

ZONING BOARD OF ADJUSTMENT, PANEL C
MONDAY, MARCH 18, 2019
AGENDA

BRIEFING	5ES 1500 MARILLA STREET DALLAS CITY HALL	11:00 A.M.
PUBLIC HEARING	COUNCIL CHAMBERS 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.

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

MISCELLANEOUS ITEM

Approval of the February 21, 2019 Board of Adjustment
Panel C Public Hearing Minutes M1

UNCONTESTED CASES

BDA189-026(OA)	1725 Sunview Drive REQUEST: Application of Alfredo R. Ruiz for a special exception to the fence standards regulations	1
BDA189-030(OA)	2620 Maple Avenue REQUEST: Application of Rob Baldwin of Baldwin Associates for a special exception to the landscape regulations	2
BDA189-032(OA)	8109 Manderville Lane REQUEST: Application of Sarah Scott for a variance to the front yard setback regulations	3
BDA189-033(OA)	4803 Victor Street REQUEST: Application of David Lloyd, represented by Braden Wayne, for a variance to the front yard setback regulations	4

HOLDOVER CASE

BDA189-019(OA)

5014 Lakehill Court

REQUEST: Application of Brett Brodnax, represented by Jason Vander Vorste, for special exceptions to the fence standards regulations

5

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: BDA189-026(OA)

BUILDING OFFICIAL'S REPORT: Application of Alfredo R. Ruiz for a special exception to the fence standards regulations at 1725 Sunview Drive. This property is more fully described as PT Lot 20, Block 8826, and is zoned R-7.5(A), which prohibits the use of certain materials for a fence. The applicant proposes to construct and/or maintain a fence of a prohibited material, which will require a special exception to the fence standards regulations.

LOCATION: 1725 Sunview Drive

APPLICANT: Alfredo R. Ruiz

REQUEST:

A request for a special exception to the fence standards regulations is made to maintain a fence of a prohibited fence material (sheet metal) on a site developed with a single-family home.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: R-7.5(A) (Single family residential 7,500 square feet)
North: R-7.5(A) (Single family residential 7,500 square feet)
South: R-7.5(A) (Single family residential 7,500 square feet)
East: R-7.5(A) (Single family residential 7,500 square feet)
West: R-7.5(A) (Single family residential 7,500 square feet)

Land Use:

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

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 to the fence standards regulations related to fence materials focuses on maintaining a fence of a prohibited fence material (sheet metal) on a site developed with a single-family home.
- Section 51A-4.602(a)(9) of the Dallas Development Code states that except as provided in this subsection, the following fence materials are prohibited:
 - Sheet metal;
 - Corrugated metal;
 - Fiberglass panels;
 - Plywood;
 - Plastic materials other than preformed fence pickets and fence panels with a minimum thickness of seven-eighths of an inch;
 - Barbed wire and razor ribbon (concertina wire) in residential districts other than an A(A) Agricultural District; and
 - Barbed wire razor ribbon (concertina wire) in nonresidential districts unless the barbed wire or razor ribbon (concertina wire) is six feet or more above grade and does not project beyond the property line.
- The applicant has submitted a site plan and elevation that represents the location of the existing sheet metal fence on the property.
- The submitted elevation represents an 8' high sheet metal fence.
- The submitted site plan represents a site that is approximately 54,000 square feet in area where approximately 470 linear feet of prohibited fence material (sheet metal fence) is located on this property.
- The Sustainable Development and Construction Department Senior Planner conducted a field visit of the site and the surrounding area. Three other fences that appear to be of prohibited material were noted to the south and east of the subject site. These existing fences have no recorded BDA history.
- As of March 8, 2019, no letters in opposition have been submitted, and a petition in support with 7 signatures has been submitted (see Attachment A).
- The applicant has the burden of proof in establishing that the special exception to the fence standards regulations related to a prohibited fence material (sheet metal) will not adversely affect neighboring property.
- If the Board were to grant the special exception and impose the submitted site plan and elevation as a condition, the fence of prohibited material on the property would be limited to what is shown on these documents.

Timeline:

December 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.

February 12, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

February 13, 2019: The Sustainable Development and Construction Department Senior Planner, emailed the applicant’s representative the following information:

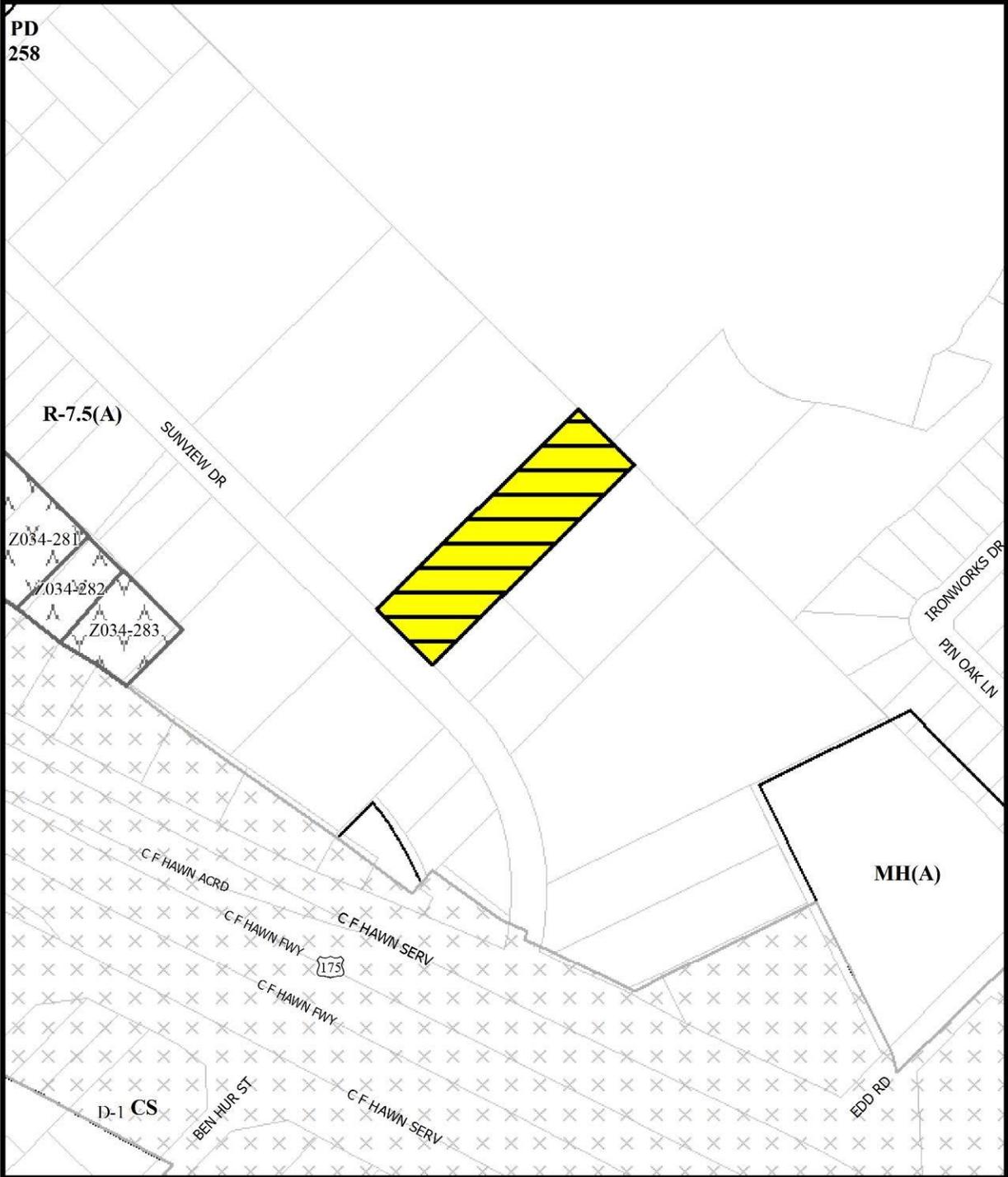
- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the November 21st deadline to submit additional evidence for staff to factor into their analysis; and the November 30th 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.”

February 25, 2018: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).

March 5, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, 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.

PD
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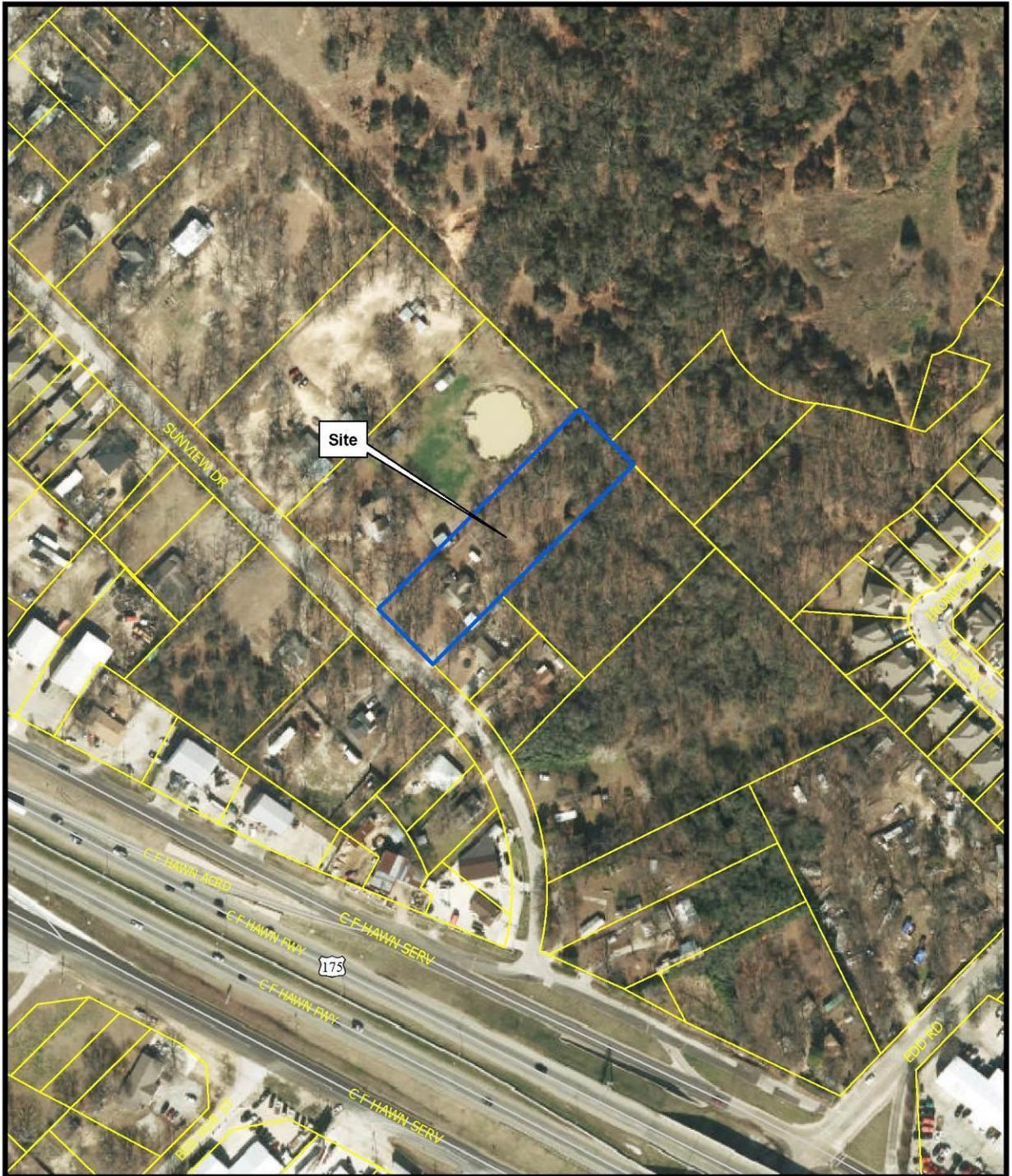


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ZONING MAP

Case no: **BDA189-026**

Date: **2/13/2019**



1:2,400

AERIAL MAP

Case no: **BDA189-026**

Date: **2/13/2019**

**Petition in Support of Appeal for Exception to Violation of Dallas City Code
Section 51A-4.602: Illegal Fence**

Background and Summary	On December 10 th 2018, I, Alfredo Ruiz, received a Notice of Violation for NCC Exterior notifying me that the fence built on my property, located at 1725 Sunview Dr. Dallas Texas 75253, was in violation according to Dallas City Code Section 51A-4.602: Illegal Fence , for being constructed out with corrugated metal and over 6 feet tall. On December 28 th , an Appeal to the Board of Adjustment was submitted for an Exception as I do not believe the fence on my property presents any obstructions to our neighborhood nor community.
Action Petitioned For	This Petition serves to prove to the Board of Adjustment that other members of our community are in support of this appeal. By signing below, you are agreeing that the fence constructed on 1725 Sunview Dr. Dallas Texas 75253, <u>does not</u> present any sort of obstruction to our neighborhood nor community.

Printed Name	Signature	Address	Date
DIANE FERGUSON	<i>Diane Ferguson</i>	1711 Sunview	2-23-18
Lizbeth Castillo	<i>Lizbeth Castillo</i>	1625 Sunview Dr	2-23-18
Dorothy Calson	<i>Dorothy Calson</i>	1814 Sunview Dr.	2/23/19
Clarence Evans	<i>Clarence Evans</i>	1710 Sunview Dr.	2/23/19
Josue Gonzalez	<i>Josue Gonzalez</i>	1722 Sunview Dr	2/25/19
CAL SAMPLES	<i>Cal Samples</i>	1815 SUNVIEW DRIVE	2-23-19
JOSE SANCHEZ	<i>Jose Sanchez</i>	1906 Sunview Dr.	2/24/19



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-026

Data Relative to Subject Property:

Date: 12-28-18

Location address: 1725 Sunview Dr. Zoning District: R.7.5(A)

Lot No.: PT LT 20 Block No.: 8826 Acreage: 1.24 Census Tract: 171.01

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): ALFREDO R. RUIZ + ALMA RUIZ

Applicant: Alfredo R Ruiz Telephone: 214-325-6031

Mailing Address: 828 Hillburn Dr. Dallas Tx Zip Code: 75217

E-mail Address: Alma Ruiz 73 @ gmail - com

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance, or Special Exception checked, of Ribbed Steel panel fence on private property.

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:

Fences of likewise height and likewise material in other many houses around our property present no obstructions to our neighborhood or community.

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

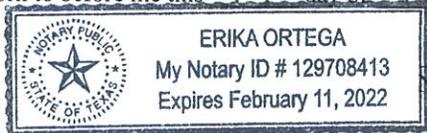
Affidavit

Before me the undersigned on this day personally appeared Alfredo R Ruiz (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: Alfredo Ruiz (Affiant/Applicant's signature)

Subscribed and sworn to before me this 19 day of December 2018



Erika Ortega 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 ALFREDO RUIZ

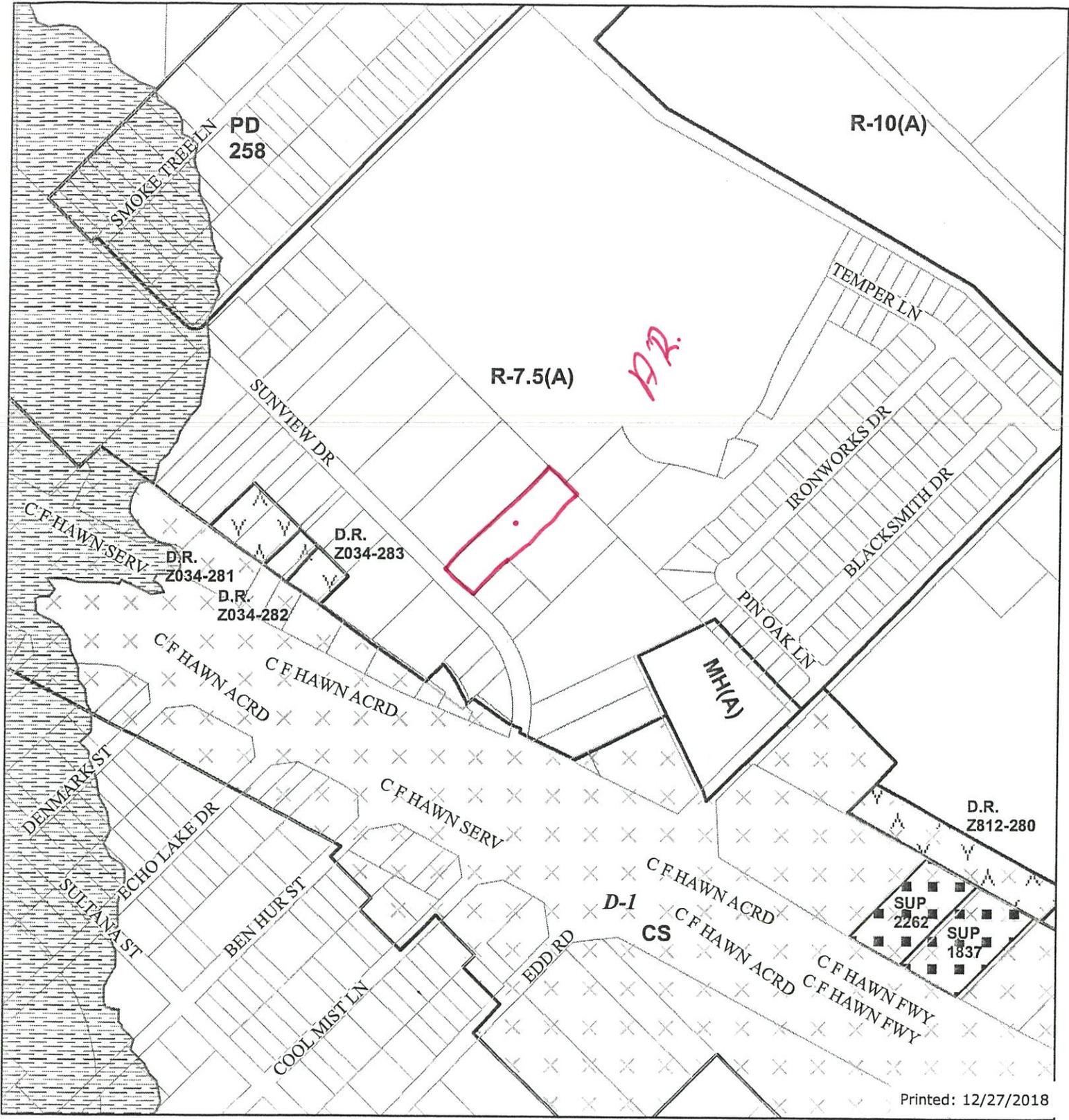
did submit a request for a special exception to the fence standards regulations

at 1725 Sunview Dr

BDA189-026. Application of ALFREDO RUIZ for a special exception to the fence standards regulations at 1725 SUNVIEW DR. This property is more fully described as PT Lot 20, Block 8826, and is zoned R-7.5(A), which prohibits the use of certain materials for a fence. The applicant proposes to construct a fence using a prohibited material, which will require a special exception to the fence regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



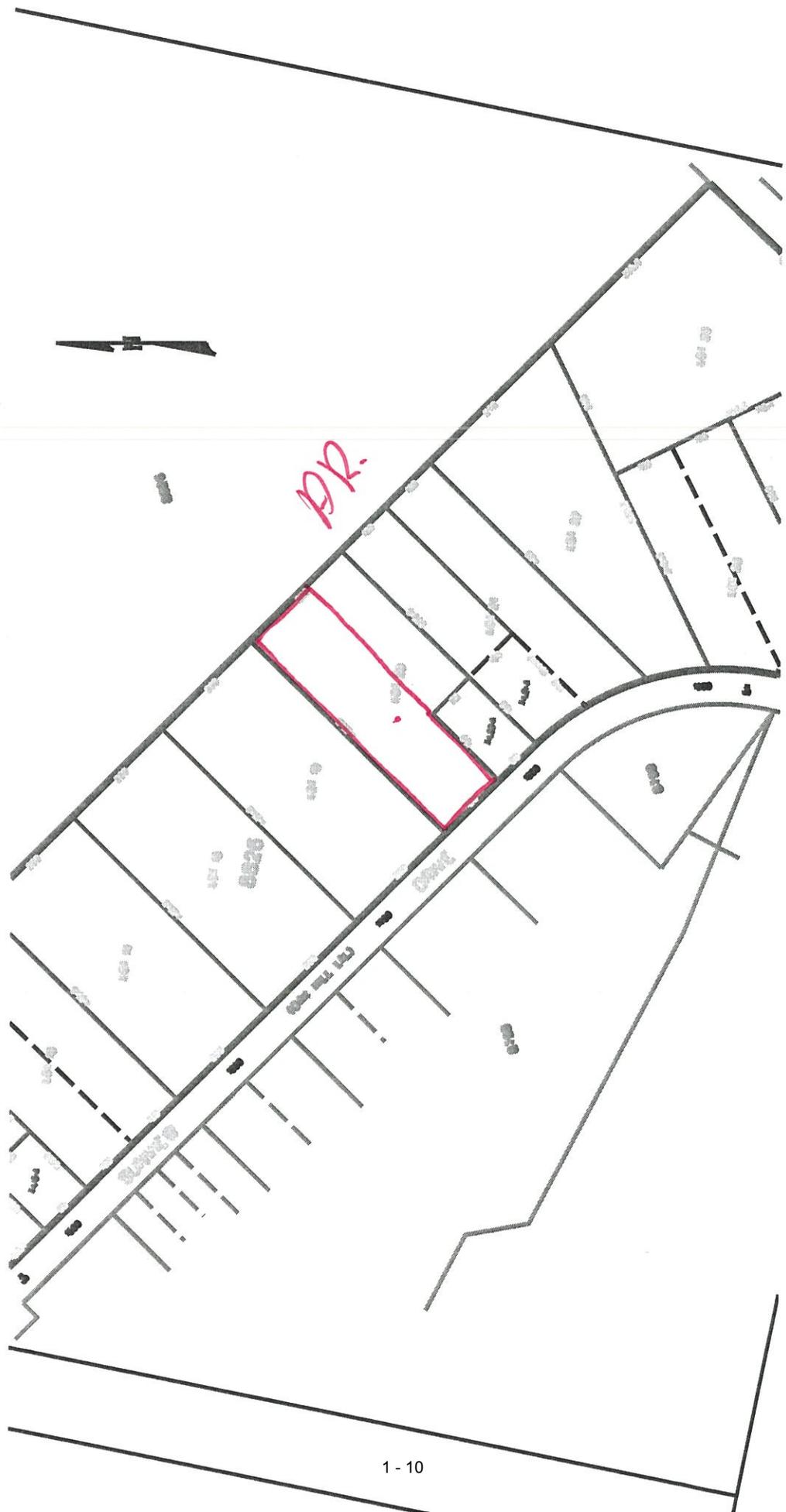
Printed: 12/27/2018

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 | Shop Front Overlay |
| | | Height Map Overlay | |

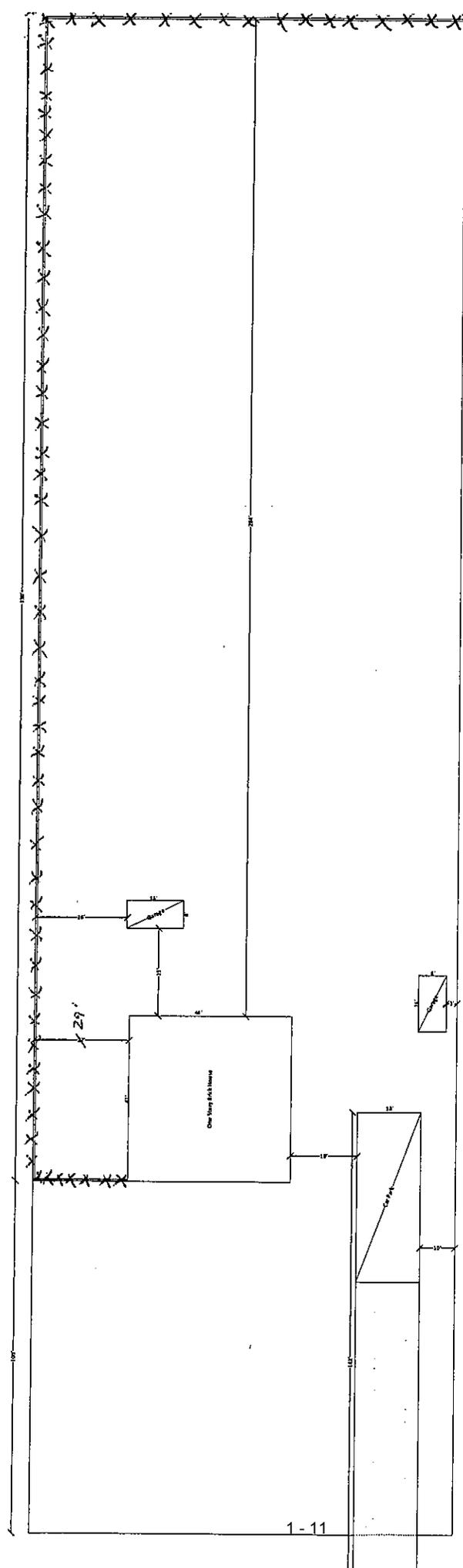
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering,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



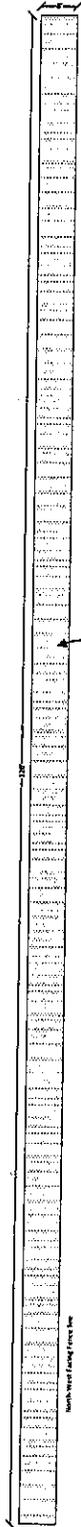


x = Metal Fence
8' Tall

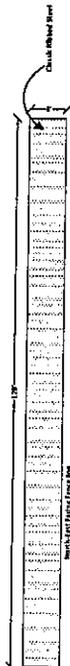
330'



1-11

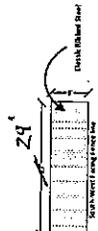


Check Ribbed Sheet



Check Ribbed Sheet

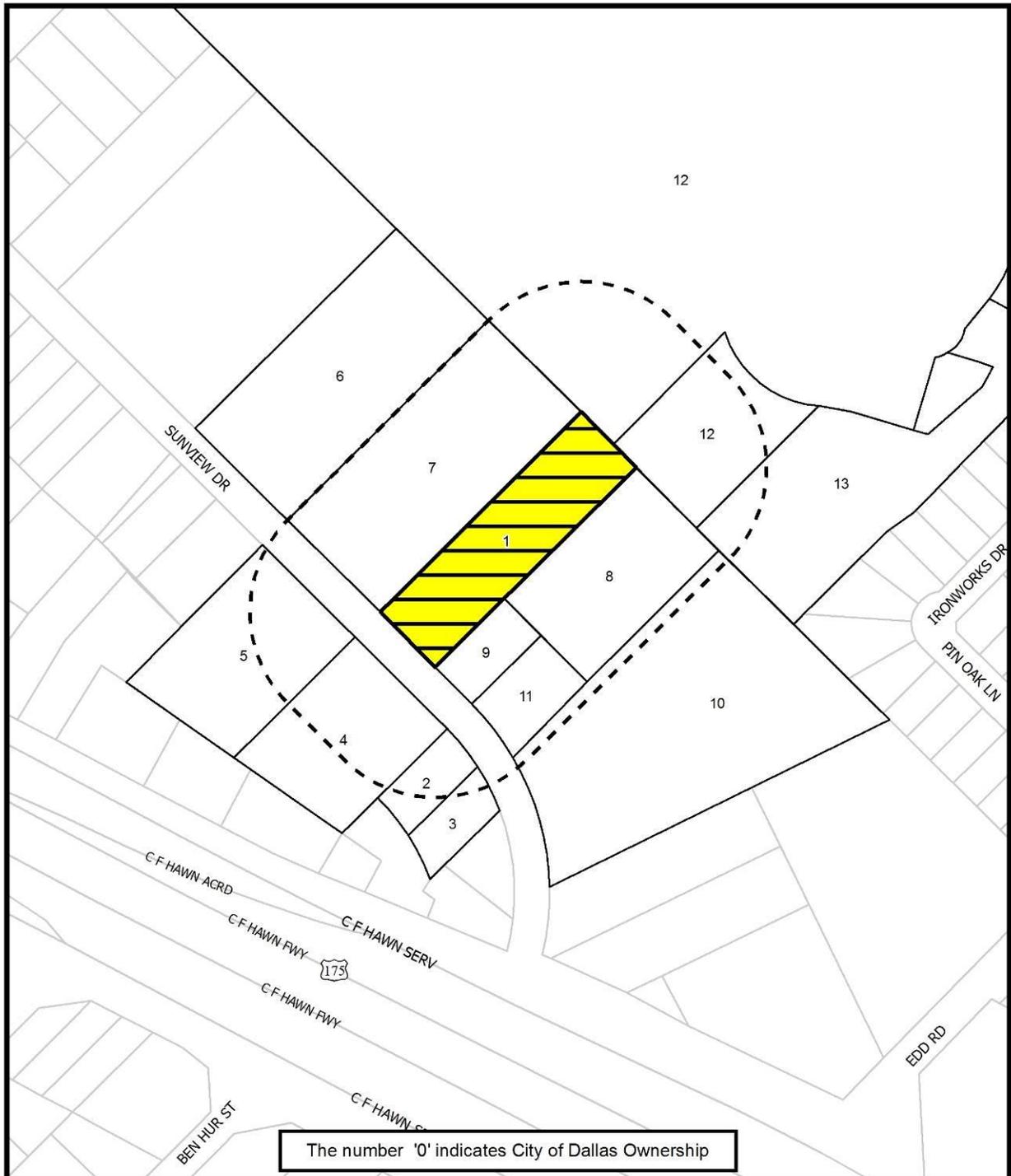
North (Left) Side of Frame Wall
Side of Property



Check Ribbed Sheet

24'

South (Right) Side of Frame Wall



 1:2,400	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">13</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	13	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA189-026 Date: 2/13/2019
200'	AREA OF NOTIFICATION					
13	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA189-026

13 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1725 SUNVIEW DR	RUIZ ALFREDO R & ALMA
2	1814 SUNVIEW DR	SPEER CAROL A
3	1822 SUNVIEW DR	LOPEZ JOSE
4	1722 SUNVIEW DR	AVILA LUISANNA
5	1710 SUNVIEW DR	EVANS CLARENCE S
6	1625 SUNVIEW DR	BELTRAN MIGUEL &
7	1711 SUNVIEW DR	FERGUSON DIANNE MARIE
8	1725 SUNVIEW DR	RUIZ JORGE ALFREDO
9	1733 SUNVIEW DR	RUIZ JORGE ALFREDO
10	1821 SUNVIEW DR	GRIGAR MARY L
11	1815 SUNVIEW DR	SAMPLPES CAL JR
12	1737 EDD RD	GRH DEVELOPMENT SERVICES LLC
13	33 IRONWORKS DR	WRIGHT FARMS HOA INC

FILE NUMBER: BDA189-030(OA)

BUILDING OFFICIAL'S REPORT: Application of Rob Baldwin of Baldwin Associates for a special exception to the landscape regulations at 2620 Maple Avenue. This property is more fully described as Lot 1B, Block 3/950, and is zoned PD 193 (HC), which requires mandatory landscaping. The applicant proposes to construct and/or maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 2620 Maple Avenue

APPLICANT: Rob Baldwin

REQUEST:

A request for a special exception to the landscape regulations is made to construct and maintain a multifamily development with a parking structure on a site that is undeveloped, and not to fully provide the required landscape regulations, more specifically, to not meet the required garage screening and landscaping buffer.

**STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REQUIREMENTS
IN OAK LAWN:**

Section 51P-193-126(a) (4) of the Dallas City Code specifies that the board may grant a special exception to the landscaping requirements of this section if, in the opinion of the Board, the special exception will not compromise the spirit and intent of this section. When feasible, the Board shall require that the applicant submit, and that the property complies with a landscape plan as a condition to granting the special exception.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted alternate landscape plan is required.

Rationale:

- The City of Dallas Chief Arborist recommends approval of the special exception on the basis that it does not appear the request will compromise the spirit and intent of this ordinance.

BACKGROUND INFORMATION:

Site: PD 193 (HC) (Planned Development District)

landscape plan must be completed before the final building inspections of each permit in areas B and D, respectively.

The case report stated the request was made to amend certain features shown on an alternate landscape plan that was imposed as a condition in conjunction with a request for a special exception to the landscape regulations granted on the subject by Board of Adjustment Panel A on March 17, 2015: BDA145-037. The subject site is currently developed as an approximately 1,450,000 square foot mixed use development (The Crescent). Note that the Board of Adjustment Panel A granted the applicant's request to waive the two year time limitation to refile a new application on this site on November 15, 2016).

3. BDA145-037, Property at 100 Crescent Court (the property southwest of the subject site)

On March 17, 2015, the Board of Adjustment Panel A granted a request for special exception to the landscape regulations and imposed the submitted alternate landscape plan as a condition.

The case report stated the request was made to replace an existing drive-through bank facility with an approximately 3,000 square foot restaurant, and not fully providing required landscaping on a site is currently developed as an approximately 1,450,000 square foot mixed use development (The Crescent) (Note that the Board of Adjustment Panel A granted the applicant's request to waive the two year time limitation to refile a new application on this site on June 28, 2016).

4. BDA 134-042, Property at 100 Crescent Court (the property southwest of the subject site)

On June 24, 2014, the Board of Adjustment Panel A granted a request for special exception to the landscape regulations and imposed the submitted revised landscape plan as a condition.

The case report stated the request was made to construct and maintain an approximately 1,400 square foot addition to an approximately 1,450,000 square foot

mixed use development (The Crescent), and not fully providing required landscaping. (Note that the Board of Adjustment Panel A granted the applicant's request to waive the two-year time limitation to refile a new application on this site on January 20, 2015).

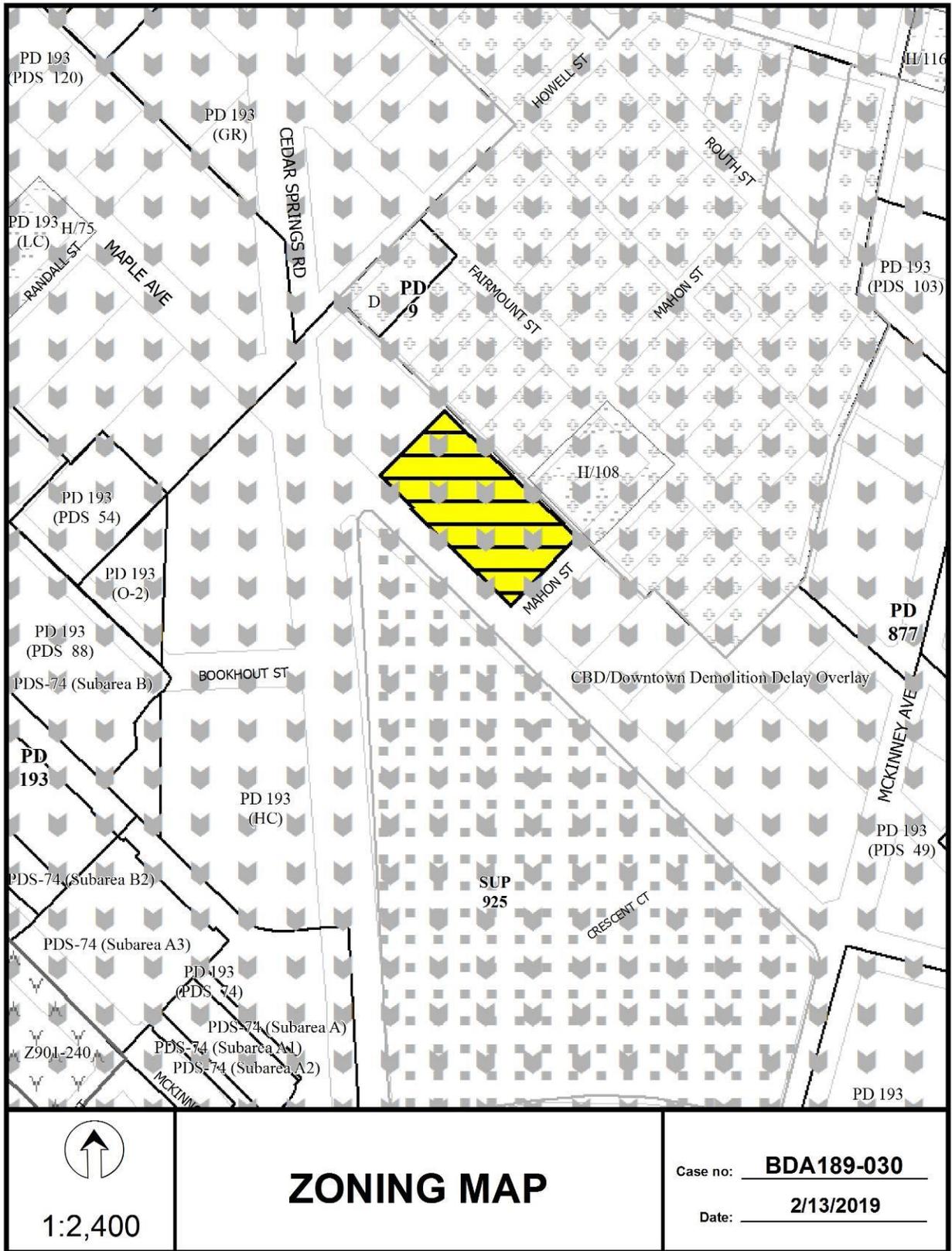
GENERAL FACTS/ STAFF ANALYSIS:

- This request for a special exception to the landscape regulations focuses on constructing and maintaining a multifamily development with a parking structure on a site that is undeveloped and not to fully providing the required landscaping regulations, more specifically, to not meet the required perimeter landscape buffer strip along the alley.
- PD 193 states that the landscape, streetscape, screening, and fencing standards shall become applicable to uses (other than to single family and duplex uses in detached structures) on an individual lot when work is performed on the lot that increases the existing building height, floor area ratio, or nonpermeable coverage of the lot unless the work is to restore a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind.
- 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 landscaping regulations of PD 193, Part 1 for HC districts. The alternative landscape plan is for new construction of a multifamily development without the required garage screening and landscaping buffer.
- The Chief Arborist's memo states the following with regard to "provision":
 - The proposed alternative landscape plan complies with PD 193(HC) regulations for street trees, sidewalks, and screening of off-street parking. Other standards for landscape site area and general or special plantings are not applicable.
- The Chief Arborist's memo states the following with regard to "deficiencies":
 - The plan does not provide for the required garage screening and landscaping as described in Section 51P-193.126 (b) (3) (D). Aboveground parking structures are required to have a 10-foot landscaping buffer on any side facing a public right-of-way, residential district, residential subdistrict, or residential use, and have a minimum of one tree for every 25 feet of frontage and evergreen shrubs planted three feet on center to create a solid appearance.
 - The building area on the lot, the requirement for a fire lane in conjunction with the alley, and the location of local utilities along the perimeter restrict the use of the space for landscaping.
- The City of Dallas Chief Arborist recommends approval of the special exception on the basis that it does not appear the request will compromise the spirit and intent of this ordinance.
- The applicant has the burden of proof in establishing the following:

- The special exception (where an alternate landscape plan has been submitted that is deficient in meeting the required garage screening and landscaping buffer of the PD 193 landscape requirements) will not compromise the spirit and intent of Section 51P-193-126: Landscape, streetscape, screening, and fencing standards”.
- If the Board were to grant this request and impose the submitted alternate landscape plan as a condition, the site would be granted an exception from full compliance to the requirements of the PD 193 landscape ordinance.

Timeline:

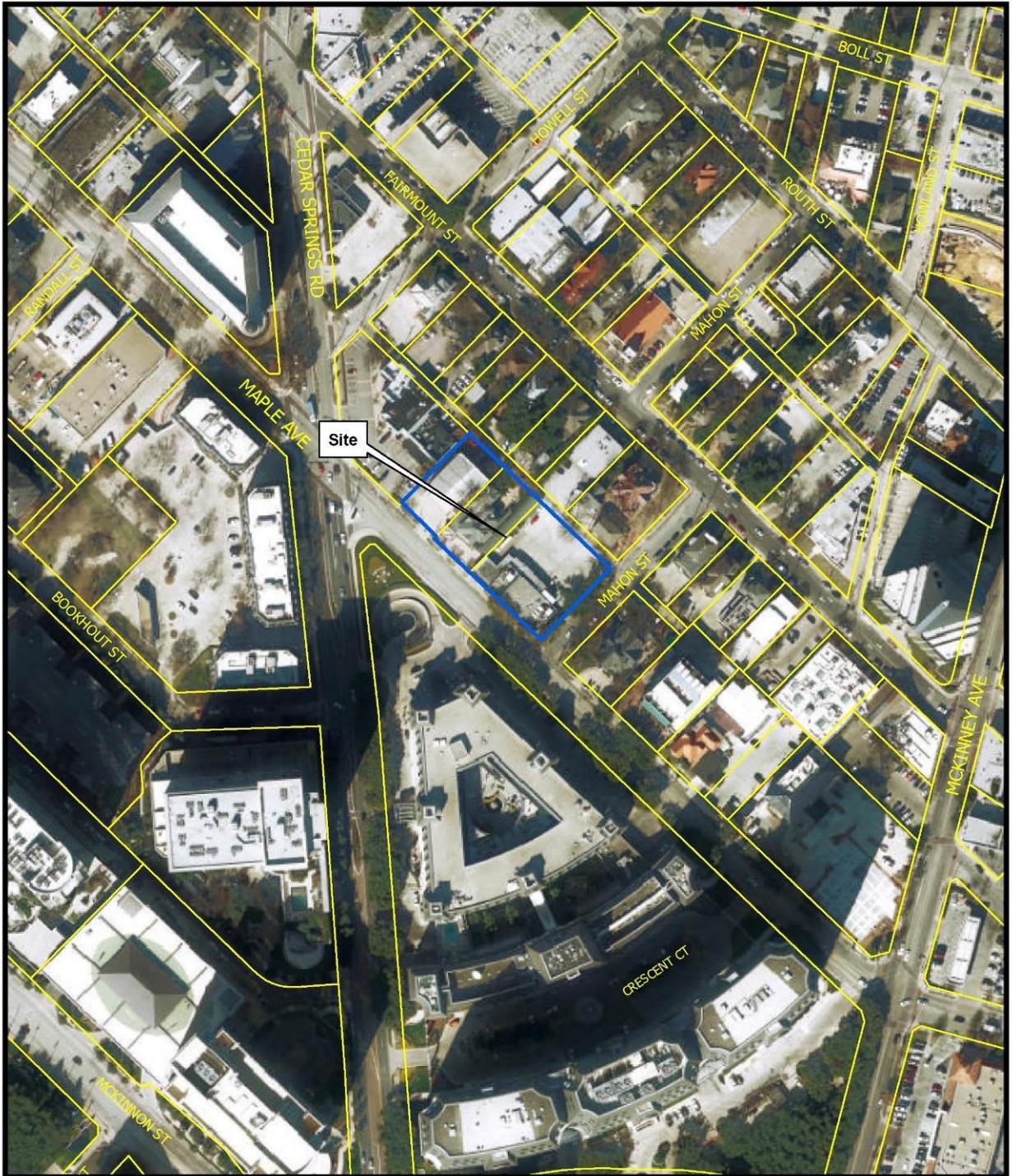
- January 9, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- February 12, 2019: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- February 13, 2019: The Sustainable Development and Construction Department Board of Adjustment Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the February 27th deadline to submit additional evidence for staff to factor into their analysis; and the March 8th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- March 5, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, 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.
- March 7, 2019: The City of Dallas Chief Arborist submitted a memo regarding this application (see Attachment A).



ZONING MAP

Case no: **BDA189-030**

Date: **2/13/2019**




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AERIAL MAP

Case no: BDA189-030
 Date: 2/13/2019

Memorandum



Date March 7, 2019
To Oscar Aguilera, Board Administrator
Subject BDA #189-030 2620 Maple Avenue Arborist report

Request

The applicant is requesting a special exception to the landscaping regulations of PD 193, Part 1 for HC districts. The alternative landscape plan is for new construction of a multifamily development without the required garage screening and landscaping buffer.

Provision

- The proposed alternative landscape plan complies with PD 193(HC) regulations for street trees, sidewalks, and screening of off-street parking. Other standards for landscape site area and general or special plantings are not applicable.

Deficiency

- The plan does not provide for the required garage screening and landscaping as described in Section 51P-193.126(b)(3)(D). Aboveground parking structures are required to have a 10-foot landscaping buffer on any side facing a public right-of-way, residential district, residential subdistrict, or residential use, and have a minimum of one tree for every 25 feet of frontage and evergreen shrubs planted three feet on center to create a solid appearance.
- The building area on the lot, the requirement for a fire lane in conjunction with the alley, and the location of local utilities along the perimeter restrict the use of the space for landscaping.

Recommendation

The chief arborist recommends approval of the special exception on the basis that it does not appear the request will compromise the spirit and intent of this ordinance.

Philip Erwin
Chief Arborist
Building Inspection



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-030

Date: ~~December 19, 2018~~ 1-9-19

Data Relative to Subject Property:

Location address: 2620 Maple Avenue Zoning District: PD 193 HC

Lot No.: 1B (H) Block No.: 3/950 Acreage: 1.05 (H) acres Census Tract: 18.00

Street Frontage (in Feet): 1) 154 ft 2) 300 ft 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): 2620 Maple Owner LLC

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 landscape

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: Proposed multiple family development will have structured parking and PD 193 requires a 10' garage screening buffer along right-of-ways. Seeking relief from providing buffer along alley due to utility conflicts and fire lane requirements.

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.

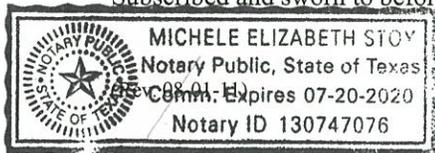
Affidavit

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 19 day of December, 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

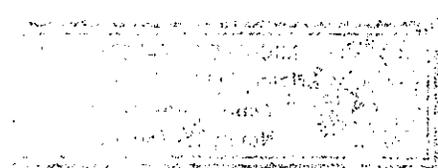
I hereby certify that Robert Baldwin

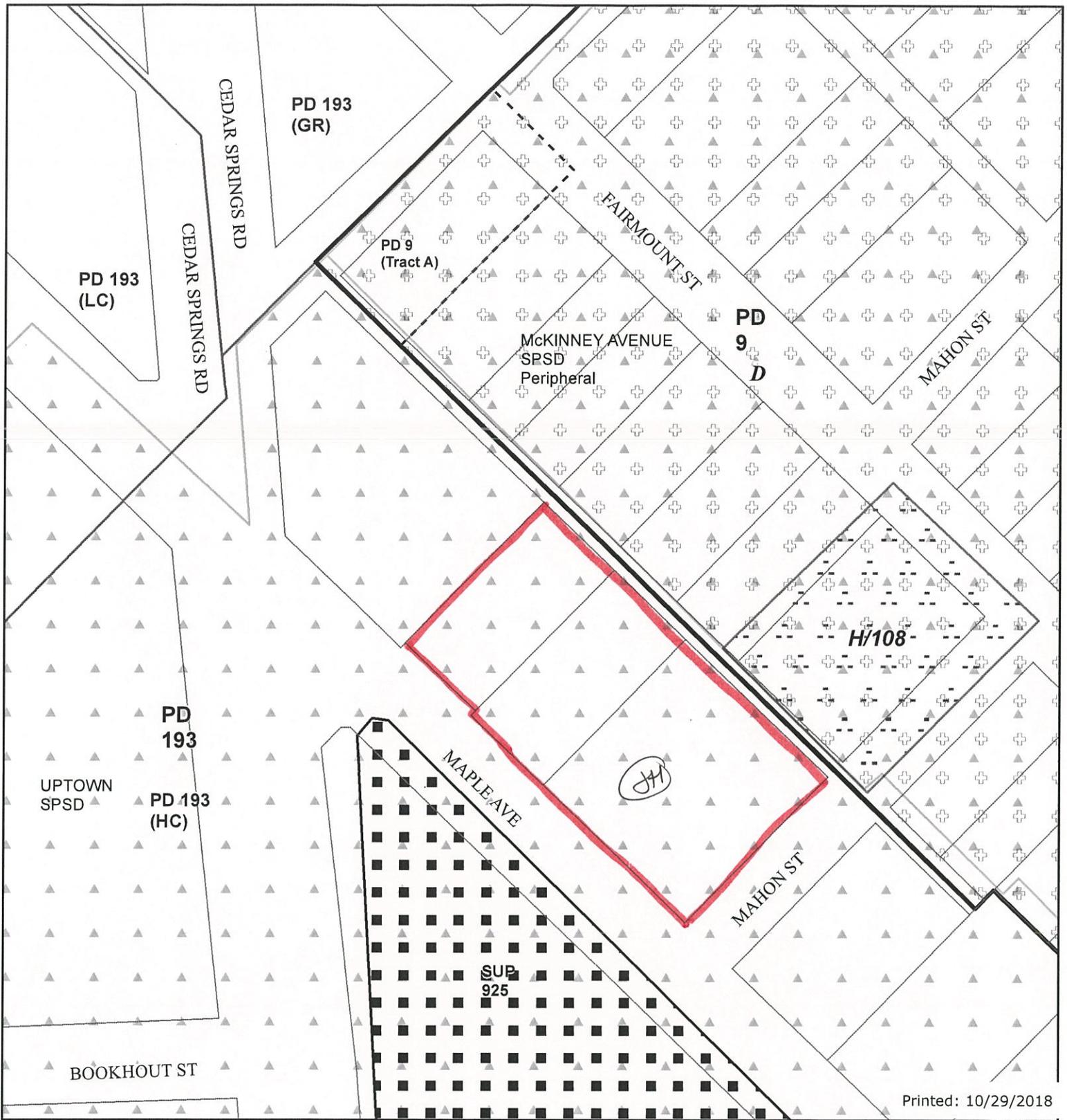
did submit a request for a special exception to the landscaping regulations
at 2620 Maple Ave

BDA189-030. Application of Robert Baldwin for a special exception to the landscaping regulations at 2620 MAPLE AVE. This property is more fully described as Lot 1B, Block 3/950, and is zoned PD-193 (HC), which requires mandatory landscaping. The applicant proposes to construct a non-residential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



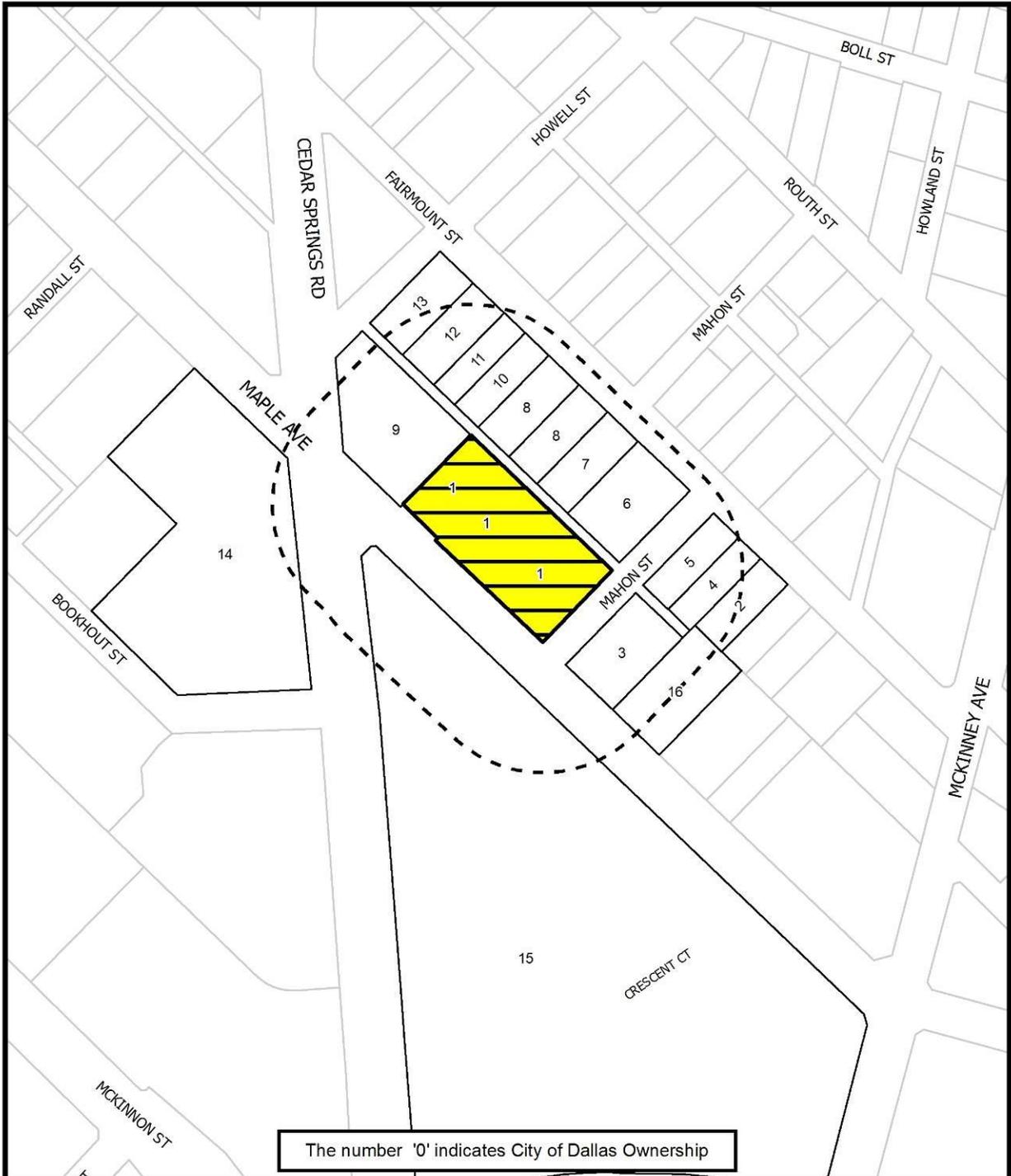


Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| 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 | SUP | Historic Overlay | 2 - 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)





The number '0' indicates City of Dallas Ownership

 1:2,400	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">16</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	16	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA189-030 Date: 2/13/2019
200'	AREA OF NOTIFICATION					
16	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA189-030

16 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2610 MAPLE AVE	2620 MAPLE AVENUE LLC
2	2521 FAIRMOUNT ST	BLL LP
3	2516 MAPLE AVE	HEYMANN CLAIRE L
4	2525 FAIRMOUNT ST	BLL LP
5	2527 FAIRMOUNT ST	KAME YUGEN SEKININ JIGYO
6	2603 FAIRMOUNT ST	2603 FAIRMOUNT INVESTORS
7	2611 FAIRMOUNT ST	DIKE DAVID FINE ART LLC
8	2701 FAIRMOUNT ST	MAPLE MARKETING CORP
9	2628 MAPLE AVE	GREENWAY MAPLE LP
10	2711 FAIRMOUNT ST	STRICKLAND PETER R LF EST
11	2715 FAIRMOUNT ST	KORNYE GEORGE W
12	2719 FAIRMOUNT ST	SHAW EVAN L
13	2723 FAIRMOUNT ST	SHAW EVAN LANE
14	2305 CEDAR SPRINGS RD	GPI CEDAR MAPLE LP
15	100 CRESCENT CT	CRESCENT TC INVESTORS LP
16	2512 MAPLE AVE	HEIDARI ALI

FILE NUMBER: BDA189-032(OA)

BUILDING OFFICIAL'S REPORT: Application of Sarah Scott for a variance to the front yard setback regulations at 8109 Manderville Lane. The property is more fully described as Lot 2, Block B/7291, and is zoned PD 895, which requires a minimum front yard of 10 feet and a maximum front yard for residential or mixed-use buildings of 15 feet where a portion of a front facade equal to at least 50 percent of the length of the lot, excluding pedestrian and vehicular ingress and egress points, must be located within the area between the minimum and maximum front yard setbacks. The applicant proposes to construct and/or maintain a residential structure and not provide at least 50 percent of the length of the facade between the minimum and maximum front yard setbacks, which will require a variance to the front yard setback regulations.

LOCATION: 8109 Manderville Lane

APPLICANT: Sarah Scott

REQUEST:

A request for variance to the PD 895 minimum and maximum front yard setback regulations is made to construct and maintain a 5-story apartment building with a 7-story parking structure and not to provide at least 50 percent of the length of the façade required to be located between the 10' minimum and 15' maximum front yard setback on a site that is undeveloped.

STANDARD FOR A VARIANCE:

The Dallas Development Code Section 51A-3.102(d) (10) 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:

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 other lots in the PD 895 zoning district by its restrictive area and slope. The site has an approximately 56' wide creek/floodway easement and slope that preclude the applicant from developing the site with a structure that can be in compliance with the front yard setback regulation - a front yard setback provision that requires a minimum front yard of 10 feet and a maximum front yard of 15 feet where a portion of a structure's front facade equal to at least 50 percent of the length of the lot must be located within the area between the minimum and maximum front yard setback.

BACKGROUND INFORMATION:

Zoning:

Site: PD 895 (Planned Development)
North: PD 745 (Subarea C) (Planned Development)
South: PD 927 (Subarea A) (Planned Development), MF-2 (Multifamily District 2), & MU-3 (Mixed-use District 2)
East: PD 745 (Subarea B) (Planned Development)
West: PD 895 (Planned Development)

Land Use:

The subject site is undeveloped. The areas to the north, south, and west are developed with multifamily, medical, and hotel uses; and the area to the east is developed with public utility (Dart Railroad) use.

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 variance to the required front yard setback regulations focuses on constructing and maintaining a 5-story apartment building with a 7-story parking structure and not providing at least 50 percent of the length of the façade required to be located between the 10' minimum and 15' maximum front yard setback on a site that is undeveloped.
- The subject site is located in PD 895.
- PD 895 states the following with regard to "front yard":

1. Minimum front yard 10'.
 2. Maximum front yard is 15'.
 3. A portion of the front façade equal to at least 50 percent of the length of the lot, excluding pedestrian and vehicular ingress and egress points, must be located within the area between the minimum and maximum front yard setbacks. The remainder of the façade (less than 50 percent of the length of the lot) must comply with the minimum front yard setback only.
- According to DCAD records, there are “no improvements” for property addressed at 8109 Manderville Lane.
 - The subject site is sloped, irregular in shape, and according to the application is approximately 4.51 acres in area.
 - The submitted site plan denotes the site has a 56' 6" wide floodway easement fronting Manderville Lane. This floodway easement prevents placing any portion of the proposed building façade within this floodway easement that is part of the 157' 9" length of the site's frontage.
 - The submitted site plan denotes a variance to the 50 percent of the length of the façade required to be located between the 10' minimum and 15' maximum front yard setback. The submitted site plan makes the following notations:
 - The site is 4.51 acreages.
 - The lot length is 157' 9".
 - The existing drive length is 30' 6".
 - Proposed combined pedestrian walkway length is 13' 5".
 - The applicable lot length (excluding pedestrian and vehicular ingress and egress points) per PD is 113' 8".
 - The required façade length that must be provided is 50 percent of 113' 8" or 56' 9".
 - The proposed façade length provided is 25 percent or 29' 1".
 - Existing floodway easement length fronting Manderville Lane 56' 1".
 - The applicant has provided a document stating among other things, that the subject site is unique in that it contains a natural creek/floodway easement with steep slopes and many trees. This document states that the natural 56' 1" creek/floodway easement prevents the site from building in this floodway area. The document indicates that the available total length frontage is 57' 7" due to the 56' 1" creek/floodway easement (after excluding pedestrian and vehicular ingress and egress points), and illustrated steep grades adjacent to the creek/floodway easement that preclude the applicant from complying with the 50 percent of the length of the facade between the minimum and maximum front yard setbacks.
 - The applicant has the burden of proof in establishing the following:
 - That granting the variances 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 variances to front yard setback regulations are 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 895 zoning classification.

- The variances to front yard setback regulations would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD 895 zoning classification.
- If the Board were to grant the request for a variance to the front yard setback regulations and impose the applicant's submitted site plan as a condition, the structure that does not comply the 50 percent façade minimum and maximum front yard setback requirements would be limited to that what is shown on this document.

Timeline:

January 22, 2019: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

February 12, 2019: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel C.

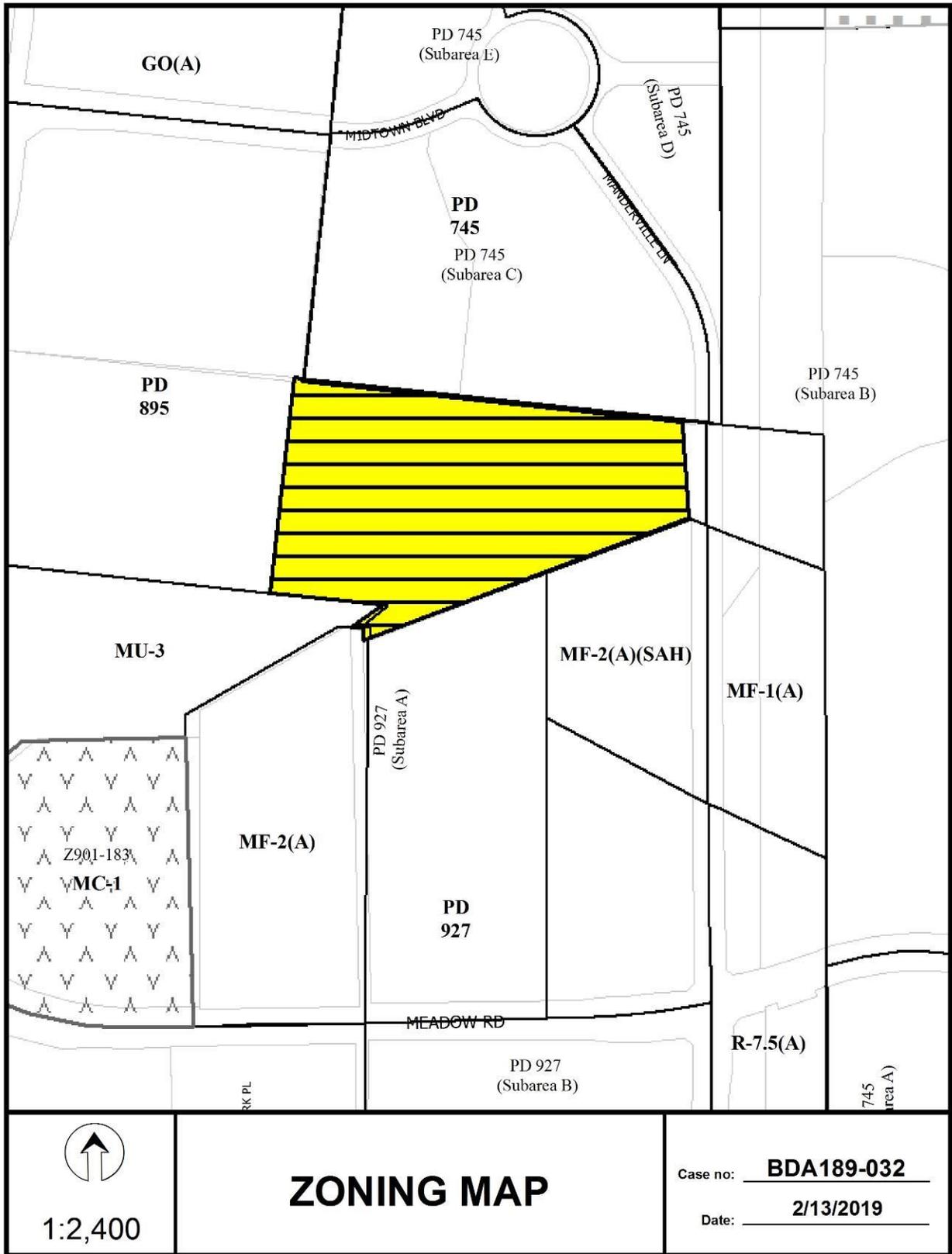
February 13, 2019: The Board Administrator emailed the applicant the following information:

- 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 February 27th deadline to submit additional evidence for staff to factor into their analysis; and the March 8th 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."

February 27, 2018: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

March 5, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, 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.





Site



1:2,400

AERIAL MAP

Case no: **BDA189-032**

Date: **2/13/2019**

Kimley»Horn

February 28, 2019

Oscar Aguilera
City of Dallas Planning Division
1500 Marilla Street, 5BN
Dallas, TX 75201

RE: BDA 189-032
Alta Midtown Park
8109 Manderville Lane, Dallas, TX

Mr. Aguilera,

On behalf of the developer, Wood Partners, I am requesting a variance to the front façade setback requirement on Manderville Lane for our project at 8109 Manderville Lane, located in PD 895. Per Section 51P-895.109(a)(3)(B), our front building façade must be within the minimum and maximum front setback “zone” for at least 50% of the lot length, excluding driveways and pedestrian ingress and egress. Our site along Manderville is unique in that it contains a natural creek with steep slopes and many trees. The creek is located within a dedicated floodway easement. The floodway easement prevents us from building in this area and meeting the 50% front façade setback requirement.

We have provided an Exhibit, “Overall PD 895 Site”, Sheet EX.1, that shows the 3 lots comprising PD 895 and location of the existing driveway and access easement as well as the floodplain easement on our lot. Per this exhibit, Lots 1 and 3 of the PD do not have the same hardship created by the creek as our Lot 2. Additionally, our lot configuration limits the amount of street frontage and creates a restrictive shape compared to the other two lots. Our lot has 158 linear feet of frontage with 56 feet of floodway easement and 29 feet of shared driveway and access easement. This equals 85 feet of easements or 54% of our lot frontage in easements (over half our site). This hardship makes the site undevelopable for any use without a variance.

Additionally, we have provided “Site Plan Exhibit”, EX. 2, showing our proposed development along Manderville Lane. The proposed development includes pedestrian sidewalks along the north and south faces of the building for fire access and connectivity to the adjacent developments in PD 895. Per the PD, we are allowed to exclude the driveways and sidewalks from the overall lot length. Therefore, the revised lot frontage “zone” would be:

158 feet (original lot length)
- 44 feet (driveway and sidewalks)
114 feet (lot length “zone”)

57 feet (50% of lot length “zone”)

Kimley»»Horn

Page 2

Per the PD, 50% of the building façade would need to fall within this revised lot length "zone", which is equal to 57 feet. Due to the floodway easement and steep grades adjacent to the creek, it is not feasible to meet this requirement. With the floodway hardship, we are only able to provide 29 feet of building within the "zone", or 25% of the façade in the zone. If we were to exclude the floodway easement, similar to the driveways and sidewalks, the new lot length calculation would be:

158 feet (original lot length)
- 44 feet (driveway and sidewalks)
- 56 feet (floodway easement)
58 feet (lot length "zone")

29 feet (50% of lot length "zone")

50% of this revised lot length would then be 29 feet, which we are providing. We are requesting to construct the multifamily project and provide 29 linear feet of building façade within the minimum and maximum setback "zone", which equals 25%.

If you have any questions or need additional information, please don't hesitate to contact me at 972-770-1347 or sarah.scott@kimley-horn.com.

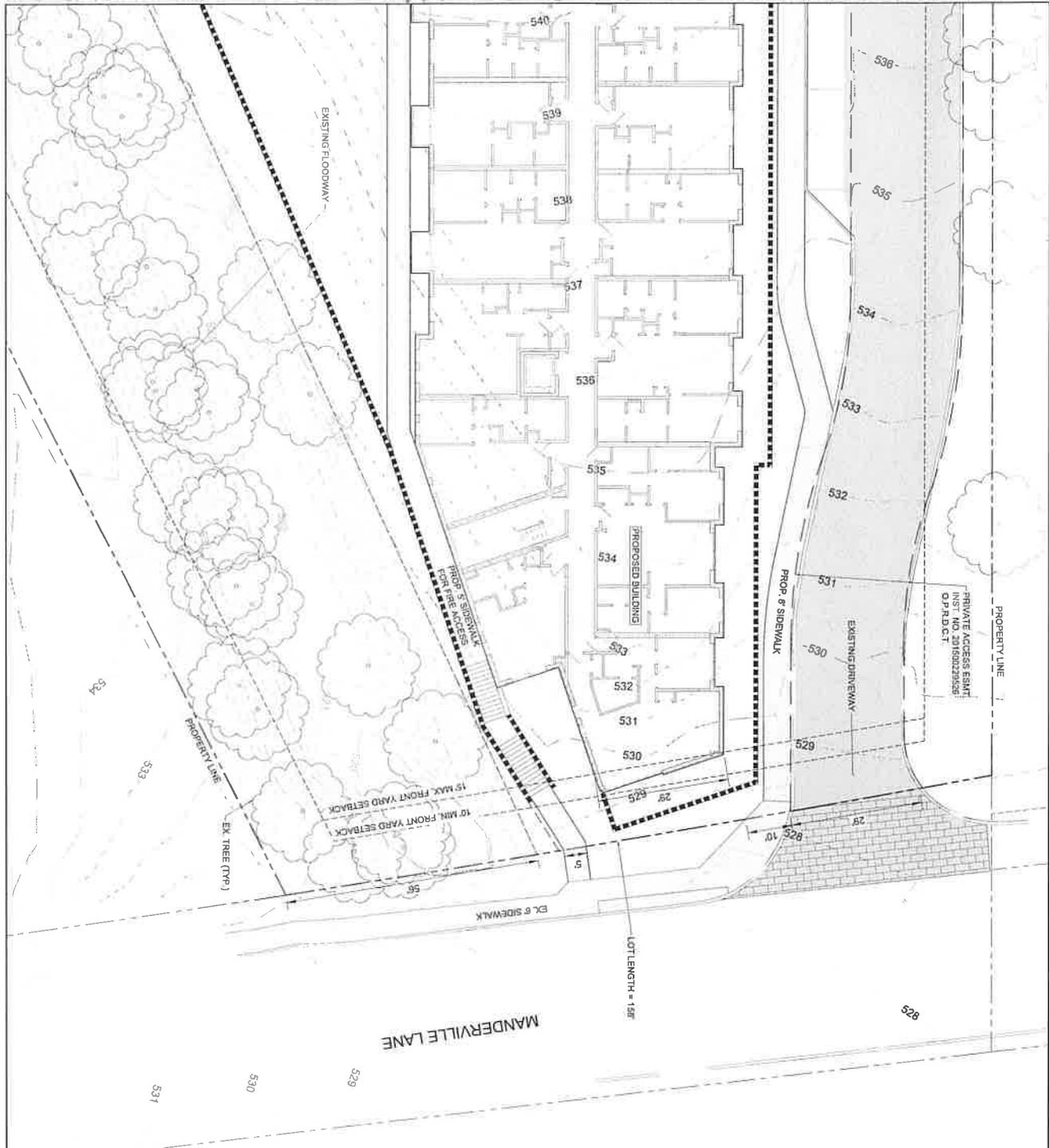
Sincerely,



Sarah Scott, P.E.

BDA189-032
ATTACH A

(P 4)



SITE INFORMATION	
EXISTING ZONING	PD 99S
SITE ACREAGE	4.51 AC
PROPOSED USE	MULTIFAMILY

MANDERVILLE LANE FRONT YARD SETBACK	
LOT LENGTH	158 FT
EXISTING FLOODWAY & NATURAL CHANNEL SETBACK	56 FT
EXISTING DRIVEWAY	29 FT
DRIVEWAY	13 FT
"TRIMMED" LOT LENGTH (EXCLUDING THE FLOODWAY, NATURAL CHANNEL SETBACK, DRIVEWAY, AND SIDEWALK)	58 FT
5% REVERSED LOT LENGTH (REVERSED BY 7 FT)	29 FT
PROPOSED BUILDING LENGTH	29 FT

NOTE: PER 99-088 SEC. 519 AND 99-088 109.2, A 10' MIN. YARD, LOT AND SPACE REGULATIONS, PEDESTRIAN AND VEHICULAR INGRESS AND EGRESS ARE EXCLUDED FROM THE REQUIRED 50% OF THE LOT LENGTH.

EX FLOODWAY EASEMENT IS 56' ALONG THE PROPERTY LINE. IF IT IS EXCLUDED ALONG WITH THE DRIVEWAY AND PEDESTRIAN INGRESS/EGRESS, THE REVERSED LOT LENGTH IS 29' INSTEAD OF 58'. THE REVERSED LOT LENGTH IS MORE THAN 50% OF THE REVERSED LOT LENGTH.

LEGEND

- EXISTING FLOODWAY
- EXISTING DRIVEWAY
- PROPOSED DRIVEWAY
- PROPOSED SIDEWALK
- PROPERTY LINE

LOCATION MAP NOT TO SCALE



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-032

Date: 1-22-19

Data Relative to Subject Property:

Location address: 8109 Manderville Lane Zoning District: PD 895

Lot No.: 2 Block No.: B/7291 Acreage: 4.51 AC Census Tract: 78123 78.23

Street Frontage (in Feet): 1) 158 ft 2) 3) 4) 5) (Manderville Ln)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Commodore Partners, Ltd.

Applicant: Sarah Scott (Kimley-Horn and Associates) Telephone: 972-770-1347

Mailing Address: 13455 Noel Road, Suite 700, Dallas, TX Zip Code: 75240

E-mail Address: sarah.scott@kimley-horn.com

Represented by: Sarah Scott Telephone: 972-770-1347

Mailing Address: 13455 Noel Road, Suite 700, Dallas, TX Zip Code: 75240

E-mail Address: sarah.scott@kimley-horn.com

Affirm that an appeal has been made for a Variance X, or Special Exception, of the requirement that a portion of the front facade equal to at least 50% of the length of the lot must be located within the area between the minimum and maximum front yard setbacks per Section 51P-895.109(a)(3)(B).

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: 56 feet of the property along Manderville Lane (front yard) lies within a dedicated Floodway Easement. We are not able to place a building within this easement, so we cannot achieve the minimum 50% requirement. The floodway creates a hardship (that is not self-created), where no building could satisfy the PD requirement without a variance.

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

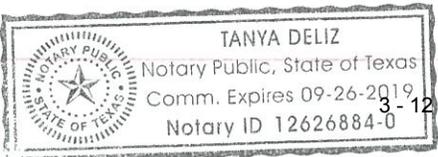
Before me the undersigned on this day personally appeared Sarah Scott (Affiant/Applicant's name printed)

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.

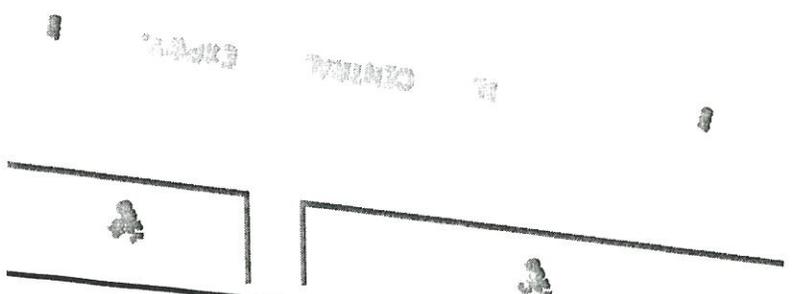
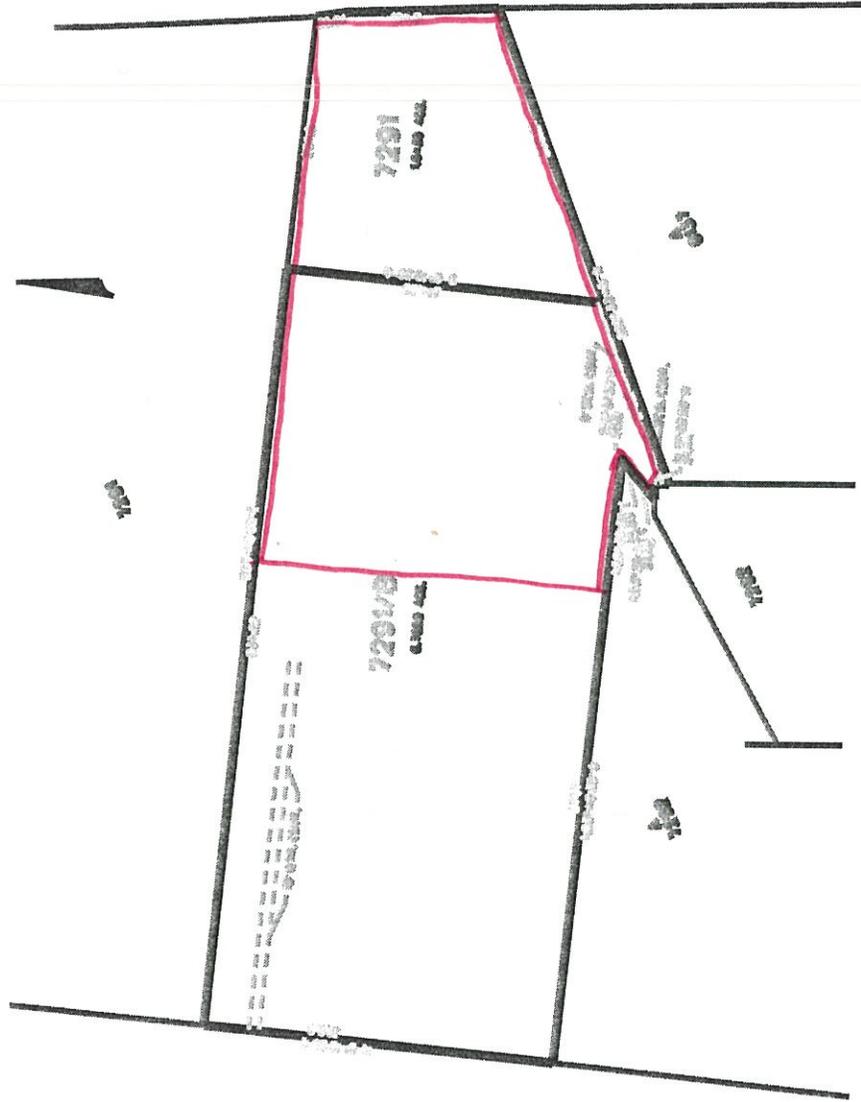
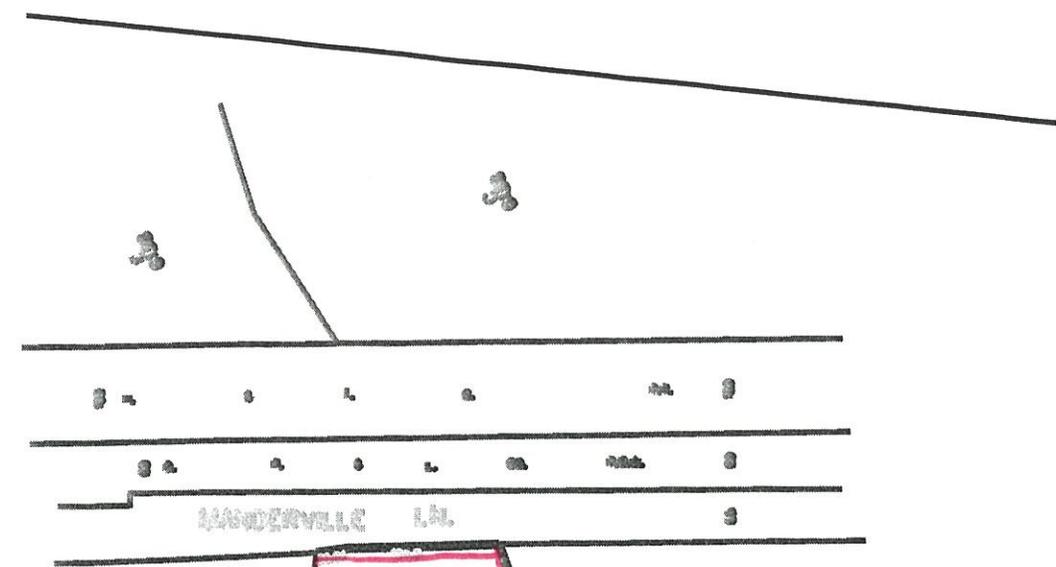
Respectfully submitted: Sarah Scott (Affiant/Applicant's signature)

Subscribed and sworn to before me this 21 day of January, 2019

(Rev. 08-01-11)



Notary Public in and for Dallas County, Texas





January 21, 2019

Charles Trammell
Department of Sustainable Development & Construction, Building Inspection
320 E. Jefferson Blvd. Room 105
Dallas, TX 75203

RE: Alta Midtown Park - Board of Adjustment

Mr. Trammell,

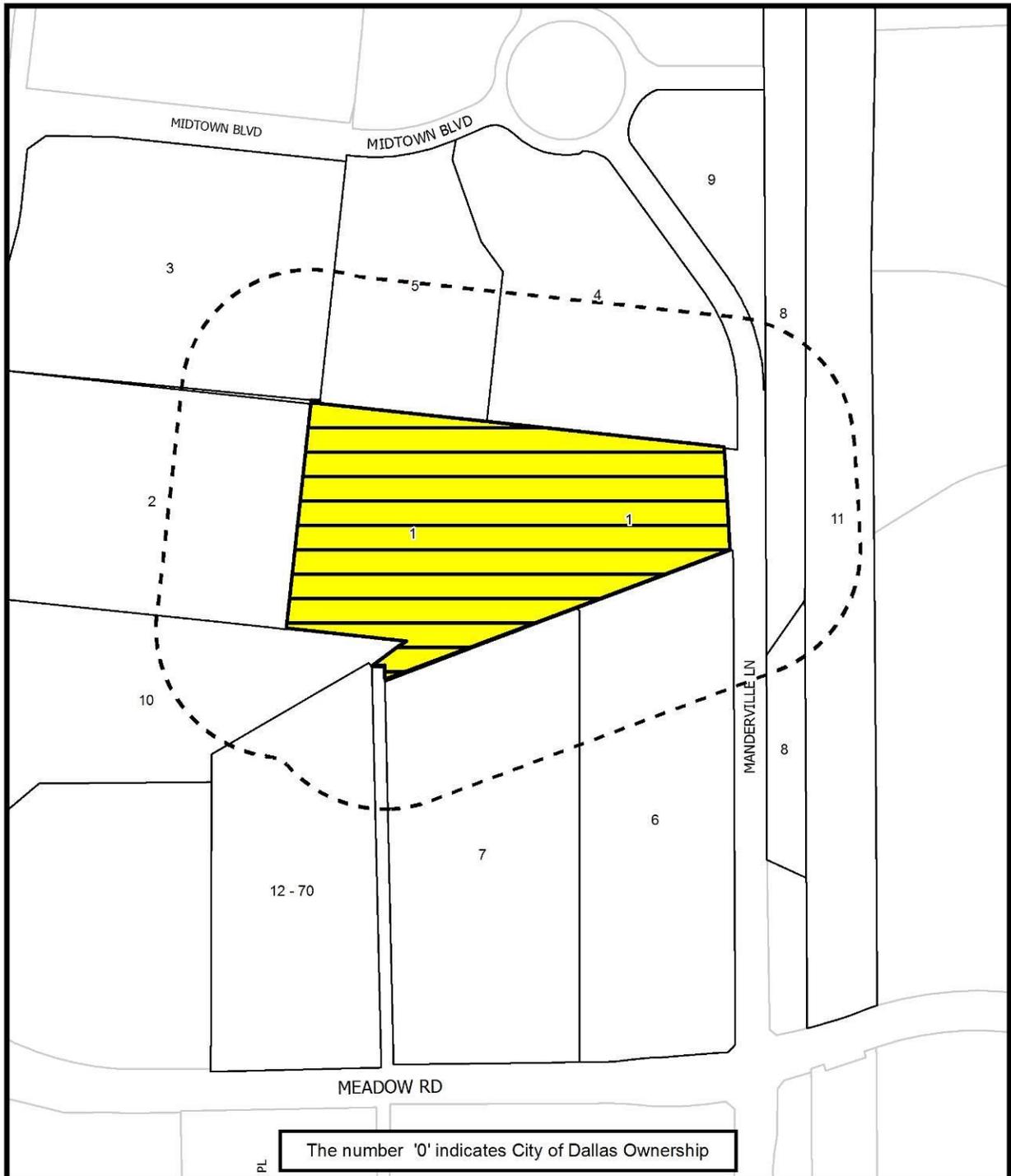
Per our meeting on Friday, January 18th, we are submitting to the Board of Adjustment for a variance to the front façade setback on Manderville Lane for our Alta Midtown Park Project at 8109 Manderville Lane in PD 895. Due to the existing floodway easement and floodplain onsite, we are not able to have our building within this area and therefore, cannot meet the front yard setback requirement per Section 51P-895.109(a)(3)(B).

We are requesting to construct the multifamily project and provide 29 linear feet of building façade within the minimum and maximum setback, which will require a 28-foot variance to the minimum front yard setback and a 28-foot variance to the maximum front yard setback regulation.

If you have any questions or need additional information, please don't hesitate to contact me at 972-770-1347 or sarah.scott@kimley-horn.com.

Sincerely,

Sarah Scott, P.E.



 1:2,400	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="0"> <tr> <td style="border: 1px solid black; padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px;">70</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	70	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA189-032 Date: 2/13/2019
200'	AREA OF NOTIFICATION					
70	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA189-032

70 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	8109 MANDERVILLE LN	COMMODORE PARTNERS LTD
2	10550 N CENTRAL EXPY	MIDTOWN MARK LLC
3	10650 N CENTRAL EXPY	COMMODORE PTNRS LTD
4	8190 MIDTOWN BLVD	SOUTHWEST TRANSPLANT ALLIANCE INC
5	8180 MIDTOWN BLVD	FREEDOM HOSPITALITY LLC
6	8175 MEADOW RD	MEADOWS REDEVELOPMENT LTD
7	8111 MEADOW RD	FIRST BAPTIST REALTY LLC
8	8200 MANDERVILLE LN	TEXAS UTILITIES ELEC CO
9	1 MANDERVILLE LN	LEGACY AT MIDTOWN PARK INC
10	10440 N CENTRAL EXPY	SCG CP MEADOW PARK
11	401 S BUCKNER BLVD	DART
12	8059 MEADOW RD	MESSEYE ABEIR
13	8059 MEADOW RD	TODORA TONY
14	8057 MEADOW RD	MEADOWS NORTH INVESTMENTS LLC
15	8057 MEADOW RD	8057 MEADOW ROAD #201 LAND TRUST
16	8057 MEADOW RD	NEWAY ZEKARIAS
17	8057 MEADOW RD	ABEBE ZUFAN
18	8055 MEADOW RD	COOMER JEFFREY
19	8055 MEADOW RD	CUNNINGHAM SHEREICE
20	8057 MEADOW RD	CUNNINGHAM SHEREICE
21	8055 MEADOW RD	MEADOWS NORTH REALTY LLC
22	8055 MEADOW RD	KEBEDE TAFESECH
23	8065 MEADOW RD	MALLARD WARREN L
24	8065 MEADOW RD	HUEY JOSEPH D & LORI A
25	8067 MEADOW RD	CHILDRESS CAROLYN H
26	8065 MEADOW RD	ZEKARIAS MEBRAHTU T &

Label #	Address	Owner
27	8065 MEADOW RD	JORDAN JAMES C &
28	8067 MEADOW RD	SHARP ABRAHAM E & SUSAN A
29	8069 MEADOW RD	BENAVIDES OSCAR
30	8069 MEADOW RD	HARTGROVE GRACE T
31	8069 MEADOW RD	ASKY MAZYAR
32	8069 MEADOW RD	PEREYDA MIRANDA
33	8071 MEADOW RD	GARCIA CYNTHIA
34	8071 MEADOW RD	WOLTER DIANE
35	8071 MEADOW RD	MESSEYE ABIER
36	8071 MEADOW RD	YANACEK CANDACE L
37	8075 MEADOW RD	PINNEBOG INVESTMENTS LLC
38	8075 MEADOW RD	NGUYEN LAM P
39	8075 MEADOW RD	SINGLETON PAULA K
40	8075 MEADOW RD	MEDINA JUANA
41	8081 MEADOW RD	MISGINA HAIMANOT BERAK
42	8081 MEADOW RD	SALCEDO DANNIEL E
43	8081 MEADOW RD	SOLOMON YEMANE KIFLU
44	8081 MEADOW RD	VILLAFUERTE ARMANDO
45	8083 MEADOW RD	MAYO HEDWIG J
46	8083 MEADOW RD	VALDEZ FEDERICO C &
47	8083 MEADOW RD	ARMSTRONG YENY A
48	8083 MEADOW RD	DAN YARON MOSHE MOSSES
49	8085 MEADOW RD	KELSO JOSHUA & TERRY D
50	8085 MEADOW RD	MEADOW 8085#226 LAND TRUST
51	8085 MEADOW RD	MITCHELL LAURENCE
52	8087 MEADOW RD	KIRK CHARLES GLEN
53	8087 MEADOW RD	HOLAN ANTHONY N &
54	8087 MEADOW RD	COKER HOLCOMB LLC
55	8089 MEADOW RD	GLO NITE INC
56	8089 MEADOW RD	JOHNSTON HILLARY
57	8089 MEADOW RD	HAILE TESHOME S

Label #	Address	Owner
58	8091 MEADOW RD	BENAVIDES OSCAR R JR
59	8091 MEADOW RD	ALEMU HULUMSEW ABEBE
60	8093 MEADOW RD	KENNEDY MATTHEW
61	8093 MEADOW RD	BENEVIDES OSCAR
62	8091 MEADOW RD	SNO RUG HOLDINGS LLC
63	8093 MEADOW RD	FLIGHT 2010 LLC
64	8095 MEADOW RD	MIZU KASSAHUN
65	8095 MEADOW RD	TAN JINI L
66	8095 MEADOW RD	SHEPHERD MARGARET
67	8095 MEADOW RD	SEUBERT SALLY A
68	8095 MEADOW RD	STOKES CATRIONA
69	8095 MEADOW RD	FOSTER CORRIE LEE
70	8079 MEADOW RD	MEADOWS NORTH REALTY LLC

FILE NUMBER: BDA189-033(OA)

BUILDING OFFICIAL'S REPORT: Application of David Lloyd, represented by Braden Wayne, for a variance to the front yard setback regulations at 4803 Victor Street. This property is more fully described as 1/2 PT Lot 7, Block A/795, and is zoned PD 98, which requires a front yard setback of 25 feet. The applicant proposes to construct and/or maintain a structure and provide an 18 foot 10 inch front yard setback, which will require a 6 foot 2 inch variance to the front yard setback regulations.

LOCATION: 4803 Victor Street

APPLICANT: David Lloyd
Represented by Braden Wayne

REQUEST:

A variance request to the front yard setback regulations for PD 98 is made to construct/maintain a two-story single family home structure with a total "slab area" of approximately 1,800 square feet or with a total "home size" of approximately 3,200 square feet to be located 18' 10" from one of the site's two required front yards (N. Prairie Avenue) or 6' 2" into this 25' front yard setback on a site that is undeveloped.

STANDARD FOR A FRONT YARD VARIANCE FOR PD 98:

PD 98 Section 51P-98.107(b)(3) states that the board of adjustment shall have the authority to grant variances from the terms of this article, in accordance with regulations and procedures specified in Article XXIX of Chapter 51 in the following matters:

- Permit such variances of the front yard, side yard, rear yard, lot width, lot depth, coverage, minimum sidewalk or setback standards, off-street parking or off-street loading, or visibility obstruction regulations where the literal enforcement of the provision of this article would result in an unnecessary hardship and where such variance is necessary to permit a specific parcel of land which differs from other parcels of land in the same district by being of such restricted area, shape, or slopes that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district. A modification of standards established by this article may not be granted to relieve a self-created or personal hardship, not for financial reason only, nor may such modification be granted to permit any person a privilege in developing a parcel of land not permitted by this article to other parcels of land in this district.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is unique and different from most lots in the PD 98 zoning district. It is restrictive in area due to having two, 25’ front yard setbacks when most lots in this zoning district have one 25’ front yard setback. The 50’ wide subject site has 20’ of developable width available once a 25’ front yard setback is accounted for on the southwest and a 5’ side yard setback is accounted for on the northeast. If the lot were more typical to others in the zoning district with only one front yard setback, the 50’ wide site would have 40’ of developable width. In addition, the variance should be granted because of the restrictive area of the subject site at only 5,300 square feet in the PD 98 zoning district where lots are typically 7,500 square feet.
- In addition, staff concluded that the applicant has shown by submitting a document indicating among other things that the total home size of the proposed home on the subject site is approximately 2,650 square feet, and the average of 12 other properties in the same PD 98 zoning is approximately 3,050 square feet.

BACKGROUND INFORMATION:

Zoning:

Site: PD 98 (Planned Development)
North: PD 98 (Planned Development)
South: PD 98 (Planned Development)
East: PD 98 (Planned Development)
West: PD 98 (Planned Development)

Land Use:

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

Zoning/BDA History:

1. BDA145-040, Property at 4803 Victor Street (the subject site)

On November 12, 2018, the Board of Adjustment Panel C denied variance requests to the front yard setback and to the fence height regulations without prejudice. The case report stated that the requests were made to construct/maintain a two-story single family home structure with a total “slab area” of approximately 1,800 square feet or with a total “home size” of approximately 3,100 square feet to be located 13’ 10” from one of the site’s two front property lines (N.

1. BDA145-040, Property at 4734 Tremont Street (two lots northwest of the subject site)

Prairie Avenue) or 11' 2" into this 25' front yard setback and to construct/maintain a fence (an 8' high solid board-on-board wood fence) higher than 4' in height in one of the site's two required front yards (N. Prairie Avenue) on the subject site.

On April 22, 2015, the Board of Adjustment Panel B granted a variance to the front yard setback regulations.

The case report stated that the requests were made to replace an existing one-story nonconforming single-family home structure on the subject site with a two-story single family home with (according to the submitted revised site plan) a building footprint of about 2,000 square feet and a total living area of about 2,600 square feet, part of which would be located 5' from one of the site's two front property lines (N. Prairie Avenue) or 20' into this 25' front yard setback.

GENERAL FACTS/STAFF ANALYSIS:

- This request for a variance to the front yard setback regulations of 6' 2" focuses on constructing and maintaining a two-story single family home structure with a total "slab area" of approximately 1,800 square feet or with a total "home size" of approximately 3,200 square feet to be located 18' 10" from one of site's two required front yards (N. Prairie Avenue) or 6' 2" into this 25' front yard setback.
- PD 98 states that general standards for development of single-family uses with regard to setbacks must be in accordance with the provisions of the Residential - 7,500 Square Feet District of Chapter 51. Structures on lots zoned R-7.5 are required to provide a minimum front yard setback of 25.
- The subject site is located at the northwest corner of Victor Street and N. Prairie Avenue. Regardless of how the structure is proposed to be oriented to front Victor Street, the subject site has 25' front yard setbacks along both street frontages. The site has a 25' front yard setback along Victor Street, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in this zoning district. The site also has a 25' front yard setback along N. Prairie Avenue, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where a 5' side yard setback is required. However, the site's N. Prairie Avenue frontage that would function as a side yard on the property is treated as a front yard setback nonetheless, to maintain the continuity of the established front yard setback established by the lots to the northwest that front/are oriented southwest towards N. Prairie Avenue.

- The submitted site plan indicates that the proposed home structure is located as close as 18' 10' from the N. Prairie Avenue front property line or 6' 2" into this 25' front yard setback.
- According to DCAD records, there are no "main improvement" or "no additional improvements" for property addressed at 4803 Victor Street.
- The subject site is flat, regular in shape and according to the submitted application is 0.121 acres (or approximately 5,300 square feet) in area. The site is zoned PD 98 where lots are typically 7,500 square feet in area.
- Most lots in the PD 98 zoning district have one 25' front yard setback, two 5' side yard setbacks, and one 5' rear yard setback; this site has two 25' front yard setbacks and one 5' side yard setback.
- The site plan represents that approximately 1/4 of the home structure is located in the 25' N. Prairie Avenue front yard setback.
- The 50' wide subject site has 20' of developable width available once a 25' front yard setback is accounted for on the southwest and a 5' side yard setback is accounted for on the northeast. If the lot were more typical to others in the zoning district with only one front yard setback, the 50' wide site would have 40' of developable width.
- The applicant submitted a document with this application, indicating among other things that the total living area of the proposed home on the subject site is approximately 2,650 square feet, and the average total living area of 12 other properties in the same zoning is approximately 3,050 square feet.
- The applicant has the burden of proof in establishing the following:
 - That permitting such a variance of the front yard where the literal enforcement of the provision of this article would result in an unnecessary hardship and where such variance is necessary to permit a specific parcel of land which differs from other parcels of land in the same PD 98 district by being of such restricted area, shape, or slopes that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same PD 98 district.
 - A modification of standards established by this article may not be granted to relieve a self-created or personal hardship, not for financial reason only, nor may such modification be granted to permit any person a privilege in developing a parcel of land not permitted by this article to other parcels of land in this district.
- 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 home structure that would be located 18' 10" from one of the site's two front property lines (N. Prairie Avenue) or 6' 2" into this 25' front yard setback.

Timeline:

January 23, 2019: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

February 12, 2019: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, "If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case".

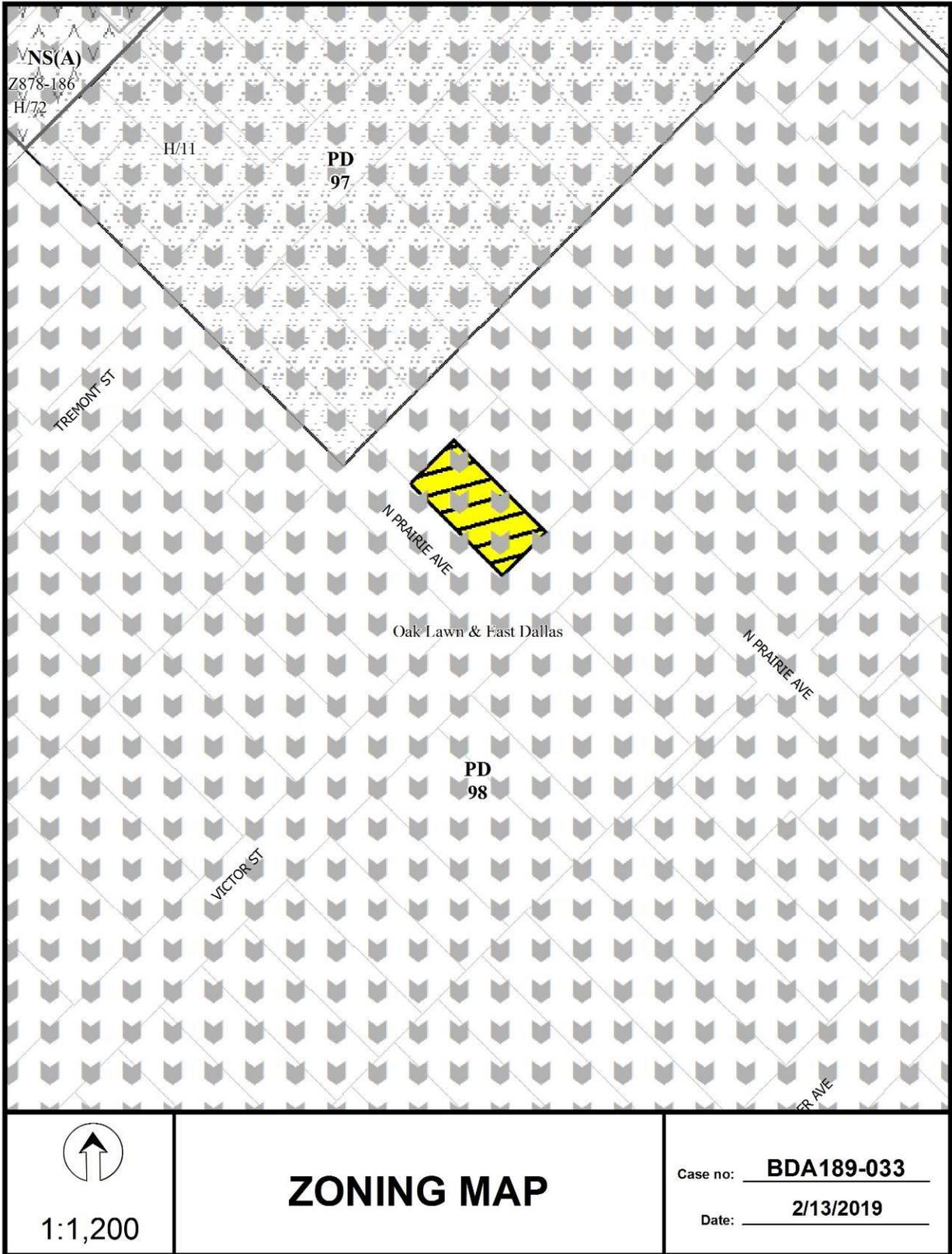
February 13, 2019: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the February 27th deadline to submit additional evidence for staff to factor into their analysis; and the March 8th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standards that the board will use in their decision to approve or deny the requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

February 27, 2019: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

March 5, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, 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.

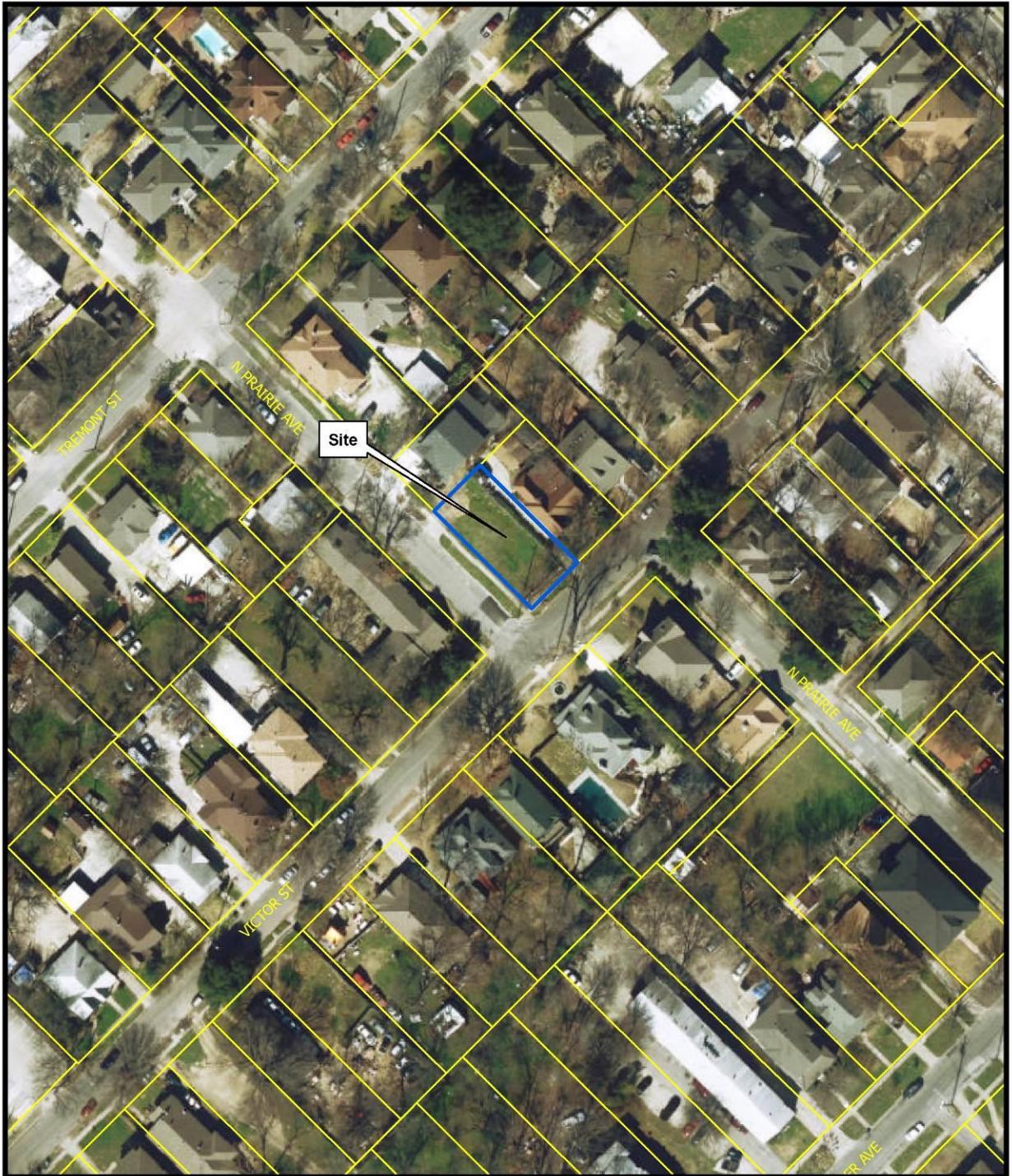


1:1,200

ZONING MAP

Case no: **BDA189-033**

Date: **2/13/2019**



1:1,200

AERIAL MAP

Case no: **BDA189-033**

Date: **2/13/2019**

BDA189-033
ATTACH A
(pg 1/3)

FAR + DANG

4414 BUENA VISTA STREET NO. 18 DALLAS, TEXAS 75205 T: 972 342 9345 office@faranddang.com

To: Board of Adjustment
City of Dallas, Texas

From: Rizwan Faruqi, AIA
Bang Dang
FAR + DANG
214-676-5672
rizi.faruqi@faranddang.com
bang.dang@faranddang.com

RE: Application and Appeal to the Board of Adjustment
Case No. BDA 189-033
Subject Property: 4803 Victor St. Dallas, TX 75246

Date: 02.26.19

Dear City of Dallas Board of Adjustment,

We are providing herein, supplemental information that we hope will assist the Board in better understanding the appeal for Variance for the Project that we have designed at 4803 Victor Street. The Proposed Design is, with all intentions, comparable with the context of the surrounding neighborhood and adjacent lots and blocks. The Proposed residential structure hopes to add value to the neighborhood by developing an empty and neglected corner lot with a home that is both comparable and sensitive to its surroundings.

Without granting of the Variance to front yard setback, the lot at 4803 Victor Street would have the substantial hardship of having less than 50% of the buildable area of directly adjacent and similar lots and between 20% and 30% of the buildable area of other similar lots within its block and the surrounding blocks.

The lot itself would have a buildable area that is **only 28.5% of the entire Lot area, leaving 71.5% of the Lot unbuildable, leaving only 1,511 square feet of buildable lot area.**

In comparison, other directly adjacent lots have buildable areas that range from **2,897 square feet up to 7,807 square feet:**

4809 Victor Street	2,897 SF Buildable Area
4811 Victor Street	4,706 SF Buildable Area
4817 Victor Street	7,758 SF Buildable Area
4731 Victor Street	7,807 SF Buildable Area
4727 Victor Street	4,797 SF Buildable Area
4723 Victor Street	5,812 SF Buildable Area
408 N. Prairie Avenue	2,569 SF Buildable Area
4800 Tremont Street	4,820 SF Buildable Area
4734 Tremont Street	2,353 SF Buildable Area

It is our hope that even by increasing the desired buildable area by the small percentage requested, the lot can have a more equitable opportunity for planned development to add value to both its highly visible corner lot location and the neighborhood at large.

BDA189-033
ATTACH A
(PS 2/15)

The Proposed Square Footage and Height of the Proposed Residential structure is very comparable to Existing Residential structures of immediate adjacency of the same and surrounding blocks. The Proposed Residence will be **2 levels** and contain **2,649 square feet** of conditioned space.

In comparison, other directly adjacent lots have conditioned space that ranges from **2,400 square feet up to 4,560 square feet**, with the majority being **2 levels**. The information below is direct from the Dallas County Appraisal District's online database:

4723 Victor Street	3,550 SF	1 Level
4727 Victor Street	2,748 SF	2 Levels
4731 Victor Street	4,054 SF	1 Level
4738 Victor Street	2,943 SF	1 1/2 Levels
4742 Victor Street	3,120 SF	2 Levels
4800 Victor Street	3,074 SF	2 Levels
4810 Victor Street	2,496 SF	2 Levels
408 N. Prairie Avenue	2,714 SF	2 Levels
4734 Tremont Street	2,430 SF	2 Levels
4800 Tremont Street	2,400 SF	2 Levels
4810 Tremont Street	2,472 SF	2 Levels
4727 Reiger Avenue	4,560 SF	2 Levels

We request that the board to consider that the Proposed Residential structure will be comparable to, and in many instances, much smaller than the immediately surrounding Existing Residential structures. The reasons for this include a sensitivity to fit in and blend into the neighborhood with less impact than the larger homes noted, but also due to the Hardship imposed by the extremely limited buildable area of the lot, noted above.

Upon initiating the design of the Property, it was also observed that the 2 adjacent properties on the block have a different relationship to N. Prairie Avenue and there is no current Continuity of blockface. With only 3 homes on the block, by matching to either it would not be possible to create a continuous blockface. Matching to the adjacent lot at 408 N. Prairie Avenue, with a dual front yard setback, would result in the hardship of inequitable buildable area referenced above and would be in stark contrast to the neighborhood and more specifically to those lots directly surrounding and adjacent.

We hope that the supplemental graphic exhibits and photographs provided are helpful in explaining the narrative above with greater context and detail.

We appreciate the Board's consideration of the appeal for Variance for this Project and hope to have the opportunity to create a newly developed property that is respectful of its surroundings and adds to the quality of its neighborhood.

Respectfully submitted,



Rizi Faruqui, AIA
Bang Dang

Enclosure

CC: E-Distribution;
Mr. Oscar Aguilera, City of Dallas, Senior Planner

BOA189-033
ATTACH 14
(PS $\frac{3}{15}$)

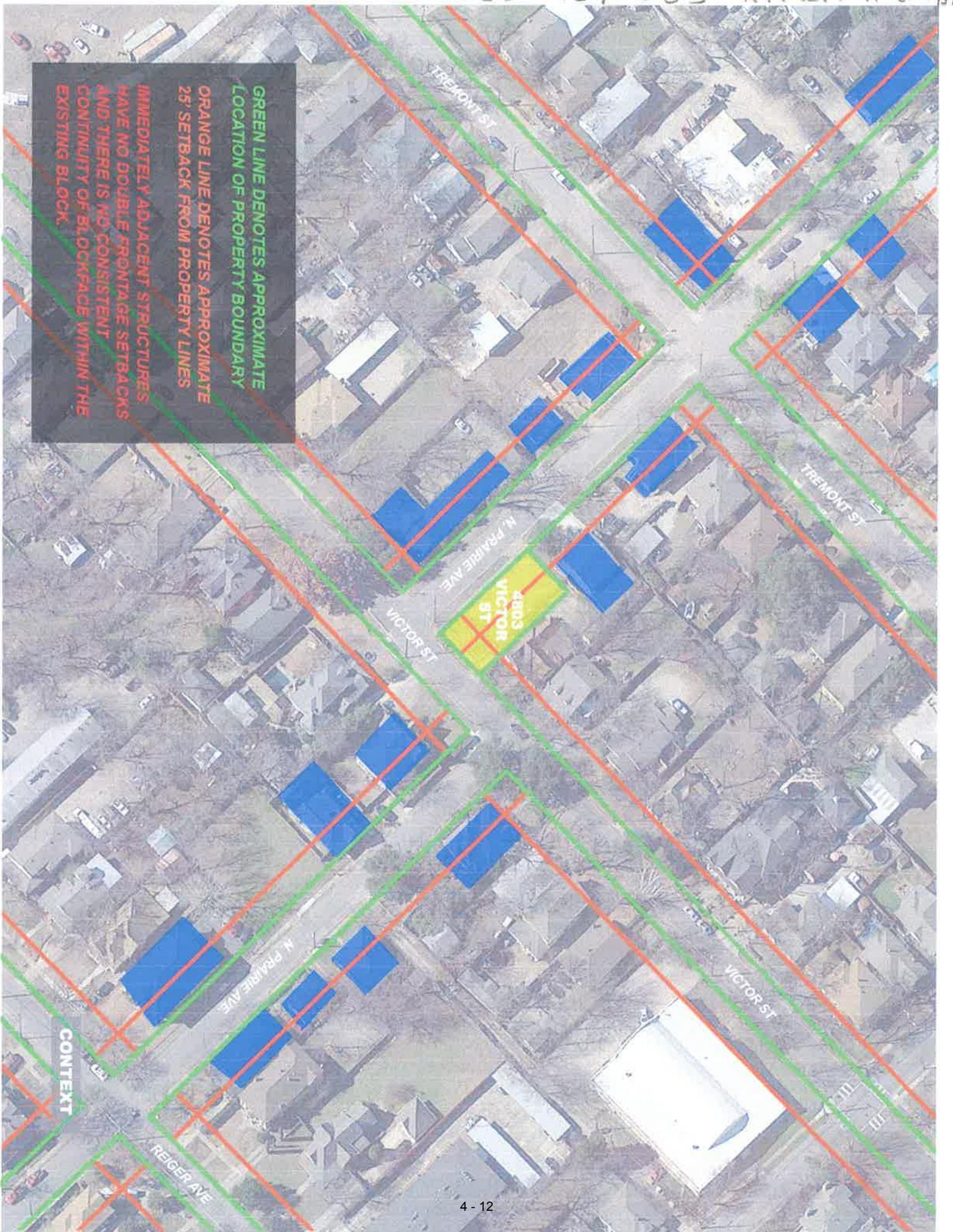
Mr. Charles Trammell, City of Dallas, Sr. Plans Examiner
Mr. David Lloyd, BDA Case Applicant
Mr. Braden Wayne, BDA Case Representative
Mr. Mason Franz and Mrs. Rachel Franz, Property Owners
File



N. PRAIRIE AVE
VICTOR ST
4803
VICTOR
ST

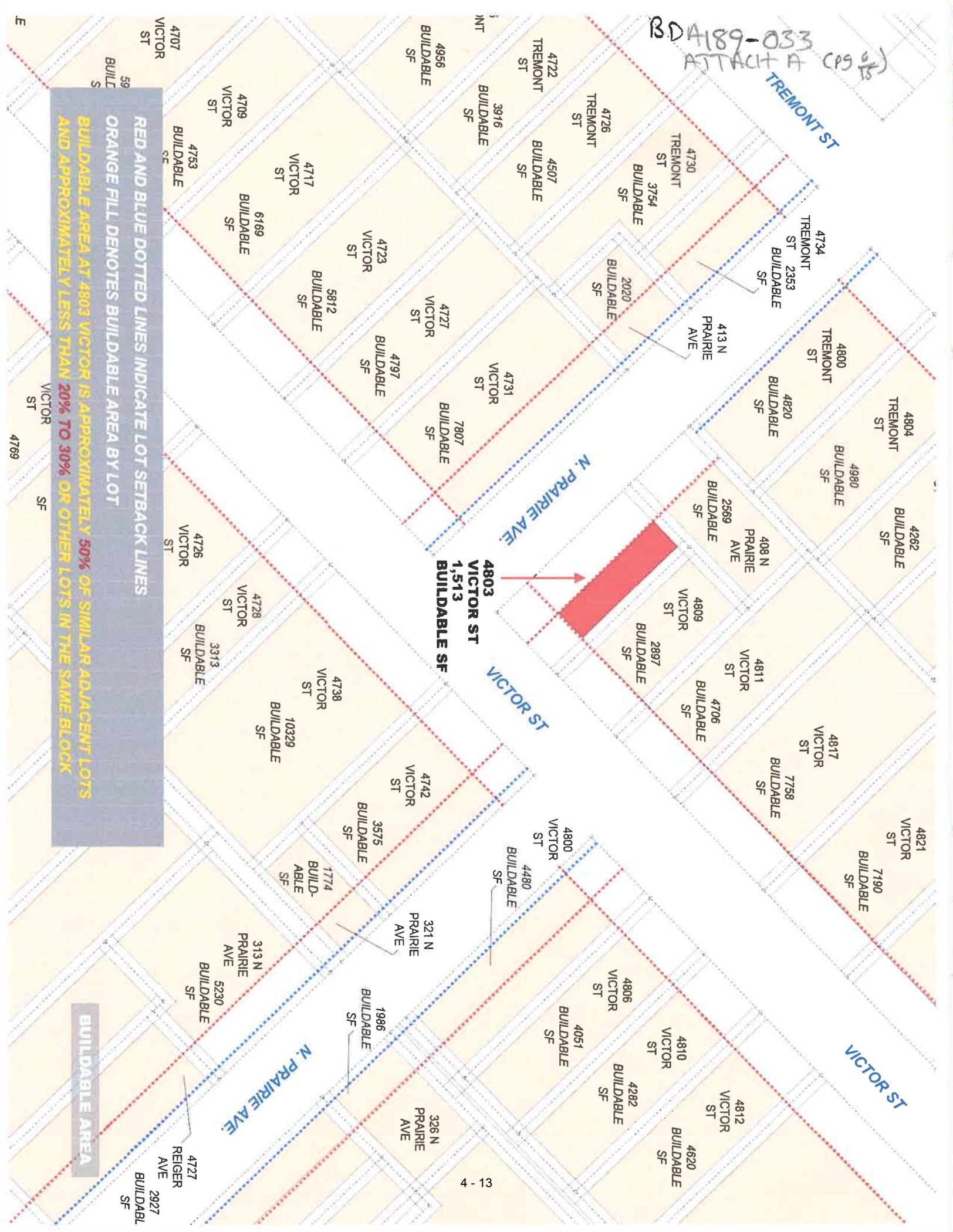
LOCATION MAP

GREEN LINE DENOTES APPROXIMATE
LOCATION OF PROPERTY BOUNDARY
ORANGE LINE DENOTES APPROXIMATE
25' SETBACK FROM PROPERTY LINES
IMMEDIATELY ADJACENT STRUCTURES
HAVE NO DOUBLE FRONTAGE SETBACKS
AND THERE IS NO CONSISTENT
CONTINUITY OF BLOCKFACE WITHIN THE
EXISTING BLOCK.



BD A189-033
ATTACH A (CP 9 of 18)

RED AND BLUE DOTTED LINES INDICATE LOT SETBACK LINES
ORANGE FILL DENOTES BUILDABLE AREA BY LOT
BUILDABLE AREA AT 4803 VICTOR IS APPROXIMATELY 50% OF SIMILAR ADJACENT LOTS
AND APPROXIMATELY LESS THAN 20% TO 30% OR OTHER LOTS IN THE SAME BLOCK

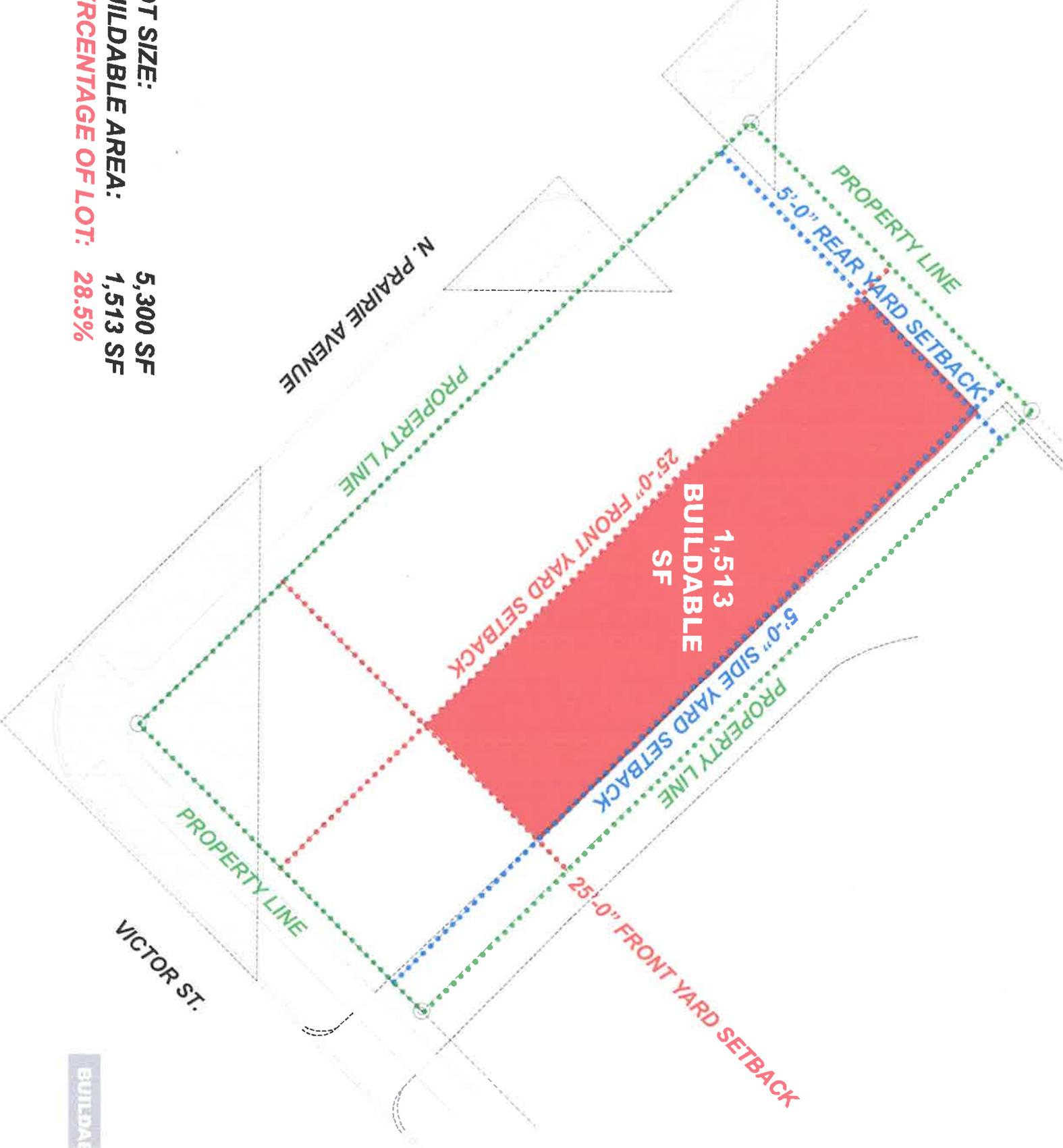


4803
VICTOR ST
1,513
BUILDABLE SF

BUILDABLE AREA

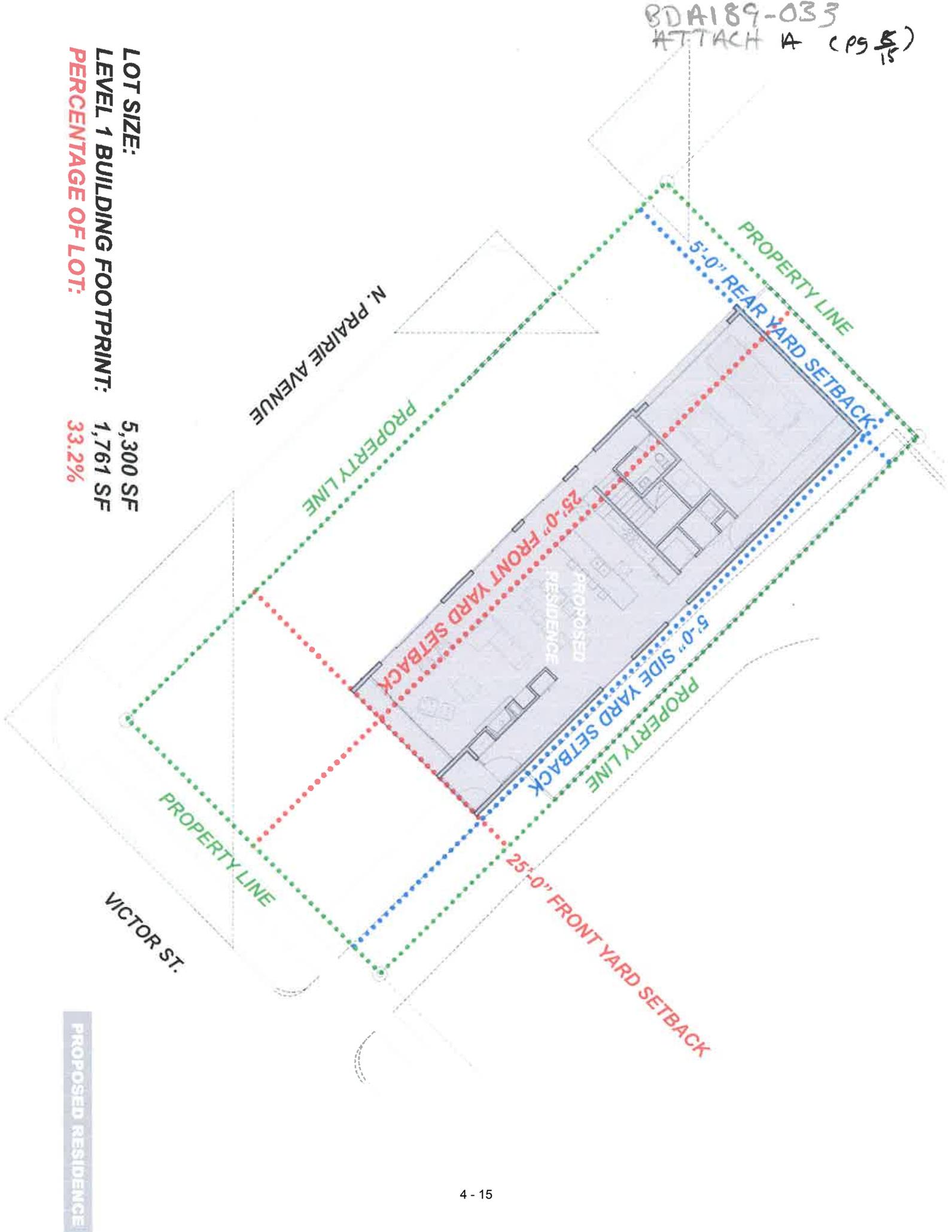
BDA189-033
ATTACH A (19 7/15)

LOT SIZE: 5,300 SF
BUILDABLE AREA: 1,513 SF
PERCENTAGE OF LOT: 28.5%



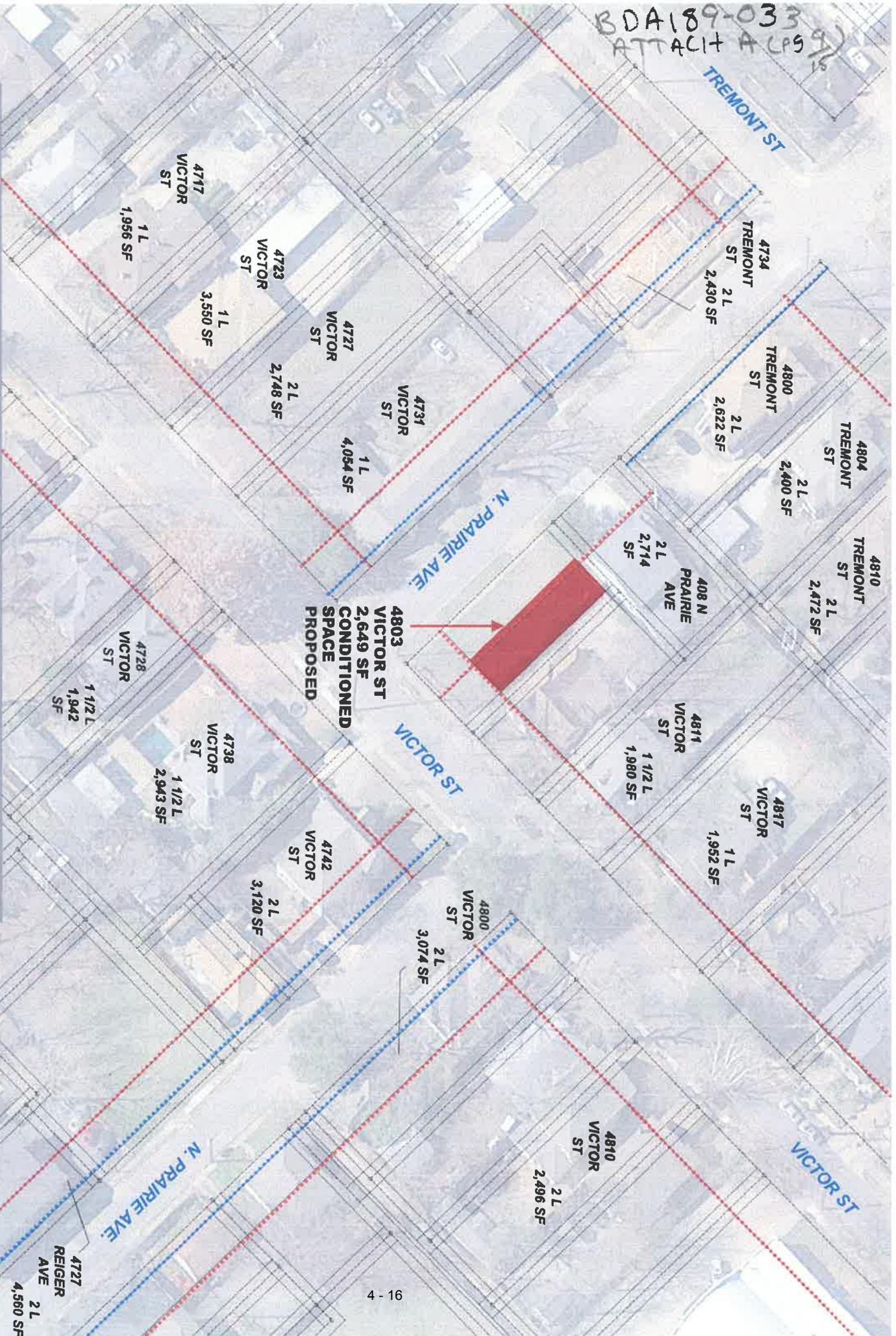
BDA189-033
ATTACH A (pg 5/15)

LOT SIZE: 5,300 SF
LEVEL 1 BUILDING FOOTPRINT: 1,761 SF
PERCENTAGE OF LOT: 33.2%



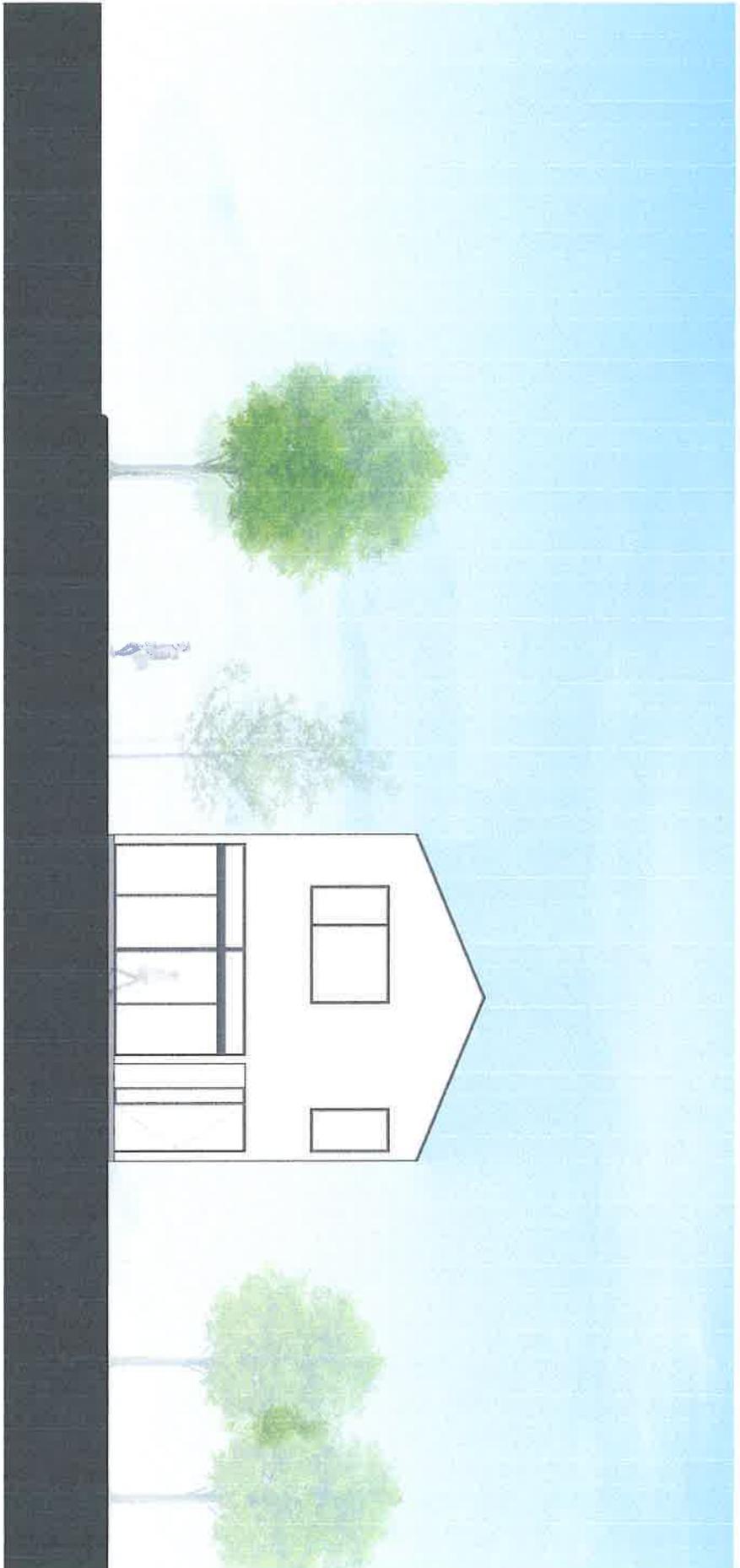
BDA189-033
ATTACH A CP9
9/16

SQ. FOOTAGE LISTED IS CONDITIONED SPACE PER PROPERTY PER DCAD
PROPOSED SQ. FOOTAGE AT 4803 VICTOR IS COMPARABLE OR LESS THAN THE MAJORITY
OF OTHER LOTS IN THE SAME BLOCK AND SURROUNDING BLOCKS



EXISTING CONTEXT

BDA189-033
ATTACH A (PS 10/15)

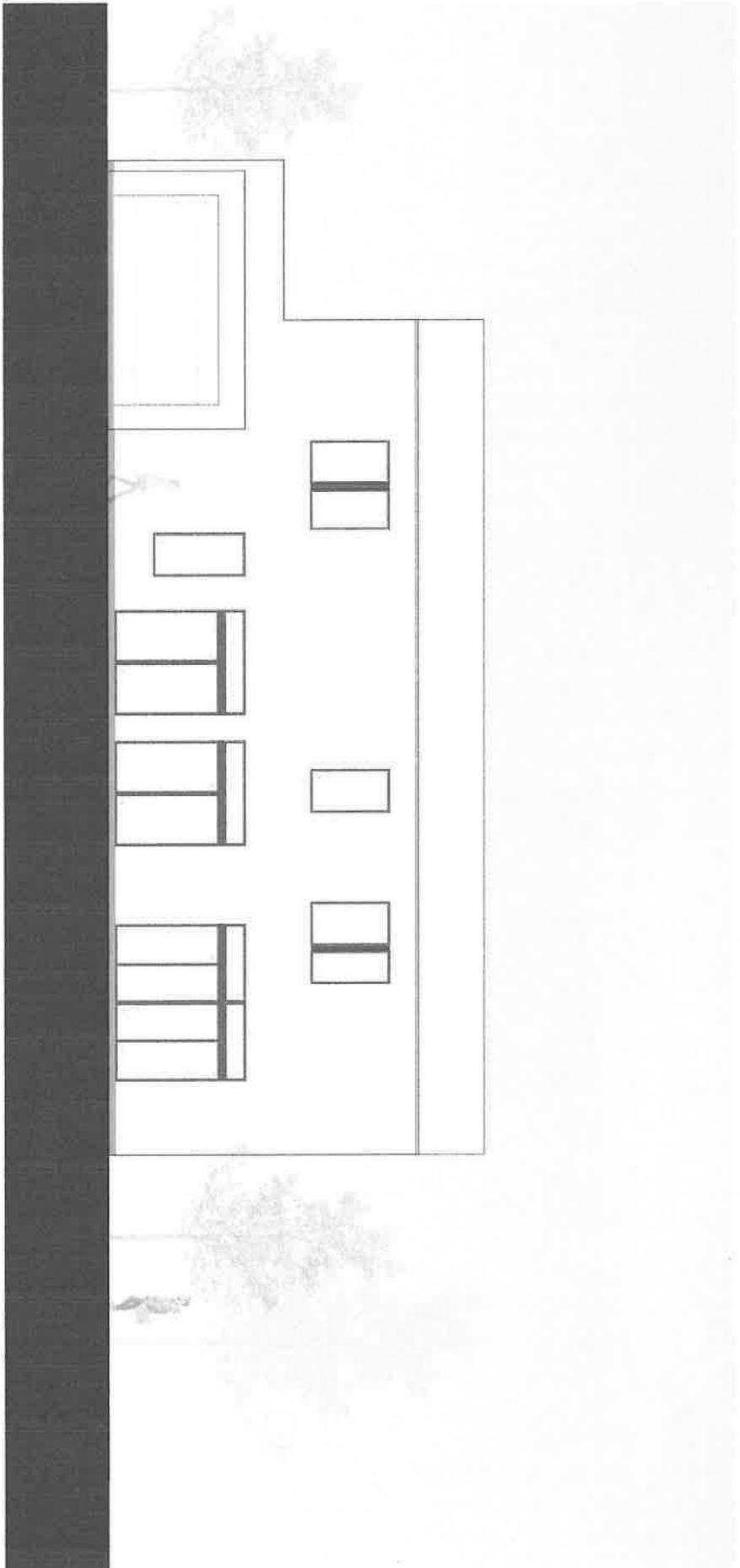


FAR + DANG

SOUTH ELEVATION (FACING VICTOR STREET)

4803 VICTOR STREET

BDA189-033
ATTACH A (PS 11/15)



FAR + DANG

WEST ELEVATION (FACING PRAIRIE AVENUE)

4803 VICTOR STREET



This Photograph is of the recently constructed new 2 story single family residence just catacorner to 4803 Victor Street located at 4734 Tremont Street at the corner of Tremont St. and N. Prairie Ave.

The property was constructed in 2017 at a corner condition identical to 4803 Victor Street and has a 5' sideyard setback along N. Prairie Avenue and an 8' high solid fence along the remaining property portion facing N. Prairie Ave.

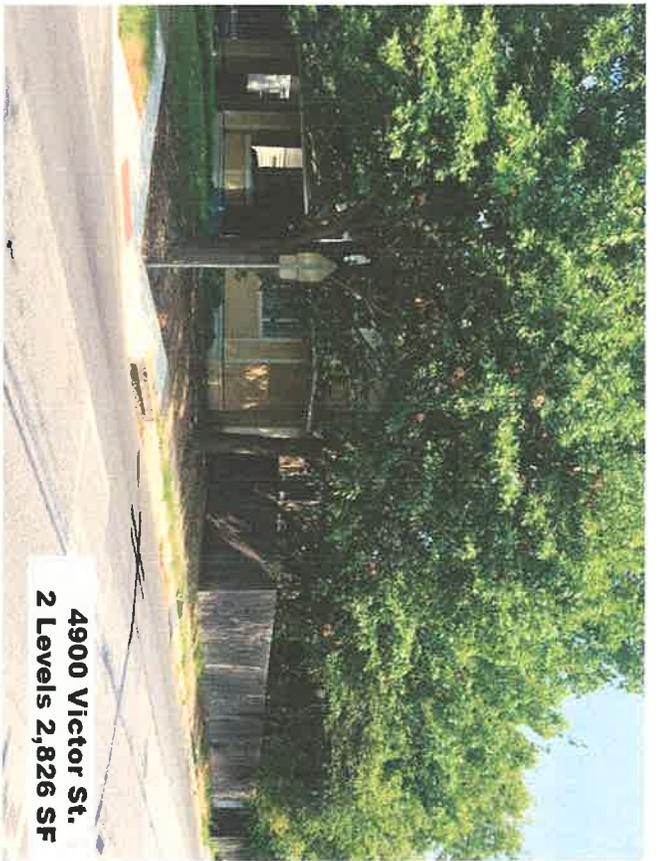
The properties adjacent to the Southeast, towards Victor St., (413 N. Prairie Ave. and 4731 Victor Street both have a 5' front yard and side yard setback facing onto N. Prairie Avenue.)



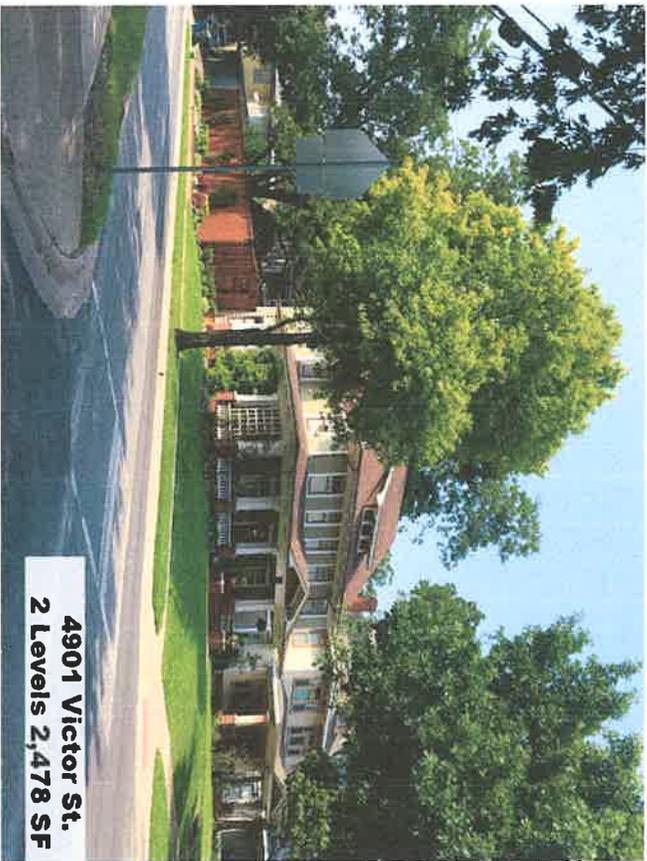
**4734 Tremont St.
2 Levels 2,430 SF**



**4734 Tremont St.
2 Levels 2,430 SF**



**4900 Victor St.
2 Levels 2,826 SF**



**4901 Victor St.
2 Levels 2,478 SF**

These photographs show the immediately adjacent similar neighborhood corner lot conditions to the Northwest, Northeast and Southeast of 4803 Victor Street. Each Property has a single front yard setback along its sideyard and secondary street frontage similar in character to that proposed for 4803 Victor Street.



4800 Tremont St.

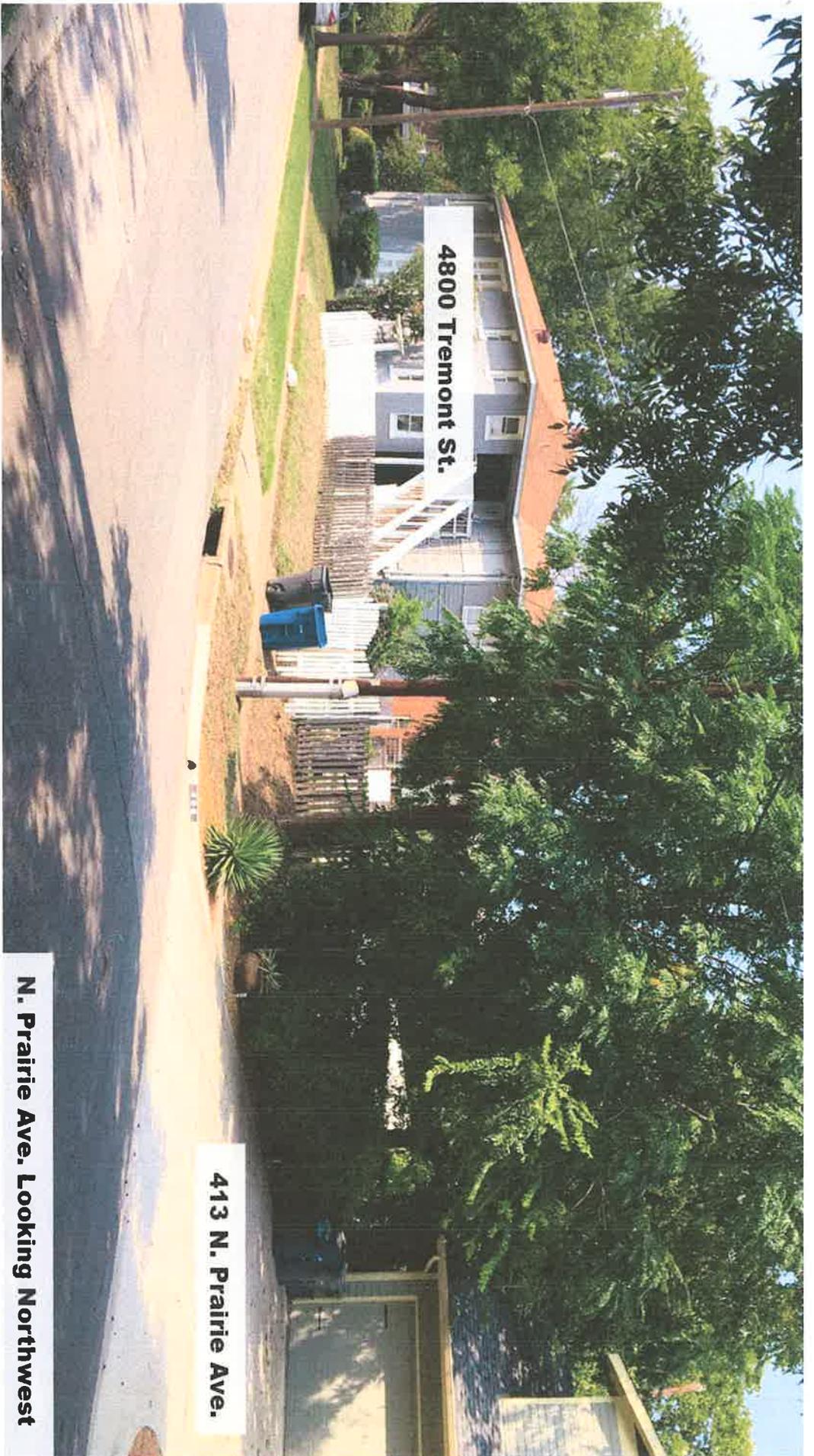
413 N. Prairie Ave.

4803 VICTOR STREET LOT

N. Prairie Ave. Looking Northwest

This Photograph looks Northwest from the corner of Victor St. and N. Prairie Avenue from the corner across the street from 4803 Victor St. It highlights the other 2 lots and homes of the Block. We visited the site multiple times prior to the proposed design for 4803 Victor St. and noticed no continuity of blockface on the Block between the 2 other existing homes on the block.

One, the opposing corner to 4803 Victor - 4800 Tremont Street, has a 5' setback along N. Prairie Avenue, the other, 408 N. Prairie Avenue has a 25' setback along N. Prairie Avenue. There is currently only discontinuity of blockface on this particular block. Whichever condition 4803 Victor St. was to match, there is no way for the block to have continuity.



This Photograph looks Northwest from the corner of Victor St. and N. Prairie Avenue from the corner across the street from 4803 Victor St. It highlights the other 2 lots and homes of the Block. We visited the site multiple times prior to the proposed design for 4803 Victor St. and noticed no continuity of blockface on the Block between the 2 other existing homes on the block.

One, the opposing corner to 4803 Victor - 4800 Tremont Street, has a 5' setback along N. Prairie Avenue, the other, 408 N. Prairie Avenue has a 25' setback along N. Prairie Avenue. There is currently only discontinuity of blockface on this particular block. Whichever condition 4803 Victor St. was to match, there is no way for the block to have continuity.



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-033
~~178-123~~

Date: ~~1-21-18~~ ~~1-23-19~~ 1-23-19

Data Relative to Subject Property:

Location address: 4803 Victor Street Zoning District: PD 98

Lot No.: 1/2 PT LT 7 Block No.: A/795 Acreage: 0.121 Census Tract: 15.02

Street Frontage (in Feet): 1) 50 2) 106 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Mason and Rachel Franz

Applicant: David Lloyd Telephone: 972-849-5691

Mailing Address: 5675 Miramar Frisco, TX Zip Code: 75034

E-mail Address: David@dlloyd.org

Represented by: Braden Wayne Telephone: 972-387-4040

Mailing Address: 12720 Hillcrest Road Suite 1045 Zip Code: 75230

E-mail Address: braden@stecklerlaw.com

Affirm that an appeal has been made for a Variance , or Special Exception , of To construct a single family residential structure and provide a 18 foot 10 inch front yard setback, which will require a 6 foot 2 inch variance to the front yard setback regulations.

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:
Variance requested due to the reduction and hardship of a reduced buildable area that would be 50% of that of neighboring lots on the same block due to the requirement of a double frontage. The block or directly adjacent blocks does not have any consistent continuity of block face. Both items are a significant hindrance on any development of the lot.

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

Affidavit

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

Subscribed and sworn to before me this 22 day of January, 2019

(Rev. 08-01-11)



Lucina Casas
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

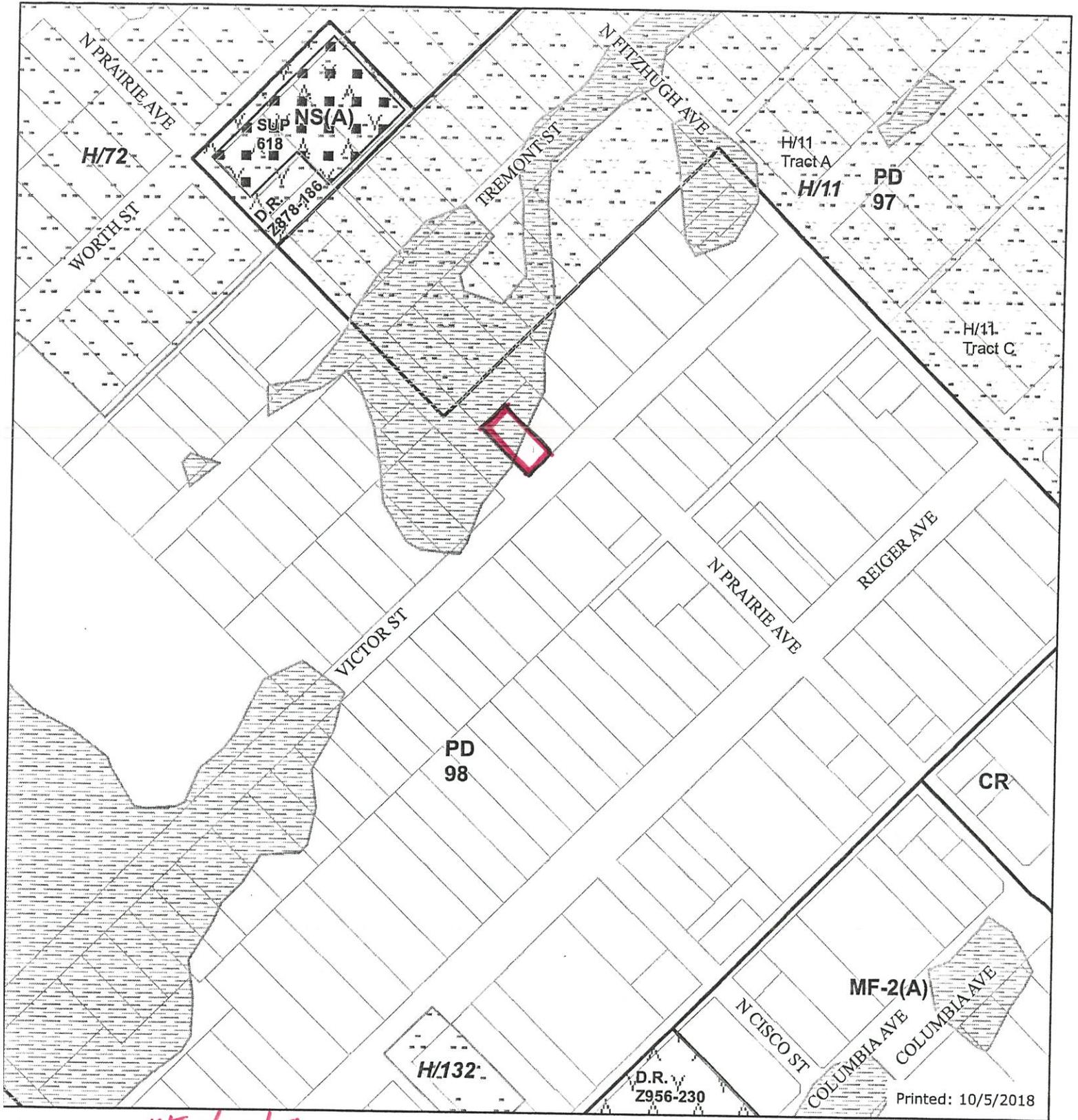
Building Official's Report

I hereby certify that DAVID LLOYD
represented by Braden Wayne
did submit a request for a variance to the front yard setback regulations
at 4803 Victor Street

BDA189-033. Application of DAVID LLOYD represented by Braden Wayne for a variance to the front yard setback regulations at 4803 VICTOR ST. This property is more fully described as 1/2 PT Lot 7, Block A/795, and is zoned PD-98, which requires a front yard setback of 25 feet. The applicant proposes to construct a single family residential structure and provide a 18 foot 10 inch front yard setback, which will require a 6 foot 2 inch variance to the front yard setback regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



Printed: 10/5/2018

Legend

RF 1/23/19

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| 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 | 4 - 25 |
| | | Height Map Overlay | Shop Front Overlay |

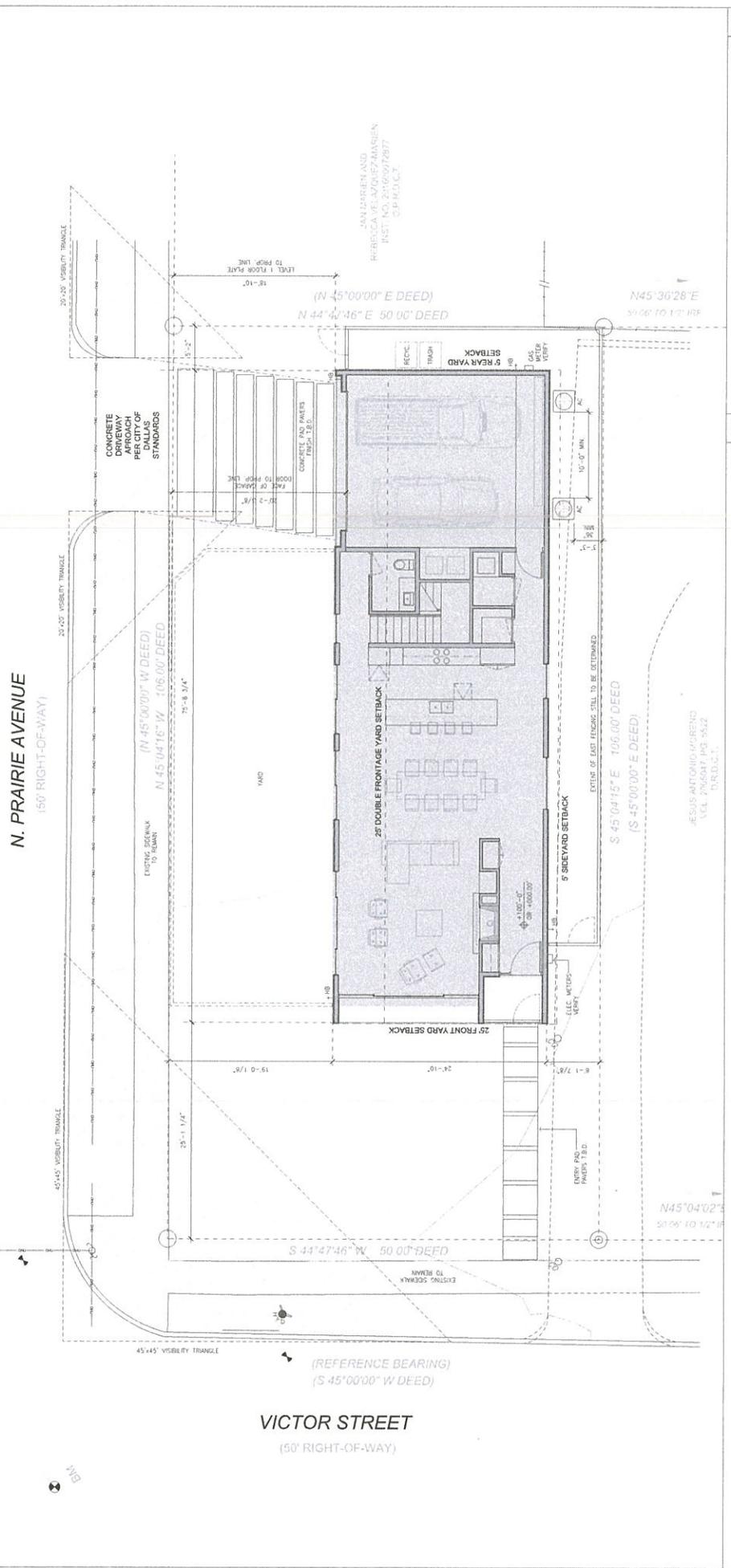
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering,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



HOUSE SQUARE FOOTAGE
 HOUSE: [LEVEL 1 CONDITIONED SPACE] 1,233 SF
 GARAGE: 528 SF
 TOTAL SF: 1,761 SF
 TOTAL SQUARE FOOTAGE: 3,222
 LOT COVERAGE: 1,761 SF / 5,303 SF = 33.20% < 45% LOT COVERAGE



Fire Hydrant Location Reference
 NOT TO SCALE



01

TITLE: Site Plan

DATE: 01.21.19

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

DRAWING: A1.0

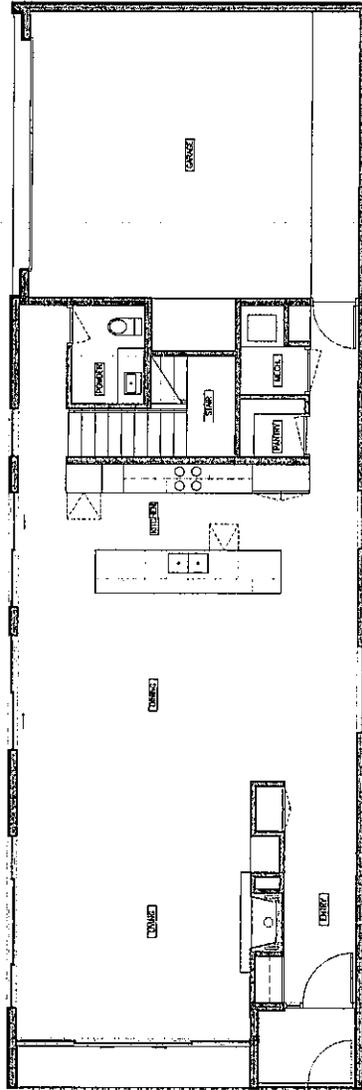
ARCHITECT: FAR + DANG
 4811 BERNAWETA ST #10119
 DALLAS, TEXAS 75244
 787.242.3445
 OFFICE@FARDANG.COM

OWNER: HOFFFIELD PARTNERS I, LLC
 4803 VICTOR STREET
 DALLAS, TEXAS 75244

CONSULTANT: [Signature]

DATE: 01.21.19

NO. DATE ISSUE



Floor Plan Level 1 01



THE
Floor Plan
Level 1

DATE: 8-23-18
SCALE: 1/8" = 1'-0"
DRAWING: A1.1

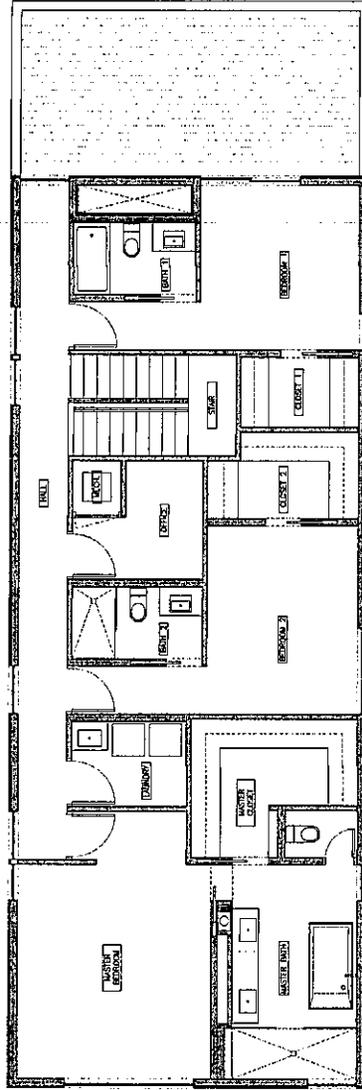
OWNER:
HOFER & PARTNERS, L.L.C.
4803 VICTOR STREET
DALLAS, TEXAS 75246



ARCHITECT:
FAR + DANG
4111 MENA VISTA STREET #118
DALLAS, TX 75246
714.247.2005
DFRIZ@FARNDANG.COM

CONSULTANT

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Floor Plan Level 2 01

THE
Floor Plan
Level 2
Date 9-21-18 Scale Drawing A1.5



4803 VICTOR STREET

ARCHITECT
FAR + DANG
4114 BIRDAVISTA STREET
DALLAS, TEXAS 75244
OFFICE@FAR+DANG.COM

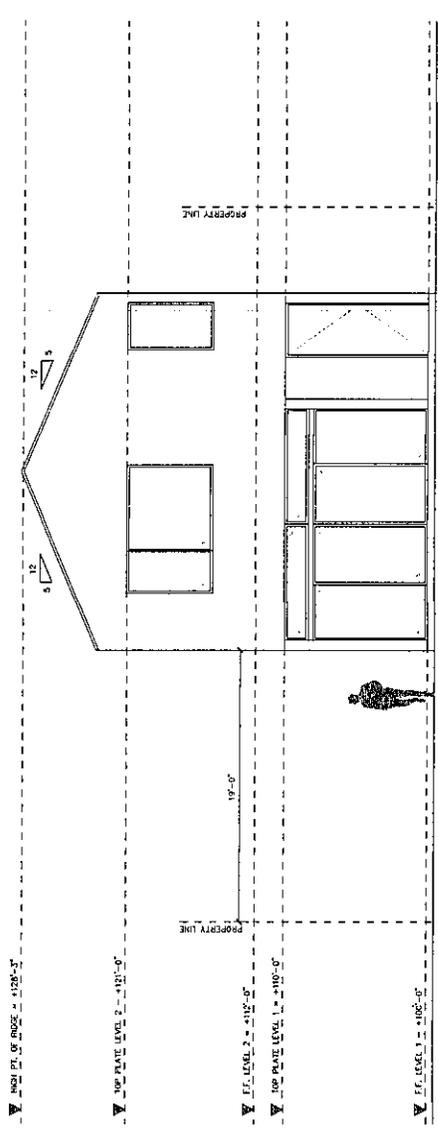
OWNER
HICKORY PARTNERS, LLC
4803 VICTOR STREET
DALLAS, TEXAS 75248



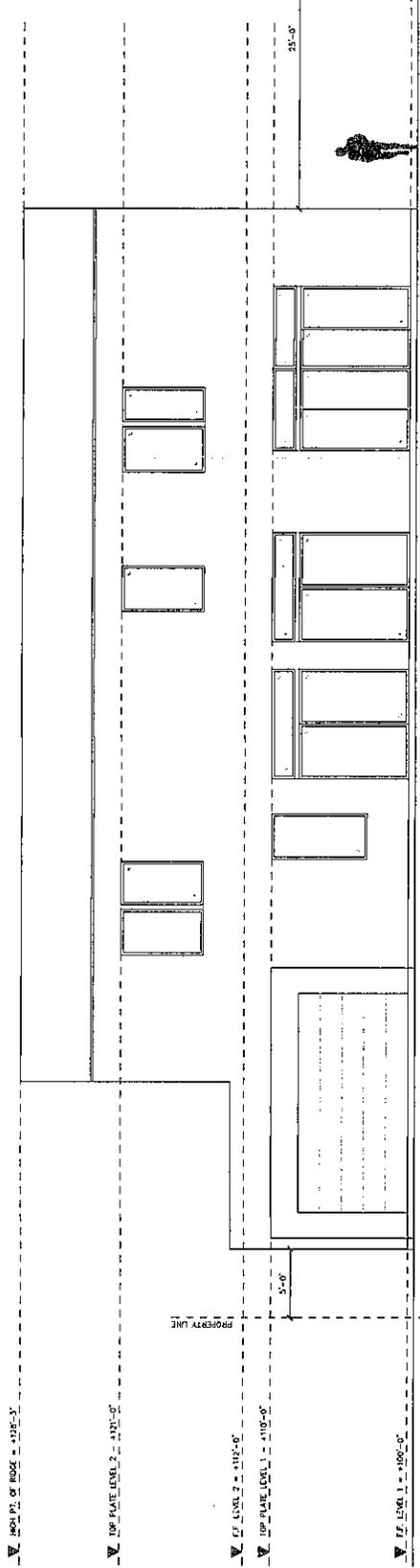
No. Date Name
012-18

CONSULTANT

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South Elevation 02



West Elevation 01

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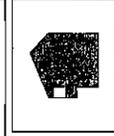
CONSULTANT
 No. Date Name
 No. Date Name



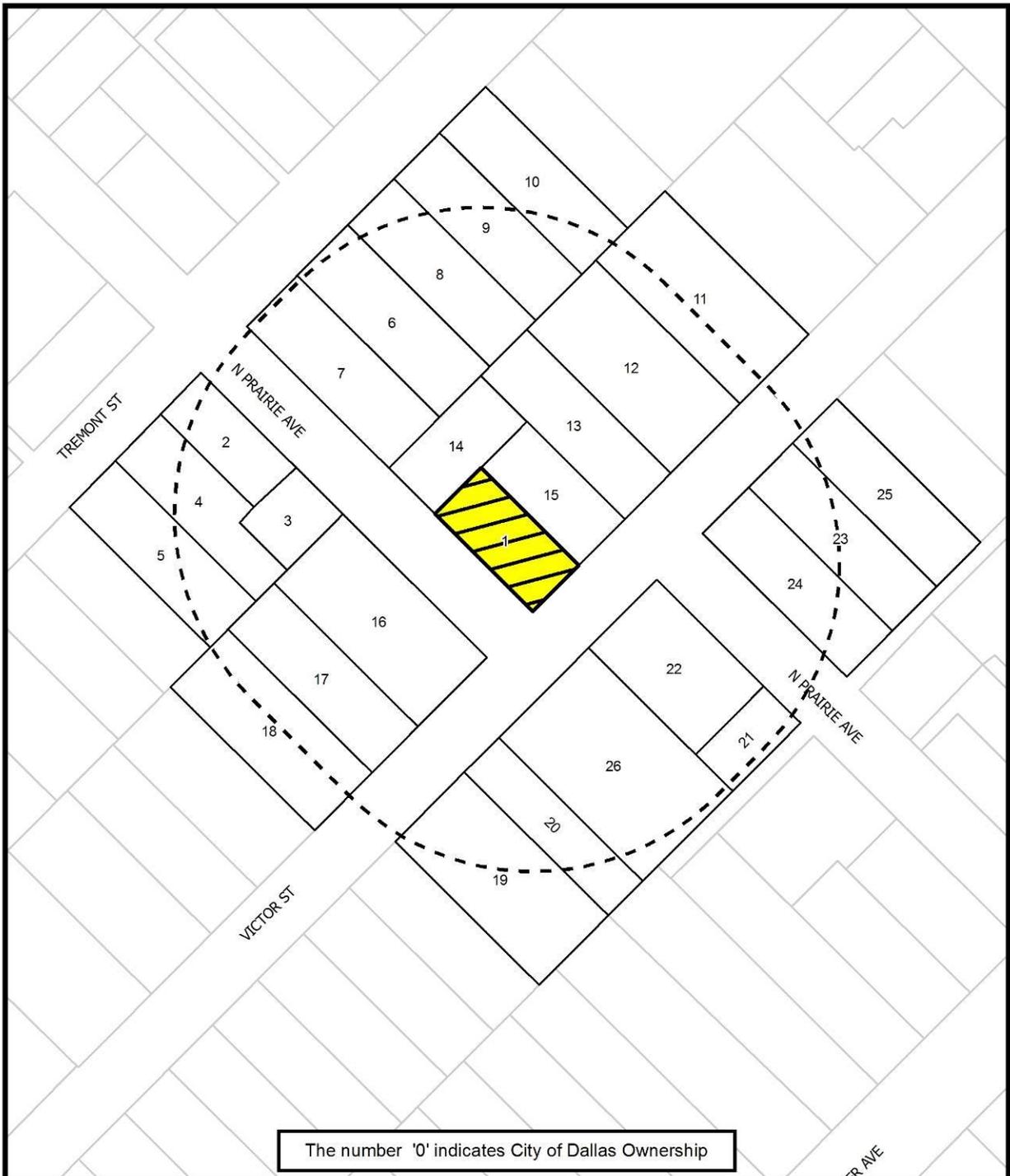
OWNER
 THE PROPERTY INVESTORS LLC
 4803 VICTOR STREET
 DALLAS, TEXAS 75244

ARCHITECT
FAR + DANG
 4111 BIRDAVIA STREET, NO. 111
 DALLAS, TEXAS 75244
 OFFICE: 214.404.0400
 INFO: 214.404.0401

4803 VICTOR STREET



TITLE
 Exterior
 Elevations
 Date: 8.31.19
 Scale: 1/4" = 1'-0"
 Drawing: A4.0



The number '0' indicates City of Dallas Ownership

 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">26</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	26	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA189-033 Date: 2/13/2019
200'	AREA OF NOTIFICATION					
26	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA189-033

26 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4803 VICTOR ST	FRANZ MASON W &
2	4734 TREMONT ST	HEWLETT ELAINE
3	413 N PRAIRIE AVE	ISYA LTD PS
4	4730 TREMONT ST	HEWLETT ELAINE
5	4726 TREMONT ST	ORTEGA MARIA CLEOFAS
6	4804 TREMONT ST	BUSKIRK SHARON MARIE V
7	4800 TREMONT ST	BUDHABHATTI BIMAL & NEETA SAVLA
8	4810 TREMONT ST	ORDAZ ANGELINA
9	4814 TREMONT ST	SPITZER DEBORAH ANN
10	4818 TREMONT ST	HUBBARD BRADLEY G
11	4821 VICTOR ST	OLIVO RICARDO
12	4817 VICTOR ST	KELM RODNEY & JUNE
13	4811 VICTOR ST	SCHEXNAYDER SHAWN
14	408 N PRAIRIE AVE	MARIEN JAN & REBECCA VELAZQUEZ
15	4809 VICTOR ST	MORENO JESUS ANTONIO &
16	4731 VICTOR ST	KRISHKAV INVESTMENTS LLC
17	4727 VICTOR ST	KEIDEL DANIEL J &
18	4723 VICTOR ST	MICOMAR LLC
19	4726 VICTOR ST	ANDERSON EDWARD M JR
20	4728 VICTOR ST	KAGAN LEAH C
21	321 N PRAIRIE AVE	HOLMES MICHELLE
22	4742 VICTOR ST	LAKESWOOD WESTSHORE
23	4806 VICTOR ST	CARUNCHIA MARY ELIZABETH
24	4800 VICTOR ST	ARBUCKLE JERELYN S
25	4810 VICTOR ST	SUAREZ JUAN A
26	4738 VICTOR ST	BARNES ROBIN L

02/13/2019

Label # Address

Owner

FILE NUMBER: BDA189-019(OA)

BUILDING OFFICIAL'S REPORT: Application of Brett Brodnax, represented by Jason Vander Vorste, for special exceptions to the fence standards regulations at 5014 Lakehill Court. This property is more fully described as Lot 08, Block 1/5544, and is zoned R-1(A), which limits the height of a fence in the front yard to 4 feet, prohibits the use of certain materials for a fence, and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct and/or maintain a 9 foot high fence in a required front yard, which will require a 5 foot special exception to the fence standards regulations, and to construct and/or maintain a fence of a prohibited material, which will require a special exception to the fence standards regulations, and to construct and/or maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence standards regulations.

LOCATION: 5014 Lakehill Court

APPLICANT: Brett Brodnax
Represented by Jason Vander Vorste

ORIGINAL FEBRUARY 21, 2019 REQUESTS:

The following requests for special exceptions to the fence standards regulations had been made on a site that is being developed with a single-family home:

1. A request for a special exception to the fence standards regulations related to height of 5' is made to construct and maintain a fence higher than 4' in height in the site's front yard setback – a 6' high solid iron panel fence, a 5' 10" pedestrian wood gate with a 6' 4" stone column, and a 6' wood/metal gate with 9' stone columns;
2. A request for a special exception to the fence standards regulations related to fence panels with a surface area that is less than 50 percent open less than 5' from the front lot line, is made to construct and maintain the aforementioned 6' high solid iron panel fence located less than 5' from this front lot line; and
3. A request for a special exception to the fence standards regulations related to prohibited materials is made to maintain a fence of a prohibited fence material (metal gate) – in this case, the aforementioned wood/metal gate.

REVISED MARCH 18, 2019 REQUEST:

A request for a special exception to the fence standards regulations related to height of 5' is made to construct and maintain a 5' 10" pedestrian wood gate with a 6' 4" stone column, and a 7' 9" wood and metal rods vehicular gate with 9' stone columns in the required front yard on a site being developed with a single-family home.

(Note that the original for requests a special exception to the fence standards regulations related to fence panels less than 50 percent open and to the fence standards regulations related to prohibited materials are no longer necessary due to the applicant amending his request on February 27th with an amended site plan and elevation (see Attachment A).)

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: R-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 being developed with a single-family home. The areas to the north, south, east, and west 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:

- Originally, the focus of the requests for special exceptions to the fence standards regulations on a site being developed with a single-family home were:
 - 1) constructing/maintaining a 6' high solid iron panel fence, a 5' 10" pedestrian wood gate with a 6' 4" stone column, and a 6' wood/metal gate with 9' stone columns located in this front yard setback;

- 2) constructing/maintaining the aforementioned existing 6' high solid iron panel fence with panels with surface areas that are less than 50 percent open located less than 5' from this front lot line; and,
 - 3) constructing/maintaining the existing fence made of a prohibited fence material (metal gate).
- However, on February 27, 2019, the applicant submitted a revised site plan and revised elevation that modified the original requests (see Attachment A). The revised request now only focuses on constructing/maintaining a 5' 10" pedestrian wood gate with a 6' 4" stone column, and a 7' 9" wood and metal rods vehicular gate with 9' stone columns in the required front yard on a site being developed with a single-family home.
 - The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
 - The subject site is zoned R-1ac (A) and has a 40' front yard setback.
 - The applicant had submitted a revised site plan and revised elevation that shows the proposal in the front yard setback reaching a maximum height of 9'.
 - The following additional information was gleaned from the submitted revised site plan:
 - The proposal is represented as being approximately 24' in length parallel to the Lakehill Court, and 10' perpendicular to Lakehill Court on the north side of the site in this front yard setback.
 - The proposal is represented as being located approximately 10' from the front property line or approximately 20' from the pavement line.
 - The Board Senior Planner conducted a field visit of the site and surrounding area (approximately 400 feet north of the subject site) and noted no other fences that appeared to be above 4' in height and located in a front yard setback.
 - As of March 8, 2019, no letters have been submitted in support and 1 letter was submitted in opposition to the original requests.
 - The applicant has the burden of proof in establishing that the special exception to the fence standards regulations related to fence height of 5' will not adversely affect neighboring property.
 - Granting this revised special exception with a condition imposed that the applicant complies with the submitted revised site plan and revised elevation would require the proposal exceeding 5' in height to be located in the front yard setback to be constructed and maintained in the location and of the heights and materials as shown on these documents.

Timeline:

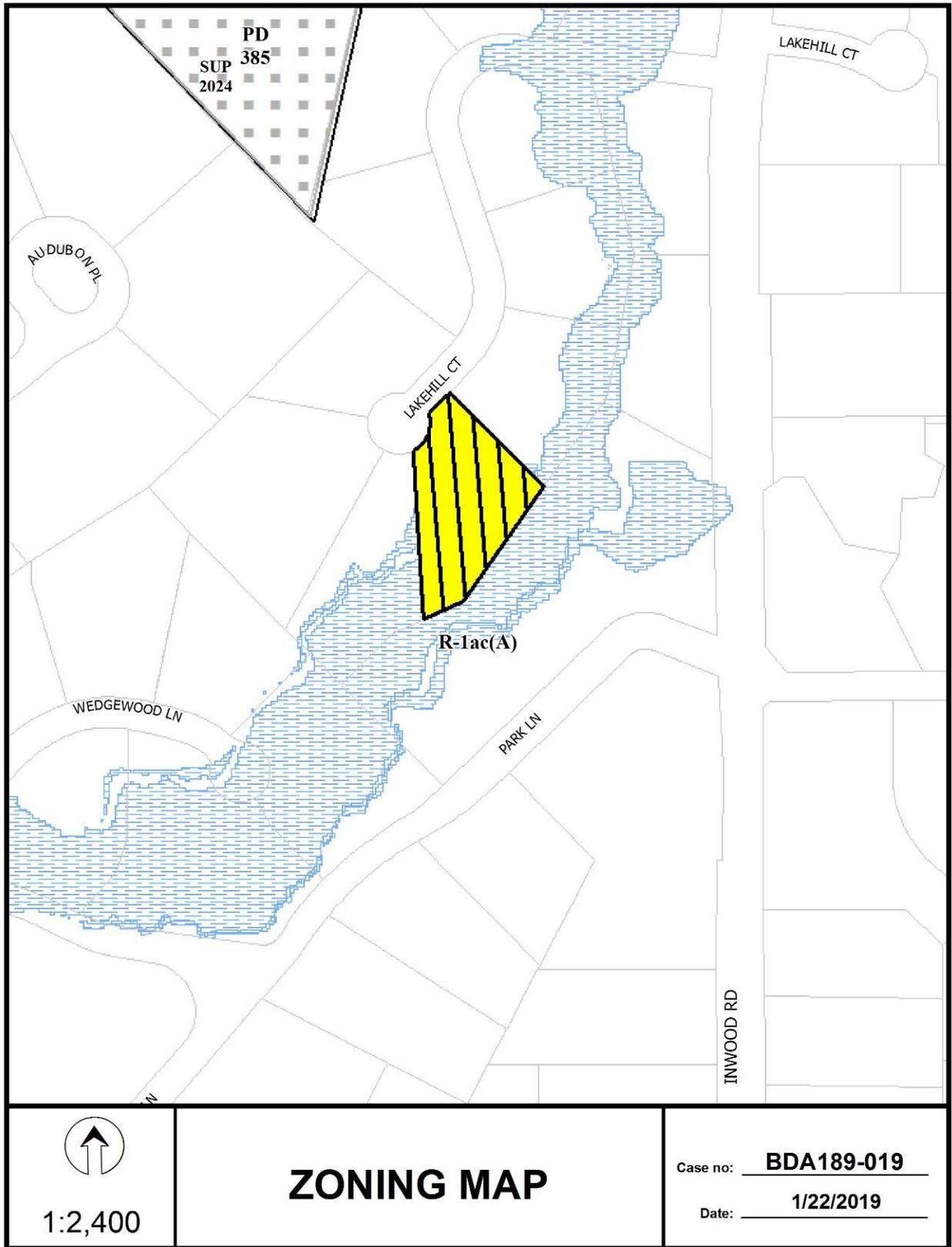
November 27, 2018: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

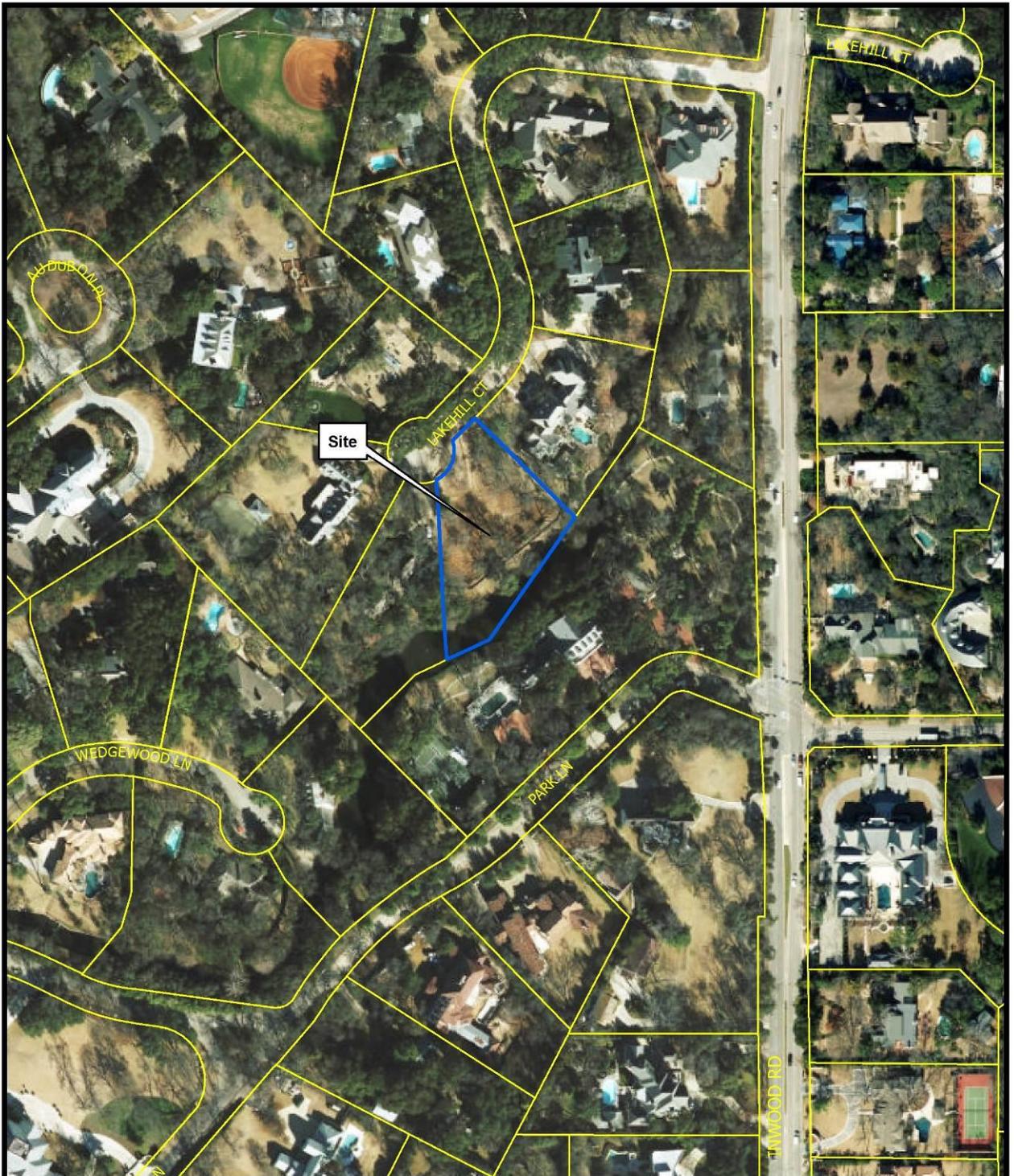
January 8, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

- January 9, 2019: The Sustainable Development and Construction Department Senior Planner, emailed the applicant's representative the following information:
- a copy of the application materials including the Building Official's report on the application;
 - an attachment that provided the public hearing date and panel that will consider the application; the January 30th deadline to submit additional evidence for staff to factor into their analysis; and the February 8th 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."
- February 5, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February public hearings. Review team members in attendance included: the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, 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.
- February 21, 2019: The Board of Adjustment Panel C conducted a public hearing on this application, and delayed action on this application until the next public hearing to be held on March 18, 2019 to allow the applicant to modify his special exception requests to the fence standards.
- February 25, 2019: The Board Senior Planner wrote the applicant a letter of the board's action; the February 27th deadline to submit additional evidence for staff to factor into their analysis, and the March 8th deadline to submit additional evidence to be incorporated into the Board's docket materials.
- February 27, 2019: The applicant submitted additional documentation on this appeal to the Board Administrator beyond what was submitted with the original application (see Attachment A).
- March 5, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March public hearings. Review team members in attendance included: the

Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, 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

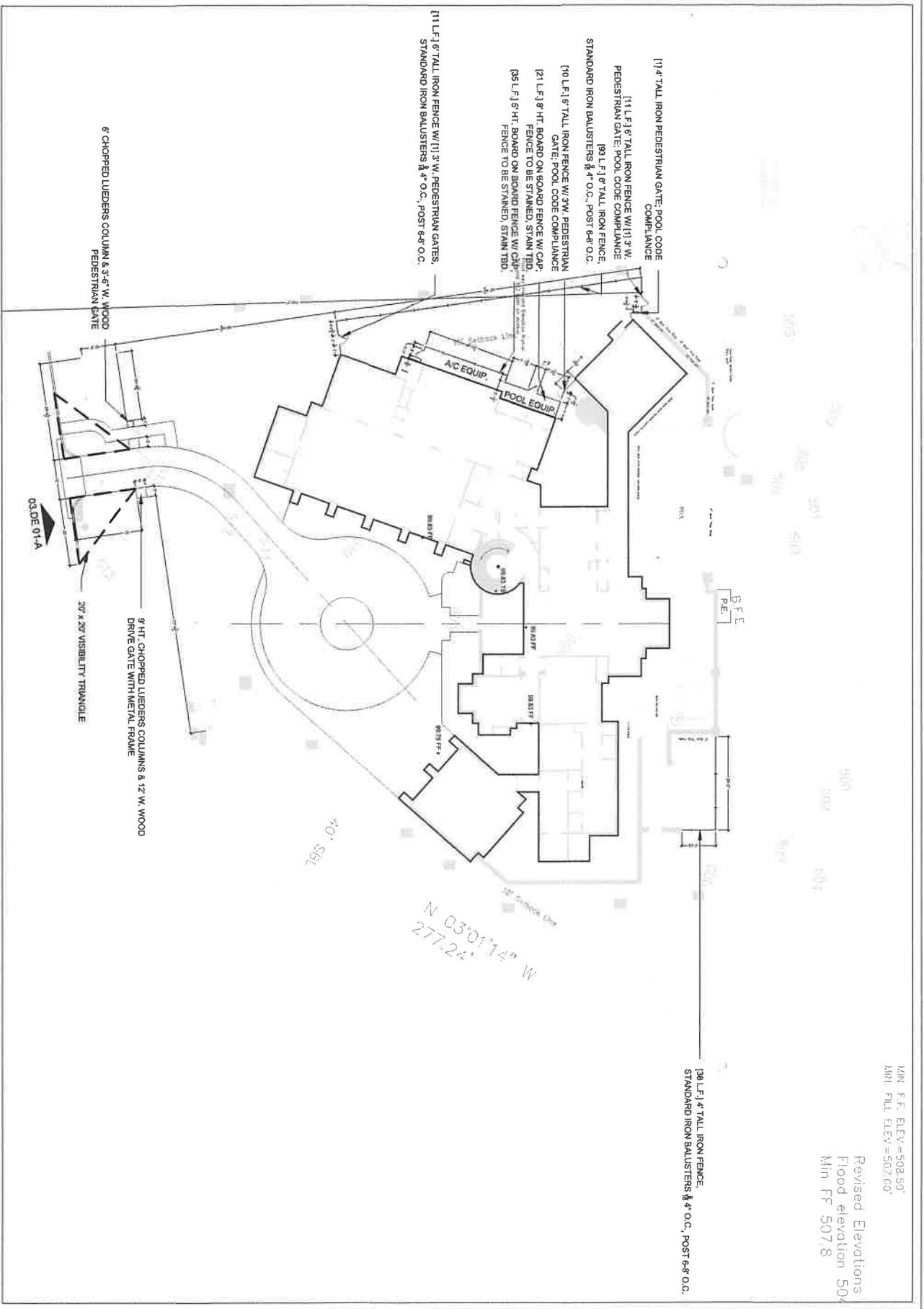
AERIAL MAP

Case no: **BDA189-019**

Date: **1/22/2019**

BDA184-019 ATTACH A

REVISION SITE PLAN
2-27-2019



MIN. F.F. ELEV = 502.50'
MIN. FILL ELEV = 507.00'

Revised Elevations
Flood elevation 504'
Min F.F. 507.8

N 05°01'14" W
277.24'

A Fencing Layout Plan

Scale: 3/32"=1'-0"

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NOT FOR CONSTRUCTION: PRICING ONLY: REV-4 02/25/2019

Client Name:	Brodnax
Plan No.:	18-031
Drawn By:	JP
Approved By:	DF
IPC Date:	

Revisions	

BRODNAX RESIDENCE
5014 Lake Hill Court Dallas, TX 75230

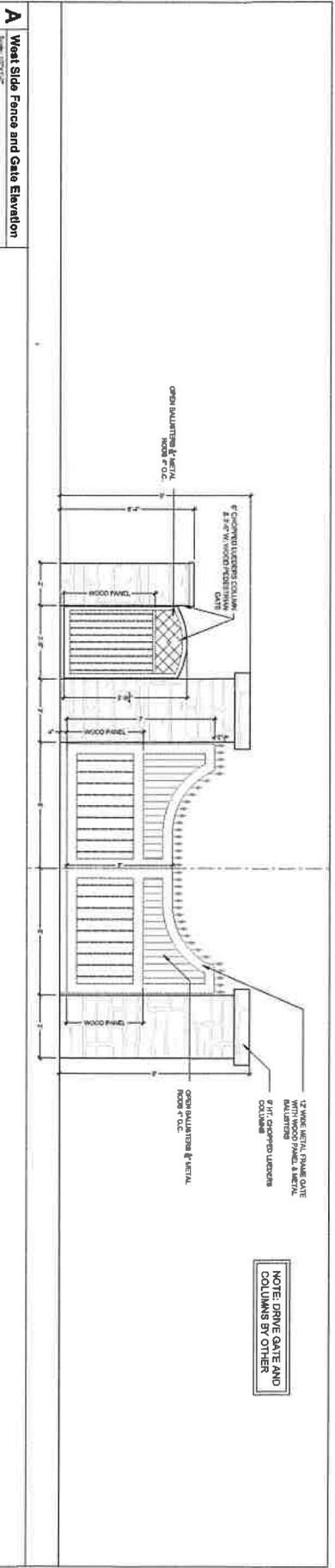
LAMBERT GARDEN DESIGN
LANDSCAPE ARCHITECTURE AND SITE CONSTRUCTION MANAGEMENT

PAUL FIELDS DESIGN STUDIO
12114 BELLEVILLE
DALLAS, TX 75244
www.lambertgarden.com

Sheet No.
02.LA-01

BDA189-019 ATTACH A

REVISED SITE PLAN
2-27-2019
2/3



NOTE: DRIVE GATE AND COLUMNS BY OTHER

NOT FOR CONSTRUCTION: PRICING ONLY: REV-4 02/25/2019

Sheet No. 03.D-E-01
Fence Detail

Revisions

No.	Description	Date

BRODNAX RESIDENCE
5014 Lakewood Court Dallas, TX 75230

LAMBERT GARDEN DESIGN
LANDSCAPE ARCHITECTURE AND SITE CONSTRUCTION MANAGEMENT
PAUL FELDES DESIGN STUDIO
7121 W. CAMPBELL
DALLAS, TEXAS 75248
TEL: 214.342.1111 FAX: 214.342.1112
WWW.LGDESIGN.COM

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City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-019

Data Relative to Subject Property:

Date: 11/27/18

Location address: 5014 LAKE Hill CT DALLAS 75722 Zoning District: R-1ac(A)

Lot No.: 8 Block No.: 1/5544 Acreage: 1.07 Census Tract: 206.00

Street Frontage (in Feet): 1) 126.08 2) 75.58 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): ~~ALBERT~~ & BRETT BRODNAX

Applicant: AMISON & BRETT BRODNAX Telephone: 214-808-3182

Mailing Address: 6607 NORWAY RD. DALLAS TX Zip Code: 75230

E-mail Address: BBRODNAX@USPI.COM

Represented by: JASON VANDER VORSTE Telephone: 903-360-6720

Mailing Address: P.O. BOX 8595 TYLER TX Zip Code: 75711

E-mail Address: JVORSTE@GMAIL.COM

Affirm that an appeal has been made for a Variance __, or Special Exception __, of GATE AND FENCE, FENCE HEIGHT, FENCE MATERIALS, AND FENCE OPENESS

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:

MORE PROPORTIONAL TO THE EXTERIOR OF THE HOME AND SURROUNDING HOMES AND QUALITY OF MATERIALS

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 BRETT BRODNAX (Affiant/Applicant's name printed)

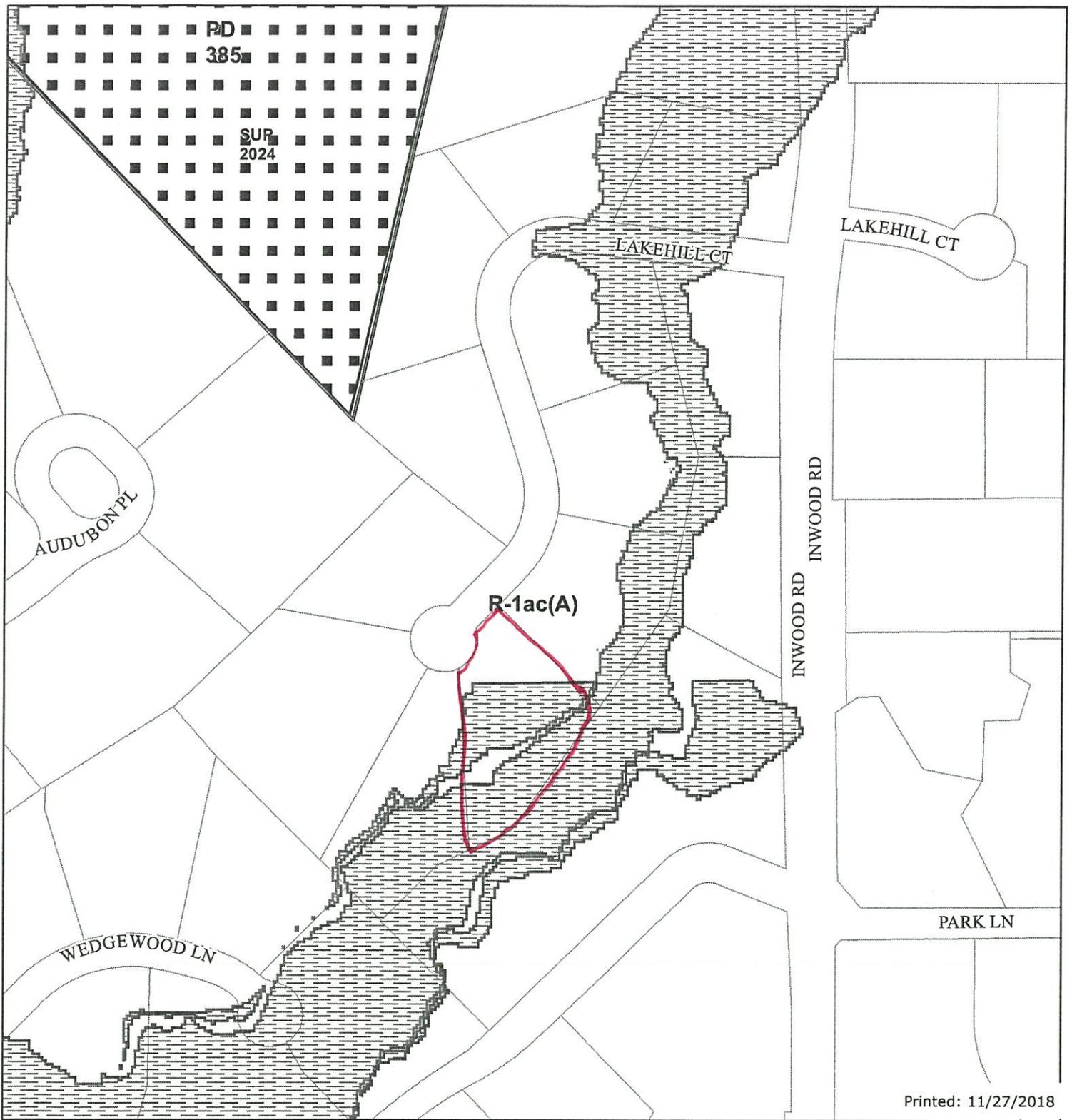
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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



Subscribed and sworn to before me this 8 day of December, 2017

Kim Siedelmann
Notary Public in and for Dallas County, Texas



Printed: 11/27/2018

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 | 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)

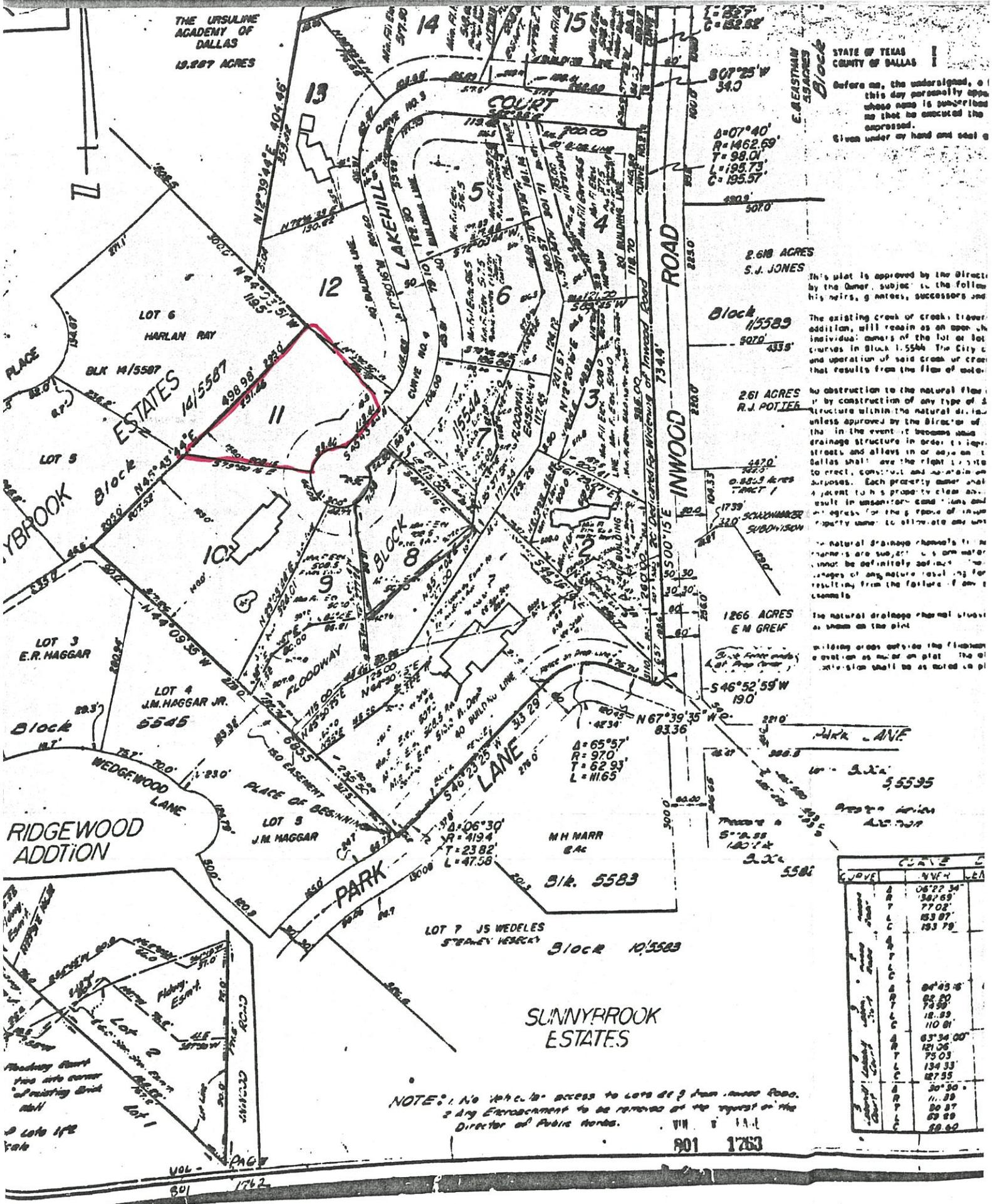


THE URSULINE
ACADEMY OF
DALLAS
13.227 ACRES

STATE OF TEXAS
COUNTY OF DALLAS

Before me, the undersigned, on this day personally appeared whose name is subscribed to that he executed the expressed.

Given under my hand and seal of



$\Delta = 07^{\circ}40'$
 $R = 1462.69'$
 $T = 98.01'$
 $L = 195.73'$
 $C = 195.57'$

2.618 ACRES
S.J. JONES

Block 11/5589
5070' 433'

261 ACRES
R.J. POTTER

0.8503 ACRES
TRACT 1
SCHUMMER
SUDOWISON

1266 ACRES
E.M. GREIF

$\Delta = 54^{\circ}52'59''$
 $W = 190'$

$\Delta = 65^{\circ}57'$
 $R = 970'$
 $T = 62.93'$
 $L = 1165'$

LOT 7 JS WEDELES
STRAVE 163821
Block 10/5583

SUNNYBROOK
ESTATES

NOTE: No vehicular access to Lots 10 & 9 from Inwood Road.
Any Encroachment to be removed at the request of the
Director of Public Works.

VOL 1762
PAGE 801

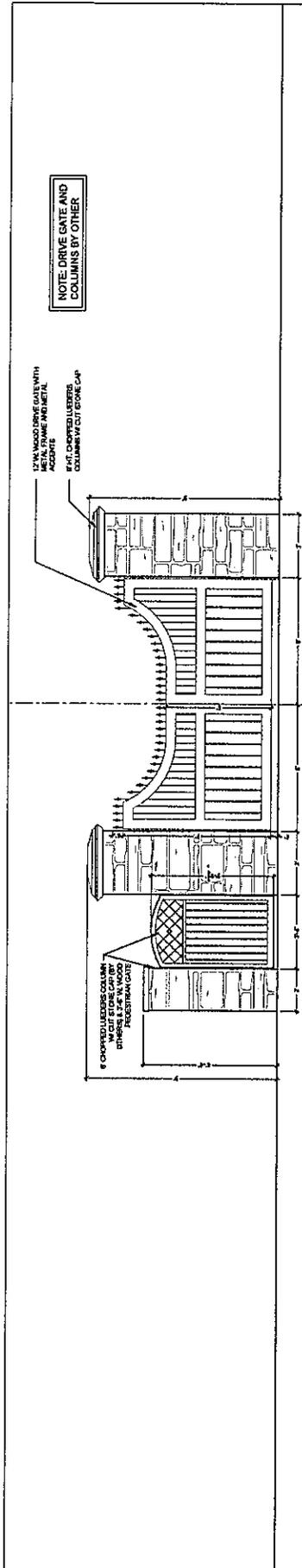
CHAVE	CURVE	BY	LEA
A	08°22'34"		
B	36°25'59"		
C	77°02'		
D	153°07'		
E	153°39'		
F	04°43'15"		
G	85°50'		
H	18.89		
I	110.61		
J	63°34'00"		
K	121.26		
L	75.03		
M	134.33		
N	27.55		
O	30°30'		
P	11.88		
Q	80.87		
R	69.89		
S	50.60		

Revisions

Client Name: Brodnax
Architect: Paul Riebes Design Studio
Contract No: 18-001
Drawn By: JH
Scale: 1/8" = 1'-0"
Sheet No: 03.DE-01
Sheet Title: Fence Detail

03.DE-01
 Fence Detail
 Sheet

NOT FOR CONSTRUCTION. PRICING ONLY. REV-3 01/04/2018



A West Side Fence and Gate Elevation
 Scale: 1/8" = 1'-0"



 1:2,400	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td style="padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px;">11</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	11	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA189-019 Date: 1/22/2019
200'	AREA OF NOTIFICATION					
11	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA189-019

11 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5014 LAKEHILL CT	BRODNAX BRETT
2	5055 PARK LN	PRATT AILEEN MEJIA &
3	9641 INWOOD RD	BRYAN SCOTT & LISA A
4	5042 LAKEHILL CT	SCHULZE RICHARD H &
5	5026 LAKEHILL CT	MEYER WILLIAM E
6	5015 LAKEHILL CT	MARTIN WILLIAM KEITH &
7	5025 LAKEHILL CT	BRINKMANN J BAXTER
8	5035 LAKEHILL CT	FITTS JOHN STUART
9	5045 LAKEHILL CT	ZAINFELD JEAN BALLAS
10	4955 WEDGEWOOD LN	PERKINS ALAN J & SONDR A B
11	4965 WEDGEWOOD LN	FLOYD BONNIE L