



City of Dallas

BOARD OF ADJUSTMENT (PANEL B)

**October 19, 2022, Briefing at 11:00 A.M. and the Public Hearing at 1:00 P.M.
Dallas City Hall, 6ES Council Briefing Room and Videoconference**

* The Board of Adjustment hearing will be held by videoconference and in 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://form.jotform.com/210536758715158> or contact the Development Services Department at 214-670-4545 **by the close of business Tuesday, October 18, 2022. All virtual speakers will be required to show their video in order to address the board.** Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or [YouTube.com/CityofDallasCityHall](https://www.youtube.com/CityofDallasCityHall), and the WebEx link: <https://bit.ly/10192022B>

AGENDA

- | | | |
|------|------------------------------------|--|
| I. | Call to Order | Cheri Gambow, Vice-Chair |
| II. | Staff Presentation/Briefing | |
| III. | Public Hearing | Board of Adjustment |
| IV. | Public Testimony | |
| V. | Miscellaneous Items - | Approval of Panel B Minutes – September 21, 2022 |
| VI. | Case Docket | Board of Adjustment |
| | - Uncontested Items | |
| | - Holdover Items | |
| | - Individual Items | |
| VII. | Adjournment | |

Handgun Prohibition Notice for Meetings of Governmental Entities

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

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

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

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

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

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

EXECUTIVE SESSION NOTICE

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

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

UNCONTESTED CASE(S)

BDA212-092(OA)	10203 Cayuga Dr REQUEST: Application of John Lawton Barnes represented by Robert Reeves And Associates for a variance to the parking regulations	1
BDA212-099(OA)	2303 N Carroll Avenue REQUEST: Application of Celica Omega for a variance to the parking regulations	2
BDA212-102(OA)	247 W Davis St REQUEST: Application of William E. Lowe represented by Kayla Sanchez-Nelinger for a special exception to the landscaping regulations	3

HOLDOVERS

BDA212-084(JM)	4706 Memphis Street REQUEST: Application of Jarrett Ouellette represented by Anaya Jokabet for special exceptions to the visibility obstruction regulations	4
-----------------------	---	---

REGULAR CASES

BDA212-095(OA)	7770 Forest Ln REQUEST: Application of John Brodersen represented by Matt Wilson for a special exception to the sign regulations	5
BDA212-101(OA)	11350 LBJ Fwy REQUEST: Application of Ezzi Signs for a special exception to the sign regulations	6

FILE NUMBER: BDA212-092(OA)

BUILDING OFFICIAL'S REPORT: Application of John Lawton Barnes represented by Robert Reeves and Associates for a variance to the parking regulations at 10203 Cayuga Drive. This property is more fully described as Lots 18, Block 10/5354, and is zoned CS Commercial Service District, which requires parking to be provided. The applicant proposes to maintain a nonresidential structure for a commercial and business service use (video production facility) and provide 7 of the required 12-parking spaces, which will require a five-space variance (42% reduction) to the parking regulation.

LOCATION: 10203 Cayuga Drive

APPLICANT: John Lawton Barnes

represented by Robert Reeves and Associates

REQUESTS:

A request for a variance to the off-street parking regulations of 5-spaces is made to remodel and maintain an existing 3,490 video production structure development and provide 7 of the required 12 parking spaces, which will require a five-space variance (42% reduction) to the parking regulation.

STANDARD FOR A VARIANCE:

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

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

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

State Law/HB 1475 effective 9-1-21

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

STAFF RECOMMENDATION: ENGINEER OPINION

Approval

Rationale:

- The Transportation Development Services Senior Engineer reviewed the request and found no objection to the variance request (**Attachment B**).

BACKGROUND INFORMATION:

Zoning:

Site: CS Commercial Service District
North: CS Commercial Service District
East: R7.5(A) Single Family District/ CS Commercial Service with Deed
Separately filed Deed Restriction
South: CS Commercial Service District
West: CS Commercial Service District

Land Use:

The applicant is proposing to develop the subject site as a video production facility. The areas to the north, south, and west are developed with nonresidential uses. The area to the east is developed with single family residential uses and nonresidential uses.

Zoning/BDA History:

There have not been any related board or zoning cases in the immediate vicinity within the last five years.

GENERAL FACTS/STAFF ANALYSIS

The subject site is zoned CS Commercial Service District where the typical lot size varies significantly. Per DCAD records, the property is a 6,000 square feet-in-size with an existing 3,490 Masonry block structure located at the northwest corner of Cayuga Drive and Stevens Street. The applicant is proposing to remodel the building as a video production facility and provide 7 of the required 12 parking spaces, which will require a five-space variance (42% reduction) to the parking regulation.

The required off-street parking for business service use (video production facility) uses per Sec 51A-4.202. (5)(C) is one space 300 square feet of floor area; a minimum of five spaces is required. The applicant is proposing to remodel the building as a video production facility and provide 7 of the required 12 parking spaces. Note that there are 7 existing parking spaces for this site.

The applicant states that due to the existing structure (built in 1959), and the lot being 50 feet by 120 feet, the property cannot be used in a manner commensurate to other properties with the same CS Commercial Service District zoning (**Attachment A**).

According to the submitted site plan, the existing structure contains 3,490 square feet or occupies 58 percent of the lot and shows two off-street parking spaces. However, the proposed use requires a minimum of 12 parking spaces and there is a required aisle width of 34 feet. Therefore leaving 16 feet for the building width and only space to provide a one car garage. Ultimately, the Transportation Development Services Senior Engineer reviewed the submitted evidence and found no objection to the variance request (**Attachment B**).

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

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

- The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same CS Commercial Service District zoning classification.
- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same CS Commercial Service District zoning classification.

The board may also consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

- (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 consider the structure to be a nonconforming structure.

If the board were to grant this request a condition may be imposed that the variance of the 5 spaces shall automatically and immediately terminate if the use is changed or discontinued.

TIMELINE:

- July 14, 2022: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- September 1, 2022: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- September 9, 2022: The Board Administrator emailed the applicant the following information:

- a copy of the application materials including the Building Official's report on the application.
- an attachment that provided the public hearing date and panel that will consider the application; the September 28th deadline to submit additional evidence for staff to factor into their analysis; and the October 7th deadline to submit additional evidence to be incorporated into the Board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

September 8, 2022: The applicant submitted additional information to staff beyond what was submitted with the original application (Attachment A)

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

October 3, 2022: The Transportation Development Services Senior Engineer submitted a comment sheet (**Attachment B**). *The Transportation Development Services Senior Engineer reviewed the request and found no objection to the variance request.*





1:1,200

AERIAL MAP

Case no: BDA212-092

Date: 9/8/2022



1:1,200

NOTIFICATION

200'
18

AREA OF NOTIFICATION
NUMBER OF PROPERTY
OWNERS NOTIFIED

Case no: **BDA212-092**
Date: **9/8/2022**

09/06/2022

Notification List of Property Owners

BDA212-092

18 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	10203 CAYUGA DR	BARNES LAWTON
2	10201 E ZACHA DR	KANSAS CITY SOUTHERN
3	1602 STEVENS ST	MOAH ELECTRIC INC
4	10206 ZACHA DR	TIEMANN RONALD W
5	10208 ZACHA DR	ONCOR ELECIC DELIVERY COMPANY
6	10210 ZACHA DR	ONCOR ELECIC DELIVERY COMPANY
7	10210 ZACHA DR	ONCOR ELECIC DELIVERY COMPANY
8	10229 CAYUGA DR	SPOTLIGHT PROPERTIES CORP
9	10207 CAYUGA DR	CAYUGA PROPERTIES LLC
10	10112 ZACHA DR	IVEY BUILDING MATERIALS
11	1605 STEVENS ST	ROGERS BRAD G &
12	10119 CAYUGA DR	E V J COMPANY LTD
13	10202 CAYUGA DR	DOMINUS PROPERTIES INC
14	10206 CAYUGA DR	Taxpayer at
15	1638 STEVENS ST	OCHS KENNETH W
16	10118 CAYUGA DR	WINCORN RICHARD
17	10214 CAYUGA DR	LEON VICTOR & LUCILA
18	10216 CAYUGA DR	ROJAS JUAN & MARIA



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212-092

Data Relative to Subject Property:

Date: 7/12/22

Location address: 10203 Cayuga, Dallas, Texas 75228 Zoning District: CS

Lot No.: 18 Block No.: 10/5354 Acreage: 0.13 Census Tract: 38-K

Street Frontage (in Feet) 1) 49.33 2) 118.87 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Metal Shop, LLC

Applicant: John Lawton Barnes Telephone: 310-270-6499

Mailing Address: 10203 Cayuga, Dallas, Texas Zip Code: 75228

E-mail Address: lawton@lawtonbarnes.com

Represented by: Robert Reeves & Associates Telephone: 214-749-0530

Mailing Address: 3807 Vinecrest Drive Zip Code: 75229

E-mail Address: rob.reeves@sbcglocal.net

Affirm that an appeal has been made for a Variance X, or Special Exception , of 10 parking spaces, SRP
Subject to the attached site plan, which shows 6 on-site parking spaces plus 5 spaces in the Stevens St.
ROW. 7 DELTA SRP SRP

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 previous use was a machine shop, which required 7 spaces. There were no legal spaces provided; although 8 spaces were available in Stevens St. ROW. The new use is a small production stuio, which makes YouTube videos requiring 17 spaces. There are 7 delta credits available and 6 spaces can be provided on the site and 5 spaces provided in Stevens St. ROW. SRP SRP

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

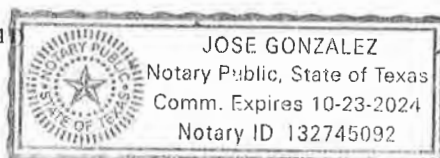
Before me the undersigned on this day personally appeared JOHN LAWTON BARNES
(Affiant/Applicant's name printed)

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 14 day of July, 2022

(Rev. 08-01-11)



Notary Public in and for Dallas County, Texas



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 212-092

I, John Lawton Barnes, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 10203 Cayuga, Dallas, Texas 75228
(Address of property as stated on application)

Authorize: John Lawton Barnes
(Applicant's name as stated on application)

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

X Variance (specify below)

 Special Exception (specify below)

 Other Appeal (specify below)

Specify: 10 parking space variance subject to attached site plan showing 6 on-site spaces

and 5 spaces located within Stevens St. ROW 7 DELTAS TP

John Lawton Barnes
Print name of property owner or registered agent

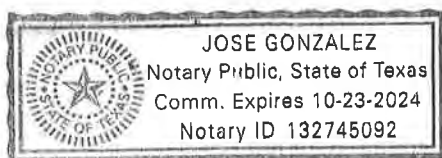
John Lawton Barnes
Signature of property owner or registered agent

Date 7/14/22

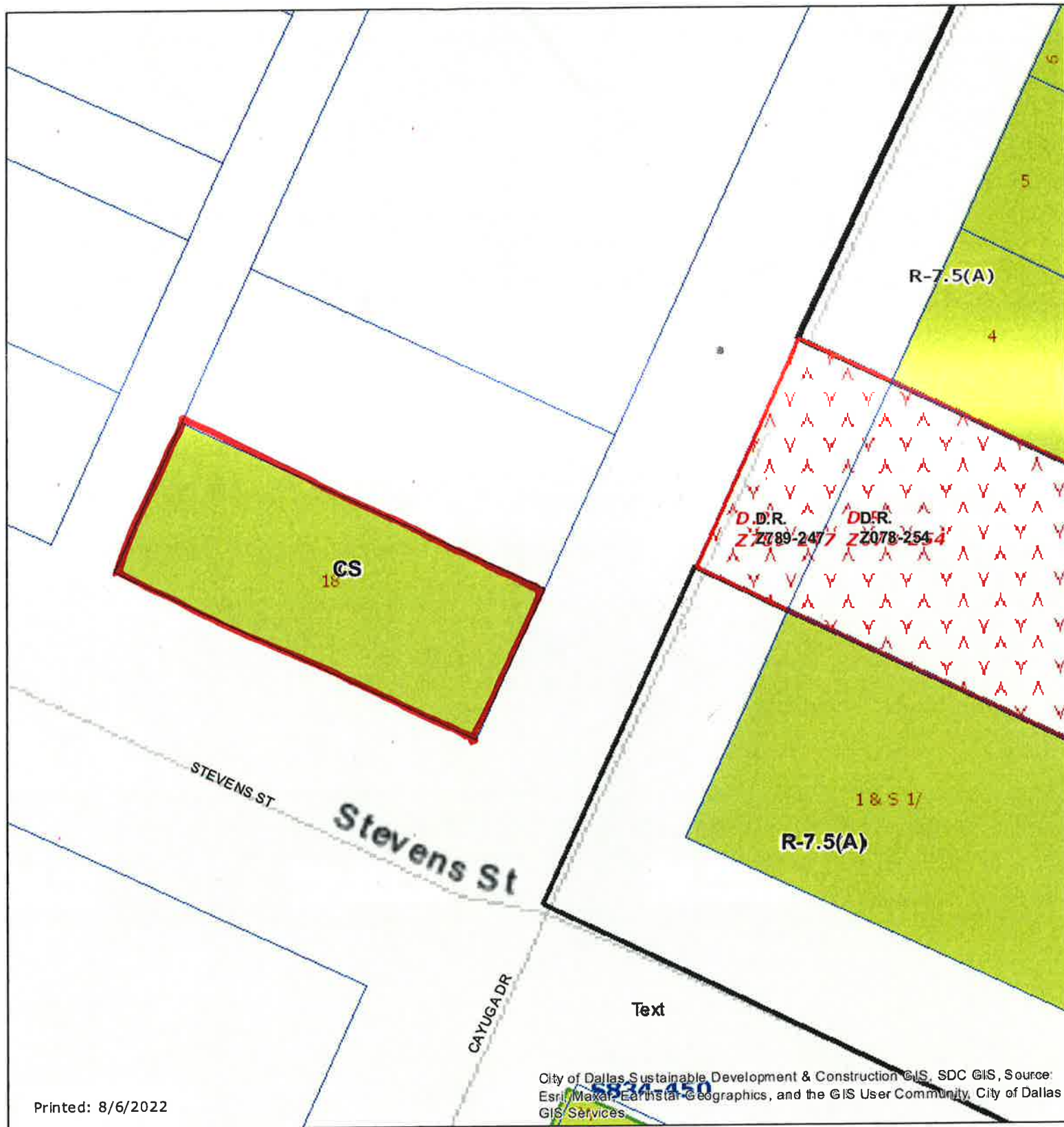
Before me, the undersigned, on this day personally appeared John Lawton Barnes

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 14 day of July, 2022



[Signature]
Notary Public for Dallas County, Texas
Commission expires on 10/23/2024



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

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



1:564



Traffic. Transportation Planning. Parking. Design.

Texas Registered Engineering Firm F-3199

TECHNICAL MEMORANDUM



To: Mr. Robert Reeves – Robert Reeves & Associates

From: DeShazo Group, Inc.

Date: May 17, 2022

5/17/2022

Re: Parking Study for 10203 Cayuga Drive in Dallas, TX
(DeShazo Project No. 22074)

INTRODUCTION

DeShazo Group, Inc. (DeShazo) is a consulting firm providing licensed professional engineers, planners, and analysts skilled in traffic operations, transportation planning, and parking-related studies. The services of DeShazo were retained by Robert Reeves & Associates (Client) to conduct a parking analysis for a production studio in Dallas, Texas.

SITE DESCRIPTION AND PROJECT UNDERSTANDING

The subject site is located at 10203 Cayuga Drive in Dallas, Texas (Zoned CS). The building on-site currently contains a 3,490 SF production studio used primarily for the production of YouTube videos. According to its Certificate of Occupancy (CO) application, the use, as defined under Chapter 51A of the Dallas Development Code, is a video production studio (a personal service use). While the base parking requirement for such a use given the square-feet of gross floor area is 17 parking spaces, the client can only provide 6. Thus, in order to justify a reduction to parking requirements via the Board of Adjustment (BDA), a parking study was recommended.

The current site plan is provided as attached.

CODE PARKING ANALYSIS

Shown below in **Table 1** is a code parking analysis for the proposed site use. A review of the on-site parking supply revealed that the proposed use will have a supply of 6 spaces. In addition, the City of Dallas has confirmed that the site has 7 delta credits.

TABLE 1. Code Parking Requirement (Upon Full-Site Occupancy)

Business/Tenant	Land Use	Area (SF)	Code Parking Ratio (1 space / X SF)	Code Reference	Required Parking Spaces
Planned Uses					
Production Studio	Personal Service Use	3,490	200	51A-4.210(b)(23)	17.45
					17 spaces
Land Use Summary					
Personal Service Use		3,490	200		17.45
Total Off-Street Parking Requirement:					17 spaces
Total Off-Street Parking Proposed:					6 spaces
Site Delta Credits:					7 spaces
Special Parking Exception:					4 spaces
Identified Parking Deficit:					0 spaces

PARKING ANALYSIS

The client is pursuing a 25% special parking exception (4 parking spaces) via the Dallas Board of Adjustment. A 4-space reduction would bring the total parking requirement of the site down to 13 spaces. When considering the 7 delta credits, the site would have an adjusted parking requirement of 6 spaces. In order to justify the 4-space reduction via the Board of Adjustment, a parking analysis was performed.

In order to determine actual parking demand for the site, parking observations were performed from 9:00 AM to 5:00 PM on Wednesday, May 4, 2022, during a video shoot. Only one vehicle was observed parking in the owner's parking space (as depicted on the site plan) until 12:30 PM at which time the site experienced its peak demand of 3 vehicles which lasted through 5:00 PM.

The peak demand of 3 vehicles indicates a parking surplus of 3 spaces during peak demand times when compared to the requested parking supply of 6 spaces. Under normal circumstances, the studio owner expects no more than 5 individuals to present at once (a single employee and a maximum of 4 visitors). While not observed, in such a scenario, the maximum parking demand would be 5 vehicles. For these reasons, **DeShazo** finds the proposed supply of 6 parking spaces sufficient to satisfy the studio's parking demand.

End of Memo.

Texas State Historical Association (TSHA) <https://www.tshaonline.org>

<https://www.tshaonline.org/handbook/entries/reinhardt-tx>

Reinhardt, TX

By: **Matthew Hayes Nall** (<https://www.tshaonline.org/about/people/matthew-hayes-nall>)

REINHARDT, TX. Reinhardt was on the Atchison, Topeka and Santa Fe Railroad in what became the Casa Linda area of Dallas in eastern Dallas County. Dixon Branch ran through Reinhardt and entered White Rock Lake a mile to the west. The community, originally known as Ola, was on the land grant of W. S. B. Anderson and a road from Mesquite. Ola had a post office from 1884 to 1886. In 1886 the Gulf, Colorado, and Santa Fe Railway built northward from Dallas through the area, and the community was renamed Reinhardt after the president of the railroad. It opened a post office, which was discontinued in 1930. By the end of 1886 the community had three churches, several stores, a hotel, a school, and a racetrack. In 1890 Reinhardt had a population of thirty-seven that supported a railway station and telegraph office, a general store owned by postmaster E. H. Ueckert, and a physician named E. H. Forde. The town had one school with eighty-two White pupils and one teacher and another with thirty-five Black pupils and a teacher. In 1910 the community had a population of 100 and several stores, including two drugstores, a bank, and a cotton gin. By 1932 one store, a bank, and a cotton gin remained. In the 1940s Reinhardt served primarily as an overnight stop for travelers. In 1945 the population was 100. That year the site was annexed to Dallas.

Sam Hanna Acheson, *Dallas Yesterday*, ed. Lee Milazzo (Dallas: Southern Methodist University Press, 1977).

Places:

- Communities
- Dallas/Fort Worth Region
- North Texas
- Dallas

The following, adapted from the *Chicago Manual of Style*, 15th edition, is the preferred citation for this entry.

Matthew Hayes Nall, "Reinhardt, TX," *Handbook of Texas Online*, accessed July 14, 2022, <https://www.tshaonline.org/handbook/entries/reinhardt-tx>.

Published by the Texas State Historical Association.

Original Publication Date:

1952

Most Recent Revision Date:

January 19, 2021

Linked Data from the Texas Almanac:

Place

Reinhardt

Currently Exists

No

Place Type

Town

USGS ID

1378949

Town Fields

Has post office: No

Is Incorporated: No

Belongs to

- Dallas County

Associated Names

Ola

Coordinates

Latitude: 32.83512690°

Longitude: -96.68916350°

ROBERT REEVES
& Associates, Inc.

PLANNING AND ZONING CONSULTANTS

July 26, 2022

Board of Adjustment
City of Dallas
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

RE: Parking Variance Request
10203 Cayuga

Dear Board Members:

This is an application for a 10 space parking variance for a personal service use located at 10203 Cayuga. The site was part of the former town of Reinhardt, Texas, which was annexed into the City of Dallas in 1945 and became part of the Casa Linda community. The site was platted and file for record on October 18, 1909 with Dallas County. The existing building is 3,490 sq. ft. and was built in 1959. The property is zoned a Commercial Service District (CS). The previous use was for a metal shop, which required 7 parking spaces. However, the staff determined that 7 delta parking spaces are available; therefore, the previous owner was not required to provide any on-site parking. There are 8 parking spaces located in the Stevens Street ROW.

My client, Lawton Barnes, has a small studio, which makes YouTube videos and other related activities requiring 17 parking spaces. Since the staff determined that there are 7 delta credit parking spaces, 10 spaces are required. The current owner completed a parking demand study for his studio, which determined that 6 parking spaces are needed. Based on the study, my clients submitted a special exception parking application for 4 spaces and allow maneuvering in the public ROW. A site plan was submitted showing 6 on-site parking spaces plus 5 spaces in Stevens St. However, the staff determined that the Board does not have jurisdiction by allowing vehicular maneuvering on public streets, whether the request is for a special exception or variance.

Therefore, the applicant has applied for a 10 space parking variance subject to the attached site, which shows 6 on-site spaces and 6 spaces in Stevens St. ROW.

a) The variance request is not contrary to the public interest when, owing to special conditions, a literal enforcement of the chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.

The site was platted in 1909 and the existing structure was built in 1959 according to DCAD. There has never been enough room for required on-site parking without using the streets for maneuvering. Head-in street parking for adjacent uses occurs along the west side of Cayuga Drive and both sides of Stevens Street adjacent to the site.

b) 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 development upon other parcels of land with the same zoning.

The lot is 50 ft. x 120 ft. The City requires an aisle width of 34 ft. for one row of 60⁰ parking. This leaves 16 ft. for the building width, barely enough for a one-car garage. The lot was platted too small in 1909 to provide on-site parking and a structures, which meets current code requirements.

c) The variance is 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.

My client did not create this parking hardship, nor for personal financial reasons, 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.

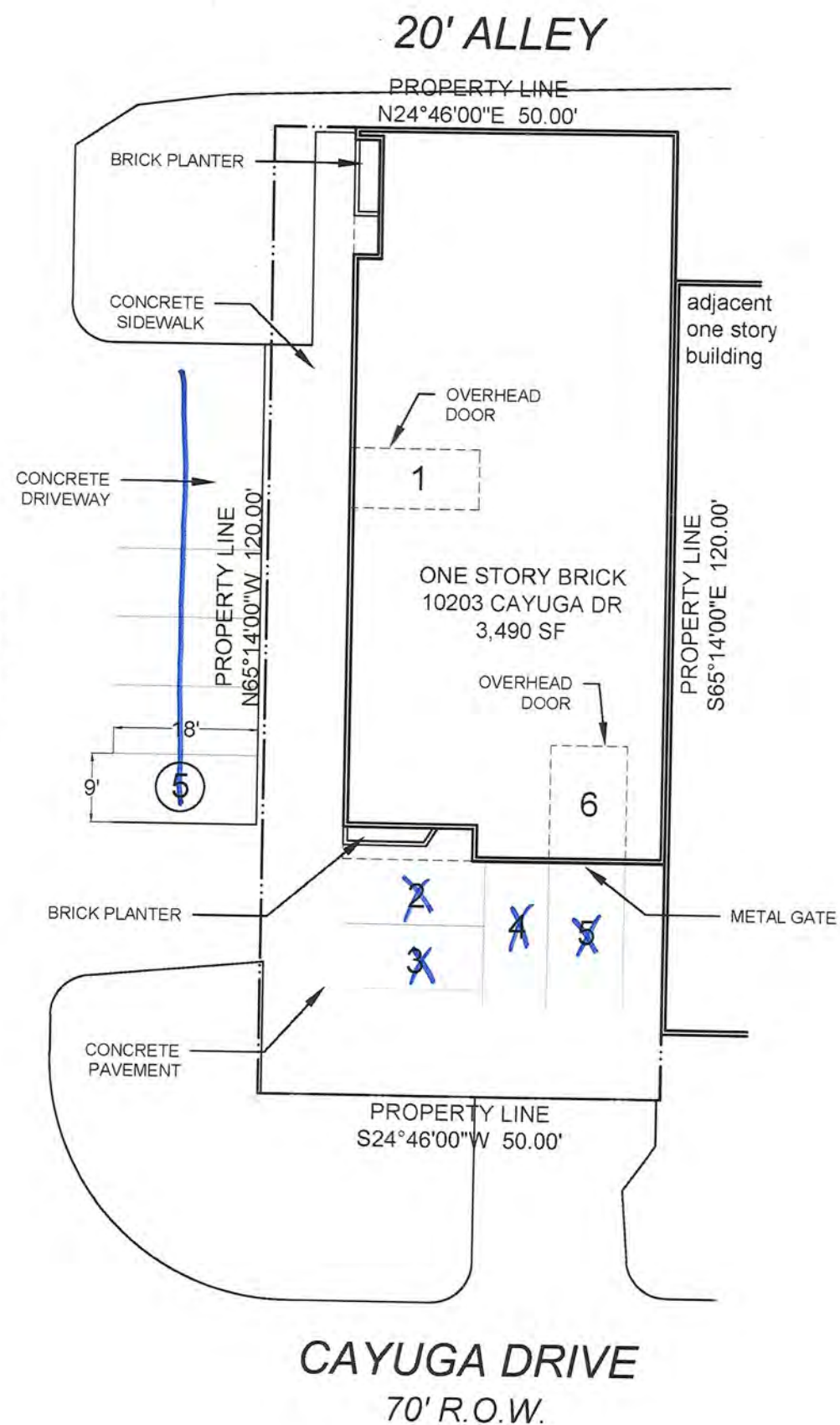
On behalf of my client, we respectfully request of approval of a 10 parking space variance subject to the attached site plan.

Respectfully:



Robert Reeves, President
Robert Reeves & Associates, Inc.
Planning & Zoning Consultants

STEVENS STREET
80' R.O.W.



CAYUGA DRIVE
70' R.O.W.



VICINITY MAP
NTS



Request for a Board of Adjustment Parking Variance, SEC. 51A-4.301

- Personal Service Use: Small studio producing U-Tube videos.
- Floor area: 3,490 sq. ft.
- Parking:

Required parking: 17 spaces @ 1/200 sq. ft.
Net required spaces: 10 based on 7 delta credits per staff input.
6 on-site spaces needed per parking analysis recommendation.

Note: 5 additional spaces located in Stevens St. ROW.

10203 CAYUGA DRIVE
DALLAS, TX 75244

212-092



1 SITE PLAN
SCALE: 1" = 20'-0"



Robert Reeves &
Associates, Inc.

3807 Vinecrest Dr.
Dallas, Texas 75229
214-749-0530 - office
214-749-5605 - fax
214-893-9351 - mobile
rob.reeves@sbcglobal.net



NEW PROPOSED ACCESSORY BUILDING
SCALE: 1/4" = 1'-0"



EXISTING MAIN HOUSE
SCALE: 1/4" = 1'-0"

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

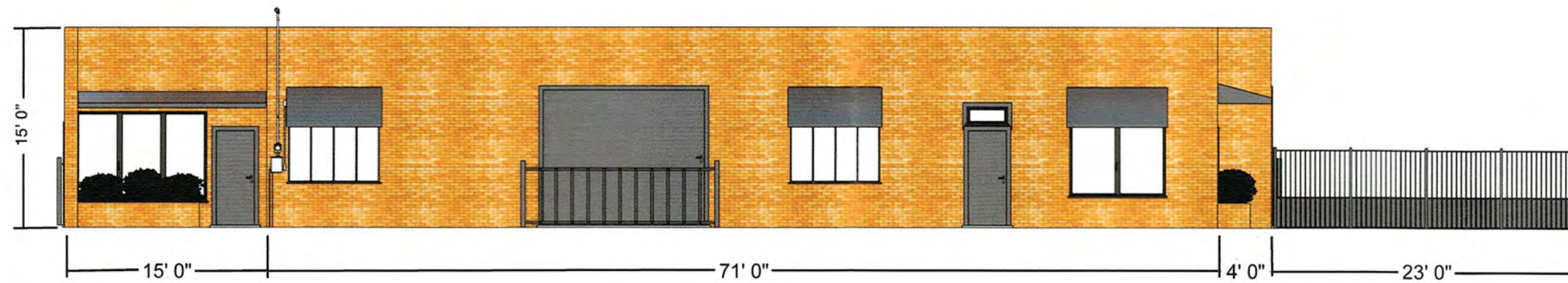
ACCESSORY DWELLING UNIT PLAN
9903 WITHAM STREET | DALLAS, TX 75220

ELEVATIONS

REVISED
7/22/2022

SHEET
2
of 6

512-088



South Elevation, Stevens Street

Site:	10203 Cayuga Dr Dallas TX 75228	Drawing:	Project:	Drawn:	Notes:	Metal Shop 1614 Stevens St. Dallas, TX 75228
Title:	South Elevation	Scale:	Date:	Rev:		
		3/32" : 1' 0"	07/22/2022			

212-092



East Elevation, Cayuga Drive

Site:	10203 Cayuga Dr. Dallas TX	Drawing:	Project:	Drawn:	Notes:	Metal Shop 1614 Stevens St Dallas TX 75228
Title:	East Elevation	Scale:	Date:	Rev:		
		1/8:1	07/22/22			

FIG-216

ROBERT REEVES
& Associates, Inc.

PLANNING AND ZONING CONSULTANTS

September 8, 2022

Board of Adjustment
City of Dallas
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

RE: Revised Parking Variance Request
10203 Cayuga
Case No. BDA 212-092

Dear Board Members:

My client, Lawton Barnes, recently purchased this property with a 3,490 square foot structure and applied for a certificate of occupancy for a personal service use requiring 17 parking spaces at 1/200 sq. ft. He has a small studio, which makes YouTube videos and other related activities. There are 7 delta parking spaces requiring 10 parking spaces. His parking demand study determined that 6 spaces are needed. A site plan was submitted showing 6 on-site spaces, so he applied for a 4-space special exception. All required spaces must use public street ROW for maneuvering, which is prohibited for required parking. Since filing the application, the staff has determined the Board does not have the ability to grant a special exception or variance allowing vehicular maneuvering in the ROW.

The staff has now determined that my client's business is a custom business service use requiring parking at 1/300 square feet or 12 spaces. Since there are 7 delta parking spaces, 5-spaces are required, but still use the ROW for maneuvering. Therefore, the applicant's only avenue for relief is to ask for a 5-space parking variance. There are 2 existing on-site parking spaces and 8 existing parking spaces in the Stevens Street ROW available, see attached site plan.

This site was part of the former town of Reinhardt, Texas, which was annexed into the City of Dallas in 1945 and became part of the Casa Linda community. The site was platted and file for record on October 18, 1909. The existing 3,490 sq. ft. structure was built in 1959. The property is zoned a Commercial Service District (CS). The previous use was a metal shop, which required 7 parking spaces. However, since 7 delta parking spaces are available, the previous owner was not required to provide any on-site parking; although he used Stevens Street for parking.

a) The variance request is not contrary to the public interest when, owing to special conditions, a literal enforcement of the chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.

The site was platted in 1909 and the existing structure was built in 1959 according to DCAD. There has never been enough room for required on-site parking without using the streets for maneuvering. Head-in street parking for adjacent uses occurs along the west side of Cayuga Drive and both sides of Stevens Street adjacent to the site.

b) 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 development upon other parcels of land with the same zoning.

The lot is 50 ft. x 120 ft. The City requires an aisle width of 34 ft. for one row of 60⁰ parking. This leaves 16 ft. for the building width, barely enough for a one-car garage. The lot was too small when platted in 1909 to provide on-site parking and a structure, which met parking code requirements.

c) The variance is 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.

My client did not create this parking hardship, nor for personal financial reasons, 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.

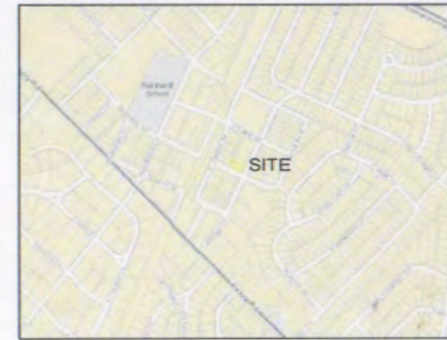
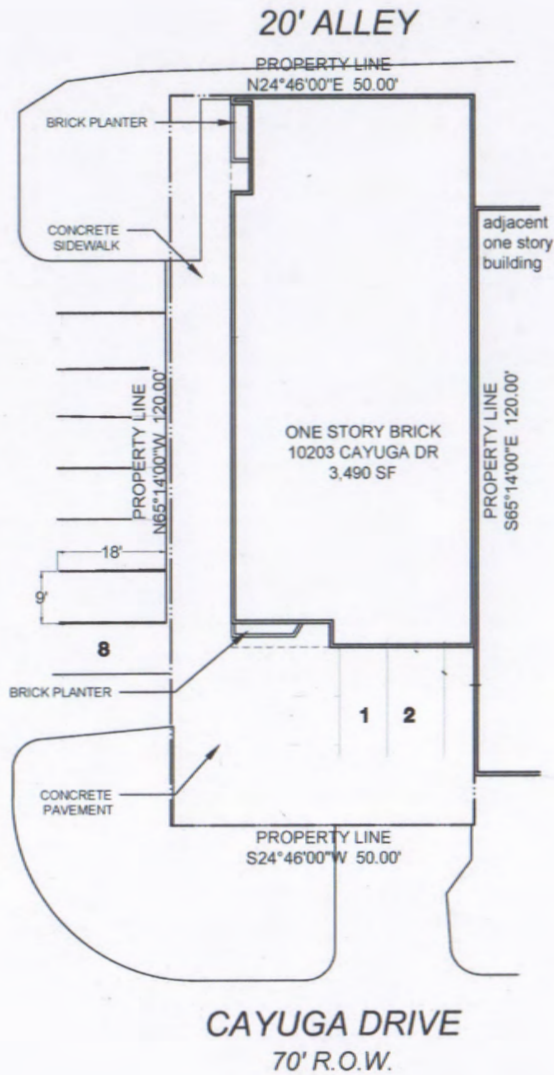
On behalf of my client, we respectfully request of approval of a 10-parking space variance. I have attached a site plan showing two on-site parking spaces and 8 street parking spaces, which have always been used..

Respectfully:



Robert Reeves, President
Robert Reeves & Associates, Inc.
Planning & Zoning Consultants

STEVENS STREET
80' R.O.W.



VICINITY MAP
NTS



**Request for a Board of Adjustment Parking Variance,
SEC. 51A-4.301**

- Custom Business Services Use: Smaill studio producing YouTube videos.
- Floor area: 3,490 sq. ft.
- Parking:

Required parking: 12 spaces @ 1/300 sq. ft.
Net required spaces: 5 based on 7 delta credits per staff input.
6 spaces needed per parking analysis recommendation.
2 spaces on-site and 8 spaces located in Stevens St. ROW.

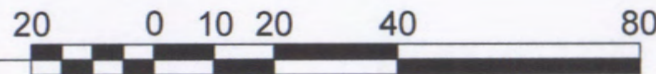
10203 CAYUGA DRIVE
DALLAS, TX 75244

Robert Reeves &
Associates, Inc.

3807 Vinecrest Dr.
Dallas, Texas 75229
214-749-0530 - office
214-749-5605 - fax
214-893-9351 - mobile
rob.reeves@sbcglobal.net

05/19/2022 Rev. 8/10/22

1 SITE PLAN
SCALE: 1" = 20'-0"



BDA212-092 ATTACHMENT B

REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING OF OCTOBER 19, 2022 (B)

☒ Has no objections

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

☐ Recommends denial
(see comments below or attached)

☐ No comments

COMMENTS:

☐ BDA 212-084(OA)

☒ BDA 212-092(OA)

☐ BDA 212-095(OA)

☐ BDA 212-099(OA)

☐ BDA 212-101(OA)

☐ BDA 212-102(OA)

☐☐☐☐☐☐☐☐

David Nevarez, PE, PTOE, DEV - Engineering

Name/Title/Department

10/5/2022

Date

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

FILE NUMBER: BDA212-099(OA)

BUILDING OFFICIAL'S REPORT: Application of Celica Omega for a variance to the parking regulations at 2303 N. Carrol Avenue. This property is more fully described as Lots 1, Block K/662, and is zoned MF-2(A) Multifamily District, which requires parking to be provided. The applicant proposes to construct a multifamily residential structure and provide 9 of the required 13 parking spaces, which will require a four-space variance (30.7% reduction) to the parking regulation.

LOCATION: 2303 N. Carrol Avenue

APPLICANT: Celica Omega

REQUESTS:

A request for a variance to the off-street parking regulations of 4 spaces is made to construct and maintain a 4-unit multifamily development and provide 9 of the required 13 parking spaces.

STANDARD FOR A VARIANCE:

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

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

State Law/HB 1475 effective 9-1-21

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

STAFF RECOMMENDATION: ENGINEER OPINION

Approval

Rationale:

- The Transportation Development Services Senior Engineer reviewed the request and found no objection to the variance request (**Attachment A**).

BACKGROUND INFORMATION:

Zoning:

Site: MF-2(A) Multifamily District
North: MF-2(A) Multifamily District
East: MF-2(A) Multifamily District
South: MF-2(A) Multifamily District
West: MF-2(A) Multifamily District

Land Use:

The subject site is being developed with 4-unit multifamily use. All surrounding properties are developed with Multifamily uses.

Zoning/BDA History:

There have not been any related board or zoning cases in the immediate vicinity within the last five years.

GENERAL FACTS/STAFF ANALYSIS

The subject site is zoned MF-2(A) Multifamily District where the typical lot size varies significantly. Per DCAD records, the property is a 7,500 square feet-in-size vacant lot located at the southwest corner of North Carrol Avenue and Deere Street. The applicant is proposing to construct and maintain a 4-unit multifamily development and provide 9 of the required 13 parking spaces.

The required off-street parking for multifamily uses per Sec 51A-4.209(5)(i) is one space per bedroom with a minimum of one space per dwelling unit. An additional one-quarter space per dwelling unit must be provided for guest parking if the required parking is restricted to resident parking only. No additional parking is required for accessory uses that are limited principally to residents. The applicant is proposing 4 four dwelling units with 3 bedrooms units.

The applicant states that due to the proposed development as single-family units, the property cannot be used in a manner commensurate to other properties with the same single-family use (see application), some found within the same neighborhood.

According to the site plan, there proposal is 4 four three-story dwelling unit. Each dwelling unit offers three-bedroom, with a total of 2124-square feet in area and provides two cover parking spaces. Note that the required off-street parking for single-family use per Sec 51A-4.209(6)(C) is one space in R-7.5(A), R-5(A), and TH districts; two spaces in all other districts.

Ultimately, the Transportation Development Services Senior Engineer reviewed the submitted evidence and found no objection to the variance request (**Attachment A**).

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

- That granting the variance to the parking regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same MF-2(A) Multifamily District zoning classification.

- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same MF-2(A) Multifamily District zoning classification.

The board may also consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

- (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 consider the structure to be a nonconforming structure.

If the board were to grant this request a condition may be imposed that the special exception of 13 spaces shall automatically and immediately terminate if the four uses are changed or discontinued.

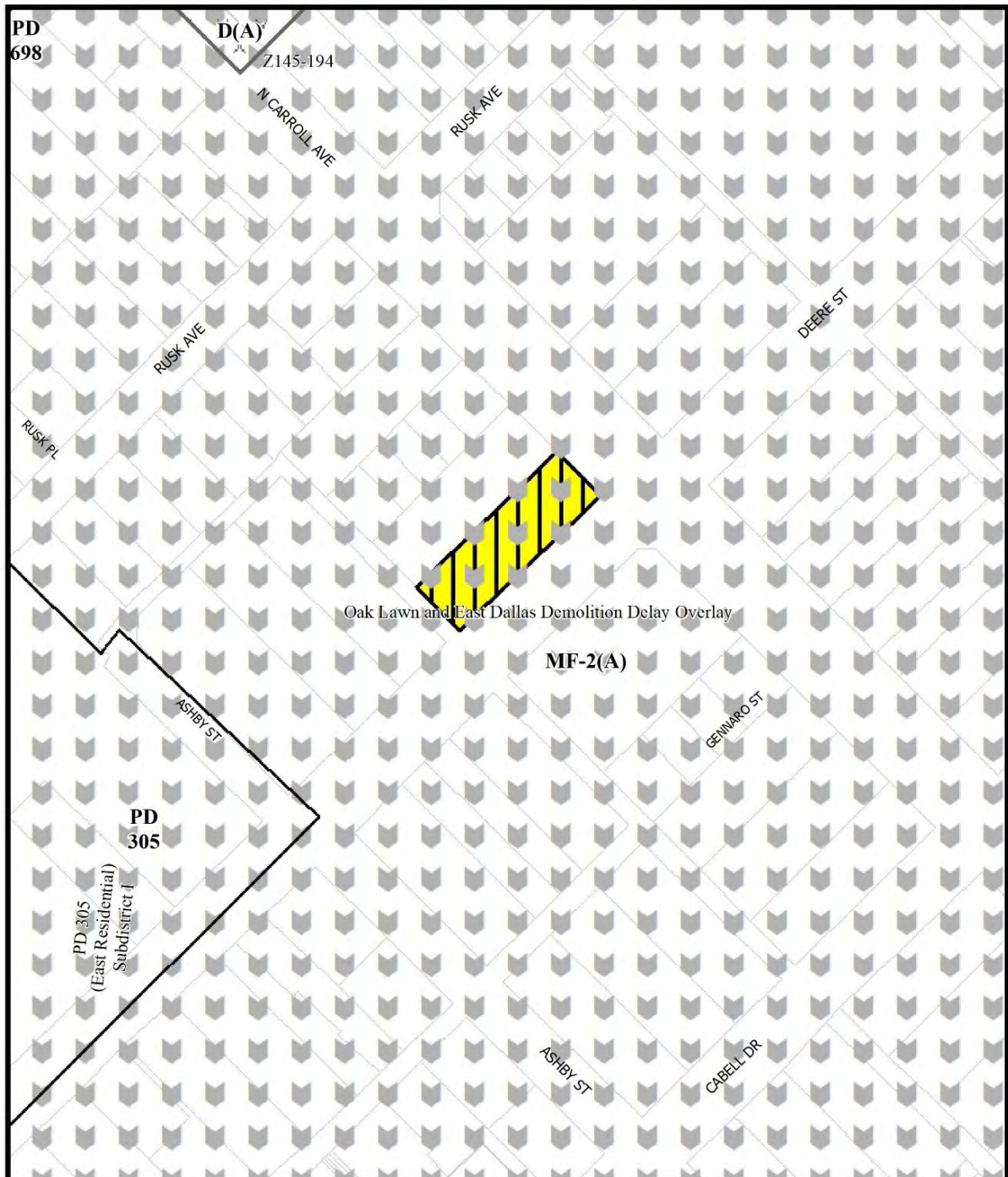
TIMELINE:

- August 5, 2022: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- September 1, 2022: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- September 9, 2022: The Board Administrator emailed the applicant the following information:
 - a copy of the application materials including the Building Official's report on the application.
 - an attachment that provided the public hearing date and panel that will consider the application; the September 28th deadline to submit additional evidence for staff to factor into their analysis; and the October 7th deadline to submit additional evidence to be incorporated into the Board's docket materials.

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

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

October 3, 2022: The Transportation Development Services Senior Engineer submitted a comment sheet (**Attachment A**). *The Transportation Development Services Senior Engineer reviewed the request and found no objection to the variance request.*

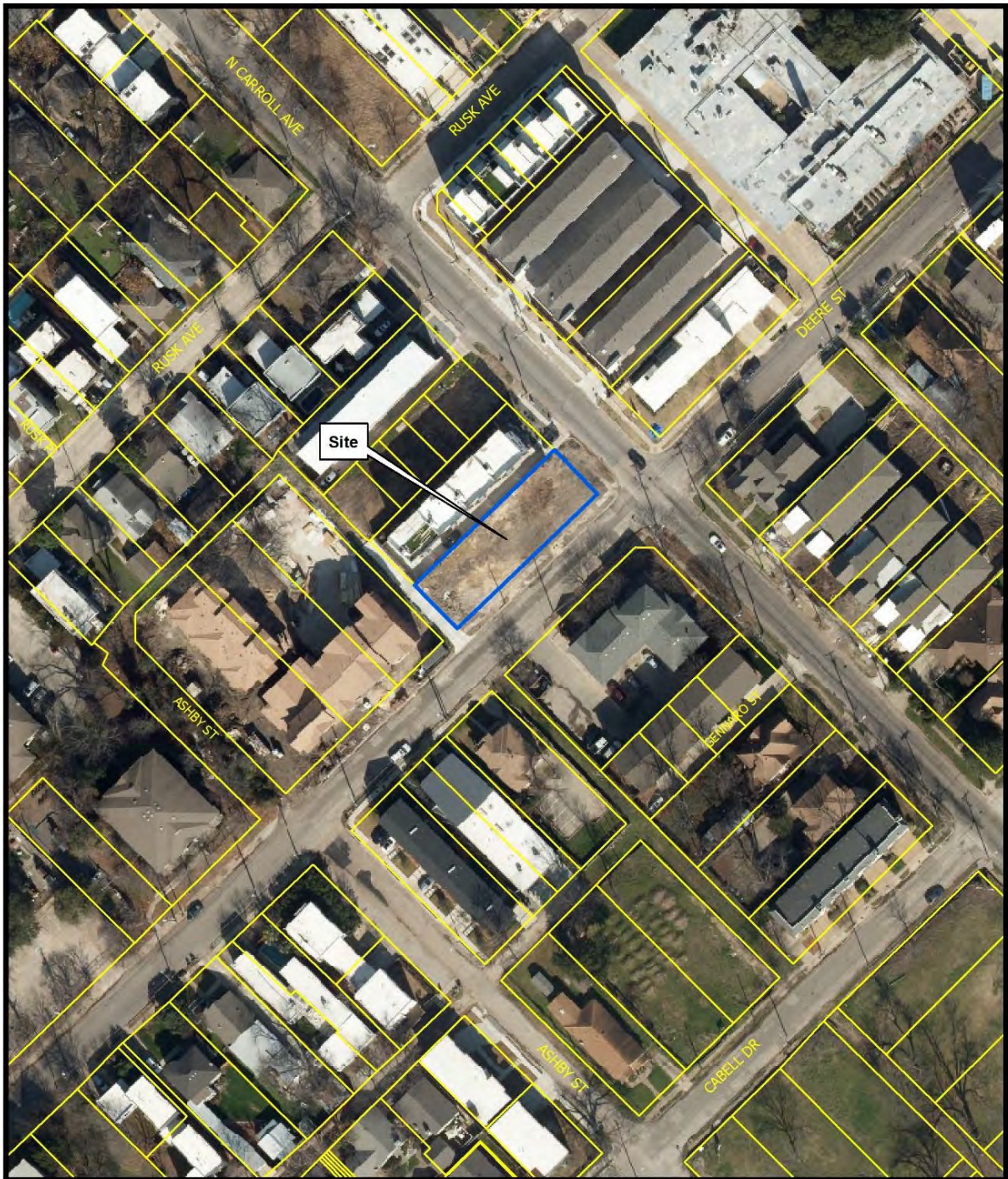


1:1,200

ZONING MAP

Case no: **BDA212-099**

Date: **9/8/2022**

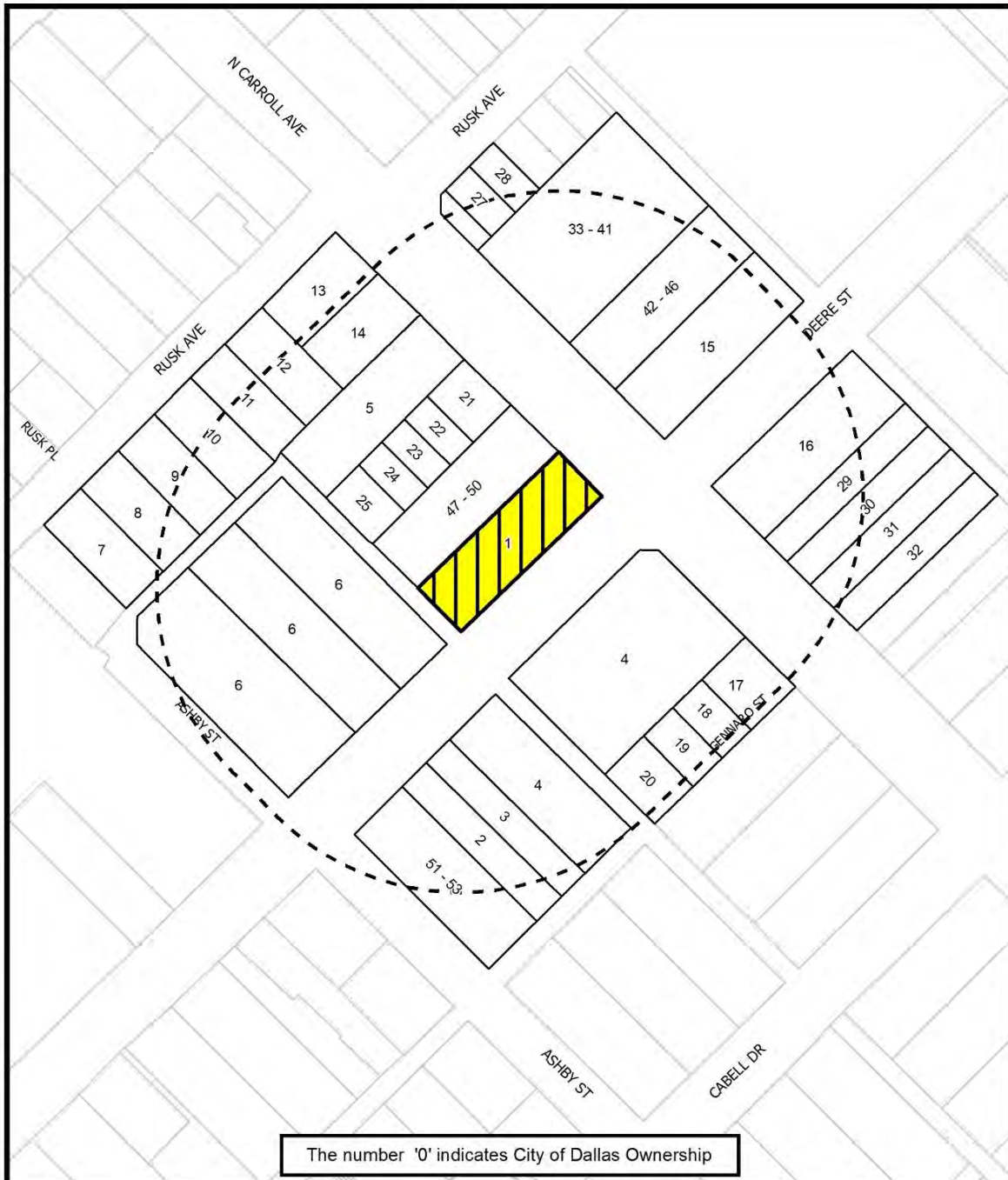


1:1,200

AERIAL MAP

Case no: **BDA212-099**

Date: **9/8/2022**



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px; width: 40px; text-align: center;">200'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px; width: 40px; text-align: center;">53</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	Case no: BDA212-099 Date: 9/8/2022
--	---	---

09/07/2022

Notification List of Property Owners

BDA212-099

53 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2303 N CARROLL AVE	LALLY MICHAEL KEVIN
2	4404 DEERE ST	HOLT MARY VIRGINIA
3	4406 DEERE ST	FOX WILLIAM GREG JR & SARAH
4	4408 DEERE ST	HOUSING AUTHORITY OF THE
5	2315 N CARROLL AVE	Taxpayer at
6	4411 DEERE ST	HOUSING CHOICES INC
7	4402 RUSK AVE	ADAME BEATRIZ
8	4404 RUSK AVE	VAN PHAN THI BICH
9	4406 RUSK AVE	MENDOZA EVA
10	4410 RUSK AVE	MONCADA CEASAR ELI
11	4414 RUSK AVE	BUITRON DELILAH
12	4418 RUSK AVE	ADELE STEPHEN & LARISA
13	2323 N CARROLL AVE	HILLIER REAGAN S
14	2319 N CARROLL AVE	YOUNG JEFFREY MORGAN
15	2300 N CARROLL AVE	MOORE WILLIAM ALLEN &
16	2222 N CARROLL AVE	HOUSING AUTHORITY OF THE CITY OF DALLAS
17	4419 GENNARO ST	BUTLER ANTHONY DAVID
18	4417 GENNARO ST	PATEL TINA S
19	4415 GENNARO ST	LIBOWITZ JAY L
20	4413 GENNARO ST	LOTTO DANIEL JOSEPH
21	2311 N CARROLL AVE	BRADLEY BLAIR
22	2311 N CARROLL AVE	COMPTON ALEXANDRA M
23	2311 N CARROLL AVE	FROST NOELLE
24	2311 N CARROLL AVE	GINEZ JESUS
25	2311 N CARROLL AVE	DINKMEYER ELIZABETH CAMERON
26	4500 RUSK AVE	RUSK AVENUE TOWNHOMES

09/07/2022

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	4504 RUSK AVE	SCHMITZ RICHARD LEE
28	4508 RUSK AVE	DENKER DONALD D II
29	2218 N CARROLL AVE	CDB FIESTA LLC
30	2216 N CARROLL AVE	BUTCHER KALE
31	2214 N CARROLL AVE	MICCI BRANDON
32	2212 N CARROLL AVE	FITZGERALD JAMIE L
33	2310 N CARROLL AVE	LABELLE CATHERINE ELIZABETH &
34	2310 N CARROLL AVE	XIANG XIAOSHI &
35	2310 N CARROLL AVE	SECOLA MARY JOE
36	2310 N CARROLL AVE	CATALINA ROBERTO F A
37	2310 N CARROLL AVE	YANG HUA MATT
38	2314 N CARROLL AVE	CANNON JOSEPH ODELL
39	2314 N CARROLL AVE	POOR ELEPHANTS INC
40	2314 N CARROLL AVE	YARBROUGH JACOB &
41	2314 N CARROLL AVE	TATE JONATHAN D
42	2304 N CARROLL AVE	HERRIN MICHAEL R & CONNIE L
43	2304 N CARROLL AVE	CHANG ISABEL
44	2304 N CARROLL AVE	FRATANTONI JULIE MARIE
45	2304 N CARROLL AVE	ROBINSON ALDRICK
46	2304 N CARROLL AVE	BANDYOPADHYAY SHAMIK & PRIYANKA
47	2307 N CARROLL AVE	MELLMAN CRAIG MATTHEW
48	2307 N CARROLL AVE	BRUBAKER CHRISTOPHER
49	2307 N CARROLL AVE	SIGLER ALESIA &
50	2307 N CARROLL AVE	STEVENS CADEN & LEE ANNE
51	4402 DEERE ST	CLEMMENSEN RYAN
52	4402 DEERE ST	TAM WAI IAN & STEVEN DUONG
53	4402 DEERE ST	PRICE CHARLES



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212-099

Data Relative to Subject Property:

Date: 8/4/22

Location address: 2303 N. Carroll Ave Dallas, Tx 75204 Zoning District: MF2A

Lot No.: 1 Block No.: K/662 Acreage: .17 Census Tract: 0.696

Street Frontage (in Feet): 1) 50 2) 150 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Michael Lally

Applicant: Celica Omega Telephone: 469-961-0777

Mailing Address: 5600 SMU BLVD #1324 Zip Code: 75206

E-mail Address: CelicaOmega@gmail.com

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance X, or Special Exception , of the parking requirements per bedroom. As per City of Dallas requirements the said property is required to have one parking space per bedroom plus 1/4.

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

We are requesting either a variance or exception to the parking requirements, allowing a parking space in the driveway to count as additional parking or reducing the parking requirements per bedroom for the townhomes that will house one single family per unit.

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

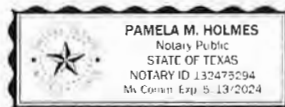
Before me the undersigned on this day personally appeared Celica Omega
(Affiant/Applicant's name printed)

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)

State of Texas County of Fort Bend
Subscribed and sworn to before me this 5th day of August, 2022

(Rev. 08-01-11)



Pamela M. Holmes
Notary Public in and for Fort Bend County

This notarial act was an online notarization

**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 CELICA OMEGA

did submit a request for a special exception to the parking regulations
at 2303 N CARROLL AVENUE

BDA212-099. Application of CELICA OMEGA for a special exception to the parking regulations at 2303 N Carroll Avenue. This property is more fully described as block K/662 lot 1, and is zoned MF-2(A), which requires parking to be provided. The applicant propose to construct a multifamily residential structure, and provide 9 of the required 13 parking spaces, which will require a 4 space special exception (30.7% reduction) to the parking regulation.

Sincerely,


 David Session, Building Official



AFFIDAVIT

Appeal number: BDA 212-099

I, Michael Lally, Owner of the subject property
(Owner or "Grantor" of property as it appears on the Warranty Deed)

at: 2303 N. Carroll Ave. Dallas, Tx 75204
(Address of property as stated on application)

Authorize: Celica Omega
(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: Parking Variance for a Multi Unit commercial residential new construction project.

Michael Lally
Print name of property owner or registered agent

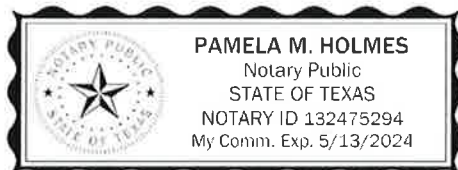
Michael Lally
Signature of property owner or registered agent

Date August 5, 2022
State of Texas County of Fort Bend

Before me, the undersigned, on this day personally appeared MICHAEL LALLY

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

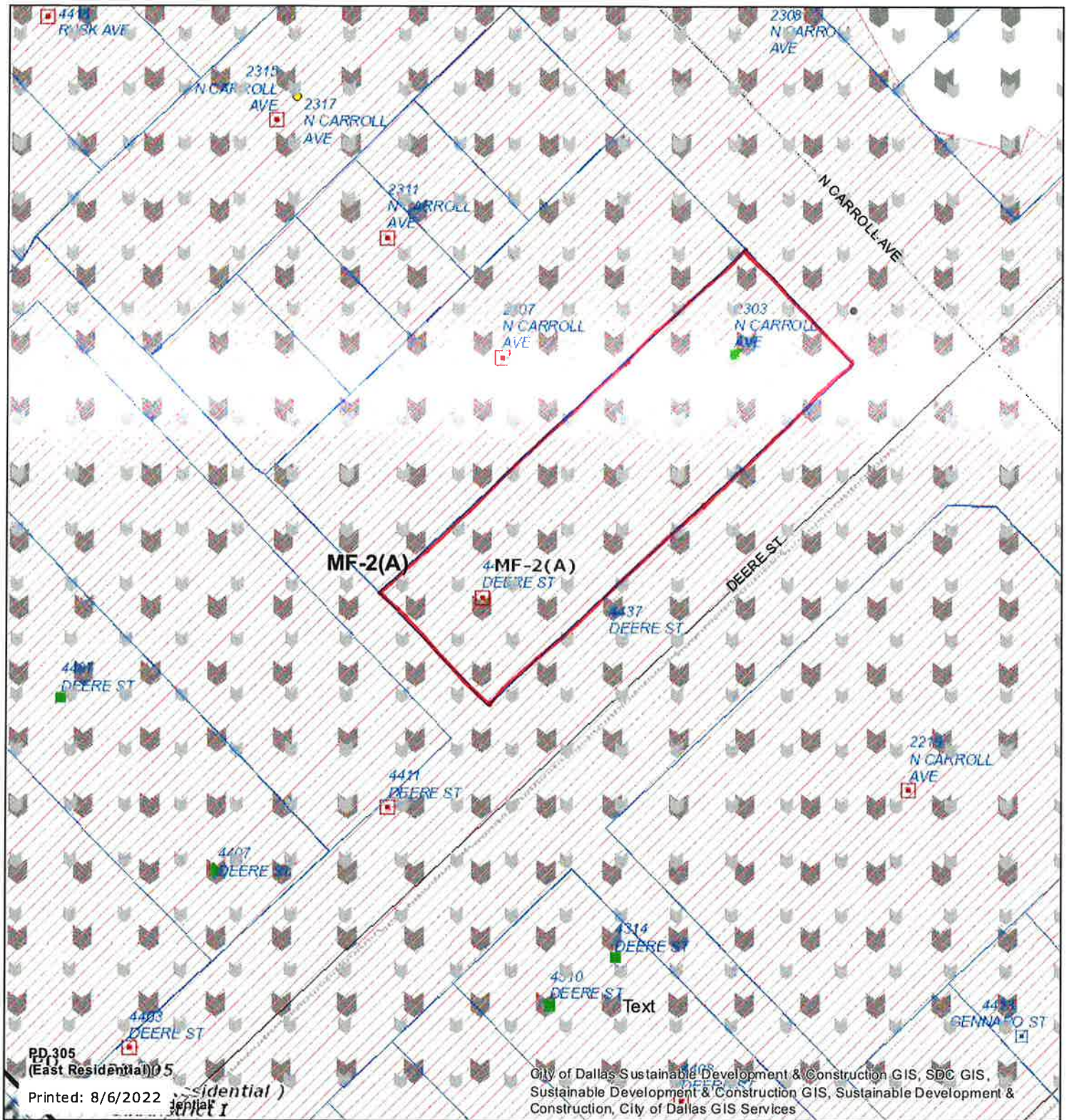
Subscribed and sworn to before me this 5th day of August, 2022



Pamela M. Holmes
Notary Public for Fort Bend County, Texas

Commission expires on May 13, 2024

This notarial act was an online notarization



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

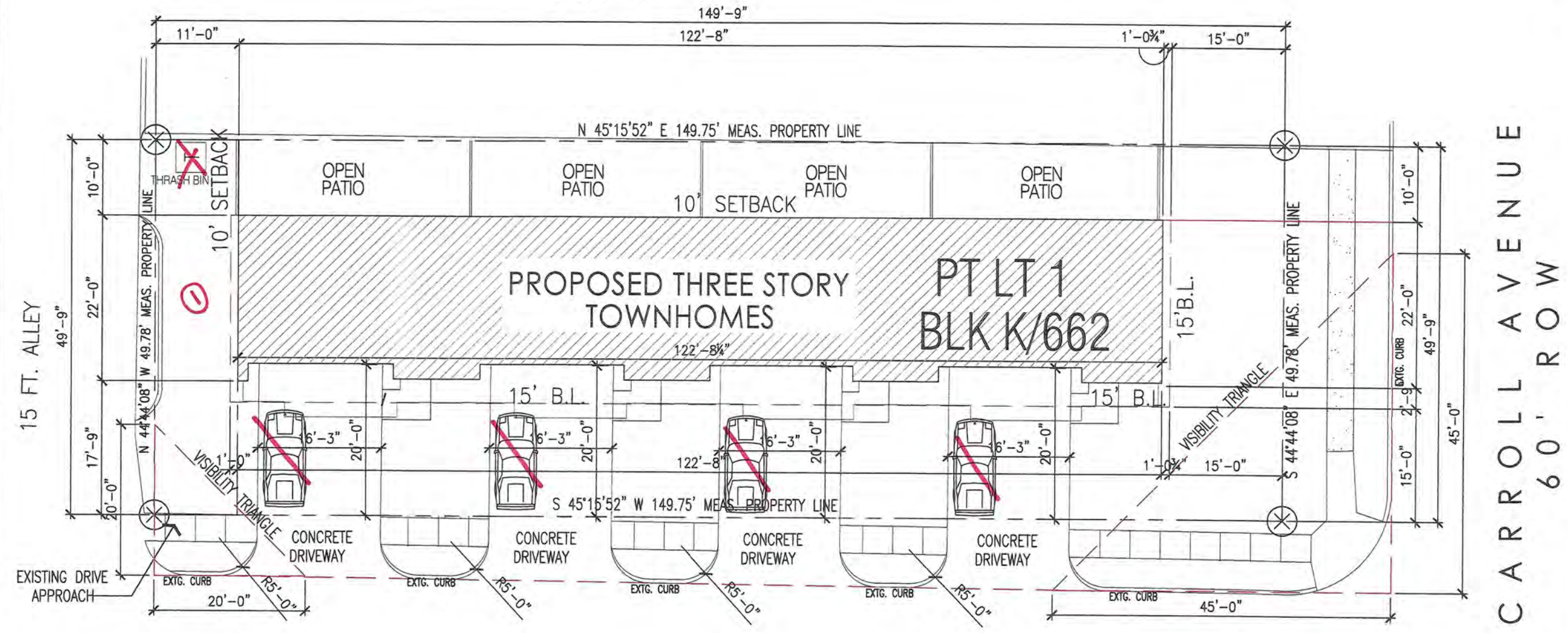
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering,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



1:564

UNIT SQ. FT					
UNITS	1ST FLOOR	2ND FLOOR	3RD FLOOR	NON-LIVING	TOTAL
UNIT 1	201 S.F.	754 S.F.	704 S.F.	465 S.F.	2124 S.F.
UNIT 2	201 S.F.	754 S.F.	704 S.F.	465 S.F.	2124 S.F.
UNIT 3	201 S.F.	754 S.F.	704 S.F.	465 S.F.	2124 S.F.
UNIT 4	201 S.F.	754 S.F.	704 S.F.	465 S.F.	2124 S.F.
TOTAL					8496 S.F.

LOT 2



SITE PLAN

2023 CARROLL AVENUE
36% LOT COVERAGE

PARKING ANALYSIS

REQUIRED: MULTIFAMILY 1 PARKING/BEDROOM=3
PROVIDED: 3 SPACE

DEERE ST.
50' ROW

ZONING
LEGAL
DESCRIPTION

MF-2(A)
DEERE PARK
BLK K/662 LOT 1

1 SITE PLAN
C1 SCALE: 1" = 15'
11/32

SEAL

AO-DESIGN GROUP
DRAFTING + RESIDENTIAL + COMMERCIAL

TEL (318) 294-5879

REVISIONS

NO.	DESCRIPTION	DATE
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

ADDRESS
2303 N CARROLL
AV. DALLAS
TEXAS 75204

DATE
08/05/22

DRAWN BY
JFF/MACM/JARC

CHECKED BY

DESCRIPTION
NEW CONSTRUCTION

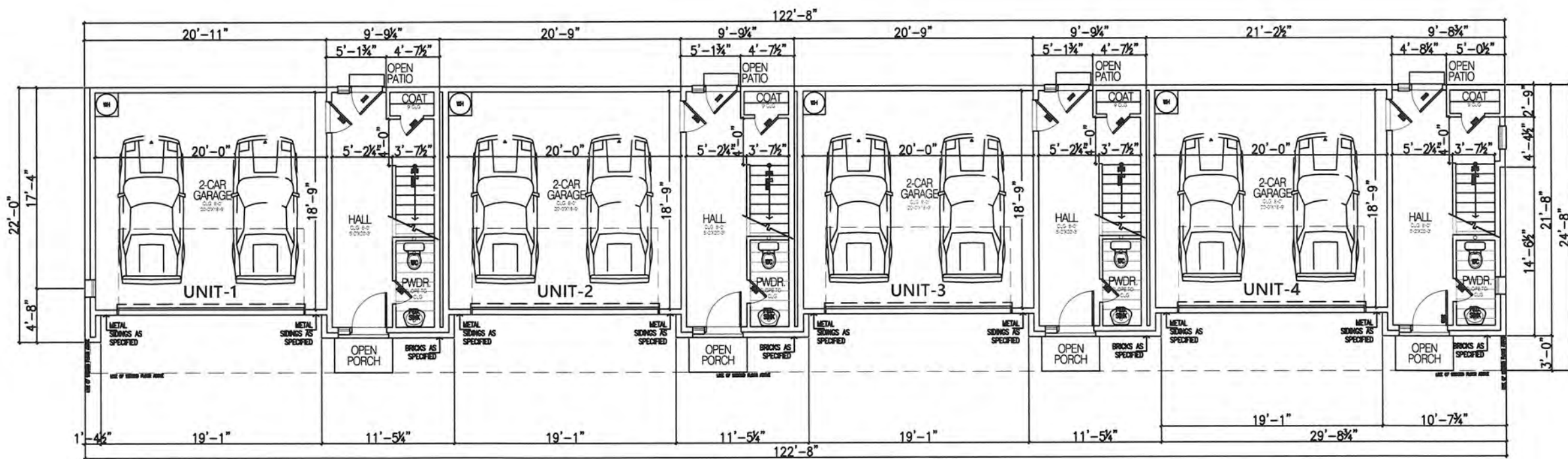
SCALE
1"=15'

SHEET TITLE

SITE PLAN

SHEET #

C1.01
212-099



FIRST FLOOR PLAN- 625 S.F. LIVING SPACE
 2023 CARROLL AVENUE
 34% LOT COVERAGE

1	FIRST FLOOR PLAN
A1	SCALE: 3/32"= 1'-0"

SEAL

AO-DESIGN GROUP
 DRAFTING + RESIDENTIAL + COMMERCIAL

TEL. (318) 294-5879

REVISIONS

NO.	DESCRIPTION	DATE
△		

ADDRESS
 2303 N CARROLL
 AV. DALLAS
 TEXAS 75204

DATE
 08/05/22

DRAWN BY
 JFF/MACM/JARC

CHECKED BY

DESCRIPTION
 NEW CONSTRUCTION

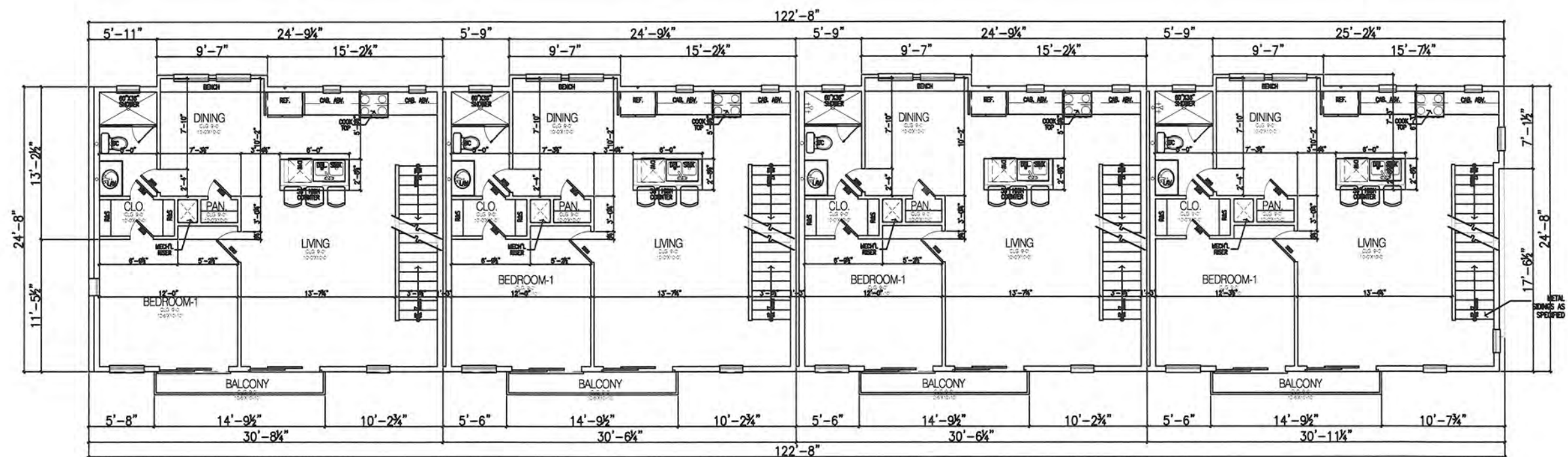
SCALE
 3/32"= 1'-0"

SHEET TITLE

FIRST FLOOR PLAN

SHEET #

A1.01
 212-099



SECOND FLOOR PLAN- 2628 S.F. LIVING SPACE
2023 CARROLL AVENUE

2	SECOND FLOOR PLAN
A2	SCALE: 3/32" = 1'-0"

SEAL

AO-DESIGN GROUP
DRAFTING + RESIDENTIAL + COMMERCIAL

TEL. (318) 294-5879

REVISIONS

NO.	DESCRIPTION	DATE
△		

ADDRESS
2303 N CARROLL
AV. DALLAS
TEXAS 75204

DATE
08/05/22

DRAWN BY
JFF/MACM/JARC

CHECKED BY

DESCRIPTION
NEW CONSTRUCTION

SCALE
3/32" = 1'-0"

SHEET TITLE
SECOND FLOOR
PLAN

SHEET #

A1.02
212-099

SEAL

AO-DESIGN GROUP
DRAFTING + RESIDENTIAL + COMMERCIAL

TEL. (318) 294-5879

REVISIONS

NO.	DESCRIPTION	DATE
△		

ADDRESS
2303 N CARROLL
AV. DALLAS
TEXAS 75204

DATE
08/05/22

DRAWN BY
JFF/MACM/JARC

CHECKED BY

DESCRIPTION
NEW CONSTRUCTION

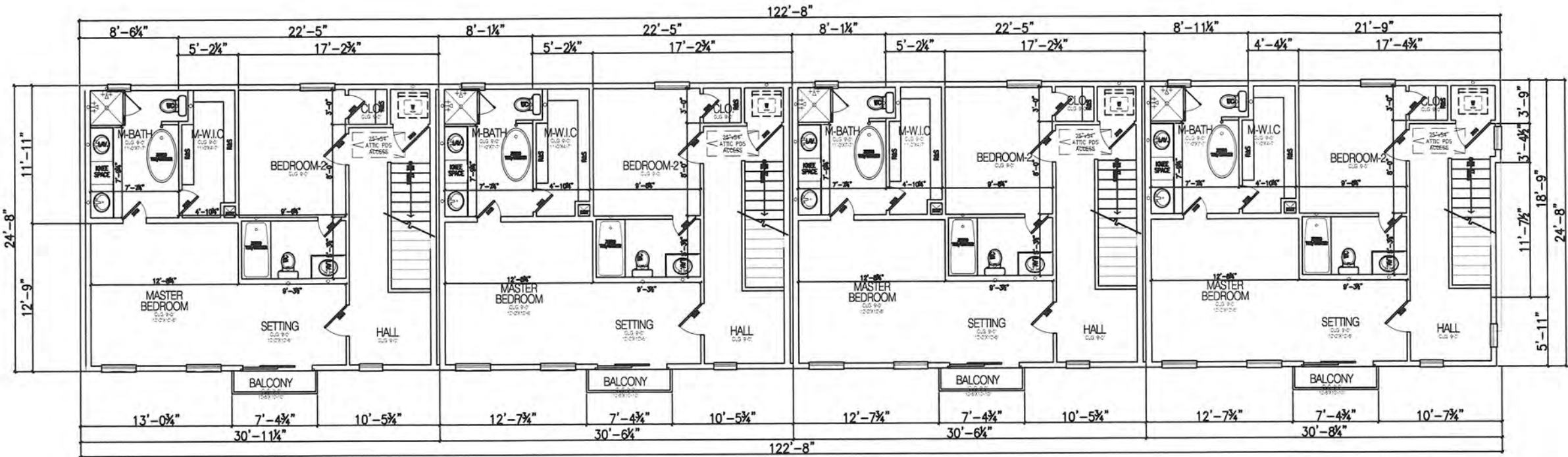
SCALE
3/32" = 1'-0"

SHEET TITLE
THIRD FLOOR
PLAN

SHEET #

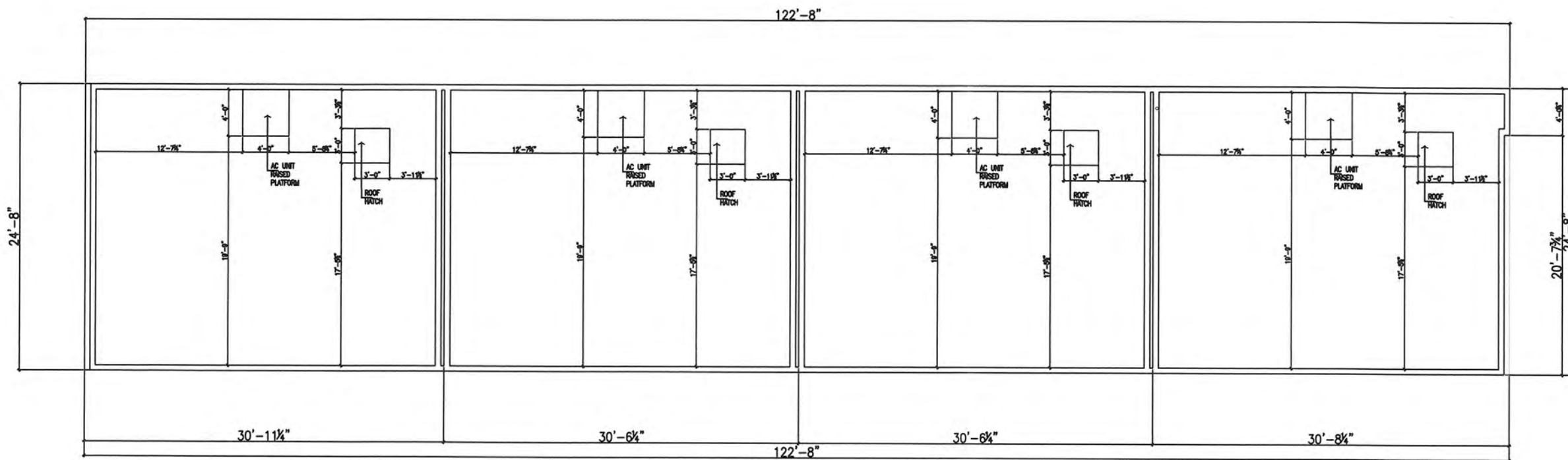
A1.03

212-099



THIRD FLOOR PLAN- 2628 S.F. LIVING SPACE
2023 CARROLL AVENUE

2	THIRD FLOOR PLAN
A3	SCALE: 3/32" = 1'-0"



2 ROOF DECK
A4 SCALE: 3/32" = 1'-0"

SEAL

AO-DESIGN GROUP
DRAFTING + RESIDENTIAL + COMMERCIAL

TEL. (318) 294-5879

REVISIONS

NO.	DESCRIPTION	DATE
△		

ADDRESS
2303 N CARROLL
AV. DALLAS
TEXAS 75204

DATE
08/05/22

DRAWN BY
JFF/MACM/JARC

CHECKED BY

DESCRIPTION
NEW CONSTRUCTION

SCALE
3/32" = 1'-0"

SHEET TITLE
ROOF DECK

SHEET #

A1.04

212-099



1 FRONT ELEVATION
A5 SCALE: 3/32" = 1'-0"

SEAL

AO-DESIGN GROUP
DRAFTING + RESIDENTIAL + COMMERCIAL

TEL. (318) 294-5879

REVISIONS

NO.	DESCRIPTION	DATE
△		

ADDRESS
2303 N CARROLL
AV. DALLAS
TEXAS 75204

DATE

08/05/22

DRAWN BY

JFF/MACM/JARC

CHECKED BY

DESCRIPTION

NEW CONSTRUCTION

SCALE

3/32" = 1'-0"

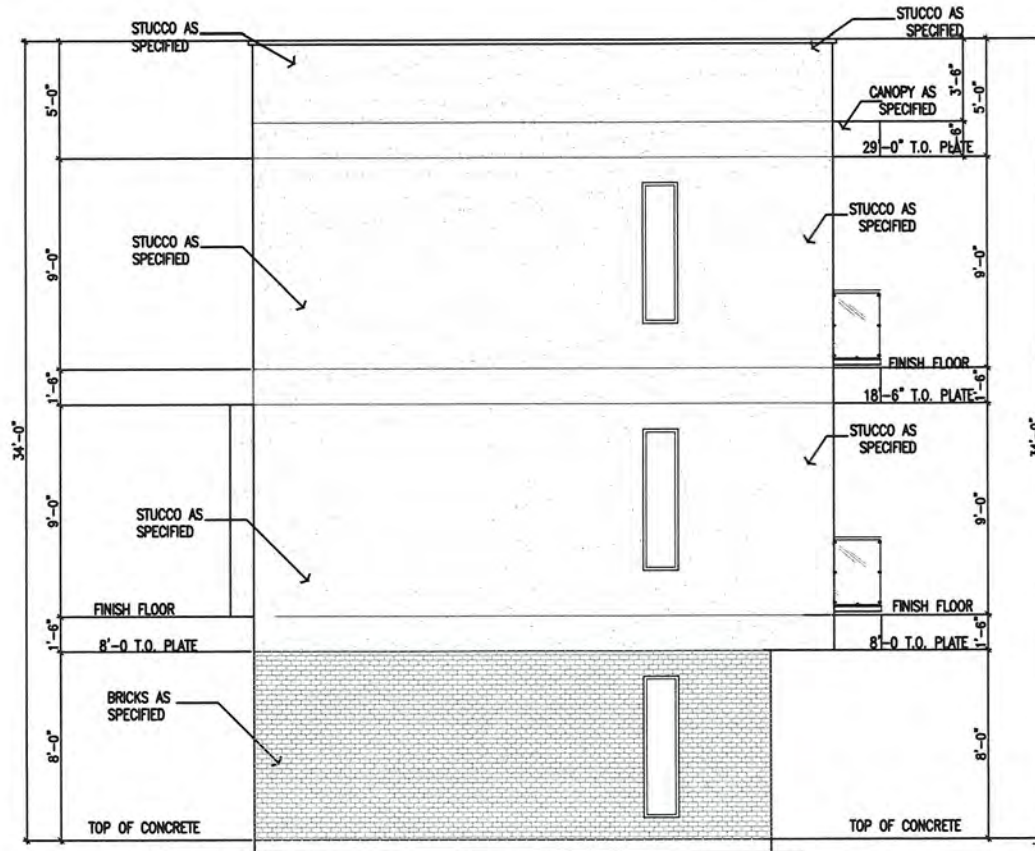
SHEET TITLE

ELEVATIONS

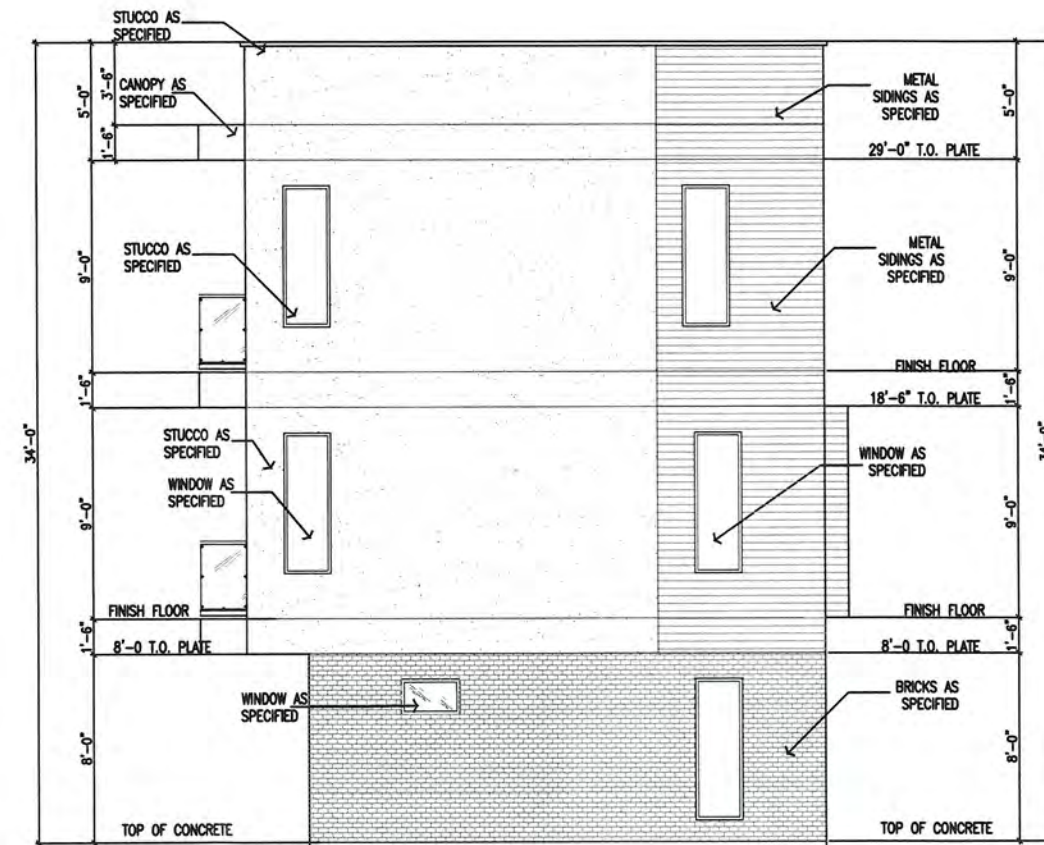
SHEET #

A1.05

212-099



2 LEFT SIDE ELEVATION
A6 SCALE: 1/8" = 1'-0"



1 RIGHT ELEVATION
A6 SCALE: 1/8" = 1'-0"

SEAL

AO-DESIGN GROUP
DRAFTING + RESIDENTIAL + COMMERCIAL

TEL. (318) 294-5879

REVISIONS

NO.	DESCRIPTION	DATE
△		

ADDRESS
2303 N CARROLL
AV. DALLAS
TEXAS 75204

DATE

08/05/22

DRAWN BY

JFF/MACM/JARC

CHECKED BY

DESCRIPTION

NEW CONSTRUCTION

SCALE

1/8"=1'-0"

SHEET TITLE

ELEVATIONS

SHEET #

A1.06

212-099

REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING OF OCTOBER 19, 2022 (B)

☒ Has no objections

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

☐ Recommends denial
(see comments below or attached)

☐ No comments

COMMENTS:

☐ BDA 212-084(OA)

☐ BDA 212-092(OA)

☐ BDA 212-095(OA)

☒ BDA 212-099(OA)

☐ BDA 212-101(OA)

☐ BDA 212-102(OA)

☐☐☐☐☐☐☐☐

David Nevarez, PE, PTOE, DEV - Engineering

Name/Title/Department

10/3/2022

Date

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

FILE NUMBER: BDA212-102(OA)

BUILDING OFFICIAL'S REPORT: Application of William E Lowe represented by Kayla Sanchez-Nelinger for a special exception to the landscaping regulations at 247 W Davis Street. This property is more fully described as Lot 1, Block 3/3325, and is zoned a Plan Development No. 830 District, which requires mandatory landscaping. The applicant proposes to construct and maintain a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 247 W Davis Street.

APPLICANT: William E Lowe
represented by Kayla Sanchez-Nelinger.

REQUEST:

A request for a special exception to the landscape regulations is made to remodel, expand, and maintain a financial institution without drive-through and not fully meet the landscape regulations or, more specifically, an alternative landscape plan approved by Panel C in case number BDA 145-030 on March 16, 2015. The addition did not require new landscaping, but the alterations to the site and approved landscape conditions require board approval.

STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE AND TREE PRESERVATION REGULATIONS:

The board may grant a special exception to the landscape and tree preservation regulations of this article upon making a special finding from the evidence presented that:

- (1) strict compliance with the requirements of this article will unreasonably burden the use of the property.
- (2) the special exception will not adversely affect neighboring property; and
- (3) the requirements are not imposed by a site-specific landscape plan approved by the city plan commission or city council.

In determining whether to grant a special exception, the board shall consider the following factors:

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted alternate landscape plan is required.

Rationale:

- The landscaping conditions have been amended to conform to the new use and visual design of the site. The plan maintained the existing landscape area parameters except for the location of new or widened pedestrian pathways into the property from Davis Street. I have no objection to site amendments in comparison to the original 2015 plan approved by Panel C.

BACKGROUND INFORMATION:

Zoning

Site: Plan Development No. 830 District

North: Plan Development No. 160 District

East: Plan Development No. 830 District

South: Conservation District No. 7

West: Plan Development No. 830 District

Land Use:

The subject site is developed with a financial institution without drive-through. The areas to the north, east, south, and west are developed with retail uses.

Zoning/BDA History:

There have not been any recent related board or zoning cases recorded in the vicinity of the subject site within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

This request for a special exception to the landscape regulations focuses on remodeling, expanding, and maintaining a financial institution without drive-through and not fully meet the landscape regulations or, more specifically, an alternative landscape plan approved by Panel C in case number BDA 145-030 on March 16, 2015. The addition did not require new landscaping, but the alterations to the site and approved landscape conditions require board approval.

The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period. In this case, the existing structure will be remodel and expanded. The expansion of financial institution without drive-through triggers compliance with landscape regulations.

The City of Dallas chief arborist submitted a memo regarding the applicant's request (see Attachment A).

The chief arborist's memo states the following regarding "request":

The applicant is seeking a special exception to the landscaping requirements of Article X under the provisions of PD 830, Subdistrict 6. The plan is a revision of an alternative landscape plan approved by Panel C in case number BDA 145-030 on March 16, 2015. The addition did not require new landscaping, but the alterations to the site and approved landscape conditions require board approval.

The chief arborist's memo states the following regarding "provision":

The proposed alternate landscape plan provides landscaping in the same general areas provided for on the 2015 plan with alterations of some plant materials and a reduction of tree locations along Davis Street. The building, which has changed use since 2015, has been renovated with a new addition under a 2021 building permit. This renovation has altered the site conditions around the building. A dumpster waiver was approved.

The chief arborist's memo states the following regarding "deficiencies":

The plan retains the deficiency for the required 10' residential buffer zone to the north which was a basis for the original case. The buffer is retained with a stone groundcover with ornamental grasses. There is a reduction of one tree along Davis Street and an overall adjustment of the smaller plant materials and groundcover for changes in appearance.

The chief arborist's revised memo states the following regarding the "recommendation":

The landscaping conditions have been amended to conform to the new use and visual design of the site. The plan maintained the existing landscape area parameters except

for the location of new or widened pedestrian pathways into the property from Davis Street. I have no objection to site amendments in comparison to the original 2015 plan approved by Panel C.

If the board were to grant this request and impose the submitted alternate landscape plan as a condition to the request, the site would be provided an exception from providing street buffer zone and fully comply with minimum zoning standards.

Timeline:

August 11, 2022: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents that have been included as part of this case report.

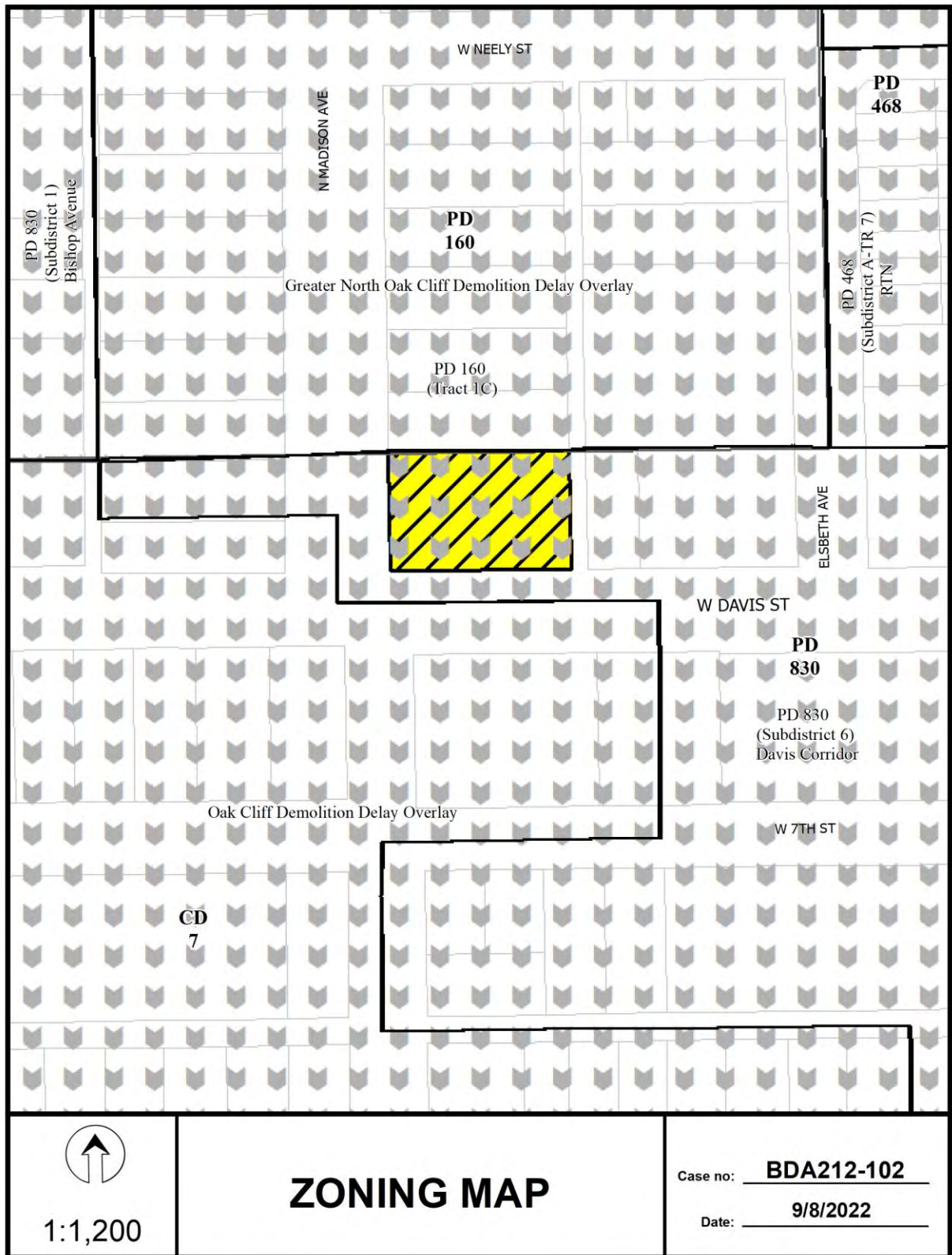
September 1, 2022: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B.

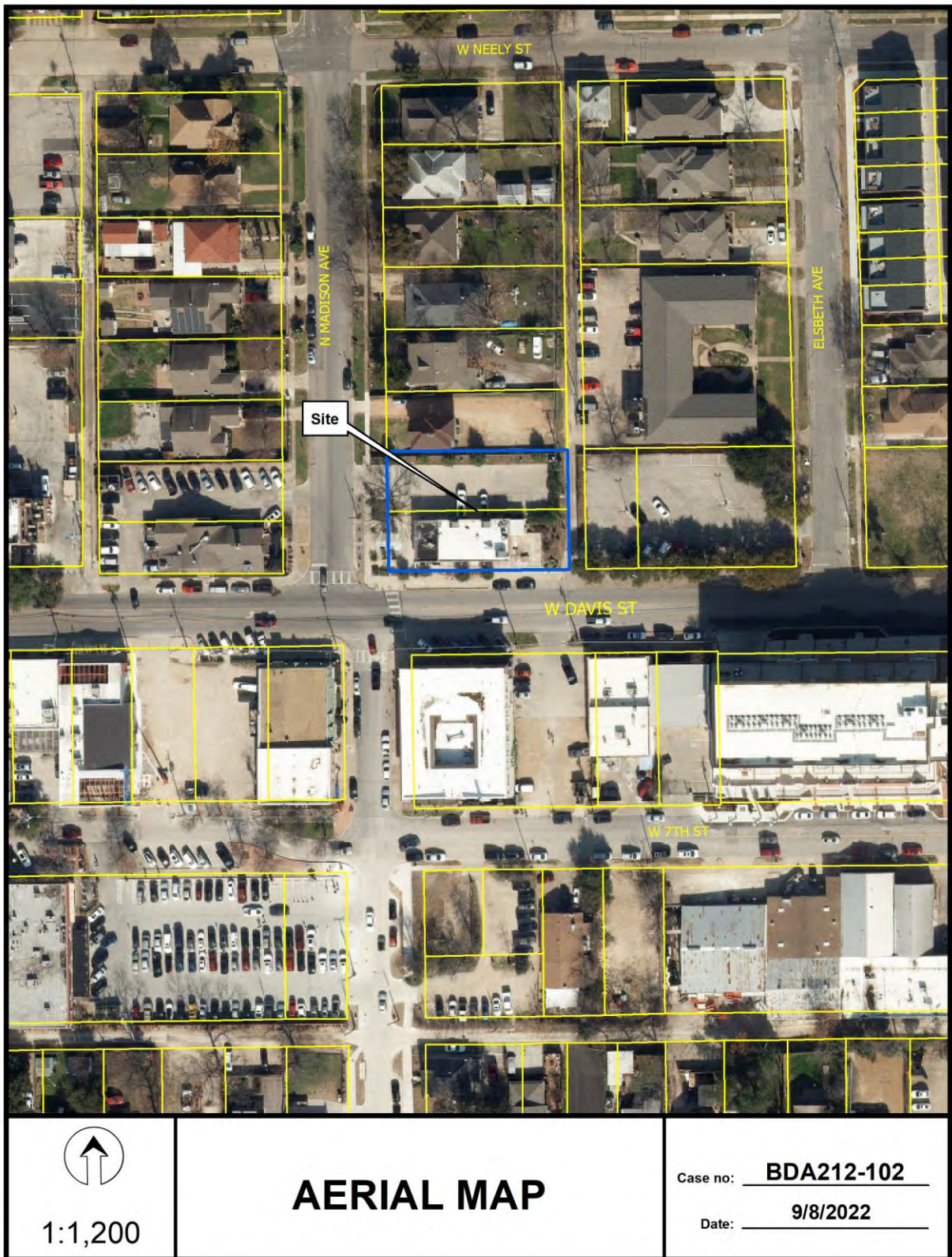
September 9, 2022: The Board Senior Planner emailed the applicant the following information:

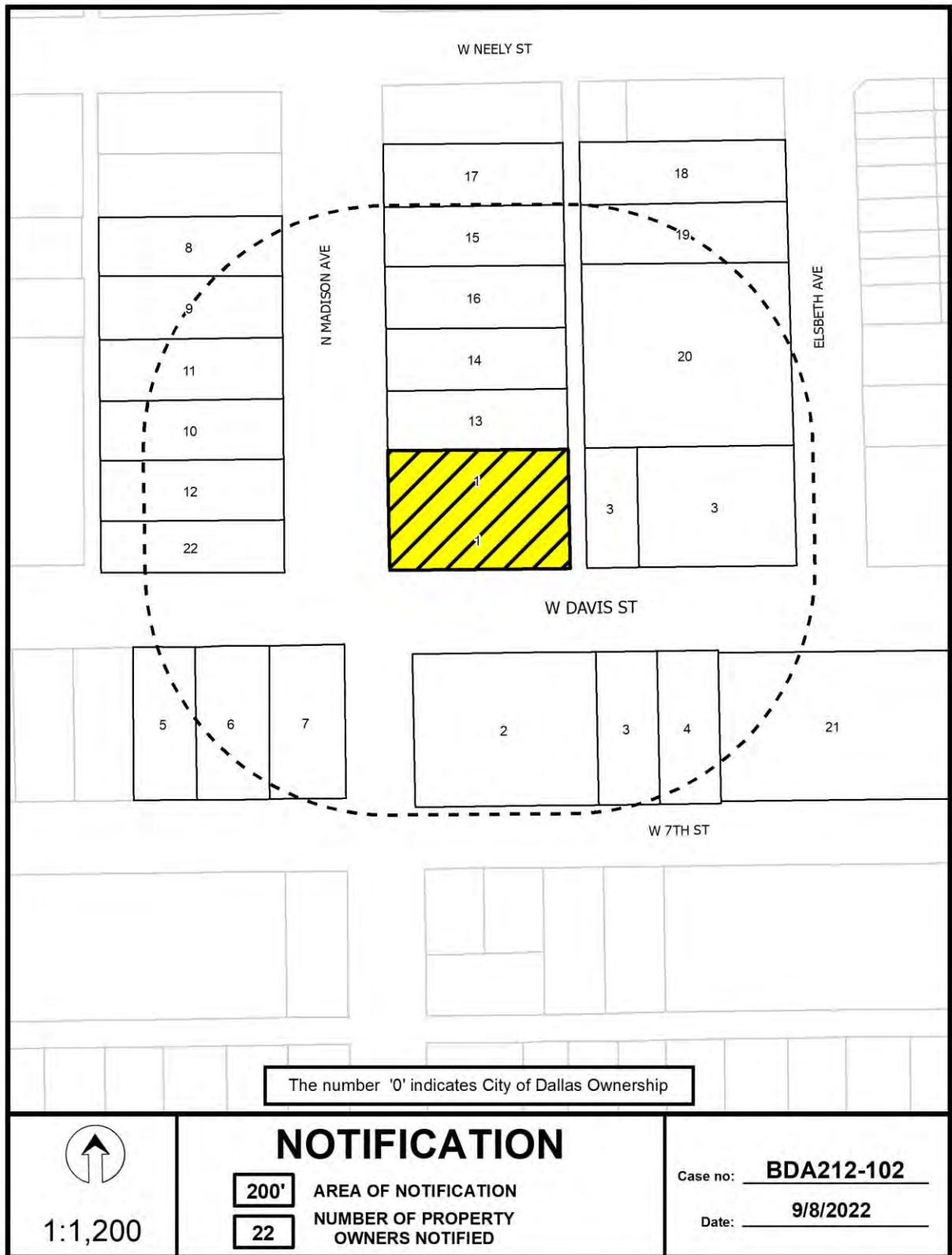
- a copy of the application materials including the Building Official's report on the application.
- an attachment that provided the public hearing date and panel that will consider the application; the September 28th deadline to submit additional evidence for staff to factor into their analysis; and the October 7th deadline to submit additional evidence to be incorporated into the Board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

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

October 5, 2022: The City of Dallas chief arborist submitted a memo regarding this request (see Attachment A)







09/08/2022

Notification List of Property Owners

BDA212-102

22 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	606 N MADISON AVE	TBBRE HOLDINGS LLC
2	238 W DAVIS ST	AMBERS ON DAVIS LP
3	228 W DAVIS ST	WEST DAVIS INVESTMENTS LLC
4	218 W DAVIS ST	ENGLISH FAMILY LTD PS
5	325 W 7TH ST	HISPANIC SERV UNLTD INC
6	306 W DAVIS ST	Taxpayer at
7	300 W DAVIS ST	HISPANIC SERVICES
8	621 N MADISON AVE	FLORES JAVIER
9	617 N MADISON AVE	RODRIGUEZ EDUARDO S &
10	609 N MADISON AVE	SAMAYOA LEONEL
11	613 N MADISON AVE	MONDRAGON MARIA E
12	607 N MADISON AVE	Taxpayer at
13	608 N MADISON AVE	REEDER REAL ESTATE LP
14	612 N MADISON AVE	BURGESS GEORGE T III
15	620 N MADISON AVE	PONCE JESUS J &
16	616 N MADISON AVE	PONCE JESUS J & ANJULIE M
17	624 N MADISON AVE	RODRIQUEZ TORIBIA C
18	627 ELSBETH ST	ACQUISTO MICHAEL F
19	621 ELSBETH ST	MENAECHEGARY JACQUELINE
20	615 ELSBETH ST	Taxpayer at

21	196	W DAVIS ST	ALAMO MANHATTAN BISHOP
22	303	W DAVIS ST	Taxpayer at



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212702

Data Relative to Subject Property:

Date: 08/10/2022
PB 830

Location address: 247 W. Davis, Dallas, TX

Zoning District: Subdistrict 6

Lot No.: 1 Block No.: 3/3325 Acreage: .432 Census Tract: _____

Street Frontage (in Feet): 1) 168 2) 112 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): TBBRE, LLC

Applicant: William E. Lowe

Telephone: 214.984.5270

Mailing Address: 4161 McKinney Ave, Suite 101 TX

Zip Code: 75204

E-mail Address: WELowe@texasbrandbank.com

Represented by: Kayla Sanchez-Nelinger

Telephone: 818.721.6533

Mailing Address: 6195 Hill Ave, Dallas TX

Zip Code: 75223

E-mail Address: Kayla@44BLD.com

Affirm that an appeal has been made for a Variance, or Special Exception, of
Landscape plan for 247 W. Davis Street

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:

Original landscape plan specified some plants that would not survive due to sunlight requirements and the planting of one tree for which there was not enough room to plant.

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

William E. Lowe

(Affiant/Applicant's name printed)

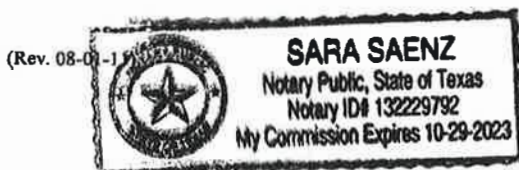
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted:

William E. Lowe

(Affiant/Applicant's signature)

Subscribed and sworn to before me this 11th day of August, 2022



Sara Saenz
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

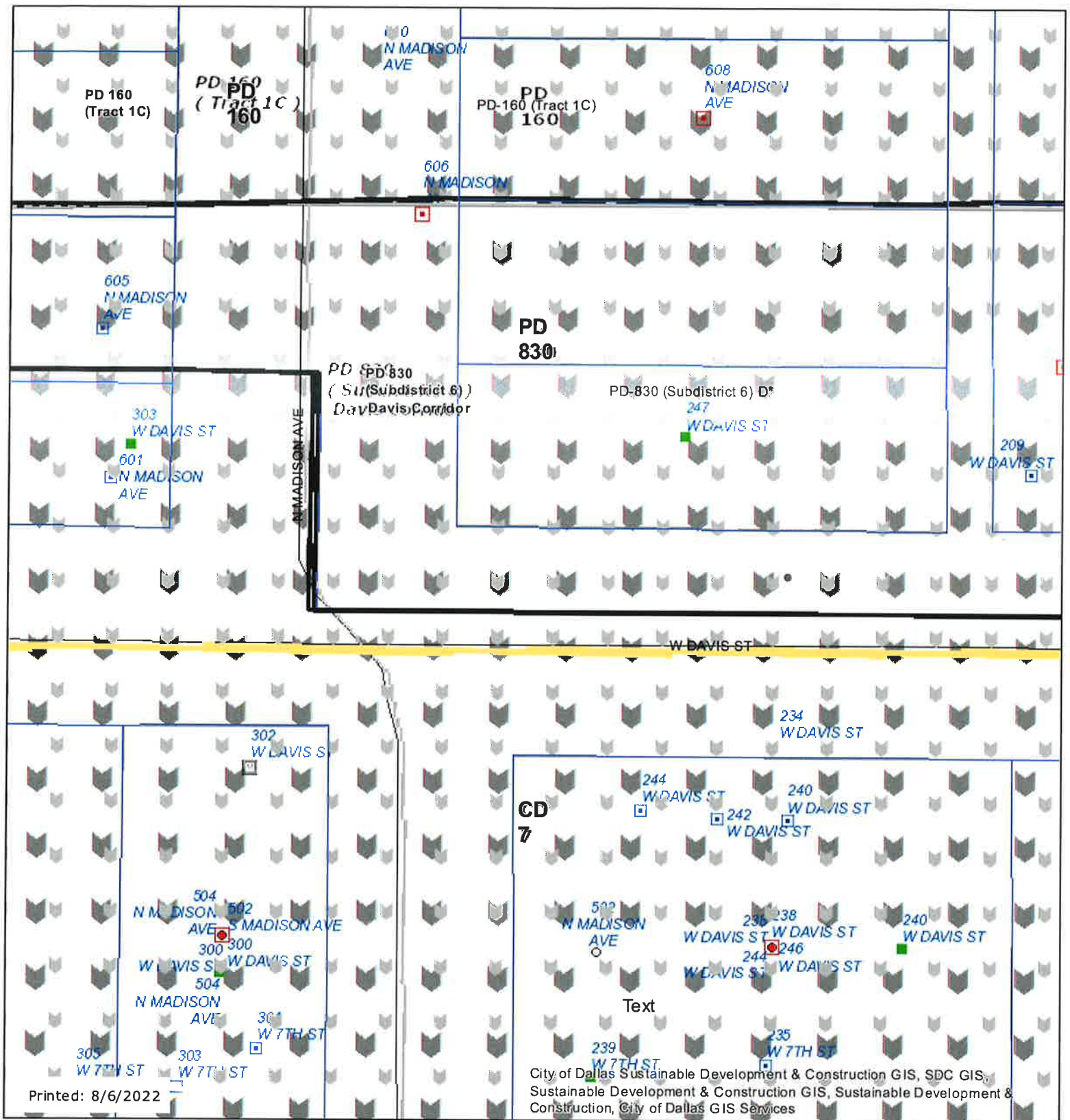
Building Official's Report

I hereby certify that WILLIAM E LOWE
 represented by KAYLA SANCHEZ-NELINGER
 did submit a request for a special exception to the landscaping regulations
 at 247 W DAVIS

BDA212-102. Application of WILLIAM E. LOWE represented by KAYLA SANCHEZ-NELINGER for a special exception to the landscaping regulations at 247 W DAVIS ST. This property is more fully described as block 3/3325, lot 1, and is zoned PD-830, which requires mandatory landscaping. The applicant proposes to construct and maintain a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,


 David Session, Building Official



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

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



1:564

[illegible]

4
3367

Remote Parking Agreement
228 W Davis lot 4 Bk 12/8136
609 ELS Beth lot 8 Bk 3/3335
36 Spar

12-4

3370

CITY OF DALLAS LANDSCAPE REQUIREMENTS

- SITE IS ZONED PD 830 SUBDISTRICT 6, LANDSCAPE TO FOLLOW CITY LANDSCAPE PLAN
- ARTICLE X: IS CURRENTLY NOT APPLICABLE AS NONE OF THE FOLLOWING IS OCCURRING:
 - THE NONPERMEABLE COVERAGE ON THE LOT OR TRACT IS INCREASED BY MORE THAN A NET OF 2,000 SF WITHIN A 24-MONTH PERIOD. (THIS PROVISIONS EXCLUDED THE BUILDING EXPANSION AREA)
 - INCREASES THE NUMBER OF STORIES OR INCREASES THE HEIGHT OF A BUILDING ON THE LOT
 - INCREASES BY MORE THAN 35 PERCENT OR 10,000 SF, WHICHEVER IS LESS, THE COMBINED FLOOR AREAS OF ALL BUILDINGS ON THE LOT WITHIN A 24-MONTH PERIOD.
- TREE MITIGATION: APPLICABLE DUE TO THE REMOVAL OF TREES THAT ARE A MINIMUM OF 8" IN CALIPER AND OF A PROTECTED SPECIES, REF L-1.00
- IRRIGATION - NEW PLANTING TO BE IRRIGATED (PERMANENT OR TEMPORARY) TO ESTABLISHMENT.

IMPERVIOUS COVERAGE OF SITE

- BUILDING ADDITION:
 - NEW BUILDING ADDITION = 463 SF
 - TOTAL = 2,665 SF x 35% = 932 SF (463 SF IS LESS THAN 932 SF)
- SITE PAVEMENT:
 - EXISTING CONCRETE REMOVED = 469 SF
 - NEW CONCRETE ADDED = 195 SF
 - TOTAL CONCRETE ADDED = 469 SF - 195 SF = -274 SF (TOTAL NEW SF IS LESS THAN 2,000 SF)

LANDSCAPE PLANTING NOTES

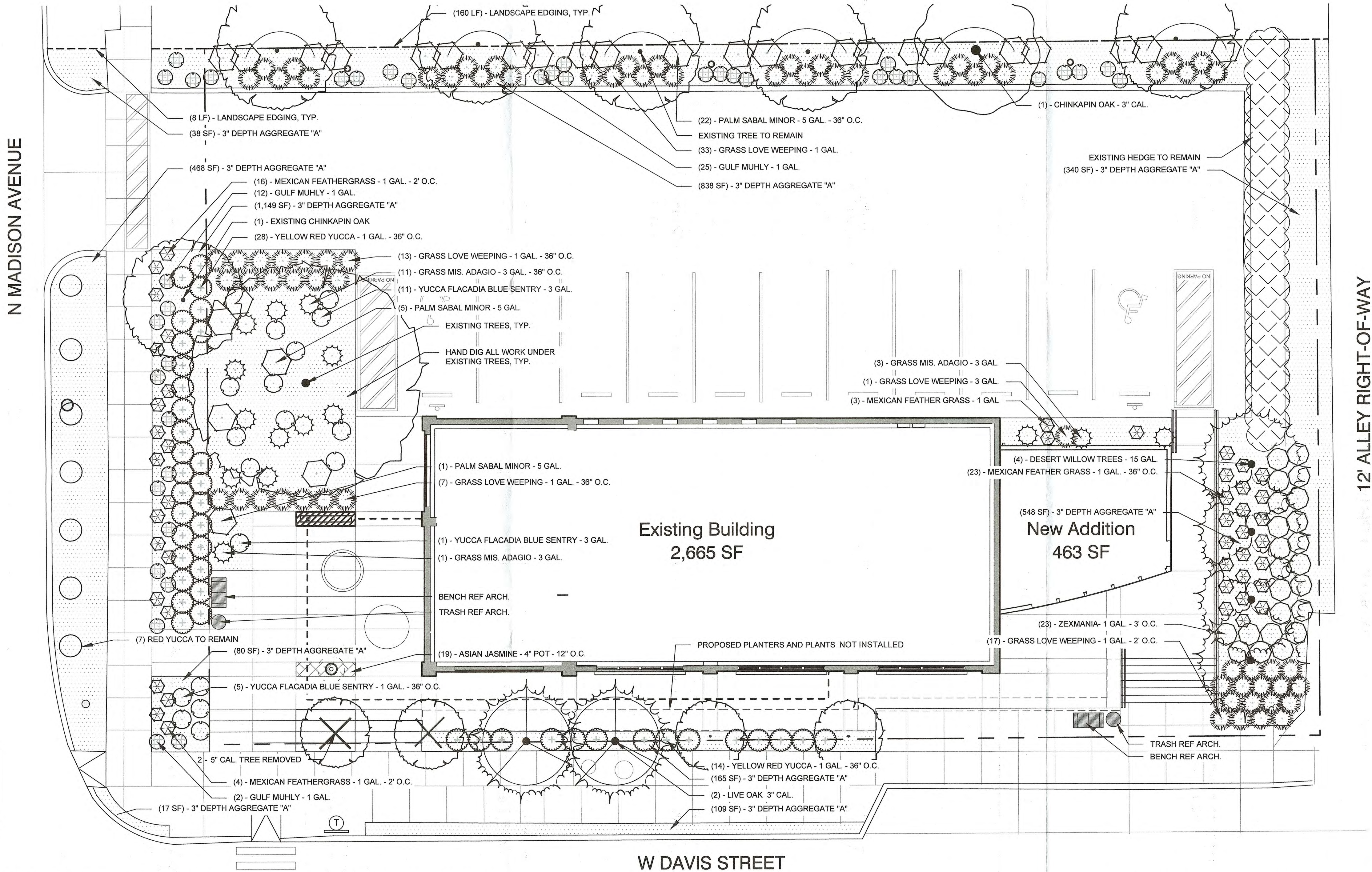
- FINAL GRADING SHALL BE INSTALLED BY THE CONTRACTOR AND APPROVED BY THE OWNER'S REPRESENTATIVE IN THE FIELD PRIOR TO PLANTING OR PLANTING LAYOUT.
- TREES ARE TO BE CENTERED IN EACH TREE PLANTER. CONTRACTOR SHALL STAKE OUT ALL TREE LOCATIONS FOR REVIEW AND APPROVAL BY THE OWNER'S REPRESENTATIVE PRIOR TO EXCAVATION. OWNER'S REPRESENTATIVE RESERVES THE RIGHT TO ADJUST TREES TO EXACT LOCATION IN FIELD.
- UNLESS DIMENSIONED ON THE PLAN, ALL PROPOSED TREE LOCATIONS ARE DIAGRAMMATIC. CONTRACTOR SHALL STAKE OUT ALL INFORMAL TREES LOCATIONS IN THE FIELD USING COLORED FLAGS FOR REVIEW AND APPROVAL BY THE OWNER'S REPRESENTATIVE PRIOR TO EXCAVATION. OWNER'S REPRESENTATIVE RESERVES THE RIGHT TO ADJUST PLANTS TO EXACT LOCATION IN THE FIELD.
- SHRUB BED LAYOUTS SHALL BE STAKED FOR APPROVAL BY OWNER'S REPRESENTATIVE PRIOR TO SOIL PREPARATION. ALIGN AND EQUALLY SPACE, IN ALL DIRECTIONS, ALL SHRUBS AS NOTED IN THE DRAWINGS.
- FINISH GRADE OF SHRUB BEDS SHALL BE THREE AND ONE HALF (3 1/2") INCHES BELOW ADJACENT PAVEMENT OR CURB WHERE TWO (2") INCHES COMPOST AND TWO (2") INCHES MULCH IS TO BE APPLIED.
- UNLESS OTHERWISE INDICATED, ALL SHRUB BEDS SHALL BE TOPDRESSED WITH A TWO (2") INCH COMPOST LAYER COVERED WITH A TWO (2") INCH MULCH LAYER. CONTRACTOR SHALL PROVIDE SAMPLES OF COMPOST AND MULCH TO THE OWNER'S REPRESENTATIVE ALONG WITH SPECIFIC TEST DATA PER THE REQUIREMENTS OF THE SPECIFICATIONS.
- IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ADVISE THE OWNER'S REPRESENTATIVE OF ANY CONDITION FOUND ON THE SITE WHICH PROHIBITS INSTALLATION AS SHOWN ON THESE DRAWINGS.
- ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY AND GROWING CONDITION, AND MUST BE REPLACED WITH PLANT MATERIAL OF SIMILAR VARIETY, CHARACTER, AND SIZE IF DAMAGED, DESTROYED, OR REMOVED.
- CONTRACTOR SHALL MEET OR EXCEED ALL MINIMUM SIZES LISTED IN PLANT SCHEDULE INCLUDING CONTAINER SIZE.
- LANDSCAPE AREAS SHALL BE KEPT FREE OF TRASH, LITTER, AND WEEDS AT ALL TIMES DURING CONSTRUCTION.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR FINE GRADING, REMOVAL OF MISCELLANEOUS DEBRIS AND ANY ADDITIONAL FILL REQUIRED TO CREATE A SMOOTH CONDITION PRIOR TO PLANTING IN ALL PLANTER LEAVE-OUTS.
- EXCESS SOIL FROM LANDSCAPE GRADING TO BE REMOVED AND DISPOSED OFF-SITE BY CONTRACTOR.
- FINISH MULCH GRADES OF ALL TREE BASES SHALL BE (1/2") BELOW ADJACENT PAVEMENT ELEVATION. IN AREAS WHERE A COMBINED (4") LAYER OF MULCH AND COMPOST IS TO BE APPLIED FINISH SOIL GRADES SHALL BE (4 1/2") BELOW ADJACENT PAVEMENT OR CURB.
- CONTRACTOR SHALL PATCH ALL AREAS OF DISTURBED LAWN WITH SOLID SOD COMMON BERMUDA GRASS - REF. PLANS. NEW SOD SHALL BE FLUSH TO EXISTING TURF.
- REPLACE DEAD PLANTS WITHIN 7 DAYS AFTER DETERMINATION OF CONDITION.

LEGEND

TREES	NAME
	EXISTING TREES TO REMAIN
	DESERT WILLOW
	CHINKAPIN OAK
	MEXICAN WHITE OAK
	LIVE OAK
PLANTING	NAME
	LINDHEIMER MULHY - 1 GAL.
	GULF MULHY - 1 GAL.
	MEXICAN FEATHERGRASS - 1 GAL.
	BERKELEY SEDGE - 1 GAL.
	YELLOW RED YUCCA - 1 GAL.
	GRASS MIS. ADAGIO - 3 GAL.
	YUCCA FLACADIA BLUE SENTRY - 3 GAL.
	PALM SABAL MINOR - 5 GAL.
	ZEXMANIA - 1 GAL.
	AGGREGATE "A" 3" DEPTH
	EXISTING HEDGE TO REMAIN
	PROPERTY LINE

NOTE: REPAIR IRRIGATION AND SOLID SOD BERMUDAGRASS ALL DISTURBED AREAS CAUSED BY CONSTRUCTION - INCLUDING AREAS OF STAGING, MATERIAL STORAGE, PARKING, GRADING, AND BUILDING.

NOTE: DO NOT PARK, DRIVE, STAGE MATERIALS OR OTHERWISE PLACE ANYTHING UNDER EXISTING TREES TO REMAIN, INCLUDING THOSE NOT SHOWN ON THE PLANS. ALL EXISTING TREES ON SITE SHALL BE PROTECTED WITH THE UTMOST IMPORTANCE AND TREE CARE AS DIRECTED BY THE LANDSCAPE ARCHITECT.



1 TX BRAND BANK - LANDSCAPE PLANTING PLAN

1/8" = 1'-0"

RECORD DRAWINGS OF INSTALLED CONDITION AUGUST 2, 2022

Memorandum



Date October 5, 2022

To Oscar Aguilera
 Charles Trammell

Subject BDA #212-102 247 W Davis Street Arborist report

Request

The applicant is seeking a special exception to the landscaping requirements of Article X under the provisions of PD 830, Subdistrict 6. The plan is a revision of an alternative landscape plan approved by Panel C in case number BDA 145-030 on March 16, 2015. The addition did not require new landscaping, but the alterations to the site and approved landscape conditions require board approval.

Provision

The proposed alternate landscape plan provides landscaping in the same general areas provided for on the 2015 plan with alterations of some plant materials and a reduction of tree locations along Davis Street. The building, which has changed use since 2015, has been renovated with a new addition under a 2021 building permit. This renovation has altered the site conditions around the building. A dumpster waiver was approved.

Deficiency

The plan retains the deficiency for the required 10' residential buffer zone to the north which was a basis for the original case. The buffer is retained with a stone groundcover with ornamental grasses. There is a reduction of one tree along Davis Street and an overall adjustment of the smaller plant materials and groundcover for changes in appearance.

Recommendation

The landscaping conditions have been amended to conform to the new use and visual design of the site. The plan maintained the existing landscape area parameters with the exception of the location of new or widened pedestrian pathways into the property from Davis Street. I have no objection to site amendments in comparison to the original 2015 plan approved by Panel C.

Philip Erwin
Chief Arborist
Development Services Department

FILE NUMBER: BDA212-084(JM)

BUILDING OFFICIAL'S REPORT: Application of Jarrett Ouellette represented by Anaya Jokabet for special exceptions to the visibility obstruction regulations at 4706 Memphis Street. This property is more fully described as Lots 1 and 2, Block 4/8570 and is zoned an IR Industrial Research District, which requires a 20-foot visibility triangle at drive approaches and a 45-foot visibility triangle at street intersections.

LOCATION: 4706 Memphis Street

APPLICANT: Jarrett Ouellette

REPRESENTATIVE: Anaya Jokabet

REQUESTS:

The applicant proposes to maintain portions of an existing eight-foot-tall solid wood fence and a proposed seven-foot-tall mesh panel fence, in required 20-foot (driveway) and 45-foot (intersection of Memphis Street and Mississippi Avenue) visibility triangles, which will require special exceptions to the visibility obstruction regulations.

UPDATE:

On September 21, 2022, the Board of Adjustment Panel B held this case to the October 19th public hearing date.

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to the visual obstruction regulations since the basis for this type of appeal is when in the opinion of the board, the item will not constitute a traffic hazard. However, staff does provide a technical opinion to assist in the board's decision-making.

The Transportation Development Services Senior Engineer has reviewed the requests for special exceptions to the visual obstructions regulations and provided two technical opinions for the board's consideration (**Attachments A and B**). Ultimately, the 20-foot

visibility triangle encroachment from the private drive onto Memphis Street does not generate objection. Regarding the 45-foot visibility triangle Recommends approval of a reduced sight obstruction that still meets a 30' x 30' visibility triangle.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	IR Industrial Research District
<u>North:</u>	IR Industrial Research District
<u>East:</u>	IR Industrial Research District
<u>South:</u>	A(A) Agricultural District
<u>West:</u>	IR Industrial Research District

Land Use:

The subject site and surrounding properties are developed with office/showroom warehouse uses. The southern property is under construction and beyond that is the levee.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS

The subject site is zoned an IR Industrial Research District which requires compliance with visual obstruction regulations at driveways and intersections. The property is located on the northeast corner of Memphis Street and Mississippi Avenue.

According to DCAD, the property is developed with a one-story, 7,820-square-foot building erected in 1972. The lot contains 12,954 square feet of area.

A fence permit was issued in February 2022 and accounts for much of the fence currently installed and solid wood up to eight-feet-in-height. Notes on the permit state: "INSTALL WOOD FENCE (122 LF) on the NORTH, EAST, AND A LITTLE SOUTH EAST OF THE PROPERTY. NOT TO EXCEED 9 FT ABOVE GRADE. **NOT TO ENCROACH VISIBILITY TRIANGLE.**" The applicant is seeking to extend the fence to encroach into the visibility triangles from the private drive onto Memphis Street and at the intersection of Memphis Street and Mississippi Avenue. These sections of the fence being attached to the existing wood fence permitted are largely the carbon steel mesh fence sections and will wrap the remainder of the parking lot areas and provide gated access to the site.

Section 51A-4.602(d) of the Dallas Development Code states that a person shall not erect, place, or maintain a structure, berm, plant life, or any other item on a lot if the item is:

- in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections and 20-foot visibility triangles at drive approaches and alleys); and between two-and-a-half and eight feet-in-height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).

The following information is shown on the submitted site plan and elevations:

- The parcel contains about 91 feet of frontage along Memphis Street and 124 feet of frontage along Mississippi Avenue.
- The existing fence will be connected to the proposed solid western cedar fence up to eight-feet-in-height and travelling southbound toward the Mississippi Avenue property line. A new 12-foot section of cedar fence will be installed along that property line before connecting to the carbon steel mesh fence proposed.
- The elevation shows the western cedar fence to be horizontal slats with a one-inch by six-inch dimension connected to galvanized posts at six-foot intervals.
- The 45-foot triangle is depicted improperly. The applicant must revise the plan to draw the triangle based on the projected street curbs (**Attachment C**).
- Portions of the fence encroaching into the 45-foot triangle are proposed and contain about 29 feet of carbon steel mesh fencing rounding the corner of the property line at the intersection of the two streets.
- The elevation shows the carbon steel mesh fencing to be seven feet tall and open in nature with a two-by-two-inch mesh pattern and cedar posts at six-foot intervals.
- There are two driveways onto the site from Memphis Street. Each driveway is proposed to have a gated access:
 - One 15-foot carbon steel mesh sliding gate at the northern driveway.
 - One 12-foot carbon steel mesh sliding gate at the southern driveway.
- The sliding gates are proposed to connect to the carbon steel mesh fencing rounding the corner along the property line at the 45-foot visibility triangle onto Mississippi Avenue.

The applicant has requested to obstruct the 20-foot visibility triangles at the private driveways from the site onto Memphis Street. Additionally, the fence structure is proposed to encroach into the 45-foot visibility triangle at the southwest corner of the property, the northeast intersection of Memphis Street and Mississippi Avenue. The applicant has the

burden of proof to show that the visibility obstructions items do not constitute a traffic hazard.

The Transportation Development Services Senior Engineer has provided a technical opinion for the board's consideration, citing no objection to the request for the 20-foot visibility triangles subject to revising the plan (**Attachment A**) and recommending denial of the 45-foot visibility triangle encroachment (**Attachment B**). Additionally, the senior engineer provided an illustration of the likely correction needed to accurately represent the 45-foot visibility triangle on the plan; however, this should be verified by physical confirmation of the projected street curbs (**Attachment C**).

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

Staff conducted a field visit of the site and surrounding area and noticed no other fences appear to be constructed above the minimum height of four feet within the front yard setback and/or obstruct the required 20-foot visibility triangle at the drive approach.

The applicant has the burden of proof to show that the special exceptions to construct the fence in required visibility obstruction triangles:

- Visibility obstructions items are made on the basis of the item(s) not constituting a traffic hazard, and
- Technical opinions provided from the city engineer.

Granting these requests with a condition imposed that the applicant complies with a **revised site/elevation plan, as suggested**, would limit the encroachments and locations of those items within the 20-foot visibility triangles at the private drive approaches and the 45-foot visibility triangle at the intersection of the two street, as shown on the plans.

TIMELINE:

June 13, 2022: The applicant submitted an "Application/Appeal to the Board of Adjustment."

August 4, 2022: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

August 11, 2022: The Board of Adjustment Chief Planner emailed the applicant the public hearing date and panel that will consider the application; the deadline to submit additional evidence for staff to factor into their analysis; and the deadline to submit additional evidence to be incorporated into the board's docket materials and the following information:

- a copy of the application materials including the Building Official's report on the application;
- the criteria/standard that the board will use in their decision to approve or deny the request; and

- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- August 25, 2022: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Chief Arborist, the Development Services Senior Plans Examiner, and Development Services Chief Planner, the Transportation Development Services Senior Engineer, the Conservation District Chief Planner, and the Assistant City Attorney to the Board, the PUD Senior Planner, and the new Assistant City Attorney.
- August 29, 2022: The Transportation Development Services Senior Engineer provided a comment sheets and a markup for illustrative purposes (**Attachments A, B, C**).
- September 21, 2022: Panel B held this case this matter under advisement until October 19, 2022.
- October 3, 2022: The Transportation Development Services Senior Engineer provided revised comment sheets for this application (**Attachments A, & B**)

DRAFT MINUTES

BOARD OF ADJUSTMENT ACTION: September 21, 2022

APPEARING IN FAVOR: None

APPEARING IN OPPOSITION: None.

MOTION: **Karnowski**

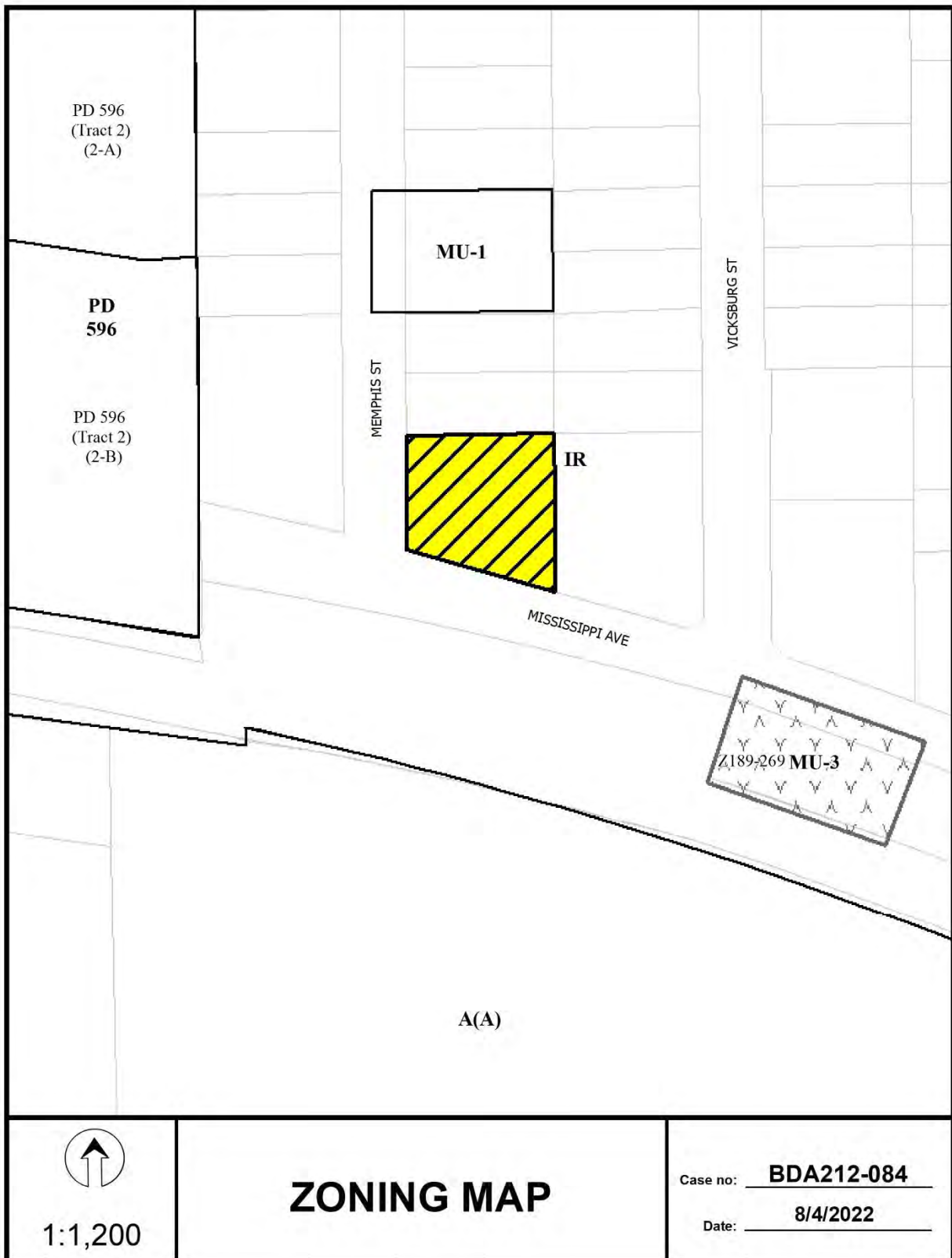
I move that the Board of Adjustment in Appeal No. BDA 212-084, hold this matter under advisement until **October 19, 2022**.

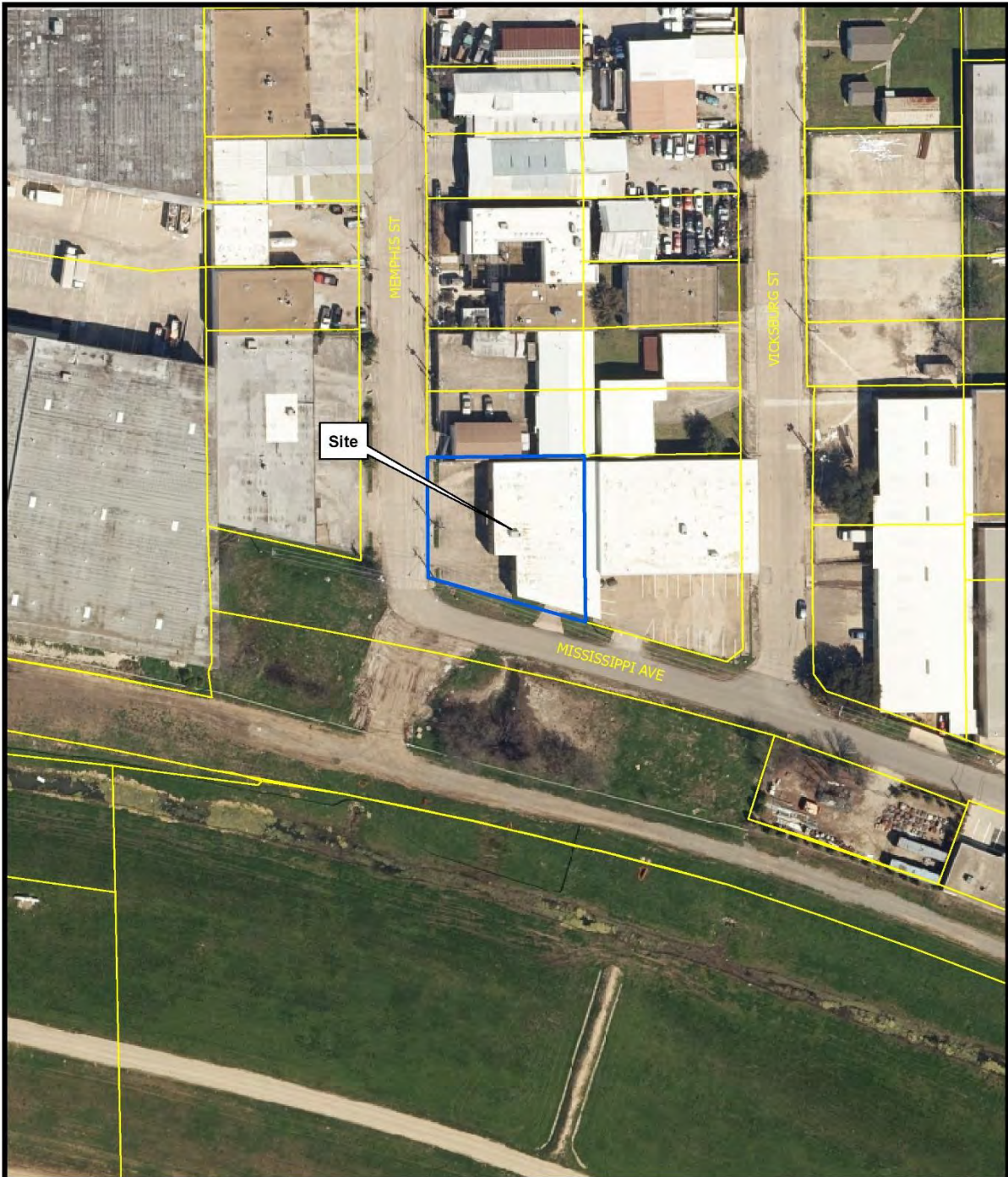
SECONDED: **Cannon**

AYES: 5 – Shouse, Karnowski, Gambow, Fleming, Cannon

NAYS: 0

MOTION PASSED: 5 - 0 (unanimously)



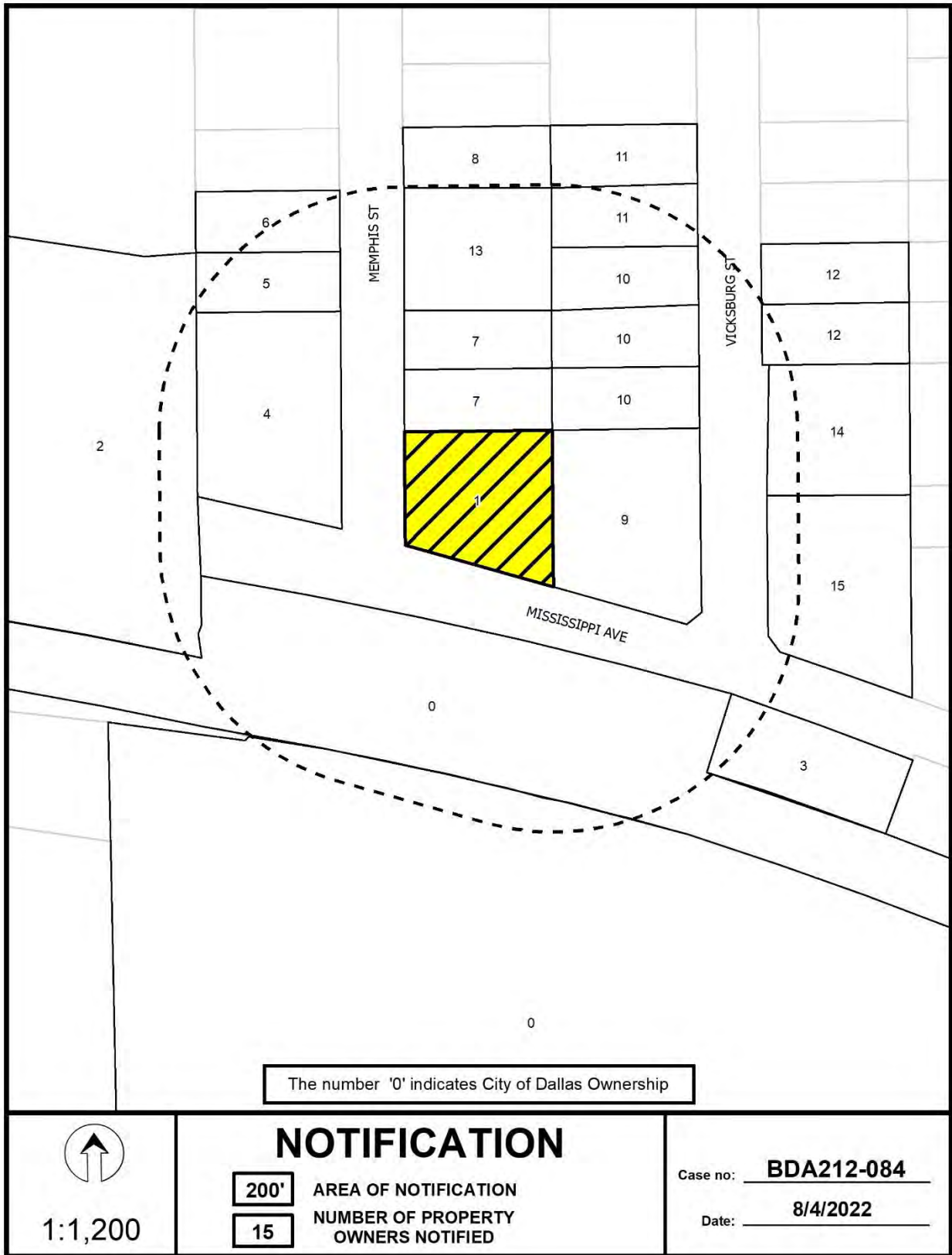


1:1,200

AERIAL MAP

Case no: BDA212-084

Date: 8/4/2022



08/04/2022

Notification List of Property Owners

BDA212-084

15 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4706 MEMPHIS ST	Taxpayer at
2	1110 INWOOD RD	INWOOD TRADE CENTER LLC
3	1136 MISSISSIPPI AVE	Taxpayer at
4	4701 MEMPHIS ST	Taxpayer at
5	4719 MEMPHIS ST	PARISH DORIS ANN
6	4723 MEMPHIS ST	Taxpayer at
7	4712 MEMPHIS ST	REHSU PARTNERS LTD
8	4726 MEMPHIS ST	Taxpayer at
9	4705 VICKSBURG ST	EXA MANAGEMENT LLC
10	4715 VICKSBURG ST	LASIERRA 5433 LLC
11	4727 VICKSBURG ST	Taxpayer at
12	4720 VICKSBURG ST	WSLJKO VENTURES LTD
13	4722 MEMPHIS ST	OWENS SHERRY
14	4708 VICKSBURG ST	WSLJKO VENTURES LTD
15	4708 VICKSBURG ST	WSLJKO VENTURES LTD



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212-084

Data Relative to Subject Property:

Date: 6/13

Location address: 4706 Memphis St Zoning District: 1R

Lot No.: 122 Block No.: 4/8570 Acreage: 0.297 Census Tract: _____

Street Frontage (in Feet): 1) 41.3 2) 124.6 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Jarrett Ouellette

Applicant: Jarrett Ouellette Telephone: 972 998 7479

Mailing Address: 1408 N Riverfront Blvd 335 Zip Code: 75207

E-mail Address: Jarrett@williamwesley.com

Represented by: Jokabet Anaya Telephone: 972 750 2027

Mailing Address: 1111 W Mockingbird Ln Ste. 13-6 Zip Code: 75247

E-mail Address: Jokabet Anaya ^{JAD} June 9, 2022 - Jokabet@xhoprojects.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of VISIBILITY TRIANGLES - 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:

SPECIAL EXCEPTION TO VISIBILITY TRIANGLES

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 Jarrett Ouellette
(Affiant/Applicant's name printed)

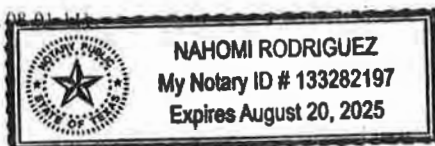
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: Jarrett Ouellette
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 13 day of June, 2022

Nahomi Rodriguez
Notary Public in and for Dallas County, Texas

(Rev. 08-01-14)



**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 JARRETT OUELLETTE
represented by ANAYA JOKABET
did submit a request for a special exception to the visibility obstruction regulations, and for a
special exception to the visibility obstruction regulations
at 4706 MEMPHIS STREET

BDA212-084. Application of JARRETT OUELLETTE represented by ANAYA JOKABET for a special exception to the visibility obstruction regulations, and for a special exception to the visibility obstruction regulations at 4706 MEMPHIS ST. This property is more fully described as block 4/8570, lots 1 and 2, and is zoned IR, which requires a 20 foot visibility triangle at drive approach and requires a 45 foot visibility triangle at street intersections. The applicant proposes to construct a fence in a required 20 foot visibility obstruction triangle, which will require a special exception to the visibility obstruction regulations, and to construct a fence in a required 45 foot visibility obstruction triangle, which will require a special exception to the visibility obstruction regulations.

Sincerely,


David Session, Building Official

CITY OF DALLAS

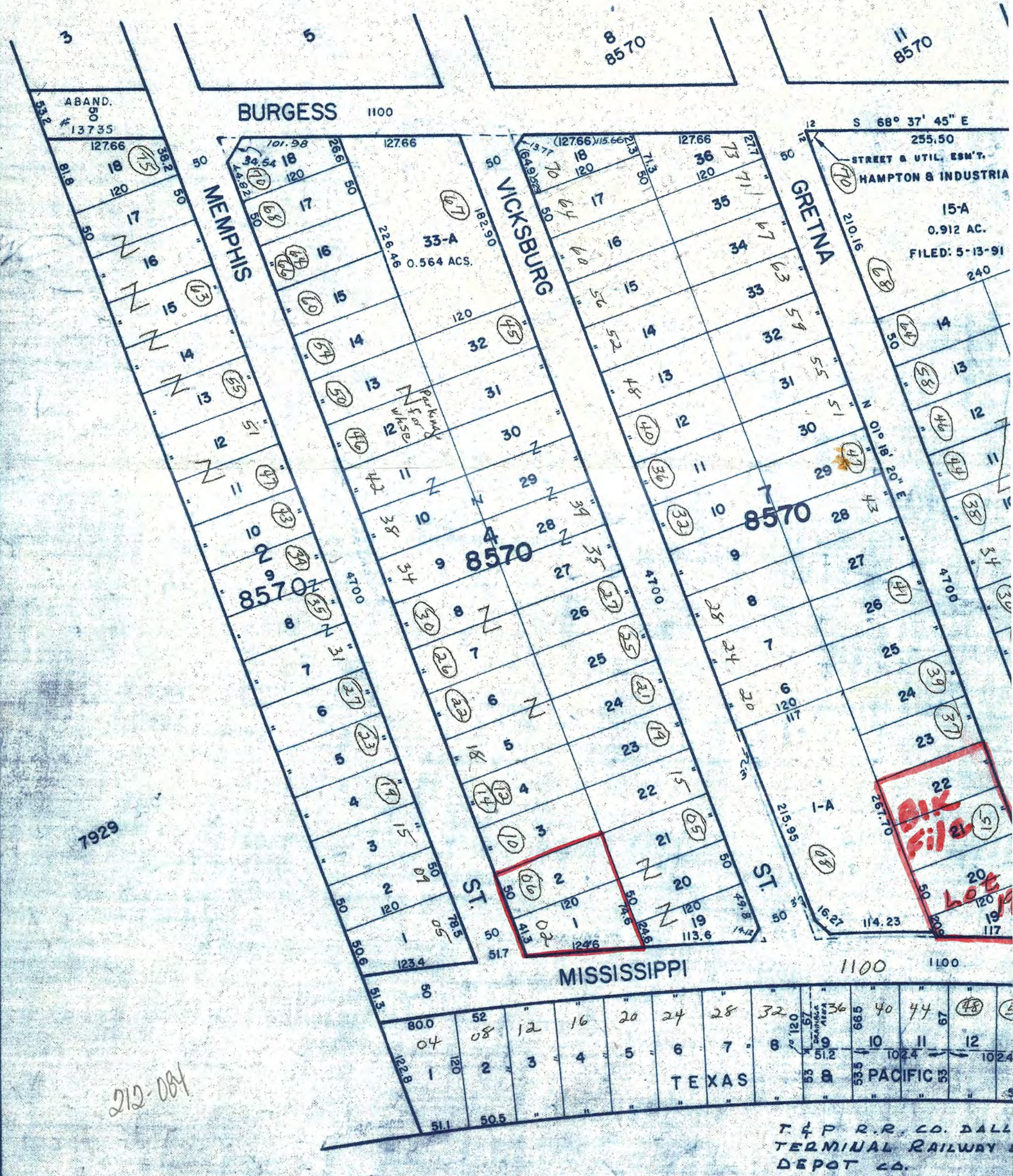
SEPT. 16, 1968 12275 BLK.2
MARCH 21, 1966 11403 BLK.1
ANNEXED JANUARY 14, 1963 ORD. NO. 9603

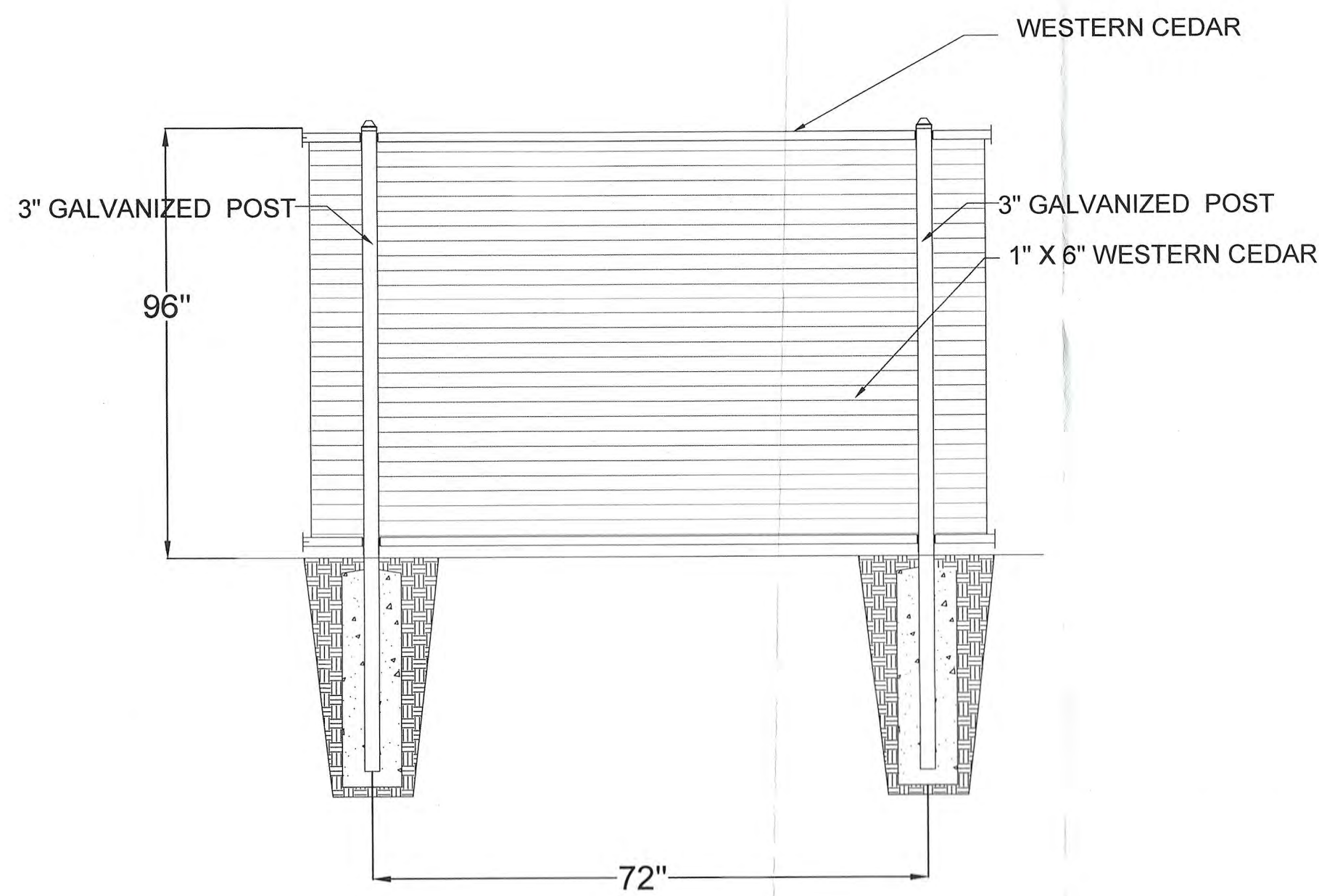
ADDITION HAMPTON & INDUST

SURVEY H. BENNETT, G.W. DOOLEY ABST. 83-390

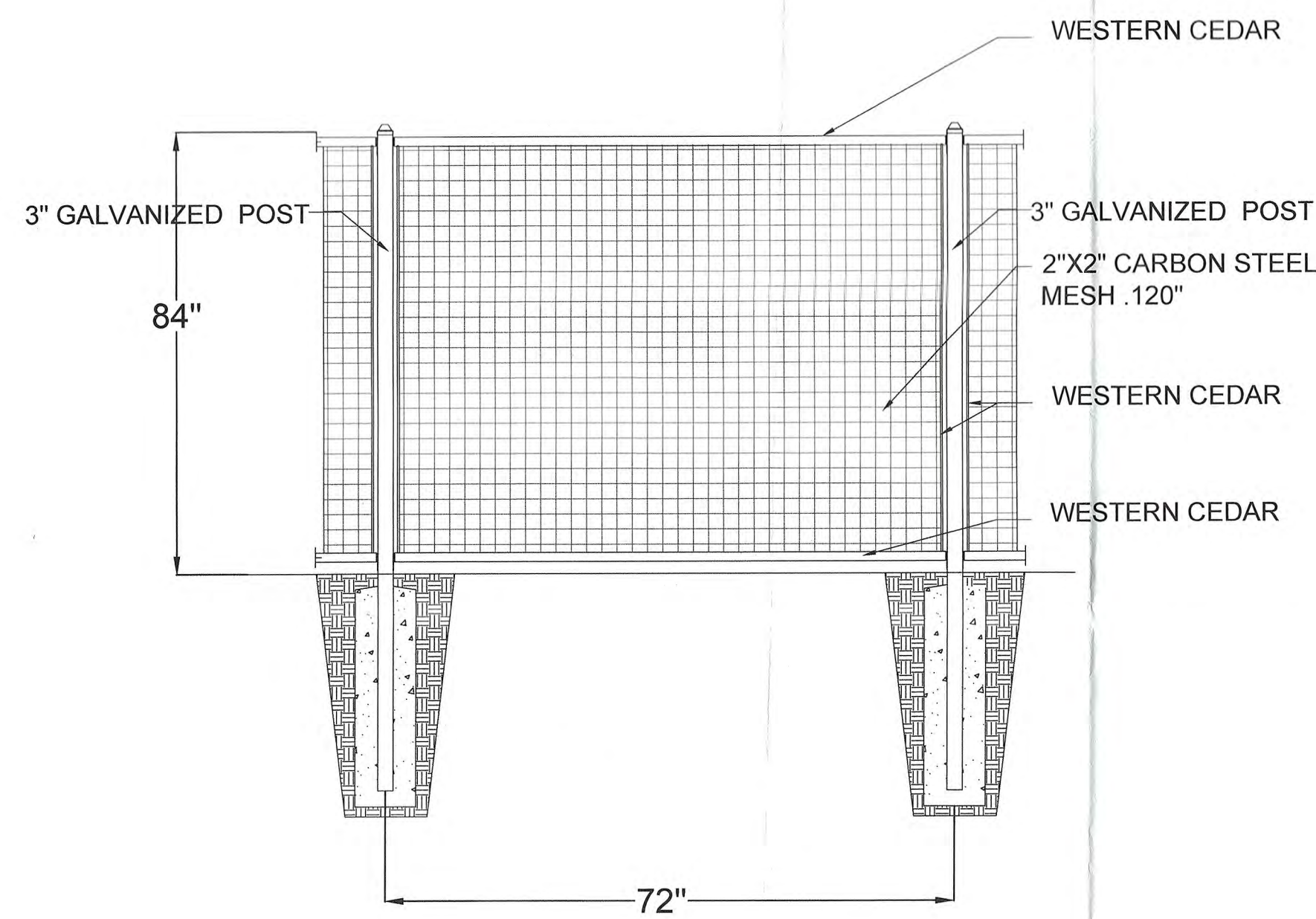
SCALE 100 FT. EQ

FILED: 9-21-44
SCHAEFER ADDN. LOT 33-A BLK. 4/8570 FILED: 10-8-85
REPLAT LOTS 14 & 15 BLK. 1/8570 FILED: 12-27-85
FILED: 12-16-85 BLK. 12/8570 LOT 12A, REPLAT LOTS 12-14 & 31-33
REPLAT LOT 9-A & 28-A BLK. 12/8570 FILED: 6-30-86
JOSEPH YOUNG ADDN. LOT 1-A BLK. 7/8570 FILED: 10-15-86
FILED: 1-23-87 REPLAT LOT 20-A BLK. 10/8570
FILED: 5-20-87 REPLAT HAMPTON & INDUSTRIAL ADDN. LOT 1-A BLK. 10/8570

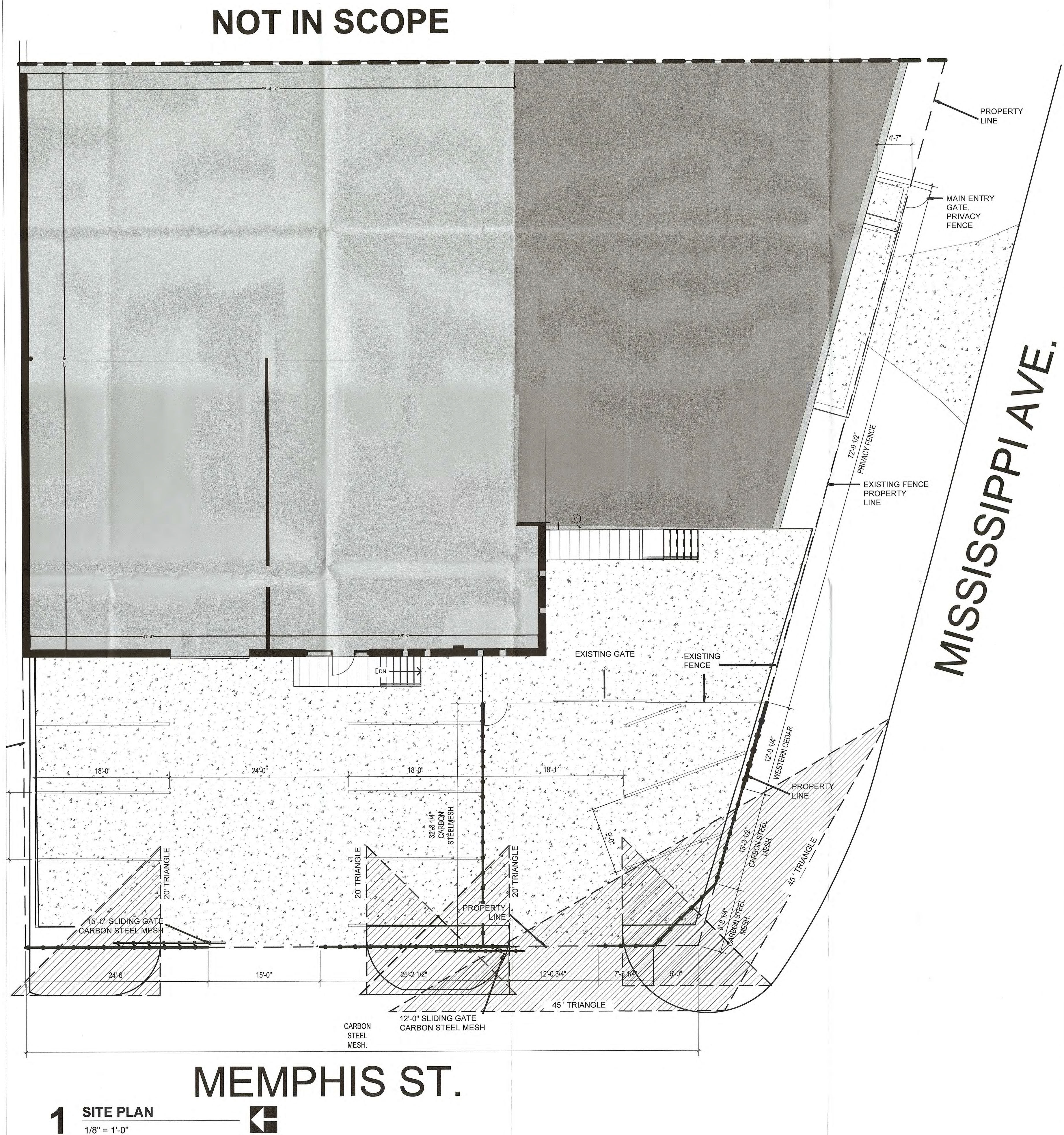




2 CEDAR FENCE ELEVATION
1/8" = 1'-0"



3 MESH FENCE ELEVATION
1/8" = 1'-0"



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



O&CO

1/17/2021

APPROVAL, PERMITTING,
OR CONSTRUCTION

O&Co.
OUELLETTE & COMPANY
2247 SYLVAN AVE. DALLAS, TX 75208
T. 770.634.4115

MEMPHIS ST.

4706 Memphis St.
Dallas, Texas, 75207

REV#1 DATE DESCRIPTION

PROJECT NUMBER
2104

DATE
05/12/2022

SHEET TITLE

SITE PLAN

SHEET NUMBER

A1.00

BDA212-084_ATTACHMENT A

REVIEW COMMENT SHEET BOARD OF ADJUSTMENT HEARING OF SEPTEMBER 21, 2022 (B)

☐ Has no objections

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

☐ Recommends denial
(see comments below or attached)

☐ No comments

☐ BDA 212-080(JM)

☐ BDA 212-081(JM)

☒ BDA 212-084(JM)

☐ BDA 212-085(JM)

COMMENTS:

NO OBJECTION TO ENCROACH VISIBILITY TRIANGLE
AT DRIVEWAY.

Must revise plan to correctly show and label visibility
triangles.

☐☐☐☐☐☐☐☐☐☐

David Nevarez, PE, PTOE, DEV - Engineering

Name/Title/Department

8/29/2022

Date

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

BDA 212-084 ATTACHMENT B

REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING OF OCTOBER 19, 2022 (B)

☐ Has no objections

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

☐ Recommends denial
(see comments below or attached)

☐ No comments

COMMENTS:

***Recommends approval of a reduced
sight obstruction that still meets a 30' x
30' visibility triangle.***

☒ BDA 212-084(OA)

☐ BDA 212-092(OA)

☐ BDA 212-095(OA)

☐ BDA 212-099(OA)

☐ BDA 212-101(OA)

☐ BDA 212-102(OA)

☐

☐

☐

☐

☐

☐

☐

☐

David Nevarez, PE, PTOE, DEV - Engineering

Name/Title/Department

10/3/2022

Date

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

[illegible]

18-1

FILE NUMBER: BDA212-095

BUILDING OFFICIAL'S REPORT: Application of John Brodersen represented by Matt Wilson for a special exception to the sign regulation at 7770 Forest Lane. This property is more fully described as Lot 1C Block A/7741, and is zoned MU-1 Mixed Use District, which prohibits non-monument signs within 250 feet of either private property in a non-business zoning district or a public park of more than one acre. The applicant proposes to construct a detached premises non-monument sign on a nonresidential premises within 250 feet of either private property in a non-business zoning district or a public park of more than one acre, which will require a special exception to the sign regulation.

LOCATION: 7770 Forest Lane.

APPLICANT: John Brodersen
represented by Matt Wilson

REQUEST: A request for a special exception to the sign regulations is made to place and maintain a non-monument sign within the 250-foot distance requirement from a residential property on a site being developed with a car wash use.

STANDARD FOR A SPECIAL EXCEPTION TO THE SIGN REGULATIONS FOR A NON-MONUMENT SIGN WITHIN 250 FEET OF PRIVATE PROPERTY IN A NON-BUSINESS ZONING DISTRICT:

Section 51A-7.304(b)(3) states that the Board of Adjustment may grant a special exception to allow a non-monument sign within 250 feet of private property in a non-business zoning district when, in the opinion of the board, the special exception will not adversely affect neighboring property.

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to the sign regulations to allow a non-monument sign within 250 feet of private property in a non-business zoning district 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: MU-1 Mixed Use District

North: MU-3 Mixed Use District

South: MU-1 Mixed Use District / R-16 Single Family Residential District

East: MU-1 Mixed Use District

West: MU-1 Mixed Use District

Land Use:

The site is being developed with a car wash use. The areas to the north, east and west are developed with mixed uses; the area to the south, is developed with the White Rock Creek Trail (Park).

Zoning/BDA History:

There have not been any related board or zoning cases in the vicinity of the subject site within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

The request focuses on placing and maintaining a non-monument sign within 250 feet from the White Rock Creek Trail (Park), on a site being developed with car wash use. The proposed sign is proposed to be located 34 feet from the property line fronting Forest Lane.

The Dallas Development Code states non-monument signs are not allowed within 250 feet of either private property in a non-business zoning district or a public park of more than one acre.

The applicant has submitted a site plan and sign elevation. The site plan notes that the signboard of the proposed sign would be oriented to face east and west. It is unknown at this time if the sign would be visible to the White Rock Creek Trail to the south of the subject site due to vegetation and the sign facing east and west.

The subject sign is located approximately 134 feet from White Rock Creek Trail located south of the subject site. The applicant is placing a new sign on an 8-inch steel pole with aluminum fabricated sign cabinet that measures 4' by 10' to advertise for the proposed car wash business.

In October of 2004, the sign regulations were amended in ways that added the provision the applicant is seeking an exception from – non-monument signs are not allowed within 250 feet of either private property in a non-business zoning district or a public park more than one acre.

The applicant submitted a site plan and elevation document stating, among other things, that the proposed sign will be a 40-square-foot illuminated LED cabinet.

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

- That allowing a non-monument sign within 250 feet of private property in a non-business zoning district when, in the opinion of the board, the special exception will not adversely affect neighboring property.

If the board were to grant this request and impose the submitted site plan as a condition to the request, the sign would be held to the location as shown on this plan

- a site plan that notes that the signboard of the proposed replacement sign would be oriented to face northeast and northwest of the subject site.

Staff does not recommend imposing any sign elevation as a condition to this request since granting this special exception would not provide any relief to the sign regulations of the Dallas Development Code (i.e., height, effective area, or setback requirements) other than allowing a non-monument sign within 250 feet of private property in a non-business zoning district.

TIMELINE:

August 3, 2022: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents that have been included as part of this case report.

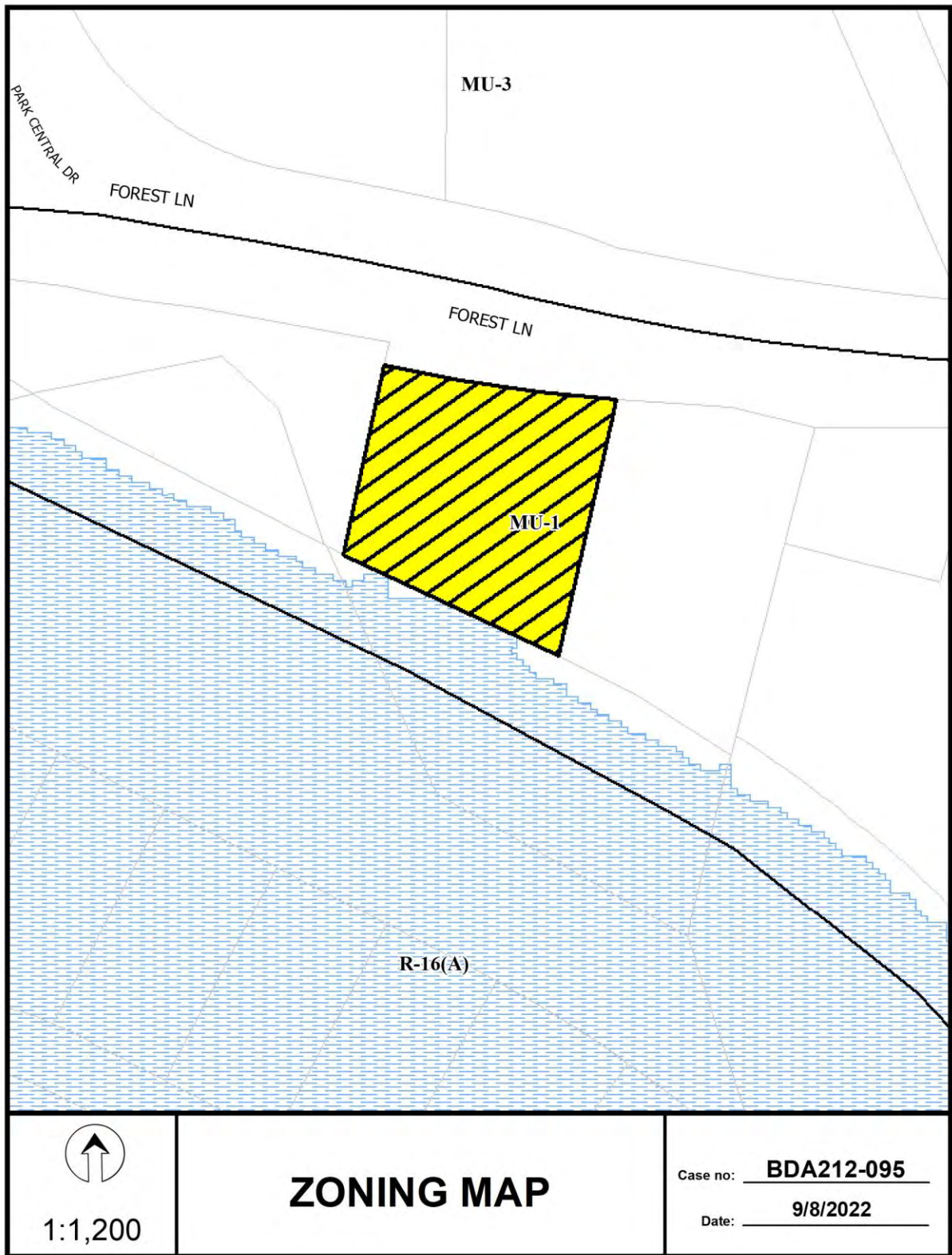
September 1, 2022: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.

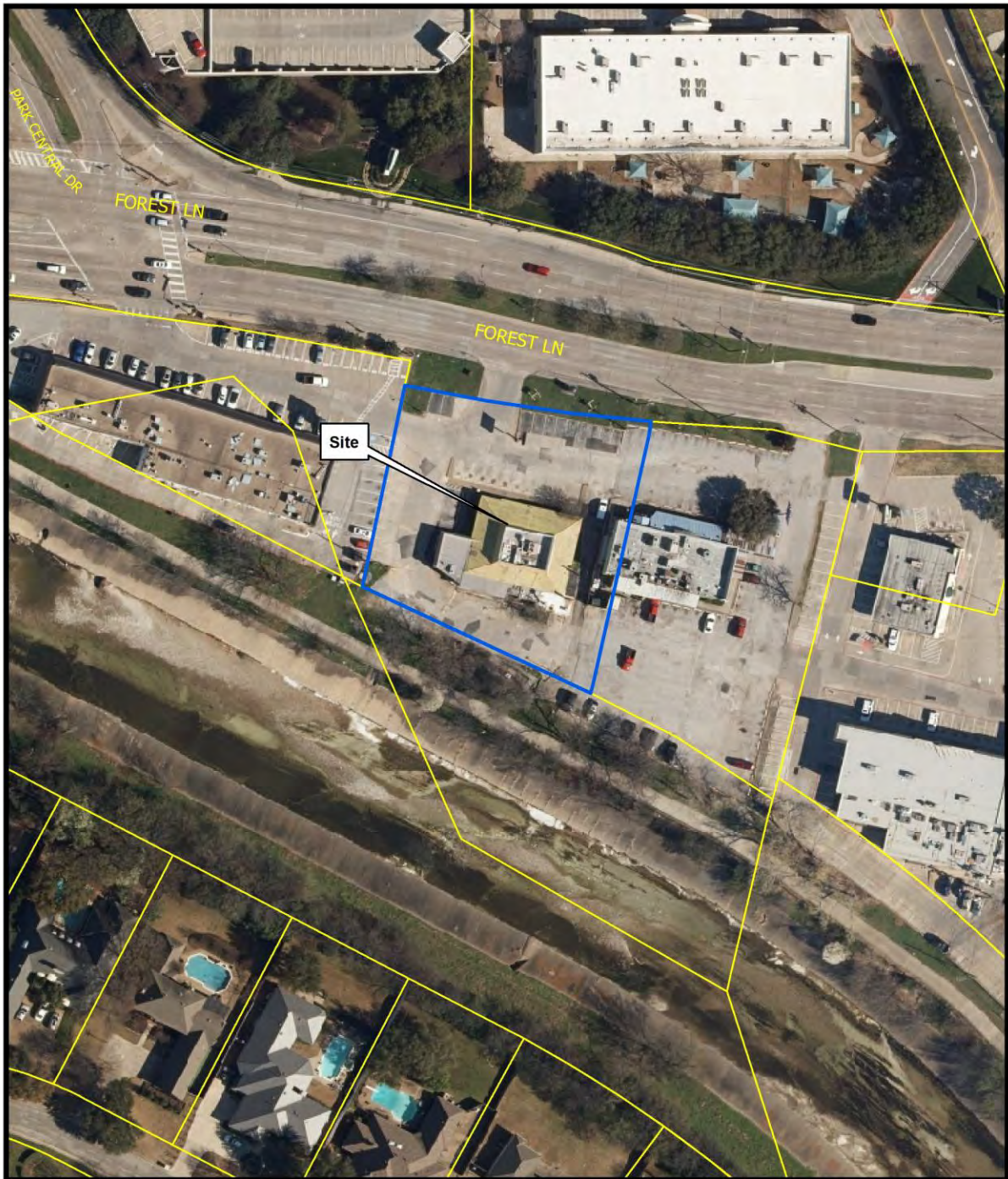
September 9, 2022: The Board Senior Planner emailed the applicant the following information:

- a copy of the application materials including the Building Official's report on the application.
- an attachment that provided the public hearing date and panel that will consider the application; the September 28, 2022, deadline to submit additional evidence for staff to factor into their analysis; and the October 7, 2022, deadline to submit additional evidence to be incorporated into the Board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

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

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



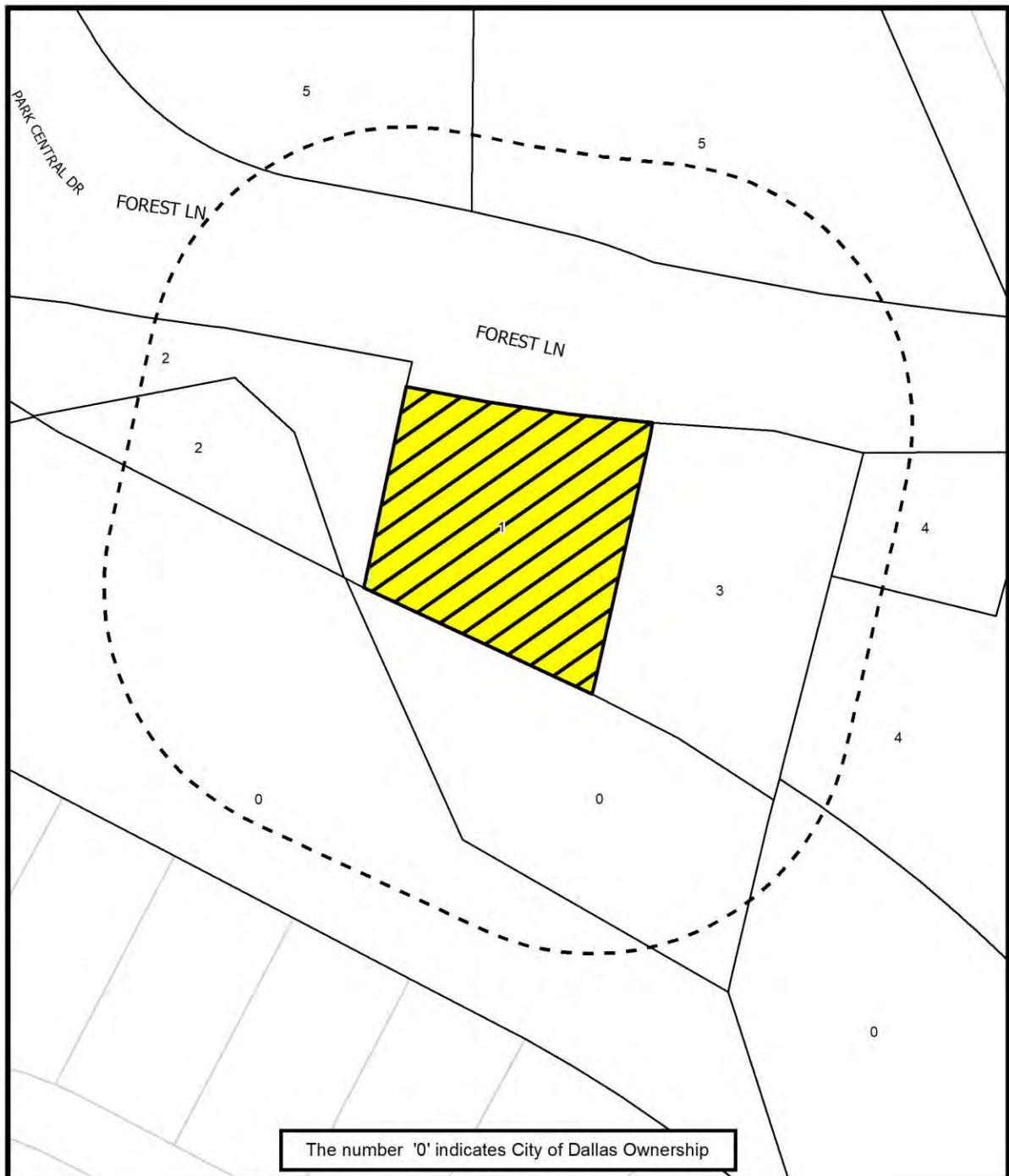


1:1,200

AERIAL MAP

Case no: BDA212-095

Date: 9/8/2022



1:1,200

NOTIFICATION

200'

5

AREA OF NOTIFICATION
NUMBER OF PROPERTY
OWNERS NOTIFIED

Case no: **BDA212-095**
Date: **9/8/2022**

09/01/2020

09/06/2022

Notification List of Property Owners

BDA212-095

5 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7770 FOREST LN	Taxpayer at
2	7726 FOREST LN	HSB FOREST LANE LLC &
3	7778 FOREST LN	GARTNER PLANO CO ETAL
4	11617 N CENTRAL EXPY	NEW CENTRAL FOREST S C LTD
5	7777 FOREST LN	GALTEX LLC



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212095

Data Relative to Subject Property:

Date:

Location address: 7710 Forest Lane, Dallas, Tx Zoning District: MU-1
 Lot No.: 1-C Block No.: A7741 Acreage: Census Tract:
 Street Frontage (in Feet): 1) 172.43 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): 7710 Forest Lane GP, LLC and 7710 Forest Lane, Ltd.
 Applicant: John Brodersen Enterprises, Inc. Telephone: 214.532.2617
 Mailing Address: 4407 Northcrest Rd. Dallas, Tx Zip Code: 75229
 E-mail Address: jbrodersen@sbcglobal.net
 Represented by: Chandler Signs (Matt Wilson) Telephone: 214.902.2000
 Mailing Address: 1420 Sovereign Rd. #101, Fort Worth, Tx Zip Code: 76155
 E-mail Address: mwilson@chandler signs.com

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

Install pole sign

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:

Installation of a new freestanding pole sign, per the attached drawing. The proposed location was determined by the required setbacks from the front and side property lines.

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

John Brodersen

(Affiant/Applicant's name printed)

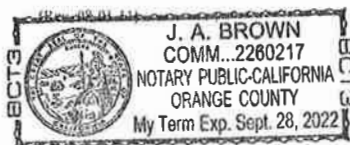
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted.

John Brodersen
 (Affiant/Applicant's signature)

Subscribed and sworn to before me this 3rd day of August 2022

Jim R
 Notary Public in and for Dallas County, Texas JB



California

Orange

Date of Hearing

Appeal was--Granted OR Denied

Remarks

Chairman

I hereby certify that JOHN BRODERSEN
represented by MATT WILSON
did submit a request 7770 FOREST LANE
at

BDA212-095. Application of JOHN BRODERSEN represented by MATT WILSON for a special exception to the sign regulations at 7770 FOREST LN. This property is more fully described as block A/7741, lot 1C, and is zoned MU-1, which prohibits non-monument signs within 250 feet of either private property in a non-business zoning district or a public park of more than one acre. The applicant proposes to construct a detached premises non-monument sign on a nonresidential premises within 250 feet of either private property in a non-business zoning district or a public park of more than one acre, which will require a special exception to the sign regulation.

Sincerely,

David Session
David Session, Building Official



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 22-095

I, 7770 Forest Lane GP, LLC and 7770 Forest Lane, Ltd., Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 7770 Forest Lane, Dallas, Texas 75230
(Address of property as stated on application)

Authorize: John Brodersen Enterprises, Inc (Carmel Car Wash)
(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: Installation of a new free standing pole sign. The proposed location was determined by the required setbacks from the front and side property.

Gale "gigi" Gartner
Print name of property owner or registered agent

[Signature]
Signature of property owner or registered agent

Date 8.4.2022

Before me, the undersigned, on this day personally appeared Gale "gigi" Gartner

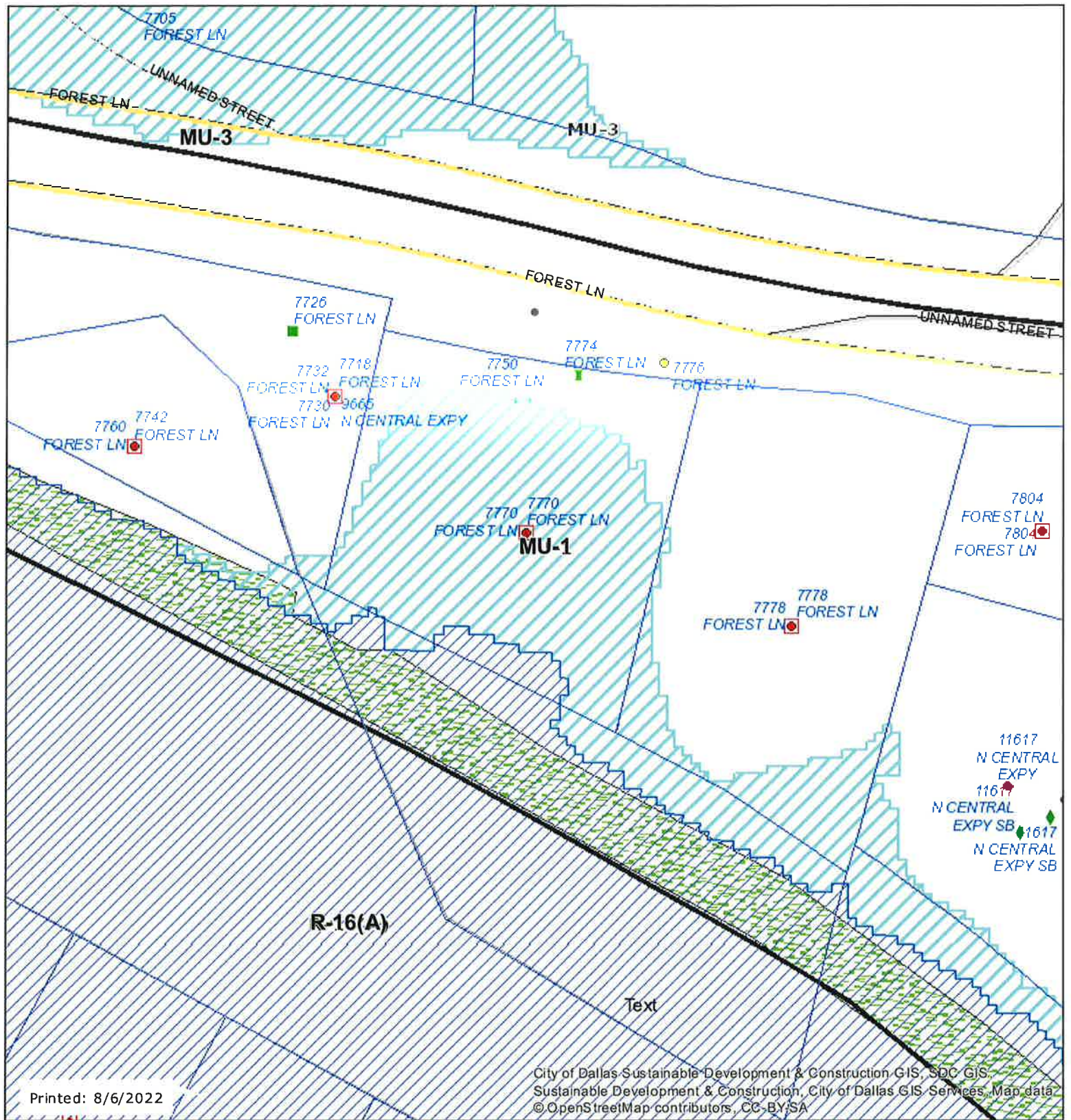
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 4th day of August, 2022



[Signature]
Notary Public for Dallas County, Texas

Commission expires on 1/28/2025



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

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



1:1,128

SIGN PREMISE WARRANTY

In compliance with the provisions of the City of Dallas Building Code, Subchapter 36, and as defined in section 3601.2 of said Code, the following information is submitted as a integral part of an application for a sign permit.

- A. Upon the premise on which the proposed sign is be erected, there presently exists ONE detached premise signs, and ZERO detached non-premise signs, as defined in Chapter 51A, Dallas City Code.

This premise* can be described as follows, Block(s), Lot(s), Tract(s), And/or Address:

7770 Forest Lane, Dallas TX

***NOTE:** Section 51A-7.208 requires that a lot or tract is part of a plat which is approved by the City Plan Commission, and filed in the plat records of Dallas County, Texas, and the lot or tract has contract, through fee simple ownership, with a dedicated street.

- B. The application is for the erection of ONE sign(s). I am the owner of the property named above, or am duly authorized to sign for owner. **(The sign contractor is not authorized to sign for the owner).** I understand that if any permit is issued as a result of the information supplied herein being in error, it shall be revoked in accordance with Section 3601.6. No refund of fee shall be made and any sign erected shall be removed at my expense.

I hereby affirm that the above statements are true and correct, and hereby agree that if an authorization is issued, all provisions of City Ordinances and State laws will be complied with.

Name (Type or Print) JOHN BRODERSEN

Street Address 4407 NORTHCREST RD Dallas TX

SIGNED: [Signature] Date: 5/25/22
(Property Owner) 75229

Subscribed and sworn to before me, this 25th day of May, 2022
(Month) (Year)

Seal



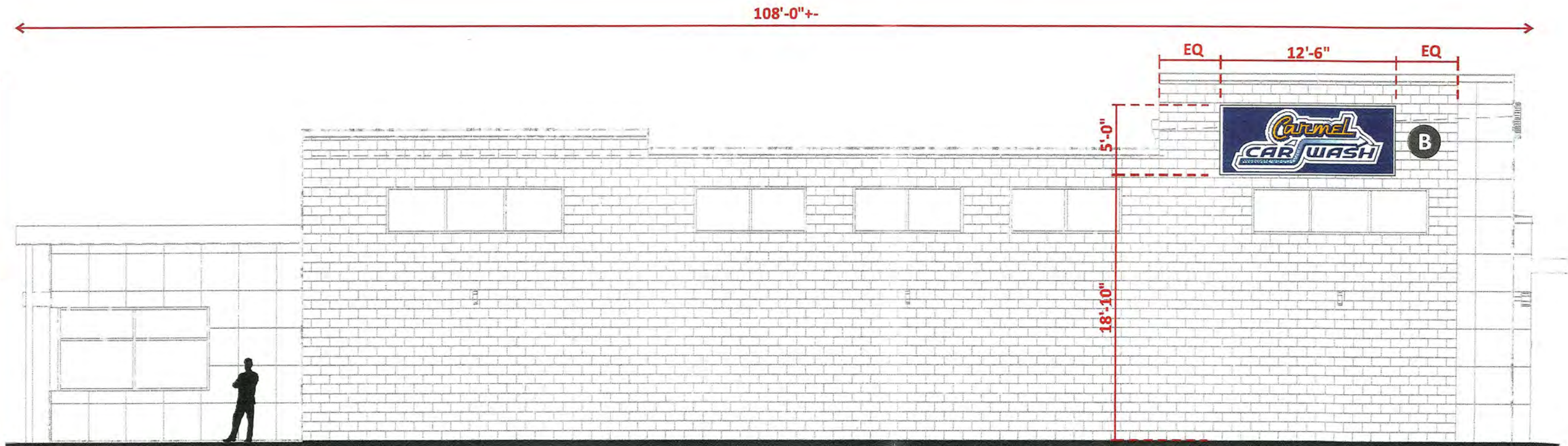
[Signature]
Notary Public



212-095



EXTERIOR NORTH ELEVATION | PROPOSED SIGNAGE
SCALE: 1/8" = 1' - 0"



EXTERIOR WEST ELEVATION | PROPOSED SIGNAGE
SCALE: 1/8" = 1' - 0"

Design #	0415864Ar1
Sheet	1 of 7
Client	CARMEL CAR WASH
Address	7770 FOREST LANE DALLAS, TX. 75230
Account Rep.	M WILSON
Designer	RFF
Date	01.26.22
Approval / Date	
Client	
Sales	
Estimating	
Art	
Engineering	
Landlord	
Revision / Date	
R1 JMC 4/29/22: REVISED SITE PLAN AND REMOVED OPTION 2 OF SIGN D	

CHANDLER SIGNS	
chandlersigns.com	
National Headquarters	14201 Sovereign Road #101 Ft. Worth, TX 76155 (214) 952-2800 Fax (214) 952-2844
San Antonio	17319 San Pedro Avenue Suite 200 San Antonio, TX 78232 (210) 349-3804 Fax (210) 349-4724
Northeast US	2301 River Road, Suite 201 Louisville, KY 40206 (502) 897-8829 Cell (512) 554-2575
Georgia	111 Woodstone Place Dawsonville, GA 30534 (770) 725-3855 Fax (216) 340-4724
South Texas	PO BOX 125 206 Coral Drive Portland, TX 75374 (361) 563-5588 Fax (361) 643-5533

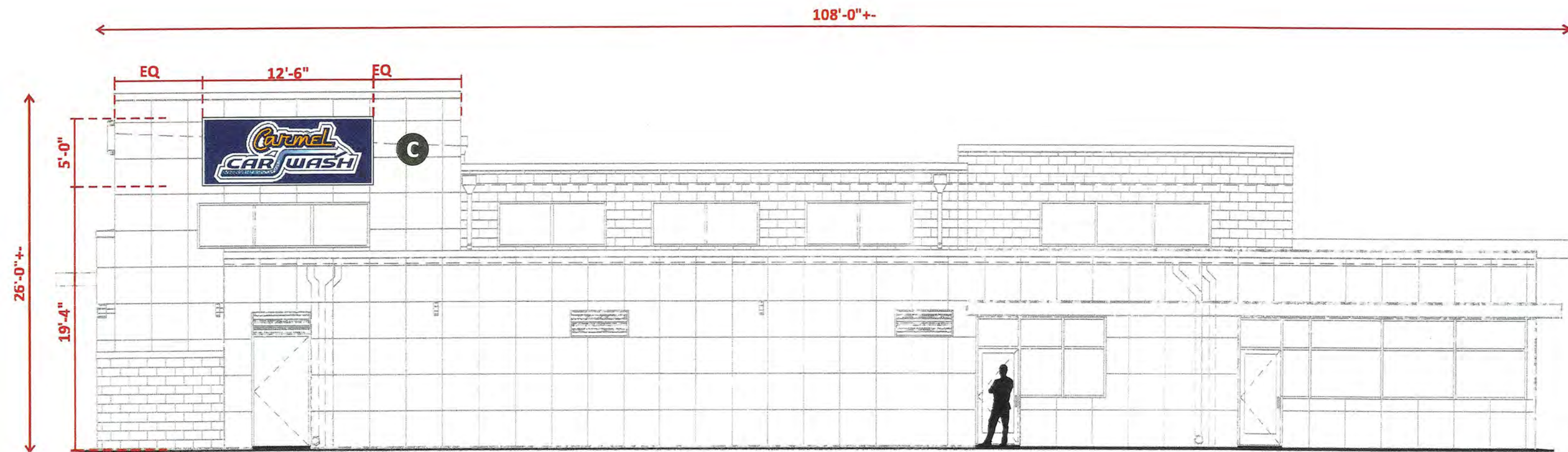
This drawing is the property of Chandler Signs, LLC
All rights to its use for reproduction are reserved by Chandler Signs, LLC

FINAL ELECTRICAL CONNECTION BY CUSTOMER

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH ARTICLE 600 OF THE



Design #	
0415864Ar1	
Sheet	2 of 7
Client	
CARMEL CAR WASH	
Address	
7770 FOREST LANE DALLAS, TX. 75230	
Account Rep.	M WILSON
Designer	RFF
Date	01.26.22
Approval / Date	
Client	
Sales	
Estimating	
Art	
Engineering	
Landlord	
Revision / Date	
R1 JMC 4/29/22: REVISED SITE PLAN AND REMOVED OPTION 2 OF SIGN D	



EXTERIOR EAST ELEVATION | PROPOSED SIGNAGE
SCALE: 1/8" = 1' - 0"

CHANDLER SIGNS

chandersigns.com

National Headquarters	14201 Sovereign Road #101 Fort Worth, TX 76155 (214) 902-2000 Fax (214) 902-2044
San Antonio	17210 San Pedro Avenue Suite 200 San Antonio, TX 78232 (210) 349-3804 Fax (210) 349-8724
Northeast US	2301 River Road, Suite 201 Louisville, KY 40206 (502) 897-9889 Cell (502) 554-2375
Georgia	111 Woodstone Place Dawsonville, GA 30534 (770) 725-8832 Fax (210) 349-8724
South Texas	PO BOX 125 205 Doral Drive Portland, TX 78374 (361) 563-5589 Fax (817) 643-5539

This drawing is the property of Chandler Signs, LLC
All rights to its use for reproduction are reserved by Chandler Signs, LLC.

FINAL ELECTRICAL CONNECTION BY CUSTOMER

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH ARTICLE 601 OF THE



212-095



S/F ILLUMINATED WALL SIGN

SCALE: 1/2" = 1' - 0"

- THREE [3] REQUIRED - MANUFACTURE & INSTALL
- 5" DEEP EXTRUDED ALUMINUM SIGN CABINET WITH 2" ALUM. RETAINERS - PAINTED WHITE SEMIGLOSS
- WHITE FLEX FACE WITH DIGITALLY PRINTED GRAPHICS (SEE COLORS)
- INTERNALLY ILLUMINATED WITH LED'S
- SIGN MOUNTED FLUSH TO SURFACE WITH WALL ANCHORS AS REQUIRED

-  PMS-288c BLUE
-  PMS-110c YELLOW

Design #	
0415864Ar1	
Sheet	4 of 7
Client	
CARMEL CAR WASH	
Address	
7770 FOREST LANE DALLAS, TX. 75230	
Account Rep.	M WILSON
Designer	RFF
Date	01.26.22
Approval / Date	
Client	
Sales	
Estimating	
Art	
Engineering	
Landlord	
Revision / Date	
R1 JMC 4/29/22: REVISED SITE PLAN AND REMOVED OPTION 2 OF SIGN D	

 **CHANDLER SIGNS**

chandersigns.com

National Headquarters	14201 Sovereign Road #101 Ft. Worth, TX 76155 (214) 902-2000 Fax (214) 902-2044
San Antonio	17313 San Pedro Avenue Suite 200 San Antonio, TX 78232 (210) 349-3044 Fax (210) 349-8724
Northeast US	2301 River Road, Suite 201 Louisville, KY 40206 (502) 897-8900 Cell (502) 954-2575
Georgia	111 Woodstone Place Dawsonville, GA 30534 (678) 725-8852 Fax (210) 349-8724
South Texas	PO BOX 125 206 Doral Drive Portland, TX 78374 (361) 363-5599 Fax (361) 648-6593

This drawing is the property of Chandler Signs, LLC
All rights to its use for reproduction are reserved by Chandler Signs, LLC

FINAL ELECTRICAL CONNECTION BY CUSTOMER

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH ARTICLE 600 OF THE

212-095



EXISTING D/F POLE SIGN CONDITION
REMOVE AND DISPOSE, CUT 1'-0" BELOW GRADE AND FILL HOLE BACK TO GRADE



Design #	
0415864Ar1	
Sheet 5 of 7	
Client	
CARMEL CAR WASH	
Address	
7770 FOREST LANE DALLAS, TX. 75230	
Account Rep.	M WILSON
Designer	RFF
Date	01.26.22
Approval / Date	
Client	
Sales	
Estimating	
Art	
Engineering	
Landlord	

Revision / Date
R1 JMC 4/29/22: REVISED SITE PLAN AND REMOVED OPTION 2 OF SIGN D



chandlersigns.com
National Headquarters
14201 Sovereign Road #101
Fort Worth, TX 76155
(214) 922-2000 Fax (214) 902-2044
San Antonio
17320 San Pedro Avenue
Suite 200
San Antonio, TX 78232
(210) 349-3804 Fax (210) 349-8724
Northeast US
2301 River Road, Suite 201
Louisville, KY 40206
(502) 897-9800 Cell (502) 554-2375
Georgia
111 Woodstone Place
Dawsonville, GA 30534
(678) 725-8872 Fax (215) 348-8724
South Texas
PO BOX 125 306 Doral Drive
Portland, TX 78374
(361) 563-5599 Fax (361) 640-6539

This drawing is the property of
Chandler Signs, LLC
All rights to its use for reproduction
are reserved by Chandler Signs, LLC

**FINAL ELECTRICAL
CONNECTION BY
CUSTOMER**

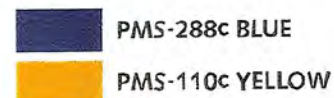
THIS DRAWING IS INTENDED TO BE NOTALLED
IN ACCORDANCE WITH ARTICLE 600 OF THE

212-195



ALUMINUM FABRICATED (SIGNCOMP) SIGN CABINET
AND RETAINERS PAINTED PMS 286 C BLUE
INTERNALLY ILLUMINATED WITH WHITE LED'S

FLEX FACES WITH DIGITALLY PRINTED
VINYL GRAPHICS 1ST SURFACE (SEE COLORS)



8"+- STEEL POLE SUPPORT
PAINTED PMS 286 C BLUE
SET INTO CONCRETE PIER
TYPE FOUNDATION
TO MEET CITY CODE



SIDE VIEW

D D/F POLE SIGN
ONE [1] REQUIRED - MANUFACTURE & INSTALL

SCALE: 3/8" = 1' - 0"



Design #	
0415864Ar1	
Sheet 6 of 7	
Client	
CARMEL CAR WASH	
Address	
7770 FOREST LANE DALLAS, TX. 75230	
Account Rep.	M WILSON
Designer	RFF
Date	01.26.22
Approval / Date	
Client	
Sales	
Estimating	
Art	
Engineering	
Landlord	
Revision / Date	
R1 JMC 4/29/22: REVISED SITE PLAN AND REMOVED OPTION 2 OF SIGN D	



chandler signs.com

National Headquarters	14201 Sovereign Road #101 Ft. Worth, TX 76155 (817) 902-2000 Fax (817) 902-2044
San Antonio	17319 San Pedro Avenue Suite 200 San Antonio, TX 78232 (210) 249-3404 Fax (210) 349-8724
Northeast US	2301 River Road, Suite 201 Louisville, KY 40206 (502) 897-8800 Cell (502) 594-2375
Georgia	111 Woodstone Place Dawsonville, GA 30534 (678) 725-8852 Fax (210) 349-8724
South Texas	PO BOX 125 206 Doral Drive Porter, TX 78374 (361) 369-5559 Fax (361) 643-5539

This drawing is the property of
Chandler Signs, LLC
All rights to its use for reproduction
are reserved by Chandler Signs, LLC

**FINAL ELECTRICAL
CONNECTION BY
CUSTOMER**

THIS SIGN IS INTENDED TO BE INSTALLED
IN ACCORDANCE WITH ARTICLE 608 OF THE

From: [Trammell, Charles](#)
To: [Aguilera, Oscar](#)
Subject: FW: Carmel Car Wash
Date: Wednesday, October 5, 2022 10:32:45 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)

Hi Oscar,
Can you place this email in the folder for the Board to review? It's the email at bottom of this chain.
Thanks,



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



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

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

From: Robert Agnich [REDACTED]
Sent: Tuesday, October 4, 2022 1:44 PM
To: Schultz, Jaynie <jaynie.schultz@dallas.gov>; [REDACTED]; Trammell, Charles <charles.trammell@dallas.gov>
Cc: Figueroa, Sophia <sophia.figueroa@dallas.gov>
Subject: Re: Carmel Car Wash

External Email!

Mr. Trammell:

Please see below an email from a District 11 citizen. Judging by the call that I received last week and this, it appears that this case will receive a good deal of attention.
You know this, but as a member of a Quasi Judicial board, I am prohibited from speaking about an

active case with the Applicant or the Opposition. So, per our SOP, I will forward the inquiries to you. What must happen as we transfer departments and as you settle in to your new job as Board Administrator is that every person who requests information hear back from the City quickly. I know that this is old hat, but welcome to your new job!

Thanks Charles

Sincerely,

Robert Agnich

From: Schultz, Jaynie <jaynie.schultz@dallas.gov>

Sent: Tuesday, October 4, 2022, 11:59 AM

To: [REDACTED]

Cc: Robert_Agnich <[REDACTED]>; Figueroa, Sophia <sophia.figueroa@dallas.gov>

Subject: RE: Carmel Car Wash

Thank you, Cindy.

Board of Adjustment hearings do not come to City Council.

I have copied our D11 BDA rep, Robert Agnich, so he can be aware of the concerns.

I hope you are doing well.

Thanks,

Jaynie



Jaynie Schultz
District 11 Councilwoman
City of Dallas | DallasCityNews.net
1500 Marilla Street, Room 5FN
Dallas, TX 75201
O: 214-670-7817
C: 214-405-1429
jaynie.schultz@dallascityhall.com



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

From: [REDACTED]
Sent: Monday, October 3, 2022 11:35 PM
To: Schultz, Jaynie <jaynie.schultz@dallas.gov>
Subject: Carmel Car Wash

External Email!

Dear Ms. Schultz,

It has come to my attention that the developer of the Carmel Car Wash is seeking a variance in order to place a 17ft tall lighted sign at the business. I can think of no reason a car wash should need such a large sign that will encroach on the views from the White Rock Trail and from the Park Central and Hillcrest Forest neighborhoods.

I urge you to have the city uphold the current sign limitations and vote to deny this exemption.

Regards,

Cindy Weatherall

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

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

Exite na Enxa ?

P enxe do not a ore a ge a go fo new ca weds on fo not and cent a

Dan Stu of sk
CAUT ON Th a crea a g naut fo m onto de of the o gam rat on P enxe do not e ck nks o open at schenno un co you eougn re the sunde and know the con ent a safe

Chas T arrence
Ch of P anne l) Ben d Of Adjus ment
C y of Da as | Da ac: yNews.net
Dave opment se v ces
Hu d ng Insp on
320 E Jelf e son B val Rm 210
Da as TX 75201
O 214-948 4618
Chas T arrence @da as gov

CAUTION: This area is not safe from outside of the open unit on. Please do not climb or open at attachments unless you are properly trained and know the correct safety procedures.

FILE NUMBER: BDA212-101(OA)

BUILDING OFFICIAL'S REPORT: Application of Ezzi Signs for a special exception to the sign regulations at 11350 LBJ FWY. This property is more fully described as Lot 1K, Block B/7487 and is zoned an MC-1 Multiple Commercial District, which allows one detached one detached sign for every 450 feet of frontage or fraction thereof, of frontage on a public street. The applicant proposes to construct and maintain one additional detached premise sign, on nonresidential premises, which will require a special exception to the sign regulations.

LOCATION: 11350 LBJ FWY

APPLICANT: Ezzi Signs

REQUEST:

A request for a special exception to the sign regulations is made to construct and maintain an additional detached premise sign on a site that is being developed with restaurant.

STANDARD FOR A SPECIAL EXCEPTION TO THE SIGN REGULATIONS FOR AN ADDITIONAL DETACHED SIGN:

Section 51A-7.703(d)(2) of the Dallas Development Code states that the Board of Adjustment may, in specific cases and subject to appropriate conditions, authorize one additional detached sign on a premise in excess of the number permitted by the sign regulations as a special exception to these regulations when the board has made a special finding from the evidence presented that strict compliance with the requirement of the sign regulations will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.

STAFF RECOMMENDATION (additional detached sign):

Approval

Rationale:

- Approval
- Rationale:

- Staff concluded from the information submitted by the applicant that the applicant has substantiated that strict compliance with the requirement of the sign regulations will result in inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.

BACKGROUND INFORMATION:

Zoning:

Site: MC-1 Multiple Commercial District

North: City of Garland

East: MC-1 Multiple Commercial District

South: MC-1 Multiple Commercial District

West: MC-1 Multiple Commercial District

Land Use:

The site is being developed with a restaurant. The area to the west, south, and east are developed with commercial uses; the area to the north is outside the jurisdiction of the City of Dallas and with the City of Garland jurisdiction.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS (additional detached sign):

The property consists of approximately 5 acres of land being developed with a restaurant use. The request for a special exception to the sign regulations focuses on locating and maintaining an additional sign at west end of the property fronting along Lyndon B Johnson Freeway's Feeder Road.

Section 51A-7.304(b) (4) of the Dallas Development Code states that only one detached sign is allowed per street frontage other than expressways. The size of the property is not taken into account.

The submitted site plan indicates the location of two detached non-monument signs, (represented as "pylon sign location and existing billboard to remain") on the site's Lyndon B Johnson Freeway frontage, hence this request is for a special exception to the sign regulations for an additional detached non-monument sign.

A sign elevation denoting the two detached non-monument signs as “proposed non-monument sign” has been submitted.

The applicant submitted a document (see attachment A) that substantiates that strict compliance with the requirement of the sign regulations will result in inequity to the applicant without sufficient corresponding benefit to the city and its citizens due to Ojos Locos property’s entry elevation of the business is not in the view of the freeway and the business can’t rely on the painted graphic to attract the citizens that are going 70-80 mph on the freeway. Comparing this Ojos Locos location to the other locations, the revenue is down 30%.

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

- That strict compliance with the requirement of the sign regulations (where in this case, the site would be limited to having only one sign along the street frontage) will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.

If the board were to approve the request for a special exception to the sign regulations, the board may consider imposing a condition that the applicant complies with the submitted site plan and sign elevation.

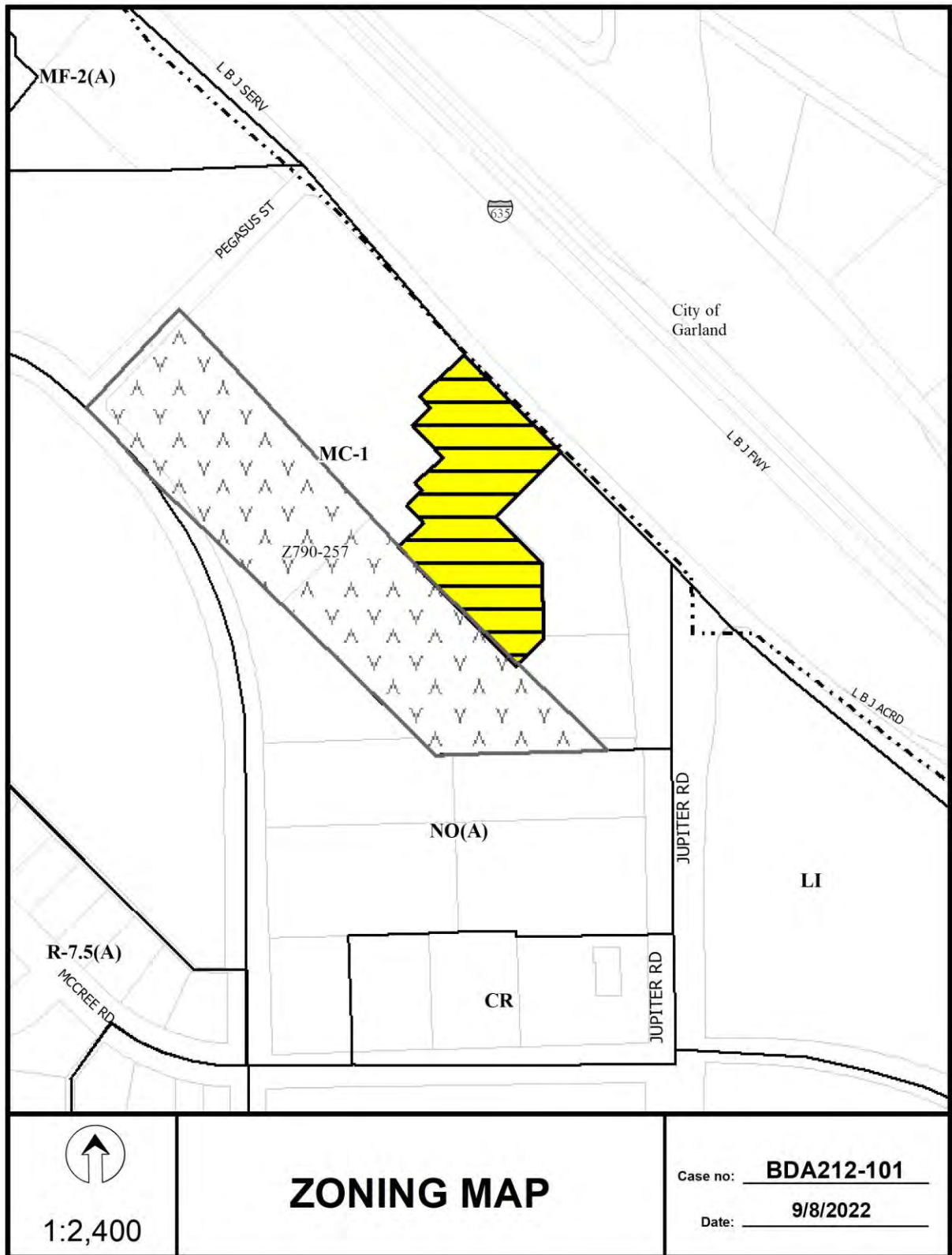
Timeline:

- | | |
|--------------------|--|
| August 5, 2022: | The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report. |
| September 1, 2022: | The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel B. |
| September 9, 2022: | The Board Senior Planner emailed the applicant the following information: <ul style="list-style-type: none">• a copy of the application materials including the Building Official’s report on the application.• an attachment that provided the public hearing date and panel that will consider the application; the September 28, 2022, deadline to submit additional evidence for staff to factor into their analysis; and the October 7th deadline to submit additional evidence to be incorporated into the Board’s docket materials.• the criteria/standard that the board will use in their decision to approve or deny the request; and |

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

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

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



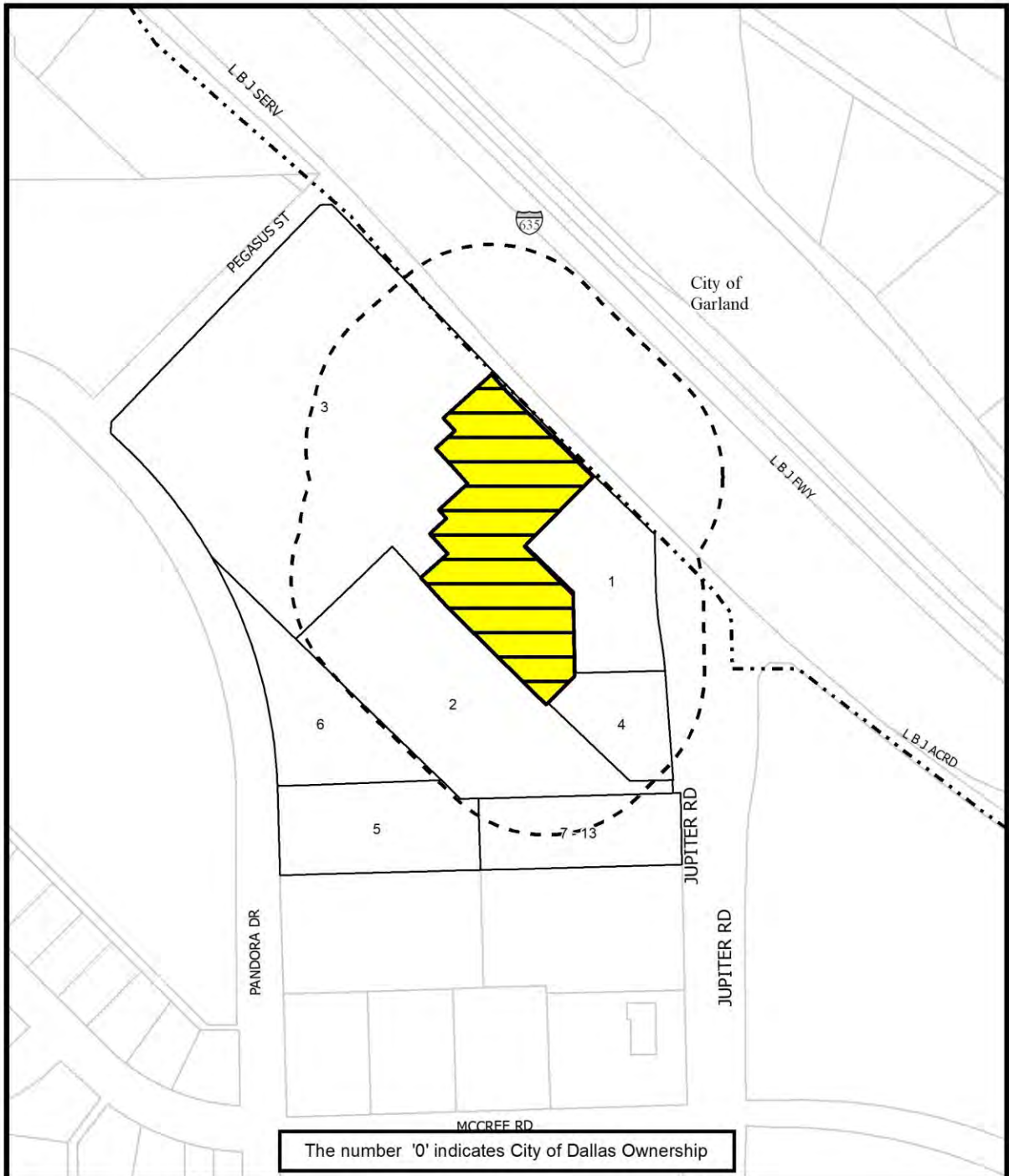


1:2,400

AERIAL MAP

Case no: **BDA212-101**

Date: **9/8/2022**



 1:2,400	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="width: 15%; text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">13</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	13	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA212-101 Date: 9/8/2022
200'	AREA OF NOTIFICATION					
13	NUMBER OF PROPERTY OWNERS NOTIFIED					

09/08/2022

Notification List of Property Owners

BDA212-101

13 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	13015 JUPITER RD	13015 JUPITER & LBJ LP
2	12993 JUPITER RD	FOUNTAINS OF JUPITER LTD
3	11350 LBJ FWY	11350 DALLAS HOLDINGS LLC
4	13001 JUPITER RD	ALICO LLC
5	12980 PANDORA DR	LIVING CHRIST CHURCH
6	12990 PANDORA DR	WCR INTERESTS INC
7	12989 JUPITER RD	SLATON MICHAEL F REAL
8	12989 JUPITER RD	QUACHIE MERCY C
9	12989 JUPITER RD	QUACHIE MERCY
10	12989 JUPITER RD	NGUYEN THUC QUYEN
11	12989 JUPITER RD	EIGUREN JONATHAN
12	12989 JUPITER RD	JENNISON RAYMOND E
13	12989 JUPITER RD	MORALES PETE S



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No. BDA 212-101
 Date: 8/5/22
 Data Relative to Subject Property:
 Location address: 11350 LBJ Freeway Zoning District: MC-1
 Lot No. 1K Block No. B17487 Acreage: 1.070 Census Tract: _____
 Street Frontage (in Feet) 1) 192.74 2) 207.03 4) _____ 5) _____
 To the Honorable Board of Adjustment:
 Owner of Property (per Warranty Deed): OL Re Holdings, LLC Tyson Boiko - VP Development
 Applicant: Ezzi Signs (Hussain Shakir) Telephone: 713-232-0771 EXT: 100
 Mailing Address: 16611 West Little York Rd, Houston Zip Code: 77004
 E-mail Address: mk@ezzi signs.com belem@ezzi signs.com
 Represented by: SHAKIR HUSSAIN Telephone: 713-232-0771 EXT: 100
 Mailing Address: 16611 West Little York Rd, Houston Zip Code: 77004
 E-mail Address: mk@ezzi signs.com
 Affirm that an appeal has been made for a Variance ☒ or Special Exception _____, of _____

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:
Install 1 DIF sign

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.

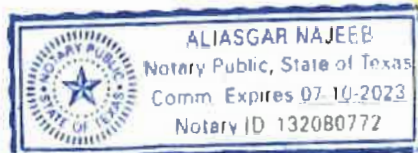
Affidavit

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

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

(Rev. 08-01-13)



Notary Public in and for Dallas County, Texas

Date of Hearing

Appeal was--Granted OR Denied

Remarks

Chairman

I hereby certify that **EZZI SIGNS**

did submit a request for a special exception to the sign regulations
at 11350 LBJ FREEWAY

BDA212-101. Application of EZZI SIGNS for a special exception to the sign regulations at 11350 LBJ FWY. This property is more fully described as block B/7487, lot 1K, and is zoned MC-1, which allows 1 detached sign for ever 450 feet, or fraction thereof, of frontage on a public street. The applicant proposes to construct one additional detached premises sign on a nonresidential premises, which will require a special exception to the sign regulations.

Sincerely,

David Session
David Session, Building Official

07/28/22

EZZI SIGNS

***16611 West Little York Rd
Houston, TX 77084***

To whom it may concern,

Ezzi Signs is providing this letter as an understatement that permission is required from the easement holder to build over an easement. Please note that we are also confirming that a letter from the electrical easement holder will be provided during permit review.

Hussain--

Account Executive



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



QTY: 1
128 ft²
of Max 200 ft²
30' Pylons



EZZI SIGNS
EST. 2005

16611 West Little York Rd
Houston, Texas 77084

EZZISIGNS.COM
713-232-0071

PROJECT:
OJOS LOCOS

ADDRESS:
11350 LBJ FREEWAY
DALLAS, TX 75238

DATE: 03/19/2021

PROJECT NUMBER:
ES2589

DESIGNER:
RAMON

REVISIONS
R1: 00/00/2021
DESIGN UPDATE
R2: 00/00/2021
DESIGN UPDATE
R3: 00/00/2021
DESIGN UPDATE

APPROVALS / DATE

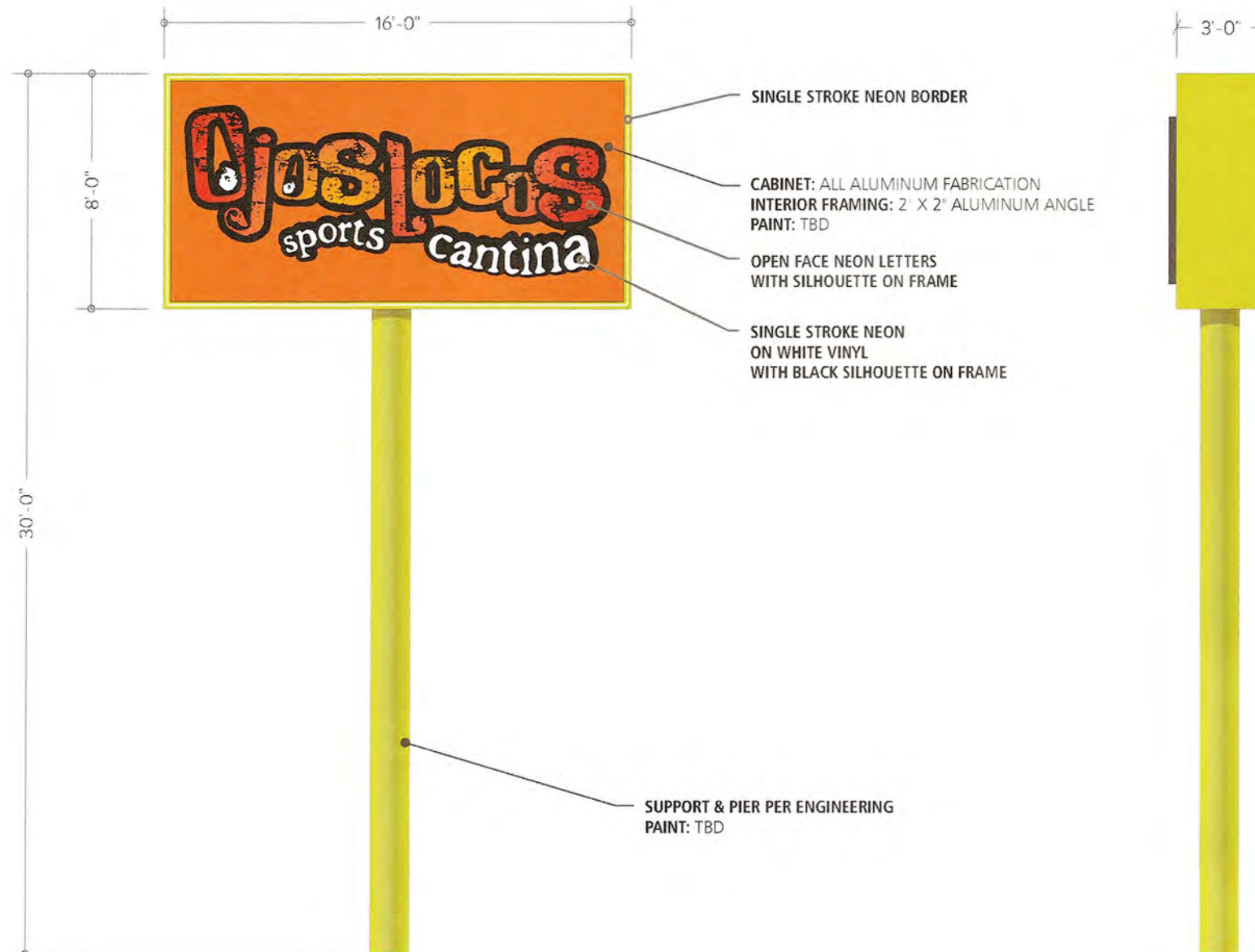
CLIENT:

LANDLORD:

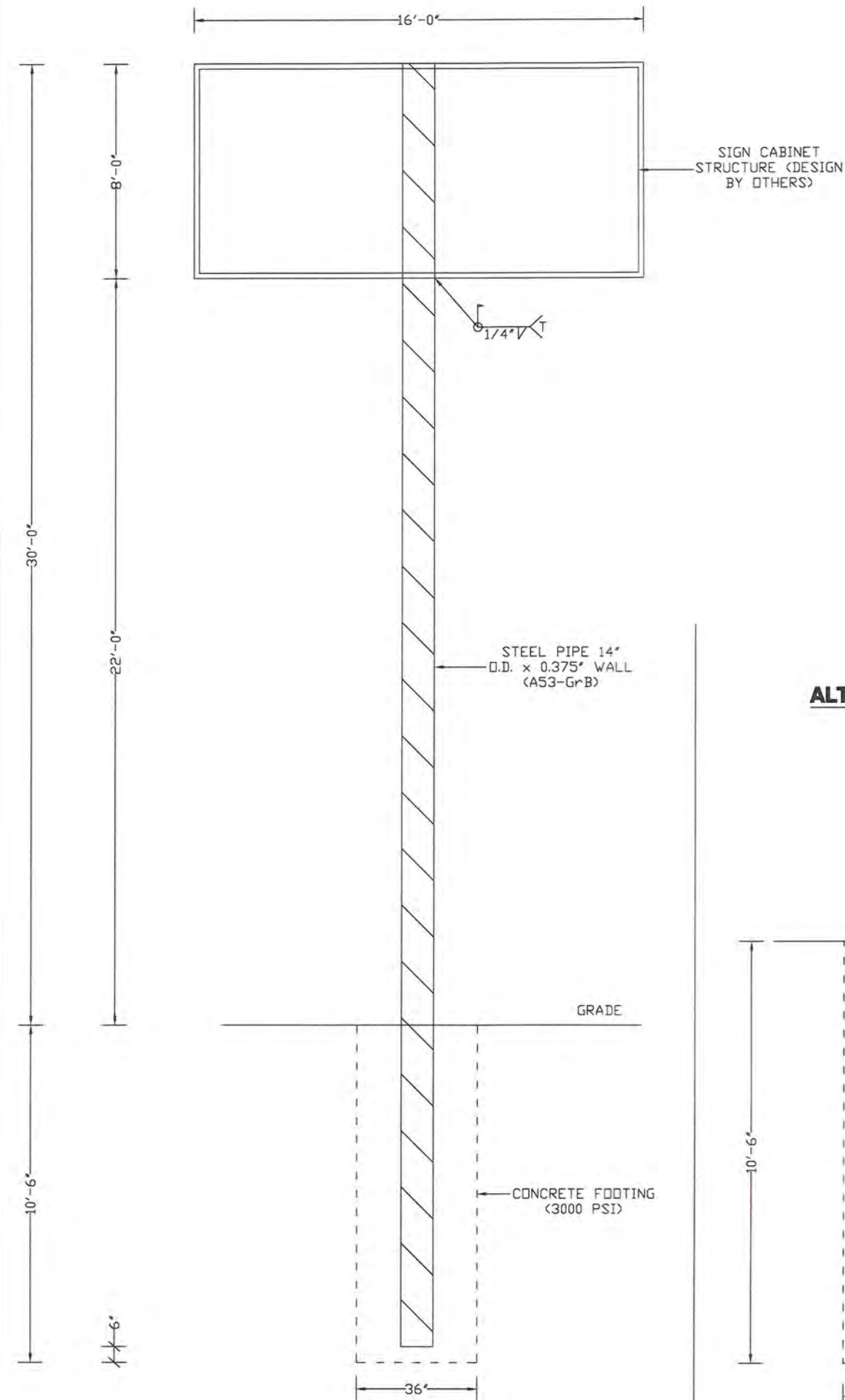


Ⓢ Installation requirements. This sign is to be installed in accordance with the requirements of article 600 of the national electric code and other applicable local codes. This includes proper grounding and bonding of the sign.

All conceptual renderings are property of Ezzi Signs. Any reproduction, exhibition or use of this drawing is strictly prohibited ©2021. All rights reserved.



SIGN DESIGN
SCALE: 3/16" = 1'-0"



Design Support Steel

Section	Area (sq ft)	Shape Factor	Wind (psf)	Force	Moment
Sign	128.00	1	26	3328	86528
Supt	30.00	0.7	25	525	5775
				3853	92303

$$S > M / F_b = 92303 \times 12 \times 1.5 \text{ (SF)} / 1 \times 35000 = 48 \text{ in}^3 < 53 \text{ in}^3$$

Use Circular Steel Pipe 14 in O.D. x 0.375 in Wall (A53-GrB)

Foundation Design

$$P = 3853 / 1 = 3853$$

$$b = 36 \text{ in}$$

$$S_1 = 2 \times 150 \times 10 / 3 = 1000$$

$$h = 92303 / 3853 = 23.96$$

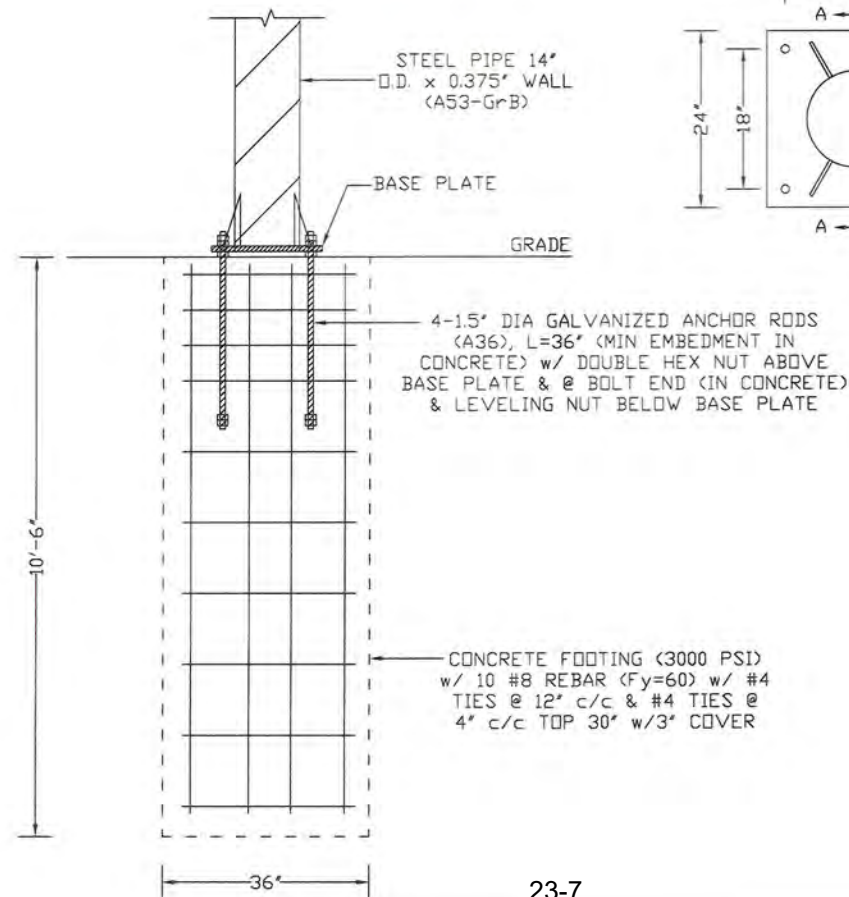
$$A = 2.34 P / S \times b = 2.34 \times 3853 / 1000 \times 3 = 3.01$$

$$d = A/2 [1 + \sqrt{1 + (4.36 h / A)}]$$

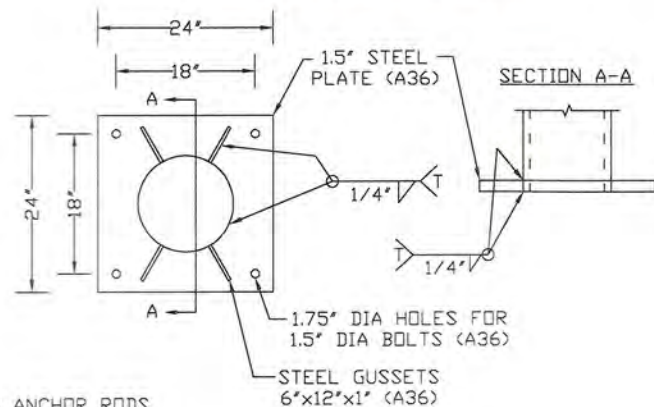
$$d = 3.01 / 2 [1 + \sqrt{1 + (4.36 \times 23.96 / 3.01)}] = 10.49 \text{ ft} < 10.5 \text{ ft}$$

Use Concrete Footing 36 in Diameter x 10.5 ft Deep (3000 PSI)

ALTERNATE FOOTING



BASE PLATE DETAILS



NOTES:

- DESIGN IS BASED ON 2018 IBC - WIND SPEED OF 115 MPH (3-SEC GUST), EXPOSURE C.
- THIS DESIGN IS INTENDED TO BE INSTALLED AT THE ADDRESS SHOWN AND SHALL NOT BE USED AT ANY OTHER LOCATIONS UNLESS CERTIFIED BY A PROFESSIONAL ENGINEER.
- ENGINEER IS NOT THE ENGINEER OF RECORD FOR THE OVERALL PROJECT AND SHALL ONLY BE RESPONSIBLE FOR THE DESIGN OF SIGN STRUCTURE FOR WHICH CALCULATIONS ARE SHOWN ON THIS PAGE. (SIGN CABINET STRUCTURE DESIGN SHALL BE PROVIDED BY OTHERS).
- ALL HSS TUBE SECTIONS SHALL MEET ASTM A500 GRADE-B WITH MINIMUM YIELD STRESS $F_y=46$ KSI.
- ALL HSS ROUND SECTIONS SHALL MEET ASTM A500 GRADE-B WITH MINIMUM YIELD STRESS $F_y=42$ KSI.
- ALL WIDE FLANGE SECTIONS SHALL MEET ASTM A992 WITH MINIMUM YIELD STRESS $F_y=50$ KSI.
- ALL PIPE (OTHER THAN HSS ROUND) SHALL MEET ASTM A53 GRADE-B WITH MINIMUM YIELD STRESS $F_y=35$ KSI.
- ALL OTHER STEEL INCLUDING CONNECTION PLATES, ANGLES, ETC. SHALL MEET ASTM A36 WITH MINIMUM YIELD STRESS $F_y=36$ KSI.
- ALL ALUMINUM USED SHALL BE GRADE 6053 OR 6061 OR EQUIVALENT WITH MINIMUM YIELD STRESS $F_y=20$ KSI.
- ALL STRUCTURAL BOLTS SHALL CONFORM TO ASTM A325 UNLESS OTHERWISE NOTED AND SHALL BE GALVANIZED.
- ALL STEEL WELDING SHALL BE MADE WITH E70xx ELECTRODES AND SHALL BE PERFORMED BY CERTIFIED WELDERS IN ACCORDANCE WITH AWS STANDARDS.
- ALL ALUMINUM WELDING SHALL BE MADE WITH E40xx ELECTRODES AND SHALL BE PERFORMED BY CERTIFIED WELDERS IN ACCORDANCE WITH AWS STANDARDS.
- SOIL REPORT WAS NOT FURNISHED. FOUNDATION IS BASED ON A ALLOWABLE BEARING OF 1500 PSF AND ALLOWABLE LATERAL SOIL BEARING PRESSURE OF 150 PSF PER FOOT. BEARING PRESSURE VALUES SHALL BE VERIFIED PRIOR TO CONCRETE PLACEMENT.
- NORMAL WEIGHT CONCRETE WITH MINIMUM COMPRESSIVE STRENGTH OF 3000 PSI (ATTAINED IN 28 DAYS) SHALL BE USED. CARE SHALL BE TAKEN FOR NOT PLACING CONCRETE OVER SOIL FILL.



SMB
ENGINEERING, LLC
 WWW.SMB-ENGINEERING.COM
 TBPE REGISTRATION NUMBER - F10116

EZZI SIGNS
 16611 W LITTLE YORK ROAD,
 HOUSTON, TX 77084

OJOS LOCOS
 1138 LBJ FREEWAY,
 DALLAS, TX

212-101

PRJ # : 22-D026	DWG BY : HMN	SCALE : NTS
DATE : APR 2022	REV : 0	PAGE : 1 OF 1



16611 WEST LITTLE YORK
HOUSTON, TX 77084

BDA212-101

713-232-0771 EXT:105

October 10, 2022

To whom it may concern,

Due to the construction that is ongoing there is limited pathways to access the business, this will result in financial hardship for the business until the construction is finished throughout the surrounding area.

Comparing this Ojos Locos location to the other locations, the revenue is down 30%

The entry elevation of the business is not in the view of the freeway and the business can't rely on the painted graphic to attract the citizens that are going 70-80 mph on the freeway.

Currently the Ojos Locos team has rented a billboard to advertise the business, but the fees for the advertising on has increased 10%