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Public Notice

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POSTED CITY SECRETARY
DALLAS, TX

BOARD OF ADJUSTMENT (PANEL C)

**OCTOBER 21ST, 2024, BRIEFING AT 10:30 A.M. AND
THE PUBLIC HEARING AT 1:00 P.M.**

Dallas City Hall, 6ES Council Briefing, and Videoconference

**Video Conference Link: <https://bit.ly/boa1021C>
Telephone: (408) 418-9388, Access Code: 325527**

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

Individuals and interested parties wishing to speak must register with the Board of Adjustment at <https://bit.ly/BDA-C-Register> or call (214) 670-4127, **by the close of business Sunday, October 20th, 2024.** In person speakers can register at the hearing.

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

Las personas y las partes interesadas que deseen hacer uso de la palabra deben registrarse en Junta de Ajustes en <https://bit.ly/BDA-C-Register> o llamando al (214) 670-4127, **antes de cierre de oficina el Domingo, 20 de Octubre, 2024.** Las Personas que quieran hablar en persona, se pueden registrar en la Audiencia.

AGENDA

- I. **Call to Order** Robert Agnich, Vice-Chair
- II. **Staff Presentation/Briefing**
- III. **Public Hearing** Board of Adjustment
- IV. **Public Testimony**
- V. **Miscellaneous Items**
 - Approval of Panel C Minutes – August 19th, 2024
- VI. **Case Docket** Board of Adjustment
 - Uncontested Items
 - Holdover Items
 - Individual Items
- VII. **Adjournment**

HANDGUN PROHIBITION NOTICE FOR MEETINGS OF GOVERNMENTAL ENTITIES

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

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

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

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

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

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

EXECUTIVE SESSION NOTICE

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

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

UNCONTESTED CASE(S)

BDA234-113(BT) 2636 Swiss Avenue 1
REQUEST: Application of Rob Baldwin for **(1)** a variance to the landscaping regulations.

BDA234-125(CJ) 5605 Richard Avenue 2
REQUEST: Application of David Turcich for **(1)** variance to the side-yard setback regulations.

HOLDOVER

BDA234-079(CJ) 9334 E. R. L Thornton Freeway 3
REQUEST: Application of Jordan Corbitt for **(1)** a special exception to the parking regulations.

INDIVIDUAL CASES

BDA234-127(CJ) 5239 Monticello Avenue 4
REQUEST: Application of Samuel and Lauren Huffines represented by Karl Crawley to appeal the decision of the administrative official.



BOARD OF ADJUSTMENT

Panel C Minutes

August 19th, 2024

DRAFT

6ES – Council Briefing
24957316190@dallascityhall.webex.com

Robert Agnich, Vice-Chair

PRESENT: [4]

Robert Agnich, VC	
Rodney Milliken - Virtual	
Jared Slade	
Roger Sashington	

ABSENT: [1]

Judy Pollock	

Vice-Chair Agnich called the briefing to order at **10:25 A.M.** with a quorum of the Board of Adjustment present.

Vice-Chair Agnich called the hearing to order at **1:05 P.M.** with a quorum of the Board of Adjustment present.

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

PUBLIC SPEAKERS

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

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

MISCELLANEOUS ITEMS

Approval of the Board of Adjustment Panel C, June 17th, 2024, Minutes.

A motion was made to approve Panel C, June 17th, 2024, Public Hearing minutes.

Maker:	Roger Sashington				
Second:	Robert Agnich				
Results:	4-0 unanimously				Motion to approve
		Ayes:	-	4	Robert Agnich, Roger Sashington, Rodney Milliken, and Jared Slade
		Against:	-	0	

UNCONTESTED ITEMS

1. 2626 W. Mockingbird Lane

BDA234-084(CT)

BUILDING OFFICIAL’S REPORT: Application of James Dean Larson for **(1)** a special exception to the landscaping regulations at 2626 W. Mockingbird Ln. This property is more fully described as Block 4492, Lots 6-10, and is zoned IR, which requires mandatory landscaping. The applicant proposes to construct and/or maintain a nonresidential structure and provide an alternate landscape plan, which will require **(1)** a special exception to the landscape regulations.

LOCATION: 2626 West Mockingbird Lane

APPLICANT: James Dean Larson

REQUEST:

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

DEVELOPMENT STANDARD FOR A SPECIAL EXCEPTION TO LANDSCAPE REGULATIONS:

SEC. 51A-10.125. MANDATORY LANDSCAPING REQUIREMENTS.

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

(1) Street buffer zone.

- (A) Urban streetscape.
- (B) Right-of-way.
- (C) Required planting.
- (D) Buffer zone reduction

(3) Interior zone.

- (A) Surface parking lots in industrial districts.
- (B) Surface parking lots.

(4) Additional provisions.

- (B) Site trees.

SEC. 51A-10.126. LANDSCAPE DESIGN OPTIONS.

(b) Design options.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REGULATIONS:

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

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

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this or any request for a special exception since the basis for this type of appeal is when in the opinion of the board, the special exception will not adversely affect neighboring properties and the requirements are not imposed by a site-specific landscape plan.

BACKGROUND INFORMATION:

BDA History:

No BDA history found at 2626 W. Mockingbird Ln. in the last 5 years.

Square Footage:

- This lot contains 42,950.16 of square feet.
- This lot is zoned Industrial Research (IR) which has no minimum lot size.

Zoning:

- Site:** Industrial Research (IR) Zoning District
- North:** Industrial Research (IR) Zoning District
- East:** Industrial Research (IR) Zoning District
- South:** PD 917 Zoning District
- West:** Industrial Research (IR) Zoning District

Land Use:

The subject site and surrounding properties to the north, east and west are developed with Industrial Research (IR). Surrounding properties to the south are developed with uses permissible in Planned Development No. 917.

GENERAL FACTS/STAFF ANALYSIS:

- The application of James Dean Larson, for the property located at 2626 West Mockingbird Lane focuses on one request relating to the landscape regulations.
- The applicant proposes to construct and maintain a nonresidential structure and provide an alternate landscape plan which will require a (1) special exception to the landscape regulations.
- The applicant is seeking a special exception to the landscaping requirements of Article X. The applicant requests approval of an alternate landscape that does not fully conform to Article X requirements.
- It is imperative to note that the subject site has two street frontages: West Mockingbird Lane and Fielder Court.
- The subject site is currently developed with a nonresidential structure.
- The legal built conditions restrict the applicant's ability to comply with Article X for mandatory street buffer zones and other site tree and landscape design option requirements.
- Appropriate new landscaping is proposed for available open space areas where they are made available near surface parking areas.
- The arborist division has no objection to the proposed alternate landscape plan for the property because we believe that strict compliance with the requirements of Article X will unreasonably burden the use of the property and the design will not adversely affect neighboring property.
- The Dallas Development Code states that all lots containing a use other than single-family or duplex must comply with the provisions set forth SEC. 51A-10.125. Mandatory Landscape Requirements and SEC. 51A-10.126. Landscape Design Options
- The applicant has the burden of proof in establishing that the special exception(s) to the landscape regulations will not adversely affect the neighboring properties.

- Granting the special exceptions to the landscape regulations with a condition that the applicant complies with the submitted site plan/landscape plan, would require the proposal to be constructed as shown on the submitted documents.
- (200' Radius Video): [BDA234-084 at 2626 W. Mockingbird Ln](#)

Timeline:

- May 16, 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.
- June 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C
- June 20, 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 June 26, 2024, deadline to submit additional evidence for staff to factor into their analysis; and July 5, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- July 1, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the July public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer
- July 3, 2024: The Chief Arborist provided staff with Arborist Report.
- July 9, 2024: Panel C July hearings were rescheduled to Monday, August 19th
- July 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
- an attachment that provided the hearing date and panel that will consider the application; the August 9, 2024, deadline to submit additional evidence for staff to factor into their analysis; and July 26, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

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

Speakers:

Did not speak
 For: Samuel Kenemer, 6554 Church St., Douglasville GA 30134
 Darryl Ray, 6554 Church St., Douglasville GA 30134
 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 234-084 – Application of James Dean Larson, for a special exception to the landscaping regulations 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:	Jared Slade			
Second:	Rodney Milliken			
Results:	4-0			Motion to grant
		Ayes:	- 4	Roger Sashington, Jared Slade, Robert Agnich and Rodney Milliken
		Against:	- 0	

2. 402 S. Beacon Street
 BDA234-085(BT)

BUILDING OFFICIAL’S REPORT: Application of Bernard Johnston for **(1)** a special exception to the fence height regulations; for **(2)** a special exception to the 45-foot visibility obstruction regulations; for **(3)** a special exception to the 20-foot visibility obstruction regulations; for **(4)** a special exception to the 20-foot visibility obstruction regulations; and for **(5)** a special exception to the fence height regulations at **402 S. BEACON ST.** This property is more fully described as Block 25/1613, lot 13, and is zoned PD-134 Subarea A, which limits the height of a fence in the front-yard to 4-feet; requires a 45-foot visibility triangle at street intersections; and requires a 20-foot visibility triangle at driveway approaches. The applicant proposes to construct and/or maintain an 8-foot-high fence in a required front-yard facing Santa Fe Ave., which will require **(1)** a 4-foot special exception to the fence height regulations; to construct and/or maintain a nonresidential fence structure in a required visibility obstruction triangle at the intersection of Santa Fe Ave. and S. Beacon St., which will require **(2)** a special exception to the 45-foot visibility obstruction regulations; to construct and/or maintain a nonresidential fence structure in a required 20-foot visibility obstruction triangle at the drive

approach on Santa Fe Ave., which will require **(3)** a special exception to the visibility obstruction regulations; to construct and/or maintain a nonresidential fence structure in a required visibility obstruction triangle at the drive approach on S. Beacon St., which will require **(4)** a special exception to the 20-foot visibility obstruction regulations; and to construct and/or maintain an 8-foot-high fence in a required front-yard facing S. Beacon St., which will require **(5)** a 4-foot special exception to the fence height regulations.

LOCATION: 402 S Beacon St.

APPLICANT: Bernard Johnston

REQUEST:

- (2) A request for a special exception to the fence height regulations at Santa Fe Ave.;
- (3) A request for a special exception to the 45-foot visibility obstruction regulations at the intersection of Santa Fe Ave. and S. Beacon St.;
- (4) A request for a special exception to the 20-foot visibility obstruction regulations at the driveway on Santa Fe Ave.;
- (5) A request for a special exception to the 20-foot visibility obstruction regulations at the driveway on S. Beacon St.; and
- (6) A request for a special exception to the fence height regulations at S. Beacon St.

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.**

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 (5):

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

BACKGROUND INFORMATION:

Zoning:

- Site: PD-134 Subarea A
- North: PD-134 Subarea A
- East: PD-134 Subarea A
- South: PD-134 Subarea A
- West: D(A)

Land Use:

The subject site is developed with auto service center use and all surrounding properties are developed with single-family and duplex uses.

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Bernard Johnston for the property located at 402 S. Beacon St. focuses on 5 requests relating to the visual obstruction and fence height regulations.
- The first request is for a special exception to the fence height regulations. The applicant is proposing to construct and maintain an 8-foot high gate and fence in a required front-yard, along Santa Fe Ave., which will require a 4-foot special exception to the fence height regulations.
- Secondly, the applicant is requesting a special exception to the 45-foot visibility obstruction triangle at the corner of S. Beacon St. and Santa Fe Ave. The proposed 8-foot high fence encroaches approximately 28-feet into the visibility obstruction triangle on the boundary of S. Beacon St. and Santa Fe Ave.
- Thirdly, the applicant is requesting a special exception to the 20-foot visibility obstruction triangle at the drive approach along Santa Fe Ave. The proposed 8-foot high fence also encroaches approximately 12-feet into the visibility obstruction triangle along Santa Fe Ave.
- Fourthly, the applicant is requesting a special exception to the 20-foot visibility obstruction triangle at the drive approach along S. Beacon St. The proposed 8-foot high fence also encroaches approximately 20-feet into the visibility obstruction triangle along S. Beacon St.
- Lastly, the applicant is proposing to construct and maintain an 8-foot high gate and fence in a required front-yard, along S. Beacon St., which will require a 4-foot special exception to the fence height regulations.
- The subject site is an auto service center with surroundings properties to the north, south, east and west are all developed with single-family and duplex homes.
- As illustrated on the submitted site plan and elevations, the applicant is proposing a wrought iron fence along Santa Fe Ave. and S. Beacon St.
- The Engineering Division recommends reduction of width at encroachment to the visibility triangle for driveway along S. Beacon St.
- The Engineering Division recommends a 30' x 30' encroachment to the visibility triangle at the corner of S. Beacon St. and Santa Fe Ave.
- The Engineering Division recommends denial of proposed encroachment to the visibility triangle for driveway at Santa Fe Ave.
- 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(s) to the fence height and visual obstruction regulations will not adversely affect the neighboring properties nor constitute a traffic hazard.
- Granting the special exceptions to the fence height 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: [BDA234-085 402 S Beacon St](#)

Timeline:

- May 17, 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.
- June 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.
- June 20, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the June 26, 2024, deadline to submit additional evidence for staff to factor into their analysis; and July 5, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- July 1, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the July public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.
- July 9, 2024: The Board of Adjustment Panel C July hearings were rescheduled to Monday, August 19, 2024.
- July 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the August 9, 2024, deadline to submit additional evidence for staff to factor into their analysis; and July 26, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.

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

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

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:

BDA234-085 – Application of Bernard Johnston for a special exception to the fence height regulations in the Dallas Development Code, along Santa Fe Ave. is granted subject to the following condition:
Compliance with height and fence location requirements illustrated in the most recent version of all submitted plans are required.

BDA234-085 – Application of Bernard Johnston for a special exception to the visibility obstruction regulations in the Dallas Development Code, at the intersection of Santa Fe Ave. and S. Beacon St. is granted subject to the following condition:
Compliance with the most recent version of all submitted plans, in regards to the portion in violation of the visual obstruction triangle, are required.

BDA234-085 – Application of Bernard Johnston for a special exception to the visibility obstruction regulations in the Dallas Development Code, at the driveway approach on Santa Fe Ave. is granted subject to the following condition:
Compliance with the most recent version of all submitted plans, in regards to the portion in violation of the visual obstruction triangle, are required.

BDA234-085 – Application of Bernard Johnston for a special exception to the visibility obstruction regulations in the Dallas Development Code, at the driveway approach on S. Beacon St. is granted subject to the following condition:
Compliance with the most recent version of all submitted plans, in regards to the portion in violation of the visual obstruction triangle, are required.

BDA234-085 – Application of Bernard Johnston for a special exception to the fence height regulations along S. Beacon St. in the Dallas Development Code is granted subject to the following condition:
Compliance with height and fence location requirements illustrated in the most recent version of all submitted plans are required.

Maker:	Jared Slade				
Second:	Rodney Milliken				
Results:	4-0				Motion to grant
		Ayes:	-	4	Roger Sashington, Jared Slade, Rodney Milliken and Robert Agnich
		Against:	-	0	

3. 8703 Angora Street

***This case was moved to Individual Items**

BDA234-087(BT)

BUILDING OFFICIAL’S REPORT: Application of Kathryn Gowan for **(1)** a special exception to the single-family regulations and **(2)** a variance to the floor area regulations at **8703 ANGORA ST.** This property is more fully described as Block 5284, Lot 4, and is zoned R-7.5(A), which limits the number of dwelling units to one, and prohibits an accessory structure from exceeding 25% of the floor area of the main structure. The applicant proposes to construct and/or maintain an additional dwelling unit, not for rent (NFR), which will require **(1)** a special exception to the single-family zoning use regulations; the applicant further proposes to construct and/or maintain a single-family residential accessory structure with 453 square feet of floor area (27% of the 1,689 square foot floor area of the main structure), which will require **(2)** a 31 square foot variance to the floor area regulations.

LOCATION: 8703 Angora St.

APPLICANT: Kathryn Gowan

REQUEST:

- (7) A request for a special exception to the single-family use regulations, and
- (8) A request for a variance to the floor area ratio, to construct and/or maintain an additional dwelling unit, not for rent, on a site developed with a single-family home

STANDARD FOR A SPECIAL EXCEPTION TO THE SINGLE-FAMILY USE REGULATIONS TO AUTHORIZE AN ADDITIONAL DWELLING UNIT:

Section 51A-4.209(b)(6)(E)(i) of the Dallas Development Code specifies that the board may grant a special exception to the single-family use regulations of the Dallas Development Code to authorize an additional dwelling unit on a lot when, in the opinion of the board, the additional dwelling unit **will not:**

- 1) **be used as rental accommodations;** or
- 2) **adversely affect neighboring properties.**

Section 51A-4.209(b)(6)(E)(ii) In granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

STANDARD FOR A VARIANCE:

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

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

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:

Special Exception:

No staff recommendation is made on this or any request for a special exception to authorize an additional dwelling unit since the basis for this type of appeal is when in the opinion of the board, the additional dwelling unit will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties.

Variance:

Denial

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

- Not contrary to public interest as no opposition was received;
- Not restrictive in area, shape, or slope, in which it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning.
- It **is** self-created or personal hardship.

BACKGROUND INFORMATION:

Zoning:

Site: R-7.5(A)
North: CR and PD-287 Tract 6a
East: R-7.5(A) and PD-287 Tract 6a
South: R-7.5(A)
West: R-7.5(A)

Land Use:

The subject site is developed with single-family use and surrounding properties are developed with single-family uses and various non-residential uses.

BDA History:

No BDA history found within the last 5 years

GENERAL FACTS/STAFF ANALYSIS:

- The application of Kathryn Gowan for the property located at 8703 Angora St. focuses on 2 requests relating to the ADU and floor area regulations
- The first request is for a special exception to the single-family use regulations. The applicant is proposing to construct and maintain an additional dwelling unit (NFR), which will require a special exception to the single-family zoning use regulations.
- Secondly, the applicant is requesting a variance to the floor area ratio. The applicant is proposing to construct and maintain an additional dwelling unit, not for rent, on a site developed with a single-family home greater than 25% of the main floor area.
- The proposed additional dwelling unit is approximately 453 sq. ft. (27%)
- The main floor area is 1,689 sq. ft. (@ 25% = 422 sq. ft.).
- The surrounding properties to the south, east and west are R-7.5(A) single-family uses, however zoning district CR is located to the rear of the subject.
- The Dallas Development Code, single-family use regulations, states that only one dwelling unit may be located on a lot and that the Board of Adjustment may grant a special exception to this provision and authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: (1) be use as rental accommodations; or (2) adversely affect neighboring properties.
- The Dallas Development Code specifies that the board has the power to grant variances from the **floor area for structures accessory to single-family uses**, provided that the variance is, **not contrary to the public interest, necessary to permit development of a specific parcel of land and not granted to relieve a self-created or personal hardship.**
- The applicant has the burden of proof in establishing that the special exception to the single-family use regulations will not adversely affect the neighboring properties.

- Granting the special exception to the single-family use regulation and variance to the floor area regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BDA234-087 8703 Angora St](#)

Timeline:

- May 17, 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.
- June 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.
- June 20, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the June 26, 2024, deadline to submit additional evidence for staff to factor into their analysis; and July 5, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- July 1, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the July public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.
- July 9, 2024: The Board of Adjustment Panel C July hearings were rescheduled to Monday, August 19, 2024.
- July 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the August 9, 2024, deadline to submit additional evidence for staff to factor into their analysis; and July 26, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and

- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

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

Speakers:

For: Kathryn Gowan, 8703 Angora Street, Dallas TX 75218

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in request No. BDA 234-087, on application of Kathryn Gowan, **GRANT** the request to construct and maintain an additional dwelling unit on a site developed with a single-family structure as a special exception to the single-family use regulations in the Dallas Development Code, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring properties.

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

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

The applicant must deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

Maker:	Robert Agnich				
Second:	Jared Slade				
Results:	4-0 Unanimously				Motion to grant
		Ayes:	-	4	Robert Agnich, Roger Sashington, Rodney Milliken, Jared Slade
		Against:	-	0	

Motion # 2

I move that the Board of Adjustment, in Appeal No. BDA 234-087, on application of Kathryn Gowan, **GRANT** the 31-square-foot variance to the floor area ratio regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

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

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

Maker:	Robert Agnich				
Second:	Jared Slade				
Results:	4-0 Unanimously				Motion to grant
		Ayes:	-	4	Robert Agnich, Roger Sashington, Rodney Milliken, Jared Slade
		Against:	-	0	

4. 1444 Oak Lawn Avenue

***This case was moved to Individual Items**

BDA234-091(CJ)

BUILDING OFFICIAL’S REPORT: Application of Jennifer Hiromoto for a special exception to the parking regulations at 1444 Oak Lawn Ave. This property is more fully described as Block 46/1003, Lot 3, and is zoned PD-621 Subdistrict 1, which requires parking to be provided. The applicant proposes to construct and/or maintain nonresidential development for the following uses: restaurant without drive-in or drive-through service, retail, office, and showroom, and provide 363 parking spaces of the required 661 parking spaces, which will require a 298 space special exception (45% reduction) to the parking regulation.

LOCATION: 1444 Oak Lawn Avenue

APPLICANT: Jennifer Hiromoto

REQUEST:

(1) A request for a special exception to the off-street parking regulations.

STANDARDS OF REVIEW FOR A SPECIAL EXCEPTION TO OFF-STREET PARKING:

SEC.51A-4.311(a) of the Dallas Development Code states that the board may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, **that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.**

SEC. 51P-621.110(b)(2)(D) of the Dallas Development Code and the Planned Development District Article 621 states **the board of adjustment may grant a special exception of up to 50 percent of the required off-street parking upon the findings and considerations listed in Section 51A-4.311.** The board of adjustment may impose conditions on the special exception.

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this or any request for a special exception since the basis for this type of appeal is when of the board finds, the parking demand generated by the use does not warrant the number of required off-street parking spaces, and the special exception will not constitute a traffic hazard or increase traffic congestion on adjacent or nearby streets.

BACKGROUND INFORMATION:

BDA History:

No BDA history found at 1444 Oak Lawn Ave. within the last 5 years.

Square Footage:

This lot contains 408,636.36 of square feet.

This lot is zoned PD 621 Subdistrict 1 which does not have a minimum lot size.

Zoning:

Site: PD 621 Subdistrict 1 Zoning District

North: PD 621 Subdistrict 1 Zoning District

South: PD 621 Subdistrict 1 Zoning District

East: PD 621 Subdistrict 1 Zoning District

West: PD 621 Subdistrict 1 Zoning District

Land Use:

The subject site is developed with a retail building. The areas to the north, south, east, and west are developed and being developed with uses permissible in Planned Development 621.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Jennifer Hiromoto for the property located at 1444 Oak Lawn Avenue focuses on one request relating to the off-street parking regulations for a nonresidential structure to be used for retail and personal service uses, office, and showroom/warehouse uses.
- The subject site is zoned PD 621 Subdistrict 1 which requires parking to be provided.
- It is imperative to note that 711 parking spaces are required for the subject site.
- 50 of the required 711 parking spaces will be covered by parking credits which leaves a total of 661 required parking spaces.
- A request for a special exception to the off-street parking regulations of 298 spaces (45%) is made to construct and/or maintain a nonresidential structure with varying uses at 1444 Oak Lawn Avenue.
- The submitted site plan shows the applicant plans to provide 363 (55%) of the remaining 661 required parking spaces at 1444 Oak Lawn Avenue.
- The subject site is currently developed with nonresidential structures with the following uses: restaurant without drive-in or drive-through service, retail, office, and showroom.
- The subject site has triple street frontage on Oak Lawn Avenue, Dragon Street and Slocum Street.
- The applicant has the burden of proof in establishing that the parking demand generated by the use does not warrant the number of required off-street parking spaces, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.

- Granting the proposed 298 space (45%) special exception to the parking regulations with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents, and the special exception automatically and immediately terminates if and when the particular uses are changed or discontinued.
- 200' Radius Video: [BDA234-091 at 1444 Oak Lawn Ave](#)

Timeline:

- June 3, 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.
- June 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C
- June 20, 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 June 26, 2024, deadline to submit additional evidence for staff to factor into their analysis; and July 5, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- July 1, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the July public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.
- July 2, 2024: The Traffic Engineering Program Administrator provided staff with the traffic engineer report.
- July 9, 2024: Panel C July hearings were rescheduled to Monday, August 19th
- July 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
- an attachment that provided the hearing date and panel that will consider the application; the August 9, 2024, deadline to submit additional evidence for staff to factor into their analysis; and July 26, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and

- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

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

Speakers:

For: Jennifer Hiromoto, 10233 E, Northwest Hwy., Dallas TX 75238
 Lloyd Denman, 2928 Westminster, Dallas TX 75205
 Jonathan Vinson, 2323 Ross Ave # 600, Dallas TX 75201

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 234-091, on application of Jennifer Hiromoto, **GRANT** the request of this applicant to provide 363 off-street parking spaces to the off-street parking regulations contained in the Dallas Development Code, as amended, which requires 661 off-street parking spaces, because our evaluation of the property use and the testimony shows that this special exception will not increase traffic hazards or increase traffic congestion on adjacent or nearby streets, and the parking demand generated by the use does not warrant the number of required parking spaces. This special exception is granted for a restaurant without a drive-in or drive-through service, retail, office, or showroom.

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

The special exception of 298 spaces shall automatically and immediately terminate if and when the proposed use is changed or discontinued.

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

Maker:	Jared Slade			
Second:	Roger Sashington			
Results:	4-0			Motion to grant
		Ayes:	- 4	Robert Agnich, Rodney Milliken, Roger Sashington, Jared Slade
		Against:	- 0	

HOLDOVER CASES

5. 9334 E. R.L.Thornton
BDA234-079(CJ)

BUILDING OFFICIAL'S REPORT: Application of Jordan Corbitt for (1) a special exception to the parking regulations at 9334 East R.L. THORNTON FWY. This property is more fully described as Block A/8039, TR A and Block A/8475, TR 1, and is zoned RR, which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for a Home Improvement Center, and provide 422 of the required 512 parking spaces, which will require (1) a 90-space special exception (18% reduction) to the parking regulation.

LOCATION: 9334 East R.L. Thornton Freeway

APPLICANT: Jordan Corbitt

REQUEST:

(2) A request for a special exception to the off-street parking regulations.

STANDARDS OF REVIEW FOR A SPECIAL EXCEPTION TO OFF-STREET PARKING:

SEC.51A-4.311(a) of the Dallas Development Code states that the board may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, **that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.** Except as otherwise provided in this paragraph, the maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section [51A-4.704\(b\)\(4\)\(A\)](#).

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this or any request for a special exception since the basis of this type of appeal is made when, in the opinion of the board, the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets

BACKGROUND INFORMATION:

BDA History:

No BDA history found at 9334 E. R.L. Thornton Freeway within the last 5 years.

Square Footage:

This lot contains 517,492.8 of square feet.

This lot is zoned Regional Retail (RR) which does not have a minimum lot size.

Zoning:

Site: Regional Retail (RR) Zoning District

North: Regional Retail (RR) Zoning District

South: Regional Retail (RR) Zoning District

East: Regional Retail (RR) Zoning District
West: Regional Retail (RR) Zoning District

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- The application of Jordan Corbit for the property located at 9334 E. R.L. Freeway focuses on one request relating to the off-street parking regulations for a nonresidential structure to be used for a home improvement center.
- A request for a special exception to the off-street parking regulations of 90 spaces (18%) is made to construct and/or maintain a nonresidential structure for a home improvement center use at 9334 E. R.L. Thornton Freeway
- The subject site is zoned Regional Retail (RR) which requires parking to be provided.
- It is imperative to note that the subject site has double street frontage on East R.L. Thornton Freeway and Buckner Boulevard service street.
- The submitted site plan shows the applicant plans to provide 422 (82%) of the required 512 parking spaces at 9334 E. R.L. Thornton Freeway.
- The subject site is currently developed with a nonresidential structure.
- Per the site plan, there are three proposed entries on the subject site; these entries all lead to the parking lot, where the proposed 422 parking spots will be.
- The applicant has the burden of proof in establishing that the parking demand generated by the use does not warrant the number of required off-street parking spaces, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.
- Granting the proposed 90 space (18%) special exception to the parking regulations with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents, and the special exception automatically and immediately terminates if and when the particular uses are changed or discontinued.
- 200' Radius Video: [BDA234-079 at 9334 E. R.L. Thorton Fwy](#)

Timeline:

- May 1, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- May 15, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.
- May 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
- an attachment that provided the hearing date and panel that will consider the application; the May 24, 2024, deadline to submit

additional evidence for staff to factor into their analysis; and June 7, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.

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

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

June 5, 2024 The Traffic Engineering Program Administrator provided comments stating that no objection to the special exception request.

June 17, 2024: Panel C at it's regular scheduled hearing on June 17, 2024 voted to hold this matter under advisement until it's July hearing.

July 1, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

July 9, 2024: Panel C July hearings were rescheduled to Monday, August 19th
July 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the August 9, 2024, deadline to submit additional evidence for staff to factor into their analysis; and July 26, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

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

Speakers:

For: Jordan Corbitt, 1565 Parkside Drive, Alpharetta, GA 30004

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA 234-079, **HOLD** this matter **under advisement until October 21, 2024.**

Maker:	Robert Agnich				
Second:	Jared Slade				
Results:	4-0 Unanimously				Motion to hold
		Ayes:	-	4	Rodney Milliken, Jared Slade, Robert Agnich and Roger Sashington
		Against:	-	0	

INDIVIDUAL CASES

6. 10010 Strait Lane
 BDA234-083(BT)

BUILDING OFFICIAL’S REPORT: BDA234-083(BT) Application of Rob Baldwin for **(1)** a special exception to the fence height regulations; for **(2)** a special exception to the fence opacity regulations at Strait Ln.; for **(3)** a special exception to the fence opacity regulations at Walnut Hill Ln.; and for **(4)** a special exception to the fence height regulations at **10010 STRAIT LN.** This property is more fully described as Block 5530, Lot 1A, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4-feet and requires a fence panel with a surface area that is less than 50 percent open not be located less than 5-feet from the front lot line. The applicant proposes to construct and/or maintain an 11-foot 3-inch high fence in a required front-yard facing Strait Ln., which will require **(1)** a 7-foot 3- inch special exception to the fence height regulations.; 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 facing Strait Ln., which will require **(2)** a special exception to the fence opacity regulations.; 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 facing Walnut Hill Ln., which will require **(3)** a special exception to the fence opacity regulations; and to construct and/or maintain an 11-foot 3-inch high fence in a required front-yard facing Walnut Hill Ln., which will require **(4)** a 7-foot 3-inch special exception to the fence height regulations..

LOCATION: 10010 Strait Ln.

APPLICANT: Rob Baldwin

REQUEST:

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

- | | | |
|------|---|---------------|
| (10) | a special exception to the fence opacity standards regulations; | A request for |
| (11) | a special exception to the fence opacity standards regulations; | A request for |
| (12) | a special exception to the fence height regulations; and | A request for |

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

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

STAFF RECOMMENDATION:

Special Exceptions (4):

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

BACKGROUND INFORMATION:

Zoning:

- | | |
|---------------|---------------------|
| <u>Site:</u> | R-1ac(A) |
| <u>North:</u> | R-1ac(A) |
| <u>East:</u> | R-1ac(A) |
| <u>South:</u> | R-1ac(A) and PD-385 |
| <u>West:</u> | R-1ac(A) |

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 Rob Baldwin for the property located at 10010 Strait Ln. focuses on 4 requests relating to fence height and fence opacity regulations.
- The first request is for a special exception to the fence height regulations. The applicant is proposing to construct and maintain an 11-foot 3-inch high fence in a required front-yard, along Strait Ln., which will require a 7-foot 3-inch special exception to the fence height regulations.
- Secondly, the applicant is proposing to construct and maintain a fence in a required front yard, along Strait Ln., with a fence panel having less than 50 percent open surface area

located less than 5-feet from the front lot line, which requires a special exception to the fence opacity regulations.

- Thirdly, the applicant is proposing to construct and maintain a fence in a required front yard, along Walnut Hill Ln., with a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line, which requires a special exception to the fence opacity regulations.
- Fourthly, the applicant is proposing to construct and maintain an 11-foot 3-inch high fence in a required front-yard, along Walnut Hill Ln., which will require a 7-foot 3-inch special exception.
- The subject site along with surroundings properties to the north, south, east and west are all developed with single-family homes.
- As illustrated on the submitted site plan and elevations, the applicant is proposing decorative metal panels, decorative metal fence pickets with masonry column and stone cap along Strait Ln. and Walnut Hill Ln.
- Based upon staff's analysis of the surrounding properties, some properties provided a fence and gate in the required front yard and/or some provided a form of vegetation serving as a screening mechanism along Strait Ln.
- Based upon staff's analysis of the surrounding properties, PD-385 Ursuline Academy of Dallas Private School is located to the Southeast of the subject property, across a major thoroughfare, Walnut Hill Ln.
- 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(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 regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BDA234-083 10010 Strait Ln](#)

Timeline:

- May 16, 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.
- June 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **C**.
- June 20, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the June 26, 2024, deadline to submit additional evidence for staff to factor into their analysis; and July 5, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

July 1, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the July public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.

July 9, 2024: The Board of Adjustment Panel C July hearings were rescheduled to Monday, August 19, 2024.

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

- an attachment that provided the public hearing date and panel that will consider the application; the August 9, 2024, deadline to submit additional evidence for staff to factor into their analysis; and July 26, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

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

Speakers:

For: Rob Baldwin, 3904 Elm Street, # B, Dallas TX 75229

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA 234-083, on application of Rob Baldwin, **GRANT** the request of this applicant to construct and/or maintain a 11-foot 3-inch high fence on Strait Ln. 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:	Jared Slade				
Second:	Robert Agnich				
Results:	4-0 Unanimously				Motion to grant
		Ayes:	-	4	Rodney Milliken, Jared Slade, Robert Agnich and Roger Sashington
		Against:	-	0	

Motion # 2

I move that the Board of Adjustment, in Appeal No. BDA 234-083, on application of Rob Baldwin, **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 at Strait Ln. 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:	Jared Slade				
Second:	Robert Agnich				
Results:	4-0 Unanimously				Motion to grant
		Ayes:	-	4	Rodney Milliken, Jared Slade, Robert Agnich and Roger Sashington
		Against:	-	0	

Motion # 3

I move that the Board of Adjustment, in Appeal No. BDA 234-083, on application of Rob Baldwin, **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 at Walnut HillLn. 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 recent version of all submitted plans are required

Maker:	Jared Slade				
Second:	No second				Motion fails

Motion # 4

I move that the Board of Adjustment, in Appeal No. BDA 234-083, on application of Rob Baldwin, **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 at Walnut Hill Ln. 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 recent version of all submitted plans are required, provided however, the fence panels along Walnut Hill Lane shall match the opacity of fence panels at Strait Lane.

Maker:	Jared Slade				
Second:	Roger Sashington				
Results:	4-0 Unanimously				Motion to grant
		Ayes:	-	4	Rodney Milliken, Jared Slade, Robert Agnich and Roger Sashington
		Against:	-	0	

Motion # 5

I move that the Board of Adjustment, in Appeal No. BDA 234-083, on application of Rob Baldwin, **GRANT** the request of this applicant to construct and/or maintain a 11-foot 3-inch high fence on Walnut Hill Ln. 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:	Jared Slade				
Second:	Robert Agnich				

Results:	4-0 Unanimously				Motion to grant
		Ayes:	-	4	Rodney Milliken, Jared Slade, Robert Agnich and Roger Sashington
		Against:	-	0	

7. 507 Exposition Avenue

BDA234-088(BT)

BUILDING OFFICIAL’S REPORT: Application of Robert Long for a variance to the parking regulations at **507 EXPOSITION AVE**. This property is more fully described as Block 6/813, Lot 1, and is zoned PD-269, which requires parking to be provided. The applicant proposes to construct and/or maintain a residential structure for a multifamily use, and provide 68 of the required 94 parking spaces, which will require a 26-space variance (28% reduction) to the parking regulation.

LOCATION: 507 Exposition Ave.

APPLICANT: Robert Long

REQUEST:

A request for a variance to the off-street parking regulations

STANDARDS OF REVIEW FOR A VARIANCE:

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

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

ELEMENT II SUBSTITUTE:

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

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

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

STAFF RECOMMENDATION:

1. Variance to the off-street parking regulations

Denial

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

- A. Is not contrary to the public interest, indicated by having received no letters of opposition.
- B. Is not restrictive in shape or slope. The subject proposed re-platted site is 27,684 sq. ft. or 0.636 acre and is in PD-269 (Tract A) which has no minimum lot size. With respect to subject site and other lots located in same area of PD-269, lot sizes vary. Therefore, the subject site can be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. It is a self-created or personal hardship.

Square Footage:

This lot overall proposed area is 27,684 sq. ft.

This lot is zoned PD-269 Tract A which has no minimum lot size.

Zoning:

Site: PD-269 Tract A
North: PD-269 Tract A
South: PD-269 Tract A
East: PD-269 Tract A
West: PD-269 Tract A

Land Use:

The subject site proposed development with a multifamily use. The areas to the north, south, east, and west are developed with various use types.

BDA HISTORY:

No BDA history found within the last 5 years.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Robert D Long for the property located at 507 Exposition Ave. focuses on 1 request relating to a variance to the off-street parking regulations.
- The variance request to the off-street parking regulations of a 26-space parking (28% reduction) is made to construct and/or maintain a multi-family structure.
- The subject site extends between two streets, both identified on the City of Dallas thoroughfare plan. Exposition (SPCL 5U) and 1st Ave. (EXST CPLT)
- Zoning PD-269 Tract A wide range of allowed and prohibited uses (SEC. 51P-269.105.)

- Zoning PD-269 Tract A requires one off-street parking space for each per dwelling unit. “Resident only parking” may not be counted toward off-street parking requirements.
- Zoning PD-269 Tract A Maximum building height 200 feet.
- The applicant states that in order to provide the level of quality and lifestyle our residents deserve, we must maximize our lot and push the boundaries on what is currently allowed within the 1 parking stall per unit requirement.
- The applicant states that in order to support the resident local transportation we have three dart stations all within a ¼ mile and a dart rail station 0.3 miles.
- The applicant states that the environmental success of our project is based on the availability of public transportation combined with residents who define their community through local work/play/live.
- The Transportation Engineering division has no objections but does recommend that the applicant provides a parking management analysis describing the parking needs of apartment complex, historic parking demand based on resident and guest needs and anticipated parking operations (remote, on-street, etc.)
- Granting the proposed 26-space variance (28% reduction) to the parking regulations with a condition that the applicant complies with the submitted site plan, would require the proposal to be re-platted and constructed as shown on the submitted documents.
- 200’ Radius Video: [BDA-234-088 507 Exposition Ave](#)

Timeline:

- May 22, 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.
- June 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.
- June 20, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the June 26, 2024, deadline to submit additional evidence for staff to factor into their analysis; and July 5, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- July 1, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the July public hearings. Review team members in attendance included: The Board of Adjustment Chief

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

July 9, 2024: The Board of Adjustment Panel C July hearings were rescheduled to Monday, August 19, 2024.

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

- an attachment that provided the public hearing date and panel that will consider the application; the August 9, 2024, deadline to submit additional evidence for staff to factor into their analysis; and July 26, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

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

Speakers:

For: No speakers

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA 234-088, **HOLD** this matter **under advisement until October 17, 2024.**

Maker:	Jared Slade				
Second:	Robert Agnich				

Motion withdrawn

Motion # 2

I move that the Board of Adjustment, in Appeal No. BDA 234-088, **HOLD** this matter **under advisement until October 21, 2024.**

Maker:	Jared Slade				
Second:	Robert Agnich				

Results:	4-0 Unanimously				Motion to hold
		Ayes:	-	4	Robert Agnich and Rodney Milliken, Roger Sashington, Jared Slade
		Against:	-	0	

****Recess at 2:50 pm – 2:57 pm****

****Recess at 3:44 pm – 4:05 pm**

Community Interaction Announcement: Jason Pool

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Vice-Chair Agnich moved to adjourn the meeting at **4:40 P.M.**

 Required Signature:
 Mary Williams, Board Secretary
 Planning and Development.

 Date

 Required Signature:
 Dr. Kameka Miller-Hoskins – Chief Administrator
 Planning & Development

 Date

 Required Signature:
 Robert Agnich, Vice-Chair
 Board of Adjustment

 Date

FILE NUMBER: BDA234-113 (BT)

BUILDING OFFICIAL'S REPORT: Application of Rob Baldwin for **(1)** a variance to the landscaping regulations at **2636 SWISS AVE**. This property is more fully described as Block 7/284, Lot 18 and 5' E of Lot 17, and is zoned PD-298 (Subarea 5), which requires mandatory landscaping. The applicant proposes to construct and/or maintain a nonresidential structure and provide an alternate landscape plan, which will require **(1)** a variance to the landscape regulations.

LOCATION: 2636 Swiss Ave.

APPLICANT: Rob Baldwin

REQUEST: A variance to the landscape 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

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

- A. Not contrary to the public interest as no letters of opposition were received.
- B. Lot is restrictive in **area**, shape, or slope; it is a corner lot, 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.

The arborist division comment as of October 9, 2024: The chief arborist recommends approval of the variance request from his opinion that literal enforcement of the ordinance to this property will result in unnecessary hardship and the conditions will not be contrary to the public interest. The provision of site trees demonstrates a minimal condition of the ordinance to be maintained on the lot until the property may be subject to future redevelopment and full adherence to the zoning regulations.

BACKGROUND INFORMATION:

Zoning:

- Site: PD-298 (Subarea 5)
- North: PD-298 (Subarea 11) Tract 1
- East: PD-298 (Subarea 5)
- South: PD-298 (Subarea 5)
- West: PD-298 (Subarea 5) and PD-298 (Subarea 5B)

Land Use:

The subject site is currently developed with a vacant one story structure. The surrounding area mainly consists of retail and commercial structures.

BDA History:

No BDA history found within the last 5 years.

GENERAL FACTS/STAFF ANALYSIS:

- A request for a variance to the landscape regulations of PD-298 (Subarea 5) and Article X.
- Specifically, the variance is to the landscaping requirements of Sec. 51P-298.106, Landscaping, pertaining to the general requirements for a) the landscaping provisions of

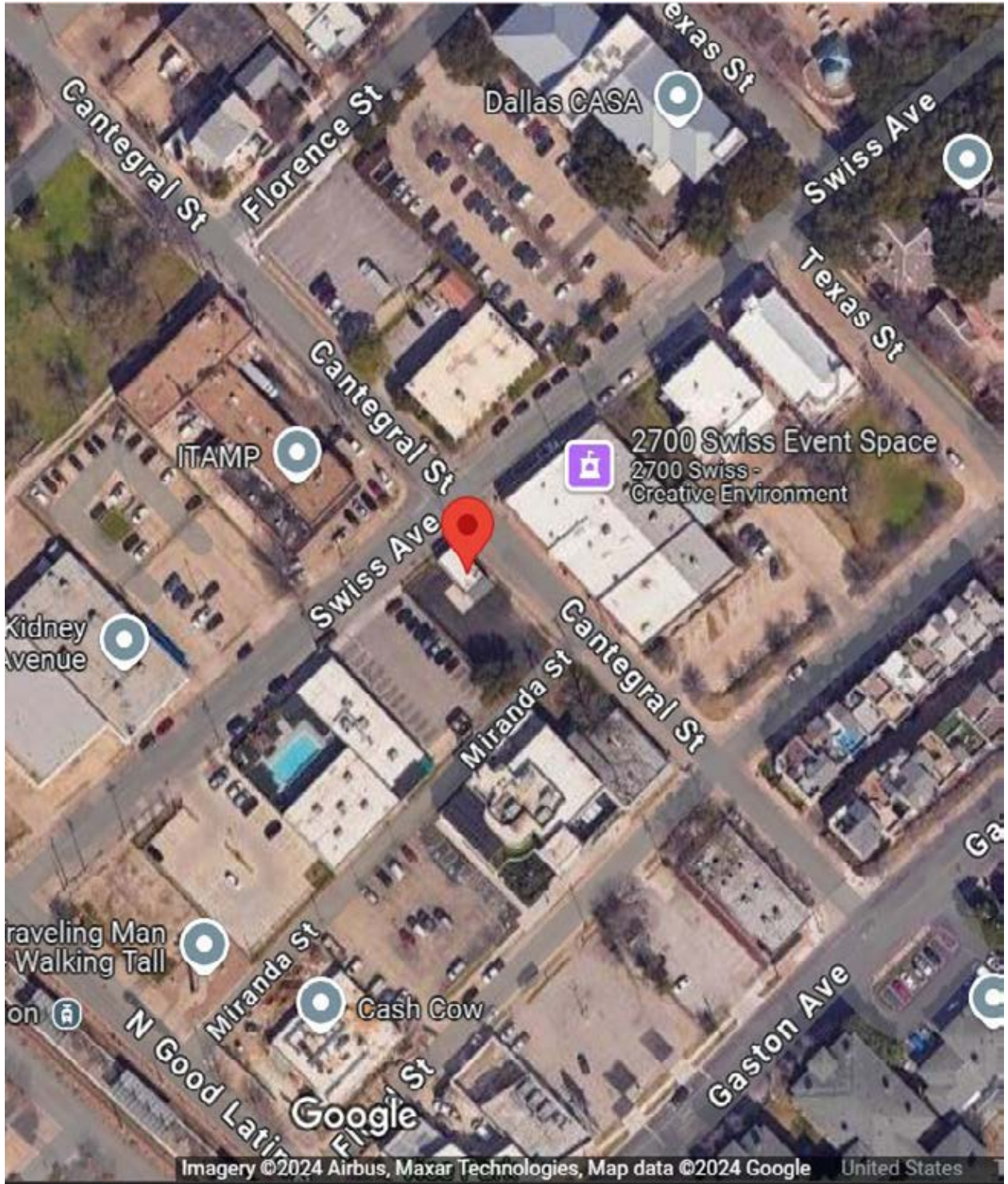
Article X as they apply in the Bryan Area SPD and b) the additional provisions that apply in Subarea 5 for street trees in the tree planting zone and sidewalks.


- The revised alternate landscape plan applies conditions for a landscape area adjacent to Cantegral Street and new sidewalk at or below the district standards along Swiss Avenue and Cantegral Street.
- An existing structure remains on the site where a permit is submitted for a new parking lot use with new impervious coverage requiring compliance with landscaping regulations.
- The existing building location is restrictive to tree planting and full adherence to sidewalk requirements.
- Overhead electric lines limit the ability for planting large canopy trees along the street perimeter or the landscape area.
- The plan provides for the minimum Article X requirement of two small site trees on the small lot.
- Per staff's review of the subject site, it has been confirmed that the single-story structure is existing.
- The property is under site plan review for a catering service use, restaurant without drive-in-service.
- The applicant has the burden of proof in establishing the following:
 - 1) That granting the variance to the landscape 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.
- Granting the variance to the landscape regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BDA234-113 at 2636 Swiss Ave](#)

Timeline:

August 22, 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.

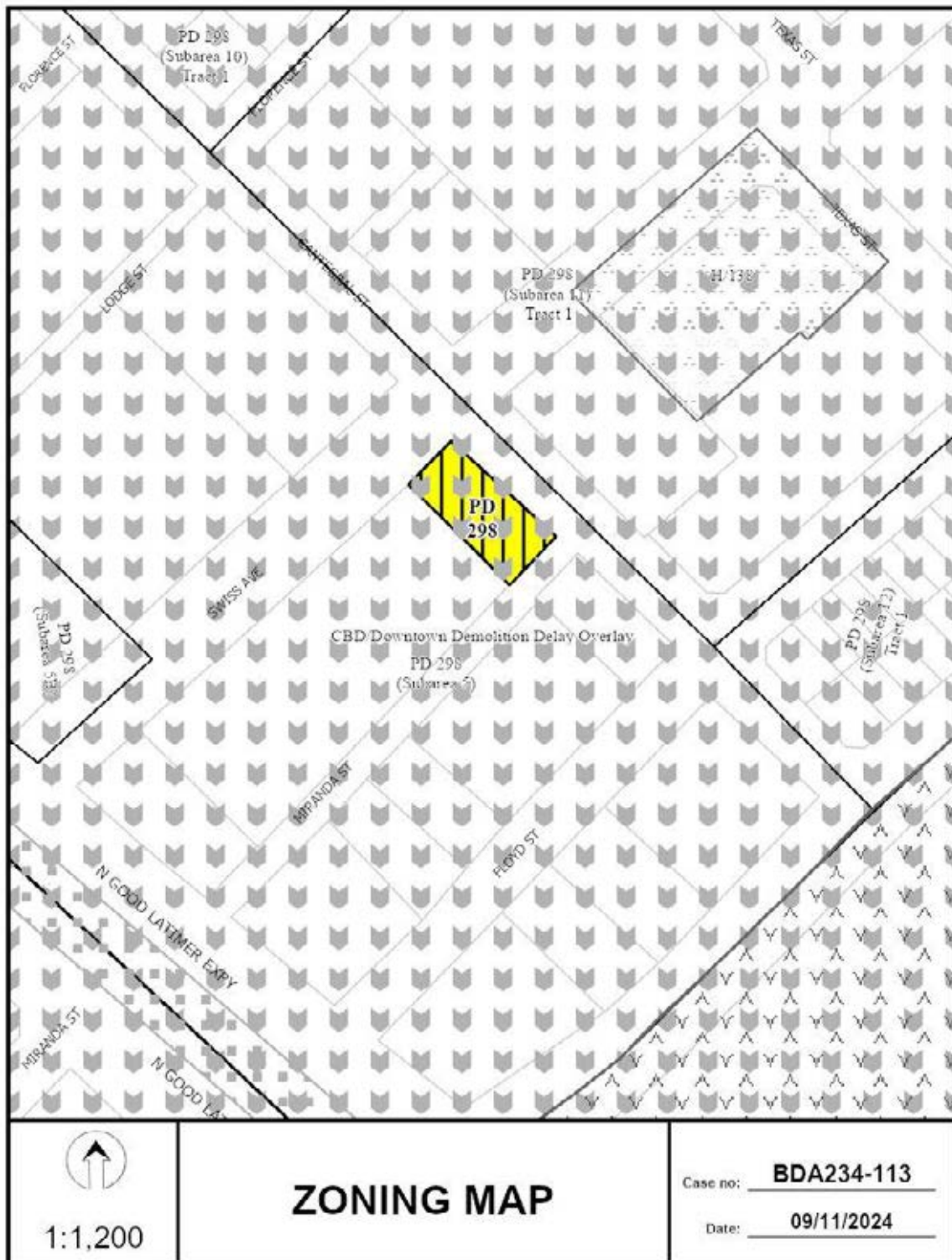
- September 9, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **C**.
- September 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the September 27, 2024, deadline to submit additional evidence for staff to factor into their analysis; and October 11, 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.
- October 3, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the October 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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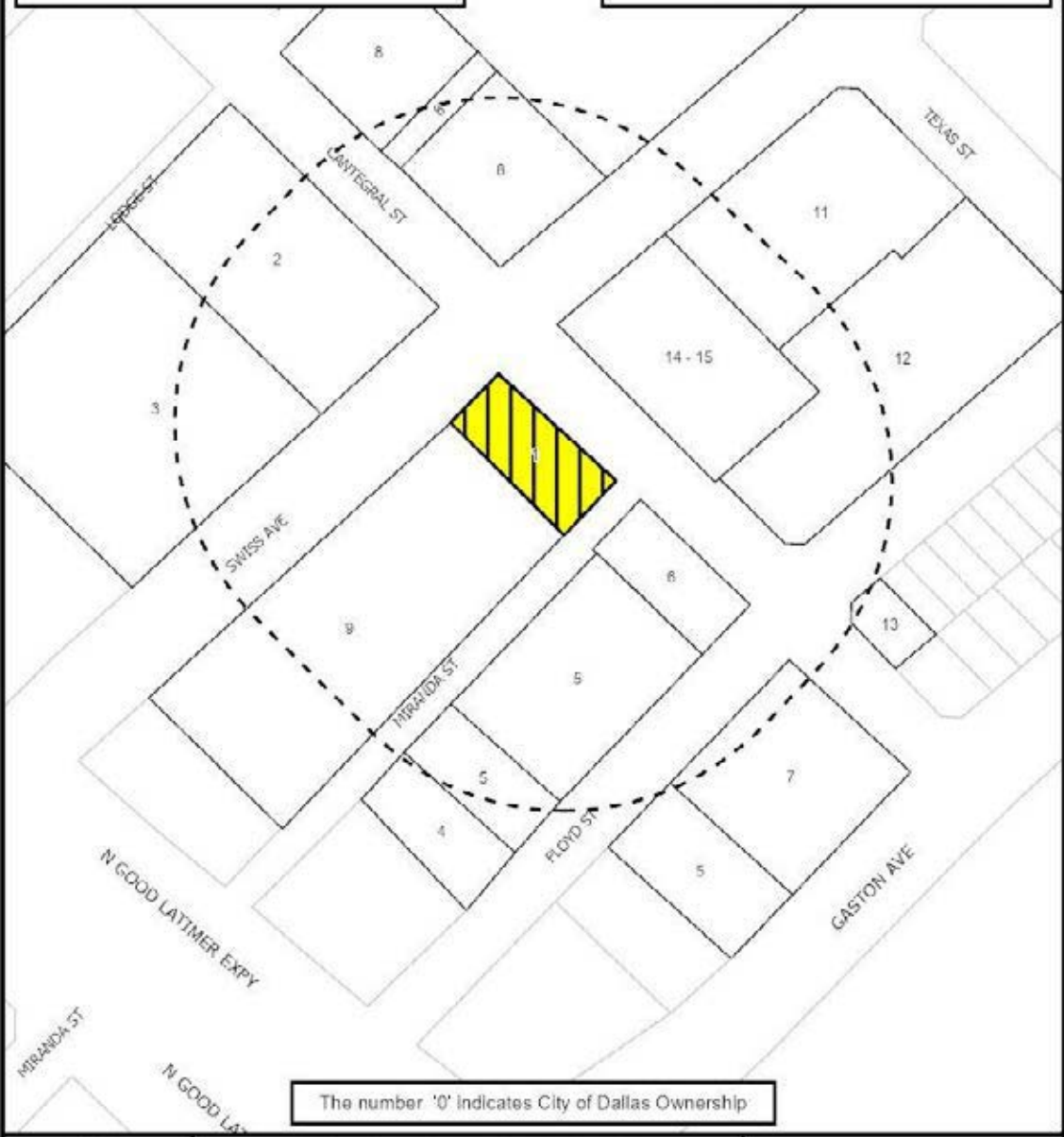
AERIAL MAP

Case no: BDA234-113
Date: 09/11/2024



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

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



 1:1,200	<h2>NOTIFICATION</h2>	Case no: BDA234-113
	<div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">200'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">15</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	Date: 9/11/2024

09/09/2024

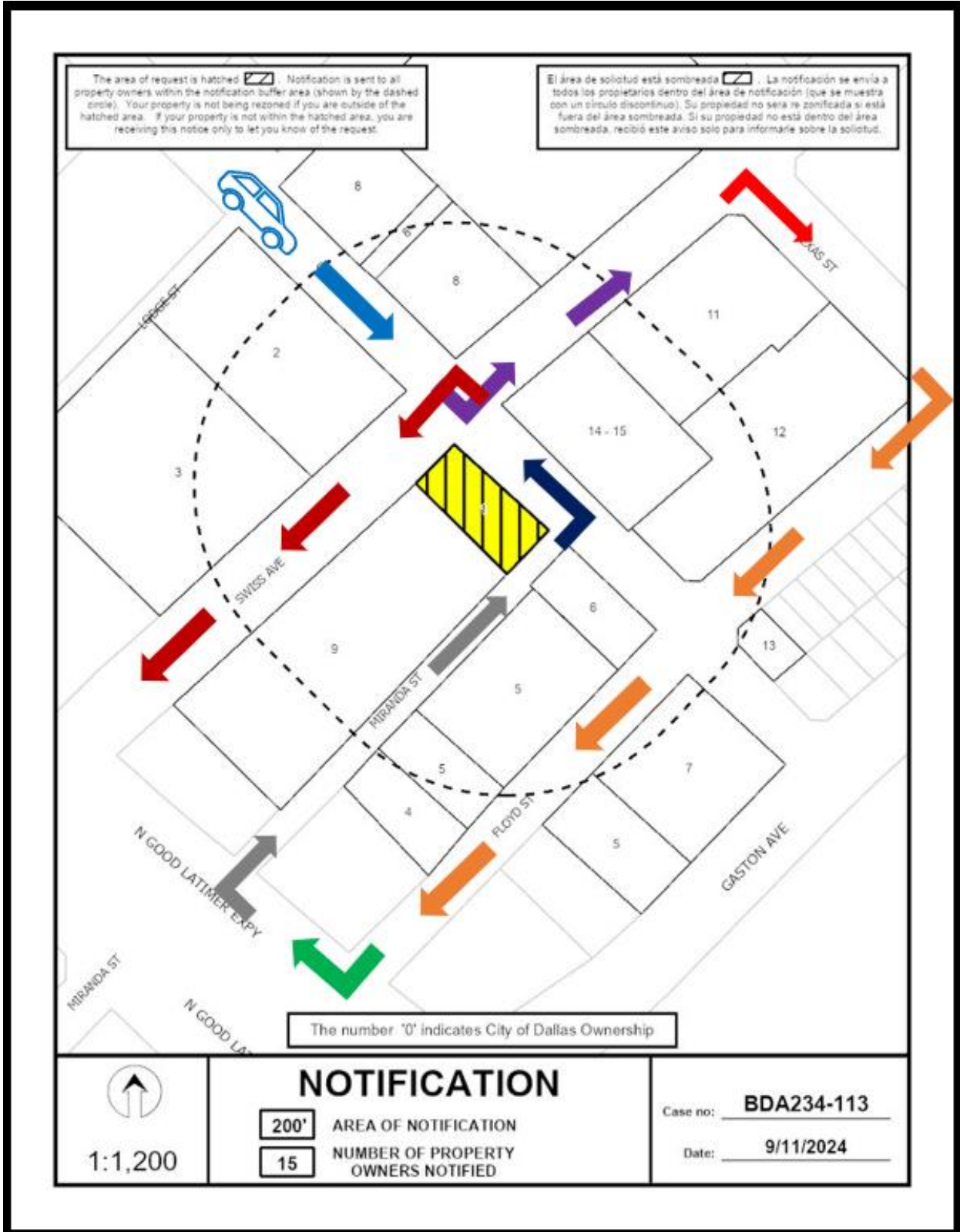
Notification List of Property Owners

BDA234-113

15 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2636 SWISS AVE	GREENWAY CP 2601 LP
2	2633 SWISS AVE	MARTINEZ FERNANDO
3	2613 SWISS AVE	BONNESS PROPERTY COMPANY
4	2615 FLOYD ST	GREENWAYCP 2601 LP
5	2619 FLOYD ST	GREENWAY-CP 2601 LP
6	2635 FLOYD ST	RESURRECTION LLC
7	2633 GASTON AVE	GASTON2633 AMG LLC
8	2705 SWISS AVE	SHAMBU NATH LLC
9	2616 SWISS AVE	CAMPBELL J W &
10	2757 SWISS AVE	DALLAS <u>CASA</u>
11	2712 SWISS AVE	TUESDAY REAL ESTATE LLC &
12	2727 FLOYD ST	URSA REAL ESTATE HOLDINGS LLC
13	2700 FLOYD ST	BAILEY CECIL C
14	2700 SWISS AVE	2700 SWISS AVENUE LLC
15	2710 SWISS AVE	URSA REAL ESTATE HOLDINGS LLC

200' Radius Route Map





City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 234 #3

RECEIVED
AUG 22 2024
BY: _____

Data Relative to Subject Property:

Location address: 2636 Swiss Avenue
Lot No.: 18 & pt 17 Block No.: 7/284 Acreage: 0.14 acres
Street Frontage (in Feet): 1) 55 2) 115 3) _____ 4) _____ 5) _____

Date: _____
Zoning District: PD-298, Subdistrict 5, DDO- 2
Census Tract: 48113002200

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Greenway CP 2601, LP

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

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

E-mail Address: rob@baldwinplanning.com

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

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

E-mail Address: rob@baldwinplanning.com

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

Seeking approval of an Alternate Landscaping Plan

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 property is improved with a small building that was built in 1948. The building is located on the property line which prohibits the ability to comply with the landscaping provisions of PD-298 and Article X.

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

Affidavit

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

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

Respectfully submitted: _____
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 20 day of June, 2024

Michele Stoy
Notary Public in and for Dallas County, Texas



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Rob Baldwin

did submit a request for (1) a special exception to the landscaping regulations
at 2636 Swiss Ave

BDA234-113. Application of Rob Baldwin for (1) a special exception to the landscaping regulations at 2636 SWISS AVE. This property is more fully described as Block 7/284, Lot 18 and 5' E of lot 17, and is zoned PD-298 subarea 5, which requires mandatory landscaping. The applicant proposes to construct and/or maintain a nonresidential structure and provide an alternate landscape plan, which will require (1) a special exception to the landscape regulations.

Sincerely,


Andrew Espinoza, CBO, MCP, CFM, CCEA



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 234-113

I, Greenway CP 2601, LP, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 2636 Swiss 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)

Specify: Alternate Landscaping Plan

Mark Hardaway
Print name of property owner or registered agent

[Signature]
Signature of property owner or registered agent

Date 6/19/24

Before me, the undersigned, on this day personally appeared Mark Hardaway

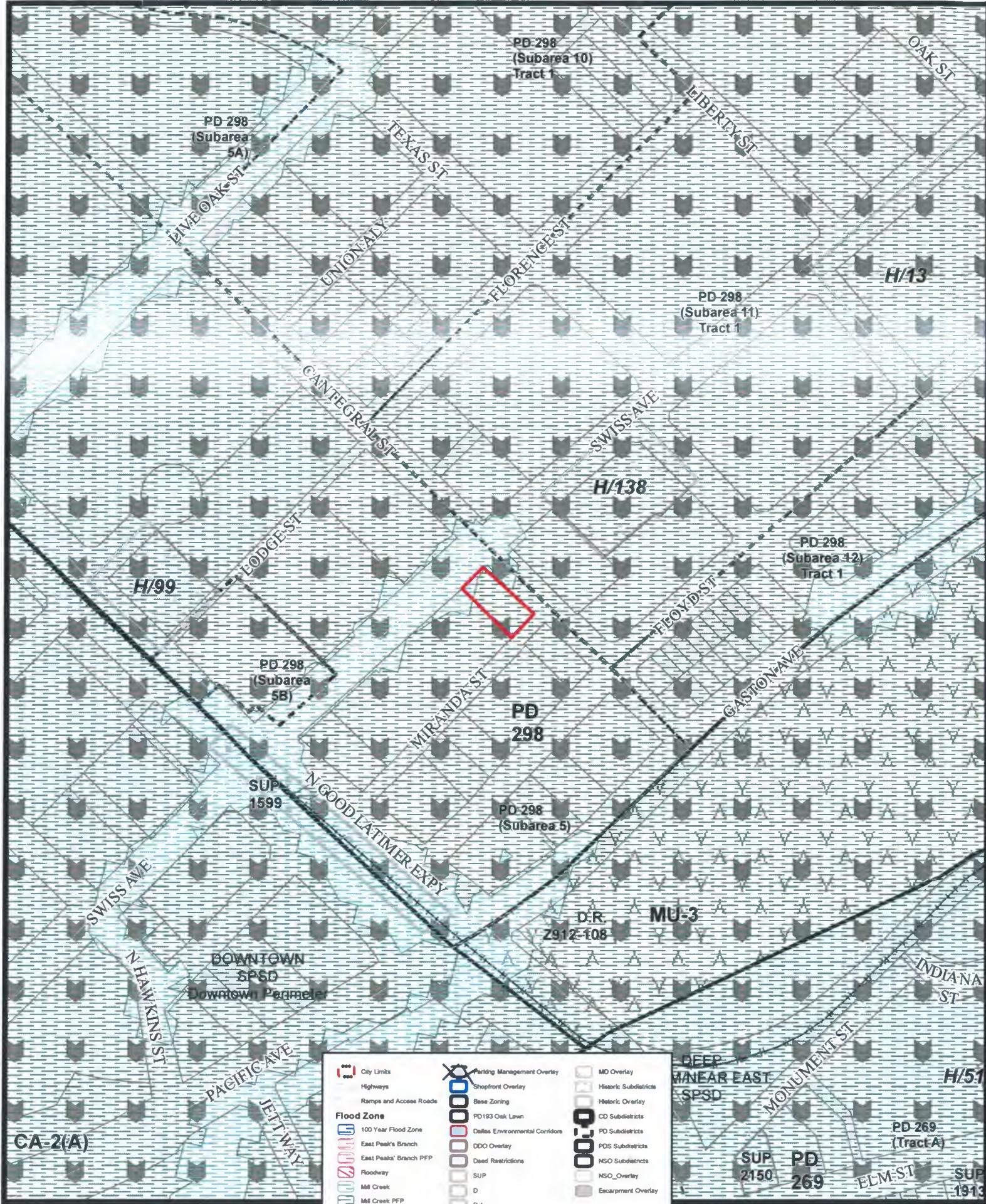
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 19 day of June, 2024

[Signature]
Notary Public for Dallas County, Texas

Commission expires on 8/20/28



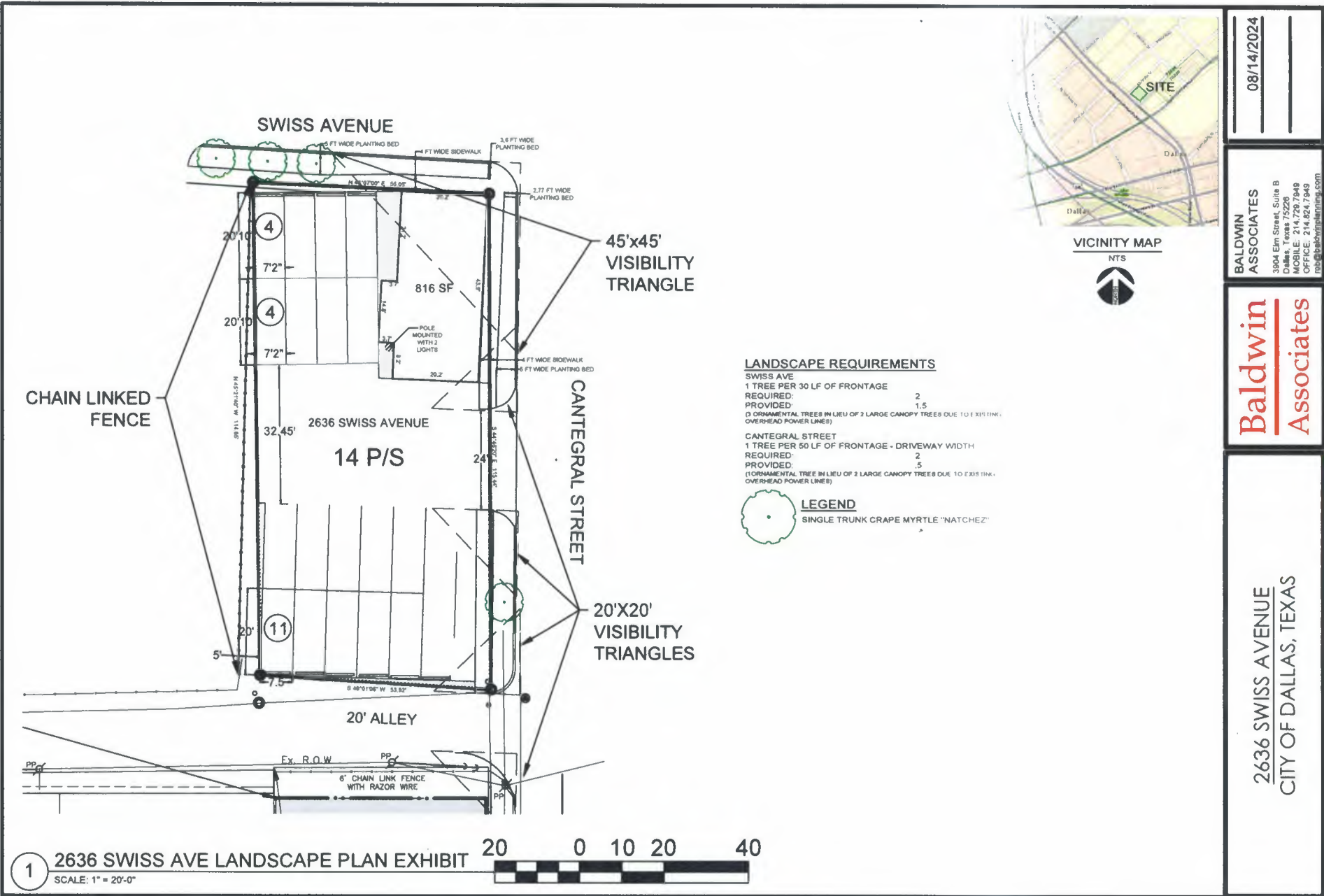


CA-2(A)



1:2,400

	City Limits		Parking Management Overlay		MD Overlay
	Highways		Shopfront Overlay		Historic Subdistricts
	Ramps and Access Roads		Base Zoning		Historic Overlay
	100 Year Flood Zone		PD 193 Oak Lawn		CD Subdistricts
	East Peak's Branch		Dallas Environmental Corridors		PD Subdistricts
	East Peak's Branch PFP		DDO Overlay		PDS Subdistricts
	Floodway		Deed Restrictions		NSO Subdistricts
	Mill Creek		SUP		NSO_Overlay
	Mill Creek PFP		D		Escarpment Overlay
	Peak's Branch		D-1		
	Peak's Branch PFP		CP		
	X Protected by Levee		SP		
	Parish				
	Height Map Overlay				



Memorandum



Date October 9, 2024
To Kameka Miller-Hoskins, PhD
Chief Planner/Board Administrator
Subject BDA #234-113 2636 Swiss Avenue Arborist report

Request

The applicant is seeking a variance to the landscaping requirements of PD 298 (Subarea 5) and Article X. Specifically, the variance is to the landscaping requirements of Sec. 51P-298.106, Landscaping, pertaining to the general requirements for a) the landscaping provisions of Article X as they apply in the Bryan Area SPD and b) the additional provisions that apply in Subarea 5 for street trees in the tree planting zone and sidewalks.

Provision

The revised alternate landscape plan applies conditions for a landscape area adjacent to Cantegral Street and new sidewalk at or below the district standards along Swiss Avenue and Cantegral Street. An existing structure remains on the site where a permit is submitted for a new parking lot use with new impervious coverage requiring compliance with landscaping regulations. The existing building location is restrictive to tree planting and full adherence to sidewalk requirements. Overhead electric lines limit the ability for planting large canopy trees along the street perimeter or the landscape area.

The plan provides for the minimum Article X requirement of two small site trees on the small lot.

Deficiency

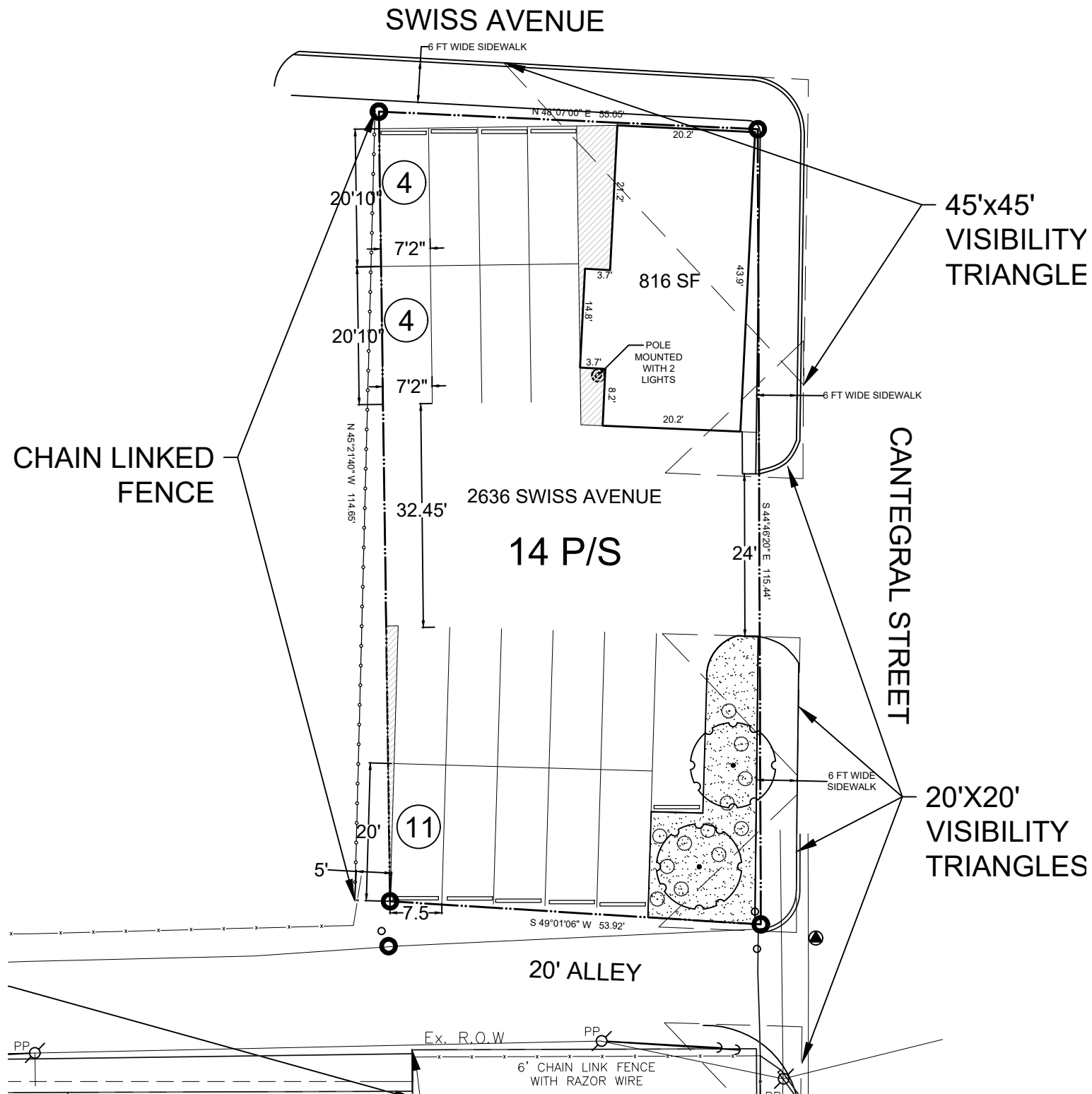
- Except for site trees, the property does not comply with the minimum Article X requirements.
- Subarea 5 requires the additional provisions of street trees and sidewalks in accordance with Sec. 51P-298.106. None of the required large canopy trees for the tree planting zone are provided.
- Swiss Avenue is a pedestrian linkage street requiring 1 tree per 30 feet and an eight foot sidewalk when sufficient space exists. Cantegral requires 1 tree per 50 feet and a six foot sidewalk. The sidewalk dimensions are limited by the building location.
- The proposed plan does not address plant sizes or maintenance for the landscape area. The property is subject to general maintenance provisions of Article X. All plant materials must be maintained in a healthy, growing condition at all times.

Recommendation

The chief arborist recommends approval of the variance request from his opinion that literal enforcement of the ordinance to this property will result in unnecessary hardship and the conditions will not be contrary to the public interest. The provision of site trees demonstrates a minimal condition of the ordinance to be maintained on the lot until the property may be subject to future redevelopment and full adherence to the zoning regulations.

Philip Erwin
Manager/Chief Arborist
Planning and Development Department

UPDATED SITE PLAN



ALTERNATE LANDSCAPE PLAN

Alternate Landscape Plan to include water-wise plant material shown on plan

LEGEND

- Thornless prickly pear cactus
- Vitex agnus castus



VICINITY MAP

NTS



BALDWIN ASSOCIATES
 3904 Elm Street, Suite B
 Dallas, Texas 75226
 MOBILE: 214.729.7949
 OFFICE: 214.824.7949
 rob@baldwinplanning.com

Baldwin Associates

2636 SWISS AVENUE
 CITY OF DALLAS, TEXAS

10/08/2024

FILE NUMBER: BDA234-125 (CJ)

BUILDING OFFICIAL'S REPORT: Application of David Turcich for **(1)** variance to the side-yard setback regulations at 5605 Richard Avenue. This property is more fully described as Block 18/1931, Lot 23 and is zoned CD-15, which requires side-yard setback of 10-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 5-foot side-yard setback, which will require **(1)** a 5-foot variance to the side-yard setback regulations.

LOCATION: 5605 Richard Avenue

APPLICANT: David Turcich

REQUEST:

(1) A request for a variance to the side 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:

- 1. Variance to the side yard setback regulations

Approval

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

- A. Not contrary to the public interest as no letters of opposition were received before case reports were finalized and submitted.
- B. The subject site is not sloped or irregularly shaped. The subject site is also 7,797.24 sq ft. which is larger than the minimum lot size for residential use in the Conservation District #15 (R-7.5(A)) zoning district (7,500 sq ft.), however the zoning change, referenced in Ordinance No. 26391, that now requires a 10-foot side yard setback on the east side of the property (rather than the original 5' that the existing structure maintains) further decreases the developable area of the subject site; therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Is not a self-created or personal hardship.

BACKGROUND INFORMATION:

BDA History:

No BDA history found at 5650 Richard Avenue within the last 5 years.

Square Footage:

This lot contains 7797.24 of square feet.

This lot is zoned Conservation District #15 (R-7.5(A)) which has a minimum lot size of 7,500 square feet.

Zoning:

- Site: Conservation District (CD) #15 / R-7.5(A)
- North: Conservation District (CD) #15 / R-7.5(A)
- South: MF-3(A) (Multifamily District)
- East: Conservation District (CD) #15 / R-7.5(A)
- West: Conservation District (CD) #15 / R-7.5(A)

Land Use:

The subject site is currently developed with a single-family structure. The areas to the north, east, and west are developed with uses permissible in Conservation District #15. Areas to the south are zoned with Multifamily (MF-3(A)) uses.

GENERAL FACTS/STAFF ANALYSIS:

- The application for the David Turcich property located at 5650 Richard Avenue focuses on 1 request relating to the side yard setback regulations.
- A request for a variance to the side yard setback regulations of 5-feet is made to construct and/or maintain a single-family residential structure.
- Specifically, the applicant is requesting a variance to the side yard setback regulations for the east side of the property at 5650 Richard Avenue; Conservation District #15 (R-7.5(A)) requires a minimum side yard setback of 10-feet on the east side of a property per Ordinance No. 26391.
- It is imperative to note that the existing single-family home was developed before Ordinance No. 26391 was established; the development maintains 5-foot setbacks on the east and west side of the property.
- The subject site is a mid-block lot and has single street frontage on Richard Avenue.
- The subject site along with surrounding properties to the north, south, east and west are zoned with residential uses.
- The subject site is currently developed with a single-family structure and located within an established neighborhood.
- In short, the applicant is requesting that the new addition to the existing single-family residential structure be allowed the same 5-foot setback on the east side of the property that the existing house currently maintains.

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

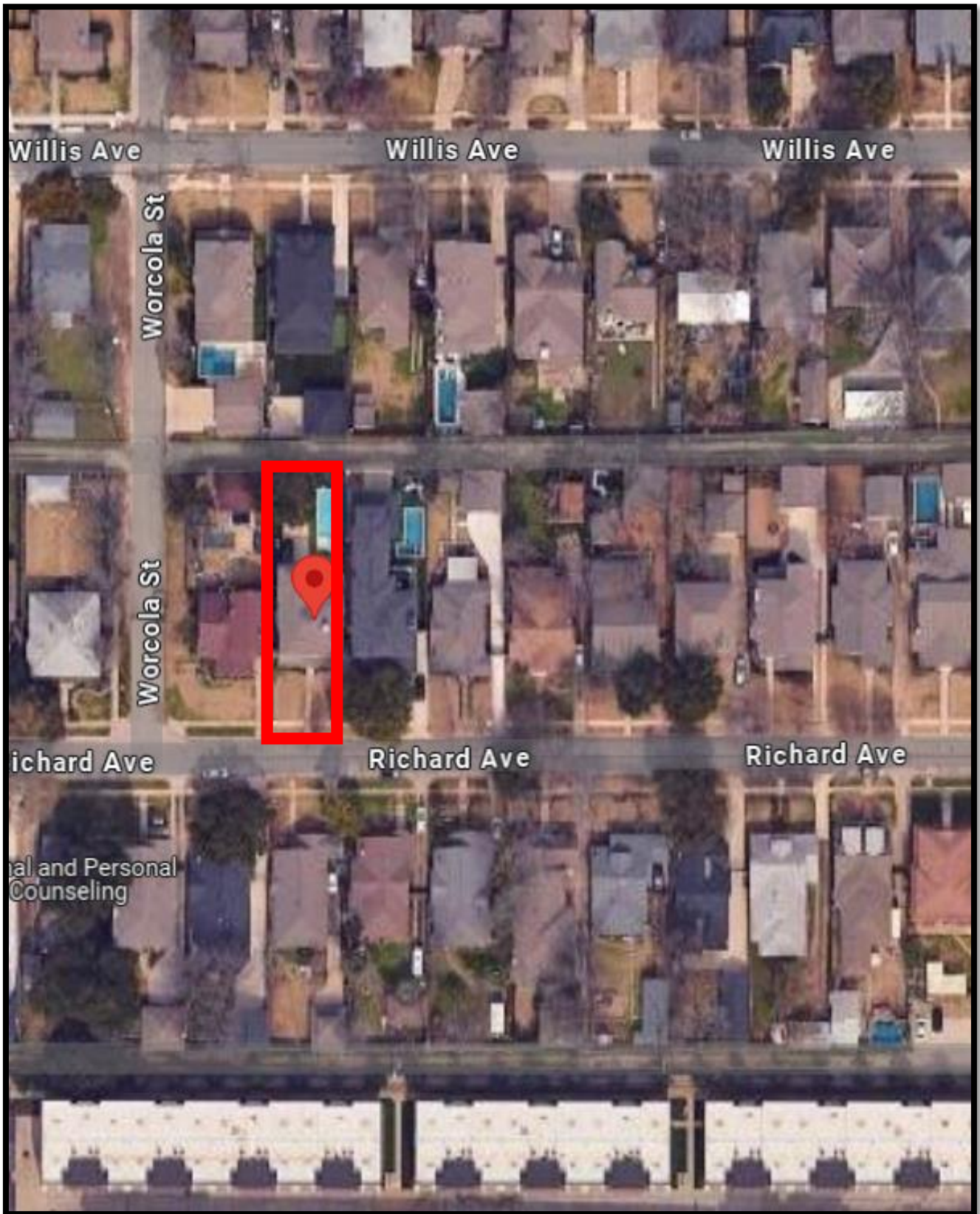
- That granting the variance(s) will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- The variance(s) are necessary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

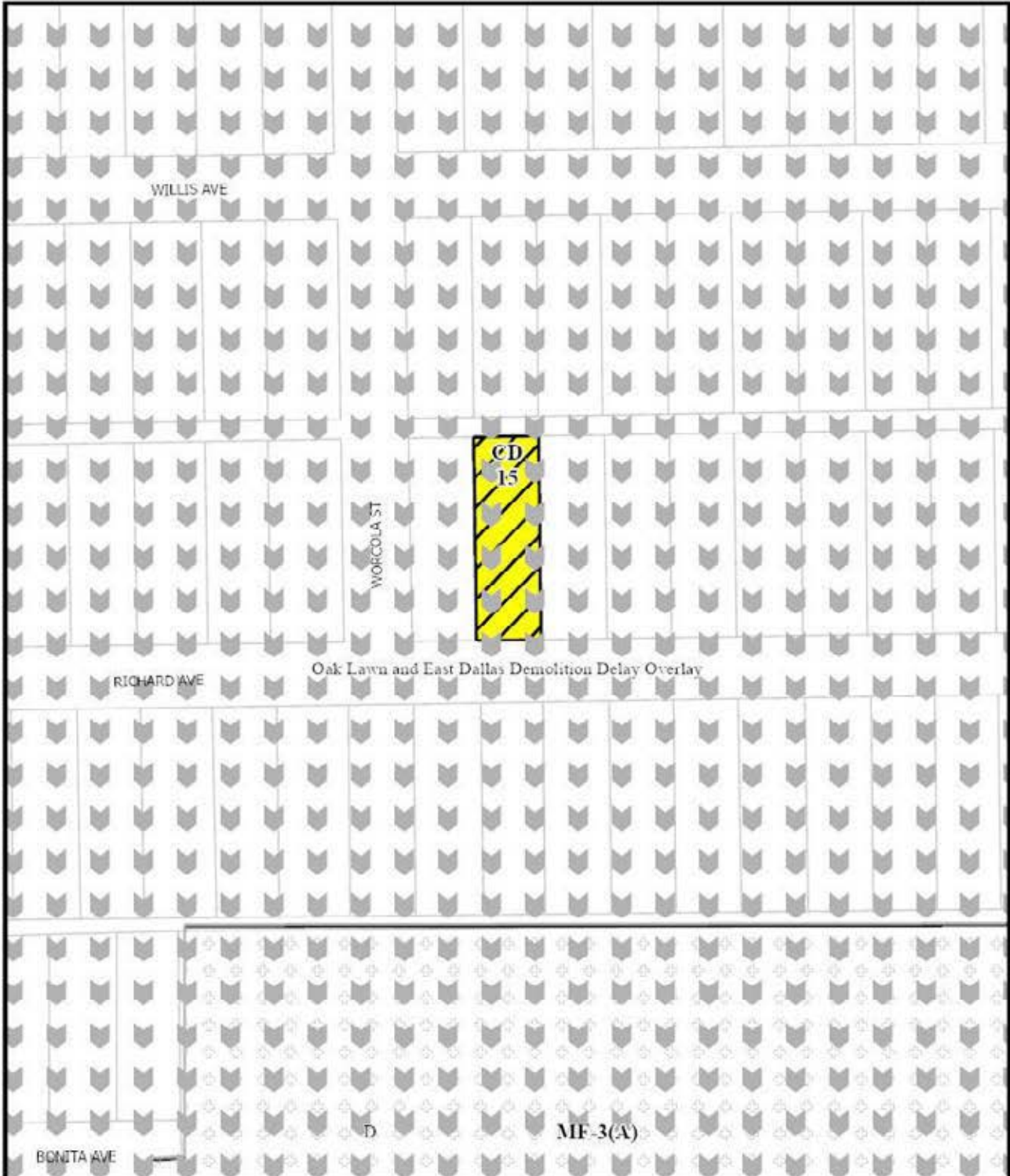
The board may also consider Dallas Development Code **§51A-3.102(d)(10)(b)**, formerly known as **HB 1475** as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

- (a) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
 - (b) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
 - (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
 - (d) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - (e) the municipality considers the structure to be a nonconforming structure.
- Granting the proposed 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.
 - 5-foot variance to the side yard setback regulations.
 - 200' Radius Video: [BDA234-125 at 5605 Richard Ave.](#)

Timeline:

- September 5, 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.
- September 9, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.
- September 12, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
- an attachment that provided the hearing date and panel that will consider the application; the September 27, 2024, deadline to submit additional evidence for staff to factor into their analysis ;and October 11, 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.
- October 3, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the October public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.







1:1,200

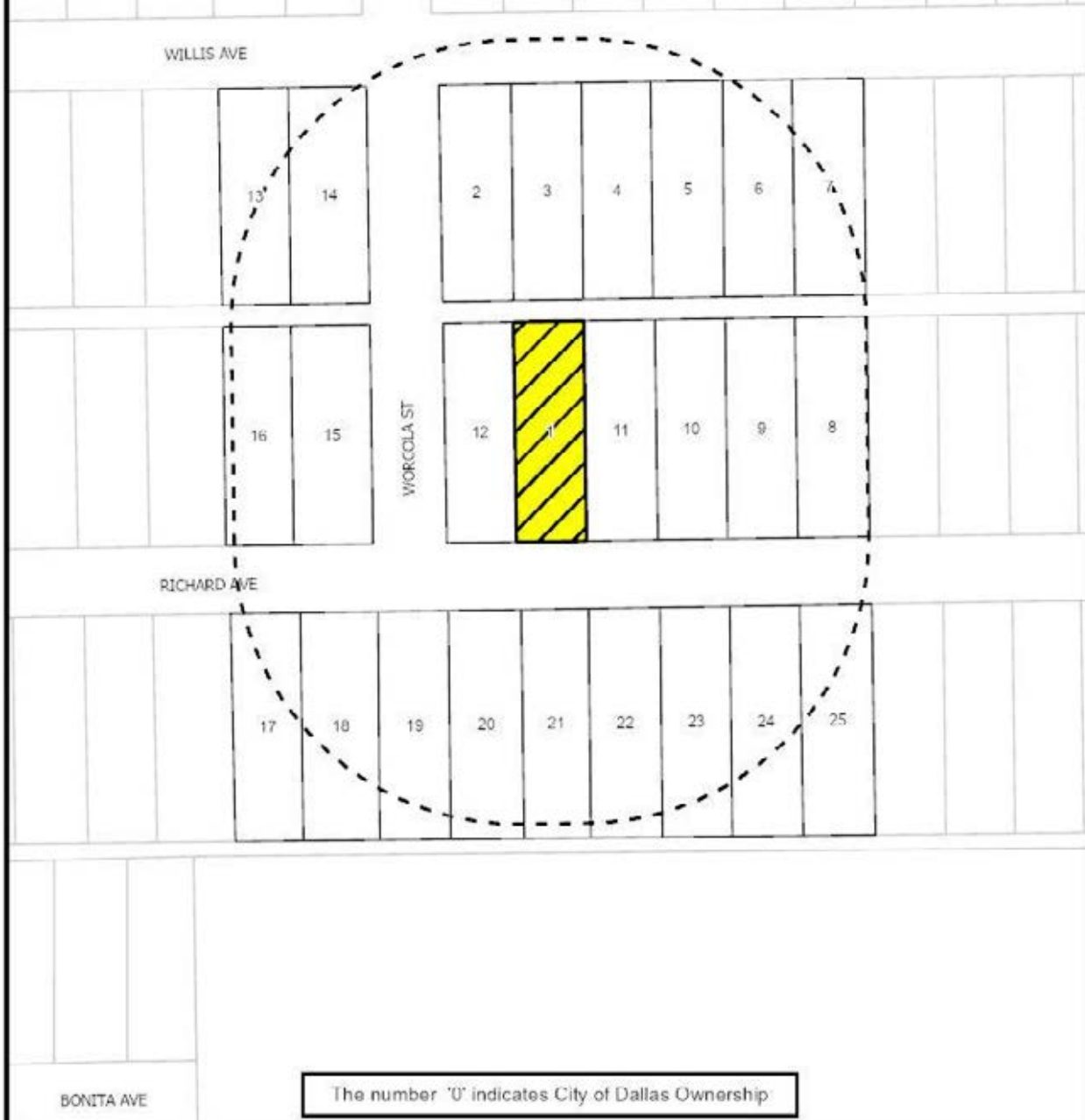
ZONING MAP

Case no: **BDA234-125**


Date: **09/16/2024**


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

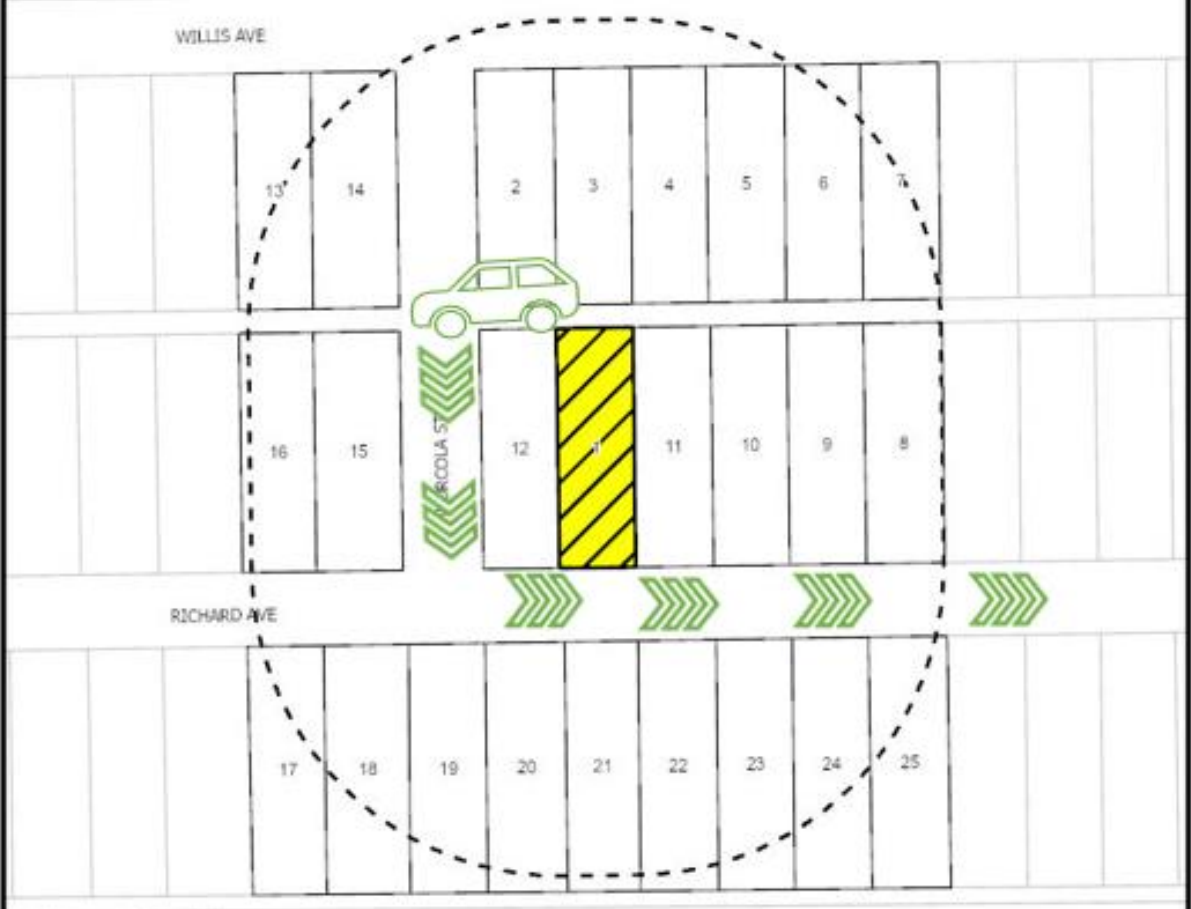
El área de solicitud está sombreada . La notificación se envía a todos los propietarios dentro del área de notificación (que se muestra con un círculo discontinuo). Su propiedad no será re-zonificada si está fuera del área sombreada. Si su propiedad no está dentro del área sombreada, recibió este aviso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




 1:1,200	<h2>NOTIFICATION</h2>	Case no: BDA234-125
	<div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">200'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">25</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	Date: 9/16/2024

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

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09/16/2024

Notification List of Property Owners

BDA234-125

25 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5605 RICHARD AVE	PARKS JOHN & CHELSEA
2	5602 WILLIS AVE	DUONG CHRISTOPHER K
3	5604 WILLIS AVE	EMMONS KYLE
4	5608 WILLIS AVE	WOOD JASON D
5	5612 WILLIS AVE	BARRON DANIEL & STACI
6	5616 WILLIS AVE	MAR DANIEL & KIRSTEN
7	5620 WILLIS AVE	SANTOS BLANCA G
8	5621 RICHARD AVE	GREGORY GLEN & CHELSEA
9	5619 RICHARD AVE	MARSH SHERRI
10	5615 RICHARD AVE	CARTLEDGE JONATHAN DOUGLAS
11	5609 RICHARD AVE	SCHNEIDER FRANK DAVID
12	5601 RICHARD AVE	MORRIS MACK & EMILY
13	5544 WILLIS AVE	NICOTRA JOSEPH R &
14	5548 WILLIS AVE	GUTIERREZ MARIA M
15	5555 RICHARD AVE	YORK BEVERLY D
16	5551 RICHARD AVE	RED JOHN CLARK & GAYLE
17	5548 RICHARD AVE	ROTHROCK BRADLEY & DIANE
18	5554 RICHARD AVE	BAILEY DAVID D & IDA J
19	5556 RICHARD AVE	BLAND JODY WAYNE &
20	5600 RICHARD AVE	MAYE JACQUELINE S
21	5606 RICHARD AVE	BADDERS JESSICA L &
22	5610 RICHARD AVE	JOHNSON JEFFREY M & HILARY L
23	5614 RICHARD AVE	Taxpayer at
24	5618 RICHARD AVE	WILLIAMS JOSHUA TAYLOR
25	5620 RICHARD AVE	SZWED MARY ESTHER CHAPA



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

25

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA234-125**

Date: **9/16/2024**

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: MONDAY, OCTOBER 21ST, 2024
- BRIEFING: 10:30 a.m. via Videoconference and in 6ES COUNCIL BRIEFING, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa1021C>
- HEARING: 1:00 p.m. via Videoconference and in 6ES COUNCIL BRIEFING, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa1021C>

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

BDA234-125(CJ) Application of David Turcich for (1) variance to the side-yard setback regulations at 5605 RICHARD AVENUE. This property is more fully described as Block 18/1931, Lot 23 and is zoned CD-15, which requires side-yard setback of 10-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 5-foot side-yard setback, which will require (1) a 5-foot variance to the side-yard setback regulations.

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

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

The Board of Adjustment hearing will be held by videoconference and in Council Chambers at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure by joining the meeting virtually, must register online at <https://bit.ly/BDA-C-Register> or contact the Development Services Department at 214-670-4127 by the close of business Sunday, October 20th, 2024. 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 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"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 234-128 **RECEIVED**
 Date: **FOR OFFICE USE SEP 05 REC'D**
 BY: _____

Data Relative to Subject Property: _____ Date: _____

Location address: 5605 Richard Ave. Dallas, TX 75206 Zoning District: CD- 15

Lot No.: 23 Block No.: 18/1931 Acreage: 0.179 Census Tract: _____

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

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Parks John & Chelsea

Applicant: David Turcich Telephone: 214-589-0023

Mailing Address: 2343 Charles St. Dallas, TX Zip Code: 75228

E-mail Address: david@outsidegarden.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance or Special Exception of 5ft to the East side yard. Current setback is 10ft.

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 existing residence was constructed prior to the 10ft setback in the current ordinance. The residence adheres to a previous 5ft setback. The 10ft setback cannot be met with the existing agress locations to the rear of the house.

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.

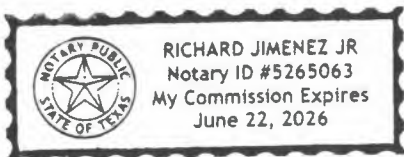
Affidavit

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

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

Respectfully submitted: [Signature]
 (Affiant/Applicant's signature)

Subscribed and sworn to before me this 5th day of September, 2024



[Signature]
 Notary Public in and for Dallas County, Texas

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that David Turcich

did submit a request for (1) variance to the side-yard setback regulations
at 5605 Richard Ave

BDA234-125. Application of David Turcich for (1) variance to the side-yard setback regulations at 5605 RICHARD AVE. This property is more fully described as Blcok 18/1931, Lot 10 and is zoned CD-15, which requires side-yard setback of 10-feet . The applicant proposes to construct and/or maintain a single-family residential structure and provide a 5-foot side-yard setback, which will require (1) a 5-foot variance to the side-yard setback regulations.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



CITY OF DALLAS
AFFIDAVIT

Appeal number: BDA 234-125

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

at: 5605 RICHARD AVE, DALLAS, TX 75206
(Address of property as stated on application)

Authorize: DAVID TURCICH
(Applicant's name as stated on application)

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

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

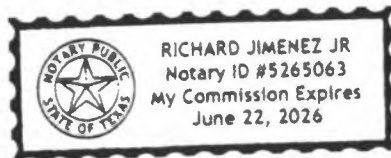
Specify: A variance to allow a 5ft side yard setback along the East Property Line where the current setback is 10ft

Chelsea Parks
Print name of property owner or registered agent
agent Date 8/29/2024

Chelsea Parks
Signature of property owner or registered agent

Before me, the undersigned, on this day personally appeared
Chelsea Parks

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 28th day of
August, 2024



[Signature]
Notary Public for Dallas County,
Texas

Commission expires on
06/22/2026


CITY OF DALLAS
AFFIDAVIT

Appeal number: BDA 234-125

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


at: 5605 RICHARD AVE, DALLAS, TX 75206
(Address of property as stated on application)

Authorize: DAVID TURCICH
(Applicant's name as stated on application)

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

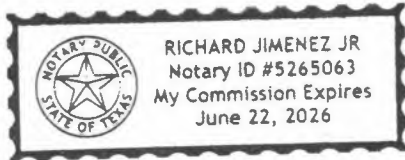
- Variance (specify below)
- Special Exception (specify below)
- Other Appeal (specify below)

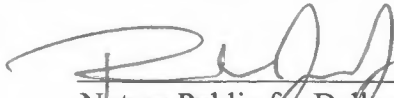
Specify: A variance to allow a 5ft side yard setback along the East Property Line where the current setback is 10ft

<u>John Parks</u>	
Print name of property owner or registered agent	Signature of property owner or registered agent
agent Date <u>9/3/24</u>	

Before me, the undersigned, on this day personally appeared
John Parks

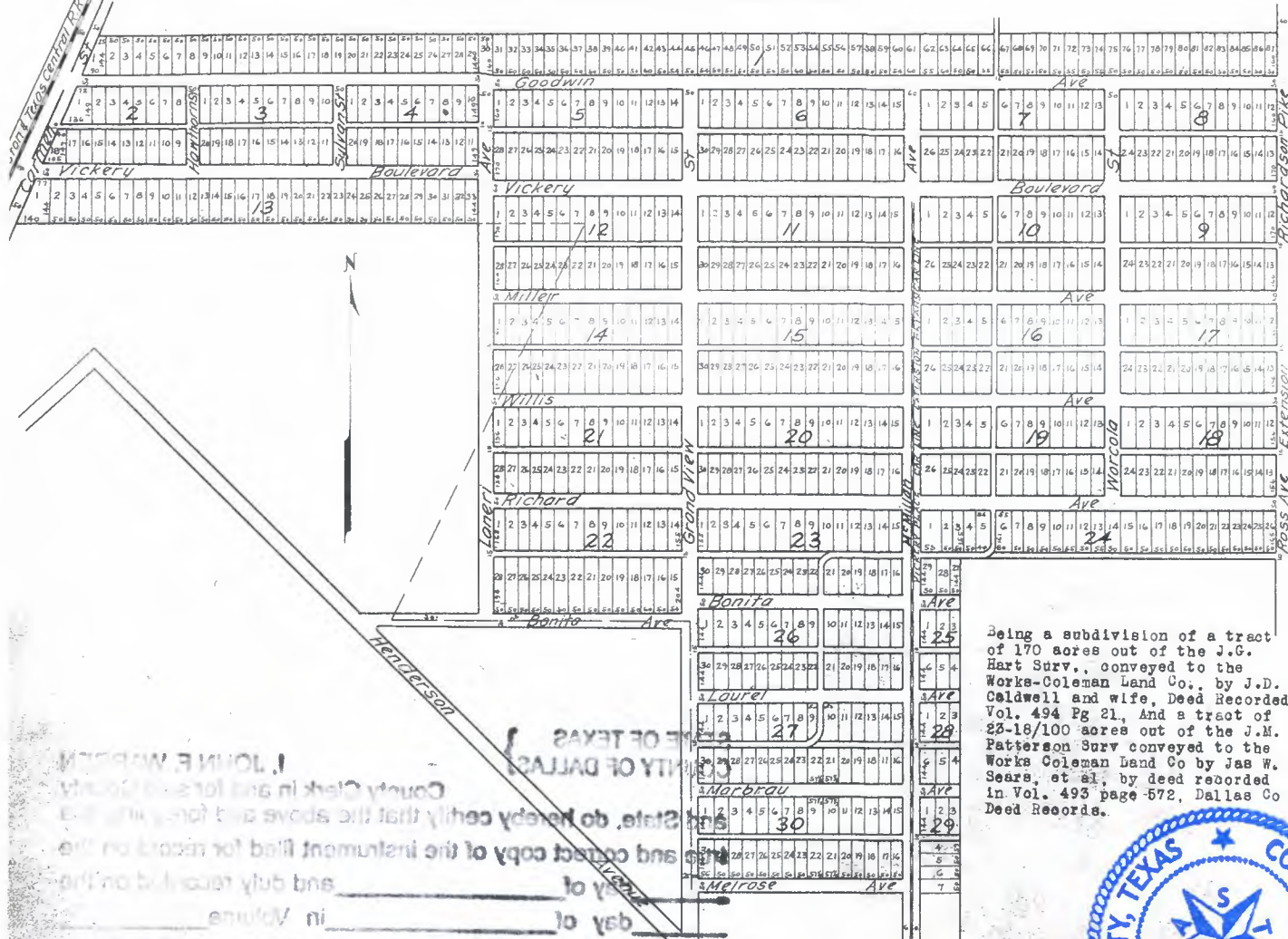
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge. Subscribed and sworn to before me this 3rd day of September, 2024




Notary Public for Dallas County,
Texas

Commission expires on
06/22/2026

VICKERY PLACE



Being a subdivision of a tract of 170 acres out of the J.C. Hart Surv., conveyed to the Works-Coleman Land Co., by J.D. Caldwell and wife, Deed Recorded Vol. 494 Pg 21, And a tract of 23-18/100 acres out of the J.M. Patterson Surv conveyed to the Works Coleman Land Co by Jas W. Sears, et al, by deed recorded in Vol. 493 page-572, Dallas Co Deed Records.



STATE OF TEXAS
 COUNTY OF DALLAS

WITNESS my hand and seal of office at Dallas, Texas, this 3rd day of June, A.D. 1911.

ATTEST: G.W. Works, Secretary.

WORKS-COLEMAN LAND COMPANY
 By R. Vickery, President.

That the Works-Coleman Land Company, a corporation of Dallas, Texas, acting by its duly authorized officers does hereby adopt the accompanying plat of Vickery Place, and does hereby dedicate the streets and alleys as shown thereon to the public use, reserving, however, to itself its successors and assigns, all right to the use of said streets and alleys for gas, water and sewer mains, and all electric lights, telephone and telegraph lines, and street and interurban railways and this company expressly reserves the right to grant the privilege to occupy said streets and alleys for each, any and all of said purposes to other persons or corporations upon such terms as it may deem proper.

Witness the hand and seal of said Works-Coleman Land Company, this the 3rd day of June, A.D. 1911.

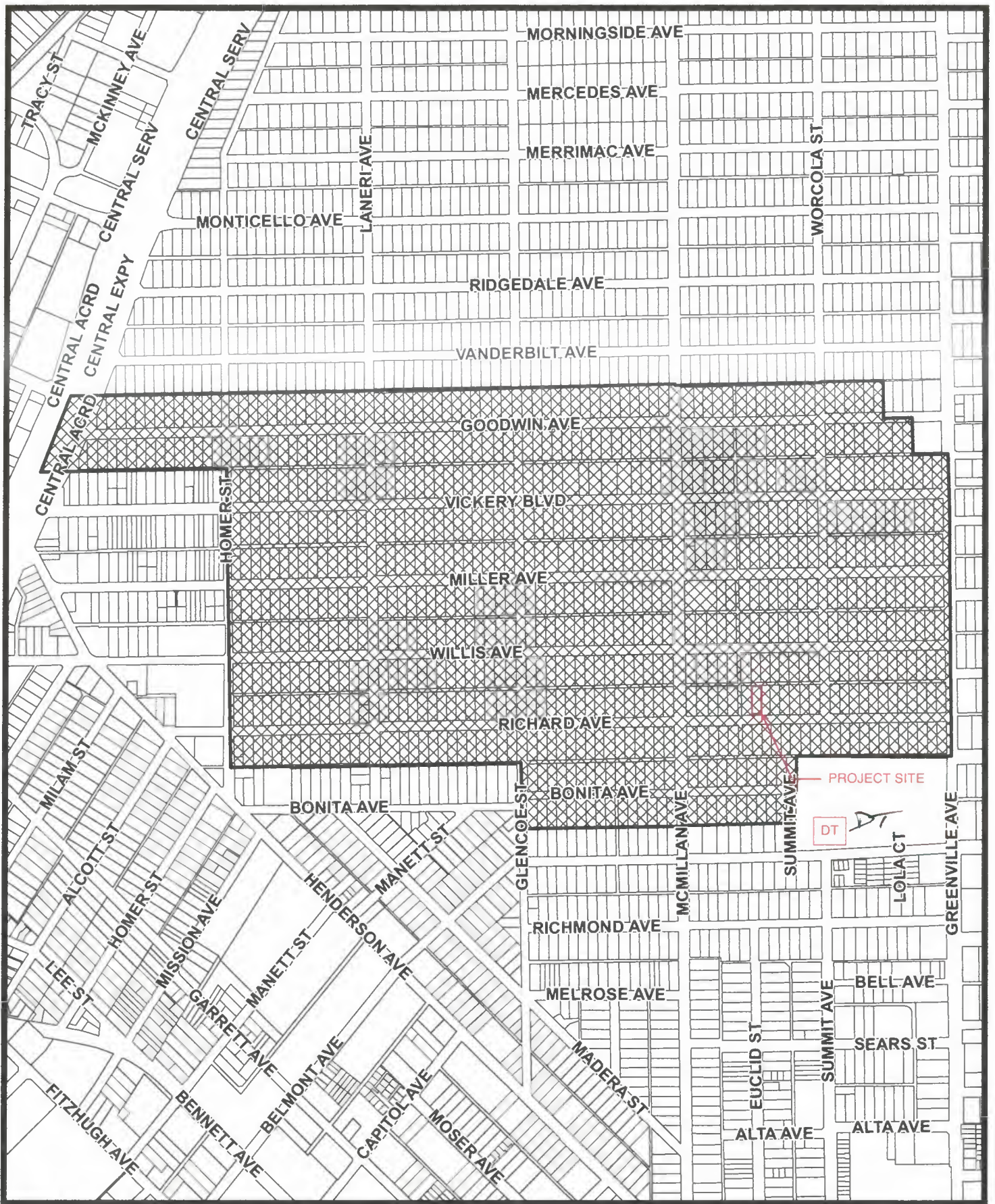
Before me, W.T. Savage, a Notary Public, in and for said County and State, personally came the Works-Coleman Land Company, a corporation, by R. Vickery, its President, known to me to be the person who, name is subscribed to the foregoing instrument as President, and he acknowledged the same to be the act of said corporation, and that he executed the same for the purposes and considerations therein expressed.

Given under my hand and official seal this the 3rd day of June, A.D. 1911.

W. T. Savage, Notary Public, Dallas County, Texas.

J. E. Record, County Clerk
 By T. B. Kendall, Deputy.

Filed June 5th, 1911 at 5:20 o'clock P. M.
 Recorded June 14th, 1911 at 10:30 o'clock P. M.



1:7,500

Conservation District No. 15

Printed Date: 4/23/2019

SHIPPED
DATE: 5-2-96

RECEIVED
DATE: 7-11-96

CITY OF DALLAS PLAT BOOKS

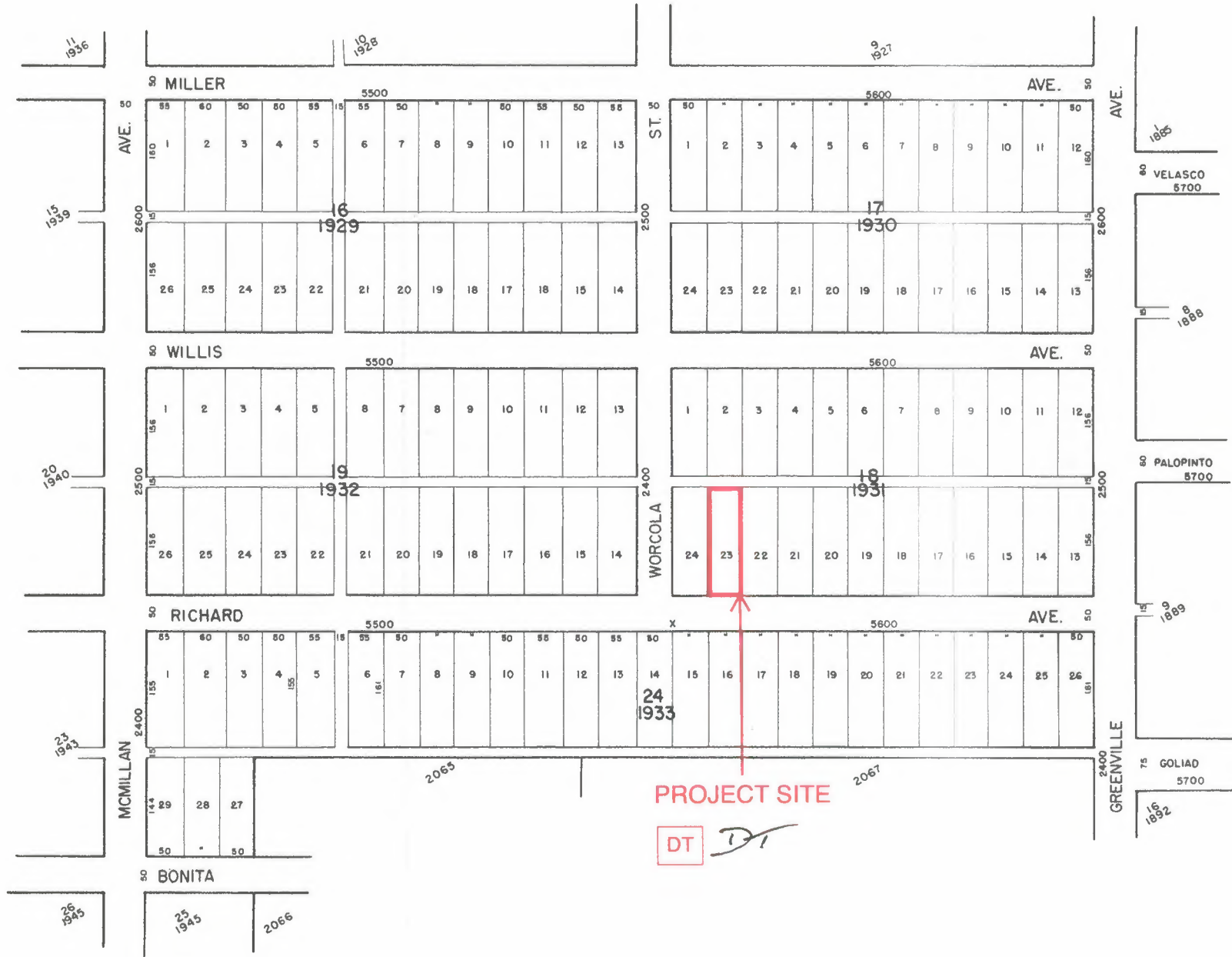
ANNEXED _____ ORD. NO. _____
SURVEY J. HART ABST. 578

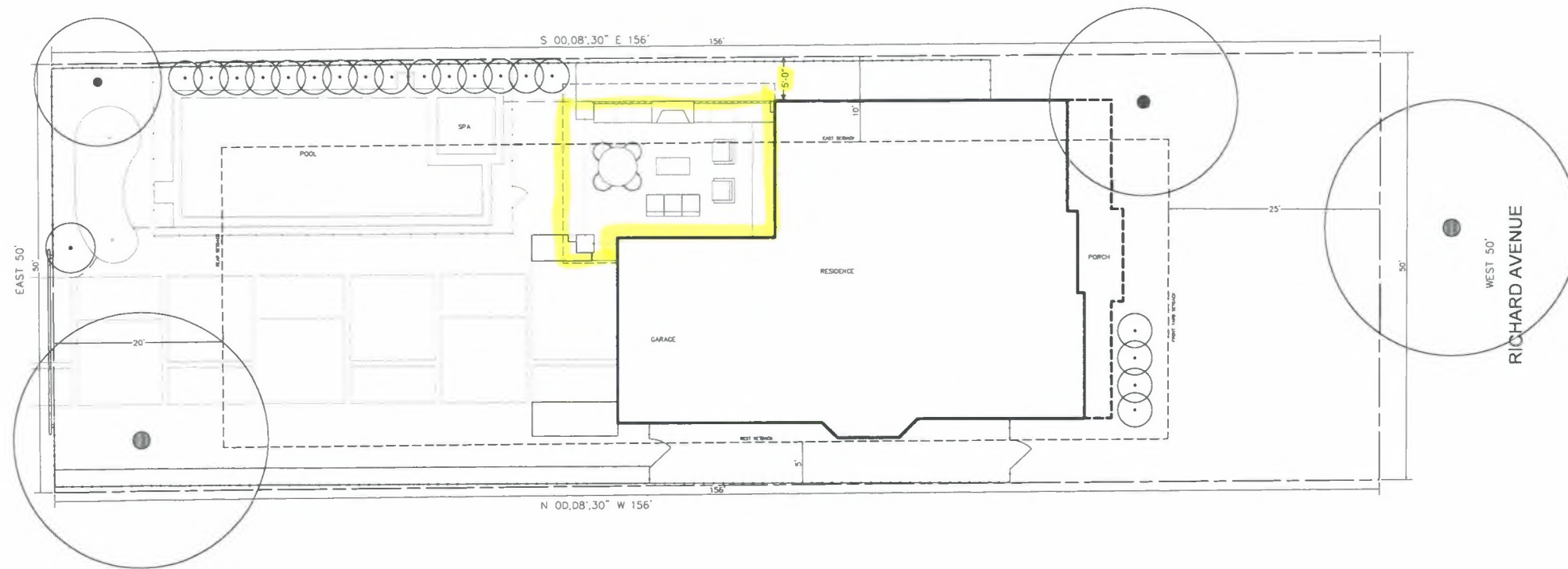
ADDITION PT. OF VICKERY PLACE

BLOCKS 1929-1933

SCALE 100 FT. EQUALS 1 INCH

SCHOOL DISTRICT DALLAS





No	Description	Date
REVISIONS		

This drawing was prepared by Outside Ventures, Inc. ("Outside Ventures") as an instrument of service and shall remain the property of Outside Ventures. The information herein shall be used only by the client to whom the services are rendered and only for the purpose of constructing or installing the work as shown at the designated location and site. Any other use, including (without limitation) any reproduction or alteration, is strictly prohibited, and the user shall hold harmless and indemnify Outside Ventures from all liabilities which may arise from such unauthorized use.

© Copyright 2024, Outside Ventures

PARKER RESIDENCE

5605 RICHARD AVENUE
 DALLAS, TX 75206
 CITY OF DALLAS

TEXAS
 DALLAS COUNTY

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW, AGENCY APPROVAL, AND COMMENT UNDER THE AUTHORITY OF OUTSIDE VENTURES, INC. THIS DOCUMENT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES

Sheet Title
OVERALL SITE PLAN

Project No. 202404008	
Date 8/16/2024	Drawn By CRM
Scale 1" = 1'-0"	Checked By DCT

Sheet No.
L1.00





REFERRAL FORM FOR BOARD OF ADJUSTMENT

APPLICANT: Jesus Cabrera		OWNER: PARKS JOHN & CHELSEA
ADDRESS: 5605 RICHARD AVE	STATE: TX	ZIP: 75206-6717
LOT: 23	BLOCK: BLK 18/1931 LT 23	ZONING: CD-15

<input type="checkbox"/> Variance <input checked="" type="checkbox"/> Yard setback <input type="checkbox"/> Lot width <input type="checkbox"/> Lot Depth <input type="checkbox"/> Lot Coverage <input type="checkbox"/> Floor area for accessory structures for single family uses <input type="checkbox"/> Height <input type="checkbox"/> Minimum width of sidewalk <input type="checkbox"/> Off-street parking <input type="checkbox"/> Off-street loading <input type="checkbox"/> Landscape regulations <input type="checkbox"/> Other	<input type="checkbox"/> Special Exception <input type="checkbox"/> Fence height and standards <input type="checkbox"/> Visibility triangle obstructions <input type="checkbox"/> Parking demand <input type="checkbox"/> Landscaping <input type="checkbox"/> Additional dwelling unit for a single-family <input type="checkbox"/> Carport <input type="checkbox"/> Non-conforming use <input type="checkbox"/> Other
---	--

Please list the City of Dallas Development Code(s) this project is non-compliant with:
 CD-15 Vickery Place Ordinance. 26549 (4)(o)(3)(A)

Description: The minimum side yard setback is ten feet on the east side of the property.
A portion of the proposed covered rear porch, fireplace/chimney and outdoor kitchen is located within the side yard setback.

Alternative resolutions discussed/offered: Reconfigure layout of proposed porch.

Referred by: Scott Bellen Contact: 214-671-6725 Date: 08/02/2024

FILE NUMBER: BDA234-079 (CJ)

BUILDING OFFICIAL'S REPORT: Application of Jordan Corbitt for (1) a special exception to the parking regulations at 9334 East R.L. Thornton Freeway. This property is more fully described as Block A/8039, TR A and Block A/8475, TR 1, and is zoned RR, which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for a home improvement center, and provide 422 of the required 512 parking spaces, which will require (1) a 90-space special exception (18 percent reduction) to the parking regulation.

LOCATION: 9334 East R.L. Thornton Freeway

APPLICANT: Jordan Corbitt

REQUEST:

(1) A request for a special exception to the off-street parking regulations.

STANDARDS OF REVIEW FOR A SPECIAL EXCEPTION TO OFF-STREET PARKING:

SEC. 51A-4.311(a) of the Dallas Development Code states that the board may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, **that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.** Except as otherwise provided in this paragraph, the maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section [51A-4.704\(b\)\(4\)\(A\)](#).

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this or any request for a special exception since the basis of this type of appeal is made when, in the opinion of the board, the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets

BACKGROUND INFORMATION:

BDA History:

No BDA history found at 9334 E. R.L. Thornton Freeway within the last 5 years.

Square Footage:

This lot contains 517,492.8 of square feet.

This lot is zoned Regional Retail (RR) which does not have a minimum lot size.

Zoning:

Site: Regional Retail (RR) Zoning District
North: Regional Retail (RR) Zoning District
South: Regional Retail (RR) Zoning District
East: Regional Retail (RR) Zoning District
West: Regional Retail (RR) Zoning District

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- The application of Jordan Corbit for the property located at 9334 E. R.L. Freeway focuses on one request relating to the off-street parking regulations for a nonresidential structure to be used for a home improvement center.
- A request for a special exception to the off-street parking regulations of 90 spaces (18 percent) is made to construct and/or maintain a nonresidential structure for a home improvement center use at 9334 E. R.L. Thornton Freeway
- The subject site is zoned Regional Retail (RR) which requires parking to be provided.
- It is imperative to note that the subject site has double street frontage on East R.L. Thornton Freeway and Buckner Boulevard service street.
- The submitted site plan shows the applicant plans to provide 422 (82 percent) of the required 512 parking spaces at 9334 E. R.L. Thornton Freeway.
- The subject site is currently developed with a nonresidential structure.
- Per the site plan, there are three proposed entries on the subject site; these entries all lead to the parking lot, where the proposed 422 parking spots will be.
- The applicant has the burden of proof in establishing that the parking demand generated by the use does not warrant the number of required off-street parking spaces, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.
- Granting the proposed 90 space (18 percent) special exception to the parking regulations with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents, and the special exception automatically and immediately terminates if and when the particular uses are changed or discontinued.
- 200' Radius Video: [BDA234-079 at 9334 E. R.L. Thorton Fwy](#)

Timeline:

- May 1, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- May 15, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.
- May 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
- an attachment that provided the hearing date and panel that will consider the application; the May 24, 2024, deadline to submit additional evidence for staff to factor into their analysis; and June 7, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- June 3, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.
- June 5, 2024 The Traffic Engineering Program Administrator provided comments stating that no objection to the special exception request.
- June 17, 2024: Panel C, at its regular scheduled hearing on June 17, 2024 voted to hold this matter under advisement until its July hearing.
- July 1, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner, and Transportation Engineer.
- July 9, 2024: Panel C July hearings were rescheduled to Monday, August 19th
- July 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
- an attachment that provided the hearing date and panel that will consider the application; the August 9, 2024, deadline to submit

additional evidence for staff to factor into their analysis; and July 26, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.

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

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

August 19, 2024: Panel C, at its regular scheduled hearing on August 19, 2024 voted to hold this matter under advisement until its October hearing.

August 22, 2024: The Board Secretary mailed the applicant an outcome letter restating the board outcome and the hearing date/time for October.

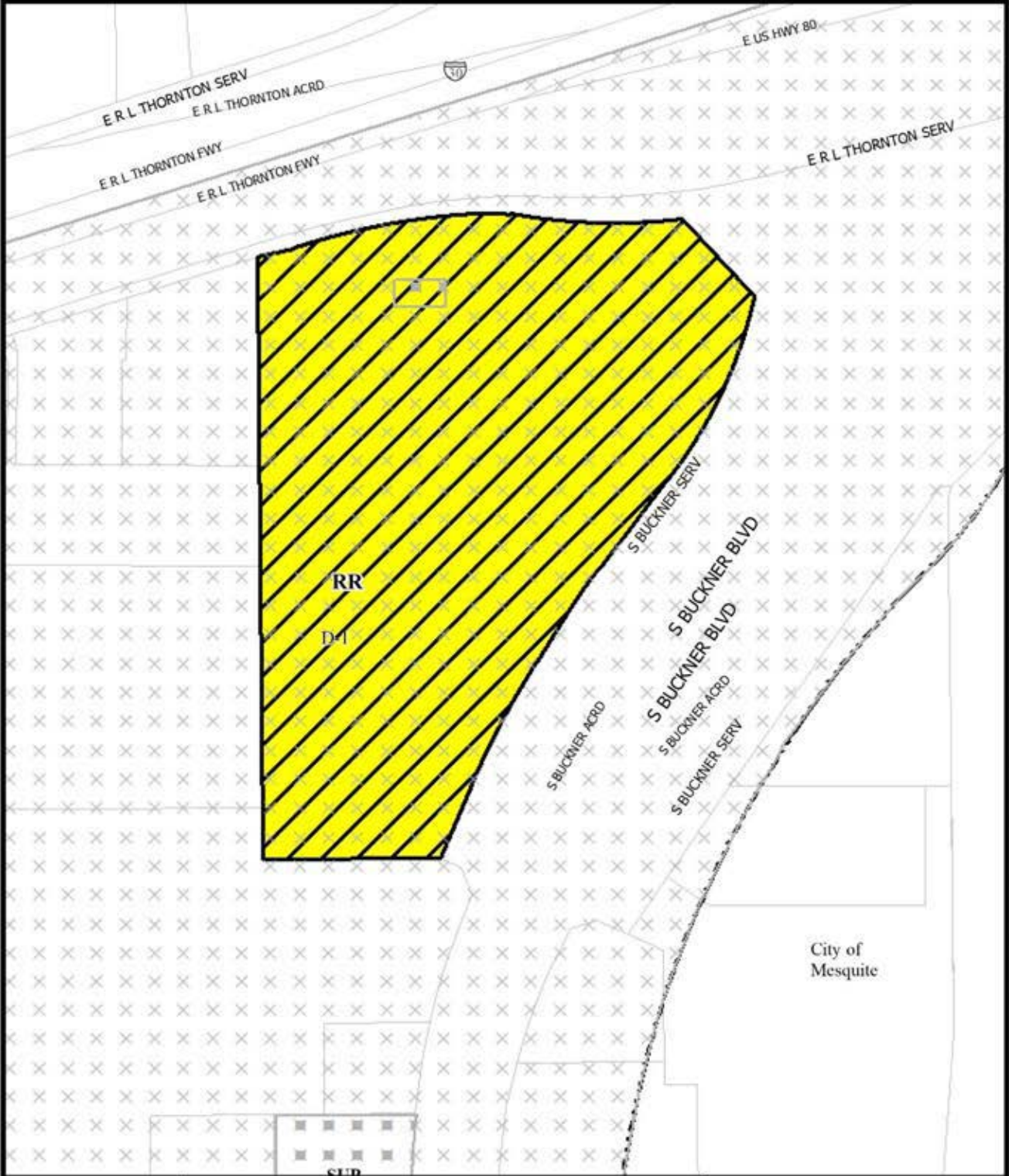


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AERIAL MAP

Case no: BDA234-079

Date: 5/30/2024

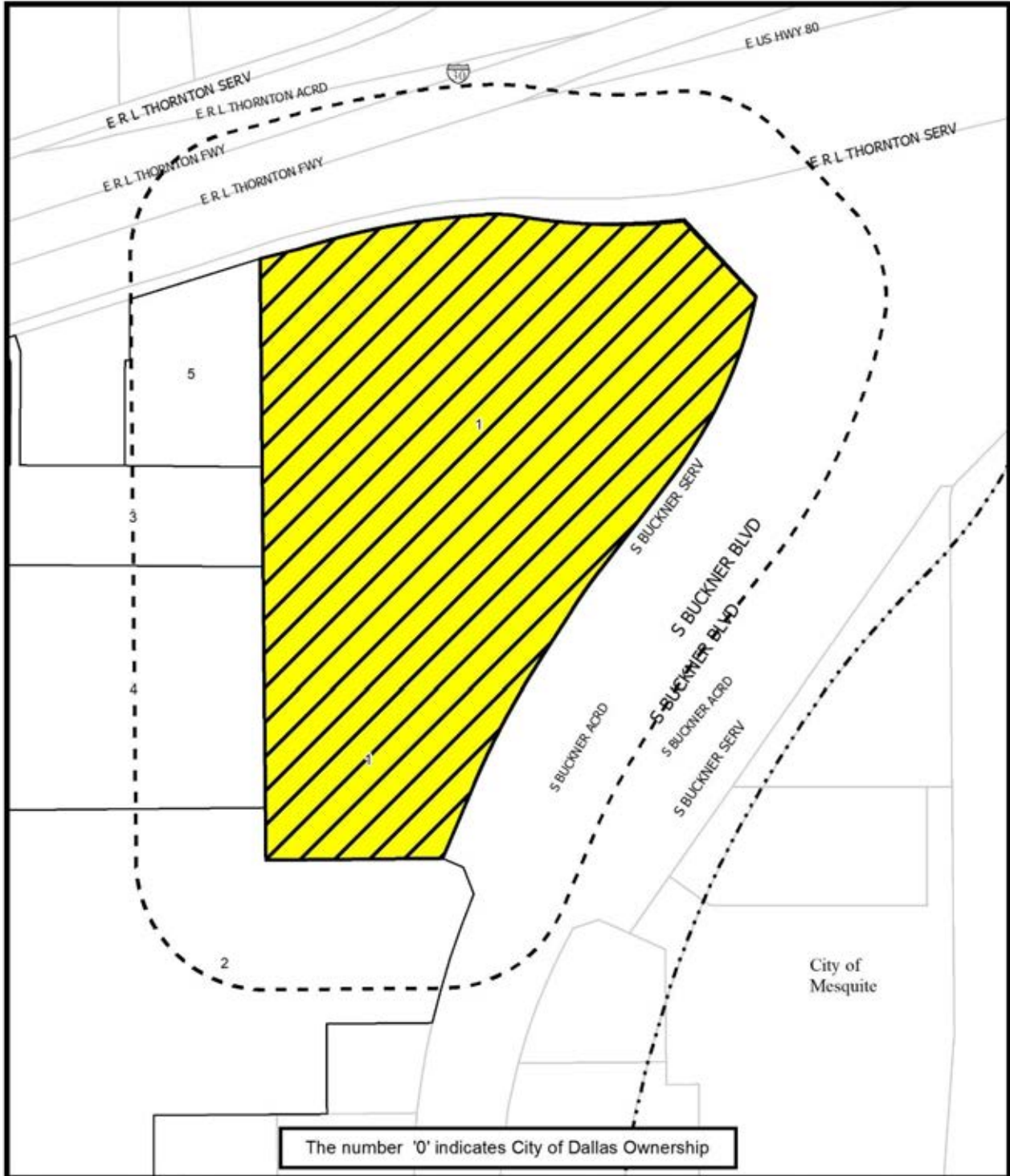


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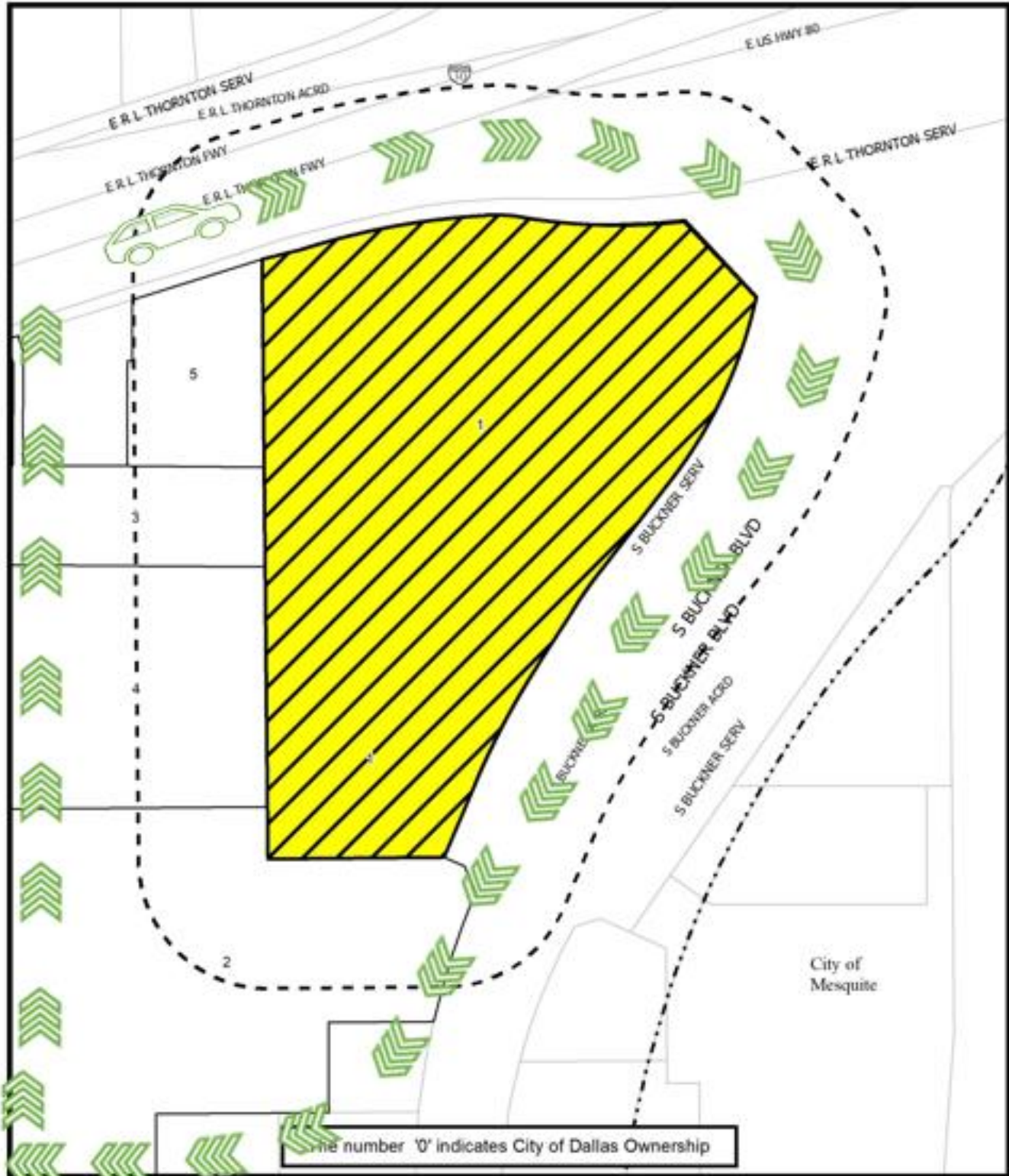
ZONING MAP

Case no: **BDA234-079**

Date: **5/30/2024**



 1:2,400	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td>200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td>5</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	5	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA234-079</u> Date: <u>5/30/2024</u>
200'	AREA OF NOTIFICATION					
5	NUMBER OF PROPERTY OWNERS NOTIFIED					



 1:2,400	<h2>NOTIFICATION</h2>		Case no: BDA234-079
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">5</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 5/30/2024	

5/30/2024

Notification List of Property Owners

BDA234-079

5 Property Owners Notified

Label #	Address	Owner
1	9334 E R L THORNTON FWY SBLFT/OF I LTD	
2	5555 S BUCKNER BLVD	NNN DALLAS TX OWNER LP
3	9222 E R L THORNTON FWY TS BUCKNER LLC	
4	9208 E R L THORNTON FWY BUCKNER JUBILEE INVESTMENTS	
5	9310 E R L THORNTON FWY DOCKSIDE THREADING INC	



1:2,400

NOTIFICATION

200'

AREA OF NOTIFICATION

5

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA234-079**

Date: **5/30/2024**

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: MONDAY, OCTOBER 21ST, 2024

BRIEFING: 10:00 a.m. via Videoconference and in 6ES COUNCIL BRIEFING, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa1021C>

HEARING: 1:00 p.m. via Videoconference and in 6ES COUNCIL BRIEFING, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa1021C>

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment: This case was held under advisement on August 19th, 2024.

BDA234-079(CJ) Application of Jordan Corbitt for (1) a special exception to the parking regulations at 9334 E. R.L. THORNTON FREEWAY. This property is more fully described as Block A/8039, TR A and Block A/8475, TR 1, and is zoned RR, which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for a home improvement center, and provide 422 of the required 512 parking spaces, which will require (1) a 90-space special exception (18 percent reduction) to the parking regulation.

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

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

The Board of Adjustment hearing will be held by videoconference and in Council Chambers at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure by joining the meeting virtually, must register online at <https://bit.ly/BDA-C-Register> or contact the Development Services Department at 214-670-4127 by the close of business Sunday, October 20th, 2024. 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 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"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 234-079

Data Relative to Subject Property: _____ Date: _____

Location address: 9334 E R L Thornton Fwy Zoning District: Regional Retail (RR)

Lot No.: 1 & 2 Block No.: A-8039 Acreage: 11.88 AC Census Tract: Dallas County CT 122.07

Street Frontage (in Feet): 1) 683.72 2) 161.13 3) 616.17 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): 9334, LTD

Applicant: Jordan Corbitt, P.E. Telephone: (478) 718-4760

Mailing Address: 11720 Amber Park Drive, Alpharetta, GA Zip Code: 30009

E-mail Address: jordan.corbitt@kimley-horn.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance or Special Exception of parking demand

~~seeking a reduction of 18.27%~~ 25% reduction (max)

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 Applicant is seeking a ~~25%~~ 18.27% max 25% MAX parking reduction for the proposed development. The proposed future tenant is The Home Depot, and the tenant is unable to meet the required parking demand and maintain their prototypical standards for operation on this property.

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

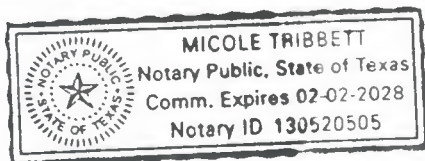
Before me the undersigned on this day personally appeared Jordan Corbitt, P.E.

(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: Jordan Corbitt
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 29 day of March, 2024



DocuSigned by:
Micole Tribbett
Notary Public in and for Dallas County, Texas
188714855C4844F...



REFERRAL FORM FOR BOARD OF ADJUSTMENT

APPLICANT Frank Teagan OWNER _____
 ADDRESS 9334 E. K.L. Mackin STATE Tx ZIP 75228
 LOT TR A BLOCK A/8039 ZONING RR

<input type="checkbox"/> Variance	<input type="checkbox"/> Special Exception
<input type="checkbox"/> Yard setback	<input type="checkbox"/> Fence height and standards
<input type="checkbox"/> Lot width	<input type="checkbox"/> Visibility triangle obstructions
<input type="checkbox"/> Lot Depth	<input checked="" type="checkbox"/> Parking demand
<input type="checkbox"/> Lot Coverage	<input type="checkbox"/> Landscaping
<input type="checkbox"/> Floor area for accessory structures for single family uses	<input type="checkbox"/> Additional dwelling unit for a single-family
<input type="checkbox"/> Height	<input type="checkbox"/> Carport
<input type="checkbox"/> Minimum width of sidewalk	<input type="checkbox"/> Non-conforming use
<input type="checkbox"/> Off-street parking	<input type="checkbox"/> Other
<input type="checkbox"/> Off-street loading	
<input type="checkbox"/> Landscape regulations	
<input type="checkbox"/> Other	

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

Description: Applicant wants a 25% parking reduction.

Alternative resolutions discussed/offered:

Referred by Greg Franklin Contact: 214-948-4634 Date: 2/5/24

FOR INTERNAL USE ONLY

BDAB3A-079

Board of Adjustment Prescreen Checklist

Reviewer: _____ Date: _____

Referred By: _____

Applicant: Micole Tribett Ph #: _____ email: _____

Property Address: 9334 E. R.L. Thornton

Zoning: _____ Lot: _____ Block: _____ Acres: _____

Conservation/Historic District: _____

Land Use: _____ Is use allowed? Yes No

County Plat? Yes No Legal Build Site: _____

Street frontage: 1.) _____ 2.) _____ 3.) _____ 4.) _____

Corner lot: _____ Double frontage: _____

Utilities/Easements/Dedications/Thoroughfare: _____

Permit: _____

	<u>Required</u>	<u>Proposed</u>		<u>Required</u>	<u>Proposed</u>
Front yard setback:	_____ MIN.	_____	Lot coverage:	_____ MIN.	_____
Side yard setback:	_____ MIN.	_____	Height:	_____ MIN.	_____
Rear yard setback:	_____ MIN.	_____	Lot size:	_____ MIN.	_____
Parking:	_____ MIN.	_____			

Accessory/Additional dwelling

	<u>Required</u>	<u>Proposed</u>		<u>Required</u>	<u>Proposed</u>
Side yard setback:	_____ MIN.	_____	Sq ft.:	_____ MIN.	_____
Rear yard setback:	_____ MIN.	_____	Height:	_____ MIN.	_____

Notes:

~~Proof of entity~~
Variance to parking reduction
2590 - 390 provided, 520 reqd.
~~18 271 20 425 spaces provided.~~

BDA234-079

7/21/2023



Posting of Notification Sign

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

Address: 9334 E R L Thornton Fwy, Dallas, TX 75227

Appeal Number: BDA 234-079

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

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

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

Footage of each street frontage: I-30 Frontage: 748'
S. Buckner Blvd.: 1,063'

Number of acres: 11.88 AC

Number of signs received: 5 signs

Micale Hubbard
Signature of applicant or person receiving signs

5.1.2024
Date



Appeal number: BDA 234079

I, 9334, Ltd., Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 9334 E R L Thornton Fwy, Dallas, TX 75227
(Address of property as stated on application)

Authorize: Jordan Corbitt, P.E.
(Applicant's name as stated on application)

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

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

Specify: The Applicant is pursuing a 25% parking reduction for the proposed Home Depot development.

Louis H. Lebowitz
Print name of property owner or registered agent
agent Date March 22, 2024

[Signature]
Signature of property owner or registered agent

Before me, the undersigned, on this day personally appeared
Louis H. Lebowitz

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 22nd day of
March, 2024



Meredith Abigail Kendall
Notary Public for Dallas County,
Texas

Commission expires on
April 29, 2026



CITY OF DALLAS
AFFIDAVIT

Appeal number: BDA 234-079

I, 9334, Ltd., Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 9334 E R L Thornton Fwy, Dallas, TX 75227
(Address of property as stated on application)

Authorize: Jordan Corbitt, P.E.
(Applicant's name as stated on application)

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

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

Specify: The Applicant is pursuing a 25% parking reduction for the proposed Home Depot development.

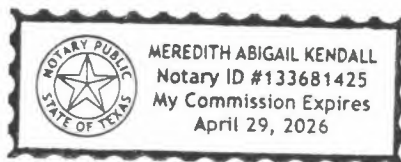
Louis H. Lebowitz
Print name of property owner or registered agent
agent Date March 22, 2024

[Signature]
Signature of property owner or registered agent

Before me, the undersigned, on this day personally appeared
Louis H. Lebowitz

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 22nd day of
March, 2024



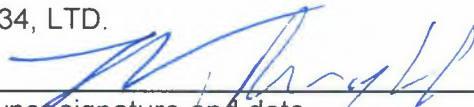
[Signature]
Notary Public for Dallas County,
Texas

Commission expires on
April 29, 2026

**9334, LTD.
4311 W Lovers Ln., Ste. 200
Dallas, TX 75225**

We, 9334, LTD., are the Owner of the property roughly located at 9334 E. R.L.Thornton Freeway and 5665 S. Buckner Blvd. We are making application to seek relief from the Design Standards from the City Plan and Zoning Commission (CPC) per Sec. 51A-4.605 (a)(10). To accomplish this purpose, We are authorizing Jordan Corbitt, P.E. to act as the Applicant on behalf of 9334, LTD. Jordan Corbitt acts as the Site Development Coordinator for Home Depot U.S.A. inc. ("Home Depot") in eastern Texas, and Home Depot is intending to become the next tenant at 9334 E. R.L. Thornton Freeway. Because Home Depot must seek relief from the Design Standards in order to achieve their prototypical building and site design standards, We believe that Jordan Corbitt best serves the role of Applicant.

9334, LTD.

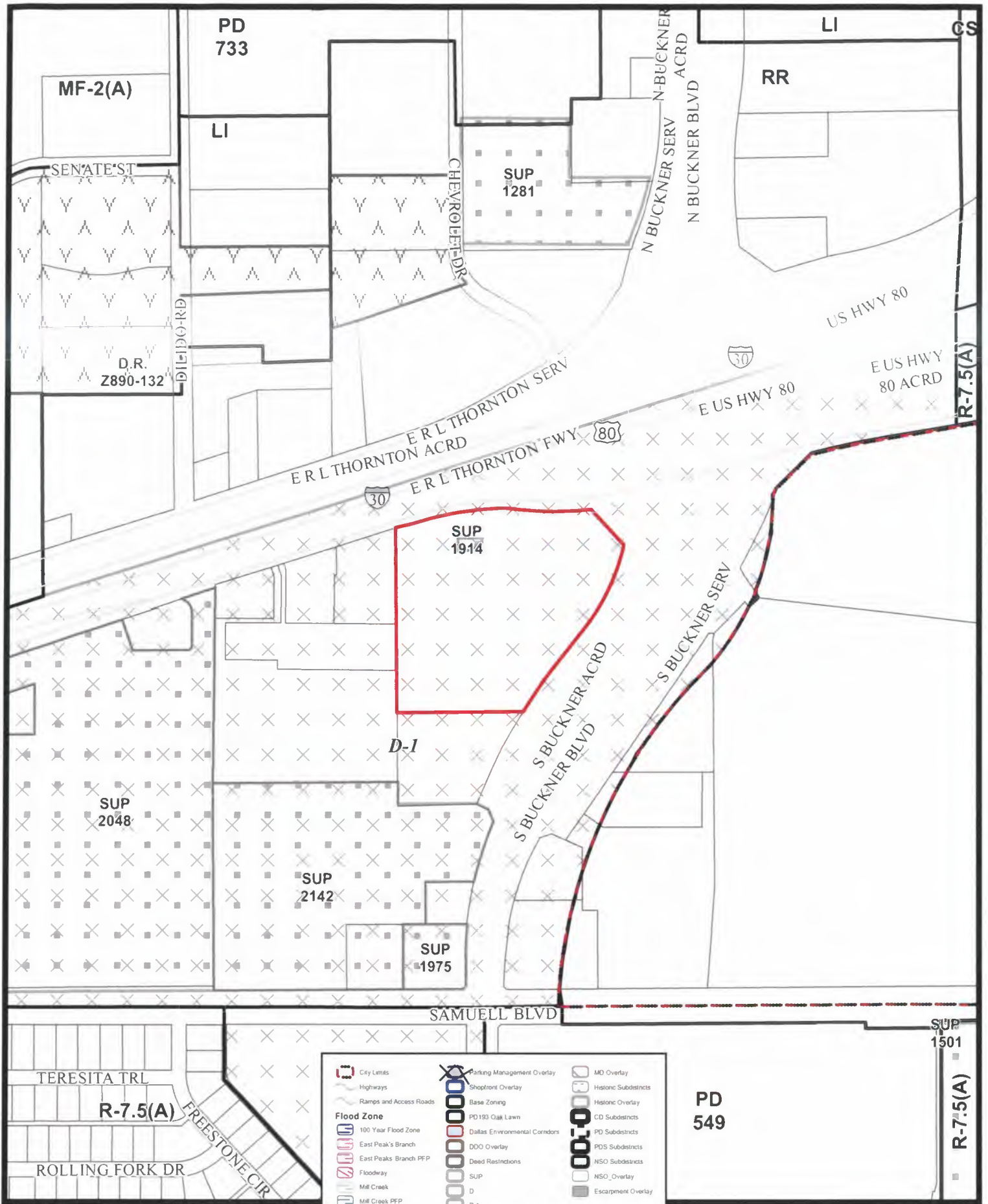



Owner signature and date

Louis H. Lebowitz, President of G.P.____
Owner printed name

214-520-8818_____
Contact phone number

llebowitz@msn.com_____
Contact E-mail




 1:4,800

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

Case ID: **BA234-079**
 Printed: 3/6/2024

MEMORANDUM

To: David Nevarez, P.E., PTOE, CFM
 Transportation Development Services
 City of Dallas

From: Christian DeLuca, P.E.
 Michael Gomez, EIT
 Kimley-Horn and Associates, Inc.
 Registered Firm F-928

Date: April 29, 2024

Subject: East Dallas Home Depot Parking Study

4-29-2024



Introduction

This memorandum presents a study of projected parking demand for the proposed East Dallas Home Depot development, a 135,674 SF home improvement store located in Dallas, Texas. The analysis will evaluate if the proposed parking for the development will be sufficient based on local data collected at a Home Depot with similar characteristics and based on national data provided by the Institute of Transportation Engineers (ITE).

The development is located at 9334 E R L Thornton Freeway, on the southwest corner of I-30 and Buckner Boulevard. The property is zoned as RR (Regional Retail). The parking provided by the proposed Home Depot development is 390 spaces. A conceptual site plan is attached at the end of this memo.

City of Dallas Code Requirements

The Dallas City Code includes minimum parking requirements for all land use types. The data found in **Table 1** are taken from Sec. 51A-4.210 *Retail and Personal Service* for the Home Improvement Center land use. The calculated parking requirements for the proposed development are 520 spaces per the Dallas city code.

Table 1 – City of Dallas Parking Requirements

Use Classification	Parking Demand Ratio	Amount	Parking Demand
Home Improvement Center	1 per 275 SF	135,674 SF	387
Exclusive of Parking Area	1 per 1000 SF	30,000 SF	30
Garden Center	1 per 275 SF	28,118 SF	103
Total	-	-	520

Parking Requirements per Dallas City Code Sec. 51A-4.210

Local Data Analysis

Parking counts were conducted at a Home Depot of similar characteristics located at 6000 Skillman Street. This location was selected due to its size and relative proximity to the proposed development. Parking counts were conducted during peak demand periods as presented in the *ITE Parking Generation Manual*. Parking counts were collected over three consecutive days. **Table 2** presents parking counts for Thursday, Friday, and Saturday peak hours at the 6000 Skillman Street Home Depot location.

Table 2 - 6000 Skillman Street Home Depot Parking Counts

Hour Beginning	Thursday (Parking Counts)	Friday (Parking Counts)	Saturday (Parking Counts)
11:00 a.m.	153	193	234
12:00 p.m.	169	215	220
1:00 p.m.	170	208	202
2:00 p.m.	-	211	-

Counts based on field observations conducted from February 29th, 2024 to March 2nd, 2024

The peak parking demand across the observed study periods was 234 vehicles. The difference between the peak parking demand and the provided parking spaces from the Proposed East Dallas Home Depot development is shown in **Table 3** below.

Table 3 – Parking Demand and Proposed Capacity

Day	Observed Peak Parking Demand	Proposed Parking Supply	Parking Surplus
Thursday	170	390	220
Friday	215	390	175
Saturday	234	390	156

During the day and time with the highest demand, there was still an excess of 156 parking spaces. It is anticipated that the proposed East Dallas Home Depot development parking supply of 390 spaces would provide adequate parking. The observed parking demand at the 6000 Skillman Street location is also well below the 520-parking space requirement per the Dallas City Code, highlighting a potential oversupply of parking within the zoning standards.

ITE Parking Demand Analysis

Parking demand for the proposed development was also evaluated using ITE 5th Generation Hourly Parking Rates. **Figure 1** shows the parking demand for the development during each hour, offering a visual representation of the fluctuation in parking needs throughout the day. The peak parking demand for the Home Improvement land use is 433 parking spaces which occurred during the Saturday noon hour. The red horizontal line represents the number of parking spaces provided by the proposed East Dallas Home Depot development.

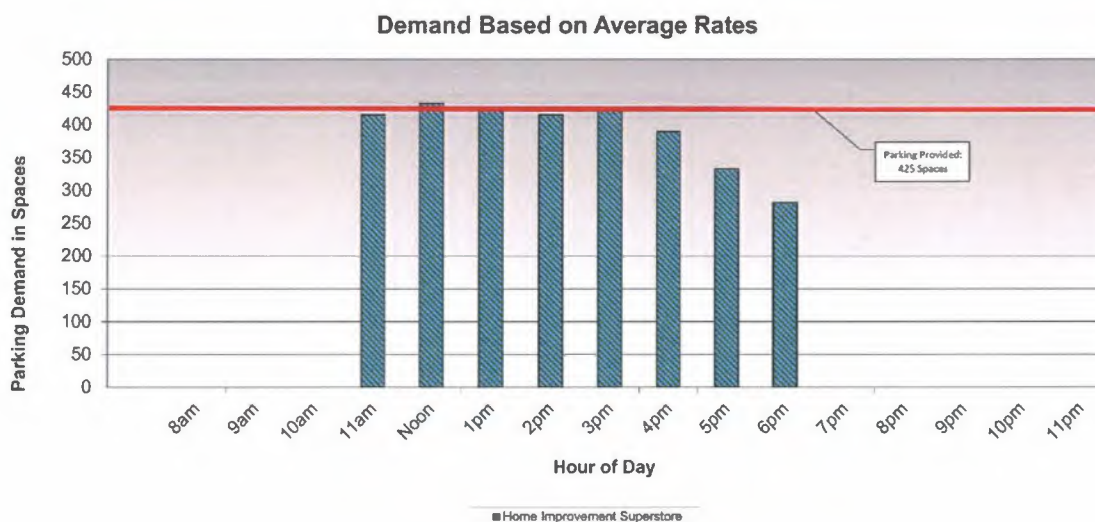


Figure 1- Predicted Parking Demand for the Development (ITE Parking Rates)

The projected 433 parking space demand is more than the 390 parking spaces provided by the proposed East Dallas Home Depot development. It should be noted however, that this is an increase of almost 200 vehicles when compared to local data collected at the Home Depot on 6000 Skillman Street. Local characteristics may account for different parking demands when compared to the parking rates provided by ITE, which are part of a national database.

A potential cause for the discrepancy between observed parking demand and the demand projected from ITE is the changing nature of consumer behavior. With some people opting to order online through services like curbside pickup, which can reduce the parking demand of a development.

Consideration to local data should be accounted for when determining the number of parking spaces that are appropriate to fulfill the land use needs.



The 433-parking space demand projected by ITE is also below the 520 parking space requirement set by the city of Dallas code, further outlining a potential oversupply of parking as per zoning standards.

Conclusion

This memorandum has analyzed the parking requirements for the proposed East Dallas Home Depot development, a 135,674 square foot home improvement store located in Dallas, Texas. Analysis of local and national data indicates that the parking demand for the proposed development is significantly below the requirements set forth by the City of Dallas code.

Data collection at a local Home Depot of similar characteristics observed a peak demand of 234 parked cars, which is less than half of the required 520 parking spaces set by the City of Dallas code. Analysis of national rates set forth by ITE indicated a peak parking demand of 433 parking spaces, which is also below the parking spaces required by the City of Dallas code. Both the local and national data analyzed in this study suggest that there is an over-requirement of parking spaces within current city standards, leading to an inefficient use of space.

The East Dallas Home Depot development is proposed to be built with 390 parking spaces. 390 parking spaces would provide ample parking capacity when compared to the observed 234 parking space demand from local data.

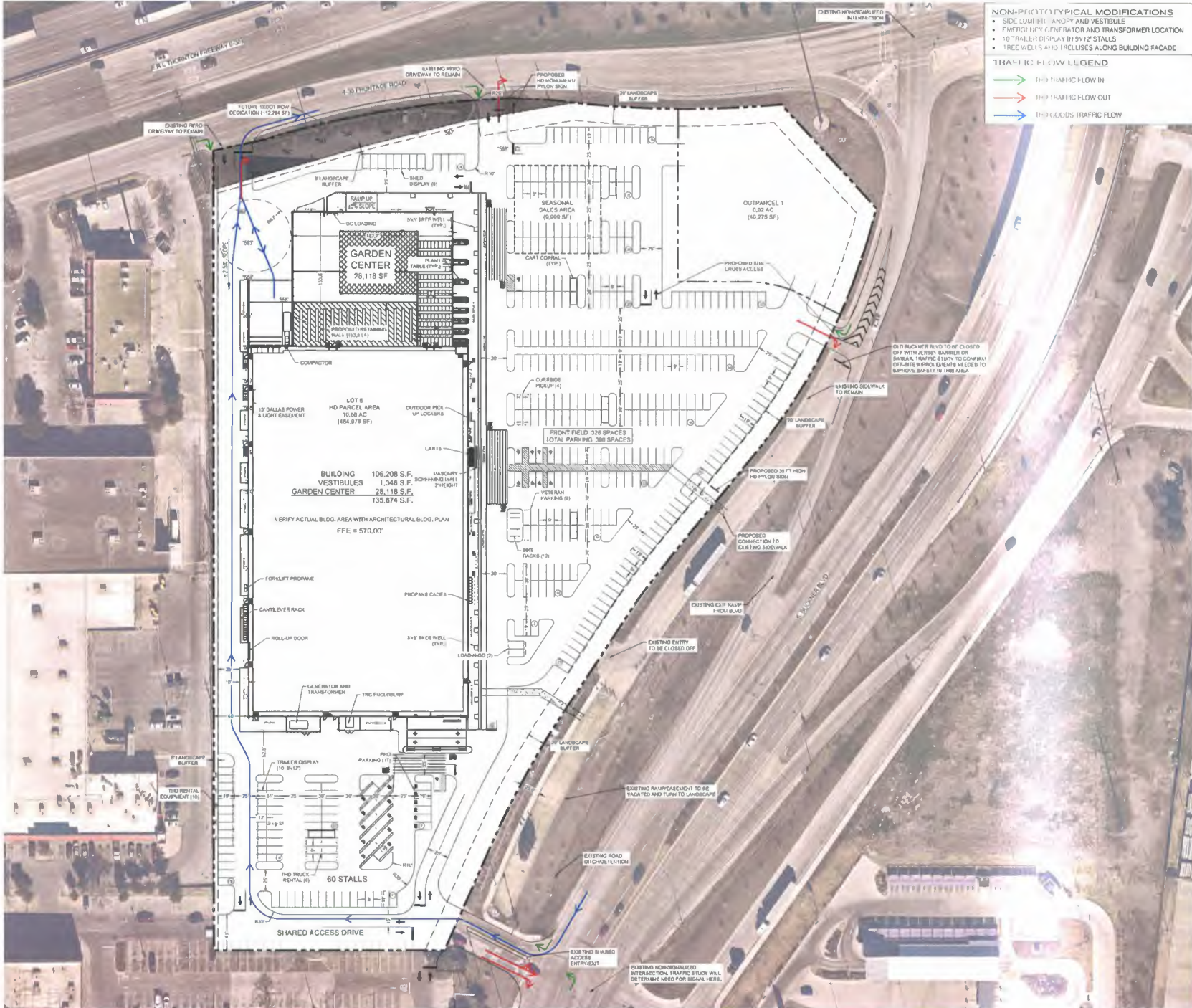
The 390 parking spaces are lower than the calculated demand from ITE rates. However, because the ITE rates represent a national database, consideration to local data should be accounted for when determining the number of parking spaces that are appropriate to fulfill the development's parking needs.

In conclusion, 390 parking spaces are more than adequate for the parking demands of the site and the development should consider decreasing the number of provided spaces further.

END

Attachments:

- Proposed Conceptual Site Plan
- ITE Parking Data Summary Table



- NON-TYPICAL MODIFICATIONS**
- SIDE LIGHTING CANOPY AND VESTIBULE
 - FUTURE 10' TRUCK RENTAL AND TRANSFORMER LOCATION
 - 10" TRUCK DISPLAY IN 24' STALLS
 - TREE WELLS AND TRENCHES ALONG BUILDING FACADE
- TRAFFIC FLOW LEGEND**
- THD TRAFFIC FLOW IN
 - THD TRAFFIC FLOW OUT
 - THD GOODS TRAFFIC FLOW

Kimley Horn



SITE AREA

THE HOME DEPOT PARCEL	10.88 AC	484,976 SF
FUTURE TPOOT ROW DEDICATION	0.28 AC	12,284 SF
OUTPARCEL 1	0.92 AC	40,275 SF
TOTAL THD SITE AREA	11.88 AC	517,535 SF

BUILDING AREA

THE HOME DEPOT	106,208 SF
GARDEN CENTER	28,118 SF
VESTIBULES	1,348 SF
TOTAL THD AREA	135,674 SF

PARKING REQUIRED

THE HOME DEPOT	1 / 275 SF	387 STALLS
EXCLUSIVE OF PARKING AREA	1 / 1,000 SF	30 STALLS
GARDEN CENTER	1 / 275 SF	103 STALLS
TOTAL PARKING		520 STALLS
DIK RACKS		21 RACKS

PARKING PROVIDED

FRONT FIELD	326 STALLS
SIDE FIELD / REAR	64 STALLS
TOTAL THD PARKING	390 STALLS

INCLUDED IN PARKING PROVIDED

ACCESSIBLE STALLS (8 REQ @ 301-400)	10 STALLS
PRO PARKING	16 STALLS
VETERAN PARKING	2 STALLS
CURBSIDE PARKING	4 STALLS
SEASONAL SALES AREA	9,999 SF
	44 STALLS

NOT INCLUDED IN PARKING PROVIDED

LOAD-400	2 STALLS
THD TRUCK RENTAL	8 STALLS
TRAILER DISPLAY	10 STALLS
SHED DISPLAY	6 STALLS
THD EQUIPMENT RENTAL	10 STALLS
CAH CORNERS	10 STALLS
ACCESSORY PARKING NOT INCLUDED	46 STALLS
TOTAL THD PARKING PROVIDED	436 STALLS

ZONING CLASSIFICATION

JURISDICTION	CITY OF DALLAS
ZONING CLASSIFICATION	REGIONAL RETAIL (RR)
THD USE PERMITTED BY RIGHT	YES
WITH RESIDENTIAL ADJACENCY REVIEW (RAR)	NO
OUTDOOR STORAGE/DISPLAY PERMITTED BY RIGHT	NO
SLIP REQUIRED	NO

BULK REGULATIONS

	REQUIRED	PROVIDED
MIN. FRONT SETBACK (BLDG.)	15'	47'
MIN. SIDE SETBACK (BLDG.)	0'	81'
MIN. REAR SETBACK (BLDG.)	40'	40'
MIN. LANDSCAPE BUFFER (8-30)	20'	20'
MIN. LANDSCAPE BUFFER (BUCKNER)	20'	20'
MAX. LOT COVERAGE (NOTE 1)	80%	30%
MAX. FLOOR AREA RATIO	1.5	0.30
MAX. BUILDING HEIGHT	70'	24'

THE HOME DEPOT
DALLAS, TX
1-30 &
SOUTH BUCKNER BOULEVARD

DRAWING ISSUE DATE: 04-28-2024
HD SITE SELECTION NUMBER: SS-02900-2001



TX - BDA SITE PLAN

Parking Generation Planner (ITE Parking Generation, 5th Edition)

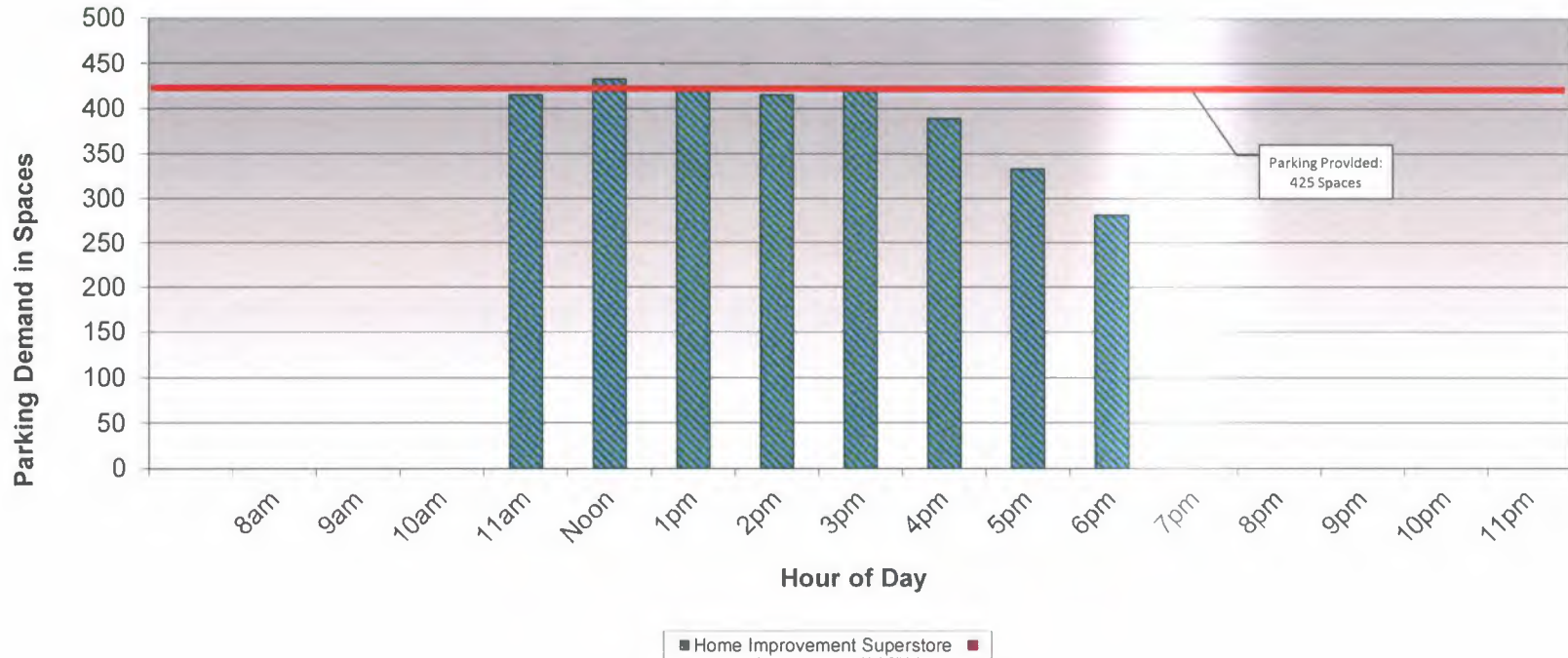
Weekday Parking Generation
Demand Based on Average Rates

Project Name East Dallas Home Depot
Project Number -



ITE Code	Land Use Description	Independent Variable	No. of Units	Day of Week	Month	Peak Rates			Demand Based on Average Rates																
						Avg	33%	85%	Avg	8am	9am	10am	11am	Noon	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm	11pm
862	Home Improvement Superstore	1,000 Sq Ft	135.67	Saturday	Avg	3.19	2.79	4.34	432.8	0	0	0	415	433	424	415	424	390	333	281	0	0	0	0	0
Totals									433	0	0	0	415	433	424	415	424	390	333	281	0	0	0	0	0

Demand Based on Average Rates



MEMORANDUM

To: Dallas Board of Adjustment (Panel C)
Dallas City Hall, L1FN AUDITORIUM

From: Christian DeLuca, P.E., PTOE

Date: July 26, 2024

Summary of Traffic and Parking Studies

Board of Adjustment Case BDA234-079

Request: Special Exception to Parking Regulations

During the Board of Adjustment meeting, several concerns were raised regarding traffic congestion and parking adequacy for the proposed East Dallas Home Depot development located at E R L Thornton Freeway. This memorandum addresses those concerns using findings from the traffic and parking studies.

Traffic Congestion

Traffic Signal Installation:

1. A traffic signal is proposed at the intersection of Buckner Boulevard and Shared Drive (Sam's Club Drive). The traffic signal is shown on the site plan and is intended to be installed as part of the project. However, the approval of the traffic signal is contingent upon City of Dallas and TxDOT approval.
2. This signal significantly improves the Level of Service (LOS) from LOS F to LOS A in the AM peak hour and LOS B in the PM peak hour, reducing delays for both Home Depot and Sam's Club traffic.

Traffic Generation:

1. The development will generate 190 additional one-way vehicle trips in the AM peak hour and will actually decrease PM peak hour trips by 191.
2. The existing Garibaldi Bazaar indoor market currently generates more traffic during the afternoon period, which is when the worst congestion occurs. Home Depot's peak traffic occurs earlier in the day, smoothing traffic flow and reducing afternoon congestion.

Parking Adequacy

Proposed Parking Supply:

1. The proposed Home Depot at E R L Thornton Freeway will provide 422 parking spaces.
2. Local data from the 6000 Skillman Street Home Depot, which has similar characteristics, showed a peak parking demand of 234 vehicles, well below the proposed 422 spaces.
3. Based on conversations regarding the selection of Skillman Street as the main reference site, the Mesquite Home Depot location was also included in the analysis. The observed peak demand at the Mesquite Home Depot was 243 vehicles, further supporting that the 422 spaces proposed for the East Dallas Home Depot site are sufficient. Updated counts are displayed below.

Table 1 – Updated Home Depot Home Depot Parking Counts

Skillman Home Depot			
Hour Beginning	Thursday (Parking Counts)	Friday (Parking Counts)	Saturday (Parking Counts)
11:00 a.m.	153	193	234
12:00 p.m.	169	215	220
1:00 p.m.	170	208	202
2.00 p.m.	-	211	-
Mesquite Home Depot			
Hour Beginning	Thursday (Parking Counts)	Friday (Parking Counts)	Saturday (Parking Counts)
11:00 a.m.	-	191	243
12:00 p.m.	-	201	237
1:00 p.m.	-	188	202
2.00 p.m.	-	-	-

Counts based on field observations conducted from February 29th, 2024 to March 2nd, 2024 for Skillman site and from June 21st, 2024 to June 22nd, 2024 for the Mesquite site.

Conclusion:

The proposed parking supply ensures patrons will easily find parking without queuing onto adjacent roadways.

The addition of a traffic signal and the shift in peak traffic times will improve overall traffic conditions. This is proposed as part of Home Depot’s development but is subject to City of Dallas Approval.

The proposed reduction in parking spaces from the Dallas City Code requirement is justified, as both local observations and national data indicate that 422 spaces will adequately meet the site's needs.



Therefore, it is recommended that the Board of Adjustments approve the requested special exception to the parking regulations, as the proposed development will not cause traffic congestion and will have sufficient parking capacity.

END



MEMORANDUM

To: Dallas Board of Adjustment (Panel C)
Dallas City Hall

From: Jordan Corbitt, P.E. (Applicant and Owner's Representative)
Kimley-Horn and Associates, Inc.

Date: October 11, 2024

Board of Adjustment Case: BDA234-079

Request: Special Exception to Parking Regulations

This memorandum is to provide updates to the Board since this case was held over at the August hearing, and to supplement the information provided within the *Summary of Traffic and Parking Studies* memorandum, dated July 26, 2024, provided by Christian DeLuca, P.E., PTOE, who is Home Depot's Traffic Engineer with Kimley-Horn.

Buckner Terrace Homeowners Association Approval

Previous to the August hearing date, I reached out and made contact with Mr. Daniel Wood who is the chair of the Buckner Terrace Homeowners Association (BTHA) to discuss our proposed project. During our conversation, we discussed the proposed project and the concerns around traffic congestion. Mr. Wood's concerns were specifically related to needing a traffic signal at the Shared Drive (Sams Club private drive that would be shared with Home Depot). I confirmed that it is Home Depot's intent to construct a traffic signal at this location, pending the City of Dallas' approval during the permitting process which is currently underway. Hearing this, Mr. Wood voiced BTHA's approval for the project. He has since provided a formal letter of support for the project which I have attached to this memorandum.

Requirements to Grant a Special Exception to the Parking Regulations

Per Section 51A-4.311, the requirements for the Board to grant a Special Exception to authorize a reduction in the number of off-street parking spaces include: 1) demonstrating that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and 2) the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.

The following evidence provided by the parking and traffic studies prepared by Kimley-Horn address each requirement.

1) Parking demand generated does not warrant the number of off-street parking spaces required.

As stated in the *Summary of Traffic and Parking Studies* memorandum prepared by Home Depot's Traffic Engineer, Christian DeLuca, P.E., PTOE, two separate Home Depot stores in the Dallas market, Skillman and Mesquite, were observed to identify the anticipated parking demand during peak hours. Peak hours are defined in the ITE Parking Generation Manual, a national design manual used to estimate parking demand.

The peak parking demand for both the Skillman and Mesquite stores occurred during the 11:00am – 12:00pm hour on two separate Saturdays. The peak parking demand for Skillman was 234 parking spaces occupied, and the peak parking demand for Mesquite was 243 parking spaces occupied. It should be noted that parking counts were obtained for the Skillman store in February-March, and the parking counts for Mesquite were obtained in June, representing similar peak demands for two separate Home Depot stores in the area of the proposed project.

The above data confirms that the parking demand generated by Home Depot does not warrant the number of off-street parking stalls required by the City of Dallas, which is 512 stalls. The East Dallas Home Depot's proposed 422 parking stalls will be more than sufficient to meet the projected customer demand.

2) The special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.

Concerns have been raised by the Board during previous hearings specifically in regard to traffic congestion being caused by granting the requested special exception. The below provides evidence that granting the special exception will not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.

The first reason is due to the excess parking that is projected with the new development. As stated with the above evidence, there is projected to be ample parking available to customers wishing to shop at the East Dallas Home Depot. Using the data obtained by observing the Skillman and Mesquite stores, the proposed 422 parking spaces for the East Dallas store represents a 44% surplus of available parking spaces for customers and employees over the projected demand. This surplus will provide customers the ability to find parking within the store's parking lot without backing up onto the adjacent road network, or into the adjacent retail development.

It should also be noted that Home Depot's standard parking stall and drive aisle dimensions vary from the City of Dallas' requirements which is to the benefit of the Home Depot customer **and** adjacent developments. Home Depot parking spaces are 9'x19', and their drive aisles are 25' wide. The City of Dallas' requirements for standard parking stalls is 8.5'x18' with 24' drive aisles. The difference is due to Home Depot's understanding that a portion of their customer base drive larger vehicles, and they want to provide the necessary space for those customers to adequately maneuver within their parking lots. Providing larger parking stalls and drive aisles

does impact their ability to provide as many parking spaces as could be provided using the standard City of Dallas parking stall and drive aisle dimensions, however, because the projected demand is less than the number of stalls that Home Depot will be providing, they are confident that there will not be an issue serving customers, and the proposed number of parking stalls will not create a traffic hazard or cause traffic congestion on the adjacent road network or developments.

As far as trip/traffic generation is concerned, as stated in the *Summary of Traffic and Parking Studies* memorandum and *Traffic Impact Analysis (TIA)* prepared by Home Depot's Traffic Engineer, Christian DeLuca, P.E., PTOE, the Home Depot development is projected to generate 190 additional one-way vehicle trips in the AM peak hour and will decrease PM peak hour trips by 191. As stated in these two documents, the worst congestion along Buckner Boulevard occurs in the PM peak hour. Since the highest demand for the home improvement use is generated during the AM time period, and over the weekend, the change in use to the site from the existing bazaar to home improvement is projected to decrease overall trips in the PM peak hour, which will help smooth traffic flow and reduce afternoon congestion on the surrounding road network.

Lastly, as also stated in these documents, the existing Shared Drive (Sams Club private drive) intersection with Buckner Boulevard operates at a Level of Service (LOS) F in both the AM and PM peak hours. Home Depot understands that this intersection is critical to their success at this location, so they are proposing to install a traffic signal at this intersection. As stated above, this was the main concern by the BTHA, and the traffic study confirms that the existing traffic volumes warrant a traffic signal at this intersection. Home Depot is willing to install a traffic signal at this intersection which will improve the LOS from F to A in the AM peak hour, and to B in the PM peak hour. This will greatly improve traffic flow along Buckner Boulevard and the surrounding road network. While the existing traffic congestion is not an issue caused by Home Depot, providing a signal to improve the Shared Drive intersection further demonstrates that Home Depot is committed to doing what is necessary to ensure that their development does not hinder their neighbors and City of Dallas residents, and that they can adequately serve their customers.

Conclusion

The above evidence has been provided to demonstrate to the Board that the request to provide 422 parking stalls meets the two requirements for granting a special exception outlined in Section 51A-4.311 of the Dallas City Code. The parking demand generated by the home improvement use does not warrant the number of off-street parking spaces required by the Dallas City Code, and granting the special exception will not create a traffic hazard or increase traffic congestion on adjacent or nearby streets. Therefore, it is recommended that the Board of Adjustments approve the requested special exception to the parking regulations, as requested.

END



Jordan Corbitt, P.E.
Kimley-Horn
11720 Amber Park Drive, Suite 600
Alpharetta, GA 30009

October 1, 2024

Dear Mr Corbitt,

The Buckner Terrace Neighborhood Association is very supportive of the proposed development of a new home improvement store within the Buckner Terrace Community. We are aware of the request for reduced parking requirements which will enable the concept to work in this location. During the Buckner Terrace Community Meeting on September 24, 2024, the community was overwhelmingly supportive of the overall project.

To be honest, this is an incredible enhancement to the community's business area and we look forward to working with you during the process to enhance the community.

Sincerely,


Daniel Wood
Chair, Buckner Terrace Neighborhood Association

FILE NUMBER: BDA234-127(CJ)

BUILDING OFFICIAL'S REPORT: Application of Samuel and Lauren Huffines represented by Karl Crawley to appeal the decision of the administrative official at 5239 MONTICELLO AVENUE. This property is more fully described as Block Q/2185, Lot 9, and is zoned CD-9, which requires compliance with conservation district standards. The applicant proposes to appeal the decision of an administrative official in the denial of a conservation district work review.

LOCATION: 5239 Monticello Avenue

APPLICANT: Samuel and Lauren Huffines

REPRESENTED BY: Karl Crawley

REQUEST:

A request is made to appeal the decision of an administrative official in the official in the denial of a conservation district work review.

STANDARD FOR APPEAL FROM DECISION OF AN ADMINISTRATIVE OFFICIAL:

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

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

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

STAFF RECOMMENDATION:

Administrative Official Appeal (1):

No staff recommendation is made on this request.

BDA History:

No BDA History found at 5239 Monticello Avenue in the last 5 years.

Zoning:

Site: Conservation District (CD) #9

North: Conservation District (CD) #9

South: Conservation District (CD) #9
East: Conservation District (CD) #9
West: Conservation District (CD) #9

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

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

Timeline:

September 9, 2024: The applicant was sent a denial letter for CD24060603 application to paint previously unpainted brick.

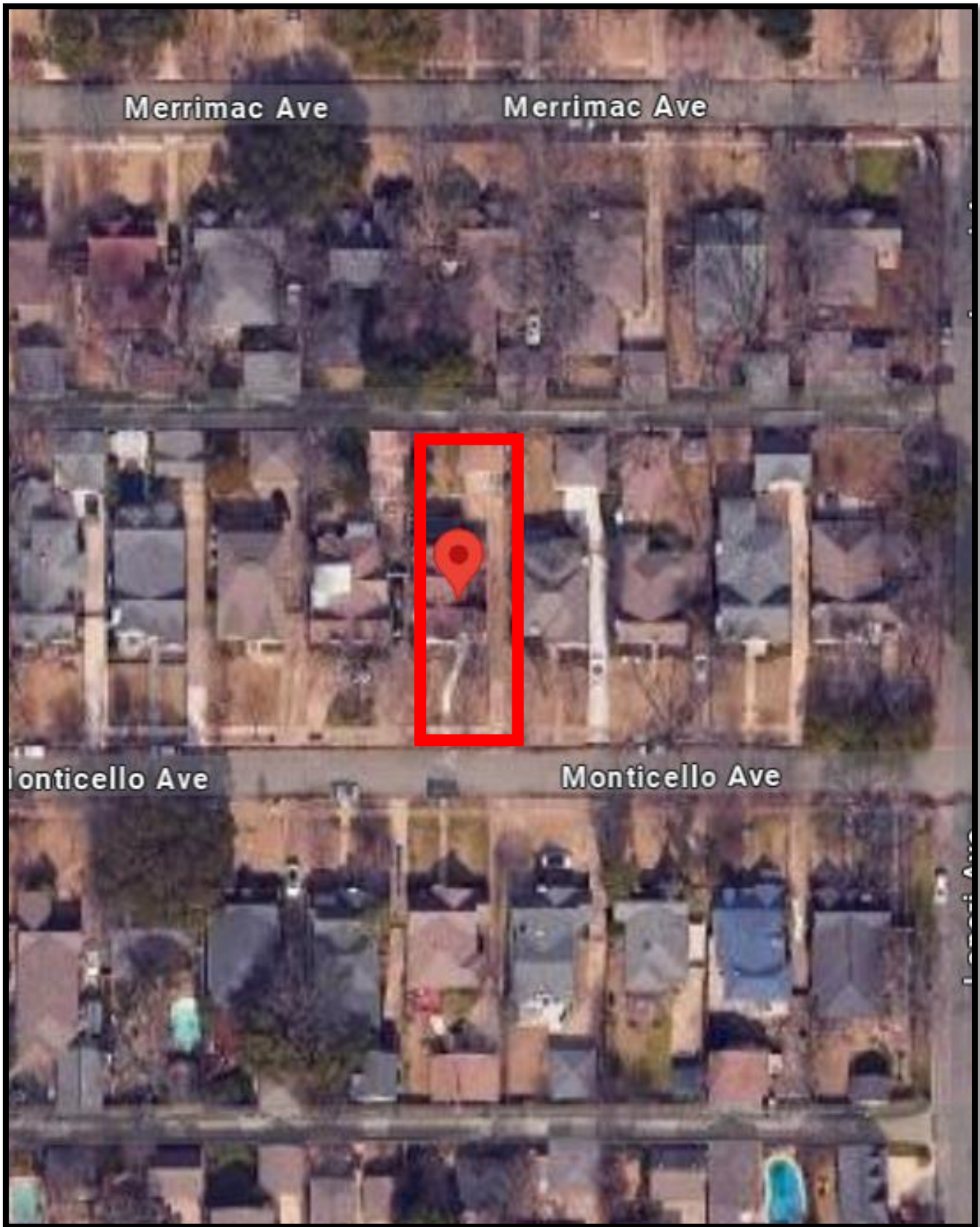
September 10, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.


September 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.


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

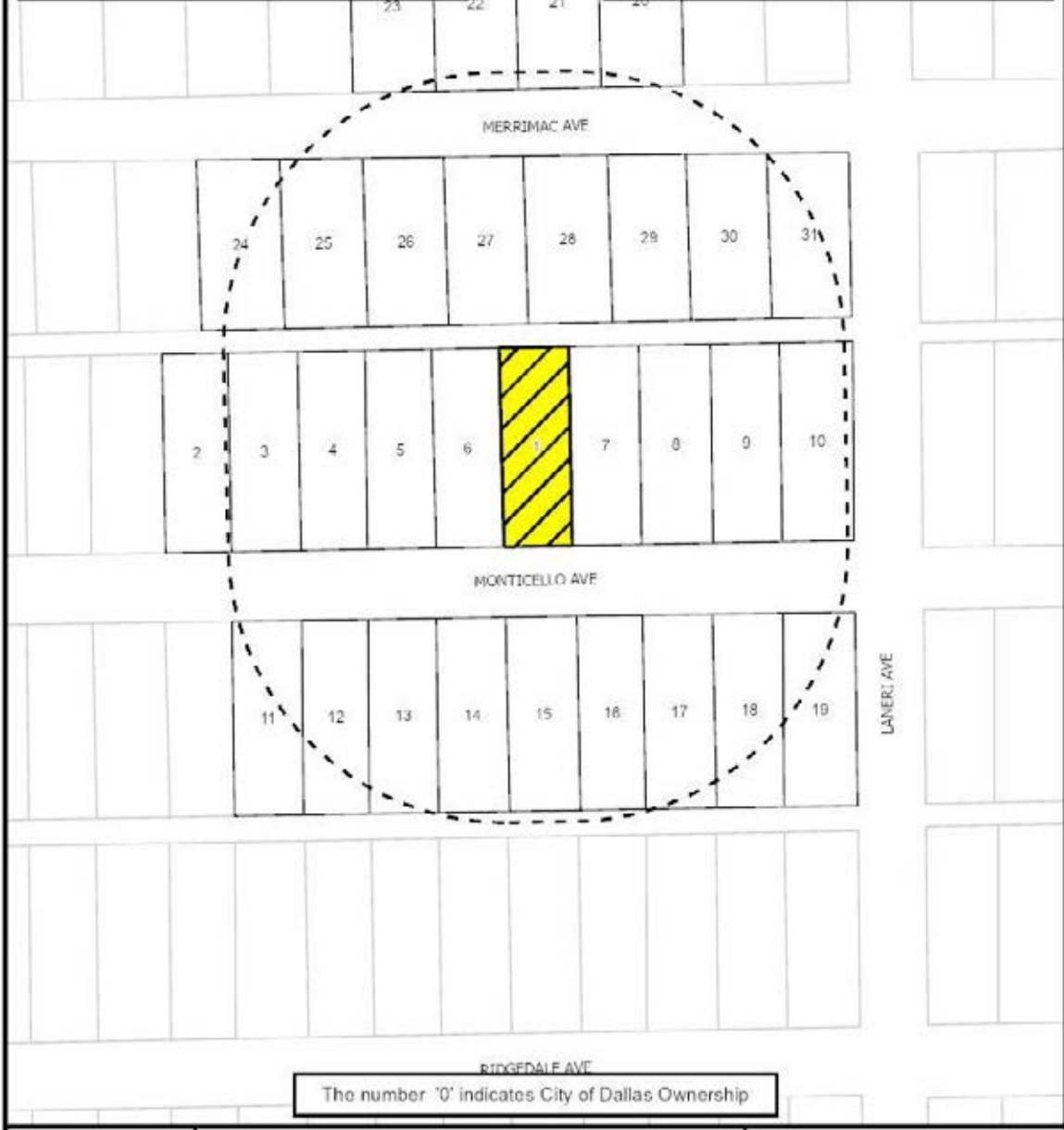
- an attachment that provided the hearing date and panel that will consider the application; the October 11, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

October 3, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the October 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.

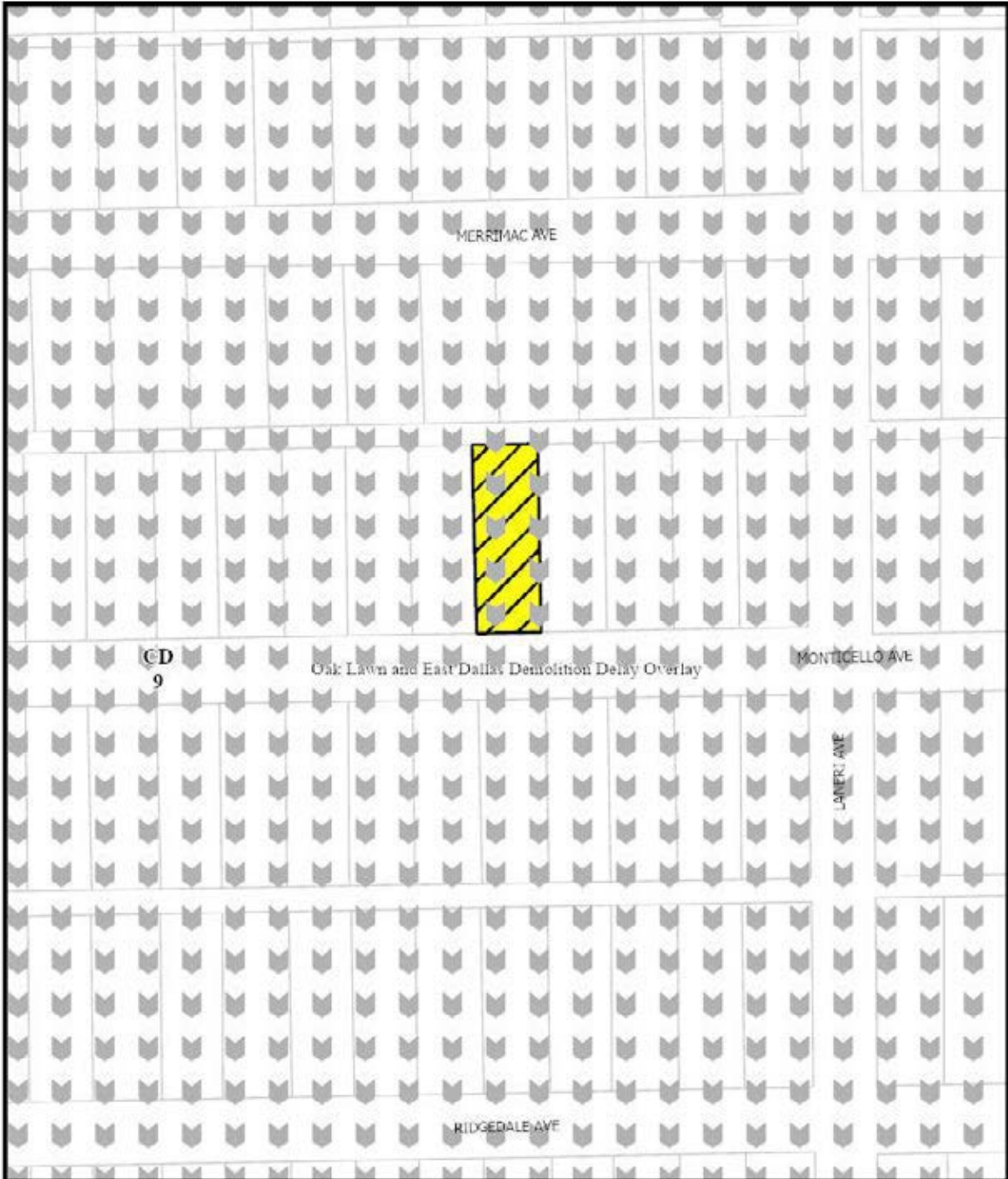


The area of request is hatched . Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only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

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



 1:1,200	<h2>NOTIFICATION</h2>	Case no: <u>BDA234-127</u>
	<div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">200'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">31</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	Date: <u>9/16/2024</u>



1:1,200

ZONING MAP

Case no: BDA234-127

Date: 09/16/2024

Notification List of Property Owners

BDA234-127

31 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5239 MONTICELLO AVE	HUFFINES SAMUEL RAY JR &
2	5219 MONTICELLO AVE	BERKMAN NANCY HAMMOND
3	5223 MONTICELLO AVE	EWING SHEILA R & SCOTT M
4	5227 MONTICELLO AVE	PATTON JARRETT
5	5231 MONTICELLO AVE	DAVIS DONALD A &
6	5235 MONTICELLO AVE	HAMM SUSAN K E &
7	5243 MONTICELLO AVE	KLEIN NANCY H
8	5247 MONTICELLO AVE	Taxpayer at
9	5251 MONTICELLO AVE	BATES INVESTMENTS GROUP LLC
10	5253 MONTICELLO AVE	HASKETT STEVEN P &
11	5222 MONTICELLO AVE	JONES DEREK T &
12	5226 MONTICELLO AVE	HAYWOOD MAURICE L
13	5230 MONTICELLO AVE	NOLAN WILLIAM RYAN
14	5234 MONTICELLO AVE	MERCHUN CHRISTOPHER J &
15	5238 MONTICELLO AVE	COX CHARLES E
16	5242 MONTICELLO AVE	ALLIS MCKENSEY & GREGORY
17	5246 MONTICELLO AVE	BELL LEONARD C
18	5250 MONTICELLO AVE	MATHEW STANLEY M & KAVITHA
19	5252 MONTICELLO AVE	WHEELER MARY JANE &
20	5241 MERRIMAC AVE	CLOUSE KEITH & JAMI TAVERNA
21	5235 MERRIMAC AVE	JOHANNESSEN DORA & PETER JR
22	5231 MERRIMAC AVE	JONES ROBERT TYLER
23	5227 MERRIMAC AVE	WU KAI
24	5218 MERRIMAC AVE	GAITHER CATHERINE ELIZABETH
25	5222 MERRIMAC AVE	MCDUGAL MILES R &
26	5226 MERRIMAC AVE	ROBINSON JOHN R & MONICA

09/16/2024

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	5230 MERRIMAC AVE	FULLEN MELISSA EST OF
28	5238 MERRIMAC AVE	MCSHANE ROBERT
29	5242 MERRIMAC AVE	COMSTOCK GRAHAM D & LINDSEY R
30	5246 MERRIMAC AVE	SCHOELLKOPF JESSICA GERTRUDE & MARK LINGO
31	5248 MERRIMAC AVE	Taxpayer at



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
31 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA234-127**

Date: **9/16/2024**

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: MONDAY, OCTOBER 21ST, 2024

BRIEFING: 10:30 a.m. via Videoconference and in 6ES COUNCIL BRIEFING, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa1021C>

HEARING: 1:00 p.m. via Videoconference and in 6ES COUNCIL BRIEFING, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa1021C>

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

BDA234-127(CJ) Application of Samuel and Lauren Huffines represented by Karl Crawley to appeal the decision of the administrative official at 5239 MONTICELLO AVENUE. This property is more fully described as Block Q/2185, Lot 9, and is zoned CD-9, which requires compliance with conservation district standards. The applicant proposes to appeal the decision of an administrative official in the denial of a conservation district work review.

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

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

The Board of Adjustment hearing will be held by videoconference and in Council Chambers at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure by joining the meeting virtually, must register online at <https://bit.ly/BDA-C-Register> or contact the Development Services Department at 214-670-4127 by the close of business Sunday, October 20th, 2024. 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 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"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 234-127

Data Relative to Subject Property: 0000020455600000 Date: 9/10/24

Location address: 5239 Monticello Ave. Dallas, TX 75206 Zoning District: M Streets CD #9

Lot No.: 10 Block No.: Q/2185 Acreage: 7,250 sqft Census Tract: 48113000300

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

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Samuel Ray Jr. & Lauren C. Huffines

Applicant: Samuel Ray Jr. & Lauren C. Huffines Telephone: 214.808.4378

Mailing Address: 5239 Monticello Ave. Dallas, TX Zip Code: 75206

E-mail Address: sam.huffines@gmail.com

Represented by: Karl A Crawley, Masterplan Telephone: 214.389.2274

Mailing Address: 2201 Main St Ste 1280 Dallas, TX Zip Code: 75201

E-mail Address: karl@masterplantexas.com

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

Appeal of the Building Official's decision to deny the painting of brick on the residence at 5239 Monticello Ave.

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:
Reconsideration of information of Building Official's decision to deny painting exterior brick.

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

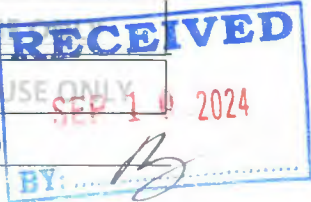
Before me the undersigned on this day personally appeared KARL A CRAWLEY
(Affiant/Applicant's name printed)

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

Respectfully submitted: [Signature]
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 9 day of September, 2024

[Signature]
Notary Public in and for Dallas County, Texas





CITY OF DALLAS
AFFIDAVIT

Appeal number: BDA 234-127

I, Lauren C. Huffines, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 5239 Monticello Avenue
(Address of property as stated on application)

Authorize: Karl A Crawley, Masterplan
(Applicant's name as stated on application)

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

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

Specify: Appeal of the Building Official's decision to deny the painting of brick on the residence at 5239 Monticello Ave.

 Lauren C. Huffines
 Print name of property owner or registered agent

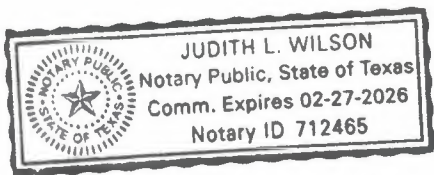
Lauren C. Huffines
 Signature of property owner or registered agent

agent Date 8/8/24

Before me, the undersigned, on this day personally appeared
LAUREN C HUFFINES

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 8TH day of
AUGUST, 2024



Judith L. Wilson
Notary Public for Dallas County,
Texas

Commission expires on
2/27/2026



Appeal number: BDA 234-127

I, Samuel Ray Huffines, Jr., Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 5239 Monticello Avenue
(Address of property as stated on application)

Authorize: Karl A Crawley, Masterplan
(Applicant's name as stated on application)

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

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

Specify: Appeal of the Building Official's decision to deny the painting of brick on the residence at 5239 Monticello Ave.

Samuel Ray Huffines, Jr.
Print name of property owner or registered agent

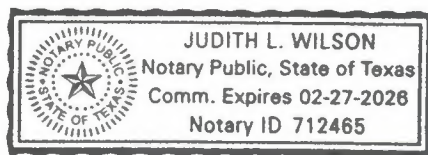
[Signature]
Signature of property owner or registered agent

agent Date 8/8/24

Before me, the undersigned, on this day personally appeared SAM HUFFINES JR

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 8TH day of AUGUST, 2024



[Signature]
Notary Public for Dallas County, Texas

Commission expires on 2/27/2026



City Limits	Parking Management Overlay	MD Overlay
Highways	Shopfront Overlay	Historic Subdistricts
Ramps and Access Roads	Base Zoning	Historic Overlay
Flood Zone	PD193 Oak Lawn	CD Subdistricts
100 Year Flood Zone	Dallas Environmental Corridors	PD Subdistricts
East Peak's Branch	DOO Overlay	PDS Subdistricts
East Peak's Branch PFP	Dead Restrictions	NSO Subdistricts
Floodway	SUP	NSO_Overlay
M8 Creek	D	Escarpment Overlay
M8 Creek PFP	D-1	
Peak's Branch	CP	
Peak's Branch PFP	SP	
X Protected by Levee		
Parks		
Height Map Overlay		

1:2,400

Case ID:
Printed: 9/4/2024

SHIPPED DATE: 5-9-96 RECEIVED DATE: 7-11-96

CITY OF DALLAS PLAT BOOKS

Q R S T U V W X
BLOCKS 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192

ANNEXED _____ ORD. NO. _____
SURVEY J. W. SMITH _____ ABST. 1334

ADDITION _____
SCALE 100 FT. EQUALS 1 INCH

SCHOOL DISTRICT DALLAS

FILED: 1/2188 & 1/2189 - JUNE 8, 1911





CITY OF DALLAS

September 9, 2024

CERTIFIED MAIL NO. 7021 0950 0001 7195 7699

Mrs. Lauren and Mr. Sam Huffines

5239 Monticello Avenue

Dallas, TX 75205-1215

RE: Denial of CD24060603 application to paint previously unpainted brick

Dear Lauren and Sam Huffines:

Your Conservation District Work Review application to paint the previously unpainted brick at 5239 Monticello Avenue has been denied. You may appeal this decision to the Board of Adjustment pursuant to Ordinance 28946(r)(5). In considering the appeal, the sole issue before the Board of Adjustment is whether the Director erred in the decision to deny your application. The Board of Adjustment shall consider the standards that were required when the review was done. The enclosed Conservation District work certificate contains sections of the ordinance pertinent to the denial of your application.

You have twenty (20) days from the date of the denial to file your appeal with the Board of Adjustment. Any questions related to an appeal should be directed to Kameka Miller-Hoskins, Chief Planner/Board Administrator for the Board of Adjustment, whose contact is (214) 948-4478 or kameka.mhoskins@dallas.gov, or Diana Barkume, Senior Plans Examiner, at (214) 942-4364 or diana.barkume@dallas.gov.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Trevor A. Brown'.

Trevor A. Brown
Chief Planner, Conservation Districts

Enclosure:
Conservation District Certificate of Denial

Courtesy Copy:
Karl A. Crawley, Masterplan, Executive Director
2201 Main St, Suite 1280
Dallas, TX 75201
Via electronic transmission

Conservation District Denial



M Streets Conservation District

City of Dallas

Date Applied: 06/06/24

Date Reviewed: 09/09/24

Address: 5239 MONTICELLO AVE

Applicant: Mathews, Amy
2201 Main St, Suite 1280
Dallas, TX 75201
(972) 795-3426
amy@masterplantexas.com

Architectural Style: Tudor Cottage

Proposed Work: Other - no permit required

Paint previously unpainted brick. (After-the-fact request)

Permit is required: NO

Work is Denied

1. CD24060603, the Conservation District Work Review application to paint the previously unpainted brick at 5239 Monticello Ave is denied.
2. The structure is classified as Tudor Cottage.
3. Painting of unpainted brick does not meet the standards for remodeling of a Tudor Cottage under Ord. 28946(f)(1) and (2), and applicable sections of Ord. 28946(e).
4. Remodeling of houses that are identified as High Tudor or Tudor Cottage in Exhibit B must comply with the standards for new construction and the standards contained in this section. This section applies to the front facade and wrap-around. Ord. 28946(f)(1)
5. Any remodeling must match the original brick and stone in size, color, coursing, texture, mortaring, and joint detailing. Ord. 28946(f)(2)
6. All new construction must be built in the High Tudor style and must be compatible with original houses. Ord. 28946(e)(2)
7. Except as otherwise provided in this paragraph, new houses must be constructed of brick and/or stone using the same colors, course patterns, material placement, and material combinations found in original houses. Ord. 28946(e)(3)(A)
8. Brick must be scratch-face or textured, with at least three subtle variations in tone. Brick colors and textures must be typical of the brick used on original houses. Brick must be modular or standard size. Ord. 28946(e)(3)(B)

Andrew Espinoza, CBO, MCP, CFM, CCEA

The application was reviewed for compliance with the development standards and

DENIED

Conservation District Denial



M Streets Conservation District

City of Dallas

design requirements for this Conservation District Ordinance.
This certificate applies only to the work identified on this document. Additional work will have to be reviewed separately.

DENIED

DEPARTMENT OF SUSTAINABLE DEVELOPMENT & CONSTRUCTION CONSERVATION DISTRICT WORK REVIEW FORM



City of Dallas

NOTE TO APPLICANT: Please complete this form and print out. Information typed on this form can be saved. If you have any questions or need additional information, please contact any of the planners listed on the Conservation District website: <https://dallascityhall.com/departments/pnv/Pages/Conservation-Districts.aspx>

Submit this form and individual copies of each applicable site plan, elevations and specification sheets to the City of Dallas online permit portal, Project Dox, at <https://plansubmittal.dallascityhall.com/>. Additional instructions can be found on the Conservation District website under the "Project Dox" tab.

DATE:	09/04/24	CONSERVATION DISTRICT:	M Streets CD #9
PROPERTY ADDRESS:	5239 Monticello Ave		
APPLICANT NAME:	Samuel Ray Jr. & Lauren C. Huffines	PHONE NO:	214.828.4378
APPLICANT ADDRESS:	5239 Monticello Ave, Dallas 75206	FAX NO:	
EMAIL ADDRESS:	Sam.huffines@gmail.com		
ARCHITECTURE STYLE (if applicable):			
DESCRIPTION OF PROPOSED WORK:	Painting exterior brick.		

The proposed work was reviewed for compliance with the development standards and design requirements for this Conservation District Ordinance.

FOR OFFICE USE ONLY

The proposed work is:

- Approved as submitted - meets development and design standards.
- Approved with the following conditions/comments: _____

- Denied. Application does not meet the following requirements: _____

REVIEWED BY: _____

DATE RECEIVED: _____

DATE REVIEWED: _____

BUILDING PERMIT REQUIRED: YES | NO

Copy to: Applicant and File

CONSERVATION DISTRICT SUBMITTAL REQUIREMENTS

APPLICATION CHECKLIST AND REQUIRED DOCUMENTS (CONTINUED)

DRIVEWAYS, RETAINING WALLS, WALKWAYS AND OTHER FLATWORK

- Site plans drawn to scale that show the entirety of the site, including all improvements and lot lines, and the proposed footprint of the flatwork.
- Specifications of the materials proposed for the flatwork.
- Retaining wall projects must provide scalable elevations of the wall, including a section showing the footer below grade, the height of the wall above grade, and the soil being retained.

PLAN DRAWING STANDARDS

1. **Minimum scale of 1/8" = 1'-0" on all plans and elevations, unless otherwise approved by a Conservation District Planner. Plans should not be reduced and must be to scale to verify measurements.**
2. All drawing documents submitted for review must have a minimum text size of 3/32" and a minimum drawing sheet size of 11" by 17" and a maximum of 36" by 48", "E" size.
3. Additional information pertaining to Conservation Districts, including a list of ordinances, maps, and other general information can be found at: <https://dallascityhall.com/departments/ov/Pages/Conservation-Districts.aspx>

NOTE: Additional information required by the Building Official may be necessary for the issuance of the permit (Ordinance no. 26029).

I, KAM A CRAWLEY have read the above information and acknowledge that all required documents have been provided.

Signature [Handwritten Signature]

Date 09/08/2024

Please note that staff cannot accept incomplete applications or illegible construction documents.

11 October 2024

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

RE: BDA234-127; 5239 Monticello Ave

Dear Board Member:

Request

The homeowners of the referenced property seek to appeal the Building Official’s decision that denies the painting of the exterior brick of the residence located at 5239 Monticello Avenue. The intent is to enhance the home’s appearance **without engaging in remodeling by altering or replacing the original brick**. This is important because Ord. 25116(A)(2)(DD), which created the M-Streets Conservation District (CD No. 9), defines remodel as follows: “REMODEL means improvements or repairs that change the appearance of the main structure or replace original materials of the main structure with another material.” **The owners only desire to paint the brick. The original materials and texture remain—they are not replaced—and the appearance is not changed.**

This request is before the Board today because SEC. 51A-4.703 allows the Board of Adjustment, in whole or in part, to affirm, reverse, or amend the decision of the official.

If we consider that the conservation district’s purpose is not only to protect the physical attributes but also promote development or redevelopment that is compatible with an existing neighborhood, then our residence is consistent with other homes on the street, as multiple residences along Monticello Avenue and throughout CD 9 have painted exterior brick. **In fact, the neighborhood association at one time provided a Frequently Asked Questions (FAQ) document that addressed the painting of the brick (full FAQ provided as Exhibit B). Please note that this FAQ is from the archive of a website that is no longer live but was used for communication during the creation of the ordinance.**

I've heard we won't be allowed to paint the brick on our houses, Is this true?
THIS IS NOT TRUE! The ordinance does NOT prohibit (or even address) painting your brick or stone, nor does it address the color of paint you can use. You can paint your house fluorescent purple if you like, even if you live in a Tudor. What the ordinance requires is that you match your brick as closely as possible if you're doing renovations on the front. So if you've got painted brick, you'd need to paint the new brick the same color. If your brick is not painted, you can paint it and the new brick. Call Jack Guerra at the City at 214-670-3620 if you have any questions about this.

Additionally, SEC 51A-4.505 (D)(4)(D): the Conservation District ordinance, that may also include, but is not limited to, the following development and architectural standards the use of specific paint colors. Thereby, within M-Streets Conservation District (CD No. 9) to have paint colors listed as an optional standard. Although the ordinance does prohibit painting brick under the architectural standards for commercial buildings, it does not extend this restriction to the architectural standards of residential buildings. However, the ordinance does mandate that all decorative wood elements must be painted differentiating them from the brick elements, exempting them from this requirement under the development standards.

Development Code Regulations from CD No. 9 Ordinance

Ord. 28946(e)(2): Style. All new construction must be built in the High Tudor style and must be compatible with original houses.

Ord. 28946(e)(3)(A): Materials. Except as otherwise provided in this paragraph, new houses must be constructed of brick and/or stone using the same colors, course patterns, material placement, and material combinations found in original houses.

Ord. 28946(e)(3)(B): Materials. Brick must be scratch-face or textured, with at least three subtle variations in tone. Brick colors and textures must be typical of the brick used on original houses. Brick must be modular or standard size.

Ord. 28946(f)(1): Applicability. Remodeling of houses that are identified as High Tudor or Tudor Cottage in Exhibit B must comply with the standards for new construction and the standards contained in this section. This section applies to the front facade and wrap-around.

Ord. 28946(f)(2): Materials. Any remodeling must match the original brick and stone in size, color, coursing, texture, mortaring, and joint detailing.

History and Appeal

On September 9, 2024, the homeowners of 5239 Monticello Avenue received a Conservation District Denial letter (see Exhibit A), stating the work of painting of the exterior brick was denied. An appeal was subsequently filed to consider whether the Director erred in the decision to deny the homeowners' application.

The property is located south of Merrimac Avenue, west of Laneri Street, and east of Homer Street. See the following table for surrounding zoning districts and uses. The dominant land use trend is single-family residential.

Location	Zoning District	Use
Subject Site	CD-9	Single-Family Dwelling Unit
North	CD-9	Single-Family Dwelling Unit
South	CD-9	Single-Family Dwelling Unit
East	CD-9	Single-Family Dwelling Unit
West	CD-9	Single-Family Dwelling Unit

On September 19, 2024, we conducted a site visit to mark existing painted exterior brick of properties located along Monticello Avenue and surrounding the subject property. There are 14 houses with painted exterior brick, seven of which are located along the same side of Monticello Ave as the subject property. Accordingly, 57% of the homes along the same block face have painted exterior brick in comparison to 42% of non-painted homes. The proposed painting of the exterior brick complies with the compatibility of the existing neighborhood.

CD No. 9's governing ordinance defines compatible as follows: "COMPATIBLE means consistent with the architectural design, features found within the district, including architectural style, scale, massing, setbacks, colors, and materials." Our brick is compatible with the color found on homes in the district.



The subject property is compatible with the following 14 addresses (also shown on the map above):

Address	Zoning District	Use
5134 Monticello Ave	CD-9	Single-Family Dwelling Unit
5203 Monticello Ave	CD-9	Single-Family Dwelling Unit
5206 Monticello Ave	CD-9	Single-Family Dwelling Unit
5207 Monticello Ave	CD-9	Single-Family Dwelling Unit
5211 Monticello Ave	CD-9	Single-Family Dwelling Unit
5214 Monticello Ave	CD-9	Single-Family Dwelling Unit
5223 Monticello Ave	CD-9	Single-Family Dwelling Unit
5226 Monticello Ave	CD-9	Single-Family Dwelling Unit
5231 Monticello Ave	CD-9	Single-Family Dwelling Unit
5234 Monticello Ave	CD-9	Single-Family Dwelling Unit
5235 Monticello Ave	CD-9	Single-Family Dwelling Unit
5242 Monticello Ave	CD-9	Single-Family Dwelling Unit
5247 Monticello Ave	CD-9	Single-Family Dwelling Unit
5250 Monticello Ave	CD-9	Single-Family Dwelling Unit

Board History

The following properties surrounding the subject site have recently received Board of Adjustment approval for painting of the exterior brick:

Case Number	Address	Action
BDA223-046	5519 Morningside Ave.	Panel A approved AO of painting of exterior brick on May 16, 2023.
BDA223-055	5519 Ridgedale Ave.	Panel A approved AO of painting of exterior brick on May 16, 2023.
BDA223-078	5511 Merrimac Ave.	Panel A Reversed decision granted AO for painting of exterior brick on August 15, 2023.

Summary

The client is asking for a reversal of the decision that denies the painting of the exterior brick at 5239 Monticello Avenue.

We recognize that, in 2002, the Greenland Hills neighborhood became a conservation district and believed in the importance of the conservation of the brick material. Please see the brick rubbing and photos of the bricks in their current condition, provided as proof that the brick on the subject property has retained its texture and is a neutral, compatible color.




In addition, the Greenland Hills Neighborhood Association (GHNA) provides an M Streets Conservation District FAQ document (*full document provided as Exhibit B*). Please note that the GHNA itself states that brick can be painted.

I've heard we won't be allowed to paint the brick on our houses, Is this true?
THIS IS NOT TRUE! The ordinance does NOT prohibit (or even address) painting your brick or stone, nor does it address the color of paint you can use. You can paint your house fluorescent purple if you like, even if you live in a Tudor. What the ordinance requires is that you match your brick as closely as possible if you're doing renovations on the front. So if you've got painted brick, you'd need to paint the new brick the same color. If your brick is not painted, you can paint it and the new brick. Call Jack Guerra at the City at 214-670-3620 if you have any questions about this.

In conclusion, all other aspects of the development comply with the zoning ordinance's design, style, and material standards.

Regards,



Crystal Lemus
Consultant
Masterplan Texas

Exhibit A

Conservation District Denial



M Streets Conservation District

City of Dallas

Date Applied: 06/06/24

Date Reviewed: 09/09/24

Address: 5239 MONTICELLO AVE

Applicant: Mathews, Amy
2201 Main St, Suite 1280
Dallas, TX 75201
(972) 795-3426
amy@masterplantexas.com

Architectural Style: Tudor Cottage

Proposed Work: Other - no permit required

Paint previously unpainted brick. (After-the-fact request)

Permit is required: NO

Work is Denied

1. CD24060603, the Conservation District Work Review application to paint the previously unpainted brick at 5239 Monticello Ave is denied.
2. The structure is classified as Tudor Cottage.
3. Painting of unpainted brick does not meet the standards for remodeling of a Tudor Cottage under Ord. 28946(f)(1) and (2), and applicable sections of Ord. 28946(e).
4. Remodeling of houses that are identified as High Tudor or Tudor Cottage in Exhibit B must comply with the standards for new construction and the standards contained in this section. This section applies to the front facade and wrap-around. Ord. 28946(f)(1)
5. Any remodeling must match the original brick and stone in size, color, coursing, texture, mortaring, and joint detailing. Ord. 28946(f)(2)
6. All new construction must be built in the High Tudor style and must be compatible with original houses. Ord. 28946(e)(2)
7. Except as otherwise provided in this paragraph, new houses must be constructed of brick and/or stone using the same colors, course patterns, material placement, and material combinations found in original houses. Ord. 28946(e)(3)(A)
8. Brick must be scratch-face or textured, with at least three subtle variations in tone. Brick colors and textures must be typical of the brick used on original houses. Brick must be modular or standard size. Ord. 28946(e)(3)(B)

Andrew Espinoza, CBO, MCP, CFM, CCEA

The application was reviewed for compliance with the development standards and

DENIED

Page 1 of 2

Conservation District Denial



M Streets Conservation District

City of Dallas

design requirements for this Conservation District Ordinance.

This certificate applies only to the work identified on this document. Additional work will have to be reviewed separately.

DENIED

Page 2 of 2

Exhibit B

10/27/22, 9:44 AM

FAQ - M Streets Conservation District

The Wayback Machine - <https://web.archive.org/web/20030320230209/http://www.mstreetscd.org:80/faq.html>



Save the M Streets

[Home](#) [Our Mission](#) [Sign Up for E-mail Updates](#) [Proposed CD Ordinance](#) [Neighborhood Architectural Study](#) [Contact Us](#) [FAQs](#) [News](#) [Resources](#)

[What's the Process?](#) [Historic vs. Conservation](#) [M Streets' History](#) [Map of District](#)

Frequently Asked Questions

On November 13, 2002, Greenland Hills became a conservation district. Like historic districts, conservation districts preserve the architectural character of a neighborhood.

All new construction and exterior remodeling undertaken in the district must now adhere to the conservation district guidelines. This means you must get a [Conservation District Permit](#) from the City Department of Development Services before starting exterior renovations to your house, in addition to any Building Permits that may also be required.

Q. I am doing exterior renovations to my home. What types of permits do I need?

A. Anytime you make changes to the exterior of your home, you'll need to get a [Conservation District Permit \(download\)](#). You can [download the permit form](#) from this website, or get it from the Development Services Department or Building Inspection. You'll turn the form in to Building Inspection, and they will forward the application to the Development Department.

On the review form, you'll need to provide the property owner's name, address, and phone number, a description of the work to be done, and the name of the conservation district in which the property is located (we are the "M Streets Conservation District"). This allows the Development Department staff to compare the proposed work with the conservation district ordinance and ensure that the work meets all of the requirements.

In addition, if you are making structural changes to your home, you may also need to get a Building Permit. You can get a copy of this form at the Building Inspection Office or online at www.dallascityhall.com. You will return the completed form to the Building Inspection office at the same time you apply for your Conservation District Permit. When you start your project, you must prominently display both the Conservation District Permit and the Building Permit side-by-side in your window.

The bottom line is: When you are making non-structural changes to the exterior of your house, you'll need to get a Conservation District Permit. When you are making structural changes to the exterior of your house, you'll need to get both a Conservation District Permit and a Building Permit.

Q. What type of work requires a Conservation District Permit?

A. Any work that alters the exterior appearance of your home will require a Conservation District Permit. Some examples include:

- Building a new fence (if visible from the street)
- Altering the "waterfall steps" leading from the sidewalk to the house
- Installing new windows or doors
- Installing a new roof
- Building on vacant lots
- Altering/removing/brick or stonework
- Enclosing or opening a porch

<https://web.archive.org/web/20030320230209/http://www.mstreetscd.org/faq.html#paint>

1/5

- Demolishing the home
- Installing or altering retaining walls
- Any other exterior modifications

If you have questions, contact Nathaniel Barnett at (214) 670-1497 or nbarnet@ci.dallas.tx.us.

Q. When is a building permit required?

A. A building permit is typically required for work being done that affects the structure of a home or garage. Building permits can be obtained at the Oak Cliff Municipal Center. The applicant must submit plans of the work to be done and the appropriate fee prior to receiving the permit. Depending on the work to be done, the application process can take from 2 days to 6 weeks to complete.

Examples of work that requires a building permit include:

- Creating a new opening for window or door
- Building an addition
- Putting on a new roof

Q. How long does it take to get a Conservation District Permit?

A. Depending on the complexity of the work to be done, a response can be given to the applicant between 1 and 5 days.

Q. What do I do if I see construction or alterations without the Conservation District Permit?

A. Call Tony Fisher with the City of Dallas Code Enforcement at 214-957-8669 and e-mail angela@mstreetscd.org.

Q. What are the boundaries of the M Streets Conservation District?

A. The District is bounded by Central Expressway, McCommas (both sides of the street), Greenville, and Vanderbilt (both sides of the street).

Q. Where can I find a copy of the ordinance?

A. You can get a copy of the ordinance by contacting Nathaniel Barnett at (214) 670-1497, nbarnet@ci.dallas.tx.us, or via fax at (214) 670-0728. You can also find the ordinance at www.mstreetscd.org.

If you don't see your questions answered here, please [e-mail us](mailto:).

Below are some specific questions that came up prior to the passage of our Conservation District Ordinance.

- [I've heard we won't be allowed to paint the brick on our houses, if the conservation district passes. Is this true?](#)
- [Is the proposed 30 ft. height requirement enough to add a full second story living area?](#)
- [What is the rationale behind requiring that lots with new construction post a sign showing how the front facade will look?](#)
- [Does the proposed ordinance require me to plant only "approved" trees?](#)
- [What is a conservation district?](#)
- [What's the difference between a conservation district and an historic district?](#)
- [What are the benefits of becoming a conservation district?](#)
- [How will this affect current homeowners?](#)

- [Will I still be able to add on to my house?](#)
- [Am I signing off on a particular set of regulations by signing the petition?](#)
- [Must we pay dues to maintain the Conservation District?](#)
- [What's the procedure for getting Greenland Hills declared a conservation district?](#)
- [Are there other conservation districts in Dallas?](#)
- [So you're against new houses being built in the M Streets?](#)
- [But these new homes increase my property value, right?](#)

I've heard we won't be allowed to paint the brick on our houses, Is this true?

THIS IS NOT TRUE! The ordinance does NOT prohibit (or even address) painting your brick or stone, nor does it address the color of paint you can use. You can paint your house fluorescent purple if you like, even if you live in a Tudor. What the ordinance requires is that you match your brick as closely as possible if you're doing renovations on the front. So if you've got painted brick, you'd need to paint the new brick the same color. If your brick is not painted, you can paint it and the new brick. Call Jack Guerra at the City at 214-670-3620 if you have any questions about this.

Is the proposed 30 ft. height requirement enough to add a full second story living area?

Absolutely! For a little perspective on the height issue: the tallest home in our neighborhood is 31 1/2 feet tall. (This is the new, three-story home at the corner of Ridgedale and Central Expressway built by Rockland Homes.) On average, our original homes are 22 feet tall. There are many homes that have added a second story without even raising the height of the roof (see the gorgeous renovations at 5438 Mercedes).

It makes sense when you think about it: 10-foot ceilings on the first and second floors with a foot between the floors, PLUS an 8 foot attic=30 feet. To make sure the height requirement wouldn't prevent new construction or renovations, we worked with our resident builder, Jay Wysong of Belmont Homes. Jay met with his architects and determined that 30 feet is plenty of room for him to build a fully livable second story, and his new homes on Merrimac and Monticello are well within our proposed 30 foot height requirement. So the proposed height requirement is very generous and will not prevent renovations.

What is the rationale behind requiring that lots with new construction post a sign showing how the front facade will look?

This will give the residents of our neighborhood the ability to know what is being built in our neighborhood. This will allow the neighborhood to be confident that what is being built is in compliance with the conservation district ordinance and will fit in with the adjacent homes, and allow us to raise any questions before the home is built.

Does the proposed ordinance require me to plant only "approved" trees?

No! You can plant any kind of trees you want! Current City Code already requires that new homes have two, 2-inch-caliper trees in the front yard, and the trees have to be of a kind specified by the City. What we've done is (1) require that one of those trees be in the parkway, and (2) add that this applies to existing homes that undergo significant renovations. If you've not doing significant renovations, or if you've already got shade trees in the parkway, no sweat. AND, whatever the situation, you can plant as many other kinds of trees as you like.

What is a conservation district?

A conservation district is a change in zoning that preserves an area's distinctive atmosphere or character through architectural guidelines, development standards, and special zoning provisions including land uses and setbacks.

Unlike historic district designation, which is highly restrictive, each conservation district ordinance is tailor-made to the neighborhood and what it collectively wants to conserve. The ordinance can be as rigorous as preserving specific elements such as stained glass windows, or it can just simply define the setbacks and height for new construction.

What's the difference between a conservation district and an historic district?

Historic districts are much more restrictive than conservation districts. For a more complete explanation, please see our [comparison chart](#).

What are the benefits of becoming a conservation district?

The primary benefit is preserving the beauty and history of the neighborhood, and keeping people from coming into our community and destroying that beauty with inappropriate architecture. New homes can be built to fit in with the character of our neighborhood.

How will this affect current homeowners?

First of all, the conservation district requirements only apply when you make changes to the parts of your property that are visible from the street. Residents of most conservation districts must apply for changes to the exterior of their home,



demolition, and new construction. All reviews of work are completed by Planning Department staff in partnership with the applicant, ensuring that all proposals are consistent with the neighborhood and its ordinance. Again, we as a neighborhood can make the ordinance as strict or as lenient as we want.

Will I still be able to add on to my house?

Yes! The conservation district ordinance will only apply to parts of your house that are visible from the street. Otherwise, you can do whatever you want. For instance, you can build up and back, adding an upstairs.

Am I signing off on a particular set of regulations by signing the petition?

No. By signing the petition, you are simply asking the City of Dallas to consider our area for conservation status. You are NOT signing off on a particular ordinance. Before we can draft an ordinance, we have to get enough neighbors interested in the idea of getting our neighborhood declared a conservation district. Later, we as a neighborhood will decide exactly what to put in the ordinance.

Must we pay dues to maintain the Conservation District?

No. This is not a homeowners' association. This is a zoning designation by the City of Dallas to protect our neighborhood. You will not be required to pay dues, nor any other fees to support the conservation district.

What's the procedure for getting Greenland Hills declared a conservation district?

The procedure is set out in the [Dallas Development Code](#). Here's a brief summary:

1. Get a petition signed by a significant majority of the M Streets property owners in favor of creating a conservation district and present it to the Dallas Department of Planning & Development, Historic Preservation Division.
2. The City of Dallas will then conduct a review of our area to make sure we've got enough houses of cultural and historic significance to protect our neighborhood with conservation status.
3. If the City determines we're eligible, they'll work with us to draft an ordinance. The Plan Commission and City Council then have to approve the ordinance, which would make the M Streets a conservation district.

Are there other conservation districts in Dallas?

Yes, there are currently eight conservation districts in Dallas, including Hollywood Heights Conservation District, North Cliff Conservation District, King's Highway Conservation District, and Bishop / 8th Street Conservation District.

So you're against new houses being built in the M Streets?

Absolutely not. Our goal is not to stop new construction, but to require that new homes blend in with the rest of the neighborhood. Some of the homes in our neighborhood are in such poor condition that they cannot be rehabilitated, so razing them and starting anew may be the only option. However, builders can be sensitive to the area's architectural character, and create homes that augment, rather than detract, from our neighborhood's charm.

But these new, huge homes increase my property value, right?

First of all, let's remember that the M Streets were increasing in value long before the Starter Castles began moving in. Once the new homes outnumber the older ones, however, your home will be worth only *lot value*: the only reason anyone would buy a little Tudor in the middle of a neighborhood of large homes would be to scrape it off and build a much larger, new home.

Furthermore, becoming a conservation district *increases* property values. In a [1999 study](#) done by Rutgers University and the University of Texas, the property values of homes in historic districts in Texas increased by 5% to 20% compared to similar homes in non-protected areas.

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