



Public Notice

2501.74

CITY SECRETARY

POSTED DALLAS, TX

# **BOARD OF ADJUSTMENT (PANEL C)**

FEBRUARY 20, 2025, BRIEFING AT 10:30 A.M. AND THE PUBLIC HEARING AT 1:00 P.M. Dallas City Hall, L1FN AUDITORIUM, and Videoconference

Video Conference Link: <a href="https://bit.ly/boa0220">https://bit.ly/boa0220</a>
Telephone: (408) 418-9388, Access Code: 325527

The Dallas will make Reasonable City of 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) adjournment visiting hours after by https://dallastx.new.swagit.com/views/113.

Individuals and interested parties wishing to speak must register with the Board of Adjustment at <a href="https://bit.ly/BDA-C-Register">https://bit.ly/BDA-C-Register</a> or call (214) 670-4127, by 5 p.m. on Wednesday, February 19, 2025. In person speakers can register at the hearing.

La Ciudad de Dallas llevará cabo а 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 v/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 <a href="https://bit.ly/BDA-C-Register">https://bit.ly/BDA-C-Register</a> o llamando al (214) 670-4127, antes de las 5 p.m. Miércoles, 19 de Febrero, 2025. Las Personas que quieran hablar en persona, se pueden registrar en la Audiencia.

# AGENDA

Ι. Call to Order Robert Agnich, Vice-Chair II. Staff Presentation/Briefing III. **Public Hearing Board of Adjustment** IV. **Public Testimony** V. Miscellaneous Items VI. **Case Docket** Board of Adjustment Uncontested Items Holdover Items

VII. Adjournment

Individual Items

#### 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:

- 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]
- 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]
- 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]
- 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]

# MISCELLANEOUS ITEM(S)

Approval of Panel C Minutes – January 23, 2025

# BDA245-010 FR1(C) 2172 JORDAN VALLEY ROAD

- 1

**REQUEST:** Application of Alejandro Arroyo for a fee reimbursement for fees paid for (1) a variance to the floor area for structures accessory to single-family use regulations; (2) a variance to the building height regulations; (3) a variance to the side-yard setback regulations; (4) a variance to the rear-yard setback regulations; and (5) a special exception to the single-family use regulations.

# **UNCONTESTED CASE(S)**

# BDA245-010(CJ) 2172 JORDAN VALLEY ROAD

2

**REQUEST:** Application of Alejandro Arroyo for (1) a variance to the floor area for structures accessory to single-family use regulations; (2) a variance to the building height regulations; (3) a variance to the side-yard setback regulations; (4) a variance to the rear-yard setback regulations; and (5) a special exception to the single-family use regulations.

#### BDA245-018(CJ)

#### 11224 RUSSWOOD CIRCLE

3

**REQUEST:** Application of Marcelo Barron represented by Alan Nino for **(1)** a special exception to the front-yard setback regulations for a carport.

# BDA245-024(BT)

#### 5414 FALLS ROAD

4

**REQUEST:** Application of Chris Bowers for (1) a special exception to the fence height regulations.

# BDA245-028(BT)

# 1900 WHEATLAND ROAD

5

**REQUEST:** Application of David Pitcher for (1) a special exception to the landscape and urban forest conservation regulations.

#### BDA245-029(BT)

# 7915 S. LANCASTER ROAD

6

**REQUEST:** Application of David Pitcher for (1) a special exception to the landscape and urban forest conservation regulations.

#### **HOLDOVER**

# **NONE**

# **INDIVIDUAL CASES**

BDA245-027(BT)

4802 BELMONT AVENUE

7

**REQUEST:** Application of Baldwin Associates represented by Rob Baldwin for **(1)** a variance to the maximum height regulations.

#### **BOARD OF ADJUSTMENT**



Panel C Minutes

January 23, 2025

DRAFT

6ES – Council Briefing
24957316190@dallascityhall.we
bex.com
Robert Agnich, Vice-Chair

PRESENT:	[5]
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No.

# ABSENT: [1]

Jared Slade	

Vice-Chair Agnich called the briefing to order at **10:37 A.M.** with a quorum of the Board of Adjustment present.

Vice-Chair Agnich called the hearing to order at <u>1:03 P.M.</u> 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 testimony opportunities for individuals to comment on manners that were scheduled on the posted meeting agenda.

We had no speakers for public testimony during this hearing.

#### **MISCELLANEOUS ITEMS**

Approval of the Board of Adjustment Panel C, December 16, 2024, Minutes as presented during the briefing.

# A motion was made to approve Panel C, December 16, 2024, Public Hearing minutes.

Maker:	Andrew				
	Finney				
Second:	Robert				
	Agnich				
Results:	5-0				Motion to approve
	unanimously				
		Ayes:	-	5	Robert Agnich, Judy Pollock, Andrew Finney,
					Rodney Milliken, and Roger Sashington
		Against:	-	0	

# **UNCONTESTED ITEMS**

# 1. 2635 Pennsylvania Avenue

BDA245-005(BT)

BUILDING OFFICIAL'S REPORT: Application of Ruth Solorzano represented by Shereyar Jawaid for (1) a variance to the front-yard setback regulations at **2635 PENNSYLVANIA**AVENUE. This property is more fully described as Block 26/1308, Lot 35, and is zoned PD-595 (R-5(A)), which requires a front-yard setback of 20-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 5-foot front-yard setback along Myrtle Street, which will require (1) a 15-foot variance to the front-yard setback regulations.

**LOCATION**: 2635 Pennsylvania Avenue

**APPLICANT:** Ruth Solorzano

**REPRESENTED BY:** Shereyar Jawaid

#### **REQUEST:**

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

# STANDARDS OF REVIEW FOR A VARIANCE:

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

- (A) **not contrary to the public interest** when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- (B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a **restrictive area**, **shape**, **or slope**, that it cannot be developed

in a manner commensurate with the development upon other parcels of land with the same zoning; and

(C) **not granted to relieve a self-created or personal hardship**, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

# **ELEMENT II SUBSTITUTE:**

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

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

# **STAFF RECOMMENDATION:**

# Variance:

Approval

**<u>Rationale:</u>** Based upon evidence presented and provided by the applicant, staff concluded that the site is:

- A. Not contrary to the public interest as no letters of opposition were received.
- B. Lot is restrictive in buildable **area**, shape, or slope; it is a corner lot with front-yard setbacks facing both Pennsylvania Avenue and Myrtle Street; therefore, it cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Not self-created nor is it a personal hardship.

#### **BACKGROUND INFORMATION:**

# Zoning:

Site:	PD-595 (R-5(A)) (Single Family District)
North:	PD-595 (R-5(A)) (Single Family District)
East:	PD-595 (R-5(A)) (Single Family District)
South:	PD-595 (R-5(A)) (Single Family District)
West:	PD-595 (R-5(A)) (Single Family District)

#### Land Use:

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

# Lot Square Footage:

This lot size is 3,250 square feet. (0.075 of an acre)

# **BDA History:**

No BDA history found within the last 5 years

# **GENERAL FACTS/STAFF ANALYSIS:**

- The application of Ruth Solorzano represented by Shereyar Jawaid for the property located at 2635 Pennsylvania Avenue focuses on 1 request relating to a variance to the front-yard setback regulations.
- The applicant is requesting a variance to the front-yard setback regulations. The applicant
  is proposing to construct and maintain a residential structure and provide a 5-foot front yard
  setback along Myrtle Street, which will require a 15-foot variance to the front-yard setback
  regulations.
- The subject site along with surroundings properties are all developed with single-family homes.
- It is imperative to note that the subject site is a corner lot, having a 20-foot front-yard setback along Pennsylvania Avenue and a 20-foot front-yard setback along Myrtle Street.
- Subject lot is zoned PD-595 (R-5(A)) which requires a minimum lot size of 5,000 square feet (0.115 of an acre).
- Subject lot size is 3,250 square feet (0.075 of an acre), and buildable area without variance
  is 0 square feet. compared to other lots buildable area is 3,000 square feet (0.069 of an acre)
  in the same zoning.
- Per staff's review of the subject site, it has been confirmed that the single-family structure of the property is proposed on a vacant lot.
- The applicant has the burden of proof in establishing the following:
  - 1) That granting the variance to the front-yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
  - 2) The variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
  - 3) The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

#### 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.
- Granting the variance to the front-yard setback regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video:

# Timeline:

November 25, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

December 17, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **C**.

December 24, 2024: Planning and Development 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 2, 2025, deadline to submit additional evidence for staff to factor into their analysis; and January 10, 2025, 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 2, 2025:

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

# BOARD OF ADJUSTMENT January 23, 2025

# Speakers:

For: Ruth Solorzano, 2023 Custer Dr., Dallas TX 75216

Shereyar Jawaid, 5801 Marvin D. Love Frwy Suite 310

Dallas TX 75215

Against: No Speakers

#### Motion

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

**BDA 245-005** – Application of Ruth Solorzano represented by Shereyar Jawaid, for a variance to the front-yard setback regulations contained in the Dallas Development Code, is granted, subject to the following condition:

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

Maker:	Roger				
	Sashington				
Second:	Judy Pollock				
Results:	5-0				Motion to grant
	Unanimously				-
		Ayes:	-	5	Robert Agnich, Judy Pollock, Rodney Milliken,
					Andrew Finney & Roger Sashington
		Against:	-	0	

# 2. 5000 East Side Avenue

BDA234-149(CJ)

\*This case was moved to Individual Cases\*

**BUILDING OFFICIAL'S REPORT**: Application of Rob Baldwin for **(1)** a variance to the front-yard setback regulations at **5000 East Side Avenue**. This property is more fully described as Block 4/1418, Lot 1 and is zoned D(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 a 5-foot front yard setback, which will require a **(1)** 20-foot variance to the front yard setback regulations.

**LOCATION:** 5000 East Side Avenue

**APPLICANT:** Rob Baldwin

# REQUEST:

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

# STANDARDS OF REVIEW FOR A VARIANCE:

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

or off-street loading, or landscape regulations provided that the variance is:

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

# **ELEMENT II SUBSTITUTE:**

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

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

# **STAFF RECOMMENDATION:**

1. Variance to the front yard setback regulations

#### Approval

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

- A. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.
- B. Though the subject site is not sloped but it is irregularly shaped and only 3,049.2 sq ft. which is smaller than the minimum lot size for residential use in the D(A) zoning district (10,000 sq ft.); therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Is not a self-created or personal hardship.

# **BACKGROUND INFORMATION:**

#### **BDA History:**

No BDA history found at 5000 East Side Avenue within the last 5 years.

# BOARD OF ADJUSTMENT January 23, 2025

# **Square Footage:**

This lot contains 3,049.2 of square feet.

This lot is zoned D(A) which has a minimum lot size of 10,000 square feet.

Site: D(A) (Duplex District)
North: D(A) (Duplex District)
East: D(A) (Duplex District)
South: D(A) (Duplex District)

West: MF-2(A) (Multi-Family District)

#### Land Use:

The subject site is vacant and areas to the north, south, east, and west are zoned D(A). Properties to the west of the subject site are zoned MF-2(A).

# **GENERAL FACTS/STAFF ANALYSIS:**

- The application of Rob Baldwin for the property located at 5000 Eastside Avenue focuses on 1 request relating to the front yard setback regulations.
- A request for a variance to the front yard setback regulations of 20-feet along Munger Avenue
  is made to construct and/or maintain a single-family residential structure; the applicant is
  proposing a 5-foot front yard setback instead of the required 25-foot front yard setback required
  in the D(A) zoning district.
- The subject site is a corner lot and has double street frontage on Eastside Avenue and North Munger Boulevard.
- The subject site along with surrounding properties to the north, south, east and west are zoned with residential uses.
- The subject site is currently vacant and located within an established neighborhood.

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

- That granting the variance will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- The variance is necessary to permit development of 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 <u>HB 1475</u> 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 variance below, with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
  - 20-foot variance to the front yard setback regulations.
- 200' Radius Video: BDA234-149 at 5000 East Side Avenue

#### Timeline:

- October 25, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- November 4, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **C**.
- November 13, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
  - an attachment that provided the hearing date and panel that will consider the application; the November 22, 2024, deadline to submit additional evidence for staff to factor into their analysis; and December 6, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- November 22, 2024: 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 Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.
- December 16, 2024: The Board of Adjustment Panel C, at its public hearing held on Monday, December 16, 2024, moved to HOLD this matter under advisement until January 23, 2025.
- December 23, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
  - an attachment that provided the hearing date and panel that will consider the application; the January 2, 2025, deadline to submit additional evidence for staff to factor into their analysis; and January

10, 2025, 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 2, 2025:

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

Speakers:

For: No Speakers

Against: No Speakers

#### **Motion**

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

**BDA 234-149** – Application of Rob Baldwin, for a variance to the front-yard setback regulations contained in the Dallas Development Code, is granted, subject to the following condition:

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

Maker:	Roger Sashington				
Second:	Judy Pollock				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Robert Agnich, Judy Pollock, Andrew Finney, Rodney Milliken and Roger Sashington
		Against:	-	0	

# 3. 929 Brookwood Avenue

BDA234-155(CJ)

**BUILDING OFFICIAL'S REPORT:** Application of Benjamin Lartey for **(1)** a special exception to the fence height regulations, and for **(2)** a special exception to the visibility obstruction regulations at **929 Brookwood Drive.** This property is more fully described as Block 3/5982, Lot 23, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4-feet and requires a 20-foot visibility triangle at the intersection of an alley and an adjacent street curb line. The applicant proposes to construct and/or maintain an 15-foot high fence in a required front-yard, which will require **(1)** an 11-

foot special exception to the fence height regulations, and to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle at an alley and an adjacent street curb line, which will require (2) a special exception to the visibility obstruction regulations at the intersection of an alley and street.

**LOCATION**: 929 Brookwood Drive

**APPLICANT**: Benjamin Lartey

# REQUEST:

- 2. A request for a special exception to the fence height regulations; and
- **3.** A special exception to the 20-foot visibility obstruction regulations at the intersection of an alley and street.

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

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

# STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO VISUAL OBSTRUCTION REGULATIONS:

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

# STAFF RECOMMENDATION:

# Special Exceptions (2):

No staff recommendation is made on these requests.

# **BACKGROUND INFORMATION:**

# **BDA History:**

BDA234-155 FR1 was granted by Panel C on December 16, 2024

# **Square Footage:**

- This lot contains 10,323.72 of square feet.
- This lot is zoned R-7.5(A) which has a minimum lot size of 7,500 square feet.

#### Zoning:

<u>Site</u> :	R-7.5(A) (Single Family District)
North:	R-7.5(A) (Single Family District)
East:	R-7.5(A) (Single Family District)
South:	R-7.5(A) (Single Family District)
West:	R-7.5(A) (Single Family District)

# Land Use:

The subject site is vacant and surrounding properties to the north, south, east and west are developed with single-family uses.

# **GENERAL FACTS/STAFF ANALYSIS:**

- The application of Benjamin Lartey for the property located at 929 Brookwood Drive focuses on 2 requests relating to fence height and visual obstruction regulations.
- The applicant proposes to construct and maintain a 15-foot fence in a required front yard, which will require an 11-foot special exception to the fence height regulations.
- Secondly, the applicant is proposing to 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 regulations at the intersection of the alley and Brookwood Drive.
- The subject site along with properties to the north, south, east, and west are all developed with single-family homes.
- It is imperative to note that the subject site has street frontage along Brookwood Drive and the alley.
- Based upon staff's analysis of the surrounding properties, there are a few homes within the neighborhood with fences and gates in the required front yard and/or some form of vegetation serving as a screening mechanism.
- The applicant has stated that the request for special exception has been made to help make the lot a buildable lot.
- It has been confirmed that the fence is proposed and not existing.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations relating to height will not adversely affect the neighboring properties.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations regarding visual obstruction will not constitute a traffic hazard.
- Granting the special exceptions to the fence height standards and visual 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.
- 200' Radius Video:

# Timeline:

November 25, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment"

and related documents which have been included as part of this case report.

December 17, 2024: The Board of Adjustment Administrator assigned this case to Board of

Adjustment Panel C.

December 23, 2024: The Development Services Department Senior Planner emailed the

applicant the following information:

 an attachment that provided the hearing date and panel that will consider the application; the January 2, 2025, deadline to submit additional evidence for staff to factor into their analysis; and January 10, 2025, 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 2, 2025:

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

January 3, 2025

Traffic Engineering group provided comments stating that there are no objections in the event that specific conditions are met.

Speakers:

For: Benjamin Lartey, 7201 Stacy Rd., McKinney, TX 75070

Against: No Speakers

#### Motion

I move that the Board of Adjustment in Appeal No. BDA 234-155 **HOLD** this matter under advisement until **February 19, 2025** with instruction to staff to re-notice this case for Panel B.

Maker:	Robert				
	Agnich				
Second:	Roger				
	Sashington				
Results:	5-0				Motion to remand the case to Panel B.
	Unanimously				
		Ayes:	-	5	Robert Agnich, Andrew Finney, Rodney Milliken, Judy Pollock, Roger Sashington.
		Against:	-	0	

# **HOLDOVER**

# 4. 3226 Lawnview Avenue

BDA234-146(CJ)

\*\*Board member Rodney Milliken has a conflict on this case\*\*

**BUILDING OFFICIAL'S REPORT:** Application of Raul Cortes Garcia for (1) a special exception to the fence height regulations, and for (2) a special exception to the fence opacity regulations at 3226 Lawnview Avenue. This property is more fully described as Block 37/5809, Lot 5, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4-feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5-feet from the front lot lin. The applicant proposes to construct and/or maintain a 6-foot high fence in a required front yard along Menger Avenue, which will require (1) a 2-foot special exception to the fence height 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 (2) a special exception to the fence opacity regulations.

**LOCATION**: 3226 Lawnview Avenue

**APPLICANT**: Raul Cortes Garcia

# **REQUEST:**

- 5. A request for a special exception to the fence height regulations; and
- **6.** A special exception to the fence regulations regarding opacity.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT & 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 standard 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 these requests.

# **BACKGROUND INFORMATION:**

# **BDA History**:

No BDA history found at 3226 Lawnview Avenue in the last 5 years.

# **Square Footage:**

- This lot contains 12,632.4 of square feet.
- This lot is zoned R-7.5(A) which has 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)
East: R-7.5(A) (Single Family District)

# BOARD OF ADJUSTMENT January 23, 2025

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

# Land Use:

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

# **GENERAL FACTS/STAFF ANALYSIS:**

- The application for Raul Cortes Garcia's property located at 3226 Lawnview Avenue focuses on 2 requests relating to fence height and fence opacity.
- The applicant proposes to maintain a 6-foot 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 opacity; the existing fence is made from cedar wood panels.
- The subject site along with properties to the north, south, east, and west are all developed with single-family homes.
- The subject site is a corner lot with double street frontage on Lawnview Avenue and Menger Avenue.
- The subject site has two front yards due to block face continuity; one front yard on Lawnview Avenue and another on Menger Avenue.
- It is imperative to note that the existing fence replaced an older fence that appeared to exist within the front yard setback on Menger Avenue to some degree.
- It has been confirmed that the fence is existing and not proposed.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. The 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 relating to height and opacity 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.
- 200' Radius Video: BDA234-146 at 3226 Lawnview Ave.

#### Timeline:

October 24, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

November 4, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **C**.

November 13, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the November 22, 2024, deadline to submit additional evidence for staff to factor into their analysis; and December 6, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- November 22, 2024: 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 Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.
- December 16, 2024: The Board of Adjustment Panel C, at its public hearing held on Monday, December 16, 2024, moved to HOLD this matter under advisement until January 23, 2025.
- December 23, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
  - an attachment that provided the hearing date and panel that will consider the application; the January 2, 2025, deadline to submit additional evidence for staff to factor into their analysis; and January 10, 2025, 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 2, 2025: 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 Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

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# BOARD OF ADJUSTMENT January 23, 2025

# Speakers:

For: Raul Cortes-Garcia, 3226 Lawnview Ave, Dallas TX 75227

(Did not speak) Alan Cortes, 3226 Lawnview Ave., Dallas TX 75227

Against: No Speakers

# Motion #1

I move that the Board of Adjustment, in Appeal No. BDA 234-146, on application of Raul Cortes Garcia, **GRANT** the request of this applicant to construct and/or maintain a 6-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:	Andrew				
	Finney				
Second:	Roger				
	Sashington				
Results:	4-0				Motion to grant
	Unanimously				-
		Ayes:	-	4	Robert Agnich, Judy Pollock, Andrew Finney and Roger Sashington
		Against:	-	0	

# Motion # 2

I move that the Board of Adjustment, in Appeal No. BDA 234-146, on application of Raul Cortes Garcia, **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:	Andrew		
	Finney		
Second:	Roger		
	Sashington		
Results:	4-0		Motion to grant
	Unanimously		-

,	Ayes:	-	4	Agnich, on & Andr	Judy ew Finn	Pollock, ey	Roger
	Against:	-	0				

<sup>\*\*</sup> Recess 2:16 P.M. – 2:36 P.M.\*\*

# **ADJOURNMENT**

After all business of the Board of Adjustment had been considered, Vice-Chair Agnich moved to adjourn the meeting at **1:33 P.M.** 

Required Signature:	Date
Mary Williams, Board Secretary	
Planning and Development.	
Required Signature:	Date
Dr. Kameka Miller-Hoskins – Chief Administrator	
Planning & Development	
Required Signature:	 Date
Robert Agnich, Vice-Chair	
Board of Adjustment	

FILE NUMBER: BDA245-010\_FR1

<u>BUILDING OFFICIAL'S REPORT</u>: Application of Alejandro Arroyo for fee reimbursements for (1) a variance to the floor area for structures accessory to single-family use regulations; (2) a variance to the building height regulations; (3) a variance to the side-yard setback regulations; (4) a variance to the rear-yard setback regulations; and (5) a special exception to the single-family use regulations at 2172 Jordan Valley Road. This property is more fully described as Block G/8800, Lot 5, and is zoned R-7.5(A).

**LOCATION**: 2172 Jordan Valley Road

**APPLICANT**: Alejandro Arroyo

# **REQUESTS**:

The applicant is requesting a fee reimbursement of \$2,400.00 for fees paid for the application of the variance to the floor area for structures accessory to single-family use regulations, the variance to the building height regulations, the variance to the side-yard setback regulations, the variance to the rear yard setback regulations and the special exceptions to the single-family use regulations at 2172 Jordan Valley Road.

# 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. In making this determination, the board may require the production of financial documents.

# **STAFF RECOMMENDATION:**

No staff recommendation is made on this request.

FILE NUMBER: BDA245-010(CJ)

BUILDING OFFICIAL'S REPORT: Application of Alejandro Arroyo for (1) a variance to the floor area for structures accessory to single-family use regulations; (2) a variance to the building height regulations; (3) a variance to the side-yard setback regulations; (4) a variance to the rear-yard setback regulations; and (5) a special exception to the single-family use regulations at 2172 Jordan Valley Road. This property is more fully described as Block G/8800, Lot 5, and is zoned R-7.5(A), which prohibits the floor area of an accessory structure to exceed 25 percent of the floor area of the main structure, prohibits the height of an accessory structure to exceed the height of the main building, requires a 5-foot side-yard setback, requires a 5-foot rear-yard setback, and limits the number of dwelling units to one. The applicant proposes to construct and/or maintain a single family residential accessory structure with 498 square feet of floor area (38 percent of the 1,324 square foot floor area of the main structure), which will require (1) a 167 square foot variance to the floor area regulations, and the applicant proposes to construct and/or maintain an accessory structure with a building height of 19-feet, which will require (2) a 4-foot 9-inch variance to the maximum building height regulations, and the applicant proposes to construct and/or maintain a residential accessory structure and provide a 4-foot side-yard setback, which will require a (3) 1-foot variance to the side-yard setback regulations, and the applicant proposes to construct and/or maintain a single-family residential accessory structure and provide a 3-foot rearyard setback, which will require (4) a 2-foot variance to the rear-yard setback regulations; and the applicant proposes to construct and/or maintain an additional dwelling unit (not for rent), which will require (5) a special exception to the single-family use regulations.

**LOCATION**: 2172 Jordan Valley Road

**APPLICANT**: Alejandro Arroyo

# REQUEST:

- (1) A request for variance to the floor area for structures accessory to single-family use regulations;
- (2) A request for a variance to the building height regulations;
- (3) A variance to the side-yard setback regulations;
- (4) A variance to the rear-yard setback regulations; and
- (5) A special exception to the single-family use regulations.

# STANDARDS OF REVIEW FOR A VARIANCE:

Section 51A-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the front yard, <u>side yard</u>, rear <u>yard</u>, lot width, lot depth, lot coverage, <u>floor area for structures accessory to single-family uses</u>, <u>heigh</u>t, 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.

# STANDARDS OF REVIEW FOR A SPECIAL EXCEPTION TO THE SINGLE-FAMILY ZONING USE REGULATIONS:

Section 51A-4.209(b)(6)(E)(i) of the Dallas Development Code states that the board of adjustment may grant a special exception to authorize an additional dwelling unit in any district when, in the opinion of the board, the additional dwelling unit will not:

- (aa) be used as rental accommodations; or
- (bb) adversely affect neighboring properties.

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

#### **STAFF RECOMMENDATION:**

1. <u>Variance (1)</u> to the <u>floor area for structures accessory to single-family use regulations</u>

#### Approval

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

- A. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.
- B. Though the subject site is not sloped or irregularly shaped, it is only 7230.96 sq ft. which is smaller than the minimum lot size for residential use in the R-7.5(A) zoning district (7,500 sq ft.); therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Is not a self-created or personal hardship.

# 2. Variance (2) to the **Building Height** regulations

#### **Approval**

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

- A. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.
- B. Though the subject site is not sloped or irregularly shaped, it is only 7230.96 sq ft. which is smaller than the minimum lot size for residential use in the R-7.5(A) zoning district (7,500 sq ft.); therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Is not a self-created or personal hardship.

# 3. Variance (3) to the **Side Yard Setback** regulations

#### Approval

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

- A. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.
- B. Though the subject site is not sloped or irregularly shaped, it is only 7230.96 sq ft. which is smaller than the minimum lot size for residential use in the R-7.5(A) zoning district (7,500 sq ft.); therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Is not a self-created or personal hardship.

# 4. Variance (4) to the **Rear Yard Setback** regulations

#### **Approval**

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

- A. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.
- D. Though the subject site is not sloped or irregularly shaped, it is only 7230.96 sq ft. which is smaller than the minimum lot size for residential use in the R-7.5(A) zoning district (7,500 sq ft.); therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.

# E. Is not a self-created or personal hardship.

# 5. Special Exception (1):

No staff recommendation is made on this request.

# **BACKGROUND INFORMATION:**

# **BDA History:**

No BDA history found at 2172 Jordan Valley Road in the last 5 years.

# **Square Footage:**

- This lot contains 7,230.96 of square feet.
- This lot is zoned R-7.5(A) which has 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)
East: R-7.5(A) (Single Family District)
South: R-7.5(A) (Single Family District)
West: R-7.5(A) (Single Family District)

# Land Use:

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

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

- The application of Alejandro Arroyo for the property located at 2172 Jordan Valley Road focuses on 5 requests relating to floor area for structures accessory to the single-family use, building height, side yard setback regulations, rear yard setback regulations, and the single-family use regulations.
- The applicant proposes to construct and/or maintain a single family residential accessory structure with 498 square feet of floor area (38 percent of the 1,324 square foot floor area of the main structure), which will require a 167 square foot variance to the floor area regulations.
- Secondly, the applicant proposes to construct and/or maintain an accessory structure with a building height of 19-feet, which will require a 4-foot 9-inch variance to the maximum building height regulations.
- Thirdly, the applicant proposes to construct and/or maintain a residential accessory structure and provide a 4-foot side-yard setback, which will require a 1-foot variance to the side-yard setback regulations.
- The applicant proposes to construct and/or maintain a single-family residential accessory structure and provide a 3-foot rear-yard setback, which will require a 2-foot variance to the rear-yard setback regulations

- Lastly, the applicant proposes to construct and/or maintain an additional dwelling unit (not for rent), which will require a special exception to the single-family use regulations
- The subject site and properties to the north, south, east, and west are all developed with single-family homes.
- It is imperative to note that the subject site is a mid-block lot and has single street frontage along Jordan Valley Road.
- The applicant has the burden of proof in establishing that granting the special exception to the single-family use regulations will not adversely affect neighboring properties.
- The applicant must also prove that, if granted, the additional dwelling unit will not be used as rental accommodations.
- Granting the special exceptions to the single-family use 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 and require the
  applicant to deed restrict the subject property to prevent use of the additional dwelling unit
  as rental accommodations.

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

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

The board may also consider Dallas Development Code § 51A-3.102(d)(10)(b), formerly known as <u>HB 1475</u> 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 variance(s) below, with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
  - 167 square foot variance to the floor area regulations.
  - 4-foot 9-inch variance to the maximum building height regulations.
  - 1-foot variance to the side-yard setback regulations.
  - 2-foot variance to the rear-yard setback regulations.
- 200' Radius Video: BDA245-010 at 2172 Jordan Valley Road

# Timeline:

November 26, 2024: The applicant submitted an "Application/Appeal to the Board of

Adjustment" and related documents which have been included as part of

this case report.

December 17, 2024: The Board of Adjustment Administrator assigned this case to Board of

Adjustment Panel C.

December 18, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

 an attachment that provided the hearing date and panel that will consider the application; the January 2, 2025, deadline to submit additional evidence for staff to factor into their analysis; and January 10, 2025, 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 2, 2025:

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

January 27, 2025: The Planning and Development Senior Planner emailed the applicant the following information:

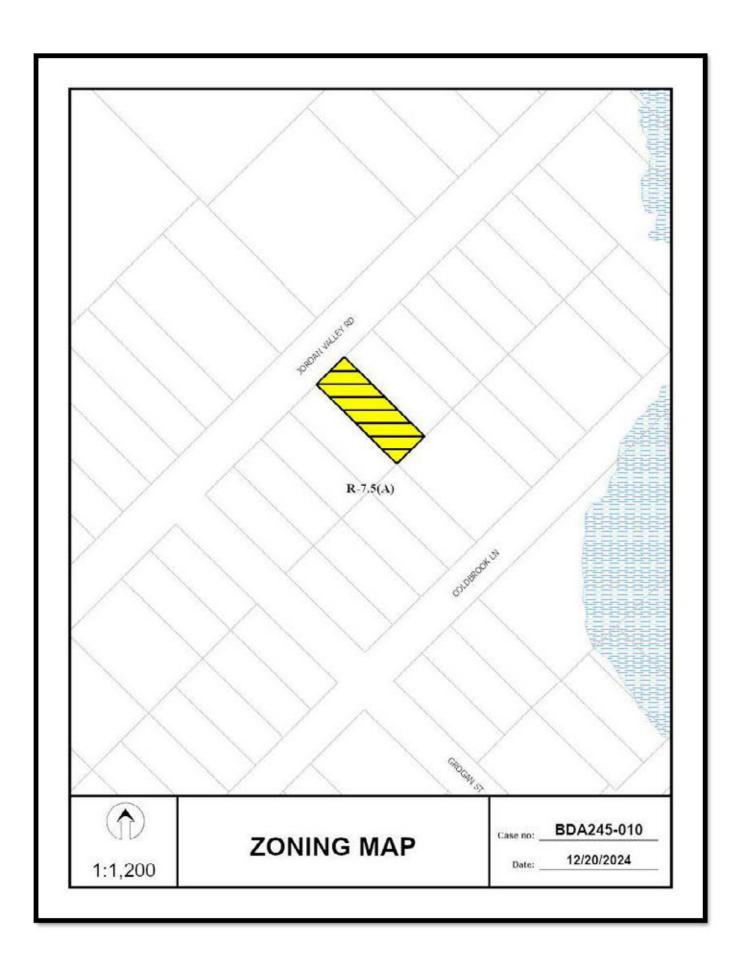
 an attachment that provided the hearing date and panel that will consider the application; the January 31, 2025, deadline to submit additional evidence for staff to factor into their analysis; and February 7, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.

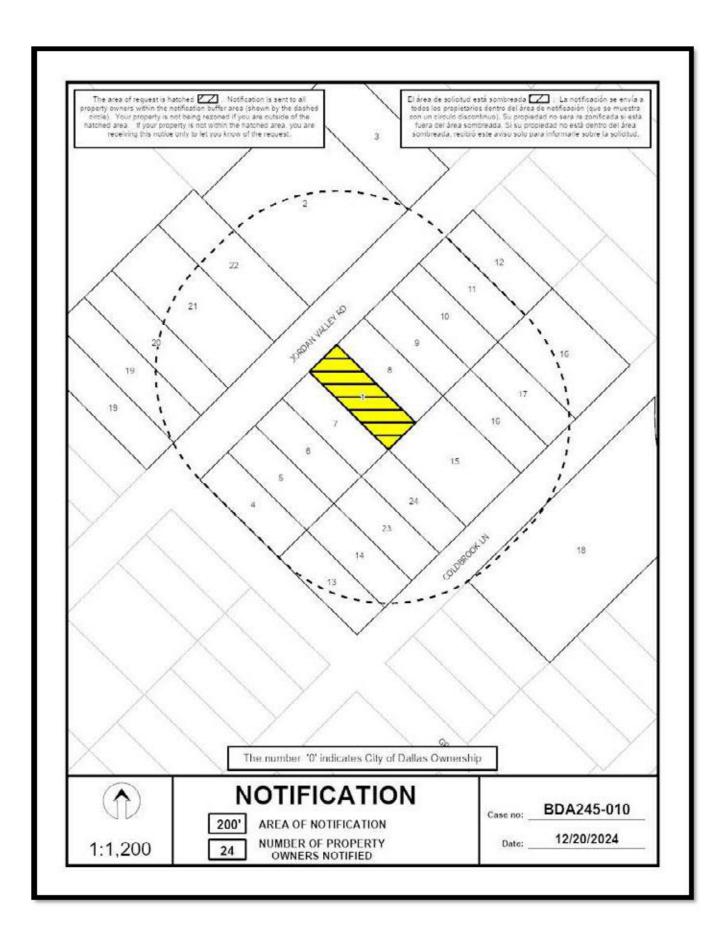
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

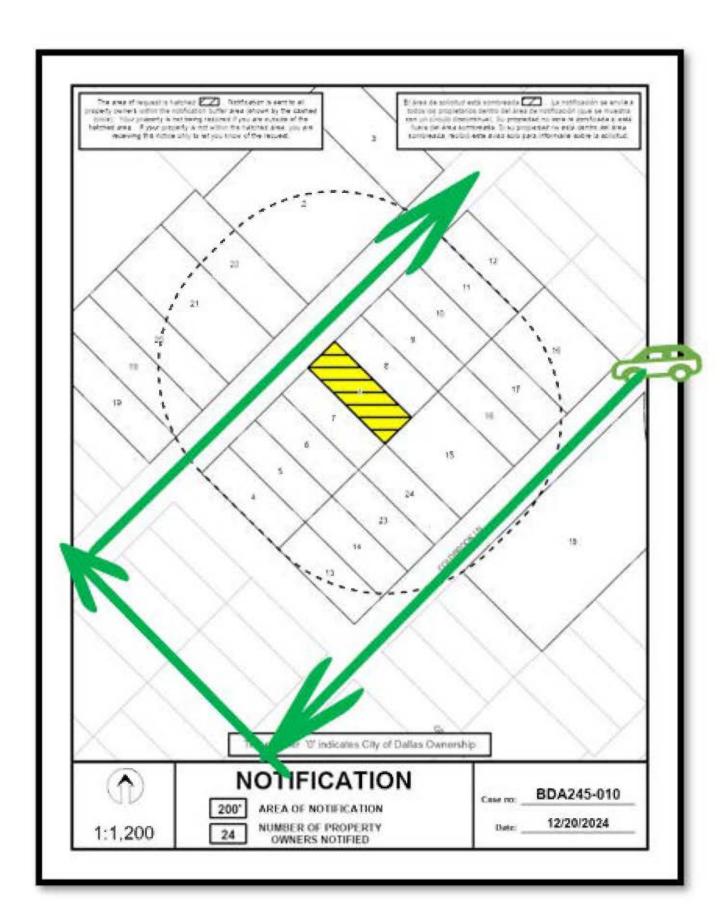
January 30, 2025:

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









12/20/2024

# Notification List of Property Owners BDA245-010

# 24 Property Owners Notified

Label #	Address		Owner
1	2172	JORDAN VALLEY RD	ARROYO MARIA FERNANDA &
2	2151	JORDAN VALLEY RD	HERNANDEZ FRANK JR EST OF
3	2145	JORDAN VALLEY RD	DIAN DREAMING BIG PROPERTIES
4	2194	JORDAN VALLEY RD	ALVAREZ MARIA CRISTINA &
5	2188	JORDAN VALLEY RD	BURKLEY KENNETH RAY JR &
6	2182	JORDAN VALLEY RD	VARGAS HILARIO &
7	2176	JORDAN VALLEY RD	ESMERADO RICARDO
8	2170	JORDAN VALLEY RD	Taxpayer at
9	2158	JORDAN VALLEY RD	ALVAREZ RUBEN & MARIA GRISELDA
10	2152	JORDAN VALLEY RD	GRANT DONALD ROY
11	2146	JORDAN VALLEY RD	VANCE GARY S SR &
12	2140	JORDAN VALLEY RD	CRUZ ESLIFONSO
13	2195	COLDBROOK LN	URBINA JOSE
14	2189	COLDBROOK LN	DELIRA JOSE MARIO &
15	2165	COLDBROOK LN	CASILLAS RAUL M &
16	23	COLDBROOK LN	GUERRERO LOUIS
17	24	COLDBROOK LN	DALLAS HOUSING ACQUISITION &
18	2164	COLDBROOK LN	GARCIA JONATHAN &
19	2195	JORDAN VALLEY RD	VARGAS BARDO &
20	2183	JORDAN VALLEY RD	MENDOZA ABEL & LUPITA
21	2171	JORDAN VALLEY RD	ALAVAREZ ADRIAN &
22	2165	JORDAN VALLEY RD	MEDRANO JESSE &
23	2177	COLDBROOK LN	HERNANDEZ JON ERIK A &
24	2171	COLDBROOK LN	FLORESVASQUEZ REINALDO &



# 1:1,200

# **NOTIFICATION**

200'

24

AREA OF NOTIFICATION NUMBER OF PROPERTY OWNERS NOTIFIED Case no:

BDA245-010

Date:

12/20/2024



# Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT
Case No.: BDA 215+1010
Data Relative to Subject Property:  Location address: 2172 Jordan Valley Raoning District: R-75
Lot No.: 5 Block No.: 6 8800 Acreage: 0.166 Census Tract:
Street Frontage (in Feet): 1) 50 2) 3) 4) 5)
To the Honorable Board of Adjustment:
Owner of Property (per Warranty Deed): Alejandro Arroyo & Maria Arroyo
Applicant: Alejandro Arrayo Telephone: 972-953. 6145
Mailing Address: 2172 Jordan Valley Rdzip Code: 75253
E-mail Address: Maria torres 9559 @ amail . com
Represented by: Alejandro Arroyo Telephone:
Mailing Address: 2172 Jordan Valley Rd Zip Code: 75253
E-mail Address: <u>alexarro yo</u> 94 e yahor.com  Affirm that an appeal has been made for a Variance X, or Special Exception_of 1) variance to floor area exceding 25 % 2). Variance to accessory structure exceding height 3.) variance to rear yard setback 4).varian
Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to to side Grant the described appeal for the following reason:  Vard  Space
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 Alejandro Armyo Espinara Not (Affiant/Applicants 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: (Amant/Applicant's signature)

Subscribed and sworn to before me this 3-1 day of

MEVIN CHACKO Notary ID #134507906

My Commission Expires August 15, 2027

Notary Public in and for Dallas County, Texas

DEVELOPMENT SERVICES • BOARD OF ADJUSTMENT | REV 01.16.2023

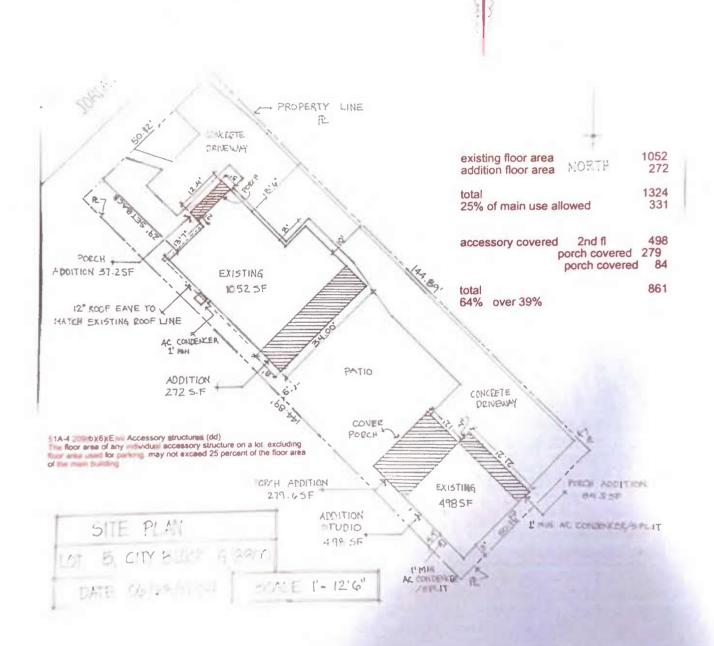
Berran Bus Fiven D. I.C. van Store CITY OF DALLAS PLAT BOOKS ANNEXED APRIL I, 1978 ORD NO E-H 8800 GARDEN HEIGHTS ADDITION SURVEY ROBERT KLEBERG ABST 716 HOCKS SCALE 100 FT EQUALS I INCH THOOL DISTRICT DALLAS STATE -JORDAN-VALLEY-ABS1. 1022 ABST 716 R D .----16 % L 10 , 12 . 13 . 2801 880000 30 15 8800 18 19 , 20 , 21 , 22 , 23 , 24 , 25 , 26 , 27 , 28 , 29 , 30 , 9 17 1 16 1 15 1 14 13 9 31 . 32 PER ORD 922751 20 COLDBROOK (KERENS ST.) LN 0 9165 ACR. 16 5 13 \* 8801 50 ANA 50 GROGAN 170.90 8800 8800 0 565 ACS 100 17 . S 21 . 20 . 19 . 18 . 17 . 26. 27. 28. 29. 30 . 31 . 320 20. 21 . 22 . 23 . 25 . C DRAINAGE ESMT. 170.90 S DENMARK 75 900

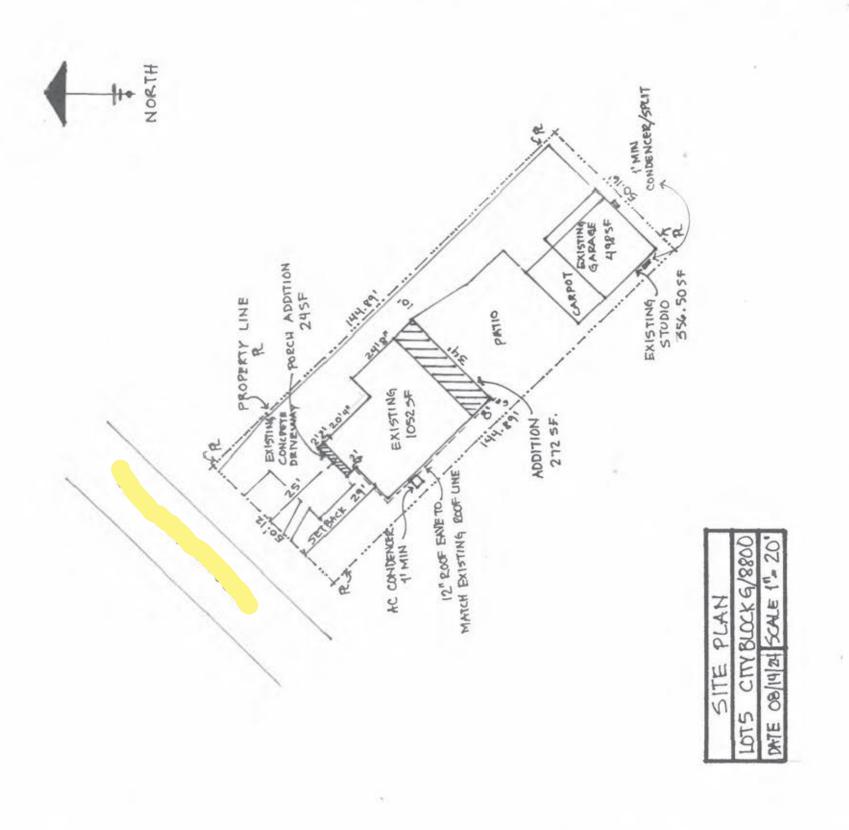
### ArcGIS Web Map

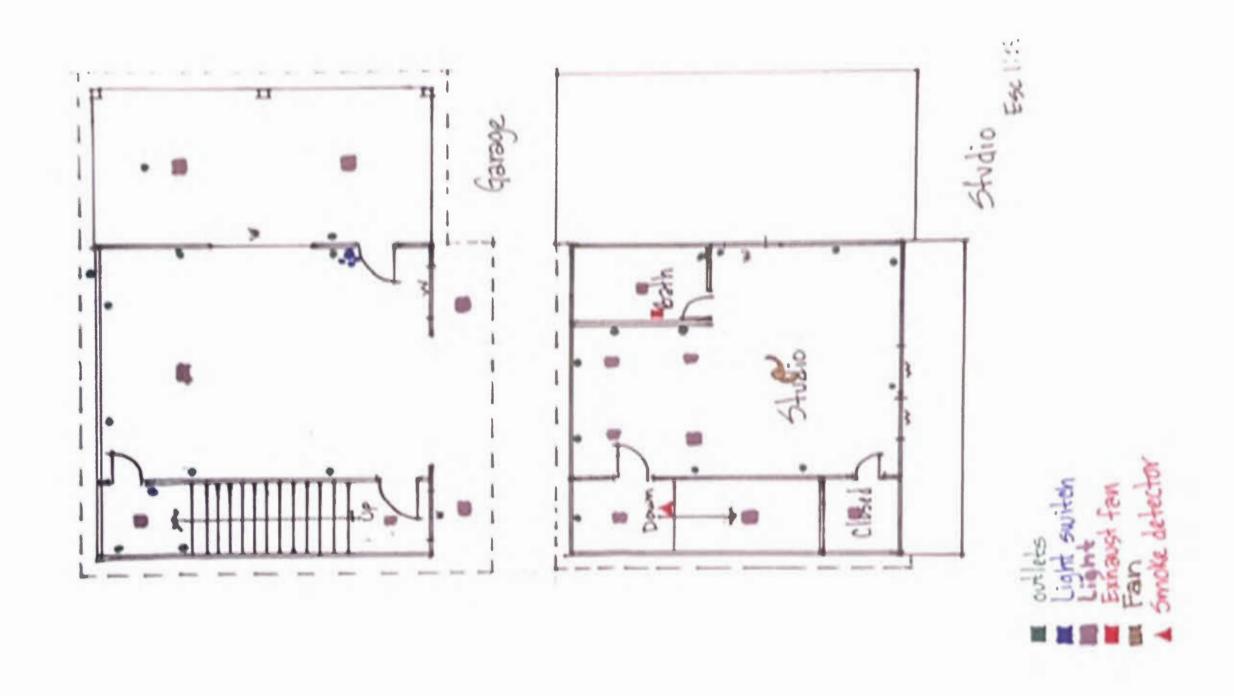


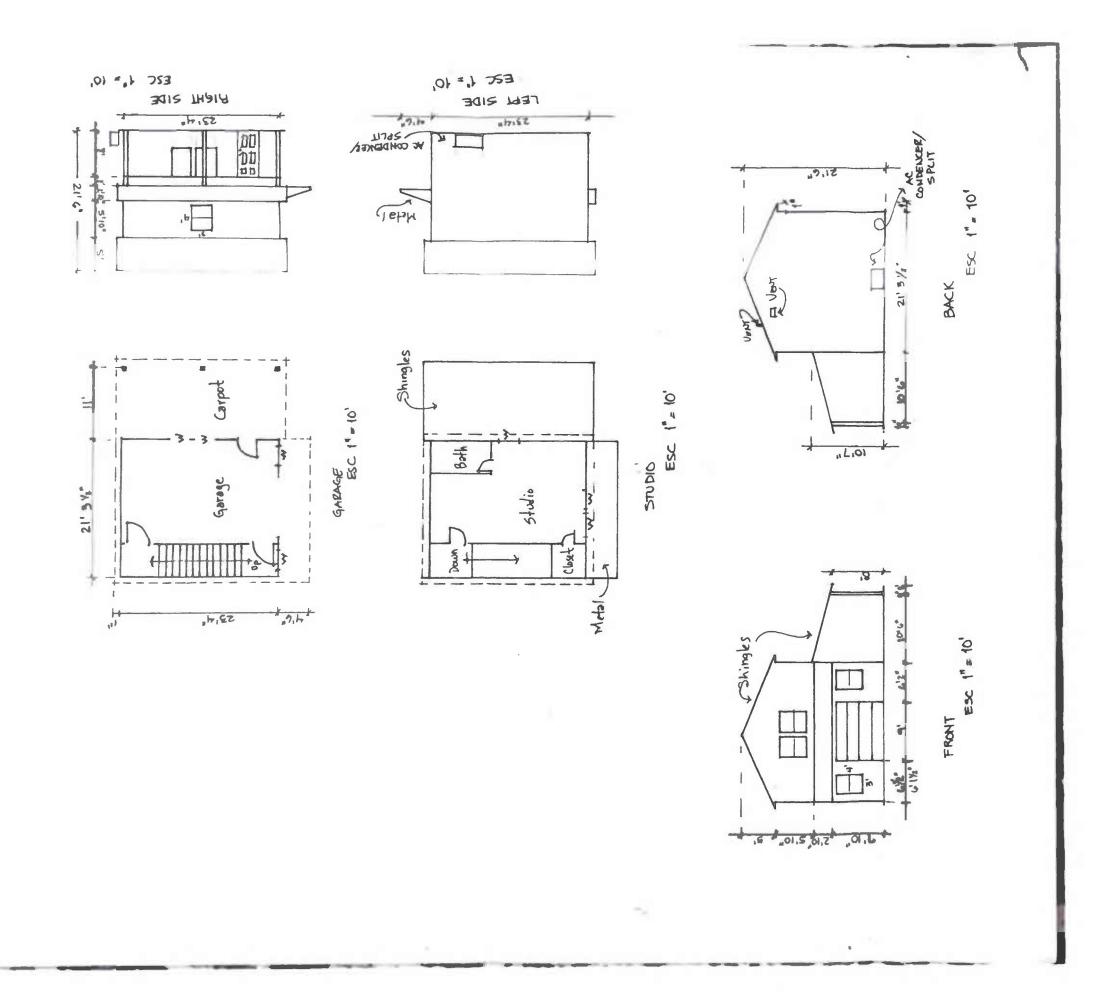
Source: Esri TomTom, Garmin, FAO NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

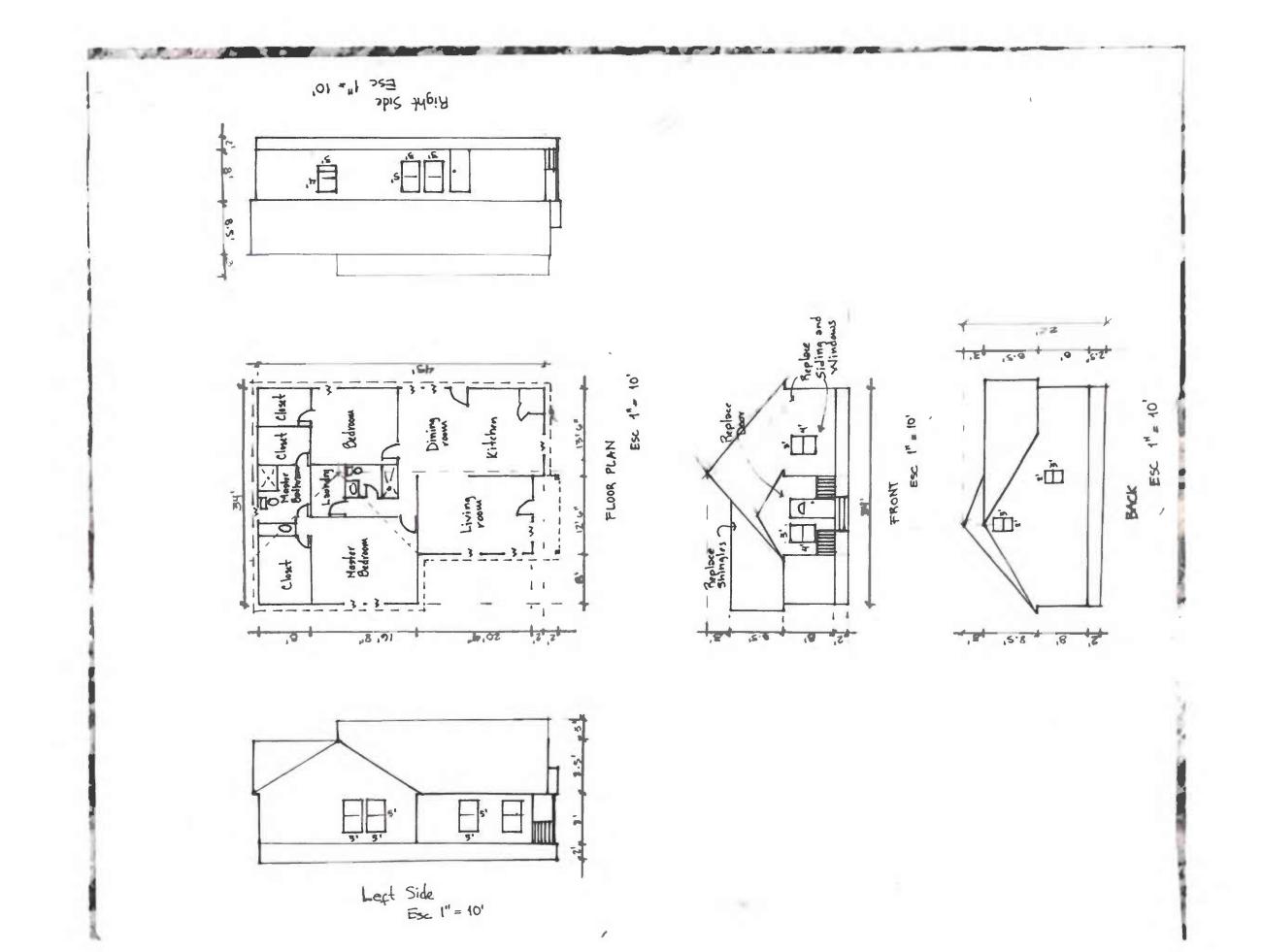












FILE NUMBER: BDA245-018 (CJ)

**BUILDING OFFICIAL'S REPORT:** Application of Marcelo Barron represented by Alan Nino for (1) a special exception to the front-yard setback regulations for a carport at 11224 Russwood Circle. This property is more fully described as Block 1/6389, Lot 16, and is zoned R-1/2ac(A), which requires a front-yard setback of 50-feet, per platted build line. The applicant proposes to construct and/or maintain carport for a single-family residential structure in a required front yard and provide a 26-foot 9-inch front-yard setback, which will require (1) a 23-foot 3-inch special exception to the front-yard setback regulations for a carport.

**LOCATION**: 11224 Russwood Circle

**APPLICANT**: Marcelo Barron

**REPRESENTED BY:** Alan Nino

### REQUEST:

(1) A request for a special exception to the front-yard setback regulations to maintain a carport for a single-family residential structure.

## STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO THE FRONT YARD SETBACK REGULATIONS FOR CARPORTS:

**Section 51A-4.401(c)(1)** of the Dallas Development Code specifies that the board may grant a special exception to the minimum front yard requirements in this section for a carport for a single family or duplex use when, in the opinion of the board:

- (A) There is no adequate vehicular access to an area behind the required front building line that would accommodate a parking space; and
- **(B)** The carport will not have a detrimental impact on surrounding properties.

**Section 51A-4.402(c)(2)** In determining whether to grant this special exception, the board shall consider the following factors:

- (A) Whether the requested special exception is compatible with the character of the neighborhood.
- **(B)** Whether the value of surrounding properties will be adversely affected.
- **(C)** The suitability of the size and location of the carport.
- **(D)** The materials to be used in construction of the carport.

**Section 51A-4.402(c)(3)** Storage of items other than motor vehicles is prohibited in a carport for which a special exception has been granted under this subsection.

### **STAFF RECOMMENDATION:**

### Special Exception (1):

No staff recommendation is made on this request.

### **BACKGROUND INFORMATION:**

### Zoning:

Site: R-1/2ac (A) (Single Family District)
North: R-1/2ac (A) (Single Family District)
South: R-1/2ac (A) (Single Family District)
East: R-1/2ac (A) (Single Family District)
West: R-1/2ac (A) (Single Family District)

### Land Use:

The subject site and all surrounding properties are developed with residential uses.

### **Square Footage:**

This lot contains 21,780 of square feet or .5 acres.

This lot is zoned R-1/2ac(A) which has a minimum lot size of .5 acres or 21,780 square feet.

### **BDA History**:

No BDA history found within the last 5 years.

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

- The application of Marcelo Brown for the property located at 11224 Russwood Circle focuses on one request for a special exception to the front yard setback regulations to maintain a carport for a single-family residential structure in a required front yard.
- The applicant is requesting a special exception of 23-foot 3-inches to construct and/or maintain a carport for single-family residential structure in a required front yard; the applicant instead proposes to maintain a 26-foot 9-inch front yard setback.
- The required setback for the subject site is 50-feet due to a platted build line; the standard required front yard setback for the R-1/2ac(A) zoning district is 40-feet.
- The subject site is currently developed with a single-family residential structure and has single street frontage on Russwood Circle.
- Per the applicant and provided site plan, the carport is proposed and not existing.
- There is an existing port cochere on the subject site; the proposed carport is set to take the place of the port cochere and be in a similar location.

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

- The applicant has the burden of proof in establishing that the special exception to the front yard setback regulations to maintain a carport for a single-family residential structure will not have a detrimental impact on the surrounding properties.
- The applicant also has the burden of proof in establishing that there is no adequate vehicular access to an area behind the required front building line that would accommodate a parking space.
- Granting the special exception to the front yard setback regulations relating to carports for single-family residential structures with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be maintained as shown on the submitted documents.
- 200' Radius Video: BDA245-018 at 11224 Russwood Circle

### Timeline:

December 18, 2024: The applicant submitted an "Application/Appeal to the Board of

Adjustment" and related documents which have been included as part of

this case report.

January 3, 2025: The Board of Adjustment Administrator assigned this case to Board of

Adjustment Panel C.

January 27, 2025: The Planning and Development Senior Planner emailed the applicant the

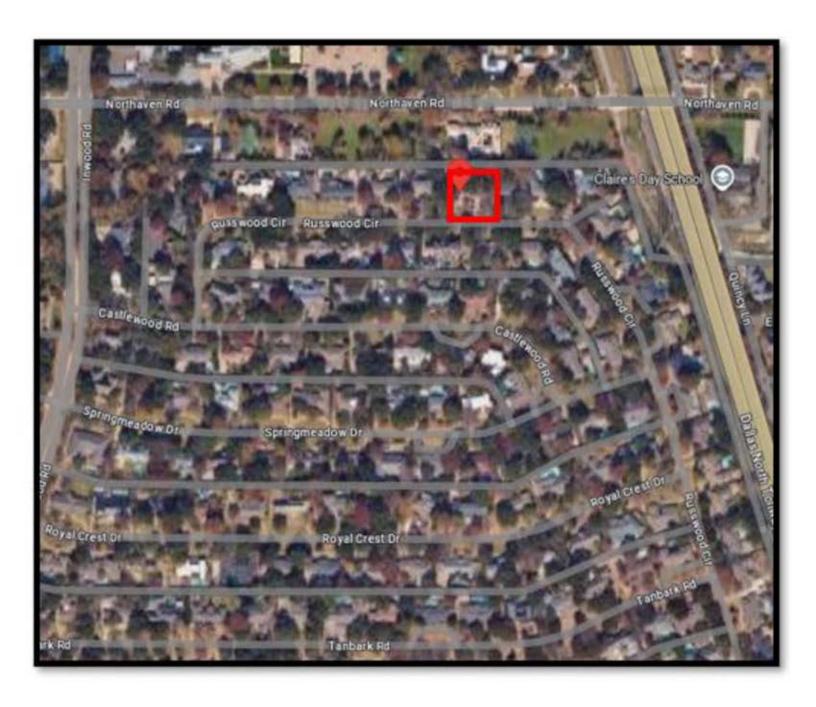
following information:

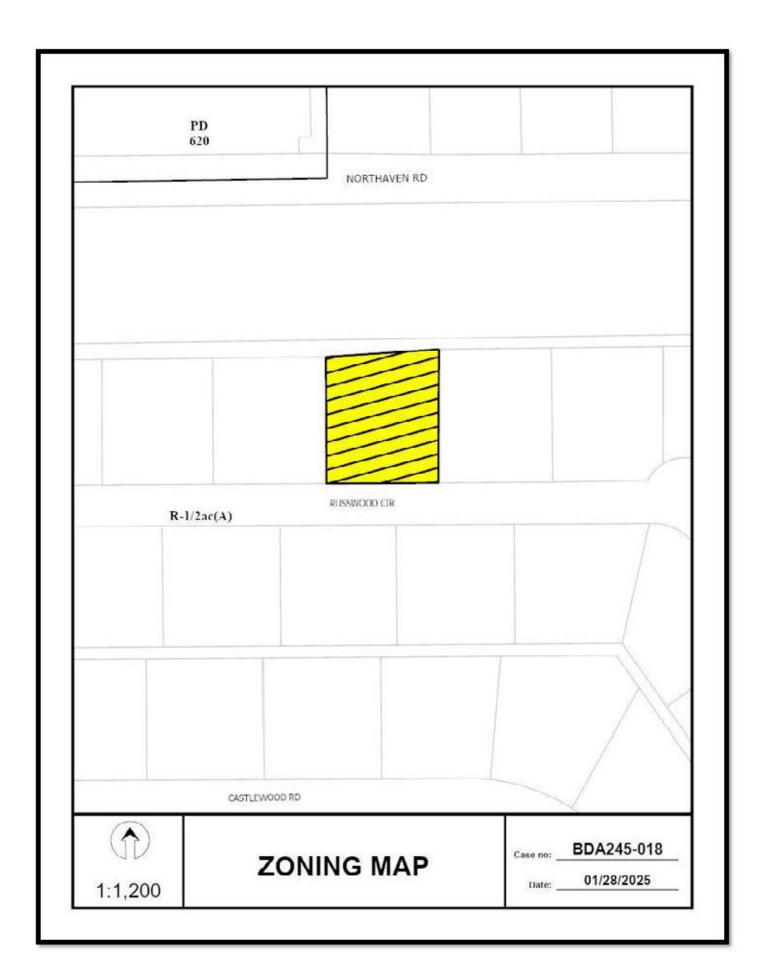
 an attachment that provided the hearing date and panel that will consider the application; the January 31, 2025, deadline to submit additional evidence for staff to factor into their analysis; and February 7, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.

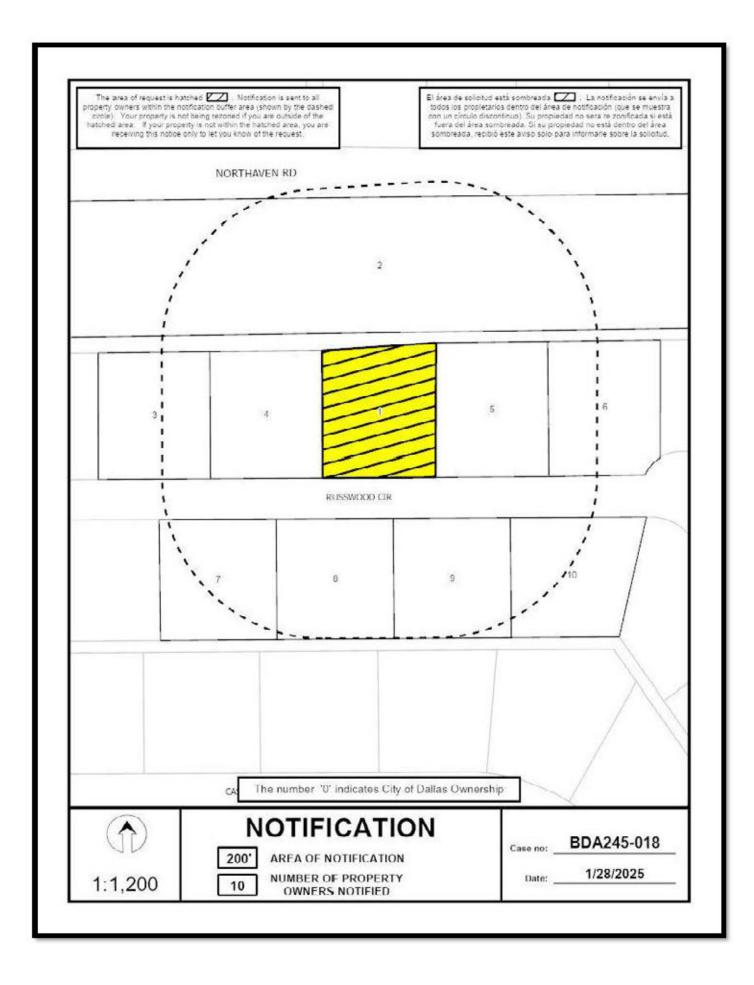
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

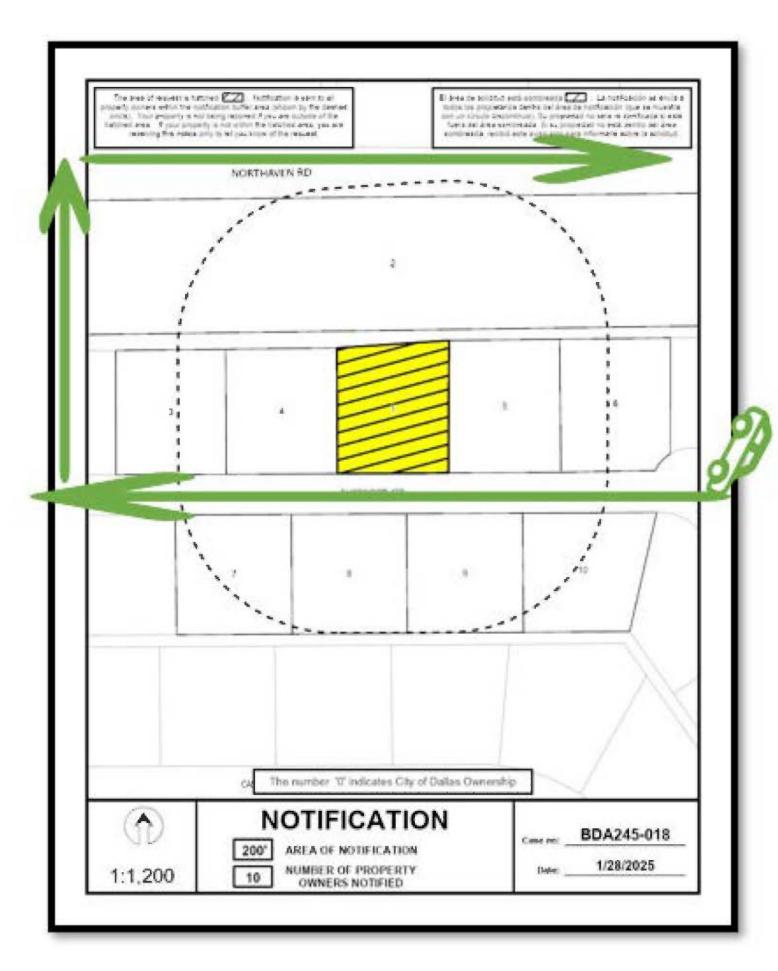
January 30, 2025:

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









01/28/2025

# Notification List of Property Owners BDA245-018

### 10 Property Owners Notified

Label #	Address		Owner
1	11224	RUSSWOOD CIR	CALLAN WILLIAM W III & NANCY E
2	5476	NORTHAVEN RD	PRIDE ROZENE
3	11240	RUSSWOOD CIR	FELLMAN FAMILY TRUST
4	11232	RUSSWOOD CIR	RADER ELIZABETH J
5	11216	RUSSWOOD CIR	MAY GREGORY DERRELL
6	11208	RUSSWOOD CIR	TEN ONE HOLDINGS TRUST
7	11233	RUSSWOOD CIR	GILBERT MARK W &
8	11225	RUSSWOOD CIR	LINKIEWICZGAWEL ANIA &
9	11217	RUSSWOOD CIR	PERLEY WILLIAM L &
10	11209	RUSSWOOD CIR	HAMMAN BARON



1:1,200

## **NOTIFICATION**

200'

10

AREA OF NOTIFICATION NUMBER OF PROPERTY OWNERS NOTIFIED Case no:

BDA245-018

Date: 1/28/2025

#### NOTICE OF PUBLIC HEARING

### BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL C)

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

DATE: THURSDAY, FEBRUARY 20, 2025

BRIEFING: 10:30 a.m. via Videoconference and in L1FN AUDITORIUM, Dallas

City Hall, 1500 Marilla Street. https://bit.ly/boa0220

HEARING: 1:00 p.m. via Videoconference and in L1FN AUDITORIUM, Dallas

City Hall, 1500 Marilla Street. https://bit.ly/boa0220

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

BDA245-018(CJ) Application of Marcelo Barron represented by Alan Nino for (1) a special exception to the front-yard setback regulations for a carport at 11224 RUSSWOOD CIRCLE. This property is more fully described as Block 1/6389, Lot 16, and is zoned R-1/2ac(A), which requires a front-yard setback of 50-feet per platted building line. The applicant proposes to construct and/or maintain carport for a single-family residential structure in a required front yard and provide a 26-foot 9-inch front-yard setback, which will require (1) a 23-foot 3-inch special exception to the front-yard setback regulations for a carport.

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

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

The Board of Adjustment hearing will be held by videoconference and in L1FN Auditorium at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure by joining the meeting virtually, must register online at <a href="https://bit.ly/BDA-C-Register">https://bit.ly/BDA-C-Register</a> or contact the Planning & Development Department at 214-670-4127 by the close of business Wednesday, February 19, 2025. All virtual speakers will be required to show their video in order to address the board. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallasty or YouTube.com/CityofDallasCityHall.

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

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

Board of Adjustment Planning and Development Department 1500 Marilla Street 5CN, Dallas TX 75201 PLEASE SEND REPLIES TO:
BDAreply@dallas.gov

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

PLEASE REGISTER AT: https://bit.ly/BDA-C-Register



# Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

	Case No.: BDA	245-0	N. SALA
Data Relative to Subject Property:	Date	FOR OFFICE	RECEIVE
Location address:11224 Russwood Cir Dallas, TX 75229	Zoning District:	BASE ZONING - R	SIDENHAL ROTOS
Lot No.: 16 Block No.: 1/6389 Acreage: 0.5			BY:
Street Frontage (in Feet): 1) 142 2) 3)			
To the Honorable Board of Adjustment:			
Owner of Property (per Warranty Deed): William & Nand	y Callan		
	Telephone: (8	17) 233 5500	
Mailing Address: 702 Houston St Fort Worth TX		<sub>e:</sub> 76102	
E-mail Address: barronservices2005@outlook.com	ı		
Represented by: Alan Nino	Telephone: 21	4 952 5812	
Mailing Address: 2101 Parker Rd Wylie TX		75098	
E-mail Address:alan@keanelandscaping.com			
Affirm that an appeal has been made for a Variance $\underline{X}$ , or Spe	ecial Exception, of	Porte of cochere	at
11224 Russwood Cir Dallas, TX 75229	ACE OF 13'	-3" TO F	FRONT
YAPP SETBACK (MB)			
Application is made to the Board of Adjustment, in accordance Grant the described appeal for the following reason:  We think the porte of cocheere front setback will have not negative impact in the			
in near houses			
Note to Applicant: If the appeal requested in this application is be applied for within 180 days of the date of the final action o longer period.			
Affidavi	<u>t</u>		
Before me the undersigned on this day personally appeared	Marcelo Barron		
		plicant's name printe	
who on (his/her) oath certifies that the above statements are he/she is the owner/or principal/or authorized representativ			dge and that
Respectfully submitted: Marcelo Barron	Marcelo	Bamon	
(Affiant/Applicant's signature)	CEMBER - F		******
Subscribed and sworn to before me thisday of	er	2024	ROBERT CONDRA Notary ID #132139292 My Commission Expires
			August 21, 2027
Notary Public in and fo	or Dallas County Tex	as	

M. Samuell Eskander, PE

Sincerely,

		_
		_
		_

Remarks

Chairman

**Building Official's Report** 

I hereby certify that MARCELO BARRON

represented by Alan Nino

structure in a required front yard and provide a 26-foot 9-inch front-yard setback, which will applicant proposes to construct and/or maintain carport for a single-family residential R-1/2ac(A), which requires a front-yard setback of 50-feet per platted building line. The CIRCLE. This property is more fully described as Block 1/6389, Lot 16, and is zoned exception to the front-yard setback regulations for a carport at 11224 RUSSWOOD BDA245-018(CJ) Application of Marcelo Barron represented by Alan Nino for (1) a special did submit a request at 11224 Russwood Cir. for (1) a special exception to the front- yard setback regulations

require (1) a 23-foot 3-inch special exception to the front-yard setback regulations for a

Date of Hearing **BOARD OF ADJUSTMENT ACTION TAKEN BY THE MEMORANDUM OF** 

Appeal was--Granted OR Denied



Appeal number: BDA 240327/083 245-	018
I, Willow Collon (Owner or "Grantee" of property as it appears on the Warranty	, Owner of the subject property
at: 11224 Russ wood Circle Dath	21, 7/229
Authorize: Marcelio Bernan (Applicant's name as stated on	
To pursue an appeal to the City of Dallas Zoning Boa	
Variance (specify below)	
Special Exception (specify below)	
Other Appeal (specify below)	
Specify: 131 311 to Front yard s	set back
Print name of property owner or registered agent agent Date///14/24	Signature of property owner or registered
Before me, the undersigned, on this day personally ap	peared
Who on his/her oath certifies that the above statement	ts are true and correct to his/her best
knowledge. Subscribed and sworn to before me this _	day of
Navember	2024
NEIL ALLEN HARRIS Notary Public, State of Texas Comm. Expires 01-08-2028 Notary ID 134704667	Notary Public for Dallas County, Texas
	Commission expires on

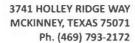


Appeal number: BDA 2403271093 245-018	
I, William Callan (Owner or "Grantee" of property as it appears on the Warranty Deed)	wner of the subject property
at: 1224 Pussing College Dalas, To 7722	ৰ
Authorize: Narceilo Barron (Applicant's name as stated on application)	
To pursue an appeal to the City of Dallas Zoning Board of Adjustment:	for the following request(s)
Special Exception (specify below)	
Other Appeal (specify below)	
Specify: 13'3" to front yard setback	
35 C 1)	·
Print name of property owner or registered agent  No. Co.(1)  Signature of prop	erty owner or registered
agent Date	
Before me, the undersigned, on this day personally appeared  Neil Allen Hamis	
Before me, the undersigned, on this day personally appeared	rect to his/her best
Before me, the undersigned, on this day personally appeared	rect to his/her bestday of
Before me, the undersigned, on this day personally appeared  Neil Allen Hams  Who on his/her oath certifies that the above statements are true and cor	

CITY OF DALLAS PLAT BOOKS 8481 - 1= 1. I THRU 4 RUSSWOOD ACRES 7TH, INST. 2ND, SEC (PT.) 6388 & 6389 & 6389 (PART) MAY 23,1950 ORD. NO. 4785 ADDITION. ABST. 1336 JOHN W. SMITH SURVEY SCALE\_LOO\_FT. EQUALS 1 INCH DALLAS SCHOOL DISTRICT REG. 12-23-60 BLK.1/8389 LOTS 21 THRU 27 FILED: 4-10-66 C.G. NEWTON SUR ABST 1090 ABST 1336 --- NORTHAVEN- (LYNNHAVEN) -ROAD . 1027 2 N 89083 E. 6389 5300 2 ND 15 RUSSWOOD 11200 CIRCLE 11200 D. P. & L. CO. 5 D P 6 L CO. TRANSFORMER BOX EASEMENT 6389 -145 6389145.39 145 QUINCY S ELDERWOOD DR. 17 g CASTLEWOOD 5300 6389 20 19 \$ 5300 SPRINGMEADOW ROYALCREST DR. - WEST 6389 CREST RD. 6389 6389 RUSSWOOD ACRES 3RD. INST. RIDDWAY'S 130A

## 11224 Russwood - zoning map







May 18th, 2024

Marcelo Barron Barron Services LLC 702 Houston St. =150 Fort Worth, TX 76102

Re: 11224 F

11224 Russwood Cir Dallas, TX 75229

Existing footings revision for columns on pergola

To Whom It May Concern:

Per your request, a representative of our firm has inspected the current footings on the pergola at the above referenced address. The purpose of our review was to determine the structural adequacy of the footings and make a detail based on the load's requirements.

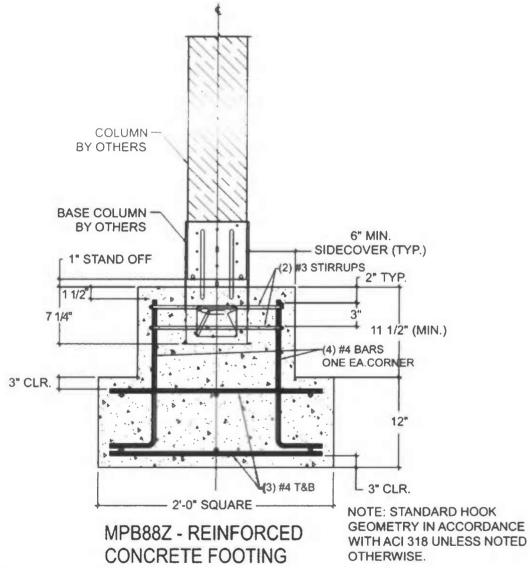
Our site observations have determined that the current footings do not meet the structural requirements for load capacities and sizes necessary for the installed pergola. A revision has been made, and we are attaching the updated details, which should be implemented on site.

Please do not hesitate to call us if we can be of further assistance. We appreciate the opportunity to be of service.





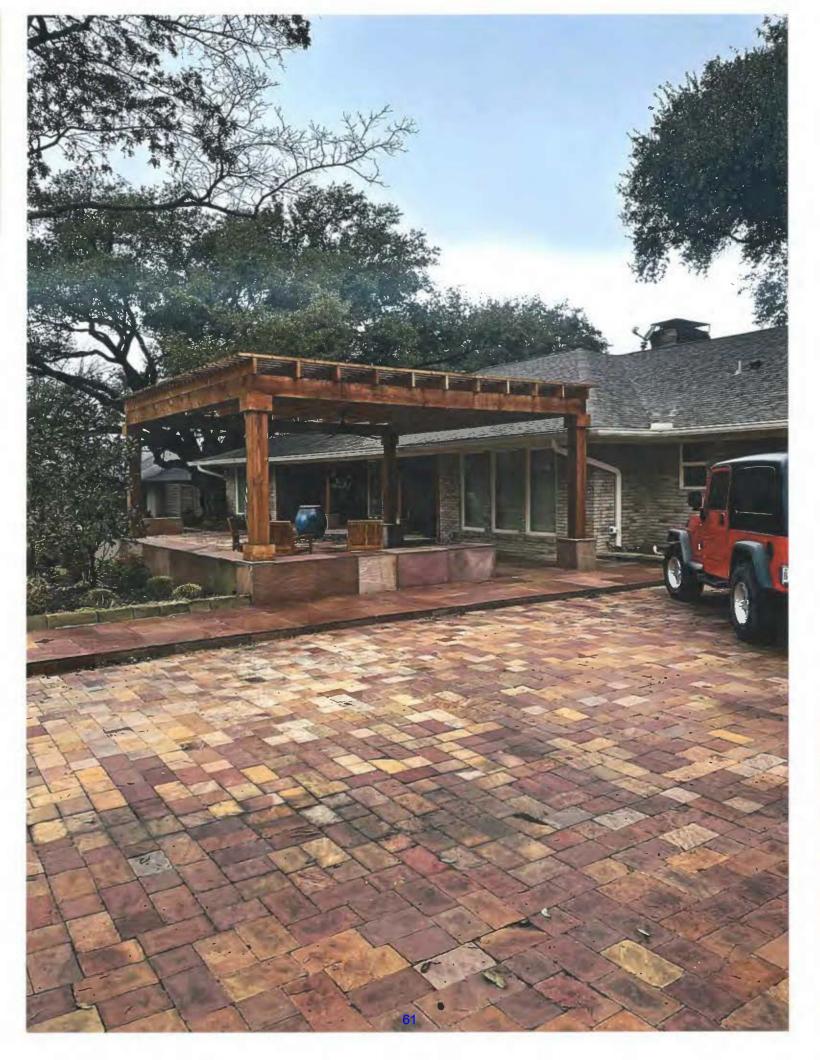




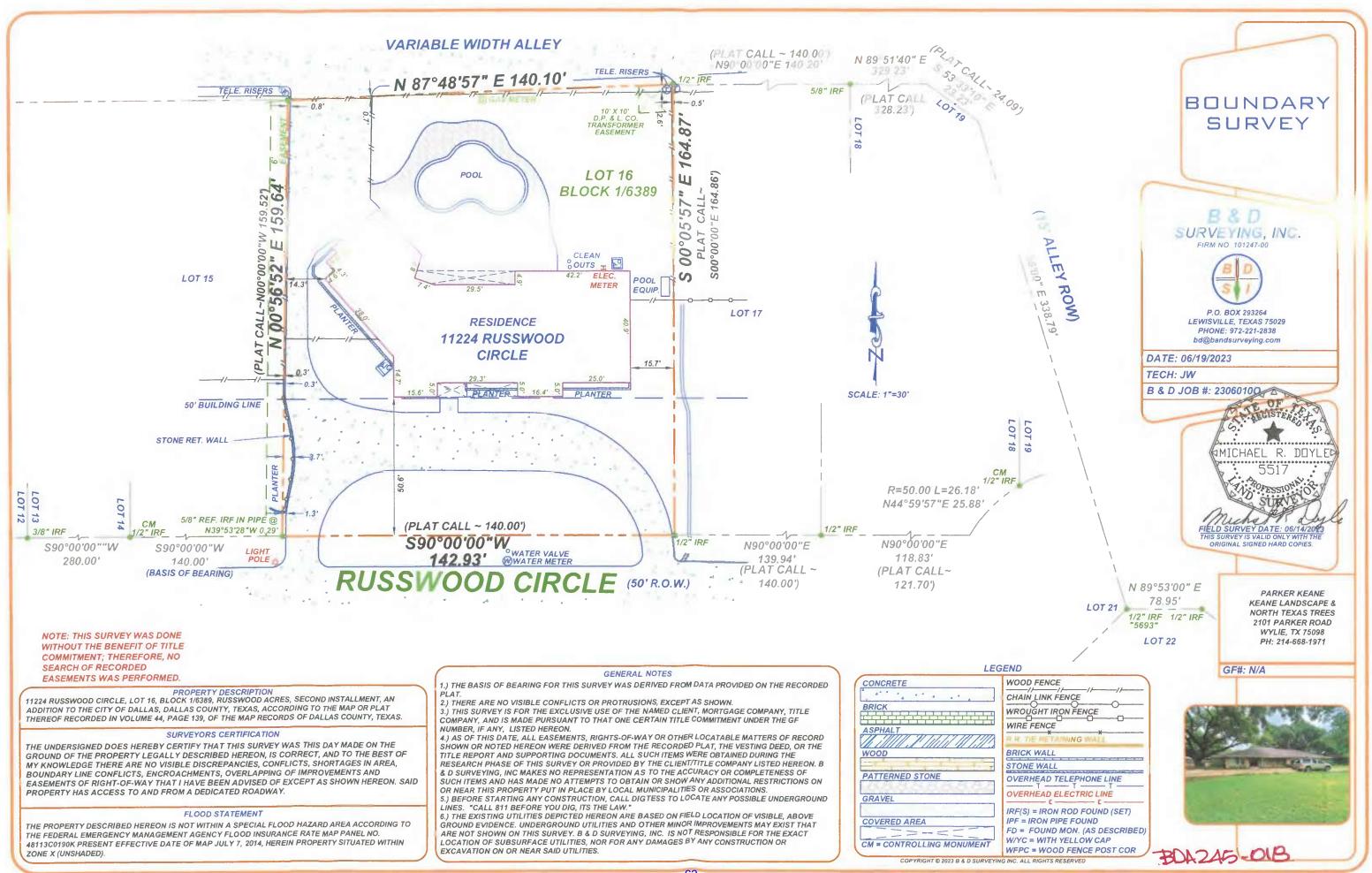
Respectfully,

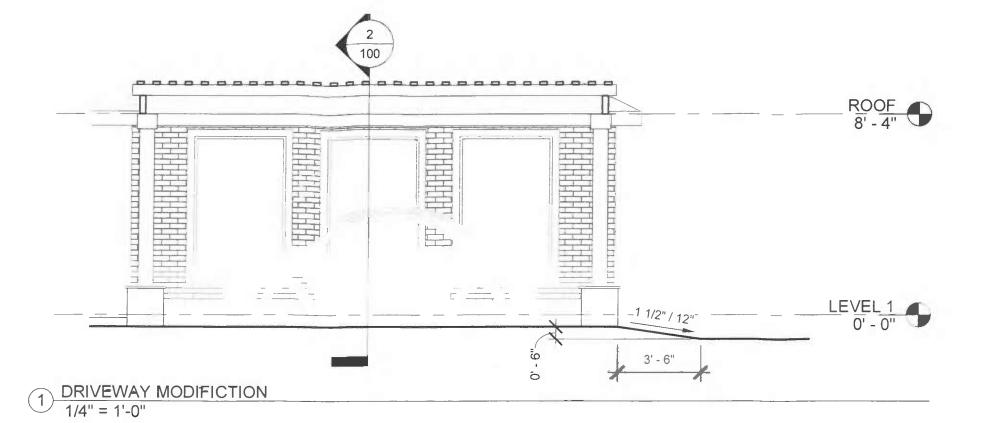


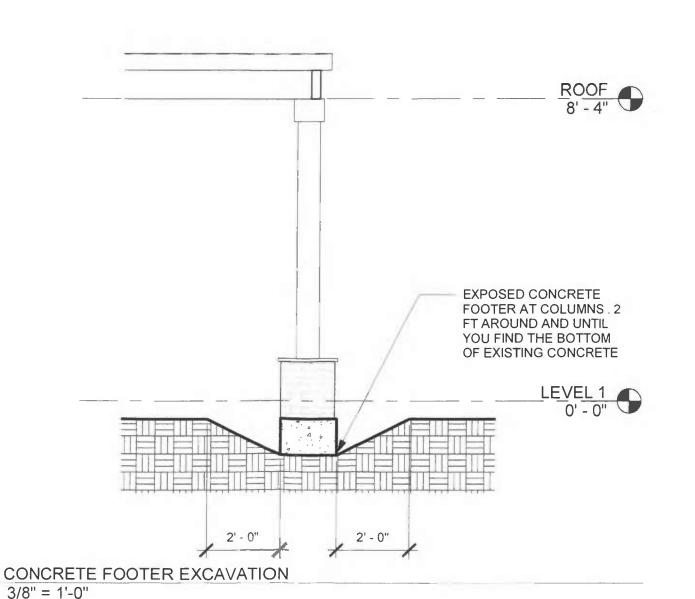
Arturo Bonilla, P.E.











# 11224 Russwood Cir Dallas , TX 75229

**DESCRIPTION** 

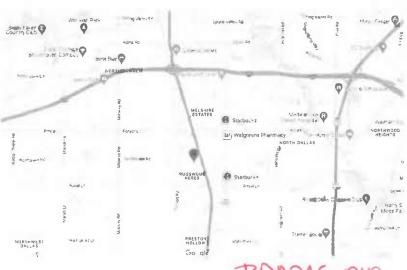
AS BUILT DRAWINGS AN TO EXISTING PORTE COCHERE TO COMPLY WITH CITY OF DALLAS **BUILDING REGULATIONS** 

PORTE COCHERE = 20 FT X 20 FT = 400 SQ FT

SHEET INDEX	
Sheet Number	Sheet Name
000	COVER
100	SITE PLAN - AS BUILT
101	FLOOR PLAN - AS BUILT
102	ROOF PLAN - AS BUILT
103	ELEVATIONS - AS BUILT
104	RCP - AS BUILT

ZONING: R-1/2 AC (A)





VICINITY MAP

BARRON SERVICES LLC 600 W 6th St. Suite 400 Fort Worth, TX 76102 (817) 233 5500 barronservices2005@outlook.coi www.barronservices.net

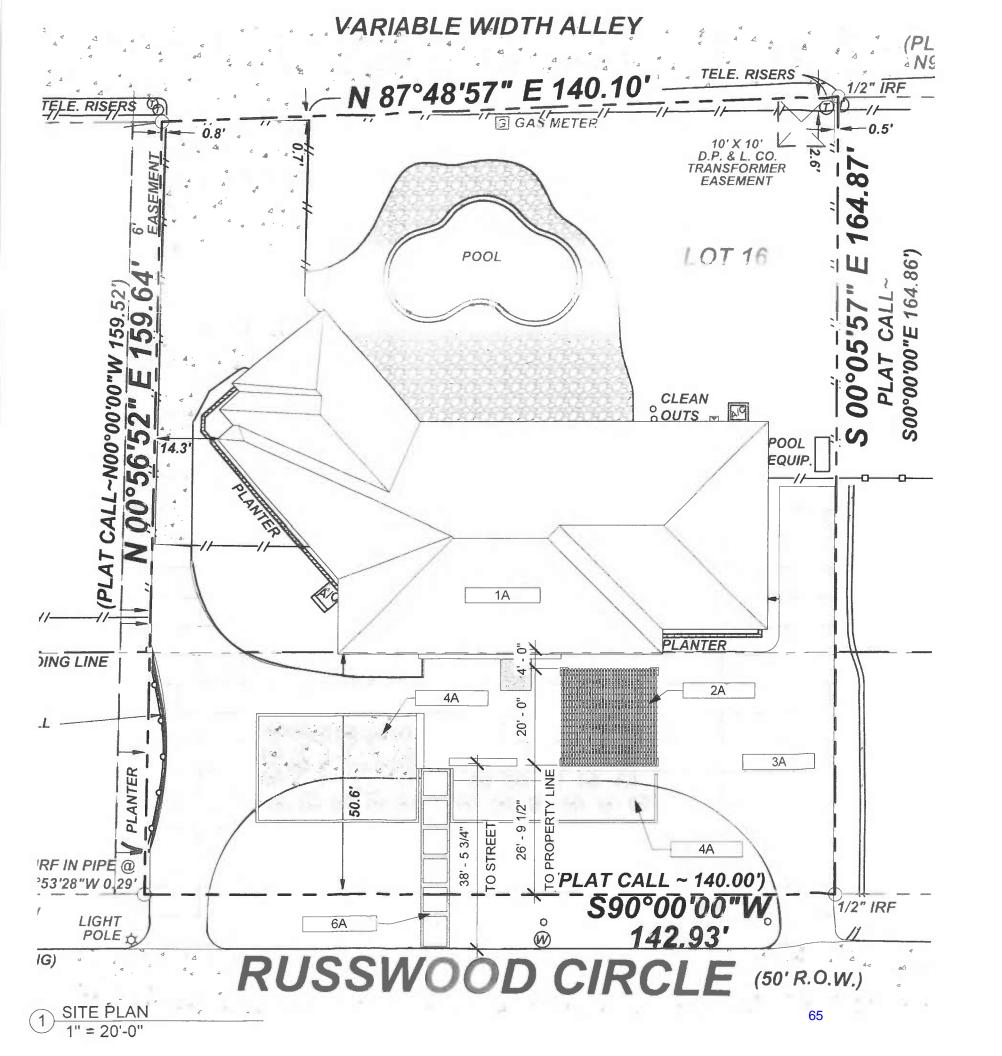
PROJECT: 20 FT X 20 FT PORTE COCHERE CONTACT: PARKER KEANE ADDRESS: 11224 RUSSWOOD CIR DALLAS, TX. 75229 **REVISIONS** 

7	
7	
	DATE
1	10/10/2024

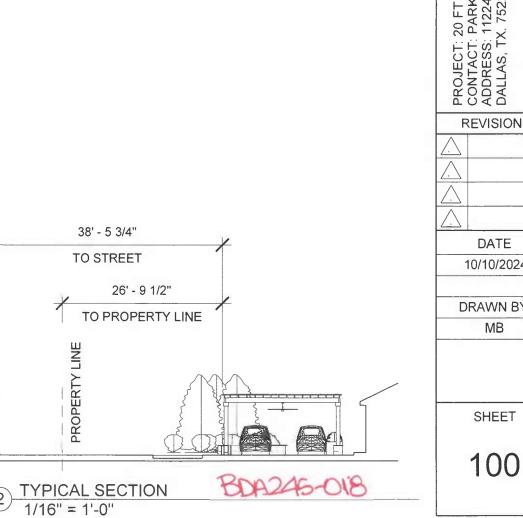
DRAWN BY:

MB

SHEET



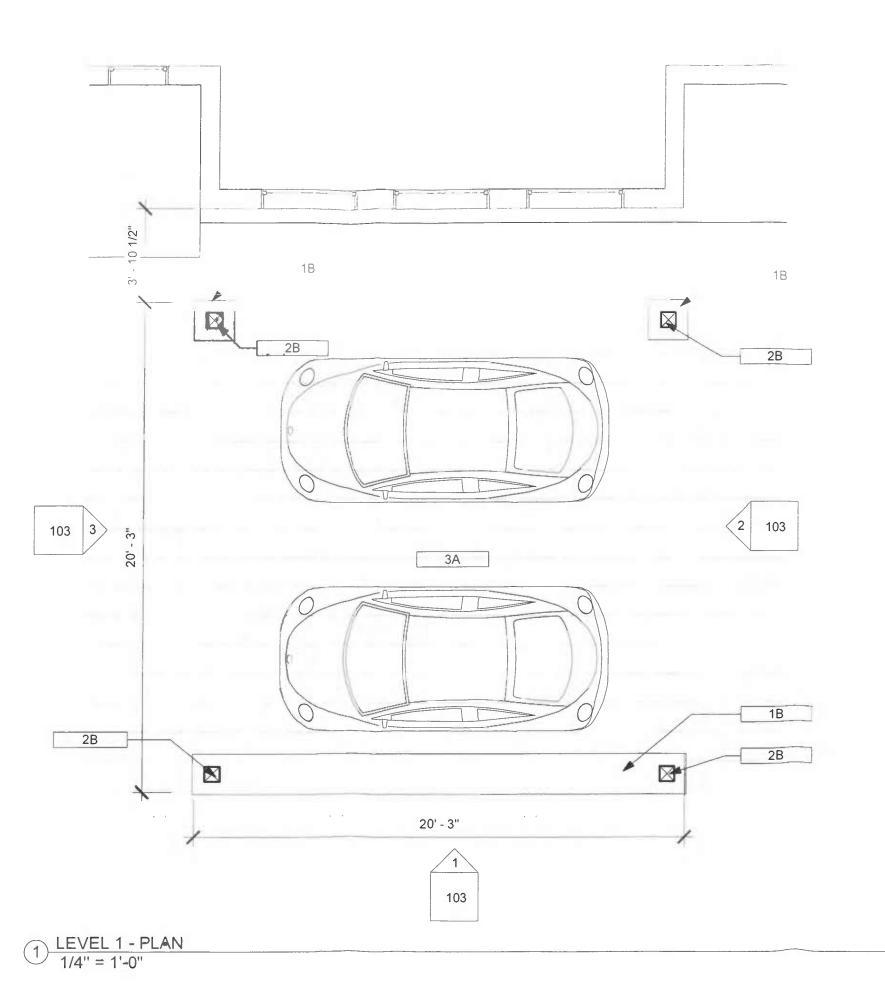
FLOOR PLAN - KEYNOTES	
NUMBER	DESCRIPTION
1A	EXISTING HOUSE
2A	EXISTING 20 FT X 20 FT PORTE COCHERE - WOOD FRAME WITH STONE COLUMNS
3A	EXISTING DRIVEWAY - NATURAL STONE PAVERS
4A	EXISTING LANDSCAPE
6A	EXISTING WALKWAY



STREET

BARRON SERVICES LLC 600 W 6th St. Suite 400 Fort Worth, TX 76102 (817) 233 5500 barronservices2005@outlook.com www.barronservices.net

20 FT X 20 FT PORTE COCHERE PARKER KEANE 11224 RUSSWOOD CIR X. 75229 **REVISIONS** 10/10/2024 DRAWN BY



FLOOR PLAN - KEYNOTES		
NUMBER	DESCRIPTION	
1A	EXISTING HOUSE	
2A	EXISTING 20 FT X 20 FT PORTE COCHERE - WOOD FRAME WITH STONE COLUMNS	
3A	EXISTING DRIVEWAY - NATURAL STONE PAVERS	
4A	EXISTING LANDSCAPE	
6A	EXISTING WALKWAY	

POST, MPB88Z & CONSULT STRUCTURAL **ENGINEER AND CONCRETE BLOCK** MANUFACTURER FOR PROPER INSTALLATION. **DETAIL SHOWN FOR** REFERENCE ONLY 8X8 LVL OR -7X7 HSS POST 6" MIN. SIDECOVER (TYP.) 1" STAND OFF 2" TYP 3" 11 1/2" (MIN.) CONCRETE COVER PER ACI-318 **UNLESS NOTED** OTHERWISE FOOTING BY **DESIGNER CONCRETE COVER** PER ACI-318 UNLESS NOTED OTHERWISE MPB88Z - REINFORCED **CONCRETE FOOTING** 

FOOTING (SIZE AND REINFORCEMENT) BY DESIGNER. STANDARD HOOK GEOMETRY IN ACCORDANCE WITH ACI 318 UNLESS NOTED OTHERWISE.

DETAIL - MPB88Z - INSTALLATION -

2 SECTION 1" = 1'-0"



BARRON SERVICES LLC 600 W 6th St. Suite 400 Fort Worth, TX 76102 (817) 233 5500 barronservices2005@outlook.com www.barronservices.net

PROJECT: 20 FT X 20 FT PORTE COCHERE

CONTACT: PARKER KEANE

ADDRESS: 11224 RUSSWOOD CIR

DALLAS, TX. 75229

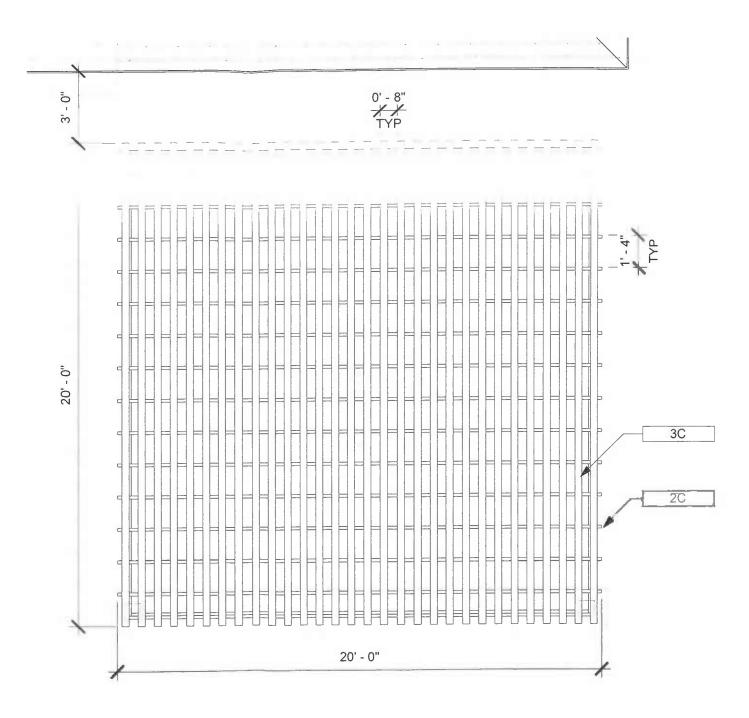
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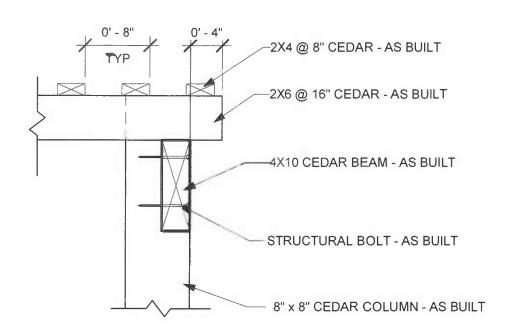
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+ 1 <b>≻</b>	ROOF - PLAN 1/4" = 1'-0"	
	1/4 - 1-0	

	ROOF PLAN - KEYNOTES
NUMBER	DESCRIPTION
1C	4X10 CEDAR BEAM - AS BUILT
2C	2X6 @ 16" CEDAR - AS BUILT
3C	2X4 @ 8" CEDAR - AS BUILT
4C	1X CEDAR WRAP - AS BUILT
5C	STRUCTURAL BOLT - AS BUILT



DETAIL - CONNECTION - 8X8 POST - 4X

BEAM - STRUCTURAL BOLTS

1" = 1'-0"

BDA245-018

BARRON SERVICES LLC 600 W 6th St. Suite 400 Fort Worth, TX 76102 (817) 233 5500 barronservices2005@outlook.com www.barronservices.net

PROJECT: 20 FT X 20 FT PORTE COCHERE CONTACT: PARKER KEANE ADDRESS: 11224 RUSSWOOD CIR DALLAS, TX. 75229

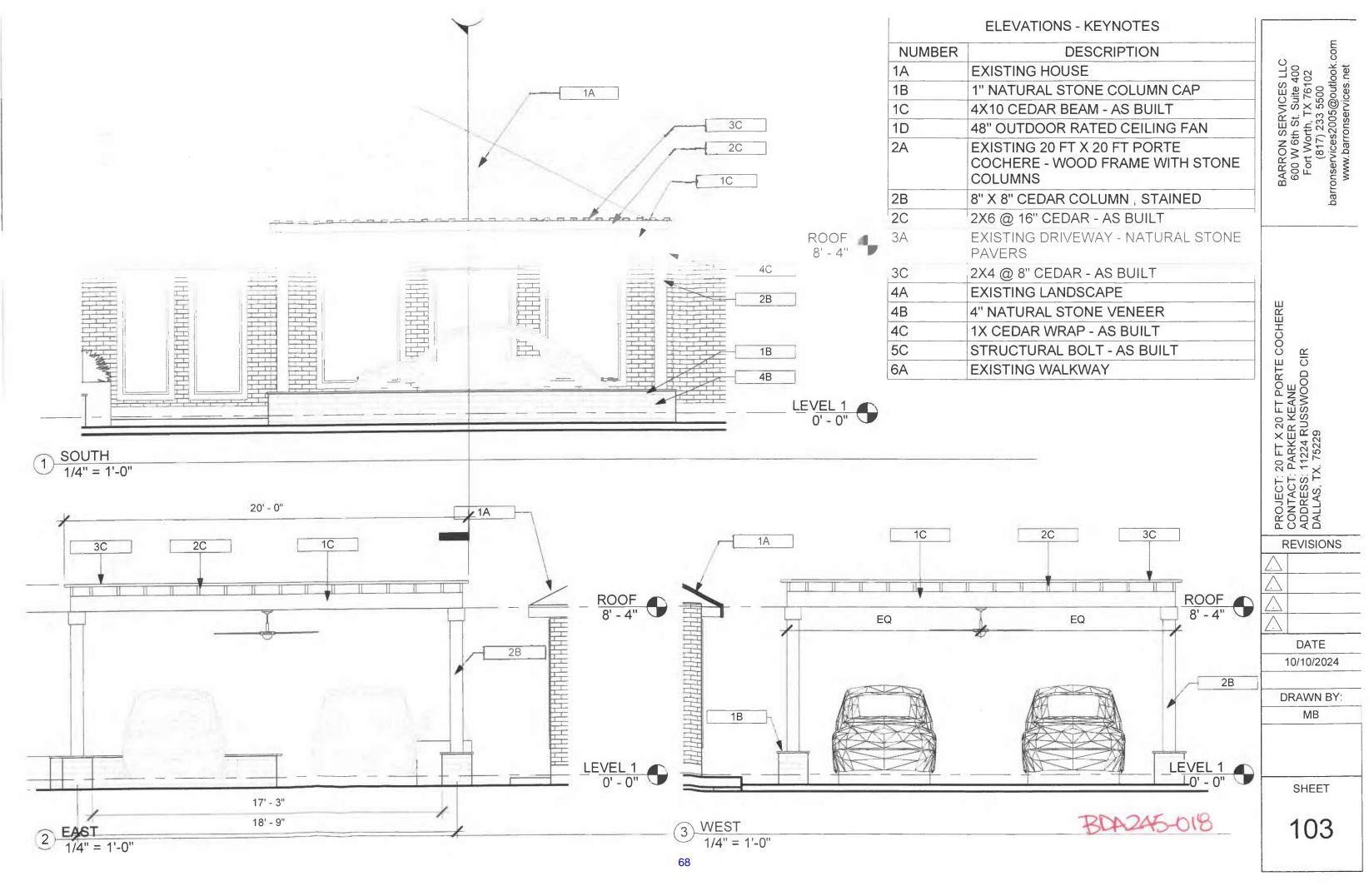
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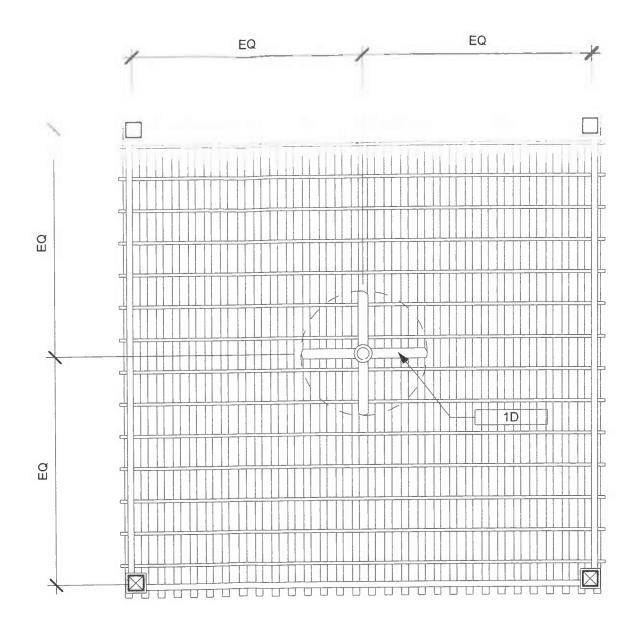
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1 RCP - PLAN 1/4" = 1'-0"

RCP PLAN - KEYNOTES	
NUMBER	DESCRIPTION
1D	48" OUTDOOR RATED CEILING FAN

GENERAL NOTES / ELECTRICAL		
1	ELECTRICIAN TO HOLD A MASTER ELECTRICIAN LICENSE FROM TDLR (TEXAS DEPARTMENT OF LICENSING AND REGULATIONS)	
2.	ELECTRICIAN TO REVIEW AND APPROVE REFLECTED CEILING PLAN PRIOR ANY WORK	
3.	ELECTRICIAN TO HOLD A GENERAL LIABILITY INSURANCE	
4.	ELECTRICIAN TO BE REGISTERED WITH THE RESPECTIVE CITY OR COUNTY OFFICE PRIOR ANY CONSTRUCTION	

BARRON SERVICES LLC 600 W 6th St. Suite 400 Fort Worth, TX 76102 (817) 233 5500 barronservices2005@outlook.com www.barronservices.net

PROJECT: 20 FT X 20 FT PORTE COCHERE CONTACT: PARKER KEANE ADDRESS: 11224 RUSSWOOD CIR DALLAS, TX. 75229

REVISIONS

DATE 10/10/2024

DRAWN BY:

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**FILE NUMBER**: BDA245-024(BT)

**BUILDING OFFICIAL'S REPORT:** Application of Chris Bowers for **(1)** a special exception to the fence height regulations at **5414 FALLS ROAD**. This property is more fully described as Block 3/5604, Lot 4, 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 9-foot high fence in a required front-yard, which will require **(1)** a 5-foot special exception to the fence height regulations.

**LOCATION**: 5414 Falls Road

**APPLICANT**: Chris Bowers

### **REPRESENTED BY:**

### REQUEST:

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

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

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

### **STAFF RECOMMENDATION:**

### Special Exceptions (1):

No staff recommendation is made on this request.

### **BACKGROUND INFORMATION:**

### 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 found within the last 5 years

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

- The application of Chris Bowers for the property located at 5414 Falls Road focuses on one request relating to the fence height.
- The first request is for a special exception to the fence height regulations. The applicant
  is proposing to construct and maintain a 9-foot high gate in a required front-yard, which
  will require a 5-foot special exception to the fence height regulations.
- As illustrated on the submitted site plan and elevations, the applicant is proposing 9-foot high stone columns, wrought iron gate, and fencing located between the 40-foot front-yard setback and front property line.
- The subject site along with surroundings properties to the north, south, east, and west are all developed with single-family homes.
- Based upon staff's analysis of the surrounding properties, the proposed columns, gate, and fence is similar to other single family homes along Falls Road.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations relating to height will not adversely affect the neighboring properties.
- Granting the special exception 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.
- 200' Radius Video: <u>BDA245-024 at 5414 Falls Rd</u>

### Timeline:

December 23, 2024: The applicant submitted an "Application/Appeal to the Board of

Adjustment" and related documents which have been included as part of

this case report.

January 3, 2025: The Board of Adjustment Administrator assigned this case to Board of

Adjustment Panel C.

January 24, 2025: Planning and Development Department Senior Planner emailed the

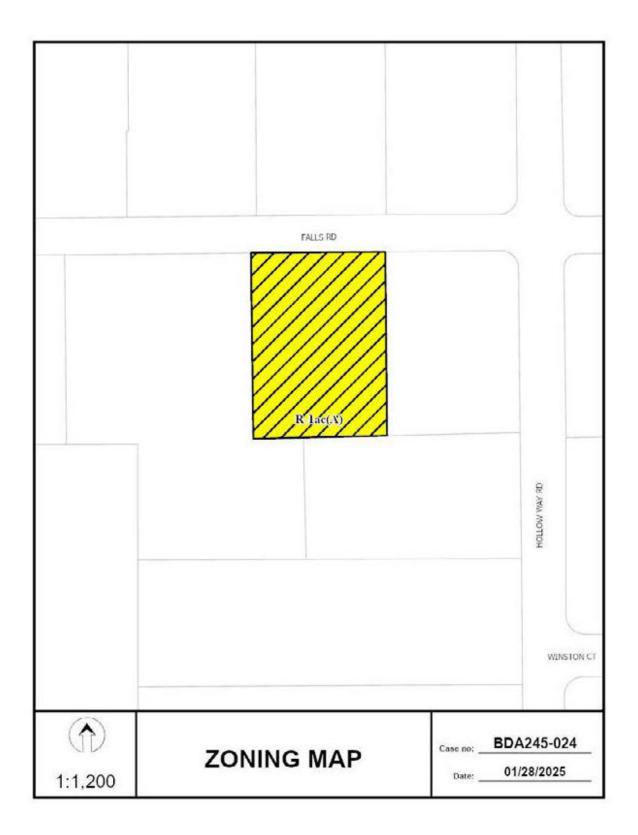
applicant the following information:

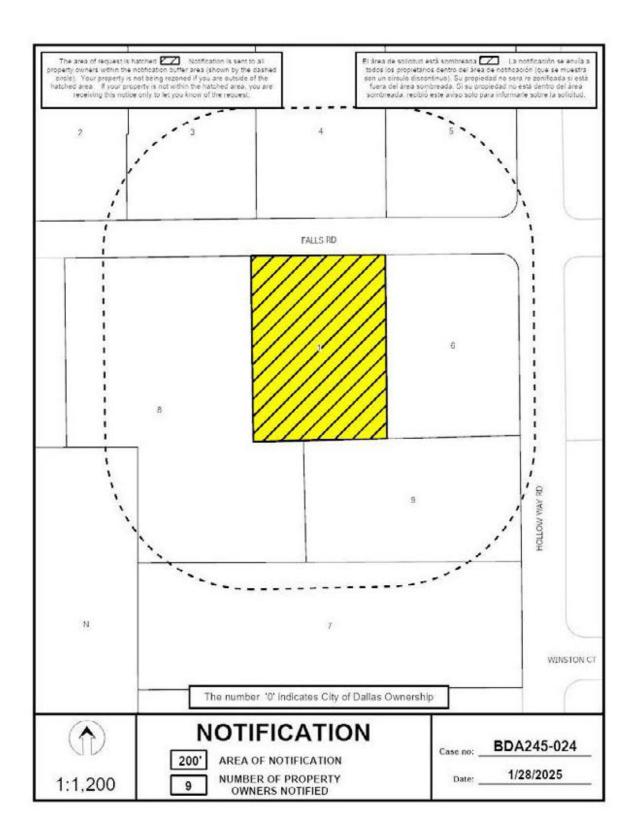
- an attachment that provided the public hearing date and panel that will consider the application; the January 31, 2025, deadline to submit additional evidence for staff to factor into their analysis; and February 7, 2025, deadline to submit additional evidence to be incorporated into the board's docket 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 30, 2025:

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







# Notification List of Property Owners BDA245-024

### 9 Property Owners Notified

Label #	Address		Owner
1	5414	FALLS RD	BISHOP RAYMOND D & DEVORAH J
2	5323	FALLS RD	ROBINSON JEFFREY M
3	5405	FALLS RD	WILSON DEBRA A
4	5415	FALLS RD	WALLACE JOHN WILLIAM &
5	5433	FALLS RD	WIER BRANDON & MCKINLEY
6	5432	FALLS RD	KIRTLAND JENNIFER ESPING
7	9701	HOLLOW WAY RD	MAVERICK MANAGEMENT COMPANY
8	5404	FALLS RD	NICOSIA JOSEPH THEODORE &
9	9711	HOLLOW WAY RD	HALLE ANDREW P &

1			1
	1	1	
1			1

1:1,200

## **NOTIFICATION**

200'

AREA OF NOTIFICATION

9

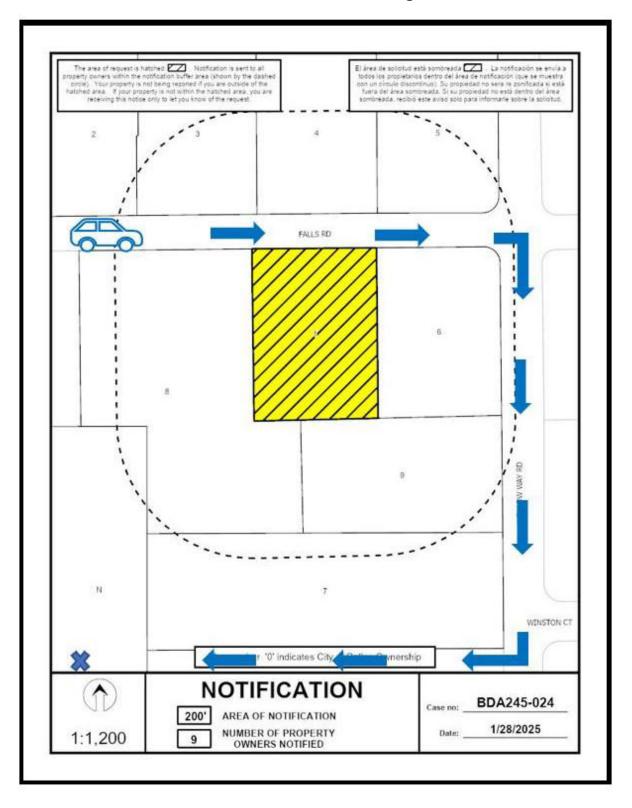
NUMBER OF PROPERTY OWNERS NOTIFIED Case no:

BDA245-024

Date:

1/28/2025

200' Radius Route Map



#### NOTICE OF PUBLIC HEARING

#### BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL C)

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

DATE: THURSDAY, FEBRUARY 20, 2025

BRIEFING: 10:30 a.m. via Videoconference and in L1FN AUDITORIUM, Dallas

City Hall, 1500 Marilla Street. https://bit.ly/boa0220

HEARING: 1:00 p.m. via Videoconference and in L1FN AUDITORIUM, Dallas

City Hall, 1500 Marilla Street. https://bit.ly/boa0220

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

BDA245-024(BT) Application of Chris Bowers for (1) a special exception to the fence height regulations at 5414 FALLS ROAD. This property is more fully described as Block 3/5604, Lot 4, 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 9-foot high fence in a required front-yard, which will require (1) a 5-foot special exception to the fence height regulations.

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

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

The Board of Adjustment hearing will be held by videoconference and in L1FN Auditorium at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure by joining the meeting virtually, must register online at <a href="https://bit.ly/BDA-C-Register">https://bit.ly/BDA-C-Register</a> or contact the Planning & Development Department at 214-670-4127 by the close of business Wednesday, February 19, 2025. All virtual speakers will be required to show their video in order to address the board. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall.

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

Additional information regarding the application may be obtained by calling Bryant Thompson, Senior Planner at (214) 948-4502, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

Board of Adjustment Planning and Development Department 1500 Marilla Street 5CN, Dallas TX 75201 BDAreply@dallas.gov
Letters will be received until 9:00
am the day of the hearing.

PLEASE REGISTER AT: https://bit.ly/BDA-C-Register

## APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT Case No.: BDA 245-024 Data Relative to Subject Property: Location address: 5414 Falls Rd., Dallas, TX 75220 Zoning District: R-1ac(A) Block No.: 3/5604 Acreage: 1.04 Census Tract: Street Frontage (in Feet): 1)\_\_\_180 To the Honorable Board of Adjustment: Owner of Property (per Warranty Deed): \_\_Raymond D. Bishop and Devorah J. Bishop Applicant: Suster Law Group, PLLC (Chris Bowers) Telephone: 972-380-0130 Mailing Address: 1316 Village Creek Drive, Plano, TX Zip Code: 75093 chris@susterlaw.com Communication E-mail Address: Suster Law Group, PLLC (Chris Bowers) 972-380-0130 Mailing Address: 1316 Village Creek Drive, Plano, TX Zip Code: 75093 E-mail Address: chris@susterlaw.com Affirm that an appeal has been made for a Variance $\_$ or Special Exception X of $\_$ allowing a fence eight feet in height consisting of black wrought-iron posts and square limestone columns with cast stone caps to exceed four feet above grade by four feet in the required front yard. Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to Grant the described appeal for the following reason: The proposed fence will not adversely affect neighboring properties. Other properties in the vicinity have similar fences for privacy and safety reasons. 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** Christopher D. Bowers Before me the undersigned on this day personally appeared (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: Subscribed and sworn to before me this day of RACHEL BLAKELEY Notary Public in and for Dallas County, Texas My Notary ID # 126007980 Expires February 16, 2027

DEVELOPMENT SERVICES - BOARD OF ADJUSTMENT | REV 05.24.2023

M. Samuell Eskander, PE

Sincerely,

BDA245-024(BT) Application of Chris Bowers for (1) a special exception to the fence height regulations at 5414 FALLS ROAD. This property is more fully described as Block 3/5604, Lot 4, 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 9-foot high fence in a required front-yard, which will require (1) a 5-foot special exception to the fence height regulations. at 5414 Falls Rd

did submit a request I hereby certify that for (1) a special exception to the fence height regulations **Chris Bowers** 

**Building Official's Report** 

Chairman
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Appeal wasGranted OR Denied
Date of Hearing

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



Appeal number: BDA	
Devorah J. Bishop	Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)	
5414 Falls Rd., Dallas, TX 75220	
(Address of property as stated on application)  Christopher D. Bowers  Authorize:	
(Applicant's name as stated on application)	
To pursue an appeal to the City of Dallas Zoning Board of Adju	ustment for the following request(s)
Variance (specify below)	
Special Exception (specify below)	
Other Appeal (specify below)	
Specify: to allow a fence to exceed four feet abo	ove grade by up to four feet in the
required front yard.	
Devorah J. Bishop	wasch J. Brahma
Print name of property owner or registered agent Signature	of property owner or registered
agent Date 11-26-2024	
Before me, the undersigned, on this day personally appeared	Davorah bishop
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 26	day of
November 2024	0.0
	Kelly (mlan
SAN TOOK	tary Public for Dallas County,
Notary Public, State of Texas  Comm. Expires 01-19-2026	xas
News ID 4000040	mmission expires on

DEVELOPMENT SERVICES • BOARD OF ADJUSTMENT | REV 05.24.2024



Appeal number: BDA Devorah J. Bishop , Owner of the subject property (Owner or "Grantee" of property as it appears on the Warranty Deedi 5414 Falls Rd., Dallas, TX 75220 (Address of property as stated on application) Christopher D. Bowers Authorize: (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) to allow a fence to exceed four feet above grade by up to four feet in the Specify: required front yard. Devorah J. Bishop Print name of property owner or registered agent 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 KELLY ENGLAND Notary Public, State of Texas Comm. Expires 01-19-2026 Texas Notary ID 10338440

DEVELOPMENT SERVICES • BOARD OF ADJUSTMENT | REV 05.24.2024



#### **AFFIDAVIT**

Appeal number: BDA 245 024		
Raymond D. Bishop	, Owner of the subject property	
(Owner or "Grantec" of property as it appears on the Warranty Deed)  5414 Falls Rd., Dallas, TX 75220 at:	, owner or the subject property	
(Address of property as stated on application)		
Authorize: Christopher D. Bowers		
(Applicant's name as stated on application)		
To pursue an appeal to the City of Dallas Zoning Board of Adju	astment for the following request(s)	
Variance (specify below)		
XSpecial Exception (specify below)		
Other Appeal (specify below)		
Specify:to allow a fence to exceed four feet above gr	rade by up to four feet in the	
required front yard		
Raymond D. Bishop	Culs	
Print name of property owner or registered agent  Signature	of preperty owner or registered	
agent Date 11-21,-2004		
Before me, the undersigned, on this day personally appeared	aymond Sishop	
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	day of	
November , 2024		
KELLY ENGLAND  Notary Public, State of Texas  Comm. Expires 01-19-2026  Notary ID 10338440	mmission expires on 1-19-2026	



#### **AFFIDAVIT**

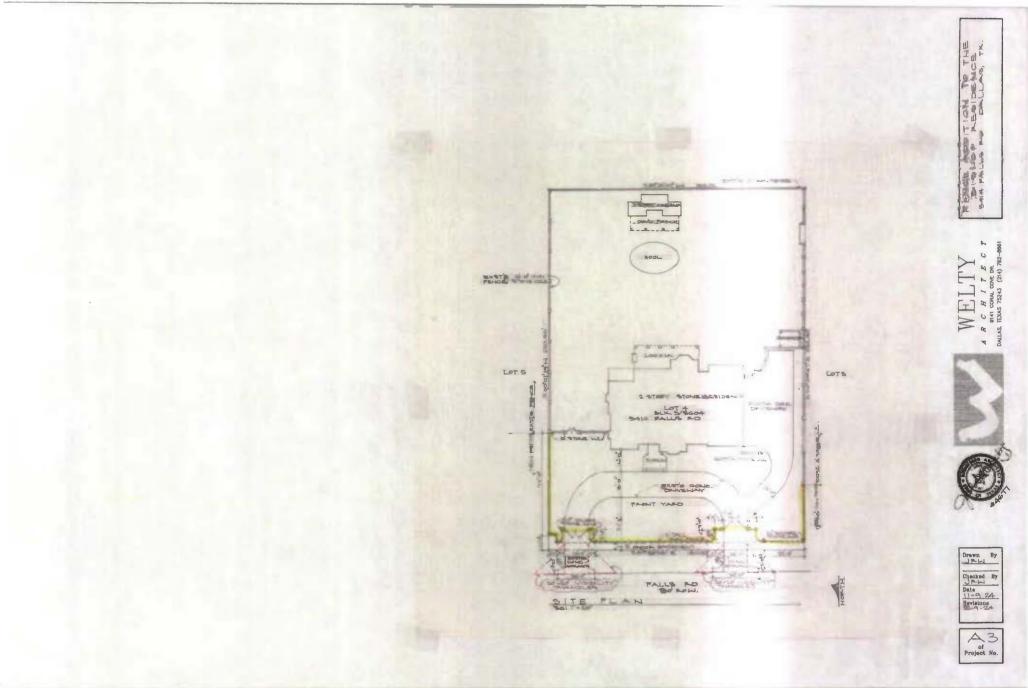
Appeal number: BDA
Raymond D. Bishop , Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)
5414 Falls Rd., Dallas, TX 75220
at:(Address of property as stated on application)
Christopher D. Bowers
Authorize:(Applicant's name as stated on application)
(турпован з наше вз замен он врушевном)
To pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s)
Variance (specify below)
XSpecial Exception (specify below)
Other Appeal (specify below)
Specify: to allow a fence to exceed four feet above grade by up to four feet in the
required front yard
Raymond D. Bishop
Print name of property owner or registered agent
agent Date 11-26-2024
Before me, the undersigned, on this day personally appeared Laymand Bishap
Who on his/her oath certifies that the above statements are true and correct to his/her best
knowledge. Subscribed and sworn to before me this 26th day of
November 2014
KELLY ENGLAND  Notary Public, State of Texas  Comm. Expires 01-19-2026  Notary ID 10338440  KELLY ENGLAND  Commission expires on  Notary ID 10338440

DEVELOPMENT SERVICES • BOARD OF ADJUSTMENT | REV-05/24.2024

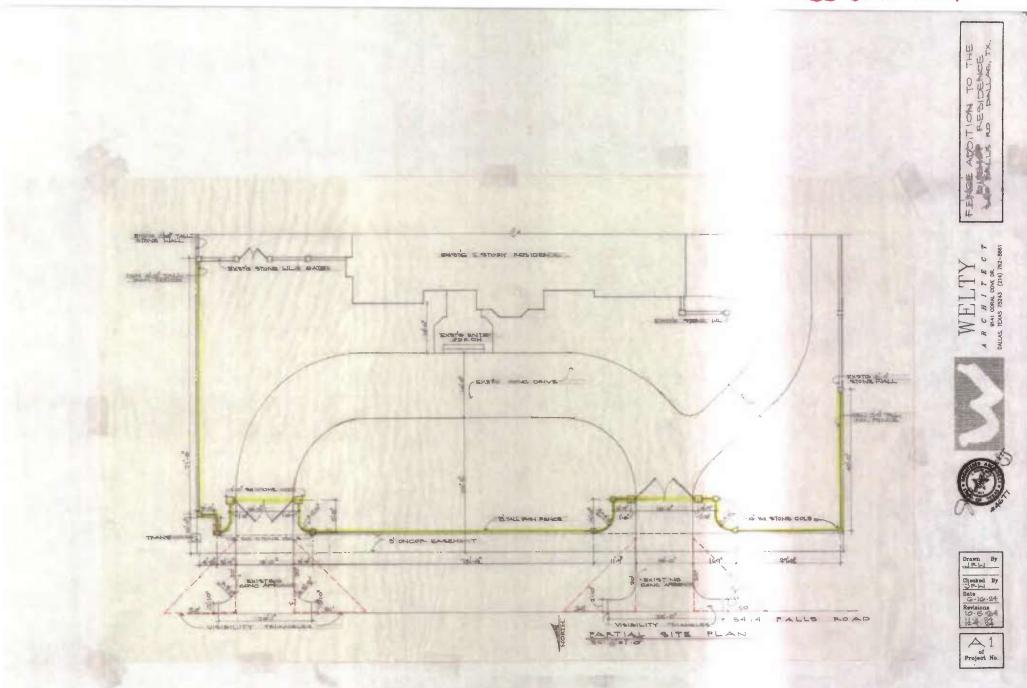
SHIPPED 41/46 DATE: 67896 CITY OF DALLAS PLAT BOOKS 5602-5503-5504 INWOOD\_\_\_\_\_ ADDITION\_\_\_\_\_ ANNEXED JULY M. 1945 ORD, NO. 3653 SURVEY JOHN HOWELL SCHOOL DIST. DALLAS SCALE 100 FT EQUALS LINCH 45% \$ WALNUT BILL 1900 SHOD LANE & trees? ROAD ROAD 490 K 5602 19984 44  $\phi_{Q_f}$ 4 EDLEN 5300 5400 ROAD ? 00 74 <sup>™</sup>,5603<sup>™</sup> WAY 1,00 kgp 1400 ROAD 3 3 FALLS 5500 MOTTO-W 3 5604 Que, 2/35901 1955 3580  $\mathbf{s}^{\mathbf{p}}$ PRESTON ADDITION HOLLOW

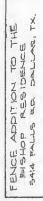
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BOA245-024





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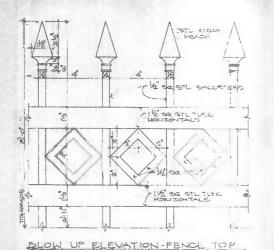


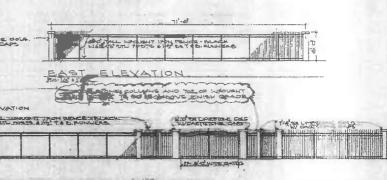
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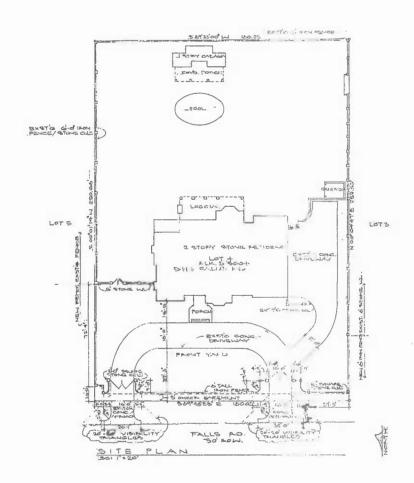
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## BOA245-024



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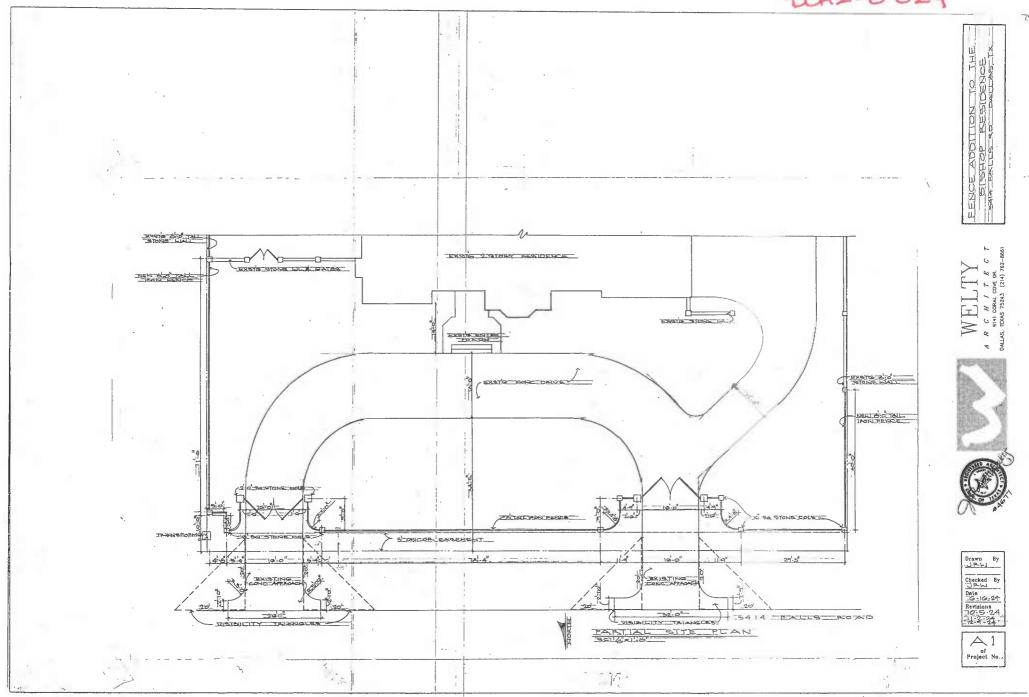
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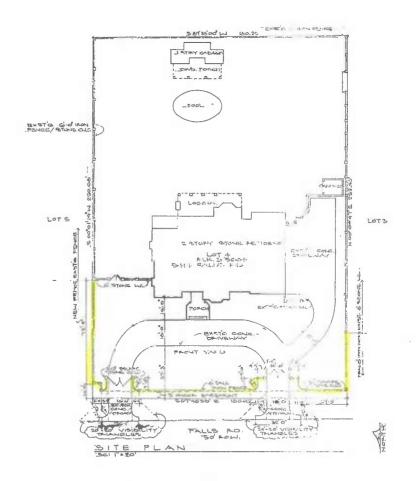












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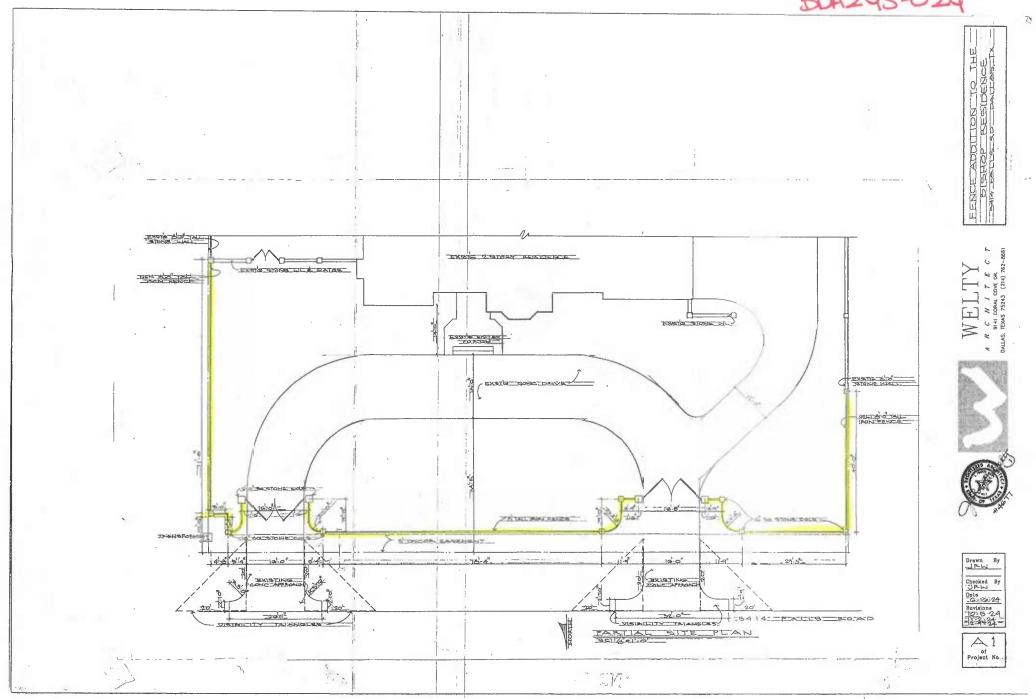
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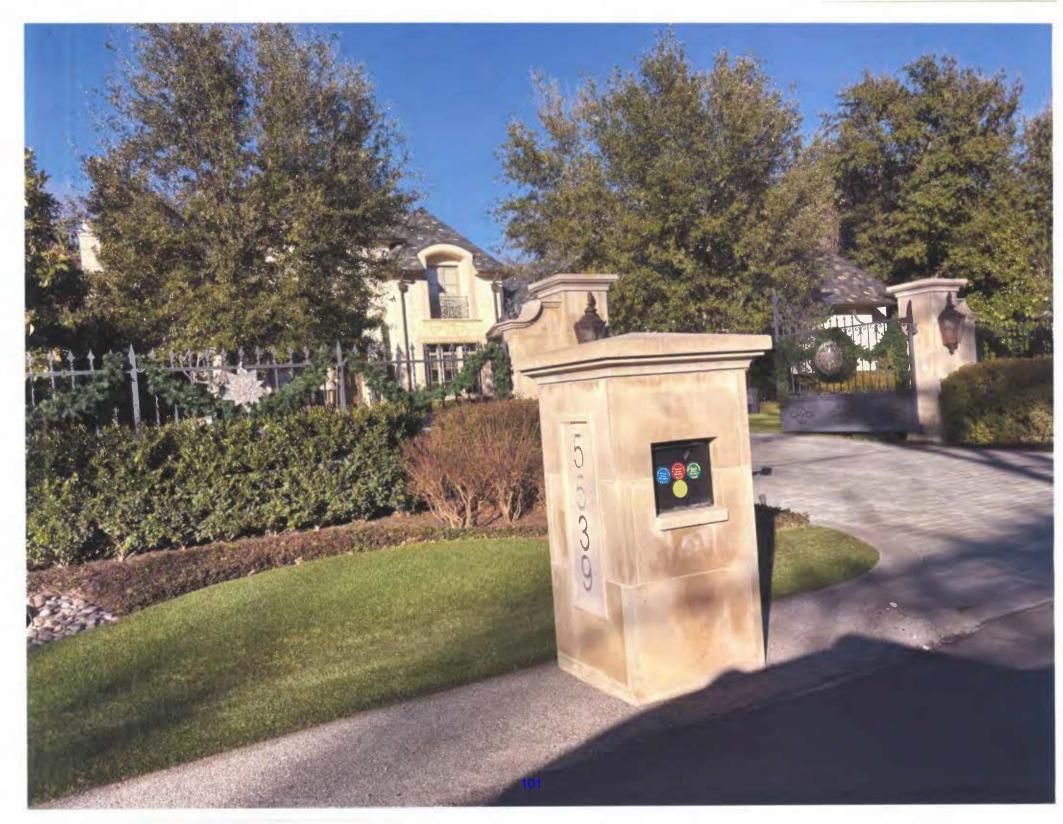














FILE NUMBER: BDA245-028(BT)

**BUILDING OFFICIAL'S REPORT**: Application of David Pitcher for **(1)** a special exception to the landscaping regulations at **1900 WHEATLAND ROAD**. This property is more fully described as Block 7611, 7612, 7605, 6886 and is zoned TH-2(A), MF-2(A), MF-3(A), and CR, 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 urban forest conservation regulations.

**LOCATION**: 1900 Wheatland Road

**APPLICANT**: David Pitcher

#### **REPRESENTED BY:**

#### **REQUEST:**

(1) A request for a special exception to the landscape and urban forest conservation regulations

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

Section 51A-10.110(b) of the Dallas Development Code states that the board may grant a special exception to the requirements of Division 51A-10.130, upon making a special finding from the evidence presented that strict compliance with the requirements of Division 51A-10.130 will unreasonably burden the use of the property; the special exception will not adversely affect neighboring property; and the requirements are not imposed by a site-specific landscape plan or tree mitigation plan approved by the city plan commission or city council. In determining whether to grant a special exception under Subsection (a), the board shall consider the following factors:

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

#### **STAFF RECOMMENDATION:**

#### Special Exceptions (1):

No staff recommendation is made on this request.

#### **BACKGROUND INFORMATION:**

#### Zoning:

<u>Site</u>: TH-2(A), MF-2(A) MF-3(A), AND CR North: R-7.5(A), R-5(A), PD-624, AND CH

East: PD-624, AND CR

South: R-7.5(A), UC-2, MU-2, AND MF-2(A)

West: R-7.5(A)

#### Land Use:

The subject site and all surrounding properties are primarily undeveloped land with some commercial and single-family uses.

#### **BDA History**:

No BDA history found within the last 5 years

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

- The application of David Pitcher for the property located at 1900 Wheatland Road focuses on one request relating to the landscape and urban forest conservation regulations.
- The applicant is proposing to provide an alternate landscape plan.
- The City of Dallas Floodplain Management office has affirmed the area designated as 100-year floodplain, according to Article V. Per ordinance, 'the floodplain administrator regulates according to both the FEMA effective maps and the regulatory floodplain maps, regardless of adoption by FEMA (Sec. 5.102(a)(4)). The City maintains that the 'agricultural manmade channels' are floodplain as identified on our city maps. The vegetation is protected under Article X tree conservation regulations and must be managed accordingly.
- The board may consider a special exception for tree mitigation based on if strict compliance of the code will unreasonably burden the use of the Property, the special exception will not adversely affect neighboring property, and when there is no site-specific tree mitigation plan by council or the CPC. They may consider residential adjacency, topography, landscaping, suitable planting locations, and the extent to which alternative methods of replacement will compensate for the overall removal (Sec. 51A-10.110(b)).
- The old-filed succession review was added as one component to the tree conservation ordinance in 2018 to help provide a reasonable means of reducing costs and burden for tree survey assessments and the high amount of mitigation for young (early succession) tree stands while providing incentive for the protection of more sensitive and critical woodland areas. Additional reading on this process can be found in the Landscape and Tree Manual, Appendix G.
- Final calculations for the amount of tree mitigation of a building project are confirmed in the permit review process unless the amount of tree mitigation is previously determined by board or council. The request before the board is for the allowance of the use of the

forest stand delineation to define old-field succession mitigation reductions within an area encumbered by a primary natural area currently restricting its use on the portion of the stand in the floodplain area. The board may select criteria to determine a suitable level of mitigation reduction.

- If a special exception is approved, the timing of tree mitigation completion will be defined as per Sec. 51A-10.134(c)(5). The intent is to grade in both Properties to adjust the site in Phase 1 for development. If approved, a special condition for completion of the mitigation to be tied to the timing of the completion of the development is recommended.
- An additional allowance may be needed for the placement of tree mitigation in streets
- 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 and strict compliance with the code will unreasonably burden the use of the property.
- 200' Radius Video: <u>BDA245-028 at 1900 E Wheatland Rd</u>

#### **Timeline:**

January 17, 2025: 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 3, 2025: The Board of Adjustment Administrator assigned this case to Board of

Adjustment Panel C.

January 24, 2025: Planning and Development Department Senior Planner emailed the

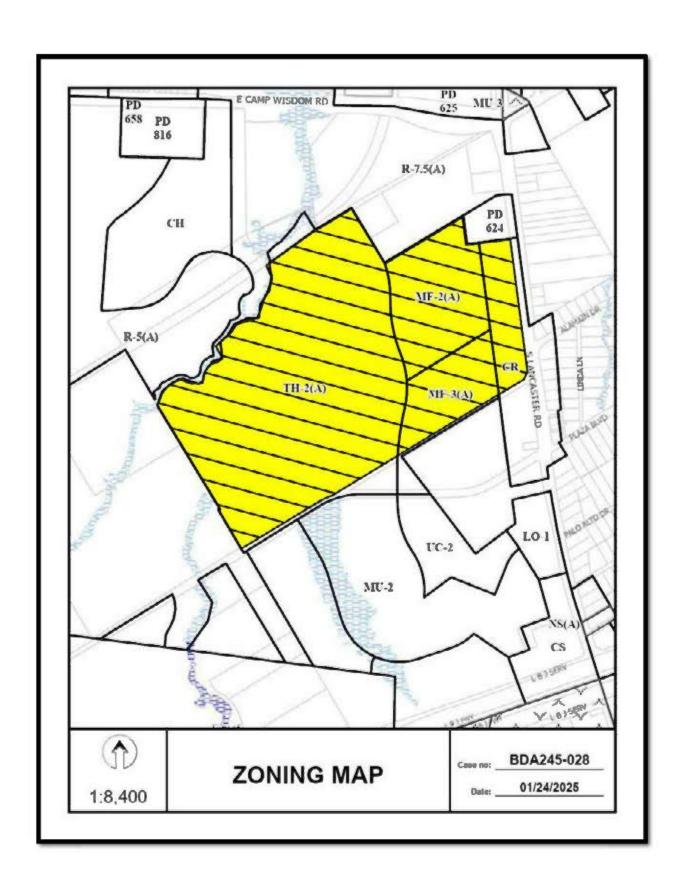
applicant the following information:

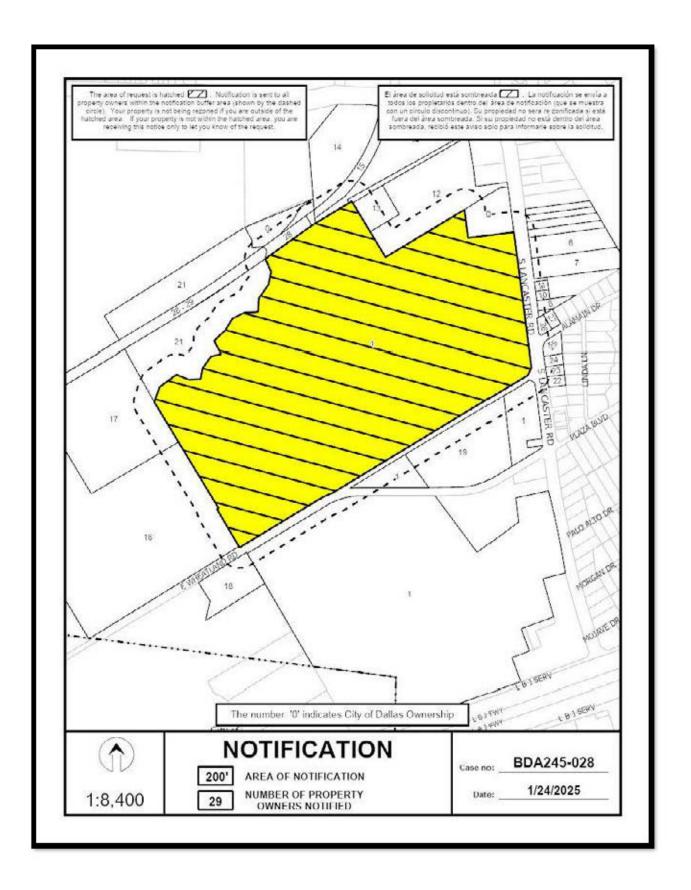
- an attachment that provided the public hearing date and panel that will consider the application; the January 31, 2025, deadline to submit additional evidence for staff to factor into their analysis; and February 7, 2025, deadline to submit additional evidence to be incorporated into the board's docket 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 30, 2025:

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







# Notification List of Property Owners BDA245-028

#### 29 Property Owners Notified

Label #	Address		Owner
1	2000	E WHEATLAND RD	VM FUND I LLC
2	7310	S LANCASTER RD	GARZA TANYA M
3	7304	S LANCASTER RD	CAUDILLO JOSE JUAN &
4	7316	S LANCASTER RD	BARNES ALVIN L
5	7320	S LANCASTER RD	LOPEZ JOSE ARAUJO
6	7324	S LANCASTER RD	2008 WHITE FAMILY REV LIV THE
7	7412	S LANCASTER RD	WILLIAMS FREDDIE MAE
8	7430	S LANCASTER RD	JOHNSON VERNON LEE
9	7440	S LANCASTER RD	BROWN ROBERTA
10	7416	S LANCASTER RD	ROJASHERNANDEZ JUAN CARLOS &
11	7422	S LANCASTER RD	CARRENONOLASCO ANGEL PAULINO &
12	7201	S LANCASTER RD	PROTON PROPERTIES LLC
13	7101	S LANCASTER RD	CAMPLANC INVESTMENTS
14	2100	E CAMP WISDOM RD	154 LANCASTER LTD
15	2100	E CAMP WISDOM RD	DART
16	1801	E WHEATLAND RD	RKCJ LLC
17	1801	E WHEATLAND RD	HICKORY POINTE LLC
18	1800	E WHEATLAND RD	FELIX JOAQUIN & PABLO
19	2100	E WHEATLAND RD	RHODES KING E
20	1900	WHEATLAND RD	CADG PPTY HOLDINGS I LLC
21	1801	WHEATLAND RD	TEXAS STATE OF
22	7506	S LANCASTER RD	GIVENS LORA A TATUMLOWE &
23	7474	S LANCASTER RD	HEJ LIVING TRUST
24	7468	S LANCASTER RD	MCDOWELL CASTON J & DONNIE
25	7458	S LANCASTER RD	B BROS & J LLC
26	7448	S LANCASTER RD	WILLIAMS GLORIA



# **NOTIFICATION**

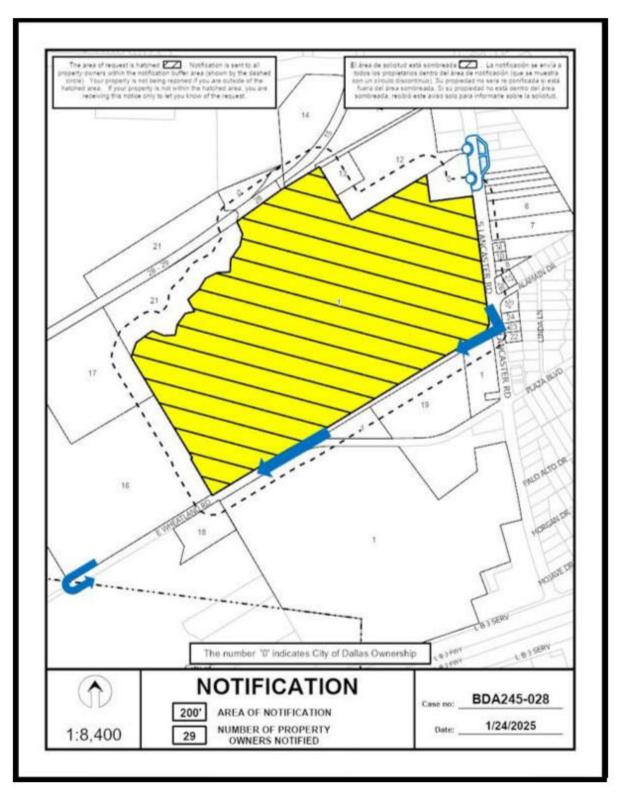
200'

AREA OF NOTIFICATION NUMBER OF PROPERTY OWNERS NOTIFIED Case no: BDA245-028

Date: 1/24/2025

1:8,400

200' Radius Route Map



#### NOTICE OF PUBLIC HEARING

#### BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL C)

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

DATE: THURSDAY, FEBRUARY 20, 2025

BRIEFING: 10:30 a.m. via Videoconference and in L1FN AUDITORIUM, Dallas

City Hall, 1500 Marilla Street. https://bit.ly/boa0220

HEARING: 1:00 p.m. via Videoconference and in L1FN AUDITORIUM, Dallas

City Hall, 1500 Marilla Street. https://bit.ly/boa0220

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

BDA245-028(BT) Application of David Pitcher for (1) a special exception to the landscaping regulations at 1900 WHEATLAND ROAD. This property is more fully described as Blocks 7611, 7612, 7605, and 6886 and is zoned TH-2(A); MF-2(A); MF-3(A); and CR, 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 urban forest conservation regulations.

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

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

The Board of Adjustment hearing will be held by videoconference and in L1FN Auditorium at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure by joining the meeting virtually, must register online at <a href="https://bit.ly/BDA-C-Register">https://bit.ly/BDA-C-Register</a> or contact the Planning & Development Department at 214-670-4127 by the close of business Wednesday, February 19, 2025. All virtual speakers will be required to show their video in order to address the board. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall.

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

Additional information regarding the application may be obtained by calling Bryant Thompson, Senior Planner at (214) 948-4502, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

Board of Adjustment Planning and Development Department 1500 Marilla Street 5CN, Dallas TX 75201 PLEASE SEND REPLIES TO: BDAreply@dallas.gov Letters will be received until 9:00 am the day of the hearing.

PLEASE REGISTER AT: https://bit.lv/BDA-C-Register

## APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

	Case No.: BDA	345-038 HTV F.I			
Data Relative to Subject Property:		te: FOR OFFICE USE ON (C)			
Location address: 1900 E WHEATLAND RD		t: TH-2(A), MF-2(A), MF-3(A), CR			
Lot No.: N/A Block No.: N/A Acreage: 157.22	Census Tract:	BY:			
Street Frontage (in Feet): 1) 4,600 2) 3)  To the Honorable Board of Adjustment:	4)	5)			
Owner of Property (per Warranty Deed):VM FUND I, LLC					
Applicant: DAVID PITCHER, P.E KFM ENGINEERING	Telephone: _	214-801-4936			
Mailing Address: 3501 OLYMPUS BLVD, SUITE 100, DALLA	AS Zip Co	de:75019			
E-mail Address: DPITCHER@KFM-LLC.COM					
Represented by: N/A	Telephone: _				
Mailing Address:					
E-mail Address:					
Note to Applicant: If the appeal requested in this application is go be applied for within 180 days of the date of the final action of longer period.  Affidavit	the Board, unless	the Board specifically grants a			
Before me the undersigned on this day personally appeared _					
who on (his/her) oath certifies that the above statements are the/she is the owner/or principal or authorized representative Respectfully submitted:  (Affiant Applicant's signature)	true and correct t				
Subscribed and sworn to before me this 31 day of DECEM	BER	2024			
JOSHUA MILLSAP NOTARY PUBLIC 10# 129101611 State of Texas Comm. Exp. 01-09-2025	r Dallas County, T	exas			

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Sincerely,

I hereby certify that David Pitcher

did submit a request

at

1900 E Wheatland Rd

for (1) a special exception to the landscaping regulations

and CR, which requires mandatory landscaping and tree mitigation. The applicant

landscape plan for tree mitigation, which will require (1) a special exception to the

proposes to construct and/or maintain a nonresidential structure and provide an alternate

landscape and urban forest conservation regulations

BDA245-028(BT) Application of David Pitcher for (1) a special exception to the landscaping regulations at 1900 WHEATLAND ROAD. This property is more fully described as Blocks 7611, 7612, 7605, and 6886 and is zoned TH-2(A); MF-2(A); MF-3(A)

**Building Official's Report** 

Chairman Remarks Appeal was--Granted OR Denied Date of Hearing

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



December 24, 2024

Board of Adjustments City of Dallas 1500 Marilla Street Dallas, TX 75201

#### RE: Special Exception for Urban Forestry – University Hills

Dear Board Member,

Section 51A-10.132(4)(8)(i)(bb) states that forest stand delineation excludes areas within 50 feet of a one-percent chance floodplain. We would like to request a special exception of this requirement for a portion of our property that was affected by manmade agricultural channels.

The University Hills property is located at the Northwest corner of Lancaster Road and Interstate-20 and was historically farmland. Aeriol photos attached as **Exhibit A** show that most of the property was well maintained farmland with manmade, agricultural channels through the center of the property. After the 1970s, the property was no longer maintained as farmland and was left to be overgrown. As the final photo depicts, the property is currently completely overgrown.

Development of the subject property will require the removal of trees within the historic farmland. A Forest Stand Delineation and Tree Survey was completed by Integrated Environmental Solutions in March of 2024 to assess the current site conditions and found that most of the previous farmland qualifies as and old-field under Section 51A 10.134.

However, there is a significant amount of old-field area within 50 feet of the one-percent chance floodplain, therefore disqualifying these areas from the old-field classification under Section 51A-10.132(4){8}(i)(bb). The current one-percent chance floodplain was established by a study prepared by Holff Associates for the City of Dallas in 2014. The current floodplain boundary is depicted in **Exhibit B**. Since the manimade channel was only designed for agricultural purposes, it does not contain the one-percent chance floodplain, and therefore encumbers a wide breadth of the property as compared to the natural channels to the north and west.

The hardship to this property occurred because the manmade channel was designed for agricultural purposes, creating a large one-percent chance floodplain. This floodplain does not allow the old farmland to qualify as an old-field and thereby significantly increase the tree mitigation fees required.







Given this hardship, we request that the Board of Adjustments allow a special exception to Section 51A-10.132(4)(B)(i)(bb), and allow area within 50 feet of a one-percent chance of flood to be qualified for a forest-stand delineation and an old-field classification. The area for this Special Exception would be the areas surrounding the manmade channels only and is depicted on **Exhibit B**.

If this request is granted, mitigation for remaining site trees would be provided by onsite canopy and ornamental trees. This re-investment into the community will have long term benefits and will maximize the effectiveness of the shared open spaces throughout the neighborhood. A Proposed Tree Exhibit has been provided as **Exhibit C** that depicts the proposed ornamental and canopy plantings to meet the remaining mitigation requirements.

If this request is not granted, the tree mitigation fee would be well above the current budget for open space landscaping, forcing the development to only provide minimum landscaping requirements for the open spaces. A Required Trees Exhibit has been provided as **Exhibit D** which depicts the required tree plantings.

We greatly appreciate your time and understanding of this matter and ask for your consideration and approval of this Special Exception.

Sincerety,

David Pitcher Vice President

KFM Engineering & Design

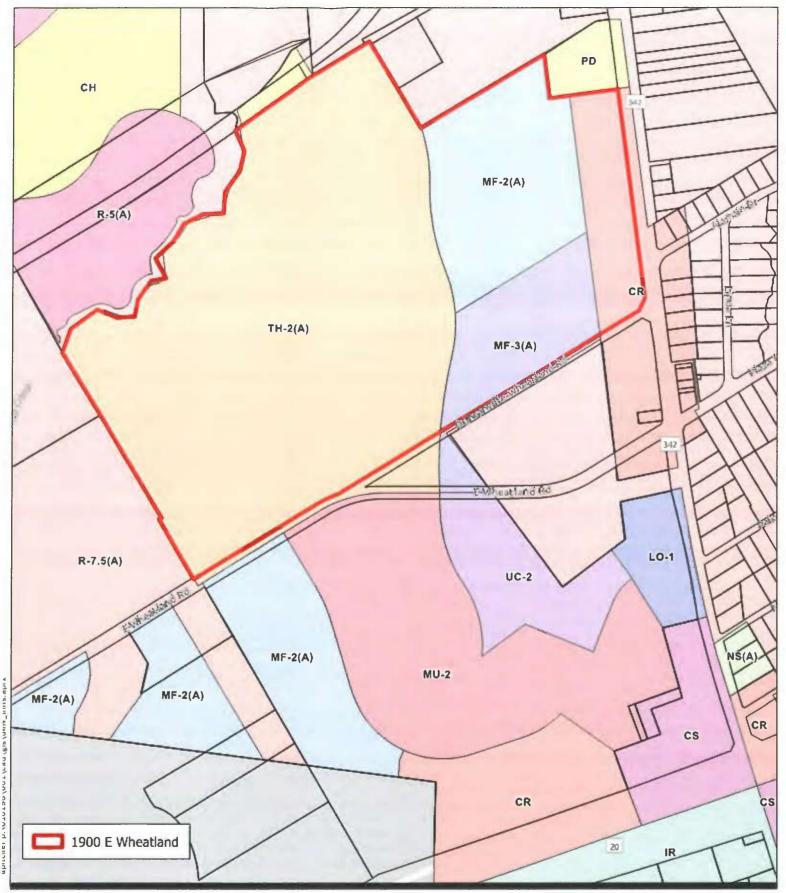
TBPE #: F-20821



Appeal number: BDA				
I, VM FUND I, LLC , Owner of the subject property (Owner or "Grantee" of property as it appears on the Warranty Deed)				
at: 1900 E. Wheatland Rd.				
(Address of property as stated on application)				
Authorize: David Pitcher, P.E KFM Engineering & Design (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: FOR TREE MITIGATION REQUIREMENTS AS STATED IN THE LETTER ATTACHED				
WITH THIS APPLICATION				
Kon Magno				
Print name of property owner or registered agent 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 thisday of				
December 2024				
Synna Jarr				
LYNNA TARR  LYNNA TARR  Notary Public for Dallas County,  Texas  Texas				
Notary ID 3240754 Commission expires on				



Appeal number: BDA					
I, VM FUND I, LLC	, Owner of the subject property				
(Owner or "Grantee" of property as it appears on the Warranty Deed)					
at: 1900 E. Wheatland &	ld.				
(Address of property as stated on applic	ation)				
Authorize: David Pitcher, P.E KFM Engineering & Design	gn				
(Applicant's name as stated on applic	ation)				
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:FOR TREE MITIGATION REQUIREMENTS AS	STATED IN THE LETTER ATTACHED				
WITH THIS APPLICATION	$\wedge$				
Roy Magno					
Print name of property owner or registered agent Sign	ature of property owner or registered				
17/21/2021					
agent Date /2/31/2029	$\circ$				
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					
The off months out the decree statements are true and correct to months tool					
knowledge. Subscribed and sworn to before me this	day of				
December , 200	4				
	In Days				
LYNNA TARR	Notary Public for Dallas County,				
Notary Public, State of Texas Comm. Expires 02-14-2027	Texas				
Notary ID 3240754					
	Commission expires on				
	2-14-2027				





3501 OLYMPUS BLVD STE 100 CALLAS, TX 75019 459.899 0536 WWW.KFM LLC.COM

TITLE

## **DALLAS ZONING**

**EXHIBIT** 

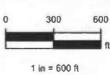
PROJECT

**UNIVERSITY HILLS** 

CLIENT

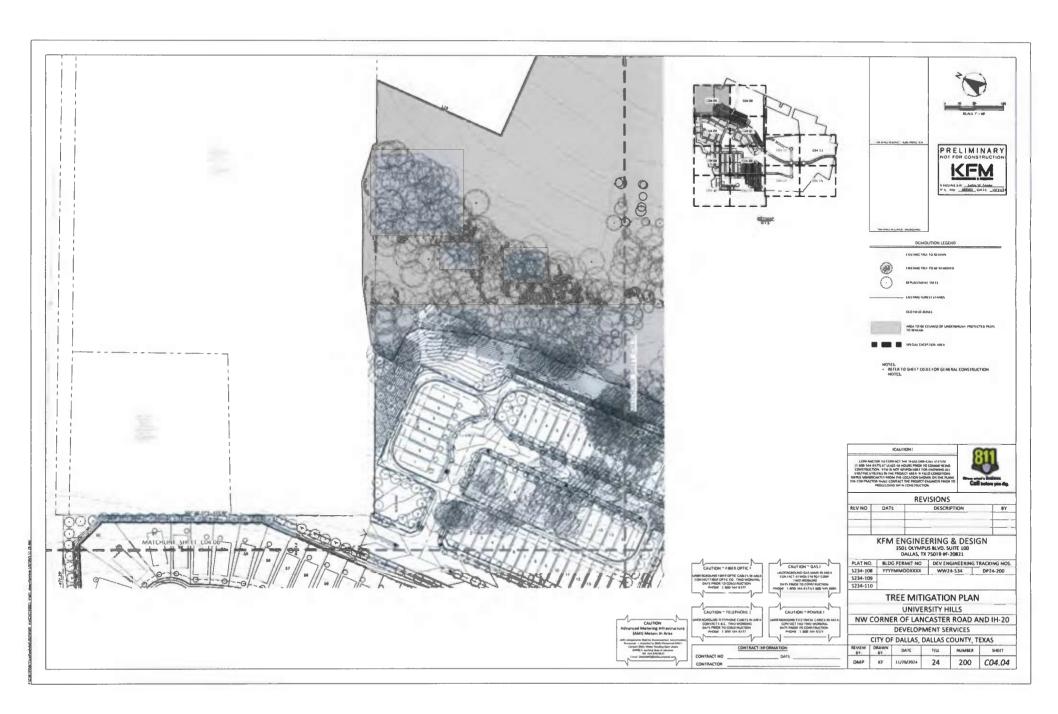
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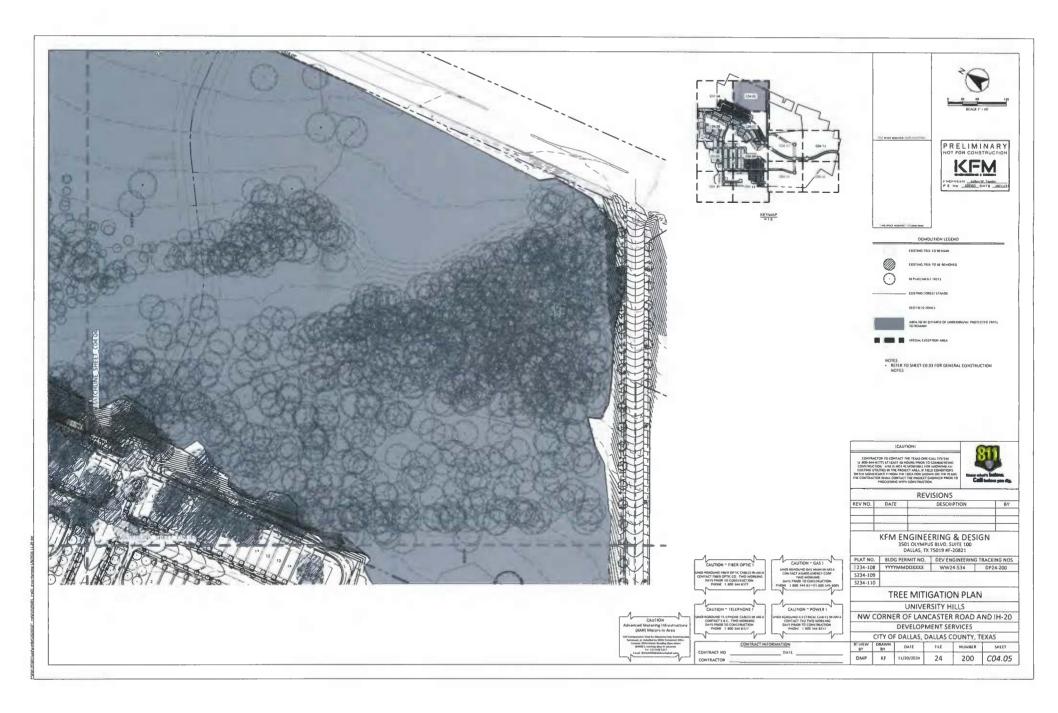


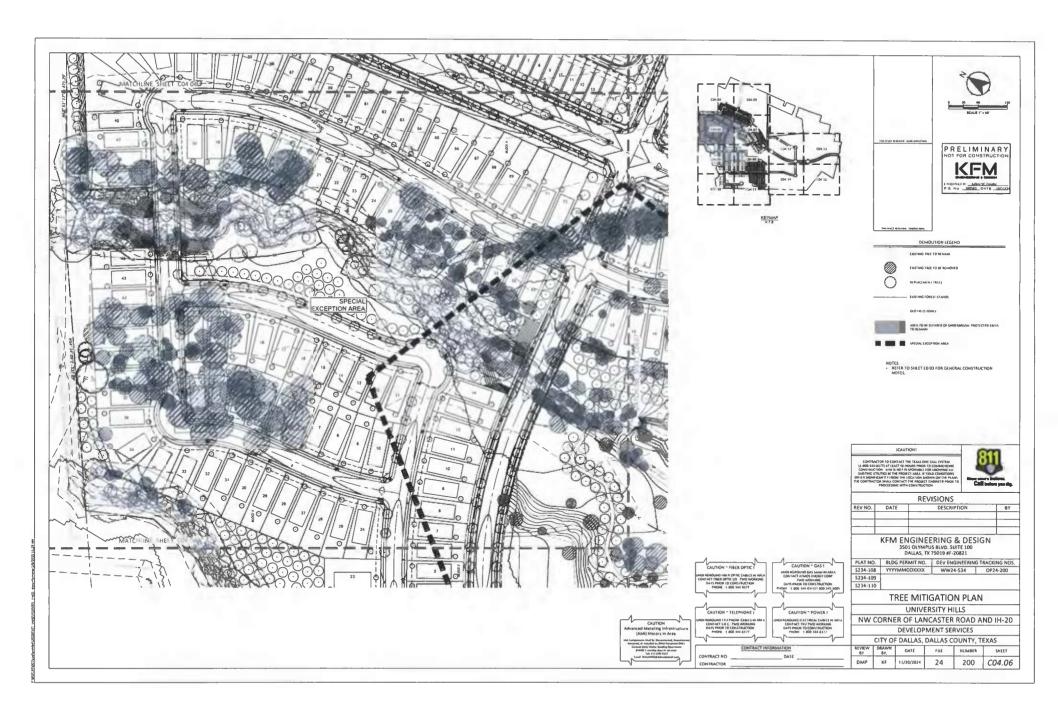


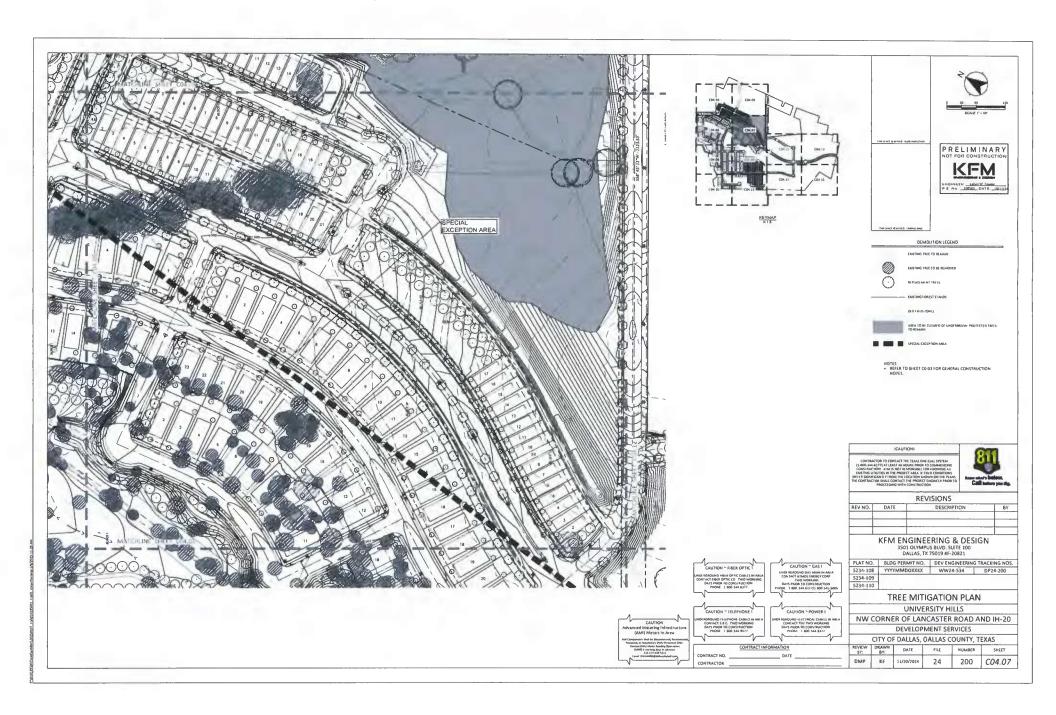
PROJECT NUMBER. 010195001

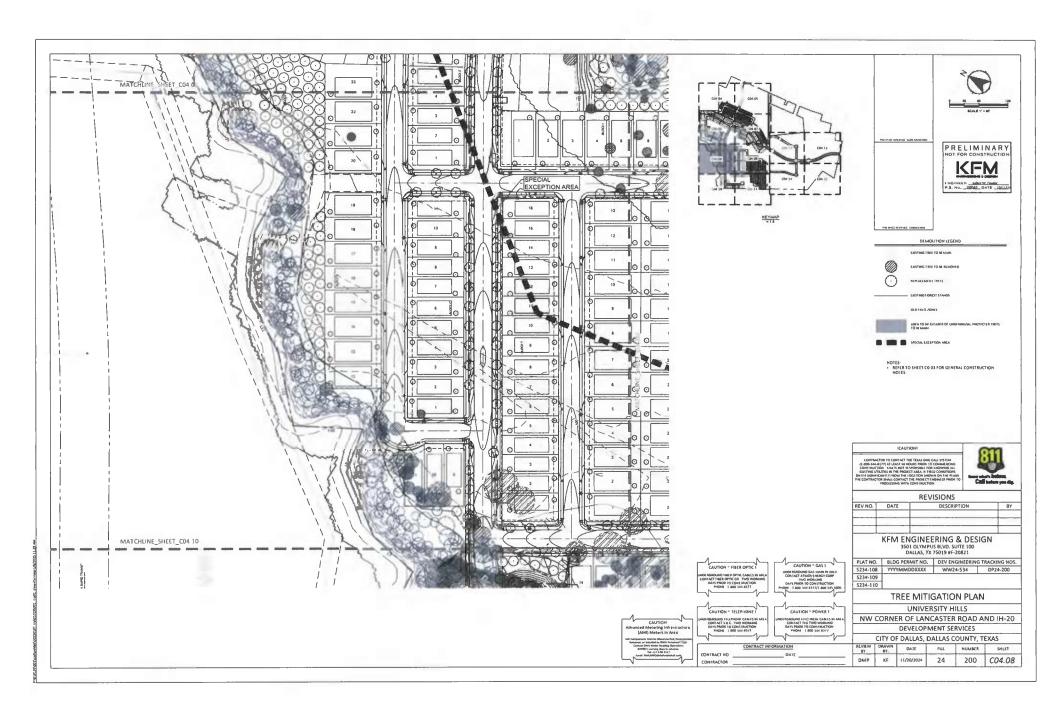
**DECEMBER 31, 2024** 

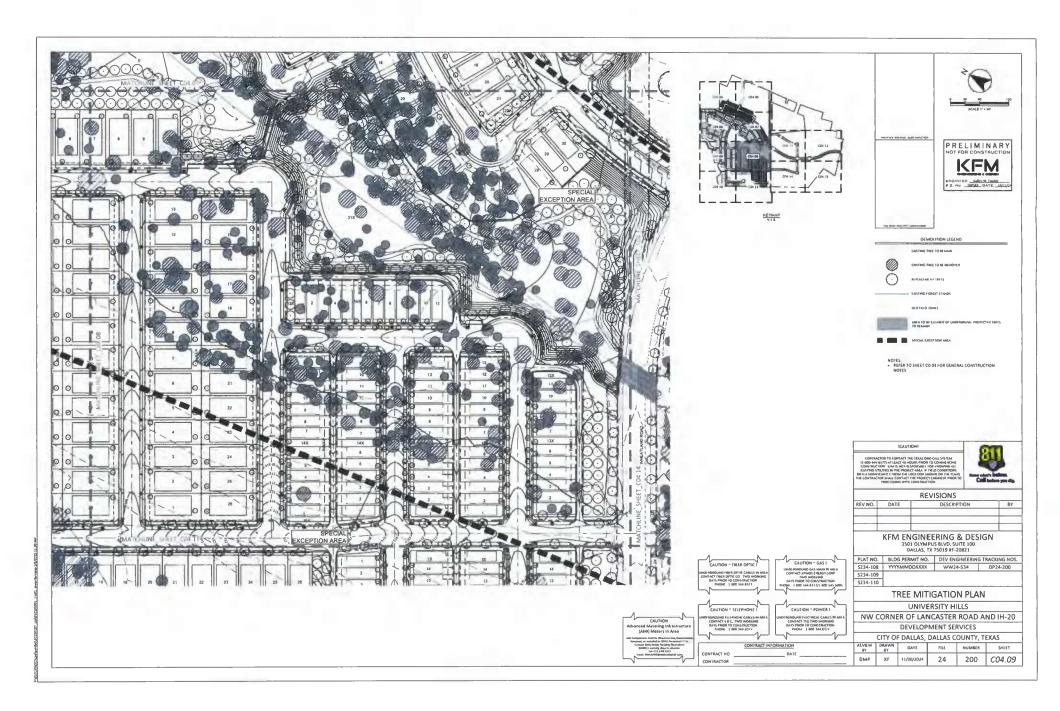


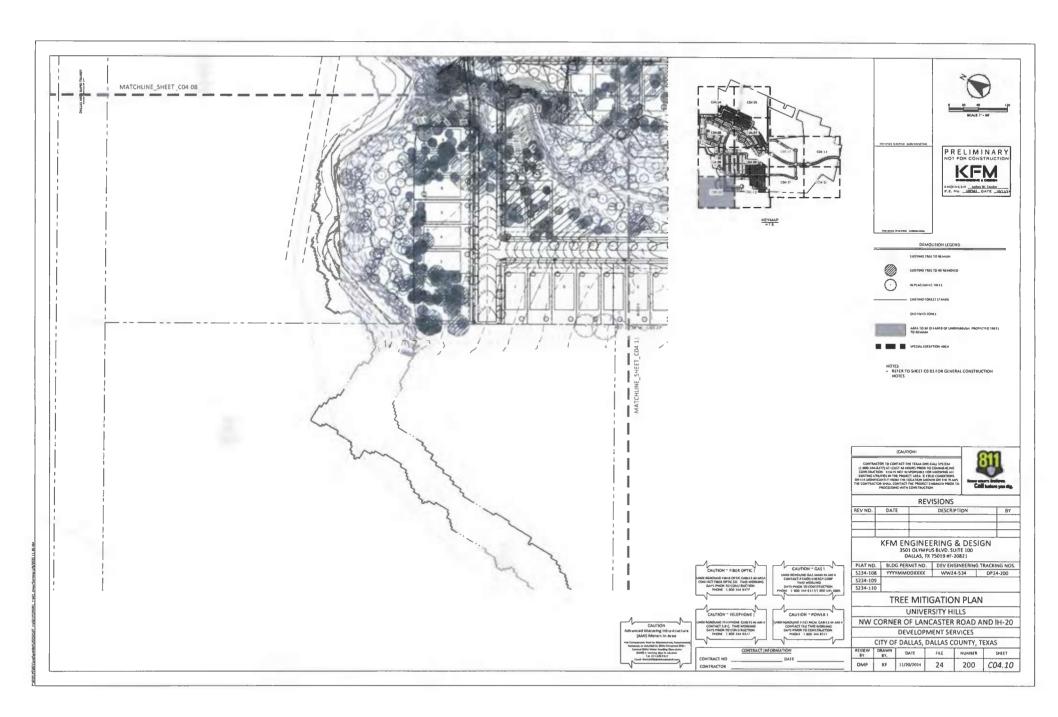


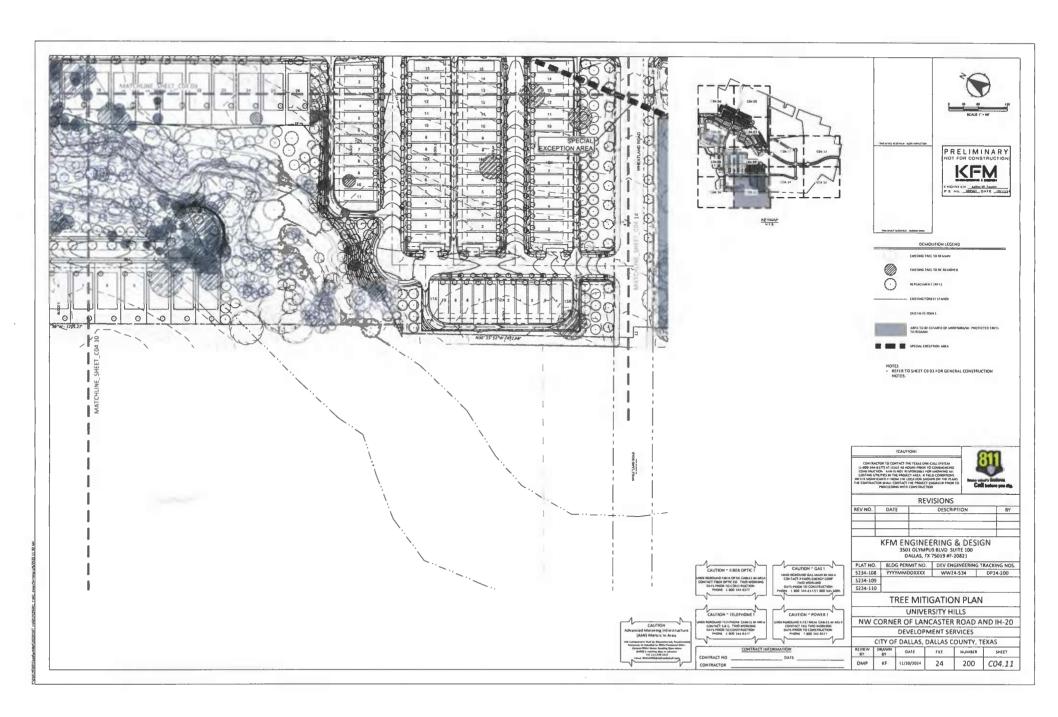














December 24, 2024

Board of Adjustments City of Dallas 1500 Marilla Street Dallas, TX 75201

RE: Special Exception for Urban Forestry - University Hills

Dear Board Member,

Section 51A-10.132(4)(B)(i)(bb) states that forest stand delineation excludes areas within 50 feet of a one-percent chance floodplain. We would like to request a special exception of this requirement for a portion of our property that was affected by manmade agricultural channels.

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However, there is a significant amount of old-field area within 50 feet of the one-percent chance floodplain, therefore disqualifying these areas from the old-field classification under Section 51A-10.132(4)(B)(i)(bb). The current one-percent chance floodplain was established by a study prepared by Halff Associates for the City of Dallas in 2014. The current floodplain boundary is depicted in Exhibit B. Since the manmade channel was only designed for agricultural purposes, it does not contain the one-percent chance floodplain, and therefore encumbers a wide breadth of the property as compared to the natural channels to the north and west.

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Given this hardship, we request that the Board of Adjustments allow a special exception to Section 51A-10.132(4)(B)(i)(bb), and allow area within 50 feet of a one-percent chance of flood to be qualified for a forest-stand delineation and an old-field classification. The area for this Special Exception would be the areas surrounding the manmade channels only and is depicted on Exhibit B.

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If this request is not granted, the tree mitigation fee would be well above the current budget for open space landscaping, forcing the development to only provide minimum landscaping requirements for the open spaces. A Required Trees Exhibit has been provided as Exhibit D which depicts the required tree plantings.

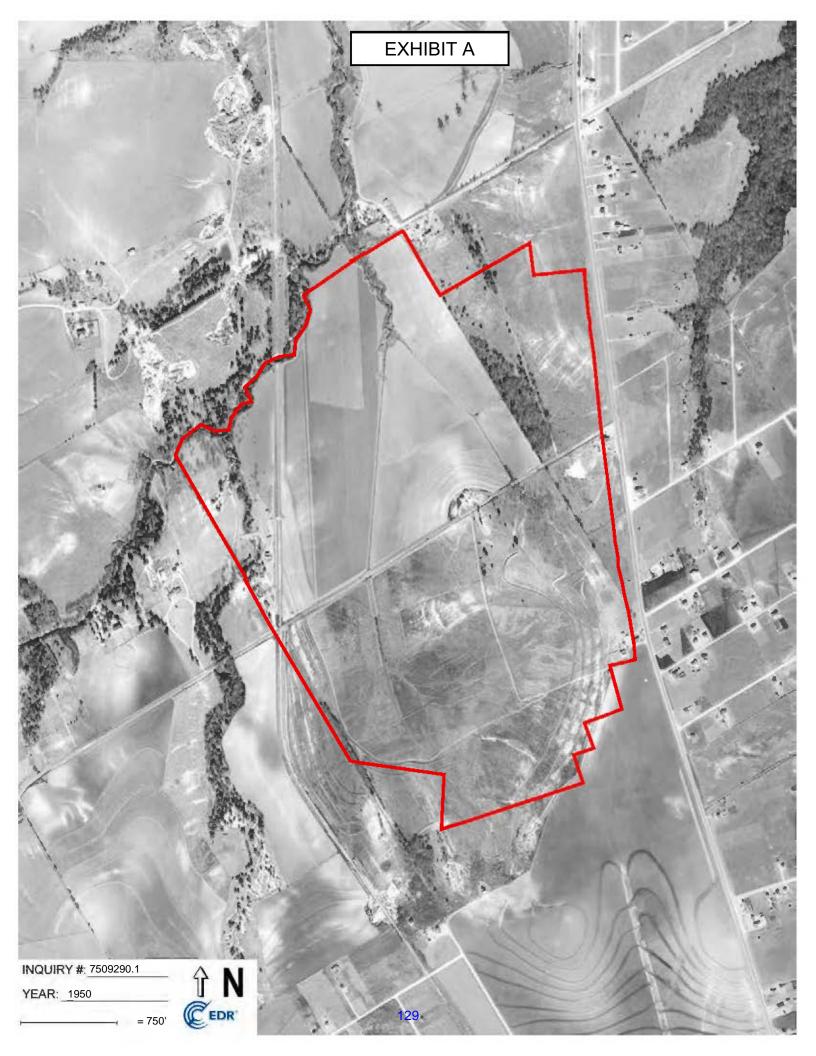
We greatly appreciate your time and understanding of this matter and ask for your consideration and approval of this Special Exception.

Sincerely,

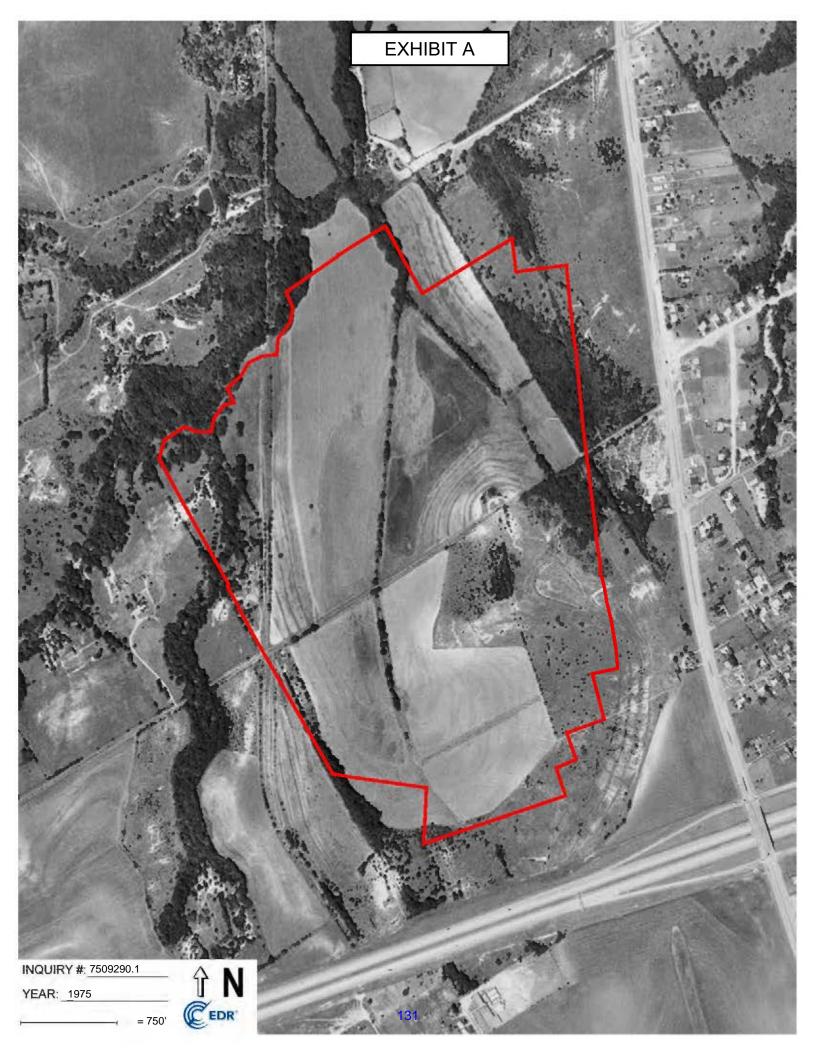
David Pitcher Vice President

KFM Engineering & Design

TBPE #: F-20821







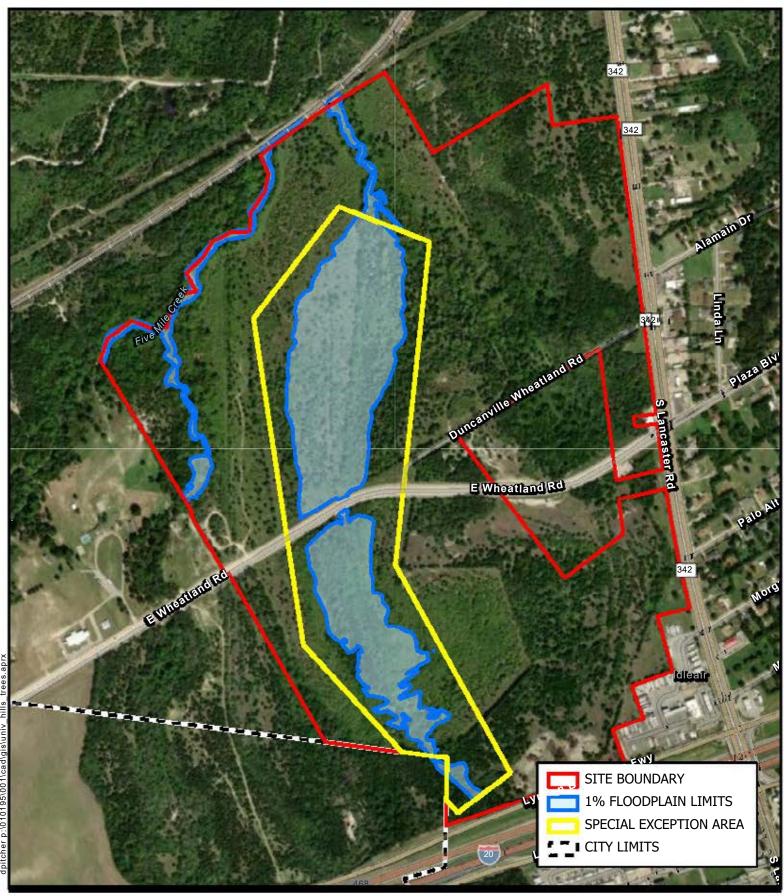














3501 OLYMPUS BLVD STE 100 DALLAS, TX 75019 469.899.0536 WWW.KFM-LLC.COM

TBPE: F-20821

TITLE

#### **EXHIBIT B**

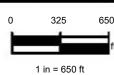
**1% FLOODPLAIN EXHIBIT** 

PROJECT

UNIVERSITY HILLS DALLAS, TEXAS CLIENT

HOQUE GLOBAL





PROJECT NUMBER: 010195001

SHEET:

DECEMBER 24, 2024

1 OF 1



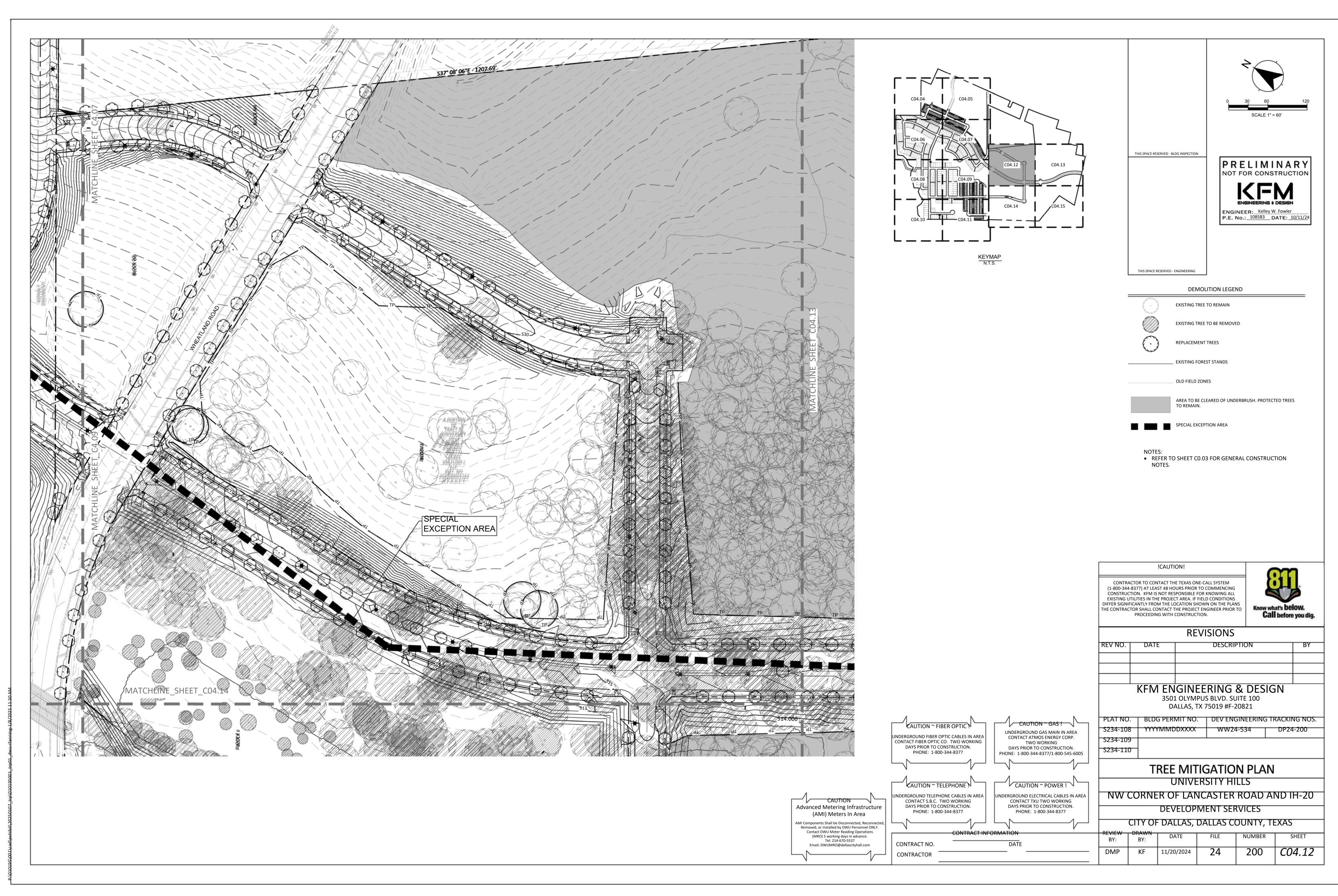


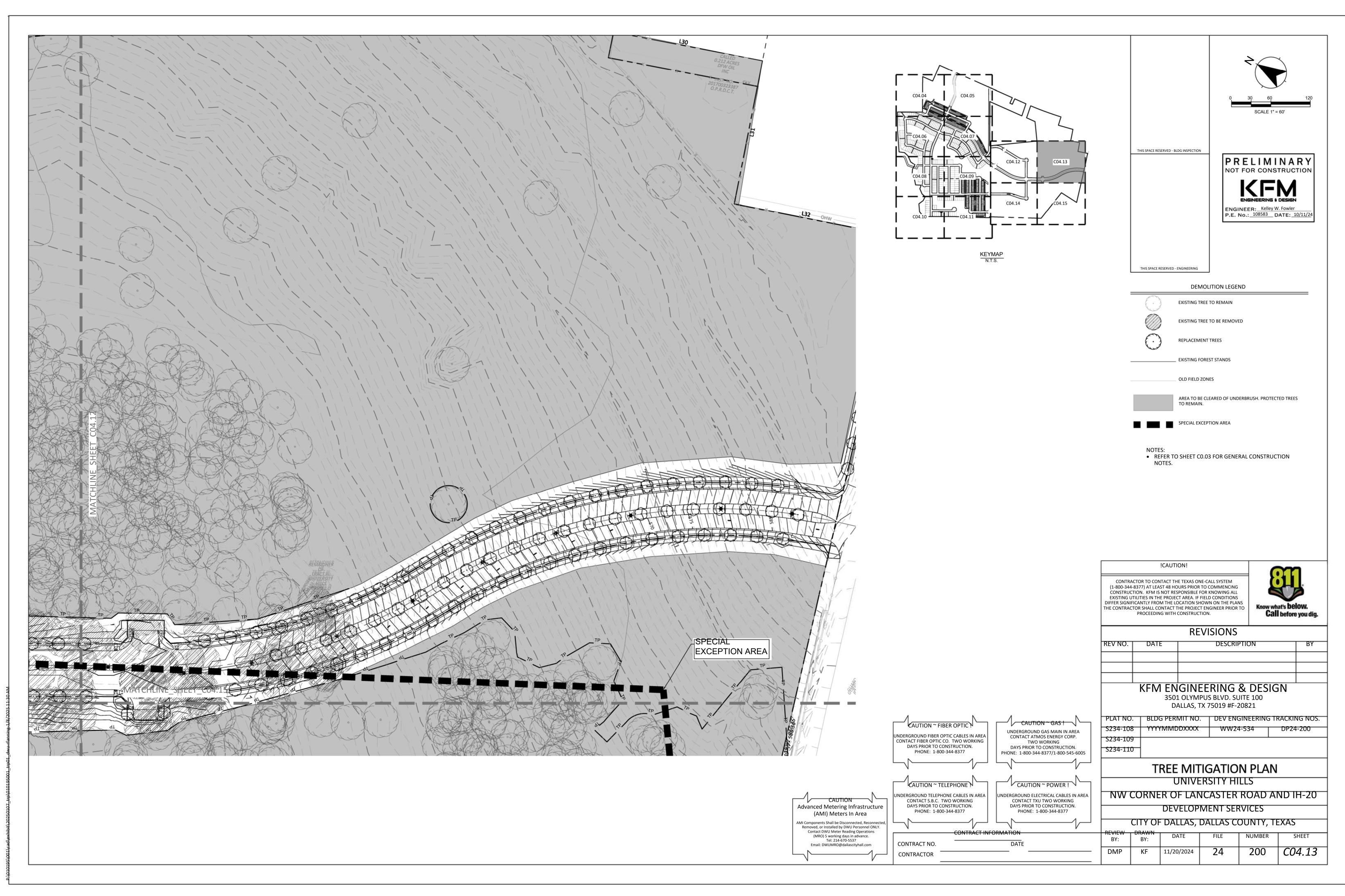


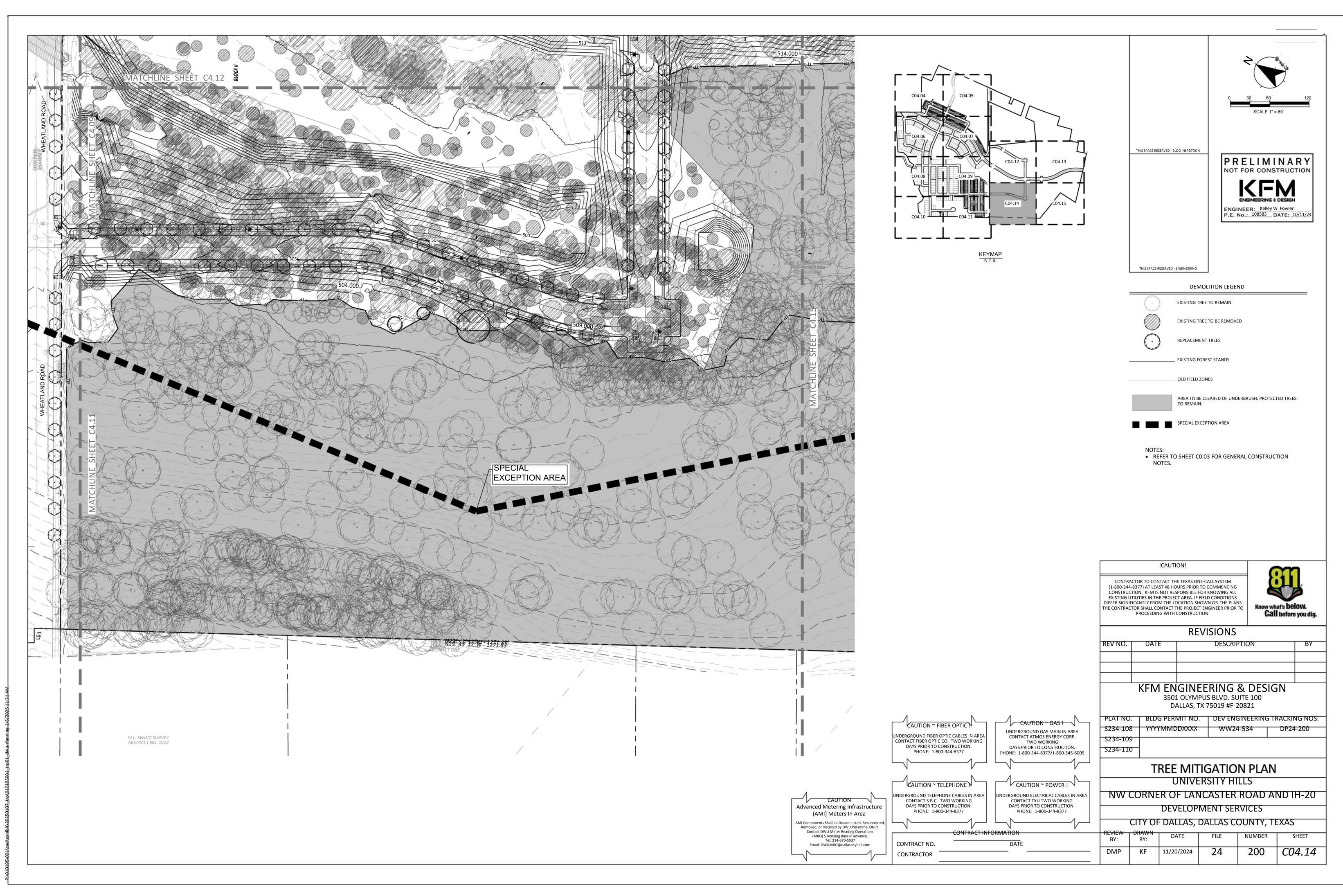


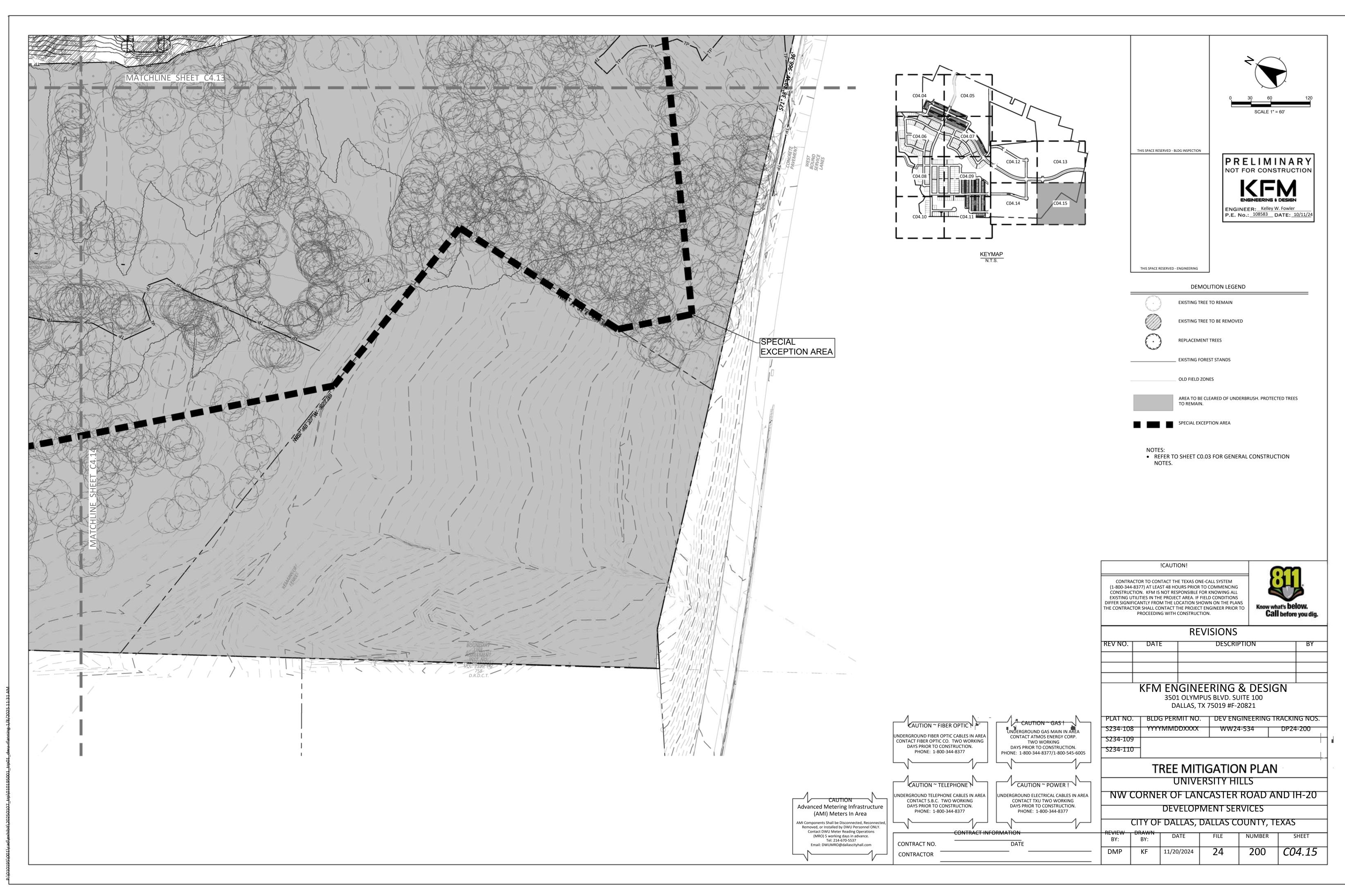


















FILE NUMBER: BDA245-029(BT)

**BUILDING OFFICIAL'S REPORT**: Application of David Pitcher for **(1)** a special exception to the landscaping regulations at **7915 S LANCASTER ROAD**. This property is more fully described as Block 7609 and is zoned CR, LO-1, MF-2(A), MU-2, and UC-2, 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 urban forest conservation regulations.

**LOCATION**: 7915 S Lancaster Road

**APPLICANT**: David Pitcher

# **REPRESENTED BY:**

# **REQUEST:**

(1) A request for a special exception to the landscape and urban forest conservation regulations

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

Section 51A-10.110(b) of the Dallas Development Code states that the board may grant a special exception to the requirements of Division 51A-10.130, upon making a special finding from the evidence presented that strict compliance with the requirements of Division 51A-10.130 will unreasonably burden the use of the property; the special exception will not adversely affect neighboring property; and the requirements are not imposed by a site-specific landscape plan or tree mitigation plan approved by the city plan commission or city council. In determining whether to grant a special exception under Subsection (a), the board shall consider the following factors:

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

## **STAFF RECOMMENDATION:**

# Special Exceptions (1):

No staff recommendation is made on this request.

## **BACKGROUND INFORMATION:**

# Zoning:

<u>Site</u>: MF-2(A) MU-2, UC-2, LO-1, AND CR North: TH-2(A), MF-3(A), R-7.5(A), AND CR

East: R-7.5(A), NS, CS, AND CR

South: IR

West: MF-2(A), R-7.5(A) and City Limits

## Land Use:

The subject site and all surrounding properties are primarily undeveloped land with some commercial and single-family uses.

# **BDA History**:

No BDA history found within the last 5 years

# **GENERAL FACTS/STAFF ANALYSIS:**

- The application of David Pitcher for the property located at 7915 S Lancaster Road focuses on one request relating to the landscape and urban forest conservation regulations.
- The applicant is proposing to provide an alternate landscape plan.
- The City of Dallas Floodplain Management office has affirmed the area designated as 100-year floodplain, according to Article V. Per ordinance, 'the floodplain administrator regulates according to both the FEMA effective maps and the regulatory floodplain maps, regardless of adoption by FEMA (Sec. 5.102(a)(4)). The City maintains that the 'agricultural manmade channels' are floodplain as identified on our city maps. The vegetation is protected under Article X tree conservation regulations and must be managed accordingly.
- The board may consider a special exception for tree mitigation based on if strict compliance of the code will unreasonably burden the use of the Property, the special exception will not adversely affect neighboring property, and when there is no site-specific tree mitigation plan by council or the CPC. They may consider residential adjacency, topography, landscaping, suitable planting locations, and the extent to which alternative methods of replacement will compensate for the overall removal (Sec. 51A-10.110(b)).
- The old-filed succession review was added as one component to the tree conservation ordinance in 2018 to help provide a reasonable means of reducing costs and burden for tree survey assessments and the high amount of mitigation for young (early succession) tree stands while providing incentive for the protection of more sensitive and critical woodland areas. Additional reading on this process can be found in the Landscape and Tree Manual, Appendix G.
- Final calculations for the amount of tree mitigation of a building project are confirmed in the permit review process unless the amount of tree mitigation is previously determined

by board or council. The request before the board is for the allowance of the use of the forest stand delineation to define old-field succession mitigation reductions within an area encumbered by a primary natural area currently restricting its use on the portion of the stand in the floodplain area. The board may select criteria to determine a suitable level of mitigation reduction.

- If a special exception is approved, the timing of tree mitigation completion will be defined as per Sec. 51A-10.134(c)(5). The intent is to grade in both Properties to adjust the site in Phase 1 for development. If approved, a special condition for completion of the mitigation to be tied to the timing of the completion of the development is recommended.
- An additional allowance may be needed for the placement of tree mitigation in streets
- 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 and strict compliance with the code will unreasonably burden the use of the property.
- 200' Radius Video: BDA245-029 at 7915 S Lancaster Rd

# Timeline:

January 17, 2025: 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 3, 2025: The Board of Adjustment Administrator assigned this case to Board of

Adjustment Panel C.

January 24, 2025: Planning and Development Department Senior Planner emailed the

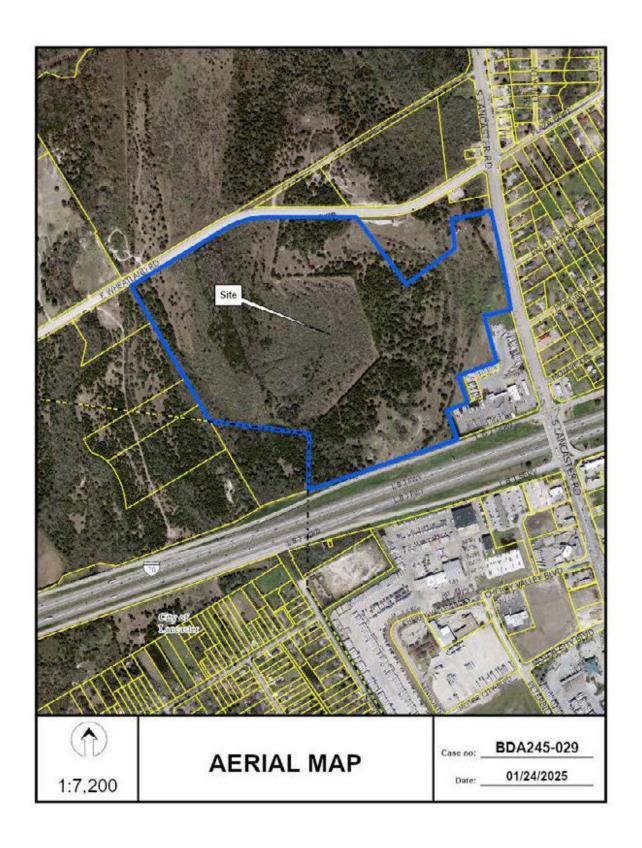
applicant the following information:

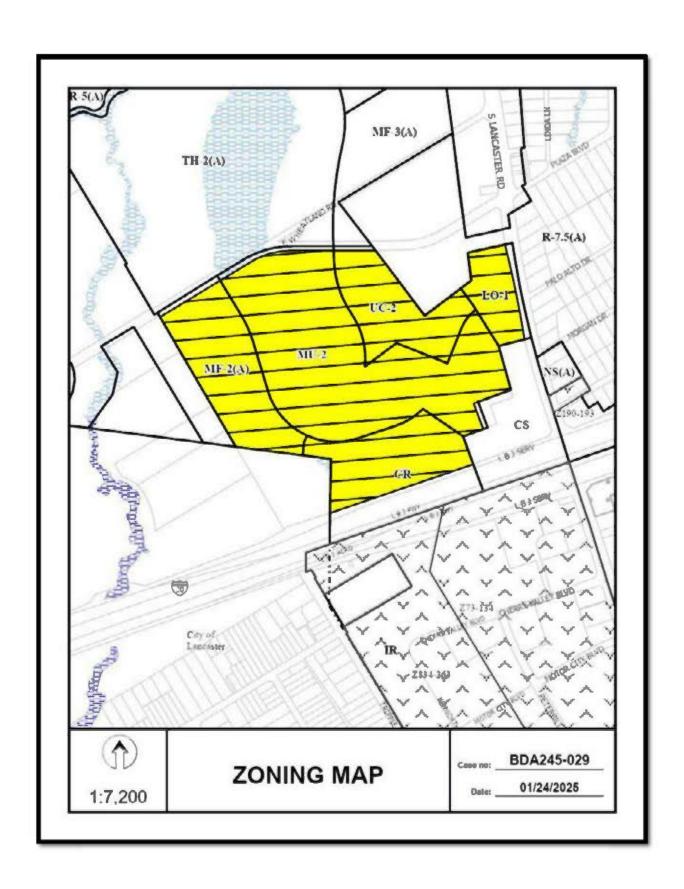
 an attachment that provided the public hearing date and panel that will consider the application; the January 31, 2025, deadline to submit additional evidence for staff to factor into their analysis; and February 7, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.

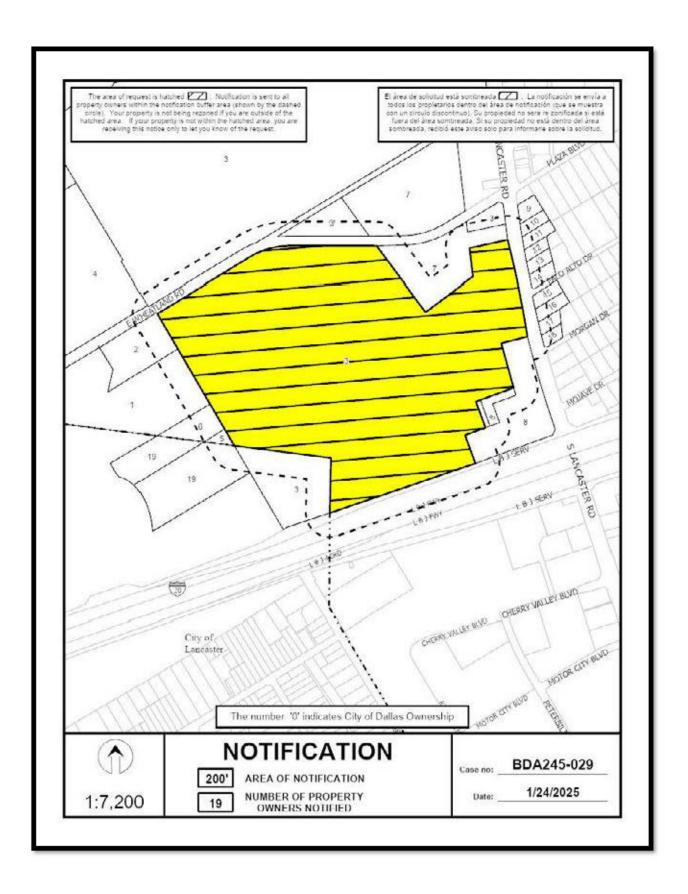
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

January 30, 2025:

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







# Notification List of Property Owners BDA245-029

# 19 Property Owners Notified

Label #	Address		Owner
1	1600	E WHEATLAND RD	KEY STEPHEN &
2	1800	E WHEATLAND RD	FELIX JOAQUIN & PABLO
3	2000	E WHEATLAND RD	VM FUND I LLC
4	1801	E WHEATLAND RD	RKCJ LLC
5	7608	E WHEATLAND RD	WYCLIFFE BIBLE
6	7608	E WHEATLAND RD	WYCLIFFE BIBLE
7	2100	E WHEATLAND RD	RHODES KING E
8	7915	S LANCASTER RD	DFW OIL INC
9	7608	S LANCASTER RD	BCT FAMILY TRUST
10	7708	S LANCASTER RD	LANKFORD DERRICK D
11	7718	S LANCASTER RD	SANTANA EDGAR G &
12	7726	S LANCASTER RD	BRAY JOSEPH L
13	7808	S LANCASTER RD	CASTRO FRANCISCO ERNESTO
14	7818	S LANCASTER RD	FRAZIER VIRGINIA
15	7908	S LANCASTER RD	DEJESUSPEREZ MANUEL. &
16	7916	S LANCASTER RD	RODRIGUEZ EVA
17	7926	S LANCASTER RD	CLEMMONS LINDA &
18	7934	S LANCASTER RD	CLEMONS THELMA DELORIS
19	1700	WHEATLAND RD	WYCLIFFE BIBLE TRANSLATOR



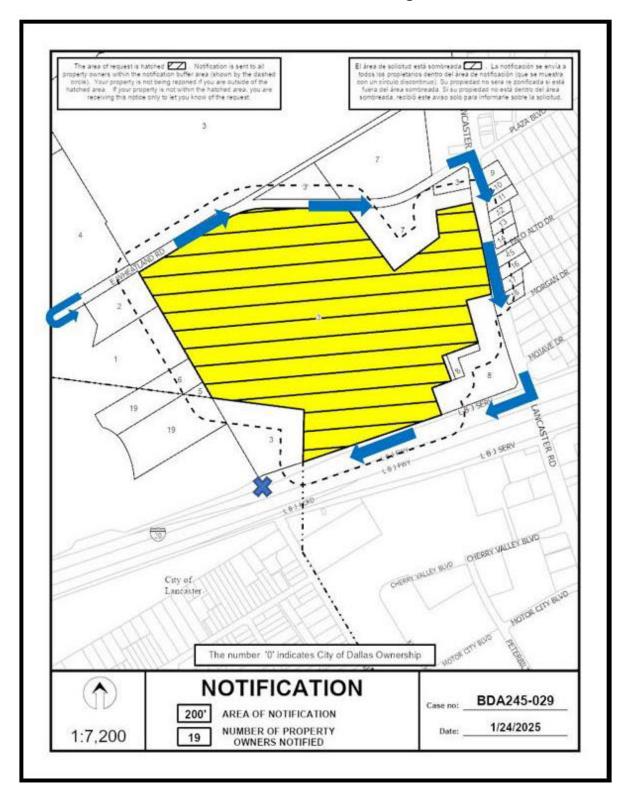
1:7,200

# **NOTIFICATION**

200' 19 AREA OF NOTIFICATION NUMBER OF PROPERTY OWNERS NOTIFIED Case no: BDA245-029

Date: 1/24/2025

200' Radius Route Map



## NOTICE OF PUBLIC HEARING

# BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL C)

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

DATE: THURSDAY, FEBRUARY 20, 2025

BRIEFING: 10:30 a.m. via Videoconference and in L1FN AUDITORIUM, Dallas

City Hall, 1500 Marilla Street. https://bit.ly/boa0220

HEARING: 1:00 p.m. via Videoconference and in L1FN AUDITORIUM, Dallas

City Hall, 1500 Marilla Street. https://bit.ly/boa0220

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

BDA245-029(BT) Application of David Pitcher for (1) a special exception to the landscaping regulations at 7915 S LANCASTER ROAD. This property is more fully described as Block 7609 and is zoned CR, LO-1, MF-2(A), MU-2, UC-2, 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 urban forest conservation regulations.

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

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

The Board of Adjustment hearing will be held by videoconference and in L1FN Auditorium at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure by joining the meeting virtually, must register online at <a href="https://bit.ly/BDA-C-Register">https://bit.ly/BDA-C-Register</a> or contact the Planning & Development Department at 214-670-4127 by the close of business Wednesday, February 19, 2025. All virtual speakers will be required to show their video in order to address the board. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall.

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

Additional information regarding the application may be obtained by calling Bryant Thompson, Senior Planner at (214) 948-4502, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

Board of Adjustment Planning and Development Department 1500 Marilla Street 5CN, Dallas TX 75201 PLEASE SEND REPLIES TO:
BDAreply@dallas.gov
Letters will be received until 9:00
am the day of the hearing.

PLEASE REGISTER AT: https://bit.ly/BDA-C-Register

# APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

	Case No.: BDA 246-029 ONLY
Data Relative to Subject Property:	
Location address: 7915 S LANCASTER RD	Zoning District: MF-2(A), MU-2, UC-2, CR, LO-1
Lot No.: N/A Block No.: N/A Acreage: 273	
Street Frontage (in Feet): 1) 2,000 2) 800 3)	5)
To the Honorable Board of Adjustment:	
Owner of Property (per Warranty Deed):VM FUND I, LLC	
Applicant:DAVID PITCHER, P.E KFM ENGINEERING	Telephone:214-801-4936
Mailing Address: 3501 OLYMPUS BLVD, SUITE 100, DALL	ASZip Code:75019
E-mail Address: DPITCHER@KFM-LLC.COM	
Represented by: N/A	Telephone:
Mailing Address:	
E-mail Address:	
Application is made to the Board of Adjustment, in accordance Grant the described appeal for the following reason:  SEE ATTACHED LETTER FOR DETAILED EXPLANATION	
Note to Applicant: If the appeal requested in this application is be applied for within 180 days of the date of the final action of longer period.  Affidavi:  Before me the undersigned on this day personally appeared	the Board, unless the Board specifically grants a

Comm. Exp. 01-09-2025

M. Samuell Eskander, PE

Sincerely,

		mitigation, which will require (1) a special exception to the landscape and urban forest conservation regulations.
		re (1) a special excep
		otion to the landscape
		and urban forest

# Appeal was--Granted OR Denied

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

Remarks

Date of Hearing

Chairman

did submit a request

at 7915 S Lancaster Rd for (1) a special exception to the landscaping regulations

mandatory landscaping and tree mitigation. The applicant proposes to construct and/or described as Block 7609 and is zoned CR, LO-1, MF-2(A), MU-2, UC-2, which requires

landscaping regulations at 7915 S LANCASTER ROAD. This property is more fully BDA245-029(BT) Application of David Pitcher for (1) a special exception to the

maintain a nonresidential structure and provide an alternate landscape plan for tree

I hereby certify that **David Pitcher Building Official's Report** 



December 24, 2024

Board of Adjustments City of Dallas 1500 Marilla Street Dallas, TX 75201

## RE: Special Exception for Urban Forestry – University Hills

Dear Board Member.

Section 51A-10.132(4)(B)(i)(bb) states that forest stand defineation excludes areas within 50 feet of a one-percent chance floodplain. We would like to request a special exception of this requirement for a portion of our property that was affected by manmade agricultural channels.

The University Kills property is located at the Northwest corner of Lancaster Road and Interstate-20 and was historically formland. Aerial photos attached as **Exhibit A** show that most of the property was well maintained farmland with manmade, agricultural channels through the center of the property. After the 1970s, the property was no longer maintained as farmland and was left to be overgrown. As the final photo depicts, the property is currently completely overgrown.

Development of the subject property will require the removal of trees within the historic formland. A Forest Stand Delineation and Tree Survey was completed by Integrated Environmental Salutions in March of 2024 to assess the current site conditions and found that most of the previous formland qualifies as and old-field under Section 51A-10.134.

However, there is a significant amount of old-field area within 50 feet of the one-percent chance floodplain, therefore disqualifying these areas from the old-field classification under Section 53A-10.132(4){B)(i)(bb). The current one-percent chance floodplain was established by a study prepared by Halff Associates for the City of Dallos in 2014. The current floodplain boundary is depicted in **Exhibit B**. Since the manmade channel was only designed for agricultural purposes, it does not contain the one-percent chance floodplain, and therefore encumbers a wide breadth of the property as compared to the natural channels to the north and west.

The hardship to this property occurred because the manmade channel was designed for agricultural purposes, creating a large one-percent chance floodplain. This floodplain does not allow the old farm and to qualify as an old-field and thereby significantly increase the tree mitigation fees required.



Given this hardship, we request that the Board of Adjustments allow a special exception to Section 51A-10.132(4)(B)(i)(bb), and allow area within 50 feet of a one-percent chance of flood to be qualified for a forest stand delineation and an old-field classification. The area for this Special Exception would be the areas surrounding the manmade channels only and is depicted on **Exhibit B**.

If this request is granted, mitigation for remaining site trees would be provided by onsite canopy and ornamental trees. This re-investment into the community will have long term benefits and will maximize the effectiveness of the shared open spaces throughout the neighborhood. A Proposed Tree Exhibit has been provided as **Exhibit C** that depicts the proposed ornamental and canopy plantings to meet the remaining mitigation requirements.

If this request is not granted, the tree mitigation fee would be well above the current budget for open space landscaping, forcing the development to only provide minimum landscaping requirements for the open spaces. A Required Trees Exhibit has been provided as **Exhibit D** which depicts the required tree plantings.

We greatly appreciate your time and understanding of this matter and ask for your consideration and approval of this Special Exception.

Since;ety,

David Pitcher Vice President

KFM Engineering & Design

TBPE #: F-20821



# Planning & Development

320 E. :EFFERSON, RCOM 210, DALLAS, TX 75203 (214) 948-4480

# **BOARD OF ADJUSTMENT INTERNAL REFERRAL FORM**

APPLICANT: David Pitcher	OWNER: VM FUND 1 LLC			
ADDRESS: 7915 S Lancaster STATE: TX	ZIP: 75234			
LOT: Multiple BLOCK: 761	1,7612,7605,6886 ZONING: TH+			
Resi <b>de</b> ntial 🗸	Commercial			
Variance Yard setback Lot width Lot Depth Lot Coverage Floor area for accessory structures for single family uses Height Minimum width of sidewalk Off-street parking Off-street loading Landscape regulations Other	Special Exception Fence height and standards Visibility triangle obstructions Parking demand Landscaping Additional dwelling unit for a single-famil Carport Non-conforming use Other			
Please list the City of Dallas Development Code(s) this project is non-compliant with:  Article X Division 51A-10.130 Tree Conservation; Section 51A-10.132(b)(4)(B)(i)(bb)				
Description: The Property has been intens	ely surveyed according to Article	X		
requirements to identify protected trees				
mitigation reduction conditions including	old-field succession - an accoun	ting of		
early vegetation succession in a land area that may be omitted due to age, size,				
and tree species. The request is to allow the reduction of tree mitigation.				
Alternative resolutions discussed/offered: The alternative is to fully mitigate or to seek an alternate mitigation amount for the Property based on the baseline study.				
Referred by: Philip Erwin Conta	<sup>ct:</sup> 214-948-4117	Date: 12/24/24		
Reviewer Name Philip Erwin				
Reviewer Supervisor Jenniffer Allgaier		Date 12/30/24		



# Posting of Notification Sign

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

Address: 7915 S LANCASTER RD

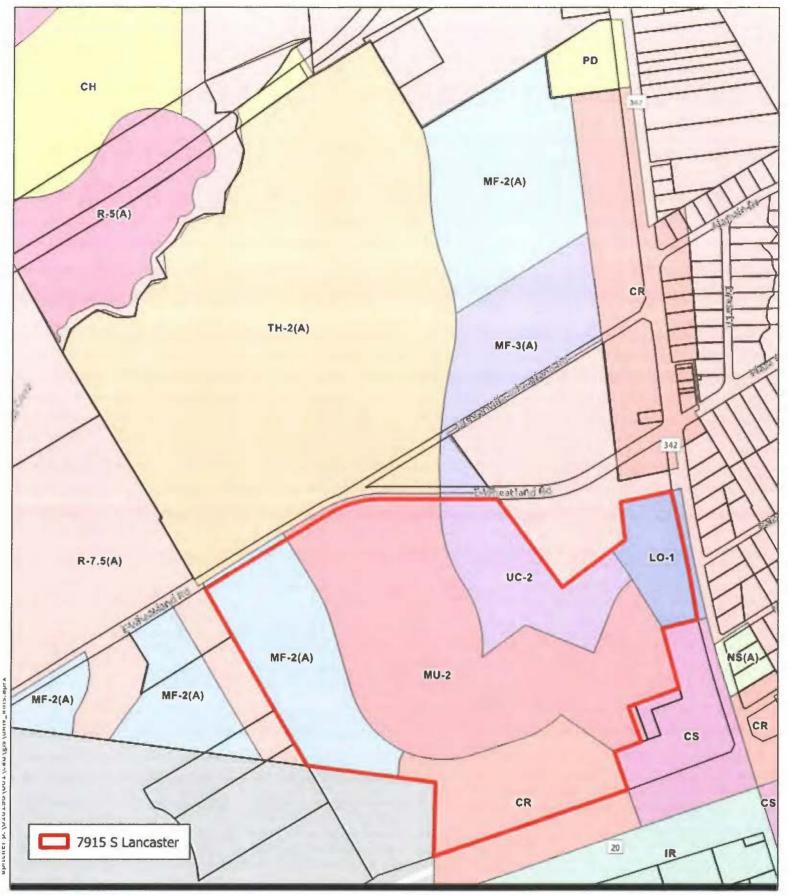




Appeal number: BDA	
I, VM FUND I, LLC	, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)	
at: 7915 S. Lancaster Rd.	
(Address of property as stated on application)	
Authorize: David Pitcher, P.E KFM Engineering & Design	
(Applicant's name as stated on application)	
To pursue an appeal to the City of Dallas Zoning Board of Ad	justment for the following request(s)
Variance (specify below)	
X Special Exception (specify below)	
Other Appeal (specify below)	
Specify: FOR TREE MITIGATION REQUIREMENTS AS STA	TED IN THE LETTER ATTACHED
WITH THIS APPLICATION	
Roy Magno	NA
Print name of property owner or registered agent Signatur	e of property owner or registered
agent Date 12/30/24	
Before me, the undersigned, on this day personally appeared	
Who on his/her oath certifies that the above statements are tru	e and correct to his/her best
knowledge. Subscribed and sworn to before me this	30day of
December 2024	
	Lawrent Date
N	otary Public for Dallas County,
	exas
Comm. Expires 02-14-2027	
Notary ID 3240754	ommission expires on
	2-14-2027



Appeal number: BDA <u>245-029</u>	
I,VM FUND I, LLC	, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty D	Deed)
at: 1915 S. Lancaster R	d
(Address of property as stated on a	ipplication)
Authorize: David Pitcher, P.E KFM Engineering & D	
(Applicant's name as stated on a	ipplication)
To pursue an appeal to the City of Dallas Zoning Board	d of Adjustment for the following request(s)
Variance (specify below)	
X Special Exception (specify below)	
Other Appeal (specify below)	
Specify: FOR TREE MITIGATION REQUIREMENTS A	AS STATED IN THE LETTER ATTACHED
WITH THIS APPLICATION	$\wedge$
Roy Magno	
Print name of property owner or registered agent	Signature of property owner or registered
- 12 12	
agent Date 12/30/24	
Defere me the undersigned on this day merconally ann	annual )
Before me, the undersigned, on this day personally app	beared
- reagree	
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	day of
December 30	234
	I was a last
-	Synna Sarr
LYNNA TARR	Notary Eablic for Dallas County, Texas
Notary Public, State of Texas Comm. Expires 02-14-2027	1 CAdS
Notary ID 3240754	0
	Commission expires on





3501 OLYMPUS BLVD STE 100 DALLAS, TX 75019 459.899 0536 WWW.KFM LLC.COM

TITLE

# **DALLAS ZONING**

**EXHIBIT** 

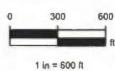
PROJECT

**UNIVERSITY HILLS** 

CLIENT

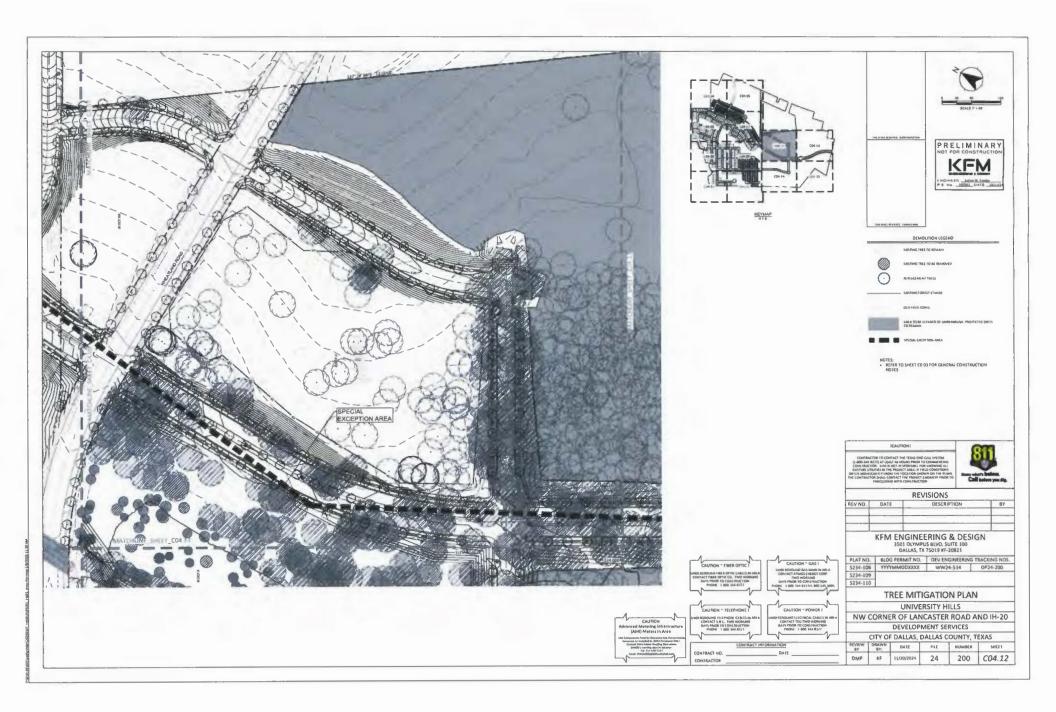
HOQUE GLOBAL

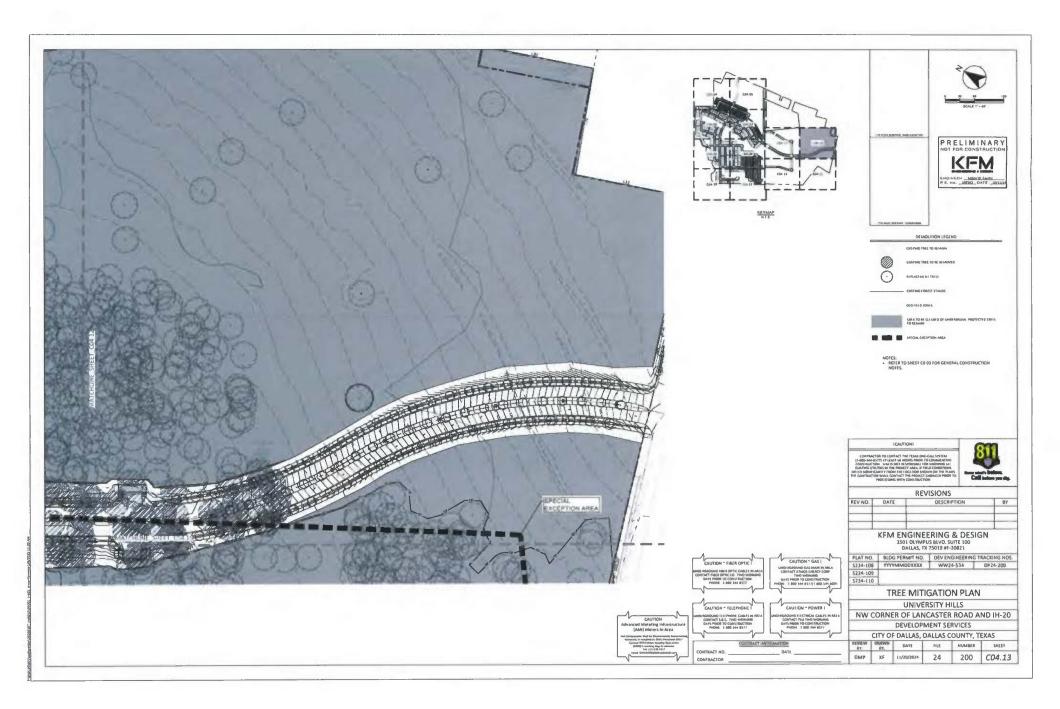


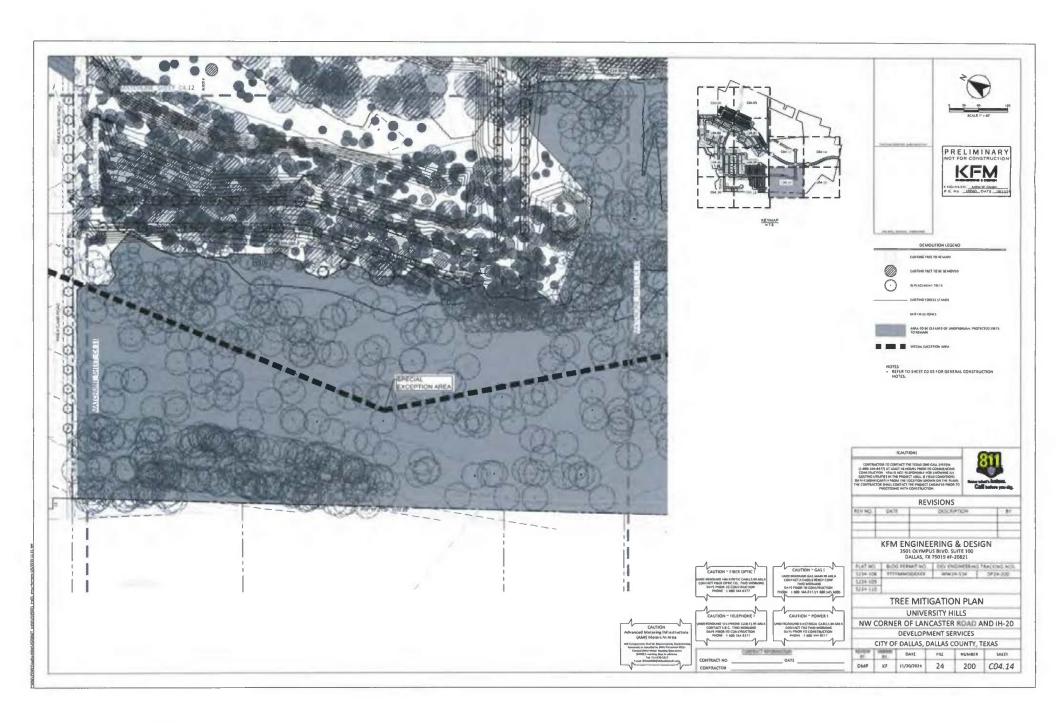


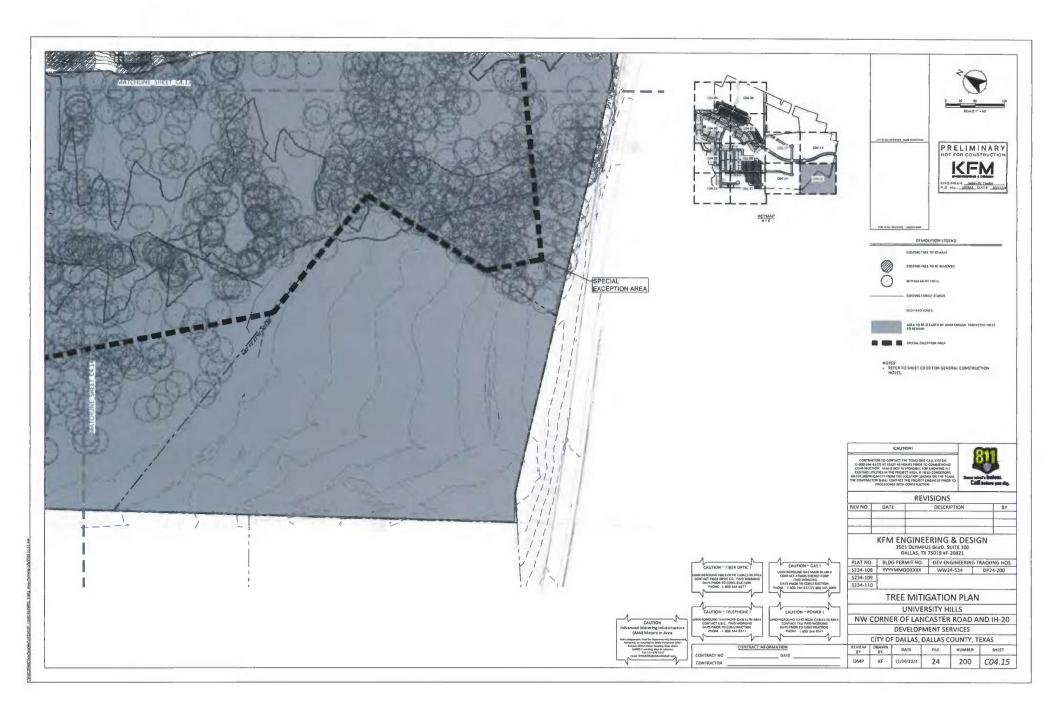
PROJECT NUMBER. 010195001

**DECEMBER 31, 2024** 











December 24, 2024

Board of Adjustments City of Dallas 1500 Marilla Street Dallas, TX 75201

RE: Special Exception for Urban Forestry - University Hills

Dear Board Member.

Section 51A-10.132(4)(B)(i)(bb) states that forest stand delineation excludes areas within 50 feet of a one-percent chance floodplain. We would like to request a special exception of this requirement for a portion of our property that was affected by manmade agricultural channels.

The University Hills property is located at the Northwest corner of Lancaster Road and Interstate-20 and was historically farmland. Aerial photos attached as Exhibit A show that most of the property was well maintained farmland with manmade, agricultural channels through the center of the property. After the 1970s, the property was no longer maintained as farmland and was left to be overgrown. As the final photo depicts, the property is currently completely overgrown.

Development of the subject property will require the removal of trees within the historic farmland. A Forest Stand Delineation and Tree Survey was completed by Integrated Environmental Solutions in March of 2024 to assess the current site conditions and found that most of the previous farmland qualifies as and old-field under Section 51A-10.134.

However, there is a significant amount of old-field area within 50 feet of the one-percent chance floodplain, therefore disqualifying these areas from the old-field classification under Section 51A-10.132(4)(B)(i)(bb). The current one-percent chance floodplain was established by a study prepared by Halff Associates for the City of Dallas in 2014. The current floodplain boundary is depicted in Exhibit B. Since the manmade channel was only designed for agricultural purposes, it does not contain the one-percent chance floodplain, and therefore encumbers a wide breadth of the property as compared to the natural channels to the north and west.

The hardship to this property occurred because the manmade channel was designed for agricultural purposes, creating a large one-percent chance floodplain. This floodplain does not allow the old farmland to qualify as an old-field and thereby significantly increase the tree mitigation fees required.

3501 Olympus Blvd., Suite 100 . Dallas, TX 75019 . 469.899.0536



Given this hardship, we request that the Board of Adjustments allow a special exception to Section 51A-10.132(4)(B)(i)(bb), and allow area within 50 feet of a one-percent chance of flood to be qualified for a forest-stand delineation and an old-field classification. The area for this Special Exception would be the areas surrounding the manmade channels only and is depicted on Exhibit B.

If this request is granted, mitigation for remaining site trees would be provided by onsite canopy and ornamental trees. This re-investment into the community will have long term benefits and will maximize the effectiveness of the shared open spaces throughout the neighborhood. A Proposed Tree Exhibit has been provided as Exhibit C that depicts the proposed ornamental and canopy plantings to meet the remaining mitigation requirements.

If this request is not granted, the tree mitigation fee would be well above the current budget for open space landscaping, forcing the development to only provide minimum landscaping requirements for the open spaces. A Required Trees Exhibit has been provided as Exhibit D which depicts the required tree plantings.

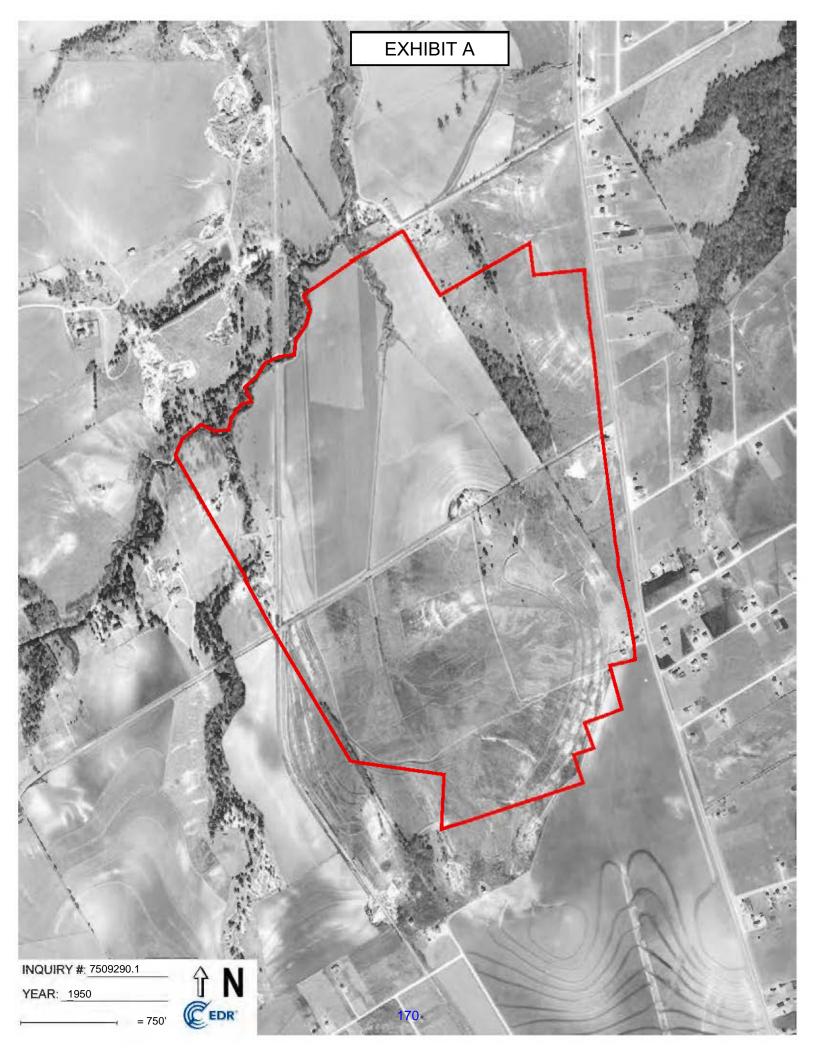
We greatly appreciate your time and understanding of this matter and ask for your consideration and approval of this Special Exception.

Sincerely,

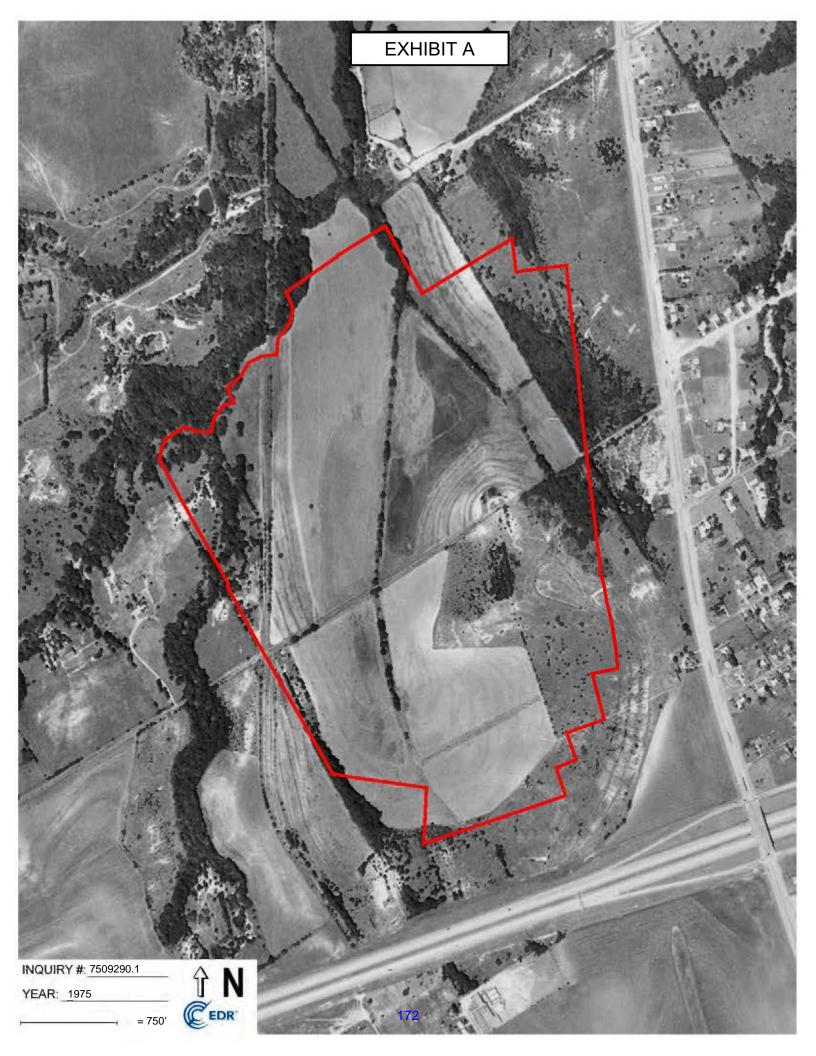
David Pitcher Vice President

KFM Engineering & Design

TBPE #: F-20821







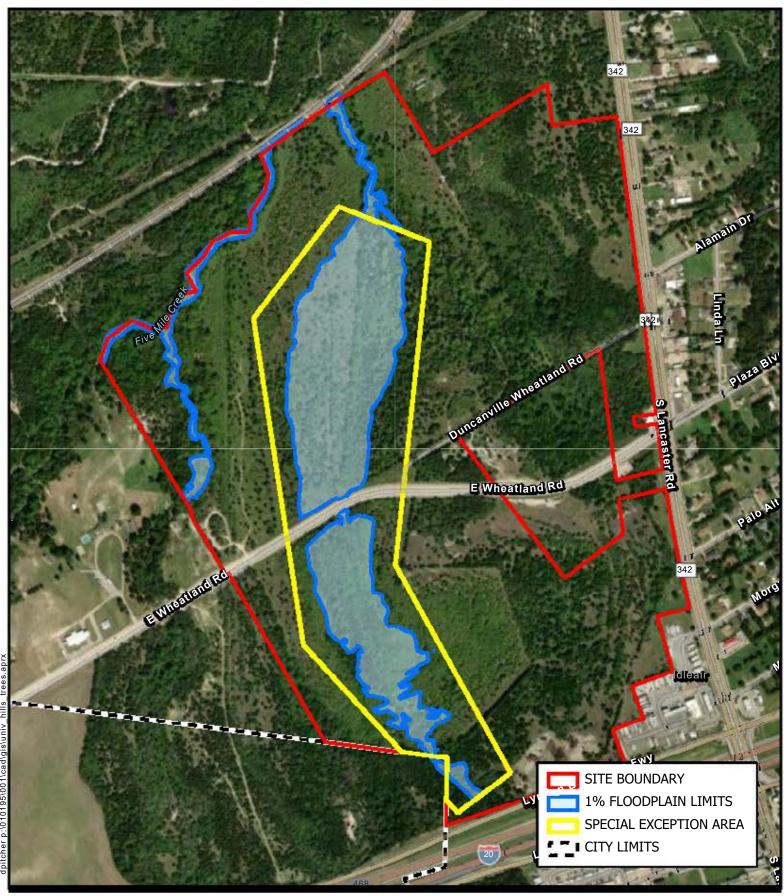














3501 OLYMPUS BLVD STE 100 DALLAS, TX 75019 469.899.0536 WWW.KFM-LLC.COM

TBPE: F-20821

TITLE

# **EXHIBIT B**

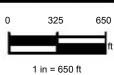
**1% FLOODPLAIN EXHIBIT** 

PROJECT

UNIVERSITY HILLS DALLAS, TEXAS CLIENT

HOQUE GLOBAL





PROJECT NUMBER: 010195001 DECEMBER 24, 2024 SHEET:



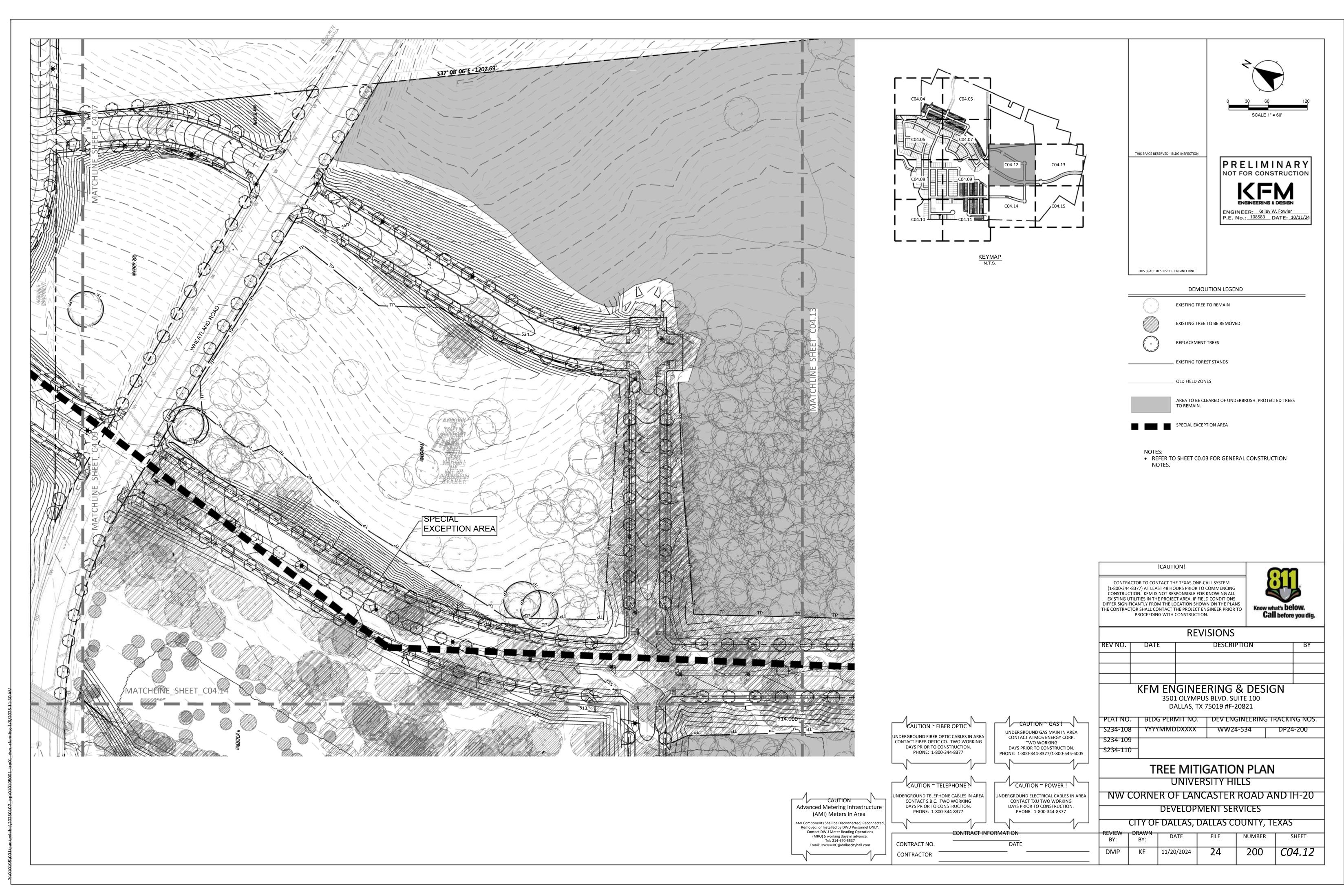


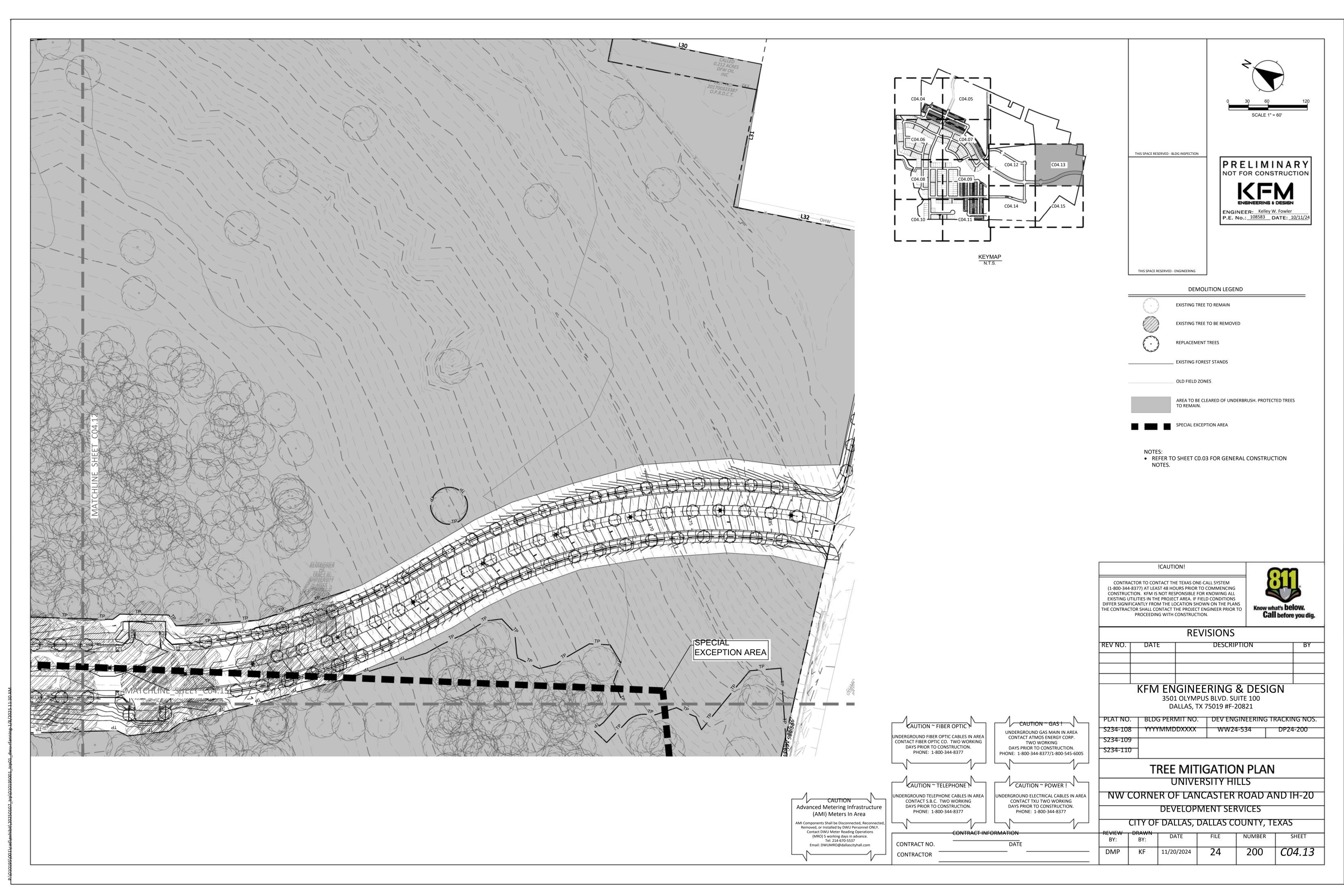


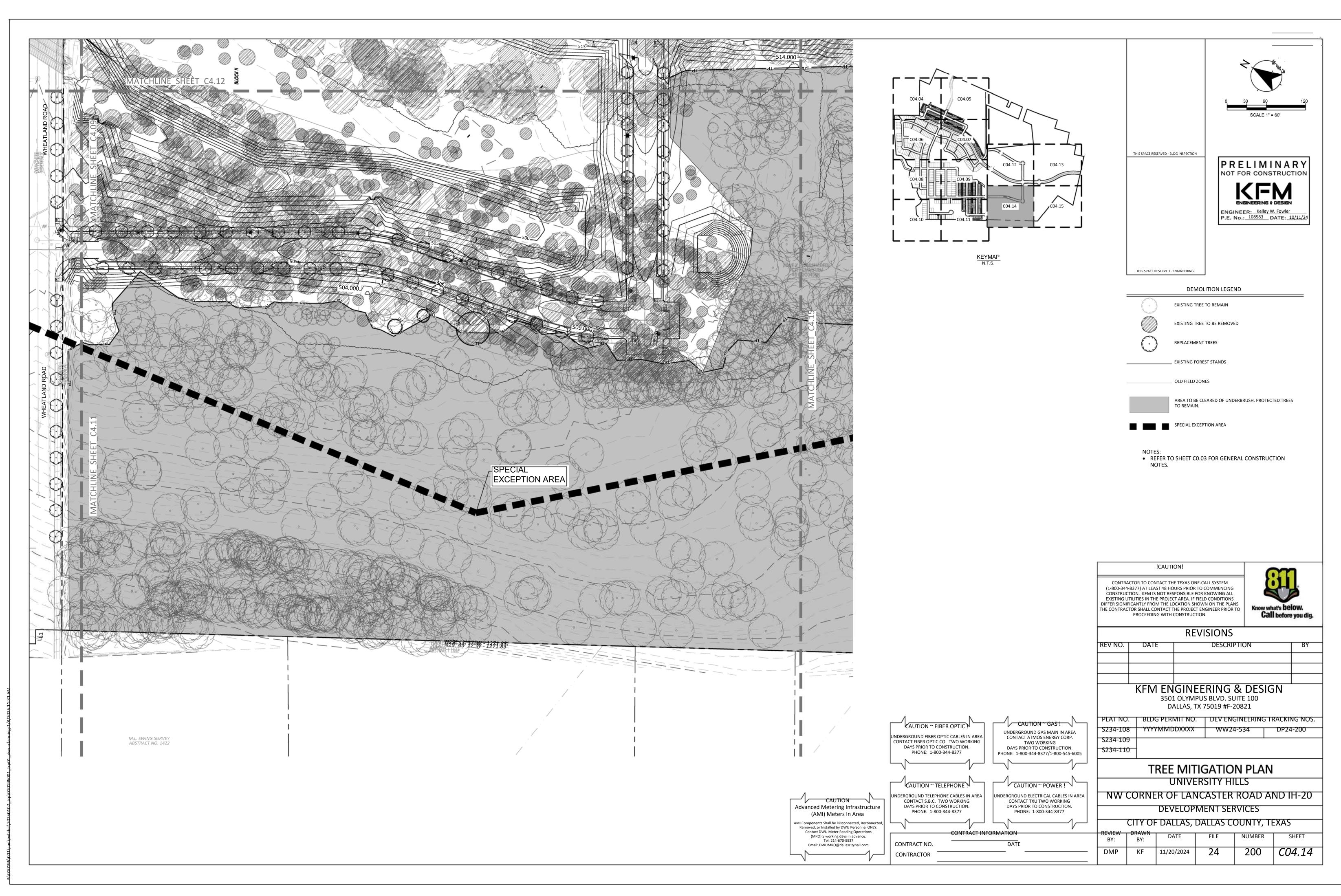


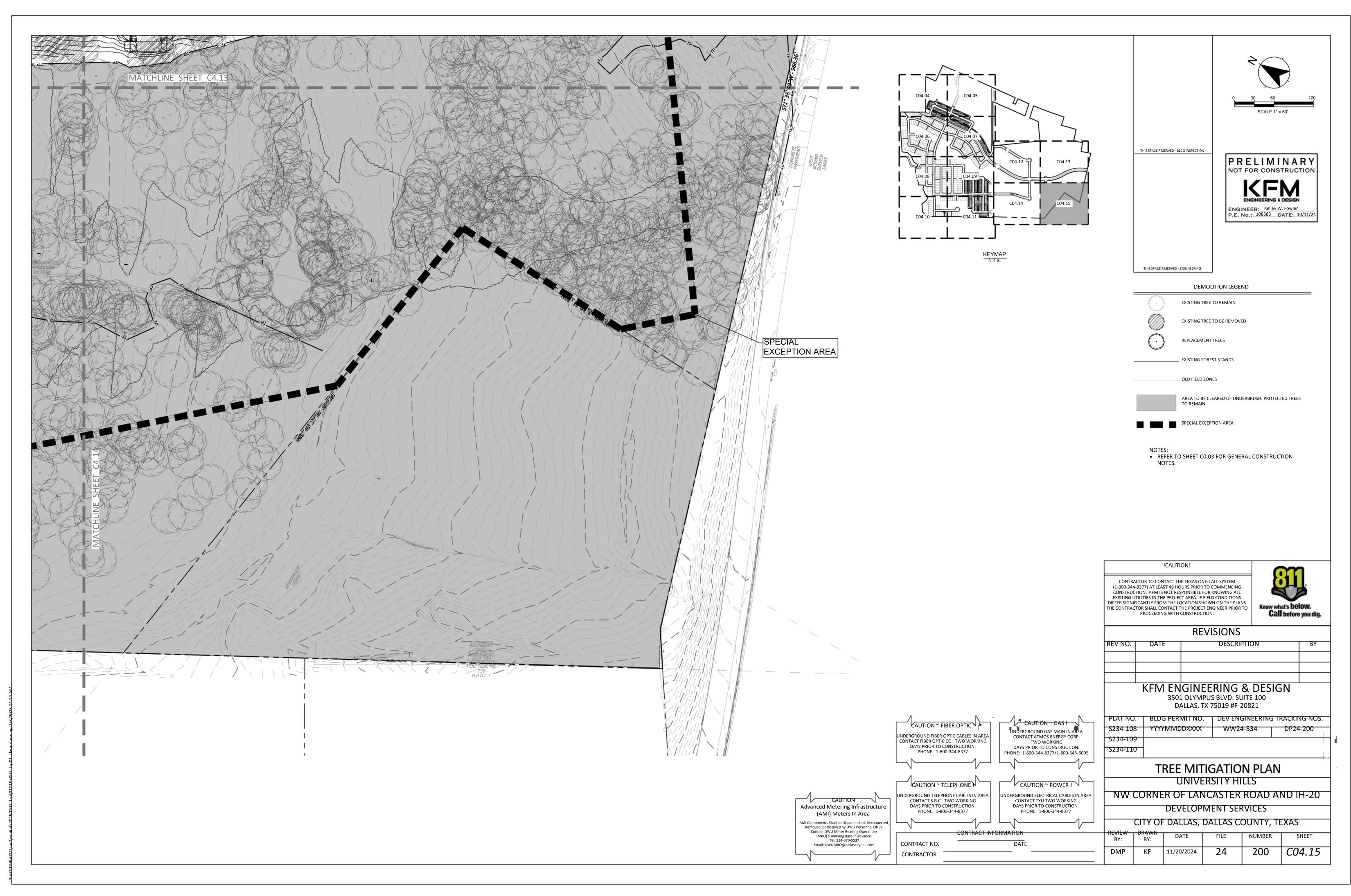


















**FILE NUMBER**: BDA245-027(BT)

<u>BUILDING OFFICIAL'S REPORT</u>: Application of Rob Baldwin for (1) a variance to the maximum height regulations at **4802 BELMONT AVENUE**. This property is more fully described as Block 3/2001, Lot 5, and is zoned MF-2(A), which limits the maximum building height to 26-feet due to a residential proximity slope. The applicant proposes to construct and/or maintain a duplex structure with a building height of 45-feet, which will require (1) a 19-foot variance to the maximum building height regulations.

**LOCATION**: 4802 Belmont Avenue

**APPLICANT**: Rob Baldwin

#### **REPRESENTED BY:**

#### **REQUEST:**

(1) A request for a variance to the maximum height regulations

#### STANDARDS OF REVIEW FOR A VARIANCE:

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

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

#### **ELEMENT II SUBSTITUTE:**

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

- (i) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 of the Texas Tax Code.
- (ii) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.

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

#### **STAFF RECOMMENDATION:**

#### Variance:

Denial

<u>Rationale:</u> 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. Subject site does not differ from other parcels of land by being of such a restrictive area, irregular in shape or slope; therefore, it can be developed in a manner commensurate with the development upon other parcels of land in the same zoning. Residential Proximity Slope (RPS) purpose is to protect towering structures next to residential structures limited to 30-feet maximum building height.
- C. Not self-created nor is it a personal hardship.

#### **BACKGROUND INFORMATION:**

#### Zoning:

Site: MF-2(A) (Multifamily Use)
North: MF-2(A) (Multifamily Use)
East: MF-2(A) (Multifamily Use)
South: R-7.5(A) (Single Family Use)
West: MF-2(A) (Multifamily Use)

#### Land Use:

The subject site is vacant and the surrounding properties are a mixture of vacant lots, duplex uses, and single-family uses.

#### Lot Square Footage:

This lot size is 4,538 square feet. (0.104 of an acre)

#### **BDA History**:

No BDA history found within the last 5 years

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

 The application of Rob Baldwin for the property located at 4802 Belmont Avenue focuses on one request relating to a variance to the maximum building height.

- The applicant proposes to construct and/or maintain a residential duplex structure with a
  maximum building height of 26-feet when adjacent to or directly across the alley from a
  R(A) zoning district.
- MF-2(A) maximum height is 36-feet.
- The subject site is smaller (4,538 square feet) than minimum 6,000 square feet for a duplex use and irregular shaped lot, however the maximum building height is the focus of the request.
- Staff recommendation is based on Residential Proximity Slope (RPS) purpose and intent to protect towering structures next to residential structures limited to 30-feet maximum building height.
- Per staff's review of the subject site, it has been confirmed that the site is vacant.
- The applicant has the burden of proof in establishing the following:
  - 1) That granting the variance to the maximum height 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.
  - 2) The variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
  - 3) The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

#### • 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.

- Granting the variance to the maximum height regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: <u>BDA245-027 at 4802 Belmont Ave</u>

#### **Timeline:**

December 31, 2024: The applicant submitted an "Application/Appeal to the Board of

Adjustment" and related documents which have been included as part of

this case report.

January 3, 2024: The Board of Adjustment Administrator assigned this case to Board of

Adjustment Panel C.

January 24, 2024: Planning and Development Department Senior Planner emailed the

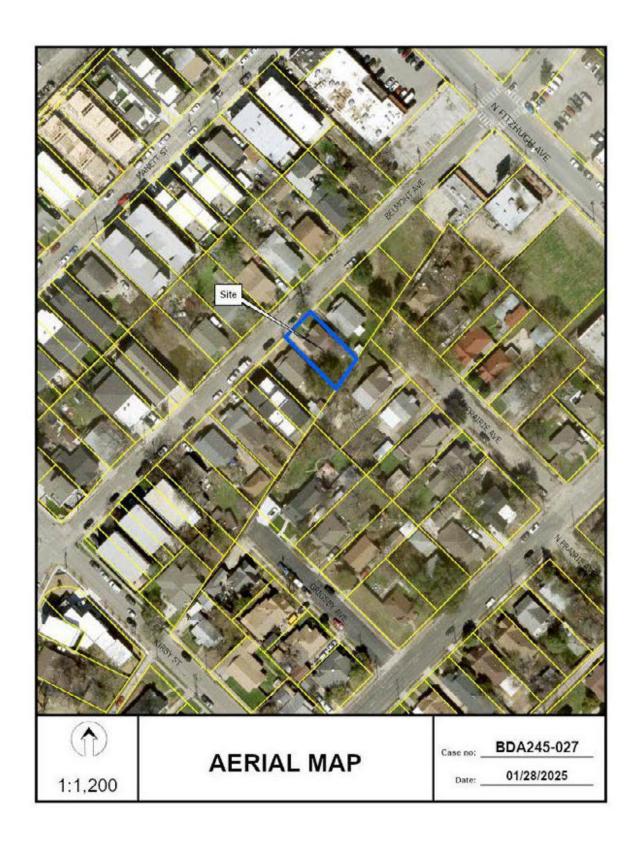
applicant the following information:

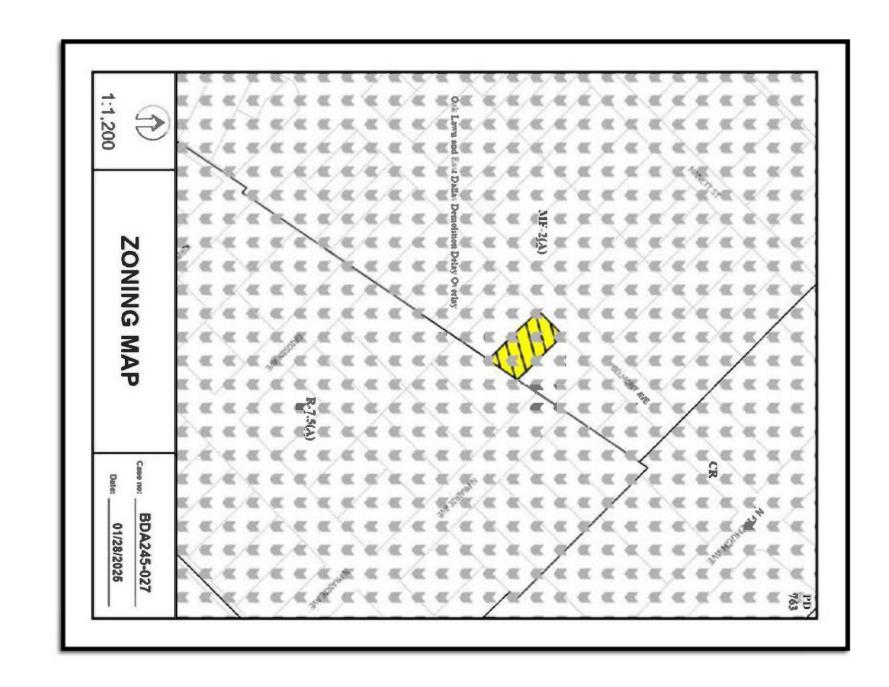
 an attachment that provided the public hearing date and panel that will consider the application; the January 31, 2025, deadline to submit additional evidence for staff to factor into their analysis; and February 7, 2025, deadline to submit additional evidence to be incorporated into the board's docket materials.

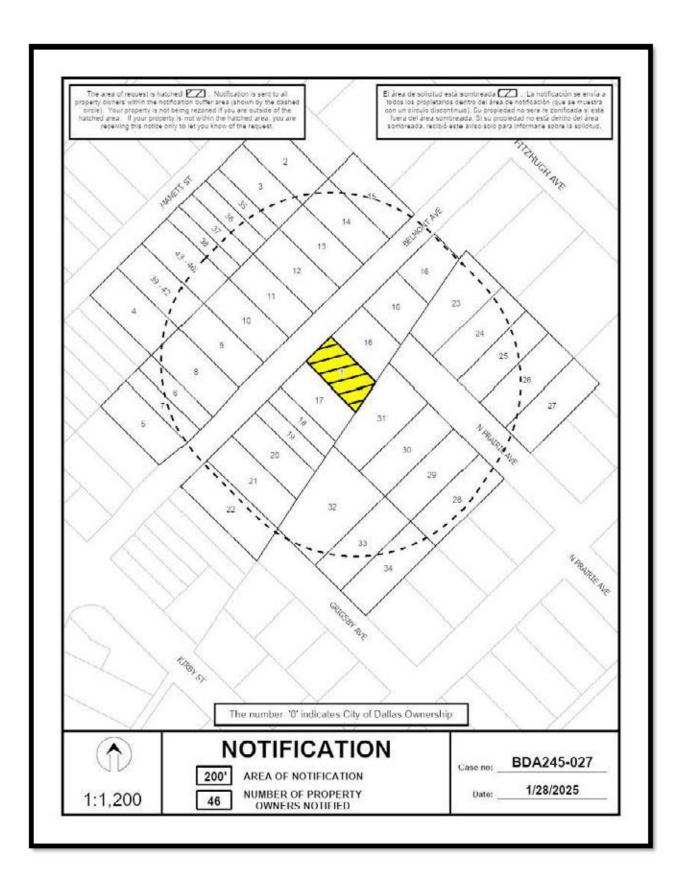
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

January 30, 2025:

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







# Notification List of Property Owners BDA245-027

## 46 Property Owners Notified

Label #	Address		Owner
1	4802	BELMONT AVE	TBAY BELMONT PLACE LLC
2	4814	MANETT ST	SEDIG PPTIES LP
3	4810	MANETT ST	CHAVEZ JUAN
4	4722	MANETT ST	FLORES JOSE J & ORALIA
5	4715	BELMONT AVE	401 FLORENCE ASSOCIATES LP
6	4721	BELMONT AVE	CHRISTENSEN KENNETH
7	4719	BELMONT AVE	HUME RANCH REVOCABLE TRUST
8	4723	BELMONT AVE	MCWORTH REAL ESTATE LLC
9	4727	BELMONT AVE	SANCHEZ EUSEBIO CERVANTES
10	4731	BELMONT AVE	WHITE FISH TRUST
11	4803	BELMONT AVE	MIRANDA GERARDO &
12	4807	BELMONT AVE	SONG KWANG
13	4811	BELMONT AVE	MARTINEZ RODOLFO SR
14	4815	BELMONT AVE	GARCIA RAUL B &
15	4819	BELMONT AVE	Taxpayer at
16	4816	BELMONT AVE	TBAY BELMONT PLACE LLC
17	4730	BELMONT AVE	SALINAS MARIA
18	4728	BELMONT AVE	SKYBRIDGE HOMES LLC
19	4726	BELMONT AVE	STRABAVY GREGORY MICHAEL &
20	4722	BELMONT AVE	MANZANARES PORFIRIA
21	4718	BELMONT AVE	SALINAS MARTHA L
22	4714	BELMONT AVE	RAMIREZ MARIA
23	2426	N PRAIRIE AVE	LUBWAMA BRYAN
24	2422	N PRAIRIE AVE	SANCHEZ ERIC
25	2416	N PRAIRIE AVE	PARKINS MARIYAM & GARY
26	2414	N PRAIRIE AVE	SOTO TERESA

Label #	Address		Owner
27	2410	N PRAIRIE AVE	KINGDOM LED LLC
28	2411	N PRAIRIE AVE	PC LO 2222 LLC
29	2415	N PRAIRIE AVE	CAMACHO MARCO A
30	2419	N PRAIRIE AVE	LALANI FARAH & KHURRAM
31	2423	N PRAIRIE AVE	KINGDOM LED LLC
32	2418	GRIGSBY AVE	PETROVSKIY EDVARD &
33	2414	GRIGSBY AVE	KINGDOM LED LLC
34	2410	GRIGSBY AVE	ANDRADE DELFINO J &
35	4806	MANETT ST	4804 MANETT LLC
36	4804	MANETT ST	LEAD REAL ESTATE GLOBAL CO LTD
37	4802	MANETT ST	LASKOWSKI MARIA
38	4800	MANETT ST	CARTER WILLIAM M II
39	4726	MANETT ST	YAN JULIA
40	4726	MANETT ST	BENTLEY CONNER SCOTT &
41	4726	MANETT ST	DUONG LIANNE
42	4726	MANETT ST	CARLOZZI STEPHANIE M
43	4730	MANETT ST	LAFREE KEVIN KENNETH &
44	4730	MANETT ST	PATEL DYLAN
45	4730	MANETT ST	CARD ALAN TYLER
46	4730	MANETT ST	COPP SUSAN



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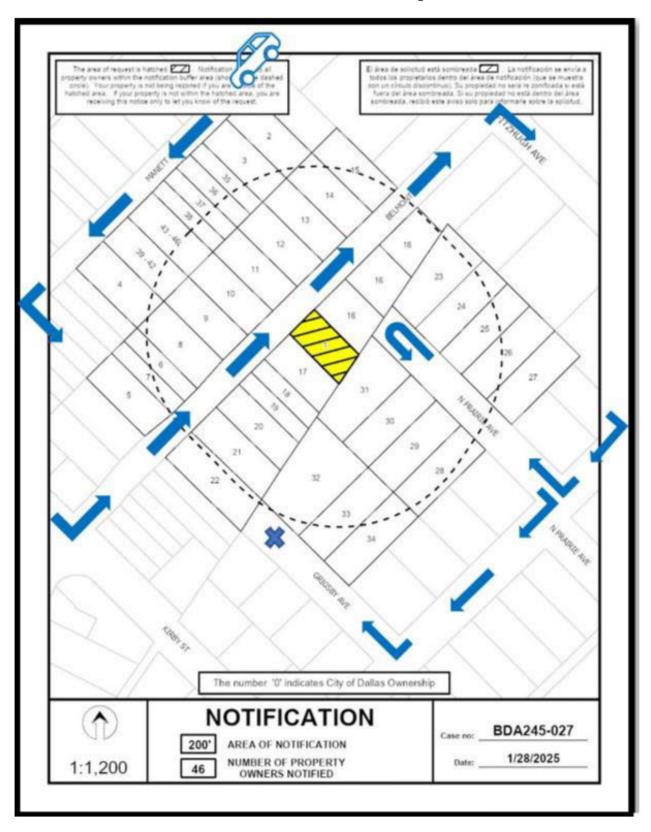
# **NOTIFICATION**

200°

AREA OF NOTIFICATION NUMBER OF PROPERTY OWNERS NOTIFIED Case no: BDA245-027

Date: 1/28/2025

200' Radius Route Map



#### NOTICE OF PUBLIC HEARING

#### BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL C)

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

DATE: THURSDAY, FEBRUARY 20, 2025

BRIEFING: 10:30 a.m. via Videoconference and in L1FN AUDITORIUM, Dallas

City Hall, 1500 Marilla Street. https://bit.ly/boa0220

HEARING: 1:00 p.m. via Videoconference and in L1FN AUDITORIUM, Dallas

City Hall, 1500 Marilla Street. https://bit.ly/boa0220

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

BDA245-027(BT) Application of Baldwin Associates represented by Rob Baldwin for (1) a variance to the maximum height regulations at 4802 BELMONT AVENUE. This property is more fully described as Block 3/2001, Lot 5, and is zoned MF-2(A) which limits the maximum building height to 26 feet due to a residential proximity slope. The applicant proposes to construct a duplex structure with a building height of 45-feet, which will require (1) a 19-foot variance to the maximum building height regulations.

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

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

The Board of Adjustment hearing will be held by videoconference and in L1FN Auditorium at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure by joining the meeting virtually, must register online at <a href="https://bit.ly/BDA-C-Register">https://bit.ly/BDA-C-Register</a> or contact the Planning & Development Department at 214-670-4127 by the close of business Wednesday, February 19, 2025. All virtual speakers will be required to show their video in order to address the board. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall.

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

Additional information regarding the application may be obtained by calling Bryant Thompson, Senior Planner at (214) 948-4502, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

Board of Adjustment Planning and Development Department 1500 Marilla Street 5CN, Dallas TX 75201 PLEASE SEND REPLIES TO:
BDAreply@dallas.gov

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

PLEASE REGISTER AT: https://bit.lv/BDA-C-Register

		1 - 10 7
		Case No.: BDA 245-02/
	Data Relative to Subject Property:	Date: FOR OFFICE USE ONLY
	Location address: 4802 Belmont Avenue	Zoning District: MF-2(A)
	Lot No.: 5 Block No.: 3/2001 Acreage: 0.1	Census Tract: 48113000802
	Street Frontage (in Feet): 1) 49' 2) 3)	
	To the Honorable Board of Adjustment:	
	Owner of Property (per Warranty Deed): TBAY Belmo	ont Place, LLC (Eric Faulkner)
	Applicant: Rob Baldwin, Baldwin Associates	Telephone: 214-824-7949
	Mailing Address: 3904 Elm Street, Suite B - Dalla	S Zip Code: 75226
	E-mail Address: rob@baldwinplanning.com / mic	
	Represented by: Rob Baldwin, Baldwin Associate	
	Mailing Address: 3904 Elm Street, Suite B - Dalla	
	E-mail Address: rob@baldwinplanning.com / n	nichele@baldwinplanning.com
		nce with the provisions of the Dallas Development Code, to would like to build commensurate with other
	Application is made to the Board of Adjustment, in accordar Grant the described appeal for the following reason:  This is an irregularly shaped lot. The owner homes in the immediate area.  Note to Applicant: If the appeal requested in this application be applied for within 180 days of the date of the final action	would like to build commensurate with other is granted by the Board of Adjustment, a permit must
	Application is made to the Board of Adjustment, in accordar Grant the described appeal for the following reason:  This is an irregularly shaped lot. The owner homes in the immediate area.  Note to Applicant: If the appeal requested in this application	is granted by the Board of Adjustment, a permit must of the Board, unless the Board specifically grants a
	Application is made to the Board of Adjustment, in accordar Grant the described appeal for the following reason:  This is an irregularly shaped lot. The owner homes in the immediate area.  Note to Applicant: If the appeal requested in this application be applied for within 180 days of the date of the final action longer period.	is granted by the Board of Adjustment, a permit must of the Board, unless the Board specifically grants a swit Rob Baldwin
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TO S	Application is made to the Board of Adjustment, in accordar Grant the described appeal for the following reason:  This is an irregularly shaped lot. The owner homes in the immediate area.  Note to Applicant: If the appeal requested in this application be applied for within 180 days of the date of the final action longer period.  Affida  Before me the undersigned on this day personally appeared who on (his/her) oath certifies that the above statements a he/she is the owner/or principal/or authorized represental	is granted by the Board of Adjustment, a permit must of the Board, unless the Board specifically grants a swit described and Correct to his/her best knowledge and that tive of the subject property  Cember 2024  Comber 2024

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Sincerely,

**Building Official's Report** 

BDA245-027(BT) Application of Baldwin Associates represented by Rob Baldwin for (1) a variance to the maximum height regulations at 4802 BELMONT AVENUE. This property is proposes to construct a duplex structure with a building height of 45-feet, which will require maximum building height to 26 feet due to a residential proximity slope. The applicant more fully described as Block 3/2001, Lot 5, and is zoned MF-2(A) which limits the did submit a request I hereby certify that represented by at 4802 Belmont Avenue for (1) a variance to the building height regulations **Baldwin Associates Baldwin Associates** 

(1) a 19-foot variance to the maximum building height regulations

Chairman Remarks Appeal was--Granted OR Denied Date of Hearing

MEMORANDUM OF ACTION TAKEN BY THE BOARD OF ADJUSTMENT



## **AFFIDAVIT**



### **AFFIDAVIT**

Appeal number: BDA 245-62+
I, TBAY Belmont Place, LLC (Enc Faulkner), Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)
at: 4802 Belmont Avenue
(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)
Special Exception (specify below)
Other Appeal (specify below)  Residential Proximity Stope  Specify: Variance to the building height regulations  MS
ERIC FAUTENER SAL
Print name of property owner or registered agent  Signature of property owner or registered
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 thisday of
December , 2024
Commission expires on OS/01/2011  DEVELOPMENT TO THE SOURCE ADJUSTMENT   REV 05.24.2024

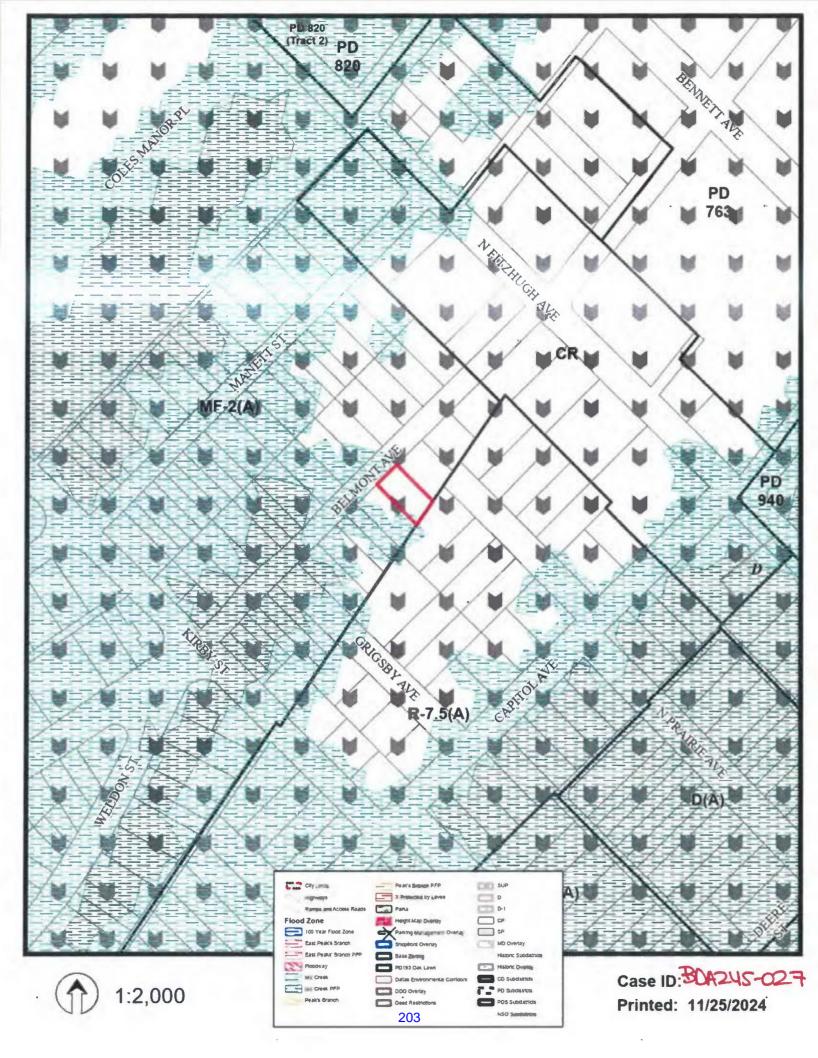




# REFERRAL FORM FOR BOARD OF ADJUSTMENT

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Rick & Hurt's Noëth FITZHUGH AYENUË TO THE CITY OF DALLAS BonView SCALE 100'1' 40 Fifzhugh Ave G 2 3 2 3 5 4 6 31 2 12952 5 7 30 Ric 129.22 0 3 8 29 6 28.93 9 28 7 28.64 8 27 40 5 128.34 11 26 9 6 12 10 25 128.76 8 24 13 127.46 14 23 13 15 10 RICK & FURT'S HORTH FITZHUGH : 16 157.4 TO-MAP 12 166 15 20 THE STATE OF TEXAS: KNOW ALL MEN 16 13, 18 COUNTY OF DALLAS : BY THESE PRESANTS: That we, A. C. RICK and HARRY A. HURT of Dallas County, Texas, the owners of the following described property; to-tit: Lying and being situated in the City and County of Dullas, Texas, and being known as all of BLOCKS MOS. MINET-12M (19) and IMPRITY-HARE (25) of COLE'S HOMESTYAD ADDITION, as shown by a plat of said property recorded in Vol. 26 page 471, of the Minutes of the with District Court of Dallas County. Texas, marked "EXHIBIT D" in suit styled Ivan B. Smith ws John D. Cole st al No. 4203, and being property conveyed to us by Ivan H. Smith by Deed dated November 4th, 1921, and duly recorded in the Deed Records of Dellas Taxas; do here by declare that we have subdivided the same according to the accompanying plat, such subdivision being known as HUND'S NORTH FITZHUGH AVENUS ADDITION" to the City of Dallas, Texas, hereby dedicating to the use of the public forever the hown on said plat. REQUESE this the Eard day of November, A.D.1921 A. C. Rick Harry A. Hurt BdFO. E me, the undersigned, a Notary Public in and for Dalles County, Texas, on this day personally appeared i. C. RICK and HARRY A. HURT, known to me to be the persons whose hemes are subscribed to the foregoing a.C., RICK and HARRY A. HURT, AROUND to me the sea for the tart they executed the same for the try which MY HAID AND SEAL OR OFFICE, this the purposes and consideration therein expressed.



CITY OF DALLAS PLAT BOOKS BLOCKS 2001 , 3-23 ANNEXED ORD NO. ADDITION SURVEY J. GRIGSBY ABST 495 SCALE 100 FT EQUALS I INCH SCHOOL DISTRICT HOMER 4900 MANETT BELMONT MISSION 1999 899 094 1996 1999 FITZHUGH 2700 AVE. 1500 2400 CENTRAL GARDENS 25 8 6 25 8 4 ST. FITZHUGH GARDEN PLACE ST -1 2 3 · F16ED, 3-24-48 2007 31 14 2001 PRAIRIE AVE. 15-B 2001 15-A 2001 COURTS 1-19 2001° 2-19 28 20016 2000 2007 10 10 104 25 11 168 4 12 23 MANOR BOULEVIRO APARTMENT GRIGSBYAVE 13 ~ 22 10 HOMER BELMONT 14 21 MANETT \*1-ED: COLES 2007 24 59 4 1514 15 20 160 000 16 19 13 KIRBY: Colum 5 dam -2400 ST. 2600 2575 2002 2002 2002 AUC 1 = 1975 204

#### **General Notes**

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Standard Abbreviations

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#### ZONING NOTES: 20HED MINJAN

#### ADOPTED CODES:





WHITH HE DESIGN

AVE

BLK 3/2001 LOT 5 DALLAS, TX 75204 4802 BELMONT

REVISION SCHEDULE REV. 6 B HAME B DAN

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**COVER PAGE** 2024.12.19 CHECKED BY A-00 SCALE AS INDICATED ON 24436



A-02 2ND FLOOR PLAN A-03 3RD FLOOR PLAN A-04 ROOF DECK PLAN A-05 ELEVATIONS A-05.1 ELEVATIONS A-07.1 BUILDING SECTIONS A-09 ROOF PLAN A-09 AREA PLANS

SHEET

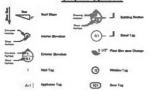
A-00 COVER PAGE
A-00.1 SITE PLAN
A-01 IST FLOOR PLAN

A-12 RPS DIAGRAM

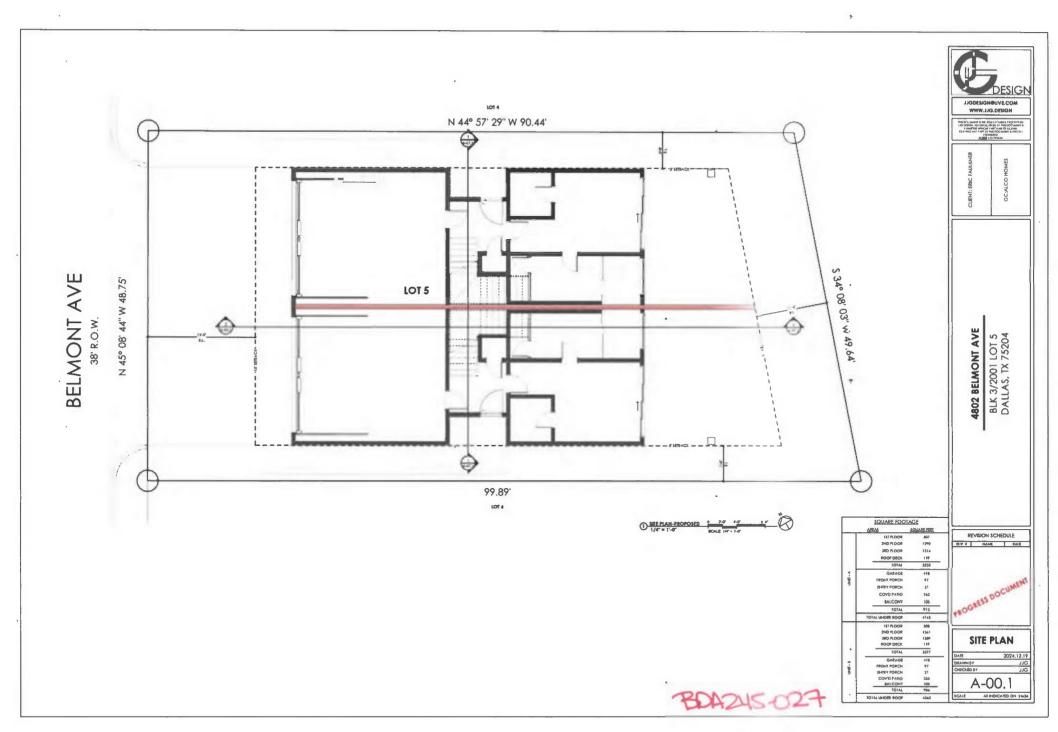
SHEET INDEX

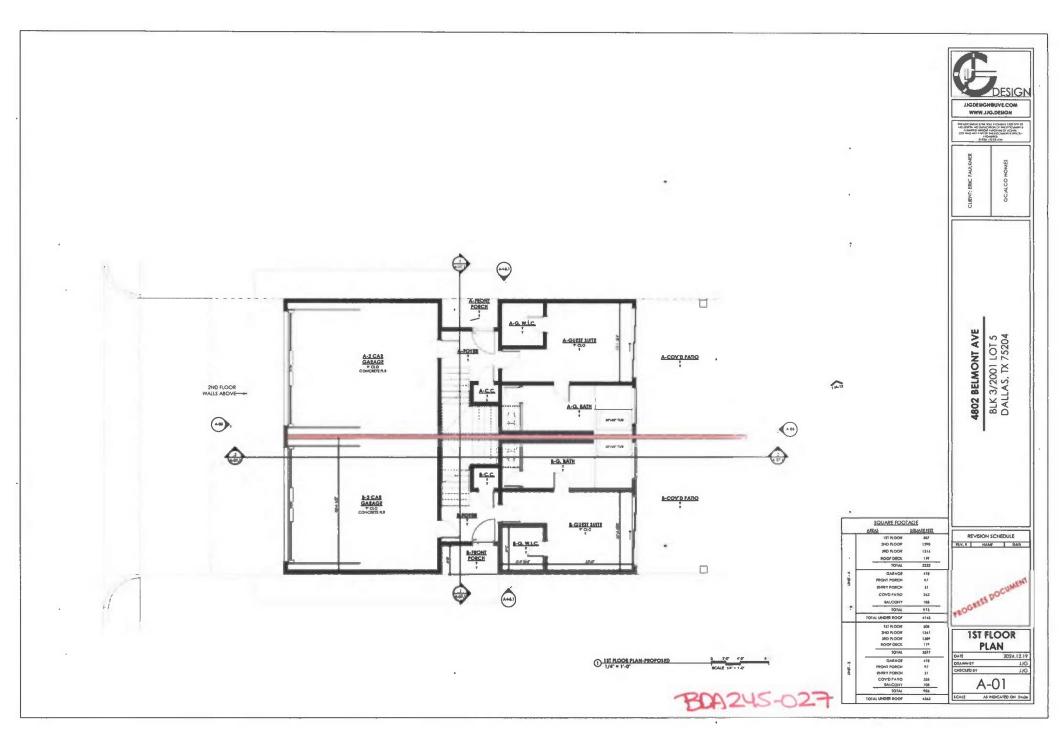
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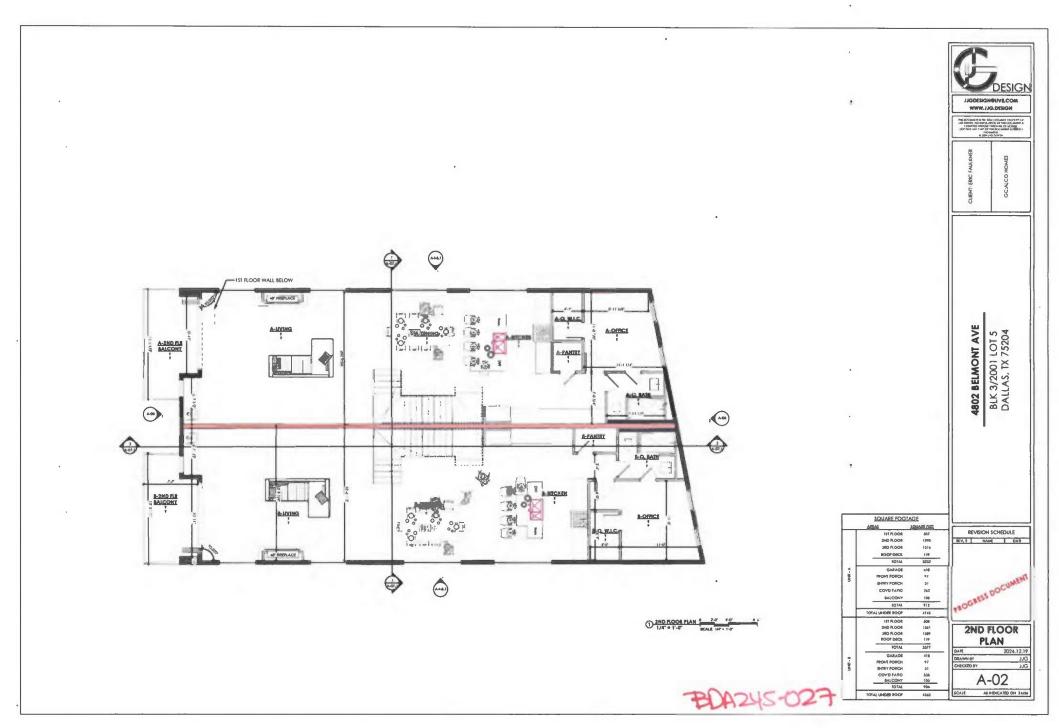
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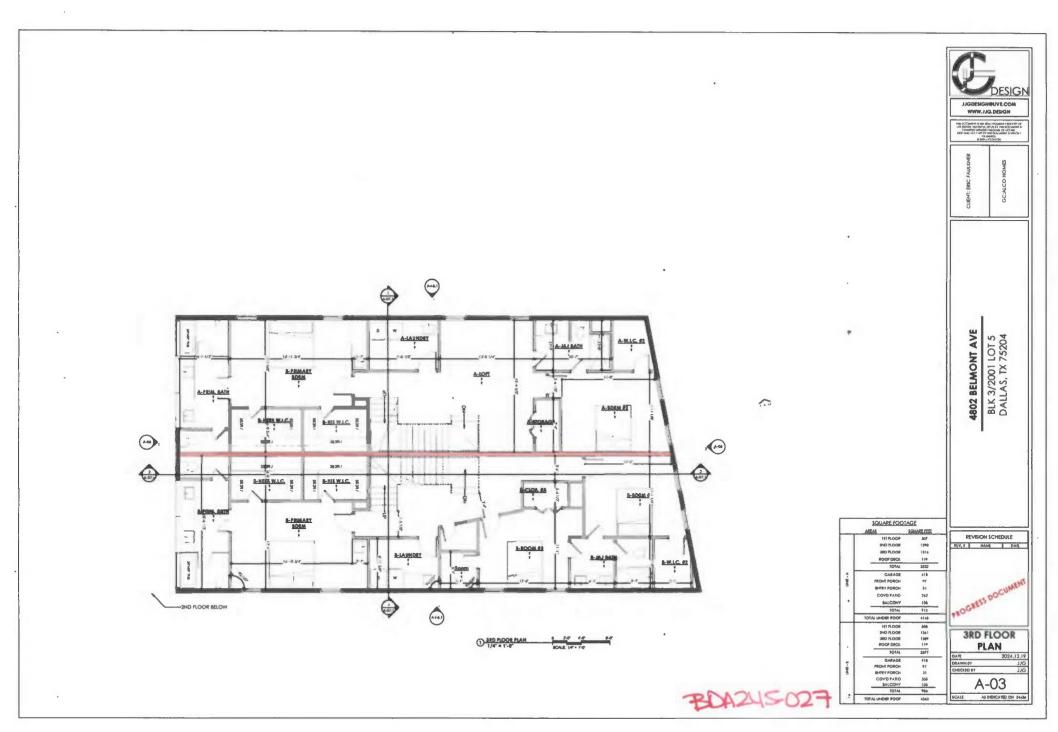


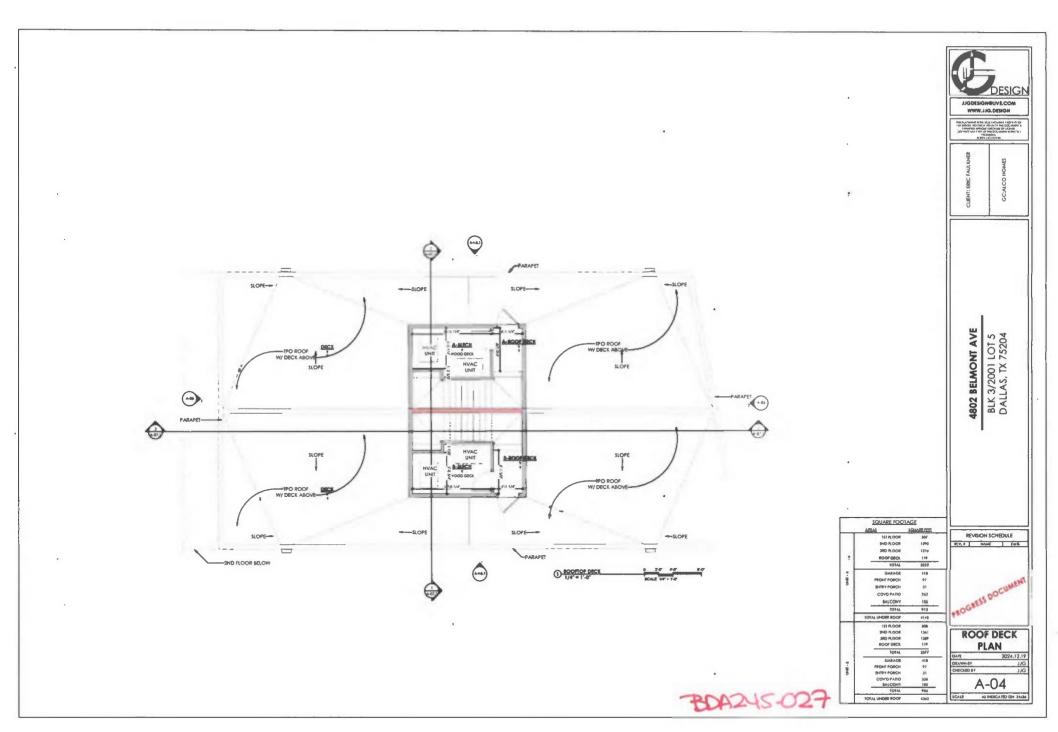
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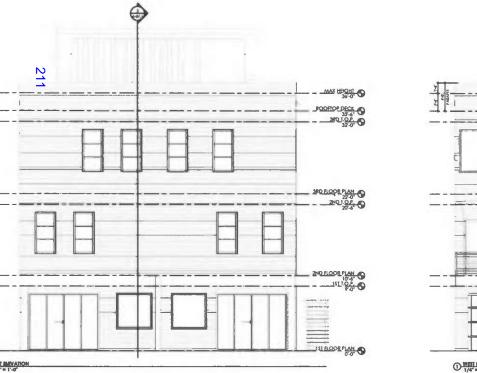


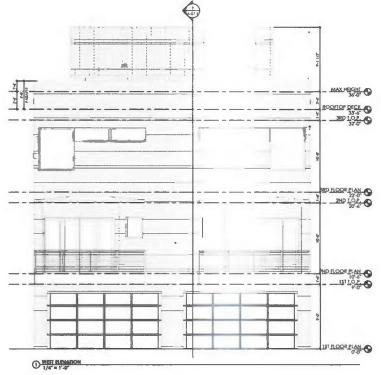




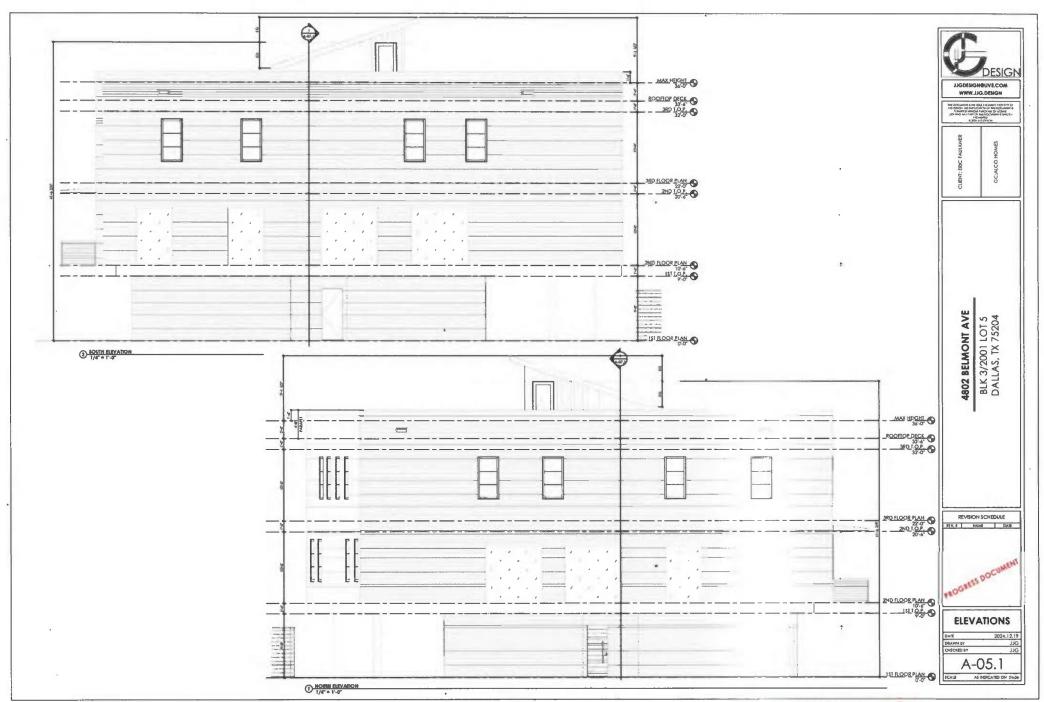


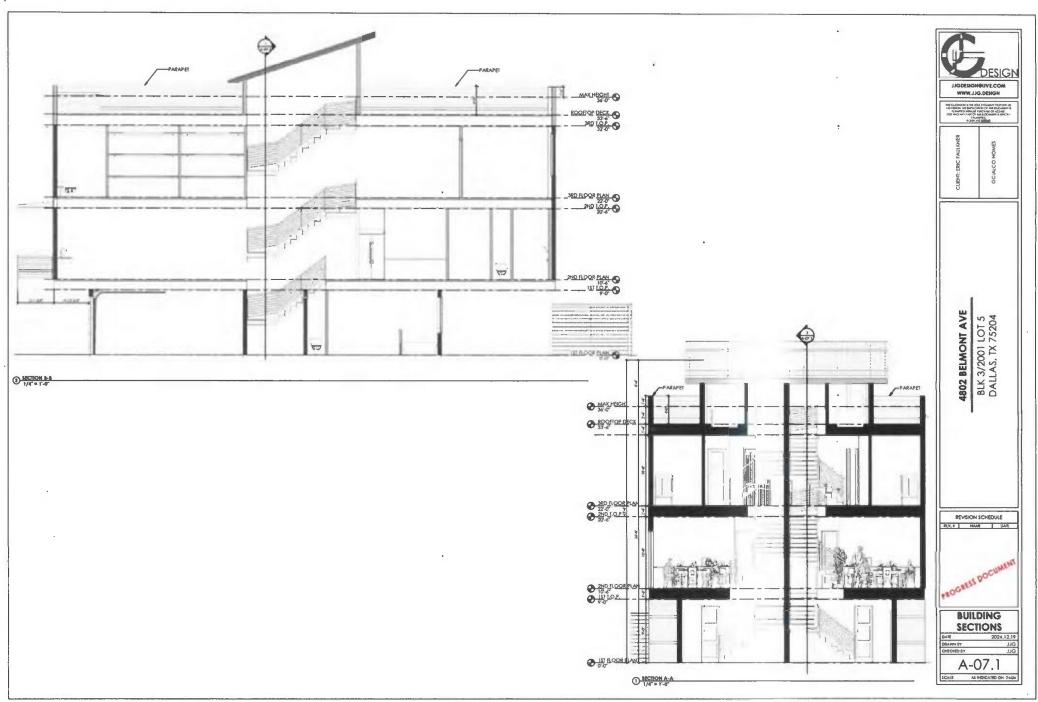


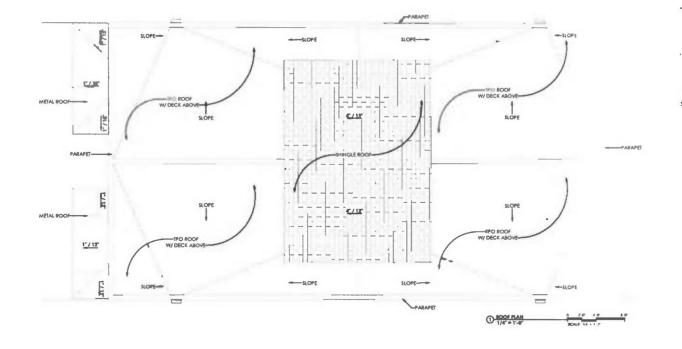




BDA245-027

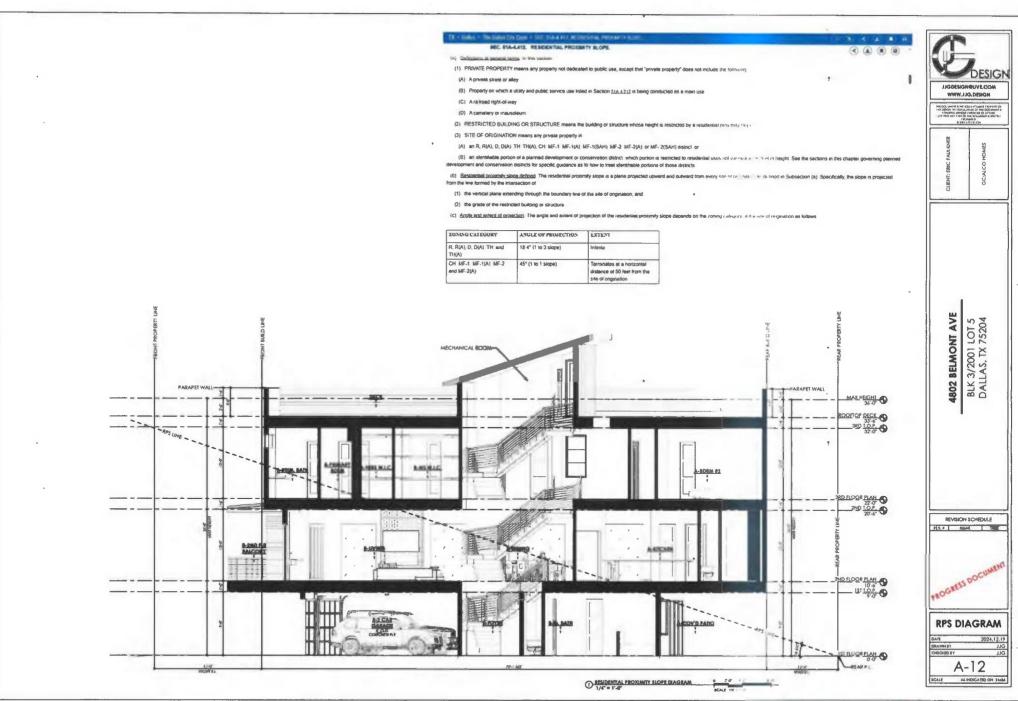














January 30, 2025

MR. Bryant Thompson Senior Planner – Board of Adjustment Department of Development Services City of Dallas 1500 Marilla Street, Room 5BN Dallas, Texas 75201

Re: BDA 245-027

Dear Mr. Thompson,

This firm represents the owner of the property located at 4802 Belmont Avenue in their request for a variance regarding the maximum allowable building height. The approval of this variance is essential to allow for the development of the subject property in a manner consistent with other homes in the immediate vicinity, all of which are situated within the MF-2(A) zoning district.

#### **Background and Justification:**

The subject property is located on the southeast side of Belmont Avenue and is currently undeveloped. The MF-2(A) zoning district allows for a maximum building height of 36 feet, with certain allowances for structures such as mechanical equipment rooms, which can extend up to 12 feet above the maximum height. However, a 1:3 Residential Proximity Slope (RPS) restriction emanates from the adjacent single-family zoned property behind this lot. Due to the property's shallow depth, this restriction effectively limits the maximum building height to 26 feet, significantly reducing the feasible development potential.

The purpose of this variance request is to allow the subject property to be developed in a manner that is consistent with the scale and character of other recently redeveloped properties on this block. This variance will not adversely impact the orderly development of the neighborhood and is both reasonable and warranted given the circumstances outlined below.

#### **Unique Characteristics of the Lot:**

1. <u>Limited Lot Depth</u>: The subject property has an atypical depth of only 84 feet, significantly less than the average lot depth of 118 feet on this block of Belmont Avenue. This unique characteristic places an undue restriction on the property that is not present for neighboring lots.

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

- 2. <u>Inability to Build Commensurate with Neighboring Properties</u>: Due to the lot's shallow depth, compliance with the Residential Proximity Slope severely limits the allowable building height, preventing the owner from developing the property in a manner consistent with other recently built homes on the block. While the new duplex homes on this block are three stories with an average combined floor area of 5,869 square feet, compliance with the current height restrictions would result in a maximum combined floor area of just 1,962 square feet—a 67% decrease in buildable area. The property also has a smaller-than-average lot size of 4,368 square feet compared to the neighborhood average of 5,447 square feet. Given these constraints, the requested variance is necessary to allow development that aligns with the surrounding properties in the MF-2(A) zoning district.
- 3. <u>Hardship Was Not Self-Created</u>: The hardship necessitating this variance is not self-created. The property is a legally platted lot, and the proposed design adheres to all setback and zoning requirements except for the height restriction imposed by the Residential Proximity Slope. The limitation arises solely from the lot's unique dimensions and its adjacency to a single-family zoned property, making relief through a variance both appropriate and necessary.
- 4. <u>Public Interest</u>: Granting this variance aligns with the public interest by promoting orderly development consistent with the character of the neighborhood. The proposed home will be visually appealing and compatible with other nearby residences, contributing positively to the community. Furthermore, approval of the variance will maintain the intent and integrity of the zoning district while ensuring that this property is developed in a reasonable and equitable manner.

#### **Conclusion:**

The subject property is uniquely constrained due to its shallow depth and smaller-than-average lot size. The requested variance is necessary to allow for reasonable and proportional development in line with other properties in the MF-2(A) zoning district. The property owner is not seeking excessive relief but merely the ability to develop the lot in a manner that is harmonious with the existing neighborhood character.

January 30, 2025 Page 3

We respectfully request the Board's approval of this variance. Should you require any further information or have any questions, please do not hesitate to contact me. Thank you for your time and consideration.

With kind regards,