

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

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

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

PUBLIC TESTIMONY

Minutes

MISCELLANEOUS ITEM

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

UNCONTESTED CASES

BDA189-126(SL)	4047 Cochran Chapel Road REQUEST: Application of Robert Baldwin of Baldwin Associates for a special exception to the fence standards regulations	1
BDA189-127(SL)	2434 Marjorie Avenue REQUEST: Application of Darla Lamas for special exceptions for the handicapped to the fence standards and visual obstruction regulations	2
BDA189-130(SL)	5307 E. Mockingbird Lane REQUEST: Application of CPUS Mockingbird LP, represented by Lori Martin, for a special exception to the landscape regulations	3

REGULAR CASE

BDA189-122(SL) 2212 Worthington Street 4
REQUEST: Application of Danny Sipes for a variance
to the front yard setback regulations

EXECUTIVE SESSION NOTICE

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

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

FILE NUMBER: BDA189-126(SL)

BUILDING OFFICIAL'S REPORT: Application of Robert Baldwin of Baldwin Associates for a special exception to the fence standards regulations at 4047 Cochran Chapel Road. This property is more fully described as Lot 5, Block 5077, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and/or maintain a 10 foot high fence in a required front yard, which will require a 6 foot special exception to the fence standards regulations.

LOCATION: 4047 Cochran Chapel Road

APPLICANT: Rob Baldwin of Baldwin Associates

REQUEST:

A request for a special exception to the fence standards regulations related to height of 6' is made to construct and maintain a fence/columns/gate over 4' in height (a 5' 8" - 6' high open rod fence with 6' 2" – 7' high columns, and a 10' high open rod entry gate flanked by 10' high entry columns), in the site's front yard setback on a property developed with a single family home.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS REGULATIONS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: R-1ac(A) (Single family district 1 acre)
North: TH-2(A) (Townhouse district)
South: R-1ac(A) (Single family district 1 acre)
East: R-1ac(A) (Single family district 1 acre)
West: R-1ac(A) (Single family district 1 acre)

Land Use:

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

Zoning/BDA History:

1. BDA134-101, Property at 4047 Cochran Chapel Road (the subject site)

On December 15, 2014, the Board of Adjustment Panel C granted a request for special exception to the fence regulations and imposed the following condition: compliance with the submitted revised site plan and revised elevation is required. The case report stated the request was made to construct a 4' 5" high wrought iron fence with 5' 6" high stucco columns and one 6' 5" high wrought iron swinging vehicular gate flanked by 6' 4" high stucco and cast stone columns parallel and perpendicular to Cochran Chapel Road.

2. BDA134-102, Property at 4055 Cochran Chapel Road (the lot east of the subject site)

On December 15, 2014, the Board of Adjustment Panel C granted a request for special exception to the fence regulations and imposed the following condition: compliance with the submitted revised site plan and revised fence and gate elevation is required. The case report stated the request was made to construct a 3.5' high wrought iron fence atop a 1.5' high stucco base with 5.5' high stucco columns and one 8' high wrought iron swinging vehicular gate flanked by 6' high stucco columns, parallel and perpendicular to Cochran Chapel Road, in the 40' required front yard on a site developed with a single family home/use.

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the fence standards regulations related to height of 6' focuses on constructing and maintaining a fence/columns/gate over 4' in

height (a 5' 8" - 6' high open rod fence with 6' 2" – 7' high columns, and a 10' high open rod entry gate flanked by 10' high entry columns), in the site's 40' front yard setback on a property developed with a single family home.

- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The subject site is zoned R-1ac(A) which requires a 40' front yard setback.
- The submitted revised site plan and revised elevation shows the proposal in the front yard setback over 4' in height. These documents represent places on the site where the existing fence is to remain over 4' in the front yard setback (a fence special exception granted by the Board in 2014) and where a proposed fence is to be constructed and maintained different from that what was granted and imposed with conditions by the Board in 2014: BDA134-101. (The applicant has stated that the differences between the 2014 and current proposal are twofold: an entry gate that has been relocated and raised in height from 6' 5" to 10').
- The following additional information was gleaned from the submitted revised site plan:
 - The proposal is represented as being approximately 175' in length parallel to the street, and about 24' perpendicular to this street on the east and west sides of the site in this front yard setback.
 - The proposal is represented as being located as close as on the front property line, and as close as approximately 14' from the pavement line.
- The Board of Adjustment Chief Planner/Board Administrator conducted a field visit of the site and surrounding area and noted one other fence that appeared to be above 4' in height located in front yard setback – a fence located immediately east of the subject site - an approximately 5' high combination open wrought iron fence with stucco base that appears to be a result of a fence special exception granted by the Board in 2014: BDA134-102 (see the "Zoning/BDA History" section of this case report for further details).
- As of November 8, 2019, no letters had been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations (whereby the proposal that would reach 10' in height) will not adversely affect neighboring property.
- Granting this special exception of 6' with a condition imposed that the applicant complies with the submitted revised site plan and revised elevation would require the proposal exceeding 4' in height to be constructed and maintained in the location and of the heights and materials as shown on these documents.

Timeline:

August 28, 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.

October 14, 2019: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, "If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case".

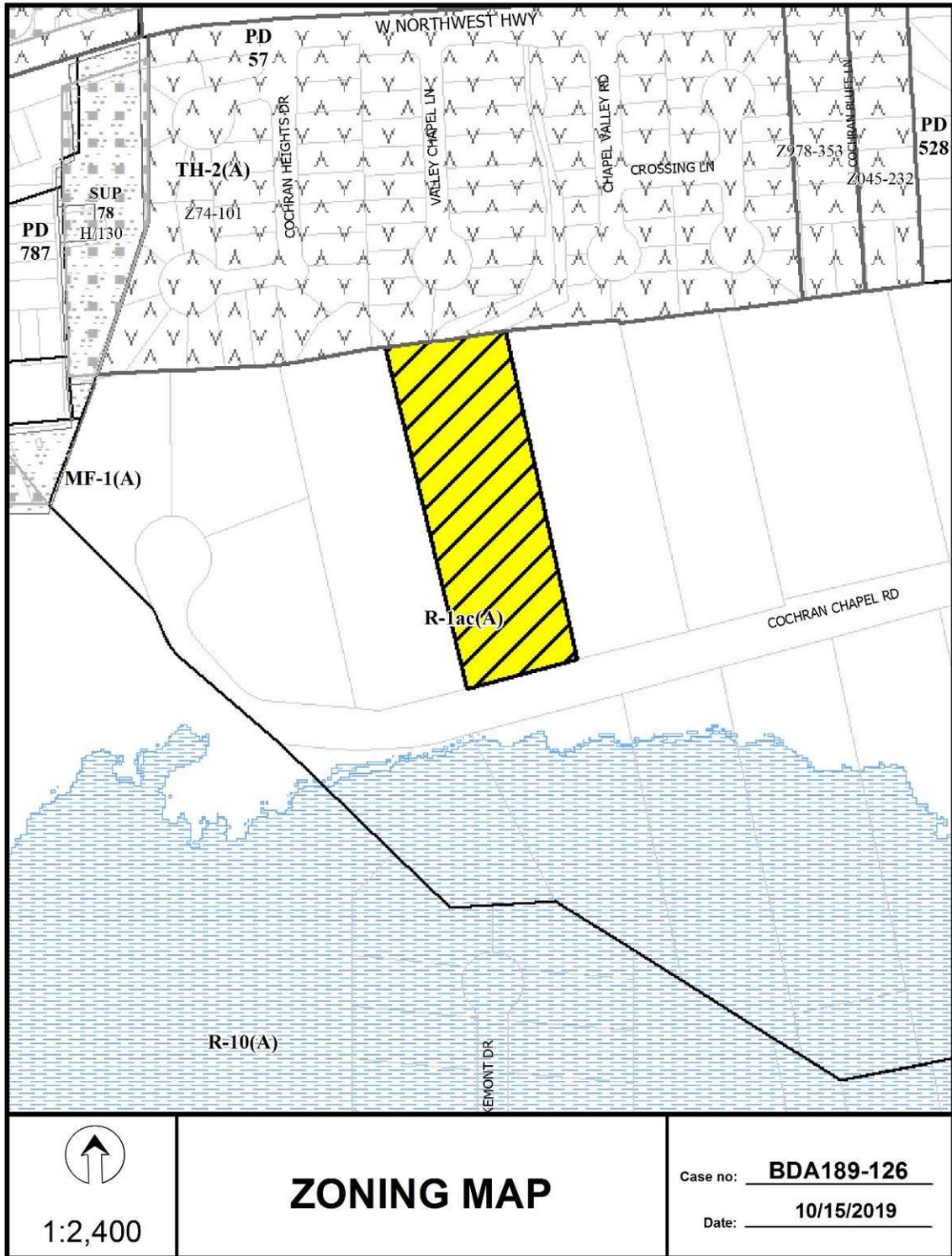
October 14, 2019: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant the following information:

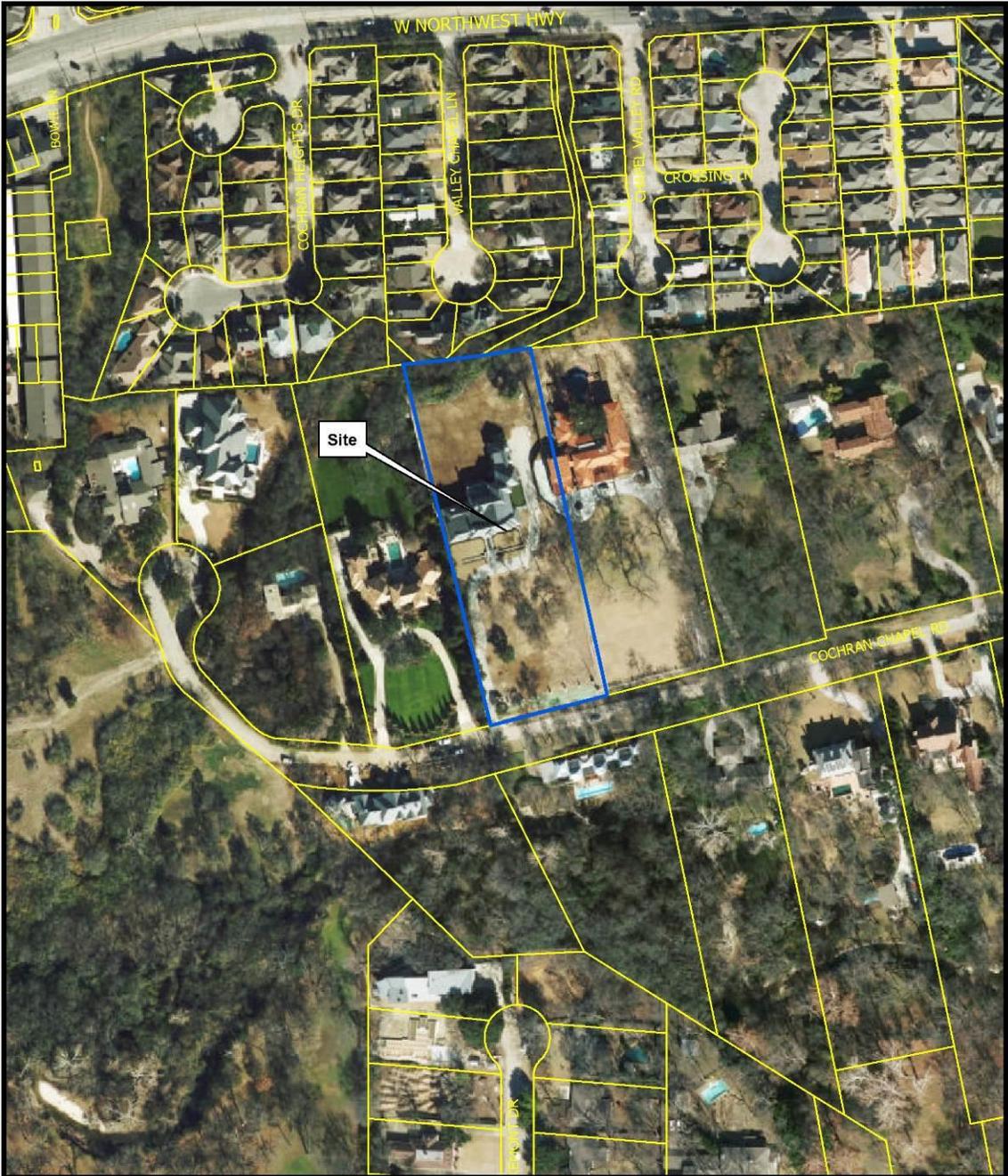
- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the October 30th deadline to submit additional evidence for staff to factor into their analysis; and the November 8th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

November 4, 2019: The applicant's representative submitted additional documentation to staff (see Attachment A).

November 5, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the November public hearings. Review team members in attendance included the following: the Assistant Director of Sustainable Development and Construction Current Planning Division, the Assistant Director of Sustainable Development and Construction Engineering Division, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Building Inspection Interim Chief Planner, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, Sustainable Development and Construction Department Board of Adjustment Senior Planners, and the Assistant City Attorney to the Board.

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





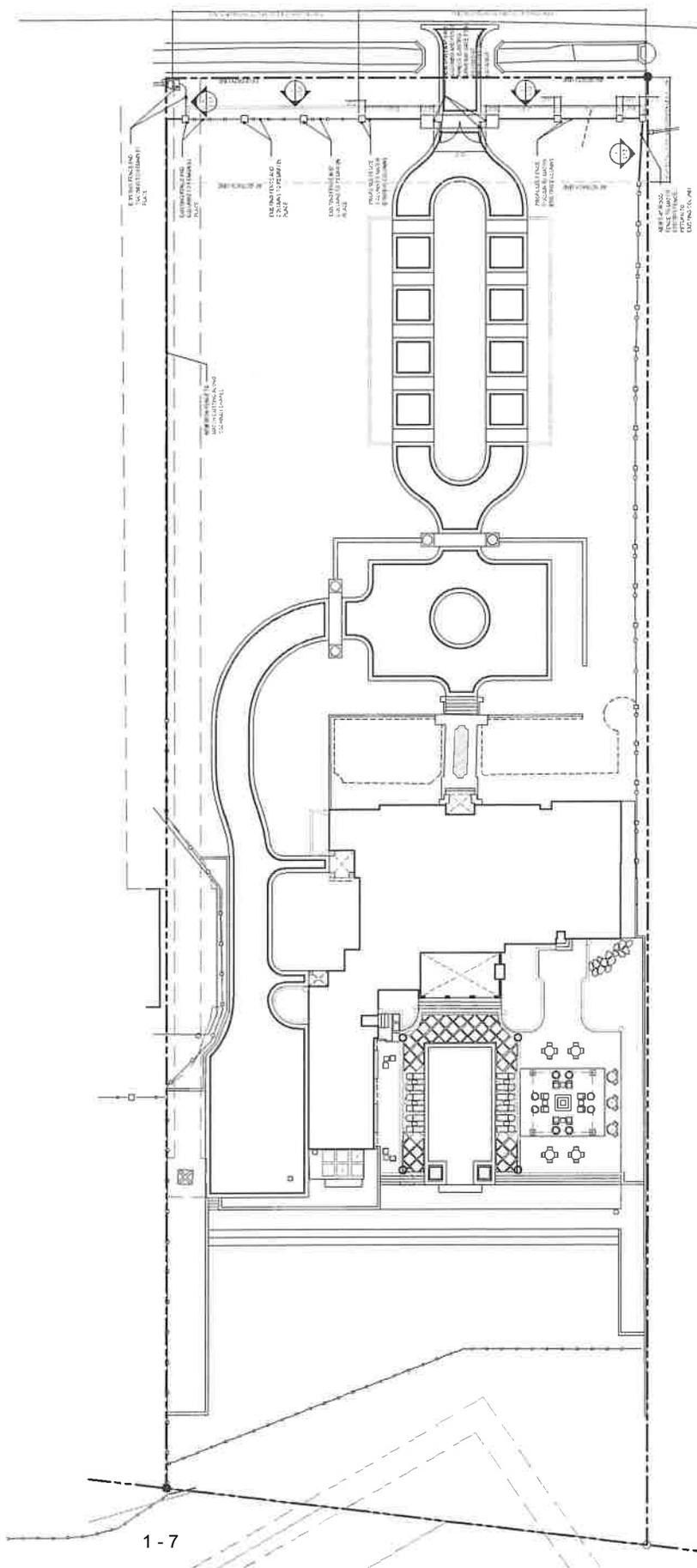
1:2,400

AERIAL MAP

Case no: BDA189-126

Date: 10/15/2019

COCHRAN CHAPEL ROAD
 (60' RIGHT-OF-WAY)



BDA
 189-
 126
 Attach
 A
 pg 1

11-4-19



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-126

Data Relative to Subject Property:

Date: 8-28-19

Location address: 4047 Cochran Chapel Road Zoning District: R-1AC(A)

Lot No.: 5 Block No.: 5077 Acreage: 2.336 acres Census Tract: 73.02

Street Frontage (in Feet): 1) 186 ft 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Lisa B. Baron

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

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

E-mail Address: rob@baldwinplanning.com

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

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

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance, or Special Exception X, of fence height to allow a fence height of 10 feet in a required front yard where the maximum fence height is 4 feet

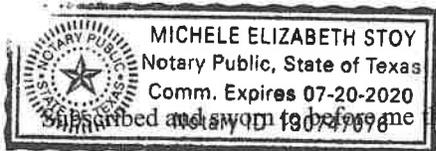
Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: The property has an existing Board-approved fence in the front yard. This request is to realign the a portion of the front yard fence and entry gate in conjunction with relocating the driveway for the single family residence. The proposed changes to the front yard fencing will not adversely impact surrounding properties and many other front yard fences on Cochran Chapel Road exceed 4 feet or the properties have dense landscaping along the street frontage.

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

Affidavit

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

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



Respectfully submitted: (Affiant/Applicant's signature)

27 day of August, 2019

Michele E. Stoy Notary Public in and for Dallas County, Texas

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Robert Baldwin

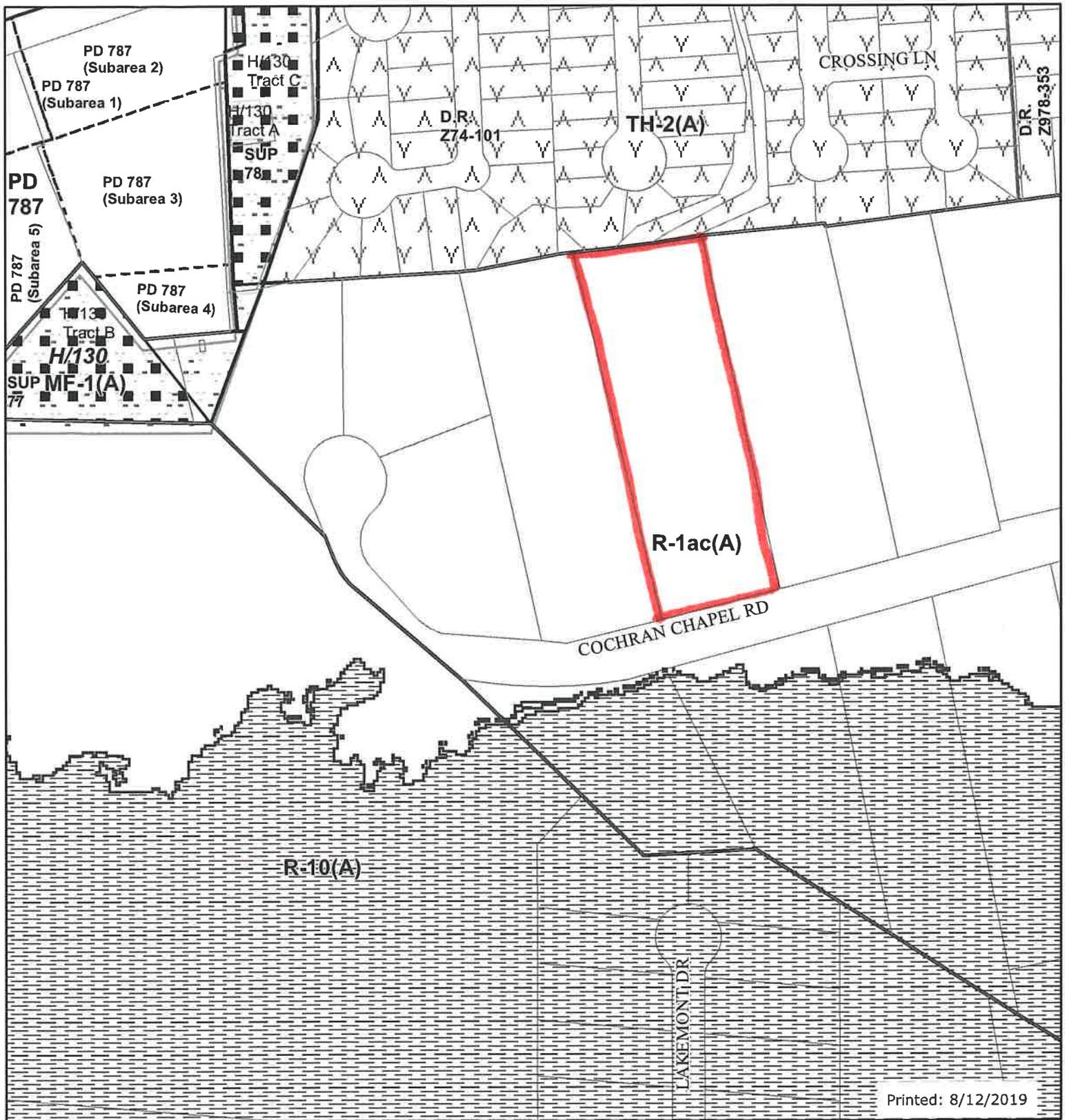
did submit a request for a special exception to the fence height regulations
at 4047 Cochran Chapel Road

BDA189-126. Application of Robert Baldwin for a special exception to the fence height regulations at 4047 COCHRAN CHAPEL RD. This property is more fully described as Lot 5, Block 5077, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 10 foot high fence in a required front yard, which will require a 6 foot special exception to the fence regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





Printed: 8/12/2019

Legend

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

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



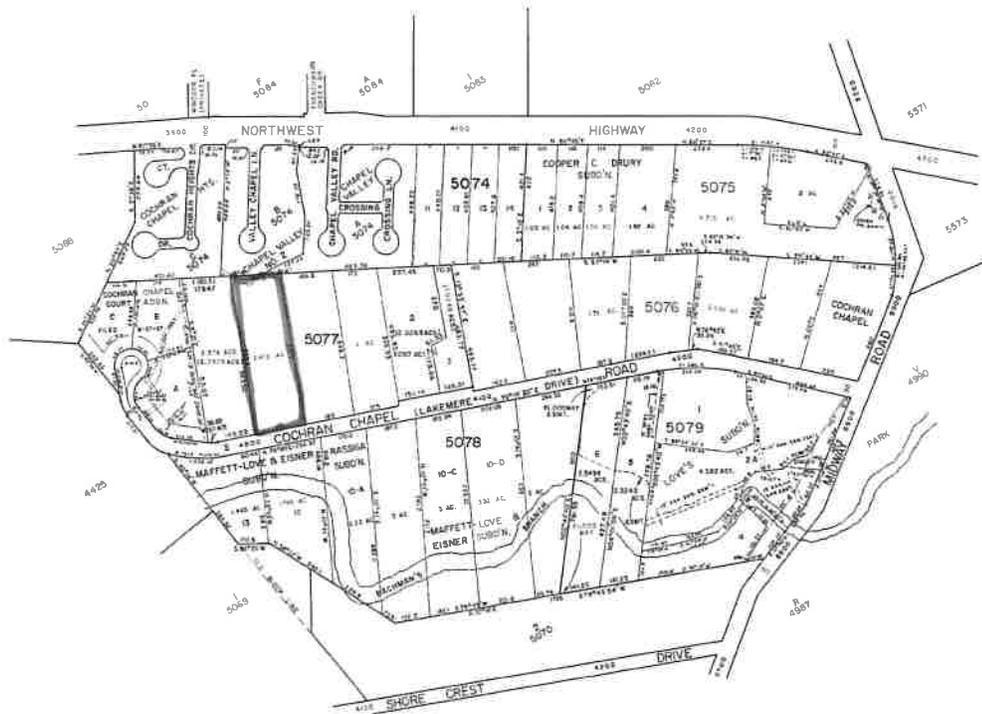
SHIPPED DATE 11 92 RECEIVED DATE 3 2004
 ANNEXED DEC. 29, 1943 ORD. NO. ARST 56
 SURVEY WILSON BAKER

CITY OF DALLAS PLAT BOOKS
 ADDITION W P COCHRAN HOMESTEAD

BLOCKS 5074, 5075, 5076, 5077, 5078, 5079
 SCHOOL DISTRICT DALLAS

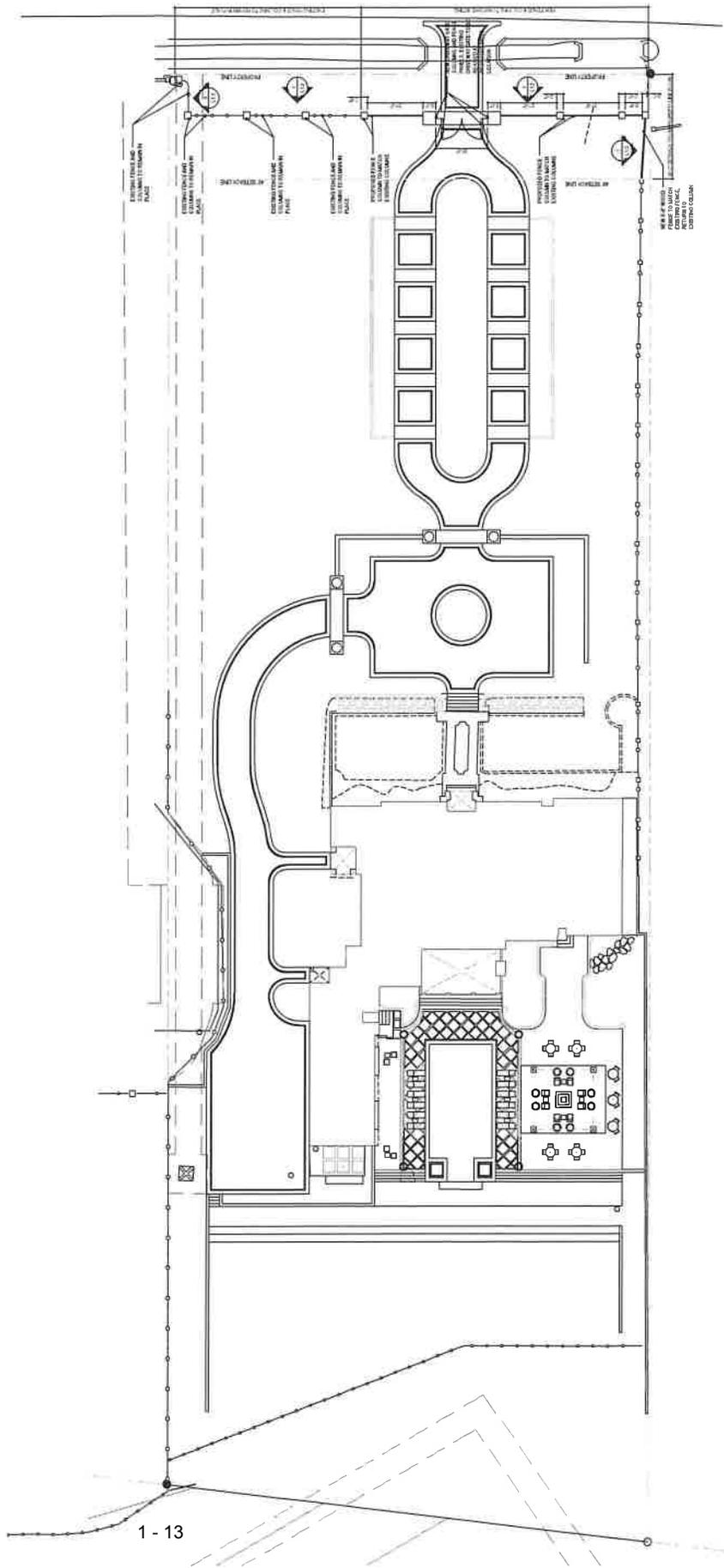
SCALE 200 FT. EQUALS 1 INCH

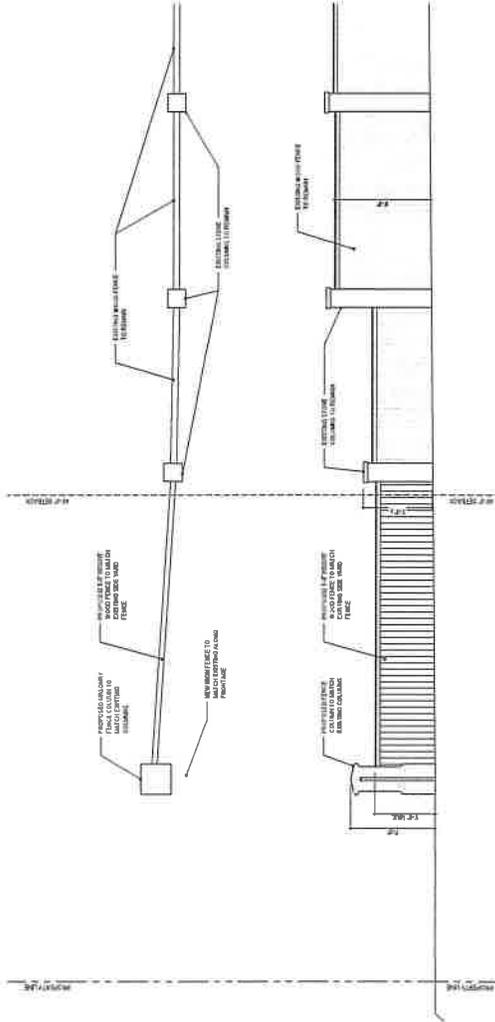
FILED IN 1943 SURVEY MAPS MAP 22, P. 64, 2278
 FILED IN 1943 SURVEY MAPS MAP 22, P. 64, 2278
 FILED IN 1943 SURVEY MAPS MAP 22, P. 64, 2278



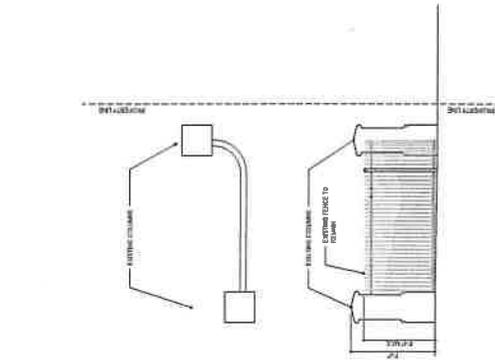
THIS COPY RECORDED
 BY [Signature]
 DATE 8-18-2014

COCHRAN CHAPEL ROAD
 (62' RIGHT-OF-WAY)

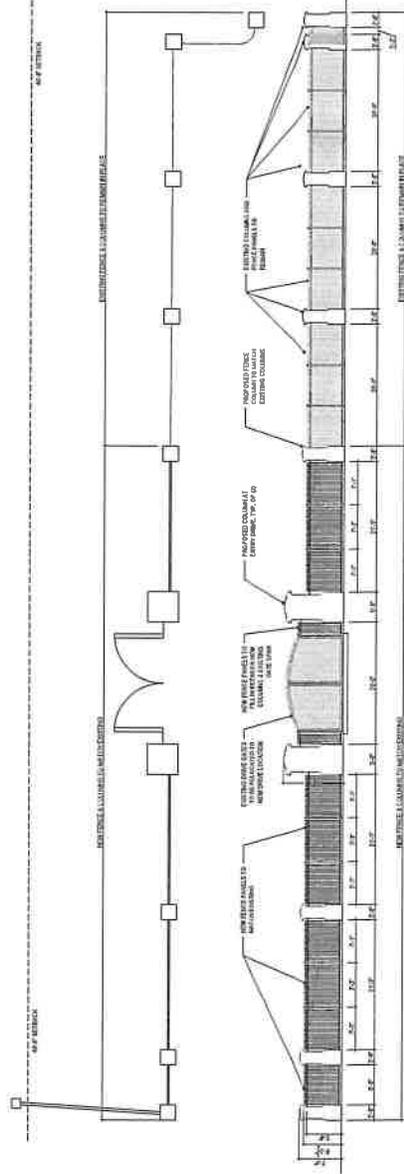




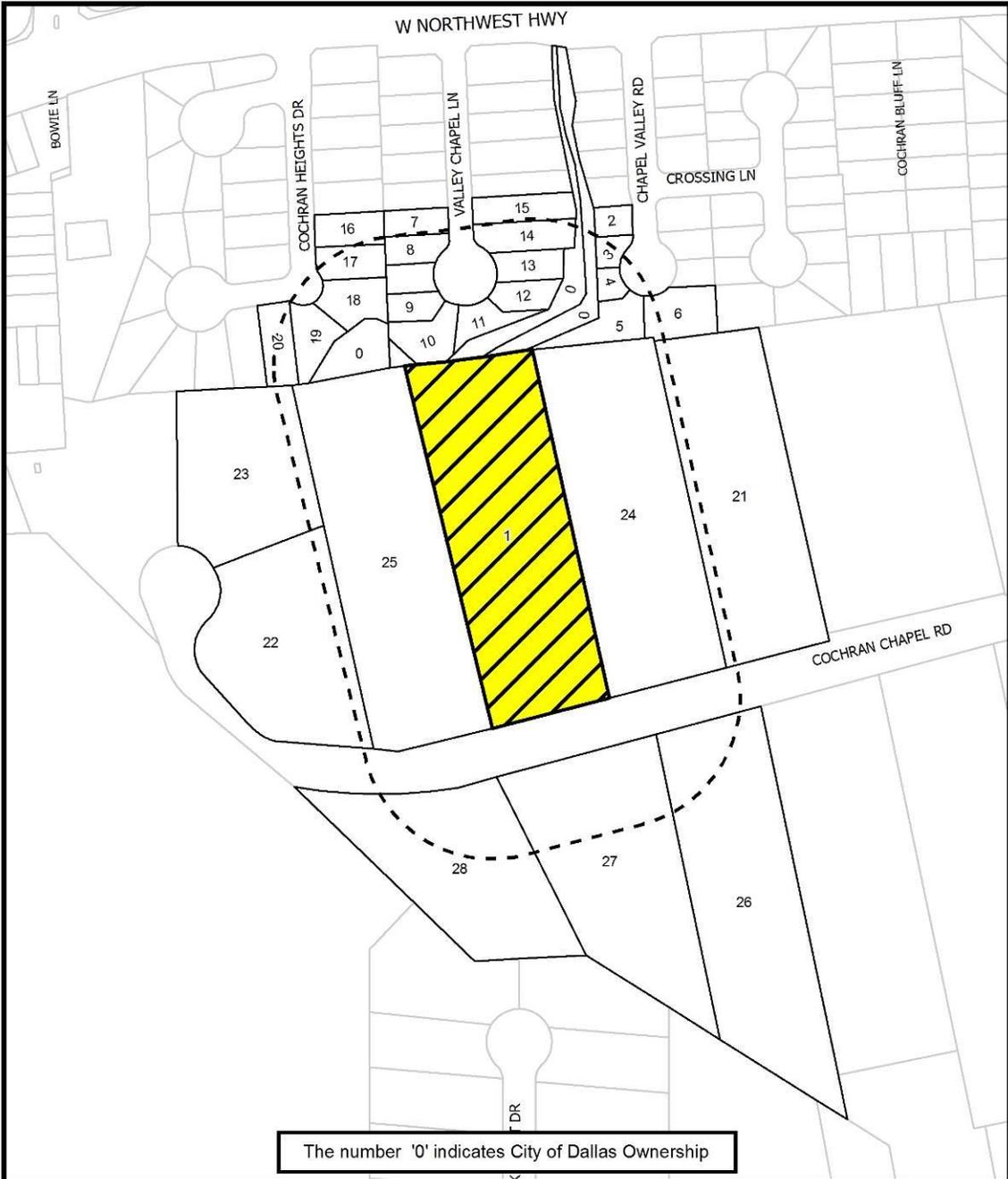
02 SIDE YARD FENCE AT FRONT YARD



03 FRONT YARD FENCE AT TURN-BACK



01 FRONT YARD FENCE AND GATE



 1:2,400	NOTIFICATION		Case no: BDA189-126
	<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;">28</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 10/15/2019	

Notification List of Property Owners

BDA189-126

28 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4047	COCHRAN CHAPEL RDBARON LISA B
2	9115	CHAPEL VALLEY RD VEREECKEN ANOUCK R
3	9111	CHAPEL VALLEY RD WELLS ERIN ELIZABATH
4	9107	CHAPEL VALLEY RD DELGADO MAURICIO JR
5	4055	COCHRAN CHAPEL RDMATHES JOHN CHENEY CURTIS
6	9102	CHAPEL VALLEY RD BASS COURTENAY LEE FAMILY
7	9119	VALLEY CHAPEL LN SCHWARTZ CHARLES M
8	9115	VALLEY CHAPEL LN BLEIBERG MICHELLE E
9	9105	VALLEY CHAPEL LN ZOETEWAY RANDALL LEE
10	9101	VALLEY CHAPEL LN HARRIS CLINT C &
11	9102	VALLEY CHAPEL LN BROWN J HAL
12	9106	VALLEY CHAPEL LN ABIO ELIZABETH M &
13	9110	VALLEY CHAPEL LN SIESS KATHY
14	9114	VALLEY CHAPEL LN PEARCE CHRISTOPHER E &
15	9116	VALLEY CHAPEL LN ORS DURSUN
16	9134	COCHRAN HEIGHTS DR FLETCHER REBECCA
17	9130	COCHRAN HEIGHTS DR ULLAH SANA & HELEN DAVIES
18	9126	COCHRAN HEIGHTS DR SMITH THOMAS M
19	9122	COCHRAN HEIGHTS DR FISCHER LEO J
20	9118	COCHRAN HEIGHTS DR WILDBURGER HANS A & SUSAN
21	4101	COCHRAN CHAPEL RDSWANK JERRY & KATHY
22	4015	COCHRAN CHAPEL RDSTARNES STEVE IRREVOCABLE TR
23	4011	COCHRAN CHAPEL RDGROVE REVOCABLE LIVING TRUST
24	4055	COCHRAN CHAPEL RDMATHES JOHN CHENEY CURTIS
25	4023	COCHRAN CHAPEL RDLYNN GILLILAND ONEIL DAUTERMAN
26	4060	COCHRAN CHAPEL RDSHAMPAIN RICHARD H

10/15/2019

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	4050	COCHRAN CHAPEL RDSHIRLEY WILLIAM A JR & COLLEEN M
28	4040	COCHRAN CHAPEL RDSMITH STEVEN T & LAUREL PAYNE

FILE NUMBER: BDA189-127(SL)

BUILDING OFFICIAL'S REPORT: Application of Darla Lamas for special exceptions for the handicapped to the fence standards and visual obstruction regulations at 2434 Marjorie Avenue. This property is more fully described as Lot 2 & 3, Block E/5151, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet, requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line, requires a 20 foot visibility triangle at driveway approaches and alleys, and a 45 foot visibility triangle at street intersections. The applicant proposes to construct and/or maintain a 6 foot high fence in a required front yard, which will require a 2 foot special exception for the handicapped to the fence standards regulations, to construct and/or maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception for the handicapped to the fence standards regulations, and to locate and maintain items in required visibility triangles, which will require special exceptions for the handicapped to the visual obstruction regulations.

LOCATION: 2434 Marjorie Avenue

APPLICANT: Darla Lamas

REQUESTS:

The following requests for special exceptions for the handicapped have been made on a site developed with a single family home:

1. to the fence standards regulations related to height of 2' is made to maintain a 6' high solid wood fence located in the site's front yard setback on Garrison Street;
2. to the fence standards regulations related to related to fence panels with a surface area that is less than 50 percent open less than 5' from the front lot lines is made to maintain the aforementioned 6' high solid wood fence located on the Garrison Street front lot line;
3. to the visual obstruction regulations to maintain the aforementioned solid wood fence located in the two 20' visibility triangles on either side of the driveway into the property from Garrison Street, and located in the 20' visibility triangle at where the alley meets Garrison Street;
4. to the visual obstruction regulations to maintain the aforementioned 6' high solid wood fence and a 4' high open metal fence located in the 45' visibility triangle at the intersection of Marjorie Avenue and Garrison Street.

STANDARD FOR A SPECIAL EXCEPTION FOR THE HANDICAPPED: Section 51A-1.107.(b)(1) states that the Board of Adjustment shall grant a special exception to any regulation in this chapter, if, after a public hearing, the board finds that the exception is necessary to afford a handicapped person equal opportunity to use and enjoy a

dwelling. The term “handicapped person,” means a person with a “handicap,” as that term is defined in the Federal Fair Housing Amendments Act of 1988, as amended.

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception for the handicapped since the basis for this type of appeal is when the board finds that the exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling.

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 area to the north, east, west and south are developed with single family uses.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- The requests for special exceptions for the handicapped to the fence standards and visual obstruction regulations focus on maintaining the following fences on the site that is developed with a single family home:
 - a 6’ high solid wood fence located:
 1. in the site’s Garrison Street front yard setback,
 2. on this front lot line,
 3. in the two 20’ visibility triangles on either side of the driveway into the site from Garrison Street
 4. in the 20’ visibility triangle at where the alley meets Garrison Street, and
 5. in the 45’ visibility triangle at the intersection of Marjorie Avenue and Garrison Street. (2’ over the maximum height allowed for a fence located in the front yard setback and a solid fence located less than 5’ from the front lot line);
 - a 4’ high open metal fence located in the 45’ visibility triangle at the intersection of Marjorie Avenue and Garrison Street
- The property is located in an R-7.5(A) zoning district which requires a minimum front yard setback of 25 feet.

- The subject site is located at the southwest corner of Marjorie Avenue and Garrison Street. The subject site has 25' front yard setbacks along both street frontages. The site has a 25' front yard setback along Marjorie Avenue, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in this zoning district. The site also has a 25' front yard setback along Garrison Street, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where a fence can reach 9' in height. However, the site's Garrison Street frontage that functions as a side yard on the property is treated as a front yard setback nonetheless, to maintain the continuity of the established front yard setback established by lots to the south that front/are oriented eastward towards Garrison Street.
- The submitted site plan/elevation represents a 6' solid wood fence along Garrison Street that is noncompliant to fence and visual obstruction regulations in that it exceeds the maximum height allowed for a fence in the front yard setback of 4', that it is a solid fence located less than 5' from the front lot line, that is located in four visibility triangles on this street (20' visibility triangles on either side of the driveway, and where the alley meets Garrison Street, and in the 45' visibility triangle at the intersection of Garrison Street intersects with Marjorie Avenue).
- The site plan/elevation represents a 4' high open metal fence that is noncompliant with visual obstruction regulation in that it is located in the 45' visibility triangle at where Marjorie Avenue intersects with Garrison Street.
- While the submitted site plan/elevation represents the single family home on the site is located in the 25' front yard setback, no variance (or special exception for the handicapped to the front yard setback regulations) has been made given that the Building Inspection Senior Plans Examiner/Development Code Specialist has recognized this structure (according to DCAD, built in 1935) as a nonconforming structure.
- The code defines nonconforming structure as a structure that does not conform to the regulations of the code, but which was lawfully constructed under the regulations in force at the time of construction.
- The code states that the right to rebuild a nonconforming structure ceases if the structure is destroyed by the intentional act of the owner or the owner's agent.
- The code states that a person may renovate, remodel, repair, rebuild, or enlarge a nonconforming structure if the work does not cause the structure to become more nonconforming as to the yard, lot, and space regulations.
- Unlike most requests where applications are made for the board to consider fences that exceed the maximum heights and with panels less than 50 percent open less than 5' from the front lot line, and items located in visibility triangles (each with a particular standard that pertains to fence standards and visual obstruction regulations), the board is to consider these special exceptions for the handicapped request solely on whether they conclude that these special exceptions are necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling.
- Section 51A-1.107(b)(1) states that the Board of Adjustment shall grant a special exception to any regulation in this chapter, if, after a public hearing, the board finds that the exception is necessary to afford a handicapped person equal opportunity to

use and enjoy a dwelling. The term “handicapped person,” means a person with a “handicap,” as that term is defined in the Federal Fair Housing Amendments Act of 1988, as amended.

- A copy of the “handicap” definition from this act was provided to the Board Administrator by the City Attorney’s Office. Section 3602 of this act states the following:
“(h) “Handicap” means, with respect to a person -
 1. a physical or mental impairment which substantially limits one or more of such person’s major life activities,
 2. a record of having such an impairment, or
 3. being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 802 of Title 21).”
- Unlike most requests where applications are made for the board to consider fences that exceed the maximum heights and with panels less than 50 percent open less than 5’ from the front lot line, and items located in visibility triangles (each with a particular standard that pertains to fence standards and visual obstruction regulations), the board is to consider these special exceptions for the handicapped request solely on whether they conclude that these special exceptions are necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling.
- The applicant has the burden of proof in establishing the following:
 - The special exception (which in this case is requested to maintain a carport in the front yard setback) is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling; and
 - there is a person with a “handicap” (as that term is defined in the Federal Fair Housing Amendments Act of 1988, as amended) who resides and/or will reside on the site.
- If the Board were to grant any or all of these requests and impose conditions that compliance with the submitted site plan/elevation is required, and that the special exceptions expire when a handicapped person no longer resides on the property, the fences could be maintained in the location shown on the submitted site plan/elevation for as long as the applicant or any other handicapped person resides on the site.

Timeline:

August 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.

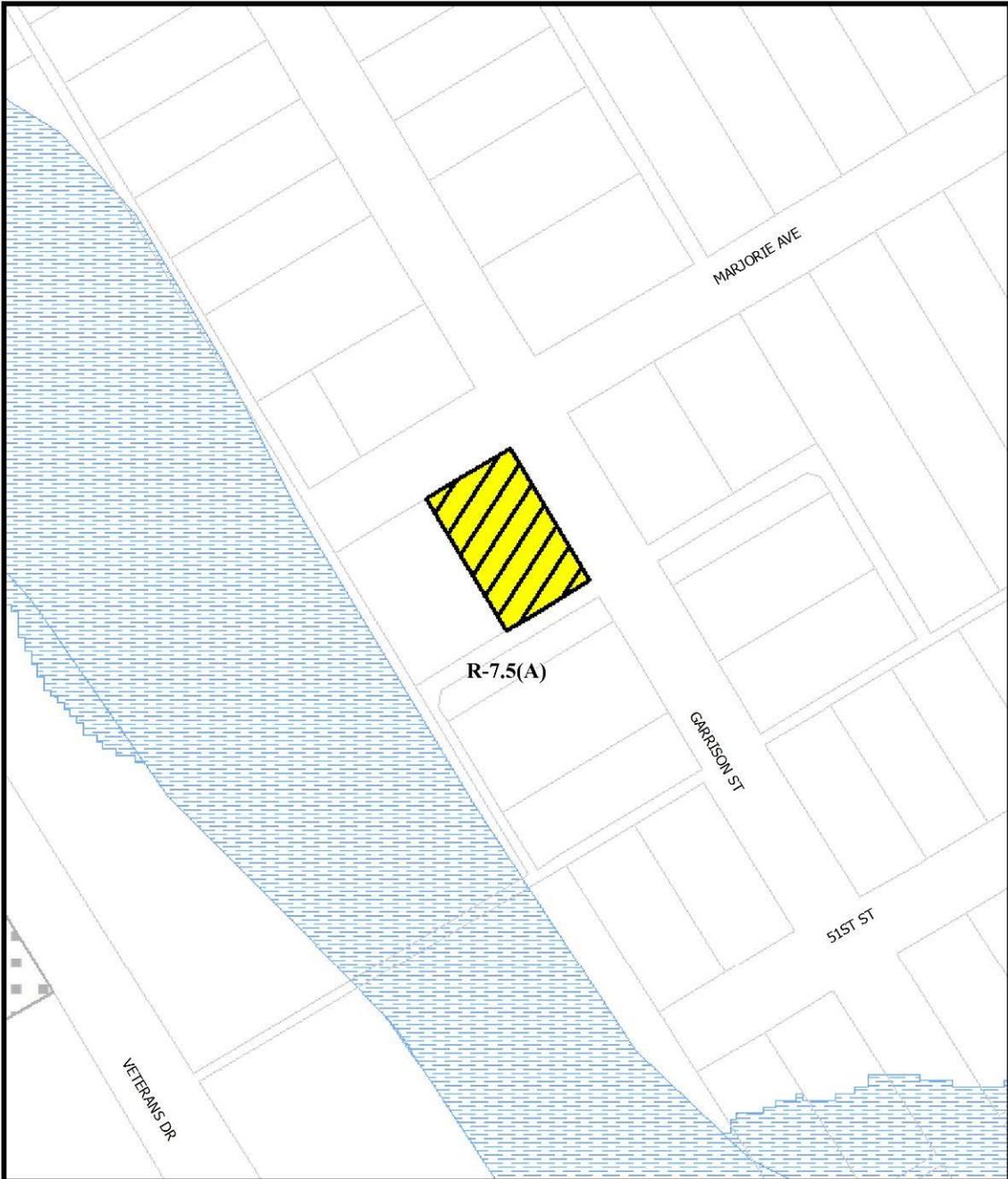
October 14, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

October 14, 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 30th deadline to submit additional evidence for staff to factor into their analysis; and the November 8th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request;
- a copy of the "handicap" definition from the Federal Fair Housing Amendments Act of 1988; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

November 5, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the November public hearings. Review team members in attendance included the following: the Assistant Director of Sustainable Development and Construction Current Planning Division, the Assistant Director of Sustainable Development and Construction Engineering Division, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Building Inspection Interim Chief Planner, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, Sustainable Development and Construction Department Board of Adjustment Senior Planners, and the Assistant City Attorney to the Board.

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



1:1,200

ZONING MAP

Case no: BDA189-127

Date: 10/16/2019



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-127

Data Relative to Subject Property:

Date: 8-29-19

Location address: 2434 Marjorie Ave. Zoning District: R7.5(A)

Lot No.: 213 Block No.: E/5151 E1/2 Acreage: .204 Census Tract: 87.04

Street Frontage (in Feet): 1) 75 2) 114 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): WCP Retirement Plan

Applicant: Darla Lamas Telephone: 469-818-3251

Mailing Address: 1527 Homeland St. DALLAS TX Zip Code: 75212

E-mail Address: darlakamas@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 2' to the 4' FY Fence Standard, 45x45, 20x20, less than 50% open panel

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

My fence is of similar height, placement + material as other fences found in my neighborhood.

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.

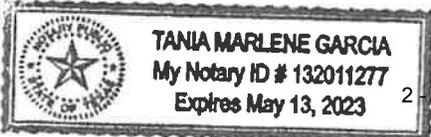
Affidavit

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

Subscribed and sworn to before me this 6th day of August, 2019

(Rev. 08-01-11)  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 Darla Lamas

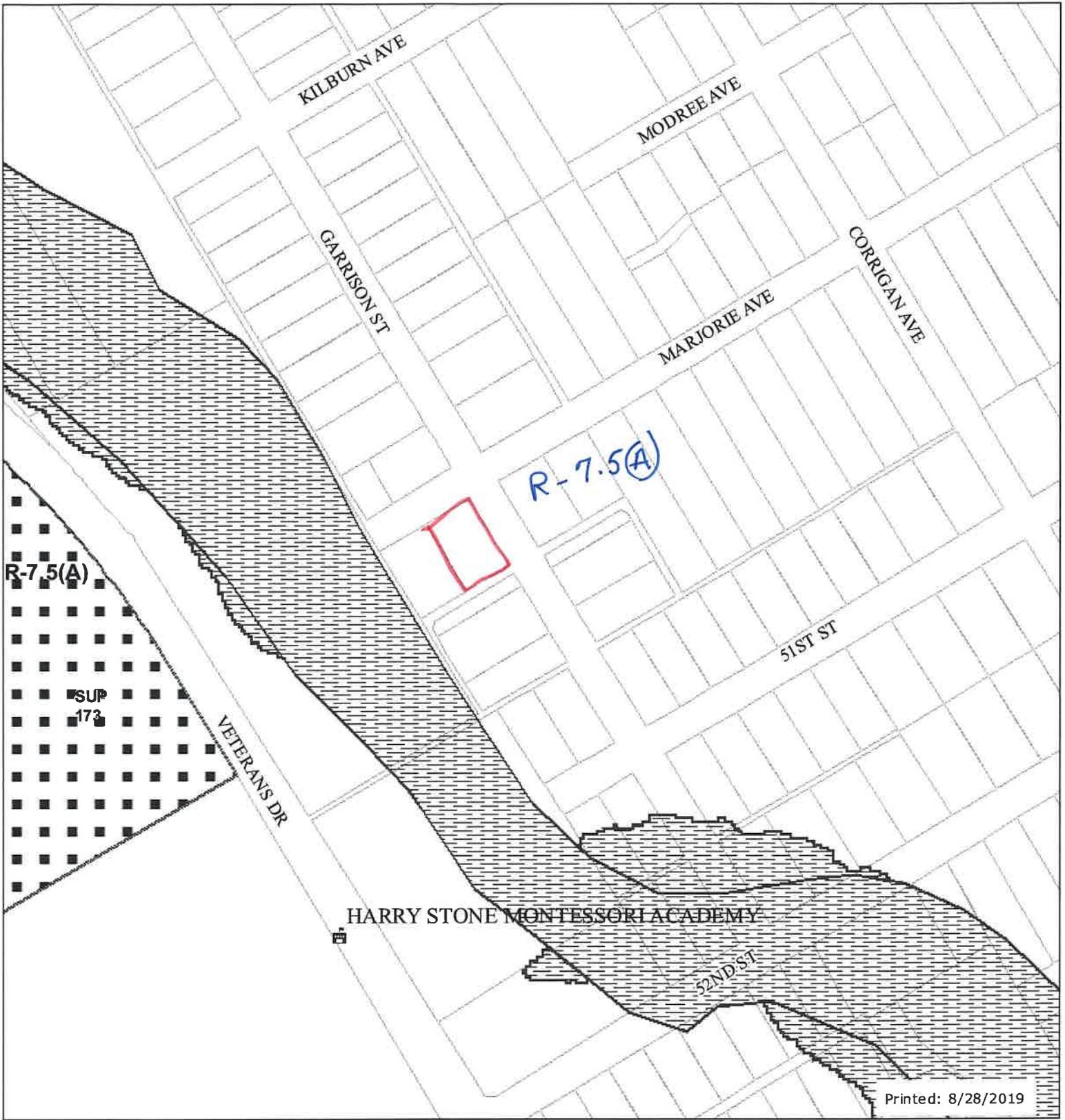
did submit a request for a special exception to the fence height regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling, and for a special exception to the fence standards regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling, and for a special exception to the visibility obstruction regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling, and for a special exception to the visibility obstruction regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling

at 2434 Marjorie Avenue

BDA189-127. Application of Darla Lamas for a special exception to the fence height regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling, and for a special exception to the fence standards regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling, and for a special exception to the visibility obstruction regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling, and for a special exception to the visibility obstruction regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling, at 2434 MARJORIE AVE. This property is more fully described as Lot 2 & 3, Block E/5151, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at driveway approaches and requires a 45 foot visibility triangle at street intersections and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct an 6 foot high fence in a required front yard, which will require a 2 foot special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulations, and 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. and to construct a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



Printed: 8/28/2019

Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | Railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | 2nd Front Overlay |
| | | Height Map Overlay | |

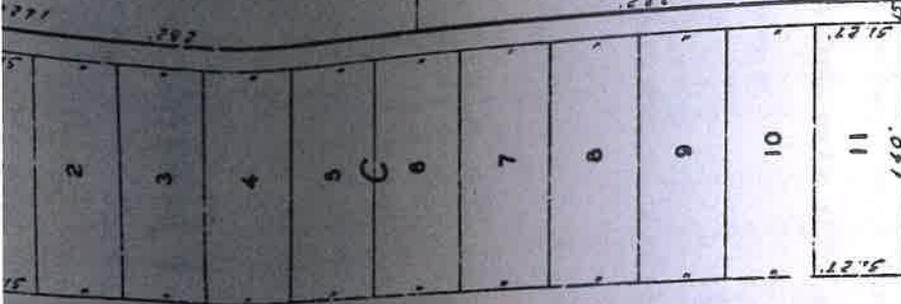
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering,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



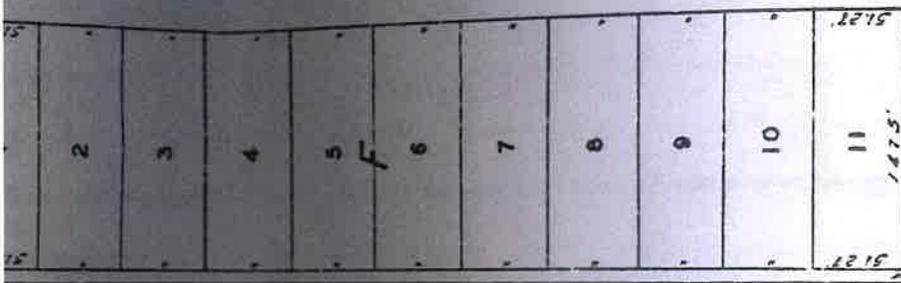
ACRES

HIGHLAND

4

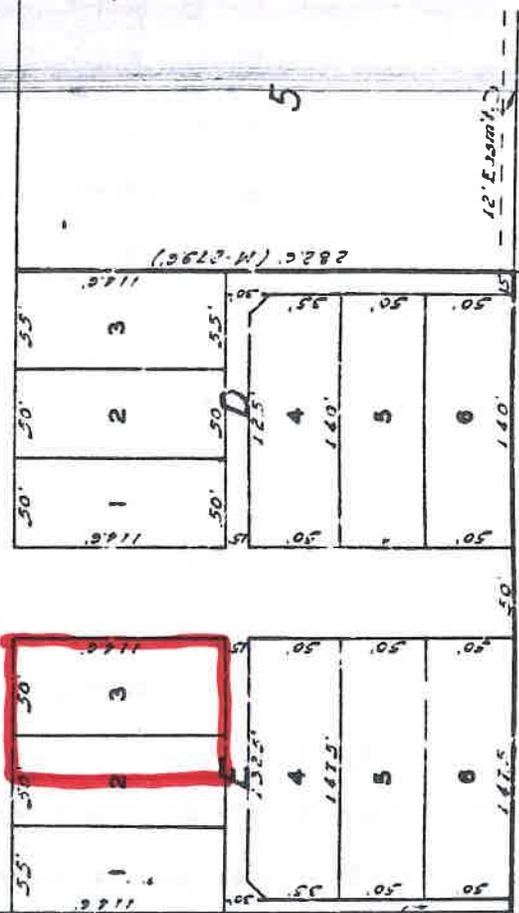


GARRISON

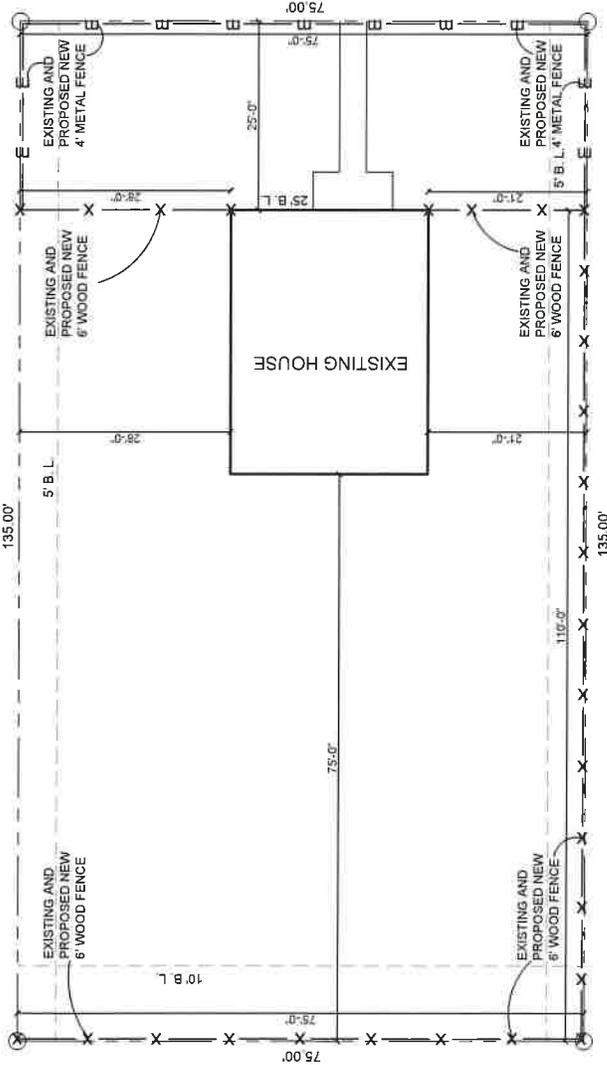


MARJORIE

ST.



AL

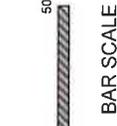


2434 MARJORIE AVE.



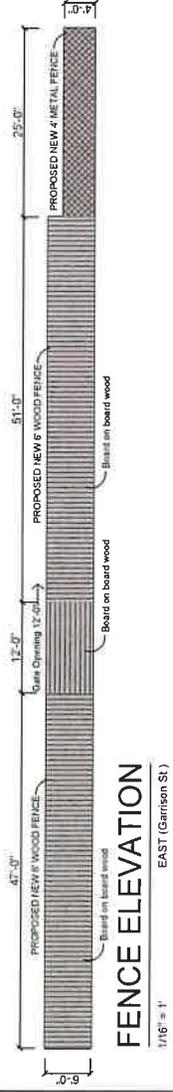
VICINITY MAP N. T. S.

Proposed new WOOD FENCE: 234 feet & Height 6'
 Proposed new METAL FENCE: 125 feet & Height 4'

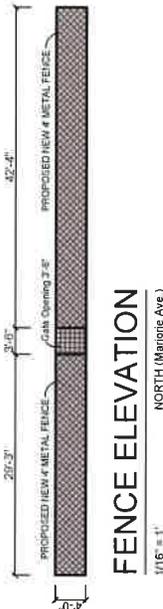


GARRISON ST.

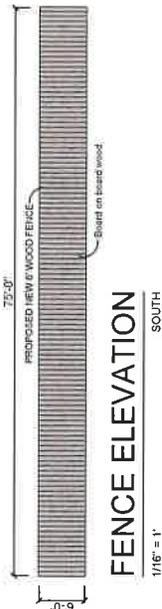
SITE PLAN
 1/16" = 1'



FENCE ELEVATION
 1/16" = 1'
 EAST (Garrison St.)



FENCE ELEVATION
 1/16" = 1'
 NORTH (Marjorie Ave.)



FENCE ELEVATION
 1/16" = 1'
 SOUTH

DRAWN BY:

plans/REGF
 (469) 418-5884
 plans.regf@gmail.com

NOTES:

NORTH:



DAY:

8-15-2019

OWNER:

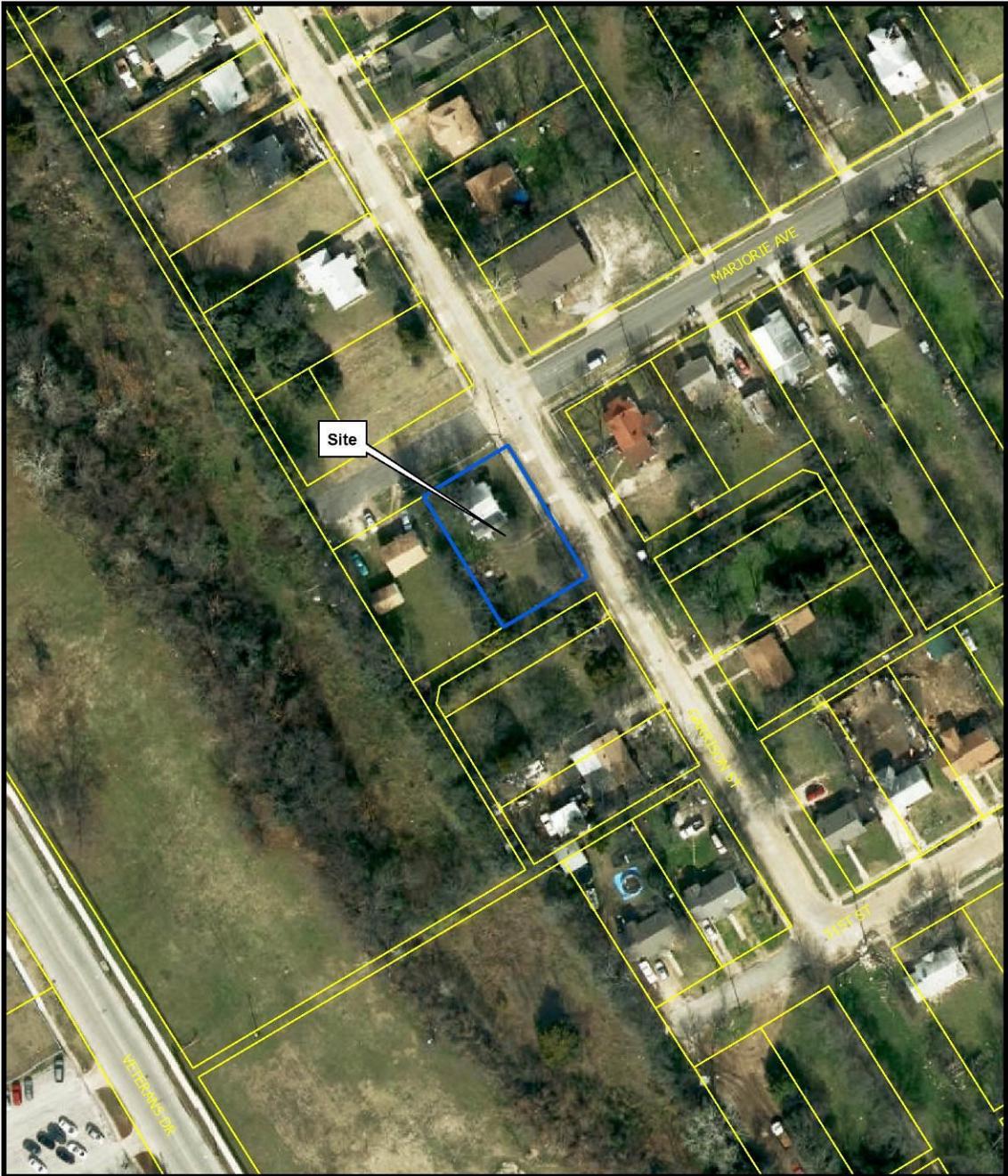
DARLA LAMAS

ADDRESS:

2434 MARJORIE AVE
 Dallas, Tx.
 75216

SHEET:

SP-1

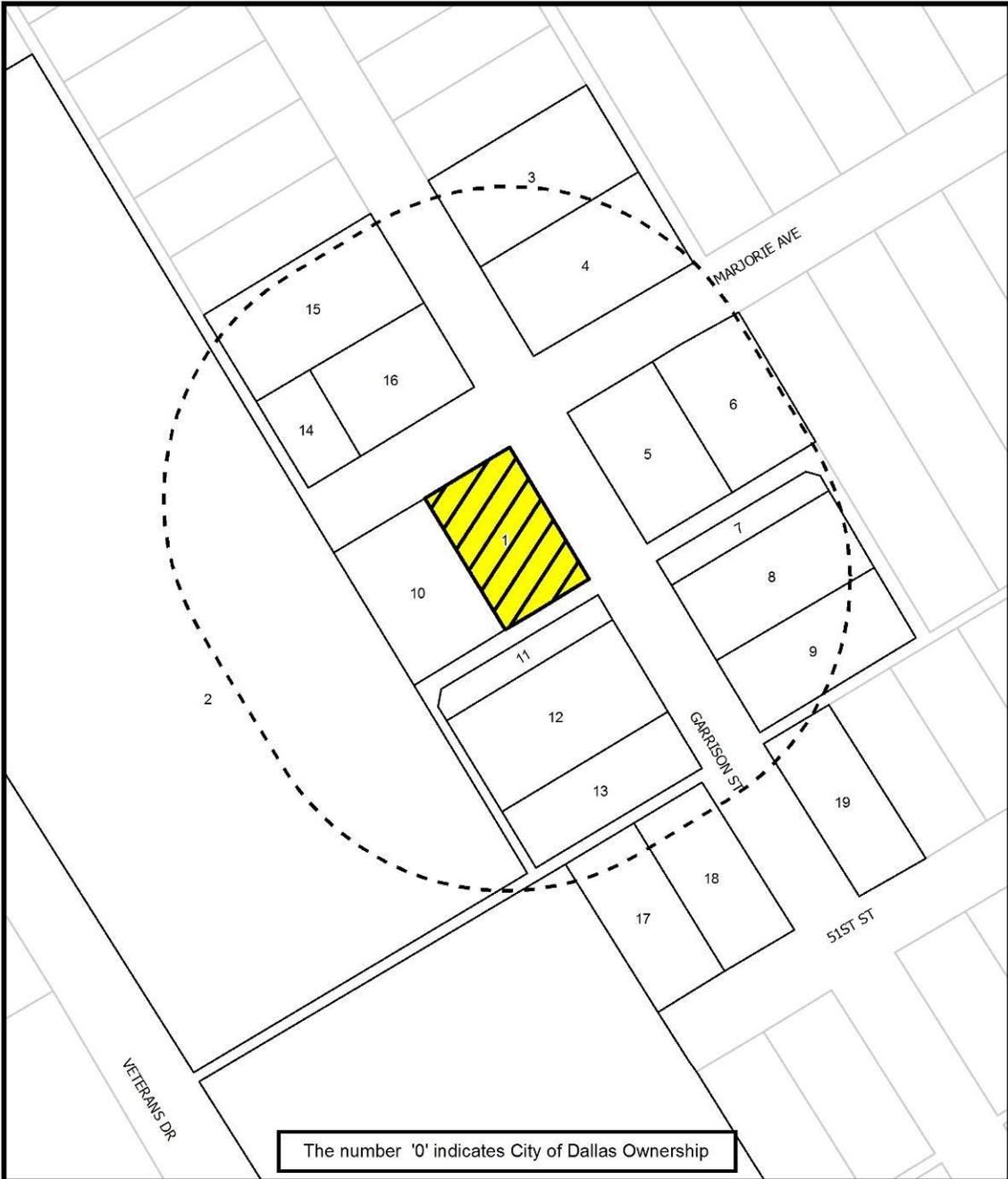


1:1,200

AERIAL MAP

Case no: BDA189-127

Date: 10/16/2019



 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;">19</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	19	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA189-127</u> Date: <u>10/16/2019</u>
200'	AREA OF NOTIFICATION					
19	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA189-127

19 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2434 MARJORIE AVE	WCP RETIREMENT PLAN
2	4610 VETERANS DR	TRUE FAITH CHURCH
3	4636 GARRISON ST	GOMEZ LEOBARDO &
4	4642 GARRISON ST	SAINTS OF ZION MISSIONARY BAPTIST CHURCH
5	2504 MARJORIE AVE	PATINO MARGARITA
6	2508 MARJORIE AVE	HERNANDEZ JONNATHAN H &
7	4710 GARRISON ST	SERRANO GRACIELA
8	4712 GARRISON ST	COOPER JAMES E ESTATE OF
9	4720 GARRISON ST	RAFTER WALKER REAL ESTATE II
10	2430 MARJORIE AVE	KYSER DICK &
11	4711 GARRISON ST	AMERICAN DREAM CUSTOM HOME BUILDER THE
12	4713 GARRISON ST	BOYD ANTHONY IRA LLC
13	4721 GARRISON ST	LUGO MARTHA P
14	2431 MARJORIE AVE	SIDDIQI JAMELA
15	4635 GARRISON ST	MARTINEZ JUAN G
16	4643 GARRISON ST	FISHER JERRY WAYNE
17	2433 51ST ST	GAMBOA FRANCISCO JR &
18	2437 51ST ST	RODRIGUEZ JOSE S & HILDA RODRIGUEZ
19	2503 51ST ST	MATA JESUS C MORENO

FILE NUMBER: BDA189-130(SL)

BUILDING OFFICIAL'S REPORT: Application of CPUS Mockingbird LP, represented by Lori Martin, for a special exception to the landscape regulations at 5307 E. Mockingbird Lane. This property is more fully described as Lot 3, Block 1/5185, and is zoned MU-3, which requires mandatory landscaping. The applicant proposes to construct a and/or maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 5307 E. Mockingbird Lane

APPLICANT: Lori Martin

REQUEST:

A request for a special exception to the landscape regulations is made to maintain a site developed with a mixed-use development (Mockingbird Station), and not fully meet the landscape regulations, more specifically, the street and parking lot tree requirements on the subject site.

STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE AND TREE PRESERVATION REGULATIONS:

The board may grant a special exception to the landscape and tree preservation regulations of this article upon making a special finding from the evidence presented that:

- (1) strict compliance with the requirements of this article will unreasonably burden the use of the property;
- (2) the special exception will not adversely affect neighboring property; and
- (3) the requirements are not imposed by a site-specific landscape plan approved by the city plan commission or city council.

In determining whether to grant a special exception, the Board shall consider the following factors:

- the extent to which there is residential adjacency;
- the topography of the site;
- the extent to which landscaping exists for which no credit is given under this article; and
- the extent to which other existing or proposed amenities will compensate for the reduction of landscaping.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted alternate landscape plan is required.

Rationale:

- The City of Dallas Chief Arborist recommends approval of the request concluding that strict compliance with the requirements of Article X will unreasonably burden the use of the property (fully meeting tree requirements conflict with pedestrian safety and structures on the site), and that the special exception will not have a negative effect on neighboring properties.

BACKGROUND INFORMATION:

Zoning:

- Site: MU-3 (Mixed use)
- North: PD 296 (Planned Development)
- South: PD 740 (Planned Development)
- East: R-7.5(A) (Single family residential, 7,500 square feet)
- West: City of University Park

Land Use:

The subject site is developed with a mixed use development (Mockingbird Station). The areas to the north and south are developed with retail uses; the area to the east is developed with a DART rail station; and the area to the west is the City of University Park.

Zoning/BDA History:

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

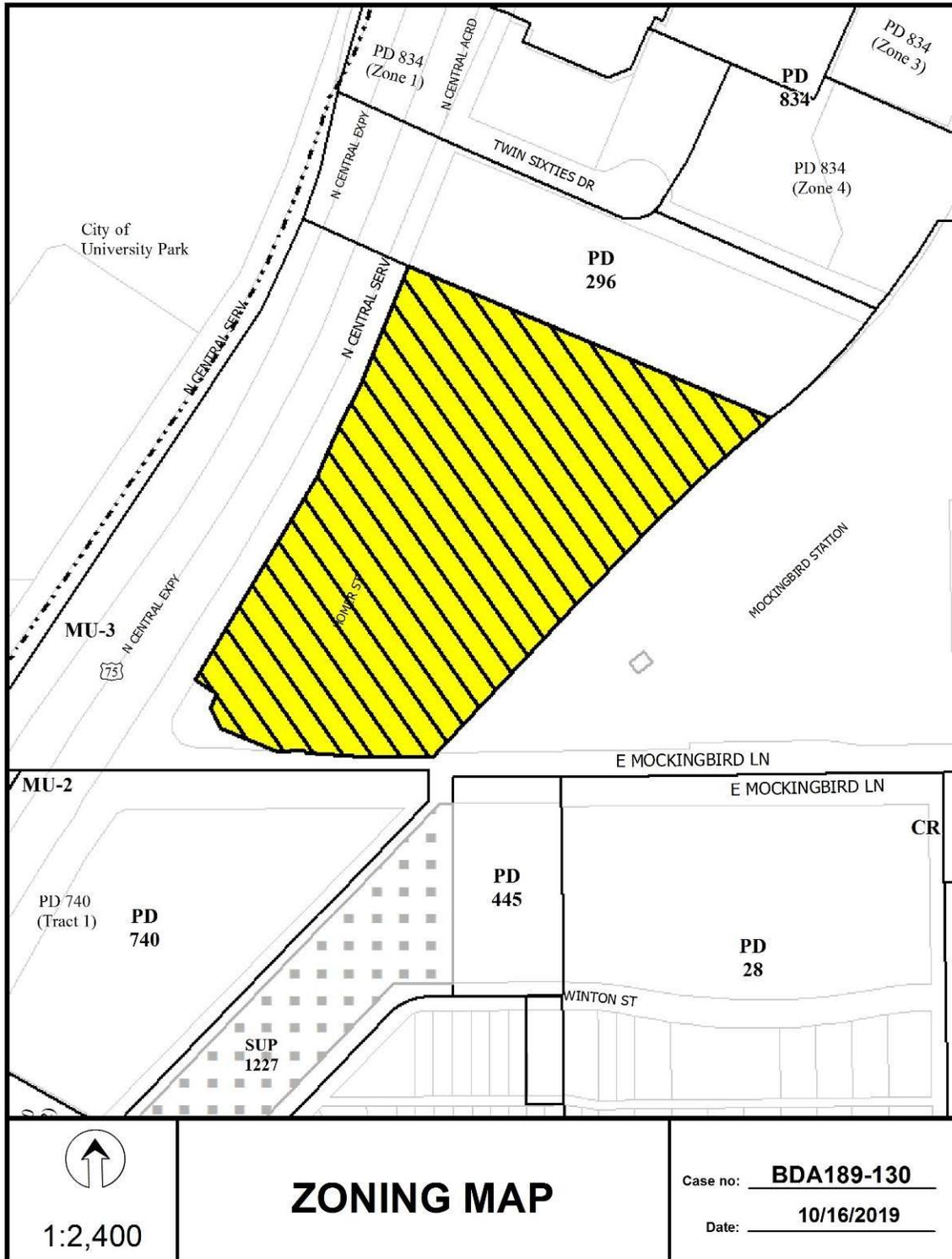
GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the landscape regulations focuses on maintaining a site developed with a mixed-use development (Mockingbird Station), and not fully meeting the landscape regulations, more specifically, the street and parking lot tree requirements on the subject site.
- The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period.

- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment A).
- The Chief Arborist's memo states the following with regard to "request":
 - The applicant is requesting a special exception to the landscaping regulations of Article X. Specifically, the applicant seeks approval for a reduction in the required number of street trees, and in the placement of parking lot trees required under the 1994 amendments to the Article X ordinance.
- The Chief Arborist's memo states the following with regard to "provision":
 - The property was developed under the 1994 provisions of the Article X landscaping regulations. The site was inspected and completed through phases of construction. The site was found non-compliant within the past year during an arborist site review.
 - The property retains and exceeds the required number of site tree credits and provides design standards for screening of off-street parking and foundation planting.
 - The established and well-maintained landscaping has matured since completion and has been modified to meet site restrictions, minor site alterations, and public safety concerns. Some trees have been removed and replaced with alternative plants.
 - The trail bridge construction had minimal impact to the site design on the property.
- The Chief Arborist's memo states the following with regard to "deficiencies":
 - The total street frontage requires 26 street trees. Twenty-two large trees remain while small trees also provide landscape buffering along the frontage road.
 - The parking lot trees in the central drive parking area were removed to address pedestrian safety concerns and structural conflicts with the landscape areas. Small trees and other suitable plant materials were placed in the locations to maintain an appropriate landscape for the customers.
 - Three additional large trees along the north façade of the main structure were removed under permit due to irreparable damages and an alternative plant material was placed in the location to avoid future pruning damages.
- The City of Dallas Chief Arborist recommends approval of the alternate landscape plan because strict compliance with the Article X regulations will unreasonably burden the use of the property, and that the special exception not have a negative effect on neighboring properties.
- The applicant has the burden of proof in establishing the following:
 - Strict compliance with the requirements of the landscape regulations of the Dallas Development Code will unreasonably burden the use of the property; and the special exception will not adversely affect neighboring property.
- If the Board were to grant this request and impose the submitted alternate landscape plan as a condition to the request, the site would be provided exception from fully providing the street and parking lot tree requirements on the subject site.

Timeline:

- August 30, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- October 14, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- October 14, 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 30th deadline to submit additional evidence for staff to factor into their analysis; and the November 8th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- November 5, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the November public hearings. Review team members in attendance included the following: the Assistant Director of Sustainable Development and Construction Current Planning Division, the Assistant Director of Sustainable Development and Construction Engineering Division, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Building Inspection Interim Chief Planner, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, Sustainable Development and Construction Department Board of Adjustment Senior Planners, and the Assistant City Attorney to the Board.
- No review comment sheets were submitted in conjunction with this application.
- November 7, 2019: The City of Dallas Chief Arborist submitted a memo regarding this request (see Attachment A).





1:2,400

AERIAL MAP

Case no: BDA189-130
Date: 10/16/2019

Memorandum



CITY OF DALLAS

Date November 7, 2019
To Steve Long, Chief Planner
Subject BDA #189-130 5307 E Mockingbird Lane Arborist report

Request

The applicant is requesting a special exception to the landscaping regulations of Article X. Specifically, the applicant seeks approval for a reduction in the required number of street trees, and in the placement of parking lot trees required under the 1994 amendments to the Article X ordinance.

Provision

- The property was developed under the 1994 provisions of the Article X landscaping regulations. The site was inspected and completed through phases of construction. The site was found non-compliant within the past year during an arborist site review.
- The property retains and exceeds the required number of site tree credits and provides design standards for screening of off-street parking and foundation planting.
- The established and well-maintained landscaping has matured since completion and has been modified to meet site restrictions, minor site alterations, and public safety concerns. Some trees have been removed and replaced with alternative plants.
- The trail bridge construction had minimal impact to the site design on the property.

Deficiency

The total street frontage requires 26 street trees. Twenty-two large trees remain while small trees also provide landscape buffering along the frontage road.

The parking lot trees in the central drive parking area were removed to address pedestrian safety concerns and structural conflicts with the landscape areas. Small trees and other suitable plant materials were placed in the locations to maintain an appropriate landscape for the customers. Three additional large trees along the north façade of the main structure were removed under permit due to irreparable damages and an alternative plant material was placed in the location to avoid future pruning damages.

Recommendation

The chief arborist recommends approval of the special exception on the basis that full compliance with the requirements of Article X will unreasonably burden the use of the property and that the special exception would not have a negative effect on neighboring properties.

Philip Erwin
Chief Arborist
Building Inspection



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-130

Date: ~~July 15, 2019~~ 8-30-19

Data Relative to Subject Property:

Location address: 5307 E Mockingbird Ln, Dallas, TX 75206 Zoning District: Mixed-use District 3

Lot No.: LT 3 Block No.: 1/5185 PT Acreage: 8.7 Census Tract: 79.14

Street Frontage (in Feet): 1) 442 2) 850 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): CPUS Mockingbird LP, CBRE Global Investors LLC

Applicant: CPUS Mockingbird LP Telephone: (214) 370-5217

Mailing Address: PO Box 638 Addison, TX Zip Code: 75001

E-mail Address: _____ Telephone: 214-891-6860

Represented by: Lori Martin Mailing Address: 5910 North Central Expressway, Suite 125 Dallas, TX Zip Code: 75206

E-mail Address: lori.martin@cbre.com

Affirm that an appeal has been made for a Variance , or Special Exception _____, of Article X
landscape and tree preservation regulation sec 51A-10.125
(4) street trees and (5) parking lot trees

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:

See attached supplemental info

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 final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared LORI MARTIN, ASSOCIATE DIRECTOR
(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 authorized representative of the subject property. CBRE, INC, an agent for CPUS Mockingbird, LP

Respectfully submitted Lori Martin
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 9TH day of August, 2019

(Rev. 08-01-11)



LINDA BAIER
Notary ID # 128911846
My Commission Expires
March 8, 2020

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

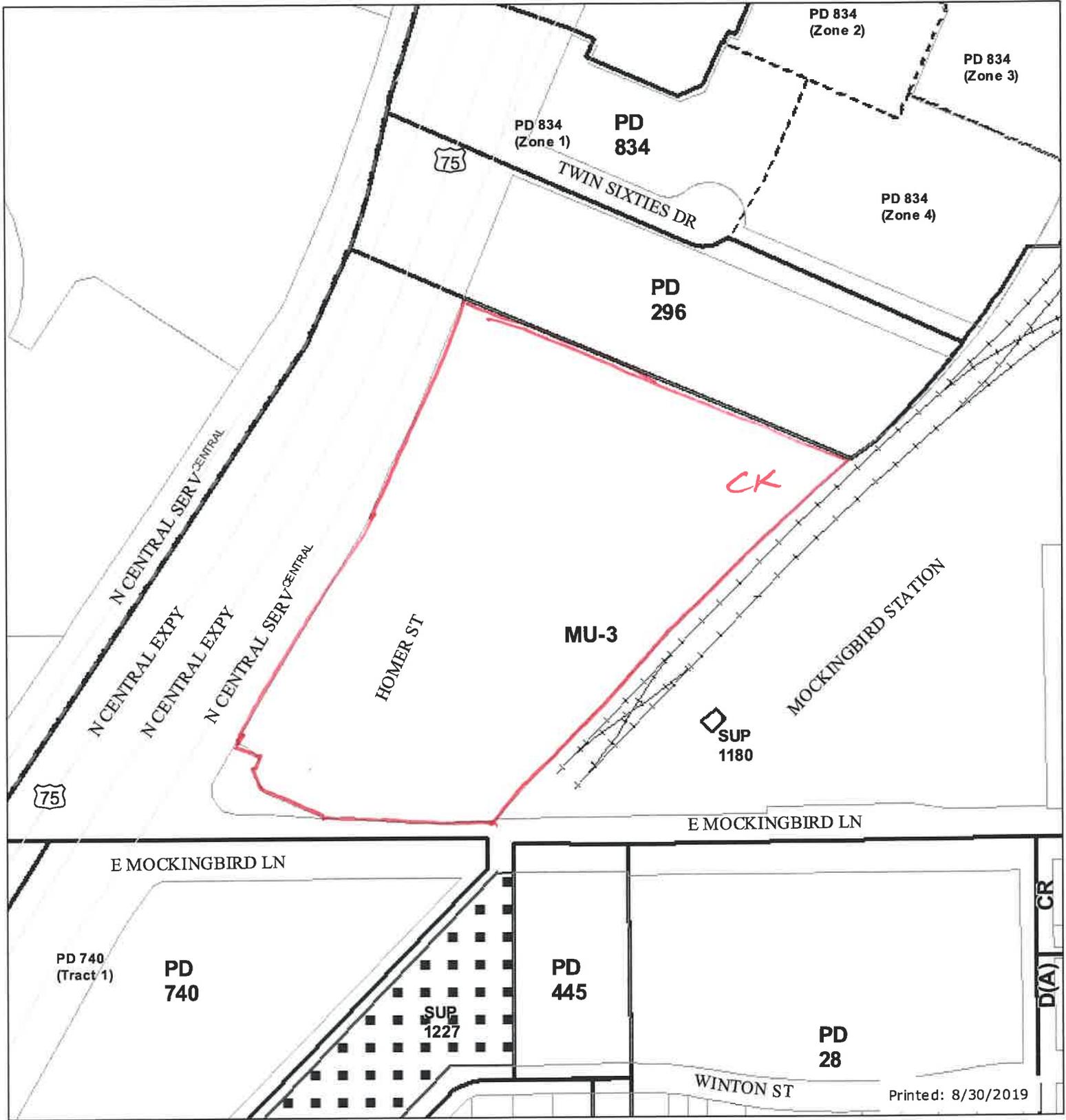
Building Official's Report

I hereby certify that CPUS Mockingbird LP
represented by LORI MARTIN
did submit a request for a special exception to the landscaping regulations
at 5307 E. Mockingbird Lane

BDA189-130. Application of CPUS Mockingbird LP represented by LORI MARTIN for a special exception to the landscaping regulations at 5307 E MOCKINGBIRD LN. This property is more fully described as Lot 3, Block1/5185, and is zoned MU-3, which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



Printed: 8/30/2019

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 | 3-10 Front Overlay |
| | | Height Map Overlay | |

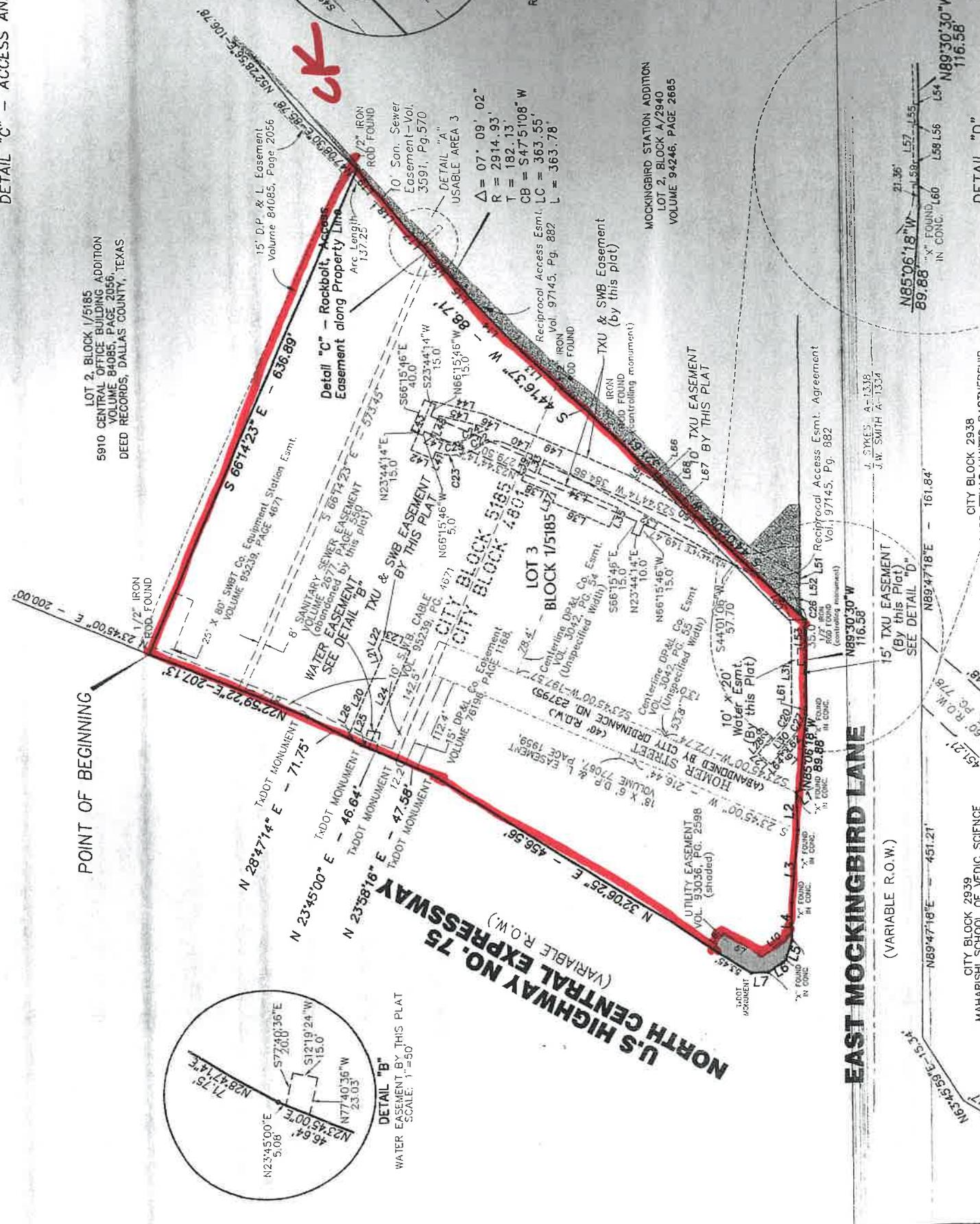
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering,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



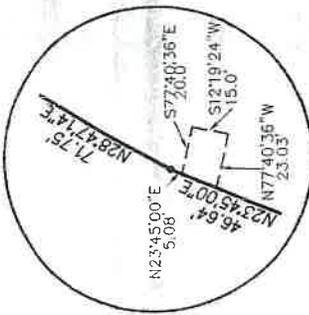
L2	N 4
L3	N 4
L4	N 6

DETAIL "C" - ACCESS AND ROCKBOLT EASE

LOT 2, BLOCK 1/5185
CENTRAL OFFICE BUILDING ADDITION
VOLUME 84085, PAGE 2056,
DEED RECORDS, DALLAS COUNTY, TEXAS



POINT OF BEGINNING



WATER EASEMENT BY THIS PLAT
SCALE: 1"=50'

NORTH CENTRAL EXPRESSWAY NO. 75
(VARIABLE R.O.W.)

EAST MOCKINGBIRD LANE
(VARIABLE R.O.W.)

MOCKINGBIRD STATION ADDITION
LOT 2, BLOCK A/2940
VOLUME 94246, PAGE 2685

TXU - SWB EA

NUMBER	DIREC
L20	S68°15'
L21	N68°4'
L22	S66°14'
L23	S33°4'
L24	N23°4'
L25	N23°4'
L26	N28°4'
L27	N41°7'
L28	S48°4'
L29	S41°7'
L30	S48°4'
L31	S09°3'
L32	N29°1'
L33	N65°4'
L34	S74°1'
L35	N65°4'
L36	N24°1'
L37	S65°4'
L38	N24°1'
L39	S65°4'
L40	N24°1'

CITY BLOCK 2938
SHURGARD TEXAS LIMITED PARTNERSHIP

CITY BLOCK 2939
MAHARISHI SCHOOL OF VEDIC SCIENCE



LEGEND

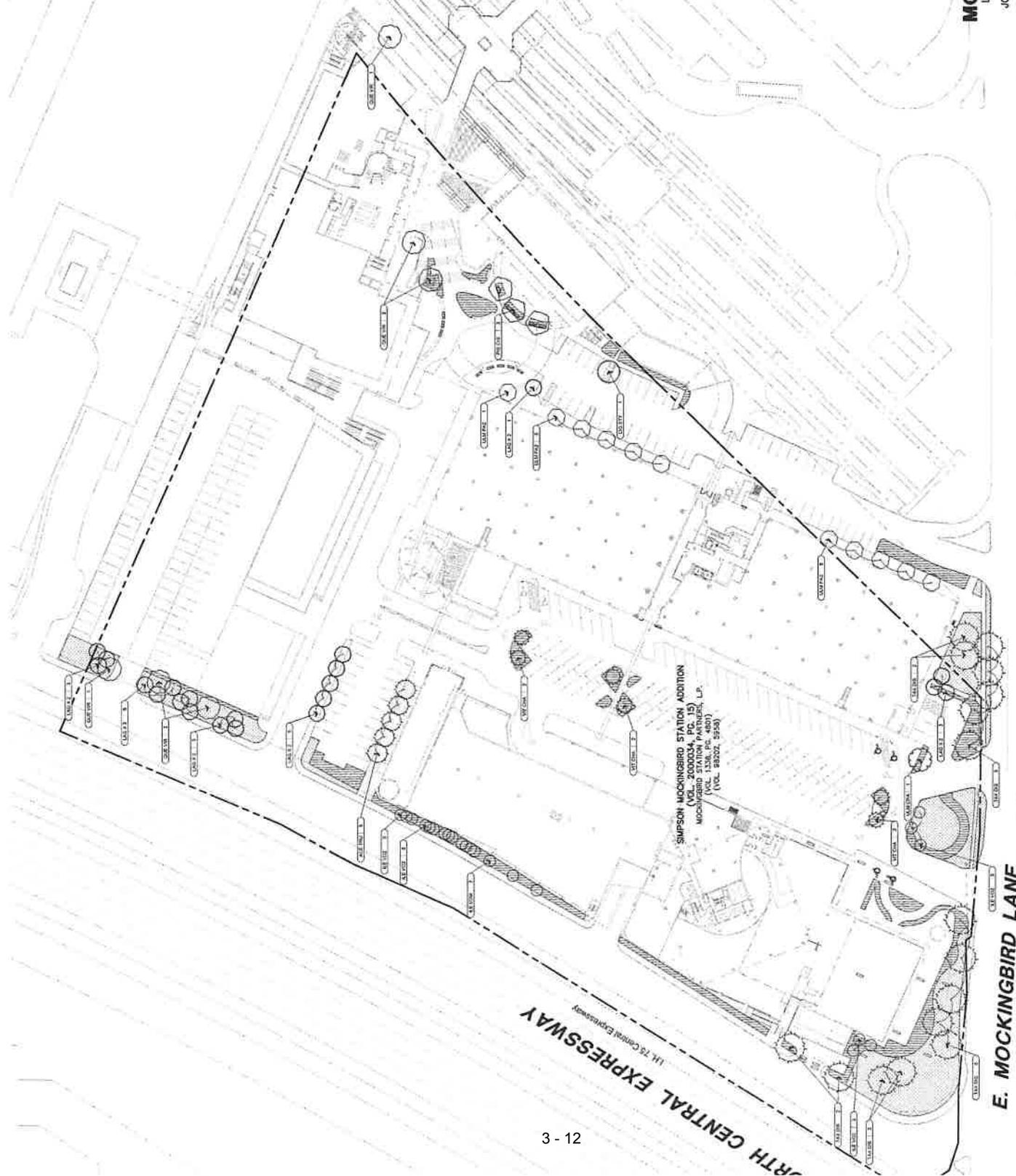
--- PROPERTY LINE

PLANT SCHEDULE	SYMBOL	DESCRIPTION	PLANT	SIZE	DEPTH
1	(Symbol)	10' Diameter (10' x 10')	10' Diameter (10' x 10')	10'	10'
2	(Symbol)	12' Diameter (12' x 12')	12' Diameter (12' x 12')	12'	12'
3	(Symbol)	14' Diameter (14' x 14')	14' Diameter (14' x 14')	14'	14'
4	(Symbol)	16' Diameter (16' x 16')	16' Diameter (16' x 16')	16'	16'
5	(Symbol)	18' Diameter (18' x 18')	18' Diameter (18' x 18')	18'	18'
6	(Symbol)	20' Diameter (20' x 20')	20' Diameter (20' x 20')	20'	20'
7	(Symbol)	22' Diameter (22' x 22')	22' Diameter (22' x 22')	22'	22'
8	(Symbol)	24' Diameter (24' x 24')	24' Diameter (24' x 24')	24'	24'
9	(Symbol)	26' Diameter (26' x 26')	26' Diameter (26' x 26')	26'	26'
10	(Symbol)	28' Diameter (28' x 28')	28' Diameter (28' x 28')	28'	28'
11	(Symbol)	30' Diameter (30' x 30')	30' Diameter (30' x 30')	30'	30'
12	(Symbol)	32' Diameter (32' x 32')	32' Diameter (32' x 32')	32'	32'
13	(Symbol)	34' Diameter (34' x 34')	34' Diameter (34' x 34')	34'	34'
14	(Symbol)	36' Diameter (36' x 36')	36' Diameter (36' x 36')	36'	36'
15	(Symbol)	38' Diameter (38' x 38')	38' Diameter (38' x 38')	38'	38'
16	(Symbol)	40' Diameter (40' x 40')	40' Diameter (40' x 40')	40'	40'
17	(Symbol)	42' Diameter (42' x 42')	42' Diameter (42' x 42')	42'	42'
18	(Symbol)	44' Diameter (44' x 44')	44' Diameter (44' x 44')	44'	44'
19	(Symbol)	46' Diameter (46' x 46')	46' Diameter (46' x 46')	46'	46'
20	(Symbol)	48' Diameter (48' x 48')	48' Diameter (48' x 48')	48'	48'
21	(Symbol)	50' Diameter (50' x 50')	50' Diameter (50' x 50')	50'	50'
22	(Symbol)	52' Diameter (52' x 52')	52' Diameter (52' x 52')	52'	52'
23	(Symbol)	54' Diameter (54' x 54')	54' Diameter (54' x 54')	54'	54'
24	(Symbol)	56' Diameter (56' x 56')	56' Diameter (56' x 56')	56'	56'
25	(Symbol)	58' Diameter (58' x 58')	58' Diameter (58' x 58')	58'	58'
26	(Symbol)	60' Diameter (60' x 60')	60' Diameter (60' x 60')	60'	60'
27	(Symbol)	62' Diameter (62' x 62')	62' Diameter (62' x 62')	62'	62'
28	(Symbol)	64' Diameter (64' x 64')	64' Diameter (64' x 64')	64'	64'
29	(Symbol)	66' Diameter (66' x 66')	66' Diameter (66' x 66')	66'	66'
30	(Symbol)	68' Diameter (68' x 68')	68' Diameter (68' x 68')	68'	68'
31	(Symbol)	70' Diameter (70' x 70')	70' Diameter (70' x 70')	70'	70'
32	(Symbol)	72' Diameter (72' x 72')	72' Diameter (72' x 72')	72'	72'
33	(Symbol)	74' Diameter (74' x 74')	74' Diameter (74' x 74')	74'	74'
34	(Symbol)	76' Diameter (76' x 76')	76' Diameter (76' x 76')	76'	76'
35	(Symbol)	78' Diameter (78' x 78')	78' Diameter (78' x 78')	78'	78'
36	(Symbol)	80' Diameter (80' x 80')	80' Diameter (80' x 80')	80'	80'
37	(Symbol)	82' Diameter (82' x 82')	82' Diameter (82' x 82')	82'	82'
38	(Symbol)	84' Diameter (84' x 84')	84' Diameter (84' x 84')	84'	84'
39	(Symbol)	86' Diameter (86' x 86')	86' Diameter (86' x 86')	86'	86'
40	(Symbol)	88' Diameter (88' x 88')	88' Diameter (88' x 88')	88'	88'
41	(Symbol)	90' Diameter (90' x 90')	90' Diameter (90' x 90')	90'	90'
42	(Symbol)	92' Diameter (92' x 92')	92' Diameter (92' x 92')	92'	92'
43	(Symbol)	94' Diameter (94' x 94')	94' Diameter (94' x 94')	94'	94'
44	(Symbol)	96' Diameter (96' x 96')	96' Diameter (96' x 96')	96'	96'
45	(Symbol)	98' Diameter (98' x 98')	98' Diameter (98' x 98')	98'	98'
46	(Symbol)	100' Diameter (100' x 100')	100' Diameter (100' x 100')	100'	100'

Scale: 1" = 30' 0"

MOCKINGBIRD STATION
 LOCATED IN THE CITY OF DALLAS, TEXAS
 AND BEING OUT OF THE
 JOEL SYKES SURVEY, ABSTRACT NO. 1338,
 DALLAS COUNTY, TEXAS

CALLISON|RTKL
 1775 Pacific Avenue
 Dallas, TX 75201
 (214) 468-7600
 www.callisonrtkl.com
 Project No. 15-00000001
 Date: 06/06/2019
 Scale: 1" = 30' 0"



*NOTE: Reference addendum entitled "Storm Sewer Plan, City Plan File No. 5989-089" utility plan except found in city archives for existing underground utilities.

*NOTE: Per article X, SEC. 51A-10.125, (3) "Site Trees" Site tree credits provided: 155

MOCKINGBIRD STATION
Parking Lot Tree and Street Tree Variance Request

Dallas, Texas

May 12th, 2019



Reasons for Requested Variance - Parking Lot Trees

- Planters lowered in multiple areas as a result of years of vehicular to vehicular conflict and pedestrian to vehicular conflict due to lack of visibility when cars are backing out of parking spaces.
- The entire parking lot is located on top of a parking structure not deep enough to provide adequate soil depth for healthy shade tree growth. As a result, the previously installed shade trees did not thrive. Please see the following link for research pertaining to soil volume requirements for trees:
 - <https://www.bartlett.com/resources/SoilforUrbanTreePlanting.pdf>
 - <http://www.deeproot.com/blog/entries/our-recommended-soil-volume-for-urban-trees>
- As the buildings surrounding this parking lot are 5-7 stories tall on three sides, much of the parking spaces are shaded, counteracting the need for shade trees.
- The lower, more textural plantings are beneficial in providing a human scaled space in an otherwise harsh vertical urban canyon.

MOCKINGBIRD STATION
Street Tree and Parking Lot Tree Variance Request

Dallas, Texas
May 12th, 2019

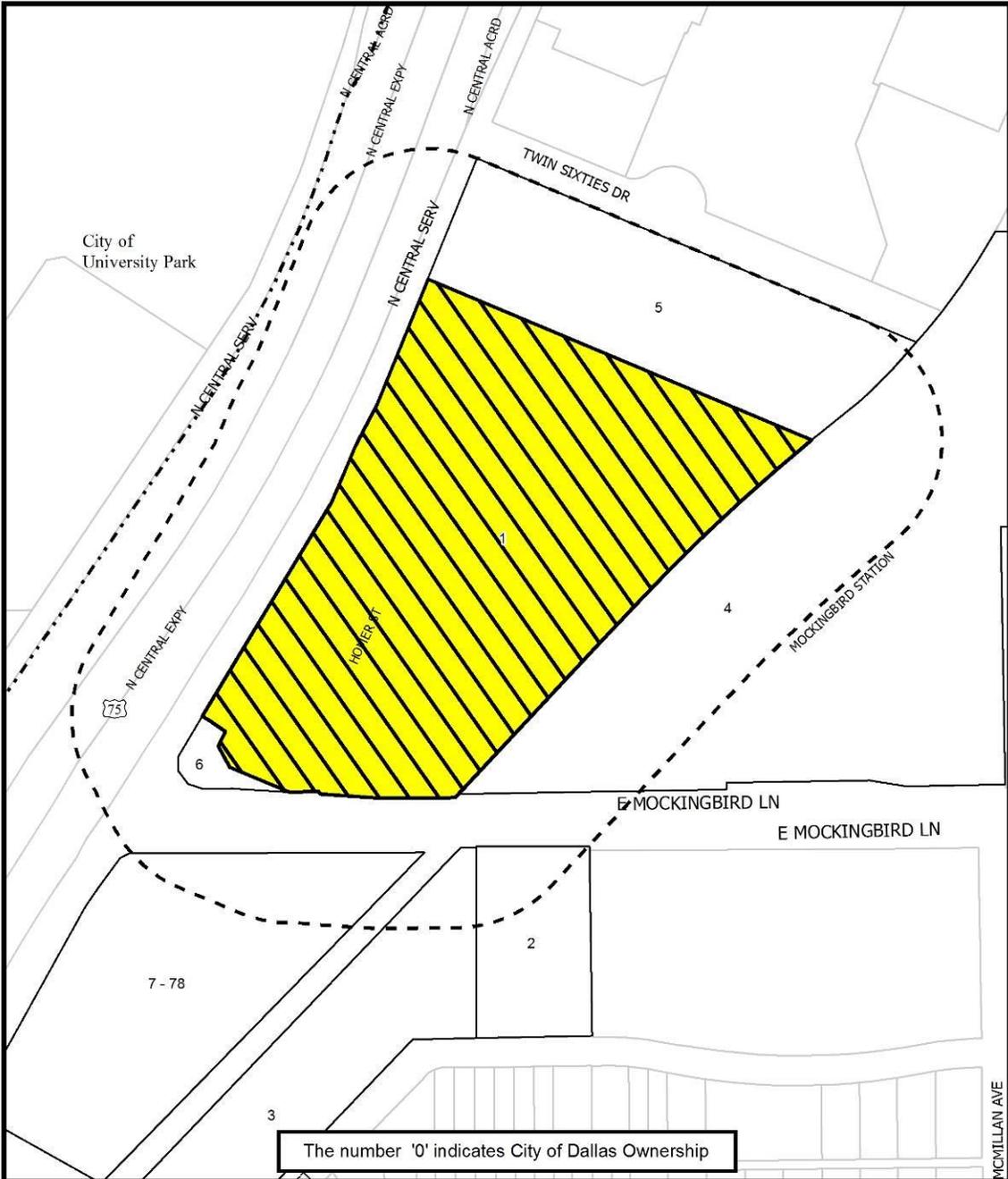


Reasons for Requested Variance - Street Trees

Existing street trees and landscape along Mockingbird Lane provide a high level of aesthetic value that include mature trees, well maintained shrubs, and seasonally rotating annual color.

Due to multiple utility easements, concrete sidewalks, and restrictive planting areas, street trees are not viable along the Western frontage of the site.





 1:2,400	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td style="padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px;">78</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	78	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA189-130 Date: 10/16/2019
200'	AREA OF NOTIFICATION					
78	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA189-130

78 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5307 E MOCKINGBIRD LN	CPUS MOCKINGBIRD LP
2	5342 E MOCKINGBIRD LN	PS TEXAS HOLDINGS LTD
3	5340 E MOCKINGBIRD LN	SHURGARD TEXAS LTD PS
4	5465 E MOCKINGBIRD LN	DALLAS AREA RAPID TRANSIT
5	5910 N CENTRAL EXPY	CPUS PREMIER PLACE LP
6	5307 E MOCKINGBIRD LN	CPUS MOCKINGBIRD LP
7	5656 N CENTRAL EXPY	WESTDALE PALOMAR LP
8	5656 N CENTRAL EXPY	SMITH HOWARD DAVID
9	5656 N CENTRAL EXPY	WILCOX PHYLLIS DIANE POU &
10	5656 N CENTRAL EXPY	MURPHY JACK D & JEANETTE B
11	5656 N CENTRAL EXPY	HANNA SAMI & ELIZABETH
12	5656 N CENTRAL EXPY	FOLEY NICHOLAS & MANJULA S FOLEY
13	5656 N CENTRAL EXPY	JOINES RONDA JOY
14	5656 N CENTRAL EXPY	GREEN SET LLC SERIES N
15	5656 N CENTRAL EXPY	BROWN LARRY H & SHELLY
16	5656 N CENTRAL EXPY	CAMERON STEPHEN F
17	5656 N CENTRAL EXPY	CHANG IRIS W
18	5656 N CENTRAL EXPY	LEE TAJEN
19	5656 N CENTRAL EXPY	MOCK 5656 LLC
20	5656 N CENTRAL EXPY	EIGHT OAKS INVESTMENTS II LLC
21	5656 N CENTRAL EXPY	RICHIE BOYD LYNN & BETTY ZOE
22	5656 N CENTRAL EXPY	SEABROOKS JACQUELINE A
23	5656 N CENTRAL EXPY	CASSULLO JOANNE
24	5656 N CENTRAL EXPY	RICHEY PROPERTIES INC
25	5656 N CENTRAL EXPY	TOMPSON JERRY
26	5656 N CENTRAL EXPY	TRIMARCHI DENNIS M

10/16/2019

Label #	Address	Owner
27	5656 N CENTRAL EXPY	HARRISON FIELD
28	5656 N CENTRAL EXPY	ALI AMAR BARKAT &
29	5656 N CENTRAL EXPY	BUCHANAN MICHAEL REESE
30	5656 N CENTRAL EXPY	ZISSIS FAMILY TRUST
31	5656 N CENTRAL EXPY	WILLIAMS DEBORAH A & ROBERT M GOLDSTEIN
32	5656 N CENTRAL EXPY	CITIMORTGAGE INC
33	5656 N CENTRAL EXPY	BARTELS ANN M
34	5656 N CENTRAL EXPY	MCLANE DAVID J &
35	5656 N CENTRAL EXPY	EDWARDS STAN &
36	5656 N CENTRAL EXPY	YAMINI SALLY
37	5656 N CENTRAL EXPY	KNUBOWITZ JOEL
38	5656 N CENTRAL EXPY	YAMINI SARA M
39	5656 N CENTRAL EXPY	KASSEBAUM LINDA MAJORS
40	5656 N CENTRAL EXPY	KOERNER GARY & KAY
41	5656 N CENTRAL EXPY	TALLEY JUDITH OLSEN
42	5656 N CENTRAL EXPY	WALTON LARRY E & LINDA
43	5656 N CENTRAL EXPY	CARSON TED J & DEBORAH J
44	5656 N CENTRAL EXPY	CARSON DEBBIE &
45	5656 N CENTRAL EXPY	HARRISON FIELD
46	5656 N CENTRAL EXPY	BARNES SUSAN
47	5656 N CENTRAL EXPY	RUFF PARTNERS LTD
48	5656 N CENTRAL EXPY	HARRISON FIELD
49	5656 N CENTRAL EXPY	BOTTUM STEVEN J
50	5656 N CENTRAL EXPY	RACHAL CLINT
51	5656 N CENTRAL EXPY	HARRISON FIELD
52	5656 N CENTRAL EXPY	HAINES DALE & JANE
53	5656 N CENTRAL EXPY	WEBB BARBARA J
54	5656 N CENTRAL EXPY	GANCARZ DORIS
55	5656 N CENTRAL EXPY	BERAN DIANA
56	5656 N CENTRAL EXPY	HARRISON HARRY H JR &
57	5656 N CENTRAL EXPY	GANCARZ CHRISTINE P

10/16/2019

Label #	Address	Owner
58	5656 N CENTRAL EXPY	ANDERSON GARY A &
59	5656 N CENTRAL EXPY	CLAY BARBARA &
60	5656 N CENTRAL EXPY	MCGRATH JOHN D JR & KRISTAL D
61	5656 N CENTRAL EXPY	CROWN JODY H
62	5656 N CENTRAL EXPY	JOHNSON MICHAEL D &
63	5656 N CENTRAL EXPY	KHM METRO LLC
64	5656 N CENTRAL EXPY	HARRISON FIELD & SABRINA
65	5656 N CENTRAL EXPY	HARRISON FIELD
66	5320 E MOCKINGBIRD LN	NEE EUGENE P
67	5320 E MOCKINGBIRD LN	MOORE KEVIN BRENT
68	5320 E MOCKINGBIRD LN	CURTIS THOMAS D &
69	5320 E MOCKINGBIRD LN	SKINNER DAVID L & SUSAN S
70	5320 E MOCKINGBIRD LN	JENOS BRENT G
71	5320 E MOCKINGBIRD LN	DIGIORGIO THERESA &
72	5320 E MOCKINGBIRD LN	CHESTNUT INVESTMENTS LLC
73	5320 E MOCKINGBIRD LN	TOMLIN FRANCIS G &
74	5320 E MOCKINGBIRD LN	LITTLE PAUL
75	5320 E MOCKINGBIRD LN	5320 E MOCKINGBIRD LN L304 LLC
76	5320 E MOCKINGBIRD LN	MAWK THOMAS
77	5300 N CENTRAL EXPY	WOODBANCH HIGHLAND LLC
78	5300 N CENTRAL EXPY	BEHRINGER HARVARD

FILE NUMBER: BDA189-122(SL)

BUILDING OFFICIAL'S REPORT: Application of Danny Sipes for a variance to the front yard setback regulations at 2212 Worthington Street. This property is more fully described as Lot 12H, Block H/573, and is zoned PD 225 (Interior Neighborhood), which requires a front yard setback of 8 feet. The applicant proposes to construct and/or maintain a structure and provide a 7 foot 3 inch front yard setback, which will require a 9 inch variance to the front yard setback regulations.

LOCATION: 2212 Worthington Street

APPLICANT: Danny Sipes

REQUEST:

A request for a variance to the front yard setback regulations of 9" is made to maintain a single family home structure located 7' 3" from the site's front property line or 9" into the 8' 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:

- 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;
- 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
- 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 while granting this variance request for one floor of a four-story townhome to encroach 9” into an 8’ front yard setback would not appear to be contrary to public interest, the request should be denied because the applicant had not provided documentation to the other components of the variance standard:
 1. how the variance was necessary to permit development of this parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope (in this case, the subject site is flat, rectangular in shape, and is, according to the application, 0.036 acres or approximately 1,600 square feet in area), that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same PD 225 zoning district (the applicant provided no information related to this); and
 2. how granting this request would not be to relieve a self-created or personal hardship, nor for financial reasons only.

BACKGROUND INFORMATION:

Zoning:

- Site: PD 225 (Interior Neighborhood) (Planned Development)
- North: PD 225 (Interior Neighborhood) (Planned Development)
- South: PD 225 (Interior Neighborhood) (Planned Development)
- East: PD 225 (Interior Neighborhood)(SUP 835) (Planned Development, Specific Use Permit)
- West: PD 225 (Interior Neighborhood) (Planned Development)

Land Use:

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

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 9” focuses on maintaining a single family home structure located 7’ 3” from the site’s front property line or 9” into the 8’ front yard setback, more specifically, maintaining a portion of the third floor of the 4-story approximately 5,800 square foot townhome that is located 9” into the required 8 foot front yard setback.
- The property is located in PD 225 (Interior Neighborhood) zoning district which states the following: All structures must have a minimum setback of eight feet. Trellises, screens, awnings, and canopies may intrude into the required minimum front yard a distance of up to five feet.

- The submitted site plan represents a structure located 10.1’ from the front property line.
- A document labeled “site guide” (Attachment A) denotes the “third floor plan” and “wall encroaches 8 foot building line”. The Building Inspection Senior Plans Examiner/Development Code Specialist states that this document represents that a wall on the third floor encroaches into the 8’ front yard setback by 9 inches.
- According to DCAD records the “main improvement” listed for property addressed at 2212 Worthington Street is a structure built in 2018 with 4,640 square feet of living area/total area, and with the following “additional improvements”: a 420 square foot attached garage, a 250 square foot enclosed patio, and a 510 square foot deck.
- The subject site is flat, rectangular in shape, and is, according to the application, 0.036 acres (or approximately 1,600 square feet) in area. The site is PD 225 (Interior Neighborhood). PD 225 states that there are no lot size requirements in the Interior Neighborhood District.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 225 (Interior Neighborhood) zoning classification.
 - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD 225 (Interior Neighborhood) zoning classification.
- If the Board were to grant the variance request, and impose the submitted site plan and “site guide” document as a condition, the structure in the front yard setback would be limited to what is shown on these documents which in this case is a portion of the third floor a 4-story townhome that is located 9” into the required 8’ front yard setback.

Timeline:

August 12, 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.

October 14, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

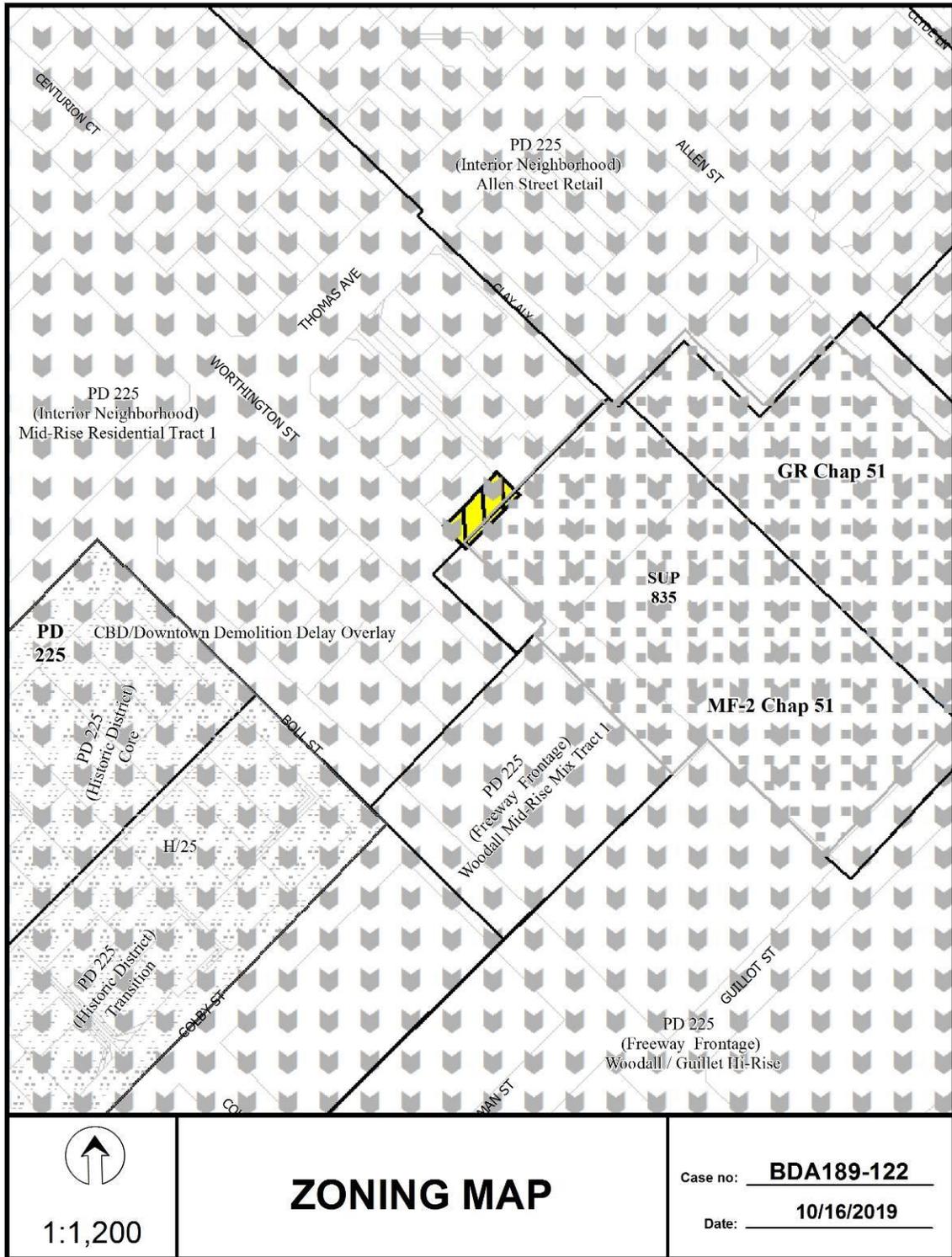
October 14, 2019: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant’s representative the following information:

- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the October 30th deadline to submit additional evidence for staff to factor into their analysis; and the November 8th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

October 22, 2019: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded a document to the Board of Adjustment Chief Planner/Board Administrator from the applicant (see Attachment A).

November 5, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the November public hearings. Review team members in attendance included the following: the Assistant Director of Sustainable Development and Construction Current Planning Division, the Assistant Director of Sustainable Development and Construction Engineering Division, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Building Inspection Interim Chief Planner, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, Sustainable Development and Construction Department Board of Adjustment Senior Planners, and the Assistant City Attorney to the Board.

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





1:1,200

AERIAL MAP

Case no: BDA189-122

Date: 10/16/2019



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-122

Data Relative to Subject Property:

Date: 8-12-19

Location address: 2212 Worthington Zoning District: PD 225 (Int. neighborhood)

Lot No.: 12H Block No.: H1573 Acreage: .036 Census Tract: 17.03

Street Frontage (in Feet): 1) 26.31 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Thomas Worthington Capital LTD

Applicant: Danny Sipes Telephone: 214 794 0213

Mailing Address: PO Box 3293 Forney TX Zip Code: 75126

E-mail Address: danny@txpermit.com

Represented by: Danny Sipes Telephone: 214 794 0213

Mailing Address: PO Box 3293 Forney TX Zip Code: 75126

E-mail Address: danny@txpermit.com

Affirm that an appeal has been made for a Variance [checked], or Special Exception __, of Front yard set back. Variance of 9ft into the setback. SA FYSB and provide 7ft set back.

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:

Plans erroneously approved. Front yard.

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.

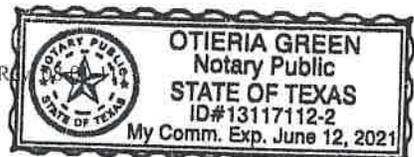
Affidavit

Before me the undersigned on this day personally appeared [Signature] (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 23 day of April, 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 Danny Sipes

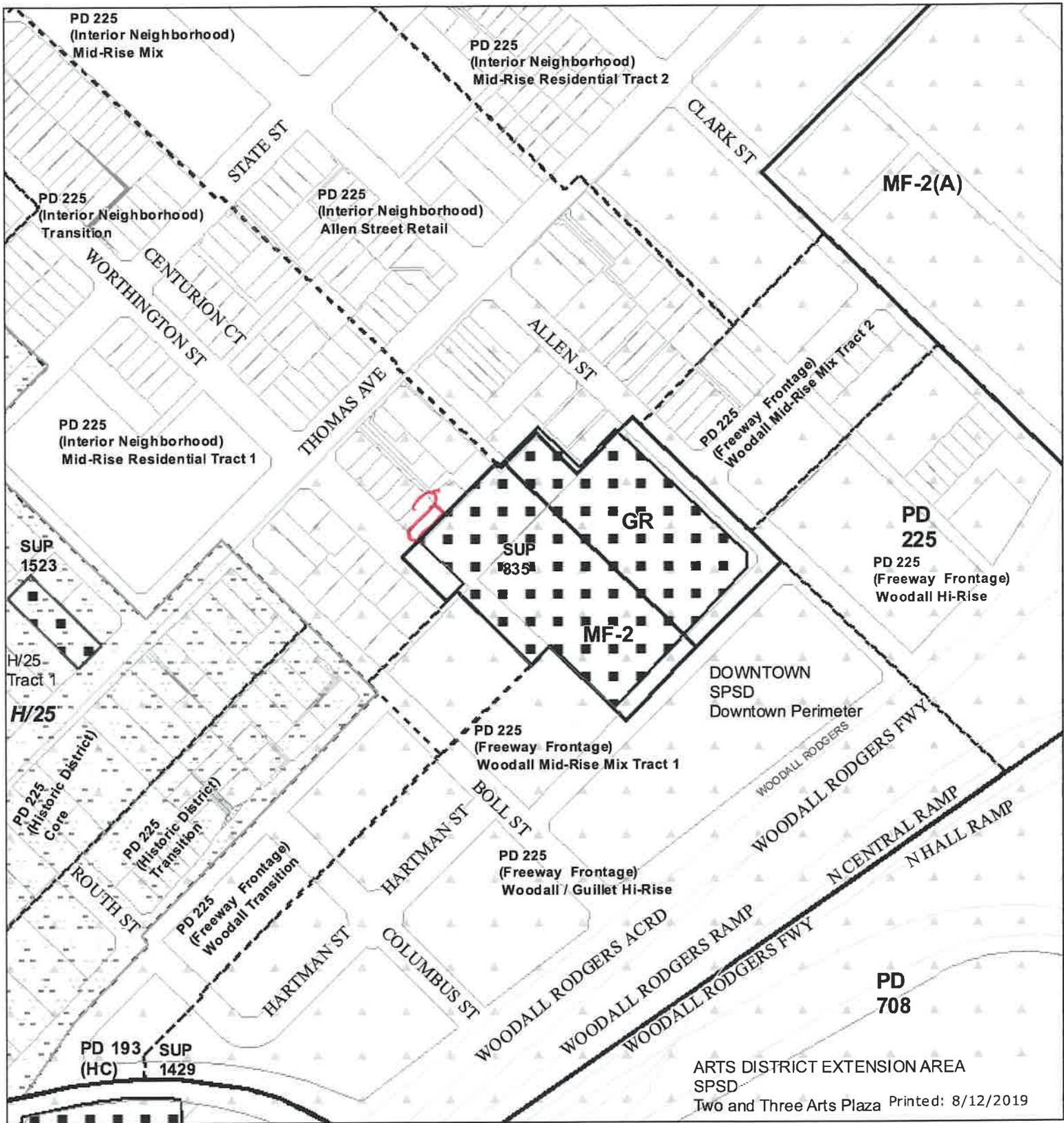
did submit a request for a variance to the front yard setback regulations
at 2212 Worthington Street

BDA189-122. Application of Danny Sipes for a variance to the front yard setback regulations at 2212 WORTHINGTON ST. This property is more fully described as Lot 12H Block H/573, and is zoned PD-225 (Interior Neighborhood), which requires a front yard setback of 8 feet. The applicant proposes to construct a single family residential structure and provide a 7 foot 3 inch front yard setback, which will require a 9 inch variance to the front yard setback regulations.

Sincerely,

Philip Sipes
Philip Sipes, Building Official



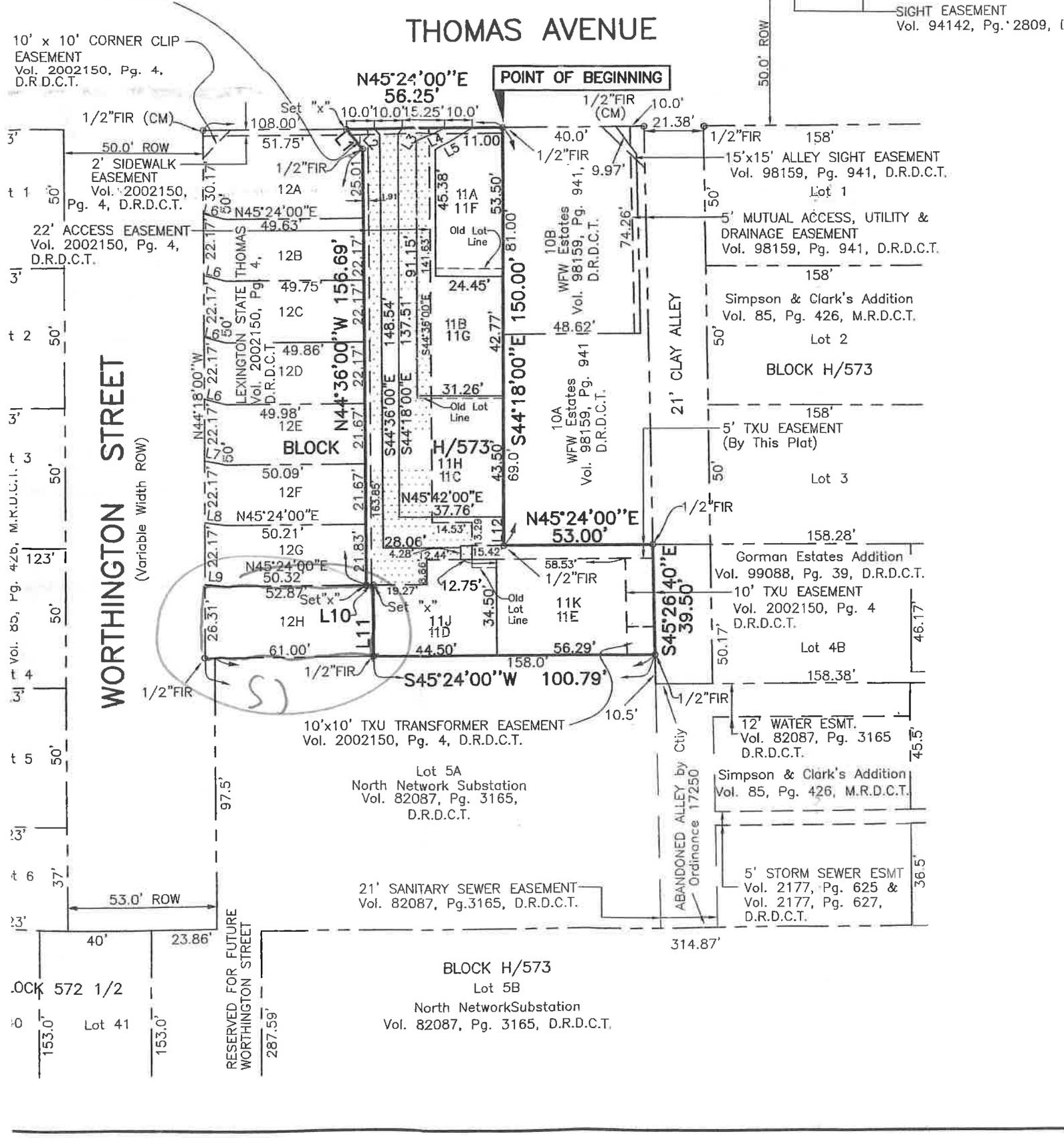
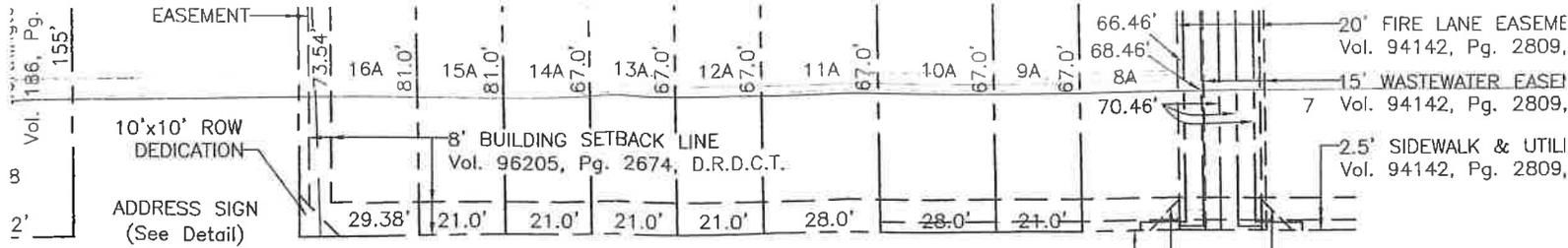


Legend

- | | | | |
|----------------------|-------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Sub districts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Sub districts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Sub districts |
| Mill's Creek | Datas 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 | Sign Front Overlay |
| | | Height Map Overlay | |

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





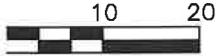
LEGEND

FIR	Found Iron Rod
FIP	Found Iron Pipe
TP	Telephone Pedestal
WM	Water Meter
EM	Electric Meter
GM	Gas Meter
FH	Fire Hydrant
P	Planter

LOT 12 H

NUMBER	DIRECTION	DISTANCE
L1	N 50°11'36" E	8.02'
L2	N 44°18'00" W	26.31'

SCALE: 1"=20'

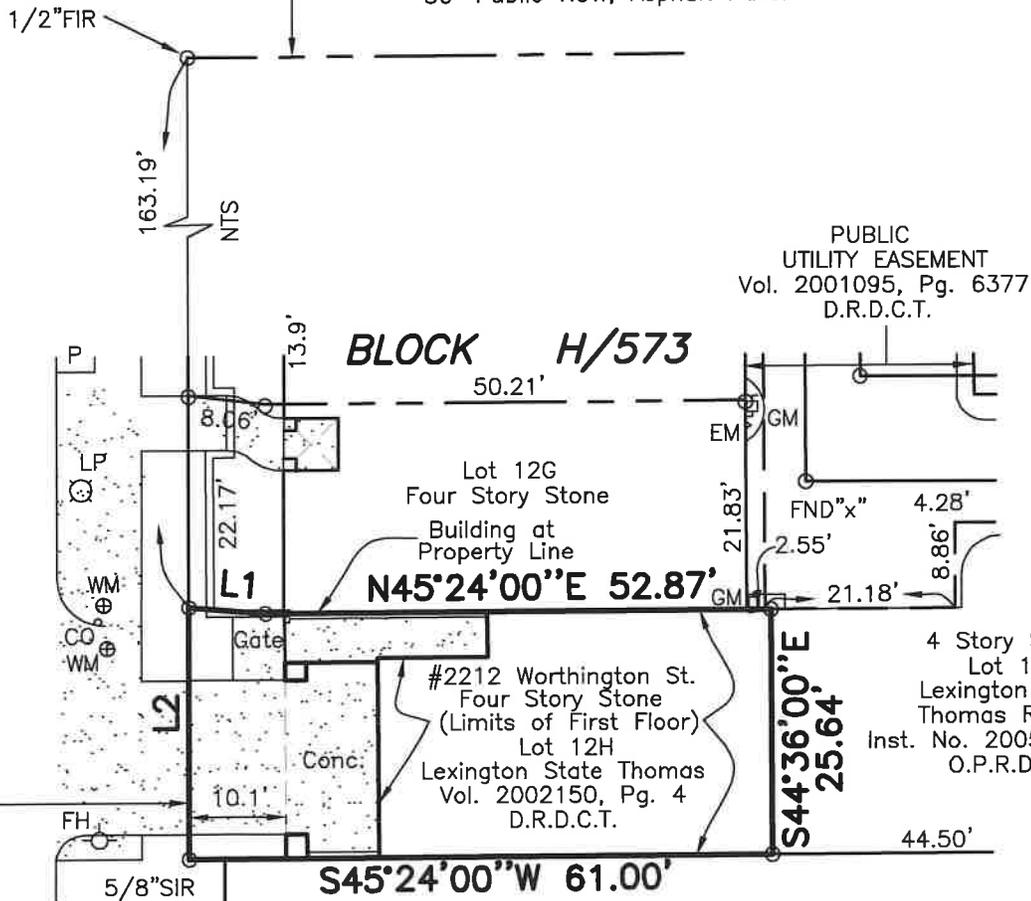


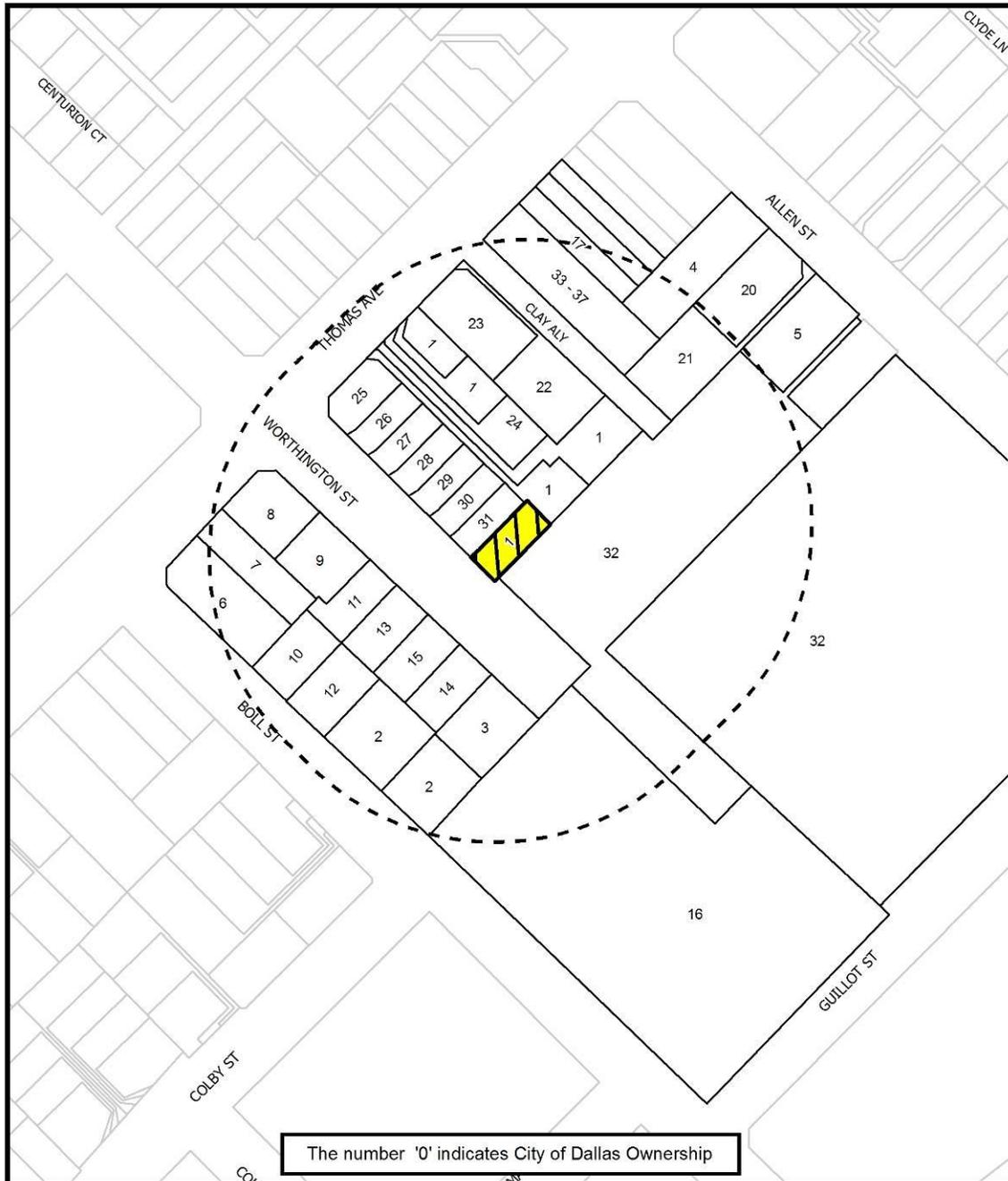
Jqb No. 99014-12H

WORTHINGTON STREET
 Variable Width ROW, Concrete Pavement

THOMAS AVENUE

50' Public ROW, Asphalt Pavement





 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;">37</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	37	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA189-122 Date: 10/16/2019
200'	AREA OF NOTIFICATION					
37	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA189-122

37 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2802 THOMAS AVE	THOMAS WORTHINGTON CAPITAL LTD
2	2202 BOLL ST	BECKER ALEX O
3	2201 WORTHINGTON ST	KIRVEN JOE W
4	2215 ALLEN ST	SANDERS RUTH MAE
5	2207 ALLEN ST	PEETERS TERRI J
6	2700 THOMAS AVE	2700 THOMAS TRUST
7	2704 THOMAS AVE	GANNON HUGH DAVID &
8	2706 THOMAS AVE	BROWN JOHNNY L &
9	2219 WORTHINGTON ST	BERRY LINDA
10	2214 BOLL ST	HALL DOUGLAS K
11	2215 WORTHINGTON ST	OU JERRY
12	2210 BOLL ST	STROMBERG WILLIAM M
13	2211 WORTHINGTON ST	JAMROZ MARCIN
14	2207 WORTHINGTON ST	KUMAR SAI & POONAM
15	2209 WORTHINGTON ST	LAPIETRA TRACY
16	2106 BOLL ST	ALAMO MANHATTAN UPTOWN LLC
17	2816 THOMAS AVE	ALLEY JESSICA J
18	2816 THOMAS AVE	MOSELY ANDRE G &
19	2816 THOMAS AVE	CHIQUITO GILBERTO
20	2211 ALLEN ST	FOREMAN DANIEL A
21	2209 ALLEN ST	THOMAS TOM &
22	2810 THOMAS ST	LGA REAL ESTATE LP
23	2806 THOMAS ST	HALIMMAN ROMI &
24	2804 THOMAS AVE	DT PARTNERSHIP
25	2226 WORTHINGTON ST	LGA REAL ESTATE LP
26	2224 WORTHINGTON ST	SCOTT CYNTHIA LYNN &

10/16/2019

Label #	Address	Owner
27	2222 WORTHINGTON ST	BAKER WILLIAM KIRK &
28	2220 WORTHINGTON ST	BMJ REALTY GROUP LLC
29	2218 WORTHINGTON ST	AKASS MARK &
30	2216 WORTHINGTON ST	STEVENSON PAUL
31	2214 WORTHINGTON ST	BUETHER ERIC W
32	2836 GUILLOT ST	ONCOR ELECRTIC DELIVERY COMPANY
33	2812 THOMAS AVE	SANTHANAM ANAND &
34	2812 THOMAS AVE	QUIGLEY THOMAS JAMES &
35	2812 THOMAS AVE	FELKER MARSHA
36	2812 THOMAS AVE	MCGINNIS OLIN DAVID &
37	2812 THOMAS AVE	OBENSHAIN SCOTT ALAN &