

ZONING BOARD OF ADJUSTMENT, PANEL A
TUESDAY, OCTOBER 22, 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
Appeal the decision of the Administrative Official at **5609 Richard Avenue**

MISCELLANEOUS ITEMS

Approval of the September 17, 2019 Board of Adjustment Panel A Public Hearing Minutes	M1
Approval of the Board of Adjustment Public Hearing Calendar	M2
Appeal the decision of the Administrative Official at 5609 Richard Avenue	M3

UNCONTESTED CASES

BDA189-108(SL)	1001 N. Clinton Avenue REQUEST: Application Javier L. Ortiz for special exceptions to the visual obstruction regulations	1
BDA189-112(SL)	6943 Santa Monica Drive REQUEST: Application of Kendal Pope for a special exception to the visual obstruction regulations	2

REGULAR CASES

BDA189-110(SL)	5609 Richard Avenue REQUEST: Application of Frank David Schneider, represented by Michael R. Coker, to appeal the decision of the administrative official	3
BDA189-119(SL)	6827 Kennison Drive REQUEST: Application of Sanjuana Hernandez for a variance to the front yard setback regulations	4

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
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26	27	28	29	30	31	

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

February 2020						
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17: Presidents Day

March 2020						
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29	30	31				

April 2020						
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May 2020						
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31						

June 2020						
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25: Memorial Day

July 2020						
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04: Independence Day

August 2020						
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30	31					

September 2020						
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07: Labor Day

October 2020						
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25	26	27	28	29	30	31

12: Columbus Day

November 2020						
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

11: Veterans' Day
26: Thanksgiving

December 2020						
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27	28	29	30	31		

25: Christmas Day

LEGEND:

-  PANEL C
-  PANEL A
-  PANEL B

FILE NUMBER: BDA189-108(SL)

BUILDING OFFICIAL'S REPORT: Application of Javier L. Ortiz for special exceptions to the visual obstruction regulations at 1001 N. Clinton Avenue. This property is more fully described as Lot 14, Block E/3789, and is zoned CD 13 (Subarea 2), which requires a 20 foot visibility triangle at driveway approaches and alleys. The applicant proposes to locate and maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

LOCATION: 1001 N. Clinton Avenue

APPLICANT: Javier L. Ortiz

REQUESTS:

Requests for special exceptions to the visual obstructions have been made to replace and relocate an existing solid wood fence with a new 8' high solid wood fence on a site that is developed with a single-family home in:

1. the two 20' visibility triangles at the drive approach into the site from Stewart Drive; and
2. the 20' visibility triangle at where the alley meets Stewart Drive.

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 is required.

Rationale:

- The Sustainable Development Department Senior Engineer has no objections to the request.
- Staff concluded that the requests for special exceptions to the visual obstruction regulations should be granted (with the suggested condition imposed) because the item to be replaced and relocated in the visibility triangles at the drive approach into the site from Stewart Drive and at where the alley meets Stewart Drive does not constitute a traffic hazard.

BACKGROUND INFORMATION:

Zoning:

Site: CD 13 (Conservation District)
North: CD 13 (Conservation District)
South: CD 13 (Conservation District)
East: CD 13 (Conservation District)
West: CD 13 (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.

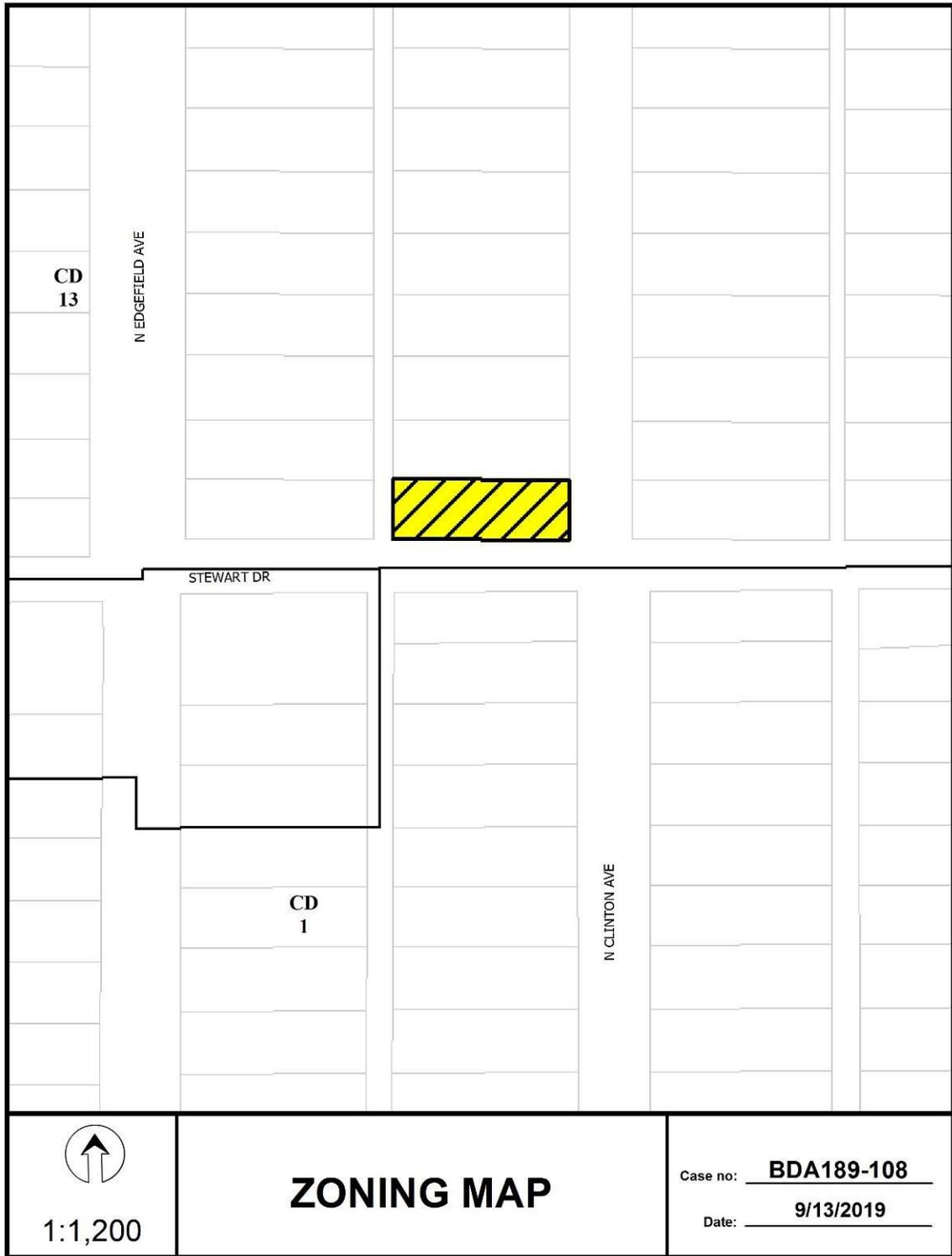
GENERAL FACTS/STAFF ANALYSIS:

- The requests for special exceptions to the visual obstruction regulations on a site developed with a single-family home focus on replacing and relocating an existing solid wood fence with a new 8' high solid wood fence in the two 20' visibility triangles at the drive approach into the site from Stewart Drive; and in the 20' visibility triangle at where the alley meets Stewart Drive.
- 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 13 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/elevation has been submitted indicating portions of an 8' high solid wood fence located in the two 20' visibility triangles at the drive approach into the site from Stewart Drive; and in the 20' visibility triangle at where the alley meets Stewart Drive.
- 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 these requests does not constitute a traffic hazard.
- Granting these requests with a condition imposed that the applicant complies with the submitted site plan/elevation would limit the item to be located and maintained in the two 20' visibility triangles at the drive approach into the site from Stewart Drive and in the 20' visibility triangle at where the alley meets Stewart Drive, to that what is shown on this document - an 8' high solid wood fence.

Timeline:

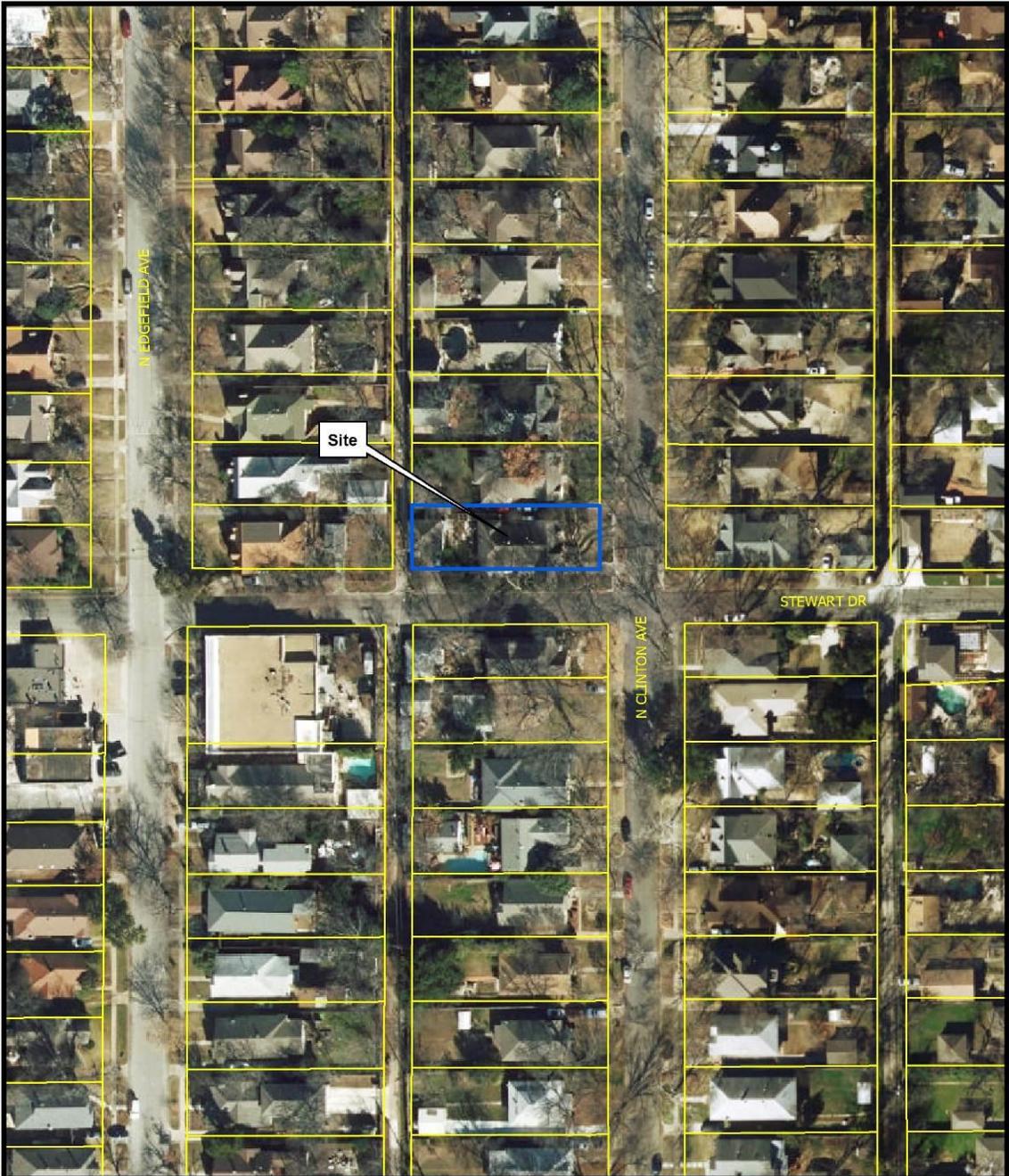
- July 25, 2019: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- September 9, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- September 10, 2019: 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; 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.
- October 10, 2019: The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".



1:1,200

ZONING MAP

Case no: BDA189-108
 Date: 9/13/2019



1:1,200

AERIAL MAP

Case no: BDA189-108

Date: 9/13/2019



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-108

Date: 7-25-19

Data Relative to Subject Property:

Location address: 1001 N Clinton Avenue, Dallas Texas 75208 Zoning District: CD-13 (Subarea 2)

Lot No.: 14 Block No.: E/3789 Acreage: 0.1721763 Census Tract: _____

Street Frontage (in Feet): 1) 50 2) 150 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Patrick J. LaRocca and Javier L. Ortiz

Applicant: Javier L. Ortiz Telephone: 214-906-8942

Mailing Address: 1001 N Clinton Avenue Zip Code: 75208

E-mail Address: jloriz@swbell.net

Represented by: Javier L. Ortiz Telephone: 214-906-8942

Mailing Address: 1001 N Clinton Avenue Zip Code: 75208

E-mail Address: jloriz@swbell.net

Affirm that an appeal has been made for a Variance __, or Special Exception , of Visual obstruction regulations; (1) (A) in a visibility triangle, as defined in Paragraph (2) (C) in all zoning districts, the portion of a lot within a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and an adjacent street curb line and point on the driveway or alley edge and the street curb line 20 feet from the intersection

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 visibility triangle is not typically found in this neighborhood's alleys and side drives, most homes in this older neighborhood have their fences and in some cases garages within the triangle. In order to maintain a consist aesthetic with the neighborhood we would like to built our fence within the triangles.

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 Javier L. Ortiz

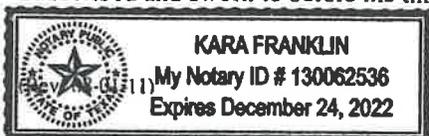
(Affiant/Applicant's name printed)

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 24 day of July, 2019



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

1000

WINDOMERE

1	2	3	4	5	6	7	8	9	10	11	12
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1000

1000

EDGEFIELD

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13	14	15	16	17	18	19	20	21	22	23	24

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1000

CLINTON

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1000

WINNETKA

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STEWART

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1000 DRIVE

3453

3455

3457

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940



Printed: 7/24/2019

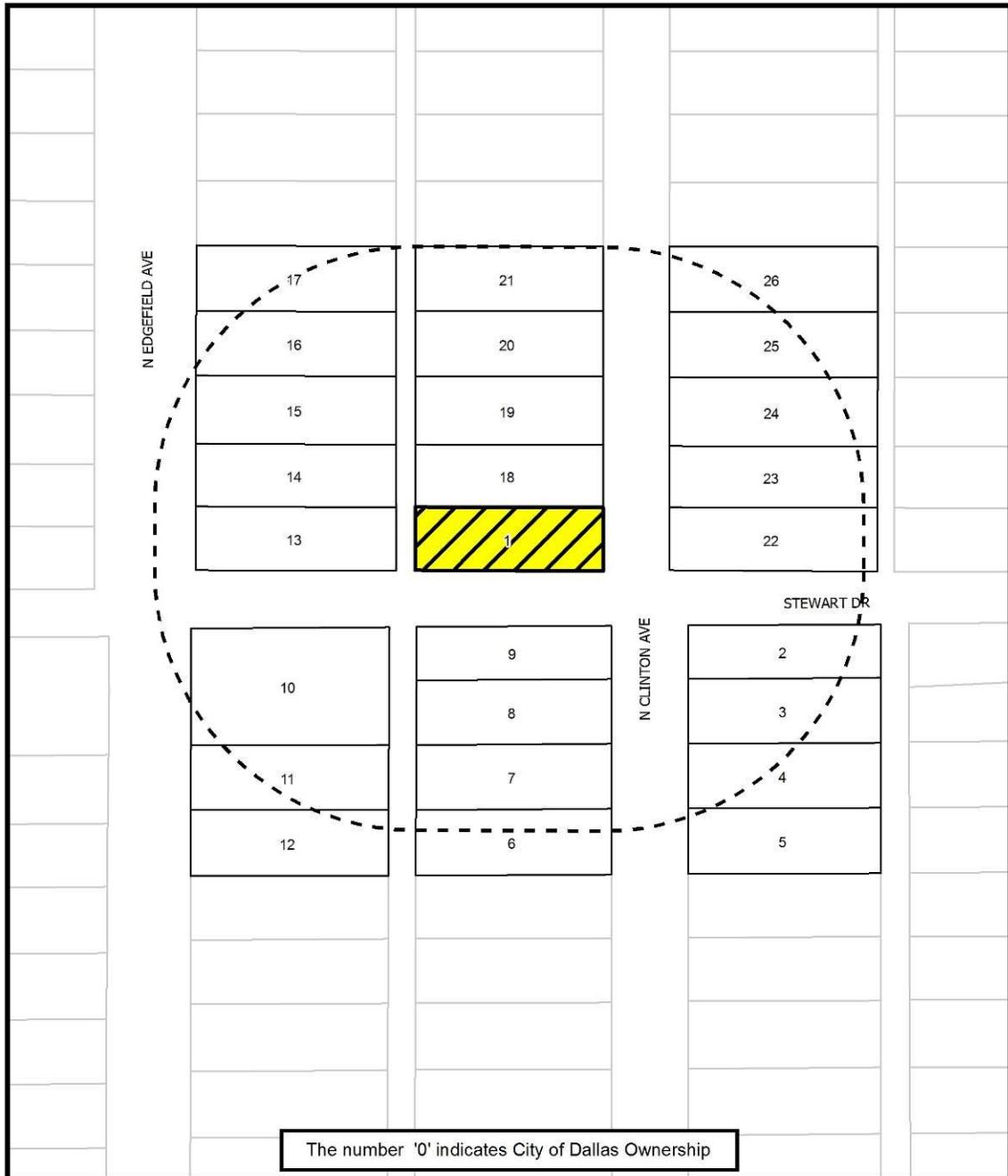
Legend

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

9/20

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





The number '0' indicates City of Dallas Ownership

 1:1,200	NOTIFICATION		Case no: BDA189-108
	<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;">26</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 9/13/2019

Notification List of Property Owners

BDA189-108

26 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1001 N CLINTON AVE	LAROCCA PATRICK J &
2	938 N CLINTON AVE	CASTILLOSOTO ANABEL & JOSE CESAREO SOTO
3	934 N CLINTON AVE	HUTSON STEVEN R
4	930 N CLINTON AVE	BEDELL DOUGLAS
5	926 N CLINTON AVE	PARRAGUIRRE PAUL R &
6	927 N CLINTON AVE	PIZZO PAUL
7	929 N CLINTON AVE	EGBERT JULIE R
8	935 N CLINTON AVE	LACOUR PIERRETTE M
9	939 N CLINTON AVE	SIMS LAURA P
10	936 N EDGEFIELD AVE	METCALF BRADLEY J
11	930 N EDGEFIELD AVE	KEY BARBARA
12	926 N EDGEFIELD AVE	BUTLER CHRISTOPHER J &
13	1002 N EDGEFIELD AVE	JOHNSTON MARY A
14	1006 N EDGEFIELD AVE	SHETH SNEHA A
15	1010 N EDGEFIELD AVE	GRIMWOOD PATRIC D & KARLA S
16	1014 N EDGEFIELD AVE	SHAW TUCKER S & KELSEY
17	1018 N EDGEFIELD AVE	HUMPHREY MATTHEW V
18	1007 N CLINTON AVE	HECHENG INVESTMENTS INC
19	1011 N CLINTON AVE	SNEAD JEREMY
20	1015 N CLINTON AVE	LARSSON JESPER & KELLEY
21	1019 N CLINTON AVE	PETTIJOHN JO C
22	1002 N CLINTON AVE	MAY RICKY L
23	1006 N CLINTON AVE	GONZALEZ JOEL E
24	1010 N CLINTON AVE	BIRD HAL K
25	1014 N CLINTON AVE	ECHEVERRIA ROSARIO M &
26	1018 N CLINTON AVE	LAWRENCE RANDAL

09/13/2019

Label # Address

Owner

FILE NUMBER: BDA189-112(SL)

BUILDING OFFICIAL'S REPORT: Application of Kendal Pope for a special exception to the visual obstruction regulations at 6943 Santa Monica Drive. This property is more fully described as Lot 1, Block 10/2723, and is zoned CD 6, which requires a 20 foot visibility triangle at driveway approaches and alleys. 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: 6943 Santa Monica Drive

APPLICANT: Kendal Pope

REQUEST:

A request for a special exception to the visual obstruction regulations is made to replace and maintain a solid wood fence with a new 6' high solid wood fence in the 20' visibility triangle at where the alley meets Blair Boulevard 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 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 replaced and located in the visibility triangle at where the alley meets Blair Boulevard does not constitute a traffic hazard.

BACKGROUND INFORMATION:

Zoning:

Site: CD 6 (Conservation District)
North: CD 6 (Conservation District)
South: CD 6 (Conservation District)
East: CD 6 (Conservation District)
West: CD 6 (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.

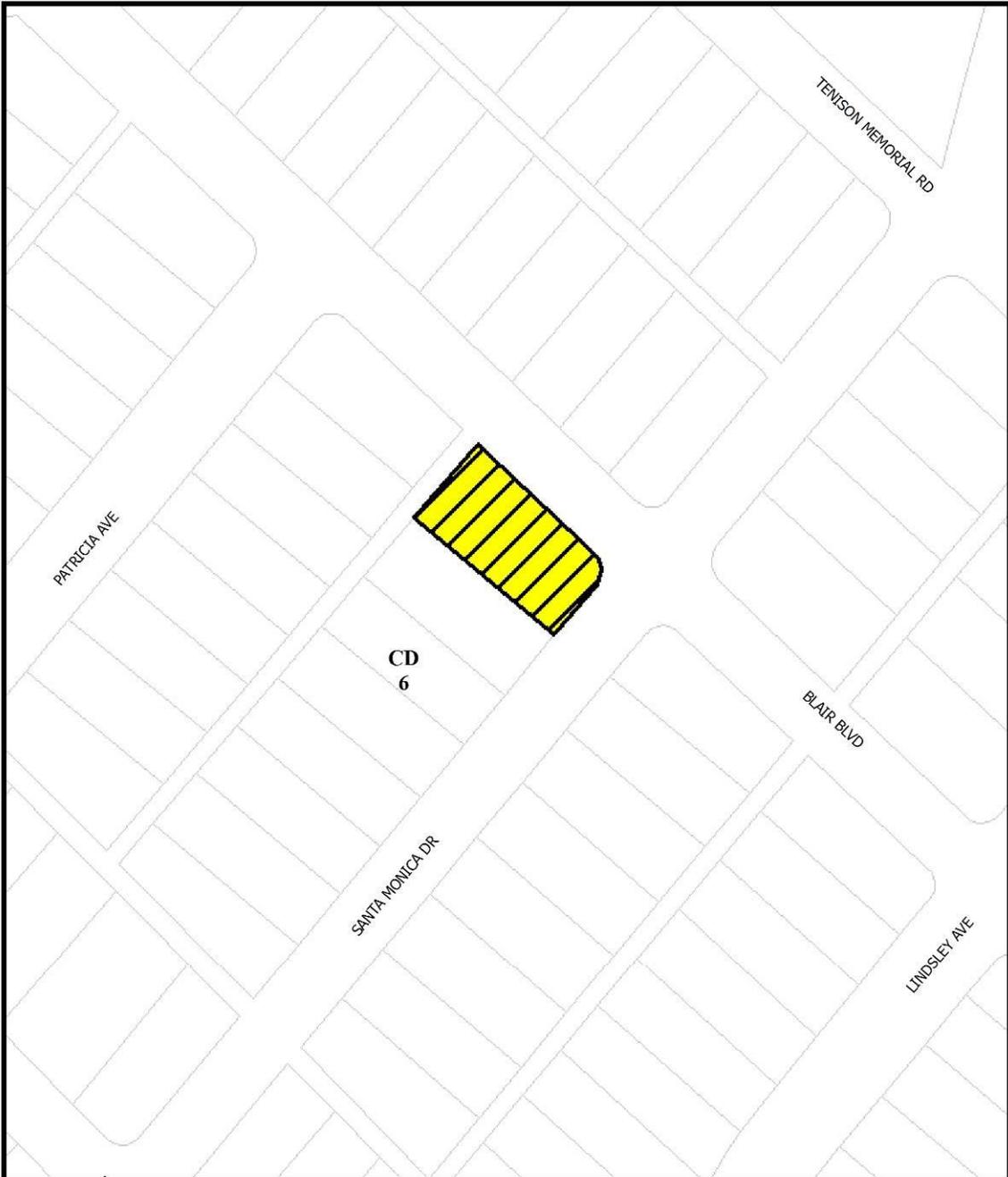
GENERAL FACTS/STAFF ANALYSIS:

- The request for a special exception to the visual obstruction regulations focuses on replacing and maintaining a solid wood fence with a new 6' high solid wood fence in the 20' visibility triangle at where the alley meets Blair Boulevard 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 6 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 a 6' high solid wood fence located in the 20' visibility triangle at where the alley meets Blair Boulevard.
- 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 replace and maintain a 6' 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 and elevation would limit the item in the 20' drive approach visibility triangle at where the alley meets Blair Boulevard to that what is shown on these documents - a 6' high solid wood fence.

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 randomly assigned this case to Board of Adjustment Panel A.
- 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; 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.
- October 10, 2019: The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked “Has no objections”.

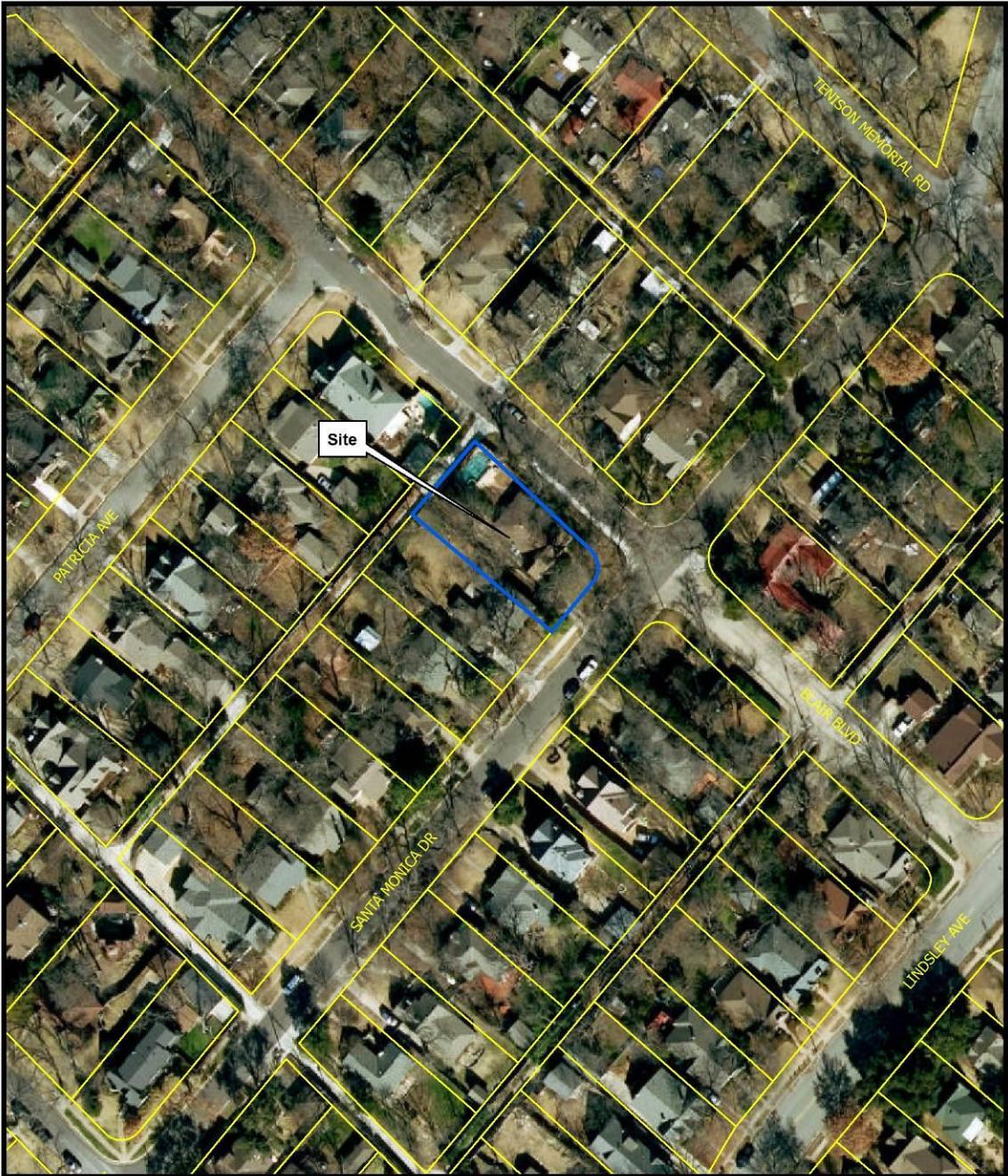


1:1,200

ZONING MAP

Case no: BDA189-112

Date: 9/13/2019



1:1,200

AERIAL MAP

Case no: BDA189-112

Date: 9/13/2019



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-112

Data Relative to Subject Property:

Date: 7-29-19

Location address: 6943 SANTA MONICA Zoning District: CD-6

Lot No.: 1 Block No.: 10/2723 Acreage: .19 Census Tract: 12.02

Street Frontage (in Feet): 1) 143 2) 59 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): ALLISON GILMORE POPE & KENDAL VAN POPE

Applicant: KENDAL POPE Telephone: 214-549-8323

Mailing Address: 6943 SANTA MONICA Zip Code: 75223

E-mail Address: kpope@popearchitecture.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance _____, or Special Exception X, of 20'x20'
visibility triangle at alley intersection for 6' wood fence

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

Fence is of similar height material, and placement as most fences commonly found in neighborhood. Alley has very little traffic and Blair Blvd is very minor street

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 KENDAL POPE
(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 29th day of July, 2019



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

(Rev. 08-09-11)

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was---Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that KENDAL POPE

did submit a request for a special exception to the visibility obstruction regulations
at 6943 Santa Monica Drive

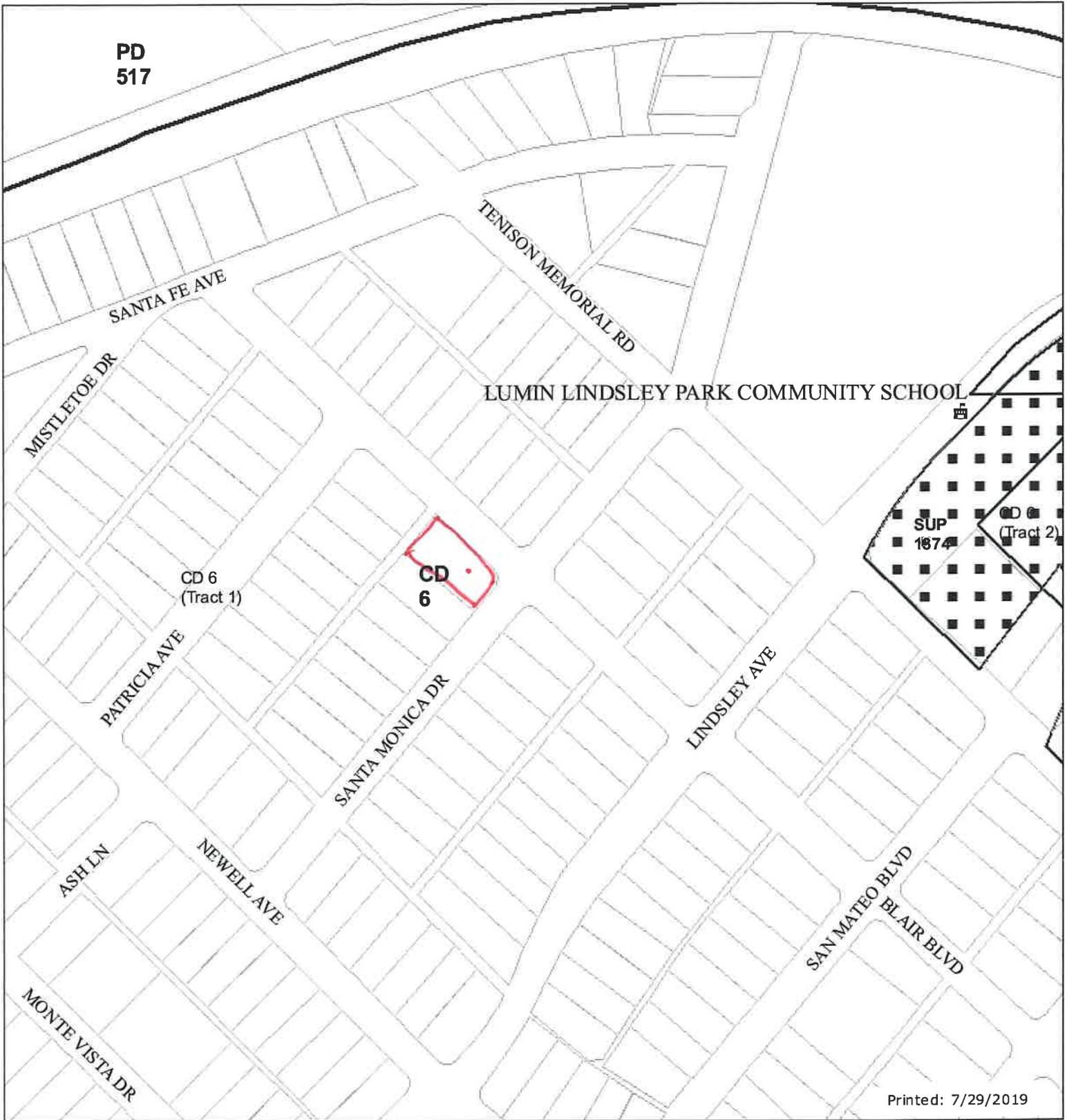
BDA189-112. Application of KENDAL POPE for a special exception to the visibility obstruction regulations at 6943 SANTA MONICA DR. This property is more fully described as Lot 1, Block 10/2723, and is zoned CD-6, which requires a 20 foot visibility triangle at driveway approaches and alley. The applicant 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



PD
517



Printed: 7/29/2019

Legend

- City Limits
- School
- Floodplain**
- 100 Year Flood Zone
- Mill's Creek
- Peak's Branch
- X Protected by Levee
- Parks
- railroad
- Certified Parcels
- Base Zoning
- PD193 Oak Lawn
- Dallas Environmental Corridors
- SPSD Overlay
- Deed Restrictions
- SUP
- Dry Overlay**
- D
- D-1
- CP
- SP
- MD Overlay
- Historic Subdistricts
- Historic Overlay
- Height Map Overlay
- CD Subdistricts
- PD Subdistricts
- PDS Subdistricts
- NSO Subdistricts
- NSO_Overlay
- Escarpment Overlay
- Parking Management Overlay
- Sub 8 Front Q overlay

KP

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)



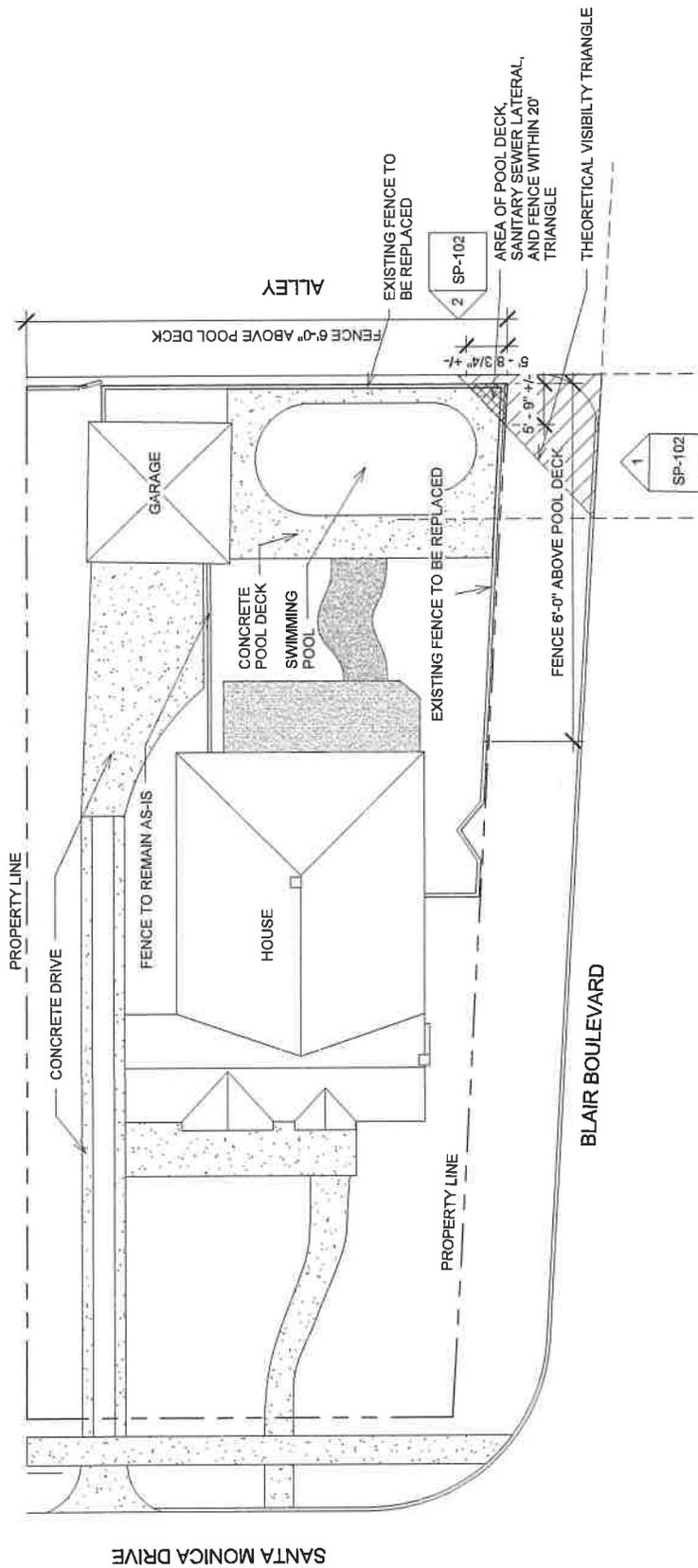
1:2,400



KP



5
 6
 7
 8
 BLOCKS
 2718, 2719, 2720, 2721, 2722
 DALLAS SCHOOL DISTRICT



① SITE PLAN
1/16" = 1'-0"



GRAPHIC SCALE IN FEET



6943 Santa Monica Wood Fence Replacement

SITE PLAN

SP-101

Date 7/28/19 Scale 1/16" = 1'-0"



① NORTHEAST ELEVATION
1/8" = 1'-0"

② NORTHWEST ELEVATION
1/8" = 1'-0"

6943 Santa Monica Wood Fence Replacement

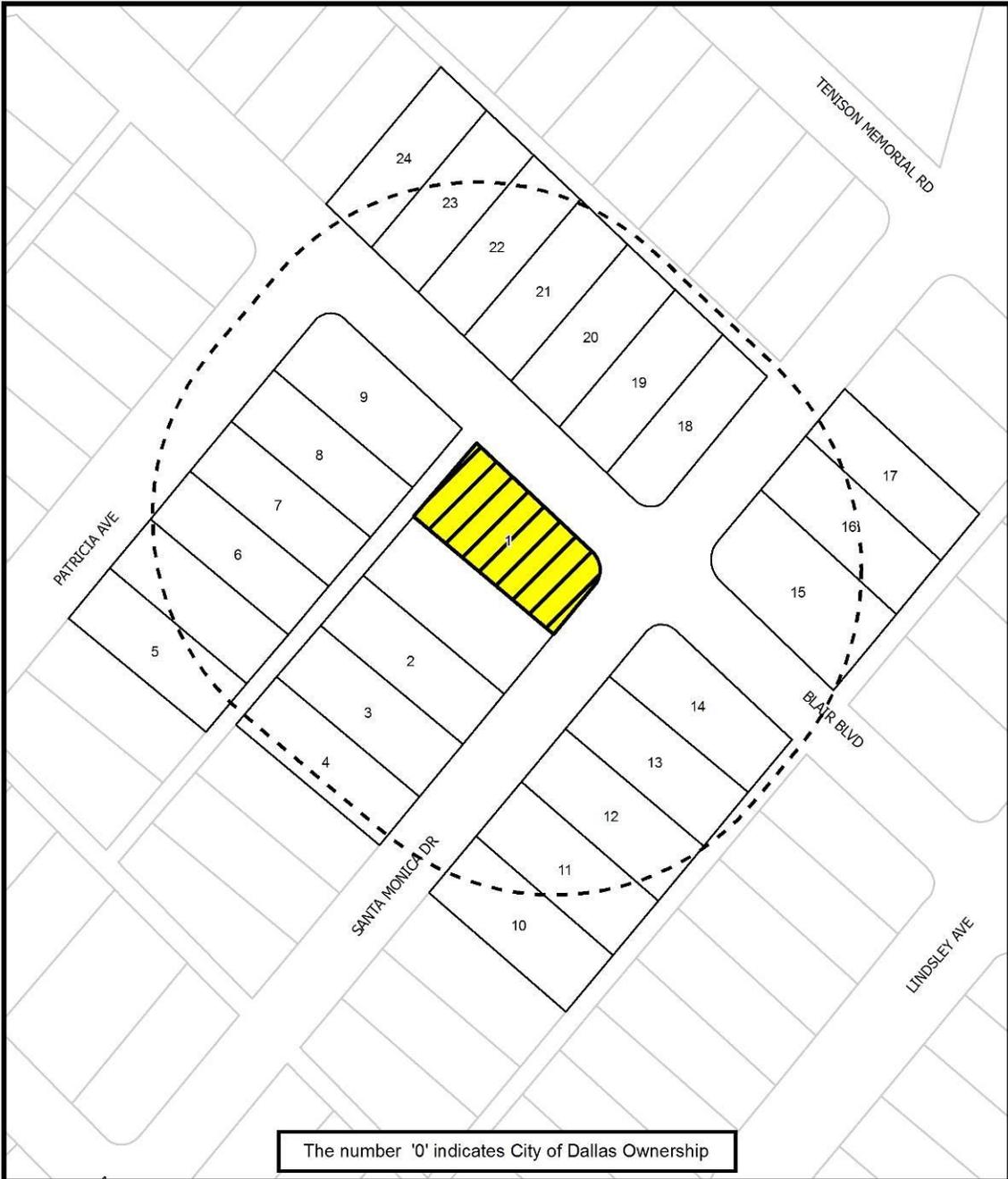
ELEVATIONS

SP-102

Date

7/29/18

Scale 1/8" = 1'-0"



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="width: 15%; text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">24</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	24	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA189-112</u> Date: <u>9/13/2019</u>
200'	AREA OF NOTIFICATION					
24	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA189-112

24 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6943 SANTA MONICA DR	POPE ALLISON GILMORE & KENDAL VAN
2	6935 SANTA MONICA DR	MCCLANAHAN JOHN
3	6931 SANTA MONICA DR	HALE CURTIS
4	6927 SANTA MONICA DR	RAY LINDA A
5	6922 PATRICIA AVE	KOTRLA JUSTIN & ASHLEY
6	6930 PATRICIA AVE	THOMPSON ANGELA C &
7	6934 PATRICIA AVE	HAWKINS NICOLE E
8	6938 PATRICIA AVE	CARDWELL MARK G & ASHLEY B
9	6942 PATRICIA AVE	HARRIS CYNTHIA ANN TRUSTEE
10	6926 SANTA MONICA DR	OCONNOR JOHN T & JENNIFER
11	6930 SANTA MONICA DR	DONLIN PATRICK
12	6932 SANTA MONICA DR	THOMAS JON MATTHEW & JENNY MARIE
13	6938 SANTA MONICA DR	GARY MARK & CAMERON CAMPBELL GARY
14	6942 SANTA MONICA DR	WALKER JENNI L
15	7002 SANTA MONICA DR	DEWS GARY P & LISA S
16	7006 SANTA MONICA DR	ARANI SHAWN &
17	7010 SANTA MONICA DR	GRISSEL KATHERINE DRELL &
18	622 BLAIR BLVD	LILL FAMILY LIVING TRUST THE
19	618 BLAIR BLVD	FOULADI GLENNIS A
20	614 BLAIR BLVD	SHEARD MATTHEW & MARGAUX
21	610 BLAIR BLVD	DYER TRACY J
22	606 BLAIR BLVD	WELLS JEFFREY
23	602 BLAIR BLVD	ANGEL SHELBY D
24	522 BLAIR BLVD	LEESON DAVID &

FILE NUMBER: BDA189-110(SL)

BUILDING OFFICIAL'S REPORT: Application of Frank David Schneider, represented by Michael R. Coker, to appeal the decision of the administrative official at 5609 Richard Avenue. This property is more fully described as Lot 22, Block 18/1931, and is zoned CD 15. Chapter 52, Section 302.6.1 states the building official shall suspend or revoke a permit issued under this chapter if he or she determines that the permit is issued in error or on the basis of incorrect information supplied, or in violation of any city ordinance or regulation or any provision of this chapter or the codes. The applicant proposes to appeal the decision of an administrative official in the revocation of a building permit

LOCATION: 5609 Richard Avenue

APPLICANT: Frank David Schneider
Represented by Michael R. Coker

REQUEST:

A request is made to appeal the decision of the administrative official, more specifically, the Building Official's authorized representative, the Chief Planner in the Building Inspection Division, revocation of a building permit for work on property at 5609 Richard Avenue that is developed with a single family home.

STANDARD FOR APPEAL FROM DECISION OF AN ADMINISTRATIVE OFFICIAL:

Dallas Development Code Sections 51A-3.102(d)(1) and 51A-4.703(a)(2) state that any aggrieved person may appeal a decision of an administrative official when that decision concerns issues within the jurisdiction of the Board of Adjustment.

The Board of Adjustment may hear and decide an appeal that alleges error in a decision made by an administrative official. Tex. Local Gov't Code Section 211.009(a)(1).

Administrative official means that person within a city department having the final decision-making authority within the department relative to the zoning enforcement issue. Dallas Development Code Section 51A-4.703(a)(2).

BACKGROUND INFORMATION:

Zoning:

Site: CD 15 (Conservation District)
North: CD 15 (Conservation District)
South: CD 15 (Conservation District)

East: CD 15 (Conservation District)
West: CD 15 (Conservation District)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- The board shall have all the powers of the administrative official on the action appealed. The board may in whole or in part affirm, reverse, or amend the decision of the official.

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 A.

September 10, 2019: The Board Administrator emailed the applicant’s representative the following information:

- an attachment that provided the appeal date and panel that will consider the appeal; the October 2nd deadline to submit additional documentation to staff (with a notation that staff does not form a recommendation on this type of appeal); and the October 11th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the outline of procedure for appeals from decisions of the building official to the board of adjustment; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

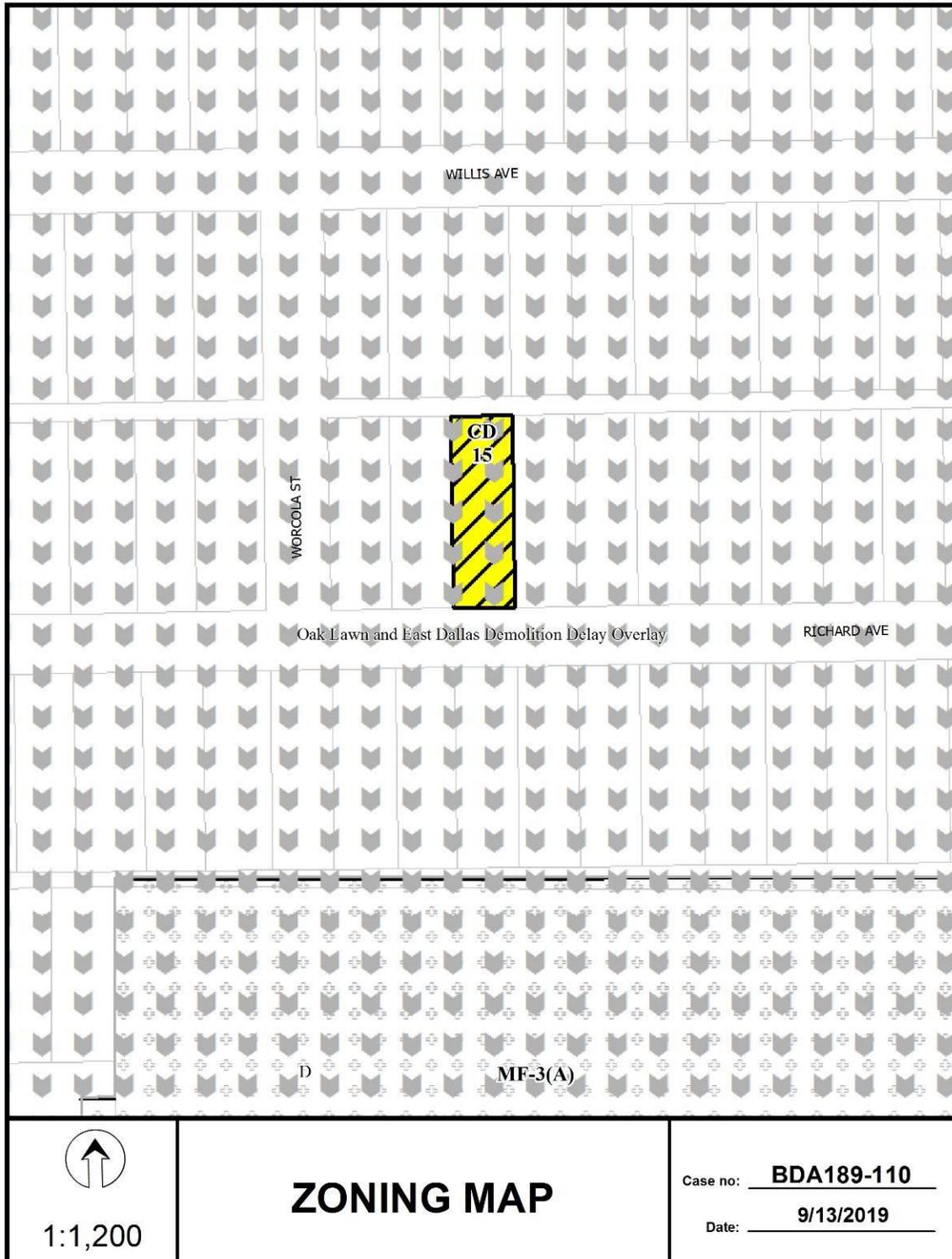
October 8, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. Review team members in attendance included the following: the Building Official, the Assistant Building Official, the Board of Adjustment Chief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

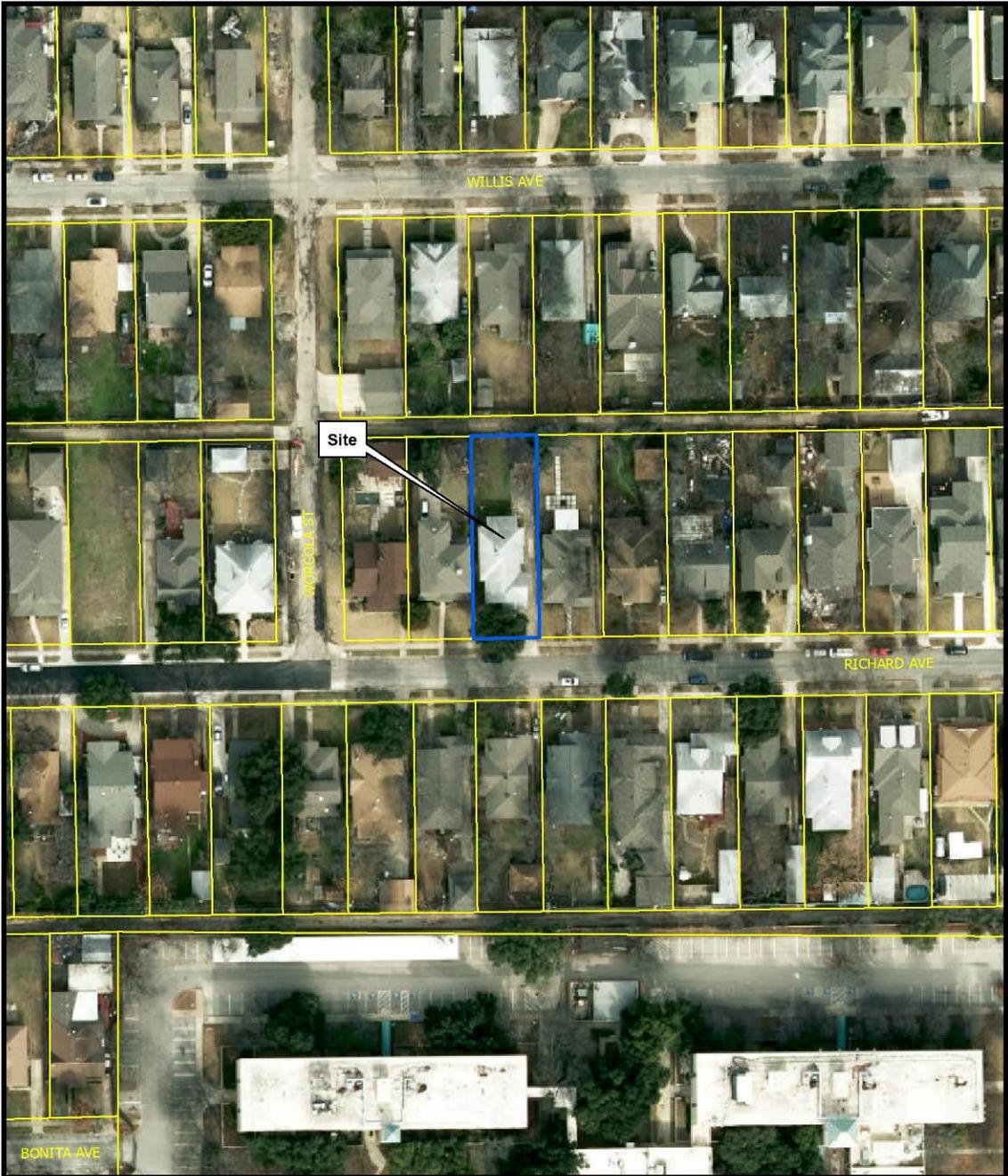
Conservation District Chief Planner, the Sustainable Development and Construction Senior Engineer, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to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

October 11, 2019: The Assistant City Attorney assisting the Administrative Official submitted additional documentation to staff (see Attachment B).





 1:1,200	<h1>AERIAL MAP</h1>	Case no: <u>BDA189-110</u> Date: <u>9/13/2019</u>
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BDA 189-110

Attach A
P.1

Michael R. COKER Company

3111 Canton Street
Suite 140
Dallas, Texas 75226



MEMORANDUM

To: Dallas Board of Adjustment Panel A From: Michael R. Coker
Date: October 10, 2019 Subject: Proposed solution for
Cc: Steve Long 5609 Richard foundation
height reveal

Our property, 5609 Richard is located within the Vickery Place Conservation District. The Building Official has revoked our building permit for failure to provide for a minimum twelve [12] inch foundation above grade. In the revocation letter the Building Official's representative, William Hersch, cites section 4(h) of the Conservation District ordinance as the section defining the violation.

The home is all but complete, but the foundation reveal issue only became an issue on or about June 18, 2019 when the city issued a stop work order. A building permit had been issued and inspections had been taking place from the beginning of the construction. It came as a shock when the city determined that the foundation reveal was not sufficient and stopped work.

We have been working with the city staff to find a solution that they could accept as meeting the intent of the ordinance and have proposed several options but have not been able to agree on an option. Our lot slopes downward from the southeast corner of our lot to the northwest corner of our lot four [4] feet. The definition of "slope" from the ordinance says: "SLOPE means any change in elevation from the front lot line to the rear lot line or from a side lot line to the other side lot line." Then in Section 4(q)(1) says "The existing slope of a lot must be maintained. This provision does not prevent minor grading as necessary to allow construction, prevent lot to lot drainage, or match the slope of contiguous lots." As constructed our lot still slopes down from the southeast corner to the northwest corner of the lot. And with our requested solution to provide the required twelve [12] inch visual foundation above grade, our lot will still slope down from southeast to northwest.

The front porch is currently twelve [12] inches above the grade at the east and west corners. Most of the west side of the house and the rear of the house has the required twelve-inch foundation reveal. The grade around the exterior of the planter boxes that we installed in the front yard is only backfill to bring the earth up from the grade at the front porch to the top of the box. In our request we will remove the planter boxes and remove the backfill down to the grade that exists at the front of the house.

We request that the Board of Adjustment approve the following option for resolving the foundation height issue at 5609 Richard:

1. Remove the concrete planters from the front yard and remove the backfill down to the existing grade at the base at the front of the porch.
2. Remove the large concrete stepping-stones from the front yard and remove the backfill down to the existing grade at the base of the front porch. Replace the existing stepping-stones with smaller stepping-stones that start north of the sidewalk to the east of the drip line of the large oak tree in the front yard and proceed to the front porch.
3. To protect the large tree in the front yard, install a tree well around the large tree, expose the root flair and remove the extra back fill in the front yard down to the existing grade at the base of the front porch.
4. Add three [3] inches of concrete to the front porch thereby providing a fifteen [15] inch reveal for the front porch. With the additional three [3] inches of concrete on the front porch, that will leave twelve [12] inches of reveal above the three [3] inches needed for the turf.
5. Install a six-inch step at the front porch [reflecting the approved plans].
6. Remove one layer of lap siding along the east side of the house as and around the back of the house as necessary and add a veneer of concrete above the existing foundation to expose a visual twelve [12] inch concrete foundation reveal. Most of the east and west sides of the home are located behind a cedar privacy fence. Drainage on the east side of the house between the main house and the swimming pool would be shaped to allow positive drainage away from the house and would be directed to the alley.
7. Remove the current driveway strips and remove the backfill to lower the driveway to the height of the original driveway and replace the driveway strips.
8. Increase the length and height of the retaining wall between our house and the neighbor on the west in order to avoid lot to lot drainage from our property.

BDA 189-110
Attach B
PS 1



October 11, 2019

Via Email to BDA Secretary

Board of Adjustment, Panel A
1500 Marilla St., 5BN
Dallas, Texas 75201

Re: BDA 189-110. Building Official's Brief in the Appeal of the Stop Work Order in place at 5609 Richard Avenue.

Dear Board Members:

Below is City Staff's brief in response to Frank Schneider's (the "Appellant") appeal of the stop work order issued to 5609 Richard, Dallas, Texas 75206 (the "Property").

I. BACKGROUND

In 2006 the City of Dallas (the "City") passed an ordinance for the Vickery Place neighborhood of the City that sets out various development standards for new development within the neighborhood regulated by the ordinance. Dallas, Tex., Ordinance 26391 (June 28, 2006) (the "Vickery Place CD"). The Property is in the Vickery Place CD and is considered to be in the "Prairie" style. *Id.*, app. A.

Pursuant to the Vickery Place CD "[f]oundations of main buildings must be raised a minimum of 12" above grade." Vickery Place CD (4)(h). In addition to the provision for the raised foundation, the Vickery Place CD also carries stipulations for maintaining the original slope of the lot. "The existing slope of a lot must be maintained." Vickery Place CD (4)(q)(1).

The project was approved by the conservation district planners on June 12, 2018 and the Applicant received a permit on June 24, 2018. The permit approves the work with conditions, one of the conditions being that "[f]oundations of main buildings must be raised a minimum of 12 inches above grade." (Exhibit A.) The approved plans display a foundation that varies in height, but the minimum height of the foundation is shown as 12" above grade while other areas exceed that height. (Exhibit B.) In addition, the plans display text written by conservation district planners that note the foundation of the main building must have a 12" exposure above grade, and additional text notes that the existing slope of the lot must be maintained. *Id.* The City also received grading plans prior to construction that showed that the finish floor elevation would be a minimum of 12" above the grade. The conditions listed in Conservation District Work Approval Certificate also includes the requirement that the foundation of the main buildings must be exposed at least 12" above grade and that the slope of the lot must be maintained. (Exhibit C.) This issue was also

BOA 89-110
Att 6 B
p 2

discussed at length during the review process in emails between the Appellant and the Conservation District Sr. Planner. (Exhibit D.)

On May 28, 2019, the City received a citizen complaint about the foundation height and the slope of the lot for the Property. The complainant was concerned that the foundation did not meet the required 12” of exposure and that the grade of the lot had been altered. After desktop and field research was conducted related to the exposure of the foundation, a stop work order was placed on the property on June 19, 2019. It was also determined that the grade of property was altered and a new grading plan was developed by the contractor to verify the grade. This new plan illustrated the finish floor elevation of the house as being below the grade in several areas, indicating that the foundation is not raised the minimum of 12” above grade. (Exhibit F.) The Building Official revoked the permit for the project on August 21, 2019. (Exhibit E.)

II. DISCUSSION AND ARGUMENT

The purpose of the raised foundation provision is to mimic an original pier and beam foundation, which is a key feature of the neighborhood. Vickery Place CD, Ex. C, at pg. 8. “Foundations for homes in the area are typical pier and beam, which generally raises the house 12”-24” above grade.” *Id.* The new construction at the Property would be required to have a minimum raised foundation of 12 inches. The purpose of the slope provision is to prevent lot-to-lot drainage and to ensure that the lot is not leveled for new construction. Vickery Place CD, Ex. C, page 8.

The Conservation District staff interprets this provision as having a foundation that is exposed at least 12” above grade, after all landscaping, sitework, and sod has been installed. This interpretation seeks to ensure that the appearance of a raised pier and beam foundation is displayed for all new construction within the Vickery Place CD.

In an attempt to meet the requirements of the Vickery Place CD, the contractor dug a 12”-deep trench throughout various portions of the building footprint and capped the sides of the trench with a concrete wall. The work created a ditch of 12” in depth that varies in width from 4’ to less than 6”, in violation of the provisions of the Vickery Place CD. Vickery Place CD (4)(h) & (4)(q)(1). The contractor did not seek approval for this attempt at remediating the violation, but argues that this is the best way to handle the lack of exposure. This argument runs counter to the Vickery Place CD because the alteration does not meet the letter, spirit, or intent of the ordinance. The alteration has caused a change in slope and any further removal of dirt would constitute an even greater degree of the slope of lot violation.

In addition, the alterations made by the contractor do not meet the building codes as established by IRC 2016. Section 401.3 of the IRC relate to drainage and require surface drainage to be diverted to a storm sewer conveyance or other approved point of collection that does not create a hazard. Further, lots are required to be graded to drain surface water away from foundation walls. The grade shall fall a minimum of 6 inches within the first 10 feet. Therefore, the construction of the Property for the referenced permit does not meet the requirements of the Vickery Place ordinance.

PDA 109-110
A4.4 B
3

III. CONCLUSION

The Building Official's decision to issue a Stop Work Order for 5609 Richard was proper and the City requests the Board of Adjustment affirm the Building Official's to revoke the permit.

Very truly yours,

/s/ Justin H. Roy

JUSTIN H. ROY
Assistant City Attorney
214-670-1005
justin.roy@dallascityhall.com

B. 04.09.10
Atan B
B 4

EXHIBIT A

BDA 109-110
KHA LB

Conservation District Work Certificate



PS 5

Vickery Place Conservation District

City of Dallas

Date Applied: 04/16/18

Date Reviewed: 06/12/18

Address: 5609 RICHARD AVE

Applicant: MCNUTT, DANIEL
2540 GREENSPOINT LN
PROSPER, TX 75078
(314) 609-1894
DANILE@RIHOMESDALLAS.COM

Architectural Style: Prairie

Proposed Work: Other - requires permit

NEW CONSTRUCTION, TWO STORY SINGLE FAMILY RESIDENCE MEETING OR EXCEEDING CITY OF DALLAS ORDINANCE 26549 STANDARDS. CONSTRUCTION SIMILAR TO OR ABOVE THE PRESENT PRAIRIE STYLE HOMES WITH SIMILAR PAINT COLORS AND STRUCTURE.

Permit is required: YES

This certificate shall be posted at job site

Conservation District Work Certificate



126

Vickery Place Conservation District

City of Dallas

Work is Approved with Conditions

1. MAXIMUM HEIGHT AND LOT COVERAGE TO BE VERIFIED IN FIELD. BOTH ARE DESIGNED TO MAXIMUM ALLOWED BY ORDINANCE.
2. Foundations of main buildings must be raised a minimum of 12 inches above grade, per Ord. 26391(4)(h).
3. The maximum height for all structures is 30 feet, per Ord. 26391(4)(i). As designed the average maximum height is shown to be 29 feet 11 1/4 inches.
4. Maximum lot coverage is 40 percent for new houses, per Ord. 26391(4)(k). As designed the lot coverage is shown to be 39.96 percent.
5. Front porches must have a minimum depth of six feet, per Ord. 26391(4)(m)(2).
6. The existing slope of a lot must be maintained. This provision does not prevent minor grading as necessary to allow construction, prevent lot-to-lot drainage, or match the slope of contiguous lots. Per Ord. 26391(4)(q)(1)
7. New houses must incorporate at least four optional architectural design features into the front façade, per Ord. 26391(8)(d). This project shall have 1) square or tapered columns, 2) centered hipped dormer, 3) porch railing, 4) windows with multiple pane upper sashes.
8. Prairie style houses must have minimum roof overhang of 24 inches, and roof slope between 20 degrees and 40 degrees. Per Ord. 26391(8)(f)
9. Windows to be Pella Proline 450 series, double hung, with multi pane upper sash.
10. No lot-to-lot drainage is allowed.
11. No fence is approved as part of this review.
12. No further work is approved.

Philip Sikes

Philip Sikes, Building Official

The application was reviewed for compliance with the development standards and design requirements for this Conservation District Ordinance.

This certificate applies only to the work identified on this document. Additional work will have to be reviewed separately.

This certificate shall be posted at job site

BA139-110
Attch B
p. 7

EXHIBIT B

SDA 189-110
 A-116 B
 PS 9

PERMIT SET

REVISIONS

NO.	DATE	DESCRIPTION

RI homes

SCHNEIDER RESIDENCE
 5609 RICHARD AVE
 DALLAS, TX 75206

SHEET NO:
 6 of 13
A06

**PRAIRIE
 5609 RICHARD AVE**

MATERIAL COLOR SCHEDULE

ITEM/MATERIAL LABEL	COLOR	COLOR DESCRIPTION
1. EXTERIOR WALLS	SW 7024	SWISS CHEESE
2. SIDING	SW 7024	SWISS CHEESE
3. TRIM	SW 7024	SWISS CHEESE
4. SHUTTERS	SW 7024	SWISS CHEESE
5. WINDOW COVERS	SW 7024	SWISS CHEESE
6. CEILING	SW 7024	SWISS CHEESE
7. FLOORING	SW 7024	SWISS CHEESE
8. PAINT	SW 7024	SWISS CHEESE
9. METAL	SW 7024	SWISS CHEESE
10. GLASS	SW 7024	SWISS CHEESE
11. ROOFING	SW 7024	SWISS CHEESE
12. LIGHTING	SW 7024	SWISS CHEESE
13. HARDWARE	SW 7024	SWISS CHEESE
14. FINISHES	SW 7024	SWISS CHEESE
15. ACCESSORIES	SW 7024	SWISS CHEESE



HIGHT CALCULATION

LOCATION	HEIGHT
1. FINISH FLOOR	0.0
2. FINISH CEILING	8.0
3. FINISH ROOF	12.0
4. FINISH GROUND	0.0
5. FINISH BASE	0.0



Foundation must be a minimum 12" above grade

VICKERY PLACE CONSERVATION DISTRICT REQUIRED FEATURES

REQUIRED ITEM	INCLUDED	NOTES
1. EXTERIOR WALLS	✓	
2. SIDING	✓	
3. TRIM	✓	
4. SHUTTERS	✓	
5. WINDOW COVERS	✓	
6. CEILING	✓	
7. FLOORING	✓	
8. PAINT	✓	
9. METAL	✓	
10. GLASS	✓	
11. ROOFING	✓	
12. LIGHTING	✓	
13. HARDWARE	✓	
14. FINISHES	✓	
15. ACCESSORIES	✓	

VICKERY PLACE CONSERVATION DISTRICT OPTIONAL FEATURES

OPTIONAL ITEM	INCLUDED	NOTES
1. EXTERIOR WALLS		
2. SIDING		
3. TRIM		
4. SHUTTERS		
5. WINDOW COVERS		
6. CEILING		
7. FLOORING		
8. PAINT		
9. METAL		
10. GLASS		
11. ROOFING		
12. LIGHTING		
13. HARDWARE		
14. FINISHES		
15. ACCESSORIES		

ELEVATIONS - NORTH, WEST

BOA 187-110
Attorney B

PS 13

EXHIBIT C

CD 4109-110

Att. B

PS 14

CD 18041601 T.B.

APR 16 2018

APR 16 2018

DEPARTMENT OF SUSTAINABLE DEVELOPMENT & CONSTRUCTION
CONSERVATION DISTRICT WORK REVIEW FORM

Please provide the following information. If you have any questions or need additional information, please contact City of Dallas Building Inspection at 214-948-4480.

Submit this form and two copies of each applicable site plan, elevations, and specification sheets to the Permit Center, Room 320 E. Jefferson, Dallas TX 75203. Please print.

Date: 04/15/2018 Conservation District: CD #15 Vicky Place

Property Address: 5809 Richard Avenue

Applicant Name: Daniel McNutt Phone #: (314) 609-1894

Applicant Address: 2540 Greenspoint Ln, Prosper, TX Fax#:

e-mail: Daniel@rihomedallas.com

Architecture Style (if applicable): Prairie

Description of Proposed Work: New construction, two story, single family residence meeting or exceeding city of Dallas ordinance 26549 standards. Construction similar to or above the present prairie style homes with similar paint colors and structure.

The proposed work was reviewed for compliance with the development standards and design requirements for this Conservation District Ordinance.

The proposed work is:

Approved as submitted - meets development and design standards.

Approved with the following conditions / comments:

see continuation sheet

Denied. Application does not meet the following requirements:

REVIEWED BY: [Signature]

DATE RECEIVED: 4/16/18 DATE REVIEWED: 6/12/18

BUILDING PERMIT REQUIRED: Yes No

BOA 109-110

ATTN: B

PS 15

Property Address: 5609 Richard Ave.

CD # 15

CONSERVATION DISTRICT WORK REVIEW FORM

Continuation Sheet

Approved with the following conditions/comments:

1. MAXIMUM HEIGHT AND LOT COVERAGE TO BE VERIFIED IN FIELD. BOTH ARE DESIGNED TO MAXIMUM ALLOWED BY ORDINANCE.
2. Foundations of main buildings must be raised a minimum of 12 inches above grade, per Ord. 26391(4)(h).
3. The maximum height for all structures is 30 feet, per Ord. 26391(4)(f). As designed the average maximum height is shown to be 29 feet 11¼ inches.
4. Maximum lot coverage is 40 percent for new houses, per Ord. 26391(4)(k). As designed the lot coverage is shown to be 39.96 percent.
5. Front porches must have a minimum depth of six feet, per Ord. 26391(4)(m)(2).
6. The existing slope of a lot must be maintained. This provision does not prevent minor grading as necessary to allow construction, prevent lot-to-lot drainage, or match the slope of contiguous lots. Per Ord. 26391(4)(q)(1)
7. New houses must incorporate at least four optional architectural design features into the front façade, per Ord. 26391(8)(d). This project shall have 1) square or tapered columns, 2) centered hipped dormer, 3) porch railing, 4) windows with multiple pane upper sashes.
8. Prairie style houses must have minimum roof overhang of 24 inches, and roof slope between 20 degrees and 40 degrees. Per Ord. 26391(8)(f)
9. Windows to be Pella Proline 450 series, double hung, with multi pane upper sash.
10. No lot-to-lot drainage is allowed.
11. No fence is approved as part of this review.
12. No further work is approved.

BOA 18A - 110
A401 B
15 16



SCHNEIDER
5609 RICHARD AVE.
DALLAS, TX
77213

Vickery Place Conservation District
Summation of Revisions #2

1. **Grading Plan** - See sheet A13 for detailed drainage, SWPPP, and grading. We believe getting a PE to stamp the plans is cost prohibitive when we are improving drainage and keeping the grades consistent with adjoining lots. No fill/cuts exceed the residential in-fill water limit of 1ft. The existing cross slope of the lot is being maintained and no lot-to-lot drainage occurs. Discussions with both adjoining neighbors about improving drainage was implemented.
2. **Floor Plan** - Sheet A08 & A09 have been added showing all dimensions for the floor plans. General plate height dimensions on all elevations have been added.
3. **Window type & series** - We currently plan on using the approved Pella Pro Series/Profile 450 Series.
4. **Front yard setback** - The front porch, now has a minimum depth of 6'-5" meeting the 6ft requirement.
5. **Maximum height** - The structure height was reduced by another 2 inches.
6. **12-inch Foundation** - The foundation was increased by 2 inches for a total 12-inch raised foundation.
7. **Windows** - The windows in the front projection are now changed to double hung.
8. **Optional architectural features** - Added to sum up four optional features. See tables on sheet A06. The dormer is now 94" back from main structure. The roof in front of the dormer is now 24" by increasing the overhang on the second story to 36" minus the 12" projection.
- 9.
- 10.
11. **Survey** - Provided, apologizes.



Thanks

Daniel McHull
(314) 609 - 1894
Daniel@rihomedallas.com

BDA 189-110

AA-4 B

7317



City of Dallas
Department of Sustainable Development and Construction
CONSERVATION DISTRICT SUBMITTAL REQUIREMENTS

The documentation listed below must be submitted with a completed Conservation District Work Review Form Application. By checking each requirement you are stating that you have supplied correct and complete information. In the event that the required information is not contained in the submitted documents, you will be notified. Failure to supply the requested information will result in the review of your application being delayed.

WE RECOMMEND CONSULTATIONS PRIOR TO SUBMITTAL OF FENCING IN CD 10 (GREENWAY PARKS) AND FOR ADDITIONS, EXTERIOR REMODELS, AND NEW STRUCTURES IN ALL CONSERVATION DISTRICTS

REMODELING/ADDITIONS AND NEW CONSTRUCTION

2 Sets of plan drawings including:

- Elevations (labeled north, south, east, & west as applicable) and plan drawings to scale indicating proposed alterations or additions, clearly delineating existing and proposed work. *Note: until further notice, an 11 by 17 set of plans must be provided in addition to the full-sets.*
- Site plan. Provide a site plan that shows the location and dimensions of any additions and/or new construction and all setbacks.
- Survey. Provide a copy of the survey of the lot that shows: 1) dimensions of lot, 2) location and dimensions of existing structures; and 3) all setbacks.
- N/A Photographs. Provide photographs of house and/or other structures on property where work is to be done. Photos should clearly show existing conditions (where work is proposed) from all relevant sides.
- N/A Grading plan. If the existing slope of the lot is being altered, provide a grading plan.
- A scalable detail drawing of the proposed foundation at a min. scale of 1/2-inch = 1-foot. Foundation detail should indicate location of finished grade.
No change in existing grade. Foundation will be set 14" higher than existing grade.

WINDOWS

- N/A Photographs of all windows to be replaced.
- Manufacturers' image(s) of proposed new windows. *Image should clearly show the dimensions of the windows, the number of lites/divisions, whether muntins are expressed outside of the glass, window material and window types (double hung, casement, etc.)*
- N/A Indicate on elevations if window openings will be enlarged or reduced in size

ROOFING (Work Review Form must specify):

- N/A Type of roofing material on the structure currently. (e.g., clay tile, comp. shingles)
- Proposed roofing material (e.g., clay tile, comp. shingles)
- Brand name of proposed roofing material and the color (e.g., GAF, Timberline in Weathered Wood)

PAINTING

- Paint color chip required. Color chip should show brand, color number and name (e.g., Sherwin-Williams, SW 6359, Beige).
See material color schedule for color and color number. See colored plans for representation of overall color scheme.

BDA-09-110
ATTN B
PS 1B



City of Dallas
Department of Sustainable Development and Construction
CONSERVATION DISTRICT SUBMITTAL REQUIREMENTS

POOLS/SPAS

- N/A* A section through the length and the width of the pool/spa showing the height (in inches) above grade for any element of the pool and/or spa above grade.
- N/A* An 8 5 by 11 color image of how the finished pool spa will look.

FENCES

- N/A* A property survey clearly showing the locations of existing/proposed fencing, existing/proposed materials and existing/proposed fence heights.
- N/A* *Note: Submittal requirements for fences may vary according to Conservation District regulations additional drawings and information may be required to complete project review.*

NOTE: Minimum scale of 1/8" = 1'0" on all plans and elevations, unless otherwise approved by a Conservation District Planner. Plans should not be reduced and must be to scale to verify measurements. Section and/or detail drawings if required should have a minimum scale of 1/4" = 1'.

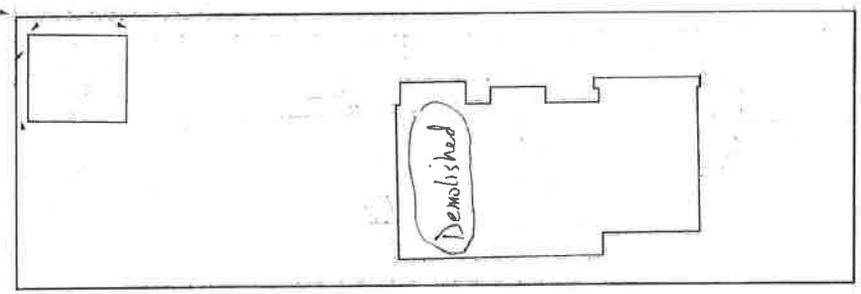
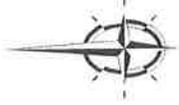
BDA 18A-110

Attch B

B 1A

SURVEY PLAT

APPROVED BY CONDITIONS
JUN 12 2008
Sutcliffe Professional & Engineering
Camarillo District



RICHARD AVENUE



SURVEYING ASSOCIATES

RDA-184-NFD
Attch B

pg 26

EXHIBIT D

Hoskins, Debra

From: Brown, Trevor A
Sent: Wednesday, April 18, 2018 11:39 AM
To: 'daniel@rihomesdallas.com'
Subject: CD work review - 5609 Richard Ave.

Mr. McNutt-

In reviewing the drawings you submitted for the new single family residence at 5609 Richard Ave there are several items that will need to be addressed:

1. Grading plan – We will need two grading plans with drainage arrows stamped by an engineer. One will show the existing topography, and the second will show the site as it will be after construction.
2. Floor plan – We will need a floor plan in order to calculate lot coverage. The information supplied in the plans submitted indicate that the house exceeds the allowable 40% lot coverage.
3. Window type and series – Please supply us the window type and series to be used. If it is not a window that we are familiar with that meets the requirements for expressed profile we may ask you to bring in a sample for review.
4. Setbacks – The front yard setback is the average of the front yard setback of the contributing main buildings on the block face as listed in Exhibit C, per Ord. 26391 Sec. 4 (o)(1)(A). The front yard setback is 28 feet. It also appears as though the steps for the back porch encroach into the required 10-foot east side yard setback. Please review and revise as necessary.
5. Maximum height – The maximum height allowed in the conservation district is 30 feet from grade. Because of the change in grade reflected in your plans we take the average from the four corners of the house and it appears as though this average exceeds the allowed max height. This might be cleared up when you have the grade verified by an engineer, but please make sure that the average from grade at the four corners of the structure to the highest point does not exceed the 30-foot max.
6. 12- inch raised foundation – Per Ord. 26391 Sec. 4(h) Foundations of main buildings must be raised a minimum of 12 inches above grade. This is a development standard which applies to the entire structure, and because the garage is attached to the main structure that must also meet the requirement.
7. Windows – It appears as though the windows that are proposed are not typical to the Prairie style in that the lower sash is not a single pane of glass. Prairie style structures typically have a multi-light upper sash over a single pane in the lower sash. Another issue is that fixed windows are not allowed on the front façade and 25-foot wrap around. They should be either single or double hung.
8. Optional architectural design features – The dormer must be built inside the wall structure of the main structure, so it will need to be pushed back further up on the roof. In addition, the dormer must also meet the minimum 24-inch eave requirement. The chimney does not meet the requirement for it to count toward one of the four required optional features because it is not located on the front façade. This is not as big of a deal if you make the necessary changes to the windows mentioned in item number seven above, so windows with multiple pane upper sashes can be applied in the place of the chimney.
9. Porch roof – All roofs must have a roof slope between 20 and 40 degrees. The proposed pitch for the porch roof does not meet this requirement, as 4/12 is only 18 degrees of slope. Please revise to be at least 4.5/12 pitch.
10. Front driveway – The front driveway must extend at least to the front yard setback, in this case 28 feet from the property line.

You may pick up a set of marked up drawings here at 320 E Jefferson Blvd, Rm 105 reflecting the comments above. If you have any questions about these or any other items as you make revisions do not hesitate to contact me.

Thanks!

BSA-09 7110

Attn: B

PS 22



Trevor Brown
Senior Planner
City of Dallas | DallasCityNews.net
Sustainable Development and
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320 E Jefferson Blvd, Rm 105
Dallas, TX 75203
O: (214) 948-4173
trevor.brown@dallascityhall.com



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BSA/BA-110
Att. B

Hoskins, Debra

0523

From: Brown, Trevor A
Sent: Friday, April 20, 2018 11:26 AM
To: 'Daniel McNutt'
Cc: 'Dave Schneider'
Subject: RE: CD work review - 5609 Richard Ave.

Daniel-

I know that someone just picked up my mark-ups so I did want to clarify one thing regarding the front setback. The way the ordinance is written, they took the average setback for the entire block face. At the time of the ordinance (and revision) that average for your block is 28 feet. This information is found in the appendix. I certainly understand where you were coming from but once the original structure was demolished you now have to meet the new 28-foot setback requirement.

Let me know if you have any questions moving forward.

Trevor



Trevor Brown
Senior Planner
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O: (214) 948-4503
trevor.brown@dallascityhall.com



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From: Daniel McNutt [mailto:daniel@rihomedallas.com]
Sent: Wednesday, April 18, 2018 10:59 PM
To: Brown, Trevor A <trevor.brown@dallascityhall.com>
Cc: Dave Schneider <fdschneider79@yahoo.com>
Subject: Re: CD work review - 5609 Richard Ave.

Trevor,

Thanks for taking the time and responding clearly with your concerns. We will address many, if not all concerns with revisions on a new set of plans that you should see sometime Monday. Please see our initial comments below in red. Again thanks...

Daniel McNutt

From: Brown, Trevor A <trevor.brown@dallascityhall.com>
Sent: Wednesday, April 18, 2018 11:38 AM
To: Daniel McNutt
Subject: CD work review - 5609 Richard Ave.

p. 24

Mr. McNutt-

In reviewing the drawings you submitted for the new single family residence at 5609 Richard Ave there are several items that will need to be addressed:

1. Grading plan – We will need two grading plans with drainage arrows stamped by an engineer. One will show the existing topography, and the second will show the site as it will be after construction. **We will submit an in-fill waiver. Our initial intention was to address the two neighbors concerns of cross drainage. If we lowered the back it gave us more control of the drainage. We can address via landscaping and will submit a final grading plan stamped by engineer per city requirements.**
2. Floor plan – We will need a floor plan in order to calculate lot coverage. The information supplied in the plans submitted indicate that the house exceeds the allowable 40% lot coverage. **I will provide the floor plans. Our intention was not to exceed the 40% and we approached it very closely. I will provide our math on the revisions.**
3. Window type and series – Please supply us the window type and series to be used. If it is not a window that we are familiar with that meets the requirements for expressed profile we may ask you to bring in a sample for review. **Will be provided. Cut sheets with selections marked up.**
4. Setbacks – The front yard setback is the average of the front yard setback of the contributing main buildings on the block face as listed in Exhibit C, per Ord. 26391 Sec. 4 (o)(1)(A). The front yard setback is 28 feet. It also appears as though the steps for the back porch encroach into the required 10-foot east side yard setback. Please review and revise as necessary. **Our intention was not to look out of place comparatively to the neighbors. The existing structure at 5609 had a setback of 24 feet. The neighboring houses have a 25 ft setback. This requirement is to preserve the original building line. We would like to hold the farther than original setback of 25'9" to allow a full-size truck to park and not block the ally. The steps on the East side will be removed and added if needing with hard-scape during the landscape package.**
5. Maximum height – The maximum height allowed in the conservation district is 30 feet from grade. Because of the change in grade reflected in your plans we take the average from the four corners of the house and it appears as though this average exceeds the allowed max height. This might be cleared up when you have the grade verified by an engineer, but please make sure that the average from grade at the four corners of the structure to the highest point does not exceed the 30-foot max. **Will be addressed in revisions.**
6. 12- inch raised foundation – Per Ord. 26391 Sec. 4(h) Foundations of main buildings must be raised a minimum of 12 inches above grade. This is a development standard which applies to the entire structure, and because the garage is attached to the main structure that must also meet the requirement. **Will be addressed in revisions.**
7. Windows – It appears as though the windows that are proposed are not typical to the Prairie style in that the lower sash is not a single pane of glass. Prairie style structures typically have a multi-light upper sash over a single pane in the lower sash. **Lower sash will be addressed in revisions.** Another issue is that fixed windows are not allowed on the front façade and 25-foot wrap around. They should be either single or double hung. **This verbage could not be found in the CD-15 guidelines. It mentions no picture windows in which the windows on the front façade are smaller in size then the definition of picture window and in areas that enhance the overall cohesive look. I will attach a few representative photos of homes that have these same twin fixed windows that enhance the bump out projection and finish off the prairie style. The alternative is very small nonfunctional double hung.**

8. Optional architectural design features – The dormer must be built inside the wall structure of the main structure, so it will need to be pushed back further up on the roof. In addition, the dormer must also meet the minimum 24-inch eave requirement. The chimney does not meet the requirement for it to count toward one of the four required optional features because it is not located on the front façade. This is not as big of a deal if you make the necessary changes to the windows mentioned in item number seven above, so windows with multiple pane upper sashes can be applied in the place of the chimney. **Noted.**
9. Porch roof – All roofs must have a roof slope between 20 and 40 degrees. The proposed pitch for the porch roof does not meet this requirement, as 4/12 is only 18 degrees of slope. Please revise to be at least 4.5/12 pitch. **Will be addressed in revisions.**
10. Front driveway – The front driveway must extend at least to the front yard setback, in this case 28 feet from the property line. **Will be addressed in revisions.**

You may pick up a set of marked up drawings here at 320 E Jefferson Blvd, Rm 105 reflecting the comments above. If you have any questions about these or any other items as you make revisions do not hesitate to contact me.

Thanks!



Trevor Brown
Senior Planner
City of Dallas | DallasCityNews.net
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320 E Jefferson Blvd, Rm 105
Dallas, TX 75203
O: (214) 948-4173
trevor.brown@dallascityhall.com



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Hoskins, Debra

From: Daniel McNutt <daniel@rihomedallas.com>
Sent: Tuesday, May 08, 2018 12:07 PM
To: Brown, Trevor A
Cc: Hersch, William
Subject: Re: CD work review #2 - 5609 Richard Ave.

Mr. brown,

Revision #2 has just been dropped off with everything requested changed. One waiver is that I did not get the grading plan stamped as they wanted a great amount of money that didn't seem justifiable.

Thanks for your help.

Thanks
Daniel McNutt

Sent from my iPhone

On May 1, 2018, at 12:43 PM, Brown, Trevor A <trevor.brown@dallascityhall.com> wrote:

Mr. McNutt-
Please see attached list. This is by no means comprehensive and there are plenty of other windows that meet the minimum requirement, but we just need to verify either by visually confirming a sample or by thorough photo documentation.
If you have any issues with the attachment or any further questions as you revise the plans do not hesitate to contact me.

<image001.png>

Trevor Brown
Senior Planner
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Construction
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Dallas, TX 75203
O: (214) 948-4503
trevor.brown@dallascityhall.com
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****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.****

From: Daniel McNutt [<mailto:daniel@rihomedallas.com>]
Sent: Tuesday, May 01, 2018 11:29 AM
To: Brown, Trevor A <trevor.brown@dallascityhall.com>
Cc: Hersch, William <william.hersch@dallascityhall.com>
Subject: Re: CD work review #2 - 5609 Richard Ave.

Mr. Brown,
When you get a free chance can you send the approved window list so I can solicit for quotes.
Thanks
Daniel McNutt

Sent from my iPhone

On Apr 27, 2018, at 10:27 AM, Brown, Trevor A <trevor.brown@dallascityhall.com> wrote:

Daniel-

In looking over the revised plans you submitted on April 24 I have some new comments and still have some unresolved items from the email I sent you on April 18. I will address the unresolved items first with my **new comments in red** below:

1. Grading plan – We will need two grading plans with drainage arrows stamped by an engineer. One will show the existing topography, and the second will show the site as it will be after construction. **Per Ord. 26391(4)(g) "The existing slope of a lot must be maintained. This provision does not prevent minor grading as necessary to allow construction, prevent lot-to-lot drainage, or match the slope of contiguous lots." We still need the two grading plans even with the provided waiver.**
2. Floor plan – We will need a floor plan in order to calculate lot coverage. The information supplied in the plans submitted indicate that the house exceeds the allowable 40% lot coverage. **Please provide general dimensions on all drawings, including elevations. Because you are at exactly max lot coverage and max height your provided dimensions will give us something to double check, and will give inspectors in the field verifiable measurements without having to have an architectural scale.**
3. Window type and series – Please supply us the window type and series to be used. If it is not a window that we are familiar with that meets the requirements for expressed profile we may ask you to bring in a sample for review. **The Pella 350 series windows you proposed are not a window that is on our preapproved list of windows that meet our minimum requirements. In this case you can either bring a sample window by our office to verify, or you can prove the minimum ¼" expression with clear photographs showing the overall window, a shot demonstrating the ¼" expression (distance from glass to face of sash and mullion), and a shot of the manufacturers sticker calling out the brand and series.**
4. Setbacks – The front yard setback is the average of the front yard setback of the contributing main buildings on the block face as listed in Exhibit C, per Ord. 26391 Sec. 4 (o)(1)(A). The front yard setback is 28 feet. It also appears as though the steps for the back porch encroach into the required 10-foot east side yard setback. Please review and revise as necessary. **You now are meeting the required setbacks, but the adjustments made have resulted in an issue with the porch not meeting the ordinance. Please see the note below regarding the porch.**
5. Maximum height – The maximum height allowed in the conservation district is 30 feet from grade. Because of the change in grade reflected in your plans we take the average from the four corners of the house and it appears as though this average exceeds the allowed max height. This might be cleared up when you have the grade verified by an engineer, but please make sure that the average from grade at the four corners of the structure to the highest point does not exceed the 30-foot max. **In regards to height, you are showing 29 feet 11 ½ inches according to my measurement, which is pushing the maximum height of 30 feet. In this set you were showing a perfectly level lot but that may not be allowed under the ordinance, as I previously mentioned in item #1. Keep this in mind when making necessary revisions.**

6. 12- inch raised foundation – Per Ord. 26391 Sec. 4(h) Foundations of main buildings must be raised a minimum of 12 inches above grade. This is a development standard which applies to the entire structure, and because the garage is attached to the main structure that must also meet the requirement. When I put my scales on the drawing it shows a 10 inch exposed foundation. The ordinance requires a minimum 12-inch concrete foundation. In addition, that must be expressed on the front porch as well and the finish decking material (appears to be brick) does not count toward the 12 inch minimum.
7. Windows – It appears as though the windows that are proposed are not typical to the Prairie style in that the lower sash is not a single pane of glass. Prairie style structures typically have a multi-light upper sash over a single pane in the lower sash. Another issue is that fixed windows are not allowed on the front façade and 25-foot wrap around. They should be either single or double hung. As previously mentioned fixed windows are not allowed in the front façade and wrap-around due to the fact that they are not considered typical of the Prairie style. They should either be single or double hung. Fixed windows are allowed in the dormer.
8. Optional architectural design features – The dormer must be built inside the wall structure of the main structure, so it will need to be pushed back further up on the roof. In addition, the dormer must also meet the minimum 24-inch eave requirement. The chimney does not meet the requirement for it to count toward one of the four required optional features because it is not located on the front façade. This is not as big of a deal if you make the necessary changes to the windows mentioned in item number seven above, so windows with multiple pane upper sashes can be applied in the place of the chimney. At present you do not meet the minimum for incorporating 4 optional architectural design features – you have tapered columns, porch railing, and windows with multi-pane upper sashes. In order to be considered a dormer, the entire dormer must be built within the wall structure of the main structure, typically a minimum of 18 inches inside the perimeter wall, but it may be advisable with the overhang of the dormer roof to set it farther back into the main roof.
9. Porch roof – All roofs must have a roof slope between 20 and 40 degrees. The proposed pitch for the porch roof does not meet this requirement, as 4/12 is only 18 degrees of slope. Please revise to be at least 4.5/12 pitch. Okay.
10. Front driveway – The front driveway must extend at least to the front yard setback, in this case 28 feet from the property line. Okay.

Here are some new items from the most recent review:

1. Stamped survey – Please provide a stamped survey of the lot.
2. Front porch – Per Ord. 26391(4)(m)(2) “Front porches must have a minimum depth of 6 feet.” When you made the changes to meet the front yard setback you decreased the depth of the porch to 5 feet 8 inches.
3. Minimum roof overhang of 24 inches – On the façade where you have the central projecting bay the roof overhang at the projection must be a minimum of 24 inches from the plane of the wall. It is currently only 9 inches.
4. Add dimensions – Please add general dimensions to elevations and floor plans.
5. Previous items still to be addressed – grading plans (2), window submittal, max height, 12-inch foundation, fixed windows in wrap, dormer.

You may pick up a copy of the marked up drawings with my comments at 320 E Jefferson Blvd, Rm 105. If you feel as though a meeting to go over these items (or revisions before resubmittal) would be helpful to you I would be glad to do so as part of our weekly open consultation on Wednesdays from 8 to noon. If you have any questions in the meantime do not hesitate to contact me via email or the number listed below.

Thanks!

BDA-09-110

mtm B

PS 24

Trevor Brown
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<WINDOWS with correct profile.doc>

BDA 18-110
A-11 B

Hoskins, Debra

From: Daniel McNutt <daniel@rihomesdallas.com>
Sent: Monday, May 21, 2018 12:03 PM
To: Brown, Trevor A
Cc: fdschneider79@yahoo.com
Subject: Re: CD work review #3 - 5609 Richard Ave.

12:30

Good afternoon Trevor,

I just dropped off the revised plans and included the initial grade survey. The grades are displayed on the elevations for the four corners and verified with the grade survey. The height was reduced by changing out both the first floor ceiling joist and 2nd floor ceiling joist. Also reduced the 11" freeze to 9".

I removed the errant 2nd stair from the front porch.

Lastly I meant I was hoping to start June 15th not May. Sorry about the confusion.

Thanks for your time.

Daniel McNutt
RI Custom Homes
314.609.1894

Sent from my iPhone

On May 10, 2018, at 3:56 PM, Brown, Trevor A <trevor.brown@dallascityhall.com> wrote:

Daniel-

I would be happy to meet with you to help explain some of these items. If you are coming here to persuade me that these conditions do not apply to this project, I will try to save us both some time with some more explanation here.

In all Conservation Districts with language pertaining to slope of the lot, the two stamped surveys are required as part of any application for construction of a new structure.

This is one of the few districts that contain language specific to maintaining the slope of the lot which is why we must have a stamped survey showing the before and after condition of the lot which can be verified in the event of a dispute. Unfortunately, we all pay for the actions of those who cannot follow the rules and we often find that what is reviewed and approved is not what happens on the job site...something I am sure you as an experienced professional are very familiar with, which is why you have detailed plans and specifications to fall back on.

As for the subjectivity of the max height of 30 feet, Vickery Place Ordinance 26391(1)(b)(14) defines HEIGHT as "the vertical distance measured from grade to the highest point of the structure." The word grade is the important word in the definition, and since it is not specifically defined in the Vickery Place ordinance we fall back on Sec. 51-2.102 of the Dallas City Code which defines GRADE as "the average of the finished ground surface elevations measured from the highest and lowest exterior corners of a structure. For purposes of this definition FINISHED GROUND SURFACE ELEVATION means the ground surface elevation of the building site before any construction or as altered in accordance with grading plans approved by the building official." Two things to take away here is that grade is established as the average of the highest and lowest point (front to back, side to side) at the corners of the structure, and that it is taken from the proposed "as altered in accordance with grading plans approved by the building

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official". This is the standard practice for establishing HEIGHT as it pertains maximum height restrictions in all Conservation Districts.

To use your example of CD project where there is a max height of 30 feet on a sloping lot where the grade changes 5 feet from front to back of the build site, I will assume that both front corners are at an elevation of zero and that both back corners are at an elevation of -5 indicating a lot sloping to the rear similar to 5609 Richard. In this scenario the maximum height as measured at the front two corners should be 27'6" and at the rear both corners 32'6" to the highest point on the structure. We reach the 30-foot maximum by adding the measurements taken at the four corners, 27'6" + 27'6" + 32'6" + 32'6" for a total of 120' and then dividing that figure by 4 to get an average height of 30 feet. If memory serves this hypothetical scenario is more extreme than 5609 Richard, so you may only have to reduce the height of the building 14-16 inches or so...but you must have a stamped topographical survey and site plan to verify this.

Your infill waiver covers the lot to lot drainage but none of the issues already discussed, and in fact likely pushes you out of compliance. The fact that the proposed plans are pushing the maximum height and lot coverage leaves very little room for error in those areas.

I believe in being direct in an effort to save everyone time and frustration and so you can inform your client the status of the review. I am not certain that CD approval will happen by the 15th since we review plans in the order in which they are received. At the time of this email I have seven reviews waiting and you are yet to submit the necessary revisions. Under most circumstances we meet with customers during our weekly open consultation which is held every Wednesday from 8 am to noon. In an effort to help you towards final approval I would be happy to schedule an appointment outside of our standard meeting time make sure you are on the right track. Please propose a meeting time and I will confirm that it works for me. If you have any questions about the project as you work on revisions do not hesitate to contact me.

Thanks!

Trevor Brown
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From: Daniel McNutt [<mailto:daniel@rihomedallas.com>]
Sent: Thursday, May 10, 2018 2:10 PM
To: Brown, Trevor A <trevor.brown@dallascityhall.com>
Subject: Re: CD work review #3 - 5609 Richard Ave.

Trevor,
Do you mind discussing this in person with a meeting setting if that will help? I have no problem changing the minor things like the steps, windows, etc as that is clearly in the guidelines without any subjectivity.

As far as the grading plan, can we get a conditional approval on this? It should be noted/acceptable that we are not changing the cross slope of the drainage or exceeding any grade change of more than a foot. That is the purpose of the infill waiver? I believe, that I am responsible legally if we don't adhere to the limitations set forth in the waiver? The CD submittal requirements also have the comment of "Grading plan. If the existing slope of the lot

is being altered, provide a grading plan.". I'm hoping you show leniency as we are taking alot of measures and investing in the neighbors concerns more than any other builder would. A final grade survey with slope arrows will be provided and stamped by a surveyor as the requirements set forth for the final CO.

On the 30ft max height, it is pretty clear we have been trying not to exceed 30ft. The "overall" structure of the roof is dropping from 30ft to 27'-8" and not increasing. The requirements intentions is to prevent the looming affect on the neighboring houses. The house has a two level roof and the front is isolated from the back by a clear difference or step. Can we also get a conditional approval on this as the rules intentions don't account for lot fall and we are taking several measures by dropping the slab with interior stairs. In retrospect as an example, if any lot has a slope change from front to back of 5 feet, that means your entire house is now limited to 25ft because of the infill requirements?

As you can tell, I believe we are very close with only three items left and I would really like to get to the next step of permitting if possible before the 15th. Can you let me know your thoughts so I can fill in my clients this weekend.

Thanks Again for your help,
Daniel McNutt
RI Custom Homes

From: Brown, Trevor A <trevor.brown@dallascityhall.com>

Sent: Thursday, May 10, 2018 10:52:40 AM

To: Daniel McNutt

Subject: CD work review #3 - 5609 Richard Ave.

Daniel-

In looking over the revised plans you submitted on May 8 I have some new comments and still have some unresolved items from the email I sent you on April 27. I will address the unresolved items first with my original comments (from review #1) and *earlier comments in italics (from review #2)* and my **new comments in red** below:

1. Grading plan – We will need two grading plans with drainage arrows stamped by an engineer. One will show the existing topography, and the second will show the site as it will be after construction. *Per Ord. 26391(4)(q) "The existing slope of a lot must be maintained. This provision does not prevent minor grading as necessary to allow construction, prevent lot-to-lot drainage, or match the slope of contiguous lots." We still need the two grading plans even with the provided waiver. I apologize for not being clear in my earlier comments. You are required to submit the two separate grading plans with drainage arrows that are stamped by a professional (Engineer, Architect, Landscape Architect, Surveyor) registered in the state of Texas, (1) will show the existing grade of the lot, (2) will show the grade after construction on a site plan. The existing slope of the lot must be maintained, understanding that there will be some change due to construction activity in preparing the lot for a new structure.*
2. Floor plan – We will need a floor plan in order to calculate lot coverage. The information supplied in the plans submitted indicate that the house exceeds the allowable 40% lot coverage. *Please provide general dimensions on all drawings, including elevations. Because you are at exactly max lot coverage and max height your provided dimensions will give us something to double check, and will give inspectors in the field verifiable measurements without having to have an architectural scale. Thank you for providing floor plans.*
3. Window type and series – Please supply us the window type and series to be used. If it is not a window that we are familiar with that meets the requirements for expressed profile we may ask you to bring in a sample for review. *The Pella 350 series windows you proposed are not a window that is on our preapproved list of windows that meet our minimum requirements. In this case you can either bring a sample window by our office to verify, or you can prove the minimum ¼" expression with clear photographs showing the overall window, a shot demonstrating the ¼"*

- expression (distance from glass to face of sash and mullion), and a shot of the manufacturers sticker calling out the brand and series. Pella Pro Series/Proline 450 series double hung. These are on our approved window list.
4. Setbacks – The front yard setback is the average of the front yard setback of the contributing main buildings on the block face as listed in Exhibit C, per Ord. 26391 Sec. 4 (o)(1)(A). The front yard setback is 28 feet. It also appears as though the steps for the back porch encroach into the required 10-foot east side yard setback. Please review and revise as necessary. *You now are meeting the required setbacks, but the adjustments made have resulted in an issue with the porch not meeting the ordinance. Please see the note below regarding the porch.* With the expansion of the porch we now have an issue with the steps encroaching into the front yard setback. No structure over six inches is allowed in any setback. Your top step at 12 inches is in the setback. Please revise.
 5. Maximum height – The maximum height allowed in the conservation district is 30 feet from grade. Because of the change in grade reflected in your plans we take the average from the four corners of the house and it appears as though this average exceeds the allowed max height. This might be cleared up when you have the grade verified by an engineer, but please make sure that the average from grade at the four corners of the structure to the highest point does not exceed the 30-foot max. *In regards to height, you are showing 29 feet 11 ½ inches according to my measurement, which is pushing the maximum height of 30 feet. In this set you were showing a perfectly level lot but that may not be allowed under the ordinance, as I previously mentioned in item #1. Keep this in mind when making necessary revisions.* According to the revised plans you are currently exceeding the maximum height allowed, 30 feet from grade. When you get a verified topographic survey of the property, the changes in grade should accurately be reflected in all elevation drawings. The unverified topo that you submitted shows a nearly three foot drop in grade from the front to rear along the west elevation, but the elevation only reflects a 1 foot 2 inch change in grade. Please make sure that when you measure from grade to the highest point of the structure at all four corners of the building that the average of those measurements does not exceed the 30 foot maximum.
 6. 12- inch raised foundation – Per Ord. 26391 Sec. 4(h) Foundations of main buildings must be raised a minimum of 12 inches above grade. This is a development standard which applies to the entire structure, and because the garage is attached to the main structure that must also meet the requirement. *When I put my scales on the drawing it shows a 10 inch exposed foundation. The ordinance requires a minimum 12-inch concrete foundation. In addition, that must be expressed on the front porch as well and the finish decking material (appears to be brick) does not count toward the 12 inch minimum.* The revised plans do show you in compliance.
 7. Windows – It appears as though the windows that are proposed are not typical to the Prairie style in that the lower sash is not a single pane of glass. Prairie style structures typically have a multi-light upper sash over a single pane in the lower sash. Another issue is that fixed windows are not allowed on the front façade and 25-foot wrap around. They should be either single or double hung. *As previously mentioned fixed windows are not allowed in the front façade and wrap-around due to the fact that they are not considered typical of the Prairie style. They should either be single or double hung. Fixed windows are allowed in the dormer.* Windows proposed on façade and wrap are in compliance with ordinance.
 8. Optional architectural design features – The dormer must be built inside the wall structure of the main structure, so it will need to be pushed back further up on the roof. In addition, the dormer must also meet the minimum 24-inch eave requirement. The chimney does not meet the requirement for it to count toward one of the four required optional features because it is not located on the front façade. This is not as big of a deal if you make the necessary changes to the windows mentioned in item number seven above, so windows with multiple pane upper sashes can be applied in the place of the chimney. *At present you do not meet the minimum for incorporating 4 optional architectural design features – you have tapered columns, porch railing, and windows with multi-pane upper sashes. In order to be considered a dormer, the entire*

dormer must be built within the wall structure of the main structure, typically a minimum of 18 inches inside the perimeter wall, but it may be advisable with the overhang of the dormer roof to set it farther back into the main roof. Revised dormer and extended eaves are in compliance.

- 9. Porch roof – All roofs must have a roof slope between 20 and 40 degrees. The proposed pitch for the porch roof does not meet this requirement, as 4/12 is only 18 degrees of slope. Please revise to be at least 4.5/12 pitch. *Okay.*
- 10. Front driveway – The front driveway must extend at least to the front yard setback, in this case 28 feet from the property line. *Okay.*

Items from the April 27 review #2:

- 1. Stamped survey – Please provide a stamped survey of the lot. Thank you for the stamped survey. We still need the two stamped grading plans mentioned above in item #1.
- 2. Front porch – Per Ord. 26391(4)(m)(2) “Front porches must have a minimum depth of 6 feet.” When you made the changes to meet the front yard setback you decreased the depth of the porch to 5 feet 8 inches. The porch meets the minimum depth of 6 feet, but in doing so you now have the top step extending into the front yard setback. No structure over 6 inches from grade are allowed in any required setback.
- 3. Minimum roof overhang of 24 inches – On the façade where you have the central projecting bay the roof overhang at the projection must be a minimum of 24 inches from the plane of the wall. It is currently only 9 inches. This item has been addressed and is in compliance.
- 4. Add dimensions – Please add general dimensions to elevations and floor plans. Thank you for adding dimensions.
- 5. Previous items still to be addressed – grading plans (2), window submittal, max height, 12-inch foundation, fixed windows in wrap, dormer. Still need grading plans and issue with max height.

Comments and issues to be resolved from review #3:

- 1. Front yard setback – Front step over 6 inches in front yard setback.
- 2. Grading plans – The stamped grading plans are required in all Conservation Districts that have specific language pertaining to the slope of the lot. They must be stamped by a registered professional in the state of Texas.
- 3. Elevations – All elevation drawings should accurately represent any intended change in grade. There should be a clear correlation between the elevation drawings and the supplied topographic survey and site plan for the completed project.
- 4. Maximum height – Please read my notes above regarding how maximum height from grade is measured and calculated. You may not exceed the maximum height of 30 feet from grade.

You may pick up a copy of the marked up drawings with my comments at 320 E Jefferson Blvd, Rm 105. If you feel as though a meeting to go over these items (or revisions before resubmittal) would be helpful to you I would be glad to do so as part of our weekly open consultation on Wednesdays from 8 to noon. If you have any questions in the meantime do not hesitate to contact me via email or the number listed below.

Thanks!

Trevor Brown
 Senior Planner
 City of Dallas | DallasCityNews.net
 Sustainable Development and
 Construction
 320 E Jefferson Blvd, Rm 105
 Dallas, TX 75203.
 O: (214) 948-4503
trevor.brown@dallascityhall.com
 <image002.png> <image003.png>
 <image004.png>

<image001.png>

****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.****

Hoskins, Debra

From: Hersch, William
Sent: Tuesday, May 29, 2018 9:01 AM
To: Daniel McNutt; Brown, Trevor A
Cc: fdschneider79@yahoo.com
Subject: RE: CD work review - 5609 Richard Ave.

Hi Daniel,

For all new single-family dwellings with a slab foundation in a conservation district that has requirements about maintaining the slope of the lot (such as Vickery Place), we must receive grading plans showing two different conditions. The first condition should be the existing slope of the lot, shown through contour lines or spot elevations. The second plan must show the proposed slope of the lot through either contour lines or spot elevations (or a combination). Drainage arrows must be shown on the proposed grading plan. Often this plan shows both the existing and proposed grade on one sheet, with one set of contours (normally the pre-construction contours) being clearly delineated from the other. For a pier and beam foundation, we would only need the proposed contours of the lot since there should be no additional fill. Unfortunately, these plans must be stamped by a licensed engineer or land surveyor. That way, in the event that the slope of the lot has been altered, we have a point of reference for the original grade and a licensed professional who will take responsibility for the plan. This requirement has been in place for projects of this type and within these specific districts for at least the last four years and were a result of multiple projects that raised their lots above neighboring lots, causing massive drainage issues. This provision has been required of every new single-family construction with a slab foundation within this district – no exceptions. Once the grading plan is received, we will look it over with the Assistant Building Official and potentially the City Engineers to ensure that the plan does not indeed raise the slope whatsoever (minimal grading away from foundation is fine, but very minimal). If the plan does not show any significant slope change, then it is good to go and we can add it for the approval. Once the sheets that you provided here via email are sealed by a licensed engineer or land surveyor, we can review the plans to ensure there is no significant grade change. Please let me know if you have any questions.

Thanks,
Bill

From: Daniel McNutt [mailto:daniel@rihomedallas.com]
Sent: Monday, May 28, 2018 10:08 PM
To: Brown, Trevor A <trevor.brown@dallascityhall.com>; Hersch, William <william.hersch@dallascityhall.com>
Cc: fdschneider79@yahoo.com
Subject: Re: CD work review - 5609 Richard Ave.

Gentleman, Hope your holiday weekend was good.

Mr. William,

I am starting this venture of building homes coming from a highway, site, and bridge background. I am currently waiting on getting through the CD review before I give my two weeks notice at my current employment. With that said, please see attached 5 supplemental sheets for 5609 Richard Ave to use in your review for verifying that this is minor grading and how I plan on holding myself accountable for the final grade

after construction. I'm not sure the exact definition of minor grading and I couldn't find any verbage in any of City of Dallas ordinances on the requirement for grading plans but on sheet A13e there is a dirt volume report indicating how small this job is in cubic yards. Sheet A13e also shows the cut fill map where no cut or fill is greater than 1ft respectively. Sheet A13b and A13d show drainage arrows based on the initial surface and final surface. You can see that the drainage arrows don't change all that much from the two sheets. The drainage will be handled with area drains and the current fall to the back of the property is being maintained. I've talked to both neighbors and have taken into consideration their concerns with this grading plan and designed with their help accordingly.

To plead my case a little more, the total dollar amount is about \$180.00 or \$3/CY for grading. I have contacted a few engineers and quotes are between \$1,100 and \$1,400 for a grading plan. As you can see getting a sheet stamped by an engineer on this house would be cost prohibitive and I'm not a builder that has 20 projects going at one time to help offset this cost.

Trevor,

You are correct, I pulled the stair out of the garage and didn't change the annotation. It should read 97.83 ft and be an elevation change of 14". The second point on roof slope. No change was made to pitch. I reduced the first floor joist and dropped the windows/frieze by another two inches giving the sturcture the minus 30ft needed. It should be the same as before 4.5/12 but overall lower.

Thank you both for your time and hope this helps clear up any doubt about following through with the city requirements when it deals with Lot to Lot drainage.

Thanks

Daniel McNutt

From: Brown, Trevor A <trevor.brown@dallascityhall.com>
Sent: Friday, May 25, 2018 4:56:32 PM
To: Daniel McNutt
Cc: Hersch, William
Subject: CD work review - 5609 Richard Ave.

BDA 189-110
A H u h B
P 5 27

Mr. McNutt-

As per our phone conversation I am forwarding your inquiry regarding “before” and “proposed” grading plans for new construction in CD 15 – Vickery Place. As I mentioned in previous emails this is to insure that there is no significant change of the slope of the lot, but also the grade impacts things like overall height of the building and the requirement for a minimum twelve-inch foundation. I am copying the Chief Planner for Conservation Districts, Bill Hersch, on this message since the requirement for the grading plans predates my employment with the City. He should be able to clear up any confusion regarding the policy.

I am holding on to your plans until we get the necessary grading plan. Please keep in mind that the information given in that grading plan should be represented in all elevations. I already noticed that you give a change from the front corner (elev. - 99.00 ft.) to the back corner (elev. – 97.25 ft.) which indicates a 1’9” change in grade, yet there is only a one-foot change in grade shown on the elevation. You also lowered the height of the roof from top plate to ridge which would have altered the pitch of the roof, but you still show the same pitch as your previous submission. Please make sure that all information is accurate to avoid further delays from revisions. Once you submit the necessary grading plan and any revisions you think you might need I will move forward on the review.

Be on the lookout Monday for a response from Bill Hersch. If you have any questions as you work through revisions, I will be happy to answer them or find you someone who can.



Trevor Brown

Senior Planner – Conservation Districts

City of Dallas | www.dallascityhall.com

Sustainable Development & Construction

320 E Jefferson Blvd, Rm 105

Dallas, TX 75203

O: (214) 948-4503

trevor.brown@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.****

BDT-189-110

PHIL B

pg 38

EXHIBIT E

BOA 189 7110
17724 B
P5 39



CITY OF DALLAS

August 21, 2019

CERTIFIED MAIL NO. 70151730000110588742

Mr. Daniel McNutt
2540 Greenspoint Lane
Prosper, TX 75078

RE: Revocation of Building Permit No.1806261063 for ("permit") issued for work at 5609 Richard Avenue ("the Property")

Dear Mr. McNutt:

This letter is to inform you that the construction at the above referenced Property does not comply with the requirements of Conservation District No. 15 (Vickery Place) and the building permit is therefore revoked. The Property is located within Vickery Place. Pursuant to Section 4(h) of the Vickery Place Conservation District Ordinance ("the Ordinance"): "Foundations of main buildings must be raised a minimum of 12 inches above grade."¹ The construction at 5609 Richard fails to meet the requirement for the foundation height and violates Section 4(h) of the Ordinance. Further, solutions posited by the contractor would violate Section 4(q)(1) of the Ordinance by severely altering the existing slope of the lot.²

Section 302.6.1 of Chapter 52 of the Dallas City Code requires the building official to revoke a permit if he or she determines that the work violates a city ordinance or regulation or any provision of the chapter or the code.³ Accordingly, **Building Permit No. 1806261063 is hereby revoked.** A person shall not continue to work under a permit that has been revoked.⁴

Section 51A-4.703 of the Dallas Development Code provides that any aggrieved person may appeal a decision of an administrative official to the board when that decision concerns issues within the jurisdiction of the board. An appeal to the board must be made within 15 days after notice of the decision of the official.⁵ For information on filing that appeal, please contact Charles Trammel, Board of Adjustment Liaison, at 214-948-4618.

This decision is final unless appealed to the Board of Adjustment within fifteen days after receipt of this letter.⁶ If you have any questions, please contact me at 214-948-4458.

Sincerely,

William Hersch, LEED AP, Chief Planner
Building Inspection Division

cc: Kris Sweckard, Director, Sustainable Development and Construction
Carl Simpson, Director, Code Compliance
Phil Sikes, CBO, Building Official

¹ Ordinance No. 26391, Exhibit B, § 4(h).
² *Id.* § 4(q)(1) ("The existing slope of a lot must be maintained. This provision does not prevent minor grading as necessary to allow construction, prevent lot-to-lot drainage, or match the slope of contiguous lots.
³ DALLAS CITY CODE Ch. 52, § 302.6.1.
⁴ *Id.* § 302.6.4.
⁵ DALLAS DEVELOPMENT CODE § 51A-4.703(a)(2)(A).
⁶ *Id.* .

ADM 182-118
ALL B
PSTO

EXHIBIT F

BDA-109-110 Hall B P241



BDA 104-110 ARTZ LR P042













City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-110

Date: 7-26-19

Data Relative to Subject Property:

Location address: 5609 Richard Avenue Zoning District: CD 15

Lot No.: 22 Block No.: 18/1931 Acreage: 0.179 Census Tract: 0010.01

Street Frontage (in Feet): 1) 50.00' 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Frank David Schneider

Applicant: Frank David Schneider Telephone: 314-605-8483

Mailing Address: 3030 Hester Avenue, Apt 619 Zip Code: 75205

E-mail Address:

Represented by: Michael R. Coker Telephone: 214-821-6105

Mailing Address: 3111 Canton St., suite 140 Zip Code: 75226

E-mail Address: mrcoker@cokercompany.com

Affirm that an appeal has been made for a Variance, or Special Exception, of Appeal of Building Official decision regarding the height of a new foundation reveal.

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:

Foundation was constructed in accordance with the approved building plans

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 F. David Schneider (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 26th 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

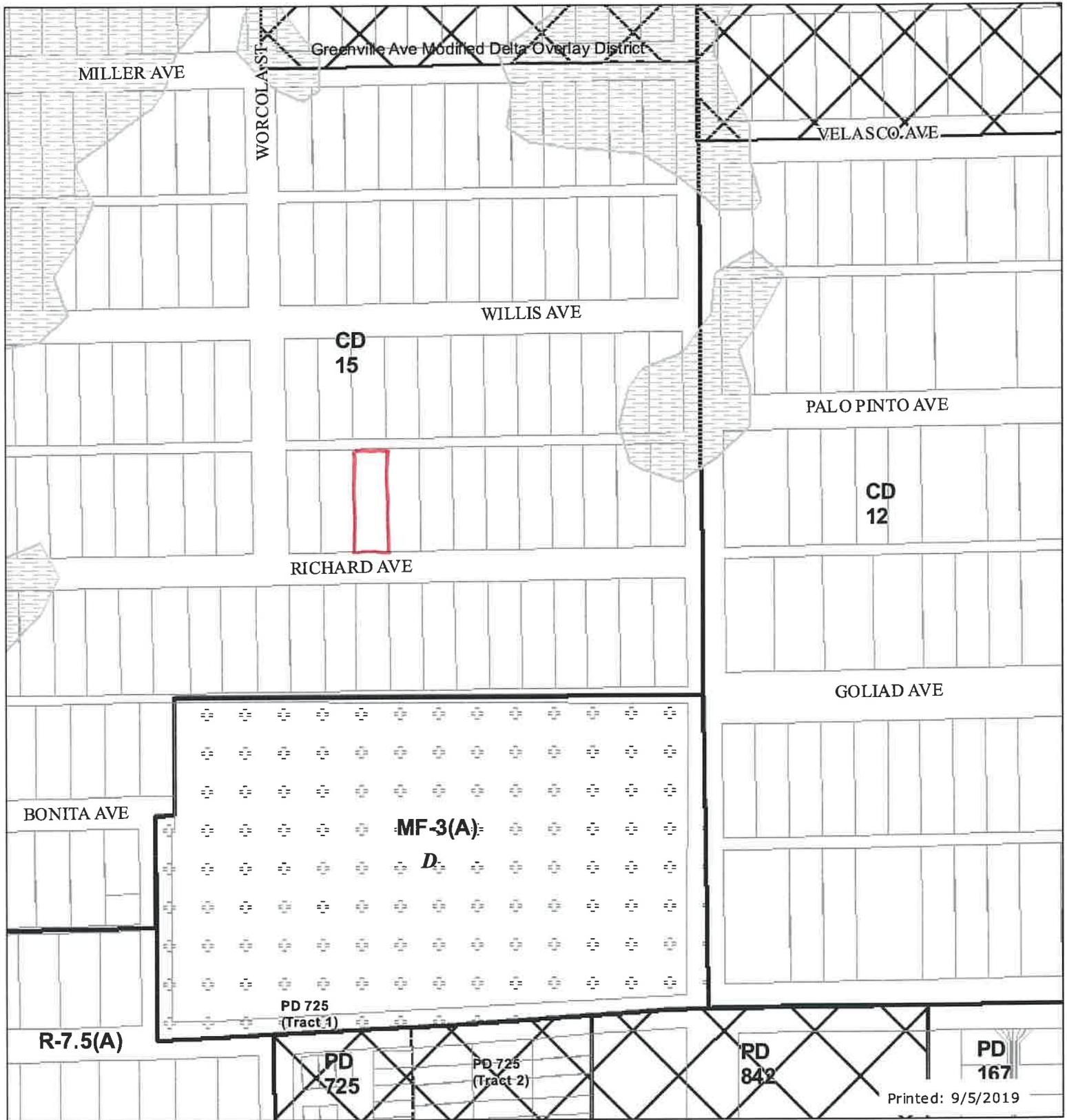
I hereby certify that Frank David Schneider
represented by Michael Coker
did submit a request to appeal the decision of the administrative official
at 5609 Richard Avenue

BDA189-110. Application of Frank David Schneider represented by Michael Coker to appeal the decision of the administrative official at 5609 RICHARD AVE. This property is more fully described as Lot 22, Block 18/1931, and is zoned CD-15 (Vickery Place), Chapter 52, Section 302.6.1 states, The building official shall suspend or revoke a permit issued under this chapter if he or she determines that the permit is issued in error or on the basis of incorrect information supplied, or in violation of any city ordinance or regulation or any provision of this chapter or the codes. The applicant proposes to appeal the decision of an administrative official in the revocation of a building permit.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





Printed: 9/5/2019

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 | 3-56 |
| | | Height Map Overlay | Front Overlay |

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



August 21, 2019



CITY OF DALLAS

CERTIFIED MAIL NO. 70151730000110588742

Mr. Daniel McNutt
2540 Greenspoint Lane
Prosper, TX 75078

RE: Revocation of Building Permit No.1806261063 for (“permit”) issued for work at 5609 Richard Avenue (“the Property”)

Dear Mr. McNutt:

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Section 302.6.1 of Chapter 52 of the Dallas City Code requires the building official to revoke a permit if he or she determines that the work violates a city ordinance or regulation or any provision of the chapter or the code.³ Accordingly, **Building Permit No. 1806261063 is hereby revoked.** A person shall not continue to work under a permit that has been revoked.⁴

Section 51A-4.703 of the Dallas Development Code provides that any aggrieved person may appeal a decision of an administrative official to the board when that decision concerns issues within the jurisdiction of the board. An appeal to the board must be made within 15 days after notice of the decision of the official.⁵ For information on filing that appeal, please contact Charles Trammel, Board of Adjustment Liaison, at 214-948-4618.

This decision is final unless appealed to the Board of Adjustment within fifteen days after receipt of this letter.⁶ If you have any questions, please contact me at 214-948-4458.

Sincerely,

A handwritten signature in black ink, appearing to read 'William Hersch'.

William Hersch, LEED AP, Chief Planner
Building Inspection Division

cc: Kris Sweckard, Director, Sustainable Development and Construction
Carl Simpson, Director, Code Compliance
Phil Sikes, CBO, Building Official

¹ Ordinance No. 26391, Exhibit B, § 4(h).

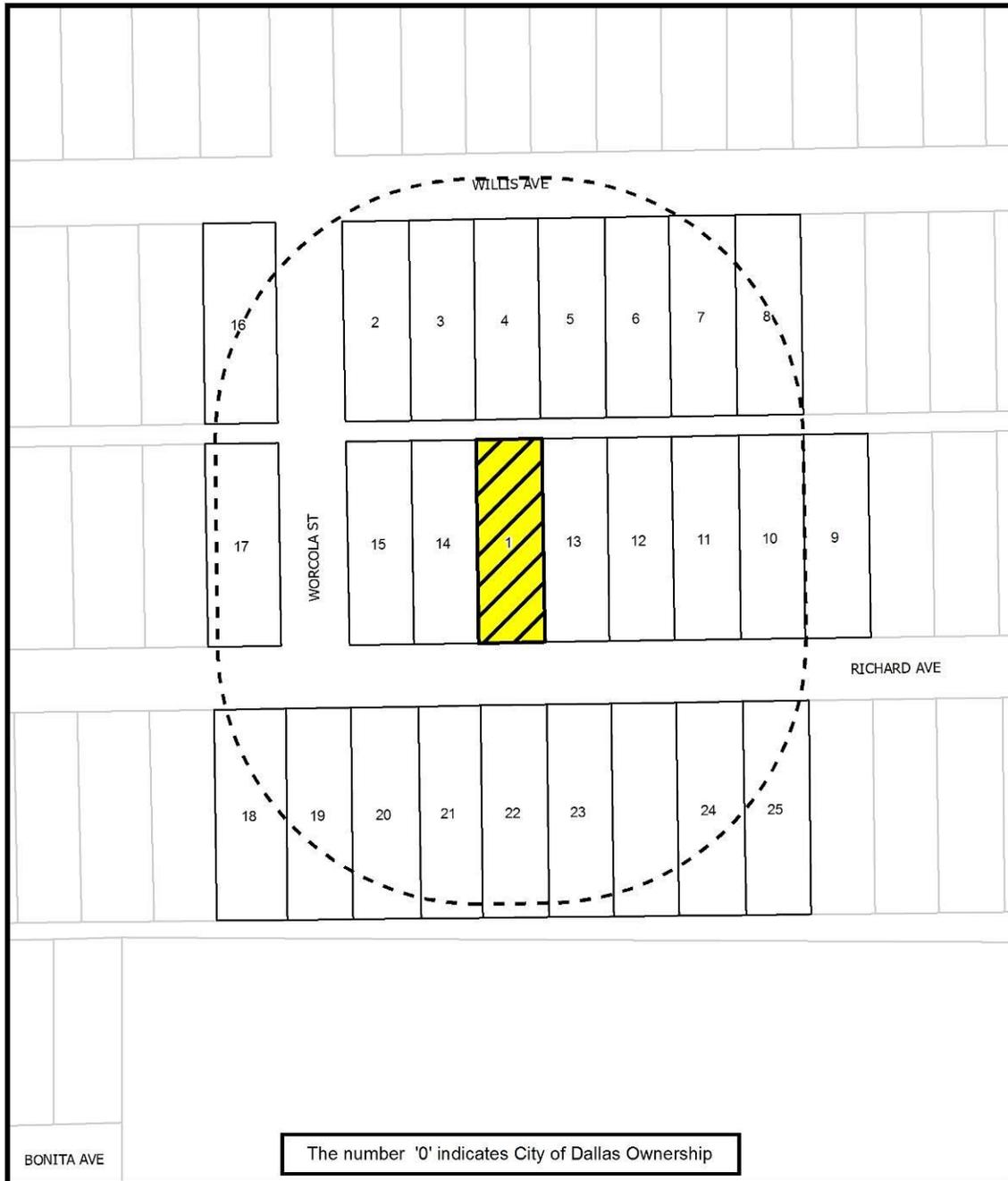
² *Id.* § 4(q)(1) (“The existing slope of a lot must be maintained. This provision does not prevent minor grading as necessary to allow construction, prevent lot-to-lot drainage, or match the slope of contiguous lots.

³ DALLAS CITY CODE Ch. 52, § 302.6.1.

⁴ *Id.* § 302.6.4.

⁵ DALLAS DEVELOPMENT CODE § 51A-4.703(a)(2)(A).

⁶ *Id.* .



The number '0' indicates City of Dallas Ownership

 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">25</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	25	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA189-110</u> Date: <u>9/13/2019</u>
200'	AREA OF NOTIFICATION					
25	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA189-110

25 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5609 RICHARD AVE	SCHNEIDER FRANK DAVID
2	5602 WILLIS AVE	DUONG CHRISTOPHER K
3	5604 WILLIS AVE	BLW VENTURES LLC
4	5608 WILLIS AVE	WOOD JASON D
5	5612 WILLIS AVE	KNILL MICHAEL KEVIN &
6	5616 WILLIS AVE	MAR DANIEL & KIRSTEN
7	5620 WILLIS AVE	SANTOS BLANCA G
8	5626 WILLIS AVE	LINDSEY CHARLOTTE A
9	5629 RICHARD AVE	MORRISON JEANNIE & TOM A IV
10	5627 RICHARD AVE	WARD JOEL C & LUCY G
11	5621 RICHARD AVE	GUIDRY MICHAEL
12	5619 RICHARD AVE	MARSH SHERRI
13	5615 RICHARD AVE	WHITED PHILLIP
14	5605 RICHARD AVE	ST GERMAIN ANGELIQUE & DAVIS WALTER BRYAN
15	5601 RICHARD AVE	MORRIS MACK & EMILY &
16	5548 WILLIS AVE	GUTIERREZ MARIA M
17	5555 RICHARD AVE	YORK BEVERLY D
18	5554 RICHARD AVE	BAILEY DAVID D & IDA J
19	5556 RICHARD AVE	DZIURGOT JOSEPH A & ROSEMARY
20	5600 RICHARD AVE	RAMPONE AUDREY
21	5606 RICHARD AVE	EVANS DANIEL
22	5610 RICHARD AVE	JOHNSON JEFFREY M & HILARY L
23	5614 RICHARD AVE	SUMMERS STEVEN L
24	5620 RICHARD AVE	SZWED MARY ESTHER CHAPA
25	5628 RICHARD AVE	STOUT SEAN & KATHERINE

FILE NUMBER: BDA189-119(SL)

BUILDING OFFICIAL'S REPORT: Application of Sanjuana Hernandez for a variance to the front yard setback regulations at 6827 Kennison Drive. This property is more fully described as Lot 11, Block 17/5818, 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 10 foot setback, which will require a 15 foot variance to the front yard setback regulations.

LOCATION: 6827 Kennison Drive

APPLICANT: Sanjuana Hernandez

REQUEST:

A request for a variance to the front yard setback regulations of 15' is made to maintain a carport structure attached to an existing one-story single family home located 10' from the front property line or 15' 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:

Denial

Rationale:

- Staff concluded that the request should be denied even though the applicant had submitted a document/list indicating that average structure size of 9 other homes in

the zoning district is approximately 1,600 square feet where the structure size on the site is approximately 1,500 square feet; and the average of lot size of 9 other homes in the zoning district is approximately 17,000 square feet where the lot size of the site is approximately 11,000 square feet. The subject site is not restrictive in area, shape or slope where it cannot be developed in a manner commensurate with the development upon other parcels of land with the same R-7.5(A) zoning. In this case, the subject site is approximately 3,500 square feet larger in area than the standard sized lot in this R-7.5(A) zoning district.

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, 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 variance to the front yard setback regulations of 15' focuses on maintaining an approximately 400 square foot carport structure attached to a one-story, approximately 1,500 square foot single family home structure located 10' from the site's front property line or 15' 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 carport structure located 10' from the front property line or 15' into this 25' front yard setback. The site plan makes representation of several trees located on the site.
- According to DCAD records, the "main improvement" listed for property addressed at 6827 Kennison Drive is home built in 1950 with 1,115 square feet of living area/total area, and "additional improvement" of a 360 square foot detached carport.
- The subject site is flat, rectangular in shape (approximately 137' x 90'), and is approximately 12,300 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 carport structure is located in the front yard setback but none of the single family home is located in this setback.
- The applicant was advised by staff of two options in making a request of the Board to maintain the existing carport located in the front yard setback: a variance or a special exception. The applicant chose to make the application for a variance.
- The applicant has submitted a document indicating the following: the average structure size of 9 other homes in the zoning district is 1,620 square feet where the structure size on the site is 1,491 square feet; and the average of lot size of 9 other homes in the zoning district is 17,246 square feet where the lot size of the site is 11,073 square feet.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-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 carport structure that is located 10' from the site's front property line (or 15' into the 25' front yard setback).

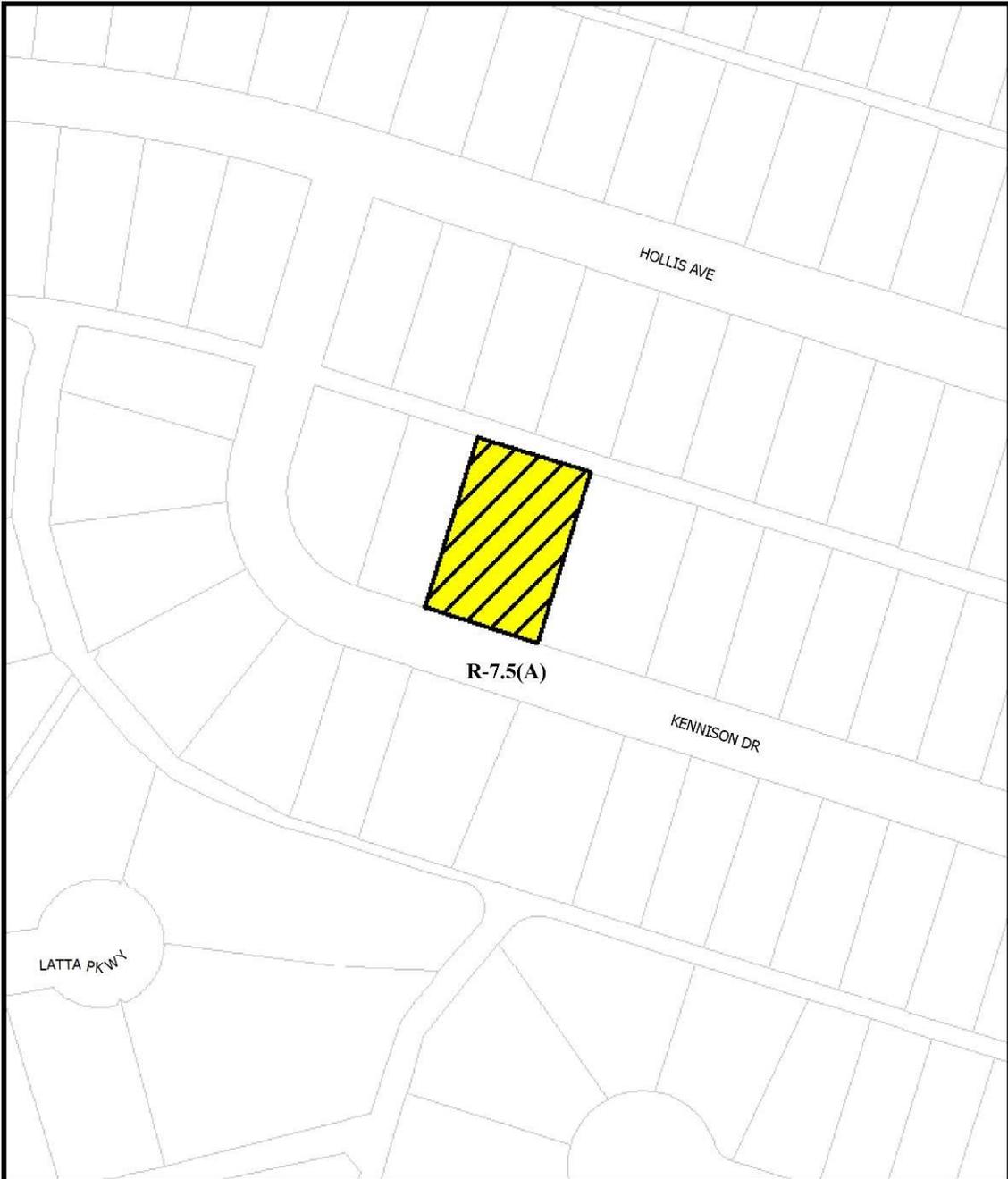
Timeline:

- August 8, 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 A.
- 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; 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.

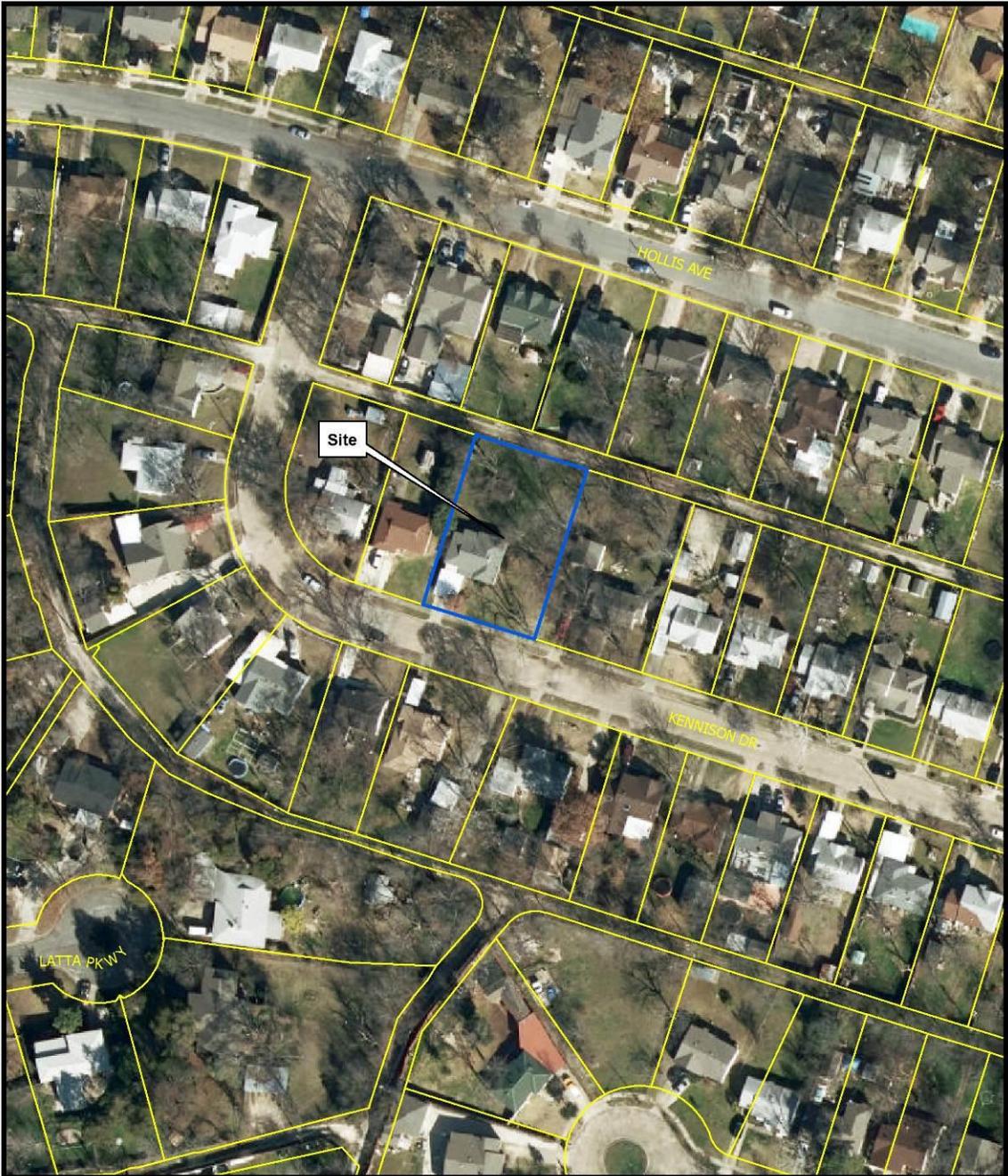


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ZONING MAP

Case no: BDA189-119

Date: 9/17/2019



1:1,200

AERIAL MAP

Case no: BDA189-119

Date: 9/17/2019



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-119

Data Relative to Subject Property:

Date: 8-8-19

Location address: 6827 Kennison Dr. Zoning District: R-7.5(A)

Lot No.: 11 Block No.: 17/5818 Acreage: .280 Census Tract: 84.06

Street Frontage (in Feet): 1) 90' 2) ~~90'~~ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): SANJUANA Hernandez

Applicant: SANJUANA HERNANDEZ Telephone: 469-233-0753

Mailing Address: 6828 Kennison Dr Zip Code: _____

E-mail Address: hsanjuana171@gmail.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance , or Special Exception , of Permiso para to allow the carport on the front yard setback (10 FT) 15' to the required 25' FYSB + provide 10' FYSB

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: Carport was already installed when property was purchased. Needed to protect vehicles from damage

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.

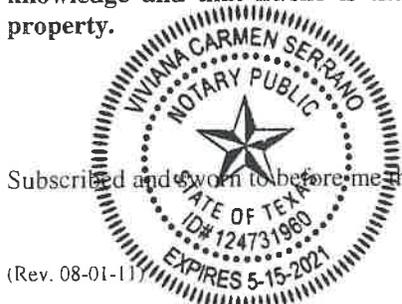
Affidavit

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

Subscribed and sworn to before me this 3 day of July, 2019



Viviana Serrano 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 Sanjuana Hernandez
did submit a request for a variance to the front yard setback regulations
at 6827 Kennison Drive

BDA189-119. Application of Sanjuana Hernandez for a variance to the front yard setback regulations at 6827 KENNISON DR. This property is more fully described as Lot 11, Block 17/5818, and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct a carport for a single family residential dwelling in a required front yard and provide a 10 foot setback, which will require a 15 foot variance to the front yard setback regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





Legend

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

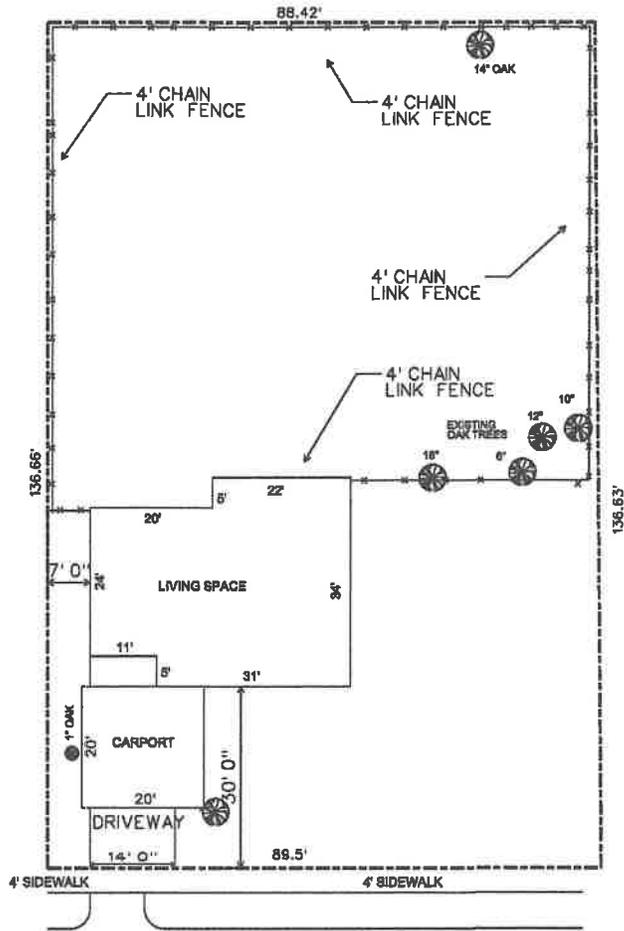
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering,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





AS

6827 Kennison Drive
 Dallas, Texas 75227



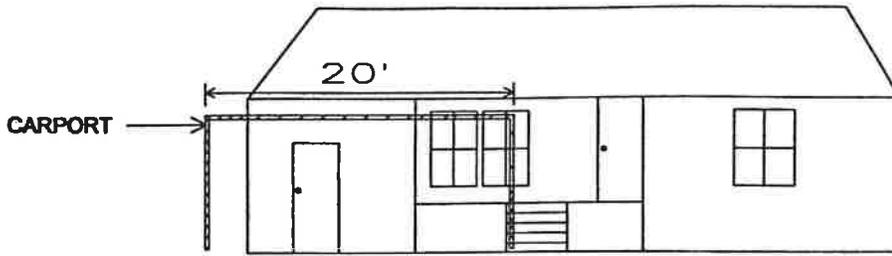
KENNISON DRIVE



SITE PLAN

Lot 11, Block 17/5818

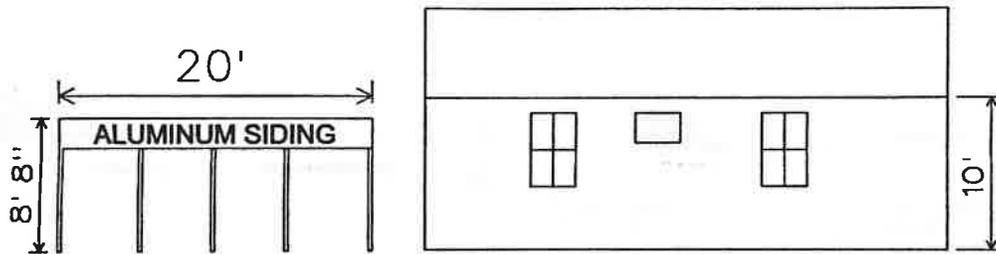
SCALE		DATE
1"=20'		JUNE 2019



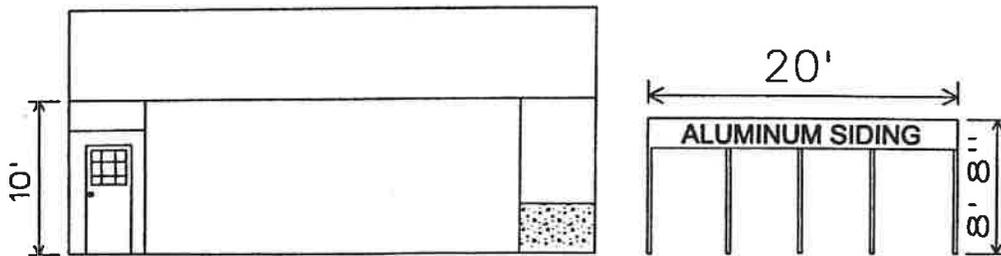
FRONT

BODY OF HOUSE
TRADITIONAL SIDING

COMPOSITION ROOF



EAST SIDE



WEST SIDE

ELEVATIONS

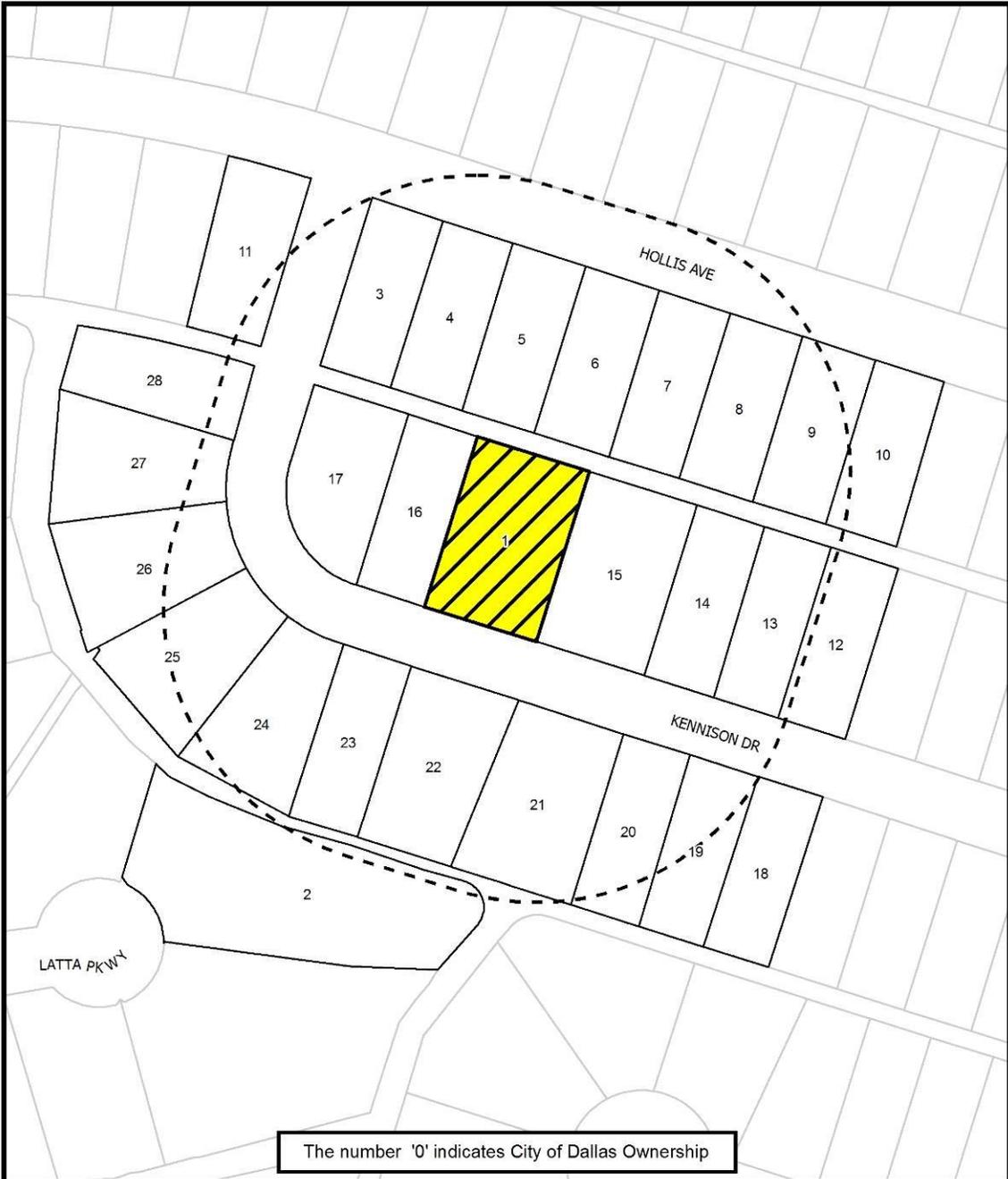
6827 kennison Drive
Dallas, Texas 75227

Lot 11, Block 18/5817		
SCALE		DATE
1/8"=1'		JUNE 2019

6827 Kennison Dr

- 1) Zoning is R7.5A - Requires a lot to be a minimum of 7,500 sq. ft; my lot is only 11,073 sq. ft.
- 2) Average structure size is 1,620 sq. ft; my structure size is only 1,491 sq. ft.
- 3) Average lot size is 17,246 sq. ft; my lot size is only 11,073 sq. ft.

Address	Street	Lot Size (sq. ft.)	Structure Size (sq. ft.)
6821	Latta Pkwy	14234	1880
6824	Latta Pkwy	26996	1883
6827	Latta Pkwy	24697	1608
6902	Tayloe St	13579	1725
6903	Tayloe St	12419	1008
6906	Tayloe St	11683	1133
6831	Timothy Dr	14313	1450
6837	Timothy Dr	16688	1852
6841	Timothy Dr	20605	2048



 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;">28</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	28	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA189-119 Date: 9/17/2019
200'	AREA OF NOTIFICATION					
28	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA189-119

28 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6827 KENNISON DR	HERNANDEZ SANJUANA
2	6827 LATTA PKWY	PLOCK ROBERT A
3	6802 HOLLIS AVE	VASQUEZ MARCIAL
4	6806 HOLLIS AVE	MUNOZ CIRILO &
5	6810 HOLLIS AVE	PEREZ HEBER R
6	6816 HOLLIS AVE	L P DOMESTICA LTD
7	6820 HOLLIS AVE	MARTINEZ AURORA
8	6902 HOLLIS AVE	VAZQUEZ ELIEZER & MARIA VERONICA
9	6906 HOLLIS AVE	TAHAY LOLA SILVERIA PU
10	6910 HOLLIS AVE	BETANCOURTTAVIRA ANTONIO & DIANA CRUZGAONA
11	6754 HOLLIS AVE	LANEAR BONNIE
12	6911 KENNISON DR	ZAVALA REFUGIO & HERMINIA
13	6907 KENNISON DR	SANTANA FRANCISCO
14	6903 KENNISON DR	HINTON IRMA MANRIQUEZ
15	6833 KENNISON DR	HERNANDEZ RUBEN & SANJUANA
16	6821 KENNISON DR	MARTINEZ RAMON M
17	6817 KENNISON DR	ORTA FELIX
18	6910 KENNISON DR	NUNO MONICA
19	6906 KENNISON DR	LOUNG&LI LLC
20	6902 KENNISON DR	GONZALEZ JAIME & MARIA S
21	6834 KENNISON DR	SR PALOMA CORPORATION
22	6828 KENNISON DR	HERNANDEZ RUBEN &
23	6822 KENNISON DR	HERNANDEZ SANJUANA & RUBEN ACOSTA
24	6818 KENNISON DR	VASQUEZ JUAN & ELISEA
25	6814 KENNISON DR	WINDHAM CHARLES R
26	6810 KENNISON DR	GONZALEZ JAIME &

09/17/2019

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	6806 KENNISON DR	GONZALEZ JAIME & MARIA S
28	6802 KENNISON DR	FERNANDEZ RENE M