

ZONING BOARD OF ADJUSTMENT, PANEL C
MONDAY, OCTOBER 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

PUBLIC TESTIMONY

Minutes
Approval of the Board of Adjustment Public Hearing Calendar
Fee Reimbursement – 429 N. Denley Drive

MISCELLANEOUS ITEMS

	Approval of the September 16, 2019 Board of Adjustment Panel C Public Hearing Minutes	M1
	Approval of the Board of Adjustment Public Hearing Calendar	M2
BDA189-115(SL)	429 N. Denley Drive REQUEST: To reimburse the filing fees submitted in conjunction with requests for a variance to the lot coverage regulations and for special exceptions to the front yard and side yard setback regulations	M3

UNCONTESTED CASES

BDA189-111(SL)	2111 Kathleen Avenue REQUEST: Application of Ma. Dora Elia Lara Gonzalez, represented by Santos T. Martinez of La Sierra Planning Group, for a variance to the front yard setback regulations	1
-----------------------	---	---

BDA189-113(SL)	4422 Swiss Avenue REQUEST: Application of Phillip Snoddy, represented by Miguel A. Ramirez, for a variance to the front yard setback regulations	2
BDA189-114(SL)	5847 Marquita Avenue REQUEST: Application of Tammy Lynn Clary, represented by Bella Vista Company, for a special exception to the visual obstruction regulations	3
BDA189-115(SL)	429 N. Denley Drive REQUEST: Application of Texas Heavenly Homes LTD, represented by Rob Baldwin of Baldwin Associates, for a variance to the lot coverage regulations, and for special exceptions to the front and side yard setback regulations	4
BDA189-116(SL)	6131 Waggoner Drive REQUEST: Application of Christopher Cole for a special exception to the single family use regulations	5

HOLDOVER CASE

BDA189-099(SL)	4554 Harrys Lane REQUEST: Application of Dallas Cothrum of Masterplan for a special exception to the fence standards regulations	6
-----------------------	--	---

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]

DRAFT
BOARD OF ADJUSTMENT
2020 Calendar

January 2020						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

01: New Year's Day
20: Martin Luther King Day

February 2020						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

17: Presidents Day

March 2020						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

April 2020						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

May 2020						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

June 2020						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

25: Memorial Day

July 2020						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

04: Independence Day

August 2020						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

September 2020						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

07: Labor Day

October 2020						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

12: Columbus Day

November 2020						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

11: Veterans' Day
26: Thanksgiving

December 2020						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

25: Christmas Day

LEGEND:

-  PANEL C
-  PANEL A
-  PANEL B

MISCELLANEOUS ITEM NO. 3

FILE NUMBER: BDA189-115(SL)

REQUEST: To reimburse the filing fees submitted in conjunction with requests for a variance to the lot coverage regulations and for special exceptions to the front yard and side yard setback regulations.

LOCATION: 429 N. Denley Drive

APPLICANT: Texas Heavenly Homes, Ltd.
Represented by Rob Baldwin of Baldwin and Associates

STANDARD FOR A FEE WAIVER OR A FEE REIMBURSEMENT:

Section 51A-1.105(b)(6) of the Dallas Development Code states that the board may waive the filing fee for a board of adjustment application if the board finds that payment of the fee would result in substantial financial hardship to the applicant. The applicant may either pay the fee and request reimbursement at the hearing on the matter or request that the issue of financial hardship be placed on the board's miscellaneous docket for predetermination. In making this determination, the board may require the production of financial documents.

Timeline:

August 1, 2019: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of the case report for BDA189-115.

September 9, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

September 10, 2019: The applicant's representative submitted a letter dated July 31, 2019 requesting that the Board of Adjustment reimburse all application fees submitted in conjunction with for BDA189-115 (see Attachment A).

September 10, 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 October 2nd deadline to submit additional evidence for staff to factor into their analysis; and October 11th deadline to submit additional evidence to be incorporated into the Board's docket materials;

- the criteria/standard that the board will use in their decision to approve or deny the requests for variance and special exceptions;
- the code provision as it relates to fee waivers/reimbursements (Sec 51A-1.105(b)(6)) to the applicant, and informed him that typically when this type of request is made, the applicant will submit documentation that shows how payment of the filing fee results in substantial financial hardship to the applicant (i.e. additional financial documents as in but not limited to copies of 1040's, W-4's, bank statements - *all with account numbers redacted*);
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence".

Baldwin
Associates

M3
Attachment A

July 31, 2019

Board of Adjustment
Department of Sustainable Development and Construction
1500 Marilla Street 5BN
Dallas, TX 75201

RE: Request for fee reimbursement
429 N. Denley Drive

Dear Honorable Board members and City Staff:

Our firm is helping the property owner, Texas Heavenly Homes, LTD, with the rezoning and special exception applications associated with Phase 1A of their development agreement with the Housing Department for construction of new single family homes within the Bottom neighborhood. Texas Heavenly Homes is residential development entity whose mission focuses on the redevelopment and revitalization of communities in South Dallas. Multiple City departments, include Planning and Urban Design (P+UD), Housing, Public Works, and Trinity Watershed Management, are and have been working on programs to stabilize the neighborhood and improve the infrastructure serving this area. Our firm has been working with P+UD and Housing Departments to draft development standards in accordance with the vision of the area plan, Bottom Urban Structure and Guidelines Plan, adopted in 2015.

The applicant is intending for the construction of new single family homes within the Bottom neighborhood that will be developed for a mix of market and affordable housing. 429 N. Denley Drive has City restrictions on the development of the property that restrict the sale of the future home to families that are within a specific income range. Due to these income restrictions and the mission of Texas Heavenly Homes, we respectfully request that the Board of Adjustment reimburse all application fees for this address so that the development of the single family home can proceed in the most cost effective manner and given the use of taxpayer funds to help with the redevelopment of this lot.

With kind regards,



Jennifer Hiromoto

FILE NUMBER: BDA189-111(SL)

BUILDING OFFICIAL'S REPORT: Application of Ma. Dora Elia Lara Gonzalez, represented by Santos T. Martinez of La Sierra Planning Group, for a variance to the front yard setback regulations at 2111 Kathleen Avenue. This property is more fully described as Lot 23, Block C/5854, and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct and/or maintain a structure and provide a 11 foot 4 inch front yard setback, which will require a 13 foot 8 inch variance to the front yard setback regulations.

LOCATION: 2111 Kathleen Avenue

APPLICANT: Ma. Dora Elia Lara Gonzalez
Represented by Santos T. Martinez of La Sierra Planning Group

REQUEST:

A request for a variance to the front yard setback regulations of 13' 8" is made to maintain a porch structure attached to a single family home structure located 11' 4" from the site's front property line or 13' 8" into the 25' 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 this request should be granted because the subject site is unique and different from most lots in the R-7.5(A) zoning district in that it is restrictive in area. The approximately 7,200 square foot subject site is approximately 300 square feet less than lot size typically found in the R-7.5(A) zoning district at 7,500 square feet.
- Staff concluded that granting this variance would not be contrary to public interest in that if the board were to grant this request and impose the submitted site plan as a condition, the front yard encroachment would be limited to that what is shown on this document – an approximately 300 square foot porch structure attached to an approximately 1,200 square foot single family home.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS /STAFF ANALYSIS:

- This request for variance to the front yard setback regulations of 13' 4" focuses on maintaining an approximately 300 square foot porch structure attached to an approximately 1,200 square foot one-story single family home structure located 11' 4" from the site's property line or 13' 8" into the 25' front yard setback.
- The property is located in an R-7.5(A) zoning district which requires a minimum front yard setback of 25 feet.
- The submitted site plan represents a porch structure located 11' 4" from the front property line or 13' 8" into the 25' front yard setback.
- According to DCAD records the "main improvement" listed for property addressed at 2111 Kathleen Avenue is a structure built in 1945 with 1,128 square feet of living

area and 1,878 square feet of total area, and with the following “additional improvements”: a 120 square foot storage building and a 750 square foot room addition.

- The subject site is flat, rectangular in shape (120’ x 60’), and is 7,200 square feet in area. The site is zoned R-7.5(A) where lots are typically 7,500 square feet in area.
- The site plan represents that most of the porch structure is in the 25’ front yard setback, and that none of the single family home structure encroaches into this setback.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.
 - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.
- 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 porch structure located 11’ 4” from the site’s front property line or 13’ 8” into the 25’ front yard setback.
- Granting this request for variance to the front yard setback regulations will not provide any relief to any existing noncompliance on the site related to visual obstruction regulations.

Timeline:

July 26, 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.

September 9, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

September 10, 2019: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant’s representative the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the October 2nd deadline to submit additional evidence for staff to factor into their analysis;

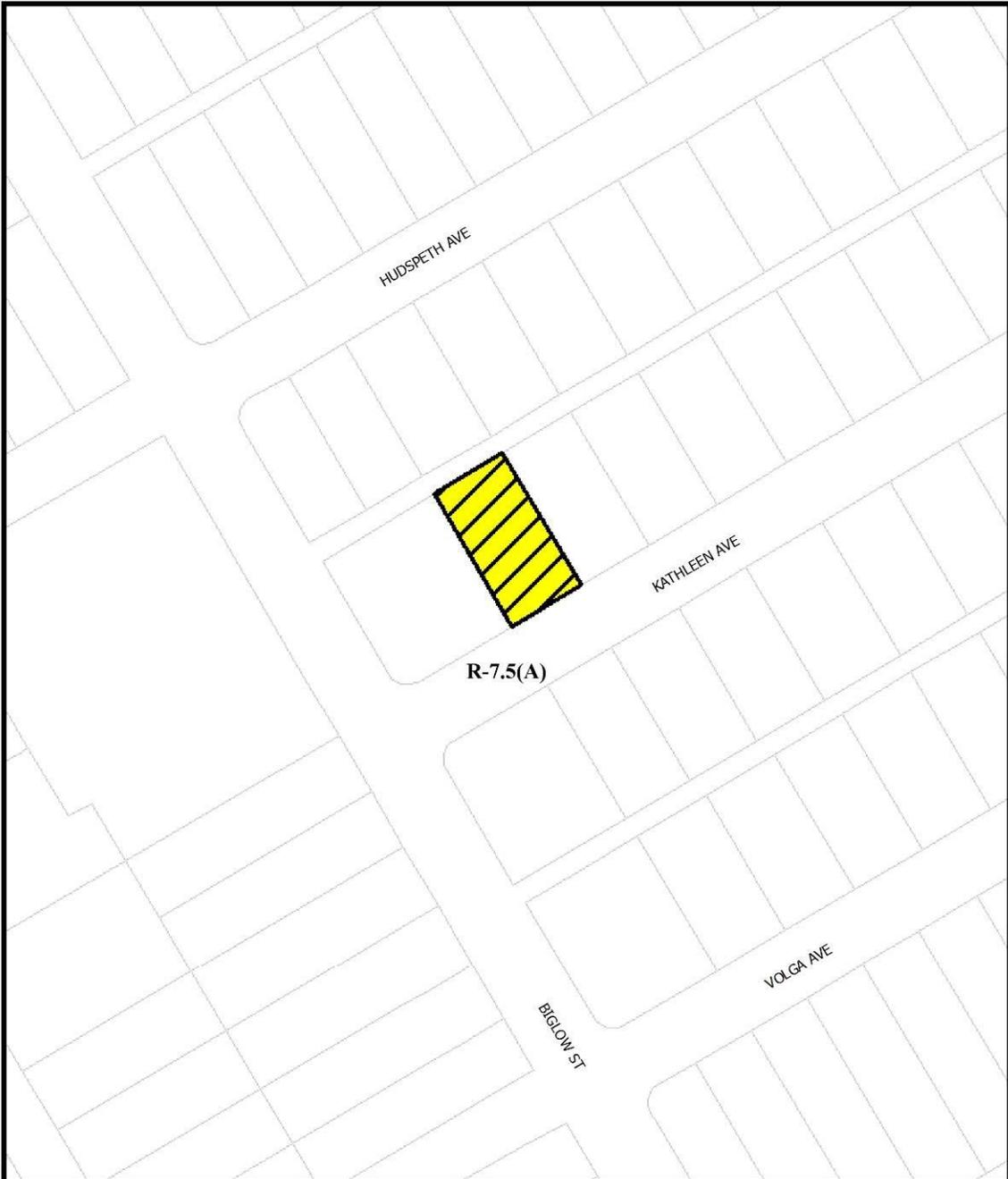
and the October 11th deadline to submit additional evidence to be incorporated into the Board's docket materials;

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

October 8, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. Review team members in attendance included the following: the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Conservation District Chief Planner, the Sustainable Development and Construction Senior Engineer, the Building Inspection Senior Plans Examiner/Development Code Specialist, 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.

October 11, 2019: The applicant's representative submitted additional documentation to staff (see Attachment A). Note that this information was not factored into the staff recommendation since it was submitted after the October 8th staff review team meeting.

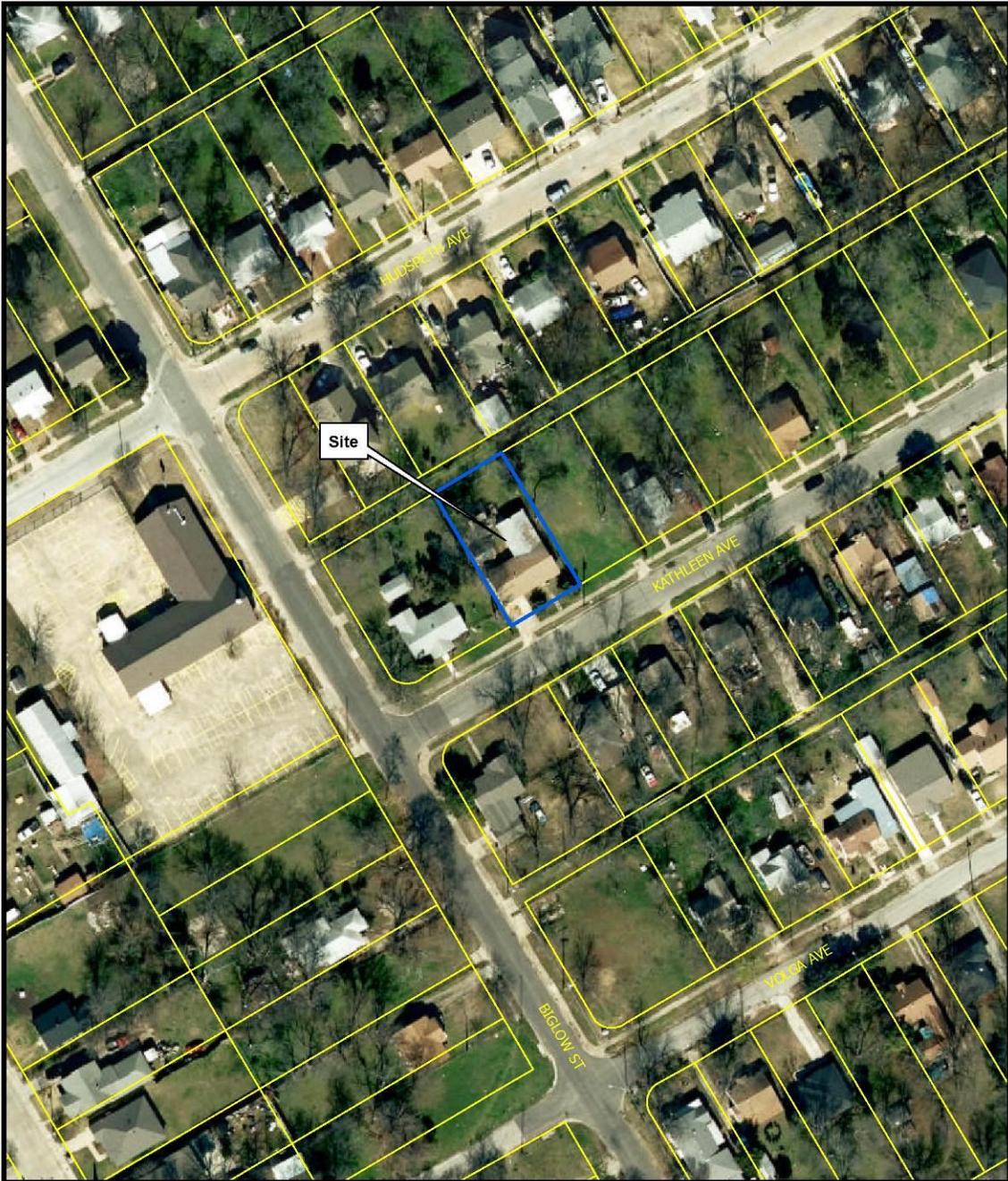


1:1,200

ZONING MAP

Case no: BDA189-111

Date: 9/13/2019



1:1,200

AERIAL MAP

Case no: BDA189-111

Date: 9/13/2019



October 11, 2019

Mr. Steve Long
Board Administrator
City of Dallas
1500 Marilla, 5BN
Dallas, Tx. 75201

RE: BDA 189-111; 2111 Kathleen

Dear Mr. Long,

The property owner for the address listed above seeks to maintain a front porch for their single family home. There is a unique hardship on this property that make it burdensome for the owner to comply with the regular setback requirements for an R-7.5(A) district.

Although the property is within an R-7.5(A) district, and the minimum lot size should be 7500 square feet, the platted lot does not comply with the minimum zoning district standards. A review of the platted dimensions reveal that the property is roughly 7200 square feet in area. The lot is smaller than the minimum size standards and if compliance with required setbacks were to be issued, they would have a greater impact on this property. A twenty five foot front yard setback on a lot that is roughly 7200 square feet has an estimated four percent additional setback impact when compared to other lots that are 7500 square feet in area.

A front porch within this block of Kathleen Avenue is commensurate with surrounding properties. There are numerous front porches that seem to have similar setbacks for what the property owner seeks to maintain. The existing single family home has a twenty six foot setback from the front property line. This would leave an allowance for a one foot wide front porch. The existing front porches along Kathleen Avenue vary in widths, but it does not appear that any of them are one foot wide.

We believe that the property maintains an unusual size when compared to lots within an R-7.5(A) district and is seeking to maintain a front porch that is commensurate with the homes along this avenue.

Please let me know if you may have any questions with these items.

Sincerely,



Santos T. Martinez

Authorized representative



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-111

Date: 7.26.19

Data Relative to Subject Property:

Location address: 2111 Kathleen Zoning District: R-7.5(A)

Lot No.: 23 Block No.: c/5854 Acreage: .16 Census Tract: 88.02

Street Frontage (in Feet): 1) 61.45 2) 0 3) 0 4) 0 5) 0

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Ma. Dora Elia Lara Gonzalez

Applicant: Ma. Dora Elia Lara Gonzalez Telephone:

Mailing Address: 2111 Kathleen Dallas, Tx Zip Code: 75216

E-mail Address:

Represented by: Santos T. Martinez; La Sierra Planning Group Telephone: 214-684-2775

Mailing Address: P.O. Box 1275 Angel Fire, NM Zip Code: 87710

E-mail Address: santos@lasierrapg.com

Affirm that an appeal has been made for a Variance x, or Special Exception, of a variance of 13' 8" to maintain front porch in required 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:

property owner seeks to maintain existing front porch that is commensurate with other front porches in zoning district. The main structure has a setback of 26' leaving only 1' for a porch.

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.

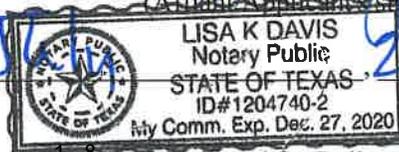
Affidavit

Before me the undersigned on this day personally appeared Santos T. Martinez (Affiant/Applicant's name printed)

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

Respectfully submitted: (Affiant/Applicant's signature)

Subscribed and sworn to before me this 26 day of July 2019



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 Ma. Dora Elia Lara Gonzalez
represented by SANTOS MARTINEZ
did submit a request for a variance to the front yard setback regulations
at 2111 Kathleen Ave.

BDA189-111. Application of Ma. Dora Elia Lara Gonzalez represented by SANTOS MARTINEZ for a variance to the front yard setback regulations at 2111 KATHLEEN AVE. This property is more fully described as Lot 23, Block C/5854, and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a single family residential porch structure and provide a 11 foot 4 inch front yard setback, which will require a 13 foot 8 inch variance to the front yard setback regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





Printed: 7/26/2019

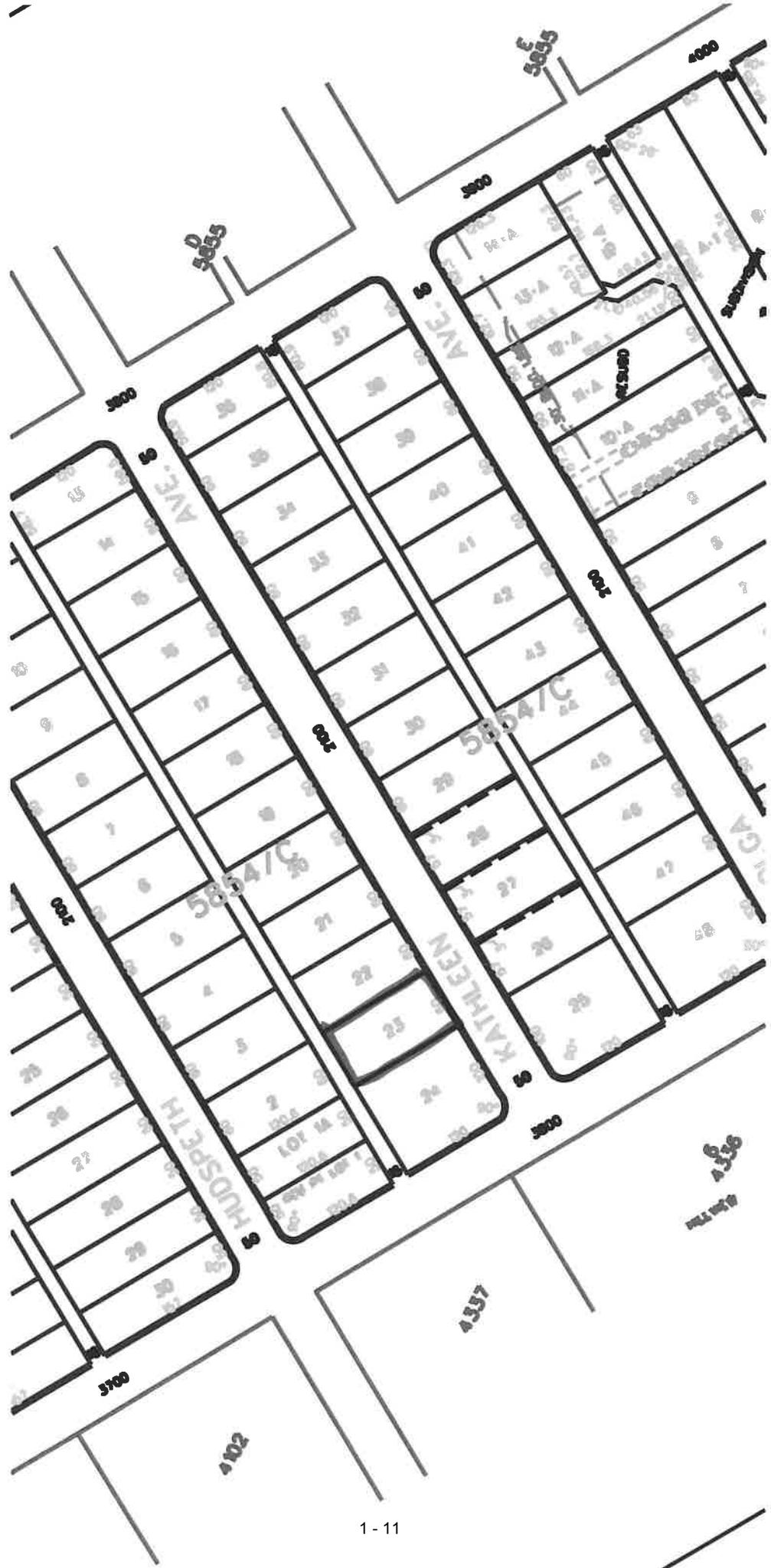
Legend

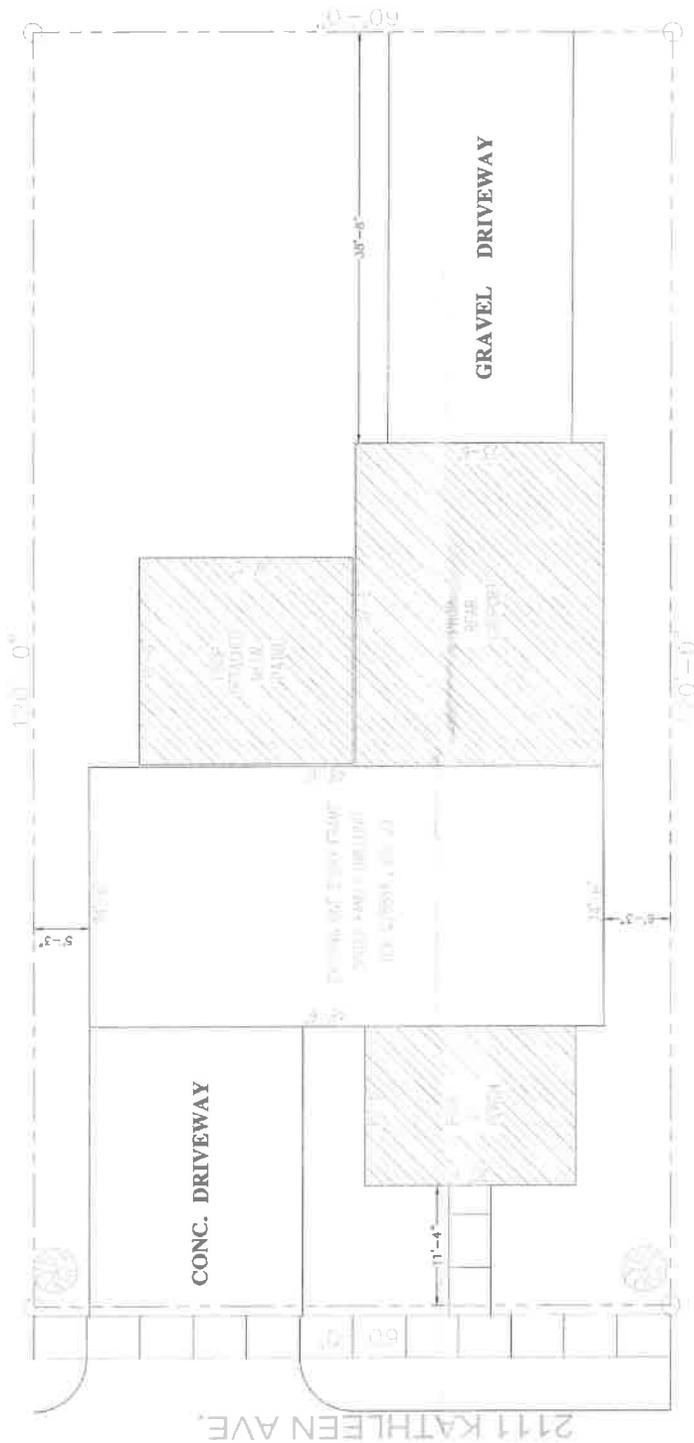
- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood 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 | 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)



1:2,400



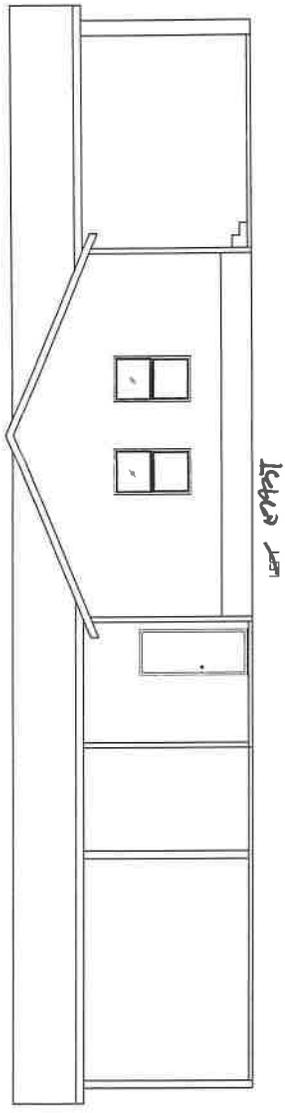


NOTE: SEE PERMITS FOR ALL DIMENSIONS AND ALL UTILITIES. SEE PERMITS FOR ALL DIMENSIONS AND ALL UTILITIES. SEE PERMITS FOR ALL DIMENSIONS AND ALL UTILITIES.

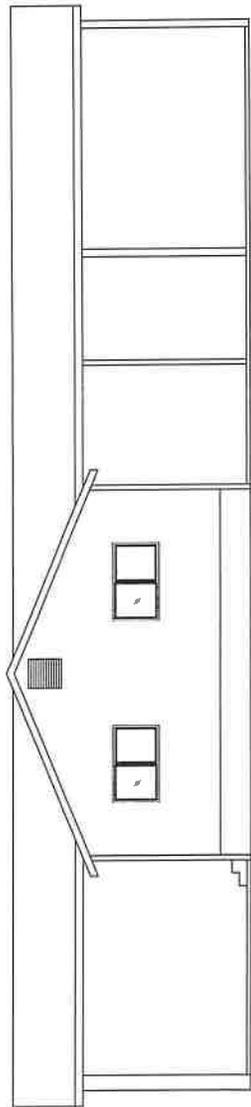
GR DRAFTING
 469-360-6265
 lupertios9798@gmail.com

LEGAL DESCRIPTION MA DORA ELIA GONZALEZ LARA
 FORDHAM HEIGHTS REV
 BLK C1018 LOT 12
 DEED TRANSFER DATE
 02/04/2016

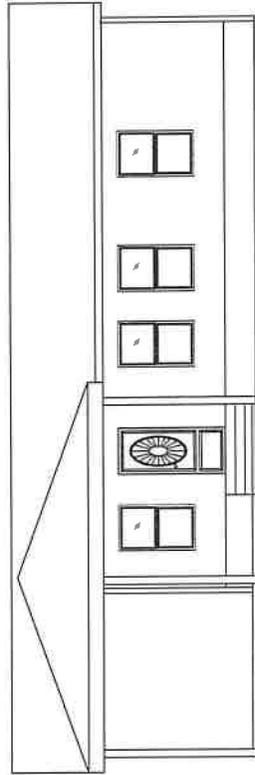
2111 KATHLEEN AVE.
 SITE PLAN
 SCALE 1/8" = 1'-0"
 DATE 04/04/19
 SHEET 001



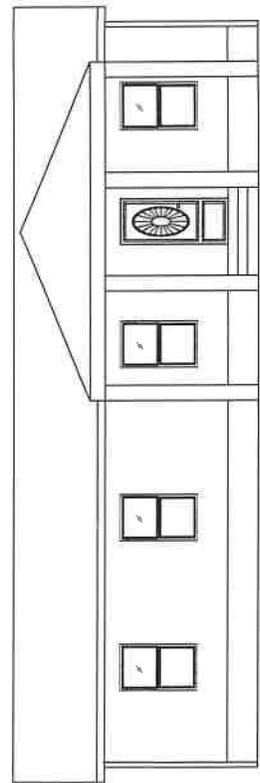
LEFT SIDE



REAR SIDE



REAR PORCH



FRONT SIDE

2111 KATHLEEN AVE.

ELEVATION PLAN

SCALE

1/8" = 1'-0"

DATE

04/04/19

SHEET

004



 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;">31</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	31	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA189-111</u> Date: <u>9/13/2019</u>
200'	AREA OF NOTIFICATION					
31	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA189-111

31 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2111 KATHLEEN AVE	GONZALEZ MA DORA ELIA LARA
2	3827 BIGLOW ST	GREATER MEMORIAL BAPTIST
3	3835 BIGLOW ST	SIMS MICHELLE MARIE
4	2119 HUDSPETH AVE	CHOICE MAE
5	2115 HUDSPETH AVE	SANDOVAL ANDRES & PHILLIP
6	2111 HUDSPETH AVE	TOPLETZ PROPERTIES PS LLC
7	2107 HUDSPETH AVE	AGUILAR ANGELICA
8	2103 HUDSPETH AVE	TRUJILLO SANDRA &
9	2108 HUDSPETH AVE	GARCIA MA BELEN
10	2110 HUDSPETH AVE	JONES EDWARD
11	2114 HUDSPETH AVE	WALKER FELTON JR
12	2122 HUDSPETH AVE	DARDEN MORENE S
13	2126 HUDSPETH AVE	SELMA VENTURES LTD
14	2130 HUDSPETH AVE	COLEMAN BETTY
15	2131 KATHLEEN AVE	MORENO JOSUE F
16	2125 KATHLEEN AVE	CONLEY WILLIAM WADE &
17	2121 KATHLEEN AVE	ELLIS THURMAN
18	2115 KATHLEEN AVE	JOHNSON MAURICE SR
19	2107 KATHLEEN AVE	ROBERSON ROSETTA ET AL
20	2106 KATHLEEN AVE	ALDACO SENAYDA
21	2110 KATHLEEN AVE	LOPEZ SONIA
22	2114 KATHLEEN AVE	ISAAC CARLA KAY
23	2120 KATHLEEN AVE	GARCIA JAZMIN MUNOZ
24	2124 KATHLEEN AVE	WHEELER W T
25	2130 KATHLEEN AVE	MOORE ORMOND
26	2121 VOLGA AVE	MARTINEZ SANTOS &

09/13/2019

Label #	Address	Owner
27	2115 VOLGA AVE	MARK X ASSOC PS
28	2111 VOLGA AVE	WASHINGTON VERNON D &
29	2103 VOLGA AVE	BECK L J JR
30	2022 HUDSPETH AVE	GREATER MEMORIAL
31	2106 HUDSPETH AVE	GREATER MEMORIAL

FILE NUMBER: BDA189-113(SL)

BUILDING OFFICIAL'S REPORT: Application of Phillip Snoddy, represented by Miguel A. Ramirez, for a variance to the front yard setback regulations at 4422 Swiss Avenue. This property is more fully described as Lot 5A, Block 8/768, and is zoned PD 298 (Subarea 9), MF-2(A), H/72, which requires a front yard setback of 24 feet 4 inches. The applicant proposes to construct and/or maintain a structure and provide a 0 foot front yard setback, which will require 24 feet 4 inch variance to the front yard setback regulations.

LOCATION: 4422 Swiss Avenue

APPLICANT: Phillip E. Snoddy
Represented by Miguel A. Ramirez

REQUEST:

A request for a variance to the front yard setback regulations of 24' 4" is made to construct and maintain 4-unit townhome development part of which would be located on one of the site's two front property lines (N. Carroll Avenue) or 24' 4" into this 24' 4" 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 has concluded that this request should be granted in that is the same request made and granted by Board of Adjustment Panel C in May of 2016 where the applicant must return with a new application because permits were not filed within 180 days from May of 2016.
- Staff has concluded that the front yard setback requirements impose an unnecessary hardship given that while that the Dallas Development Code requires that a building be erected a certain number of feet away from a street, alley or lot line, the front yard setback requirement for this site is not set forth in terms of distance from a street, alley or lot line but from the closest main building in the same blockface. As a result, staff concluded that a literal enforcement of the front yard setback requirements would unreasonably restrict any development on the property.
- Staff concluded that the front yard setback requirements set forth in the Peak Suburban Addition Ordinance (H/72) results in an unreasonably restrictive area to develop with the requirement being for a corner lot to have a setback within one foot of the closest main building on the same blockface.
- Staff concluded that the applicant’s request appears to be commensurate with other parcels in the same PD 298 (Subarea 9), MF-2(A), H/72 zoning district where it appears that other lots do not meet this requirement, and where it appears that other parcels of land along N. Carroll Avenue in the PD 298 have little to no front yard setback.
- Staff concluded that granting this request would not contrary to public interest in that:
 1. the Swiss Avenue front yard setback is being provided and the only variance is to the N. Carroll Avenue front yard setback requirements where other developments near the site along this street have little or no front yard setback; and
 2. the Sustainable Development Department Historic Preservation Planner has no objections to the request for this property located in the Peak’s Suburban Historic District in that the submitted plans with this application match the plans approved by the Landmark Commission in February of 2017.

BACKGROUND INFORMATION:

Zoning:

Site: PD 298 (Subarea 9), MF-2(A), H/72 (Planned Development, Historic)
North: PD 298 (Subarea 9, R-7.5 & P), H/72 (Planned Development, Historic)
South: PD 298 (Subarea 9, MF-2), H/72 (Planned Development, Historic)
East: PD 298 (Subarea 13), H/72 (Planned Development, Historic)
West: PD 298 (Subarea 9, MF-1), H/72 (Planned Development, Historic)

Land Use:

The subject site is in undeveloped. The areas to the north and west are developed with multifamily uses; the area to the east is undeveloped; and the area to the south is developed with an office use.

Zoning/BDA History:

1. BDA156-027, Property at 1015 N. Carroll Avenue (the subject site) On May 16, 2016, the Board of Adjustment Panel C granted a request for a variance to the front yard setback regulations of 24’ 4” and imposed the submitted revised site plan as a condition and denied a request for variance to height regulations without prejudice.
The case report stated the requests were made to construct and maintain a two, two-unit multifamily development to be located on the N. Carroll Avenue front property line or 24’ 4” into this 24’ 4” front yard setback.

GENERAL FACTS/STAFF ANALYSIS:

- The request for variance to the front yard setback regulations of 24’ 4” focuses on constructing and maintaining a 4-unit townhome development that would be located in the one of the site’s two front yard setbacks N. Carroll Avenue that would be located on this front property line or 24’ 4” into the 24’ 4” into this front yard setback.
- The site is zoned PD 298 (Subarea 9), MF-2(A), H/72. The site is located at the south corner of Swiss Avenue and N. Carroll Avenue.
- The site is governed by regulations set forth in PD 298 (Subarea 9) where in this case the front yard setback on the site is required to provide a 15’ front yard setback. The site being zoned H/72 is also governed by regulations set forth in the Peak Suburban Addition Ordinance which addresses design standards and regulations front yard setbacks which in this case states: “a main building on a corner lot must have a front yard setback that is within one foot of that of the closest main building on the same blockface”.
- A site plan has been submitted that represents a footprint of two, 2-unit townhome development where a 40’ front yard setback is provided on Swiss Avenue (where the front yard setback on this street is 40 feet) and where a 0’ front yard setback is provided on N. Carroll Avenue (where the front yard setback is 24’ 4” on this street).
- On May 16, 2016, the Board of Adjustment Panel C granted a request for a variance to the front yard setback regulations of 24’ 4” and imposed the submitted revised site plan as a condition and denied a request for variance to height regulations without prejudice (BDA156-027). The case report stated the requests were made to construct and maintain a two, two-unit multifamily development to be located on the N. Carroll Avenue front property line or 24’ 4” into this 24’ 4” front yard setback.

- The applicant's representative on this application has submitted a document (Attachment A) that states the following: "I wanted to bring to your attention that this BDA, 189-113, with the address of 4422 Swiss Avenue, was previously listed as 1015 N Carrol Street, with the BDA of 156-027(SL). As you can see in the attached PDF, the previous case expired. The floor plan footprint are the same. The only change is the owner".
- The Dallas Development Code states with regard to "Board action, board of adjustment hearing procedures": the applicant shall file an application for a building permit or certificate of occupancy within 180 days from the date of the favorable action of the board, unless the applicant files for and is granted an extended time period prior to the expiration of the 180 days. If the applicant fails to file an application within the time period, the request is automatically denied without prejudice, and the applicant must begin the process to have his request heard again."
- The case report for the application filed on this site in 2016 stated that the Building Official had provided the following information that is relevant to this application:
 - The site is zoned PD 298 (Subarea 9, MF-2 and CR), H/72. PD 298, Subarea 9 conditions state the following: Subarea 9 is subject to regulations governing the R-7.5(A), TH-2(A), MF-2(A), MU-1, MU-1-D, and CR districts of Chapter 51(A). The zoning district category applicable to each tract in Subarea 9 is shown on Exhibit 298B. The MF-2(A) required front yard setback is 15' and the CR required front yard setback is 15'.
 - The zoning of the adjoining property on the N. Carroll Street frontage is PD 298 (Subarea 13) H/72 (Tract 1).
 - The appeal application references a required 30' front yard setback ("...set forth in the Peak's Suburban Ordinance #22352...") and requests an 18' variance to allow a 12' setback.
 - The following Historic Overlay 72 (H/72) requirement appears to be the basis for the required 30' front yard setback.
- The case report for the application filed on this site in 2016 stated that the Building Official had provided the following additional information relevant to this application: This property is required to provide a front yard setback of 24' 4" where the applicant proposes to provide a 0 foot front yard setback which will require a 24' 4" variance to the front yard setback regulations.
- As was in the application filed on this site in 2016, the applicant has submitted a site plan indicating that the proposed structure is located 40' from the Swiss Avenue front property line (represented by the applicant to be in compliance with this front yard setback), and located on the N. Carroll Avenue front property line (or represented by the applicant and in the Building Official's report as being 24' 4" into this 24' 4" front yard setback).
- The Sustainable Development Department Senior Historic Preservation Planner has submitted a review comment sheet marked "Has no objections" commenting "4422 Swiss Avenue is located in the Peak's Suburban Addition Historic District (H-72). On February 6, 2017, the Landmark Commission reviewed and approved an application for new construction of four semi-detached residences on the property. This application has the support of both the neighborhood Task Force and Preservation

Staff. The submitted plan matches the plans approved by the Landmark Commission. Preservation Staff has no objections to this application”.

- According to DCAD records, there are “no improvements” for property at 1015 N. Carroll Avenue which is the subject site also addressed at 4422 Swiss Avenue.
- The subject site is flat, rectangular in shape, and according to the application is 1.019 acres in area.
- The site has two front yard setbacks given that it fronts two streets as any corner property would that is not zoned a single family, duplex, or agricultural district.
- The applicant has the burden of proof in establishing the following:
 1. That granting the variance to the front yard setback is not contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 2. The variance would be 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 298 (Subarea 9), MF-2(A), H/72 classification.
 3. The variance is not granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD 298 (Subarea 9), MF-2(A), H/72 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 in this case a structure located on the N. Carroll Avenue the front property line or 24’ 4” into this 24’ 4” front yard setback.

Timeline:

July 29, 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.

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

September 10, 2019: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant’s representative the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the October 2nd deadline to submit additional evidence for staff to factor into their analysis;

and the October 11th deadline to submit additional evidence to be incorporated into the Board's docket materials;

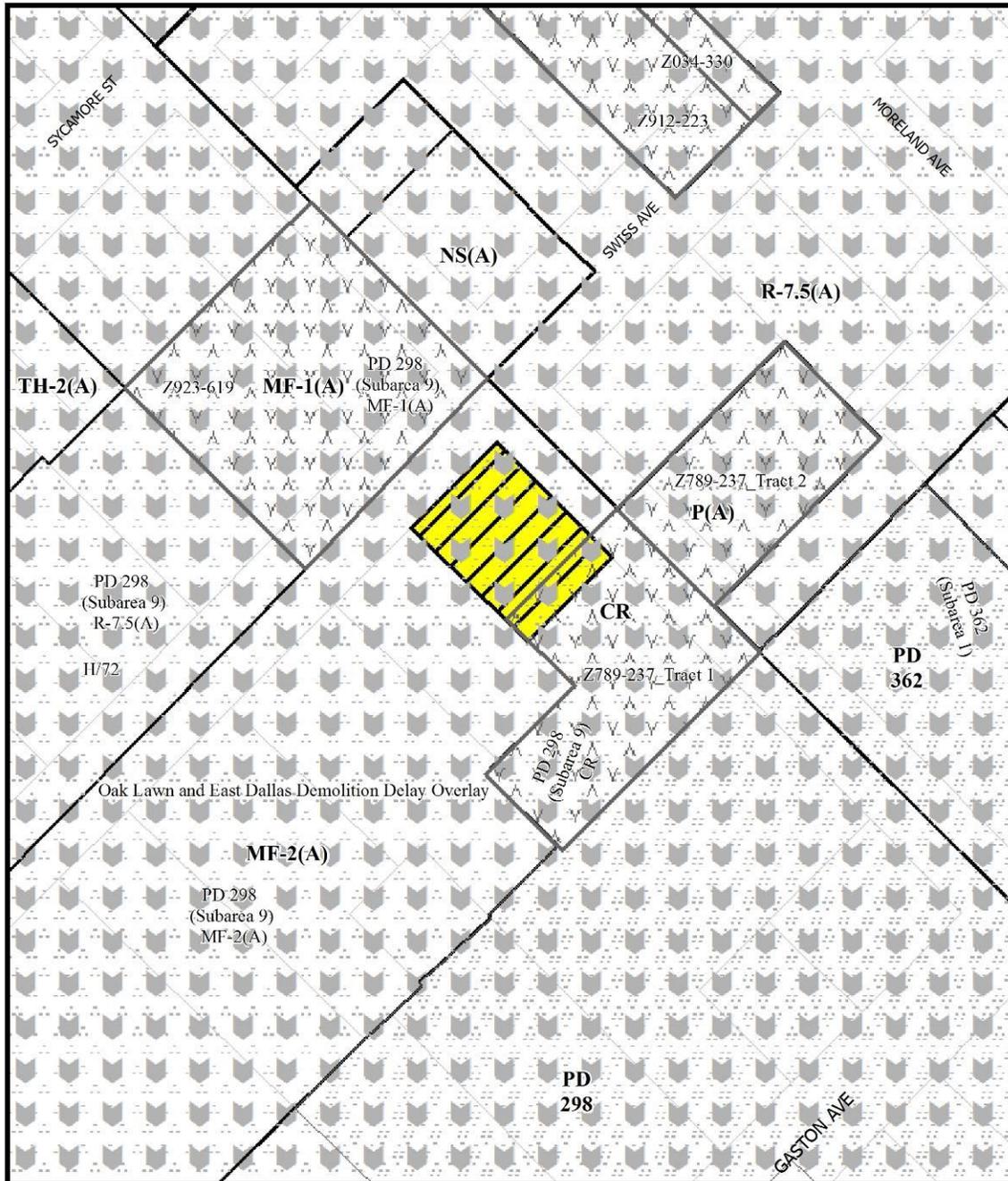
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

September 10, 2019: The applicant's representative submitted additional information to staff beyond what was submitted with the original application (see Attachment A). The document/email states: "I wanted to bring to your attention that this BDA, 189-113, with the address of 4422 Swiss Avenue, was previously listed as 1015 N Carrol Street, with the BDA of 156-027(SL). As you can see in the attached PDF, the previous case expired. The floor plan footprint are the same. The only change is the owner".

September 26, 2019: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded a revised Building Official's report to the Board Administrator (see Attachment B).

October 8, 2019: The Board of Adjustment staff review team meeting was held October 8, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. Review team members in attendance included the following: the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Conservation District Chief Planner, the Sustainable Development and Construction Senior Engineer, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

October 10, 2019: The Sustainable Development Department Senior Historic Preservation Planner has submitted a review comment sheet marked "Has no objections" commenting "'4422 Swiss Avenue is located in the Peak's Suburban Addition Historic District (H-72). On February 6, 2017, the Landmark Commission reviewed and approved an application for new construction of four semi-detached residences on the property. This application has the support of both the neighborhood Task Force and Preservation Staff. The submitted plan matches the plans approved by the Landmark Commission. Preservation Staff has no objections to this application".



1:1,200

ZONING MAP

Case no: BDA189-113

Date: 9/13/2019



1:1,200

AERIAL MAP

Case no: BDA189-113

Date: 9/13/2019

Long, Steve

PS1

From: Miguel A. Ramirez <mardlf.designs@gmail.com>
Sent: Tuesday, September 10, 2019 12:57 PM
To: Long, Steve; Philip Snoddy; Gay, James
Cc: Trammell, Charles; Aguilera, Oscar E
Subject: Re: BDA189-113, Property at 4422 Swiss Avenue
Attachments: 4422 Swiss-1015 N Carroll AVE BDA Letter.pdf

External!

Steve,

Good afternoon. I wanted to bring to your attention that this BDA, 189-113, with the address of 4422 Swiss Avenue, was previously listed as 1015 N Carrol Street, with the BDA of 156-027(SL). As you can see in the attached PDF, the previous case expired. The floor plan footprint are the same. The only change is the owner.

Thank you.

On Tue, Sep 10, 2019 at 7:00 AM Long, Steve <steve.long@dallascityhall.com> wrote:

Dear Mr. Ramirez,

Here is information regarding the board of adjustment application referenced above that you are representing for Phillip E. Snoddy:

1. The submitted application materials - all of which will be emailed to you, city staff, and the board members in a docket report about a week ahead of your tentatively scheduled October 21st Board of Adjustment Panel C public hearing.
2. The provision from the Dallas Development Code allowing the board to grant a variance to the front yard setback regulations (51A-3.102(d)(10)).
3. A document that provides your public hearing date and other deadlines for submittal of additional information to staff/the board.
4. The board's rule pertaining to documentary evidence.

Please carefully review the attached application materials to make sure they are complete, and within these materials, the Building Official's Report/second page of the application (page 2 of 12 in these attached materials).

Please contact Charles Trammell at 214/948-4618 or charles.trammell@dallascityhall.com no later than noon, Wednesday, October 2nd with regard to any information you feel is missing from your submittal or with regard to any amendment that you feel is necessary to address the issue at hand, specifically if for any reason you feel that the statement in his Building Official's report stating that the applicant proposes to construct/maintain a structure and provide a 5 foot 8 inch front yard setback which will require a 24 foot 4 inch variance to the front yard setback regulations, or any other part of this report is incorrect. (Note that the discovery of any

additional appeal needed beyond your requested variance to the front yard setback regulations will result in postponement of the appeal until the panel's next regularly scheduled public hearing).

Please write or call me at 214/670-4666 if I can be of any additional assistance to you on this application.

Thank you,

Steve

PS: If there is anything that you want to submit to the board beyond what you have included in your attached application materials, please feel free to email it to steve.long@dallascityhall.com or mail it to me at the following address by the deadlines attached in this email:

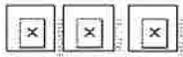


Steve Long
Chief Planner
City of Dallas | www.dallascityhall.com
Current Planning Division

Sustainable Development and Construction

1500 Marilla Street, 5BN

Dallas, TX 75201
O: 214-670-4666
steve.long@dallascityhall.com



****OPEN RECORDS NOTICE:** This email and responses may be subject to the Texas Open Records Act and may be disclosed to the public upon request. Please respond accordingly. ******

Miguel Angel Ramirez, LEED AP BD+C
Architectural Design Consultant
214-695-8006

BDA 189-113
Attachment A
PS 3



May 17, 2016

Steven Dimitt
2323 Ross Avenue
Suite 600
Dallas, Texas 75201

Re: BDA 156-027(SL), Property at 1015 N. Carroll Avenue

Dear Mr. Dimitt:

The Board of Adjustment Panel C, at its public hearing held on Monday, May 16, 2016 took the following actions:

1. Granted your request for a variance to the front yard setback regulations of 24 feet, 4 inches, subject to the following condition:
 - Compliance with the submitted revised site plan is required.
2. Denied your request for a variance to the height regulations without prejudice.

Contact Building Inspection at 320 E. Jefferson, Room 118 to file an application for a building permit or certificate of occupancy within 180 days from the date of the favorable action of the board.

Should you have any further questions regarding the Board's action, please contact me at (214) 670-4666.

A handwritten signature in black ink that reads 'Steve Long'.

Steve Long, Board Administrator
Board of Adjustment
Sustainable Development and Construction

c: Ben Collins, Code Enforcement, 3112 Canton, Room 100
Todd Duerksen, Bldg. Inspection, 320 E. Jefferson #105



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-113

Data Relative to Subject Property:

Date: 7/29/19

Location address: 4422 Swiss Avenue Zoning District: PD 289 (Subarea 9)

Lot No.: 5A Block No.: 8/768 Acreage: 1.019 Census Tract: 15.04

Street Frontage (in Feet): 1) 175.36 2) 253.06 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): First Hanover 4422 Swiss Avenue, LLC,

Applicant: Phillip E. Snoddy Telephone: 214.755.3503

Mailing Address: 4201 Spring Valley Road, Suite 1130 Dallas, TX Zip Code: 75244

E-mail Address: phillip@thencipgroup.com

Represented by: Miguel A Ramirez Telephone: 214.953.6182

Mailing Address: 6535 Southpoint Drive, Dallas, TX Zip Code: 75248

E-mail Address: mardlfdesigns@gmail.com

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

24 feet and 4 inches to the front yard setback requirement along the North Carroll Avenue blockface as required in the H/72 Historic Overlay District Ordinance.

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 should be granted because it is not contrary to the public interest when, owing to special conditions, a literal enforcement of the regulations would result in unnecessary hardship, and so that the spirit of the ordinance be observed and substantial justice done. The variance is necessary to permit development of a specific parcel of land that differs from the other

parcels of land by being of such a restrictive area that it cannot be developed in a manner commensurate with the development of other parcels of land with the same zoning. The variance is not granted to relieve a self-centered or personal hardship, nor for financial reasons only. Having two front setbacks is extremely restrictive to the development of this site.

Note to Applicant: If the relief requested in this application is granted by the Board of Adjustment, said 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 Phillip E. Snoddy (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: Phillip E. Snoddy (Affiant/Applicant's signature)

Subscribed and sworn to before me this 29 day of July, 2019

(Rev. 08-01-11)



Benetta L. Rusk
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

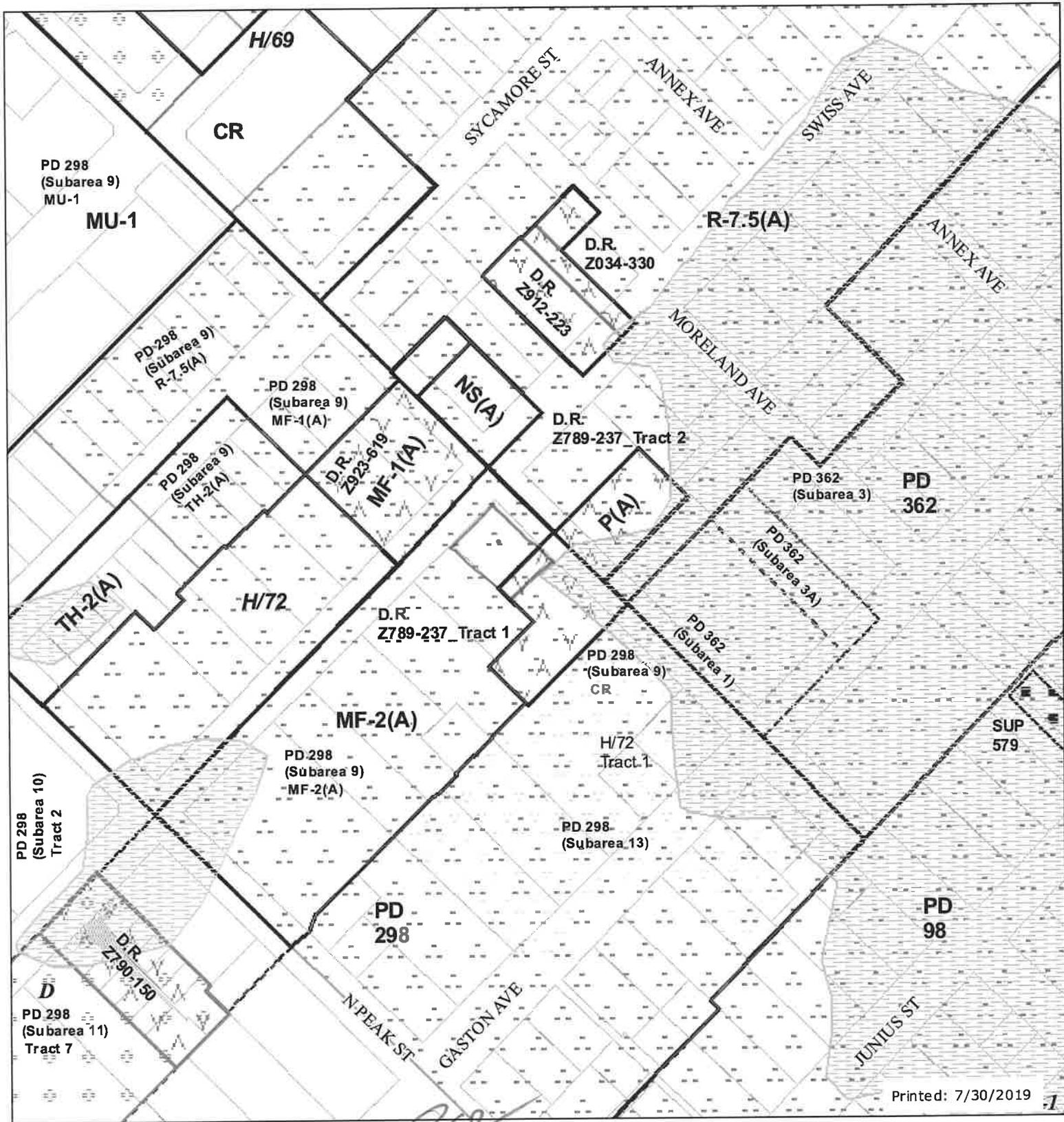
I hereby certify that PHILLIP SNODDY
represented by Miguel Ramirez
did submit a request for a variance to the front yard setback regulations
at 4422 Swiss Avenue

BDA189-113. Application of PHILLIP SNODDY represented by Miguel Ramirez for a variance to the front yard setback regulations at 4422 Swiss Avenue. This property is more fully described as Lot 5A, Block 8/768, and is zoned PD 298 (Subarea 9), which requires a front yard setback of 30 feet. The applicant proposes to construct a multifamily residential structure and provide a 5 foot 8 inch front yard setback, which will require an 24 foot 4 inch variance to the front yard setback regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





Printed: 7/30/2019 1

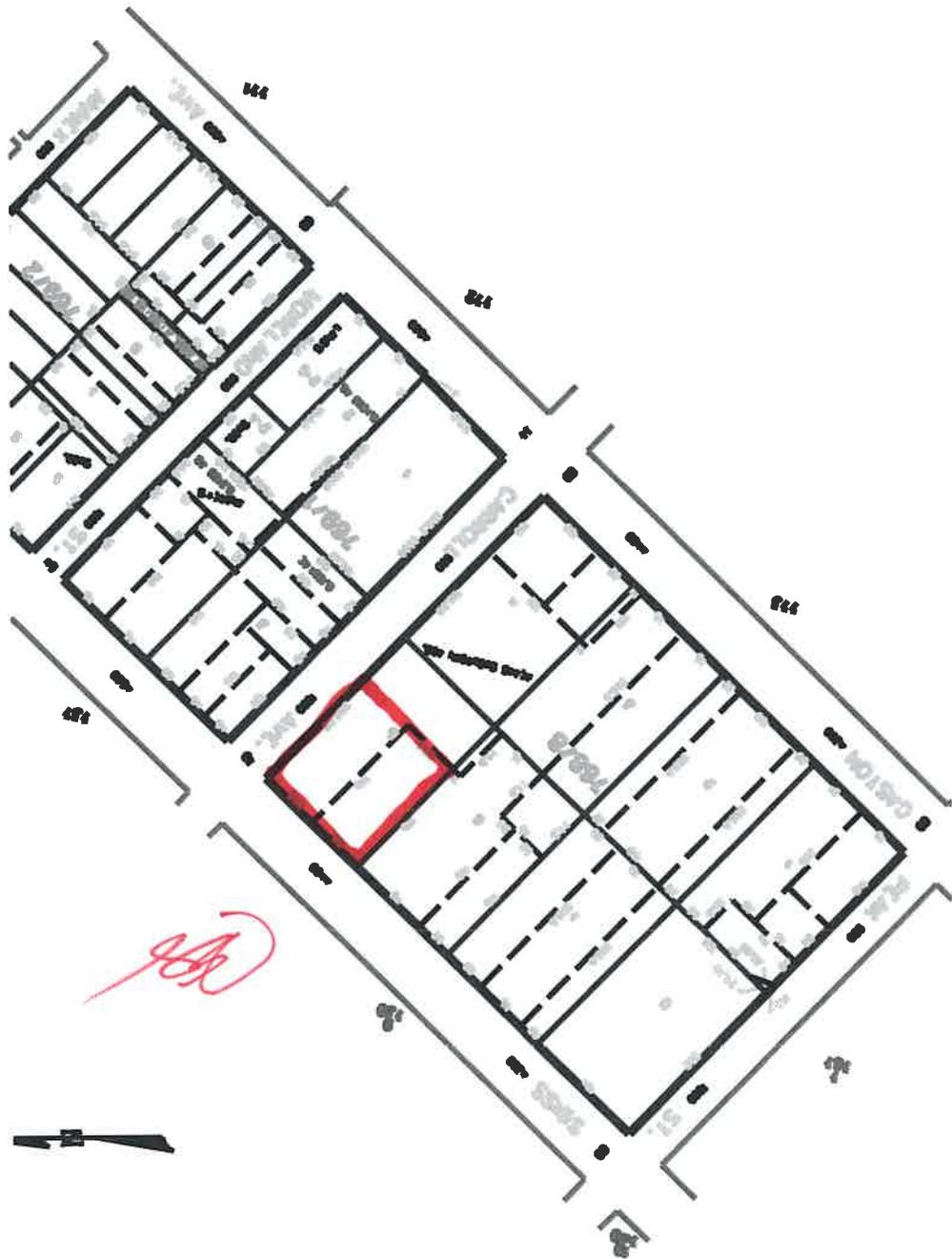
Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | Railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Roadplan | 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 | 2-15 Front Overlay |
| | | Height Map Overlay | |

This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. (Texas Government Code § 2051.102)



1:2,400

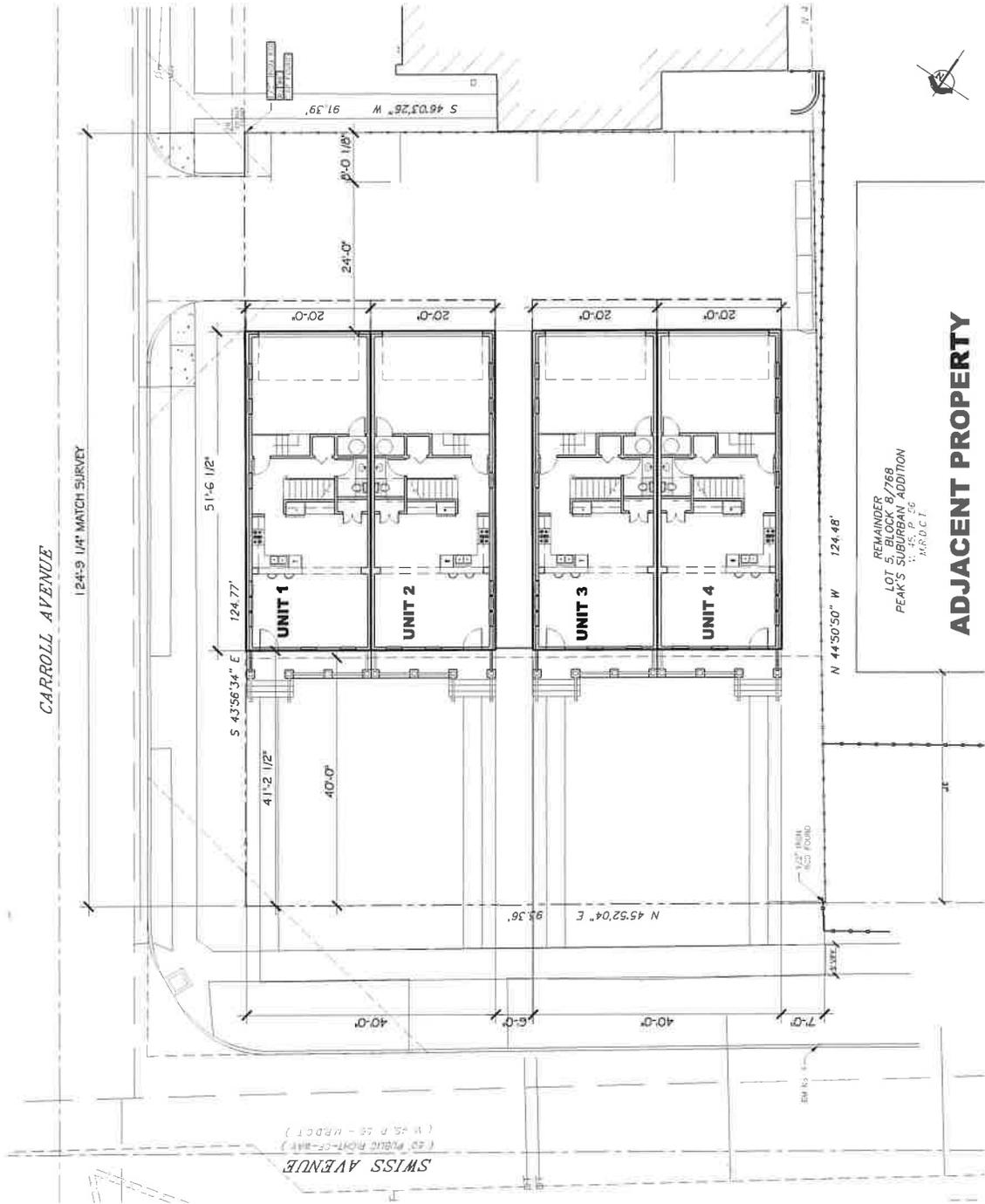


THIS PLAN IS THE PROPERTY OF BMIH ARCHITECTURE AND SPACE PLANNING. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BMIH ARCHITECTURE AND SPACE PLANNING.

ISSUE LOG	DATE

JOB NO.
 SHEET TITLE
 SITE PLAN

SHEET NO.
A1.0



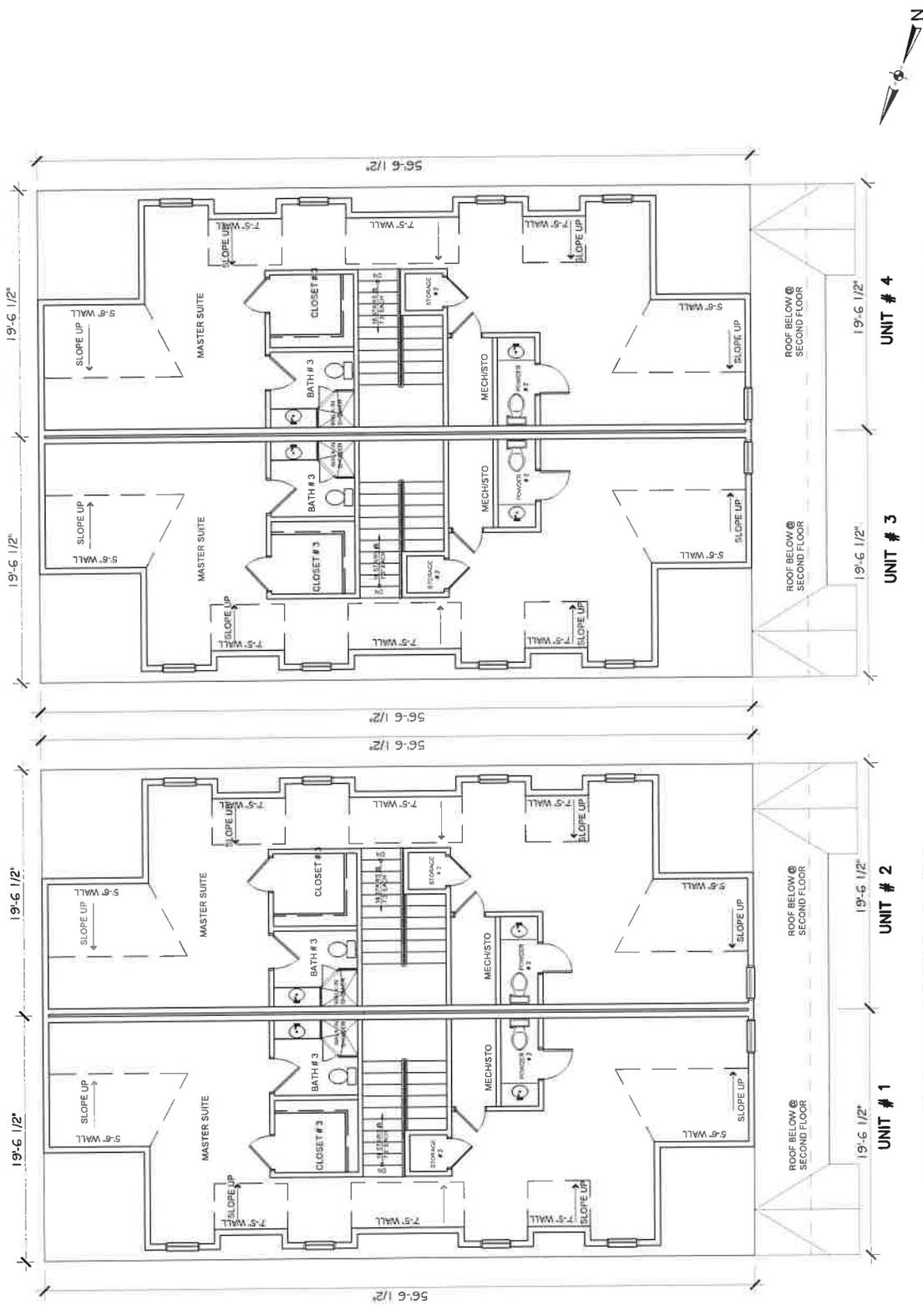
ADJACENT PROPERTY
1 **SITE PLAN**
 SCALE: 1/8"=1'-0"

REMAINDER
 LOT 5, BLOCK B/768
 PEAK'S SUBURBAN ADDITION
 11-15, P. 26
 M.R.D.C.T.

DATE: 04.20.2020
PROJECT: SWISS AVE. HISTORICAL LUXURY TOWNHOMES
DRAWING NO.: 303-01-01
SCALE: 1/8"=1'-0"
SHEET NO.: 303-01-01

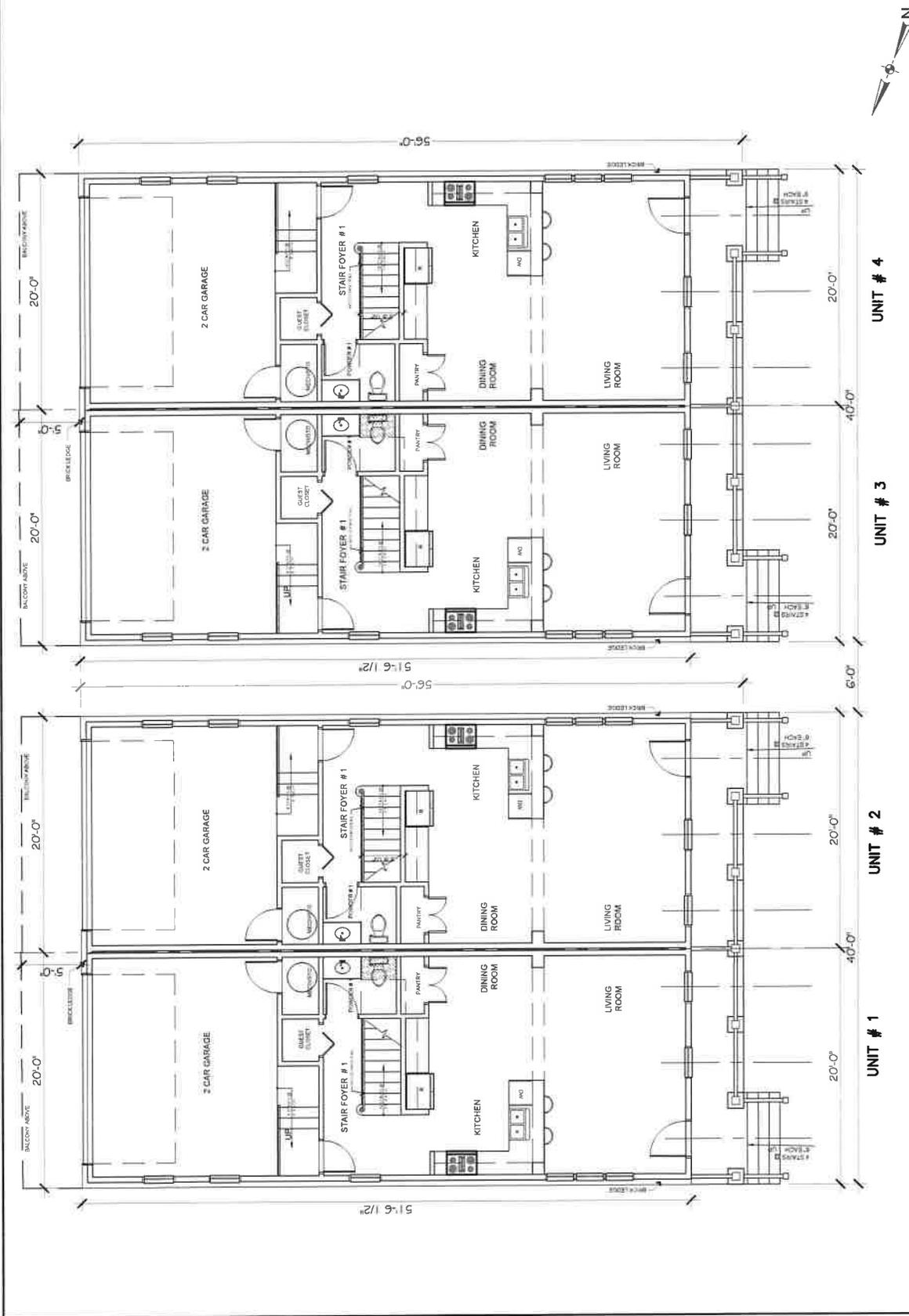
REVISION LOG
NO. DATE DESCRIPTION
1 04/20/20 100% COMPLETE
2 04/20/20 100% COMPLETE
3 04/20/20 100% COMPLETE
4 04/20/20 100% COMPLETE
5 04/20/20 100% COMPLETE
6 04/20/20 100% COMPLETE
7 04/20/20 100% COMPLETE
8 04/20/20 100% COMPLETE
9 04/20/20 100% COMPLETE
10 04/20/20 100% COMPLETE
11 04/20/20 100% COMPLETE
12 04/20/20 100% COMPLETE
13 04/20/20 100% COMPLETE
14 04/20/20 100% COMPLETE
15 04/20/20 100% COMPLETE
16 04/20/20 100% COMPLETE
17 04/20/20 100% COMPLETE
18 04/20/20 100% COMPLETE
19 04/20/20 100% COMPLETE
20 04/20/20 100% COMPLETE
21 04/20/20 100% COMPLETE
22 04/20/20 100% COMPLETE
23 04/20/20 100% COMPLETE
24 04/20/20 100% COMPLETE
25 04/20/20 100% COMPLETE
26 04/20/20 100% COMPLETE
27 04/20/20 100% COMPLETE
28 04/20/20 100% COMPLETE
29 04/20/20 100% COMPLETE
30 04/20/20 100% COMPLETE
31 04/20/20 100% COMPLETE
32 04/20/20 100% COMPLETE
33 04/20/20 100% COMPLETE
34 04/20/20 100% COMPLETE
35 04/20/20 100% COMPLETE
36 04/20/20 100% COMPLETE
37 04/20/20 100% COMPLETE
38 04/20/20 100% COMPLETE
39 04/20/20 100% COMPLETE
40 04/20/20 100% COMPLETE
41 04/20/20 100% COMPLETE
42 04/20/20 100% COMPLETE
43 04/20/20 100% COMPLETE
44 04/20/20 100% COMPLETE
45 04/20/20 100% COMPLETE
46 04/20/20 100% COMPLETE
47 04/20/20 100% COMPLETE
48 04/20/20 100% COMPLETE
49 04/20/20 100% COMPLETE
50 04/20/20 100% COMPLETE
51 04/20/20 100% COMPLETE
52 04/20/20 100% COMPLETE
53 04/20/20 100% COMPLETE
54 04/20/20 100% COMPLETE
55 04/20/20 100% COMPLETE
56 04/20/20 100% COMPLETE
57 04/20/20 100% COMPLETE
58 04/20/20 100% COMPLETE
59 04/20/20 100% COMPLETE
60 04/20/20 100% COMPLETE
61 04/20/20 100% COMPLETE
62 04/20/20 100% COMPLETE
63 04/20/20 100% COMPLETE
64 04/20/20 100% COMPLETE
65 04/20/20 100% COMPLETE
66 04/20/20 100% COMPLETE
67 04/20/20 100% COMPLETE
68 04/20/20 100% COMPLETE
69 04/20/20 100% COMPLETE
70 04/20/20 100% COMPLETE
71 04/20/20 100% COMPLETE
72 04/20/20 100% COMPLETE
73 04/20/20 100% COMPLETE
74 04/20/20 100% COMPLETE
75 04/20/20 100% COMPLETE
76 04/20/20 100% COMPLETE
77 04/20/20 100% COMPLETE
78 04/20/20 100% COMPLETE
79 04/20/20 100% COMPLETE
80 04/20/20 100% COMPLETE
81 04/20/20 100% COMPLETE
82 04/20/20 100% COMPLETE
83 04/20/20 100% COMPLETE
84 04/20/20 100% COMPLETE
85 04/20/20 100% COMPLETE
86 04/20/20 100% COMPLETE
87 04/20/20 100% COMPLETE
88 04/20/20 100% COMPLETE
89 04/20/20 100% COMPLETE
90 04/20/20 100% COMPLETE
91 04/20/20 100% COMPLETE
92 04/20/20 100% COMPLETE
93 04/20/20 100% COMPLETE
94 04/20/20 100% COMPLETE
95 04/20/20 100% COMPLETE
96 04/20/20 100% COMPLETE
97 04/20/20 100% COMPLETE
98 04/20/20 100% COMPLETE
99 04/20/20 100% COMPLETE
100 04/20/20 100% COMPLETE

DATE: 04.20.2020
PROJECT: SWISS AVE. HISTORICAL LUXURY TOWNHOMES
DRAWING NO.: 303-01-01
SCALE: 1/8"=1'-0"
SHEET NO.: 303-01-01



1 3RD FLOOR PLANS UNIT 3 & 4
SCALE: 1/8"=1'-0"

2 3RD FLOOR PLANS UNIT 1 & 2
SCALE: 1/8"=1'-0"



1 1ST FLOOR PLANS UNIT 3 & 4
SCALE: 1/8"=1'-0"

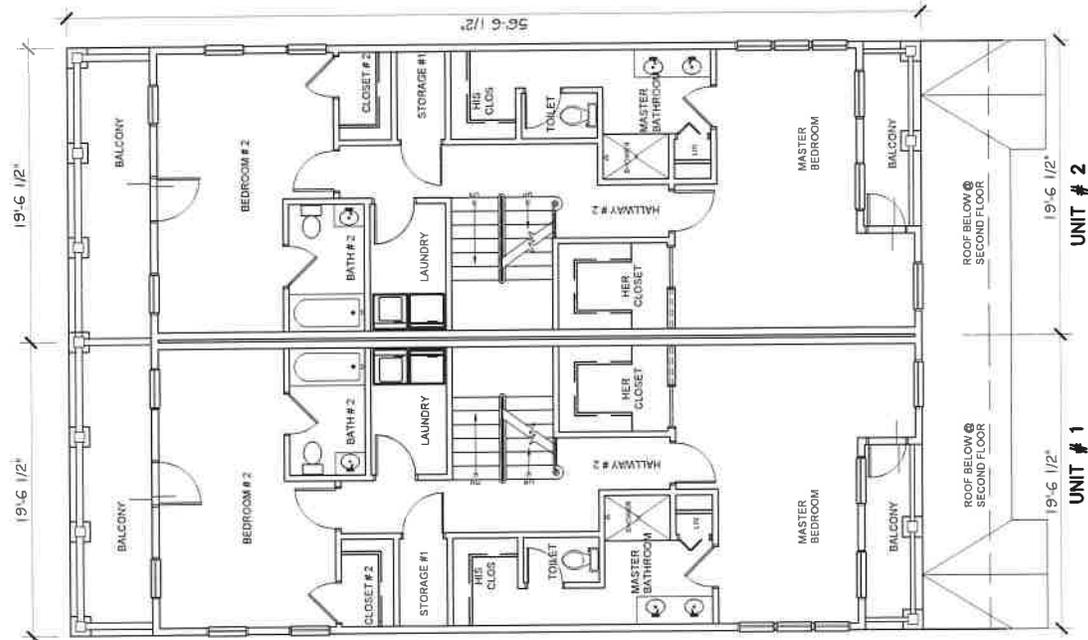
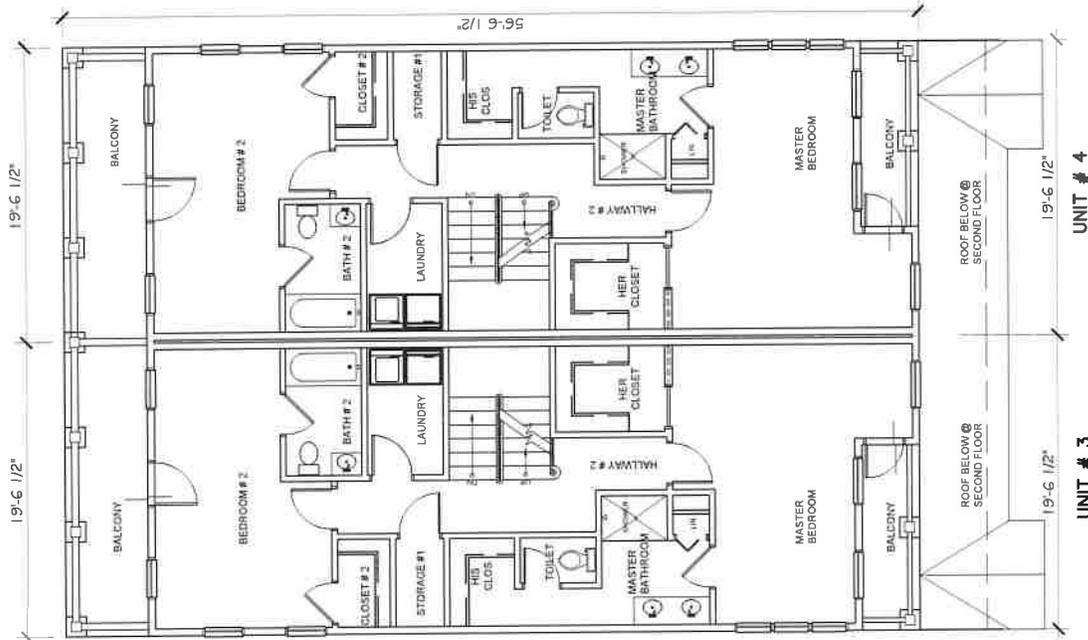
2 1ST FLOOR PLANS UNIT 1 & 2
SCALE: 1/8"=1'-0"

THIS PLAN IS SUBJECT TO THE EXISTING SURVEY AND RECORDS. IT IS THE RESPONSIBILITY OF THE CLIENT TO VERIFY THE ACCURACY OF THE SURVEY AND RECORDS. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE ARCHITECT'S WORK IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE BUILDING. THE ARCHITECT DOES NOT PROVIDE ANY SERVICES FOR THE DESIGN OR CONSTRUCTION OF MECHANICAL, ELECTRICAL, PLUMBING, OR STRUCTURAL SYSTEMS. THE ARCHITECT'S WORK IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE BUILDING. THE ARCHITECT DOES NOT PROVIDE ANY SERVICES FOR THE DESIGN OR CONSTRUCTION OF MECHANICAL, ELECTRICAL, PLUMBING, OR STRUCTURAL SYSTEMS.

REVISION NO.	DATE	DESCRIPTION

UNIT #1
UNIT #2
UNIT #3
UNIT #4

FLR PLANS
SCALE: 1/8"=1'-0"



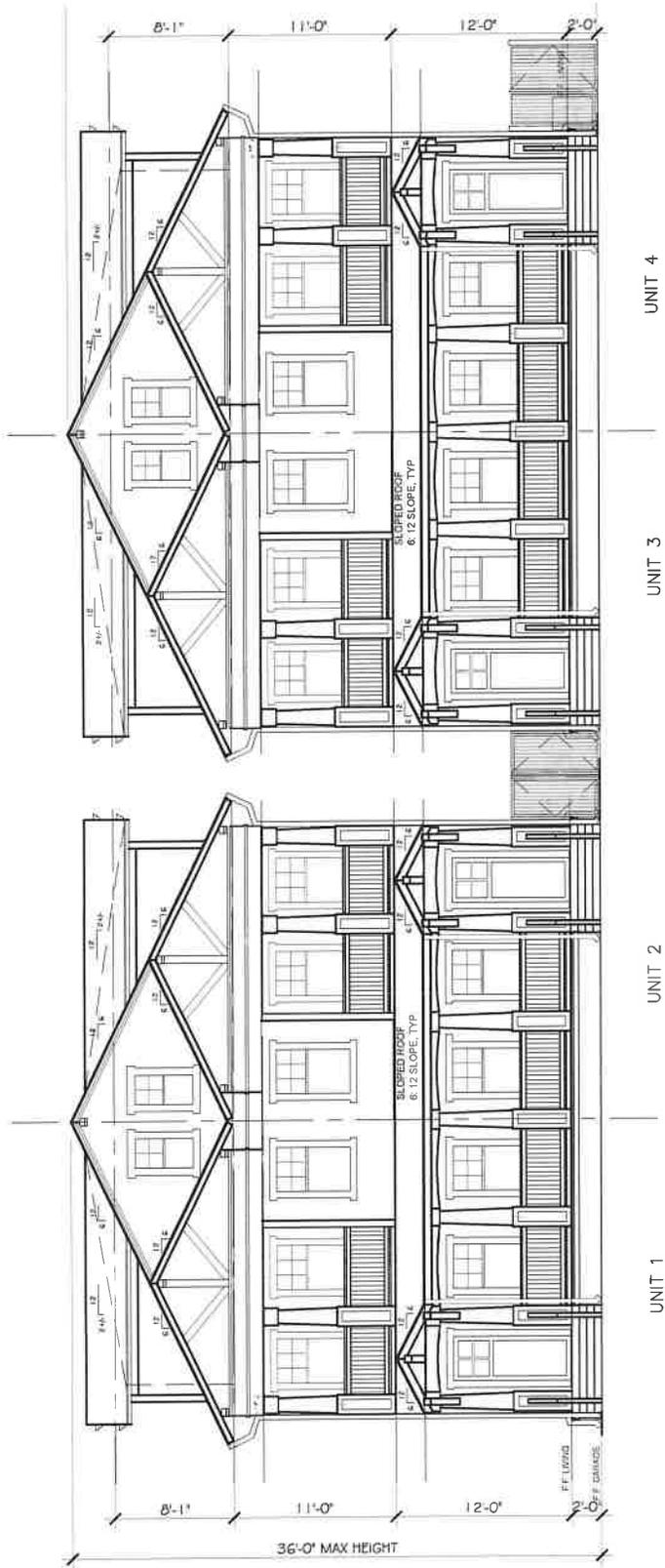
1 2ND FLOOR PLANS UNIT 3 & 4
 SCALE: 1/8"=1'-0"

2 2ND FLOOR PLANS UNIT 1 & 2
 SCALE: 1/8"=1'-0"

ISSUE LOG	NO.	DESCRIPTION	DATE
1	1	ISSUE FOR PERMITS	12/21/15

JOB NO.
 SHEET TITLE
 N. ELEV.

SHEET NO.
A3.1

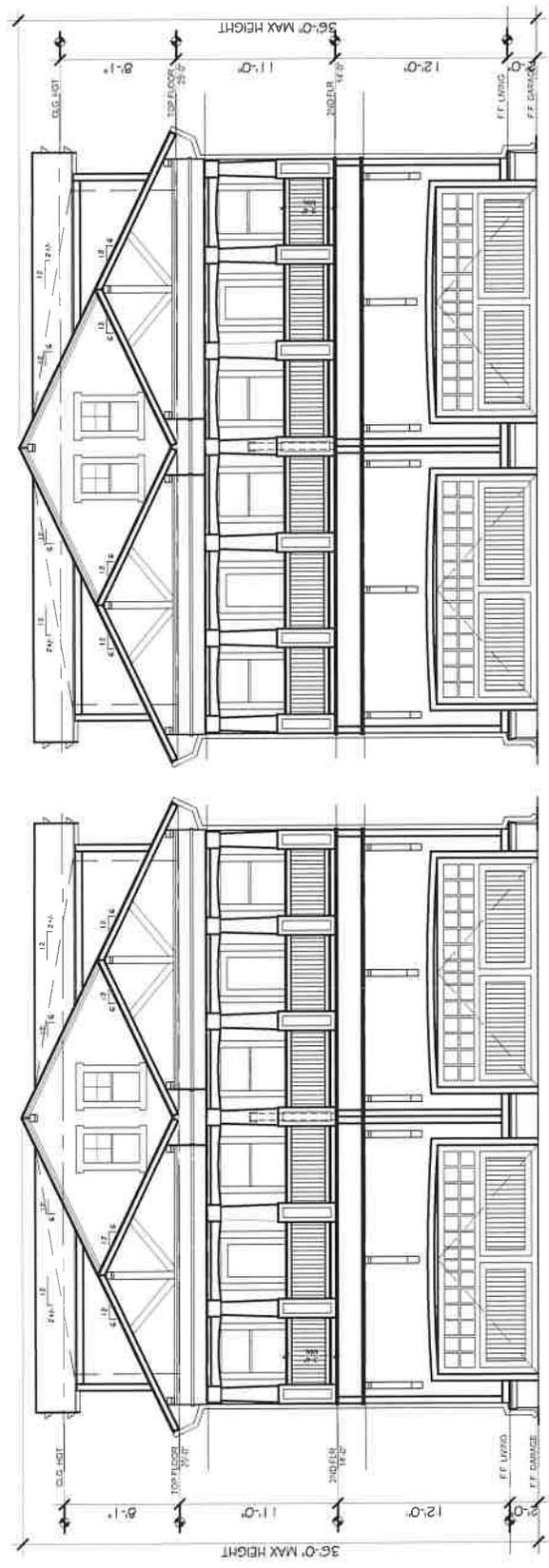


1 NORTH ELEVATION
 SCALE: 1/8" = 1'-0"

ISSUE LOG	DATE	DESCRIPTION

JOB NO.
 SHEET TITLE
 S. ELEV

SHEET NO.
A3.3

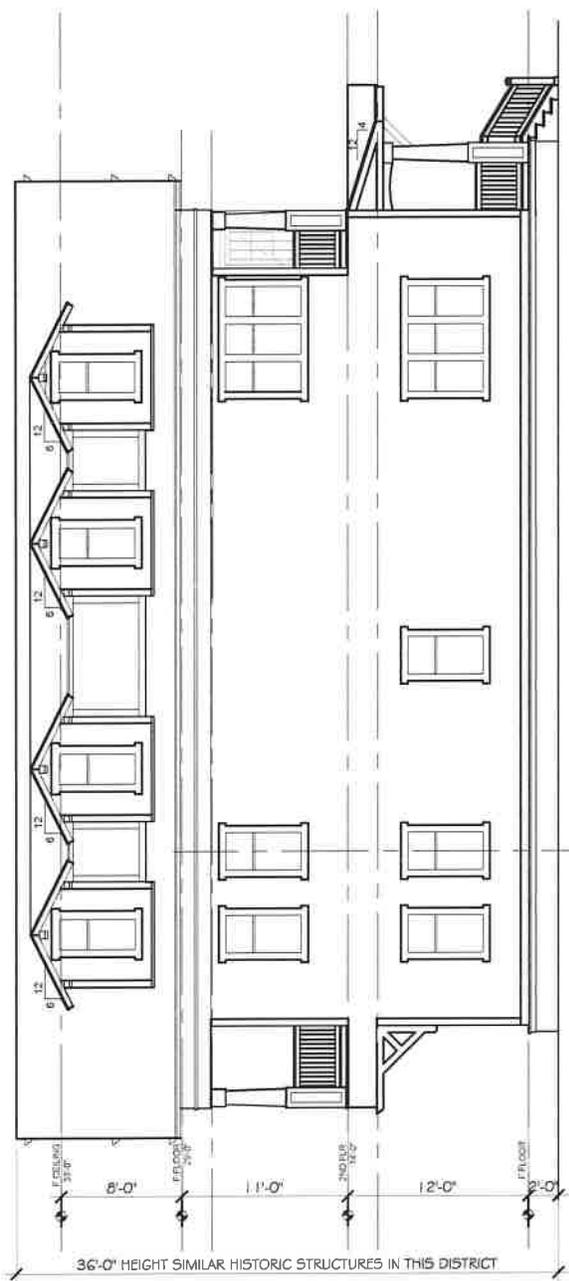


1 SOUTH ELEVATION
 SCALE: 1/8"=1'-0"

ISSUE LOG	DATE	DESCRIPTION

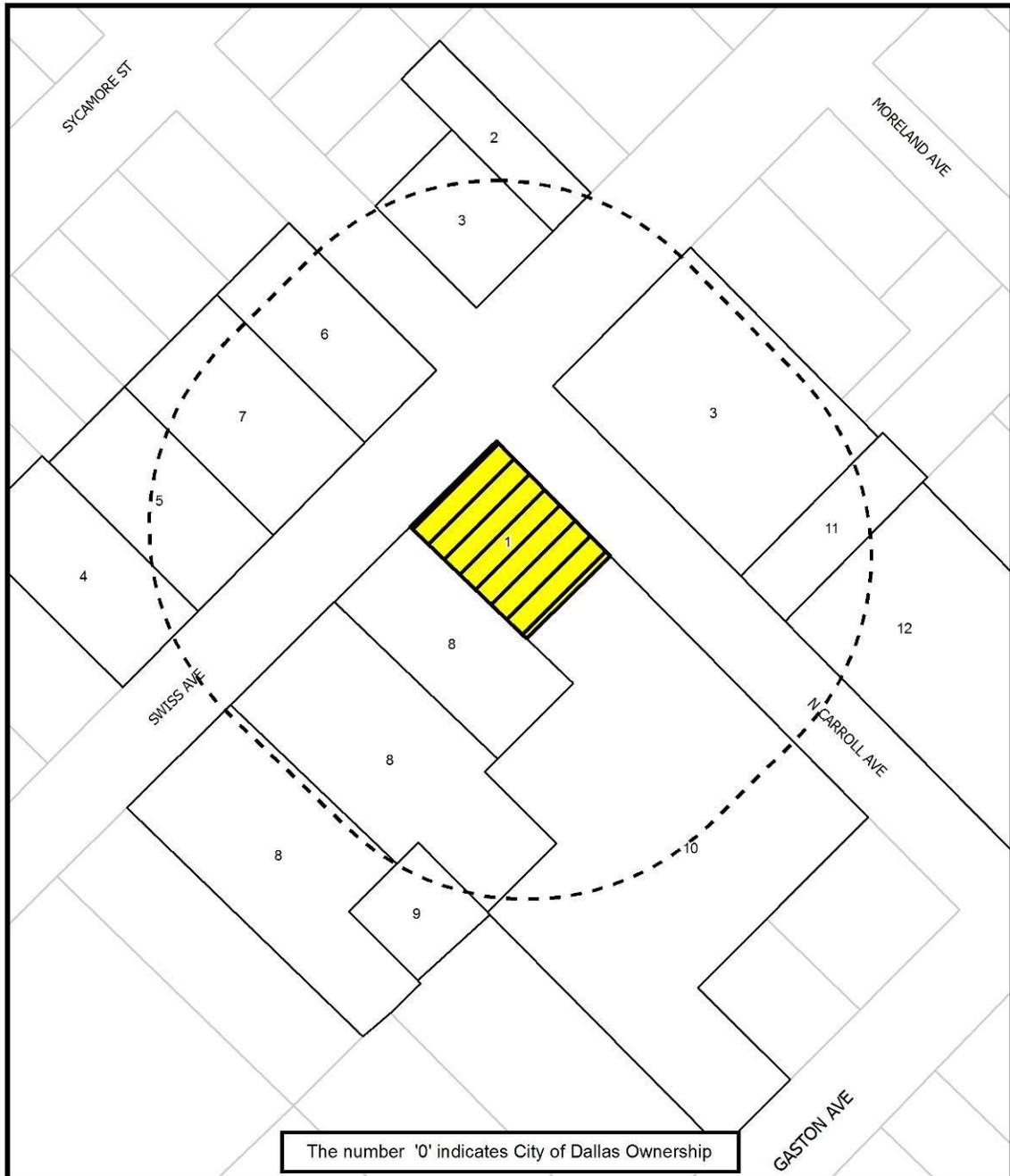
JOB NO.	
SHEET TITLE	W. ELEV

SHEET NO.	A3.4
-----------	------



UNIT 1 & SIMILAR TO UNIT 3

1 WEST ELEVATION
 SCALE: 1/8" = 1'-0"




 1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
12 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA189-113
 Date: 9/13/2019

Notification List of Property Owners

BDA189-113

12 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1015 N CARROLL AVE	4422 SWISS LLC
2	4509 SWISS AVE	YUAN TERRY & MICHAEL
3	4501 SWISS AVE	TUA LP
4	4405 SWISS AVE	XAYASENG HIENG
5	4409 SWISS AVE	WALLACE BEN J
6	4425 SWISS AVE	CPP 5X5 TRUST
7	4417 SWISS AVE	BRP 5X5 TRUST
8	4414 SWISS AVE	SWISS HAMPTONS LLC
9	4402 SWISS AVE	SWISS HAMPTONS LLC
10	1015 N CARROLL AVE	PHP CARROLL MOB PARTNERS LP
11	1000 N CARROLL AVE	STANLEY MABLE &
12	4505 GASTON AVE	GP 4505 GASTON LLC

FILE NUMBER: BDA189-114(SL)

BUILDING OFFICIAL'S REPORT: Application of Tammy Lynn Clary, represented by Bella Vista Company, for a special exception to the visual obstruction regulations at 5847 Marquita Avenue. This property is more fully described as Lot 12, Block 8/2153, and is zoned CD 11, which requires a 20 foot visibility triangle at driveway and alley approaches. The applicant proposes to locate and maintain items in a required visibility triangle, which will require a special exception to the visual obstruction regulations.

LOCATION: 5847 Marquita Avenue

APPLICANT: Tammy Lynn Clary
Represented by Bella Vista Company

REQUEST:

A request for a special exception to the visual obstruction regulations is made to maintain an 8' high solid wood fence in the 20' visibility triangle at where the alley meets Delmar Avenue on a site that is developed with a single family home use/structure.

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan/elevation and elevation is required.

Rationale:

- The Sustainable Development Department Senior Engineer has no objections to the request.
- Staff concluded that the request for a special exception to the visual obstruction regulations should be granted (with the suggested condition imposed) because the item to be maintained in the visibility triangle at where the alley meets Delmar Avenue does not constitute a traffic hazard.

BACKGROUND INFORMATION:

Zoning:

Site: CD 11 (Conservation District)
North: CD 11 (Conservation District)
South: CD 11 (Conservation District)
East: R-7.5(A) (Single family district 7,500 square feet)
West: CD 11 (Conservation District)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- The request for a special exception to the visual obstruction regulations focuses on maintaining an 8' high solid wood fence in the 20' visibility triangle at where the alley meets Delmar Avenue on a site that is developed with a single family home use/structure.
- Section 51A-4.602(d) of the Dallas Development Code states the following: a person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections and 20-foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
 - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- The property is located in CD 11 zoning district which requires the portion of a lot with a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and the adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge end the street curb line 20 feet from the intersection.
- A site plan/and elevation have been submitted indicating portions of an 8' high solid wood fence located in the 20' visibility triangle at where the alley meets Delmar Avenue.
- The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".
- The applicant has the burden of proof in establishing how granting this request to maintain portions of an 8' high solid wood fence located in the 20' visibility triangle at where the alley meets Blair Boulevard does not constitute a traffic hazard.

- Granting this request with a condition imposed that the applicant complies with the submitted site plan/elevation would limit the item in the two 20' visibility triangle at where the alley meets Blair Boulevard to that what is shown on this document - an 8' high solid wood fence.

Timeline:

July 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.

September 9, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

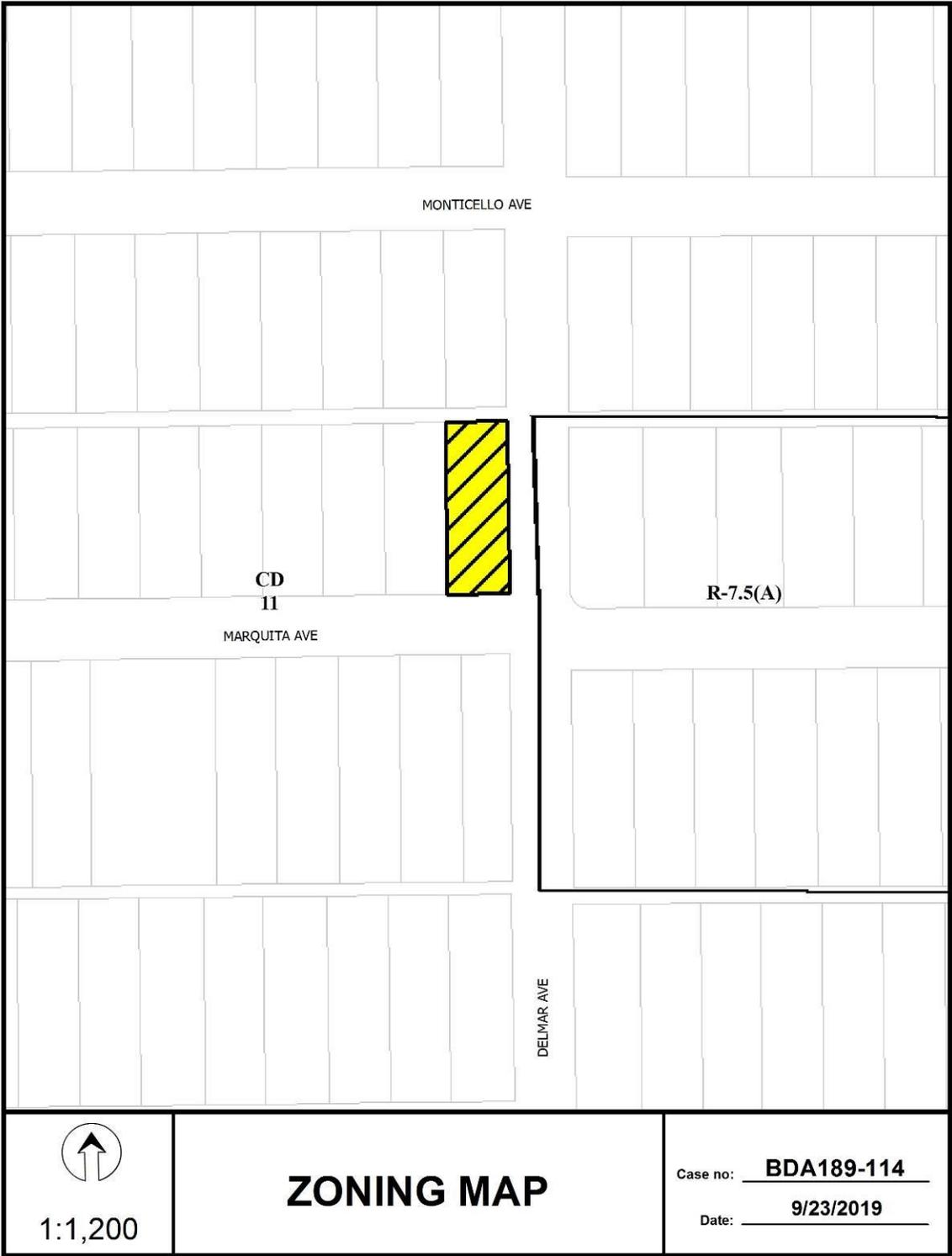
September 10, 2019: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant's representative the following information:

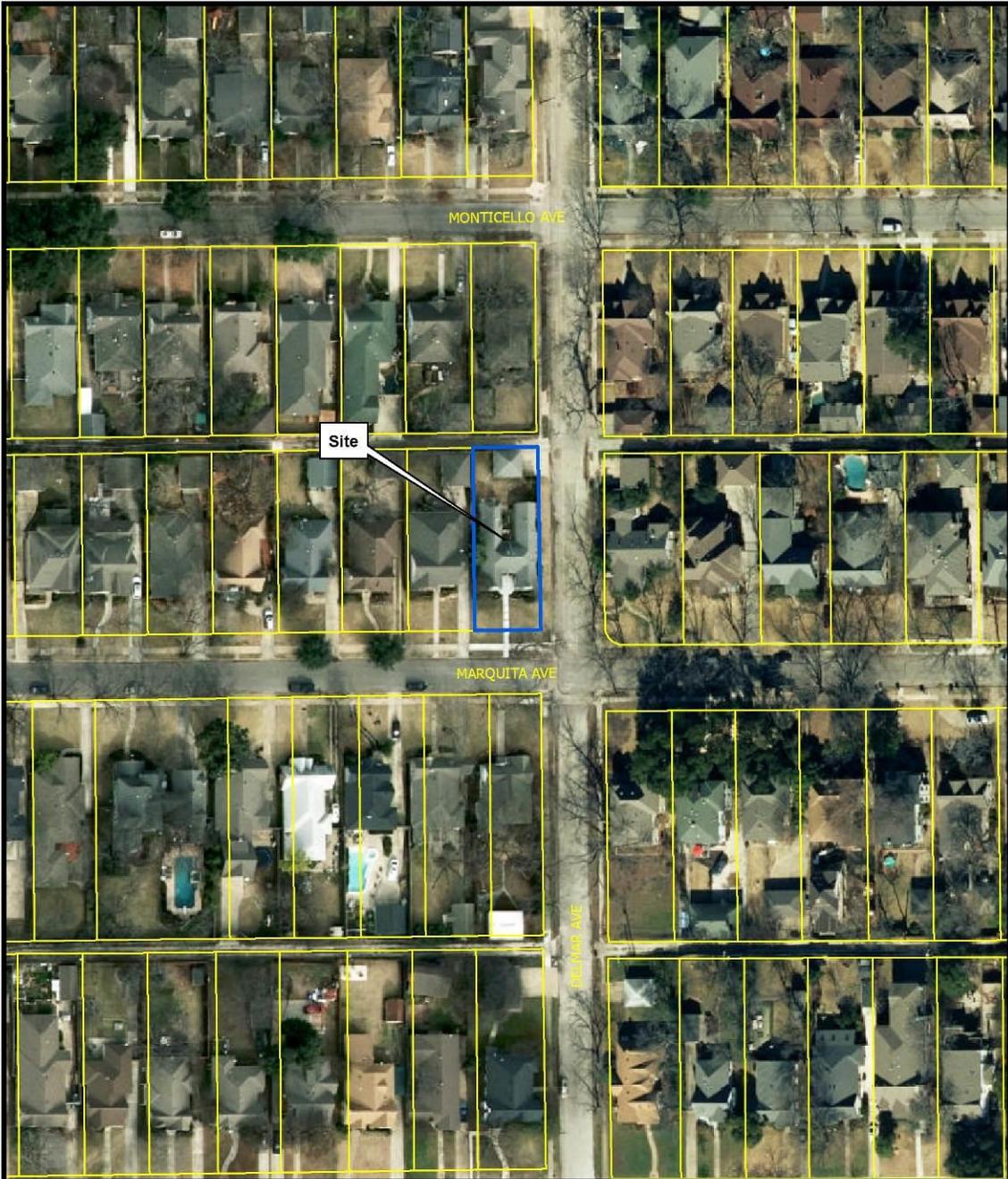
- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the October 2nd deadline to submit additional evidence for staff to factor into their analysis; and the October 11th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

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

October 8, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. Review team members in attendance included the following: the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Conservation District Chief Planner, the Sustainable Development and Construction Senior Engineer, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

October 10, 2019: The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".





1:1,200

AERIAL MAP

Case no: BDA189-114

Date: 9/23/2019

BDA189-114
Attach A
p 1

Long, Steve

From: Casey Cox <Casey@bellavistacompany.com>
Sent: Friday, September 27, 2019 1:36 PM
To: Long, Steve
Cc: Sara Haley; Darin Breedlove; Lance Tyler; Kevin Campbell; Brendon Smith; Tammy Clary; Neil, John
Subject: RE: BDA189-114, Property at 5847 Marquita Avenue

External Email!

Good afternoon Steve,

We would like to add a few photos and more explanation regards the exemption below.

Please see attached photos below with further explanations.

We would also like to add that there are stop signs at Marquita/Delmar as well as Monticello/Delmar keeping traffic along Delmar at low speeds.

Please let me know if we need to provide any additional information.



In this photo our new fence (left) is constructed similarly to the fence directly behind. Ours is actually inset onto the property line further allowing for more visibility.



This is the view standing in the alley, as you can see there is no visibility interference.



This photo is taken from the exact location of the photo above showing the visibility (none) to the left (neighbors fence)

BDA 189-1144 Attach A pg 4



This photo is taken from the alley showing comparison to neighboring fence



This photo illustrates the newly constructed fence sitting further back on the property than neighbors.

BDA189-114 Attach A pg 6



Similar constructed fence on Delmar



Similar constructed fence on Delmar

BDA189-114 Attach A P 8



Last photo showing the alley to not even be accessible.

My Best,

Casey Cox

Partner



8989 Garland Road
Dallas, TX 75218
P. 214 823 0033 | F. 214 823 0035
BellaVistaCompany.com



From: Angie Johnson <Angie@bellavistacompany.com>

Sent: September 10, 2019 7:51 AM

To: Sara Haley <sara@bellavistacompany.com>; Casey Cox <Casey@bellavistacompany.com>; Kevin Campbell <Kevin@bellavistacompany.com>; Brendon Smith <Brendon@bellavistacompany.com>

Subject: FW: BDA189-114, Property at 5847 Marquita Avenue

BDA189-114

Attn A p 59

Angie Johnson
Office Manager

Bella Vista Company
o 214.823.0033

From: Long, Steve [<mailto:steve.long@dallascityhall.com>]
Sent: Tuesday, September 10, 2019 7:00 AM
To: Angie Johnson
Cc: Trammell, Charles; Nevarez, David; Aguilera, Oscar E
Subject: BDA189-114, Property at 5847 Marquita Avenue

Dear Bella Vista Company,

Here is information regarding the board of adjustment application referenced above that you are representing for Tammy Lynn Clay:

1. The submitted application materials- all of which will be emailed to you, city staff, and the board members in a docket report about a week ahead of your tentatively scheduled October 21st Board of Adjustment Panel C public hearing.
2. The provisions related to the code's visual obstruction regulations including the standard as to how the board is able to consider/grant a special exception to these regulations (51A-4.602(d)(3)).
3. A document that provides your public hearing date and other deadlines for submittal of additional information to staff/the board.
4. The board's rule pertaining to documentary evidence.

Please carefully review the attached application materials to make sure they are complete, and the Building Official's Report/second page of the application (page 2 of 5 in these materials).

Please contact Charles Trammel at 214/948-4618 or charles.trammell@dallascityhall.com no later than noon, Wednesday, October 2nd with regard to anything that you feel is missing from your application or with regard to any amendment that you feel is necessary to address the issues at hand. (Note that the discovery of any additional appeal needed beyond your requested visual obstruction special exception will result in postponement of the appeal until the panel's next regularly scheduled public hearing).

Please be advised that you may want to contact David Nevarez, City of Dallas Sustainable Development Department Senior Engineering at 214/671-5115 or david.nevarez@dallascityhall.com to determine if there is any additional information that may be needed from you in making a favorable recommendation to the board on your request.

Please write or call me at 214/670-4666 if I can be of any additional assistance to you on this application.

Sincerely,

Steve

PS: If there is anything that you want to submit to the board beyond what you have included in your attached application materials, please feel free to email it to steve.long@dallascityhall.com or mail it to me at the following address by the deadlines attached in this email:



Steve Long
Chief Planner
City of Dallas | www.dallascityhall.com
Current Planning Division
Sustainable Development and Construction
1500 Marilla Street, 5BN
Dallas, TX 75201
O: 214-670-4666
steve.long@dallascityhall.com



BDA189-114

Attch A
PS10

OPEN RECORDS NOTICE: This email and responses may be subject to the Texas Open Records Act and may be disclosed to the public upon request. Please respond accordingly.

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



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-114

Data Relative to Subject Property:

Date: 7/30/2019

Location address: 5847 Marquita Av. Zoning District: CO-11

Lot No.: 12 Block No.: 8/2153 Acreage: 0.166 Census Tract: 2.02

Street Frontage (in Feet): 1) 50 2) 145 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Tammy Lynn Clary

Applicant: Tammy Lynn Clary Telephone: 214-334-6288

Mailing Address: 5847 Marquita Zip Code: 75206

E-mail Address: tammyclary@yahoo.com

Represented by: Bella Vista Company Telephone: 214-823-0033

Mailing Address: 8989 Garland Rd. Zip Code: 75218

E-mail Address: angie@bellavistacompany.com

Affirm that an appeal has been made for a Variance _____, or Special Exception X, of perme height on corner lot. Special Exception regarding visibility triangle at alley.

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:

My fence is of similar material, similar height, and similar placement as other fences most commonly found in my neighborhood. The alley is not utilized for trash disposal, and traffic on Delmar avenue is minimal.

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.

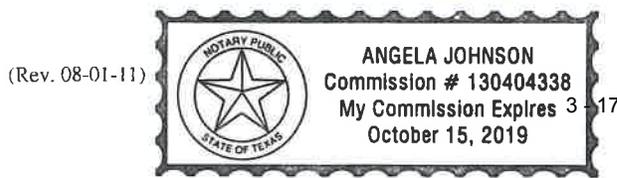
Affidavit

Before me the undersigned on this day personally appeared Tammy Lynn Clary
(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 29 day of July, 2019



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Tammy Lynn Clary
represented by BELLA VISTA COMPANY
did submit a request for a special exception to the visibility obstruction regulations
at 5847 Marquita Ave.

BDA189-114. Application of Tammy Lynn Clary represented by BELLA VISTA COMPANY for a special exception to the visibility obstruction regulations at 5847 MARQUITA AVE. This property is more fully described as Lot 12, Block 8/2153, and is zoned CD-11, which requires a 20 foot visibility triangle at driveway and alley approaches. The applicant proposes to construct a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



Printed: 7/30/2019

6P

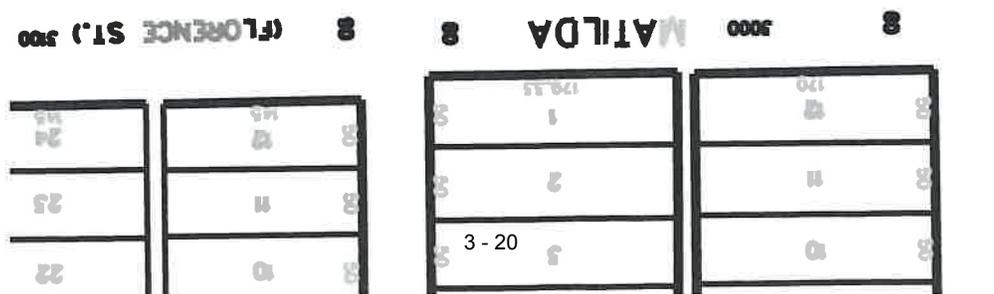
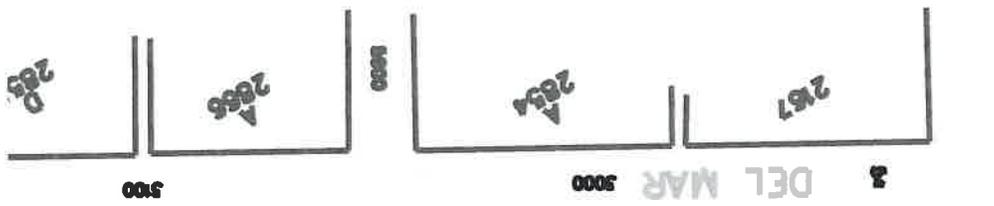
Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | Railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Roadplains | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | 3-19 Sign 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)



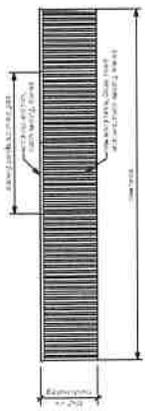
GP



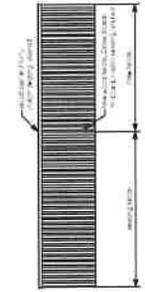
CLARY & NEIL RESIDENCE

DALLAS TEXAS

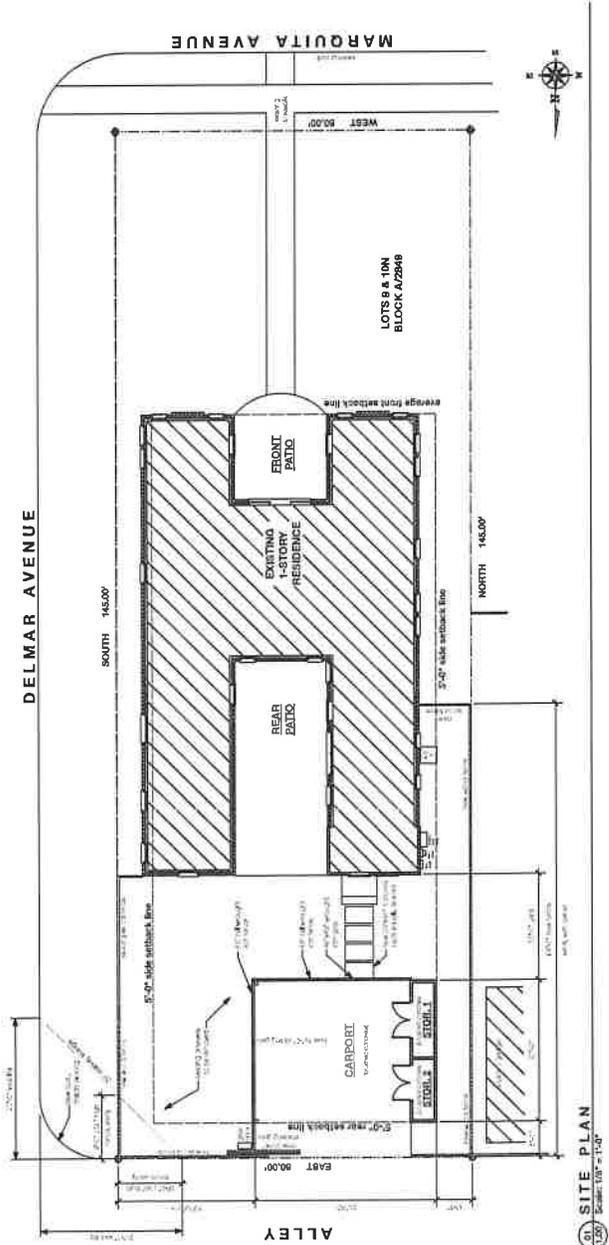
5847 MARQUITA AVENUE



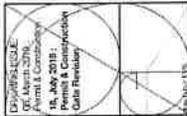
(D) NORTH FENCE ELEVATION - VIEW FROM ALLEY
Scale: 1/8" = 1'-0"



(C) NORTH FENCE ELEVATION - VIEW FROM DELMAR
Scale: 1/8" = 1'-0"



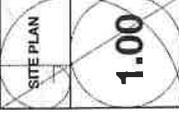
(A) SITE PLAN
Scale: 1/8" = 1'-0"



Clary & Neil
5847 Marquita Avenue
Dallas, Texas



BELLAVISTA
COMPANY



CITY OF DALLAS GREEN ORDINANCE NOTES FOR HOME ADDITIONS/REMODELS
Not required for carport.

SCOPE OF WORK
Demolish existing garage and existing approach, remodel and repair curb & construct new carport.

PROJECT CALCULATIONS

RESIDENCE
Existing 1st. Fl. a/c = 2,038 sq.ft.

CARPORT
Proposed carport = 513 sq.ft.
(28' x 18'-4")

COVERAGE CALCULATIONS

site area = 7,250 sq.ft.
allowable coverage : 40% = 2,900 sq.ft.
coverage area: res. + carpt. = 2,551 sq.ft.
coverage provided : 2,551 / 7,250 = 35.1%

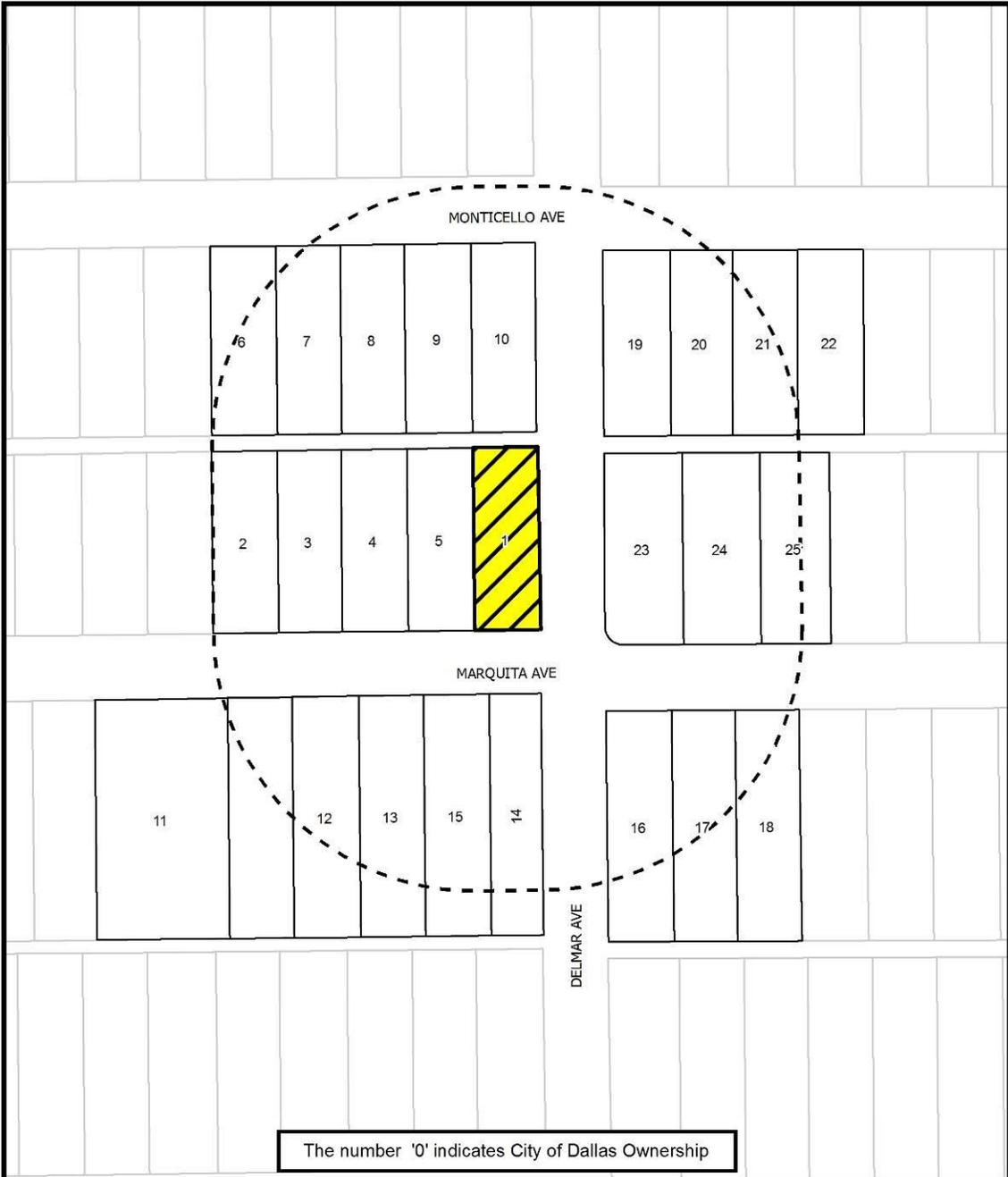
ZONING
Conservation District 11
M- Shields East Conservation District

SHEET INDEX

1.00 cover, project area calculations, general notes, and site plan

2.01 floor plan - proposed first floor, roof plan, elevations, door schedules

2.02 power & lighting plan and wall sections



 1:1,200	<h2 style="margin: 0;">NOTIFICATION</h2> <table style="margin: 10px auto; border: none;"> <tr> <td style="border: 1px solid black; padding: 2px 5px; font-weight: bold;">200'</td> <td style="padding: 0 5px;">AREA OF NOTIFICATION</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px 5px; font-weight: bold;">25</td> <td style="padding: 0 5px;">NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	25	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u> BDA189-114 </u> Date: <u> 9/23/2019 </u>
200'	AREA OF NOTIFICATION					
25	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA189-114

25 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5847 MARQUITA AVE	CLARY TAMMY L
2	5831 MARQUITA AVE	BURNS WARREN T
3	5835 MARQUITA AVE	KOONTZ CARL H
4	5839 MARQUITA AVE	JABLONSKI JOSEPH STEVEN &
5	5843 MARQUITA AVE	FAUCHER MARYANN
6	5830 MONTICELLO AVE	BLOSS ROBERT S JR
7	5834 MONTICELLO AVE	EVANS CASEY
8	5838 MONTICELLO AVE	SETH VIRENDRA C & LAKSHMI D
9	5842 MONTICELLO AVE	NEIGHBOR CYNTHIA G
10	5846 MONTICELLO AVE	AUSTIN HUNTER J & ERICA
11	5824 MARQUITA AVE	ALLEN JASON M & JULIA A
12	5836 MARQUITA AVE	EDWARDS SUMMERFIELD D JR
13	5840 MARQUITA AVE	NELSON PENNI LEIGH
14	5848 MARQUITA AVE	VOCKE ERIN
15	5844 MARQUITA AVE	ONEAL RODERICK C &
16	5900 MARQUITA AVE	QUAIL POINT CORPORATION
17	5906 MARQUITA AVE	CRANDALL JON & JENNY
18	5908 MARQUITA AVE	PAYTON JUDITH ANN
19	5902 MONTICELLO AVE	COONEY BETH
20	5906 MONTICELLO AVE	BAIL THOMAS EDWARD & ANNE NORTON
21	5908 MONTICELLO AVE	GALLIGAN DAN
22	5914 MONTICELLO AVE	GUSTAFSON ANN LAURIE
23	5903 MARQUITA AVE	FRATER GORDON H
24	5909 MARQUITA AVE	SHUCK JERRET & AMY R
25	5911 MARQUITA AVE	RAY CARY &

FILE NUMBER: BDA189-115(SL)

BUILDING OFFICIAL'S REPORT: Application of Texas Heavenly Homes LTD, represented by Rob Baldwin of Baldwin Associates, for a variance to the lot coverage regulations, and for special exceptions to the front and side yard setback regulations at 429 N. Denley Drive. This property is more fully described as Part of Lot 12, Block 49/3030, and is zoned PD 571 (Subdistrict 2), which allows a 45% maximum lot coverage, and requires a 20 foot 11 inch front yard setback and a 19 foot side yard setback. The applicant proposes to construct and/or maintain a structure with 1,685 square feet of floor area, which will require a 211 square foot variance to the lot coverage regulations given the maximum allowed lot coverage on the site is 1,474 square feet, and provide a 4 foot front yard setback, which will require a 16 foot 11 inch special exception to the front yard setback regulations, and provide a 2 foot 2 inch side yard setback, which will require a 16 foot 10 inch special exception to the side yard setback regulations.

LOCATION: 429 N. Denley Drive

APPLICANT: Texas Heavenly Homes LTD
Represented by Rob Baldwin of Baldwin Associates

REQUESTS:

The following requests have been made to construct and maintain a single family home on a site that is currently undeveloped:

1. A request for a variance to the lot coverage regulations of 211 square feet (or 6 percent) is made to construct and maintain a single family home structure with a proposed building pad of 1,685 square feet on the 3,276 square foot site when the 45 percent maximum lot coverage allowed on this site would limit the coverage of the building pad to 1,474 square foot floor area.
2. A special exception to the front yard setback regulations of 16' 11" is made to construct and maintain the aforementioned single family home structure located 4' from the front property line or 16' 11" into the required 20' 11" front yard setback.
3. Special exceptions to the side yard setback regulations of up to 16' 10" are made to construct and maintain the aforementioned single family home structure located as close as 2' 2" from a side property line or as much as 16' 10" into the required 19' side yard setback.

STANDARD FOR A VARIANCE:

Section 51(A)-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single-family uses, height,

minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

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

STANDARD FOR A SPECIAL EXCEPTION TO THE FRONT, SIDE, AND REAR SETBACK REQUIREMENTS:

Section 51(P)-571.109(c) of the Dallas Development Code specifies the board of adjustment may grant a special exception to the front, side, and rear yard setback requirements if the board finds, after a public hearing, that the special exception will not adversely affect the neighboring properties, the improvement is within the general building patterns of the neighborhood, and the special exception will preserve the character of the neighborhood. In granting a special exception to the setback requirements, the board may impose any other reasonable condition that would further the purpose and intent of the setback requirements of this article.

STAFF RECOMMENDATION (variance):

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that this request should be granted because the subject site is unique and different from most lots in PD 571 (Subdistrict 2) zoning district by its restrictive area. The approximately 3,300 square foot subject site is approximately 1,700 square feet less than the 5,000 square foot minimum lot size provided in this PD.

STAFF RECOMMENDATION (special exceptions):

No staff recommendation is made on these or any request for a special exception to the front, side, and rear yard setback requirements if the board finds, after a public hearing, that the special exception will not adversely affect the neighboring properties, the improvement is within the general building patterns of the neighborhood, and the special exception will preserve the character of the neighborhood.

BACKGROUND INFORMATION:

Zoning:

Site: PD 571 (Subdistrict 2) (Planned Development)
North: PD 571 (Subdistrict 2) (Planned Development)
South: PD 571 (Subdistrict 2) (Planned Development)
East: PD 571 (Subdistrict 2) (Planned Development)
West: PD 571 (Subdistrict 2) (Planned Development)

Land Use:

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

Zoning/BDA History:

- | | |
|--|--|
| 1. Miscellaneous Item 3, BDA189-115, Property at 429 N. Denley Avenue (the subject site) | On October 21, 2019, the Board of Adjustment Panel C will consider a request to reimburse filing fees made in conjunction with this application. |
|--|--|

GENERAL FACTS /STAFF ANALYSIS (variance):

- The request for a variance to the lot coverage regulations of 211 square feet (or 6 percent) focuses on constructing and maintaining a single family home structure with a proposed building pad of 1,685 square feet on the 3,276 square foot site when the 45 percent maximum lot coverage allowed on this site would limit the coverage of the building pad to 1,474 square foot floor area on a site that is undeveloped.
- The property is zoned PD 571 (Subdistrict 2) where the maximum lot coverage is 45 percent for residential structures and 25 percent for nonresidential structures, and where the minimum lot size for single family structures is 5,000 square feet. (Note that this PD states that all existing single family lots shown in Exhibit 571C less than 5,000 square feet are considered to be conforming lots for the development of single family structures. If these lots are replatted, however, they must meet the minimum lot area requirements which in this case, is 5,000 square feet).
- The applicant has submitted a site plan that represents a home with a footprint of 1,685 square feet. The applicant has submitted an application that represents the site is 3,276 square feet in area. (The footprint of the home covers 51 percent of the site).
- The subject site is flat, rectangular in shape (94.5' x 34.67'), and according to the submitted application, is 3,276 square feet in area.
- Prior to the creation of PD 571 in 2000, the subject site had been zoned RR (Regional Retail) and before the Zoning Transition of the City in 1989, HC (Heavy Commercial).
- According to DCAD records, there are "no main improvement" for property addressed at 429 N. Denley Drive.

- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the lot coverage 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 571 (Subdistrict 2) zoning classification.
 - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD 571 (Subdistrict 2) zoning classification.
- If the Board were to grant the variance request and impose the submitted site plan as a condition, the structure would be limited to what is shown on this document – which in this case is a structure that is represented to cover 51 percent of the subject site.

GENERAL FACTS/STAFF ANALYSIS (special exceptions):

- This requests for special exceptions to the front and side yard setback regulations of 16’ 11” and 16’ 10”, respectively focuses on constructing and maintaining a two-story single family home structure located 4’ from the front property line or 16’ 11” into the required 20’ 11” front yard setback, and as close as 2’ 2” from a side property line or as much as 16’ 10” into the required 19’ side yard setback.
- The property is zoned PD 571 (Subdistrict 2) which states the following:
 - Front yard setback. All main buildings must have a front yard setback that is within five percent of the average front yard setback of other main buildings in the same blockface. In the event the blockface consists of all vacant lots, the lot must be developed in accordance with the front yard setback regulations for an R-5(A) Single Family District.
 - Side and rear yard setback. (1) Except as provided in Subsection (b)(2) below, rear and side yard setbacks must be within five percent of the average side or rear yard setback of other main buildings in the same blockface. In the event the blockface consists of all vacant lots, the lot must be developed in accordance with the side and rear yard setback regulations for a D(A) Duplex District. (2) There is no minimum side yard if the lot is 30 feet or less in width.
- A document has been submitted with the application representing that the front yard setback on the site is 20.9 feet and that the side yard setback is 5 feet. (Note that the Building Official’s report states that the required side yard setback on this site is 19’, and that the applicant’s representative has represented agreement with the Building Official’s finding).
- The submitted site plan represents a structure with a 1,685 building pad that is located 4’ from the front property line, 2’ 2” from the site’s northern side property line, and 3’ 6” from the site’s southern side property line.

- The applicant has the burden of proof in establishing that the special exceptions will not adversely affect the neighboring properties, the improvement is within the general building patterns of the neighborhood, and the special exception will preserve the character of the neighborhood.
- If the Board were to approve these requests, and impose the submitted site plan as a condition, the structure in the front and side yard setbacks would be limited to what is shown on this document.

Timeline:

August 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.

September 9, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

September 10, 2019: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant the following information:

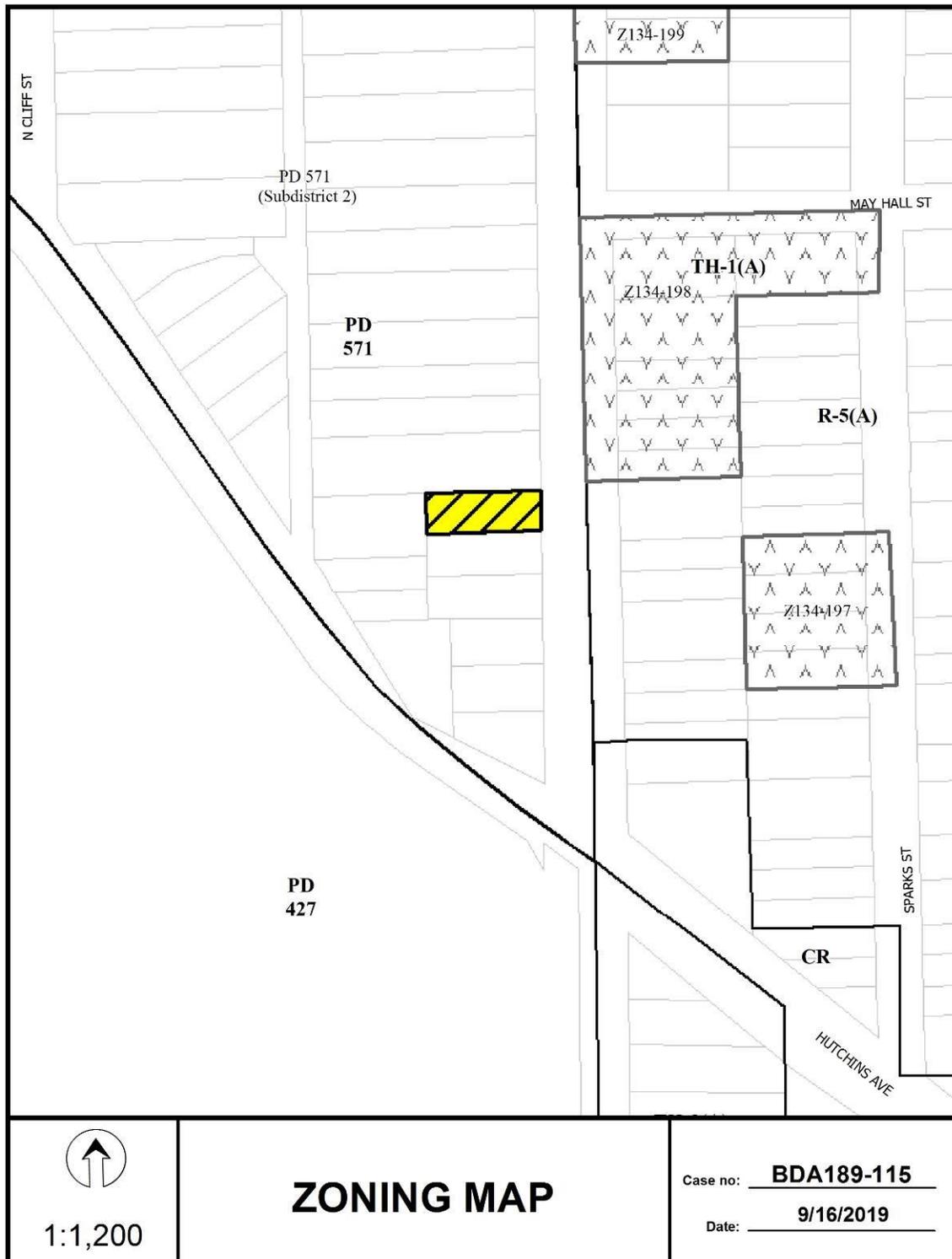
- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the October 2nd deadline to submit additional evidence for staff to factor into their analysis; and the October 11th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request;
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence; and
- with regard to the fee reimbursement request, please be advised that typically when an applicant makes a request for the board to consider reimbursing the filing fee, the applicant will submit documentation that shows how payment of the filing fee results in substantial financial hardship to them (i.e. additional financial documents as in but not limited to copies of 1040’s, W-4’s, bank statements - *all with account numbers redacted*)).

September 27, 2019: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded a revised Building Official’s report to the Board of Adjustment Chief Planner/Board Administrator (see Attachment A).

October 8, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. Review team members in attendance included the

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

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

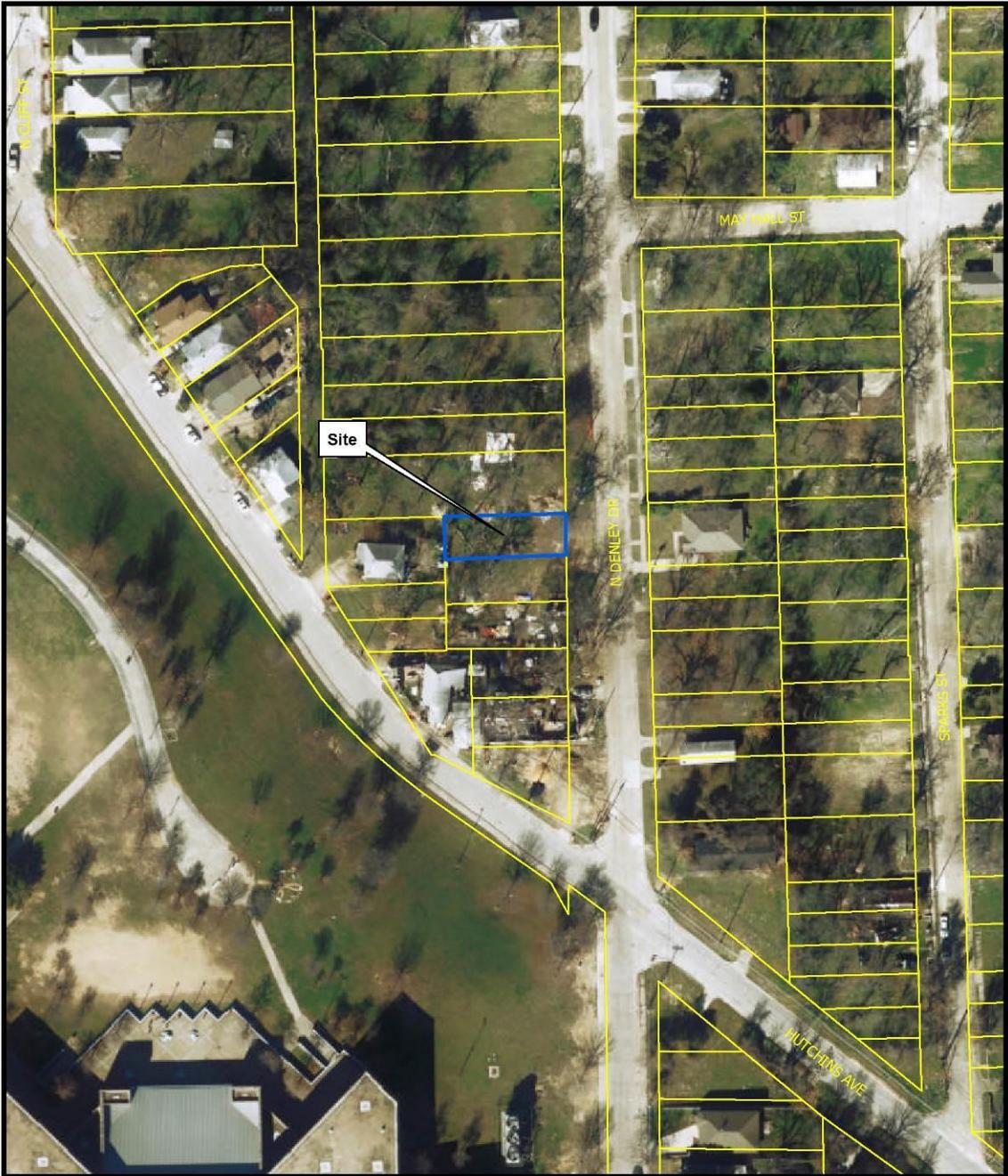


1:1,200

ZONING MAP

Case no: BDA189-115

Date: 9/16/2019



1:1,200

AERIAL MAP

Case no: BDA189-115

Date: 9/16/2019

BDA189-115

Attzeli A

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 Texas Heavenly Homes LTD represented by BALDWIN ASSOCIATES did submit a request variance to the maximum allowed lot coverage of 45%, and for a special exception to the front yard setback regulations, and for a special exception to the side yard setback regulations at 429 N Denley

BDA189-115. Application of Texas Heavenly Homes LTD represented by BALDWIN ASSOCIATES for a variance to the maximum allowed lot coverage of 45%, and for a special exception to the front yard setback regulations, and for a special exception to the side yard setback regulations at 429 N DENLEY DR. This property is more fully described as Part of Lot 12, Block 49/3030, and is zoned PD-571 (Sub-district 2), which 45% maximum lot coverage and requires a 19 foot side yard setback and requires a front yard setback of 20 feet 11 inches. The applicant proposes to construct a single family residential structure with 1685 square feet of floor area, which will require a 211 square foot variance to the maximum allowed lot coverage of 1474 square foot or 45% lot coverage, and to construct a single family residential structure and provide a 4 foot front yard setback, which will require a 16 foot 11 inch special exception to the front yard setback regulations, and to construct a single family residential structure and provide a 2 foot 2 inch side yard setback, which will require a 16 foot 10 inch special exception to the side yard setback regulations.

Sincerely,

Philip Sikes, Building Official



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-115

Data Relative to Subject Property:

Date: 8/1/19

Location address: 429 N. Denley Drive Zoning District: PD 571 Sub. 2

Lot No.: Pt. Lot 12 Block No.: 49/3030 Acreage: 0.075 ac 3,276 sf Census Tract: 41.00

Street Frontage (in Feet): 1) 34.5 ft 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Texas Heavenly Homes LTD

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

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

E-mail Address: rob@baldwinplanning.com

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

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

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance , or Special Exception X, of front and side setback & variance to lot coverage of 6% increase (total lot coverage 51%)

241
8-1-19

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: 4' front yard setback
The proposed single family home will have a 4' setback for the street facing facade and a 6' front porch that
provides a 4' front yard setback. The 2' side yard setbacks are proposed to allow a home with a building width (2'2")
of 30'. The only structure built in the blockface is Lundy Rec Center. The proposed setbacks will be within the
building pattern of the neighborhood, to bring homes closer to the street with front porches. The required setbacks
are skewed by the rec center's setbacks, which the PD does not treat differently.

241
8-1-19

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.

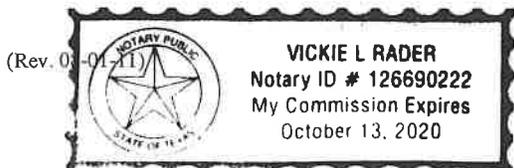
Affidavit

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 July, 2019



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

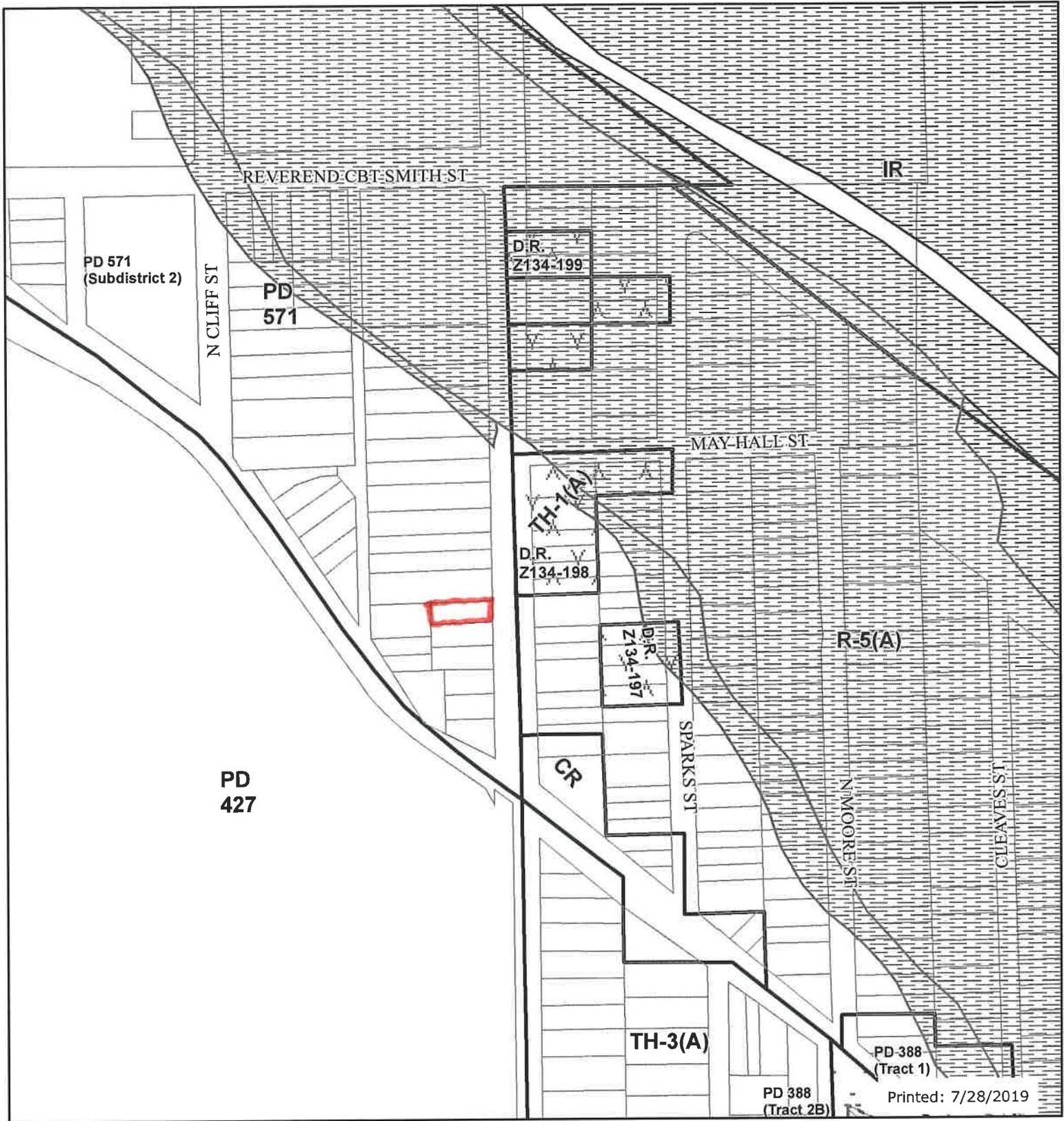
Building Official's Report

I hereby certify that Texas Heavenly Homes LTD
represented by BALDWIN ASSOCIATES
did submit a request variance to the maximum allowed lot coverage of 45%, and for a special
exception to the front yard setback regulations, and for a special exception
to the side yard setback regulations
at 429 N Denley

BDA189-115. Application of Texas Heavenly Homes LTD represented by BALDWIN ASSOCIATES for a variance to the maximum allowed lot coverage of 45%, and for a special exception to the front yard setback regulations, and for a special exception to the side yard setback regulations at 429 N DENLEY DR. This property is more fully described as Part of Lot 12, Block 49/3030, and is zoned PD-571 (Subarea 2), which 45% maximum lot coverage and requires a 19 foot side yard setback and requires a front yard setback of 20.9 feet. The applicant proposes to construct a single family residential structure with 1685 square feet of floor area, which will require a 211 square foot variance to the maximum allowed lot coverage of 1474 square foot or 45% lot coverage, and to construct a single family residential structure and provide a 4 foot front yard setback, which will require a 16 foot 9 inch special exception to the front yard setback regulations, and to construct a single family residential structure and provide a 2 foot 2 inch side yard setback, which will require a 16 foot 10 inch special exception to the side yard setback regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



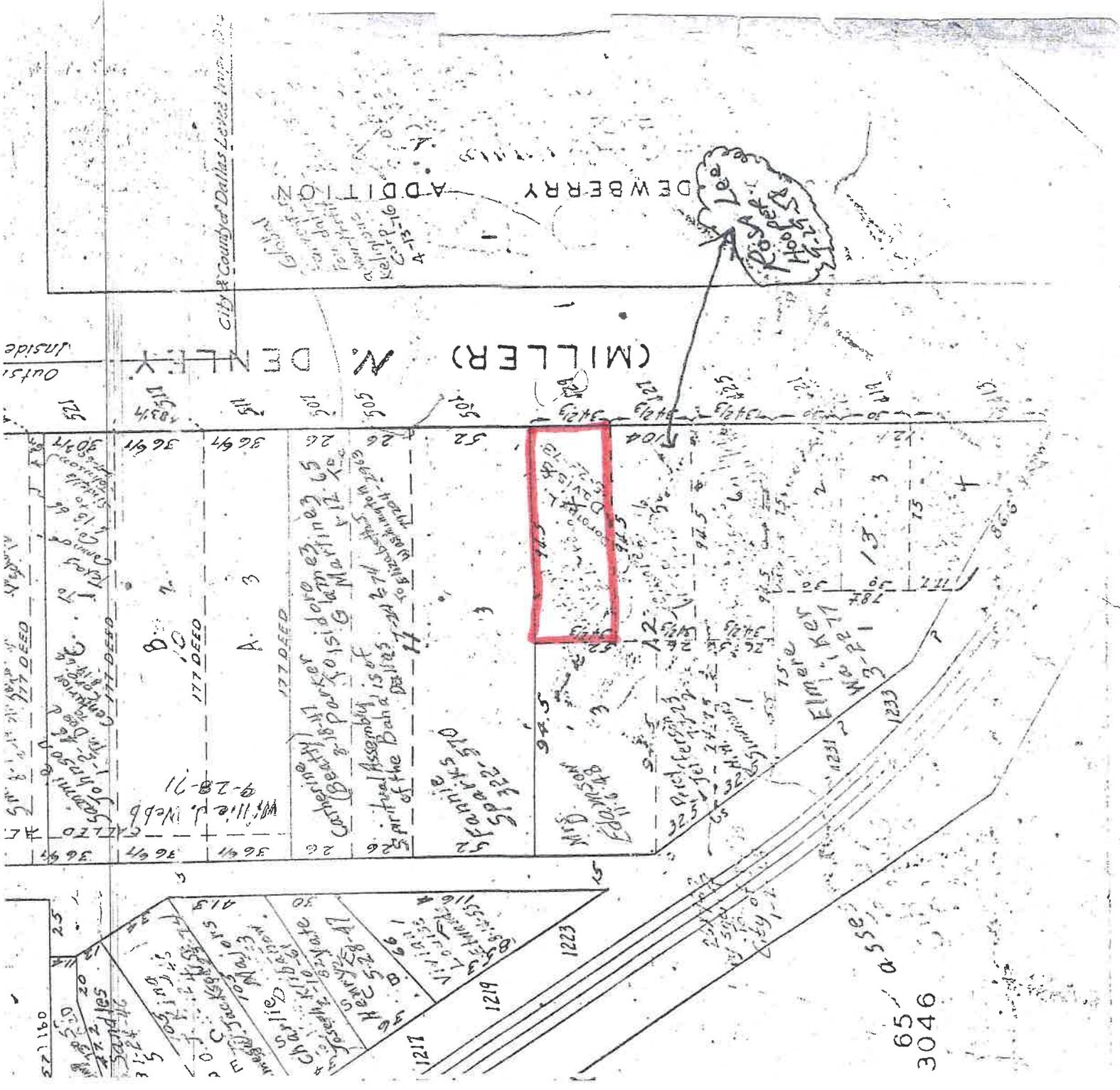
Printed: 7/28/2019

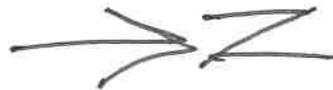
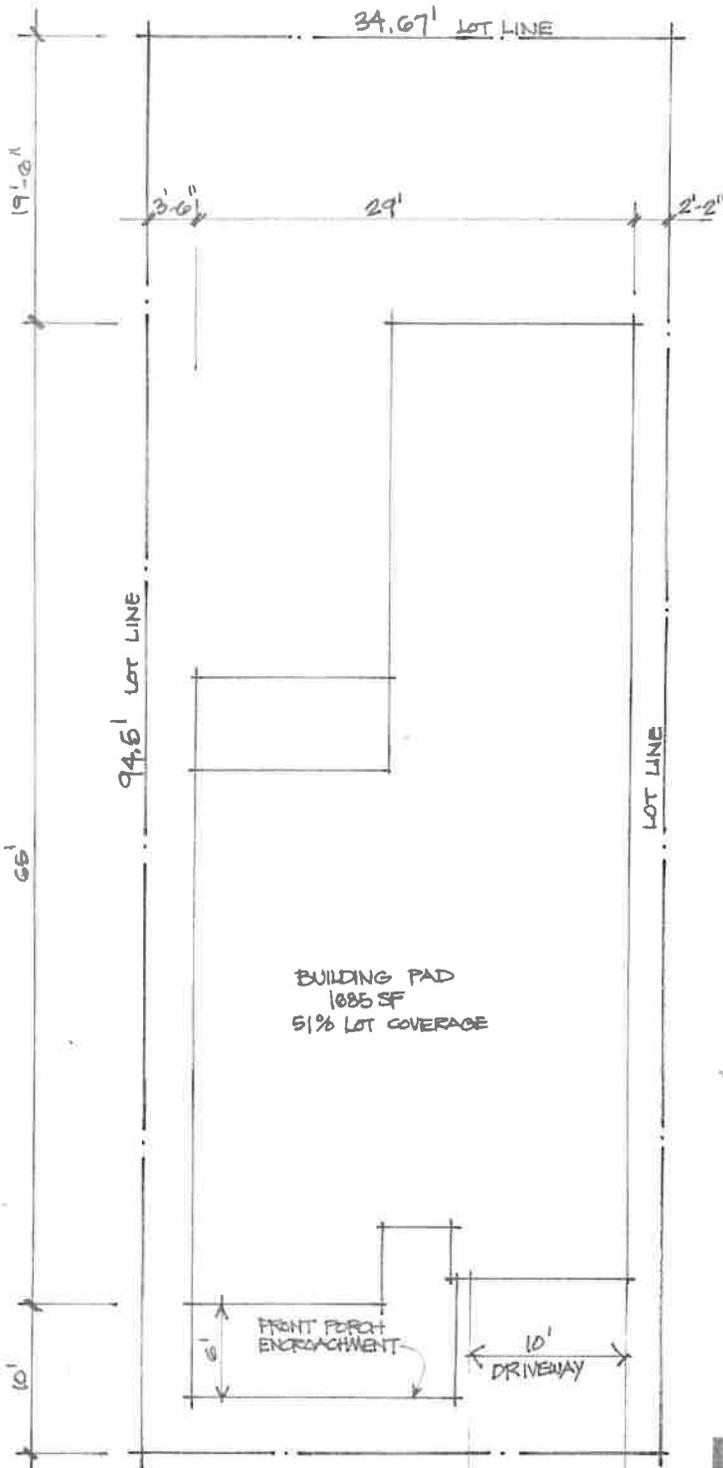
Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| 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 | Shaded 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)







TEXAS HEAVENLY HOMES
PLAN 429 SITE PLAN

BSB DESIGN ODI3037

7/31/19

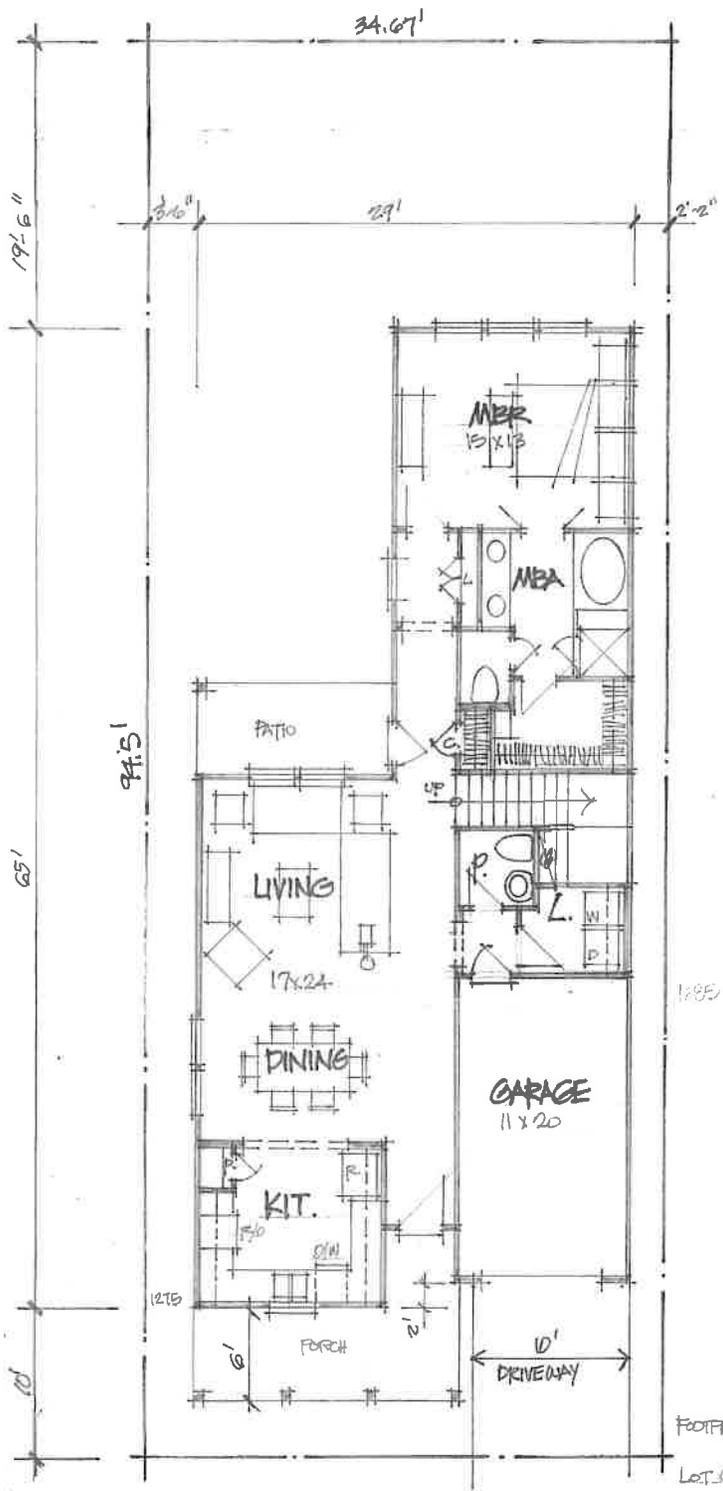


BSB
DESIGN

©2019
BSB Design

BSBDESIGN.COM

1/8" = 1'



FOOTPRINT = 1685 SF

LOT COVERAGE
51%

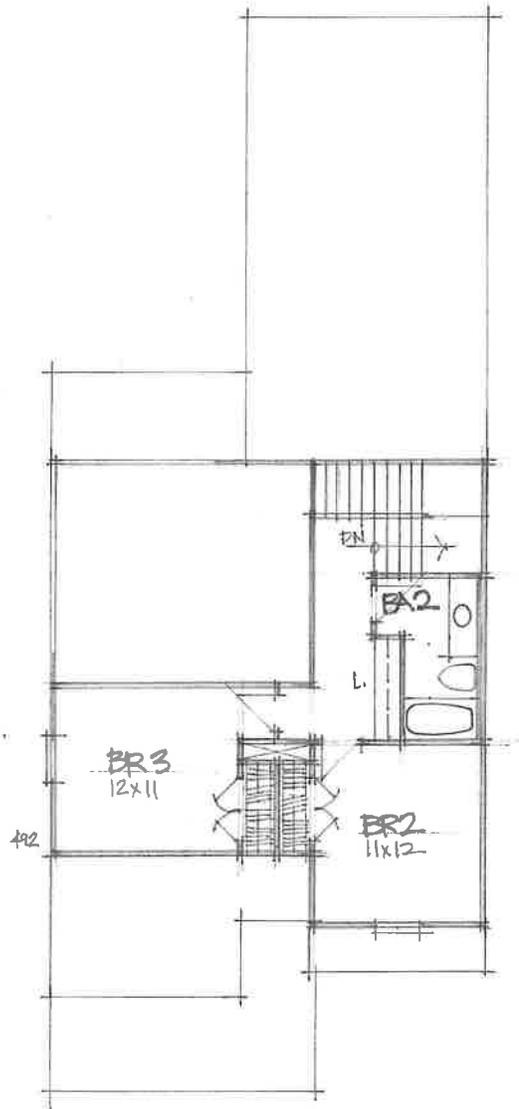
TEXAS HEAVENLY HOMES
PLAN 429 1712 SF

BSB DESIGN OTD13037 7/30/19



BSB
DESIGN

©2019
BSB Design
BSBDDESIGN.COM



TEXAS HEAVENLY HOMES
 PLAN 429 SECOND FLOOR

BSB DESIGN OTD13037 7/30/19





TEXAS HEAVENLY HOMES
 PLAN 429 ELEV. "A"

BSB DESIGN OTD13037

7/30/19



©2019
 BSB Design
 bsbdesign.com

Lot area: 3276.32 per deed

Lot boundaries: 34.67 x 94.5

N. Denley Dr has 60' ROW

Proposed front yard: 4'

Side yard: 2'2"

Rear yard: 5'

PD Lot coverage 45% Proposed lot coverage 51%

PD front yard setbacks requires a minimum setback that is within 5% of the existing structures in the blockface.

Lundy Rec Center provides a 22' setback along N. Denley Dr

5% of 22 feet is 1.1

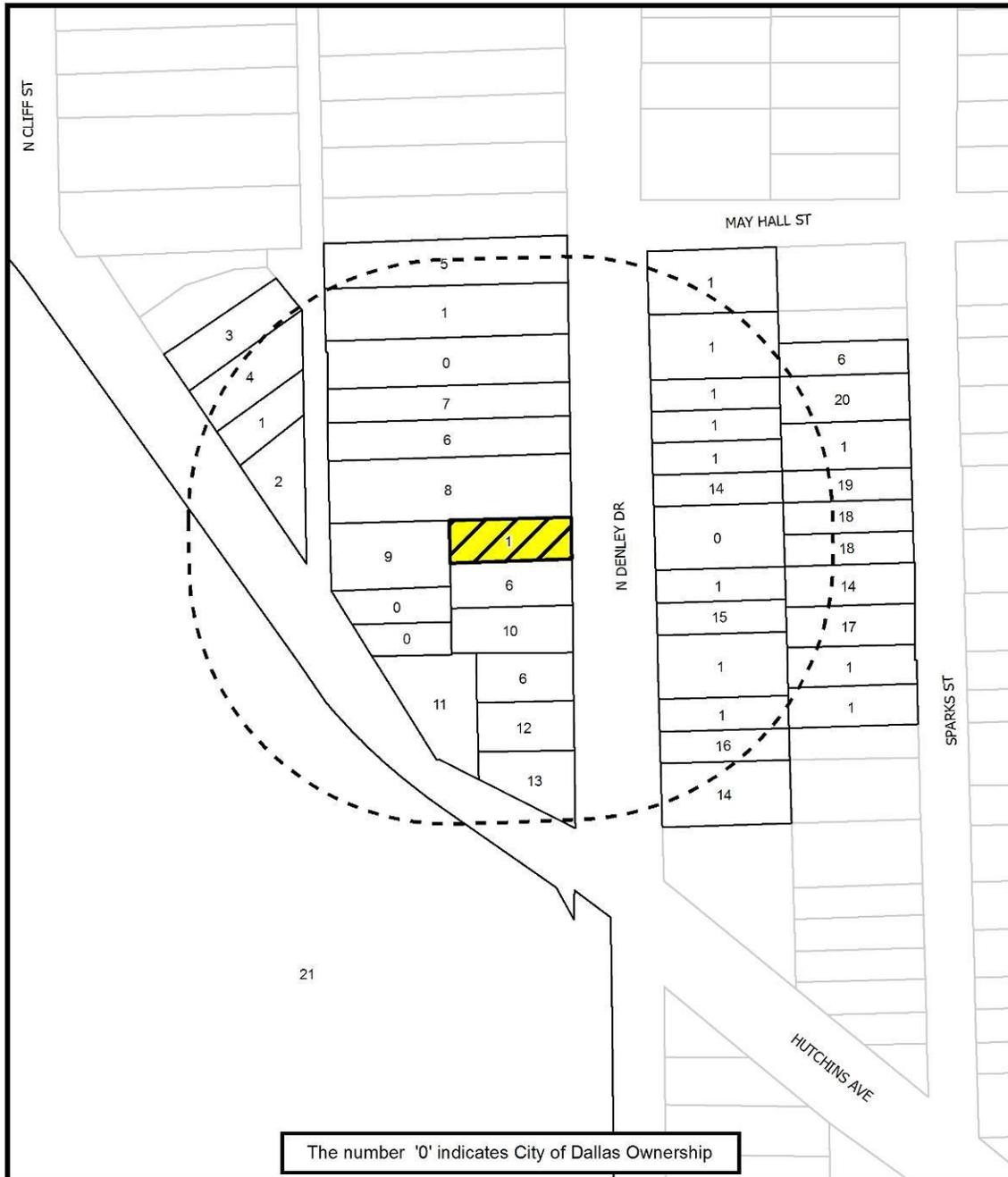
+5% of 22 feet is 23.1

-5% of 22 feet is 20.9

Required setbacks		Proposed setbacks		
FYS	20.9	724.603	4	138
SYS	5	374.5	2	181
SYS	5	374.5	2	181
RYS	5	120	5	153.35
Total setback area		1593.603		653.35
Setback/lot area of subject property		49%		20%

Average lot area of block face 7,569.83 75.70 100

Front yard setback	20	1,513.97
Side yard	5	121.51
Side yard	5	121.51
Rear yard	5	328.49
Total setback area		2,085.48
Setback percent of lot area of average lot		28%



 1:1,200	NOTIFICATION		Case no: BDA189-115
	200' AREA OF NOTIFICATION 21 NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 9/16/2019

Notification List of Property Owners

BDA189-115

21 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1217 HUTCHINS AVE	TEXAS HEAVENLY HOMES LTD
2	1219 HUTCHINS AVE	GRAY MAE KATHERINE
3	1211 HUTCHINS AVE	COLORADO ENRIQUE & MARIA
4	1215 HUTCHINS AVE	MARTINEZ JAVIER LUNA &
5	521 N DENLEY DR	JOHNSON SIRDELLIA EST OF
6	505 N DENLEY DR	DALLAS HOUSING ACQUISITION & DEV CORP
7	507 N DENLEY DR	GLOBAL HARVESTERS FDN
8	501 N DENLEY DR	SPARKS FANNIE
9	1223 HUTCHINS AVE	EDWARDS NELLA DELOIS
10	425 N DENLEY DR	CARTER JAMES
11	1239 HUTCHINS AVE	WALKER ELMORE L
12	419 N DENLEY DR	MEEKS JAMES
13	413 N DENLEY DR	LEBLANC RICHARD
14	426 N DENLEY DR	DALLAS HOUSING ACQUISITION & DEV CORP
15	418 N DENLEY DR	HAYNES EMMA ET AL
16	410 N DENLEY DR	MANUEL BERNET
17	429 SPARKS ST	TEXAS HEAVENLY HOMES
18	433 SPARKS ST	FELDER ROBERT CARL
19	435 SPARKS ST	WACHE LLC
20	439 SPARKS ST	LOWERY TASHA M
21	1201 E EIGHTH ST	Dallas ISD

FILE NUMBER: BDA189-116(SL)

BUILDING OFFICIAL'S REPORT: Application of Christopher Cole for a special exception to the single family use regulations at 6131 Waggoner Drive. This property is more fully described as Lot 11, Block 5493, and is zoned R-10(A), which limits the number of dwelling units to one. The applicant proposes to construct and/or maintain an accessory structure as an additional dwelling unit, which will require a special exception to the single family use regulations.

LOCATION: 6131 Waggoner Drive

APPLICANT: Christopher Cole

REQUEST:

A request for a special exception to the single family use regulations is made to complete and maintain an accessory structure as an additional "dwelling unit" on a site being developed with a single family home structure/dwelling unit.

STANDARD FOR A SPECIAL EXCEPTION TO THE SINGLE FAMILY USE REGULATIONS TO AUTHORIZE AN ADDITIONAL DWELLING UNIT:

Section 51(A)-4.209(6)(E)(1) of the Dallas Development Code specifies that the board may grant a special exception to the single family use regulations of the Dallas Development Code to authorize an additional dwelling unit on a lot when, in the opinion of the board, the additional dwelling unit will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties.

In granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent use of the additional dwelling unit as rental accommodations.

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to authorize an additional dwelling unit since the basis for this type of appeal is when in the opinion of the board, the additional dwelling unit will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties.

Zoning:

Site: R-10(A) (Single family district 10,000 square feet)

North: R-10(A) (Single family district 10,000 square feet)

South: R-10(A) (Single family district 10,000 square feet)

East: R-10(A) (Single family district 10,000 square feet)
West: R-10(A) (Single family district 10,000 square feet)

Land Use:

The subject site is being developed with a single family use. The areas to the north, south, east, 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:

- This request for a special exception to the single family use regulations focuses on completing and maintaining an accessory structure as an additional “dwelling unit” on a site being developed with a single family home structure/dwelling unit.
- The site is zoned R-10(A) where the Dallas Development Code permits one dwelling unit per lot.
- A site plan and floor plan has been submitted with this application that denotes the location of the structures on the site and the collection of rooms in these structures.
- The single family use regulations of the Dallas Development Code states that only one dwelling unit may be located on a lot, and that the board of adjustment may grant a special exception to this provision and authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: 1) be contrary to the public interest; or 2) adversely affect neighboring properties.
- The Dallas Development Code defines “single family” use as “one dwelling unit located on a lot;” and a “dwelling unit” as “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
- The Dallas Development Code defines “kitchen” as “any room or area used for cooking or preparing food and containing one or more ovens, stoves, hot plates, or microwave ovens; one or more refrigerators; and one or more sinks. This definition does not include outdoor cooking facilities.”
- The Dallas Development Code defines “bathroom” as “any room used for personal hygiene and containing a shower or bathtub, or containing a toilet and sink.”
- The Dallas Development Code defines “bedroom” as “any room in a dwelling unit other than a kitchen, dining room, living room, bathroom, or closet. Additional dining rooms and living rooms, and all dens, game rooms, sun rooms, and other similar rooms are considered bedrooms.”
- Floor plans of the accessory structure denotes a number of rooms/features that Building Inspection has determined makes it an additional dwelling unit - that is per Code definition: “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”

- This request centers on the function of what is proposed to be inside the “Proposed apt. floor” plan of the smaller structure on the site – the collection of rooms/features shown on the second story floor plan: a living room, a kitchen, bedroom, and bathroom. (The submitted floor plan of the smaller structure on the site labeled “Existing apt. floor” plan represents a collection of rooms/features that would *not* be considered a “dwelling unit”: a play room, a study, future bedroom, and bathroom).
- The applicant has the burden of proof in establishing that the additional dwelling unit will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.
- If the Board were to approve this request, the Board may choose to impose a condition that the applicant comply with the site plan if they feel it is necessary to ensure that the special exception will not adversely affect neighboring properties. But granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an additional dwelling unit on the site.
- The Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.
- If the Board were to grant this request, the applicant could construct and maintain the accessory structure as a “dwelling unit” as represented on the submitted “Proposed apt. floor” plan. If the Board were to deny this request, the applicant could construct and maintain the accessory structure as represented on the submitted “Existing apt. floor” plan.

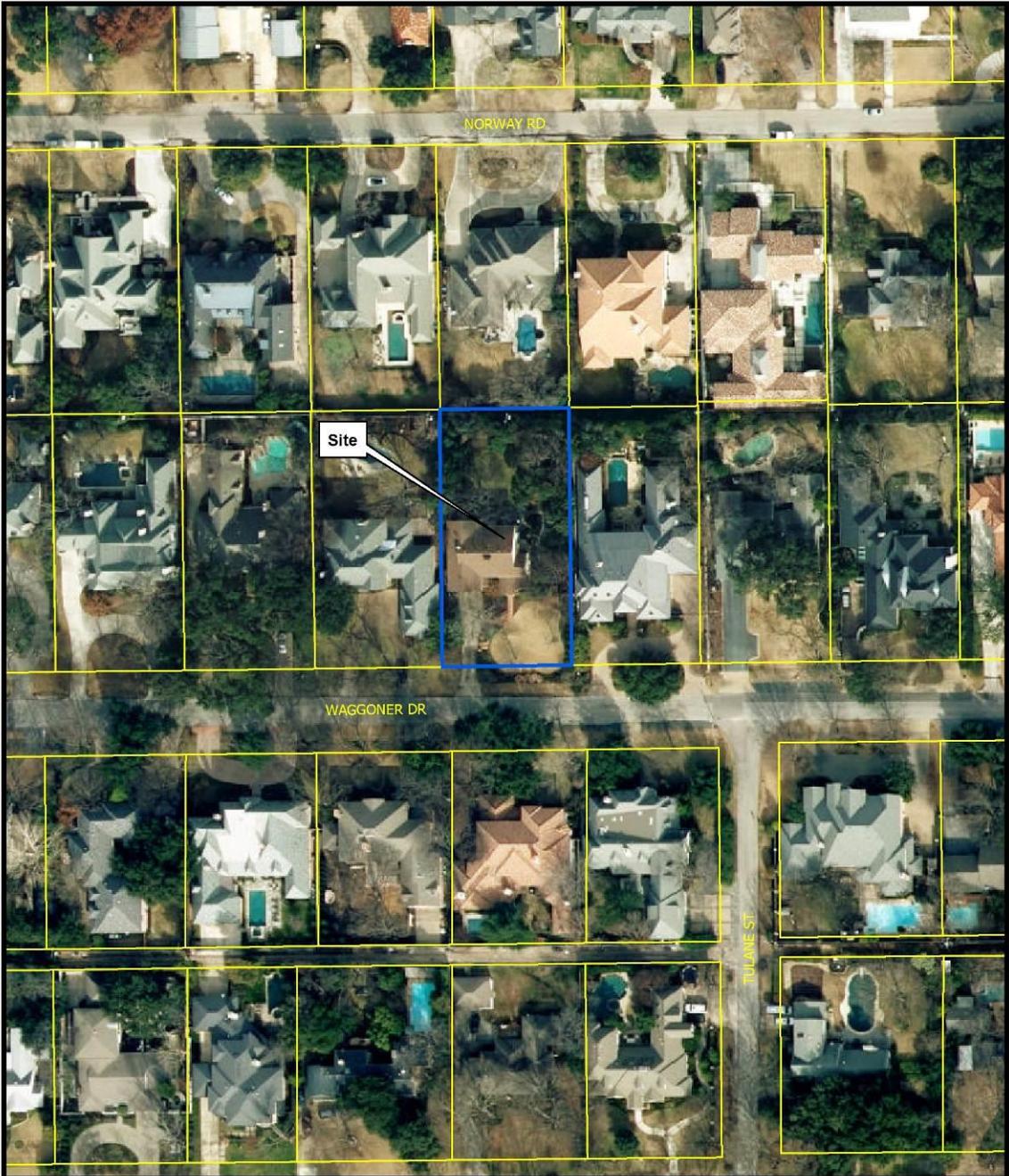
Timeline:

- August 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.
- September 9, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- September 10, 2019: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant’s representative the following information:
- a copy of the application materials including the Building Official’s report on the application;
 - an attachment that provided the public hearing date and panel that will consider the application; the October 2nd deadline to submit additional evidence for staff to factor into their analysis; and the October 11th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

October 8, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. Review team members in attendance included the following: the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Conservation District Chief Planner, the Sustainable Development and Construction Senior Engineer, the Building Inspection Senior Plans Examiner/Development Code Specialist, 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: BDA189-116

Date: 9/17/2019



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-116

Data Relative to Subject Property:

Date: 8-22-19

Location address: 6131 Waggoner Drive Dallas TX 75230 Zoning District: R-10(A)

Lot No.: 11 Block No.: 5493 Acreage: .45 Census Tract: 76.04

Street Frontage (in Feet): 1) 100 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): 6131 Waggoner, LLC

Applicant: Christopher Cole Telephone: 214-802-0775

Mailing Address: 11700 Preston Rd, Suite 660 PMB 523 Dallas TX Zip Code: 75230

E-mail Address: ccole@C3GP.com

Represented by: N/A Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

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

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: Requesting an ADU to be approved to allow Mother of Buyer of property to move in as she is aging and after some concerns and issues buyer has had her agree it is time and ok to move in with them, but she really wants her own space. She will have access full time to the main house with an elevator and continuous HVAC space, but would like her own ability to cook and live in the space above the garage. The main SFDU is a modern high end two story structure of stucco. ADU will be built and modeled after main unit and will be attached to it and built of a very high end quality materials and specifications to match the neighborhood. Current owner (Builder) and buyer are willing to sign Deed Restrictions to not allow unit to be rented. It is intended for family use only.

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 Christopher K. Cole (Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 8 day of August, 2019

(Rev. 08-01-11)



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



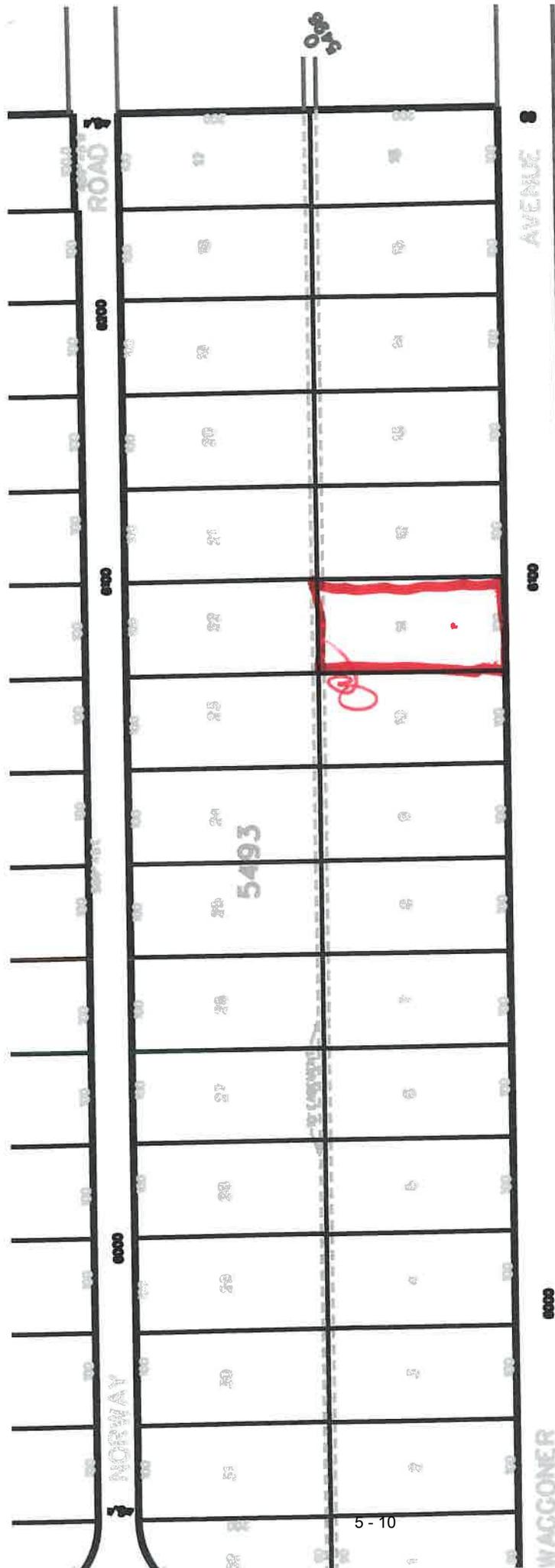
Printed: 8/22/2019

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 | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | Shop Front Overlay |
| | | Height Map Overlay | |

This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. (Texas Government Code § 2051.102)





5493

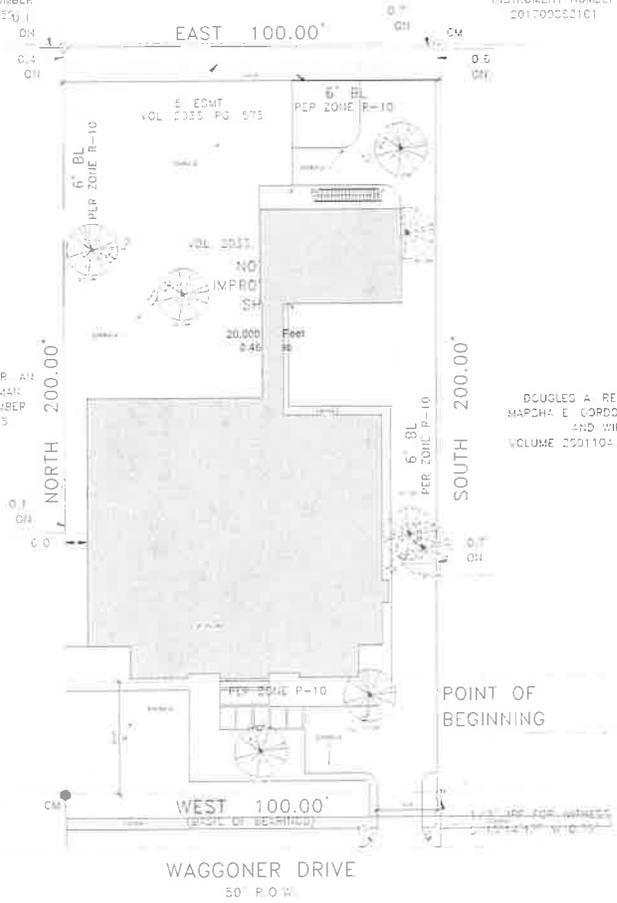
DAVID C. CHEETHAM AND
LAUREN L. CHEETHAM
INSTRUMENT NUMBER
2015001648210

ROBERT M. WINGATE AND WIFE
PATRICIA C. WANN WINGATE
VOLUME 41171 PAGE 1649

DAVID P. MARTIN AND
CHRISTINE F. MARTIN
HUSBAND AND WIFE
INSTRUMENT NUMBER
201700002101

SUCAN D. CRALTER AN
UNMARRIED WOMAN
INSTRUMENT NUMBER
20150016755

DOUGLAS A. READER AND
MARSHA E. CORDON HUSBAND
AND WIFE
VOLUME 2591104 PAGE 7301



Cole & Co.
LUXURIOUSLY BUILT CUSTOM HOMES
GENERAL CONTRACTOR
3811 West St. Suite 202
Dallas, TX 75219
P. 214.430.4888
F. 214.430.4877
C. 214.430.3465

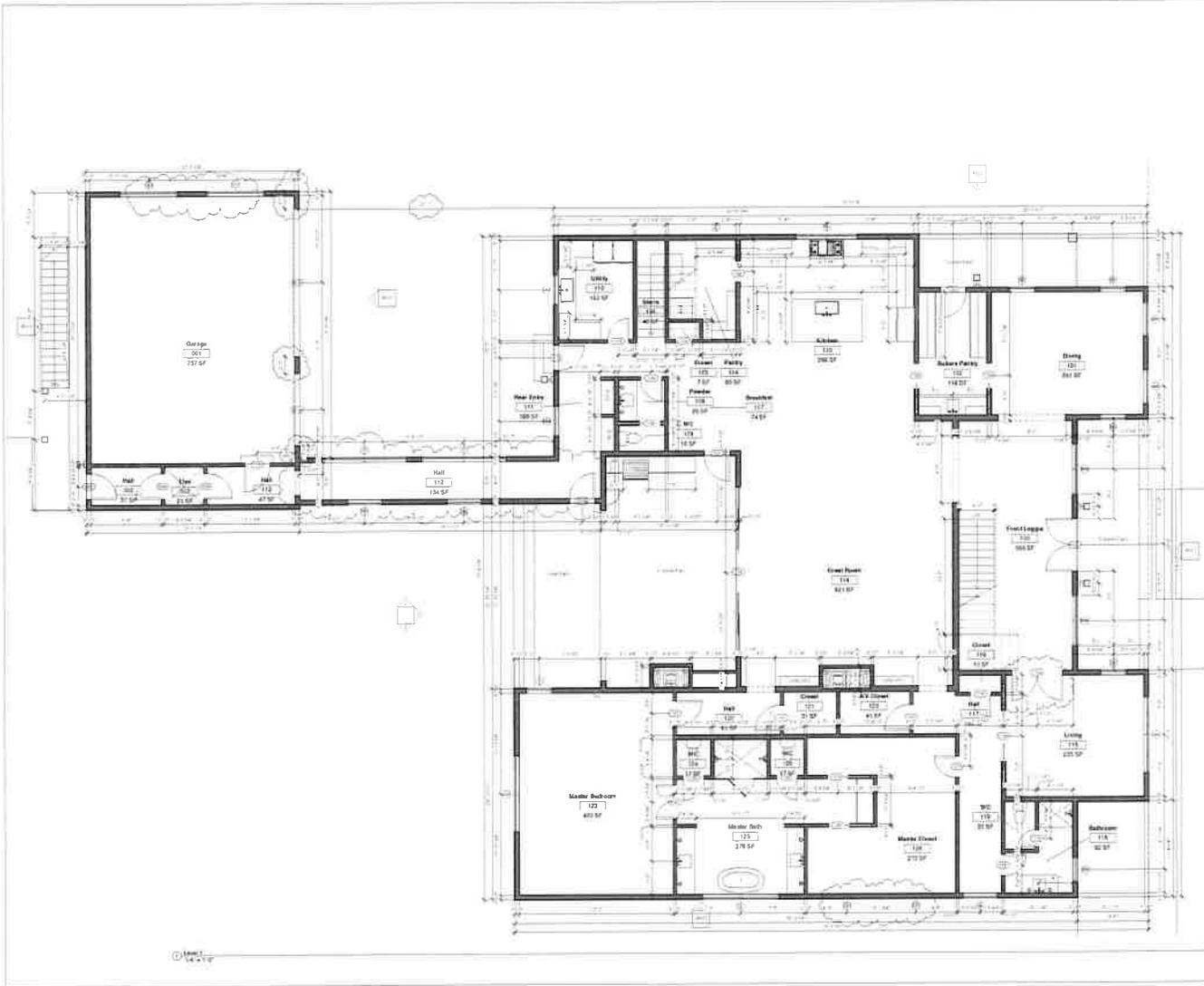
[moh-moment]
Design
610 Oak Cliff Road, Suite 112
Frisco, TX 75034
P. 214.727.9445

KIM RESIDENCE
BLOCK 5493, LOT 11
6131 Waggoner
Dallas, TX

PERMIT SET
residence
5178 Standard Area 222-221010
zone
5.119 Apartment floor height and
coverage. 4.14d setbacks

Site Plan / 3D

Date: 5/01/2019
A101
Drawn: 1" = 10'-0"



Cole & Associates
 ARCHITECTS
 3010 W. LBJ Fwy, Suite 415
 Dallas, TX 75241
 P: 214.402.4547
 F: 214.402.3448

[moment]
 design
 1111 East Campbell Rd, Suite 112
 Richardson, Texas 75081
 P: 214.721.5441

KIM RESIDENCE
BLOCK 5493, LOT 11
 6131 Waggoner
 Dallas, TX

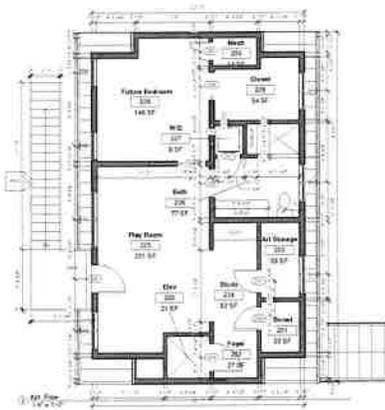
PERMIT SET

includes:
 6" x 12" finished floor and ceiling
 6" x 12" apartment floor height and
 concrete slab sections

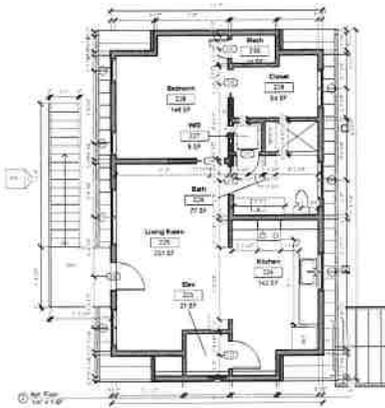
Floor Plan

File: 501/0119
A201
 Date: 1/4" = 1'-0"

EXISTING



PROPOSED



Cole
 & Associates
 501 HICKORY STREET, SUITE 1000
 DALLAS, TEXAS 75202
 TEL: 214.760.1100
 FAX: 214.760.1101
 WWW.COLEANDASSOCIATES.COM

General Contractor
 2010 HICKORY, SUITE 1000
 DALLAS, TX 75202
 TEL: 214.760.1100
 FAX: 214.760.1101
 WWW.COLEANDASSOCIATES.COM

moment
 design
 610 Cox Center Rd. Suite 412
 Richardson, Texas 75080
 972.241.7444

KIM RESIDENCE
BLOCK 5493, LOT 11
6131 Waggoner
Dallas, TX

PERMIT SET

NOTES:
 1/4" = 1'-0" REVERSED DIMS AND WINDOW MARKS
 1/8" = 1'-0" APART FROM 4" HUR HEIGHT AND CORNERS. ADDITIONAL WINDOW MARKS.

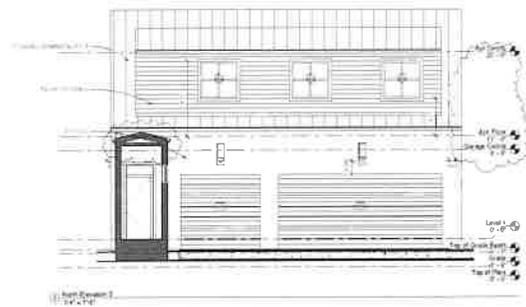
Floor Plan

Date: 5/01/2010
A202
 Title: 5/17/10 11-11-10

Cole & Co.
 ARCHITECTS
 201 HOWELL BLVD SUITE 100
 DALLAS, TX 75201
 P. 214.882.5400
 F. 214.882.5405

moh-nent
 DESIGN
 610 5th Street, Suite 112
 Richardson, Texas 75080
 P. 214.727.9480

KIM RESIDENCE
BLOCK 5493, LOT 11
 6131 Waggoner
 Dallas, TX

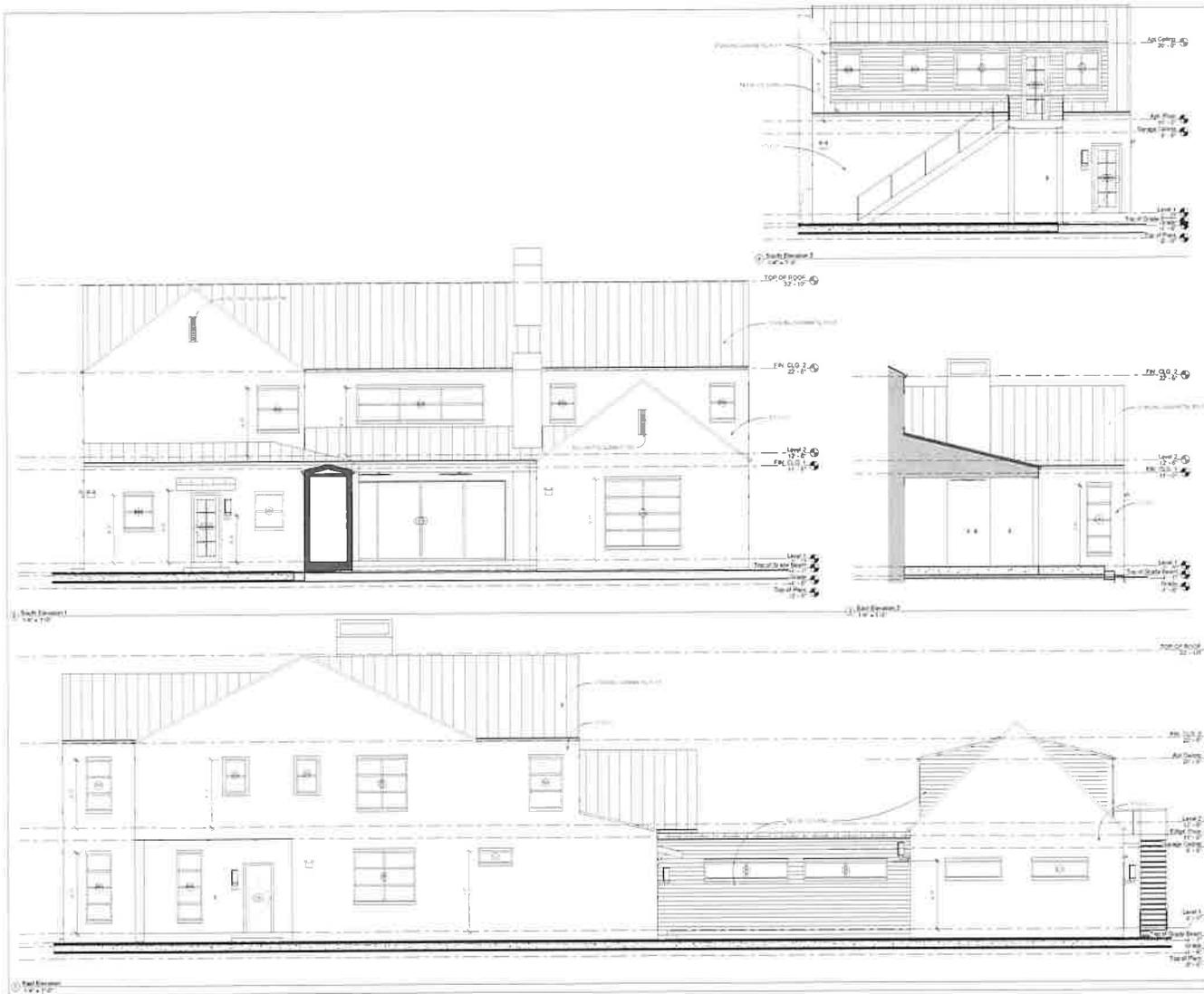


PERMIT SET

REVISIONS:
 # TO THE PERMIT SET
 # TO THE PERMIT SET
 # TO THE PERMIT SET

Exterior Elevations

Date: 5/01/2018
A601
 Scale: 1/4" = 1'-0"



Cole & Co.
 611 HOWELL BLVD COLTON MOBILE
 general contractor
 505 Elm St., Suite 405
 Dallas, TX 75201
 P. 214.872.8400
 F. 214.872.3771
 C. 214.872.3405

moh-moment
 design
 11100 Campbell Rd., Suite 112
 Richardson, Texas 75081
 T. 214.377.9481

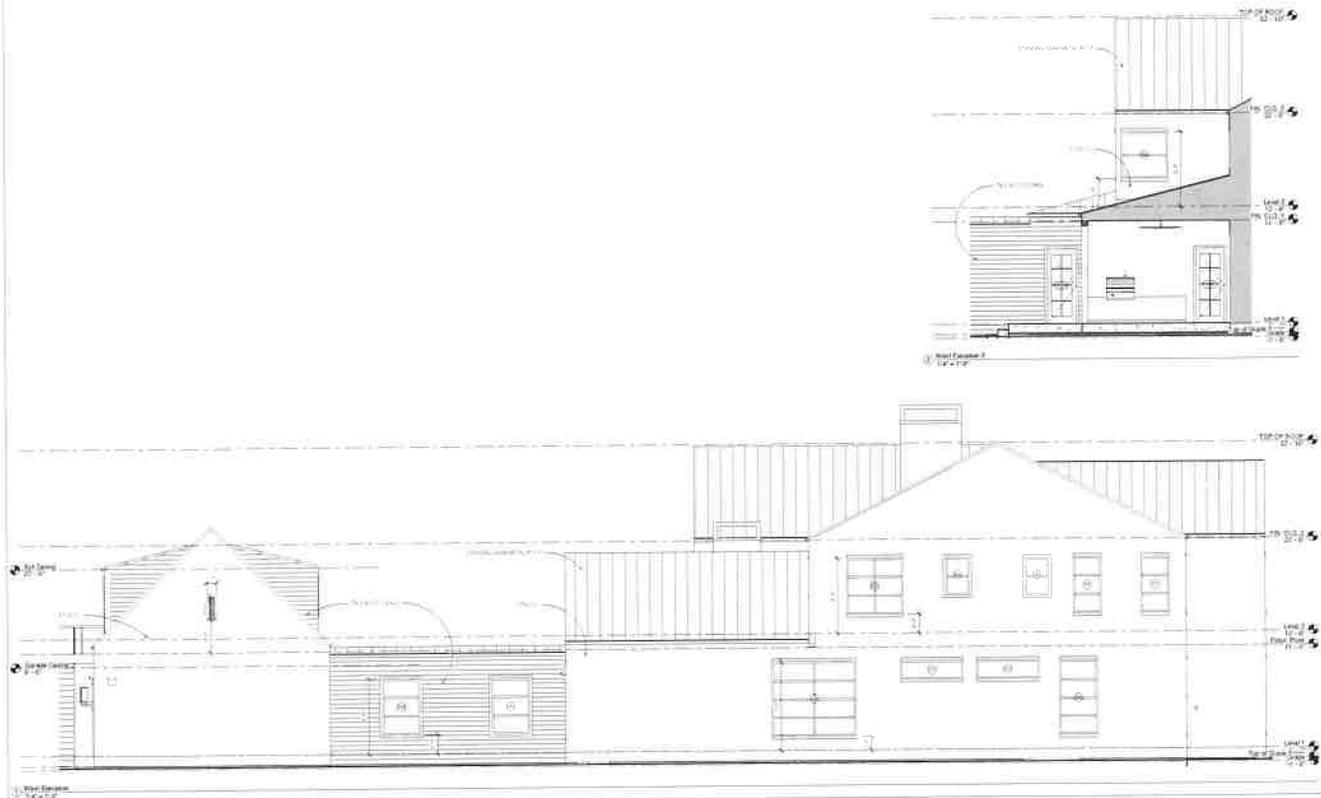
KIM RESIDENCE
BLOCK 5493, LOT 11
 6131 Waggoner
 Dallas, TX

PERMIT SET

references
 A 178 Section door and window
 size
 S 1119 Approximate floor height and
 coverage. Refer elevations.

Exterior Elevations

Draw: 5/01/2010
A602
 Scale: 1/8" = 1'-0"



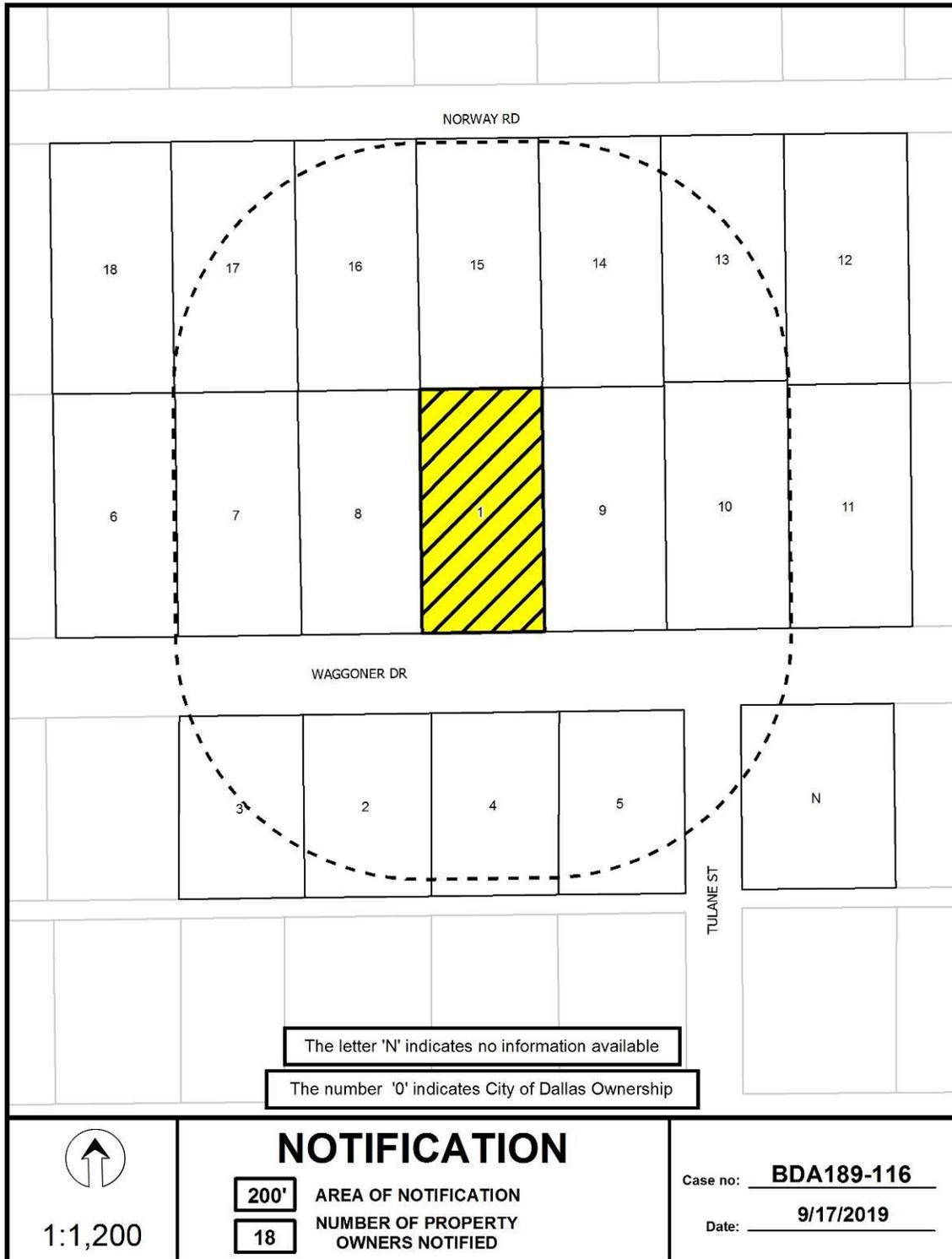
Cole & Co.
 ARCHITECTURAL & INTERIOR DESIGN
 1000 West Loop South, Suite 400
 Dallas, TX 75215
 P: 214.442.0000
 F: 214.442.0000
 WWW.COLEANDCO.COM

[moh-ment]
 ARCHITECTURE
 11111 Central Expressway, Suite 112
 Dallas, Texas 75243
 P: 972.277.9800

KIM RESIDENCE
BLOCK 5493, LOT 11
 6131 Waggoner
 Dallas, TX

PERMIT SET
 Includes:
 4/1/19 Revised door and window
 6/26/19
 8/1/19 Apartment floor height and
 concrete slab finish

Exterior Elevations
 Date: 5/01/2019
A603
 Scale: 1/4" = 1'-0"



Notification List of Property Owners

BDA189-116

18 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6131 WAGGONER DR	6131 WAGGONER LLC
2	6122 WAGGONER DR	KIRWAN RICHARD &
3	6114 WAGGONER DR	OATES NICKEY L
4	6130 WAGGONER DR	PORTER J REID & ELLEN E
5	6138 WAGGONER DR	GARNER PAN A
6	6107 WAGGONER DR	DUFFY ELLEN LEE SURVIVORS TRUST
7	6115 WAGGONER DR	SORGEN RODNEY & WENDY
8	6123 WAGGONER DR	SPALTER SUSAN D
9	6139 WAGGONER DR	READER DOUGLAS A LIFE ESTATE &
10	6203 WAGGONER DR	LOWERY DAVID J & SUSAN E
11	6207 WAGGONER DR	CONEY DONALD J &
12	6214 NORWAY RD	HAETZEL BERND & ELKE I
13	6206 NORWAY RD	BUNNETT BRET E & CINDY JEFFERS
14	6138 NORWAY RD	MARTIN DAVID R & CHRISTINE F
15	6130 NORWAY RD	WINGATE ROBERT M &
16	6122 NORWAY RD	CHEETHAM DAVID C & LAUREN L
17	6114 NORWAY RD	CONNOP THOMAS A & LISA A
18	6106 NORWAY RD	TONKON FAMILY TRUST

FILE NUMBER: BDA189-099(SL)

BUILDING OFFICIAL'S REPORT: Application of Dallas Cothrum of Masterplan for a special exception to the fence standards regulations at 4554 Harrys Lane. This property is more fully described as Lot 4, Block E/5534, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and/or maintain a 6 foot 6 inch high fence in a required front yard, which will require a 2 foot 6 inch special exception to the fence standards regulations.

LOCATION: 4554 Harrys Lane

APPLICANT: Dallas Cothrum of Masterplan

ORIGINAL REQUEST (September 2019):

A request for a special exception to the fence standards regulations related to height of 2' 6" is made to construct and maintain an approximately 6' high fence (2' 4" high masonry base with 3' 8" high open wrought iron fence atop), approximately 6' high masonry columns, an approximately 6' 6" high vehicular entry gate, and an approximately 5' 5" high pedestrian gate to be located in the site's 40' front yard setback on a site being developed with a single family home.

REVISED REQUEST (October 2019):

A *revised* request for a special exception to the fence standards regulations related to height of 2' is made to construct and maintain a fence proposal exceeding 4' in height in the front yard setback on a site being developed with a single family home in what has been described in a document submitted by the applicant on October 2, 2019 (see Attachment A) as follows:

- "the proposed fence average height located in the setback is 5' 2"... the tallest portion of the proposed fence is 6' in height at the vehicle gate, thus requiring the need for a 2' special exception of the fence height regulations."

The applicant made reference in this attachment that "elevations and plans will to follow".

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS REGULATIONS:

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

1. BDA078-117, Property at 4555 Harrys Lane (the lot to the north of the subject site)

On October 13, 2008, the Board of Adjustment Panel C granted requests for special exceptions to the fence and visual obstruction regulations, and imposed the following condition: Compliance with the submitted revised elevation/partial site plan document and revised full site plan is required.

The case report stated the requests were made to complete and maintain a 4' 6" high combination open wrought iron fence (with an approximately 2' high stone base) with approximately 5' high stone columns; two arched 6' 7" high open wrought iron vehicular gates with 7' 6" high stone columns (with 12" high light fixtures atop); and an 8' 6" high pedestrian gate flanked by 6' – 7' 8" high curved solid stone wing walls (each at approximately 10' in length) in the site's 40' front yard setback along Harrys Lane, and in the four 20' visibility triangles at the drive approaches into the site from Harrys Lane.

GENERAL FACTS/STAFF ANALYSIS:

- The original request for a special exception to the fence standards regulations related to height of 2' 6" focused on constructing and maintaining an approximately 6' high fence (2' 4" high masonry base with 3' 8" high open wrought iron fence atop), approximately 6' high masonry columns, and an approximately 6' 6" high vehicular entry gate, and an approximately 5' 5" high pedestrian gate to be located in the site's 40' front yard setback on a site being developed with a single family home.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The subject site is zoned R-1ac(A) which requires a 40' front yard setback.
- The site is located at the southwest corner of Harrys Lane and Welch Road and has one front yard setback on Harrys Lane.
- The originally submitted site plan/elevation showed the proposed fence that would exceed 4' in height is an approximately 6' high fence (2' 4" high masonry base with 3' 8" high open wrought iron fence atop), approximately 6' high masonry columns, and an approximately 6' 6" high vehicular entry gate, and an approximately 5' 5" high pedestrian gate.
- The following additional information was gleaned from the originally submitted site plan/elevation:

- The proposal is represented as being approximately 190' in length parallel to the street, and about 40' perpendicular to this street on the east and west sides of the site in this front yard setback.
- The proposal is represented as being located approximately on the front property line, and approximately 13' from the pavement line.
- The Board of Adjustment Chief Planner/Board Administrator conducted a field visit of the site and surrounding area and noted two other fences that appeared to be above 4' in height located in front yard setback. One fence noted was located immediately north of the subject site - an approximately 4' 6" high combination open wrought iron fence with an approximately 2' high stone base that appears to be a result of a fence special exception granted by the Board in 2008 (see the "Zoning/BDA History" section of this case report for further details). The other fence noted was located immediately east of the subject site - an approximately 6' high open picket/rod fence with no recorded BDA history.
- As of October 11, 2019, one letter had been submitted in support of the request, and two letters had been submitted opposition.
- 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' 6" in height) will not adversely affect neighboring property.
- Typically when the Board grants this type of request, they impose the applicant's submitted plans and elevations as conditions that would require the proposal exceeding 4' in height to be constructed and maintained in the location and of the heights and materials as shown on these documents. As of October 11, 2019, the only site plan/elevation submitted with this application is that what was submitted with the original application.

Timeline:

- July 2, 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.
- August 12, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- August 12, 2019: The Board of Adjustment Chief Planner/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 August 28th deadline to submit additional evidence for staff to factor into their analysis; and the September 6th 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.”

September 2, 2019: The Board of Adjustment Chief Planner/Board Administrator amended the application given emails he had received from the original applicant and the newly designated applicant.

September 3, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September public hearings. Review team members in attendance included the following: the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Sustainable Development and Construction Senior Engineer, the Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorney to the Board.

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

September 16, 2019: The Board of Adjustment Panel C conducted a public hearing on this application and delayed action on it per the applicant’s request until October 21, 2019.

October 2, 2019: The applicant submitted additional information beyond what was submitted with the original application and what had been submitted up to/at the September 2019 public hearing to staff (see Attachment A).

October 8, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. Review team members in attendance included the following: the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Conservation District Chief Planner, the Sustainable Development and Construction Senior Engineer, the Building Inspection Senior Plans Examiner/Development Code Specialist, 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.

BOARD OF ADJUSTMENT ACTION: September 16, 2019

APPEARING IN FAVOR: Dallas Cothrum, 900 Jackson Street, Suite 640,
Dallas, TX 75202

APPEARING IN OPPOSITION: No One

MOTION: **Pollock**

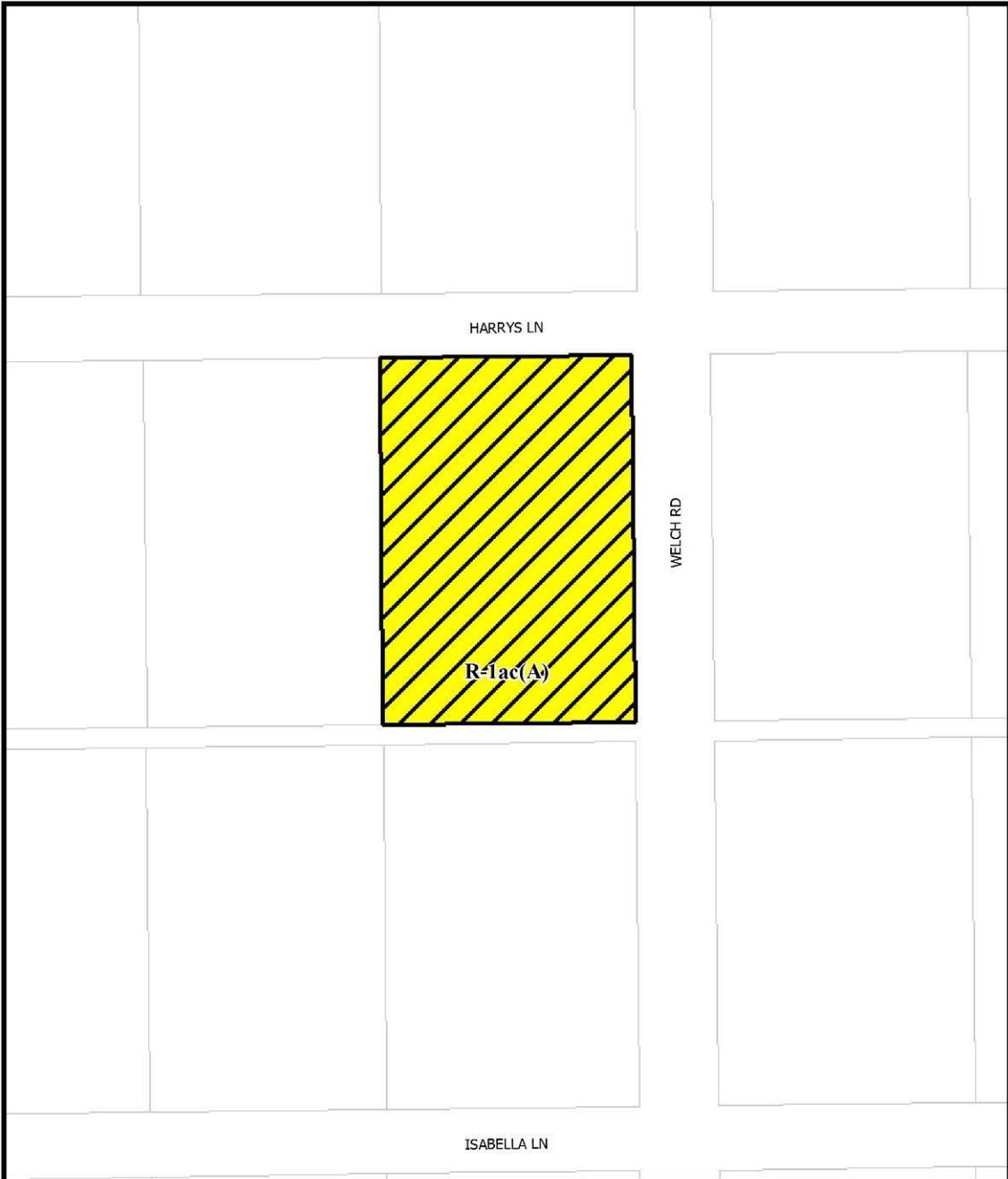
I move that the Board of Adjustment, in Appeal No. BDA 189-099 hold this matter under advisement until October 21, 2019.

SECOND: **Agnich**

AYES: 5 – Richardson, Shouse, Agnich, Pollock, Sashington

NAYS: 0

MOTION PASSED: 5 – 0 (unanimously)

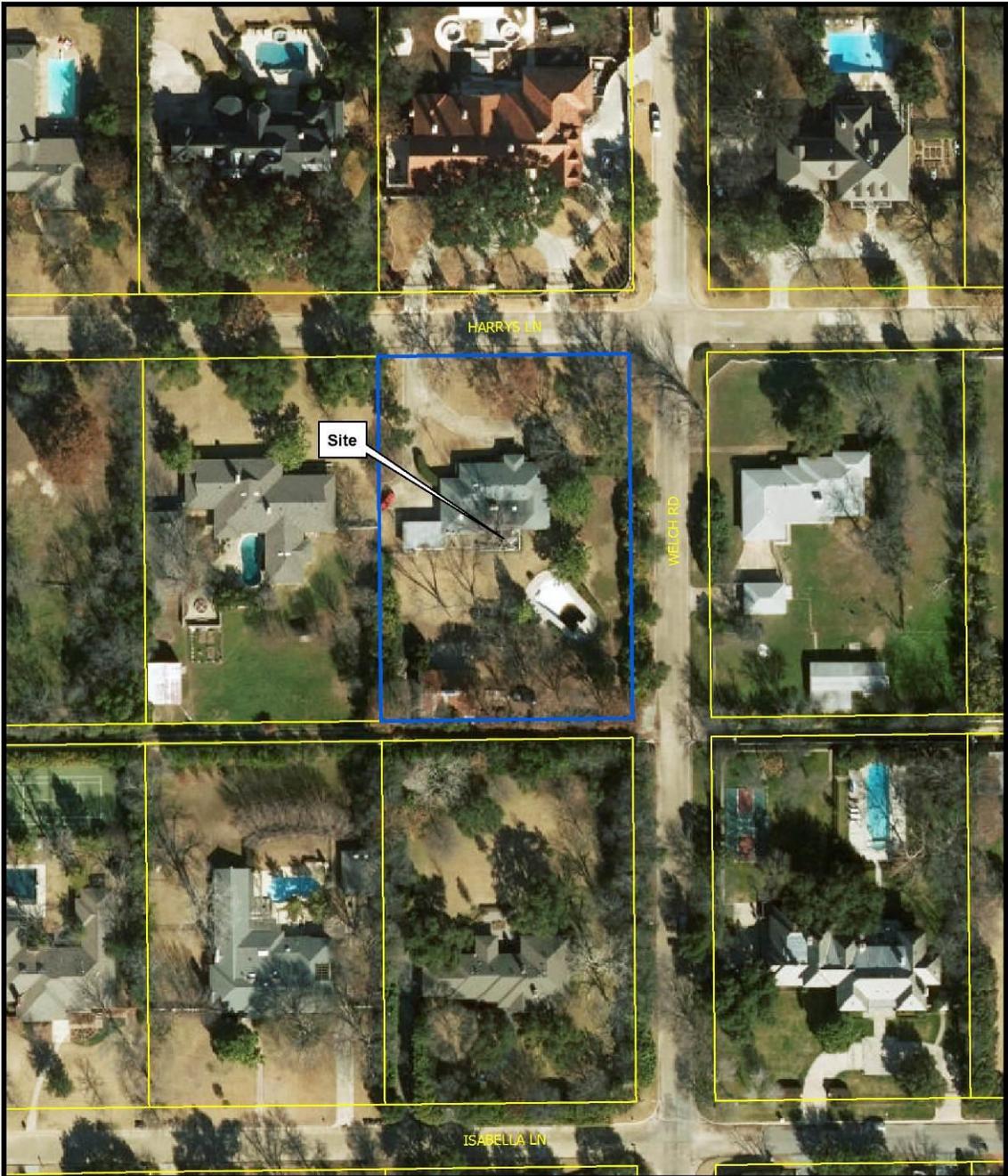


1:1,200

ZONING MAP

Case no: BDA189-099

Date: 8/15/2019



1:1,200

AERIAL MAP

Case no: BDA189-099

Date: 8/15/2019

Long, Steve

PG 1

From: Dallas Cothrum <Dallas@masterplantexas.com>
Sent: Wednesday, October 02, 2019 11:57 AM
To: Long, Steve; Trammell, Charles
Subject: FW: Memo to Staff_4554 Harry's Lane
Attachments: Memo to Staff.pdf

External Email!

See attached memo

Elevations and plans to follow.

Dallas

Please note my new email address: dallas@masterplantexas.com
Visit our updated website! <http://masterplantexas.com>

Dallas Cothrum, Ph. D.
Chief Executive Officer



Masterplan

Founders Square
900 Jackson Street, Suite 640
Dallas, Texas 75202
Phone: (214) 761-9197
Mobile: (214) 728-0669
Fax: (214) 748-7114
www.masterplantexas.com



The information contained in this e-mail message is intended only for the personal and confidential use of the recipient named above. Masterplan, an assumed name of DalClay Corporation, does not provide legal advice. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message. Unless expressly stated this message should not be construed as a digital or electronic signature. This communication and all resulting communications are exempt from disclosure under the Texas Public Information Act pursuant to the economic development negotiations exception in Section 552.131 of the Texas Government code.

2 October 2019

Mr. Steve Long
Chief Planner, Board Administrator
Current Planning - Sustainable Development and Construction
1500 Marilla, 5BN
Dallas, TX 75201

RE: BDA189-099; 4554 Harry's Lane

Mr. Long,

The owner of the property listed above seeks a special exception to the fence height regulations to allow the construction of a fence, height average of 5' 5", including the vehicle gate height, that is proposed to be located in the front yard setback along Harry's Lane. Per the Dallas Development Code fence heights are restricted to 4' in the front yard setback of single-family zoned districts.

After discussions with the neighbors we have lowered our overall fence height 18" reducing our overall height request. The proposed fence average height located in the setback is 5' 2", this is 14" over the height maximum of 4' required by ordinance. The tallest portion of the proposed fence is 6' in height at the vehicle gate, thus requiring the need for a 2' special exception to the fence height regulations. The proposed fence is fully compliant with all other code requirements, including site visibility.

In comparing the proposed fence to the approved and installed fence across the street at 4555 Harry's Lane, BDA078-117, the average height of this installed fence is 6' 6". The tallest portion of this fence is 8' 6" and the lowest is 4' 6". Our proposed fence average height is 5' 2" which is 16" lower. The tallest portion of the fence located at 4555 Harry's is 8' 6" whereas the proposed fence tallest portion is 6', at the vehicle gate only, this is a 30" difference. The tallest portion of our fence is the vehicle gate at 6' in height. The remainder of the fence is 5' comprised of a 2' masonry base with 3' of wrought iron on top. The proposed fence has a greatly reduced masonry component than the existing fence being referenced, and the proposed vehicle and pedestrian gates are predominantly constructed of open material.

Below is a more detailed explanation of how the application has changed since we, Masterplan, became the applicant on the case.

The fence location has not been amended since the original submittal. The fence is proposed to be located on the property line except when pushed into the lot for drive gate and visibility triangle compliance as detailed in the Dallas Development Code. The original proposal was a 6' tall fence, 6' tall column with 2' 6" high masonry base with 3' 6" tall wrought iron, and a 6' 6" vehicle gate for a maximum overall height of 6' 6". The second proposal was a 5' 8" tall fence, 6' tall column with a 2' 4" high masonry base with 3' 4" tall wrought iron, and a 6' vehicle gate for a maximum overall height of 6'. The third proposal was a 5' tall fence, 5' 6" tall column with 2' high masonry base with 3' tall wrought iron and a 6' vehicle gate for a maximum overall height of 6'.

We are asking the board to limit the height of our fence to 5' in height in the wrought iron/masonry sections while allowing for the vehicle gate only to be at the height of 6', and the masonry columns to be 5' 6" in height, thus the reason why a 2' special exception is being asked for instead of 12 inches.

Below please find our updated timeline of events concerning the application.

Application Originally Submitted: July 2, 2019

Previous Consultant sent letter to neighbors: July 10, 2019

Previous Consultant contacted by neighborhood member concerning case, was informed

Masterplan was new applicant, MP left voicemail with neighbor: August 30, 2019

Site Visit: September 2, 2019

Masterplan retained as new application: September 3, 2019

Applications revised to reflect applicant change: September 3, 2019

Received emails/letters sent to Staff by neighbors: September 3, 2019

Met with property owner to discuss neighbor concerns and discuss altering the design: September 3, 2019

Initial contact with neighbors via email: September 4, 2019

Additional discussion with neighbors via email and phone concerning the proposal and scheduling of a neighborhood meeting: September 8, 2019

Inform neighbors we will ask the Board to hold case so we can schedule a neighborhood meeting: September 10, 2019

Inform Staff we would like to hold the case in order to have a neighborhood meeting: September 11, 2019

Phone Conversation with neighborhood member to discuss proposal and scheduling of neighborhood meeting: September 9, 2019

Board of Adjustment hearing: September 16, 2019 -- case held until October 21st

Conference Call to discuss revising fence proposal prior to neighborhood meeting: September 16, 2019

Site Visit: September 20, 2019

Receive update renderings of fence for neighborhood meeting: September 22, 2019

Received second revised fence elevations to present to neighbors: September 25, 2019 - reduced masonry height component, reduced overall average height of fence.

Neighborhood meeting: September 28, 2019

Revisions due to neighbors: October 2, 2019

Response from neighbors of support and approval: October 4, 2019



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-099

Date: 7-2-19

Data Relative to Subject Property:

Location address: 4554 Harry Lane Zoning District: R-1AC(A)

Lot No.: 4 Block No.: E/5534 Acreage: 1.22 acres Census Tract: 76.01

Street Frontage (in Feet): 1) 196 ft 2) 280 ft 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Marksc0 LLC

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

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

E-mail Address: rob@baldwinplanning.com

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

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

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of fence height of 2'6" to allow a fence 6'6" tall in a required 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 proposed decorative fence will not negatively impact surrounding properties. Other properties in the vicinity also have front yard fences that exceed 4'.

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.

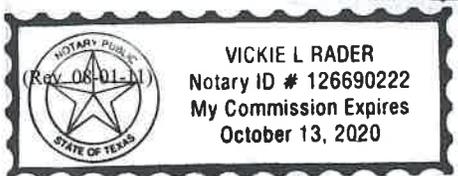
Affidavit

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 2nd day of July 2019



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

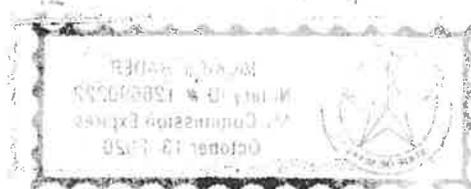
I hereby certify that BALDWIN ASSOCIATES

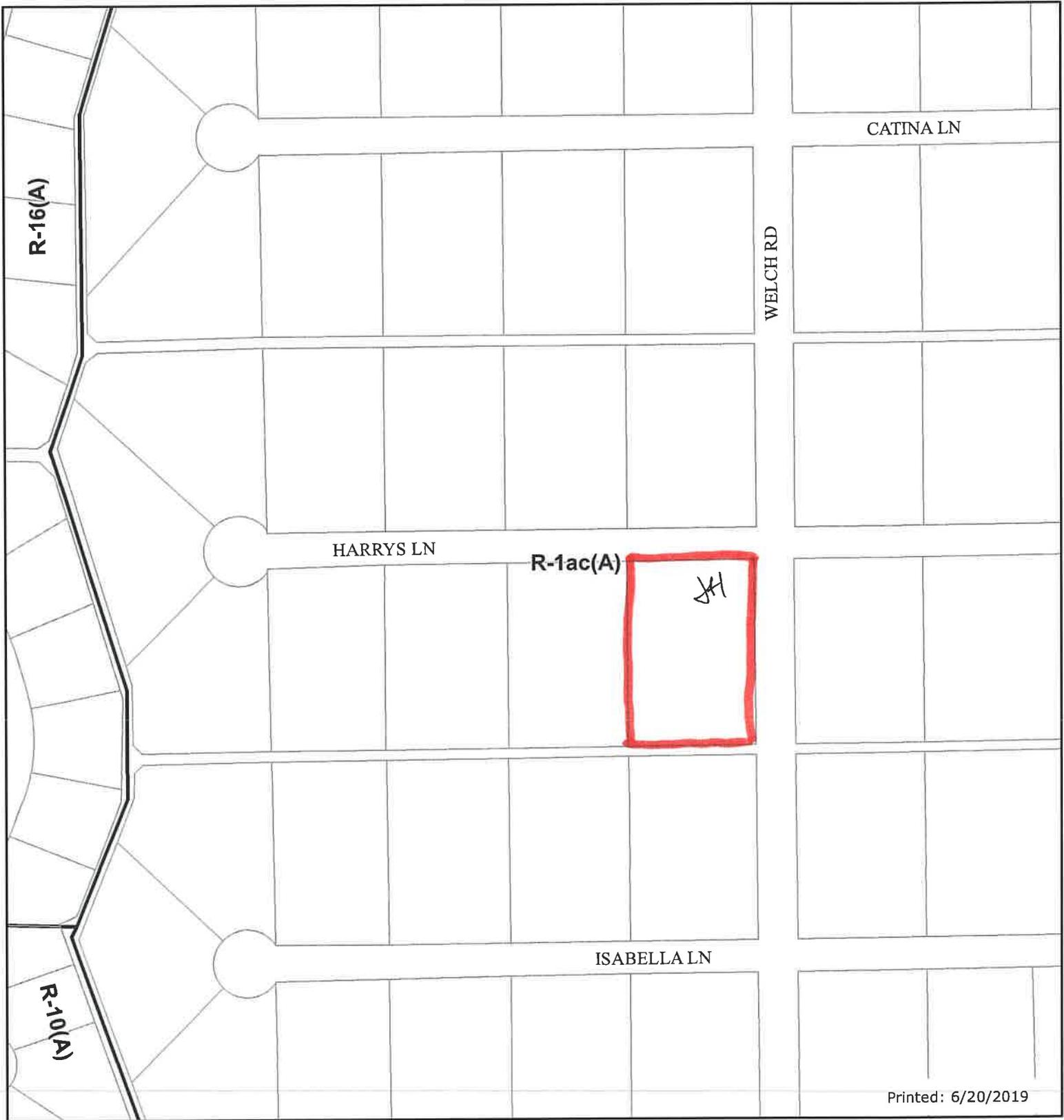
did submit a request for a special exception to the fence height regulations
at 4554 Harrys Lane

BDA189-099. Application of BALDWIN ASSOCIATES for a special exception to the fence height regulations at 4554 HARRYS LN. This property is more fully described as Lot 4, Block E/5534, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 6 foot 6 inch high fence in a required front yard, which will require a 2 foot 6 inch special exception to the fence regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





Printed: 6/20/2019

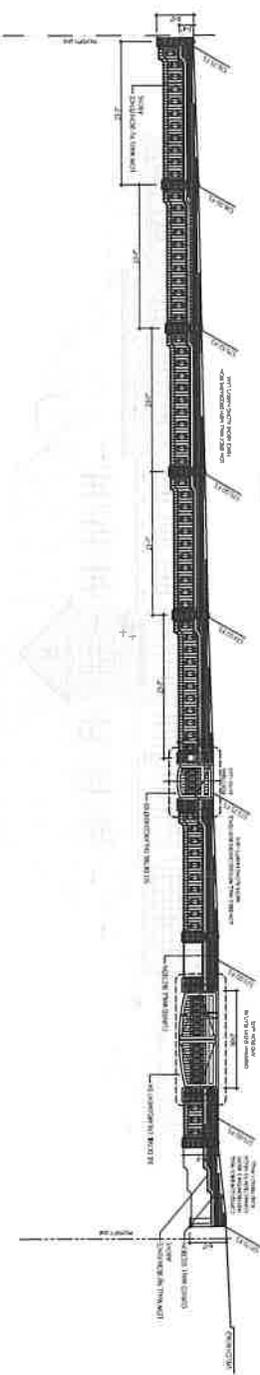
Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| 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 | SPD 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 | |

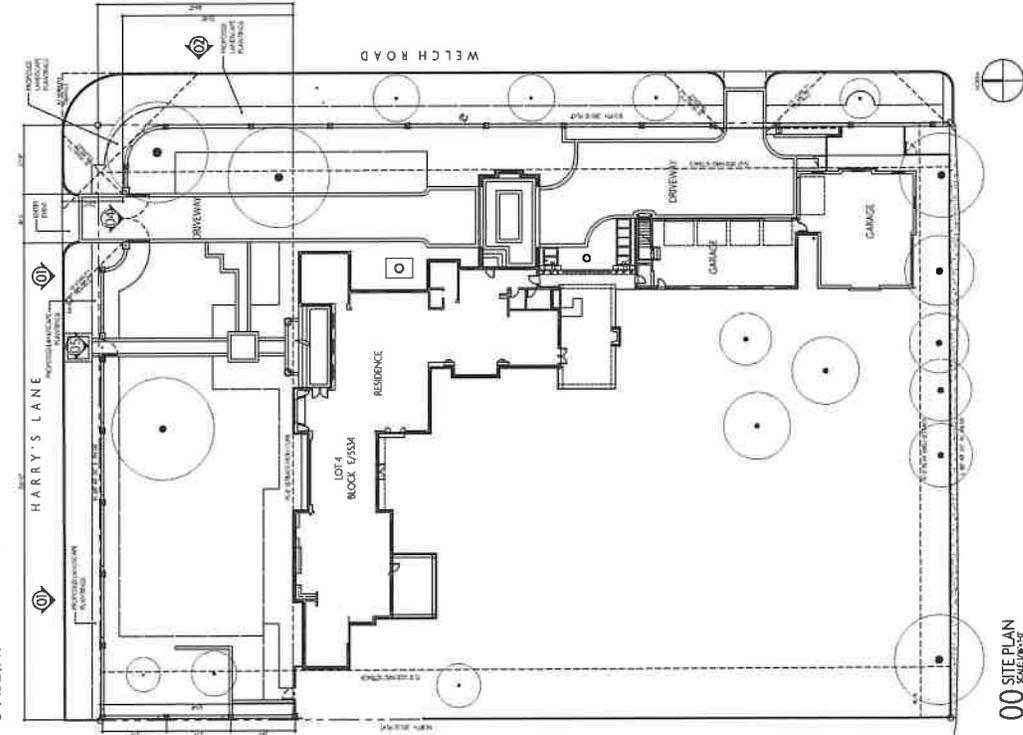
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering,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



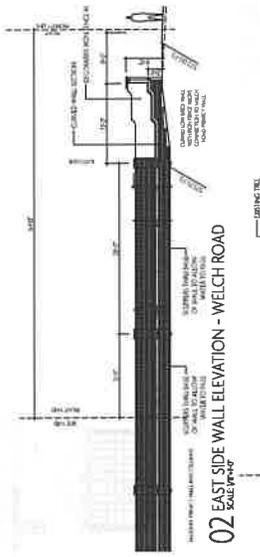




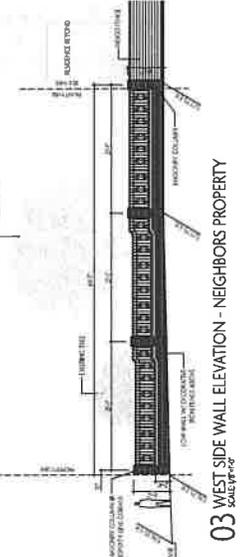
01 FRONT WALL ELEVATION - HARRY'S LANE
 SCALE 1/8" = 1'-0"



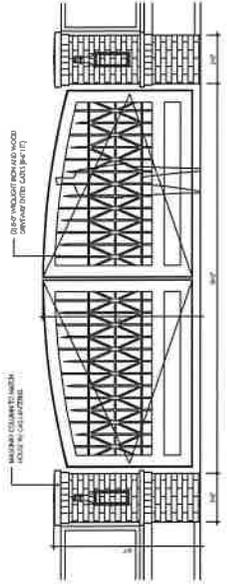
00 SITE PLAN
 SCALE 1/8" = 1'-0"



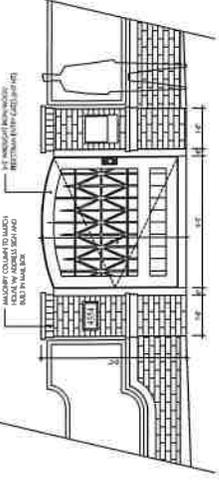
02 EAST SIDE WALL ELEVATION - WELCH ROAD
 SCALE 1/8" = 1'-0"



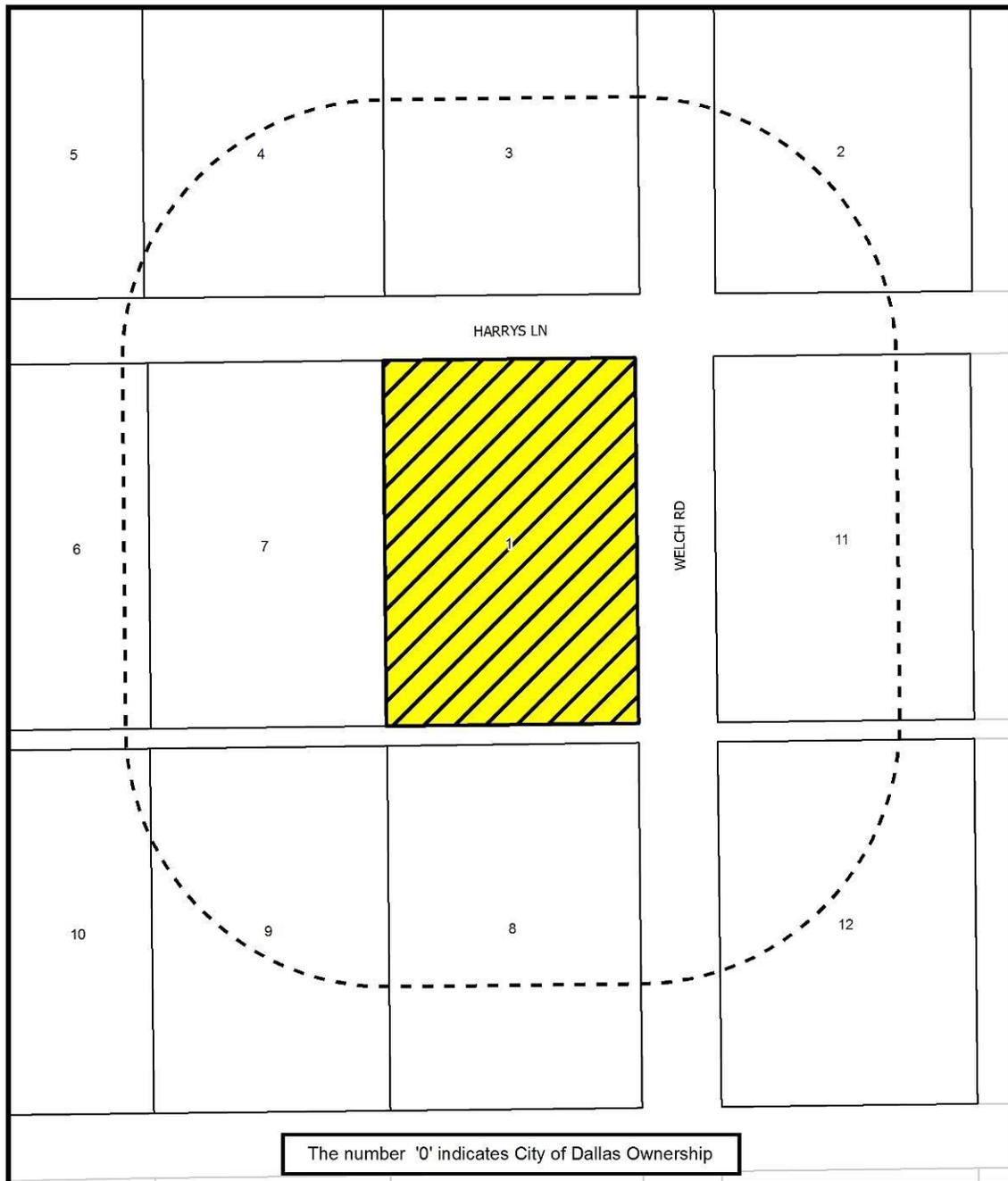
03 WEST SIDE WALL ELEVATION - NEIGHBORS PROPERTY
 SCALE 1/8" = 1'-0"



04 HARRY'S LANE - FRONT DRIVEWAY ENTRY GATE
 SCALE 1/8" = 1'-0"



05 FRONT PEDESTRIAN ENTRY GATE
 SCALE 1/8" = 1'-0"



 1:1,200	NOTIFICATION		Case no: BDA189-099
	<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;">12</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 8/15/2019	

Notification List of Property Owners

BDA189-099

12 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4554 HARRYS LN	MARKSCO LLC
2	4609 HARRYS LN	GOLDSTEIN ROBERT &
3	4555 HARRYS LN	WILSON DALE R & TIFFANY SIMAYS
4	4545 HARRYS LN	WHEELER KAREN &
5	4525 HARRYS LN	COURIE ELI & SHERRI L
6	4524 HARRYS LN	ROSENTHAL MICHAEL A &
7	4544 HARRYS LN	SPARKS MARC A
8	4563 ISABELLA LN	BLACK STUART B & JANE A H
9	4545 ISABELLA LN	4545 ISABELLA LANE LLC
10	4525 ISABELLA LN	HUNT SHARRON LYNNE
11	10580 WELCH RD	GITELMAN AARON S & MARY GRIMES LIV TR THE
12	4611 ISABELLA LN	DURHAM CLARK &