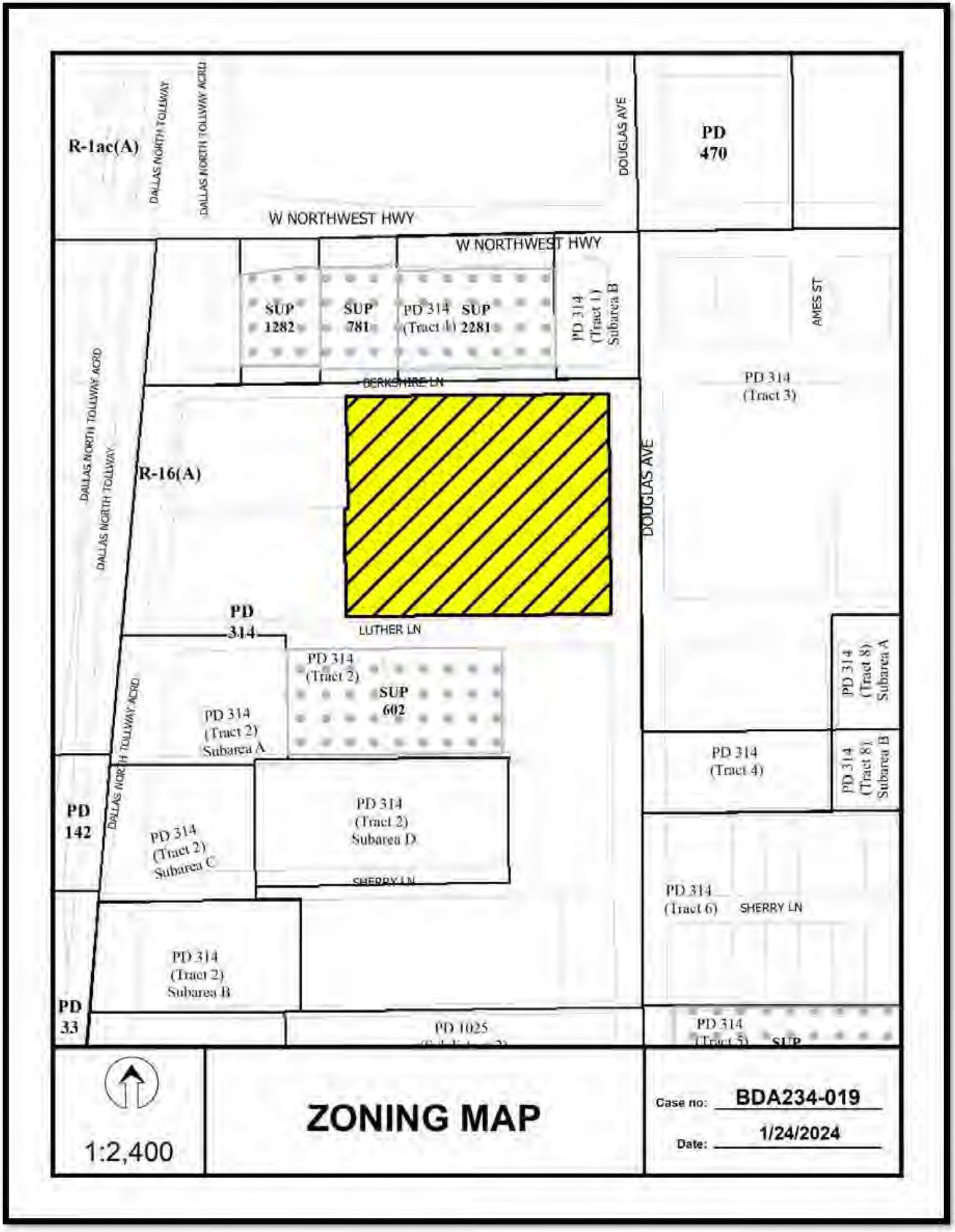


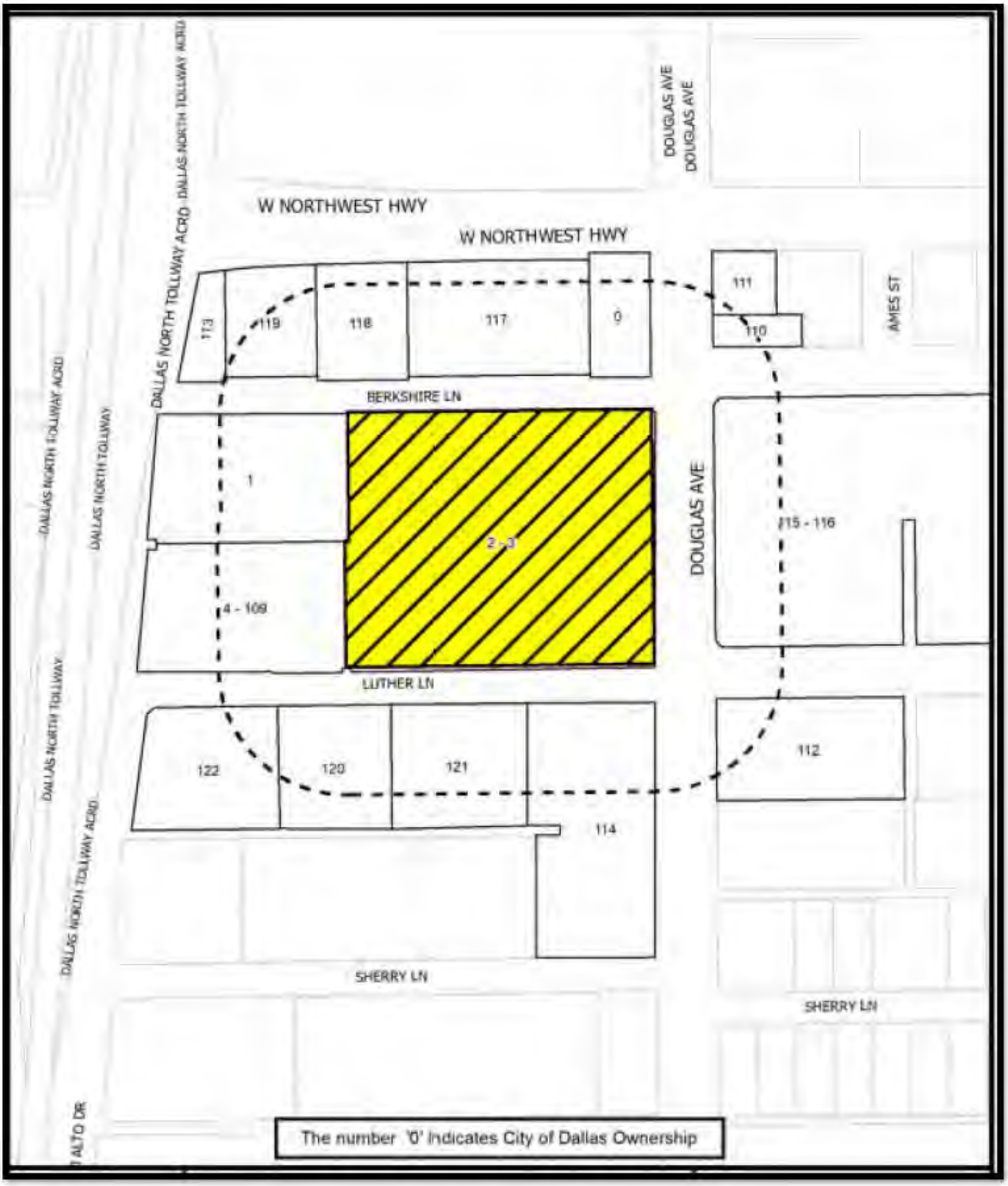
1:2,400

AERIAL MAP

Case no: BDA234-019

Date: 1/24/2024


R-1ac(A)
DALLAS NORTH TOLLWAY
DALLAS NORTH TOLLWAY ACRD
W NORTHWEST HWY
DOUGLAS AVE
PD 470
SUP 1282
SUP 781
PD 314 (Tract 1)
SUP 2281
PD 314 (Tract 1) Subarea B
AMES ST
BERKSHIRE LN
PD 314 (Tract 3)
R-16(A)
DALLAS NORTH TOLLWAY ACRD
DALLAS NORTH TOLLWAY
PD 314
LUTHER LN
PD 314 (Tract 2)
SUP 602
PD 314 (Tract 2) Subarea A
PD 314 (Tract 8) Subarea A
PD 314 (Tract 4)
PD 314 (Tract 8) Subarea B
PD 142
PD 314 (Tract 2) Subarea C
PD 314 (Tract 2) Subarea D
SHERRY LN
PD 314 (Tract 6)
PD 314 (Tract 2) Subarea B
PD 33
PD 1025
PD 314 (Tract 5)
SUP
1:2,400
ZONING MAP
Case no: BDA234-019
Date: 1/24/2024


W NORTHWEST HWY
W NORTHWEST HWY
DOUGLAS AVE
DOUGLAS AVE
DALLAS NORTH TOLLWAY ACRD
DALLAS NORTH TOLLWAY ACRD
DALLAS NORTH TOLLWAY ACRD
DALLAS NORTH TOLLWAY
DALLAS NORTH TOLLWAY
DALLAS NORTH TOLLWAY ACRD
AMES ST
BERKSHIRE LN
LUTHER LN
SHERRY LN
SHERRY LN
DOUGLAS AVE
ALTO DR
111
110
113
119
118
117
0
1
2 - 3
4 - 109
115 - 116
112
122
120
121
114
The number '0' indicates City of Dallas Ownership

1
01/24/2024

Notification List of Property Owners

BDA234-019

122 Property Owners Notified

Label #	Address		Owner
1	3950	BERKSHIRE LN	FHF I BERKSHIRE TOWER LLC
2	8343	DOUGLAS AVE	DOUGLAS CENTER HP LP
3	3960	BERKSHIRE LN	CIO TERRACES LLC
4	3909	LUTHER LN	SHIELLS THEODORE F & EVA A
5	3909	LUTHER LN	JAI INVESTMENTS LLC
6	3909	LUTHER LN	AUREMIK LLC
7	3909	LUTHER LN	AUREMIK LLC
8	3909	LUTHER LN	REAL ESTATE ARBITRAGE PARTNERS LLC
9	3909	LUTHER LN	KLINGAMAN GARY ALAN JR
10	3909	LUTHER LN	TORMOS REAL ESTATE LLC
11	3909	LUTHER LN	DK HAMMER REAL ESTATE LLC
12	3909	LUTHER LN	LENNROY VENTURES LUTHER
13	3909	LUTHER LN	HERNÁNDEZ BELINDA A
14	3909	LUTHER LN	DENG JIE
15	3909	LUTHER LN	RATCLIFF T PATRICK &
16	3909	LUTHER LN	HAMMOND PPTIES INC
17	3909	LUTHER LN	RATCLIFF TERRENCE P
18	3909	LUTHER LN	HARE WILLIAM C III
19	3909	LUTHER LN	DAVIS PAMELA A
20	3909	LUTHER LN	THURAISINGHAM BHAVANI
21	3909	LUTHER LN	WEBER KATHERINE GRACE EXEMPT
22	3909	LUTHER LN	LONG THOMAS EDWARD &
23	3909	LUTHER LN	TORMOS REAL ESTATE LLC
24	3909	LUTHER LN	BERGIN KATHLEEN JANE &
25	3909	LUTHER LN	LEWIS LINDA B &
26	3909	LUTHER LN	SILVER LIFE HOLDINGS OF TEXOMA

Label #	Address		Owner
27	3909	LUTHER LN	CHRISTENSEN THOMAS & MARLENE
28	3909	LUTHER LN	ARAB FATHIMA & MOHAMMED
29	3909	LUTHER LN	SKAGGS GWENDOLYN &
30	3909	LUTHER LN	CRUZ ERWIN
31	3909	LUTHER LN	FLEET TIMOTHY
32	3909	LUTHER LN	SNIDER ROSEMARY T LIVING TRUST
33	3909	LUTHER LN	ADDISON STONE LLC
34	3909	LUTHER LN	CHOI ROY
35	3909	LUTHER LN	GUAN LAN
36	3909	LUTHER LN	ROBERTS CLAIRE
37	3909	LUTHER LN	ARAVAMUTHAN VIBHAS &
38	3909	LUTHER LN	ROSE PETER M & CHRISTINA C
39	3909	LUTHER LN	BAIRRINGTON JEAN FAMILY TRUST
40	3909	LUTHER LN	MOYE ARELYS & JOHN H
41	3909	LUTHER LN	2620 WINTERGREEN INVESTORS LLC
42	3909	LUTHER LN	SCHREYER EDWARD J & ERIN L
43	3909	LUTHER LN	FRAZAR KEVIN D
44	3909	LUTHER LN	LITTLEJOHN STEPHEN G & AMY
45	3909	LUTHER LN	FRANKE REVOCABLE TRUST
46	3909	LUTHER LN	HARVIN SUSAN & ROBERT
47	3909	LUTHER LN	CHEN CHYNSHYR & WU LINGCHI
48	3909	LUTHER LN	PEARCY MELISSA
49	3909	LUTHER LN	TURNER JOANNA L
50	3909	LUTHER LN	DAKIL DIANE
51	3909	LUTHER LN	JONES BRENT L
52	3909	LUTHER LN	CLARK ROLAND & LEIGH
53	3909	LUTHER LN	LANE CINDY & G DAVID
54	3909	LUTHER LN	CALVERT MICHAEL & NANCY
55	3909	LUTHER LN	SONGLIU FAMILY TRUST
56	3909	LUTHER LN	SKLAR ALICE 2021 REVOCABLE
57	3909	LUTHER LN	NASSEH MIKE &

Label #	Address		Owner
58	3909	LUTHER LN	PINTO BEN J & AMY
59	3909	LUTHER LN	HAMMER DAVID W & M KAY
60	3909	LUTHER LN	PURVIN DEBORAH T &
61	3909	LUTHER LN	PIVNICK LIVING TRUST
62	3909	LUTHER LN	TORKILDSON STEVEN & KAREN
63	3909	LUTHER LN	MARITAL TRUST
64	3909	LUTHER LN	MCALLISTER MARC D &
65	3909	LUTHER LN	NATAN NIMROD & MARGARET
66	3909	LUTHER LN	RUBLE KARIN G
67	3909	LUTHER LN	NICHOL FRANCES VIRGINIA &
68	3909	LUTHER LN	GARBARINO ANNE
69	3909	LUTHER LN	BLACK PAULA J REVOCABLE TRUST
70	3909	LUTHER LN	CAMALIER GEORGE ROBERT & CATHY KYLE
71	3909	LUTHER LN	BROKAW SUSAN LYNN
72	3909	LUTHER LN	ZAHEDI SIAVASH & VASSILIKIE
73	3909	LUTHER LN	MENTER GILLIAN SACHAR
74	3909	LUTHER LN	SAULTER GILBERT J & MAE F
75	3909	LUTHER LN	DALE JOHN ROBERT
76	3909	LUTHER LN	FIKE REBECCA & RICHARD
77	3909	LUTHER LN	MCMANEMIN MEGAN
78	3909	LUTHER LN	LONG THOMAS EDWARD &
79	3909	LUTHER LN	KING ERICA V
80	3909	LUTHER LN	LUBICK FINANCIAL GROUP LLC
81	3909	LUTHER LN	DUNN BRINDA HOLT & PAUL ALLEN
82	3909	LUTHER LN	JAPNY HP LLC
83	3909	LUTHER LN	HALL LIVING TRUST
84	3909	LUTHER LN	RULAU SCOTT Q & TONI J
85	3909	LUTHER LN	SCHALLER REVOCABLE TRUST THE
86	3909	LUTHER LN	KLING MARY
87	3909	LUTHER LN	SANDEFER CAROLE W
88	3909	LUTHER LN	GUTIERREZ FROYLAN JOVAN

Label #	Address		Owner
89	5909	LUTHER LN	GLOVER MARK FAMILY TRUST
90	5909	LUTHER LN	DETCHEVA SLAVEA NASKOVA
91	5909	LUTHER LN	RODGERS JOHN H
92	5909	LUTHER LN	KAIHANI MICHELLE LEE
93	5909	LUTHER LN	POINTER SUZANNE E
94	5909	LUTHER LN	DUPONT DENISE REVOCABLE TRUST
95	5909	LUTHER LN	RITER AUBLE W III & CYNTHIA S
96	5909	LUTHER LN	GLORIETA GESCIENCE INC 401K PLAN
97	5909	LUTHER LN	DREHSEN DESIREE K
98	5909	LUTHER LN	GLAZER LORI LUSKEY
99	5909	LUTHER LN	PATTERSON GARY H & SUSIE M
100	5909	LUTHER LN	HIRSCHEY KARL
101	5909	LUTHER LN	LUCERO MARIO &
102	5909	LUTHER LN	MCGILLIVRAY STUART &
103	5909	LUTHER LN	DENROD DEVELOPMENT LLC
104	5909	LUTHER LN	GARZON CAROLINA GOMEZ &
105	5909	LUTHER LN	MCDONALD JON DAVID
106	5909	LUTHER LN	SCHREYER EDWARD J & ERIN L
107	5909	LUTHER LN	TUJIOS ANDREW PATRICK &
108	5909	LUTHER LN	LEONE AMANDA
109	5909	LUTHER LN	ZUTTER JEAN D & KATHLEEN R
110	6003	BERKSHIRE LN	BERKSHIRE DOUGLAS RETAIL
111	5900	W NORTHWEST HWY	HBT PARTNERS LP
112	8226	DOUGLAS AVE	DOUGLAS PLAZA LAND LLC
113	5800	W NORTHWEST HWY	NWSS LLC
114	8235	DOUGLAS AVE	GPI DOUGLAS LP
115	8901	WESTCHESTER DR	ALPINE PRESTON CENTER LP
116	8900	DOUGLAS AVE	ALPINE DOUGLAS LP
117	5858	W NORTHWEST HWY	DB FIVE GRILL LP
118	5840	W NORTHWEST HWY	NWHWY 5840 LLC
119	5820	W NORTHWEST HWY	BV NWH 5820 LP

01/24/2024

Label #	Address		Owner
120	5944	LUTHER LN	LUTHER PRESTON CENTER LLC
121	5954	LUTHER LN	WOODBINE LEGACY
122	5934	LUTHER LN	METROPOLITAN PRESTON CENTER




W NORTHWEST HWY
W NORTHWEST HWY
DOUGLAS AVE
DOUGLAS AVE
DALLAS NORTH TOLLWAY ACRD
DALLAS NORTH TOLLWAY ACRD
AMES ST
BERKSHIRE LN
DOUGLAS AVE
LUTHER LN
SHERRY LN
SHERRY LN
The number '0' indicates City of Dallas Ownership

Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA BDA 234-019

RECEIVED
FOR OFFICE USE ONLY

Data Relative to Subject Property: Refund by sign dept. Date: 12/19/23

Location address: 8343 Douglas Ave Dallas TX 75225 Zoning District: PD 534 (OC)

Lot No.: 5A Block No.: 2/5625 Acreage: 4.360 Census Tract: _____

Street Frontage (in Feet): 1) 405' (344') 2) 476 3) 476 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Douglas Center-HP, LP a Texas Limited Partnership - Hunter Lee

Applicant: Jonelle Smith Telephone: 972-219-2495

Mailing Address: 2090 McGee dr, lewisville Zip Code: 75077

E-mail Address: permits@sscsigns.com

Represented by: SSC Signs & Lighting Telephone: 972-219-2495

Mailing Address: 2090 McGee dr, lewisville, TX Zip Code: 75077

E-mail Address: permits@SSCSigns.com

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

We are requesting approval for a new monument 8343 to be installed.

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:

Customer would like one address monument at each corner to distinguish each building & what is occupied in which building for direction. 3 buildings, 8333, 8303, & 8343 share the same driveway

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 Jonelle Smith

(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: Jonelle Smith

(Affiant/Applicant's signature)

Subscribed and sworn to before me this 19 day of December 2023

Destinee McNeal

Notary Public in and for Dallas County, Texas

DESTINEE MCNEAL
Notary Public
STATE OF TEXAS
ID# 13433588-8
My Comm. Exp. 05/01/2027

v E T • BO RD O | REV 01.16.2023

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 JONELLE SMITH

did submit a request for (1) a special exception to the sign regulations

at 8343 DOUGLAS

BDA234-019. Application of JONELLE SMITH for (1) a special exception to the sign regulations at 8343 DOUGLAS AVE. This property is more fully described as Block 2/5625, Lot 5A, and is zoned PD-314; tract 2, which limits the number of detached signs on a premise to one for each 600 feet, or fraction thereof, of frontage along a public way, other than an alley. The applicant proposes to construct one additional detached premises sign on a nonresidential premise, which will require (1) a special exception to the sign regulations.

Sincerely,

Andrew Espinoza, CBO, MCP, CFM, CCEA

CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 234-019

I, Hunter Lee, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 8343 Douglas ave, Dallas TX 75225
(Address of property as stated on application)

Authorize: SSC Signs and Lighting, LLC, Joy Dartley - Jonelle Smith
(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)

__X__Special Exception (specify below)

_____Other Appeal (specify below)

requesting an additional monument sign above the allowed amount

Hunter Lee	[signature]	9.18.2023
Print name of property owner/agent	Signature of property owner/agent	Date

Before me, the undersigned, on this day personally appeared _____

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 18 day of September, 2023

[signature]
Notary Public for Dallas County, Texas

Commission expires on 1/6/24

ALAINA MARTINEZ
My Notary ID # 132302122
Expires January 6, 2024

11

BDA234-019

FILED: 3-9-29
REVISED LOTS 6 & 7 BLK 1/5625 FILED 12/17/1976
LUTHER SQUARE REV. LOTS 1, 2, 16, 17 BLK 3/5625 FILED 6-18-79
REPLAT PRESTON SQUARE ADDN. BLK. 2/5625 LOTS 9A & 10A FILED: 8-18-80
REPLAT BLK. 4/5625 LOT 2A FILED 8/25/82
REPLAT BLK. 3/5625 LOT 8A, 8B FILED 6/17/82
REPLAT OF LOT 8-A BLK. 2/5625 FILED: 9-24-82
REPLAT LOT 6-A, 7-A BLK. 2/5625 FILED: 9-24-82
FILED: 3-21-85 BLK. 4/5625 LOTS 7A & 9A
FILED: 6-25-85 BLK. 4/5625 LOTS 7A & 9A REPLAT PRESTON SQUARE

ANTHONY PLAZA PRESTON PARKWAY ADDN.

5621 5623 3 5624 2 5624 5627

DOUGLAS AVE.

8300 8200 8100

15' X 15' S.W.B.T. Esm't.

S 00° 06' 00" W 399.2

FIRE STATION 1

SONAMOR ADDN. FILED: 1-18-91

2-B 1.2447 ACS.

10' Street Esm't.

DALLAS FEDERAL SAVINGS & LOANS SUBD'N.

5-A

FILED 3-28-73

2 5625

COLDWELL BANKER ADDN. 6-A NO. 1 FILED 12-17-76

REPLAT FILED 7-13-78

7-B 8-B 10-A 9-A 11

LUTHER LANE

BERKSHIRE (MEADOW) LANE

ALLEY TO BE ABDN. NEW 20' WIDE UTIL. & ALLEY ESMT. W/AIR RIGHTS RESERVED FROM ELVT. OF 16.5' ABOVE

PAVEMENT TO ELVT. 78' ABOVE PAVEMENT TO BE DEDICATED.

25' BUILDING LINE

LOT EXISTING ALLEY

20' 1A

3 5625 4 5625

2.0507 ACS. 0.4083 AC. 1.1454 ACS. 0.1453 AC

SHERRY LANE

WATER EASEMENT

22' BLDG. LINE

FREDERICK SQUARE FILED: 11-28-48

5626

25' X 100' Alley Dedication

PRESTON HOLLOW ADDITION

9 5599

NORTHWEST HIGHWAY

DALLAS SCHOOL DISTRICT 2 HIGHLAND PARK SCHOOL DISTRICT

LOMO ALTO DRIVE

DALLAS NORTH TOLLWAY

EASTERN AVE (CHITTY)

HIGHLAND PARK SCHOOL DISTRICT DALLAS SCHOOL DISTRICT

7 5597 A 5646 D 646 I 5628

N. 8°30'E. 1364.8 (ST. L. S. W. R. R.)

8343 DOUGLAS AVE, DALLAS, TX

Search result

W NORTHWEST HWY

DOUGLAS AVE

BERKSHIRE LN

LUTHER LN

PD 314 Tract 3

PD-314

S045-363

8215

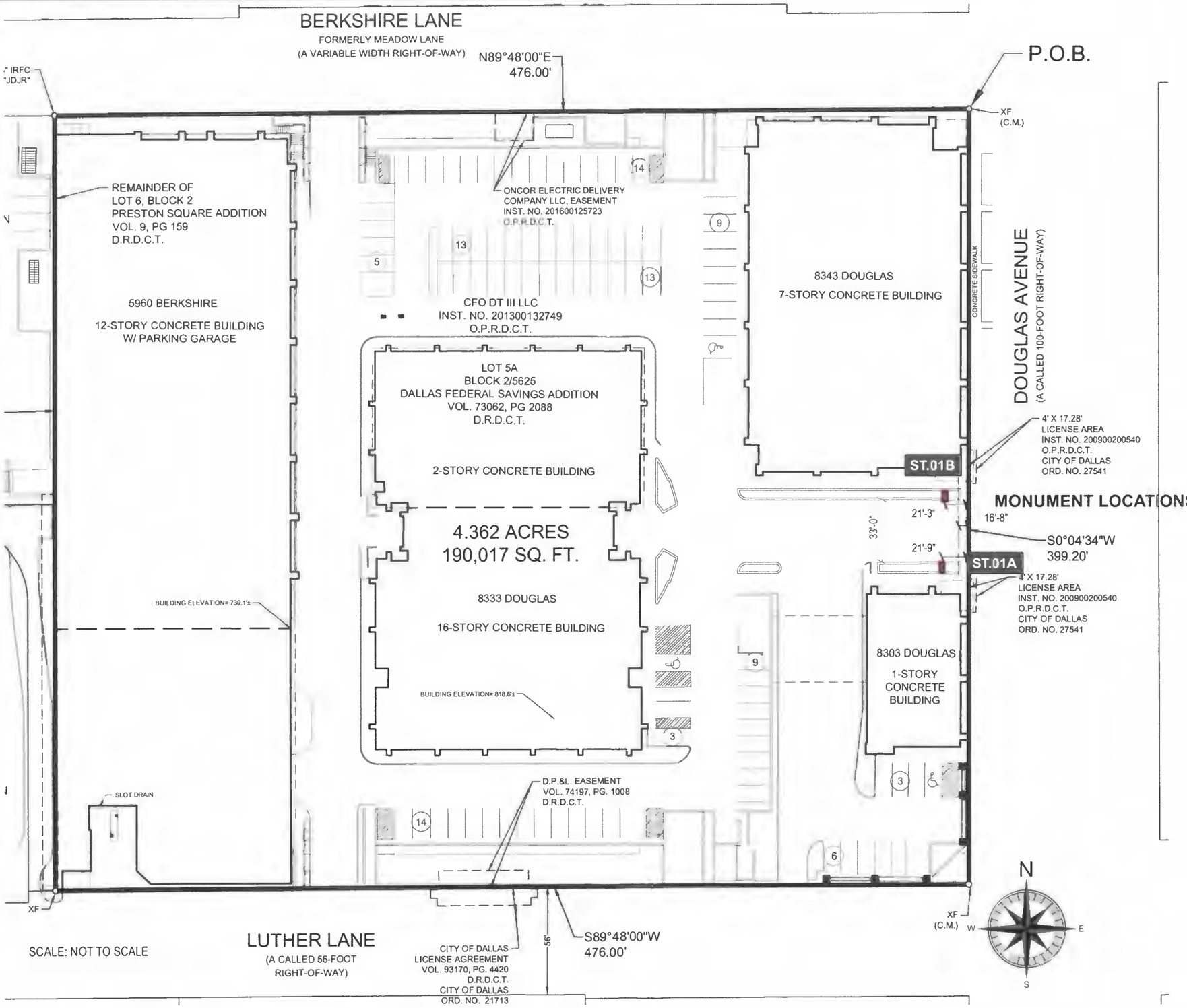
Selected features: 0

50 m
100 ft

Esri Community Maps Contributors, Texas Parks & Wildlife, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc... Powered by Esri

BDA234-019

SITE MAP



BDA234-019

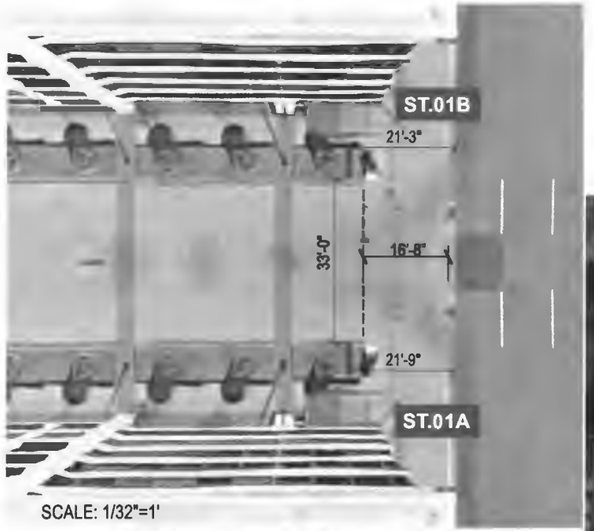
SITE MAP

SO#9617

ENGINEERING COMPLETE
RBS 9/21/23

SIGN SCHEDULE

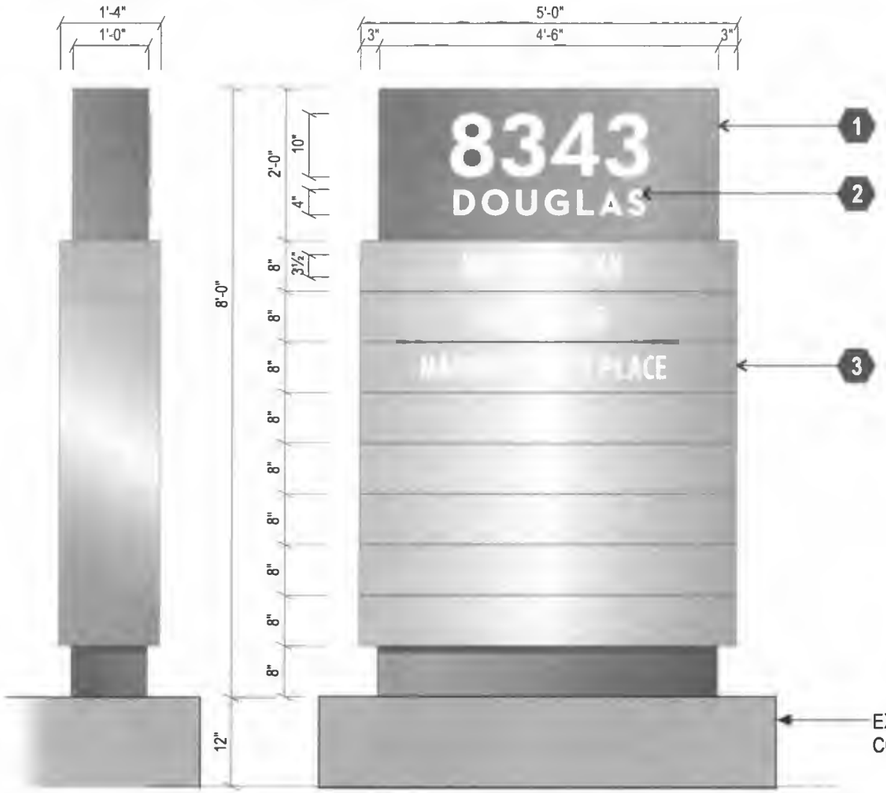
LOCATION	SIGN TYPE	QTY	ITEM DESCRIPTION
001	ST.01	2	MONUMENT
002	ST.03	3	NON-LIT REVERSE CHANNEL LETTERS
003	ST.06	1	FLAT CUT OUT ACRYLIC



SCALE: 1/32"=1'

BDA234-019

ST.01 - INTERNALLY LIT MONUMENT - QTY: 1



SIDE VIEW
SCALE: ½"=1'

FRONT VIEW
SCALE: ½"=1'

BACK VIEW
SCALE: ½"=1'



EXISTING CONDITIONS

INSTALL NEW

ELECTRICAL LOAD
(0.8) Amps @ 120 Volts
ELECTRICAL REQ'MTS
(1) 20 Amp/120 Volt Circuits

Note: This sign is intended to be installed in accordance with the requirements of Article 600 of the NFPA 2017 National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

SPECIFICATIONS

1. ALUMINUM TUBE FRAME SIGN CABINET
2. .125" ALUMINUM FACE WITH ROUTED COPY / PUSH-THROUGH ½" CLEAR ACRYLIC FIRST SURFACE 3630-200 WHITE VINYL W/ SECOND SURFACE 3635-70 WHTIE DIFFUSER
3. .125" ALUMINUM TENANT PANELS BACKED UP WITH 1/8" 2406 WHITE ACRYLIC AND FIRST SURACE 3635-222 BLACK DAY / NIGHT VINYL

NOTE: REMOVE AND DISPOSE OF EXISTING MONUMENT

NOTE: TENANT COPY TO BE DETERMINED



NIGHT VIEW
SCALE: 1/4"=1'

BOA 234-019

- P1 - PAINTED METALLIC DARK GRAY TO MATCH STAINLESS STEEL
- P2 - TO MATCH BRUSHED ALUMINUM
- M1 - WHITE VINYL
- V1 - 3M DAY NIGHT VINYL

SSC SIGNS&LIGHTING
972.219.2495

CLIENT
1119 HPI REAL ESTATE

ADDRESS
8343 DOUGLAS AVE
DALLAS, TX

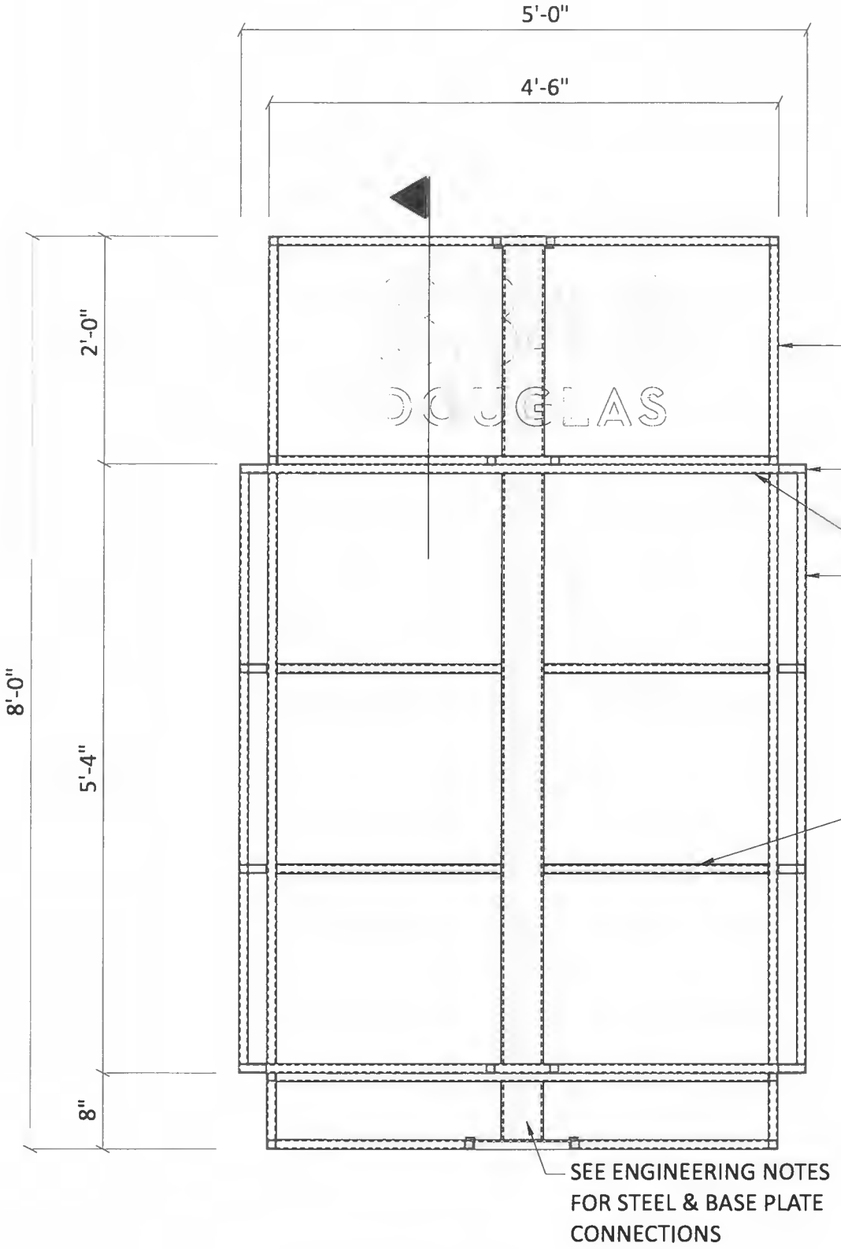
DATE 08.09.2023
DESIGNER - SW
DRAWING NO.
OP009041-4-8343

REVISION	DATE
1. ADDED LED LAYOUT	5.4.23 MI
4. ADD SET BACKS, DIR. WIDTH, PL, OTHER MEASUREMENTS	5.30.23 A
4. SEPARATE DWG FOR 8333	8.09.202 SW

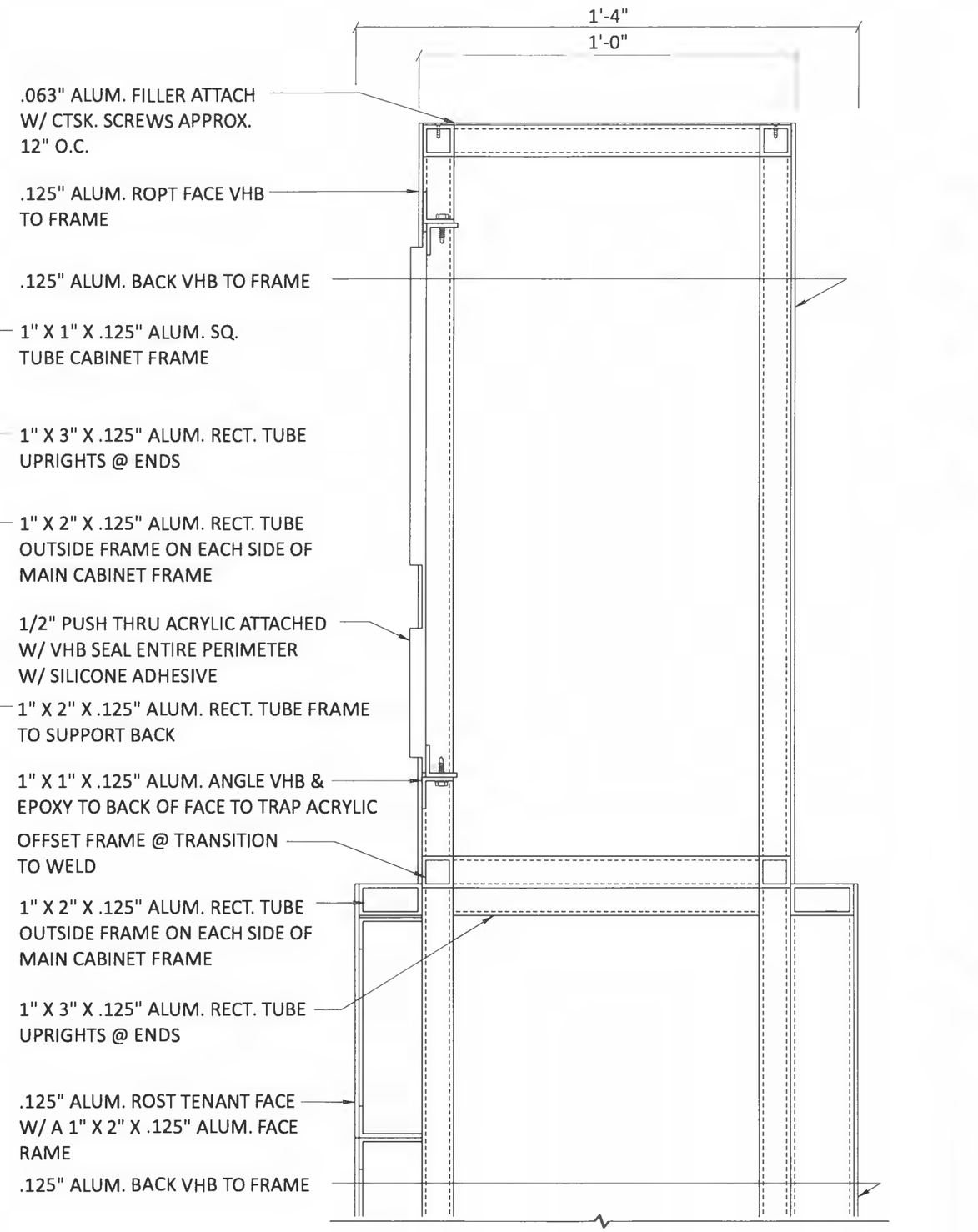
APPROVAL DATE -

APPROVED BY -

This sign is intended to be installed in accordance with the requirements of Article 600 of t National Electrical Code and/o other applicable local codes. T includes proper grounding and bonding of the sign. Dimension are approximate & may change due to construction factors or exact field conditions. Color shown areas close as printing will allow; Always follow written specifications. All rights reserv It may not be reproduced in an manner without prior consent.



FRAMING DETAILS SCALE 3/4"=1'



SECTION DETAIL SCALE 3"=1'

BDA234-0191

SSC
SIGNS&LIGHTING
972.219.2495

CLIENT
1119 HPI REAL ESTATE

ADDRESS
8343 DOUGLAS AVE
DALLAS, TX

DATE 08.09.2023
DESIGNER - SW
DRAWING NO.
OP009041-4-8343

REVISION	DATE
1 ADDED LED LAYOUT	5.4.23 MI
4 ADD SET BACKS, DIR. WIDTH, PL, OTHER MEASUREMENTS	5.30.23 A
4. SEPARATE DWG FOR 8333	8.09.202 SW

APPROVAL DATE -

APPROVED BY -

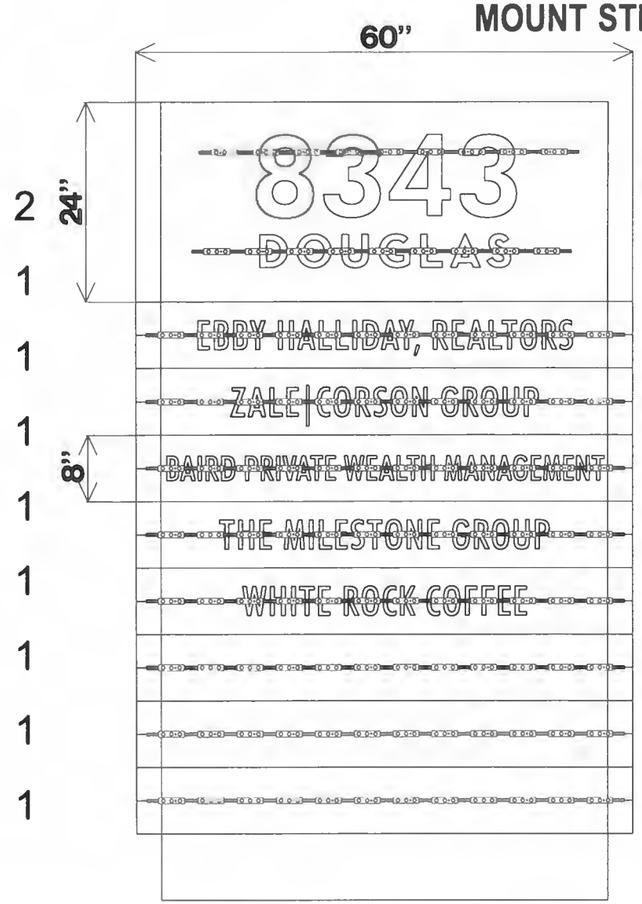
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PRINCIPAL
3490 Venture Dr.
San Angelo, Tx.
76905
Ph. 1-325-227-4577
FAX 1-325-227-6841
www.p-led.com

THESE DRAWINGS AND SPECIFICATIONS ARE THE CONFIDENTIAL PROPERTY OF PRINCIPAL LED, LLC.
ANY REPRODUCTION OR USE WITHOUT PRIOR WRITTEN CONSENT IS PROHIBITED.

Douglas Ave - 156822			RGB CONTROLLERS:	TOTAL SYSTEM POWER: 188.10 W
DATE: 03 May 2023	DRAWN BY : Willey Jessica	FACE MATERIAL: Alum	ROW SPACING: 12 in, 0 in	WATTS: 150.48
CABINET DIMENSIONS: 59,9999 in x 87,9853 in	SIGN DEPTH: 6 in	ILLUMINATION Push Through	AMP DRAW: 4.40 A	MOUNTING BRACKETS: 20

MOUNT STIKS 6IN FROM FACE



Load: 39.6 %
Modules: 2.0
Watts: 23.8 of 60.0
PS: Universal HE 60W

Load: 79.2 %
Modules: 3.0
Watts: 47.5 of 60.0
PS: Universal HE 60W

Load: 79.2 %
Modules: 3.0
Watts: 47.5 of 60.0
PS: Universal HE 60W

Load: 52.8 %
Modules: 2.0
Watts: 31.7 of 60.0
PS: Universal HE 60W

ESTIMATED PRODUCT PER SIGN

Tap Out Stik SS

2 Tap Out Stik Single Sided 48 (PL-OP2-TO3-P/ST-SS-48-TW)
8 Tap Out Stik Single Sided 60 (PL-OP2-TO3-P/ST-SS-60-TW)

POWER SUPPLIES

4 Universal HE 60W (P-OH060-12-HE)

CAUTION: THIS LAYOUT IS ONLY AN ESTIMATE.
Sign cabinet depth, face color, material, and thickness can vary which may affect the number of modules required. To ensure accuracy, it is recommended that you test light in a darkened environment prior to installing or shipping to the site to ensure the light output is commercially acceptable. Final material estimates are the responsibility of the sign manufacturer. Unless noted in header, layout is based on the use of acrylic face material.

BOA234-019

SSC
SIGNS&LIGHTING
972.219.2495

CLIENT
1119 HPI REAL ESTATE
ADDRESS
8343 DOUGLAS AVE
DALLAS, TX

DATE 08.09.2023
DESIGNER - SW
DRAWING NO.
OP009041-4-8343

REVISION	DATE
1 ADDED LED LAYOUT	5.4.23 MI
4. ADD SET BACKS, DIR. WIDTH, PL, OTHER MEASUREMENTS	5.30.23 A
4. SEPARATE DWG FOR 8333	8.09.202 SW

APPROVAL DATE -

APPROVED BY -

This sign is intended to be installed in accordance with the requirements of Article 600 of t National Electrical Code and/o other applicable local codes. T includes proper grounding and bonding of the sign. Dimension are approximate & may chang due to construction factors or exact field conditions. Color shown areas close as printing will allow; Always follow written specifications. All rights reserv It may not be reproduced in an manner without prior consent.

FILE NUMBER: BDA234-021(CJ)

BUILDING OFFICIAL'S REPORT Application of Jennifer Hiromoto for (1) a special exception to the landscaping regulations at 3110 E Ledbetter Dr. This property is more fully described as Block A/5833, Lot 2, and is zoned CR, 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: 3110 E Ledbetter Dr.

APPLICANT: Jennifer Hiromoto

REQUEST: Jennifer Hiromoto

(1) A request for a special exception to the landscape regulations

STANDARD FOR A SPECIAL EXCEPTION TO LANDSCAPE REGULATIONS:

SEC. 51A-10.125. MANDATORY LANDSCAPING REQUIREMENTS.

(b) Other uses. Lots containing a use other than single family or duplex must comply with the following requirements:

(1) Street buffer zone.

(A) Urban streetscape.

(B) Right-of-way.

(C) Required planting.

(D) Buffer zone reduction

(3) Interior zone.

(A) Surface parking lots in industrial districts.

(B) Surface parking lots.

(4) Additional provisions.

(B) Site trees.

SEC. 51A-10.126. LANDSCAPE DESIGN OPTIONS.

(b) Design options.

STAFF RECOMMENDATION:

Special Exceptions (1):

No 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 property.

BACKGROUND INFORMATION:

Zoning:

Site:	CR (Community Retail Zoning District)
North:	R-5 (A) (Single Family District)
East:	CR (Community Retail Zoning District)
South:	CR (Community Retail Zoning District)
West:	CR (Community Retail Zoning District)

Land Use:

The subject site and surrounding properties to the south, east and west are developed with Community Retail uses. Surrounding Properties to the north are developed with single-family residential uses.

BDA History:

No BDA history

GENERAL FACTS/STAFF ANALYSIS:

- The application Jennifer Hiromoto, for the property located at 3110 East Ledbetter Drive focuses on 1 request relating to the landscape regulations.
- The applicant proposes to construct and maintain a nonresidential structure and provide an alternate landscape plan which will require a (1) special exception to the landscape regulations.
- The applicant is seeking a special exception to the landscaping requirements of Article X. The site conditions of the development include an existing 8” wastewater line that prohibits the planting of trees along the Ledbetter property boundary. The applicant requests approval of an alternate landscape plan which does not fully conform to Article X requirements.

- Per the Chief Arborist, the proposed alternate landscape plan complies partially with Article X regarding site trees, the street buffer zone (SBZ), street buffer trees, landscape area (10.125(b)), and the full requirement of 15 points for landscape design options (10.126).
- Since Ledbetter Drive is nearly 100 feet across, a residential buffer zone does not apply with the adjacent R-5(A) zoning.
- The arborist division has no objection to the proposed alternate landscape plan for the new development because we believe that strict compliance with the requirements of Article X will unreasonably burden the use of the property and the design will not adversely affect neighboring property.
- It is imperative to note that the subject site has two street frontages: South Great Trinity Forest Way and East Ledbetter Drive.
- The Dallas Development Code states that all lots containing a use other than single-family or duplex must comply with the provisions set forth SEC. 51A-10.125. Mandatory Landscape Requirements and SEC. 51A-10.126. Landscape Design Options
- The applicant has the burden of proof in establishing that the special exception(s) to the landscape regulations will not adversely affect the neighboring properties.
- Granting the special exceptions to the landscape regulations with a condition that the applicant complies with the submitted site plan/landscape plan, would require the proposal to be constructed as shown on the submitted documents.
- (200' Radius Video): BDA234-021 3110 E. Ledbetter Dr.

Timeline:

December 21, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

January 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

January 11, 2024: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

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

January 24, 2024: The applicant provided staff with Documentary Evidence.

February 2, 2024: The Board of Adjustment staff review team meeting was held regard request and other requests scheduled for the February public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.

February 5, 2024: The Chief Arborist provided staff with Arborist Report.

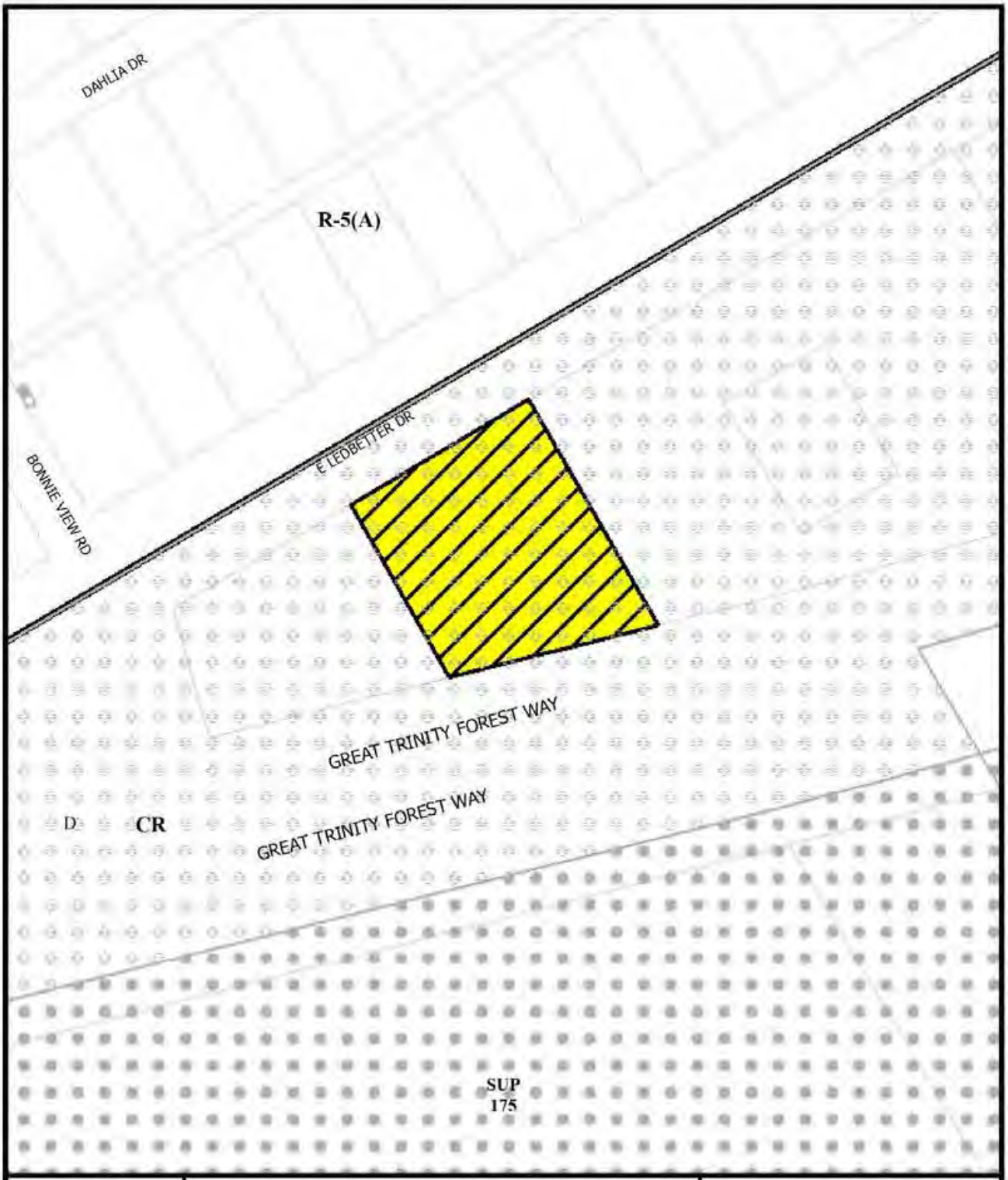


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AERIAL MAP

Case no: BDA234-021

Date: 1/24/2024

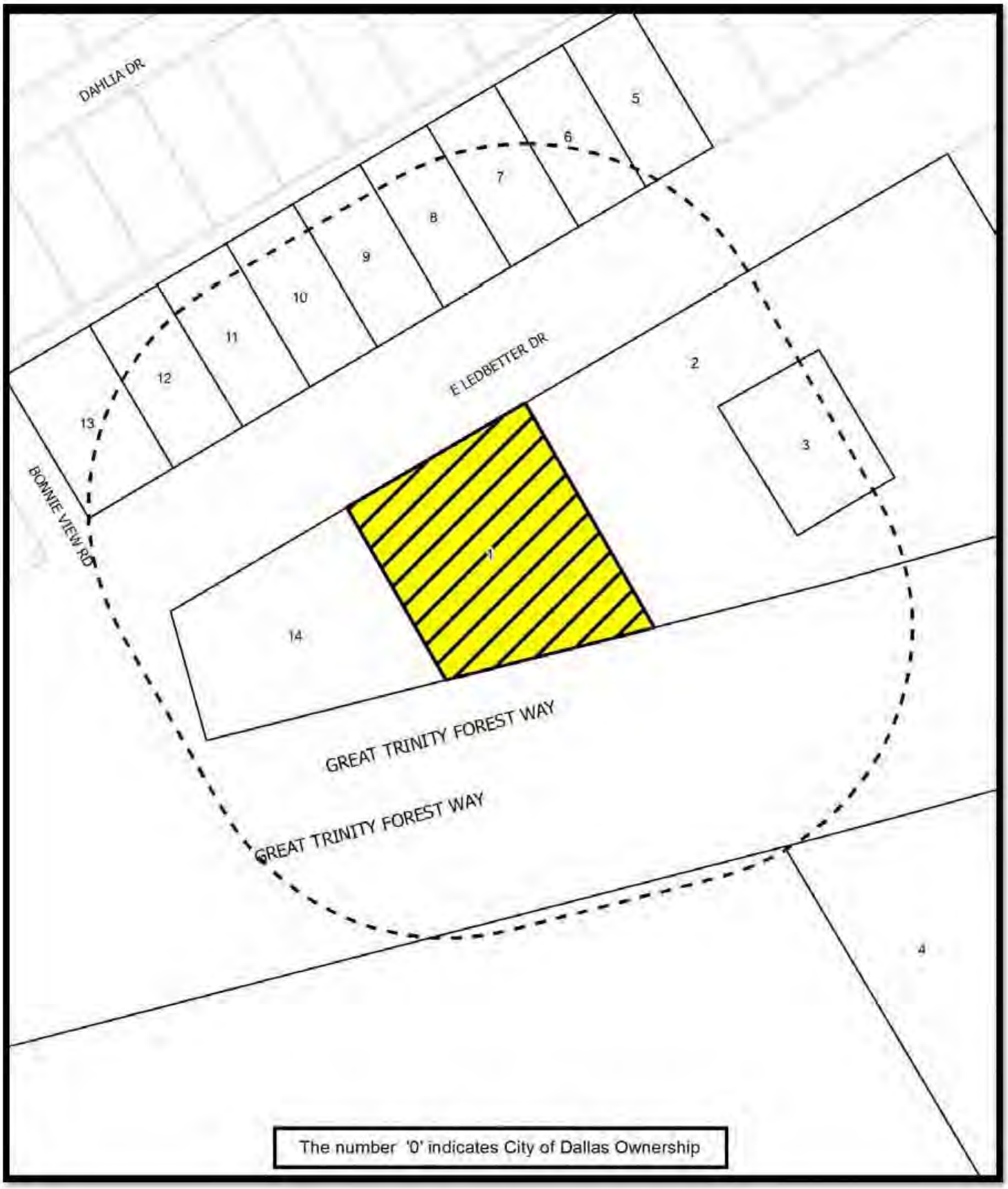


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ZONING MAP

Case no: BDA234-021

Date: 1/24/2024


DAHLIA DR
5
6
7
8
9
10
11
12
13
E LEDBETTER DR
2
3
1
14
BONNIE VIEW RD
GREAT TRINITY FOREST WAY
GREAT TRINITY FOREST WAY
4
The number '0' indicates City of Dallas Ownership

01/24/2024

Notification List of Property Owners

BDA234-021

14 Property Owners Notified

Label #	Address		Owner
1	3110	E LEDBETTER DR	REFAIE ALI YAZAN AL
2	3140	E LEDBETTER DR	REEVES GEORGE M III LTD
3	3140	E LEDBETTER DR	LEE HYO JEONG
4	2929	STAG RD	Dallas ISD
5	3135	E LEDBETTER DR	ALLEN REGINA & ET AL
6	3131	E LEDBETTER DR	GARDNER SIR FREDERICK
7	3127	E LEDBETTER DR	DAWN MARY LOUISE
8	3123	E LEDBETTER DR	RUSH LOUIS W
9	3119	E LEDBETTER DR	LUCKEY ALLERENE &
10	3115	E LEDBETTER DR	MICHAEL JERRY & LINDA S
11	3111	E LEDBETTER DR	JONES ROZELL EST OF
12	3107	E LEDBETTER DR	VALADEZMACIAS ROBERTO &
13	3103	E LEDBETTER DR	SMITH LYNDA JOYCE EST OF
14	3103	GREAT TRINITY FOREST WAY	MILLENIUM B&O CORP

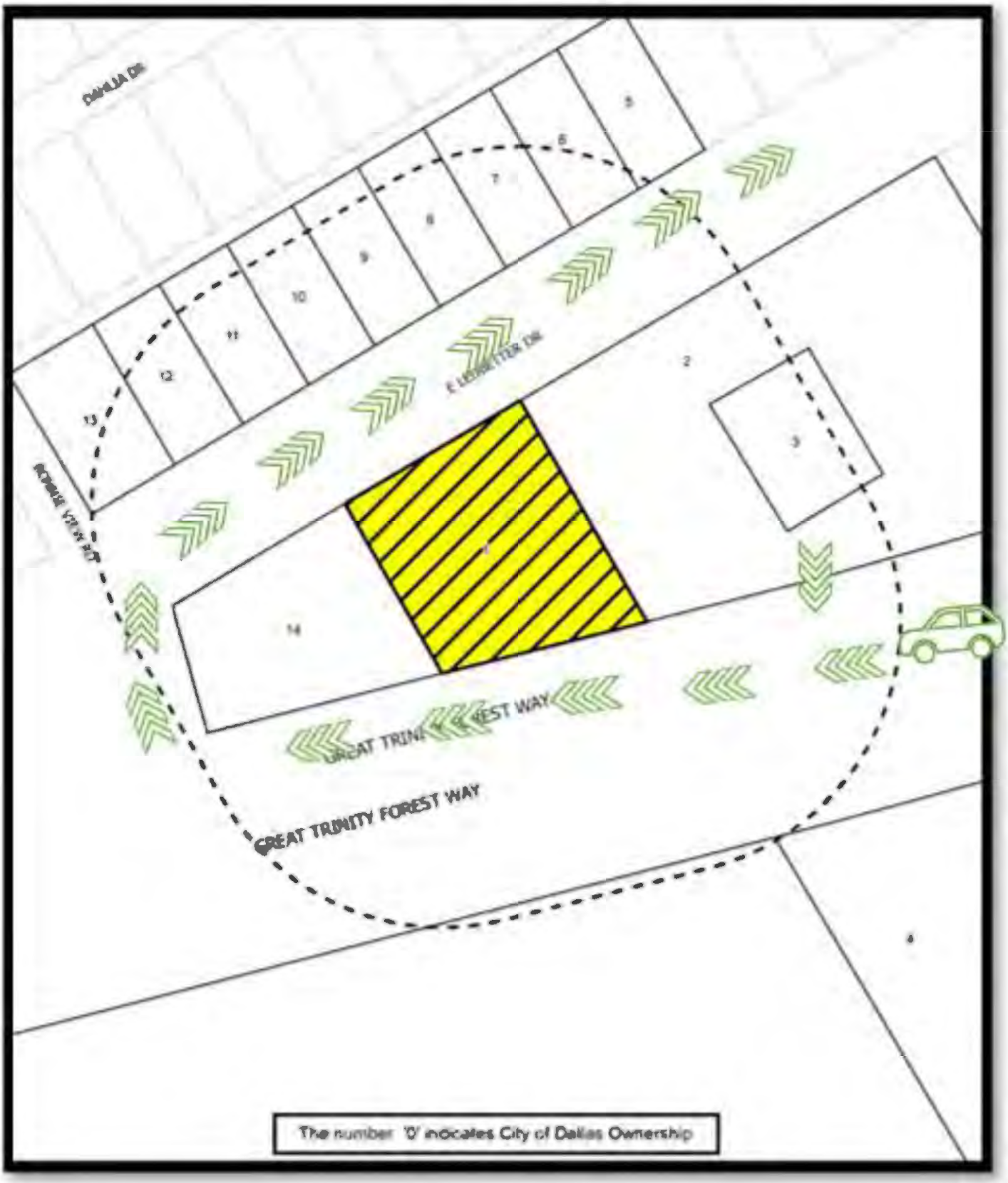


1:1,200

ZONING MAP

Case no: BDA234-021

Date: 1/24/2024


DAHLIA DR
E LEDBETTER DR
GREAT TRINITY FOREST WAY
GREAT TRINITY FOREST WAY
The number '0' indicates City of Dallas Ownership

Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 234-024 FOR OFFICE USE ONLY

Data Relative to Subject Property: Date: FOR OFFICE USE ONLY

Location address: 3110 E. Ledbetter Dr Zoning District: CR BY:

Lot No.: 2 Block No.: A/5833 Acreage: 0.603 ac Census Tract:

Street Frontage (in Feet): 1) 157.31 2) 151.09 3) 4) 5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Ali Yazan Al Refaie

Applicant: Jennifer Hiromoto Telephone: 469-275-2414

Mailing Address: PO Box 38586, Dallas TX Zip Code: 75238

E-mail Address: jennifer@buzzurbanplanning.com

Represented by: Jennifer Hiromoto Telephone: 469-275-2414

Mailing Address: PO Box 38586, Dallas TX Zip Code: 75238

E-mail Address: jennifer@buzzurbanplanning.com

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

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

The project to convert and expand the former self-serve car wash into an auto service center was filed July 27, 2020 but was not issued until March 20, 2023 and without a landscaping review. Construction was near completion when it was discovered landscaping was due. An alternate landscape plan is proposed to avoid the above- and below-ground utility conflicts and provide a reasonable amount of new landscaping.

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 Jennifer Hiromoto

(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: Jennifer Hiromoto

(Affiant/Applicant's signature)

Subscribed and sworn to before me this 21st day of December, 2023

Notary Public in and for Dallas County, Texas

CHERIE' BAYON LEVIER
Notary Public
STATE OF TEXAS
ID# 13433586-0
My Comm. Exp. 05/01/2027

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 JENNIFER HIROMOTO

did submit a request for (1) a special exception to the landscaping regulations

at 3110 E Ledbetter Dr.

BDA234-021. Application of JENNIFER HIROMOTO for (1) a special exception to the landscaping regulations at 3110 E LEDBETTER DR. This property is more fully described as Block A/5833, Lot 2, and is zoned CR, 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.

Sincerely,

Andrew Espinoza, CBO, MCP, CFM, CCEA

CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 234-021

I, Ali Yazan Al Refaie, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 3110 E. Ledbetter Drive
(Address of property as stated on application)

Authorize: Jennifer Hiromoto
(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)

_X_ Special Exception (specify below)

_____ Other Appeal (specify below)

Specify: Landscaping

Yazan Ali Al Refaie
Print name of property owner or registered agent

Signature of property owner or registered agent

Date 12-19-23

Before me, the undersigned, on this day personally appeared Yazan Ali Al Refaie

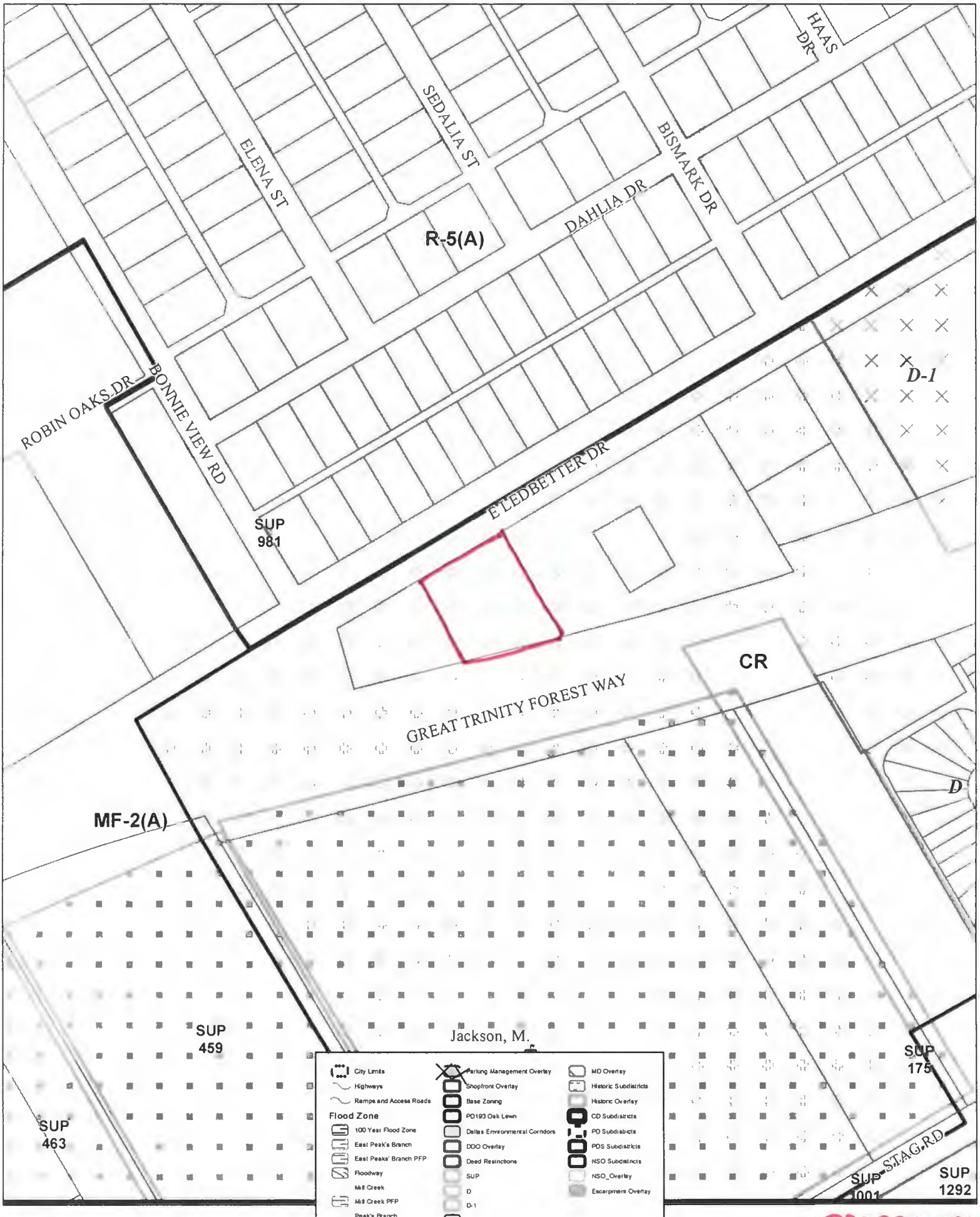
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 14th day of December, 2023

Notary Public for Dallas County, Texas

CHERIE' BAYON LEVIER
Notary Public
STATE OF TEXAS
ID# 13433586-0
My Comm. Exp. 05/01/2027

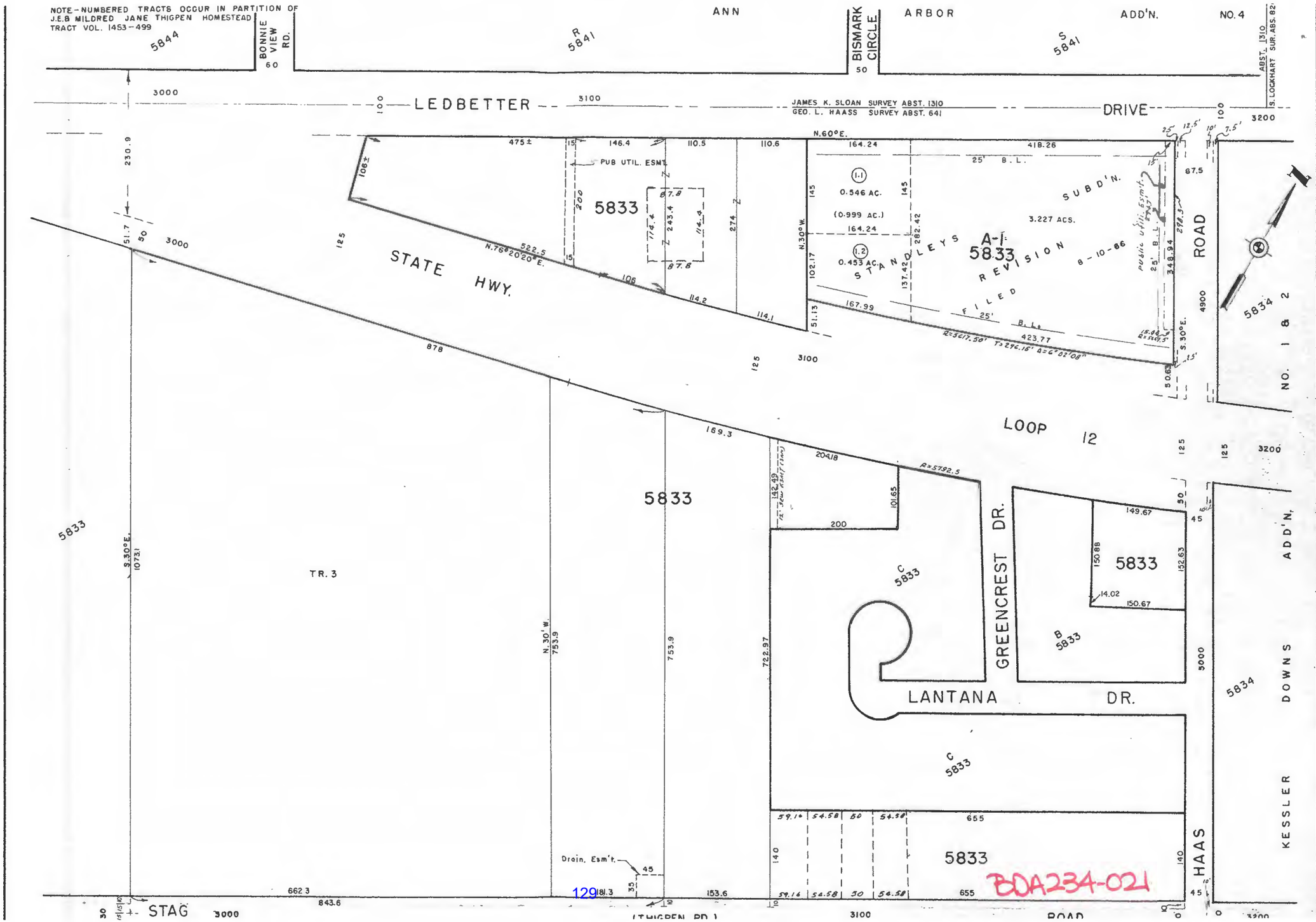
Commission expires on 5/1/27



1:2,400

Case ID: BDA234-021

Printed: 3/10/2020


NOTE - NUMBERED TRACTS OCCUR IN PARTITION OF J.E.B MILDRED JANE THIGPEN HOMESTEAD TRACT VOL. 1453 - 499
ANN
ARBOR
ADD'N.
NO. 4
BONNIE VIEW RD.
BISMARK CIRCLE
LEDBETTER
DRIVE
JAMES K. SLOAN SURVEY ABST. 1310
GEO. L. HAASS SURVEY ABST. 641
ABST. 1310 S. LOCKHART SUR. ABS. 82
STATE HWY.
LOOP 12
STANDLEYS SUB'N. REVISION
FILED 8-10-86
A-5833
0.546 AC.
(0.999 AC.)
0.453 AC.
3.227 ACS.
PUB UTIL. ESMT.
Public Utility Esm't.
TR. 3
GREENCREST DR.
LANTANA DR.
HAAS ROAD
KESSLER DOWNS ADD'N.
NO. 1 & 2
Drain. Esm't.
STAG
(THIGPEN RD.)
5833
5834
5844
5841
BDA234-021
129



GENERAL NOTES:

1. Bearings based on State Plane Coordinate System, North Texas Central Zone (4202), North American Datum of 1983, (2011)
2. Lot to lot drainage will not be allowed without proper City of Dallas Engineering Division approval
3. The purpose of the plat is to create a build able lot from 0.603 acres of land.
4. Coordinates shown are State Plane Coordinate System, North Texas Central Zone (4202), North American datum of 1983 on grid coordinate values, no scale and no projection
5. TxDOT approval may be required for any driveway modifications or new access.

LEGEND

R.O.W.	RIGHT-OF-WAY
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY TEXAS
INST.	INSTRUMENT
NO.	NUMBER
VOL.	VOLUME
PG.	PAGE
(CM)	CONTROLLING MONUMENT
FD	FOUND
I.R.	IRON ROD
SQ. FT.	SQUARE FEET

OWNER
ALI YAZAN AL REFAIE
529 MYRTLE DR.
ARLINGTON, TX 76018
yezandi2009@yahoo.com

DEVELOPER
ISA TWINS, INC.
309 WILSHIRE DR.
GLENN HEIGHTS, TEXAS 75154
isabasecm68@gmail.com

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF DALLAS

WHEREAS ALI YAZAN AL REFAIE is the owner of all of that certain lot, tract or parcel of land in City Block 5833, City of Dallas, Texas, and being situated in the GEORGE L. HAAS SURVEY, ABSTRACT NO. 641, and being all of that same tract of land described in Special Warranty Deed to Ali Yazan Al Refaie, recorded in Instrument No. 20190015?947 of the Official Public Records of Dallas County, Texas, and said tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod found in the southeast R.O.W. line of Ledbetter Drive (a 100' R.O.W.) and being the northeast corner of Lot 1, Block A/5833 of Mayform Addition, an addition to the City of Dallas, Texas, recorded in Volume 98240, Page 769 of the Deed Records of Dallas County, Texas;

THENCE North 59°05'00" East, 151.09' along the southeast line of Ledbetter Drive to a 1/2" iron rod found at the northwest corner of that same tract of land described in Special Warranty Deed to George M. Reeves, III, Ltd., recorded in Instrument Number 20060065818 of the Official Public Records of Dallas County, Texas;

THENCE South 30°55'00" East, 195.81' along the west line of said George M. Reeves, III, Ltd. property to a cut cross found in concrete in the northwest R.O.W. line of Great Trinity Forest Way/State Highway Loop 12 (a variable width R.O.W.);

THENCE South 75°15'00" West, 157.31' along the northwest line of Great Trinity Forest Way/State Highway Loop 12 to a cut cross found in concrete at the southeast corner of Lot 1, Block A/5833 of the aforementioned Mayform Addition;

THENCE North 30°55'00" West, 152.01' along the east line of said Lot 1 to the Point of Beginning and containing 26,278 square feet or 0.603 acres of land.

OWNER'S DEDICATION

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That ALI YAZAN AL REFAIE, owner, does hereby adopt this plat designating the above described property as LEDBETTER LOOP 12 ADDITION, an addition to the City of Dallas, Dallas County, Texas, and do hereby dedicate, in fee simple, to the public use forever, any streets, alleys, and floodway management areas shown thereon. The easements shown thereon are hereby reserved for the purposes indicated. The utility and fire lane easements shall be open to the public, fire and police units, garbage and rubbish collection agencies, and all public and private utilities for each particular use. The maintenance of paving on the utility and fire lane easements is the responsibility of the property owner. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed, reconstructed or placed upon, over or across the easements as shown. Said easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use same. All and any public utility shall have the right to remove and keep removed all or parts of any building, fences, trees, shrubs, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective system on the easements, and all public utilities shall at all times have the full right of ingress and egress to or from the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or parts of its respective systems without the necessity at any time of procuring the permission of anyone. (Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and any maintenance or service required or ordinarily performed by that utility).

Water main and wastewater easements shall also include additional area of working space for construction and maintenance of the systems. Additional easement area is also conveyed for installation and maintenance of manholes, blowoffs, fire hydrants, water services and wastewater services from the main to the curb or pavement line, and description of such additional easements herein granted shall be determined by their location as installed.

This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Dallas.

WITNESS, my hand, this the 23 day of January 2023

Ali Yazan Al Refaie, Owner

STATE OF TEXAS
COUNTY OF Dallas

BEFORE ME, the undersigned, a Notary Public in and for said State, on this day personally appeared Ali Yazan Al Refaie, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN under my hand and seal of office, this the 23rd day of January 2023

Notary Public in and for the State of Texas

MANCIE SANBLORA
Notary Public
STATE OF TEXAS
My Comm. Exp. May 3, 2023

SURVEYOR'S STATEMENT:

I, RUDY RANGEL, a Registered Professional Land Surveyor, licensed by the State of Texas, affirm that this plat was prepared under my direct supervision, from recorded documentation, evidence collected on the ground during field operations and other reliable documentation; and that this plat substantially complies with the Rules and Regulations of the Texas Board of Professional Engineers and Land Surveyors, the City of Dallas Development Code (Ordinance no. 19455, as amended), and Texas Local Government Code, Chapter 212. I further affirm that monumentation shown hereon was either found or placed in compliance with the City of Dallas Development Code, Sec. 51A-8.617 (a)(b)(c)(d) & (e), and that the digital drawing file accompanying this plat is a precise representation of this Signed Final Plat.

WITNESS, my hand, this the 12 day of December 2022

RUDY RANGEL
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6664

STATE OF TEXAS
COUNTY OF Dallas

BEFORE ME, the undersigned, a Notary Public in and for said State, on this day personally appeared Rudy Rangel known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN under my hand and seal of office, this the 12 day of December 2022

Notary Public in and for the State of Texas.

FINAL PLAT

LEDBETTER LOOP 12 ADDITION

LOT 2, BLOCK A/5833

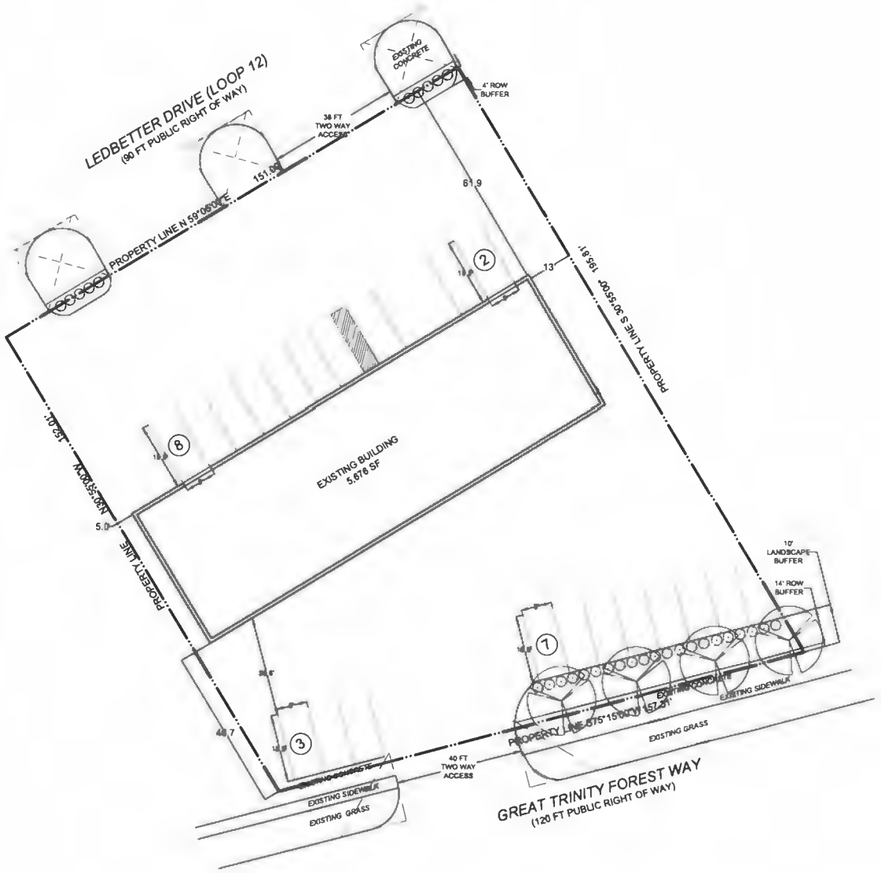
AN ADDITION OF 0.603 ACRES IN CITY BLOCK 5833, SITUATED IN THE GEORGE L. HAAS SURVEY, ABSTRACT NO. 641, CITY OF DALLAS, DALLAS COUNTY, TEXAS.

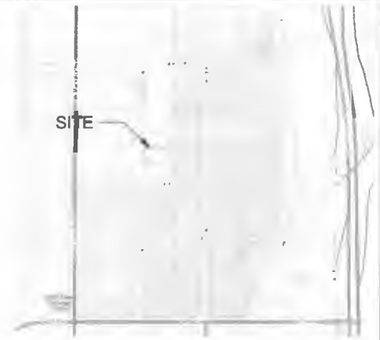
CITY PLAN FILE NO. S201-699

RANGEL LAND SURVEYING
1013 TIMBERLINE DRIVE
HEATH, TEXAS 75032
214-325-6026
RANGELLANDSURVEY@SBCGLOBAL.NET

DATE 12/07/2021
JOB NO. 21015
FIRM NO. 10077100

BDA23A-021





VICINITY MAP

NTS

SITE INFORMATION

SITE AREA:	26,397 SF (0.606) ACRES)
ZONING DISTRICT:	CR COMMUNITY RETAIL DISTRICT

LANDSCAPE REQUIREMENTS

TREES

SITE TREES REQUIRED:	7 TREES
($\frac{1}{4000}$ SF OF SITE AREA)	
SITE TREES PROVIDED:	4 TREES
STREET TREES REQUIRED:	6 TREES
(1/40 LF OF FRONTAGE; 101LF-22LF)	
STREET TREES PROVIDED:	4 TREES

STREET BUFFER ZONE

LEDBETTER

REQUIRED MIN:	5 FT
REQUIRED AVG:	10 FT
PROVIDED:	4 FT

GREAT TRINITY FOREST WAY

REQUIRED MIN:	5 FT
REQUIRED AVG:	7.5 FT
PROVIDED:	10 FT

DESIGN POINTS

REQUIRED:	5
(1)(a) PROVIDED:	5

IRRIGATION REQUIREMENT:

ALL LANDSCAPE BEDS TO BE HAND WATERED AS NEEDED TO ESTABLISH THE NEW PLANT MATERIAL AND TO ENSURE IT'S CONTINUED HEALTH.

PLANT MATERIAL LIST
SUMMARY CHART

QNTY	COMMON NAME	BOTANICAL NAME	SIZE
LARGE CANOPY TREES			
4	LACEBARK ELM	*Ulmus parvifolia*	4.25" CAL.; 8' MIN HT; 65 GAL CONT.
SHRUBS			
21	DWARF WAX MYRTLE	*Myrica cerifera*	3 GALLON CONT.; 18" MIN HT AT PLANTING

1 LANDSCAPE PLAN

SCALE: 1" = 20'-0"

20 0 10 20 40 80

BDA234-021

3110 EAST LEDBETTER

3110 EAST LEDBETTER
DALLAS, TX 75216

E. BROOKE ASSOCIATES, LLC

P: 817.219.2665
E: erin@ebrooke.com

EBA LANDSCAPE ARCHITECTS

DATE: 01/02/2024

FILE NUMBER: BDA234-025(CJ)

BUILDING OFFICIAL'S REPORT Application of Darian Kaar for (1) a special exception to the fence height regulations, and for (2) a special exception to the fence standards regulations regarding prohibited material, and for (3) a special exception to the 20-foot visibility obstruction regulations at 4625 Walnut Hill Ln. This property is more fully described as Block A/5540, Lot 2, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4-feet and prohibits the use of certain materials for a fence and requires a 20-foot visibility triangle at the connection of a street and drive approach. 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 regulations, and to construct a fence using a prohibited material, which will require (2) a special exception to the fence regulations, and 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.

LOCATION: 4625 Walnut Hill Ln.

APPLICANT: Darian Kaar

REQUEST:

(1) A request for a special exception to the fence height regulations; and
(2) A special exception to the fence standards regulations regarding prohibited material,
(3) A special exception to the 20-foot visibility obstruction regulations.

STANDARD 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.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE OPACITY 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 regulations when in the opinion of the board, the special exception will not adversely affect neighboring property.

STAFF RECOMMENDATION:

Special Exceptions (3):

No staff recommendation is made on this or any request for a special exception to the fence 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 property.

BACKGROUND INFORMATION:

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.

BDA History:

No BDA history

GENERAL FACTS/STAFF ANALYSIS:

- The application Darian Kaar, for the property located at 4625 Walnut Hill Lane focuses on 3 requests relating to the fence height, fence standards and visibility obstruction regulations.
- The applicant proposes to construct and maintain and 6-foot-high fence in a required front yard, which will require a 2-foot special exception to the fence height regulations.
- Secondly, the applicant is requesting a special exception to the fence standards regulations regarding prohibited material,
- Lastly, the applicant is proposing to construct and or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require a special exception to the 20-foot visibility obstruction regulation.
- The subject site along with properties to the north, east, south, and west are all developed with single-family homes.

- As gleaned from the submitted site plan and elevations, the applicant is proposing to construct and maintain a 6-foot-high board on board metal frame fence around the circumference of the property at 4625 Walnut Hill Lane.
- It is imperative to note that the subject site is a mid-block lot, and it has single street frontage on Walnut Hill Lane.
- 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 Dallas Development Code also states that no fence panel having less than 50 percent open surface area may be located less than 5-feet from the lot line.
- The Engineering Division recommends denial of proposed encroachment to the visibility triangle for proposed driveway at 4625 Walnut Hill Lane given the proposed conditions and lack of sight distance from approaching traffic on a major thoroughfare.
- The applicant has the burden of proof in establishing that the special exception(s) to the fence regulations will not adversely affect the neighboring properties.
- Granting the special exceptions to the fence standards relating to height, material and visibility obstruction 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.

Timeline:

December 2, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

January 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

January 11, 2024: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

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

February 2, 2024: The Board of Adjustment staff review team meeting was held regard request and other requests scheduled for the February public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, and the Assistant City Attorney to the Board.

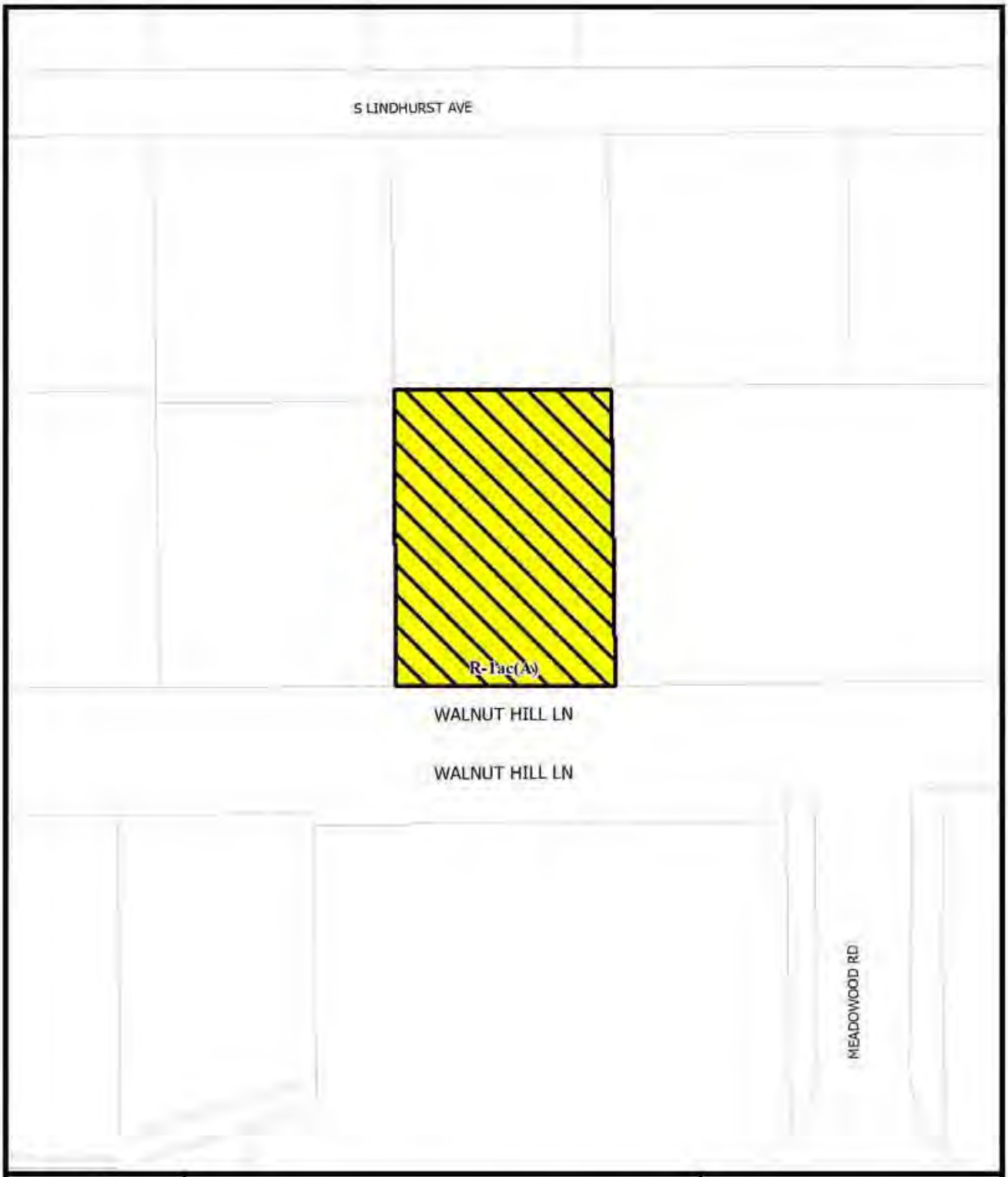


1:1,200

AERIAL MAP

Case no: BDA234-025

Date: 1/18/2024

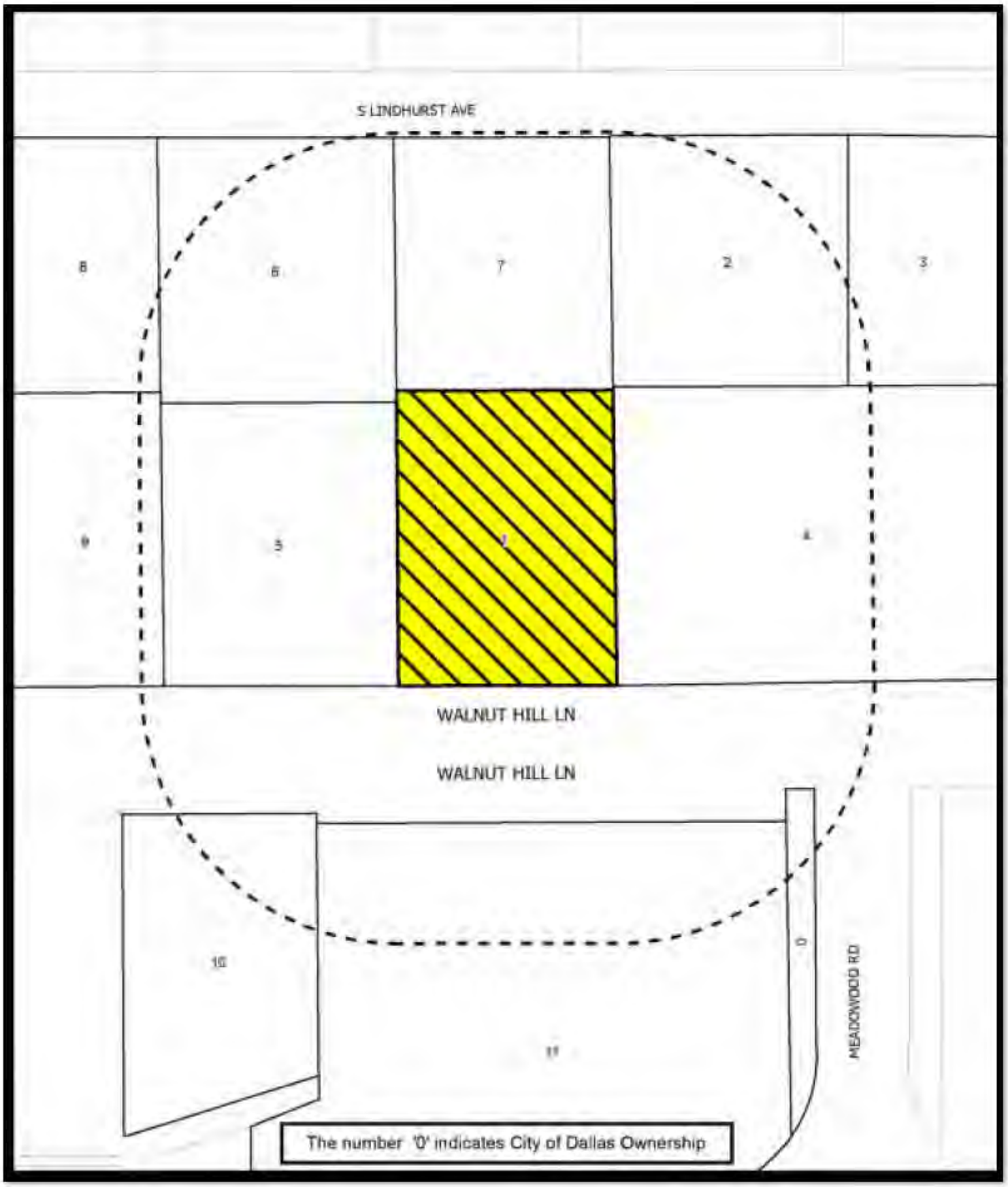


1:1,200

ZONING MAP

Case no: BDA234-025

Date: 1/18/2024


S LINDHURST AVE
8
6
7
2
3
9
5
1
4
WALNUT HILL LN
WALNUT HILL LN
10
0
11
MEADOWOOD RD
The number '0' indicates City of Dallas Ownership

01/18/2024

Notification List of Property Owners

BDA234-025

11 Property Owners Notified

Label #	Address		Owner
1	4625	WALNUT HILL LN	DALLAS NEW HOME BUILDERS LLC
2	4630	S LINDHURST AVE	FISHER JOHN GREGORY &
3	4706	S LINDHURST AVE	HELWIG JAMES &
4	4707	WALNUT HILL LN	WALNUT HILL EQUINE RESIDENTIAL
5	4611	WALNUT HILL LN	VALECHA RAMAN & SUMEETA
6	4610	S LINDHURST AVE	4610 SOUTH LINDHURST AVENUE
7	4626	S LINDHURST AVE	ATKINS ORIN B & LESLIE B
8	4548	S LINDHURST AVE	ZHANG LIN &
9	4549	WALNUT HILL LN	BLAKELELOCK DAVID &
10	4622	WALNUT HILL LN	WALNUT HILL LLC
11	9963	ROCKBROOK DR	HOFFMAN MARGUERITE

1:1,200

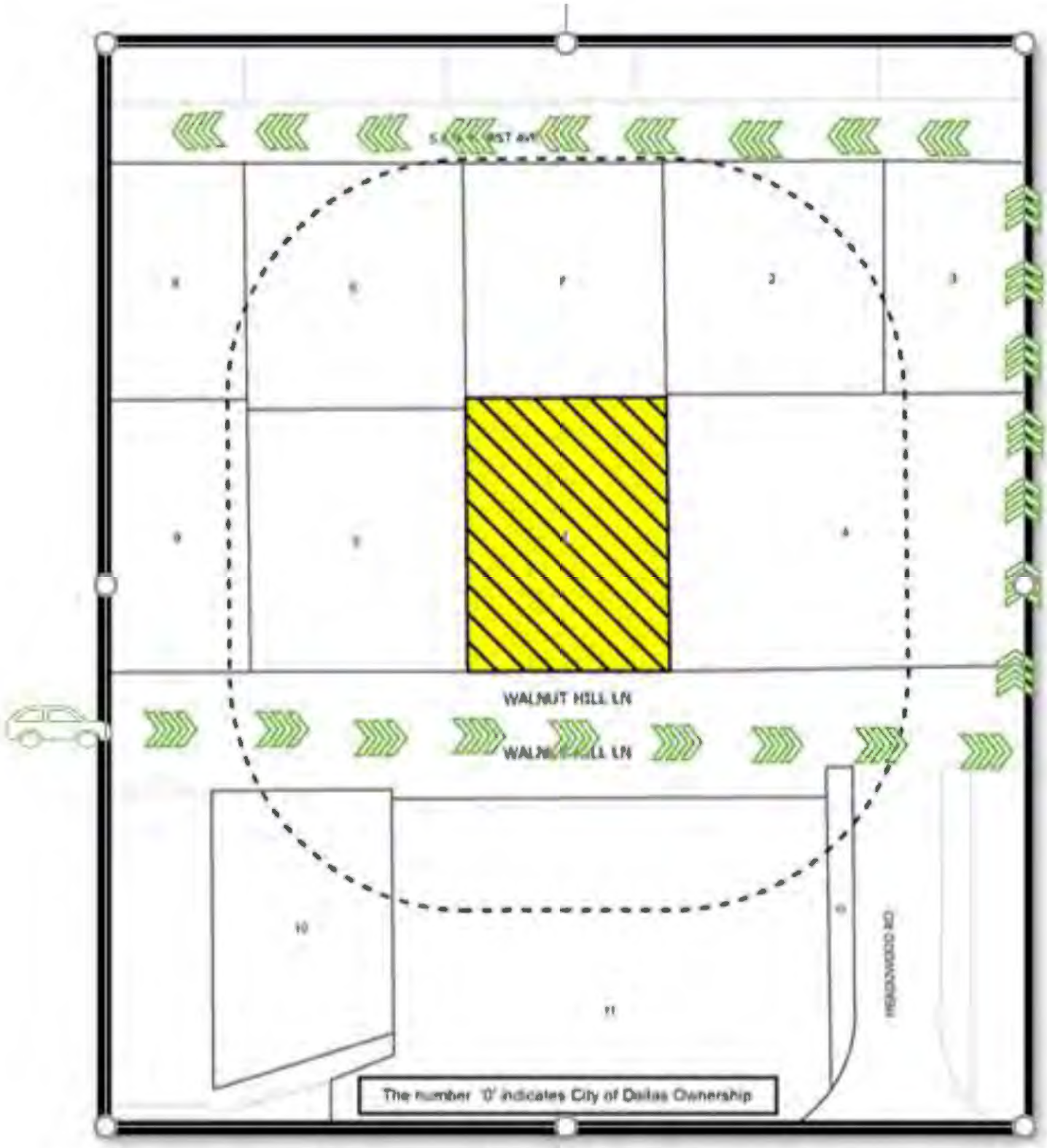
NOTIFICATION

200' AREA OF NOTIFICATION

11 NUMBER OF PROPERTY OWNERS NOTIFIED

Case No. BDA234-025

Date 1/18/2024


WALNUT HILL LN
WALNUT HILL LN
The number '0' indicates City of Dallas Ownership

Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 234-025 FOR OFFICE USE ONLY

Data Relative to Subject Property: Date: FOR OFFICE USE ONLY

Location address: 4625 Walnut Hill Ln Zoning District: R-1AC

Lot No.: 2 Block No.: A/5540 Acreage: 0.96 Census Tract:

Street Frontage (in Feet): 1) 170.6' 2) - 3) - 4) - 5) -

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Dallas New Home Builders

Applicant: Darian Kaar DK Dallas New Home Builders Telephone: 310-497-8092

Mailing Address: 301 Silveron, #5345, Flower Mound Zip Code: 75028

E-mail Address: dkd.dd@yahoo.com

Represented by: Darian Kaar Telephone: 310-497-8092

Mailing Address: 301 Silveron, #5345, Flower Mound Zip Code: 75028

E-mail Address: dkd.dd@yahoo.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of fence height @ 6' material and visibility triangle

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

We are told that the permit is approved in error by City staff

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 Darian Kaar

(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 21 day of December, 2023

SHELIA G LATTIMER
Notary Public
STATE OF TEXAS
ID# 771673-2
My Comm. Exp. July 08, 2024

Shelia G. Lattimer

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 Darian Kaar

did submit a request for (1) a special exception to the fence height regulations, and for (2) a special exception to the fence standards regulations, and for (3) a special exception to the visibility obstruction regulations

at 4625 Walnut Hill Ln.

BDA234-025. Application of Darian Kaar for (1) a special exception to the fence height regulations, and for (2) a special exception to the fence standards regulations regarding prohibited material, and for (3) a special exception to the 20-foot visibility obstruction regulations at 4625 WALNUT HILL LN. This property is more fully described as Block A/5540, Lot 2, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4-feet and prohibits the use of certain materials for a fence and requires a 20-foot visibility triangle at the connection of a street and drive approach. 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 regulations, and to construct a fence using a prohibited material, which will require (2) a special exception to the fence regulations, and 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.

Sincerely,

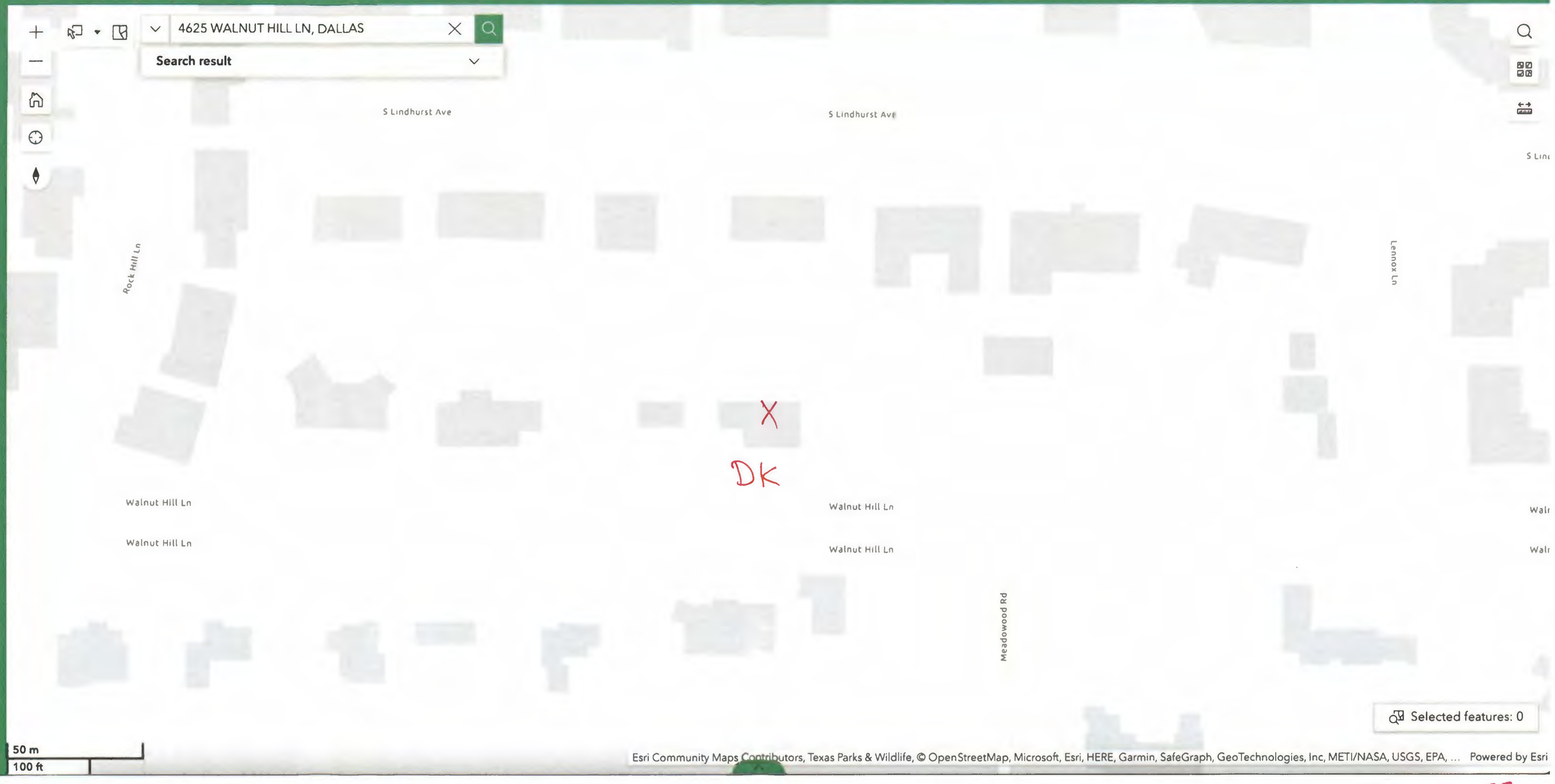
Andrew Espinoza, CBO, MCP, CFM, CCEA

City of Dallas Zoning Map 2.2 The City of Dallas DEV GIS Department

Links Help Report Issue

4625 WALNUT HILL LN, DALLAS

Search result



BDA 234-025

To whom it may concern

1. We received fence permit on 4/17/2023 issued by the City of Dallas. Please find a copy attached.

2. We ordered and installed the fence according to the permit at a cost over $100,000.

3. After the fact now we were told to apply to this Board!

4. The back yard fence is at 9' per permit.

5. The front yard fence is at 6' per permit.

6. The installed front yard fence is shorter than the two adjacent neighbors' front yard fence both east and west side. Please find pictures of both attached.

BDA234-025


BDA234-025


BDA234-025



Permit # 2304171121

City of Dallas

Issue Date: 04/17/2023

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

Address:	4625 WALNUT HILL LN 75229
Land Use Description:	SINGLE FAMILY DWELLING
Work Description:	INSTALL FENCE
Value Of Work:	$0.00

Owner Or Tenant:	DARIAN KAAR 5005 W. ROYAL LN #129, IRVING, TX, 75063
Applicant:	SEAN ZAKERI
Contractor:	DALLAS NEW HOME BUILDERS
Business Address:	2702 LAKE VISTA DRIVE SUITE 2, LEWISVILLE, TX 75067
Telephone:	972/666-1158 Fax:

Lot: 2	Block: A/554(	Zoning:R-1ac(A)	PDD:	SUP:	
Historic Dist:	Consv Dist:	Pro Park:	Req Park:	Park Agrmt:N	
Dwlg Units:	Stories:	New Area:	Lot Area: 43560	Total Area: 525	
Type Const: VB	Sprinkler: None	Occ Code: R3	Occ Load		
Inches Of Removed Trees:					

ALL SUBJECT TO FIELD INSPECTOR'S APPROVAL

BDA234-025

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.

Contractor's Authorization

City of Dallas

Trade Type: Fence

Sustainable Development and Construction | Building Inspection Division | www.dallascityhall.com

District Office NE

Validation #: 2304171121111

Address: 4625 WALNUT HILL LN 75229

Issue Date: 04/17/2023

Land Use Description: SINGLE FAMILY DWELLING

Work Description: 110-INSTALL FENCE

Authorized Date: 04/17/2023
Owner Or Tenant: DARIAN KAAR
5005 W. ROYAL LN #129, IRVING, TX, 75063
Applicant: SEAN ZAKERI
Contractor: DALLAS NEW HOME BUILDERS
Business Address: 2702 LAKE VISTA DRIVE SUITE 2,
Telephone: 972/666-1158 Fax:

Lot:	2	Block:	A/5540	Zoning:	R-1ac(A)	PDD:		SUP:	
Historic Dist:		Consv Dist:		Pro Park:		Req Park:		Park Agrmt:	N
Dwlg Units:		Stories:		New Area:		Lot Area:	43560	Total Area:	525
Type Const:	VB	Sprinkler:	None	Occ Code:	R3	Occ Load			

For inspections call 214/670-5313, 24 hours. You will need your validation number 2304171121111 and one of the inspection types from the list below.

140 Final

Your inspector is: Gregg Gunther at (214) 671-1511

Note: 7 AM cut-off for same day inspections!! Reinspection fees will be charged if the work is not ready or property is inaccessible. For partial inspection of area or additional assistance, call (214) 670-7278 from 8 AM to 4:30 PM Monday through Friday.

BDA234-025

N

SITE DATA TABLE

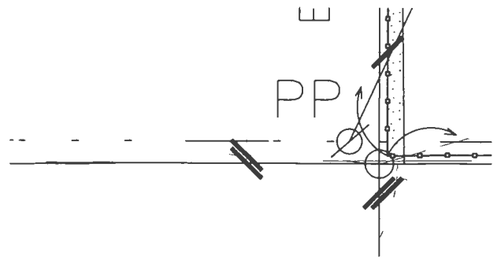
TOTAL SITE AREA	39,031 SQ.FT
SITE ZONING	R-1ACA
PROPOSED LAND USE	SINGLE FAMILY RESIDENTIAL
FRONT YARD SETBACK	40 FEET
SIDE BUILDING SETBACK	10 FEET
REAR BUILDING SETBACK	20 FEET
EXISTING IMPERVIOUS AREA	0 SQ FT. (0%)
PROPOSED IMPERVIOUS AREA	14432 SQ FT (36.98%)

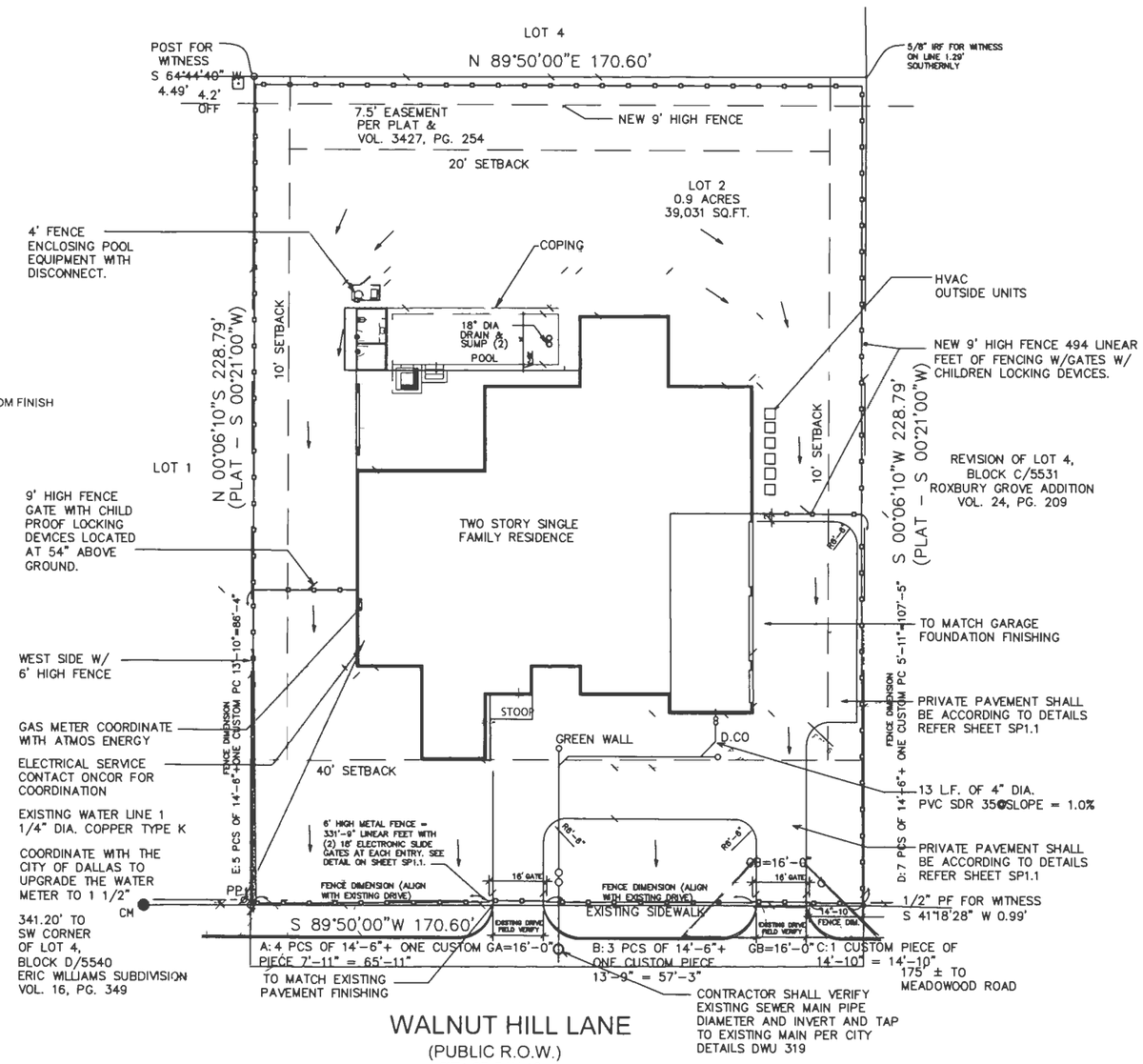
LEGEND

- LOT BOUNDARY
- SETBACK LINE
- PROPOSED CONCRETE PAVEMENT
- 4" CONCRETE FLATWORK WITH BROOM FINISH
- ASPHALT
- POWER POLE
- OVERHEAD POWER LINE
- CLEAN OUT
- GAS METER

NOTES

1. PLEASE CONTACT DIG-TEST TO VERIFY ALL UNDERGROUND UTILITIES 48 HOURS PRIOR TO COMMENSING ANY CONSTRUCTION ACTIVITIES.
2. CIVIL DRAWINGS SUPERCEDE THE ARCHITECTURAL SITE PLAN DIMENSIONS AND NOTES.
3. ALL CONCRETE WALKS MUST BE 48" CLEAR, MAINTAIN 5% SLOPE MAX. AND CROSS SLOPE OF 1.5% MAX.
4. PLEASE ENSURE ALL TREES ARE MAINTAINED CLEAR OVER SIDEWALKS A MIN. OF 6'-8" CLEAR HEIGHT.





ACCORDING TO THE SURVEY THE PUBLIC CONCRETE SIDEWALK IS OFF THE PROPERTY LINE .1'

THE FENCE IS LOCATED AT 6" OFF THE SIDEWALK

THE LENGTH OF THE TYPICAL FRONT YARD FENCE PANEL IS 14'-6" X 6'-0" HIGH.
A+B+C+D+E = 65'-11"+57'-3"+14'-10"+107'-5"+86'-4" = 331'-9"
GA AND GB = 2 PIECES OF FENCE GATES WITH 16'-0" X 6'-0" ABOVE GROUND LEVEL
A: 4 PIECES OF 14'-6"+ ONE CUSTOM PIECE 7'-11" = 65'-11"
B: 3 PIECES OF 14'-6"+ ONE CUSTOM PIECE 13'-9" = 57'-3"
C: 1 CUSTOM PIECE OF 14'-10" = 14'-10"
D: 7 PIECES OF 14'-6"+ ONE CUSTOM PIECE 5'-11" = 107'-5"
E: 5 PIECES OF 14'-6"+ ONE CUSTOM PIECE 13'-10" = 86'-4"

1 SITE PLAN

Scale: 1"= 40'-0"

BDA234-025

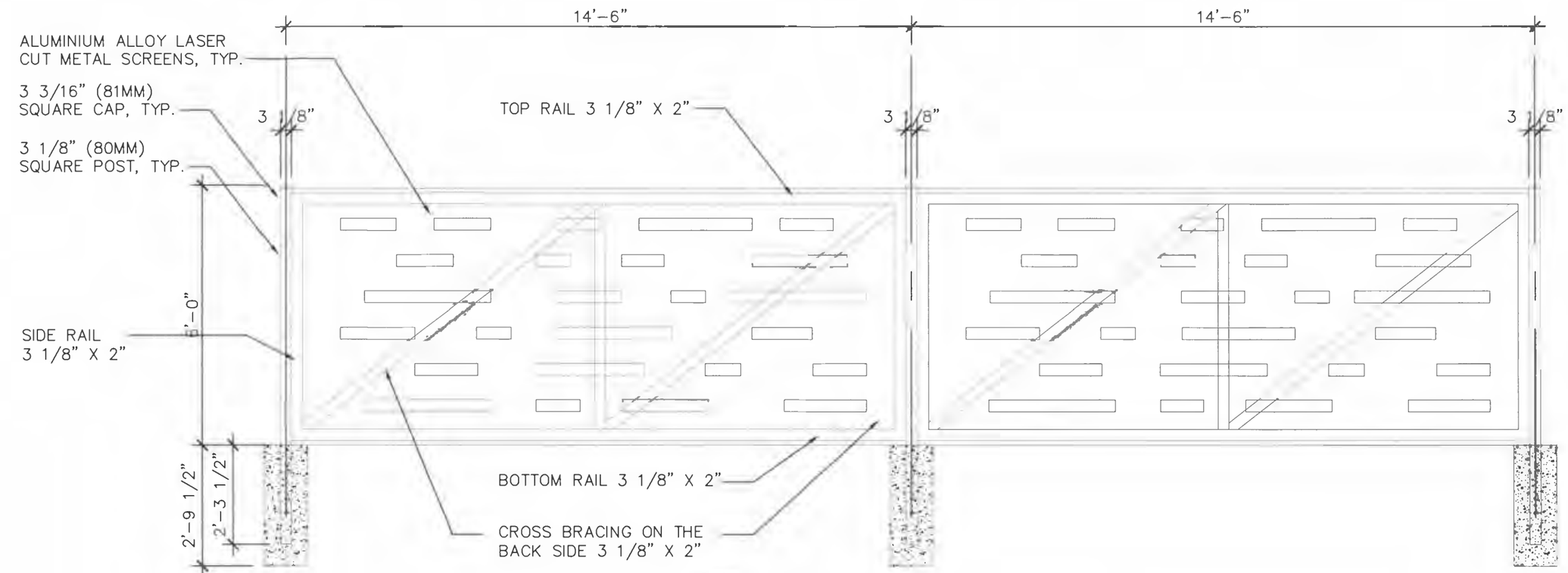
DISTINCTIVE DEVELOPMENTS LLC
5005 W. Royal Lane
Suite 129
Irving, Texas 75063
Office: 469-565-2600

Distinctive Developments LLC
4625 WALNUT HILL LANE
DALLAS, TX 75230

ARCHITECTURAL SITE PLAN

DATE 08.31.2022

SP1.0



4 FENCE DETAIL

3/8" = 1'-0"

DISTINCTIVE DEVELOPMENTS LLC
5005 W. Royal Lane
Suite 129
Irving, Texas 75063
Office: 469-565-2600

Distinctive Developments LLC
4625 WALNUT HILL LANE
DALLAS, TX 75230

SITE PLAN DETAILS

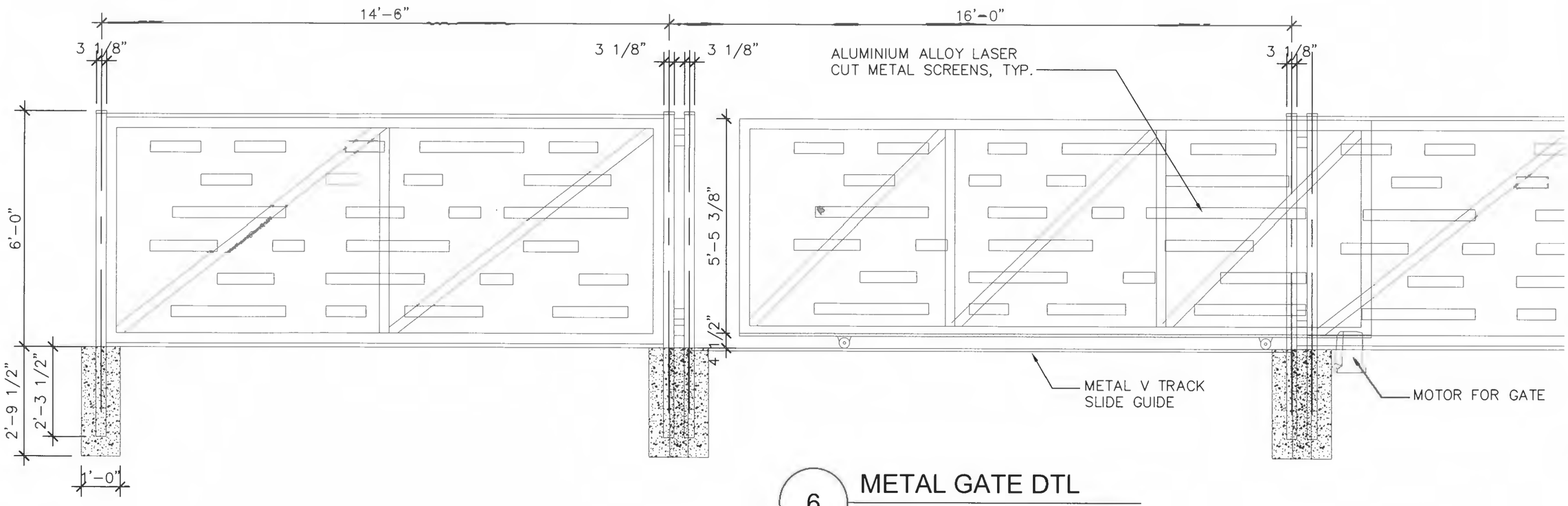
DATE: 08.31.2022

BDA234-025

SP1.1

GATE 1: 16'–0" X 6'–0"
SLIDING MOTORIZED GATE

GATE 2: 16'–0" X 6'–0"
SLIDING MOTORIZED GATE



6 METAL GATE DTL

3/8" = 1'–0"

DISTINCTIVE
DEVELOPMENTS
LLC
5005 W Royal Lane
Suite 129
Irving, Texas 75063
Office: 469-565-2600

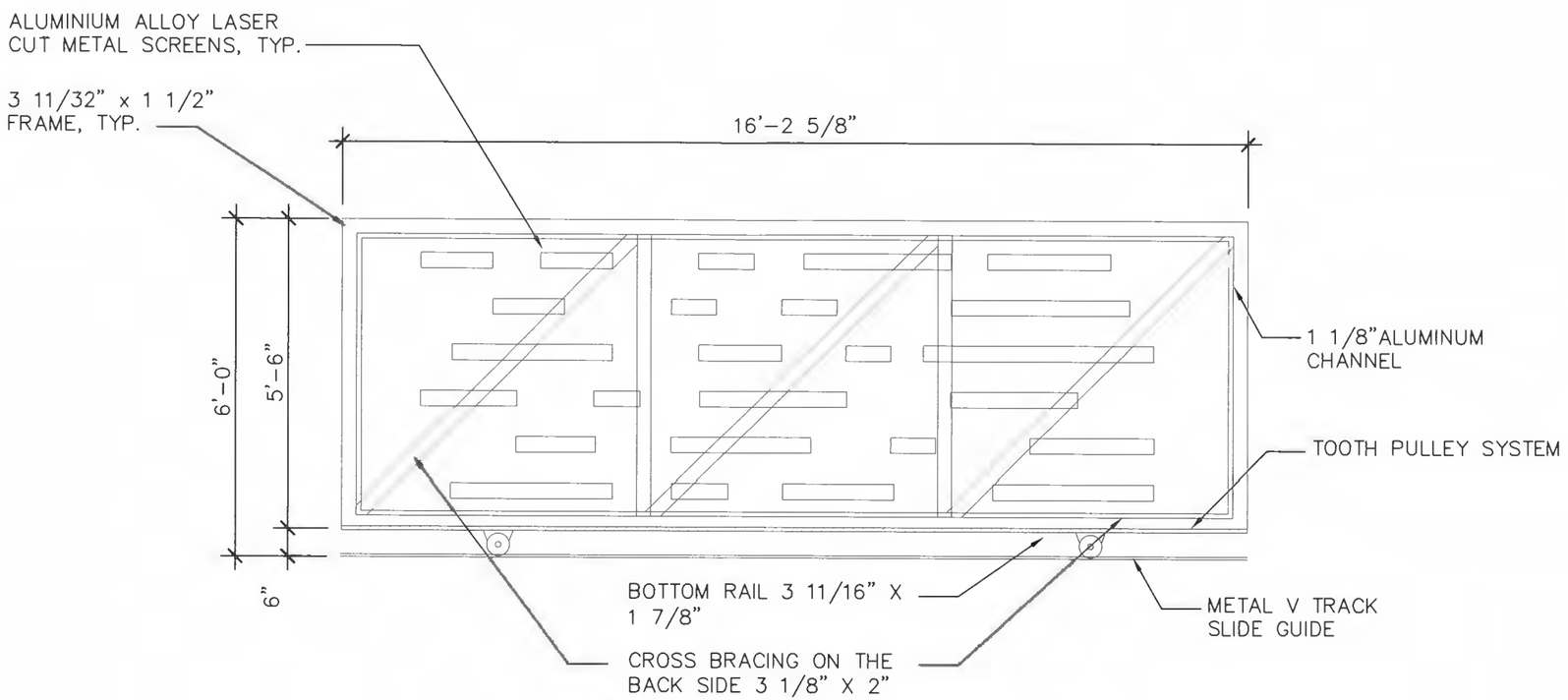
Distinctive Developments LLC
4625 WALNUT HILL LANE
DALLAS, TX 75230

SITE PLAN
DETAILS

DATE 08.31.2022

BDA234-025

SP1.2



7 METAL GATE DTL

3/8" = 1'-0"

DISTINCTIVE DEVELOPMENTS LLC
5005 W. Royal Lane
Suite 129
Irving, Texas 75063
Office· 469-565-2600

Distinctive Developments LLC
4625 WALNUT HILL LANE
DALLAS, TX 75230

SITE PLAN DETAILS

DATE· 08.31.2022

BDA234-025

SP1.3

FILE NUMBER: BDA223-097(KMH)

BUILDING OFFICIAL'S REPORT: Application of Robert Smith for (1) a special exception to the fence-height regulations, and for (2) a special exception to the 20-foot visibility obstruction regulations, and for (3) a special exception to the 20-foot visibility obstruction regulations at 2764 Catherine St. This property is more fully described as Block 2/3879, Lot 1, and is zoned CD-8; subarea 1 (R-7.5(A)), which limits the height of a fence in the 50% of the side-yard and corner side-yard to 4-feet and requires a 20-foot visibility triangle at driveway approaches, and requires a 20-foot visibility triangle at the point of intersection of the edge of an alley and an adjacent street curb line. The applicant proposes to construct a 6-foot 6-inch high fence in a required side-yard, which will require (1) a 2-foot 6-inch special exception to the fence height regulations; and to construct a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require (2) a special exception to the 20-foot visibility obstruction regulation at driveway approaches; and to construct a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require (3) a special exception to the 20-foot visibility obstruction regulation intersection of the edge of an alley and an adjacent street curb line**.**

LOCATION: 2764 Catherine St.

APPLICANT: Robert Smith

REQUEST:

1. A request for a special exception to the fence height regulations,
2. A request for a special exception to the 20-foot visibility obstruction regulations, and;
3. A request for a special exception to the 20-foot visibility obstruction regulations.

STANDARD 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**.

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION:

No staff recommendation are made on these requests.

The Development Services Engineer recommends approval of visibility encroachment at the driveway; however, he recommends denial of visibility encroachment at the alley.

BACKGROUND INFORMATION:

Zoning:

Site:	CD-8; Subarea R-7.5 (A) (Single Family District)
North:	CD-8
East:	CD-8
South:	CD-8
West:	CD-8

Land Use:

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

BDA History:

No BDA history in the last five years.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Robert Smith for the property located at 2764 Catherine Street focuses on 3 requests. The first request is for a special exception to the fence height regulations of 4-feet. The applicant is proposing to construct and maintain a 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 applicant is proposing the fence along Pierce Street and along the alley. It is imperative to note the fence along Pierce Street will include a gate.
- Secondly, the applicant proposes to maintain a single-family fence in a required visibility triangle at the driveway approach along Pierce Street, which will require a special exception to the visual obstruction regulations. The visual obstruction regulations require a 20-foot visibility triangle at all driveway approaches.

- Additionally, the applicant proposes to maintain a single-family fence structure in a required visibility triangle at the intersection of the edge of an alley and an adjacent street curb line, which requires a 20-foot special exception to the visual obstruction regulations.
- The subject site along with the surrounding properties are all developed with single family uses.
- It is imperative to note that the subject site is a corner lot.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to maintain a new 6-foot 6-inch wooden fence. The proposed fence and gate are shown to encroach into the required visibility triangle at the driveway approach along Pierce Street. The proposed fence is also shown to encroach into the visibility triangle at the street intersection and the alley.
- The CD-8 zoning district limits the height of a fence in the 50% of the side-yard and corner side-yard to 4-feet.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations will not adversely affect the neighboring property.
- The applicant has the burden of proof in stablishing that the special exception to the visual obstruction regulations does not constitute a traffic hazard.
- If the Board were to grant this special exception request and impose a condition that the applicant complies with the submitted site plan/elevation, the proposal of 6-feet 6-inches in height in the front yard setback would be limited to that what is shown on the submitted documents.
- Additionally, granting this request for a special exception to the visual obstruction regulations with a condition imposed that the applicant complies with the submitted site plan would limit the proposed fence in the 20-foot visibility triangles at the driveway into the site from Pierce Street and the alley to what is shown on the submitted documents.
- BDA223-097_ 2764 Catherine

Timeline:

September 13, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

October 2, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.

October 4, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

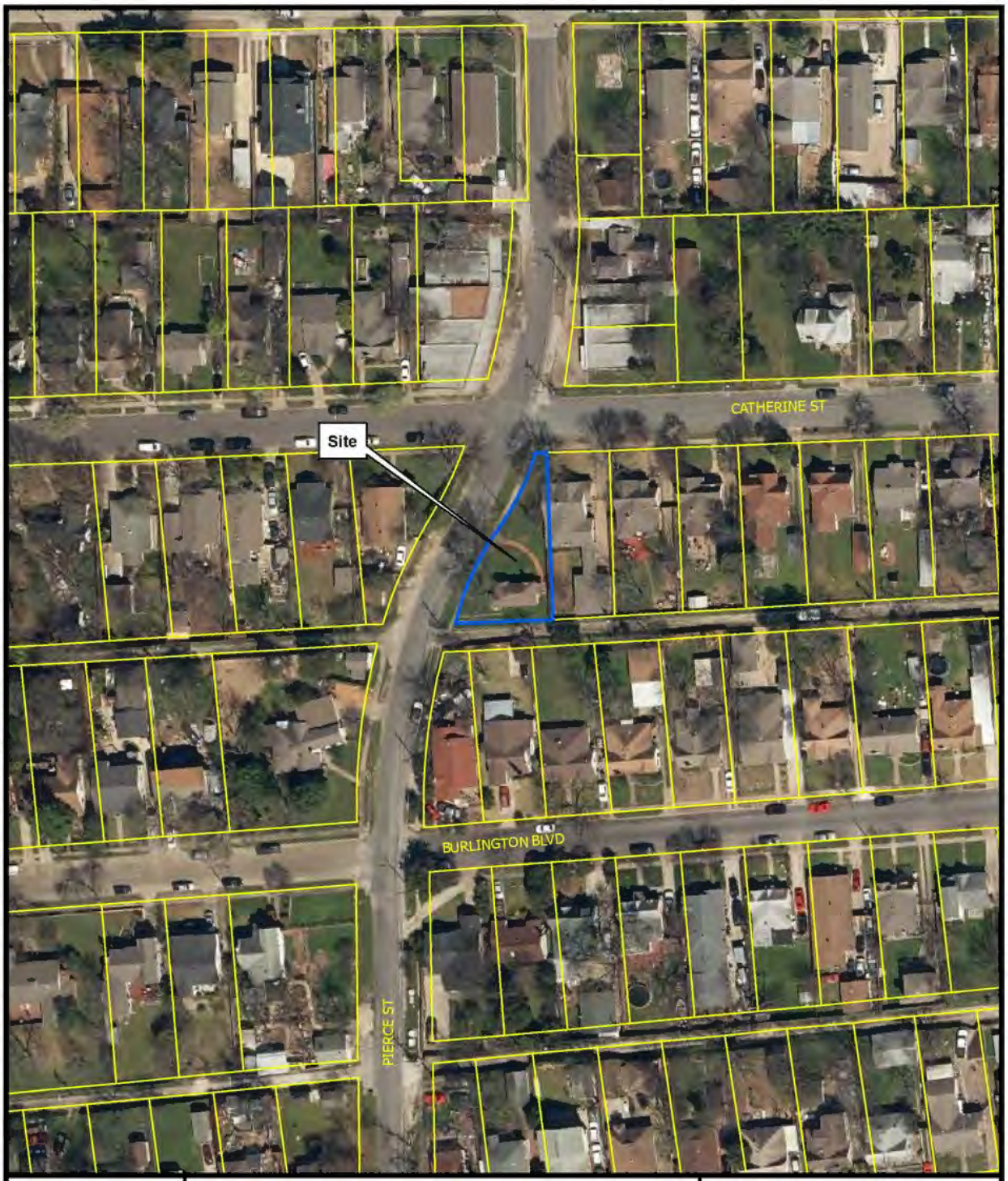
- an attachment that provided the public hearing date and panel that will consider the application; the October 23, 2023, deadline to submit additional evidence for staff to factor into their analysis; and November 3, 2023, deadline to submit additional evidence to be incorporated into the board's docket 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.

November 1, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the November public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.

December 19, 2023: The applicant requested that this case be postponed until February due to unexpected family emergencies that has caused a delay with making revisions to his plans and trying to come into compliance.

January 16, 2024: The Board of Adjustment Panel A moved to hold this matter under advisement until February 20, 2024.

February 2, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the February public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.

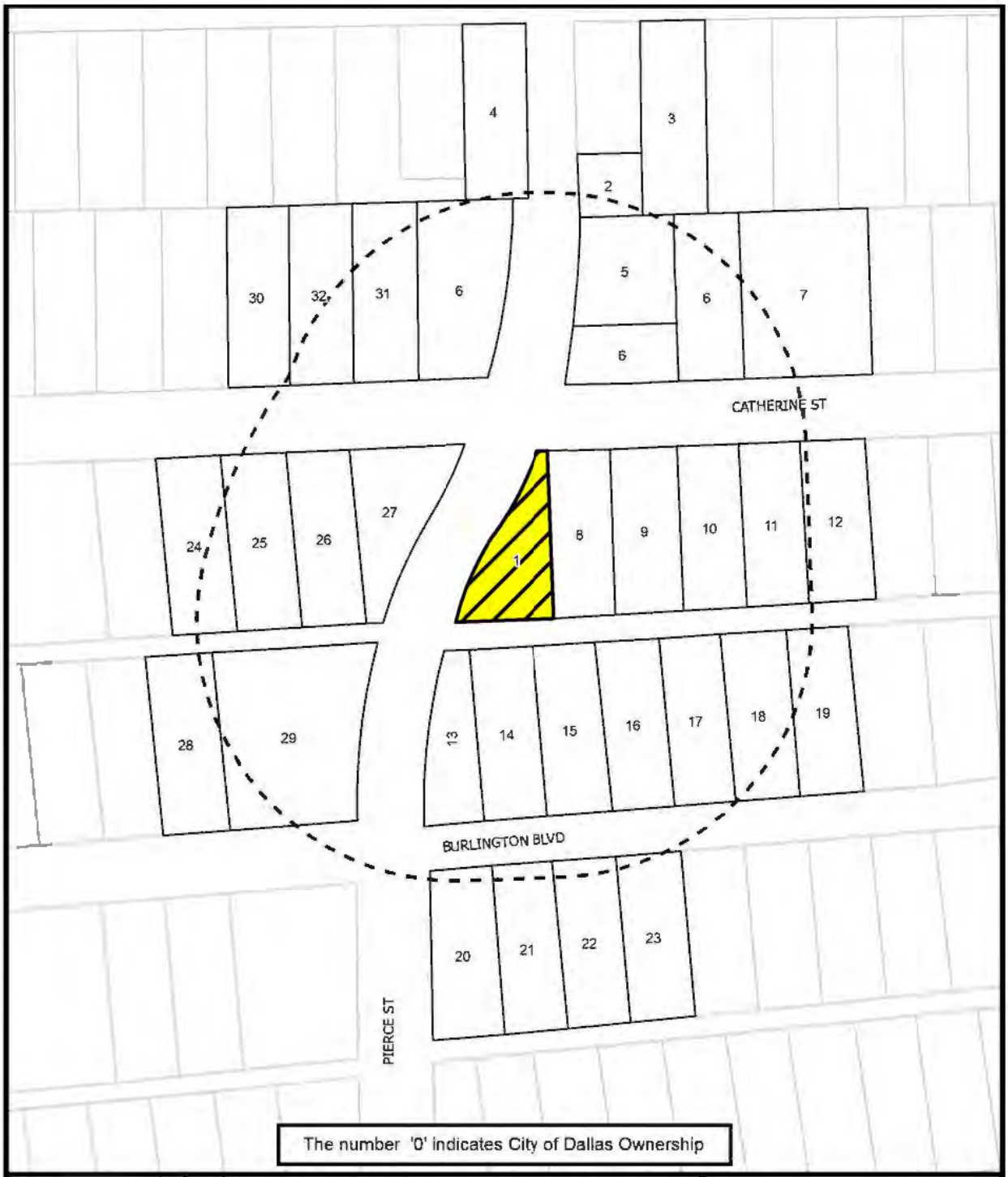


1:1,200

AERIAL MAP

Case no: BDA223-097

Date: 10/19/2023



NOTIFICATION

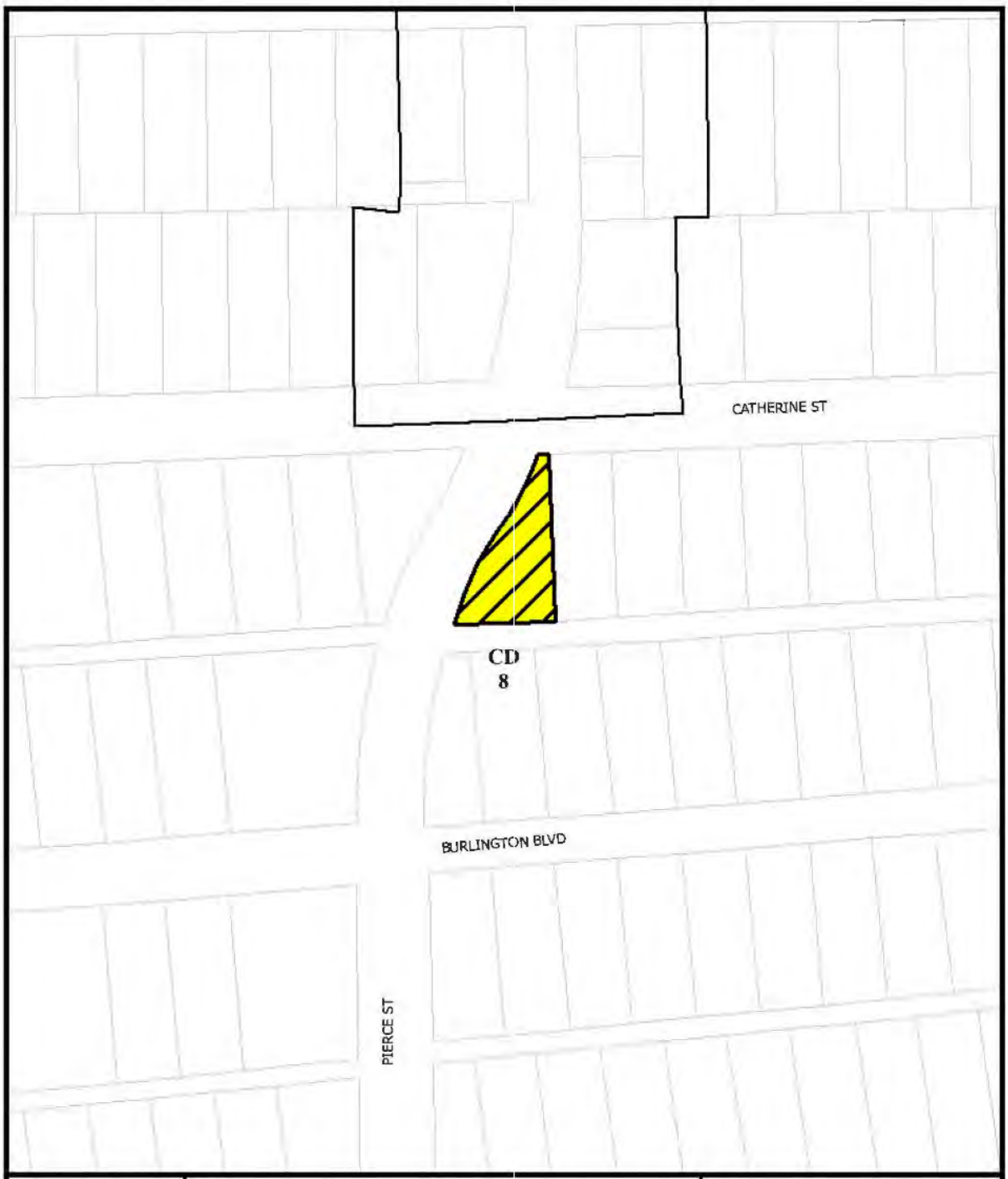
200' AREA OF NOTIFICATION

32 NUMBER OF PROPERTY OWNERS NOTIFIED

1:1,200

Case no: BDA223-097

Date: 10/19/2023



1:1,200

ZONING MAP

Case no: BDA223-097

Date: 10/19/2023

/
10/19/2023

Notification List of Property Owners

BDA223-097

32 Property Owners Notified

Label #	Address		Owner
1	2764	CATHERINE ST	SMITH ROBERT
2	710	PIERCE ST	MENDEZ ELSA
3	2754	W BROOKLYN AVE	HERNANDEZ ALFONSO & LUCINDA
4	2802	W BROOKLYN AVE	PHAIKOH SOMCHAI ET AL
5	714	PIERCE ST	GILBERT SHARON
6	718	PIERCE ST	PIERCE CATHERINE INC
7	2745	CATHERINE ST	MIKULEC DAVID &
8	2760	CATHERINE ST	SMITH JANET
9	2756	CATHERINE ST	ALSPAW JULIE A
10	2752	CATHERINE ST	KELBLY ASHLYN M
11	2748	CATHERINE ST	ZENDEJAS CAROLINA
12	2744	CATHERINE ST	HICKS TANA J & JARRETT
13	2769	BURLINGTON BLVD	ESCALANTE CRISANTO
14	2765	BURLINGTON BLVD	MARQUEZ RAMON & AMPARO
15	2761	BURLINGTON BLVD	BRYANT ALBERT JR & CLAUDETTE W
16	2757	BURLINGTON BLVD	FULLER D RAY JR EST OF
17	2753	BURLINGTON BLVD	LSH TRUST
18	2749	BURLINGTON BLVD	ARVIZU ZACARIAS & ANA
19	2745	BURLINGTON BLVD	GARCIA ANGELA SOFIA
20	2768	BURLINGTON BLVD	CABRERA MARIA
21	2764	BURLINGTON BLVD	KILLE JAMES & LINDA
22	2760	BURLINGTON BLVD	GUEL ANDRES & CELIA
23	2756	BURLINGTON BLVD	JIMENEZ JUAN MANUEL
24	2818	CATHERINE ST	ESCALANTEBROWN THAD CHARLES &
25	2814	CATHERINE ST	GARCIA REYES P
26	2810	CATHERINE ST	VERMA MAYANK

10/19/2023

Label #	Address		Owner
27	2802	CATHERINE ST	GUTIERREZ HERIBERTO A &
28	2811	BURLINGTON BLVD	ANHELO INC
29	2803	BURLINGTON BLVD	JOHNSON CHERYL E
30	2815	CATHERINE ST	MARTINEZ PEDRO
31	2807	CATHERINE ST	MARIEL XIMENA
32	2811	CATHERINE ST	YDY LLC


4
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BURLING
LVD
20
21
22
23
PIERCE ST
The number '0' indicates City of Dallas Ownership

Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-097 STAFF USE ONLY

Data Relative to Subject Property: Code Violation-Review in process Date: 9/13/2023 STAFF USE ONLY

Location address: 2764 Catherine Dls, TX 75201 Zoning District: CD-8 (R-7.5(A))

Lot No.: 1 Block No.: 2/3814 Acreage: .130 Census Tract:

Street Frontage (in Feet): 1) 0 2) 148' 3) 4) 5)

RECEIVED BY:

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Robert Smith

Applicant: Robert Smith Telephone: (214)236.5700

Mailing Address: 935 Pollard St. Dallas, TX Zip Code: 75208

E-mail Address: resmith7@airmail.net

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance __, or Special Exception √, of Fence kept AS is 6ft Requisting a 2ft special Exception, visibility triangles at drive Approach, visibility triangle at street and alley intersection

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:

Does not affect neighbors or properties, will not cause a traffic hazard

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

Affidavit

Before me the undersigned on this day personally appeared Robert Smith

(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: R E Smith

(Affiant/Applicant's signature)

Subscribed and sworn to before me this 8 day of September, 2023

Glenda A Saucedo

Notary Public in and for Dallas County, Texas

GLENDA A SAUCEDO
Notary ID #11994220
My Commission Expires
June 8, 2025

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that ROBERT SMITH

did submit a request for (1) a special exception to the fence height regulations, and for (2) a special exception to the 20-foot visibility obstruction regulations, and for (3) a special exception to the visibility obstruction regulations

at 2764 Catherine

BDA223-097(KMH) Application of Robert Smith for (1) a special exception to the fence height regulations, and for (2) a special exception to the 20-foot visibility obstruction regulations, and for (3) a special exception to the 20-foot visibility obstruction regulations a 2764 Catherine St. This property is more fully described as Block 2/3879, Lot 1, and is zoned CD-8; subarea 1 (R-7.5(A)), which limits the height of a fence in the 50% of the side-yard and corner side-yard to 4-feet and requires a 20-foot visibility triangle at driveway approaches, and requires a 20-foot visibility triangle at the point of intersection o the edge of an alley and an adjacent street curb line. The applicant proposes to construct a 6-foot 6-inch high fence in a required side-yard, which will require (1) a 2-foot 6-inch special exception to the fence regulations; and to construct a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require (2) a special exception to the 20-foot visibility obstruction regulation at driveway approaches; and to construct a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require (3) a special exception to the 20-foot visibility obstruction regulation intersection of the edge of an alley and an adjacent street curb line.

Sincerely,

Andrew Espinoza, CBO, MCP, CFM, CCEA

CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 223-097

I, Robert Smith, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 2764 Catherine St Dallas, TX 75211
(Address of property as stated on application)

Authorize: Robert Smith
(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

Robert Smith
Print name of property owner or registered agent

Signature of property owner or registered agent

Date 9/8/2023

Before me, the undersigned, on this day personally appeared Robert Smith

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 8 day of September, 2023

GLENDA A SAUCEDO
Notary ID #11994220
My Commission Expires
June 8, 2025

Commission expires on June 8, 2025

SURVEY UNKNOWN ABST. 288 SCALE 100. FT. EQUALS 1 INCH SCHOOL DISTRICT DALLAS

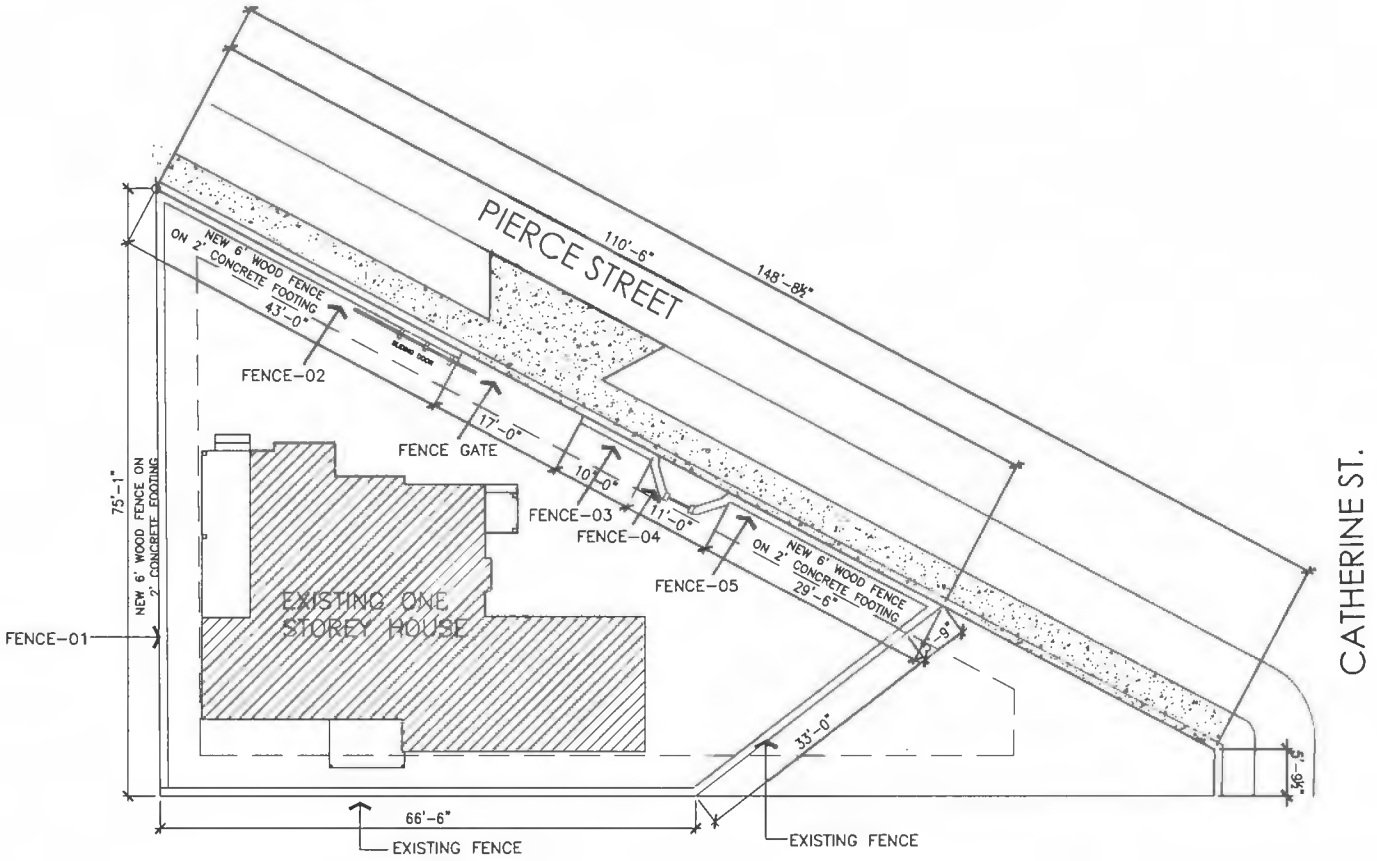
FILED FEB-20-1925
REVISED-AUG.-13-1925

N.A.

CATHERINE ST.
BURLINGTON BLVD.
IVANDELL AVE.
ASTER AVE.
RAVINIA
PIERCE
CLARENDON
2' RESERVE
ADDED 7/26/26
ADDED 9/23/25
ADDED 3/9/30
ADDED 10/21/25

BDA223-097


2764 CATHERINE ST DALLAS TX
arch result
BDA223-097
618 ELI AVE
617 S RAVINIA DR
622 ELI AVE
621 S RAVINIA DR
702 ELI AVE
623 S RAVINIA DR
706 ELI AVE
627 S RAVINIA DR
710 ELI AVE
703 S RAVINIA DR
714 ELI AVE
707 S RAVINIA DR
718 ELI AVE
815 S RAVINIA DR
711 S RAVINIA DR
722 ELI AVE
ELI AVE
S RAVINIA DR
806 ELI AVE
807 S RAVINIA DR
810 ELI AVE
811 S RAVINIA DR
814 ELI AVE
818 ELI AVE
819 S RAVINIA DR
822 ELI AVE
826 ELI AVE
827 S RAVINIA DR
830 ELI AVE
902 ELI AVE
903 S RAVINIA DR
906 ELI AVE
907 S RAVINIA DR
910 ELI AVE
911 S RAVINIA DR
914 ELI AVE
915 S RAVINIA DR
2919
2826 GLADSTONE DR
2814 GLADSTONE DR
2750 GLADSTONE DR
PIERCE ST
615 PIERCE ST
2859 W BROOKLYN AVE
2847 W BROOKLYN AVE
2827 W BROOKLYN AVE
2811 W BROOKLYN AVE
2749 W BROOKLYN AVE
2834 W BROOKLYN AVE
2746 W BROOKLYN AVE
710 S RAVINIA DR
2822 W BROOKLYN AVE
2744 W BROOKLYN AVE
714 PIERCE ST
2851 CATHERINE ST
2839 CATHERINE ST
2819 CATHERINE ST
719 PIERCE ST
723 PIERCE ST
718 PIERCE ST
2741 CATHERINE ST
2843 CATHERINE ST
2831 CATHERINE ST
2830 CATHERINE ST
2818 CATHERINE ST
2784 CATHERINE ST
2744 CATHERINE ST
2850 CATHERINE ST
2838 CATHERINE ST
2784
2765 BURLINGTON BLVD
2749 BURLINGTON BLVD
2843 BURLINGTON BLVD
2811 BURLINGTON BLVD
2847 BURLINGTON BLVD
BURLINGTON BLVD
2768 BURLINGTON BLVD
2742 BURLINGTON BLVD
2852 BURLINGTON BLVD
2834 BURLINGTON BLVD
2810 BURLINGTON BLVD
2827 IVANDELL AVE
2815 IVANDELL AVE
2847 IVANDELL AVE
2765 IVANDELL AVE
2749 IVANDELL AVE
167



1 C1 FENCE PLAN/LAY-OUT
SCALE 1"-15'

SEAL

Project Consulting & Construction
DESIGN + BUILD + CONSULTANCY
Ennis, TX 75119
TEL (214) 399-3662

REVISIONS

NO.	DESCRIPTION	DATE
1		

ADDRESS
2764 CATHERINE, DALLAS, TX. 75211

DATE
08/23/2023

DRAWN BY
MJKB

CHECKED BY

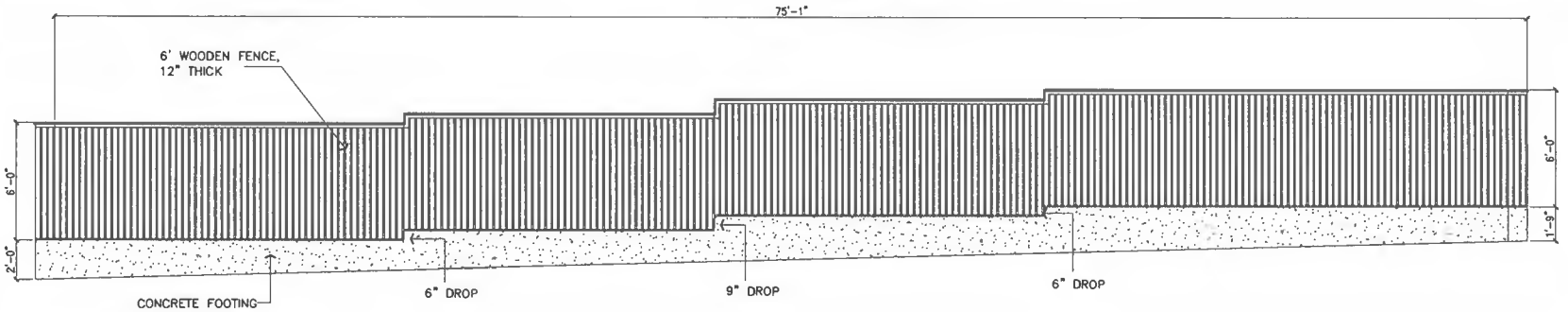
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SCALE
1"-15'

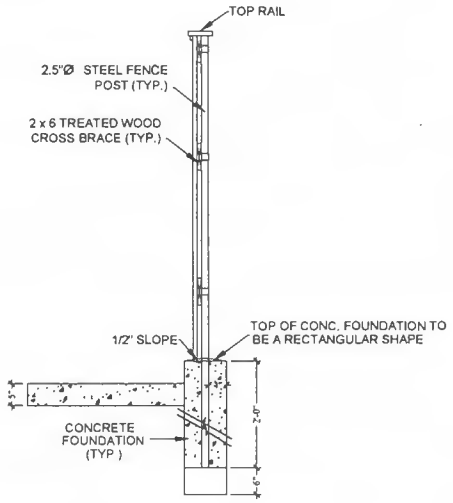
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FENCE PLAN/LAYOUT

SHEET #
C1.01

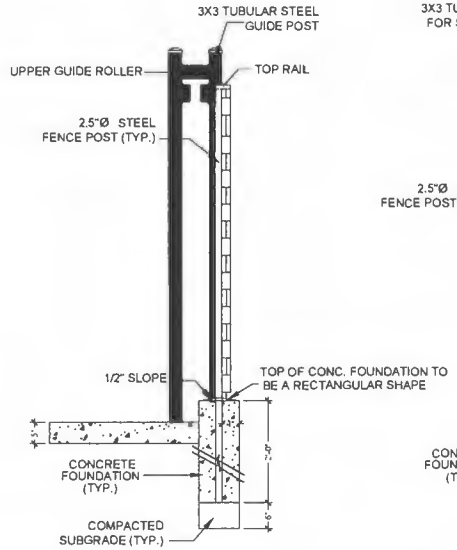
BDA223-097



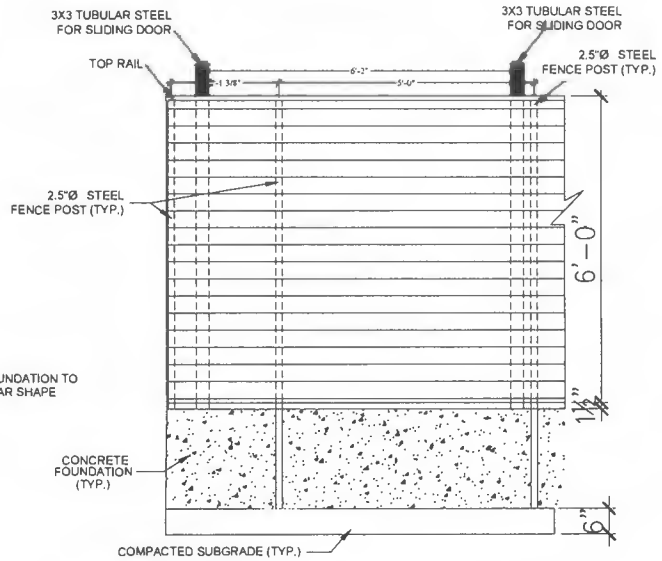
FENCE -01



WOOD FENCE SECTION @ FENCE-01



WOOD FENCE SECTION @ FENCE GATE



ELEVATION

1	FENCE DRAWINGS AND DETAIL
C2	SCALE: NTS

SEAL

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Ennis, Tx 75119
TEL. (214) 399-3662

REVISIONS

NO.	DESCRIPTION	DATE
1		

ADDRESS
2764 CATHERINE,DALLAS, TX. 75211

DATE
08/23/2023

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MJKB

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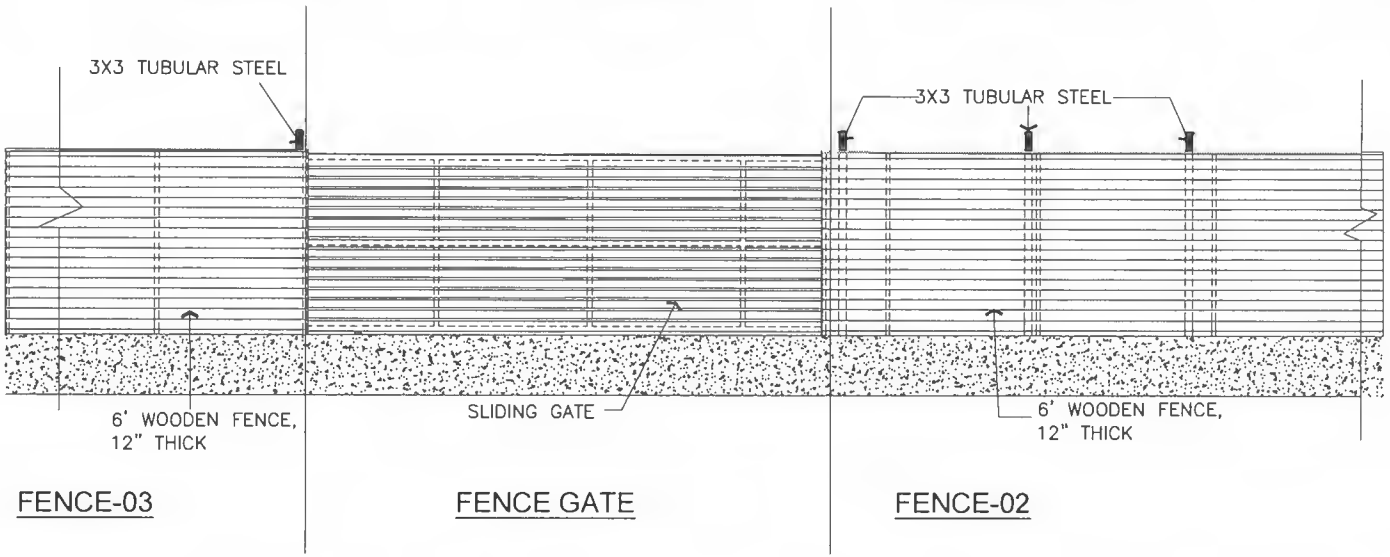
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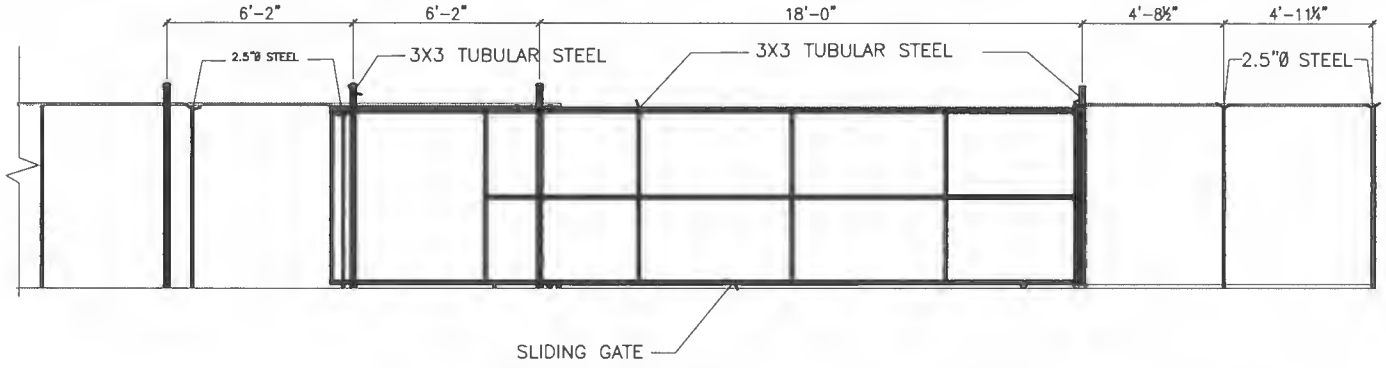
SCALE
NTS

SHEET TITLE
FENCE DETAILS

SHEET #
C1.02

BDA223-099





STRUCTURAL GATE DETAIL

1	FENCE DRAWINGS AND DETAIL
C3	SCALE: NTS

SEAL

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DESIGN + BUILD + CONSULTANCY
Ennis, TX 75119
TEL. (214) 399-3662

REVISIONS

NO.	DESCRIPTION	DATE
1		

ADDRESS
2764 CATHERINE,DALLAS, TX. 75211

DATE
08/23/2023

DRAWN BY
MJKB

CHECKED BY

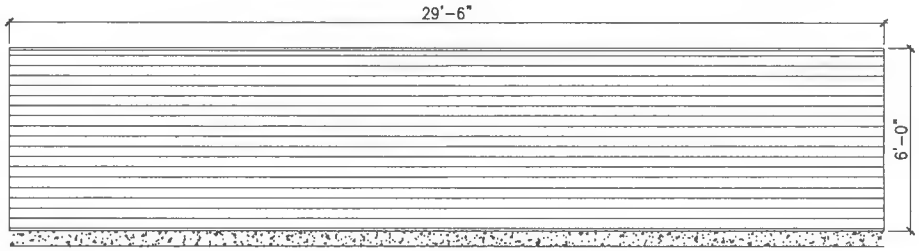
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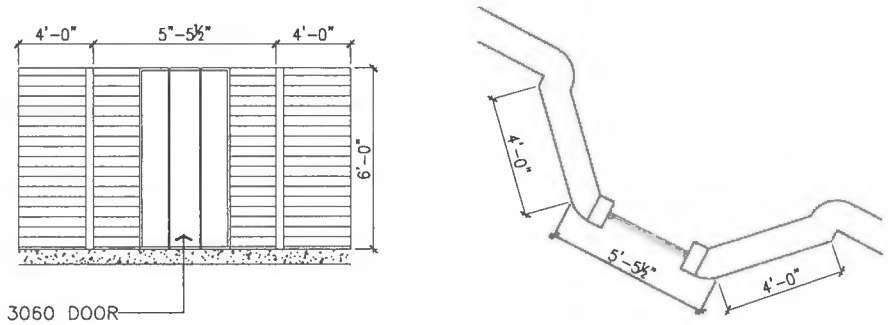
SHEET TITLE
FENCE DETAILS

SHEET #
C1.03

BDA223-097



FENCE-05



FENCE-04

1	FENCE DRAWINGS AND DETAIL
C4	SCALE: NTS

SEAL

Project Consulting & Construction
DESIGN + BUILD + CONSULTANCY
Ennis, TX 75119
TEL: (214) 399-3662

REVISIONS

NO	DESCRIPTION	DATE
1		

ADDRESS
2764 CATHERINE,DALLAS, TX. 75211

DATE
08/23/2023

DRAWN BY
MJKB

CHECKED BY

DESCRIPTION

SCALE
NTS

SHEET TITLE
FENCE DETAILS

SHEET #
C1.04

BOA223-097


BDA223-097


BDA223-097




BDA 223-099


BDA223-097


BDA223-097


BDA223-097


BDA223-097


BDA 223-097


BDA223-097


BDA223-097


BOA-223-097


BDA223-097


BOA228-C97



BOA-23-097

Applicant's Documentary Evidence

BDA223-097 Applicant's Documentary Evidence

From: resmith1@airmail.net
To: Williams, Mary
Subject: Re: BDA223-097 - Panel A, November 14, 2023
Date: Monday, November 13, 2023 7:06:31 PM
Attachments: image002.png
image003.png
img20231113_18113306.pdf
img20231113_18195476.pdf
img20231113_18215188.pdf
img20231113_18235561.pdf
img20231113_18554234.pdf

External Email!

The North Cliff Conservation District is the neighborhood between 12th and Clarendon, and Ravina and Chalmers. The green circle on the map shows the alley in question at 2764 Catherine St. The red circles on the map shows the alleys in the North Cliff neighborhood that have well maintained fences that are non-compliant with the visibility triangle ordinance. As you can see, every single alley in the neighborhood is circled, and almost every single corner house in the 100+ year old neighborhood is non-compliant to this ordinance.

I understand the rules and regulations. There is no excuse for what I did, I just went by what I saw in the neighborhood and I built the fence. I am asking for a variance and I am at your mercy.

Attached are the fence plans and that is the variance I am requesting.

Thank you for your attention in the matter.

On Wed, 8 Nov 2023 22:30:51 +0000, "Williams, Mary" <mary.williams1@dallas.gov> wrote:

Good afternoon,

Please see attached information in reference to Board of Adjustment and your scheduled November case.

It is highly recommended that the representative and/or applicant is registered to speak or be available for questions on behalf of their respective case(s). Please submit speaker registration online at the link below.

-

Friendly Reminder: Registration must be submitted no later than Monday, November

13, 2023 (Panel A) by close of business.

Online registration isn't required for in-person attendance but it is helpful to know the intent. If planning to attend the live hearing, please respond to this email so that I may notate your attendance for record when submitting the anticipated speaker list.

If you have any questions or concerns regarding speaker registration… or any issues with signing up, please feel free to email me your information and I will take care of your online registration…or if you are attending in-person; you may sign up upon arrival.

The docket is also posted on our webpage at the following link:

http://dallascityhall.com/government/meetings/Pages/zoning-board.aspx

To join the meeting virtually: https://bit.ly/111423-A Password: boa1114

Thank you,

Mary Williams

Board Secretary for Board of Adjustment

Board Coordinator

Development Services

City of Dallas | DallasCityNews.net
320 E. Jefferson Blvd, Suite 210

Dallas, TX 75203

P: 214-670-4127

mary.williams1@dallas.gov



APPLICANT'S DOCUMENTARY EVIDENCE





S Pierce St & Catherine St

North Cliff, Dallas



800–852 S Pierce St

North Cliff, Dallas



800–852 S Pierce St

North Cliff, Dallas



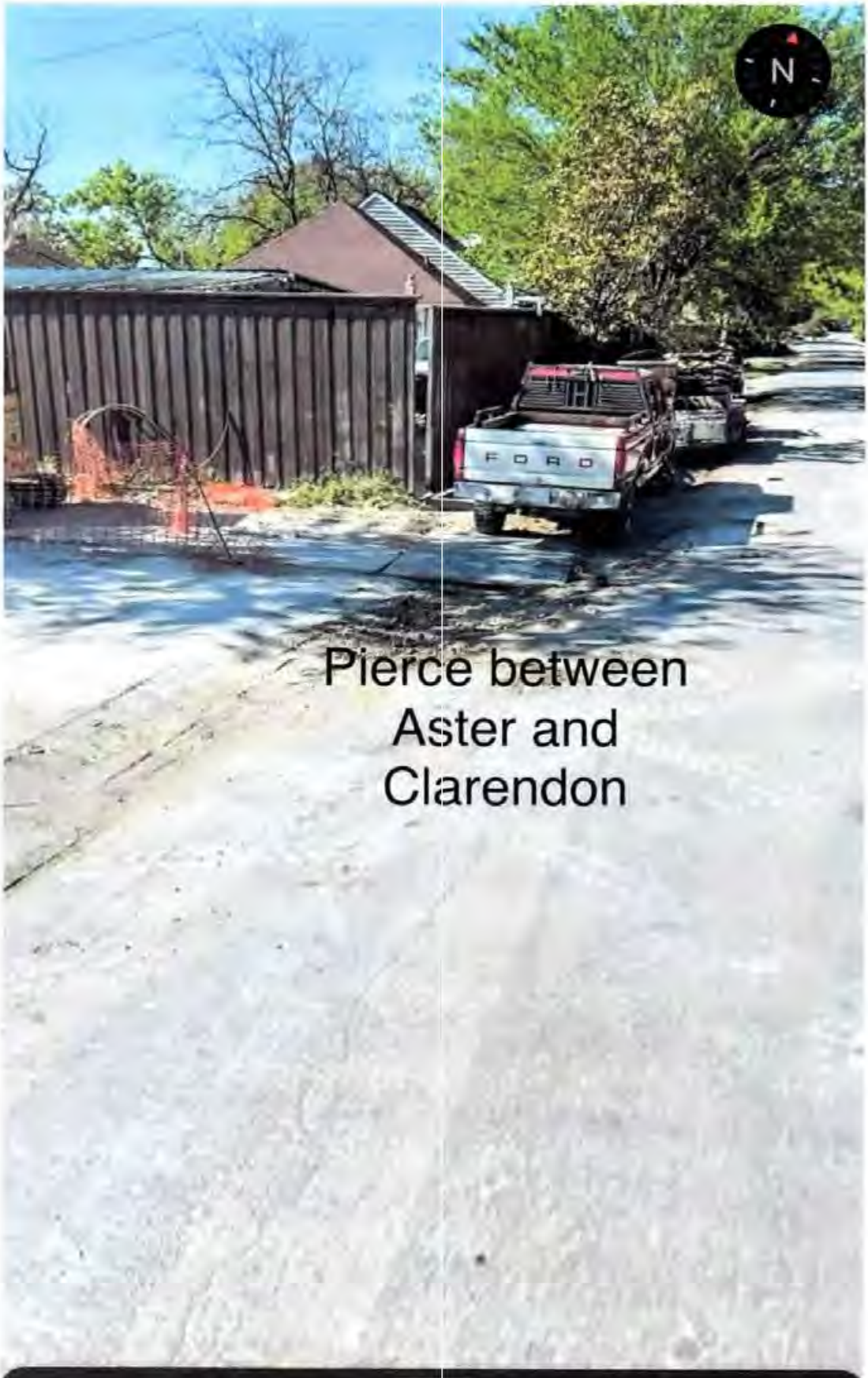


855–899 S Pierce St

North Cliff, Dallas

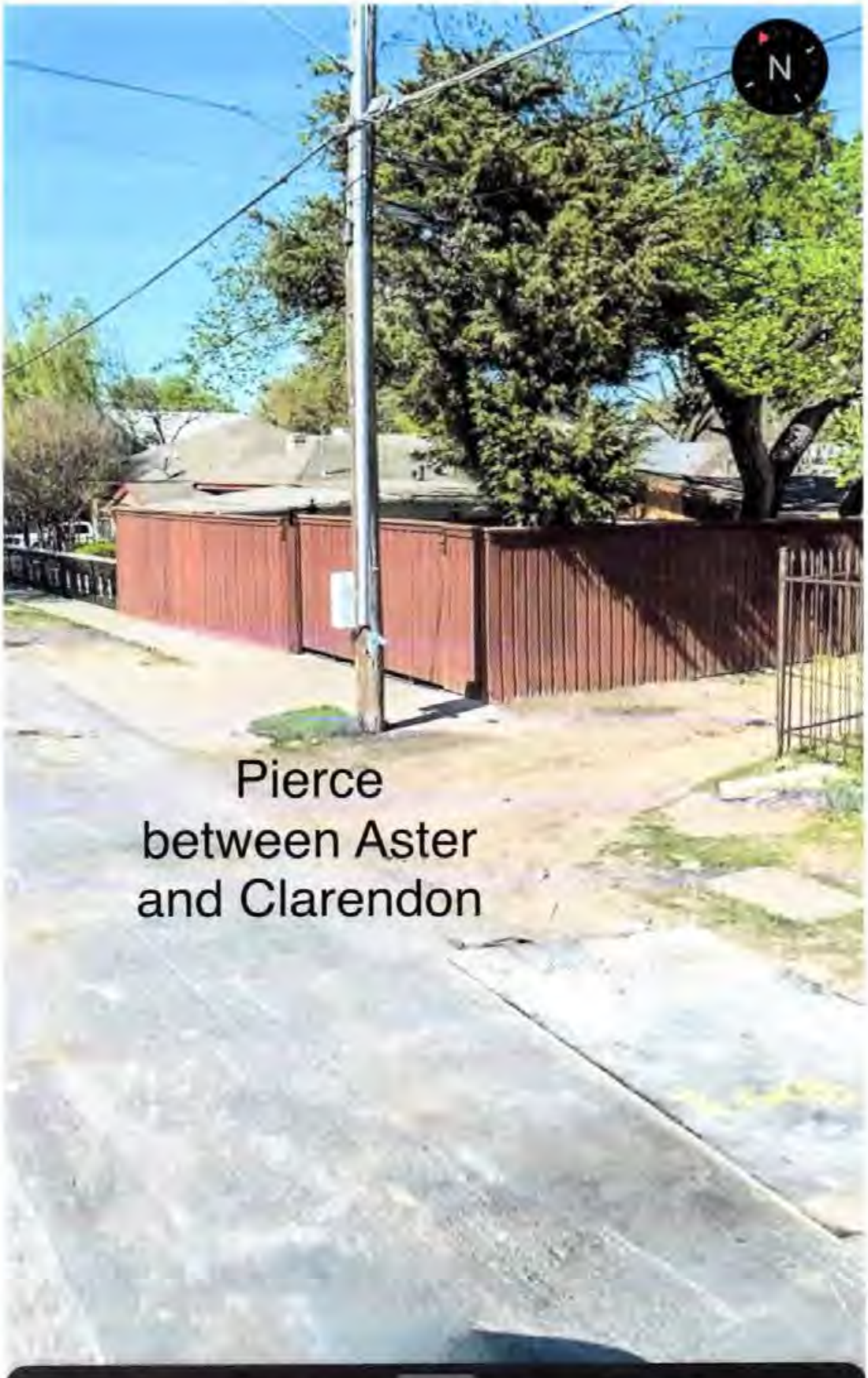

NOTICE


2764



1053–1085 S Pierce St

North Cliff, Dallas



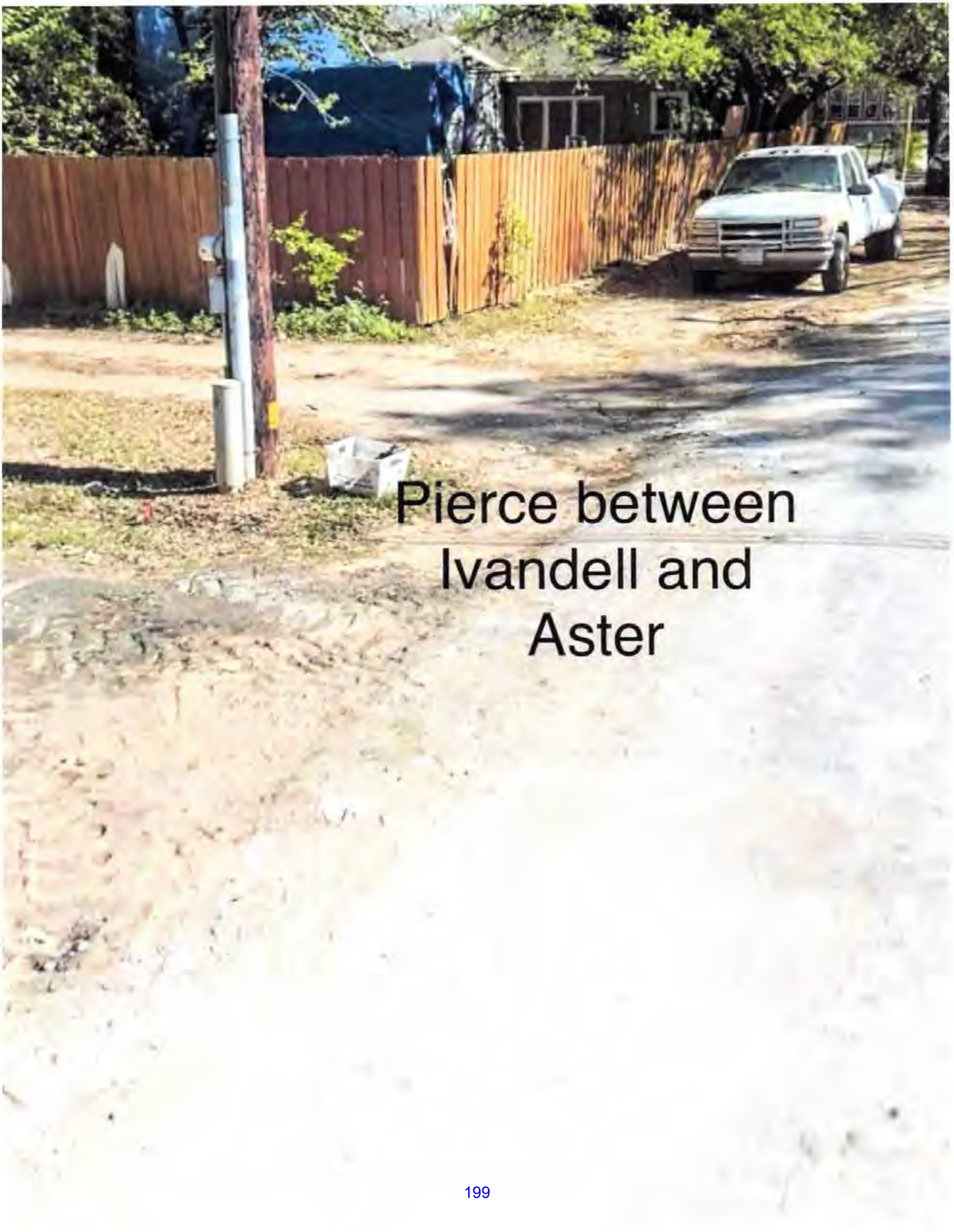
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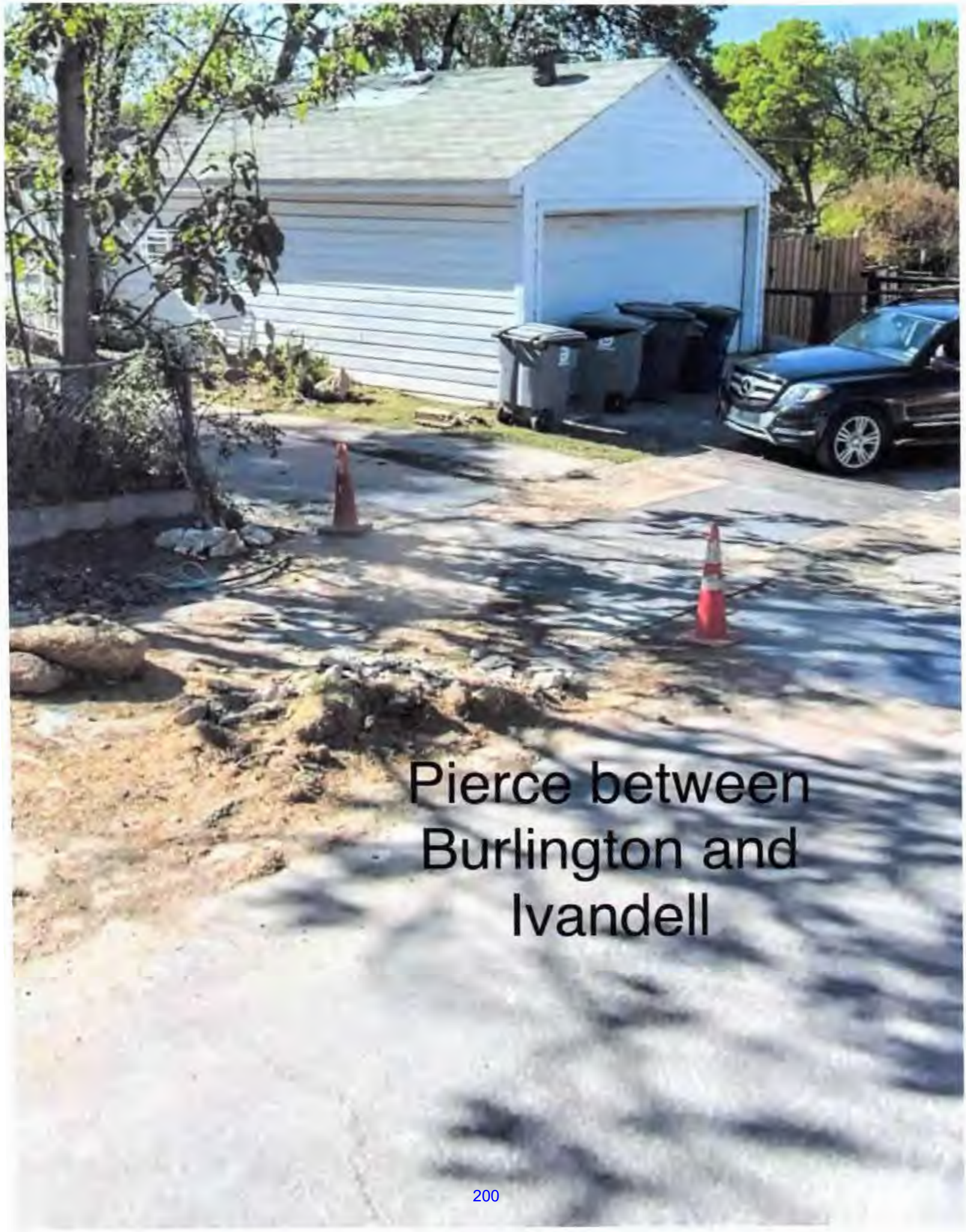
North Cliff, Dallas

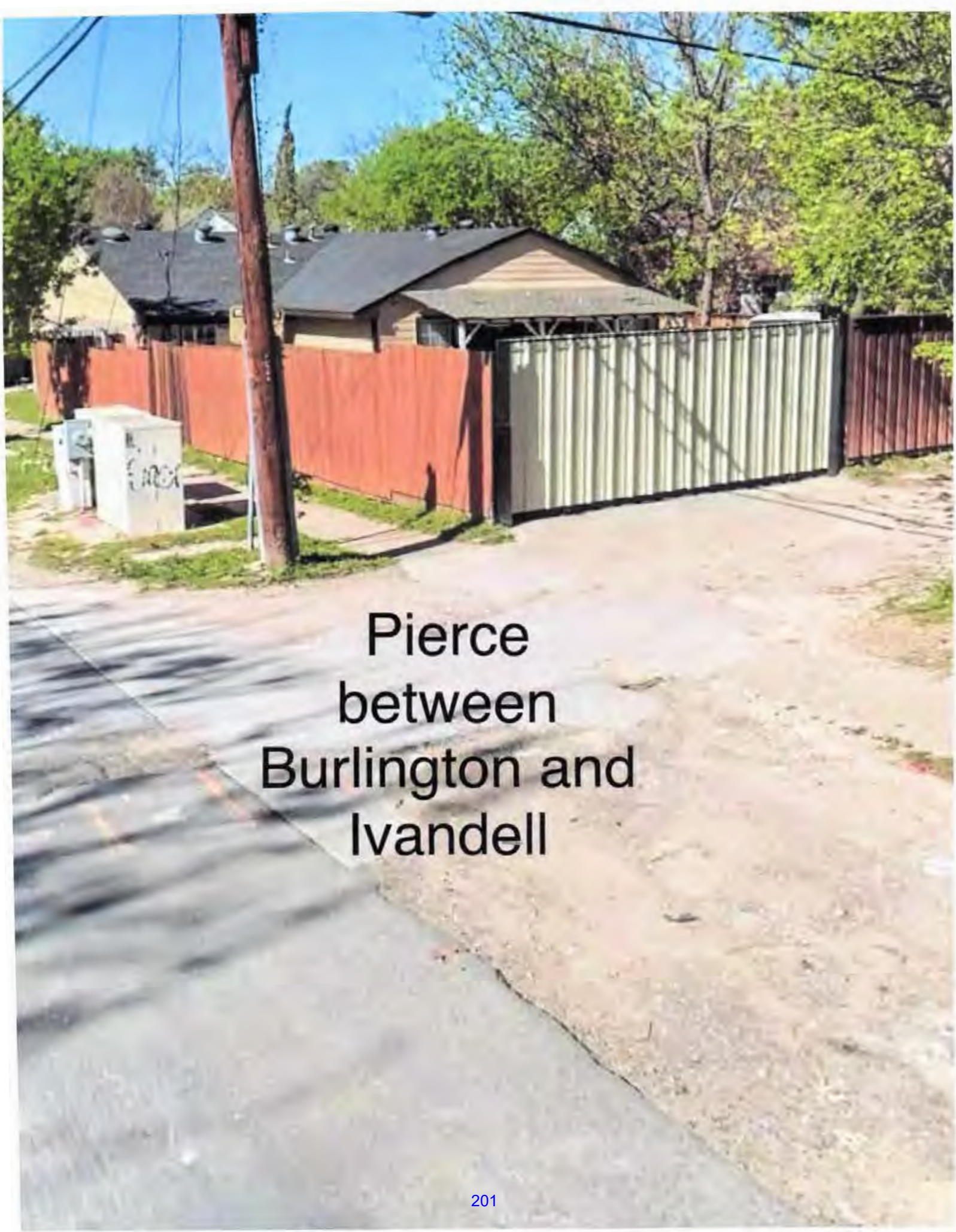


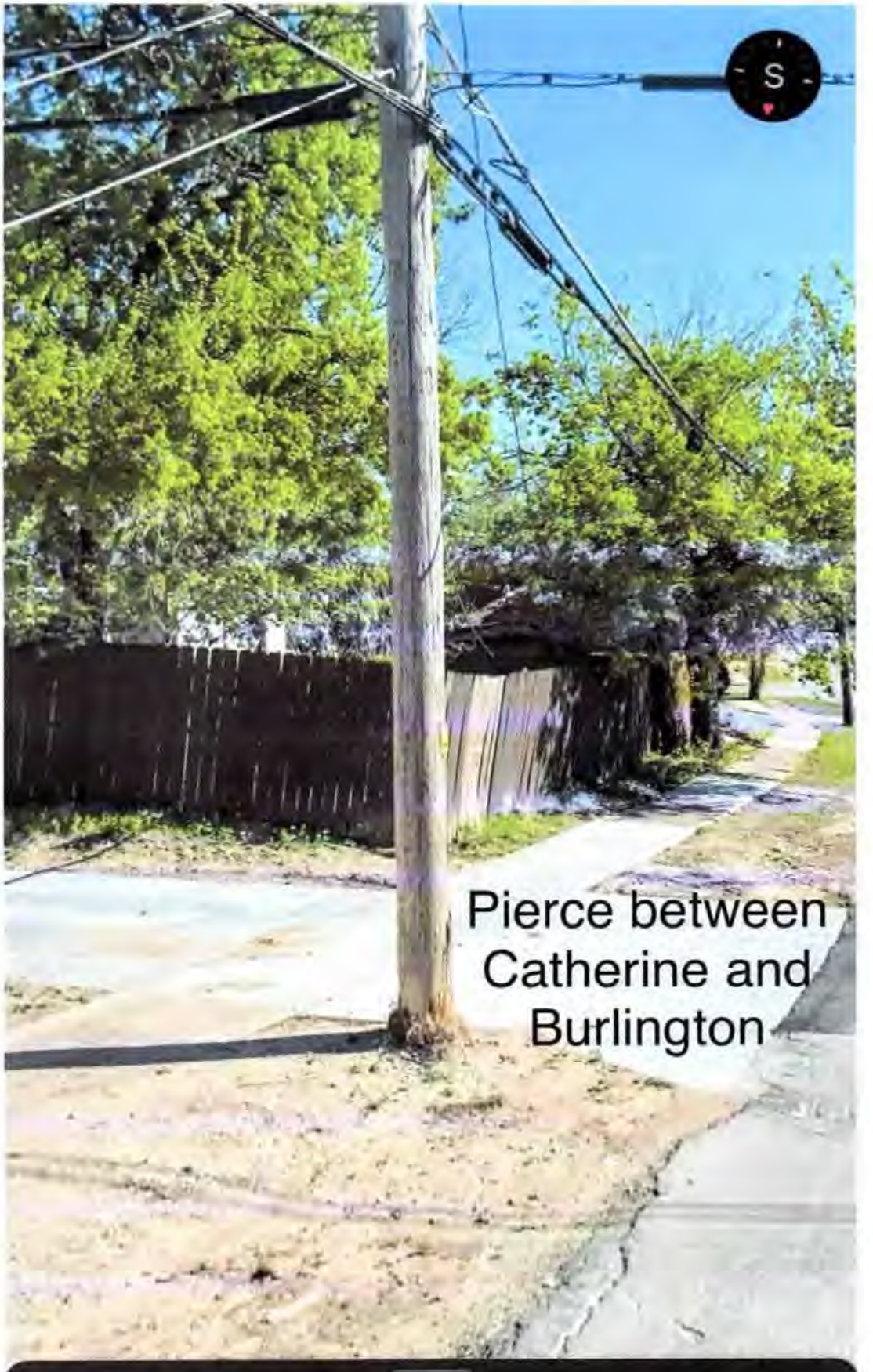
935 S Pierce St

North Cliff, Dallas


Pierce between
Ivandell and
Aster

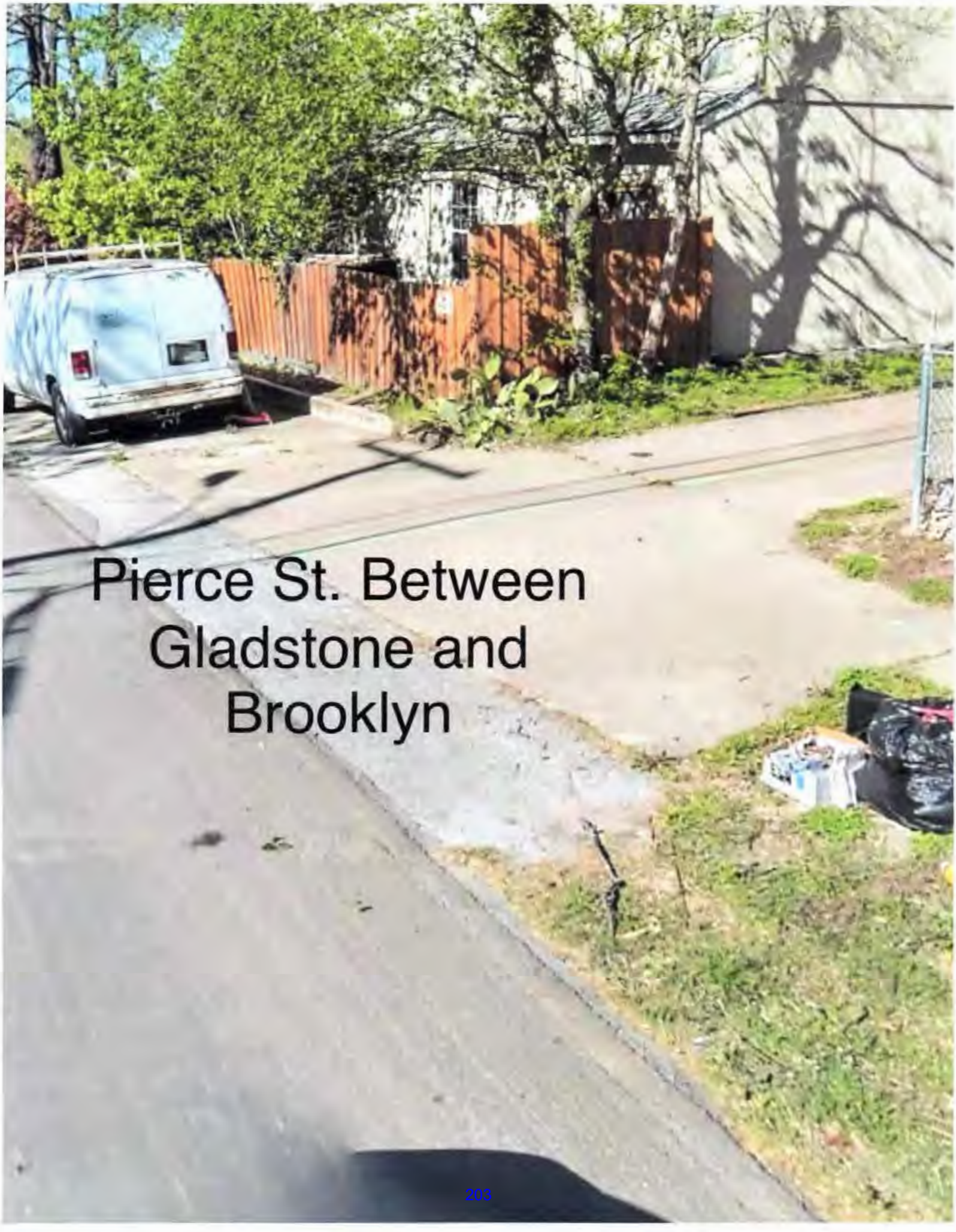

Pierce between
Burlington and
Ivandell

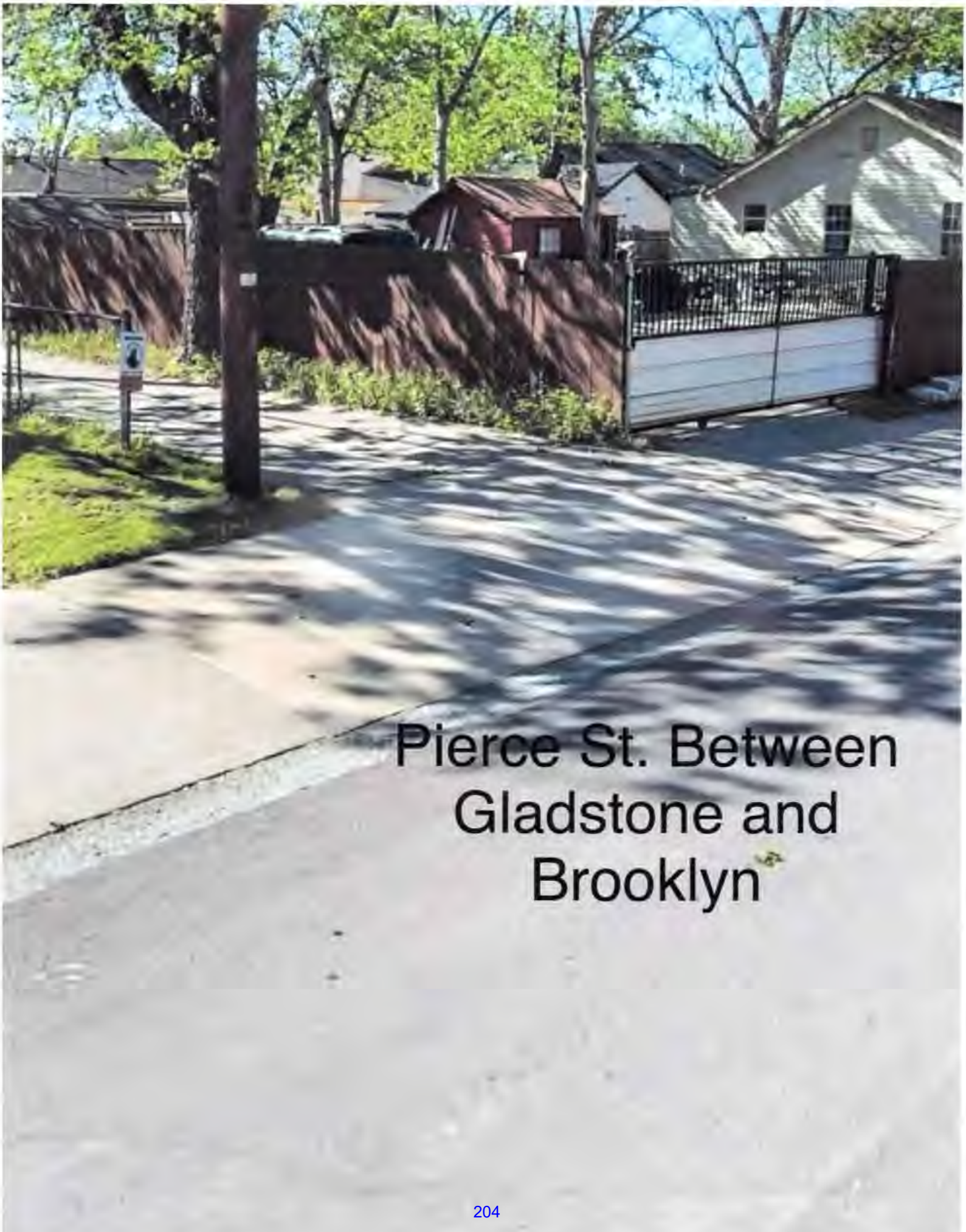

Pierce
between
Burlington and
Ivandell

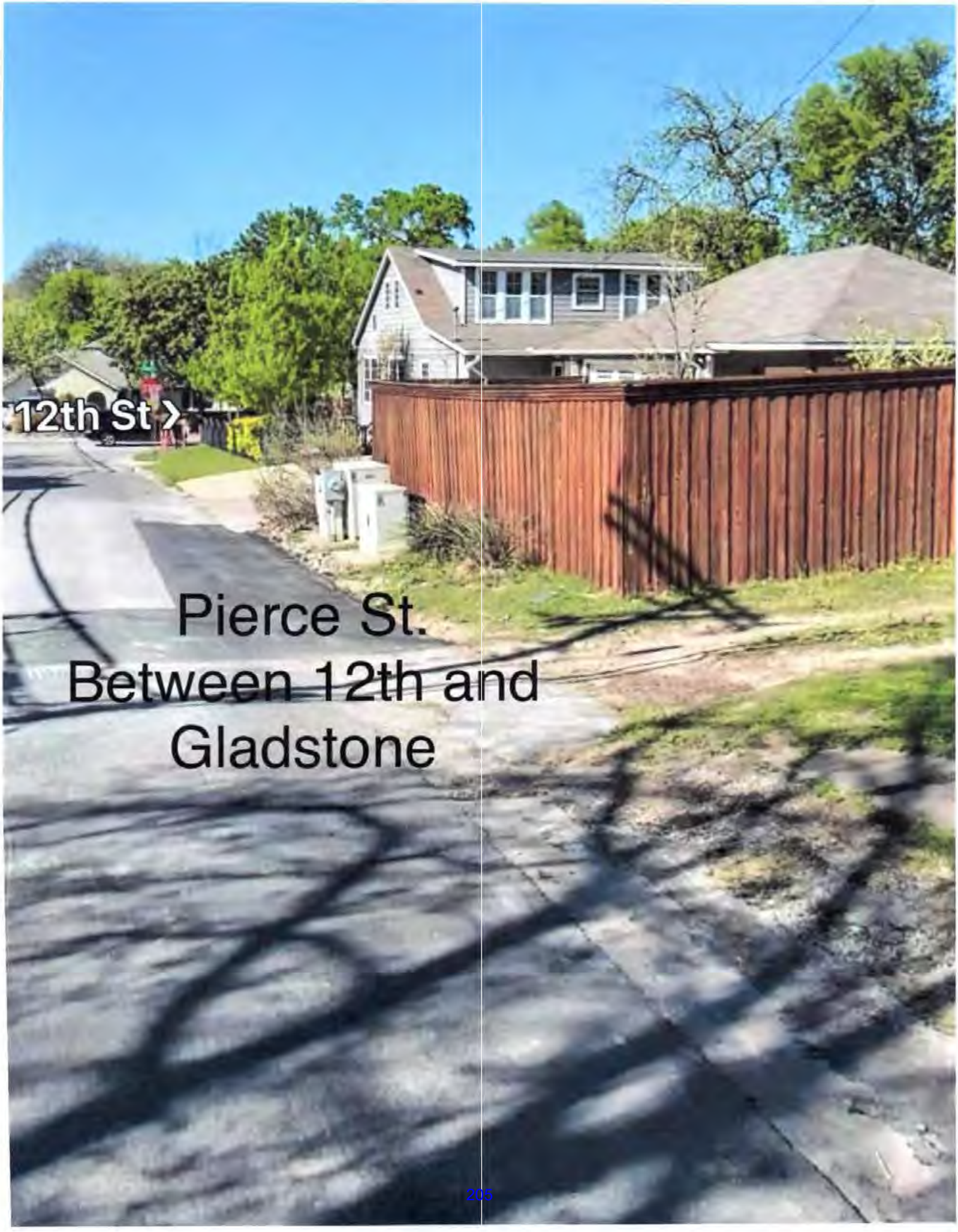


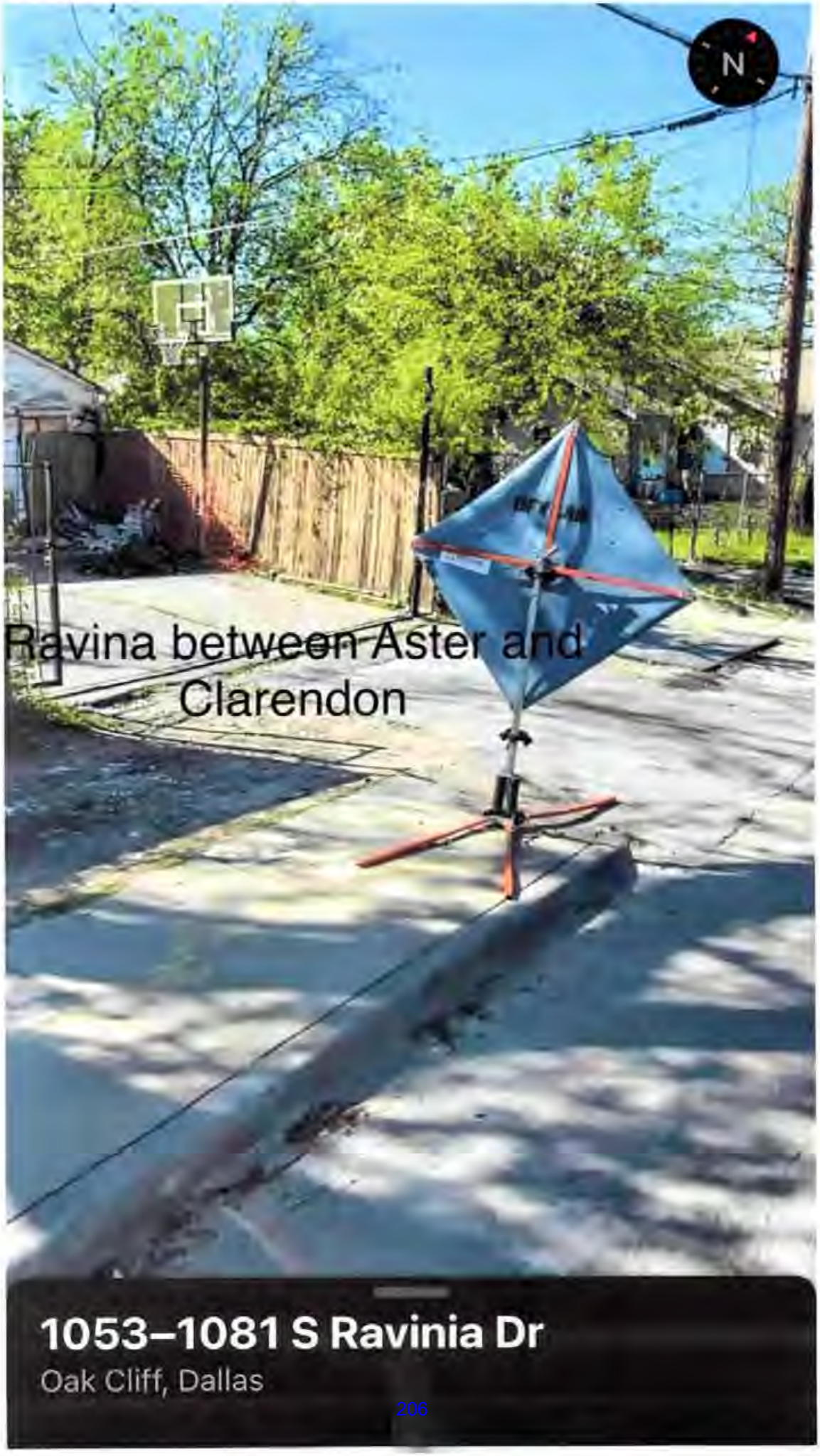
801–853 S Pierce St

North Cliff, Dallas


Pierce St. Between
Gladstone and
Brooklyn


Pierce St. Between
Gladstone and
Brooklyn

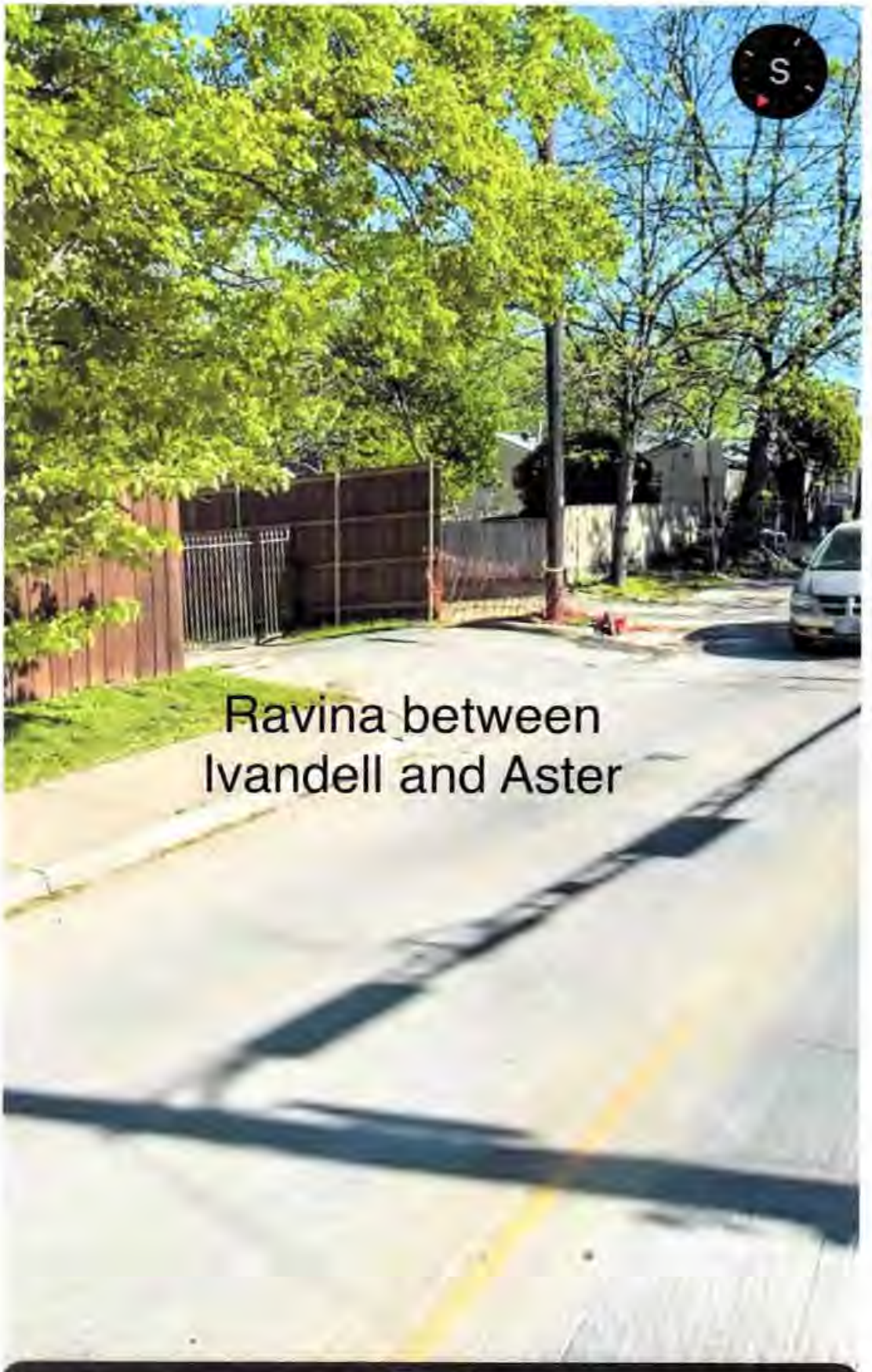

12th St
Pierce St.
Between 12th and
Gladstone


N
Ravina between Aster and Clarendon
1053–1081 S Ravinia Dr
Oak Cliff, Dallas



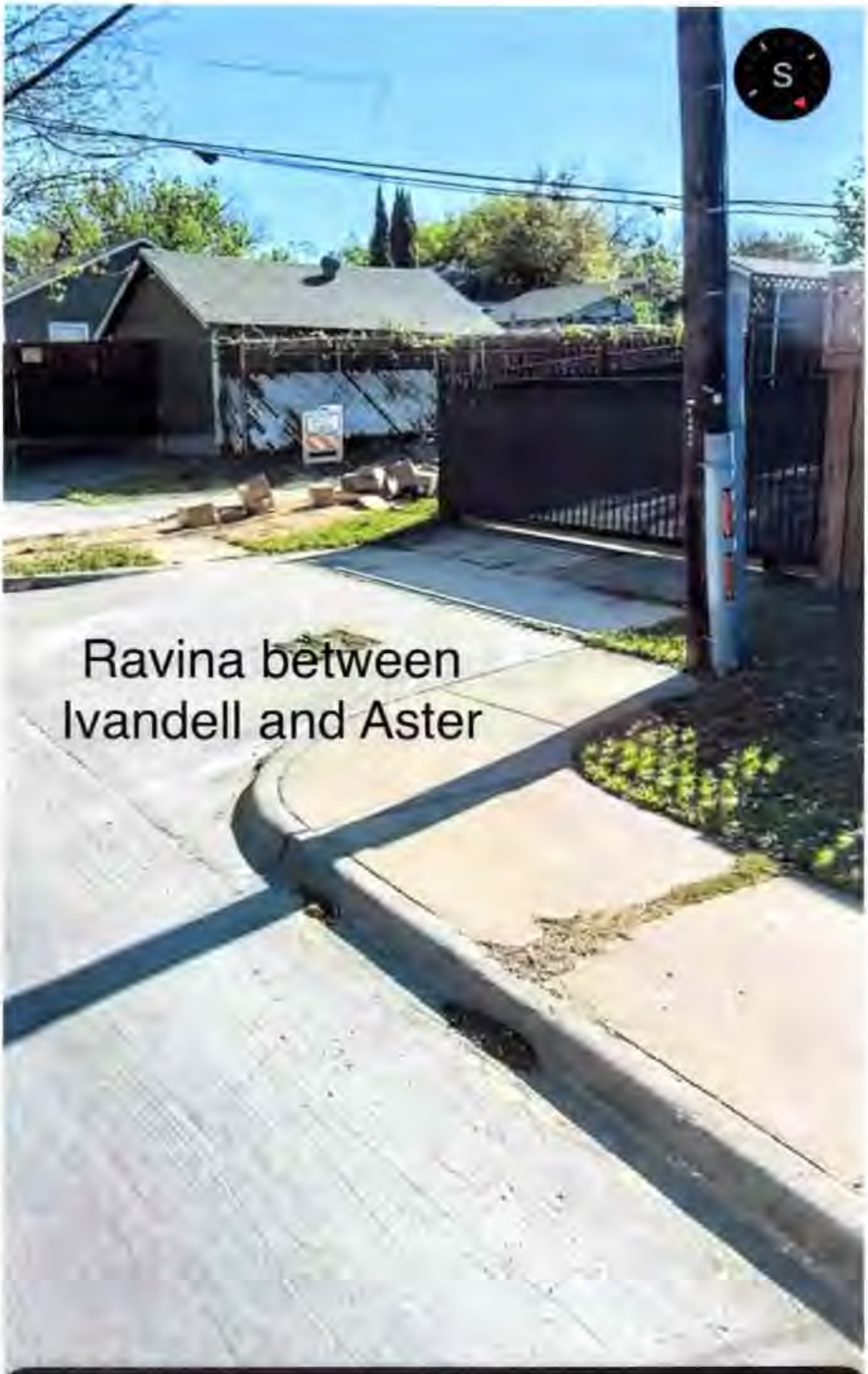
1053–1081 S Ravinia Dr

Oak Cliff, Dallas



950–974 S Ravinia Dr

Kessler Plaza, Dallas

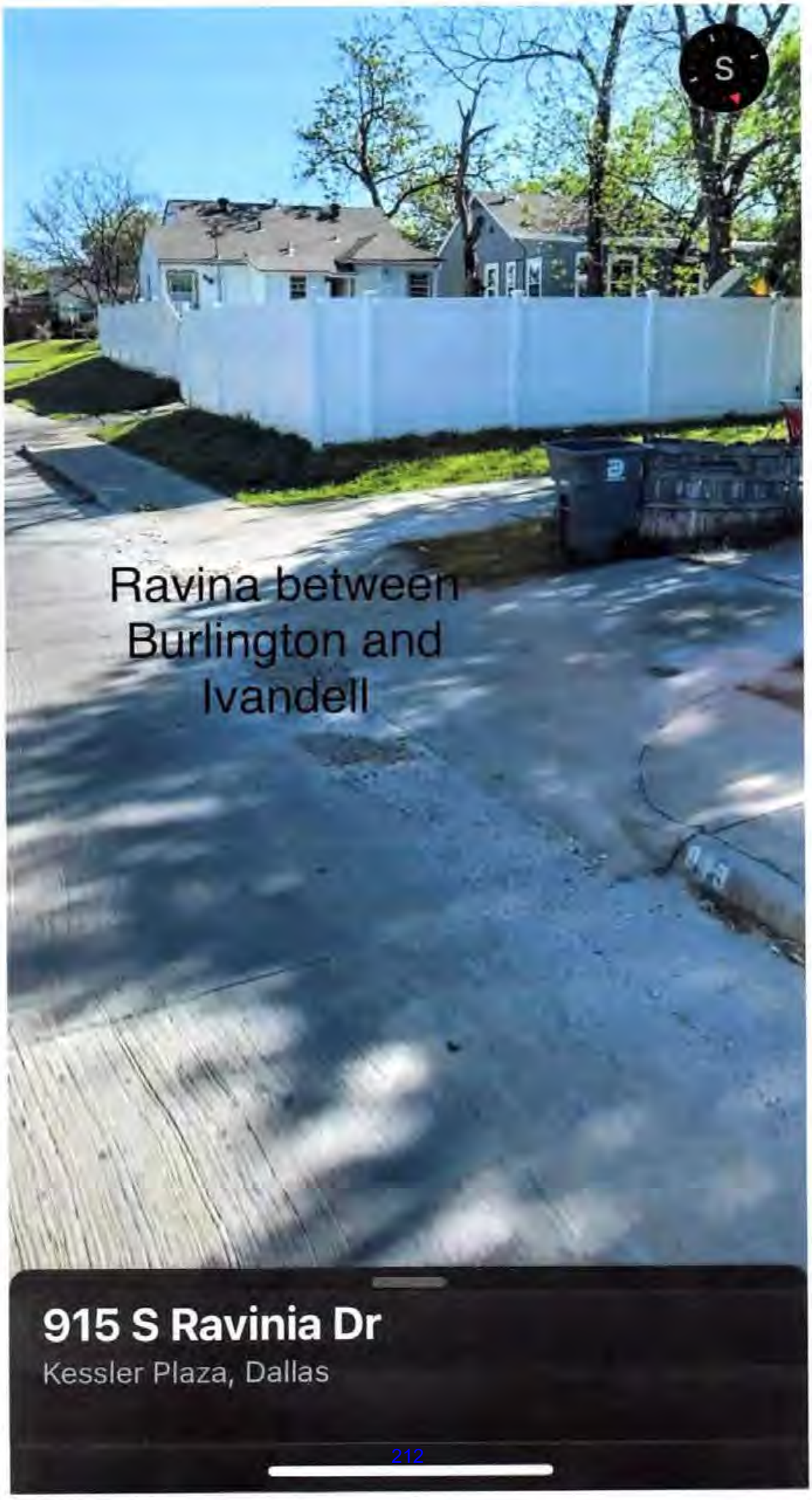


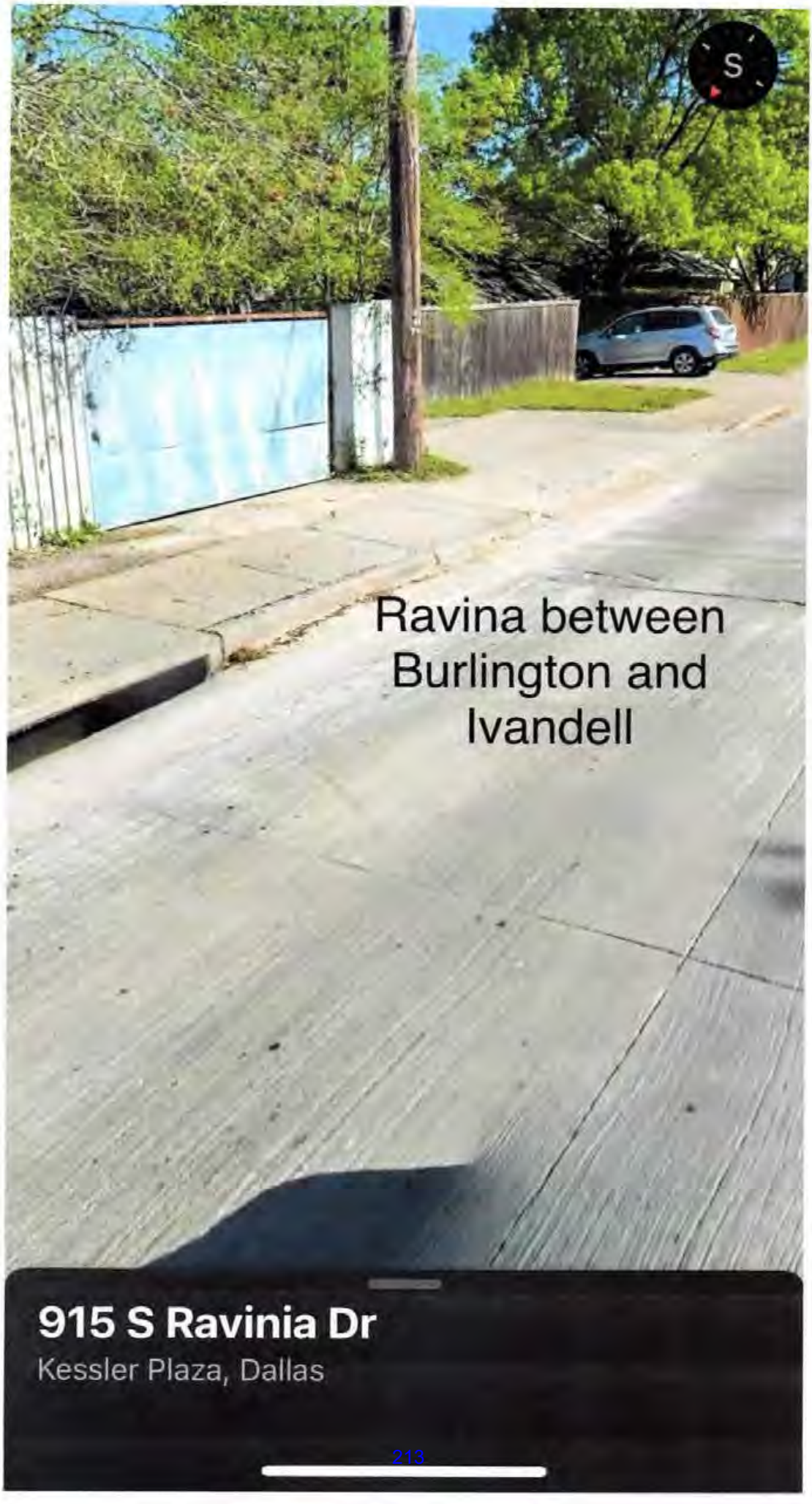
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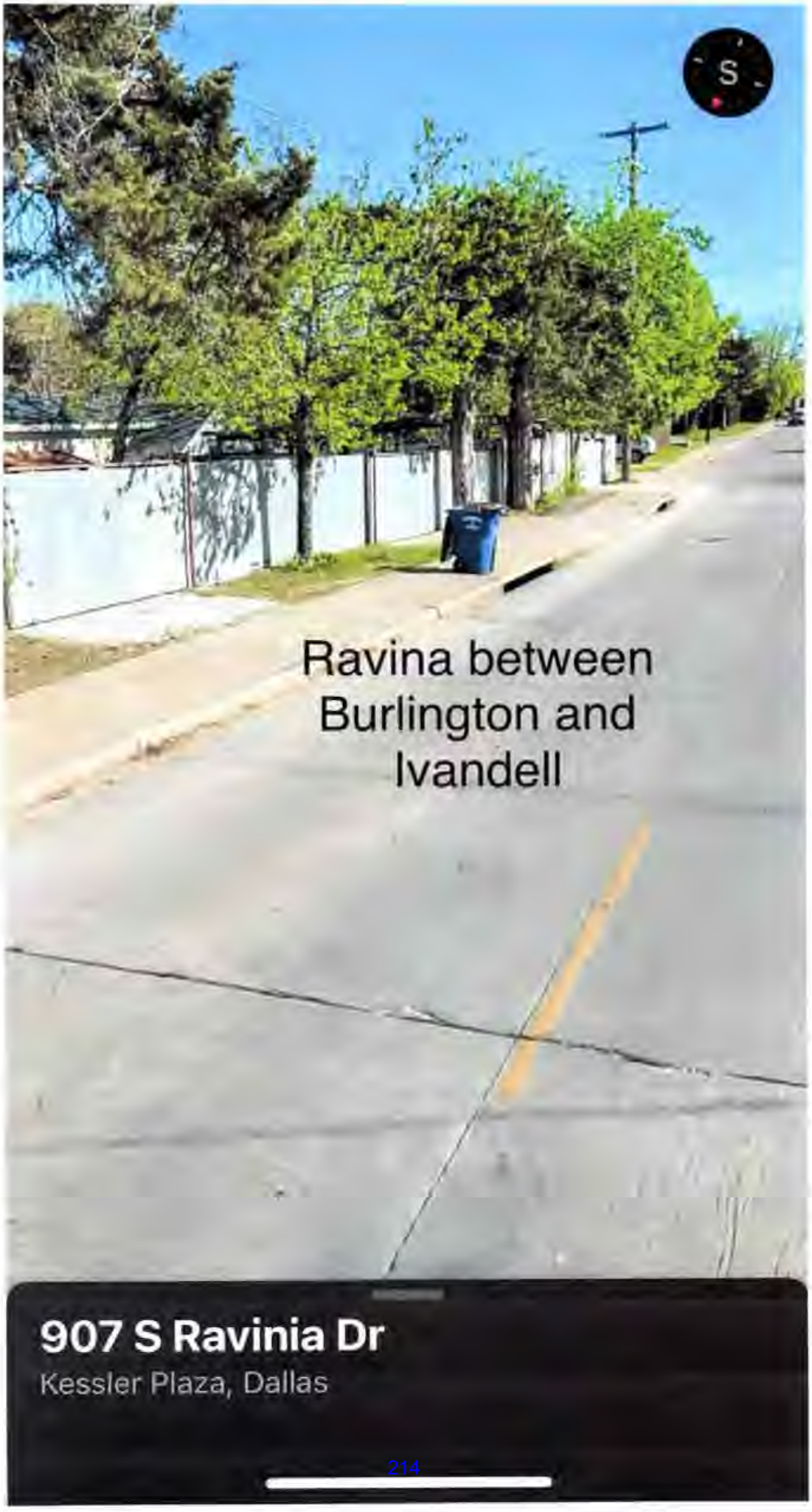
Kessler Plaza, Dallas


S
Ravina between
Ivandell and
Aster
950–974 S Ravinia Dr
Kessler Plaza, Dallas

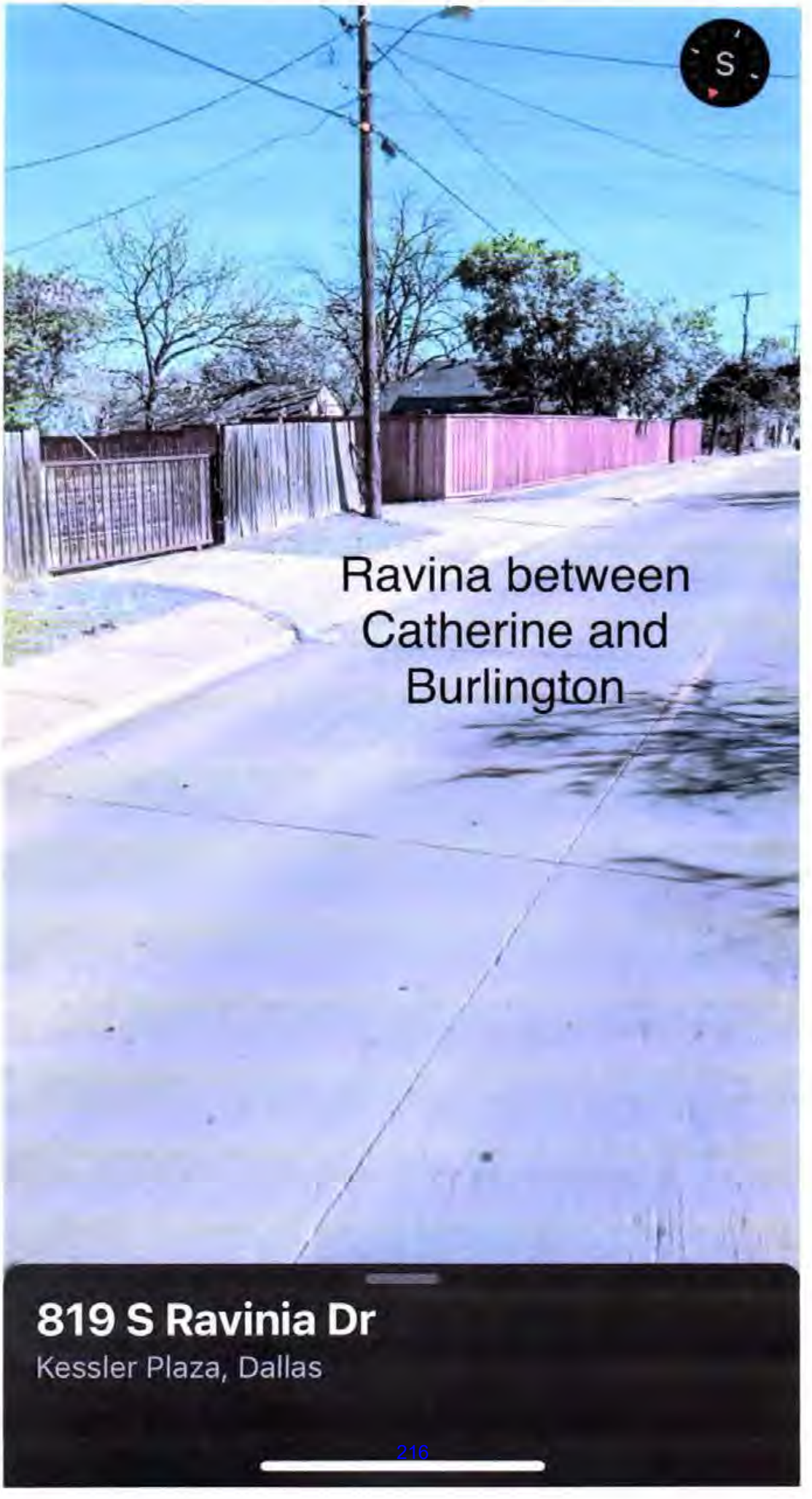

S
dell Ave
Ravina between
Burlington and
Ivandell
953–999 S Ravinia Dr
Kessler Plaza, Dallas


S
Ravina between
Burlington and
Ivandell
915 S Ravinia Dr
Kessler Plaza, Dallas


S
Ravina between
Burlington and
Ivandell
915 S Ravinia Dr
Kessler Plaza, Dallas


S
Ravina between
Burlington and
Ivandell
907 S Ravinia Dr
Kessler Plaza, Dallas


S
Ravina between
Catherine and Burlington
827 S Ravinia Dr
Kessler Plaza, Dallas


S
Ravina between
Catherine and
Burlington
819 S Ravinia Dr
Kessler Plaza, Dallas



Ravina between
Gladstone and
Brooklyn

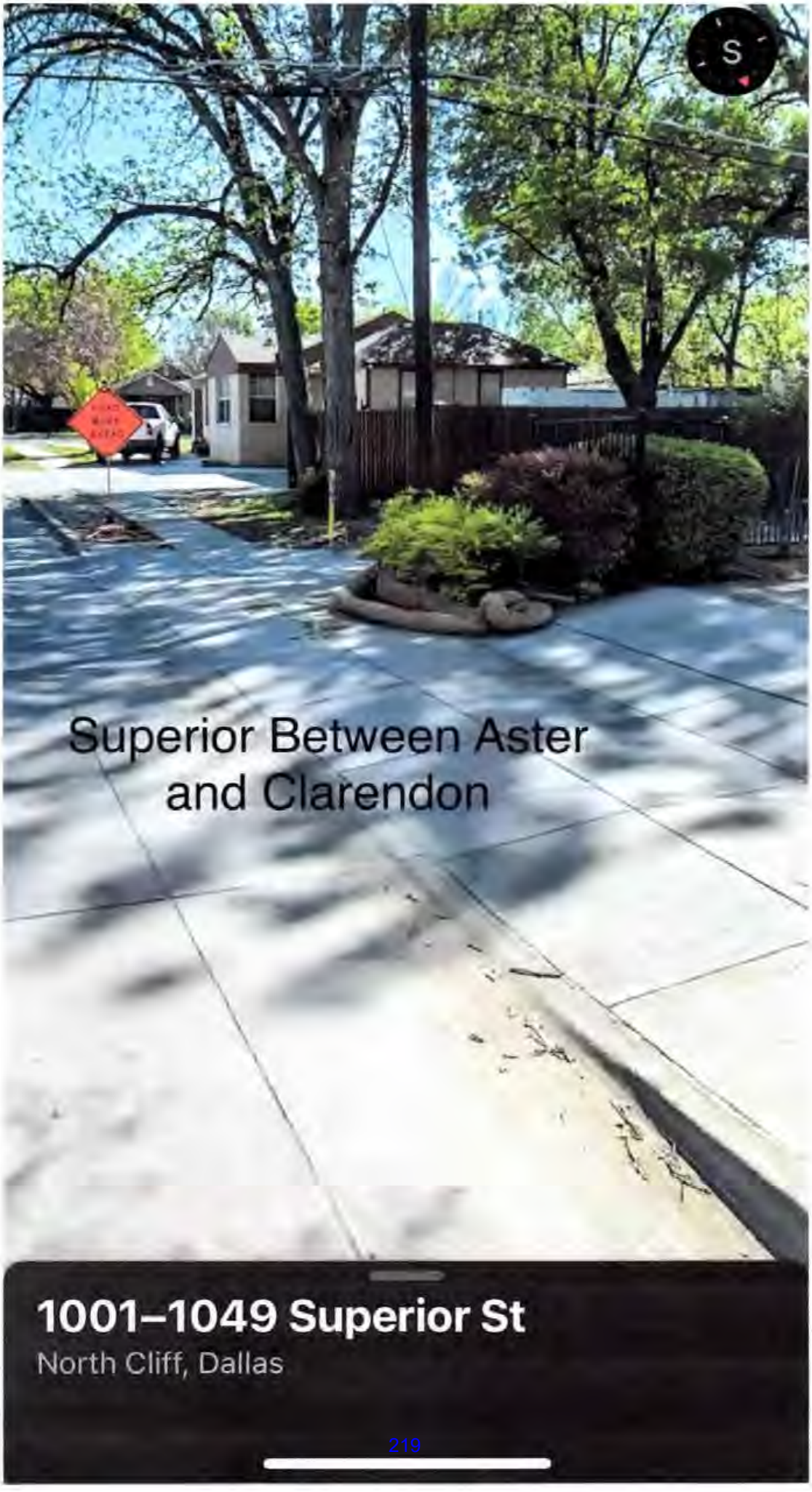
621 S Ravinia Dr

North Cliff, Dallas



1001–1049 Superior St

North Cliff, Dallas



1001–1049 Superior St

North Cliff, Dallas

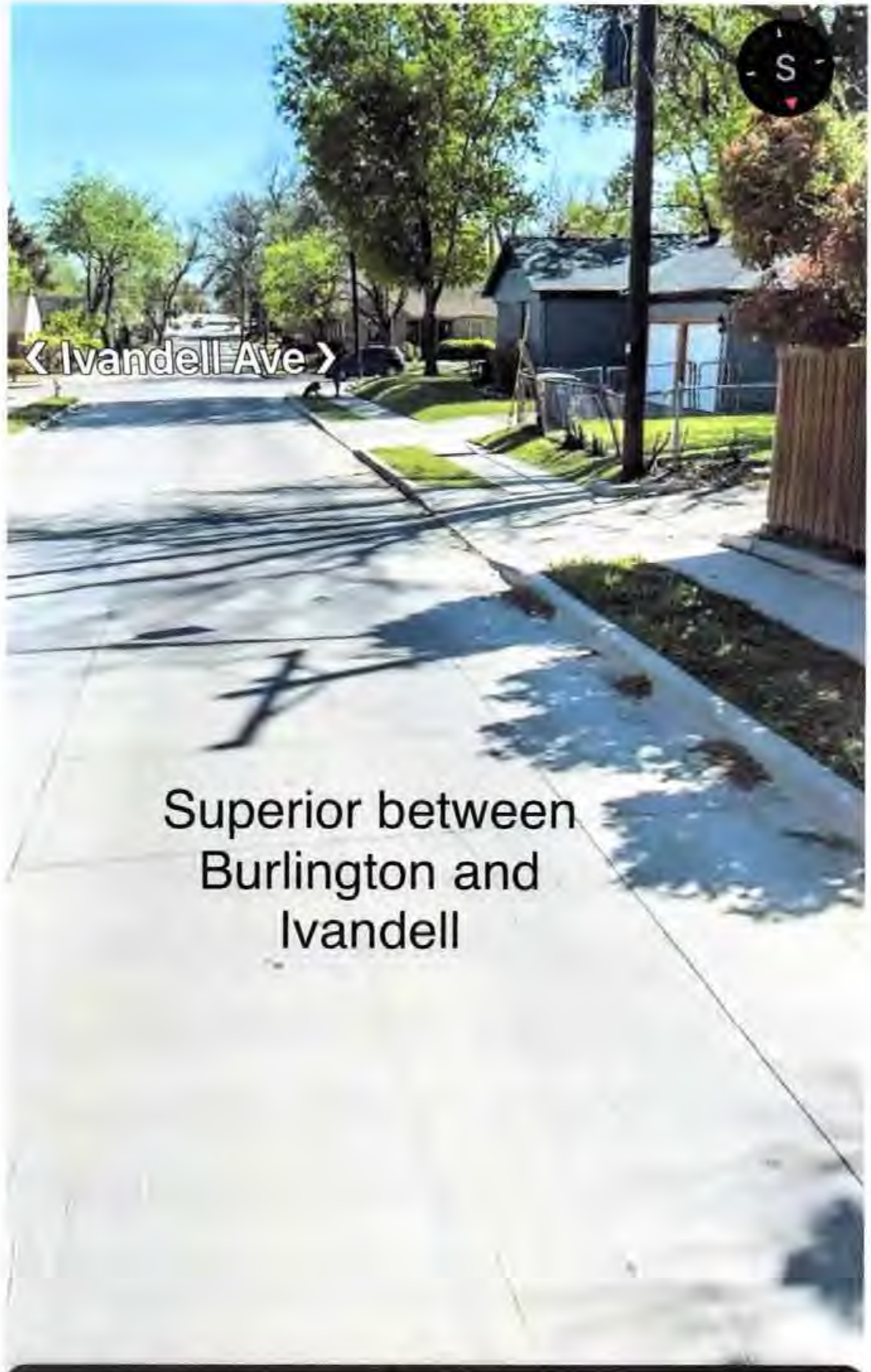


Superior between
Ivandell and Aster

951–975 Superior St

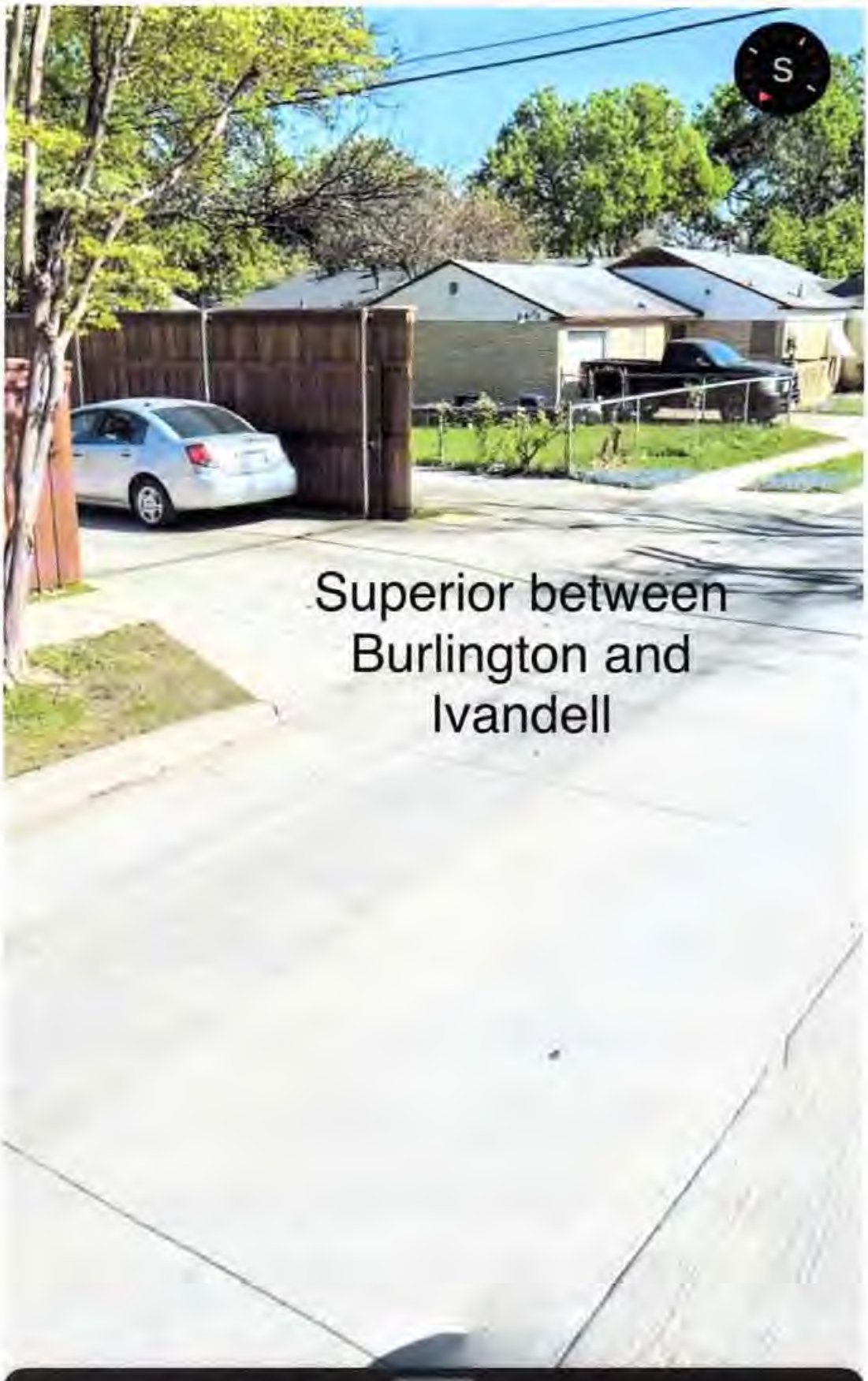
North Cliff, Dallas


S
Aster St
Superior between
Ivandell and Aster
951–975 Superior St
North Cliff, Dallas



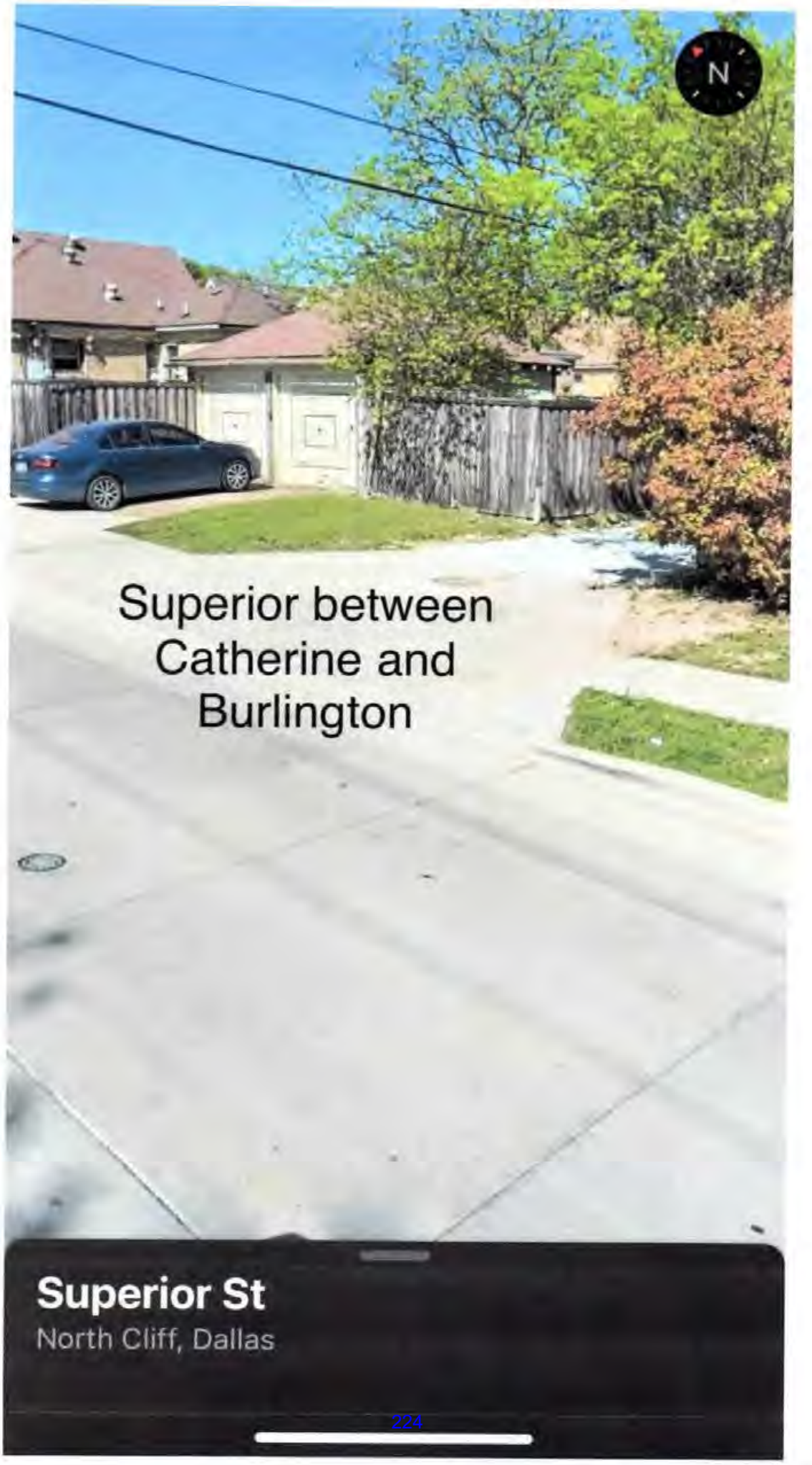
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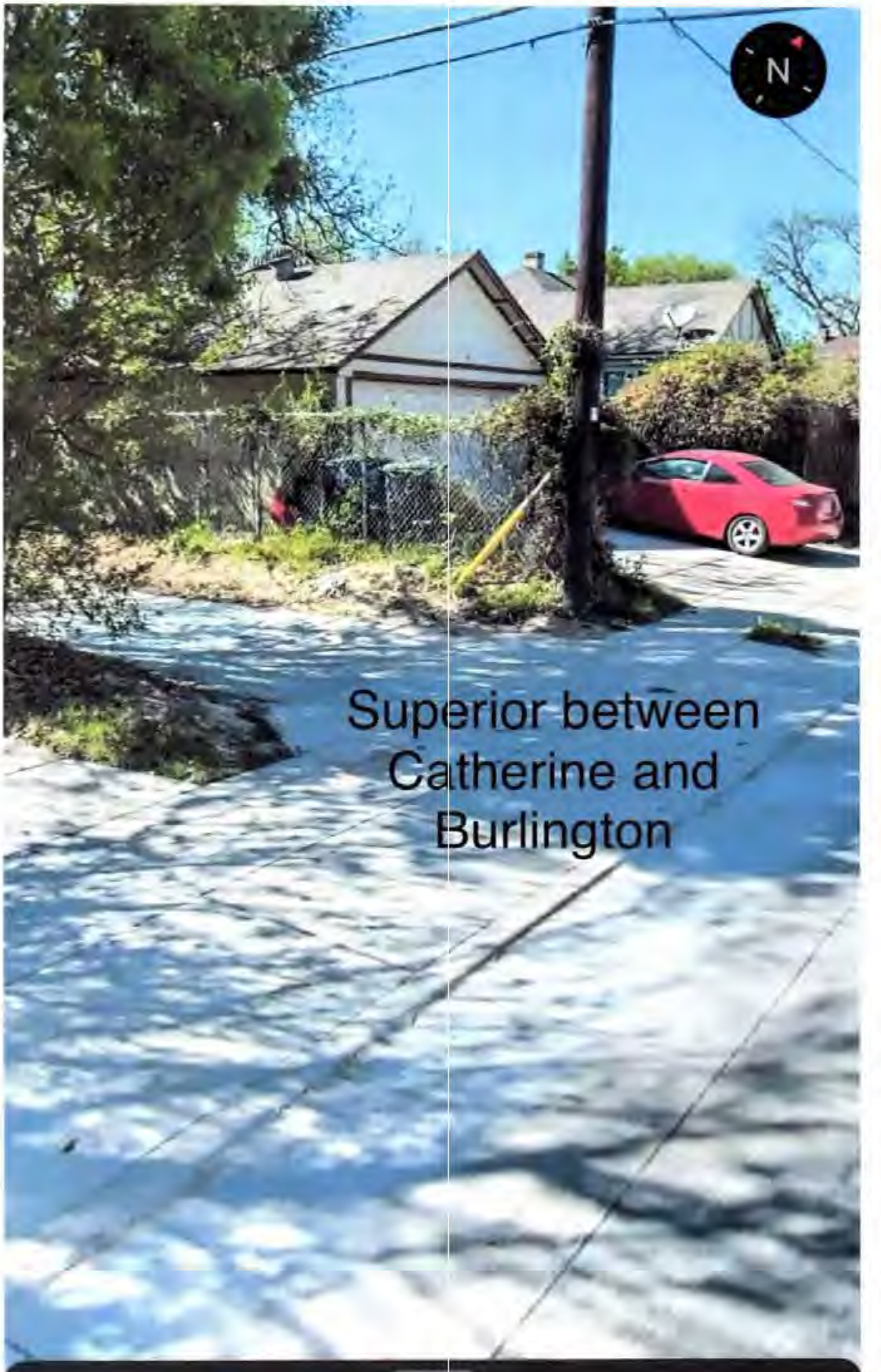
North Cliff, Dallas



901–925 Superior St

North Cliff, Dallas


N
Superior between
Catherine and
Burlington
Superior St
North Cliff, Dallas



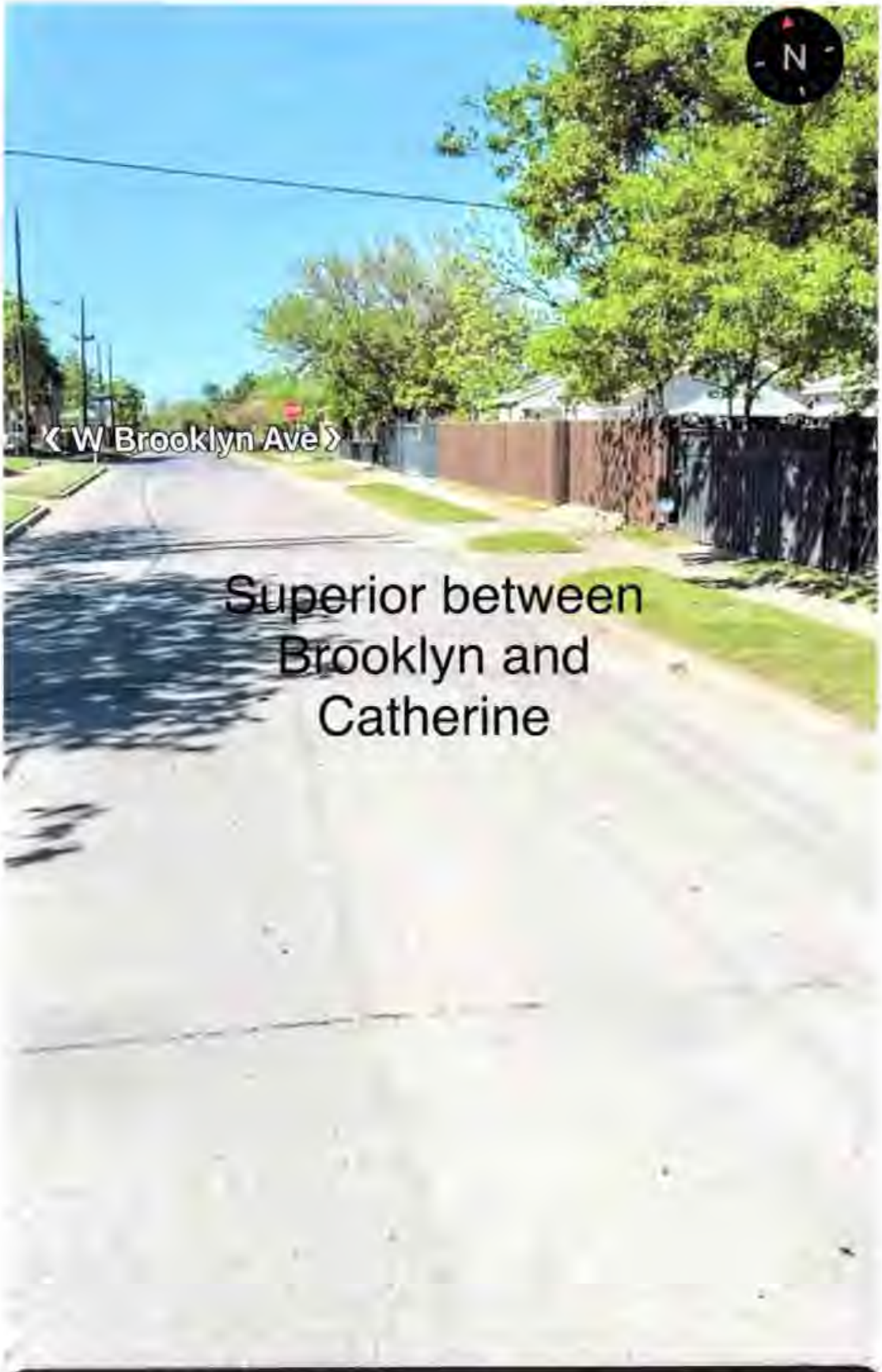
Superior St

North Cliff, Dallas



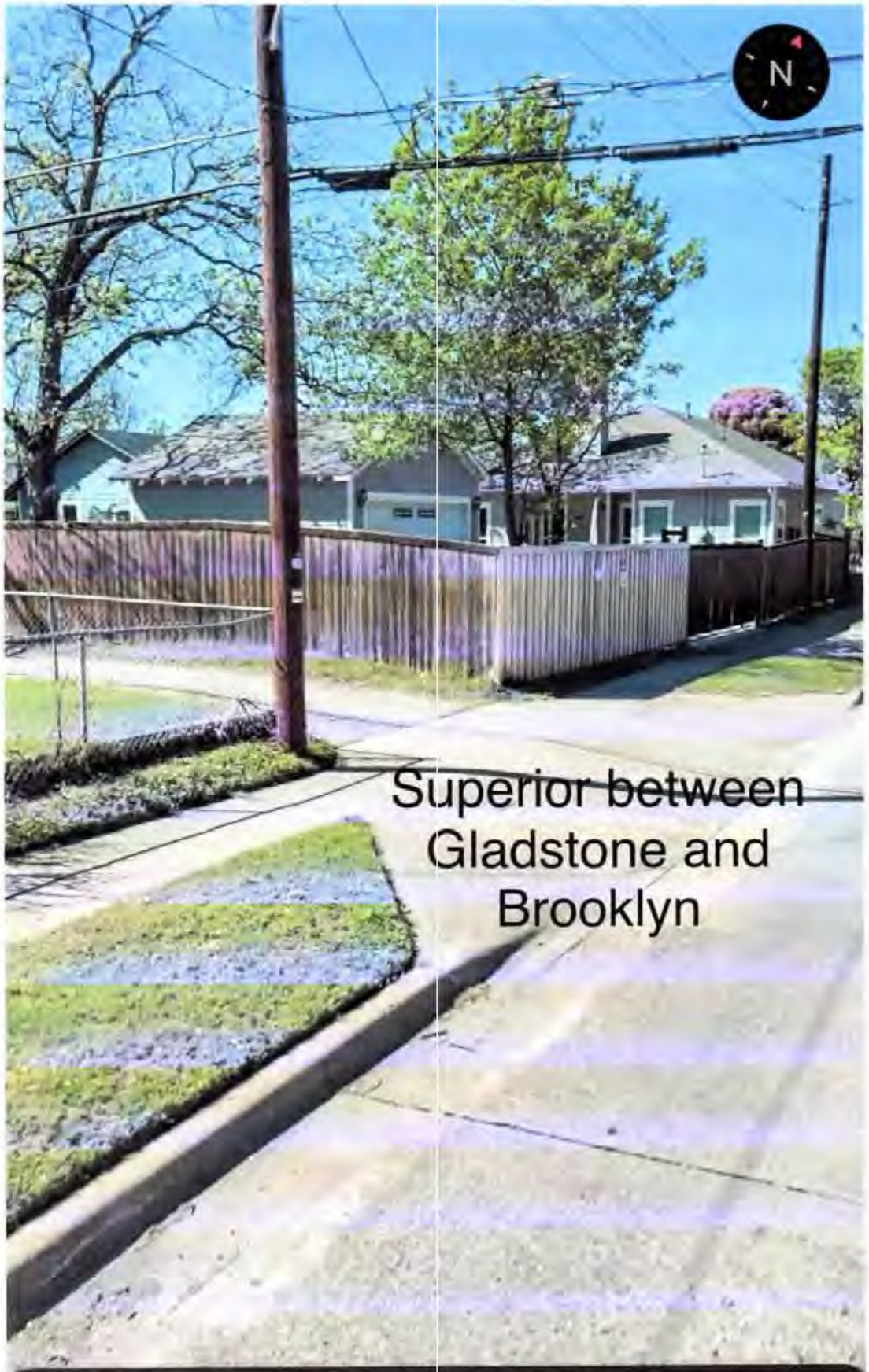
Superior St

North Cliff, Dallas



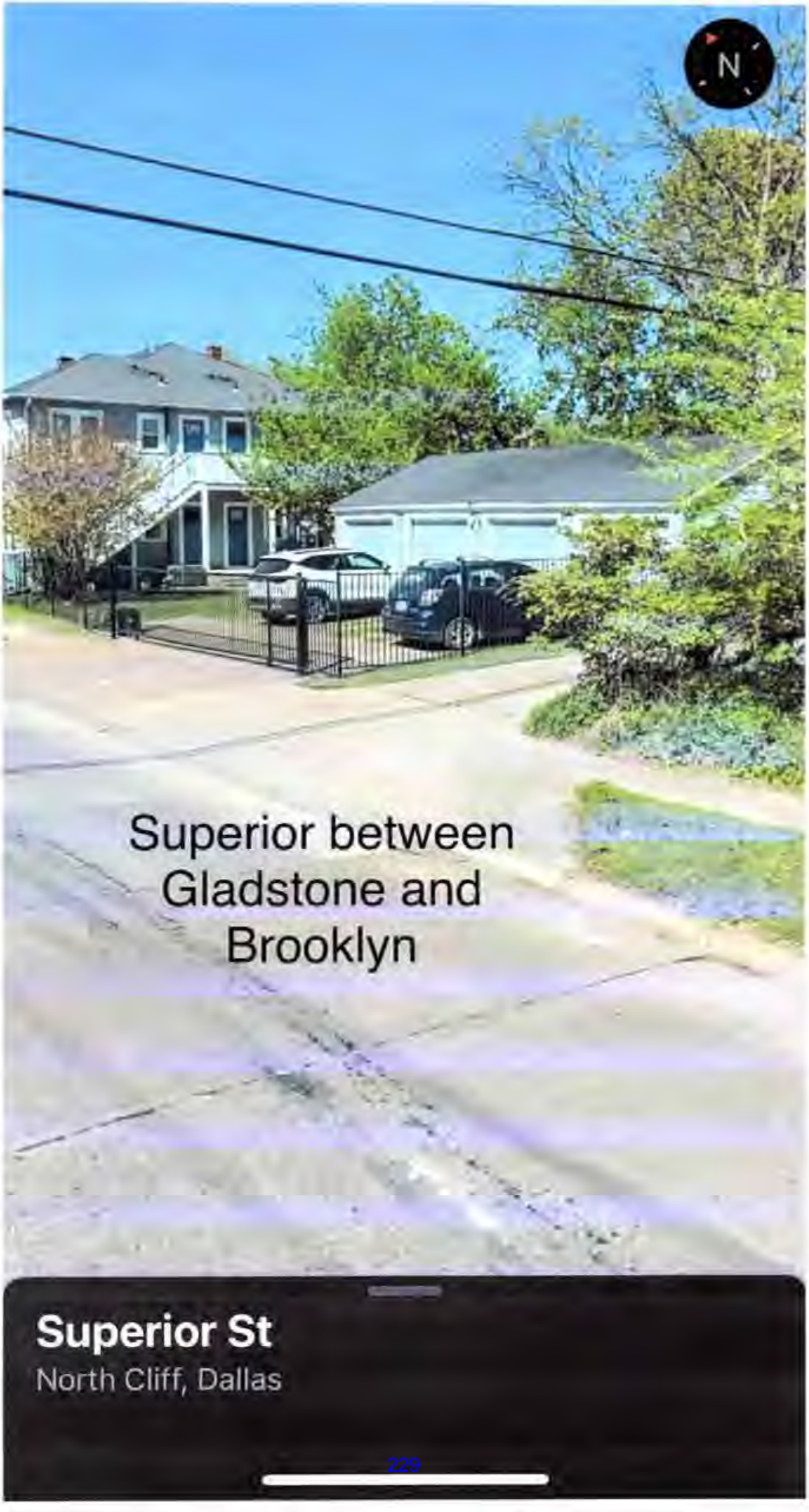
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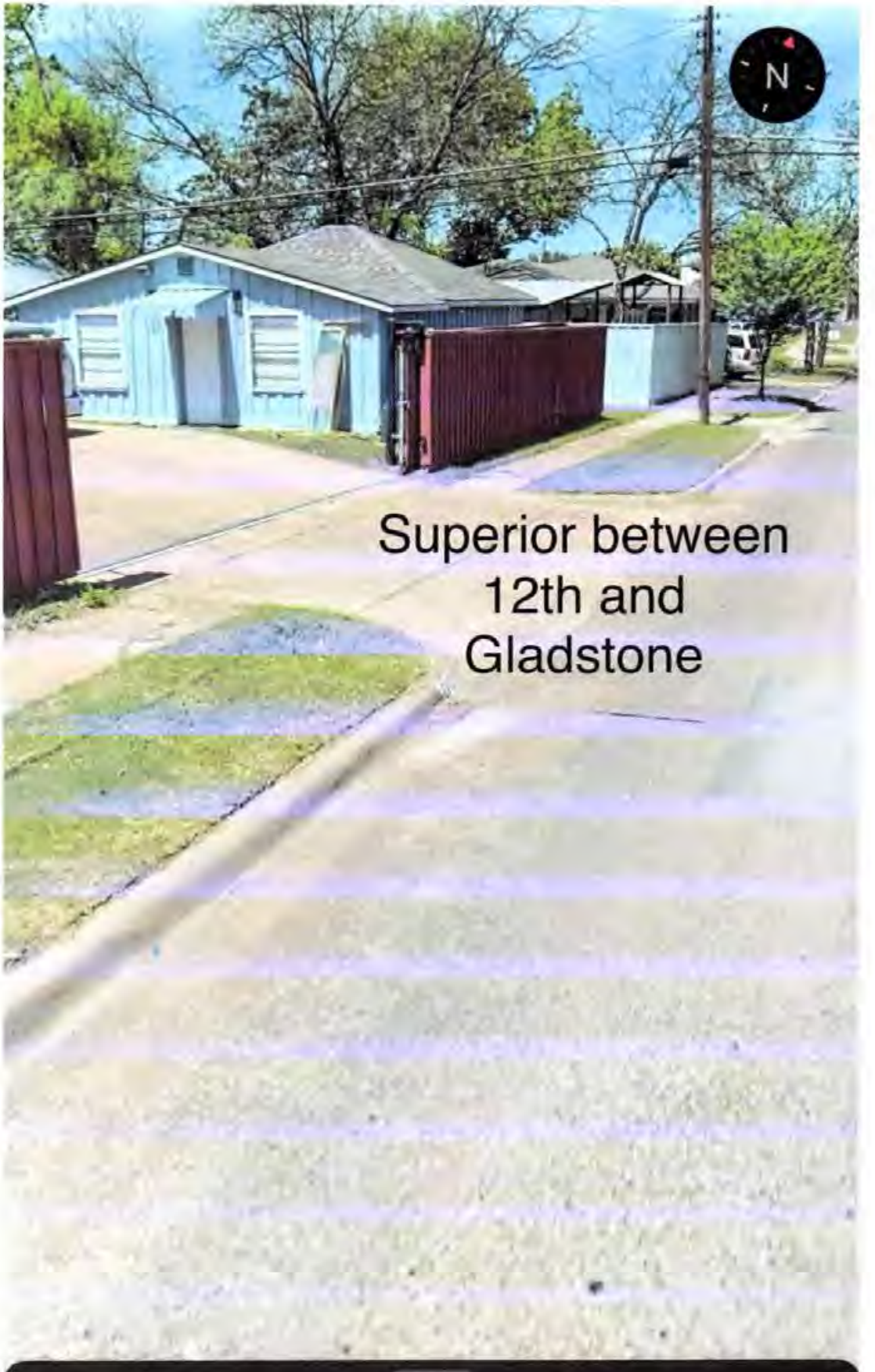
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Superior St

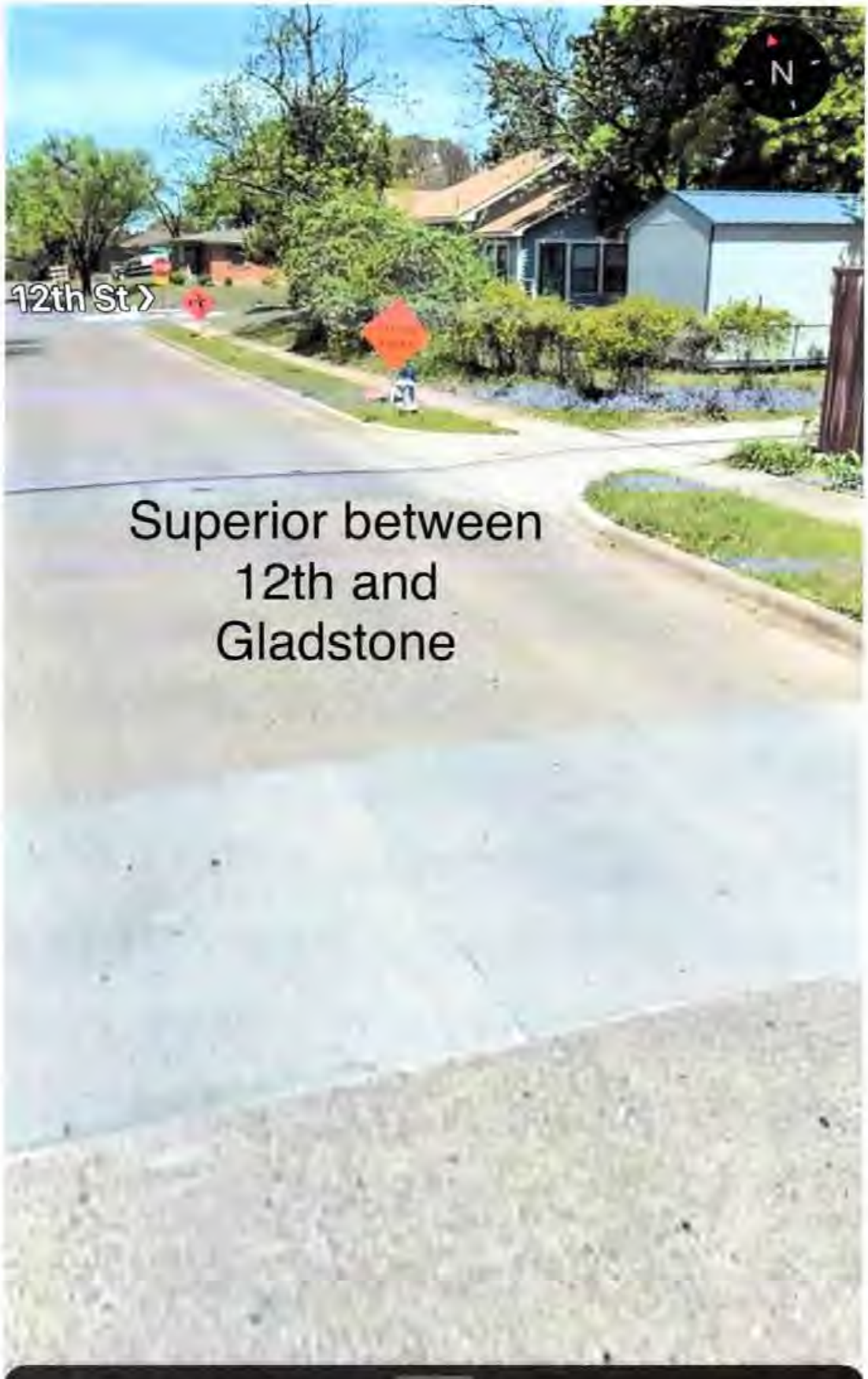
North Cliff, Dallas


N
Superior between
Gladstone and
Brooklyn
Superior St
North Cliff, Dallas



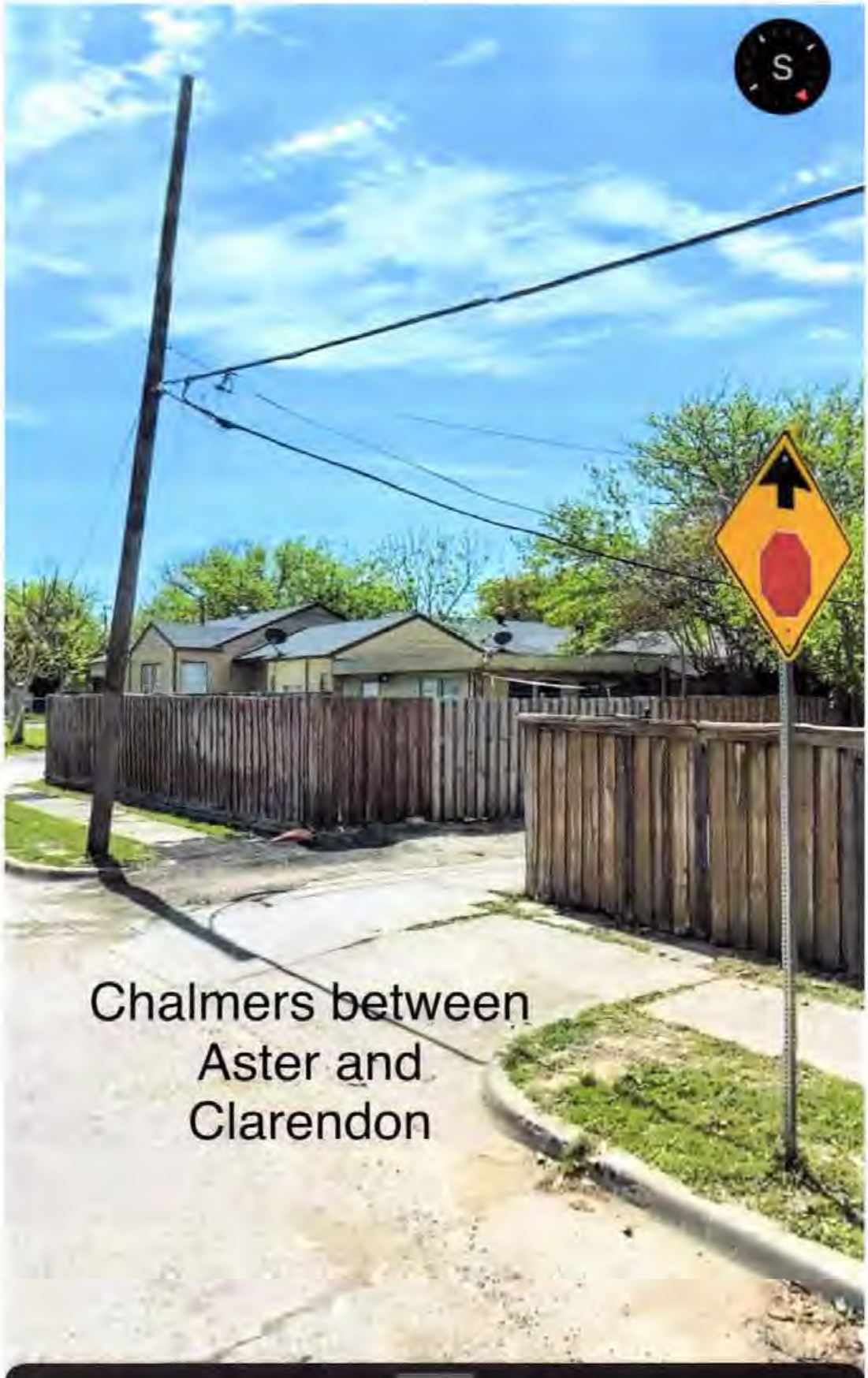
549–599 Superior St

North Cliff, Dallas



549–599 Superior St

North Cliff, Dallas



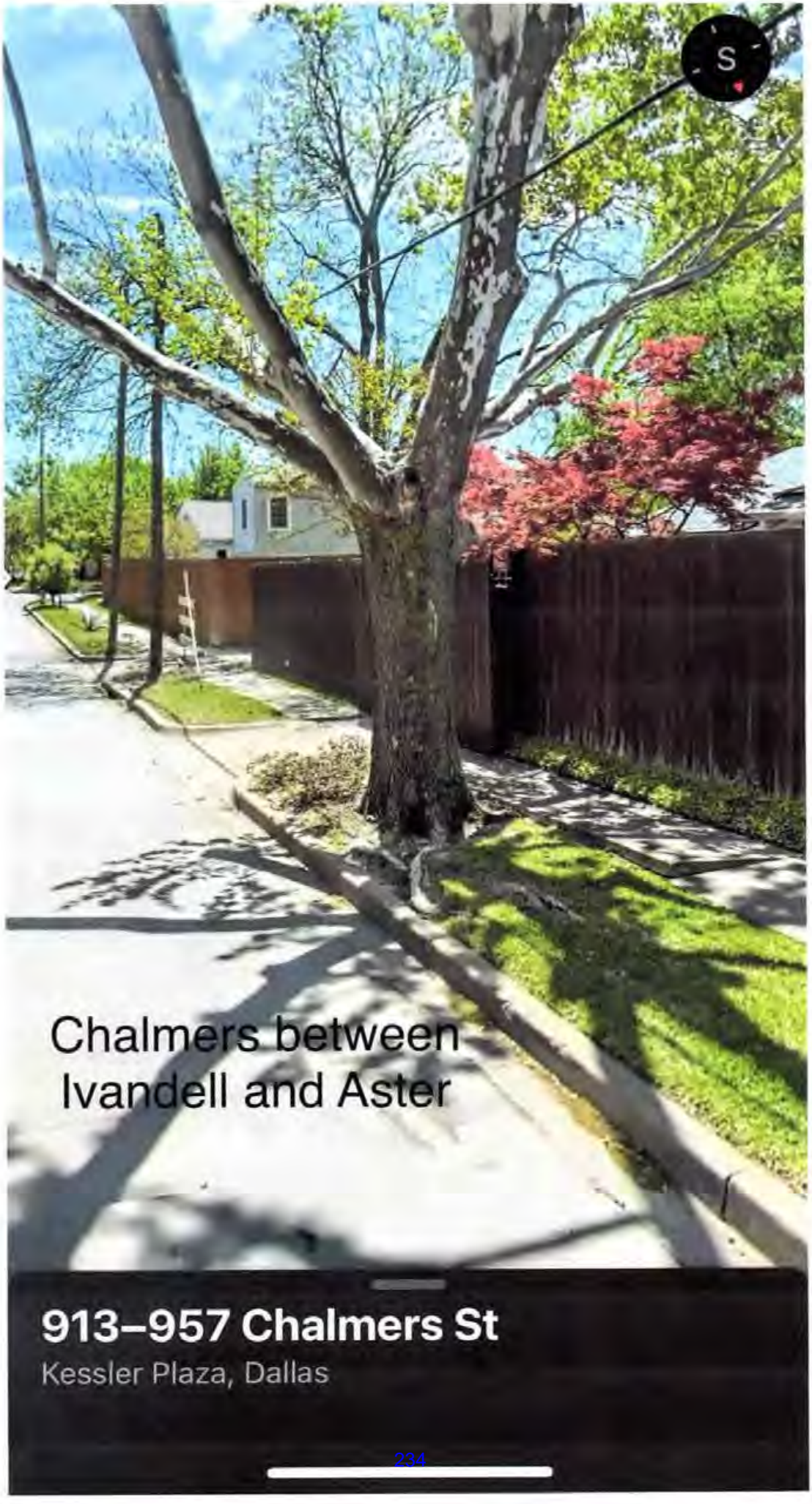
1001–1051 Chalmers St

Oak Cliff, Dallas



913–957 Chalmers St

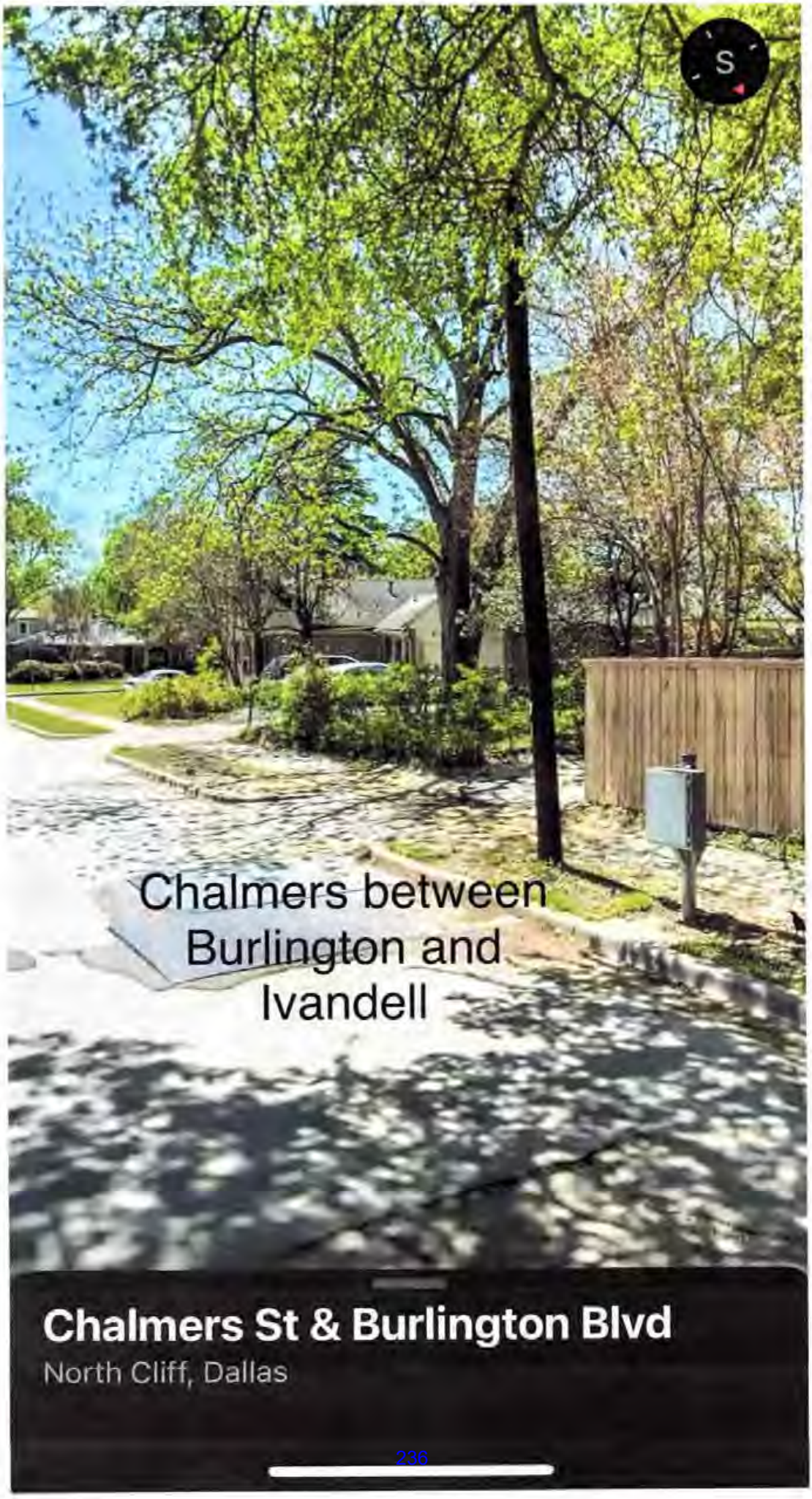
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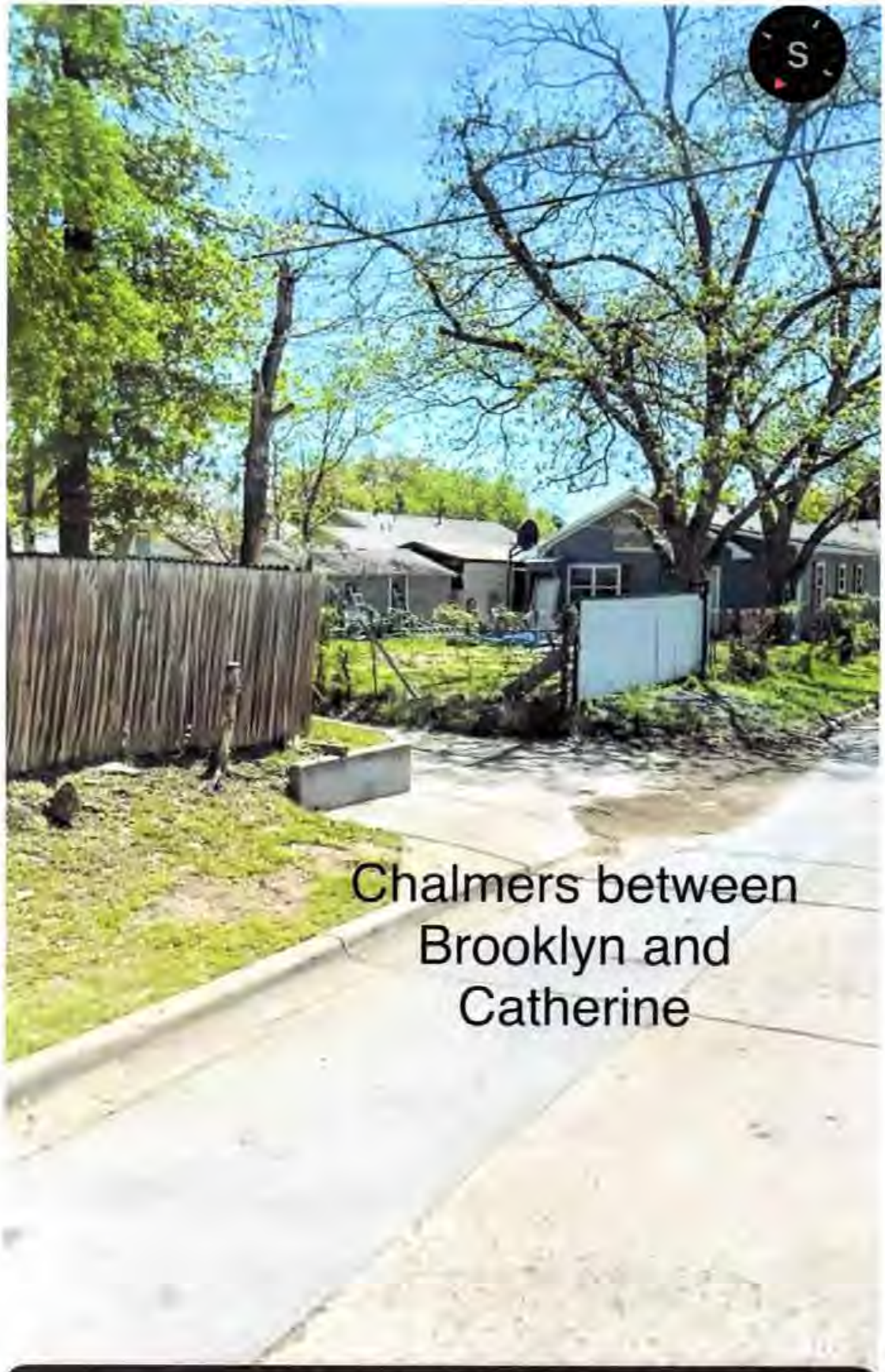

S
Chalmers between
Ivandell and Aster
913–957 Chalmers St
Kessler Plaza, Dallas



Chalmers St & Ivandell Ave

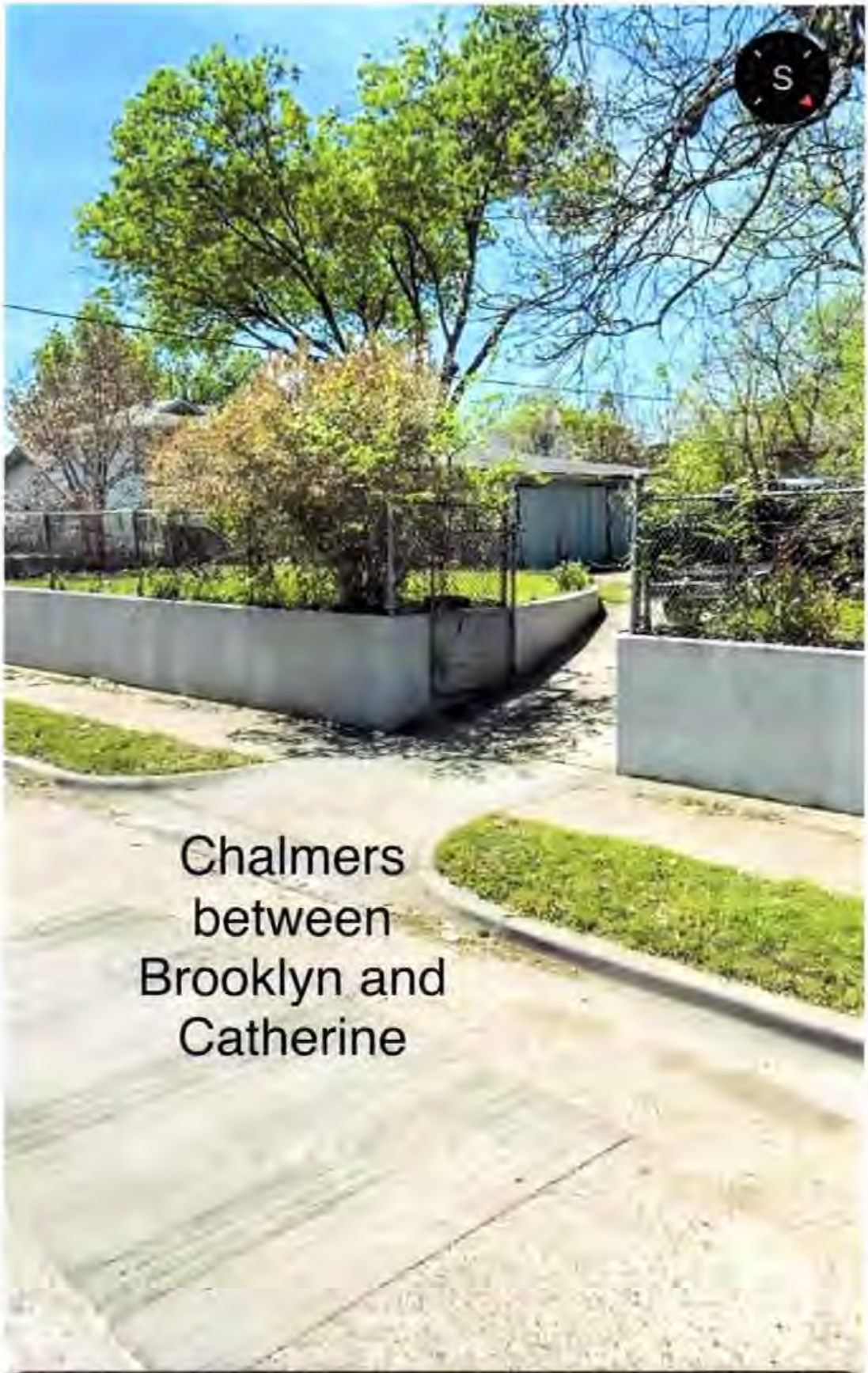
Kessler Plaza, Dallas


S
Chalmers between
Burlington and
Ivandell
Chalmers St & Burlington Blvd
North Cliff, Dallas



701–747 Chalmers St

North Cliff, Dallas



701–747 Chalmers St

North Cliff, Dallas



601–649 Chalmers St

North Cliff, Dallas



601–649 Chalmers St

North Cliff, Dallas



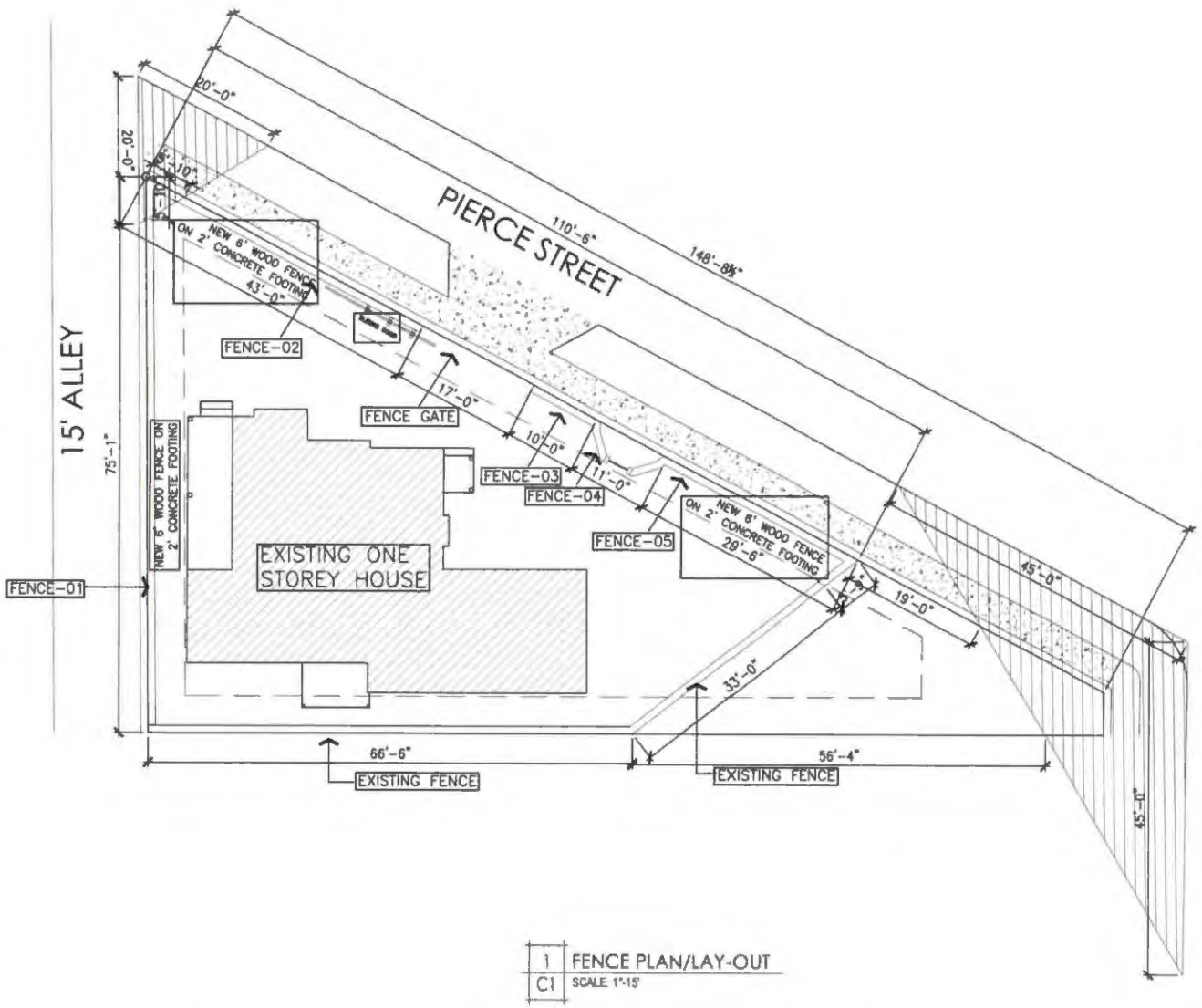
521–549 Chalmers St

North Cliff, Dallas



501–519 Chalmers St

North Cliff, Dallas



1 C1 FENCE PLAN/LAY-OUT
SCALE 1"-15'

SEAL

Project Consulting & Construction

REVISIONS

NO.	DESCRIPTION	DATE
1		

ADDRESS
2764 CATHERINE, DALLAS, TX. 75211

DATE
08/26/2023

DRAWN BY
MJKB

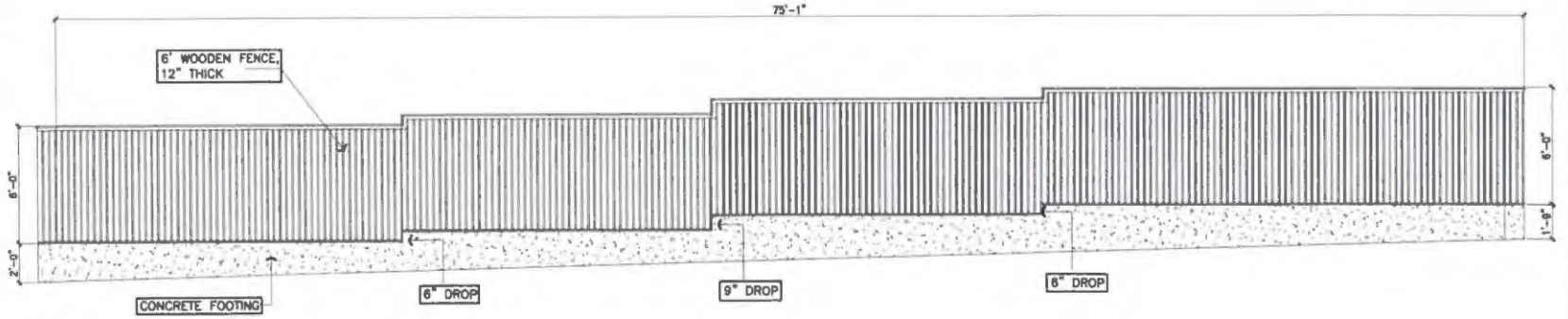
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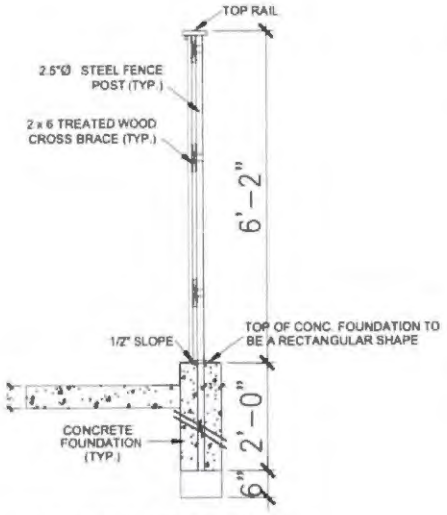
SCALE
1"-15'

SHEET TITLE
FENCE PLAN/LAYOUT

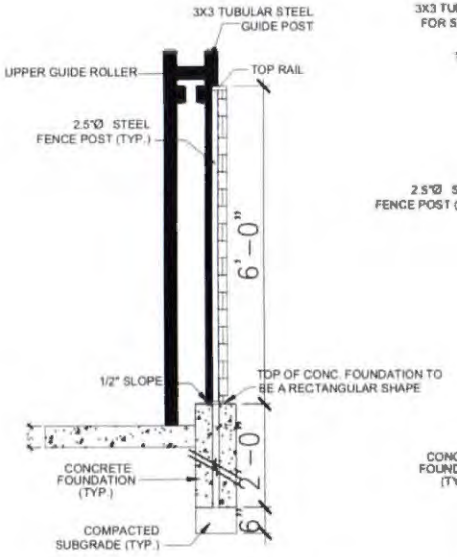
SHEET #
C1.01



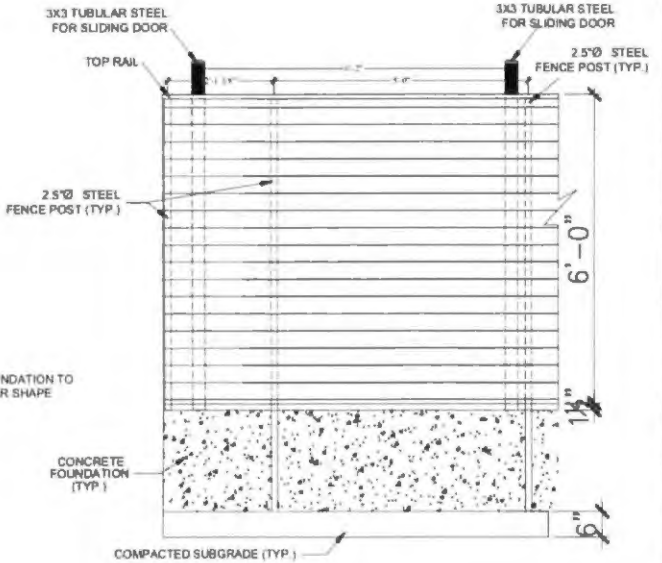
FENCE -01



WOOD FENCE SECTION @ FENCE-01



WOOD FENCE SECTION @ FENCE GATE



ELEVATION

1	FENCE DRAWINGS AND DETAIL
C2	SCALE: NTS

SEAL

Project Consulting & Construction

REVISIONS

NO.	DESCRIPTION	DATE
△		

ADDRESS
2764 CATHERINE, DALLAS, TX. 75211

DATE
08/26/2023

DRAWN BY
MJKB

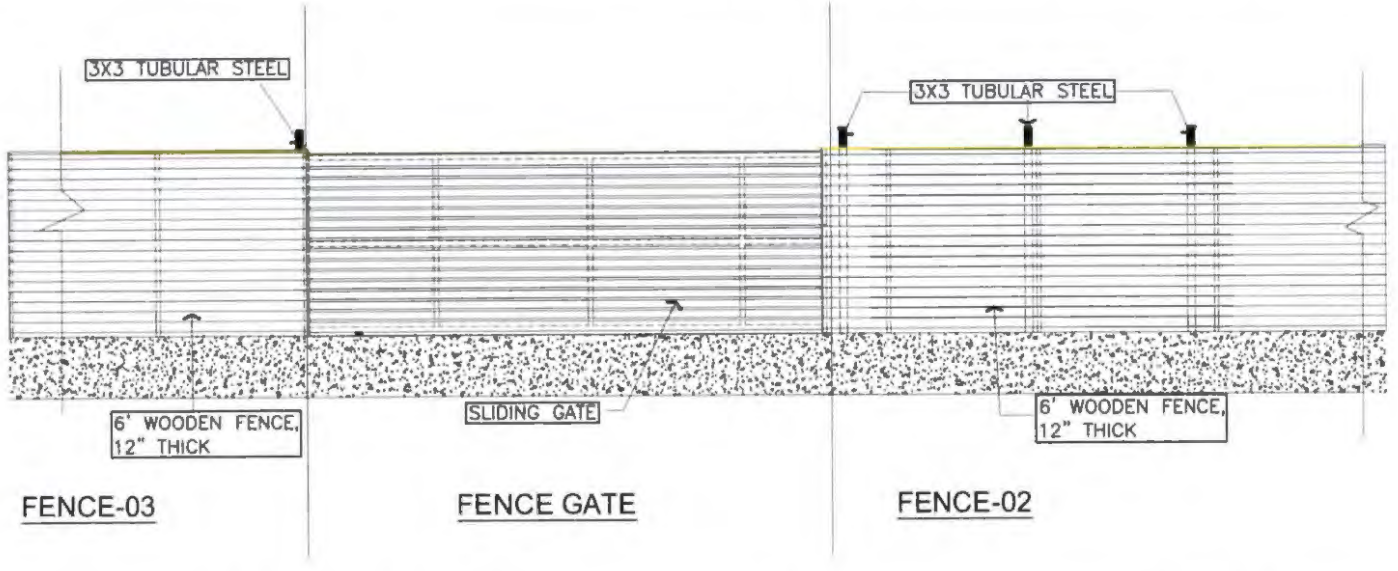
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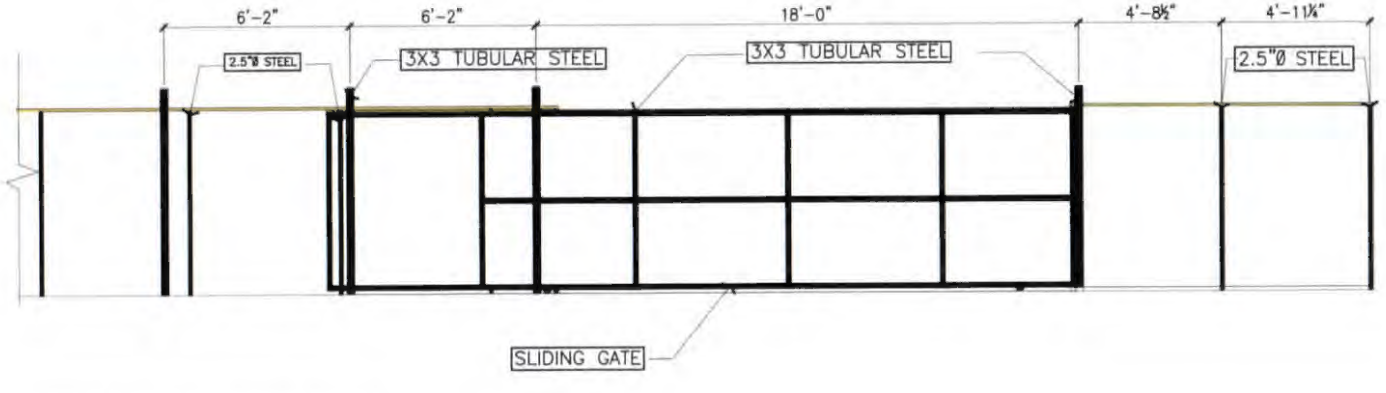
DESCRIPTION

SCALE
NTS

SHEET TITLE
FENCE DETAILS

SHEET #
C1.02





STRUCTURAL GATE DETAIL

1	FENCE DRAWINGS AND DETAIL
C3	SCALE: NTS

SEAL

Project Consulting & Construction

DESIGN + BUILD + CONSULTANCY

Frisco, TX 75[illegible]

Tel: 1[illegible]

REVISIONS

NO.	DESCRIPTION	DATE
△		

ADDRESS

2764 CATHERINE, DALLAS, TX. 75211

DATE

08/26/2023

DRAWN BY

MJKB

CHECKED BY

DESCRIPTION

SCALE

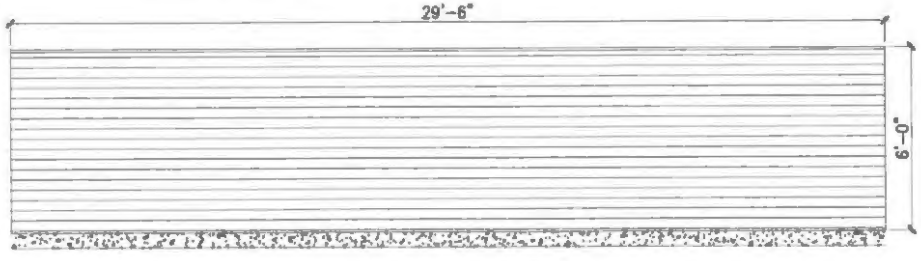
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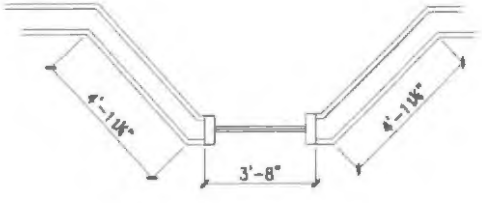
FENCE DETAILS

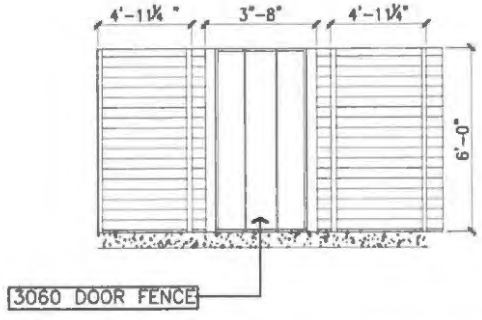
SHEET #

C1.03



FENCE-05





FENCE-04

1	FENCE DRAWINGS AND DETAIL
C4	SCALE: NTS

SEAL

Project Consulting & Construction
DESIGN + BUILD + CONSULTANCY
Ennis, TX 75119
Tel: (214) 288-3002

REVISIONS

NO.	DESCRIPTION	DATE
△		

ADDRESS
2764 CATHERINE, DALLAS, TX. 75211

DATE
08/26/2023

DRAWN BY
MJKB

CHECKED BY

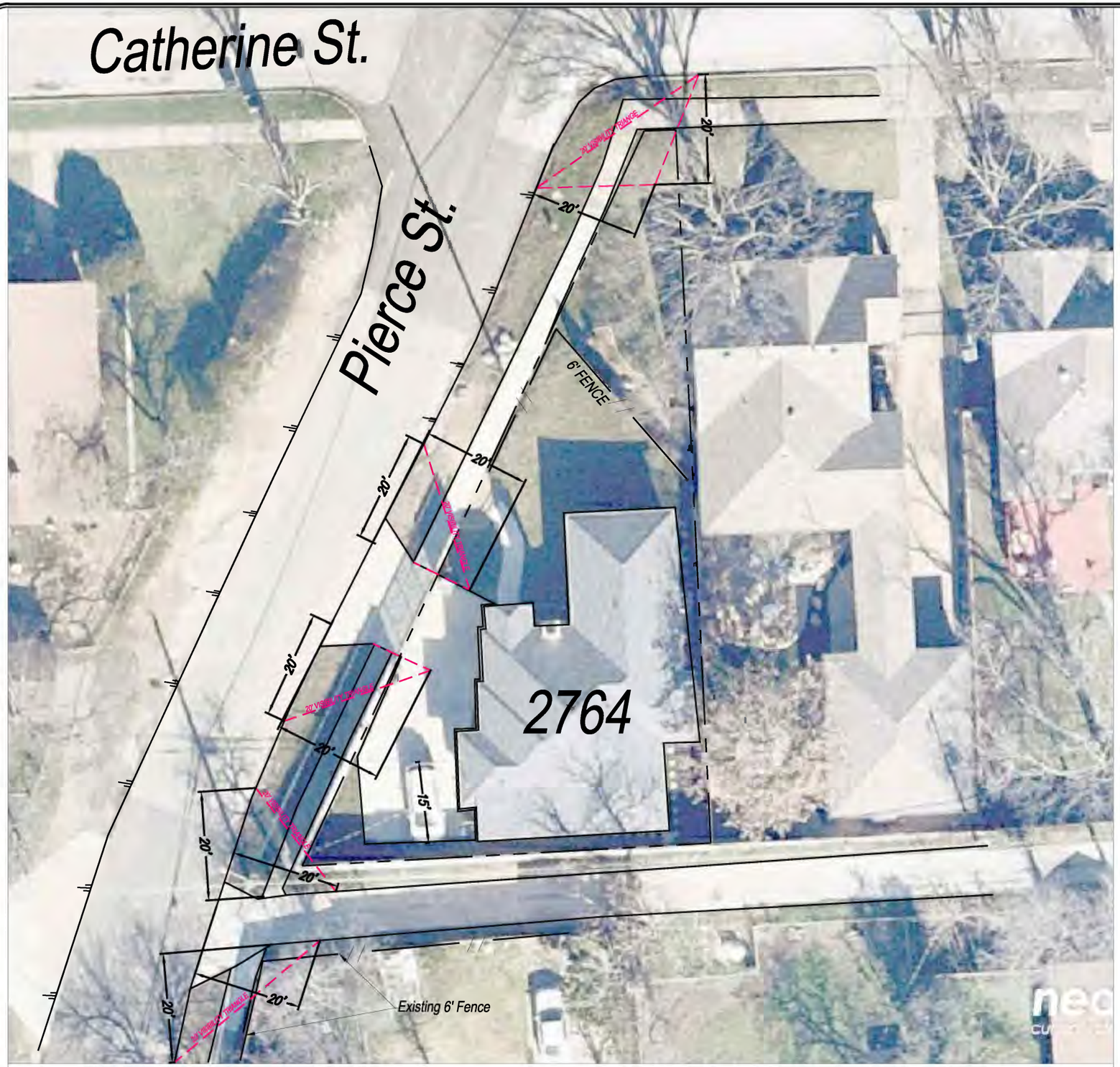
DESCRIPTION

SCALE
NTS

SHEET TITLE
FENCE DETAILS

SHEET #
C1.04

UPDATED SITE PLAN



N

0 20

SCALE IN FEET







SALCEDO GROUP, INC.
REGISTRATION NO. F-5482
CONCEPTUAL - FOR INTERIM
REVIEW ONLY.

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LUIS M. SALCEDO - PE #44267 DATE

Texas P.E. F-5482 : Texas TBPLS Firm License 10070800

20' Visibility Triangles

2764 Catherine
Dallas, TX

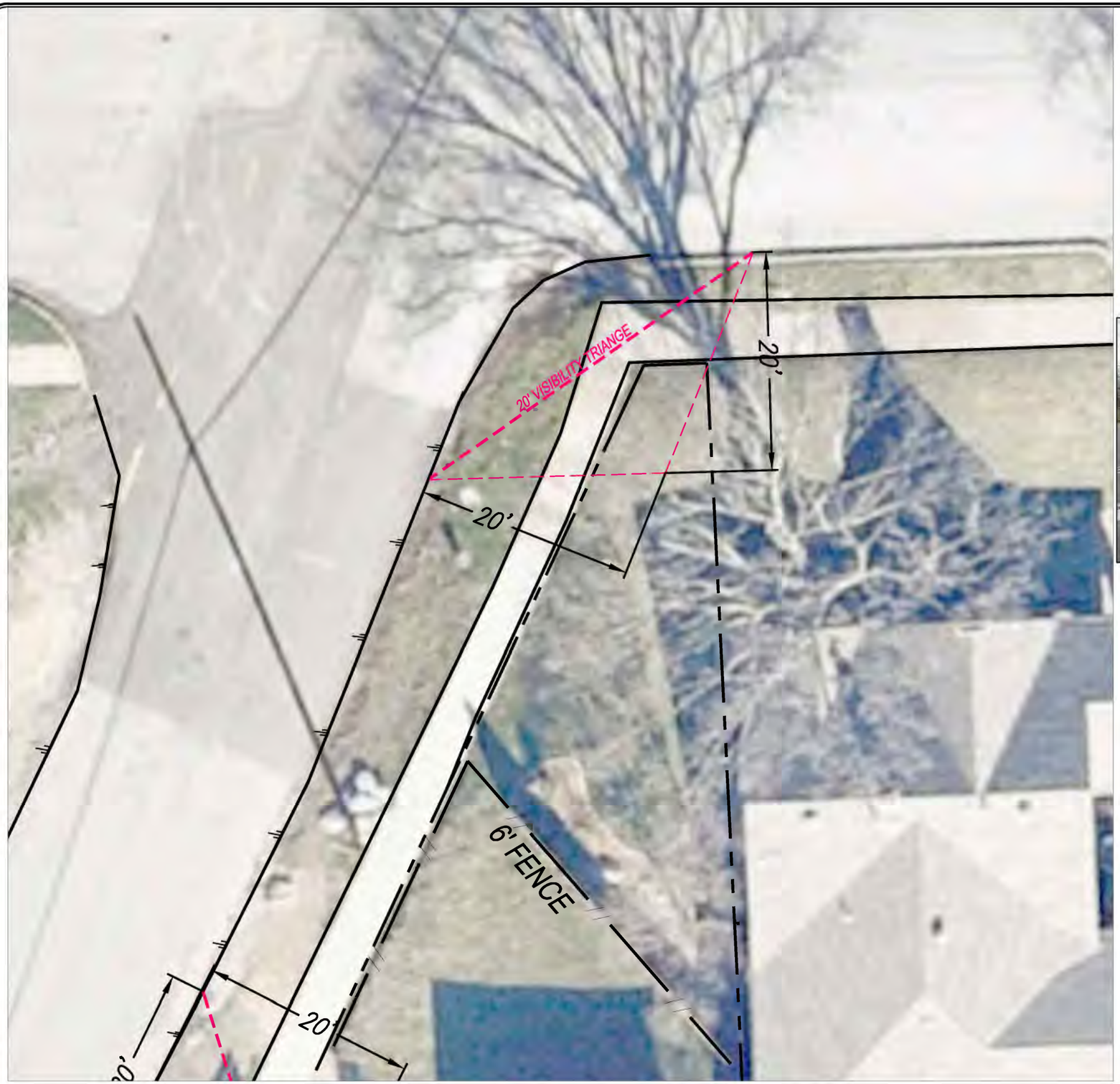
DATE: 2.2.2024
REVISION: 2.2.2024
DRAWN BY:
CHECKED BY: LMS

Salcedo Group, Incorporated
Civil Engineers - Surveyors
401 College Street - Grand Prairie, Texas 75050
Phone: (214) 412-3122 Fax: (214) 412-3089 www.salcedogroupinc.com

A1

SGI Project No. K241023

Feb 02,2024 12:37pm Luis Slacedo
M:\projects\K241023_Robert_Smith_2764Catherine\dwg\2764_Catherine_Lot1b.dwg



N

0 10

SCALE IN FEET



The proposed wood fence will not encroach on the 20–ft Visibility Triangle at the corner of Pierce St. and Catherine St.

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LUIS M. SALCEDO - PE #44267 DATE

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Pierce ● Catherine Visibility Triangle

2704 Catherine Dallas, TX

DATE: 2.2.2024
REVISION: 2.2.2024
DRAWN BY:
CHECKED BY: LMS

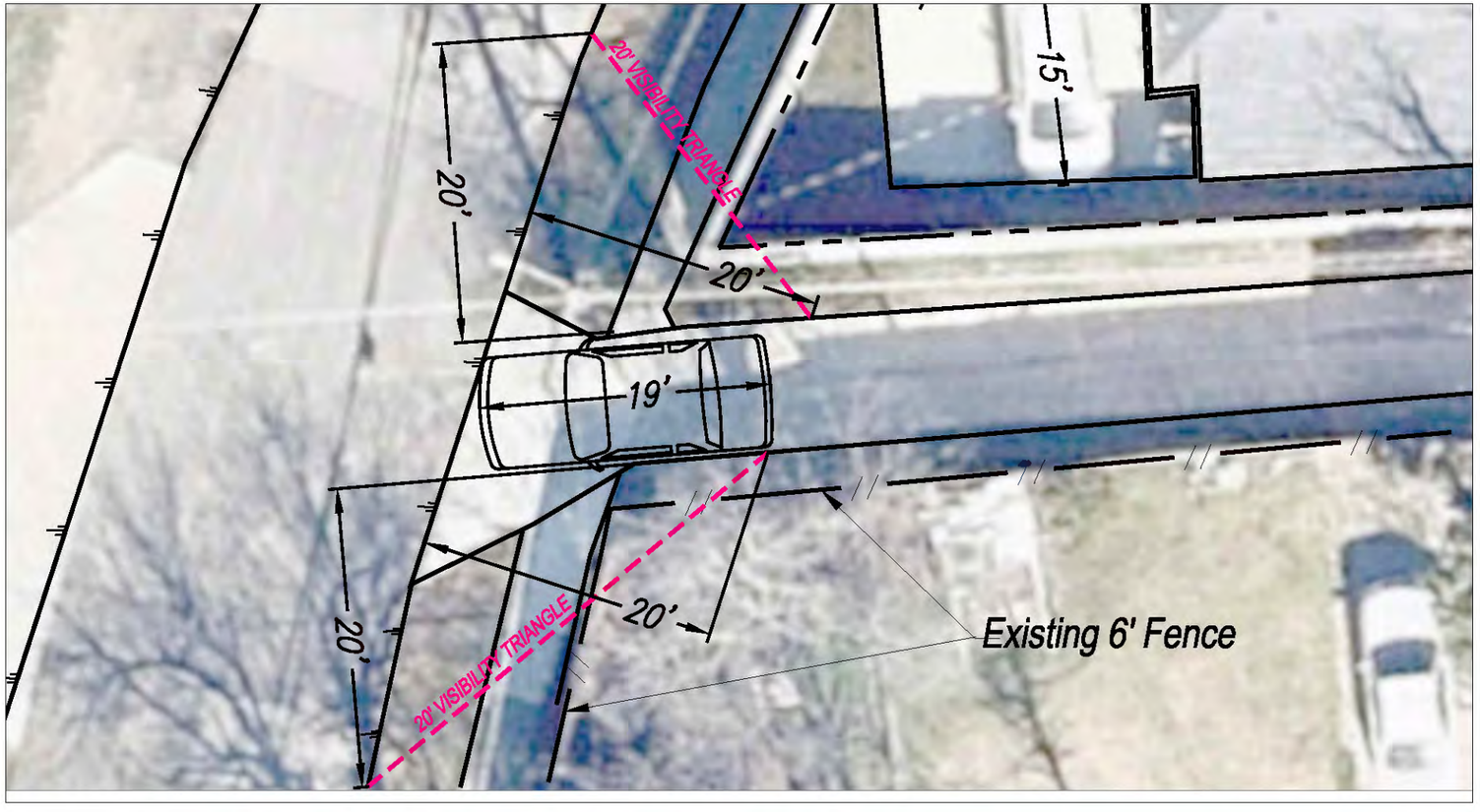
Salcedo Group, Incorporated
Civil Engineers - Surveyors
401 College Street – Grand Prairie, Texas 75050
Phone: (214) 412–3122, Fax: (214) 412–3089 www.salcedogroupinc.com

SGI Salcedo Group, Inc.

A2

SGI Project No. K241023

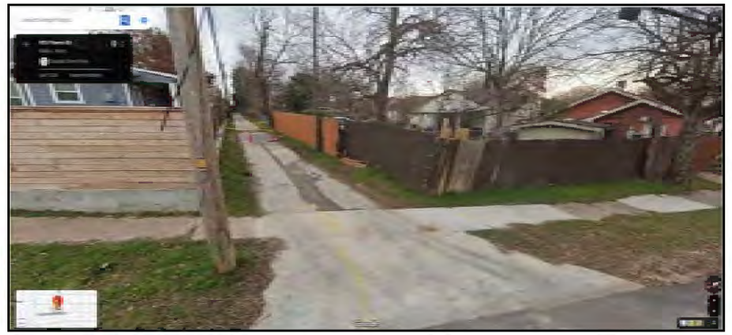
Feb 02,2024 12:38pm Luis Slocedo
M:\projects\K241023_Robert_Smith_2764Catherine\dwg\2764_Catherine_Lot1b.dwg



N

0 10

SCALE IN FEET





The existing wood fence on the south side of the alley already encroaches on the 20-ft Visibility Triangle.

As a result a vehicle exiting the alley must move forward to see past the southern fence corner, and the vehicle will be able to see oncoming southbound traffic.

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LUIS M. SALCEDO - PE #44267 *DATE*

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Existing Alley Visibility Triangle

2764 Catherine Dallas, TX

DATE: 2.2.2024
REVISION: 2.2.2024
DRAWN BY:
CHECKED BY: LMS

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401 College Street - Grand Prairie, Texas 75050
Phone: (214) 412-3122, Fax: (214) 412-3089 www.salcedogroupinc.com

SGI Salcedo Group, Inc.

A3

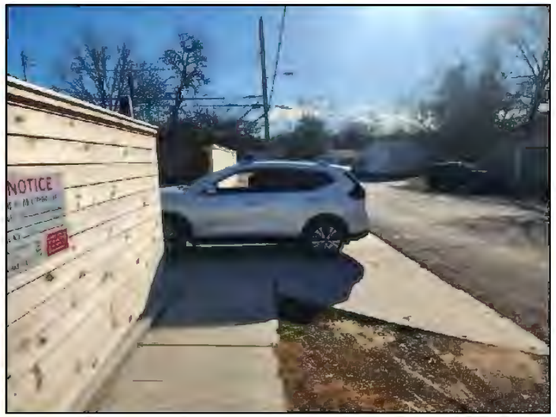
Feb 02,2024 12:38pm Luis Slacedo
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SGI Project No. 2241023





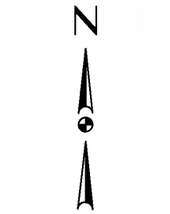
Proposed Gate Opening Alarm for Pedestrians





The new wood fence at the driveway does not impede the visibility of the driver, even if the vehicle exits backwards into traffic.

The owner proposes a audible alarm for warning pedestrians that the gate is opening. An example is the Liftmaster Alarm shown above.



Driveway Visibility Triangle

2704 Catherine Dallas, TX

DATE: 2.2.2024
REVISION: 2.2.2024
DRAWN BY: LMS
CHECKED BY: LMS

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Civil Engineers - Surveyors
401 College Street – Grand Prairie, Texas 75050
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A4

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LUIS M. SALCEDO - PE #44267 DATE

Texas P.E. F-5482 : Texas TBPLS Firm License 10070800

SGI Project No. K241023

Feb 02,2024 12:39pm Luis Slacedo
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FILE NUMBER: BDA234-003_FR1

BUILDING OFFICIAL'S REPORT: Application of Leticia Dorsey for a variance to the side-yard setback regulations at 715 W. RED BIRD LN. This property is more fully described as Block 13/6909, Lot 15, and is zoned R-7.5(A), which requires side-yard setback of 5-feet.

LOCATION: 715 W. Redbird Avenue

APPLICANT: Leticia Dorsey

REQUESTS:

The applicant is requesting a fee reimbursement for fees paid for the application of a variance to the side-yard setback regulations at 715 W. Redbird Avenue.

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.

Timeline:

November 9, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

November 12, 2023: The applicant submitted an email requesting the fee waiver to be taken into consideration.

December 1, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

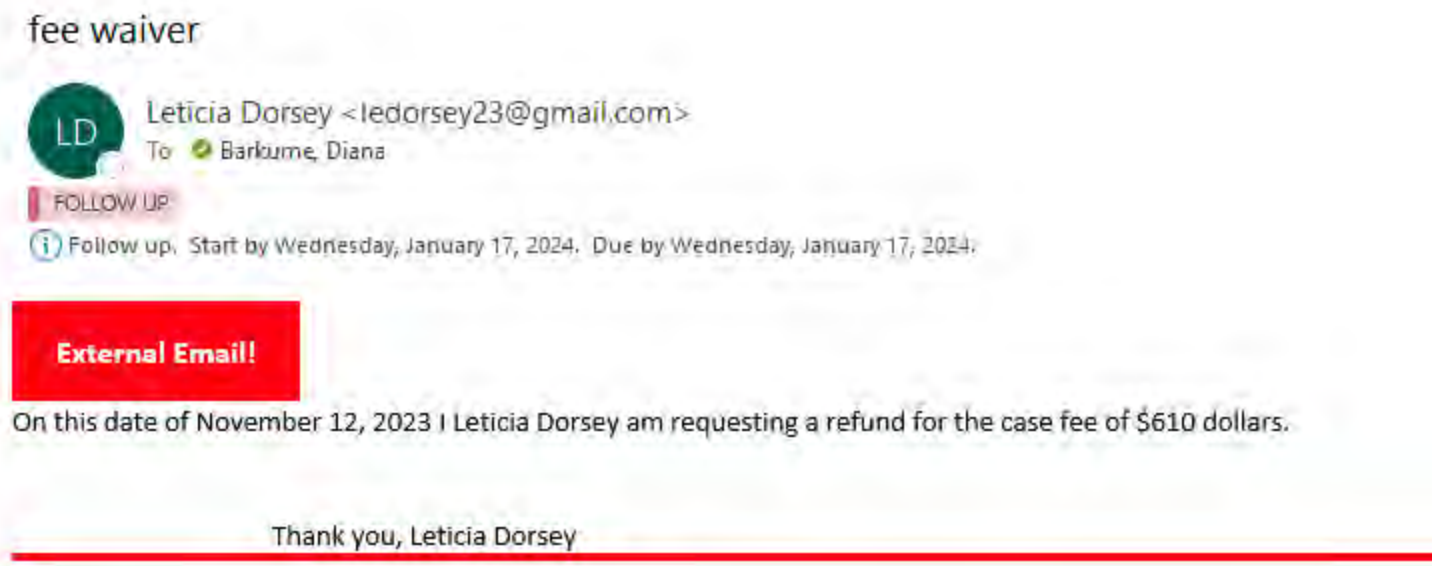
December 6, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the December 22, 2023, deadline to submit additional evidence for staff to factor into their analysis; and January 5, 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.

January 4, 2024: Applicant submitted documentary evidence to prove hardship.

January 16, 2024: Application of Leticia Dorsey for a variance to the side-yard setback regulations at 715 W. RED BIRD LN was approved but the fee waiver was not placed on the docket therefore the fee waiver will be heard on February 20, 2024

Email request:


fee waiver

LD

Leticia Dorsey <ledorsey23@gmail.com>

To Barkume, Diana

FOLLOW UP

Follow up. Start by Wednesday, January 17, 2024. Due by Wednesday, January 17, 2024.

External Email!

On this date of November 12, 2023 I Leticia Dorsey am requesting a refund for the case fee of $610 dollars.

Thank you, Leticia Dorsey

FILE NUMBER: BDA234-009_FR1

BUILDING OFFICIAL'S REPORT: Application of Dejuan Session for a variance to the front yard setback regulations at 909 S. CORINTH ST. RD. This property is more fully described as Block 27/3588, Lot 4-6 and part of lot 3, and is zoned RR, which requires a front yard setback of 15-feet.

LOCATION: 909 S Corinth St. RD.

APPLICANT: Dejuan Session

REQUESTS:

The applicant is requesting a fee reimbursement for fees paid for the application of a variance to the front-yard setback regulations at 909 S Corinth St. RD.

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.

Timeline:

November 27, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

December 1, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

December 6, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the December 22,

2023, deadline to submit additional evidence for staff to factor into their analysis; and January 5, 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.

January 11, 2024: Applicant requested to withdraw his applcication; Per working rules of procedure, the applicant did not provide the required number of days to withdraw thereore the case remained on the docket to be heard on January 16, 2024;

January 16, 2024: Applicant decided to request a withdraw during the hearing, therefore, the case was denied without prejudice.

January 24, 2024: Applicant met with city staff to discuss his options; Applicant decided to request a fee waiver prior to reapplying to the board of adjustment.

Email request:

From: d session <d.session2015@yahoo.com>
Sent: Thursday, January 11, 2024 8:18 AM
To: Barkume, Diana <diana.barkume@dallas.gov>; Castaneda, Nora > <nora.castaneda@dallas.gov>
Subject: 909 S. Corinth St Rd Dallas, TX 75203

External Email!

Good Morning,

I De Juan Lamar Session request to withdraw my application for D Dawgz & Margz To Go 909 S. Corinth St Rd Dallas, TX 75203. Reason being I decided to go a different route.

Due to unforeseen issues that keep arising to get permits finalize. Secondly, I will not have updated Tax documentation needed by January 16, 2024 hearing date.

Due to Owner of property pays taxes every year on the 31st of January.

Requesting refund please of $1104.85. Any questions or concerns I can

be reach at email below d.session2015@yahoo or 214-972-8020

Thanks

Always willing to do business with you!!
Mr. Session