

NOTICE FOR POSTING
MEETING OF
BOARD OF ADJUSTMENT, PANEL C
MONDAY, MARCH 21, 2022

BRIEFING: 11:00 a.m. via **Videoconference and in 6ES**, Dallas City Hall, 1500 Marilla Street

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

* The Board of Adjustment hearing will be held by videoconference and in 6ES at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure **by joining the meeting virtually**, should register online at <https://form.jotform.com/210536758715158> or contact the Planning and Urban Design Department at 214-670-4209 **by the close of business Friday, March 18, 2022. All virtual speakers will be required to show their video in order to address the board.** The public is encouraged to attend the meeting virtually, however, City Hall is available for those wishing to attend the meeting in person following all current pandemic-related public health protocols. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallasty or YouTube.com/CityofDallasCityHall, and the WebEx link: <https://bit.ly/BDA032122>

Purpose: To take action on the attached agenda, which contains the following:

1. Board of Adjustment appeals of cases the Building Official has denied.
2. And any other business which may come before this body and is listed on the agenda.

Handgun Prohibition Notice for Meetings of Governmental Entities

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

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

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

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



CITY OF DALLAS
BOARD OF ADJUSTMENT, PANEL C
MONDAY, MARCH 21, 2022
AGENDA

BRIEFING: 11:00 a.m. via **Videoconference and** in **6ES**, Dallas City Hall, 1500 Marilla Street

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

Andreea Udrea, PhD, AICP, Assistant Director (Interim)
Jennifer Muñoz, Chief Planner/Board Administrator
Pamela Daniel, Senior Planner
LaTonia Jackson, Board Secretary

PUBLIC TESTIMONY

MISCELLANEOUS ITEM

Approval of the December 13, 2021 Board of Adjustment Panel C Public Hearing Minutes M1

BDA212-FW1(PD) 7120 Cortland St. M2
REQUEST: Application of Juan Jose Villanueva requesting a fee waiver for special exceptions to the to the fence height regulations and to the visibility triangle regulations.

UNCONTESTED CASE(S)

BDA212-008(JM) 9140 Lynbrook Drive 1
REQUEST: Application of Madison Umberger for a variance to the front yard setback regulations

REGULAR CASES

BDA212-012(PD) 3900 N. Hampton Road 2
REQUEST: Application of Elizabeth Alvarez-Villaizan for a variance to the side yard setback regulations, and for a variance to the parking regulations

HOLDOVERS

BDA201-092(PD) 10645 Lennox Lane 3
REQUEST: Application of Danielle Mathews of Masterplan Texas for a special exception to the fence height regulations to provide a nine-foot-high fence in a required front yard which will require a five-foot special exception

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: BDA212-FW1

BUILDING OFFICIAL'S REPORT: Application of Juan Jose Villanueva, for a special exception to the fence materials regulations at 7120 Cortland Avenue.

LOCATION: 7120 Cortland Avenue

APPLICANT: Juan Jose Villanueva

REQUESTS:

The applicant is requesting a fee waiver for a special exception to the fence height regulations and visibility triangle regulations at the driveway. The fee waiver is requested to accommodate screening of a single family dwelling at 7120 Cortland Avenue.

STANDARD FOR A FEE WAIVER:

Section 51A-1.105(b)(6) of the Dallas Development Code specifies the board of adjustment may waive the filing fee if the board finds that payment of the fee would result in substantial financial hardship to the applicant. The applicant may either pay the fee and request reimbursement at the hearing on the matter or request that the issue of financial hardship be placed on the board's miscellaneous docket for predetermination. If the issue is placed on the miscellaneous docket, the applicant may not apply to the merits of the request for a waiver have been determined by the board. In making this determination, the board may require the production of financial documents.

STAFF RECOMMENDATION:

The staff does not make a recommendation on fee waiver requests since the standard is whether the board finds that payment of the fee would result in substantial financial hardship to the applicant.

7120 Cortland

1-3-2022

JUAN JOSE VILLANUEVA: WOULD LIKE TO
REQUEST A. \$1,200⁰⁰ FEE WAIVER, FOR P.V.
HEIGHT OF FRONT YARD ^{Fence} FRONT + 20X20
VISIBILITY TRIANGLE AT DRIVEWAY, DUE TO
SOCIAL SECURITY WITH LIMITED INCOME

Juan Jose Villanueva

RICK GLO Δ (S) SBC GLOBAL.NET

(214) 770-8894 RICARDO VILLANUEVA

JUAN JOSE VILLANUEVA

MONTHLY INCOME

SOC. SEC 1,634.00

MONTHLY EXPENCES

PHARMACY 120.00
MORTGAGE PAY SPEC. 70.00
TELEPHONE ENERGY 71.00
XU ELECTRIC 85.00
CITY OF DALLAS 70.00
VERIZON 70.00
SPECTRUM 101.00
ALARM SYSTEM 36.00
GAS FOR CARS 120.00
GROCERYS 600.00
DINING OUT 400.00
CLOTHING 500.00
LANDSCAPING 150.00
GIFTS 1500.00

3,893.00

YEARLY EXPENCES

CAR INSURANCE 2,621.00
HOME INSURANCE 1,472.00
PROPERTY TAXES 1,087.6
LICENCE PLATE 190.00
RING CAMERAS 100.00
TRAVEL EXPENCE 2,500.00
TRAVEL DINING & GIFTS 1,500.00
HEART SPECIALIST 500.00
EXPENCES REPAIRS 2,000.00
CHURCH 500.00

11,491.76

EXPENCES

3,893.00
11,491.76

15,384.76

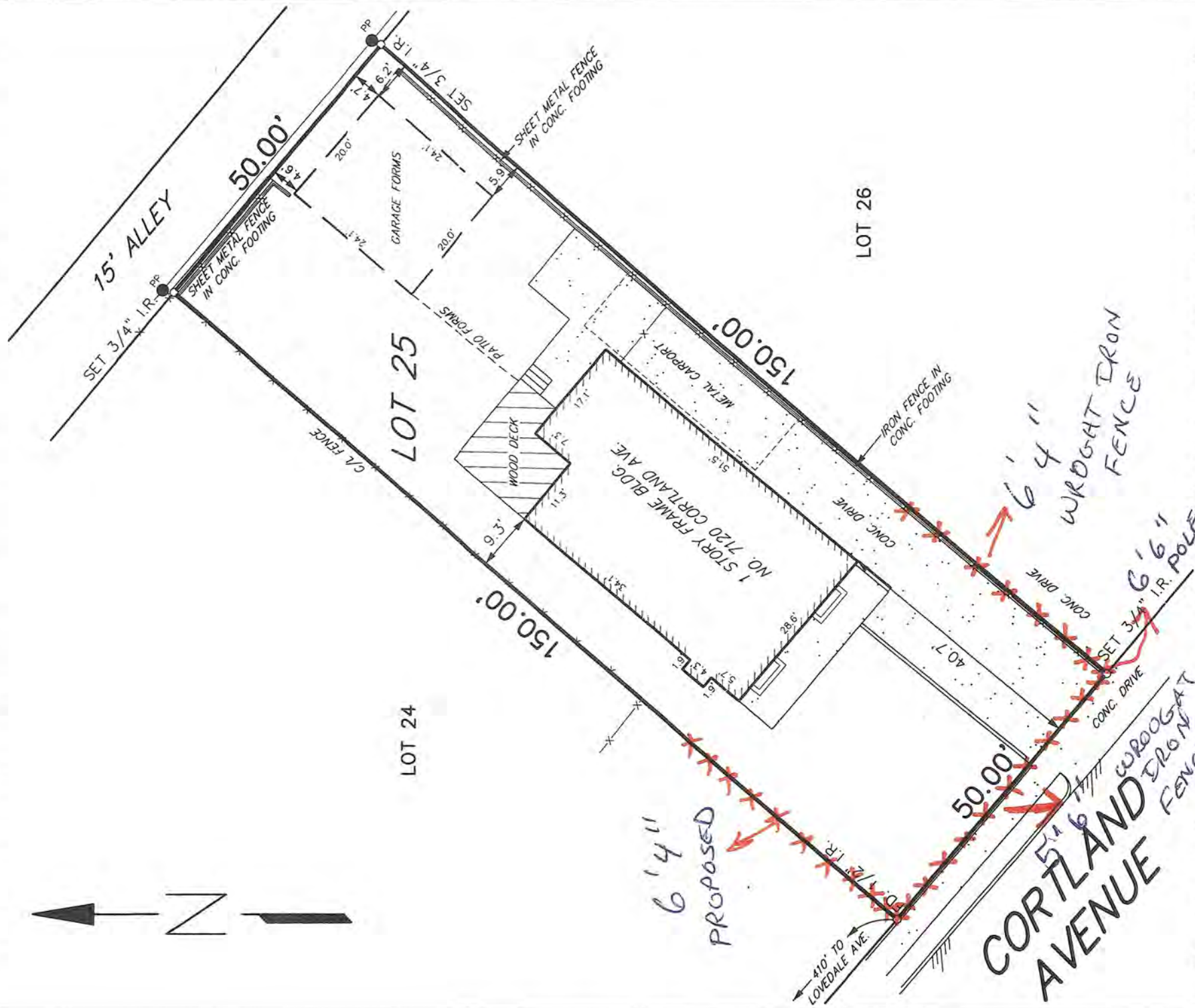
TOTAL INCOME

19,608.00

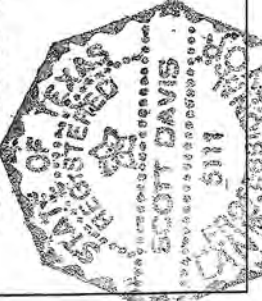
FW

SURVEY PLAT

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:
The undersigned does hereby certify that I have, this day, made an actual and accurate survey on the ground of the property located at No. 7120 Cortland Avenue, in the City of Dallas, Texas, described as follows: Lot 25, Block 10, City Block 2356 of LOVEDALE ADDITION, SECOND SECTION, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Volume 3, Page 323 of the Map Records of Dallas County, Texas.



This plat correctly shows the lines and dimensions of subject property. The size, location and type of buildings and improvements are as shown hereon, and set back from the property lines the distances indicated and there are no discrepancies, conflicts, encroachments or overlapping of improvements onto or from adjoining property except as shown hereon. This property has access to and from a dedicated roadway, and unless otherwise noted, this property does not lie within any known designated flood plain or flood hazard area. This survey meets or exceeds the Minimum Standards Detail Requirements of Land Title Surveys established and adopted by ALTA, ACSM and TSPS. This property lies within Zone X, as shown on Flood Insurance Rate Map No. 48113C0330 J, dated 8/23/01.



REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5111
DAVIS LAND SURVEYING CO., INC.
9777 FERGUSON ROAD, SUITE 105
DALLAS, TEXAS 75228 214-321-0569

SCALE: 1" = 20'
DATE: 9/21/12
JOB NO. 12064

PRELIMINARY, NOT FOR CONSTRUCTION, RECORDING PURPOSES, OR IMPLEMENTATION

THE SEAL AND SIGNATURE APPLY ONLY TO THE DOCUMENT TO WHICH THEY ARE AFFIXED AND WE EXPRESSLY DISCLAIM ANY RESPONSIBILITY FOR ALL OTHER PLANS, SPECIFICATIONS, ESTIMATES, REPORTS OR OTHER DOCUMENTS OR INSTRUMENTS RELATING TO OR INTENDED TO BE USED FOR ANY PART OR PARTS OF THE PROJECT.

CLIENT INFORMATION:
RICARDO VILLANUEVA
CLIENT STREET ADDRESS
CITY, STATE, ZIP CODE
PHONE NUMBER
EMAIL ADDRESS

PROJECT NAME:
FENCE ELEVATION

7120 CORTLAND AVE.
DALLAS COUNTY
DALLAS, TX 75235

SHEET NAME:
ELEVATION

BOTI
ARCHITECTURE

Copyright 2021 BOTI Architecture, LLC

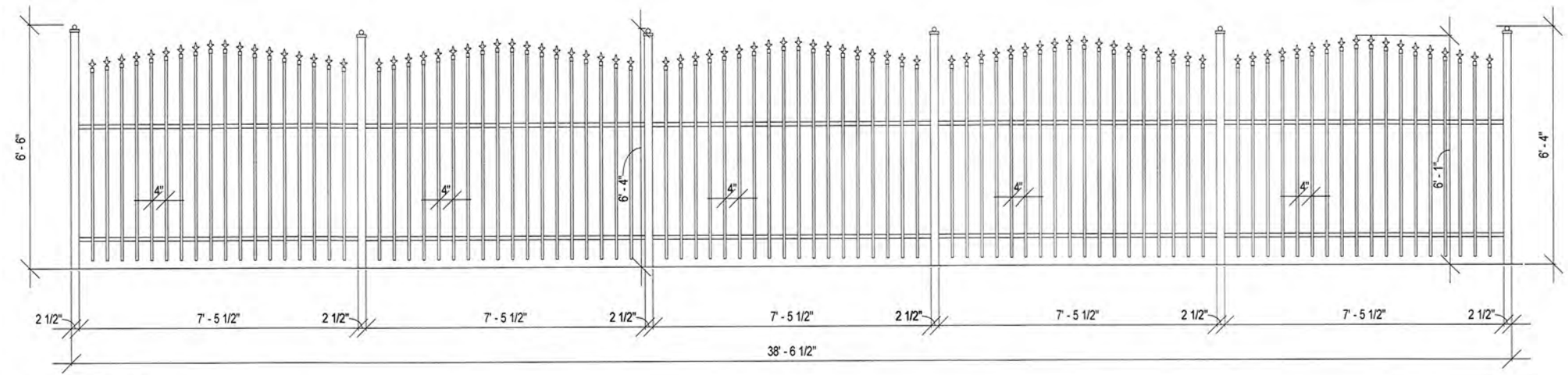
Drawings and Specifications as instruments of service are and shall remain the property of the Architect. They are not to be used on other projects or extensions to this project except by agreement in writing and with appropriate compensation to the Architect.

Contractor is responsible for confirming and correlating dimension at job site; the Architect will not be responsible for construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the project.

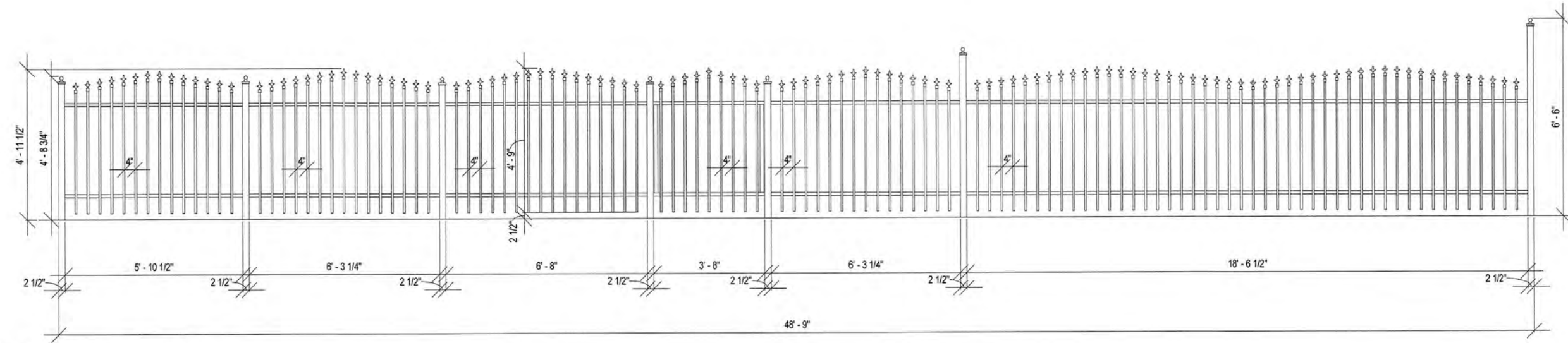
PROJECT NUMBER:

RELEASE DATE:

Issue Date



2 SIDE YARD ELEVATION
A200 1/4" = 1'-0"



1 FRONT YARD ELEVATION
A200 1/4" = 1'-0"

FILE NUMBER: BDA212-008(JM)

BUILDING OFFICIAL'S REPORT: Application of Madison Umberger for a variance to the front yard setback regulations at 9140 Lynbrook Drive. This property is more fully described as Lot 20, Block G/7317, and is zoned an R-7.5(A) Single Family District, which requires a front yard setback of 25 feet. The applicant proposes to construct a single-family residential pool structure and provide a five-foot front yard setback, which will require a 20-foot variance to the front yard setback regulations.

LOCATION: 9140 Lynbrook Drive

APPLICANT: Madison Umberger

REQUESTS: The applicant proposes to build a pool structure in a front yard setback along Lake Haven Drive that was previously granted special exceptions to allow an eight-foot-high solid wood fence in this yard.

STANDARD FOR A VARIANCE:

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

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

State Law/HB 1475 effective 9-1-21

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

STAFF RECOMMENDATION:

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 zoned an R-7.5(A) Single Family District in that while, according to the application, it contains 11,679 square feet in area, the developable area is reduced down to 6,482 square feet due to the two front yards. Lots in this district are a minimum of 7,500 square feet in area. However, evidence submitted by the applicant (**Attachment A**) identified eight lots in the immediate vicinity with an average of 11,618 square feet of lot area, the largest being over 13,000 square feet and smallest around 9,200 square feet.
- The evidence also showed the average house size is about 2,201 square feet. This area is transitioning, and new builds are larger than the existing housing stock. The subject main structure is the largest in the comparable list with 4,154 square feet. However, the existing structure maintains the required front yard setbacks.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

1. BDA190-027: On June 22, 2020, Panel C granted requests for special exceptions to (1) the fence height regulations and (2) the fence standards regulations to construct an eight-foot-high fence in a required front yard at 9140 Lynbrook Drive. (the subject site)
2. BDA189-091: On September 16, 2019, Panel C granted requests for: 1) a variance to the front yard setback of up to 20 feet; and, 2) special exceptions to the fence regulations for an eight-foot-high solid wood fence with fence panels with a surface area less than 50 percent open less than five feet from the Lorwood Drive front lot line at 9216 Lynbrook Drive. (north of the subject site)

GENERAL FACTS/STAFF ANALYSIS

The subject site is zoned an R-7.5(A) Single Family District, which requires a 25-foot front yard. Corner lots in single family districts with frontage on two streets where one frontage is shorter than the other allow the longer frontage to be governed by the side yard regulations. However, if another structure has an established setback along the block face of the longer frontage, that side must maintain a front yard free from structures for block continuity. Furthermore, if a building line is established by plat or ordinance, the building line rules. In this case, the district requires two 25-foot front yards, but the plat dictates two 30-foot front yard setbacks for the subject site.

The purpose of this request is to construct a pool structure in the front yard setback on Lake Haven Drive. This portion of the lot functions as a backyard with a tall privacy fence previously approved by the board, and now the proposed swimming pool. The main structure is maintaining both front yard setbacks.

Lots in this district are a minimum of 7,500 square feet in area. However, evidence submitted by the applicant (**Attachment A**) identified eight lots in the immediate vicinity with an average of 11,679 square feet of lot area. The subject site is unique and different from most lots zoned an R-7.5(A) Single Family District because while it contains 11,679 square feet in area, it is encumbered with the hardship of two front yards. The evidence presented notes the site in its current condition has less developable area than other lots in the vicinity with one required front yard. The applicant is seeking relief from the additional front yard setback along Lake Haven Drive.

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

- That granting the variance to the front yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.
- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.

As of February 11, 2022, the applicant had submitted a petition of support with signatures from 20 neighbors. No other letters have been submitted regarding this request.

If the board were to grant the variance request and impose the submitted site plan as a condition, the proposed swimming pool structure located within the front yard setback would be limited to what is shown on this document. No additional relief is provided with this request.

TIMELINE:

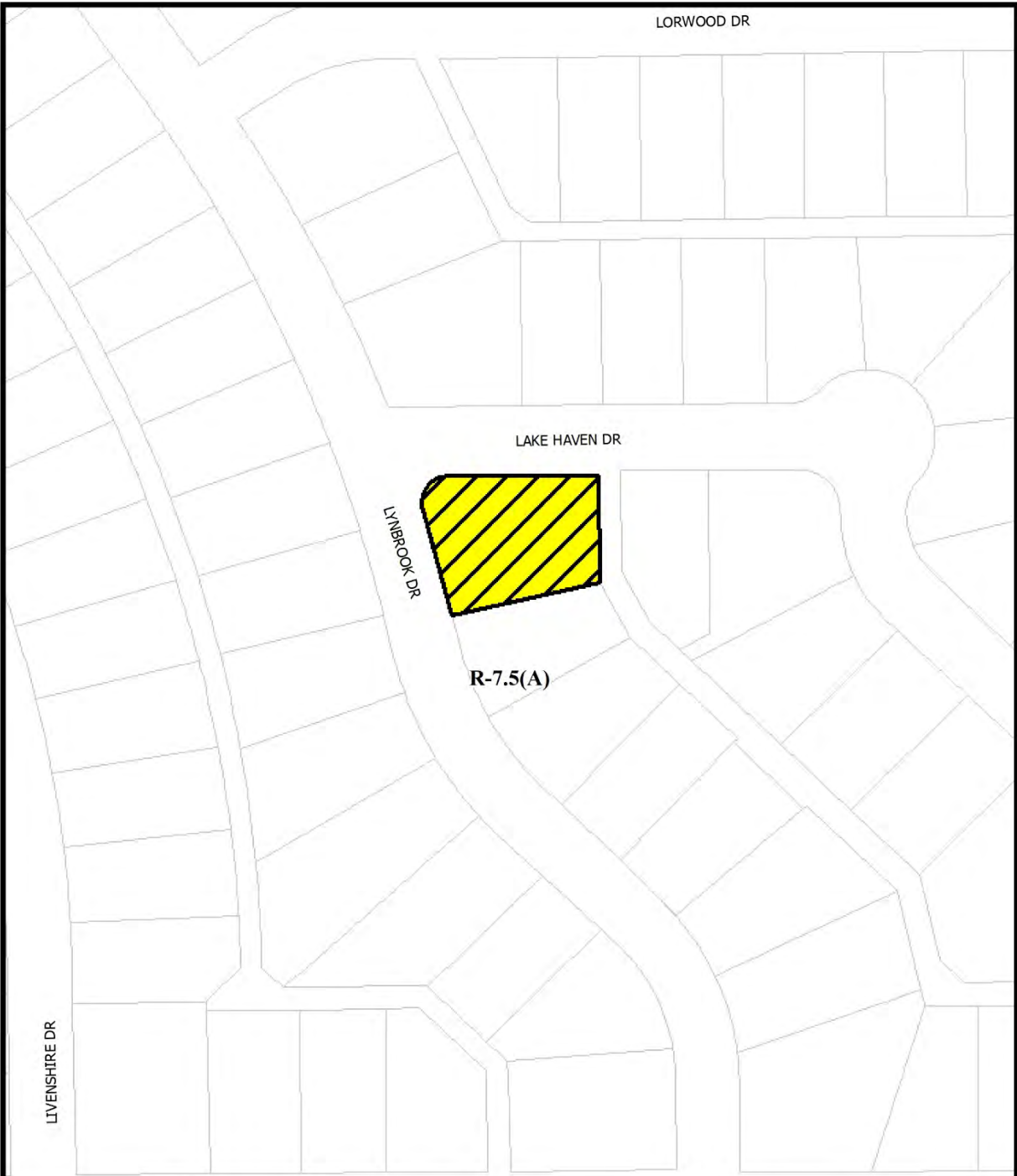
- December 9, 2021: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- January 6, 2022: The Board of Adjustment Chief Planner randomly assigned this case to Board of Adjustment Panel C.
- January 10, 2022: The Board of Adjustment Chief Planner emailed the applicant the following information:

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

January 27, 2022: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February public hearing. The review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Development Code Specialist, the Transportation Senior Engineer, the 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 9, 2022: The applicant submitted additional evidence for consideration (**Attachment A**).

February 24, 2022: The Board hearing was cancelled due to inclement weather and rescheduled to March 21, 2022.

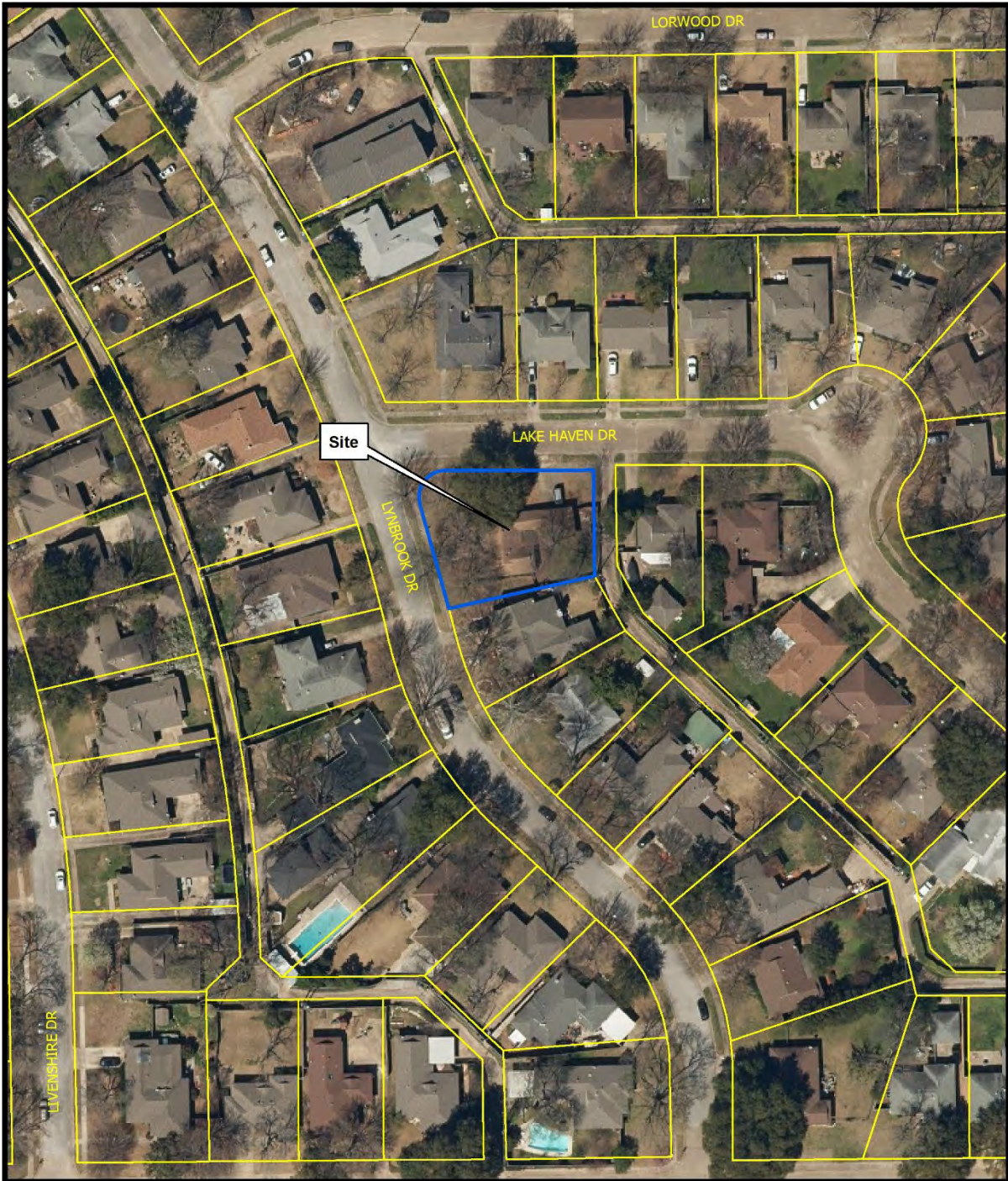


1:1,200

ZONING MAP

Case no: BDA212-008

Date: 1/5/2022

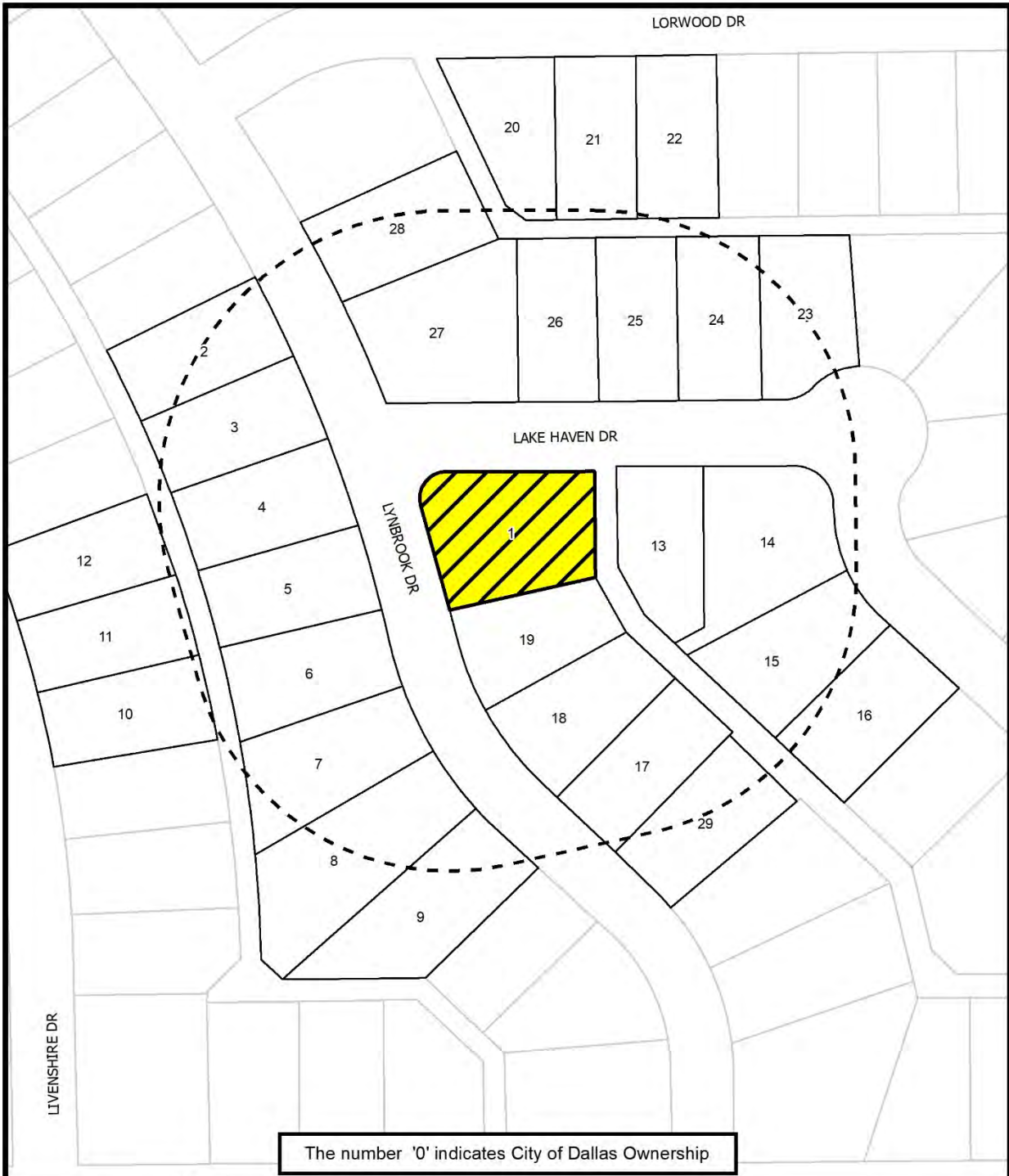


1:1,200

AERIAL MAP

Case no: BDA212-008

Date: 1/5/2022



The number '0' indicates City of Dallas Ownership

 <p>1:1,200</p>	<h2 style="text-align: center;">NOTIFICATION</h2> <p>200' AREA OF NOTIFICATION</p> <p>29 NUMBER OF PROPERTY OWNERS NOTIFIED</p>	<p>Case no: <u>BDA212-008</u></p> <p>Date: <u>1/5/2022</u></p>
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01/04/2022

Notification List of Property Owners

BDA212-008

29 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	9140 LYNBROOK DR	UMBERGER DUSTIN & MADISON
2	9207 LYNBROOK DR	BALDOCK HAYDEN M & MEGAN A
3	9203 LYNBROOK DR	MADRALA BOGUSLAW T
4	9145 LYNBROOK DR	DURAN IRMA ANGELICA
5	9141 LYNBROOK DR	MCCAULEY BRIAN
6	9137 LYNBROOK DR	BECK JANE LESLIE
7	9133 LYNBROOK DR	BERRY KYLE A & NICOLE K
8	9129 LYNBROOK DR	HARRINGTON SETH
9	9125 LYNBROOK DR	WOODARD STEVEN KYLE &
10	9126 LIVENSHERE DR	CASILLAS FAMILY LIMITED
11	9130 LIVENSHERE DR	HALKA THOMAS & BONNIE
12	9136 LIVENSHERE DR	THOMPSON ANDREW MICHAEL &
13	10616 LAKE HAVEN DR	MCKNIGHT LEWIS
14	10622 LAKE HAVEN DR	SHERMAN JASON R & DANA B
15	10644 LAKE HAVEN DR	LEATHERWOOD LINDA LEE
16	10648 LAKE HAVEN DR	CHAPMAN TRAVIS ALAN
17	9124 LYNBROOK DR	KOREVAAR ROBIN R D
18	9128 LYNBROOK DR	SHORT PORPERTY GROUP LLC
19	9134 LYNBROOK DR	BRISCH TAYLOR RYAN &
20	10620 LORWOOD DR	LANCASTER JEREME D & LINDSAY A
21	10626 LORWOOD DR	SAVAGE BARBARA JANE
22	10630 LORWOOD DR	SANDERS TINA M
23	10627 LAKE HAVEN DR	THIEM CLAUDIA
24	10621 LAKE HAVEN DR	WAHLQUIST RAYMOND W
25	10617 LAKE HAVEN DR	BAIN BRIAN & HAILEY
26	10611 LAKE HAVEN DR	WAGGONER JAMES R

01/04/2022

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	10607 LAKE HAVEN DR	MORRIS JAMES C EST OF
28	9210 LYNBROOK DR	PERKINS KATHRYN E
29	9118 LYNBROOK DR	HANNAH JOHN DAVID & CAROLYN



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212-008

Date: 11/30/21 12-9-21 cat

Data Relative to Subject Property:

Location address: 9140 Lynbrook Drive Zoning District: R-7.5(A)

Lot No.: 20 Block No.: G/7317 Acreage: .27 Census Tract: 130.12

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Dustin and Madison Umberger

Applicant: Madison Umberger Telephone: 214-236-8678

Mailing Address: 9140 Lynbrook Drive Zip Code: 75238

E-mail Address: Madison@shortconstructiongroup.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance [checked], or Special Exception, of front yard setback regulation of up to 20' is made to construct and maintain an approximately 575 sq ft Pool structure to be located as close as 5' from 1 of the site's 2 front property lines (Lake Haven) or as much as 20' into the 75' front yard setback

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: We have a two front yard setbacks and cannot develop our property like our neighbors

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

Affidavit

Before me the undersigned on this day personally appeared Madison Umberger (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 2nd day of December 2021

(Rev. 08-01-11) [Notary Seal: DAVID KING REED, JR., Notary Public, State of Texas, Comm. Expires 03-04-2024, Notary ID 130239491] [Signature: David King Reed Jr., Notary Public in and for Dallas County, Texas]



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 212-008

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

at: 9140 Lynbrook Drive Dallas, TX 75238
(Address of property as stated on application)

Authorize: Madison Umberger
(Applicant's name as stated on application)

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

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

Specify: Variance to the front yard setback regulations of up to 20', is made to construct a 575 sqft. Pool structure to be located 5' from one of the sites 2 front property lines or as much as 20' into this 25' front yard setback.

Dustin Umberger
Print name of property owner or registered agent

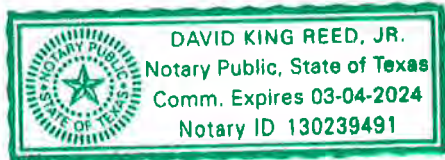
Dustin Umberger
Signature of property owner or registered agent

Date 12/2/2021

Before me, the undersigned, on this day personally appeared Dustin Umberger

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

Subscribed and sworn to before me this 2nd day of December, 2021



David King Reed, Jr.
Notary Public for Dallas County, Texas

Commission expires on 3/4/24



Printed: 12/9/2021

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)



BDA212-008_ATTACHMENT_A

9140 Lynbrook Drive comparable lots:

ADDRESS	LOT SIZE	STRUCTURE SIZE	DEVELOPABLE
<i>9140 Lynbrook Drive</i>	<i>11,679 sq ft</i>	<i>4,154 sq ft</i>	<i>6,482 sq ft</i>
9216 Lynbrook Drive	13,068 sq ft	3,600 sq ft	7,871 sq ft
9129 Lynbrook Drive	13,338 sq ft	1,467 sq ft	11,688 sq ft
9125 Lynbrook Drive	11,065 sq ft	1,764 sq ft	9,615 sq ft
9133 Lynbrook Drive	9,845 sq ft	1,847 sq ft	8,001 sq ft
10644 Lake Haven Drive	9,270 sq ft	1,311 sq ft	7,664 sq ft
10658 Lake Haven Drive	13,364 sq ft	2,575 sq ft	11,000 sq ft
10657 Lake Haven Drive	11,761 sq ft	1,493 sq ft	8,521 sq ft
10635 Lake Haven Drive	11,169 sq ft	1,598 sq ft	9,110 sq ft

Panel C

03-21-22

BDA212-008

9140 Lynbrook Drive

(Support Reference)

By signing below, I certify that I have no objection to the Umbergers building a pool structure inside their fence line on Lake Haven Drive and Lynbrook Drive at 9140 Lynbrook Drive.

Names	Address	Signature
SHORT LAWSON & HELEN	9216 Lynbrook Drive	
PERKINS KATHRYN E	9210 Lynbrook Drive	
MORRIS JAMES C EST OF	10607 Lake Haven Drive	Does not live here - house is empty
WAGGONER JAMES R	10611 Lake Haven Drive	
BAIN BRIAN & HAILEY	10617 Lake Haven Drive	
WAHLQUIST RAYMOND W	10621 Lake Haven Drive	
THIEM CLAUDIA	10627 Lake Haven Drive	Rental Property
LEATHERWOOD LINDA LEE	10644 Lake Haven Drive	
SHERMAN JASON R & DANA	10622 Lake Haven Drive	
MCKNIGHT LEWIS	10616 Lake Haven Drive	Renter in this house, but verbally signed, feel free to contact him @ 214-893-4480
BRISCH TAYLOR RYAN	9134 Lynbrook Drive	
SHORT PROPERTY GROUP LLC	9128 Lynbrook Drive	
GARNER ROBIN R D	9124 Lynbrook Drive	Verbal Signature; Contact her @ 214-662-7230

By signing below, I certify that I have no objection to the Umbergers building a pool structure inside their fence line on Lake Haven Drive and Lynbrook Drive at 9140 Lynbrook Drive.

Names	Address	Signature
WOODARD STEVEN KYLE	9125 Lynbrook Drive	Paige Woodard
HANNAH JOHN DAVID & CAROLYN	9118 Lynbrook Drive	John Kerred
HARRINGTON SETH	9129 Lynbrook Drive	Seth H
BERRY KYLE A & NICOLE K	9133 Lynbrook Drive	Nicole Berry
BECK JANE LESLIE	9137 Lynbrook Drive	Jane Beck
MCCAULEY BRIAN Beckie	9141 Lynbrook Drive	Beckie McCauley
DURAN IRMA ANGELICA	9145 Lynbrook Drive	Irma
MADRALA BOGUSLAW T	9203 Lynbrook Drive	Boguslaw Madrala
BALDOCK HAYDEN M & MEGAN A	9207 Lynbrook Drive	Hayden Baldock
CRIM BRUCE C Brett + Whitney	9211 Lynbrook Drive	Whitney C

FILE NUMBER: BDA212-012(PD)

BUILDING OFFICIAL'S REPORT: Application of Elizabeth Alvarez Villaizan for a 12-foot-six-inch side yard variance, which will require a seven-foot-six-inch variance and a variance to construct and maintain a general merchandise or food store 3,500 square feet or less use, and a motor vehicle fueling station use and provide eight of the required 12 off-street parking spaces, which will require a four-space variance (33 percent reduction) to the off-street parking regulations at 3900 N. Hampton Road. This property is more fully described as Lots 18 and 19 in City Block 11/7130 and is zoned a CR Community Retail District which requires compliance with off-street parking regulations per the use.

LOCATION: 3900 N. Hampton Road

APPLICANT: Elizabeth Alvarez Villaizan

REQUEST:

A request for variances to the side yard setback and the off-street parking regulations is made to maintain a general merchandise or food store 3,500 square feet or less use, and a motor vehicle fueling station use [Shell Station] and provide eight of the required 12 off-street parking spaces. An addition was made to the general merchandise or food store 3,500 square feet or less use to provide for expansion of the service, but no additional off-street parking spaces were added.

STANDARD FOR A VARIANCE:

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

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

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

State Law/HB 1475 effective 9-1-21

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

STAFF RECOMMENDATION (side yard variance):

Denial.

Rationale:

Staff has concluded that submitted evidence (**Attachment A**) does not substantiate the following:

- how granting or not granting the variances are 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;
- how granting or not granting the variances are 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
- whether the variances sought are due to self-created or personal hardship, not intended for financial reasons, granted to relieve only, nor to permit any person a

privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

The approved site plan depicts the structure in compliance with the required 20-foot side yard setback from the residential district to the east. As a result, staff concludes that the requested side yard variance, are self-created hardships or personal hardships due to the construction of the addition not being compliant with the approved site plan and permits. Lastly, the applicant provided a comparative analysis of five properties. The analysis did not meet the variance standard of how the subject property is restrictive in area, shape, or slope where it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning. Instead, the analysis focused on the comparative sites not having the required side yard setback, as well.

STAFF RECOMMENDATION (off-street parking variance):

Approval.

Rationale:

Internal records show that permits were approved on April 19, 2018. The approved plans reflected an addition of 279 square feet and the provision of seven off-street parking spaces to meet the off-street parking requirement of one space per every 200 square feet of floor area ($279+810=1089/200=5.4$ or 5 required spaces plus two additional spaces for the fueling station). A subsequent inspection found a greater addition was constructed with 1,132 square feet of floor area in lieu of the approved one of 279 square feet. The greater floor area of the structure then triggered a much greater requirement in the off-street parking requirement of 12 spaces rather than the seven-existing on-site in 2018. As a result, staff concludes that the requested variance to provide eight of the required 12 off-street parking spaces, which will require a four-space variance (33 percent reduction) to the off-street parking regulations.

To assist the board in its decision-making, the Senior Engineer within the Transportation Development Services Division Department of Transportation reviewed the area of request and information provided by the applicant. A comment sheet (**Attachment B**) submitted in review of the request reflects a recommendation of “no objection” with a comment that the site plan must meet City standards as outlined below.

- No driveways allowed closer than 55 feet from intersection
- Number of driveway approaches must be minimized

- Must restore curb for all abandoned driveway approaches
- Sidewalk and barrier free ramp requirements apply
- Driveway width and design standards apply

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	CR Community Retail District
<u>North:</u>	CR-D Community Retail District w/a D Liquor Control Overlay
<u>East:</u>	R-5(A) Single Family District
<u>South:</u>	CR Community Retail District
<u>West:</u>	Tract 7 within PDD No. 508

Land Use:

The subject site is developed with a general merchandise or food store 3,500 square feet or less use, and a motor vehicle fueling station use [Shell Station]. The property to the north is developed with an office use; immediately adjacent to the east is undeveloped; to the south across Leath Street is developed with an auto-related use; and, to the west across N. Hampton Road is developed with a utility or government installation other than listed [Dallas Housing Authority].

Zoning/BDA History:

There have been no related board or zoning cases in the immediate vicinity within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

A request for a variance to construct and maintain a general merchandise or food store 3,500 square feet or less use and a motor vehicle fueling station use and a variance to the off-street parking regulations of four spaces is made to maintain a general merchandise or food store 3,500 square feet or less use and a motor vehicle fueling station use [Shell Station] and provide eight of the required 12 off-street parking spaces. An addition was made to the general merchandise use to provide for expansion of the use; however, no increase to the off-street parking was provided.

The site is zoned a CR Community Retail District, which requires the off-street parking requirements to be provided per Chapter 51A. Accordingly, per SEC 51A-4.210(b)(24), a general merchandise or food store 3,500 square feet or less use off-street parking requirement is one space per 200 square feet of floor area while a motor vehicle fueling station use off-street parking requirement is two spaces. Per the requirement, the proposed 1,932-square-foot general merchandise or food store 3,500 square feet or less

use requires 9.66 off-street parking spaces. Since a fraction of a space is unobtainable, the .66 is rounded to the nearest whole number. Thereby, 10 off-street parking spaces are required. Thus, the 10 off-street spaces required in addition to the two off-street spaces for the motor vehicle fueling station use, requires a total of 12 off-street parking spaces for the site.

Additionally, Chapter 51A Sec. 51A-4.122(4)(B)(i) regulates the following **side yard** and rear yard setbacks:

(B) Side and rear yard. Minimum side and rear yard is:

(i) 20 feet where adjacent to or directly across an alley from R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(ii) no minimum in all other cases

According to the proposed site plan provided in review of the request, the general merchandise or food store 3,500 square feet or less use and the motor vehicle fueling station use operated legally under a Certificate of Occupancy granted August 24, 1984 and contained 810 square feet of floor area with seven off-street parking spaces provided. On April 19, 2018, building plans were submitted depicting the existing floor area of 810 square feet and the proposed 279-square-foot addition. Additionally, the existing structure provided the required 20-foot side yard setback along the rear of the structure which is adjacent to the undeveloped single-family district. However, construction of the site failed to ensure compliance of neither the setback of 20-feet for the existing structure nor the addition constructed adjacent to the single-family district with a larger footprint or floor area, as well. The proposed site plan depicts the addition aligned with the wall of the existing structure which compels staff to question whether the exterior wall of the structure was enlarged to further encroach into the single-family district, since the proposed addition was developed along the northern portion of the site in line with the existing 810-square-foot retail structure. One day later, on April 19, 2018, permits were subsequently cancelled along with trade permits (plumbing) and a new application for permits submitted on June 10, 2021, depicting the larger addition and the side yard encroachment.

The Senior Engineer within the Transportation Development Services Division Department of Transportation recommends “no objection” of the request (**Attachment B**).

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

- The parking demand generated by the general merchandise or food store 3,500 square feet or less use and the motor vehicle fueling station use does not warrant the number of off-street parking spaces required; and,

- The variance of four spaces (or a 33 percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.

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

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

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

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

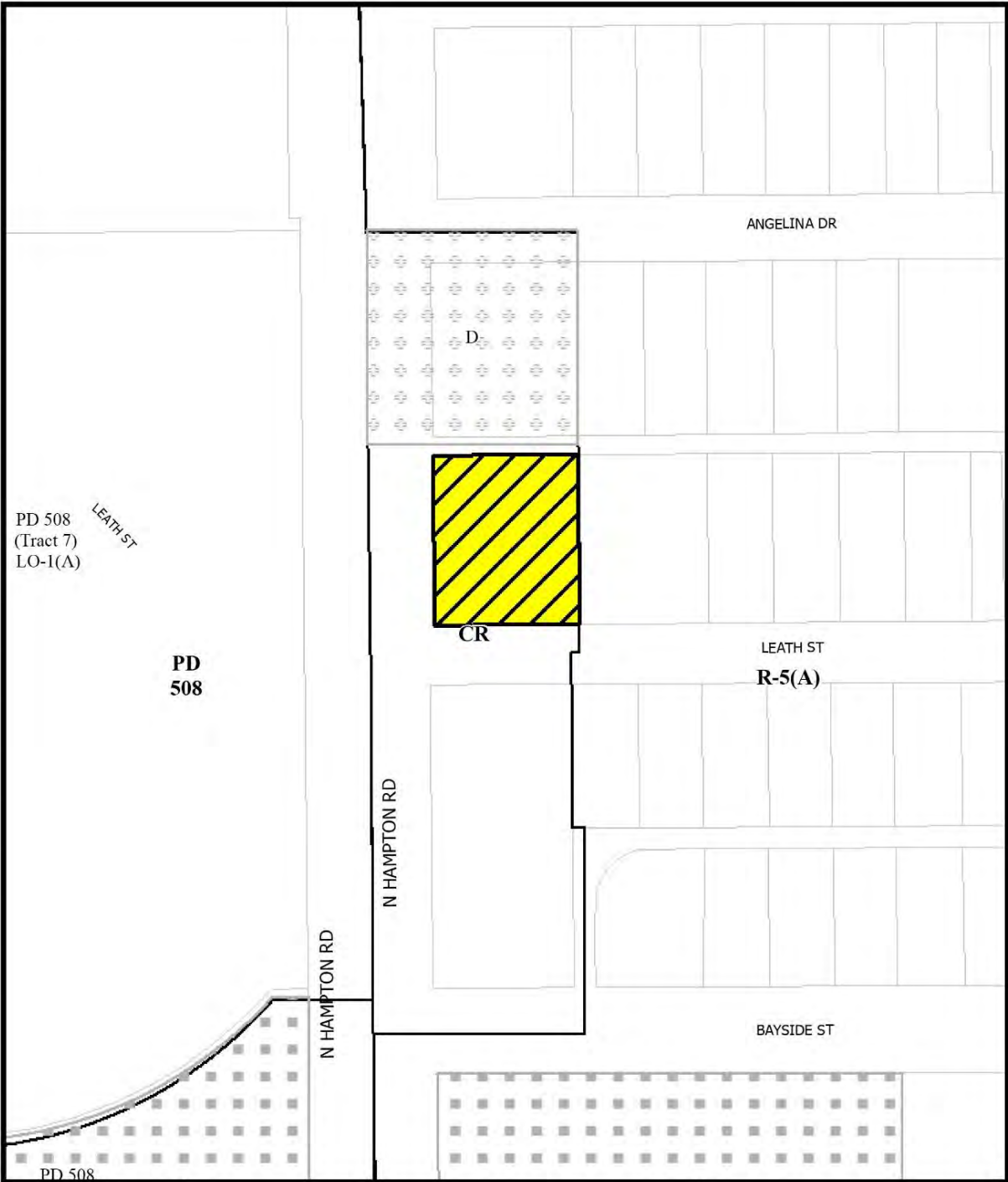
As of March 11, 2022, no letters have been submitted in support of nor in opposition of the request.


If the board grants the side yard setback variance and the variance to the off-street parking requests and imposes the submitted site plan as a condition, development would

be limited to what is shown on this document. Granting these variances will not provide any relief to the Dallas Development Code regulations.

Timeline:

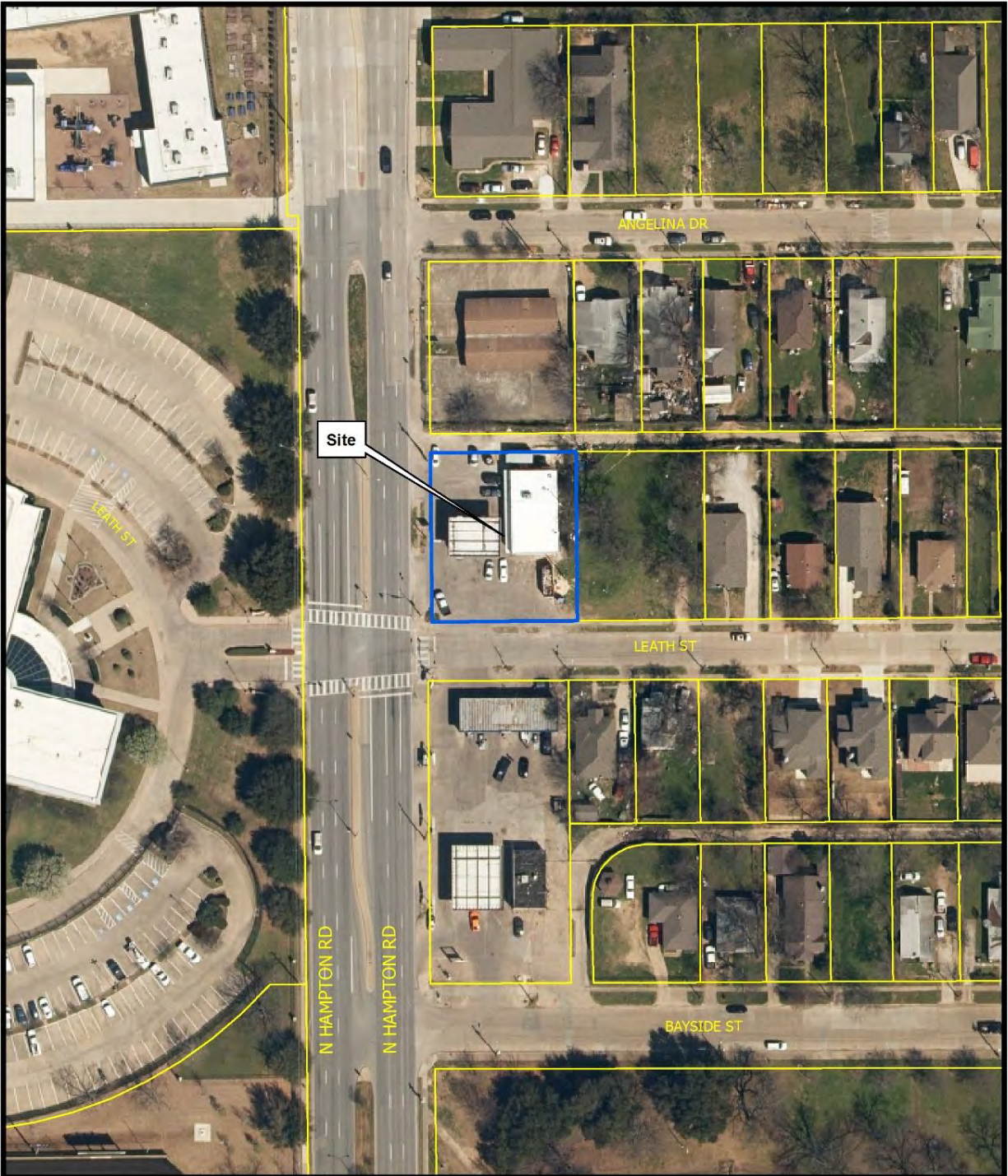
- Dec. 10, 2021: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- Dec. 28, 2021: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- January 3, 2022: The Board of Adjustment Senior Planner emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application:
 - an attachment that provided the public hearing date and panel that will consider the application; the January 26th deadline to submit additional evidence for staff to factor into their analysis; and the February 11th 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.”
- January 27, 2022: 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 following: the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner, the Board of Adjustment Senior Planner, the Chief Arborist, the Conservation Districts Chief Planner, the Senior Engineer, and the Assistant City Attorney to the board.
- February 7, 2022: The representative submitted evidence (**Attachment A**) for staff consideration.
- February 16, 2022: The representative submitted an email requesting a postponement to the Panel C Board of Adjustment hearing in March.
- March 14, 2022: The Senior Engineer within the Transportation Development Services Division of the Department of Transportation recommends “no objection” the request (**Attachment B**).




 1:1,200

ZONING MAP

Case no: BDA212-012
 Date: 1/5/2022



Site



1:1,200

AERIAL MAP

Case no: BDA212-012

Date: 1/5/2022



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
22 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA212-012**

Date: **1/5/2022**

01/04/2022

Notification List of Property Owners

BDA212-012

22 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3900 N HAMPTON RD	MUKTA INVESTMENTS LLC
2	3930 N HAMPTON RD	ABUNDANT FAITH CHURCH
3	2059 ANGELINA DR	WILLIAMS JARED MIKAL LIFE EST
4	3918 N HAMPTON RD	ORGANIZATION OF HISPANIC CONTRACTORS
5	2058 ANGELINA DR	MARTINEZ CESAR
6	2054 ANGELINA DR	GARCIA ROSALINDA C
7	2050 ANGELINA DR	MORENO FRANCISCO SOSA
8	2046 ANGELINA DR	BURTON JESSIE JR
9	2042 ANGELINA DR	WRIGHT PAUL C
10	2055 LEATH ST	HARDAWAY JOHN ETTA
11	2051 LEATH ST	EL PASO GROUP LLC THE
12	2047 LEATH ST	LOCKHART JOYCE A
13	2043 LEATH ST	LOZA JONATHAN D & ESMERALDA C
14	3818 N HAMPTON RD	OGBAZGI SEMERE GELAI &
15	2058 LEATH ST	MIRELES ADAN &
16	2054 LEATH ST	HENDERSON DARLINE JONES &
17	2050 LEATH ST	HARRIS AMANDA MARIE
18	2046 LEATH ST	LEWIS DESTINEE
19	2042 LEATH ST	SPRINGER JAKE
20	2055 BAYSIDE ST	SMITH DARRYL LARONE
21	2051 BAYSIDE ST	MACEDO ARCADIO
22	3939 N HAMPTON RD	DALLAS HOUSING AUTHORITY



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212-012

Data Relative to Subject Property:

Date: 12-10-21

Location address: 3900 N HAMPTON

Zoning District: CR

Lot No.: 18 AND 19 Block No.: 11 / 7130 Acreage: .3216

Census Tract: 101.01

Street Frontage (in Feet): 1) 110' 2) 130' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): MUKTA INVESTMENTS, LLC

Applicant: ELIZABETH ALVAREZ VILLAIZAN

Telephone: 972.322.0062

Mailing Address: 2929 KINGS RD. DALLAS, TEXAS

Zip Code: 75219

E-mail Address: ALCHEMIDG@OUTLOOK.COM

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance X, or Special Exception _____, of 7' - 6 TO THE SIDE YARD SETBACK, AND A 6 SPACE PARKING VARIANCE

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 REQUEST TO CHANGE THE CURRENT SETBACK OF 20 FEET TO MATCH THE 12 FEET OF THE PREVIOUS LEGAL NON-CONFORMING BUILDING.

WE ALSO REQUEST FOR OFF-STREET PARKING REDUCTION SPECIAL EXCEPTION OR VARIANCE TO ALLOW THE CURRENT SITE PLAN WHICH ONLY SHOWS 11 PARKING SPACES

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

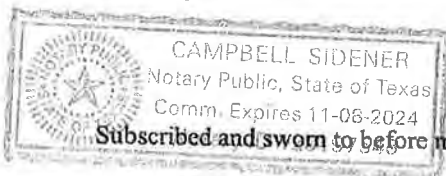
Before me the undersigned on this day personally appeared _____

Elizabeth Alvarez
(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, 2021

[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 Elizabeth Alvarez-Villaizan

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

at 3900 N Hampton Road

BDA212-012. Application of Elizabeth Alvarez-Villaizan for a variance to the side yard setback regulations, and for a variance to the parking regulations at 3900 N HAMPTON RD. This property is more fully described as Lots 18 & 19, Block 11/ 7130, and is zoned CR, which requires parking to be provided and requires a side yard setback of 20 feet when adjacent to residential district. The applicant proposes to construct and maintain a commercial structure and provide a 12 foot 6 inch side yard setback, which will require a 7 foot 6 inch variance to the side yard setback regulations, and to construct and maintain a nonresidential structure for a general merchandise or food store 3500 square feet or less use, and a motor vehicle fueling station use and provide 8 of the required 14 parking spaces, which will require a 6 space variance (42% reduction) to the parking regulation.

Sincerely,


David Session, Building Official



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 212-012

I, MUKTA INVESTMENTS, LLC / MUKTA BHADANI, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 3900 N HAMPTON DALLAS, TEXAS
(Address of property as stated on application)

Authorize: ELIZABETH ALVAREZ VILLAIZAN
(Applicant's name as stated on application)

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

- Variance (specify below)
- Special Excemption (specify below)
- Other Appeal: (specify below)

Specify: VARIANCE REQUEST TO CHANGE THE CURRENT SETBACK OF 20 FEET TO MATCH THE 12 FEET OF THE PREVIOUS LEGAL NON-CONFORMING BUILDING. WE ALSO REQUEST FOR OFF-STREET PARKING REDUCTION SPECIAL EXCEPTION OR VARIANCE TO ALLOW THE CURRENT SITE PLAN WHICH ONLY SHOWS 11 PARKING SPACES

MUKTA BHADANI
Print name of property owner or registered agent

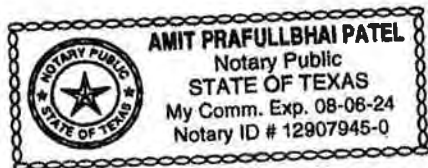
Mukta Bhadani
Signature of property owner or registered agent

Date 12/09/2021

Before me, the undersigned, on this day personally appeared Mukta Bhadani

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

Subscribed and sworn to before me this 9th day of December, 2021



[Signature]
Notary Public for Dallas County, Texas

Commission expires on Aug 6, 2021



Printed: 12/18/2021

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 |
| Mills' 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)



COMUNITY SERVICE	19	20	21	22	23	24	25	26	28	29	30	31	32	33	34	35	36
EX. 1953	50	50	50	50	50	39.2	39.2	39.2	39.2	39.2	39.2	39.2	39.2	39.2	39.2	39.2	39.2

2000

ANGELINA

61.61	50	50	50	50	50	50	50	50	40.9	40.9	40.9	40.9	40.9	40.9	40.9	40.9	40.9
+	2	3	4	5	6	7	8	11	12	13	14	15	16	17	To State		
60.82	50	50	50	50	50	50	50	40.9	40.9	40.9	40.9	40.9	40.9	40.9	40.9	40.9	40.9

7130/11

60.79	50	50	50	50	50	50	50	25	34	35	33	50	50	50	50	50	50
18	19	20	21	22	23	24	25	28	29	30	31	32	32				
60.82	50	50	50	50	50	50	50	25	34	35	33	50	50	50	50	50	50

2000

LEATH

3900 CAMPION

2135

3135

MEMBERS

CELL

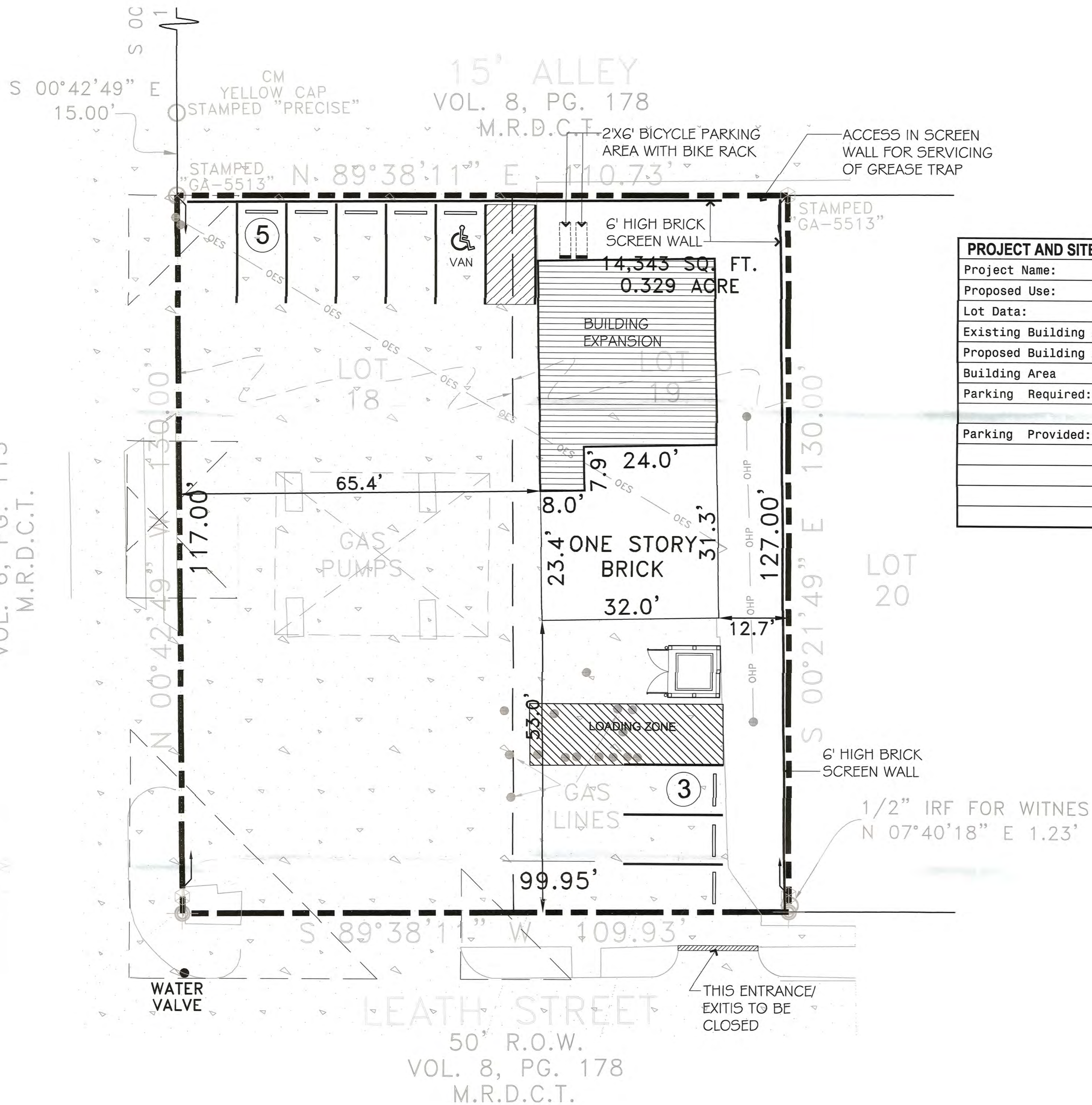
MANOR

ROOSEVELT

ADDN

SW

N. HAMPTON ROAD
100' R.O.W.
VOL. 6, PG. 113
M.R.D.C.T.



PROJECT AND SITE DATA:	
Project Name:	LUCK'S CONVENIENCE STORE AND GAS STATION REMODEL
Proposed Use:	MERCHANTILE
Lot Data:	14,343 SQ. FT
Existing Building Area:	810 SQ. FT
Proposed Building Area:	1,555 SQ. FT
Building Area	2,365 S.F. (TOTAL)
Parking Required:	RETAIL 1/200 SF = 2,365 SF/200 = 11.8 SPACES
	TOTAL REQ = 12 SPACES
Parking Provided:	Regular = 7 SPACES
	Handicap = 1 SPACES
	Pump = 2 SPACES
	Loading Zone = 1 SPACE
	Total = 11 SPACES

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

**LUCKY'S SHELL GAS STATION
ADDITION AND RENOVATION
3900 NORTH HAMPTON ROAD
DALLAS, TEXAS 75212**

REVISION
CITY COMMENTS 08-09-2021
ADDENDUM 03-15-2019

ISSUE DATE
02-11-2019
PROJECT NUMBER
2019.0124.006
SHEET TITLE

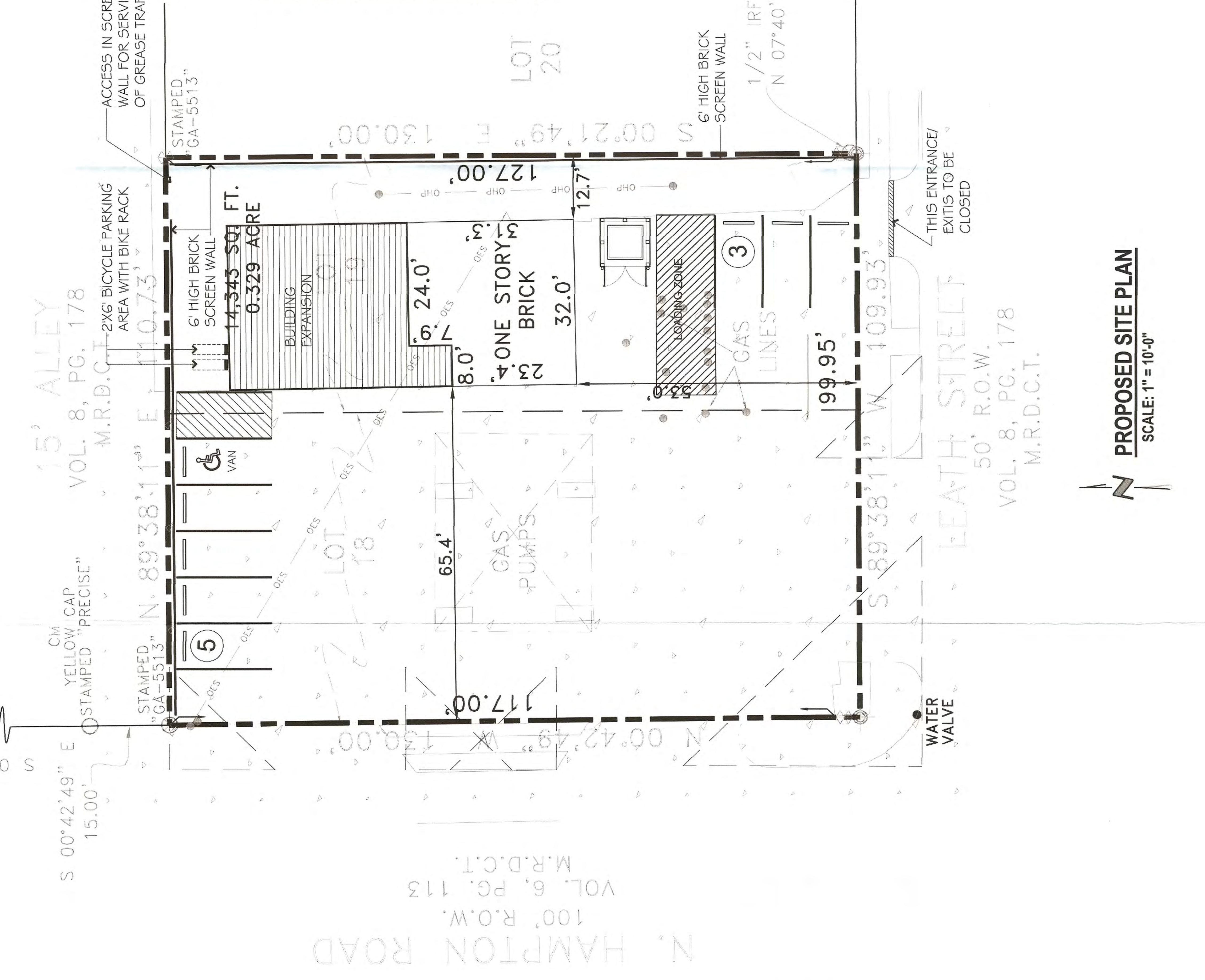
SITE PLAN
SHEET OF X
A0.1

**LUCKY'S SHELL GAS STATION
ADDITION AND RENOVATION
3900 NORTH HAMPTON ROAD
DALLAS, TEXAS 75212**

REVISION	ISSUE DATE
	02-11-2019
	PROJECT NUMBER 2019.0124.006
	ADDENDUM 03-15-2019
	CITY COMMENTS 08-09-2021
	ADDENDUM 03-15-2019

PROJECT AND SITE DATA:

Project Name:	LUCK'S CONVENIENCE STORE AND GAS STATION REMODEL
Proposed Use:	MERCHANTILE
Lot Data:	14,343 SQ. FT
Existing Building Area:	810 SQ. FT
Proposed Building Area:	1,132 SQ. FT
Building Area	1,932 S.F. (TOTAL)
Parking Required:	RETAIL 1/200 SF = 1,932 SF/200 = 10 SPACES
	TOTAL REQ = 10 SPACES
Parking Provided:	Regular = 10 SPACES
	Handicap = 1 SPACES
	Loading Zone = 1 SPACE
	Total = 10 SPACES



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

REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING OF FEBRUARY 24, 2022 (C)

Has no objections

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

Recommends denial
(see comments below or attached)

No comments

BDA 212-008(PD)

BDA 212-012(PD)

BDA 212-015 (PD)

BDA 201-092 (PD)

COMMENTS:

Staff is available to review any technical
information to quantify and justify the
request.

David Nevarez, PE, PTOE, DEV - Engineering

Name/Title/Department

1/27/2022

Date

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



Alchemi Design Group
Dallas – Ft Worth

February 7, 2022

City of Dallas [Pamela F. Riley Daniel]
Planning Department
Senior Planner

Request for a variance for the property located at 3900 N Hampton.

Our client would like to request a variance for the 20-foot side yard setback requirement at the North side yard setback for the building located at 3900 N Hampton.

History of Project:

Mr. Anand Gupta hired a Contractor to build this addition to the Shell Gas Station located at 3900 N Hampton, the General Contractor applied for a Building permit and received approval for the construction (permit #1804191076). The contractor then continued building, completed the construction, and before he could call for all final inspections, the owner had a disagreement with the contractor and terminated the contract. Following this, the contractor canceled the permit. Mr. Anand Gupta hired a new contractor a couple of years ago and the contractor applied for a new permit. This is when they found out their construction did not meet the setback requirements.

The owner hired our company to represent him in this matter on 11/2021 and we begin this application request.

We request that the BDA approves our variance based on this and the needs to the surrounding neighborhood. Our addition will bring in more products that would be a convenience to the community. Because we have more space, we can provide warm food, essential home goods such as bathroom products, home cooking products, and snacks.

We also added safety features such as more lighting, cameras, and the added square footage will also bring about more employees that can maintain the property. Our building will follow all city standards and will improve the community.

Below, we have compiled a list of properties within the City of Dallas that we believe do not meet the required setback for your consideration in making your decision.



Similar Conditions:

4002 N Hampton

- Zoning District - Community Retail (CR)
- Lot Size - 7,650 square feet lot size
- Land Use - Auto Repair shop
- Condition - Side and rear yard setbacks are less than 20 feet
- Location - R-5 Zoning District and alley on the Southeast corner
-

2805 Arizona

- Zoning District - Community Retail (CR)
- Lot Size - 21,736 square feet
- Land Use - Church
- Condition - Rear yard setback is less than 20 feet
- Location - R-7.5 Zoning District and alley on the Southwest side of the property

1930 S Beckley

- Zoning District - Community Retail (CR)
- Lot Size - 14,487 square feet
- Land Use - General Merchandise/mechanic shop
- Condition - Rear yard setback is less than 20 feet
- Location - R-7.5 Zoning District and alley on the East side of the property

1023 S Hampton

- Zoning District - Community Retail (CR)
- Lot Size - 7,100 square feet
- Land Use - General Merchandise, 7/11
- Condition - Rear yard setback is less than 20 feet
- Location - R-7.5 Zoning District and alley on the West side of the property

3702 Greenville

- Zoning District - Community Retail (CR)
- Lot Size - 14,384 square feet
- Land Use - General Merchandise, 7/11
- Condition - Side yard setback is less than 20 feet
- Location - R-7.5 Zoning District and alley on the North side of the property



Alchemi Design Group
Dallas – Ft Worth

Please review our request and let us know any information we can provide you; we will send it to you promptly. We have communicated with our neighbors, and we have received nothing, but positive feedback and people are really excited for us to open our new kitchen.

Sincerely,

Elizabeth Alvarez Villaizan
Alchemi Design Group
Dallas – Ft Worth



972.322.0062
Alchemidg@outlook.com

Signature; _____
Elizabeth Alvarez Villaizan
Title – Managing Principal

FILE NUMBER: BOA201-092(PD)

BUILDING OFFICIAL'S REPORT: Application of Danielle Mathews of Masterplan Texas for a special exception to the fence height regulations at 10645 Lennox Lane. This property is more fully described as Lot 2, Block C/5534, and is zoned an R-1ac(A) Single Family District, which limits the height of a fence in the front yard to four feet. The applicant proposes to construct and maintain a nine-foot-high fence in a required front yard, which will require a five-foot special exception to the fence regulations.

LOCATION: 10645 Lennox Lane

APPLICANT: Danielle Mathews of Masterplan Texas

REQUEST:

The request for a special exception to the fence standards regulations is made to construct and maintain a nine-foot-high fence. The property is currently undergoing development, fenced, and moderately wooded.

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

Land Use:

The subject site is currently undeveloped and moderately wooded. Surrounding properties to the north, east, south, and west are developed with single-family uses.

Zoning/BDA History: There have been ten related board cases in the vicinity within the last five years.

1. **BDA212-014:** On March 23, 2022, the Panel B, Board of Adjustments will hear a request for a special exception to the fence height regulations at 10625 Lennox Lane.
2. **BDA167-047:** On April 17, 2017, the Panel C, Board of Adjustments granted a special exception to the fence height regulations at 10545 Lennox Lane.
3. **BDA167-140:** On December 11, 2017, the Panel C, Board of Adjustments granted a special exception to the fence standards at 10564 Lennox Lane.
4. **BDA178-038:** On May 21, 2018, the Panel C, Board of Adjustments granted a special exception to the fence height regulations at 10515 Lennox Lane.
5. **BDA178-111:** On October 18, 2018, the Panel B, Board of Adjustments granted a special exception to the fence height regulations at 10650 Strait Lane.
6. **BDA178-127:** On November 14, 2018, the Panel B, Board of Adjustments granted a special exception to the fence height regulations at 10747 Lennox Lane.
7. **BDA189-099:** On October 21, 2019, the Panel C, Board of Adjustments granted a special exception to the fence height regulations at 4554 Harrys Lane.
8. **BDA189-141:** On December 16, 2019, the Panel C, Board of Adjustments granted a special exception to the fence height regulations at 4610 Catina Lane.
9. **BDA190-079:** On October 19, 2020, the Panel C, Board of Adjustments granted a special exception to the fence height regulations, and for a special exception to the visibility obstruction regulations at 4651 Cantina Lane.
10. **BDA190-050:** On June 22, 2021, the Panel C, Board of Adjustments granted a special exception to the fence height regulations at 4610 Cantina Lane.

GENERAL FACTS/STAFF ANALYSIS:

The applicant requests a special exception to the fence height standards of five feet to construct and maintain portions of a fence with staggering heights ranging from nine feet to five feet. The request proposes five-foot-tall steel picket fencing along the southern portion of the site with a nine-foot-tall stone veneer wall at the clip or intersection between the unimproved alley along the southern portion of the property and Lennox Lane. The portion of the nine-foot-tall veneer wall at the clip is proposed to encroach 19-feet into the required 40-foot front yard setback. As the fence continues counterclockwise from the unimproved alley to Lennox Lane, five-foot-tall steel picket fencing with connectivity to one seven-foot-tall limestone veneer wingwall, a seven-foot-tall steel picket automatic vehicular gate and a second seven-foot-tall limestone veneer wingwall is proposed along the southeastern portion of the site.

As the proposed fence continues north along the northeastern portion of the site towards Catina Lane, the proposed five-foot-tall steel picket fencing continues and connects to another nine-foot-tall limestone veneer wall that encroaches wholly into the required 40-foot front yard setback. The nine-foot-tall limestone veneer wall extends through the property from the northern portion of the site through the property to the southern portion of the site with an approximate length of 244-feet six-inches and an approximate width of 2-feet. Only 40-feet of the nine-foot-tall limestone veneer wall encroaches into the 40-foot front yard setback along Catina Lane or the northern portion of the site. The remainder of the proposed nine-foot-tall limestone veneer wall's approximately 185-foot six-inch limestone veneer wall is inset 62-feet six-inches from the property line along Lennox Lane which is outside of the 40-foot front yard setback. Six-foot wrought iron fencing is proposed to span the length of the property along Catina Lane with one eight-foot-tall stone veneer wall connecting the fence to the northeast terminus of the site.

All portions of the proposed fence staggered in height along Lennox Lane and Catina Lane encroach into both 40-foot front yard setbacks. Additionally, to soften the effects of the fence, the applicant has proposed to heavily landscape both the northern and southern portions of the site with tree and plant species such as Southern Magnolia, Needlepoint Holly Hedge, and low shrub plantings.

Currently, the property is undergoing development with internal records reflecting a building permit issued in 2018 for a single-family dwelling unit with approximately 9,379 square feet of floor area.

Section 51A-4.602(A)(2) of the Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. The subject site is zoned an R-1ac Single Family District and requires a minimum front yard setback of 40 feet. However, the property is situated along the northwest line of Catina Lane and Lennox Lane and thereby must maintain the

40-foot front yard setback in compliance with the front yard provisions for residential districts on both frontages.

Staff conducted a site visit of the subject site and the surrounding area and observed fences along Catina Lane, and Lennox Lane located in the front yard setbacks which appeared to be above four feet-in-height and located in the front yard setback, many of which have recorded BDA history (see the Zoning/BDA History section of this case report for details).

Additionally, the representative provided evidence (**Attachment A**) to staff which contains eight board cases related to height within the vicinity of the subject property that have been granted special exceptions to the fence height regulations and fence standard regulations.

As of March 11, 2022, three emails have been submitted in opposition of the request and one letter has been submitted in support of the request.

The applicant has the burden of proof in establishing that the special exceptions to the fence standards related to the height of nine feet located on Lennox Lane will not adversely affect neighboring properties.

Granting the special exception to the fence height regulations would require the proposal exceeding four feet-in-height in the front yard setback located along Catina Lane and Lennox Lane to be maintained in the locations, heights and materials as shown on the site plan and elevation plan.

Timeline:

August 9, 2021: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.

Sept. 16, 2021: The Board of Adjustment Administrator randomly assigned this case to Board of Adjustment Panel C.

Sept. 17, 2021 &

January 3, 2022: The Board Senior Planner emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application.
- an attachment that provided the public hearing date and panel that will consider the application; the September 28, 2021 deadline and subsequent January 26, 2022 deadline to submit additional evidence for staff to factor into their analysis; and the October 8, 2021 and February 11, 2022 deadlines 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.

Sept. 30, 2021: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearing. The review team members in attendance included: the Planning and Urban Design Interim Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Development Code Specialist, the Senior Sign Inspector, the Transportation Senior Engineer, the Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

No staff review comment sheets were submitted with this request.

October 18, 2021: The Board held the request under advisement until the November 15, 2021, Panel C hearing. To date, no updates have been provided.

Nov. 15, 2021: The Board held the request under advisement until the February 24, 2022, Panel C hearing. Site plan and elevation plan revisions compliant with the prohibited materials and openness of the fence were provided.

February 11, 2022: The representative submitted evidence (**Attachment A**) for staff consideration.

February 24, 2022: The Board hearing was cancelled due to inclement weather and rescheduled to March 21, 2022.

BOARD OF ADJUSTMENT ACTION: October 18, 2021

APPEARING IN FAVOR: Danielle Mathews 2201 Main St, #1280 Dallas, TX
Dallas Cothrum 2201 Main St. #1280 Dallas, TX

APPEARING IN OPPOSITION: None

MOTION: Agnich

I move that the Board of Adjustment in Appeal No. BDA 201-092 **hold** this matter under advisement until **November 15, 2021**.

SECONDED: Ramsour

AYES: 4 - Brooks, Ramsour, Agnich, Sashington

NAYS: 0 -

MOTION PASSED (unanimously): 4 – 0

BOARD OF ADJUSTMENT ACTION: **November 15, 2021**

APPEARING IN FAVOR:

Danielle Mathews 2201 Main St, #1280 Dallas, TX
Dallas Cothrum 2201 Main St. #1280 Dallas, TX

APPEARING IN OPPOSITION:

None

MOTION: **Agnich**

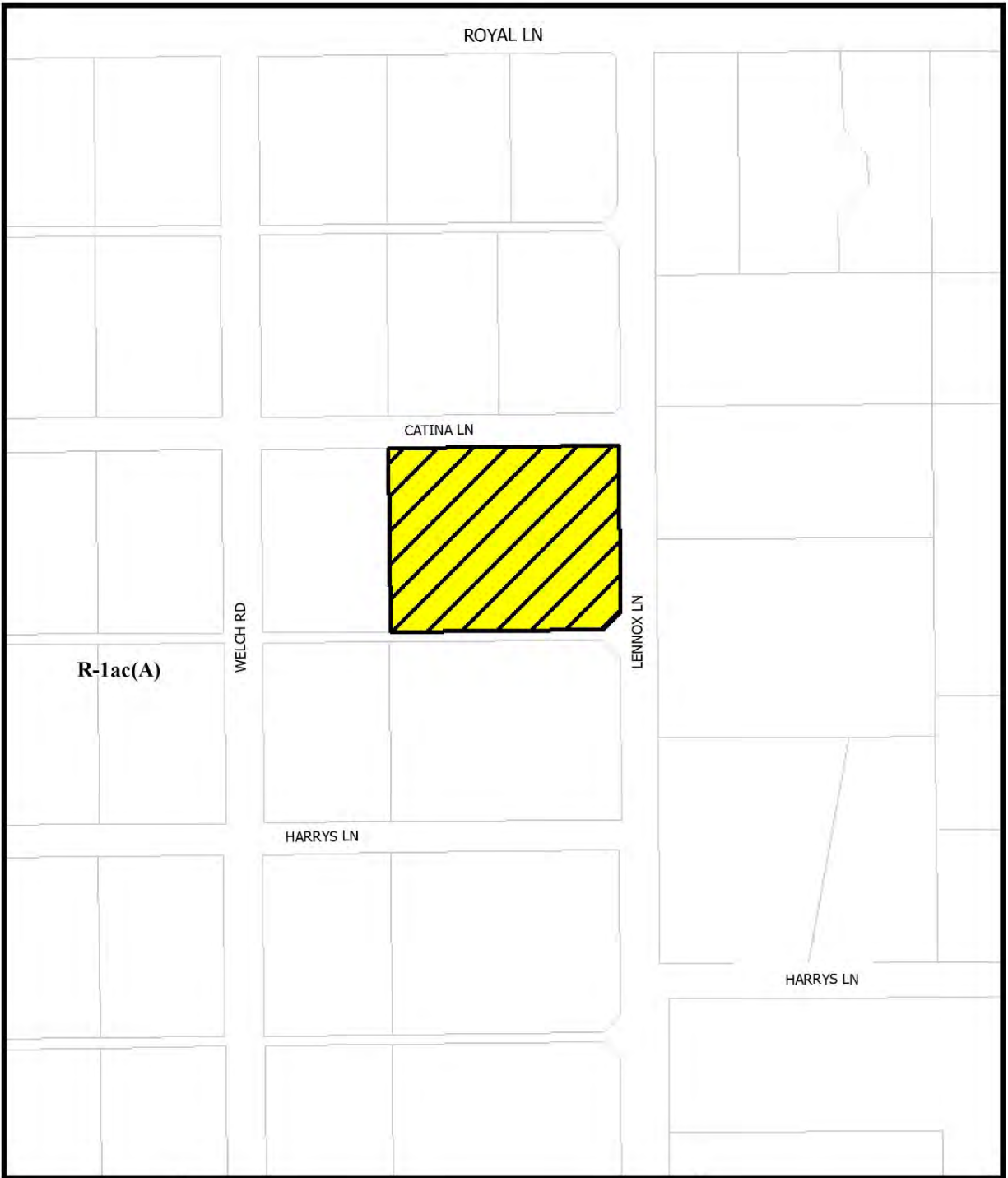
I move that the Board of Adjustment in Appeal No. BDA 201-092 **hold** this matter under advisement until **February 24, 2022**.

SECONDED: Sashington

AYES: 5 – Brooks, Slade, Pollock, Agnich, Sashington

NAYS: 0 -

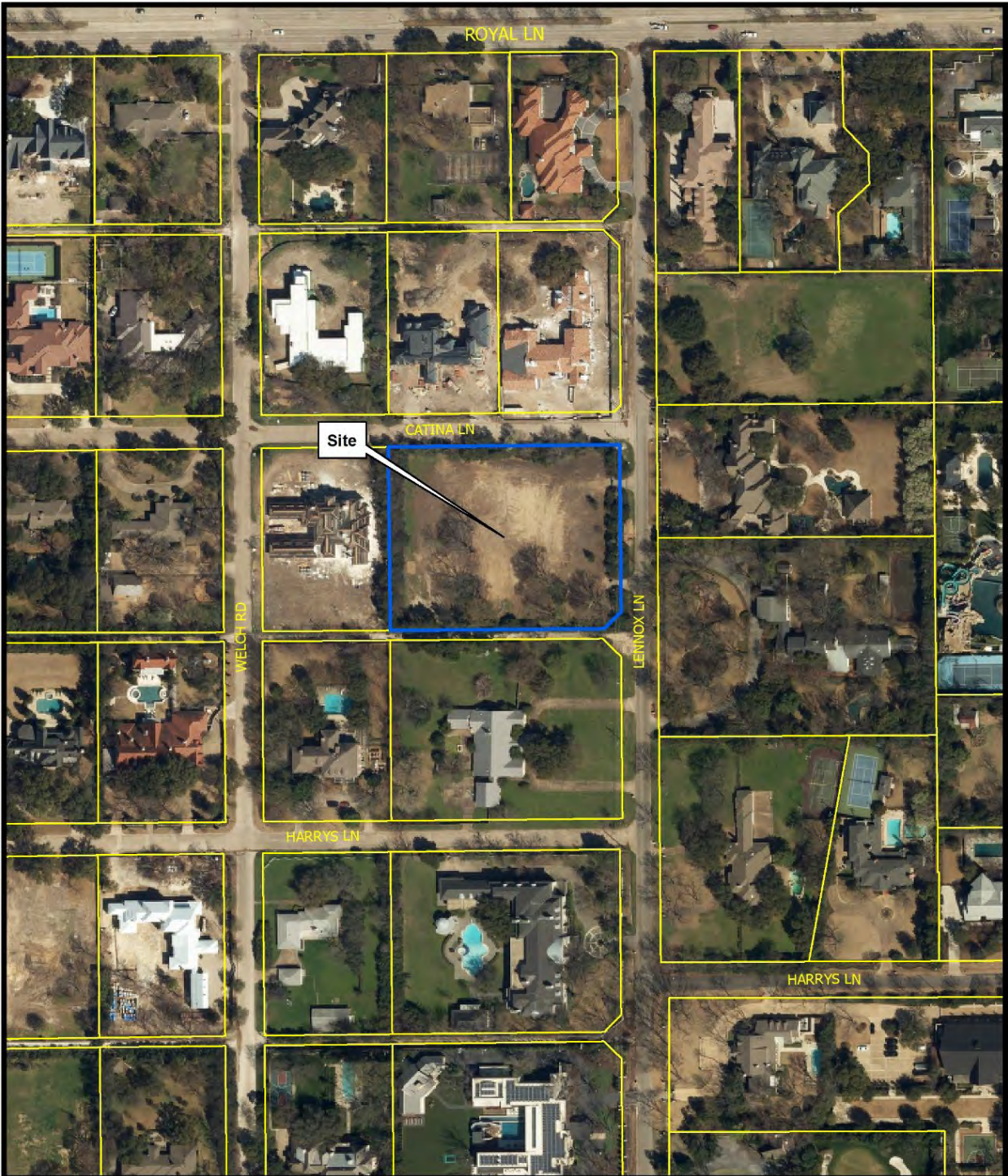
MOTION PASSED (unanimously): 5 – 0



1:2,400

ZONING MAP

Case no: BDA201-092
Date: 12/30/2021

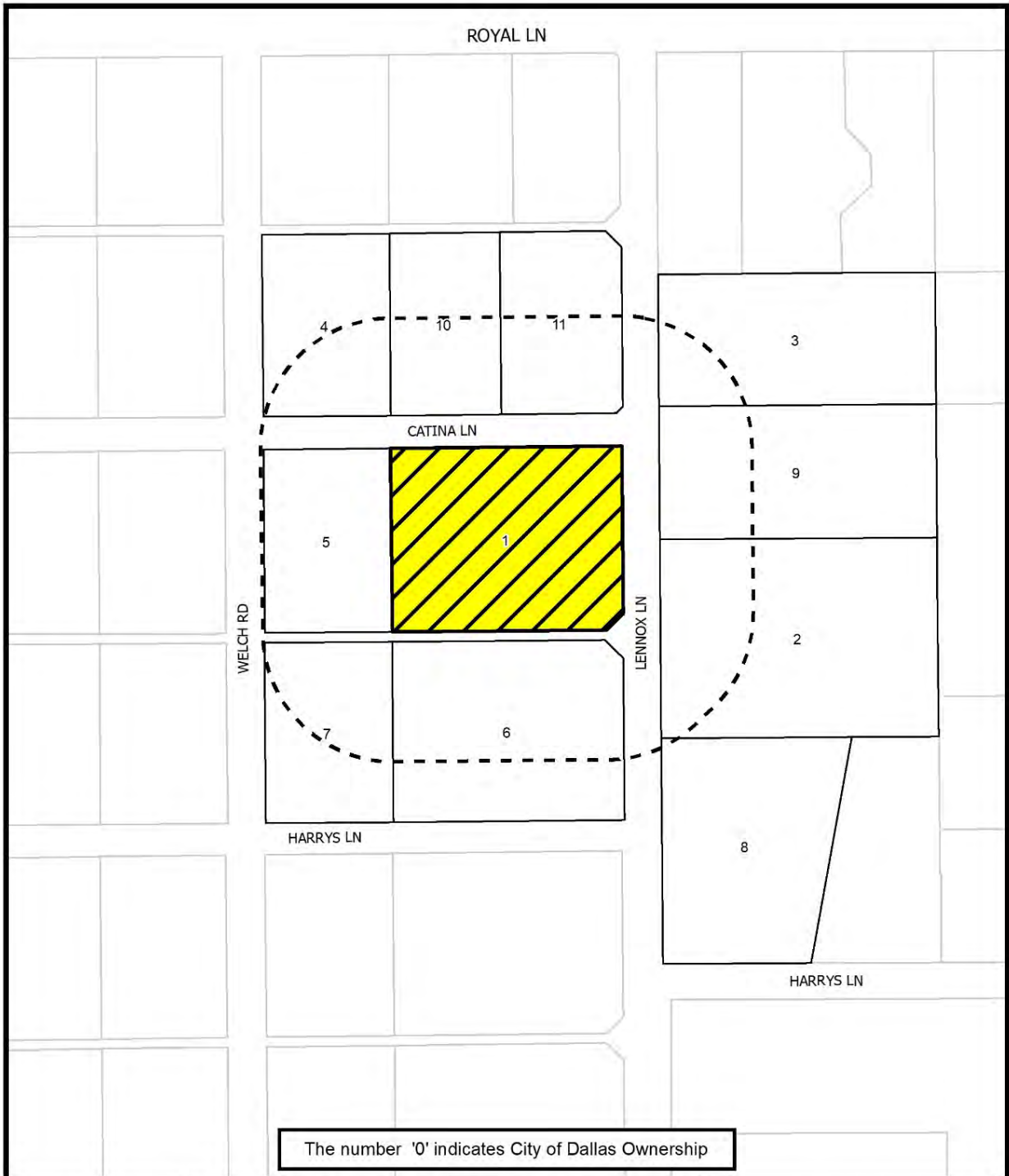


1:2,400

AERIAL MAP

Case no: BDA201-092

Date: 12/30/2021



 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;">11</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	11	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA201-092</u> Date: <u>12/30/2021</u>
200'	AREA OF NOTIFICATION					
11	NUMBER OF PROPERTY OWNERS NOTIFIED					

12/30/2021

Notification List of Property Owners

BDA201-092

11 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	10645 LENNOX LN	MMM FAMILY TRUST
2	10640 LENNOX LN	SILVERTHORNE MARY ROSE
3	10742 LENNOX LN	CHEN TEI FU FAMILY TRUST
4	4609 CATINA LN	LAM SAMUEL M
5	4610 CATINA LN	KREUNEN 2012 REVOCABLE TRUST
6	10625 LENNOX LN	10625 LENNOX LANE LLC
7	4609 HARRYS LN	GOLDSTEIN ROBERT &
8	10626 LENNOX LN	JUTRAS ROBERT N & DORIS L
9	10714 LENNOX LN	NGUYEN JOANNE V & ALEXANDER T
10	4651 CATINA LN	THOMSON NEIL HAMILTON &
11	10747 LENNOX LN	SAXTON KELLY & VICKY



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-092

Date: 2 August 2021 8-9-21

Jm Revised 12-30-21

Data Relative to Subject Property:

Location address: 10645 Lennox Lane Zoning District: R-1ac(A)

Lot No.: 2 Block No.: C/5534 Acreage: 2.089 Census Tract: 76.01

Street Frontage (in Feet): 1) 257.73' (Lennox) 2) 356.02' (Catina) 3) _____ 4) _____ 5) _____

Revised 2-14-22

removal of prohibited materials request

Jm

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): MMM Family Trust

Applicant: Danielle R. Mathews, AICP Telephone: 214-846-2547

Mailing Address: 2201 Main St, Suite 1280, Dallas, TX Zip Code: 75201

E-mail Address: danielle@masterplantexas.com

Represented by: Danielle R. Mathews, AICP Telephone: 214-846-2547

Mailing Address: 2201 Main St, Suite 1280, Dallas, TX Zip Code: 75201

E-mail Address: danielle@masterplantexas.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of 5 feet to the maximum permitted fence height of 4 feet in the required front yards along Lennox Lane and Catina Lane, and a special exception to the 50% open surface area requirement located less than 5 feet from the front lot line along Catina Lane. *Prohibited material (Gate)*

DM

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

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

Affidavit

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

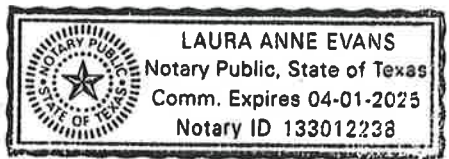
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: Danielle R. Mathews
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 3 day of August, 2021

Laura Evans
Notary Public in and for Dallas County, Texas

(Rev. 08-01-11)



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Masterplan-Danielle Mathews

did submit a request for a special exception to the fence height regulations
at 10645 Lennox Lane

BDA201-092. Application of Masterplan-Danielle Mathews for a special exception to the fence height regulations at 10645 LENNOX LN. This property is more fully described as Lot 2, Block C/5534, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 9 foot high fence in a required front yard, which will require a 5 foot special exception to the fence regulations.

BDA201-092_ATTACHMENT_B

Sincerely,


David Session, Building Official



AFFIDAVIT

Appeal number: BDA 201-092

I, MMM Family Trust, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 10645 Lennox Lane Dallas, TX 75229
(Address of property as stated on application)

Authorize: Danielle R. Mathews
(Applicant's name as stated on application)

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

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

Specify: _____

Lisa Tyner
Print name of property owner or registered agent
Date 07/16/2021

Lisa Tyner Trustee
Signature of property owner or registered agent

Before me, the undersigned, on this day personally appeared Lisa Tyner

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

Subscribed and sworn to before me this 16 day of July, 2021



Jacquelynn Meyer
Notary Public for Dallas County, Texas
Commission expires on 8/15/24



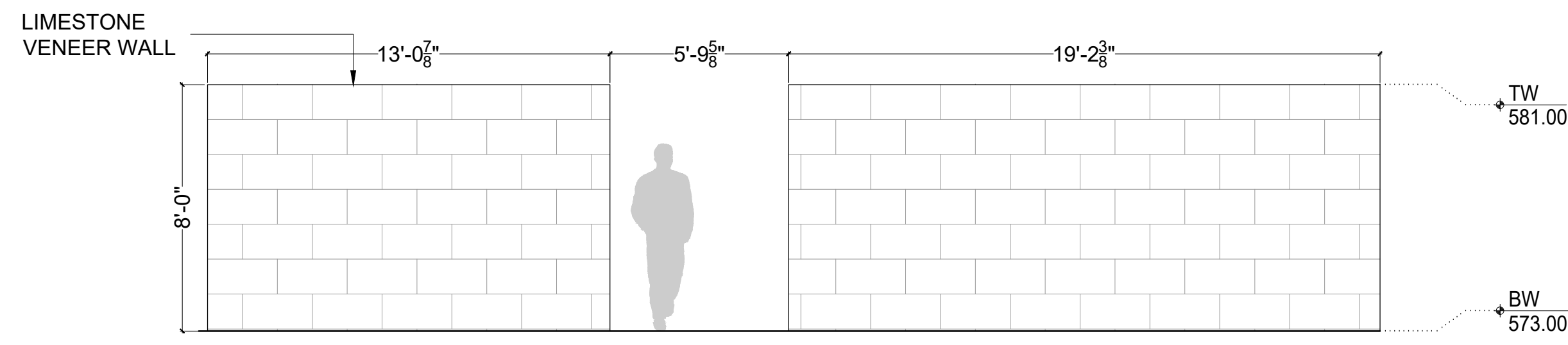
Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| 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 | |

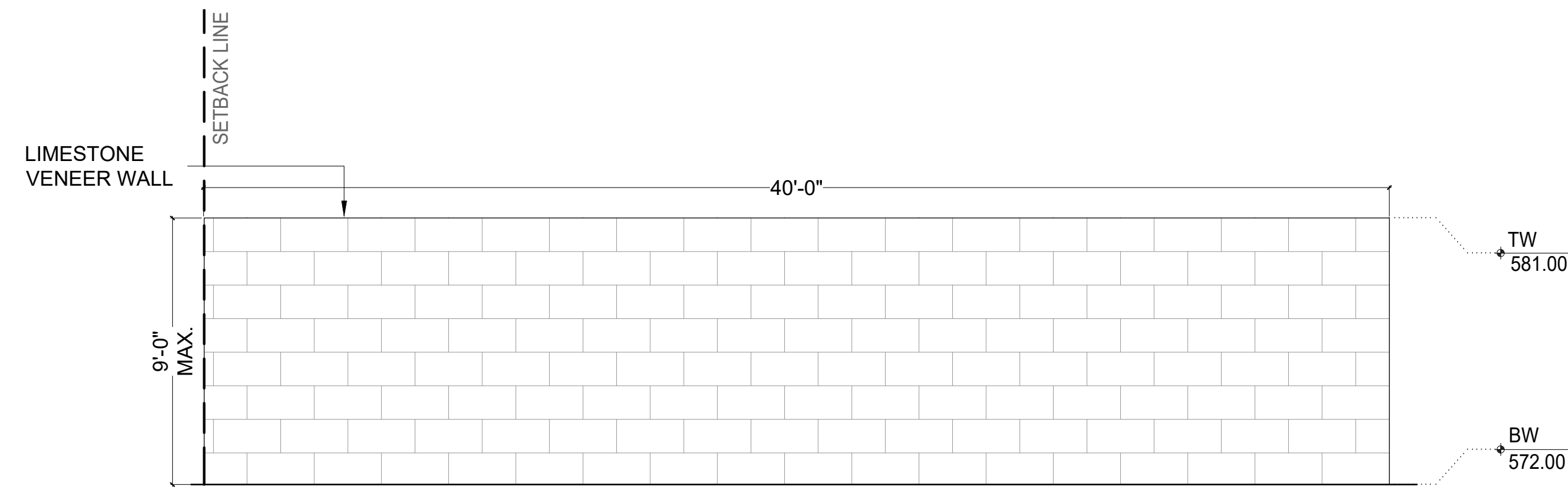
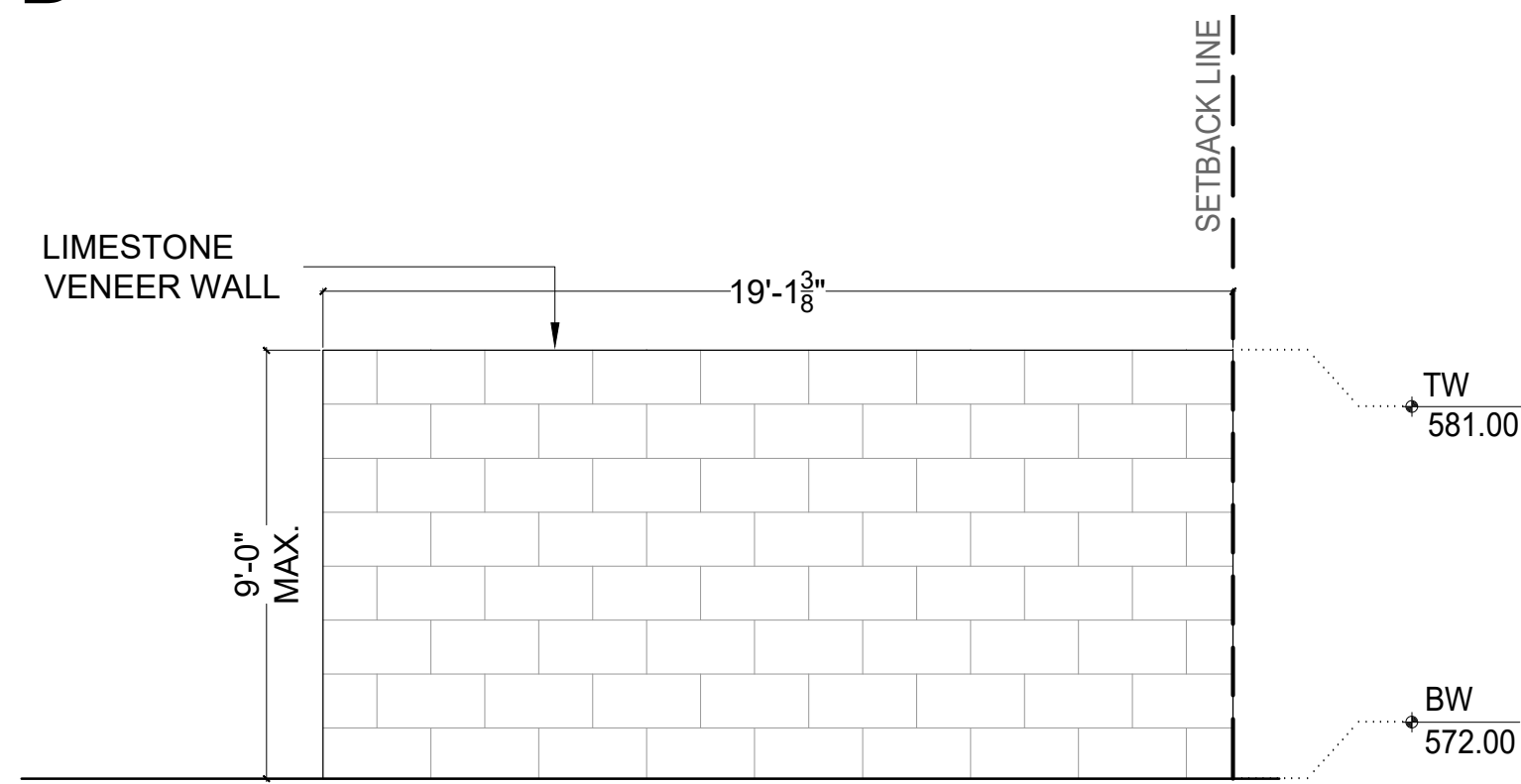
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering,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





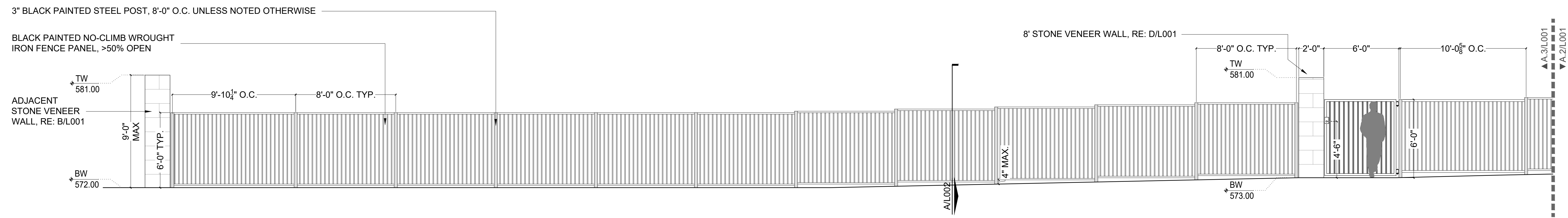


D ELEVATION: 8' STONE VENEER SCREEN WALLS (ELEVATION NOT VISIBLE FROM STREET) | 1/4" = 1'-0"

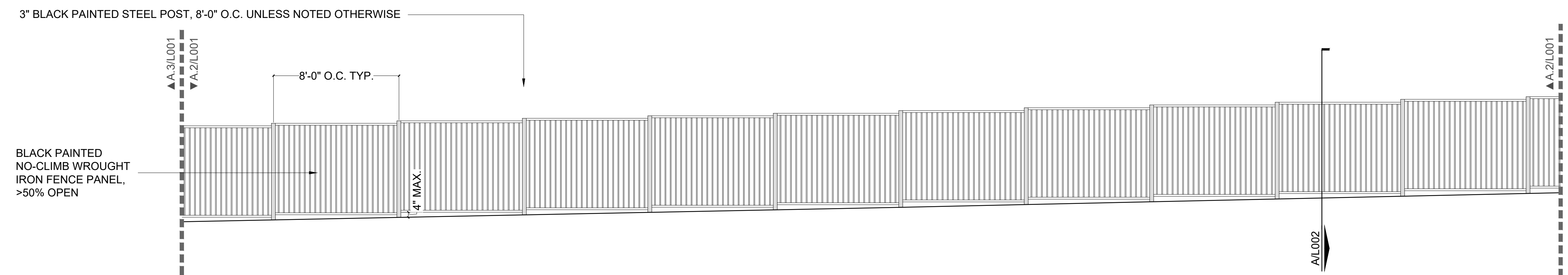


C ELEVATION: 9' STONE VENEER WALL FACING LENNOX LANE | 1/4" = 1'-0"

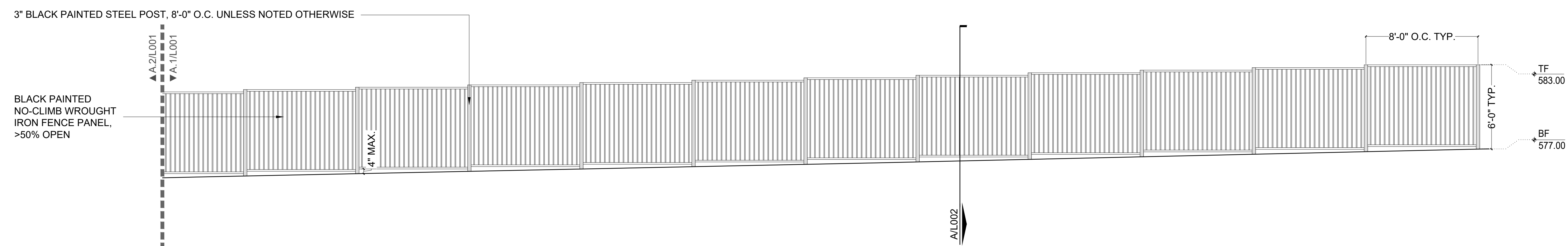
B ELEVATION: 9' STONE VENEER WALL FACING LENNOX LANE | 1/4" = 1'-0"



A.3 ELEVATION: 6' WROUGHT IRON FENCE FACING CATINA LANE | 1/4" = 1'-0"



A.2 ELEVATION: 6' WROUGHT IRON FENCE FACING CATINA LANE | 1/4" = 1'-0"



A.1 ELEVATION: 6' WROUGHT IRON FENCE FACING CATINA LANE | 1/4" = 1'-0"

HOCKER

918 DRAGON ST
DALLAS, TX 75207
HOCKERDESIGN.COM
214 915 0910

Architect
Bodron / Fruit
4040 N Central Expressway Ste 150
Dallas, Texas 75204
p 214 826 5200
f 214 826 8500

Structural Engineer
Charles Grossman
6080 Tennyson Pkwy #200
Plano, Texas 75024
p 214.473.2678
f xxx.xxx.xxxx

Lighting
Steven Byrd
3939 Black Gold Drive, Suite A
Dallas, Texas 75247
p 214.0240.3369
f xxx.xxx.xxxx

Lennox Lane
Residence
10645 Lennox Lane, Dallas, Texas, 75229

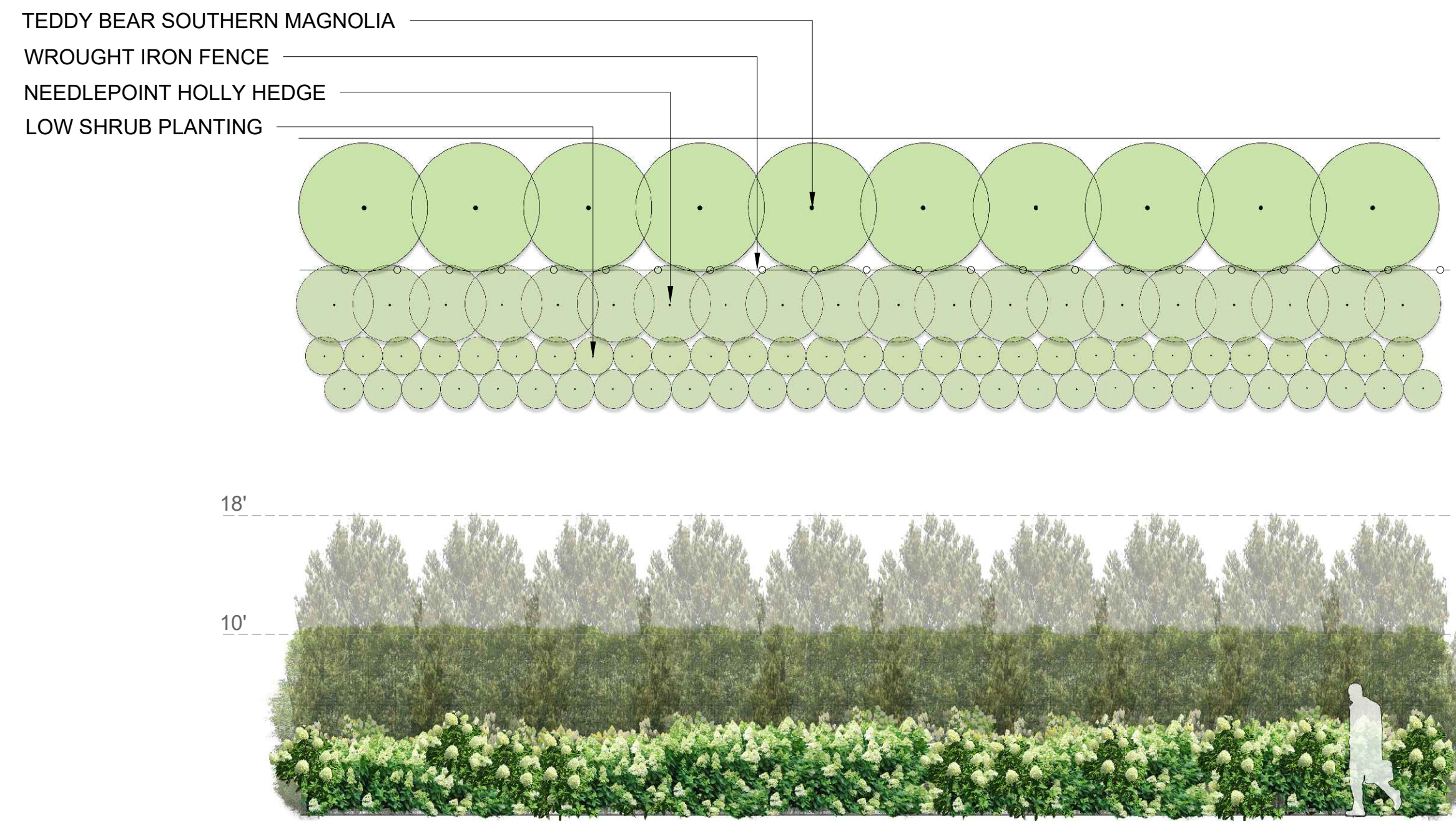
Issue/Revisions:		
01	Coordination Set	02.26.2021
02	Permit Set	06.25.2021
03	100% CD	11.01.2021
04	IFC Set	11.15.2021



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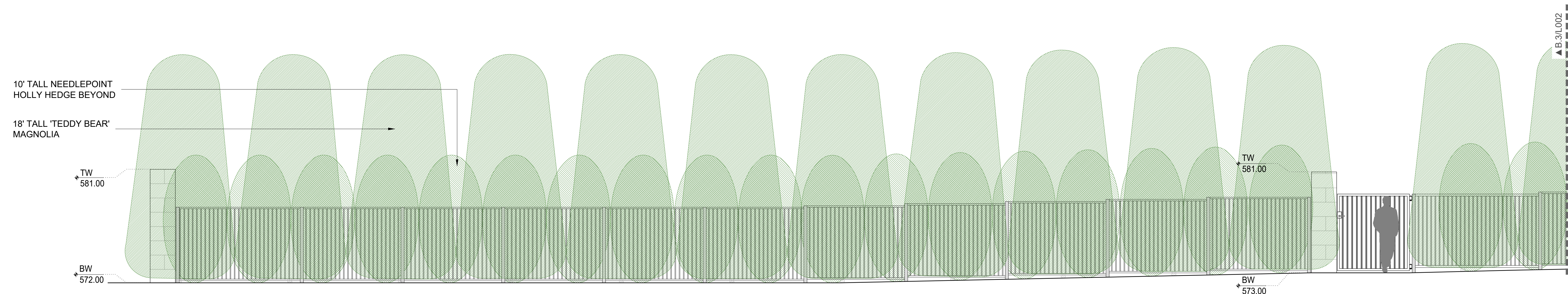
Wall & Fence
Exhibit

L001

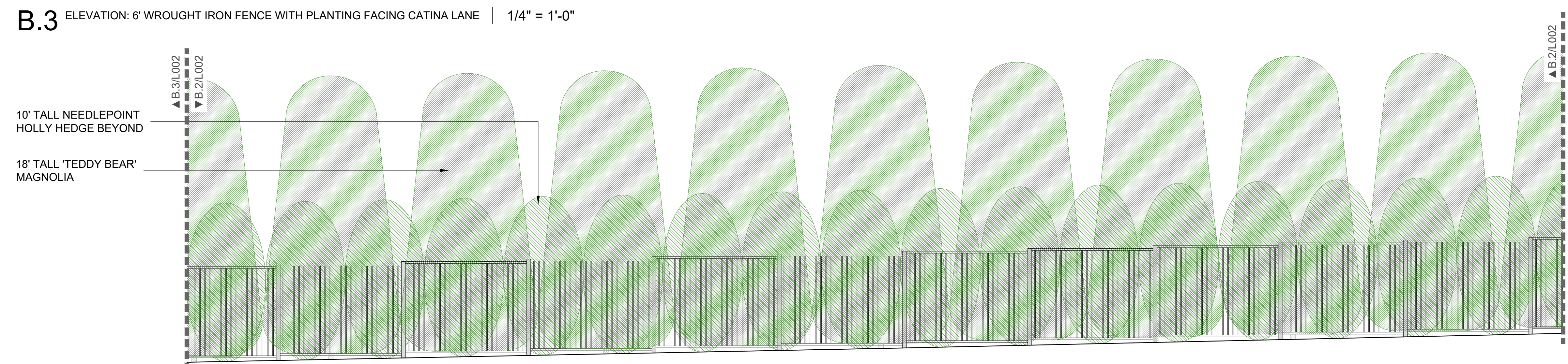


C.2 RENDERING: 6' WROUGHT IRON FENCE FACING CATINA LANE WITH PLANTING STRATEGY | NTS

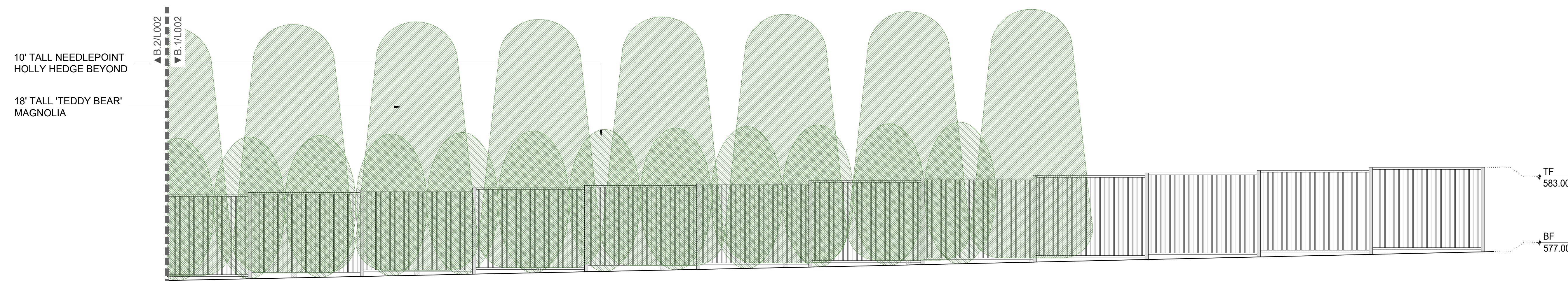
C.1 RENDERING: 6' WROUGHT IRON FENCE FACING CATINA LANE WITH PLANTING STRATEGY | NTS



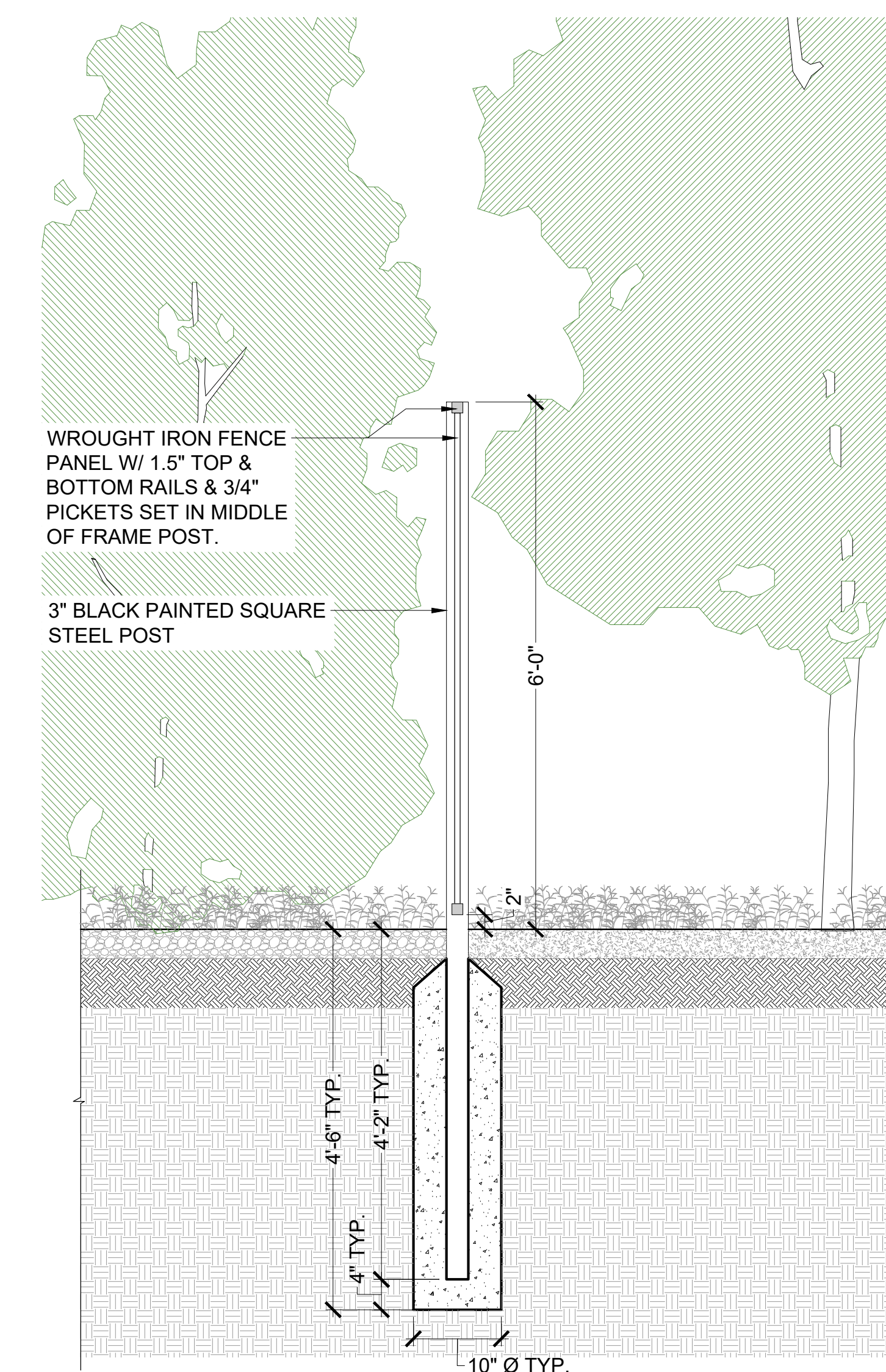
B.3 ELEVATION: 6' WROUGHT IRON FENCE WITH PLANTING FACING CATINA LANE | 1/4" = 1'-0"



B.2 ELEVATION: 6' WROUGHT IRON FENCE WITH PLANTING FACING CATINA LANE | 1/4" = 1'-0"



B.1 ELEVATION: 6' WROUGHT IRON FENCE WITH PLANTING FACING CATINA LANE | 1/4" = 1'-0"



A DETAIL: 6' WROUGHT IRON FENCE FACING CATINA LANE | 3/4" = 1'-0"



918 DRAGON ST
 DALLAS, TX 75207
 HOCKERDESIGN.COM
 214 915 0910

Architect
 Bodron / Fruit
 4040 N Central Expressway Ste 150
 Dallas, Texas 75204
 p 214 826 5200
 f 214 826 8500

Structural Engineer
 Charles Grossman
 6080 Tennyson Pkwy #200
 Plano, Texas 75024
 p 214.473.2678
 f xxx.xxx.xxxx

Lighting
 Steven Byrd
 3939 Black Gold Drive, Suite A
 Dallas, Texas 75247
 p 214.0240.3369
 f xxx.xxx.xxxx

Lennox Lane Residence

10645 Lennox Lane, Dallas, Texas, 75229

Issue/Revisions:

01	Coordination Set	02.26.2021
02	Permit Set	06.25.2021
03	100% CD	11.01.2021
04	IFC Set	11.15.2021



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Wall & Fence Exhibit

L002

**Lennox Lane
Residence**
10645 Lennox Lane, Dallas, Texas, 75229

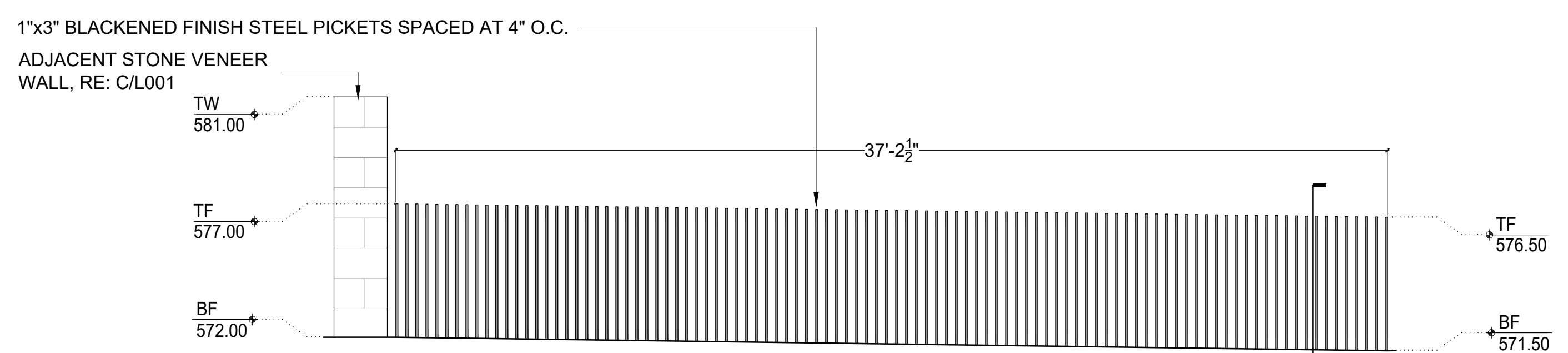
Issue/Revisions:			
01	Coordination Set	02.26.2021	
02	Permit Set	06.25.2021	
03	100% CD	11.01.2021	
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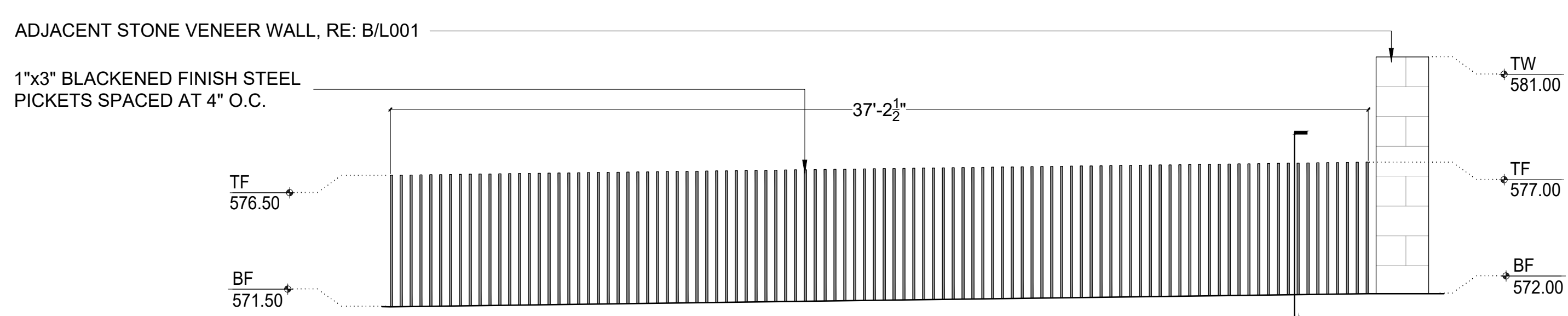
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Wall & Fence
Exhibit

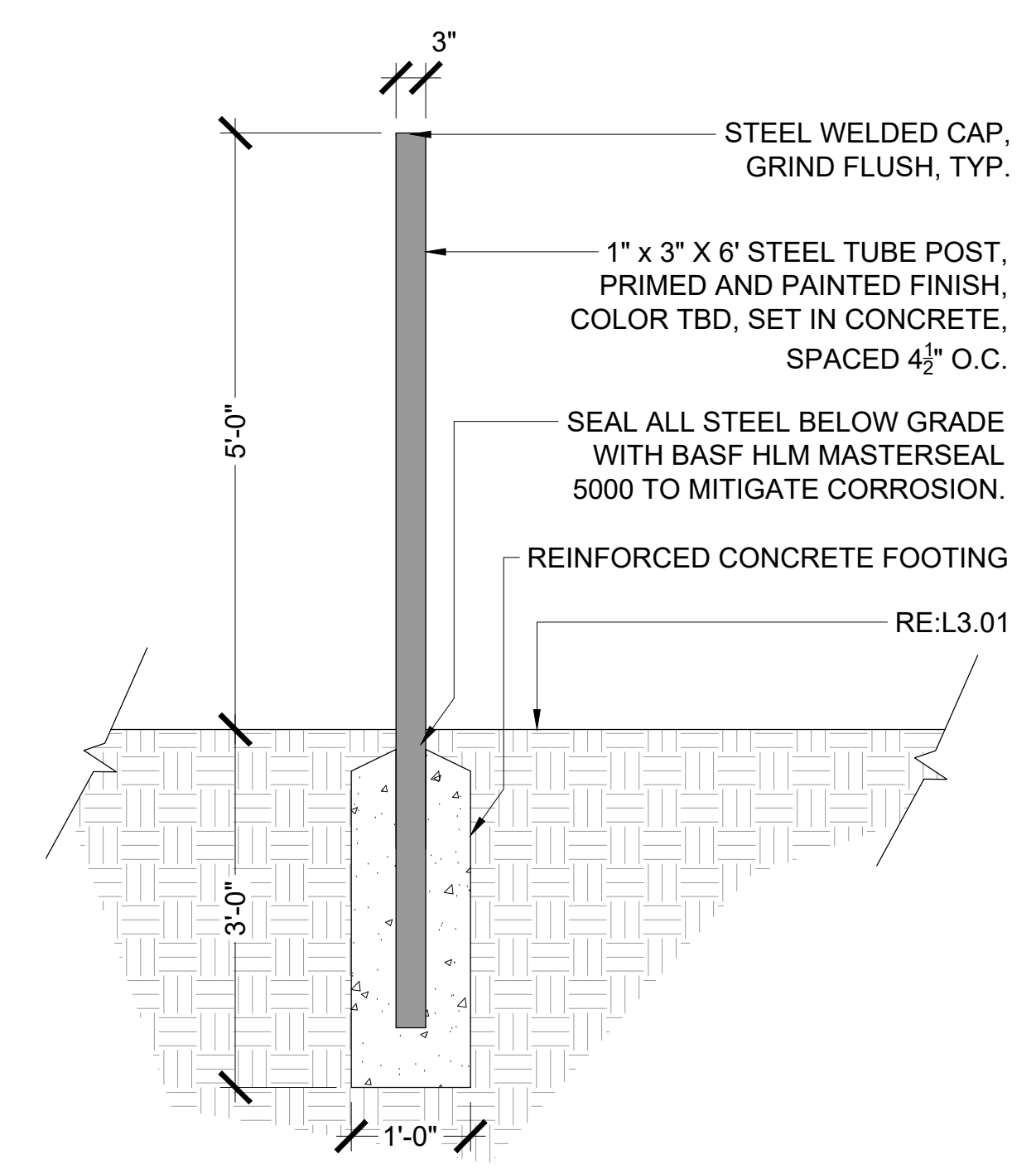
L003



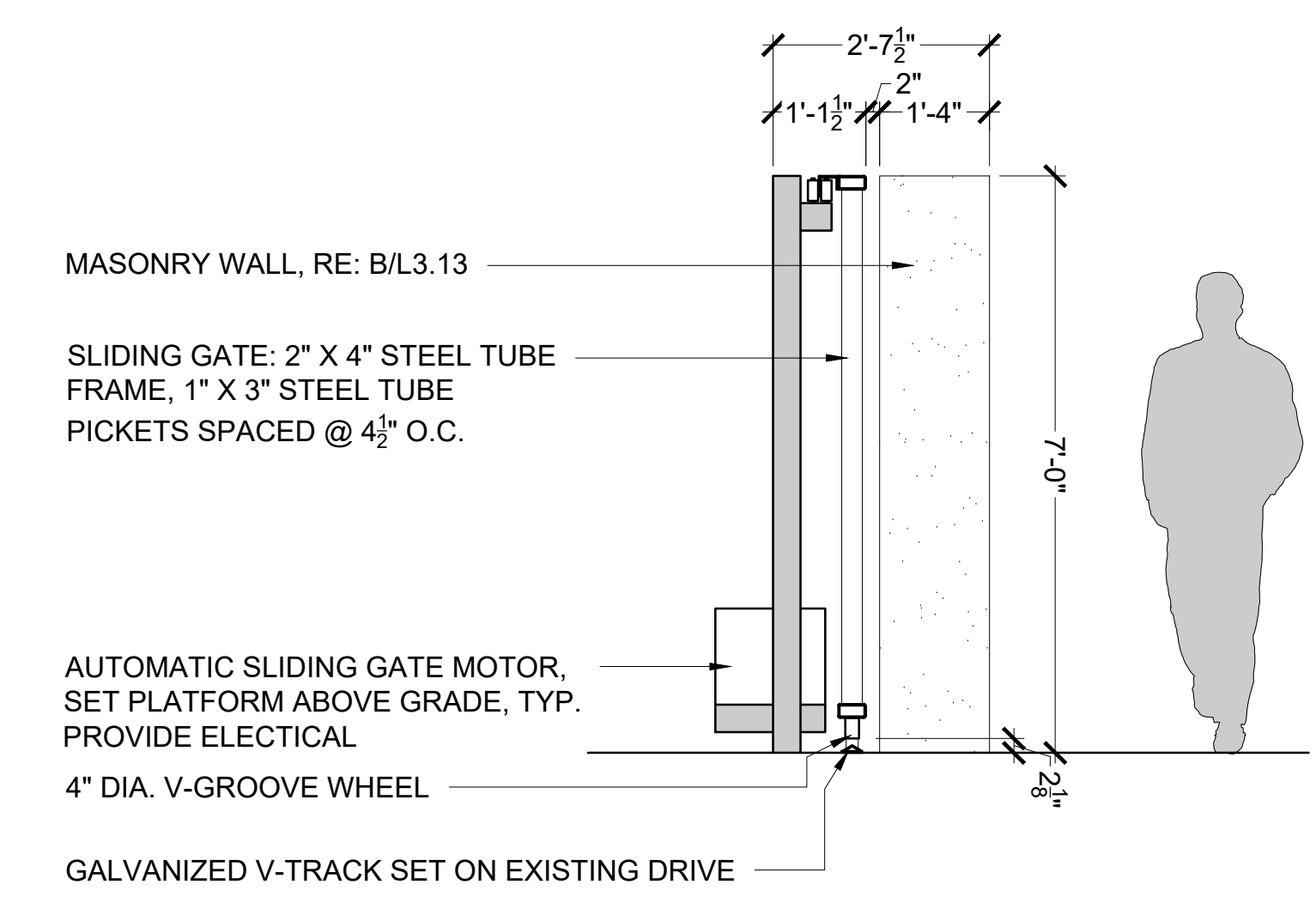
E ELEVATION: STEEL PICKET FENCE FACING ALLEY | 1/4" = 1'-0"



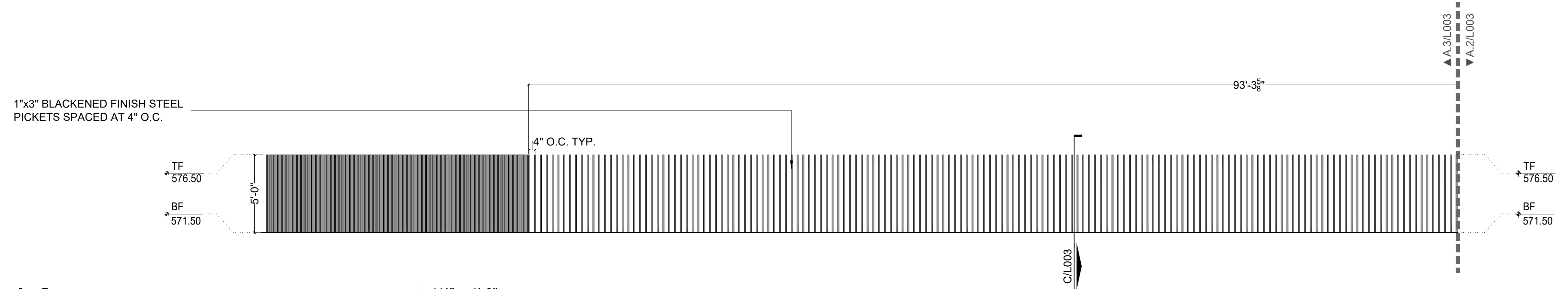
D ELEVATION: STEEL PICKET FENCE FACING CATINA LANE | 1/4" = 1'-0"



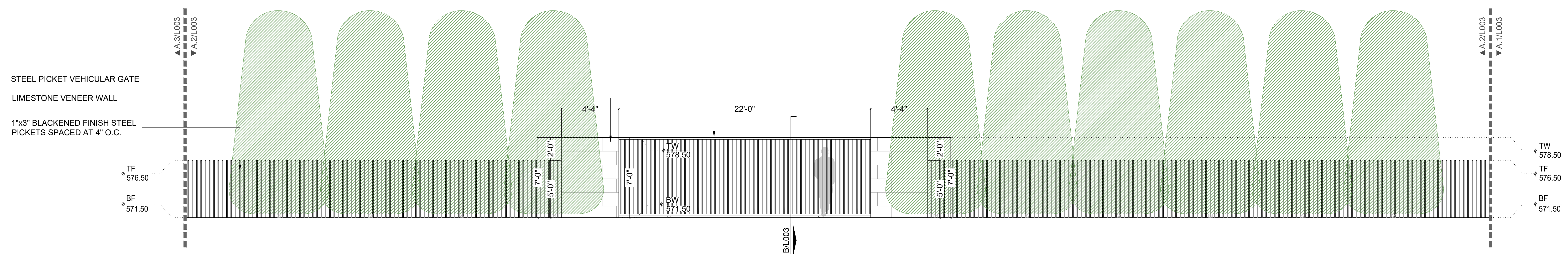
C DETAIL: STEEL PICKET FENCE | 3/4" = 1'-0"



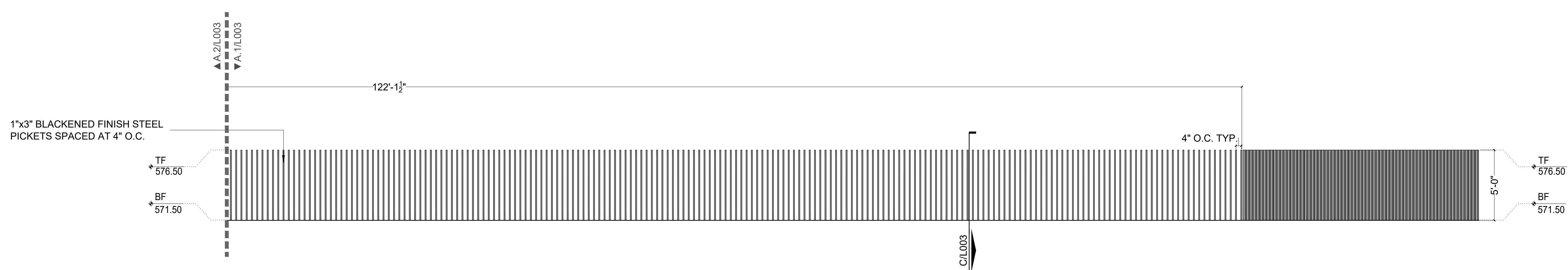
B DETAIL: VEHICULAR GATE | 1/2" = 1'-0"



A.3 ELEVATION: MAIN ENTRY WALL & FENCE FACING LENNOX LANE | 1/4" = 1'-0"



A.2 ELEVATION: MAIN ENTRY WALL & FENCE FACING LENNOX LANE | 1/4" = 1'-0"



A.1 ELEVATION: MAIN ENTRY WALL & FENCE FACING LENNOX LANE | 1/4" = 1'-0"



11 February 2022

Panel C, City of Dallas Board of Adjustment
Planning and Urban Design
1500 Marilla
Dallas, TX 75201

RE: BDA201-092; 10645 Lennox Lane

Dear Board Member:

Pertinent Development Code Regulations

SEC. 51A-4.602(a)(2): "In all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard."

SEC. 51A-4.602(a)(9): "Except as provided in this subsection, the following fence materials are prohibited: (A) Sheet metal."

SEC. 51A-4.602(11): "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."

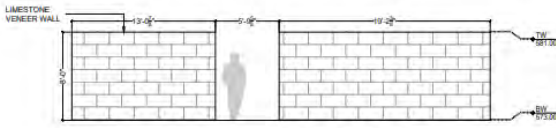
Request

The subject site, measuring approximately 2.089 acres, fronts Lennox Lane on the west and abuts Catina Lane to the south. The request has been held under advisement since October 2021 to allow the property owners and development team to meet with the neighbors regarding the fence design, including height and materials.

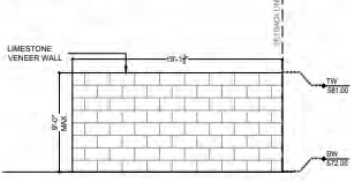
The following has changed from the initial information given to staff via a memo dated September 24, 2021:

- Lowered the Catina Lane fence height from eight feet to six feet.
- Revised the proposed Catina Lane fence material from wire mesh to ornamental (wrought) iron.
- Revised the pedestrian gate to be 50 percent open, as compared to the initially proposed solid gate.
- Lowered the height of the Lennox Lane entry gate from eight feet to seven feet.
- Revised the entry gate to be 50 percent open, as compared to the initially proposed solid steel plate.
- Incorporated landscaping with and reduced the length of the stone walls flanking the entry gate from a total of 78 feet to a total measuring just under nine feet.

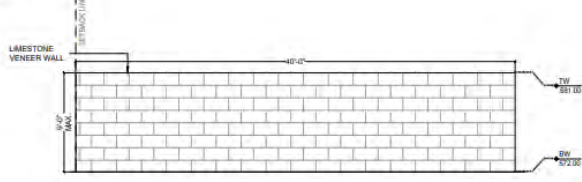
Therefore, the request for a special exception to fence materials for the initially proposed solid gate is no longer needed. A special exception of five feet is still requested, though, to accommodate portions of the nine-foot-tall fence located within both required setbacks. Please see the next three pages for renderings of the desired fence.



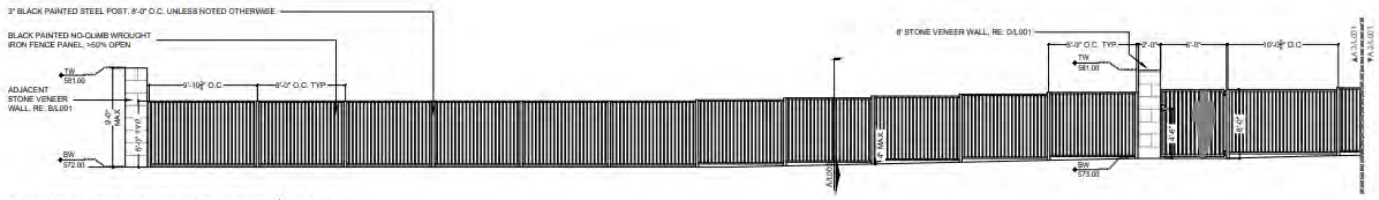
D ELEVATION # STONE VENEER SCREEN WALLS (ELEVATION NOT VISIBLE FROM STREET) | 1/4" = 1'-0"



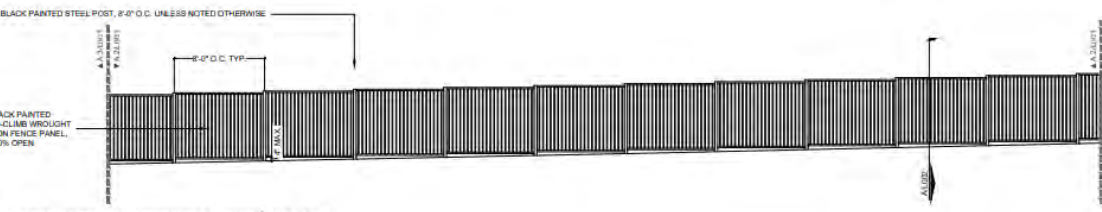
C ELEVATION # STONE VENEER WALL FACING LENNOX LAKE | 1/4" = 1'-0"



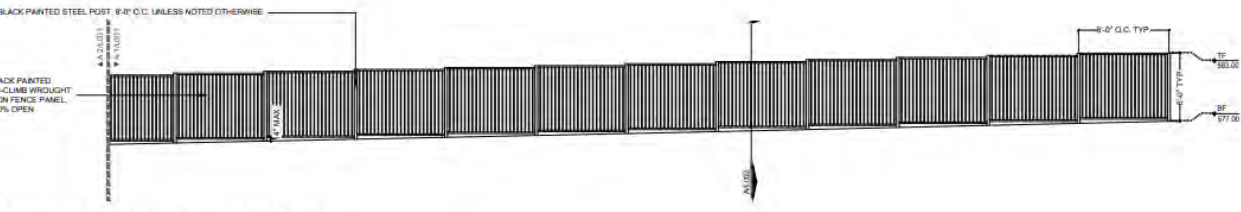
B ELEVATION # STONE VENEER WALL FACING LENNOX LAKE | 1/4" = 1'-0"



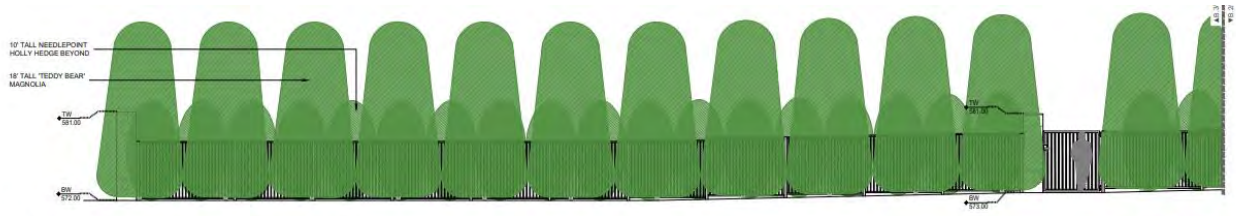
A.3 ELEVATION # WROUGHT IRON FENCE FACING CATINA LAKE | 1/4" = 1'-0"



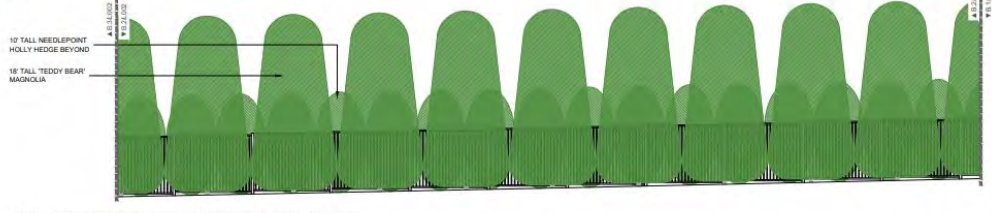
A.2 ELEVATION # WROUGHT IRON FENCE FACING CATINA LAKE | 1/4" = 1'-0"



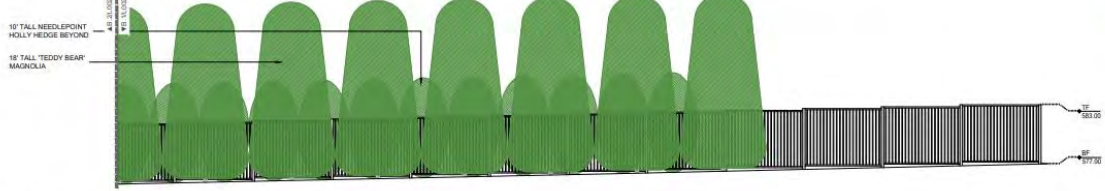
A.1 ELEVATION # WROUGHT IRON FENCE FACING CATINA LAKE | 1/4" = 1'-0"



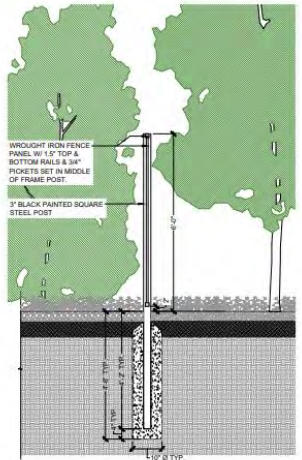
B.3 ELEVATION 6' WROUGHT IRON FENCE WITH PLANTING FACING CATINA LANE | 1/4" = 1'-0"



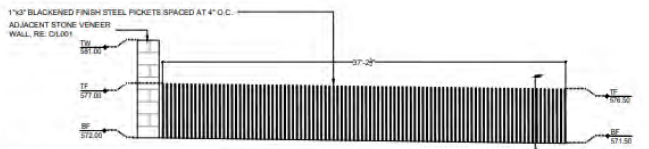
B.2 ELEVATION 6' WROUGHT IRON FENCE WITH PLANTING FACING CATINA LANE | 1/4" = 1'-0"



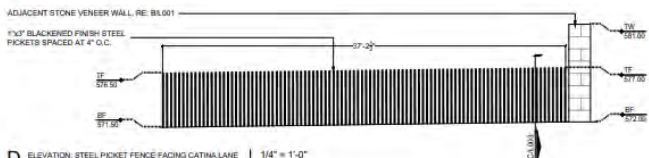
B.1 ELEVATION 6' WROUGHT IRON FENCE WITH PLANTING FACING CATINA LANE | 1/4" = 1'-0"



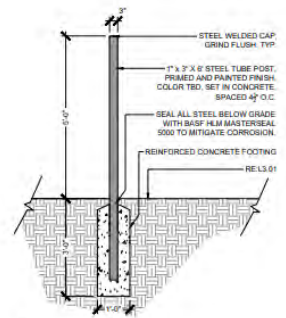
A DETAIL 6' WROUGHT IRON FENCE FACING CATINA LANE | 3/4" = 1'-0"



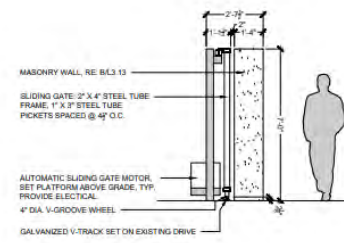
E ELEVATION- STEEL PICKET FENCE FACING ALLEY | 1/4" = 1'-0"



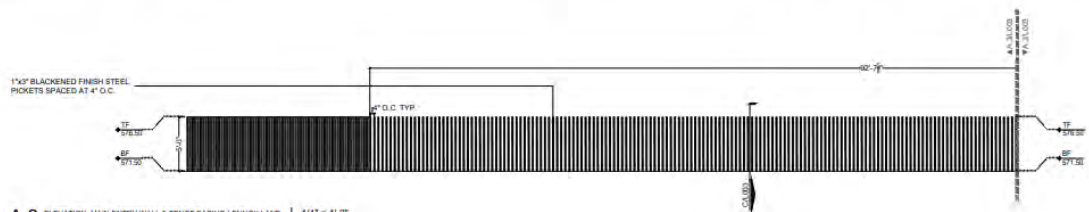
D ELEVATION- STEEL PICKET FENCE FACING CATINA LANE | 1/4" = 1'-0"



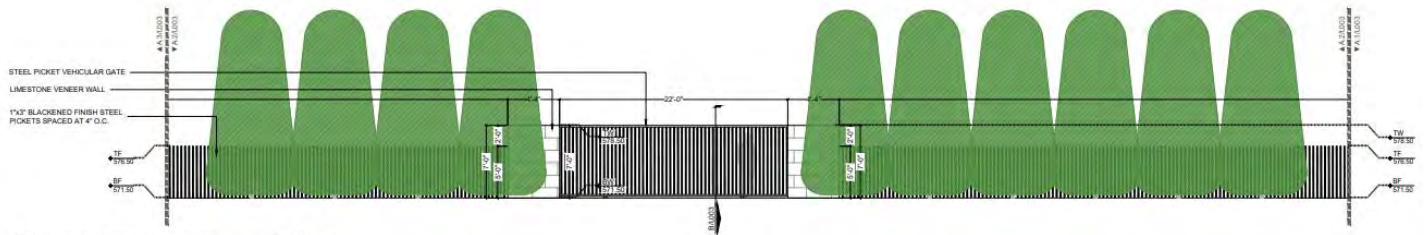
C DETAIL STEEL PICKET FENCE | 3/4" = 1'-0"



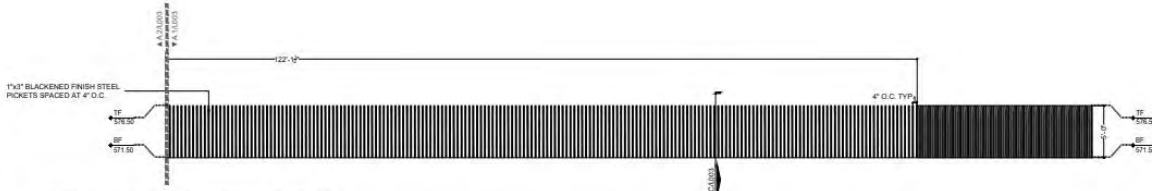
B DETAIL VEHICULAR GATE | 1/2" = 1'-0"



A.3 ELEVATION- MAIN ENTRY WALL & FENCE FACING LENNOX LANE | 1/4" = 1'-0"



A.2 ELEVATION: MAIN ENTRY WALL & FENCE FACING LENNOX LANE | 1/4" = 1'-0"



A.1 ELEVATION: MAIN ENTRY WALL & FENCE FACING LENNOX LANE | 1/4" = 1'-0"

Neighborhood Compatibility and Support

SEC. 51A-4.602 allows the Board of Adjustment to grant a special exception to the fence standards when, in the opinion of the board, the special exception will not adversely affect neighboring property. The willingness of the Board to hold the case under advisement twice has allowed for a consensus to be reached regarding the design. Given the discourse between both parties that has resulted in resolution, the requested fence height special exception is generally compatible with and will not affect the current fence patterns in the established neighborhood.

Letters were sent to neighboring property owners within a 200-foot radius, and two responses in favor have been received to date. Please see pages five and six for these letters of support.

Conclusion

In summary, the client is asking for a special exception of five feet to the maximum permitted fence height of four feet in the required front yard setback. All other aspects of the development comply with the zoning ordinance’s fence standards.

Regards,

Danielle R. Mathews, AICP
 Consultant
 Masterplan Texas

Support of BDA201-092

Dear City of Dallas Board of Adjustment members:

My understanding is that the property owners at 10645 Lennox Lane are requesting a special exception to the City of Dallas's fence height regulations. The height of their proposed fence measures between five-foot tall and nine-foot tall, and it is located within the front yard setbacks along Lennox Lane and Catina Lane. Their proposal will comply with all other City of Dallas fence requirements.

I support and respectfully ask that you approve our neighbors' request.

BERNADETTE THOMSON NEIL THOMSON
Printed Name

B.J. Thomson [Signature]
Signature

4651 CATINA LN

DALLAS 75229
Address

10/13/21
Date

Support of BDA201-092

Dear City of Dallas Board of Adjustment members:

My understanding is that the property owners at 10645 Lennox Lane are requesting a special exception to the City of Dallas's fence height regulations.

The homeowners and development team have met with the neighborhood, and we've reached a consensus regarding the proposed fence design that we feel keeps with the spirit and character of our neighborhood. The fence will comply with all other City of Dallas requirements.

Moreover I would like to say that the homeowner has been very cooperative and has listened to and worked with the residents of the area and done a very nice job in terms of planning their house. We are happy to have them join the community and look forward warmly to the completion of their house. All good here! 😊

I support and respectfully ask that you approve our neighbors' request.

Richard D. Squires

Printed Name

Signature

10453 Lennox Lane
Dallas, Texas 75229
Address

February 7, 2022

Date

Panel C

02-24-22

BOA201-092

10645 Lennox Lane

(Opposition Reference)

Panel C

11-15-21

BDA201-092

10645 Lennox Lane

(Opposition; inclusive of previous 10-18-21)

From: [Anne Stodghill](#)
To: [Jackson, Latonia](#); [Daniel, Pamela](#)
Subject: Variance Request BDA201-092 for 10645 Lennox Lane, Dallas, TX 75229
Date: Tuesday, October 12, 2021 12:44:40 PM

External Email!

Dear Ms. Jackson and Ms. Daniel –

I reside at 10401 Lennox Lane in Dallas. I am writing to ask that variance request BDA201-092 for 10645 Lennox Lane be denied. This is the latest of several requests in recent years seeking a variance from the fence codes in our neighborhood. All of the other requests were denied. If request BDA201-092 is granted, it will fundamentally change the appearance of our neighborhood and what makes it such a charming and welcoming place to live where neighbors know and interact with each other.

There are 31 houses on Lennox Lane from Royal to Dorset. Only 1 has a solid fence taller than allowed by code. This walled compound sticks out like a sore thumb, is poorly maintained and is an eyesore. All of the rest of the houses on the street either have open iron fences with landscaping to provide privacy, if desired, or no fences at all.

Our neighborhood is experiencing a turnover of older homes due to the 2019 tornado, which severely impacted our street, and older residents selling or downsizing. There are numerous properties on the street that are either under construction, for sale or will be for sale in the coming few years. We cannot set a precedent allowing ugly fortress walls. This decision is not just about 10645 Lennox Lane, but numerous properties in the area.

Please deny variance request BDA201-092 for 10645 Lennox Lane. Thank you.

Sincerely,

Anne Stodghill

[Redacted signature block]

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

From: jhblack@att.net
To: [Jackson, Latonia](#)
Cc: [Daniel, Pamela](#)
Subject: BDA 201-092
Date: Saturday, October 2, 2021 11:00:40 AM

External Email!

Dear Ms. Jackson,

I am writing to oppose the proposed fence height of 9" at 10645 Lennox. It is completely out of character with our neighborhood and I hope the City will not approve it. This City has consistently refused to allow fences of this height in our area, and it is my sincere hope you will continue to do so.

Thank you so very much.

Jan Black
4563 Isabella Lane

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From: [Anne Stodghill](#)
To: [Jackson, Latonia](#); [Daniel, Pamela](#)
Subject: Variance Request BDA201-092 for 10645 Lennox Lane, Dallas, TX 75229
Date: Tuesday, October 12, 2021 12:44:40 PM

External Email!

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Please deny variance request BDA201-092 for 10645 Lennox Lane. Thank you.

Sincerely,

Anne Stodghill

10401 Lennox Lane

Dallas, Texas 75229

[REDACTED]

[REDACTED]

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

I am writing to ask that the request BDA201-092 for 10645 Lennox be denied. Our neighborhood is having a turnover of older homes and new homes being built. This is the 3rd request for a fence height variance within several hundred feet of my property. The houses at 4554 Harrys Lane and 4610 Catina both requested large solid walls in the front of their houses.

Mr. Cothrum of Masterplan represented the owners of 4554 Harrys Lane and after meeting with the neighborhood a redesign of the fence was done which was 2 feet of solid and 3 feet of open metal fence and fit in with the openness of our neighborhood. The home at 4610 Catina was denied approval by this Board and they then adjusted their fence to what was approved for 4554 Harrys Lane.

We have reached out to Masterplan who represents the owner of 10645 Lennox to meet to discuss the neighborhood concerns prior to the hearing regarding the request for a solid wall. They have not responded as of this email.

The house at 10645 Lennox whose back yard backs up to the side yard of 4610 Catina (the request for a similar wall was denied for 4610 Catina) is requesting a solid wall. I hope the Board maintains a standard and denies the request for 10645 Lennox for a solid wall which exceeds city code and is out of line with our neighborhood.

One of the arguments that was made for both houses during their request was that there are already homes in the neighborhood with fences that exceed the city standard. This is true but many of the yards meet the city requirement or have no front yard fences. The older homes with fences that exceed the 4 foot standard are open metal fences rather than solid walls. These were built years ago and I suspect some were built without approval.

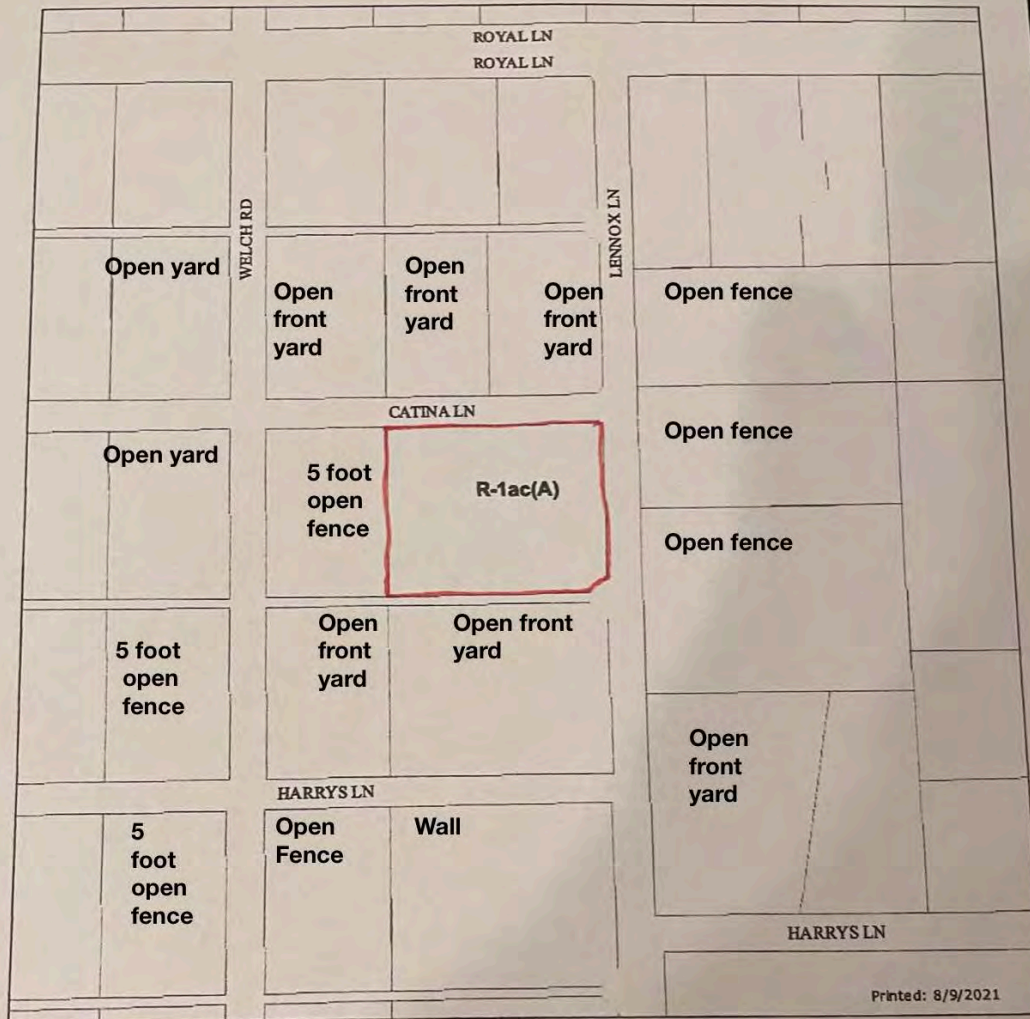
The idea of a 9 foot solid wall in the front yard does not fit the neighborhood. The yards around this property do not have massive walls. Also, there are 3 lots getting ready to build and a 4th just went on the market. If this variance is approved then within several hundred feet of my house could be 5 walled compounds. That is a depressing thought.

I plead with the Board to not approve the request. The city put in place a standard for new construction for a reason. Please save our neighborhood from becoming walled compounds.

I have included pictures and a plot showing the make up of the surrounding yards to show the openness of the neighborhood which we feel should be preserved.

This represents the yards surrounding the proposed variance. As you can see there is a very openness to the area. 2 of the lots with open yards and 2 of the lots with open fences are going to be new construction. If the variance is approved then all 4 of the new construction could also ask for variance and the neighborhood becomes walled in.

Type to enter text

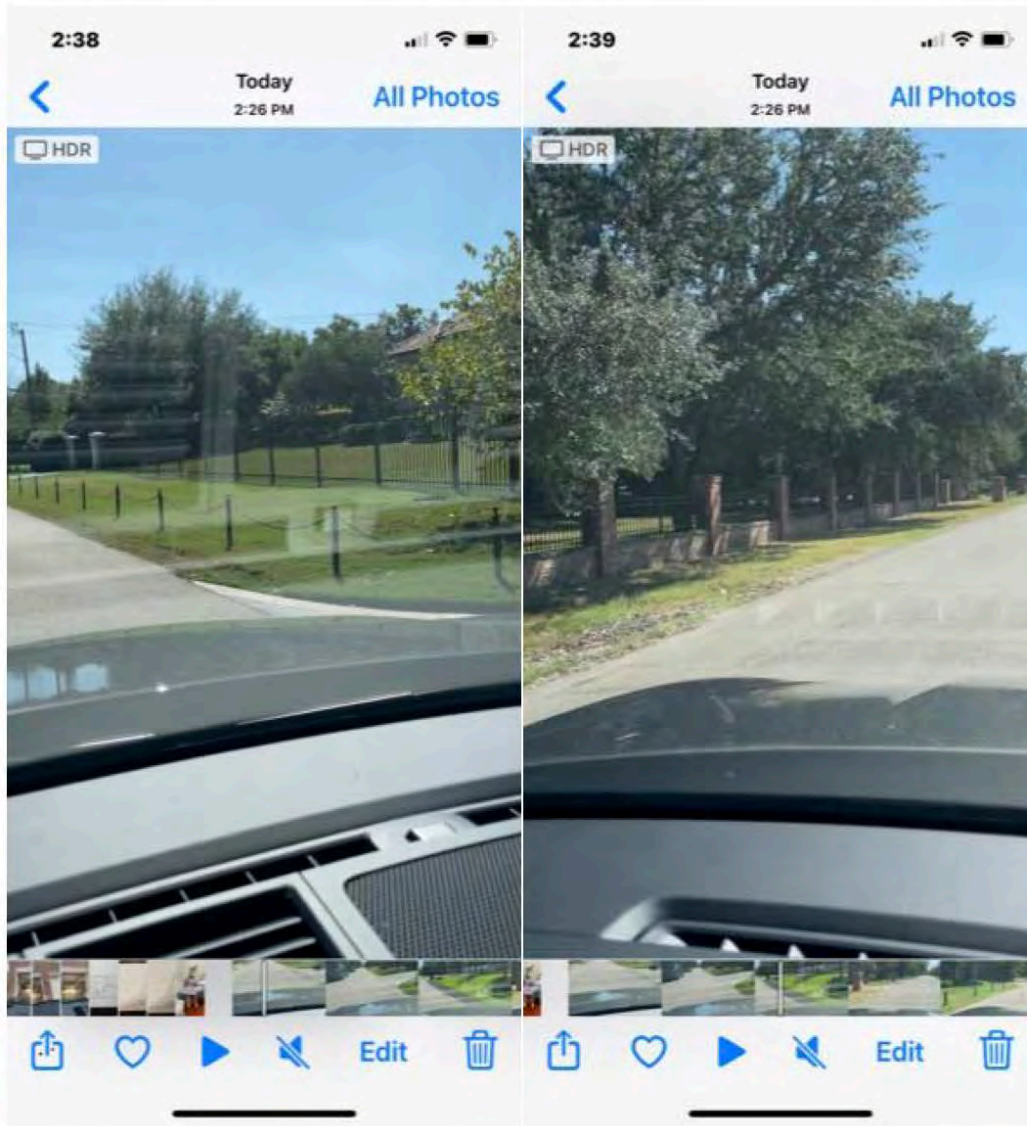


Legend

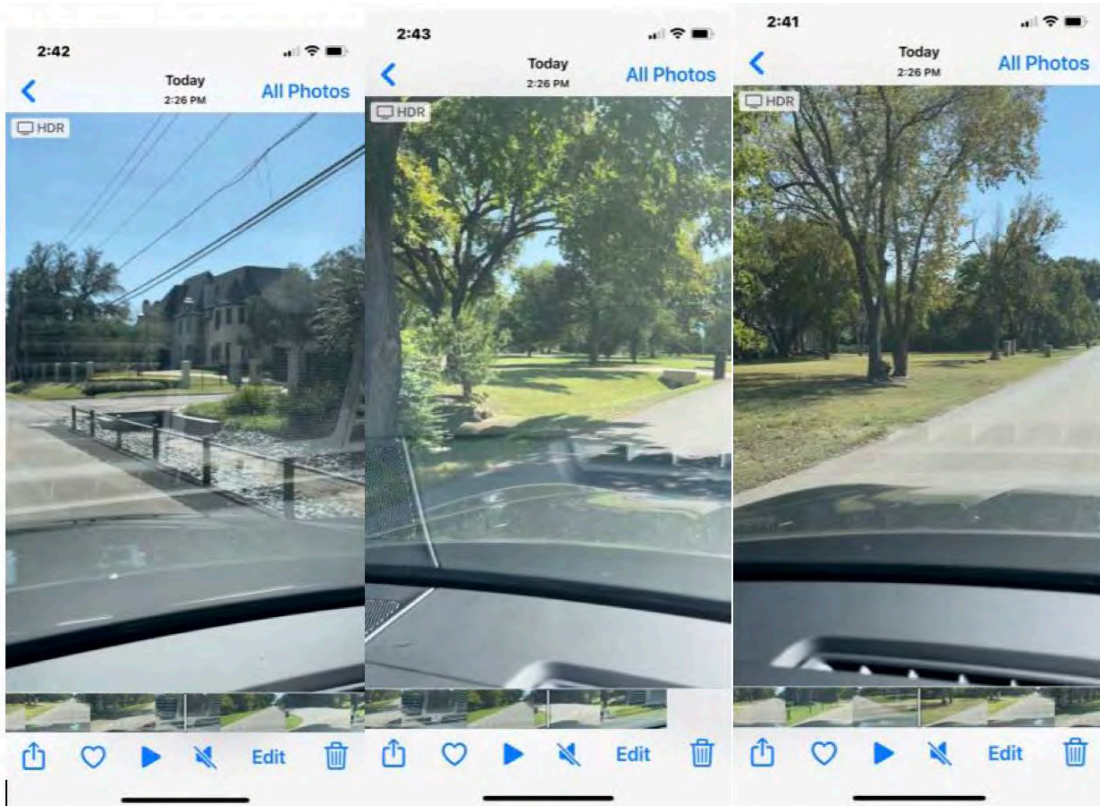
- | | | | |
|----------------------|--------------------------------|-----------------------|---------------------------|
| City Limits | Railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcel | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSP Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Dead Restrictions | Historic Subdistricts | Wading Management Overlay |
| Parks | SIP | Historic Overlay | Shore 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)

1:2,4



©
Pictures driving down Lennox
Notice the openness



Pictures driving down Lennox
Notice the openness



Pictures driving down Lennox
Notice the openness



Pictures driving down Lennox
Notice the openness



10__ Lennox, The house which is beside the house asking for the adjustment
Open front yard on Lennox



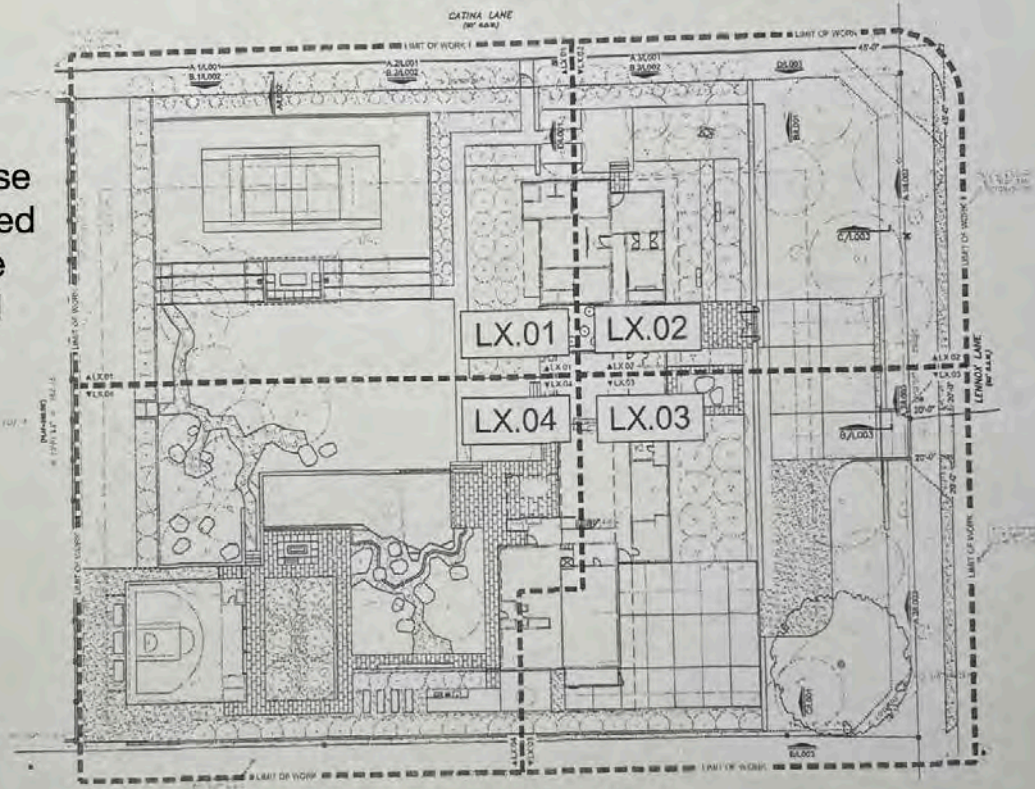
4651 Catina
The front yard faces the house asking for an adjustment
Notice the open front yard



4610 Catina, The house was denied a similar request. The side yard is next to the back yard asking for the adjustment.
They changed their fence to fit the neighborhood

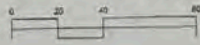
2 houses with open yards
1 with Catina address
1 with Lennox address

House
denied
large
solid
wall



House with open yard

ASPC PLAN | 1/20/07





4554 Harrys Lane
Adjusted fence for neighborhood



10625 Lennox, the house beside 10645
asking for the fence adjustment
Open yard

From: [ROBERT GOLDSTEIN](#)
To: [Daniel, Pamela](#)
Cc: [Dallas Cothrum](#)
Subject: BDA201-092
Date: Friday, November 12, 2021 3:43:19 PM

External Email!

The neighborhood had a good meeting and are working on a solution agreeable to all parties. We support a delay while we complete the compromise. Thank you for allowing us to work with our new neighbors.

rg

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Panel C

02-24-22

BOA201-092

10645 Lennox Lane

(Support Reference)

Support of BDA201-092

Dear City of Dallas Board of Adjustment members:

My understanding is that the property owners at 10645 Lennox Lane are requesting a special exception to the City of Dallas's fence height regulations.

The homeowners and development team have met with the neighborhood, and we've reached a consensus regarding the proposed fence design that we feel keeps with the spirit and character of our neighborhood. The fence will comply with all other City of Dallas requirements.

Moreover I would like to say that the homeowner has been very cooperative and has listened to and worked with the residents of the area and done a very nice job in terms of planning their house. We are happy to have them join the community and look forward warmly to the completion of their house. All good here! 😊

I support and respectfully ask that you approve our neighbors' request.

Richard D. Squires

Printed Name

Signature

10453 Lennox Lane
Dallas, Texas 75229
Address

February 7, 2022

Date