



City of Dallas

BOARD OF ADJUSTMENT (PANEL A)

**October 18, 2022, Briefing at 11:00 A.M. and the Public Hearing at 1:00 P.M.
Dallas City Hall, Council Chambers and Videoconference**

* 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://form.jotform.com/210537186514151> or contact the Development Services Department at 214-670-4545 **by the close of business Monday, October 17, 2022. 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](https://www.youtube.com/CityofDallasCityHall), and the WebEx link: <https://bit.ly/101822A>

AGENDA

- I. **Call to Order** David A. Neumann, Chairman
- II. **Staff Presentation/Briefing**
- III. **Public Hearing** Board of Adjustment
- IV. **Public Testimony**
- V. **Miscellaneous Items -**
 - Approval of Panel A Minutes – September 20, 2022
 - The Board of Adjustment Panel A will meet in a closed executive session to seek the advice of its attorney about pending or contemplated litigation regarding BDA 212-018(JM). [Tex. Gov't Code § 551.071] (Room 5BN)
 - The Board of Adjustment Panel A will meet in a closed executive session to seek the advice of its attorney about pending or contemplated litigation regarding BDA 212-028(JM). [Tex. Gov't Code § 551.071] (Room 5BN)
- 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)

BDA212-088(OA)	9903 Witham St REQUEST: Application of Betrise Williams represented by Willis Hunt for (1) a variance to the floor area ratio regulations, and (2) a special exception to the single-family zoning use regulations	1
BDA212-096(OA)	5212 Tremont St REQUEST: Application of Ripley Renovations for a special exception to the rear yard setback regulations to preserve an existing tree	2
BDA212-098(OA)	4308 Beechwood Ln REQUEST: Application of Brian Bergersen for a special exception to the single-family zoning use regulations to provide an additional electrical meter	3

HOLDOVERS

BDA212-079(PD)	424 W Davis Street REQUEST: Application of Kent Washington for a special exception to the parking regulations	4
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REGULAR CASES

BDA212-103(OA)	4610 Bluffview Blvd REQUEST: Application of Chris Booras for a special exception to the front yard setback regulations, and for a special exception to the fence height regulations	5
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FILE NUMBER: BDA212-088(OA)

BUILDING OFFICIAL'S REPORT: Application of Betrise Williams represented by Willis Hunt for a variance to the floor area ratio regulations and a special exception to the single family zoning use regulations at 9903 Witham Street. This property is more fully described as Lot 12, Block K/6144, and is zoned R-7.5(A) Single Family District, in which an accessory structure may not exceed 25 percent of the floor area of the main structure, and which limits the number of dwelling units to one. The applicant proposes to construct and maintain a single-family residential accessory structure with 732 square feet of floor area (59.3 percent of the 1234-square-foot floor area of the main structure), which will require a 502-square-foot variance to the floor area ratio regulations and to construct and maintain an additional dwelling unit (not for rent), in which will require a special exception to the single-family zoning use regulations.

LOCATION: 9903 Witham Street

APPLICANT: Betrise Williams represented by Willis Hunt

REQUESTS:

The applicant proposes to construct and maintain an additional dwelling unit (not for rent) on one single-family lot and to construct and maintain the proposed accessory structure 724-square-feet of floor area which exceeds the maximum 25 percent floor area of the main structure on a site that is developed with a single-family home.

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

(i). The board may grant a special exception to authorize a rentable additional dwelling unit in any district when, in the opinion of the board, the additional dwelling unit will not:

(aa) be used as rental accommodations; or

(bb) adversely affect neighboring properties.

(ii). In granting a special exception under this subparagraph, the board shall require the applicant to deed restrict the subject property to prevent use of the additional dwelling unit as rental accommodations.

STAFF RECOMMENDATION FOR A SPECIAL EXCEPTION TO THE SINGLE-FAMILY USE REGULATIONS TO AN ADDITIONAL DWELLING UNIT ON ONE LOT:

No staff recommendation is made on this or any request for a special exception to authorize an accessory dwelling unit since the basis for this type of appeal is *when in the opinion of the board*, the standards described above are met.

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.

State Law/HB 1475 effective 9-1-21

- the board may consider the following 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

the municipality consider the structure to be a nonconforming structure

STAFF RECOMMENDATION:

Approval, subject to the following condition:

Compliance with the submitted site plan is required.

Rationale:

Staff concluded that the subject site is unique and different from most lots in R-7.5(A) Single family District considering its restrictive lot area of 9,580 square feet so that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same R-7.5(A) Single family District zoning classification.

The applicant submitted a document (**Attachment A**) indicating that the proposed structure on the site is commensurate to five other lots located in the same zoning district.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

There have been no related board or zoning cases in the vicinity within the last five years.

GENERAL FACTS/STAFF ANALYSIS (single-family use regulations and variance):

The requests for a special exception to the single-family use regulations and a variance to the maximum floor area ratio regulations focus on constructing and maintaining a 732-square-foot additional dwelling unit (not for rent) ADU to be constructed on the rear portion of the site approximately 13-feet 10 inches from the rear yard setback. The

subject site is located at the Northwest corner of Park Lane and Witham Street and contains approximately 9,580 square feet in area. The site is zoned an R-7.5(A) Single Family District where lots are a minimum of 7,500 square feet in area and in which an accessory structure may not exceed 25 percent of the floor area of the main structure. The floor area of the proposed additional accessory structure is 59.3 percent of the existing the 1,234-square-foot floor area of the main structure.

DCAD records indicate the following improvements for the property located at 9903 Witham Street: “main improvement: a structure with 1,234-square-feet of living area built-in 1952” and “additional improvements: a 288-square-foot detached garage”.

In this district, one dwelling unit is allowed per lot which is why the applicant is requesting a special exception to allow a non-rentable ADU. An ADU is an accessory structure and cannot exceed 25 percent of the maximum floor area of the main structure.

The site plan denotes that the proposed one story 732-square-foot additional dwelling unit is equal to 59.3 percent of the existing 1,234-square-foot floor area of the main structure which will require a 502-square-foot variance to the floor area ratio of the main structure.

The property is rectangular, slightly sloped, and according to the application, contains 0.2199 acres, or approximately 9580-square-feet in area. R-7.5(A) Single Family District the minimum lot size is 7,500 square feet.

The applicant has submitted a document comparing the lot sizes and improvement of the subject site with five other properties in the same zoning and within a corner lot. The average lot is 12,46 square feet. The proposed 732-square-foot -square-foot structure on the site is commensurate to five other corner lots located in the same zoning district and would preserve the existing main structure and character.

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

- That granting the variance to the floor area regulations for structures accessory to single-family uses will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the

development upon other parcels of land in districts with the same zoning classification.

- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same zoning classification.

If the board were to grant a variance to the floor area regulations for structures accessory to single-family uses and impose the submitted site plan as a condition, the building footprints of the structures on the site would be limited to what is shown on this document.

Timeline:

August 5, 2022: 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 1, 2022: The Board of Secretary assigned this case to Board of Adjustment Panel A.

September 9, 2022: The Board Administrator emailed the applicant the following information:

- a copy of the application materials including the Building Official's report on the application.
- an attachment that provided the public hearing date and panel that will consider the application; the September 28th deadline to submit additional evidence for staff to factor into their analysis; and the October 7th 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.

September 29: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearing. Review team members in attendance included: the Development Services Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Transportation Development Services Senior Engineer, Development Services

Board of Adjustment Senior Planner, the Assistant City Attorney to the Board, and Jason Pool Senior Planner.

October 5, 2022: The applicant submitted additional information to staff beyond what was submitted with the original application (**Attachment A**)





1:1,200

AERIAL MAP

Case no: BDA212-088

Date: 9/8/2022



09/06/2022

Notification List of Property Owners

BDA212-088

27 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	9903 WITHAM ST	WITHAM CHALET LLC
2	3504 PARK LN	LEMUS JOSE A &
3	3510 PARK LN	FUENTES LUIS A &
4	3514 PARK LN	MARQUEZ CARLOS &
5	3448 PARK LN	HERRING JAMES & MARGARET J
6	3454 PARK LN	CORTEZ JOSE LUIS &
7	3460 PARK LN	Taxpayer at
8	3464 PARK LN	CHILDS CHRISTINA FAMILY TRUST THE
9	3468 PARK LN	MARIA ZUNIGA
10	9859 WITHAM ST	RODRIGUEZ JOSE RODRIGO
11	3505 PARK LN	OCHOA JORGE N & LUCIA J
12	3511 PARK LN	Taxpayer at
13	9918 WITHAM ST	VARLEY JACK L & MONICA C
14	9914 WITHAM ST	JARAMILLO JONATAN
15	9910 WITHAM ST	HARPER CRISTINA GARZA
16	9919 WITHAM ST	RAMOS JUAN G
17	9915 WITHAM ST	GARCIA JOSE S
18	9911 WITHAM ST	HERNANDEZ JOSE AUXILIO
19	9907 WITHAM ST	VELASQUEZ MANUEL E &
20	3463 PARK LN	PADILLA MOISES GAONA &
21	3457 PARK LN	GAMEZ LAZARO & MARIA DE JESUS
22	3453 PARK LN	ESCORZA ISIDRO &
23	9806 BOWMAN BLVD	GUEVARA CARLOS & MARITZA
24	9906 CONSTANCE ST	CHERRY ENTERPRISES LLC
25	9910 CONSTANCE ST	ESTEFES OLGA
26	9914 CONSTANCE ST	MENDOZA JOSE & CATALINA &



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212-0586

Date: 8-5-22

Data Relative to Subject Property:

Location address: 9903 WITHAM ST DALLAS TX 75220 Zoning District: 6

Lot No.: 12 Block No.: K/6144 Acreage: 0.2199 Census Tract: 98.02

Street Frontage (in Feet): 1) 80.72 2) 104.80 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): WITHAM CHALET LLC/ BETRISE WILLIAMS

Applicant: WITHAM CHALET LLC/ BETRISE WILLIAMS Telephone: 786-281-4908

Mailing Address: 9903 WITHAM ST DALLAS, TX Zip Code: 75220

E-mail Address: WITHAMCHALET@GMAIL.COM

Represented by: KRKONOS & CEPHI LLC/ WILLIS HUNT Telephone: 469-772-0056

Mailing Address: 13355 NOEL ROAD #1100 DALLAS, TX Zip Code: 75240

E-mail Address: INFO@KRKONOS.COM

Affirm that an appeal has been made for a Variance _____, or Special Exception _____, of
9903 WITHAM ST, DALLAS TX 75220

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:

DEMO EXISTING DETACHED GARAGE TO BUILD COMPLIANT
ACCESSORY DWELLING UNIT; Variance to FAR

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

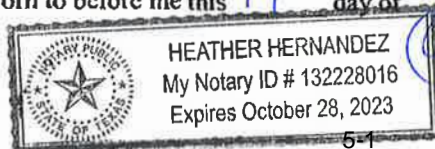
Before me the undersigned on this day personally appeared Betrise Williams
(Affiant/Applicant's name printed)

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 14 day of June 2022

(Rev. 08-01-11)



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 BETRISE WILLIAMS
 represented by WILLIS HUNT
 did submit a request for a variance to the floor area ratio regulations, and for a special exception
 to the single family zoning use regulations
 at 9903 WITHAM ST

BDA212-088. Application of BETRISE WILLIAMS represented by WILLIS HUNT for a variance to the floor area ratio regulations, and a special exception to the single family zoning use regulations at 9903 WITHAM ST. This property is more fully described as bloc K/ 6144, lot 12, and is zoned R-7.5(A), which an accessory structure may not exceed 25% of the floor area of the main structure, and which limits the number of dwelling units to one. The applicant proposes to construct a single family residential accessory structure with 724 square feet of floor area (81% of the 890 square foot floor area of the main structure) which will require a 502 square foot variance to the floor area ratio regulations, and to construct an additional dwelling unit, which will require a special exception to the single family zoning use regulations.

Sincerely,


 David Session, Building Official



AFFIDAVIT

Appeal number: BDA 212-088

I, Beatrise Williams / Witham Chalet LLC Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 9903 Witham St Dallas Tx 75220
(Address of property as stated on application)

Authorize: Krkonos & Ceph LLC
(Applicant's name as stated on application)

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

X Variance (specify below)

^ Special Exception (specify below)

 Other Appeal (specify below)

Specify: Accessory Dwelling Unit
Variance to FAR

Beatrise Williams
Print name of property owner or registered agent

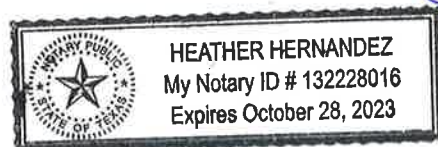
[Signature]
Signature of property owner or registered agent

Date 05/23/2022

Before me, the undersigned, on this day personally appeared Beatrise Williams

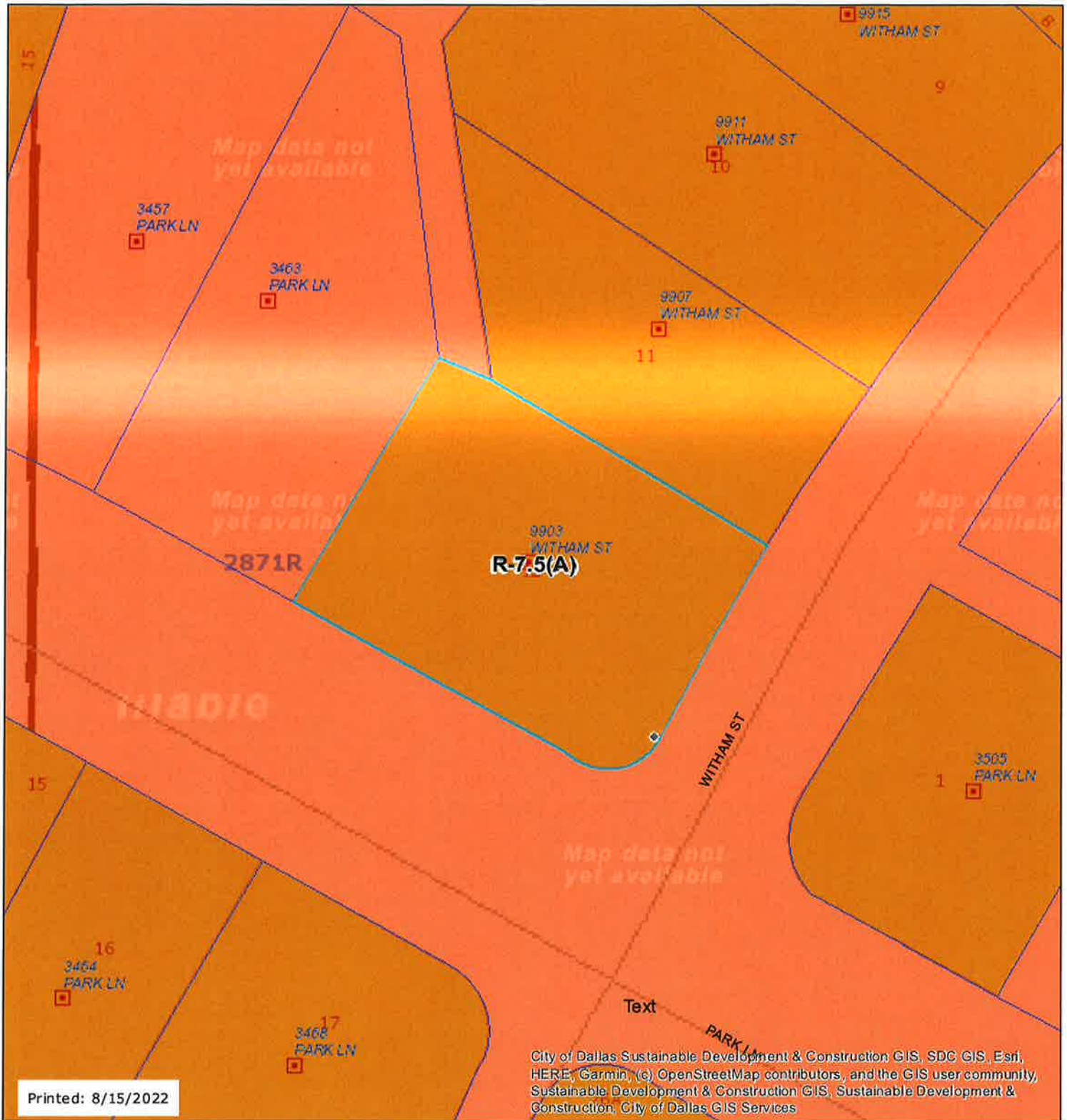
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 23 day of May, 2022



Notary Public for Dallas County, Texas

Commission expires on 10/28/2023



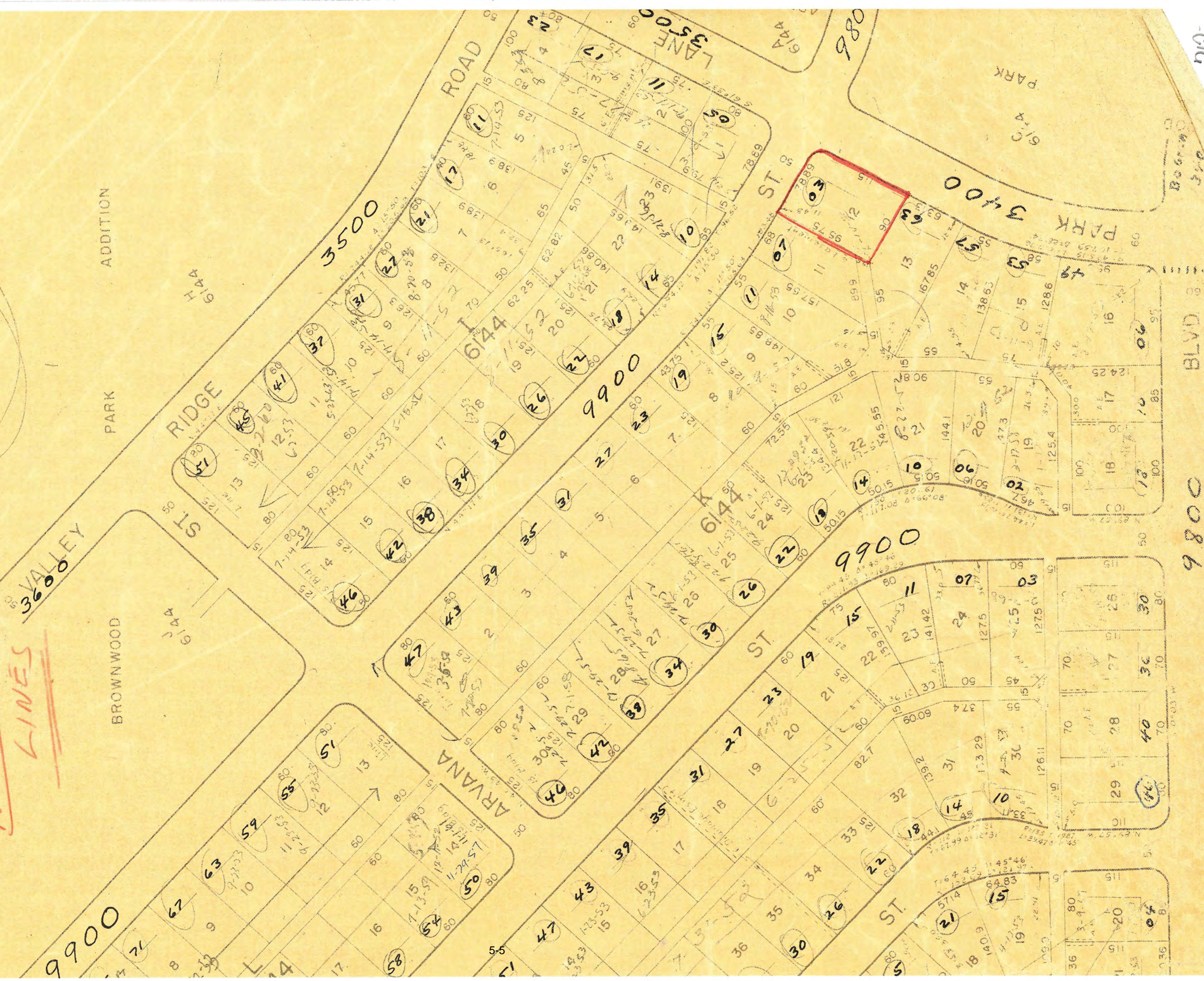
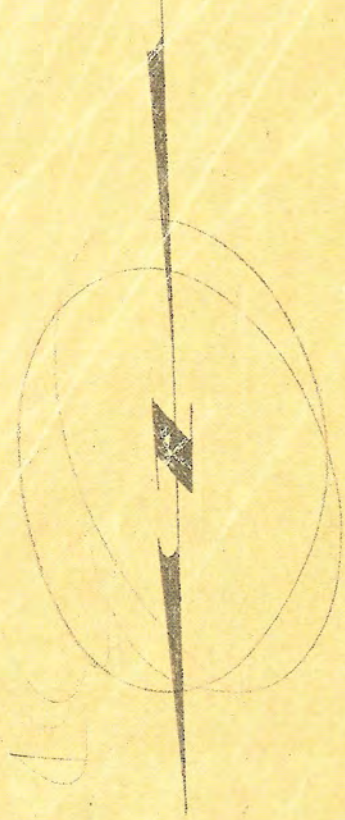
Dallas Tax Parcels	NSO Overlay	Height Map Overlay	SP
Deed Restrictions	NSO Subdistricts	Shop Front Overlay	Turtle Creek Setback Corridor
Dry Overlay	MD Overlay	Parking Management Overlay	
D	CD Subdistricts	Bike Zoning	
D-1	PD Subdistricts	SPSD Overlay	
Historic Overlay	PD193 Oak Lawn	Pedestrian Overlay	
Historic Subdistricts	PDS Subdistricts	CP	
SUP			

This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.' (Texas Government Code § 2051.102)



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NOTE BLDG
LINES

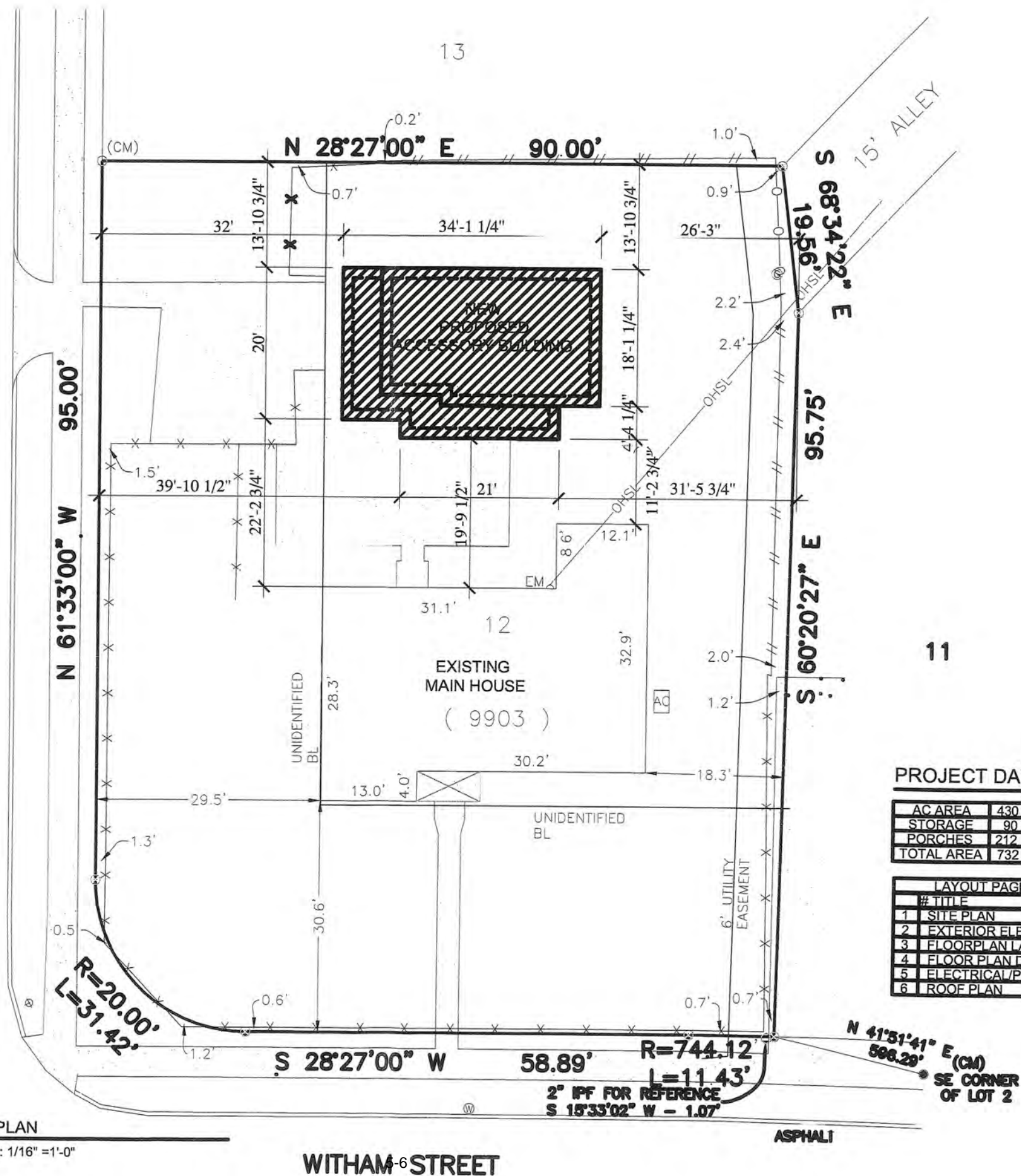




PARK LANE

SITE PLAN

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



PROJECT DATA:

AC AREA	430 SQ FT
STORAGE	90 SQ FT
PORCHES	212 SQ FT
TOTAL AREA	732 SQ FT

LAYOUT PAGE TABLE	
#	TITLE
1	SITE PLAN
2	EXTERIOR ELEVATIONS
3	FLOORPLAN LAYOUT
4	FLOOR PLAN DIMENSION
5	ELECTRICAL/PLUMBING
6	ROOF PLAN

ACCESSORY DWELLING UNIT PLAN

9903 WITHAM STREET | DALLAS, TX 75220

SITE PLAN

REVISED
7/22/2022

SHEET
1
of 6

Krkonos & Cephi LLC
469-772-0056 | office
info@krkonos.com

212-080

**Krkonos & Ceph LLC
13355 Noel Road, #1100
Dallas, TX 75240
info@krkonos.com
469-772-0056**

October 5, 2022

Board of Adjustment, Panel A
1500 Main Street
Dallas, Texas 75201

Re: 9903 Witham Street, Case No.: BDA 212-088

Dear Members of the Board of Adjustments, Panel A,

The residence at 9903 Witham Street is an original home built in 1952. It is a prime example of the original architecture in the area. The proposed design for an Accessory Structure at the rear of the property has taken into consideration the regulations by the City of Dallas to create a thoughtful and unobtrusive addition to the original house.

Also, the design of the Accessory Structure in compliance with the design guidelines and compatible with the architectural and cultural attributes of the original structure. The construction of the addition will be an enhancement to the neighborhood. Photos of the existing garage are also included in this package. The Accessory Structure does not exceed the height of the primary house's roof.

The proposed addition to 9903 Witham Street is not contrary to public interest. Neighboring property owners have given their support for the addition through attached letters to the Board of Adjustment. The property owner, Beatrice Williams has received letters from neighbors expressing their approval and support for our proposed addition. These letters from Mercedes Velazquez at 9907 Witham Street and from Gilberto Reveles at 3505 Park Lane and letter from the long-term family housekeeper Adrianna Roque are included in this package.

Due to the location of the property, the double frontage significantly reduces the lot. Because of that impact to the lot, we are limited in options to add more square footage to the original home and our desire to preserve the integrity of her home of its original design and footprint. Also, the Accessory Structure does not exceed the height of the primary house's roof.

The lot size of 9903 Witham Street is 9,580 square feet. I have surveyed on DCAD houses around 9903 Witham Street and found 9802 Witham Street is 14,545 square feet, 3504 Park Lane is 11,570 square feet, 9806 Bowman Blvd is 13,374 square feet, 3460 Manana Drive is 11,147 square feet, and 3446 Bogata Place is 13,094 square feet.

Due to the smaller property size and smaller existing original structure, the proposed accessory structure will supplement the missing square footage. Also, as mentioned above, by choosing to embrace the original design aesthetics within the community, we choose to maintain the original 1952 primary structure.

• PROGRAM AND CONSTRUCTION MANAGEMENT • GENERAL CONTRACTOR • PROJECT RISK ANALYSIS •

WWW.KRKONOS.COM

Lastly, the proposed design does not relieve a self-created or personal hardship nor is it for financial reasons. The property owner, without any variance, would be able to apply for and receive a demolition permit for the property to demolish the existing 1952 home. She would then be able to build a new house of a higher square footage. The higher square footage of the main house would then allow her to build the exact structure we are proposing without the need to acquire a variance. The owner has no intent or desire to demolish the original 1952 home.

In conclusion, Case No.: BDA 212-088 for 9903 Witham Street is applying for a variance to the floor area ratio regulations to allow the owner to build an accessory structure.

We greatly appreciate your thoughtful consideration of her unique variance request. We request that you give resounding consideration and approval for the owner, Betrise William's desire to maintain her existing home, and her desire to beautify her neighborhood.

With highest regards

Willis Hunt
Krkonos & Ceph LLC; certified DBE, MBE & HUB
Representative for Betrise Williams



• PROGRAM AND CONSTRUCTION MANAGEMENT • GENERAL CONTRACTOR • PROJECT RISK ANALYSIS •

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To whom it may concern.

I am writing this letter in support of Lauryn Williams who is our next door neighbor. I think it is great that she wants to further improve her home and our neighborhood.

As the corner home it is the first thing people see and she has done an great job of maintaining her home and being a good example of how we want our neighborhood to look.

We have helped Lauryn with cleaning and with some repairs in the past and we are always willing to check on things when she is out of town. She is responsive when we need to make repairs that affect both of our properties and I appreciate having a neighbor like her.

I look forward to seeing the new structure that will replace an old and outdated one making our neighborhood even better.

Mercedes Velazquez

9907 Witham St.

Dallas, TX 75220

Hello City of Dallas,

I live across the street from Lauryn and she is friendly and kind.

I often see her watering her lawn and the pretty flowers she planted. I like the repairs she has done on her home so far.

Her home is often quiet because she travels a lot. When she has guests we have not experienced any issues with noise or other disturbances.

When I had a dog, her dog and my dog would play together and I enjoy having her as a neighbor. I am happy about her efforts to continue to improve our neighborhood and hope you will let her remove the current old structure and replace it with a much nicer one.

Gilberto Reveles

3505 Park Lane

Dallas, TX 75220

I have been cleaning for Lauryn since she moved to Texas in 2013. I have continued to work with her as she has moved to four different locations over the years. She is a respectful and nice client. She takes a lot of pride in maintaining her property.

I have been in her current garage to do laundry many times and think it would be much better to have some updates to that area to make it nicer and more accessible.

I will be excited to see the newly finished area and to continue work with her cleaning it.

Adrianna Roque

FILE NUMBER: BDA212-096(OA)

BUILDING OFFICIAL'S REPORT: Application of Ripley Renovations for a special exception to the rear yard setback regulations to preserve an existing tree at 5212 Tremont Street. This property is more fully described as Block Y-3/1492, lot 4, and is zoned Plan Development No. 97, which requires a rear yard setback of two feet six inches. The applicant proposes to enlarge a single-family residential structure and provide a 0-foot rear yard setback, which will require a two-foot six-inch special exception to the rear yard setback regulations.

LOCATION: 5212 Tremont Street

APPLICANT: Ripley Renovations

REQUESTS:

A request for a special exception to the minimum rear yard setback requirements to preserve an existing tree is made to demolish an existing single-family structure and construct and maintain an approximately 598-square-foot one-story garage that includes a carport structure, part of which is to be located at the rear property line or 0 foot into the two-foot six-inch rear yard setback on a site that is developed with a single-family structure.

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

Section 51(A)-4.403(d) of the Dallas Development Code specifies that the board may grant a special exception to the minimum rear yard requirements in this section to preserve an existing tree. In determining whether to grant this special exception, the board shall consider the following factors:

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

STAFF RECOMMENDATION (Tree preservation):

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

Staff concluded that the requested special exception was compatible with the character of the neighborhood; the value of surrounding properties will not be adversely affected; and that, according to the City of Dallas Chief Arborist, the tree denoted on the submitted site plan, The owner is currently at liberty to retain or remove any of the trees on the property.

Zoning:

Site: PD No. 97 Planned Development District
North: PD No. 397 Planned Development District
South: PD No. 97 Planned Development District
East: PD No. 397 Planned Development District
West: PD No. 97 Planned Development District

Land Use:

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

Zoning/BDA History:

There have been no related board or zoning cases near the subject site within the last five years.

GENERAL FACTS /STAFF ANALYSIS (tree preservation):

This request for a special exception to the minimum rear yard requirements to preserve an existing tree focuses on demolishing an existing single-family structure and construct and maintain an approximately 598-square-foot one-story garage that includes a carport structure, part of which is to be located at the rear property line or 0 foot into the two-foot six-inch rear yard setback on a site that is developed with a single-family structure.

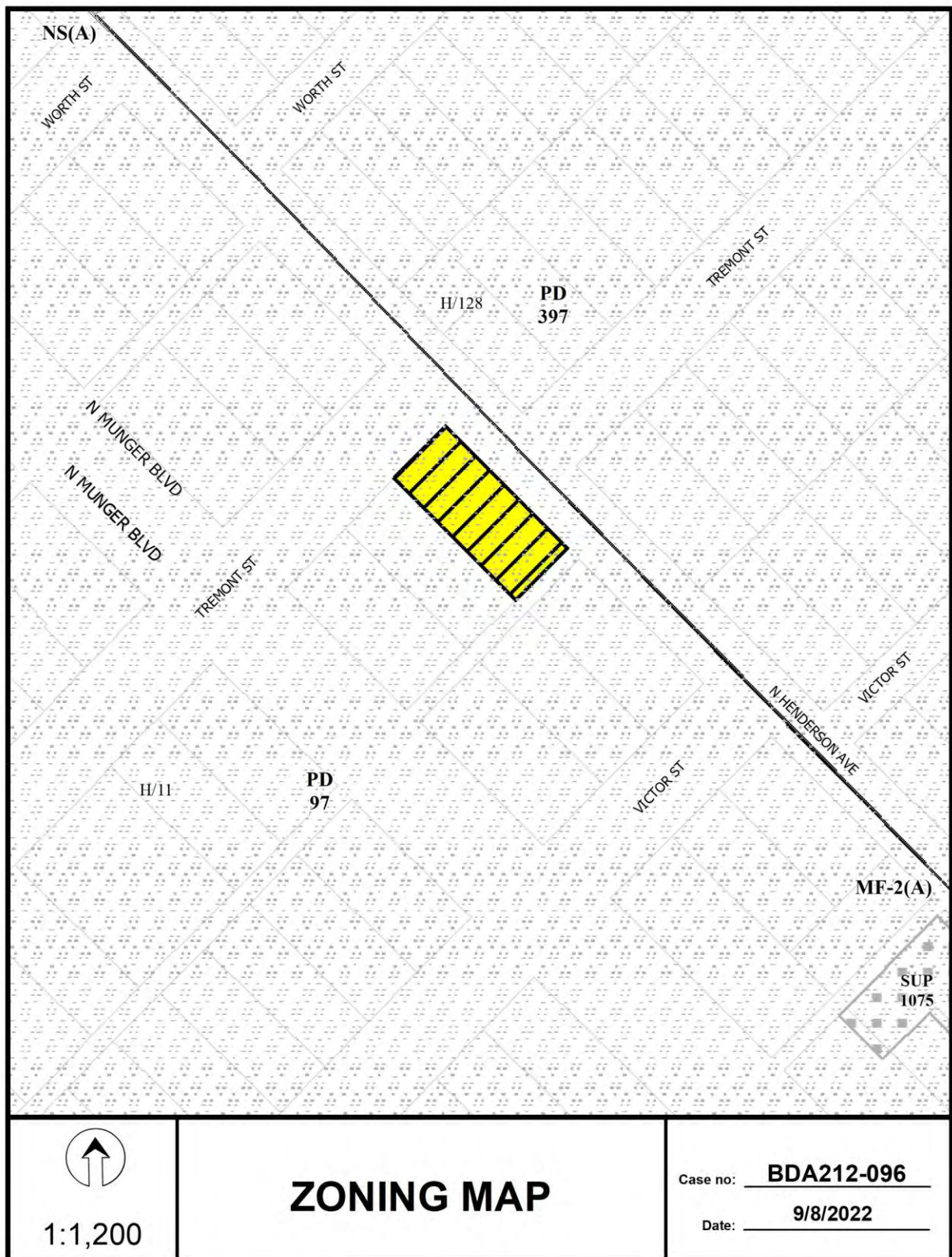
The subject site is flat, rectangular (approximately 60 feet by 141 feet), and 8,460 square feet in area. The site is zoned PD No. 97 Planned Development District where lots are typically 7,500 square feet in area. Additionally, most lots in the PD No. 97 Planned Development District have a 15-foot rear yard setback for main building or structure and two-foot six-inch rear yard setbacks for accessory building or structure.

The submitted site plan depicts the proposed structure located 0-foot from the site's rear property line and a tree located between the main structure and the proposed garage with a carport structure.

The City of Dallas Chief Arborist submitted a memo regarding this request (**Attachment A**) and stated the following: “All trees on the property are not currently subject to the Article X tree conservation regulations so long as the original residential building structure remains to provide the single-family use. This status would change with demolition of the structure. The owner is currently at liberty to retain or remove any of the trees on the property.

TIMELINE:

- August 5, 2022: 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 1, 2022: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A
- September 9, 2022: The Development Service Chief Planner emailed the applicant’s representative the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the September 28, 2022, deadline to submit additional evidence for staff to factor into their analysis; and the October 7, 2022, deadline to submit additional evidence to be incorporated into the Board’s docket materials.
 - the criteria/standards that the board will use in their decision to approve or deny the requests; and
 - The Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- September 29, 2022: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearing. Review team members in attendance included: the Development Services Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Transportation Development Services Senior Engineer, Development Services Board of Adjustment Senior Planner, the Assistant City Attorney to the Board, and Jason Pool Senior Planner
- October 4, 2022: The City of Dallas Chief Arborist emailed the Board Administrator information regarding this application (**Attachment A**).



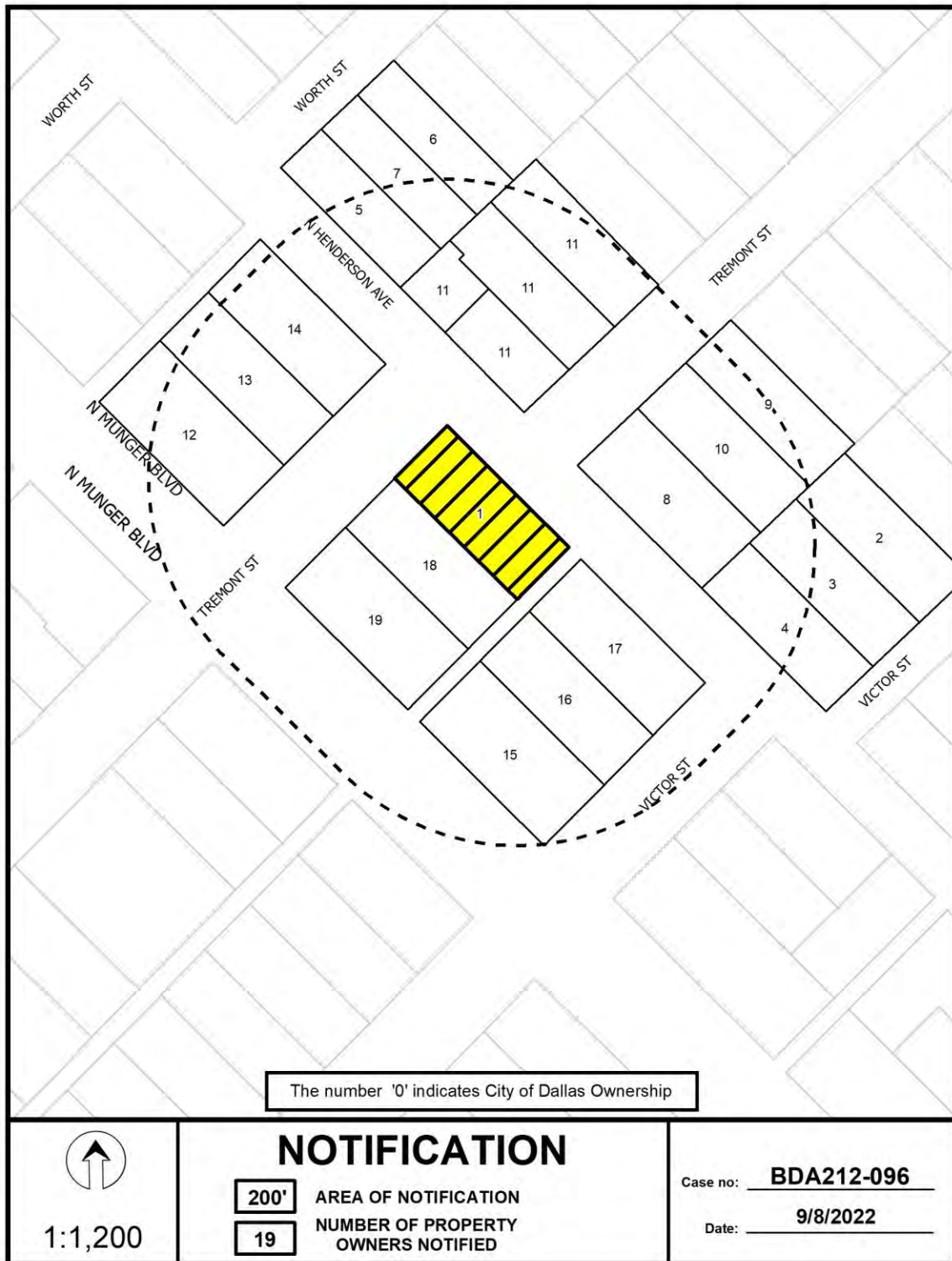


1:1,200

AERIAL MAP

Case no: **BDA212-096**

Date: **9/8/2022**



09/06/2022

Notification List of Property Owners

BDA212-096

19 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5212 TREMONT ST	MAYERHOFF DAVIN M & COLLEEN E
2	5311 VICTOR ST	BRYANT DEBRA
3	5307 VICTOR ST	SANCHEZ VIRGIL JR
4	5301 VICTOR ST	DRUCKENMILLER DANA S
5	5300 WORTH ST	NEWMAN BRANDON
6	5306 WORTH ST	ESCOBAR FELIPE P
7	5304 WORTH ST	ESCOBAR MARY S
8	5300 TREMONT ST	JOHNSTON BERNARD M &
9	5312 TREMONT ST	HALE ROBERT C & LAUREN B
10	5306 TREMONT ST	REGEN LINDAY G
11	5311 TREMONT ST	CARROLL ROBERT W LIFE ESTATE
12	5201 TREMONT ST	LONG CHRISTOPHER R
13	5207 TREMONT ST	MALONE J C
14	5213 TREMONT ST	HARDMAN PATRICIA ANNE
15	5203 VICTOR ST	ALVAREZ ORALIA GARCIA EST OF
16	5207 VICTOR ST	CHURCH DANIEL L &
17	5211 VICTOR ST	STICH SUSAN LEANNE
18	5208 TREMONT ST	KIMBROUGH AURELIA
19	5204 TREMONT ST	MCNATT PAULA L



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212-094

Data Relative to Subject Property:

Date: 8/5/22
PD97-MF-2 (A) H/11
Zoning District: MUNGER PLACE

Location address: 5212 TREMONT ST

Lot No.: 4 Block No.: Y-3/1492 Acreage: 0.1942 Census Tract: 13.02

Street Frontage (in Feet): 1) 60 2) 141 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): DAVIN M. MAYERHOFF & COLLEEN E. MAYERHOFF

Applicant: TRAVIS RIPLEY, RIPLEY RENOVATIONS Telephone: (972) 413-8443

Mailing Address: 800 S HASSELL AVE Zip Code: 75223

E-mail Address: TRAVISERIPLEY@RIPLEYRENOVATIONS.COM

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

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

FOR TREE PRESERVATION.

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:

A BUILDING PERMIT HAS BEEN OBTAINED, BUT NOTES THAT THE STRUCTURE MUST BE RELOCATED TO CONFORM TO 3' ALLEY SETBACK REQUIREMENTS, NECESSITATING THE REMOVAL OF A LARGE TREE WORTHY OF PRESERVATION.

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

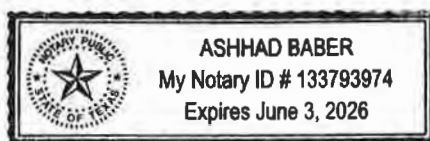
Before me the undersigned on this day personally appeared Travis Ripley
(Affiant/Applicant's name printed)

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 3rd day of August, 2022

(Rev. 08-01-11)



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

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

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Ripley Renovations

did submit a request for a special exception to the rear yard setback regulations to preserve an existing tree

at 5212 TREMONT ST.

BDA212-096. Application of Ripley Renovations for a special exception to the rear yard setback regulations to preserve an existing tree at 5212 TREMONT ST. This property is more fully described as block Y-3/1492, lot 4, and is zoned PD-97, which requires a rear yard setback of 2 feet 6 inches. The applicant proposes to enlarge a single family residential structure and provide a 0 foot rear yard setback, which will require a 2 foot 6 inch special exception to the rear yard setback regulations.

Sincerely,


David Session, Building Official



AFFIDAVIT

Appeal number: BDA 212-096

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

at: 5212 Tremont St. Dallas, TX
(Address of property as stated on application)

Authorize: Travis Ripley, Ripley Renovations
(Applicant's name as stated on application)

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

 Variance (specify below)

X Special Exception (specify below)

 Other Appeal (specify below)

Specify: FOR TREE PRESERVATION

DAVIN MAYERHOFF
Print name of property owner or registered agent

Davin Mayerhoff
Signature of property owner or registered agent

Date 8/2/2022

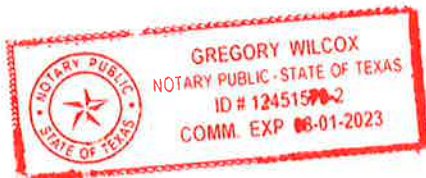
Before me, the undersigned, on this day personally appeared Davin Mayerhoff

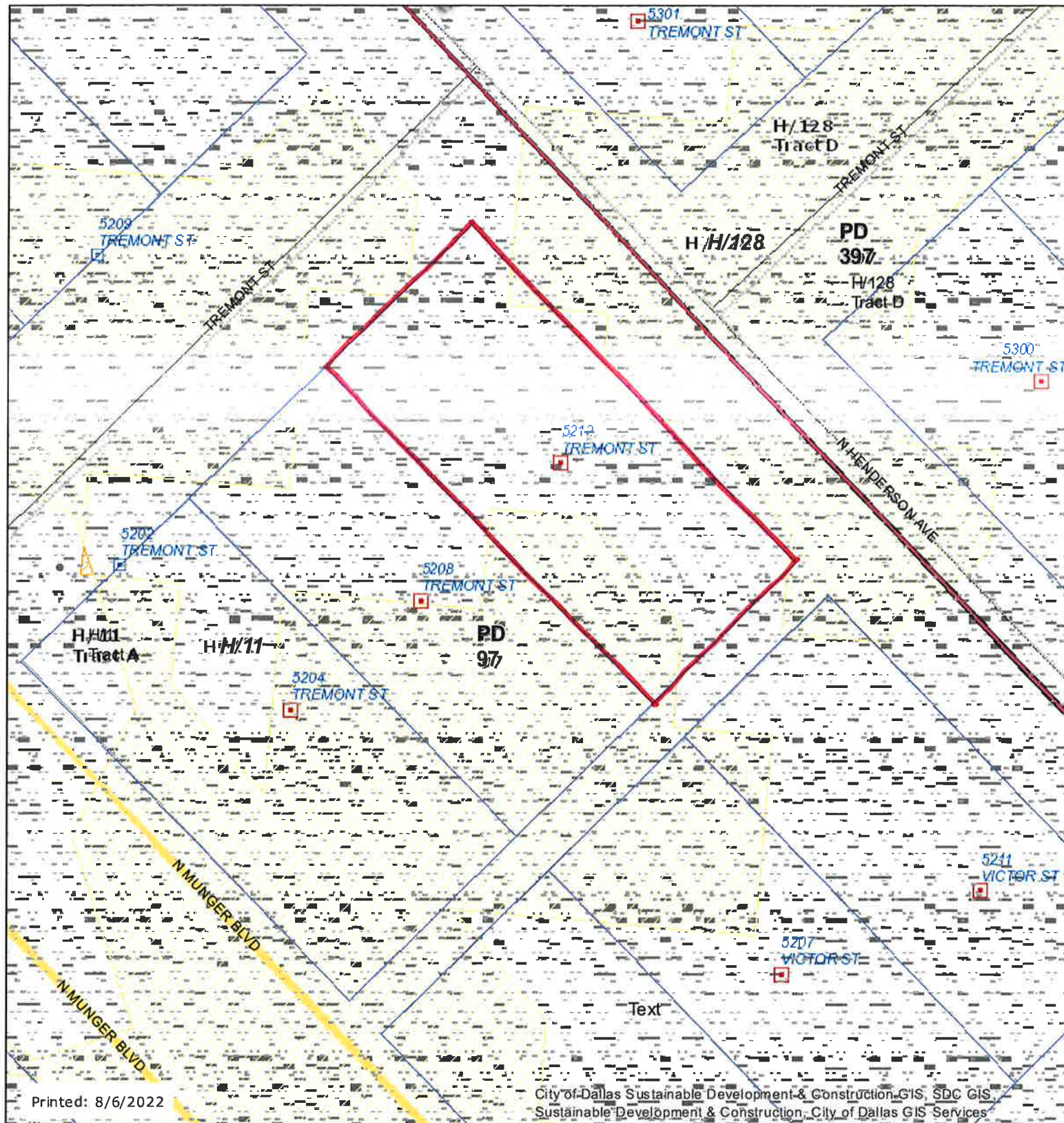
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 2 day of August, 2022

Gregory Wilcox
Notary Public for Dallas County, Texas

Commission expires on 08-01-2023





Dallas Tax Parcels	NSO Overlay	Height Map Overlay	SP
Deed Restrictions	NSO Subdistricts	Shop Front Overlay	Turtle Creek Setback Corridor
Dry Overlay	MD Overlay	Parking Management Overlay	Demolition Delay Overlay
D	CD Subdistricts	Base Zoning	
D-1	PD Subdistricts	SPSD Overlay	
Historic Overlay	PD193 Oak Lawn	Pedestrian Overlay	
Historic Subdistricts	PDS Subdistricts	CP	
SUP			

This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. (Texas Government Code § 2051.102)



1:564

70

5300

ST 5400

540

600 N. HENDERSON

600

5200

ST. 5200

MUNGER

FILED
5/2/1910
MUNGER PLACE
Y-2
1492

5200

1.200

BLVD.

400

15

15

300

AVE. 5200
5200

AVE. 5200
5200

212-596

REIGER

5300

5400 ST

5400

212-596

PROPERTY ADDRESS

5212 TREMONT ST
DALLAS, TEXAS 75214

LEGAL DESCRIPTION

BEING LOT 4, BLOCK Y-3/1492, OF MUNGER PLACE, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 1, PAGE 524 OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS.

ZONING RESTRICTIONS

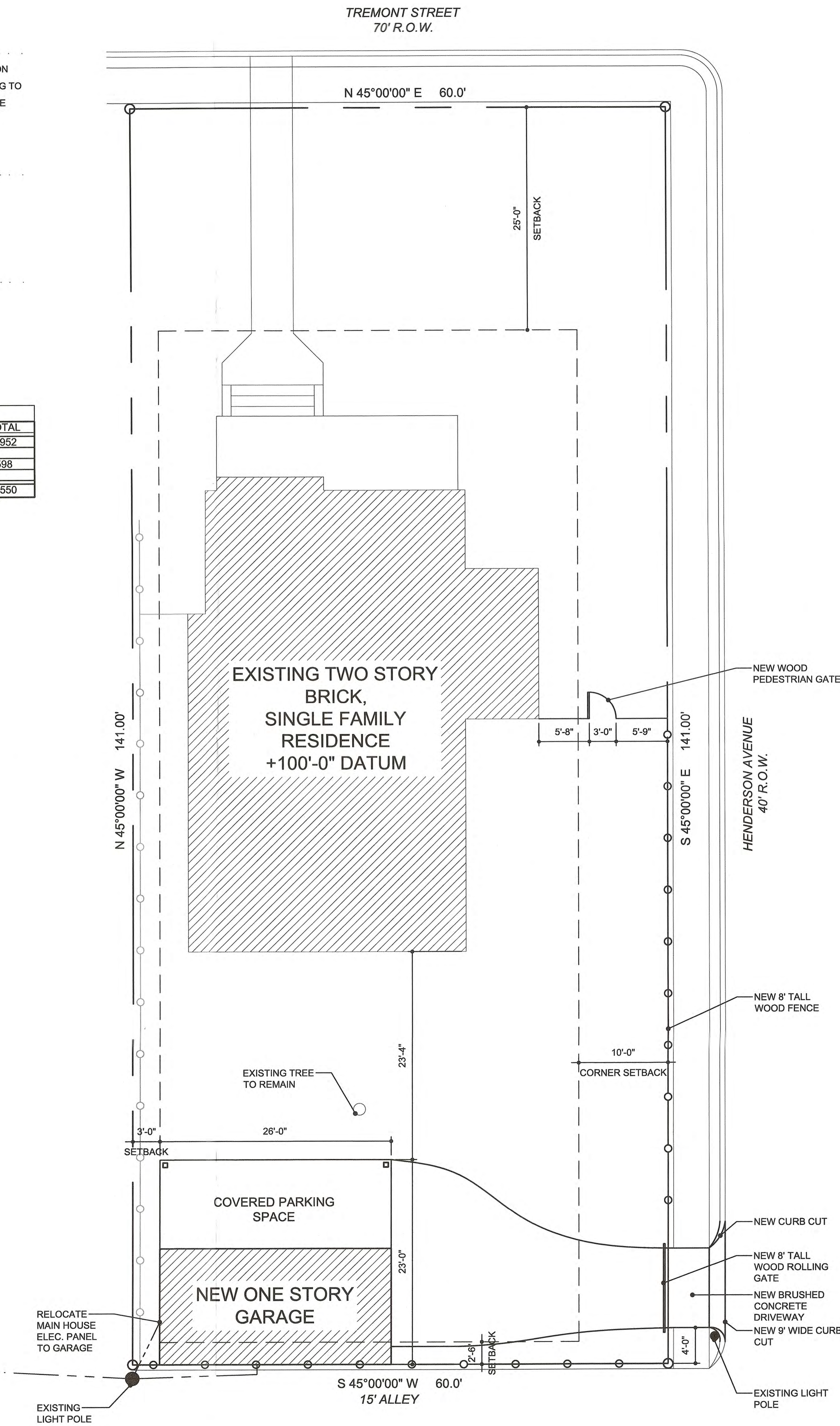
R-7.5 A
FRONT YARD SETBACK 25'-0"
REAR YARD SETBACK 2'-0"
SIDE YARD SETBACK 3'-0"
CORNER SIDE YARD SETBACK 10'-0"

LOT COVERAGE

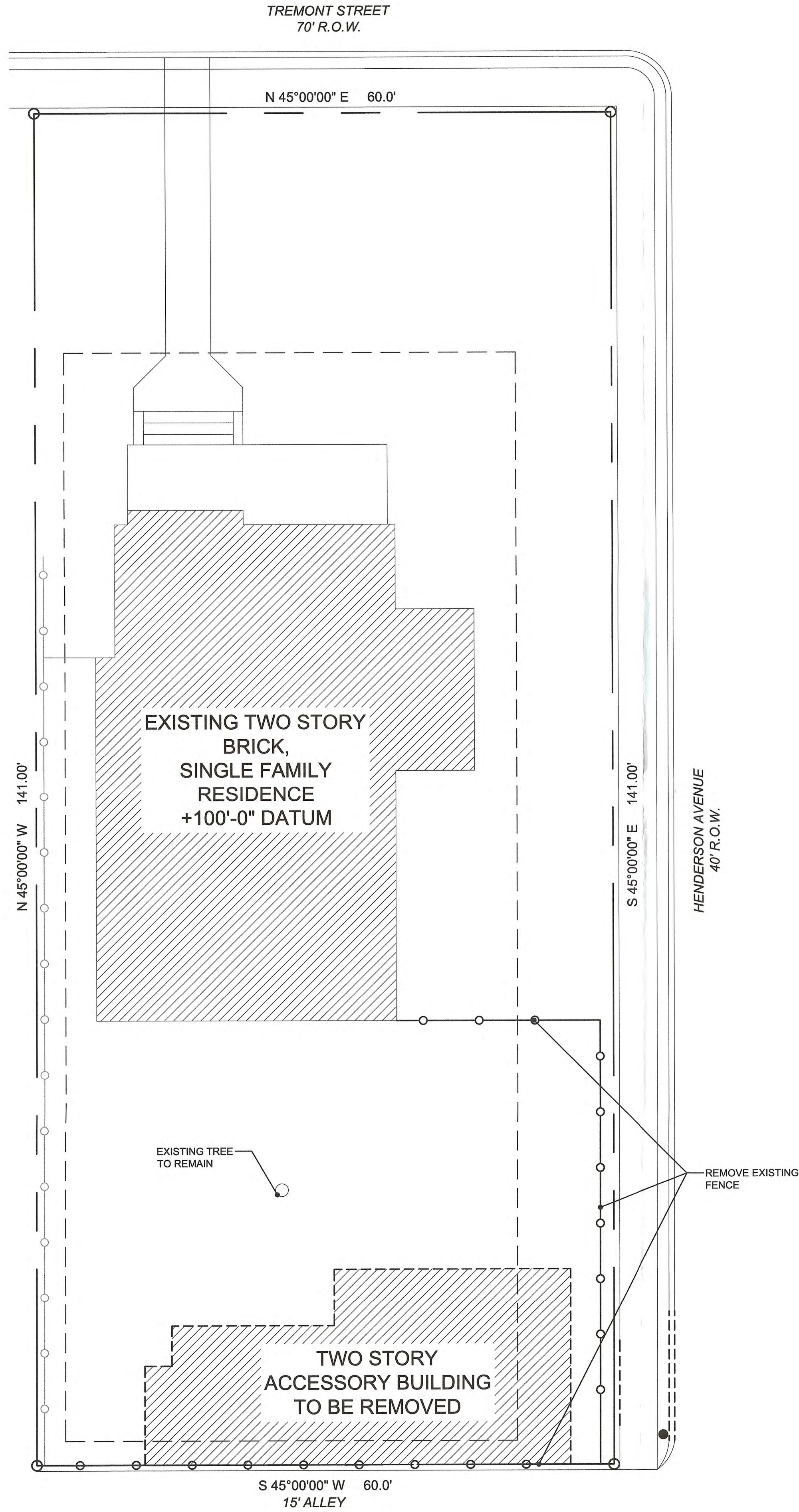
MAX LOT COVERAGE = 35%

TOTAL LOT COVERAGE = 30%
LOT SIZE = 8,460 SF
MAIN HOUSE FOOTPRINT = 1,952 SF
ACCESSORY FOOTPRINT = 598 SF

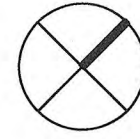
TOTAL AREA FOOTPRINT				
	AC SPACE	GARAGES	PORCHES	TOTAL
MAIN HOUSE	1,745	-	207	1,952
ACCESSORY	-	338	260	598
TOTALS	1,745	338	467	2,550

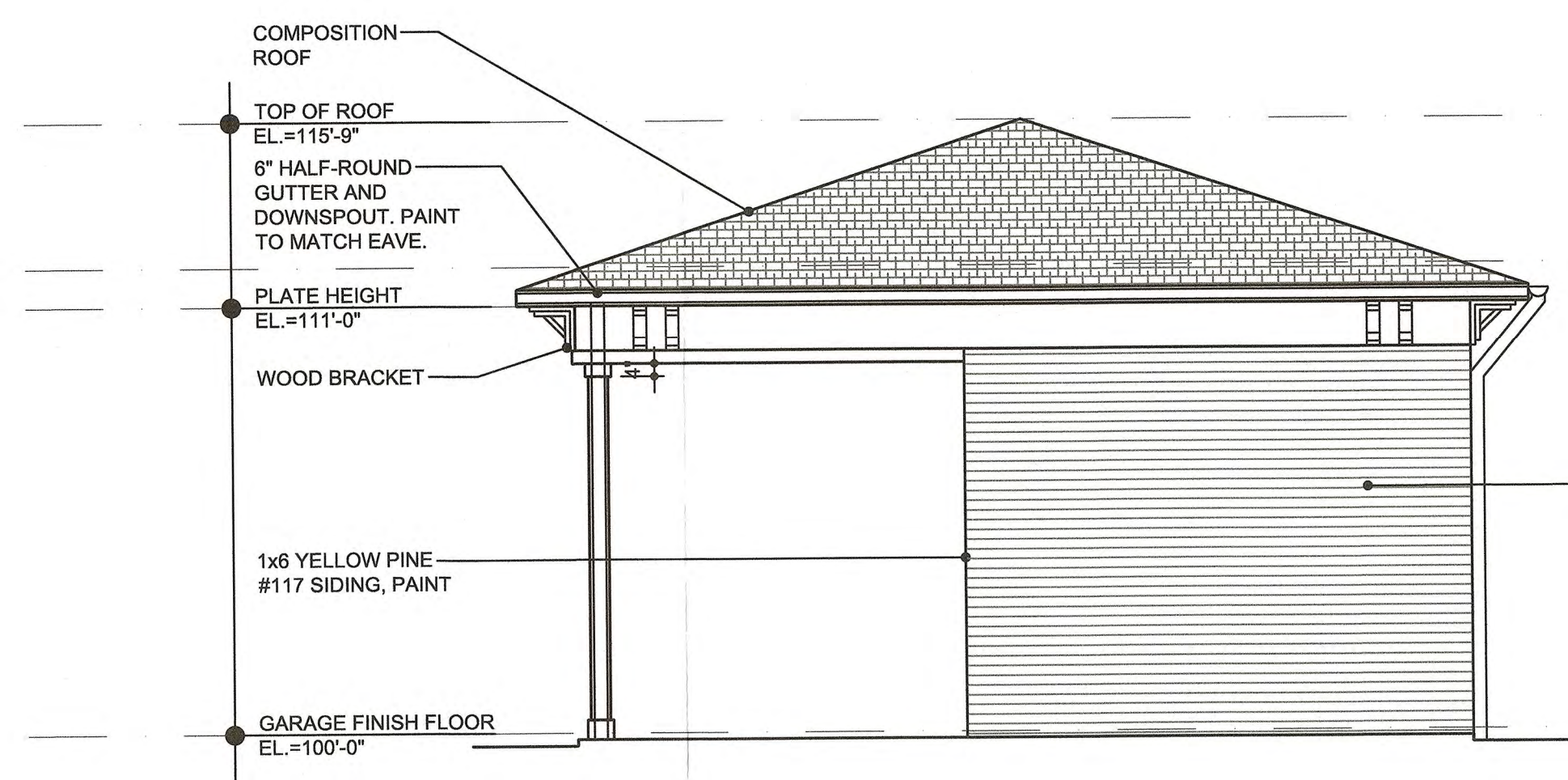


PROPOSED SITE PLAN 02
SCALE: 1/8" = 1'-0"

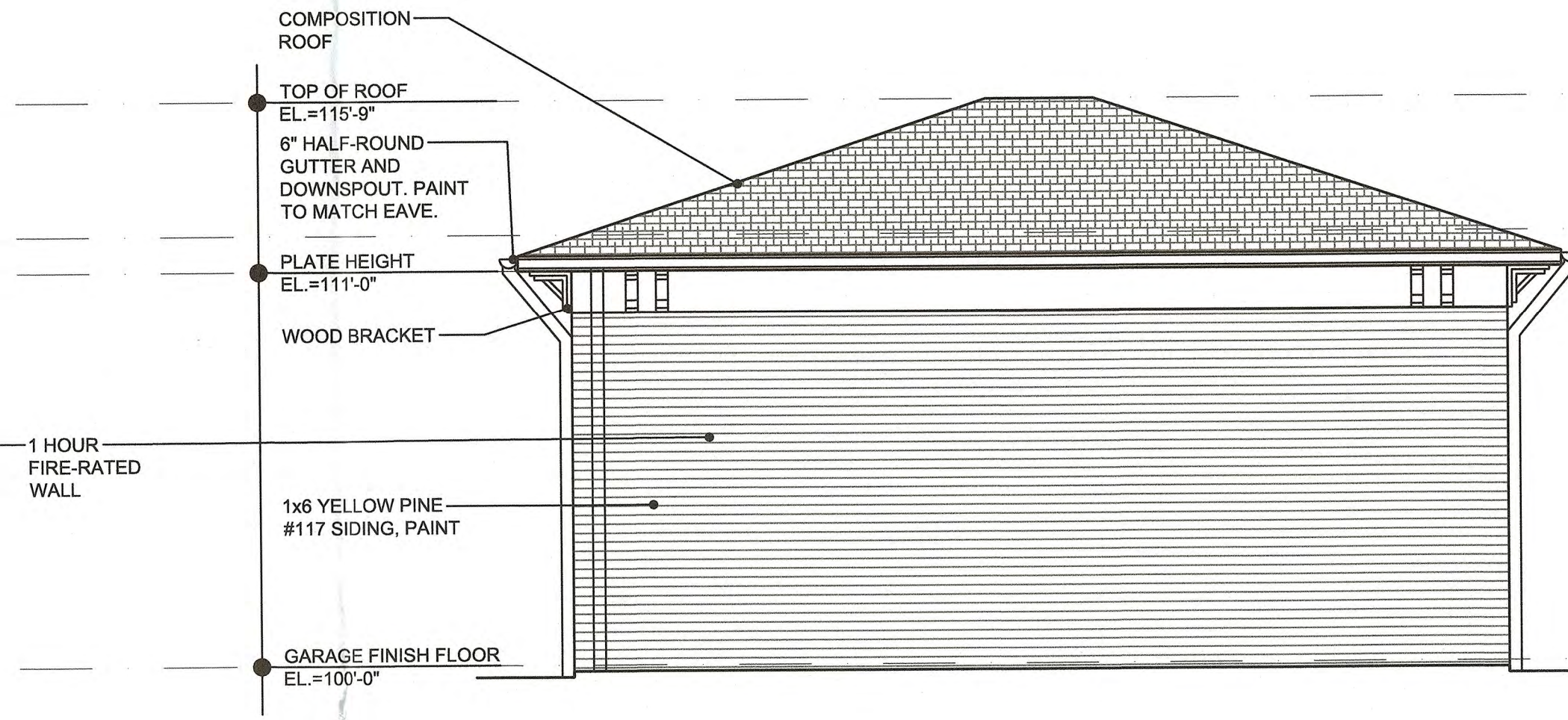


DEMOLITION SITE PLAN 01
SCALE: 1/8" = 1'-0"

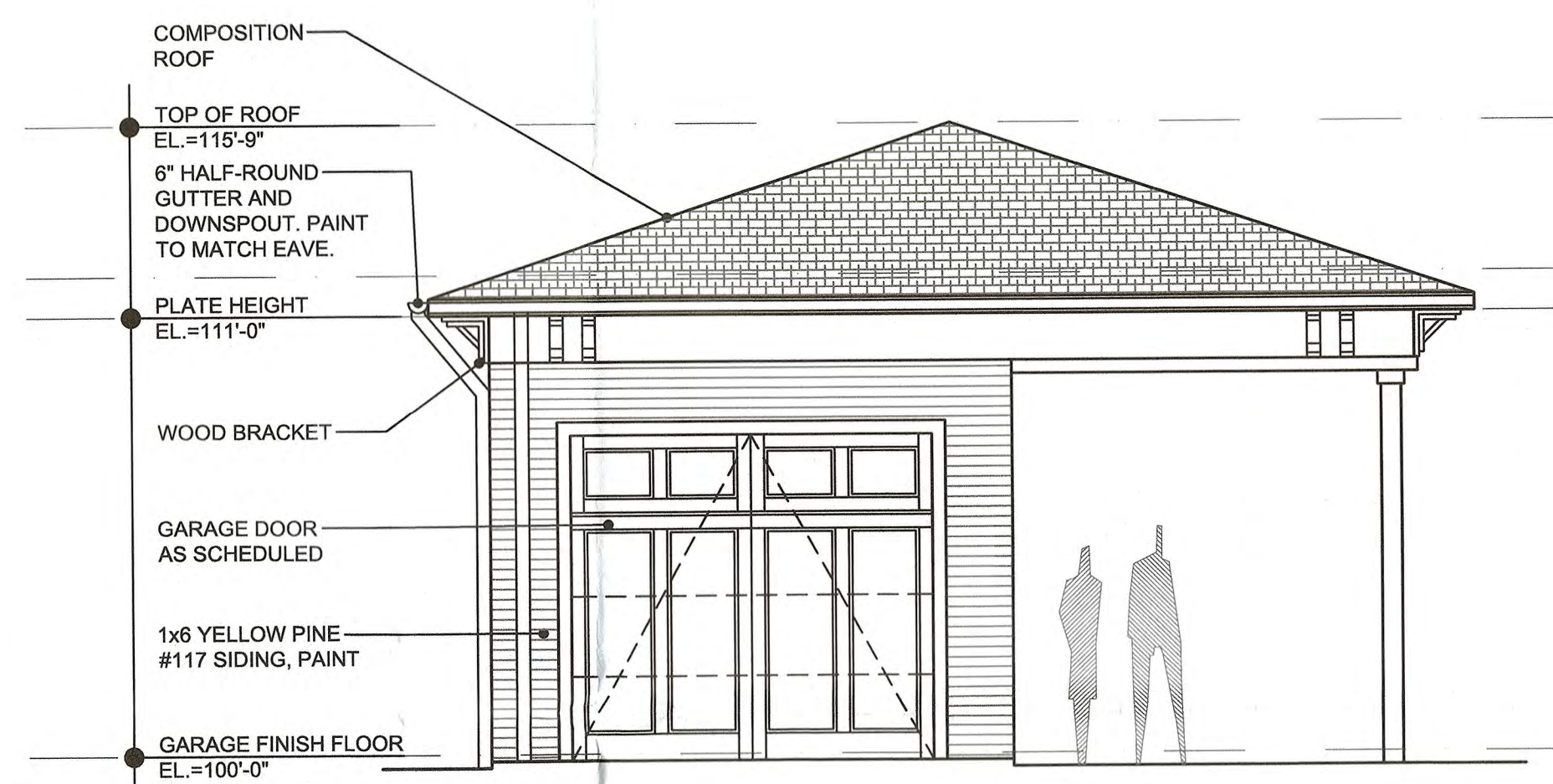




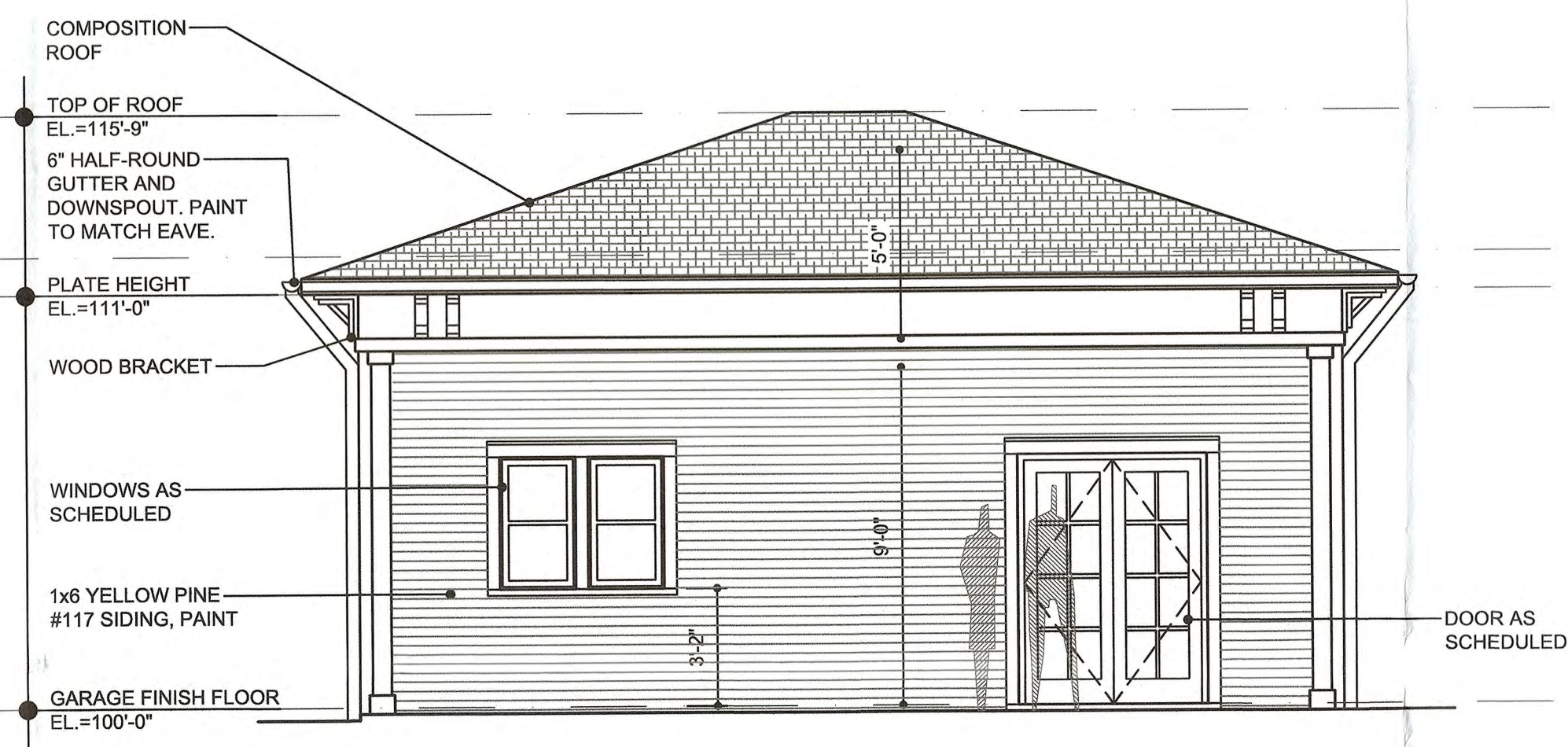
SOUTH ELEVATION 06
SCALE: 1/4"= 1'-0"



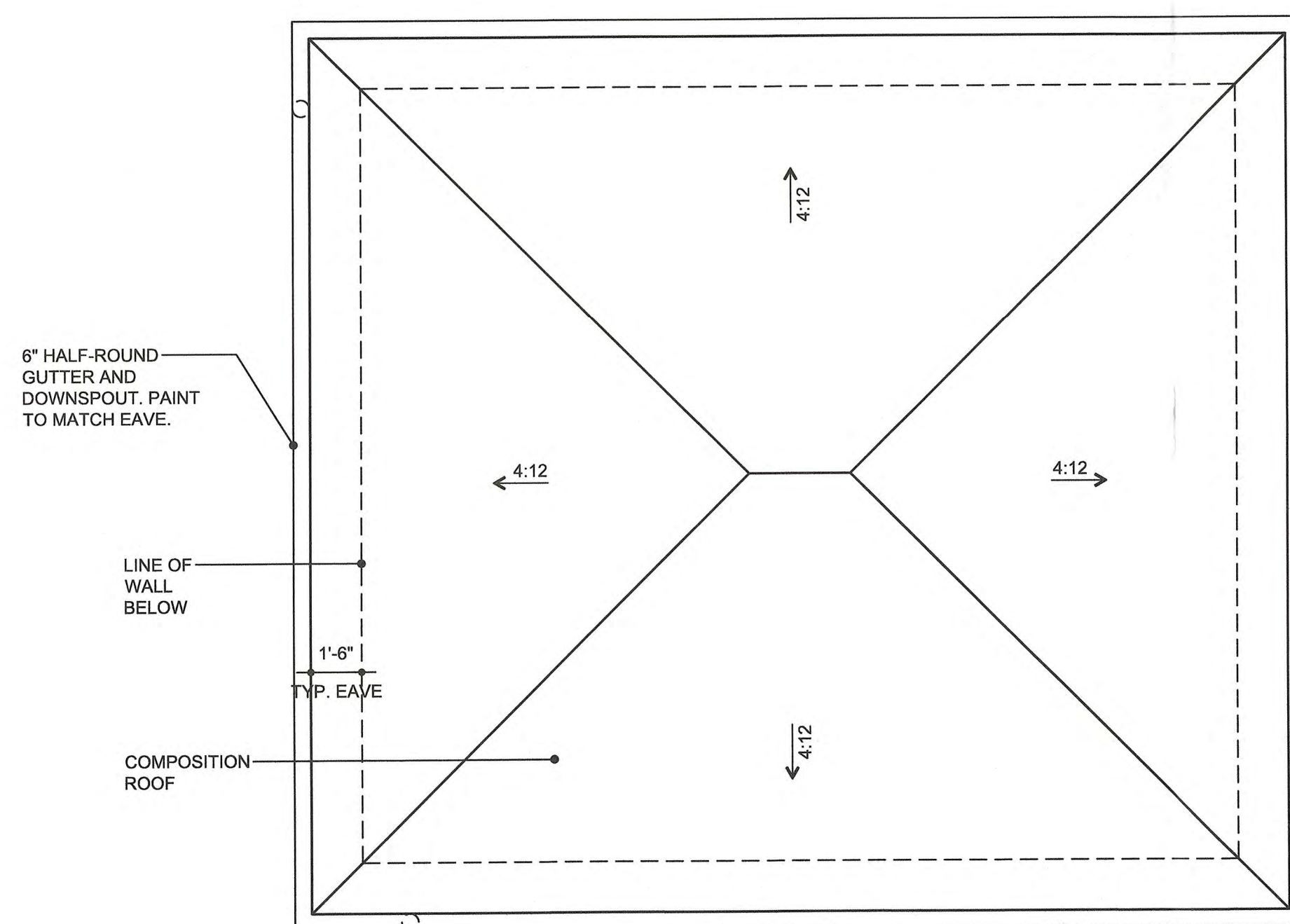
EAST ELEVATION 05
SCALE: 1/4"= 1'-0"



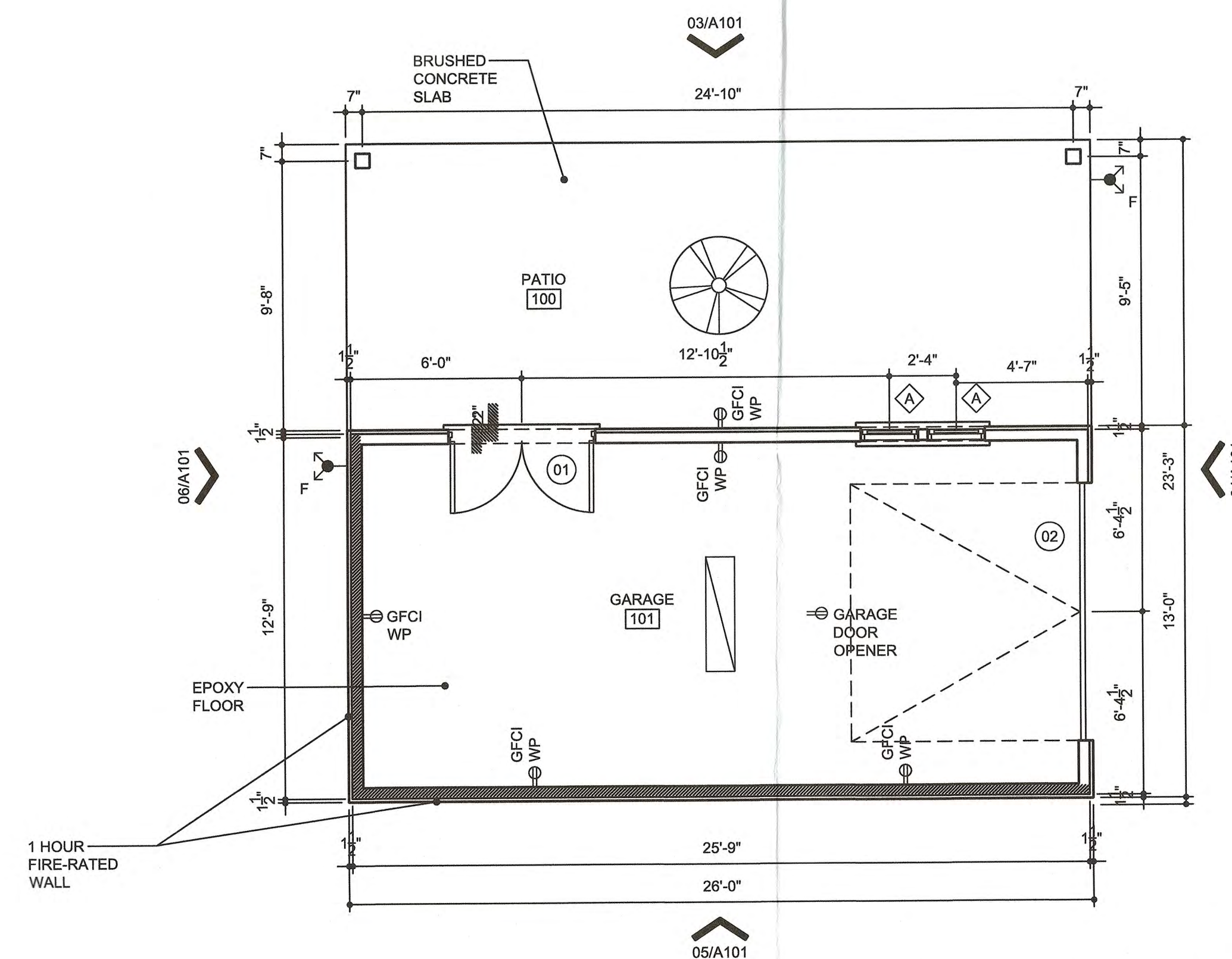
NORTH ELEVATION 04
SCALE: 1/4"= 1'-0"



WEST ELEVATION 03
SCALE: 1/4"= 1'-0"



ROOF PLAN 02
SCALE: 1/4"= 1'-0"



GARAGE FLOOR PLAN 01
SCALE: 1/4"= 1'-0"

Memorandum



Date October 4, 2022
To Oscar Aguilera, Senior Planner
Subject BDA #212-096 5212 Tremont Arborist report

The mature red oak tree in the rear yard of 5212 Tremont is worthy of preservation.

All trees on the property are not currently subject to the Article X tree conservation regulations so long as the original residential building structure remains to provide the single-family use. This status would change with demolition of the structure. The owner is currently at liberty to retain or remove any of the trees on the property.

Philip Erwin
Chief Arborist
Development Services Department

FILE NUMBER: BDA 212-098(OA)

BUILDING OFFICIAL'S REPORT: Application of Brian Bergersen to provide an additional electrical meter at 4308 Beechwood Lane. This property is more fully described as Lot 13, Block E/5547, and is zoned an R-10(A) Single Family District, which requires that a single-family dwelling use in a single family, duplex, or townhouse district may be supplied by not more than one electrical utility service and metered by not more than one electrical meter. The applicant proposes to construct and maintain a structure accessory to a single-family dwelling un a single-family district and have more than one electrical utility service or more than one electrical meter, which will require a special exception to the single-family zoning use regulations.

LOCATION: 4308 Beechwood Lane

APPLICANT: Brian Bergersen

REQUEST:

A special exception to the single family use regulations is requested in conjunction with installing and maintaining an additional electrical utility service and electrical meter on a site that is currently being developed with a single-family use.

STANDARD FOR A SPECIAL EXCEPTION TO THE SINGLE-FAMILY USE REGULATIONS TO AUTHORIZE MORE THAN ONE ELECTRICAL UTILITY SERVICE OR MORE THAN ONE ELECTRICAL METER:

The board may grant a special exception to authorize more than one electrical utility service or more than one electrical meter for single family use on a lot in a single family zoning, duplex, or townhouse district when, in the opinion of the board, the special exception will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties, and 3) not be used to conduct a use not permitted in the zoning district.

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to authorize more than one electrical utility service or more than one electrical meter for single family use on a lot in a single family zoning district since the basis for this type of appeal is when in the opinion of the board, the special exception will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties, and 3) not be used to conduct a use not permitted in the zoning district.

BACKGROUND INFORMATION:

Zoning:

Site: R-10 (A) Single family district
North: R-10 (A) Single family district
South: R-10 (A) Single family district
East: R-10 (A) Single family district
West: R-10 (A) Single family district

Land Use:

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

Zoning/BDA History:

There have been three related board cases in the vicinity within the last five years.

1. BDA190-074: On August 18, 2020, Panel A, Board of Adjustment granted a special exception to the fence height regulations to construct and maintain six-foot-six-inch-high fence in a required front yard, which required a two-foot-six-inch special exception at 4211 Brookview Drive.
2. BDA190-042: On June 24, 2020, Panel B, Board of Adjustment granted a request for a special exception to the fence height regulations to construct and maintain a seven-foot-high fence in a required front yard, which required a three-foot special exception at 4523 Park Lane.
3. BDA212-049 The Board of Adjustment Panel A, at its public hearing held on Tuesday, August 16, 2022, granted your request to 1) to construct and/or maintain a six-foot-high fence as a special exception to the height requirement for fences and 2) a special exception to the surface area openness requirement for fences in the Dallas Development Code, subject to conditions at 4256 Park Lane

GENERAL FACTS/STAFF ANALYSIS:

This request focuses on installing and maintaining a second electrical utility service/electrical meter on a site currently being developed with a pool.

The site is zoned an R-10(A) Single Family District where the Dallas Development Code permits one dwelling unit per lot.

The Dallas Development Code states that in a single family, duplex, or townhouse district, a lot for single family use may be supplied by not more than one electrical service, and metered by not more than one electrical meter; and that the board of adjustment may grant a special exception to authorize more than one electrical utility service or more than one electrical meter for single family use on a lot in a single family zoning district when in the opinion of the board, the special exception will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties, and 3) not be used to conduct a use not permitted in the zoning district

The applicant has submitted a site plan that indicate the proposed location of the second electrical meters on the subject site. The applicant advised staff that the additional electrical meter will be located “on the rear of the property by the pool equipment as indicated by the submitted site plan”.

The application states that the applicant is seeking an additional electrical meter to serve the pool since the current electrical utility does not have enough capacity to serve the pool.

The applicant has the burden of proof in establishing that the additional electrical meter to be installed and/or maintained on the site will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties, and 3) not be used to conduct a use not permitted in the zoning

If the board were to approve this request to install and maintain a second electrical utility service/electrical meter, this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing a second electrical utility service/electrical meter on the site (i.e., development on the site must meet all required code requirements).

Timeline:

August 5, 2022: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.

September 1, 2022: The Board of Adjustment Secretary assigned this case to the Board of Adjustment Panel A.

September 9, 2022: The Board Senior Planner emailed the applicant the following information:

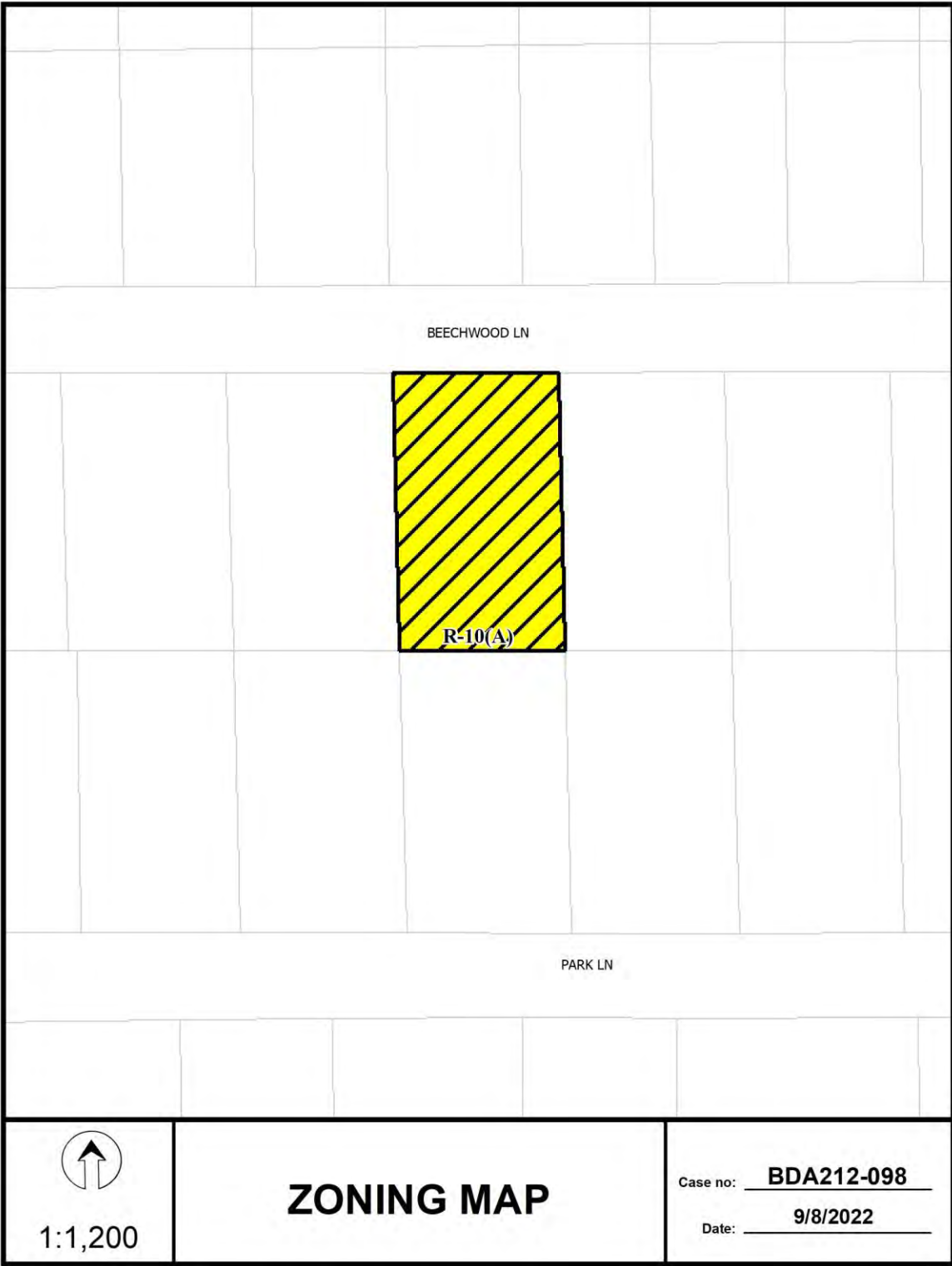
- a copy of the application materials including the Building Official’s report on the application.
- an attachment that provided the public hearing date and panel that will consider the application; the September 28, 2022, deadline to submit additional evidence for staff to factor into

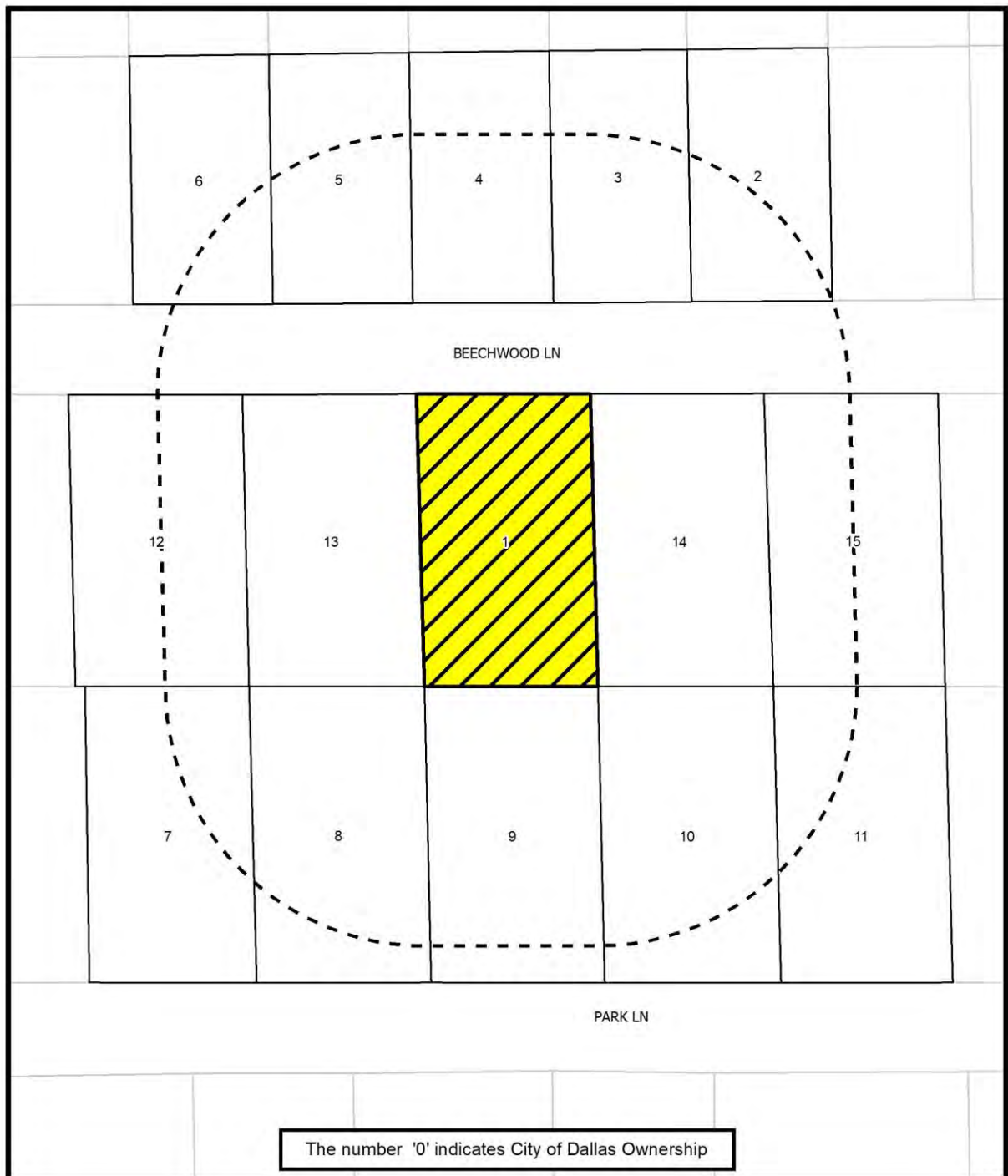

their analysis; and the October 7th deadline to submit additional evidence to be incorporated into the Board's docket materials.

- 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."

September 30, 2022: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearing. Review team members in attendance included: the Development Services Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Transportation Development Services Senior Engineer, Development Services Board of Adjustment Senior Planner, the Assistant City Attorney to the Board, and Jason Pool Senior Planner.

No review comment sheets with comments were submitted in conjunction with this application.



														
<div style="border: 1px solid black; display: inline-block; padding: 2px 10px;">The number '0' indicates City of Dallas Ownership</div>														
 1:1,200	<h2 style="margin: 0;">NOTIFICATION</h2> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="border: 1px solid black; padding: 2px 5px; font-weight: bold;">200'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="border: 1px solid black; padding: 2px 5px; font-weight: bold;">15</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>								Case no: BDA212-098 Date: 9/8/2022					

09/07/2022

Notification List of Property Owners

BDA212-098

15 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4308 BEECHWOOD LN	BERGERSEN BRIAN E &
2	4323 BEECHWOOD LN	JORDAN JENNIFER A &
3	4315 BEECHWOOD LN	KELSOE ROBERT & LAURA
4	4307 BEECHWOOD LN	BALLARD JEFFREY P
5	4243 BEECHWOOD LN	MCLEOD MALCOLM B & JULIE K
6	4231 BEECHWOOD LN	MCCORRY ROBERT J
7	4231 PARK LN	CLAY L KENT & ANDREA W
8	4241 PARK LN	SHABOT CAROL A
9	4251 PARK LN	HEIN H A TILLMAN &
10	4259 PARK LN	LILAND DAVID LYNN
11	4309 PARK LN	COTTEN KENDALL G &
12	4230 BEECHWOOD LN	BHATIA VIKRANT & YASMIN
13	4240 BEECHWOOD LN	POTEET CHARLES H JR
14	4318 BEECHWOOD LN	MAGNUSON BRENT A & JILL B
15	4330 BEECHWOOD LN	BRODIE RACHEL D



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 712-098

Data Relative to Subject Property:

Date: 8/05/22

Location address: 4308 Beechwood Lane, DALLAS, TX 75220 Zoning District: RESIDENTIAL

Lot No.: 13 Block No.: E/5547 Acreage: .701 Census Tract: _____

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): BRIAN BERGERSEN

Applicant: BRIAN BERGERSEN Telephone: (214) 732-2552

Mailing Address: 4308 Beechwood Lane, DALLAS, TX Zip Code: 75220

E-mail Address: BRIAN@SPECTRUMPROP.COM

Represented by: BRIAN BERGERSEN Telephone: (214) 732-2552

Mailing Address: 4308 Beechwood Lane, DALLAS, TX Zip Code: 75220

E-mail Address: BRIAN@SPECTRUMPROP.COM

Affirm that an appeal has been made for a Variance __, or Special Exception ☒, of INSTALLATION OF AN ELECTRICAL METER FOR THE POOL EQUIPMENT FOR INSTALLATION OF A NEW POOL

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 SERVICE FOR THE HOUSE AND THE HOUSE PANELS ARE COMPLETELY MAXED OUT AND NO ROOM TO RUN ELECTRICAL FOR THE POOL EQUIPMENT.

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 BRIAN BERGERSEN
(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 August, 2022

(Rev. 08-01-11)



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

Date of Hearing

Appeal was--Granted OR Denied

Remarks

Chairman

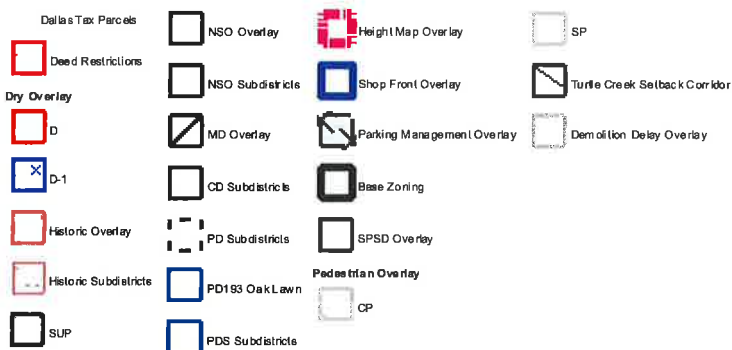
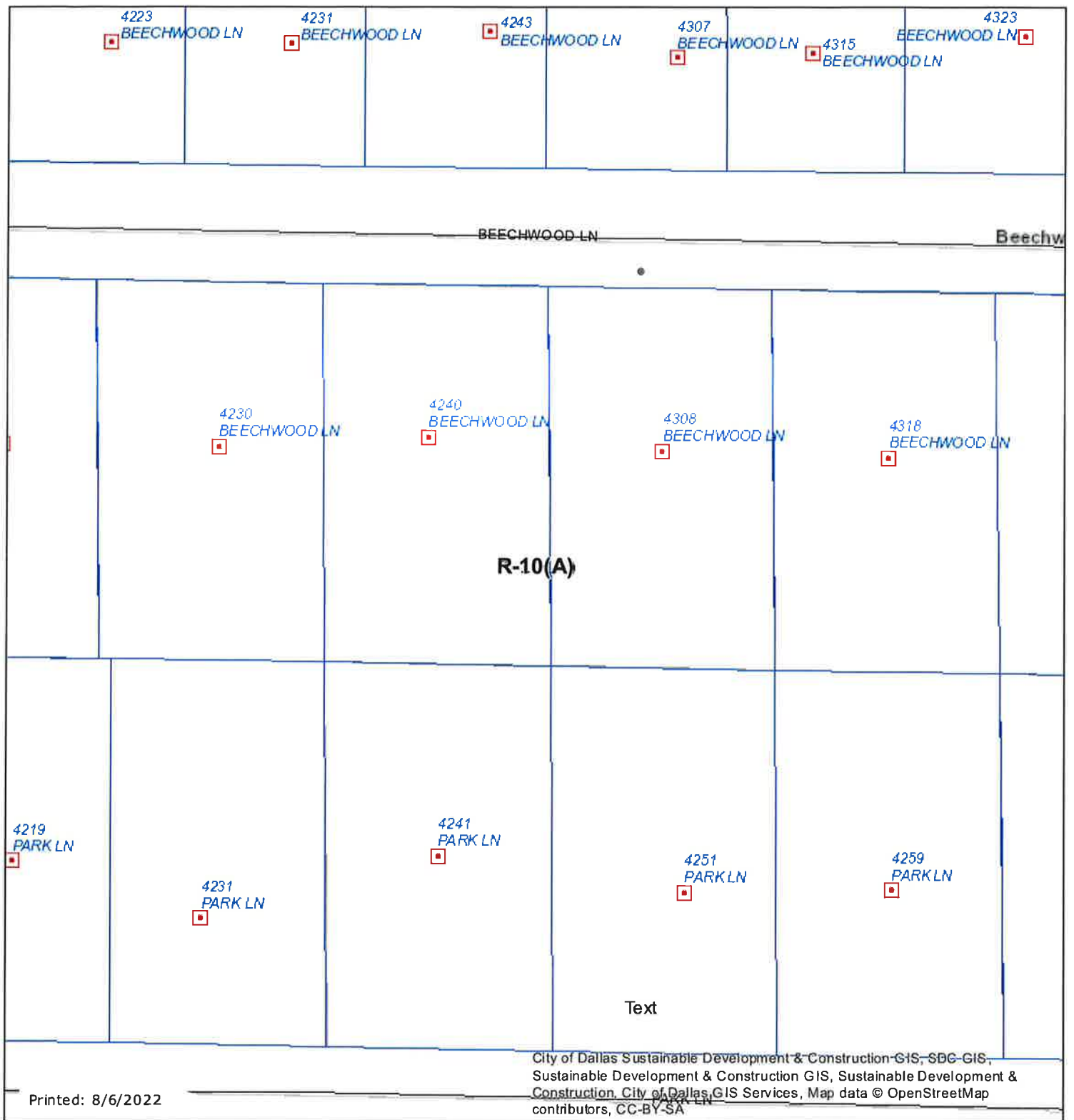
I hereby certify that **BRIAN BERGERSEN**

did submit a request provide an additional electrical meter
at 4308 Beechwood Lane

BDA212-098. Application of BRIAN BERGERSEN to provide an additional electrical meter at 4308 BEECHWOOD LN. This property is more fully described as block E/5547, lot 13 and is zoned R-10(A), which requires that a single family dwelling use in a single family, duplex, or townhouse district may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The applicant proposes to construct and maintain a structure accessory to a single family dwelling in a single family district and have more than one electrical utility service, or more than one electrical meter, which will require a special exception to the single family zoning use regulations.

Sincerely,

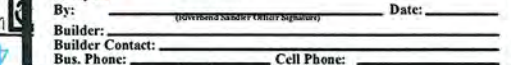
David Session
David Session, Building Official



This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.' (Texas Government Code § 2051.102)

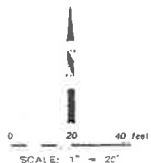


1:1,128

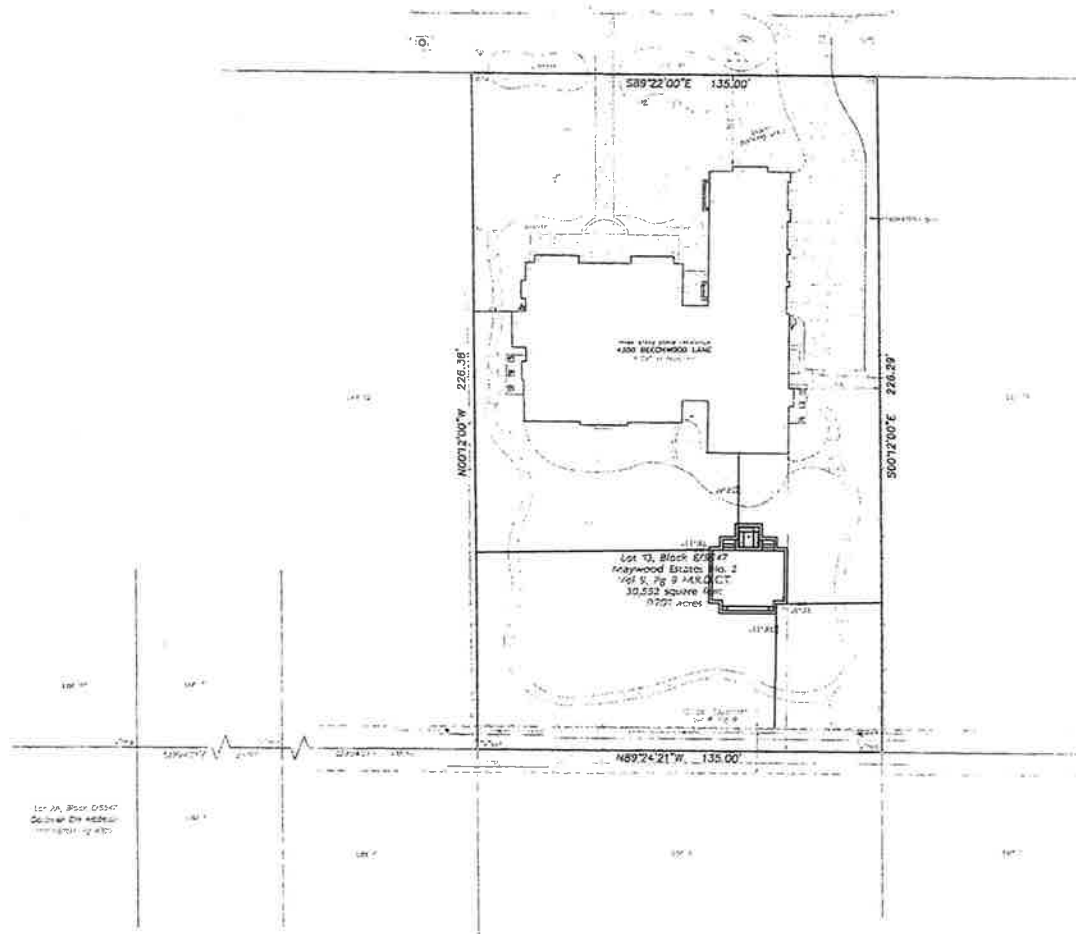




VICINITY MAP



BEECHWOOD LANE



PROPERTY DESCRIPTION
 BOUNDARY: The boundary of the property is as shown on the plat of the property, which is a part of the public record of the County of Dallas, State of Texas, and is subject to the provisions of the Texas Property Code, Chapter 63, Subchapter C, Section 63.01, which provides that the boundary of the property is as shown on the plat of the property, which is a part of the public record of the County of Dallas, State of Texas, and is subject to the provisions of the Texas Property Code, Chapter 63, Subchapter C, Section 63.01.

LEGEND

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NOTARY CERTIFICATION

I, the undersigned, a Notary Public in and for the State of Texas, do hereby certify that the foregoing is a true and correct copy of the plat of the property, which is a part of the public record of the County of Dallas, State of Texas, and is subject to the provisions of the Texas Property Code, Chapter 63, Subchapter C, Section 63.01, which provides that the boundary of the property is as shown on the plat of the property, which is a part of the public record of the County of Dallas, State of Texas, and is subject to the provisions of the Texas Property Code, Chapter 63, Subchapter C, Section 63.01.

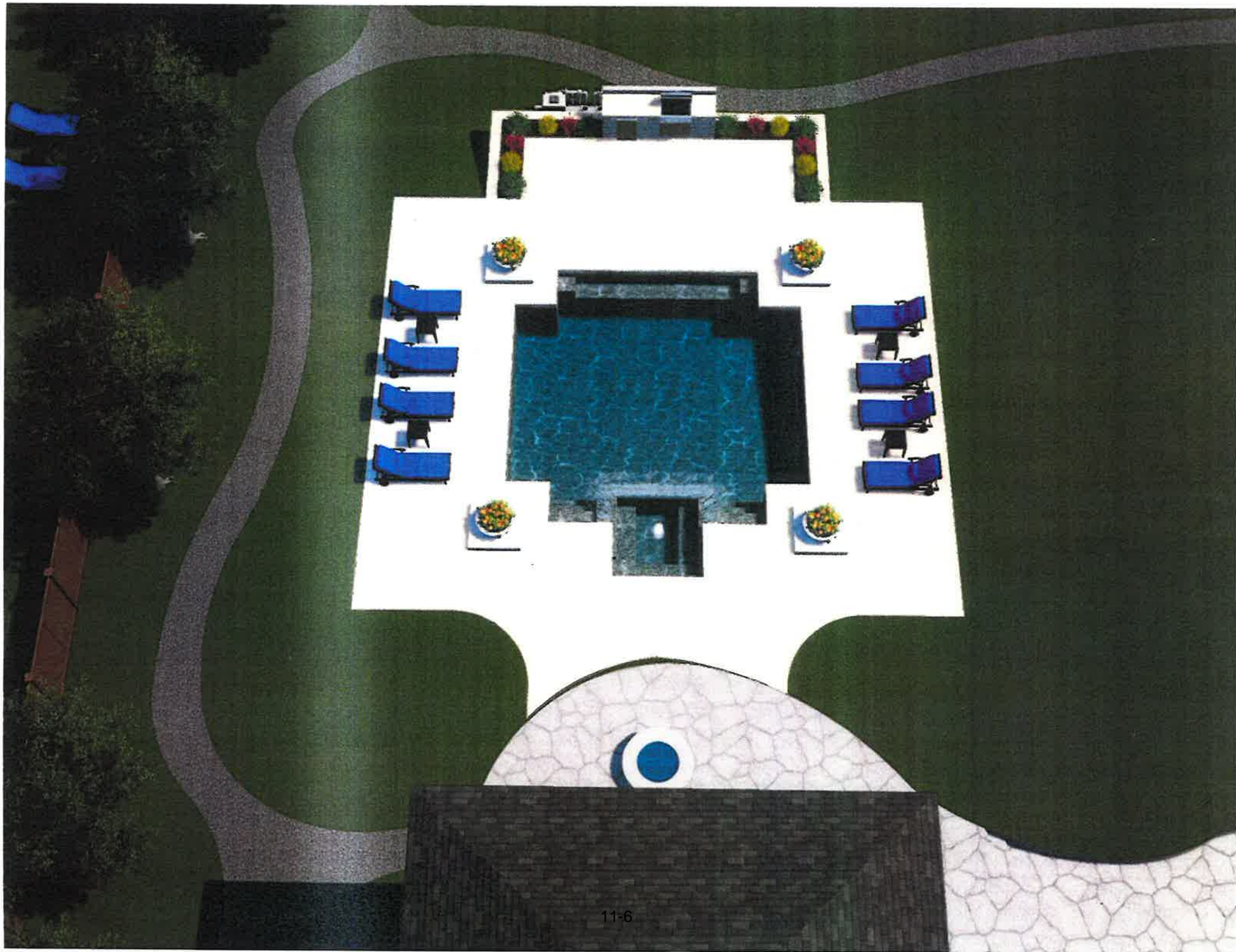
DATE OF THIS CERTIFICATE: 10/10/2023



PRELIMINARY, FOR REVIEW ONLY
 This is a preliminary plat and is not to be used for any purpose other than for review. It is not to be recorded in the public record of the County of Dallas, State of Texas, and is subject to the provisions of the Texas Property Code, Chapter 63, Subchapter C, Section 63.01, which provides that the boundary of the property is as shown on the plat of the property, which is a part of the public record of the County of Dallas, State of Texas, and is subject to the provisions of the Texas Property Code, Chapter 63, Subchapter C, Section 63.01.

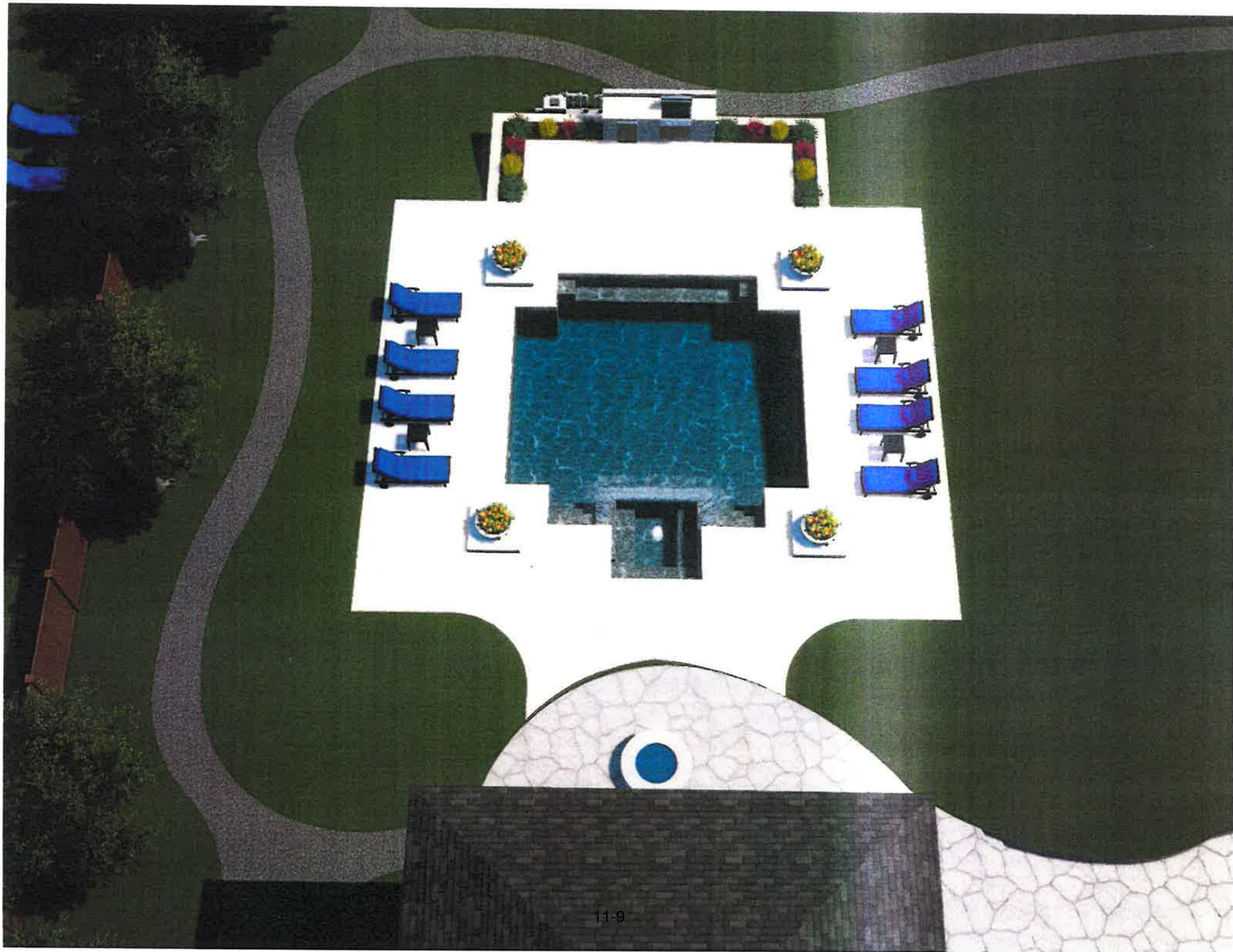
NOTES
 1. The plat of the property is as shown on the plat of the property, which is a part of the public record of the County of Dallas, State of Texas, and is subject to the provisions of the Texas Property Code, Chapter 63, Subchapter C, Section 63.01, which provides that the boundary of the property is as shown on the plat of the property, which is a part of the public record of the County of Dallas, State of Texas, and is subject to the provisions of the Texas Property Code, Chapter 63, Subchapter C, Section 63.01.
 2. The plat of the property is as shown on the plat of the property, which is a part of the public record of the County of Dallas, State of Texas, and is subject to the provisions of the Texas Property Code, Chapter 63, Subchapter C, Section 63.01, which provides that the boundary of the property is as shown on the plat of the property, which is a part of the public record of the County of Dallas, State of Texas, and is subject to the provisions of the Texas Property Code, Chapter 63, Subchapter C, Section 63.01.
 3. The plat of the property is as shown on the plat of the property, which is a part of the public record of the County of Dallas, State of Texas, and is subject to the provisions of the Texas Property Code, Chapter 63, Subchapter C, Section 63.01, which provides that the boundary of the property is as shown on the plat of the property, which is a part of the public record of the County of Dallas, State of Texas, and is subject to the provisions of the Texas Property Code, Chapter 63, Subchapter C, Section 63.01.

PAGE OF DRAWING
 This is a preliminary plat and is not to be used for any purpose other than for review. It is not to be recorded in the public record of the County of Dallas, State of Texas, and is subject to the provisions of the Texas Property Code, Chapter 63, Subchapter C, Section 63.01, which provides that the boundary of the property is as shown on the plat of the property, which is a part of the public record of the County of Dallas, State of Texas, and is subject to the provisions of the Texas Property Code, Chapter 63, Subchapter C, Section 63.01.







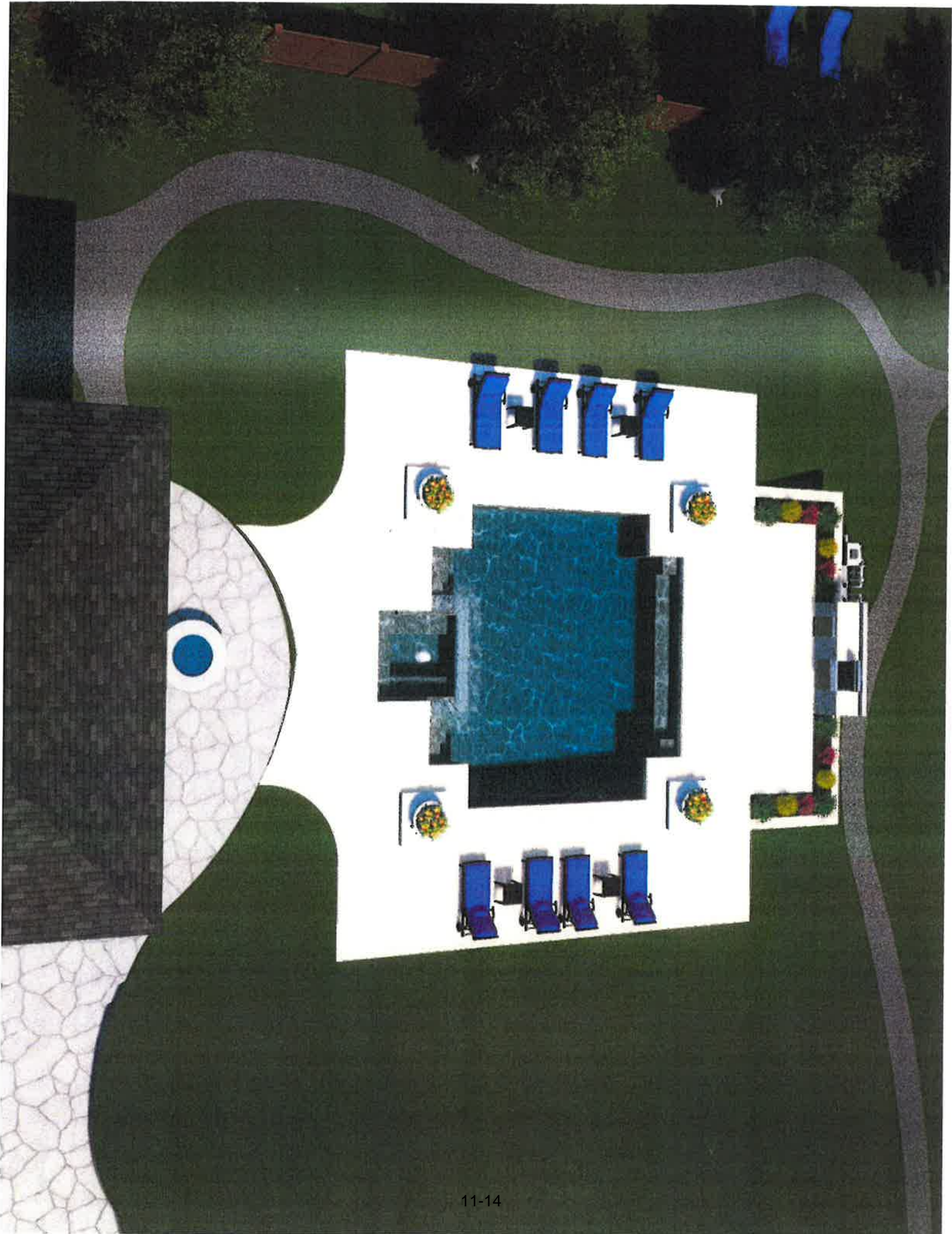












FILE NUMBER: BDA212-079(OA)

BUILDING OFFICIAL'S REPORT: Application of Kent Washington for a special exception to the parking regulations at 424 W. Davis Street. This property is more fully described as Lot 4, in City Block 10/3138, and is zoned CD No. 7, the Bishop Eighth Conservation District, which requires off-street parking to be provided. The applicant proposes to construct a nonresidential structure for a restaurant without drive-in or drive-through service use, and provide nine of the required 11 parking spaces, which will require a two-space special exception (18 percent reduction) to the parking regulation.

LOCATION: 424 W. Davis Street

APPLICANT: Kent Washington

REQUEST:

A request for a special exception to the off-street parking regulations of two spaces is made to construct a restaurant without a drive-in or drive-through service use with a total floor area of 2,484 square feet on the subject site.

UPDATE:

On September 20, 2022, the Board of Adjustment Panel A held this case to the October 18th public hearing date. There are no changes to the report.

STANDARD FOR A SPECIAL EXCEPTION TO THE OFF-STREET PARKING REGULATIONS:

Sec.51P-621.110(2)(D) Special exception. 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.

Section 51A-4.311 of the Dallas Development Code states the following:

- 1) The Board of Adjustment 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 and nearby streets.* 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)(A). For the commercial amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 75 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). For office use, the maximum reduction authorized by this section is 35 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). Applicants may seek a special exception to the parking requirements under this section and an administrative parking reduction under Section 51A-4.313. The greater reduction will apply, but the reduction may not be combined.

- 2) In determining whether to grant a special exception, the board shall consider the following factors:
 - (A) The extent to which the parking spaces provided will be remote, shared, or packed parking.
 - (B) The parking demand and trip generation characteristics of all uses for which the special exception is requested.
 - (C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district.
 - (D) The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan.
 - (E) The availability of public transit and the likelihood of its use.
 - (F) The feasibility of parking mitigation measures and the likelihood of their effectiveness.
- 3) In granting a special exception, the board shall specify the uses to which the special exception applies. A special exception granted by the board for a particular use automatically and immediately terminates if and when that use is changed or discontinued.
- 4) In granting a special exception, the board may:
 - (A) Establish a termination date for the special exception or; otherwise provide for the reassessment of conditions after a specified period of time;
 - (B) Impose restrictions on access to or from the subject property; or
 - (C) Impose any other reasonable conditions that would have the effect of improving traffic safety or lessening congestion on the streets.

- 5) The board shall not grant a special exception to reduce the number of off-street parking spaces required in an ordinance granting or amending a specific use permit.
- 6) The board shall not grant a special exception to reduce the number of off-street parking spaces expressly required in the text or development plan of an ordinance establishing or amending regulations governing a specific planned development district. This prohibition does not apply when:
 - (A) the ordinance does not expressly specify a minimum number of spaces, but instead simply makes references to the existing off-street parking regulations in Chapter 51; or
 - (B) the regulations governing that specific district expressly authorize the board to grant the special exception.

STAFF RECOMMENDATION:

No staff recommendation is made on this request for a special exception to the parking demand since the basis for this type of appeal is whether the board finds 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 and nearby streets.

To assist the board in its decision-making, the Transportation Development Services Senior Engineer reviewed the area of request and information provided by the applicant (**Attachments A1, A2**). A comment sheet (**Attachment B**) submitted in review of the request states, “no objections”

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	Conservation District No. 7
<u>East:</u>	Conservation District No. 7
<u>South:</u>	Conservation District No. 7
<u>West:</u>	Conservation District No. 7
<u>North:</u>	Conservation District No. 7

Land Use:

The subject site is developed with a one-story restaurant without drive-in or drive-through service use. Surrounding uses include residential uses to the north and south, and personal service uses to the east and west.

Zoning/BDA History:

There have been no related zoning or board cases in the vicinity within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

The purpose of this request for a special exception to the off-street parking regulations of two spaces (or an 18-percent reduction of the parking spaces required) is to maintain an existing structure proposed to operate as a restaurant without a drive-in or drive-through service use and provide eight parking spaces on-site and one delta credit for a total of nine parking spaces technically provided.

The property is zoned CD No. 7, the Bishop Eighth Conservation District, which requires the following off-street parking to be provided:

- one space for each 220 square feet of floor area for a retail or restaurant without a drive-in or drive-through service use

Therefore, the proposed 2,484-square-foot restaurant without a drive-in or drive-through service use will require a total of eleven off-street parking spaces on-site.

The Transportation Development Services Senior Engineer has no objection to the request subject to special conditions noted (**Attachment B**).

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

- The parking demand generated by the restaurant without drive-in or drive-through service use on the site does not warrant the number of off-street parking spaces required, and
- The special exception of two spaces (or an 18-percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.

As of September 9, 2022, no letters have been received regarding this request.

If the board were to grant this request a condition may be imposed that the special exception of two spaces shall automatically and immediately terminate if and when a restaurant without a drive-in or drive-through service use is changed or discontinued.

Timeline:

June 21, 2022: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.

July 11, 2022: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.

July 11, 2022: The Board Senior Planner emailed the applicant the following information:

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

July 28, 2022: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August public hearing. The review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Chief Arborist, the Development Services Chief Planner, the Development Services Conservation District Senior Planner, and the Board of Adjustment Senior Planner.

July 27, 2022: The representative submitted evidence for staff consideration **(Attachment A1-A2)**.

August 1, 2022: The Transportation Development Services Senior Engineer submitted a review comment sheet marked "no objection to the request" **(Attachment B)**.

August 16, 2022: Panel A held this case to September 20th at the applicant's request.

August 16, 2022: Panel A held this case to September 20th at the applicant's request.

September 20, 2022: Panel A held this case this matter under advisement until October 18, 2022.

October 7, 2022: The applicant submitted additional information to staff beyond what was submitted with the original application (**Attachment C**).

MINUTES

BOARD OF ADJUSTMENT ACTION: August 16, 2022

APPEARING IN FAVOR: Samantha Renz 4100 International Pl Ft.
Worth, TX

APPEARING IN OPPOSITION: Brooke Batson 612 Haines Ave. Dallas, TX

MOTION: **Narey**

I move that the Board of Adjustment in Appeal No. BDA 212-079 **hold** this matter under advisement until **September 20, 2022**.

SECONDED: **Halcomb**

AYES: 5 – Brooks, Halcomb, Narey, Frankford, Neumann

NAYS: 0–

MOTION PASSED (unanimously): 5-0

DRAFT MINUTES

BOARD OF ADJUSTMENT ACTION: September 20, 2022

APPEARING IN FAVOR: Rob Baldwin 3904 Elm St. Ste. B Dallas, TX

APPEARING IN OPPOSITION

MOTION: **Hayden**

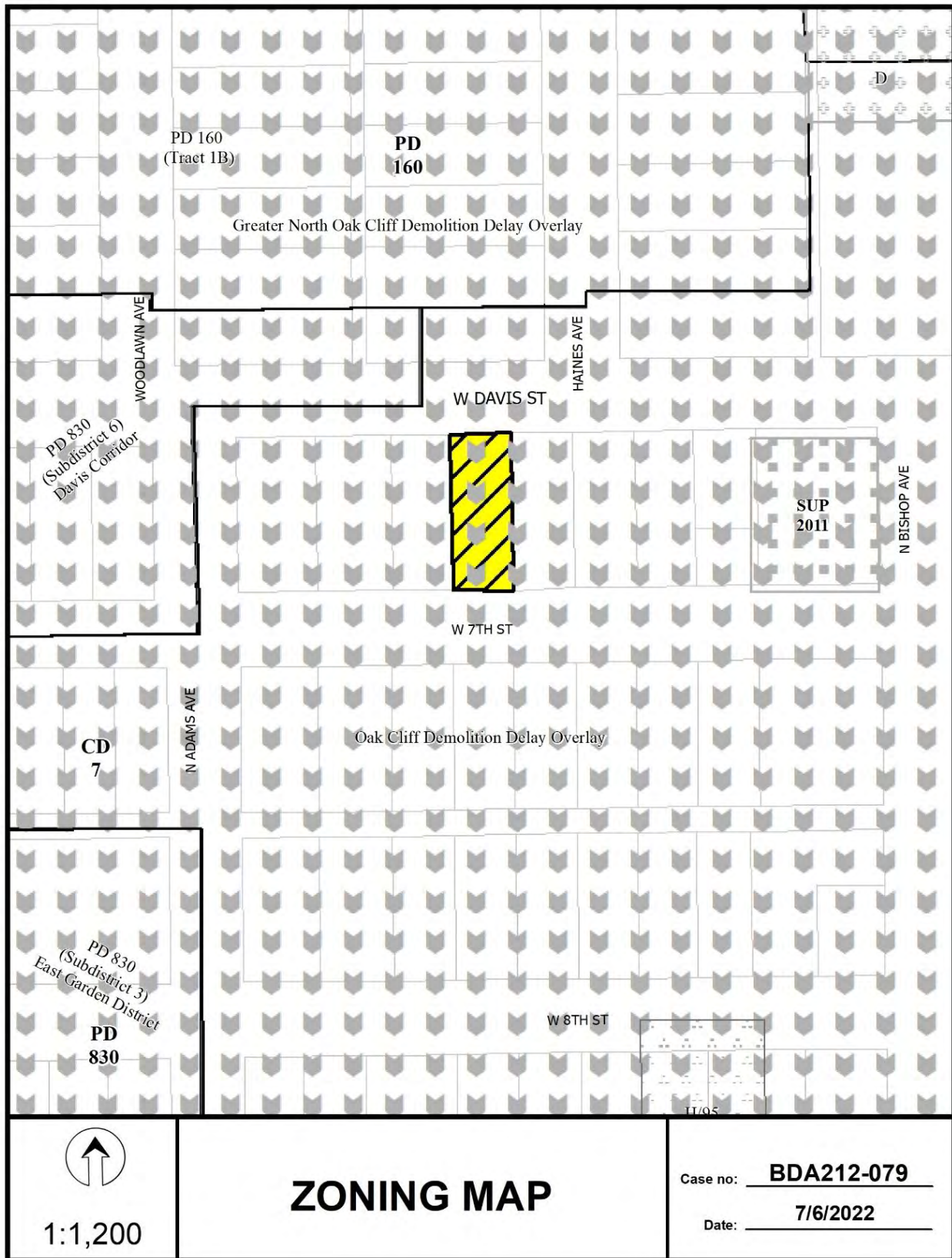
I move that the Board of Adjustment in Appeal No. BDA 212-079 **hold** this matter under advisement until **October 18, 2022**.

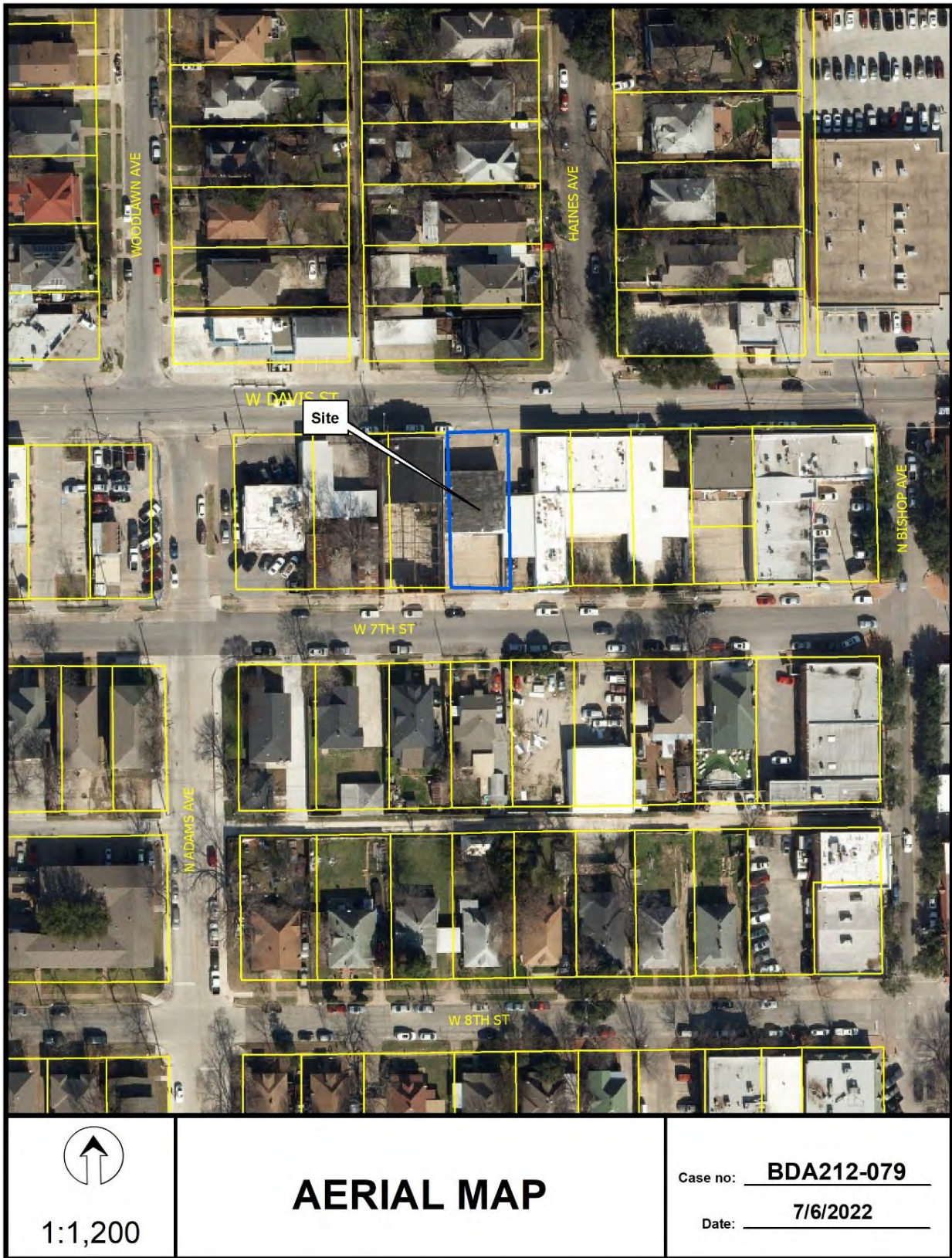
SECONDED: **Halcomb**

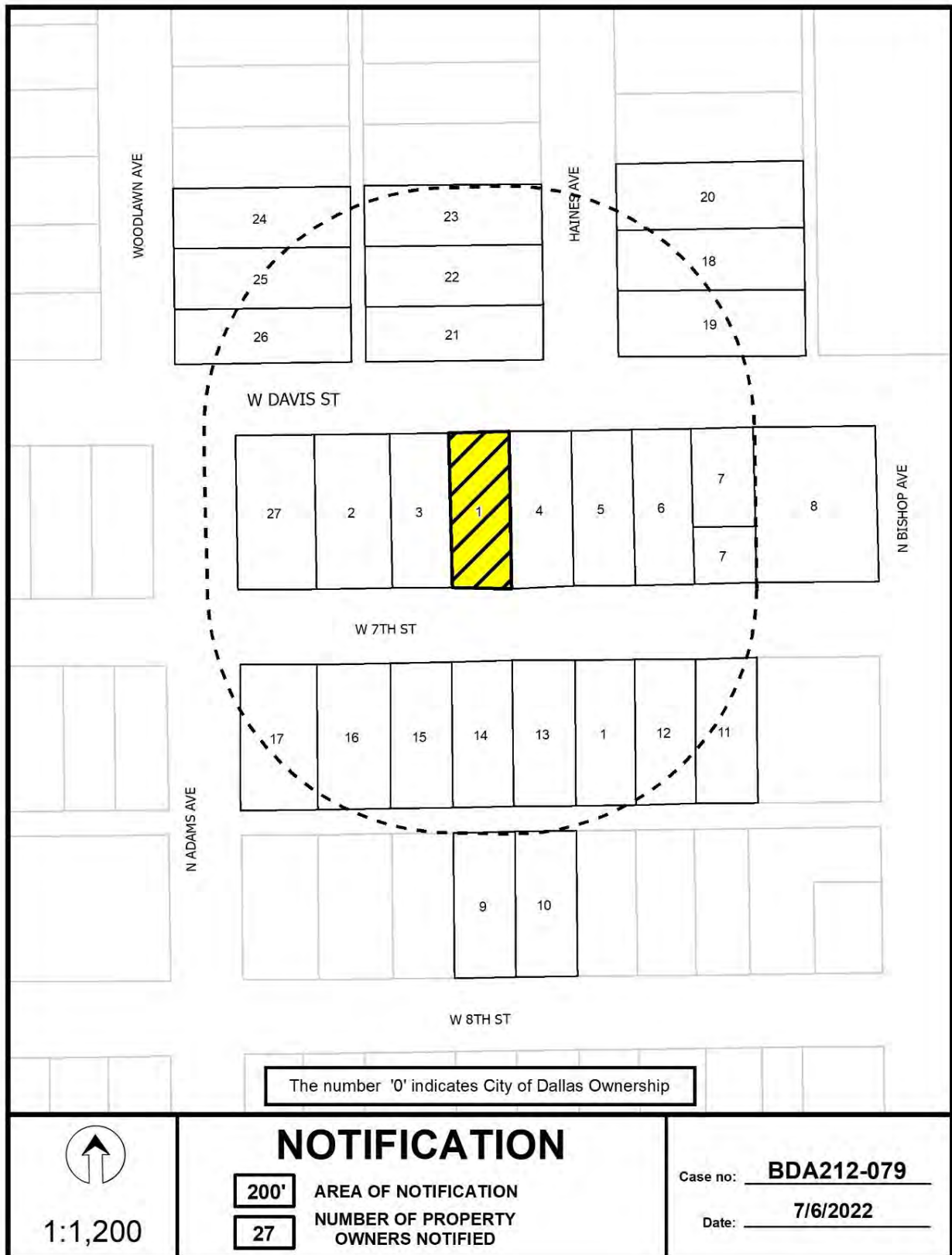
AYES: 5 – Hayden, Halcomb, Narey, Frankford, Neumann

NAYS: 0

MOTION PASSED (unanimously): 5-0







07/05/2022

Notification List of Property Owners

BDA212-079

27 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	424 W DAVIS ST	D MC LEASING INC
2	436 W DAVIS ST	GAMBER MONTY R &
3	428 W DAVIS ST	428 WEST DAVIS LLC
4	420 W DAVIS ST	SALVAGGIO CHARLES F
5	416 W DAVIS ST	D MC LEASING INC
6	414 W DAVIS ST	M & I CAPITAL LLC
7	408 W DAVIS ST	BELMAR MANAGMENT LTD
8	509 N BISHOP AVE	2 ESQUINAS AT BISHOP ARTS
9	425 W 8TH ST	ALLMON ALAN D
10	421 W 8TH ST	GAYTAN JOSE &
11	408 W 7TH ST	7TH LLC
12	412 W 7TH ST	ITUARTE ROSANA LUZ
13	422 W 7TH ST	D MC LEASING
14	426 W 7TH ST	D MC LEASING LLC
15	428 W 7TH ST	ALVARADO DAVE H &
16	434 W 7TH ST	GAMBER MONTY
17	438 W 7TH ST	GAMBER MONTY
18	606 HAINES AVE	BALLAS VICTOR &
19	415 W DAVIS ST	SHIDID FAMILY LIVING TRUST
20	612 HAINES AVE	612 HAINES REVOCABLE TRUST
21	601 HAINES AVE	XANDERBAX LLC
22	607 HAINES AVE	VILLATORO DIMAS NAPOLEON
23	611 HAINES AVE	MORENO JUAN
24	610 WOODLAWN AVE	MARROQUIN MARIA CARMEN
25	606 WOODLAWN AVE	D MC LEASING LLC
26	445 W DAVIS ST	D MC LEASING INC
27	440 W DAVIS ST	Taxpayer at



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212-079

Data Relative to Subject Property:

Date: 6/21/22

Location address: 424 W. Davis St Zoning District: CD 7

Lot No.: 4 Block No.: 10/3138 Acreage: .143 Census Tract: _____

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Daniel McDonald

Applicant: Kent Washington Telephone: 214-880-3323

Mailing Address: 424 W. Davis St. Zip Code: 75208

E-mail Address: kent.washington@icloud.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

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

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:

parking reduction

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.

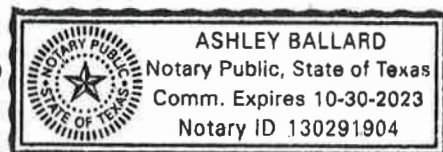
Affidavit

Before me the undersigned on this day personally appeared Kent Washington
(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: Kent Washington
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 21st day of June, 2022

(Rev. 08-01-11)



Ashley Ballard
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 KENT WASHINGTON

did submit a request for a special exception to the parking regulations
at 424 W DAVIS STREET

BDA212-079. Application of KENT WASHINGTON for a special exception to the parking regulations at 420 W DAVIS ST. This property is more fully described as Lot 4, Block 10/3138 and is zoned CD-7, which requires parking to be provided. The applicant proposes to construct a nonresidential structure for restaurant without drive-in or drive-through service use and provide 9 of the required 11 parking spaces, which will require a 2 space special exception (18% reduction) to the parking regulation.

Sincerely,


David Session, Building Official



AFFIDAVIT

Appeal number: BDA 212-079

I, D Mc Leasing, LLC f/k/a D MC Leasing Inc, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 424 West Davis Street, Dallas, Texas 75208
(Address of property as stated on application)

Authorize: Kent Washington
(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)

X Variance (specify below)

 Special Exception (specify below)

 Other Appeal (specify below)

Specify: Parking reduction

Daniel McDonald for D Mc Leasing, LLC
Print name of property owner or registered agent

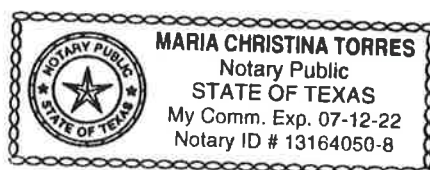
[Signature]
Signature of property owner or registered agent

Date June 15, 2022

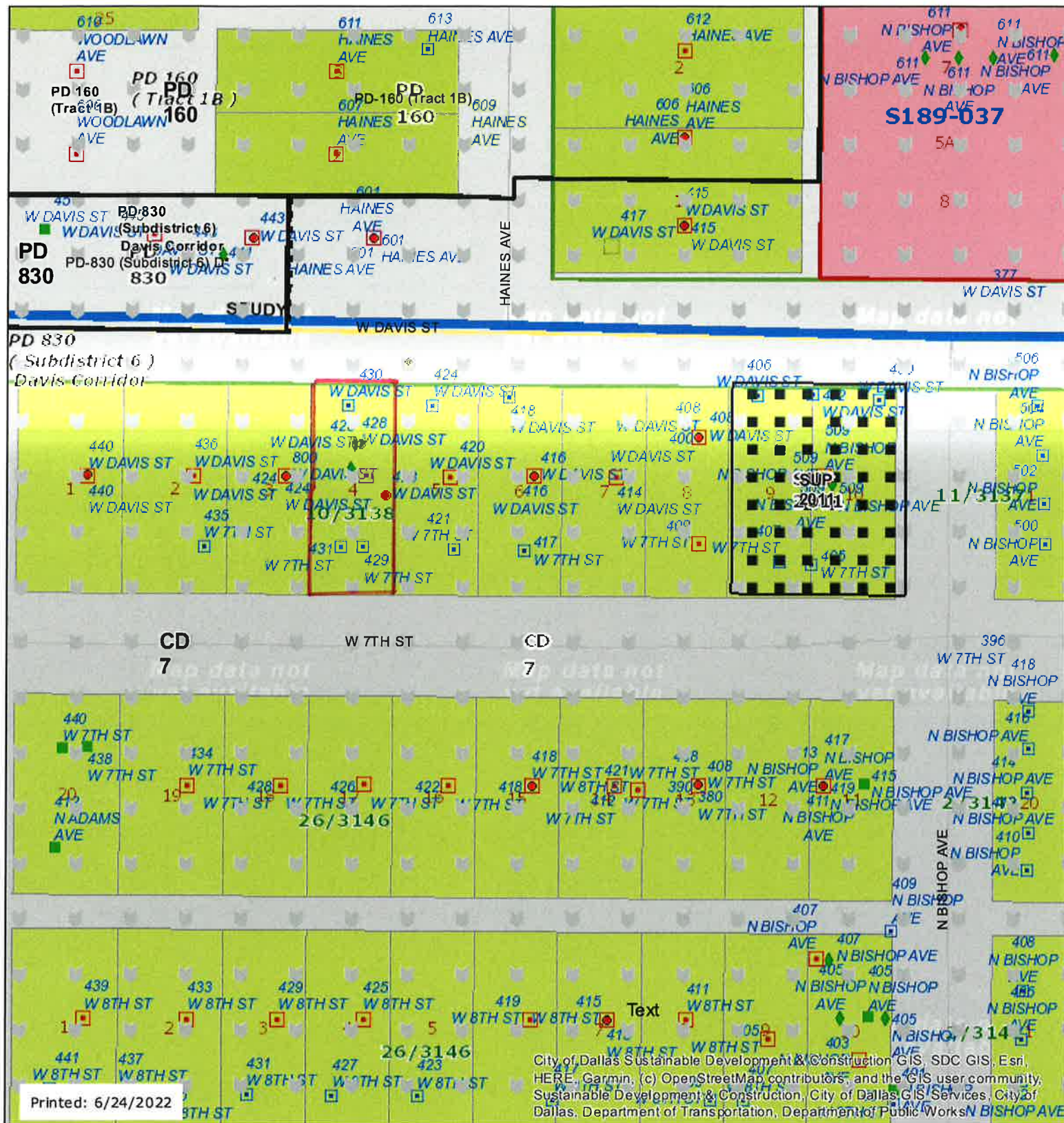
Before me, the undersigned, on this day personally appeared Daniel McDonald

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 15 day of June, 2022



[Signature]
Notary Public for Dallas County, Texas
Commission expires on 7/12/2022

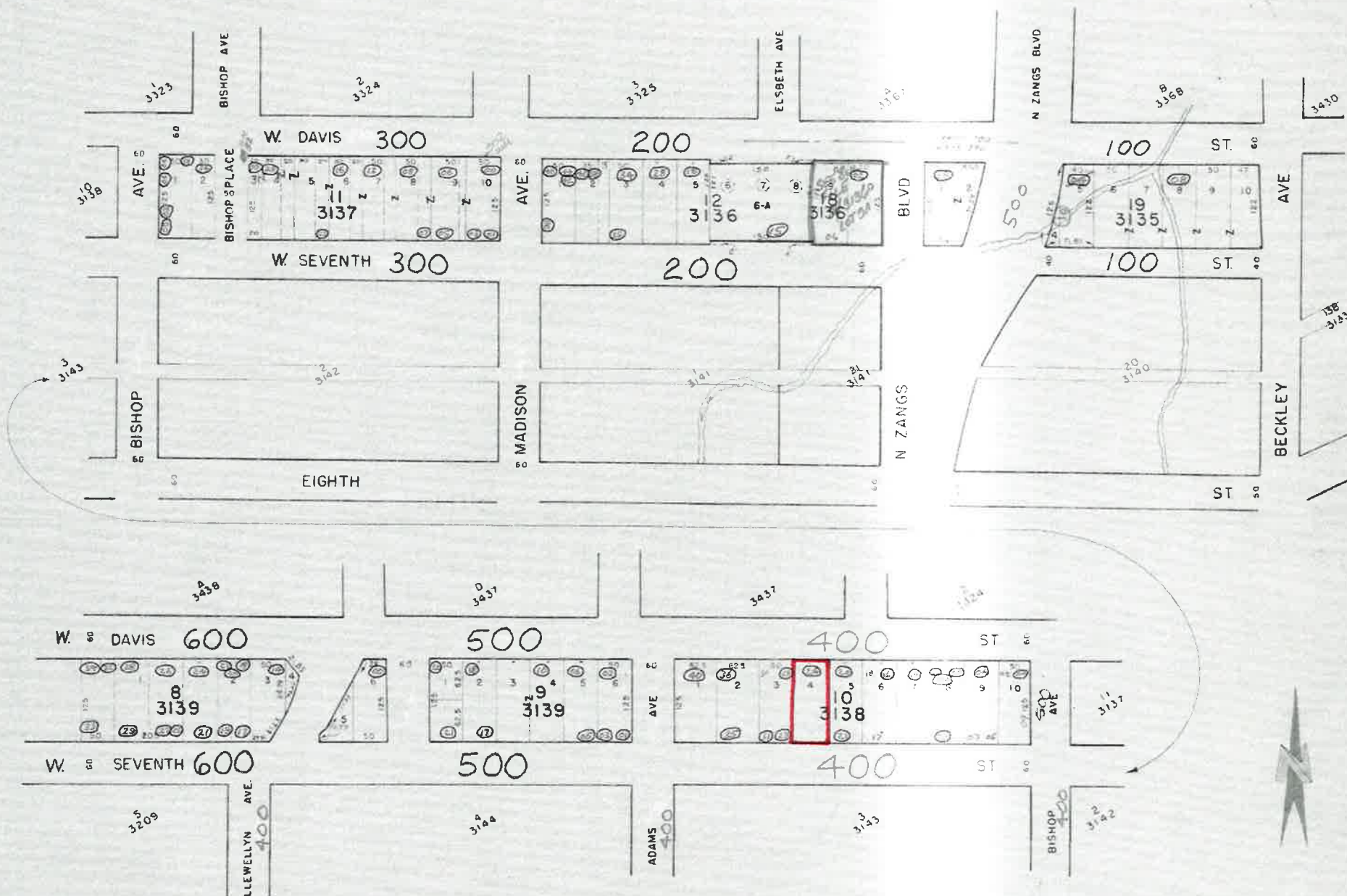


- | | | | |
|-----------------------|------------------|----------------------------|-------------------------------|
| Dead Restrictions | NSO Overlay | Height Map Overlay | SP |
| Dry Overlay | NSO Subdistricts | Shop Front Overlay | Turtle Creek Setback Corridor |
| D-1 | MD Overlay | Parking Management Overlay | Dam option Delay Overlay |
| Historic Overlay | CD Subdistricts | Base Zoning | |
| Historic Subdistricts | PD Subdistricts | SPSP Overlay | |
| SUP | PD193 Oak Lawn | Pedestrian Overlay | |
| | PDS Subdistricts | CP | |

This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. (Texas Government Code § 2051.102)

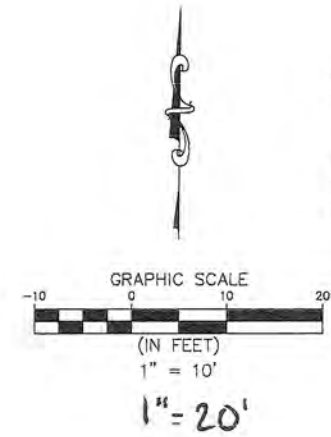
1:1,128

NEW STREET 100' WIDE 11-17-1890
ORD NO 4000 BISHOP PLACE
REPLAT 60T 400 3-11-10, 3136 FILED 9-9-85



NZP C-6

(60' RIGHT-OF-WAY)

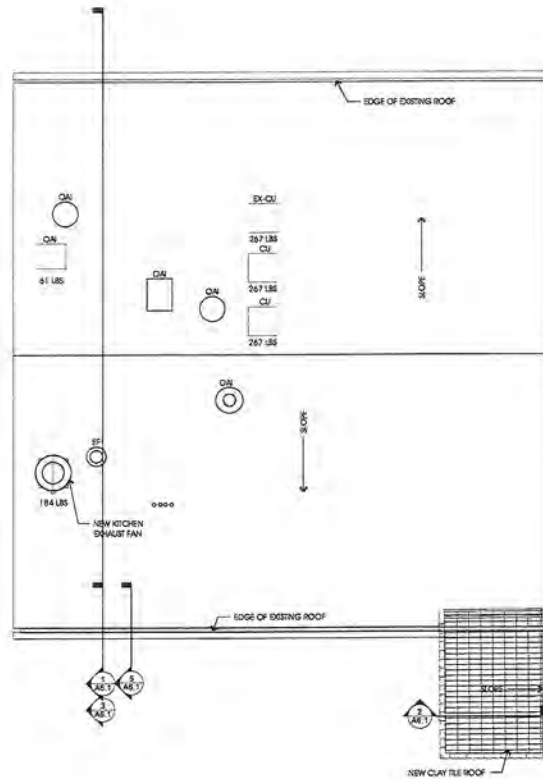


SITE DATA	
LOT AREA	6,250 S.F. (±0.143 AC.)
BUILDING AREA	2,484 S.F.
ZONING	PD 830
PARKING REQUIRED BY CITY	11 (1 SPACE/220 S.F.)
TOTAL PARKING PROVIDED	9
ACCESSIBLE PARKING PROVIDED	1

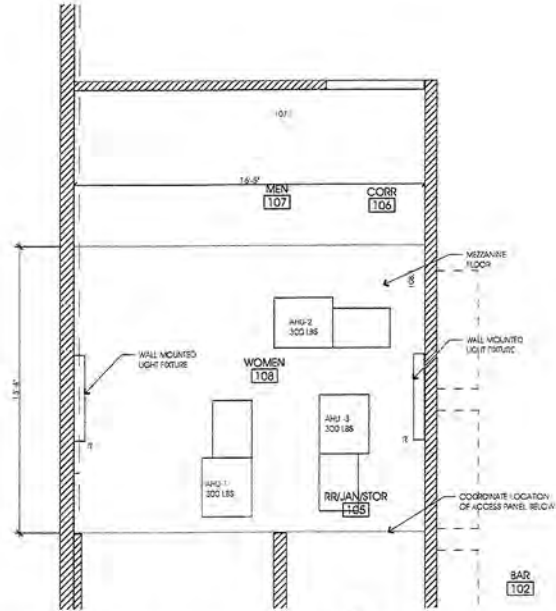
1 Delta
8 on site pkg spaces
2pkg space special exception

Drawing Name: 21019 424 W Davis Street 6/2/2022 10:09 AM

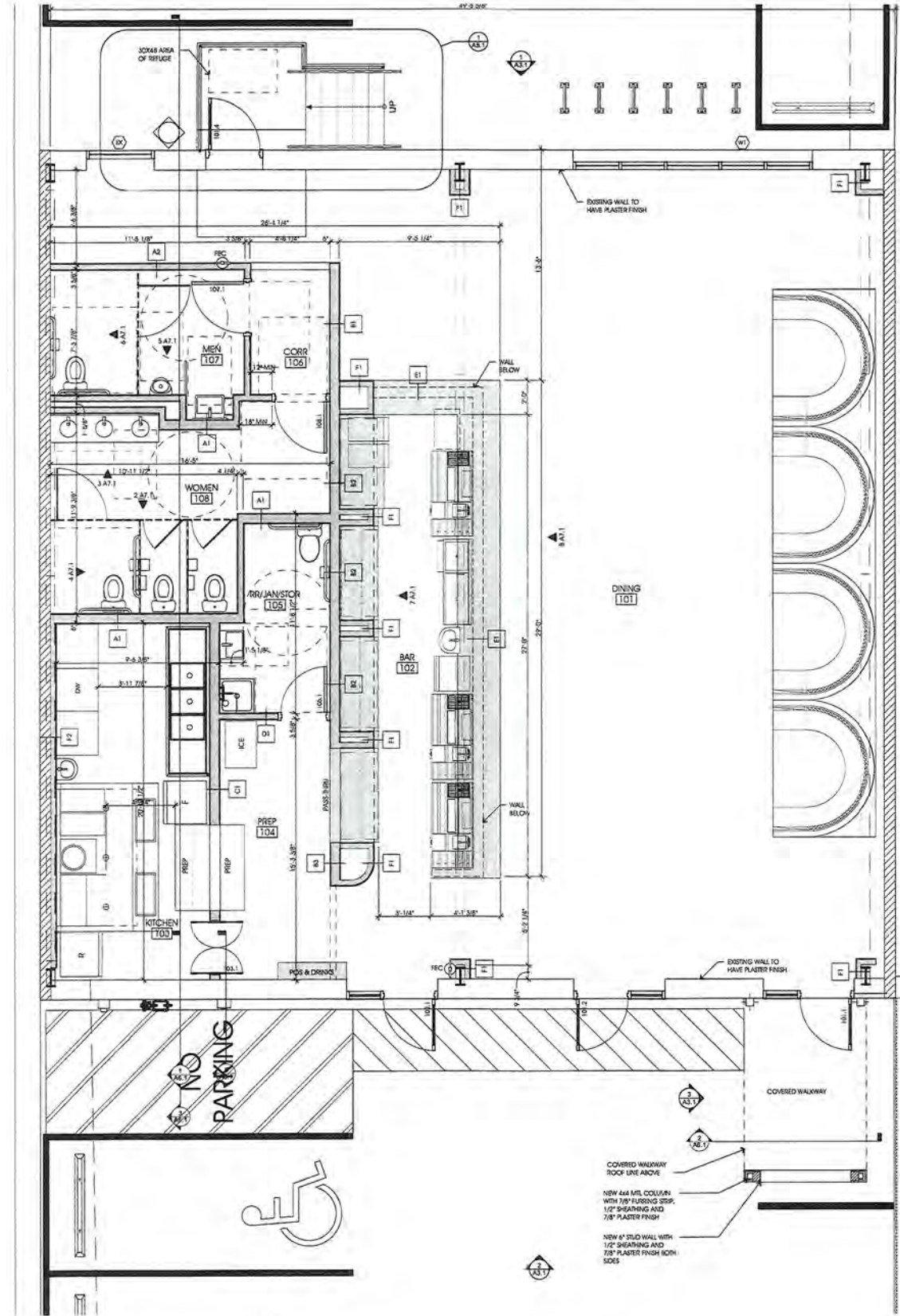
2 ROOF PLAN
SCALE: 1/8" = 1'-0"



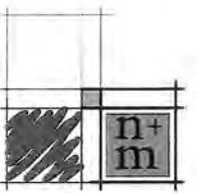
3 MEZZANINE PLAN
SCALE: 1/4" = 1'-0"



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



212-019



NELSON + MORGAN
ARCHITECTS, INC.

Architects
Planners
Interior Design

2717 Wind River Lane, Suite 230
Denton, Texas 76210
Telephone 940.566.0266
Fax 940.566.0223
info@nelsonmorgan.com

TEXAS

424 W DAVIS ST

DALLAS

JOB: 21019

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Issued Date: 4-11-2022
Revision: Date:
Revisions: 6-2-2022

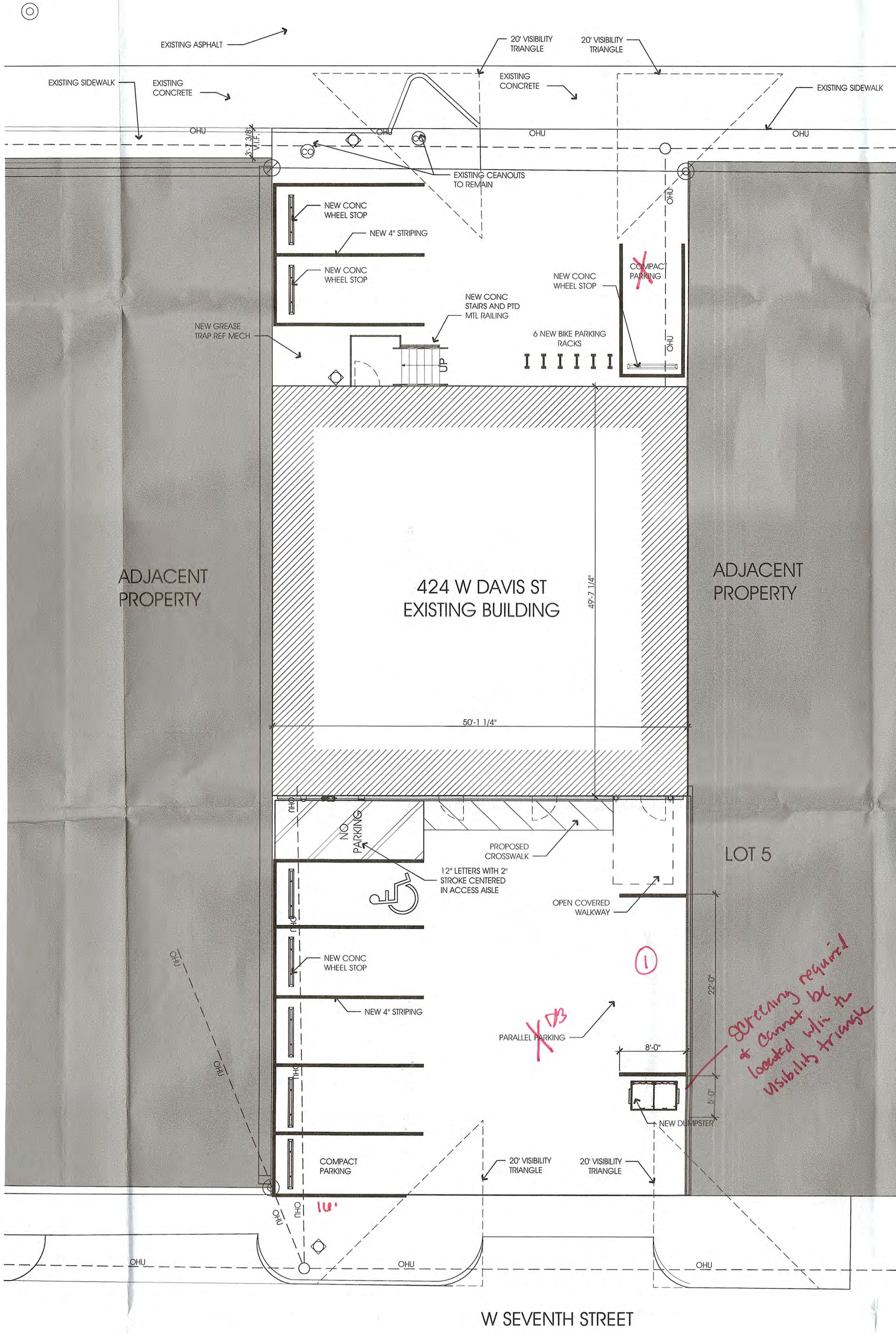
Issued for: Date:
Pricing -
Permitting - 3-2-2022
Bidding -
Construction - 4-11-2022

FLOOR PLAN

SHEET

A2.1

Drawing Name: 21019 424 W Davis Street 6/2/2022 10:09 AM

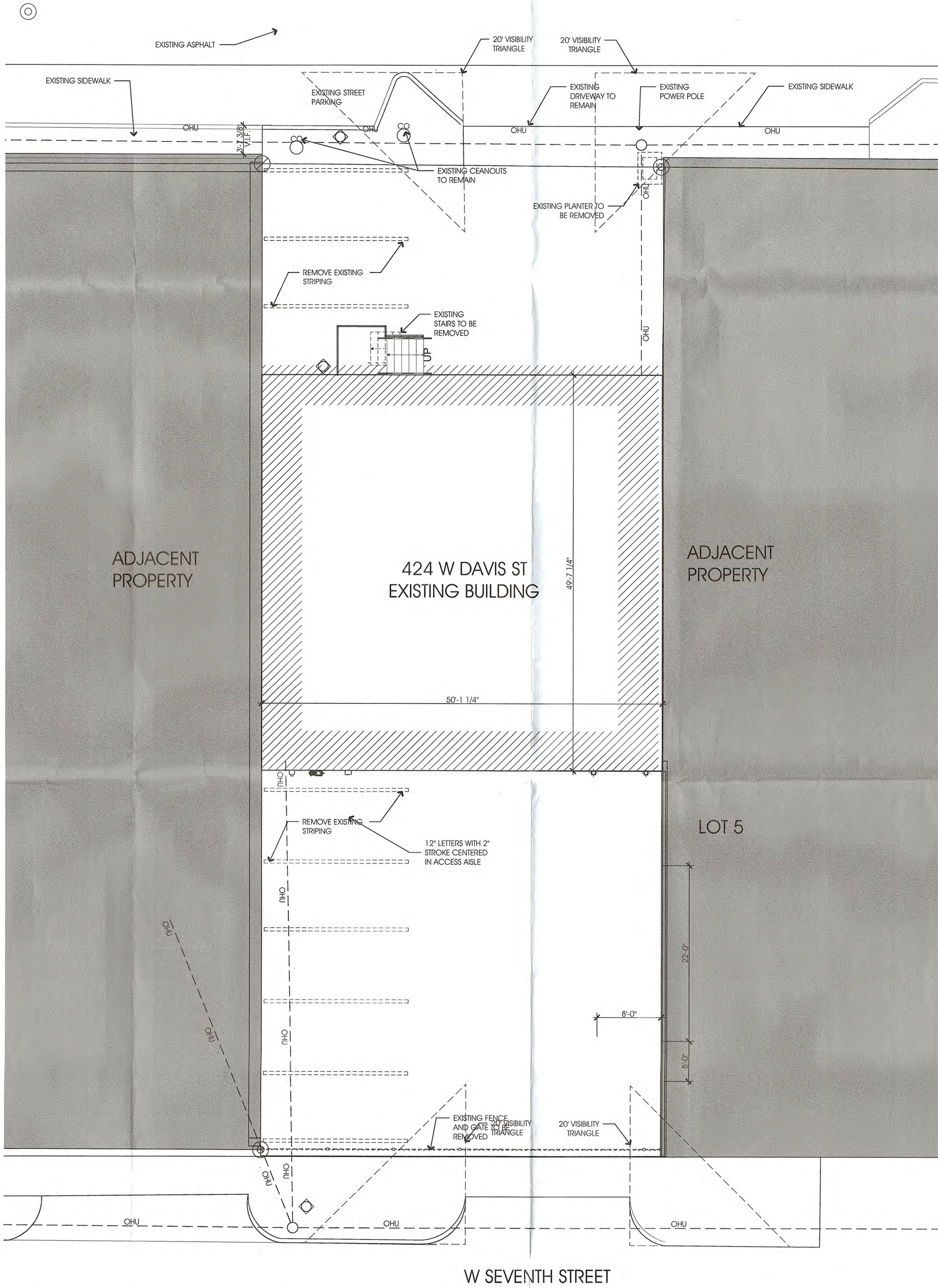


2 PROPOSED SITE PLAN
SCALE: 1" = 10'

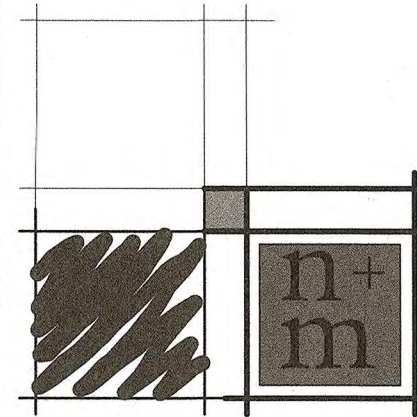


1 Delta
8 pkg on site
2 pkg space reduction/special Exception
16.1.

Screening required
+ cannot be
located within the
visibility triangle



1 DEMO SITE PLAN
SCALE: 1" = 10'



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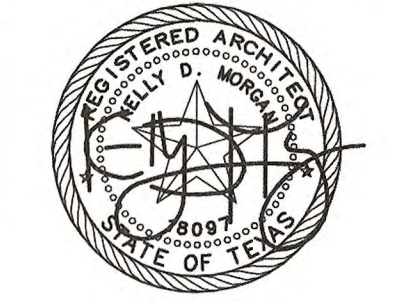
TEXAS

424 W DAVIS ST

DALLAS

JOB: 21019

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Issued Date: 4-11-2022

Revision: Date:

Revisions 6-2-2022

Issued for: Date:

Pricing -

Permitting - 3-2-2022

Bidding -

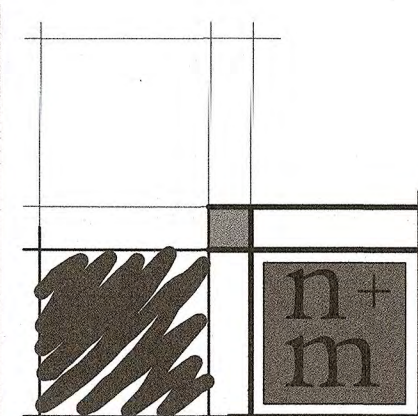
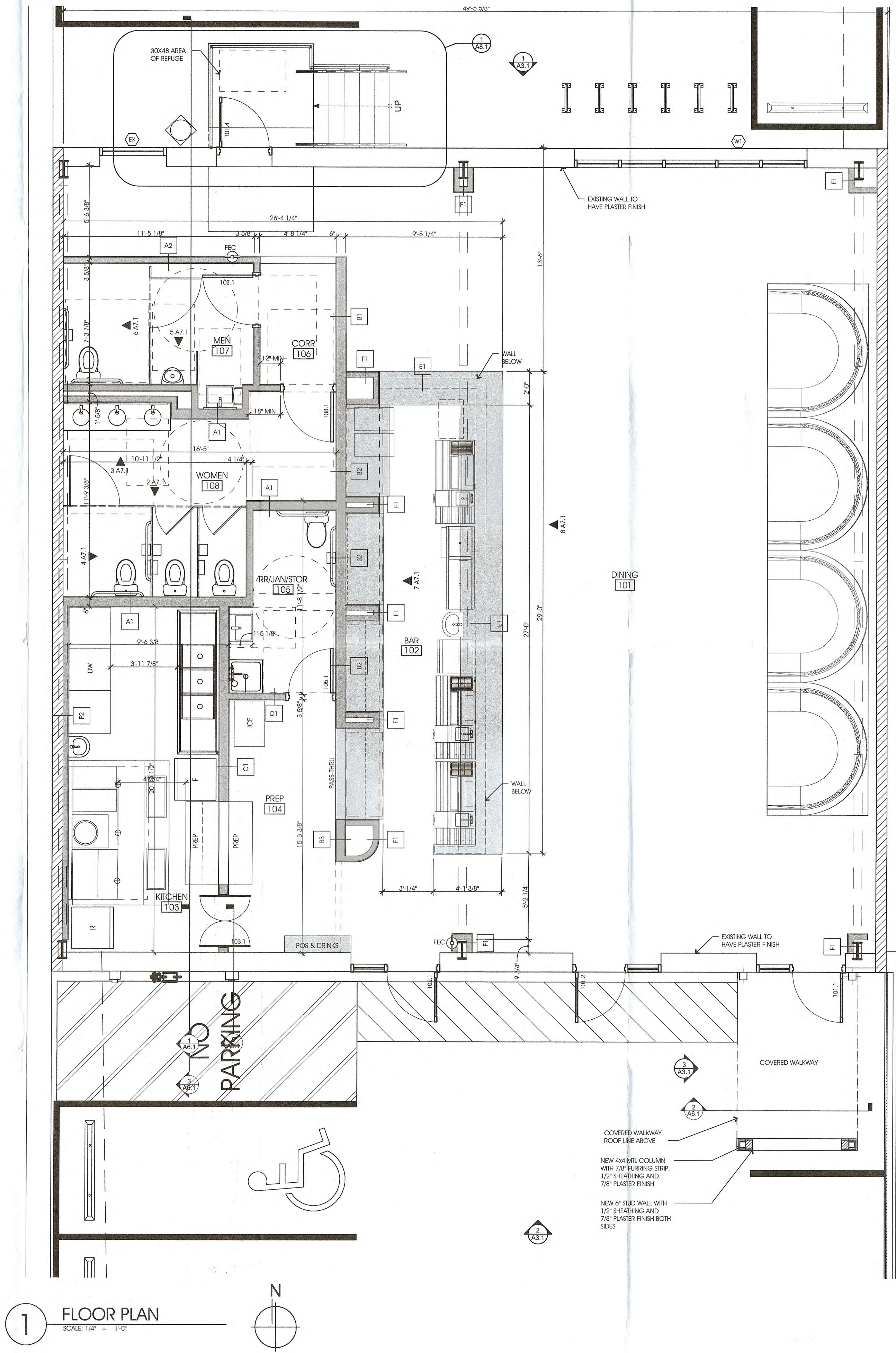
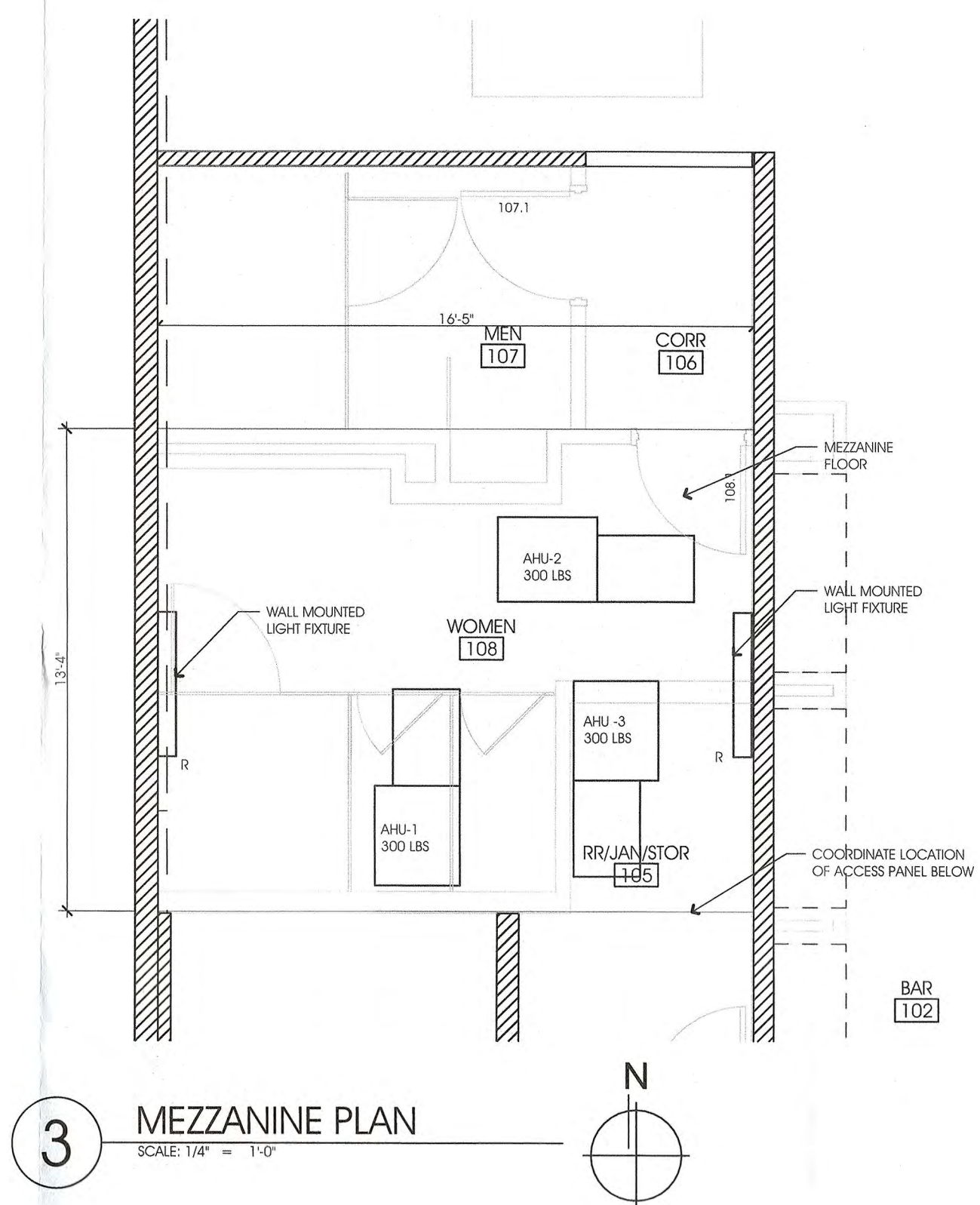
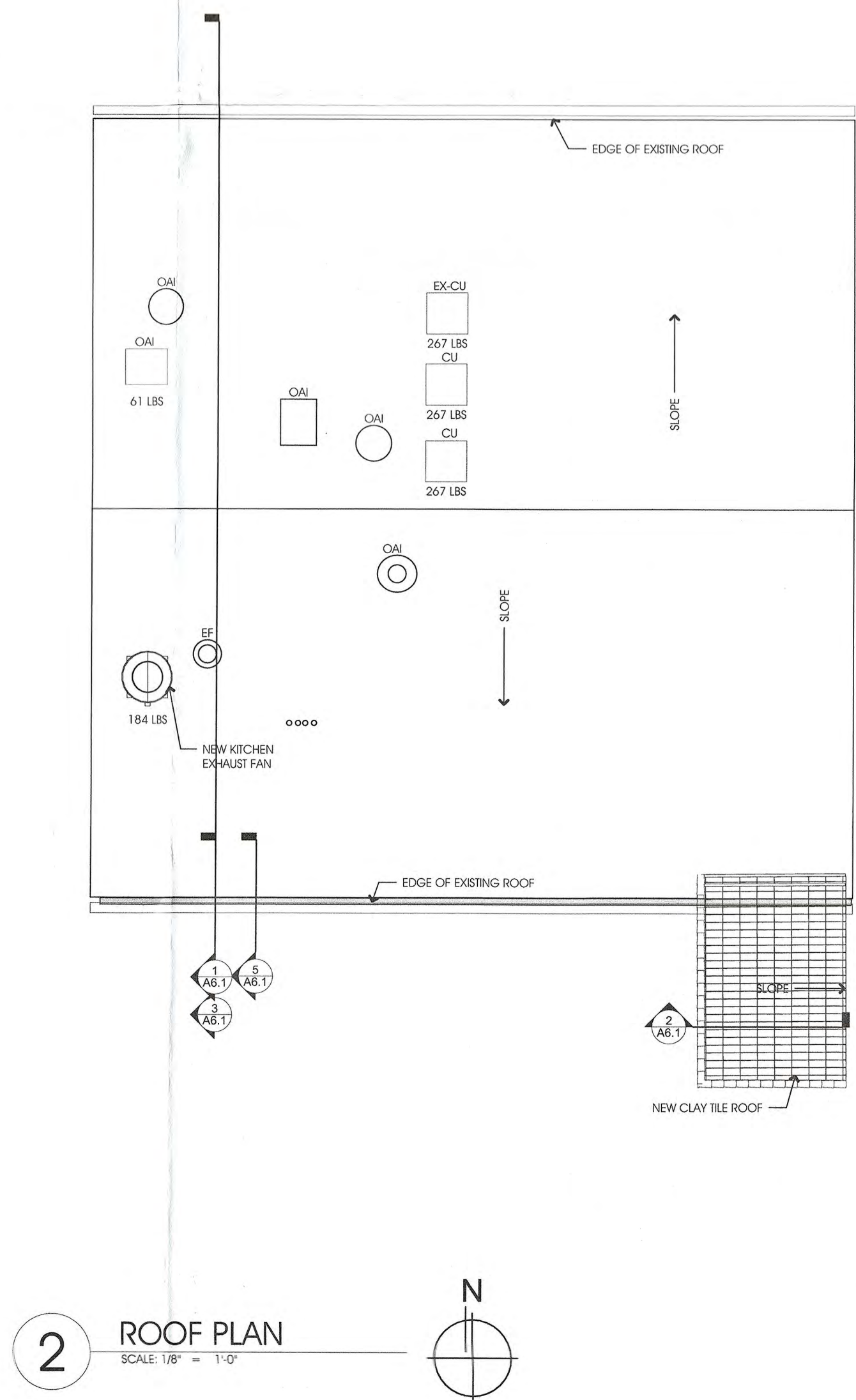
Construction - 4-11-2022

SITE PLANS

SHEET

A1.1
212-079

Drawing Name: 21019 424 W Davis Street 6/2/2022 10:09 AM



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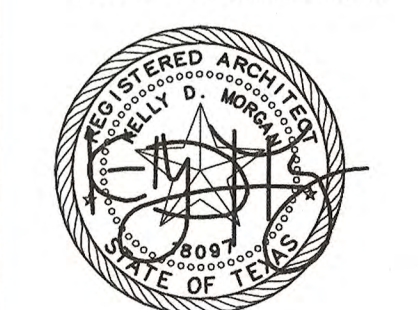
TEXAS

424 W DAVIS ST

DALLAS

JOB: 21019

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Issued Date: 4-11-2022

Revision: Date:

Revisions 6-2-2022

Issued for: Date:

Pricing -

Permitting - 3-2-2022

Bidding -

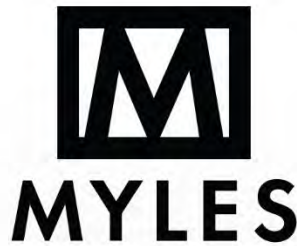
Construction - 4-11-2022

FLOOR PLAN

SHEET

A2.1

212-019



Attn: Board of Adjustments

Re: BDA212-079 | 424 W Davis St | SE Parking Demand

Kent Washington here.

Upon executing my lease at 424 W Davis St., in anticipation of the parking challenges unique to the CD7 neighborhood, we immediately paid a civil engineer to draft a siteplan showing our “best effort” to fulfill the 11-space code requirement for the 2,485sf restaurant conversion on-site.

At the resulting meeting with several members of the Development Services, it was agreed that due to the lack of available delta credits or other area-wide off-site parking resources, my only option to pro fulfill the 11-space requirement for my proposed restaurant use would be to submit to BZA for a 25% reduction. Had I known that at the preliminary site plan review, I would have started this BOA process last year. We submitted this plan to building inspections for a preliminary site review last year September 9th 2021.

After waiting for several months, my proposed parking plan was rejected due to visibility triangle issues. We have submitted a revised plan to address those issues, but it will only fulfill a 9-space requirement. This is one of the last commercial spaces in the CD7 and we are currently stuck dealing with Conservation District.

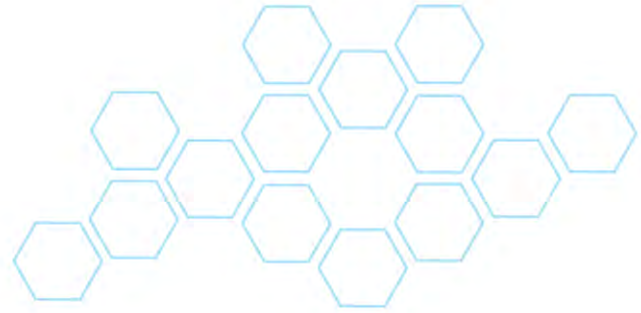
The site-plan has shown to be acceptable by staff, underscoring the unique historic nature of this warehouse building at the historic Bishop Arts streetcar stop. Several buildings don't have any onsite parking at all and this site is lucky enough to in fact have between 9 spaces, depending on whether compact spaces are accepted via civil engineer siteplan. This warehouse-to-restaurant conversion we're exhausting working to activate for parking is quite an asset, more than most businesses in Bishop Arts have on-site and sufficient for this use. There are in fact, more people walking and biking to Bishop Arts than ever before. Also, many people come to the district, park, and walk around before deciding to go to a restaurant. A (1) available delta credit, 25% reduction and the on-site parking should be perfectly sufficient.

As a business owner this process has been very costly in terms of time, consulting fees and RENT (7 months and counting) ... and still have not begun construction!) ...We have exhausted all efforts and now asking for a 25% reduction to make open my businesses. If I had known about this, I would of proceeded with the BOA process in January. Thank you for your consideration in advance.

Kent Washington

Myles Partners

424 W Davis St



June 24, 2022

City of Dallas
320 E. Jefferson Blvd
Dallas, TX 75203

Attn: Megan Wimer

Re: 424 W. Davis St - Parking

Ms. Wimer

The subject property is in Conservation District 7 (CD-7) and PD-830. The CD-7 ordinance in Section 11.C.(ii) states that the required parking is 1 space for every 220 square feet of floor area. The existing structure is 2,484 square feet, requiring 11 parking spaces.

Sec.51P-830.117 in the PD-830 Ordinance does allow for a Parking reduction, for up to 3 spaces with the addition of 3 bicycle parking stations for each required parking space. There is no restrictions in the PD-830 ordinance on this reduction; however, we were advised by staff that we could not use the bicycle parks for reduction as per code section 51A-4.314, and that 20 spaces must be required in order to receive a reduction for additional bicycle spaces.

City of Dallas Code Section 51A-4.301 (d) is stated below:

(d) Construction and maintenance provisions for off-street parking.

(1) Each off-street parking space must be provided in accordance with the following dimensional standards

(A) A parking space parallel with the access lane must be 22 feet long and 8 feet wide. A one-way access lane must be at least 10 feet wide; a two-way access lane must be at least 20 feet wide.

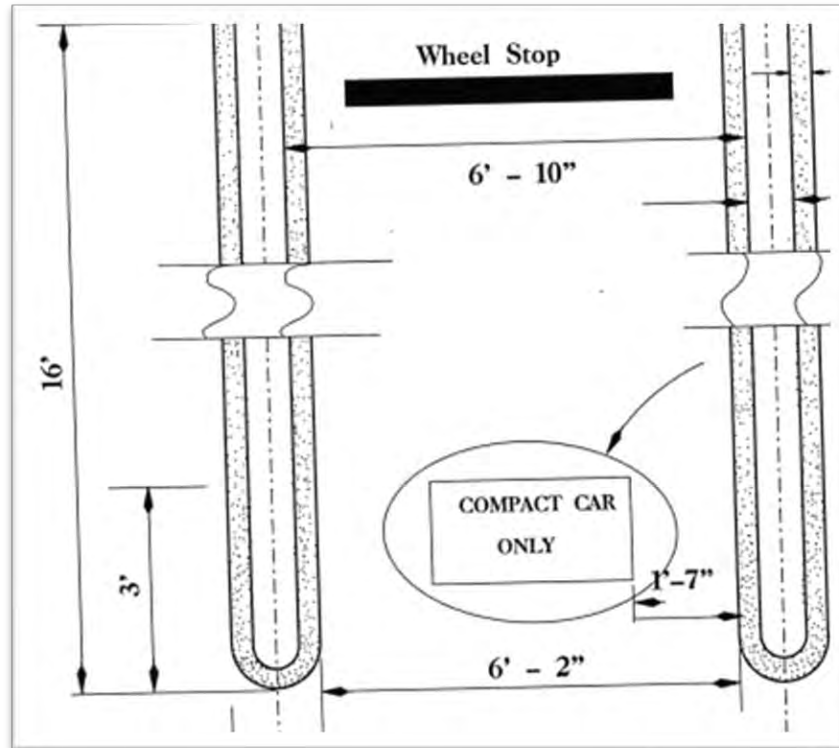
(B) All other parking spaces must be provided in accordance with this section and the chart entitled "Parking Bay Widths" on page 271.

(C) The following restrictions apply to the use of 7.5 foot stalls to satisfy off-street parking requirements:

(i) 7.5-foot wide stalls must be double-striped and identified by pavement markings which indicate that the stalls are for small car parking.

(ii) 7.5-foot wide stalls may constitute no more than 35 percent of the required parking spaces for any use.

Figure 28, in the Off-Street Parking and Driveways Handbook shows the depth of a compact parking space as 16 feet as shown in the following figure.



The proposed site plan prepared for 424 W. Davis street shows 9 compliant parking spaces. We show 6 standard stalls, 2 compact stalls, and 1 parallel parking space. No space encroaches into a visibility triangle.

The request has been made to the Zoning Board of Adjustments for a special exception as allowed in code section 51A-4.311 Special exceptions of up to 25%. The 2 space reduction request constitutes an 18% reduction.

We had a meeting with City Staff and it was discussed with the owner and our team that the attached site plan would work proposing 9 parks and removing the vestibule (which we have) resulting in 11 needed parks. Attached is the same site plan discussed at the meeting but with added dimensions and notes along with removing the vestibule. We are requesting to move forward with our current application of 11 required parks, 9 provided and requesting a 2 space reduction from the BOA.

Please let me know if you have any questions or need additional information to move forward. I can be reached by phone 940-594-3419 or by email samantha@evolvingtexas.com

Sincerely,


Samantha Renz, P.E., C.F.M.

BDA212-079_ATTACHMENT_B

REVIEW COMMENT SHEET BOARD OF ADJUSTMENT HEARING **August 16, 2022 (A)**

☒ Has no objections

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

Recommends that this be denied
(see comments below or attached)

☐ No comments

☐ BDA 212-067(PD)

☐ BDA 212-073(JM)

☐ BDA 212-078(JM)

☒ BDA 212-079(PD)

COMMENTS:

David Nevarez, P.E., Engineering
Name/Title/Department

8/4/2022
Date

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

Munoz, Jennifer

From: Rob Baldwin <rob@baldwinplanning.com>
Sent: Wednesday, September 7, 2022 8:55 AM
To: Munoz, Jennifer
Cc: Jackson, Latonia
Subject: 424 W. Davis (BDA212-079)

Follow Up Flag: Follow up
Flag Status: Flagged

External Email!

Good morning Jennifer,

I hope all is well with you. I wanted to let you know that we have hired a traffic engineer to assist with this project, but her study will not be available in time for the next meeting. Therefore, we will be requesting that our hearing be held until the October meeting. I wanted to let you know so you didn't spend much time on this case at this time.

Thanks for your help.

Rob

Rob Baldwin
(214) 729-7949
Rob@baldwinplanning.com

CAUTION: This email originated from outside of the organization. Please, do not click links or open attachments unless you recognize the sender and know the content is safe.

FILE NUMBER: BDA212-103(OA)

BUILDING OFFICIAL'S REPORT: Application of Chris Booras for a special exception to the front yard setback regulations, and for a special exception to the fence height regulations at 4610 Bluffview Boulevard. This property is more fully described as the South 120 feet of Lot 2, Q/4986, and is zoned Plan Development No 455, which requires a front yard setback of 30 feet and limits the height of a fence to in the front yard to four feet. The applicant proposes to construct and maintain a carport accessory to a single-family residential dwelling in a required front yard and provide a 19-foot six-inch setback, which will require a 10-foot six-inch special exception to the front yard setback regulations, and to construct and maintain a six-foot-high fence in a required front yard, which will require a 2-foot special exception to the fence regulations.

LOCATION: 4610 Bluffview Boulevard

APPLICANT: Chris Booras

REQUESTS: The following requests have been made on a site developed with a single-family home:

1. a special exception to the front yard setback regulations of 10 feet 6 inches is made to construct/maintain a carport accessory to a single-family residential dwelling part of which is to be located 19 feet 6 inches from the front yard property line (Bluffview Blvd) or 10 feet six inches into this 30-foot front yard setback.
2. a special exception to the fence standards related to the height of one foot is made to construct/maintain a six-foot tall iron pickets with stone columns and a six-foot sliding gate located in the site's front property line.

STANDARD FOR A SPECIAL EXCEPTION TO ALLOW A CARPORT IN THE FRONT YARD¹:

The Board of Adjustment may grant a special exception to the minimum front yard requirements to allow a carport for a single-family or duplex use when, in the opinion of the board, the carport will not have a detrimental impact on surrounding properties. In determining whether to grant a special exception, the board shall consider the following:

¹ Reference Sec.51A-4.402(c) of the Dallas Development Code.

- (1) Whether the requested special exception is compatible with the character of the neighborhood.
- (2) Whether the value of surrounding properties will be adversely affected.
- (3) The suitability of the size and location of the carport.
- (4) The materials to be used in the construction of the carport.

(Storage of items other than motor vehicles are prohibited in a carport for which a special exception is granted in this section of the Code).

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS REGULATIONS²:

The applicant has the burden of proof in establishing the following standard has been met: The board may grant a special exception to the fence standards regulations when in the opinion of the board, the special exception will not adversely affect neighboring property.

STAFF RECOMMENDATIONS TO ALLOW A CARPORT IN THE FRONT YARD:

No staff recommendation is made on this or any request for a special exception to the side or front yard setbacks for carports since the basis for this type of appeal is when in the opinion of the board, the special exception will not adversely affect neighboring property.

STAFF RECOMMENDATION TO THE FENCE STANDARDS REGULATIONS:

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

BACKGROUND INFORMATION:

Zoning:

Site: Plan Development No. 455 District
North: Plan Development No. 455 District
East: Plan Development No. 455 District
South: Plan Development No. 455 District
West: Plan Development No. 455 District

² Reference Section 51A-4.602(d)(3) of the Dallas Development Code.

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS (CARPORT):

This request for a special exception to the front yard setback of 10 feet 6 inches focuses on constructing and maintaining a 140 square-foot carport located 19 feet 6 inches from the site's front property line or 10 feet six inches into this 30-foot front yard setback on a site developed with a single-family structure.

The Plan Development No. 455 District requires a 30-foot front yard setback. The submitted site plan and elevations represent the size and materials of the carport and its location.

The submitted site plan represents the following:

- The carport is 20 feet-in-length and 5 feet-in-width (approximately 140 square feet in total area) of which approximately 55 percent is in the 30-foot front yard setback.

The submitted elevation represents the following:

- Ranging in height from six feet to eight feet.
- Wood beam and slats.
- Cedar columns.

The Board Senior Planner conducted a field visit of the area approximately 500 feet east and west of the subject site and noted no other carports that appeared to be in a front yard setback.

As of October 5, 2022, no letters had been submitted in support of or in opposition to the carport request.

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

- that granting this special exception to the side yard setback regulations of four feet will not have a detrimental impact on surrounding properties.

Granting this request and imposing the following conditions would require the carport to be maintained in the location and of the heights and materials as shown on these documents:

1. Compliance with the submitted site plan and elevation is required.
2. The carport structure must remain open at all times.
3. No lot-to-lot drainage is permitted in conjunction with this carport special exception.
4. All applicable building permits must be obtained.
5. No item (other than a motor vehicle) may be stored in the carport.

If the board were to grant this request and impose the submitted site plan and elevation as a condition to the request, the structure in the side yard setback would be limited to that what is shown on these documents – a carport located on the eastern side property line or four feet into this required five-foot side yard setback.

GENERAL FACTS/STAFF ANALYSIS FENCE HEIGHT STANDARDS:

The purpose of this request for a special exception to the fence height standards is to construct/maintain a six-foot tall iron pickets with stone columns and a six-foot sliding gate located in the site's front property line (Bluffview Boulevard) on a site developed with a single-family home.

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 subject site is zoned within Plan Development No. 455 District. The minimum front yard setback is 30 feet. For purposes of Plan Development No. 455 District, front yard means that portion of a lot which abuts a street and extends across the width of the lot between the back of the curb and the setback line.

According to Section 51A-4.602(7) fence heights shall be measured from:

- (i) the top of the fence to the level of the ground on the inside and outside of any fence within the required front yard. The fence height shall be the greater of these two measurements. If the fence is constructed on fill material that alters grade, as determined by the building official, the height of the artificially altered grade shall be included in the height of the fence. For purposes of this provision, artificially altered grade means the placement of fill material on property that exceeds a slope of one foot of height for three feet of distance; and
 - (ii) the top of the fence to the level of the ground on the inside of the fence in the required side or rear yard.
- (B) In all other zoning districts, fence heights shall be measured from the top of the fence to the level of the ground on the inside of the fence.

While the portion of the fence material is less than six-feet-in-height, since the base includes pots atop of the stone columns, that measurement is included in the overall height of the fence.

The proposed fence is to be in this required front yard. The following additional information was gleaned from the submitted site plan:

- The proposed fence is approximately 123 feet-in-length parallel to Bluffview Boulevard and runs approximately 30 feet perpendicular to Bluffview Boulevard in the both side of the property as the fence approaches the 30-foot required setback.
- The distance between the proposed fence and the pavement line is 30 feet.

Section 51A-4.602(a)(2) of 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.

Staff conducted a field visit of the site and surrounding area (approximately 500 feet north, south, east, and west of the subject site) and more that 4 other fences that appear to be above four feet-in-height and located in a front yard setback.

As of October 5, 2022, no letters have been received in opposition or support to this request.

The applicant has the burden of proof in establishing that the special exception to the fence height regulation of three feet will not adversely affect neighboring property.

Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding seven-foot three-inch in the front yard setback to be constructed in the location and heights as shown on these documents.

TIMELINE:

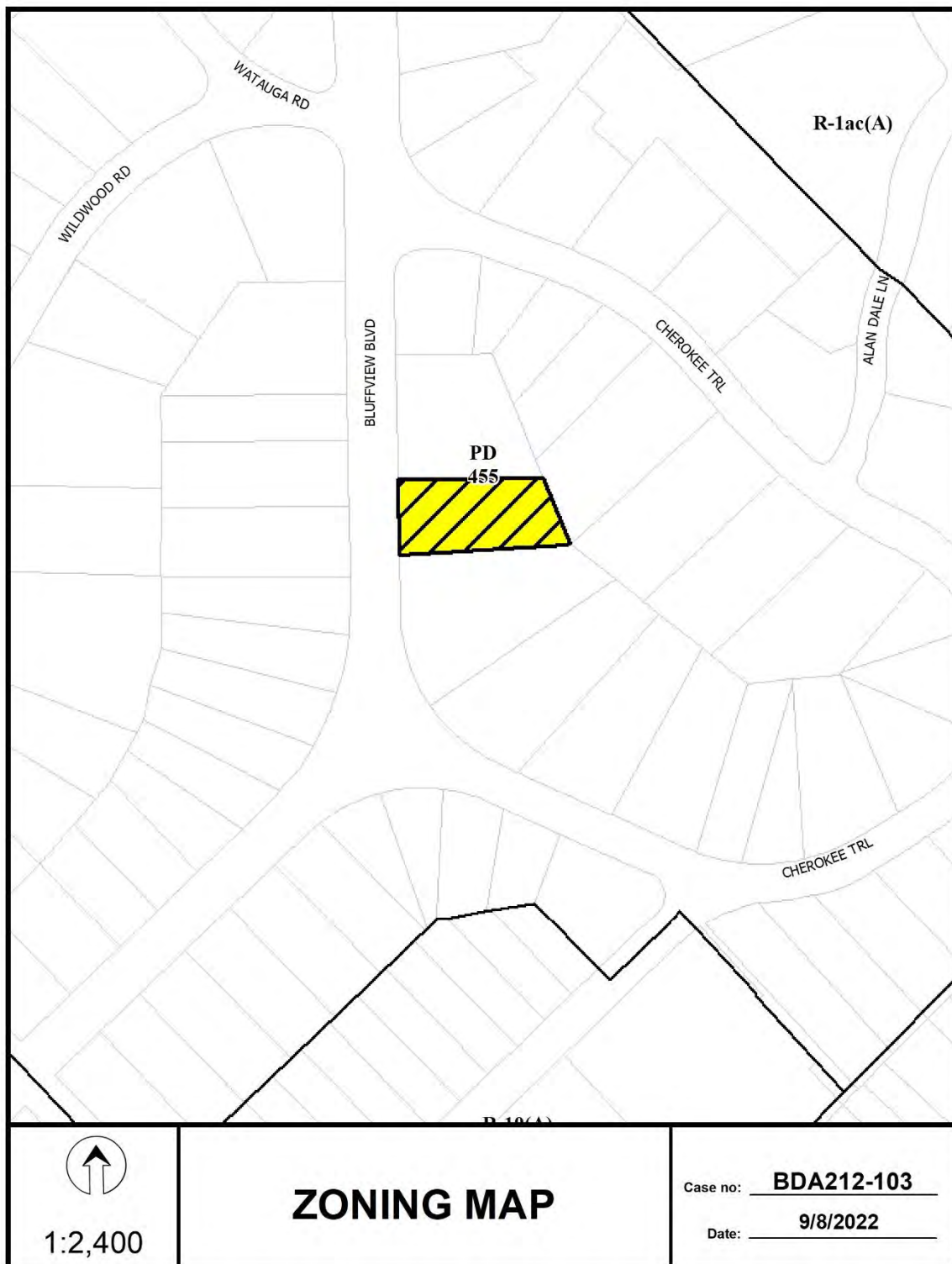
- | | |
|--------------------|--|
| June 28, 2022: | The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report. |
| September 1, 2022: | The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A. |
| September 9, 2022: | The Board of Adjustment Chief Planner/Board Administrator emailed the applicant’s representative the public hearing date and |

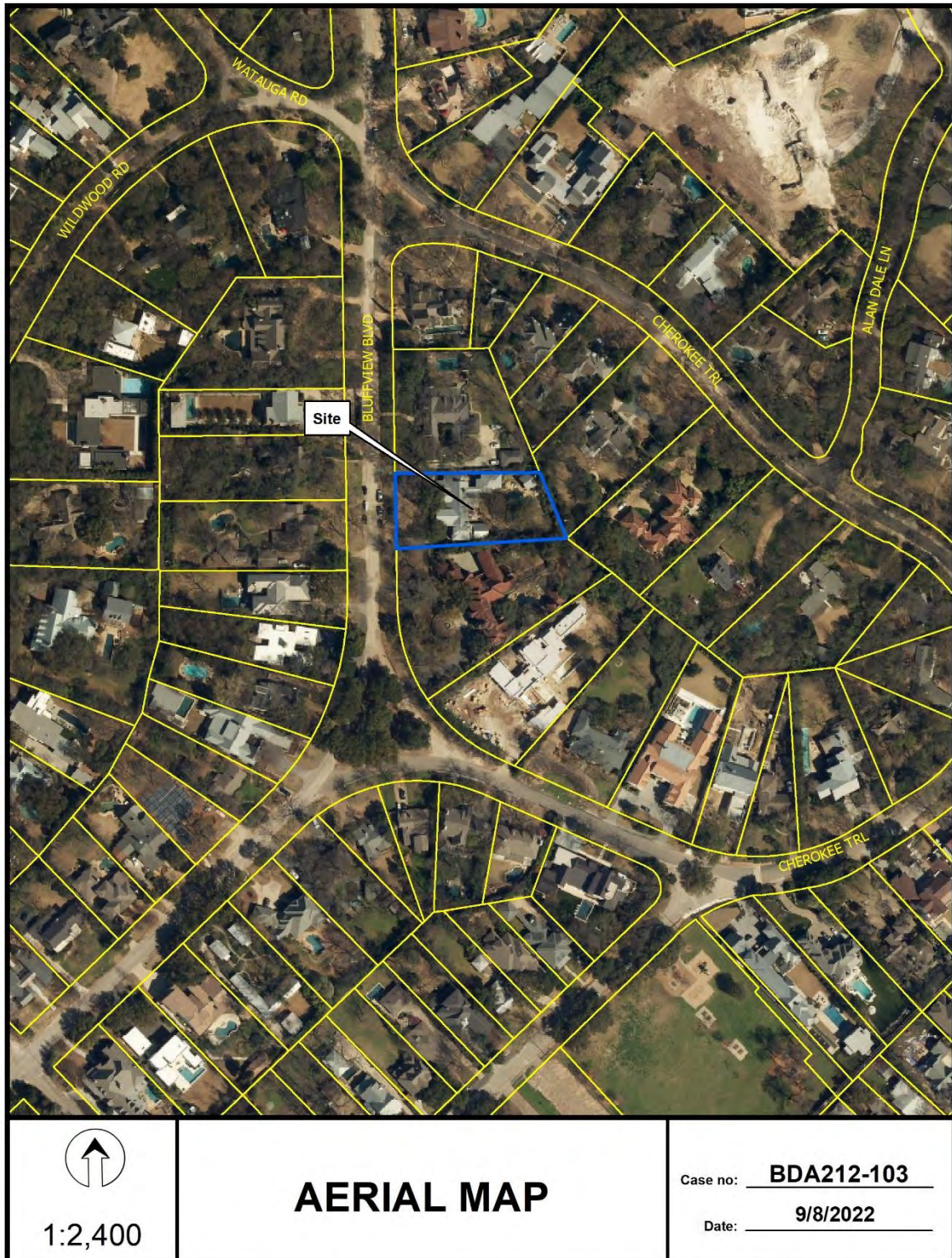
panel that will consider the application; the September 28, 2022, deadline to submit additional evidence for staff to factor into their analysis; and the October 7th deadline to submit additional evidence to be incorporated into the board's docket materials and the following information:

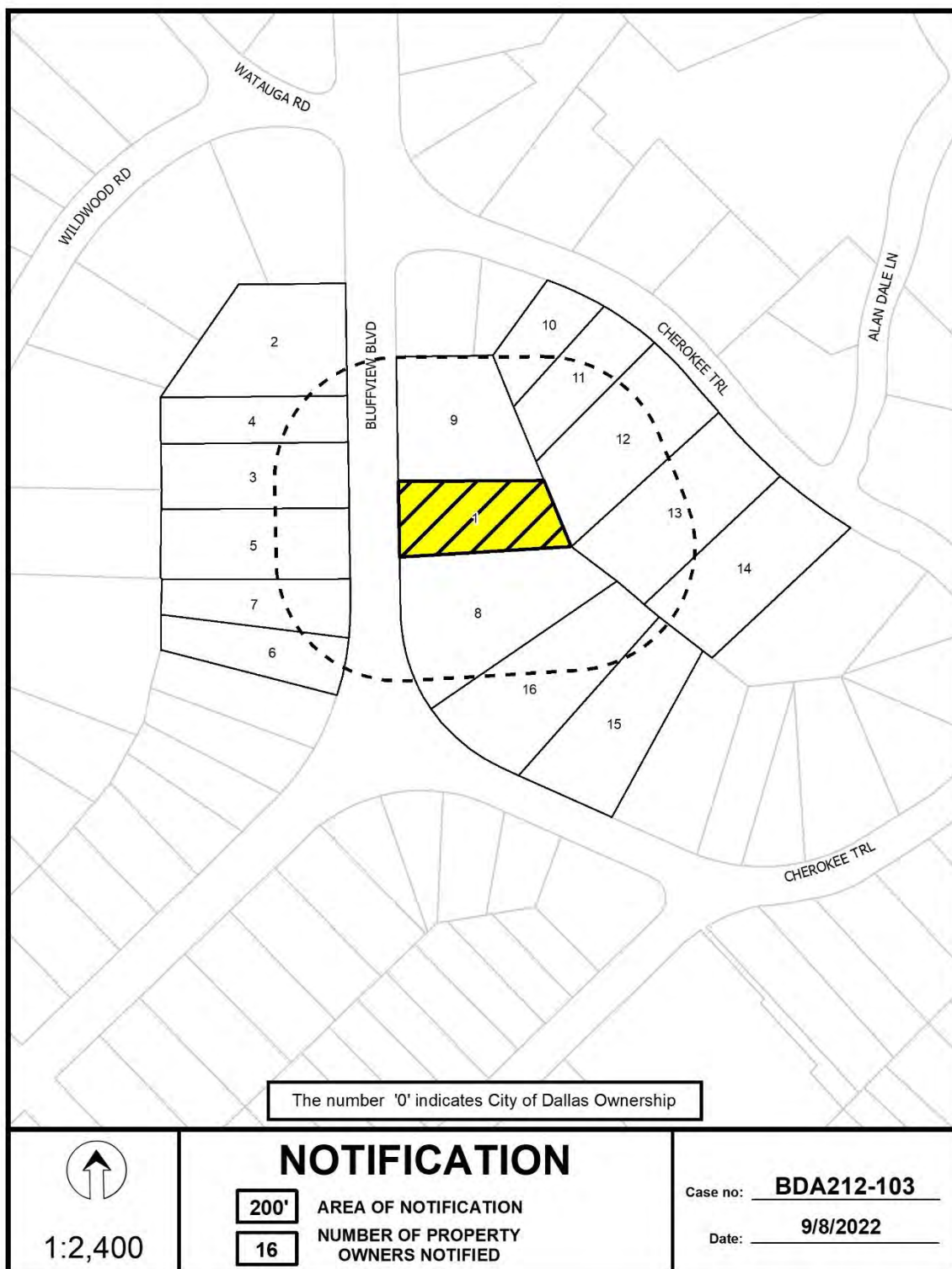
- a copy of the application materials including the Building Official's report on the application.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

September 29, 2022: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearing. Review team members in attendance included: the Development Services Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Transportation Development Services Senior Engineer, Development Services Board of Adjustment Senior Planner, the Assistant City Attorney to the Board, and Jason Pool Senior Planner.

No review comment sheets were submitted in conjunction with this application.







09/08/2022

Notification List of Property Owners

BDA212-103

16 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4610 BLUFFVIEW BLVD	SPARKS CARL
2	4709 BLUFFVIEW BLVD	1998 PALMER FAMILY REVOCABLE
3	4703 BLUFFVIEW BLVD	BALTHROP GUY DOUGLAS
4	4707 BLUFFVIEW BLVD	LIU JEAN C & ERIK HANSEN
5	4611 BLUFFVIEW BLVD	KLAMER DAVID L
6	4603 BLUFFVIEW BLVD	GULESERIAN KRISTINE
7	4605 BLUFFVIEW BLVD	COOK BYRON CHARLES &
8	4501 CHEROKEE TRL	JENNINGS DAVID & LYNN
9	4700 BLUFFVIEW BLVD	KILGORE DAVID P &
10	4721 CHEROKEE TRL	RAWSON BRIAN & MARGARET H
11	4717 CHEROKEE TRL	KING EDWARD P & WENDY D
12	4711 CHEROKEE TRL	HANNAY JAMES O &
13	4703 CHEROKEE TRL	BLUMENFELD MICHAEL
14	4643 CHEROKEE TRL	WIGGINS J C
15	4511 CHEROKEE TRL	YU YUNG L &
16	4505 CHEROKEE TRL	TITUS SARAH L REVOCABLE TRUST



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212-103

Date: 6/28/2022

Data Relative to Subject Property:

Location address: 4610 Bluffview Blvd, Dallas, Tx 75209 Zoning District: PD-455

Lot No.: 2 Block No.: Q Acreage: 0.68 Census Tract: 73.02

Street Frontage (in Feet): 1) 120 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Carl Sparks

Applicant: Chris Booras Telephone: 214-713-7436

Mailing Address: 2000 Sandy Lane, Dallas, Tx Zip Code: 75220

E-mail Address: chrisb@completelandsculpture.com

Represented by: N/A Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance ☒, or Special Exception ☐, of a perimeter fence with pedestrian access gate to be built along property frontage at a height of 5', as well as an open wood structure to be built over a portion of the driveway just within 30' setback from property line.

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

We would like to create an addition to the home that not only enhances the aesthetics of property, but also provides an additional level of security for the homeowner. The additional 1' in height will ensure a more proportionate design while further helping to deter unwanted intrusion. The open wood structure is a subtle accessory providing tasteful architectural detail to the home and only encroaches on the setback by a few feet. We feel like these additions are in-line with other properties in the neighborhood and in no way negatively impact the value or integrity of the surrounding community.

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 Chris Booras

(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 28th day of June 2022

(Rev 08-01-11)



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 CHRIS BOORAS

did submit a request provide a 19 foot 6 inch setback, which will require a 10 foot 6 inch special exception to the front side yard setback regulations, and for a special exception to the fence height regulations

at 4610 BLUFFVIEW BLVD.

BDA212-103. Application of CHRIS BOORAS for a special exception to the front yard setback regulations, and for a special exception to the fence height regulations at 4610 BLUFFVIEW BLVD. This property is more fully described as block Q/4986, S 120 feet of lot 2 and is zoned PD-455, which requires a front yard setback of 30 feet, and limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a carport accessory to a single family residential dwelling in a required front yard and provide a 19 foot 6 inch setback, which will require a 10 foot 6 inch special exception to the front yard setback regulations, and to construct a 5 foot high fence in a required front yard, which will require a 1 foot special exception to the fence regulations.

Sincerely,


David Session, Building Official



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 212-103

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

at: 4610 Bluffview Blvd, Dallas, Tx 75209
(Address of property as stated on application)

Authorize: Chris Baeras
(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: perimeter fence w/ pedestrian access gate to be built along property frontage at a height of 5', as well as an open wood structure over a portion of driveway to be built just within 30' setback from property line.

Carl Sparks
Print name of property owner or registered agent

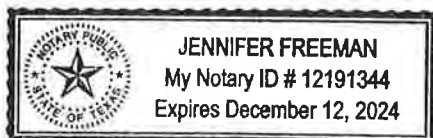
[Signature]
Signature of property owner or registered agent

Date 7/28/22

Before me, the undersigned, on this day personally appeared Carl Sparks

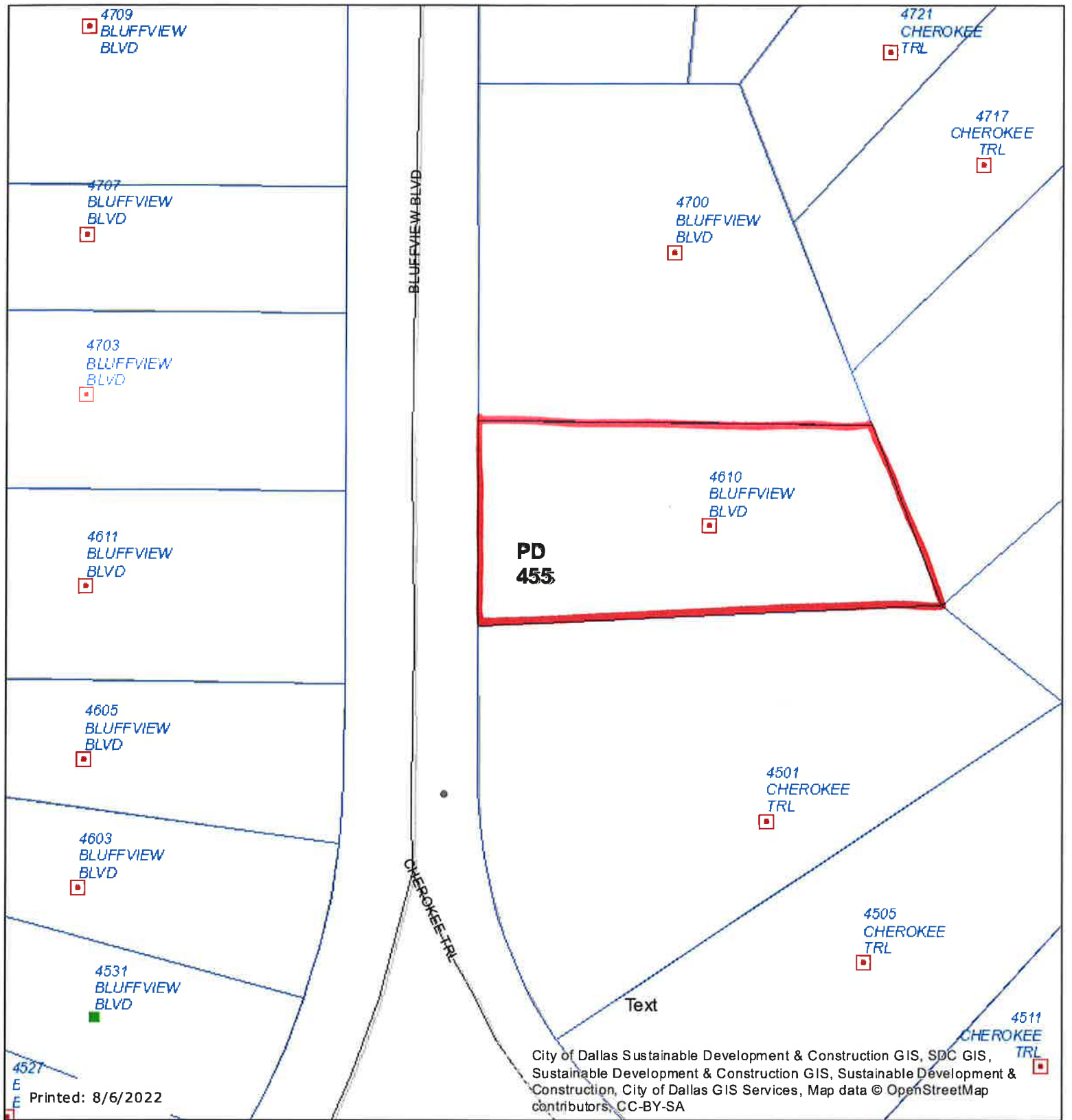
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 28 day of July, 2022



[Signature]
Notary Public for Dallas County, Texas

Commission expires on 12/12/2024



Dallas Tax Parcels	NSO Overlay	Height Map Overlay	SP
Deed Restrictions	NSO Subdistricts	Shop Front Overlay	Turtle Creek Setback Corridor
Dry Overlay	MD Overlay	Parking Management Overlay	Demolition Delay Overlay
D	CD Subdistricts	Base Zoning	
D-1	PD Subdistricts	SPSD Overlay	
Historic Overlay	PD193 Oak Lawn	Pedestrian Overlay	
Historic Subdistricts	PDS Subdistricts	CP	
SUP			

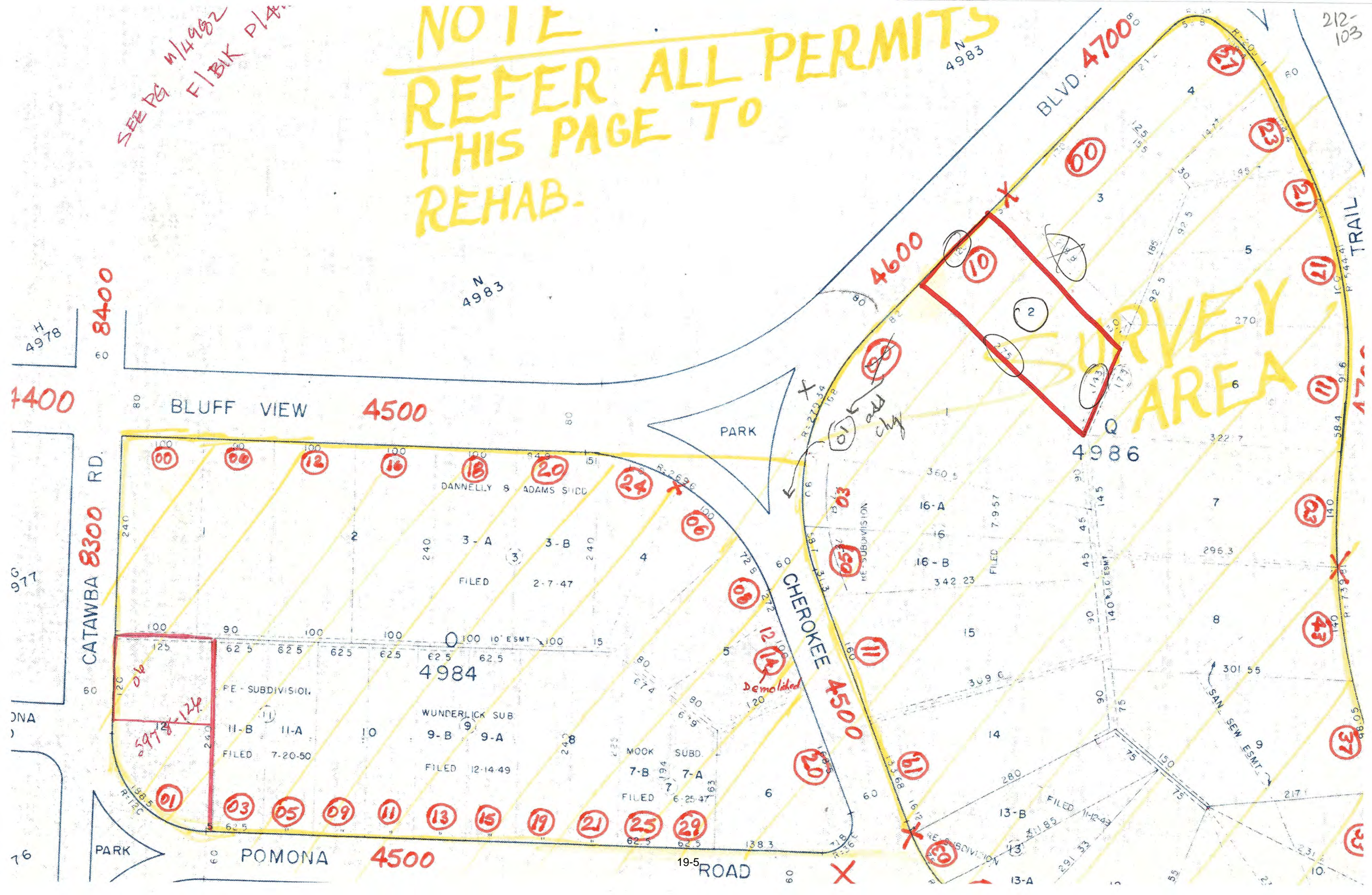
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.' (Texas Government Code § 2051.102)

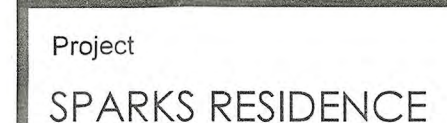


1:1,128

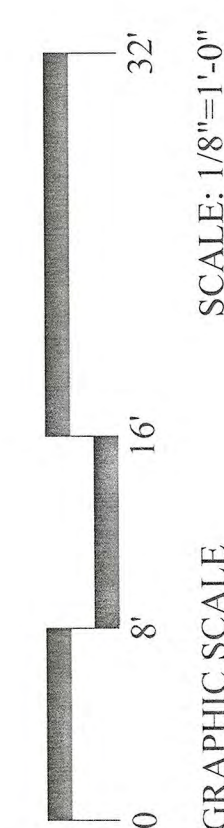
SEE PG M/4902
FBIK P/4.

NOTE
REFER ALL PERMITS
THIS PAGE TO
REHAB.





Address
4610 BLUFFVIEW BLVD

Consultant
CS

Designed
ML

Date Issued
02-25-2022

[illegible]

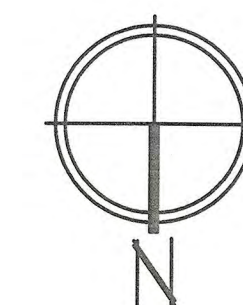
Sheet Title

FENCE
PLAN

Sheet Number **L3.1** 2/2-103



COMPLETE
LANDSCULPTURE
2000 SANDY LANE
DALLAS, TEXAS 75220
TEL: 214-388-5886
FAX: 214-387-8121
WWW.COMPLETELANDSCULPTURE.COM



Project
SPARKS RESIDENCE

Address
4610 BLUFFVIEW BLVD

Consultant
CS

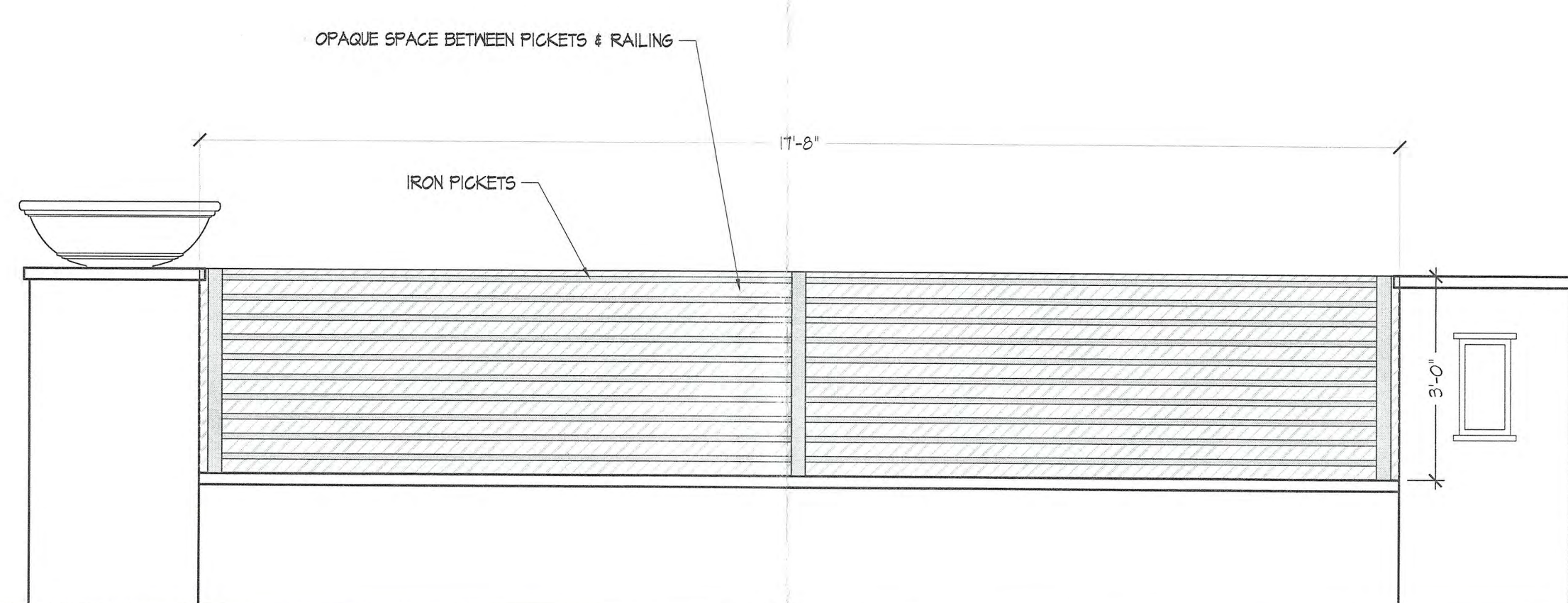
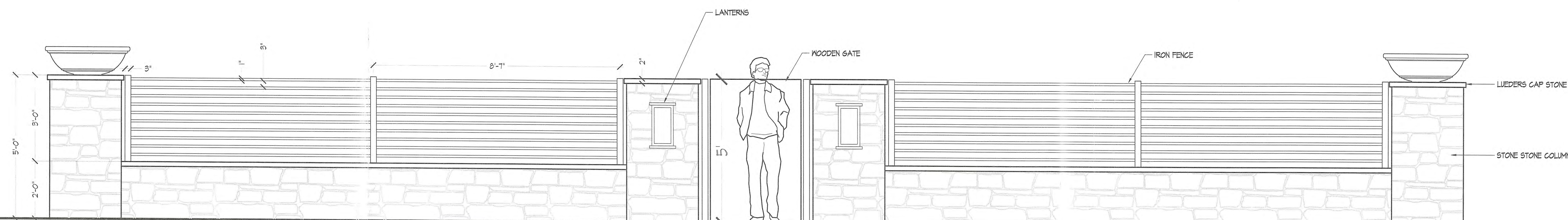
Designed
ML

Date Issued
02-25-2022

No.	Date	Revision

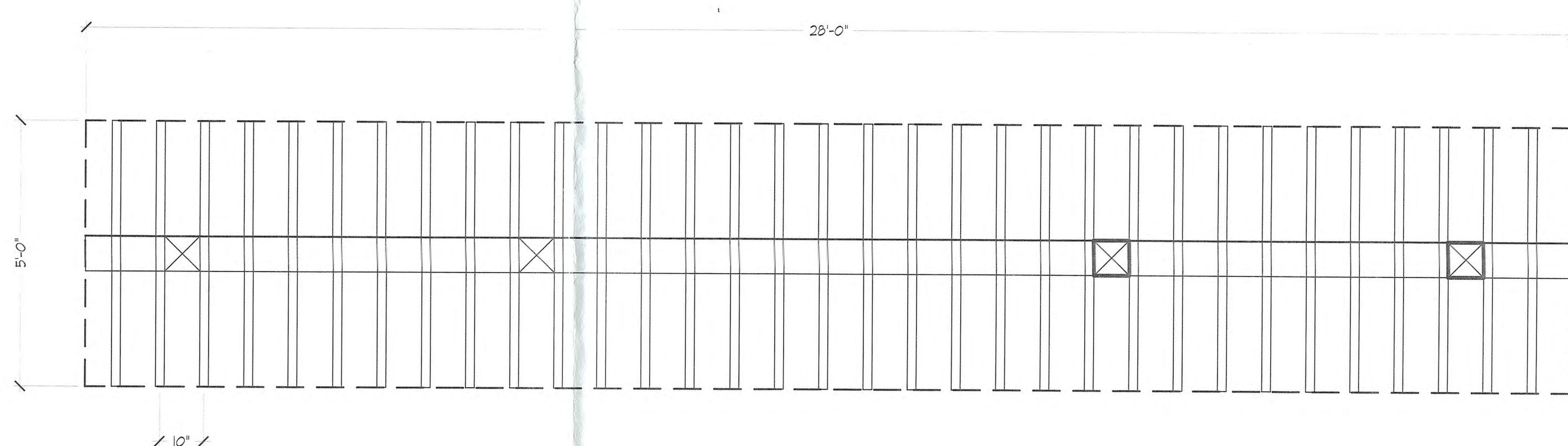
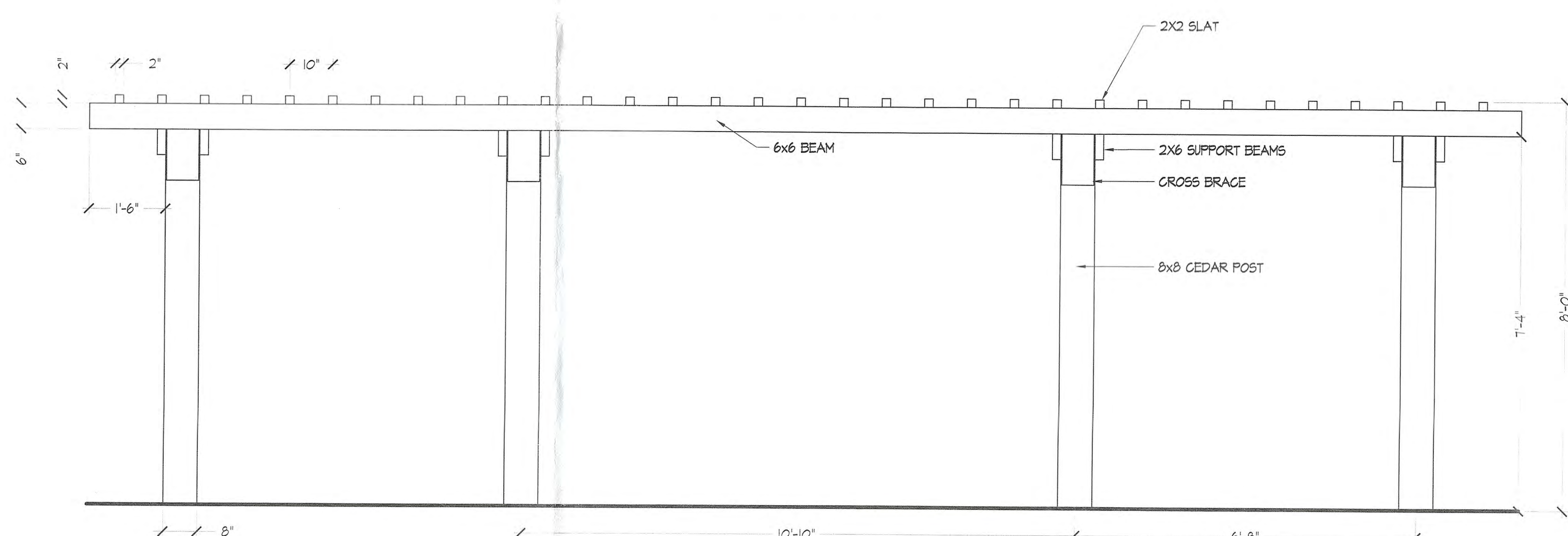
Sheet Title
PROJECT
ELEVATIONS

Sheet Number
L3.3 212-103



TOTAL AREA PER FENCE SECTION: 52.89 SQ FT
IRON PICKET & RAILING AREA PER SECTION: 15.86 SQ FT (30%)
OPAQUE AREA PER SECTION: 37.02 (70%)

A PROPERTY FENCE ELEVATION
SCALE: 1/2"=1'-0"



B PARKING STRUCTURE
SCALE: 1/2"=1'-0"

From: [Trammell, Charles](#)
To: [Aguilera, Oscar](#)
Subject: FW: 4610 Bluffview Denial of Application
Date: Tuesday, October 11, 2022 10:36:03 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

FYI please place in file



Charles Trammell
Chief Planner (I), Board Of Adjustment
City of Dallas | [DallasCityNews.net](https://www.dallascitynews.net)
Development services
Building Inspection
320 E. Jefferson Blvd Rm 210
Dallas, TX 75201
O: 214-948-4618
Charles.Trammell@dallas.gov



<https://www.surveymonkey.com/r/FRWPLBQ>

****OPEN RECORDS NOTICE:** This email and responses may be subject to the Texas Open Records Act and may be disclosed to the public upon request. Please respond accordingly. **

From: Denise Stewart [REDACTED]
Sent: Tuesday, October 11, 2022 9:19 AM
To: Trammell, Charles <charles.trammell@dallas.gov>
Subject: 4610 Bluffview Denial of Application

External Email!

Dear Mr. Trammell,

I would like to submit a **denial** of the application for a 2' exception to fence height and a change of front yard setback at 4610 Bluffview Blvd.

Thank you,
Denise Stewart
4603 Cherokee Trail
Dallas, TX [REDACTED]
[REDACTED]

From: [Trammell, Charles](#)
To: [Aguilera, Oscar](#)
Subject: FW: 4610 Bluffview application
Date: Tuesday, October 11, 2022 10:39:07 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Please place in the file



Charles Trammell
Chief Planner (I), Board Of Adjustment
City of Dallas | [DallasCityNews.net](https://www.dallascitynews.net)
Development services
Building Inspection
320 E. Jefferson Blvd Rm 210
Dallas, TX 75201
O: 214-948-4618
Charles.Trammell@dallas.gov



<https://www.surveymonkey.com/r/FRWPLBQ>

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From: S Palmer [REDACTED]
Sent: Monday, October 10, 2022 6:54 PM
To: Trammell, Charles <charles.trammell@dallas.gov>
Cc: [REDACTED]
Subject: 4610 Bluffview application

External Email!

Dear Mr. Trammell,

It has come to our attention that a neighbor at 4610 Bluffview Blvd. has requested two special exceptions to the Dallas Code for our neighborhood. (Hearing set for Oct. 18th at 1:00pm)

My husband and I walk the neighborhood daily and we have not noticed any properties in Bluffview that have disregarded the 30' setback and/or 4' front fence limitations. In our opinion, it would be unwise to approve these exceptions for one homeowner (4610 Bluffview Blvd.) when everyone else in the neighborhood has abided by the regulations. If one homeowner gets exceptions, others will follow and

our neighborhood charm and openness would be lost.

We recommend that the application be denied.

Regards,

Stephanie & Richard Palmer
4709 Bluffview Blvd.
Dallas, TX 75209

CAUTION: This email originated from outside of the organization. Please, do not click links or open attachments unless you recognize the sender and know the content is safe.

From: [Trammell, Charles](#)
To: [Aguilera, Oscar](#)
Subject: FW: Board of Adjustment, Panel A - BDA 212-103 (DENIAL OF APPLICATION)
Date: Tuesday, October 11, 2022 10:40:02 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Please place in the file



Charles Trammell
Chief Planner (I), Board Of Adjustment
City of Dallas | [DallasCityNews.net](https://www.dallascitynews.net)
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O: 214-948-4618
Charles.Trammell@dallas.gov



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From: [REDACTED]
Sent: Monday, October 10, 2022 1:15 PM
To: Trammell, Charles <charles.trammell@dallas.gov>
Subject: Board of Adjustment, Panel A - BDA 212-103 (DENIAL OF APPLICATION)

External Email!

I request a **DENIAL** of application BDA 212-103.

The applicants should respect the Dallas Development Code and PD 455. I do not want a new norm set for fence height or for a carport to interrupt the block face in any part of Bluffview but especially on Bluffview Boulevard which is **the signature street** within the neighborhood.

Best,

Ann Huntington
5020 Lilac Lane
Dallas, Texas 75209

Sent from [Mail](#) for Windows

CAUTION: This email originated from outside of the organization. Please, do not click links or open attachments unless you recognize the sender and know the content is safe.

From: [Trammell, Charles](#)
To: [Aguilera, Oscar](#)
Subject: FW: BDA HEARING BDA 212-103, 4610 Bluffview
Date: Tuesday, October 11, 2022 10:58:02 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

FYI please place in the file.

Thanks,



Charles Trammell
Chief Planner (I), Board Of Adjustment
City of Dallas | [DallasCityNews.net](https://www.dallascitynews.net)
Development services
Building Inspection
320 E. Jefferson Blvd Rm 210
Dallas, TX 75201
O: 214-948-4618
Charles.Trammell@dallas.gov



<https://www.surveymonkey.com/r/FRWPLBQ>

OPEN RECORDS NOTICE: This email and responses may be subject to the Texas Open Records Act and may be disclosed to the public upon request. Please respond accordingly.

From: Jennifer Alexander [REDACTED]
Sent: Friday, October 7, 2022 8:48 PM
To: Trammell, Charles <charles.trammell@dallas.gov>
Cc: Bluff View [REDACTED]
Subject: BDA HEARING BDA 212-103, 4610 Bluffview

External Email!

To the Board of Adjustment, Panel A Members,

Please DENY the above application with all its fence and setback variances.

As to the setback request, the variance would permit a carport to physically stick out into the front yard and thereby break up the continuity of the block face with neighboring homes - aesthetically incompatible with the character of our neighborhood.

As to the fence request, from Bluffview's perspective, we prefer no fences and so a 4' fence is a

compromise for us. Bluffview is an open and visually welcoming community with few fences.

It is disappointing to see a neighbor putting his or her individual wants above the rules that are already in place for the greater good.

The city has set the standard for front yard fences at 4 feet MAXIMUM and front yard setbacks at 30" from the property line.

What you decide here can impact our individual properties and Bluffview at large either positively or adversely. Please hold the line and make the proposed fence and setback honor the established rules as already defined in our city code.

Thanks for your time considering the integrity of our Bluffview neighborhood,
Jennifer Alexander
4811 Bluffview
Over 47 years at this address

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