

ZONING BOARD OF ADJUSTMENT, PANEL A
TUESDAY, MAY 21, 2019
AGENDA

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

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

MISCELLANEOUS ITEM

Approval of the April 16, 2019 Board of Adjustment Panel A Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA189-050(OA)	13033 Fall Manor Drive REQUEST: Application of Richard Stoffel for a special exception to the fence standards regulations	1
BDA189-051(OA)	3710 Knight Street REQUEST: Application of Robert Baldwin of Baldwin and Associates for a variance to the front yard setback regulations	2
BDA189-052(SL)	1828 Kessler Parkway REQUEST: Application of Edward F. Heyne, IV, represented by Corey Reinaker, for a variance to the front yard setback regulations	3

HOLDOVER CASE

BDA189-043(OA) 2831 Jordan Valley Road 4
REQUEST: Application of Mirna Badillo, represented by Santos Martinez, for a special exception to the minimum side yard setback requirements to preserve an existing tree

EXECUTIVE SESSION NOTICE

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

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

FILE NUMBER: BDA189-050(OA)

BUILDING OFFICIAL'S REPORT: Application of Richard Stoffel for a special exception to the fence standards regulations at 13033 Fall Manor Drive. This property is more fully described as Lot 16, Block E/8432, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and/or maintain a 6 foot high fence in a required front yard, which will require a 2 foot special exception to the fence standards regulations.

LOCATION: 13033 Fall Manor Drive

APPLICANT: Richard Stoffel

REQUEST:

A request for a special exception to the fence standards regulations related to height of 2' is made to maintain a 6' high iron fence and a 6' high iron pedestrian gate in the required front yard on a site developed with a single-family home.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the fence standards regulations related to height of 2' focuses on maintaining a 6' high iron fence and a 6' high iron pedestrian gate in the required front yard on a site developed with a single-family home.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The subject site is zoned R-7.5 (A) which requires a 25' front yard setback.
- The submitted site plan and elevation show the proposal in the front yard setback reaches a maximum height of 6'.
- The following additional information was gleaned from the submitted site plan:
 - The proposal is represented as being approximately 68' in length parallel to Fall Manor Drive and 14' to perpendicular to Fall Manor Drive on the north and south sides of the site in this front yard setback.
 - The proposal is represented as being located approximately 14' from the front property line. (The distance between the fence and the pavement line is approximately 25').
- The Sustainable Development and Construction Department Board of Adjustment Senior Planner conducted a field visit of the site and surrounding area and noted no other fences that appeared to be above 4' in height along Fall Manor Drive located in front yard setback.
- As of May 10th, no letters have been submitted in opposition and a petition with 13 signatures have been submitted in support to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations (whereby the proposal that would reach 6' in height) will not adversely affect neighboring property.
- Granting this special exception of 2' with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height to be maintained in the location and of the heights and materials as shown on these documents.

Timeline:

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

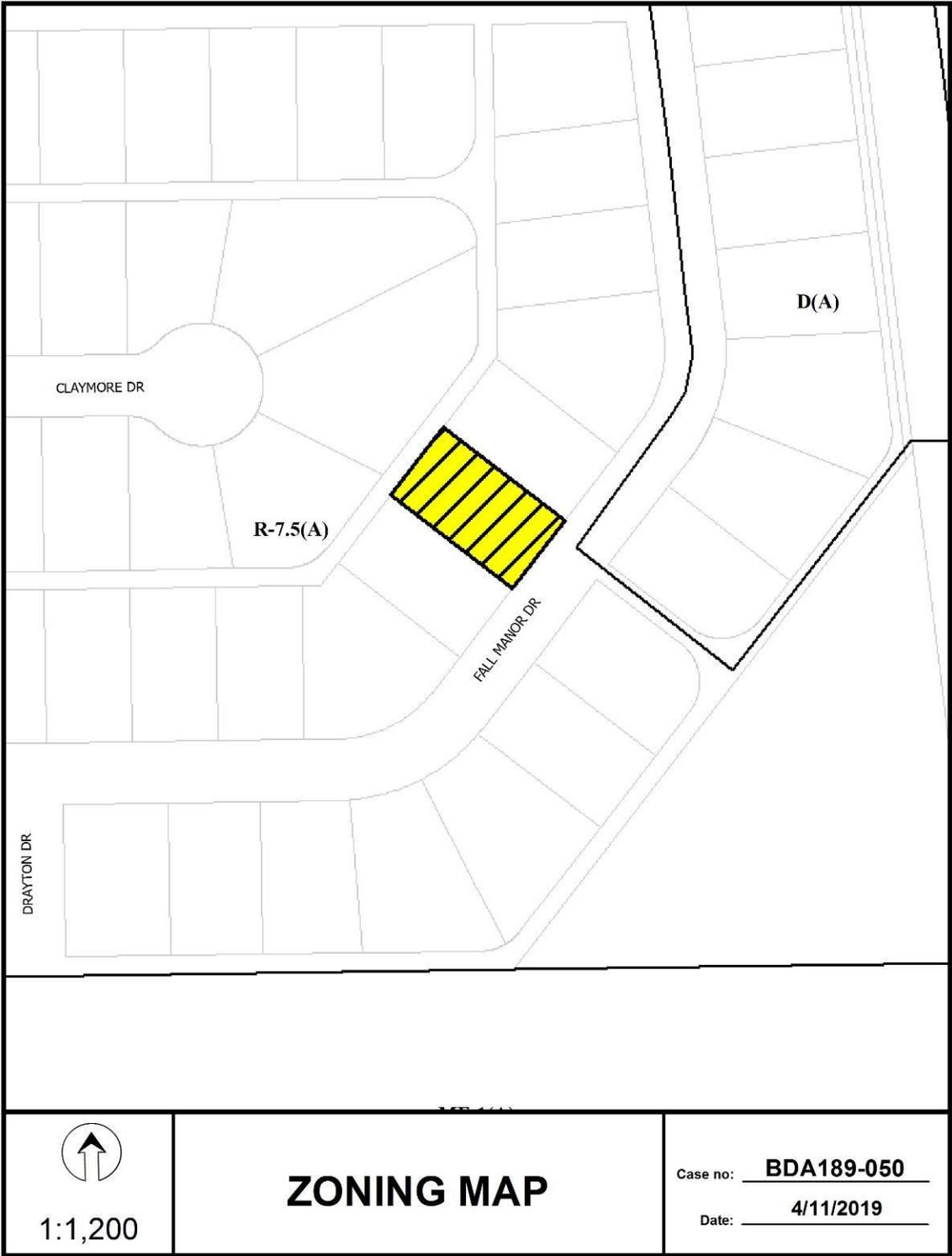
April 8, 2019: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.

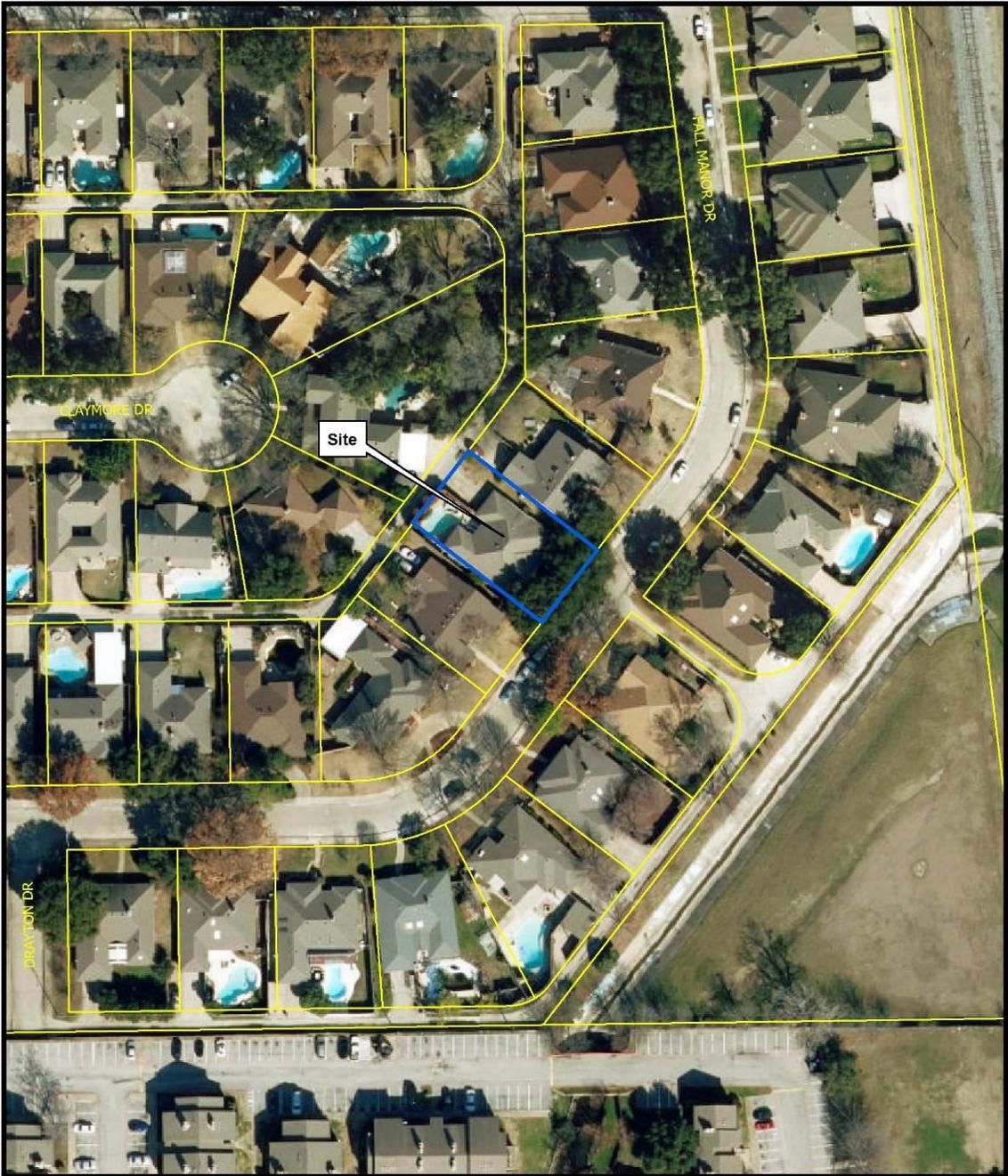
April 10, 2019: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the May 1st deadline to submit additional evidence for staff to factor into their analysis; and the May 10th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

May 7, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included the Sustainable Development and Construction Assistant Director, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Chief Planner, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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





1:1,200

AERIAL MAP

Case no: BDA189-050

Date: 4/11/2019



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-050

Data Relative to Subject Property:

Date: 1/22/19

Location address: 13033 Fall Manor Drive Zoning District: R7.5 (A)

Lot No.: 10 Block No.: E/2432 Acreage: .200 Census Tract: 190.18

Street Frontage (in Feet): 1) 70' 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Richard Stoffel

Applicant: Richard Stoffel Telephone: 916-452-5999

Mailing Address: 13033 Fall Manor Dr, Dallas Zip Code: 75243

E-mail Address: rjstoffel@icloud.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance __, or Special Exception , of ~~Additional 2' to fence from driveway~~ ~~Additional 2' to fence from driveway~~ Additional 2' to fence from driveway

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

Fence is decorative and allows for 14'00" courtyard and allows for privacy & security

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 Richard Stoffel (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 21st day of January, 2019

(Rev. 08-01-11) Krishna M. Parikh 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 RICHARD STOFFEL

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

at 13033 Fall Manor Drive

BDA189-050. Application of RICHARD STOFFEL for a special exception to the fence height regulations at 13033 FALL MANOR DR. This property is more fully described as Lo 16, Block E/8432, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 6 foot high fence in a required front yard, which will require a 2 foot special exception to the fence regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





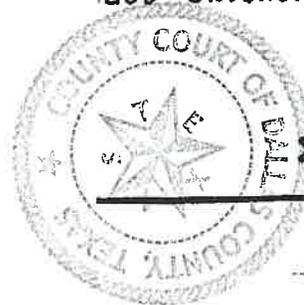
Printed: 2/21/2019

Legend

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





Block B492
CHARTER LAND AND HOUSING CORP

1.797
for 4h
way

105.08
186.14
146.71
77.58
81.89
75.1
19.521
15.21
63.55
116.28
95.90
64.29
105.08
40.07
125.1
42

R.R.

10' Sanitary Sewer

2222.45'

MANOR DRIVE

DRIVE

ALLEY

DRIVE

ALLEY

DRIVE

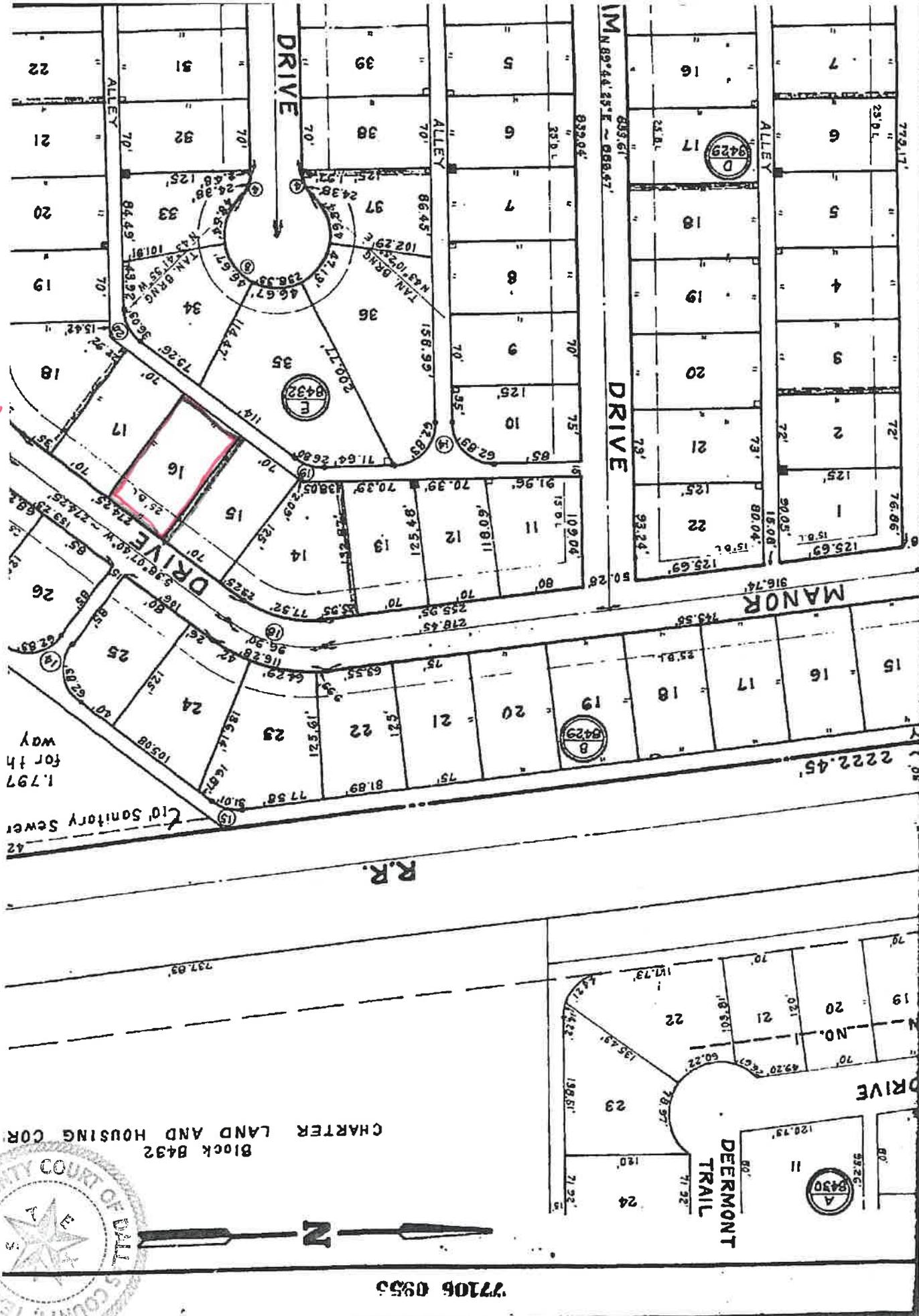
ALLEY

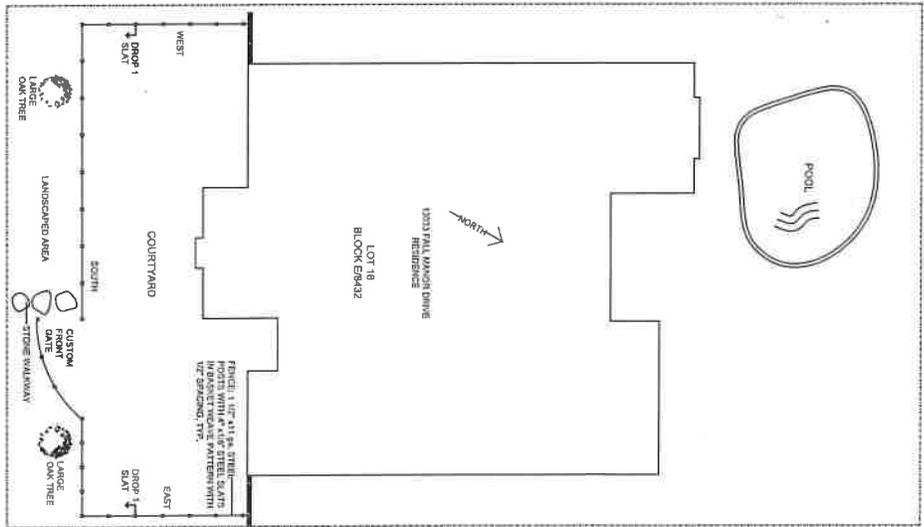
DRIVE

ALLEY

DRIVE

125





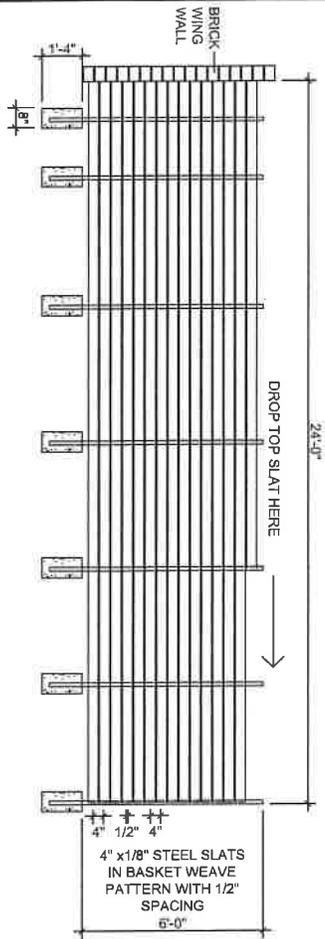
13033 FALL MANOR DRIVE

1 SITE PLAN
Scale: 1/16" = 1'-0"

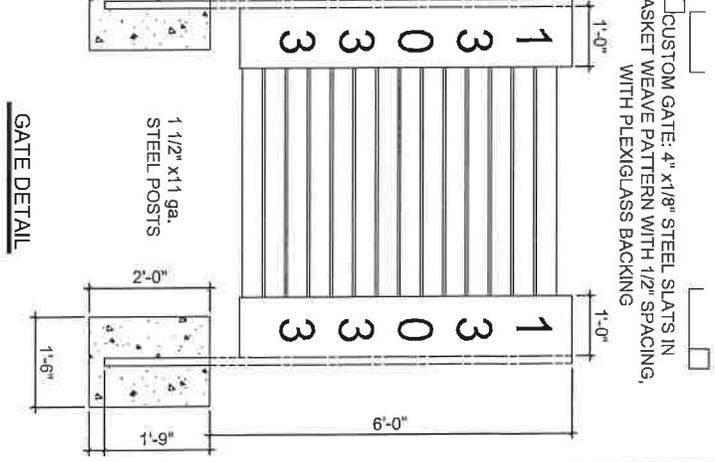
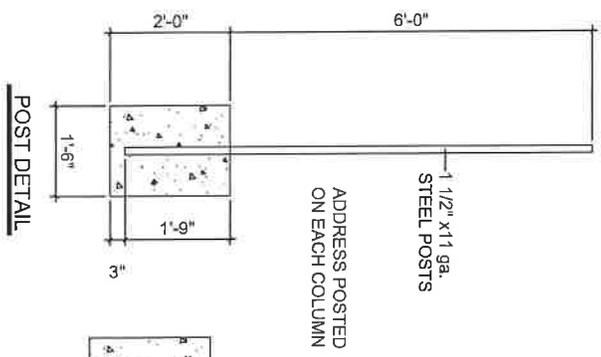
Sheet Reference Number: A3 - SITE PLAN SHEET: 3 OF 5	RICHARD STOFFEL FENCE VARIANCE 13033 FALL MANOR DALLAS, TEXAS 75243	DESIGNED BY: A & E	REVIEWED BY: A & E	CONTR. DATE: 1.22.19	RELEASED FOR CUSTOMER REVIEW 2.22.19 JMS
		DRAWN BY: JT MASSEY	DESIGN CODE: 19-221-01	FILE NAME: RICHARD STOFFEL FENCE	DATE BY:
		SUBMITTED BY: NA	PLOT DATE: 2.22.19	PLOT SCALE/PER DRAWING: RICHARD STOFFEL FENCE	DATE BY:
		CONTRACT NO.: 19-221-01	1-11	DESCRIPTION	DATE BY:

A & E DESIGN, INC. & ARCH.
 1524 TEXAS AVE. SUITE 200
 DALLAS, TEXAS 75201
 TEL: 214.343.2300
 WWW.A&EDESIGN.COM





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

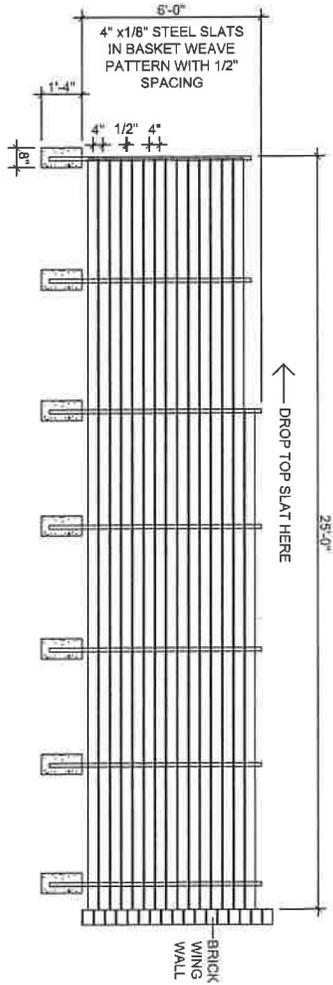


1 DETAIL
Scale: 1/2" = 1'-0"

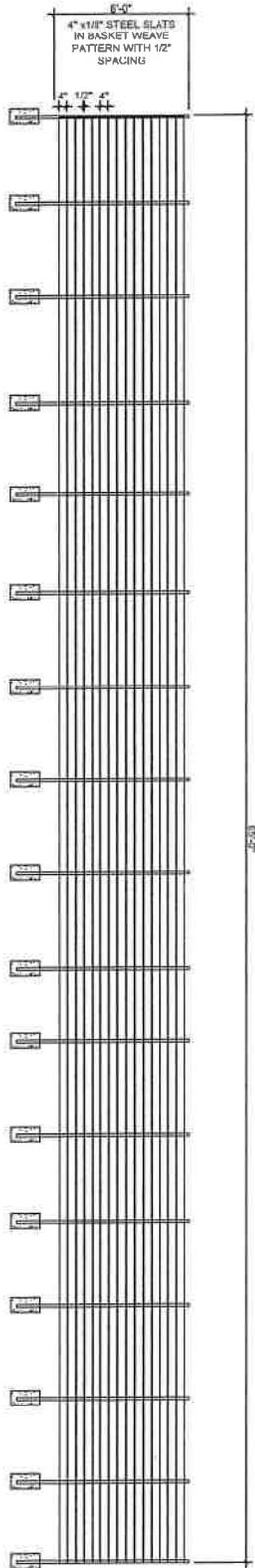
SHEET Reference Number: A5 - ELEVATION/DETAILS SHEET: 1 OF 5	DESIGNED BY: A & E	PREPARED BY: A & E	CONTRACT DATE: 1.22.19	PREPARED FOR CUSTOMER REVIEW 2.22.19 JRM	
	DRAWN BY: JT MASSEY	DRAWING CODE: 19-221-01	FILE NAME: RICHARD STOFFEL FENCE		
	SUBMITTED BY: NA	PLOT DATE: 2.22.19	PLOT SCALE PER DRAWING		
	CONTRACT NO.: 19-221-01	SHEET NO.: - 12	DESCRIPTION	DATE	BY



A & E DRAFTING AND DESIGN
 1524 VANDERKAM ROAD
 WESTLAKE, TEXAS 75240
 TEL: 972.428.2370
 www.aandesign.com



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



1 SOUTHEAST ELEVATION
Scale: 3/16" = 1'-0"

Sheet Reference Number: A4 - ELEVATIONS SHEET: 4 OF 5	RICHARD STOFFEL FENCE VARIANCE 13033 FALL MANOR DALLAS, TEXAS 75243		DESIGNED BY: A4E	REVIEWED BY: A4E	CONTROL DATE: 1.22.19	RELEASED FOR CUSTOMER REVIEW (SEE LIST) (INIT)	A4E DRAFTING AND DESIGN 184 VANDERBILT BLVD. FORT WORTH, TEXAS 76104-4282-2300 info@a4edesign.com	
	DRAWN BY: JT MASSEY	DRAWING CODE: 19-221-O1	FILE NAME: RICHARD STOFFEL FENCE					
	SUBMITTED BY: NA	PLOT DATE: 2.22.19	PLOT SCALE: PER DRAWING					
	CONTRACT NO.: 19-221-O1							
- 13 -						DESCRIPTION	DATE	BY

FENCE PROJECT AT 13033 FALL MANOR DRIVE

We are looking forward to the weather changing a bit so we can complete the fence project at 13033 Fall Manor Drive.

Upon completion there will be a door that looks similar to our front door at the entrance to the courtyard. Once everything is completed, the fence will be acid washed to rust, resembling wood and blending into the landscape better than it does now. Lush landscaping will be on the sides and front of the fence.

Your support of this project, as well as other improvements to the property, is greatly appreciated.

Please sign below and provide a telephone number if you are not in opposition to the completion of this project:

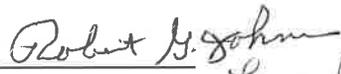
Owner Name: HOWARD SNYDER *Howard B Snyder*
Address: 13040 Fall Manor
Tel #: 214-575-6964

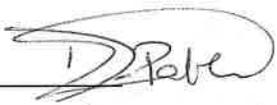
Owner Name: Eric Dailey & Michelle Galizia *Michelle Galizia*
Address: 13034 Fall Manor Dr.
Tel #: 940-390-4620

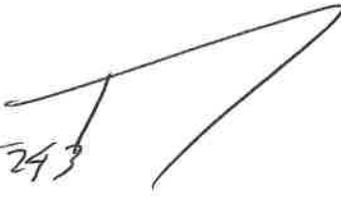
Owner Name: Eric Hajek & Erin Hajek
Address: 13039 Fall Manor Dr
Tel #: 469 867 4801

Owner Name: TeKabo & Nigisti Giorgis *Giorgis*
Address: 13046 Fall Manor Dr.
Tel #: 214-317-1145 214-697-7867

Owner Name: HARRY E STEPHENS 
Address: 13077 FALL MANOR DR
Tel #: 972-889-9671

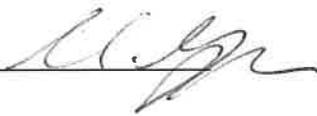
Owner Name: Robert G. Johnson 
Address: 13021 Fall Manor Dr. 75243 
Tel #: 972-235-8294

Owner Name: Dhruva Patel 
Address: 13052 Fall Manor Dr. Dallas TX 75243
Tel #: 714-725-6668

Owner Name: RICHARD P. TOWNSEND 
Address: 9950 CLAYMORE DRIVE DALLAS TX 75243
Tel #: 972-235-7948

Owner Name: David Leutenberry
Address: 13101 WINDY CR DR 75243
Tel #: 214-532-4428

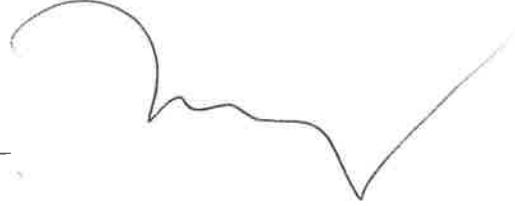
Owner Name: Scott Jansen 
Address: 9945 Claymore Dr.
Tel #: 972-644-2944

Owner Name: Marjohn Magalang 
Address: 9928 Acton Dr
Tel #: 972-345-6555

Jacqueline Tracy
13139 Halwin Cir
912-235-0266

Jacqueline Tracy

TINA VANG - CAO.
13022 Fall Manor Dr.
214-298-1547



David Buhla
9932 Burnham
972-4374374

David Buhla



The number '0' indicates City of Dallas Ownership

 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="0"> <tr> <td style="border: 1px solid black; padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px;">21</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	21	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA189-050</u> Date: <u>4/11/2019</u>
200'	AREA OF NOTIFICATION					
21	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA189-050

21 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	13033 FALL MANOR DR	STOFFEL RICHARD
2	13102 FALL MANOR DR	PETERSENTETER TAMARA
3	13058 FALL MANOR DR	NDUKWE EBENEZER C &
4	13052 FALL MANOR DR	PATEL HIRENKUMAR & DHRUVA
5	13046 FALL MANOR DR	GIORGIS TEKABO G &
6	13040 FALL MANOR DR	SNYDER HOWARD BROOKS &
7	13034 FALL MANOR DR	DAILEY ERIC & MICHELLE GALIZIA
8	13028 FALL MANOR DR	PATTON JOHN W
9	13022 FALL MANOR DR	CAO STEVE T &
10	13109 FALL MANOR DR	LINDSEY BRYAN SCOTT & KATHRYN ANNE
11	13103 FALL MANOR DR	BUSH ALEXANDER F & MARISSA C
12	13045 FALL MANOR DR	PEREZ LUIS M & LUISANA
13	13039 FALL MANOR DR	HAJEK ERIC & CAITLIN OBRIEN
14	13027 FALL MANOR DR	STEPHENS HARRY E &
15	13021 FALL MANOR DR	JOHNSON ROBERT G & LOYCE
16	13015 FALL MANOR DR	MCDANIEL DONALD R & ANITA
17	13009 FALL MANOR DR	PHAM THANH TAN &
18	9938 CLAYMORE DR	CHE DIANA LUM
19	9944 CLAYMORE DR	AFELI JOSEPH I
20	9950 CLAYMORE DR	TOWNSEND RICHARD P
21	9945 CLAYMORE DR	JANSEN SCOTT & RENEE

FILE NUMBER: BDA189-051(OA)

BUILDING OFFICIAL'S REPORT: Application of Robert Baldwin of Baldwin and Associates for a variance to the front yard setback regulations at 3710 Knight Street. This property is more fully described as PT LT 10, Block F/1569, and is zoned PD 193 (MF-2), which requires a front yard setback of 20 feet. The applicant proposes to construct and/or maintain a structure and provide a 5 foot front yard setback, which will require a 15 foot variance to the front setback regulations.

LOCATION: 3710 Knight Street

APPLICANT: Robert Baldwin of Baldwin and Associates

REQUEST:

A request for a variance to the front yard setback regulations of 15' is made to construct and maintain a three-story single-family structure with a total "slab area" of approximately 1,500 square feet part of which is to be located 5' from the front yard setback or 15' into this 20' front yard setback on a site that is undeveloped.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the variance should be granted because of the restrictive area of the subject site. The site has 3,250 square feet in area where the average lot size of 13 properties in the same PD 193 (MF-2(A)) zoning district is 6,300 square feet. Furthermore, the applicant has shown by submitting a document indicating among other things that the total floor area of the proposed home on the subject site at approximately 3,000 square feet is commensurate to 13 other structures in the same PD 193 (MF-2(A)) zoning district that has an average floor area of approximately 3,700 square feet.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	PD 193 (MF-2(A)) (Planned Development Multi-family district 2)
<u>North:</u>	PD 193 (MF-2(A)) (Planned Development Multi-family district 2)
<u>South:</u>	PD 193 (MF-2(A)) (Planned Development Multi-family district 2)
<u>East:</u>	PD 193 (MF-2(A)) (Planned Development Multi-family district 2)
<u>West:</u>	PD 193 (MF-2(A)) (Planned Development Multi-family district 2)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS /STAFF ANALYSIS:

- This request for a variance to the front yard setback requirement of 15’ focuses on constructing and maintaining a three-story single-family structure with a total “slab area” of approximately 1,500 square feet part of which is to be located 5’ from the front yard setback or 15’ into this 20’ front yard setback on a site that is undeveloped.
- The property is located in PD 193 (MF-2(A)) zoning district which requires a minimum front yard setback of 20 feet.
- The submitted plan represents that the structure is proposed to be located as close as 5’ from the site’s front property line or 15’ into the 20’ front yard setback.
- The subject site is flat, virtually rectangular in shape, and according to the submitted application, is 0.075 acres (or 3,250 square feet) in area.
- According to DCAD records, there are “no main improvements” or “no additional improvements” for property addressed at 3710 Knight Street.
- The applicant submitted a document indicating that the total size of the proposed home’s floor area on the subject site is approximately 3,250 square feet which is

smaller than that of 13 other lots that average 6,300 square feet. In addition, the applicant submitted a document indicating that the total size of the proposed home's floor area on the subject site is approximately 3,000 square feet which is smaller than that of 13 other homes' floor areas she listed of properties in PD 193 (MF-2(A)) zoning. (The average square footage of 13 other properties listed in the applicant's document is approximately 3,700 square feet).

- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the front yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 193 (MF-2(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 PD193 (MF-2(A)) zoning classification.
- If the Board were to grant the variance request and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document— which in this case is a structure that would be located 5' from the front yard setback or 15' into this 20' front yard setback.
- Granting this request for a variance to the front yard setback regulations related to a structure that would be located 5' from the front yard setback or 15' into this 20' front yard setback would provide no relief to remedy any other encroachment into additional setback requirements including side yard setbacks.

Timeline:

January 30, 2019: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

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

April 10, 2019: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the May 1st deadline to submit additional evidence for staff to factor into their analysis; and the May 10th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and

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

May 6, 2019: The applicant submitted additional documentation to staff beyond what was submitted with the original application (see Attachment A).

May 7, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included the Sustainable Development and Construction Assistant Director, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Chief Planner, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

May 7, 2019: The Building Inspection Chief Planner during the May 7th staff review meeting discovered that an additional request is needed beyond the requested variance to the front yard setback regulations. The site plan indicates a structure that would be located 5' from the southwest and northeast side yard setbacks or 5' into these 10' side yard setbacks. Since granting a request for a variance to the front yard setback regulations would provide no relief to remedy any other encroachment into additional setback requirements including side yard setbacks, staff contacted the applicant on May 7, 2019. Staff proposed the applicant two solutions in order to address the side yard encroachment:

- Staff proposed to postpone the public hearing until June's public hearing in order to give the applicant an opportunity to modify the application and add a request for a variance to the side yard setback regulations; and
- Staff proposed the applicant to continue the public process with the current variance request to the front yard setback regulations and address the encroachment into the side yard setbacks at a future public hearing.

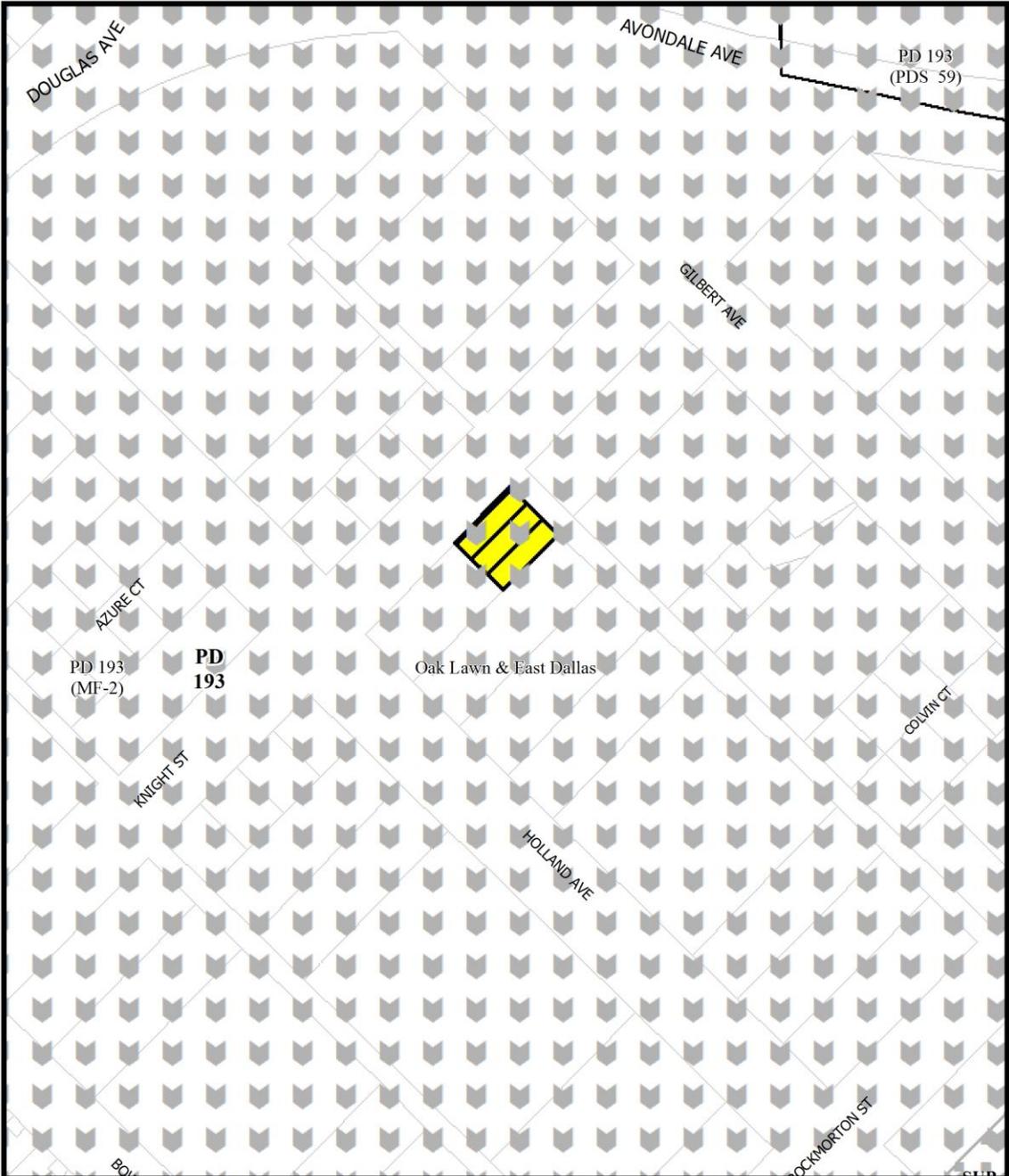
The applicant informed staff that he wanted to proceed with the current request and that he will provide a revised site plan to call for a 10-foot side yard setbacks. The applicant advised that he was going to provide the site plan on May 8, 2019.

May 9, 2019: The applicant sent an e-mail indicating that the staff who draws their plans is out of town until next week and the revisions she made to correct the side yard encroachment were not the requested changes. The applicant advised that the single-family

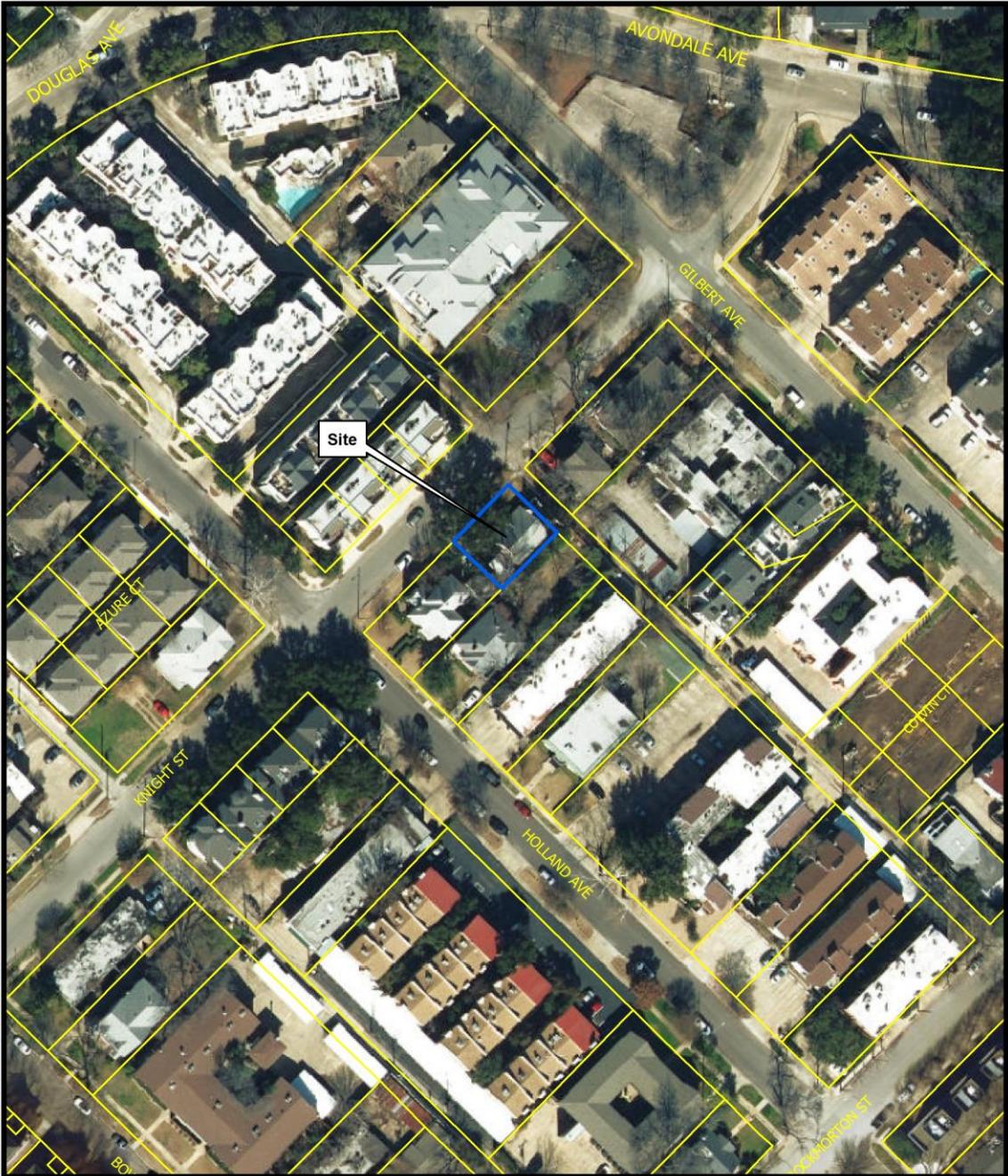
structure must comply with the PD 193 (MF-2) side yard regulations and that the applicant will comply (see Attachment B).

May 9, 2019:

Staff informed the applicant via an email that if the variance request to the front yard setback regulations is approved by the board, the approval would provide no relief to remedy any other encroachment into additional setback requirements including side yard setbacks.



 1:1,200	<h1>ZONING MAP</h1>	Case no: <u> BDA189-051 </u> Date: <u> 4/11/2019 </u>
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1:1,200

AERIAL MAP

Case no: BDA189-051

Date: 4/11/2019

Baldwin Associates

May 6, 2019

Oscar Aguilera
Senior Planner, Board of Adjustment
City of Dallas
1500 Marilla 5BN
Dallas, TX 75201

RE: BDA189-051, 3710 Knight Street

Dear Mr. Aguilera,

We are requesting a front yard variance at the above-referenced property to allow for the construction of a new single family structure on a vacant lot. This property is a building site that was created prior to 1984. The adjacent properties within the immediate area are single family, duplex, and multifamily uses. The property is zoned PD 193 MF-2, which allows these uses, but PD 193 determines the front yard setback based on the use. Single family structures are required a 20-foot front yard setback, whereas a multifamily use has a 15-foot front yard setback.

The subject property is 64-feet in width along Knight Street and has a lot depth of 50-feet. Since the area is developed with a variety of housing types and lot sizes in the area, the analysis of comparable properties to establish the subject property's hardship is unlike what would be considered in a single family zoned neighborhood. The following chart provides land use, lot area, and building square footages from DCAD. These properties are within the immediate area and illustrate the range of development in this MF-2 zoned area. The closest single family property in size to the subject property, 3717 Throckmorton, has a smaller home and is listed in very poor condition. This property on Throckmorton is also located mid-block, but it has a lot depth of approximately 90 feet and a 20-foot front yard setback will not be the same burden as the subject property. From online images (Streetview), it does not appear the current structure provides a 20-foot setback, however, DCAD lists that it was constructed in 1932. It is important to note the townhouse-style multifamily use across Knight Street from the subject property has a 15-foot setback and were constructed with recessed garages.

Address	Land use	Lot area	Floor area
3710 Knight Street	Vacant - Subject property	3,250	3,000
4038 Holland Ave	Detached Single Family	4,750	2,213
4037 Gilbert Ave	Duplex	8,000	3,738
4033 Gilbert Ave	MF - 14 units	15,800	836 typical unit size
4101 Gilbert Ave	Detached Single Family	8,000	2,718
4100 Holland*	MF Townhouse	2,378	2,479
"	MF Townhouse	1,626	2,479
"	MF Townhouse	1,626	2,479
"	MF Townhouse	2,396	2,479
4034 Holland Ave	Duplex	8,000	2,726
4030 Holland	MF - 8 units	8,000	852 typical unit size
3717 Throckmorton	Detached Single Family	3,600	1,186
3775 Colvin Ct**	Attached Single Family	2,599	1,960
3775 Colvin Ct**	Attached Single Family	1,597	1,960

Note: Subject property floor area is approximate.

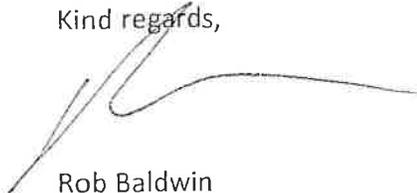
*Property is 8,026 SF. DCAD lot area is the ownership area, not the building site area.

**Individually platted/shared access development. Contains 8 lots/townhouses. Overall land area is approximately 15,680 SF and building area approximately 14,780 SF.

The survey of these properties indicate that higher density can occur within the MF-2 base zoning district. However, there are not many detached single family lots remaining in this area. The subject property is unlike the other properties in this area that are developed as larger lots but with more density. The proposed single family structure is commensurate the neighborhood.

We hope you can agree that this property has a property hardship and that you can recommend approval of this request. If you have any questions or concerns, please feel free to contact me.

Kind regards,



Rob Baldwin

Aguilera, Oscar E

From: Jennifer Hiromoto <jennifer@baldwinplanning.com>
Sent: Thursday, May 09, 2019 9:50 AM
To: Aguilera, Oscar E
Cc: Long, Steve; Dean, Neva; Rob Baldwin
Subject: RE: Knight Street - BDA189-051

Good morning Oscar,

Per our conversation this morning, please accept our apologies for not providing a revised plan yet. The lady who draws our plans is out of town until Monday. The revisions she made yesterday were not the changes you had requested. There was a miscommunication on our side. We understand that the single family structure must comply with the PD 193 MF-2 side yard regulations. That is our intent. We will try to get the correct revisions to you early next week when she returns. We apologize for the delay.

Thanks,
Jennifer

Jennifer Hiromoto
Baldwin Associates
3904 Elm Street Suite B
Dallas, TX 75226
Office: 214-824-7949
Cell: 469-275-2414

From: Aguilera, Oscar E <oscar.aguilera@dallascityhall.com>
Sent: Thursday, May 9, 2019 7:54 AM
To: Rob Baldwin <rob@baldwinplanning.com>
Cc: Jennifer Hiromoto <jennifer@baldwinplanning.com>; Long, Steve <steve.long@dallascityhall.com>; Dean, Neva <neva.dean@dallascityhall.com>; 'Erin Bishop' <erin@ebrooke.com>
Subject: RE: Knight Street - BDA189-051

Dear Rob Baldwin,

I did not received the revised site plan yesterday. May I please have it today so I may meet my deadlines.

Sincerely,



Oscar Aguilera
Senior Planner
City of Dallas | www.dallascityhall.com
Current Planning Division
Sustainable Development and Construction
1500 Marilla Street, 5BN
Dallas, TX 75201
O: 214-671-5099
oscar.aguilera@dallascityhall.com



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-051

Data Relative to Subject Property:

Date: 1/30/19

Location address: 3710 Knight Street Zoning District: PD 193 MF-2

Lot No.: Pt 10 Block No.: F/1569 Acreage: 0.075 acres Census Tract: 6.06

Street Frontage (in Feet): 1) 65 ft 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Stephanie Olivier Besson and Dana Terese Krieg

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

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

E-mail Address: rob@baldwinplanning.com

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

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

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance X, or Special Exception _____, of of front yard 15' and provide 5' front yard setback to the required 20' 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:

The building site is developed with a single family structure. The proposal is to redevelop this building site for a new single family structure that provides a 5' front yard setback, which is in line with the adjacent lot's setbacks along Knight Street. This building site is smaller than the surrounding lots that are zoned MF-2 and contain a single family use.

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

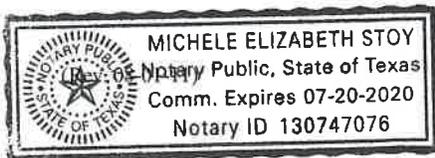
Affidavit

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

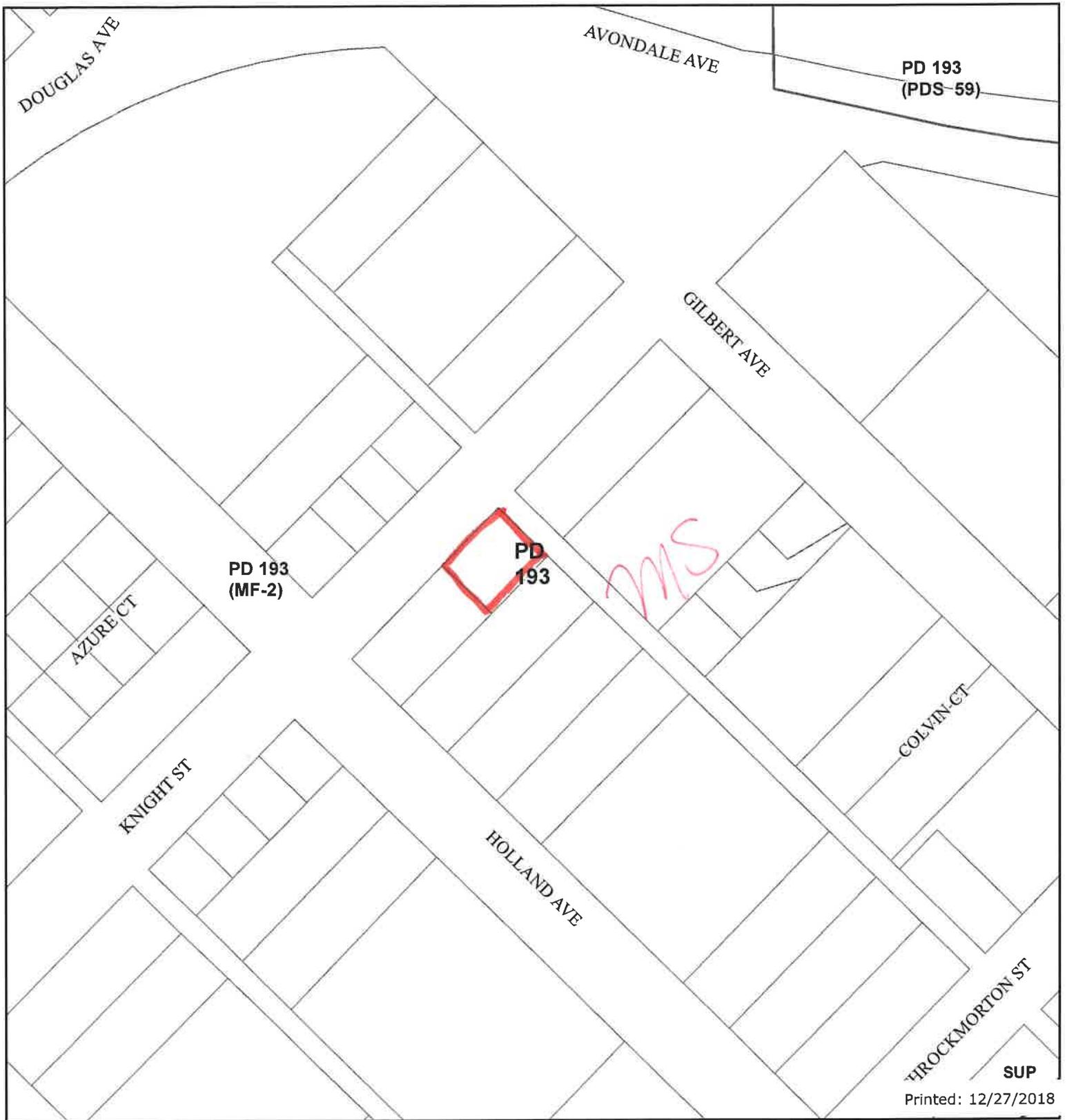
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 30th day of January, 2019



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



Printed: 12/27/2018

Legend

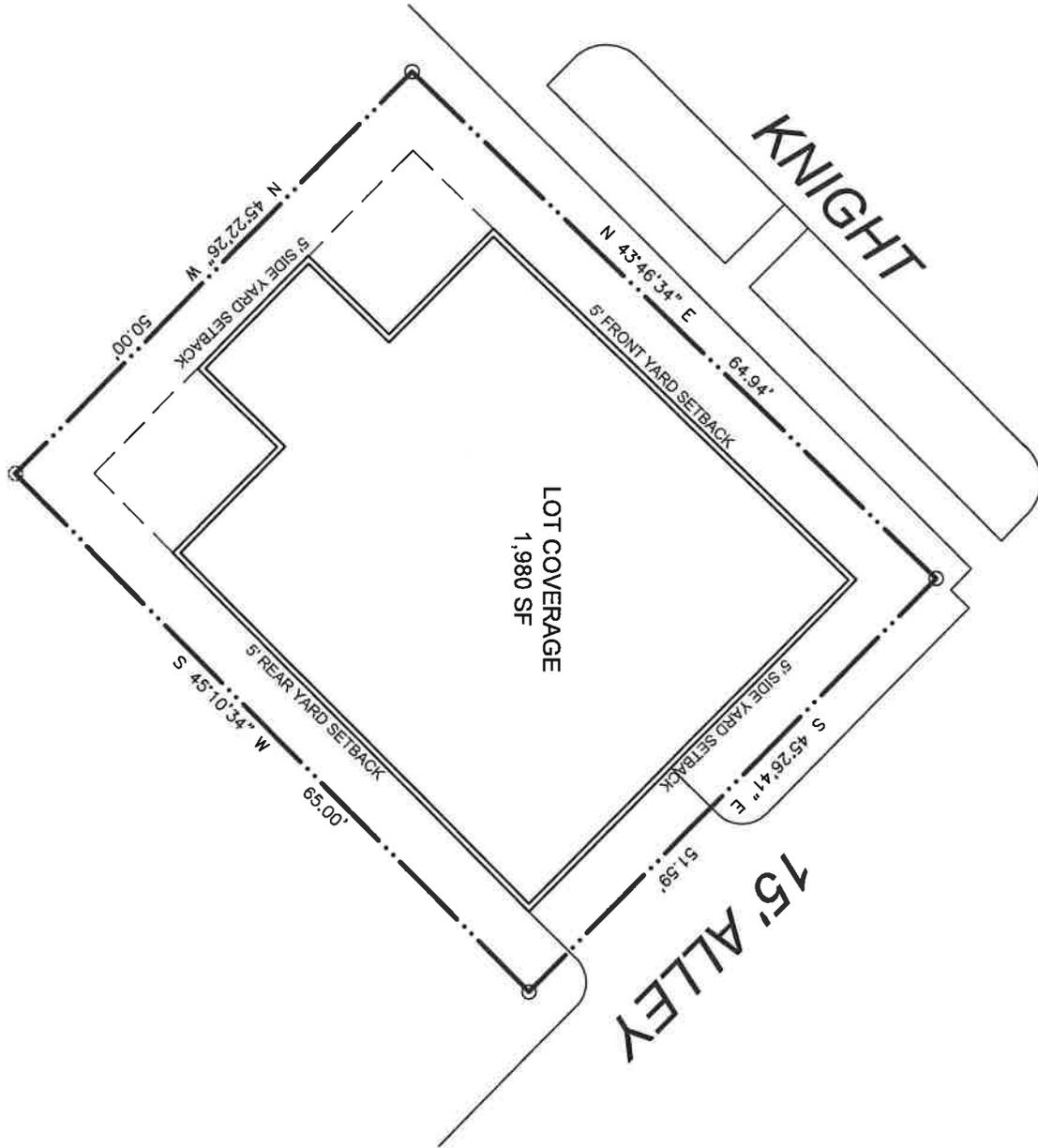
- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSPD 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)





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



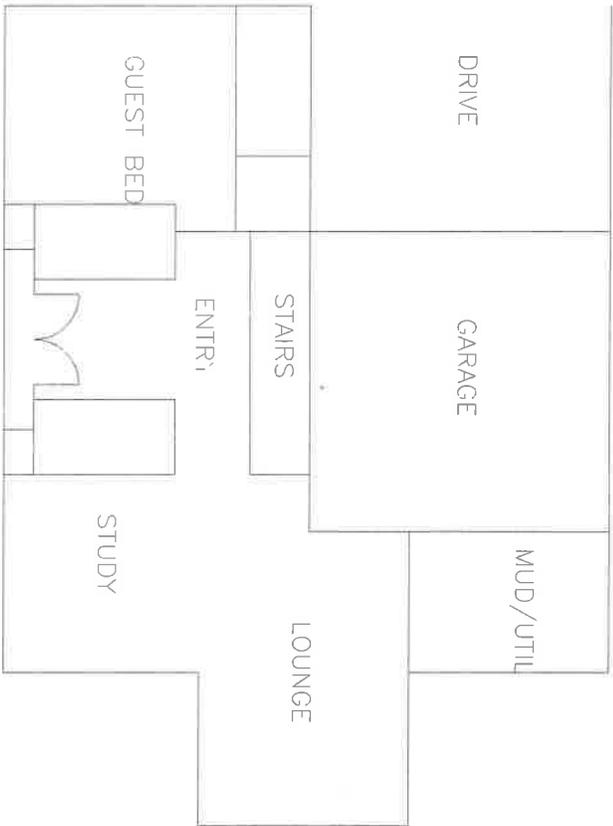
VICINITY MAP
NTS

3710 KNIGHT
CITY OF DALLAS, TEXAS

Baldwin
Associates

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

02/06/2019
PROJECT NUMBER
CASE NUMBER



3710 KNIGHT RESIDENCE

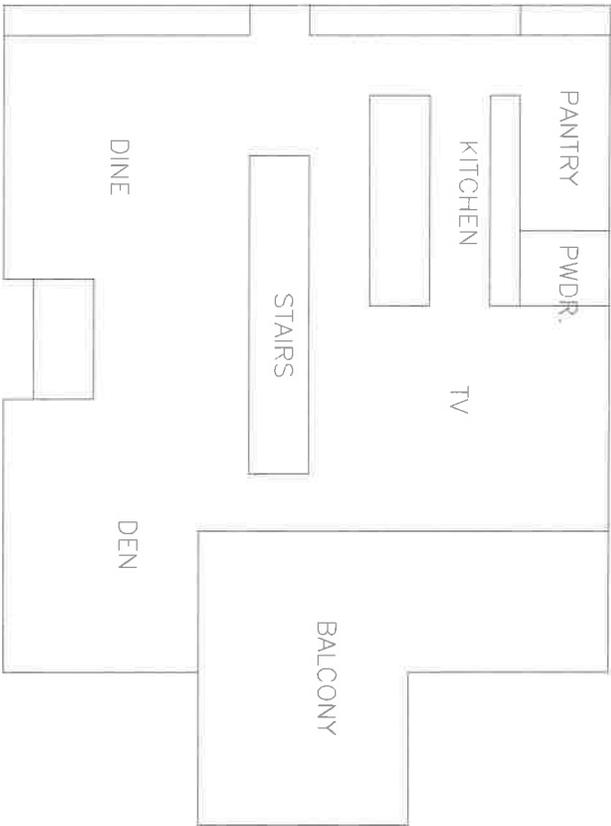
SCHMATIC FLOOR PLAN
 FIRST FLOOR
 Project number 18039
 Date 02-22-2019
 Scale 1/8" = 1'-0"

A-101





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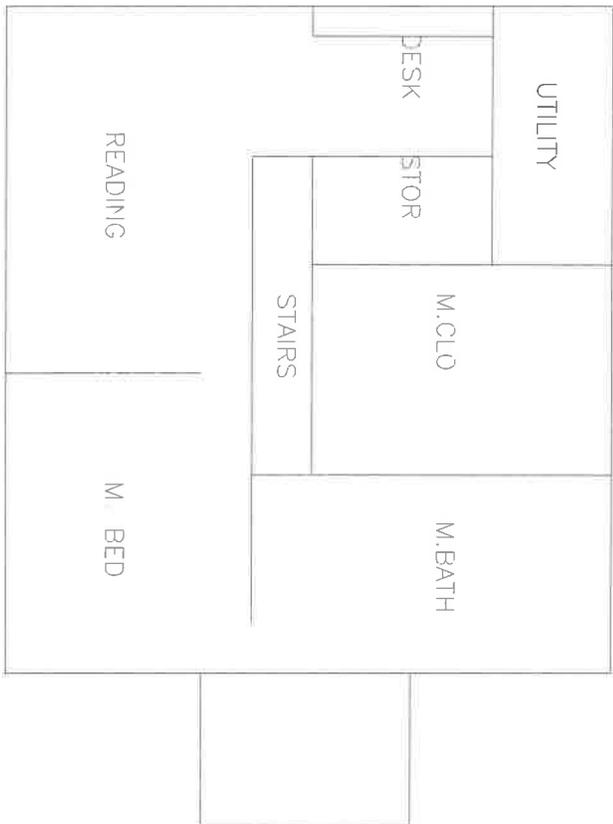
3710 KNIGHT RESIDENCE

SCHEMATIC FLOOR PLAN
SECOND FLOOR
Project number 18039
Date 02-22-2019
Scale 1/8" = 1'-0"

A-102



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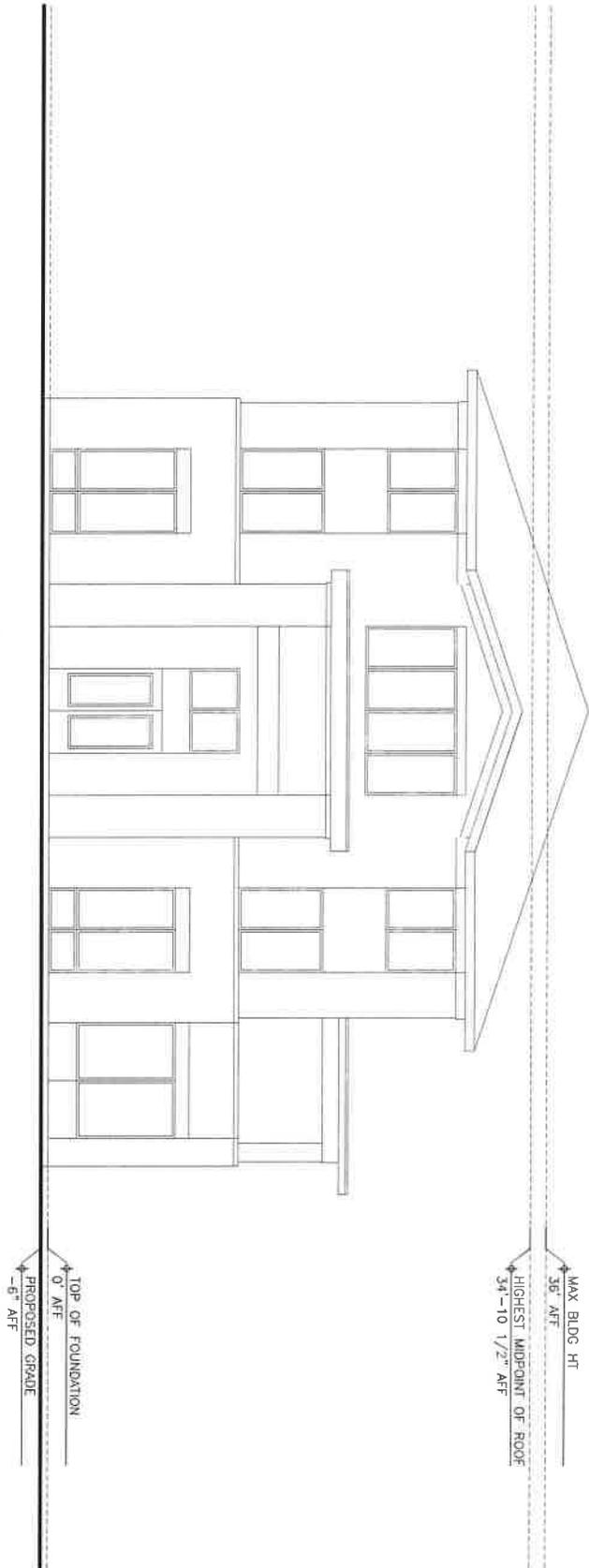
3710 KNIGHT RESIDENCE

SCHMATIC FLOOR PLAN
THIRD FLOOR
Project number 18039
Date 02-22-2019
Scale 1/8" = 1'-0"

A-103



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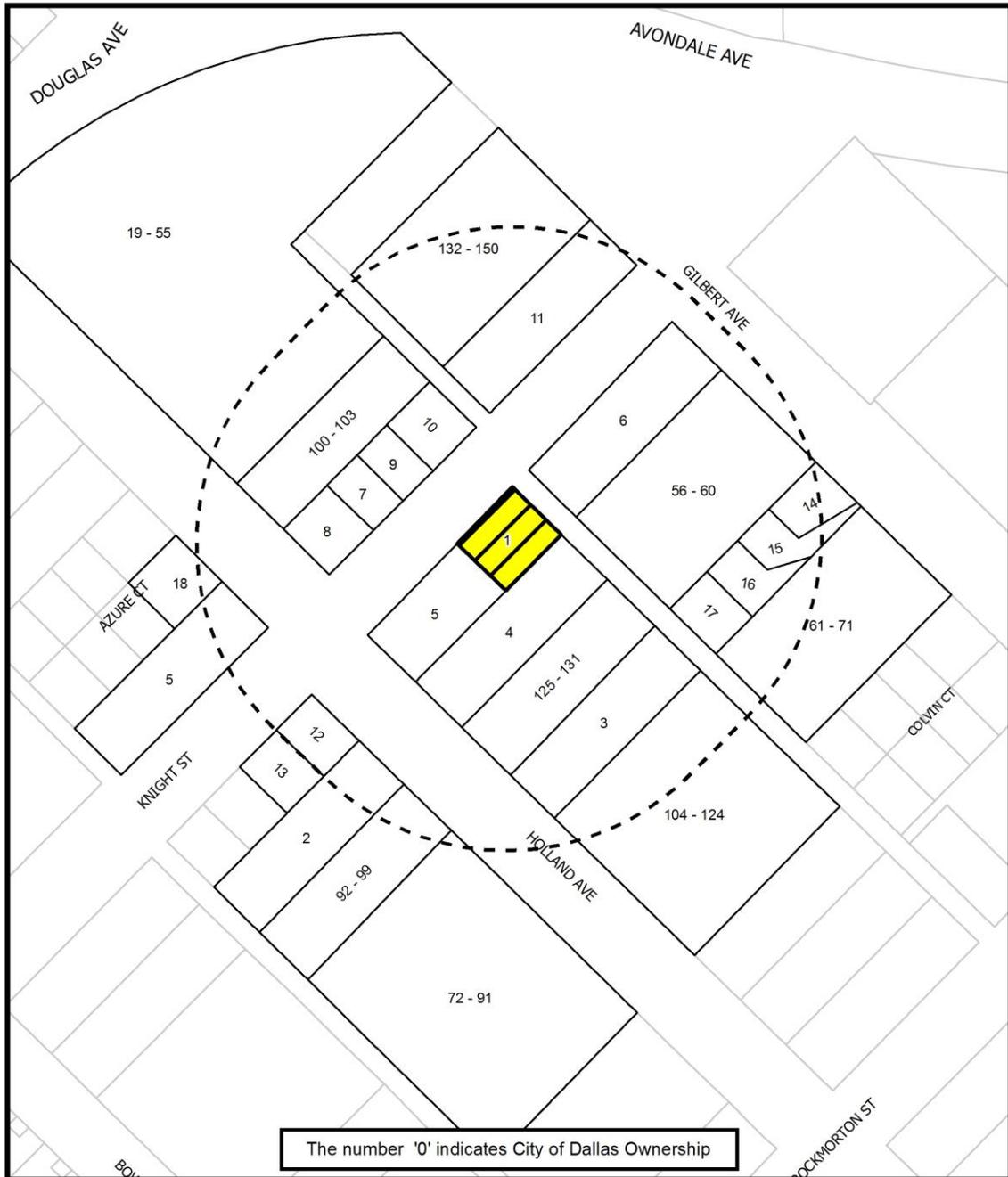


3710 KNIGHT RESIDENCE

EXTERIOR ELEVATION - FRONT

Project number 18039
Date 02-22-2019
Scale 1/8" = 1'-0"

A-200



The number '0' indicates City of Dallas Ownership

 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <p> 200' AREA OF NOTIFICATION 150 NUMBER OF PROPERTY OWNERS NOTIFIED </p>	Case no: <u>BDA189-051</u> Date: <u>4/11/2019</u>
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Notification List of Property Owners

BDA189-051

150 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3710 KNIGHT ST	BESSON STEPHANE OLIVIER &
2	4035 HOLLAND AVE	ITS A BIG SPRING LLC
3	4026 HOLLAND AVE	VICHYASTIT KITTICHAJ
4	4034 HOLLAND AVE	PEREZ PATRICIA
5	4036 HOLLAND AVE	OLSON JOHN E
6	4037 GILBERT AVE	GALUE ALBERTO JOSE &
7	4100 HOLLAND AVE	HELY JOHN P
8	4100 HOLLAND AVE	HAMLETT WILLIAM J & JENNIFER B
9	4100 HOLLAND AVE	SANDERS PHILIP J & ANTOINETTE M
10	4100 HOLLAND AVE	LAMBERT DAVID C & KRISTA C
11	4101 GILBERT AVE	MARTINEZ RENE &
12	4039 HOLLAND AVE	CAMERON SCOTT C
13	3638 KNIGHT ST	RAINEY BONNIE L & DAVID M ODELL
14	4023 GILBERT AVE	GREGG CHARLES REBSTOCK JR
15	4025 GILBERT AVE	DUNCAN BRIAN & KATHERINE
16	4027 GILBERT AVE	SZERLIP HAROLD M
17	4029 GILBERT AVE	SMEEDING JAMES E
18	3680 AZURE CT	BEAUPRE MARK A
19	4040 AVONDALE AVE	FLORES ALEJANDRA
20	4040 AVONDALE AVE	SMITH THERESA
21	4040 AVONDALE AVE	KLYMOV YEVGEN
22	4040 AVONDALE AVE	MASSIMILLO STEPHEN
23	4040 AVONDALE AVE	HOOKS JESSICA & JESSE
24	4040 AVONDALE AVE	GORMAN TAYLOR S
25	4040 AVONDALE AVE	SILVA PEDRO EDUARDO
26	4040 AVONDALE AVE	WILBURN BART

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	4040 AVONDALE AVE	YEE DENISE
28	4040 AVONDALE AVE	GIACINTI RODRIGO
29	4040 AVONDALE AVE	MIDDLETON RICHARD
30	4040 AVONDALE AVE	KORSCHUN MIRANDA BLAIR
31	4040 AVONDALE AVE	ERLANSON SUZANNE
32	4040 AVONDALE AVE	AGUILAR REBECCA L
33	4040 AVONDALE AVE	MONGELL ANDREW JORDAN
34	4040 AVONDALE AVE	TADAYON BITA
35	4040 AVONDALE AVE	KLYMOV YEVGEN A
36	4040 AVONDALE AVE	HAJNASR LOUIS G
37	4040 AVONDALE AVE	KASEK GAIL A & JOHN A KASEK
38	4040 AVONDALE AVE	FRAZIER NAKIA DENISE
39	4040 AVONDALE AVE	HARDING STEPHANIE M &
40	4040 AVONDALE AVE	BADALI MATTHEW III
41	4040 AVONDALE AVE	GRIFFING BARRY J
42	4040 AVONDALE AVE	LARSEN CHRISTOPHER & ANDRA
43	4040 AVONDALE AVE	UPTON TYRA D
44	4040 AVONDALE AVE	KIRST JONATHAN C & MINA
45	4040 AVONDALE AVE	KOSHAK DANIELLE
46	4040 AVONDALE AVE	VINAS ANTONIO GABRIEL FERNANDEZ
47	4040 AVONDALE AVE	BELL THOMAS
48	4040 AVONDALE AVE	RFU DALLAS LLC
49	4040 AVONDALE AVE	ASFOUR MOHAMMAD WALID &
50	4040 AVONDALE AVE	GARCIA SCARLET M &
51	4040 AVONDALE AVE	POULAKIS MARGARITA D
52	4040 AVONDALE AVE	KACINSKI CAITLIN ROSE
53	4040 AVONDALE AVE	CAMPBELL ALEXANDER
54	4040 AVONDALE AVE	BLALOCK MICHAEL L
55	4040 AVONDALE AVE	CALLAWAY LAUREN LOUREE
56	4033 GILBERT AVE	LESZINSKI SLAWOMIR
57	4033 GILBERT AVE	WEISFELD RONALD A

Label #	Address	Owner
58	4033 GILBERT AVE	SLAVOMIR LESZINSKI LIV TR
59	4033 GILBERT AVE	FIELD DREW
60	4033 GILBERT AVE	LESZINSKI SLAWOMIR TRUST
61	4021 GILBERT AVE	COLUNGA JENNIFER C
62	4021 GILBERT AVE	MCCARTHY COLLEEN A
63	4021 GILBERT AVE	HCP CAPITAL LLC
64	4021 GILBERT AVE	BORSKI BRIAN
65	4021 GILBERT AVE	STANDLEE LESLIE D
66	4021 GILBERT AVE	HCP CAPITAL LLC
67	4021 GILBERT AVE	HCP CAPITAL LLC
68	4021 GILBERT AVE	RANDALL THOMAS
69	4021 GILBERT AVE	BIEDIGER PATRICK
70	4021 GILBERT AVE	HCP CAPITAL LLC
71	4021 GILBERT AVE	RETZ MICHAEL M
72	4015 HOLLAND AVE	YARBROUGH ERICA
73	4015 HOLLAND AVE	HALE LYNN W
74	4015 HOLLAND AVE	CULVER CYNTHIA A
75	4015 HOLLAND AVE	SCOFIELD JAMES S & PAULA W
76	4015 HOLLAND AVE	RIGA PROPERTIES LLC
77	4015 HOLLAND AVE	SHUTE ERIC S
78	4015 HOLLAND AVE	ALBERTSMAY LAURA &
79	4015 HOLLAND AVE	MARTIN SARAH J
80	4015 HOLLAND AVE	CHIDESTER JAY MARK
81	4015 HOLLAND AVE	MERCADO PATRICIA
82	4025 HOLLAND AVE	TUCKER CRYSTAL
83	4025 HOLLAND AVE	ANDERSON RANDALL JUERGEN LIF EST
84	4025 HOLLAND AVE	COGANHORNER ERIN
85	4025 HOLLAND AVE	WILLIAMS KRISTEN MARIE
86	4025 HOLLAND AVE	WEST DOUGLAS G
87	4025 HOLLAND AVE	JACKSON MATTHEW T
88	4025 HOLLAND AVE	SUMLIN RICHARD

Label #	Address	Owner
89	4025 HOLLAND AVE	GRAVIS MARY CAROLYN
90	4025 HOLLAND AVE	HYYRYLAEINEN SATN
91	4025 HOLLAND AVE	WRIGHT MEGAN LEIGH
92	4031 HOLLAND AVE	GNADINGER KATHERINE M
93	4031 HOLLAND AVE	DICKHANER KRISTIN &
94	4031 HOLLAND AVE	GRIFFIN MIRANDA
95	4031 HOLLAND AVE	ECTON CRISTY A
96	4031 HOLLAND AVE	ALLMON KIMBERLY JANE
97	4031 HOLLAND AVE	WETZEL CAMERON
98	4031 HOLLAND AVE	STANGEL JASON A
99	4031 HOLLAND AVE	PANDYA AMIT & REEMA SHAH
100	4106 HOLLAND AVE	VOSKUHL GENE W
101	4106 HOLLAND AVE	GRAY ALISON &
102	4106 HOLLAND AVE	MORLEY REBECCA L
103	4106 HOLLAND AVE	BEASLEY SHELBY B
104	4020 HOLLAND AVE	CAWLEY SANDRA L
105	4020 HOLLAND AVE	KHODAPARAST AFAF &
106	4020 HOLLAND AVE	NGUYEN TRANG
107	4020 HOLLAND AVE	HUNTER BRYAN K
108	4020 HOLLAND AVE	WARBINGTON RICK D
109	4020 HOLLAND AVE	NGUYEN THIEN D
110	4020 HOLLAND AVE	ALSINA MICHAEL KELLY &
111	4020 HOLLAND AVE	BOLDEN LARRY
112	4020 HOLLAND AVE	MALDONADO DANIELA
113	4020 HOLLAND AVE	ALAM NABILA R &
114	4020 HOLLAND AVE	PEACE MANDIE
115	4020 HOLLAND AVE	ASTURIAS EDISON
116	4020 HOLLAND AVE	KRUGLICK BRITTANY E
117	4020 HOLLAND AVE	OLISY LLC
118	4020 HOLLAND AVE	SELF DAVID
119	4020 HOLLAND AVE	MESA RICARDO

Label #	Address	Owner
120	4020 HOLLAND AVE	JIMENEZ JIMMY SANTIAGO
121	4020 HOLLAND AVE	PATEL SUNIL
122	4020 HOLLAND AVE	KNOBLER DONALD R
123	4020 HOLLAND AVE	RADOWICK BRIAN
124	4020 HOLLAND AVE	DHANANI RAHIM MAMUD
125	4030 HOLLAND AVE	MAGEE JUNE
126	4030 HOLLAND AVE	COWLE REBECCA
127	4030 HOLLAND AVE	CRUCIANI GARY
128	4030 HOLLAND AVE	WEATHERLY JOB Y
129	4030 HOLLAND AVE	FRISBIE JAMES A
130	4030 HOLLAND AVE	RIGA PROPERTIES LLC
131	4030 HOLLAND AVE	LEONARD JACK MICHAEL JR
132	4111 GILBERT AVE	HSIAO CHRIS L &
133	4111 GILBERT AVE	CRAWFORD ANN
134	4111 GILBERT AVE	MONTANA ALEXANDRA P
135	4111 GILBERT AVE	NIELSEN FERNANDA
136	4111 GILBERT AVE	NEWSOME MICHELLE H
137	4111 GILBERT AVE	SPIVEY STEPHEN
138	4111 GILBERT AVE	SOKOLOWSKA ANNA
139	4111 GILBERT AVE	DALLAS REALTY LLC
140	4111 GILBERT AVE	KING LEWIS R
141	4111 GILBERT AVE	GATES SUSAN J
142	4111 GILBERT AVE	MIRZA OMER &
143	4111 GILBERT AVE	STERN ROBERT J &
144	4111 GILBERT AVE	BROWN STEFANIE
145	4111 GILBERT AVE	RODRIGUEZ FERNAN
146	4111 GILBERT AVE	SHEN JUDY
147	4111 GILBERT AVE	NGO CALY
148	4111 GILBERT AVE	SCHLESSER MICHAEL A
149	4111 GILBERT AVE	GIRALDO ADRIANA
150	4111 GILBERT AVE	LEE SIMON J CRADDOCK

04/11/2019

Label # Address

Owner

FILE NUMBER: BDA189-052(SL)

BUILDING OFFICIAL'S REPORT: Application of Edward F. Heyne, IV, represented by Corey Reinaker, for a variance to the front yard setback regulations at 1828 Kessler Parkway. This property is more fully described as Lot 9, Block 19/3980, and is zoned CD 13, which requires a front yard setback of 72 feet. The applicant proposes to construct and/or maintain a structure and provide a 21 foot front yard setback, which will require a 51 foot variance to the front yard setback regulations.

LOCATION: 1828 Kessler Parkway

APPLICANT: Edward F. Heyne IV
Represented by Corey Reinaker

REQUESTS:

The following requests have been made on a site developed with a single family home that, according to DCAD, was constructed in the mid 50's:

- a variance to the front yard setback regulations of up to 51' is requested to construct and maintain an addition to the existing structure that would be as close as 21' from the front property line or as much as 51' into the required site's 72' front yard setback;
- a variance to the front yard setback regulations of up to 45' is requested to address the existing structure that is a nonconforming structure and that is as close as 27' from the front property line or as much as 45' into the site's 72' front yard setback.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the lot's restrictive area caused by an unusually large 72' front yard setback established by the equal of the average of the front yards of the houses on contiguous lots to the east and west and slope precludes the applicant from developing it in a manner commensurate with the development upon other parcels of land that have more typical front yard setbacks, and are flat/without slope on similarly-zoned CD 13 (Subarea 3) lots. The applicant's representative has submitted a document indicating that that the total "maximum conditioned space" of the home on the subject site with the addition is approximately 2,500 square feet which is smaller than that of 22 other homes he listed of properties in the same CD 13 (Subarea 3) zoning. (The average square footage of 22 other properties listed in the applicant's document is approximately 3,300 square feet).

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	CD 13 (Subarea 3) (Conservation District)
<u>North:</u>	CD 13 (Subarea 3) (Conservation District)
<u>South:</u>	CD 13 (Subarea 3) (Conservation District)
<u>East:</u>	CD 13 (Subarea 3) (Conservation District)
<u>West:</u>	CD 13 (Subarea 3) (Conservation District)

Land Use:

The subject site is developed with a single family home that according to DCAD was constructed in 1983. The area to the north is undeveloped, and the areas to the east, south, and west are developed with single family uses.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- The requests for variances to the front yard setback regulations focus on constructing and maintaining an addition to the existing structure on the site that according to DCAD was constructed in the mid 50's, and addressing this structure that is a nonconforming structure both of which are either located/to be located in this site's 72' front yard setback.
- The subject site is zoned CD 13 (Subarea 3).
- CD 13 states that the minimum front yard must equal the average of the front yards of the houses on contiguous lots.
- The applicant has submitted a document/site plan that represents the location and setbacks of the houses to the east and west of the subject site. This site plan represents that the house to the east has a front yard setback of 26' and the house to the west has a front yard setback of 118'.
- The submitted plan represents almost the entire existing home and the entire proposed addition is located in the 72' front yard setback.
- DCAD records indicate "main improvement" for the property at 2016 Kessler Parkway is a structure built in 1955 with 1,862 square feet of living/total area, and with "additional improvements" of a 549 square foot detached garage.
- While the existing single family home is located in what is now a 72' front yard setback, it is assumed that this structure is a nonconforming structure because records show that the main improvement/structures on this site were built in the 1950's.

- Prior to the creation of CD 13 in 2005, the subject site and surrounding properties had been zoned R-7.5(A) where the typical lot size is 7,500 square feet and where the front yard setback was 25’.
- The code defines nonconforming structure as a structure that does not conform to the regulations of the code, but which was lawfully constructed under the regulations in force at the time of construction.
- The code states that the right to rebuild a nonconforming structure ceases if the structure is destroyed by the intentional act of the owner or the owner’s agent.
- The code states that a person may renovate, remodel, repair, rebuild, or enlarge a nonconforming structure if the work does not cause the structure to become more nonconforming as to the yard, lot, and space regulations.
- The owner has informed staff that he has chosen to seek variance to the front yard setback regulations for the proposed addition, and the nonconforming aspect of the existing nonconforming structure in the front yard setback.
- The applicant’s representative has submitted a document indicating that that the total “maximum conditioned area” of the home with the addition on the subject site is approximately 2,500 square feet (approximately 1,900 of existing home with approximately 600 square feet of addition). This square footage is smaller than that of 22 other homes he listed of properties in the same CD 13 (Subarea 3) zoning. (The average square footage of 22 other properties listed in the applicant’s document is approximately 3,300 square feet).
- The applicant has submitted a topographic representation of the site indicating a slope in approximately the eastern half of the subject (see Attachment A).
- The subject site is sloped, irregular in shape, and approximately 30,900 square feet in area. Prior to the creation of CD 13 in 2005, the subject site and surrounding properties had been zoned R-7.5(A) where the typical lot size is 7,500 square feet and where the front yard setback was 25’. Now this site has a front yard setback of 72’.
- The applicant has the burden of proof in establishing the following:
 - That granting the variances to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variances are necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same CD 13 (Subarea 3) zoning classification.
 - The variances 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 CD 13 (Subarea 3) zoning classification.
- If the Board were to grant this request and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown

on this document– which is a structure located as close as 21’ from the site’s front property line or 51’ into the required 72’ front yard setback.

Timeline:

March 1, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

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

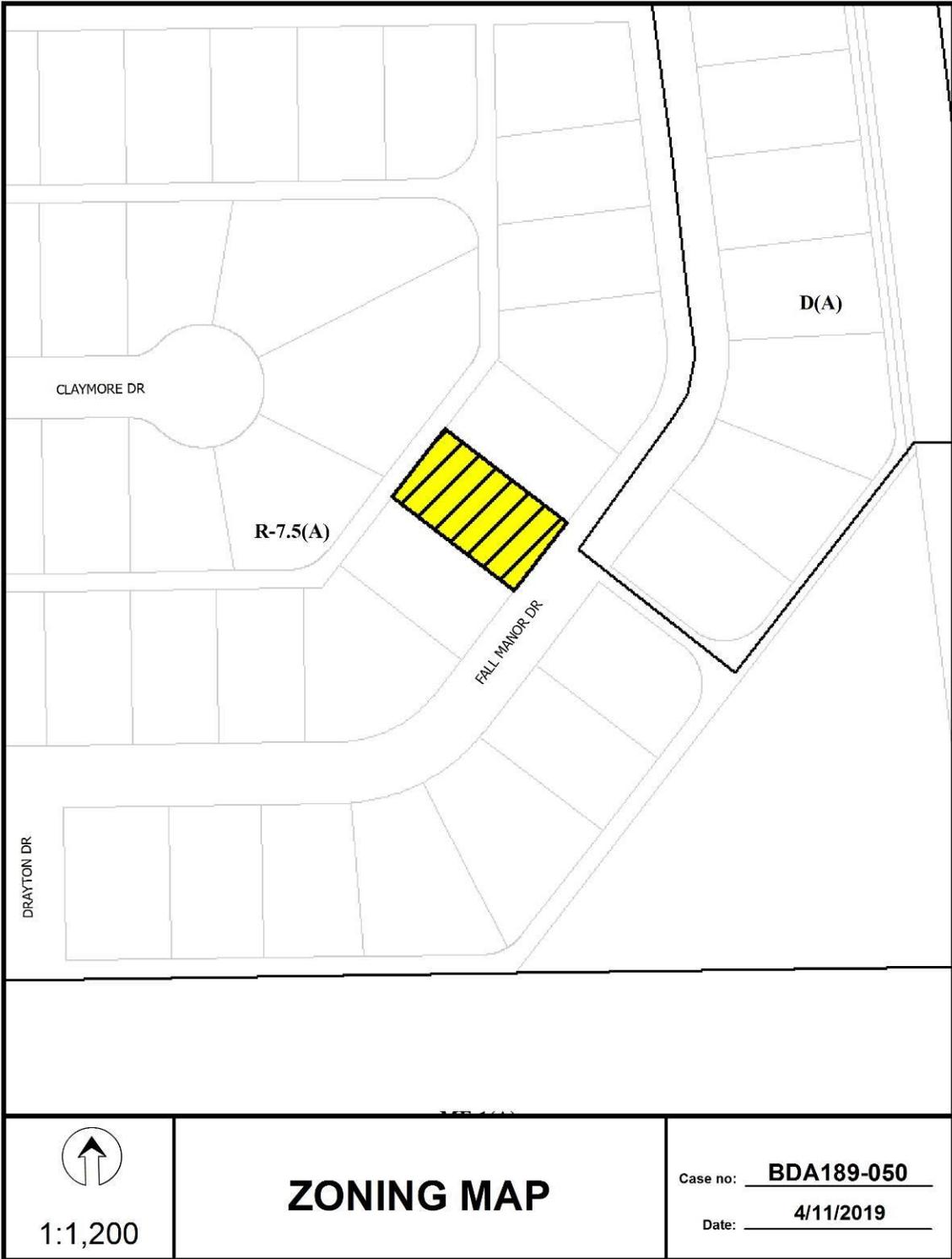
April 8, 2019: The Board Administrator emailed the applicant’s representative the following information:

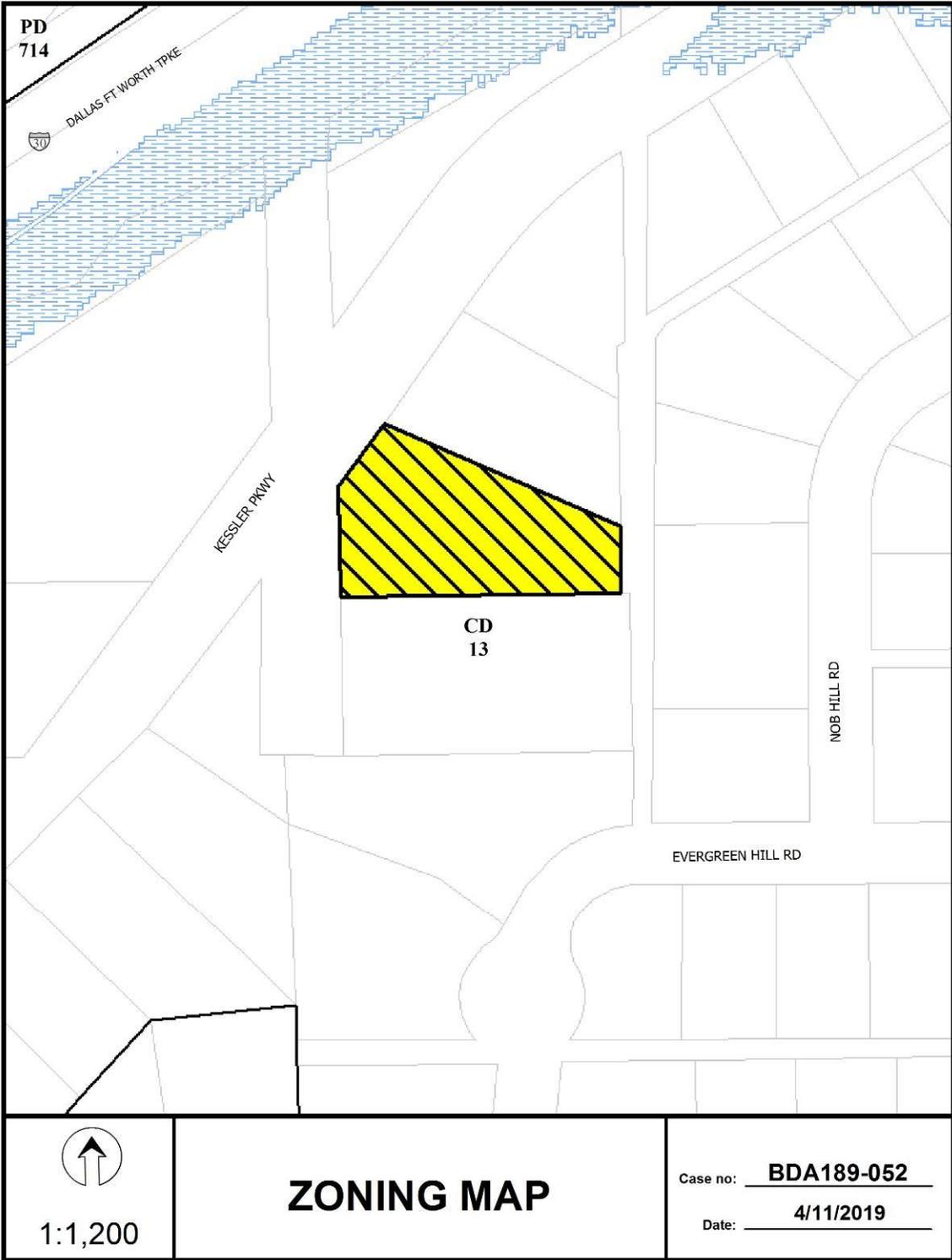
- an attachment that provided the public hearing date and panel that will consider the application; the May 1st deadline to submit additional evidence for staff to factor into their analysis; and the May 10th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

May 2, 2019 The applicant’s representative submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

May 7, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included the Sustainable Development and Construction Assistant Director, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Chief Planner, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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





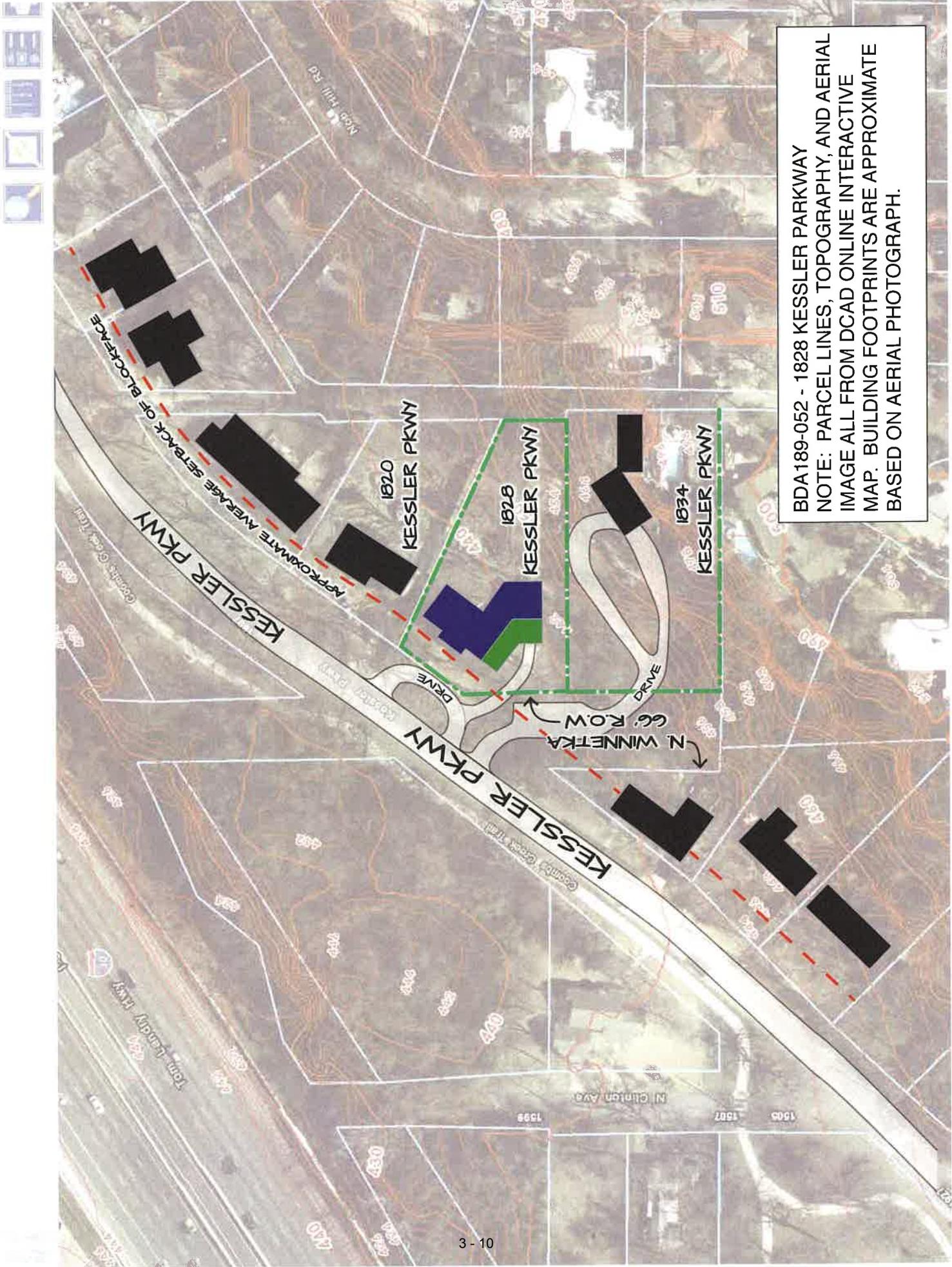


 1:1,200	<h1>AERIAL MAP</h1>	Case no: <u>BDA189-052</u> Date: <u>4/11/2019</u>
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1828 Kessler Parkway - Residential Comparison Document

Existing Residence and proposed addition at 1828 Kessler Parkway within CD-13 - Subarea 3 is designed with maximum total conditioned area of 2,492 square feet. (1,862 sf existing + 630 sf proposed).

Address	Conditioned Area
1828 Kessler Parkway	2,492 sf
1714 Kessler Parkway	2,814 sf
1820 Kessler Parkway	2,977 sf
1834 Kessler Parkway	3,157 sf
1511 N Clinton Ave	3,021 sf
1954 Kessler Parkway	3,638 sf
2040 Kessler Parkway	3,880 sf
831 Evergreen Hills	3,318 sf
837 Evergreen Hills	2,807 sf
1650 Kessler Canyon Drive	3,102 sf
1662 Kessler Canyon Drive	3,015 sf
1651 Nob Hill Road	3,829 sf
1645 Nob Hill Road	2,996 sf
1639 Nob Hill Road	3,091 sf
840 Evergreen Hills	3,234 sf
1010 Evergreen Hills	3,130 sf
939 Knott Place	3,591 sf
919 Knott Place	3,202 sf
835 Knott Place	3,300 sf
823 Knott Place	2,827 sf
1346 Rainbow Drive	3,630 sf
1306 Rainbow Drive	3,566 sf
923 Leatrice Drive	3,831 sf



BDA189-052 - 1828 KESSLER PARKWAY
 NOTE: PARCEL LINES, TOPOGRAPHY, AND AERIAL
 IMAGE ALL FROM DCAD ONLINE INTERACTIVE
 MAP. BUILDING FOOTPRINTS ARE APPROXIMATE
 BASED ON AERIAL PHOTOGRAPH.



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-052

Data Relative to Subject Property:

Date: 3/1/19

Location address: 1828 Kessler Pkwy Zoning District: CD-13

Lot No.: 9 Block No.: 19/3980 Acreage: .71 Census Tract: 44.00

Street Frontage (in Feet): 1) 153.91' 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Edward F Heyne III

Applicant: Edward F Heyne III Telephone: 214-403-9621

Mailing Address: 1834 Kessler Pkwy, Dallas, TX Zip Code: 75208

E-mail Address: wardheyne@yahoo.com

Represented by: CORCY REINAUER Telephone: 614 264 0631

Mailing Address: 1814 N PL, PLANO, TX Zip Code: 75074

E-mail Address: CORCY.REINAUER@GMAIL.COM

Affirm that an appeal has been made for a Variance , or Special Exception , of REQUESTING FOR 5' ENCROACHMENT TO THE 7' REQUIRED SETBACK AND PROVIDING 21'.

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

THE VARIANCE IS NECESSARY BECAUSE OF THE RESTRICTIVE SHAPE AND SLOPE OF THE PARCEL.

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

Edward F Heyne III
Edward F Heyne III

(Affiant/Applicant's name printed)

Before me the undersigned on this day personally appeared

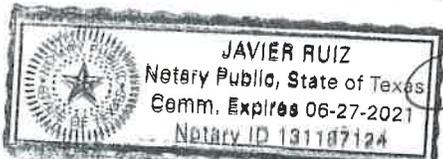
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted:

Edward F Heyne III
(Affiant/Applicant's signature)

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

(Rev. 08-01-11)



Javier Ruiz
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

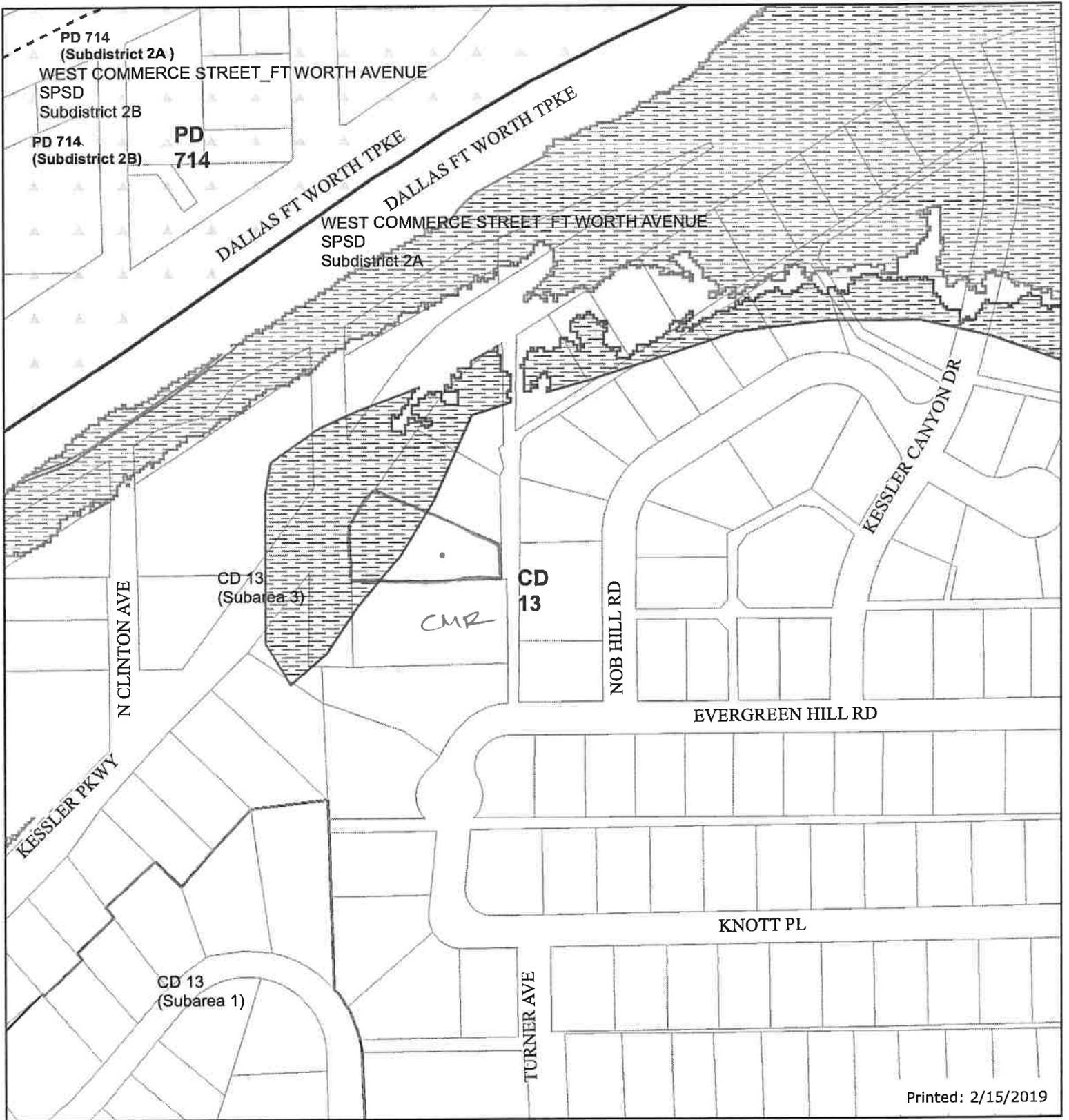
Building Official's Report

I hereby certify that Edward F Heyne
represented by Corey Reinaker
did submit a request for a variance to the front yard setback regulations
at 1828 Kessler Pkwy

BDA189-052. Application of Edward F Heyne represented by Corey Reinaker for a variance to the front yard setback regulations at 1828 KESSLER PKWY. This property is more fully described as Lot 9, Block 19/3980, and is zoned CD-13, which requires a front yard setback of 72 feet. The applicant proposes to construct a single family residential structure and provide a 21 foot front yard setback, which will require a 51 foot variance to the front yard setback regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official

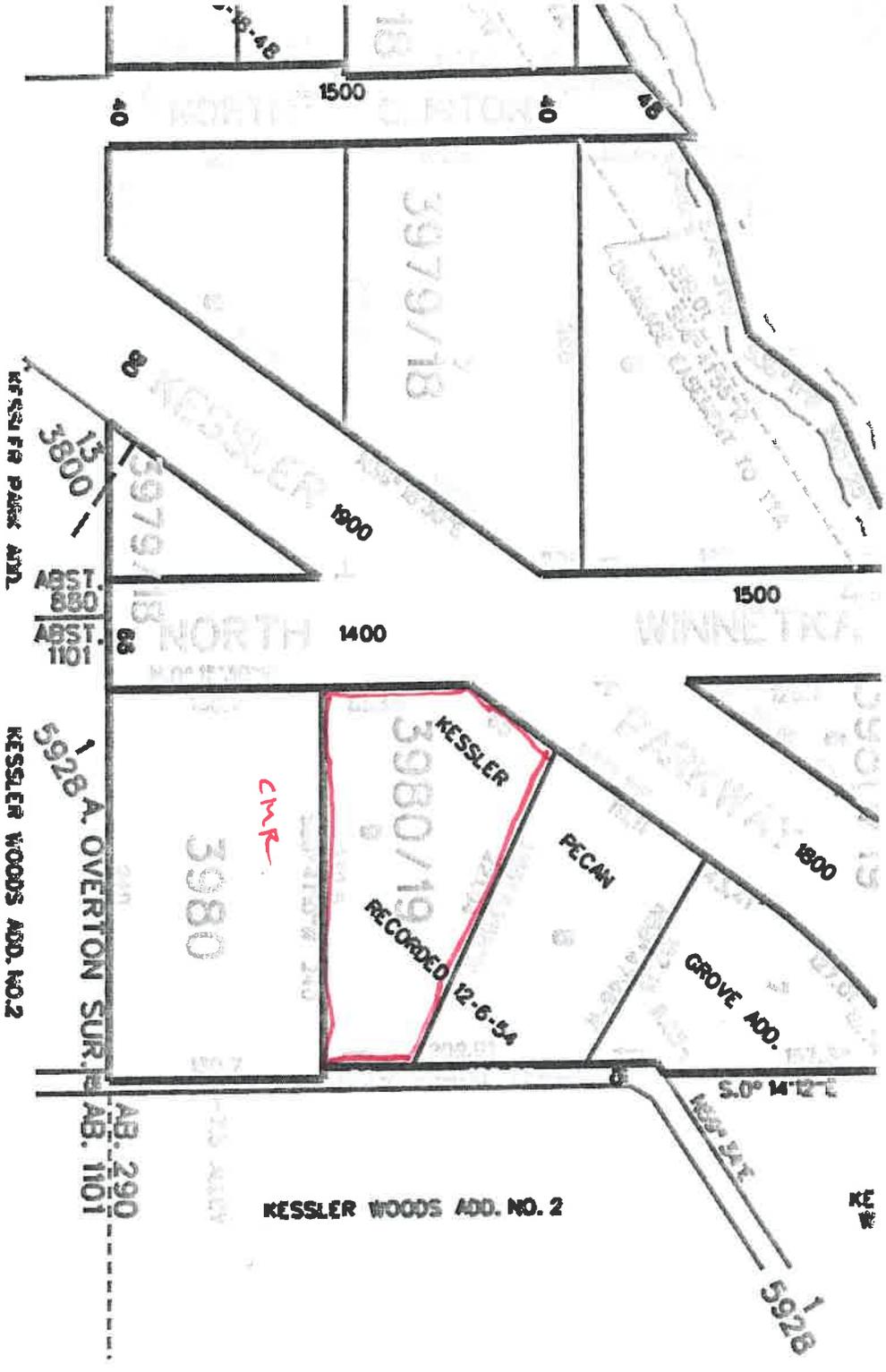


Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|--|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSP Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay 3 - 13 Shop Front Overlay |
| Parks | SUP | Historic 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)





KESSLER WOODS ADD. NO. 2

RE
W



SCOPE
 THE PROJECT COMPRISES ADDITION OF TEN CONDITIONED SPACE (BEDROOM) SITES, TEN GARAGES, TEN SIDE REAR PATIOS, AND ADDITION OF TEN 11X10 CAR GARAGE.

IMPROVEMENTS
 A2 COVER / SITE PLAN / LOCATION IMP
 A3 SITE PLAN - SETBACK VARIANCE
 A4 EXISTING / DEMO FLOOR PLAN
 A5 PROPOSED FLOOR PLAN
 A6 ELEVATIONS
 A7 ELEVATIONS

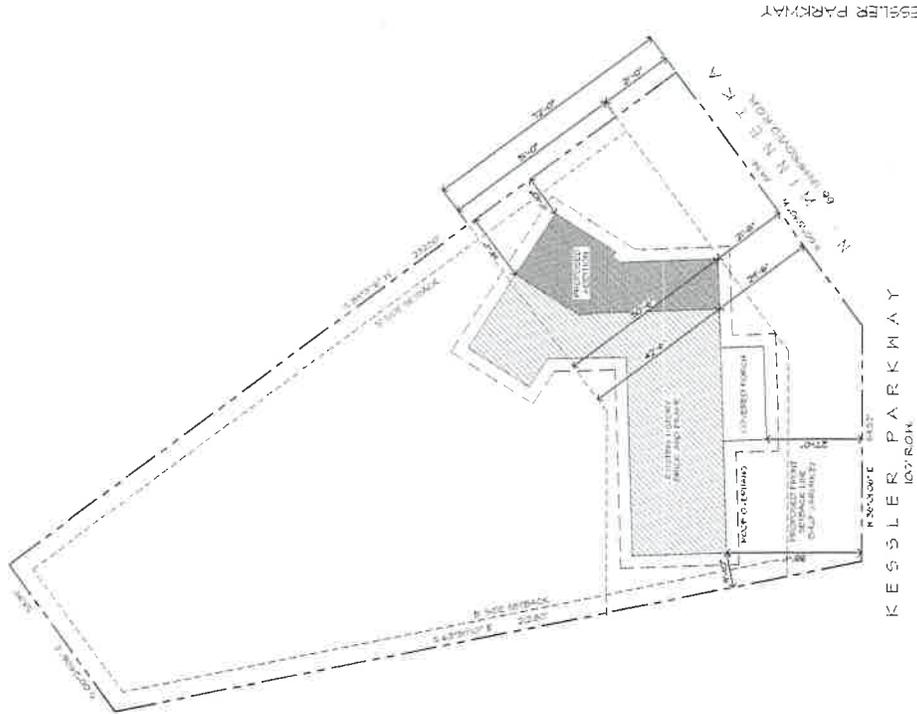
LEGAL DESCRIPTION
 KESSLER PARK CONSERVATION DISTRICT (CD) (B)
 BUC 10/24/80 LT 1

ZONING
 KESSLER PARK CONSERVATION DISTRICT (CD) (B)
 SUBAREA 3

SETBACKS PER CD (B)
 FRONT 5'
 SIDE/REAR 5'

EXISTING BUILDING AREA (PER CD)
 1141 SQ. FT.
DEVELOPMENT AREA (PER CD)
 549 SQ. FT.

PROPOSED ADDITION:
 630 SQ. FT. CONDITIONED CAR GARAGE, 110 SQ. FT.



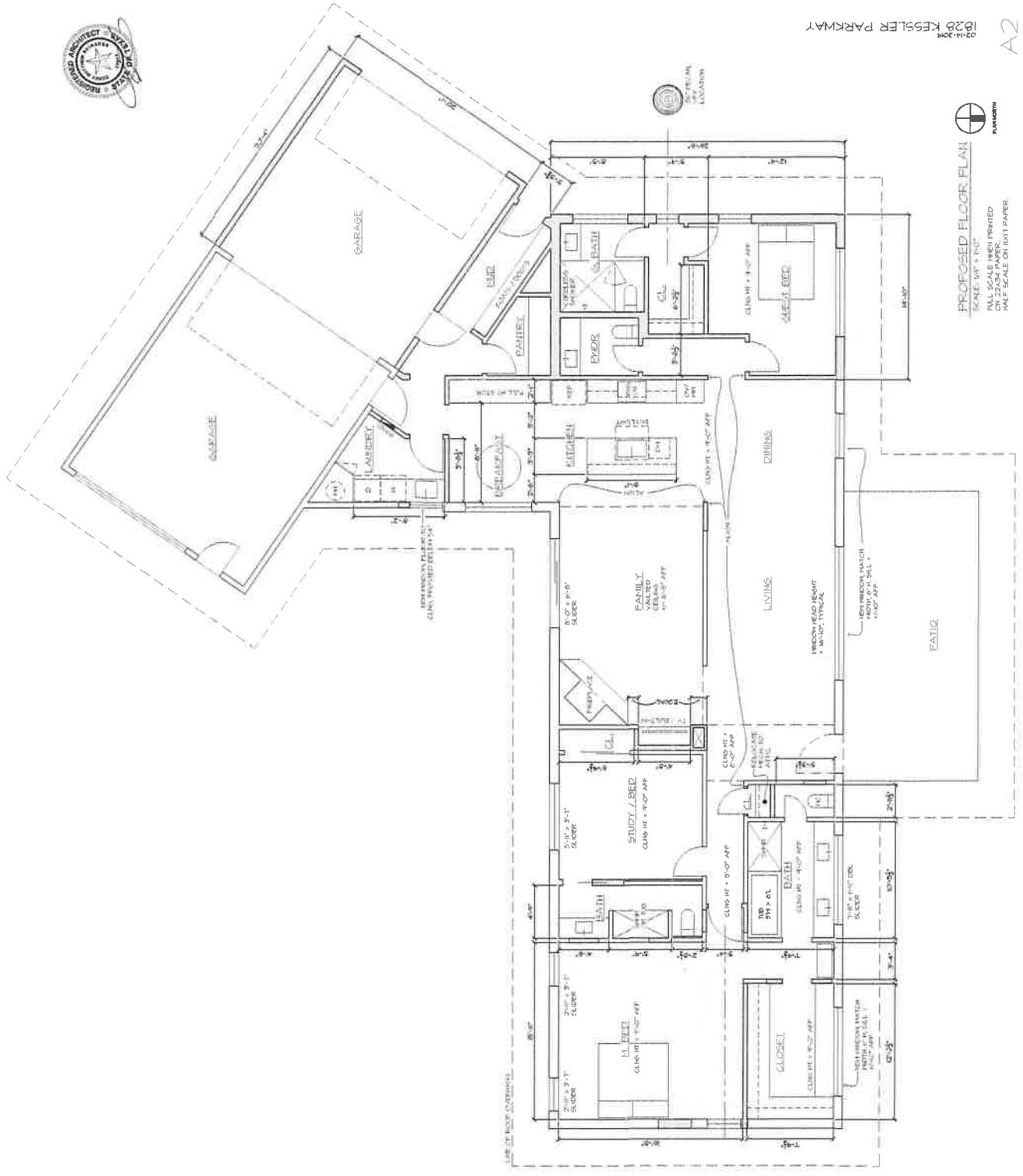
SITE PLAN
 SCALE: 1/4" = 1'-0"

NORTH
 NORTH





PROPOSED FLOOR PLAN
SCALE: 1/8" = 1'-0"
FULL SCALE WHEN PRINTED
ON 22" X 36" ARCHITECTURAL PAPER
ON 1/8" SCALE ON 11X17 PAPER





 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">14</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	14	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA189-052 Date: 4/11/2019
200'	AREA OF NOTIFICATION					
14	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA189-052

14 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1828 KESSLER PKWY	HEYNE EDWARD
2	1910 KESSLER PKWY	JACKSON JARROD BRENT
3	1907 KESSLER PKWY	SEXTON JOYCE A
4	1906 KESSLER PKWY	KITCHENS MONTY & DONNA
5	1834 KESSLER PKWY	HEYNE EDWARD F
6	1810 KESSLER PKWY	BICKFORD MICHAEL &
7	1820 KESSLER PKWY	BDC PROPERTIES CONSTRUCTION INC
8	1726 KESSLER PKWY	BRIGGS KATHRYN E &
9	1627 NOB HILL RD	NELSON RON W
10	1623 NOB HILL RD	DOWD ELLEN MARIE
11	1617 NOB HILL RD	REX ANDREW &
12	1607 NOB HILL RD	SCOTT SUSAN LYNN
13	1019 EVERGREEN HILLS RD	WILSON GLENN E & KAREN A
14	1027 EVERGREEN HILLS RD	GREENWALD JOEL &

FILE NUMBER: BDA189-043(OA)

BUILDING OFFICIAL'S REPORT: Application of Mirna Badillo, represented by Santos Martinez, for a special exception to the minimum side yard setback requirements to preserve an existing tree at 2831 Jordan Valley Road. This property is more fully described as Lot 1, Block A/8789, and is zoned A(A), which requires a side yard setback of 20 feet. The applicant proposes to construct and/or maintain structure and provide a 3 foot 4 inch side yard setback, which will require a 16 foot 8 inch special exception to the minimum side yard setback requirements to preserve an existing tree.

LOCATION: 2831 Jordan Valley Road

APPLICANT: Mirna Badillo
Represented by Santos Martinez

REQUEST:

A request for a special exception to the minimum side yard requirements to preserve existing trees of 16' 8" is made to maintain an approximately 6,250 square foot "stable" structure which is located 3' 4" from the side property line or 16' 8" into the 20' side yard setback on a site that is developed with a "commercial stable" use.

STANDARD FOR A SPECIAL EXCEPTION TO THE MINIMUM SIDE YARD REQUIREMENTS TO PRESERVE AN EXISTING TREE:

Section 51(A)-4.402(d) of the Dallas Development Code specifies that the board may grant a special exception to the minimum side yard requirements in this section to preserve an existing tree. In determining whether to grant this special exception, the board shall consider the following factors:

- (A) Whether the requested special exception is compatible with the character of the neighborhood.
- (B) Whether the value of surrounding properties will be adversely affected.
- (C) Whether the tree is worthy of preservation.

ORIGINAL STAFF RECOMMENDATION (April 16 2019):

Denial

Rationale:

- The City of Dallas Chief Arborist has indicated that that the congregation of trees are not worthy of preservation. In addition, the applicant had not substantiated how the requested special exception is compatible with the character of the neighborhood, and how the value of the surrounding properties would not be adversely affected.

REVISED STAFF RECOMMENDATION (May 21, 2019):

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that requested special exception was compatible with the character of the neighborhood; the value of surrounding properties will not be adversely affected; and that, according to the City of Dallas Chief Arborist, the trees denoted on the submitted site plan, are worthy of preservation.

BACKGROUND INFORMATION:

Zoning:

Site: A (A) (Agricultural District)
North: A (A) (Agricultural District)
South: A (A) (Agricultural District)
East: R-10 (A) (Single-family district 10,000 square feet)
West: A (A) (Agricultural District)

Land Use:

The subject site is developed with a “commercial stable” use. The areas to the north, south, east, and west are developed with agricultural uses and single-family uses.

Zoning/BDA History:

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

GENERAL FACTS /STAFF ANALYSIS:

- This request for a special exception to the minimum side yard requirements to preserve existing trees of 16’ 8” focuses on maintaining an approximately 6,250 square foot “stable” structure located 3’ 4” from the side property line or 16’ 8” into the 20’ side yard setback on a site that is developed with a “commercial stable” use.
- The property is located in an A (A) (Agricultural District) zoning district which requires a minimum side yard of 20 feet.
- The submitted site plan indicates a “stable” structure located 3’ 4” from the north side property line or 16’ 8” into this 20’ side yard setback, and several trees within the site.
- The City of Dallas Chief Arborist submitted a memo regarding this request (see Attachment B). The City of Dallas Chief Arborist has stated the following: “I received an ISA certified arborist report on May 9 which meets with the owner’s request for

confirmation of trees in proximity to the structures on the property. Based on the response of the independent assessor, I can conclude that 10 of 14 trees identified in the impact area are worthy of preservation. Seven of the healthy trees are categorized as significant post oak trees under Article X regulations. The continued status of these trees as healthy may be dependent on how they are protected from heavy use around the tree cluster. Remedies may include recommendations from an independent arborist, relocation of the traffic areas on the property, or other actions decided upon by the owner. I am supportive of strategic efforts to sustainably protect these trees”.

- The applicant has the burden of proof in establishing the following:
 - Whether the requested special exception is compatible with the character of the neighborhood.
 - Whether the value of surrounding properties will be adversely affected.
 - Whether the tree is worthy of preservation.
- If the Board were to grant the special exception request, and impose the submitted site plan as a condition, the structure in the side yard setback would be limited to what is shown on this document – which in this case is a structure that is located 3’ 4” from the site’s side property line (or 16’ 8” into this 20’ side yard setback).

Timeline:

February 14, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

March 11, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

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

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the March 27th deadline to submit additional evidence for staff to factor into their analysis; and the April 5th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

April 2, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of

Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

April 4, 2019: The City of Dallas Chief Arborist emailed the Board Administrator information regarding this application (see Attachment A).

April 16, 2019: The Board of Adjustment Panel A conducted a public hearing on this application, and delayed action on this application per applicant's request until the next public hearing to be held on May 21, 2019.

April 18, 2019: The Board Administrator wrote the applicant a letter of the board's action; the May 1st deadline to submit additional evidence for staff to factor into their analysis; and the May 10th deadline to submit additional evidence to be incorporated into the Board's docket materials.

May 7, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included the Sustainable Development and Construction Assistant Director, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Chief Planner, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

May 9, 2019: The City of Dallas Chief Arborist emailed the Board Administrator information regarding this application (see Attachment B).

BOARD OF ADJUSTMENT ACTION: April 16, 2019

APPEARING IN FAVOR: No one

APPEARING IN OPPOSITION: No one

MOTION: Sibley

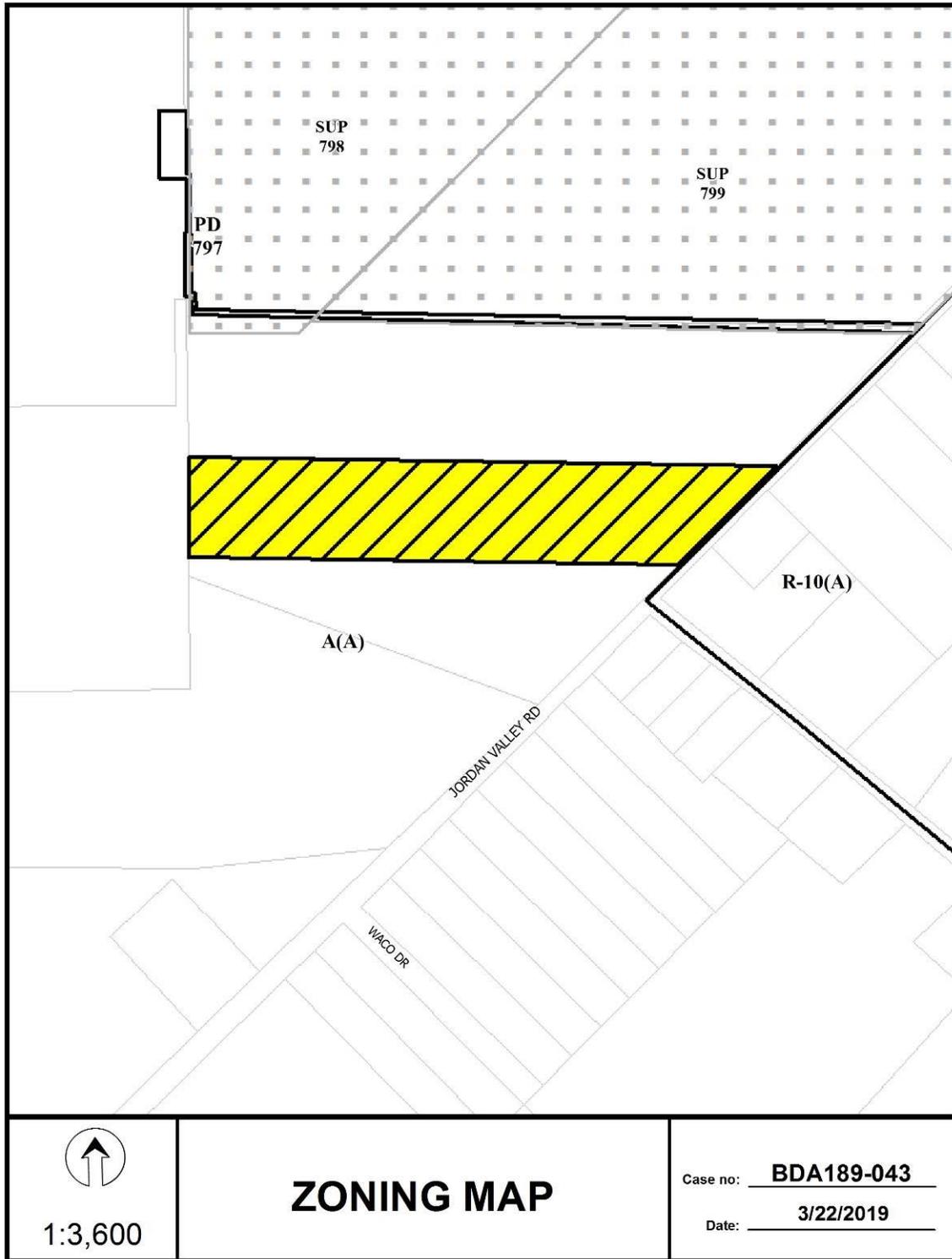
I move that the Board of Adjustment in Appeal No. BDA 189-043, hold this matter under advisement until May 21, 2019.

SECONDED: Jones

AYES: 5 – Gambow, Derrough, Jones, Sibley, Narey

NAYS: 0

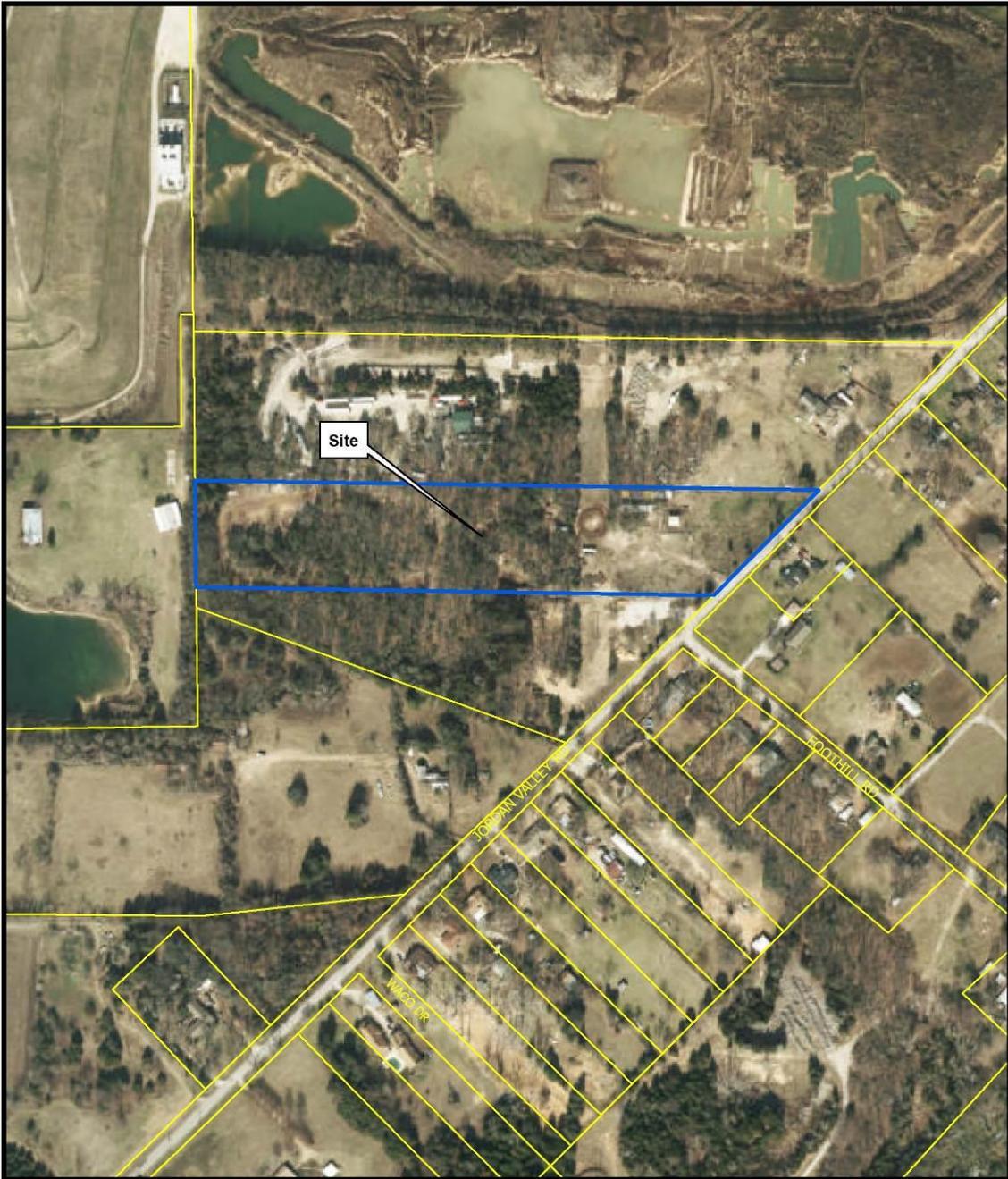
MOTION PASSED: 5 – 0 (unanimously)



1:3,600

ZONING MAP

Case no: BDA189-043
Date: 3/22/2019



1:3,600

AERIAL MAP

Case no: BDA189-043

Date: 3/22/2019

Memorandum



Date April 4, 2019
To Oscar Aguilera, Board Administrator
Subject BDA #189-043 2831 Jordan Valley Road - Arborist report

The question before me on this case is whether or not the trees to the south of the proposed barn structure location are worthy of preservation. The arborist staff has investigated the site and the trees and conclude the following:

- Based on the observed circumstances of construction and site activities at the building location, the congregation of trees are not worthy of preservation.

The owner may present evidence that one or more of the trees on the southern side of the structure are worthy of preservation if they can show a reasonable conclusion by a professional assessment that each tree is not severely impacted by soil compaction, root compression, or other environmental conditions which would threaten the life expectancy of the post oak trees.

If the owner can demonstrate tree protections and remediation to restore the soil conditions of one or more of the post oak trees near the structure, I can reassess our findings to establish an opinion for each individual tree.

Philip Erwin
Chief Arborist
Building Inspection

Memorandum



CITY OF DALLAS

Date May 9, 2019
To Oscar Aguilera, Board Administrator
Subject BDA #189-043 2831 Jordan Valley Road - Arborist report – update

I received a ISA certified arborist report on May 9 which meets with the owner's request for confirmation of trees in proximity to the structures on the property. Based on the response of the independent assessor, I can conclude that 10 of 14 trees identified in the impact area are worthy of preservation. Seven of the healthy trees are categorized as significant post oak trees under Article X regulations. The continued status of these trees as healthy may be dependent on how they are protected from heavy use around the tree cluster. Remedies may include recommendations from an independent arborist, relocation of the traffic areas on the property, or other actions decided upon by the owner. I am supportive of strategic efforts to sustainably protect these trees.

All protected trees on the property are subject to Article X regulations and would require a permit from the building official before removal.

Philip Erwin
Chief Arborist
Building Inspection



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-043

Date: ~~12-21-18~~ 2-14-19

Data Relative to Subject Property:

Location address: ²⁸³¹ JORDAN VALLEY RD. Zoning District: A (A)

Lot No.: 1 Block No.: A/8789 Acreage: 7.39 Census Tract: 171.02

Street Frontage (in Feet): 1) 341.98 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): ELOY RAMOS + MIRNA BADILLO

Applicant: MIRNA BADILLO Telephone: 469-490-9444

Mailing Address: 1127 N. JIM MILLER RD. DALLAS, TX. Zip Code: 75217

E-mail Address: _____

Represented by: SANTOS MARTINEZ Telephone: 469-490-9444

Mailing Address: 1127 N. JIM MILLER Rd. Zip Code: 75217

E-mail Address: _____

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

20' SIDEYARD SPECIAL EXCEPTION TO PRESERVE EXISTING TREE STAND, request 16'8" SysB and provide 3'4" to the required 20' SysB.

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

THE OWNER SEEKS TO MAINTAIN AN EXISTING STAND OF TREES ON THE NORTHERN PROPERTY LINE. HE HAS CONSTRUCTED A STABLE AND TO RELOCATE HALF OF THE STRUCTURE WOULD REQUIRE THE REMOVAL OF THIS EXISTING TREE STAND IN ORDER TO ACCOMMODATE THE SIDE YARD SETBACK. THE STABLE WAS PLACED ON THE NORTH SIDE OF THE

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.

MATURE TREE STAND TO PROVIDE SUBSTANTIAL SHADE FOR THEE HORSES AND STABLES.

Affidavit

Before me the undersigned on this day personally appeared X Mirna Badillo (Affiant/Applicant's name printed)

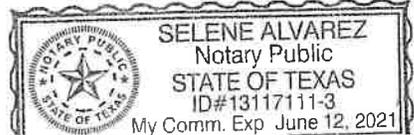
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: Mirna Badillo (Affiant/Applicant's signature)

Subscribed and sworn to before me this 21 day of December, 2018

(Rev. 08-01-11)

Selene Alvarez
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

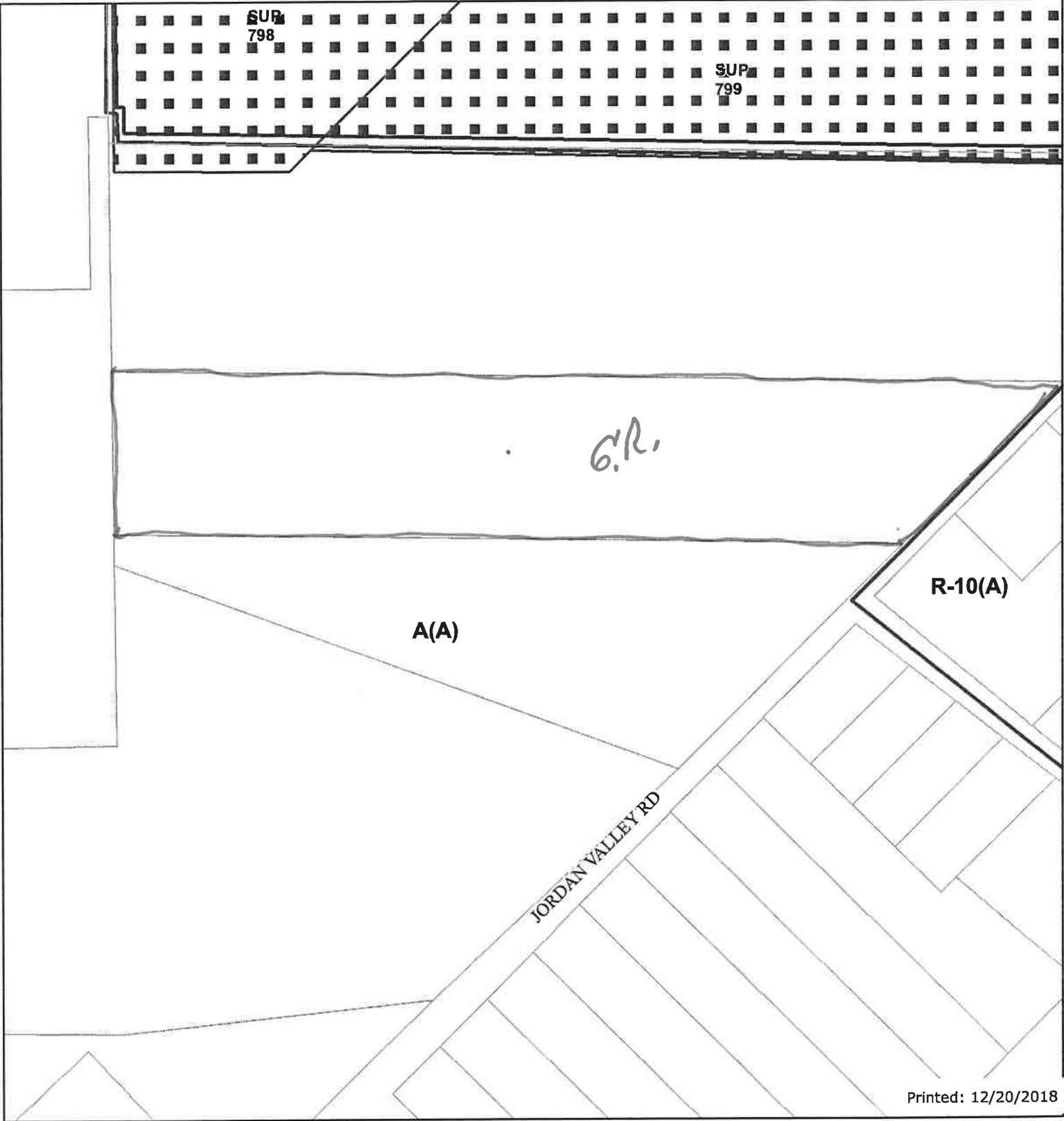
Building Official's Report

I hereby certify that Mirna Badillo
represented by SANTOS MARTINEZ
did submit a request for a special exception to the side yard setback regulations for tree
preservation
at 2831 Jordan Valley Road

BDA189-043. Application of Mirna Badillo represented by SANTOS MARTINEZ for a special exception to the side yard setback regulations at 2831 JORDAN VALLEY RD. This property is more fully described as Lot 1, Block A/8789, and is zoned A(A), which requires a side yard setback of 20 feet. The applicant proposes to construct a non-residential structure and provide a 3 foot 4 inch side yard setback, which will require a 16 foot 8 inch special exception to the side yard setback regulations for tree preservation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



Printed: 12/20/2018

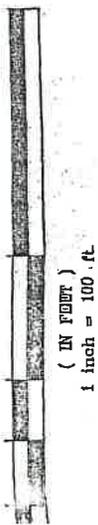
Legend

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



VICINITY MAP
NOT TO SCALE



Thence South 44 degrees 49 min
Jordan Valley Road, a distance of
corner of a tract of land conveye
in Volume 5707, Page 653, Deed

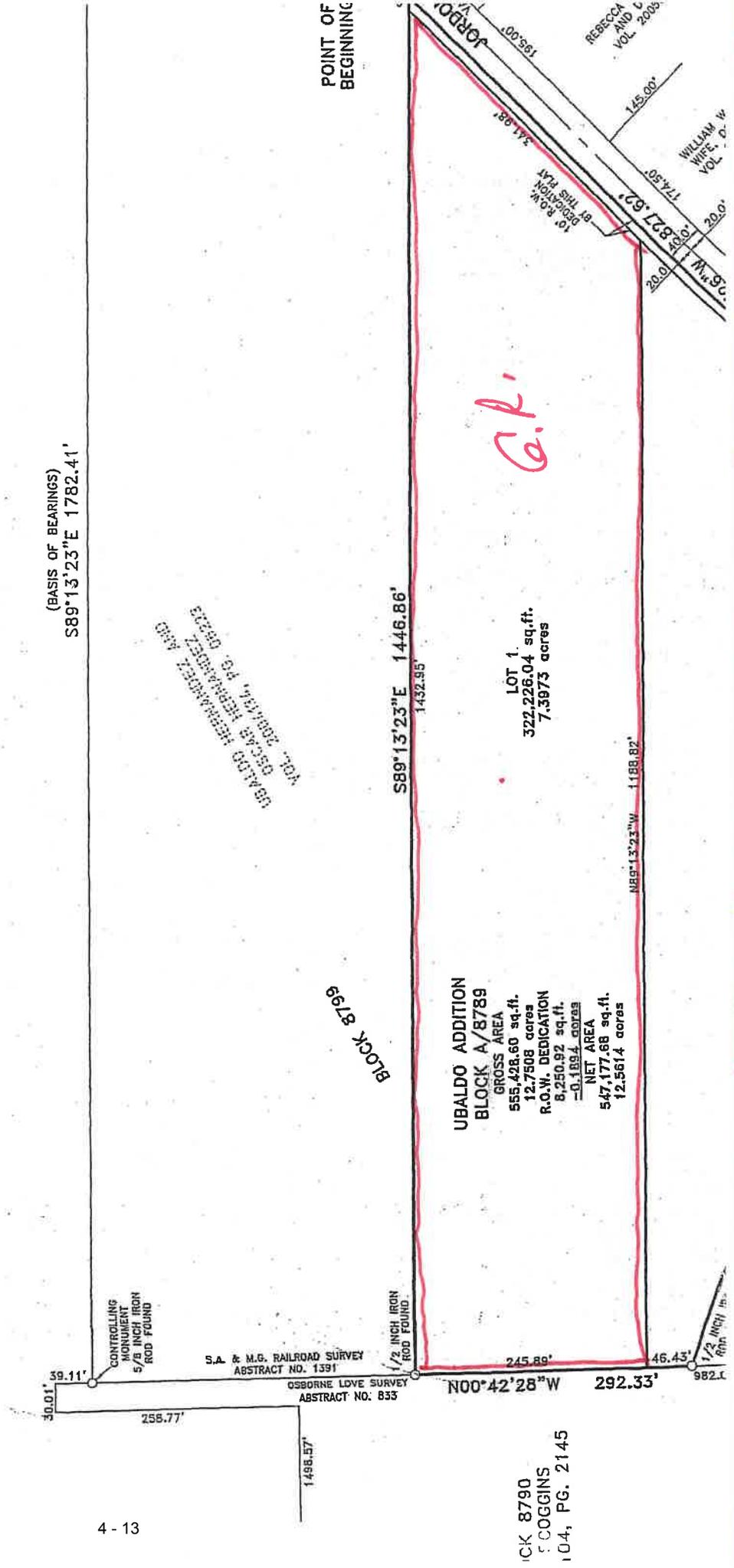
Thence North 69 degrees 54 min
Valley Road and along the North
Inch Iron rod found for corner, c
Scoggins by deed recorded in Vol

Thence North 00 degrees 42 min
distance of 292.33 feet to a 1/2
the remainder of said Hernandez

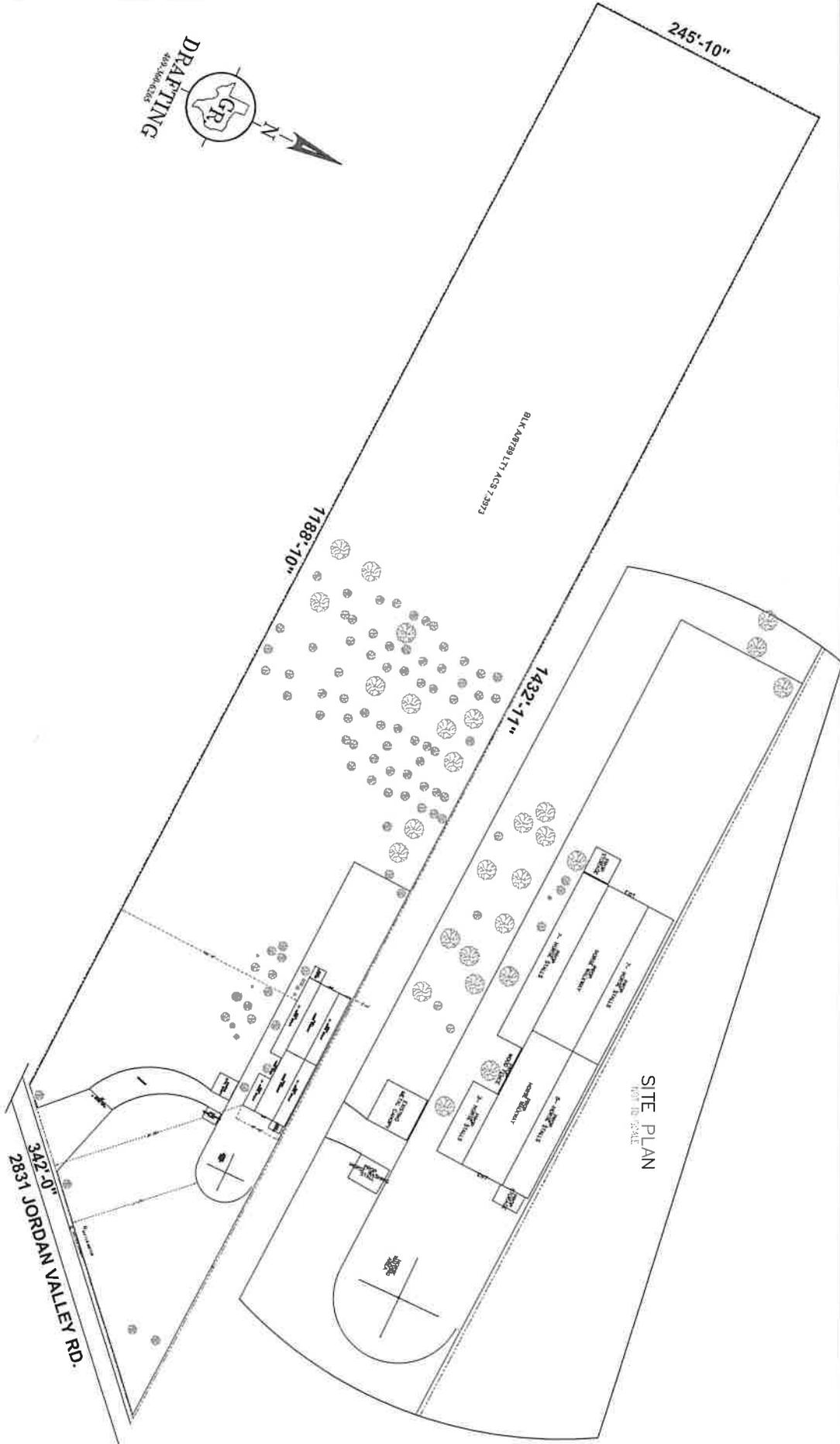
Thence South 89 degrees 13 min
Hernandez tract, a distance of 1
square feet or 12.7508 acres of

BLOCK 8789 & 8791
MESQUITE LANDFILL TX, L.P.,
A DELAWARE LIMITED PARTNERSHIP
VOL. 98105, PG. 04698

(BASIS OF BEARINGS)
S89°13'23"E 1782.41'

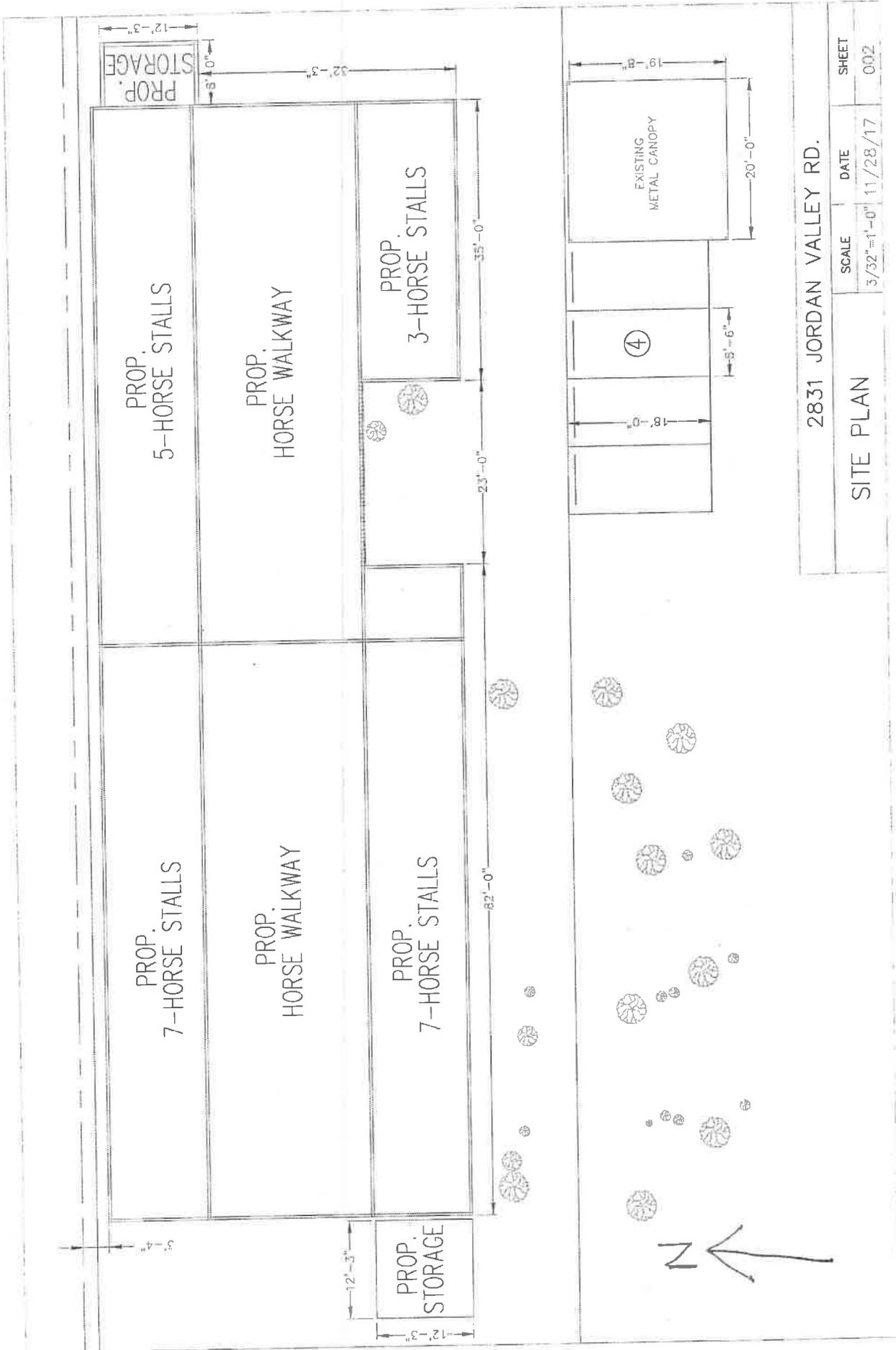


C.R.



LEGAL DESCRIPTION
 URBAN LOT A0000,
 BLK 48789 LT 4 CS 2393
 DEED TOWNSHIPS 02317011
 ELEV (GAMMA) &
 1527 ONE EIGHT ZERO,
 DALLAS, TEXAS 75217

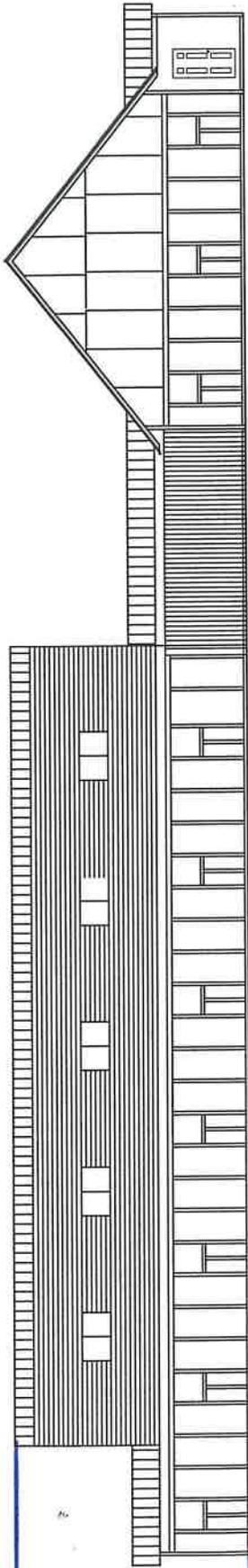
2831 JORDAN VALLEY RD.		
SITE PLAN	SCALE	DATE
	1/64" = 1'-0"	11/21/2017
		SHEET
		001



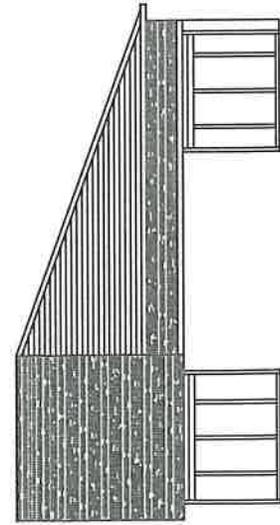
2831 JORDAN VALLEY RD.

SCALE	DATE	SHEET
3/32"=1'-0"	11/28/17	002

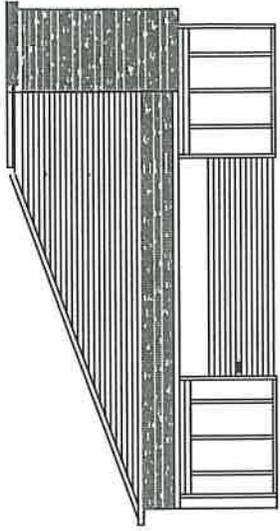
SITE PLAN



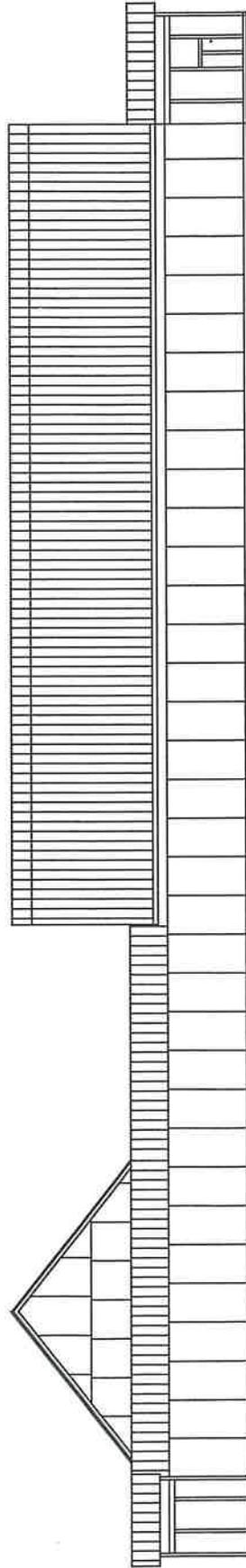
FRONT



RIGHT



LEFT

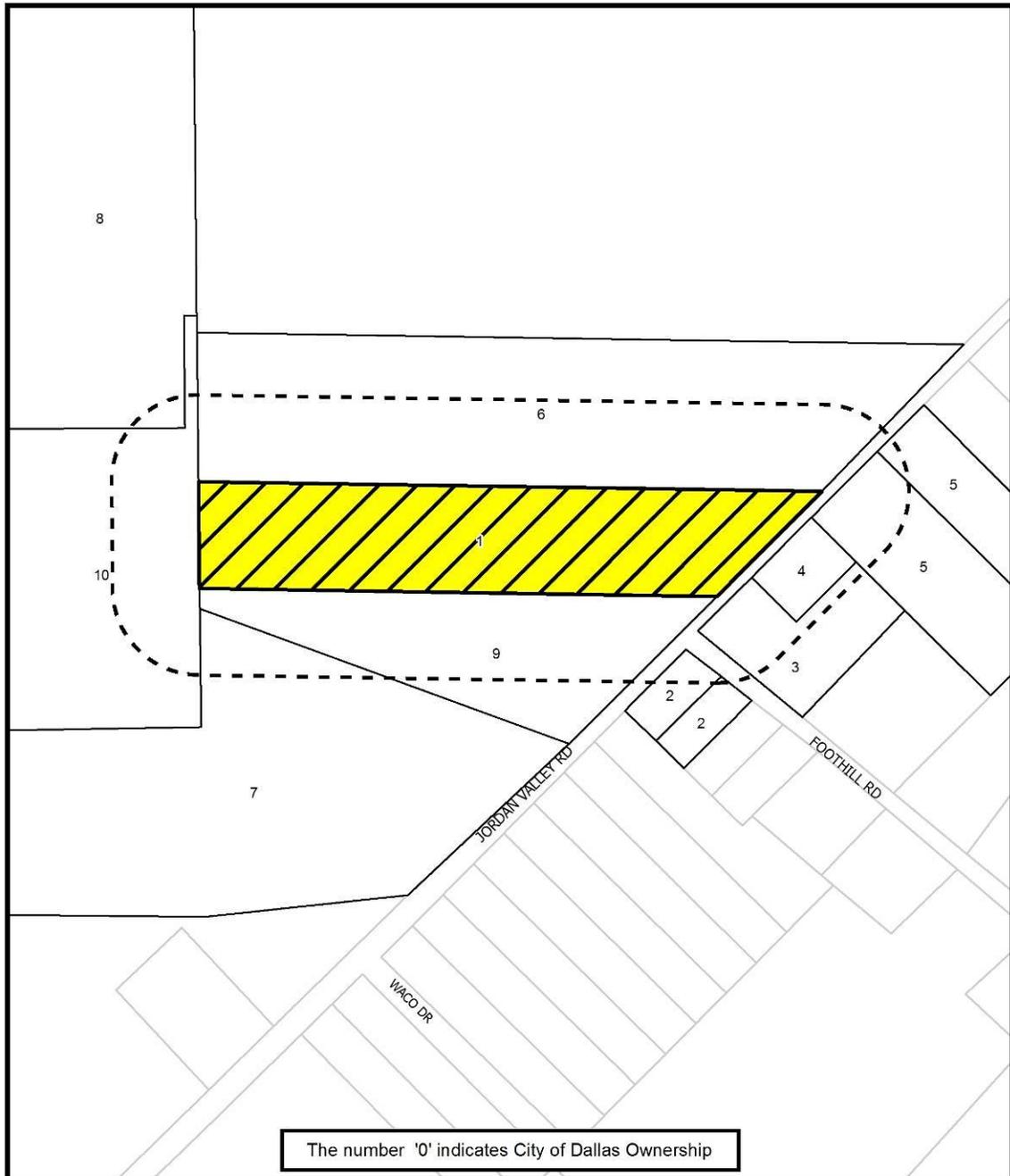


REAR

2831 JORDAN VALLEY RD.

ELEVATION PLAN

SCALE	DATE	SHEET
1/8"=1'-0"	11/28/17	005



 1:3,600	NOTIFICATION		Case no: BDA189-043
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">10</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 3/22/2019

Notification List of Property Owners

BDA189-043

10 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1 JORDAN VALLEY RD	RAMOS ELOY &
2	12414 FOOTHILL DR	MILLER CHARLES D &
3	12425 FOOTHILL DR	WELCH DOROTHY
4	2802 JORDAN VALLEY RD	HERRERA ELIZALDE RODOLFO VALENTIN
5	2820 JORDAN VALLEY RD	MONARREZ LAURENCIO V
6	2900 JORDAN VALLEY RD	HERNANDEZ OSCAR & ROMANA
7	3005 JORDAN VALLEY RD	DOOREY DEBORAH B
8	2000 JORDAN VALLEY RD	MESQUITE LANDFILL TX LP
9	2905 JORDAN VALLEY RD	ROSILLO LUIS
10	2755 JORDAN VALLEY RD	PORTER CAROL M