RECEIVED
2024 MAY 13 AM 9:22
CITY SECRETARY
DALLAS, TEXAS

City of Dallas

Public Notice
240499
POSTED CITY SECRETARY DALLAS, TX

BOARD OF ADJUSTMENT (PANEL B)

May 22nd, 2024, Briefing at 10:00 A.M. and the Public Hearing at 1:00 P.M.
Dallas City Hall, Room 6ES, and Videoconference

Video Conference Link: https://bit.ly/boa0522
Telephone: (408) 418-9388**, Access Code:** 325527

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

Individuals and interested parties wishing to speak must register with the Board of Adjustment at https://bit.ly/BDA-B-Register **by the close of business Tuesday, May 22nd, 2024. In Person speakers can register at the hearing.**

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

Las personas y las partes interesadas que deseen hacer uso de la palabra deben registrarse en Junta de Ajustes en https://bit.ly/BDA-B-Register **antes de cierre de oficina el Martes, 22 de Mayo, 2024. Las Personas que quieran hablar en persona, se pueden registrar en la Audiencia.**

AGENDA

I. **Call to Order** — Cherri Gambow, Vice-Chair

II. **Staff Presentation/Briefing**

III. **Public Hearing** — Board of Adjustment

IV. **Public Testimony**

V. **Miscellaneous Items –**

- Approval of Panel B Minutes – April 17th, 2024

VI. **Case Docket** — Board of Adjustment

- Uncontested Items
- Holdover Items
- Individual Items

VII. **Adjournment**

Handgun Prohibition Notice for Meetings of Governmental Entities

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

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

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

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

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

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

EXECUTIVE SESSION NOTICE

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

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

UNCONTESTED CASE(S)

BDA234-060(BT)	2323 N. Carroll Avenue **REQUEST:** Application of Nick Batey for **(1)** a special exception to the fence height regulations, and for **(2)** a special exception to the 20-foot visibility obstruction regulations, and for **(3)** a special exception to the 45-foot visibility obstruction regulations.	1
BDA234-062(CJ)	10576 Shiloh Road **REQUEST:** Application of Karina Avila for **(1)** a special exception to the fence height regulations, and for **(2)** a special exception to the fence standard regulations.	2
BDA234-064(CJ)	6131 Churchill Way **REQUEST:** Application of Jonathan Vinson for **(1)** a special exception to the fence height regulations.	3

HOLDOVER

BDA234-018(DB)	7217 Brookshire Drive **REQUEST:** Application of Peter Kofoed represented by Melissa Miles **(1)** to appeal the decision of an administrative official in the denial of a building permit that was issued incorrectly by the Development Services Department.	4

INDIVIDUAL CASES

BDA234-068(CJ)	6919 Oriole Drive **REQUEST:** Application of Lou Olerio for **(1)** a variance to the front-yard setback regulations, and for **(2)** a special exception to the fence height regulations.	5
BDA234-069(CJ)	2912 Maple Avenue **REQUEST:** Application of Craig Smith for **(1)** a variance to the off-street parking regulations	6

BOARD OF ADJUSTMENT

Panel B Minutes

April 17th, 2024

DRAFT

6ES Briefing Room
24974849659@dallascityhall.we
bex.com
Cheri Gambow, Vice-Chair

PRESENT: [5]

Michael Karnowski, Presiding Officer	
Sarah Lamb	
Joe Cannon	
Andrew Finney	
Derrick Nutall (V)	

ABSENT: [1]

Cheri Gambow, Vice-Chair	

Assisting City Attorney Matthew Sapp called the briefing to order at 10:31 A.M. with a quorum of the Board of Adjustment present. Vice Chair Cheri Gambow was not present.

It was motioned by Board Member Sarah Lamb to elect Michael Karnowski as a temporary presiding officer for the briefing and hearing. It was seconded by Andrew Finney.

Presiding Officer Michael Karnowski called the Public Hearing to order at 1:01 P.M. with a quorum of the Board of Adjustment present.

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

PUBLIC SPEAKERS

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

No Public Speakers

MISCELLANEOUS ITEMS

Approval of the Board of Adjustment Panel B, March 20th, 2024, Meeting Minutes.

Motion was made to approve Panel B, March 20th, 2024, Public Hearing Minutes.

Maker:	Sarah Lamb				
Second:	Andrew Finney				
Results:	5-0 unanimously				Motion to approve
		Ayes:	-	5	Michael Karnowski, Joe Cannon, Sarah Lamb, Andrew Finney and Derrick Nutall
		Against:	-	0	

UNCONTESTED CASES

1. 4906 Deloache Avenue
BDA234-040(KMH)

BUILDING OFFICIAL'S REPORT: Application of Sameepa Modi for (1) a special exception to the fence height regulations; for (2) a special exception to the fence opacity regulations; for (3) a special exception to the 20-foot visibility obstruction regulations at Sunnybrook Lane; and for (4) a variance to the front-yard setback regulations at 4906 DELOACHE AVE. This property is more fully described as block 11/5584, Lot 13C, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4-feet; requires a fence panel with a surface area that is less than 50 percent open not be located less than 5-feet from the front lot line; requires a 20-foot visibility triangle at driveway approaches; and requires a front-yard setback of 40-feet. The applicant proposes to construct and/or maintain an 6-foot high fence in a required front-yard, which will require (1) a 2-foot special exception to the fence regulations; and to construct and/or maintain a fence in a required front-yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line, which will require (2) a special exception to the fence opacity regulations; and to construct and/or maintain a nonresidential structure in a required visibility obstruction triangle, which will require (3) a special exception to the 20-foot visibility obstruction regulations at Sunnybrook Lane; and to construct and/or maintain a single-family nonresidential structure and provide a 0-foot front-yard setback at Sunnybrook Lane, which will require (4) a 40-foot variance to the front-yard setback regulations.

LOCATION: 4906 Deloache Ave

APPLICANT: Sameepa Modi

REQUEST:

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

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

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

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

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

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO 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**.

STANDARD OF REVIEW FOR A VARIANCE:

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

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

ELEMENT II SUBSTITUTE:

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

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

STAFF RECOMMENDATION:

Special Exception:

Special Exceptions (3):

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

Variance
Approval

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

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

BACKGROUND INFORMATION:

BDA History:
No BDA history found within the last 5 years.

Square Footage:
This lot contains 54,892.12 of square feet.
This lot is zoned R-1ac(A) which requires a minimum lot size of 1 acre or 43,560 square feet.

Zoning:

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

Land Use:
The subject site is developed with a single family home. The areas to the north, south, east and west are also developed with single family homes.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Sameepa Modi for the property located at 4906 Deloache Ave. focuses on 4 requests. It is imperative to note that the subject site is situated on a corner lot with fence structures being proposed on both street frontages, Deloache Ave and Sunnybrook Ln.
- The first request is for a special exception to the fence height regulations of 2-feet along Deloache Ave. The applicant is proposing to construct and maintain a 6-foot high wrought iron fence in a required front yard, which will require a 2-foot special exception to the fence height regulations.
- Secondly, the applicant is requesting a special exception to the fence opacity regulations along Sunnybrook Lane. The applicant is proposing to construct and maintain a fence in a required front-yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line, which requires a special exception to the fence opacity regulations.

As illustrated on the submitted site plan and elevations, the applicant is proposing a masonry wall with masonry columns along Sunnybrook lane located on the property line.

- The applicant is also requesting a special exception to the visual obstruction regulations at the drive approach along Sunnybrook Lane. The proposed masonry wall along Sunnybrook lane has a sliding wrought iron gate at the drive approach which encroaches about 2½-3-feet into the visibility triangle; which requires a special exception to the 20-foot visual obstruction regulations.
- And lastly, the applicant is requesting a variance to the front-yard setback regulations. The applicant is proposing to construct and maintain a nonresidential structure and provide a 0-foot front yard setback at Sunnybrook Lane, which will require a 40-foot variance to the front-yard setback regulations. As mentioned previously, the applicant is proposing a masonry wall with masonry columns along Sunnybrook Ln. It is important to note that the highest point of the proposed masonry columns are approximately 11'5" in height. This proposed wall exceeds 9-feet which is now considered a structure and should be located beyond the 40-foot front yard setback. However, the proposal only provides a 0-foot front yard setback, which means that the structure (masonry walls/columns) will be located on the property line; therefore, a variance of 40-feet to the front yard setback is required.
- As gleaned from the submitted site plan and elevations, the applicant is proposing a 6-foot wrought iron fence approximately 229 linear feet along Deloache Ave which curves onto Sunnybrook Lane. Additionally, the submitted site plan and elevations illustrate a masonry wall and masonry columns with a sliding gate approximately 156 linear feet along Sunnybrook lane.
- The applicant has stated that the reason for the request is to maintain the architectural integrity of the neighborhood by matching the height of the fence with other estates in the neighborhood.
- Based upon staff's analysis of the surrounding properties, there are other homes within the neighborhood with fences of somewhat similar height.

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

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

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

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

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

- Additionally, the applicant has the burden of proof in establishing that the special exceptions to the fence height, opacity and visual obstruction will not adversely affect the neighboring properties nor constitute a traffic hazard.

- Granting the special exceptions (3) to the fence height, opacity and visual obstruction regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.

- BDA234-040 at 4906 Deloache Ave (200' radius video)

Timeline:

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

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

March 22, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

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

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

Speakers:

For: Kylee Polaski & Sameepa Medi. 4252 Marsh Ridge Rd, Carrollton, TX 75010 (Did not speak)

Against: Julie Clark, 9346 Sunnybrook Lane, Dallas TX 75220 (Did not speak)

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

BDA 234-040 – Application of Sameepa Modi for a special exception to the fence height regulations in the Dallas Development Code is granted subject to the following condition:
Compliance with height and fence location requirements illustrated in the most recent version of all submitted plans are required.

BDA 234-040 – Application of Sameepa Modi for a special exception to the fence opacity regulations in the Dallas Development Code is granted subject to the following condition:
Compliance with opacity and fence location requirements illustrated in the most recent version of all submitted plans are required.

BDA 234-040 – Application of Sameepa Modi for a special exception to the 20-foot visibility obstruction regulations in the Dallas Development Code is granted subject to the following condition:
Compliance with the most recent version of all submitted plans are required.

BDA 234-040 – Application of Sameepa Modi for a variance to the front-yard setback regulations in the Dallas Development Code is granted subject to the following condition:
Compliance with the most recent version of all submitted plans are required.

Maker:	Sarah Lamb				
Second:	Andrew Finney				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Michael Karnowski, Joe Cannon, Sarah Lamb, Andrew Finney & Derrick Nutall
		Against:	-	0	

2. 7021 Creek Bend Road
***This Case was moved to Individual Items**
BDA234-045(CJ)

BUILDING OFFICIAL'S REPORT Application of Kara Crane for **(1)** a special exception to the fence height regulations at 7021 Creek Bend Rd. This property is more fully described as Block P/8727, Lot 1, and is zoned PD-106 (R-10(A)), which limits the height of a fence in the front-yard to 4-feet. The applicant proposes to construct and/or maintain an 8-foot high fence in a required front yard, which will require **(1)** a 4-foot special exception to the fence regulations.

LOCATION: 7021 Creek Bend Rd.

APPLICANT: Kara Crane

REQUEST:

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

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT STANDARDS

REGULATIONS:

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

STAFF RECOMMENDATION:

Special Exception (1):

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

BACKGROUND INFORMATION:

BDA History:

BDA212-110 at 7021 Creek Bend Rd.

- A VARIANCE to the front yard setback regulations.
- The applicant proposed to construct a single-family residential structure and provide a 9-foot front yard setback, which required (1) a 21-foot variance to the front yard setback regulations on Windpiper Rd**.**
- Request granted by Panel C, November 14, 2022
- Approved under building permit #2204181158 November 18, 2022

Square Footage:
This lot contains 19,166.4 of square feet.
This lot is zoned PD 106; **In general**. Except as provided in Section 51P-106.107 and Section 51P-106.108, utilization of lots within PD 106 must comply with the development standards of the R-10(A) Single Family District. R-10 zoning district has a minimum lot size of 10,000 square feet.

Zoning:

Site:	R-10 (A) (Single Family District)
North:	R-10 (A) (Single Family District)
East:	R-10 (A) (Single Family District)
South:	R-10 (A) (Single Family District)
West:	R-10 (A) (Single Family District)

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- The application, for the Kara Crane property located at 7021 Creek Bend Road focuses on one request relating to the fence height regulations.
- The applicant proposes to construct and maintain and 8-foot-high fence in a required front yard, which will require a 4-foot special exception to the fence height regulations.

- The subject site along with properties to the north, east, south, and west are all developed with single-family homes.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to construct and maintain an 8-foot-high fence around the circumference of the property at 7021 Creek Bend Road.
- It is imperative to note that the subject site is a corner lot and has double street frontage and two front yards on Creek Bend Road and Windpiper Drive.
- The applicant has stated that the proposed 8-foot fence will be an addition for privacy.
- Based upon staff's analysis of the surrounding properties, there are a few homes along Windpiper Drive with fences and gates in the required front yard and/or some form of vegetation serving as a screening mechanism.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.
- The applicant has the burden of proof in establishing that the special exception(s) to the fence height regulations will not adversely affect the neighboring properties.
- Granting the special exceptions to the fence standards relating to height regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: BDA234-045_7021 Creek Bend Rd..

Timeline:

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

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

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

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

April 1, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the April public hearings. Review team members in attendance included: The Board of Adjustment Chief

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

Speakers:

For: Kara Crane, 7021 Creel Bend Rd., Dallas TX 75252
Adriana Meyerovitz, 17805 Windpiper, Dallas TX 75252
Rabbi D. Rivgelheim, 6500 Frankford, Dallas TX 75252

Against: Shiela Shiver, 17809 Windpiper Dr., Dallas TX 75252
John Shiver, 17809 Windpiper Dr., Dallas TX 75252

Motion
I move that the Board of Adjustment, in Appeal No. BDA 234-045, on application of Kara Crane, **GRANT** the request of this applicant to construct and/or maintain a 8-foot high fence as a special exception to the height requirement for fences contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

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

Compliance with height and fence location requirements illustrated in the most recent version of all submitted plans are required.

Maker:	Sarah Lamb					
Second:	Andrew Finney					
Results:	5-0 Unanimously					Motion to grant
		Ayes:	-		5	Michael Karnowski, Joe Cannon, Sarah Lamb, Andrew Finney & Derrick Nutall
		Against:	-		0	

3. 7307 Robin Road
***This Case was moved to Individual Items**
BDA234-049(DB)

BUILDING OFFICIAL'S REPORT: Application of Nolette Construction, LLC represented by Rebecca Nolette for (1) a variance to the building height regulations at 7307 ROBIN RD. This property is more fully described as Block 15/4846, Lot 9, and is zoned PD-67 (previously zoned R-7.5(A) at time of permitting), which limits the maximum building height to 30-feet. The applicant proposes to construct and/or maintain a single-family residential structure with a building height of 33-feet, which will require (1) a 3-foot variance to the maximum building height regulations.

LOCATION: 7307 ROBIN RD.

APPLICANT: NOLETTE CONSTRCUTION, LLC

REPRESENTED BY: REBECCA NOLETTE

REQUEST:

(5) A request for a variance to the building height regulations.

STANDARD OF REVIEW FOR A VARIANCE:

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

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

ELEMENT II SUBSTITUTE:

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

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

STAFF RECOMMENDATION:

Variance
Denial (soft recommendation)

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

D. Not contrary to the public interest as no letters of opposition were received.
E. The site is not restrictive in area, shape, or slope as it is not an irregularly shaped lot and meets the minimum required lot size of 7500sf and appears to be a level piece of land with no signs of a slope that would affect the development of the site; therefore, it can be developed in a manner commensurate with development upon other parcels of land in the same zoning.

F. Not self-created nor is it a personal hardship since the property was purchased with the existing structure at its illegal height.

** The lot does not meet all three standards for a variance, but the applicant has the option to prove hardship by asking the board to consider Dallas Development Code §51A-3.102(d)(10)(b), formerly known as HB 1475.

BACKGROUND INFORMATION:

BDA History:
No BDA history found within the last 5 years.

Square Footage:
This lot area is 7,500 square feet.
This lot is zoned PD-67 which requires a minimum lot size of 7500 square feet.

Zoning:

Site:	PD-67 Single Family District per land use map
North:	PD-67 Single Family District per land use map
South:	PD-67 Single Family District per land use map
East:	PD-67 Single Family District per land use map
West:	PD-67 Single Family District per land use map

Land Use:
The subject site is developed with a single family home. The areas to the north, south, east and west are also developed with single family homes.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Rebecca Nolette for the property located at 7307 Robin Rd. focuses on 1 request. It is imperative to note that the subject site is situated on an inner lot that faces one street and is adjacent to an alley at the rear of the property.
- The request is for a variance the building height regulations in PD-67. The applicant is proposing to construct and maintain a 33-foot high residential structure in a district with a maximum building height of 30-feet (25-feet maximum at midpoint), which will require a 3-foot variance to the height regulations.
- As illustrated on the submitted site plan and elevations, the structure is existing but does not comply with the previously approved plans, therefore, it is an illegal structure.
- Applicant purchased this home after it was built but was not completed; the issue with the height was not disclosed to the applicant as it was not an issue until the new owner was in the process of completing the project.
- The applicant has stated that the height of this home is similar to the heights of other homes in the neighborhood; documentary evidence was submitted
- Based upon staff's analysis of the surrounding properties, there are other homes within the neighborhood that have a similar roof type and somewhat similar height.
- There was a zoning change from R-7.5(A) to PD67 that was approved on October 11, 2022.
- Although the zoning change affected the height requirements of R7.5(A) to a lesser allowed maximum height of 25-feet to midpoint (see below), this will continue to be reviewed under the R-7.5(A) regulations.
  (b) Single family and duplex structures.
  (1) Height. Maximum structure height is 25 feet.
  No portion of the structure may be greater than 30 feet above grade.

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

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

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

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

- Granting the variance to the building height regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.

- BDA234-049 7307 Robin RD. 200' radius video

Timeline:

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

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

March 22, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

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

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

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

Speakers:

For: Rebecca Nolette, 7307 Robin Road, Dallas TX 75209

Against: Jonathan Maples, 6525 Oriole Drive, Dallas TX 75209

Motion
I move that the Board of Adjustment, in Appeal No. BDA 234-049, on application of Nolette Construction LLC, **GRANT** the 3-foot variance to the building height regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

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

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

Maker:	Sarah Lamb				
Second:	Joe Cannon				
Results:	4-1				Motion to grant
		Ayes:	-	4	Michael Karnowski, Joe Cannon, Sarah Lamb and Andrew
		Against:	-	1	Derrick Nutall

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Presiding Officer Michael Karnowski moved to adjourn the meeting at 2:51 p.m.

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

Required Signature: _____ Date _____

Dr. Kameka Miller-Hoskins, Board Administrator

Development Services Dept.

Required Signature: _____ Date _____

Cheri Gambow, Vice-Chair

Board of Adjustment

FILE NUMBER: BDA234-060(BT)

BUILDING OFFICIAL'S REPORT: Application of Nick Batey for **(1)** a special exception to the fence height regulations; for **(2)** a special exception to the 20-foot visibility obstruction regulations; and for **(3)** a special exception to the 45-foot visibility obstruction regulations at 2323 N. Carroll Ave. This property is more fully described as Block K/0662, Lot 20 and is zoned MF-2(A), which limits the height of a fence in the front-yard to 4-feet; requires a 20-foot visibility triangle at driveway approaches; and requires a 45-foot visibility triangle at street intersections. The applicant proposes to construct and/or maintain an 8-foot-high fence in a required front-yard, which will require **(1)** a 4-foot special exception to the fence height regulations; to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle, which will require **(2)** a special exception to the 20-foot visibility obstruction regulation at the driveway, and to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle, which will require **(3)** a special exception to the 45-foot visibility triangle at the intersection of Rusk Ave. and N. Carroll Ave.

LOCATION: 2323 N. Carroll Ave.

APPLICANT: Nick Batey

REQUEST:

(1) A request for a special exception to the fence height regulations;
(2) A special exception to the 20-foot visibility obstruction regulations at the driveway; and
(3) A special exception to the 45-foot visibility obstruction regulations at the intersection of Rusk Ave. and N. Carroll Ave.

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

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

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

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

STAFF RECOMMENDATION:

Special Exceptions (3):

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

BACKGROUND INFORMATION:

Zoning:

Site:	MF-2(A) (Multifamily District)
North:	R-7.5(A) (Single Family District)
East:	MF-2(A) (Multifamily District)
South:	PD-277 (Light assembly) and PD-305 (Maximum densities)
West:	MF-2(A) (Multifamily District)

Land Use:

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

BDA History:

No BDA history

GENERAL FACTS/STAFF ANALYSIS:

- The application of Nicholas Batey for the property located at 2323 N. Carroll Ave. focuses on 3 requests relating to the fence height and visibility obstruction regulations.
- The applicant proposes to construct and maintain and 8-foot high gate and fence in a required front yard, on a vacant lot, along N. Carroll Ave. and Rusk Ave., which will require a 4-foot special exception to the fence height regulations.
- Secondly, the applicant is requesting a special exception to the 20-foot visibility obstruction triangle at the drive approach along Rusk Ave.. The proposed 8-foot high fence encroach about 10-foot 6-inches into the visibility obstruction triangle on the western boundary and 5-foot into the visibility obstruction triangle on the Northwestern boundary of Rusk Ave. The proposed 8-foot high gate encroach about 18-foot into the visibility obstruction triangle on the boundary of Rusk Ave. and the proposed 8-foot high fence encroach about 14-foot 6-inches into the visibility obstruction triangle on the boundary of Rusk Ave...
- Lastly, the applicant is requesting a special exception to the 45-foot visibility obstruction triangle at the corner of N. Carroll Ave and Rusk Ave.. The proposed 8-foot high fence encroach about 20-foot into the visibility obstruction triangle on the boundary of N. Carroll Ave. and Rusk Ave.
- The subject site along with surroundings properties to the north, south, east and west are all developed with single-family homes, multifamily and duplexes.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to maintain an 8-foot high fence and gate, on a vacant lot, around the circumference of the property at 2323 N. Carroll Ave.

- The fence proposed material is 5.25" horizontal wood planks.
- It is imperative to note that the subject site is a corner lot, and it has street frontage on N. Carroll Ave and Rusk Ave.
- Based upon staff's analysis of the surrounding properties, there was one homes along Rusk Ave. with a fence in the required front yard. There were two homes along N. Carroll Ave. with a fence and gate in the required front yard and/or some form of vegetation serving as a screening mechanism near the intersection of Capitol and N. Carroll.
- Per staff's review of the subject site, it has been confirmed that the fence surrounding the circumference of the property is proposed.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.
- The Dallas Development Code states that a fence located in the required front yard may be built to a maximum height of six feet above grade if all conditions in the following subparagraphs are me: (a) no lot in the block face may be zoned as a single-family or duplex district; (b) no gates for vehicular traffic may be located less than 20 feet from the back of the street curb and (c) no fence panel having less than 50 percent open surface area may be located less than five feet from the front lot line. Unless all of the conditions are met, a fence in a multifamily district may not exceed four feet above grade when located in the required front yard, except when the required front yard is governed by the side or rear yard regulations.
- The applicant has the burden of proof in establishing that the special exception(s) to the fence regulations relating to height and opacity will not adversely affect the neighboring properties.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations regarding visual obstruction will not constitute a traffic hazard.
- Granting the special exceptions to the fence standards relating to height, opacity and visibility obstruction regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- BDA234-060 at 2323 N Carroll Ave_200' Radius Video

Timeline:

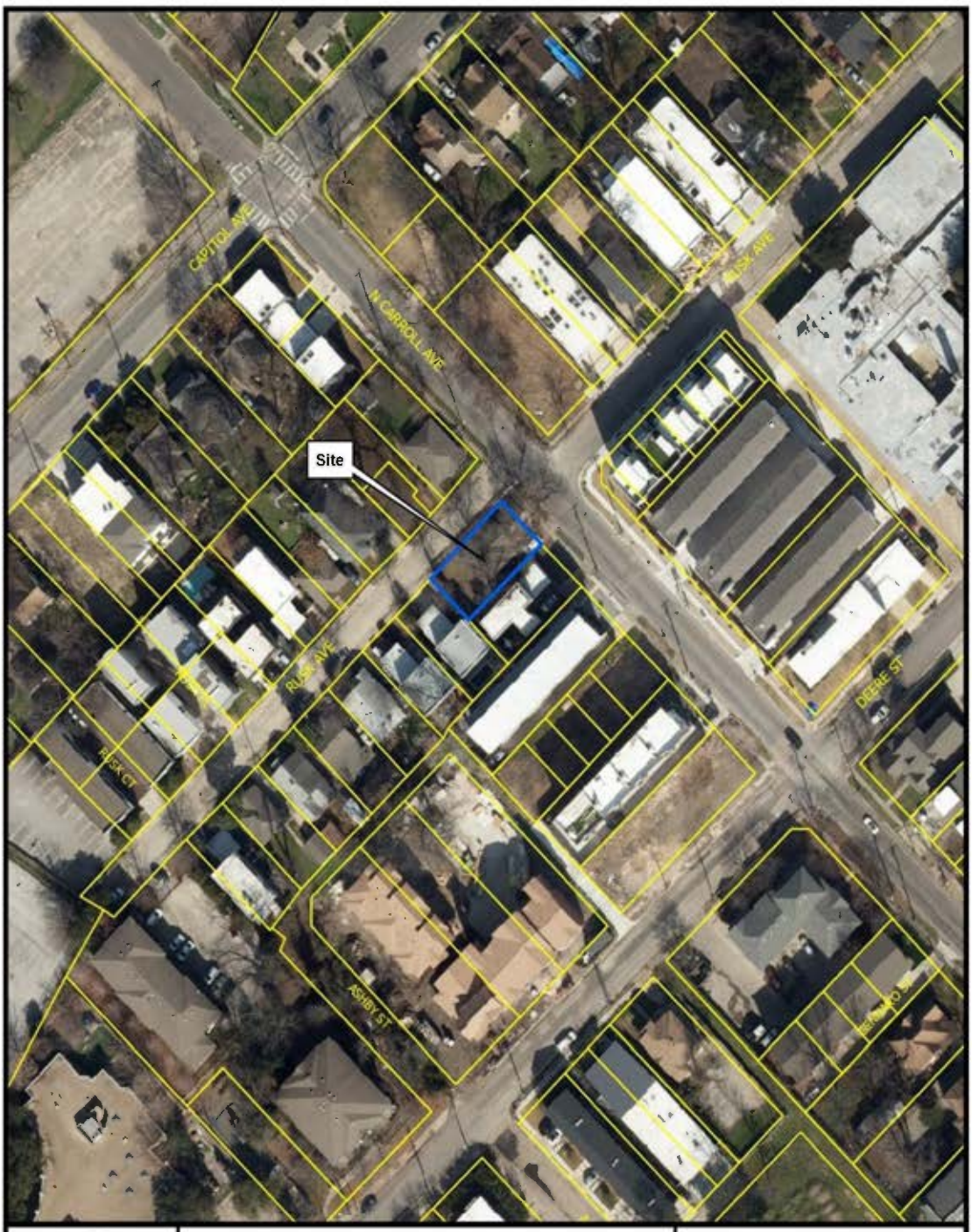
March 25, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

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

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

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

May 2, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer

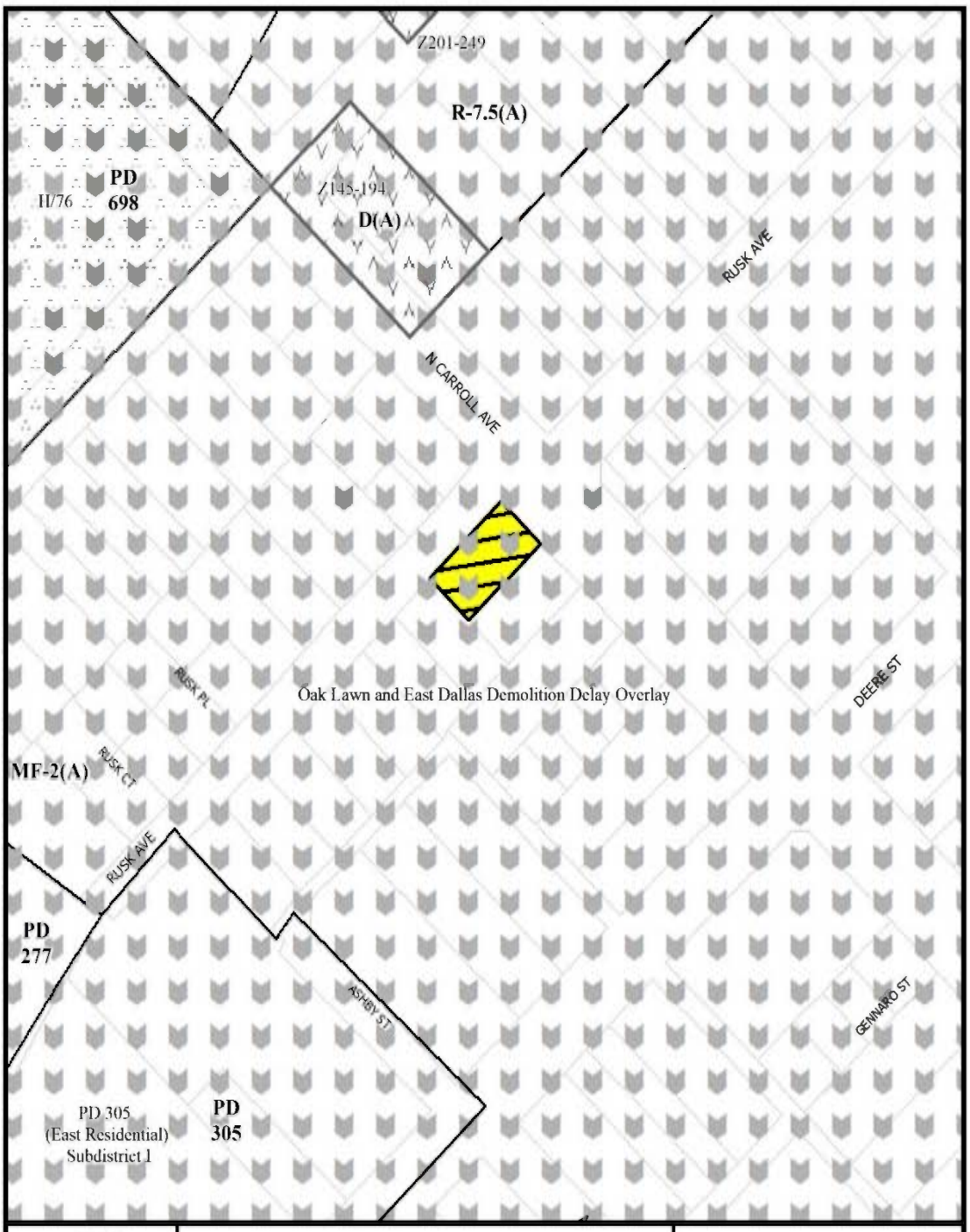


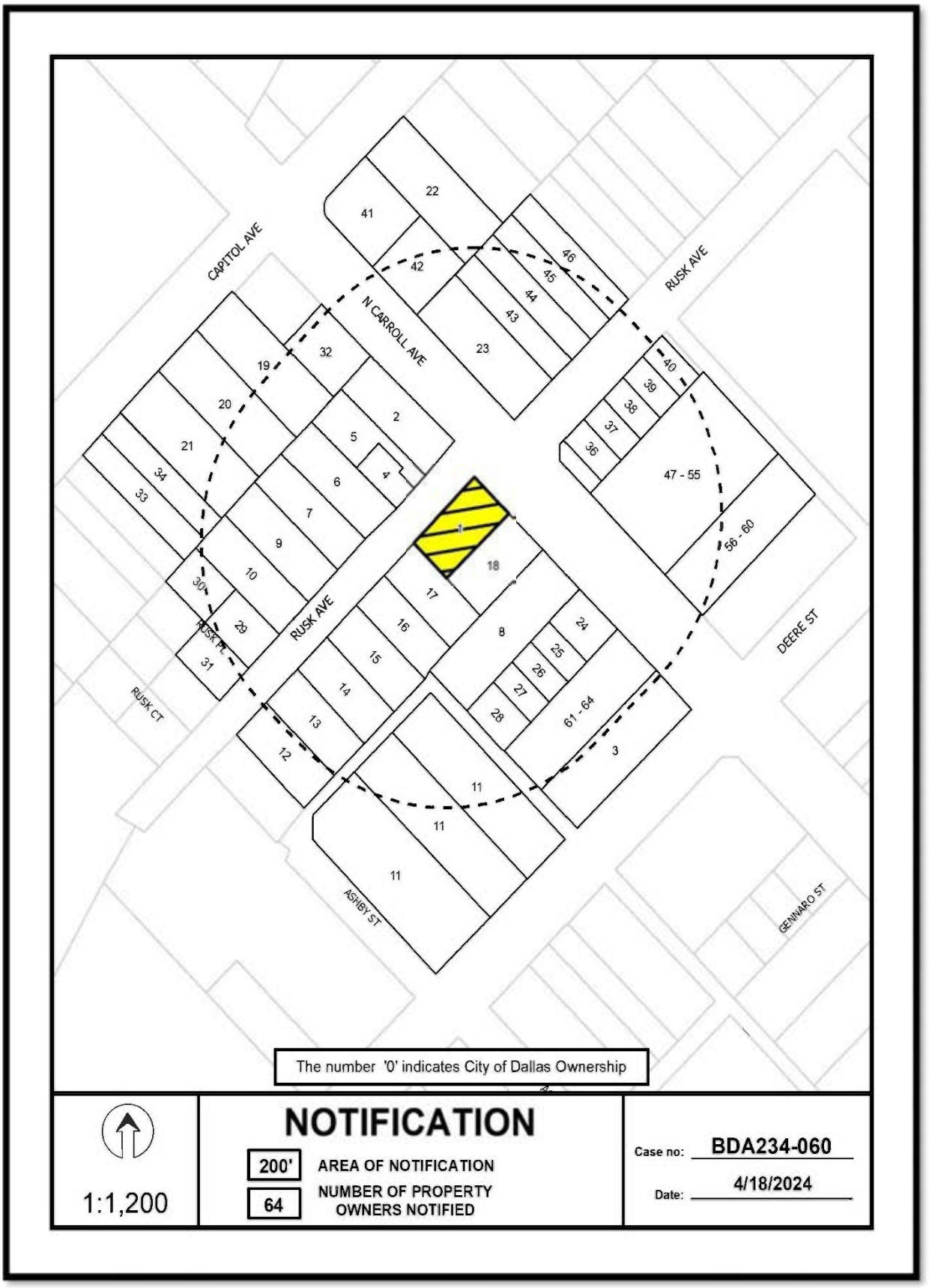
1:1,200

AERIAL MAP

Case no: BDA234-060

Date: 4/18/2024


Z201-249
R-7.5(A)
PD
698
H/76
Z145-194
D(A)
RUSK AVE
N CARROLL AVE
Oak Lawn and East Dallas Demolition Delay Overlay
RUSK PL
DEERE ST
MF-2(A)
RUSK CT
RUSK AVE
PD
277
ASHBY ST
GENNARO ST
PD 305
(East Residential)
Subdistrict 1
PD
305
1:1,200
ZONING MAP
Case no: BDA234-060
Date: 4/18/2024


CAPITOL AVE
N CARROLL AVE
RUSK AVE
RUSK PL
RUSK CT
DEERE ST
ASHBY ST
GENNARO ST
1
2
3
4
5
6
7
8
9
10
11
11
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
28
29
30
31
32
33
34
36
37
38
39
40
41
42
43
44
45
46
47 - 55
56 - 60
61 - 64
The number '0' indicates City of Dallas Ownership
NOTIFICATION
200'
AREA OF NOTIFICATION
64
NUMBER OF PROPERTY OWNERS NOTIFIED
1:1,200
Case no: BDA234-060
Date: 4/18/2024


CAPITOL AVE
N CARROLL
ROSS AVE
DEERE ST
The number '0' indicates City of Dallas Ownership
NOTIFICATION
200'
AREA OF NOTIFICATION
64
NUMBER OF PROPERTY OWNERS NOTIFIED
1:1,200
Case no: BDA234-060
Date: 4/18/2024

/
04/18/2024

Notification List of Property Owners

BDA234-060

64 Property Owners Notified

Label #	Address		Owner
1	2323	N CARROLL AVE	SUBDIVISIONS REALTY LLC
2	4427	RUSK AVE	REKHAJAYA LLC
3	2303	N CARROLL AVE	LALLY MICHAEL KEVIN
4	4423	RUSK AVE	RANGANATHAN NIRANJAN
5	4425	RUSK AVE	KANG MYKYUNG N
6	4419	RUSK AVE	CASAS CHRISTINA &
7	4415	RUSK AVE	CASAS CHRISTINA OLIVO
8	2315	N CARROLL AVE	ZAAVIA DESIGNS LLC
9	4411	RUSK AVE	MORE ALEXANDER
10	4407	RUSK AVE	PHILLIPS JAMES R
11	4411	DEERE ST	HOUSING AUTHORITY OF THE CITY
12	4402	RUSK AVE	ADAME BEATRIZ
13	4404	RUSK AVE	TRAN JOSEPH &
14	4406	RUSK AVE	MENDOZA EVA
15	4410	RUSK AVE	MONCADA CEASAR ELI
16	4414	RUSK AVE	BUITRON DELILAH
17	4418	RUSK AVE	ADELE STEPHEN & LARISA
18	2319	N CARROLL AVE	YOUNG JEFFREY MORGAN
19	4418	CAPITOL AVE	BARRON EDUARDO
20	4414	CAPITOL AVE	LINDHEIMER MUHLY ENTERPRISES LLC
21	4410	CAPITOL AVE	ORTIZ MIRIAM OLMOS
22	4506	CAPITOL AVE	SANG DAVID LEE
23	4501	RUSK AVE	BELMONT BROTHERS LLC
24	2311	N CARROLL AVE	BRADLEY BLAIR
25	2311	N CARROLL AVE	COMPTON ALEXANDRA M
26	2311	N CARROLL AVE	FROST NOELLE

04/18/2024

Label #	Address		Owner
27	2311	N CARROLL AVE	GINEZ JESUS
28	2311	N CARROLL AVE	DINKMEYER ELIZABETH CAMERON
29	2324	RUSK PL	NICOLAOU CHRISTOPHER
30	2322	RUSK PL	OLIVEIRA PETERSON S
31	2325	RUSK PL	JOHNSON ANTHONY W
32	2365	N CARROLL AVE	RITCHEY DAVID & AMANDA
33	4406	CAPITOL AVE	MARTIN ROSS & MELISSA SHERRILL
34	4408	CAPITOL AVE	MARTIN VIRGINIA R
35	4500	RUSK AVE	RUSK AVENUE TOWNHOMES
36	4504	RUSK AVE	GUPTA ROHIT
37	4508	RUSK AVE	DENKER DONALD D II
38	4512	RUSK AVE	HECKMAN ALLISON P
39	4516	RUSK AVE	WEBER ROBYN KATHLEEN
40	4520	RUSK AVE	MAJLUF GERMAN CHAVEZ &
41	4502	CAPITOL AVE	EICHLER RONNIE &
42	2370	N CARROLL AVE	GROUNDS LUBIN REVOCABLE TRUST
43	4505	RUSK AVE	MCGREGOR JOHN TEEK
44	4507	RUSK AVE	GRAGSON FAMILY PROTECTION
45	4509	RUSK AVE	WILLIAMS TRACEY
46	4509	RUSK AVE	WHITE JACK AUSTIN
47	2310	N CARROLL AVE	LABELLE CATHERINE ELIZABETH &
48	2310	N CARROLL AVE	BARTOLOMEI PAUL & ANGELYN K
49	2310	N CARROLL AVE	SECOLA MARY JOE
50	2310	N CARROLL AVE	CATALINA ROBERTO F A
51	2310	N CARROLL AVE	YANG HUA MATT
52	2314	N CARROLL AVE	CANNON JOSEPH ODELL
53	2314	N CARROLL AVE	LECOMTE JOSHUA S
54	2314	N CARROLL AVE	ANTIOCO JOHN F &
55	2314	N CARROLL AVE	TATE JONATHAN D
56	2304	N CARROLL AVE	RODDY ALEX
57	2304	N CARROLL AVE	CHANG ISABEL

04/18/2024

Label #	Address		Owner
58	2304	N CARROLL AVE	FRATANTONI JULIE MARIE
59	2304	N CARROLL AVE	KORDI DANIAL
60	2304	N CARROLL AVE	BANDYOPADHYAY SHAMIK & PRIYANKA
61	2307	N CARROLL AVE	MELLMAN CRAIG MATTHEW
62	2307	N CARROLL AVE	BRUBAKER CHRISTOPHER
63	2307	N CARROLL AVE	DALESSANDRO TEO
64	2307	N CARROLL AVE	STEVENS CADEN & LEE ANNE

PUBLIC HEARING

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

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

DATE: **WEDNESDAY, MAY 22nd, 2024**

BRIEFING: **10:00 a.m.** via **Videoconference and** in **6ES**, Dallas City Hall, 1500 Marilla Street. **https://bit.ly/boa0522**

HEARING: **1:00 p.m.** via **Videoconference and** in **6ES**, Dallas City Hall, 1500 Marilla Street. **https://bit.ly/boa0522**

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

BDA234-060(BT) Application of Nick Batey for **(1)** a special exception to the fence height regulations; and for **(2)** a special exception to the 20-foot visibility obstruction regulations; and for **(3)** a special exception to the 45-foot visibility obstruction regulations at **2323 N. CARROLL AVE**. This property is more fully described as Block K/0662, Lot 20, and is zoned MF-2(A), which limits the height of a fence in the front yard to 4-feet; requires a 20-foot visibility triangle at driveway approaches; and requires a 45-foot visibility triangle at street intersections. The applicant proposes to construct and/or maintain an 8-foot-high fence in a required front-yard, which will require **(1)** a 4-foot special exception to the fence height regulations; to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle, which will require **(2)** a special exception to the 20-foot visibility obstruction regulation; and to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle, which will require **(3)** a special exception to the 45-foot visibility obstruction regulation.

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

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

The Board of Adjustment hearing will be held by videoconference and in 6ES at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure **by joining the meeting virtually**, must register online at https://bit.ly/BDA-B-Register **by the close of business Tuesday, May 21st, 2024. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing.** Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall

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

Additional information regarding the application may be obtained by calling Bryant Thompson, Senior Planner at (214) 948-4205, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

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

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

Board of Adjustment, Development Services
320 E. Jefferson Blvd. Rm 210, Dallas, TX 75203



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 234-060

RECEIVED
MAR 25 REC'D
BY:

Data Relative to Subject Property: Date: FOR OFFICE USE ONLY

Location address: 2323 N. Carroll Ave. Zoning District: MF-2

Lot No.: 20 Block No.: K/662 Acreage: 0.08 Census Tract: 48113000800

Street Frontage (in Feet): 1) 45 2) 81 3) 4) 5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Subdivisions Realty, LLC

Applicant: Nicholas Batey Telephone: 214-876-2505

Mailing Address: PO Box 720549 Zip Code: 75372

E-mail Address: nick@lecomte.com

Represented by: Josh LeComte Telephone: 214-827-1431

Mailing Address: PO Box 720549 Zip Code: 75372

E-mail Address: josh@lecomte.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of fence height, 45' visibility triangle and 20' visibility triangle (driveway).

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to Grant the described appeal for the following reason:
The variance will not be contrary to public interest and literal enforcement will result in unnecessary hardship.

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 Nicholas Batey
(Affiant/Applicant's name printed)

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

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

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

_____
Notary Public in and for Dallas County, Texas

DONNA J. JAY
Notary Public, State of Texas
Comm. Expires 11-19-2024
Notary ID 126643649

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 NICK BATEY

did submit a request for (1) a special exception to the fence height regulations, and for (2) a special exception to the visibility obstruction regulations, and for (3) a special exception to the visibility obstruction regulations

at 2323 N Carroll Ave

BOA234-060(BT) Application of Nick Batey for (1) a special exception to the fence height regulations and for (2) a special exception to the 20 foot visibility obstruction regulations; and for (3) a special exception to the 45-foot visibility obstruction regulations at: 2323 N CARROLL AVE. This property is more fully described as Block K/0662, Lot: 20, and is zoned MF-2(A), which limits the height of a fence in the front yard to 4-feet, requires a 20-foot visibility triangle at driveway approaches, and requires a 45-foot visibility triangle at street intersections. The applicant proposes to construct and/or maintain an 8-foot-high fence in a required front-yard, which will require (1) a 4-foot special exception to the fence height regulations to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle, which will require (2) a special exception to the 20 foot visibility obstruction regulation, and to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle, which will require (3) a special exception to the 45-foot visibility obstruction regulation

Sincerely

Andrew Espinoza, CBO, MCP, CFM, CCEA

CITY OF DALLAS

Posting of Notification Sign

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

Address: 2323 N. Carroll Ave.

Appeal Number: BDA 234-060

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

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

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

Footage of each street frontage: 45' & 81'

Number of acres: 0.08

Number of signs received: 2

Signature of applicant or person receiving signs

1/15/2024
Date

CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 234-060

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

at: 2323 N. Carroll Ave.
(Address of property as stated on application)

Authorize: Nicholas Batey
(Applicant's name as stated on application)

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

_____ Variance (specify below)

X Special Exception (specify below)

_____ Other Appeal (specify below)

Specify: Special exception to fence height, 45' visibility triangle and 20' visibility triangle (driveway).

Josh LeComte
Print name of property owner or registered agent

Signature of property owner or registered agent

Date 3/25/24

Before me, the undersigned, on this day personally appeared Josh LeComte

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 25th day of March, 2024

Notary Public for Dallas County, Texas

Commission expires on

DONNA J. JAY
Notary Public, State of Texas
Comm. Expires 11-19-2024
Notary ID 126643649

CITY OF DALLAS

JANUARY 16 , 2024

ADDRESS: 2323 N CARROLL AVE

RE: DCAD # **00000119542000000**

DEAR SIR/MADAM,

No information was found responsive to your request for identification of City liens in the records of Special Collections. This response does not constitute legal advice regarding the status of the real property at **2323 N CARROLL AVE.** There may be additional liens of record in the County Clerk's office. This response is made to your request for public information and constitutes neither estoppel against the City of Dallas nor relinquishment, waiver, release, or other change in any lien interest of record.

Should you have any further questions please contact Special Collections at 214-670-3438.

Sincerely,

Special Collections Division
Dallas Water Utilities

BDA234-060

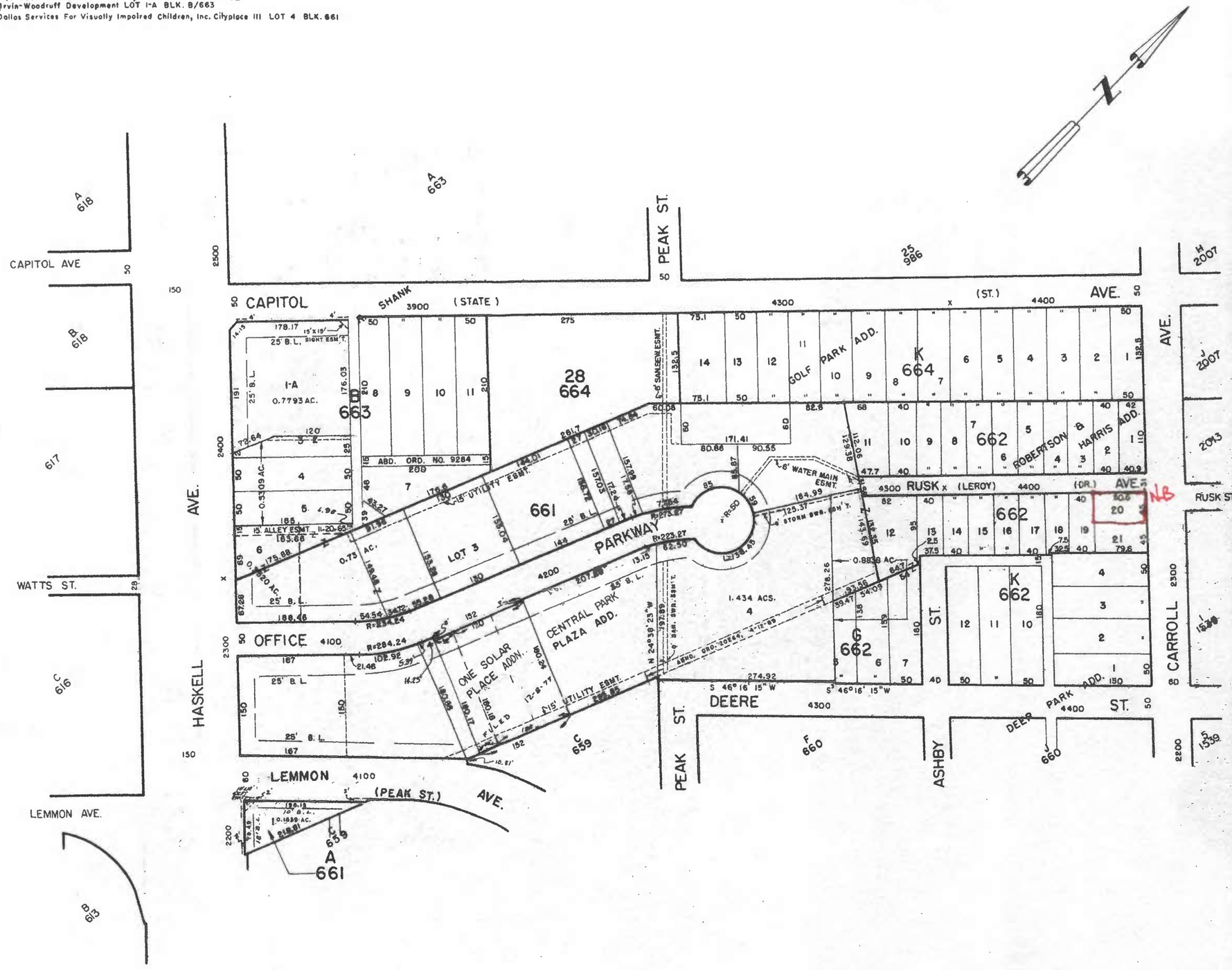
SHIPPED DATE: 5-2-96 RECEIVED DATE: 7-11-96

CITY OF DALLAS PLAT BOOKS

ANNEXED _____ ORD. NO. _____ ADDITION _____ BLOCKS 661, 662, 663, 664 G; K B 28, K

SURVEY J. GRIGSBY ABST. 495 SCALE 100 FT. EQUALS 1 INCH PHA 5-3-88 SCHOOL DISTRICT DALLAS

FILED: 10-25-71 BLK. 661 LOT 3
CENTRAL PARK PLAZA LOT 2 BLK. A/661 FILED: 2-18-83
FILED: 7-14-88 Irvin-Woodruff Development LOT 1-A BLK. B/663
FILED: 5-22-89 Dallas Services For Visually Impaired Children, Inc. Cityplace III LOT 4 BLK. 661



BDA234-060

NICK BATEY - 214-876-2505
nick@lecomte.com

1/16/24



REFERRAL FORM FOR BOARD OF ADJUSTMENT

APPLICANT: Nicholas Batey		OWNER:
ADDRESS: 2323 N. Carroll	STATE: TX	ZIP:
LOT: 20	BLOCK: K/662	ZONING: MF-2

☑ **Variance**	☐ **Special Exception**
☐ Yard setback	☐ Fence height and standards
☐ Lot width	☐ Visibility triangle obstructions
☐ Lot Depth	☐ Parking demand
☐ Lot Coverage	☐ Landscaping
☐ Floor area for accessory structures for single family uses	☐ Additional dwelling unit for a single-family
☐ Height	☐ Carport
☐ Minimum width of sidewalk	☐ Non-conforming use
☐ Off-street parking	☐ Other
☐ Off-street loading	
☐ Landscape regulations	
☑ Other	

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

Description: Need to reduce size of visibility triangle.

Alternative resolutions discussed/offered:

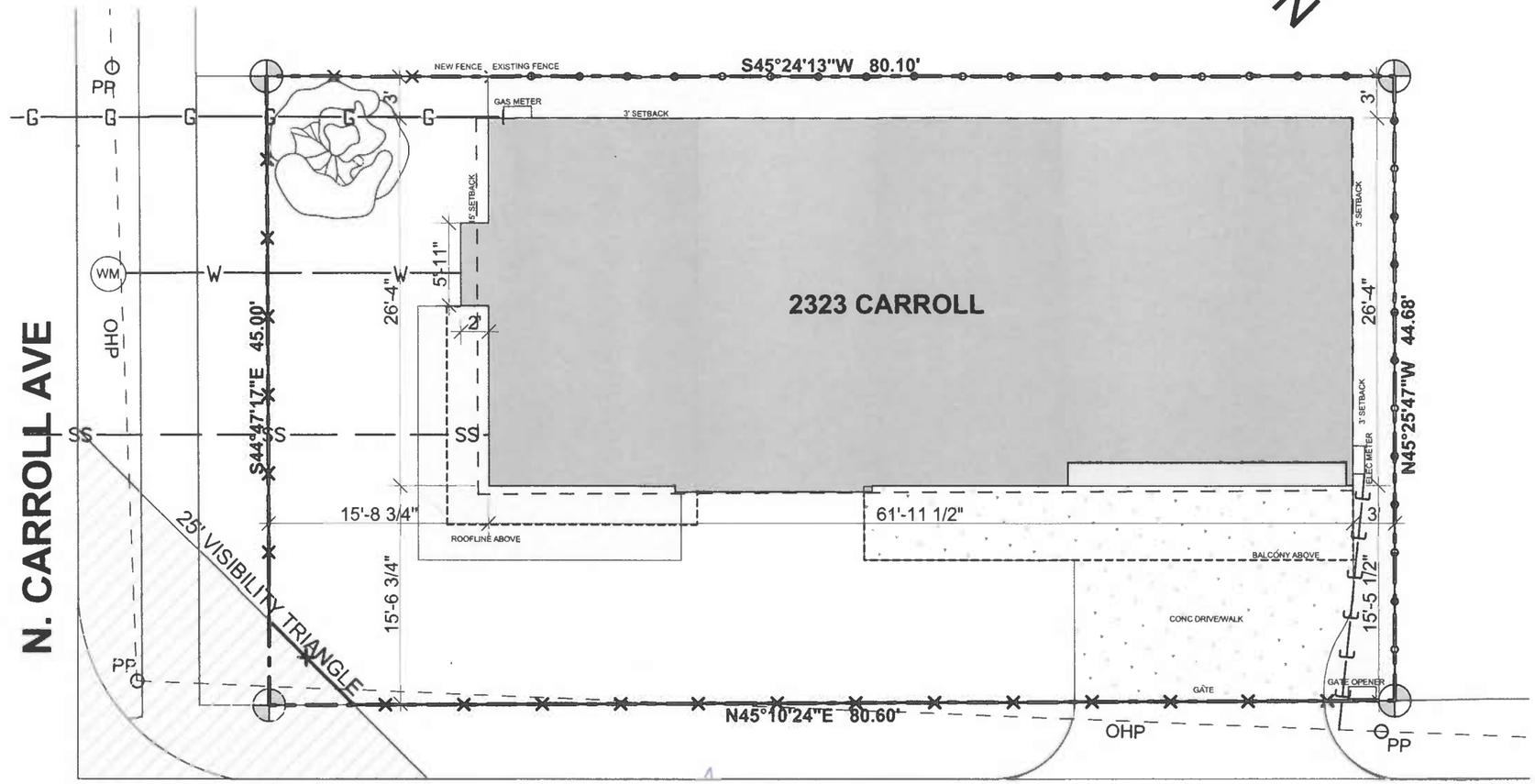
Referred by: Quinton Kelley Contact: 214-948-4515 Date: 1/16/24

FOR INTERNAL USE ONLY

BDA234-000

LEGEND

- CONCRETE
- DECOMPOSED GRANITE
- BUFFALO GRASS TURF
- SMALL TREE- Crepe Myrtle
- MEXICAN FEATHERGRASS
- EXISTING FENCE
- 8' SHADOWBOX FENCE
- SEWER LINE
- WATER LINE
- GAS LINE
- ELECTRICAL LINE
- Property Line
- Property Corner



RUSK AVE

1 **SITE PLAN**
SCALE : 1" = 10'

NOTES:

1. No existing trees on site.
2. Lots 4,000 square feet or less in area require a minimum of one(1) medium or large nursery stock trees.

SITE INFORMATION	
LOT SIZE:	3603 SF
ZONING:	MF-2
PROPOSED USE:	SINGLE FAMILY HOME
FRONT YARD SETBACK:	15'
SIDE AND REAR SETBACK:	0' (SINGLE FAMILY RESIDENTIAL)
MAX HEIGHT:	36' ALLOWED
MAX HEIGHT:	35'-6.5" PROVIDED
LOT COVERAGE:	60% ALLOWED
LOT COVERAGE:	42.9% PROVIDED (1556/3620)

LEGAL DESCRIPTION

ROBERTSON & HARRIS
BLK K/662 LOT 20
RESUB OF PT DEERE PARK ADDN

2323 NORTH CARROLL AVE
DALLAS, TX 75204

BDA234-060

LeComte Homes

2323 NORTH CARROLL AVE
DALLAS, TX 75204

DATE 1/3/2024

Site/Landscape Plan

A-101



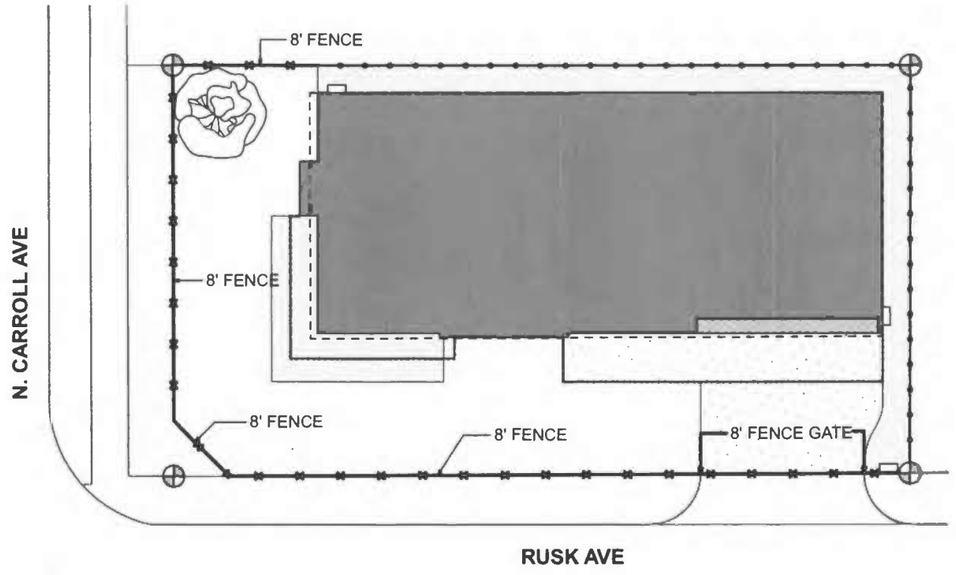
1 **FENCE ELEVATION CARROLL**
SCALE : 3/32" = 1'-0"



2 **FENCE ELEVATION CORNER**
SCALE : 3/32" = 1'-0"



3 **FENCE ELEVATION RUSK**
SCALE : 3/32" = 1'-0"



4 **FENCE LAYOUT PLAN**
SCALE : 1:200.73

LE COMTE HOMES

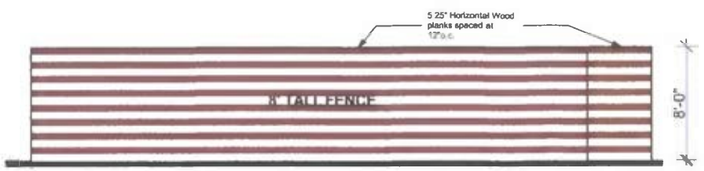
2323 NORTH CARROLL AVE
DALLAS, TX 75204

DATE
1/29/2024

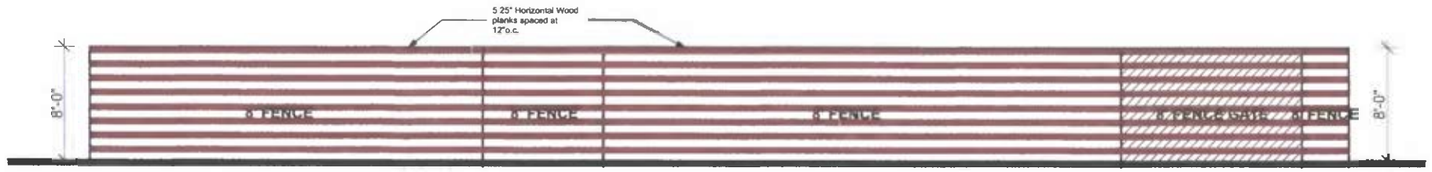
FENCE EXIBIT

A-603

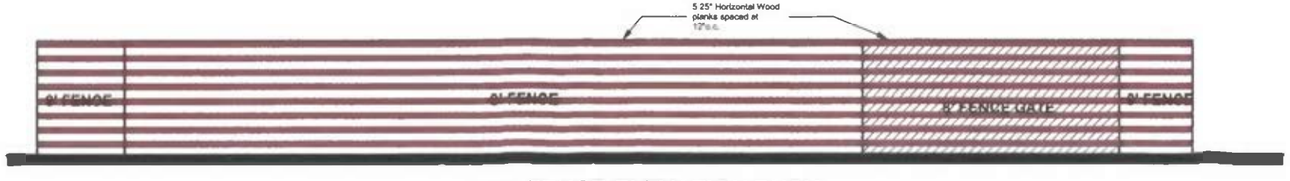
BDA234-060



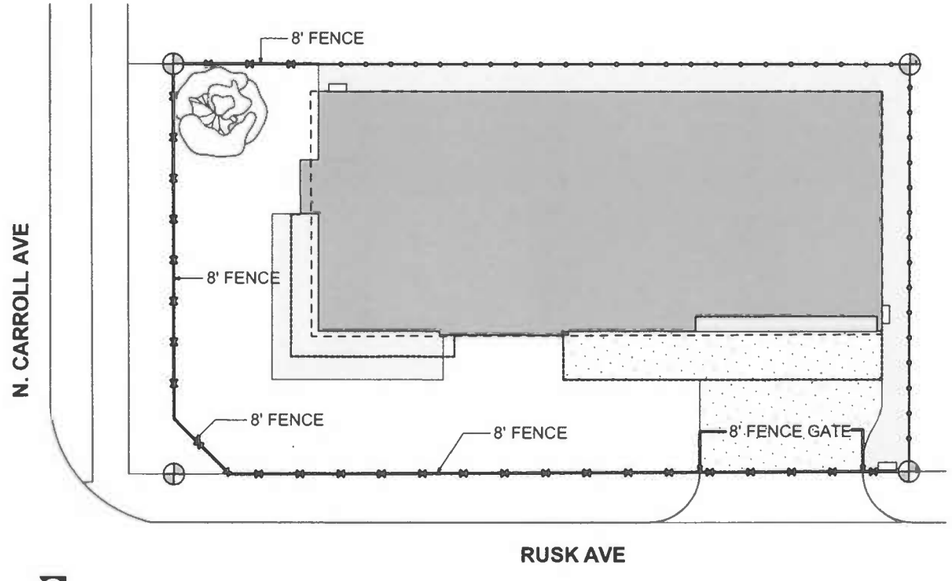
1 **FENCE ELEVATION CARROLL**
SCALE : 3/32" = 1'-0"



2 **FENCE ELEVATION CORNER**
SCALE : 3/32" = 1'-0"



3 **FENCE ELEVATION RUSK**
SCALE : 3/32" = 1'-0"



4 **FENCE LAYOUT PLAN**
SCALE : 1:200

LECOMTE HOMES

2323 NORTH CARROLL AVE
DALLAS, TX 75204

DATE
3/19/2024

FENCE EXIBIT

A-603

BDA234-060

FILE NUMBER: BDA234-062(CJ)

BUILDING OFFICIAL'S REPORT: Application of Karina Avila for **(1)** a special exception to the fence height regulations, and for **(2)** a special exception to the fence opacity regulations at 10576 SHILOH RD. This property is more fully described as Block 1/7314, Lot 12, and is zoned R-7.5(A), which limits the height of a fence in the front-yard to 4-feet; and requires a fence panel with a surface area that is less than 50 percent open not be located less than 5-feet from the front lot line. The applicant proposes to construct and/or maintain a 6-foot-high fence in a required front-yard, which will require **(1)** a 2-foot special exception to the fence height regulations; and to construct and/or maintain a fence in a required front-yard with a fence panel having less than 50 percent open surface area located less than 5- feet from the front lot-line, which will require **(2)** a special exception to the fence opacity regulations.

LOCATION: 10576 Shiloh Rd.

APPLICANT: Karina Avila

REQUEST:

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

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

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

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

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

STAFF RECOMMENDATION:

Special Exceptions (2):

No staff recommendation is made for a special exception.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

BDA History:

No BDA history

GENERAL FACTS/STAFF ANALYSIS:

- The application, for the Karina Avila property located at 10576 Shiloh Road focuses on 2 requests relating to the fence height and fence standards regarding opacity.
- The applicant proposes to maintain and 6-foot high fence in a required front yard, which will require a 2-foot special exception to the fence height regulations.
- Secondly, the applicant is requesting a special exception to the fence standards regulations regarding opacity
- The subject site along with properties to the north, east, south, and west are all developed with single-family homes.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to maintain a 6-foot high fence around the circumference of the property at 10576 Shiloh Road.
- The fence is material is board on board wood.
- It is imperative to note that the subject site is a corner lot, and it has double street frontage on Shiloh Road and Ferguson Road.
- Based upon staff's analysis of the surrounding properties, there are a few homes along Shiloh Road and Ferguson Road with fences and gates in the required front yard and/or some form of vegetation serving as a screening mechanism.
- Per staff's review of the subject site, it has been confirmed that the fence surrounding the circumference of the property is proposed and not existing.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. The Dallas Development Code also states that no fence panel having less than 50 percent open surface area may be located less than 5-feet from the lot line.

- The applicant has the burden of proof in establishing that the special exception(s) to the fence regulations relating to height and opacity will not adversely affect the neighboring properties.
- Granting the special exceptions to the fence standards relating to height and opacity regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: BDA234-062 at 10576 Shiloh Rd.

Timeline:

March 21, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

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

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

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

May 2, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer

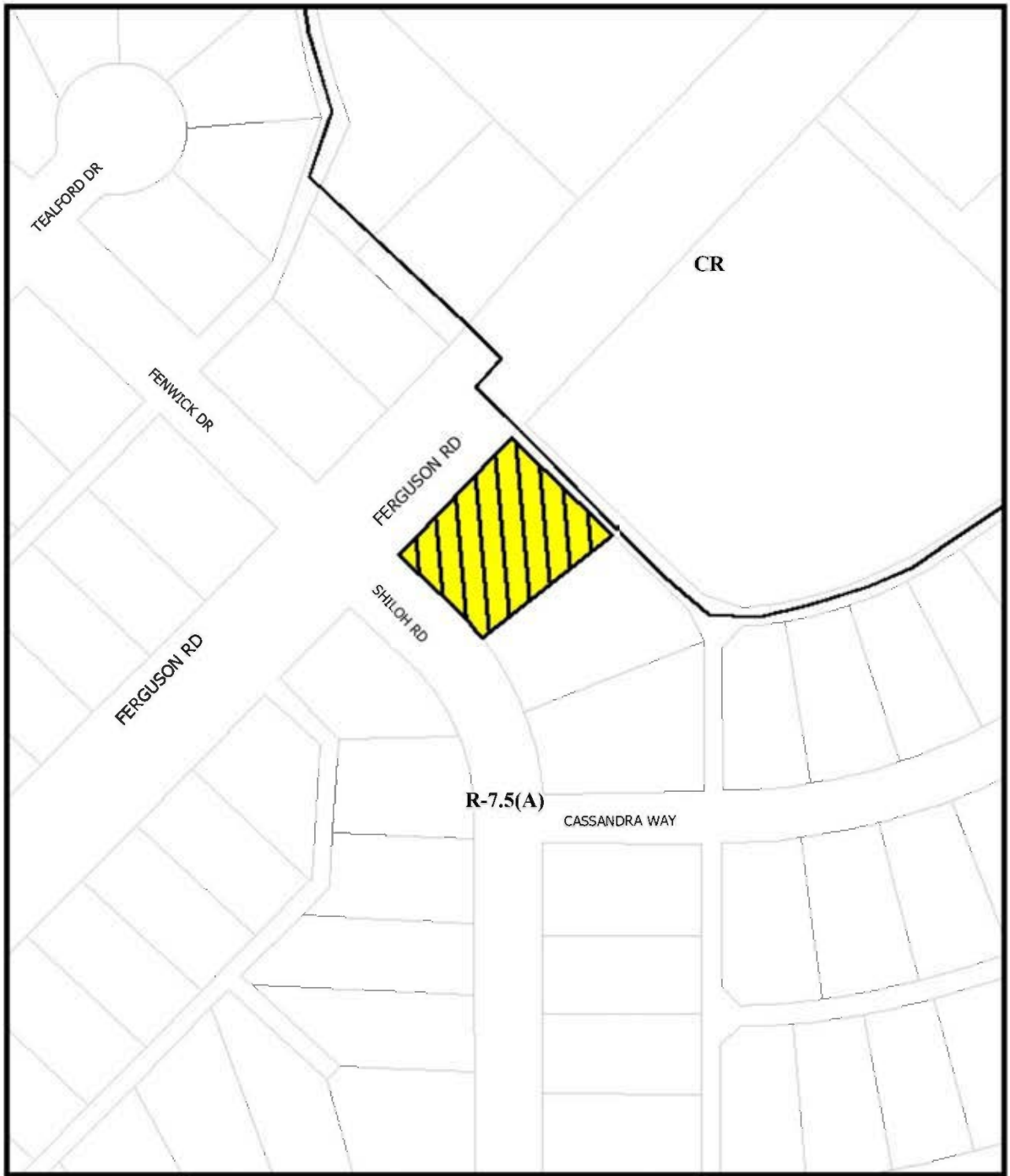


1:1,200

AERIAL MAP

Case no: BDA234-062

Date: 4/18/2024

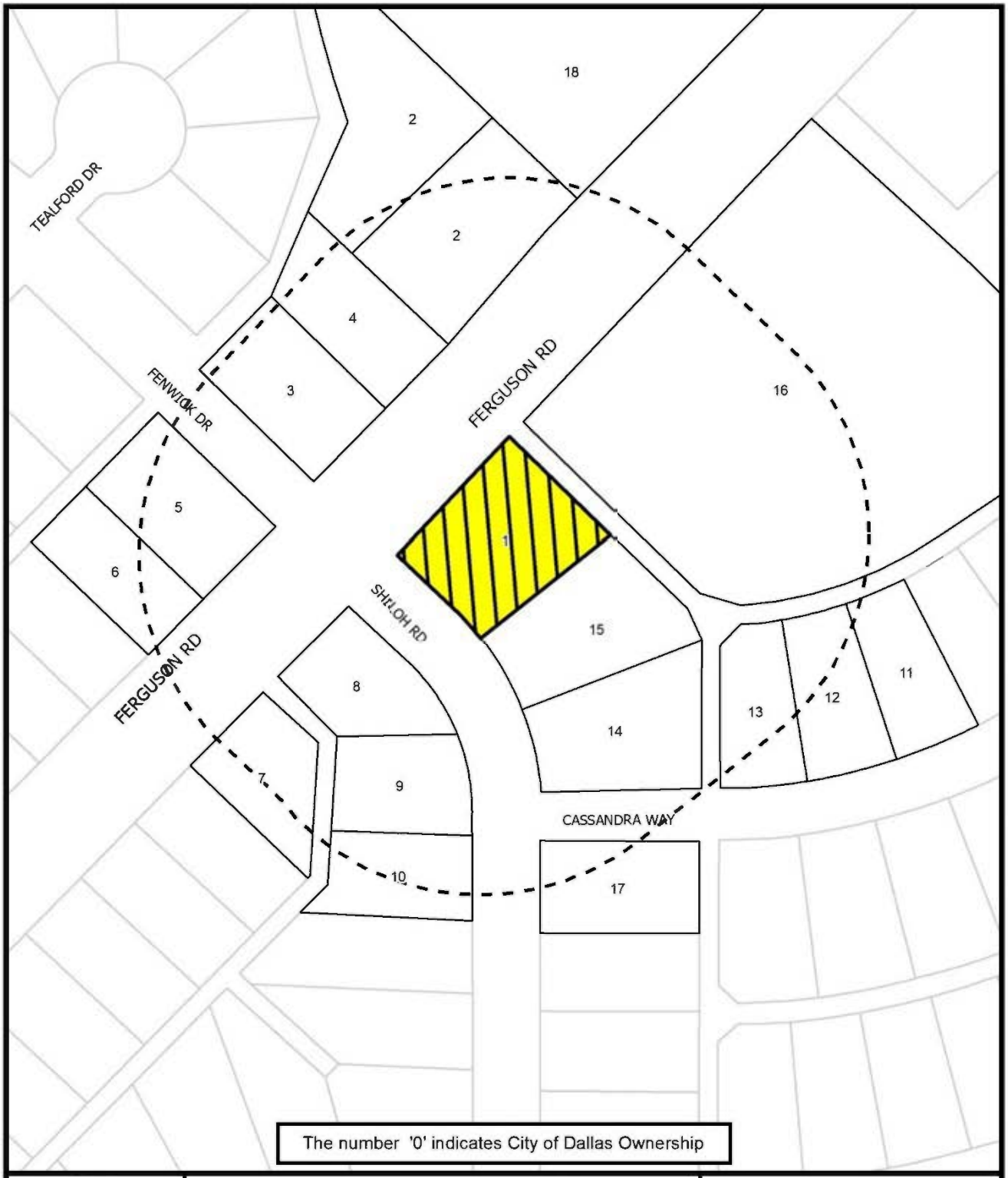


1:1,200

ZONING MAP

Case no: BDA234-062

Date: 4/18/2024



NOTIFICATION

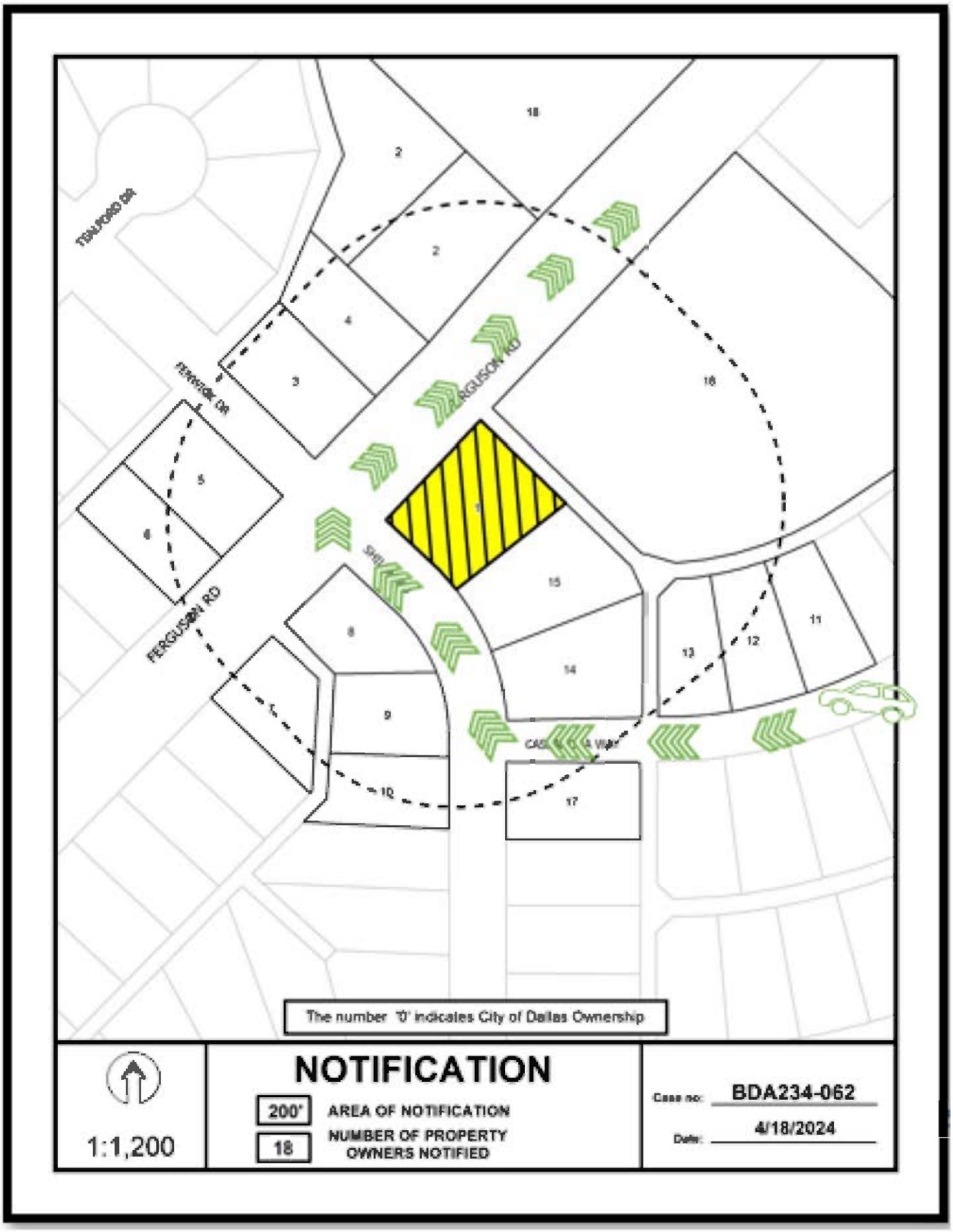
1:1,200

200' AREA OF NOTIFICATION

18 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA234-062

Date: 4/18/2024


FERGUSON RD
FERGUSON RD
The number '0' indicates City of Dallas Ownership
NOTIFICATION
200'
AREA OF NOTIFICATION
18
NUMBER OF PROPERTY OWNERS NOTIFIED
1:1,200
Case no: BDA234-062
Date: 4/18/2024

/
04/18/2024

Notification List of Property Owners

BDA234-062

18 Property Owners Notified

Label #	Address		Owner
1	10576	SHILOH RD	AVILA KARINA
2	10625	FERGUSON RD	WRANGLER HOLDINGS LLC
3	10605	FERGUSON RD	MARTIN DAWN E
4	10609	FERGUSON RD	JARAMILLO HILDA ARACELY &
5	10581	FERGUSON RD	DANIEL CONNIE LOUISE JONES
6	10577	FERGUSON RD	MAGEE FAYE
7	10574	FERGUSON RD	BELITERE NICHOLAS SR
8	10580	FERGUSON RD	OJEDA VICTORIA
9	10565	SHILOH RD	JOYA OSCAR &
10	10559	SHILOH RD	STIRLING DANIELLE C
11	10625	CASSANDRA WAY	HOGUE RANDY K
12	10619	CASSANDRA WAY	UNDERHILL BETTY
13	10615	CASSANDRA WAY	OLIVARES MARYBEL PEREZ
14	10564	SHILOH RD	ABRAHAM LUZ G
15	10570	SHILOH RD	WILLIAMS MARK ANTHONY
16	10618	FERGUSON RD	CTU JOSEY LTD
17	10558	SHILOH RD	ZJM ENTERPRISES INCORPORATED
18	10707	FERGUSON RD	MESQUITE CREEK DEVELOPMENT INC



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION

18 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA234-062

Date: 4/18/2024

PUBLIC HEARING

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

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

DATE: **WEDNESDAY, MAY 22nd, 2024**

BRIEFING: **10:00 a.m.** via **Videoconference and** in **6ES**, Dallas City Hall, 1500 Marilla Street. **https://bit.ly/boa0522**

HEARING: **1:00 p.m.** via **Videoconference and** in **6ES**, Dallas City Hall, 1500 Marilla Street. **https://bit.ly/boa0522**

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

BDA234-062(CJ) Application of Karina Avila for **(1)** a special exception to the fence height regulations, and for **(2)** a special exception to the fence opacity regulations at **10576 SHILOH RD**. This property is more fully described as Block 1/7314, Lot 12, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4-feet and requires a fence panel with a surface area that is less than 50 percent open not be located less than 5-feet from the front lot line. The applicant proposes to construct and/or maintain a 6-foot-high fence in a required front-yard, which will require **(1)** a 2-foot special exception to the fence height regulations; and to construct and/or maintain a fence in a required front-yard with a fence panel having less than 50 percent open surface area located less than 5- feet from the front lot line, which will require **(2)** a special exception to the fence regulations.

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

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

The Board of Adjustment hearing will be held by videoconference and in 6ES at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure **by joining the meeting virtually**, must register online at https://bit.ly/BDA-B-Register **by the close of business Tuesday, May 21st, 2024. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing.** Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall

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

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

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

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

Board of Adjustment, Development Services
320 E. Jefferson Blvd. Rm 210, Dallas, TX 75203

Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 234-062

RECEIVED MAR 2 6

Data Relative to Subject Property: Date:

Location address: 10576 Shiloh Rd Zoning District: R-7.5

Lot No.: 12 Block No.: 1/7314 Acreage: 0.29 Census Tract:

Street Frontage (in Feet): 1) 53 83' 2) 125 3) 4) 5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Karina Avila

Applicant: Karina Avila Telephone: 469-279-9180

Mailing Address: 10576 Shiloh Rd Dallas, TX Zip Code: 75228

E-mail Address: karinaavila1291@gmail.com

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance __, or Special Exception ✓ of adding 2ft to the fence height and adding oppacity.

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:

I am concerned for my family's safety due to the lack of privacy and constant exposure to the homeless individuals that constantly linger near out home.

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 Karina Avila
(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 prcperty

Respectfully submitted: Karina Avila
(Affiant/Applicant's signature)

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

Martha E Garcia
Notary Public in and for Dallas County, Texas

MARTHA ESTHER GARCIA NOTARY PUBLIC STATE OF TEXAS ID 12567831 EXP. 06-08-2026

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 KARINA AVILA

did submit a request for (1) a special exception to the fence height regulations, and for (2) a special exception to the fence height regulations

at 10576 Shiloh Rd

BOA234-062(CJ) Application of Karina Avila for (1) a special exception to the fence height regulations, and for (2) a special exception to the fence opacity regulations at 10576 SHILOH RD. This property is more fully described as Block 17/3174, Lot 12, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4-feet and requires a fence panel with a surface area that is less than 50 percent open, not be located less than 5-feet from the front lot line. The applicant proposes to construct and/or maintain a 6-foot-high fence in a required front-yard, which will require (1) a 2-foot special exception to the fence height regulations; and to construct and/or maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line which will require (2) a special exception to the fence regulations.

Sincerely,

Andrew Espinoza, CBO, MCP, CFM, CCEA

CITY OF DALLAS

Posting of Notification Sign

Address: 10576 Shiloh Rd

Appeal Number: BDA 234-062

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

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

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

Footage of each street frontage: 83' & 125'

Number of acres: 0.29

Number of signs received: 2

Kevin Crowl

Signature of applicant or person receiving signs

03-26-2024

Date

11

ArcGIS Web Map

K. A.



3/25/2024, 10:13:24 AM

1:1,596

0 0.01 0.03 0.06 mi

0 0.03 0.05 0.1 km

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

BDA234-062

SHIPPED DATE: 10-23-96 RECEIVED DATE: 12-18-96

CITY OF DALLAS PLAT BOOKS

ANNEXED AUG. 24, 1953 ORD. NO. 5910

SURVEY T. THOMAS ABST. 1461
" Z. MOTLEY " 1021
" H.C. DAVIS " 419

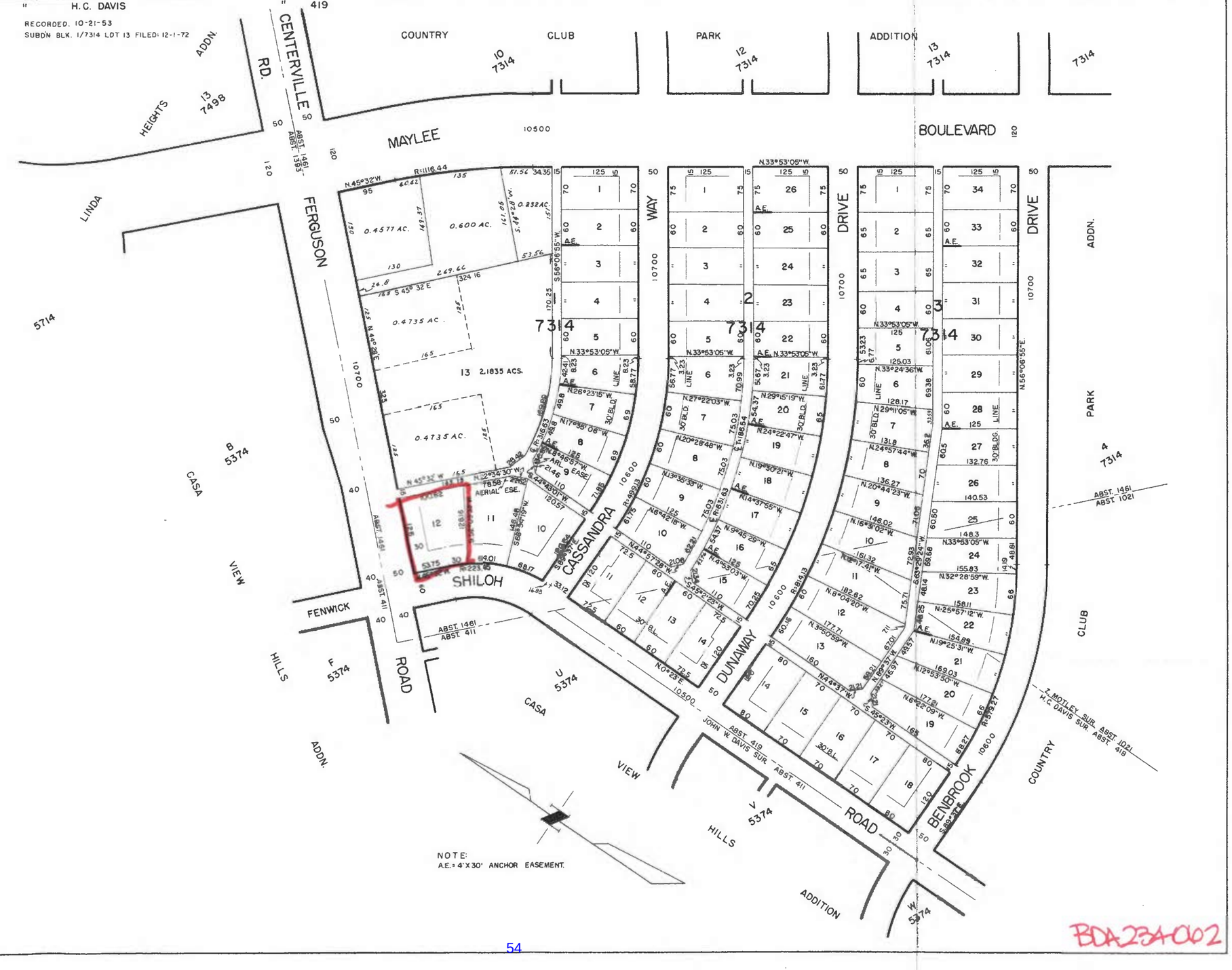
ADDITION COUNTRY CLUB PARK NO. 1 (PART)

BLOCKS 1 THRU 3 7314

SCALE 100 FT. EQUALS 1 INCH

SCHOOL DIST. DALLAS

RECORDED. 10-21-53
SUBDN BLK. 1/7314 LOT 13 FILED: 12-1-72



BDA234-002



REFERRAL FORM FOR BOARD OF ADJUSTMENT

APPLICANT: AVILA Karina		OWNER: AVILA Karina
ADDRESS: 10576 Shiloh	STATE: Tx	ZIP:
LOT: 12	BLOCK: 1-7314	ZONING: R 7.5

☐ **Variance**	☐ **Special Exception**
☐ Yard setback	☑ Fence height and standards
☐ Lot width	☐ Visibility triangle obstructions
☐ Lot Depth	☐ Parking demand
☐ Lot Coverage	☐ Landscaping
☐ Floor area for accessory structures for single family uses	☐ Additional dwelling unit for a single-family
☐ Height	☐ Carport
☐ Minimum width of sidewalk	☐ Non-conforming use
☐ Off-street parking	☐ Other
☐ Off-street loading	
☐ Landscape regulations	
☐ Other	

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

Description: wants 6 ft fence But has Double yard frontage

Alternative resolutions discussed/offered:

Referred by: Anthony C. Sierras Contact: _____ Date: 3-4-24

FOR INTERNAL USE ONLY

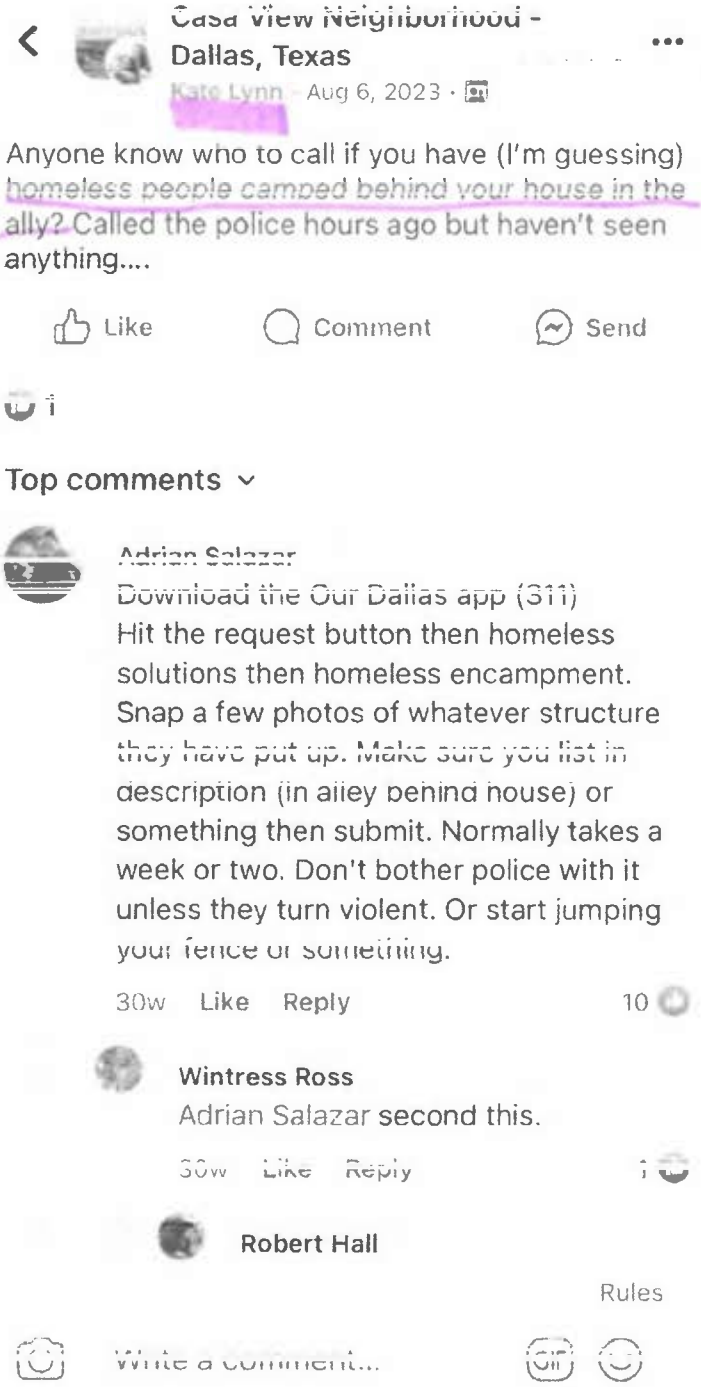
BDA234-002

To whom it may concern

I think it would be a great help and wonderful security measure if our neighbors were to put up a fence as we have had many issues of people jumping our fence at night and coming in to our backyard going as far as coming up to our back door and our breaker of our house we have also had a car break in. So I believe it would be a wonderful addition to making our home and their home feels safe, especially since we both have kids, and for their protection to have a privacy fence would be a huge benefit. We have had so many issues with homeless people camping out in the alleyway, walking up and down going as far as seeing someone sit there and do drugs, so to protect our children from that I think a privacy fence would be a wonderful thing for our neighbors to put up. We have called the police and they do not come so I seriously hope you approve this as safety is a top priority and with all the things mentioned above that have happened they are just trying to protect their family

Thank you
Katelynn Eichenberg
10570 Shiloh rd

BDA234-002



Neighbor Posted Complaint on neighborhood Facebook group. Next door neighbor @ 10570 Shiloh Rd,

Sent from Yahoo Mail for iPhone

BDA234-062

Neighbor from 10570 Shiloh Rd

Casa View Neighborhood - Dallas, Texas

Kate Lynn · Aug 6, 2023 ·

Robert Hall

Wintress Ross it took me over a year to get the city to do anything about the homeless incampment on Gus Thomason. Thev will put the burden on the home owner to move them. Homeless Solutions is a joke. They come offer help. But that's as far as it will go. The best deal is to call the police over and over til they come out. Then post no trespassing signs up. The city is really no help.

30w Like Reply 3

Adrian Salazar

Robert Hall only took a week for the recurring one by me. Trick is you gotta report it when it's small. If you wait for it to turn into a camp then it's gonna be harder for city services to do anything. You're lucky if you get DPD to show up for anything especially homeless solutions.

Rules

Write a comment...

Sent from Yahoo Mail for iPhone

BDA234-062

From: [redacted]

To: <karinaavila91@yahoo.com>

Date Today at 4:32 PM



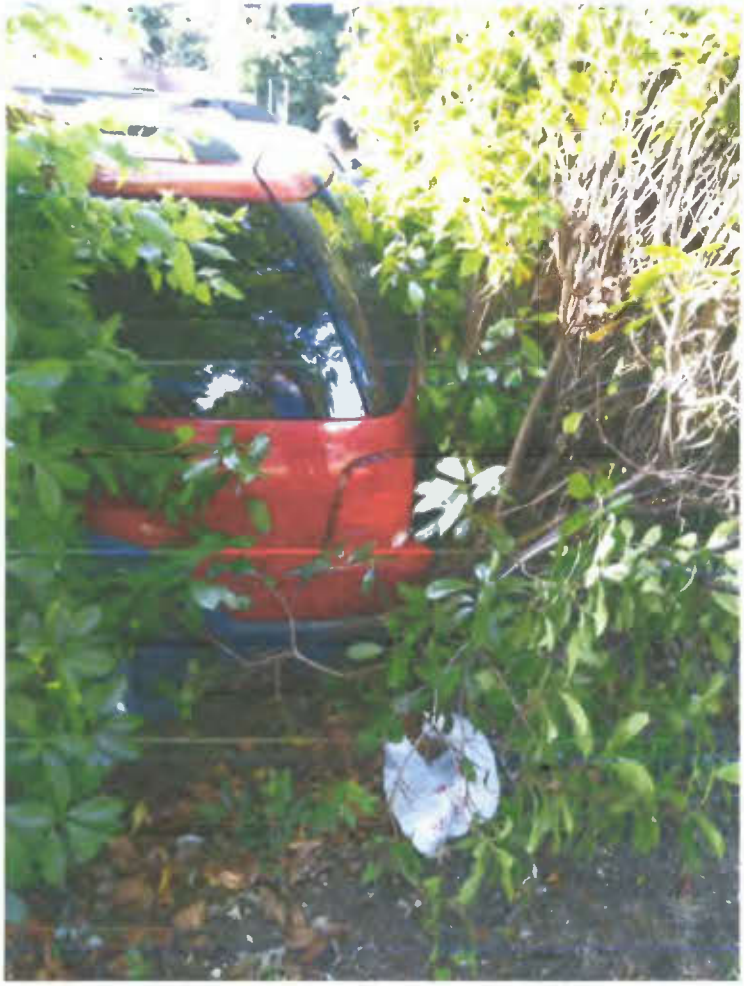
Sent from Yahoo Mail for iPhone

BDA23A-062

From Karina Avila <karinaavila91@yahoo.com>

To: <karinaavila91@yahoo.com>

Date Today at 4:29 PM



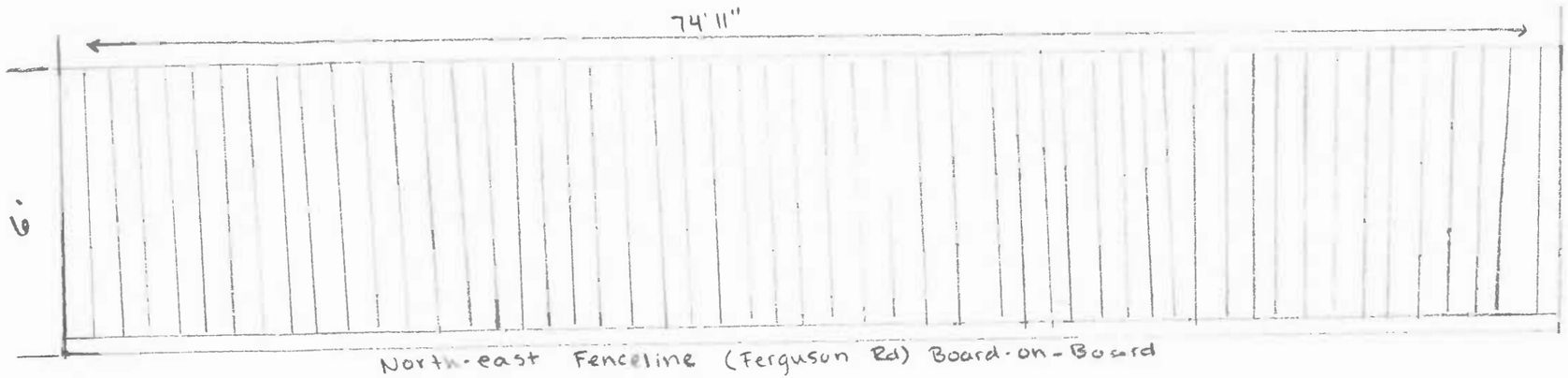
Sent from Yahoo Mail for iPhone

BDA234-062

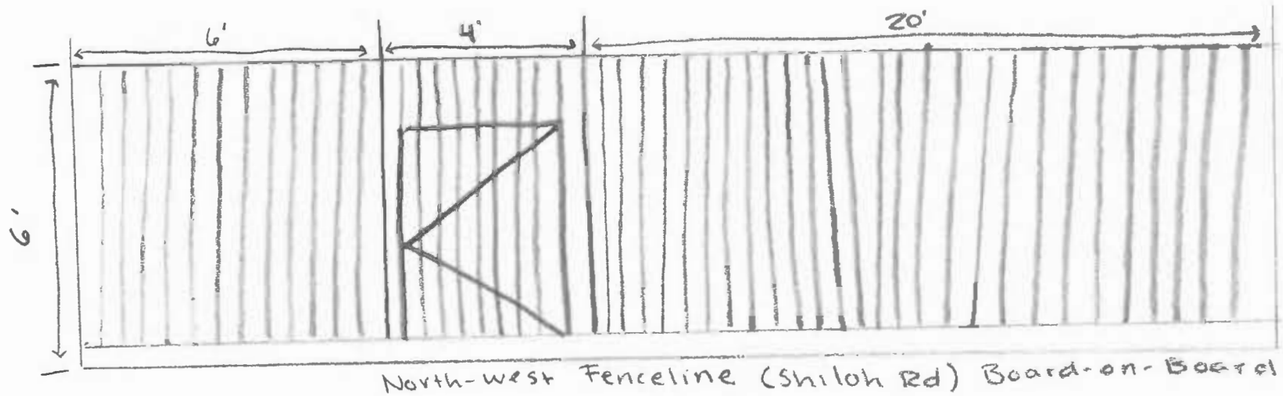


Scale: 1" = 20'

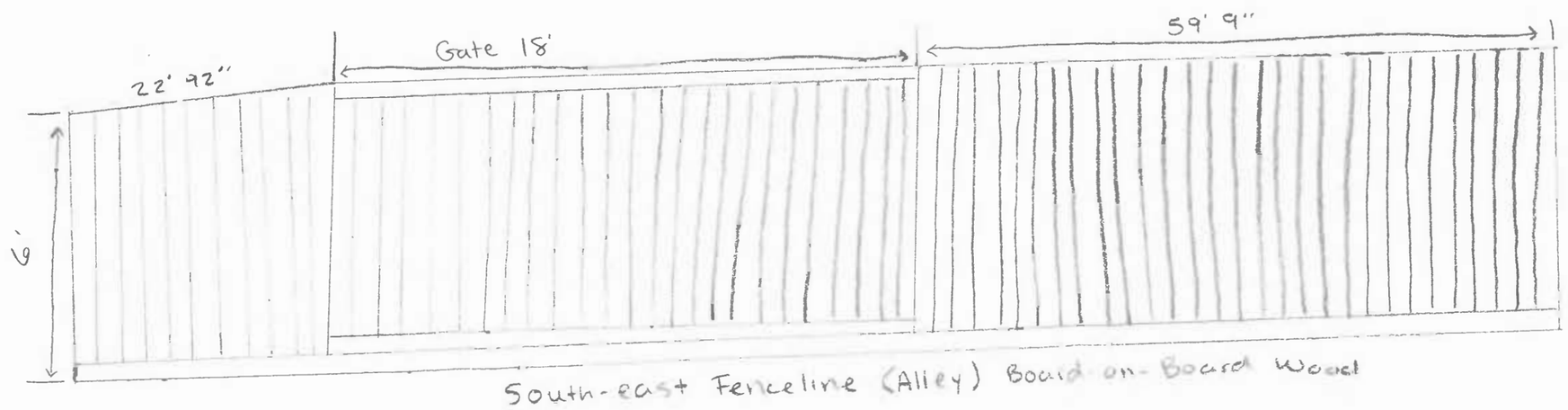
BDA234-002



North-east Fenceline (Ferguson Rd) Board-on-Board



North-west Fenceline (Shiloh Rd) Board-on-Board



South-east Fenceline (Alley) Board on-Board Wood

Scale = 1" = 30

BDA234-002

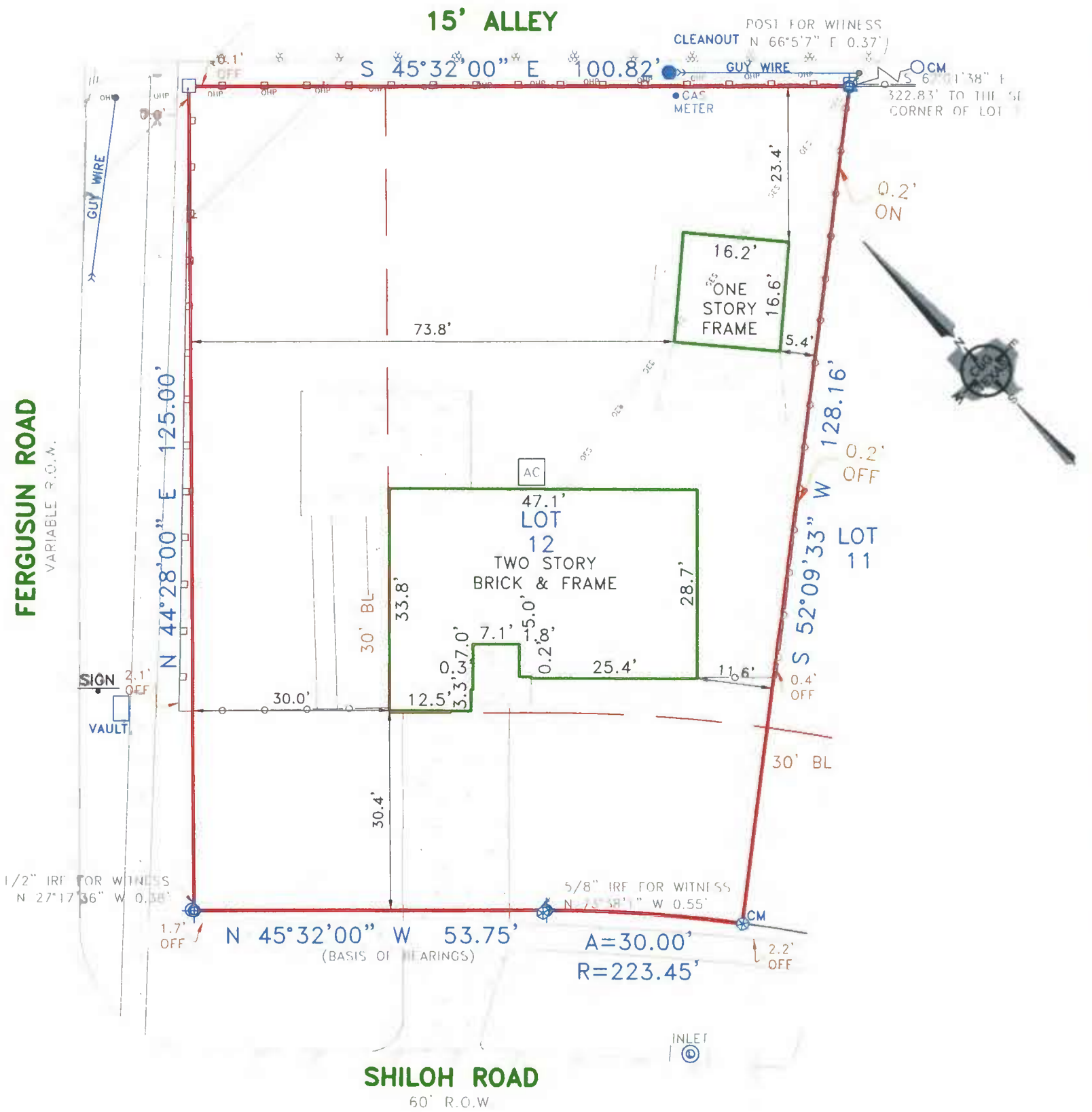
10576 Shiloh Road

Being Lot 12, Block 1/7314, First Installment of Country Club Park, an addition to the City of Dallas, Dallas County, Texas, according to the Map or Plat thereof recorded under Volume 20, Page 399, Official Public Records of Dallas County, Texas.



LEGEND

- 1/2" ROD FOUND
- 1/2" ROD SET
- 1" PIPE FOUND
- "X" FOUND/SET
- 5/8" ROD FOUND
- POINT FOR CORNER
- FENCE POST FOR CORNER
- CM CONTROLLING MONUMENT
- AC AIR CONDITIONER
- PE POOL EQUIPMENT
- TE TRANSFORMER PAD
- COLUMN
- POWER POLE
- UNDERGROUND ELECTRIC
- OVERHEAD ELECTRIC
- TELE TELEPHONE PEDESTAL
- BL BUILDING LINE
- AE AERIAL EASEMENT
- SSE SANITARY SEWER EASEMENT
- GM GAS METER
- WM WATER METER
- LP LIGHT POLE
- UE UTILITY EASEMENT
- —OHP— OVERHEAD ELECTRIC POWER
- —OES— OVERHEAD ELECTRIC SERVICE
- —O— CHAIN LINK
- WOOD FENCE 0.5' WIDE TYPICAL
- IRON FENCE
- —×— BARBED WIRE
- DOUBLE SIDED WOOD FENCE
- PIPE FENCE
- EDGE OF ASPHALT
- EDGE OF GRAVEL
- CONCRETE
- COVERED AREA
- BRICK
- STONE
- WOOD DECK



EXCEPTIONS:

NOTE: This survey is made in conjunction with the information provided by the client. CBG Surveying Texas, LLC has not researched the land title records for the existence of easements, restrictive covenants or other encumbrances.

BDA234-002

Accepted by: _____ Purchaser

Date: _____

_____ Purchaser

NOTES:

NOTE: BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.

FLOOD NOTE: According to the F.I.R.M. No. 48113C0360L, this property does lie in Zone X and DOES NOT lie within the 100 year flood zone.

This survey is made in conjunction with the information provided by The Client. Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. This is to certify that I have on this date made a careful and accurate survey on the ground of the subject property. The plat hereon is a correct and accurate representation of the property lines and dimensions are as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, there are no visible and apparent encroachments or protrusions on the ground.

Drawn By: AT

Scale: 1" = 20'

Date: 03/11/2024

GF No.: GFN

Job No. 2403531

CBG SURVEYING TEXAS LLC

419 Century Plaza Dr., Ste. 210
Houston, TX 77073
P 214.349.9485
F 214.349.2216
Firm No. 10194280
www.cbgtxllc.com

STATE OF TEXAS REGISTERED ABEL P. STENDAHL 6754 SURVEYOR

ABEL STENDAHL RPLS NO. 6754

FILE NUMBER: BDA234-064(CJ)

BUILDING OFFICIAL'S REPORT: Application of Jonathan Vinson for (1) a special exception to the fence height regulations at 6131 CHURCHILL WAY. This property is more fully described as Block A/7451 Lot 1A and is zoned R-16(A), which limits the height of a fence in the front-yard to 4-feet. The applicant proposes to construct and/or maintain an 8-foot high fence in a required front-yard, which will require (1) a 4-foot special exception to the fence height regulations.

LOCATION: 6131 Churchill Way

APPLICANT: Jonathan Vinson

REQUEST:

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

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

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

STAFF RECOMMENDATION:

Special Exception (1):

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

BACKGROUND INFORMATION:

No BDA history:

No BDA History found within the last 5 years at this subject site.

Zoning:

Site:	R-16 (A) (Single Family District)
North:	PD 93 Zoning District
East:	R-16 (A) (Single Family District)
South:	PD 368 Zoning District
West:	PD 123 Zoning District

Land Use:

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

Square Footage:

This lot contain 89,298 of square feet

GENERAL FACTS/STAFF ANALYSIS:

- The application, for the Jonathan Vinson located at 6131 Churchill Way focuses on 1 request relating to the fence height regulations.
- The applicant proposes to construct and maintain and 8-foot-high fence in a required front yard which will require a 4-foot special exception to the fence height regulations.
- The subject site is a synagogue with properties to the north, south, and east are all developed with single-family homes. The property to the west is a school.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to construct and maintain an 8-foot-high fence around the back and around the entire property at 6131 Churchill Way.
- The applicant has stated that the proposed 8-foot fence will be an addition for privacy and security for congregation, children and staff at Congregation Shaare Tefilla - Dallas.
- Based upon staff's analysis of the surrounding properties, the school directly across the street as well as a few of the homes along Whitley Lane has some form of vegetation serving as a screening mechanism.
- It is imperative to note that the subject site is a corner lot, and it has triple street frontage and three front yards; Churchill Way, Whitley Lane and Turner Way
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.
- Granting the special exception to the fence height regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: BDA234-064 at 6131 Churchill Way

Timeline:

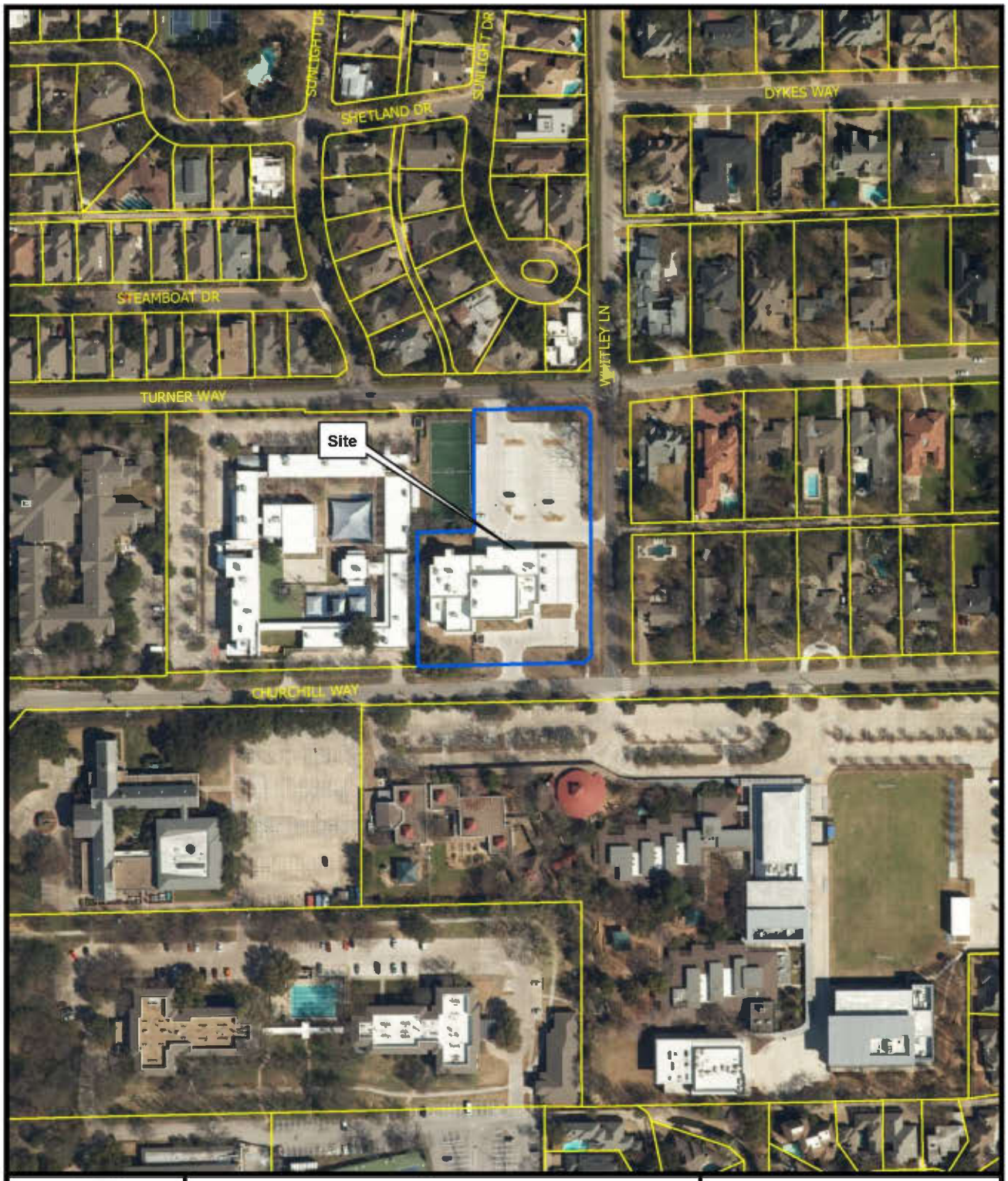
March 21, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

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

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

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

May 2, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer

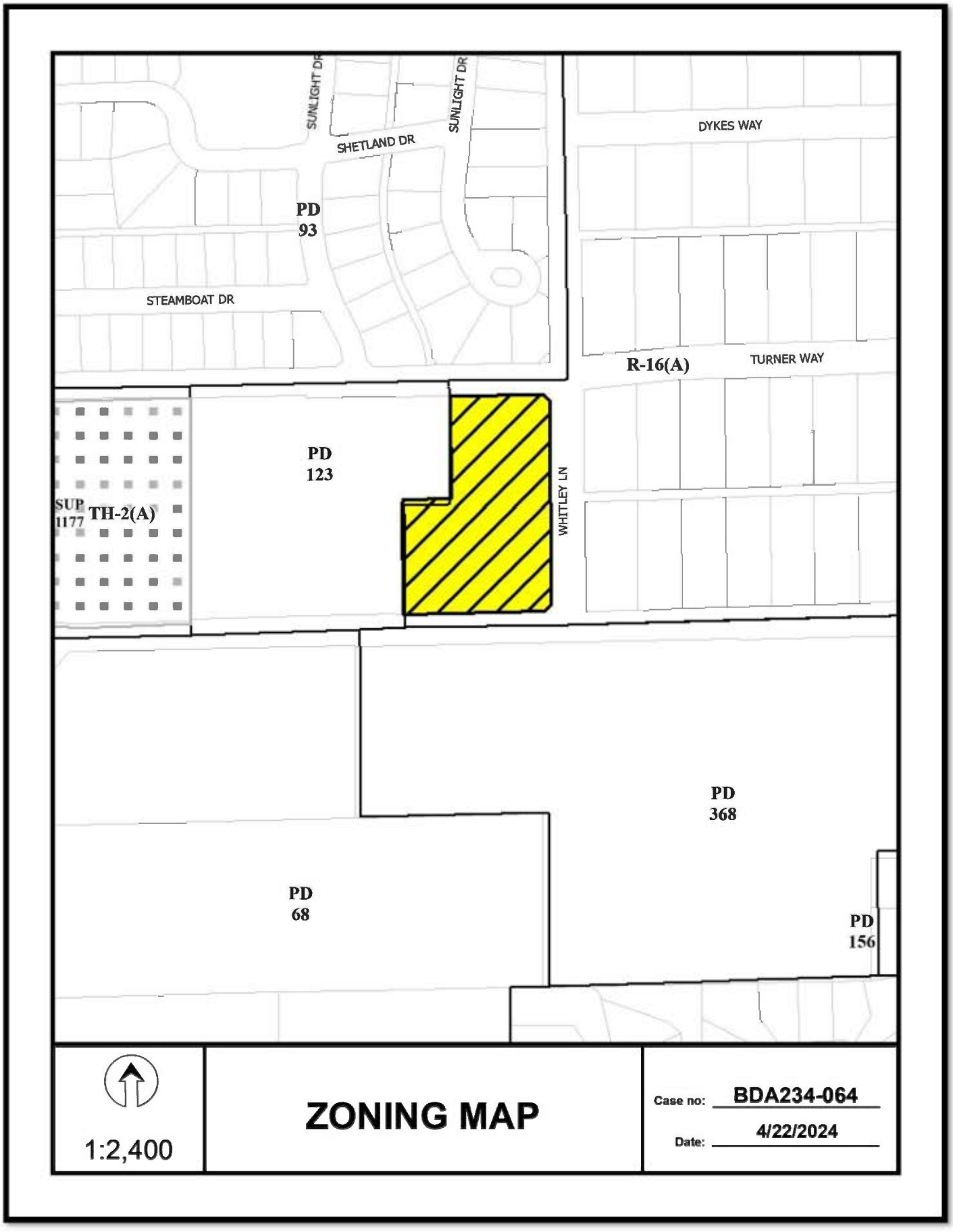


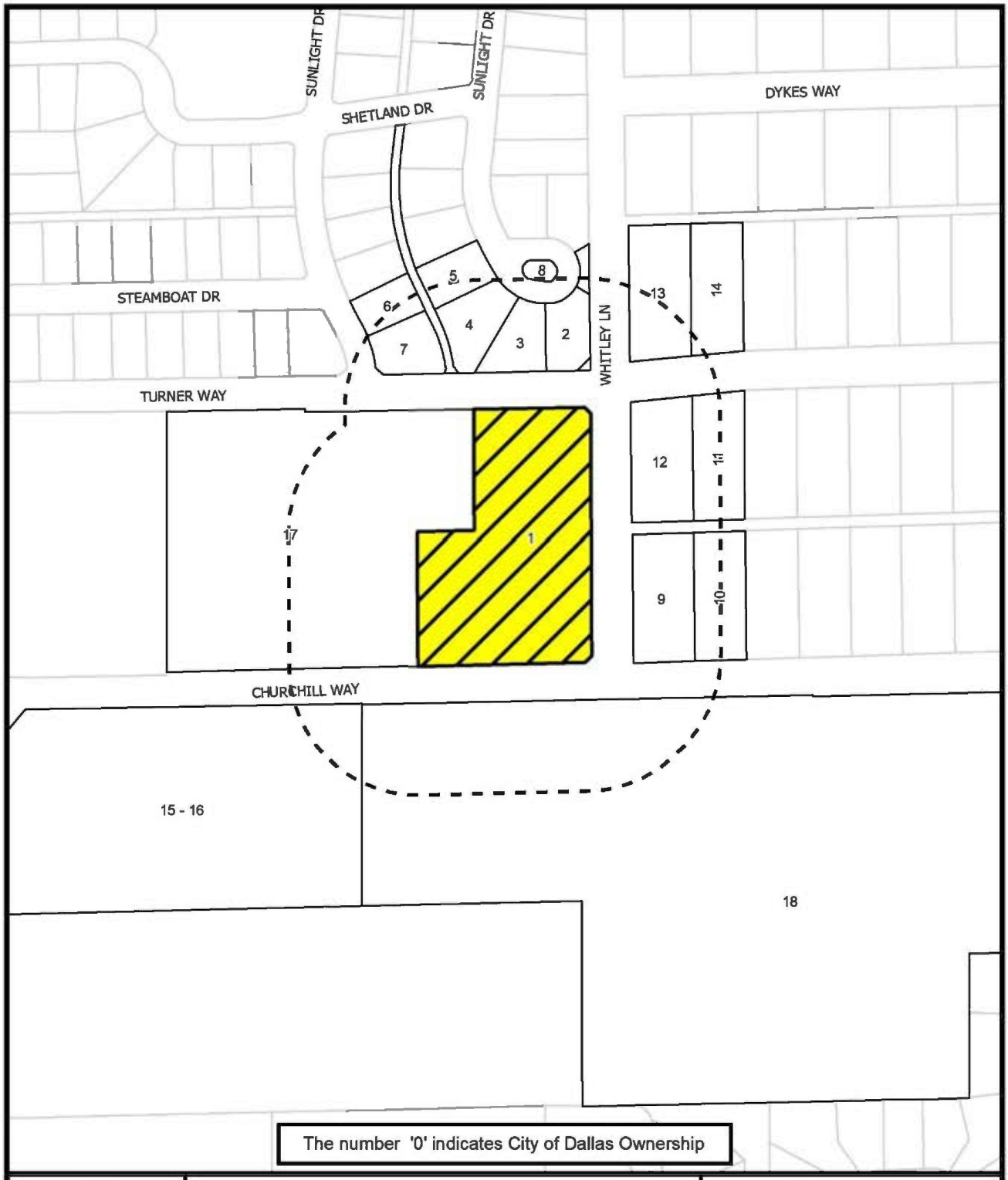
1:2,400

AERIAL MAP

Case no: BDA234-064

Date: 4/22/2024


SUNLIGHT DR
SUNLIGHT DR
SHETLAND DR
DYKES WAY
PD
93
STEAMBOAT DR
R-16(A)
TURNER WAY
PD
123
SUP
1177
TH-2(A)
WHITLEY LN
PD
368
PD
68
PD
156
1:2,400
ZONING MAP
Case no: BDA234-064
Date: 4/22/2024



1:2,400

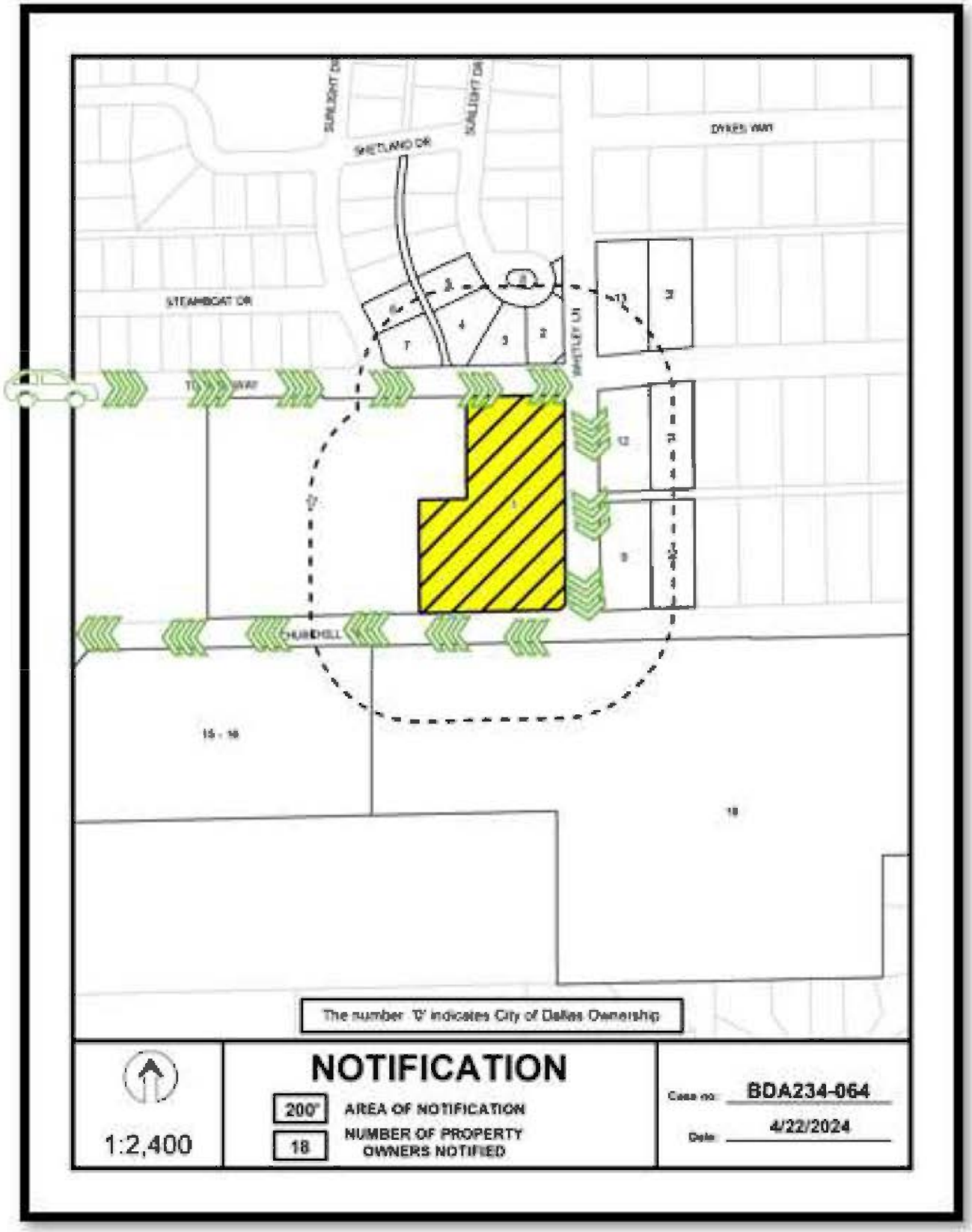
NOTIFICATION

200' AREA OF NOTIFICATION

18 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA234-064

Date: 4/22/2024


SUNLIGHT DR
WETLAND DR
SUNLIGHT DR
DYKES WAY
STEAMBOAT DR
WHITLEY LN
HUBBELL
15 - 16
18
The number '0' indicates City of Dallas Ownership
NOTIFICATION
200'
AREA OF NOTIFICATION
18
NUMBER OF PROPERTY OWNERS NOTIFIED
1:2,400
Case no: BDA234-064
Date: 4/22/2024

/
04/22/2024

Notification List of Property Owners

BDA234-064

18 Property Owners Notified

Label #	Address		Owner
1	6131	CHURCHILL WAY	CONGREGATION SHAARE
2	12728	SUNLIGHT DR	DECLEVA PAUL JR
3	12724	SUNLIGHT DR	GOLUB EDWARD L & CHERYL D
4	12720	SUNLIGHT DR	GREENE ILENE
5	12716	SUNLIGHT DR	IMMERMAN LAURENCE & NANCY
6	12508	SUNLIGHT DR	LEVINE CATHERINE
7	12504	SUNLIGHT DR	ASPGREN BRADFORD PAUL &
8	900003	SUNLIGHT DR	12500 PRESTON HOMEOWNERS
9	6135	CHURCHILL WAY	PRK PLANNING LLC
10	6151	CHURCHILL WAY	ALTICK FRANK JOSEPH JR &
11	6210	TURNER WAY	GREENBERG JEFFREY E &
12	6202	TURNER WAY	LOWY SHLOMO & ILANA
13	6203	TURNER WAY	NG9 LLC
14	6211	TURNER WAY	FINE RICHARD J & LAURA T
15	12330	PRESTON RD	INSTITUTE FOR AEROBICS
16	12330	PRESTON RD	COOPER INSTITUTE THE
17	6039	CHURCHILL WAY	MISSION LAIQUE FRANCAISE
18	6144	CHURCHILL WAY	ST ALCUIN MONTESSORI



PUBLIC HEARING

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

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

DATE: **WEDNESDAY, MAY 22nd, 2024**

BRIEFING: **10:00 a.m.** via **Videoconference and** in **6ES**, Dallas City Hall, 1500 Marilla Street. https://bit.ly/boa0522

HEARING: **1:00 p.m.** via **Videoconference and** in **6ES**, Dallas City Hall, 1500 Marilla Street. https://bit.ly/boa0522

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

BDA234-064(CJ) Application of Jonathan Vinson for **(1)** a special exception to the fence height regulations at **6131 CHURCHILL WAY**. This property is more fully described as Block A/7451 Lot 1A and is zoned R-16(A), which limits the height of a fence in the front-yard to 4-feet. The applicant proposes to construct and/or maintain an 8-foot high fence in a required front-yard, which will require **(1)** a 4-foot special exception to the fence height regulations.

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

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

The Board of Adjustment hearing will be held by videoconference and in 6ES at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure **by joining the meeting virtually**, must register online at https://bit.ly/BDA-B-Register **by the close of business Tuesday, May 21st, 2024. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing.** Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall

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

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

Board of Adjustment, Development Services
320 E. Jefferson Blvd. Rm 210, Dallas, TX 75203

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

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



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 234-060 FOR OFFICIAL USE ONLY

RECEIVED MAR 27 REC'D FOR OFFICE USE ONLY

Data Relative to Subject Property: Date:

Location address: 6131 Churchill Way Zoning District: R-1ac(A)

Lot No.: 1A Block No.: A/7451 Acreage: 2.050 Census Tract: 132.01

Street Frontage (in Feet): 1) 257.85 2) 374.07 3) 170.63 4) 5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Congregation Shaare Tefilla

Applicant: ~~Congregation Shaare Tefilla (James Davis, President)~~ JONATHAN VINSON Telephone: (972) 661-0127

Mailing Address: 6131 Churchill Way, Dallas, Texas Zip Code: 75230

E-mail Address: jamesdavis00@gmail.com

Represented by: Jonathan Vinson/Victoria Morris/Jackson Walker, L.L.P. Telephone: (214) 953-5941

Mailing Address: 2323 Ross Avenue, Suite 600, Dallas, Texas Zip Code: 75201

E-mail Address: jvinson@jw.com

Affirm that an appeal has been made for a Variance ☐ or Special Exception ☑ of 4' to the fence height regulations of Sec. 51A-4.602 (a)(2) to allow an 8' open fence in the required front yard.

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

The requested special exception will in no way adversely affect neighborhing property, as will be demonstrated with supplemental information.

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 Jonathan G. Vinson

(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: Jonathan G. Vinson

(Affiant/Applicant's signature)

Subscribed and sworn to before me this 8th day of February, 2024

JOYLYN MARIE ADKINS
Notary Public, State of Texas
Comm. Expires 06-29-2024
Notary ID 1417149

Joylyn Marie Adkins

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 JONATHAN VINSON

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

at 6131 Churchill Way

BDA234-064(CJ) Application of Jonathan Vinson for (1) a special exception to the fence height regulations at 6131 CHURCHILL WAY. This property is more fully described as Block A/7451 Lot 1A and is zoned R-16(A), which limits the height of a fence in the front-yard to 4-feet. The applicant proposes to construct and/or maintain an 8-foot high fence in a required front-yard, which will require (1) a 4-foot special exception to the fence height regulations.

Sincerely,

Andrew Espinoza, CBO, MCP, CFM, CCEA

CITY OF DALLAS

Posting of Notification Sign

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

Address: 6131 CHURCHILL WAY

Appeal Number: BDA 234-064

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

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

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

Footage of each street frontage: 257', 374', & 170'

Number of acres: 2.050

Number of signs received: 3

Signature of applicant or person receiving signs

3/27/2024
Date

CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 234-064

I, James Davis, President of Congregation Shaare Tefilla, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 6131 Churchill Way, Dallas, Texas 75230
(Address of property as stated on application)

Authorize: Jackson Walker, L.L.P./Suzan Kedron/Jonathan Vinson
(Applicant's name as stated on application)

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

☐ Variance (specify below)

☑ Special Exception (specify below)

☐ Other Appeal (specify below)

Specify: Special exception to the fence height regulations of Sec. 51A-4.602(a)(2) to allow an 8 foot fence in the required front yard.

Congregation Shaare Tefilla, by: James Davis, President — [signature]

Print name of property owner or registered agent — Signature of property owner or registered agent

Date January 15, 2024

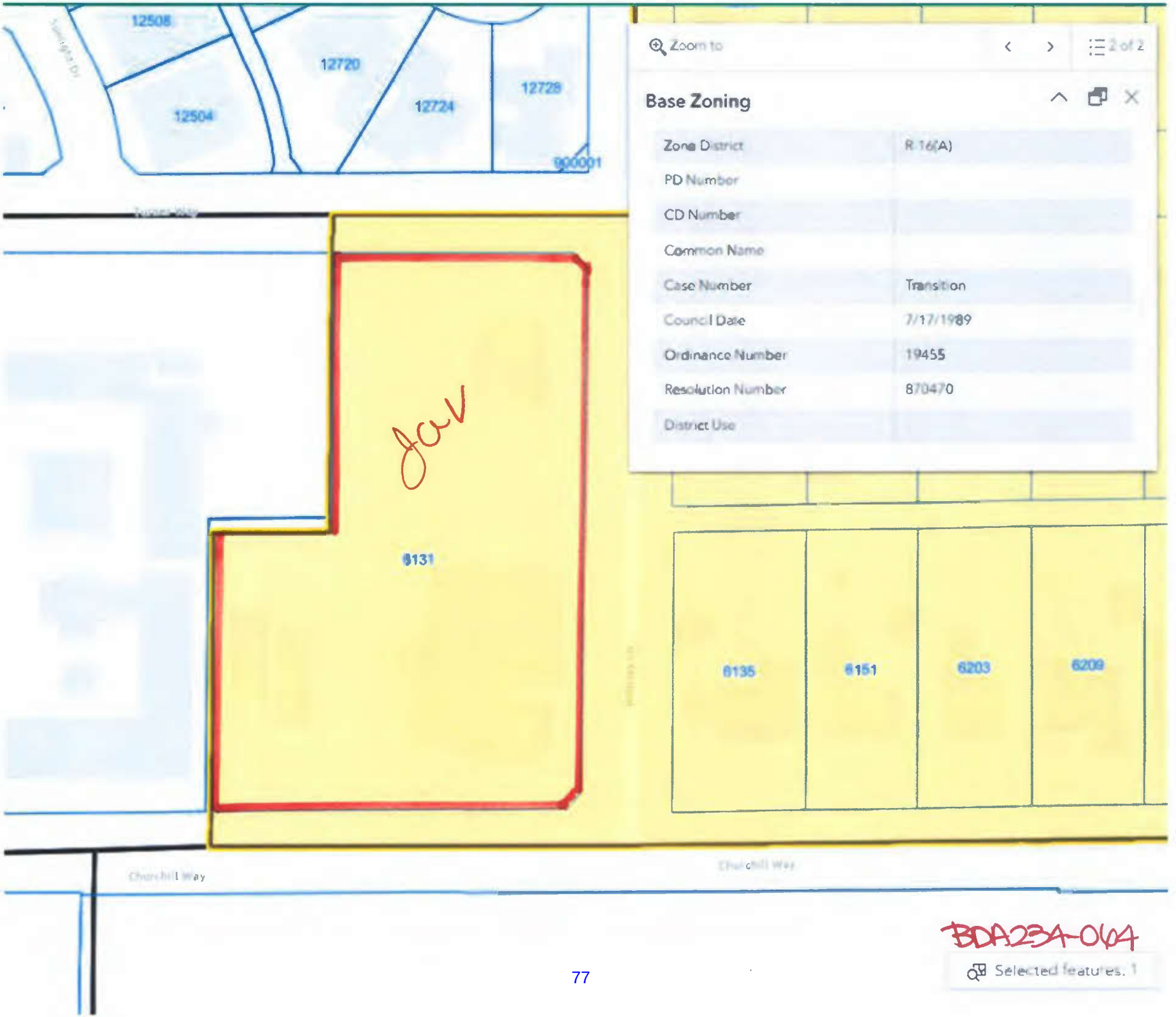
Before me, the undersigned, on this day personally appeared James Davis, President of Congregation Shaare Tefilla

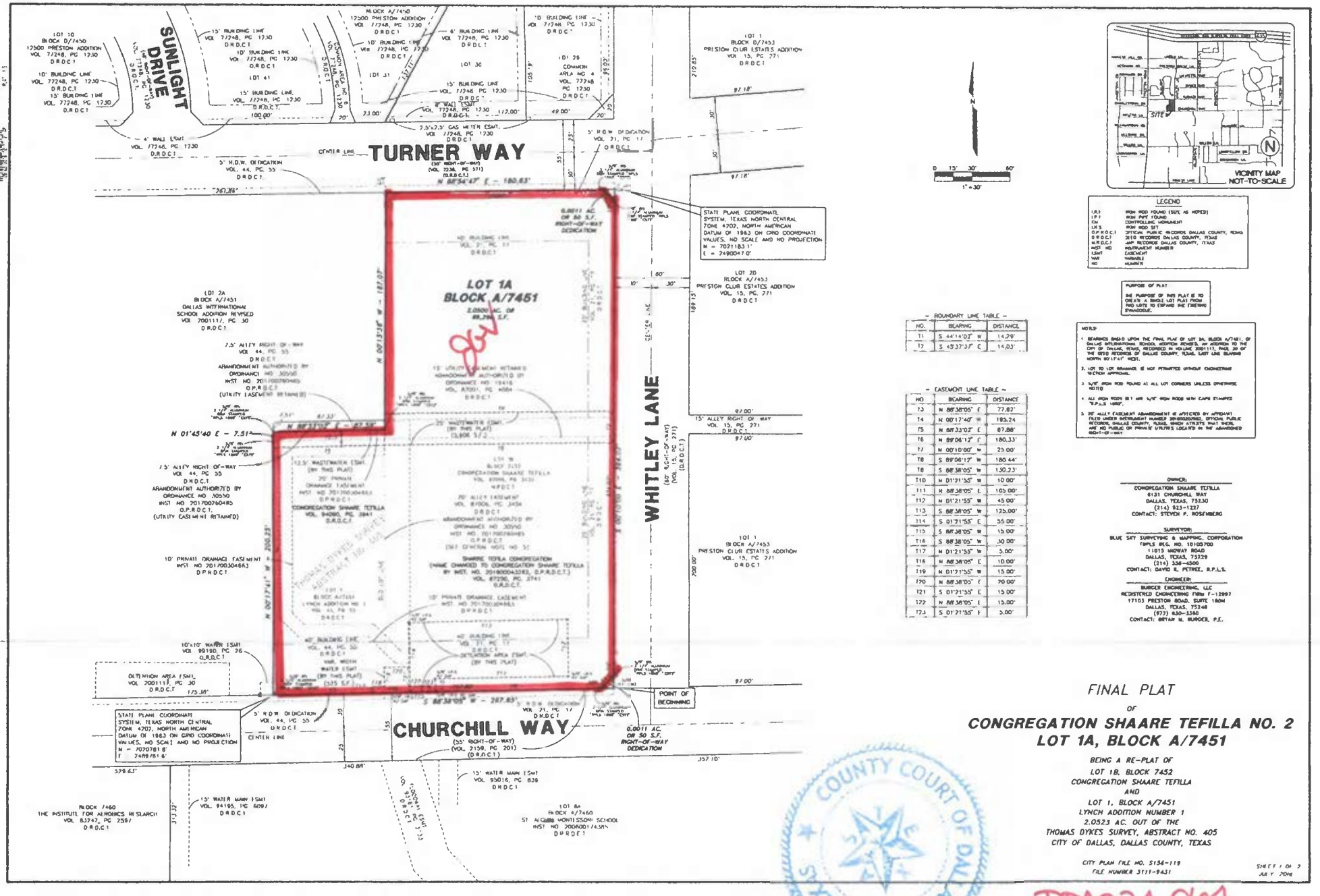
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge. Subscribed and sworn to before me this 15 day of January, 2024

[signature]

KAREN D. ZUCKER
My Notary ID # 248342
Expires July 13, 2027

Commission expires on 07/13/2027


12508
12504
12720
12724
12729
900001
Zoom to
2 of 2
Base Zoning
Zone District R-16(A)
PD Number
CD Number
Common Name
Case Number Transition
Council Date 7/17/1989
Ordinance Number 19455
Resolution Number 870470
District Use
dav
6131
6135
6151
6203
6209
Churchill Way
Churchill Way
BDA234-064
Selected features: 1



FINAL PLAT

OF

CONGREGATION SHAARE TEFILLA NO. 2
LOT 1A, BLOCK A/7451

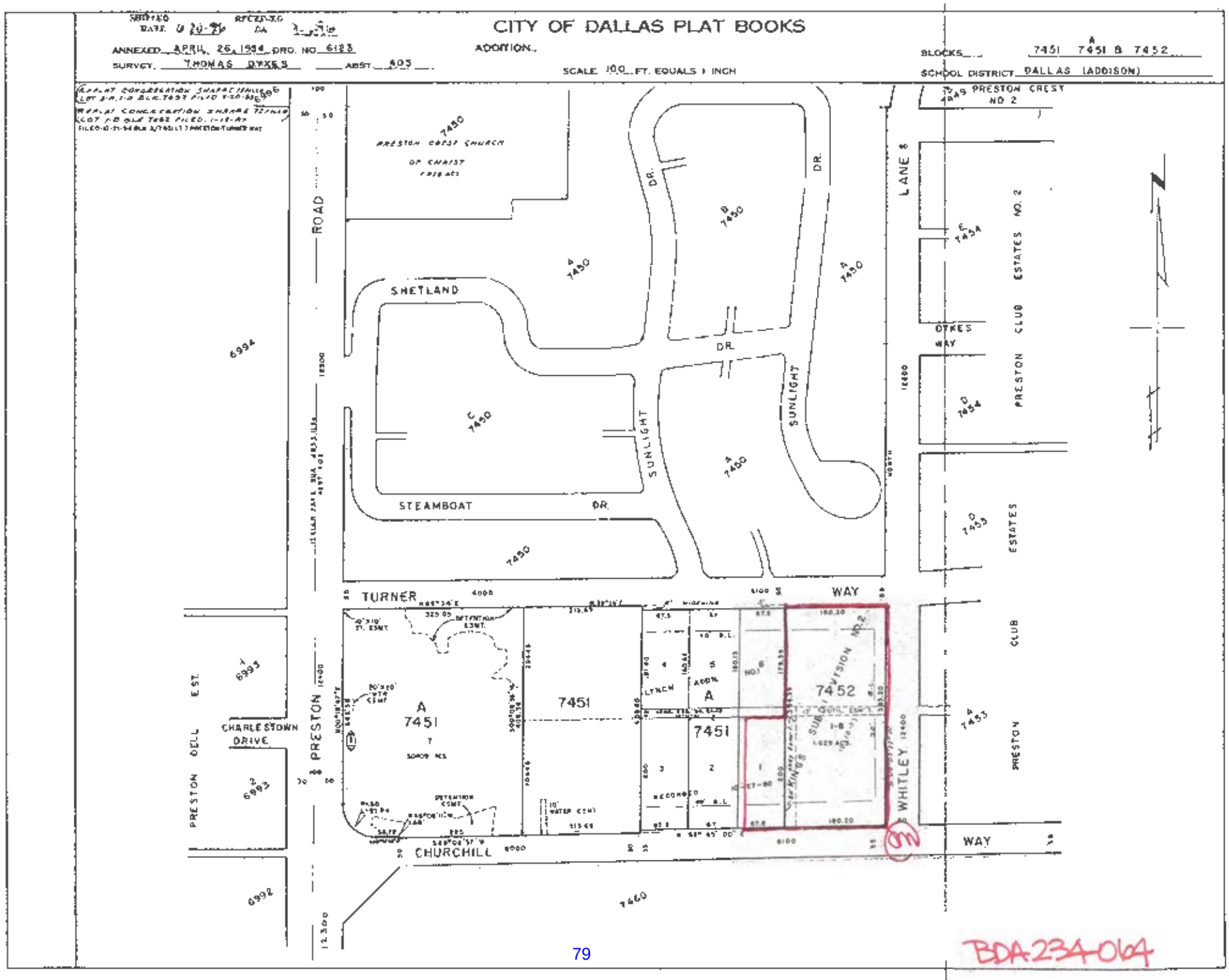
BEING A RE-PLAT OF
LOT 1B, BLOCK 7452
CONGREGATION SHAARE TEFILLA
AND
LOT 1, BLOCK A/7451
LYNCH ADDITION NUMBER 1
2.0523 AC. OUT OF THE
THOMAS DYKES SURVEY, ABSTRACT NO. 405
CITY OF DALLAS, DALLAS COUNTY, TEXAS

CITY PLAN FILE NO. S134-119
FILE NUMBER 3111-9431

SHEET 1 OF 2
JULY 2014

COUNTY COURT OF DALLAS COUNTY, TEXAS

BDA234-064


CITY OF DALLAS PLAT BOOKS
ADDITION
ANNEXED APRIL 26, 1954 ORD. NO. 6123
SURVEY THOMAS DYKES ABST. 605
SCALE 100 FT. EQUALS 1 INCH
BLOCKS 7451 & 7451 & 7452
SCHOOL DISTRICT DALLAS (ADDISON)
PRESTON CREST NO 2
PRESTON CREST CHURCH OF CHRIST
SHETLAND
DR.
SUNLIGHT
STEAMBOAT
ROAD
LANE
DYKES WAY
PRESTON CLUB ESTATES NO. 2
PRESTON CLUB ESTATES
TURNER
WAY
PRESTON
CHARLESTOWN DRIVE
PRESTON DELL EST.
CHURCHILL
WHITLEY
7451
7452
7450
6994
6993
6992
12300
12400
6100 S

BDA234-064

CONGREGATION Shaare Tefilla MODERN TORAH TRADITION

March 8, 2024

Rabbi Ariel Rackovsky
Rabbi

Rabbi Howard Wolk
Rabbi Emeritus

Rabbi Yaakov Tannenbaum
Rosh Bet Midrash

Joyce Kelly
Executive Director

Jimmy Davis
President

Board of Directors

Ben Fine
VP Buildings & Grounds

Dena Englander
VP Membership

Shelley Weiss
VP Finance

Malke Grebenau
Secretary

Jeff Fine
Legal Counsel

Martin Appel
Immediate Past President

Directors
Mickey Barr
Mordechai Langer
Sharon Lipinsky
Joe Pulitzer
Dalia Rosenberg
Ariella Rush
Yuki Tsaroya

Mr. Andrew Espinoza
Director of Development Services
Development Services Department – Board of Adjustment
City of Dallas
320 E. Jefferson Blvd., Rm. 210
Dallas, Texas 75203

RE: Congregation Shaare Tefilla – Board of Adjustment Application

Dear Mr. Espinoza:

On behalf of Congregation Shaare Tefilla, a Texas nonprofit corporation (the "***Corporation***"), this letter is submitted to affirm that the undersigned, Jimmy "James" Davis, is the duly elected President of the Corporation, and to affirm that James Davis (the "***Authorized Signatory***") is authorized by the Bylaws and by the Board of Directors of the Corporation to prepare, execute and file, or cause to be prepared, executed, and filed, in the name and on behalf of the Corporation, an Application to the City of Dallas Board of Adjustment and any documents relating thereto or as such documents the Authorized Signatory may deem necessary or appropriate in connection therewith.

CONGREGATION SHAARE TEFILLA

By: _____
Name: James Davis
Title: President

NOTARY STATEMENT

Before me, the undersigned authority, on this day personally appeared Jimmy Davis, President of Congregation Shaare Tefilla, a Texas nonprofit corporation, known to me to be the person and officer whose name is subscribed to the above and foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration expressed and in the capacity therein stated.

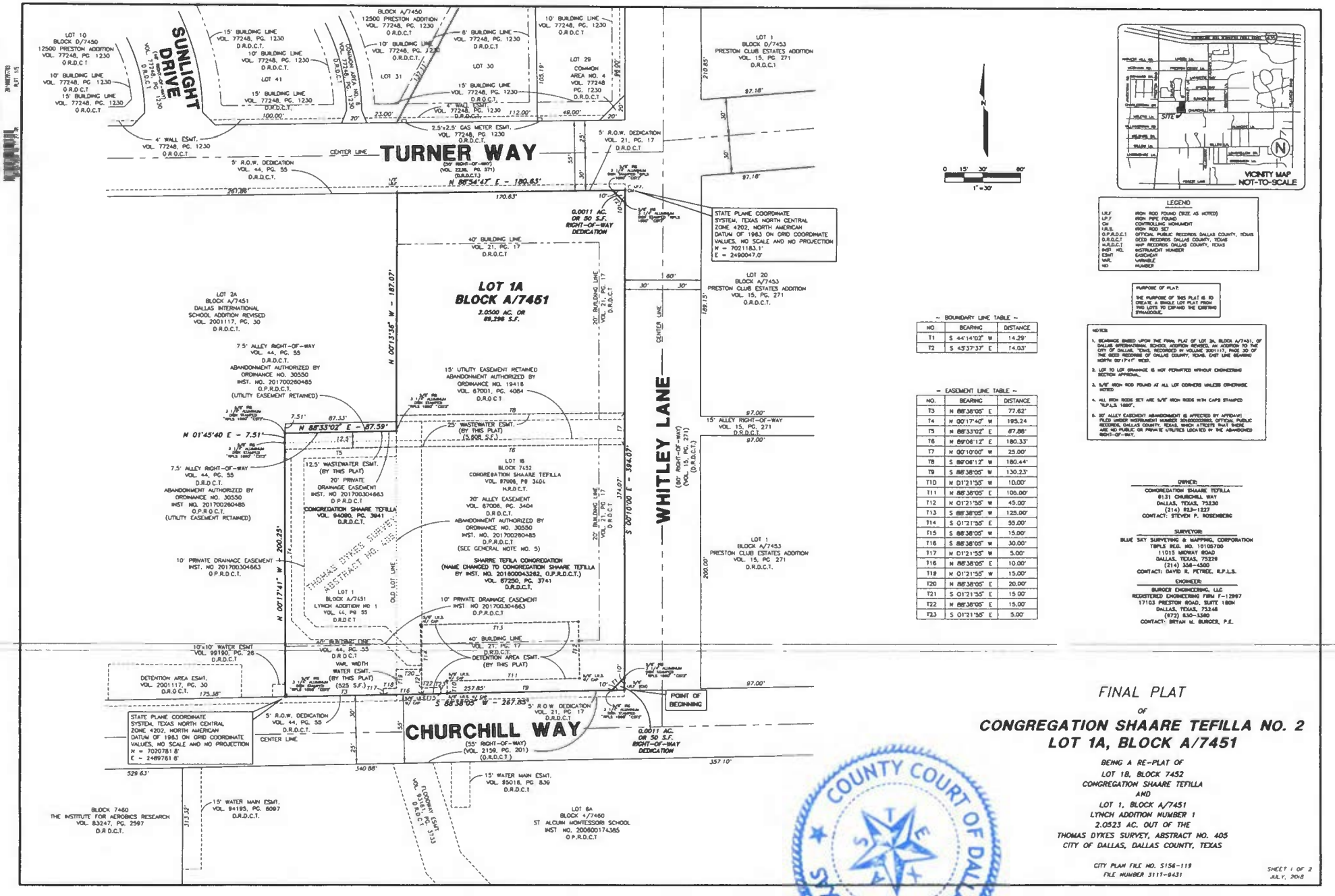
Given under my hand and seal office
on this 11 day of March, 2024.

SEAL

JENNA BRADDY
Notary Public, State of Texas
Comm. Expires 06-22-2024
Notary ID 124516194

_____
Notary Public in and for the State of Texas
My Commission Expires: 6.22.2024

BDA 234-064



FINAL PLAT

OF

CONGREGATION SHAARE TEFILLA NO. 2
LOT 1A, BLOCK A/7451

BEING A RE-PLAT OF
LOT 1B, BLOCK 7452
CONGREGATION SHAARE TEFILLA
AND
LOT 1, BLOCK A/7451
LYNCH ADDITION NUMBER 1
2.0523 AC. OUT OF THE
THOMAS DYKES SURVEY, ABSTRACT NO. 405
CITY OF DALLAS, DALLAS COUNTY, TEXAS

CITY PLAN FILE NO. S156-119
FILE NUMBER 3111-9431

SHEET 1 OF 2
JULY, 2018

COUNTY COURT OF DALLAS COUNTY, TEXAS

BDA234-004

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF DALLAS

WHEREAS, CONGREGATION SHAARE TEFILLA, A TEXAS NON-PROFIT CORPORATION, IS THE OWNER OF ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE THOMAS DYKES SURVEY, ABSTRACT NO. 405, SITUATED IN THE CITY OF DALLAS, DALLAS COUNTY, TEXAS AND BEING ALL OF LOT 1 OF BLOCK A/7451 OF LYNCH ADDITION NO. 1, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 44, PAGE 55 OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS, BEING ALL OF LOT 1B OF BLOCK 7452 OF CONGREGATION SHAARE TEFILLA, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 87008, PAGE 3404 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, BEING A PORTION OF A 15 FOOT ALLEY RIGHT-OF-WAY RECORDED IN VOLUME 44, PAGE 55 OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS AND ABANDONED BY CITY OF DALLAS ORDINANCE NO. 30550 RECORDED IN INSTRUMENT NUMBER 20170026O4O5 OF THE OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS, BEING THE SAME TRACT OF LAND DESCRIBED IN A WARRANTY DEED TO CONGREGATION SHAARE TEFILLA, A TEXAS NON-PROFIT CORPORATION AND RECORDED IN VOLUME 84080, PAGE 3841 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, BEING THE SAME TRACT OF LAND DESCRIBED IN A WARRANTY DEED TO SHARRE TEFILA CONGREGATION, A TEXAS NON-PROFIT CORPORATION (NAME CHANGED TO CONGREGATION SHAARE TEFILLA, A TEXAS NON-PROFIT CORPORATION BY INSTRUMENT NUMBER 20160004326Z OF THE OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS) AND RECORDED IN VOLUME 87250, PAGE 3741 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD FOUND FOR CORNER AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF CHURCHILL WAY (50' WIDTH RIGHT-OF-WAY AT THIS POINT) AND THE WEST RIGHT-OF-WAY LINE OF WHITLEY LANE (60' RIGHT-OF-WAY), SAID POINT BEING THE SOUTHEAST CORNER OF SAID LOT 1B;

THENCE SOUTH 88° 38' 05" WEST AND FOLLOWING ALONG THE NORTH RIGHT-OF-WAY LINE OF CHURCHILL WAY AND THE SOUTH LINE OF SAID LOT 1B AND PASSING AT A DISTANCE OF 180.24 FEET THE COMMON CORNER OF SAID LOT 1B AND LOT 1 AND CONTINUING ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID CHURCHILL WAY AND THE SOUTH LINE OF SAID LOT 1 FOR A TOTAL DISTANCE OF 287.85 FEET TO A 5/8" IRON ROD SET WITH 3-1/4" ALUMINUM DISK STAMPED "RPLS 1880" "CST2" FOR THE SOUTHWEST CORNER OF SAID LOT 1, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 2A OF BLOCK A/7451 OF DALLAS INTERNATIONAL SCHOOL ADDITION REVISED, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2001117 PAGE 30 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS;

THENCE NORTH 00° 17' 41" WEST AND DEPARTING THE NORTH RIGHT-OF-WAY LINE OF SAID CHURCHILL WAY AND ALONG THE COMMON LINE OF SAID LOT 1 AND LOT 2A, FOR A DISTANCE OF 200.25 FEET TO A 5/8" IRON ROD SET WITH 3-1/4" ALUMINUM DISK STAMPED "RPLS 1880" "CST2" FOR CORNER, SAID POINT BEING IN THE SOUTH LINE OF THE SAID 15 FOOT ALLEY (ABANDONED);

THENCE NORTH 01° 45' 40" EAST AND ALONG THE COMMON LINE OF SAID LOT 2A AND SAID 15 FOOT ALLEY (ABANDONED), FOR A DISTANCE OF 7.51 FEET TO A 5/8" IRON ROD SET WITH 3-1/4" ALUMINUM DISK STAMPED "RPLS 1880" "CST2" FOR CORNER;

THENCE NORTH 88° 33' 02" EAST AND ALONG THE CENTERLINE OF SAID 15 FOOT ALLEY (ABANDONED), FOR A DISTANCE OF 87.39 FEET TO A 5/8" IRON ROD SET WITH 3-1/4" ALUMINUM DISK STAMPED "RPLS 1880" "CST2" FOR CORNER AND BEING IN THE WEST LINE OF AFORESAID LOT 1B;

THENCE NORTH 00° 13' 36" WEST AND PASSING AT A DISTANCE OF 7.50 FEET THE EASTERLY CORNER OF SAID LOT 2A AND ALONG THE COMMON LINE OF SAID LOT 1B AND LOT 2A FOR A TOTAL DISTANCE OF 187.07 FEET TO A 1/2" IRON ROD FOUND FOR THE COMMON CORNER OF SAID LOT 1B AND LOT 2A, SAID POINT BEING IN THE SOUTH RIGHT-OF-WAY LINE OF TURNER WAY (55' WIDTH RIGHT-OF-WAY AT THIS POINT);

THENCE NORTH 88° 54' 47" EAST AND FOLLOWING ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID TURNER WAY AND THE NORTH LINE OF SAID LOT 1B FOR A DISTANCE OF 180.83 FEET TO A 1 INCH PIPE FOUND FOR CORNER AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF TURNER WAY AND THE WEST RIGHT-OF-WAY LINE OF AFORESAID WHITLEY LANE, SAID POINT BEING THE NORTHEAST CORNER OF SAID LOT 1B;

THENCE SOUTH 00° 10' 00" EAST AND FOLLOWING ALONG THE WEST RIGHT-OF-WAY LINE OF AFORESAID WHITLEY LANE AND THE EAST LINE OF SAID LOT 1B FOR A DISTANCE OF 394.07 FEET TO THE POINT OF BEGINNING AND CONTAINING 88,398 SQUARE FEET OR 2.0523 ACRES OF LAND, MORE OR LESS.

OWNER'S DEDICATION

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, CONGREGATION SHAARE TEFILLA, A TEXAS NON-PROFIT CORPORATION, ACTING BY AND THROUGH ITS DULY AUTHORIZED AGENT, DOES HEREBY ADOPT THIS PLAT, DESIGNATING THE HEREIN DESCRIBED PROPERTY AS CONGREGATION SHAARE TEFILLA NO. 2, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, AND DO HEREBY DEDICATE, IN FEE SIMPLE, TO THE PUBLIC USE FOREVER ANY STREETS, ALLEYS, AND FLOODWAY MANAGEMENT AREAS SHOWN THEREON. THE EASEMENTS SHOWN THEREON ARE HEREBY RESERVED FOR THE PURPOSES INDICATED. THE UTILITY AND FIRE LANE EASEMENTS SHALL BE OPEN TO THE PUBLIC, FIRE AND POLICE UNITS, GARBAGE AND RUBBISH COLLECTION AGENCIES, AND ALL PUBLIC AND PRIVATE UTILITIES FOR EACH PARTICULAR USE. THE MAINTENANCE OF PAVING ON THE UTILITY AND FIRE LANE EASEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNER. NO BUILDINGS, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED, RECONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN, SAID EASEMENTS BEING HEREBY RESERVED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES USING OR DESIRING TO USE SAME, ALL, AND ANY PUBLIC UTILITY SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDING, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS WHICH IN ANY WAY MAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEM ON THE EASEMENTS, AND ALL PUBLIC UTILITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF INGRESS AND EGRESS TO OR FROM THE SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PARTS OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE. (ANY PUBLIC UTILITY SHALL HAVE THE RIGHT OF INGRESS AND EGRESS TO PRIVATE PROPERTY FOR THE PURPOSE OF READING METERS AND ANY MAINTENANCE OR SERVICE REQUIRED OR ORDINARILY PERFORMED BY THAT UTILITY).

NOTWITHSTANDING THE GENERAL EASEMENT LANGUAGE RECITED ABOVE, THE DETENTION AREA EASEMENT SHOWN ON THIS PLAT IS HEREBY DEDICATED TO THE PUBLIC USE FOREVER, AND MAY NOT BE USED IN A MANNER INCONSISTENT WITH THE DETENTION AREA EASEMENT STATEMENT RECITED ON THIS PLAT, WHICH STATEMENT IS HEREBY ADOPTED AND ACCEPTED.

WATER MAIN AND WASTEWATER EASEMENTS SHALL ALSO INCLUDE ADDITIONAL AREA OF WORKING SPACE FOR CONSTRUCTION AND MAINTENANCE OF THE SYSTEMS. ADDITIONAL EASEMENT AREA IS ALSO CONVEYED FOR INSTALLATION AND MAINTENANCE OF MANHOLES, CLEANOUTS, FIRE HYDRANTS, WATER SERVICES AND WASTEWATER SERVICES FROM THE MAIN TO THE CURB OR PAVEMENT LINE, AND DESCRIPTION OF SUCH ADDITIONAL EASEMENTS HEREIN GRANTED SHALL BE DETERMINED BY THEIR LOCATION AS INSTALLED.

THIS PLAT APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS AND RESOLUTIONS OF THE CITY OF DALLAS.

WITNESS, my hand at Dallas, Texas, this the 1st day of August 2018.

CONGREGATION SHAARE TEFILLA
A TEXAS NON-PROFIT CORPORATION

BY: _____

NAME: JEFFREY R. FANG

TITLE: VP. Legal

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Jeffrey R. Fang, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN STATED.

GIVEN UPON MY HAND AND SEAL OF OFFICE THIS 1st DAY OF August 2018.

Mallory E. Worrell
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

June 24, 2019
MY COMMISSION EXPIRES

MALLORY E WORRELL
Notary Public, State of Texas
My Commission Expires
June 24, 2019

DETENTION AREA EASEMENT STATEMENT

THE PROPOSED DETENTION AREA (S) ALONG BLOCK A/7451 WITHIN THE LIMITS OF THIS ADDITION, WILL REMAIN AS DETENTION AREAS TO THE LINE AND GRADE SHOWN ON THE PLANS AT ALL TIMES AND WILL BE MAINTAINED BY THE INDIVIDUAL OWNERS OF THE LOT OR LOTS THAT ARE TRAVERSED BY OR ADJACENT TO THE DETENTION AREAS IN BLOCK A/7451. THE CITY OF DALLAS WILL NOT BE RESPONSIBLE FOR THE MAINTENANCE AND OPERATION OF SAID DETENTION AREAS OR FOR ANY DAMAGE OR INJURY TO PRIVATE PROPERTY OR PERSON THAT RESULTS FROM THE FLOW OF WATER ALONG, INTO OR OUT OF SAID DETENTION AREAS, OR FOR THE CONTROL OF EROSION.

NO OBSTRUCTION TO THE NATURAL FLOW OF STORM WATER RUN-OFF SHALL BE PERMITTED BY FILLING OR BY CONSTRUCTION OF ANY TYPE OF DAM, BUILDING, BRIDGE, FENCE, WALKWAY OR ANY OTHER STRUCTURE WITHIN THE DESIGNATED DETENTION AREAS, AS HEREINAFTER DEFINED IN BLOCK A/7451, UNLESS APPROVED BY THE CHIEF ENGINEER OF SUSTAINABLE DEVELOPMENT AND CONSTRUCTION; PROVIDED, HOWEVER, IT IS UNDERSTOOD THAT IN THE EVENT IT BECOMES NECESSARY FOR THE CITY OF DALLAS TO ERECT ANY TYPE OF DRAINAGE STRUCTURE IN ORDER TO IMPROVE THE STORM DRAINAGE THAT MAY BE OCCASIONED BY THE STREETS AND ALLEYS IN OR ADJACENT TO THE SUBDIVISIONS, THEN IN SUCH AN EVENT, THE CITY OF DALLAS SHALL HAVE THE RIGHT TO ENTER UPON THE DETENTION AREAS AT ANY POINT, OR POINTS TO ERECT, CONSTRUCT AND MAINTAIN ANY DRAINAGE FACILITY DEEMED NECESSARY FOR DRAINAGE PURPOSES. EACH PROPERTY OWNER SHALL KEEP CLEAN AND FREE OF DEBRIS, SILT, AND ANY SUBSTANCE WHICH WOULD RESULT IN UNSANITARY CONDITIONS AND THE CITY OF DALLAS SHALL HAVE THE RIGHT OF INGRESS AND EGRESS FOR THE PURPOSE OF INSPECTION AND SUPERVISION OF MAINTENANCE WORK BY THE PROPERTY OWNER TO ALLEVIATE ANY UNDESIRABLE CONDITIONS, WHICH MAY OCCUR.

THE DETENTION AREA IN BLOCK A/7451, AS IS THE CASE OF ALL DETENTION AREAS, IS SUBJECT TO STORM WATER OVERFLOW TO AN EXTENT, WHICH CANNOT BE CLEARLY DEFINED. THE CITY OF DALLAS SHALL NOT BE HELD LIABLE FOR ANY DAMAGE OF ANY NATURE RESULTING FORM THE OCCURRENCE OF THESE NATURAL PHENOMENA, NOR RESULTING FROM THE FAILURE OF ANY STRUCTURE OR STRUCTURES WITHIN THE DETENTION AREAS OR THE SUBDIVISION STORM DRAINAGE SYSTEM.

THE DETENTION AREAS SERVING THE PLAT ARE SHOWN BY THE DETENTION AREA EASEMENT LINE AS SHOWN ON THE PLAT.

SURVEYOR'S CERTIFICATION

I, DAVID R. PEIREZ, A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF TEXAS, AFFIRM THAT THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION, FROM RECORDED DOCUMENTATION, EVIDENCE COLLECTED ON THE GROUND DURING FIELD OPERATIONS AND OTHER RELIABLE DOCUMENTATION; AND THAT THIS PLAT SUBSTANTIALLY COMPLIES WITH THE RULES AND REGULATIONS OF THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING; THE CITY OF DALLAS DEVELOPMENT CODE (ORDINANCE NO. 18455, AS AMENDED), AND TEXAS LOCAL GOVERNMENT CODE, CHAPTER 212.1 FURTHER AFFIRM THAT MONUMENTATION SHOWN HEREON WAS EITHER FOUND OR PLACED IN COMPLIANCE WITH THE CITY OF DALLAS DEVELOPMENT CODE, SEC. 51A-8.617 (A)(8)(C)(D) & (E); AND THAT THE DIGITAL DRAWING FILE ACCOMPANYING THIS PLAT IS A PRECISE REPRESENTATION OF THIS SIGNED FINAL PLAT.

DATED THIS THE 1ST DAY OF AUGUST 2018.

David R. Peirez
DAVID R. PEIREZ, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1890

STATE OF TEXAS
REGISTERED
DAVID PEIREZ
1890
PROFESSIONAL
LAND SURVEYOR

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED DAVID R. PEIREZ, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN STATED.

GIVEN UPON MY HAND AND SEAL OF OFFICE THIS 1st DAY OF August 2018.

Jasmine Smoot
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

July 13, 2022
MY COMMISSION EXPIRES

JASMINE SMOOT
Notary Public, State of Texas
Comm. Expires 07-13-2022
Notary ID 131661882

OWNER:
CONGREGATION SHAARE TEFILLA
9131 CHURCHILL WAY
DALLAS, TEXAS, 75230
(214) 923-1227
CONTACT: STEVEN P. ROSENBERG

SURVEYOR:
BLUE SKY SURVEYING & MAPPING, CORPORATION
11015 MIDWAY ROAD
DALLAS, TEXAS, 75229
(214) 358-4500
CONTACT: DAVID R. PEIREZ, R.P.L.S.

ENGINEER:
BURGER ENGINEERING, LLC
17103 PRESTON ROAD, SUITE 180N
DALLAS, TEXAS, 75248
(972) 630-3360
CONTACT: BRYAN M. BURGER, P.E.

FINAL PLAT

OF

CONGREGATION SHAARE TEFILLA NO. 2
LOT 1A, BLOCK A/7451

BEING A RE-PLAT OF
LOT 1B, BLOCK 7452
CONGREGATION SHAARE TEFILLA
AND
LOT 1, BLOCK A/7451
LYNCH ADDITION NUMBER 1
2.0523 AC. OUT OF THE
THOMAS DYKES SURVEY, ABSTRACT NO. 405
CITY OF DALLAS, DALLAS COUNTY, TEXAS

CITY PLAN FILE NO. S156-119
FILE NUMBER 3111-9431

SHEET 2 OF 2
JULY, 2018

COUNTY COURT OF DALLAS COUNTY, TEXAS

CERTIFICATE OF APPROVAL

I, Gloria Tarpley, Chairperson of the City Plan Commission of the City of Dallas, State of Texas, hereby certify that the attached plat was duly filed for approval with the City Plan Commission of the City of Dallas on the 1 day of [illegible] A.D. 20 17 and same was duly approved on the 1 day of [illegible] A.D. 20 [illegible] by said Commission.

Chairperson
City Plan Commission
Dallas, Texas

Attest:

Secretary

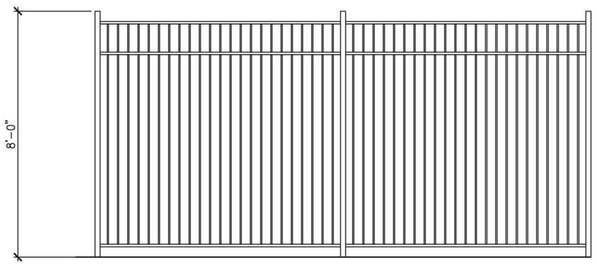
ORIGINAL

COUNTY COURT OF DALLAS COUNTY, TEXAS

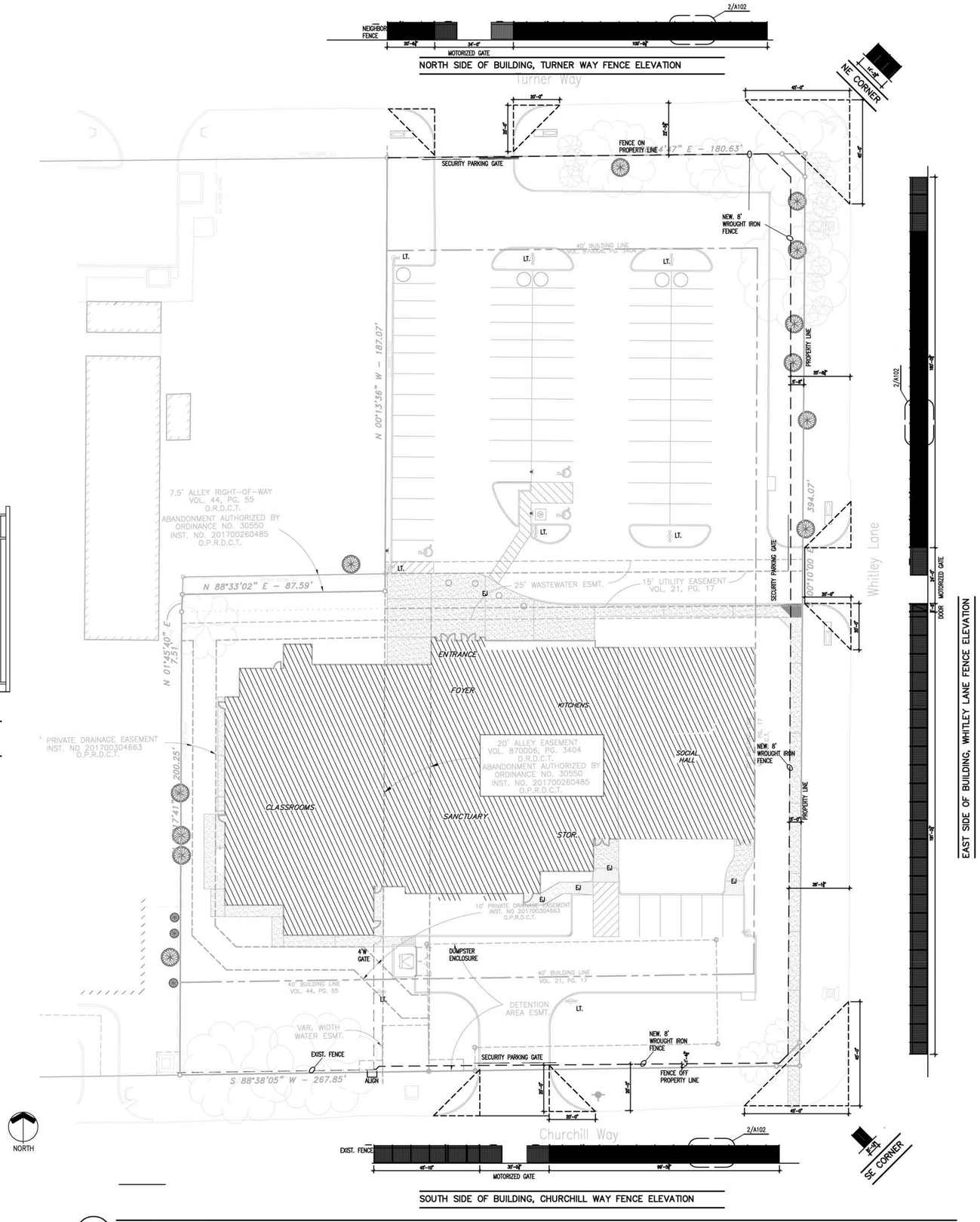
UPDATED SITE PLAN

NOTES APPLICABLE WHERE SHOWN ON THE SITE PLAN ON THIS SHEET ONLY.

1. NEW METAL FENCE NOT TO EXCEED 8'-0" IN HEIGHT.
2. FENCE SUPPORT POST MAY BE REVISED, RELOCATED OR ELIMINATED DUE TO EXISTING CONDITIONS, GRADE, UTILITIES, AT THE DISCRETION OF OWNER, ENGINEER OR ARCHITECT.



2 WROUGHT IRON FENCE ELEVATION
SCALE: 1/2"=1'-0"



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

COPYRIGHT 2015 TGS ARCHITECTS - THE DESIGN, DOCUMENTS AND / OR WORKS ARE INSTRUMENTS OF PROFESSIONAL SERVICE AND THE SOLE PROPRTY OF THE FIRM OF TGS ARCHITECTS

TGS Architects

ARCHITECTURE
INTERIORS
PLANNING

5323 SPRING VALLEY ROAD
SUITE 200
DALLAS, TEXAS 75254
972.788.1945
972.788.2309 FAX
TGSarchitects.com

CONGREGATION SHAARE TEFILLA

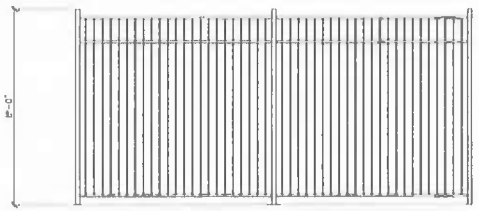
6131 Churchill Way
Dallas, Texas 75230

DATE	ISSUED FOR

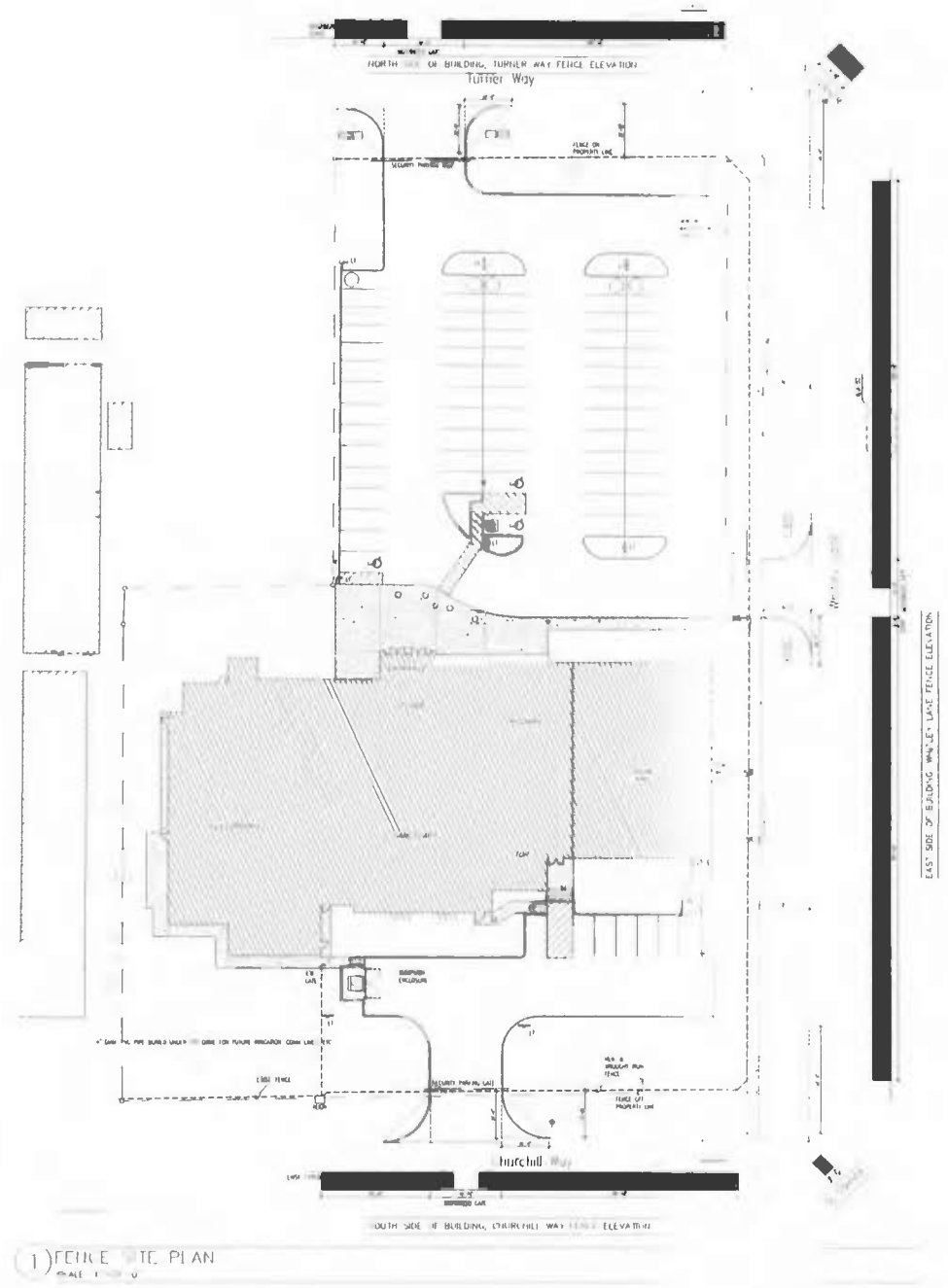
FENCE SITE PLAN

PROJECT 15004

SHEET A102



1 WROUGHT IRON FENCE ELEVATION



1 FENCE SITE PLAN

BDA234-064

TGA Architects
ARCHITECTURE
INTERIORS
PLANNING
5323 SPRING VALLEY ROAD
SUITE 200
DALLAS, TEXAS 75254
972.788.1945
972.788.2309 FAX
TGAarchitects.com

CONGREGATION SHAARE TEFILLA

6131 Churchill Way

Dallas, Texas 75230

FENCE SITE PLAN

15004

A102

FILE NUMBER: BDA234-018(DB)

BUILDING OFFICIAL'S REPORT: Application of Peter Kofoed represented by Melissa Miles (1) to appeal the decision of the administrative official at 7217 BROOKSHIRE CIR. This property is more fully described as Block 6/6586, Lot 1, and is zoned R-16(A), which prohibits a private swimming pool from being constructed in the required front-yard. The applicant proposes (1) to appeal the decision of an administrative official in the denial of a building permit that was issued incorrectly by the development services department.

LOCATION: 7217 Brookshire

APPLICANT: Peter Kofoed

REPRESENTED BY: Melissa Miles

REQUEST:

A request is made to appeal the decision of the administrative official in the denial of building permit 2203031044 that was issued incorrectly by the development services department.

STANDARD FOR APPEAL FROM DECISION OF AN ADMINISTRATIVE OFFICIAL:

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

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

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

BDA History:

BDA223-053; Special Exception to the fence height regulations; Denial

BDA234-018; applicant requested case to be held over under advisement and be placed in the May docket.

Zoning:

Site: R-16(A)-Single Family Zoning District

North: R-16(A)-Single Family Zoning District

South: R-13(A)-Single Family Zoning District

East: R-16(A)-Single Family Zoning District

West: R-13(A)-Single Family Zoning District

Land Use:

The subject site is developed with a single-family home. The surrounding properties are also developed with single-family homes.

GENERAL FACTS/STAFF ANALYSIS:

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

Timeline:

November 27, 2023: The applicant was sent a denial letter for permit number 2203031044 which was incorrectly issued by Development Servies Department and is invalid.

December 17, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

December 18, 2023: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel **B**.

December 22, 2023: The Senior Planner emailed the applicant's representative 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 December 28th deadline to submit additional evidence for staff to factor into their analysis; and the January 5th, 2024 deadline to submit additional evidence to be incorporated into the Board's docket materials;

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

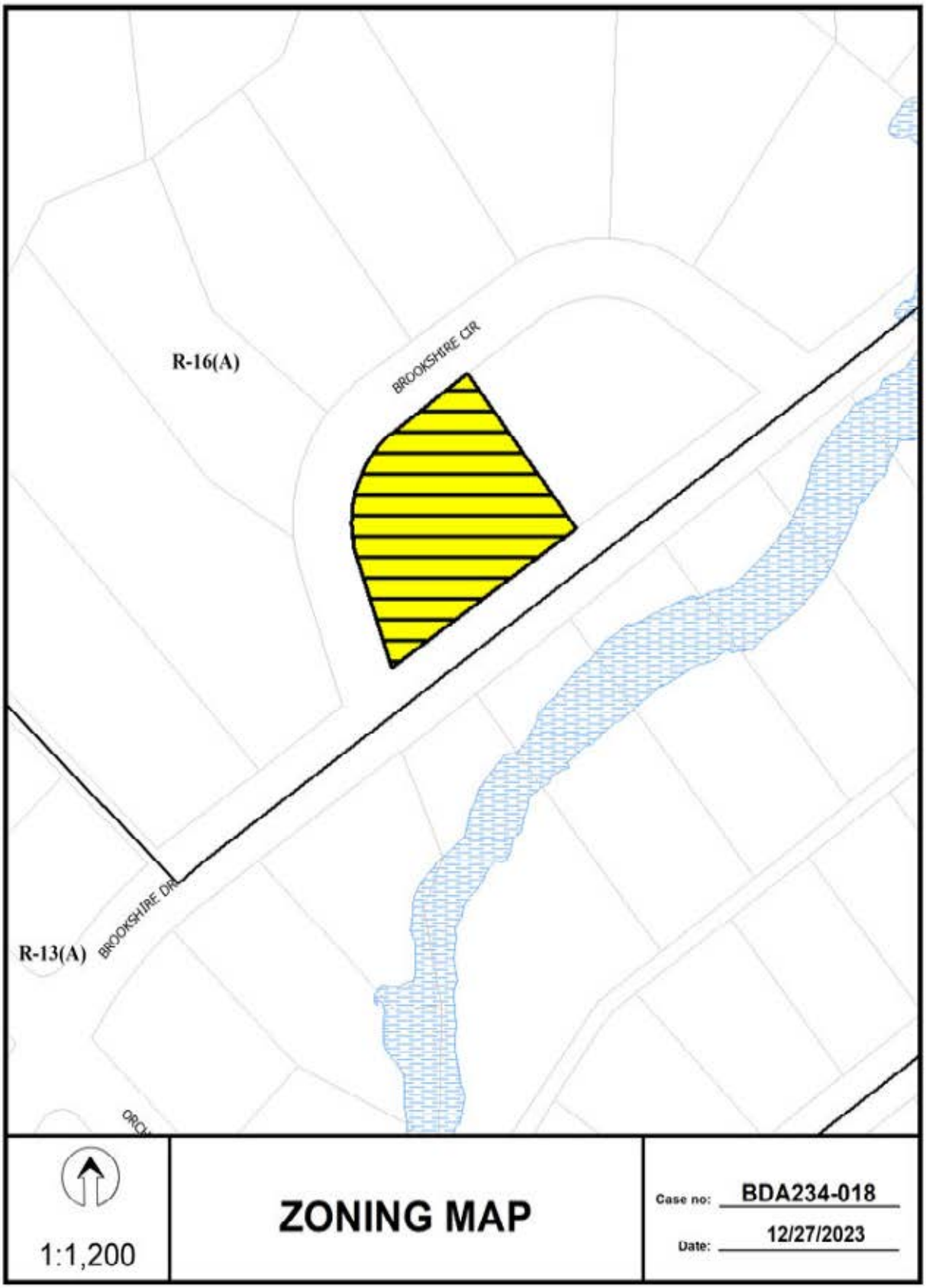
December 28th, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.

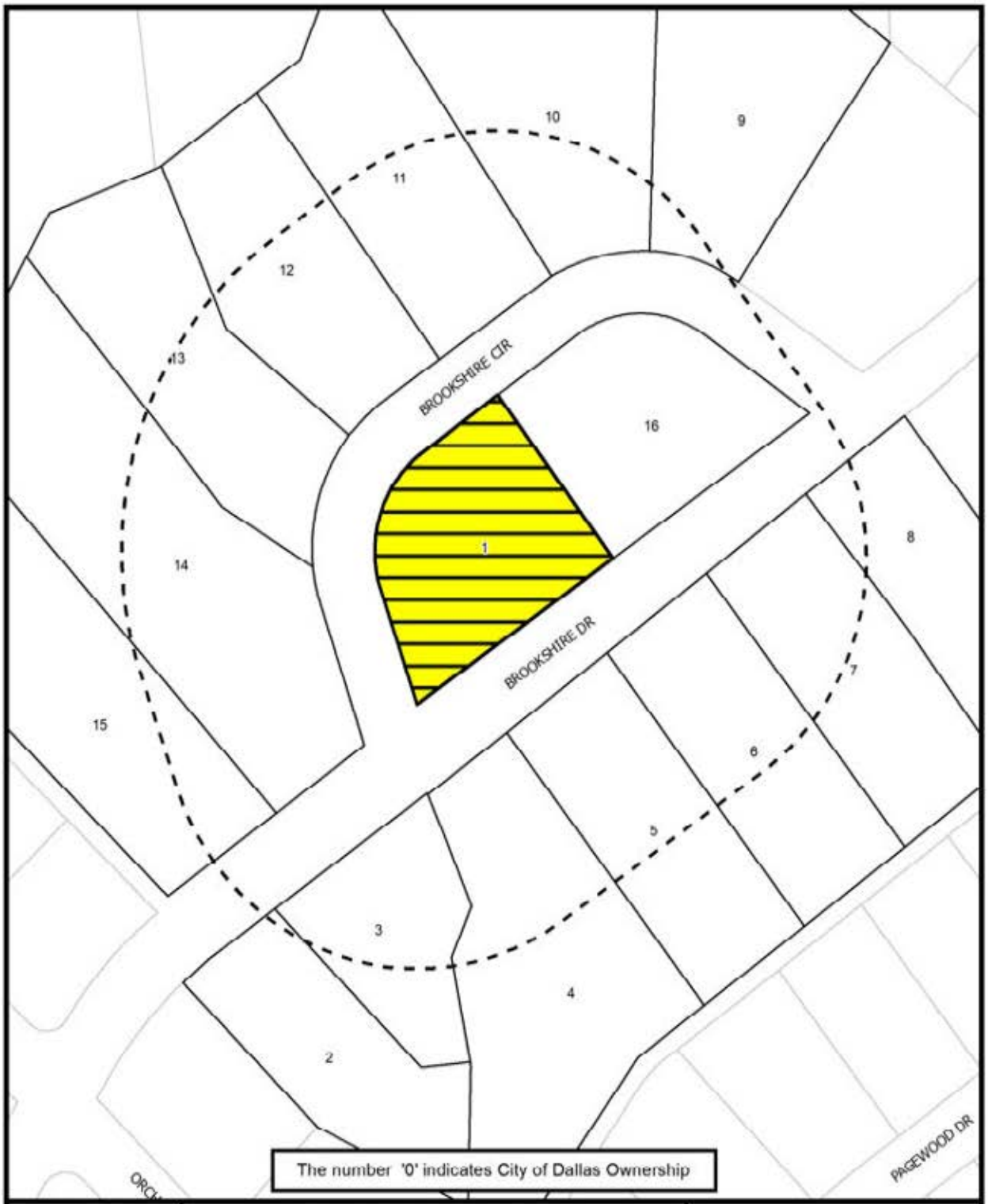
January 5, 2024: Documentary evidence (from the Assistant City attorney) was submitted; documents include history of permits and reviews, Building official’s brief

January 17, 2024: Applicant requested a postponement; Accepted; will be placed on the docket dated February 21, 2024

April 3, 2024: Applicants applied to the City Plan Commission to replat a 1.13-acre tract of land and to remove an existing 40-foot platted building line along Brookshire Circle and to extend an existing 20-foot platted building line along the northwest line of Brookshire Drive to the property line.

May 2, 2024: City Plan Commission denied the request for a replat and removal of building lines in case number S234-090.


R-16(A)
BROOKSHIRE CIR
R-13(A)
BROOKSHIRE DR
1:1,200
ZONING MAP
Case no: BDA234-018
Date: 12/27/2023



NOTIFICATION

200' AREA OF NOTIFICATION

16 NUMBER OF PROPERTY OWNERS NOTIFIED

1:1,200

Case no: BDA234-018

Date: 12/27/2023

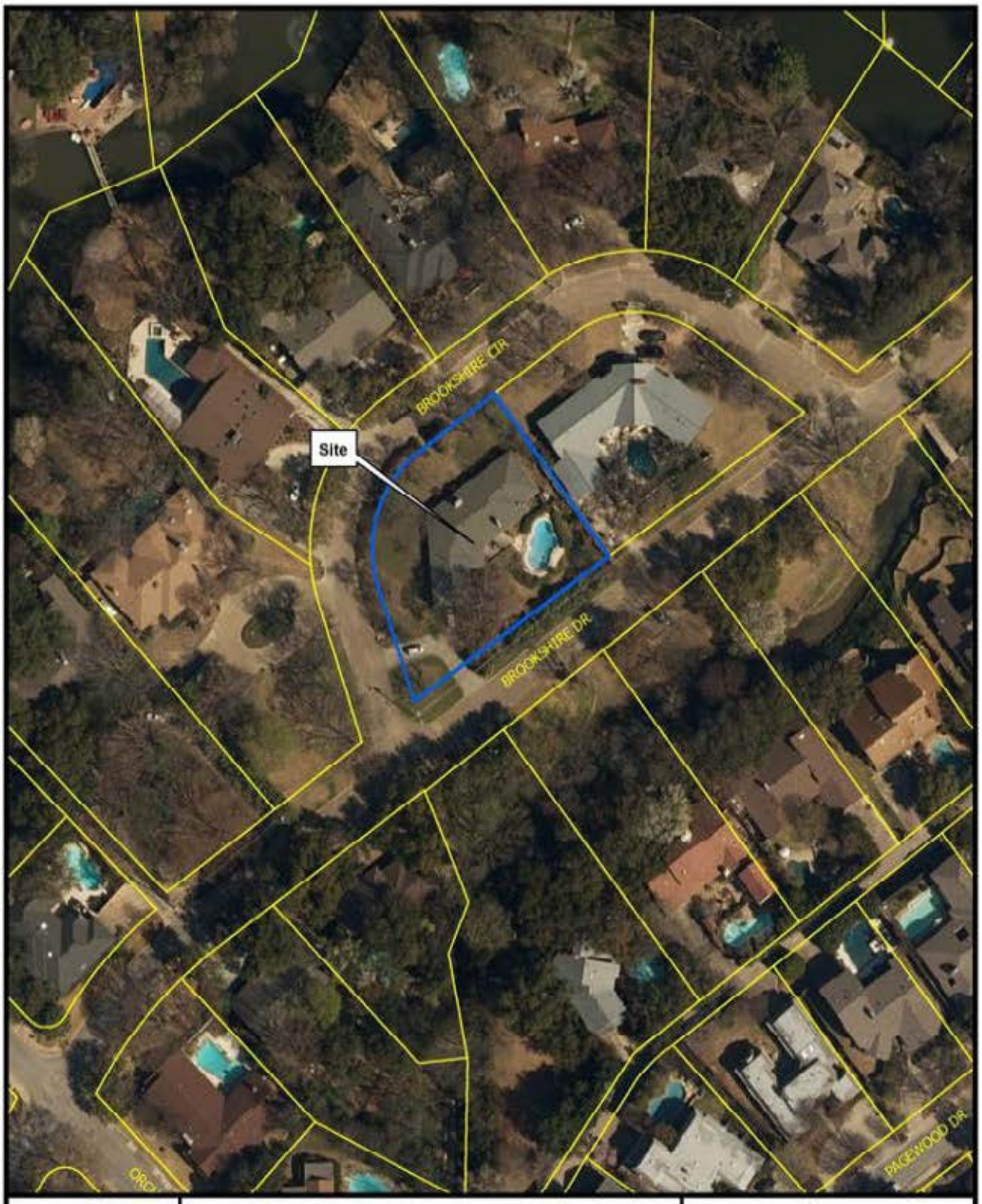
12/27/2023

Notification List of Property Owners

BDA234-018

16 Property Owners Notified

Label #	Address		Owner
1	7217	BROOKSHIRE DR	KOFOED PETER
2	7140	BROOKSHIRE DR	KORNGUT IRWIN S & DEBRA A KORNGUT
3	7148	BROOKSHIRE DR	UNELL STANTON M
4	7204	BROOKSHIRE DR	SANDERS BETTY
5	7214	BROOKSHIRE DR	LOROCCO PAUL & LOUISE
6	7224	BROOKSHIRE DR	ROSEMAN JOSHUA S & DANA
7	7234	BROOKSHIRE DR	STROYNOWSKI RYSZARD A &
8	7244	BROOKSHIRE DR	WU MIN SHENG TRUSTEE &
9	7139	BROOKSHIRE CIR	JAGODA JO KURTH
10	7133	BROOKSHIRE CIR	CHEN WEIDONG
11	7127	BROOKSHIRE CIR	LAVENDER JENNIFER LEIGH
12	7121	BROOKSHIRE CIR	LABARBA JASON & LIANE H
13	7115	BROOKSHIRE CIR	WHITE SUSAN L
14	7107	BROOKSHIRE CIR	BARTO JOHN J & CHARLOTTE L
15	7141	BROOKSHIRE DR	INGERTO CRAIG W & RACHEL B
16	7225	BROOKSHIRE DR	MAMMEN SHAUN



1:1,200

AERIAL MAP

Case no: BDA234-018

Date: 12/27/2023

NOTICE OF ADMINISTRATIVE OFFICIAL APPEAL

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

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

DATE: **WEDNESDAY, MAY 22nd, 2024**

BRIEFING: **10:00 a.m.** via **Videoconference and** in **6ES**, Dallas City Hall, 1500 Marilla Street. **https://bit.ly/boa0522**

HEARING: **1:00 p.m.** via **Videoconference and** in **6ES**, Dallas City Hall, 1500 Marilla Street. **https://bit.ly/boa0522**

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment. **This item was held under advisement at the February 21st, 2024 hearing.**

BDA234-018(DB) Application of Peter Kofoed represented by Melissa Miles **(1)** to appeal the decision of the administrative official at **7217 BROOKSHIRE CIR.** This property is more fully described as Block 6/6586, Lot 1, and is zoned R-16(A), which prohibits a private swimming pool in the required front-yard. The applicant proposes **(1)** to appeal the decision of an administrative official in the denial of a building permit that was issued incorrectly by the development services department.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Administrative Official Appeal during the public hearing of the Board of Adjustment to hear both the applicant's and the administrative official's cases and testimony. Although the Administrative Official Appeal item is not open to the public at the hearing portion, you may speak during the **Public Testimony** portion of the Board of Adjustment's Public Hearing at 1:00pm. Additionally, you may submit letters expressing your opinion on the subject of the appeal at **BDAreply@dallas.gov**.

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

Additional information regarding the application may be obtained by calling Diana Barkume, Project Coordinator at (214) 948-4364, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

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

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

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

DocuSign Envelope ID: 56DC8BE5-8D12-49AF-B7CD-FE5B3DF27C9C

Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 234-018

RECEIVED
FOR OFFICE USE ONLY
BY:

Data Relative to Subject Property: Appeal in error Date: 12/18/23

Location address: 7217 Brookshire Drive, Dallas, Texas Zoning District: R-1ac(A)

Lot No.: 1 Block No.: 6/6586 Acreage: 24419 Census Tract:

Street Frontage (in Feet): 1) 190 2) 284 3) 4) 5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Peter Kofoed

Applicant: Peter Kofoed Telephone:

Mailing Address: 7217 Brookshire Drive, Dallas, Texas Zip Code: 75230

E-mail Address: p.k.kofoed@gmail.com

Represented by: Melissa A. Miles Telephone: 972.788.1400

Mailing Address: 17304 Preston Road, Ste.300, Dallas, Texas Zip Code: 75252

E-mail Address: mmiles@fflawoffice.com

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

AO Below

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:

Appeal the decision of the building official that permit number 2203031044 was incorrectly issued and invalid as stated in the attached letter.

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 peter kofoed

(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: DocuSigned by: peter kofoed 43A04EABDDE6443...

(Affiant/Applicant's signature)

Subscribed and sworn to before me this 15 day of December, 2023

JEFFREY THOMAS O'DELL
My Notary ID # 11296457
Expires December 20, 2026

NOTARY PUBLIC

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	PETER KOFOED
represented by	MELISSA MILES
did submit a request	(1) to appeal the decision of the administrative official
at	7217 Brookshire

BDA234-018(DB) Application of Peter Kofoed represented by Melissa Miles (1) to appeal the decision of the administrative official at 7217 BROOKSHIRE CIR. This property is more fully described as Block 6/6586, Lot 1, and is zoned R-16(A), which prohibits a private swimming pool in the required front-yard. The applicant proposes (1) to appeal the decision of an administrative official in the denial of a building permit that was issued incorrectly by the development services department.

Sincerely,

Andrew Espinoza, CBO, MCP, CFM, CCEA

CITY OF DALLAS PLAT BOOKS

ANNEXED MARCH 2 1953 ORD NO 5726 ADDITION HILLCREST HAVENS NO 2 3-4-5-6
SURVEY [illegible] ABST 1272 SCALE 100 FT. EQUALS 1 INCH BLOCKS 6586
SCHOOL DIST. DALLAS



DENOTES ANCHOR WIRE EASEMENTS 4 X 40 EXCEPT BETWEEN LOT 9 & 10 BLK 3/6586 4 X 100'

97

OPTION 1

35' SETBACK REQUIRED BY ZONING

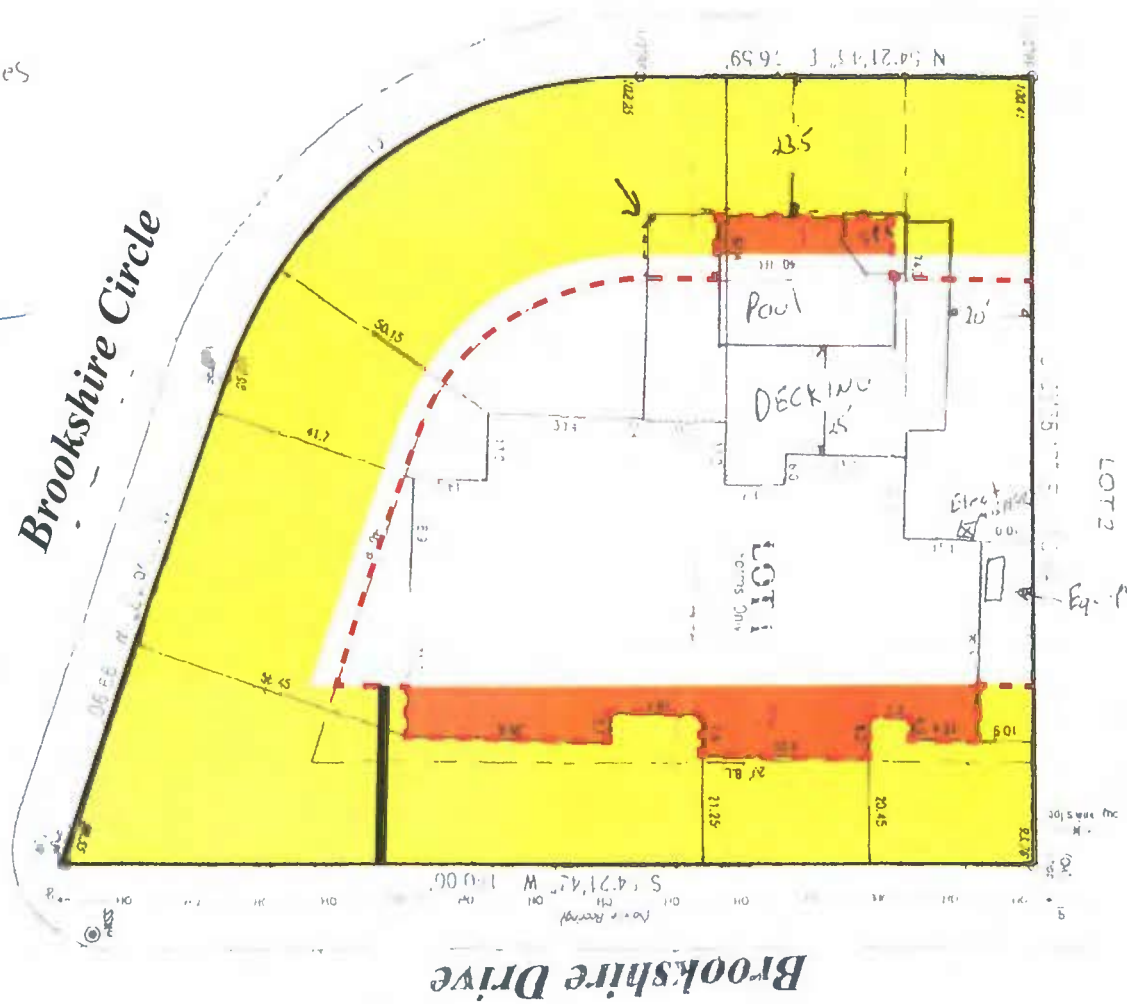
1/2 VARIANCES TO FRONT YARD SETBACK THRU BDA

RE-PLATTED BUILD LINE

Brookshire Circle

New House
- No Underground Utilities

SUBJECT TO FIELD INSPECTORS APPROVAL



THESE PLANS HAVE BEEN REVIEWED BY THE ENGINEERING DIVISION AND APPROVED FOR THE START OF CONSTRUCTION. ANY DEVIATION FROM THESE PLANS SHALL BE APPROVED BY THE BUILDING OFFICIAL.

PD DATE _____ BY _____

BLDG DATE 3/8/22 BY 77

THIS APPROVAL DOES NOT PERMIT THE VIOLATION OF ANY CITY ORDINANCE OR STATE LAW

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	86.13	107.48	100.64	N 18°35'41" E	71°29'54"

CITY OF DALLAS

November 27, 2023

Mr. Peter & Mrs. Kristie Kofed
7217 Brookshire Dr.
Dallas, TX 75230
Certified Mail: 7013 3020 0001 1419 2187

RE: Permit # 2203031044

This letter serves as official notification that permit 2203031044, for the installation of a pool located within the required front yard setback at 7217 Brookshire Drive. Dallas, Texas 75230, was incorrectly issued by the Development Services Department (DSD) and is invalid.

Applicable Code References:

51A-4.217(b)(iii) – Accessory Uses.

(iii) No private swimming pool may be constructed in the required front yard

51A-4.400(a)(3) & (5) – Yard, Lot, and Space Regulations.

(3) If a building line that is established by ordinance requires a greater or lesser front yard than prescribed by this section, the building line established by ordinance determines the minimum required front yard.

(5) If a lot runs from one street to another and has double frontage, a required front yard must be provided on both streets .

Next Steps:

Please reach out to Development Services to discuss any of the following options:

- **Option 1 – Board of Adjustment Requests & "Wrap-Around" Building Line thru Re-Plat** (illustration attached): The property owner can request variances for the portions of the pool along Brookshire Circle, and the house along Brookshire Drive, located within the 35' front yard setback established by zoning. If these are granted, a re-plat can be undertaken to adjust the building lines to "wrap-around" the approved variances, ensuring future structures (beyond fences or light poles) won't be built between the building line and the street

- **Option 2 – Board of Adjustment Request & Build Line Removal thru Re-Plat:** (illustration attached) The owner can request a variance for the portion of the house along Brookshire Drive located within the required front yard setback per zoning. If granted, re-plat, remove all build lines, and establish a barrier easement along Brookshire Circle to allow for the pool as well as other structures to be treated as if in a rear yard as listed in 51A-4.401(a)(5).

- **Option 3 – Board of Adjustment Administrative Official Appeal:** The Board of Adjustment is charged with the duty to hear and decide appeals from decisions of administrative officials made in the enforcement of the zoning ordinance of the city as listed in 51A-3.102(d)(1) & 51A-4.703(a)(2).

- **Addition Options/Considerations:**
  - Board of Adjustment Requests for fencing – height, material, and/or opacity
  - Installation of landscape buffers (may not be located within visibility triangles if over 2' in height)

- **Option 4 – Relocation**: The owner can remove or relocate the pool so that it no longer encroaches over the 40' building line.

Please note, these options are provided as a means toward potential compliance and are not intended to constitute legal advice. Permit documentation, application details, and illustrations are attached as reference. Please do not hesitate to reach out to Jason Pool, Development Services Administrator, should you have any questions or require additional information.

Should the property owner choose not to take any of the above actions, this matter will be referred to the City's Department of Code Compliance for enforcement.

This decision is final unless appealed to the Board of Adjustment in accordance with Section 51A-4.703(a)(2) of the Dallas City Code within 15 days after written notice of the above action.

Thank you for your prompt attention to this matter.



Jason Pool
Development Services Administrator
Land Development Division
214-948-4392
Jason.Pool@Dallas.gov

c: Andres Espinoza, Director/Chief Building Official
M. Samuell Eskander, Assistant Director
Vernon Young, Assistant Director
Donald Dixon, Assistant Director
Michael Herron, Zoning Inspections Supervisor
Jill Haning, Assistant City Attorney
Christopher Christian, Director
Jeremy Reed, Assistant Director
Alfred Beecham, Manager
Stormy Gonzalez, Manager
Charlotta Riley, Assistant City Attorney

May 13, 2024

Via Email to BDA Secretary
Board of Adjustment, Panel B
320 E. Jefferson Blvd., Rm. 210
Dallas, Texas 75203

Re: BDA 234-018. Building Official's **Supplemental Brief** in the Appeal of the Building Official's Decision that permit No. 2203031044 was issued in error and is invalid.

Dear Board Members:

The Building Official submits this supplement to the January 5, 2024 brief in response to Peter Kofoed's (the "Applicant") appeal of the building official's decision that permit No. 2203031044 was issued in error and is invalid for an already-built pool at 7217 Brookshire Drive, Dallas, Texas 75230 (the "Property"). "The applicant has the burden of proof to establish the necessary facts to warrant favorable action of the board."[1]

In correspondence with City Staff, Applicant's consultant proposed that the Applicant's pool is compliant with the building line and/or set back line requirements of the Development Code and the platted forty-foot building line.[2] Applicant suggests that the pool should be considered subject to the side yard regulations and pools are typically allowed in side yards. The support for this suggestion is a portion of section 51A-4.401(b)(1) that allows the longer frontage of a corner lot that has two street frontages of unequal distance to be governed by the side yard regulations. The Building Official agrees that the portion of the Applicant's property that fronts Brookshire Circle can be considered regulated by the side yard regulations.

The Building Official also agrees with Applicant that pools are allowed in side yards as outlined by section 51A-4.217(b)(11)(iii). However, contained in the side yard regulations is an exception for front yards being regulated as a side yard. The issue regarding whether the Applicant's pool is subject to a setback line hinges on section 51A-4.404(b)(3), which **does not** require a setback in a side yard for a structure that does not exceed 15 feet in height and is located in the rear thirty percent of the lot. A pool is such a structure.

Nevertheless, the exception note contained in section 51A-4.404(b)(3) **specifically requires** the Applicant's property to be subject to the set-back line because it is a front yard being regulated by the side yard regulation. The note says that "[t]his paragraph does not apply to a front yard governed by the side yard regulations in Section 51A-4.402 (**such as a front yard treated as a side yard on a corner lot**)." Dallas, Tex., Code § 51A-4.402(b)(3). Therefore, the forty-foot platted setback line does apply, and the Applicant's pool is in the setback.

[1] §51A-4.703(d)(1).
[2] Applicant failed to submit brief in support of his position prior to the initial hearing before the Board of Adjustment.

The Building Official correctly determined that the Permit was issued in error. The pool is either in the front yard improperly or placed in the platted forty-foot setback.

Very truly yours,

Justin H. Roy
Assistant City Attorney
214-671-1593
justin.roy@dallas.gov

Cc:

Melissa Miles	mmiles@fflawoffice.com
Stacy Rodriguez	stacy.rodriguez@dallas.gov
Jason Pool	jason.pool@dallas.gov
Tenisha Lester	tenisha.lester@dallas.gov
Casey Burgess	casey.burgess@dallas.gov

Applicant's Documentary Evidence

buzz
URBAN PLANNING

May 10, 2024

City of Dallas
Board of Adjustment

Re: 7217 Brookshire Drive / BDA234-018

Dear Board Members,

I hope this letter finds you well. I am writing on behalf of the applicants in the appeal of the revocation of the swimming pool permit at 7217 Brookshire Drive. As a zoning planner and consultant with 20 years of experience in projects within the City of Dallas, I believe it is imperative to provide additional context to this case and offer rationale to support the reinstatement of the swimming pool permit for your consideration.

I understand the February hearing delayed action to allow the applicants time to apply for a replat to remove the building lines. The neighboring property owner at 7225 Brookshire Drive joined the replat application to solve the setback issues on Brookshire Circle for both properties. Seven letters of support from neighbors were provided to City Plan Commission (CPC) plus two from the applicants. However, during the CPC plat hearing on May 2nd, several factors led to confusion. These included the lack of a detailed briefing by city staff regarding the Board of Adjustment history and the unique issues these properties face. Additionally, a sudden change in zoning interpretation[1] on the morning of the hearing further complicated matters. The combination of these factors with the late timing of the hearing and opposition speakers, made it difficult for us to present our case effectively, leading to the denial of the request to remove the building line.

Despite the grievances aired by some neighbors regarding these properties during previous hearings, it is essential to recognize that the unique configuration and location of the properties at 7217 and 7225 Brookshire Drive have no impact on surrounding properties from a zoning or setback perspective, as they do not abut any other property. Statements at the CPC hearing from opposition ranged from traffic concerns to the grievances of neighbors not being consulted when the permit office changed these addresses from Circle to Drive to comply with Police and Fire Department addressing standards. These concerns have no relevance to setbacks or swimming pools. As said in the February hearing for this case, the impact on neighboring properties is not a consideration in determining if the city erred in issuing the permit.

[1] Email from Shamila Shrestha

10233 E. Northwest Highway # 38586 Dallas, TX 75238

The core question of this Board case revolves around whether the swimming pool permit was issued in error. The inconsistency and multiple changes in interpretation by city staff regarding setback classifications add complexity and instability to the situation, complicating our efforts to remedy the situation at 7217 Brookshire Drive. The analysis we have prepared is based on the last statement from city staff that Brookshire Circle is a front yard[2] due to having street frontage[3] but is governed by the side yard regulations. Please note this current interpretation means that the applicant's fence height special exception request, BDA223-053, was unnecessary required since fences governed by a side yard are allowed up to nine feet in height[4].

In our analysis we have reviewed the Dallas Development Code and have prepared a table outlining the basis that supports the reinstatement of the swimming pool permit. Specific regulations control over general regulations when there is a conflict. This analysis demonstrates that the location of the swimming pool falls within specific allowances outlined in the code, particularly considering that Brookshire Circle is governed by side yard regulations.

While there's a common belief that platted building lines are more restrictive than setbacks, it's crucial to clarify that the Dallas Development Code treats building lines and setbacks interchangeably[5]. Essentially, a platted building line sets a fixed setback within a lot, regardless of existing setbacks or future zoning changes. Prior to 2006, building lines could be set without considering the underlying zoning district's requirements. However, since 2006, plats cannot establish building lines with a setback less than that of the zoning district[6]. Additionally, the Dallas Development Code defines buildings as structures[7] and vice versa. In new plat applications[8], encroachments over building lines or setback lines are not allowed to remain unless permitted by the Dallas Building Code. If this unrelated provision were a concern, it's important to note that the Dallas Building Code allows fences and swimming pools within setbacks, meaning the swimming pool at the property isn't violating the Dallas Building Code, and the permit was compliant in that regard.

While it is widely acknowledged that fences are permissible in front of a building line, there remains ambiguity among city staff regarding the permissibility of other structures encroaching into a platted building line, as discussed in point #4 of the table. Given that building lines are, by definition, setbacks, and fences are routinely permitted in front of them, it is a reasonable conclusion that other allowable encroachments must be permitted to the extent set by the Dallas Development Code.

The contention raised by city staff regarding the eligibility for reduced accessory structure setbacks in situations where a side yard is governed by the side yard regulation does not adequately consider the specific allowance for swimming pools. Structures like fences[9], AC units[10], and roof eaves are

---

[2] 51A-4.401(a), see point #1 on table
[3] 51A-1.102(40), see point #1 on table
[4] 51A-4.602(a)(2), fence regulations attached separately.
[5] 51A-2.102(13,128), see point #3 on table
[6] 51A-8.505(e), see point #2 on table
[7] 51A-2.101(3), see additional code C on table
[8] 51A-8.503(e)(1), see additional code B on table
[9] 51A-4.602(a)(2), fence regulations
[10] 51A-4.402(1) and (4), see point #4 on table

routinely permitted in similar circumstances as the code states, further supporting our argument for the reinstatement of the swimming pool permit. There is no code basis for applying the general provision when the specific swimming pool (private)[1] language could have easily made the same notation that it does not apply to front yards governed by the side yard regulations. The single family land use[2] has no additional provisions regarding the location of swimming pools in front yards governed by the side yard regulations and therefore complies with the main use requirements of the general provisions of accessory uses[3].

In conclusion, I urge the Board of Adjustment to carefully consider the comprehensive analysis provided and to reinstate the swimming pool permit in accordance with the provisions outlined in the Dallas Development Code. Doing so would not only rectify the error made by revoking the permit but also uphold the principles of the code's regulations.

Thank you for your attention to this matter.

Best regards,

Jennifer Hiromoto

[1] S1A 717(b)(11)(E)(iii), see point #6 on table
[2] S1A 4 209(6), attached separately, see pages 6 & 7
[3] S1A-4.217(a), see point #6 on table

From: Gurung Shrestha, Sharmila
To: Jennifer Hiromoto
Cc: Bordbar, Mohammad
Subject: RE: Brookshire
Date: Thursday, May 2, 2024 10:25:07 AM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png
Brookshire -- Building Officials Brief.pdf

Hey Jennifer,

Per discussion with zoning (Building Inspection), Brookshire Drive is considered a front yard and Brookshire Circle is considered a side yard.

"Together We Are Building a Safe and United Dallas!"

Please Take a Moment to Tell Us How We Are Doing

Regards,
Sharmila Shrestha, B.Arch., MCRP
Senior Planner – Subdivision
City of Dallas | www.dallascityhall.com
Development Services
320 E. Jefferson Blvd, Rm 101, Dallas, TX 75203
Phone: (214) 948-4531
s.gurung-shrestha@dallas.gov



From: Jennifer Hiromoto <jennifer@buzzurbanplanning.com>
Sent: Thursday, May 2, 2024 9:51 AM
To: Gurung Shrestha, Sharmila <s.gurung-shrestha@dallas.gov>
Subject: Brookshire

SEC. 51A-4.209. RESIDENTIAL USES.

(a) General provisions. Notwithstanding any other provision in this chapter, a facility that meets all of the requirements of Article 1011n, V.T.C.A., may locate in any residential zone or district in the city as a matter of right. Unless otherwise directed by the city attorney, the building official and any other city officer or employee charged with enforcement of this chapter shall construe Article 1011n by substituting Congress' definition of a handicapped person in the Fair Housing Amendments Act of 1988, as amended, for the state's definition of "disabled person" in that article.

(b) Specific uses.

(1) College dormitory, fraternity, or sorority house.

(A) Definition: A college resident hall or a facility for housing a social or service organization of college students.

(B) Districts permitted: By right in A(A), multifamily, MH(A), LO(A), MO(A), GO(A), CR, RR, CS, central area, mixed use, and multiple commercial districts. By SUP only in NO(A), NS(A), and urban corridor districts.

(C) Required off-street parking: One space for each sleeping room.

(D) Required off-street loading: One space.

(2) Duplex.

(A) Definition: Two dwelling units located on a lot.

(B) Districts permitted: By right in duplex, townhouse, CH, MF-1(A), MF-1(SAH), MF-2(A), MF-2(SAH), central area, and mixed use districts. By right as a restricted component of a building in the GO(A) district. [See Section 51A-4.121(d).]

(C) Required off-street parking: Two spaces per dwelling unit.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Only one main building may be placed on a building site under this use.

(ii) In a duplex district, a lot for a duplex use may be supplied by not more than one electrical utility service and metered by not more than two electrical meters. The board of adjustment may grant a special exception to authorize more than one electrical utility service or more than two electrical meters on a lot for a duplex use in a duplex district when, in the opinion of the board, the special exception will:

(aa) not be contrary to the public interest;

(bb) not adversely affect neighboring properties; and

(cc) not be used to conduct a use not permitted in the district where the building site is located.

(iii) In addition to any other applicable regulations, industrialized housing must comply with the following additional provisions. For purposes of this subparagraph, "industrialized housing" means industrialized housing as defined by Section 1202.002 of the Texas Occupations Code, as amended.

(aa) Industrialized housing must have all local permits and licenses that are applicable to other single family or duplex dwellings.

(bb) Industrialized housing must have a value equal to or greater than the median taxable value of each single family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll of the appraisal district. For purposes of this subparagraph, the "value" of the industrialized housing means the taxable value of the industrialized housing and the lot after installation of the industrialized housing.

(cc) Industrialized housing must have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located. "Compatible" as used in this subparagraph means similar in application, color, materials, pattern, quality, shape, size, slope, and other characteristics; but does not necessarily mean identical. The burden is on the property owner or applicant to supply proof of compatibility. The property owner or applicant may appeal a decision of the building official to deny a permit due to lack of compatibility to the board of adjustment.

(dd) Industrialized housing must comply with municipal aesthetic standards; yard, lot, and space regulations; subdivision regulations; landscaping; and any other regulations applicable to single family dwellings.

(ee) Industrialized housing must be securely fixed to a permanent foundation.

(ff) Industrialized housing may not be constructed in a historic overlay district unless the industrialized housing conforms to the preservation criteria of the historic overlay district.

(gg) Industrialized housing may not be constructed in a conservation district unless the industrialized housing conforms to the conservation district regulations.

(hh) Industrialized housing may not be constructed unless it complies with public deed restrictions for the property.

(3) Group residential facility.

(A) Definition: An interim or permanent residential facility (as opposed to a lodging or medical treatment facility) that provides room and board to a group of persons who are not a "family" as that term is defined in this chapter, whether or not the facility is operated for profit or charges for the services it offers. This use does not include:

(i) facilities that negotiate sleeping arrangements on a daily basis;

(ii) dwelling units occupied exclusively by families (Note: Dwelling units occupied exclusively by families are considered to be single family, duplex, or multifamily uses, as the case may be); or

(iii) any other use specifically defined in this chapter.

(B) Districts permitted: When located at least 1,000 feet from all other group residential facilities and licensed handicapped group dwelling units (as defined in this chapter), by right in CH, multifamily, central area, and mixed use districts; otherwise, by SUP only in the same districts. For purposes of this provision, the term "licensed" means licensed by the Texas Department of Human Services, or its successor, and the distance between uses is measured in a straight line, without regard to intervening structures or objects, between the nearest boundaries of the building sites on which the uses are located. (Note: The spacing component of these use regulations is based, not on the handicapped status of the residents, but on the non-family status of the groups. *[See Section 51A-1.102(b)(2).]*) By SUP only in urban corridor districts.

(C) Required off-street parking: 0.25 spaces per bed, plus one space per 200 square feet of office area; a minimum of four spaces is required. If an SUP is required for this use, the off-street parking requirement may be established in the ordinance granting the SUP. In determining this requirement, the city council shall consider the nature of the proposed use and the degree to which the use would create traffic hazards or congestion given the capacity of nearby streets, the trip generation characteristics of the use, the availability of public transit and the likelihood of its use, and the feasibility of traffic mitigation measures.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use is subject to the following density restrictions:

ZONING DISTRICT CLASSIFICATION	**MAXIMUM NO. OF DWELLING UNITS OR SUITES* PER NET ACRE**	**MAXIMUM NO.** OF BEDS* **PER NET ACRE**
ZONING DISTRICT CLASSIFICATION	**MAXIMUM NO. OF DWELLING UNITS OR SUITES* PER NET ACRE**	**MAXIMUM NO.** OF BEDS* **PER NET ACRE**
TH-1(A) and RTN	35	70
TH-2(A) and TH-3(A)	40	80
CH	45	90
MF-1(A) and MF-1(SAH)	50	100
MF-2(A) and MF-2(SAH)	60	120
MF-3(A)	90	180
MF-4(A)	160	320
*For purposes of this subparagraph, the term "suite" means one or more rooms designed to accommodate one family, containing living, sanitary, and sleeping facilities, but not containing a kitchen; and the term "bed" means a piece of furniture, mat, cushion, or other device on or in which one may lie and sleep.		

(ii) This use must comply with statutory licensing requirements, if any.

(iii) This use may include dwelling units or suites that are exclusively restricted to visitors or members of the staff.

(3.1) Handicapped group dwelling unit.

(A) Definitions:

(i) DOMICILE means the legal, established, fixed, and permanent place of residence of a person, as distinguished from a temporary and transient, though actual, place of residence.

(ii) HANDICAPPED GROUP DWELLING UNIT means a single dwelling unit that is the domicile of not more than eight handicapped persons who are not a "family" as that term is defined in this chapter, and who are living together as a single housekeeping unit. Up to two supervisory personnel may reside on the premises, provided that the total number of residents, including supervisory personnel, does not exceed eight.

(iii) HANDICAPPED PERSON means a handicapped person as defined in the federal Fair Housing Amendments Act of 1988, as amended.

(iv) LICENSED means licensed by the Texas Department of Human Services, or its successor.

(B) Districts permitted: When located at least 1,000 feet from group residential facilities and all other licensed handicapped group dwelling units (as defined in this chapter), by right in the following districts: agricultural, single family, duplex, townhouse, CH, MF-1(A), MF-1(SAH), MF-2(A), MF-2(SAH), MH(A), GO(A), central area, MU-1, and MU-1(SAH) districts; otherwise, by SUP only in the same districts. In the GO(A) district, the total floor area of this use in combination with all single family, duplex, and multifamily uses may not exceed five percent of the total floor area of the building in which the use is located. For purposes of this provision, the distance between uses is measured in a straight line, without regard to intervening structures or objects, between the nearest boundaries of the building sites on which the uses are located. (Note: The spacing component of these use regulations is based, not on the handicapped status of the residents, but on the non-family status of the groups.) By SUP only in urban corridor districts.

(C) Required off-street parking: One space in R-7.5(A), R-5(A), and TH districts; two spaces in all other districts. If an SUP is required for this use, the off-street parking requirement may be established in the ordinance granting the SUP. In determining this requirement, the city council shall consider the nature of the proposed use and the degree to which the use would create traffic hazards or congestion given the capacity of nearby streets, the trip generation characteristics of the use, the availability of public transit and the likelihood of its use, and the feasibility of traffic mitigation measures.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) No certificate of occupancy is required for this use.

(ii) This use liberalizes current restrictions on the number of unrelated persons who may reside together in a dwelling unit in the city for the exclusive benefit of handicapped persons seeking to permanently reside together as a single housekeeping unit. Its purpose is to comply with the substance and spirit of the federal Fair Housing Amendments Act of 1988, as amended, which requires that reasonable accommodations be made in rules, policies, and practices to permit persons with handicaps equal opportunity to use and enjoy a dwelling. *[See Section 51A-1.102(b)(2).]*

(iii) This use is exempt from payment of SUP application fees.

(iv) Any owner of property on which this use is located or proposed to be located may request a letter from the director confirming that no SUP is required for the use. No fee is required to apply for such a letter. Application must be on a form furnished by the director. The director shall issue the requested letter unless, within 30 days after submission of a complete application, the director gives written notice to the applicant that the use or proposed use will require an SUP. For purposes of this paragraph, notice is given to the applicant by depositing the same properly addressed and postage paid in the United States mail. The proper address for purposes of this notice requirement is the address provided by the applicant on the application. No SUP shall be required for uses that operate in justifiable reliance upon a valid confirmation letter issued by the director.

(v) Any aggrieved person may appeal a decision of the director that an SUP is required for this use. Such appeals shall be heard and decided by the board of adjustment. An appeal to the board must be made within 15 days after the director gives written notice that the SUP is required. Appeal is made by filing a written notice of appeal on a form approved by the board. *[See Section 51A-4.703.]* No fee is required to appeal the decision of the director to the board.

(vi) If two or more facilities are within 1,000 feet of each other and otherwise in permissible locations, the first one lawfully established and continually operating thereafter is the conforming use. For purposes of this subparagraph, “continually operating” means that the use has not been discontinued for six months or more.

(4) Manufactured home park, manufactured home subdivision, or campground.

(A) Definition:

(i) A manufactured home park is a unified development of transient stands arranged on a lot under single ownership.

(ii) A manufactured home subdivision is a plat designed specifically for manufactured home development.

(iii) A campground is a lot used to accommodate recreation vehicles, tents, or manufactured homes on a rental basis for temporary camping purposes.

(B) Districts permitted: By right in the MH(A) district.

(C) Required off-street parking: 1.5 spaces for each transient stand for a manufactured home park or campground; 1.5 spaces for each lot in a manufactured home subdivision.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) The owner of a manufactured home park must have a site plan approved by the commission before the building official may issue a building permit for the manufactured home park. The site plan must include the dimensions, bearings, and street frontage of the property; the location of buildings, structures, lots, stands, and uses; the method of ingress and egress; off-street parking and loading arrangements; screening, lighting, and landscaping, if appropriate; and any other information the director determines necessary for a complete review of the proposed development.

(ii) The owner of a manufactured home subdivision must have a plat approved by the commission and filed in the county records before the building official may issue a building permit for the manufactured home subdivision.

(iii) One caretaker's dwelling unit and one office is permitted under this use.

(iv) Uses that are customarily incidental to this use, including an employee's washroom, a manager's office, laundry room, swimming pool, and game courts are permitted provided they are located no closer than 50 feet to an R, R(A), D, D(A), TH, or TH(A) district. The game courts, laundry room, and swimming pool must be for the exclusive use of the residents and their guests. No exterior advertising of the uses is permitted.

(v) The owner under this use must provide and maintain a permanent steel chain link fence or its equivalent. The fence must be at least five feet in height and must completely surround the rear and all sides of this use that are not exposed to a dedicated street.

(vi) Open playground space must be provided under this use at a ratio of 500 square feet of open space for each of the first 20 lots or transient stands provided, and at a ratio of 250 square feet for all additional lots or transient stands.

(vii) This use must comply with the requirements of Chapter 47 of this code.

(5) Multifamily.

(A) Definitions: Three or more dwelling units located on a lot.

(B) Districts permitted: By right in CH, multifamily, central area, mixed use, and urban corridor districts. By right as a restricted component of a building in the GO(A) district. [See Section 51A-4.121(d).]

(C) Off-street parking.

(i) Required off-street parking: 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.

(ii) The number of off-street parking spaces required under this subparagraph may be reduced to provide adequate area for the placement of recycling containers in accordance with Section 18-5.1(e) according to the following table:

No. of Dwelling Units	No. of Required Parking Spaces Reduced
8-100	3
101 - 400	3% or 6, whichever is less
401 +	9

This parking reduction only applies to structures built before August 12, 2020.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Uses that are customarily incidental to the multifamily use and that include an employee's washroom, a manager's office, laundry room, swimming pool, and game courts are permitted provided they are located no closer than 50 feet to an R, R(A), D, D(A), TH, or TH(A) district. The game courts, laundry room, and swimming pool must be for the exclusive use of the residents and their guests. No exterior advertising of the uses is permitted.

(ii) The minimum space between exterior walls of a multifamily dwelling must be 10 feet between the walls if only one wall has an opening for light and air and 20 feet if both walls have an opening for light and air. This provision applies to multifamily buildings with a common roof and free standing multifamily buildings. This provision does not apply to walls located entirely within a dwelling unit.

(iii) This use does not include a hotel or motel.

(5.1) Residential hotel.

(A) Definition: A facility that receives more than 50 percent of its rental income from occupancies of 30 consecutive days or more and contains:

(i) six or more guest rooms with living and sleeping accommodations, but no kitchen or kitchenette;

(ii) six or more guest rooms with living, sleeping, and kitchen or kitchenette facilities that are offered for rental on a daily basis; or

(iii) six or more guest rooms with living and sleeping accommodations, each of which is individually secured and rented separately to one or more individuals who have access to bathroom, kitchen, or dining facilities outside the guest room on a common basis with other occupants of the structure.

(B) Districts permitted: By right in MF-2(A), MF-2(SAH), MF-3(A), MF-4(A), central area, and mixed use districts when located

at least one mile, measured from property line to property line, from all other residential hotel uses.

(C) Required off-street parking: 0.5 spaces per guest room.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) This use is subject to the regulations in Article VII of Chapter 27 of the Dallas City Code, as amended.

(ii) For a use holding an occupancy record card pursuant to Chapter 27 on August 10, 1994, the nonconformity as to the minimum distance requirement set out in Subparagraph (B) does not render it subject to amortization by the board of adjustment.

(iii) The operator of this use shall maintain a registry showing the name, address, date of arrival, and date of departure of each guest. The operator of this use shall make the registry available to the building official.

(5.2) Retirement housing.

(A) Definition: A residential facility principally designed for persons 55 years of age or older. This use does not include a "convalescent and nursing homes, hospice care, and related institutions" use, which is defined as a separate main use in Section 51A-4.204(8).

(B) Districts permitted: By right in CH, multifamily, central area, and mixed use districts. By SUP only in townhouse and urban corridor districts.

(C) Required off-street parking: One space per dwelling unit or suite.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 50,000	NONE
50,000 to 100,000	1
100,000 to 300,000	2
Each additional 200,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) In these regulations:

(aa) ELDERLY RESIDENT means a resident that is 55 years of age or older.

(bb) SUITE means one or more rooms designed to accommodate one family containing living, sanitary, and sleeping facilities, but not containing a kitchen.

(ii) In townhouse, RTN, CH, and multifamily districts, this use is subject to the following density restrictions:

ZONING DISTRICT CLASSIFICATION	MAXIMUM NO. OF DWELLING UNITS OR SUITES* PER NET ACRE
ZONING DISTRICT CLASSIFICATION	MAXIMUM NO. OF DWELLING UNITS OR SUITES* PER NET ACRE
TH-1(A) and RTN	25
TH-2(A) and TH-3(A)	35
CH	40
MF-1(A) and MF-1(SAH)	45
MF-2(A) and MF-2(SAH)	55
MF-3(A)	90
MF-4(A)	160

(iii) Except as otherwise provided in Subparagraphs (iv) and (v), each occupied dwelling unit or suite must have at least one elderly resident. Failure to comply with this provision shall result in the facility being reclassified as another residential or lodging use.

(iv) One dwelling unit or suite may be designated as a caretaker unit whose occupants are not subject to the age restriction in Subparagraph (iii).

(v) Those persons legally re-siding with an elderly resident at the facility may continue to reside at the facility for a period not to exceed one year if the elderly resident dies or moves out for medical reasons. The board may grant a special exception to authorize an extension of the length of time a person may continue to reside at the facility if the board finds, after a public hearing, that literal enforcement of this provision would result in an unnecessary personal hardship. In determining whether an unnecessary personal hardship would result, the board shall consider the following factors:

(aa) The physical limitations of the resident, if any.

(bb) Any economic constraints which would make it difficult for the resident to relocate.

(cc) Whether the resident is dependent on support services or special amenities provided by the retirement housing project.

(dd) Whether there are any alternative housing or market constraints which would impair the ability to relocate.

(vi) No use with exterior advertising or signs may be considered accessory to this use.

(6) Single family.

(A) Definition: One dwelling unit located on a lot.

(B) Districts permitted: By right in agricultural, single family, duplex, townhouse, CH, MF-1(A), MF-1(SAH), MF-2(A), MF-2(SAH), MH(A), central area, MU-1, and MU-1(SAH) districts. By right as a restricted component of a building in the GO(A) district. [See Section 51A-4.121(d).]

(C) Required off-street parking: One space in R-7.5(A), R-5(A), and TH districts; two spaces in all other districts.

(D) Required off-street loading: None.

(E) Additional provisions:

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

(aa) be used as rental accommodations; or

(bb) adversely affect neighbor ing properties.

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

(iii) Accessory dwelling unit.

(aa) The board of adjustment may grant a special exception to authorize a rentable accessory dwelling unit in any district when, in the opinion of the board, the accessory dwelling unit will not adversely affect neighboring properties.

(bb) If a minimum of one additional off-street parking space is not provided, the board shall determine if that will create a traffic hazard. The board may require an additional off-street parking space be provided as a condition of granting this special exception.

(cc) In granting a special exception under this subparagraph, the board shall require the applicant to:

(I) deed restrict the subject property to require owner-occupancy on the premises; and

(II) annually register the rental property with the city's single family non-owner occupied rental program.

(iv) Dwelling units in general.

(aa) Except for the foundation, a dwelling unit must be physically separable from contiguous dwelling units in the event of removal of a dwelling unit. Each party wall must be governed by a set of deed restrictions, stipulating that if a dwelling unit is removed, the party wall stays with the remaining dwelling unit.

(bb) Each dwelling unit must have separate utility services; however, general utility services on land owned and maintained by a homeowner's association is allowed.

(v) Utility meters. In a single family, duplex, or townhouse district, a lot for a single family use may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The board of adjustment may grant a special exception to authorize more than one electrical utility service or more than one electrical meter on a lot in a single family, duplex, or townhouse district when, in the opinion of the board, the special exception will:

(aa) not be contrary to the public interests;

(bb) not adversely affect neighboring properties; and

(cc) not be used to conduct a use not permitted in the district where the building site is located.

(vi) Industrialized housing. In addition to any other applicable regulations, industrialized housing must comply with the following additional provisions. For purposes of this subparagraph, "industrialized housing" means industrialized housing as defined

by Section 1202.002 of the Texas Occupations Code, as amended.

(aa) Industrialized housing must have all local permits and licenses that are applicable to other single family or duplex dwellings.

(bb) Industrialized housing must have a value equal to or greater than the median taxable value of each single family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll of the appraisal district. For purposes of this subparagraph, the "value" of the industrialized housing means the taxable value of the industrialized housing and the lot after installation of the industrialized housing.

(cc) Industrialized housing must have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located. "Compatible" as used in this subparagraph means similar in application, color, materials, pattern, quality, shape, size, slope, and other characteristics; but does not necessarily mean identical. The burden is on the property owner or applicant to supply proof of compatibility. The property owner or applicant may appeal a decision of the building official to deny a permit due to lack of compatibility to the board of adjustment.

(dd) Industrialized housing must comply with municipal aesthetic standards; yard, lot, and space regulations; subdivision regulations; landscaping; and any other regulations applicable to single family dwellings.

(ee) Industrialized housing must be securely fixed to a permanent foundation.

(ff) Industrialized housing may not be constructed in a historic overlay district unless the industrialized housing conforms to the preservation criteria of the historic overlay district.

(gg) Industrialized housing may not be constructed in a conservation district unless the industrialized housing conforms to the conservation district regulations.

(hh) Industrialized housing may not be constructed unless it complies with public deed restrictions for the property.

(vii) Accessory structures. Except in the agricultural district, accessory structures are subject to the following regulations:

(aa) Except as provided in this section, no person shall rent an accessory structure. For purposes of this section, rent means the payment of any form of consideration for the use of the accessory structure.

(bb) Except for accessory dwelling units, no person shall use an advertisement, display, listing, or sign on or off the premises to advertise the rental of an accessory structure.

(cc) The height of an accessory structure may not exceed the height of the main building.

(dd) The floor area of any individual accessory structure on a lot, excluding floor area used for parking, may not exceed 25 percent of the floor area of the main building.

(ee) The total floor area of all accessory structures on a lot, excluding floor area used for parking, may not exceed 50 percent of the floor area of the main building.

(ff) Accessory structures must have a roof-pitch and fenestration compatible with the main building. It is recommended that accessory structures have exterior siding, roofing, and foundation fascia compatible with the main building. "Compatible" as used in this provision means similar in application, color, pattern, shape, size, slope, and other characteristics; but does not necessarily mean identical. The burden is on the property owner or applicant to supply the proof of compatibility. Use of similar materials or materials of similar quality to the main building serves as additional evidence that the property owner's burden of proof of compatibility has been met. This provision does not apply to accessory structures with a floor area of 200 square feet or less. (Ord. Nos. 19455; 19786; 19912; 20360; 20493; 20953; 21044; 21663; 22139; 22390; 23897; 24585; 24718; 24857; 25133; 25486; 25977; 27495; 28803; 29208; 30184; 30890; 30930; 31607; 31608)

Point	Code
#1. The properties at 7217 & 7725 Brookshire have a continuous frontage along Brookshire Circle. Brookshire Circle is considered one frontage. Per 51A-4.401(b)(1), the shorter frontage is considered a front yard and the longer frontage is "governed" by the side yard regulations. Therefore , the setback for Brookshire Circle is governed by the side yard regulations. Brookshire Circle has a 40' platted building line and Brookshire Drive has a 20' platted building line. The size of the building line does not determine if it is a front yard or side yard; 51A-4-401(b)(1) does this.	TX > Dallas > The Dallas City Code > SEC. 51A-2.102. DEFINITIONS. Back to search results (40) FRONTAGE means the length of property along one side of a street between property or lease boundary lines. (41) FRONT YARD means that portion of a lot which abuts a street and extends across the width of the lot between the street and the setback line. TX > Dallas > The Dallas City Code > SEC. 51A-4.401. MINIMUM FRONT YARD. (b) Front yard provisions for residential districts. (1) If a corner lot in a single family, duplex, or agricultural district has two street frontages of equal distance, one frontage is governed by the front yard regulations of this section, and the other frontage is governed by the side yard regulations in Section 51A-4.402. If the corner lot has two street frontages of unequal distance, the shorter frontage is governed by this section, and the longer frontage is governed by side yard regulations in Section 51A-4.402. Notwithstanding this provision, the continuity of the established setback along street frontage must be maintained

#2. A platted building line establishes the setbacks as regulated in 51A-8.505.

Chapter 51A allows for fences and other stated accessory structures to encroach throughout Chapter 51A.

No specific building line restrictions exist in the Subdivision Article 8.

TX > Dallas > The Dallas City Code > SEC. 51A-8.505. BUILDING LINES.

SEC. 51A-8.505. BUILDING LINES.

(a) Building lines that establish a minimum front, side, or rear yard setback greater than the current zoning setback requirements, building lines for lots that border a natural creek channel, and building lines established by Section 51A-4.401(a)(3) must be shown on the plat.

(b) A building line may establish a minimum front, side, or rear yard setback greater than the minimum front yard setback required by zoning regulation only if the building line is part of a plan for the orderly development of a subdivision. Except as provided in Section 51A-8.510, a building line may not establish a minimum front, side, or rear yard setback less than the minimum front, side, or rear yard setback required by zoning regulation. The building line for lots that border a natural creek channel must provide the setback required by Section 51A-5.106. No other building lines may be shown on the plat.

(c) If an existing platted building line establishes a minimum front, side, or rear yard setback greater than the minimum front, side, or rear yard setback required by zoning regulation, relief from the platted building line must be sought through a replat submitted to the commission. The commission may approve a relocation or removal of the platted building line with a minimum front, side, or rear yard setback greater than required by zoning regulation only.

(1) upon the affirmative vote of at least three-fourths of the commission members present; and

(2) if the commission finds that relocation or removal of the platted building line will not:

(i) require a minimum front, side, or rear yard setback less than required by zoning regulation;

(ii) be contrary to the public interest,

(iii) adversely affect neighboring properties; and

(iv) adversely affect the plan for the orderly development of the subdivision.

(d) If relief is sought from the minimum front, side or rear yard setback required by zoning regulation, approval must be obtained from the board of adjustment.

(e) A building line platted and recorded prior to December 13, 2006, indicating that a front yard setback has been reduced remains enforceable. Removal of the platted building line may be sought through a replat that complies with this section.

(f) The subdivision administrator may not approve an administrative plat that adds, moves, or removes a building line. (Ord. Nos. 20092, 23384, 26529, 26531)

#3. Building line is a defined term in the general definitions section of 51A. No definition occurs in Article 8.	TX > Dallas > The Dallas City Code > SEC. 51A-2.102. DEFINITIONS. (13) BUILDING LINE means a line marking the minimum distance a building may be erected from a street, alley, or lot line. (Also called the "setback line.") TX > Dallas > The Dallas City Code > SEC. 51A-2.102. DEFINITIONS. (128) SETBACK LINE means a line marking the minimum distance a building may be erected from a street, alley, or lot line (also called the "building line").
#4. Side yard regulations allow for multiple types of encroachments: fences, light poles, architectural features, air conditioning units, accessibility ramps...this list is not exhausted within 51A.4.402(1).	TX > Dallas > The Dallas City Code > SEC. 51A-4.402. MINIMUM SIDE YARD. **SEC. 51A-4.402. MINIMUM SIDE YARD.** (1) Required side yards must be open and unobstructed except for fences and light poles 20 feet or less in height. Except as otherwise provided in this section, ordinary projections of window sills, belt courses, cornices, and other architectural features may not project more than 12 inches into the required side yard. A fireplace chimney may project up to two feet into the required side yard if its area of projection does not exceed 12 square feet. Roof eaves may project up to three feet into the required side yard. Balconies may not project into the required side yard. (2) The side yard setback is measured from the side lot line of the building site, except when a front yard is treated as a side yard, the setback is measured from the lot line or the required right-of-way as determined by the thoroughfare plan for all thoroughfares, whichever creates the greater setback. On minor streets, the setback is measured from the lot line or the existing right-of-way, whichever creates the greater setback. (A) When city council by ordinance establishes a specific right-of-way line for a street, the required setback is measured from that right-of-way line. (3) Reserved. (4) A unitary air conditioning unit may be located in the required side yard, but not nearer than three feet to the property line. (5) The building official may approve a ramp that projects into the required side yard to allow a handicapped person access to an existing single family, duplex, or handicapped group dwelling unit use. The ramp must be constructed with minimal encroachment and must be constructed to the applicable accessibility standard as determined by the building official. Initial review of a complete permit application for a ramp must be completed in 10 days.

#5. Side yard provisions for residential districts 51A-4.402(b) restricts reduced setbacks in (3) but this is a general provision and applies to most types of accessory structures such as garages, sheds, carports, etc. If a specific provision applies to a structure or use, the specific provision controls. The reference to swimming pools in (C) is only when seeking to reduce a side yard setback in (1) and not applicable to the Brookshire properties.	TX > Dallas > The Dallas City Code > SEC. 51A-4.402. MINIMUM SIDE YARD. (b) Side yard provisions for residential districts. (1) In a single family district, one required side yard may be reduced below the setback required in this section, if the other side yard is increased to at least double the side yard required in this section, subject to the following conditions: (A) The minimum side yard between structures on contiguous lots must not be less than the minimum side yard required in this section. (B) To reduce the required side yard, a subdivision plat must be approved by the commission and filed with the county clerk showing the location of all building lines, and showing the proposed distances between the building lines and property lines, streets lines and alley lines. (C) A person may not erect an accessory structure except for a swimming pool and its appurtenances in the double side yard. (2) Reserved. (3) In a residential district, a person need not provide a side yard setback for a structure accessory to a residential use, including a generator, if the structure: (A) does not exceed 15 feet in height; and (B) is located in the rear 30 percent of the lot. Note: This paragraph does not apply to a front yard governed by the side yard regulations in Section 51A-4.402 (such as a front yard treated as a side yard on a corner lot). (4) through (6) Reserved.

#6. Swimming pool (private) is prohibited within a front yard setback per 51A-4.217(b)(11)(E)(iii) but is specifically allowed within the side and rear setbacks.

Because the Brookshire Circle frontage is governed by the side yard regulations this would allow a pool within the required side yard per Sec.51A-4.217(b)(11)(E)(iii).

SEC. 51A-4.217. ACCESSORY USES.

(a) General provisions.

(1) An accessory use must be a use customarily incidental to a main use. A use listed in Sections 51A-4.201 through 51A-4.216 may be an accessory use if the building official determines that the use is customarily incidental to a main use and otherwise complies with this section. Except as otherwise provided in this article, an accessory use must comply with all regulations applicable to the main use.

(2) Except as otherwise provided in this article, an accessory use must be located on the same lot as the main use.

(3) Except as otherwise provided in this article, accessory uses listed in Subsection (b) or in Sections 51A-4.201 through 51A-5.216 are subject to the following area restrictions: If the use is conducted outside, it may not occupy more than five percent of the area of the lot containing the main use. If the use is conducted inside, it may not occupy more than five percent of the floor area of the main use. Any use which exceeds these area restrictions is considered to be a separate main use.

(4) Except as otherwise provided in Subsection (b), an accessory use is permitted in any district in which the main use is permitted.

(5) Except as provided in this paragraph, an alcohol related establishment that is customarily incidental to a main use, such as an alcohol related establishment within a hotel, restaurant, or general merchandise store, is not limited to the five percent area restriction in Section 51A-4.217(a)(3), and will be considered as part of the main use when determining the gross revenue derived by the establishment from the sale of alcoholic beverages for on-premise consumption. Accessory microbrewery, micro-distillery, or winery uses and accessory alcoholic beverage manufacturing uses may not occupy more than 40 percent of the total floor area of the main use. Any use that exceeds these area restrictions is considered a separate main use.

(b) Specific accessory uses. The following accessory uses are subject to the general provisions in Subsection (a) and the regulations and restrictions outlined below.

TX > Dallas > The Dallas City Code > SEC. 51A-4.217. ACCESSORY USES.

(vi) The area restrictions in Subsection (a)(3) do not apply to this use.

(11) Swimming pool (private).

(A) Definition: A swimming pool constructed for the exclusive use of the residents of a residential use.

(B) District restrictions: This accessory use is not permitted in the P(A) district.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) No private swimming pool may be operated as a business, except that private swimming lessons may be given under the home occupation use.

(ii) No private swimming pool may be maintained in such a manner as to be hazardous or obnoxious to adjacent property owners.

(iii) No private swimming pool may be constructed in the required front yard. However, a private swimming pool may be located within the required side or rear yard if it meets the requirements of Section 51A-4.217(a).

(iv) A private swimming pool must be surrounded by a fence.

(v) The area restrictions in Subsection (a)(3) do not apply to this use.

Additional Code References	
A. Fence regulations	Attached
B. 51A-8.504(e)(1) speaks to encroachments of existing improvement for new plat applications. Not applicable because Dallas Building code does not restrict a swimming pool within any setback. “Existing improvement” is not a defined term	TX > Dallas > The Dallas City Code > SEC. 51A-8.504. BLOCKS. (e) Lot lines and existing structures. (1) No plat may be approved if an existing improvement on the property would encroach upon a proposed lot line or setback line, unless the existing improvement is to be removed or relocated, or unless the encroachment is authorized by the Dallas Building Code. (2) No plat may be approved if the location of a proposed lot line would create a structure not in strict compliance with the Dallas Building Code, as amended, or the Dallas Development Code, as amended, unless the existing structure is to be removed, relocated, or altered to comply. (3) Notwithstanding Paragraphs (1) and (2), dedications for public infrastructure may be accomplished even if a structure encroaches, provided appropriate language is executed to convey an estate in expectancy. (Ord. Nos. 20092; 21186; 23384; 24731; 25047; 28073; 29478 ; 31394)
C. Building = structure	TX > Dallas > The Dallas City Code > ARTICLE II. INTERPRETATIONS AND DEFINITIONS. ARTICLE II. INTERPRETATIONS AND DEFINITIONS. SEC. 51A-2.101. INTERPRETATIONS. Unless the context clearly indicates otherwise, the following rules apply in interpreting this chapter: (1) Words used in the present tense include the future tense. (2) Words in the singular include the plural, and words in the plural include the singular. (3) The word “building” includes the word “structure”, and the word “structure” includes the word “building.” (4) The word “lot” includes the words “building site,” “site,” “plot” or “tract.” (5) The word “shall” is mandatory and not discretionary. (6) If there is a conflict: (A) the text of this chapter controls over the charts or any other graphic display in this chapter; (B) the use regulations (Division 51A-4.200) control over the district regulations (Division 51A-4.100, et seq.) in this chapter; and (C) the text, charts, or other graphic display in Article XIII control over the text, charts, or other graphic display in other articles of this chapter. (Ord. Nos. 19455; 27495)
D. Single family land use	Attached.



Dallas
Serving you!

Master Permit - 2103101081

Details | Trades | Documents | Zoning Info

Property

Street Address

View 7217 BROOKSHIRE DR

Status: Work Completed

Application Date: Mar 10, 2021
Issue Date: May 5, 2021
Completed Date: Jul 20, 2023

Applicant

Kim Sorrels

Contractor

LAKIN ENTERPRISES
400 DONLEY CT
SOUTHLAKE, TX 76092
(817) 874-9676

Owner Category: PRIVATE
Work Description: 1111-CONSTRUCT NEW SFD
Land Use Description: SINGLE FAMILY DWELLING

Fee Web Contractor:

Project

Doing business as:
Activity: (A) New Construction
Occupancy: R3
Constr. Type: VB
Selling Alcohol: ☐
Dance Floor: ☐
Dwelling Units: 1
Stories: 2
Bedrooms:
Bathrooms:

	Sq Ft		Cost
New:	6,354	New:	$0.00
Remodel:		Remodel:	$0.00
Total:	6,354	Job Value:	$0.00

Sprinkler: None
Required Parking: 2
Proposed Parking: 3

CA Not Required: ☐ Subdivision not Required: ☐

Sustainable Construction and Development | Building Inspection Division | 214/948-4480|www.dallascityhall.com

Main Menu

DATE: 15 Feb 2022

APPLICATION TYPE
REGULAR (•) EXPRESS ( )

PERMIT APPLICATION

PLEASE TYPE OR PRINT CLEARLY

City of Dallas

JOB NO: (OFFICE USE ONLY)
17028996 3-001

PERMIT NO: (OFFICE USE ONLY)
2203031044

STREET ADDRESS OF PROPOSED PROJECT	SUITE/BLDG/FLOOR NO	USE OF PROPERTY
7217 Brookshire drive		residential home

APPLICANT	ADDRESS	CITY	STATE	ZIP CODE
Deep Blue Custom Pools	400 Donley Court	Southlake	Texas	76092

DBA (IF APPLICABLE)	PHONE NO	E-MAIL ADDRESS (MAY BE USED FOR OFFICIAL COMMUNICATION)
	8178749676	stevelakin@aol.com

CONTRACTOR-INDIVIDUAL	CONTRACTOR NUMBER	FEIN	COMPANY NAME
Steve Lakin			Deep Blue Custom Pools

CURRENT HOME REPAIR LICENSE ON FILE?	IF YES, LIST NUMBER	PHONE NO	E-MAIL ADDRESS (MAY BE USED FOR OFFICIAL COMMUNICATION)
( ) YES (•) NO		8178749676	stevelakin@aol.com

PROPERTY OWNER (INDIVIDUAL CONTACT)	ADDRESS	CITY	STATE	ZIP CODE
Peter & Kristie Kofed	7217 Brookshire Drive	Dallas	Texas	75230

PROPERTY OWNER (COMPANY NAME)	PHONE NO	E-MAIL ADDRESS (MAY BE USED FOR OFFICIAL COMMUNICATION)
na		

DESCRIPTION OF PROPOSED PROJECT
New pool, spa decking

VALUATION ($) Commercial Only		CONST AREA (sq ft)	
NEW CONST			NEW CONST
MFD OTHER			MFD OTHER
REMODEL			REMODEL
TOTAL VALUATION			TOTAL AREA 628

PLEASE INDICATE ALL TYPES OF WORK THAT WILL BE PART OF THIS PROJECT BY CHECKING THE APPROPRIATE BOX

[ ] BUILDING	[ ] PLUMBING	[ ] FENCE	[ ] DRIVE APPROACH	[ ] BACKFLOW	[ ] BARRICADE	[ ] ENERGY	
[ ] ELECTRICAL	[ ] FIRE SPRKLR	[ ] SIGN	[x] SWIMMING POOL	[ ] CUSTOMER SVC	[ ] GREEN	[ ] PAVING/GRADING	
[ ] MECHANICAL	[ ] FIRE ALARM	[ ] LANDSCAPE	[ ] LAWN SPRINKLER	[ ] FLAMMABLE LIQUID	[ ] OTHER:		

All food service establishments require a grease interceptor to be installed on site. Is there a grease interceptor on site? ( ) YES (•) NO

The following is applicable to all applications for building permits that are accepted and routed for any reviews. As required by Texas Local Government Code Section 214.904, the City of Dallas will grant (Approve) or deny your building permit application to erect or improve a building or other structure no later than the 45th day after the application is submitted. Denial of a permit application in review that requires revisions or corrections may be avoided by agreeing to allow the City the following additional time to review the application.

I hereby agree to a deadline of 14 days to grant or deny the permit after the date of the approval of all of the following reviews, as applicable, where the applicant has provided the plans examiners the requested corrections, plans and actions; and, the contractor has been named on the permit:

Zoning, Building Code, Residential Code, Electrical Code, Plumbing/Mechanical Code, Fuel Gas Code, Energy Code, Green Building Code, Health, Historical/Conservation District, Engineering/Flood Plain, Water Utilities, Fire Code, Landscaping and Aviation.

If the permit is granted (Approved) within this deadline the City will retain and/or assess all fees. If the permit is denied within this deadline, the City will retain all plan review fees and 20 percent of the permit fees. If the permit application is not granted or denied within the agreed additional time of review, the City will refund any permit fees that have been collected and the City may not collect any permit fees associated with the application.

(✓) I AGREE. ( ) I DO NOT AGREE.

I UNDERSTAND THAT THIS PERMIT APPLICATION WILL EXPIRE IN 180 DAYS FROM THE APPLICATION DATE. I MAY REQUEST IN WRITING AN ADDITIONAL 180 DAY EXTENSION OF THE PERMIT APPLICATION PRIOR TO THE APPLICATION EXPIRATION. IF THE APPLICATION IS ALLOWED TO EXPIRE, IT MAY ONLY BE REACTIVATED BY THE FILING OF A NEW APPLICATION INCLUDING APPLICABLE PLANS AND FEES.

I HAVE CAREFULLY READ THE COMPLETED APPLICATION AND KNOW THE SAME IS TRUE AND CORRECT AND HEREBY AGREE THAT IF A PERMIT IS ISSUED ALL PROVISIONS OF THE CITY ORDINANCES AND STATE LAWS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT. I AM THE OWNER OF THE PROPERTY OR THE DULY AUTHORIZED AGENT. PERMISSION IS HEREBY GRANTED TO ENTER PREMISES AND MAKE ALL INSPECTIONS. I ALSO AFFIRM THAT THE EMAIL ADDRESS GIVEN ABOVE MAY BE USED FOR OFFICIAL COMMUNICATION CONCERNING THIS APPLICATION AND PERMIT.

APPLICANT'S SIGNATURE	DATE OF APPLICATION SUBMISSION
Steve L. Lakin	15 Feb 2022

Ex. B - 001

FOR OFFICE USE ONLY

STREET ADDRESS OF PROPOSED PROJECT	SUITE/BLDG/FLOOR NO	PROJECT/PERMIT NUMBER
7217 Brookshire Dr.		2203031044

ZONING				BUILDING		MISCELLANEOUS	
LAND USE	TYPE OF WORK	BASE ZONING	PD	CONSTRUCTION TYPE	OCCUPANCY	ACTIVITY	OWN
1111	1108	R-16(A)		VB	R-3	B	A
LOT	BLOCK	REQUIRED PARKING	PROPOSED PARKING	SPRINKLER	OCCUPANT LOAD	FLOOD PLAIN	AIRPORT
1	6/6556						
LOT AREA	BDA	SUP	RAR	STORIES	DWELLING UNITS	SPECIAL INSPECTIONS	HISTORICAL
DIR	EARLY RELEASE	DEED RESTRICTION	PARKING AGREEMENT	NUMBER BEDROOMS	NUMBER BATHROOMS	DRY	EL

ROUTE TO	REVIEWER	DATE	APPLICATION REMARKS
PRE-SCREEN			
ZONING	TT	3/3/22	
BUILDING			
ELECTRICAL			
PLUMBING/MECHANICAL			
GREEN BUILDING			
HEALTH			
HISTORICAL/CONS DIST			
ENGINEERING			
WATER			
FIRE			
LANDSCAPING			
AVIATION			
OTHER			

FEE CALCULATIONS ($)	
PERMIT FEE	$325
SURCHARGE	
PLAN REVIEW FEE	$150
PREQUALIFICATION REVIEW FEE	
EXPRESS PLAN REVIEW HOURLY FEE TOTAL	
HEALTH PERMIT APPLICATION FEE	
HEALTH PLAN REVIEW FEES	
OTHER FEES	
OTHER FEES	
TOTAL FEES	$ 475 00

PLAN REVIEW NOTES

SWIMMING POOL/SPA PERMIT APPLICATION CHECKLIST

REQUIRED DOCUMENTS FOR SWIMMING POOL/SPA PERMIT

CITY OF DALLAS

By checking each requirement you are stating that you have supplied correct and complete information. In the event that the required information is not contained in the submitted documents, you will be notified of the deficiency. Failure to supply the additional requested information within five (5) working days after notification may result in your application being delayed and eventually discarded. A new application, the original application, complete plans, and a new checklist will be required for re-submittal for plan review. This re-submittal will be treated as a new application and will be processed in order of receipt.

(1) The installation of prefabricated swimming pool accessory to single family or two family dwellings in which the pool wall is completely above adjacent grade, the pool capacity does not exceed 5,000 gallons, and the pool depth is less than 24 inches (610mm) does not require a pool permit. All other pools require a permit.
(2) If your pool plan includes a backwash drain water filler or services that have to be moved, you will need a Swimming Pool Permit.
(3) If electrical or plumbing work is done in association with swimming pool installation it will require an electrical or plumbing permit.
(4) If pool is being installed inside or on top of a building – engineering drawings are required.

1. ✓ Completed permit application
2. ✓ Two (2) copies of a site plan to include:
   - ✓ Drawn to scale and dimensioned (*minimum scale* ⅛" = 1')
   - ✓ North arrow
   - ✓ All property lines
   - ✓ Swimming pool specifications
   - ✓ Footprint of all structures (outline) showing placement on the property and front, side and rear yard setbacks
   - ✓ Footprint of the swimming pool and location of filter and pump, pool heater and other accessory equipment
   - ✓ Location of all easements, platted building lines
   - ✓ Location of fence, wall or other barrier enclosing the swimming pool
   - ✓ Description of alarm system to be installed on all doors and gates into the swimming pool enclosure (may be a copy of a system "cut sheet") or alternative of self-closing, self-latching doors and gates, as required by of the Dallas Building Code

I, Steve Lakin (Please Print) have read the above information and acknowledge that all required documents have been provided.

Signature Steve C. Lakin Date Feb 15, 2022

Building Inspection Department 320 E. Jefferson Blvd.Dallas, TX 75203 Telephone 214-948-4480

Staff cannot accept incomplete or illegible documents

Revised 10-16-07 by drc

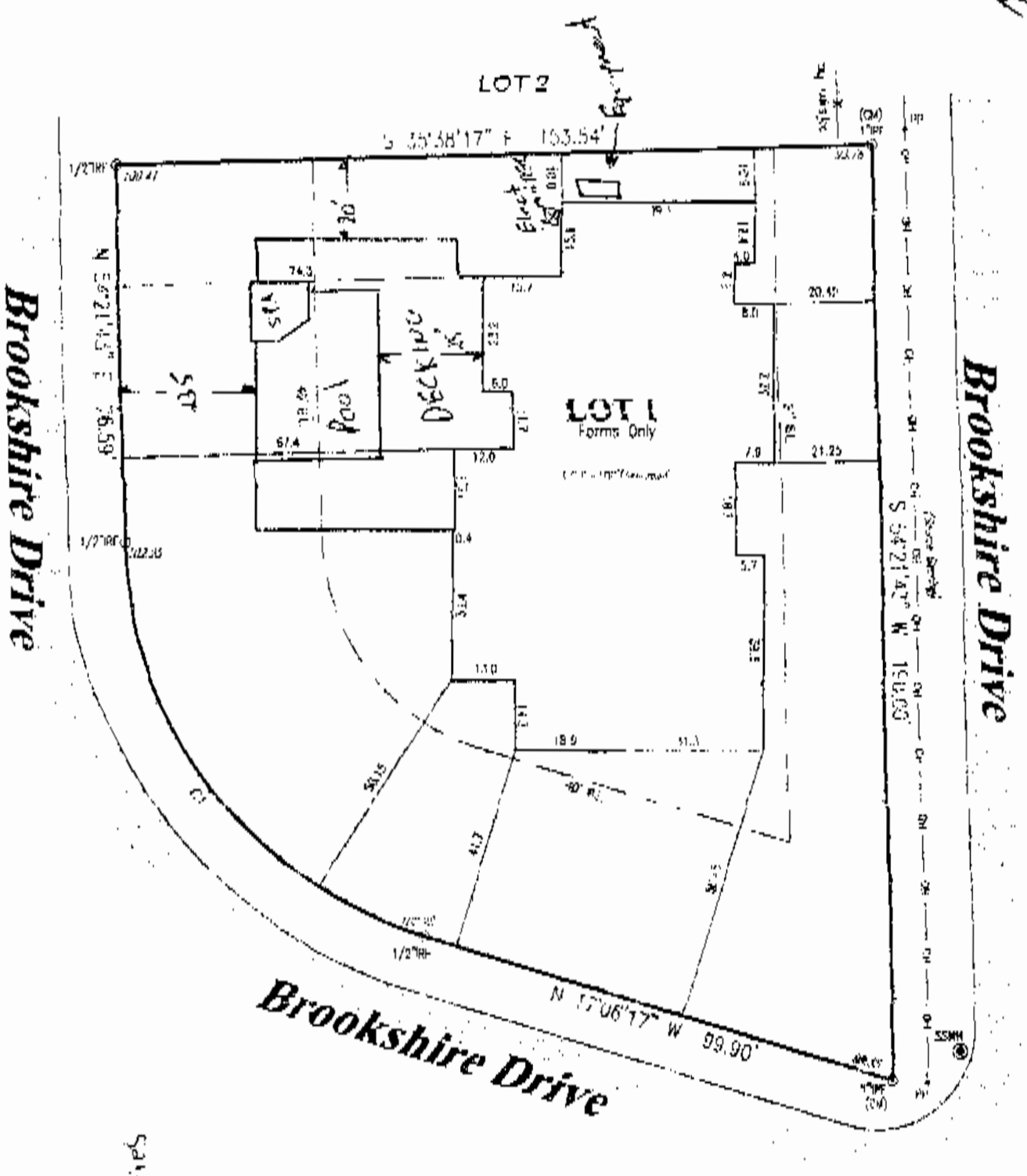
PROPERTY DESCRIPTION

Address: 7217 Brookshire Drive, Being Lot 1, In Block B/6585, of Hillcrest Havens Addition Second Installment, an Addition to the City of Dallas, Dallas County, Texas, according to the Map/Plat thereof recorded in Volume 25, Page 43, of the Map Records, of Dallas County, Texas.

Roome
Land Surveying
2000 Avenue G, Suite 810
Plano, Texas 75074
Phone (972) 423-4372 / Fax (972) 423-7523
www.roomesurveying.com / Firm No. 10013200

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	86.13'	107.48'	100.64'	N 18°35'41" E	71°29'54"

SCALE: 1" = 30'



LEGEND

New House
No Building Utilities

SUBJECT TO FIELD INSPECTORS APPROVAL

THESE PLANS HAVE BEEN REVIEWED BY THE BUILDING INSPECTION DIVISION AND ARE APPROVED FOR THE START OF CONSTRUCTION FROM THESE PLANS SHALL BE APPROVED BY THE BUILDING OFFICIAL.
ZC DATE 3 22 BY
SU DATE 3 22 BY
THIS APPROVAL DOES NOT PERMIT THE VIOLATION OF ANY CITY ORDINANCE OR STATE LAW.

NOTES: (1) Source bearing is based on recorded plat unless otherwise noted. (2) (CM) = Controlling monument. (3) Surveyor's signature will appear in red ink on original copies. (4) Drainage arrows, if shown, were determined by elevations shown hereon. (5) Subject property is affected by any & all notes, details, easements & other matters, that are shown on or as part of the recorded plat. (6) Survey performed without a title commitment. There may be easements, or other matters, not shown.

CERTIFICATION

On the basis of my knowledge, information & belief, I certify to Nouvel Construction, LLC. that as a result of a survey made on the ground to the normal standard of care of Registered Professional Land Surveyors practicing in the State of Texas, I find the plat hereon is true, correct & accurate as to the boundaries of the subject property & if shown, location & type of buildings & visible improvements hereon.

STATE OF TEXAS REGISTERED MICHAEL CUZZO 5693 PROFESSIONAL LAND SURVEYOR

Date: 7/23/2021 Revised: _____ Job No. ES678993

CUSTOM DESIGNED FOR
Kofoed Family Pool
7217 Brookshire Drive
Dallas, TX

SUBJECT TO FIELD INSPECTORS APPROVAL

DEEP BLUE CUSTOM POOLS

25' 10"
23' 0"
21' 6"
6' 0"
22' 6"
16' 0"
6'
33' 0"
3'6"
5' 0"
9' 6"
25' 0"
19' 0"
46' 4"
44' 0"
13' 6"
25' 0"
25' 0"

sun room

covered porch

Pool Equipment
60 sqft DE filter
Polaris cleaner
400K natural gas heater
VS 2.70 Hp pump
Jandy computer w/WIFI

Proposed By
STEVE LAKIN
Drawing A
Last Revised: 2/15/2022

THESE PLANS HAVE BEEN REVIEWED BY THE BUILDING INSPECTION DIVISION AND ARE APPROVED FOR THE START OF CONSTRUCTION. ANY DEVIATION FROM THESE PLANS SHALL BE APPROVED BY THE BUILDING OFFICIAL.
ZO DATE 3/8/22 BY 77
BU DATE ____ BY ____
THIS APPROVAL DOES NOT PERMIT THE VIOLATION OF ANY CITY ORDINANCE OR STATE LAW.

Equipment

Permit # 2203031044

City of Dallas

Issue Date: 03/11/2022

Sustainable Contruction and Development | Building Inspection Division | 214/948-4480 | www.dallascityhall.com

Address:	**7217 BROOKSHIRE DR 75230**
Land Use Description:	SINGLE FAMILY DWELLING
Work Description:	INSTALL SWIMMING POOL
Value Of Work:	$0.00

Owner Or Tenant:	PETER & KRISTIE KOFED 7122 BROOKSHIRE CIR , DALLAS TEXAS 752304202 UNITED STATES OF AMERICA
Applicant:	STEVE LAKIN
Contractor:	DEEP BLUE CUSTOM POOLS
Business Address:	400 DONLEY COURT, SOUTHLAKE, TX 76092
Telephone:	817/874-9676 Fax:

Lot:	1	Block:	6/6586	Zoning:	R-16(A)	PDD:		SUP:	
Historic Dist:		Consv Dist:		Pro Park:		Req Park:		Park Agrmt:	N
Dwlg Units:		Stories:		New Area:		Lot Area:	24419	Total Area:	528
Type Const:	VB	Sprinkler:	None	Occ Code:	R3	Occ Load:			

Inches Of Removed Trees:

ALL WORK SUBJECT TO FIELD INSPECTOR APPROVAL

This document is issued on the basis of information furnished in the application and is subject to the provisions of all governing ordinances, which must be complied with, whether or not herein specified.

THIS DOCUMENT SHALL BE POSTED AT WORK SITE AND IS SUBJECT TO CANCELLATION UPON NOTICE.

EXC - 001

City of Dallas

Contractor's Authorization

Trade Type: Swimming Pool

Sustainable Development and Construction | Building Inspection Division | www.dallascityhall.com

District Office NE

Validation #:	**2203031044161**
Address:	**7217 BROOKSHIRE DR 75230**
Issue Date:	03/11/2022
Land Use Description:	SINGLE FAMILY DWELLING
Work Description:	1108-INSTALL SWIMMING POOL

Authorized Date:	03/03/2022
Owner Or Tenant:	PETER & KRISTIE KOFED 7122 BROOKSHIRE CIR , DALLAS TEXAS 752304202 UNITED STATES OF AMERICA
Applicant:	STEVE LAKIN
Contractor:	DEEP BLUE CUSTOM POOLS
Business Address:	400 DONLEY COURT,
Telephone:	817/874-9676 Fax:

Lot:	1	Block:	6/6586	Zoning:	R-16(A)	PDD:		SUP:	
Historic Dist:		Consv Dist:		Pro Park:		Req Park:		Park Agrmt:	N
Dwlg Units:		Stories:		New Area:		Lot Area:	24419	Total Area:	528
Type Const:	VB	Sprinkler:	None	Occ Code:	R3	Occ Load:			

For inspections call 214/670-5313, 24 hours. You will need your validation number 2203031044161 and one of the inspection types from the list below.

140 Pre-Water / Final

Your inspector is: Kevin Reid at (214) 670-7291

Note: 7 AM cut-off for same day inspections!! Reinspection fees will be charged if the work is not ready or property is inaccessible. For partial inspection of area or additional assistance, call (214) 670-7278 from 8 AM to 4:30 PM Monday through Friday.

Contractor's Authorization

City of Dallas

Trade Type: Electrical

Sustainable Development and Construction | Building Inspection Division | www.dallascityhall.com

District Office NE

Validation #:	**2203031044301**
Address:	**7217 BROOKSHIRE DR 75230**
Issue Date:	03/11/2022
Land Use Description:	SINGLE FAMILY DWELLING
Work Description:	3005-WIRE SWIMMING POOL

Authorized Date:	03/18/2022
Owner Or Tenant:	PETER & KRISTIE KOFED 7122 BROOKSHIRE CIR , DALLAS TEXAS 752304202 UNITED STATES OF AMERICA
Applicant:	STEVE LAKIN
Contractor:	AQUA GROUP ELECTRIC
Business Address:	2802,
Telephone:	817/416-8577 Fax: 866/910-3703

Lot:	1	Block:	6/6586	Zoning:	R-16(A)	PDD:	SUP:
Historic Dist:		Consv Dist:		Pro Park:		Req Park:	Park Agrmt: N
Dwlg Units:		Stories:		New Area:		Lot Area: 24419	Total Area: 528
Type Const:	VB	Sprinkler:	None	Occ Code:	R3	Occ Load:	

For inspections call 214/670-5313, 24 hours. You will need your validation number 2203031044301 and one of the inspection types from the list below.

305 Structural Pool Shell	310 Electrical Service	311 Landscape Lighting (Underground)
312 Pool Bonding	314 T-Pole	320 Rough below floor level
321 Rough Walls	322 Rough Ceiling	323 (UFER) Concrete Encase Electrode
330 Rough all above floor level	340 Final	

Your inspector is: Mike Anguiano at (214) 670-7286

Note: 7 AM cut-off for same day inspections!! Reinspection fees will be charged if the work is not ready or property is inaccessible. For partial inspection of area or additional assistance, call (214) 670-7278 from 8 AM to 4:30 PM Monday through Friday.

Contractor's Authorization

City of Dallas

Trade Type: Plumbing

Sustainable Development and Construction | Building Inspection Division | www.dallascityhall.com

District Office NE

Validation #:	**2203031044201**
Address:	**7217 BROOKSHIRE DR 75230**
Issue Date:	03/11/2022
Land Use Description:	SINGLE FAMILY DWELLING
Work Description:	2003-GAS RELAY OR REPAIR WITH TEST

Authorized Date:	06/29/2022
Owner Or Tenant:	PETER & KRISTIE KOFED 7122 BROOKSHIRE CIR , DALLAS TEXAS 752304202 UNITED STATES OF AMERICA
Applicant:	STEVE LAKIN
Contractor:	AQUA GROUP ELECTRIC
Business Address:	2802,
Telephone:	817/416-8577 Fax: 866/910-3703

Lot:	1	Block:	6/6586	Zoning:	R-16(A)	PDD:	SUP:
Historic Dist:		Consv Dist:		Pro Park:		Req Park:	Park Agrmt: N
Dwlg Units:		Stories:		New Area:		Lot Area: 24419	Total Area: 528
Type Const:	VB	Sprinkler:	None	Occ Code:	R3	Occ Load:	

For inspections call 214/670-5313, 24 hours. You will need your validation number 2203031044201 and one of the inspection types from the list below.

210 Utility service sewer-water-gas	212 Swimming Pool (Plumbing)	220 Rough below floor level, DWV, water, etc.
230 Rough above floor level, top out, shower pan	231 Temporary Heat	240 Final

Your inspector is: Crit Fowler at (214) 670-7296

Note: 7 AM cut-off for same day inspections!! Reinspection fees will be charged if the work is not ready or property is inaccessible. For partial inspection of area or additional assistance, call (214) 670-7278 from 8 AM to 4:30 PM Monday through Friday.

C

Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APR 0 6 RECD

BY:

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-053

Data Relative to Subject Property: Date: 4/6/23

Location address: 7227 Brookshire Drive Zoning District: R-1ac(A)

Lot No.: 1 Block No.: C/6586 Acreage: .56 Census Tract:

Street Frontage (in Feet): 1) 190 2) 284 3) 4) 5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Peter Kofoed, Kristie Kofoed

Applicant: Steve Lakin Telephone: 817 874-9676

Mailing Address: 400 Donley CT Southlake, TX Zip Code: 76092

E-mail Address: SteveLakin@AOL.com

Represented by: Steve Lakin Telephone: 817 874-9676

Mailing Address: 400 DonleyCt Southlake, TX Zip Code: 76092

E-mail Address: SteveLakin@AOL.com

Affirm that an appeal has been made for a Variance _, or Special Exception X of 6FT wood Cedar Fence on Back Side of house 10' off Brookshire Circle due to Pool and Pool Safety, Requesting 2ft Special Exception

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:

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 Steve Lakin

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

MARIA ISABEL PRADO
Notary Public, State of Texas
Notary ID#: 1093414-4
My Commission Expires 01-30-2026

Subscribed and sworn to before me this 6th day of April 2023 MP

Maria Isabel Prado
Notary Public in and for Dallas County, Texas

3

REV 01.16.2023

Ex. D - 001

C

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 STEVE LAKIN

did submit a request for a special exception to the fence height regulations

at 7217 Brookshire

BDA223-053. Application of STEVE LAKIN for a special exception to the fence height regulations at 7217 BROOKSHIRE CIRCLE. This property is more fully described as Block 6/6586, Lot 1, and is zoned R-16(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 6 foot high fence in a required front yard, which will require a 2 foot special exception to the fence regulations.

Sincerely,

Andrew Espinoza, CBO, MCP, CFM, CCEA

C

CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 223-053

I, Kirstie S. Kofoed, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 7217 Brookshire Drive, Dallas TX 75230
(Address of property as stated on application)

Authorize: Steve Lakin
(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: Install 6ft wood fence on backyard, Side yard & front yard

Kirstie S. Kofoed
Print name of property owner or registered agent

Kirstie S. Kofoed
Signature of property owner or registered agent

Date 4/6/23

Before me, the undersigned, on this day personally appeared Kirstie S. Kofoed

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 6th day of April, 2023

NOTARY PUBLIC STATE OF TEXAS
JOYCE SANDERSON
Notary ID # 123945927
My Commission Expires
August 3, 2025

Commission expires on Aug. 3, 2025

13

C

CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 223-053

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

at: 7217 BROOKSHIRE DR DALLAS, TX 75230
(Address of property as stated on application)

Authorize: STEVE LAKIN
(Applicant's name as stated on application)

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

_____Variance (specify below)

_X_Special Exception (specify below)

_____Other Appeal (specify below)

Specify: INSTALL 6' WOOD FENCE ON PROPERTY BACK YARD, SIDE YARD, & FRONT YARD

PETER KOFOED
Print name of property owner or registered agent

Peter Kofoed
Signature of property owner or registered agent

Date 4/6/23

Before me, the undersigned, on this day personally appeared Peter Kofoed

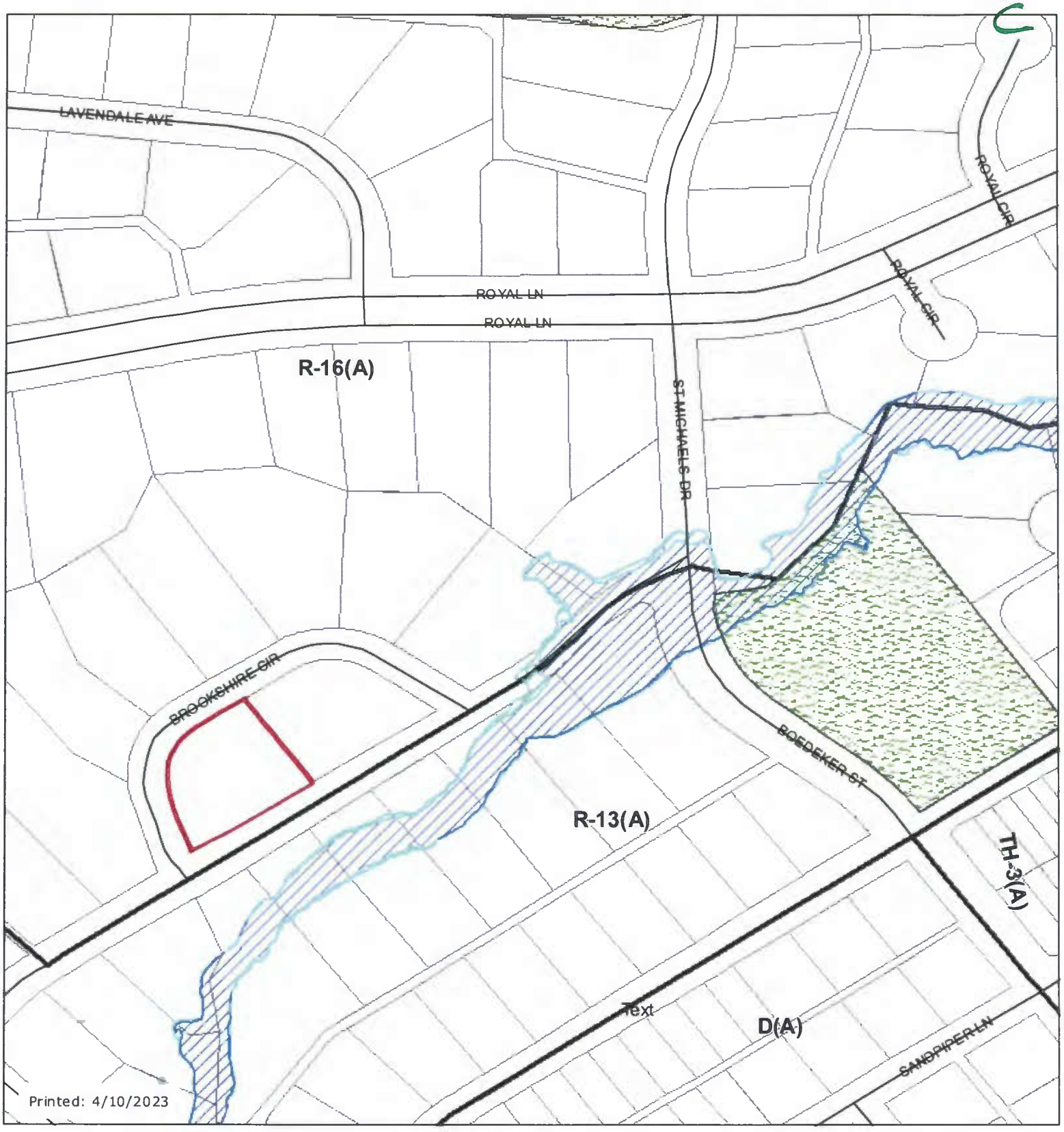
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 6th day of April, 2023

NOTARY PUBLIC STATE OF TEXAS
JOYCE SANDERSON
Notary ID # 123945927
My Commission Expires
August 3, 2025

Commission expires on Aug 3, 2025

13



City Limits
Floodplain
0.2 Pct Annual Flood Hazard
1 Pct Annual Chance Flood Hazard
Parks
Certified Parcels
Base Zoning

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)

N

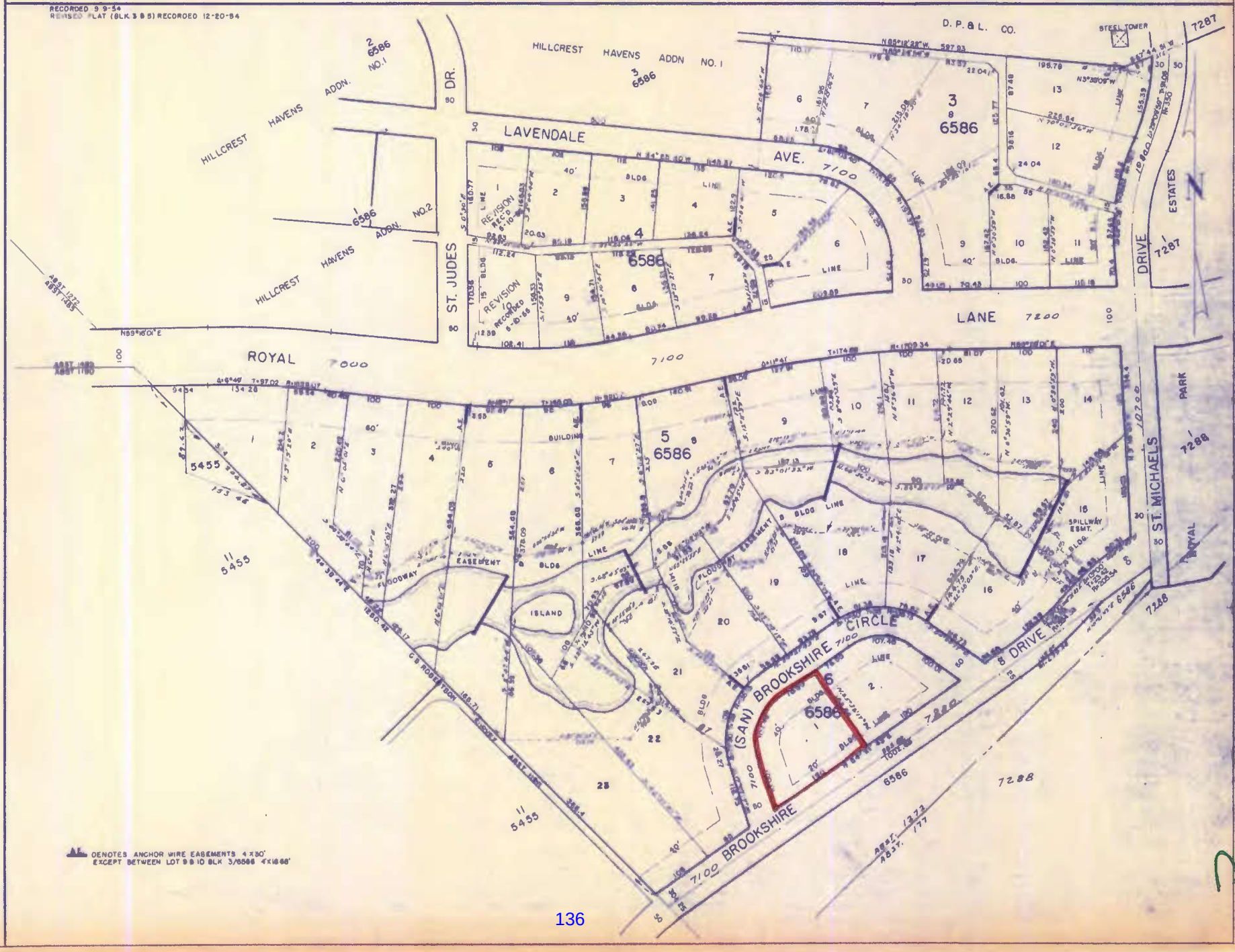
Ex. D - 005

1:2,400

CITY OF DALLAS PLAT BOOKS

ANNEXED MARCH 3 1953 ORD. NO. 5726
SURVEY M.J. SANCHEZ ABST. 1272
ADDITION HILLCREST HAVENS NO.2
SCALE 100 FT. EQUALS 1 INCH
3-4-5-6
BLOCKS 6586
SCHOOL DIST. DALLAS

RECORDED 9-9-54
REVISED PLAT (BLK 3 & 5) RECORDED 12-20-54

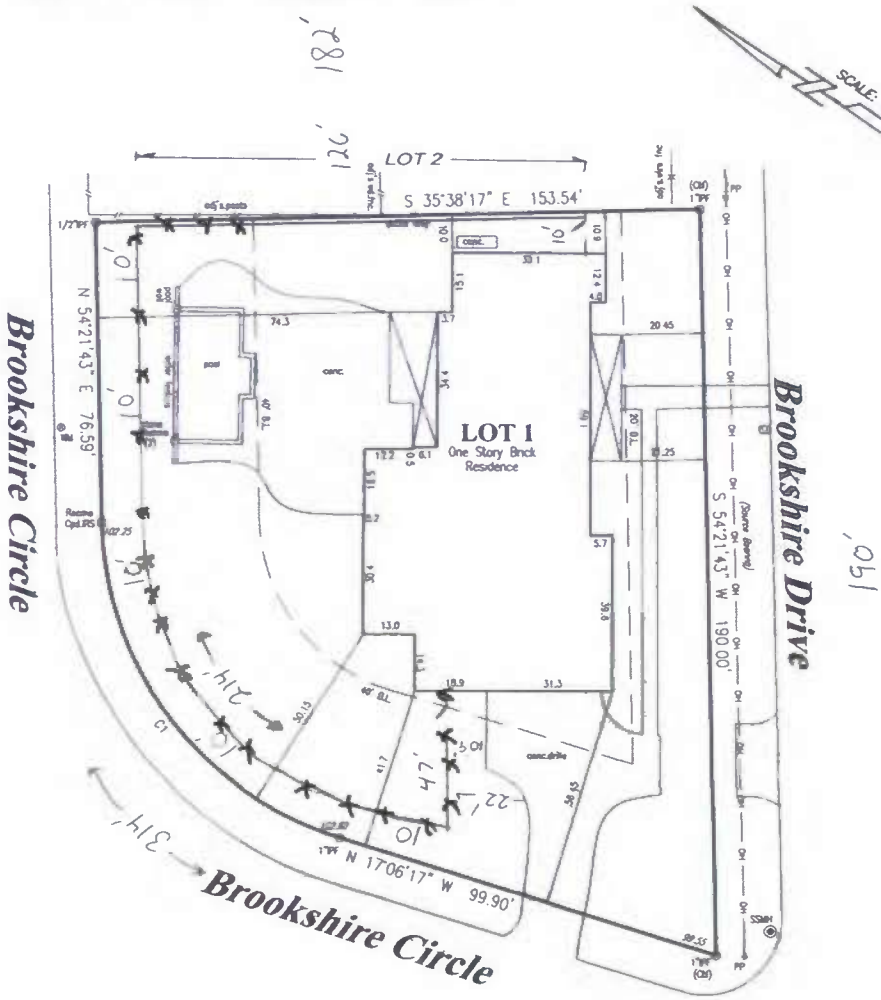


Ex. D - 006

PROPERTY DESCRIPTION
Address: 7217(7127 per Dallas Central Appraisal) Brookshire Circle, Being Lot 1, in Block 6/6586, of Hillcrest Havens Addition Second Installment, an Addition to the City of Dallas, Dallas County, Texas, according to the Map/Plat thereof recorded in Volume 25, Page 43, of the Map Records, of Dallas County, Texas

Roome
Land Surveying
2000 Avenue G, Suite 810
Plano, Texas 75074
Phone (972) 423-4372 / Fax (972) 423-7523
www.roomesurveying.com / Firm No. 10013100

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	86.13'	107.48'	100.64'	N 18°35'41" E	71°29'54"



Side Fence 126'
Back yard Fence 214'
Left Front 47' w/Gate
Right Front 10' w/Gate
X- FENCE LOCATION

NOTES: (1) Source bearing is based on recorded plat unless otherwise noted (2) (CM) = Controlling monument (3) Surveyor's signature will appear in red ink on original copies. (4) No part of the subject property lies within a Special Flood Hazard Area inundated by 100-year flood per Map Number 48113C 0195K of the F.E.M.A Flood Insurance Rate Maps for Dallas County, Texas & Incorporated Area dated July 7, 2014 (Zone X) This statement does not imply that the property and/or structures will be free from flooding or flood damage On occasion, greater floods can & will occur & flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor (5) Final grade assumed finished floor elevations are at the brick ledge. (6) Drainage arrows, if shown, were determined by elevations shown hereon (7) Subject property is affected by any & all notes, details, easements & other matters, that are shown on or as part of the recorded plat. (8) Survey performed without a title commitment There may be easements, or other matters, not shown.

CERTIFICATION
On the basis of my knowledge, information & belief, I certify to **Kirstie Kofoed** that as a result of a survey made on the ground to the normal standard of care of Registered Professional Land Surveyors practicing in the State of Texas, I find the plat hereon is true, correct & accurate as to the boundaries of the subject property & if shown, location & type of buildings & visible improvements hereon

Date 4/4/2023 Revised _____ Job No. ES705877
Title commitment/Survey Request File No _____ _____

STATE OF TEXAS
REGISTERED
MICHAEL CUZZO
5693
PROFESSIONAL
LAND SURVEYOR

R:\ES\2023\2AES705877.dwg SAM

Ex. D - 007
BDA 223-053

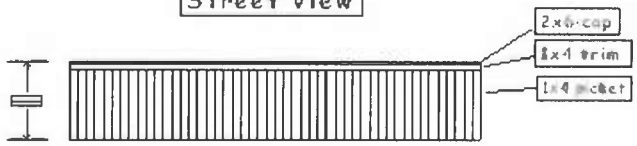
CUSTOM DESIGNED FOR

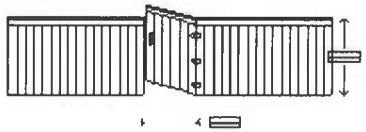
Kotead Fence design

Fence
Wood side by side pickets
6ft high

*NO OPENINGS
Solal Fence

Street View





Gate sections
4ft wide/ 6ft high

galvanized
2" poles

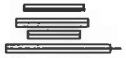
inside yard view



2x4 horizantal boards

2x6 kickboard

1/8 inch : 1 foot



BDA223-053

City of Dallas

July 19, 2023

Steve Lakin
400 Donley Ct
Southlake, TX 76092
stevelakin@aol.com

Re: BDA223-053(GB), Property at 7217 Brookshire Dr.

Dear Mr. Lakin.

The Board of Adjustment Panel C, at its public hearing held on Monday, July 17, 2023, moved to **DENIED** the special exception requested by this applicant to construct and/or maintain a 6-foot-high fence without prejudice, because our evaluation of the property and the testimony shows that granting the application would adversely affect neighboring property.

A denial without prejudice allows for you to resubmit the request to the same panel for consideration as a new application. You may also elect to contact the district court for the county to pursue an appeal of the board's decision within 10 days of the meeting where the decision was reached.

Should you have any further questions regarding the Board's action, please contact me at (214) 948-4476 or Giahanna.bridges@dallas.gov.

Respectfully,

Giahanna Bridges, Senior Planner
Board of Adjustment
Development Services Department

c: Code Enforcement, 3112 Canton, Room 100
Diana Barkume, Development Services, 320 E. Jefferson #210

C

Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

BY:

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-053

Data Relative to Subject Property: Date: 4/6/23

Location address: 7217 Brookshire Drive Zoning District: R-1ac(A)

Lot No.: 1 Block No.: C/6586 Acreage: .56 Census Tract:

Street Frontage (in Feet): 1) 190 2) 284 3) 4) 5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Peter Kofoed, Kristie Kofoed

Applicant: Steve Lakin Telephone: 817 874-9676

Mailing Address: 400 Dowley CT Southlake, TX Zip Code: 76092

E-mail Address: SteveLakin@AOL.com

Represented by: Steve Lakin Telephone: 817 874-9676

Mailing Address: 400 Dowley Ct Southlake, TX Zip Code: 76092

E-mail Address: SteveLakin@AOL.com

Affirm that an appeal has been made for a Variance _, or Special Exception X of 6FT wood Cedar Fence on Back & Side of house 10' off Brookshire Circle due to Pool and Pool Safety, Requesting 2ft Special Exception

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:

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 Steve Lakin

Before me the undersigned on this day personally appeared Steve Lakin

(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: Steve Lakin

(Affiant/Applicant's signature)

MARIA ISABEL PRADO
Notary Public, State of Texas
Notary ID#: 1093414-4
My Commission Expires 01-30-2026

Subscribed and sworn to before me this 6th day of April 2023 mp.

Maria Isabel Prado

Notary Public in and for Dallas County, Texas

3

REV 01.16.2023

Ex. E - 002

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing 4/22/2023

Appeal was--Granted OR Denied

Remarks Hold July 17th 2023

7/17/2023

Denied without prejudice

Chairman

Building Official's Report

I hereby certify that STEVE LAKIN

did submit a request for a special exception to the fence height regulations

at 7217 Brookshire

BDA223-053. Application of STEVE LAKIN for a special exception to the fence height regulations at 7217 BROOKSHIRE CIRCLE. This property is more fully described as Block 6/6586, Lot 1, and is zoned R-16(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 6 foot high fence in a required front yard, which will require a 2 foot special exception to the fence regulations.

BOARD OF ADJUSTMENT DECISION FILED
IN THE OFFICE OF THE BOARD OF ADJUSTMENT
THIS THE 22nd DAY OF
July, 20 23.

ADMINISTRATOR

Sincerely,

Andrew Espinoza, CBO, MCP, CFM, CCEA

Certificate of Completion

Permit: 2103101081

SINGLE FAMILY DWELLING

7217 BROOKSHIRE DR

Builder: LAKIN ENTERPRISES

Andrew Espinoza, CBO, MCP, CFM, CCEA

07/20/2023

This structure has been inspected for compliance with the City of Dallas construction and zoning codes and ordinances and is found to be in compliance.



Dallas
Serving you!

Master Permit - 2203031044

Details | Trades | Documents | Zoning Info

Property

Street Address

View 7217 BROOKSHIRE DR

Status: Work Completed

Application Date: Mar 3, 2022
Issue Date: Mar 11, 2022
Completed Date: Aug 18, 2023

Applicant

STEVE LAKIN

Contractor

DEEP BLUE CUSTOM POOLS
400 DONLEY COURT
SOUTHLAKE, TX 76092
(817) 874-9676

Owner Category: PRIVATE
Work Description: 1108-INSTALL SWIMMING POOL
Land Use Description: SINGLE FAMILY DWELLING

Fee Web Contractor:

Project

Doing business as:
Activity: (B) Renovation
Occupancy: R3
Constr. Type: VB

Selling Alcohol: ☐
Dance Floor: ☐

Dwelling Units:
Stories:
Bedrooms:
Bathrooms:
Sprinkler: None
Required Parking:
Proposed Parking:

	Sq Ft		Cost
New:		New:	
Remodel:	528	Remodel:	$0.00
Total:	528	Job Value:	$0.00

CA Not Required: ☐ Subdivision not Required: ☐

Sustainable Construction and Development | Building Inspection Division | 214/948-4480|www.dallascityhall.com

Main Menu

DocuSign Envelope ID: 56DC8BE5-8D12-49AF-B7CD-FE5B3DF27C9C



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 234-018

RECEIVED
FOR OFFICE USE ONLY
BY:

Data Relative to Subject Property: Appeal in error Date: 12/18/23

Location address: 7217 Brookshire Drive, Dallas, Texas Zoning District: R-1ac(A)

Lot No.: 1 Block No.: 6/6586 Acreage: .56 24419 Census Tract:

Street Frontage (in Feet): 1) 190 2) 284 3) 4) 5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Peter Kofoed

Applicant: Peter Kofoed Telephone:

Mailing Address: 7217 Brookshire Drive, Dallas, Texas Zip Code: 75230

E-mail Address: p.k.kofoed@gmail.com

Represented by: Melissa A. Miles Telephone: 972.788.1400

Mailing Address: 17304 Preston Road, Ste.300, Dallas, Texas Zip Code: 75252

E-mail Address: mmiles@fflawoffice.com

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

as Below

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:

Appeal the decision of the building official that permit number 2203031044 was incorrectly issued and invalid as stated in the attached letter.

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 peter kofoed

(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: DocuSigned by: peter kofoed 43A04EA8DDE6445...

(Affiant/Applicant's signature)

Subscribed and sworn to before me this 15 day of December, 2023

JEFFREY THOMAS O'DELL
My Notary ID # 11298457
Expires December 20, 2026

Docusigned by:

NOTARY PUBLIC


CITY OF DALLAS PLAT BOOKS
ANNEXED MARCH 7 1953 ORD NO 5726
SURVEY M J SANCHEZ ABST 1272
ADDITION HILLCREST HAVENS NO 2
SCALE 100 FT. EQUALS 1 INCH
BLOCKS 6586
SCHOOL DIST DALLAS
HILLCREST HAVENS ADDN NO 1
HILLCREST HAVENS ADDN.
LAVENDALE AVE 7100
ROYAL 7000
LANE 7200
ST. JUDES DR
ST. MICHAELS DRIVE
ESTATES DRIVE
PARK
BROOKSHIRE CIRCLE
(SAN) BROOKSHIRE
7100 BROOKSHIRE
ISLAND
D P & L CO
STEEL TOWER
5455
6586
7287
7288

OPTION 1

35' SETBACK REQUIRED BY ZONING

VARIANCES TO FRONT YARD SETBACK THRU BDA

RE-PLATTED BUILD LINE

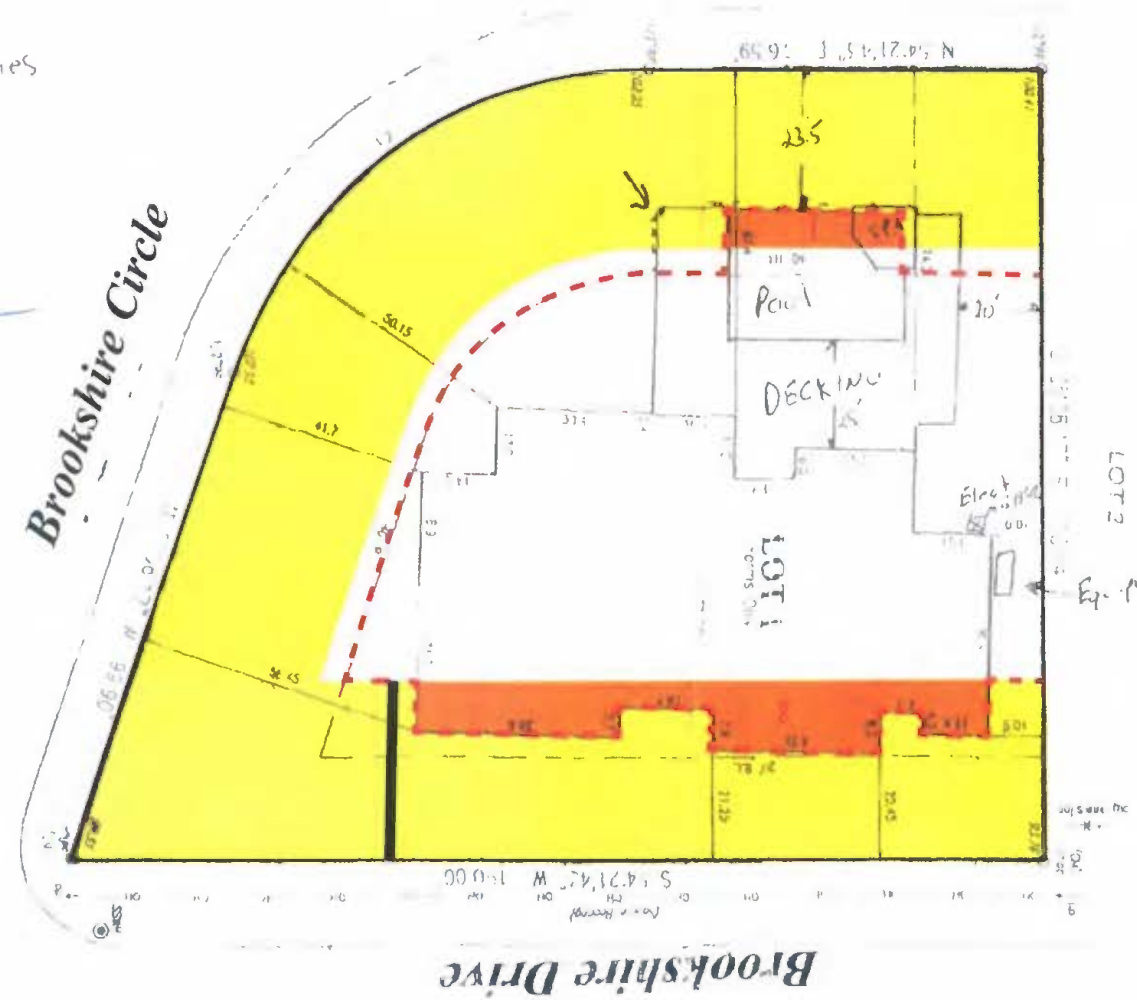
New House
- No underground utilities

SUBJECT TO FIELD INSPECTORS APPROVAL

THESE PLANS HAVE BEEN REVIEWED BY THE BUILDING INSPECTION DIVISION AND ARE APPROVED FOR THE START OF CONSTRUCTION. ANY DEVIATION FROM THESE PLANS SHALL BE APPROVED BY THE BUILDING OFFICIAL.

ZO DATE 3/3/23 BY

IT IS APPROVAL DOES NOT PERMIT THE VIOLATION OF ANY CITY ORDINANCE OR STATE LAW



SCALE 1" = 30'

Ex. H - 003

November 27, 2023

Mr. Peter & Mrs. Kristie Kofed
7217 Brookshire Dr.
Dallas, TX 75230
Certified Mail: 7013 3020 0001 1419 2187

RE: Permit # 2203031044

This letter serves as official notification that permit 2203031044, for the installation of a pool located within the required front yard setback at 7217 Brookshire Drive, Dallas, Texas 75230, was incorrectly issued by the Development Services Department (DSD) and is invalid.

Applicable Code References:

51A-4.217(b)(iii) – Accessory Uses.

(iii) No private swimming pool may be constructed in the required front yard…

51A-4.400(a)(3) & (5) – Yard, Lot, and Space Regulations.

(3) If a building line that is established by ordinance requires a greater or lesser front yard than prescribed by this section, the building line established by ordinance determines the minimum required front yard.

(5) If a lot runs from one street to another and has double frontage, a required front yard must be provided on both streets…

Next Steps:

Please reach out to Development Services to discuss any of the following options:

- **Option 1 – Board of Adjustment Requests & "Wrap-Around" Building Line thru Re-Plat** (illustration attached)**:** The property owner can request variances for the portions of the pool along Brookshire Circle, and the house along Brookshire Drive, located within the 35' front yard setback established by zoning. If these are granted, a re-plat can be undertaken to adjust the building lines to "wrap-around" the approved variances, ensuring future structures (beyond fences or light poles) won't be built between the building line and the street.

- **Option 2 – Board of Adjustment Request & Build Line Removal thru Re-Plat:** (illustration attached) The owner can request a variance for the portion of the house along Brookshire Drive located within the required front yard setback per zoning. If granted, re-plat, remove all build lines, and establish a barrier easement along Brookshire Circle to allow for the pool as well as other structures to be treated as if in a rear yard as listed in 51A-4.401(a)(5).

- **Option 3 – Board of Adjustment Administrative Official Appeal:** The Board of Adjustment is charged with the duty to hear and decide appeals from decisions of administrative officials made in the enforcement of the zoning ordinance of the city as listed in 51A-3.102(d)(1) & 51A-4.703(a)(2).

- **Addition Options/Considerations:**
  - Board of Adjustment Requests for fencing – height, material, and/or opacity
  - Installation of landscape buffers (may not be located within visibility triangles if over 2' in height)

- **Option 4 – Relocation**: The owner can remove or relocate the pool so that it no longer encroaches over the 40' building line.

Please note, these options are provided as a means toward potential compliance and are not intended to constitute legal advice. Permit documentation, application details, and illustrations are attached as reference. Please do not hesitate to reach out to Jason Pool, Development Services Administrator, should you have any questions or require additional information.

Should the property owner choose not to take any of the above actions, this matter will be referred to the City's Department of Code Compliance for enforcement.

This decision is final unless appealed to the Board of Adjustment in accordance with Section 51A-4.703(a)(2) of the Dallas City Code within 15 days after written notice of the above action.

Thank you for your prompt attention to this matter.



Jason Pool
Development Services Administrator
Land Development Division
214-948-4392
Jason.Pool@Dallas.gov

c: Andres Espinoza, Director/Chief Building Official
M. Samuell Eskander, Assistant Director
Vernon Young, Assistant Director
Donald Dixon, Assistant Director
Michael Herron, Zoning Inspections Supervisor
Jill Haning, Assistant City Attorney
Christopher Christian, Director
Jeremy Reed, Assistant Director
Alfred Beecham, Manager
Stormy Gonzalez, Manager
Charlotta Riley, Assistant City Attorney

OPTION 1

35' SETBACK REQUIRED BY ZONING

1/2 VARIANCES TO FRONT YARD SETBACK THRU BDA

RE-PLATTED BUILD LINE

New House
• NO UNDERGROUND UTILITIES

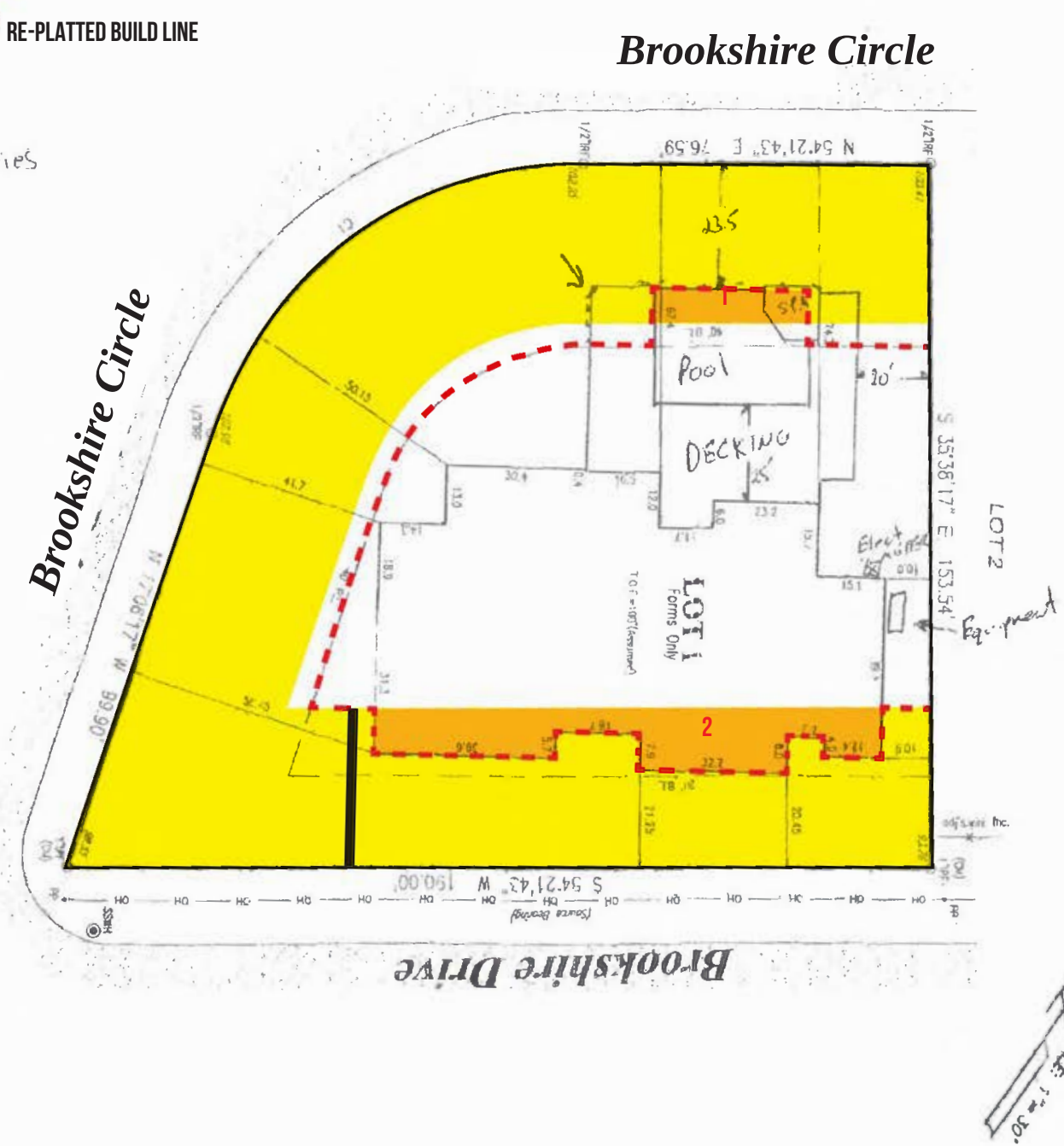
SUBJECT TO FIELD INSPECTORS APPROVAL

THESE PLANS HAVE BEEN REVIEWED BY THE BUILDING INSPECTION DIVISION AND ARE APPROVED FOR THE START OF CONSTRUCTION. ANY DEVIATION FROM THESE PLANS SHALL BE APPROVED BY THE BUILDING OFFICIAL.

ZO DATE 3/3/22 BY 77

BU DATE 3/3/22 BY

THIS APPROVAL DOES NOT PERMIT THE VIOLATION OF ANY CITY ORDINANCE OR STATE LAW.



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	86.13'	107.48'	100.64'	N 18°35'41" E	71°29'54"

OPTION 2

35' SETBACK REQUIRED BY ZONING

VARIANCE TO FRONT YARD SETBACK THRU BDA

RE-PLAT TO ESTABLISH BARRIER EASEMENT TO PREVENT ACCESS & REMOVE BUILD LINES

New House
- No underground utilities

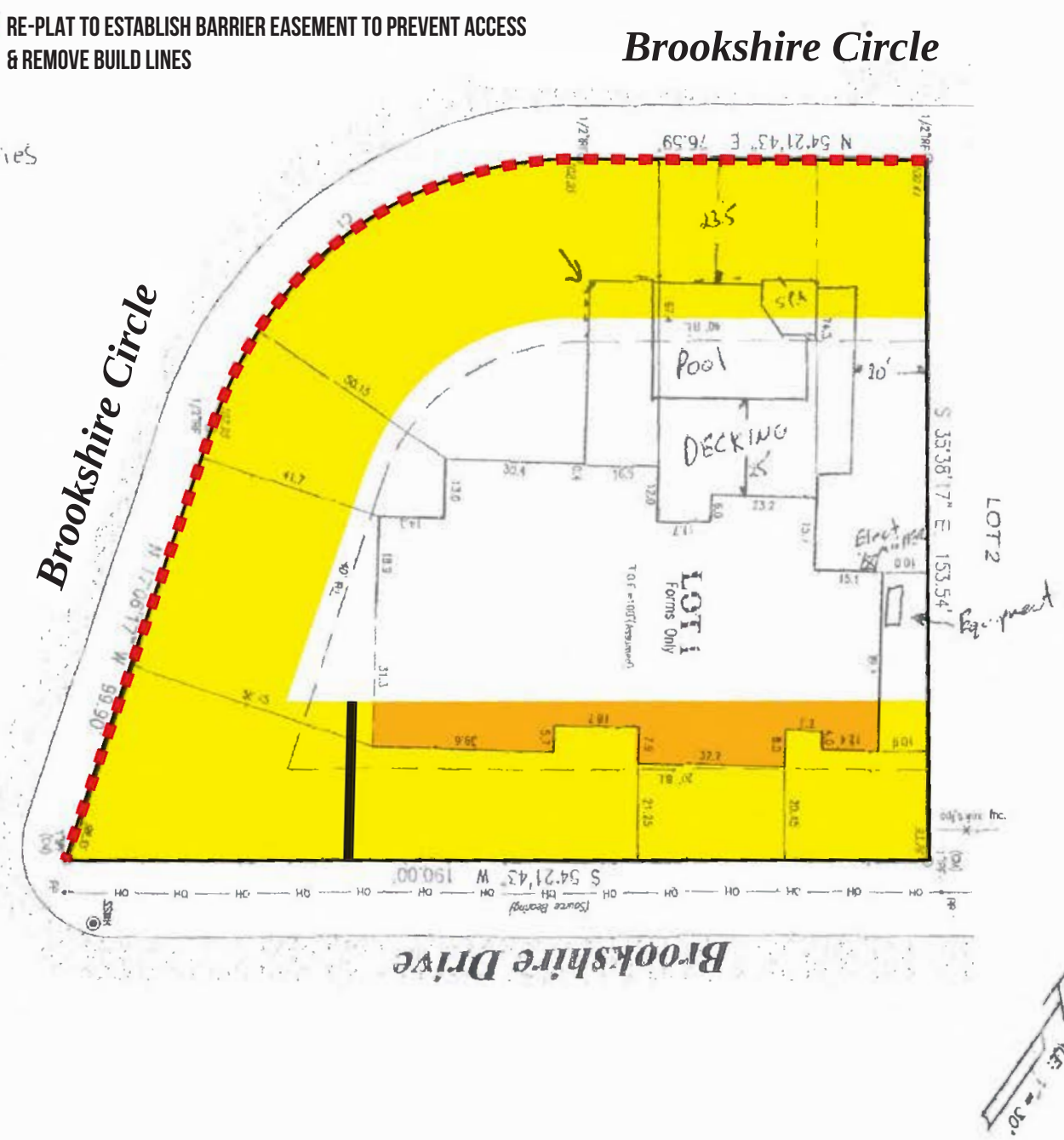
SUBJECT TO FIELD INSPECTORS APPROVAL

THESE PLANS HAVE BEEN REVIEWED BY THE BUILDING INSPECTION DIVISION AND ARE APPROVED FOR THE START OF CONSTRUCTION. ANY DEVIATION FROM THESE PLANS SHALL BE APPROVED BY THE BUILDING OFFICIAL.

ZO DATE 3/3/22 BY 77

BU DATE 3/3/22 BY

THIS APPROVAL DOES NOT PERMIT THE VIOLATION OF ANY CITY ORDINANCE OR STATE LAW.



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	86.13'	107.48'	100.64'	N 16°35'41" E	71°29'54"

SEC. 51A-4.602. FENCE, SCREENING AND VISUAL OBSTRUCTION REGULATIONS.

(a) Fence standards. Unless otherwise specifically provided for in this chapter, fences must be constructed and maintained in accordance with the following regulations.

(1) In this subsection:

(A) FENCE PANEL means the portion of a fence located between the posts or columns.

(B) RETAINING WALL means a wall designed to hold in place earthen or similar materials and to prevent the material from sliding away or eroding.

(2) A person shall not erect or maintain a fence in a required yard more than nine feet above grade. In all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard, except when the required front yard is governed by the side or rear yard regulations pursuant to Section 51A-4.401.

(3) In single family districts, a fence panel with a surface area that is less than 50 percent open may not be located less than five feet from the front lot line. This paragraph does not apply to retaining walls.

(4) In multifamily districts, a fence located in the required front yard may be built to a maximum height of six feet above grade if all conditions in the following subparagraphs are met:

(A) No lot in the blockface may be zoned as a single family or duplex district.

(B) No gates for vehicular traffic may be located less than 20 feet from the back of the street curb.

(C) No fence panel having less than 50 percent open surface area may be located less than five feet from the front lot line.

(5) If a fence panel setback is required under Paragraph (4)(C), the entire setback area, except for driveways and sidewalks, must be located within 100 feet of a verifiable water supply and landscaped with living evergreen shrubs or vines recommended for local use by the park and recreation director. Initial plantings must be calculated to cover a minimum of 30 percent of the fence panel(s) within three years after planting. Shrubs or vines must be planted 24 inches on center over the entire length of the setback area unless a landscape architect recommends otherwise.

(6) Unless all of the conditions in Paragraphs (4) and (5) are met, a fence in a multifamily district may not exceed four feet above grade when located in the required front yard, except when the required front yard is governed by the side or rear yard regulations pursuant to Section 51A-4.401.

(7) Fence heights shall be measured from:

(A) In single family and duplex districts:

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

(ii) the top of the fence to the level of the ground on the inside of the fence in the required side or rear yard.

(B) In all other zoning districts, fence heights shall be measured from the top of the fence to the level of the ground on the inside of the fence.

(8) A fence may not be located within an easement without the prior written approval by the agencies having interest in the easement.

(9) Except as provided in this subsection, the following fence materials are prohibited:

(A) Sheet metal;

(B) Corrugated metal;

(C) Fiberglass panels;

(D) Plywood;

(E) Plastic materials other than preformed fence pickets and fence panels with a minimum thickness of seven-eighths of an inch;

(F) Barbed wire and razor ribbon (concertina wire) in residential districts other than an A(A) Agricultural District; and

(G) Barbed wire and razor ribbon (concertina wire) in nonresidential districts unless the barbed wire or razor ribbon (concertina wire) is six feet or more above grade and does not project beyond the property line.

(10) All fences must provide firefighting access to the side and rear yard.

(11) The board may grant a special exception to the fence standards in this subsection when, in the opinion of the board, the special exception will not adversely affect neighboring property.

FILE NUMBER: BDA234-068(CJ)

BUILDING OFFICIAL'S REPORT: Application of Lou Olerio for **(1)** a variance to the front-yard setback regulations, and for **(2)** a special exception to the fence height regulations at 6919 ORIOLE DR. This property is more fully described as Block 10/4922, Lot 1, and is zoned PD-67 (tract 4), which requires a front-yard setback of 25-feet, and limits the height of a fence in the front yard to 4-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 14-foot 10-inch front-yard setback, which will require **(1)** a 10-foot 2-inch variance to the front-yard setback regulations; and to construct a 6-foot-high fence in a required front-yard, which will require **(2)** a 2-foot special exception to the fence height regulations.

LOCATION: 6919 Oriole Dr.

APPLICANT: Lou Olerio/Olerio Homes LLC

REPRESENTED BY: Tommy Mann and Daniel Box

REQUEST:

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

STANDARDS OF REVIEW FOR A VARIANCE:

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

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

(B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a **restrictive area, shape, or slope**, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and

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

ELEMENT II SUBSTITUTE:

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

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

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

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

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

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

STAFF RECOMMENDATION:

Variance to the front yard setback regulations

Denial

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

A. Is not contrary to the public interest as no letters of opposition have been received.

B. Is not restrictive in area, shape or slope; The minimum lot size for residential use in zoning district R-7.5(A) is 7,500 sqft. The lot area for of the subject site is approximately 9,801 sqft, is not sloped and is not irregularly shaped, therefore, the property can be developed in a manner commensurate with development upon other parcels of land in the same zoning.

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

Special Exceptions (2):

No staff recommendation is made.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

BDA History:

No BDA history

GENERAL FACTS/STAFF ANALYSIS:

- The application, for the Olerio Homes LLC property located at 6919 Oriole Drive focuses on 2 requests relating to the front yard setback regulations and fence height regulations.
- The subject site is vacant.
- The applicant is requesting a 10-foot 2-inch variance to the front-yard setback regulations
- Zoning District PD 67/R-7.5(A) requires a 25-foot front yard setback
- As gleaned from the site plan, the proposed home is set to encroach into the 25-foot required front yard setback at 6919 Oriole Drive.
- The applicant has stated that the variance request was made so that the proposed structure can conform to the existing conditions of the neighborhood and since having two front yard restricts the subject sites buildable area.

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

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

- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.
- Secondly, the applicant proposes to maintain and 6-foot high fence in a required front yard, which will require a 2-foot special exception to the fence height regulations.
- The subject site along with properties to the north, east, south, and west are all developed with single-family homes.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to maintain a 6-foot high fence around the circumference of the property at 6919 Oriole Drive.
- It is imperative to note that the subject site is a corner lot, and it has double street frontage and two front yards due to block face continuity on Oriole Drive and Thrush Street.
- Per staff's review of the subject site, it has been confirmed that the fence surrounding the circumference of the property is proposed and not existing.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations relating to height will not adversely affect the neighboring properties.
- Granting the special exception to the fence standards relating to height with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: BDA234-068 at 6919 Oriole Dr.

Timeline:

March 21, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

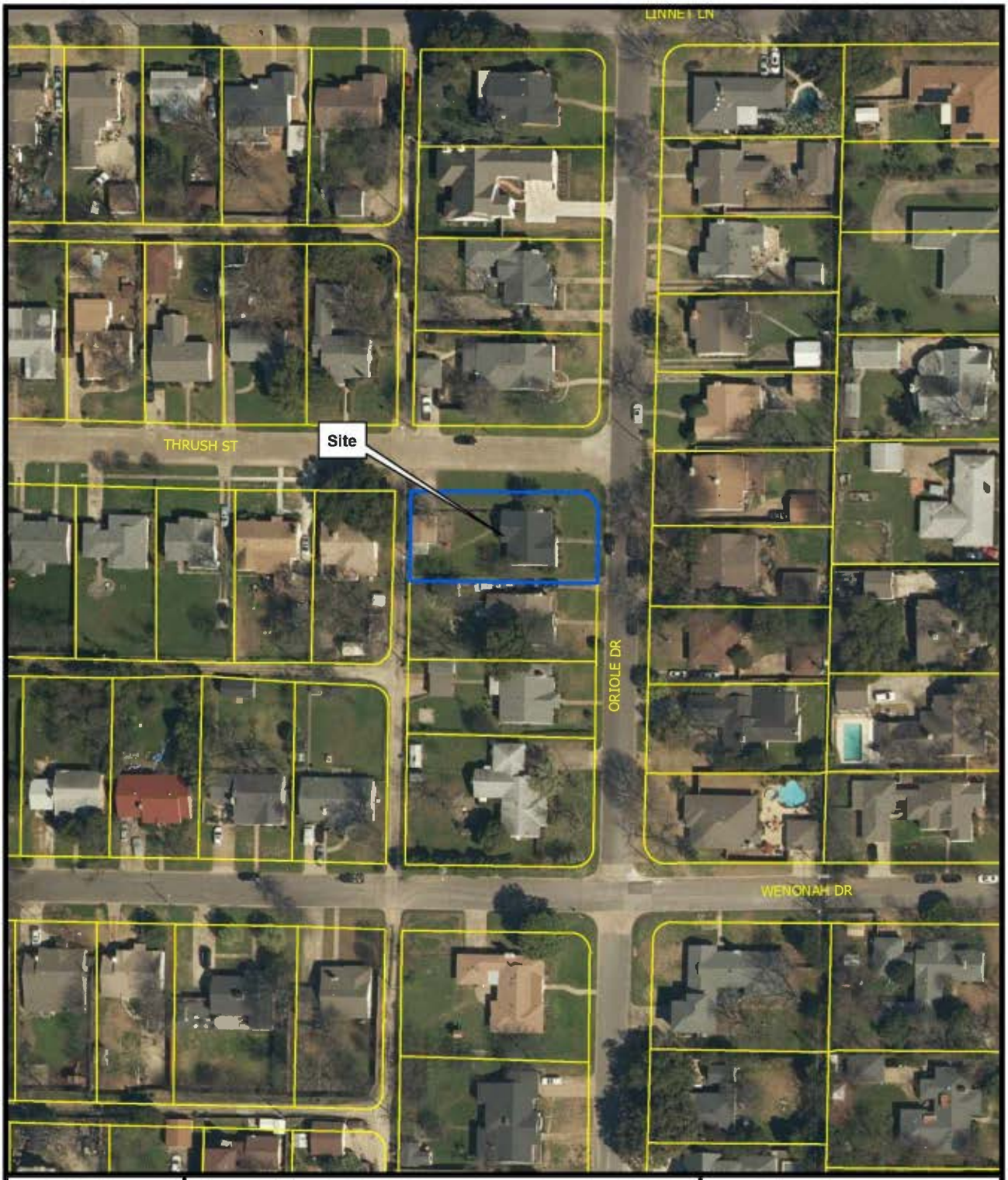
April 11, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.

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

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

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

May 2, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer

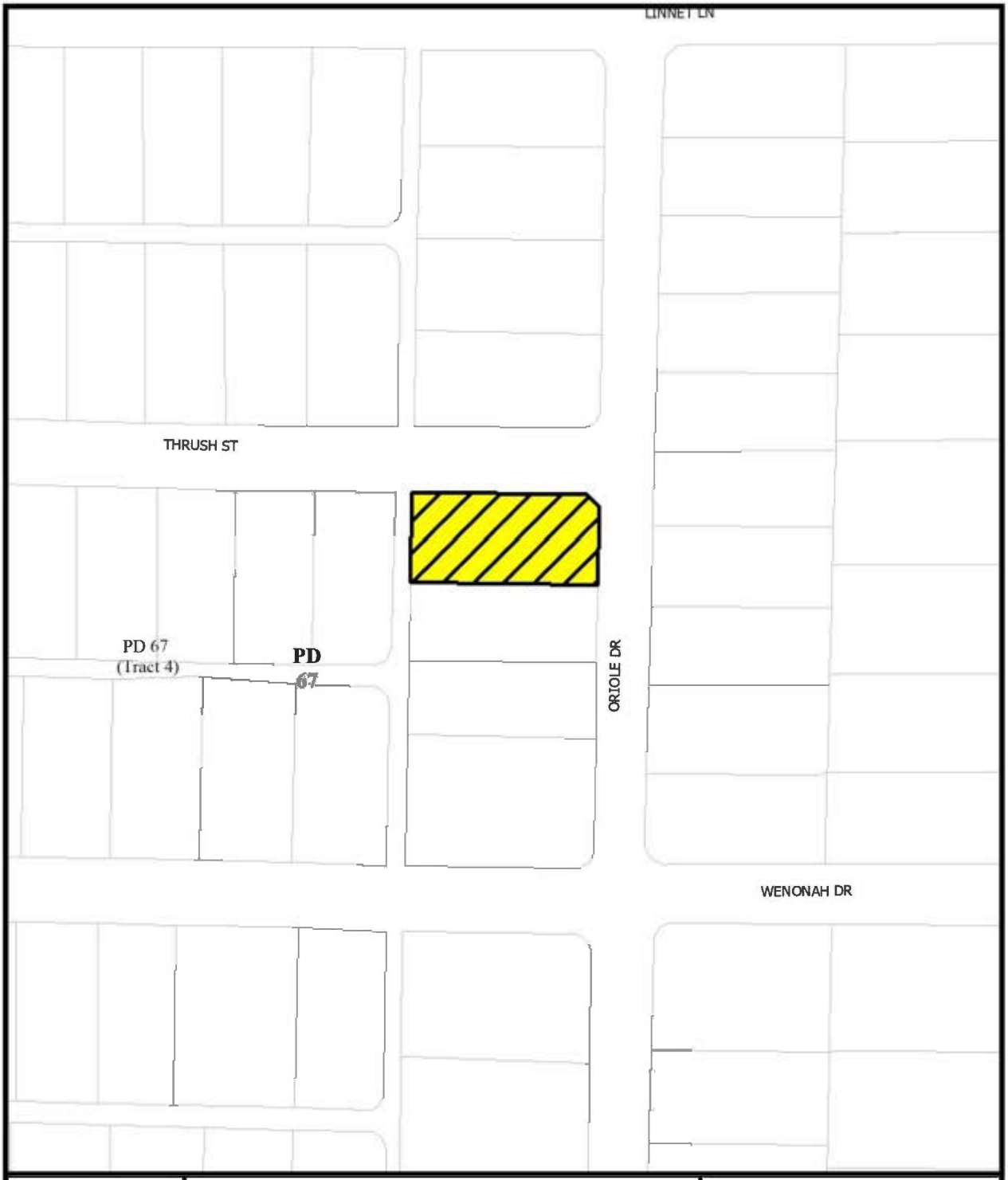


1:1,200

AERIAL MAP

Case no: BDA234-068

Date: 4/25/2024

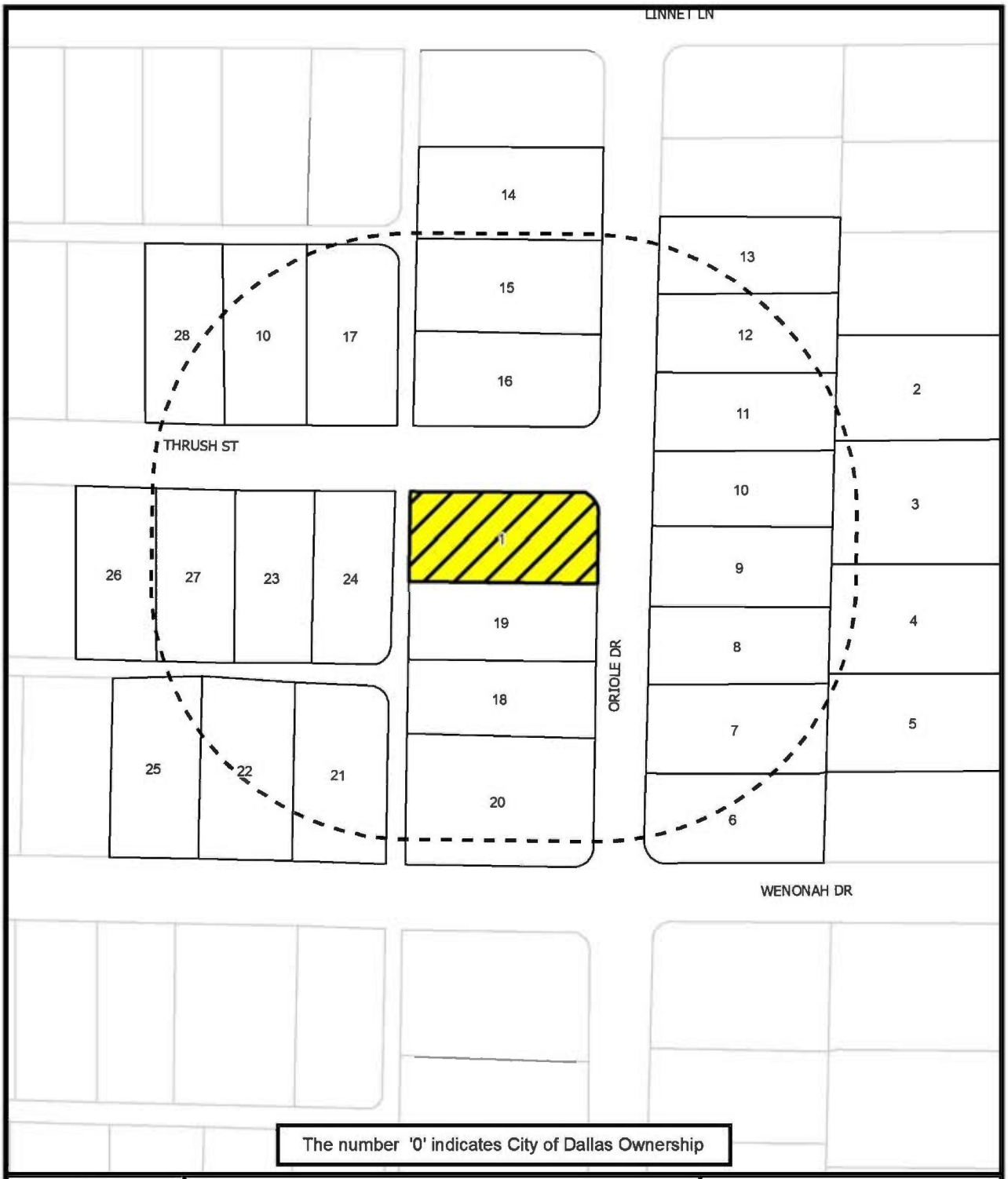


1:1,200

ZONING MAP

Case no: BDA234-068

Date: 4/25/2024



NOTIFICATION

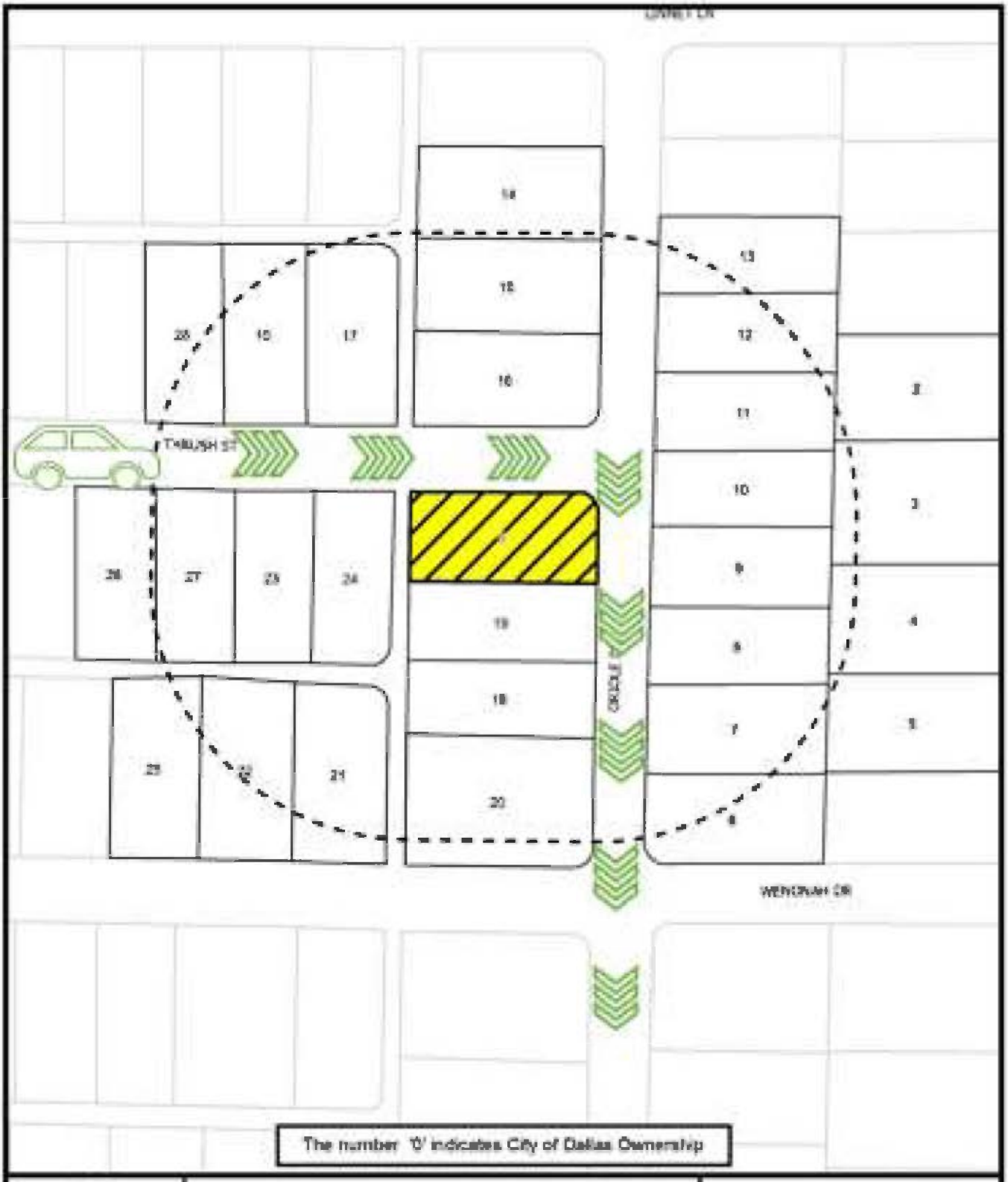
200' AREA OF NOTIFICATION

28 NUMBER OF PROPERTY OWNERS NOTIFIED

1:1,200

Case no: BDA234-068

Date: 4/25/2024



NOTIFICATION

200' AREA OF NOTIFICATION

28 NUMBER OF PROPERTY OWNERS NOTIFIED

1:1,200

Case no: BDA234-068

Date: 4/25/2024

/
04/25/2024

Notification List of Property Owners

BDA234-068

28 Property Owners Notified

Label #	Address		Owner
1	6919	ORIOLE DR	TURNER MARK
2	6929	ROBIN RD	Taxpayer at
3	6923	ROBIN RD	CARO DAULTON EST OF
4	6913	ROBIN RD	GUEST SHELBY A
5	6909	ROBIN RD	LEFTWICH SHELLEY
6	6904	ORIOLE DR	AXTELL FAMILY LIVING TRUST
7	6910	ORIOLE DR	6910 ORIOLE LLC
8	6914	ORIOLE DR	HERNANDEZ ISABEL
9	6918	ORIOLE DR	STONE WILLIAM E &
10	6924	ORIOLE DR	OLERIO HOMES LLC
11	7000	ORIOLE DR	KING DUSTIN & KAITLYN
12	7004	ORIOLE DR	ROLLA CHARMAYNE ANITA
13	7010	ORIOLE DR	MALDONADO RAMON
14	7015	ORIOLE DR	HEFNER JAMES CURTIS &
15	7011	ORIOLE DR	LEEPER KATHRYN
16	7005	ORIOLE DR	GILBERT DEBORAH K
17	5033	THRUSH ST	EDWARDS JERI
18	6911	ORIOLE DR	CL CAPITAL LLC
19	6915	ORIOLE DR	UPTON HENRY JR & HENRIETTA
20	6907	ORIOLE DR	Taxpayer at
21	5033	WENONAH DR	Taxpayer at
22	5027	WENONAH DR	BLANCO NATASHA & KEITH A
23	5026	THRUSH ST	LOVE BETTINA ANNETTA TURNER &
24	5032	THRUSH ST	THOMAS ERNEST ELBERT JR
25	5021	WENONAH DR	WALKER PATTIE
26	5016	THRUSH ST	KENNINGTON CRAIG HILTON JR &

04/25/2024

Label #	*Address*		*Owner*
27	5022	THRUSH ST	WAYNE BRADEN MICHAEL
28	5023	THRUSH ST	BROWN KAY FRANCES



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION

28 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA234-068

Date: 4/25/2024

PUBLIC HEARING

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

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

DATE: **WEDNESDAY, MAY 22nd, 2024**

BRIEFING: **10:00 a.m.** via **Videoconference and** in **6ES**, Dallas City Hall, 1500 Marilla Street. https://bit.ly/boa0522

HEARING: **1:00 p.m.** via **Videoconference and** in **6ES**, Dallas City Hall, 1500 Marilla Street. https://bit.ly/boa0522

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

BDA234-068(CJ) Application of Lou Olerio for **(1)** a variance to the front-yard setback regulations, and for **(2)** a special exception to the fence height regulations at **6919 ORIOLE DR**. This property is more fully described as Block 10/4922, Lot 1, and is zoned PD-67 (tract 4), which requires a front-yard setback of 25-feet, and limits the height of a fence in the front yard to 4-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 14-foot 10-inch front-yard setback, which will require **(1)** a 10-foot 2-inch variance to the front-yard setback regulations; and to construct a 6-foot-high fence in a required front-yard, which will require **(2)** a 2-foot special exception to the fence regulations.

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

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

The Board of Adjustment hearing will be held by videoconference and 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://bit.ly/BDA-B-Register **by the close of business Tuesday, May 21st, 2024. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing.** Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall

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

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

Board of Adjustment, Development Services
320 E. Jefferson Blvd. Rm 210, Dallas, TX 75203

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

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



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 234-048

RECEIVED
APR 02 2024
BY:

Data Relative to Subject Property: Date:

Location address: 6919 Oriole Drive Zoning District: PD 67 (Tract IV)

Lot No.: 1 Block No.: 10/4922 Acreage: +/-0.225 ac. Census Tract:

Street Frontage (in Feet): 1) +/-140 ft. 2) +/-70 ft. 3) 4) 5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Olerio Homes LLC

Applicant: Lou Olerio/Olerio Homes LLC Telephone: 469-853-2039

Mailing Address: 6310 Lemmon Ave., Ste. 202, Dallas, TX Zip Code: 75209

E-mail Address: cash@oleriohomes.com

Represented by: Tommy Mann and Daniel Box (Winstead PC) Telephone: 214-745-5724; 214-745-5247

Mailing Address: 500 Winstead Bldg., 2728 N. Harwood St., Dallas, TX Zip Code: 75201

E-mail Address: tmann@winstead.com, dbox@winstead.com

Affirm that an appeal has been made for a Variance X or Special Exception X, of (1) a 3-ft-1.5-in side setback Variance on the Property's north side from the approximated 20-ft. minimum setback requirement, as set forth in Sec. 51P-67.108(a), Sec. 51A-4.401(b)(1), which requires continuity with an established setback, in order to allow building within the required yard; and (2) a 2-ft. front yard maximum fence height Special Exception from the 4-ft. maximum standard, as set forth in Sec. 51A.4-602(a)(2), in order to allow a 6-ft. tall fence.

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

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

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

Affidavit

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

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

Respectfully submitted:
(Affiant/Applicant's signature)

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

Denise Penta
Notary Public in and for Dallas County, Texas

DENISE PENTA
NOTARY PUBLIC
STATE OF TEXAS
ID: 134523069
EXP: 08-23-2027

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 Lou Olerio

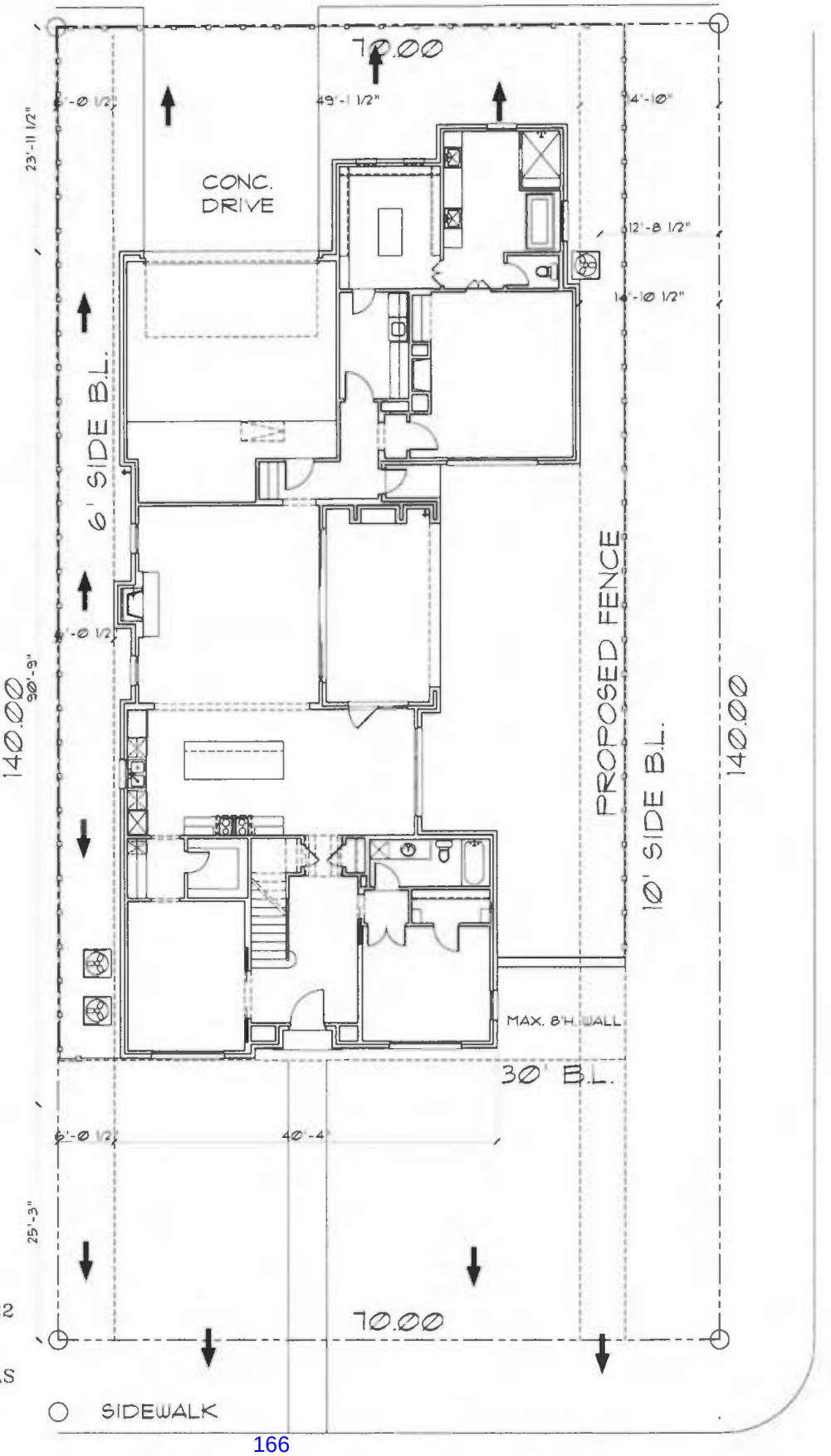
did submit a request for (1) a variance to the front yard setback regulations, and for (2) a special exception to the fence height regulations

at 6919 Oriole Dr

BDA234-068(CJ) Application of Lou Olerio for (1) a variance to the front-yard setback regulations, and for (2) a special exception to the fence height regulations at 6919 ORIOL DR. This property is more fully described as Block 10/4922, Lot 1, and is zoned PD-67 (tract 4) which requires a front-yard setback of 25 feet, and limits the height of a fence in the front yard to 4-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 14-foot 10-inch front yard setback, which will require (1) a 10-foot 2-inch variance to the front-yard setback regulations, and to construct a 6-foot-high fence in a required front yard, which will require (2) a 2-foot special exception to the fence regulations.

Sincerely,

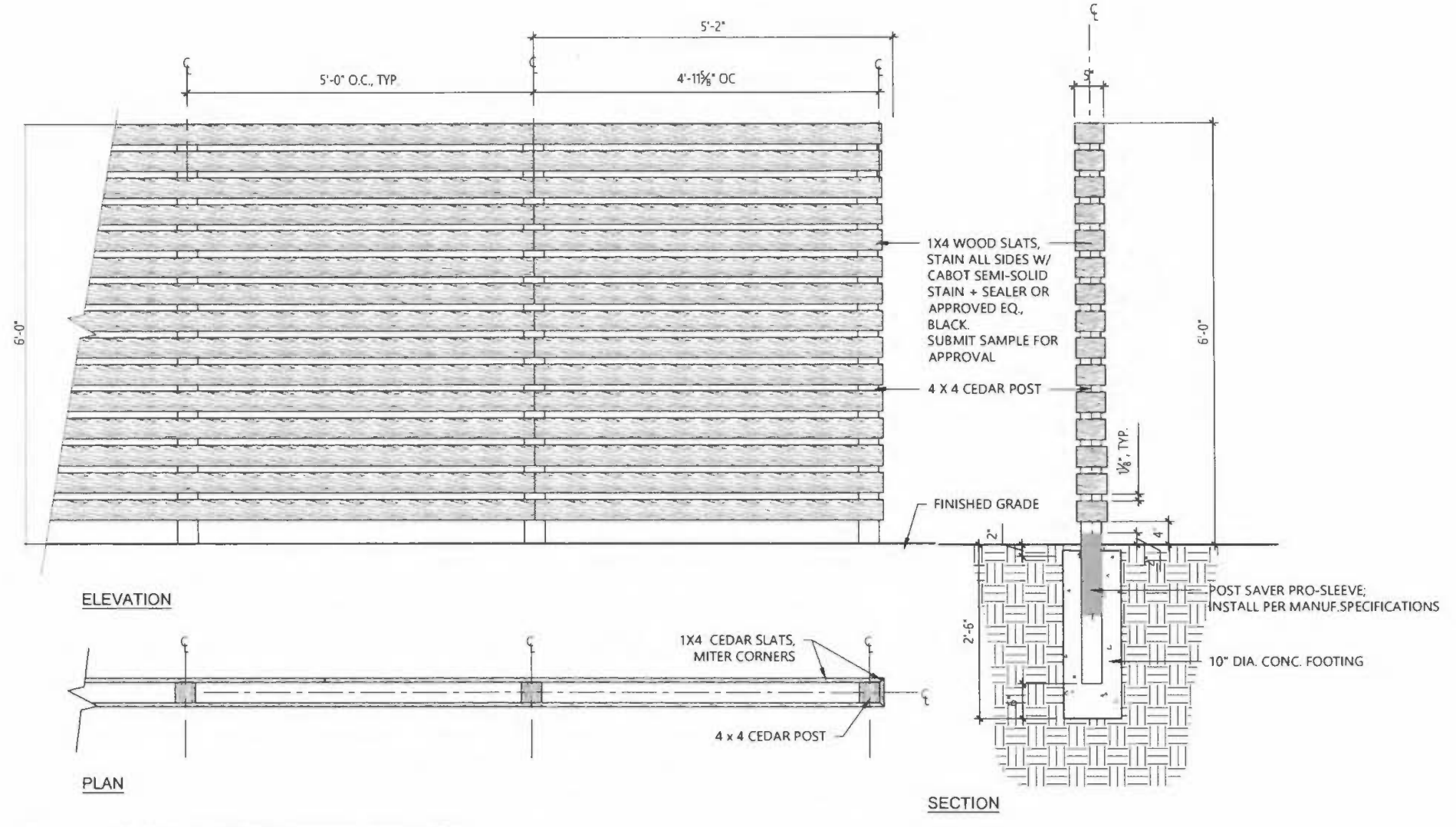
Andrew Espiroza, CBO, MCP, CFM, CCEA



SITE PLAN

3/32 "=1'-0"

6919 ORIOLE
LOT 1, BLOCK 10/4922
SHANON ESTATES
CITY OF DALLAS
DALLAS COUNTY, TEXAS



WOOD PERIMETER FENCE

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

Applicant's Documentary Evidence

April 26, 2024

direct dial: 214.745.5247
dbox@winstead.com

Via email

Ms. Cambria Jordan
Development Services, City of Dallas
320 E. Jefferson Blvd., Room 210
Dallas, TX 75203

Re: BDA234-068 – An application for a Special Exception and a Variance to permit improvements within the Thrush Street side yard of the property located at 6919 Oriole Drive (the "Property").

Dear Ms. Jordan:

The purpose of this letter is to explain in greater detail the unnecessary hardships that would result to the proposed structure, if strict compliance with the Zoning Code were required, and which thereby necessitate the subject Variance and Special Exception request.

To reiterate, the applicant is seeking a setback Variance along Thrush Street to allow a portion of the proposed building structure, as well as a Special Exception to allow for additional fence height (the "Request"). For your reference, the Request is the subject of case number BDA234-068. It is scheduled for hearing before the Dallas Board of Adjustment on May 22, 2024.

The Property is vacant and unimproved and is zoned Planned Development district number 67, which applies R-7.5(A) development standards to the site. The Applicant is proposing to develop the site with a new single-family home. However, because the Property is a corner lot, it is treated as if it has two front yards—one along Oriole Drive and the other along Thrush Street—and block-face continuity requirements apply. The double 25-foot front yards at the Property mean that full setback compliance would shrink the 9,800-sf lot to a 4,400-sf buildable area.

Due to the proximity of the structure to the property line, a fence that is taller than four (4) feet is proposed. The proposed height would work to guarantee the privacy of the residents from passersby. Also, the yard improvements for the side of the house along Thrush are still being finalized. But additional fence height would provide the requisite enclosure and safety for pools and other yard improvements.

All of these factors—the Property's dual fronts, the resulting small buildable area, and

the desire to foster safety and privacy—contribute to create a substantial hardship that is unique to the site. Compliance with base development standards makes construction and safe enclosure of a single-family home at the single-family-zoned site unnecessarily and unduly burdensome.

The Variance and Special Exception requested will not adversely impact neighboring properties. And the hardships detailed above were not self-created. For these reasons and the others above, we respectfully request your recommendation for approval of the Request.

Thank you for your consideration in this matter.

Sincerely,

Daniel Box

REQUESTED VARIANCE AND SPECIAL EXCEPTION

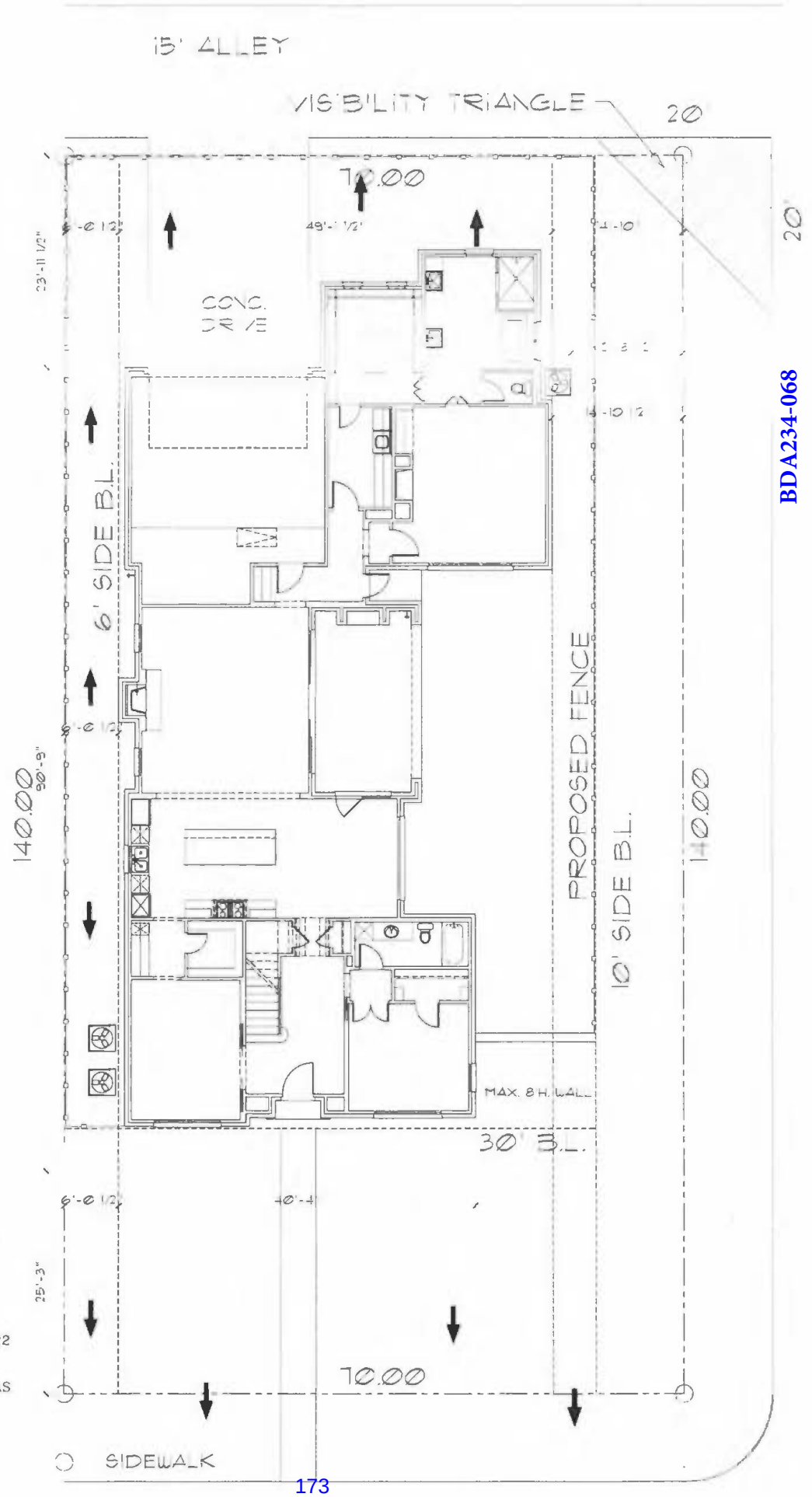
Subject Property: 6919 Oriole Drive, Dallas, Texas 75209

Applicant: Lou Olerio / Olerio Homes LLC

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

1. An 10-ft.-2-in. side setback Variance on the Property's north side from the 25-ft. minimum setback requirement for the R-7.5(A) zoning district, as set forth in Sec. 51P-67.108(a); Sec's 51A-4.401(b)(1), 4.112(f)(4)(A), which require continuity with an established setback, in order to allow a building structure within the required yard.
2. A 4-ft. front yard maximum fence heigh Special Exception from the 4-ft. maximum standard, as set forth in Sec. 51P-67.108(a); Sec. 51A-4.602(a)(2), in order to allow an 8-ft. tall fence.

UPDATED SITE PLAN



SITE PLAN
3/32 "=1'-0"

6919 ORIOLE
LOT 1, BLOCK 10/4922
SHANON ESTATES
CITY OF DALLAS
DALLAS COUNTY, TEXAS

BDA234-068

FILE NUMBER: BDA234-069 (CJ)

BUILDING OFFICIAL'S REPORT: Application of Craig Smith at 2912 MAPLE AVE. for **(1)** a variance to the off-street parking regulations. This property is more fully described as 7/0944, and is zoned PD-193 (LC), which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for an alcoholic beverage establishment use, and provide 34 of the required 69 parking spaces, which will require **(1)** a 35-space variance (50.7%) reduction to the parking regulation.

LOCATION: 2912 Maple Ave.

APPLICANT: Craig Smith

REQUEST:

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

STANDARDS OF REVIEW FOR A VARIANCE:

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

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

(B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a **restrictive area, shape, or slope**, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and

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

ELEMENT II SUBSTITUTE:

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

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

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

STAFF RECOMMENDATION:

1. Variance to the off-street parking regulations

   Approval

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

   A. Is not contrary to the public interest, indicated by having received no letters of opposition.

   B. Is not restrictive in shape or slope but is restrictive in area. The subject site is approximately 10,110.276 square feet and is in PD 193 which has no minimum lot size. With respect to other lots located in PD 193, the subject is significantly smaller in area. To elaborate further, City of Dallas Internal GIS records show that the subject site is the smallest lot in the LC zoning district of PD 193, and therefore, cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.

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

BACKGROUND INFORMATION:

BDA History:
No BDA history found within the last 5 years.

Square Footage:
This lot contains 10,110.276 of square feet.
This lot is zoned PD 193 which does not have a minimum lot size.

Zoning:

Site:	PD 193 (Oak Lawn Special Purpose District)
North:	PD 193 (Oak Lawn Special Purpose District)
South:	PD 193 (Oak Lawn Special Purpose District)
East:	PD 193 (Oak Lawn Special Purpose District)
West:	PD 193 (Oak Lawn Special Purpose District)

Land Use:
The subject site is developed with a two-story nonresidential building. The areas to the north, south, east, and west are developed and being developed with nonresidential uses.

GENERAL FACTS/STAFF ANALYSIS:

- The application for the Craig Smith property located at 2912 Maple Avenue focuses on 1 request relating to the off-street parking regulations for a nonresidential structure to be used for an alcoholic beverage establishment use.

- A request for a variance to the off-street parking regulations of 35 spaces (50.7%) is made to construct and/or maintain a nonresidential structure for an alcoholic beverage establishment use at 2912 Maple Avenue

- The subject site is zoned PD 193 (LC) which requires a parking to be provided.

- It is imperative to note that the subject site has single street frontage on Maple Avenue.

- As gleaned from the submitted site plan, the applicant plans to utilize 34 (49.3%) of the required 69 parking spaces at 2907 Maple Avenue, a two-story parking garage immediately adjacent to the east side of the property.

- The applicant is proposing a parking agreement to maintain the proposed 34 spaces (49.3%) at 2907 Maple Avenue; the parking agreement has not been finalized/granted.

- The subject site is currently developed with a two-story nonresidential structure.

- Per the site plan, there are 7 proposed on-site parking spaces; these parking spaces are included in the total number (34 spaces) of parking spaces provided.

- There are two drive approaches on the east and west side of the subject site; these drive approaches lead past the single handicapped parking spot located at the north side of the subject side and to the rear of the property where the remaining 6 on-site parking spots (3 handicapped, 3 non-handicapped) are located.

- Based on staff review of the subject site, customers will have access to the alley from the rear of the subject site and the rear of the east adjacent parking garage that will house 27 of the 34 proposed parking spaces.

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

- That granting the variance to 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(s) are necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- The variance(s) would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

- The applicant has the burden of proof in establishing that the special exception(s) to the visual obstruction regulations will not constitute a traffic hazard.

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

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

- Granting the proposed 35 space (50.7%) variance to the parking regulations on Maple Avenue with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.

- 200' Radius Video: BDA234-069 at 2912 Maple Ave.

Timeline:

March 21, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

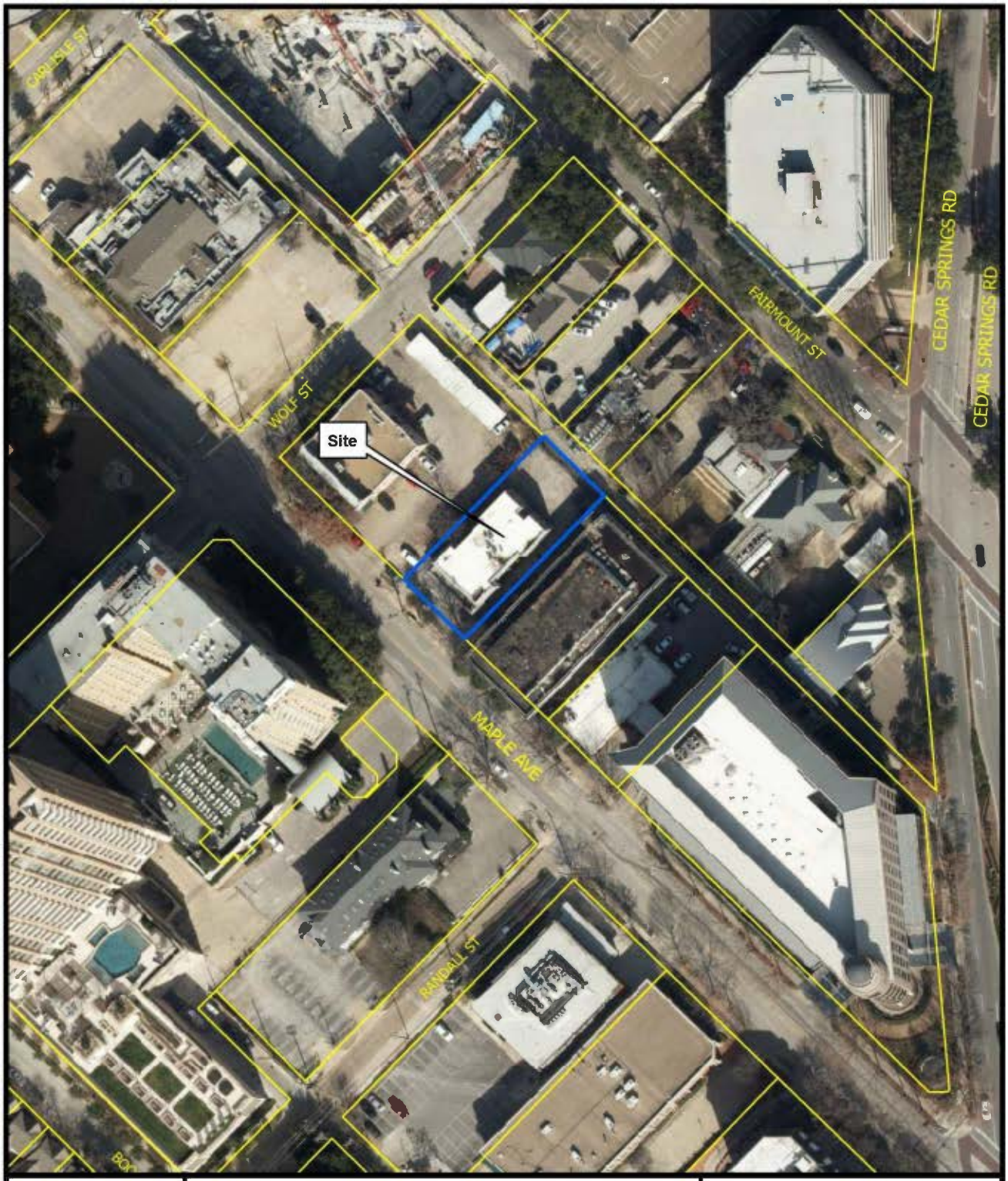
April 11, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.

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

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

May 2, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief

	Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer
May 2, 2024:	The applicant submitted the completed parking analysis

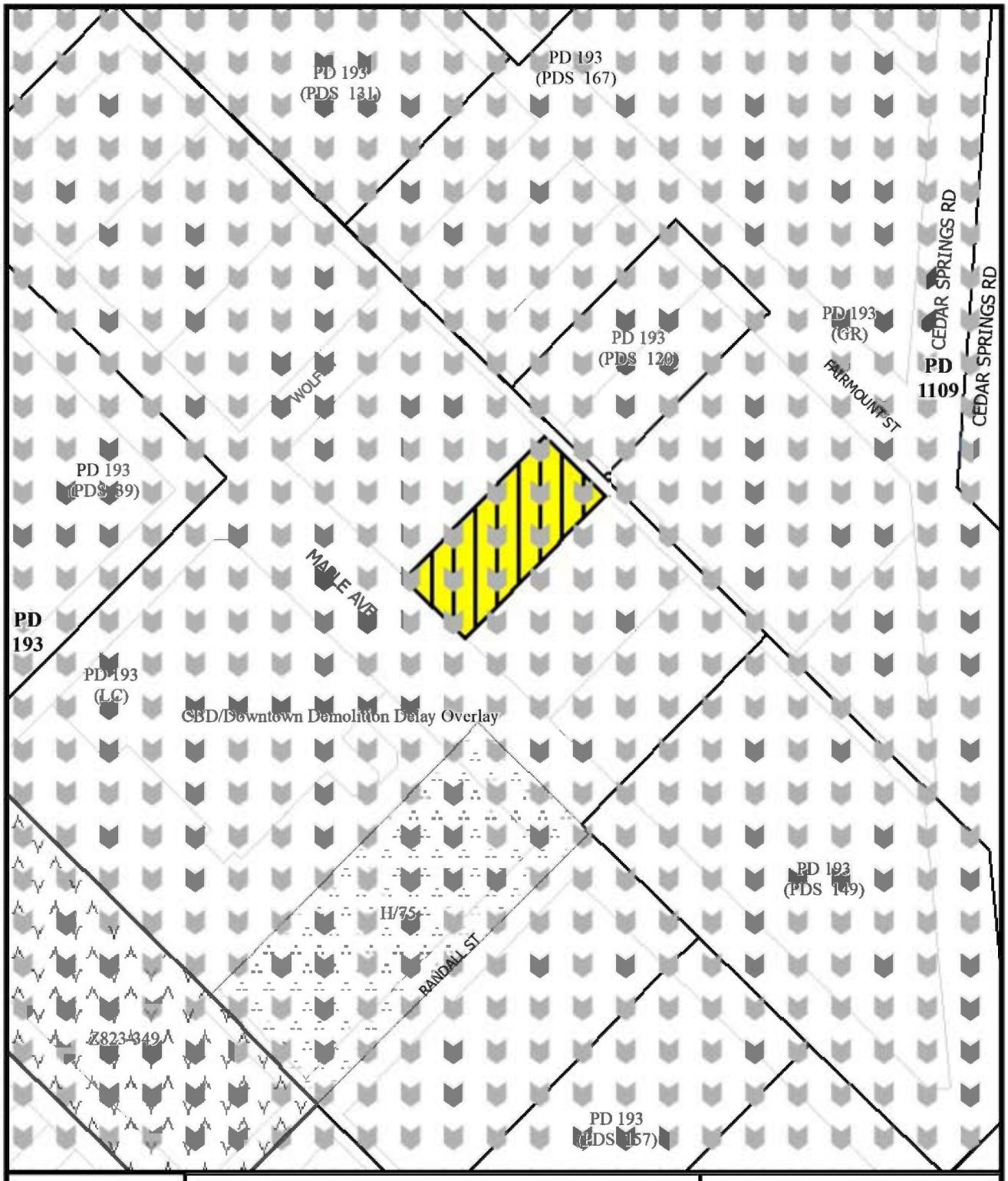


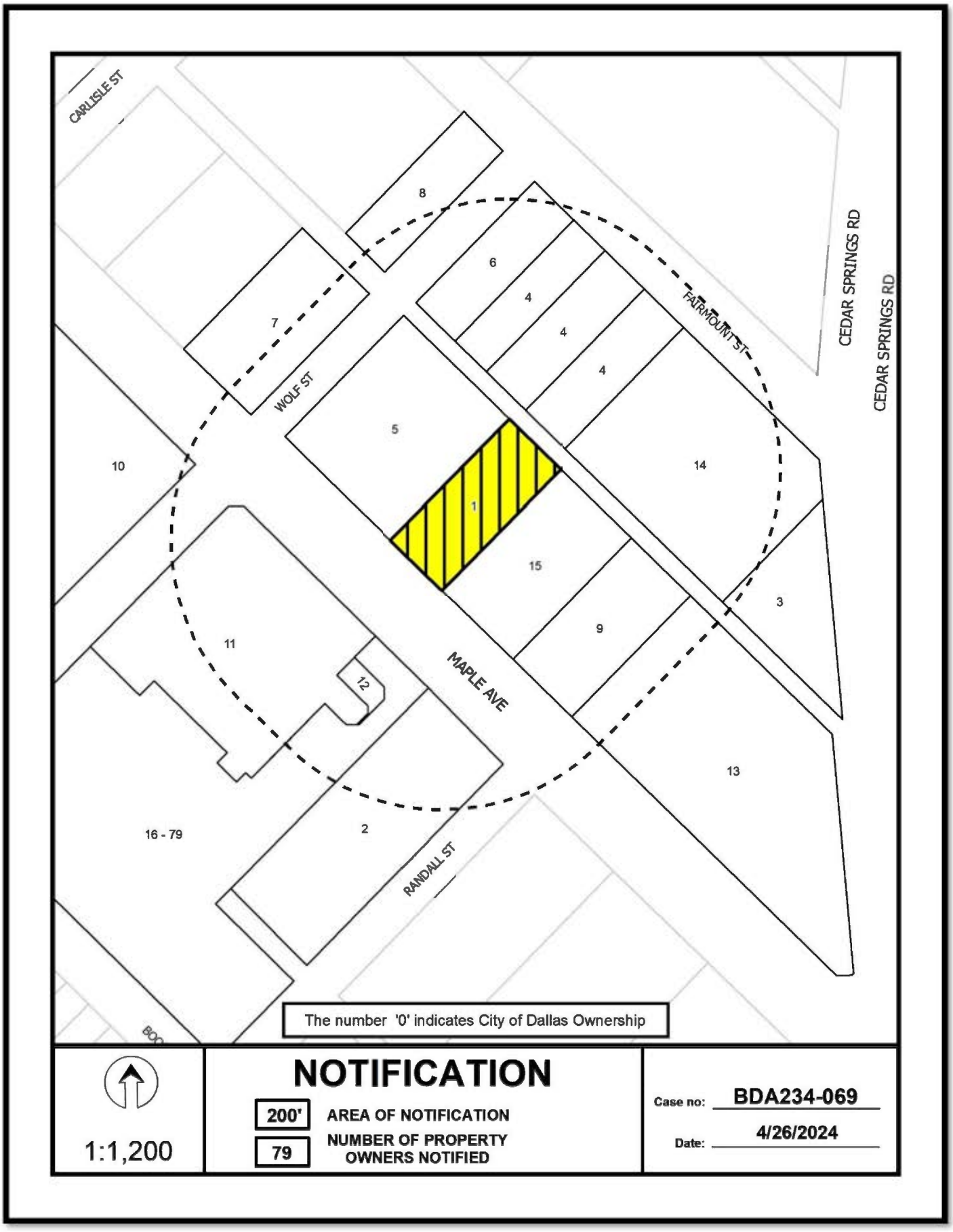
1:1,200

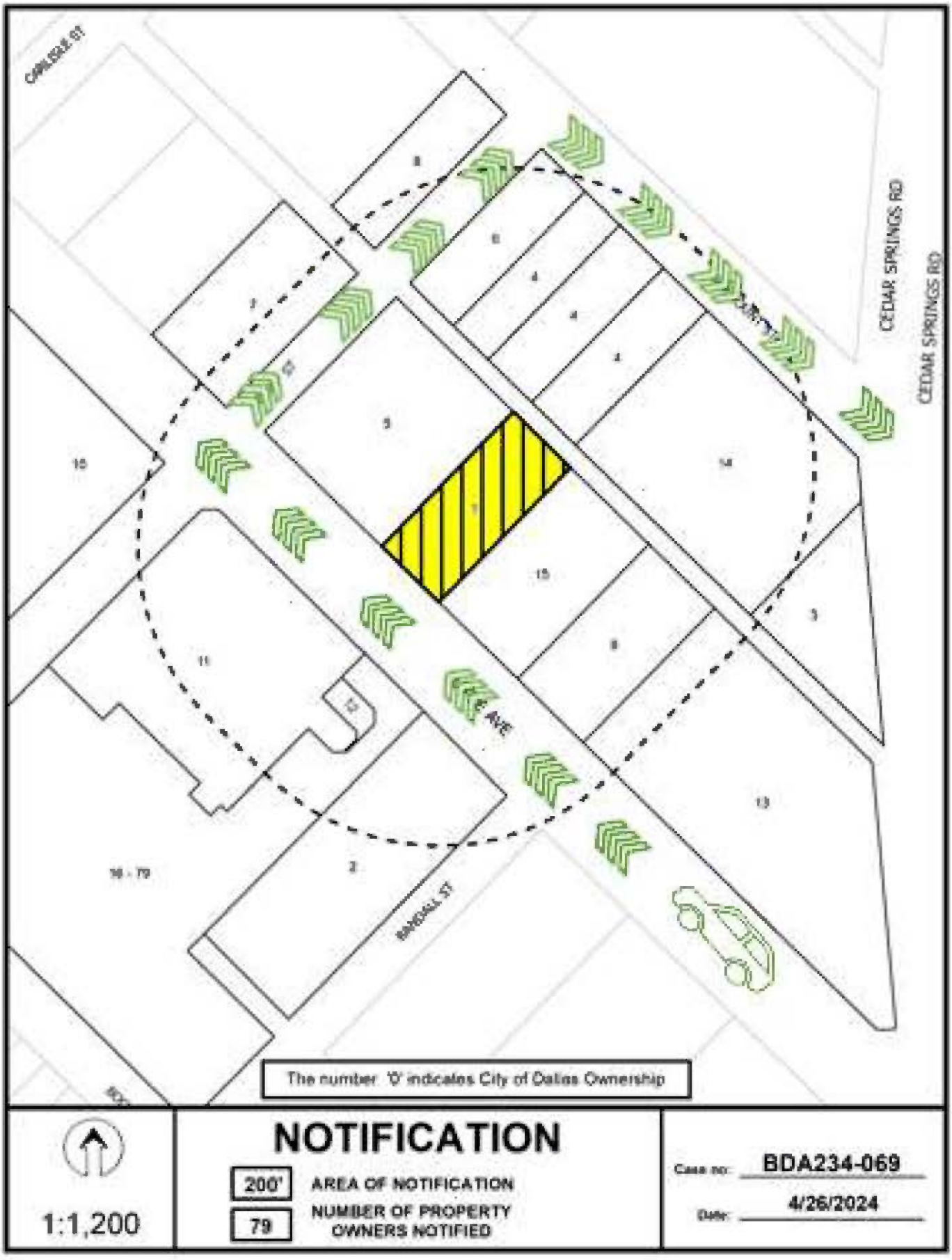
AERIAL MAP

Case no: BDA234-069

Date: 4/26/2024


PD 193
(PDS 131)
PD 193
(PDS 167)
PD 193
(PDS 120)
PD 193
(GR)
PD
1109
CEDAR SPRINGS RD
CEDAR SPRINGS RD
FAIRMOUNT ST
WOLF
PD 193
(PDS 89)
MAPLE AVE
PD
193
PD 193
(LC)
CBD/Downtown Demolition Delay Overlay
PD 193
(PDS 149)
H/75
RANDALL ST
Z823-349
PD 193
(PDS 157)
1:1,200
ZONING MAP
Case no: BDA234-069
Date: 4/26/2024


CARLISLE ST
WOLF ST
FAIRMOUNT ST
CEDAR SPRINGS RD
CEDAR SPRINGS RD
MAPLE AVE
RANDALL ST
8
7
6
4
4
4
5
1
14
10
15
9
3
11
12
13
2
16 - 79
The number '0' indicates City of Dallas Ownership
1:1,200
NOTIFICATION
200'
AREA OF NOTIFICATION
79
NUMBER OF PROPERTY OWNERS NOTIFIED
Case no: BDA234-069
Date: 4/26/2024



NOTIFICATION

200' AREA OF NOTIFICATION

79 NUMBER OF PROPERTY OWNERS NOTIFIED

1:1,200

Case no: BDA234-069

Date: 4/26/2024

/
04/16/2014

Notification List of Property Owners

BDA234-069

79 Property Owners Notified

Label #	Address		Owner
1	2912	MAPLE AVE	MAPLE LLC
2	2905	MAPLE AVE	Taxpayer at
3	2425	CEDAR SPRINGS RD	PONOS DYNAMICS LLC
4	2917	FAIRMOUNT ST	SELENE CAPITAL DEVELOPMENT
5	2926	MAPLE AVE	STONELEIGH P LLC
6	2925	FAIRMOUNT ST	2925 FAIRMOUNT LP
7	3000	MAPLE AVE	ROMANO SAMUEL P 2008
8	3001	FAIRMOUNT ST	AM UPTOWN HOTEL II LLC
9	2902	MAPLE AVE	2902 MAPLE LP
10	3001	MAPLE AVE	3001 MAPLE LP
11	2927	MAPLE AVE	CWI DALLAS HOTEL LP
12	2927	MAPLE AVE	DFW DALLAS HOTEL LP
13	2401	CEDAR SPRINGS RD	GPIF 2401 CS LLC
14	2913	FAIRMOUNT ST	SELENE CAPITAL DEVELOPMENT
15	2906	MAPLE AVE	2906 MAPLE AVE LLC
16	2300	WOLF ST	MORRISON SEAN J
17	2300	WOLF ST	BAILEY LEE A 2010 MANAGEMENT
18	2300	WOLF ST	MASSEY GREGORY & KAY
19	2300	WOLF ST	GINSBERG LAURIE BECKER
20	2300	WOLF ST	OHRE DAVID E
21	2300	WOLF ST	OHRE DAVID E
22	2300	WOLF ST	SALZMAN JACK D & ROBIN SMITH
23	2300	WOLF ST	SDK TRUST
24	2300	WOLF ST	MICKEY DAWN
25	2300	WOLF ST	1999 LISA K HAINES TRUST
26	2300	WOLF ST	WOOD PHILIP R & PEGGY A

04/26/2024

Label #	Address		Owner
27	2300	WOLF ST	MICHAELSON FRANCINE SURVIVORS
28	2300	WOLF ST	KUZMIC DANIEL & CHARLOTTE
29	2300	WOLF ST	PERKINS DAVID L & JULIANA A
30	2300	WOLF ST	MARADI X INC
31	2300	WOLF ST	REYNOLDS STONELEIGH INVESTMENTS
32	2300	WOLF ST	WILSON MICHAEL
33	2300	WOLF ST	SPEARS RONALD E &
34	2300	WOLF ST	RPC 2019 TRUST
35	2300	WOLF ST	SC WOLF LLC
36	2300	WOLF ST	CARLILE FAMILY 2018 TRUST
37	2300	WOLF ST	NEVERNEVERLAND LLC
38	2300	WOLF ST	MCENIRY MARY KATHERINE
39	2300	WOLF ST	PETERSON GALE & ALLAN
40	2300	WOLF ST	BANK OF AMERICA N A TRUSTEE
41	2300	WOLF ST	BRADLEY JOHN THOMAS JR &
42	2300	WOLF ST	CORBELLINI LIVING TRUST
43	2300	WOLF ST	GOSS TIM K &
44	2300	WOLF ST	HINOJOSA ELIU M
45	2300	WOLF ST	HOVENIER PETER & FRANCES
46	2300	WOLF ST	GEORGE WILLIAM WILEY
47	2300	WOLF ST	GOTTLIEB PETER R &
48	2300	WOLF ST	DEWAN DEREK E IRREVOCABLE
49	2300	WOLF ST	KUMMERER WILLIAM A & HEATHER
50	2300	WOLF ST	PALACIOS ANTIONIO &
51	2300	WOLF ST	ELLENBOGEN PAUL H &
52	2300	WOLF ST	COLE JAMES & SHEILA LIVING TRUST
53	2300	WOLF ST	HERNANDEZ FAMILY LIVING
54	2300	WOLF ST	WOJNAR MANAGEMENT TRUST
55	2300	WOLF ST	COLE THOMAS B
56	2300	WOLF ST	REDFIELD VANCE & SUSAN
57	2300	WOLF ST	OCONNELL JOHN F & DONNA R

04/26/2024

Label #	Address		Owner
58	2300	WOLF ST	ZOLLARS MARY CATHERINE
59	2300	WOLF ST	BORICUA ENTERPRISES LP
60	2300	WOLF ST	VENEGAS GONZALO & MARIA
61	2300	WOLF ST	ANGEL DOLORES & STEPHEN
62	2300	WOLF ST	LUTTRELL D SCOTT LIVING TRUST
63	2300	WOLF ST	TANENBAUM RICHARD I REV TRUST &
64	2300	WOLF ST	STONER SUSAN K & EUGENE C JR
65	2300	WOLF ST	GALAS THOMAS E & PATRICIA A
66	2300	WOLF ST	230019A WOLF STREET
67	2300	WOLF ST	DANDRIDGE WILLIAM W &
68	2300	WOLF ST	HOUSE JOHN MICHAEL & KARLA
69	2300	WOLF ST	TRITON CAMP BOWIE I LLC
70	2300	WOLF ST	MICKEY DAWN
71	2300	WOLF ST	MASSAD GENE F & BARBARA J
72	2300	WOLF ST	GREER CHARLES SCOTT & LINDA L
73	2300	WOLF ST	MONTGOMERY WILLIAM A &
74	2300	WOLF ST	CARLISLE RICHARD P &
75	2300	WOLF ST	REGARD BETTY S
76	2300	WOLF ST	REDFIELD VANCE & SUSAN
77	2300	WOLF ST	SDK TRUST
78	2300	WOLF ST	TURNER CHRIS R & MARYBETH C
79	2300	WOLF ST	CARTER LINDA JO

1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION

79 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA234-069

Date: 4/26/2024

PUBLIC HEARING

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

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

DATE: **WEDNESDAY, MAY 22nd, 2024**

BRIEFING: **10:00 a.m. via Videoconference and in 6ES**, Dallas City Hall, 1500 Marilla Street. https://bit.ly/boa0522

HEARING: **1:00 p.m. via Videoconference and in 6ES**, Dallas City Hall, 1500 Marilla Street. https://bit.ly/boa0522

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

BDA234-069(CJ) Application of Craig Smith at **2912 MAPLE AVE.** for **(1)** a variance to the off-street parking regulations. This property is more fully described as 7/0944, and is zoned PD-193 (LC), which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for an alcoholic beverage establishment use, and provide 34 of the required 69 parking spaces, which will require **(1)** a 35-space variance (50.7%) reduction to the parking regulation.

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

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

The Board of Adjustment hearing will be held by videoconference and in 6ES at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure by joining the meeting virtually, must register online at https://bit.ly/BDA-B-Register **by the close of business Tuesday, May 21st, 2024. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing.** Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall

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

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

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

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

Board of Adjustment, Development Services
320 E. Jefferson Blvd. Rm 210, Dallas, TX 75203



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

Data Relative to Subject Property: Date:

Location address: 2912 Maple Ave. Zoning District: PD 193 LC

Lot No.: 10FT LT 5 ALL LT 7& 5 7FT LT 9 Block No.: BLK 7/944 Acreage: 0.2321671258 Census Tract: 48113001802

Street Frontage (in Feet): 1) 65 2) 3) 4) 5)

To the Honorable Board of Adjustment:

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

Applicant: Craig Smith Telephone: 469-600-8228

Mailing Address: 2912 Maple Ave. Zip Code: 75201

E-mail Address: crbrsm@gmail.com

Represented by: Craig Smith (C.B. Smith Law Firm, PLLC) Telephone: 469-600-8228

Mailing Address: 5220 Spring Valley Rd. Suite 602 Zip Code: 75254

E-mail Address: crbrsm@gmail.com

Affirm that an appeal has been made for a Variance ✓, or Special Exception _, of SEC. 51P-193.107(i)(1)(C)
Specifically, a reduction in the required off-street parking of one (1) space for each one hundred (100) square feet of floor area.

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: Reduce required off street parking by fifty (50) percent to 1 space per every two hundred (200) sqft of floor space Antiquated parking code as supported by the Zoning Ordinance Advisory Committee (File No. DCA 190-002); # of residences w/in 2,640 feet; total population within 2,640 feet; # of total office square footage within 1,500 feet; total parking within 1,500 feet; the current proposal to elmina all parking requirements under Chapter 51 of the development code would not provide relief to applicant as PD193 would not be affected by the chang

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 Craig Smith
(Affiant/Applicant's name printed)

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

Respectfully submitted:
(Affiant/Applicant's signature)

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

Dawn R Hayes
Notary Public in and for Dallas County, Texas

DAWN R. HAYES
Notary Public, State of Texas
Comm. Expires 09-02-2026
Notary ID 4144278

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 CRAIG SMITH

did submit a request to request (1) a variance to the off street parking requirements

at 2912 Maple

BDA234-069(CJ) Application of Craig Smith at 2912 MAPLE AVE for (1) a variance to the off-street parking regulations This property is more fully described as 7/0944, and is zoned PD-193 (LC), which requires parking to be provided The applicant proposes to construct and/or maintain a nonresidential structure for an alcoholic beverage establishment use, and provide 34 of the required 69 parking spaces, which will require (1 a 35-space variance (50.7%) reduction to the parking regulation.

Sincerely,

Andrew Espinoza, CBO, MCP, CFM. CCEA

CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA _____

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

at: 2912 Maple Ave.
(Address of property as stated on application)

Authorize: Craig Smith
(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: _____

Bob Woody _____
Print name of property owner or registered agent Signature of property owner or registered agent Date _____

Before me, the undersigned, on this day personally appeared

_____

Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge. Subscribed and sworn to before me this 13th day of March, 2024

DAWN R. HAYES
Notary Public, State of Texas
Comm. Expires 09-02-2026
Notary ID 4144278

Dawn R. Hayes
Notary Public for Dallas County, Texas

Commission expires on 09/02/2026

CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA

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

at: 2912 Maple Ave
(Address of property as stated on application)

Authorize: Craig Smith
(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: _____

Bob Woody _____
Print name of property owner or registered agent Signature of property owner or registered agent Date _____

Before me, the undersigned, on this day personally appeared

_____

Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge. Subscribed and sworn to before me this 13th day of March, 2024

Dawn R Hayes

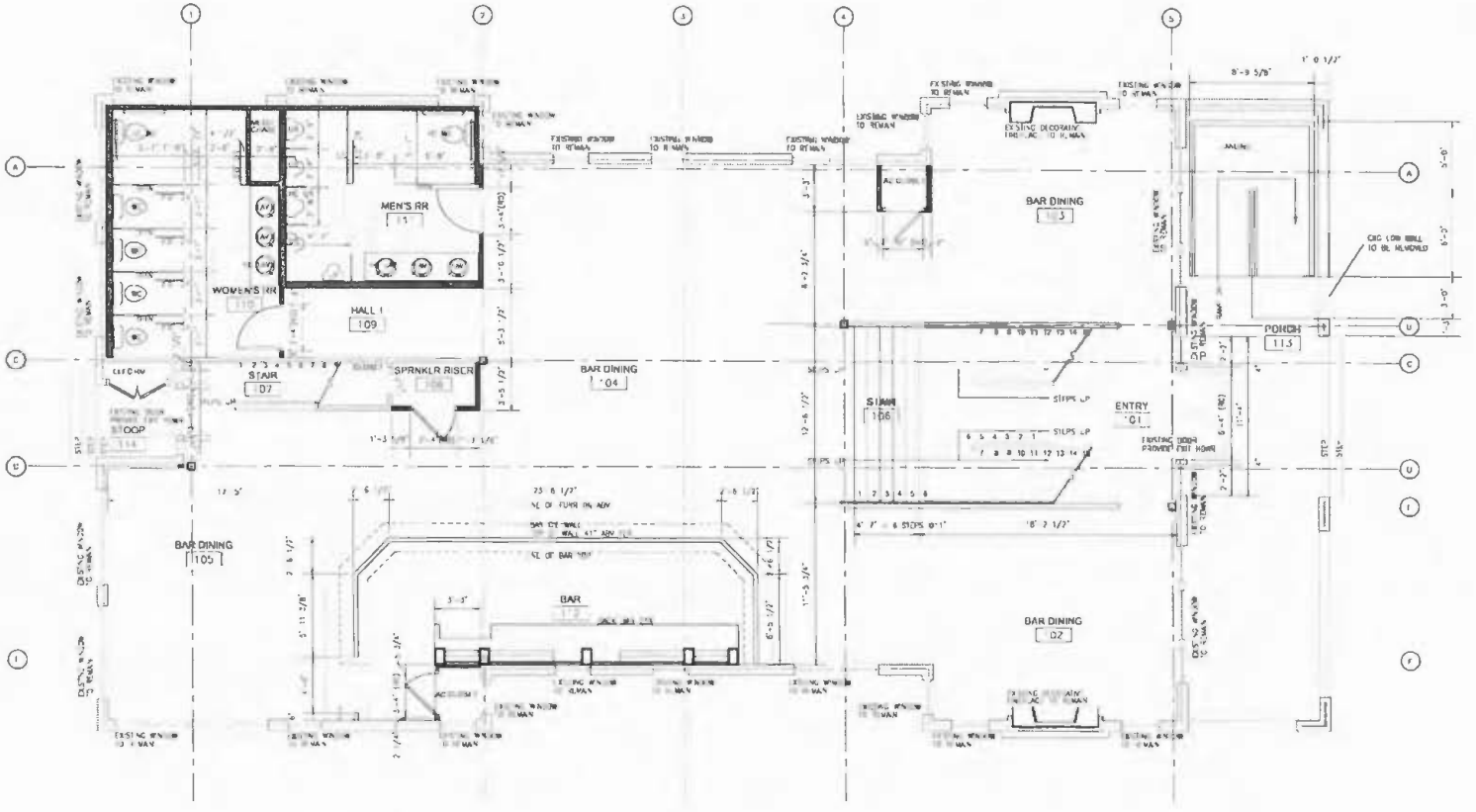
DAWN R. HAYES
Notary Public, State of Texas
Comm. Expires 09-02-2026
Notary ID 4144278

Commission expires on 09/02/2026

GENERAL NOTES

1. SOLID LINES INDICATE NEW CONSTRUCTION UNDER THIS CONTRACT. SCREENED LINES INDICATE EXISTING CONSTRUCTION TO REMAIN. SCREENED AND DASHED LINES INDICATE EXISTING CONSTRUCTION TO BE REMOVED AS NEEDED.
2. FOR THE PURPOSE OF THESE DRAWINGS AND SPECIFICATIONS, THE TERM "BO" (BY OWNER) SHALL MEAN ITEMS PROVIDED BY OWNER, INSTALLED BY CONTRACTOR AS PART OF THE WORK OF THIS CONTRACT. THE ABBREVIATION "NIC" (NOT IN CONTRACT) SHALL MEAN ITEM PROVIDED AND INSTALLED BY OWNER UNDER SEPARATE CONTRACT.
3. ALL PLAN DIMENSIONS ARE TO FACE OF STUD UNLESS NOTED OTHERWISE.
4. MAINTAIN CODE REQUIRED FIRE RATING AT ALL DEMISING WALL PENETRATIONS (JUSTWORK, PIPING, CONDUIT, ETC.). THIS WORK SHALL INCLUDE THE INSTALLATION OF FIRE STOPS AND FIRE RATED PENETRATION SEALS AS REQUIRED BY COD.
5. WHERE LAY IN CEILING OCCURS, TAKE WALL FINISH 6" MIN ABOVE CEILING.
6. REFER TO DETAIL BELOW FOR CONSTRUCTION JOINT AT EXISTING CONCRETE SLAB JOINT. ALL REMOVAL OF CONCRETE TO BE SAWCUT BACK TO NEAREST EXISTING CONCRETE JOINT. JACK HAMMERING OF CONCRETE NOT ALLOWED.
7. FRAMING 2X4 WOOD STUD UNO.
8. PROVIDE FIRE EXTINGUISHERS AS PER CITY CODE. MINIMUM REQUIRED: ONE (1) AT EACH EXIT, ONE (1) IN KITCHEN AREA COORDINATE WITH OWNER'S REPRESENTAIVE FOR EXACT LOCATION.

City of Dallas
APPROVED
Building Inspection
11/09/23



FLOOR PLAN - FIRST FLOOR

KH ARCHITECT

REGISTERED ARCHITECT STATE OF TEXAS

05 FEBRUARY 2021

CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT THE JOB SITE AND NOTIFY THE ARCHITECTS OF ANY DISCREPANCIES BEFORE BEGINNING ANY CONSTRUCTION OR FABRICATION. DO NOT SCALE DRAWINGS.

SHAKESPEARE BAR
2912 MAPLE AVENUE
DALLAS, TX 75201

NO.	DATE	REVISIONS

2020.460

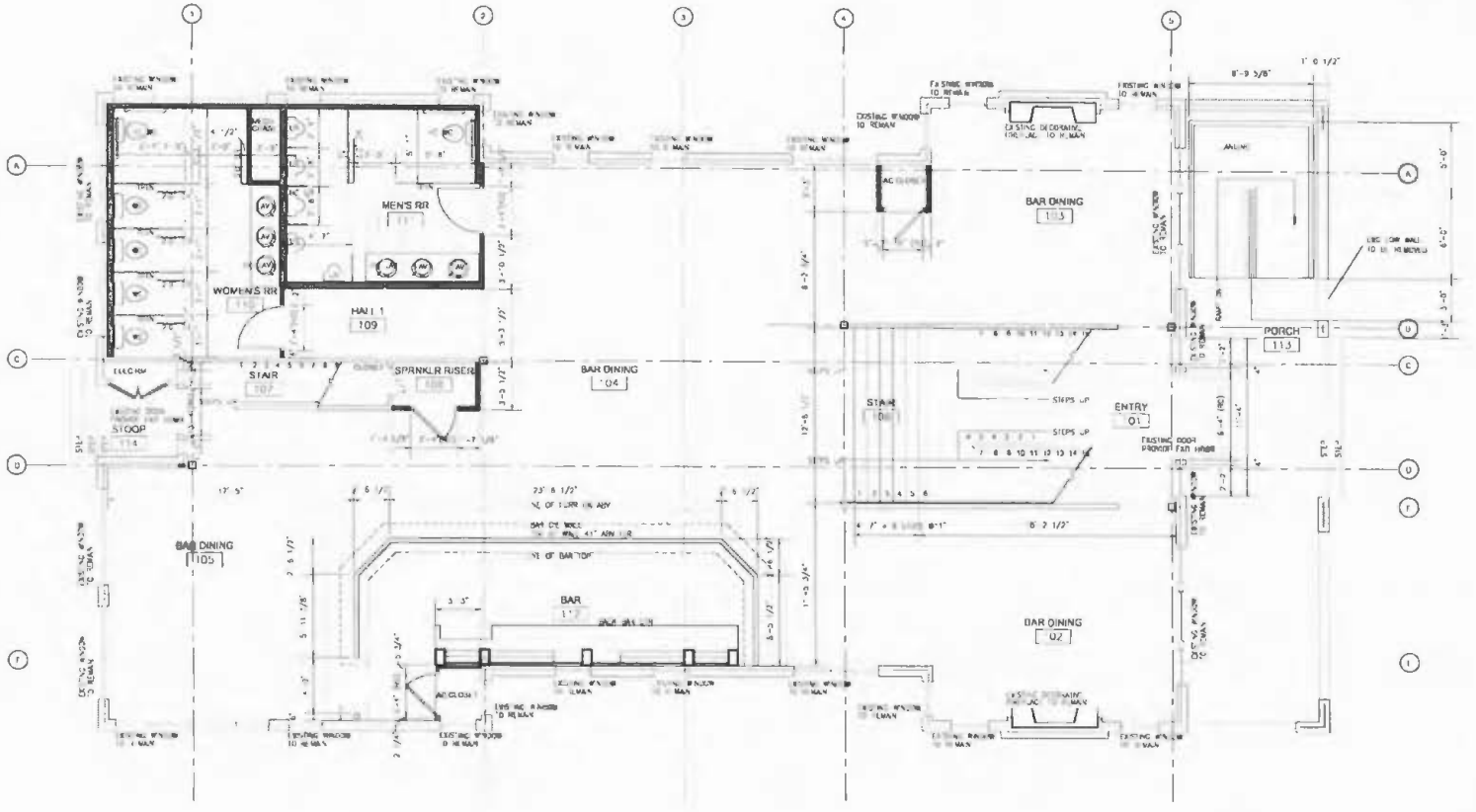
SHEET NUMBER
A-111
SECOND FLOOR PLAN

05 FEBRUARY 2021
DATE OF THIS PRINTING
14 JUNE 2021

GENERAL NOTES

1. SOLID LINES INDICATE NEW CONSTRUCTION UNDER THIS CONTRACT. SCREENED LINES INDICATE EXISTING CONSTRUCTION TO REMAIN. SCREENED AND DASHED LINES INDICATE EXISTING CONSTRUCTION TO BE REMOVED AS NEEDED.
2. FOR THE PURPOSE OF THESE DRAWINGS AND SPECIFICATIONS, THE TERM "GO" (BY OWNER) SHALL MEAN ITEMS PROVIDED BY OWNER, INSTALLED BY CONTRACTOR AS PART OF THE WORK OF THIS CONTRACT. THE ABBREVIATION "NIC" (NOT IN CONTRACT) SHALL MEAN ITEM PROVIDED AND INSTALLED BY OWNER UNDER SEPARATE CONTRACT.
3. ALL PLAN DIMENSIONS ARE TO FACE OF STUD UNLESS NOTED OTHERWISE
4. MAINTAIN CODE REQUIRED FIRE RATING AT ALL DEMISING WALL PENETRATIONS (DUCTWORK, PIPING, CONDUIT, ETC.) THIS WORK SHALL INCLUDE THE INSTALLATION OF FIRE STOPS AND FIRE RATED PENETRATION SEALS AS REQUIRED BY CODE.
5. WHERE LAY IN CEILING OCCURS, TAKE WALL FINISH 6" MIN ABOVE CEILING
6. REFER TO DETAIL BELOW FOR CONSTRUCTION JOINT AT EXISTING CONCRETE JOINT. AFTER REMOVAL OF CONCRETE TO BE SAWCUT. JACK HAMMERING OF EXISTING CONCRETE NOT ALLOWED.
7. FRAMING 2X4 WOOD STUD UNO
8. PROVIDE FIRE EXTINGUISHERS AS PER CITY CODE. MINIMUM REQUIRED: ONE (1) AT EACH EXIT, ONE (1) IN KITCHEN AREA. COORDINATE WITH OWNER'S REPRESENTATIVE FOR EXACT LOCATION

City of Dallas
APPROVED
Building Inspection
11/09/23



FLOOR PLAN - FIRST FLOOR

KH ARCHITECT

08 FEBRUARY 2021

CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT THE JOB SITE AND NOTIFY THE ARCHITECT OF ANY VARIATIONS FROM THE DIMENSIONS OR DISCREPANCIES BEFORE BEGINNING ANY CONSTRUCTION OR FABRICATION. DO NOT SCALE DRAWINGS.

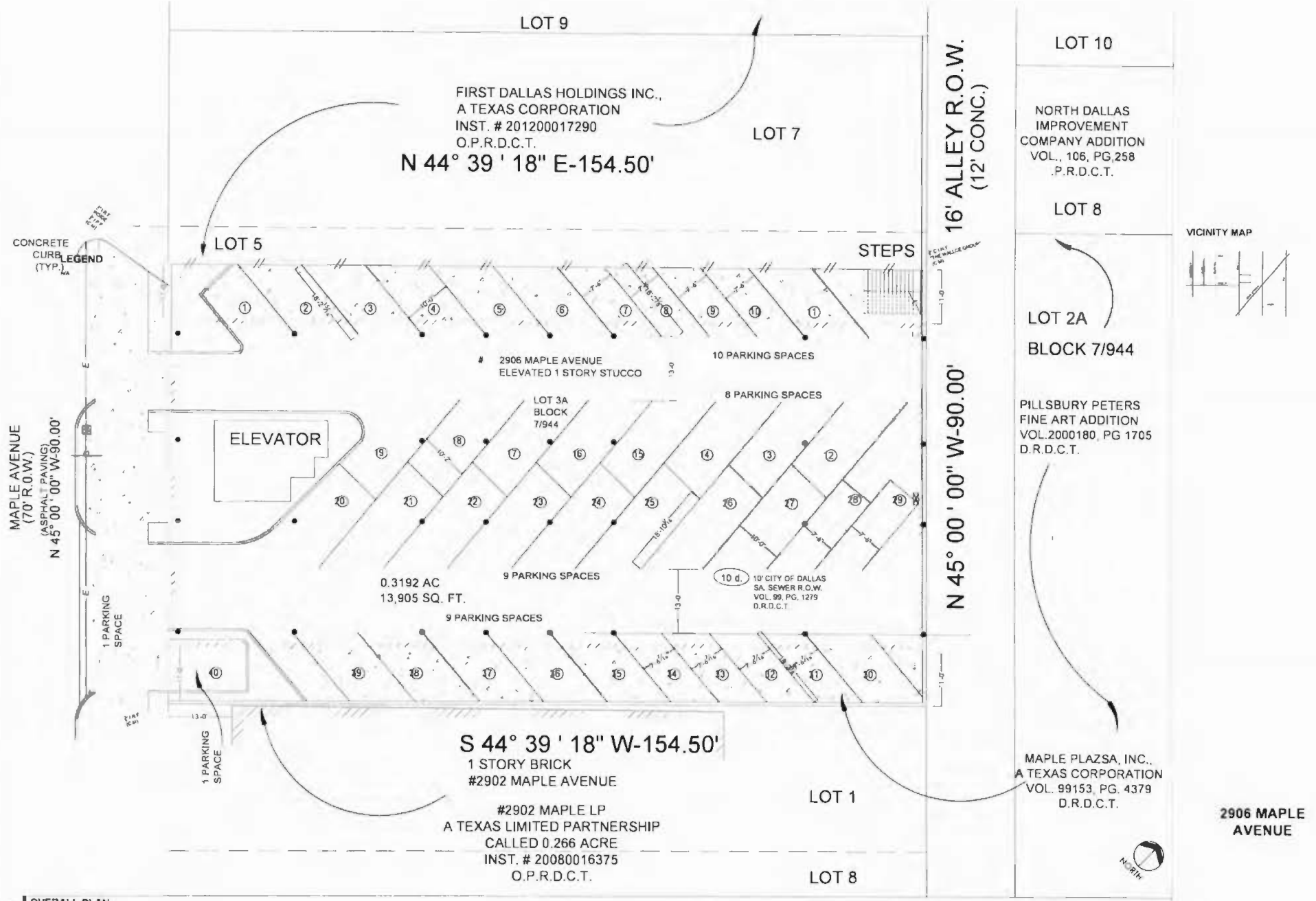
SHAKESPEARE BAR
2912 MAPLE AVENUE
DALLAS, TX 75201

NO. DATE REVISIONS

2020.460

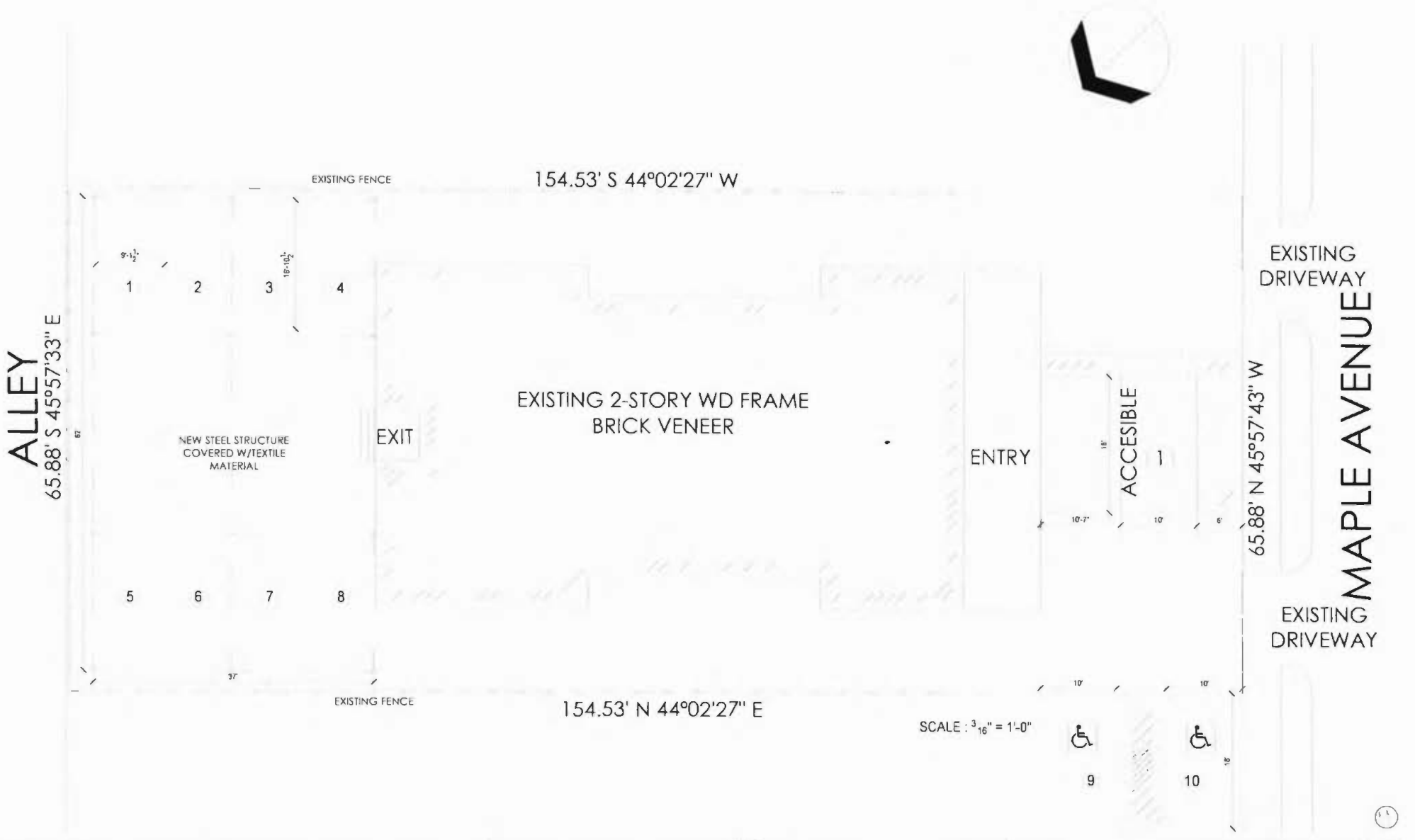
SHEET NUMBER
A-111
SECOND FLOOR PLAN

08 FEBRUARY 2021
DATE OF THIS PRINTING
14 JUNE 2021



1 OVERALL PLAN

Xref ./TITLEBLOCK.dwg



SITE PLAN

Spatia design

SHAKESPEARE'S BAR

A 01

Vehicle Parking Analysis 2912 Maple Avenue

Automobile Requirements

Address	Suite	DBA (optional)	Use (per Use Code checklist)	Area (SF)	Ratio	Required
2912 Maple Avenue	N/A	Shakespeare's	Restaurant	6,164	100	62

Bicycle Requirements 3001 Maple Avenue

N/A.

PDD, Zoning Resolution and Ordinance References

Zone District	PD
PD Number	193
CD Number	
Common Name	Oak Lawn PD 193_Chapter 51 Development Standards
Case Number	Z189-141
Council Date	6/11/2019
Ordinance Number	31242
Resolution Number	190930
District Use	

Vehicle Parking Analysis 2912 Maple Avenue

Automobile Requirements

Address	Suite	CBA (optional)	Use (per Use Code description)	Area (SF)	Ratio	Required
2912 Maple Avenue	N/A	Breakspears	Bar, no food	6,161	100	62

Bicycle Requirements 3001 Maple Avenue

N/A

PDD Zoning Resolution and Ordinance References

Zone District	PD
PD Number	193
CD Number	
Common Name	Oak Lawn PD 193_Chapter 51 Development Standards
Case Number	Z189-141
Council Date	6/11/2019
Ordinance Number	31242
Resolution Number	190930
District Use	

DeShazo Group 43 YEARS
TRAFFIC • TRANSPORTATION PLANNING • PARKING • DESIGN

TECHNICAL MEMO

To: Mr. Bob Woody
CBS Law Firm, PLLC
5220 Spring Valley Rd, Suite 602,
Dallas, TX. 75254

From: DeShazo Group, Inc.

Date: May 2, 2024

Re: **Parking Study Memo for SHAKESPEAR'S Bar in Dallas, Texas**
(DeShazo Project No. 24056)

Dear Mr. Woody,

Please accept this letter as a technical memorandum prepared by the **DeShazo Group Inc.** (DeShazo) on May 2, 2024, for the proposed SHAKESPEAR'S Bar located in the inter-block of Maple Avenue between Wolf Street and Cedar Springs Road in Dallas, Texas. The bar would like to request a 50% parking reduction in order to provide a total of 35 parking spaces based upon the results of this parking study. The preliminary site plan proposes a total of 6,900 SF of combined building area. The client wishes to submit a parking demand study to the city of Dallas for the proposed property.

EXECUTIVE SUMMARY

The preliminary findings of the observations conducted on two alcohol beverage establishments in the Uptown and State Thomas areas found that the peak parking demand was four vehicles for a 3,000 SF alcohol beverage establishment. This is an observed parking demand rate of one space per 750 SF. Applying this parking rate to the proposed 6,900 SF site results in a peak parking demand of 9 vehicles for this 6,900 SF alcohol beverage establishment.

Further, at night, when the observed properties had their highest occupancy, overwhelmingly, the most utilized form of transportation was either pedestrians walking or patrons utilizing a ride-hailing service. It was observed that between 67% and 100% of total ingress and egress activity was in the form of walking or ride hailing services. DeShazo believes that this is in part due to the dense urban nature of that neighborhood where patrons of bars and restaurants walk or ride-hale very often when they go out to eat or drink.

PARKING ANALYSIS

Considering the proposed site is 6,900 SF and is anticipated to be an alcohol beverage establishment (bar, lounge, tavern) the City of Dallas per PD 193 would require the property to provide one parking space per 100 SF or 69 parking spaces. Such a requirement creates a parking supply deficit of 34 parking spaces.

To determine if such a parking supply deficit would be detrimental to the Client, DeShazo Group Observed two other alcohol beverage establishments with little or no available off-street parking in the nearby Uptown and State Thomas districts on the dates of Thursday, April 25th and Saturday, April 27th. The observations of both properties occurred from 11AM to 2PM and again from 5PM to 10PM. One of the properties observed was The Loon, located at 3028 N Hall Street, #179, Dallas, TX. The Loon is roughly 3,000 SF; it shares 34 off-street parking spaces with the MAA apartment complex and has four on-street parking spaces located directly in front of the property. The other property observed was The Nodding Donkey, located at 2900 Thomas Ave, Dallas, TX. The Nodding Donkey is roughly 6,410 SF and provides zero off-street parking spaces.

The Loon observation data is summarized in a table in **Exhibit 1**.

Exhibit 1, Table 1, The Loon Observation Table

The Loon Observatons

25th April, 2024 - Thursday

Entering					Exiting					Total No. of people in the bar	
Observation Timings	Off-street Parking	On-street Parking	Ride-Hailing	Walkups	Observation Timings	Off-street Parking	On-street Parking	Ride-Hailing	Walkups	Observation Timings	No. of people
11:00AM - 11:30 AM	0	2	0	1	11:00AM - 11:30 AM	0	0	0	1	11:00AM - 11:30 AM	2
11:30 AM - 12:00 AM	0	0	0	0	11:30 AM - 12:00 AM	0	2	0	0	11:30 AM - 12:00 AM	2
12:00 PM - 12:30 PM	0	3	0	2	12:00 PM - 12:30 PM	0	0	0	0	12:00 PM - 12:30 PM	5
12:30 PM - 01:00 PM	0	0	3	0	12:30 PM - 01:00 PM	0	0	0	2	12:30 PM - 01:00 PM	6
01:00 PM - 01:30 PM	0	3	0	2	01:00 PM - 01:30 PM	0	3	0	0	01:00 PM - 01:30 PM	8
01:30 PM - 02:00 PM	0	2	0	0	01:30 PM - 02:00 PM	0	0	0	2	01:30 PM - 02:00 PM	6
Break 2:00PM - 5:00 PM					Break 2:00PM - 5:00 PM					Break 2:00PM - 5:00 PM	
05:00 PM - 05:30 PM	0	4	0	3	05:00 PM - 05:30 PM	0	0	0	2	05:00 PM - 05:30 PM	12
05:30 PM - 06:00 PM	0	0	0	0	05:30 PM - 06:00 PM	0	2	0	0	05:30 PM - 06:00 PM	12
06:00 PM - 06:30 PM	0	2	2	3	06:00 PM - 06:30 PM	0	0	0	3	06:00 PM - 06:30 PM	16
06:30 PM - 07:00 PM	0	4	5	2	06:30 PM - 07:00 PM	0	0	2	0	06:30 PM - 07:00 PM	22
07:00 PM - 07:30 PM	0	0	3	3	07:00 PM - 07:30 PM	0	0	0	3	07:00 PM - 07:30 PM	25
07:30 PM - 08:00 PM	0	2	0	2	07:30 PM - 08:00 PM	0	6	0	2	07:30 PM - 08:00 PM	24
08:00 PM - 08:30 PM	0	0	2	4	08:00 PM - 08:30 PM	0	0	3	0	08:00 PM - 08:30 PM	32
08:30 PM - 09:00 PM	0	4	4	2	08:30 PM - 09:00 PM	0	2	2	0	08:30 PM - 09:00 PM	33
09:00 PM - 09:30 PM	0	0	5	7	09:00 PM - 09:30 PM	0	0	0	4	09:00 PM - 09:30 PM	45
09:30 PM - 10:00 PM	0	2	0	4	09:30 PM - 10:00 PM	0	3	3	2	09:30 PM - 10:00 PM	51

27th April, 2024 - Saturday

Entering					Exiting					Total No. of people in the bar	
Observation Timings	Off-street Parking	On-street Parking	Ride-Hailing	Walkups	Observation Timings	Off-street Parking	On-street Parking	Ride-Hailing	Walkups	Observation Timings	No. of people
11:00AM - 11:30 AM	0	3	0	0	11:00AM - 11:30 AM	0	0	0	2	11:00AM - 11:30 AM	5
11:30 AM - 12:00 AM	0	0	2	1	11:30 AM - 12:00 AM	0	3	0	0	11:30 AM - 12:00 AM	6
12:00 PM - 12:30 PM	0	2	0	0	12:00 PM - 12:30 PM	0	0	0	0	12:00 PM - 12:30 PM	8
12:30 PM - 01:00 PM	0	2	3	0	12:30 PM - 01:00 PM	0	0	2	1	12:30 PM - 01:00 PM	8
01:00 PM - 01:30 PM	0	0	0	0	01:00 PM - 01:30 PM	0	2	0	0	01:00 PM - 01:30 PM	6
01:30 PM - 02:00 PM	0	2	0	0	01:30 PM - 02:00 PM	0	0	3	0	01:30 PM - 02:00 PM	5
Break 2:00PM - 5:00 PM					Break 2:00PM - 5:00 PM					Break 2:00PM - 5:00 PM	
05:00 PM - 05:30 PM	0	3	3	2	05:00 PM - 05:30 PM	0	0	0	2	05:00 PM - 05:30 PM	15
05:30 PM - 06:00 PM	0	0	4	0	05:30 PM - 06:00 PM	0	2	3	0	05:30 PM - 06:00 PM	18
06:00 PM - 06:30 PM	0	2	2	5	06:00 PM - 06:30 PM	0	0	0	3	06:00 PM - 06:30 PM	18
06:30 PM - 07:00 PM	0	4	5	3	06:30 PM - 07:00 PM	0	2	6	0	06:30 PM - 07:00 PM	26
07:00 PM - 07:30 PM	0	0	3	5	07:00 PM - 07:30 PM	0	0	2	6	07:00 PM - 07:30 PM	28
07:30 PM - 08:00 PM	0	2	3	6	07:30 PM - 08:00 PM	0	0	0	2	07:30 PM - 08:00 PM	35
08:00 PM - 08:30 PM	0	0	5	2	08:00 PM - 08:30 PM	0	4	2	0	08:00 PM - 08:30 PM	38
08:30 PM - 09:00 PM	0	4	9	4	08:30 PM - 09:00 PM	0	3	4	0	08:30 PM - 09:00 PM	46
09:00 PM - 09:30 PM	0	0	10	8	09:00 PM - 09:30 PM	0	4	2	6	09:00 PM - 09:30 PM	52
09:30 PM - 10:00 PM	0	4	12	10	09:30 PM - 10:00 PM	0	0	4	7	09:30 PM - 10:00 PM	65

Note: The off-street parking for the restaurant was inside the parking garage and it was harder to determine the No. of people actually coming to the restaurant from this parking as it was little far and is a closed property. So, it is possible that the count of people from the off-street parking is merged with the count of walkups to the restaurant.

Findings: On Thursday afternoon the most popular means of arrival was on-street parking, the most popular means of departure was on-street parking and walking out, and there was a peak of 8 people in the bar. There was a peak of 3 vehicles parked in the afternoon. Assuming the bar is 3,000 SF, there is a parking demand of 1 space per 1,000 SF. At night the most popular means of arrival were pedestrians walking up, the most popular means of departure was pedestrians walking out, and there was a peak of 51 people in the bar. There was a peak of 4 vehicles parked at night. Assuming the bar is 3,000 SF, there is a parking demand of one space per 750 SF.

On Saturday afternoon the most popular means of arrival was on-street parking, the most popular means of departure was on-street parking and ride-hailing, and there was a peak of 8 people in the bar. There was a peak of 3 vehicles parked in the afternoon. Assuming the bar is 3,000 SF, there is a parking demand of 1 space per 1,000 SF. At night the most popular means of arrival was ride-hailing, the most popular means of departure was pedestrians walking out, and there was a peak of 65 people in the bar. There was a peak of 4 vehicles parked at night. Assuming the bar is 3,000 SF, there is a parking demand of one space per 750 SF.

The Nodding Donkey observation data is summarized in a table in **Exhibit 2**.

Exhibit 2, Table 1, The Nodding Donkey Observation Table

The Nodding Donkey Observations

25th April, 2024 - Thursday

Entering					Exiting					Total No. of people in the bar	
Observation Timings	Off-street Parking	On-street Parking	Ride-Hailing	Walkups	Observation Timings	Off-street Parking	On-street Parking	Ride-Hailing	Walkups	Observation Timings	No. of people
11:00 AM - 11:30 AM	0	0	0	1	11:00 AM - 11:30 AM	0	0	0	0	11:00 AM - 11:30 AM	1
11:30 AM - 12:00 AM	0	0	0	2	11:30 AM - 12:00 AM	0	0	0	0	11:30 AM - 12:00 AM	3
12:00 PM - 12:30 PM	0	2	0	1	12:00 PM - 12:30 PM	0	0	0	0	12:00 PM - 12:30 PM	6
12:30 PM - 01:00 PM	0	0	0	1	12:30 PM - 01:00 PM	0	0	0	4	12:30 PM - 01:00 PM	7
01:00 PM - 01:30 PM	0	0	0	5	01:00 PM - 01:30 PM	0	1	0	6	01:00 PM - 01:30 PM	8
01:30 PM - 02:00 PM	0	3	0	4	01:30 PM - 02:00 PM	0	0	0	2	01:30 PM - 02:00 PM	11
Break 2:00PM - 5:00 PM					Break 2:00PM - 5:00 PM					Break 2:00PM - 5:00 PM	
05:00 PM - 05:30 PM	0	0	0	5	05:00 PM - 05:30 PM	0	0	0	1	05:00 PM - 05:30 PM	36
05:30 PM - 06:00 PM	0	0	3	8	05:30 PM - 06:00 PM	0	0	0	1	05:30 PM - 06:00 PM	46
06:00 PM - 06:30 PM	0	0	3	16	06:00 PM - 06:30 PM	0	0	0	2	06:00 PM - 06:30 PM	67
06:30 PM - 07:00 PM	0	0	0	6	06:30 PM - 07:00 PM	0	0	0	2	06:30 PM - 07:00 PM	71
07:00 PM - 07:30 PM	0	0	2	4	07:00 PM - 07:30 PM	0	0	0	0	07:00 PM - 07:30 PM	77
07:30 PM - 08:00 PM	0	0	3	9	07:30 PM - 08:00 PM	0	0	0	3	07:30 PM - 08:00 PM	86
08:00 PM - 08:30 PM	0	0	0	10	08:00 PM - 08:30 PM	0	0	2	0	08:00 PM - 08:30 PM	94
08:30 PM - 09:00 PM	0	0	0	11	08:30 PM - 09:00 PM	0	0	0	3	08:30 PM - 09:00 PM	>100
09:00 PM - 09:30 PM	0	0	0	4	09:00 PM - 09:30 PM	0	0	0	0	09:00 PM - 09:30 PM	>105
09:30 PM - 10:00 PM	0	0	0	4	09:30 PM - 10:00 PM	0	0	0	0	09:30 PM - 10:00 PM	>110

27th April, 2024 - Saturday

Entering					Exiting					Total No. of people in the bar	
Observation Timings	Off-street Parking	On-street Parking	Ride-Hailing	Walkups	Observation Timings	Off-street Parking	On-street Parking	Ride-Hailing	Walkups	Observation Timings	No. of people
11:00 AM - 11:30 AM	0	1	0	6	11:00 AM - 11:30 AM	0	0	0	0	11:00 AM - 11:30 AM	7
11:30 AM - 12:00 AM	0	0	0	8	11:30 AM - 12:00 AM	0	0	0	0	11:30 AM - 12:00 AM	15
12:00 PM - 12:30 PM	0	1	4	8	12:00 PM - 12:30 PM	0	1	0	0	12:00 PM - 12:30 PM	27
12:30 PM - 01:00 PM	0	0	0	7	12:30 PM - 01:00 PM	0	0	0	3	12:30 PM - 01:00 PM	31
01:00 PM - 01:30 PM	0	0	2	10	01:00 PM - 01:30 PM	0	1	0	2	01:00 PM - 01:30 PM	40
01:30 PM - 02:00 PM	0	1	2	2	01:30 PM - 02:00 PM	0	0	0	2	01:30 PM - 02:00 PM	43
Break 2:00PM - 5:00 PM					Break 2:00PM - 5:00 PM					Break 2:00PM - 5:00 PM	
05:00 PM - 05:30 PM	0	0	3	12	05:00 PM - 05:30 PM	0	0	0	2	05:00 PM - 05:30 PM	42
05:30 PM - 06:00 PM	0	0	0	14	05:30 PM - 06:00 PM	0	0	0	0	05:30 PM - 06:00 PM	56
06:00 PM - 06:30 PM	0	0	0	18	06:00 PM - 06:30 PM	0	0	0	0	06:00 PM - 06:30 PM	74
06:30 PM - 07:00 PM	0	0	0	12	06:30 PM - 07:00 PM	0	1	0	3	06:30 PM - 07:00 PM	81
07:00 PM - 07:30 PM	0	0	0	16	07:00 PM - 07:30 PM	0	0	0	0	07:00 PM - 07:30 PM	97
07:30 PM - 08:00 PM	0	0	1	10	07:30 PM - 08:00 PM	0	0	0	0	07:30 PM - 08:00 PM	>100
08:00 PM - 08:30 PM	0	0	0	6	08:00 PM - 08:30 PM	0	0	0	0	08:00 PM - 08:30 PM	>110
08:30 PM - 09:00 PM	0	0	0	13	08:30 PM - 09:00 PM	0	0	0	3	08:30 PM - 09:00 PM	>115
09:00 PM - 09:30 PM	0	0	0	8	09:00 PM - 09:30 PM	0	0	0	0	09:00 PM - 09:30 PM	>120
09:30 PM - 10:00 PM	0	0	0	7	09:30 PM - 10:00 PM	0	0	0	2	09:30 PM - 10:00 PM	>110

Note: Some of the people parked their vehicles in residential zones around the restaurants all over spreaded and then walked through the restaurant between 11am-2pm. The off-street parkings lots were full from 5pm-10pm. The off-street parking for the restaurant was in different directions it was hard to determine the No. of people actually coming to the restaurant from this parking. So, it is possible that the count of people from the off-street parking is merged with the count of walkups to the restaurant.

Findings: On Thursday afternoon the most popular means of arrival was pedestrians walking up, the most popular means of departure was pedestrians walking out, and there was a peak of 11 people in the bar. There was a peak of 3 vehicles parked in the afternoon. Assuming the bar is 6,410 SF, there is a parking demand of 1 space per 2,137 SF. At night the most popular means of arrival was pedestrians walking up, the most popular means of departure was pedestrians walking out, and there was a peak of roughly 110 people in the bar. There were no vehicles parked at night.

On Saturday afternoon the most popular means of arrival was pedestrians walking up, the most popular means of departure was pedestrians walking out, and there was a peak of 43 people in the bar. There was a peak of 3 vehicles parked in the afternoon. Assuming the bar is 6,410 SF, there is a parking demand of 1 space per roughly 2,137 SF. At night the most popular means of arrival was pedestrians walking up, the most popular means of departure was pedestrians walking out, and there was a peak of roughly 120 people in the bar. There were no vehicles parked at night.

PRELIMINARY CONCLUTIONS

Given the preliminary findings of the observations, overall, it was observed that parking demand did not exceed one space for every 750 SF. Applying this parking demand to the proposed project site, requiring one parking space for every 750 SF for a 6,900 SF property results in a parking allotment of 9 spaces. The owner is purposing to provide 35 parking spaces resulting in a surplus of 26 spaces. It should also be considered that the only parking demand observed being utilized was on-street parking and it would not be considered allowable parking under PD 193.

Pedestrians and individuals using ride-haling services made up the majority of the observed nightly ingress and egress activity at both the Loon and the Nodding Donkey, when the bars have the highest occupancy. On Thursday night at the Loon 73% of total ingress activity and 67% of total egress activity was from pedestrians walking or ride-hailing services. The Nodding Donkey on Thursday Night was observed as having 100% of its total ingress and egress activity come from pedestrians walking or ride-hailing services. On Saturday night at the Loon 84% of total ingress activity and 77% of total egress activity was from pedestrians walking or ride-hailing services. The Nodding Donkey on Saturday Night was observed as having 100% of its total ingress activity and 91% of its total egress activity come from pedestrians walking or ride-hailing services.

Based upon these observations DeShazo Group supports a total parking supply for the Shakespear's Bar of 35 spaces. Due to the dense urban nature of this neighborhood, the data observed in this study, as well as data from other studies conducted in this area, support the belief that, patrons of bars and restaurants in this area will likely walk or ride-hale when they go out to eat or drink.

END OF MEMO

PARKING ANALYSIS FOR

THE SHAKESPEARE BAR DEVELOPMENT

IN DALLAS, TEXAS

DeShazo Project No. 24056

Prepared for:

Mr. Bob Woody

CBS Law Firm, PLLC

Dallas, Texas



05/10/2024

Prepared by:

DeShazo Group, Inc.

Texas Registered Engineering Firm F-3199

400 S Houston St, Suite 330, Dallas, TX-75202

Office: 214-748-6740| www.deshazogroup.com

May 10, 2024

DeShazo Group 43 YEARS

TRAFFIC » TRANSPORTATION PLANNING » PARKING » DESIGN

TABLE OF CONTENTS

EXECUTIVE SUMMARY *1*
INTRODUCTION *1*
LOCATION & UNIQUE PARKING CHARACTERISTICS 1
PARKING DEMAND ANALYSIS *5*
ANALYSIS APPROACH 5
CODE PARKING SUMMARY 5
FIELD PARKING ACCUMULATION STUDY *7*
OBSERVATIONS FROM SITE VISITS 7
NON-VEHICULAR TRAFFIC ANALYSIS 10
CONCLUSION *11*
COMPARISON OF THE FINDINGS 11
RECOMMENDATIONS 12

LIST OF TABLES:

Table 1. Development Program Summary
Table 2. PD 193 Parking Requirement
Table 3. Code Parking Reduction Summary
Table 4. Summary of Observation Sites
Table 5. Summary of Observed Data
Table 6. Comparison of Findings

LIST OF EXHIBITS:

Exhibit 1. Site Plan
Exhibit 2. Project Location & Surroundings Map
Exhibit 3. Peak Parking Demand and Supply (Thursday and Saturday)
Exhibit 4. Total Parking Demand and Supply of Observed Data (Thursday)
Exhibit 5. Total Parking Demand and Supply of Observed Data (Saturday)
Exhibit 6. Non-Vehicular Traffic Vs. Vehicular Visits Summary

LIST OF APPENDICES:

Appendix A. Parking Study Raw Data

EXECUTIVE SUMMARY

This report includes two observations conducted on two alcohol beverage establishments in the Uptown and State Thomas areas. Their findings were as follows:

- Four vehicles at The Loon (3,000 SF) at 5:00 PM on April 27th, 2024
- Three vehicles at The Nodding Donkey (6,410 SF) at 1:30 PM on April 25th, 2024

The observed peak demand represents a peak of 1 parked car per 750 SF.

Based on recent studies conducted by DeShazo Group at two similarly situated establishments within the Dallas Uptown District, we found a peak parking demand of 1 parked car per 750 SF, or a total of nine (9) off street parking spaces, during peak hours. As detailed further within this Parking Analysis, the applicant's proposal, if approved, will provide a peak demand surplus of twenty-six (26) off-street parking spaces.

INTRODUCTION

The services of **DeShazo Group, Inc.** (DeShazo) were retained by the **CBS Law Firm, PLLC** to analyze the parking needs for the proposed Shakespeare's Bar located at 2912 Maple Avenue and an additional parking lot located at 2906 Maple Avenue in PD 193 in Dallas, Texas. The site is located on Maple Avenue between Cedar Springs Road and Wolf Street, an interior lot in the Uptown area of the City of Dallas. The site will be across the street from Le Meridien Dallas, The Stoneleigh, to the southwest, and Uchi Dallas to the southeast. DeShazo is an engineering consulting firm providing licensed engineers and analysts skilled in the field of traffic/transportation engineering and parking design and demand analysis for nearly 44 years.

The overreaching purpose of this parking analysis is to maximize the site plan and analyze the parking needs and reductions available for the construction of a new bar. The proposed site plan for this development is provided in **Exhibit 1.** The proposed site location map is provided in **Exhibit 2.** The Development Program for the proposed development is provided in **Table 1** below.

Table 1. Development Program Summary

Land Uses	Quantity
Shakespeare's Bar Alcoholic beverage establishment	7,422 SF

LOCATION & UNIQUE PARKING CHARACTERISTICS

The site is surrounded by restaurants in its near vicinity and across Maple Avenue, is bordered by The JLL office building and the former Stoneleigh P bar. Within a walkable 450-foot radius, are the Le Meridien Dallas Hotel to the southwest and Uchi Dallas to the southeast as well as the aforementioned JLL office building.

The Dallas Uptown area is generally defined by its large population of restaurants in the area. This gives precedence to the fact that the restaurants already within the study area can maintain the

demand for vehicles at this time. The prevalence of public transport as well as the higher density of people also gives rise to improved parking ratios as more people can be pedestrianized.

RIDE-HAILING

According to the custom study performed by Metro study in 2019, it is reported that ride-hailing experienced 100% growth from the year 2018 to 2019. Most hotels and restaurants were listed as the top Dallas ride-hailing destinations, and it is stated that tens of thousands of pickups occurred in the uptown area per month during 2019.

Exhibit 1. Site Plan

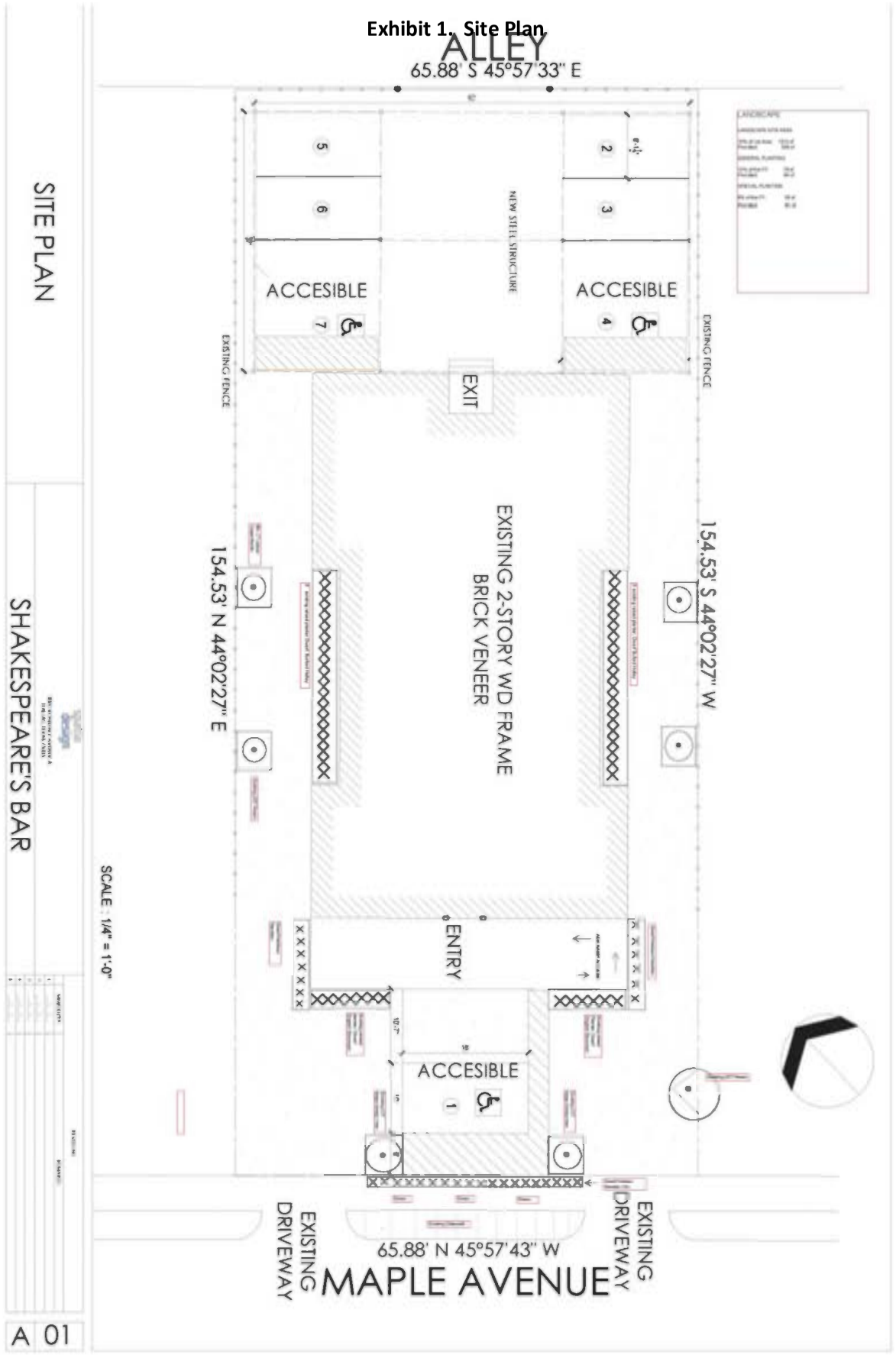
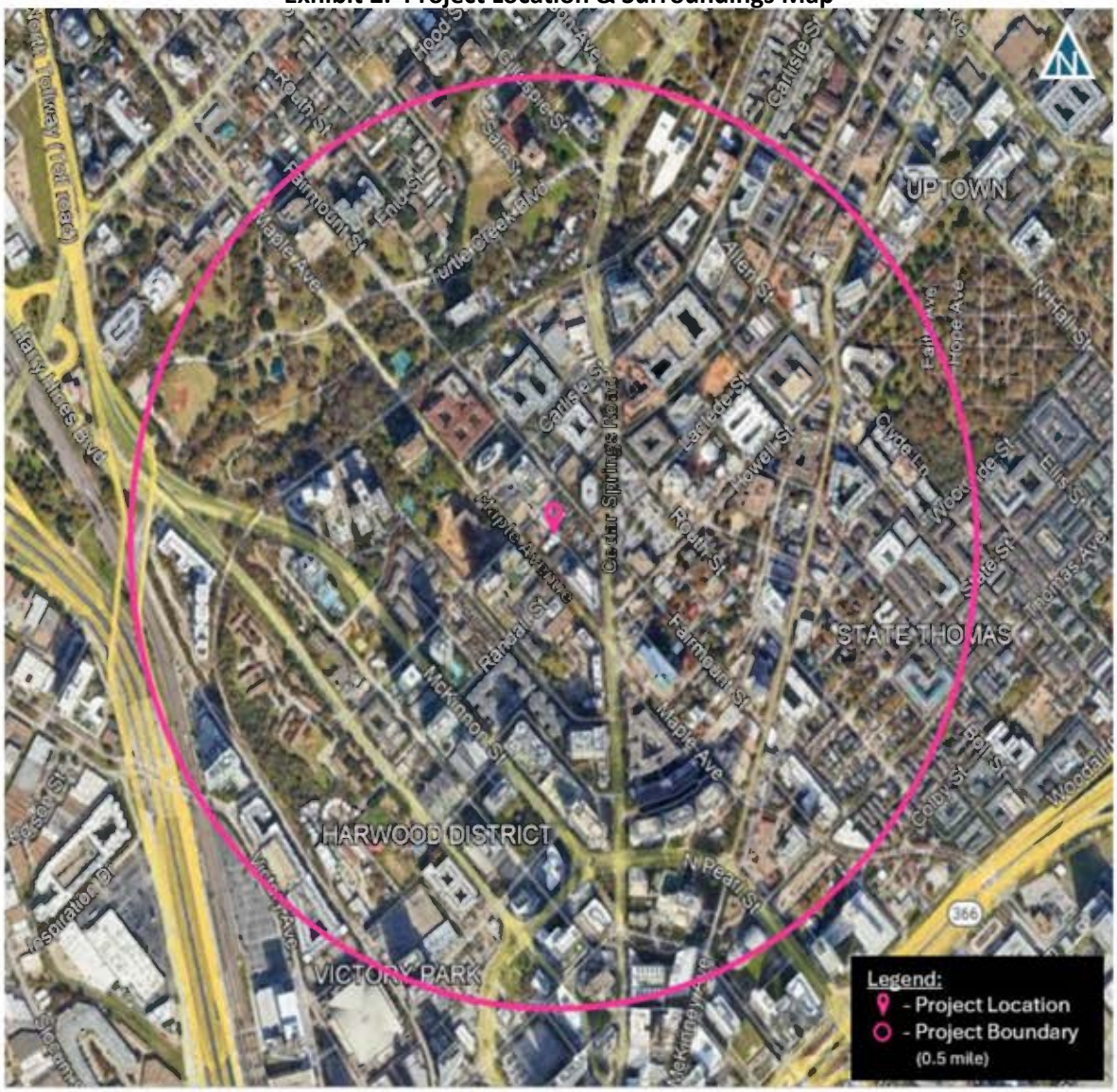


Exhibit 2. Project Location & Surroundings Map



PARKING DEMAND ANALYSIS

ANALYSIS APPROACH

To arrive at the site-specific parking criteria for the proposed Shakespeare's Bar development, two approaches were evaluated. These included:

1. CODE PARKING SUMMARY: Application of respective parking codes and reduction factors from the Dallas Development Code §51A and PD 193.
2. FIELD PARKING ACCUMULATION STUDY: Actual observed parking accumulation data collected by DeShazo at The Loon and The Nodding Donkey in the Uptown area and State Thomas area and applied the highest adjusted parking rate observed from these sites for full occupancy of the Shakespeare's Bar 6,900 SF.

Based on the finding of these two approaches and DeShazo's engineering experience, we drew a conclusion to estimate the final expected demand for the Shakespeare's Bar when in full operation.

The following sections summarize the results of the application of each of the study approaches.

CODE PARKING SUMMARY

The proposed Shakespeare's Bar is proposed in the city of Dallas's PD 193 Oak Lawn Special Purpose District. The Dallas Development Code ARTICLE 193, PD 193, Oak Lawn Special Purpose District provides individual parking code requirements for specific land uses. In SEC. 51P-193.104 (a) (1) and SEC. 51P-193.107 (i) of this article, stipulations exist for off-street parking requirements when a facility is used for bar and restaurant uses within a PD 193 district. For this site, the qualifications for the "bar and restaurant" as defined in SEC. 51P-193.104 (a) (1) of this section are met. Application of the respective parking codes and applicable parking requirement reductions as stated in the Code are summarized in **Table 2**.

Table 2. PD 193 Parking Requirement

Business/Tenant	Land Use	Area (SF)	Code Parking Ratio (1 space / X SF)	Required Parking Spaces
Shakespeare's Bar	Alcohol Beverage Establishment	6,900	1 Space / 100 SF	69
			Total Off-Street Parking Requirement:	**69 Spaces**
			Total Parking Credits [1]:	**2 Spaces**
			Total Off-Street Parking Proposed:	**35 Spaces**
			Grand Total:	**37 Spaces**
			Parking Deficit:	**32 spaces**

[1] The parking reduction calculations based on the code allowance are provided in **Table 3.**

The information utilized code excerpts from Dallas Development Code ARTICLE 193, PD 193, Oak Lawn Special Purpose District and the Dallas Development Code §51A.

Table 3. Code Parking Reduction Summary

Parameter		Tally	Criteria	Code Reference
Garbage Dumpster Credit	Provide 2 - Dumpster	2	For each dumpster located in a garbage storage area, the # of off-street parking spaces required for use is decreased by one.	SEC. 51P-193.113. OFF-STREET PARKING REGULATIONS. (a) (15) – Garbage parking
TOTAL PARKING CREDITS		**2**		

FINDING: Based on the proposed site plan; the bar proposes a total on-site parking supply of 35 spaces with 2 parking reduction credits. This would provide a total parking supply of 37 spaces resulting in one parking space per every 186 square feet of building area. The code parking analysis also revealed that per the proposed site plan there will be a parking deficit of 32 spaces.

FIELD PARKING ACCUMULATION STUDY

Existing Parking Demand Accumulation Study:

On the 25th and 27th of April, 2024, DeShazo conducted a parking accumulation study to observe the demand for parking for the two existing establishments where existing bars within the Dallas Uptown and State Thomas areas were studied at their peak operating hours on their peak days of the week.

The locations were observed on typical peak periods on Thursdays and Saturdays. The observations were performed in two locations which closely match the proposed Shakespeare's Bar. Further, one site was chosen in the Uptown area and one in the State Thomas Area. **Table 4** shows the bar names and observation periods for this study.

Table 4. Summary of Observation Sites

Locality	Site Name	Observations Performed			
		Thursday; 25th April, 2024		Saturday; 27th April, 2024	
		11 AM to 2 PM	5 PM to 10 PM	11 AM to 2 PM	5 PM to 10 PM
Uptown Area	The Loon	√	√	√	√
State Thomas Area	The Nodding Donkey	√	√	√	√

OBSERVATIONS FROM SITE VISITS

DeShazo observed that the Uptown and State Thomas areas featured a large amount of on-street parking. The on-street parking was for the most part filled up completely and was saturated from the start of the morning observations. The on-street parking reduces traffic speeds and allows for a significant number of pedestrians to approach bars.

During these observations, DeShazo noticed that The Loon provided off-street parking located 500 feet around the corner from the bar, inside an underground parking facility, with no signage that the parking was available to bar patrons. The Nodding Donkey indicated that there was no off-street parking available and off-street parking could be done at public parking areas that were located a minimum of two blocks away.

The observed peak demand tabulated results of this study are provided in **Table 5** and graphically represented in **Exhibit 3.** Further, the total hourly demand for these observed bars for both days is plotted on **Exhibits 4** and **5**, against the supply.

Table 5. Summary of Observed Data

Locality	Site Name	Building Area	Parking Supply	Maximum Observed Peak Demand	Peak Parking Ratio (Space/SF)
Uptown Area	The Loon	3,000 SF	34 Spaces	4 Spaces [(1)]	1 space/ 750 SF
State Thomas Area	The Nodding Donkey	6,410 SF	0 Spaces	3 Spaces [(1)]	1 space/ 2,137 SF
				Peak:	**1 Space / 750 SF**

[(1)] Observed as On-Street Parking.

The raw data of the observations is provided in **Appendix A** of this report.

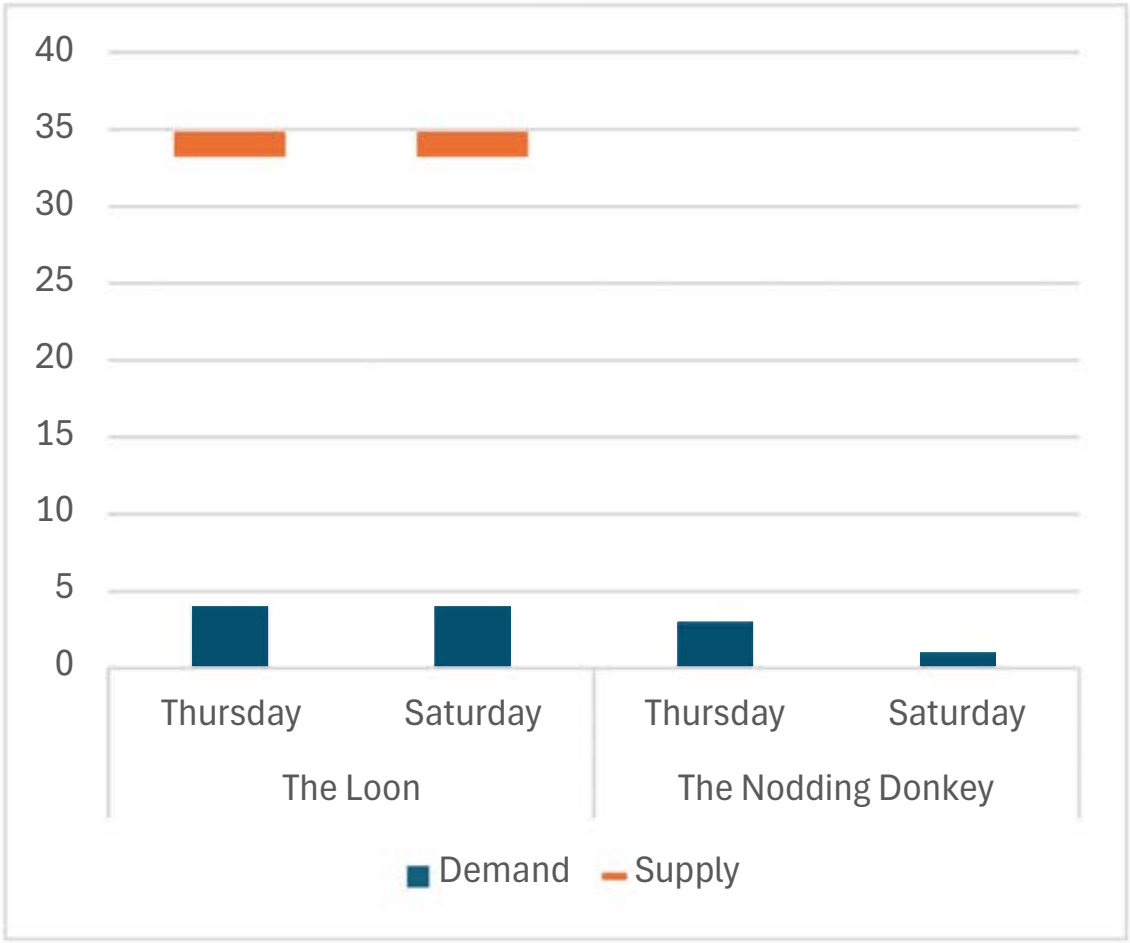


Exhibit 3. Peak Parking Demand and Supply (Thursday and Saturday)
(Source. DeShazo's Field-Observed Data)

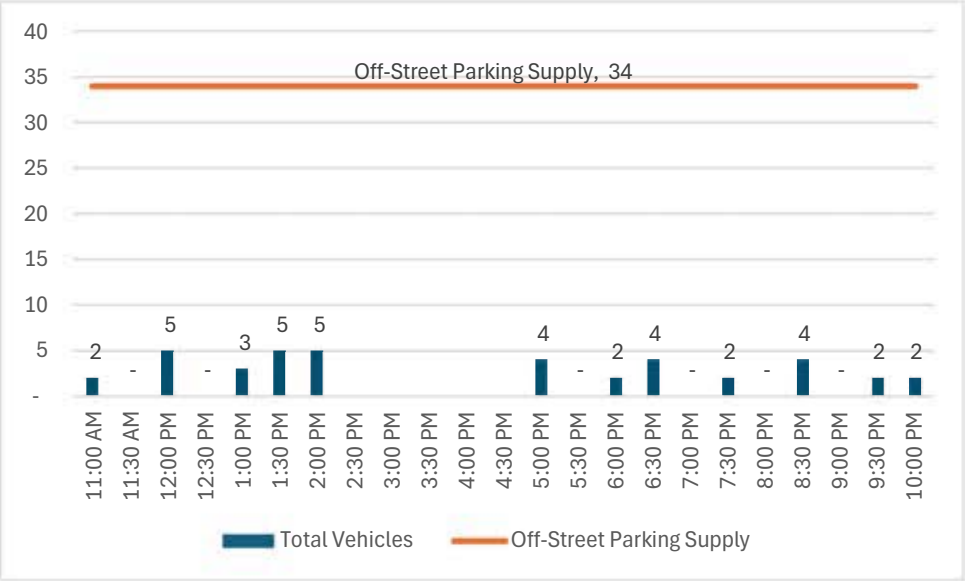


Exhibit 4. Total Parking Demand and Supply of Observed Data (Thursday)
(Source. DeShazo's Field-Observed Data)

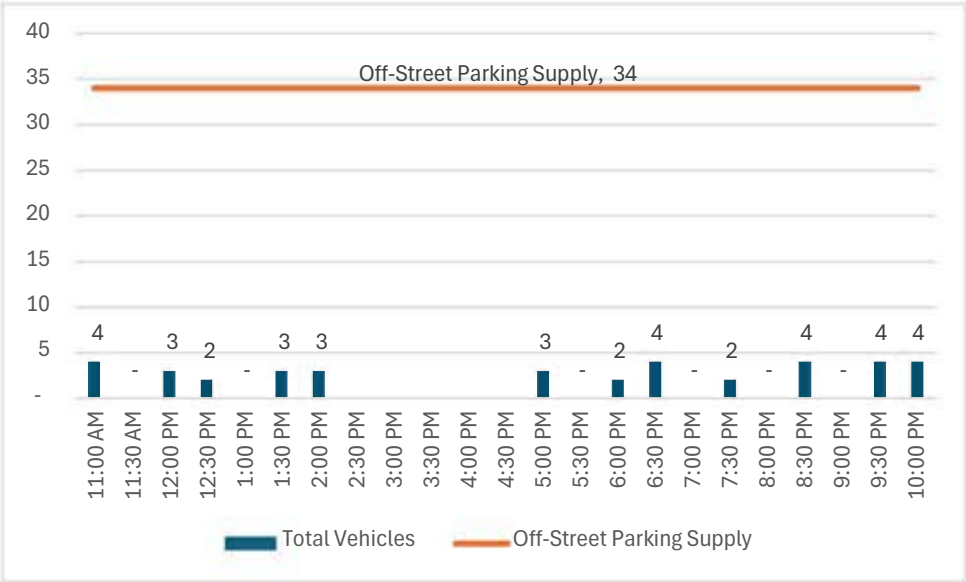


Exhibit 5. Total Parking Demand and Supply of Observed Data (Saturday)
(Source. DeShazo's Field-Observed Data)

FINDING: For the observed sites, the peak Thursday parking demand was observed to occur at 12:00 & 1:30 PM with a value of 5 vehicles which accounts for 14.7% of the available supply of 34 spaces (total of all sites). The peak Saturday parking demand was observed to occur at 11:00 AM, 6:30 PM, 8:30 PM, 9:30 PM and 10:00 PM with a value of 4 vehicles which accounts for 11.8% of the available supply of 34 spaces.

$$Proposed\ Bar\ Demand = \frac{Proposed\ Building\ Area}{Observed\ Peak\ Parking\ Ratio}$$

= 6,900/750 = 9.2 ≈ 9 Parking Spaces

Based upon the peak period demand observed for the bars and the calculated peak rate for parking spaces per building area, the peak rate comes out to be 1 Space / 750 SF. With the application of this rate to the proposed Shakespeare's Bar the demand equates to 9 parking spaces.

NON-VEHICULAR TRAFFIC ANALYSIS

In addition to general parking accumulation observations, DeShazo also observed non-vehicular trips directly arriving at the observed bars. These bars include The Loon and The Nodding Donkey. The non-vehicular trips include; bar visits made by walk-in pedestrians and ride-hailing (Uber, Lyft, and Alto). These observations were made during the same time periods as parking accumulation observations.

The observed peak periods of non-vehicular traffic and general vehicular traffic which required off-street parking are presented in **Exhibit 6**.

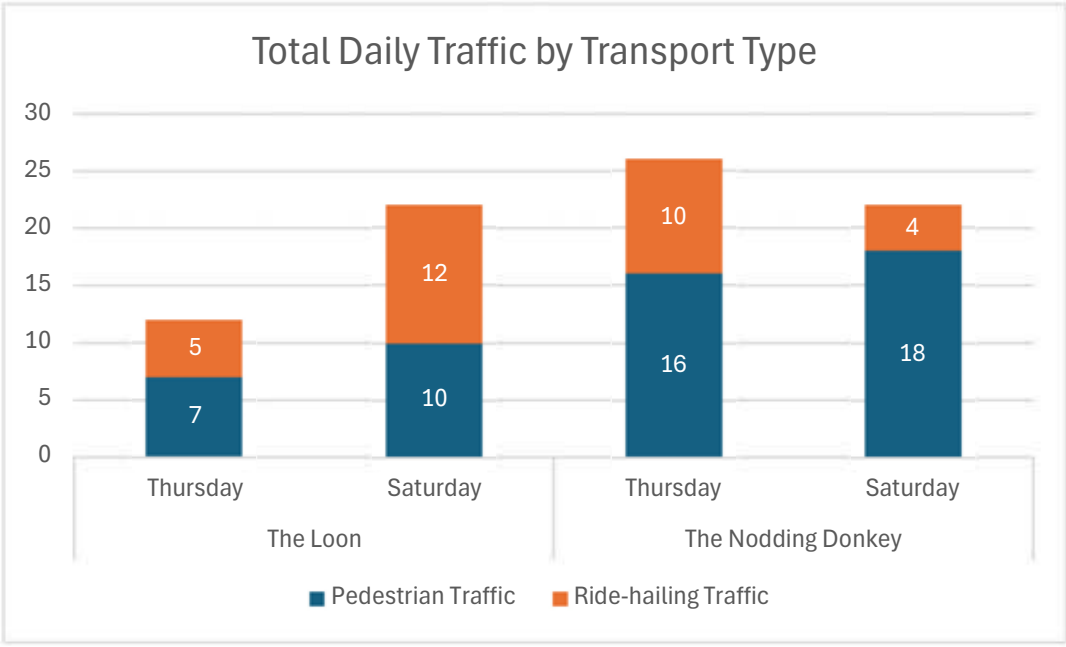


Exhibit 6. Non-vehicular Traffic Vs. Vehicular Visits Summary
(Source. DeShazo's Field-Observed Data)

FINDING: For all of the observed sites, the data reveals that in the Uptown and State Thomas areas there are a significant number of non-vehicular trips that make visits to the observed locations. On average, around 80.76% of the trips are non-vehicular trips. This suggests that there is much lower parking demand in this locality than what the code requirement stipulates.

CONCLUSION

This memorandum summarizes the projected parking demand for the proposed development based upon the application of parking characteristics derived from DeShazo's professional judgment and industry data pertaining to bar parking demand. This study will be provided to the City of Dallas staff for technical review. The findings of this study are intended to provide the technical basis for a request to reduce the parking requirements for the proposed development.

SUMMARY OF THE FINDINGS:

FINDING: Based on the proposed site plan; the bar proposes a total on-site parking supply of 35 spaces with 2 parking reduction credits. This would provide a total parking supply of 37 spaces resulting in one parking space per every 186 square feet of building area. The code parking analysis also revealed that per the proposed site plan there will be a parking deficit of 32 spaces.

FINDING: For the observed sites, the peak Thursday parking demand was observed to occur at 12:00 & 1:30 PM with a value of 5 vehicles which accounts for 14.7% of the available supply of 34 spaces (total of all sites). The peak Saturday parking demand was observed to occur at 11:00 AM, 6:30 PM, 8:30 PM, 9:30 PM and 10:00 PM with a value of 4 vehicles which accounts for 11.8% of the available supply of 34 spaces.

$$Proposed\ Bar\ Demand = \frac{Proposed\ Building\ Area}{Observed\ Peak\ Parking\ Ratio}$$

= 6,900/750 = 9.2 ≈ 9 Parking Spaces

Based upon the peak period demand observed for the bars and the calculated peak rate for parking spaces per building area, the peak rate comes out to be 1 Space / 750 SF. With the application of this rate to the proposed Shakespeare's Bar the demand equates to 9 parking spaces.

FINDING: For all of the observed sites, the data reveals that in the Uptown and State Thomas areas there are a significant number of non-vehicular trips that make visits to the observed locations. On average, around 80.76% of the trips are non-vehicular trips. This suggests that there is much lower parking demand in this locality than what the code requirement stipulates.

COMPARISON OF THE FINDINGS

DeShazo Group compared the results from the two approaches that we have considered in this analysis. These include Parking Accumulation Observations of existing sites and the City of Dallas Development Code Parking requirements. The differences between these findings are noted in **Table 6** on the following page.

Table 6. Comparison of Findings
(City of Dallas Code and DeShazo Parking Study)

Land Use	Building Area	Code Requirements	DeShazo Parking Analysis Results
			Peak Demand
Shakespeare's Bar (Alcohol Beverage Establishment)	6,900 SF	69	9

Based on the proposed site plan; the bar proposes a total on-site parking supply of 35 spaces with 2 parking reduction credits. This would provide a total parking supply of 37 spaces resulting in one parking space per every 186 square feet of building area.

RECOMMENDATIONS

1. A Parking Variance is requested from the City of Dallas Board of Adjustments. Based upon the findings of this analysis, DeShazo is seeking a parking reduction of 46%, which gives a reduction of 32 parking spaces. DeShazo believes that the future demand conditions at Shakespeare's Bar (up to 6,900 SF of alcohol beverage establishment) can be contained within the site with this variance. A reduction of 32 required spaces (46%) is warranted based upon the following considerations:

(A) *The extent to which the parking spaces are provided.*

The parking reduction is a function of low parking demand, closeness to transit, and high walk-in traffic as it serves the high office population area and does not rely upon remote parking.

(B) *The availability of public transit and the likelihood of its use.*

The site is directly served by existing DART public transit bus routes.

2. It is also DeShazo's understanding that the proposed Shakespeare's Bar is eligible for a reduction of 2 spaces as credits granted from both the Dallas Development Code §51A and PD 193. These parking credits give a total reduction of 2 spaces. The parking credits are:

(B) *Garbage Dumpster location* - SEC. 51P-193.113

Two dumpsters are provided in the garbage storage area meaning an eligibility of 2 spaces.

The total reduction will be 32 spaces. This reduction is 46.38% of the code parking requirement.

It is believed that the requested parking reduction will not create a traffic hazard nor restrict the Shakespeare's Bar during typical peak hours. DeShazo recommends a variance of 32 parking spaces from the City of Dallas Board of Adjustment and allowing the Shakespeare's Bar to operate with the current supply of 35 parking spaces. These 35 parking spaces are also all that is available adjacent to the property and have been procured via private agreements over the course of two years. Lastly, the 35 offered parking spaces will provide a surplus of 26 parking spaces as DeShazo calculated a peak parking demand for this property to be nine vehicles. **END OF MEMO**

Appendix A. Parking Study Raw Data

The Loon Observatons

25th April, 2024 - Thursday

Entering					Exiting					Total No. of people in the bar	
Observation Timings	Off-street Parking	On-street Parking	Ride-Hailing	Walkups	Observation Timings	Off-street Parking	On-street Parking	Ride-Hailing	Walkups	Observation Timings	No. of people
11:00AM - 11:30 AM	0	2	0	1	11:00AM - 11:30 AM	0	0	0	1	11:00AM - 11:30 AM	2
11:30 AM - 12:00 AM	0	0	0	0	11:30 AM - 12:00 AM	0	2	0	0	11:30 AM - 12:00 AM	2
12:00 PM - 12:30 PM	0	3	0	2	12:00 PM - 12:30 PM	0	0	0	0	12:00 PM - 12:30 PM	5
12:30 PM - 01:00 PM	0	0	3	0	12:30 PM - 01:00 PM	0	0	0	2	12:30 PM - 01:00 PM	6
01:00 PM - 01:30 PM	0	3	0	2	01:00 PM - 01:30 PM	0	3	0	0	01:00 PM - 01:30 PM	8
01:30 PM - 02:00 PM	0	2	0	0	01:30 PM - 02:00 PM	0	0	0	2	01:30 PM - 02:00 PM	6
Break 2:00PM - 5:00 PM					Break 2:00PM - 5:00 PM					Break 2:00PM - 5:00 PM	
05:00 PM - 05:30 PM	0	4	0	3	05:00 PM - 05:30 PM	0	0	0	2	05:00 PM - 05:30 PM	12
05:30 PM - 06:00 PM	0	0	0	0	05:30 PM - 06:00 PM	0	2	0	0	05:30 PM - 06:00 PM	12
06:00 PM - 06:30 PM	0	2	2	3	06:00 PM - 06:30 PM	0	0	0	3	06:00 PM - 06:30 PM	16
06:30 PM - 07:00 PM	0	4	5	2	06:30 PM - 07:00 PM	0	0	2	0	06:30 PM - 07:00 PM	22
07:00 PM - 07:30 PM	0	0	3	3	07:00 PM - 07:30 PM	0	0	0	3	07:00 PM - 07:30 PM	25
07:30 PM - 08:00 PM	0	2	0	2	07:30 PM - 08:00 PM	0	6	0	2	07:30 PM - 08:00 PM	24
08:00 PM - 08:30 PM	0	0	2	4	08:00 PM - 08:30 PM	0	0	3	0	08:00 PM - 08:30 PM	32
08:30 PM - 09:00 PM	0	4	4	2	08:30 PM - 09:00 PM	0	2	2	0	08:30 PM - 09:00 PM	33
09:00 PM - 09:30 PM	0	0	5	7	09:00 PM - 09:30 PM	0	0	0	4	09:00 PM - 09:30 PM	45
09:30 PM - 10:00 PM	0	2	0	4	09:30 PM - 10:00 PM	0	3	3	2	09:30 PM - 10:00 PM	51

27th April, 2024 - Saturday

Entering					Exiting					Total No. of people in the bar	
Observation Timings	Off-street Parking	On-street Parking	Ride-Hailing	Walkups	Observation Timings	Off-street Parking	On-street Parking	Ride-Hailing	Walkups	Observation Timings	No. of people
11:00AM - 11:30 AM	0	3	0	0	11:00AM - 11:30 AM	0	0	0	2	11:00AM - 11:30 AM	5
11:30 AM - 12:00 AM	0	0	2	1	11:30 AM - 12:00 AM	0	3	0	0	11:30 AM - 12:00 AM	6
12:00 PM - 12:30 PM	0	2	0	0	12:00 PM - 12:30 PM	0	0	0	0	12:00 PM - 12:30 PM	8
12:30 PM - 01:00 PM	0	2	3	0	12:30 PM - 01:00 PM	0	0	2	1	12:30 PM - 01:00 PM	8
01:00 PM - 01:30 PM	0	0	0	0	01:00 PM - 01:30 PM	0	2	0	0	01:00 PM - 01:30 PM	6
01:30 PM - 02:00 PM	0	2	0	0	01:30 PM - 02:00 PM	0	0	3	0	01:30 PM - 02:00 PM	5
Break 2:00PM - 5:00 PM					Break 2:00PM - 5:00 PM					Break 2:00PM - 5:00 PM	
05:00 PM - 05:30 PM	0	3	3	2	05:00 PM - 05:30 PM	0	0	0	2	05:00 PM - 05:30 PM	15
05:30 PM - 06:00 PM	0	0	4	0	05:30 PM - 06:00 PM	0	2	3	0	05:30 PM - 06:00 PM	18
06:00 PM - 06:30 PM	0	2	2	5	06:00 PM - 06:30 PM	0	0	0	3	06:00 PM - 06:30 PM	18
06:30 PM - 07:00 PM	0	4	5	3	06:30 PM - 07:00 PM	0	2	6	0	06:30 PM - 07:00 PM	26
07:00 PM - 07:30 PM	0	0	3	5	07:00 PM - 07:30 PM	0	0	2	6	07:00 PM - 07:30 PM	28
07:30 PM - 08:00 PM	0	2	3	6	07:30 PM - 08:00 PM	0	0	0	2	07:30 PM - 08:00 PM	35
08:00 PM - 08:30 PM	0	0	5	2	08:00 PM - 08:30 PM	0	4	2	0	08:00 PM - 08:30 PM	38
08:30 PM - 09:00 PM	0	4	9	4	08:30 PM - 09:00 PM	0	3	4	0	08:30 PM - 09:00 PM	46
09:00 PM - 09:30 PM	0	0	10	8	09:00 PM - 09:30 PM	0	4	2	6	09:00 PM - 09:30 PM	52
09:30 PM - 10:00 PM	0	4	12	10	09:30 PM - 10:00 PM	0	0	4	7	09:30 PM - 10:00 PM	65

Note: The off-street parking for the restaurant was inside the parking garage and it was harder to determine the No. of people actually coming to the restaurant from this parking as it was little far and is a closed property. So, it is possible that the count of people from the off-street parking is merged with the count of walkups to the restaurant.

The Nodding Donkey Observations

25th April, 2024 - Thursday

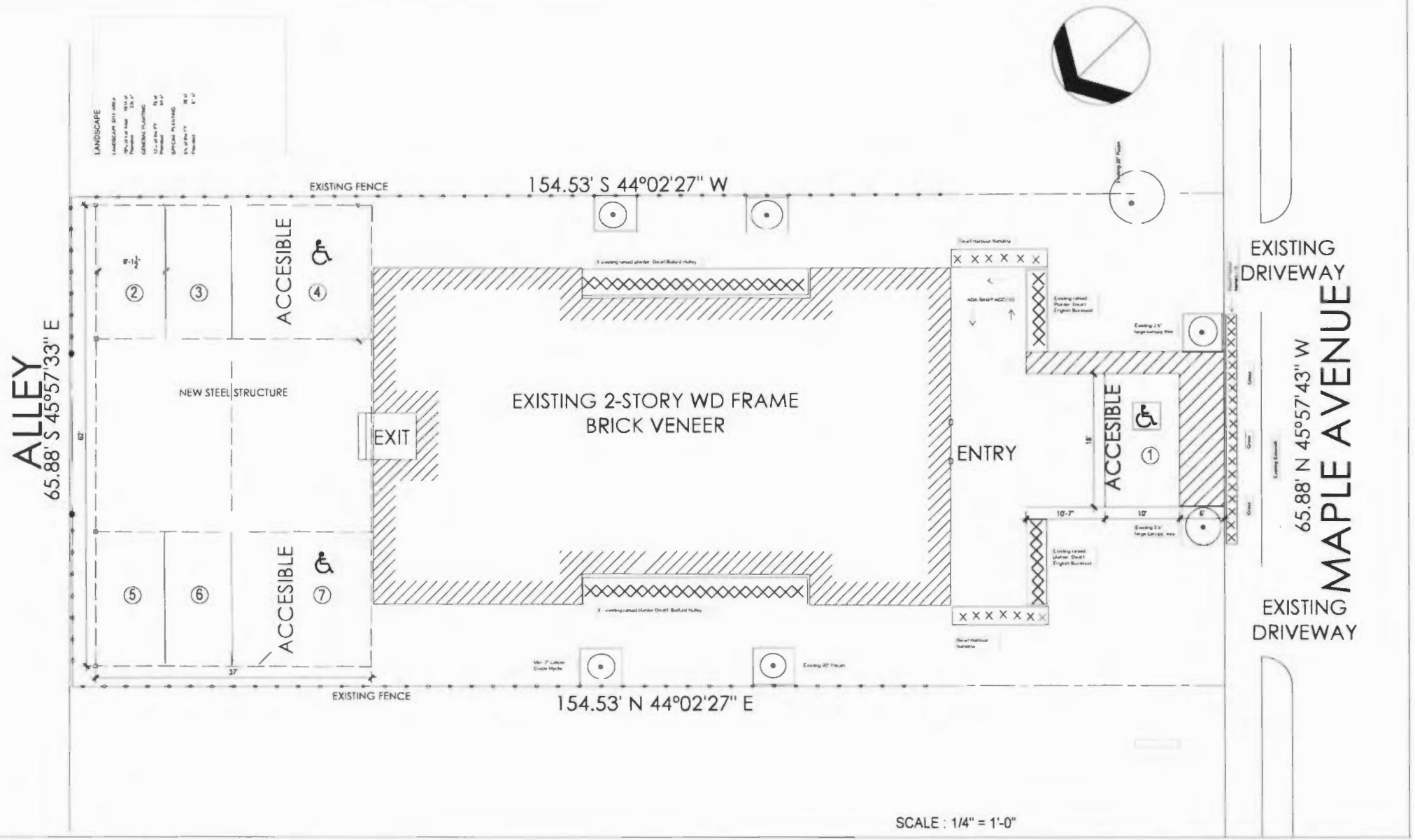
Entering					Exiting					Total No. of people in the bar	
Observation Timings	Off-street Parking	On-street Parking	Ride-Hailing	Walkups	Observation Timings	Off-street Parking	On-street Parking	Ride-Hailing	Walkups	Observation Timings	No. of people
11:00 AM - 11:30 AM	0	0	0	1	11:00 AM - 11:30 AM	0	0	0	0	11:00 AM - 11:30 AM	1
11:30 AM - 12:00 AM	0	0	0	2	11:30 AM - 12:00 AM	0	0	0	0	11:30 AM - 12:00 AM	3
12:00 PM - 12:30 PM	0	2	0	1	12:00 PM - 12:30 PM	0	0	0	0	12:00 PM - 12:30 PM	6
12:30 PM - 01:00 PM	0	0	0	1	12:30 PM - 01:00 PM	0	0	0	4	12:30 PM - 01:00 PM	7
01:00 PM - 01:30 PM	0	0	0	5	01:00 PM - 01:30 PM	0	1	0	6	01:00 PM - 01:30 PM	8
01:30 PM - 02:00 PM	0	3	0	4	01:30 PM - 02:00 PM	0	0	0	2	01:30 PM - 02:00 PM	11
Break 2:00PM - 5:00 PM					Break 2:00PM - 5:00 PM					Break 2:00PM - 5:00 PM	
05:00 PM - 05:30 PM	0	0	0	5	05:00 PM - 05:30 PM	0	0	0	1	05:00 PM - 05:30 PM	36
05:30 PM - 06:00 PM	0	0	3	8	05:30 PM - 06:00 PM	0	0	0	1	05:30 PM - 06:00 PM	46
06:00 PM - 06:30 PM	0	0	3	16	06:00 PM - 06:30 PM	0	0	0	2	06:00 PM - 06:30 PM	67
06:30 PM - 07:00 PM	0	0	0	6	06:30 PM - 07:00 PM	0	0	0	2	06:30 PM - 07:00 PM	71
07:00 PM - 07:30 PM	0	0	2	4	07:00 PM - 07:30 PM	0	0	0	0	07:00 PM - 07:30 PM	77
07:30 PM - 08:00 PM	0	0	3	9	07:30 PM - 08:00 PM	0	0	0	3	07:30 PM - 08:00 PM	86
08:00 PM - 08:30 PM	0	0	0	10	08:00 PM - 08:30 PM	0	0	2	0	08:00 PM - 08:30 PM	94
08:30 PM - 09:00 PM	0	0	0	11	08:30 PM - 09:00 PM	0	0	0	3	08:30 PM - 09:00 PM	>100
09:00 PM - 09:30 PM	0	0	0	4	09:00 PM - 09:30 PM	0	0	0	0	09:00 PM - 09:30 PM	>105
09:30 PM - 10:00 PM	0	0	0	4	09:30 PM - 10:00 PM	0	0	0	0	09:30 PM - 10:00 PM	>110

27th April, 2024 - Saturday

Entering					Exiting					Total No. of people in the bar	
Observation Timings	Off-street Parking	On-street Parking	Ride-Hailing	Walkups	Observation Timings	Off-street Parking	On-street Parking	Ride-Hailing	Walkups	Observation Timings	No. of people
11:00 AM - 11:30 AM	0	1	0	6	11:00 AM - 11:30 AM	0	0	0	0	11:00 AM - 11:30 AM	7
11:30 AM - 12:00 AM	0	0	0	8	11:30 AM - 12:00 AM	0	0	0	0	11:30 AM - 12:00 AM	15
12:00 PM - 12:30 PM	0	1	4	8	12:00 PM - 12:30 PM	0	1	0	0	12:00 PM - 12:30 PM	27
12:30 PM - 01:00 PM	0	0	0	7	12:30 PM - 01:00 PM	0	0	0	3	12:30 PM - 01:00 PM	31
01:00 PM - 01:30 PM	0	0	2	10	01:00 PM - 01:30 PM	0	1	0	2	01:00 PM - 01:30 PM	40
01:30 PM - 02:00 PM	0	1	2	2	01:30 PM - 02:00 PM	0	0	0	2	01:30 PM - 02:00 PM	43
Break 2:00PM - 5:00 PM					Break 2:00PM - 5:00 PM					Break 2:00PM - 5:00 PM	
05:00 PM - 05:30 PM	0	0	3	12	05:00 PM - 05:30 PM	0	0	0	2	05:00 PM - 05:30 PM	42
05:30 PM - 06:00 PM	0	0	0	14	05:30 PM - 06:00 PM	0	0	0	0	05:30 PM - 06:00 PM	56
06:00 PM - 06:30 PM	0	0	0	18	06:00 PM - 06:30 PM	0	0	0	0	06:00 PM - 06:30 PM	74
06:30 PM - 07:00 PM	0	0	0	12	06:30 PM - 07:00 PM	0	1	0	3	06:30 PM - 07:00 PM	81
07:00 PM - 07:30 PM	0	0	0	16	07:00 PM - 07:30 PM	0	0	0	0	07:00 PM - 07:30 PM	97
07:30 PM - 08:00 PM	0	0	1	10	07:30 PM - 08:00 PM	0	0	0	0	07:30 PM - 08:00 PM	>100
08:00 PM - 08:30 PM	0	0	0	6	08:00 PM - 08:30 PM	0	0	0	0	08:00 PM - 08:30 PM	>110
08:30 PM - 09:00 PM	0	0	0	13	08:30 PM - 09:00 PM	0	0	0	3	08:30 PM - 09:00 PM	>115
09:00 PM - 09:30 PM	0	0	0	8	09:00 PM - 09:30 PM	0	0	0	0	09:00 PM - 09:30 PM	>120
09:30 PM - 10:00 PM	0	0	0	7	09:30 PM - 10:00 PM	0	0	0	2	09:30 PM - 10:00 PM	>110

Note: Some of the people parked their vehicles in residential zones around the restaurants all over spreaded and then walked through the restaurant between 11am-2pm. The off-street parkings lots were full from 5pm-10pm. The off-street parking for the restaurant was in different directions it was hard to determine the No. of people actually coming to the restaurant from this parking. So, it is possible that the count of people from the off-street parking is merged with the count of walkups to the restaurant.

UPDATED SITE PLAN



SITE PLAN

spatial design
3001 ROSEDALE AVENUE A
DALLAS, TEXAS 75205

SHAKESPEARE'S BAR

REVISIONS	
MM/DD/YY	REMARKS

A 01