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DALLAS, TX

BOARD OF ADJUSTMENT (PANEL A)

**May 21st, 2024, Briefing at 10:00 A.M. and the Public Hearing at 1:00 P.M.
Dallas City Hall, Council Chambers and Videoconference**

**Video Conference Link: <https://bit.ly/boa0521>
Telephone: (408) 418-9388, Access Code: 325527**

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

Individuals and interested parties wishing to speak must register with the Board of Adjustment at <https://bit.ly/BDA-A-Register> by the close of business Monday, May 20th, 2024. In Person speakers can register at the hearing.

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

Las personas y las partes interesadas que deseen hacer uso de la palabra deben registrarse en Junta de Ajustes en at <https://bit.ly/BDA-A-Register> antes de cierre de oficina el Lunes, 20 de Mayo, 2024. Las personas que deseen hablar en persona se pueden registrar en la Audiencia.

AGENDA

- I. **Call to Order** David A. Neumann, Chairman
- II. **Staff Presentation/Briefing**
- III. **Public Hearing** Board of Adjustment
- IV. **Public Testimony**
- V. **Miscellaneous Items –**
 - Approval of Panel A Minutes, April 16th, 2024
- VI. **Case Docket** Board of Adjustment
 - Uncontested Items
 - Holdover Items
 - Individual Items
- VII. **Adjournment**

Handgun Prohibition Notice for Meetings of Governmental Entities

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

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

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

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

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

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

EXECUTIVE SESSION NOTICE

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

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

UNCONTESTED CASE(S)

BDA234-053(CJ)	3139 McDermott Avenue REQUEST: Application of Krystina Paige for (1) a variance to the side-yard setback regulations.	1
BDA234-055(CJ)	3601 W. Lawther Drive REQUEST: Application of Rob Baldwin for (1) a special exception to the single-family regulations.	2
BDA234-056(CJ)	8206 Inwood Road REQUEST: Application of Rob Baldwin for (1) a special exception to the fence height regulations.	3
BDA234-058(KMH)	5717 Walnut Hill Lane REQUEST: Application of Megan Ratcliff for (1) a special exception to the fence height regulations.	4
BDA234-061(BT)	1931 Danube Drive REQUEST: Application of Ricardo Alonso for (1) a variance to the front-yard setback regulations.	5

HOLDOVER

None

INDIVIDUAL CASES

BDA234-052(CJ)	2514 Hillside Drive REQUEST: Application of Jeff Clardy for (1) a variance to the off-street parking regulations.	6
BDA234-067(CJ)	7023 Oriole Drive REQUEST: Application of Shelby Longoria for (1) a variance to the front-yard setback regulations, and for (2) a special exception to the fence standards regulations, and for (3) a special exception to the fence height regulations.	7



BOARD OF ADJUSTMENT

Panel A Minutes

April 16th, 2024

DRAFT

6ES Council Briefing
24923176153@dallascityhall.webex.com

David A. Neumann, Chairman

PRESENT: [5]

David A. Neumann, Chairman	
Rachel Hayden	
Kathleen Davis	
Michael Hopkovitz	
Philip Sahuc	

ABSENT: [1]

Jay Narey	

Chairman David A. Neumann called the briefing to order at **10:30 A.M.** with a quorum of the Board of Adjustment present.

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

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

PUBLIC SPEAKERS

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

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

MISCELLANEOUS ITEMS

Approval of the Board of Adjustment Panel A, March 19th, Meeting Minutes with a change on Page 31: BDA234-028 changed the “motion to deny” to “motion to grant”.

Motion was made to approve Panel A, March 19th, 2024, Public Hearing Minutes.

Maker:	David A. Neumann				
Second:	Rachel Hayden				
Results:	5-0 unanimously				Motion to approve
		Ayes:	-	5	David A. Neumann, Rachel Hayden, Kathleen Davis, Michael Hopkovitz and Phil Sahuc
		Against:	-	0	

CONSENT ITEMS

1. 2626 Burger Avenue

This item was moved to Individual Cases

BDA234-041(CJ)

BUILDING OFFICIAL’S REPORT: Application of Roddrick West for **(1)** a variance to the front-yard setback regulations at 2626 Burger Ave. This property is more fully described as Block F/1696, Lot 6 and is zoned PD-595, which requires a front yard setback of 20-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide an 8-foot front-yard setback, which will require **(1)** a 12-foot variance to the front-yard setback regulations.

LOCATION: 2626 Burger Ave.

APPLICANT: Roddrick West

REQUEST:

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

STANDARD FOR A VARIANCE:

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

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

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

ELEMENT II SUBSTITUTE:

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

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

STAFF RECOMMENDATION:

Approval

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

- A. Not contrary to the public interest as no letters of opposition were received.
- B. Is restrictive in size due to the lot size (2613.6 sqft) and shape; The minimum lot area for residential use in the R-5(A) zoning district is 5,000 sqft, therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Is not a self-created or personal hardship.

BACKGROUND INFORMATION:

BDA History:

No BDA history found within the last 5 years.

Square Footage:

This lot contains 2,613.6 of square feet.
This lot is zoned R-5(A) which has a minimum lot size of 5,000 square feet.

Zoning:

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

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- The application for the Roddrick West property located at 2626 Burger Avenue focuses on one request relating to the front yard setback regulations.
- A request for a variance to the front yard setback regulations of 12-feet is made to construct and/or maintain a single-family residential structure at 2626 Burger Avenue.
- The subject site is currently vacant.
- Zoning District R-5(A) requires a minimum front yard setback of 20-feet.
- As gleaned from the submitted site plan, the proposed home is set to encroach into the 20-foot required front yard setback at 2626 Burger Avenue.
- Properties adjacent to the subject site from a street view, sit further into the 20-foot setback than properties directly across the street.
- Based upon staff’s analysis of the surrounding properties, properties adjacent to the subject site, from a street view, sit further into the required 20-foot setback than properties directly across the street.
- The applicant has stated the variance request was made so that the proposed structure can conform to the existing conditions of the neighborhood; several lots on the same blockface as the subject site, are similar in size and encroach into the required 20-foot setback.

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

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

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

- (a) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
 - (b) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
 - (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
 - (d) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - (e) the municipality considers the structure to be a nonconforming structure.
- Granting the proposed 12-foot variance to the front yard setback regulations with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
 - 200' Radius Video: [BDA234-041 2626 Burger Ave.](#)

Timeline:

- February 23, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- March 11, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- March 20, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the March 27, 2024, deadline to submit additional evidence for staff to factor into their analysis; and April 5, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- April 1, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the April public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

Speakers:

- For: Roddrick West, 2626 Burger Street, Dallas TX 75215
- Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 234-041, on application of Roddick West, **GRANT** the 12-foot variance to the front-yard setback regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

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

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

Maker:	Rachel Hayden				
Second:	Philip Sahuc				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Phil Sahuc, Rachel Hayden and Michael Hopkovitz
		Against:	-	0	

HOLDOVER CASES

2. 3216 Peoria Avenue
 BDA234-033(CJ)

BUILDING OFFICIAL’S REPORT Application of Joel Perales for **(1)** a special exception to the fence height regulations; for **(2)** a for a special exception to the fence opacity regulations; and **(3)** a special exception to the visibility obstruction regulations at 3216 PEORIA AVE. This property is more fully described as Block 21/7159, Lot 4 and is zoned both CS (commercial service) and R-5(A), which limits the height of a fence in the front-yard to 4-feet, and requires a fence panel with a surface area that is less than 50 percent open not be located less than 5-feet from the front lot line, and requires a 20-foot visibility triangle at driveway approaches. The applicant proposes to construct and/or maintain a 6-foot 6-inch high fence in a required front-yard which will require **(1)** a 2-foot 6-inch special exception to the fence height regulations; the applicant proposes to construct and/or maintain a fence in a required front-yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line, which will require **(2)** a special exception to the fence opacity regulations; and the applicant proposes to construct and/or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require **(3)** a special exception to the visibility obstruction regulation

LOCATION: 3216 Peoria St.

APPLICANT: Joel Perales

REQUEST:

- (1) A request for a special exception to the fence height regulations; and
- (2) A special exception to the fence standards regulations regarding opacity; and

(3) A special exception to the 20-foot visibility obstruction regulations.

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

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

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

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

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

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

STAFF RECOMMENDATION:

Special Exceptions (3):

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

BDA History:

No BDA history

GENERAL FACTS/STAFF ANALYSIS:

- The application, for the Joel Perales property located at 3216 Peoria Street focuses on 3 requests relating to the fence height, fence standards and visibility obstruction regulations.
- The applicant proposes to maintain and 6-foot-6-inch high fence in a required front yard, which will require a 2-foot 6-inch special exception to the fence height regulations.
- Secondly, the applicant is requesting a special exception to the fence standards regulations regarding opacity
- Lastly, the applicant is proposing to maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require a special exception to the 20-foot visibility obstruction regulation.
- The subject site along with properties to the north, east, south, and west are all developed with single-family homes.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to maintain a 6-foot 6-inch high fence around the circumference of the property at 3216 Peoria Street.
- The fence is material is partially wood, wrought iron and concrete.
- It is imperative to note that the subject site is a mid-block lot, and it has single street frontage on Peoria Street.
- Based upon staff’s analysis of the surrounding properties, there are a few homes along Peoria Street with fences and gates in the required front yard and/or some form of vegetation serving as a screening mechanism.
- Per staff’s review of the subject site, it has been confirmed that the fence surrounding the circumference of the property is existing and not proposed.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. The Dallas Development Code also states that no fence panel having less than 50 percent open surface area may be located less than 5-feet from the lot line.
- The applicant has the burden of proof in establishing that the special exception(s) to the fence regulations relating to height and opacity will not adversely affect the neighboring properties.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations regarding visual obstruction will not constitute a traffic hazard.
- Granting the special exceptions to the fence standards relating to height, opacity and visibility obstruction regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200’ Radius Video: [BDA234-033_3216 Peoria St.](#)

Timeline:

January 22, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

February 12, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

February 21, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the February 23, 2024, deadline to submit additional evidence for staff to factor into their analysis; and March 8, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

March 5, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the March public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer

March 19, 2024: The Board of Adjustment Panel **A** moved to hold this matter under advisement until April 15, 2024.

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

Speakers:

For: Blas Garza, 3216 Peoria Avenue, Dallas TX 75212
 Joel Perales, 3216 Peoria Avenue, Dallas TX 75212
 (Interpreter) Juan Carpio, 243 W. Sunset Road, San Antonio, TX 78209

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA 234-033, on application of Joel Perales, **DENY** the special exception requested by this applicant to construct and/or maintain a 6-foot 6-inch high fence **without** prejudice, because our evaluation of the property and the testimony shows that granting the application would adversely affect neighboring property.

Maker:	Kathleen Davis				
Second:	Michael Hopkovitz				
Results:	5-0 Unanimously				Motion to deny
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Rachel Hayden, Michael Hopkovitz and Phil Sahuc
		Against:	-	0	

Motion # 2

I move that the Board of Adjustment, in Appeal No. BDA 234-033, on application of Joel Perales, **DENY** the special exception requested to construct and/or maintain a fence with panel having less than 50 percent open surface area located less than five-feet from the front lot line as a special exception to the surface area openness by this applicant **without** prejudice, because our evaluation of the property and the testimony shows that this special exception will adversely affect neighboring property.

Maker:	Kathleen Davis				
Second:	Philip Sahuc				
Results:	5-0 Unanimously				Motion to deny
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Rachel Hayden, Michael Hopkovitz and Phil Sahuc
		Against:	-	0	

Motion # 3

I move that the Board of Adjustment, in Appeal No. BDA 234-033, on application of Joel Perales, **DENY** the special exception requested by this applicant to maintain items in the visibility triangle at the Peoria Avenue **without** prejudice, because our evaluation of the property and the testimony shows that granting the application would constitute a traffic hazard.

Maker:	Rachel Hayden				
Second:	Michael Hopkovitz				
Results:	5-0 Unanimously				Motion to deny
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Rachel Hayden, Michael Hopkovitz and Phil Sahuc
		Against:	-	0	

INDIVIDUAL CASES

3. 205 S. Windomere Avenue
BDA234-044(CJ)

BUILDING OFFICIAL’S REPORT: Application of Christine Escobedo for **(1)** a variance to the side-yard setback regulations at 205 S. WINDOMERE AVE. This property is more fully described as Block 39/3296 part of lots 19 and 20 and is zoned PD-87(Historic district 15), which requires side-yard setback of 10-feet. The applicant proposes to construct and/or maintain a carport for a single-family residential dwelling in a required side-yard and provide a 3-foot setback, which will require **(1)** a 7-foot variance to the side-yard setback regulations.

LOCATION: 205 S. Windomere Ave.

APPLICANT: Christine Escobedo

REQUEST:

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

STANDARD OF REVIEW FOR A VARIANCE:

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

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

ELEMENT II SUBSTITUTE:

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

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

easement; or
(v) the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:

Denial

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

- D. Not contrary to the public interest as no letters of opposition were received.
- E. Is not restrictive in shape, size, or slope; therefore, the property can be developed in a manner commensurate with development upon other parcels of land in the same zoning.
 - A. The lot is approximately 50-feet wide and 7,535.88 sqft, which is average in Dallas. Although the subject site is required to have larger than average side yard setbacks, at 10-feet on both sides, all single-family residential structures within PD 87 **and** without a porte cochere covered driveway must abide by the same development standards; therefore this property can be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- F. Is not a self-created or personal hardship.

BACKGROUND INFORMATION:

BDA History:

No BDA history found within the last 5 years.

Square Footage:

This lot contains 6804.072 of square feet.
This lot is zoned PD-87 Winnetka Heights Historic District (Historic Overlay 15) which has no minimum lot size.

Zoning:

- Site: PD-87 Winnetka Heights Historic District (Historic Overlay 15)
- North: PD-87 Winnetka Heights Historic District (Historic Overlay 15)
- South: PD-87 Winnetka Heights Historic District (Historic Overlay 15)
- East: PD-87 Winnetka Heights Historic District (Historic Overlay 15)
- West: PD-87 Winnetka Heights Historic District (Historic Overlay 15)

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- The application for the Christine Escobedo property located at 205 S. Windomere Avenue focuses on one request relating to the side yard setback regulations.
- A request for a variance to the side yard setback regulations of 7-feet is made to construct and/or maintain a single-family residential structure.

- The subject site is currently developed with a residential structure.
- PD-87 Winnetka Heights Historic District (Historic Overlay 15) requires a minimum side-yard setback of 10-feet if the side yard contains a driveway not covered by a porte cochere. Otherwise, the minimum side yard setback is five feet.
- As gleaned from the submitted site plan, the proposed carport encroaches the required 10-foot side yard setback.
- Additionally, the subject site has an existing detached 1-car garage that appears to be in its original location. The proposed 2-car carport will connect to the existing 1-car garage.
- The applicant has stated that the proposed 2-car garage will provide covered parking and protection for vehicles.
- The Office of Historic Preservation approved plans for the proposed carport on December 4, 2023; these plans have been included as Documentary Evidence.
- The Landmark Commission approved a Certificate of Appropriateness (#CA234-089(MW)) for the proposed carport on December 5, 2023; this has been included as Documentary Evidence.

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

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

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

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

- Granting the proposed 7-foot variance to the side yard setback regulations with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BDA234-044 205 S. Windomere Ave.](#)

Timeline:

February 23, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

March 11, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

March 20, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the March 27, 2024, deadline to submit additional evidence for staff to factor into their analysis; and April 5, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

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

Speakers:

For: Christine Escobedo, 205 S. Windomere Ave., Dallas TX 75208

Against: Daniel Juma, 1418 W. Jefferson, Dallas TX 75208 (Did not speak)

Motion

I move that the Board of Adjustment, in Appeal No. BDA 234-044, on application of Christine Escobedo, **GRANT** the 7-foot variance to the side-yard setback regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

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

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

Maker:	Kathleen Davis				
Second:	Rachel Hayden				
Results:	4-1				Motion to grant
		Ayes:	-	4	David A. Neumann, Rachel Hayden, Kathleen Davis, and Phil Sahuc
		Against:	-	1	Michael Hopkovitz

4. 8138 Rayville Drive
 BDA234-048(CJ)

BUILDING OFFICIAL’S REPORT: Application of Nery Lemus for **(1)** a variance to the side-yard setback regulations at 8138 RAYVILLE DR. This property is more fully described as Block A/6342, Lot 6, and is zoned R-7.5(A), which requires side-yard setback of 5-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 4-foot side-yard setback, which will require **(1)** a 1- foot variance to the side-yard setback regulations.

LOCATION: 8138 Rayville Dr.

APPLICANT: Nery Lemus

REPRESENTED BY: Elias Rodriguez

REQUEST:

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

STANDARD OF REVIEW FOR A VARIANCE:

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

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

ELEMENT II SUBSTITUTE:

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

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

STAFF RECOMMENDATION:

Denial

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

- G. Not contrary to the public interest as no letters of opposition were received.
- H. Is not restrictive in area, shape or slope; The minimum lot area for residential use in the R-7.5(A) zoning district is 7,500 sqft and the subject site is approximately 7,800 sqft, is not sloped and is not irregularly shaped, therefore, the property can be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- I. Is not a self-created or personal hardship.

Zoning:

- Site: R-7.5(A) (Single-Family Zoning District)
- North: R-7.5(A) (Single-Family Zoning District)
- South: R-7.5(A) (Single-Family Zoning District)
- East: PD 366 (Buckner Boulevard Special Purpose Zoning District)
- West: R-7.5(A) (Single-Family Zoning District)

Land Use:

The subject site is developed with a single-family home. The areas to the north, south, and west are developed and being developed with single-family uses. Areas to the east are developed and being developed with uses as allowed in PD 366.

Square Footage:

This lot contains 7,800 of square feet.
This lot is zoned R-7.5(A) which has a minimum lot size of 7,500 square feet.

BDA HISTORY:

No BDA history found within the last 5 years.

GENERAL FACTS/STAFF ANALYSIS:

- The application for the Nery Lemus property located at 8138 Rayville Road focuses on one request relating to the side yard setback regulations.
- A request for a variance to the side yard setback regulations of 1-foot is made to maintain a single-family residential structure at 8138 Rayville Drive.
- The subject site is currently developed with a single-family dwelling unit.

- Zoning District R-7.5(A) requires a minimum side yard setback of 5-feet.
- As gleaned from the submitted site plan, the proposed addition to the existing home is set to encroach into the 5-foot required side yard setback at 8138 Rayville Drive.
- Based upon staff’s review of the subject site, it has been confirmed that the addition to the existing single-family home, shown on the site plan, is proposed and not existing. The addition that is encroaching into the required 5-foot side yard setback was approved and issued under building permit #2112211051 in June of 2023.
- The plans approved under building permit #2112211051 were stamped/approved showing the addition to be outside of the required 5-foot side yard setback.

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

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

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

- (k) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
 - (l) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
 - (m) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
 - (n) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - (o) the municipality considers the structure to be a nonconforming structure.
- Granting the proposed 1-foot variance to the side yard setback regulations with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
 - 200’ Radius Video: [BDA234-048 8138 Rayville Dr.](#)

Timeline:

- February 23, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- March 11, 2024: The Board of Adjustment Administrator assigned this case to Board of

Adjustment Panel A.

March 20, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the March 27, 2024, deadline to submit additional evidence for staff to factor into their analysis; and April 5, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

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

Speakers:

For: Elias Rodriguez, 323 E. Jefferson Blvd., Dallas TX 75203 (Virtual)
 Victor Ramirez, 7610 N. Stemmons, # 110, Dallas TX 75247 (Did not speak)

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 234-048, on application of Nery Lemus, **DENY** the variance to the side-yard setback regulations requested by this applicant **without** prejudice, because our evaluation of the property and the testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would NOT result in unnecessary hardship to this applicant.

Maker:	Michael Hopkovitz				
Second:	Rachel Hayden				
Results:	5-0 Unanimously				Motion to deny
		Ayes:	-	5	David A. Neumann, Rachel Hayden, Kathleen Davis, Michael Hopkovitz, and Phil Sahuc
		Against:	-	0	

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Chairman moved to adjourn the meeting at 3:01 p.m.

Maker:	Philip Sahuc				
Second:	Rachel Hayden				
Results:	5-0 unanimously				Motion to adjourn

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

Date

Required Signature:
Dr. Kameka Miller-Hoskins, Chief Administrator
Development Services Dept.

Date

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

Date

FILE NUMBER: BDA234-053 (CJ)

BUILDING OFFICIAL'S REPORT: Application of Krystina Paige for **(1)** a variance to the side-yard setback regulations at 3139 MCDERMOTT AVE. This property is more fully described as Block 1802, Lot 18, and is zoned PD-595, which requires side-yard setback of 5-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 0-foot side-yard setback, which will require (1) a 5-foot variance to the side-yard setback regulations.

LOCATION: 3139 McDermott Ave.

APPLICANT: Krystina Paige

REQUEST:

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

STANDARD FOR A VARIANCE:

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

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

ELEMENT II SUBSTITUTE:

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

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

- (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (v) the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:

Approval

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

- A. Not contrary to the public interest as no letters of opposition were received.
- B. Is not restrictive in slope but is restrictive in lot area and shape; The minimum lot area for residential use in the R-5(A) zoning district is 5,000 sqft and the subject site is approximately 2,395.8 sqft with a lot width of approximately 25', therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Is not a self-created or personal hardship.

BACKGROUND INFORMATION:

BDA History:

No BDA history found within the last 5 years.

Square Footage:

This lot contains 2,395.8 of square feet.

This lot is zoned PD 595/R-5(A) which has a minimum lot size of 5,000 square feet.

Zoning:

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

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- The application for the Krystina Paige property located at 3139 McDermott Avenue focuses on one request relating to the side yard setback regulations.
- A request for a variance to the side yard setback regulations of 0-feet is made to construct and/or maintain a single-family residential structure at 3139 McDermott Avenue.

- The subject site is currently vacant.
- Zoning District PD 595/R-5(A) requires a minimum side yard setback of 5-feet.
- As gleaned from the submitted site plan, the proposed home is set to encroach into the 5-foot required side yard setback at 3139 McDermott Avenue.
- Based upon staff's analysis of the surrounding properties, properties adjacent to the east side of the subject site and across the street, from a street view, are larger in width and depth than the subject site.
- The applicant has stated the variance request was made so that the proposed structure can conform to the existing conditions of the neighborhood since being divided into a smaller, more narrow lot.

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

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

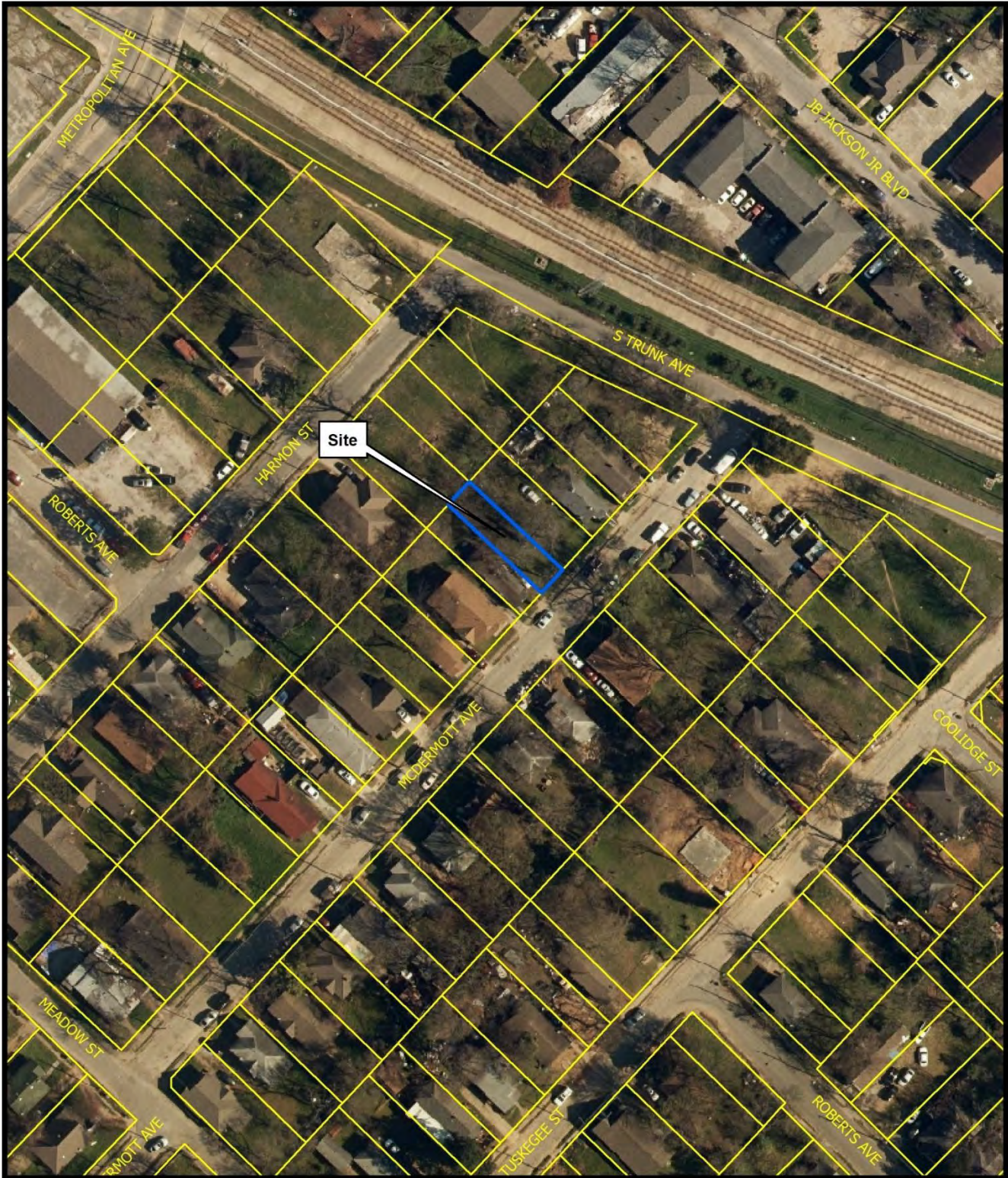
The board may also consider Dallas Development Code **§51A-3.102(d)(10)(b)**, formerly known as **HB 1475** as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

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

- Granting the proposed 0-foot variance to the side yard setback regulations with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BDA234-053 at 3139 McDermott Ave.](#)

Timeline:

- March 21, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- April 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- April 24, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
- an attachment that provided the hearing date and panel that will consider the application; the April 26 , 2024, deadline to submit additional evidence for staff to factor into their analysis; and May 10, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- May 2, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer

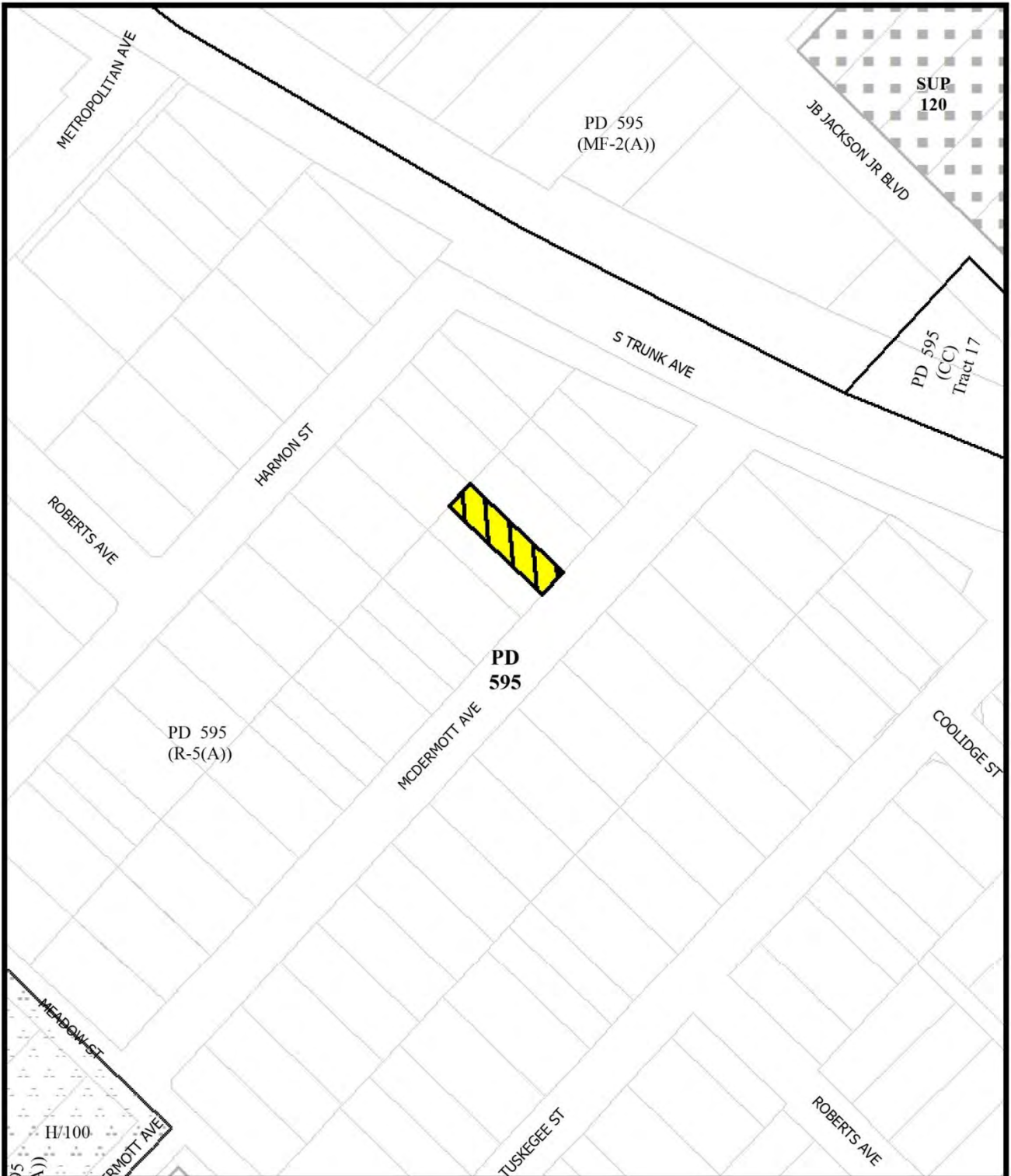


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AERIAL MAP

Case no: BDA234-053

Date: 4/8/2024

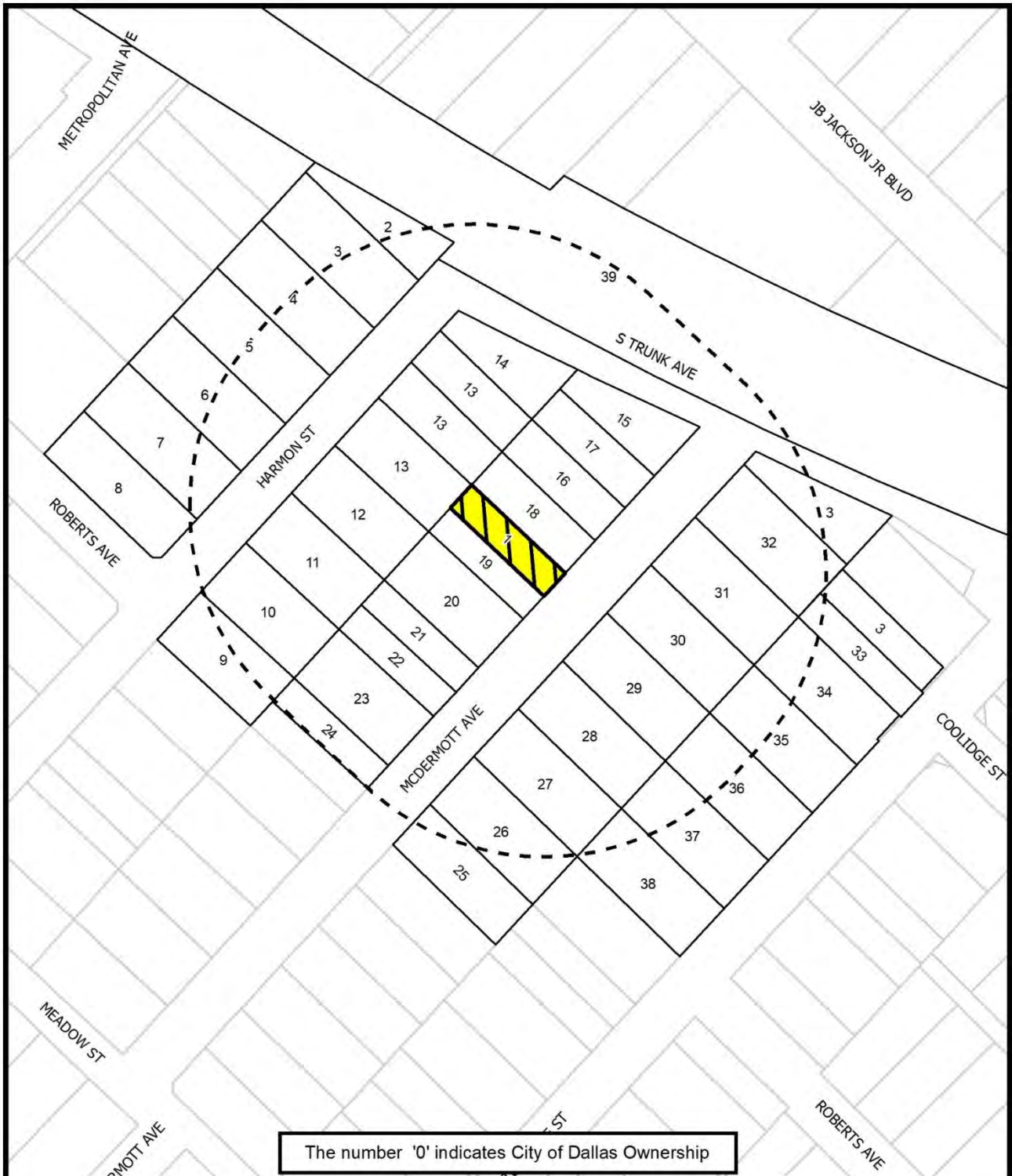


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ZONING MAP

Case no: BDA234-053

Date: 4/8/2024



The number '0' indicates City of Dallas Ownership


 1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
39 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA234-053
 Date: 4/8/2024



The number '0' indicates City of Dallas Ownership



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
39 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA234-053**

Date: **4/8/2024**

Notification List of Property Owners

BDA234-053

39 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3139 MCDERMOTT AVE	Taxpayer at
2	3147 HARMON ST	DALLAS AREA RAPID TRANSIT
3	3143 HARMON ST	DART
4	3141 HARMON ST	MEDINA YOAN
5	3137 HARMON ST	Taxpayer at
6	3131 HARMON ST	MT CARMEL MISSIONARY
7	3129 HARMON ST	MT CARMEL BAPTIST CHURCH
8	3127 HARMON ST	MT CARMEL BAPT CH CTR
9	3120 HARMON ST	THAMES REAL ESTATE INC
10	3126 HARMON ST	RODRIGUEZ SANTOS SAUL CARRANZA
11	3130 HARMON ST	PERSAD NATASHA W
12	3132 HARMON ST	MCCLELLAN CAROLINE
13	3136 HARMON ST	3DL CONSTRUCTION MANAGEMENT LLC
14	3144 HARMON ST	JOHNSON JARAE
15	3149 MCDERMOTT AVE	ATKINS JOSEPH BERNARD
16	3145 MCDERMOTT AVE	PATTERSON MARY E
17	3147 MCDERMOTT AVE	ALEXANDER OLLIE MAE EST OF
18	3143 MCDERMOTT AVE	SANCHEZ SAUL
19	3137 MCDERMOTT AVE	MARQUEZ MARCELLA
20	3135 MCDERMOTT AVE	S D HOME DESIGN LLC SERIES C
21	3131 MCDERMOTT AVE	LOPEZ MARIA MIRIAM MARES
22	3129 MCDERMOTT AVE	ALNA HOLDINGS LLC
23	3127 MCDERMOTT AVE	ALNA II LLC
24	3119 MCDERMOTT AVE	MCCANN SCOTT
25	3122 MCDERMOTT AVE	THAMES REAL ESTATE INC
26	3126 MCDERMOTT AVE	RASHEED RASHAD &

04/08/2024

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	3130 MCDERMOTT AVE	WORKS G W & CO
28	3132 MCDERMOTT AVE	BOYLES LAURENCE H
29	3140 MCDERMOTT AVE	SCOTT BRENDA JEAN
30	3142 MCDERMOTT AVE	RCGA LLC
31	3144 MCDERMOTT AVE	PEACE SHANTA
32	3148 MCDERMOTT AVE	WILSON RALPH
33	3217 TUSKEGEE ST	LOPEZ FLORENTINO
34	3213 TUSKEGEE ST	DOUCET PAUL
35	3211 TUSKEGEE ST	ENTRUST GROUP INC THE
36	3207 TUSKEGEE ST	CLAYTON KRHYSTLE
37	3201 TUSKEGEE ST	MIRAMAR MCB DFW SFR I LP
38	3131 TUSKEGEE ST	OWENS JESSICA
39	401 S BUCKNER BLVD	DART

 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table><tr><td style="border: 1px solid black; padding: 2px;">200'</td><td>AREA OF NOTIFICATION</td></tr><tr><td style="border: 1px solid black; padding: 2px;">39</td><td>NUMBER OF PROPERTY OWNERS NOTIFIED</td></tr></table>	200'	AREA OF NOTIFICATION	39	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA234-053 Date: 4/8/2024
200'	AREA OF NOTIFICATION					
39	NUMBER OF PROPERTY OWNERS NOTIFIED					

PUBLIC HEARING

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

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

DATE: **TUESDAY, MAY 21ST, 2024**

BRIEFING: **10:00 a.m.** via **Videoconference** and in **Council Chambers, 6EN,** Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0521>

HEARING: **1:00 p.m.** via **Videoconference** and in **Council Chambers,** Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0521>

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

BDA234-053(CJ) Application of Krystina Paige for **(1)** a variance to the side-yard setback regulations at **3139 MCDERMOTT AVE.** This property is more fully described as Block 1802, Lot 18, and is zoned PD-595, which requires side-yard setback of 5-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 0-foot side-yard setback, which will require **(1)** a 5-foot variance to the side-yard setback regulations.

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

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

The Board of Adjustment hearing will be held by videoconference and at Council Chambers at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure **by joining the meeting virtually,** must register online at <https://bit.ly/BDA-A-Register> **by the close of business Monday, May 20th, 2024. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing.** Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall

Speakers at the meeting are allowed a maximum of three minutes to address the Board.

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

Board of Adjustment, Development Services
320 E. Jefferson Blvd. Rm 210, Dallas, TX 75201

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

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



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

RECEIVED
257-053
MAR 21 REC'D
FOR OFFICE USE ONLY

Data Relative to Subject Property: _____

Date: _____

Location address: 3139 McDermott Ave Zoning District: PD 5 RS (A)

Lot No.: 118 Block No.: 1802 Acreage: 0.055 Census Tract: _____

Street Frontage (in Feet): 1) 25 2) 100 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): heandra hester

Applicant: Braylon hester Telephone: 817-361-2716

Mailing Address: 4300 Wildbrier Ln mensfield tx Zip Code: 76063

E-mail Address: newbuild@3blcm.com

Represented by: Krystina Paige Telephone: 214-232-4706

Mailing Address: 550 W laureland Rd Dallas tx Zip Code: 75232

E-mail Address: paigekrystina@att.net

Affirm that an appeal has been made for a Variance or Special Exception of side yard setback
to be 0 ft and not the regular 5ft. left side at
5ft Right side at zero boundary

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:

This lot which was allowed to be divided into measurements that
are not conforming which the regular lot size of 34x100 which
creates a hardship on the development because lots to narrow

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

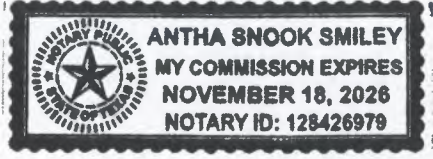
Before me the undersigned on this day personally appeared Braylon hester
(Affiant/Applicant's name printed)

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

DocuSigned by:
Braylon hester
590CD29FCECF045B
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 14 day of February

Anthia Snook Smiley
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 KRYSTINA PAIGE

did submit a request for (1) a variaance to the side-yard setback regulations
at 3139 Mcdermott

BDA234-053(CJ) Application of Krystina Paige for (1) a variance to the side-yard setback regulations at 3139 MCDERMOTT AVE. This property is more fully described as Block 1802, Lot 18, and is zoned PD-595, which requires side-yard setback of 5-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 0-foot side-yard setback, which will require (1) a 5-foot variance to the side-yard setback regulations.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



AFFIDAVIT

Appeal number: BDA 234-053

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

at: 3139 McDermott St Dallas Tx
(Address of property as stated on application)

Authorize: Braylon Lester
(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: left side at Sft ~~of~~ Right side at
off

Leandra Lester
Print name of property owner or registered agent

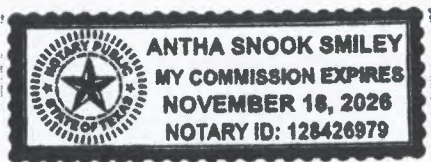
DocuSigned by:
Leandra Lester
Signature of property owner or registered agent

agent Date 2/14/24

Before me, the undersigned, on this day personally appeared

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

knowledge. Subscribed and sworn to before me this 14th day of
February, 2024



Commission expires on 11-18-2026



CITY OF DALLAS

February 26, 2024

Lester, Braylon
3540 E. Broad St
Mansfield, TX 76063
(469) 454-0669

RE: Legal Building site determination for **3139 McDermott, NE ½ of Lot 18, Block 1802**

Dear Mr. Lester:

This is in response to your request for a determination regarding a legal build site on a parcel located at the above address.

Per the Sanborn map, a building has existed since 1952. The city's records do not indicate any use has been on the property other than single family residential. Therefore, a new residence can be constructed on this site as it has been determined to be a legal building site. Construction of the new residence will have to meet all current ordinance requirements including, but not limited to, building codes, setbacks, lot coverage, and building height.

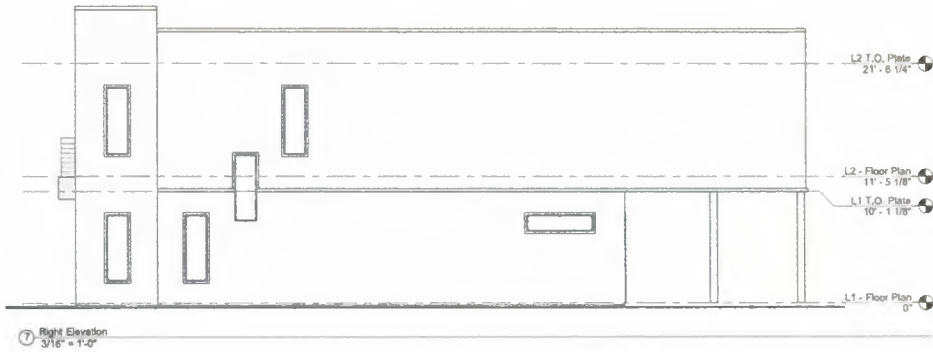
This letter does not constitute a building permit or certificate of occupancy, nor does it imply that a building permit or certificate of occupancy will be approved without complying with all applicable rules and regulations. The City of Dallas does not provide letters certifying that a property or development complies with all applicable rules and regulations. If you have any further questions, please contact me at 214-948-4634.

Respectfully,

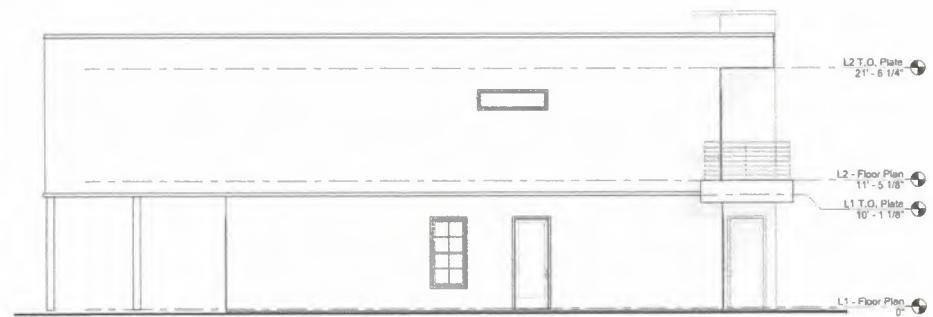
A handwritten signature in blue ink that reads "Greg Franklin".

Greg Franklin
Senior Planner
Development Services Department

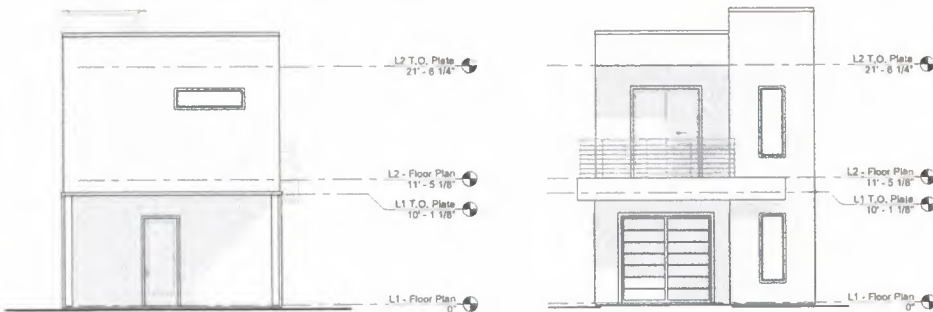
CC: Jason Pool, Development Services Administrator
Tenisha Lester, Zoning Chief



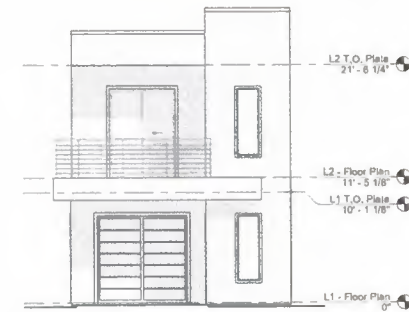
7 Right Elevation
3/16" = 1'-0"



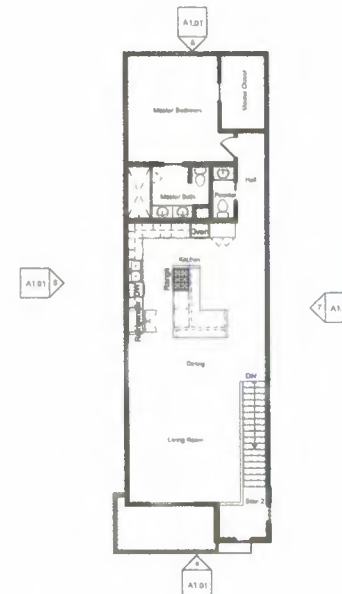
8 Left Elevation
3/16" = 1'-0"



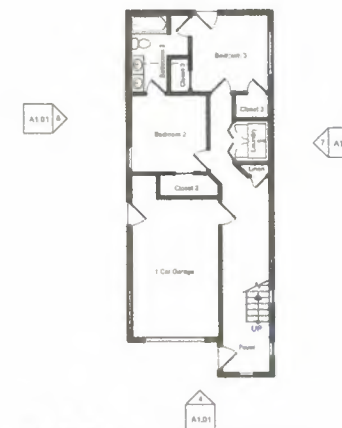
9 Rear Elevation
3/16" = 1'-0"



4 Front Elevation
3/16" = 1'-0"



3 L2 - Floor Plan
1/8" = 1'-0"

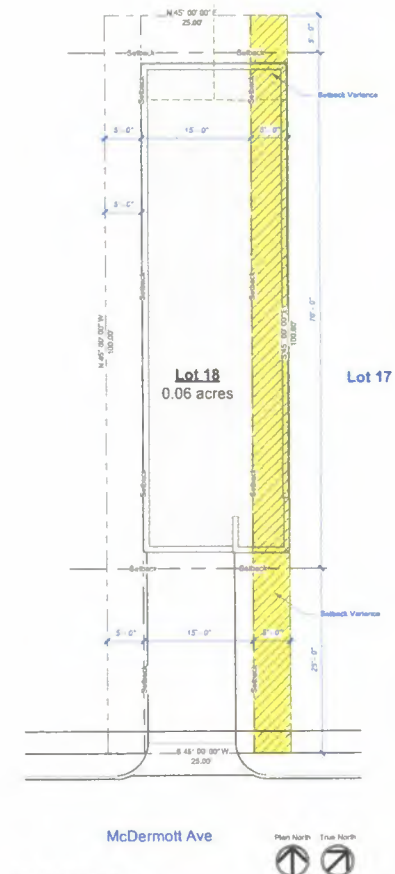


2 L1 - Floor Plan
1/8" = 1'-0"

Notes - General Site

CH Engineer, Landscape Architect and/or GC to Provide Engineer's Site, Survey and Drainage Plans and All Additional Site Information, Architectural Site Plan or For Reference Only For Owner, GC and Designer

- Utilities:
 - Electric, Cable 3 V, and Telephone Underground in Common Trench Unless Otherwise Noted.
 - Verify All Utility Locations Prior To Any Work. Coordinate Utility Routing With Appropriate Utility Company. All Utilities to Be Underground.
- Survey Information:
 - Survey Information Obtained From _____ Dated _____
- Drainage:
 - Provide Positive Drainage At Building Perimeter (Slope Away From Building At 1:12 Min For 10' Min)
- Landscape:
 - Plant All Trees For Owner Prior To Thinning Or Removing.
 - Protect All Remaining Trees With Approved Barrier During Construction.
 - Provide 8" Dia. Stone Rip Rap And Landscape Edging Over Wood Barrier Fabric At Eaves And Valley Drp Locations.
- Sealing:
 - Obtain House Location for Owner, Designer, and Architectural Review Board Prior To Any Work.
- General:
 - General Contractor To Review & Comply With All Submittal Conditions.



1 Architectural Site Plan
1/8" = 1'-0"



MOMENTOUS
Design Studio

3018 Rounding Dr.
Dallas TX 75228 (214) 883-4327
www.momentous.com

???

Consultant
Address
Phone
Fax
email

Consultant
Address
Phone
Fax
email

Residence
3139 McDermott
Dallas, Texas
2 Story | 3 Bedroom | 2 Bath | 2 Car Garage
Project Status

No.	Date	Description

These drawings or parts thereof shall not be reproduced in any form, by any method for any purpose, without prior written consent from Momentous Design Studio. The design plans and specifications issued for this project have been prepared by Momentous Design Studio from data provided by the representation of the client. Drawings and details design are subject to modification or changes due to field conditions or any or other conditions and building code requirements. The development shall be responsible for obtaining all required permits for the project and for compliance with all local, state and federal codes. In the event the plans and/or specifications are intended to be used by a third party, the responsibility to review a licensed professional to sign and seal the plans.

Project number	Y999
Date	Issue Date
Drawn by	Author
Checked by	Checker

Architectural Site Plan

A1.01

FILE NUMBER: BDA234-055 (CJ)

BUILDING OFFICIAL'S REPORT: Application of Rob Baldwin for (1) a special exception to the single-family regulations at 3601 W. LAWATHER DR. This property is more fully described as Block B/4400, Lot 1, and is zoned R-1ac(A), which limits the number of dwelling units to one. The applicant proposes to construct and or maintain accessory dwelling unit (For Rent), which will require (1) a special exception to the single-family zoning use regulations.

LOCATION: 3601 Lawther Dr.

APPLICANT: Rob Baldwin

REQUEST:

- (1) A special exception to the single-family zoning regulations for a rentable single-family residential accessory dwelling unit.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO THE SINGLE-FAMILY USE REGULATIONS TO AUTHORIZE AN ACCESSORY DWELLING UNIT (FOR RENT):

Section 51A-4.209(b)(6)(E)(iii)(aa) of the Dallas Development Code specifies that the board of adjustment may grant a special exception to authorize a rentable accessory dwelling unit in any district when, in the opinion of the board, **the accessory dwelling unit will not adversely affect neighboring properties.**

Section 51A-4.209(b)(6)(E)(iii)(cc) In granting this type of special exception, the board shall require the applicant to deed restrict the subject property to require owner-occupancy on the premises and annually register the rental property with the city's single family non-owner occupied rental program.

STAFF RECOMMENDATION:

Special Exception:

No staff recommendation is made.

BDA History

No BDA history found within the last five years.

Square Footage:

The lot contains 45,738 of square feet or 1.5ac.

The lot is zoned R-1ac(A) with a minimum lot size of 43,560 square feet.

Zoning:

Site: R-1ac(A) Single Family District
North: R-1ac(A) Single Family District
South: R-1ac(A) Single Family District
East: R-1ac(A) Single Family District
West: R-7.5(A) Single Family District

Land Use:

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

BDA History:

No BDA history within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Rob Baldwin for the property located at 3601 W. Lawther Dr. focuses on one specific request. The request focuses on a variance to the single-family zoning use regulations for a single-family residential accessory dwelling unit (FR).
- The applicant proposes to construct an accessory dwelling unit (FR), which will require a special exception to the single-family use regulations.
- The Dallas Development code, for single-family zoning, allows one dwelling unit per lot.
- According to the applicant's application, the accessory structure will be utilized as rentable dwelling unit.
- The single-family use regulations of the Dallas Development Code state that the board of adjustment may grant a special exception to authorize a rentable accessory dwelling unit in any district when, in the opinion of the board, the accessory dwelling unit will not adversely affect neighboring properties.
- The applicant has the burden of proof in establishing that the accessory dwelling unit will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.
- Granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an accessory dwelling unit (FR)

on the site (i.e., development on the site must meet all required code requirements).

- The Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to require owner-occupancy on the premises and annually register the rental property with the city's single family non-owner occupied rental program.
- Moreover, the applicant has the burden of proof in establishing that the special exception to the single-family use regulations will not adversely affect neighboring properties.
- Granting the special exceptions to the single-family use regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BDA234-055 at 3601 W. Lawther Dr.](#)

Timeline:

- March 21, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- April 11, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- April 24, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
- an attachment that provided the hearing date and panel that will consider the application; the April 26 , 2024, deadline to submit additional evidence for staff to factor into their analysis; and May 10, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- May 2, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer

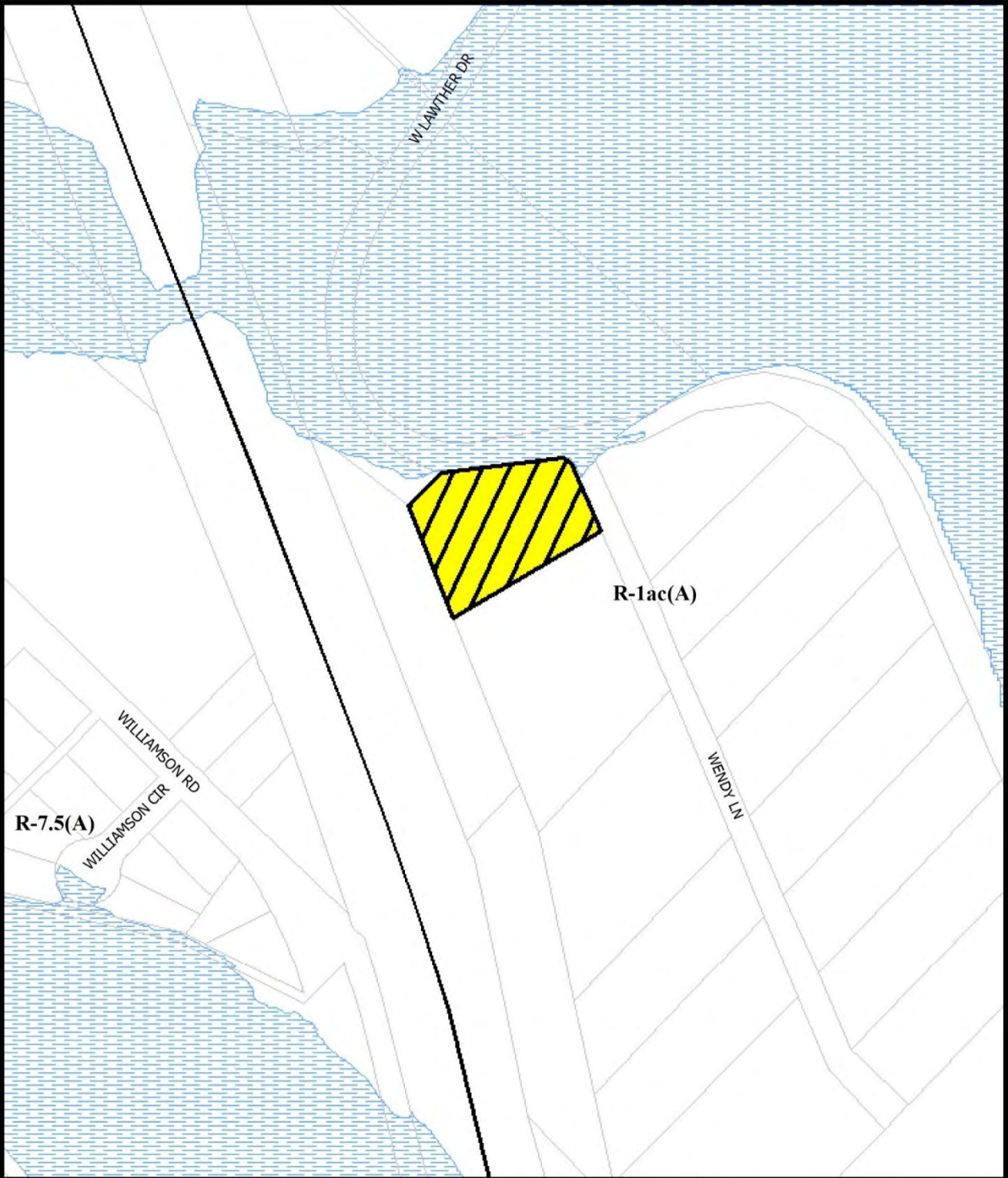



1:2,400

AERIAL MAP

Case no: BDA234-055

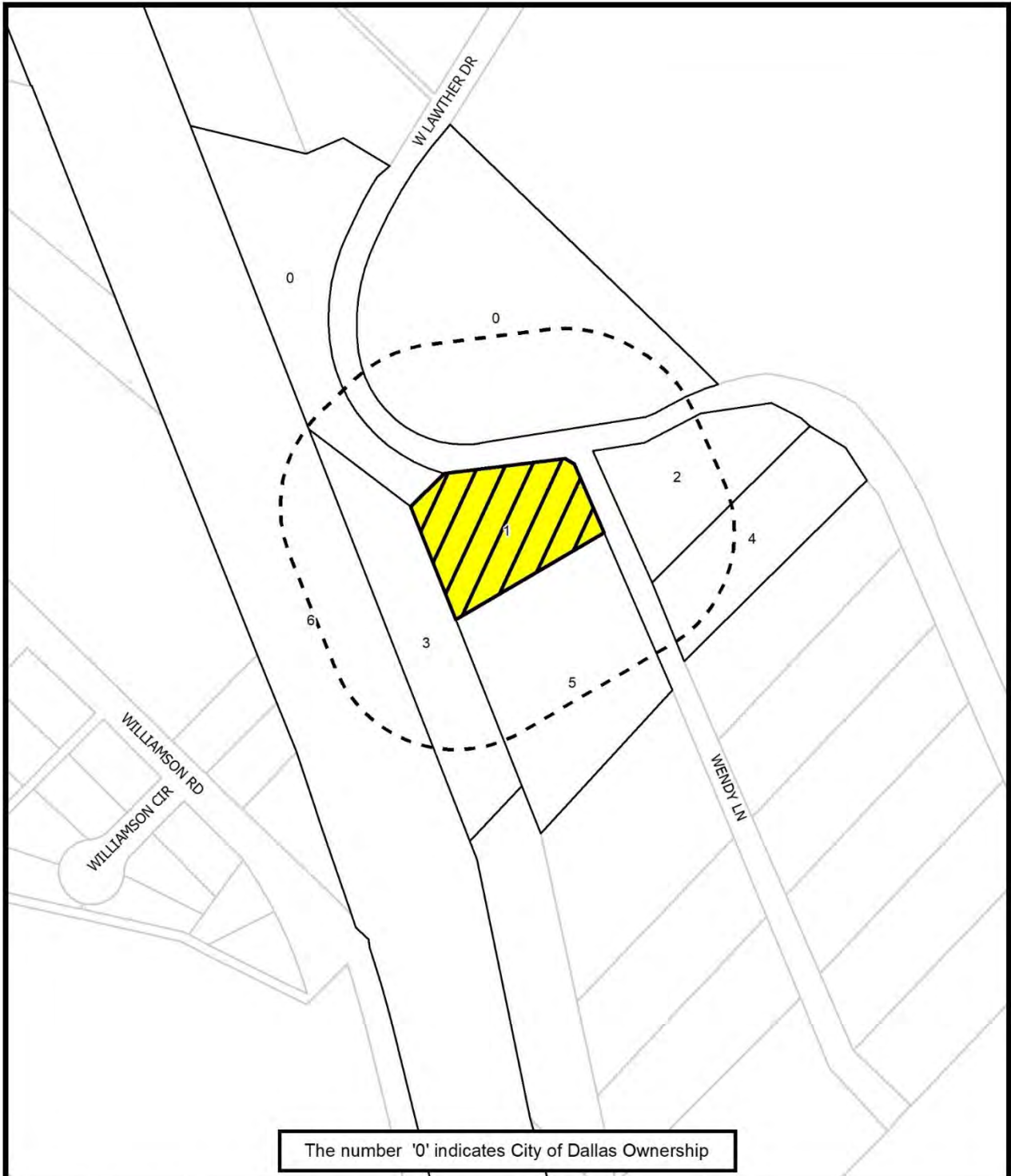
Date: 4/15/2024





1:2,400

ZONING MAP

Case no: BDA234-055
Date: 4/15/2024



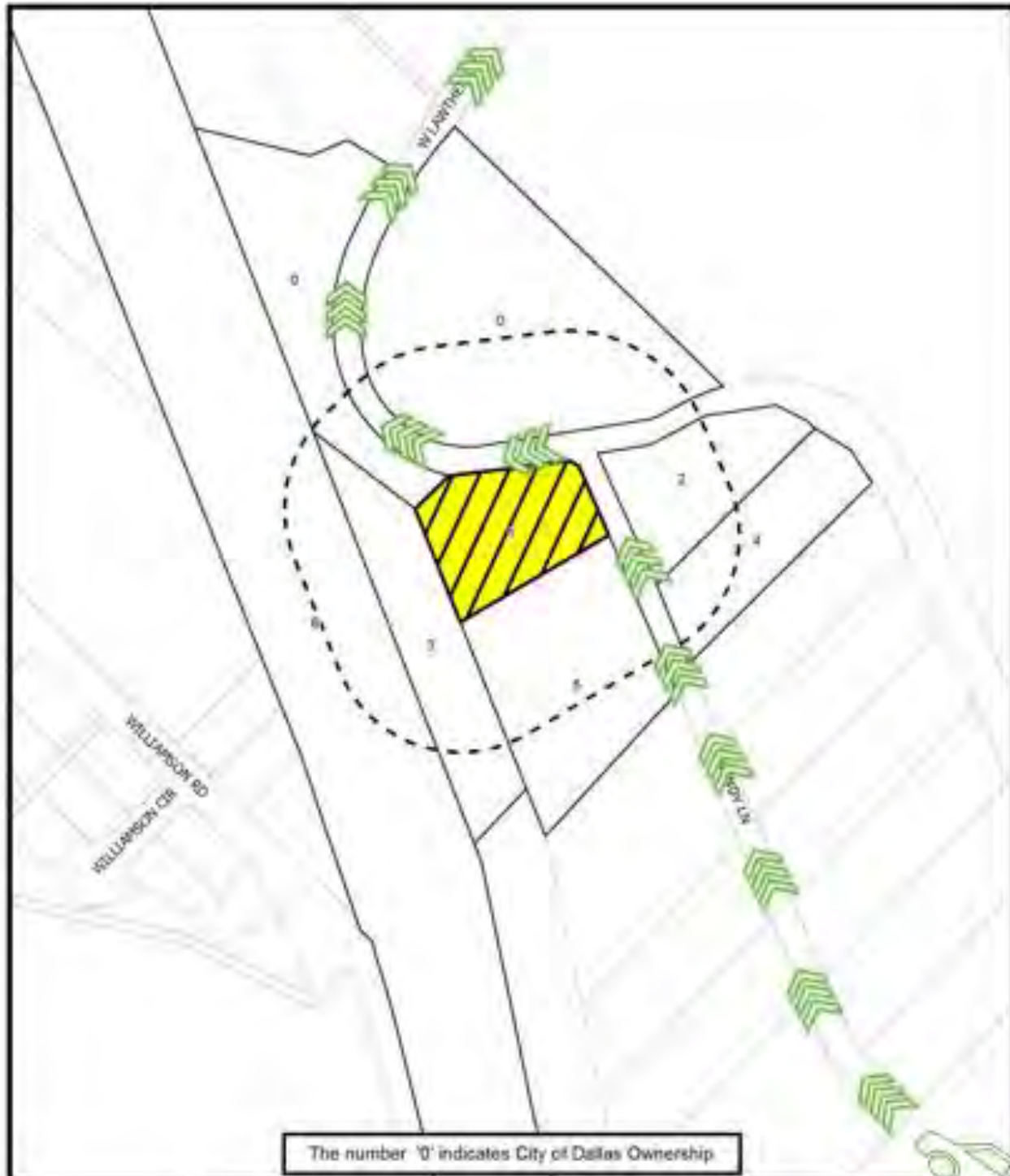
The number '0' indicates City of Dallas Ownership


 1:2,400

NOTIFICATION

200' AREA OF NOTIFICATION
6 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA234-055
 Date: 4/15/2024



 1:2,400	<h2>NOTIFICATION</h2>	Case no.: BDA234-055
	<div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">200'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">6</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	Date: 4/15/2024

04/15/2024

Notification List of Property Owners

BDA234-055

6 Property Owners Notified

Label #	Address	Owner
1	3601 W LAWATHER DR	SCHAFFER JUSTIN MICHAEL &
2	3535 W LAWATHER DR	BRADFIELD BARBARA
3	7280 WILLIAMSON RD	ONCOR ELECRC DELIVERY COMPANY
4	3525 W LAWATHER DR	WEED GARY M
5	3435 WENDY LN	PANKEY JUDSON L & JULIE
6	401 S BUCKNER BLVD	DART



1:2,400

NOTIFICATION

200'	AREA OF NOTIFICATION
6	NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA234-055**

Date: **4/15/2024**

PUBLIC HEARING

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

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

DATE: **TUESDAY, MAY 21ST, 2024**

BRIEFING: **10:00 a.m.** via **Videoconference** and in **Council Chambers, 6EN,** Dallas City Hall, 1500 Marilla Street <https://bit.ly/boa0521>

HEARING: **1:00 p.m.** via **Videoconference** and in **Council Chambers,** Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0521>

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

BDA234-055(CJ) Application of Rob Baldwin for **(1)** a special exception to the single-family regulations at **3601 W. LAWTHER DR.** This property is more fully described as Block B/4400, Lot 1, and is zoned R-1ac(A), which limits the number of dwelling units to one. The applicant proposes to construct and or maintain additional dwelling unit (For Rent), which will require **(1)** a special exception to the single-family zoning use regulations.

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

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

The Board of Adjustment hearing will be held by videoconference and at Council Chambers at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure **by joining the meeting virtually,** must register online at <https://bit.ly/BDA-A-Register> **by the close of business Monday, May 20th, 2024. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing.** Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall

Speakers at the meeting are allowed a maximum of three minutes to address the Board.

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

Board of Adjustment, Development Services
320 E. Jefferson Blvd. Rm 210, Dallas, TX 75201

PLEASE SEND REPLIES TO:

BDAreply@dallas.gov

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

PLEASE REGISTER AT:

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



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 234 RECEIVED

Data Relative to Subject Property: _____ Date: FOR OFFICE MAR 25 2024 REC'D

Location address: 3601 W. Lawther Drive Zoning District: R 7.5 BY: _____

Lot No.: 1 Block No.: B/4400 Acreage: 1.05 Census Tract: 4811300800

Street Frontage (in Feet): 1) 186.66 2) 115.29 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Justin Michael Schaffer and Elizabeth Joann Dodson

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

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

E-mail Address: rob@baldwinplanning.com

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

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

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance or Special Exception of _____
Special Exception to allow an accessory dwelling unit.

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 feel the request to allow an accessory dwelling unit is reasonable and will not negatively impact the surrounding properties.

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

Affidavit

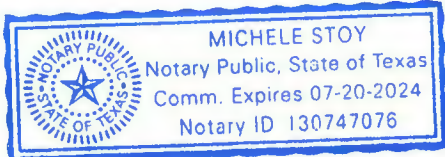
Before me the undersigned on this day personally appeared Rob Baldwin
(Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 1 day of March, 2024

Michele Stoy
Notary Public in and for Dallas County, Texas



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that ROB BALDWIN

did submit a request for (1) a special exception to the single family regulations
at 3601 W Lawther

BDA234-055(CJ) Application of Rob Baldwin for (1) a special exception to the single-family regulations at 3601 W. LAWTHER DR. This property is more fully described as Block B/4400, Lot 1, and is zoned R-1ac(A), which limits the number of dwelling units to one. The applicant proposes to construct and or maintain additional dwelling unit (For Rent), which will require (1) a special exception to the single-family zoning use regulations.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



Posting of Notification Sign

Address: 3601 W. Lawther

Appeal Number: BDA 234-055

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

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

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

Footage of each street frontage: 186.46 - 115.29

Number of acres: 1.05

Number of signs received: 2

Mickela Stang
Signature of applicant or person receiving signs

3-4-24
Date



Appeal number: BDA 234-055

I, Elizabeth Joann Dodson, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 3601 W. Lawther Drive
(Address of property as stated on application)

Authorize: Rob Baldwin, Baldwin Associates
(Applicant's name as stated on application)

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

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

Specify: Special Exception to allow an accessory dwelling unit.

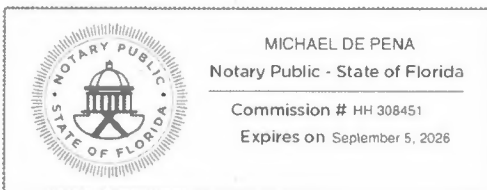
Elizabeth Joanne Dodson
Print name of property owner or registered agent
Date 02/28/2024

Elizabeth Joanne Dodson
Signature of property owner or registered agent

Before me, the undersigned, on this day personally appeared Elizabeth Joanne Dodson Justin M Schaffer

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 FEBRUARY, 2024



[Signature]
Notary Public for ~~Dallas~~ Broward County, ~~Texas~~ Florida
Commission expires on 09/05/2026

Notarized remotely online using communication technology via Proof.

THIS SPACE IS RESERVED FOR CITY OF DALLAS USE

NIMMO
NIMMO, AIA | 972.360.3160

PROJECT
MEADOW HOUSE
2001 W LANTIER DRIVE
DALLAS, TX 75214



CONSULTANTS

FOOT STRUCTURES
FOOTING DESIGN
2178 LAKE FISH ST, #200
DALLAS, TX 75217
817.211.0194

FOUNDATIONS
FOUNDATION DESIGN
1201 W DALLAS BLVD, 2ND FLOOR
DALLAS, TX 75214
214.611.8230

MECA
LANDSCAPE ARCHITECT
3000 WOODWAY LANE, SUITE 100
DALLAS, TX 75219
214.351.0300

MACATEE ENGINEERING
CIVIL ENGINEER
3010 WILEY ST
DALLAS, TX 75219
214.373.1900

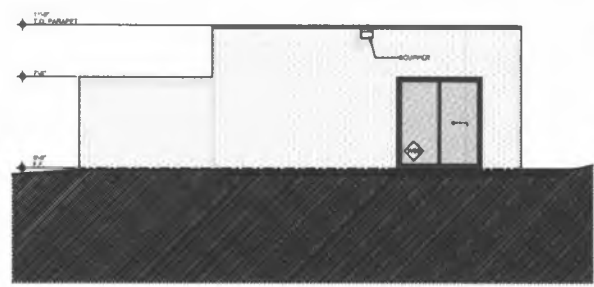
GENERAL CONTRACTOR

SMITH B-B CO
BARRETT GALTHER
7142 POLK
DALLAS, TX 75214

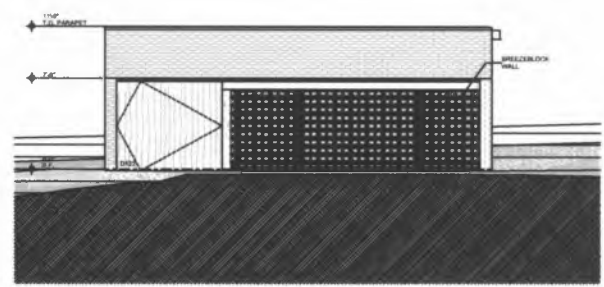
OWNER
ELIZABETH BOBSON
AUSTIN SCHAFFER

ISSUE
CD BRANT
1/15/2024

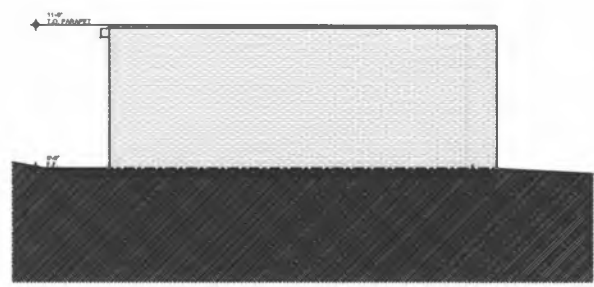
IMPORTANT NOTES



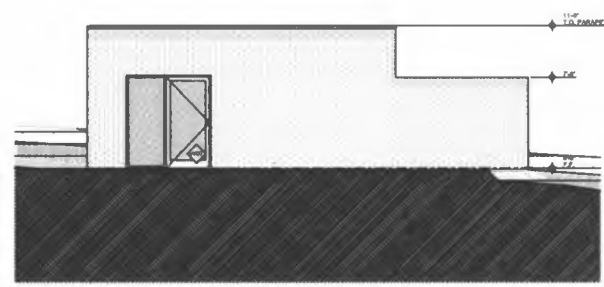
④ GH WEST ELEVATION
SCALE: 1/8" = 1'-0"



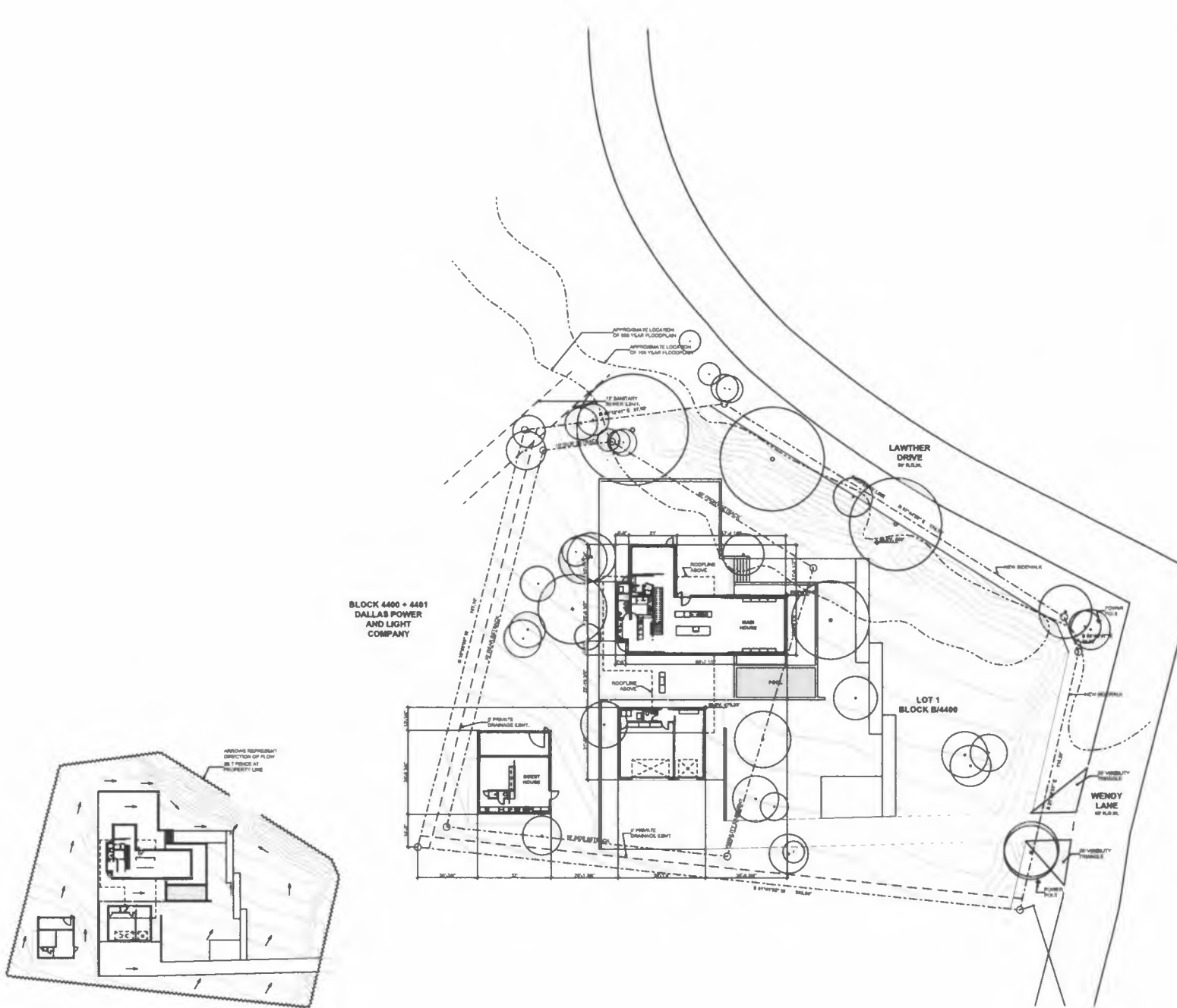
③ GH NORTH ELEVATION
SCALE: 1/8" = 1'-0"



② GH SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



① GH EAST ELEVATION
SCALE: 1/8" = 1'-0"



THIS SPACE IS RESERVED FOR CITY OF DALLAS USE

NIMMO
NIMMO.AM | 872.360.3180

PROJECT
MEADOW HOUSE
3801 W LAWYER DRIVE
DALLAS, TX 75214



CONSULTANTS

FOOT STRUCTURES
FRANK GIBSON
3308 GARDEN ST. #1, FIRM
DALLAS, TX 75201
872.271.2654

CLIENTS

PROGRESS GROUP
1100 W COLLEGE ST. #1000
DALLAS, TX 75201
714.416.6200

DESIGN

LINDSEY ARCHITECT
3800 WORTH AVENUE SUITE 100
DALLAS, TX 75201
714.416.1000

MECHANICAL

CHILDRRESS
3819 W. IRL ST
DALLAS, TX 75219
714.771.1100

IMPORTANT NOTES

PRIOR TO CONSTRUCTION, VERIFY ALL EASEMENTS, PROPERTY DIMENSIONS, SETBACKS, SITE RESTRICTIONS, AND OTHER DEVELOPMENT RESTRICTIONS WITH ALL APPLICABLE DEVICES INCLUDING SURVEY, CITY RESTRICTIONS, SOLA TESTS, AND DEED RESTRICTIONS.
SUBMIT ALL VISIBLE UTILITY COMPONENTS AND LOCATIONS TO ARCHITECT AND OWNER FOR APPROVAL PRIOR TO CONSTRUCTION.
THIS SURVEY WAS PROVIDED TO THE OWNER BY THE SURVEYOR OF RECORD SHOWN HEREIN. IT IS NOT A PART OF THE ARCHITECT'S CONTRACT DOCUMENTS. THE ARCHITECT MAKES NO CLAIM AS TO ITS ACCURACY.

LEGAL DESCRIPTION

BEING LOT 1, IN BLOCK B4400, OF LAWYERWENDY ADDITION, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE MAP THEREOF RECORDED IN COP 2010002946, OF THE REAL PROPERTY RECORDS OF DALLAS COUNTY, TEXAS.
3801 W LAWYER DRIVE DALLAS TX 75214

GENERAL CONTRACTOR

NIFFLE B-D CO
GARRETT WARD
714.771.3926
GARRETT@NIBD.COM

OWNER

ELIZABETH BOGSON
JUSTIN SCHAEFER

ISSUE

CD DRAFT
5/17/2021

2 STORM WATER PLAN

1 SITE PLAN

BDA234-055

Applicant's Documentary Evidence



April 26, 2024

Cambria Jordan
City of Dallas Board of Adjustment
City of Dallas
1500 Marilla St., 5BN
Dallas, TX 75201

Re: BDA234-055 – 3601 West Lawther Drive

Dear Cambria,

I am writing on behalf of Justin Schaffer and Elizabeth Dodson, the owners of the property known as 3601 West Lawther Drive. We are seeking a special exception to allow for the construction of an accessory dwelling unit (ADU) on their property.

The property at 3601 West Lawther Drive is approximately 1.05 acres in size and is currently vacant. My clients are in the process of building a new home on the property and would like to have an ADU as well. The proposed ADU would be approximately 816 square feet in area, or roughly 14% of the floor area of the main structure. This is significantly less than the 25% floor area cap for accessory buildings in the R-7.5(A) district. Additionally, the overall lot coverage for both the main structure and the ADU will be 12.07%, again, much lower than the 40% lot coverage allowed for residential structures in the R-7.5(A) zoning district. The ADU has been design to mirror the architectural design of the main structure.

The neighborhood is an enclave of residential structures on the west side of White Rock Lake. There are 14 lots in the neighborhood with half fronting onto West Lawther Drive and facing White Rock Lake and the other half facing onto Wendy Lane. Even though the subject property has a West Lawther Drive address, it will front onto Wendy Lane. Of the 14 lots in the neighborhood, five have accessory dwelling units according to the Dallas Central Appraisal District. These ADUs range in floor area from 276 square feet to 1,303 square feet. The proposed ADU is designed to be 861 square feet. The ADU will be situated at the rear of the lot, behind the main structure.

The Board has the authority to approve special exceptions to allow the approval of an additional dwelling unit in any district, when in the opinion of the board, the additional

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

dwelling unit will not:

1. Be used for rental accommodations; or
2. Adversely affect neighboring properties.

Given the proposed location and size of the proposed ADU, coupled with the fact that over a third of the properties in the neighborhood already have accessory dwelling units, coupled with the fact that the proposed ADU will not result in the crowding of the lot, I suggest that the granting of this Special Exception would not adversely affect neighboring properties.

In conclusion, this request for a special exception is warranted in this unique situation and constraints of the property. The proposed landscape plan offers a thoughtful design that meets the spirit and intent of Article X and will result in a more attractive streetscape along both North Westmoreland and Redmond Drive.

Please feel free to contact me with any questions or comments. Your assistance in this matter is appreciated.

With kind regards,



Robert Baldwin

FILE NUMBER: BDA234-056(CJ)

BUILDING OFFICIAL'S REPORT Application of Rob Baldwin for (1) a special exception to the fence-height regulations at 8206 INWOOD RD. This property is more fully described as Block 5674, Lot 23, and is zoned R-16(A), which limits the height of a fence in the front yard to 4-feet. The applicant proposes to construct and/or maintain a 6-foot 6-inch-high fence in a required front yard, which will require (1) a 2-foot 6-inch special exception to the fence height regulations.

LOCATION: 8206 Inwood Rd.

APPLICANT: Rob Baldwin

REQUEST:

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

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

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

STAFF RECOMMENDATION:

Special Exception (1):

No staff recommendation is made on this or any request for a special exception.

BACKGROUND INFORMATION:

Zoning:

Site: R-16 (A) (Single Family District)
North: R-16 (A) (Single Family District)
East: R-7.5 (A) (Single Family District)
South: R-16 (A) (Single Family District)
West: R-16 (A) (Single Family District)

Land Use:

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

Square Footage:

No BDA history

GENERAL FACTS/STAFF ANALYSIS:

- The application Rob Baldwin, for the property located at 8206 Inwood Road focuses on 1 request relating to the fence height regulations.
- The applicant proposes to construct and maintain and 6-foot-6-inch-high fence in a required front yard facing Inwood Road, which will require a 2-foot-6-inch special exception to the fence height regulations.
- The subject site along with properties to the north, east, south, and west are all developed with single-family homes.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to construct and maintain a 6-foot-6-inch-high fence around the back and along a portion of the front yard of the property at 8206 Inwood Road.
- The applicant has stated that the proposed 6-foot-6-inch fence will be an addition for privacy and security.
- Based upon staff’s analysis of the surrounding properties, there are a few homes along Inwood Road with fences and gates in the required front yard and/or some form of vegetation serving as a screening mechanism.
- It is imperative to note that the subject site is a mid-block lot, and it has single street frontage and front yards on Inwood Road.
- 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.
- Granting the special exceptions to the fence height regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.

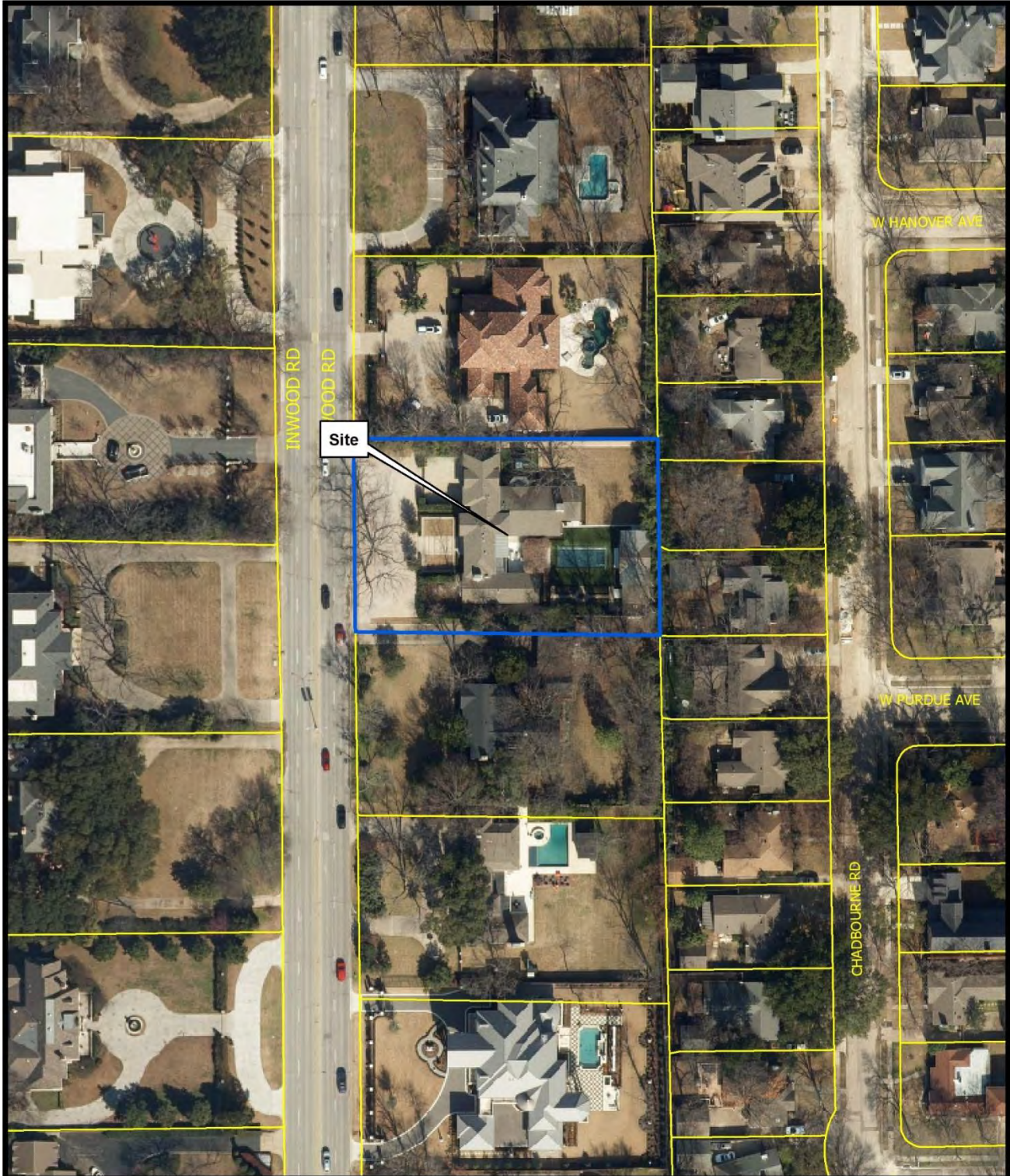
Timeline:

- March 21, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- April 11, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- April 24, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
- an attachment that provided the hearing date and panel that will consider the application; the April 26 , 2024, deadline to submit additional evidence for staff to factor into their analysis; and May 10, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.

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

May 2, 2024:

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

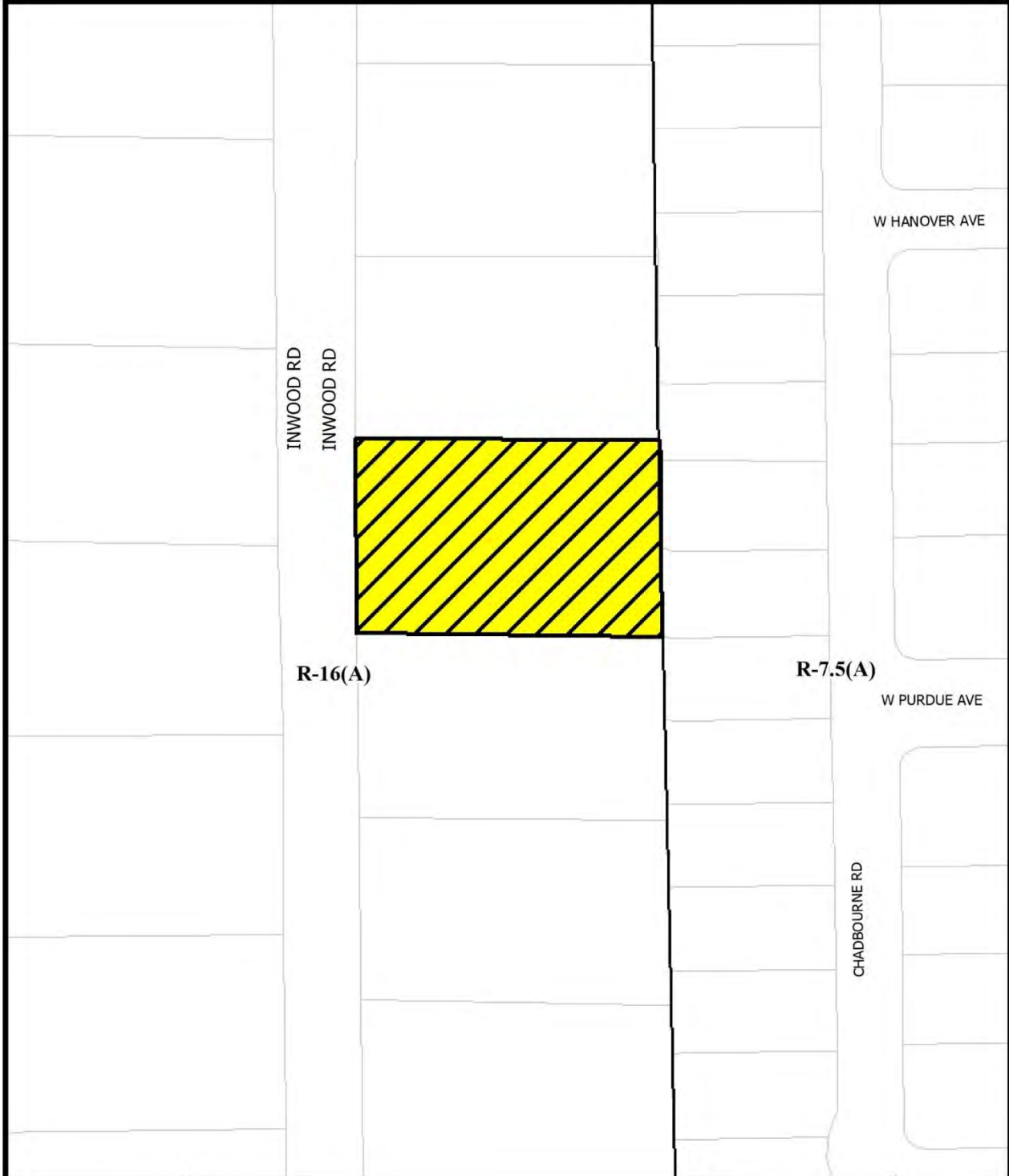


1:1,200

AERIAL MAP

Case no: BDA234-056

Date: 4/16/2024

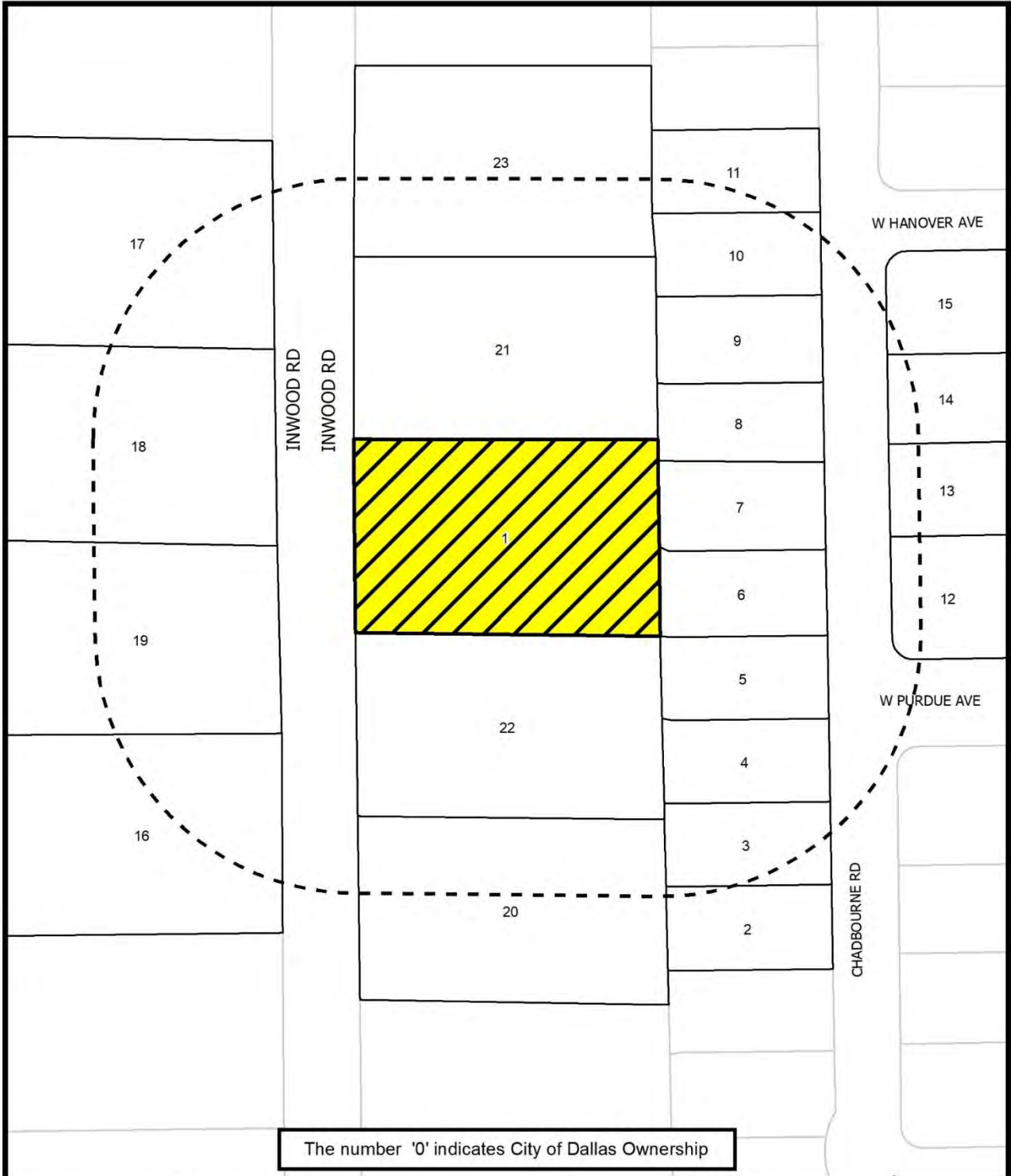


1:1,200

ZONING MAP

Case no: BDA234-056

Date: 4/16/2024



The number '0' indicates City of Dallas Ownership



1:1,200

NOTIFICATION

200'

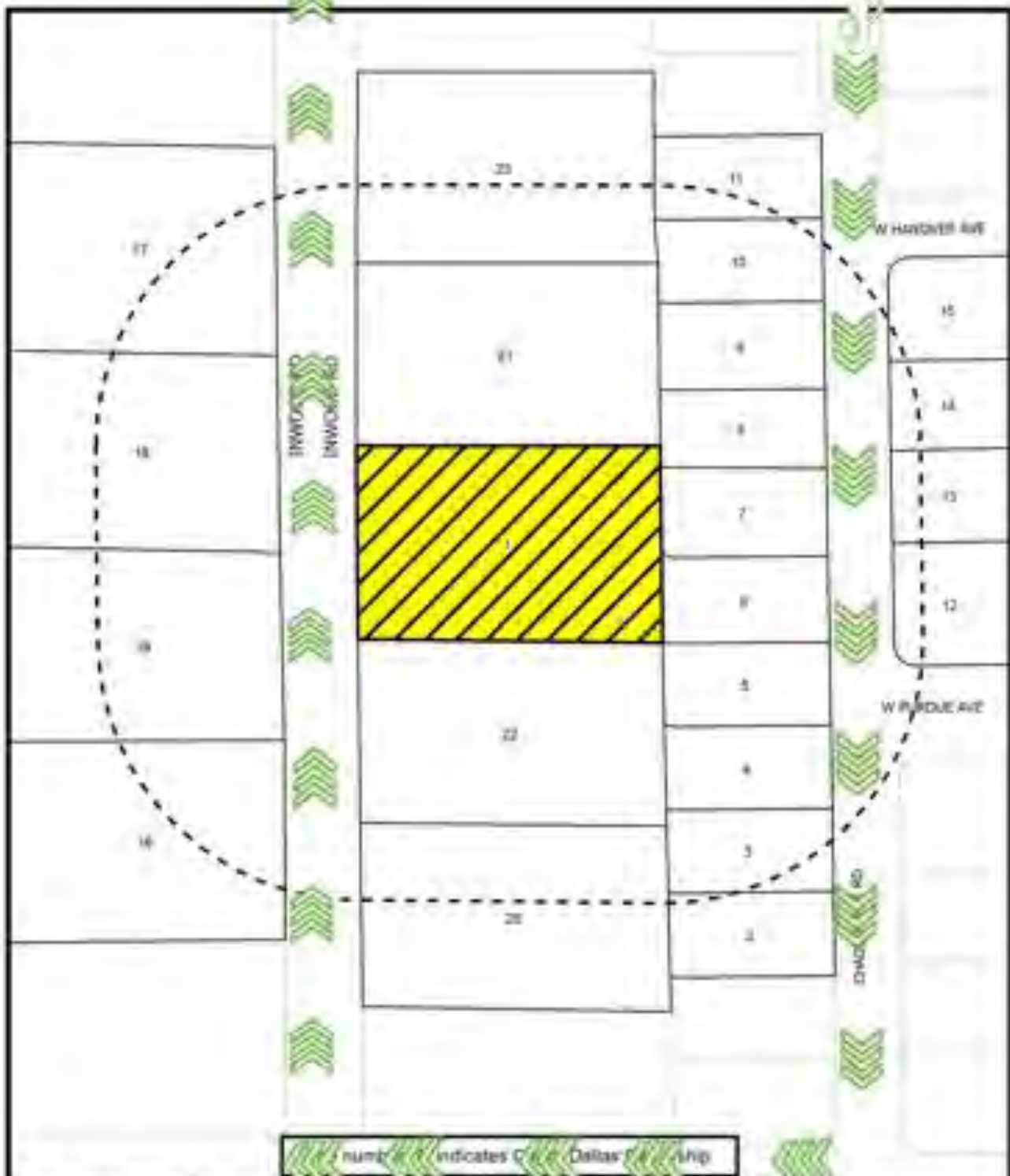
AREA OF NOTIFICATION


23

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA234-056**

Date: **4/16/2024**



 1:1,200	<h2>NOTIFICATION</h2>		Case no: BDA234-056
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">23</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 4/16/2024	

Notification List of Property Owners

BDA234-056

23 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	8206 INWOOD RD	JONES DAWN RENEE &
2	8115 CHADBOURNE RD	YOUNG MAXFIELD K JR &
3	8123 CHADBOURNE RD	ROBINSON CALEB T & HOPE W
4	8127 CHADBOURNE RD	ZEIGFINGER MARK
5	8133 CHADBOURNE RD	MILLER RHETT ANDERSON IV &
6	8203 CHADBOURNE RD	WEISBERG MARLO GABRIELLA
7	8209 CHADBOURNE RD	BECK MERRITT E
8	8213 CHADBOURNE RD	SCHENK ANTHONY J
9	8219 CHADBOURNE RD	SITTERLE KAREN
10	8225 CHADBOURNE RD	BOURLAND ELLEN P
11	8303 CHADBOURNE RD	FLUME MATTHEW & ALLISON K
12	8202 CHADBOURNE RD	WILBUR PAIGE E
13	8210 CHADBOURNE RD	LESLIE PAUL S & SHARON H
14	8216 CHADBOURNE RD	SCHILLACI GRAHAM & HANNAH
15	5400 W HANOVER AVE	THOMAS ROBERT & ANNA
16	8123 INWOOD RD	ADAIR GARRETT WILLIS
17	8303 INWOOD RD	ARROYO FELIX T
18	8211 INWOOD RD	LZS TRUST
19	8133 INWOOD RD	GARNER BRYAN A
20	8118 INWOOD RD	SKULMAN GREGORY E &
21	8216 INWOOD RD	PATTERSON GARRICK GRANT &
22	8128 INWOOD RD	HERATY SUE REVOCABLE TRUST
23	8306 INWOOD RD	WHITE STEVEN J LIVING TRUST THE

 1:1,200	<h2>NOTIFICATION</h2>		Case No: BDA234-056
	200' AREA OF NOTIFICATION	23 NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 4/16/2024

PUBLIC HEARING

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

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

DATE: **TUESDAY, MAY 21ST, 2024**

BRIEFING: **10:00 a.m.** via **Videoconference** and in **Council Chambers, 6EN,** Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0521>

HEARING: **1:00 p.m.** via **Videoconference** and in **Council Chambers,** Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0521>

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

BDA234-056(CJ) Application of Rob Baldwin for **(1)** a special exception to the fence-height regulations at **8206 INWOOD RD.** This property is more fully described as Block 5674, Lot 23, and is zoned R-16(A), which limits the height of a fence in the front yard to 4-feet. The applicant proposes to construct and/or maintain a 6-foot 6-inch-high fence in a required front yard, which will require **(1)** a 2-foot 6-inch special exception to the fence height regulations.

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

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

The Board of Adjustment hearing will be held by videoconference and at Council Chambers at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure **by joining the meeting virtually,** must register online at <https://bit.ly/BDA-A-Register> **by the close of business Monday, May 20th, 2024. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing.** Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall

Speakers at the meeting are allowed a maximum of three minutes to address the Board.

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

Board of Adjustment, Development Services
320 E. Jefferson Blvd. Rm 210, Dallas, TX 75201

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

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



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

234 RECEIVED

Data Relative to Subject Property:

Date:

FOR OFFICIAL USE MAR 22 REC'D

Location address: 8206 Inwood Road

Zoning District: R-7.5(A)

BY: _____

Lot No.: 23

Block No.: 5674

Acreage: 0.751

Census Tract: 48113007301

Street Frontage (in Feet): 1) 139.14

2) _____

3) _____

4) _____

5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Dawn Renee Jones and Leigh Hollis Jones

Applicant: Rob Baldwin, Baldwin Associates

Telephone: 214-824-7949

Mailing Address: 3904 Elm Street, Suite B - Dallas

Zip Code: 75126

E-mail Address: rob@baldwinplanning.com

Represented by: Rob Baldwin, Baldwin Associates

Telephone: 214-824-7949

Mailing Address: 3904 Elm Street, Suite B - Dallas

Zip Code: 75126

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance or Special Exception of Special Exception of 2'6" to the fence height regulations to allow 6'6" columns with a 5'9 1/4" gate in the front yard.

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

This request is consistent with other homes in the area and will not negatively impact surrounding properties.

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

Rob Baldwin

Before me the undersigned on this day personally appeared _____

(Affiant/Applicant's name printed)

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

Respectfully submitted: _____

(Affiant/Applicant's signature)

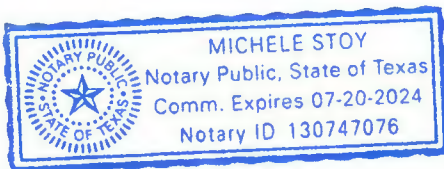
Subscribed and sworn to before me this 13 day of March, 2024

March 2024

Michele Stoy

Notary Public in and for Dallas County, Texas

3



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

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that ROB BALDWIN

did submit a request for (1) a special exception to the fence height regulations
 at 8206 Inwood

BDA234-056(CJ) Application of Rob Baldwin for (1) a special exception to the fence-height regulations at 8206 INWOOD RD. This property is more fully described as Block 5674, Lot 23, and is zoned R-16(A), which limits the height of a fence in the front yard to 4-feet. The applicant proposes to construct and/or maintain a 6-foot 6-inch-high fence in a required front yard, which will require (1) a 2-foot 6-inch special exception to the fence height regulations.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



Posting of Notification Sign

Address: 8206 Inwood Road

Appeal Number: BDA 234 056

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

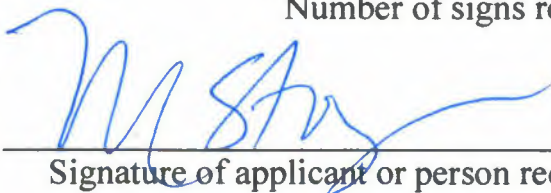
The sign must be posted at a prominent location adjacent to the public street, evenly spaced along each frontage, and easily visible from the street. Failure to properly post the sign(s) may result in either a postponement or denial of the appeal.

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

Footage of each street frontage: 139.14

Number of acres: 0.751

Number of signs received: 1



Signature of applicant or person receiving signs

3/14/2024

Date



Appeal number: BDA 234-056

I, Leigh Hollis Jones, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 8206 Inwood Road
(Address of property as stated on application)

Authorize: Rob Baldwin, Baldwin Associates
(Applicant's name as stated on application)

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

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

Specify: Special excepton to the front yard fence regulations

Leigh Hollis Jones
Print name of property owner or registered agent

Leigh Hollis Jones
Signature of property owner or registered agent

Date 3.13.2024

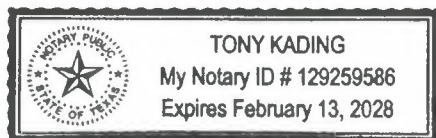
Before me, the undersigned, on this day personally appeared Leigh Jones

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

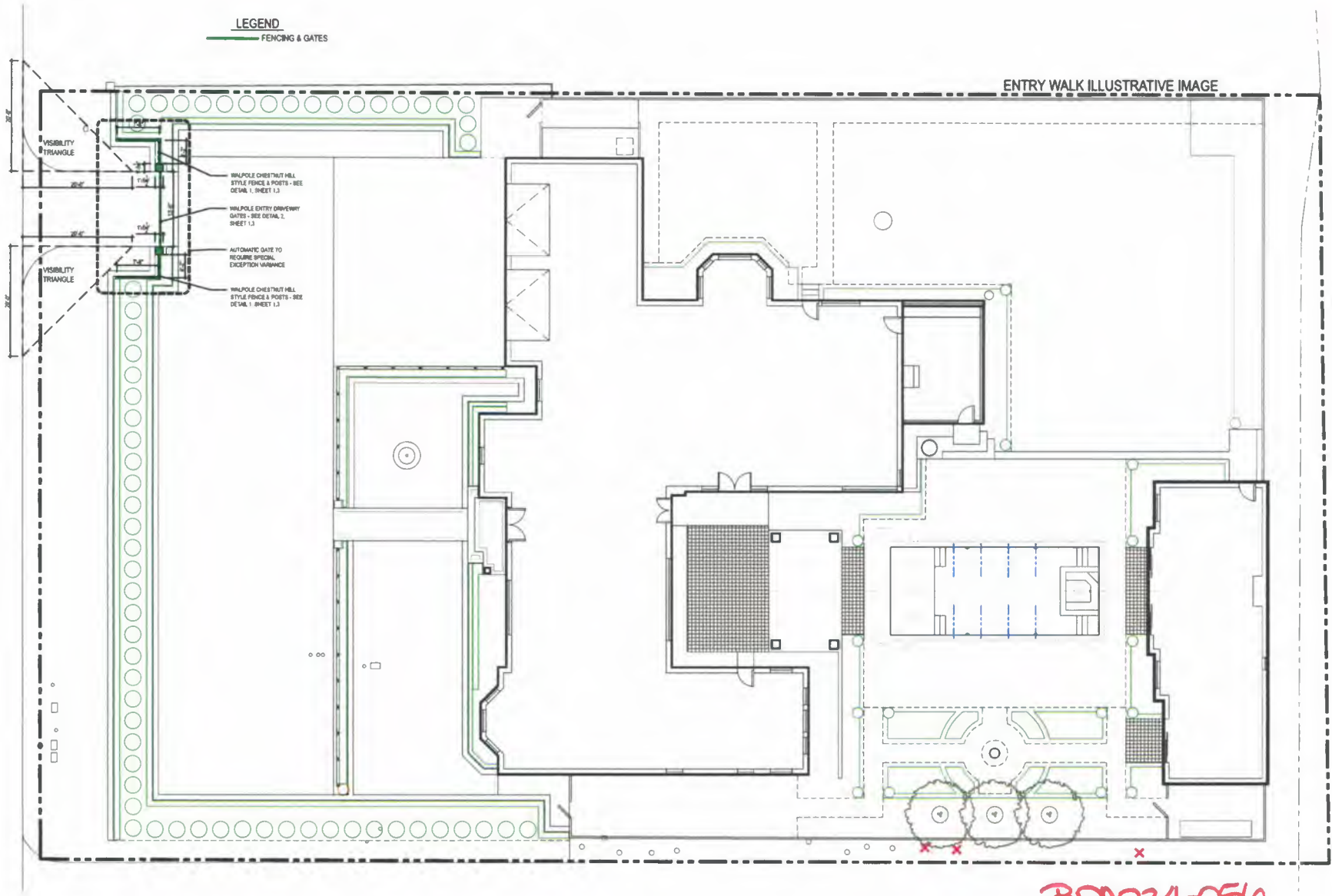
Subscribed and sworn to before me this 13th day of March, 2024

[Signature]
Notary Public for Dallas County, Texas

Commission expires on 2/13/28



INWOOD ROAD



LEGEND
 FENCING & GATES

ENTRY WALK ILLUSTRATIVE IMAGE

- WHIPPOLE CHESTNUT HILL STYLE FENCE & POSTS - SEE DETAIL 1, SHEET L.3
- WHIPPOLE ENTRY DRIVEWAY GATES - SEE DETAIL 2, SHEET L.3
- AUTOMATIC GATE TO REQUIRE SPECIAL EXCEPTION VARIANCE
- WHIPPOLE CHESTNUT HILL STYLE FENCE & POSTS - SEE DETAIL 1, SHEET L.3



1801 Surveyor
 Boulevard Carrollton,
 Texas 75008
 972.418.5244
 haroldleiner.com

NOT FOR CONSTRUCTION

This is a preliminary drawing and is not to be used for construction. It is provided for informational purposes only. The user of this drawing assumes all liability for any errors or omissions. The user of this drawing is advised to consult with the architect or engineer of record for any questions or clarifications. This drawing is not to be used for any other purpose without the written consent of Harold Leiner & Associates, P.C.

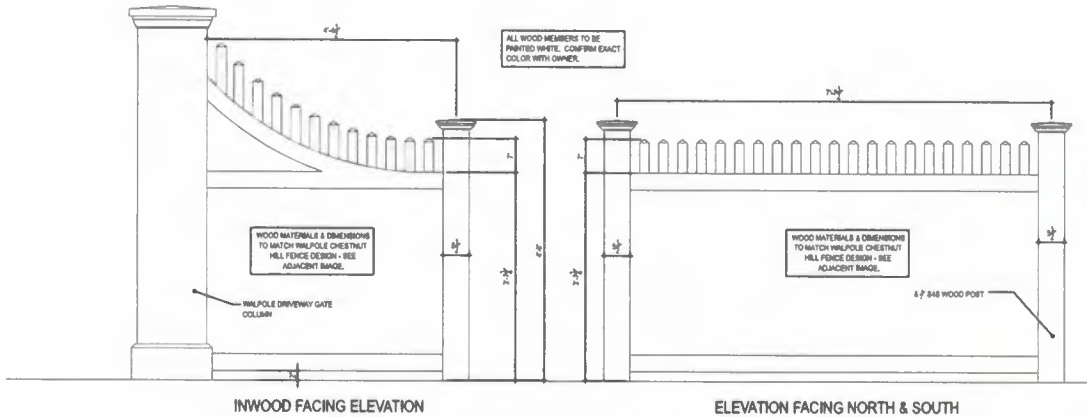
HOLLIS & DAWN JONES RESIDENCE
 8206 INWOOD ROAD
 DALLAS, TX 75209



MARCH 11, 2024
 SHEET TITLE
SPECIAL EXCEPTION PLAN

DESIGN
L1.2

BR234-054



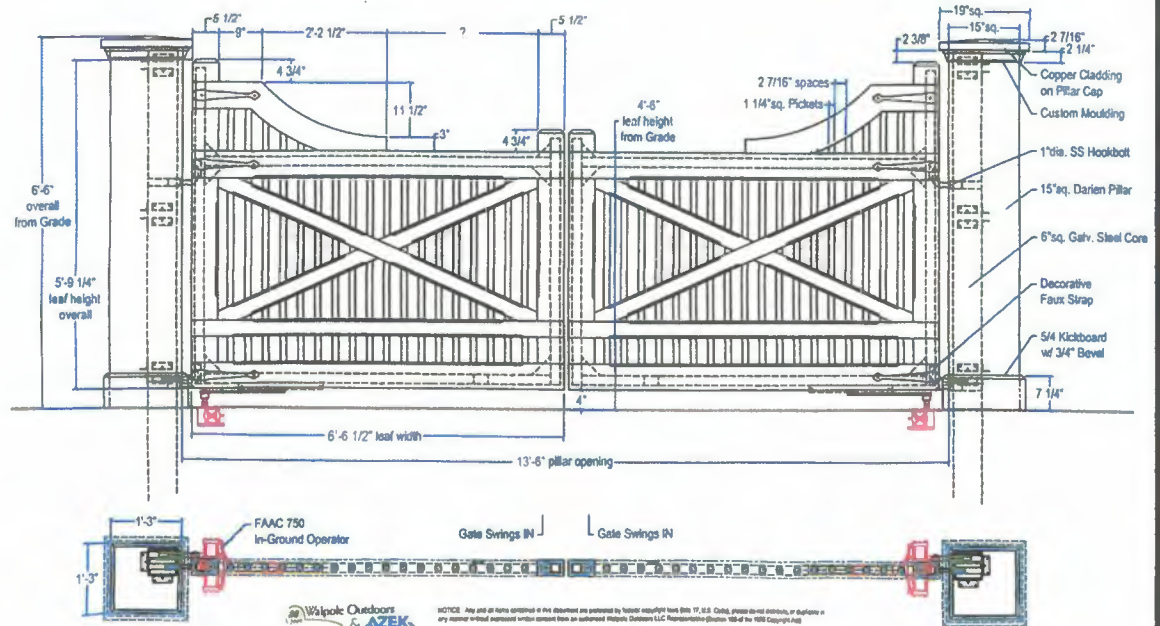
INWOOD FACING ELEVATION

ELEVATION FACING NORTH & SOUTH

1 WALPOLE CHESTNUT HILL STYLE FENCE
SCALE: 1"=1'-0"



IMAGE REPRESENTATIVE OF FINISH PRODUCT



2 WALPOLE DRIVEWAY ENTRY GATE
SCALE: 1"=1'-0"

HAROLD LEILNER
1801 Surveyor
Boulevard Carrollton,
Texas 75006
972.418.5244
hcl@hcl-engineer.com

NOT FOR CONSTRUCTION

This is a preliminary drawing and is not to be used for construction. It is subject to change without notice. The user of this drawing assumes all liability for any errors or omissions. The user of this drawing warrants that it is for the use and benefit of the project described herein and that it is not to be used for any other purpose. The user of this drawing warrants that it is not to be used for any other purpose. The user of this drawing warrants that it is not to be used for any other purpose.

HOLLIS & DAWN JONES RESIDENCE
8208 INWOOD ROAD
DALLAS, TX 75209

SCALE: VARIES

MARCH 11, 2024
SPECIAL EXCEPTION DETAILS

L1.3

BDA234-056

Applicant's Documentary Evidence



April 26, 2024

Cambria Jordan
Dallas Board of Adjustment
Planning & Urban Design
1500 Marilla Street
Dallas, TX 75201

Re: BDA234-056 – 8206 Inwood Road

Dear Cambria,

I am writing to you on behalf of Dawn and Leigh Jones, the property owners of 8206 Inwood Road, concerning their request for a special exception to the fence requirements. This request is to facilitate the construction of a fence taller than four feet in the required front yard. We trust that upon reviewing the pertinent details of this case, you will find merit in supporting our request.

The property is situated at 8206 Inwood Road, which is located on the east side of Inwood Road, approximately 1,200 feet north of Lovers Lane. The subject property encompasses approximately 0.75 acres of land and is improved with a single-family residence.

The request is to construct a new fence along the Inwood Road frontage with a maximum height of six-feet and six-inches (6'-06"). The fence will be constructed of open, decorative panels and solid columns. The open, decorative fence panels will have a height of approximately six feet, while the columns will have a height of six feet and six inches. No portion of the fence will encroach into required sight visibility triangles.

This section of Inwood Road is developed with large homes on large lots. Given the land use pattern in the area, fences taller than four feet in height in required front yards are common. The proposed fence is consistent with other fences in the immediate area.

The Dallas Development Code allows the Board of Adjustment to grant a special exception to the fence height when it's determined that the exception will not adversely affect neighboring properties. In this case, the proposed fence will not negatively impact

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

April 26, 2024
Page 2

neighboring properties as many of the homes in the area have fences and gates taller than four feet in the required front yards. Therefore, we urge you to consider this request favorably.

I hope that you can support this request.

With kind regards,

A handwritten signature in blue ink, appearing to read "Robert Baldwin", is written over a light blue horizontal line.

Robert Baldwin

FILE NUMBER: BDA234-058 (KMH)

BUILDING OFFICIAL'S REPORT: Application of Megan Ratcliff for (1) a special exception to the fence height regulations at 5717 Walnut Hill Ln. This property is more fully described as Block 4/5515, Lot 8B, and is zoned R-10(A), which limits the height of a fence in the front-yard to 4-feet. The applicant proposes to construct and/or maintain a 6-foot high fence in a required front-yard, which will require (1) a 2-foot special exception to the fence height regulations.

LOCATION: 5717 Walnut Hill Ln.

APPLICANT: Megan Ratcliff

REQUEST:

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

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

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

STAFF RECOMMENDATION:

Special Exception:

No staff recommendation is made on this or any request for a special exception.

BACKGROUND INFORMATION:

BDA History:

No BDA history

Square Footage:

This lot contains 18, 898.52 of square feet.

This lot is zoned R-10(A) which requires a minimum lot size of 10,000 square feet.

Zoning:

Site: R-10(A)
North: R-10(A)
East: R-10(A)
South: SUP and R-1ac(A)
West: R-10(A)

Land Use:

The subject site is developed with a single-family home. The surrounding properties are also developed with single-family homes. There is a school, Heritage School of Texas, and a congregational facility just south of the subject site.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Megan Ratcliff for the property located at 5717 Walnut Hill Lane focuses on one specific request relating to the fence height regulations.
- The subject site is developed with a single-family home. The surrounding properties are also developed with single-family homes. There is also a congregational facility as well as a school just south of the subject site.
- The applicant proposes to construct and maintain a 6-foot high fence in a required front yard. The proposed fence is expected to be a wrought iron fence with ornamental picket gates.
- As gleaned from the submitted elevations, the fence panels measure approximately 6-feet in height.
- The applicant has stated that the proposed is imperative as she lives on a busy street and wants the fence for privacy and security reasons. The applicant also states that the fence is in keeping with other fences in the immediate area as there are other homes that have 6 to 8-foot fences.
- Based upon staff’s analysis of the surrounding properties, there are a few homes along Walnut Hill with fences and/or some form of vegetation serving as a screening mechanism.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations will not adversely affect the neighboring properties.
- Granting the special exception relating to the fence height regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- [BDA234-058 at 5717 Walnut Hill](#) 200’ Radius Video

Timeline:

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

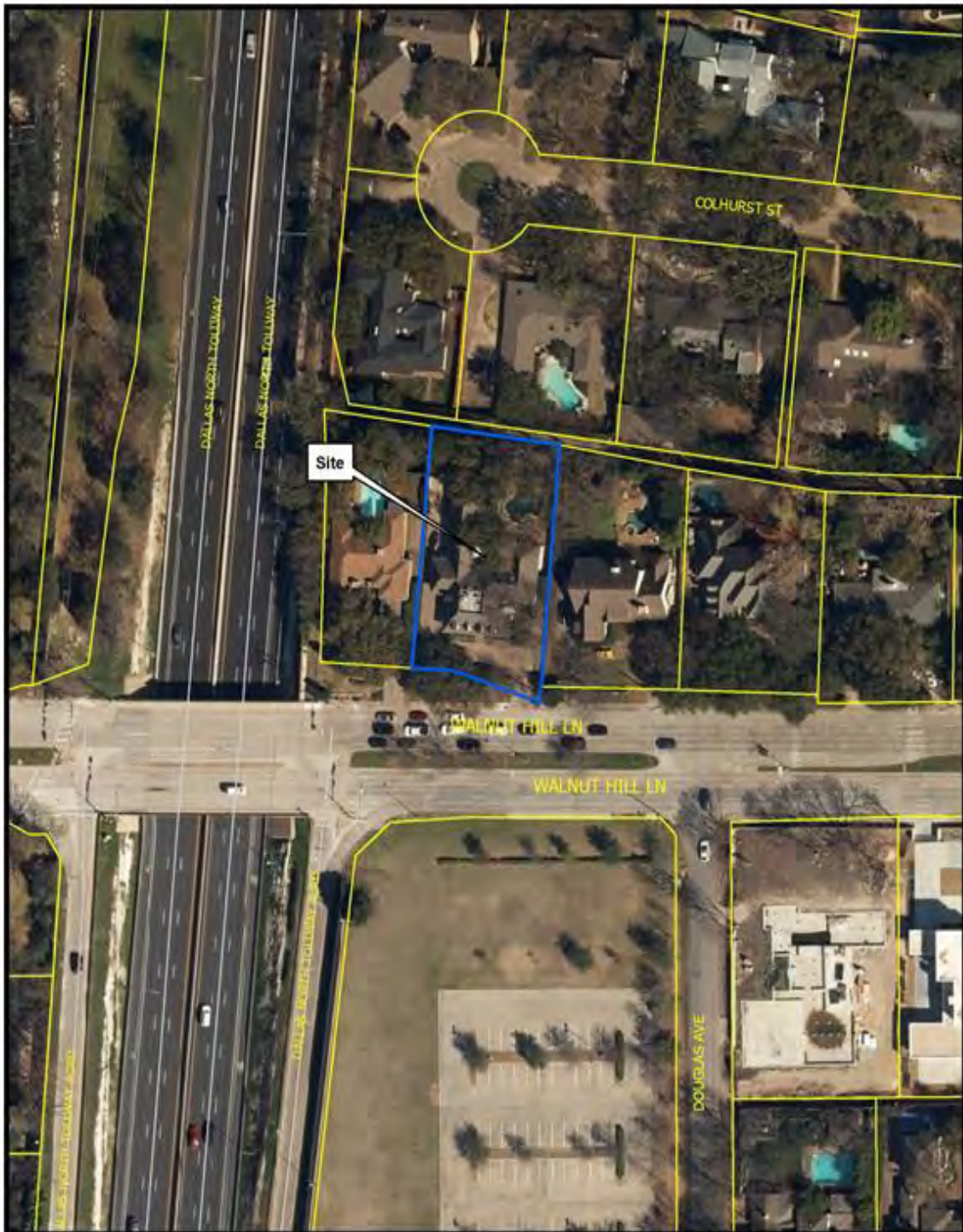
April 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

April 24, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the April 26, 2024, deadline to submit additional evidence for staff to factor into their analysis; and May 10, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

May 2, 2024:

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

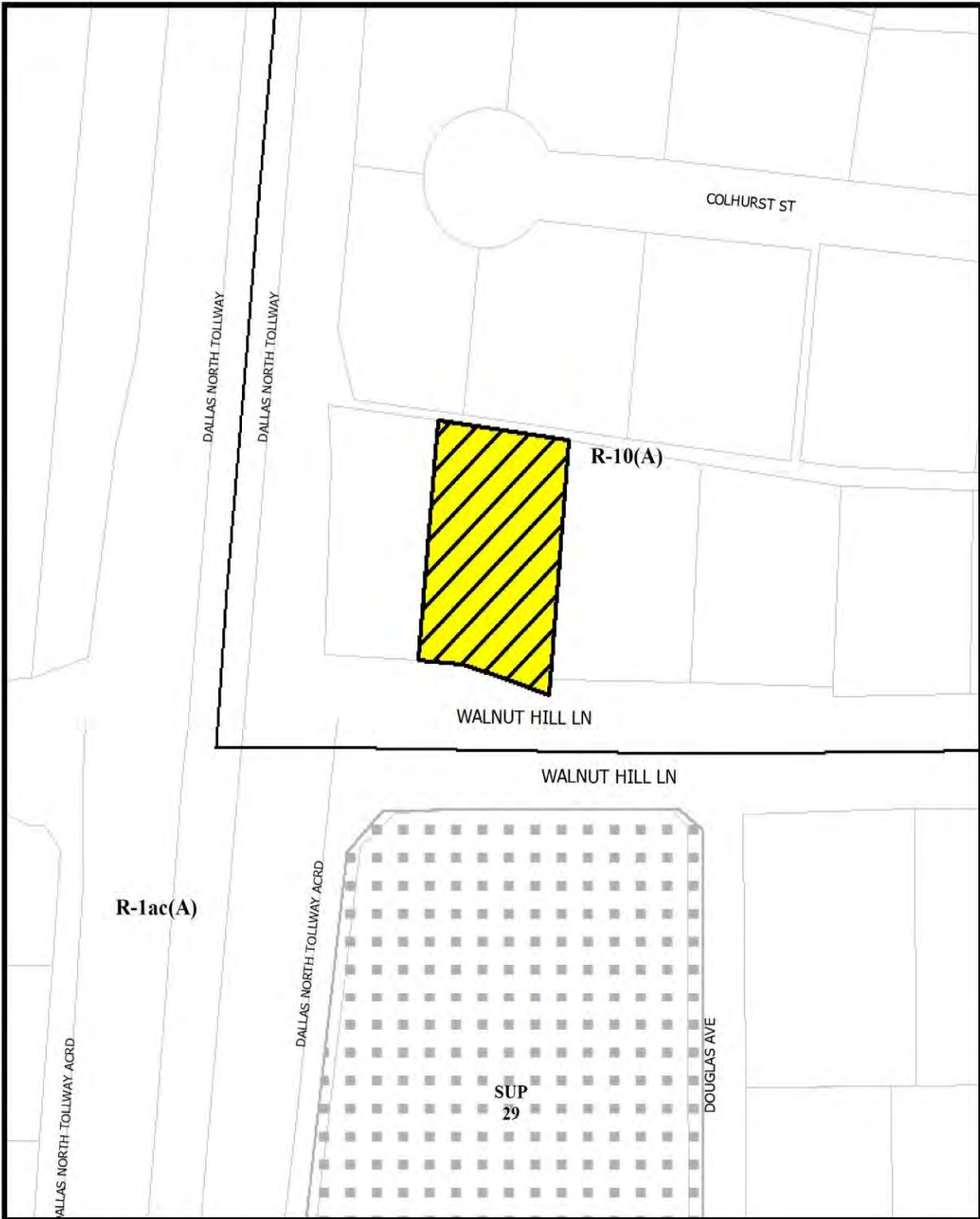


1:1,200

AERIAL MAP

Case no: **BDA234-058**

Date: **4/17/2024**



1:1,200

ZONING MAP

Case no: BDA234-058

Date: 4/17/2024



04/17/2024

Notification List of Property Owners

BDA234-058

11 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5717 WALNUT HILL LN	RATCLIFF BRIAN & MEGAN ELIZABETH
2	5805 COLHURST ST	FOJTASEK RUSSELL S & MICHELLE M
3	5806 COLHURST ST	TCP INVESTMENT HOLDINGS LLC
4	5816 COLHURST ST	DONSKY HOWARD L
5	5828 COLHURST ST	WALLER MATTHEW S &
6	5838 COLHURST ST	FOXWELL JOSHUA & ALEKSANDRA
7	5707 WALNUT HILL LN	ITZIG JERRY M & BONNIE L
8	9646 DOUGLAS AVE	LR TRADING LLC
9	5721 WALNUT HILL LN	COLVIN THOMAS A JR &
10	5803 WALNUT HILL LN	JOHNSON JAMIRA V & CAMERON T
11	9401 DOUGLAS AVE	SHEARITH ISRAEL

200' Radius Route Map



PUBLIC HEARING

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

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

DATE: TUESDAY, MAY 21ST, 2024

BRIEFING: 10:00 a.m. via **Videoconference** and in **Council Chambers, 6EN**, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0521>

HEARING: 1:00 p.m. via **Videoconference** and in **Council Chambers**, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0521>

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

BDA234-058(KMH) Application of Megan Ratcliff for (1) a special exception to the fence height regulations at **5717 WALNUT HILL LN**. This property is more fully described as Block 4/5515, Lot 8B, and is zoned R-10(A), which limits the height of a fence in the front-yard to 4-feet. The applicant proposes to construct and/or maintain a 6-foot high fence in a required front-yard, which will require (1) a 2-foot special exception to the fence regulations.

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

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

The Board of Adjustment hearing will be held by videoconference and at Council Chambers at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure **by joining the meeting virtually**, must register online at <https://bit.ly/BDA-A-Register> **by the close of business Monday, May 20th, 2024. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing.** Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallasty or [YouTube.com/CityofDallasCityHall](https://www.youtube.com/CityofDallasCityHall)

Speakers at the meeting are allowed a maximum of three minutes to address the Board.

Additional information regarding the application may be obtained by calling Dr. Kameka Miller-Hoskins, Chief Planner (214) 948-4478, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

Board of Adjustment, Development Services
320 E. Jefferson Blvd. Rm 210, Dallas, TX 75201

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

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



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 234-058
Date: MAR 25 REC'D

Data Relative to Subject Property: _____ Date: _____
Location address: 5717 Walnut Hill Ln. Zoning District: TRD (A)
Lot No.: 88 Block No.: 4155S Acreage: 0.434 Census Tract: 76-05
Street Frontage (in Feet): 1) 45.8 2) 106' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Brian & Megan Ratcliff
Applicant: Megan Ratcliff Telephone: 214) 714-2550
Mailing Address: 5717 Walnut Hill Ln. Zip Code: 75230
E-mail Address: Meganratcliff13@gmail.com
Represented by: Megan Ratcliff Telephone: 214) 714-2550
Mailing Address: 5717 Walnut Hill Ln. Zip Code: 75230
E-mail Address: _____
Affirm that an appeal has been made for a Variance or Special Exception of height
of fence

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:
Live on busy Walnut Hill and want privacy/security.
All other homes have 6 or 8 foot fences.

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 Megan Ratcliff
(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: Megan Ratcliff
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 15 day of February, 2024

Heather Besler
Notary Public in and for Dallas County, Texas
HEATHER M. BESELER
Notary Public, State of Texas
Comm. Expires 06-15-2025
Notary ID 10675352

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 MEGAN RATCLIFF

did submit a request for (1) a special exception to the fence height regulations
at 5717 Walnut Hill

BDA234-058(KMH) Application of Megan Ratcliff for (1) a special exception to the fence height regulations at 5717 WALNUT HILL LN. This property is more fully described as Block 4/5515, Lot 8B, and is zoned R-10(A), which limits the height of a fence in the front-yard to 4-feet. The applicant proposes to construct and/or maintain a 6-foot high fence in a required front-yard, which will require (1) a 2-foot special exception to the fence regulations.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



Posting of Notification Sign

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

Address: 5717 Walnut Hill Ln.

Appeal Number: BDA 234-058

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

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

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

Footage of each street frontage: 106'

Number of acres: 0.434

Number of signs received: 1

Megatabel
Signature of applicant or person receiving signs

3/25/2024
Date



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 234 058

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

at: 5717 Walnut Hill Lane Dallas TX 75230
(Address of property as stated on application)

Authorize: Brian Ratcliff
(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)

6 ft front fence

Brian Ratcliff
Print name of property owner/agent

[Signature]
Signature of property owner/agent

3-25-24
Date

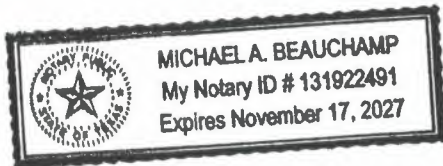
Before me, the undersigned, on this day personally appeared Brian Ratcliff

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

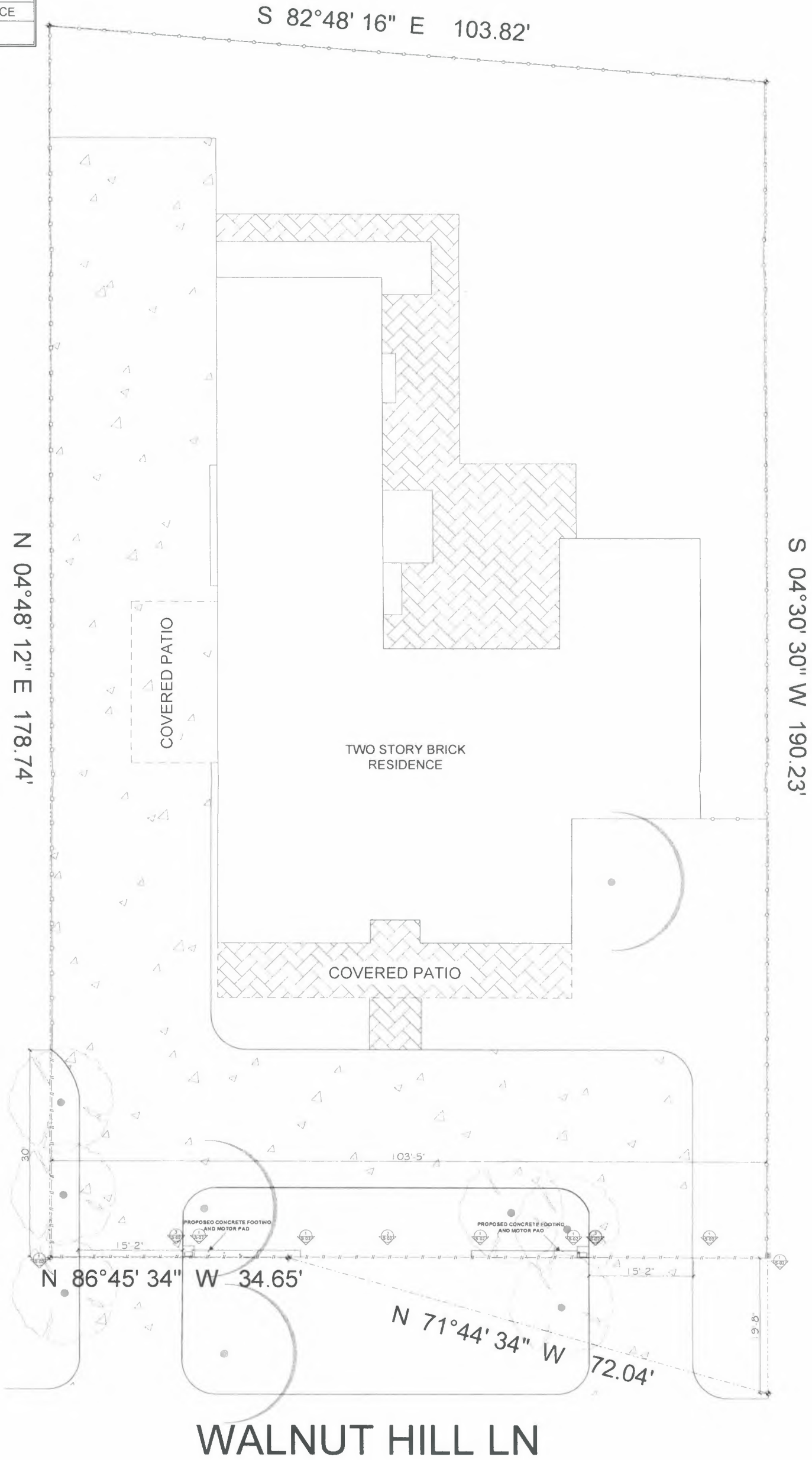
Subscribed and sworn to before me this 25 day of March, 2024

Michael Beauchamp
Notary Public for Dallas County, Texas

Commission expires on 11-17-27



LEGEND	
	EXISTING 4' WOOD FENCE
	EXISTING 8' WOOD FENCE
	PROPOSED 6' IRON FENCE
	POINT FOR CORNER



Site Plan

1/16" = 1'-0"

BDA234-058

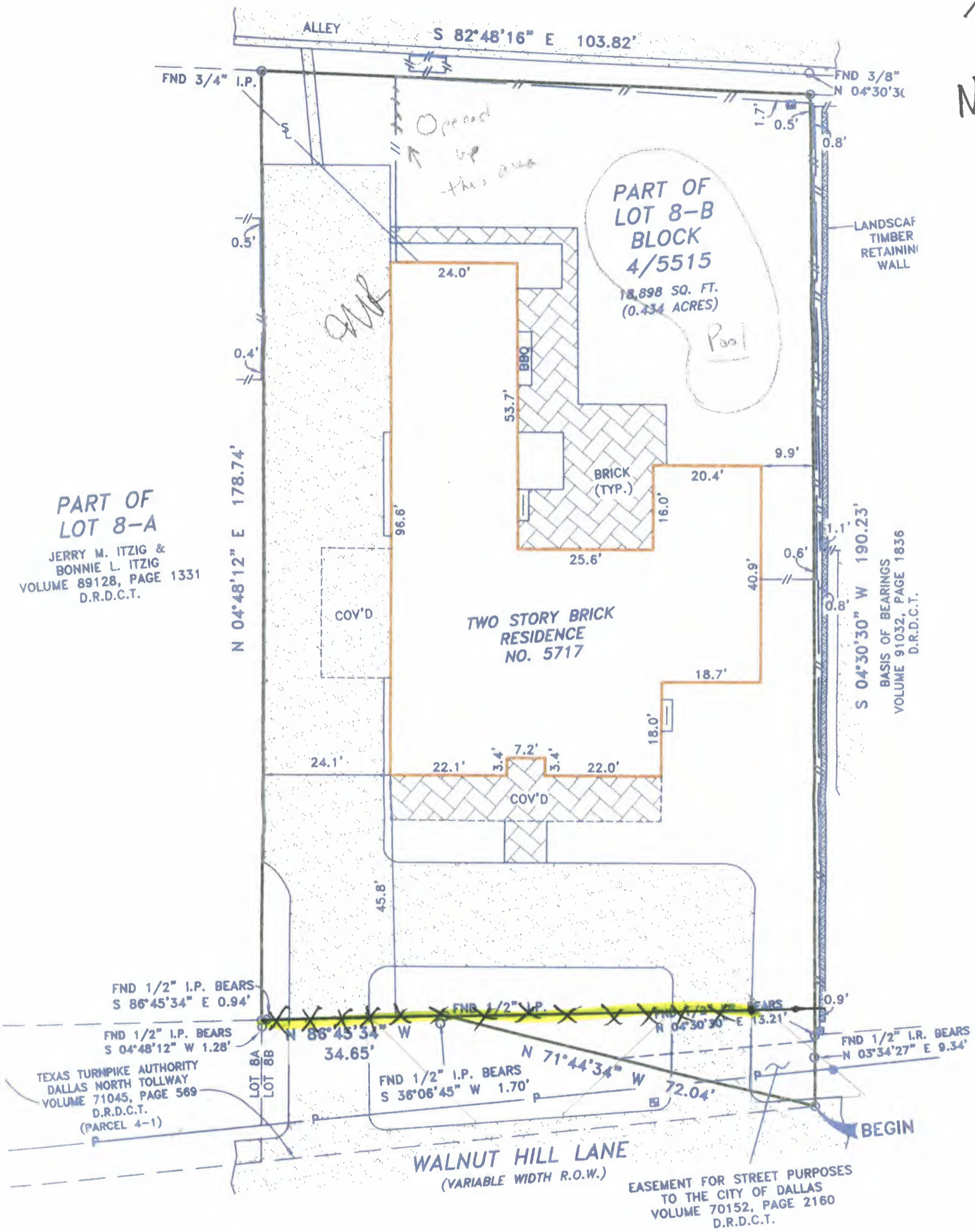
S-01	SCALE: 1/16" = 1'-0"
	BUILDER:
	ADDRESS: 5717 WALNUT HILL LN
	CITY: DALLAS TX 75230
COUNTY: DALLAS	

SITE PLAN ENGINEERED FOR:
5717 WALNUT HILL LN

SANSE INNOVATIONS, LLC P.O. BOX 472783 Garland, Texas 75047 (469) 371-6130 E-Mail Sanseinnovations@gmail.com
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12/19/2023



Scale
1" = 20'

BOA23A-058



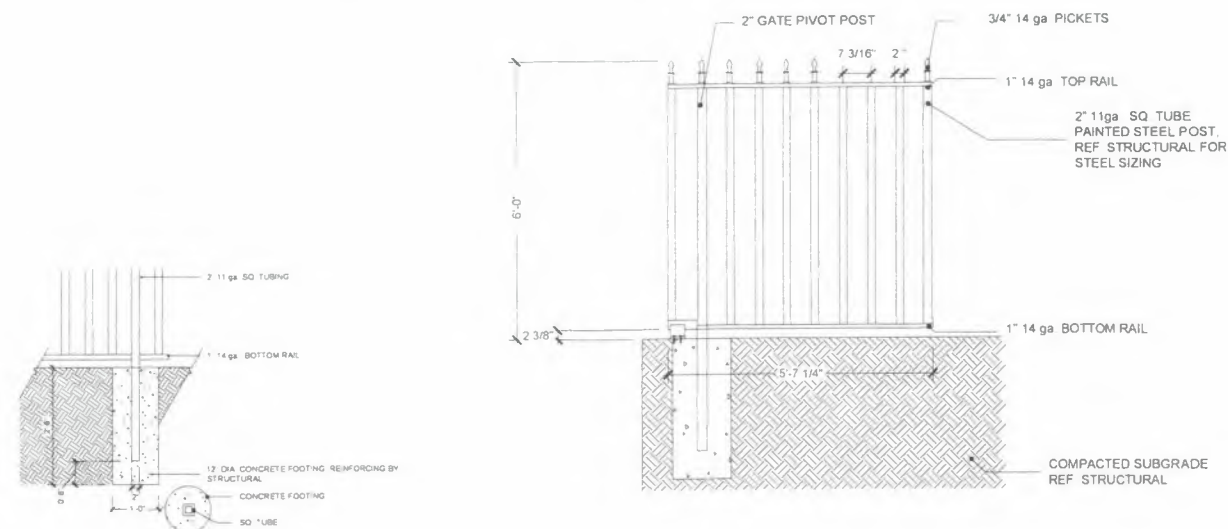
SANSE INNOVATIONS, LLC
 P.O. BOX 472785
 Garland, Texas 75047
 (469) 371-6130
 E-Mail: SENSEINNOVATIONS@gmail.com

FENCING DETAILS
 ENGINEERED FOR
 5717 WALNUT HILL LN

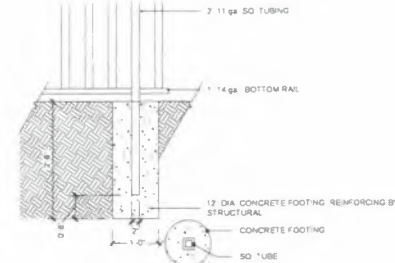
BUILDER: 5717 WALNUT HILL LN
 ADDRESS: 5717 WALNUT HILL LN
 CITY: DALLAS TX 75230
 COUNTY: DALLAS

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

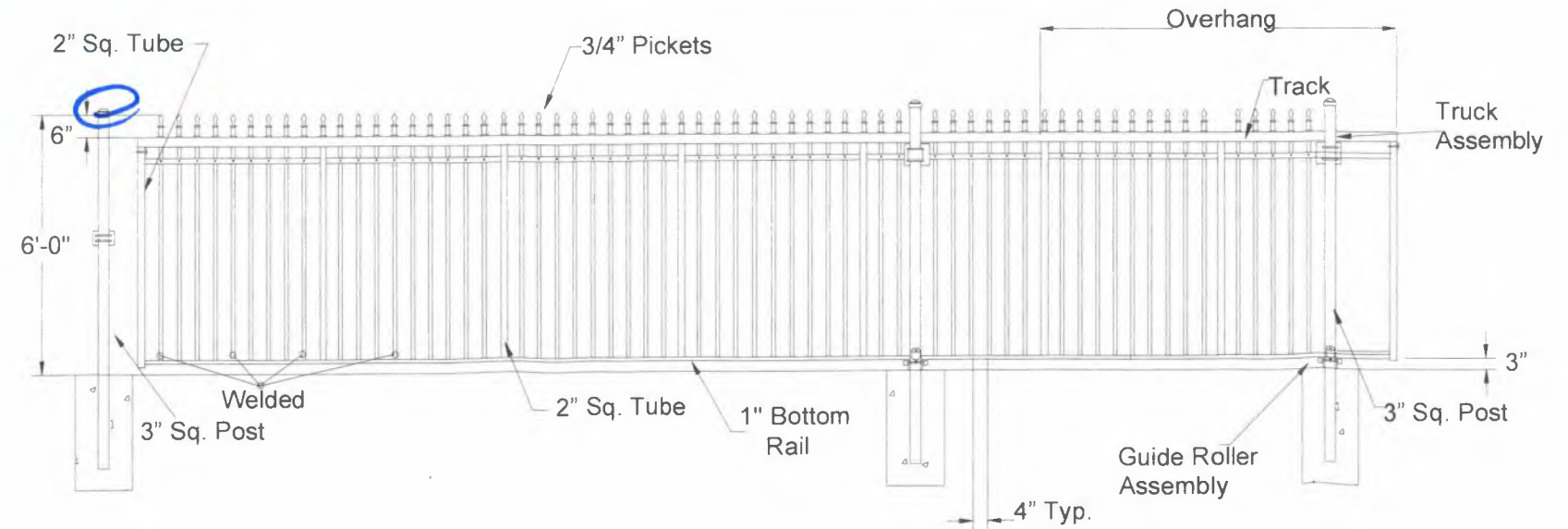
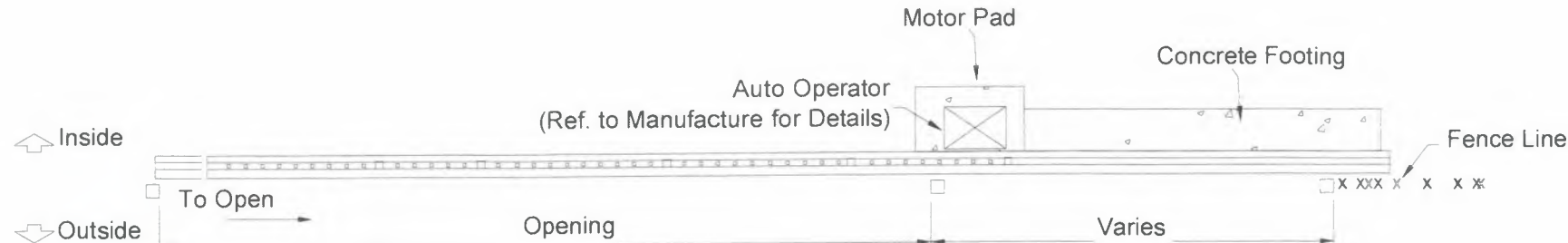
S-02



2 TYP METAL FENCE DETAIL
 scale: 1/4"=1'-0"



1 TYP FENCE POST DETAIL
 scale: 1/4"=1'-0"



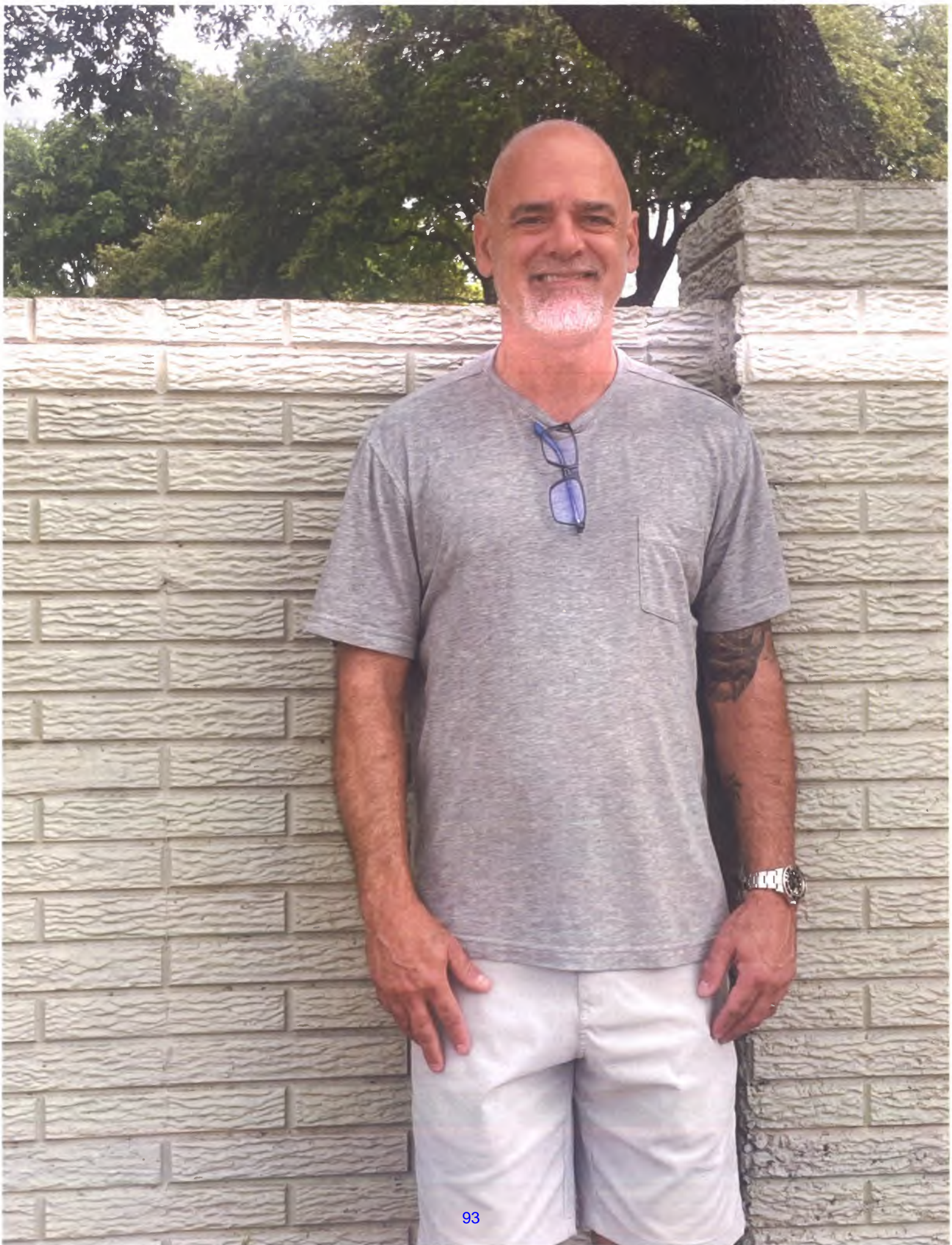
GENERAL NOTE: With ornamental picket gates (pointed picket style shown above), all pickets are welded between upper and lower frame members, increasing support and rigidity to the overall gate frame.

3 TYP SLIDING METAL GATE DETAILS
 scale: 1/4"=1'-0"

BDA-234-058

Applicant's Documentary Evidence







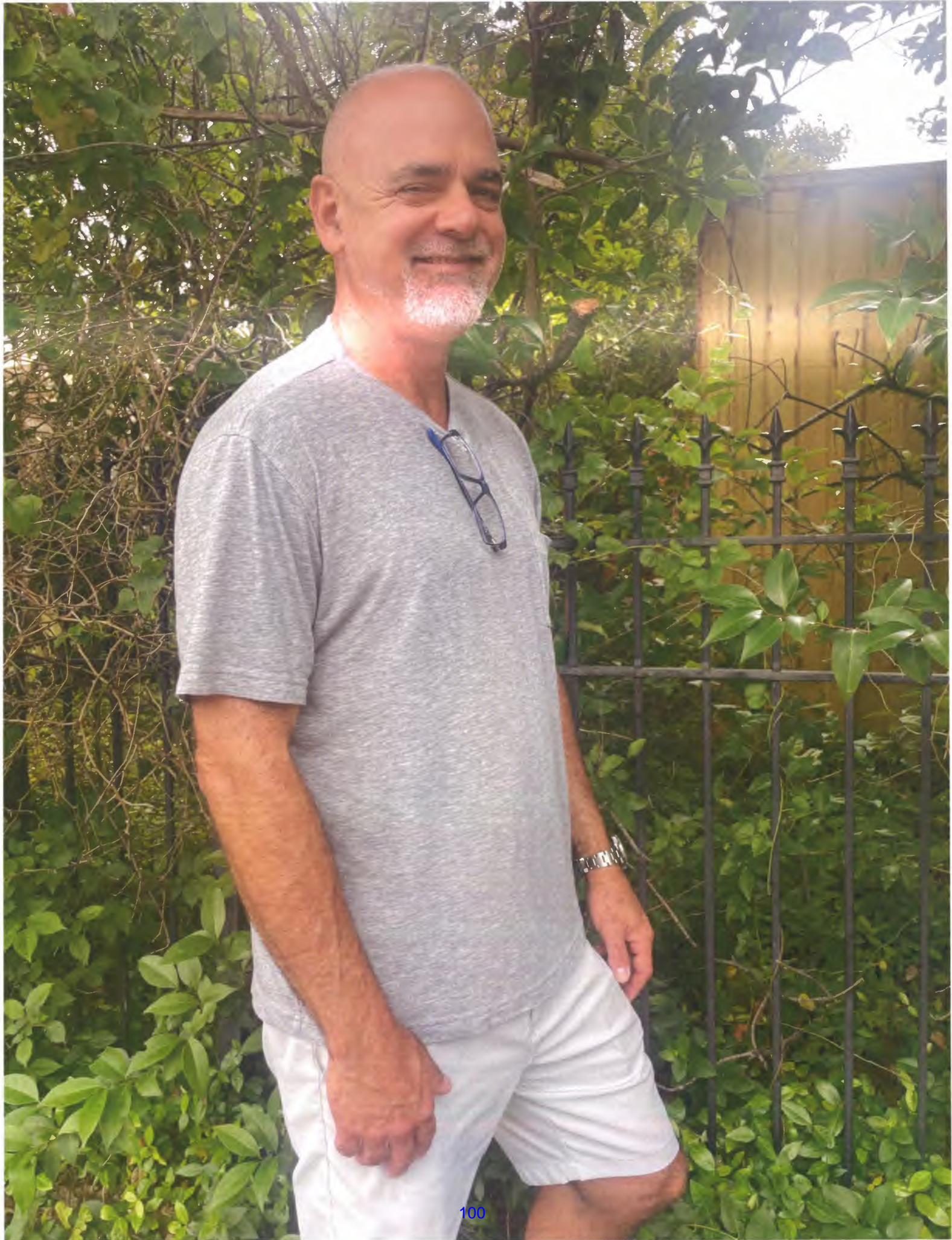








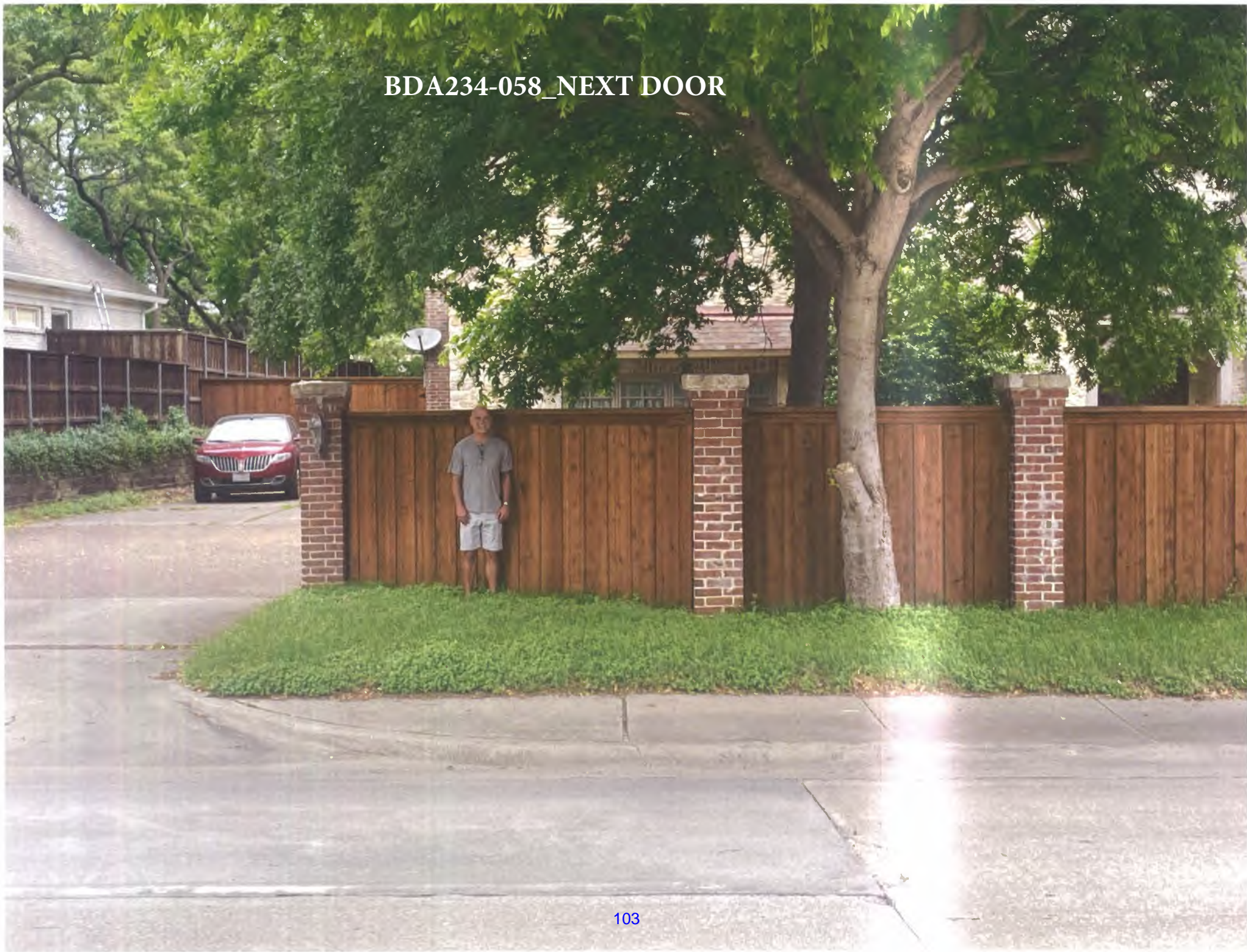








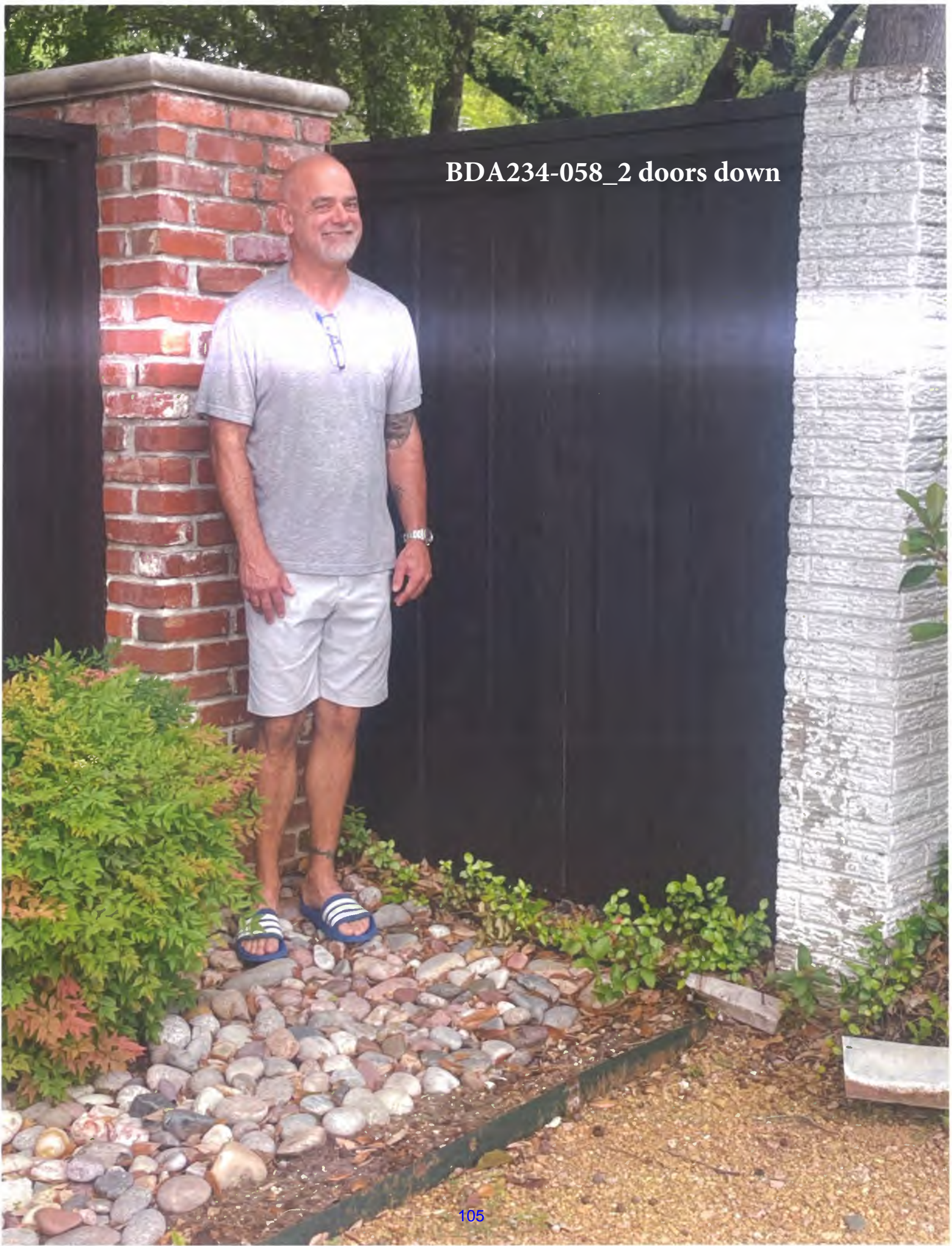
BDA234-058_NEXT DOOR





BDA234-058_Our Home

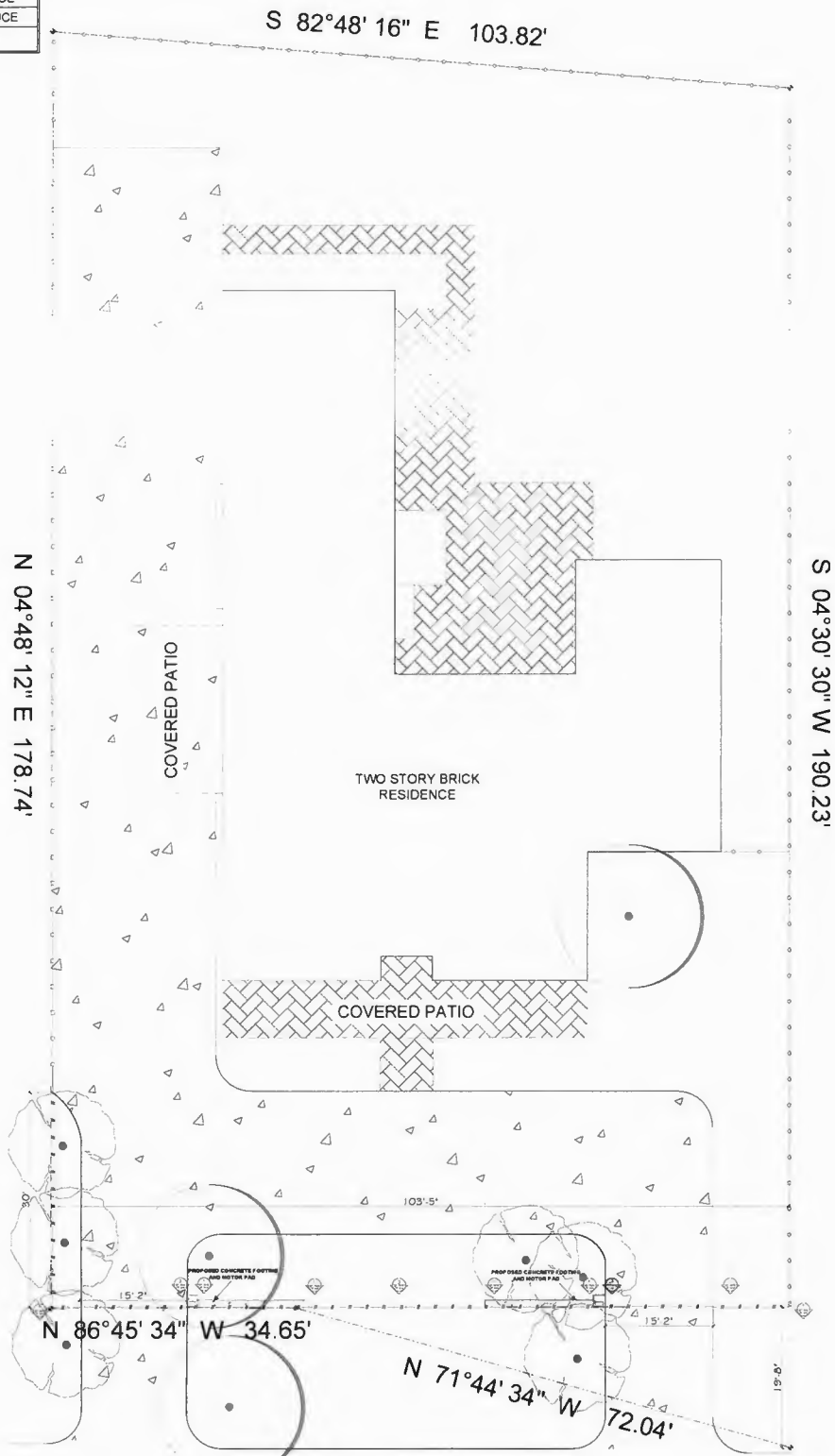
BDA234-058_2 doors down





UPDATED SITE PLAN

LEGEND	
	EXISTING 4' WOOD FENCE
	EXISTING 8' WOOD FENCE
	PROPOSED 6' IRON FENCE
	POINT FOR CORNER



Site Plan

1/16" = 1'-0"

5-01	SCALE: 1/16" = 1'-0"	BUILDER:	
		ADDRESS: 5717 WALNUT HILL LN	
		CITY: DALLAS TX 75230	
		COUNTY: DALLAS	

SITE PLAN
ENGINEERED FOR
5717 WALNUT HILL LN

SANSE INNOVATIONS, LLC
P.O. BOX 472783
Garland, Texas 75047
(469) 371-6130
E-Mail: Sanseinnovations@gmail.com



12/19/2023

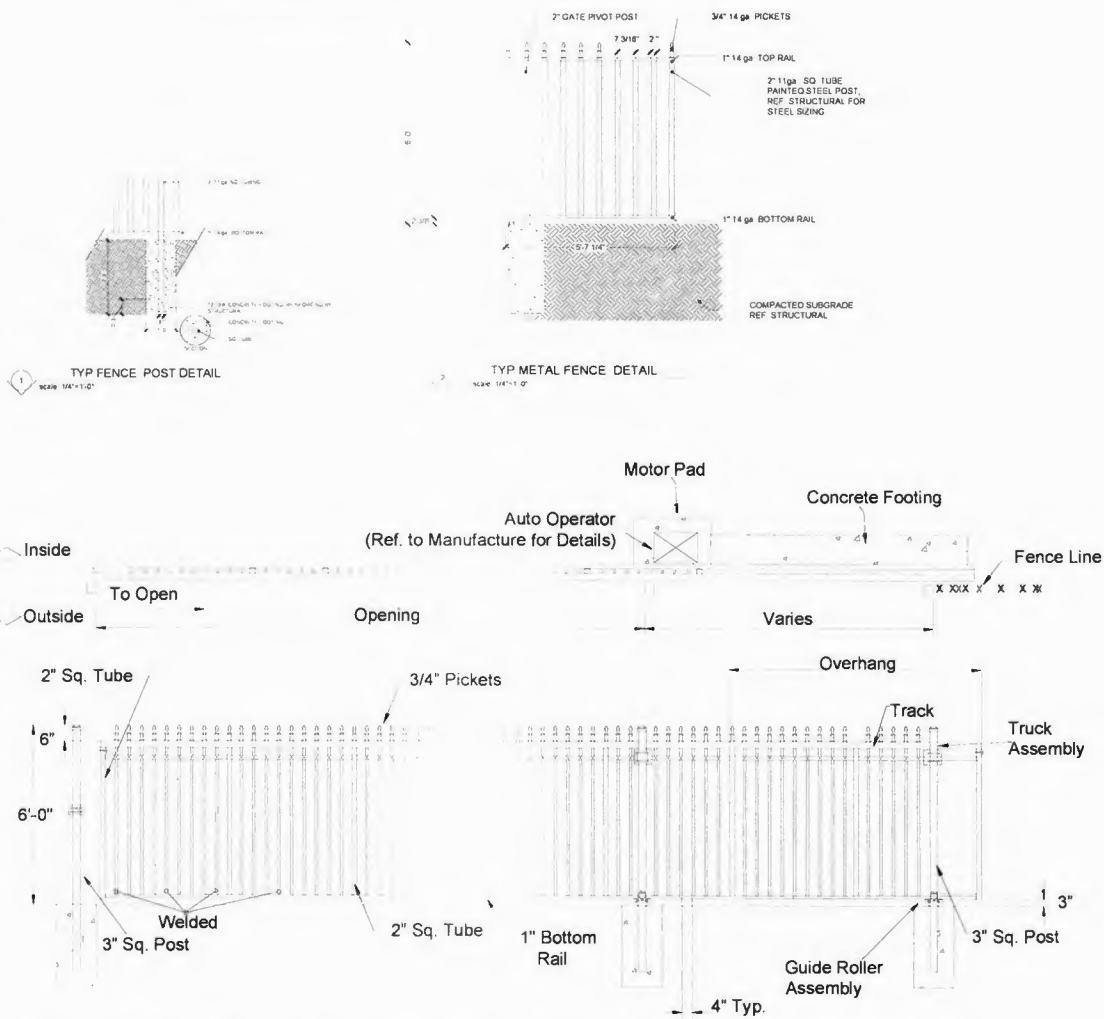


SENSE INNOVATIONS, LLC
 P.O. BOX 472783
 Garland, Texas 75047
 (409) 371-8130
 E-Mail: SENSEINNOVATIONS@gmail.com

FENCING DETAILS
 ENGINEERED FOR
5717 WALNUT HILL LN

BUILDER: 5717 WALNUT HILL LN
ADDRESS: 5717 WALNUT HILL LN
CITY: DALLAS TX 75230
COUNTY: DALLAS

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



GENERAL NOTE: With ornamental picket gates (pointed picket style shown above), all pickets are welded between upper and lower frame members, increasing support and rigidity to the overall gate frame.

FILE NUMBER: BDA234-061(BT)

BUILDING OFFICIAL'S REPORT: Application of Ricardo Alonso for **(1)** a variance to the front-yard setback regulations at 1931 Danube Dr.. This property is more fully described as Block 26/5873, Lot R and is zoned R-7.5(A), which requires a front-yard setback at Danube Dr. and Southerland St. of 25-feet. The applicant proposes to construct and/or maintain a single-family dwelling and provide a 20-foot front-yard setback at Southerland St., which will require **(1)** a 5-foot variance to the front-yard setback regulations.

LOCATION: 1931 Danube Dr.

APPLICANT: Ricardo Alonso

REQUEST:

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

STANDARDS OF REVIEW FOR A VARIANCE:

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

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

ELEMENT II SUBSTITUTE:

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

- (i) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 of the Texas Tax Code.

- (ii) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
- (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (v) the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:

Variance:

Approval

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

- A. Not contrary to the public interest as no letters of opposition were received.
- B. Restrictive in shape as it is an irregularly shaped lot, it is also a corner lot which requires two front yard setback requirements; therefore, it cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Not self-created nor is it a personal hardship.

BACKGROUND INFORMATION:

Zoning:

- Site: R-7.5(A) (Single Family District)
- North: R-7.5(A) (Single Family District)
- East: SUP 236 Cedar Crest Golf Course
- South: SUP 236 Cedar Crest Golf Course
- West: R-7.5(A) (Single Family District) and one MF-2(A) (Multifamily District)

Land Use:

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

Square Footage:

This lot contains of 14,074 square feet (0.323 of an acre)
This lot is zoned R-7.5(A) which requires a minimum lot size of 7,500 square feet
Total proposed 2-story single family dwelling is 2052 square feet under roof

BDA History:

No BDA history

GENERAL FACTS/STAFF ANALYSIS:

- The application of Ricardo Alonso for the property located at 1931 Danube Dr. focuses on 1 request relating to a variance to the front-yard setback regulations.
- The applicant is requesting a variance to the front-yard setback regulations. The applicant is proposing to construct and maintain a residential structure and provide a 20-foot front yard setback at Southerland St., which will require a 5-foot variance to the front-yard setback regulations.
- The subject site along with surroundings properties to the north, are all developed with single-family homes, south and east are all developed with Cedar Crest Golf Course and to the west, majority single-family homes with one multifamily lot adjacent to the subject.
- It is imperative to note that the subject site is a corner lot, and has minimum to no street frontage on Danube Dr..
- Per staff’s review of the subject site, it has been confirmed that the single family structure of the property is proposed.
- The applicant has the burden of proof in establishing the following:
 - 1) That granting the variance to the front yard setback will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
 - 2) The variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
 - 3) The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.
- Granting the variance to the front yard setback regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.

200’ Radius Video: [BDA234-061 at 1931 Danube Dr](#)

Timeline:

- March 26, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- April 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- April 24, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the April 26, 2024, deadline to submit additional evidence for staff to factor into their analysis; and May 10, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

May 2, 2024:

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

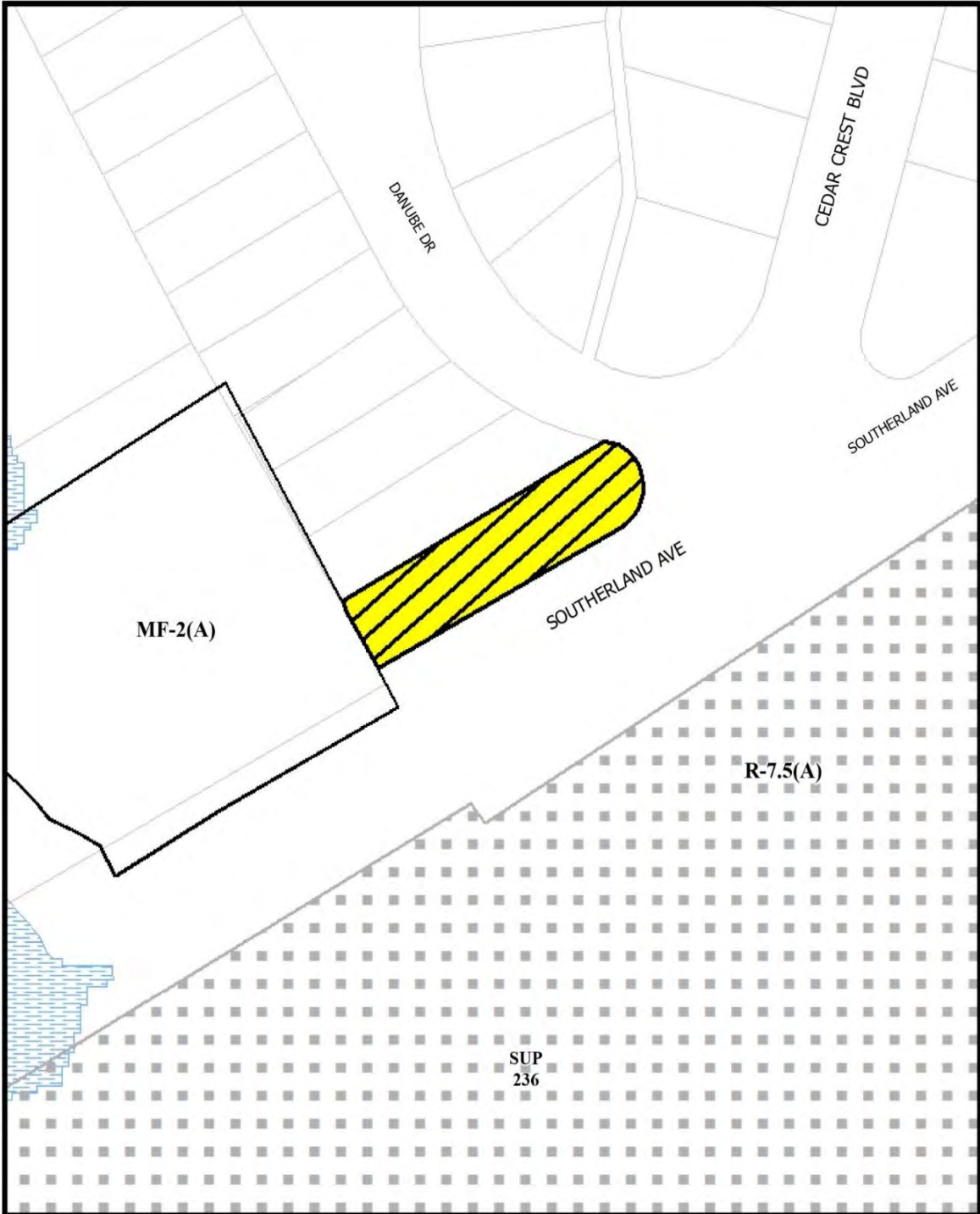


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AERIAL MAP

Case no: BDA234-061

Date: 4/18/2024

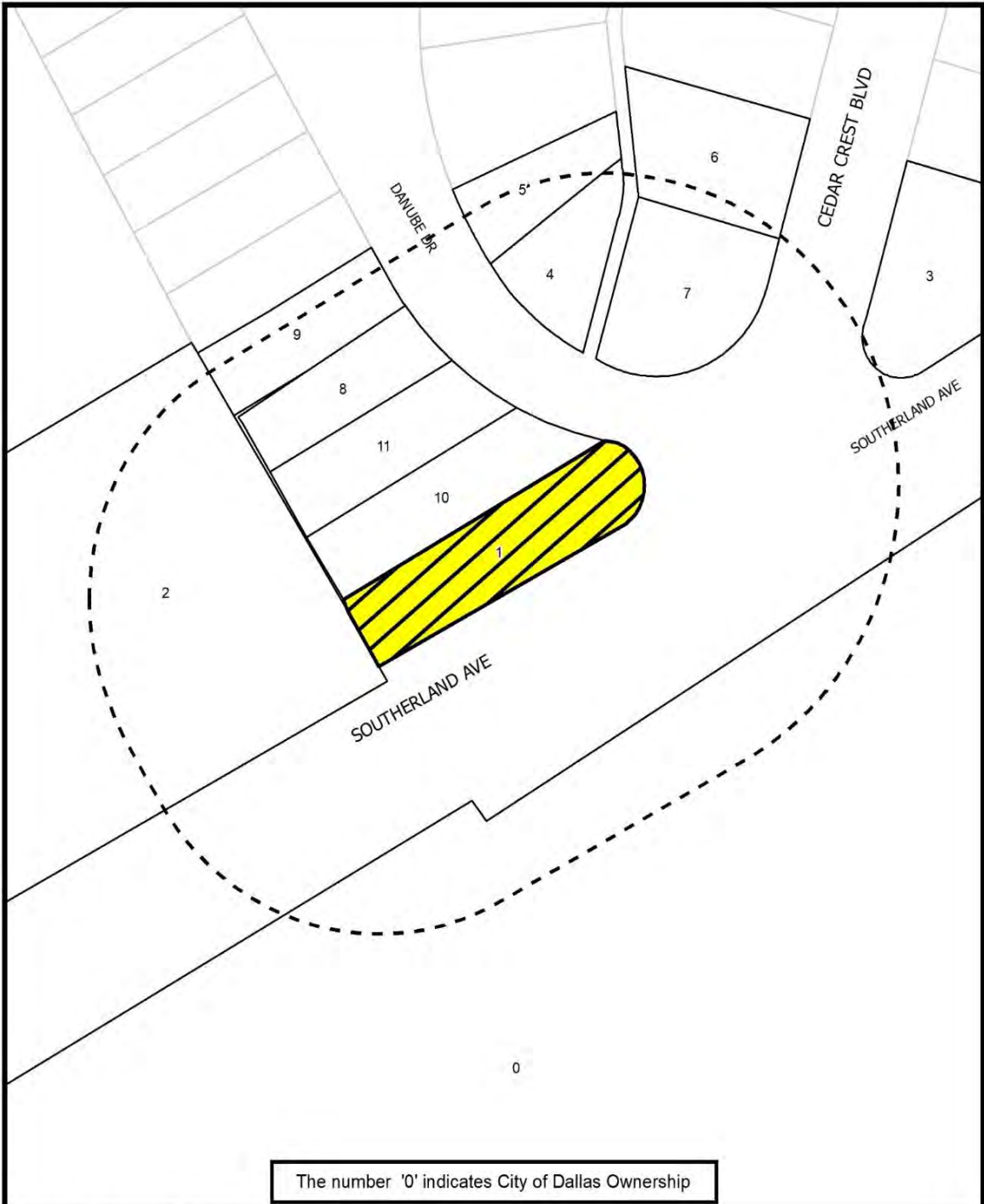


1:1,200

ZONING MAP

Case no: BDA234-061

Date: 4/18/2024



1:1,200

NOTIFICATION

200'

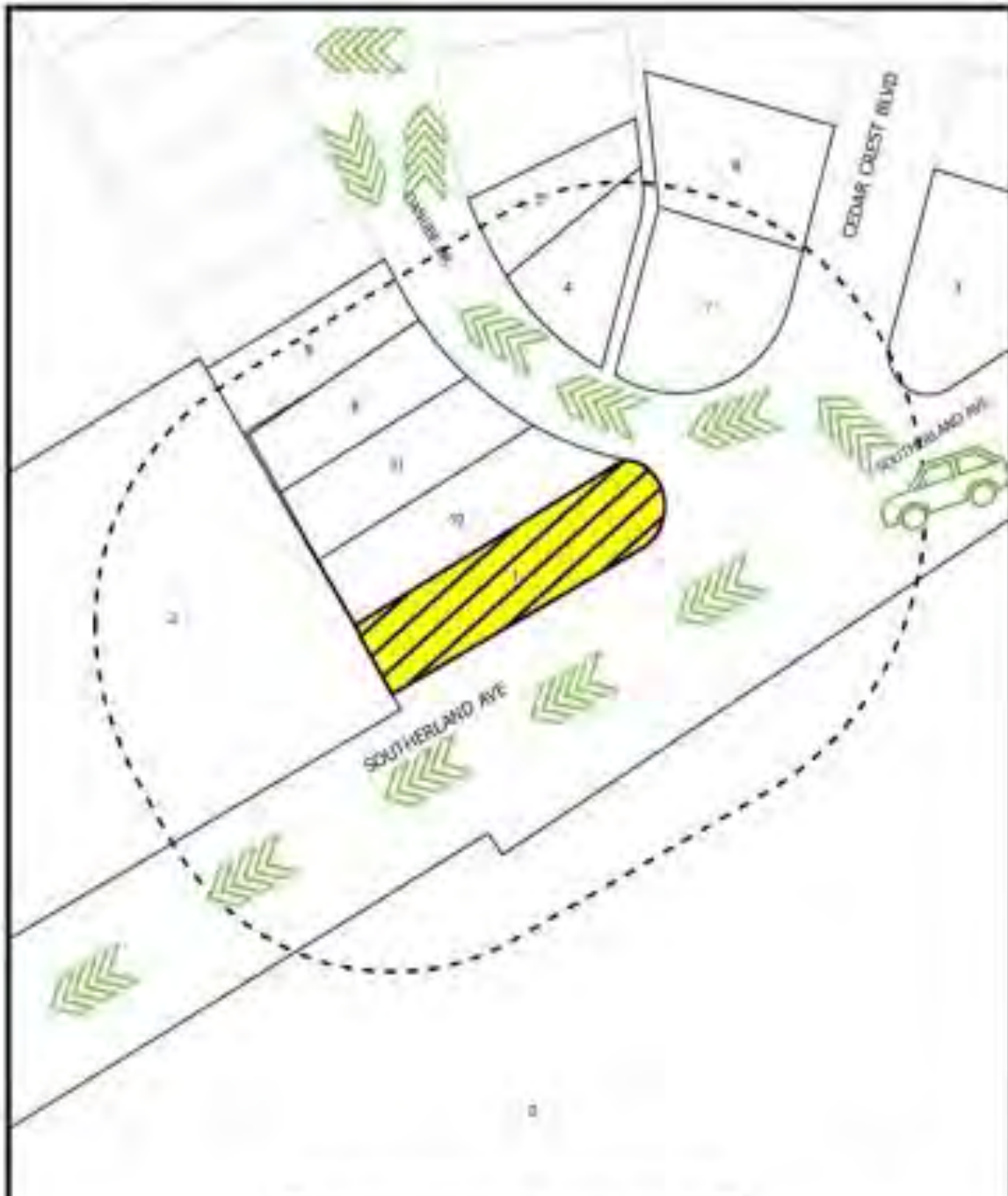
AREA OF NOTIFICATION

11


NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA234-061**

Date: **4/18/2024**



The number 0 indicates City of Dallas Ownership

 1:1,200	NOTIFICATION		Case no. <u>BDA234-061</u>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">11</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: <u>4/18/2024</u>

04/18/2024

Notification List of Property Owners

BDA234-061

11 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1931 DANUBE DR	CONFIA HOMES LLC
2	1717 SOUTHERLAND AVE	CEEFAM 2 LLC
3	1800 CEDAR CREST BLVD	JACKSON RODERICK &
4	1910 DANUBE DR	Taxpayer at
5	1906 DANUBE DR	HAYES HARRY
6	1815 CEDAR CREST BLVD	HALL JUDGE M & VIRGINIA M
7	1807 CEDAR CREST BLVD	YARBROUGH WILLIE & VALENCIA GAYE
8	1919 DANUBE DR	DAVIS SHARON STACI
9	1915 DANUBE DR	BLACKSHEAR OLENTHUS B JR
10	1927 DANUBE DR	GILES CLARENCE
11	1923 DANUBE DR	DELAROSA DAVID &



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

11

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no. **BDA234-061**

Date **4/18/2024**

PUBLIC HEARING

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

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

DATE: TUESDAY, APRIL 16th, 2024

BRIEFING: 10:30 a.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0416>

HEARING: 1:00 p.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0416>

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

BDA234-041(CJ) Application of Roddrick West for (1) a variance to the front-yard setback regulations at 2626 BURGER AVE. This property is more fully described as Block F/1696, Lot 6 and is zoned PD-595, which requires a front-yard setback of 20-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide an 8-foot front-yard setback, which will require (1) a 12-foot variance to the front-yard setback regulations.

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

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

The Board of Adjustment hearing will be held by videoconference and at 6ES at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure by joining the meeting virtually, must register online at <https://bit.ly/BDA-A-Register> by the close of business Monday, April 15th, 2024. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallasty or [YouTube.com/CityofDallasCityHall](https://www.youtube.com/CityofDallasCityHall)

Speakers at the meeting are allowed a maximum of three minutes to address the Board.

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

Board of Adjustment, Development Services
320 E. Jefferson Blvd. Rm 210, Dallas, TX 75201

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

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



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

234506 RECEIVED

Data Relative to Subject Property: _____

Date: _____

FOR OFFICE MAR 26 RECD

Location address: 1931 Danube Dr, Dallas, TX 75203 Zoning District: R-75(A)

BY: _____

Lot No.: R Block No.: 2615873 Acreage: 0.34 Census Tract: _____

Street Frontage (in Feet): 1) 85' 2) 210' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Ricardo Alonso - Confia Homes, LLC.

Applicant: Ricardo Alonso

Telephone: 214-543-4516

Mailing Address: 2435 N Central expressway, Richardson, TX Zip Code: 75080

E-mail Address: Ricardo.alonso@confiahomes.com

Represented by: Marisol Ortiz

Telephone: 469-881-2416

Mailing Address: 2435 N Central expressway, Richardson, TX Zip Code: 75080

E-mail Address: Marisol.ortiz@confiahomes.com

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

Variance of 5' front yard along southern land

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:

its an ~~irregular~~ irregular lot

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 RICARDO ALONSO CARRILLO

(Affiant/Applicant's name printed)

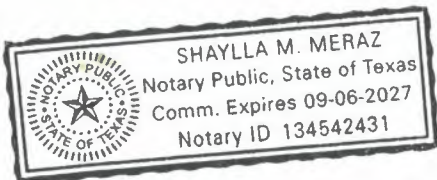
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property

Respectfully submitted: _____

(Affiant/Applicant's signature)

Subscribed and sworn to before me this _____ day of _____, 2024

Sheila May
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 Ricardo Alonso

did submit a request for (1) a variance to the front yard setback regulations
at 1931 Danube

BDA234-061(BT) Application of Ricardo Alonso for (1) a variance to the front-yard setback regulations at 1931 DANUBE DR. This property is more fully described as Block 26/5873, Lot R, and is zoned R-7.5(A), which requires a front-yard setback of 25-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 20-foot front-yard setback at Southerland Ave., which will require (1) a 5-foot variance to the front-yard setback regulations.

Sincerely,


Andrew Espinoza, CBO, MCP, CFM, CCEA



Posting of Notification Sign

Address: 1931 Danube

Appeal Number: BDA 234-061

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

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

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

Footage of each street frontage: 85', 210'

Number of acres: 0.34

Number of signs received: 2

Marisel Ortiz
Signature of applicant or person receiving signs

3/26/2024
Date



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 234-061

I, CONFIA HOMES LLC, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 1931 DAWUBE DR, DAWAS, TX, 75203
(Address of property as stated on application)

Authorize: RICARDO ALONSO CARRASO
(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)

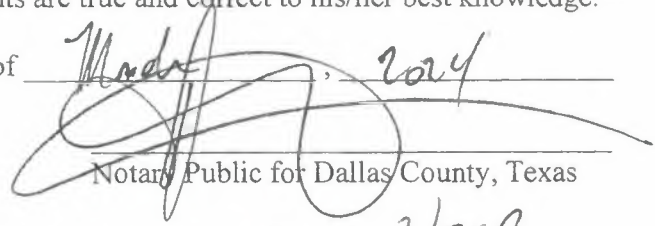
VARIANCE OF 5' OF THE FRONT YARD SETBACK FACING
SOUTHERLAND AVE

RICARDO ALONSO CARRASO R. Alonso 03/21/2024
 Print name of property owner/agent Signature of property owner/agent Date

Before me, the undersigned, on this day personally appeared Ricardo Alonso

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

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


 Notary Public for Dallas County, Texas
 Commission expires on 3/2027





REFERRAL FORM FOR BOARD OF ADJUSTMENT

APPLICANT: <u>Confia Homes</u>		OWNER: <u>Confia Homes</u>	
ADDRESS: <u>1931 Danube</u>	STATE: <u>TX</u>	ZIP: <u></u>	
LOT: <u>R</u>	BLOCK: <u>2615873</u>	ZONING: <u>R-7.5(A)</u>	

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

Please list the City of Dallas Development Code(s) this project is non-compliant with:
51A-4.401 (b) (1)

Description: This is a 55' wide lot. The long side along Southerland Ave. has blockface continuity and requires a 25' setback leaving only 25' wide buildable area.

Alternative resolutions discussed/offered:

Referred by: Loree Lewis Contact: Marisol Ortiz Date: 02/05/2024

BDA-234-061

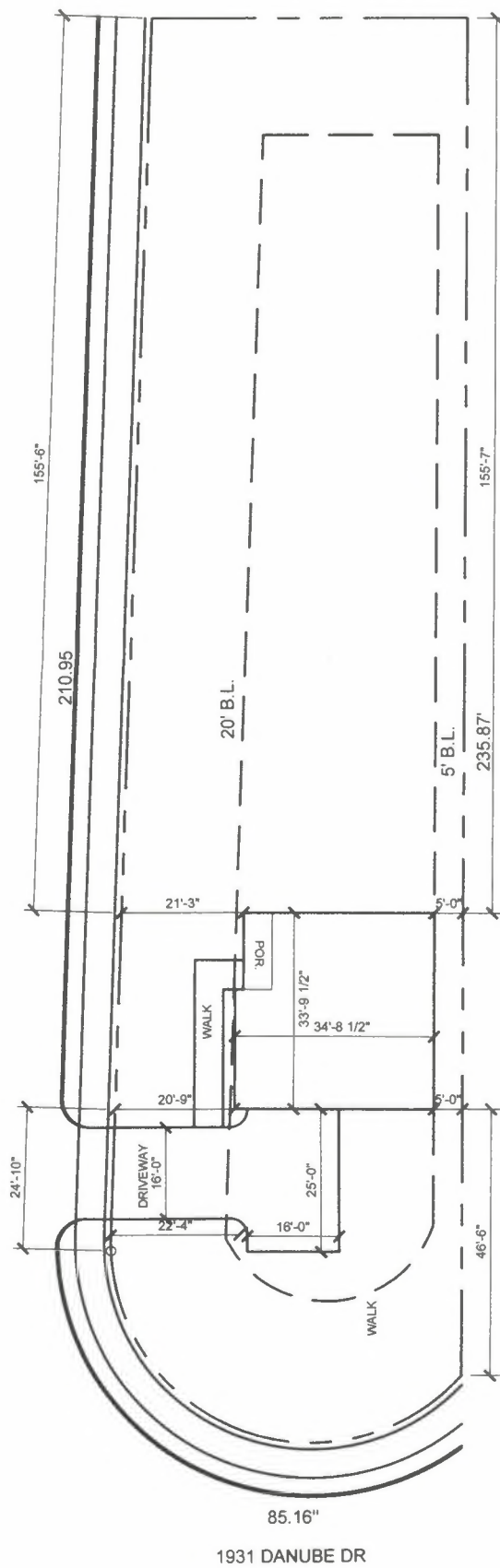
CONFIA HOMES

PLOT PLAN

SUBDIVISION	HIGHLANDS ADDN	BUYER	SPEC
LOT - R	BLK - 26/5873		
ADDRESS	1931 DANUBE DR		
DATE	03/14/24	DRAWN BY:	AW
PLAN NUMBER	PECAN	2474	SQ. FT. FLATWORK



NORTH
SCALE: 1"=30'



Type " B " Drainage

BDA-234-061

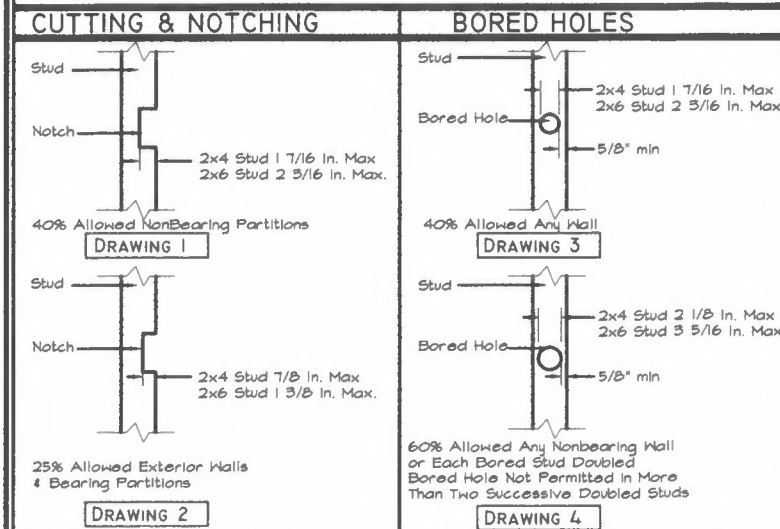
NAILING/FASTENER SCHEDULE			NAILING/FASTENER SCHEDULE CONTINUED			
TABLE R602.3(1) ---- PER APPLICABLE CODES FASTENER SCHEDULE FOR STRUCTURAL MEMBERS			DESCRIPTION OF BUILDING MATERIALS	DESCRIPTION OF FASTENER <i>b,c,d,e</i>	SPACING OF FASTENERS	
DESCRIPTION OF BUILDING ELEMENTS	NUMBER AND TYPE OF FASTENER <i>a,b,c,d</i>	SPACING OF FASTENERS			Edges (inches) (1)	Intermediate supports <i>c,p</i> (inches)
Joist to sill girder, toe nail	3-8d	-	Other wall sheathing (b)	1 1/2" galvanized roofing nail 6d common nail staple 16 ga., 1 1/2" long	5	6
1" x 6" subfloor or less to each joist, face nail	2-8d	-	1/2" structural cellulose fiberboard sheathing	1 1/2" galvanized roofing nail 6d common nail staple 16 ga., 1 1/2" long	3	6
2" subfloor to joist or girder, blind and face nail	2-16d	-	25/32" structural cellulose fiberboard sheathing	1 3/4" galvanized roofing nail 6d common nail staple 16 ga., 1 3/4" long	3	6
Sole plate to joist or blocking, face nail	1-6d	16" o.c.	1/2" gypsum sheathing	1 1/2" galvanized roofing nail; 6d common nail; staple galvanized, 1 1/2" long; 1 1/4" screws, Type H or S	-	-
Top or sole plate to stud and nail	2-16d	-	5/8" gypsum sheathing	1 3/4" galvanized roofing nail; 6d common nail; staple galvanized, 1 5/8" long; 1 5/8" screws, Type H or S	4	8
Stud to sole plate, toe nail	3-8d or 2-16d	-				
Double studs, face nail	1-6d	24" o.c.				
Double top plates, face nail	1-6d	24" o.c.				
Sole plate to joist or blocking at braced wall panels	3-16d	16" o.c.				
Double top plates, minimum 48-inch offset of end joints, face nail in lapped area	8-16d	-				
Blocking between joists or rafters to top plate, toe nail	3-8d	-	Wood structural panels, combination subfloor underlayment to framing			
Rim joist to top plate, toe nail	8d	6" o.c.	3/4" and less	6d deformed nail or 6d common nail	6	12
Top plates, laps at corners and intersections, face nail	2-10d	-	7/8" - 1"	6d common nail or 6d deformed nail	6	12
Built-up header, top pieces with 1/2" inch spacer	1-6d	16" o.c. along each edge	1 1/8" - 1 1/4"	10d common nail or 6d deformed nail	6	12
Continued header, top pieces	1-6d	16" o.c. along each edge				
Ceiling joists to plate, toe nail	3-8d	-				
Continuous header to stud, toe nail	4-8d	-				
Ceiling joist, laps over partitions, face nail	3-10d	-				
Ceiling joist to parallel rafters, face nail	3-10d	-				
Rafter to plate, toe nail	2-16d	-				
1" brace to each stud and plate, face nail	2-8d	-				
1" x 6" sheathing to each bearing, face nail	2-8d	2 staples, 1 3/4"				
1" x 8" sheathing to each bearing, face nail	2-8d	2 staples, 1 3/4"				
Wider than 1" x 8" sheathing to each bearing, face nail	3-8d	4 staples, 1 3/4"				
Built-up corner studs	1-6d	24" o.c.				
Built-up girders and beams, 2-inch lumber layers	1-6d	Nail each layer as follows: 52" o.c. at top and bottom and staggered. Two nails at ends and at each splice.				
2" planks	2-16d	At each bearing				
Roof rafters to ridge, valley or hip rafters, toe nail	4-16d	-				
Rafter ties to rafters, face	3-8d	-				
Wood structural panels, subfloor, roof and wall sheathing to framing, and particle wall sheathing to framing						
3/16" - 1/2"	6d common nail (subfloor, wall) 6d common nail (roof)	6			12 g	
1/4" - 3/2" - 1"	8d common nail 6				12 g	
1 1/8" - 1 1/4"	10d common nail or 6d deformed nail	6			12	

DRAWING SHEET INDEX	
C1	Cover Sheet
A1	Front Elevation - A
A2	Side Elevations - A
A3	Rear Elevation - Base & Opts
A4	First Floor Plan - Base & Opts
A5	Second Floor Plan
A6	Roof Plan / Framing Plan - A
A7	First Floor Ceiling Framing - Base & Opts
A7.1	Second Floor Ceiling Framing
A8	Slab Layout - Base & Opts
E1	First Floor Electrical Plan - Base & Opts
E2	Second Floor Electrical Plan

CONSTRUCTION CODES
 ALL CONSTRUCTION SHALL COMPLY WITH THE FOLLOWING CODES AND AMENDMENTS PER THEIR ADOPTING ORDINANCES:
 I.R.C. 2015

2520.11.9 Cutting and Notching. In exterior walls and bearing partitions, any wood stud may be cut or notched to a depth not exceeding 25 percent of its width. Cutting or notching of studs to a depth not greater than 40 percent of the width of the stud is permitted in nonbearing partitions supporting no loads other than the weight of the partition.

2520.11.10 Bored holes. A hole not greater in diameter than 40 percent of the stud width may be bored in any wood stud. Bored holes not greater than 60 percent of the width of the stud are permitted in nonbearing partitions or in any wall where each bored stud is doubled, provided not more than two such successive doubled studs are so bored. In no case shall the edge of the bored hole be nearer than 5/8 inch (16mm) to the edge of the stud. Bored holes shall not be located at the same section of stud as a cut or notch.



INTERIOR OR EXTERIOR BEARING WALLS WITH FLOOR JOISTS/RAFTERS/CEILING JOISTS #2 SYP	EXTERIOR BEARING WALL WITH CEILING JOISTS AND RAFTERS ONLY #2 SYP U.N.O.	INTERIOR BEARING WALLS WITH CEILING JOIST AND RAFTERS ONLY #2 SYP U.N.O.
TO 10'-2x4'S @ 16" O.C.	TO 9'-2x4'S @ 12" O.C. S6	TO 10'-2x4'S @ 24" O.C. S6
12'-2x6'S @ 16" O.C.	12'-2x4'S @ 12" O.C. OR 2x6'S @ 24" O.C.	12'-2x4'S @ 16" O.C. S6
ABOVE 12' REQUIRES SPECIAL ANALYSIS	14'-2x6'S @ 24" O.C.	14'-2x4'S @ 12" O.C. S6 OR 2x6'S @ 24" O.C.
	16'-2x6'S @ 16" O.C.	16'-2x4'S @ 12" O.C. OR 2x6'S @ 24" O.C.
	18'-2x6'S @ 12" O.C.	18'-2x6'S @ 24" O.C.
	20'-(2)-2x6'S @ 16" O.C.	20'-2x6'S @ 24" O.C.

S6 = Stud Grade

GENERAL NOTES

- ALL STUDS ARE TO BE #2(FINGER JOINT) SYP UNLESS NOTED OTHERWISE.
- BLOCK ALL WALLS TO 10' HIGH @ 5'-0" O.C.
- BLOCK ALL WALLS ABOVE 10' HIGH @ 4'-0" O.C.
- STUD SPACINGS LISTED ARE AVERAGES ACROSS ENTIRE LENGTH OF WALL.
- ALL SPACINGS LISTED ARE FOR KING STUDS CONTINUOUS FROM SOLE PLATE TO TOP PLATE. TRIMMER STUDS BELOW HEADERS ARE NOT INCLUDED.
- IF WALL HAS WINDOW OR DOOR OPENINGS, REPLACE ALL REQUIRED KING STUDS ON EITHER SIDE OF OPENINGS. (EXAMPLE) 12" O.C. STUDS REQ'D BY CHART WITH 5'-0" OPENING. ADD 2 EXTRA KING STUDS EACH SIDE TO NORMAL SINGLE KING STUDS, FOR A TOTAL OF 3 KING STUDS EACH SIDE.

AREA CALCULATIONS	
ELEVATION "A" OR "B"	
FIRST FLOOR	672 S.F.
SECOND FLOOR	435 S.F.
TOTAL AREA	1607 S.F.
GARAGE	415 S.F.
COVERED PORCH	30 S.F.
OUTDOOR LIVING	0 S.F.
TOTAL UNDER ROOF	2052 S.F.
OVERALL WIDTH	33'-9 1/2"
OVERALL DEPTH	34'-8 1/2"

Boring and Notching Guide N.T.S.

Size, Height, and Spacing of Wood Studs

PLAN NO. 1607

REVISIONS: PRR #

Drawn By: AN

Plan Number: 1607

C1 of 12

BDA234-001

22' 7" MIDPOINT
36' MAX HEIGHT



FRONT ELEVATION - ELEV A

SCALE: 1/4" = 1'-0" 128

BDA234-001

PLAN NO. 1607

REVISIONS:
PRR #

Drawn By:
AW

Plan Number:

1607

A1

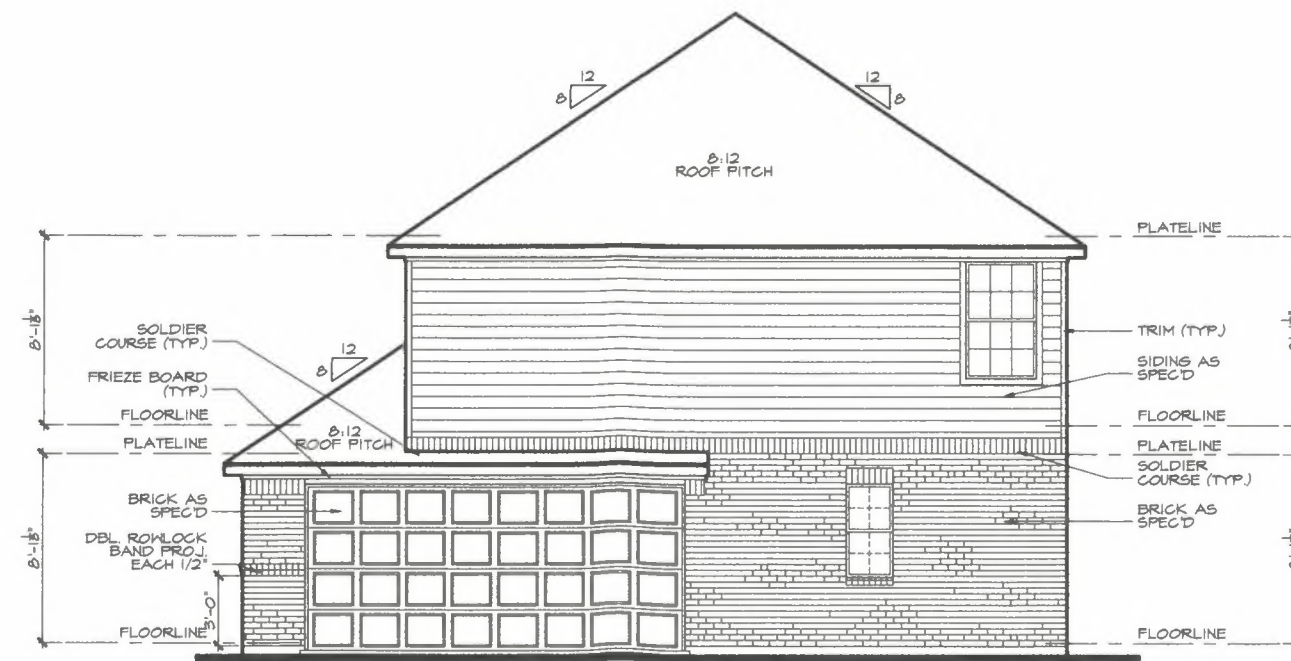
2 of 12

22' 7" MIDPOINT
36' MAX HEIGHT

NOTE: ALL SIDE AND REAR WINDOWS ARE TO BE CLEAR OR DIVIDED LITE PER COMMUNITY SPECS.



LEFT ELEVATION - ELEV A
SCALE: 1/8" = 1'-0"



RIGHT ELEVATION - ELEV A
SCALE: 1/8" = 1'-0"

PLAN NO. 1607

REVISIONS:
PRR #

Drawn By:
AW

Plan Number:
1607

A2
3 of 12

BA23A-001

FILE NUMBER: BDA234-052 (CJ)

BUILDING OFFICIAL'S REPORT: Application of Jeff Clardy for **(1)** a variance to the off-street parking regulations at 2514 HILLSIDE DR. This property is more fully described as Block H/2794, Lot 5, and is zoned CD-2 (tract 1), which requires a parking space must be at least 20-feet from the right-of-way line adjacent to a street or alley if the space is in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct and/or maintain a single-family residential structure with a setback of 16-feet, which will require **(1)** a variance of 4-feet to the off-street parking regulations.

LOCATION: 2514 Hillside Dr.

APPLICANT: Jeff Clardy

REQUEST:

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

STANDARDS OF REVIEW FOR A VARIANCE:

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

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

ELEMENT II SUBSTITUTE:

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

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

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

STAFF RECOMMENDATION:

- 1. Variance to the off-street parking regulations

Denial

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

- A. Is contrary to the public interest as no letters of opposition have been received.
- B. Is not restrictive in area, shape or slope; The lot area for of the subject site is approximately 8,755.56 sqft, is not sloped and is not irregularly shaped, therefore, the property can be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Is not a self-created or personal hardship.

BACKGROUND INFORMATION:

BDA History:

No BDA history found within the last 5 years.

Square Footage:

This lot contains 8,755.56 of square feet.

This lot is zoned CD-2 (tract 1) which has a minimum lot size of 5,000 square feet.

Zoning:

- Site: CD-2 (tract 1) (Lakewood Conservation District)
- North: CD-2 (tract 1) (Lakewood Conservation District)
- South: CD-2 (tract 1) (Lakewood Conservation District)
- East: CD-2 (tract 1) (Lakewood Conservation District)
- West: CD-2 (tract 1) (Lakewood Conservation District)

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- The application for the Jeff Clardy property located at 2514 Hillside Drive focuses on 1 request relating to the off-street parking regulations.
- A request for a variance to the off-street parking regulations of 4-feet is made to construct and/or maintain a single-family residential structure at 2514 Hillside Drive.

- The subject site is zoned CD-2(tract-1) which requires a parking space must be at least 20-feet from the right-of-way line adjacent to a street or alley if the space is in an enclosed structure and if the space faces upon or can be entered directly from the street or alley
- As gleaned from the submitted site plan, the proposed home is set to encroach 4-feet into the 20-foot required off-street parking setback at 2514 Hillside Drive.
- It is imperative to note that the subject site has single street frontage on Hillside Drive.
- The subject site is currently developed with a single-family structure.
- The Transportation Engineering Program Administrator provided comments stating that there are no objections if certain conditions are met; “the applicant must provide a site plan to scale, showing location of proposed garage and dimensions of alley to determine if proposed condition provides adequate maneuvering in and out of garage.”

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

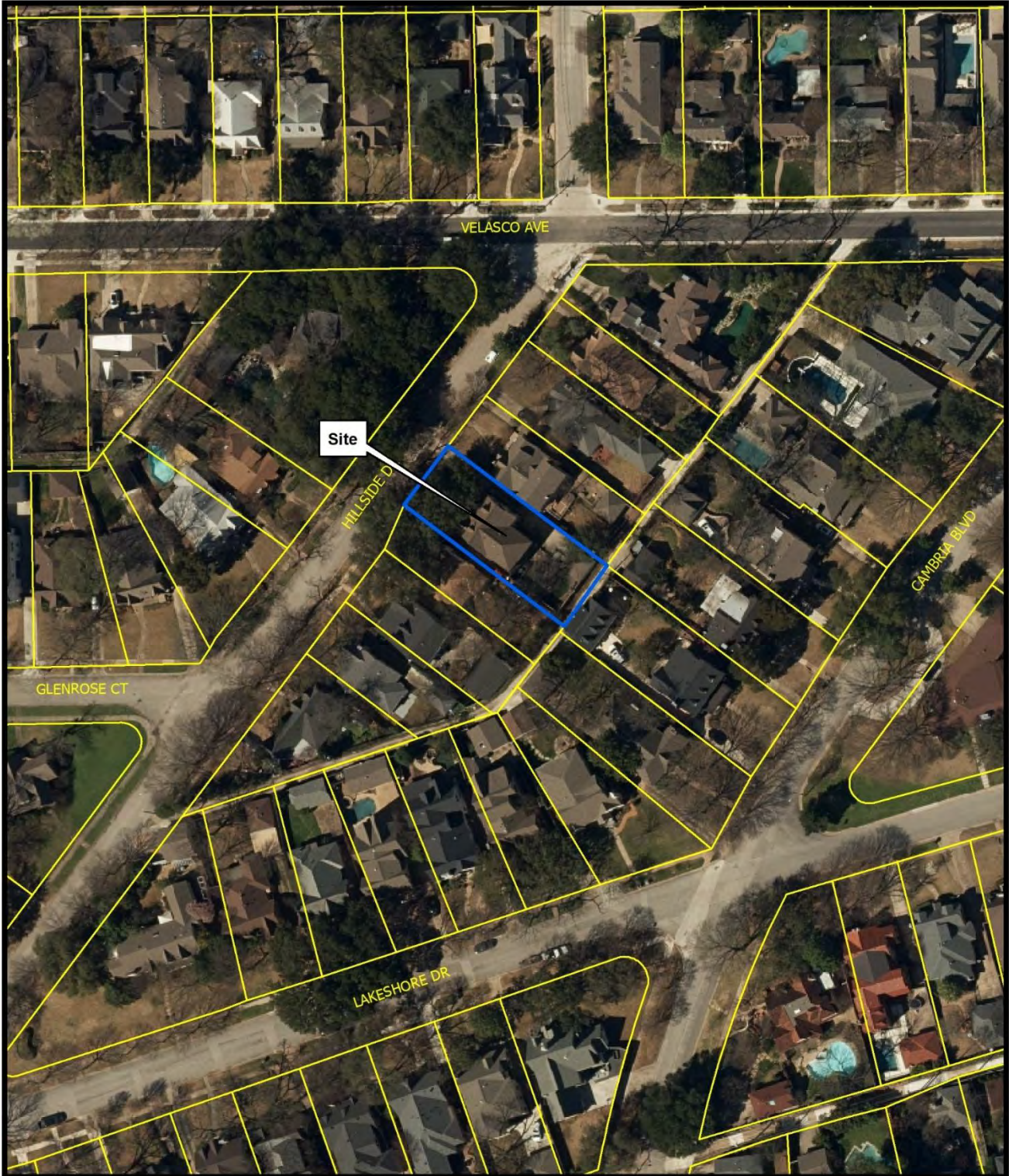
- That granting the variance to the off-street parking regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice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

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

- (a) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
 - (b) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
 - (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
 - (d) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - (e) the municipality considers the structure to be a nonconforming structure.
- Granting the proposed 4-foot variance to the off-street parking regulations with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
 - 200’ Radius Video: [BDA234-052 at 2514 Hillside Dr.](#)

Timeline:

- March 21, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- April 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- April 24, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
- an attachment that provided the hearing date and panel that will consider the application; the April 26 , 2024, deadline to submit additional evidence for staff to factor into their analysis; and May 10, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- May 2, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer
- May 2, 2024: Transportation Engineering Program Administrator provided engineering review comments

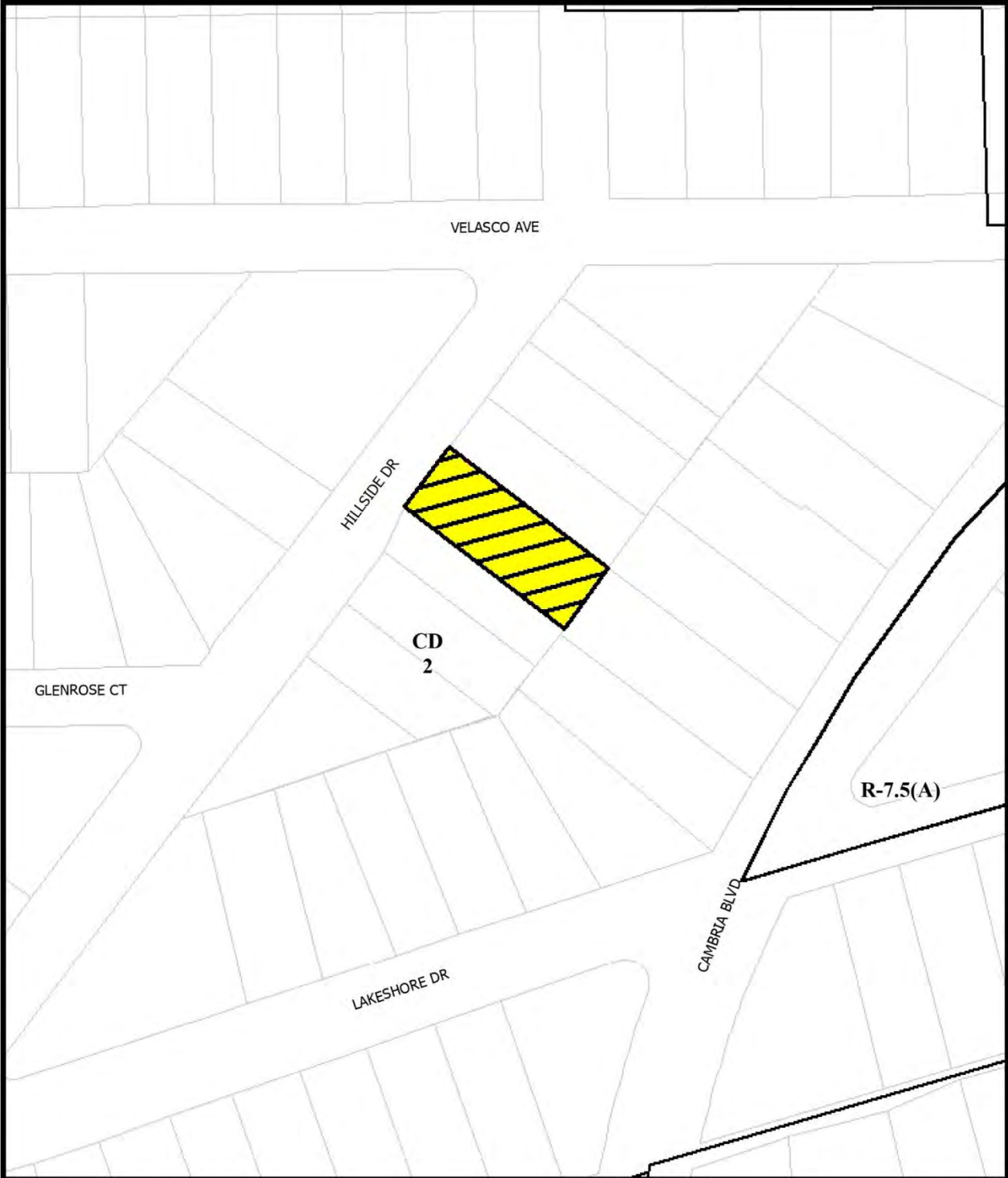


1:1,200

AERIAL MAP

Case no: BDA234-052

Date: 4/8/2024



1:1,200

ZONING MAP

Case no: BDA234-052

Date: 4/8/2024




 1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
27 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA234-052
 Date: 4/8/2024



 1:1,200	NOTIFICATION	Case no: BDA234-052
	200' AREA OF NOTIFICATION 27 NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 4/8/2024

04/08/2024

Notification List of Property Owners

BDA234-052

27 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2514 HILLSIDE DR	THOMPSON DAVID P &
2	2525 HILLSIDE DR	COWSERT JAMES K & MONICA
3	2507 HILLSIDE DR	ANGELL MITTA L LF EST
4	2505 HILLSIDE DR	MASSEY JAYE & RAHIM DHANANI
5	6443 GLENROSE CT	KENNEDY FRANK M
6	6467 VELASCO AVE	BLACK MARY MARTHA
7	6463 VELASCO AVE	MARSHALL WILLIAM &
8	6459 VELASCO AVE	SIEGEL GEORGIA ANN
9	2507 CAMBRIA BLVD	HAIN STEVEN M JR &
10	2515 CAMBRIA BLVD	KOENIG ALLAN J & KATHERINE C
11	2511 CAMBRIA BLVD	BUCHANAN MICHAEL R &
12	2503 CAMBRIA BLVD	RUSSELL LINDA
13	2519 CAMBRIA BLVD	YOXALL THOMAS G &
14	2527 CAMBRIA BLVD	SAYNER ROBERT F
15	2530 HILLSIDE DR	MASTPETERS LIVING TRUST
16	2526 HILLSIDE DR	RAMIREZ MARIO R & SUSANNA R
17	2522 HILLSIDE DR	CALLENDER JOHN
18	2518 HILLSIDE DR	WALKER DONALD BRETT &
19	2510 HILLSIDE DR	NEWMAN JOSEPH T
20	2506 HILLSIDE DR	BRANTMEIER JONATHAN MARSHALL &
21	2502 HILLSIDE DR	BAUER KRISTIN LEIGH
22	2424 HILLSIDE DR	WAGES ANDREW F JR
23	6519 LAKESHORE DR	HUTCHESON TEARLACH D
24	6521 LAKESHORE DR	MASTORAKOS DIMITRI & MOLLY
25	6527 LAKESHORE DR	PEARSON JOHN MARK & JENNIFER LEIGH
26	6531 LAKESHORE DR	MCCREIGHT AUDRA &

04/08/2024

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	6533 LAKESHORE DR	EYRING DOUGLAS A & BRANDYE C JAMES

PUBLIC HEARING

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

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

DATE: TUESDAY, MAY 21st, 2024

BRIEFING: 10:00 a.m. via **Videoconference** and in **Council Chambers, 6EN**, Dallas City Hall, 1500 Marilla Street <https://bit.ly/boa0521>

HEARING: 1:00 p.m. via **Videoconference** and in **Council Chambers**, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0521>

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

BDA234-052(CJ) Application of Jeff Clardy for **(1)** a variance to the off-street parking regulations at **2514 HILLSIDE DR.** This property is more fully described as Block H/2794, Lot 5, and is zoned CD-2 (tract 1), which requires a parking space must be at least 20-feet from the right-of-way line adjacent to a street or alley if the space is in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct and/or maintain a single-family residential structure with a setback of 16-feet, which will require **(1)** a variance of 4-feet to the off-street parking regulations.

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

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

The Board of Adjustment hearing will be held by videoconference and at Council Chambers at City Hall, 6EN. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure **by joining the meeting virtually**, must register online at <https://bit.ly/BDA-A-Register> **by the close of business Monday, May 20th, 2024. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing.** Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall

Speakers at the meeting are allowed a maximum of three minutes to address the Board.

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

Board of Adjustment, Development Services
320 E. Jefferson Blvd. Rm 210, Dallas, TX 75201

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

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



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 234 **RECEIVED**
MAR 21 REC'D
BR...CD.2...TR..

Data Relative to Subject Property: _____ Date: _____
 Location address: 2514 2415 Hillside Dr. Dallas TX 75214 Zoning District: _____
 Lot No.: 5 Block No.: H/2794 Acreage: 0.201 Census Tract: _____
 Street Frontage (in Feet): 1) 50' 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): David Thompson and Dora G. Estevane Orduno
 Applicant: Jeff Clardy Telephone: 214-223-6315
 Mailing Address: 9246 Biscayne Blvd. Dallas TX Zip Code: 75218
 E-mail Address: JLCRestore@gmail.com
 Represented by: Jeff Clardy Telephone: 214-223-6315
 Mailing Address: 9246 Biscayne Blvd. Dallas TX Zip Code: 75218
 E-mail Address: JLCRestore@gmail.com

Affirm that an appeal has been made for a Variance or Special Exception of _____
Propose a 16' set back with a 4' Variance to 20' for the driveway

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:
Will not promote a traffic hazard, no issues with the neighbors

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

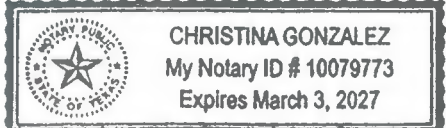
Affidavit

Before me the undersigned on this day personally appeared Jeff L Clardy
 (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 14th day of March, 2024

Christina Gonzalez
 Notary Public in and for Dallas County, Texas



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that JEFF CLARDY

did submit a request for (1) a variance to the off-street parking regulations
at 2514 Hillside

BDA234-052(CJ) Application of Jeff Clardy for (1) a variance to the off-street parking regulations at 2514 HILLSIDE DR. This property is more fully described as Block H/2794, Lot 5, and is zoned CD-2 (tract 1), which requires a parking space must be at least 20-feet from the right-of-way line adjacent to a street or alley if the space is in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct and/or maintain a single-family residential structure with a setback of 16-feet, which will require (1) a variance of 4-feet to the off-street parking regulations.

Sincerely,


Andrew Espinoza, CBO, MCP, CFM, CCEA



Posting of Notification Sign

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

Address: 2514 Hillside Dr.

Appeal Number: BDA 234-052

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

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

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

Footage of each street frontage: 50'

Number of acres: 0.201

Number of signs received: 1

[Signature]
Signature of applicant or person receiving signs

3/21/24
Date



CITY OF DALLAS
AFFIDAVIT

Appeal number: BDA 234-052

I, DORA G. ESTEVANE ORDUNO, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 2514 HILLSIDE DR., DALLAS, TX 75214
(Address of property as stated on application)

Authorize: JEFF CLARDY
(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: 16' setback 9' variance to garage
face Alley

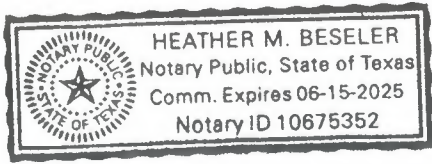
Dora G. Estevane Orduno
Print name of property owner or registered agent
agent Date 3/9/24

[Signature]
Signature of property owner or registered agent

Before me, the undersigned, on this day personally appeared
Dora Estevane Orduno

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 9 day of
March, 2024

Heather Besler
Notary Public for Dallas County,
Texas



Commission expires on
6/15/25

GENERAL NOTES

- The contractor shall assume and become familiar with all construction documents in their entirety. The contractor shall also survey the project and locations familiar with existing conditions and scope of work. Any discrepancies, errors or omissions discovered shall be brought to the attention of the designer and owner. Corrections shall be made prior to construction.
- All site work to include but not limited to building setbacks, building location, building footprint, building elevation, building orientation, utility locations, pool location, site grading, fencing height & location, etc., shall be verified and approved by the Owner, contractor and the applicable city code prior to construction.
- The contractor shall be solely responsible for construction means, methods, techniques, sequences and procedures required for safe measuring and suspension of all safety precautions and programs in connection with the work.
- Any errors, omissions or inconsistencies on these drawings and any variations or omissions between these drawings and existing conditions shall be brought to the attention of the architect & engineer immediately.
- The contractor shall verify all dimensions in the field and be responsible for accuracy and correctness of the same.
- The contractor shall coordinate and cooperate with the local utility agencies, including any required inspections by agencies having jurisdiction.
- Building materials and products shall be stored in a safe and dry location.
- The contractor shall maintain the site in a clean condition at all times and remove construction debris as often as necessary or as directed by local authorities.
- All porches, balconies, porches, "flat roof" and garage floors and all exterior "flat surfaces" shall be sloped to drain a min. of 1/8" per foot away from building or toward drain. confirm slope with material specifications. All flashing and waterproofing is the responsibility of the contractor. Contractor must verify test of flashing and waterproofing areas prior to applying finish materials.
- The under-floor space between the bottom of the floor joists and the earth under any building (except space occupied by a basement) shall have ventilation openings through foundation walls or exterior walls. The minimum total area of ventilation openings shall be not less than 1 square foot for each 150 square feet of under-floor space area. Unless the ground surface is covered by Class 1 vapor retarder material. Where a Class 1 vapor retarder material is used, the minimum total area of ventilation openings shall be not less than 1 square foot for each 1,500 square feet of under-floor space area. One such ventilation opening shall be within 3 feet of each corner of the building.
- Reinforcement wall framing.
 - Prior to forming first floor walls the contractor shall verify the "flatness" of the framing platform (slab or wood). Any adjustments not made to the foundation should be corrected in first floor stud walls to ensure a consistent top plate elevation prior to installing second floor joists or rafters.
 - All new & existing dimensions must be verified by the contractor on site prior to construction. Any errors, omissions or inconsistencies, variations or omissions between these drawings and existing conditions shall be brought to the attention of the designer & engineer immediately.

CONSTRUCTION NOTES

- Conventional details shall apply where no special detail or section is shown. Designer will furnish any clarification detail in the request of the contractor.
- Cabinet supplier shall field measure area of work and submit shop drawings to builder prior to construction and installation.
- Chimneys shall terminate at least 2'-0" above a point measured 10'-0" horizontally to the nearest part of the building structure.
- Flashing shall be done "C" or better.
- Provide silt screens (2"x36"min) for each dirt stopped space.
- All flashing and waterproofing is the responsibility of the contractor.
- All porches, balconies, porches, "flat roof" and garage floors and all exterior "flat surfaces" shall be sloped to drain a min. of 1/8" per foot away from building or toward drain. confirm slope with material specifications. All flashing and waterproofing is the responsibility of the contractor. Contractor must verify test of flashing and waterproofing areas prior to applying finish materials.
- All walls around tubs and showers shall have Durock, Kerdi-Backer or equal water resistant wall board.
- All plumbing supply lines in wet areas shall be fully insulated.
- Provide weep holes at 24" o.c. on bottom of all masonry veneer.
- Provide smoke detectors per local code. Provide one in each bedroom, one in common areas before each bedroom, at the top and bottom of stairways, and near the highest portion of vaulted areas.
- Minimum insulation shall be as follows: (conform with local energy code)
 - Exterior walls 20 or 13+5
 - Ceiling R-38
 - Vaults R-22
 - Roof spaces R-18
 - Use batts in vaulted areas
- Wing all exterior corners with 1/8" fall. Extend 18" horizontally each direction and overlap upper shears over lower shears 1/2" min.
- Provide building wrap (Tyvek or equal) on all exterior sheathing, and on top of fall at corners. Install per manufacturer's written instructions.
- Provide adhesive backed damp proofing at all window and exterior door openings.
- All in-slab materials for balconies, overhangs, patios, soffits, etc., shall be supported by steel grade.
- Provide flashing at all window and roof openings, door thresholds to balconies and roof connections at chimneys and walls. Extend flashing vertically 12" whenever possible.
- Provide sealant at all exterior joints around windows and door frames, veneer and trim, and any roof and wall penetrations that are not finished or otherwise sealed.
- Provide a min. of 1/4" air, or, of air-ventilation be every 300 sq. ft. of all areas. At least 50% of venting shall be a min. of 7'-0" above grade and the balance shall be with smaller vents. Provide insulation baffles as necessary.
- The under-floor space between the bottom of the floor joists and the earth under any building (except space occupied by a basement) shall have ventilation openings through foundation walls or exterior walls. The minimum total area of ventilation openings shall be not less than 1 square foot for each 150 square feet of under-floor space area. Unless the ground surface is covered by Class 1 vapor retarder material. Where a Class 1 vapor retarder material is used, the minimum total area of ventilation openings shall be not less than 1 square foot for each 1,500 square feet of under-floor space area. One such ventilation opening shall be within 3 feet of each corner of the building.

FRAMING NOTES

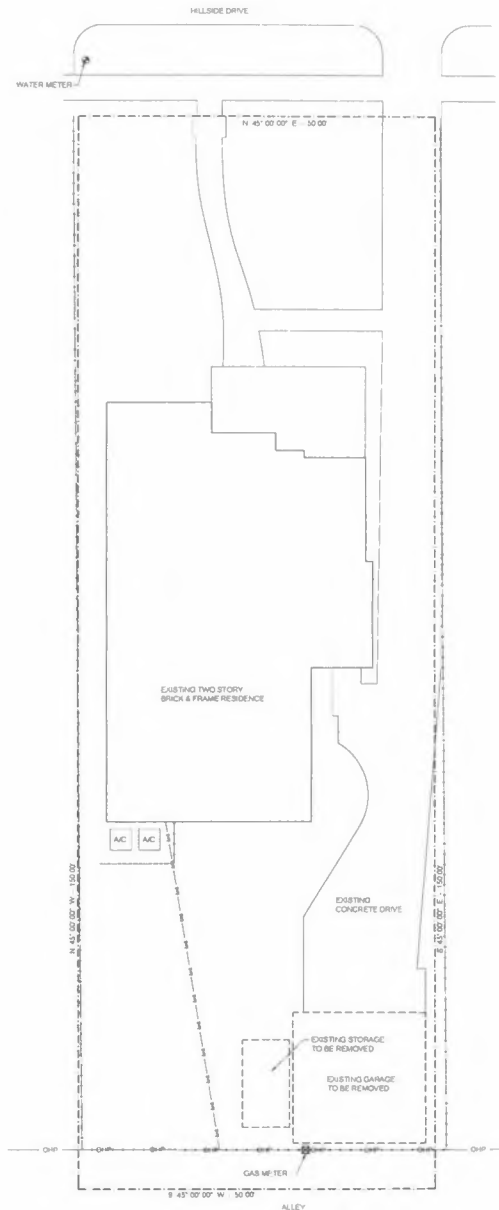
- All framing shall conform to the 2021 International Residential Code with Dallas Amendments.
- No framing shall be concealed prior to inspection by governing authorities.
- All lumber shall be grade marked.
- All wood in contact with concrete, masonry, or where subjected to exterior moisture shall be pressure treated.
- All plywood for sub floor shall be exterior grade, tongue and groove glued and attached with ring shank nails to joists.
- Provide tie blocking in walls over 10'-0" in height and other concealed spaces required by code.
- Provide double studs under exterior bearing partitions. Provide solid blocking under all partitions perpendicular to floor joists.
- Floor joists and ceiling joists shall be cut open located to prevent rotation.
- Provide a single sill plate and double top plate at all stud walls. Sill plates shall be attached to foundations using 1/2" anchor bolts at 48" o.c. and walls 12" of sill ends.
- Minimum stud size and spacing shall be as follows:
 - 2x4's at 18" o.c. for load-bearing walls.
 - 2x6's at 24" o.c. for non-load-bearing walls.
 - Use 2x6's for walls 12'-0" and taller.
- Reinforcement wall framing.
 - Prior to forming first floor walls the contractor shall verify the "flatness" of the framing platform (slab or wood). Any adjustments not made to the foundation should be corrected in first floor stud walls to ensure a consistent top plate elevation prior to installing second floor joists or rafters.
 - All new & existing dimensions must be verified by the contractor on site prior to construction. Any errors, omissions, variations or omissions between these drawings and existing conditions shall be brought to the attention of the designer & engineer immediately.

NOTE

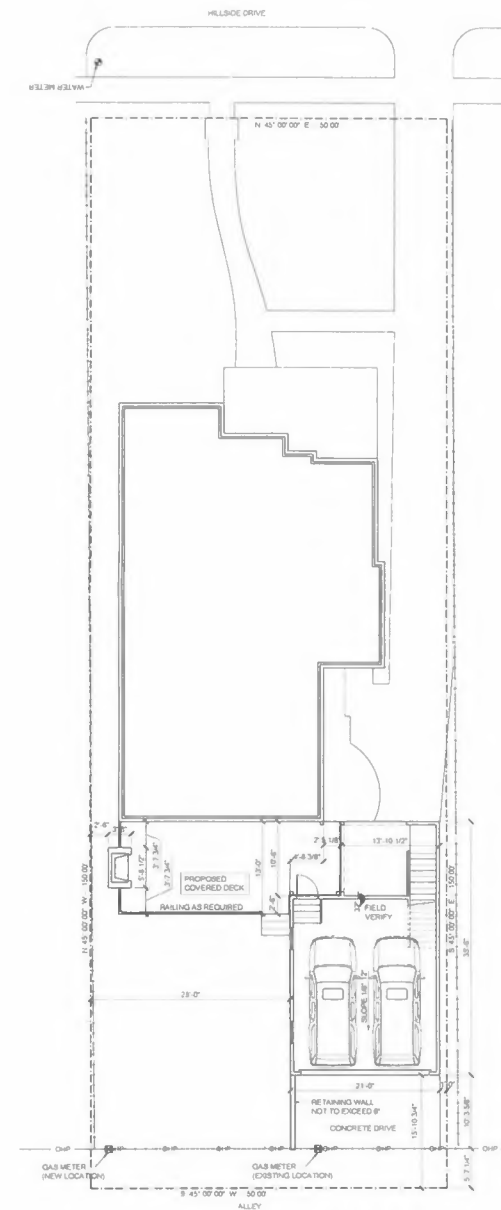
- The contractor shall verify site dimensions, building setbacks and all utility disa-rage, landscaping and right easements and height restrictions prior to construction.
- The contractor shall verify the location of all utility utilities, and coordinate the installation of electrical, gas, water, and sanitary sewer services with the city and all codes involved.
- The contractor shall be responsible for all tags, service connections, and temporary power poles as it relates to this project until the final punch list has been completed and a certificate of occupancy has been issued.
- The contractor shall direct all down spout discharge and underground drainage per local code. Provide splash blocks for all down spouts not connected to underground drainage.
- The contractor shall repair and clean any subsurface drains and be damaged during construction.
- Fence contractor shall be per local code.
- Landscaping including underground irrigation systems and lighting shall be designed per local code.
- Contractor shall comply with all city erosion control requirements.
- Contractor is responsible for grading to eliminate water pooling and ensure proper drainage.

DESIGN NOTES

- Windows and door types including hardware shall be selected and approved by the owner and/or builder.
- All glass required windows shall be verified by the contractor and supplier / manufacturer.
- All products and materials used in this project shall comply with all applicable building codes and ordinances including agency requirements and fire protection.
- Electrical fixtures and appliances including locations and arrangements shall be selected and approved by the owner.
- All egress & safe or fire exit doors shall, if not specifically detailed in these plans, are the responsibility of the builder and shall be approved by the owner.



2 EXISTING SITE PLAN
SCALE 1/8" = 1'-0"



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

BUCKHYNE, Inc.
ANDY PAPSON
4231 MOULIN ST. MESQUITE, TEXAS 75150
PH: (972) 879-4337 FAX: (972) 888-0561 e-mail: andy@buckhynegroup.com

ENGINEERING SERVICES PROVIDED BY

THE REEDY GROUP

Frank B. Reedy PE, AIA
4434 W. Lovers Lane
Dallas, Texas 75209
PH: 214-869-4405
Firm No. F-3153

2514 HILLSIDE DRIVE
COUNTRY CLUB ESTATES 2
LOT: 5 BLK: H1Z794
DALLAS, TEXAS

Frank B. Reedy PE, AIA

Revisions

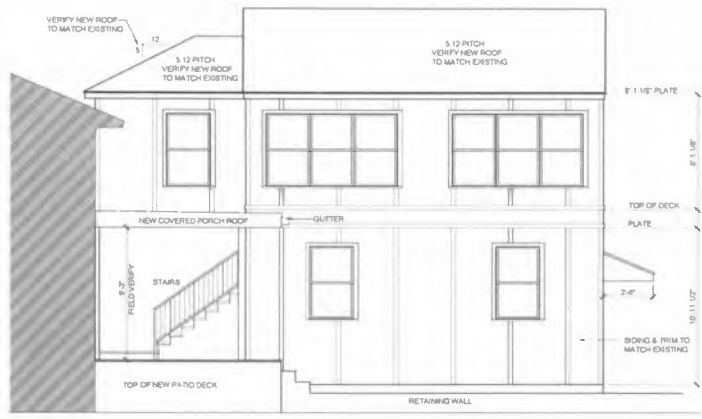
Project No. 2514 HILLSIDE

Sheet 1 of 12
Sheet Number

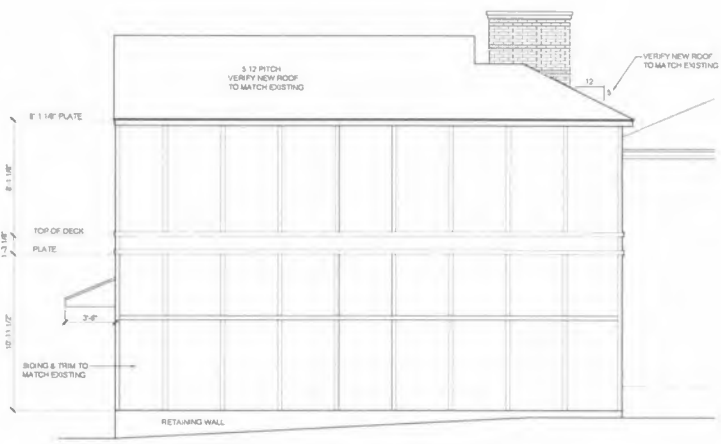
A1

Drawn By: A.P.
Date: 2/12/2024

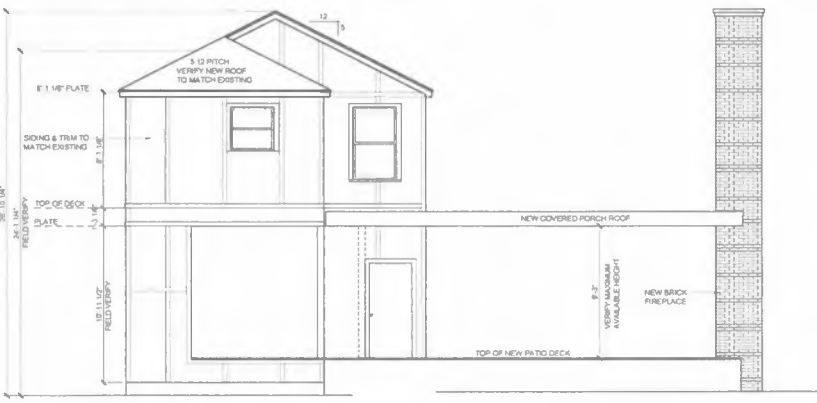
BDA234-052



4 RIGHT ELEVATION
SCALE 1/4" = 1'-0"



3 LEFT ELEVATION
SCALE 1/4" = 1'-0"



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



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

BUCKHYNE, Inc.
ANDY PAPSON
4231 MODLIN ST MESQUITE, TEXAS 75150
PH: (972) 878-8337 FAX: (972) 885-2642 e-mail: andy@buckhyne.com

ENGINEERING SERVICES PROVIDED BY
THE REDDY GROUP
Frank B. Reddy, PE, AIA
4434 W. Lovers Lane
Dallas, Texas 75209
PH: 214-869-4405
Firm No. F-3153

2514 HILLSIDE DRIVE
COUNTRY CLUB ESTATES 2
LOT 5 BLK. H12794
DALLAS, TEXAS

Frank B. Reddy, PE, AIA
Residence
Project No. 3114 HILLSDR
Sheet 4 of 12
Sheet Number
A4
Drawn By: A.P.
Date: 3/12/2024

FILE NUMBER: BDA234-067(CJ)

BUILDING OFFICIAL'S REPORT: Application of Shelby Longoria for **(1)** a variance to the front-yard setback regulations; for **(2)** a special exception to the fence opacity regulations; and for **(3)** a special exception to the fence height regulations at 7023 ORIOLE DR. This property is more fully described as Block 9/4921, Lot 1, and is zoned PD-67 (tract 4), which requires a front-yard setback of 25-feet; requires a fence panel with a surface area that is less than 50 percent open not be located less than 5-feet from the front lot line; and limits the height of a fence in the front yard to 4-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 6-foot 7-inch front-yard setback, which will require **(1)** a 18-foot 5-inch variance to the front-yard setback regulations; to construct and/or maintain a fence in a required front-yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line, which will require **(2)** a special exception to the fence regulations; and to construct and/or maintain a 6-foot-high fence in a required front-yard, which will require **(3)** a 2-foot special exception to the fence regulations.

LOCATION: 7023 Oriole Dr.

APPLICANT: Shelby Longoria

REPRESENTED BY: Tommy Mann & Daniel Box

REQUEST:

- (1) A request for a variance to the front-yard setback regulations.
- (2) A request for a special exception to the fence opacity regulations; and
- (3) A special exception to the fence height regulations.

STANDARDS OF REVIEW FOR A VARIANCE:

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

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

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

ELEMENT II SUBSTITUTE:

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

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

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

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

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

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

STAFF RECOMMENDATION:

Variance to the front yard setback regulations

Denial

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

- A. Is contrary to the public interest as no letters of opposition have been received.
- B. Is not restrictive in area, shape or slope; The minimum lot size for residential use in zoning district R-7.5(A) is 7,500 sqft. The lot area for of the subject site is approximately 10,497.96 sqft, is not sloped and is not irregularly shaped, therefore, the property can be developed in a manner commensurate with development upon other parcels of land in the same zoning.

C. Is not a self-created or personal hardship.

Special Exceptions (2):

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

BACKGROUND INFORMATION:

Zoning:

Site: PD 67/R-7.5 (A) (Single Family District)
North: PD 67/R-7.5 (A) (Single Family District)
East: PD 67/R-7.5 (A) (Single Family District)
South: PD 67/R-7.5 (A) (Single Family District)
West: PD 67/R-7.5 (A) (Single Family District)

Land Use:

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

BDA History:

No BDA history

GENERAL FACTS/STAFF ANALYSIS:

- The application, for the Shelby Longoria property located at 7023 Oriole Drive focuses on 3 requests relating to the front yard setback regulations, fence height regulations and fence standards regarding opacity.
- The applicant is requesting a 18-foot 5-inch variance to the front-yard setback regulations
- Zoning District PD 67/R-7.5(A) requires a 25-foot front yard setback
- As gleaned from the site plan, the existing home is encroaching into the 25-foot required front yard setback at 7023 Oriole Drive.
- The applicant has stated that the variance request was made so that the existing structure can conform to the existing conditions of the neighborhood and since having two front yard restricts the subject sites buildable area.

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

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

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

- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.
- Secondly, the applicant proposes to maintain and 6-foot high fence in a required front yard, which will require a 2-foot special exception to the fence height regulations.
- Lastly, the applicant is requesting a special exception to the fence standards regulations regarding opacity
- The subject site along with properties to the north, east, south, and west are all developed with single-family homes.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to maintain a 6-foot high fence around the circumference of the property at 7023 Oriole Drive.
- The fence is material is wood.
- It is imperative to note that the subject site is a corner lot, and it has double street frontage and two front yards due to block face continuity on Oriole Drive and Linnet Lane.
- Per staff's review of the subject site, it has been confirmed that the fence surrounding the circumference of the property is existing and not proposed.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. The Dallas Development Code also states that no fence panel having less than 50 percent open surface area may be located less than 5-feet from the lot line.
- The applicant has the burden of proof in establishing that the special exception(s) to the fence regulations relating to height and opacity will not adversely affect the neighboring properties.
- Granting the special exceptions to the fence standards relating to height and opacity regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BDA234-067 at 7023 Oriole Dr.](#)

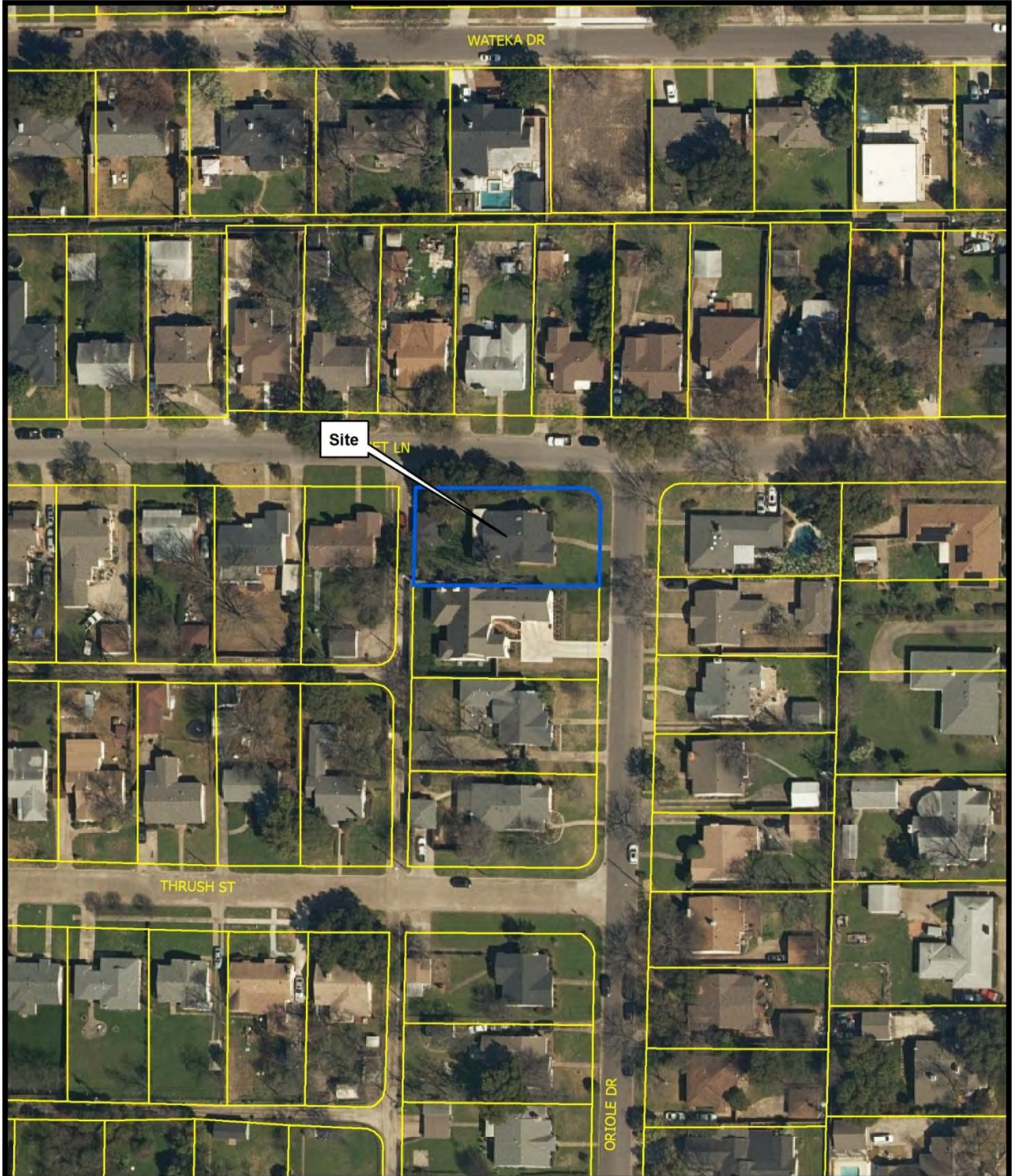
Timeline:

- March 21, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- April 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- April 24, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the April 26 , 2024, deadline to submit additional evidence for staff to factor into their analysis; and May 10, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

May 2, 2024:

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

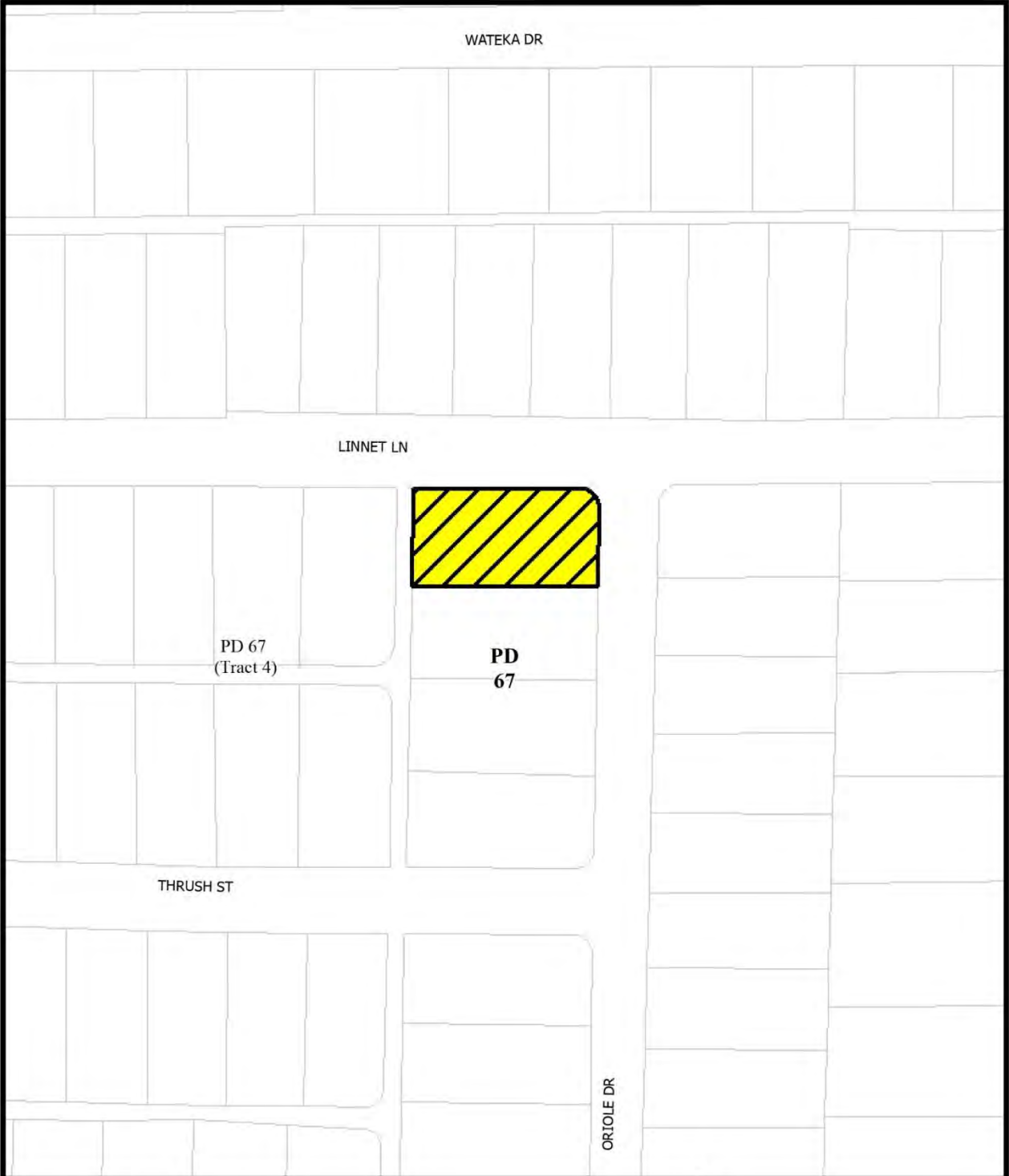


1:1,200

AERIAL MAP

Case no: BDA234-067

Date: 4/25/2024

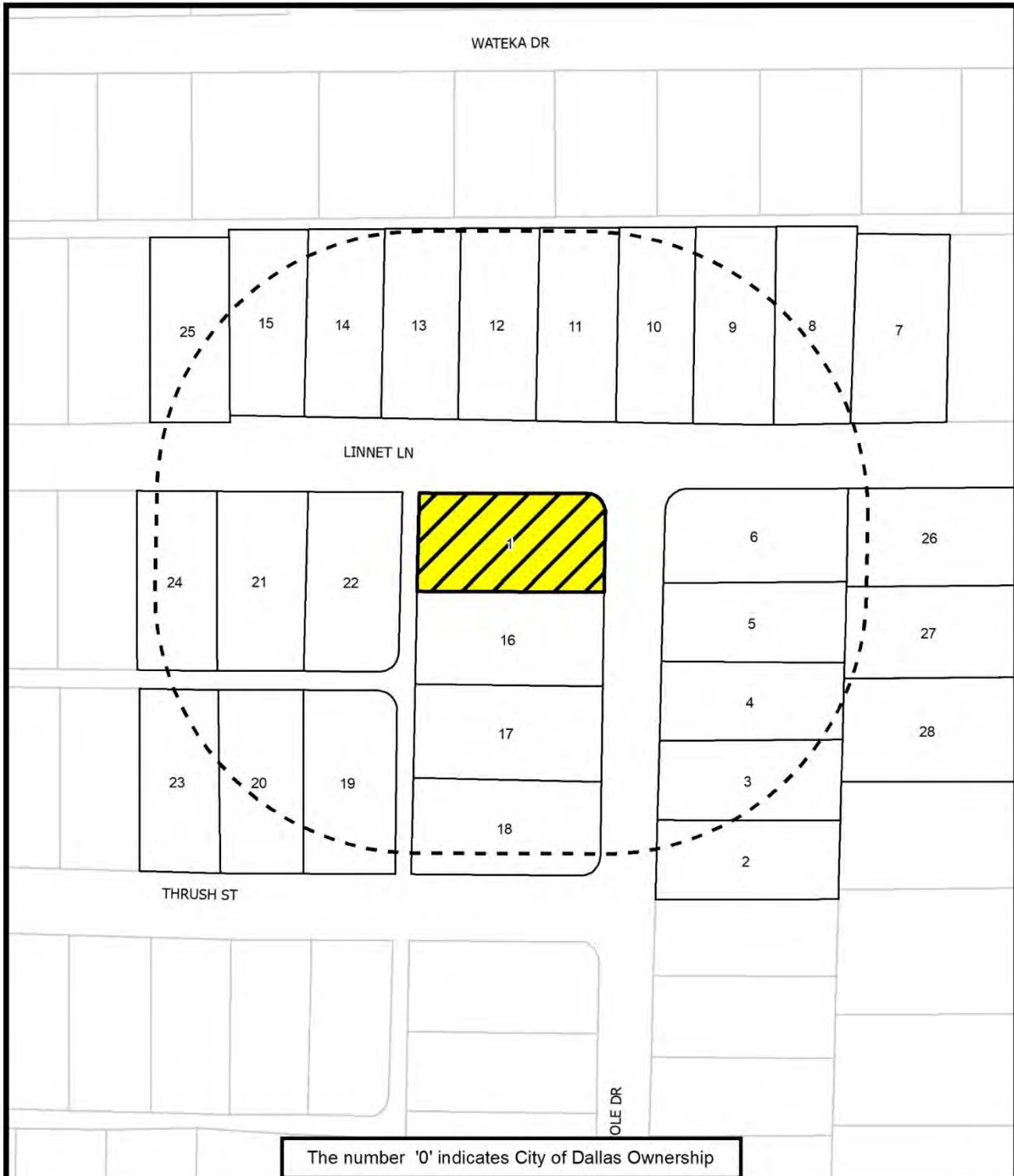



1:1,200

ZONING MAP

Case no: BDA234-067

Date: 4/25/2024

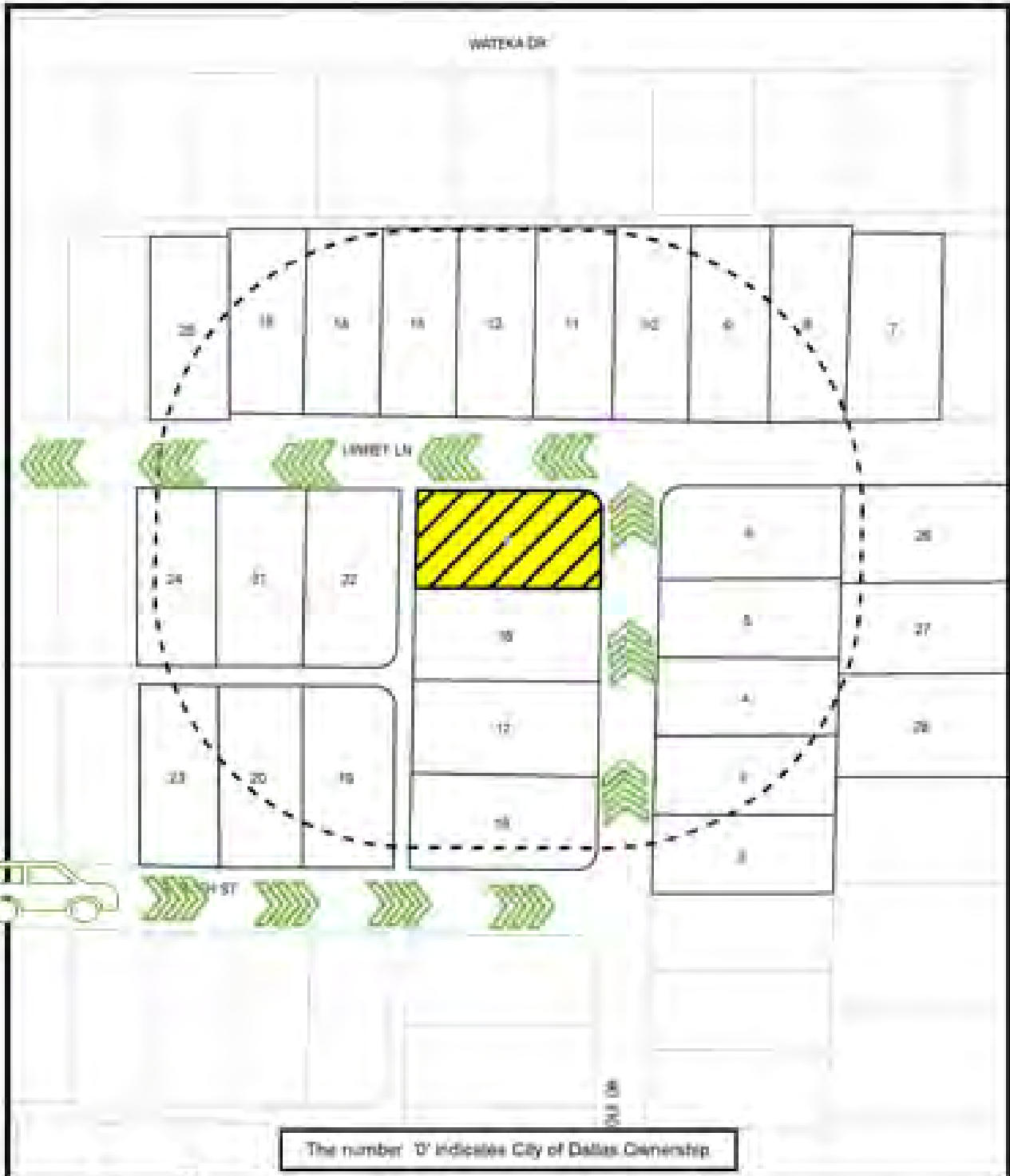



 1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
28 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA234-067
 Date: 4/25/2024




 1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
28 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA234-067
 Date: 4/25/2024

Notification List of Property Owners

BDA234-067

28 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7023 ORIOLE DR	CL CAPITAL LLC
2	7000 ORIOLE DR	KING DUSTIN & KAITLYN
3	7004 ORIOLE DR	ROLLA CHARMAYNE ANITA
4	7010 ORIOLE DR	MALDONADO RAMON
5	7014 ORIOLE DR	OLERIO HOMES LLC
6	7020 ORIOLE DR	ELEY SCOTT E
7	5115 LINNET LN	WECHSLER MATTHEW
8	5111 LINNET LN	Taxpayer at
9	5105 LINNET LN	EASTER AVAN JR
10	5101 LINNET LN	STONE WILLIAM E III &
11	5043 LINNET LN	WEST OLIN
12	5041 LINNET LN	SCHWARTZ ELIZABETH
13	5037 LINNET LN	BENSON ROSIE MAE EST OF
14	5031 LINNET LN	SILMON ANTHREE
15	5027 LINNET LN	DIESTE ANTHONY ALEXANDER
16	7015 ORIOLE DR	HEFNER JAMES CURTIS &
17	7011 ORIOLE DR	LEEPER KATHRYN
18	7005 ORIOLE DR	GILBERT DEBORAH K
19	5033 THRUSH ST	EDWARDS JERI
20	5027 THRUSH ST	OLERIO HOMES LLC
21	5026 LINNET LN	Taxpayer at
22	5032 LINNET LN	PATTON ODIES
23	5023 THRUSH ST	BROWN KAY FRANCES
24	5022 LINNET LN	CLEMMENSEN RYAN FAMILY TRUST &
25	5023 LINNET LN	EASTER AVAN SR & MELBA
26	7015 ROBIN RD	WISENBAKER SUSANNAH & MICHAEL

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	7011 ROBIN RD	BAXTER JENNIFER
28	7007 ROBIN RD	SHUMWAYJONES ALEXANDER R &

 1:1,200	NOTIFICATION	Case # <u>BDA234-067</u>
	<div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">200'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">28</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	Date <u>4/25/2024</u>

PUBLIC HEARING

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

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

- DATE:** TUESDAY, MAY 21ST, 2024
- BRIEFING:** 10:00 a.m. via **Videoconference** and in **Council Chambers, 6EN**, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0521>
- HEARING:** 1:00 p.m. via **Videoconference** and in **Council Chambers**, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0521>

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

BDA234-067(CJ) Application of Shelby Longoria for (1) a variance to the front-yard setback regulations; for (2) a special exception to the fence opacity standards regulations, and for (3) a special exception to the fence height regulations at **7023 ORIOLE DR.** This property is more fully described as Block 9/4921, Lot 1, and is zoned PD-67 (tract 4), which requires a front-yard setback of 25-feet; requires a fence panel with a surface area that is less than 50 percent open not be located less than 5-feet from the front lot line; and limits the height of a fence in the front yard to 4-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 6-foot 7-inch front-yard setback, which will require (1) a 18-foot 5-inch variance to the front-yard setback regulations; to construct and/or maintain a fence in a required front-yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line, which will require (2) a special exception to the fence regulations; and to construct and/or maintain a 6-foot-high fence in a required front-yard, which will require (3) a 2-foot special exception to the fence regulations.

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

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

The Board of Adjustment hearing will be held by videoconference and at Council Chambers at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure **by joining the meeting virtually**, must register online at <https://bit.ly/BDA-A-Register> **by the close of business Monday, May 20th, 2024. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing.** Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall

Speakers at the meeting are allowed a maximum of three minutes to address the Board.

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

Board of Adjustment, Development Services
320 E. Jefferson Blvd. Rm 210, Dallas, TX 75201

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

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



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

23 RECEIVED
APR 02 2024
BY: [Signature]

Data Relative to Subject Property: _____ Date: _____
 Location address: 7023 Oriole Drive Zoning District: PD 67 (Tract IV)
 Lot No.: 1 Block No.: 9/4921 Acreage: +/-0.241 ac. Census Tract: 71.02
 Street Frontage (In Feet): 1) +/-140 ft. 2) +/-75 ft. 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): CL Capital, LLC (authorized agent: Joy McElroy)
 Applicant: Shelby Longoria Telephone: 214-940-0138
 Mailing Address: 7023 Oriole Drive, Dallas, Texas Zip Code: 75209
 E-mail Address: cash@oleriohomes.com
 Represented by: Tommy Mann and Daniel Box (Winstead PC) Telephone: 214-745-5724; 214-745-5247
 Mailing Address: 500 Winstead Bldg., 2728 N. Harwood St., Dallas, TX Zip Code: 75201
 E-mail Address: tmann@winstead.com, dbox@winstead.com

Affirm that an appeal has been made for a Variance or Special Exception of (1) a 13.55-ft. side setback Variance on the Property's north side from the approximated 20-ft. minimum setback requirement, as set forth in Sec. 51P-67.108(a); Sec. 51A-4.401(b)(1), which requires continuity with an established setback, in order to allow a pool within the required yard; and (2) a 5-ft. setback Variance also for the Property's north side from the 5-ft.-from-lot-line minimum requirement for opaque fences in single-family districts, as set forth in Sec. 51A-4-602(a)(3); and (3) a 2-ft. front yard maximum fence height Special Exception from the 4-ft. maximum standard, as set forth in Sec. 51A-4-602(a)(2), in order to allow a 6-ft.-tall fence. Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to

Grant the described appeal for the following reason:

The Property has two front yards--one along Olerio Street and one along Levitt Street. Although the Development Code allows the longer side of the Property to be treated as a side yard, it also requires that, if there is an established setback, it must nevertheless be maintained. This triggers a 20-ft. required side yard for a corner lot. The proposed fence height that is typical for a side yard in the City of Dallas.

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

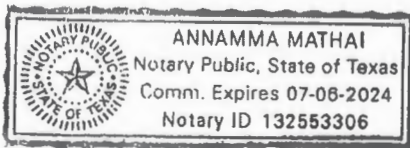
Before me the undersigned on this day personally appeared Shelby K. Longoria
 (Affiant/Applicant's name printed)

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 13th day of March, 2024

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



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

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Shelby Longoria

did submit a request for (1) a variance to the front yard setback regulations, and for (2) a special exception to the fence standards regulations, and for (3) a special exception to the fence height regulations

at 7023 Oriole Dr

BDA234-067(CJ) Application of Shelby Longoria for (1) a variance to the front-yard setback regulations; for (2) a special exception to the fence opacity standards regulations, and for (3) a special exception to the fence height regulations at 7023 ORIOLE DR. This property is more fully described as Block 9/4921, Lot 1, and is zoned PD-67 (tract 4), which requires a front-yard setback of 25-feet; requires a fence panel with a surface area that is less than 50 percent open not be located less than 5-feet from the front lot line; and limits the height of a fence in the front yard to 4-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 6-foot 7-inch front-yard setback, which will require (1) a 18-foot 5-inch variance to the front-yard setback regulations; to construct and/or maintain a fence in a required front-yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line, which will require (2) a special exception to the fence regulations; and to construct and/or maintain a 6-foot-high fence in a required front-yard, which will require (3) a 2-foot special exception to the fence regulations.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



CITY OF DALLAS
AFFIDAVIT

Appeal number: BDA 234-067

I, Joy McElroy (on behalf of CL Capital, LLC), Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 7023 Oriole Drive
(Address of property as stated on application)

Authorize: Shelby Longoria
(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)

(1) an 8-ft. side setback Variance on the Property's north side from the approximated 20-ft. minimum Specify: setback requirement, as set forth in Sec. 51P-67.108(a); Sec. 51A-4.401(b)(1), which requires continuity with an established setback, in order to allow a pool within the required yard; and (2) a 5-ft. setback Variance also for the Property's north side from the 5-ft.-from-lot-line minimum requirement for opaque fences in single-family districts, as set forth in Sec. 51A.4-602(a)(3); and (3) a 2-ft. front yard maximum fence height Special Exception from the 4-ft. maximum standard, as set forth in Sec. 51A.4-602(a)(2), in order to allow a 6-ft. tall fence.

Joy McElroy
Print name of property owner or registered agent
Date March 27, 2024

[Signature]
Signature of property owner or registered agent

Before me, the undersigned, on this day personally appeared
Joy McElroy

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 27th day of March, 2024



Jennifer Catherine-Anne Robbins
Notary Public for Dallas County,
Texas

Commission expires on 8/12/2025



LOT COVERAGE	
LOT SIZE	10,500 SQ/FT
FOUNDATION AREA	4,226 SQ/FT
PERCENTAGE	40%

AREA TABULATION:	
FIRST FLOOR A/C:	3333 sq.ft.
SECOND FLOOR A/C:	1847 sq.ft.
TOTAL A/C:	5180 sq.ft.
GARAGE:	556 sq.ft.
FRONT PORCH:	55 sq.ft.
COVERED PATIO:	282 sq.ft.
2ND FLOOR MECH ROOM:	68 sq.ft.
TOTAL SLAB:	4226 sq.ft.
TOTAL AREA UNDER ROOF:	6141 sq.ft.

CITY OF DALLAS GREEN ORDINANCE

*LAVATORY FACETS TO COMPLY WITH CITY OF DALLAS GREEN ORDINANCE, AVERAGE FLOW RATE 1.6 GPM OR LESS.

*SHOWERHEADS TO COMPLY WITH CITY OF DALLAS GREEN ORDINANCE, AVERAGE FLOW RATE 7.8 GPM OR LESS.

*RADIANT BARRIER HEAT ISLAND MITIGATION PENETRATIONS AND CRACKS MUST BE SEALED

*DRAINAGE ENERGY STAR DISMISSED USING 4.0 GALLONS OR LESS PER CYCLE.

*DOORS - WEATHER STRIPPING TO BE INSTALLED.

*WATER LAMP BATTAGE FOR INCANDESCENT BULBS IS 100 WATTS COMPACT FLUORESCENT IS 33 WATTS

*LANDSCAPE - DRIP IRRIGATION SYSTEMS MUST BE USED FOR ALL BIDDING AREA OF AN APPROVED LANDSCAPE PLAN.

*ROOF - ANY ROOF WITH A PITCH GREATER THAN 2:12 MUST HAVE AN ENERGY STAR QUALIFIED ROOF UNLESS IT IS A VEGETATIVE ROOF WHICH HAS BEEN APPROVED BY THE BUILDING OFFICIAL.

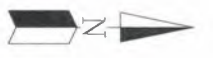
*HVAC ROOMS AIR QUALITY - ALL AIR-HANDLING EQUIPMENT + DUCTWORK MUST BE OUTSIDE THE FIRE-RATED ENVELOPE OF THE GARAGE. SURFACES BETWEEN CONDITION SPACE + AN ATTACHED GARAGE MUST BE TIGHTLY SEALED. AIR FILTER MUST BE INSTALLED THAT HAVE A MINIMUM REPORTING VALUE (MERV) EQUAL TO OR GREATER THAN 8

*50% OF THE NON-ROOF AREA MUST HAVE (GULL, HAVE) VEGETATIVE LANDSCAPE. PERMEABLE PAVING OR SLOPED FOR WATER RUNOFF TO A PERMANENT FILTRATION FEATURE.

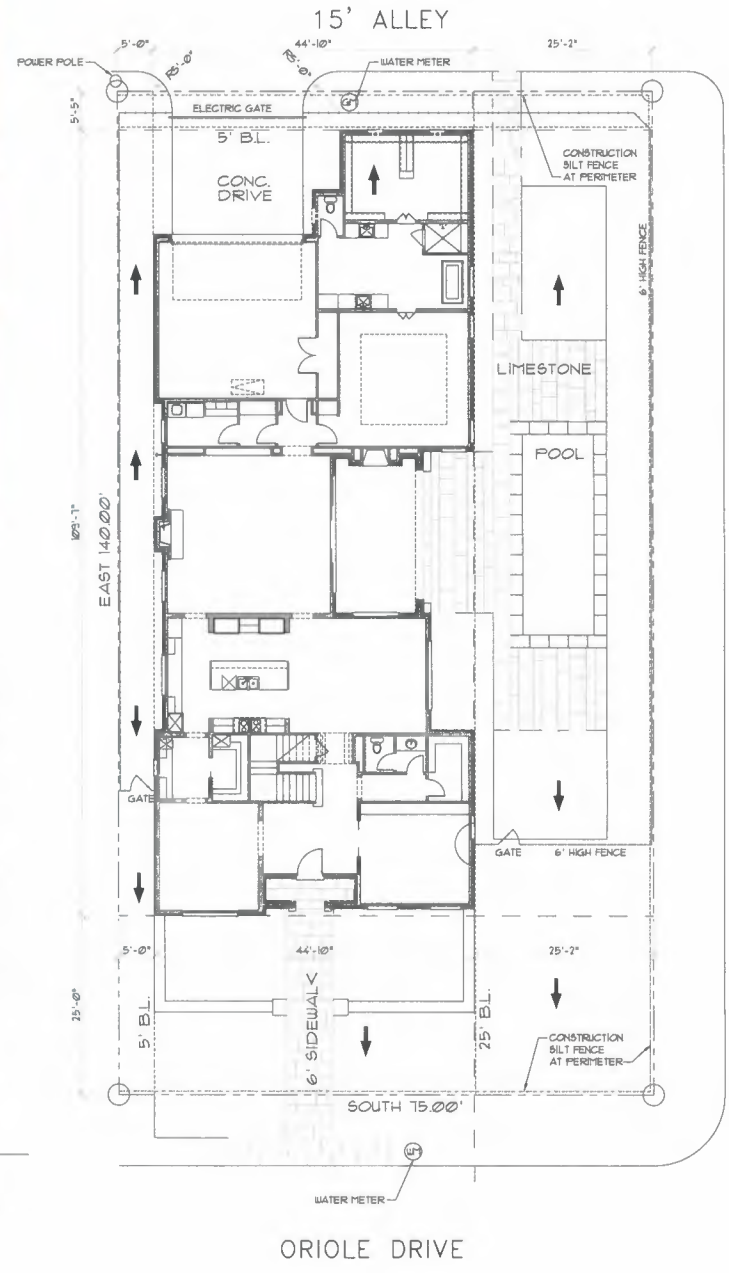
NOTE:
 1. VERIFY WITH WINDOW MANUFACTURER FOR TRUE ROUGH OPENING SIZES.
 2. DOORS AND WINDOWS BY BUILDING CODE.
 3. REFERRED GLASS, RE: FLOOR PLANS.

WINDOW SCHEDULE				
MARK	QTY	WIDTH	HEIGHT	TYPE WALL DESCRIPTION
1	1	7'-6"	1'-0"	FIXED 2X6 CHINA, DL
2	2	4'-0"	1'-0"	FIXED 2X6 8 STUDY/QUIET, BDRM 13, BDRM 14, ENTRY - DL
3	1	3'-0"	6'-0"	CEMT 2X6 8 STUDY/QUIET - DL
4	1	7'-6"	6'-0"	FIXED 2X6 NOOK, PULLED UNIT, DL
5	1	7'-6"	6'-0"	FIXED 2X6 NOOK, PULLED UNIT, DL
6	3	3'-0"	6'-0"	CEMT 2X6 PFR BRIDGEOOT - DL
7	1	4'-0"	4'-4"	FIXED 2X4 PFR BAT - PULLED UNIT, DL
8	3	3'-0"	3'-0"	FIXED 2X4 PFR CLOSET, MASTER TOILET - DL
9	1	3'-0"	6'-0"	FIXED 2X4 UTILITY - DL
10	2	4'-0"	3'-0"	FIXED 2X4 FAMILY ROOM, L
11	1	3'-0"	4'-0"	FIXED 2X4 KITCHEN - PULLED UNIT, DL
12	1	2'-0"	4'-0"	FIXED 2X4 BUTLER - DL
13	2	2'-0"	1'-0"	FIXED 2X4 CHINA, DL
14	2	3'-0"	6'-0"	GAMBRT 2X6 BDRM 13, N - DL
15	2	3'-0"	6'-0"	FIXED 2X6 BDRM 13 - PULLED UNIT, DL
16	2	3'-0"	6'-0"	GAMBRT 2X6 BDRM 14 - PULLED UNIT, DL
17	3	2'-0"	3'-0"	FIXED 2X4 CLOSET, BATH 9, BATH 10, DL

DOOR SCHEDULE				
MARK	QTY	WIDTH	HEIGHT	TYPE WALL DESCRIPTION
1	1	3'-0"	8'-0"	EXTERIOR 2X6 ENTRY DOOR - PFR SELECTION
2	1	3'-0"	8'-0"	EXTERIOR 2X6 TO GARAGE - SC
3	1	6'-0"	8'-0"	EXTERIOR 2X6 FAMILY ROOM - SLIDING DOOR UNIT, DL



SITE PLAN
 SCALE: 1/8" = 1'
 7023 ORIOLE
 LOT 1, BLOCK 9/4921
 SHANNON ESTATES
 DALLAS, TEXAS
 DALLAS COUNTY



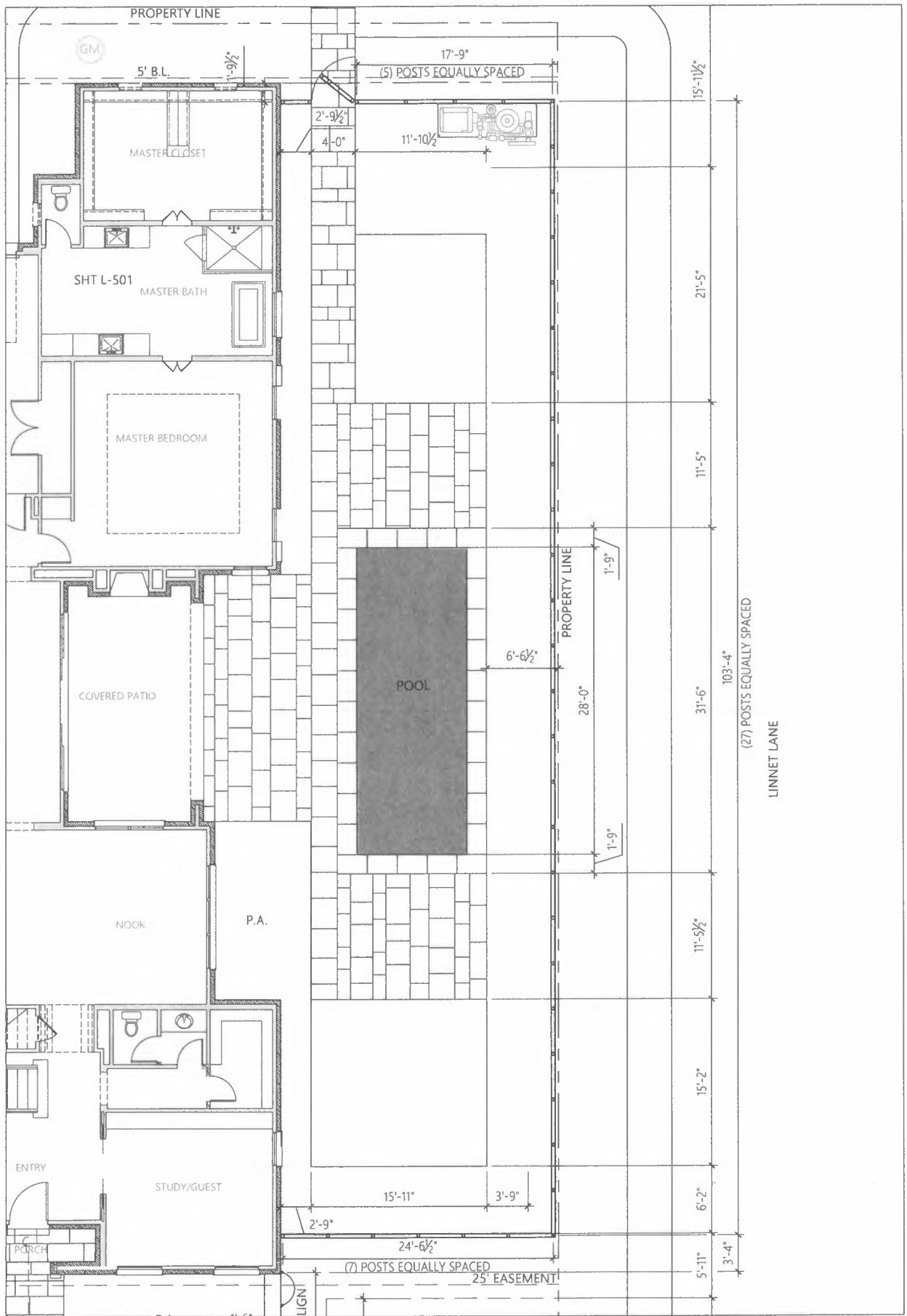
LINNET LANE

WDG
 WATSON DESIGN GROUP
 2920 ALTA WERE DRIVE
 FORT WORTH, TEXAS
 0 817.862.8882
 WATSONDESIGNGROUP.COM

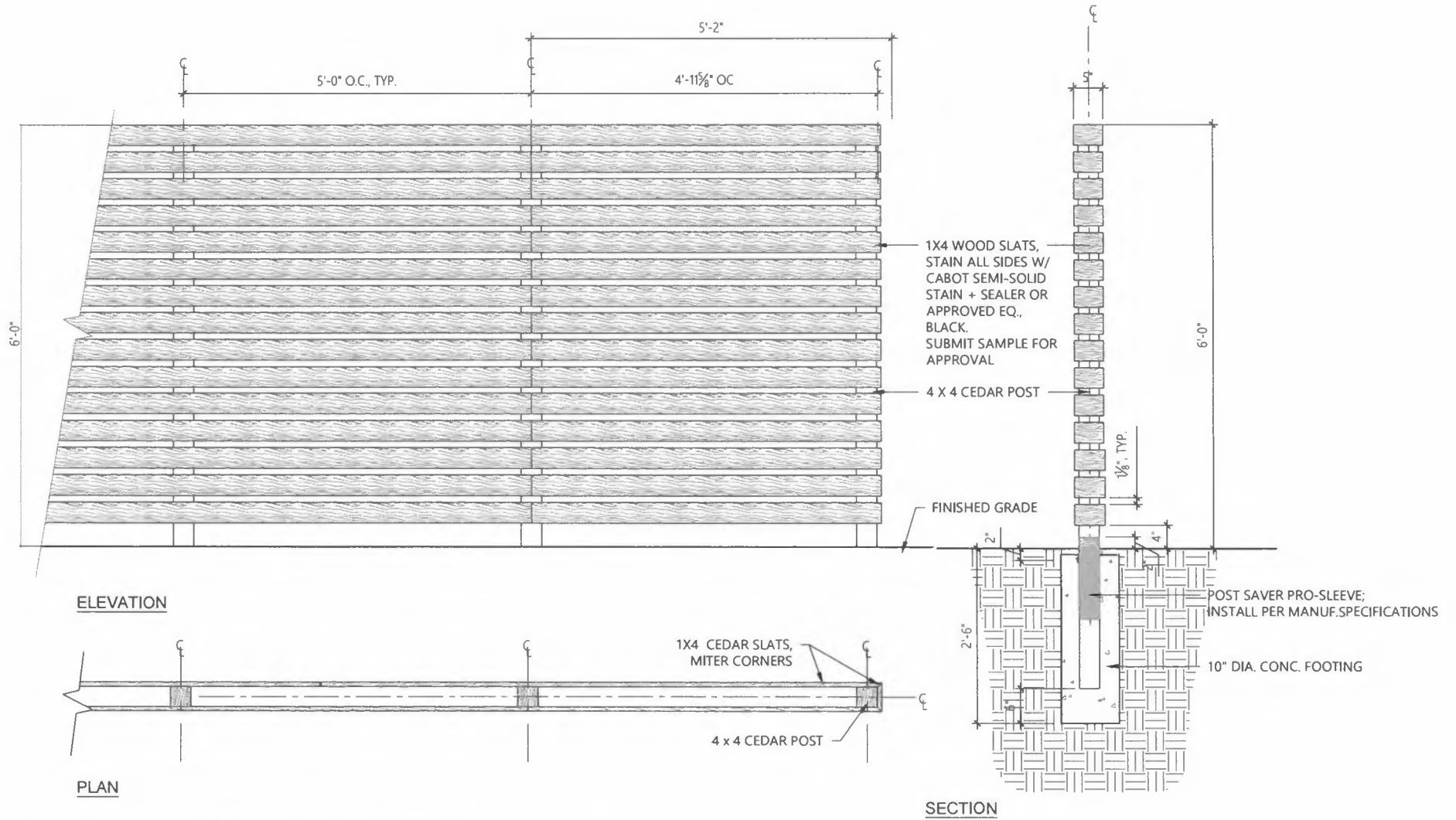
Copyright, S. Watson Design, Inc. - 2022
 This drawing is intended for the specific project and site conditions shown. It is not to be used for any other project or site conditions without the written consent of the author. The author assumes no responsibility for any errors or omissions in this drawing. The user of this drawing is advised to verify all dimensions and conditions before construction. The user of this drawing is advised to verify all dimensions and conditions before construction. The user of this drawing is advised to verify all dimensions and conditions before construction.

OLERIO HOMES
 7023 ORIOLE
 LOT 1, BLOCK 9/4921
 SHANNON ESTATES
 DALLAS, TEXAS
 DALLAS COUNTY

PLAN NUMBER
 10420322
 DATE
 11/07/2022
 SHEET NUMBER
 A1
 SCALE 24X36 1/4" = 1'



JAMES HYATT STUDIO 600 12th Street, Suite 100 Golden, Colorado 80401 T/ 303.810.6114	Drawing Title: BACK TERRACE LAYOUT PLAN	Sketch Number: SK-L01
	Project Name: 7023 ORIOLE DALLAS, TEXAS	
	Job Number: 165	Drawing Scale: 1/8"=1'-0" Date: March 28, 2024



WOOD PERIMETER FENCE

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

Applicant's Documentary Evidence

REQUESTED VARIANCE AND SPECIAL EXCEPTION

Subject Property: 7023 Oriole Drive, Dallas, Texas 75209

Applicant: Shelby Longoria

The Applicant is seeking the following Special Exception and Variance to permit a fence within the subject property's side yard along Linnet Lane (n.b., because the property is corner lot, the Linnet Lane side yard must comply with the applicable front yard setback requirements):

1. A 18.55-ft. side setback Variance on the Property's north side from the 25-ft. minimum setback requirement for the R-7.5(A) zoning district, as set forth in Sec. 51P-67.108(a); Sec's 51A-4.401(b)(1), 4.112(f)(4)(A), which require continuity with an established setback, in order to allow a pool within the required yard.
2. A 5-ft. setback Variance also for the Property's north side from the 5-ft.-from-the-lot-line minimum requirement for opaque fences in single-family districts, as set forth in Sec. 51P-67.108(a); Sec. 51A-4.602(a)(3), in order to allow an opaque fence to sit along the lot line.
3. A 2-ft. front yard maximum fence height Special Exception from the 4-ft. maximum standard, as set forth in Sec. 51P-67.108(a); Sec. 51A-4.602(a)(2), in order to allow a 6-ft. tall fence.

REQUESTED VARIANCE AND SPECIAL EXCEPTION

Subject Property: 7023 Oriole Drive, Dallas, Texas 75209

Applicant: Shelby Longoria

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UPDATED SITE PLAN

