

ZONING BOARD OF ADJUSTMENT, PANEL B  
WEDNESDAY, JANUARY 16, 2019  
AGENDA

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BRIEFING	L1FN AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	11:00 A.M.
PUBLIC HEARING	L1FN AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.

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**Neva Dean, Assistant Director**  
**Steve Long, Board Administrator/Chief Planner**  
**Oscar Aguilera, Senior Planner**

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**MISCELLANEOUS ITEMS**

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Approval of the November 14, 2018 Board of Adjustment Panel B Public Hearing Minutes M1

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**UNCONTESTED CASES**

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<b>BDA178-139(OA)</b>	10221 Hollow Way Road <b>REQUEST:</b> Application of Steven Wood of Texas Permit for variances to the front and side yard setback regulations	1
<b>BDA189-007(OA)</b>	505 S. Peak Street <b>REQUEST:</b> Application of Rob Baldwin of Baldwin and Associates for a special exception to the landscape regulations	2
<b>BDA189-008(OA)</b>	7027 Day Street <b>REQUEST:</b> Application of Juan V. Tovar for a special exception to the side yard setback regulations for a carport	3
<b>BDA189-009(OA)</b>	220 W 10th Street <b>REQUEST:</b> Application of Tony Zapata to enlarge a nonconforming use	4
<b>BDA189-011(OA)</b>	3040 W Mockingbird Lane	5

**REQUEST:** Application of Getra Thomason Sanders, represented by Bryan M. Burger, P.E., for a special exception to the off-street parking regulations

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**REGULAR CASE**

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**BDA189-006(OA)**

3235 Elihu Street

6

**REQUEST:** Application of Devin Hall, represented by Ann Bagley of Bagley Associates, for a variance to the front yard setback regulations

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## 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]

**FILE NUMBER:** BDA178-139(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Steven Wood of Texas Permit for variances to the front and side yard setback regulations at 10221 Hollow Way Road. This property is more fully described as Lot 1, Block J/5517, and is zoned R-1ac(A), which requires a front yard setback of 40 feet and a side yard setback of 10 feet. The applicant proposes to construct and/or maintain a structure and provide a 16 foot 6 inch front yard setback, which will require a 23 foot 6 inch variance to the front yard setback regulations, and provide a 8 foot side yard setback, which will require a 2 foot variance to the side yard setback regulations.

**LOCATION:** 10221 Hollow Way Road

**APPLICANT:** Steven Wood of Texas Permit

**REQUESTS:**

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

1. A variance to the front yard setback regulations of 23' 6" is made to construct and maintain an attached garage structure 16' 6" from the front property line or 23' 6" into the 40' front yard setback; and
2. A variance to the side yard setback regulations of 2' is made to construct and maintain an attached garage structure 8' from the side property line (the north side property line) or 2' into the 10' side yard setback.

**STANDARD FOR A VARIANCE:**

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

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

**STAFF RECOMMENDATION (front yard and side yard variances):**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is unique and different from most lots in the R-1ac(A) zoning district by its restrictive in area caused by a creek that bisects the property), irregular shape, and slope that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same R-1ac(A) zoning district.
- Furthermore, staff concluded that the applicant that the total home size of the proposed home once the garage is added at approximately 3,600 square feet is commensurate to 10 other homes in the same R-1ac(A) zoning district that have an average home size of approximately 13,500 square feet.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: R-1ac (A) (Single family district 1 acre)
- North: R-1ac (A) (Single family district 1 acre)
- South: R-1ac (A) (Single family district 1 acre)
- East: R-1ac (A) (Single family district 1 acre)
- West: R-1ac (A) (Single family district 1 acre)

**Land Use:**

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

**Zoning/BDA History:**

- |  |  |
|--|--|
| <ol style="list-style-type: none"> <li>1. BDA87-266, Property at 10040 Meadowbrook Drive (two lots south of the subject site)</li> </ol> | <p>On December 8, 1987, the Board of Adjustment approved a 25-foot setback request for a variance to the front yard setback regulations. The applicant proposed to construct a guest pavilion 15 feet from the property line requiring a setback variance of 25 feet and the Board of Adjustment approved a 5 feet special exception to the height requirement for fences to maintain a 7-foot fence with eight feet columns on the front property line. The board imposed the submitted revised site plan showing the location and fence details and requested to</p> |
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submit a registered survey showing the exact location of the proposed structure.

**GENERAL FACTS/STAFF ANALYSIS (front yard variance):**

- This request focuses on constructing and maintaining an attached garage structure 16' 6" from the front property line or 23' 6" into the 40' front yard setback on a site that is developed with a single family home.
- Structures on lots zoned R-1ac (A) are required to provide a minimum front yard setback of 40'.
- A site plan has been submitted denoting the proposed 800 square foot attached garage structure is located as near as 16' 6" from the site's front property line (or 23' 6" into the 40' front yard setback).
- DCAD records indicate the following improvements for property located at 10221 Hollow Way Road: "main improvement": a structure with 3,600 square feet of total area built in 1970, and "additional improvements": a 140 square foot storage building and a pool.
- The subject site is irregular in shape, significantly sloped, and according to the application, is 1 acre or 43,560 square feet in area. The site is zoned R-1ac (A) where lots are typically 43,560 square feet in area. The site has a creek that bisects the property.
- The applicant submitted a document indicating that the total home size of the proposed main structure on the subject site is approximately 3,600 square feet, and the average of 10 other properties in the same zoning is approximately 13,400 square feet.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the front yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-1ac(A) zoning classification.
  - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-1ac(A) zoning classification.
- If the Board were to grant this front yard setback variance request and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document which is an attached garage structure to be located as close as 16' 6" from the site's front property line or as much as 23' 6" into the required 40' front yard setback.
- Granting this request for a variance to the front yard setback regulations would provide no relief to the flood plain regulations on the subject site.

### **GENERAL FACTS/STAFF ANALYSIS (side yard variance):**

- This request focuses on constructing and maintaining an attached garage structure 8' from the side property line (the north side property line) or 2' into the 10' side yard setback on a site developed with a single family home.
- Structures on lots zoned R-1ac (A) are required to provide a minimum side yard setback of 10'.
- A site plan has been submitted denoting the proposed attached garage structure is located as near as 8' from the north side property line or 2' into this 10' side yard setback.
- It appears from the submitted site plan that about half of the proposed approximately 800 square foot attached garage structure is located in the site's northern 10' side yard setback.
- DCAD records indicate the following improvements for property located at 10221 Hollow Way Road: "main improvement": a structure with 3,600 square feet of total area built in 1970, and "additional improvements": a 140 square foot storage building and a pool.
- The subject site is irregular in shape, significantly sloped, and according to the application, is 1 acre or 43,560 square feet in area. The site is zoned R-1ac(A) where lots are typically 43,560 square feet in area. The site has a creek that bisects the property.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the side yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-1ac(A) zoning classification.
  - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-1ac(A) zoning classification.
- If the Board were to grant this side yard setback variance request and impose the submitted site plan as a condition, the structure in the side yard setback would be limited to what is shown on this document which is an attached garage structure to be located 8' from the side property line (the north side property line) or 2' into this 10' side yard setback.
- Granting this request for a variance to the side yard setback regulations would provide no relief to the flood plain regulations on the subject site.

### **Timeline:**

September 28, 2018: 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 3, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

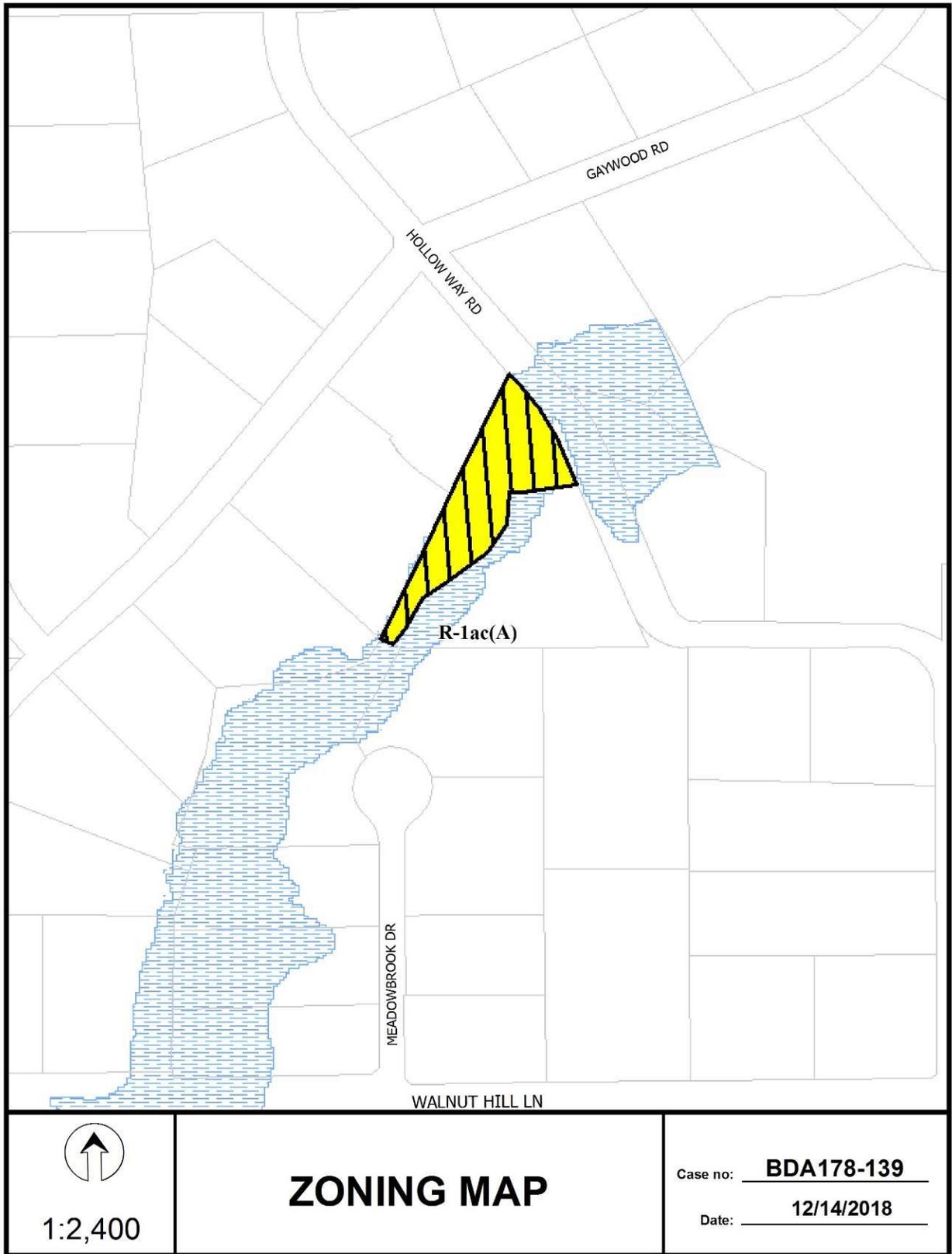
December 5, 2018: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the December 19<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the January 4<sup>th</sup> 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 21, 2018: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

December 27, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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

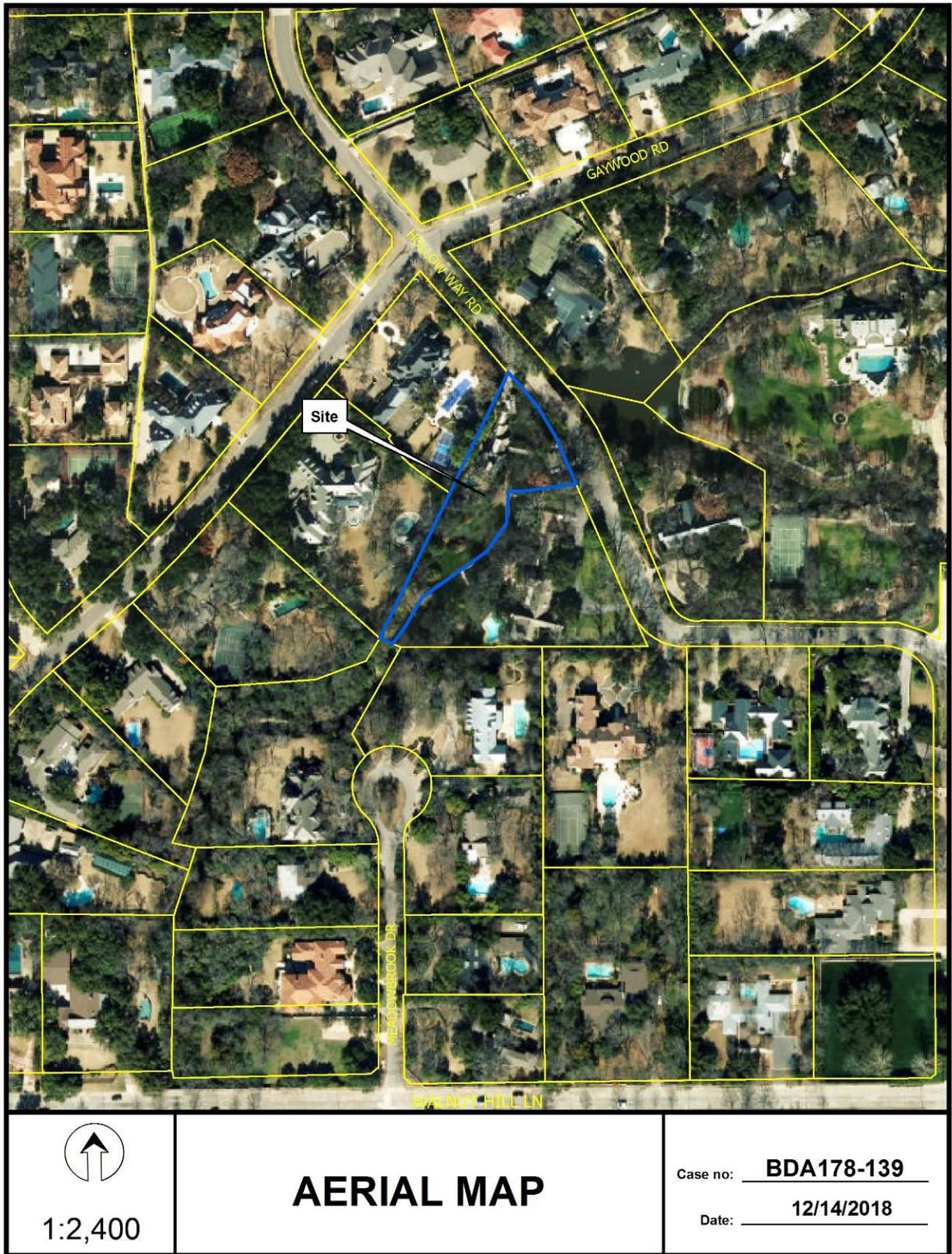


1:2,400

# ZONING MAP

Case no: **BDA178-139**

Date: **12/14/2018**



1:2,400

# AERIAL MAP

Case no: **BDA178-139**

Date: **12/14/2018**

Address	Lot Size	Structure Size	Lot Coverage
10221 Hollow Way	40110.4	3577	9%
<del>10160 Gaywood</del>	<del>54495.8</del>	<del>11526</del>	<del>21%</del>
10140 Gaywood	75764.3	15016	20%
<del>10200 Hollow Way</del>	<del>65804.6</del>	<del>9175</del>	<del>14%</del>
10040 Hollow Way	92091.3	20147	22%
<del>5315 Meadows</del>	<del>49650.6</del>	<del>12497</del>	<del>25%</del>
5333 Walnut Hill	82484.1	6087	7%
<del>10106 Inwood</del>	<del>86635.7</del>	<del>16201</del>	<del>19%</del>
9807 Meadowbrook	183957	29919	16%
<del>5131 DeLoache</del>	<del>98707.1</del>	<del>16737</del>	<del>17%</del>
5466 Northbrook	106617.6	5900	6%
Average	85120.0	13343.8	16%



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-139

Date: 9-28-18

Data Relative to Subject Property:

Location address: 10221 Hollow Way RD Zoning District: R-1(Ac)

Lot No.: 1 Block No.: J/5517 Acreage: 1 Census Tract: 76.05

Street Frontage (in Feet): 1) 65' 154.3' 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): WAYNE Burkhead

Applicant: Steven Wood Texas Permit Telephone: 8176827218

Mailing Address: Po Box 3293 Zip Code: 75126

E-mail Address: Steven@txpermit.com

Represented by: \_\_\_\_\_ Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Affirm that an appeal has been made for a Variance X, or Special Exception \_\_\_\_\_, of FYSB off 23.6' and 2 of 34.5B. To provide 16.6' front yard and 8' sideyard for garage

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 lot shape, size and slope is rendering the further development of this lot. This will be commensurate and not adversely affecting the neighborhood

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 Steven Wood (Affiant/Applicant's name printed)

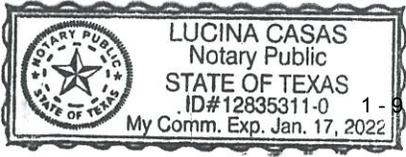
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 28 day of September, 2018

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

(Rev. 08-01-11)



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 - STEVEN WOOD

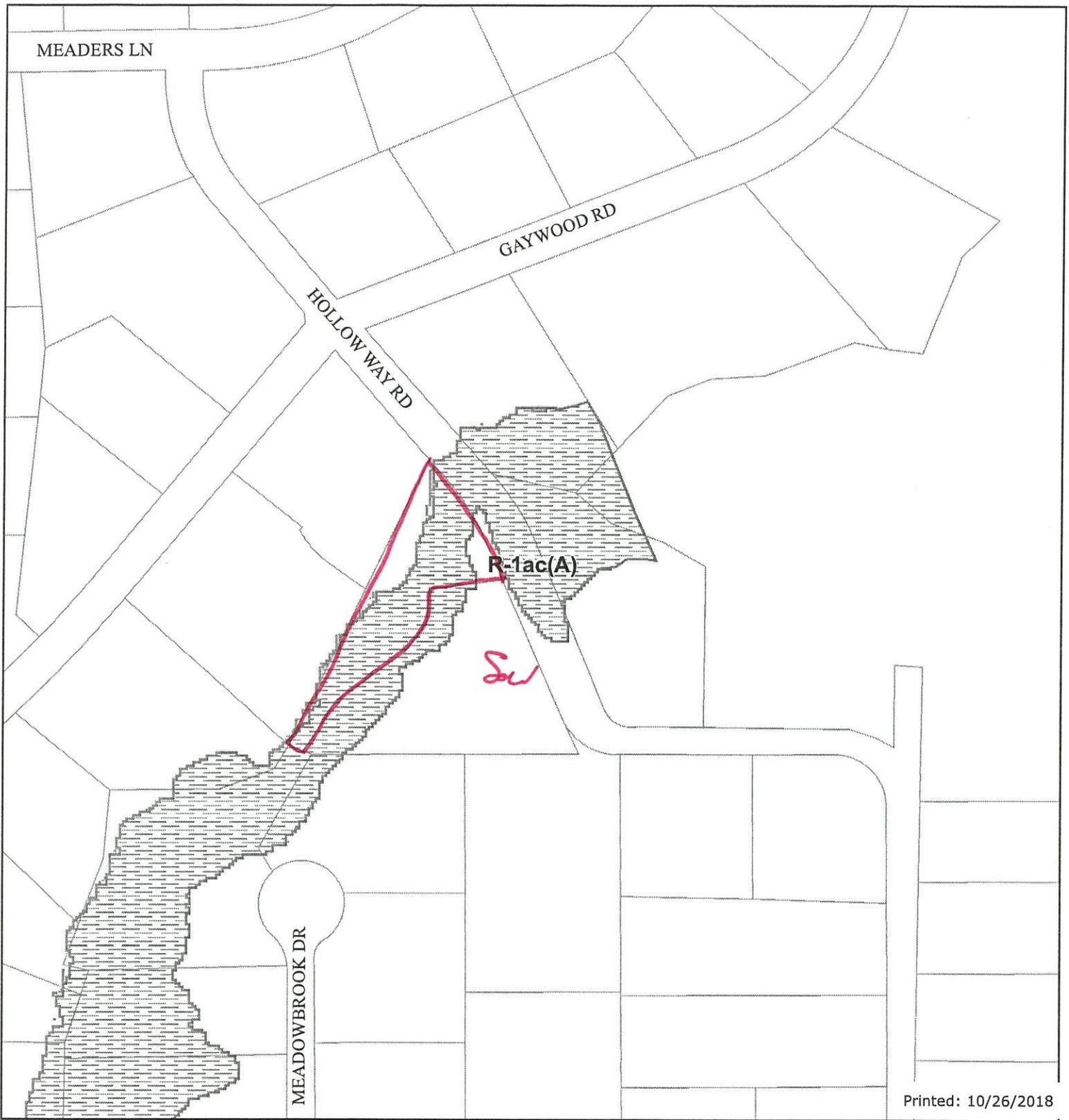
did submit a request for a variance to the front yard setback regulations, and for a variance to the side yard setback regulations

at 10221 Hollow Way Road

BDA178-139. Application of STEVEN WOOD for a variance to the front yard setback regulations, and for a variance to the side yard setback regulations at 10221 HOLLOW WAY RD. This property is more fully described as Lot 1, Block J/5517, and is zoned R-1ac(A), which requires a 10 foot side yard setback and requires a front yard setback of 40 feet. The applicant proposes to construct a single family residential structure and provide a 16 foot 6 inch front yard setback, which will require a 23 foot 6 inch variance to the front yard setback regulations, and to construct a single family residential structure and provide a 8 foot side yard setback, which will require a 2 foot variance to the side yard setback regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



Printed: 10/26/2018

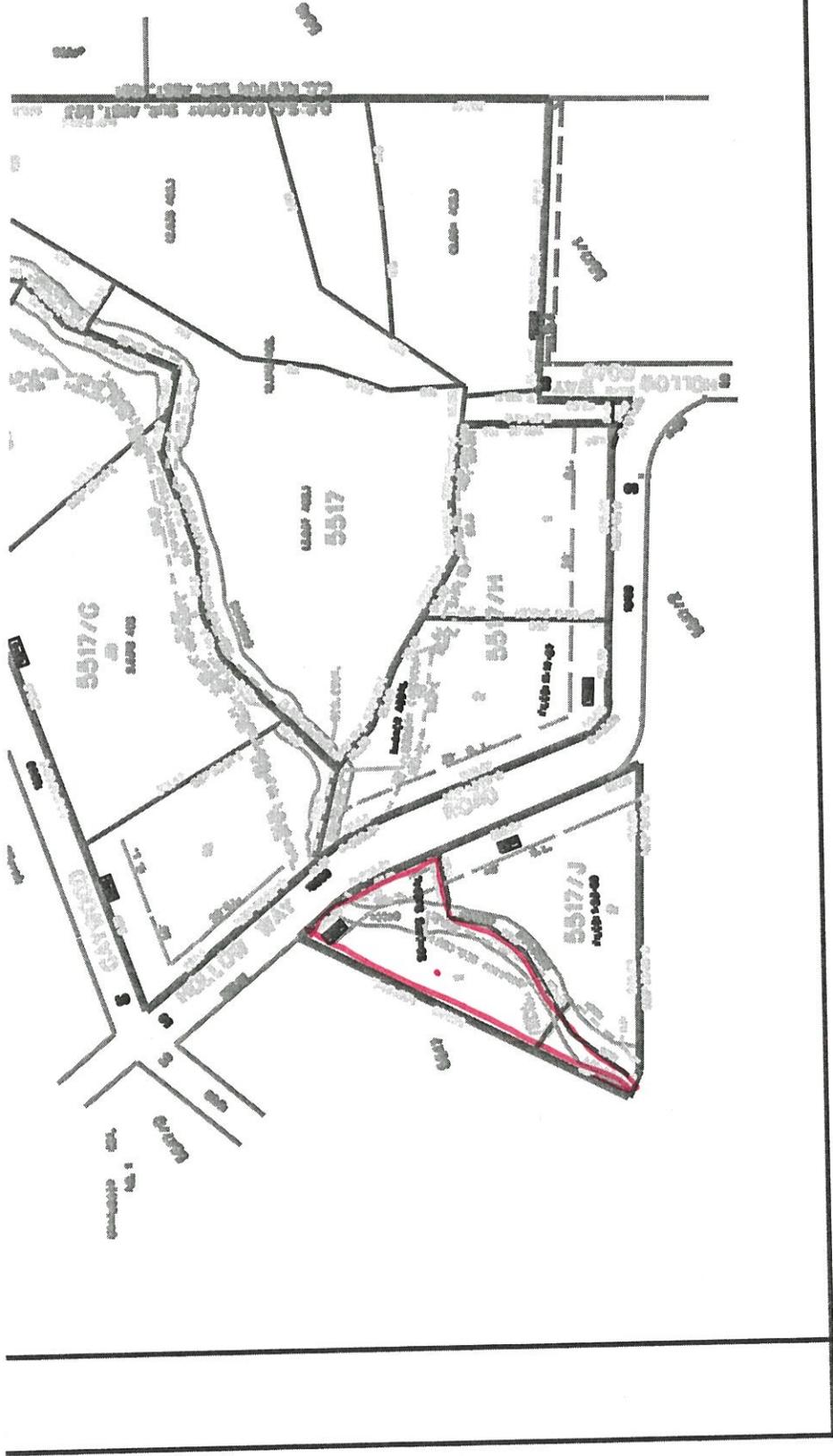
### Legend

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Floodplain           | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO_Overlay                |
| Peak's Branch        | SPSP Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | BDA178-139 SUP                 | Historic Overlay      | 1 - 11 Shop Front Overlay  |
|                      |                                | Height Map Overlay    |                            |

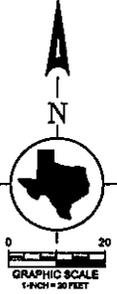
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, 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) Panel B



8/21/08  
AS



TOPOGRAPHIC SURVEY: 10221 HOLLOW WAY ROAD



**LEGAL DESCRIPTION**  
 Being Lot 1, Block J/5517, of Schepps Subdivision, an Addition to the City of Dallas, Dallas County, Texas, according to the Map or Plat thereof, recorded in Volume 60016, Page 1795, Map Records, Dallas County, Texas.

**FLOOD**  
 This is to certify that a portion of the subject property shown hereon lies within the 100 Year Flood Hazard Area as shown on the Flood Insurance Rate Map, Community Panel No. 48113C 0190K, dated 07-07-2014. The property is located in Zone "A-E".

**NOTE**  
 This survey was performed without the benefit of an abstractor, therefore, no search of record easements was performed on subject property.

LOT 8, BLOCK 5517,  
 MARGARET GILLIN'S  
 SUBDIVISION OF BLOCK 5517  
 VOL. 85202, PG. 2270,  
 D.R.D.C.T.

BRICK & FRAME  
 RESIDENCE

LOT 1  
 BLOCK J/5517

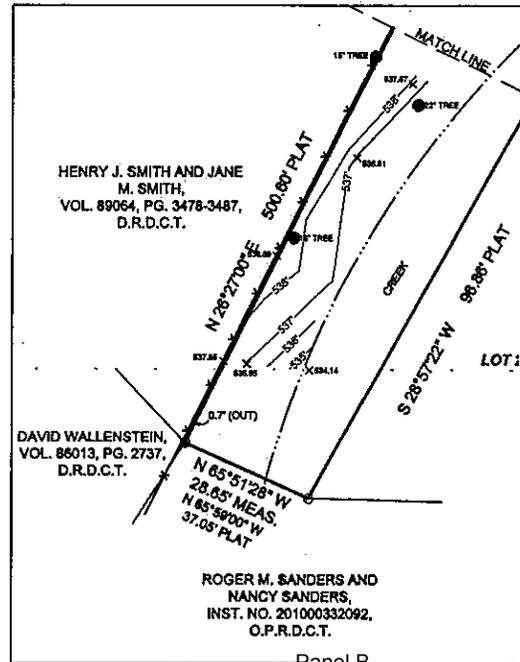
HENRY J. SMITH AND JANE  
 M. SMITH,  
 VOL. 89064, PG. 3478-3487,  
 D.R.D.C.T.

LEASE AGREEMENT  
 INST. NO. 201000286319,  
 AS AFFECTED BY VOL.  
 84054, PG. 4578, AND INST.  
 NO. 200903582237,  
 D.R.D.C.T. AND O.P.R.D.C.T.

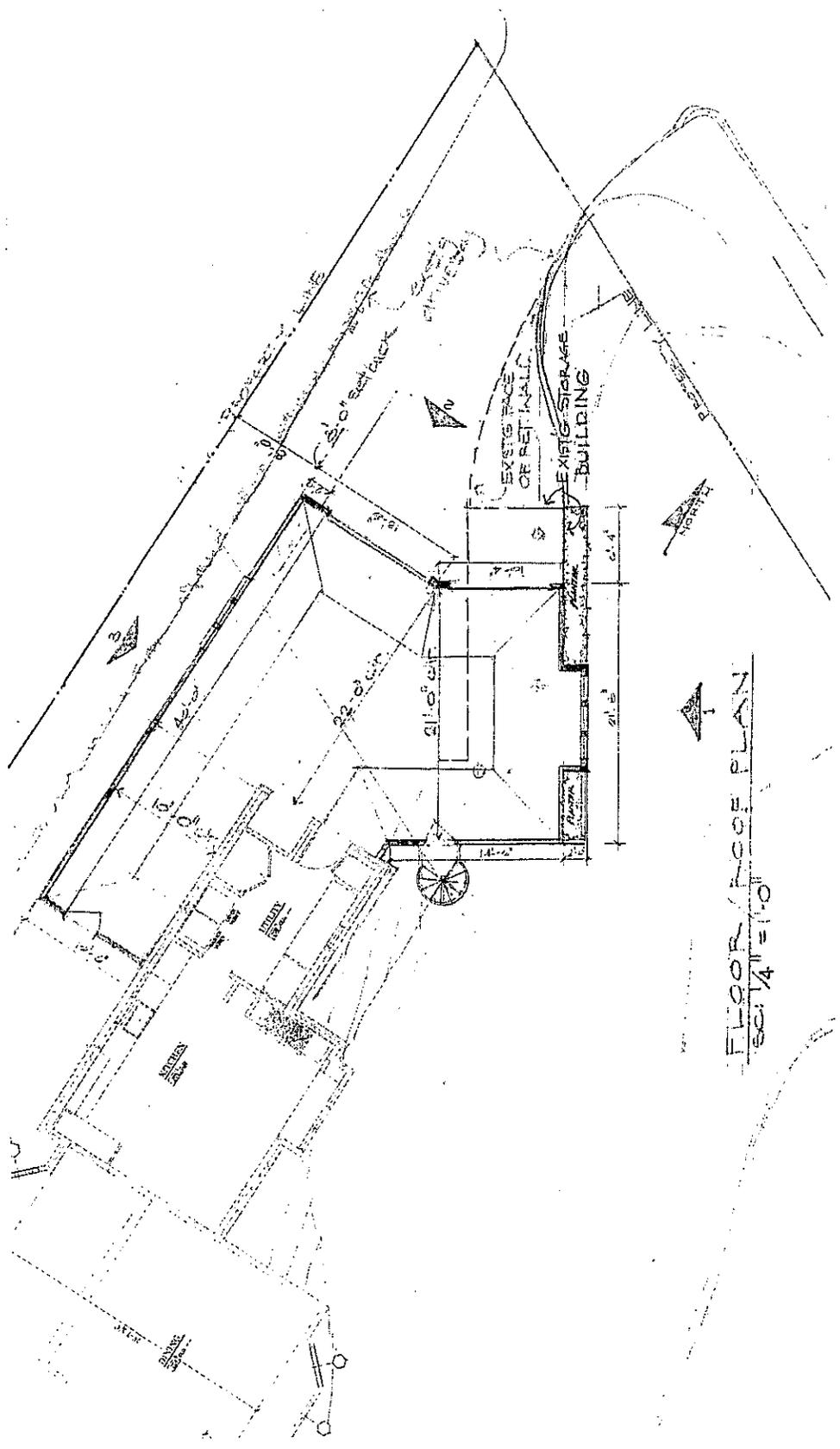
APPROXIMATE LOCATION  
 SANITARY SEWER  
 EASEMENT,  
 GRANTED AUG. 18, 1980

BDA178-138

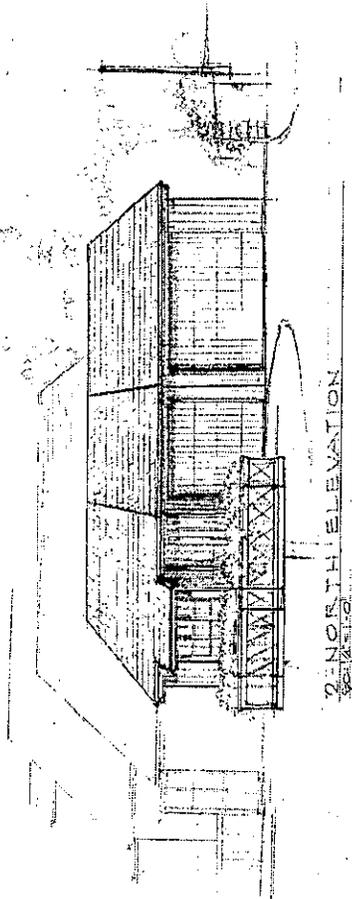
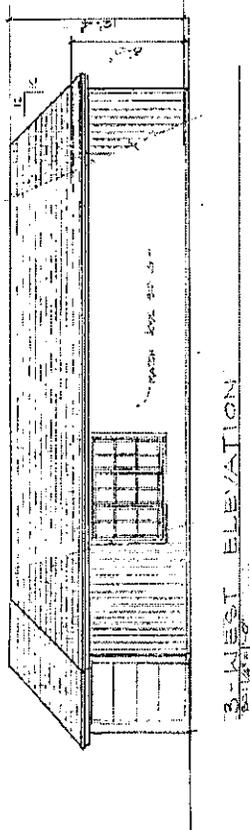
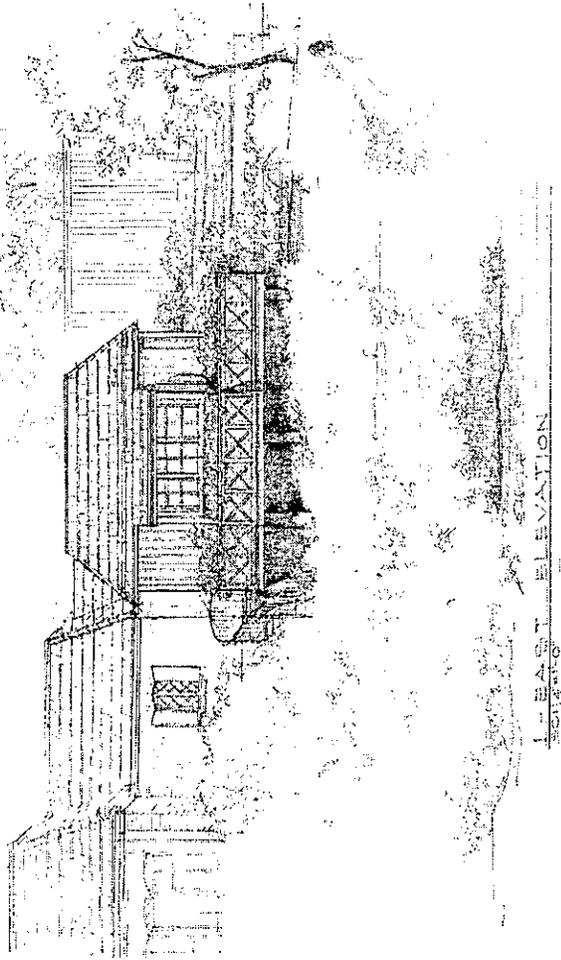
**DETAIL**

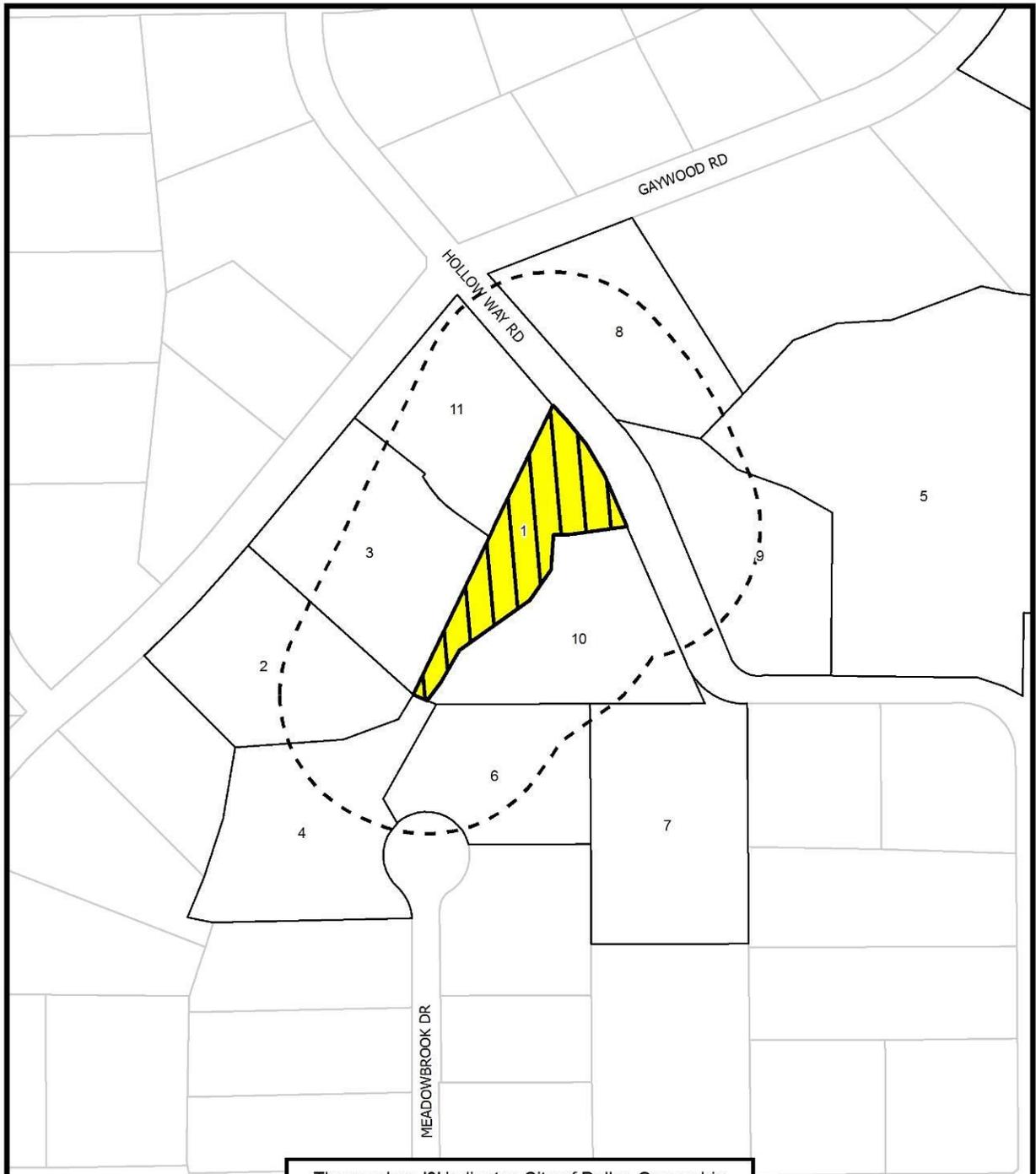






FLOOR PLAN  
 SC: 1/4" = 1'-0"





The number '0' indicates City of Dallas Ownership

 1:2,400	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="0"> <tr> <td style="border: 1px solid black; padding: 2px; text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px; text-align: center;">11</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	11	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <b>BDA178-139</b> Date: <b>12/14/2018</b>
200'	AREA OF NOTIFICATION					
11	NUMBER OF PROPERTY OWNERS NOTIFIED					

# *Notification List of Property Owners*

## *BDA178-139*

### *11 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	10221 HOLLOW WAY RD	BURKHEAD WAYNE Z
2	10122 GAYWOOD RD	WALLENSTEIN DAVID ET AL
3	10140 GAYWOOD RD	SMITH HENRY J & JANE M
4	10025 MEADOWBROOK DR	SANDERS RODGER M & NANCY
5	10300 GAYWOOD RD	PHILLIPS GENE E &
6	10040 MEADOWBROOK DR	SCHWIMMER CRAIG L & SHANON G
7	10203 HOLLOW WAY RD	GULIS MARK D & CYNTHIA E
8	10210 GAYWOOD RD	SMALL JUSTIN & NICOLE
9	10200 HOLLOW WAY RD	PRICE FAMILY TRUST
10	10211 HOLLOW WAY RD	CASSIDY SALLY O TR
11	10160 GAYWOOD RD	HOLLISTER CHRISTOPHER W & HELEN C

**FILE NUMBER:** BDA189-007(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Rob Baldwin of Baldwin and Associates for a special exception to the landscape regulations at 505 S. Peak Street. This property is more fully described as Lot 1A, Block 3/807, and is zoned CS, which requires mandatory landscaping. The applicant proposes to construct a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

**LOCATION:** 505 S. Peak Street

**APPLICANT:** Rob Baldwin of Baldwin and Associates

**REQUEST:**

A request for a special exception to the landscape regulations is made to construct and maintain an approximately 26,500 square foot addition to an existing approximately 2,800 square foot auto repair/warehouse structure on the subject site, and not fully provide the required landscaping, more specifically, the design option points and street buffer landscape area requirements on the subject site.

**STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REGULATIONS:**

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

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

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

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

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted alternate landscape plan is required.

Rationale:

- The City of Dallas Chief Arborist supports this request based in part on the location and configuration of the existing property and use, where given conditions on the site, a fully accommodating/compliant landscape plan is difficult to attain while retaining the property’s function and maneuverability at street side. The Chief Arborist recommends approval on the basis that strict compliance with the full requirements of 51A-10.100 and 51A-10.120 will unreasonably burden the continued use of the property that is under renovation, and that the exception would not adversely affect neighboring properties.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: CS (Commercial Service)
- North: CS (Commercial Service)
- South: CS (Commercial Service)
- East: CS (Commercial Service)
- West: CS (Commercial Service)

**Land Use:**

The subject site is developed with commercial service use. The areas to the north, south, east, and west are developed with commercial and automobile service uses.

**Zoning/BDA History:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

- This request for a special exception to the landscape regulations focuses on constructing and maintaining an approximately 26,500 square foot addition to an existing 2,850 square foot auto repair/warehouse structure on the subject site and not fully providing the required landscaping, more specifically, more specifically, the design option points and street buffer landscape area requirements on the subject site.
- The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period.

- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment A).
- The Chief Arborist's memo states the following with regard to "request":
  - The applicant is requesting a special exception to the landscape regulations of Article X, as amended in 2018, for the renovation and addition to an existing use. A vote of approval would provide exception for design option points (10.126) and the placement of a street buffer landscape area along a portion of Terry Street and along Santa Fe Avenue (10.125(b)(1)).
- The Chief Arborist's memo states the following with regard to "provision":
  - The property at 505 S Peak is about 1.5 acres in size, which negates any option for an artificial lot to separate a construction zone from the remainder of the lot.
  - The alternate landscape plan does not alter the existing site conditions along Terry Street, but it does retain required parking spaces. One additional landscape island is created to compensate for the decrease of the Street Buffer Zone (SBZ). The remainder of Terry Street, all of South Peak Street, and all of contiguous property adjacent to Santa Fe Avenue will include the required SBZ. The SBZ for Santa Fe is entirely within the public right-of-way and the tree placement will be subject to final city approval at permitting. A mixture of tree species is included in these landscape areas along the street frontages.
  - The mandatory provisions for Residential Buffer Zone and Interior Zone are not applicable.
  - The proposed trees are medium to small trees that meet landscape requirements.
- The Chief Arborist's memo states the following with regard to "deficiencies":
  - Landscape Design Options (10.126). The property requires a minimum of 20 points based on the site area of 1.44 acres. The listed landscape design options of enhanced buffer zone area and low impact development are not applicable in the submitted design.
  - The SBZ is not fully applied along Terry Street, and the listed bioswales are not introduced on the plan submitted for approval. I cannot identify any required design option points of the 20 points required. Under the present design and limited landscape availability, additional full options would likely be limited to 1) a short area of screening of off-street parking for Peak Street only, 2) additional plant materials in the front yard (along Peak Street) for a maximum of 5 points, or a 3) a 3-year landscape maintenance plan (3 pts.).
  - Mandatory provisions (10.125(b)). The property is deficient a SBZ for most of Terry Street, but it does provide for the total required number of trees along Peak and Santa Fe. The SBZ along Santa Fe is completely within the public right-of-way due to development to the property boundary.
  - The property requires 16 site trees but provides for 13 trees along Peak and Terry Streets. The five trees along Santa Fe Avenue are identified off the property and are subject to City approval before installation.
- The Chief Arborist's memo states the following with regard to "recommendation":
  - Based on the location and configuration of the existing property and use, a fully compliant landscape plan is difficult to attain while retaining the property's function and maneuverability at street side. The chief arborist recommends

approval of the alternate landscape plan on the basis that strict compliance with the full requirements of 51A-10.100 and 51A-10.120 will unreasonably burden the continued use of the property under renovation. The exception would not adversely affect neighboring properties.

- The applicant has the burden of proof in establishing the following:
  - Strict compliance with the requirements of the landscape regulations of the Dallas Development Code will unreasonably burden the use of the property and the special exception will not adversely affect neighboring property.
- If the Board were to grant this request and impose the submitted alternate landscape plan as a condition to the request, the approval would provide exception for design option points (10.126) and exception to the placement of a street buffer landscape area along a portion of Terry Street and along Santa Fe Avenue.

### **Timeline:**

October 19, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

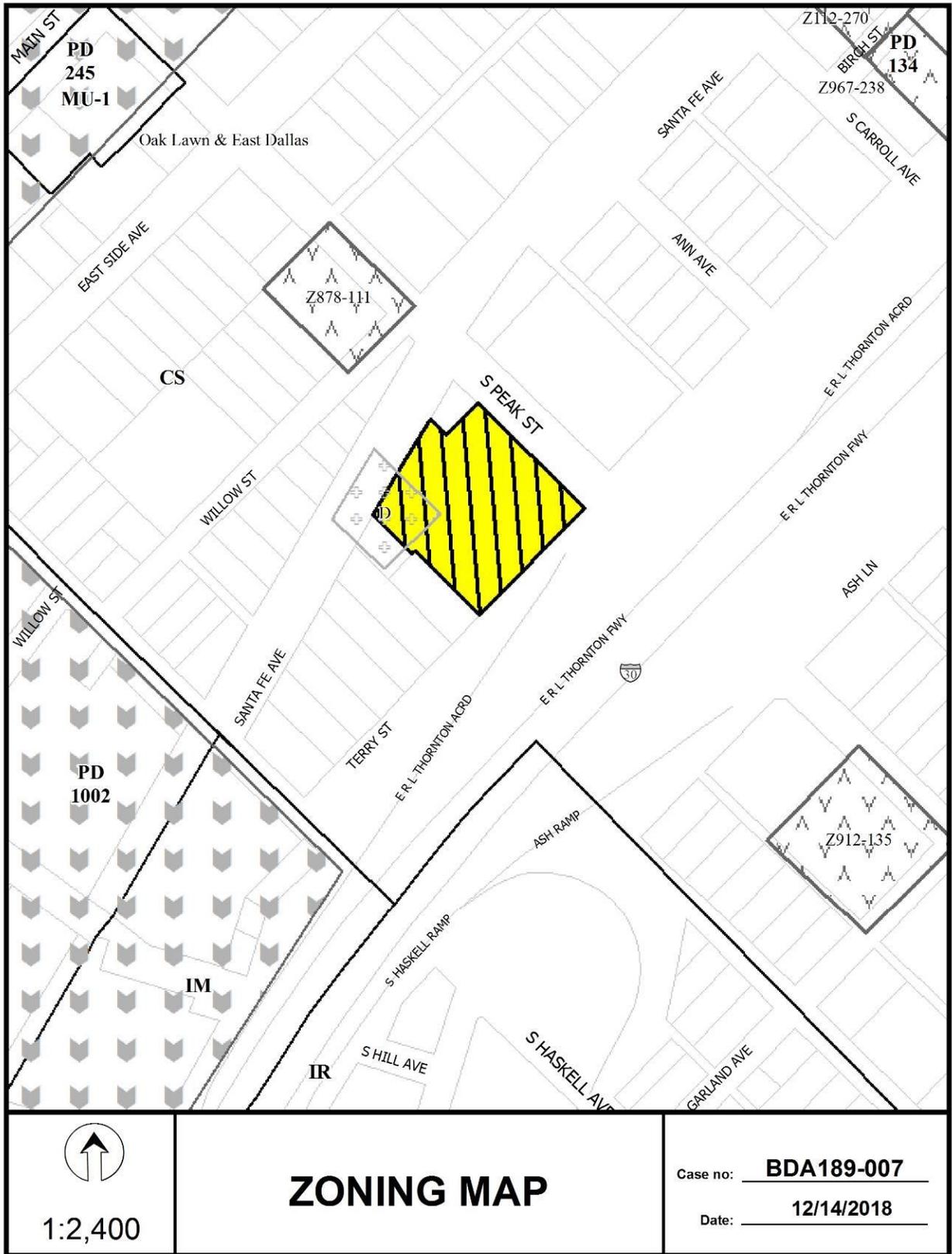
December 3, 2018: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B.

December 5, 2018: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the December 19<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the January 4<sup>th</sup> 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 27, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

January 2, 2019: The City of Dallas Chief Arborist submitted a memo regarding this application (see Attachment A).





  
 1:2,400

# AERIAL MAP

Case no: **BDA189-007**  
 Date: **12/14/2018**

# Memorandum



CITY OF DALLAS

Date January 2, 2019  
 To Oscar Aguilera, Board Administrator  
 Subject BDA #189-007 505 S Peak Street Arborist report

## Request

The applicant is requesting a special exception to the landscape regulations of Article X, as amended in 2018, for the renovation and addition to an existing use. A vote of approval would provide exception for design option points (10.126) and the placement of a street buffer landscape area along a portion of Terry Street and along Santa Fe Avenue (10.125(b)(1)).

## Provision

- The property at 505 S Peak is about 1.5 acres in size, which negates any option for an artificial lot to separate a construction zone from the remainder of the lot.
- The alternate landscape plan does not alter the existing site conditions along Terry Street, but it does retain required parking spaces. One additional landscape island is created to compensate for the decrease of the Street Buffer Zone (SBZ). The remainder of Terry Street, all of South Peak Street, and all of contiguous property adjacent to Santa Fe Avenue will include the required SBZ. The SBZ for Santa Fe is entirely within the public right-of-way and the tree placement will be subject to final city approval at permitting. A mixture of tree species is included in these landscape areas along the street frontages.
- The mandatory provisions for Residential Buffer Zone and Interior Zone are not applicable.
- The proposed trees are medium to small trees that meet landscape requirements.

## Deficiency

- Landscape Design Options (10.126). The property requires a minimum of 20 points based on the site area of 1.44 acres. The listed landscape design options of enhanced buffer zone area and low impact development are not applicable in the submitted design.
- The SBZ is not fully applied along Terry Street, and the listed bioswales are not introduced on the plan submitted for approval. I cannot identify any required design option points of the 20 points required. Under the present design and limited landscape availability, additional full options would likely be limited to 1) a short area of screening of off-street parking for Peak Street only, 2) additional plant materials in the front yard (along Peak Street) for a maximum of 5 points, or a 3) a 3-year landscape maintenance plan (3 pts.).
- Mandatory provisions (10.125(b)). The property is deficient a SBZ for most of Terry Street, but it does provide for the total required number of trees along Peak and Santa Fe. The SBZ along Santa Fe is completely within the public right-of-way due to development to the property boundary.
- The property requires 16 site trees, but provides for 13 trees along Peak and Terry Streets.

The five trees along Santa Fe Avenue are identified off the property and are subject to City approval before installation.

**Recommendation**

Based on the location and configuration of the existing property and use, a fully compliant landscape plan is difficult to attain while retaining the property's function and maneuverability at street side. The chief arborist recommends approval of the alternate landscape plan on the basis that strict compliance with the full requirements of 51A-10.100 and 51A-10.120 will unreasonably burden the continued use of the property under renovation. The exception would not adversely affect neighboring properties.

Philip Erwin  
Chief Arborist  
Building Inspection



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-007

Date: ~~October 9, 2018~~ 10-19-18

Data Relative to Subject Property:

Location address: 505 S. Peak Street Zoning District: CS

Lot No.: 1A Block No.: 3/807 Acreage: 1.44 acres Census Tract: 24.00

Street Frontage (in Feet): 1) 243 ft 2) 244 ft 3) 181.7 ft 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): SAMADIAN FAMILY LIMITED PARTNERSHIP

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

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

E-mail Address: rob@baldwinplanning.com

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

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

E-mail Address: rob@baldwinplanning.com

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

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

The property is developed with an office and warehouse from approx. 1976/1980 according to DCAD. The proposed addition to the building will require landscaping, which full compliance is difficult given the three street frontages, one of which is I.H. 30 frontage road. Peak Street has overhead utilities. An alternate landscaping plan is proposed that will provide for limited landscaping due to these factors and the operation of the commercial uses on the property.

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

Affidavit

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

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

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

Subscribed and sworn to before me this 10th day of October, 2018

(Rev. 08-01-11) [Notary Seal: VICKIE L RADER, Notary ID # 126690222, My Commission Expires October 13, 2020] 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**

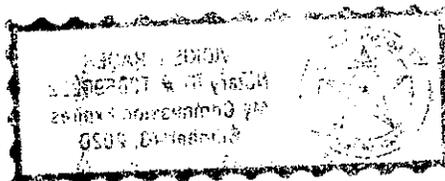
I hereby certify that BALDWIN AND ASSOCIATES

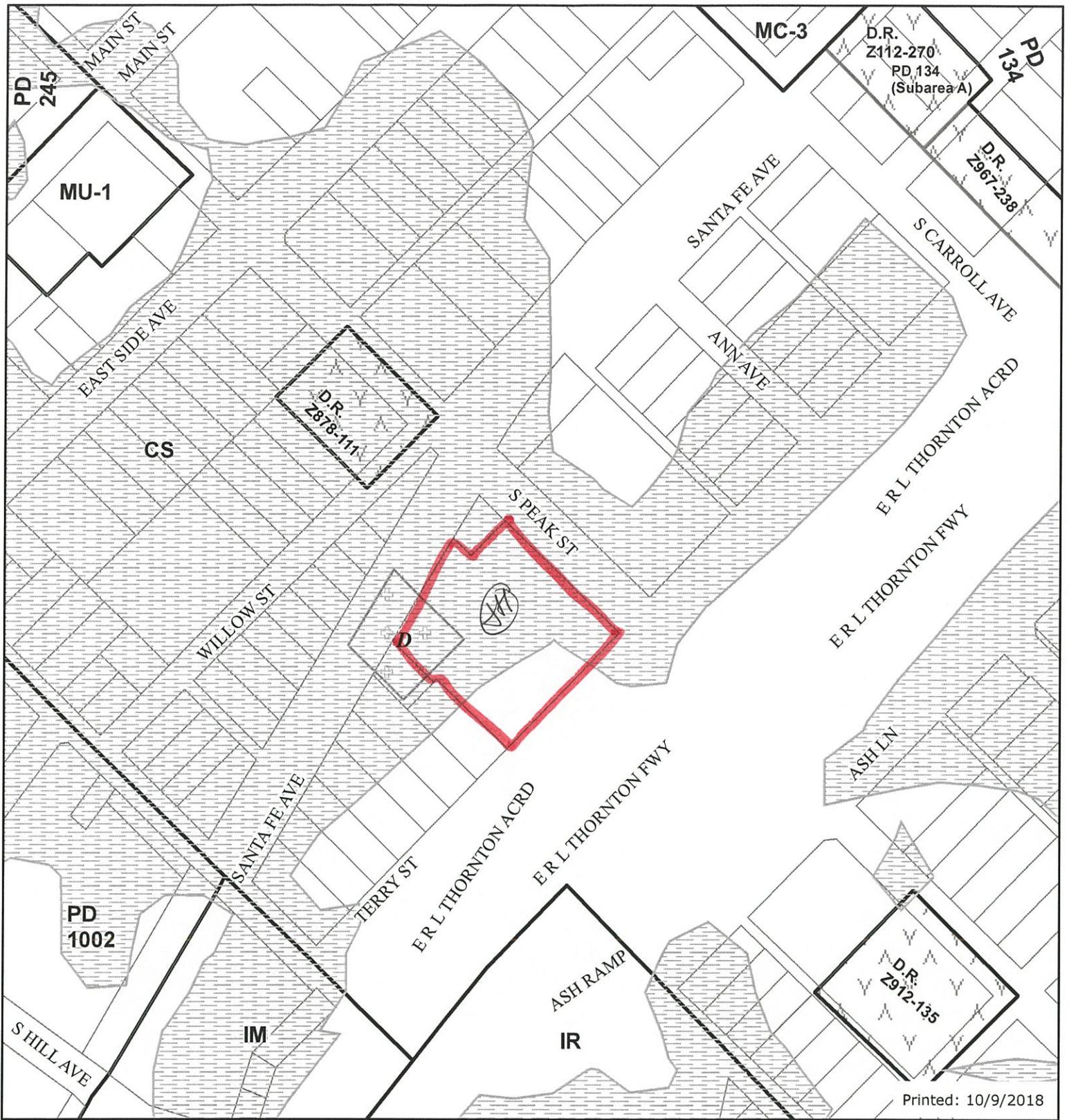
did submit a request for a special exception to the landscaping regulations  
at 505 S. Peak Street

189-007. Application of BALDWIN AND ASSOCIATES for a special exception to the landscaping regulations at 505 S PEAK ST. This property is more fully described as Lot 1A, Block 3/807, and is zoned CS, which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official





**Legend**

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Floodplain           | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO_Overlay                |
| Peak's Branch        | SPSD Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | BDA189007 SUP                  | Historic Overlay      | Front Overlay              |
|                      |                                | Height Map Overlay    |                            |

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)

Panel B





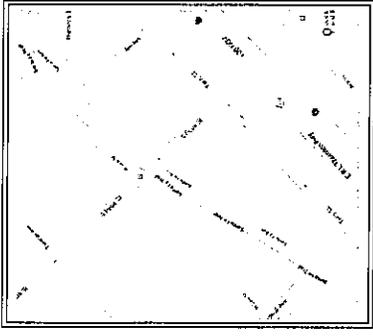
PROJECT NUMBER  
09/27/2018

CASE NUMBER

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

**Baldwin Associates**

**515 PEAK STREET**  
CITY OF DALLAS, TEXAS



VICINITY MAP  
NTS

**SITE INFORMATION**  
SITE AREA: 67,288 SF (1.545 ACRES)

**LANDSCAPE REQUIREMENTS**

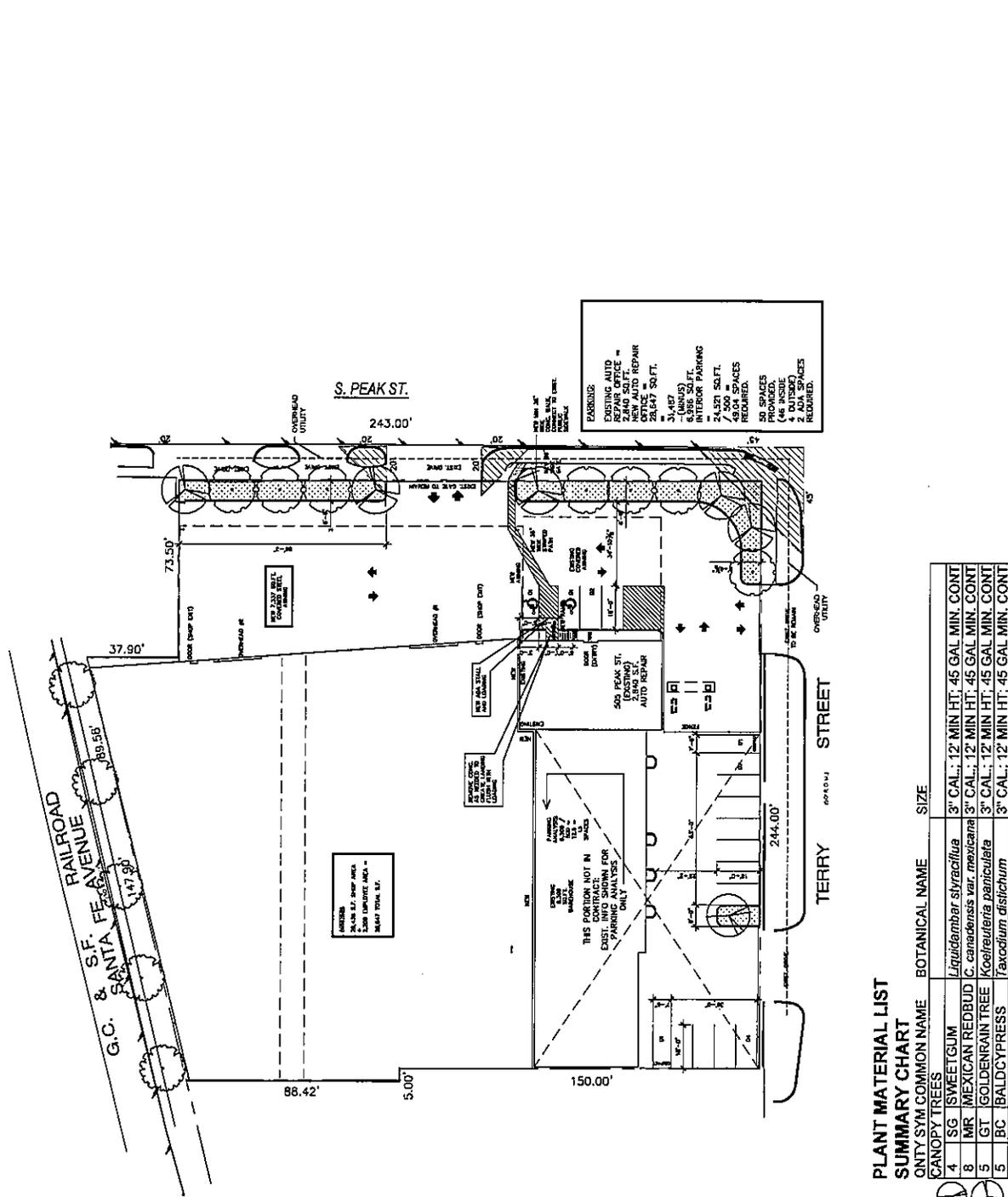
**TREES**  
SITE TREES REQUIRED: 17 TREES  
(688 SF OF SITE AREA)  
SITE TREES PROVIDED: 16 TREES  
STREET TREES REQUIRED: 17 TREES  
(140 LF OF FRONTS: 668 LF)  
STREET TREES PROVIDED: 22 TREES

**STREET BUFFER ZONE**  
PEAK  
REQUIRED MIN: 5 FT  
REPAIR OFFICE: 10 FT  
SANTA FE & TERRY  
REQUIRED MIN: 5 FT  
REQUIRED AVG: 7.5 FT

**DESIGN OPTIONS**  
(2) BUFFER ZONE ENHANCEMENTS  
PEAK STREET, LARGE ENHANCED BUFFER ZONE  
TERRY STREET, LARGE ENHANCED BUFFER ZONE  
AVERAGE: 18'  
POINTS: 5  
MIN: 18'  
AVERAGE: 18'  
POINTS: 5  
(10) LOW IMPACT DEVELOPMENT  
(2) BIOSWALE  
POINTS: 10

TOTAL POINTS REQUIRED: 20  
TOTAL POINTS PROVIDED: 20

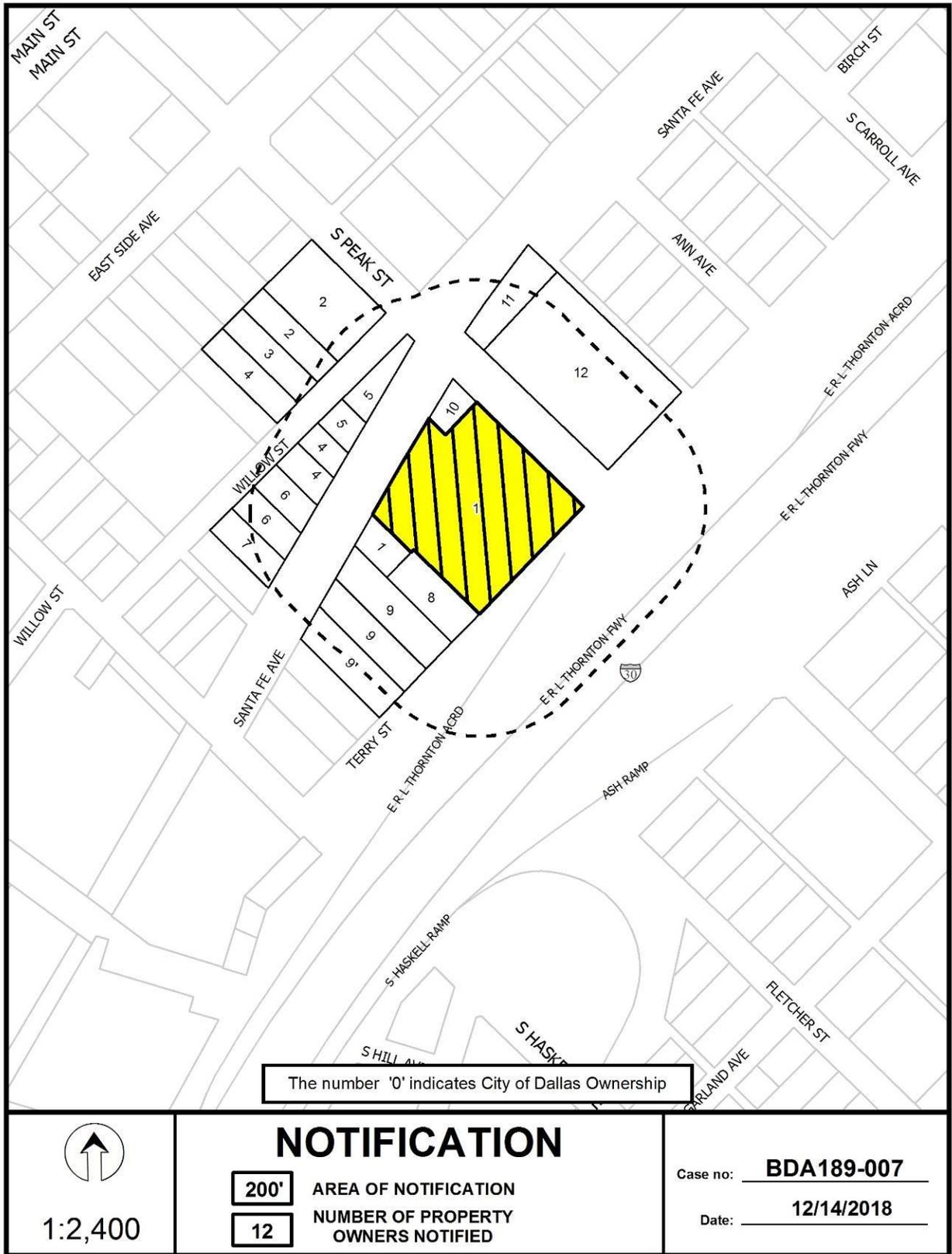
**IRRIGATION**  
AN AUTOMATIC IRRIGATION SYSTEM SHALL BE INSTALLED PER CITY REQUIREMENTS.



**PLANT MATERIAL LIST**  
**SUMMARY CHART**

QNTY	SYM	COMMON NAME	BOTANICAL NAME	SIZE
<b>CANOPY TREES</b>				
4	SG	SWEETGUM	<i>Liquidambar styraciflua</i>	3" CAL.; 12' MIN HT.; 45 GAL MIN. CONT
8	MR	MEXICAN REDBUD	<i>C. canadensis var. mexicana</i>	3" CAL.; 12' MIN HT.; 45 GAL MIN. CONT
5	GT	GOLDENRAIN TREE	<i>Koeleruteria paniculata</i>	3" CAL.; 12' MIN HT.; 45 GAL MIN. CONT
5	BC	BALDYPRESS	<i>Taxodium distichum</i>	3" CAL.; 12' MIN HT.; 45 GAL MIN. CONT

**SITE PLAN**  
SCALE: 1" = 10'-0"



The number '0' indicates City of Dallas Ownership

  
 1:2,400

## NOTIFICATION

200' AREA OF NOTIFICATION  
12 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA189-007**  
 Date: **12/14/2018**

## ***Notification List of Property Owners***

***BDA189-007***

### ***12 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	4210 SANTA FE AVE	SAMADIAN FAMILY LIMITED PARTNERSHIP
2	4219 WILLOW ST	ESPARZA JOSE DE JESUS
3	4217 WILLOW ST	4311 WILLOW PTNRS LLC
4	4213 WILLOW ST	JGT HOLDINGS LLC
5	4226 WILLOW ST	ARELLANO VIRGINIA LISETTE
6	4204 WILLOW ST	JGT HOLDINGS LLC
7	4118 WILLOW ST	WILLOW SOUTH HASKELL HOLDINGS LLC
8	4203 TERRY ST	HOLY DRILLING LLC
9	4115 TERRY ST	RODRIGUEZ JAVIER
10	501 N PEAK ST	VEGA MIKE
11	500 S PEAK ST	KORDI MORTEZA & MOHAMMAD
12	4315 TERRY ST	PICCOLA FAMILY LTD PS

**FILE NUMBER:** BDA189-008(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Juan V. Tovar for a special exception to the side yard setback regulations for a carport at 7027 Day Street. This property is more fully described as West 60 ft of Lot 11, Block J/5826, and is zoned R-7.5(A), which requires a side yard setback of 5 feet. The applicant proposes to construct and/or maintain a carport and provide a 2 foot setback, which will require a 3 foot special exception to the side yard setback regulations.

**LOCATION:** 7027 Day Street

**APPLICANT:** Juan V. Tovar

**REQUEST:**

A request for a special exception to the side yard setback regulations of 3' is made to maintain a carport located 2' from the site's western side property line or 3' into this 5' required side yard setback on a site developed with a single-family home structure/use.

**STANDARD FOR A SPECIAL EXCEPTION TO ALLOW A CARPORT IN THE SIDE YARD:**

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

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

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

**STAFF RECOMMENDATION:**

No staff recommendation is made on this or any request for a special exception to the side yard setback regulations since the basis for this type of appeal is, when in the opinion of the board, the carport will not have a detrimental impact on surrounding properties.

**BACKGROUND INFORMATION:**

## **Zoning:**

Site: R-7.5(A) (Single-family district 7,500 square feet)

North: R-7.5(A) (Single-family district 7,500 square feet)

South: R-7.5(A) (Single-family district 7,500 square feet)

East: R-7.5(A) (Single-family district 7,500 square feet)

West: R-7.5(A) (Single-family district 7,500 square feet)

## **Land Use:**

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

## **Zoning/BDA History:**

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

## **GENERAL FACTS/STAFF ANALYSIS:**

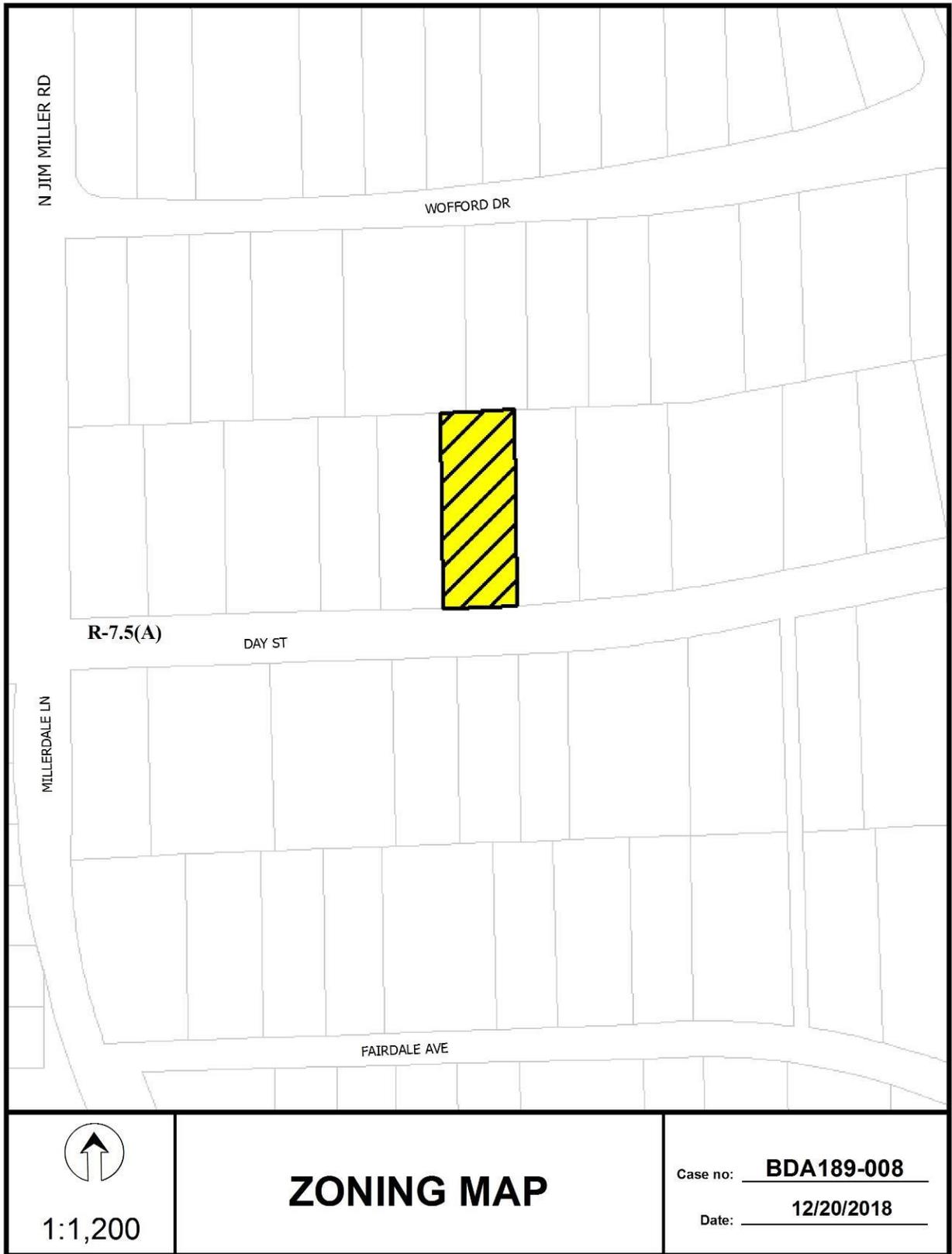
- The request for a special exception focuses on maintaining an approximately 470 square foot carport that is located 2' from the site's western side property line or 3' into this 5' side yard setback on a site developed with a single-family home structure/use.
- The subject site is zoned R-7.5(A) which requires a 5' side yard setback.
- The applicant has submitted a document (a site plan/elevation) indicating the size and materials of the carport, and its location 2' from the site's western side property line.
- The submitted site plan represents the following:
  - The carport is approximately 42' in length and approximately 11' in width (approximately 470 square feet in total area) of which approximately 40 percent is located in the western 5' side yard setback.
- The submitted elevations represent the following:
  - Ranging in height from approximately 9' – 11'.
  - Galvanized steel roof with 4x4 treated wood column embedded into a concrete footing.
- The Senior Planner conducted a field visit of the area approximately 500 feet east and west of the subject site and noted one other carport that appeared to be located in a side yard immediately south of the subject site with no recorded BDA history.
- As of January 4, 2019, no letters had been submitted in support of or in opposition to this application.
- The applicant has the burden of proof in establishing the following:
  - that granting this special exception to the side yard setback regulations of 3' will not have a detrimental impact on surrounding properties.

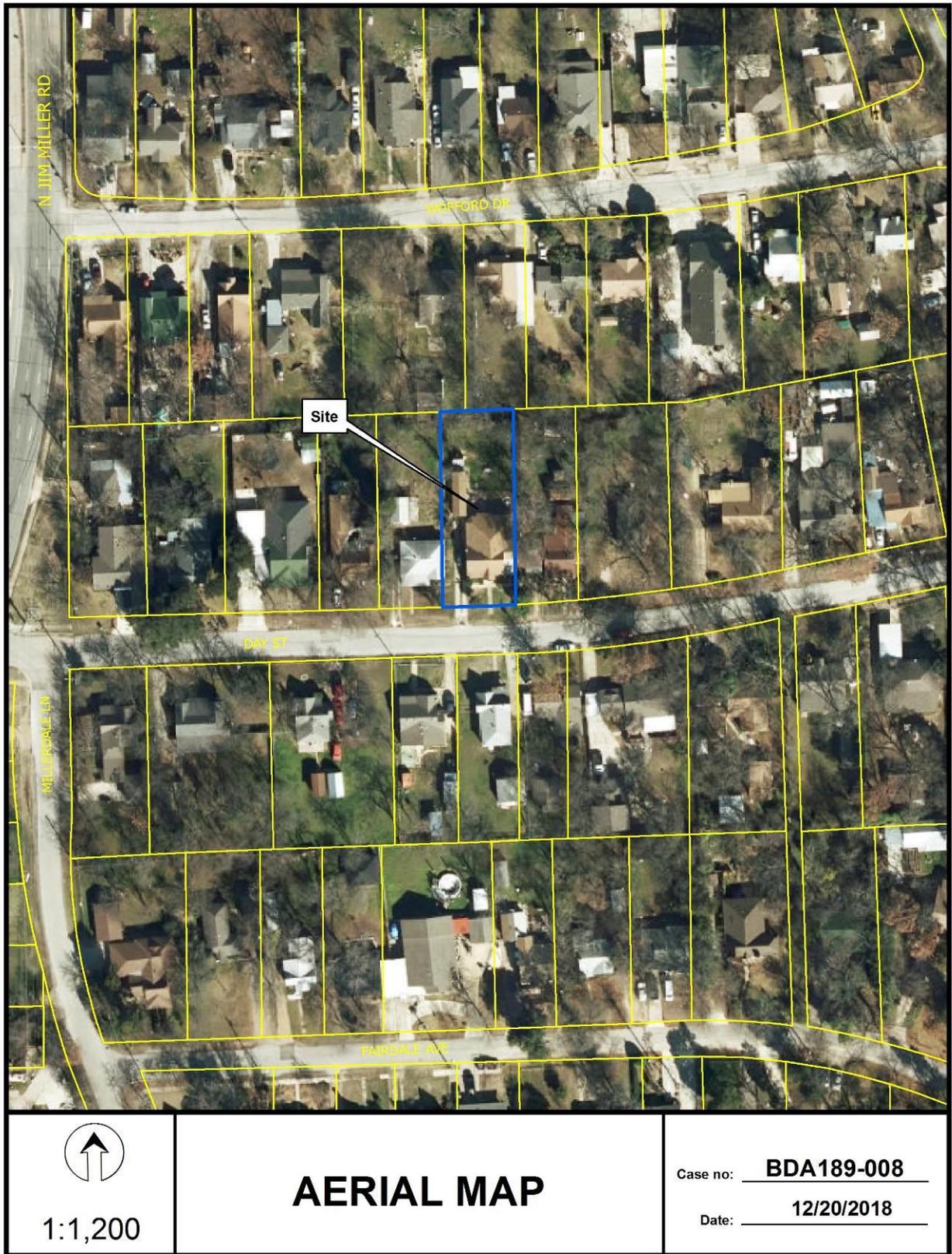
- Granting this request and imposing the following conditions would require the carport to be maintained in the location and of the heights and materials as shown on this document:
  1. Compliance with the submitted site plan/elevation is required.
  2. The carport structure must remain open at all times.
  3. No lot-to-lot drainage is permitted in conjunction with this carport special exception.
  4. All applicable building permits must be obtained.
  5. No item (other than a motor vehicle) may be stored in the carport.
- If the Board were to grant this request and impose the submitted site plan/elevation as a condition to the request, the structure in the side setback would be limited to that what is shown on this document – a carport located 2’ from the site’s western side property line or 3’ into this required 5’ side yard setback.

**Timeline:**

- October 23, 2018: 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 3, 2018: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel B.
- December 5, 2018: The Board Administrator emailed the applicant the following information:
  - a copy of the application materials including the Building Official’s report on the application;
  - an attachment that provided the public hearing date and panel that will consider the application; the December 19<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the January 4<sup>th</sup> 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 27, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board..

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







City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-008

Data Relative to Subject Property:

Date: 10/23/18

Location address: 7027 Day St. Zoning District: R-7.5 (A.).
Lot No.: Lot 11 Block No.: 5/5826 Acreage: 0.21 Census Tract: 85-00
Street Frontage (in Feet): 1) 41.92 2) 159.73 3) 37.73 4) 159.39 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Juan V. Tovar Jesusita L. Tovar

Applicant: Juan V. Tovar Telephone: 469.867.0928

Mailing Address: 7027 Day St. Zip Code: 75227

E-mail Address: JSD.Tovar@aol.com

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance, or Special Exception checked, of CARPORT
in required side yard of 3' to the required 5' side
yard setback & provide a 2' side yard setback.

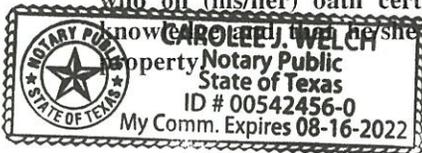
Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas
Development Code, to grant the described appeal for the following reason:
Garage too small for vehicles, need protection from elements.

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.

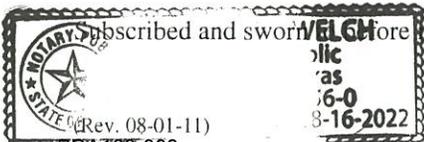
Affidavit

Before me the undersigned on this day personally appeared Jesusita L. Tovar
(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 belief, and she is the owner/or principal/or authorized representative of the subject
property.



Respectfully submitted: Juan V. Tovar
(Affiant/Applicant's signature)



Subscribed and sworn to before me this 18 day of August, 2018

Carollee Welch
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 JUAN V TOVAR

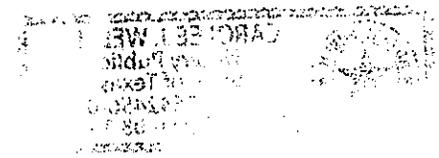
did submit a request for a special exception to the side yard setback regulations

at 7027 Day Street

BDA189-008. Application of JUAN V TOVAR for a special exception to the side yard setback regulations at 7027 DAY ST. This property is more fully described as West 60 ft c Lot 11, Block J/5826, and is zoned R-7.5(A), which requires a side yard setback of 5 feet. The applicant proposes to construct a carport for a single family residential dwelling in a required side yard and provide a 2 foot setback, which will require a 3 foot special exception to the side yard setback regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official





Printed: 11/30/2018

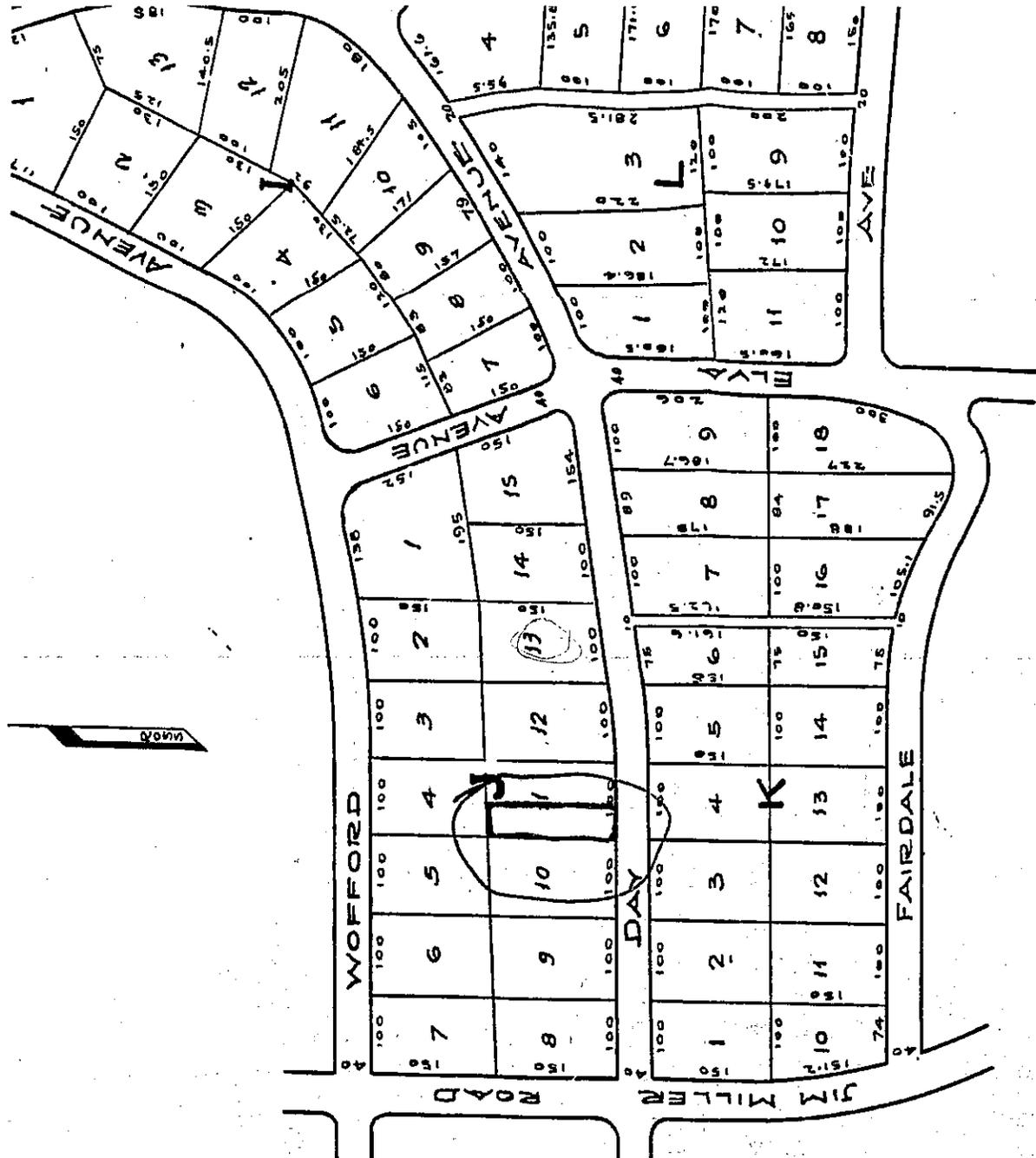
### Legend

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Floodplain           | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO Overlay                |
| Peak's Branch        | SPSD Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | BDA189-008 SUP                 | Historic Overlay      | 3-9 Shop Front Overlay     |
|                      |                                | Height Map Overlay    |                            |

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)

Panel B

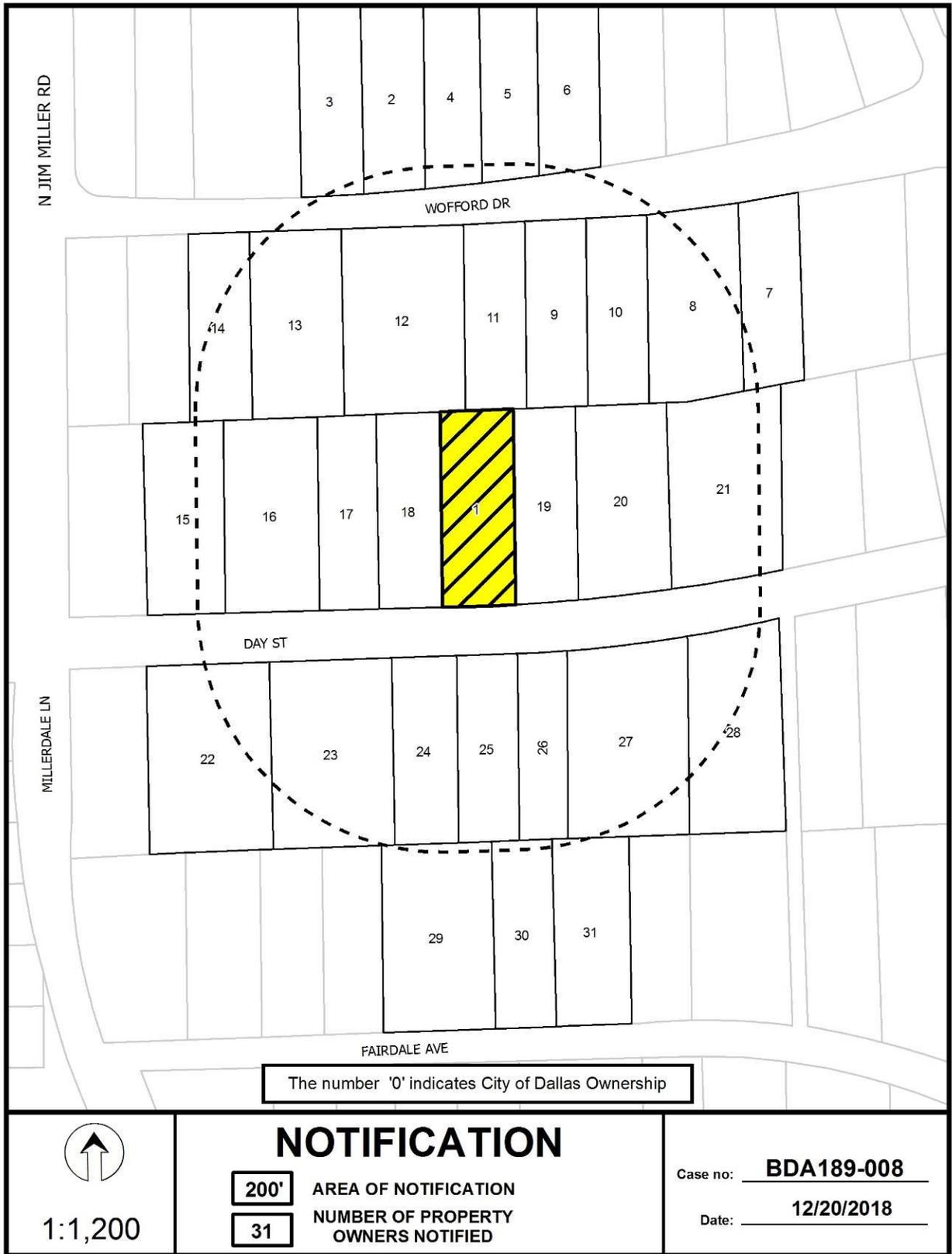




87221

FOURTH INSTALLMENT OF URBAN DALE ADDITION





## *Notification List of Property Owners*

**BDA189-008**

### *31 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7027 DAY ST	TOVAR JUAN V & JESUSITA L
2	7021 WOFFORD DR	MONTES MARIA MAGDALENA
3	7019 WOFFORD DR	BENITEZ DAVID
4	7025 WOFFORD DR	RAMIREZ MARIA DOLORES
5	7027 WOFFORD DR	CORNEJO JOSE C
6	7033 WOFFORD DR	HERNANDEZ MODESTO &
7	7046 WOFFORD DR	DEAL MARGARET
8	7042 WOFFORD DR	HERNANDEZ JOSE MANUEL
9	7032 WOFFORD DR	ORTIZ MARIA E
10	7036 WOFFORD DR	SALAS JUAN JOSE &
11	7026 WOFFORD DR	SALAZAR JULIAN & JUANA
12	7024 WOFFORD DR	FLORES JUAN L
13	7014 WOFFORD DR	CISNEROS MARTIN P
14	7010 WOFFORD DR	DIAZ JOSE F
15	7007 DAY ST	MILES EARLINE H
16	7013 DAY ST	MENDOZA JUAN &
17	7019 DAY ST	WEST AUDREY G
18	7023 DAY ST	TOVAR JUAN V & JESUSITA LOPEZ
19	7031 DAY ST	TOVAR DAVID
20	7035 DAY ST	HOLLEY LASKA
21	7045 DAY ST	SIAS CYNTHIA S & KADERLI JORDAN G
22	7004 DAY ST	RODRIGUEZ ROBERTO C &
23	7014 DAY ST	MILLER LORENE CAROL
24	7022 DAY ST	RANGEL JOSE GUADALUPE
25	7026 DAY ST	RIVAS LINDA LYNN
26	7030 DAY ST	CHAVEZ MIGUEL L SR

12/20/2018

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
27	7038 DAY ST	AVILA LUIS &
28	7044 DAY ST	WRIGHT LILLIAN INEZ EST OF
29	7019 FAIRDALE AVE	A & AB INVESTMENTS LLC
30	7027 FAIRDALE AVE	SOLIS ALFONSO & GRISELDA
31	7031 FAIRDALE AVE	WILLIAMS EDWIN &

**FILE NUMBER:** BDA189-009(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Tony Zapata to enlarge a nonconforming use at 220 W. 10th Street. This property is more fully described as Lot 16, Block 41/3161, and is zoned PD 830 (Sub-district 3), which limits the legal uses in a zoning district. The applicant proposes to enlarge a nonconforming "medical clinic or ambulatory surgical center" use, which will require a request to enlarge a nonconforming use.

**LOCATION:** 220 W. 10th Street

**APPLICANT:** Tony Zapata

**REQUEST:**

A request is made to enlarge a nonconforming "medical clinic or ambulatory surgical center" use (Peralta Chiropractic), which in this particular case, involves the remodeling/ "enlarging" of an existing approximately 1,400 square foot structure on the site by approximately 2,300 square feet whereby the total square footage, if enlarged, would be approximately 3,700 square feet.

**STANDARD FOR ENLARGING A NONCONFORMING USE:**

Section 51A-4.704(b) (5) (B) of the Dallas Development Code states the board may allow the enlargement of a nonconforming use when, in the opinion of the Board, the enlargement: 1) does not prolong the life of the nonconforming use; 2) would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right; and 3) will not have an adverse effect on the surrounding area.

**STAFF RECOMMENDATION:**

No staff recommendation is made on a request to enlarge a nonconforming use since the basis for this type of appeal is based on when, *in the opinion of the Board*, the enlargement: 1) does not prolong the life of the nonconforming use; 2) would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right; and 3) will not have an adverse effect on the surrounding area.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: PD 830 (Planned Development)

North: PD 830 (Planned Development)  
South: PD 316 (Planned Development)  
East: PD 830 (Planned Development)  
West: PD 830 (Planned Development)

**Land Use:**

The subject site is developed as a “medical clinic or ambulatory surgical center” use (Peralta Chiropractic). The area to the north is developed with office uses, the areas to the east and west are developed with medical clinic or ambulatory surgical center uses; and the area to the south is developed with commercial uses.

**Zoning/BDA History:**

1. BDA156-048, Property at 218 W. 10TH Street (the lot east of the subject site) On May 16, 2016, Board of Adjustment Panel C approved a request to restore/reinstate nonconforming use rights for a medical clinic or ambulatory surgical center use on the subject site that was discontinued for a period of six months or more was made to obtain a Certificate of Occupancy (CO) for this use.

**GENERAL FACTS/STAFF ANALYSIS:**

- This request focuses on the enlargement of a nonconforming “medical clinic or ambulatory surgical center” use (Peralta Chiropractic) on the subject site, which in this particular case, involves the remodeling/ “enlarging” an existing approximately 1,400 square foot structure on the site by approximately 2,300 square feet whereby the total square footage, if enlarged, would be approximately 3,700 square feet.
- The subject site is zoned PD 830.
- A “medical clinic or ambulatory surgical center” use is not permitted in this PD 830 district lot.
- Section 51A-2.102(89) of the Dallas Development Code defines a nonconforming use as “a use that does not conform to the use regulations of this chapter but was lawfully established under regulations in force at the beginning of operation and has been in regular use since that time.”
- Section 51A-4.704(b)(5)(A) of the Dallas Development Code states that enlargement of a nonconforming use means any enlargement of the physical aspects of a nonconforming use, including any increase in height, floor area, number of dwelling units, or the area in which the nonconforming use operates.
- It appears from research conducted by the Board Senior Planner that the medical clinic or ambulatory surgical center” use became a nonconforming use on August 11, 2010 when (during the establishment of Planned Development 830 that changed the zoning from LO-1 to Planned Development 830 Subdistrict 3) the property that

had been zoned LO-1 (that permitted medical clinic or ambulatory surgical center uses) was changed to PD 830 Subdistrict 3 (that does not permit medical clinic or ambulatory surgical center use for this particular lot in this particular PD 830). The City has recognized the “medical clinic or ambulatory surgical center” use on the property to be a legal nonconforming use.

- This application is made to allow the nonconforming medical clinic or ambulatory surgical center” use to be enlarged to a total of approximately 3,700 square feet. (If denied, the nonconforming use could remain, but would not be allowed to add a approximately 2,300 square foot addition).
- The applicant has submitted a floor plan indicating that the total size of the proposed structure on the subject site is to be enlarged from 1,377 square feet to 3,698 square feet.
- This application is made to enlarge a nonconforming *use*. The application is *not* made to enlarge a nonconforming *structure*. The structure that comprise the nonconforming “medical clinic or ambulatory surgical center” use (Peralta Chiropractic) would be in compliance with development code standards such as setbacks, coverage requirements, height requirements, parking requirements, etc. Therefore, the existing enlargement made to the structure would be a conforming structure as it relates to development code requirements, located within a broader land use classification (medical clinic or ambulatory surgical center) that can only be deemed a conforming *use* once and if the zoning is changed.
- Records from Building Inspection Department indicate that the “medical clinic or ambulatory surgical center” use (Peralta Chiropractic) has been identified by Building Inspection as a nonconforming use.
- The applicant has been informed of the Dallas Development Code provisions pertaining to “Nonconforming Uses and Structures,” and how nonconforming uses can be brought to the Board of Adjustment for amortization where if the board determines that continued operation of the use will have an adverse effect on nearby properties, it shall proceed to establish a compliance date for that nonconforming use - a compliance date that is provided under a plan whereby the owner’s actual investment in the use before the time that the use became nonconforming can be amortized within a definite time period.
- The applicant has the burden of proof to establish that the enlargement of the non-conforming use:
  1. does not prolong the life of the nonconforming use;
  2. would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right; and
  3. will not have an adverse effect on the surrounding area.
- If the Board were to grant this request, with a condition imposed that the applicant comply with the submitted site plan and floor plan, the enlargement of the nonconforming use would be limited to what is shown on these documents.

## **Timeline:**

September 11, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

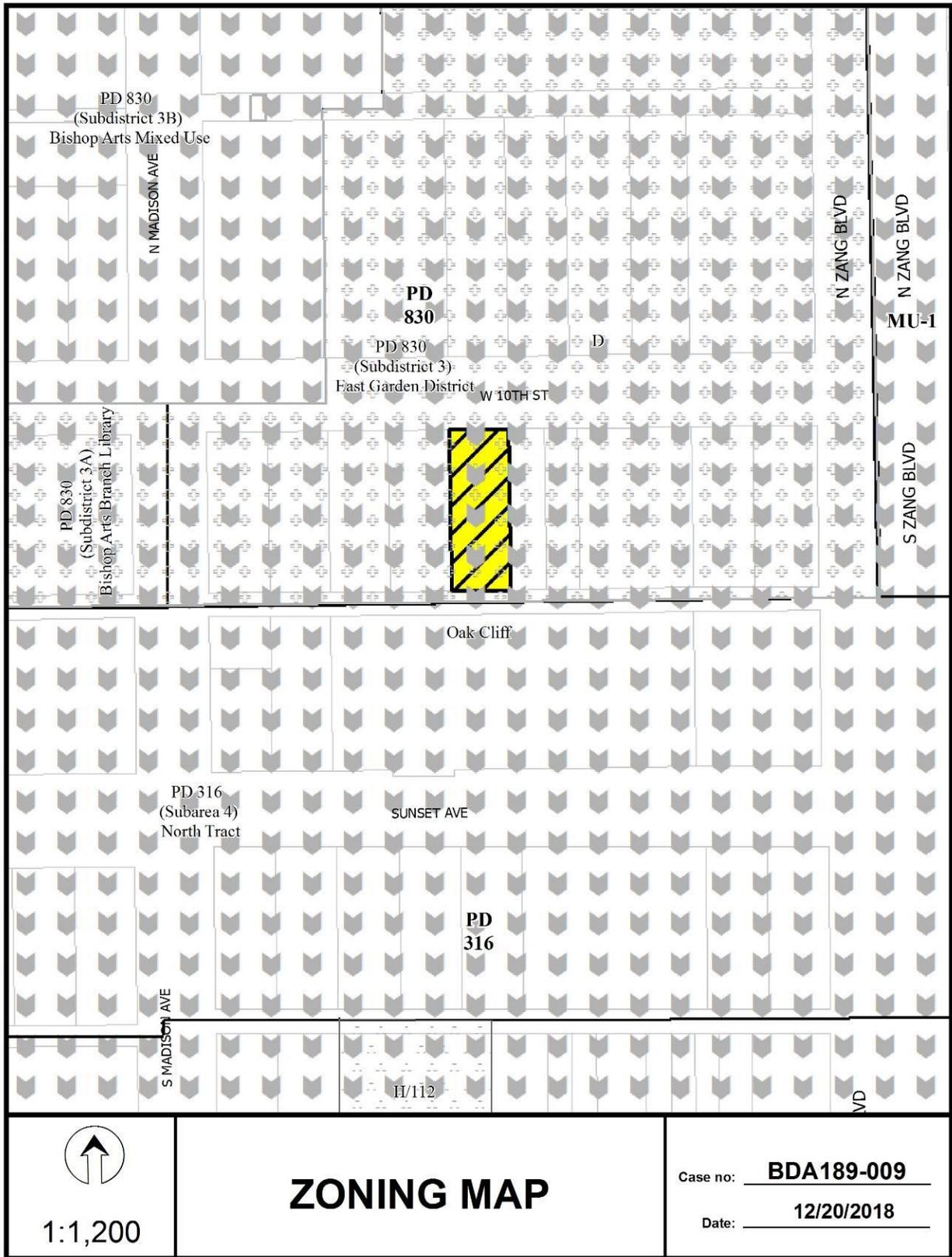
December 3, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

December 5, 2018: The Board Administrator emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the December 19<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the January 4<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the provision from the Dallas Development Code that provides the standard as to how the board is able to grant a request to enlarge a nonconforming use. (51A-4.704(b)(5)), and the entire section from the code related to nonconforming uses and structures (51A-4.704), advising the applicant that his request does not eliminate the nonconforming status of the use on the site as much as it potentially (if the board chooses to grant your request) merely allows it to be enlarged; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

December 27, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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







City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-009

Data Relative to Subject Property:

Date: 09-11-18

Location address: 220 W. Tenth St Dallas, TX Zoning District: PD 830 (Sub-3)

Lot No.: 16 Block No.: 41/3161 Acreage: 0.152<sup>75208</sup> Census Tract: 47.00

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Edgar Peralta/PERALTA CHIROPRACTIC, INC.

Applicant: TONY ZAPATA Telephone: 469-556-7723

Mailing Address: 4783 C.R. 2526 ROYSE CITY TX. Zip Code: 75189

E-mail Address: tonyzapata@tnghomebuilders.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 THE EXPANSION OF A NON CONFORMING USE

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:

IN 2010 ZONING OF PROPERTY WAS CHANGED FROM AN CO-1 WICH ALLOWED THE USE BY RIGHT TO PD 830 SUB AREA 3 WICH DOES NOT ALLOW THE USE ON THE PROPERTY

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

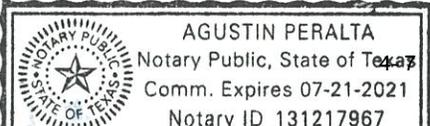
Affidavit

Before me the undersigned on this day personally appeared Mr Edgar Peralta (Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 11 day of September, 2018



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

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

Building Official's Report

I hereby certify that Tony Zapata

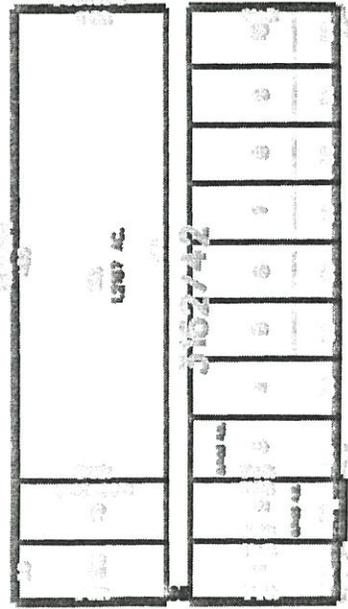
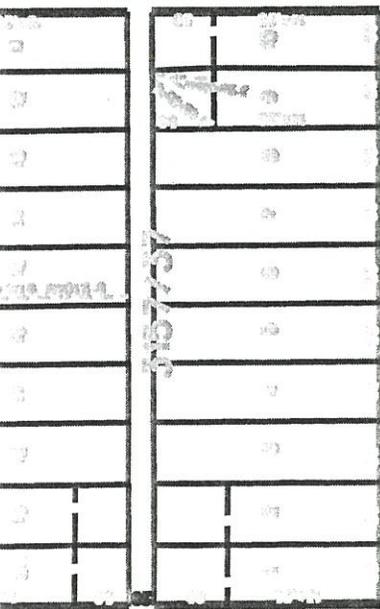
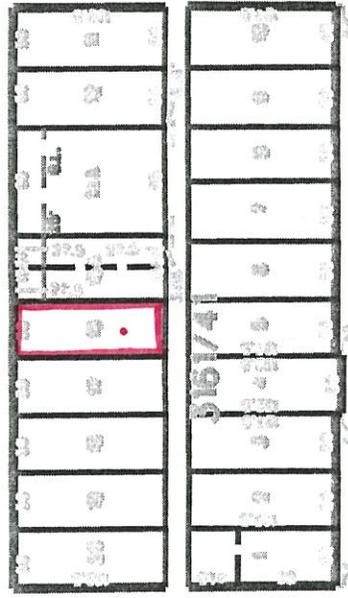
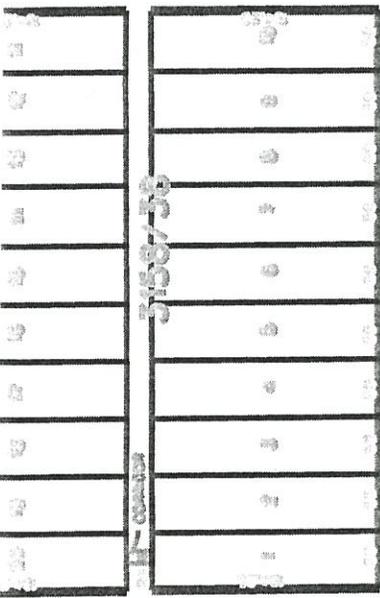
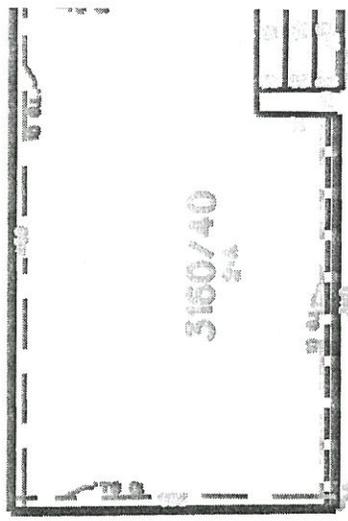
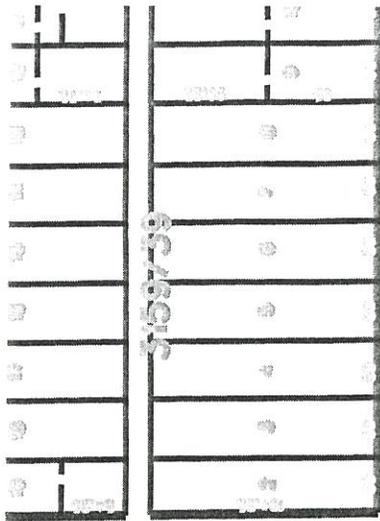
did submit a request to enlarge a nonconforming use,

at 220 W. Tenth Street

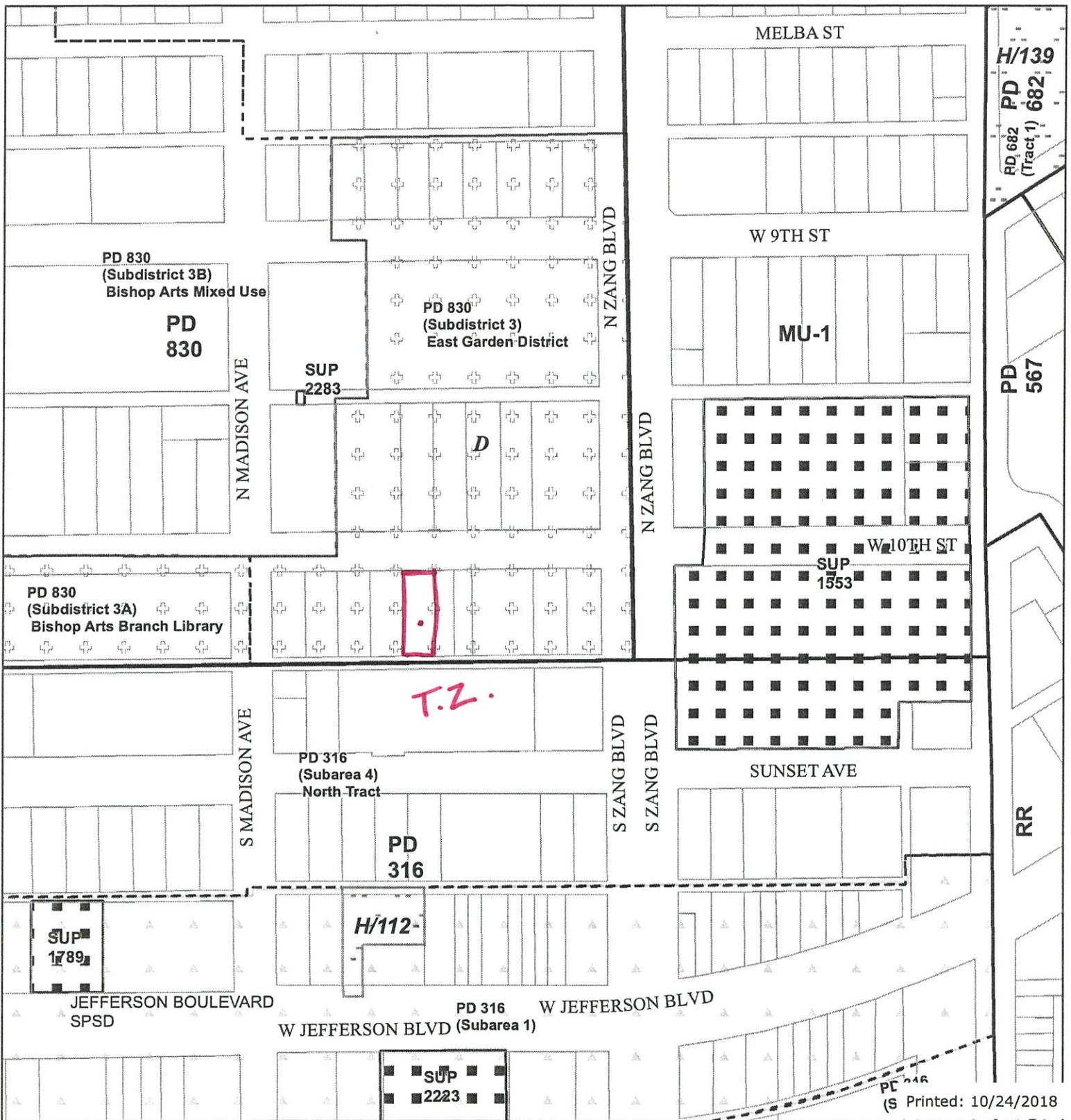
BDA189-009. Application of Tony Zapata to enlarge a nonconforming use at 220 W 10TH ST. This property is more fully described as Lot 16, Block 41/3161, and is zoned PD-830- (Sub-district 3), which limits the legal uses in a zoning district. The applicant proposes to enlarge a nonconforming medical clinic or ambulatory surgical center use, which will require a special exception to the nonconforming use regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



*N.T.*



**Legend**

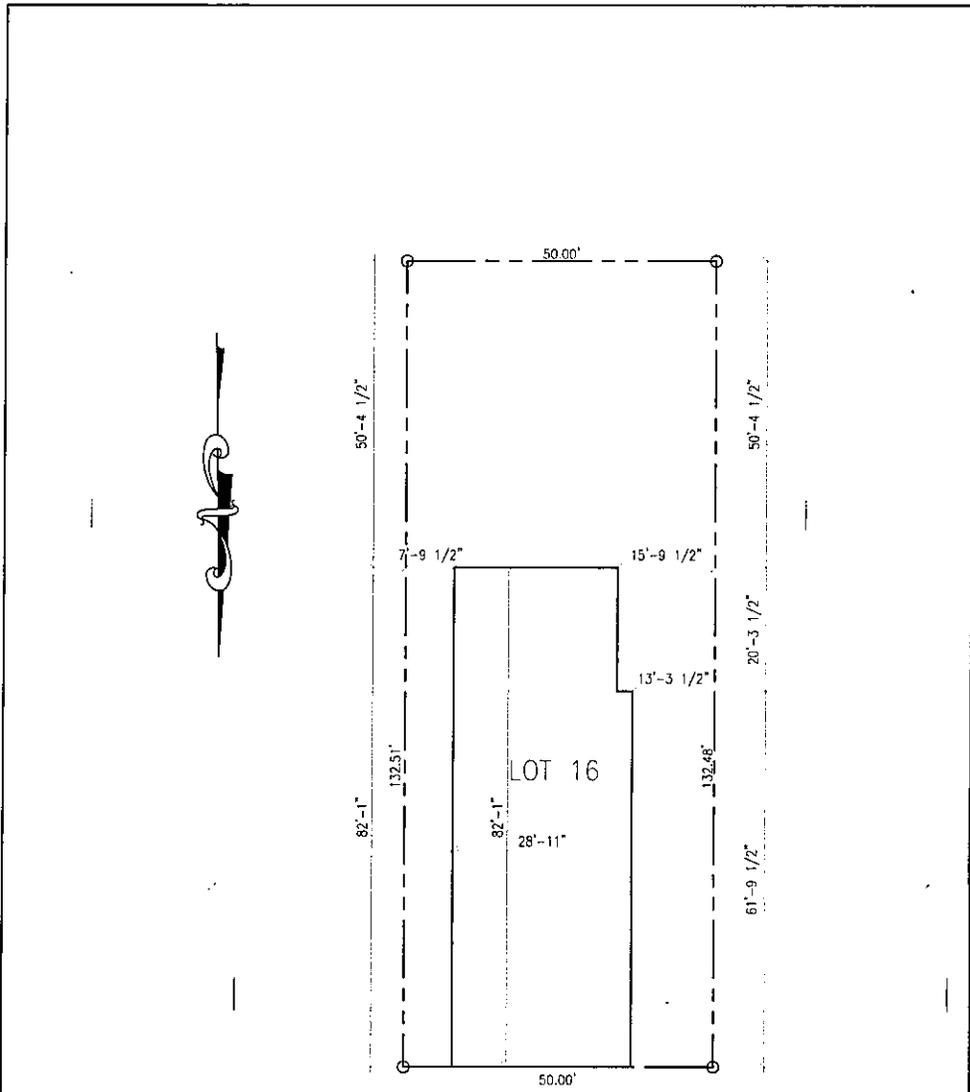
- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Floodplain           | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO_Overlay                |
| Peak's Branch        | SPSP Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | SUP                            | Historic Overlay      | 4-10 Shop Front Overlay    |

BDA189-009

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)

Panel B





W. 10TH STREET  
(60' R.O.W.)

- General Notes:**
1. The purpose of this plan is to show the proposed building footprint as defined by the metes and bounds of the recorded plat.
  2. Dimensions, setbacks, easements, plan selection, and any other information shown here in shall be verified at permitting and prior to construction for accuracy and compliance with all applicable codes and ordinances.
  3. Builder is solely responsible for ensuring that the footprint is contained within the prepared building pad. The building pad shall be set high enough to allow for adequate drainage.
  4. All calculations are approximate. They must be verified prior to permitting, purchasing, and/or construction.

Legend:	
	Fence
	Lot
	Building Line
	Easement

SUBDIVISION PLAT DALLAS LAND & LOAN COMP. ADDITION NO. 2 Lot: 16 Blk: 41/3161 220 W. TENTH STREET DALLAS, TX Plan No.		PLOT PLAN ENGINEERED FOR: 220 W. TENTH STREET DALLAS, TX								
DATE	7/3/18	DR'N	J.G.	CHK'D	S.G.	Scale: 1"=20'	PAGE	1	of	1

220 W. TENTH STREET  
 DALLAS, TX

DESIGN AND CONSTRUCTION PLANNING  
 sgnzalez02@gmail.com



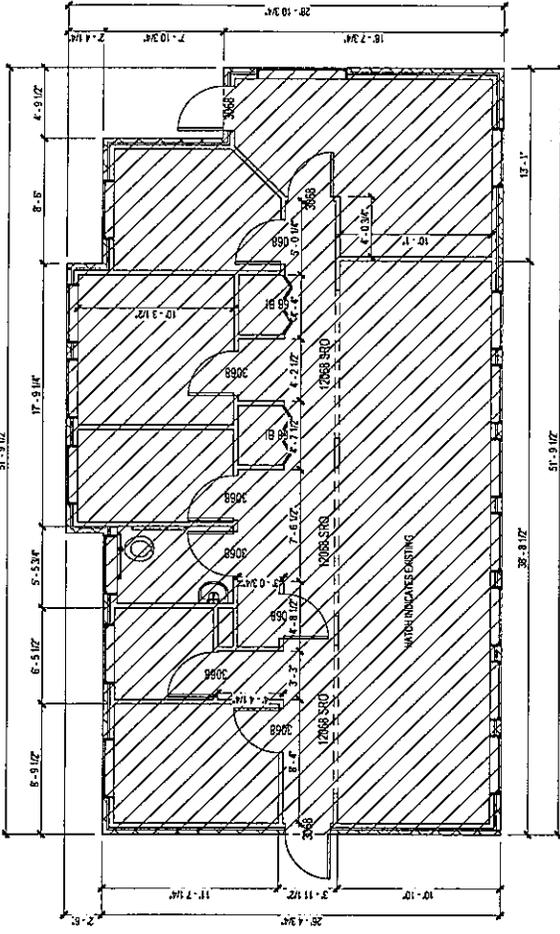
No. 214-597-1150  
 Date

FIRST FLOOR PLAN

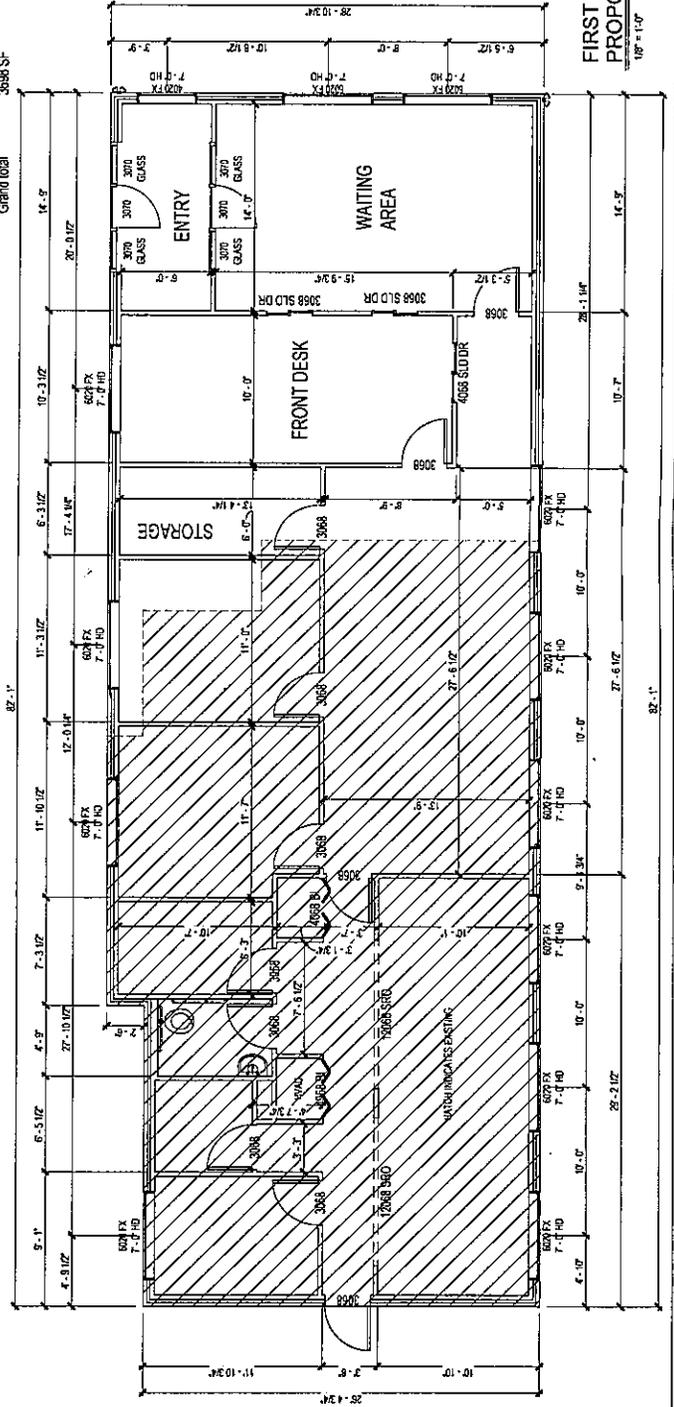
- FLOOR PLAN NOTES:**
1. ACTUAL FIELD CONDITIONS UNLESS NOTED AND MUST BE VERIFIED BEFORE PROCEEDING WITH CONSTRUCTION.
  2. INTERIOR DIMENSIONS ARE TO FACE OF STUD, UNLESS GRAPHICALLY INDICATED OTHERWISE. WINDOWS AND DOORS ARE DIMENSIONED TO CENTERLINE OF ROUGH OPENING.
  3. SEPARATE DISCRETE TOILETS, BATHS AND ROOFPAN.
  4. COORDINATE WITH ARCHITECT FOR FINISHES, SEE ELEVATIONS AND ROOF PLAN FOR PRECISE DIMENSIONS.
  5. UNLESS OTHERWISE ANNOTATED, ALL ANGLES OTHER THAN 90° ANGLES ARE TO BE 45° ANGLES.
  6. ALL HALLWAYS USED AS EGRESS FROM BEDROOMS SHOULD NOT BE DIMENSIONED LESS THAN 7'0" NET CLEAR.
  7. ALL GLAZING WITHIN 7'0" HORIZONTAL DISTANCE FROM ANY JAMB OF EXTERIOR DOORS SHOULD BE TEMPERED GLASS.
  8. EXTERIOR DOORS SHALL BE SEPARATED FROM THE RESERFACE AND ITS ATTIC CHARGE BY NOT LESS THAN 1/2" GAP BOARD TO THE GARAGE SIDE.
  9. ALL DOORS TO THE BEDROOMS SHALL BE SEPARATED BY NOT LESS THAN 1/2" GAP BOARD TO THE GARAGE SIDE.
  10. ALL OPENINGS TO BE CENTERED ON WALLS UNLESS OTHERWISE NOTED.
  11. STANDARD DOOR JAMB TO BE 5".

Area Schedule	Name	Area	Level	Comments
	EXISTING	1377 SF	A-2.1 FIRST FLOOR	
	PROPOSED	2321 SF	A-2.1 FIRST FLOOR	
	<b>Grand total</b>	<b>3698 SF</b>		

FIRST FLOOR PLAN - EXISTING  
 1/8" = 1'-0"



FIRST FLOOR PLAN - PROPOSED 2  
 1/8" = 1'-0"



220 W. TENTH STREET  
DALLAS, TX

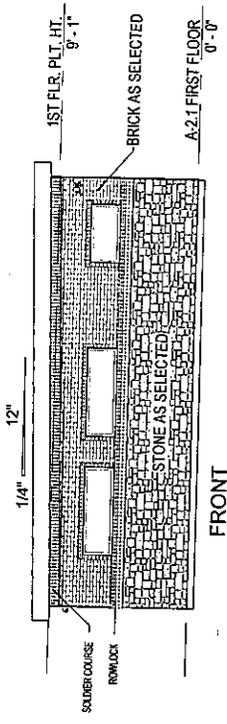
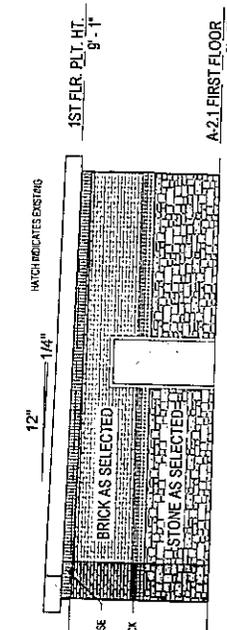
sgonzalez02@gmail.com  
DESIGN AND CONSTRUCTION PLANNING

No.	Date
214-597-1150	



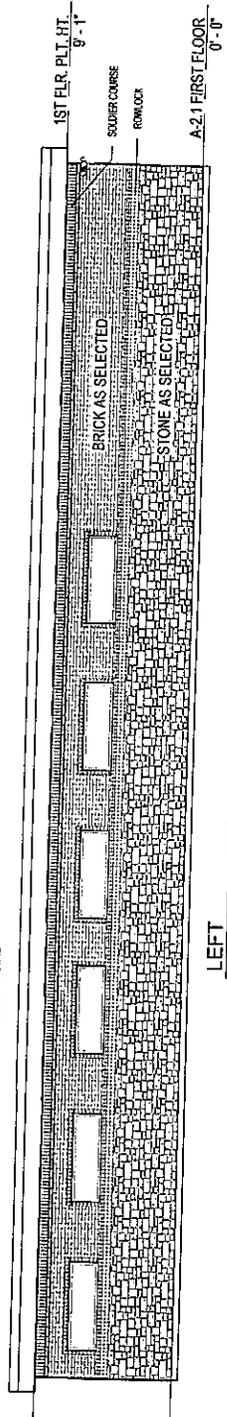
ELEVATION NOTES:

1. PROVIDE ATTIC VENTILATION AS REQUIRED PER CODE
2. ALL WINDOW ROUGH OPENING SIZES TO BE FRAMED SAME AS WINDOW FULL UNIT SIZE
3. WINDOW FULL UNIT SIZE TO BE IDENTICAL TO WINDOW ROUGH OPENING SIZE
4. NO CORNER HOLES TO BE FORMED AT PROJECTIONS OR WINDOWSILLS
5. HEIGHT OF CHIMNEY TO BE 2' HIGHER THAN ANY POINT WITHIN 10'.

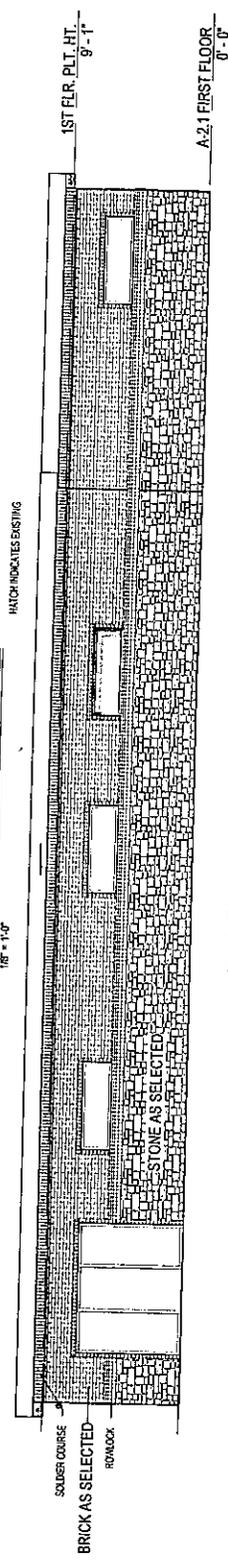


FRONT  
1/8" = 1'-0"

REAR  
1/8" = 1'-0"



LEFT  
1/8" = 1'-0"



RIGHT  
1/8" = 1'-0"

Board of Adjustment Appeal BDA 189-009

Property address: 220 W. TENTH ST. D

The use in the above appeal,

MEDICAL CLINIC OR AMBULATORY SURG. CTR.

has been identified by Building Inspection to be a nonconforming use.

***Appeal for a special exception to enlarge a nonconforming use per Sec. 51A-4.704(b)(5)***

Section 51A-4.704. Nonconforming uses and structures.

(b) Changes to nonconforming uses.

(5) Enlargement of a nonconforming use.

(A) In this subsection, enlargement of a nonconforming use means any enlargement of the physical aspects of a nonconforming use, including any increase in height, floor area, number of dwelling units, or the area in which the nonconforming use operates.

(B) The board may allow the enlargement of a nonconforming use when, in the opinion of the board, the enlargement:

- (i) does not prolong the life of the nonconforming use;
- (ii) would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right; and
- (iii) will not have an adverse effect on the surrounding area.

***Appeal to establish a compliance date for a nonconforming use per Sec. 51A-4.704(a)(1)(A)***

or

***Appeal to reinstate a nonconforming use per Sec. 51A-4.704(a)(2)***

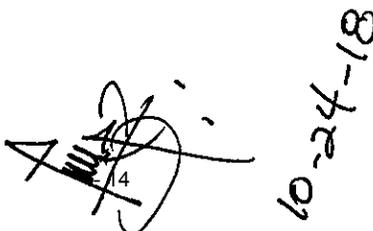
SECTION 51A-4.704. NONCONFORMING USES AND STRUCTURES.

(a) Compliance regulations for nonconforming uses. It is the declared purpose of this subsection that nonconforming uses be eliminated and be required to comply with the regulations of the Dallas Development Code, having due regard for the property rights of the persons affected, the public welfare, and the character of the surrounding area.

(1) Amortization of nonconforming uses.

(A) Request to establish compliance date. The city council may request that the board of adjustment consider establishing a compliance date for a nonconforming use. In addition, any person who resides or owns real property in the city may request that the board consider establishing a compliance date for a nonconforming use. Upon receiving such a request, the board shall hold a public hearing to determine whether continued operation of the nonconforming use will have an adverse effect on nearby properties. If, based on the evidence presented at the public hearing, the board determines that continued operation of the use will have an adverse effect on nearby properties, it shall proceed to establish a compliance date for the nonconforming use; otherwise, it shall not.

(2) The right to operate a nonconforming use ceases if the nonconforming use is discontinued for six months or more. The board may grant a special exception to this provision only if the owner can show that there was a clear intent not to abandon the use even though the use was discontinued for six months or more.

A handwritten signature is present, along with the date "10-24-18" written vertically to its right.

**ARTICLE 830.**

**PD 830.**

**SEC. 51P-830.101. LEGISLATIVE HISTORY.**

PD 830 was established by Ordinance No. 27944, passed by the Dallas City Council on August 11, 2010. (Ord. 27944)

**SEC. 51P-830.102. PROPERTY LOCATION AND SIZE.**

PD 830 is established on property located along the Bishop Avenue Corridor between Colorado Boulevard and Davis Street; property located along the Davis Street Corridor, bounded by Plymouth Road on the west and Zang Boulevard on the east; and excluding property zoned Planned Development District No. 160, Planned Development No. 340, Planned Development No. 87/Historic District 15, Conservation District No. 1, and Conservation District 7. The size of PD 830 is approximately 290.5 acres. (Ord. 27944)

**SEC. 51P-830.103. CREATION OF SUBDISTRICTS.**

This district is divided into the following subdistricts:

- (1) Subdistricts 1 and 1A: Bishop Avenue.
- (2) Subdistrict 2: **Subdistrict 2 is not created as part of this PD. See Conservation District No. 7 (Bishop/Eighth Street Conservation District) for the use regulations and development standards in that area.**
- (3) Subdistrict 3: East Garden District [~~and~~], Subdistrict 3A: Bishop Arts Branch Library, and Subdistrict 3B: Bishop Arts Mixed Use District.
- (4) Subdistrict 4: Kidd Springs Park.
- (5) Subdistrict 5: Kings Highway Gateway.
- (6) Subdistricts 6 and 6A: Davis Corridor.
- (7) Subdistrict 7: Winnetka Heights Village.
- (8) Subdistricts 8 and 8A: West Garden District. (Ord. Nos. 27944; 28733; 28745; 29126; 29678; 30374)



# Certificate of Occupancy

City of Dallas

Address: 220 W 10TH ST 75208

Issued: 11/15/2012

Owner: PERALTA CHIROPRACTIC  
220 W 10TH ST , DALLAS TEXAS 75208-4523 UNITED STATES OF AMERICA

DBA: PERALTA CHIROPRACTIC INC.

Land Use: (6517) MEDICAL CLINIC OR AMBULATORY SURGICAL CENTER

Occupied Portion:

C.O.#: 1211071026

Lot:	16	Block:	41/3161	Zoning:	PD-830	PDD:	830	SUP:	
Historic Dist:		Consrv Dist:	Davis Stree	Pro Park:		Req Park:		Park Agrmt:	N
Dwlg Units:		Stories:		Occ Code:	B	Lot Area:	6625	Total Area:	1225
Type Const:	UNK	Sprinkler:		Occ Load:		Alcohol:	N	Dance Floor:	N

Remarks: EXISITNG USE CO#0401071052

Larry Holmes, Building Official

This certificate shall be displayed on the above premise at all times.

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

**Job Edit with  
Issue Date**

**Certificate of Occupancy  
Job 002187461-001 (0401071052)**

DBA: DR. STERLING WOOD

Status: Issued

Created By: CONV

Date Created: Jan 07, 2004

Date Issued: Jan 07, 2004

Date Completed: Jan 13, 2004

Parent Job:

Specific Location:

Details

Address...	220 W 10TH ST
AddressType1	
AddressType2	
Airport	N
Alcohol	N
Applicant Name Lookup...	
Arborist	N
Base Zoning	LO1
BI Flag	N
BI Flag Comments	
BI Flag Override	N
Bio-Diesel	N
Block	
Board of Adjustment	N
Building	N
Certificate Type	
Comments	
Conditions	SAME USE
Construction Type	
Create ProjectDox Project	N
Dance Floor	N
Deed Restriction	N
Diesel	N
District	17
District Office	OCMC
Doing Business As	DR. STERLING WOOD
Dry	Y
Dwelling Units	0
Electric	N
Email	
Expiration Date	
Flood Plain	N
Fraction	
Gas	N
GIS Flagged Area	
GIS NSOName	
Health	N
Health Inspection Needed	N
Health Permit Fee to Use	
Health Permit Number	
Historic	
Land Use	(6517) MEDICAL CLINIC OR AMBULATORY SURGICAL CENTER
Lot	
Manager Approval	N
Manager Name	
MD Overlay	
MD Review Needed	N
Moratorium Override	N
Natural Gas	N
Occupancy	B
Occupancy Load	
Occupied Portion	
Other Fuel	
Other Fuel Type	N
OverBlock	

# Job 002187461-001 (0401071052)

Owner Address Lookup 220 W 10TH ST , DALLAS TEXAS 75208-4523 UNITED STATES OF AMERICA  
 Owner Address Override 000220 W 10TH ST DALLAS TX 75208  
 Owner Code PRIVATE  
 Owner Name Lookup WOOD HOMER  
 Owner Name Override WOOD STERLING  
 Owner Phone Number  
 Parking Agreement N  
 PDD 0  
 Postage N  
 Propane N  
 Proposed Parking 0  
 Required Parking 0  
 Residential Adjacency Review N  
 Sprinkler  
 Square Footage 1,000  
 Stories 1  
 Suite 1  
 Suite 2  
 SUP  
 TaxParcelLegal5 3161 041 016 2003161 041  
 Temporary Address  
 Use Of Property

## Details



Parcel: Historical 220 W 10TH ST  
00000255691000000



Address: Account  
220 W 10TH ST

## Processes

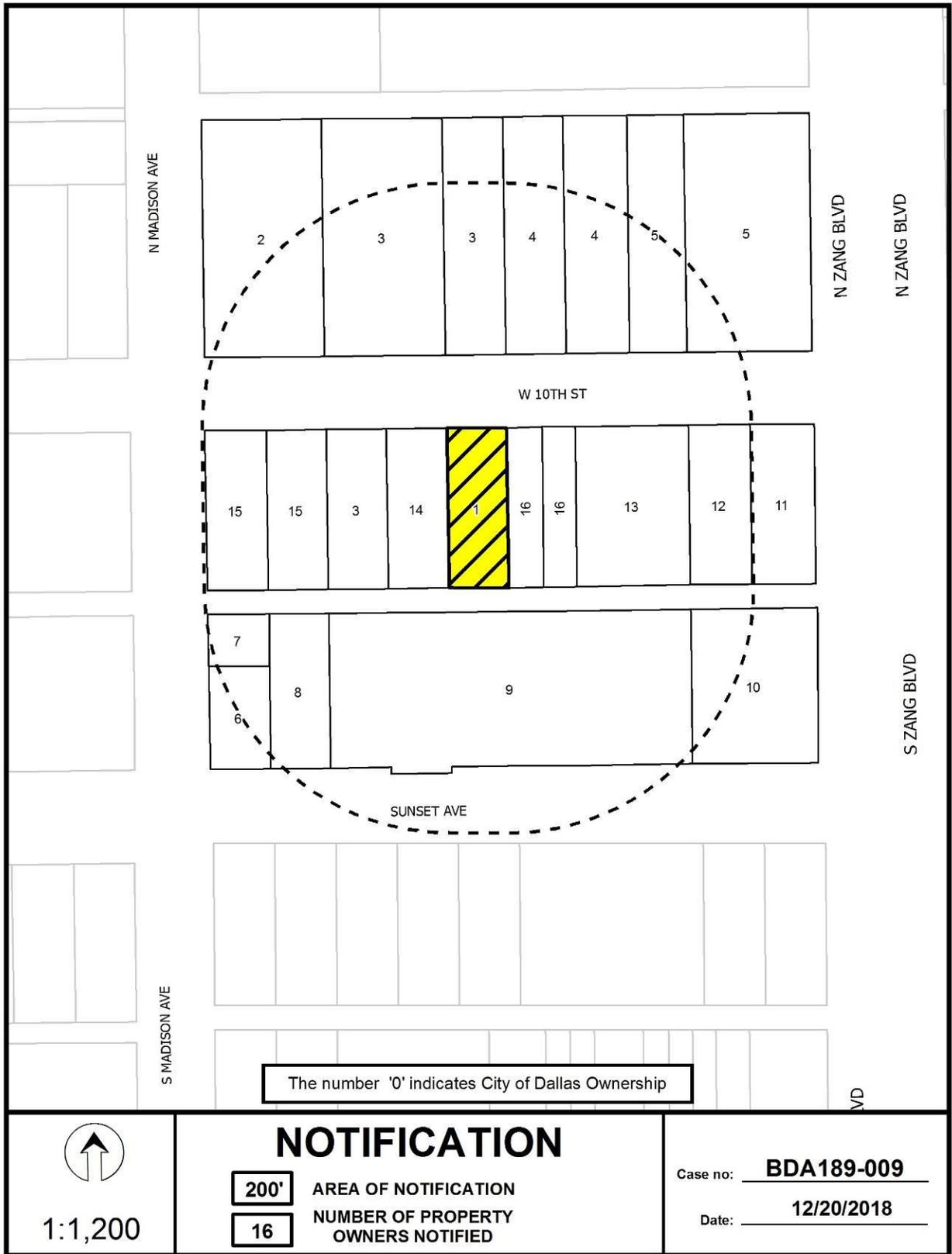
Assigned To	Status	Outcome	Scheduled		Actual	
			Start	Completed	Start	Completed
<b>Perform CO Building Inspection</b>						
Amie Gowan	Complete	Pass			Jan 13, 2004 00:00:00	
Converted from BU - 150						
<b>Perform CO Electrical Inspection</b>						
Paul Cookson	Complete	Pass			Jan 13, 2004 00:00:00	
Converted from EL - 350						
<b>Perform CO Mechanical Inspection</b>						
Mark Daniel	Complete	Pass			Jan 13, 2004 00:00:00	
Converted from ME - 450						
<b>Perform CO Plumbing Inspection</b>						
Mark Daniel	Complete	Pass			Jan 13, 2004 00:00:00	
Converted from PL - 250						

Airport	N
Base Zoning	LO1
Block	
Board of Adjustment	N
Code District	
Council District	1
Deed Restriction	N
District	17
Dry	Y
Escarpment	N
Flood Plain	N
GIS NSOName	
GISConsVDist	
Historic	
Lot	
Lot Area	0
Parking Agreement	N
Parking Agreements	
ParkingAgreementAFIL	
ParkingAgreementBFIL	
PDD	0
SUP	
Zip Code	75208
Zip Code Ext	

**Ext Fees**

Fees (EXT): 0401071052 Converted Certificate of Occupancy Fee \$215.00  
Adjusted:\$0.00 Paid:\$215.00 Owed:\$0.00

**Audit**



1:1,200

# NOTIFICATION

**200'**

AREA OF NOTIFICATION

**16**

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA189-009**

Date: **12/20/2018**

## ***Notification List of Property Owners***

### ***BDA189-009***

#### ***16 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	220 W 10TH ST	PERALTA CHIROPRACTIC INC
2	233 W 10TH ST	UG MELBA LLC
3	227 W 10TH ST	CMWOC PROPERTIES I LLC
4	219 W 10TH ST	EXXIR TREEHAUS LLC
5	209 W 10TH ST	EXC VENTURES LLC
6	237 SUNSET AVE	DERASAUGH MARGARET &
7	112 S MADISON AVE	SALA JASON BRANDON
8	233 SUNSET AVE	DERASAUGH MARGARET SUE
9	219 SUNSET AVE	BABAJOON3M PROPERTIES LLC
10	205 SUNSET AVE	PUERTO SERGIO
11	202 W 10TH ST	DUTTON ALLAN M D
12	206 W 10TH ST	MERCADO FRANCISCA M
13	210 W 10TH ST	FIVE NINE SEVEN LP
14	224 W 10TH ST	CMWOC PROPERTIES II LLC
15	232 W 10TH ST	PEREZ ARMINDA
16	218 W 10TH ST	GOOD SPACE INC

**FILE NUMBER:** BDA189-011(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Getra Thomason Sanders, represented by Bryan M. Burger, P.E., for a special exception to the off-street parking regulations at 3040 W Mockingbird Lane. This property is more fully described as Lot 1D, Block A/2571, and is zoned IR, which requires off-street parking to be provided. The applicant proposes to construct and/or maintain a restaurant with drive-through use and provide 29 of the required 38 parking spaces, which will require a 9 space special exception to the off-street parking regulations.

**LOCATION:** 3040 W Mockingbird Lane

**APPLICANT:** Getra Thomason Sanders  
Represented by Bryan M. Burger, P.E.

**REQUEST:**

A request for a special exception to the off-street parking regulations of 9 spaces is made to construct and maintain a 900 square foot addition (in this case, a roof/cover to be located over an existing outdoor seating area) to an existing approximately 2,900 square foot restaurant with drive-in or drive through service use, and provide 29 (or 76 percent) of the 38 off-street parking spaces required by code.

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

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

- 1) The Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets. The maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(A). For the commercial amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 75 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). For the office use, the maximum reduction authorized by this section is 35 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). Applicants may seek a special exception to the parking requirements under this section and an administrative

parking reduction under Section 51A-4.313. The greater reduction will apply, but the reduction may not be combined.

- 2) In determining whether to grant a special exception, the board shall consider the following factors:
  - (A) The extent to which the parking spaces provided will be remote, shared, or packed parking.
  - (B) The parking demand and trip generation characteristics of all uses for which the special exception is requested.
  - (C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district.
  - (D) The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan.
  - (E) The availability of public transit and the likelihood of its use.
  - (F) The feasibility of parking mitigation measures and the likelihood of their effectiveness.
- 3) In granting a special exception, the board shall specify the uses to which the special exception applies. A special exception granted by the board for a particular use automatically and immediately terminates if and when that use is changed or discontinued.
- 4) In granting a special exception, the board may:
  - (A) Establish a termination date for the special exception or; otherwise provide for the reassessment of conditions after a specified period of time;
  - (B) Impose restrictions on access to or from the subject property; or
  - (C) Impose any other reasonable conditions that would have the effect of improving traffic safety or lessening congestion on the streets.
- 5) The board shall not grant a special exception to reduce the number of off-street parking spaces required in an ordinance granting or amending a specific use permit.
- 6) The board shall not grant a special exception to reduce the number of off-street parking spaces expressly required in the text or development plan of an ordinance establishing or amending regulations governing a specific planned development district. This prohibition does not apply when:
  - (A) the ordinance does not expressly specify a minimum number of spaces, but instead simply makes references to the existing off-street parking regulations in Chapter 51 or this chapter; or
  - (B) the regulations governing that specific district expressly authorize the board to grant the special exception.

### **STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- The special exception of 9 spaces shall automatically and immediately terminate if and when the restaurant with drive-in or drive through service use is changed or discontinued.

Rationale:

- The Sustainable Development and Construction Department Senior Engineer indicated that he has no objections to this request.

### **BACKGROUND INFORMATION:**

#### **Zoning:**

Site: IR (Industrial/research)  
North: IR (Industrial/research)  
South: IR (Industrial/research)  
East: IR (Industrial/research)  
West: IR (Industrial/research)

#### **Land Use:**

The subject site is developed with a restaurant with drive-in or drive through service. The area to the north is developed with an airport/public utility use; the areas to the east, west, south are developed with industrial uses.

#### **Zoning/BDA History:**

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

### **GENERAL FACTS/STAFF ANALYSIS:**

- This request for a special exception to the off-street parking regulations of 9 spaces focuses on constructing and maintaining a 900 square foot addition (in this case, a roof/cover to be located over an existing outdoor seating area) to an existing approximately 2,900 square foot restaurant with drive-in or drive through service use and providing 29 (or 76 percent) of the 38 off-street parking spaces required by code.
- Chapter 51A-4.210 (25) (C) requires the following off-street parking requirement:
  - Restaurant with drive-in or drive through service: one space per 100 square feet of floor area; with a minimum of four spaces.
- The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked “Has no objections”.
- The applicant has the burden of proof in establishing the following:
  - The parking demand generated by the proposed restaurant with drive-in or drive through service uses does not warrant the number of off-street parking spaces required, and
  - The special exception of 9 spaces (or a 24 percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- If the Board were to grant this request, and impose the condition that the special exception of 9 spaces shall automatically and immediately terminate if and when the restaurant with drive-in or drive through service is changed or discontinued, the

applicant could construct and maintain the addition to the existing restaurant use on the site, and provide 29 (or 76 percent) of the 38 required off-street parking spaces.

**Timeline:**

October 22, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

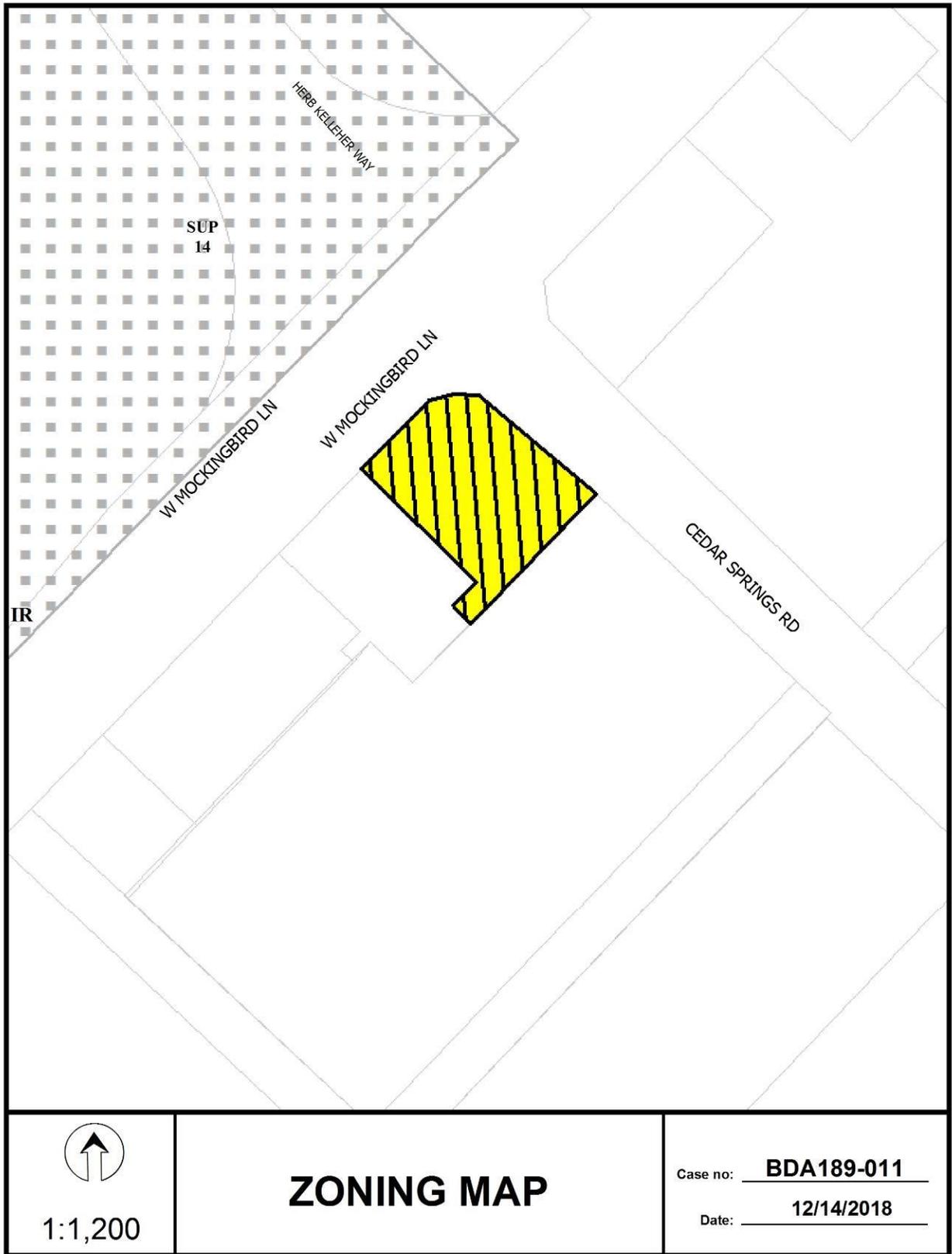
December 3, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

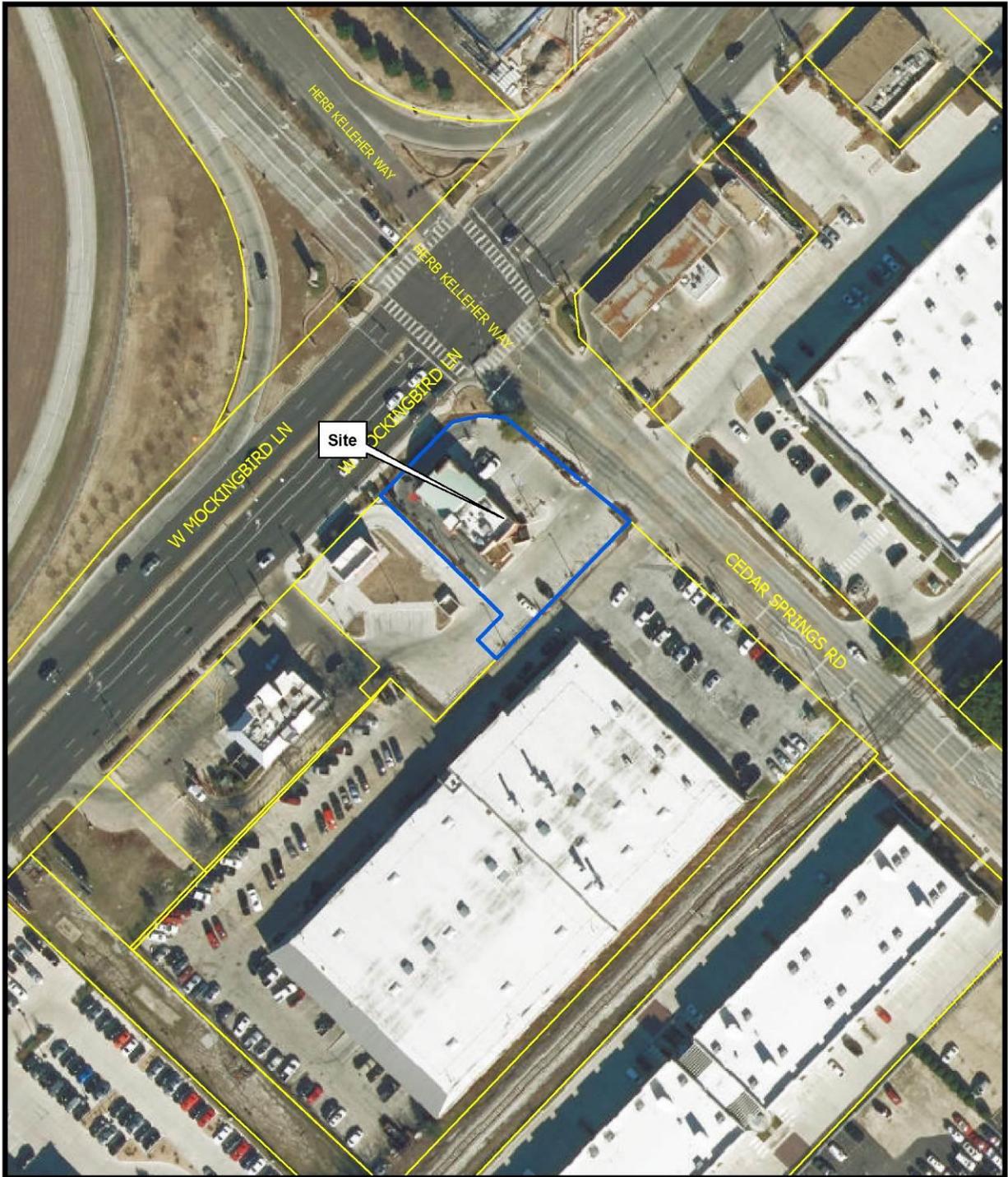
December 5, 2018: The Board Administrator emailed the applicant’s representative the following information:

- 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 19<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the January 4<sup>th</sup> 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 27, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

December 27, 2018: The Sustainable Development Department Senior Engineer submitted a review comment sheet marked “Has no objections”.





1:1,200

# AERIAL MAP

Case no: BDA189-011

Date: 12/14/2018

BDA189-011 ATTACH A

(P 1/5)

Parking Analysis  
For  
A Special Exception Request  
To Benefit Chick-fil-A  
3040 West Mockingbird Lane  
Dallas, Texas 75235

Burger Engineering, LLC  
Texas Registered Engineering Firm F-12997  
17103 Preston Road, Suite 180N  
Dallas, Texas 75248



12-18-18

BDA189-011  
ATTACH A  
(PS 2/5)

### **Introduction:**

On July 25, 2018 Chick-fil-A, Inc. opened a 2,887 S.F. drive-through only restaurant at 3040 West Mockingbird Lane, located at the southwest corner of West Mockingbird Lane and Cedar Springs Road. The current site plan consists of a 2,431 S.F. building utilized as restaurant area, 456 S.F. of covered roof patio area utilized for customer order queuing and outdoor dining, and 901 S.F. of open roof patio area utilized for outdoor dining. The drive-through only restaurant is supported by 29 on-site parking spaces provided within the property boundary as well as pedestrian access to adjoining sidewalks along Cedar Springs Road and West Mockingbird Lane. The site also provides a multi-lane drive-through configuration with two ordering stations providing approximately 23 stacking spaces to support the drive-through only restaurant.

Chick-fil-A currently operates from 6:00 a.m. to 10:00 p.m. Monday through Saturday. Peak operating times are 12:00 p.m. to 2:00 p.m. for the lunch hours and 6:00 p.m. to 8:00 p.m. for the dinner hours.

The Chick-fil-A development is one lot of a three lot retail development. Adjacent to Chick-fil-A to the west is an approximately 3,000 S.F. Burger King restaurant providing 31 parking spaces which currently operates between the hours of 6:00 a.m. to 12:00 a.m. seven days a week. The third lot west of Burger King is currently a parking lot development that Chick-fil-A currently leases and it contains 9 parking spaces that Chick-fil-A currently utilizes for employee parking. A site plan of the development is included as Exhibit A.

### **Proposed Improvements:**

Chick-fil-A is requesting a special exception to provide a covered roof patio over the remaining 901 S.F. of open roof patio area currently utilized for outdoor dining. The special exception would reduce the required parking from 38 parking spaces to 29 parking spaces resulting in a 25% reduction in the required parking. The additional roof covered patio seating would provide additional shielding from weather related elements such as sun and rain while customers utilizing the outdoor patio area. The patio area would still be an open air patio and not an enclosed space. The addition of the covered roof will not modify the number of existing patio tables currently located on the Chick-fil-A site.

### **Site Parking Analysis:**

Parking counts were collected by a representative of Burger Engineering, LLC between December 11, 2018 and December 15, 2018. Counts were conducted during peak periods between 12:00 p.m. to 2:00 p.m. during lunch hour and 6:00 p.m. to 8:00 p.m. during dinner hour. Available parking spaces were recorded for all three retail lots within the development. Exhibit B indicates the available parking for each of the three developments during the peak hour periods at twenty minute intervals.

BDA189-011  
ATTACH A  
(PS 3/5)

**Conclusion:**

Based upon data collected by Burger Engineering, LLC between December 11, 2018 and December 15, 2018, and illustrated on Exhibit B, the Chick-fil-A restaurant provides sufficient parking to accommodate the requested parking space special exception. Between the peak hours of 12:00 p.m. to 2:00 p.m. the minimum available parking count recorded was 8 spaces and between the peak hours of 6:00 p.m. to 8:00 p.m. the minimum recorded parking count was 8 spaces. In addition to the available parking within Chick-fil-A lot the adjacent Burger King lot provided 6 available spaces during the afternoon peak hours and 17 available spaces during the evening peak. The remote parking lot leased by Chick-fil-A provided 0 available spaces during the afternoon peak hours and 7 available spaces during the evening peak hours.

The current special exception request does not increase the amount of available seating or restaurant space from what currently exists on the Chick-fil-A site today. The request will simply provide those customers choosing to eat their meals on the outdoor patio the option of not sitting in the rain or direct sunlight during the intense Dallas summers.

Based upon the available spaces provided on the Chick-fil-A lot in conjunction with the surrounding contiguous properties providing adequate parking for their uses, a parking special exception does not appear to impact the overall function of the existing three lot development.

BDA 189-011  
 ATTACH A (P57)



5000 Buffington Rd.  
 Atlanta, GA 30349-2938

Mark Date By

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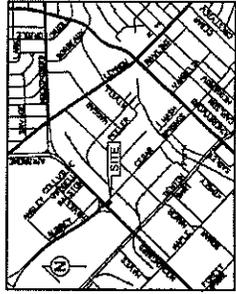
2640 WEST MOCKINGBIRD LANE  
 LOT 12, BLOCK A/2011  
 CITY OF DALLAS, TEXAS

04-07-11  
 2011

SHEET TITLE  
**SITE PLAN**

For Permit  
 For Construction  
 Job No. : 013-2004  
 State : 05004  
 Date : 6/7/10  
 Drawn By : BMB  
 Checked By : BMB  
 Sheet

**EXHIBIT A**



**VICINITY MAP**  
 MAPSCO PAGE 34-K

**LEGEND**

- 1/4" = 1' PERMANENT SURVEY POINT
- 1/8" = 1' PERMANENT SURVEY POINT
- 1/16" = 1' PERMANENT SURVEY POINT
- 1/32" = 1' PERMANENT SURVEY POINT
- 1/64" = 1' PERMANENT SURVEY POINT
- 1/128" = 1' PERMANENT SURVEY POINT
- 1/256" = 1' PERMANENT SURVEY POINT
- 1/512" = 1' PERMANENT SURVEY POINT
- 1/1024" = 1' PERMANENT SURVEY POINT
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BDA189-011  
 ATTACH A  
 (pg 5/5)

EXHIBIT B  
 CHICK-FIL-A PARKING DATA

AVAILABLE PARKING SPACES AT SPECIFIC TIMES								
11-Dec-18	12:00 P.M.	12:20 P.M.	12:40 P.M.	1:00 P.M.	1:20 P.M.	1:40 P.M.	2:00 P.M.	AVERAGE
CHICK-FIL-A LOT	9	8	9	12	12	8	15	10
BURGER KING LOT	9	11	10	11	15	18	21	14
LEASE PARKING LOT	0	0	0	0	0	0	0	0

AVAILABLE PARKING SPACES AT SPECIFIC TIMES								
12-Dec-18	12:00 P.M.	12:20 P.M.	12:40 P.M.	1:00 P.M.	1:20 P.M.	1:40 P.M.	2:00 P.M.	AVERAGE
CHICK-FIL-A LOT	11	10	11	19	15	12	18	14
BURGER KING LOT	11	6	8	7	11	13	14	10
LEASE PARKING LOT	1	0	1	1	1	1	1	1

AVAILABLE PARKING SPACES AT SPECIFIC TIMES								
15-Dec-18	12:00 P.M.	12:20 P.M.	12:40 P.M.	1:00 P.M.	1:20 P.M.	1:40 P.M.	2:00 P.M.	AVERAGE
CHICK-FIL-A LOT	19	14	16	19	14	12	10	15
BURGER KING LOT	21	17	16	21	16	16	14	17
LEASE PARKING LOT	1	1	1	1	3	3	4	2

AVAILABLE PARKING SPACES AT SPECIFIC TIMES								
11-Dec-18	6:00 P.M.	6:20 P.M.	6:40 P.M.	7:00 P.M.	7:20 P.M.	7:40 P.M.	8:00 P.M.	AVERAGE
CHICK-FIL-A LOT	16	18	14	10	8	14	14	13
BURGER KING LOT	22	24	27	25	27	24	27	25
LEASE PARKING LOT	8	8	8	7	9	9	9	8

AVAILABLE PARKING SPACES AT SPECIFIC TIMES								
12-Dec-18	6:00 P.M.	6:20 P.M.	6:40 P.M.	7:00 P.M.	7:20 P.M.	7:40 P.M.	8:00 P.M.	AVERAGE
CHICK-FIL-A LOT	16	11	11	8	13	16	11	12
BURGER KING LOT	19	23	21	21	23	22	22	22
LEASE PARKING LOT	7	7	7	7	7	7	7	7

AVAILABLE PARKING SPACES AT SPECIFIC TIMES								
14-Dec-18	6:00 P.M.	6:20 P.M.	6:40 P.M.	7:00 P.M.	7:20 P.M.	7:40 P.M.	8:00 P.M.	AVERAGE
CHICK-FIL-A LOT	8	9	10	13	8	9	11	10
BURGER KING LOT	21	20	22	21	18	17	19	20
LEASE PARKING LOT	8	8	9	9	9	8	8	8



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-011

Data Relative to Subject Property:

Date: 10-22-18

Location address: 3040 W. Mockingbird Lane Zoning District: IR

Lot No.: 1D Block No.: A/2571 Acreage: 0.74 Census Tract: 4.06

Street Frontage (in Feet): 1) 203' 2) 156' 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Weichsel Farm Limited Partnership / JOHN R. SEARS

Applicant: Getra Thomason Sanders Telephone: 404-765-8000

Mailing Address: 5200 Buffington Road, Atlanta, GA Zip Code: 30349

E-mail Address: getra.sanders@cfacorp.com

Represented by: Bryan M. Burger, P.E. Telephone: 972-630-3360

Mailing Address: 17103 Preston Road, Suite 180N, Dallas, TX Zip Code: 75248

E-mail Address: bburger@burgerengineering.com

Affirm that an appeal has been made for a Variance \_\_, or Special Exception X, of reduction of 9 parking spaces (23.7%) to provide covered outdoor patio seating.

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: Chick-fil-A customers are continually requesting outdoor covered seating at this location to support the existing drive-through restaurant. Patio tables currently exist on the property but are not covered from the elements.

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

Affidavit

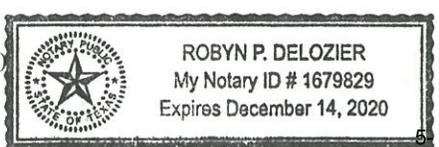
Before me the undersigned on this day personally appeared John R. Sears (Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 26 day of October, 2018

(Rev. 08-01-11)



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

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

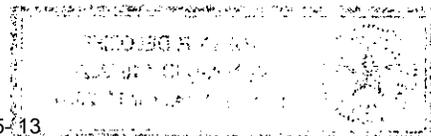
**Building Official's Report**

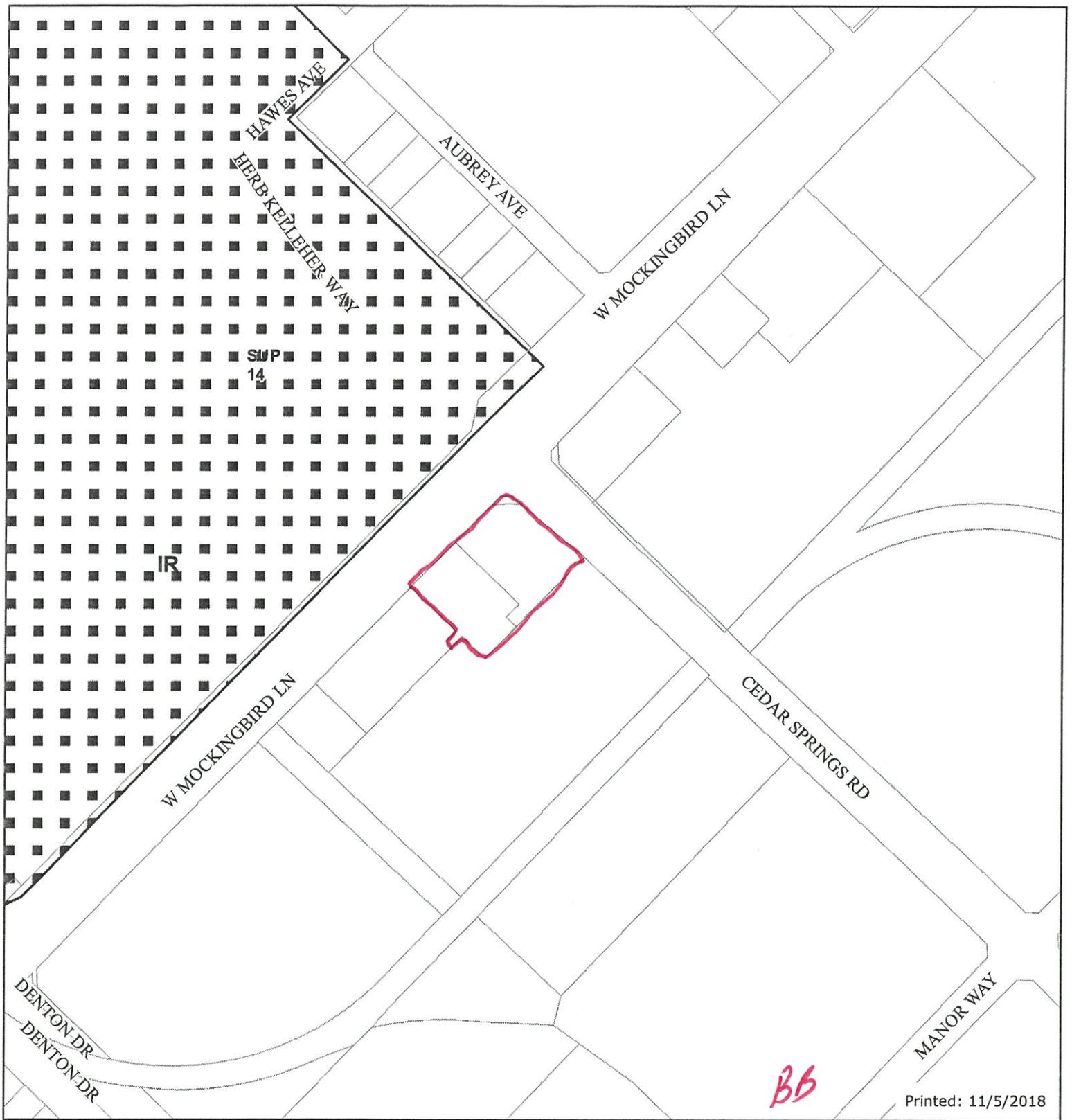
I hereby certify that Getra Thomason Sanders  
represented by BRYAN M BURGER  
did submit a request for a special exception to the parking regulations  
at 3040 W Mockingbird Lane

BDA189-011. Application of Getra Thomason Sanders represented by BRYAN M BURGER for a special exception to the parking regulations at 3040 W MOCKINGBIRD LN. This property is more fully described as Lot 1D, Block A/2571, and is zoned IR, which requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure for a restaurant with drive-through use, and provide 29 of the required 38 parking spaces, which will require a 9 space special exception (23.7% reduction) to the parking regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official





Printed: 11/5/2018

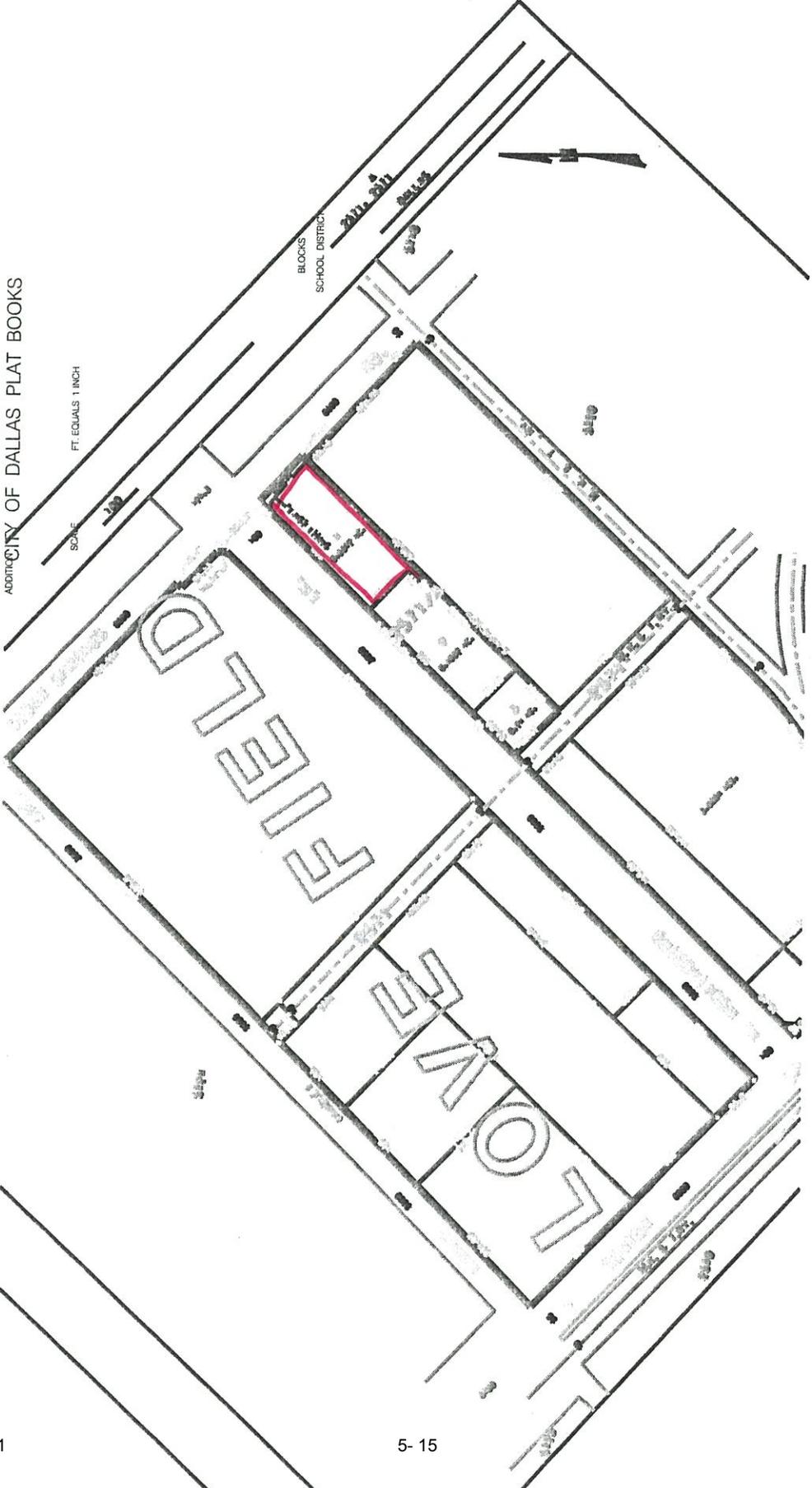
### Legend

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Floodplain           | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO_Overlay                |
| Peak's Branch        | SPSD Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | SUP                            | Historic Overlay      | 5-14 Shop Front Overlay    |
|                      |                                | Height Map Overlay    |                            |

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)

Panel B





B r D



Residents:  
 Mark Date By  
 12-11-12 BME  
 APPROVAL LOCAL  
 MUNICIPAL COMMISSION

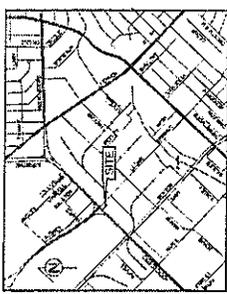
Mark Date By  
 Mark Date By

3040 WEST MOCKINGBIRD LANE  
 LOT 1D, BLOCK A/2571  
 CPA MOCKINGBIRD ADDITION  
 CITY OF DALLAS, TEXAS

SHEET TITLE  
 SITE EXHIBIT

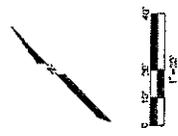
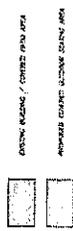
Job No.: 915-2004  
 Store: 03004  
 Date: 6/7/16  
 Drawn By: BME  
 Checked By: BME

EXBT



VICINITY MAP  
 NETS

LEGEND



- 1. ALL DISTRICTS SHALL BE ACCORDING TO CITY CODE
- 2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF DALLAS ZONING ORDINANCE
- 3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF DALLAS SUBDIVISION ORDINANCE
- 4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF DALLAS PLANNING AND ZONING COMMISSION
- 5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF DALLAS PLANNING AND ZONING COMMISSION
- 6. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF DALLAS PLANNING AND ZONING COMMISSION
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- 9. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF DALLAS PLANNING AND ZONING COMMISSION
- 10. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF DALLAS PLANNING AND ZONING COMMISSION

NOTES

1. ALL DISTRICTS SHALL BE ACCORDING TO CITY CODE
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9. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF DALLAS PLANNING AND ZONING COMMISSION
10. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF DALLAS PLANNING AND ZONING COMMISSION

SITE DATA LOT 1D

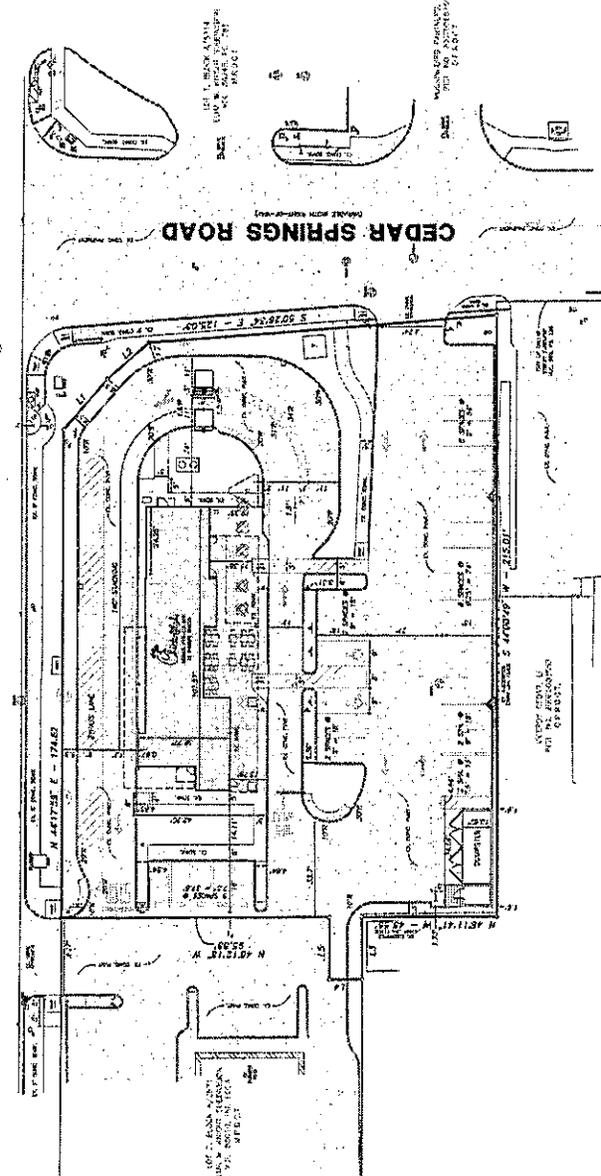
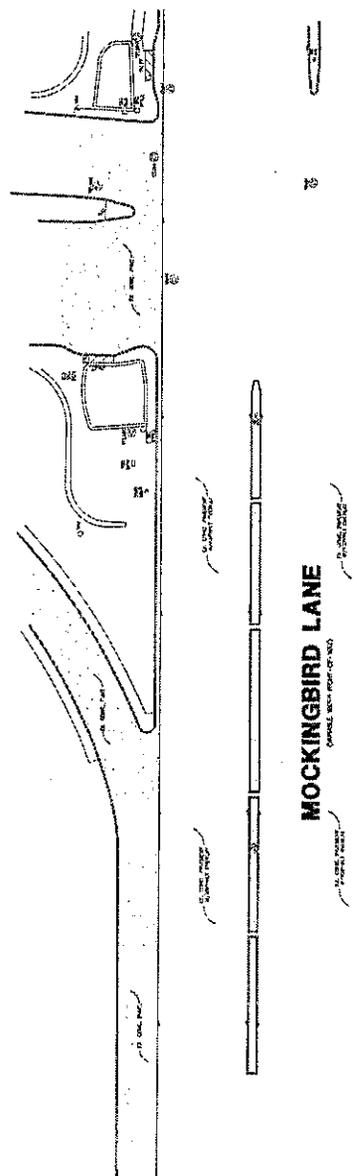
NO.	DESCRIPTION	AREA	PERCENTAGE
1	EXISTING LOT 1D	1.1527	100.00%
2	EXISTING LOT 1D	1.1527	100.00%
3	EXISTING LOT 1D	1.1527	100.00%
4	EXISTING LOT 1D	1.1527	100.00%
5	EXISTING LOT 1D	1.1527	100.00%
6	EXISTING LOT 1D	1.1527	100.00%
7	EXISTING LOT 1D	1.1527	100.00%
8	EXISTING LOT 1D	1.1527	100.00%
9	EXISTING LOT 1D	1.1527	100.00%
10	EXISTING LOT 1D	1.1527	100.00%

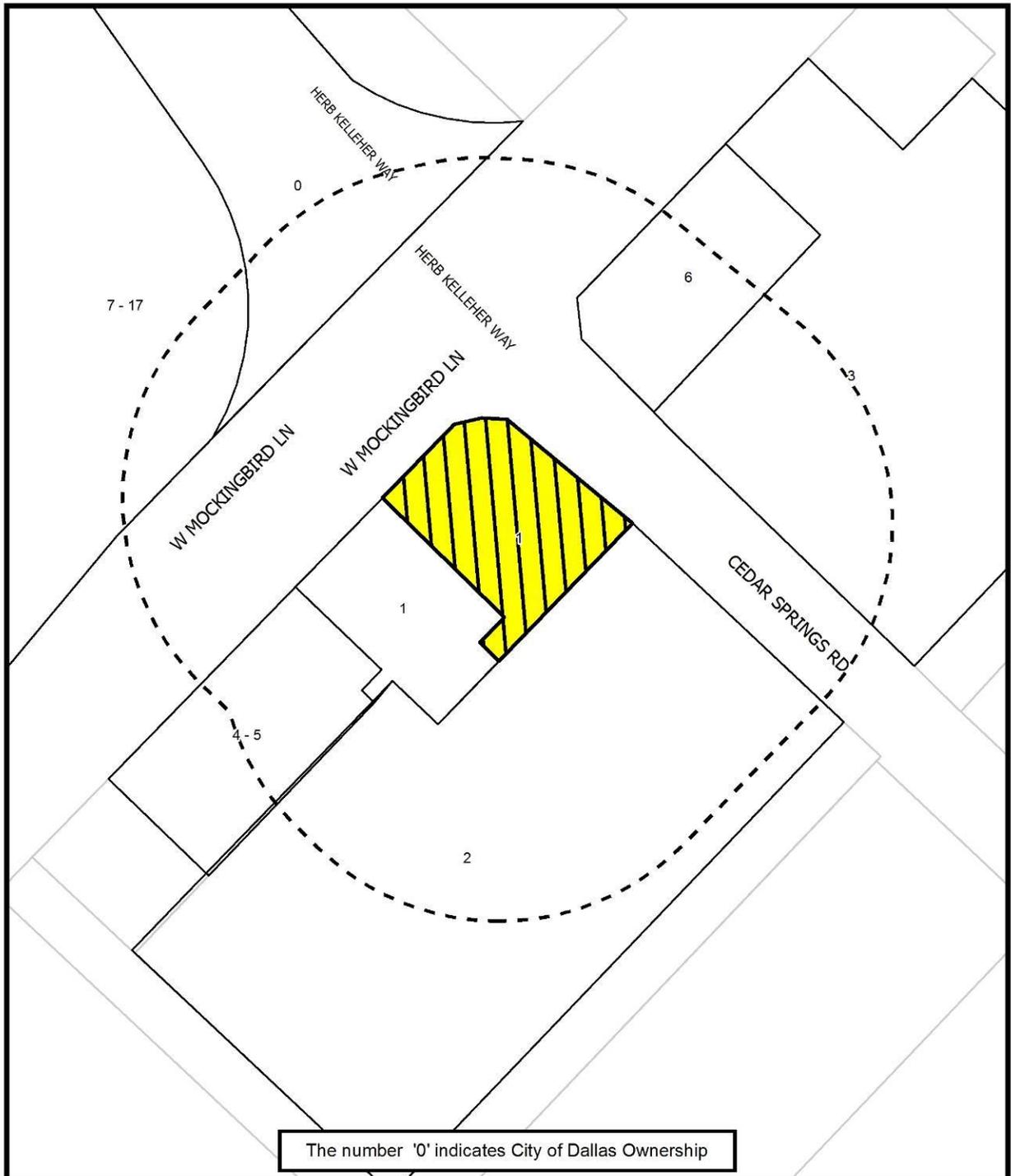
APPLICANT:

NAME	CPA MOCKINGBIRD ADDITION
ADDRESS	3040 WEST MOCKINGBIRD LANE
CITY	DALLAS, TEXAS 75207
PHONE	(214) 741-2881
FAX	(214) 741-2881

ENGINEER:  
 BURGER ENGINEERING, LLC  
 11110 WESTON ROAD, SUITE 100  
 DALLAS, TEXAS 75248  
 PHONE: (972) 533-3360  
 CONTACT: BRIAN U. BURGER, P.E.

BURGER ENGINEERING, LLC  
 11110 WESTON ROAD, SUITE 100  
 DALLAS, TEXAS 75248  
 PHONE: (972) 533-3360  
 CONTACT: BRIAN U. BURGER, P.E.





 1:1,200	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td style="padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px;">17</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	17	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <b>BDA189-011</b> Date: <b>12/14/2018</b>
200'	AREA OF NOTIFICATION					
17	NUMBER OF PROPERTY OWNERS NOTIFIED					

## *Notification List of Property Owners*

***BDA189-011***

***17 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	3036 W MOCKINGBIRD LN	WEICHSEL FARM LTD PS
2	6519 CEDAR SPRINGS RD	VICEROY CEDAR LP
3	6500 CEDAR SPRINGS RD	MOCKINGBIRD PARTNERS LP
4	3020 W MOCKINGBIRD LN	WEICHSEL FARM LTD PS
5	3020 W MOCKINGBIRD LN	BURGER KING
6	3100 W MOCKINGBIRD LN	MICHELLE ENTERPRISES INC
7	2702 LOVE FIELD DR	SOUTHWEST AIRLINES CO
8	8020 DENTON DR	JACKS AUTO SUPPLY
9	7212 HERB KELLEHER WAY	HERTZ RENT A CAR
10	7020 HERB KELLEHER WAY	AVIS RENT A CAR
11	3407 HAWES AVE	HERTZ CORPORATION
12	8333 LEMMON AVE	SOUTHWESTERN BELL
13	3410 HAWES AVE	EAN HOLDINGS LLC
14	8611 LEMMON AVE	BUSINESS JET CENTER
15	3250 LOVE FIELD DR	MLT DEVELOPMENT
16	3232 LOVE FIELD DR	MLT DEVELOPMENT COMPANY
17	7366 CEDAR SPRINGS RD	ENTERPRISE HOLDINGS

**FILE NUMBER:** BDA178-006(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Devin Hall, represented by Ann Bagley of Bagley Associates, for a variance to the front yard setback regulations at 3235 Elihu Street. This property is more fully described as Lot 1, Block 21/812, and is zoned PD 595 (MF-1(A)), which requires a front yard setback of 15 feet. The applicant proposes to construct a structure and provide a 10 foot front yard setback, which will require a 5 foot variance to the front yard setback regulations.

**LOCATION:** 3235 Elihu Street

**APPLICANT:** Devin Hall  
Represented by Ann Bagley of Bagley Associates

**REQUEST:**

A request for a variance to the front yard setback regulations of 5' is made to construct and maintain a three-story 5-unit multi-family structure with a "total building size" of approximately 8,400 square feet, part of which is to be located 10' from one of the site's two front property lines (J. B. Jackson, Jr. Boulevard) or 5' into this 15' front yard setback on a site that is undeveloped.

**STANDARD FOR A VARIANCE:**

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

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

**STAFF RECOMMENDATION:**

Denial

Rationale:

- Staff concluded from the information submitted by the applicant at the time of the December 27<sup>th</sup> staff review team meeting that the applicant had not substantiated how the variance is necessary to permit development of the subject site (a site that is approximately 7,000 square foot, virtually rectangular in shape, and flat) where these conditions preclude the applicant from developing it in a manner commensurate with the development upon other parcels of land with the same PD 595 (MF-1(A)) zoning district.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: PD 595 (MF-1(A)) (Planned Development) (Multi-family)
- North: PD 595 (MF-1(A)) (Planned Development) (Multi-family)
- South: PD 595 (MF-1(A)) (Planned Development) (Multi-family)
- East: PD 595 (MF-1(A)) (Planned Development) (Multi-family)
- West: PD 595 (MF-1(A)) (Planned Development) (Multi-family)

**Land Use:**

The subject site is undeveloped. The areas to the north and east are developed with multi-family, commercial uses and vacant lots; and the areas to the west and south are developed with multi-family uses.

**Zoning/BDA History:**

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

**GENERAL FACTS /STAFF ANALYSIS:**

- This request for a variance to the front yard setback requirement of 5’ focuses on constructing and maintaining a three-story 5-unit multi-family structure with a “total building size” of approximately 8,400 square feet, part of which is to be located 10’ from one of the site’s two front property lines (J. B. Jackson, Jr. Boulevard) or 5’ into this 15’ front yard setback on a site that is undeveloped.
- The property is located in PD 595 (MF-1(A)) zoning district which requires a minimum front yard setback of 15 feet.
- The subject site is located at the northwest corner of Elihu Street and J B Jackson Jr. Boulevard.
- The site has two front yard setbacks given that it fronts two streets as any corner property would have that is not zoned a single family, duplex, or agricultural district.
- The submitted site plan indicates the proposed structure is located 10’ from the J. B. Jackson, Jr. Boulevard’s front property line or 5’ into this 15’ front yard setback.
- According to DCAD records, there are “no main improvement” or “no additional improvements” for property addressed at 3235 Elihu Street.

- The subject site is flat, virtually rectangular in shape, and approximately 7,000 square feet in area, (approximately 50' x 140'). The site is, according to the submitted application, is 0.16 acres (or approximately 7,000 square feet) in area.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the front yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 595 (MF-1(A)) zoning classification.
  - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD 595 (MF-1(A)) zoning classification.
- If the Board were to grant the variance request and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which in this case is a structure that would be located 10' from the site's J. B. Jackson, Jr. Boulevard front property line (or 5' into this 15' front yard setback).

**Timeline:**

October 8, 2018: 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 4, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

December 5, 2018: The Sustainable Development and Construction Department Senior Planner emailed the applicant's representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the December 19<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the January 4<sup>th</sup> 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.

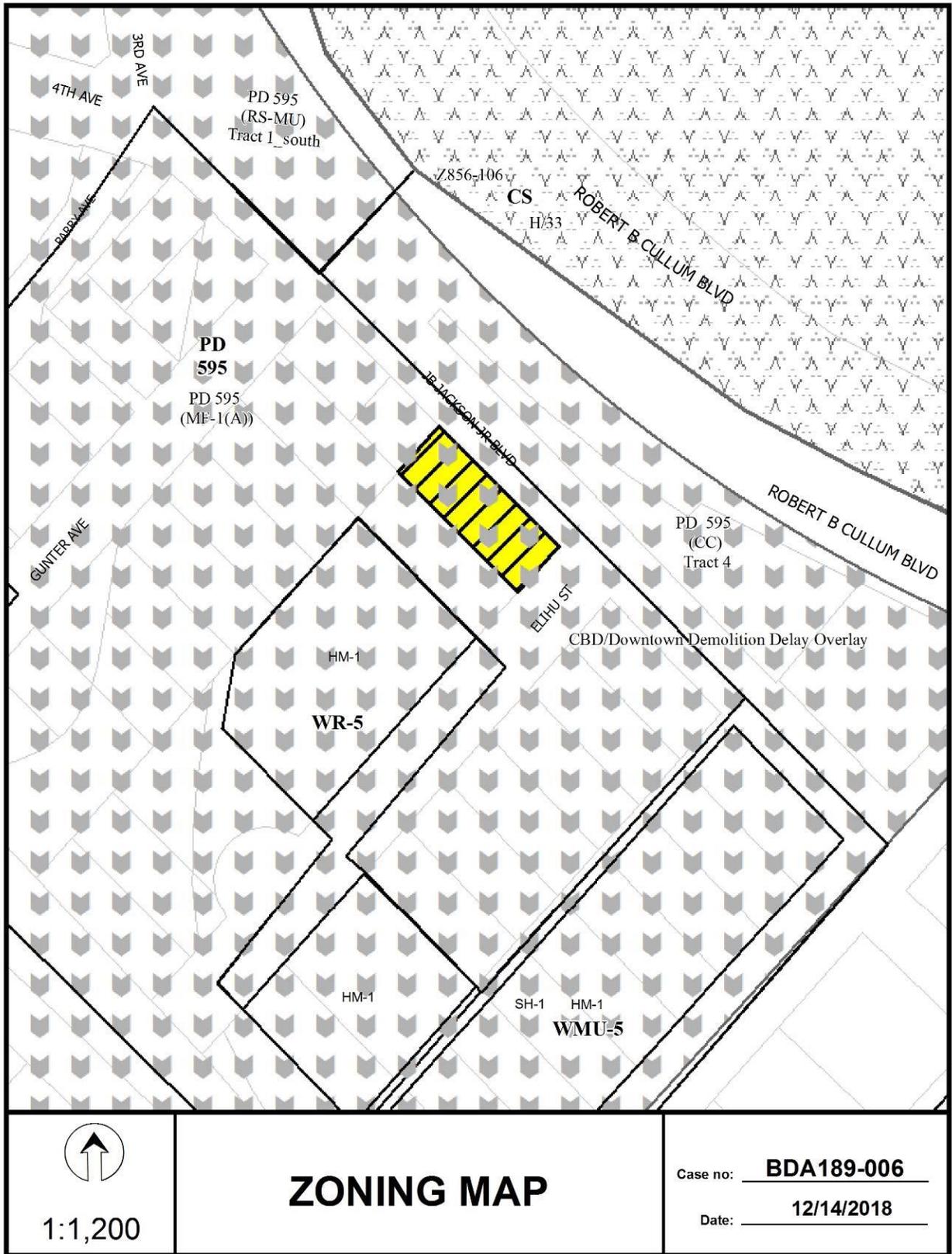
December 24, 2018: The applicant's representative submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

December 27, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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

December 28, 2018: The applicant's representative submitted additional information to staff beyond what was submitted with the original application (see Attachment B). (Note that this information was not factored into the staff recommendation since it was submitted after the December 27<sup>th</sup> staff review team meeting).

December 31, 2018: The applicant's representative submitted additional information to staff beyond what was submitted with the original application (see Attachment C). Note that this information was not factored into the staff recommendation since it was submitted after the December 27<sup>th</sup> staff review team meeting).

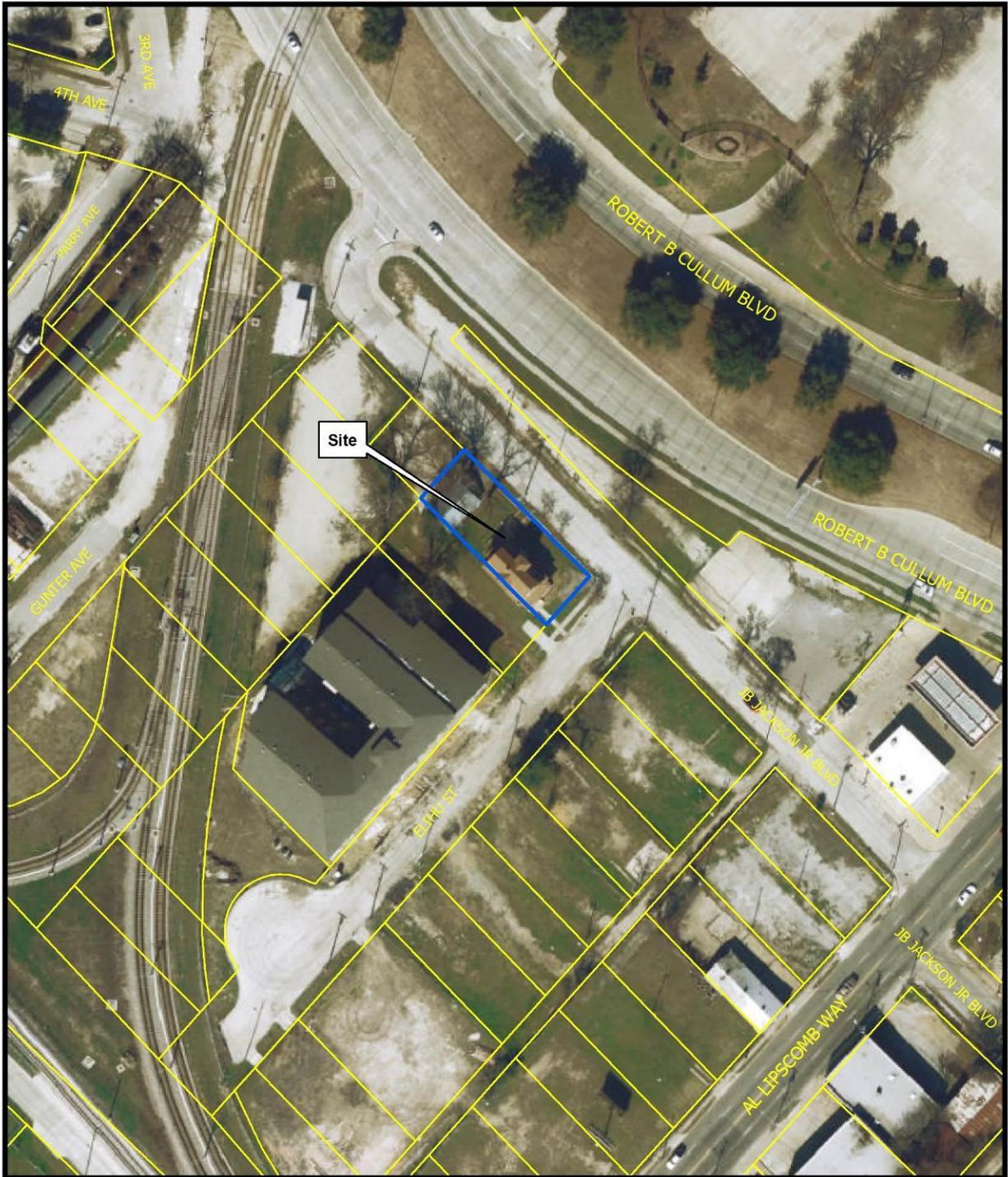


1:1,200

# ZONING MAP

Case no: **BDA189-006**

Date: **12/14/2018**



  
1:1,200

# AERIAL MAP

Case no: **BDA189-006**  
Date: **12/14/2018**

**Additional Supporting Information**  
**BOA 189-006**  
**3235 Elihu**

pg. 1/6

The property at 3235 Elihu Street is zoned PD 595 MF-1 on the corner of Elihu and J.B. Jackson. The corner lot measures 54' 7"x 137'6" This is generally considered small for a multifamily development. There numerous new, urban developments if this type being built in Dallas—most are north of IH-30 and generally in Planned Development (PD) districts. The applicant wishes to proceed with the straight zoning for MF-1 rather than create a new PD within PD 595.

PD 595 MF-1 zoning criteria is found in Section 51A-4.116(a), "MF-1(A) and MF-1(SAH) districts and specifies a front yard setback of 15 feet. Since this is a corner lot, the requirement specifies that there are two front yards, although the address is on Elihu. In general, the narrower side of the lot is considered the front which in this case is on Elihu. J. B. Jackson, when reconstructed, will continue to function as a slip street parallel to Robert B. Cullum Boulevard so there is no direct access to J. B. Jackson from the units.

There are no similar projects in the immediate area. Examples of MF-1 in or near PD 595 are provided on page 2. In looking in the north, east, and southeast areas of Dallas from the site, there are few MF-1 zoned properties .. Since there is no minimum lot size for MF-1, the sizes range widely. The 60 percent lot coverage will be maintained on the Elihu site.

This is a new opportunity to have attractive, affordable housing in the South Dallas/Fair Park area that is so much in demand north of IH-30. It is effectively a shared access type of development similar. Pictures are included to demonstrate where this type of design is prevalent. See pages 3-6 for examples of this type of setbacks.

**Support for Variance**

The variance request of a five foot reduction is necessary to develop the property in that the special condition is that the lot is small, smaller than other identifiable MF-1 lots. With this reduction the spirit of the ordinance will be observed, and substantial justice done.

The development of the site with a new 10 foot building line on the J.B. Jackson side will not be contrary to the public interest. It has the potential to bring new and different housing to the South Dallas Fair Park area like other redeveloping areas of Dallas.

Below are three identifiable MF-1 properties compared to the Elihu property.

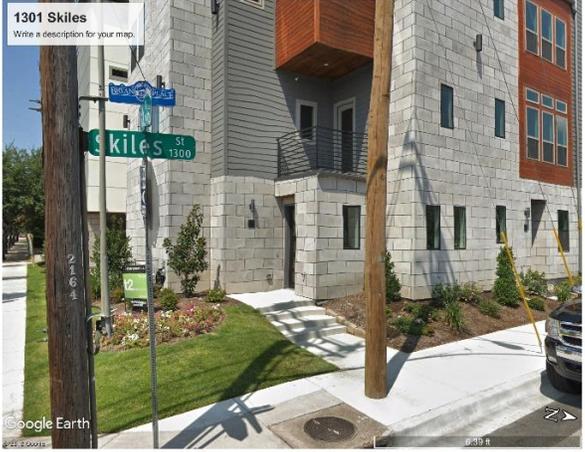
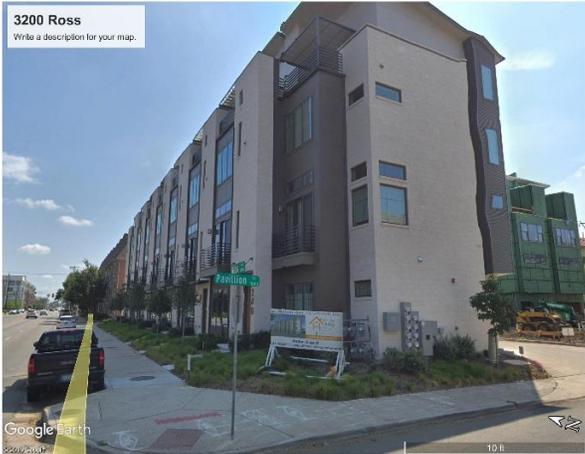
**Examples of MF-1 in or near PD 595**

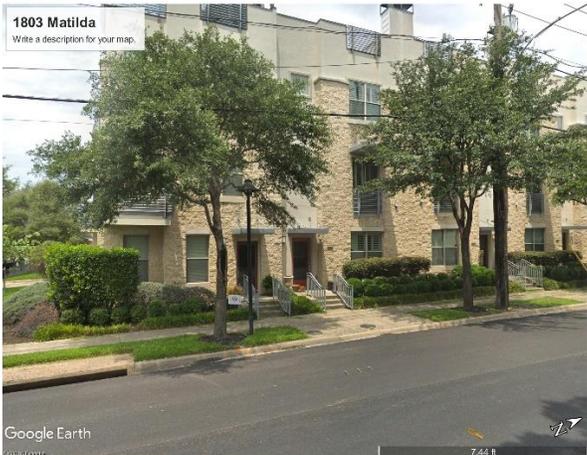
Address	Lot Sq. Ft	Bldg. Sq. Ft	Stories	Units	
4815 Barry @ Haskell	9,651	5,600	2	10	
4001-4011 Malcom X Boulevard	42,730	23,500	2	46	
4722 Meadow at Elsie Faye Heggins	855,300	301,226	2	264	
<b>3235 Elihu</b>	<b>7,507</b>	<b>2,208</b>	<b>3</b>	<b>5</b>	

On the following page are examples of double fronted lots

Here are examples of corner lots/ double front yard setbacks that appear to appear to be less than the 15 foot setback. The examples below generally come from lower Greenville and Live Oak vicinities where most of the new residential units are in PDs.

**Examples of Double Front Setbacks**

<p>1301 Skiles Street</p>	 <p>1301 Skiles Write a description for your map.</p> <p>Google Earth</p>
<p>3200 Ross Ave</p>	 <p>3200 Ross Write a description for your map.</p> <p>Google Earth</p>
<p>1731 Hall Street</p>	 <p>1721 Hall Write a description for your map.</p> <p>Google Earth</p>

<p>Live Oak at Prairie</p>	 <p>A Google Earth street view image of a modern, multi-story apartment building with a mix of grey and tan siding. The building features balconies and is situated on a street corner with a sidewalk and a small lawn area. A utility pole is visible in the foreground.</p>
<p>Hudson at Hope</p>	 <p>A Google Earth street view image of a brick apartment building. A white SUV is parked on the street in front of the building. A yellow-painted curb is visible in the foreground, and a stop sign stands on the sidewalk.</p>
<p>1803 Matilda</p>	 <p>A Google Earth street view image of a multi-story apartment building with a tan stone or brick facade. The building is surrounded by mature trees and a well-maintained lawn. A sidewalk leads to the building's entrance.</p>

<p>Live Oak at Haskell</p>	 <p>Live Oak @ Haskell</p> <p>Google Earth</p> <p>8.37 E</p>
<p>LaVista at Matilda</p>	 <p>LaVista @ Matilda</p> <p>Google Earth</p> <p>8.26 E</p>
<p>Live Oak at Peak</p>	 <p>Live Oak @ Peak</p> <p>Google Earth</p> <p>10 E</p>

<p>Prospect at Matilda</p>	 <p>Prospect @ Matilda</p> <p>Google Earth</p>
<p>3201 San Jacinto at Pavillion</p>	 <p>3203 San Jacinto St San Jacinto at Pavillion</p> <p>Google</p>
<p>3198 Ross</p>	 <p>3198 Ross Ave Ross at Pavillion</p> <p>Google</p>

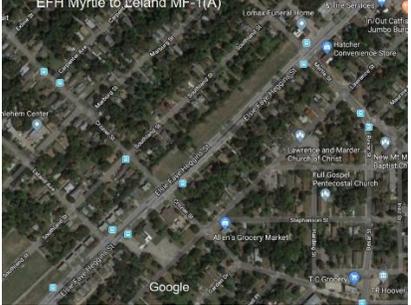
Below are three identifiable MF-1 properties compared to the Elihu property.

**Examples of MF-1 in or near PD 595**

Address	Lot Sq. Ft	Bldg. Sq. Ft	Stories	Units	
4815 Barry @ Haskell	9,651	5,600	2	10	
4001-4011 Malcom X Boulevard	42,730	23,500	2	46	
4722 Meadow at Elsie Faye Heggins	855,300	301,226	2	264	
<b>3235 Elihu</b>	<b>7,507</b>	<b>8,395</b>	<b>3</b>	<b>5</b>	

On the following page are examples of double fronted lots

**MF-1 A in PD 595**

Address	Lot Size	Bldg. Sq. Ft	Stories	Units	
4815 Barry @ Haskell 91 feet frontage on Haskell and on Barry	9,651 sq ft 0.22 ac	5,600	2	10	
4001-4011 Malcom X Boulevard	0.98 ac	23,500	2	46	
Elsie Faye Heggins (west side) between Myrtle and Leland Cross street Crozier	Approximately 4 acre, approximately 3 of which are vacant	N/A	1 and 2	1 SF 2 duplex 4 4plex	
5712 Bexar at Pilgrim (Formerly Rochester Park)	44.04 ac	0	0	0	
4722 Meadow at Elsie Faye Heggins	19.34 ac	301,226	2	264	
4311 Robert L Parish Sr. Ave Carpenter Cove	5.36 ac		2	163	

**MF-1 A in PD 595**

Address	Lot Size	Bldg. Sq. Ft	Stories	Units	
4838 Elise Fay Heggins Mill City/ Wahoo/Fraizer	11.43 ac	143,880	1 and 2	128	
3650 Dixon Prince Hall Chambers Apts	13.75 ac	166,336	2	192	
3604 Agnes Southdale (New Horizon) Apts	8.76 ac	128,734	2	114	
MF-1 (A) zoned in the area surrounding 3235 Elihu	Approximately Total 9.52 ac Developable area of 1.79 ac See Note below	0	0	0	
<b>3235 Elihu</b>	<b>7,507 sq ft 0.17 ac</b>	<b>8,395</b>	<b>3</b>	<b>5</b>	

**Note:** There are approximately 9.52 acres of area zoned MF-1(A). There are approximately 2.87 acres of other zoning, WR-5 and WMU-5. DART owns approximately 4.66 acres



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-000

Data Relative to Subject Property:

Date: OCTOBER 8, 2018

Location address: 3235 ELIHU STREET Zoning District: PD595 MF1(A)

Lot No.: 1 Block No.: 21/812 Acreage: 0.16 Census Tract: 203

Street Frontage (in Feet): 1) 54' 7" 2) 137' 6" 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): HCUBED DEVELOPMENT

Applicant: DEVIN HALL Telephone: 214.876.1235

Mailing Address: P.O. Box 271101 Zip Code: 75227

E-mail Address: halldevin@msn.com

Represented by: ANN BAGLEY, BAGLEY ASSOCIATES Telephone: 214.766.8720

Mailing Address: 8139 BARBAREE BLVD Zip Code: 75228

E-mail Address: ann@bagleyworks.com

Affirm that an appeal has been made for a Variance [checked], or Special Exception, of 5 feet to the 15 foot front yard set back on street frontage of 137' 6". for a 10' +/- setback - KMK.

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

The property is zoned MF1(A) in PD 595. The lot of 54' 7" x 137' 6" is significantly smaller than normal for multifamily development in PD 595 and in Dallas. There are two (2) front yards which is uncommon in MF1(A). The five foot (5) reduction will allow parking in the rear and remove the need for driveways on J.B Jackson.

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 Devin Hall (Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 9th day of October 2018

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



MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

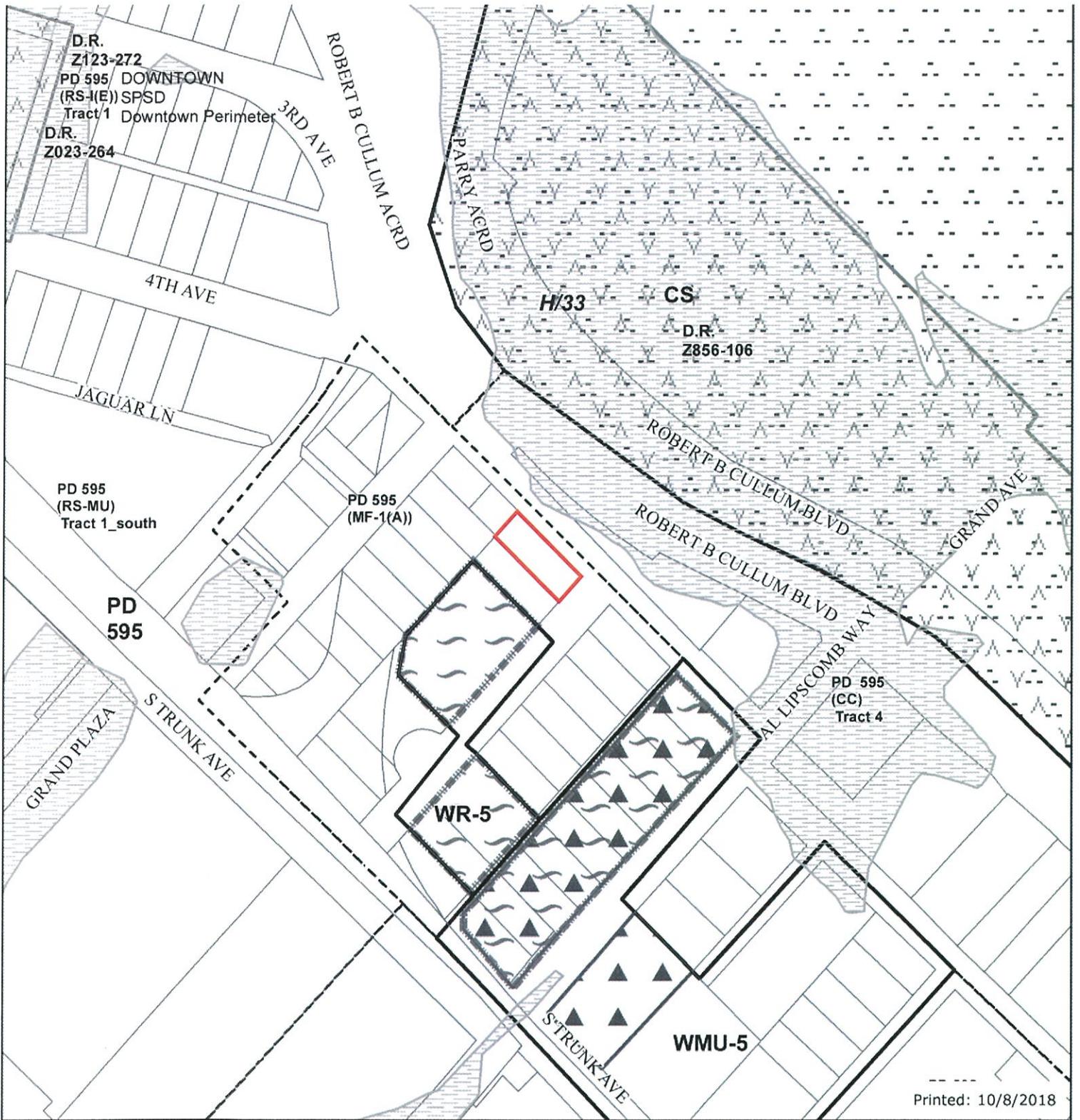
**Building Official's Report**

I hereby certify that DEVIN HALL  
represented by ANN C BAGLEY  
did submit a request for a variance to the front yard setback regulations  
at 3235 Elihu St

BDA189-006. Application of DEVIN HALL represented by ANN C BAGLEY for a variance to the front yard setback regulations at 3235 ELIHU ST. This property is more fully described as Lot 1, Block 21/812, and is zoned PD-595 (MF-1(A), which requires a front yard setback of 15 feet. The applicant proposes to construct a single family residential structure and provide a 10 foot front yard setback, which will require a 5 foot variance to the front yard setback regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



Printed: 10/8/2018

Legend

3235 ELIHU

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Floodplain           | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO Overlay                |
| Peak's Branch        | SPSP Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | SUP                            | Historic Overlay      | Shop Front Overlay         |
|                      |                                | Height Map Overlay    |                            |

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)







3235  
ELIHU STREET  
DALLAS, TX  
75210

Contractor  
Address  
City  
State  
Zip  
Contractor  
Address  
City  
State  
Zip  
Contractor  
Address  
City  
State  
Zip  
Contractor  
Address  
City  
State  
Zip

THESE PLANS ARE THE PROPERTY OF THE DESIGNER AND ARE NOT TO BE REPRODUCED, TRACED, OR REUSED FOR CONSTRUCTION WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER. THESE PLANS ARE INTENDED TO PROVIDE ALL NECESSARY INFORMATION TO THE CONTRACTOR AND ARCHITECT. THE CONTRACTOR SHALL CHECK ALL ASPECTS PRIOR TO ANY CONSTRUCTION. ANY JERISITE CHANGES SHALL BE MADE AT THE CONTRACTOR'S RISK AND WITHOUT LIABILITY TO THE DESIGNER. DESIGNER'S LIABILITY IS LIMITED TO THE DESIGN AND SHALL NOT BE EXTENDED TO THE CONSTRUCTION OF THE PROJECT. DESIGNER'S LIABILITY IS LIMITED TO THE DESIGN AND SHALL NOT BE EXTENDED TO THE CONSTRUCTION OF THE PROJECT. DESIGNER'S LIABILITY IS LIMITED TO THE DESIGN AND SHALL NOT BE EXTENDED TO THE CONSTRUCTION OF THE PROJECT.

NO.	DESCRIPTION	DATE
1	CONSTRUCTION DOCUMENTS	08-20-2017

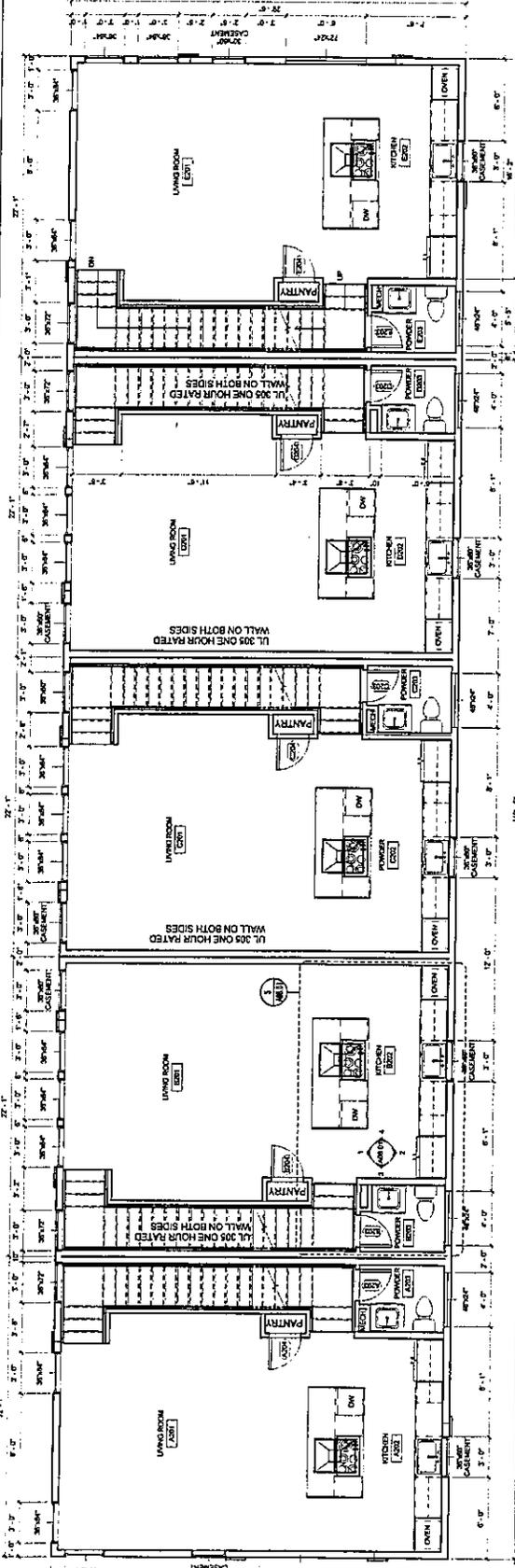
FAIR PARK  
ELIHU TOWNHOUSES

LEVEL 1 & 2 FLOOR PLAN

Project Number: ELIHU  
Date: 05/04/2018

A02.01

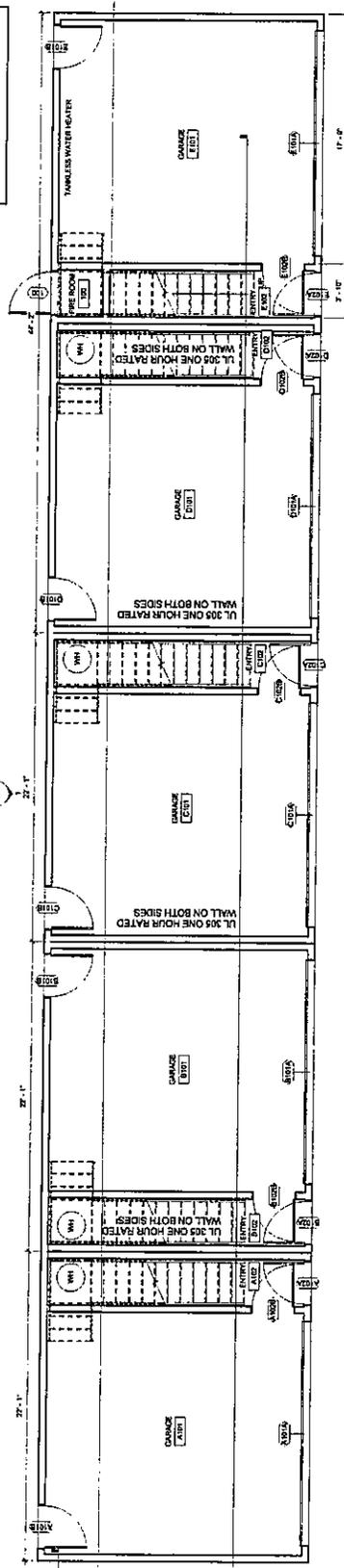
Scale: 1/4" = 1'-0"



SQUARE FOOTAGE:

UNIT/SPACE	AREA
1ST FLOOR SQ FT:	18 SF
2ND FLOOR SQ FT:	623 SF
3RD FLOOR SQ FT:	623 SF
TOTAL UNIT SQ FT:	1,434 SF
TOTAL BUILDING SQ FT:	7,170 SF

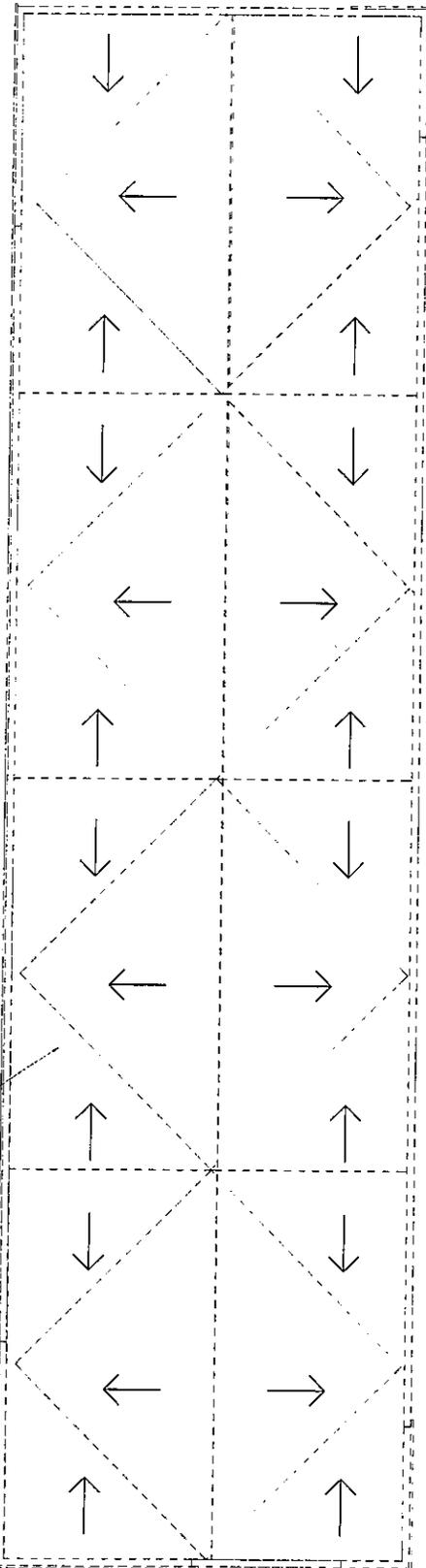
LEVEL 2 FLOOR PLAN  
SCALE: 1/4" = 1'-0"



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

METAL FLASHING ON TOP OF SIDES AND EDGES  
 OF SIDES AND EDGES  
 BDA189-006

PITCHED ROOF SHINGLES 4/12 SLOPE  
 = DIRECTION AND SLOPE  
 METAL FLASHING ON TOP OF SIDES AND EDGES



SQUARE FOOTAGE:

UNIT 2, A-F	19 SF
1ST FLOOR SQ FT:	632 SF
2ND FLOOR SQ FT:	632 SF
3RD FLOOR SQ FT:	1,328 SF
TOTAL UNABLE SQ FT:	356 SF
TOTAL GARAGE SQ FT:	8,915 SF
TOTAL BUILDING SQ FT:	8,339 SF

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

NK

2

METAL FLASHING ON TOP OF SIDES AND EDGES

3235  
 ELIHU STREET  
 DALLAS, TX  
 75210

Contractor:  
 Address:  
 Phone:  
 Fax:  
 E-Mail:  
 Designer:  
 Address:  
 Phone:  
 Fax:  
 E-Mail:  
 Checker:  
 Address:  
 Phone:  
 Fax:  
 E-Mail:

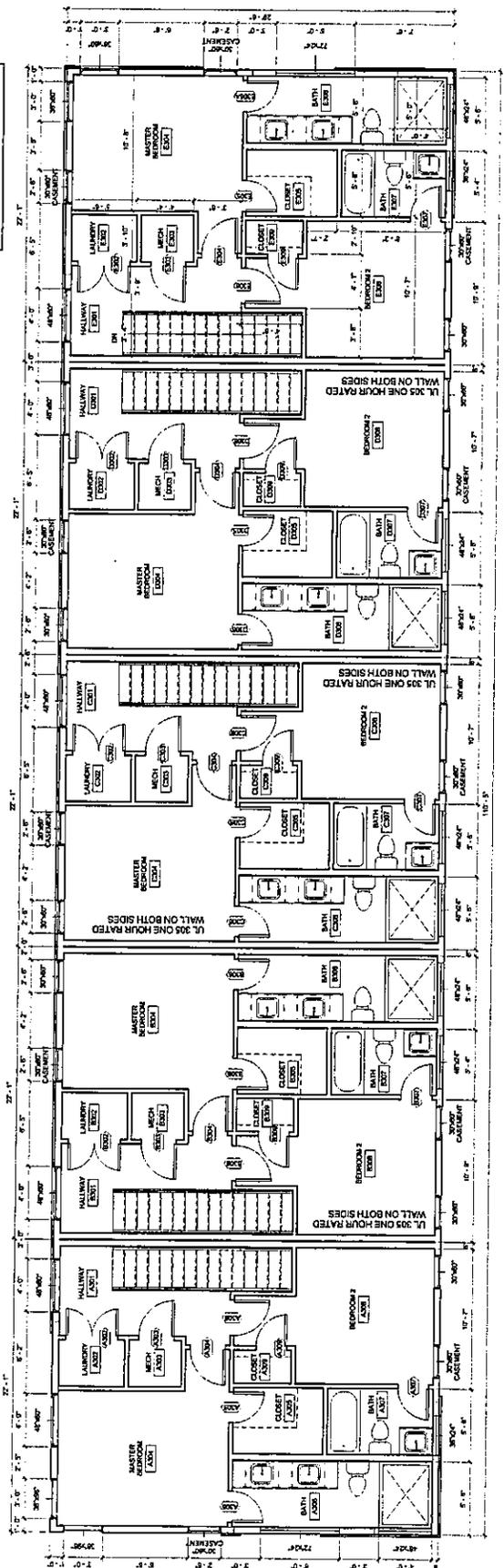
THESE PLANS ARE THE PROPERTY OF THE DESIGNER AND ARE TO BE REPRODUCED, TRACED, OR REUSED FOR CONSTRUCTION WITHOUT THE WRITTEN CONSENT OF THE DESIGNER. THESE PLANS ARE INTENDED TO PROVIDE ALL PROSPECTIVE CONTRACTORS, AND/OR ARCHITECTS WITH NECESSARY INFORMATION NEEDED TO DESIGN, BID, AND CONSTRUCT THIS PROJECT. THE CONTRACTOR SHALL CHECK ALL ASPECTS PRIOR TO ANY CONSTRUCTION. ANY ERRORS OR OMISSIONS ARE THE SOLE RESPONSIBILITY OF THE CONTRACTOR. DESIGNER'S LIABILITY IS LIMITED TO THE DESIGN AND SHALL NOT EXCEED THE FEE PAID FOR PLANS.

NO.	DESCRIPTION	DATE
1	CONSTRUCTION DOCUMENTS	08-24-2011

FAIR PARK  
 ELIHU TOWNHOUSES  
 LEVEL 3 FLOOR PLAN  
 Project Number: 080402018  
 Date: 08/24/2011

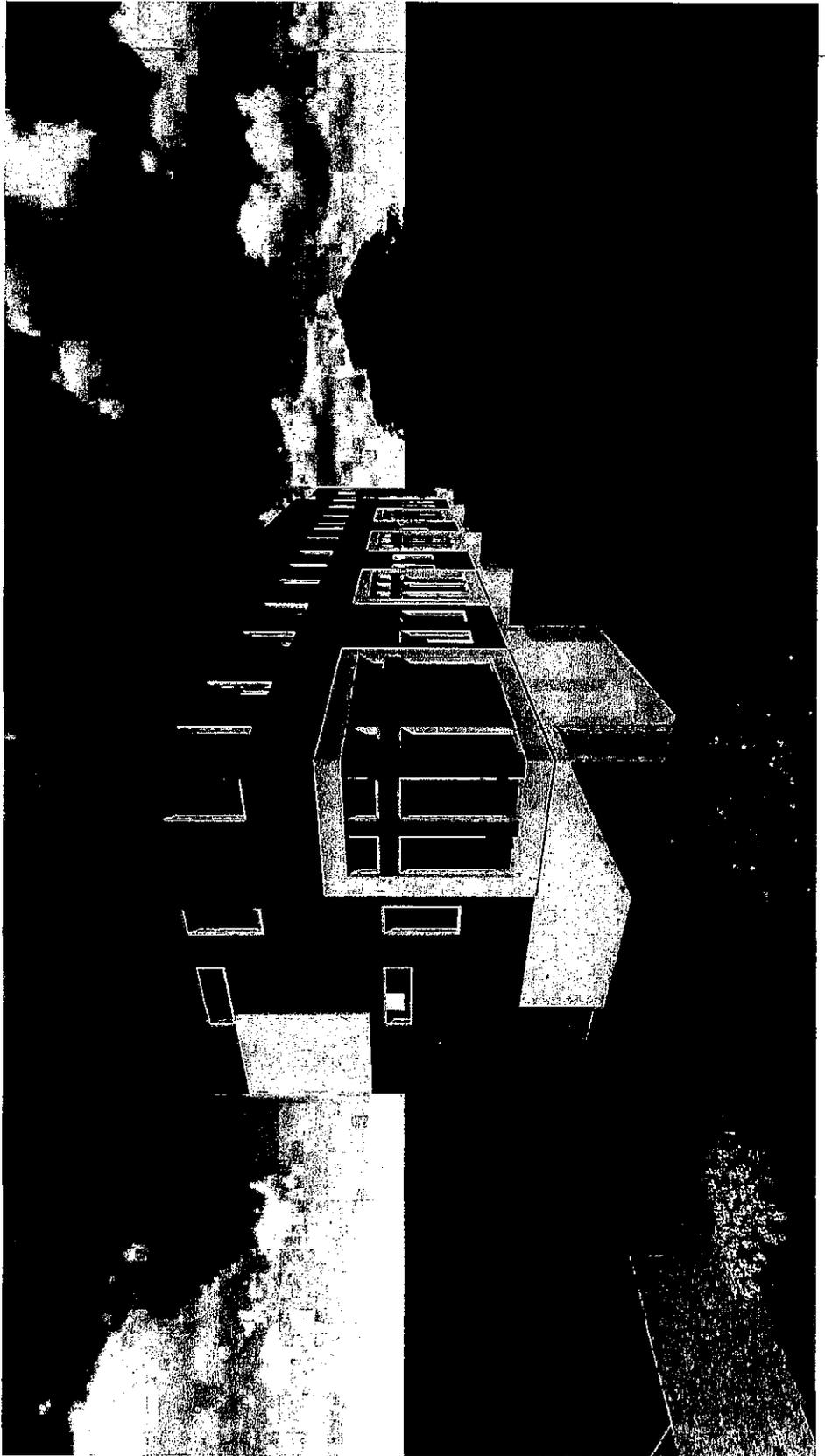
A02.02

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



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

3235 ELIHU STREET DALLAS, TX 75210



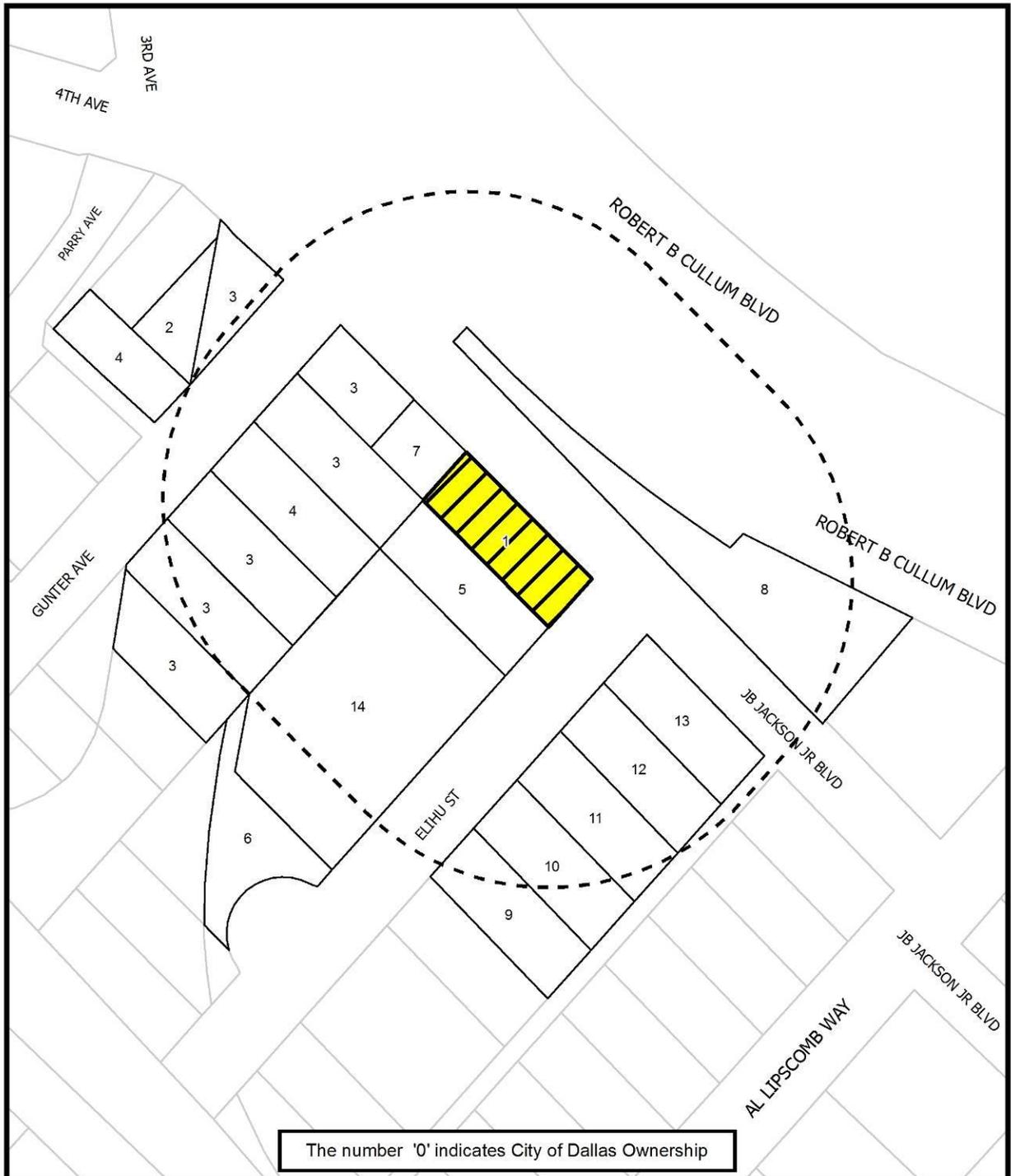
F K M  
D O S I G N

400 chisholm place  
plano, texas 75075  
972-424 1325 (M)  
469-258-9322 (C)  
email: fahim2582@aol.com  
web: fk-architect.com

06/21/2018



Original Date:  
JANUARY 09, 2018  
Issue Log



 1:1,200	<h2>NOTIFICATION</h2>	Case no: <b>BDA189-006</b>			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">14</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	14	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
14	NUMBER OF PROPERTY OWNERS NOTIFIED				

# ***Notification List of Property Owners***

## ***BDA189-006***

### ***14 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	3235 ELIHU ST	URBAN MIXED USE LLC &
2	907 J B JACKSON JR BLVD	JOHNS TRAINS INC
3	907 J B JACKSON JR BLVD	DART
4	3227 GUNTER AVE	DALLAS AREA RAPID TRANSIT
5	3231 ELIHU ST	URBAN MIXED USE LLC &
6	3209 ELIHU ST	URBAN MIXED USE LLC
7	1005 J B JACKSON JR BLVD	BURNS SHIRLEY
8	1100 ROBERT B CULLUM BLVD	BAKRI MOHAMED A
9	3220 ELIHU ST	HAMILTON DOUGLAS E
10	3222 ELIHU ST	HAMILTON DOUG
11	3226 ELIHU ST	HALL FLOYDELL
12	3230 ELIHU ST	7839 FERGUSON LLC
13	1109 J B JACKSON JR BLVD	BOONE RICHARD E LF EST &
14	3221 ELIHU ST	3221 FLATS LLC