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CITY SECRETARY
DALLAS, TEXAS



City of Dallas

Public Notice

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POSTED CITY SECRETARY
DALLAS, TX

BOARD OF ADJUSTMENT (PANEL A)

**April 16th, 2024, Briefing at 10:30 A.M. and the Public Hearing at 1:00 P.M.
Dallas City Hall, Room 6ES and Videoconference**

**Video Conference Link: <https://bit.ly/boa0416>
Telephone: (408) 418-9388, Access Code: 325527**

The City of Dallas will make Reasonable Accommodations/Modifications to programs and/or other related activities to ensure any and all residents have access to services and resources to ensure an equitable and inclusive meeting. Anyone requiring auxiliary aid, service, and/or translation to fully participate in the meeting should notify the Board of Adjustment by calling (214) 670-4127 three (3) business days prior to the scheduled meeting. A video stream of the meeting will be available twenty-four (24) hours after adjournment by visiting <https://dallastx.new.swagit.com/views/113>.

Individuals and interested parties wishing to speak must register with the Board of Adjustment at <https://bit.ly/BDA-A-Register> by the close of business Monday, April 15th, 2024. In Person speakers can register at the hearing.

La Ciudad de Dallas llevará a cabo Adecuaciones/Modificaciones Razonables a los programas y/u otras actividades relacionadas para asegurar que todos y cada uno de los residentes tengan acceso a los servicios y recursos para asegurar una reunión equitativa e inclusiva. Cualquier persona que requiera asistencia adicional, servicio y/o interpretación para poder participar de forma íntegra en la reunión debe notificar a Junta de Ajustes llamando al (214) 670-4127 tres (3) días hábiles antes de la reunión programada. Una transmisión en video de la reunión estará disponible dos días hábiles luego de la finalización de la reunión en <https://dallastx.new.swagit.com/views/113>.

Las personas y las partes interesadas que deseen hacer uso de la palabra deben registrarse en Junta de Ajustes en at <https://bit.ly/BDA-A-Register> antes de cierre de oficina el Lunes, 15 de Abril, 2024. Las personas que deseen hablar en persona se pueden registrar en la Audiencia.

AGENDA

- I. **Call to Order** David A. Neumann, Chairman
- II. **Staff Presentation/Briefing**
- III. **Public Hearing** Board of Adjustment
- IV. **Public Testimony**
- V. **Miscellaneous Items –**
 - Approval of Panel A Minutes, March 19th, 2024
- VI. **Case Docket** Board of Adjustment
 - Uncontested Items
 - Holdover Items
 - Individual Items
- VII. **Adjournment**

Handgun Prohibition Notice for Meetings of Governmental Entities

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

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

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

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

"Pursuant to Section 46.03, Penal Code (places weapons prohibited), a person may not carry a firearm or other weapon into any open meeting on this property."

"De conformidad con la Sección 46.03, Código Penal (coloca armas prohibidas), una persona no puede llevar un arma de fuego u otra arma a ninguna reunión abierta en esta propiedad."

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]

UNCONTESTED CASE(S)

BDA234-041(CJ) 2626 Burger Avenue 1
REQUEST: Application of Roddrick West for **(1)** a variance to the front-yard setback regulations.

HOLDOVER

BDA234-033(CJ) 3216 Peoria Avenue 2
REQUEST: Application of Joel Perales for **(1)** a special exception to the fence height regulations, and for **(2)** a for a special exception to the fence opacity regulations, and **(3)** a special exception to the visibility obstruction regulations.

INDIVIDUAL CASES

BDA234-044(CJ) 205 S. Windomere Avenue 3
REQUEST: Application of Christine Escobedo for **(1)** a variance to the side-yard setback regulations.

BDA234-048(CJ) 8138 Rayville Drive 4
REQUEST: Application of Nery Lemus for **(1)** a variance to the side-yard setback regulations.



BOARD OF ADJUSTMENT

Panel A Minutes

March 19, 2024

DRAFT

6ES Council Briefing
24923176153@dallascityhall.webex.com

David A. Neumann, Chairman

PRESENT: [5]

David A. Neumann, Chairman	
Rachel Hayden	
Kathleen Davis	
Michael Hopkovitz	
Jay Narey	

ABSENT: [0]

Chairman David A. Neumann called the briefing to order at **10:31 A.M.** with a quorum of the Board of Adjustment present.

Chairman David A. Neumann called the hearing to order at **1:00 P.M.** with a quorum of the Board of Adjustment present.

The Chairperson stated that no action of the Board of Adjustment shall set a precedent. Each case must be decided upon its own merits and circumstances, unless otherwise indicated, each use is presumed to be a legal use. Each appeal must necessarily stand upon the facts and testimony presented before the Board of Adjustment at this public hearing, as well as the Board's inspection of the property.

PUBLIC SPEAKERS

The Board of Adjustment provided "public speaker" opportunities for individuals to comment on matters that were scheduled on the agenda or to present concerns or address issues that were not matters for consideration listed on the posted meeting agenda.

- We had no speakers for public testimony during this hearing.

MISCELLANEOUS ITEMS

Approval of the Board of Adjustment Panel A, February 19th, 2024, meeting minutes with changes in Page 1, Chairman David A. Neumann was present at the hearing.

Approval of the Board of Adjustment Panel A, February 19th, 2024, meeting minutes.

Motion was made to approve Panel A, February 19th, 2024, public hearing minutes.

Maker:	David A. Neumann				
Second:	Rachel Hayden				
Results:	5-0 unanimously				Moved to approve
		Ayes:	-	5	David A. Neumann, Rachel Hayden, Kathleen Davis, Michael Hopkovitz and Jay Narey
		Against:	-	0	

CONSENT ITEMS

1. 3500 Latimer Street

This item was moved to Individual Cases

BDA234-029(CJ)

BUILDING OFFICIAL’S REPORT: Application of Rick Smith for **(1)** a variance to the front-yard setback regulations at 3500 Latimer St. This property is more fully described as Block G/1698, part of lots 1 and 2, and is zoned PD-595 (R-5(A), which requires a front-yard setback of 20-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 5-foot front-yard setback facing Lenway St., which will require **(1)** a 15-foot variance to the front-yard setback regulations.

LOCATION: 3500 Latimer Street

APPLICANT: Rick Smith

REPRESENTED BY:

REQUEST:

- (1) A request for a variance to the front yard setback regulations.

STANDARD FOR A VARIANCE:

Section 51A-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.

ELEMENT II SUBSTITUTE

Dallas Development Code §51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

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

STAFF RECOMMENDATION:

Approval

Rationale: Based upon evidence presented and provided by the applicant, staff concluded that the site is:

- A. Not contrary to the public interest as no letters of opposition were received.
- B. Is restrictive in area due to the lot size (4996.33 sqft); The minimum lot area for residential use in the R-5(A) zoning district is 5,000 sqft; therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Is not a self-created or personal hardship.

BDA HISTORY:

No BDA history found within the last 5 years.

Square Footage:

This lot contains 4,996.33 of square feet.

This lot is zoned R-5(A) which has a minimum lot size of 5,000 square feet.

Zoning:

- Site: R-5(A) (Single-Family Zoning District)
- North: R-5(A) (Single-Family Zoning District)
- South: R-5(A) (Single-Family Zoning District)
- East: R-5(A) (Single-Family Zoning District)
- West: R-5(A) (Single-Family Zoning District)

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- A request for a variance to the front yard setback regulations of 15-feet is made to construct and/or maintain a single-family residential structure.
- The subject site is currently developed with a single-family dwelling unit.
- Zoning District R-5(A) requires a minimum setback of 20-feet.
- As gleaned from the submitted site plan, the newly constructed home encroaches into the 20-foot required front yard setback.

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

- That granting the variance to the front yard setback 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 a specific parcel of land that differs from other parcels of land by being of such 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
- 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 a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

The board may also consider Dallas Development Code **§51A-3.102(d)(10)(b)**, formerly known as **HB 1475** as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

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

- Granting the proposed 15-foot variance to the front yard setback regulations with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.

- 200' Radius Video: [BDA234-029 3500 Latimer St.](#)

Timeline:

January 18, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

February 12, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

February 15, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the February 23, 2024, deadline to submit additional evidence for staff to factor into their analysis; and March 8, 2024, 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.

March 5, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the March public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

Speakers:

For: Rick Smith, 518 N. Hwy 67, Cedar Hill TX 75104

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 234-029, on application of Rick Smith, **GRANT** the 15-foot variance to the front-yard setback regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

Compliance with the most recent version of all submitted plans are required.

Maker:	Kathleen Davis				
Second:	Rachel Hayden				
Results:	5-0 Unanimously				Moved to grant
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Jay Narey, Rachel Hayden and Michael Hopkovitz
		Against:	-	0	

2. 3216 Peoria Avenue

This case was moved to Individual Cases

BDA234-033(CJ)

BUILDING OFFICIAL'S REPORT Application of JOEL PERALES for **(1)** a special exception to the fence height regulations, and for **(2)** a for a special exception to the fence opacity regulations, and **(3)** a special exception to the visibility obstruction regulations at 3216 Peoria Ave. This property is more fully described as Block 21/7159, Lot 4 and is zoned both CS(commercial service) and R-5(A), which limits the height of a fence in the front-yard to 4-feet, 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, and requires a 20-foot visibility triangle at driveway approaches. The applicant proposes to construct and/or maintain a 6-foot high fence in a required front yard which will require **(1)** a 2-foot special exception to the fence height regulations, and the applicant proposes 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 **(2)** a special exception to the fence opacity regulations, and the applicant proposes to construct and/or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require **(3)** a special exception to the visibility obstruction regulation.

LOCATION: 3216 Peoria St.

APPLICANT: Joel Perales

REQUEST:

- (1) A request for a special exception to the fence height regulations; and
- (2) A special exception to the fence standards regulations regarding opacity; and
- (3) A special exception to the 20-foot visibility obstruction regulations.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT STANDARDS REGULATIONS:

Section 51A-4.602(b)(2) of the Dallas Development Code states that the board may grant a special exception to the fence regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE OPACITY STANDARD REGULATIONS:

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence opacity regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

STAFF RECOMMENDATION:

Special Exceptions (3):

No staff recommendation is made on this or any request for a special exception to the fence 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-5 (A) (Single Family District)
- North: R-5 (A) (Single Family District)
- East: R-5 (A) (Single Family District)
- South: R-5 (A) (Single Family District)
- West: R-5 (A) (Single Family District)

Land Use:

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

BDA History:

No BDA history

GENERAL FACTS/STAFF ANALYSIS:

- The application Darian Kaar, for the property located at 3216 Peoria Street focuses on 3 requests relating to the fence height, fence standards and visibility obstruction regulations.
- The applicant proposes to construct and maintain and 6-foot-high fence in a required front yard, which will require a 2-foot special exception to the fence height regulations.
- Secondly, the applicant is requesting a special exception to the fence standards regulations regarding prohibited opacity,
- Lastly, the applicant is proposing to construct and or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require a special exception to the 20-foot visibility obstruction regulation.
- The subject site along with properties to the north, east, south, and west are all developed with single-family homes.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to construct and maintain a 6-foot-high fence around the circumference of the property at 3216 Peoria Street.
- The fence is material is partially wood, wrought iron and concrete.
- It is imperative to note that the subject site is a mid-block lot, and it has single street frontage on Peoria Street.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. The Dallas Development Code also states that no fence panel having less than 50 percent open surface area may be located less than 5-feet from the lot line.
- The applicant has the burden of proof in establishing that the special exception(s) to the fence regulations will not adversely affect the neighboring properties.
- Granting the special exceptions to the fence standards relating to height, opacity and visibility obstruction regulations with a condition that the applicant complies with the

submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.

Timeline:

January 22, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

February 12, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

February 21, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the February 23, 2024, deadline to submit additional evidence for staff to factor into their analysis; and March 8, 2024, 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.

March 5, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the March public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

Speakers:

For: Blas Garza, 3216 Peoria Avenue, Dallas TX 75212

Against: No Speakers

Motion

I move that the Board of Adjustment in Appeal No. BDA 234-033 hold this matter under advisement until **April 16, 2024**.

Maker:	Michael Hopkovitz				
Second:	Jay Narey				
Results:	5-0 Unanimously				Moved to hold
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Rachel Hayden, Michael Hopkovitz and Jay Narey
		Against:	-	0	

3. 2105 W. Northwest Highway

This item was moved to Individual Cases

BDA234-036(CJ)

BUILDING OFFICIAL’S REPORT: Application of Rob Baldwin for **(1)** a variance to the front-yard setback regulations at 2105 W. Northwest Hwy. This property is more fully described as Block A/6485, Lot 1, and is zoned IR, which requires a front-yard setback of 15-feet. The applicant proposes to construct and/or maintain a nonresidential structure and provide a 1-foot front-yard setback, which will require **(1)** a 14-foot variance to the front-yard setback regulations.

LOCATION: 2105 W. Northwest Hwy

APPLICANT: Baldwin Associates - Rob Baldwin

REPRESENTED BY: Baldwin Associates - Rob Baldwin

REQUEST:

(2) A request for a variance to the front yard setback regulations.

STANDARD OF REVIEW FOR A VARIANCE:

Section 51A-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:

- (D) **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.
- (E) 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
- (F) **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.

ELEMENT II SUBSTITUTE

Dallas Development Code §51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

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

STAFF RECOMMENDATION:

Approval

Rationale: Based upon evidence presented and provided by the applicant, staff concluded that the site is:

- D. Not contrary to the public interest as no letters of opposition were received.
- E. Restrictive in shape; therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning. Is a self-created or personal hardship.
- F. Not a self-created or personal hardship.

BDA HISTORY:

No BDA history found within the last 5 years.

Square Footage:

This lot contains 16165.116 of square feet.

Zoning:

- Site: IR (Industrial District)
- North: IR (Industrial District)
- South: IR (Industrial District)
- East: IR (Industrial District)
- West: IR (Industrial District)

Land Use:

The subject site and all surrounding properties are developed with industrial uses.

GENERAL FACTS/STAFF ANALYSIS:

- A request for a variance to the front yard setback regulations, of 14-feet is made to construct and/or maintain a single-family residential structure.
- The subject site is currently developed with a non-residential structure.
- Zoning District IR requires a minimum setback of 15-feet.
- As gleaned from the submitted site plan, the proposed renovations to the existing subject site encroach into the 15-foot required front yard setback.

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

- That granting the variance to the front yard setback 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 a specific parcel of land that differs from other parcels of land by being of such 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
- 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 a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

The board may also consider Dallas Development Code **§51A-3.102(d)(10)(b)**, formerly known as **HB 1475** as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

2. the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
 3. compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
 4. compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
 5. compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 6. the municipality considers the structure to be a nonconforming structure.
- Granting the proposed 14-foot variance to the front yard setback regulations with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.

- 200' Radius Video: [BDA234-036 2105 W. Northwest Hwy](#)

Timeline:

January 12, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

February 12, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

February 15, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the February 23, 2024, deadline to submit additional evidence for staff to factor into their analysis; and March 8, 2024, 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
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March 5, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the March public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

Speakers:

For: Rob Baldwin, 3904 Elm Street # B, Dallas TX 75226

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 234-036, on application of Rob Baldwin, **GRANT** the 14-foot variance to the front-yard setback regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

Compliance with the most recent version of all submitted plans are required.

Maker:	Jay Narey				
Second:	Rachel Hayden				
Results:	5-0 Unanimously				Moved to grant
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Jay Narey, Rachel Hayden and Michael Hopkovitz
		Against:	-	0	

4. 6231 Llano Avenue

This case was moved to Individual Cases

BDA234-037(CJ)

BUILDING OFFICIAL’S REPORT: Application of Jordan Heetland for **(1)** a variance to the floor area regulations, and for **(2)** a special exception to the single-family regulations at 6231 Llano Ave. This property is more fully described as Block 2/2158, Lot 20, and is zoned R-7.5(A), which an accessory structure may not exceed 25% of the floor area of the main structure and limits the number of dwelling units to one. The applicant proposes to construct and/or maintain a single-family residential accessory structure with 520 square feet of floor area (42.4% of the 1224 square foot floor area of the main structure), which will require **(1)** a 214 square foot variance to the floor area regulations, and to construct and/or maintain an accessory dwelling unit (for rent), which will require **(2)** a special exception to the single-family zoning use regulations.

LOCATION: 6231 Llano Ave.

APPLICANT: Jordan Heetland

REQUEST:

- (1) A variance to the floor area ratio is made to construct and/or maintain an additional dwelling unit, not for rent, on a site developed with a single-family home.
- (2) A special exception to the single-family zoning regulations for a rentable single-family residential accessory dwelling unit.

STANDARD OF REVIEW 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:

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

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO THE SINGLE-FAMILY USE REGULATIONS TO AUTHORIZE AN ADDITIONAL DWELLING UNIT (FOR RENT):

Section 51A-4.209(b)(6)(E)(iii)(aa) of the Dallas Development Code specifies that the board of adjustment may grant a special exception to authorize a rentable accessory dwelling unit in any district when, in the opinion of the board, **the accessory dwelling unit will not adversely affect neighboring properties.**

Section 51A-4.209(b)(6)(E)(iii)(cc) In granting this type of special exception, the board shall require the applicant to deed restrict the subject property to require owner-occupancy on the premises and annually register the rental property with the city's single family non-owner occupied rental program.

ELEMENT II SUBSTITUTE

Dallas Development Code §51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

- (i) the financial **cost of compliance is greater than 50 percent of the appraised value of the structure** as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 of the Texas Tax Code;
- (ii) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur;
- (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
- (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (v) the municipality considers the structure to be a non-conforming structure.

STAFF RECOMMENDATION:

Variance:
Approval

Based upon the evidence presented and provided to staff, staff concluded that the request is:

- Not contrary to public interest as no opposition was received.
- Restrictive in slope; therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- Not a self-created/personal hardship.

Special Exception:

No staff recommendation is made.

BDA History

No BDA history found within the last five years.

Square Footage:

The lot contains 7797.24 of square feet.

The lot is zoned R-7.5(A) with a minimum lot size of 7,500 square feet.

Zoning:

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

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.

BDA History:

No BDA history within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Isaiah Spates for the property located at 6231 Llano Avenue focuses on two specific requests. The first request is a variance to the floor area ratio regulations. The second request focuses on a variance to the single-family zoning use regulations for a single-family residential accessory dwelling unit (FR).
- The applicant proposes to construct an accessory dwelling unit (FR), which will require a special exception to the single-family use regulations.
- The Dallas Development code, for single-family zoning, allows one dwelling unit per lot.
- Secondly, the applicant proposes to construct and/or maintain a 520 (42.4% of the square foot floor area of the main structure) square foot single-family residential accessory structure

(not for rent) which exceeds 25% of the main structure. The square footage of the main structure is 1,224. Therefore, a 214 square foot (42.4%) variance is required.

- The Dallas Development Code states that an accessory structure may not exceed 25% of the floor area of the main structure.
- According to the applicant’s application, the accessory structure will be utilized as rentable dwelling unit.
- The Dallas Development code, for single-family zoning, allows one dwelling unit per lot.
- The single-family use regulations of the Dallas Development Code state that the board of adjustment may grant a special exception to authorize a rentable accessory dwelling unit in any district when, in the opinion of the board, the accessory dwelling unit will not adversely affect neighboring properties.
- The applicant has the burden of proof in establishing that the additional dwelling unit will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.
- Granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an accessory dwelling unit (FR) on the site (i.e., development on the site must meet all required code requirements).
- The Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to require owner-occupancy on the premises and annually register the rental property with the city's single family non-owner occupied rental program.

Moreover, the applicant has the burden of proof in establishing the following:

- That granting the variance to the floor area ratio 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 a specific parcel of land that differs from other parcels of land by being of such 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
- 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 a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

The board may also consider Dallas Development Code **§51A-3.102(d)(10)(b)**, formerly known as **HB 1475** as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

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

8. compliance would result in the unreasonable encroachment on an adjacent property or easement; or
9. the municipality considers the structure to be a nonconforming structure.

- 200' Radius Video: [BDA234-037 6231 Llano Ave.](#)

Timeline:

January 24, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

February 9, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

February 21, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the February 23, 2024, deadline to submit additional evidence for staff to factor into their analysis; and March 8, 2024, 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.

March 5, 2024 The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the March public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

It was moved to suspend the rules to accept submitted Documentary Evidence by the applicant.

Maker:	David A. Neumann				
Second:	Jay Narey				
Results:	5-0 Unanimously				Motion to suspend the rules
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Jay Narey, Rachel Hayden and Michael Hopkovitz
		Against:	-	0	

Speakers:

For: Jordan Hetland, 6231 Llano Ave., Dallas TX 75214

Against: Bruce Richardson, 5607 Richmond, Dallas TX 75206

Melanie Vanlandingham, 6311 Lakeshore, Dallas TX 75214
 (did not speak)

Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA 234-037, on application of Jordan Heetland, **DENY** the variance to floor area ratio regulations requested by this applicant **without** prejudice, because our evaluation of the property and the testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would NOT result in unnecessary hardship to this applicant.

Maker:	Michael Hopkovitz				
Second:	Kathleen Davis				
Results:	5-0 Unanimously				Moved to deny
		Ayes:	-	5	David A. Neumann, Rachel Hayden, Kathleen Davis, Michael Hopkovitz and Jay Narey
		Against:	-	0	

Motion # 2

I move that the Board of Adjustment, in request No. BDA 234-037, on application of Jordan Heetland, **DENY** the special exception to construct and maintain an accessory dwelling unit on a site developed with a single family structure as requested by this applicant **without** prejudice, because our evaluation of the property and the testimony shows that granting the application would adversely affect neighboring property.

Maker:	Michael Hopkovitz				
Second:	Kathleen Davis				
Results:	5-0 Unanimously				Moved to deny
		Ayes:	-	5	David A. Neumann, Rachel Hayden, Kathleen Davis, Michael Hopkovitz and Jay Narey
		Against:	-	0	

5. 909 S. Corinth Street Road

This item was moved to Individual Cases

BDA234-050(KMH)

BUILDING OFFICIAL’S REPORT: Application of Dejuan Session for **(1)** a variance to the front-yard setback regulations at 909 S. CORINTH ST. RD. This property is more fully described as Block 27/3588, Lot 4-6 and part of lot 3, and is zoned RR, which requires a front-yard setback of 15-feet. The applicant proposes to construct and/or maintain a non-residential structure and provide a 4-foot front-yard setback, which will require (1) an 11-foot variance to the front-yard setback regulations.

LOCATION: 909 S. Corinth St. Rd.

APPLICANT: Dejuan Session

REQUEST:

(3) A request for a variance to the front yard setback regulations.

STANDARD OF REVIEW FOR A VARIANCE:

Section 51A-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:

- (J) **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.
- (K) 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
- (L) **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.

ELEMENT II SUBSTITUTE

Dallas Development Code §51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

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

STAFF RECOMMENDATION:

Approval

Rationale: Based upon evidence presented and provided by the applicant, staff concluded that the site is:

- A. Not contrary to the public interest as no letters of opposition were received.
- B. Restrictive in shape as it is an irregularly shaped lot. The lot is also bound by three street frontages, requiring a minimum front yard setback of 15-feet for each frontage; therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Not a self-created or personal hardship.

BDA HISTORY:

BDA234-009: Variance to front yard setback requirement. Denied without prejudice.

Square Footage:

This lot contains 11,873.55 of square feet.
This lot is zoned RR and does not require a minimum lot size.

Zoning:

- Site: RR- Regional Retail
- North: SUP 1924
- South: RR- Regional Retail and CR Community Retail
- East: RR- Regional Retail and CR Community Retail
- West: R-5(A)- Single Family District

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- A request for a variance to the front yard setback regulations of 11-feet is made to construct and/or maintain a non-residential structure.
- The subject site is currently developed with a commercial/retail building. The site also contains a food trailer that is located only 4-feet away from the property line.
- The applicant is proposing to maintain the food trailer providing a 4-foot front yard setback, requiring an 11-foot variance to the front yard setback regulations.
- The subject site is unique in nature as the lot is irregularly shaped and has 3 street frontages, Morrell Ave., S. Corinth St. Rd., and E. Waco Ave.
- The Regional Retail (RR) zoning district requires a minimum front yard setback of 15-feet.

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

- That granting the variance to the front yard setback 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 a specific parcel of land that differs from other parcels of land by being of such 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
- 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 a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

The board may also consider Dallas Development Code **§51A-3.102(d)(10)(b)**, formerly known as **HB 1475** as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

6. the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
7. compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.

- 8. compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
 - 9. compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - 10. the municipality considers the structure to be a nonconforming structure.
- Granting the proposed 11-foot variance to the front yard setback regulations with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
 - [BDA234-009 at 909 S. Corinth St. Rd.](#) (200' radius video)

Timeline:

- February 26, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- February 29, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- December 6, 2023: The Development Services Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the February 23, 2024, deadline to submit additional evidence for staff to factor into their analysis; and March 8, 2024, 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.
- March 5, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the March public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

Speakers:

- For: Dejuan Session, 909 S. Corinth Street Rd., Dallas TX 75203
Corey Toney, 909 S. Corinth Street Rd., Dallas TX 75203
- Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 234-050, on application of Dejuan Sessions, **GRANT** the 11-foot variance to the front-yard setback regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code,

as amended, would result in unnecessary hardship to this applicant.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

Compliance with the most recent version of all submitted plans are required.

Maker:	Kathleen Davis				
Second:	Rachel Hayden				
Results:	5-0 Unanimously				Moved to grant
		Ayes:	-	5	David A. Neumann, Rachel Hayden, Kathleen Davis, Michael Hopkovitz and Jay Narey
		Against:	-	0	

HOLDOVER CASES

6. 2511 Jordan Valley Road
 BDA234-016(KMH)

BUILDING OFFICIAL’S REPORT: Application of ARTURO MUNOZ for (1) a special exception to the fence height regulations at 2511 JORDAN VALLEY RD. This property is more fully described as Block 2/8788, Lot 2, and is zoned R-10(A), which limits the height of a fence in the front-yard to 4-feet. The applicant proposes to construct and/or maintain a 6-foot high fence in a required front-yard, which will require (1) a 2-foot special exception to the fence regulations.

LOCATION: 2511 Jordan Valley Rd.

APPLICANT: Arturo Munoz

REQUEST:

(4) A request for a special exception to the fence height regulations.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT STANDARDS REGULATIONS:

Section 51A-4.602(b)(2) of the Dallas Development Code states that the board may grant a special exception to the fence regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

STAFF RECOMMENDATION:

Special Exception

No staff recommendation is made on this or any request for a special exception to the fence 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-10(A) (Single Family District)
- North: A(A) and SUP 799
- East: R-10(A) and R-7.5(A)
- South: R-10(A)
- West: R-10(A)

Land Use:

The subject site and the properties to the east, south, and west are developed with single family homes; the properties to the north are vacant.

BDA History:

No BDA history

GENERAL FACTS/STAFF ANALYSIS:

- The application of Arturo Munoz for the property located at 2711 Jordan Valley Road focuses on one request relating to the fence height regulations.
- The applicant proposes to maintain a 6-foot high fence in a required front yard, which will require a 2-foot special exception to the fence height regulations.
- It is important to note that the fence itself measures 5-feet, however, the highest point of the gate measures at 6-feet.
- The applicant states that, “due to growing criminal activities in the neighborhood, we would like to make our front gate more secure.”
- It is also imperative to note that the fence is currently existing.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations will not adversely affect the neighboring properties.
- Granting the special exceptions to the fence standards relating to height with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- [BDA234-016 at 2511 Jordan Valley](#) 200’ Radius Video

Timeline:

December 7, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

January 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

January 10, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the January 26, 2024, deadline to submit additional evidence for staff to factor into their analysis; and February 9, 2024, 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.

February 2, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January public hearings. Review team members in attendance included: The Board of Adjustment Interim Chief Planner/Board Administrator, the Development Services Senior Plans Examiner and the Senior Planner.

Speakers:

For: Arturo Munoz, 2511 Jordan Valley Rd., Dallas TX 75253

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 234-016, on application of Arturo Munoz, **GRANT** the request of this applicant to construct and/or maintain a 2-foot high special exception to the height requirement for fences contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

Compliance with height and fence location requirements illustrated in the most recent version of all submitted plans are required.

Maker:	Rachel Hayden					
Second:	Jay Narey					
Results:	4-1					Moved to grant
		Ayes:	-		4	David A. Neumann, Rachel Hayden, , Michael Hopkovitz and Jay Narey
		Against:	-		1	Kathleen Davis

7. 4625 Walnut Hill Lane
BDA234-025(CJ)

BUILDING OFFICIAL’S REPORT Application of Darian Kaar for (1) a special exception to the fence height regulations, and for (2) a special exception to the fence standards regulations regarding prohibited material, and for (3) a special exception to the 20-foot visibility obstruction regulations at 4625 Walnut Hill Ln. This property is more fully described as Block A/5540, Lot 2, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4-feet and prohibits the use of certain materials for a fence and requires a 20-foot visibility triangle at the connection of a street and drive approach. The applicant proposes to construct and/or maintain a 6-foot high fence in a required front yard, which will require (1) a 2-foot special exception to the fence regulations, and to construct a fence using a prohibited material, which will require (2) a special exception to the fence regulations, and to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle, which will require (3) a special exception to the 20-foot visibility obstruction regulation.

LOCATION: 4625 Walnut Hill Ln.

APPLICANT: Darian Kaar

REQUEST:

- (5) A request for a special exception to the fence height regulations; and
- (6) A special exception to the fence standards regulations regarding prohibited material,
- (7) A special exception to the 20-foot visibility obstruction regulations.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT STANDARDS REGULATIONS:

Section 51A-4.602(b)(2) of the Dallas Development Code states that the board may grant a special exception to the fence regulations when in the opinion of the board, the special exception will not adversely affect neighboring property.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE OPACITY STANDARD REGULATIONS:

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence regulations when in the opinion of the board, the special exception will not adversely affect neighboring property.

STAFF RECOMMENDATION:

Special Exceptions (3):

No staff recommendation is made on this or any request for a special exception to the fence 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)
- North: R-1ac (A) (Single Family District)

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

Land Use:

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

BDA History:

No BDA history

GENERAL FACTS/STAFF ANALYSIS:

- The application Darian Kaar, for the property located at 4625 Walnut Hill Lane focuses on 3 requests relating to the fence height, fence standards and visibility obstruction regulations.
- The applicant proposes to construct and maintain and 6-foot-high fence in a required front yard, which will require a 2-foot special exception to the fence height regulations.
- Secondly, the applicant is requesting a special exception to the fence standards regulations regarding prohibited material,
- Lastly, the applicant is proposing to construct and or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require a special exception to the 20-foot visibility obstruction regulation.
- The subject site along with properties to the north, east, south, and west are all developed with single-family homes.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to construct and maintain a 6-foot-high board on board metal frame fence around the circumference of the property at 4625 Walnut Hill Lane.
- It is imperative to note that the subject site is a mid-block lot, and it has single street frontage on Walnut Hill Lane.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. The Dallas Development Code also states that no fence panel having less than 50 percent open surface area may be located less than 5-feet from the lot line.
- The Engineering Division recommends denial of proposed encroachment to the visibility triangle for proposed driveway at 4625 Walnut Hill Lane given the proposed conditions and lack of sight distance from approaching traffic on a major thoroughfare.
- The applicant has the burden of proof in establishing that the special exception(s) to the fence regulations will not adversely affect the neighboring properties.
- Granting the special exceptions to the fence standards relating to height, material and visibility obstruction regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.

Timeline:

December 2, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

January 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

January 11, 2024: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the January 26, 2024, deadline to submit additional evidence for staff to factor into their analysis; and February 9, 2024, 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.

February 2, 2024: The Board of Adjustment staff review team meeting was held regard request and other requests scheduled for the February public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, and the Assistant City Attorney to the Board.

Speakers:

For: Darian Kaar, 4625 Walnut Hill Ln., Dallas, TX 75229

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA 234-025, on application of Darian Kaar, **GRANT** the request of this applicant to construct and/or maintain a 2-foot high fence as a special exception to the height requirement for fences contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

Compliance with height and fence location requirements illustrated in the most recent version of all submitted plans are required.

Maker:	Rachel Hayden				
Second:	Michael Hopkovitz				

Results:	5-0 Unanimously				Moved to grant
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Rachel Hayden, Michael Hopkovitz and Jay Narey
		Against:	-	0	

Motion # 2

I move that the Board of Adjustment, in Appeal No. BDA 234-025, on application of Darian Kaar, **GRANT** the request of this applicant for a special exception to the fence materials standards contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

Compliance with the materials and fence location requirements illustrated in the most recent version of all submitted plans are required.

Maker:	Rachel Hayden				
Second:	Michael hopkovitz				
Results:	5-0 Unanimously				Moved to grant
		Ayes:	-	5	David A. Neumann, Rachel Hayden, Kathleen Davis, Michael Hopkovitz and Jay Narey
		Against:	-	0	

INDIVIDUAL CASES

8. 4823 Gurley Avenue
 BDA234-028(CJ)

BUILDING OFFICIAL’S REPORT: Application of Brenda Santos for **(1)** a variance to the front-yard setback regulations at 4823 GURLEY AVE. This property is more fully described as Block 30/1232, Lot 6, and is zoned D(A), which requires a front-yard setback of 25-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 16-foot front-yard setback, which will require **(1)** a 9-foot variance to the front-yard setback regulations.

LOCATION: 4823 Gurley Ave.

APPLICANT: Brenda Santos

REPRESENTED BY:

REQUEST:

(4) A request for a variance to the front yard setback regulations.

STANDARD OF REVIEW FOR A VARIANCE:

Section 51A-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:

- (M) **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.
- (N) 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
- (O) **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.

ELEMENT II SUBSTITUTE

Dallas Development Code §51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

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

STAFF RECOMMENDATION:

Denial

Rationale: Based upon evidence presented and provided by the applicant, staff concluded that the site is:

- G. Not contrary to the public interest as no letters of opposition were received.
- H. Not restrictive in area due to the lot size (7230.96 sqft); The minimum lot area for residential use the D(A) zoning district is 6,000 sqft; therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Is not a self-created or personal hardship.

BDA HISTORY:

No BDA history found within the last 5 years.

Square Footage:

This lot contains 7,230.96 of square feet.

This lot is zoned D(A) which has a minimum lot size of 6,000 square feet.

Zoning:

- Site: DA) (Duplex Zoning District)
- North: DA) (Duplex Zoning District)
- South: DA) (Duplex Zoning District)
- East: DA) (Duplex Zoning District)
- West: DA) (Duplex Zoning District)

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- A request for a variance to the front yard setback regulations of 9-feet is made to construct and/or maintain a single-family residential structure.
- The subject site is currently developed with a single-family dwelling unit.
- Zoning District D(A) requires a minimum setback of 25-feet.
- As gleaned from the submitted site plan, the newly constructed home encroaches into the 25-foot required front yard setback.

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

- That granting the variance to the front yard setback 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 a specific parcel of land that differs from other parcels of land by being of such 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
- 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 a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

The board may also consider Dallas Development Code **§51A-3.102(d)(10)(b)**, formerly known as **HB 1475** as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

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

- Granting the proposed 9-foot variance to the front yard setback regulations with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.

- 200' Radius Video: [BDA234-028 4823 Gurley Ave.](#)

Timeline:

January 12, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

February 12, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

February 15, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the February 23, 2024, deadline to submit additional evidence for staff to factor into their analysis; and March 8, 2024, 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.

March 5, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the March public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

Speakers:

For: Brenda Santos, 4823 Gurley Ave., Dallas TX 75223

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 234-028, on application of Brenda Santos, **GRANT** the 9-foot variance to the front-yard setback regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

Compliance with the most recent version of all submitted plans are required.

Maker:	Kathleen Davis			
Second:	Michael Hopkovitz			

Results:	5-0 Unanimously				Moved to deny
		Ayes:	-	5	David A. Neumann, Rachel Hayden, Kathleen Davis, Michael Hopkovitz, and Jay Narey
		Against:	-	0	

*****Recess at 2:58 p.m. – 3:10 p.m.*****

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Chairman moved to adjourn the meeting at 4:02 p.m.

Maker:	Kathleen Davis				
Second:	Jay Narey				
Results:	5-0 unanimously				Moved to adjourn

 Required Signature:
 Mary Williams, Board Secretary
 Development Services Dept.

 Date

 Required Signature:
 Dr. Kameka Miller-Hoskins, Board Administrator
 Development Services Dept.

 Date

 Required Signature:
 David A. Neumann, Chairman
 Board of Adjustment

 Date

FILE NUMBER: BDA234-041 (CJ)

BUILDING OFFICIAL'S REPORT: Application of Roddrick West for **(1)** a variance to the front-yard setback regulations at 2626 Burger Ave. This property is more fully described as Block F/1696, Lot 6 and is zoned PD-595, which requires a front yard setback of 20-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide an 8-foot front-yard setback, which will require **(1)** a 12-foot variance to the front-yard setback regulations.

LOCATION: 2626 Burger Ave.

APPLICANT: Roddrick West

REQUEST:

(1) A request for a variance to the front yard setback regulations.

STANDARD FOR A VARIANCE:

Section 51A-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.

ELEMENT II SUBSTITUTE:

Dallas Development Code §51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

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

STAFF RECOMMENDATION:

Approval

Rationale: Based upon evidence presented and provided by the applicant, staff concluded that the site is:

- A. Not contrary to the public interest as no letters of opposition were received.
- B. Is restrictive in size due to the lot size (2613.6 sqft) and shape; The minimum lot area for residential use in the R-5(A) zoning district is 5,000 sqft, therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Is not a self-created or personal hardship.

BACKGROUND INFORMATION:

BDA History:

No BDA history found within the last 5 years.

Square Footage:

This lot contains 2,613.6 of square feet.

This lot is zoned R-5(A) which has a minimum lot size of 5,000 square feet.

Zoning:

- Site: R-5(A) (Single-Family Zoning District)
- North: R-5(A) (Single-Family Zoning District)
- South: R-5(A) (Single-Family Zoning District)
- East: R-5(A) (Single-Family Zoning District)
- West: R-5(A) (Single-Family Zoning District)

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- The application for the Roddrick West property located at 2626 Burger Avenue focuses on one request relating to the front yard setback regulations.
- A request for a variance to the front yard setback regulations of 12-feet is made to construct and/or maintain a single-family residential structure at 2626 Burger Avenue.
- The subject site is currently vacant.
- Zoning District R-5(A) requires a minimum front yard setback of 20-feet.
- As gleaned from the submitted site plan, the proposed home is set to encroach into the 20-foot required front yard setback at 2626 Burger Avenue.
- Properties adjacent to the subject site from a street view, sit further into the 20-foot setback than properties directly across the street.
- Based upon staff's analysis of the surrounding properties, properties adjacent to the subject site, from a street view, sit further into the required 20-foot setback than properties directly across the street.
- The applicant has stated the variance request was made so that the proposed structure can conform to the existing conditions of the neighborhood; several lots on the same blockface as the subject site, are similar in size and encroach into the required 20-foot setback.

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

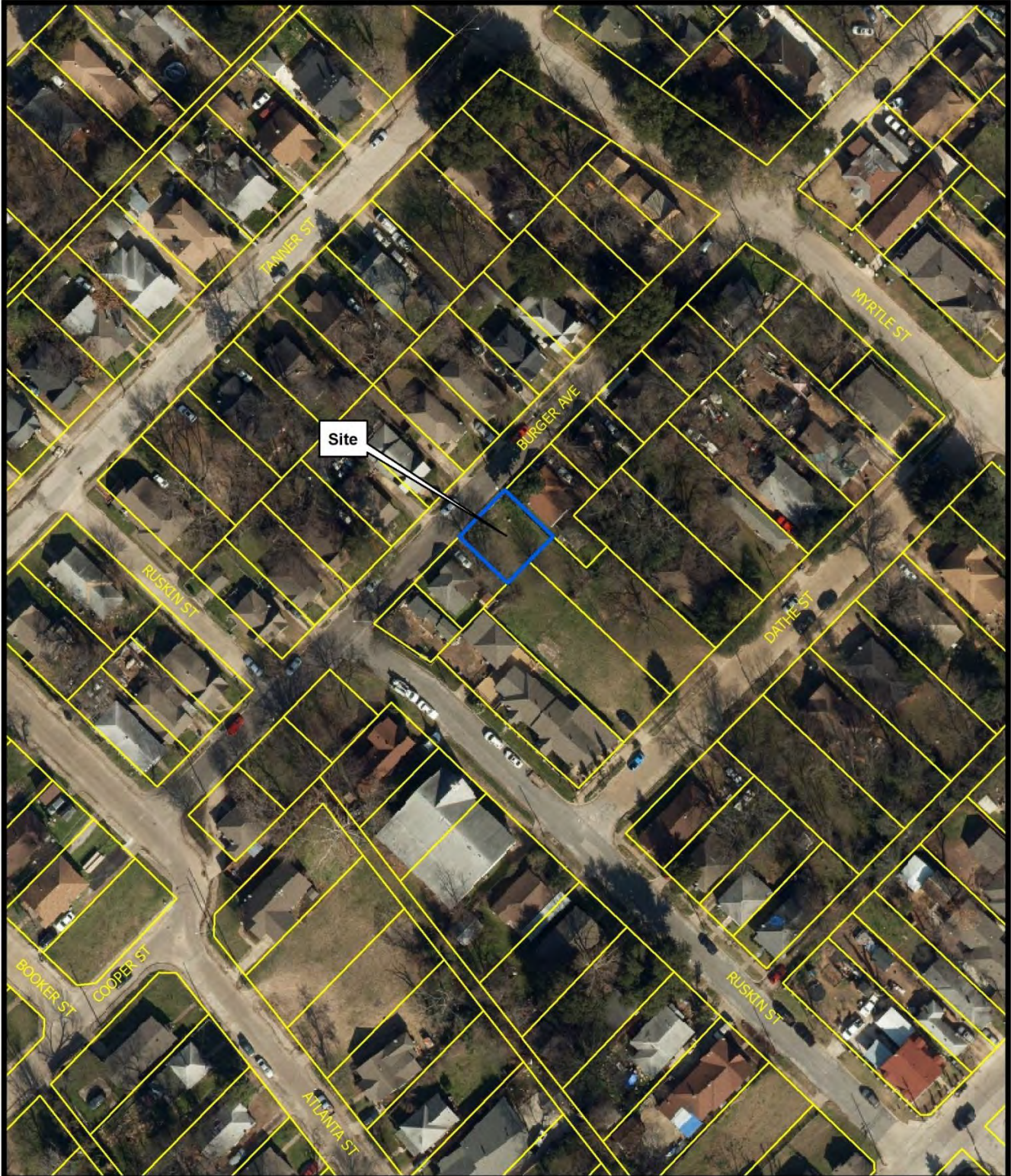
- That granting the variance to the front yard setback will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- The variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such 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
- 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 a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

The board may also consider Dallas Development Code **§51A-3.102(d)(10)(b)**, formerly known as **HB 1475** as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

- (a) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
 - (b) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
 - (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
 - (d) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - (e) the municipality considers the structure to be a nonconforming structure.
- Granting the proposed 12-foot variance to the front yard setback regulations with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
 - 200' Radius Video: [BDA234-041 2626 Burger Ave.](#)

Timeline:

- February 23, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- March 11, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- March 20, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the March 27, 2024, deadline to submit additional evidence for staff to factor into their analysis; and April 5, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- April 1, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the April public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer

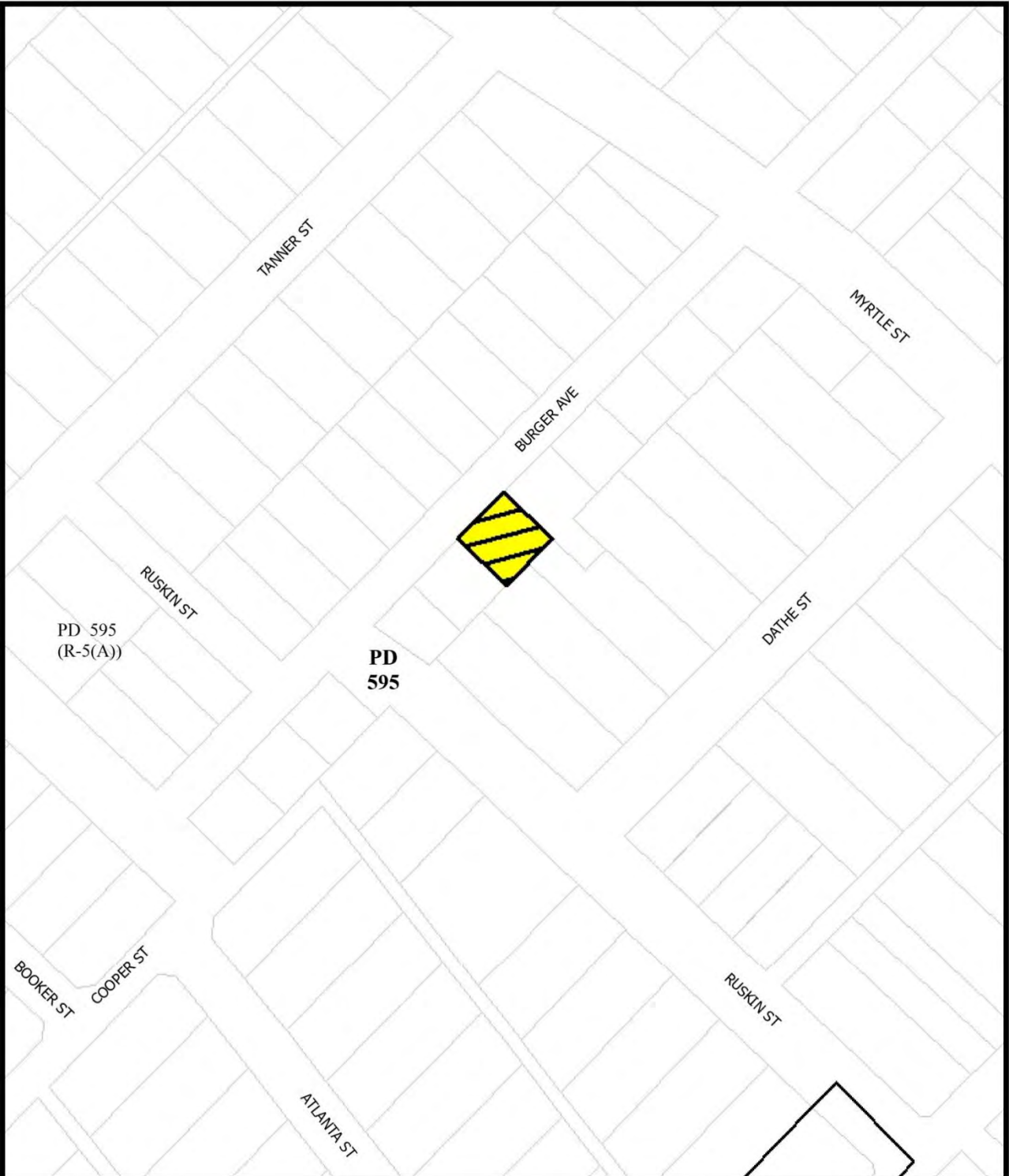


1:1,200

AERIAL MAP

Case no: BDA234-041

Date: 3/6/2024

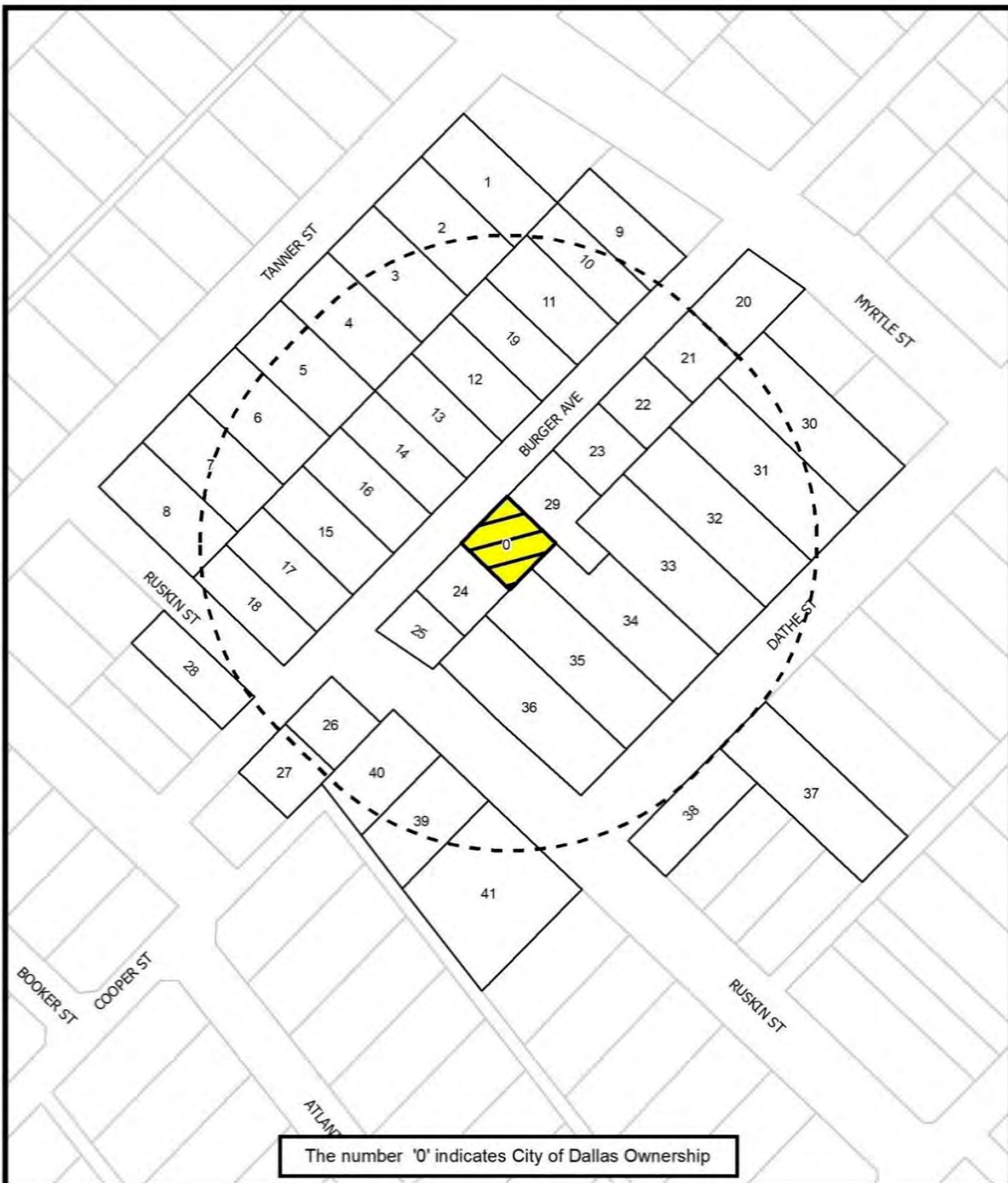


1:1,200

ZONING MAP

Case no: BDA234-041

Date: 3/6/2024



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="0"> <tr> <td style="border: 1px solid black; padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px;">41</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	41	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA234-041 Date: 3/6/2024
200'	AREA OF NOTIFICATION					
41	NUMBER OF PROPERTY OWNERS NOTIFIED					



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	<div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">200'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">41</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	Date: 3/6/2024

Notification List of Property Owners

BDA234-041

41 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2642 TANNER ST	Taxpayer at
2	2636 TANNER ST	TRIPLE CHICKEN LLC
3	2634 TANNER ST	SAFNA REALTY LLC
4	2630 TANNER ST	RAY SAUNDRA
5	2626 TANNER ST	BROOKS CHERYL
6	2622 TANNER ST	SMITH KIMETHA
7	2618 TANNER ST	HODGE MAUZEE WILLIAMS EST
8	2612 TANNER ST	FRANK BETTY J
9	2643 BURGER AVE	RUNNELS RUBY J
10	2641 BURGER AVE	BRYANT ERIC CHARLON
11	2639 BURGER AVE	CANNON CARMELITA
12	2631 BURGER AVE	TRIPLE CHICKEN LLC
13	2627 BURGER AVE	GREGORY JANICE F
14	2623 BURGER AVE	BODDIE CHARLES LEE &
15	2619 BURGER AVE	MITCHELL STELLA
16	2621 BURGER AVE	TRAWICK SHANE M &
17	2615 BURGER AVE	BRONSON JACQUELYNN
18	2611 BURGER AVE	Taxpayer at
19	2635 BURGER AVE	PAUL WILLIE &
20	2646 BURGER AVE	WILLIAMS LOIS ANN
21	2642 BURGER AVE	DESOTO REAL ESTATE
22	2638 BURGER AVE	WILLIAMS RAPHAEL EARNEST
23	2634 BURGER AVE	JESJOR TX INC
24	2622 BURGER AVE	FOSTER CHESTER
25	2616 BURGER AVE	ROSALES JAVIER
26	2610 BURGER AVE	Taxpayer at

03/06/2024

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	2606 BURGER AVE	MARTINEZ AURELIO
28	2607 BURGER AVE	FARMER CEDRIC A
29	2632 BURGER AVE	JOLLY RUTH HENDRICK
30	2627 DATHE ST	DEVORA RAFAEL ALANIS
31	2623 DATHE ST	GRIMMS MAMIE
32	2617 DATHE ST	QUEST TRUST COMPANY FBO
33	2615 DATHE ST	WILSON GERTRUDE R
34	2611 DATHE ST	SAN IGNACIO PROPERTY
35	2609 DATHE ST	RED OX LLC
36	2601 DATHE ST	ROSALEZ LUIS J & MARIA I
37	2610 DATHE ST	SAN IGNACIO PROPERTY
38	3616 RUSKIN ST	ORTEGA JOSE
39	3605 RUSKIN ST	HAYNES CHAPEL CHURCH OF GOD IN CHRIST
40	3601 RUSKIN ST	ROWLET JULIA W ESTATE OF
41	3615 RUSKIN ST	MIDDLETON IRENE EST OF

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200'	AREA OF NOTIFICATION					
41	NUMBER OF PROPERTY OWNERS NOTIFIED					

PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)

NOTICE IS HEREBY GIVEN that the BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A) will hold a hearing as follows:

DATE: TUESDAY, APRIL 16th, 2024

BRIEFING: 10:30 a.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0416>

HEARING: 1:00 p.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0416>

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment:

BDA234-041(CJ) Application of Roddrick West for (1) a variance to the front-yard setback regulations at 2626 BURGER AVE. This property is more fully described as Block F/1696, Lot 6 and is zoned PD-595, which requires a front-yard setback of 20-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide an 8-foot front-yard setback, which will require (1) a 12-foot variance to the front-yard setback regulations.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Board of Adjustment hearing to express your support for or opposition to the application. You may also contact the Board of Adjustment by email to BDAREPLY@dallas.gov. Letters will be accepted until 9:00 am the day of the hearing. If you are unable to attend the hearing. If you choose to respond, it is important that you let the Board know your reasons for being in favor of or in opposition to the application. The Board members are very interested in your opinion.

Note: Any materials (such as plans, elevations, etc.) included within this notice may be subject to change.

The Board of Adjustment hearing will be held by videoconference and at 6ES at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure by joining the meeting virtually, must register online at <https://bit.ly/BDA-A-Register> by the close of business Monday, April 15th, 2024. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or [YouTube.com/CityofDallasCityHall](https://www.youtube.com/CityofDallasCityHall)

Speakers at the meeting are allowed a maximum of three minutes to address the Board.

Additional information regarding the application may be obtained by calling Cambria Jordan, Senior Planner at (214) 948-4476, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

Board of Adjustment, Development Services
320 E. Jefferson Blvd. Rm 210, Dallas, TX 75201

PLEASE SEND REPLIES TO:

BDAREPLY@dallas.gov

Letters will be received until 9:00
am the day of the hearing.

PLEASE REGISTER AT:

<https://bit.ly/BDA-A-Register>



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 234041 RECEIVED
Date: FOR OFFICE USE ONLY

Data Relative to Subject Property: _____ Date: _____

Location address: 2626 Burger Ave Zoning District: R-5(A) BY:

Lot No.: 6 Block No.: F/1696 Acreage: .06 Census Tract: _____

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

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Roddrick West

Applicant: Roddrick West Telephone: (214) 558-9395

Mailing Address: 1512 Commerce St, 712 Zip Code: 75201

E-mail Address: rodwest22@gmail.com

Represented by: n/a Telephone: n/a

Mailing Address: n/a Zip Code: n/a

E-mail Address: n/a

Affirm that an appeal has been made for a Variance or Special Exception of _____
Front setback required by R(5)A zoning. Proposing a front setback of 10' to replace the required 15'.

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:

To conform to the existing conditions of the neighborhood. Neighboring lots are similar sizes and the front of the structures fall within the prescribed R(5)A front setback of 15'. Neighboring structures located via outline on the site plan.

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 Roddrick West
(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 January, 2024

[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

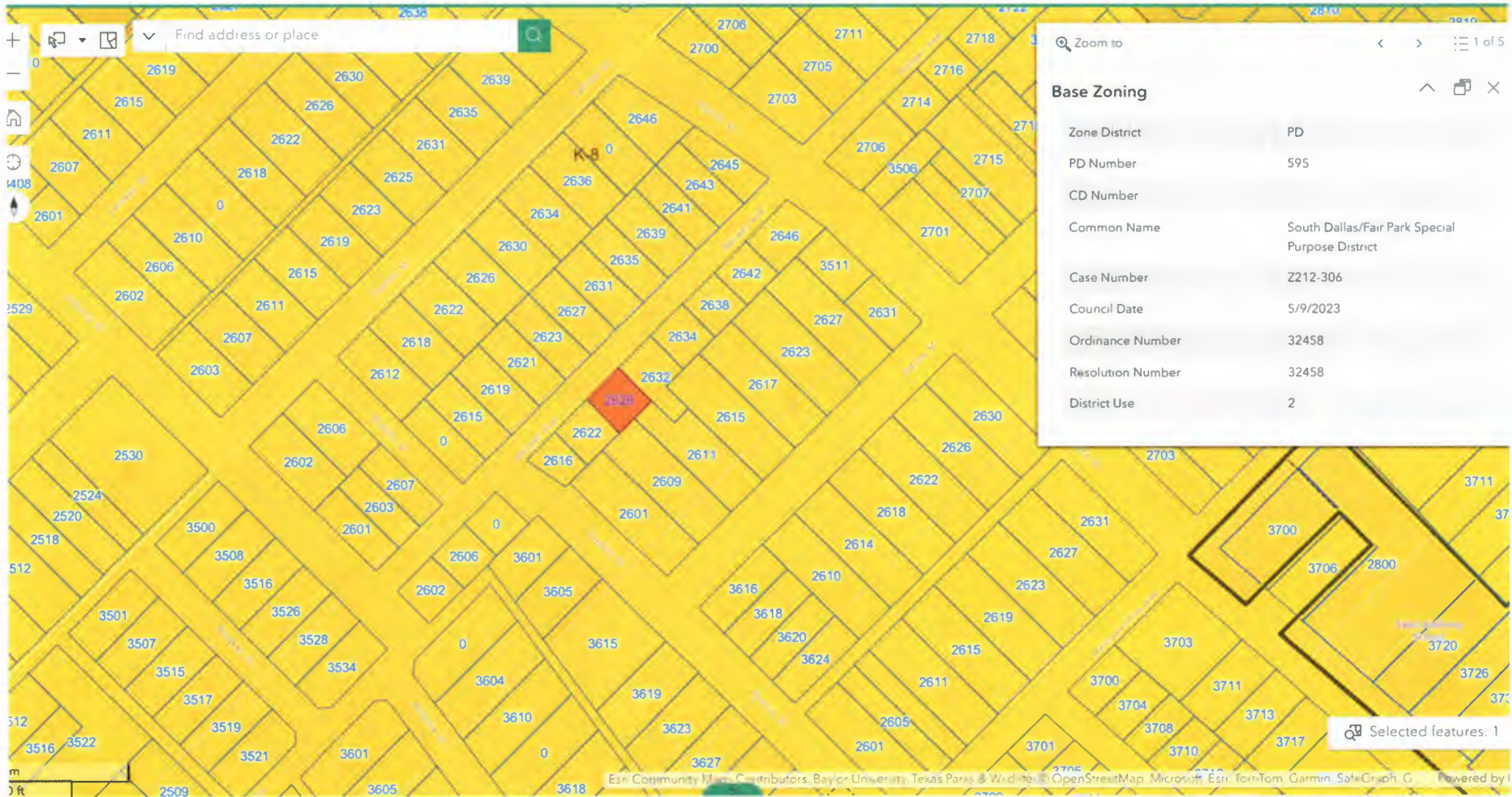
I hereby certify that RODDRICK WEST

did submit a request for a variance to the front yard setback regulations
at 2626 Burger Ave

BDA234-041(CJ) Application of Roddrick West for (1) a variance to the front-yard setback regulations at 2626 BURGER AVE. This property is more fully described as Block F/1696, Lot 6 and is zoned PD-595, which requires a front-yard setback of 20-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide an 8-foot front-yard setback, which will require (1) a 12-foot variance to the front-yard setback regulations.

Sincerely,

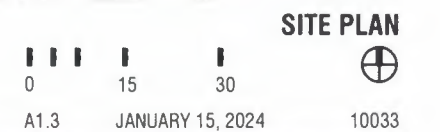

Andrew Espinoza, CBO, MCP, CFM, CCEA



PROJECT AREA CALCULATION			
PROPOSED LIVING AREA (AC)		TOTAL FINISHED AC	
FIRST FLOOR	877 S.F.		877 S.F.
		TOTAL UNDER ROOF	
			957 S.F.
		FOOTPRINT	
			957 S.F.
UNCONDITION AREA		LOT USAGE	
COV. PATIO	80 S.F.	FOOTPRINT	957 S.F.
		LOT SIZE	2,615 S.F.
		NON ROOF AREA	1,658 S.F.
		% OF LOT	37 %

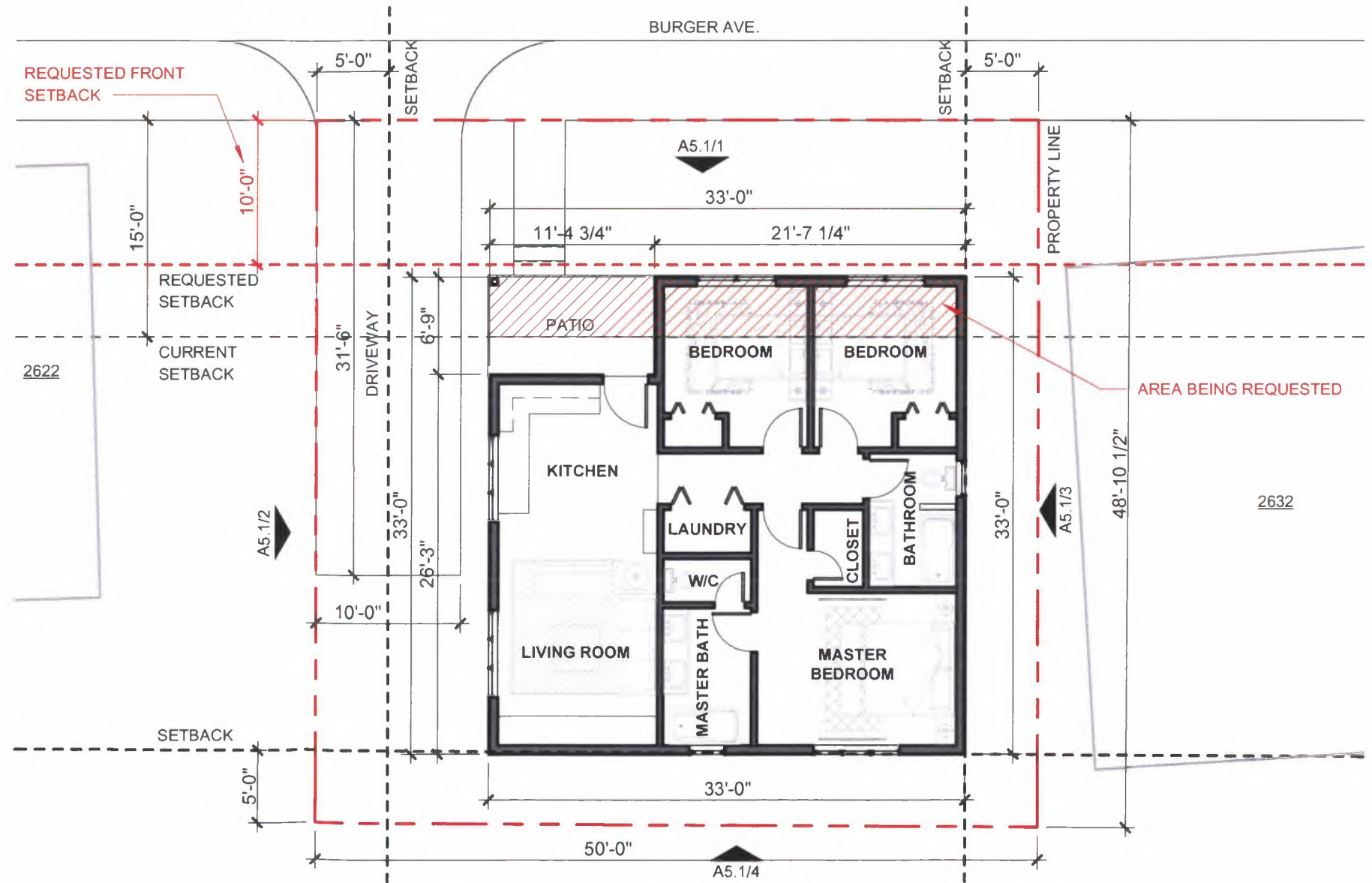


2626 BURGER AVE
SOUTH DALLAS, TX



BDA23A-041

P.W. STUDIO
4/10



2626 BURGER AVE
SOUTH DALLAS, TX

FLOOR PLAN
0 5 10
A1.5 JANUARY 15, 2024 10033

BDA234-041

RW STUDIO
4/10



SOUTH WEST ELEVATION



SOUTH EAST ELEVATION



NORTH WEST ELEVATION



FRONT ELEVATION

2626 BURGER AVE
SOUTH DALLAS, TX

ELEVATIONS
0 5 10
A5.1 JANUARY 15, 2024 10033

BDA234-041

RW STUDIO
4/10

FILE NUMBER: BDA234-033(CJ)

BUILDING OFFICIAL'S REPORT Application of Joel Perales for **(1)** a special exception to the fence height regulations; for **(2)** a for a special exception to the fence opacity regulations; and **(3)** a special exception to the visibility obstruction regulations at 3216 PEORIA AVE. This property is more fully described as Block 21/7159, Lot 4 and is zoned both CS (commercial service) and R-5(A), which limits the height of a fence in the front-yard to 4-feet, and requires a fence panel with a surface area that is less than 50 percent open not be located less than 5-feet from the front lot line, and requires a 20-foot visibility triangle at driveway approaches. The applicant proposes to construct and/or maintain a 6-foot 6-inch high fence in a required front-yard which will require **(1)** a 2-foot 6-inch special exception to the fence height regulations; the applicant proposes 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 **(2)** a special exception to the fence opacity regulations; and the applicant proposes to construct and/or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require **(3)** a special exception to the visibility obstruction regulation

LOCATION: 3216 Peoria St.

APPLICANT: Joel Perales

REQUEST:

- (1) A request for a special exception to the fence height regulations; and
- (2) A special exception to the fence standards regulations regarding opacity; and
- (3) A special exception to the 20-foot visibility obstruction regulations.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT STANDARDS REGULATIONS:

Section 51A-4.602(b)(2) of the Dallas Development Code states that the board may grant a special exception to the fence regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE OPACITY STANDARD REGULATIONS:

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence opacity regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION:

Special Exceptions (3):

No staff recommendation is made on this or any request for a special exception to the fence 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-5 (A) (Single Family District)
North: R-5 (A) (Single Family District)
East: R-5 (A) (Single Family District)
South: R-5 (A) (Single Family District)
West: R-5 (A) (Single Family District)

Land Use:

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

BDA History:

No BDA history

GENERAL FACTS/STAFF ANALYSIS:

- The application, for the Joel Perales property located at 3216 Peoria Street focuses on 3 requests relating to the fence height, fence standards and visibility obstruction regulations.
- The applicant proposes to maintain and 6-foot-6-inch high fence in a required front yard, which will require a 2-foot 6-inch special exception to the fence height regulations.
- Secondly, the applicant is requesting a special exception to the fence standards regulations regarding opacity
- Lastly, the applicant is proposing to maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require a special exception to the 20-foot visibility obstruction regulation.
- The subject site along with properties to the north, east, south, and west are all developed with single-family homes.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to maintain a 6-foot 6-inch high fence around the circumference of the property at 3216 Peoria Street.

- The fence material is partially wood, wrought iron and concrete.
- It is imperative to note that the subject site is a mid-block lot, and it has single street frontage on Peoria Street.
- Based upon staff's analysis of the surrounding properties, there are a few homes along Peoria Street with fences and gates in the required front yard and/or some form of vegetation serving as a screening mechanism.
- Per staff's review of the subject site, it has been confirmed that the fence surrounding the circumference of the property is existing and not proposed.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. The Dallas Development Code also states that no fence panel having less than 50 percent open surface area may be located less than 5-feet from the lot line.
- The applicant has the burden of proof in establishing that the special exception(s) to the fence regulations relating to height and opacity will not adversely affect the neighboring properties.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations regarding visual obstruction will not constitute a traffic hazard.
- Granting the special exceptions to the fence standards relating to height, opacity and visibility obstruction regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BDA234-033 3216 Peoria St.](#)

Timeline:

January 22, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

February 12, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

February 21, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

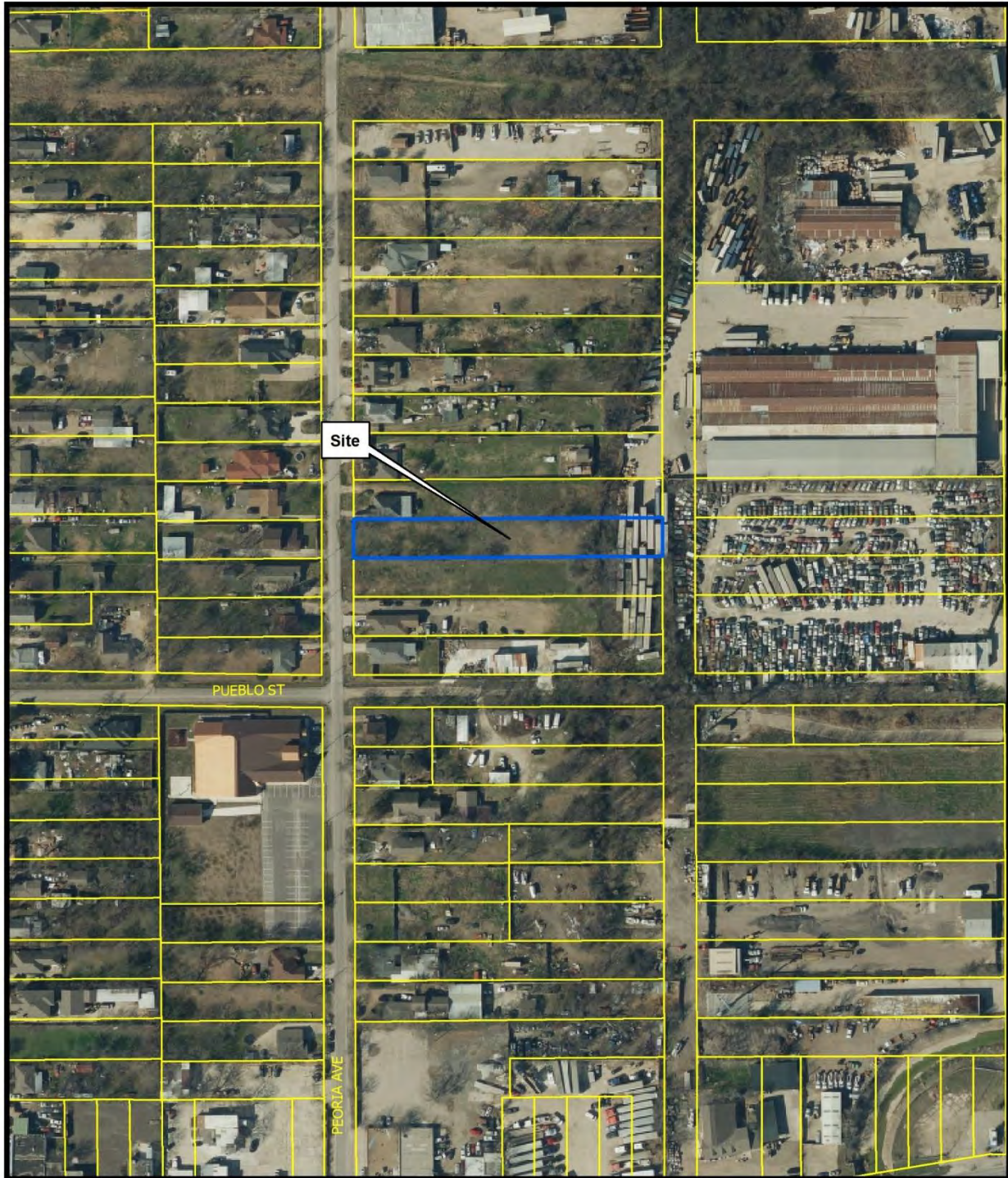
- an attachment that provided the public hearing date and panel that will consider the application; the February 23, 2024, deadline to submit additional evidence for staff to factor into their analysis; and March 8, 2024, deadline to submit additional evidence to be incorporated into the board's docket 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.

March 5, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the March public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer

March 19, 2024: The Board of Adjustment Panel **A** moved to hold this matter under advisement until April 15, 2024.

April 1, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the April public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer

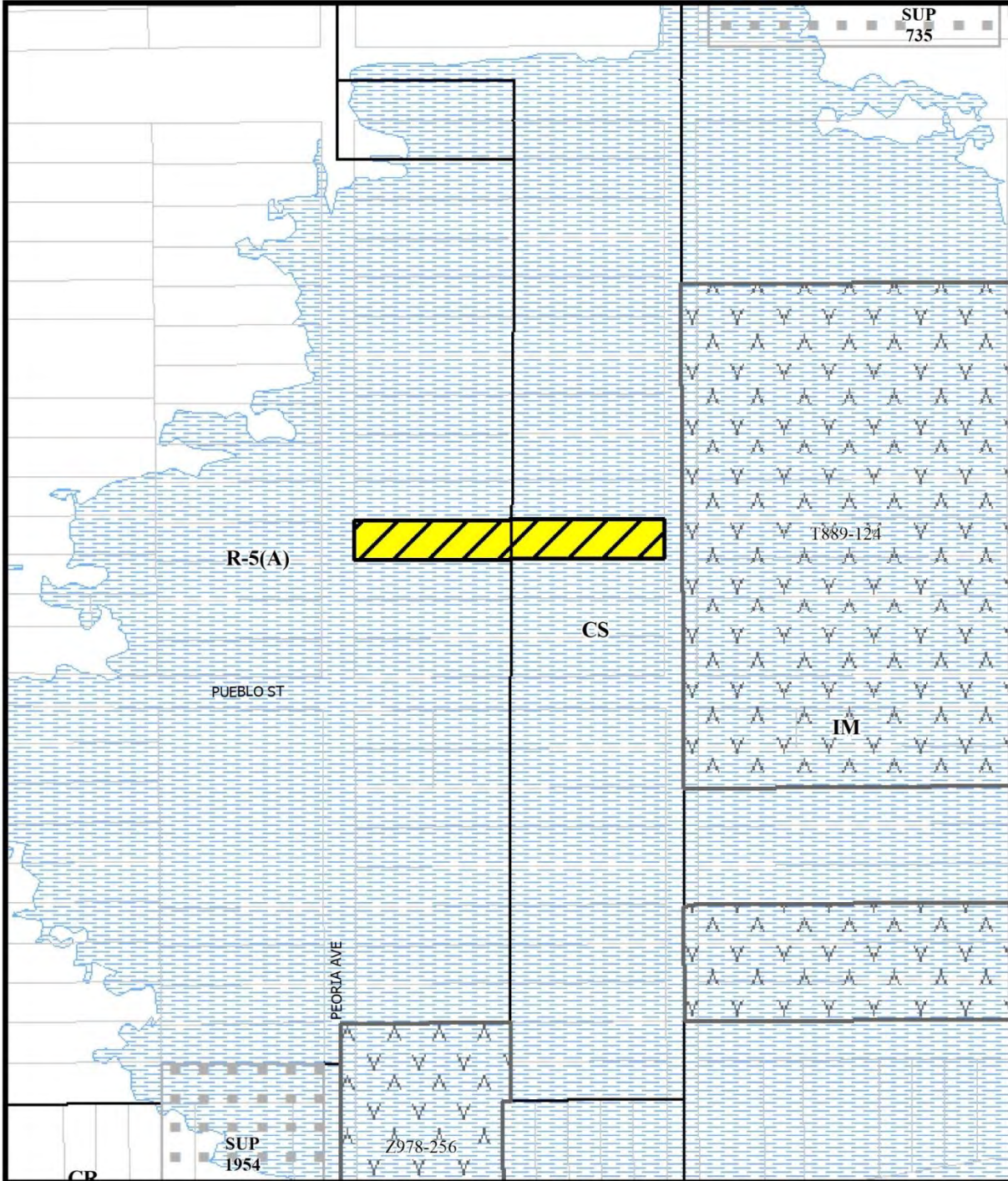



1:2,400

AERIAL MAP

Case no: BDA234-033

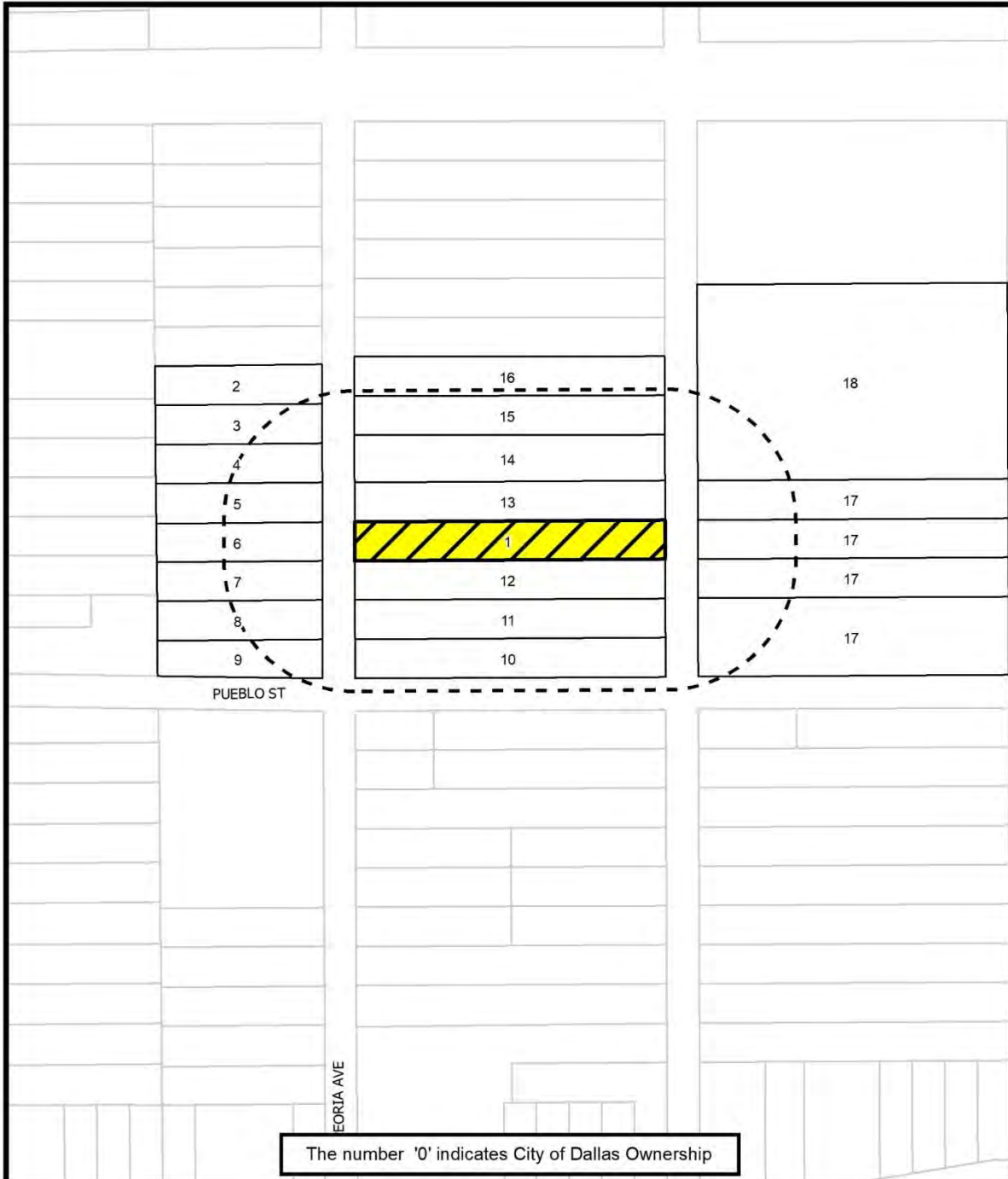
Date: 2/22/2024




 1:2,400

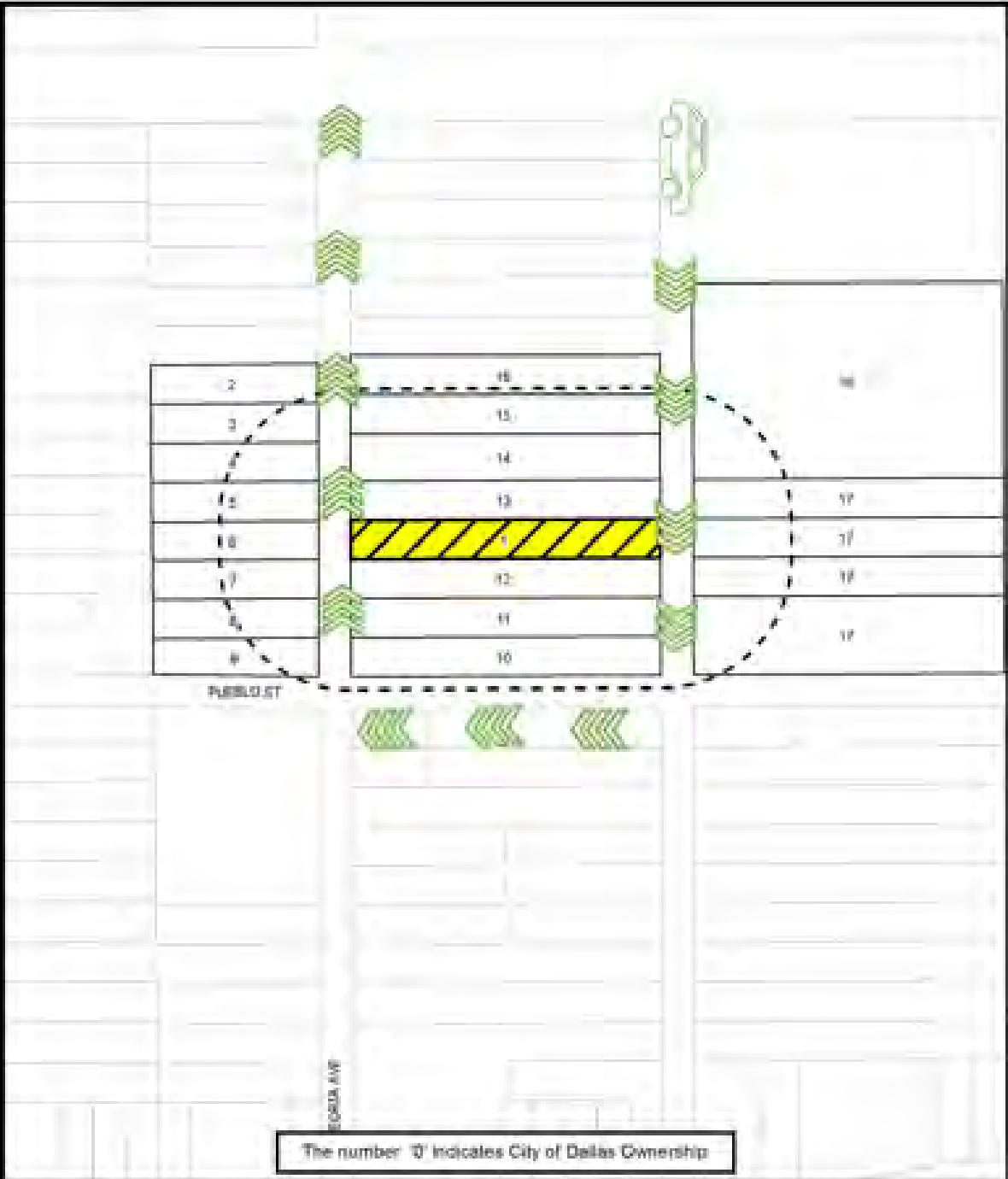
ZONING MAP


Case no: BDA234-033
 Date: 2/22/2024



The number '0' indicates City of Dallas Ownership

 1:2,400	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td>200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td>18</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	18	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA234-033 Date: 2/22/2024
200'	AREA OF NOTIFICATION					
18	NUMBER OF PROPERTY OWNERS NOTIFIED					



 1:2,400	<h2>NOTIFICATION</h2>		Case no: BDA234-033
	200' AREA OF NOTIFICATION 18 NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 2/22/2024	

1
02/22/2024

Notification List of Property Owners

BDA234-033

18 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3216 PEORIA AVE	PERALES JOEL
2	3303 PEORIA AVE	GONZALEZ YOLANDA C
3	3231 PEORIA AVE	CARMONA ANTONIO
4	3227 PEORIA AVE	CORREA ISMAEL &
5	3223 PEORIA AVE	PEREZ JUAN JOSE &
6	3217 PEORIA AVE	VIGIL FLORENCIO ARMIJO &
7	3211 PEORIA AVE	AGUILAR JAIME & LIDIA
8	3205 PEORIA AVE	ACOSTA ROSA O
9	3203 PEORIA AVE	ACOSTA ROSA &
10	3202 PEORIA AVE	FLORES DAVID M SR
11	3206 PEORIA AVE	MARTINEZ BLANCA
12	3212 PEORIA AVE	ORTIZ NANCY A &
13	3222 PEORIA AVE	VIERA CARLOS G &
14	3226 PEORIA AVE	GALINDO JOSE
15	3230 PEORIA AVE	SIERRA SANTOS
16	3302 PEORIA AVE	ROSTRO MARCOS &
17	3203 PLUTO ST	MORADO VICTOR
18	3303 PLUTO ST	SZARKOWSKI RICHARD &



1:2,400

NOTIFICATION

200' AREA OF NOTIFICATION
18 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA234-033**

Date: **2/22/2024**

PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)

NOTICE IS HEREBY GIVEN that the **BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)** will hold a hearing as follows:

DATE: **TUESDAY, APRIL 16TH, 2024**

BRIEFING: **10:30 a.m.** via **Videoconference** and in **6ES**, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0416>

HEARING: **1:00 p.m.** via **Videoconference** and in **6ES**, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0416>

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment. **This case was held under advisement on MARCH 19, 2024**

BDA234-033(CJ) Application of Joel Perales for (1) a special exception to the fence height regulations; for (2) a for a special exception to the fence opacity regulations; and (3) a special exception to the visibility obstruction regulations at 3216 PEORIA AVE. This property is more fully described as Block 21/7159, Lot 4 and is zoned both CS (commercial service) and R-5(A), which limits the height of a fence in the front-yard to 4-feet, and requires a fence panel with a surface area that is less than 50 percent open not be located less than 5-feet from the front lot line, and requires a 20-foot visibility triangle at driveway approaches. The applicant proposes to construct and/or maintain a 6-foot 6-inch high fence in a required front-yard which will require (1) a 2-foot 6-inch special exception to the fence height regulations; the applicant proposes 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 (2) a special exception to the fence opacity regulations; and the applicant proposes to construct and/or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require (3) a special exception to the visibility obstruction regulation.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Board of Adjustment hearing to express your support for or opposition to the application. You may also contact the Board of Adjustment by email to BDAreply@dallas.gov. Letters will be accepted until 9:00 am the day of the hearing. If you are unable to attend the hearing. If you choose to respond, it is important that you let the Board know your reasons for being in favor of or in opposition to the application. The Board members are very interested in your opinion.

Note: Any materials (such as plans, elevations, etc.) included within this notice may be subject to change.

The Board of Adjustment hearing will be held by videoconference and at 6ES at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure **by joining the meeting virtually**, must register online at <https://bit.ly/BDA-A-Register> **by the close of business Monday, April 15th, 2024. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing.** Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall

Speakers at the meeting are allowed a maximum of three minutes to address the Board.

Additional information regarding the application may be obtained by calling Cambria Jordan, Senior Planner (214) 948-4476, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

Board of Adjustment, Development Services
320 E. Jefferson Blvd. Rm 210, Dallas, TX 75201

PLEASE SEND REPLIES TO:
BDAreply@dallas.gov
**Letters will be received until 9:00
am the day of the hearing.**

PLEASE REGISTER AT:
<https://bit.ly/BDA-A-Register>



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

234-033
RECEIVED
JAN 22 2024
BY: [initials]

Data Relative to Subject Property:

Date:

Location address: 3216 Peoria Ave Zoning District: R-5(A)

Lot No.: 4 Block No.: 217159 Acreage: 0.65 ac Census Tract:

Street Frontage (in Feet): 1) 60 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Joel Perales

Applicant: Joel Perales Telephone: (214) 288-3620

Mailing Address: 3214 Odessa St. Zip Code: 75212

E-mail Address: joelperales1011@gmail.com

Represented by: Blas Garza Telephone: (214) 927-8556

Mailing Address: 1419 Memory Ln. Zip Code: 75217

E-mail Address: garzablas71@yahoo.com

Affirm that an appeal has been made for a Variance or Special Exception of new masonry front fence H = 6'-0" (CMU concrete block) 2'-0" special exception

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:

Home Protection

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 Joel Perales

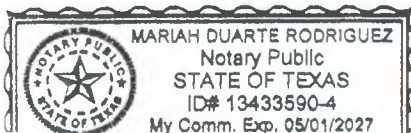
(Affiant/Applicant's name printed)

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 11th day of January, 2024

Mariah D Rodriguez
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 JOEL PERALES

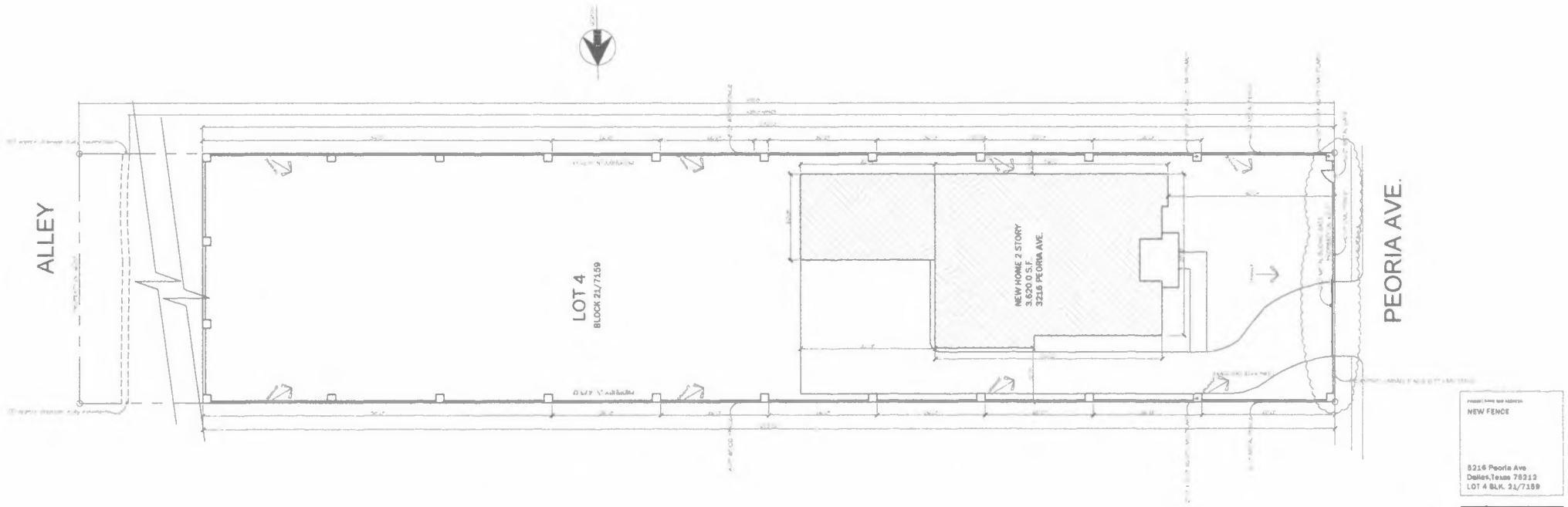
did submit a request for (1) a special exception to the fence height regulations, and for (2) a special exception to the fence standards regulations, and for (3) a special exception to the visibility obstruction regulations

at 3216 Peoria Ave

BDA234-033(CJ) Application of Joel Perales for (1) a special exception to the fence height regulations; for (2) a for a special exception to the fence opacity regulations; and (3) a special exception to the visibility obstruction regulations at 3216 PEORIA AVE. This property is more fully described as Block 21/7159, Lot 4 and is zoned both CS (commercial service) and R-5(A), which limits the height of a fence in the front-yard to 4-feet, and requires a fence panel with a surface area that is less than 50 percent open not be located less than 5-feet from the front lot line, and requires a 20-foot visibility triangle at driveway approaches. The applicant proposes to construct and/or maintain a 6-foot 6-inch high fence in a required front-yard which will require (1) a 2-foot 6-inch special exception to the fence height regulations; the applicant proposes 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 (2) a special exception to the fence opacity regulations; and the applicant proposes to construct and/or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require (3) a special exception to the visibility obstruction regulation.

Sincerely,


Andrew Espinoza, CBO, MCP, CFM, CCEA



SITE PLAN
SCALE 3/32" = 1'-0"

PROPOSED HOME AND ADDRESS
NEW FENCE

5216 Peoria Ave
Dallas, Texas 75212
LOT 4 BLK. 21/7159

#	DATE	DESCRIPTION
09-28-23		ISSUE FOR PERMIT

GARZA
CONSTRUCTION
CONSULTANTS

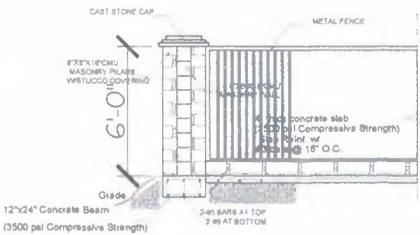
1418 MEMORY LN DALLAS TEXAS
75217
PH: 214 8778888
garza@garza714.com

SITE PLAN

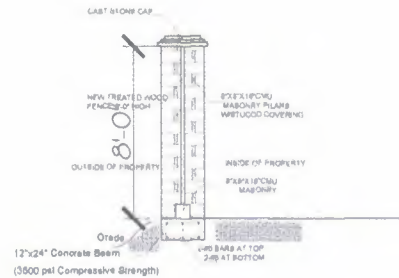
S-1

JOB NO SHEET

DRAWINGS AND SPECIFICATIONS ARE INSTRUMENTS OF SERVICE. THE CONTRACTOR AND THE OWNER ARE ULTIMATELY RESPONSIBLE TO CONFIRMING AND CORRELATING DIMENSIONS AT THE JOB SITE. THE CONTRACTOR IS RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES OR PROCEDURES OR FOR SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THIS PROJECT.



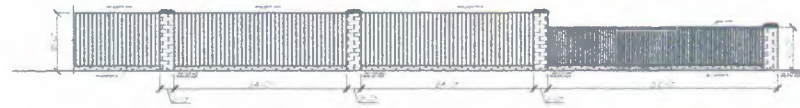
WALL SECTION "A"
Scale : 3/8" = 1'-0"



WALL SECTION "B"
Scale : 3/8" = 1'-0"



RIGHT SECTION VIEW



LEFT SECTION VIEW



FRONT VIEW

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.
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NEW FENCE
 3216 Peoria Ave.
 Dallas, Texas 75212
 LOT 4 BLK. 21/1159

DATE	REVISION
09-23-23	Submittal

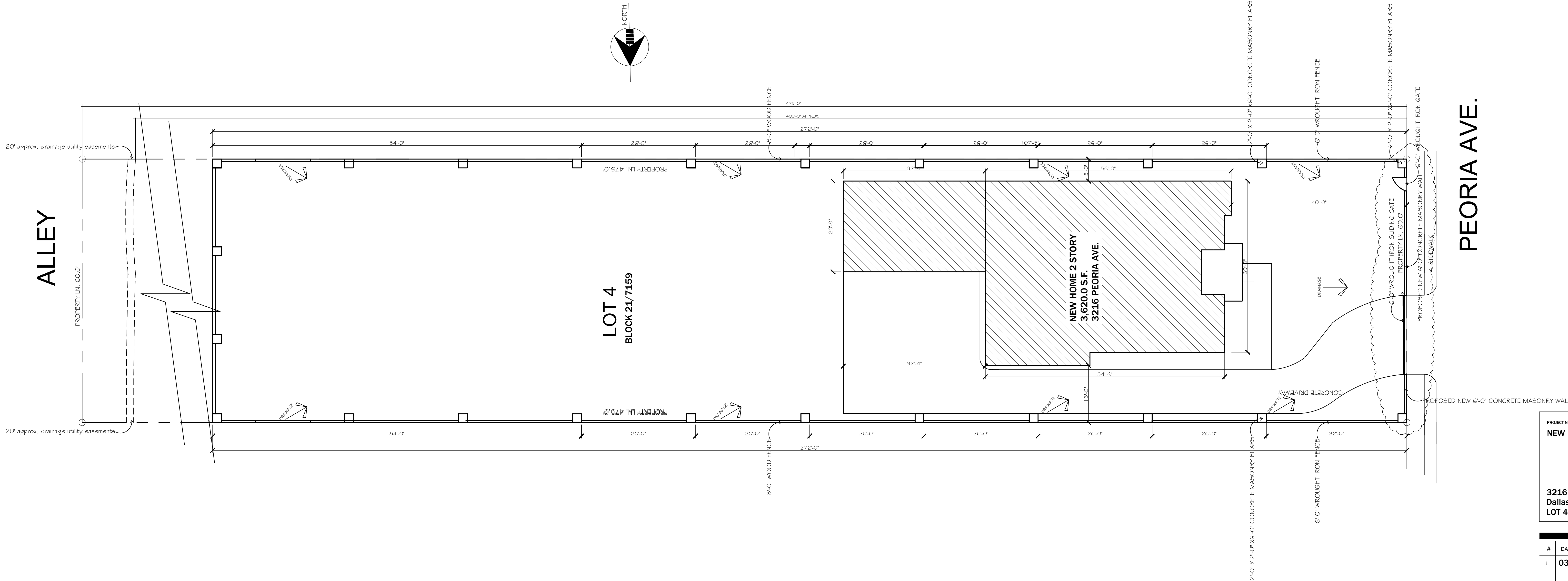
GARZA
 CONSTRUCTION
 CONSULTANTS
 1416 MEMORY LN DALLAS TEXAS
 75217
 FTX 214 9278508
 garza@gc37@yahoo.com

Yanira Chapa
 09/26/2023

STRUCTURAL WALL
 SECTION FRONT AND SIDE
 VIEW

A-1
 JOB NO. 04031

UPDATED FENCE PLAN



SITE PLAN

SCALE 3/32" = 1'-0"

PEORIA AVE.

ALLEY

LOT 4
BLOCK 21/7159

NEW HOME 2 STORY
3,620.0 S.F.
3216 PEORIA AVE.

PROJECT NAME AND ADDRESS:
NEW FENCE

3216 Peoria Ave.
Dallas, Texas 75212
LOT 4 BLK. 21/7159

#	DATE	SUBMISSION
1	03-19-24	ISSUE FOR PERMIT

**GARZA
CONSTRUCTION
CONSULTANTS**

1419 MEMORY LN. DALLAS, TEXAS
75217
PH. 214 9278556
garzabias71@yahoo.com

SITE PLAN

S-1

JOB NO. SHEET

FILE NUMBER: BDA234-044 (CJ)

BUILDING OFFICIAL'S REPORT: Application of Christine Escobedo for **(1)** a variance to the side-yard setback regulations at 205 S. WINDOMERE AVE. This property is more fully described as Block 39/3296 part of lots 19 and 20 and is zoned PD-87(Historic district 15), which requires side-yard setback of 10-feet. The applicant proposes to construct and/or maintain a carport for a single-family residential dwelling in a required side-yard and provide a 3-foot setback, which will require **(1)** a 7-foot variance to the side-yard setback regulations.

LOCATION: 205 S. Windomere Ave.

APPLICANT: Christine Escobedo

REQUEST:

(1) A request for a variance to the side-yard setback regulations.

STANDARD OF REVIEW FOR A VARIANCE:

Section 51A-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.

ELEMENT II SUBSTITUTE:

Dallas Development Code §51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

- (i) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 of the Texas Tax Code;
- (ii) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur;
- (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;

- (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (v) the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:

Denial

Rationale: Based upon evidence presented and provided by the applicant, staff concluded that the site is:

- A. Not contrary to the public interest as no letters of opposition were received.
- B. Is not restrictive in shape, size, or slope; therefore, the property can be developed in a manner commensurate with development upon other parcels of land in the same zoning.
 - The lot is approximately 50-feet wide and 7,535.88 sqft, which is average in Dallas. Although the subject site is required to have larger than average side yard setbacks, at 10-feet on both sides, all single-family residential structures within PD 87 **and** without a porte cochere covered driveway must abide by the same development standards; therefore this property can be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Is not a self-created or personal hardship.

BACKGROUND INFORMATION:

BDA History:

No BDA history found within the last 5 years.

Square Footage:

This lot contains 6804.072 of square feet.

This lot is zoned PD-87 Winnetka Heights Historic District (Historic Overlay 15) which has no minimum lot size.

Zoning:

- Site: PD-87 Winnetka Heights Historic District (Historic Overlay 15)
- North: PD-87 Winnetka Heights Historic District (Historic Overlay 15)
- South: PD-87 Winnetka Heights Historic District (Historic Overlay 15)
- East: PD-87 Winnetka Heights Historic District (Historic Overlay 15)
- West: PD-87 Winnetka Heights Historic District (Historic Overlay 15)

Land Use:

The subject site and all surrounding properties are developed with residential uses.

GENERAL FACTS/STAFF ANALYSIS:

- The application for the Christine Escobedo property located at 205 S. Windomere Avenue focuses on one request relating to the side yard setback regulations.

- A request for a variance to the side yard setback regulations of 7-feet is made to construct and/or maintain a single-family residential structure.
- The subject site is currently developed with a residential structure.
- PD-87 Winnetka Heights Historic District (Historic Overlay 15) requires a minimum side-yard setback of 10-feet if the side yard contains a driveway not covered by a porte cochere. Otherwise, the minimum side yard setback is five feet.
- As gleaned from the submitted site plan, the proposed carport encroaches the required 10-foot side yard setback.
- Additionally, the subject site has an existing detached 1-car garage that appears to be in its original location. The proposed 2-car carport will connect to the existing 1-car garage.
- The applicant has stated that the proposed 2-car garage will provide covered parking and protection for vehicles.
- The Office of Historic Preservation approved plans for the proposed carport on December 4, 2023; these plans have been included as Documentary Evidence.
- The Landmark Commission approved a Certificate of Appropriateness (#CA234-089(MW)) for the proposed carport on December 5, 2023; this has been included as Documentary Evidence.

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

- That granting the variance to the side yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- The variance to the side yard setback regulations is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such 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
- The variance to the side yard setback regulations 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 a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

The board may also consider Dallas Development Code **§51A-3.102(d)(10)(b)**, formerly known as **HB 1475** as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

- (a) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
- (b) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.

- (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
 - (d) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - (e) the municipality considers the structure to be a nonconforming structure.
- Granting the proposed 7-foot variance to the side yard setback regulations with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
 - 200' Radius Video: [BDA234-044 205 S. Windomere Ave.](#)

Timeline:

- February 23, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- March 11, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- March 20, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the March 27, 2024, deadline to submit additional evidence for staff to factor into their analysis; and April 5, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- April 1, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the April public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer

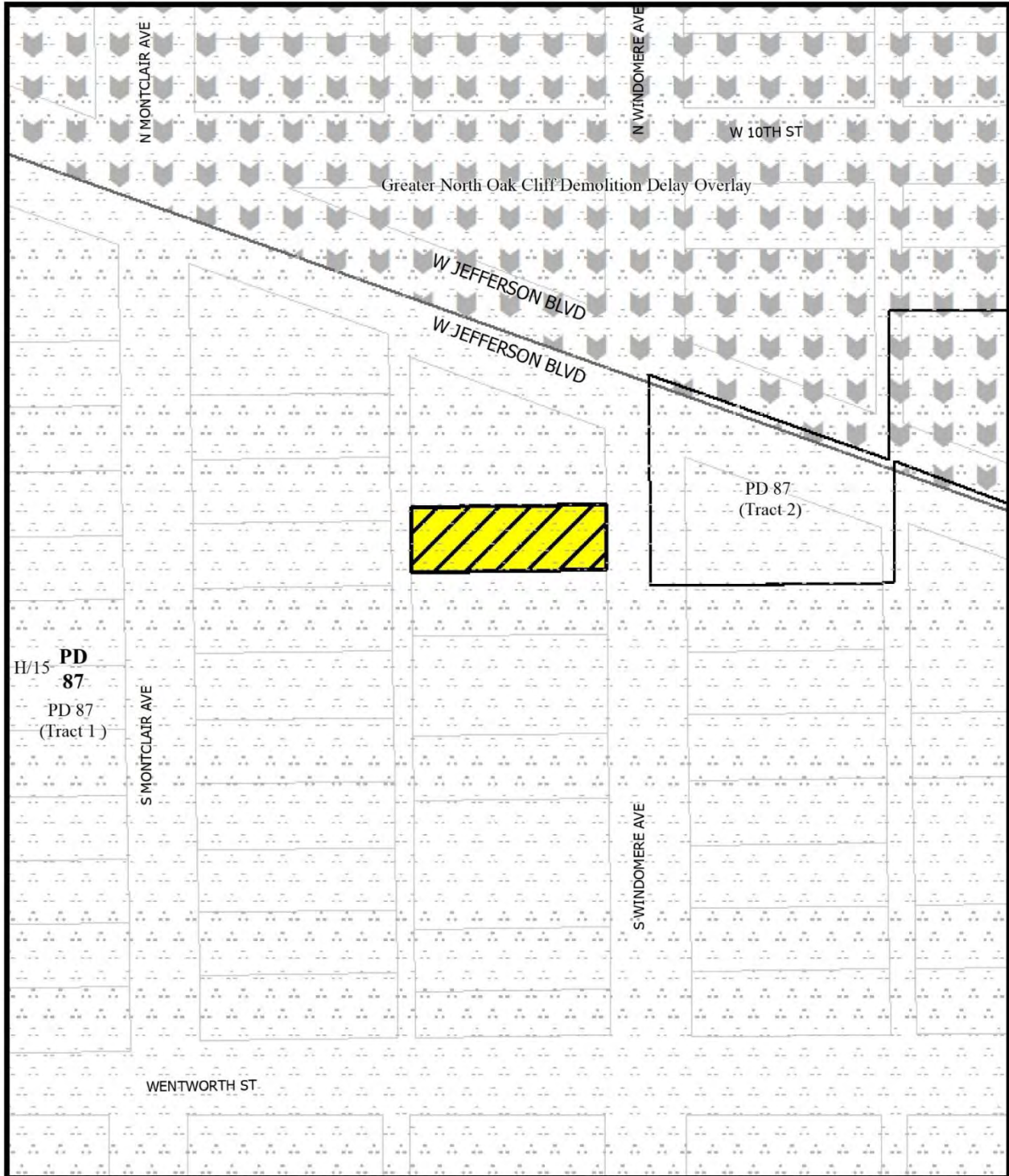


1:1,200

AERIAL MAP

Case no: BDA234-044

Date: 3/11/2024

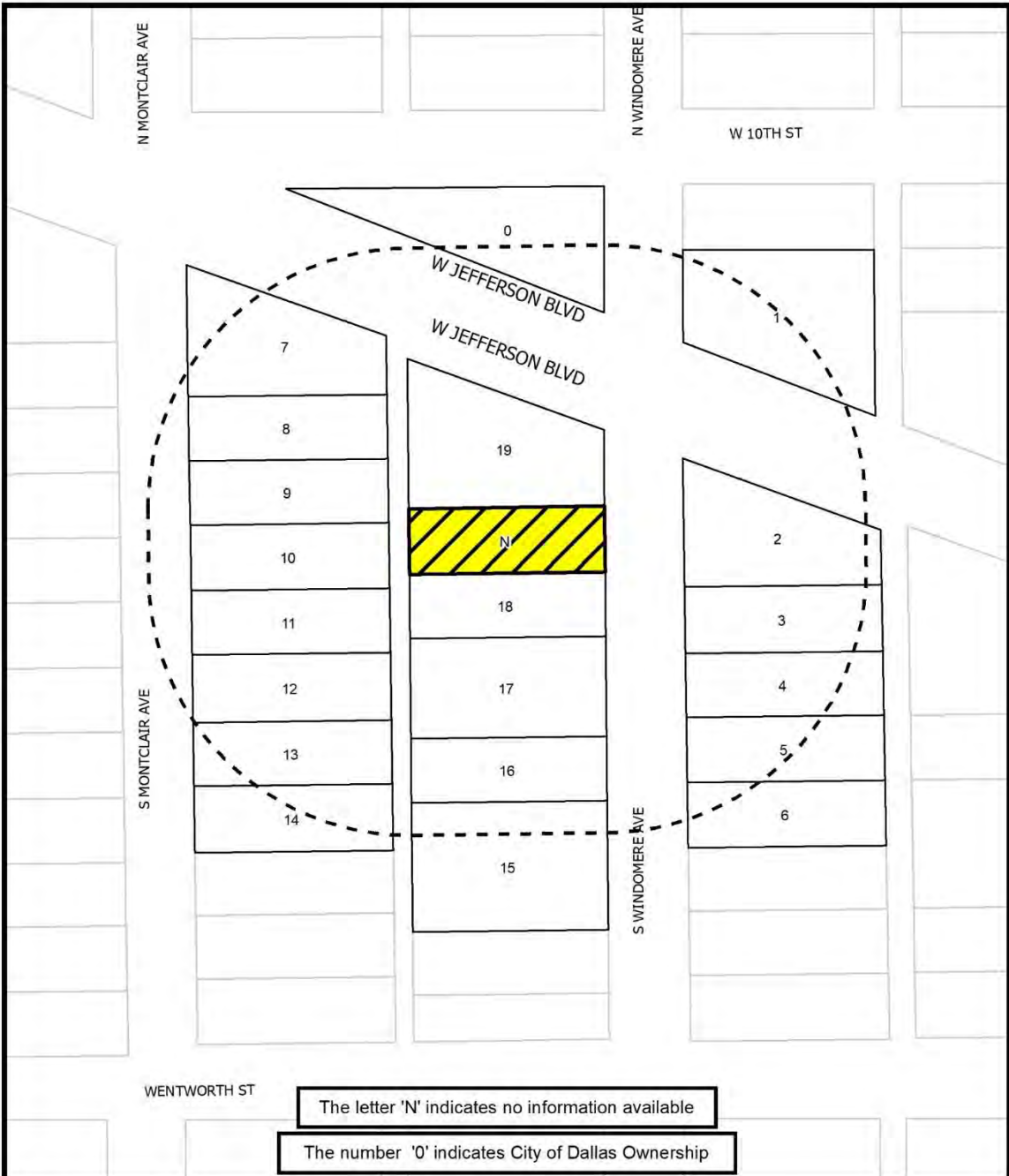


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ZONING MAP

Case no: BDA234-044

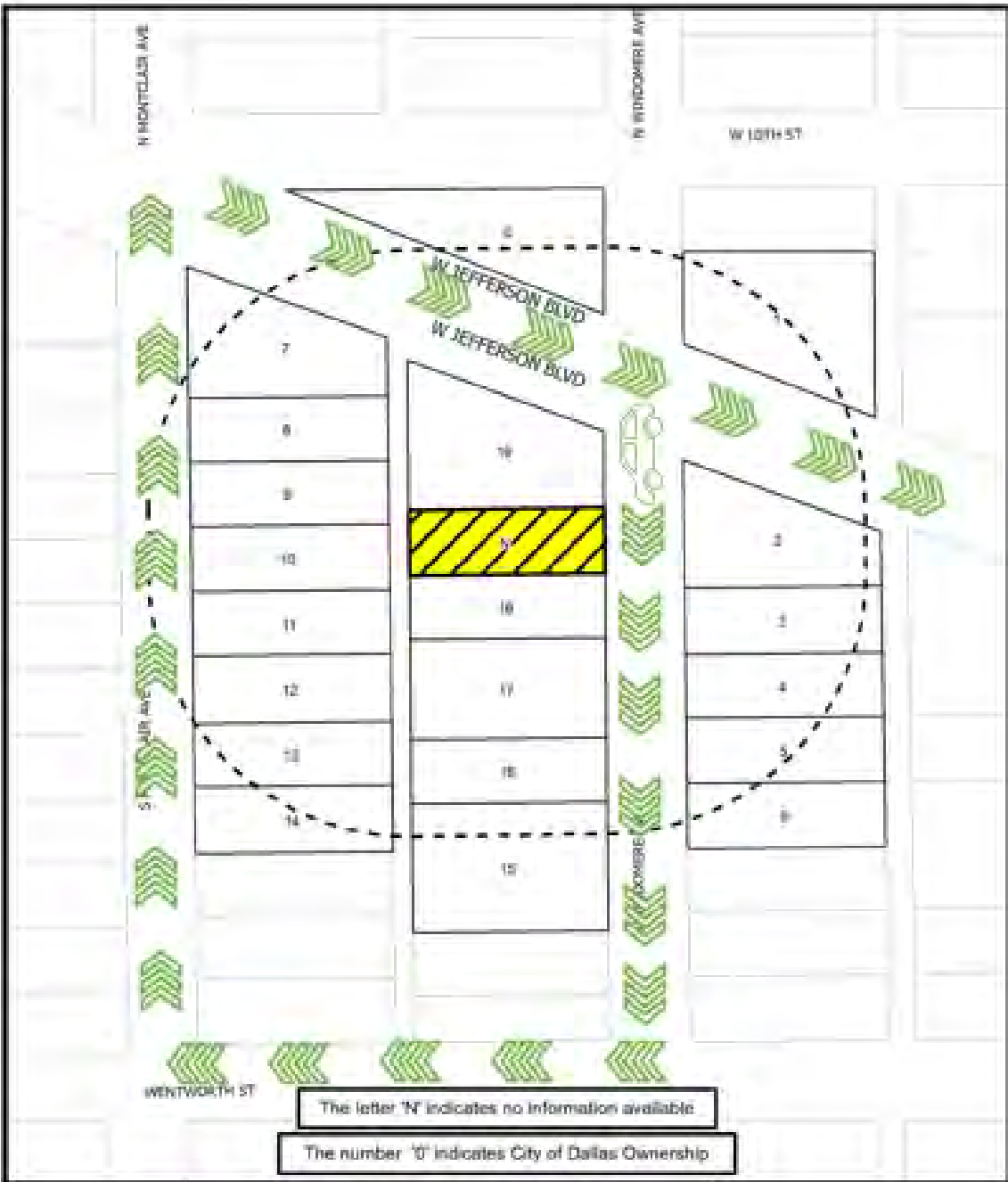
Date: 3/11/2024



The letter 'N' indicates no information available

The number '0' indicates City of Dallas Ownership

 1:1,200	NOTIFICATION	Case no: BDA234-044
	AREA OF NOTIFICATION: 200' NUMBER OF PROPERTY OWNERS NOTIFIED: 19	Date: 3/11/2024



 1:1,200	<h2>NOTIFICATION</h2>		Case No: BDA234-044
	<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;">19</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 3/11/2024	

03/11/2024

Notification List of Property Owners

BDA234-044

19 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	104 S WINDOMERE AVE	PCCV 3 LLC
2	1418 W JEFFERSON BLVD	WEAJ LLC
3	210 S WINDOMERE AVE	PEARSON MEGAN
4	214 S WINDOMERE AVE	BUSCH TINA & DANIEL
5	216 S WINDOMERE AVE	JACKSON STANLEY O
6	218 S WINDOMERE AVE	BENGFORT LINDSEY & AMY MOHON
7	1516 W JEFFERSON BLVD	ARZOLA DANIEL &
8	110 S MONTCLAIR AVE	BONO BRENT &
9	114 S MONTCLAIR AVE	FLORES NEREIDA &
10	120 S MONTCLAIR AVE	BOUCHER ELLEN R
11	122 S MONTCLAIR AVE	HORNING MATTHEW &
12	124 S MONTCLAIR AVE	BERRY DON B
13	204 S MONTCLAIR AVE	TALIAFERRO WILLIAM H
14	210 S MONTCLAIR AVE	SLITER TIMOTHY J
15	225 S WINDOMERE AVE	AIKMAN WILLIAM R
16	217 S WINDOMERE AVE	GALLOWAY JENNIFER L &
17	211 S WINDOMERE AVE	MCBETH ZACHARY
18	209 S WINDOMERE AVE	ABENDSCHEIN MATT
19	1510 W JEFFERSON BLVD	PCCV 3 LLC



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
19 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA234-044**

Date: **3/11/2024**

PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)

NOTICE IS HEREBY GIVEN that the **BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)** will hold a hearing as follows:

DATE: TUESDAY, APRIL 16th, 2024

BRIEFING: 10:30 a.m. via **Videoconference** and in **6ES**, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0416>

HEARING: 1:00 p.m. via **Videoconference** and in **6ES**, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0416>

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment:

BDA234-044(CJ) Application of Christine Escobedo for **(1)** a variance to the side-yard setback regulations at **205 S. WINDOMERE AVE**. This property is more fully described as Block 39/3296 part of lots 19 and 20 and is zoned PD-87(Historic district 15), which requires side-yard setback of 10-feet. The applicant proposes to construct and/or maintain a carport for a single-family residential dwelling in a required side-yard and provide a 3-foot setback, which will require **(1)** a 7-foot variance to the side-yard setback regulations.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Board of Adjustment hearing to express your support for or opposition to the application. You may also contact the Board of Adjustment by email to BDAREPLY@dallas.gov. Letters will be accepted until 9:00 am the day of the hearing. If you are unable to attend the hearing. If you choose to respond, it is important that you let the Board know your reasons for being in favor of or in opposition to the application. The Board members are very interested in your opinion.

Note: Any materials (such as plans, elevations, etc.) included within this notice may be subject to change.

The Board of Adjustment hearing will be held by videoconference and at 6ES at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure **by joining the meeting virtually**, must register online at <https://bit.ly/BDA-A-Register> **by the close of business Monday, April 15th, 2024. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing.** Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall

Speakers at the meeting are allowed a maximum of three minutes to address the Board.

Additional information regarding the application may be obtained by calling Cambria Jordan, Senior Planner at (214) 948-4476, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

Board of Adjustment, Development Services
320 E. Jefferson Blvd. Rm 210, Dallas, TX 75201

PLEASE SEND REPLIES TO:

BDAREPLY@dallas.gov

**Letters will be received until 9:00
am the day of the hearing.**

PLEASE REGISTER AT:

<https://bit.ly/BDA-A-Register>



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

234-044 RECEIVED
FOR OFFICE FEB 23 2024
BY: _____

Data Relative to Subject Property: _____

Date: _____

Location address: 205 S Windomere Avenue Dallas 75208

Zoning District: PD87 & H15

Lot No.: 25'LT 19 & 25'LT 20

Block No.: 39/3296

Acreage: 0.173

Census Tract: 52.00

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

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Christine Escobedo

Applicant: Christine Escobedo

Telephone: 214-926-2737

Mailing Address: 205 S Windomere Avenue, Dallas, TX

Zip Code: 75208

E-mail Address: cesco2000@aol.com

Represented by: _____

Telephone: _____

Mailing Address: _____

Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance X or Special Exception X of _____ to the minimum side yard requirements for a carport, and for a variance of 7' to the side yard setback regulations to construct and maintain stated carport.

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 Attachment A

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 _____

Christine Escobedo

(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: _____

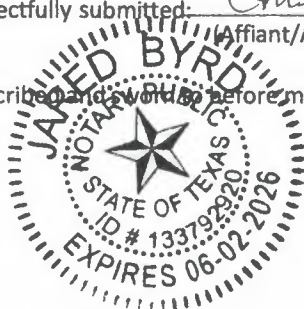
Christine Escobedo

(Affiant/Applicant's signature)

Subscribed and sworn to before me this _____ day of _____, 2024

8 day of February, 2024

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

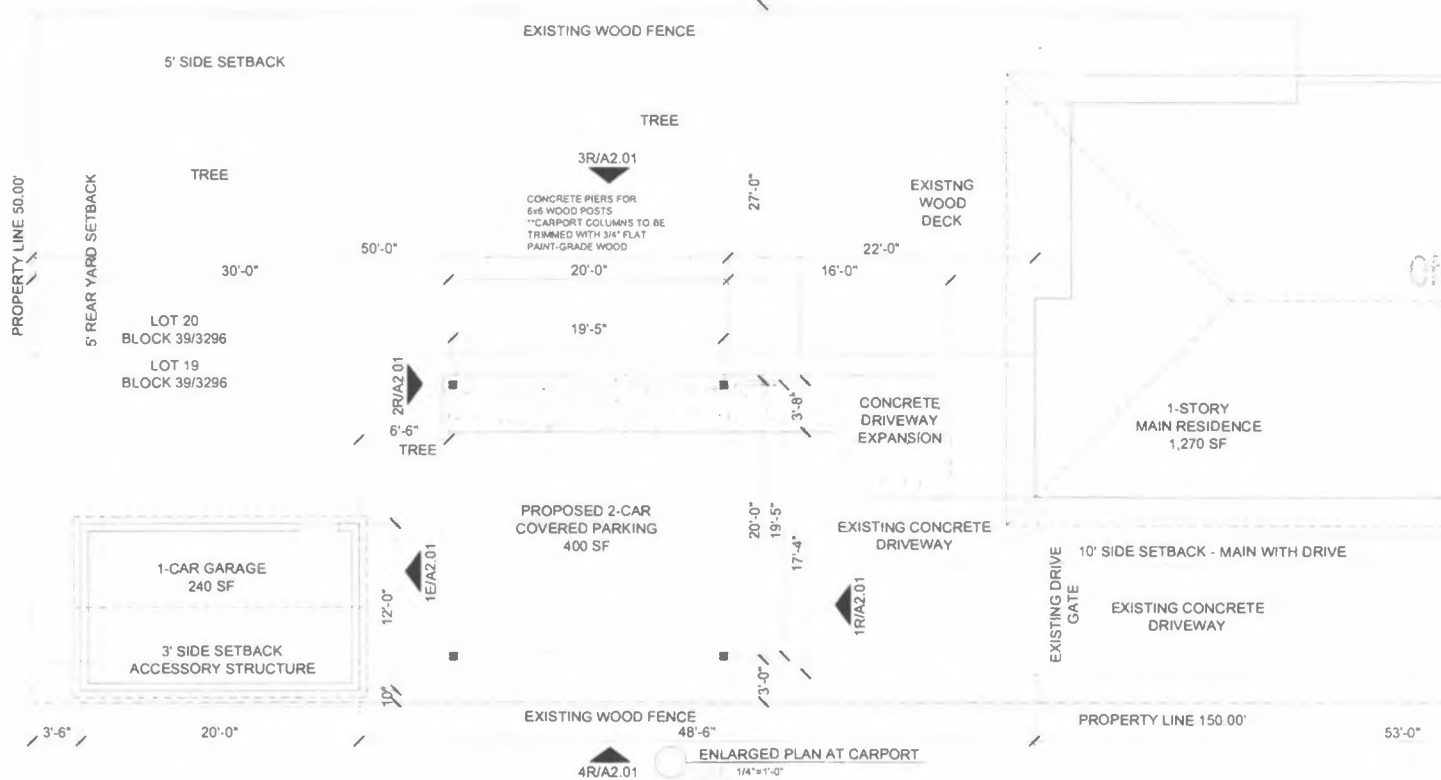
I hereby certify that Christine Escobedo

did submit a request for (1) a variance to the side-yard setback regulations
at 205 S. Windomere

BDA234-044(CJ) Application of Christine Escobedo for (1) a variance to the side-yard setback regulations at 205 S. WINDOMERE AVE. This property is more fully described as Block 39/3296 part of lots 19 and 20 and is zoned PD-87(Historic district 15), which requires side-yard setback of 10-feet. The applicant proposes to construct and/or maintain a carport for a single-family residential dwelling in a required side-yard and provide a 3-foot setback, which will require (1) a 7-foot variance to the side-yard setback regulations.

Sincerely,


Andrew Espinoza, CBO, MCP, CFM, CCEA



APPROVED BY

DEC 4 2023

Office of Historic Preservation (OHP)

JQAO
ARCHITECT



PROJECT
CARPORT STRUCTURE
205 S WINDOMERE AVE
DALLAS, TX 75208

DRAWING TITLE
ENLARGED PLAN AT CARPORT
RCP LIGHTING PLAN

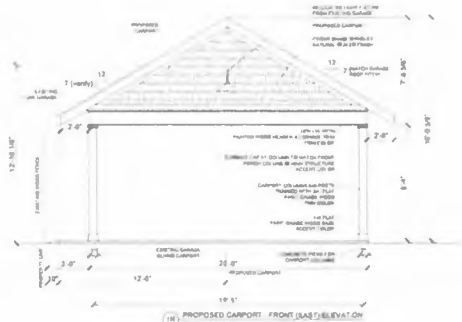
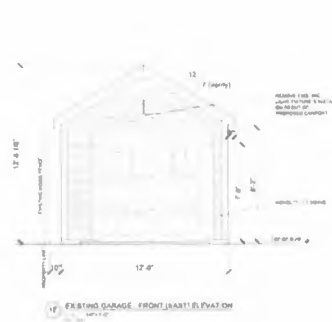
REV: 0006
11-18-23

SCALE
1/4" = 1'-0"
PROJECT NO
23-18
DATE
10-19-23
SHEET NO
A1.01



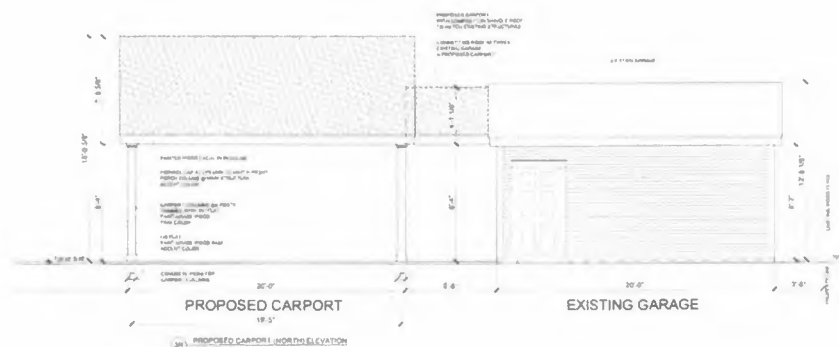
- LIGHTING SCHEDULE
- ALL LIGHTS TO BE 1500K, 1000 HOURS
 - ALL PHOTOCELL SENSORS
 - 100 WATT & REFLUMPOW FIXTURES GARAGE FIXTURES
 - 1 1/2 HOUR SECURITY LIGHT ON PHOTOCELL SENSOR WITH MOTION DETECTION
- SECURITY LIGHT ON SOLAR PNL - MOTION DETECTION
- ELECTRICAL LEGEND
- 110 VOLT DUPLEX OUTLET WITH WATER-PROOF COVER
- ELECTRICAL NOTES
- PROVIDE UNDERGROUND ELECTRICAL LINES TO CARPORT

BDA234-044 4/10

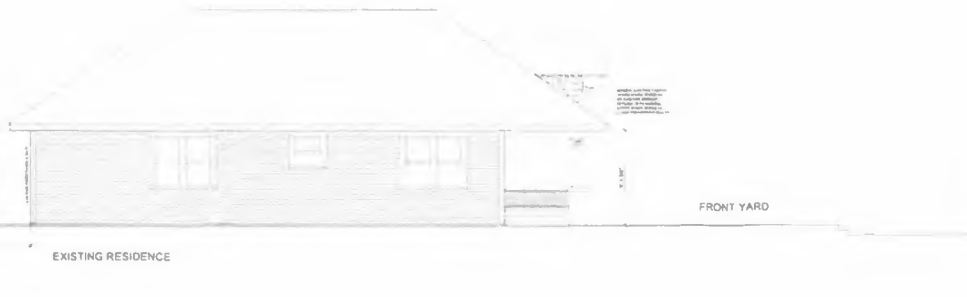
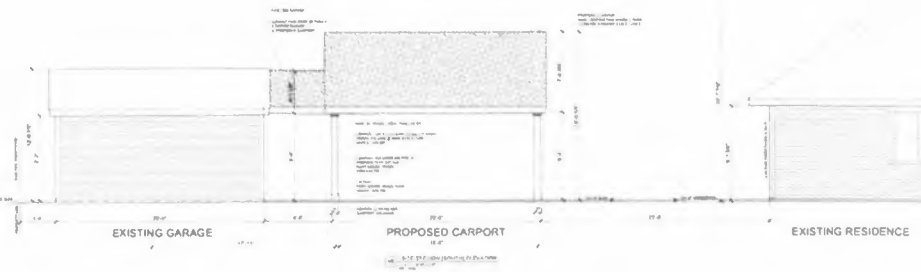


APPROVED BY *MW*
 DEC 4 2023
 Office of Historic Preservation (OHP)
 CITY OF DALLAS

JOAQ
 ATELIER



PROJECT
 CARPORT STRUCTURE
 205 S WINDOMERE AVE
 DALLAS, TX 75208



DATE: 11-16-23

S WINDOMERE AVE

SCALE: AS NOTED
 PROJECT NO: 23-18
 DATE: 10-19-23
 SHEET NO: A2 01

ATTACHMENT A – APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Address: 205 S. Windomere Avenue, Dallas, TX 75208

Owner: Christine Escobedo

Email: cesco2000@aol.com

Tel: 214-926-2737

APPEAL

Appeal is made for (1) a special exception to the minimum side yard requirements for a carport; and (2) a variance of seven feet to the side yard setback regulations to construct and maintain stated carport, under the standard for a Special Exception for Carports, Section 51(A)-4.402(c) of the Dallas Development Code.

BACKGROUND

The property is in Winnetka Heights Historic District (PD-87 with Historic Overlay No. 15). A 240 SF rear accessory building (“detached garage”) existed on the property when purchased in 1994 by the Owner. The location of the detached garage is 10” from the property line. Based on a review of the 1922 Sanborn map (p. 533), it appears the detached garage is in its original location. Because of the small size of the existing detached garage, it is mainly used for storage of lawn equipment and other items. The Owner proposes to construct a 475 SF two-car carport directly in front of the detached garage. The proposed carport will provide covered space and protection for vehicles, without the need to construct another garage on the property. The Landmark Commission approved a Certificate of Appropriateness (#CA234-089(MW)) for the proposed carport on December 5, 2023 (see attached).

REASONS TO GRANT THE APPEAL

The Special Exception for Carports, Section 51(A)-4.402(c) of the Dallas Development Code, states the board may grant a special exception to the minimum side yard requirements for a carport for a single-family use when the carport will not have a detrimental impact on surrounding properties.

The proposed carport and the requested variance meet the following factors to demonstrate there will be no detrimental impact on surrounding properties:

1. The carport and requested variance are compatible with the character of the neighborhood as evidenced by the Landmark Commission approving the proposed work as appropriate for the Winnetka Heights Historic District and in meeting the preservation criteria and standards in the Dallas City Code for this historic district.
2. The carport will have no adverse effect on surrounding properties in the historic district as it is not directly or indirectly altering any external architectural features or characteristics of the main building or the original location of the existing detached garage. In fact, constructing the carport

will further ensure that the original location of the detached garage will remain as well as maintain and stabilize its existence, which is an important element in the historic district.

3. The carport has been deemed suitable in size and location, which will place it 18” from the front of the existing detached garage, while keeping it in the rear one-third of the property. The addition of the carport to the property will result in the total lot coverage to 29%, which is under the maximum allowable lot coverage of 35%. The carport will be constructed to meet the existing detached garage at a three-foot side setback, providing balance to the design and thus requiring a seven-foot exception to the side yard setback regulations.
4. The materials to be used in the construction of the carport have all been selected to be typical of the style and period of the main building. The carport will be constructed of wood, with wood cedar shake siding on the gable ends (which matches the dormer in front of the main building), wood columns with craftsman trim details, and a composition shingle roof. The paint colors will also match the main building.
5. The carport will be used to park two automobiles and is not intended for any other purpose.

For these reasons, the request for the special exception and variance should be granted.

December 5, 2023

LEONORE QUINTANILLA
205 S WINDOMERE AVE,
DALLAS, TX 75208

**RE: CA234-089(MW)
REVIEW OF YOUR CERTIFICATE OF APPROPRIATENESS APPLICATION
205 S WINDOMERE AVE**

Dear LEONORE QUINTANILLA:

Enclosed is a copy of the Certificate of Appropriateness (CA) application that you submitted for review by the Landmark Commission on December 4, 2023.

Be aware that you may need to bring your CA and approved drawings and/or blueprints to Building Inspection for a building permit. Before starting any approved work, be sure to post your CA in a front window or other prominent location on the structure so it may be seen by City officials to ensure work is performed as approved by the Landmark Commission. Please see enclosed Certificate of Appropriateness for Details.

If you have any questions, please contact me by email at marcus.watson@dallas.gov.



Marcus Watson
Senior Planner

Enclosure

Certificate of Appropriateness

December 4, 2023

Standard	December 4, 2023	PLANNER:	Marcus Watson
FILE NUMBER:	CA234-089(MW)	DATE FILED:	November 9, 2023
LOCATION:	205 S WINDOMERE AVE	DISTRICT:	Winnetka Heights Historic District
COUNCIL DISTRICT:	1	MAPSCO:	54-E
ZONING:	PD-87	CENSUS TRACT:	0052.00

APPLICANT: LEONORE QUINTANILLA
REPRESENTATIVE:
OWNER: Owner Withheld per Sec 25.025 & 25.026

The Landmark Commission decision is: Approved

Information regarding requests:

- 1) A Certificate of Appropriateness to construct new 2-car open carport in the rear yard.

Approve

Conditions: That the request for a Certificate of Appropriateness to construct new 2-car open carport in the rear yard be approved in accordance with materials dated 10/19/23. The proposed work is consistent with preservation criteria Section 51P-87.111(a)(1); the standards in City Code Section 51A-4.501(g)(6)(C)(i) for contributing structures; and the Secretary of the Interior's Standards.

- 2) A Certificate of Appropriateness to replace cedar shakes on the dormer of the main structure.

Approve

Conditions: That the request for a Certificate of Appropriateness to replace cedar shakes on the dormer of the main structure be approved in accordance with materials dated 10/19/23. The proposed work is consistent with preservation criteria Section 51P-87.111, subsections (a)(3) and (a)10); the standards in City Code Section 51A-4.501(g)(6)(C)(i) for contributing structures; and the Secretary of the Interior's Standards.

- 3) A Certificate of Appropriateness to paint proposed carport to match house (Columns and trim: SW0050 "Classic Light Buff"; Accent Trim: SW2846 "Roycroft Bronze Green").

Approve

Conditions: That the request for a Certificate of Appropriateness to paint proposed carport to match house (Columns and trim: SW0050 "Classic Light Buff"; Accent Trim: SW2846 "Roycroft Bronze Green" be approved in accordance with materials dated 10/19/23. The proposed work is consistent with preservation criteria Section 51P-87.111(a)(8); the standards in City Code Section 51A-4.501(g)(6)(C)(i) for contributing structures; and the Secretary of the Interior's Standards.

Information regarding requests:

4) A Certificate of Appropriateness to stain the new shakes on the dormer of the main structure and on the gable of the proposed carport Gemini TWP 100 Series "Cedartone Natural 101".

Approve

Conditions: That the request for a Certificate of Appropriateness to stain the new shakes on the dormer of the main structure and on the gable of the proposed carport Gemini TWP 100 Series "Cedartone Natural 101" be approved in accordance with materials dated 10/19/23. The proposed work is consistent with preservation criteria Section 51P-87.111(a)(8); the standards in City Code Section 51A-4.501(g)(6)(C)(i) for contributing structures; and the Secretary of the Interior's Standards.



Landmark Commission Chair

December 4, 2023

Date

Please take any signed drawings to Building Inspection for permits.

Certificate of Appropriateness (CA)
City of Dallas Landmark Commission

CA 234 - 089 (MW)

OFFICE USE ONLY

Name of Applicant: Leonore Quintanilla & Christine Escobedo
Mailing Address : 205 S Windomere Ave
City, State and Zip Code: Dallas, TX 75208
Daytime Phone: 214-536-5154 Alternate Phone: 214-926-2737
Relationship of Applicant to Owner : Owners

ES

OFFICE USE ONLY
Main Structure:
 Contributing
 Non-contributing

PROPERTY ADDRESS: 205 S Windomere Avenue
Historic District: Winnetka Heights H/15

PROPOSED WORK:

List all proposed work simply and accurately, use extra sheet if needed. Attach all documentation specified in the submittal criteria checklist for type of work proposed. **DO NOT write "see attached."**

- 1. Build 2-car carport in backyard.
- 2. Replace painted cedar shake siding on dormer.
- 3. Paint proposed carport structure - Columns & Trim: SW 0050 Classic Light Buff, Accent Trim: SW 2846 Roycroft Bronze Green.
- 4. Stain Cedar Shake Shingles: Gemini TWP 100 Series, Cedartone Natural 101.

EMAIL ADDRESS: lquintanilla07@aol.com, cesco2000@aol.com, quintans.aq@gmail.com

Signature of Applicant: *[Signature]* Date: 10/19/2023.

Signature of Owner: _____ Date: _____
(IF NOT APPLICANT)

APPLICATION DEADLINE:

Application material must be completed and submitted by the **FOURTH MONDAY OF EACH MONTH BY 12:00 NOON**, (see official calendar for exceptions), before the Dallas Landmark Commission can consider the approval of any change affecting the exterior of any building. Provide this form along with applicable fees, and any supporting documentation must be filed with a Preservation Planner at City Hall, 1500 Marilla 5BN, Dallas, Texas, 75201. You may submit by email to Historicpreservation@dallas.gov. Please write your address and district in the email subject line.

Please use the enclosed criteria checklist as a guide to complete the application. Incomplete applications cannot be reviewed and will be returned to you for more information. You are encouraged to contact a Preservation Planner to ensure your application is complete. Click on the following link to the City of Dallas website for contact information:

<https://dallascityhall.com/departments/sustainabledevelopment/historicpreservation/Pages/Contacts.aspx>

OTHER:

In the event of a denial, you have the right to an appeal within 30 days after the Landmark Commission's decision. You are encouraged to attend the Landmark Commission hearing the first Monday of each month at 1:00 pm in Council Chambers of City Hall (see exceptions). Information regarding the history of past certificates of appropriateness for individual addresses is available for review in 5BN of City Hall.

RECEIVED BY

NOV 2 2023

Office of Historic Preservation (OHP)

Certificate of Appropriateness (CA) City of Dallas Landmark Commission

Application Fee Schedule

Chapter 51A Dallas Development Code: Ordinance No. 19455, as amended Subsection aa: Fees for Landmark Commission Applications.

1. An application will not be processed until the fee has been paid.
2. The applicant shall pay the filing fee to the building official. The building official shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.
3. The city controller shall refund 75 percent of the filing fee to the applicant if the applicant withdraws the application prior to the case being advertised for hearing. After the case is advertised, no refund of the filing fee may be made. Please contact a Preservation Planner for refund request inquiries.
4. Fee Schedule.

Type of Application	Application Fee	Office Use Only – Payment Received
Certificate of appropriateness for new construction	\$500	Date: Receipt No.

5. The applicant shall pay a single filing fee for each certificate of appropriateness of certificate of demolition or removal for unauthorized work.
6. Make checks Payable to City of Dallas – note OHP application type in memo of check. Mail or bring to Dallas City Hall, 1500 Marilla Street, Room 5BN, Dallas, Texas 75201. The District Planner will provide payment options and instructions.
7. The landmark commission may waive the filing fee if the landmark commission finds that payment of the fee would result in substantial financial hardship be placed on the landmark commission's miscellaneous docket for predetermination. If the issue is placed on the miscellaneous docket, the applicant may not file the application until the merits of the request for waiver have been determined by the landmark commission. In making this determination, the landmark commission may require the production of financial documents.

Please review the enclosed Review and Action Form

Memorandum to the Building Official, a Certificate of Appropriateness has been:

- APPROVED.** Please release the building permit.
- APPLICANT REQUEST FOR WITHDRAWAL, 75% REFUND APPROVED: DATE**
- APPLICANT REQUEST FOR WITHDRAWAL WITHOUT REFUND: DATE**
- APPROVED WITH CONDITIONS.** Please release the building permit in accordance with any conditions.
- DENIED.** Please do not release the building permit or allow work.
- DENIED WITHOUT PREJUDICE.** Please do not release the building permit or allow work.

Signed drawings and/or specifications are enclosed Yes

Marcus Watson
Office of Historic Preservation

12/4/23

NEW CONSTRUCTION FORM – TO BE FILLED OUT BY APPLICANT

This form must be completed by the applicant and submitted with any Certificate of Appropriateness application for new construction. Incomplete applications will not be docketed for consideration by the Landmark Commission. Please refer to the preservation criteria in the historic district ordinance or contact a City Preservation Planner for further information.

Y N Will the proposed new construction require the demolition of any structure(s) on the site? If yes, you must submit a Certificate of Demolition form in addition to this application.

Y N Have you completed a preliminary review of the drawings with Building Inspection? NOTE: This step is required for construction of a main structure and strongly recommended for accessory structures. Preliminary review does not guarantee final approval of a permit.

Preliminary review: DATE ___/___/___ NAME OF PLANS EXAMINER: _____

RECEIVED BY [Signature] NOV 8 2023 Office of Historic Preservation (OHP)

ALL NEW CONSTRUCTION

LOT COVERAGE (lot coverage includes all structures with a permanent roof, including porches and patios)

Existing 23% Proposed 29%

PROPOSED MAIN STRUCTURE (skip if no new main structure is proposed):

Roof: Roof height (peak) ___ft Roof pitch ___/___

Setbacks: Front yard ___ft Left side ___ft Right side ___ft

Rear ___ft Accessory or Other structure (if applicable) ___ft

Context:* Average roof height of adjacent structures ___ft

Average front yard setback of adjacent structures ___ft

Average width of adjacent structures ___ft

Note: Contextual site plan and streetscape drawings are required for main structure proposals.

PROPOSED ACCESSORY STRUCTURE (skip if no new accessory structure is proposed):

Roof: Proposed roof height 16'-3"ft Roof height of main structure 20'-8"ft

Setbacks: Distance from main structure 22'-0"ft Left side 3'-0"ft Right side 27'-0"ft

Rear 30'-0"ft

LOT COVERAGE CALCULATIONS - EXISTING

7,500 SF	TOTAL LOT AREA
1,270 SF	EXISTING 1-STORY SINGLE FAMILY RESIDENCE
226 SF	EXISTING COVERED PORCH
240 SF	EXISTING 1-CAR GARAGE (LESS THAN 25% OF MAIN STRUCTURE)
1,736 SF	TOTAL EXISTING FOOTPRINT UNDER ROOF 23% LOT COVERAGE - EXISTING (35% MAX LOT COVERAGE = 2,625 SF)

LOT COVERAGE CALCULATIONS - PROPOSED

475 SF	PROPOSED NEW CARPORT (FOOTPRINT UNDER ROOF)
2,211 SF	PROPOSED TOTAL FOOTPRINT UNDER ROOF 29% LOT COVERAGE

205 S Windomere Avenue – Winnetka Heights Historic District
Certificate of Appropriateness Application

PROPOSED CARPORT STRUCTURE – SEE SUPPLEMENTAL DRAWINGS

PAINT (match main residence)

H Historic Color

SW 0050

Classic Light Buff

FULL DETAILS ^

LRV: 83 ⓘ

RGB: 240 / 234 / 220

Hex Value: #F0EADC

Available in: Interior/Exterior

Color Collections: Interior Historic, Historic
(The Classics)

Color Family(s): White

COLUMN & TRIM COLOR: SW 0050 CLASSIC LIGHT BUFF

H Historic Color

SW 2846

Roycroft Bronze Green

FULL DETAILS ^

LRV: 9 ⓘ

RGB: 87 / 84 / 73

Hex Value: #575449

Available in: Interior/Exterior

Color Collections: Exterior Historic, Color ID
(Dreamer), Historic (Arts & Crafts), Colormix
Forecast 2024 (a Gather of Deeps & Darks)

Color Family(s): Green

ACCENT TRIM COLOR: SW 2846 ROYCROFT BRONZE GREEN

205 S Windomere Avenue – Winnetka Heights Historic District
Certificate of Appropriateness Application



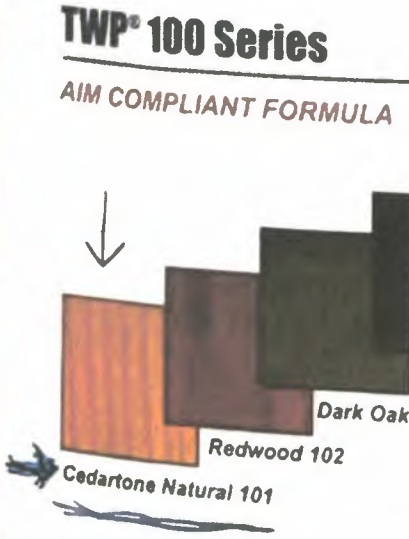
ROOFING AT PROPOSED CARPORT (match existing structures):
GAF CAMELOT COMPOSITION SHINGLES
COLOR: ROYAL SLATE



V-GROOVE PINE CEILING – CLEAR SEALED

APPROVED BY
DEC 4 2023
Office of Historic Preservation (OHP)
1000 N. WINDOMERE AVENUE, WINNETKA, IL 60093

205 S Windomere Avenue – Winnetka Heights Historic District
Certificate of Appropriateness Application



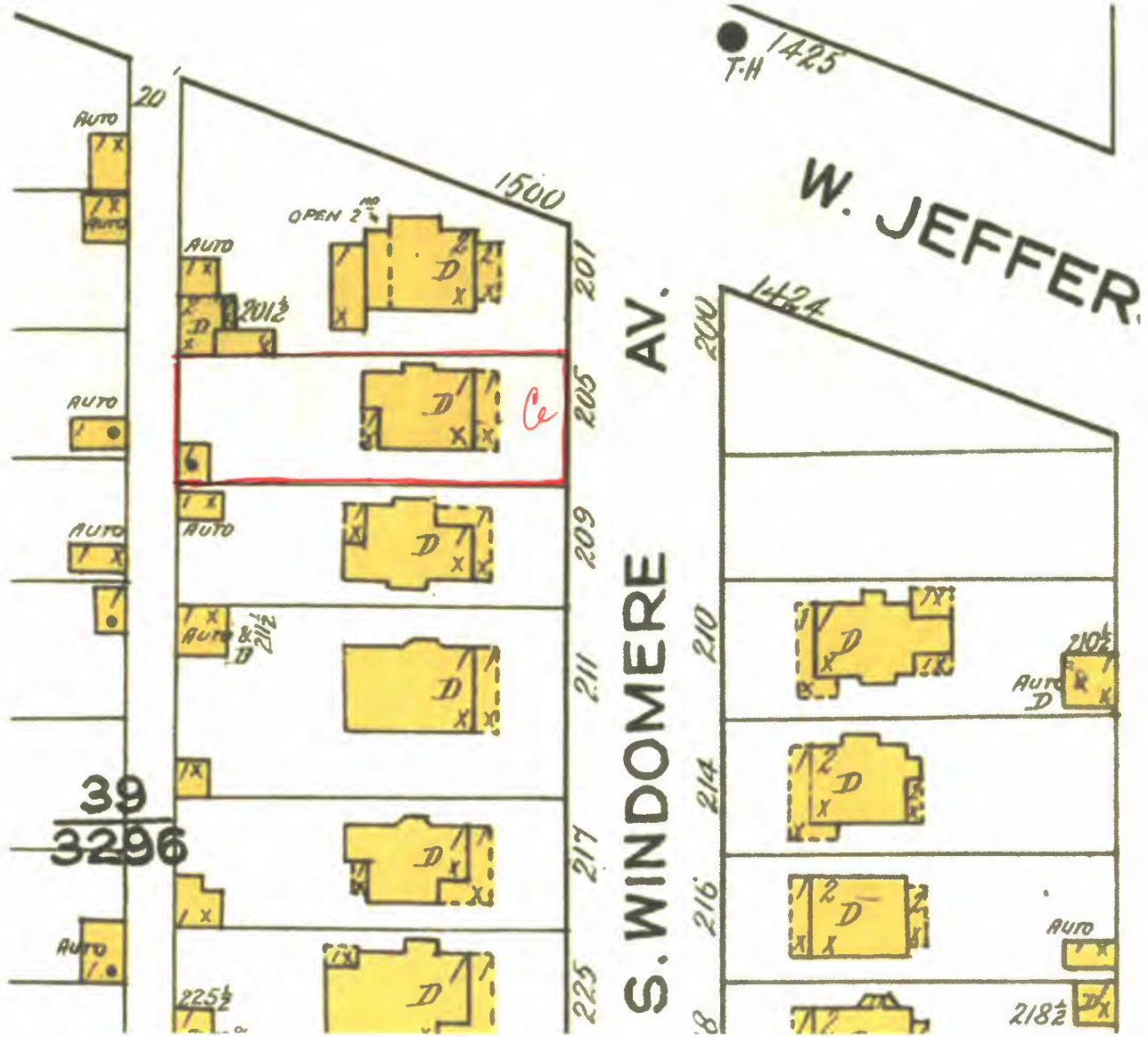
CEDAR SHAKE SHINGLES AT GABLED ENDS OF PROPOSED CARPORT
STAIN: GEMINI TWP100 SERIES, CEDARTONE NATURAL 101

MW

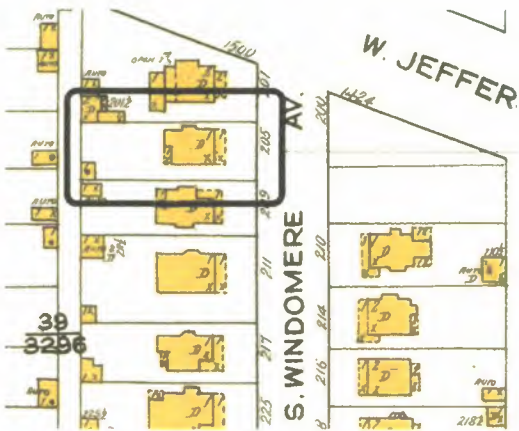


RELOCATE LIGHT FROM GARAGE TO CARPORT

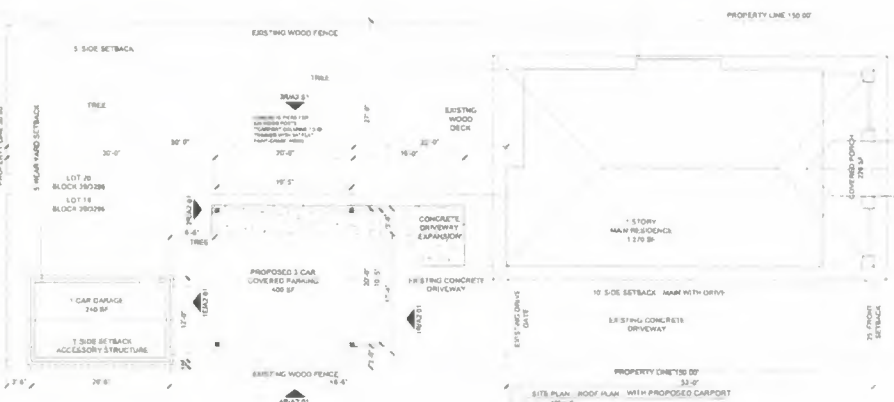
205 S Windomere Avenue – Winnetka Heights Historic District
Certificate of Appropriateness Application



1922 SANBORN FIRE MAP DETAIL – 205 S WINDOMERE AVE



205 S WINDOMERE AVE 1922 SANBORN MAP
N.T.S.



S WINDOMERE AVENUE

S WINDOMERE AVENUE

APPROVED BY

DEC 4 2023

Office of Historic Preservation (OHP)
CITY OF DALLAS

PROPERTY LOCATION / DESCRIPTION	INDEX OF DRAWINGS / ARCHITECTURAL
205 S WINDOMERE AVE DALLAS TX 75208	A100 PROJECT DATA - SITE PLAN, ROOF PLAN
THE NORTH 25' OF LOT 18 AND THE SOUTH 25' OF LOT 20, BLOCK 350236, WINDOMERE HEIGHTS ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, VOLUME 1, PAGE 134 MAP RECORDS OF DALLAS COUNTY, TEXAS	A101 1-CAR GARAGE CARPORT
ZONING: WINDOMERE HEIGHTS HISTORIC DISTRICT 15' FRONT YARD SETBACK, MAIN BUILDING 5 MIN. SIDE YARD SETBACK WITH DRIVE, MAIN 15 MIN. REAR YARD SETBACK, MAIN 5 MIN. SIDE & REAR SETBACK, ACCESSORY 36 MAX. HEIGHT, MAIN 24 MAX. HEIGHT, ACCESSORY 35% MAX. LOT COVERAGE	A201 EXTERIOR ELEVATIONS
	LOT COVERAGE CALCULATIONS - EXISTING
	1780 SF TOTAL LOT AREA
	1270 SF EXISTING 1-STORY SINGLE-FAMILY RESIDENCE
	238 SF EXISTING COVERED PORCH
	348 SF EXISTING 1-CAR GARAGE
	12.8% TOTAL EXISTING FOOTPRINT UNDER ROOF
	17% MAX. LOT COVERAGE - 2829 SF
	LOT COVERAGE CALCULATIONS - PROPOSED
	475 SF PROPOSED NEW CARPORT FOOTPRINT UNDER ROOF
	231 SF PROPOSED TOTAL FOOTPRINT UNDER ROOF
	17% LOT COVERAGE

ARCHITECT
JOAO ATLEIAR
A/OA CONSULTANTS, ARCH.
2277 BISHOP DRIVE, DALLAS, TX 75214
214.215.7474 | joao@oaconsultants.com

BUILDING CODE DATA

- EXISTING RESIDENCE: 1-STORY CRAFTSMAN STYLE, YEAR BUILT 1922, 1.5 STORIES HIGH WITH FRAME CONSTRUCTION, PIER AND BEAM FOUNDATION, COMPOSITION SHINGLE ROOF
- EXISTING 1-CAR GARAGE, ACCESSORY, BONDING WITH FRAME CONSTRUCTION, SLAB ON GRADE FOUNDATION, COMPOSITION SHINGLE ROOF

PROJECT SCOPE

- BUILD NEW 3-CAR CARPORT: SLAB ON GRADE FOUNDATION, WOOD CEDAR SHAKE SIDING, GABLE ENDS, WOOD COLUMNS & TRIM, COMPOSITION SHINGLE ROOF
- CONCRETE DRIVEWAY EXPANSION
- CONCRETE DRIVEWAY EXPANSION
- CONCRETE DRIVEWAY EXPANSION

JOAO ATLEIAR



PROJECT
CARPORT STRUCTURE
205 S WINDOMERE AVE
DALLAS TX 75208

DATE
AS-BUILT SITE PLAN
SITE PLAN WITH PROPOSED
NEW CARPORT STRUCTURE

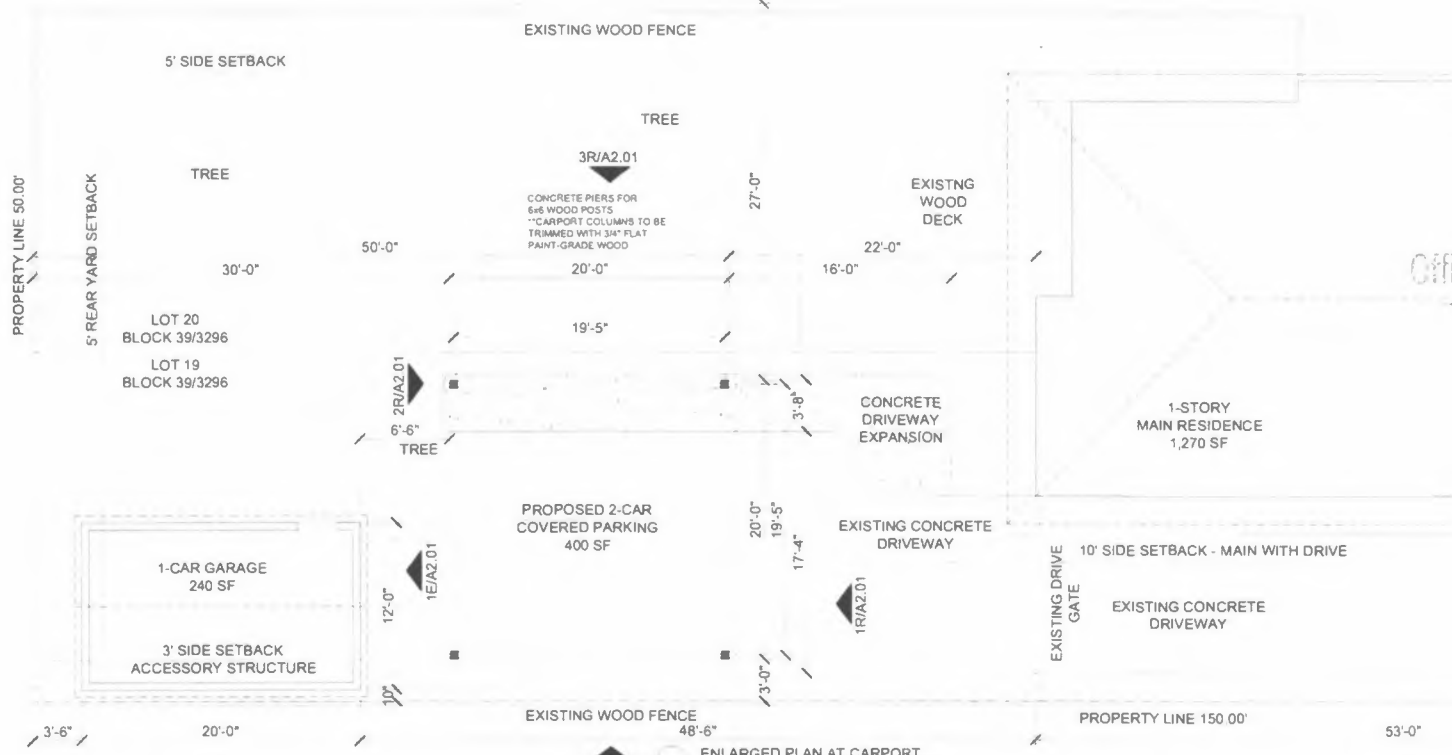
DATE
11-18-23

SCALE
1/8" = 1'-0"

PROJECT NO.
23-18

DATE
10-19-23

SHEET NO.
A100



APPROVED BY

DEC 4 2023

Office of Historic Preservation (OHP)

JQAO
ARCHITECT



PROJECT
CARPORT STRUCTURE
205 S WINDOMERE AVE
DALLAS, TX 75208

DATE: 11-16-23

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

PROJECT NO: 23-18

DATE: 10-19-23

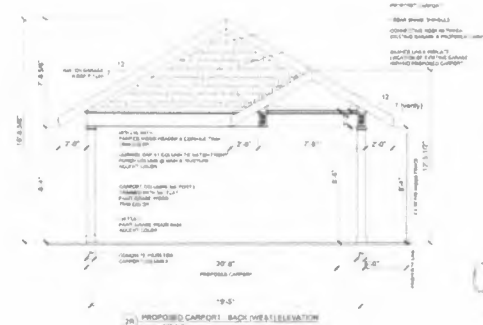
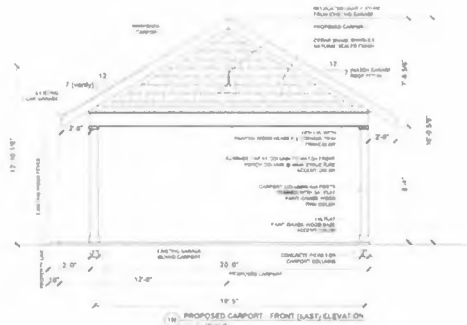
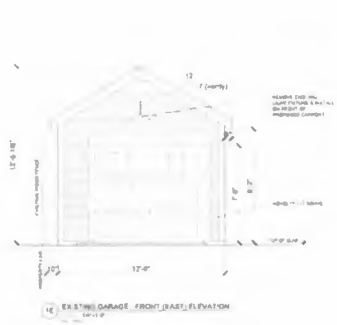
SHEET NO: A1.01

ENLARGED PLAN AT CARPORT
1/4" = 1'-0"



- LIGHTING SCHEDULE
- P-9'S RECESSED LIGHT FIXTURE WITH PHOTOCELL SENSOR
 - 1-2 FT. OR SECURITY LIGHT ON PHOTOCELL SENSOR WITH MOTION DETECTION
- SECURITY LIGHTING ON SQUARE EYE - MOTION DETECTION
- ELECTRICAL LEGEND
- 1-10 VOLT DUPLEX OUTLET WITH WATER PROOF COVER
- ELECTRICAL NOTES
- PROVIDE UNDERGROUND ELECTRICAL LINE TO CARPORT

RCP/LIGHTING/ELECT PLAN AT CARPORT
1/4" = 1'-0"



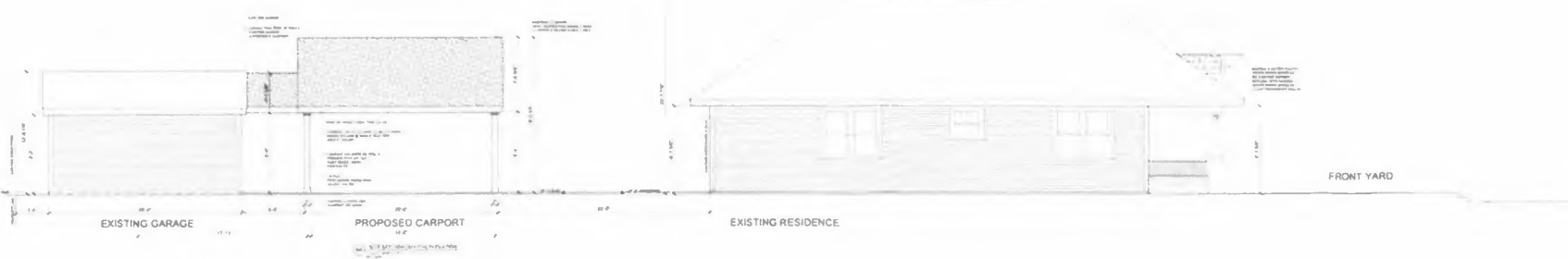
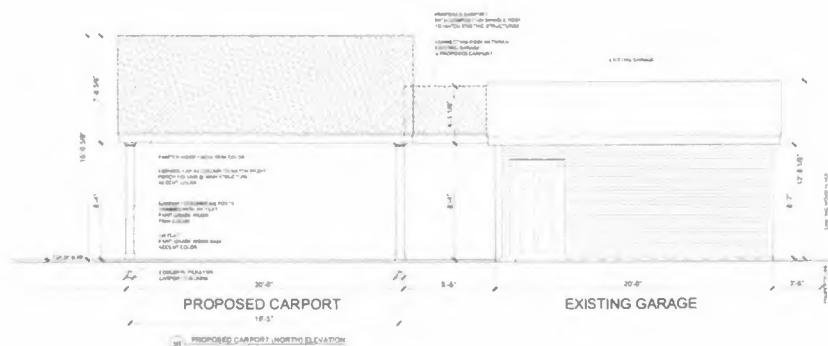
APPROVED BY
 DEC 4 2023
 Office of Historic Preservation (OH)
 HISTORIC PRESERVATION

JOAG
 ATELIER
 ARCHITECTS



2023

PROJECT
 CARPORT STRUCTURE
 205 S WINDOMERE AVE
 DALLAS, TX 75208



EXTERIOR ELEVATIONS
 11-16-23
 S WINDOMERE AVE
 AS NOTED
 23-18
 10-19-23
 A2 01

**205 S Windomere Avenue – Winnetka Heights Historic District
Certificate of Appropriateness Application**



EXISTING MAIN RESIDENCE – 205 S Windomere – East front



EXISTING MAIN RESIDENCE – 205 S Windomere – East front at driveway

**205 S Windomere Avenue – Winnetka Heights Historic District
Certificate of Appropriateness Application**



EXISTING MAIN RESIDENCE – 205 S Windomere – front porch columns & dormer detail



EXISTING MAIN RESIDENCE – 205 S Windomere – Southeast elevation at driveway

**205 S Windomere Avenue – Winnetka Heights Historic District
Certificate of Appropriateness Application**



EXISTING MAIN RESIDENCE – 205 S Windomere – Northeast elevation



EXISTING MAIN RESIDENCE – 205 S Windomere – West back elevation

**205 S Windomere Avenue – Winnetka Heights Historic District
Certificate of Appropriateness Application**



EXISTING 1-CAR GARAGE – 205 S Windomere – East front elevation



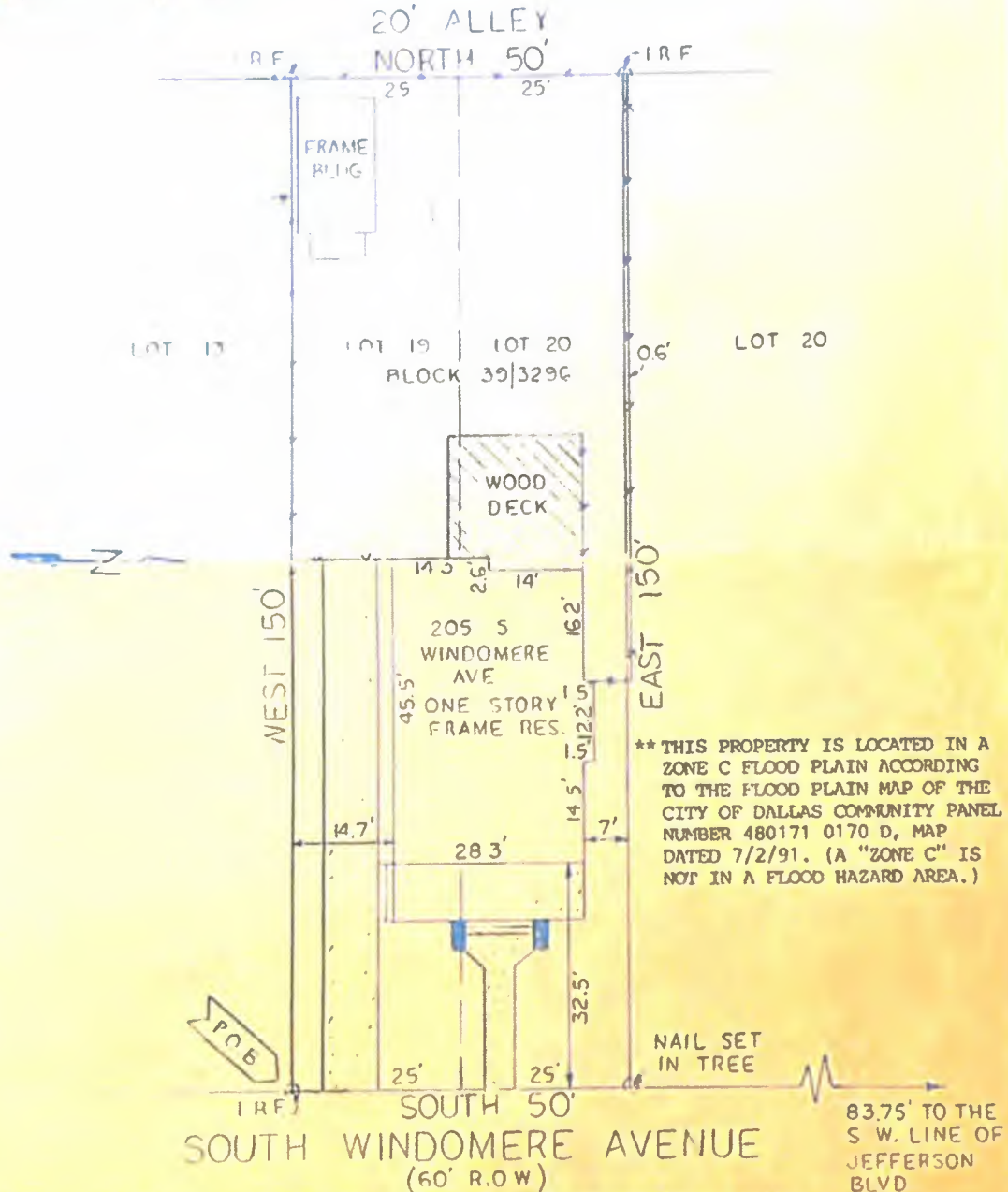
EXISTING BACKYARD – 205 S Windomere – view from back of house to existing garage

SURVEY PLAT

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:

This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at

No. 205 SOUTH WINDOMERE AVENUE, in the city of DALLAS, Texas, described as follows: BEING THE NORTH 25.0 FEET OF LOT 19 AND THE SOUTH 25.0 FEET OF LOT 20, Block No. 39/3296 City Block No. _____ of WILNETKA HEIGHTS ADDITION as addition to the City of DALLAS, DALLAS COUNTY, Texas, according to the MAP TILBODF recorded in Volume 1 at page 194 of the Map Records of DALLAS COUNTY, Texas. AND BEING MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED.



The plot hereon is a true, correct, and accurate representation of the property as determined by survey, the lines and dimensions of said property being as indicated by the plat, the also, location, and type of buildings and improvements are as shown, all improvements being within the boundaries of the property, set back from property lines the distances indicated, and the distance from the nearest intersecting street, or road, is as shown on said plat.

THERE ARE NO ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS, EXCEPT AS SHOWN.

This survey was performed in connection with the transaction described in CF NO. 94WW 344695-D of AMERICAN TITLE CO. USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY ANY OTHER PARTIES SHALL BE AT THEIR RISK AND THE UNDERSIGNED IS NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM.

REGISTERED PROFESSIONAL LAND SURVEYOR

E. J. Wilson



EXHIBIT "A"

BEING SITUATED IN THE CITY OF DALLAS AND BEING THE NORTH 25.0 FEET OF LOT 19 AND THE SOUTH 25.0 FEET OF LOT 20 IN BLOCK 39/3296 OF WINNETKA HEIGHTS ADDITION ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 1, PAGE 194, MAP RECORDS OF DALLAS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT AN IRON ROD FOUND FOR CORNER IN THE WEST LINE OF SOUTH WINDOMERE AVENUE THAT IS 375.0 FEET NORTH OF THE NORTHWEST CORNER OF THE INTERSECTION OF SOUTH WINDOMERE AVENUE AND WENTWORTH STREET SAID IRON ROD ALSO BEING 25.0 FEET SOUTH OF THE NORTHEAST CORNER OF LOT 19;

THENCE WEST PARALLEL TO THE NORTH LINE OF LOT 19 A DISTANCE OF 150.0 FEET TO AN IRON ROD FOUND IN THE EAST LINE OF A 20.0 FOOT ALLEY;

THENCE NORTH ALONG THE EAST LINE OF SAID ALLEY AND PASSING THE COMMON WEST CORNER OF LOTS 19 AND 20 AT 25.0 FEET AND CONTINUING A TOTAL DISTANCE OF 50.0 FEET TO AN IRON ROD FOUND FOR CORNER;

THENCE EAST PARALLEL TO AND 25.0 FEET NORTH OF THE SOUTH LINE OF LOT 20 A DISTANCE OF 150.0 FEET TO A NAIL SET IN TREE IN THE WEST LINE OF SOUTH WINDOMERE AVENUE;

THENCE SOUTH ALONG THE WEST LINE OF SOUTH WINDOMERE AVENUE AND PASSING THE COMMON EAST CORNER OF LOTS 19 AND 20 AT 25.0 FEET AND CONTINUING A TOTAL DISTANCE OF 50.0 FEET TO THE PLACE OF BEGINNING AND ALSO BEING KNOWN AS 205 SOUTH WINDOMERE AVENUE.

Applicant's Documentary Evidence

ATTACHMENT A – APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Address: 205 S. Windomere Avenue, Dallas, TX 75208

Owner: Christine Escobedo

Email: cesco2000@aol.com

Tel: 214-926-2737

APPEAL

Appeal is made for (1) a special exception to the minimum side yard requirements for a carport; and (2) a variance of seven feet to the side yard setback regulations to construct and maintain stated carport, under the standard for a Special Exception for Carports, Section 51(A)-4.402(c) of the Dallas Development Code.

BACKGROUND

The property is in Winnetka Heights Historic District (PD-87 with Historic Overlay No. 15). A 240 SF rear accessory building (“detached garage”) existed on the property when purchased in 1994 by the Owner. The location of the detached garage is 10” from the property line. Based on a review of the 1922 Sanborn map (p. 533), it appears the detached garage is in its original location. Because of the small size of the existing detached garage, it is mainly used for storage of lawn equipment and other items. The Owner proposes to construct a 475 SF two-car carport directly in front of the detached garage. The proposed carport will provide covered space and protection for vehicles, without the need to construct another garage on the property. The Landmark Commission approved a Certificate of Appropriateness (#CA234-089(MW)) for the proposed carport on December 5, 2023 (see attached).

REASONS TO GRANT THE APPEAL

The Special Exception for Carports, Section 51(A)-4.402(c) of the Dallas Development Code, states the board may grant a special exception to the minimum side yard requirements for a carport for a single-family use when the carport will not have a detrimental impact on surrounding properties.

The proposed carport and the requested variance meet the following factors to demonstrate there will be no detrimental impact on surrounding properties:

1. The carport and requested variance are compatible with the character of the neighborhood as evidenced by the Landmark Commission approving the proposed work as appropriate for the Winnetka Heights Historic District and in meeting the preservation criteria and standards in the Dallas City Code for this historic district.
2. The carport will have no adverse effect on surrounding properties in the historic district as it is not directly or indirectly altering any external architectural features or characteristics of the main building or the original location of the existing detached garage. In fact, constructing the carport

will further ensure that the original location of the detached garage will remain as well as maintain and stabilize its existence, which is an important element in the historic district.

3. The carport has been deemed suitable in size and location, which will place it 18” from the front of the existing detached garage, while keeping it in the rear one-third of the property. The addition of the carport to the property will result in the total lot coverage to 29%, which is under the maximum allowable lot coverage of 35%. The carport will be constructed to meet the existing detached garage at a three-foot side setback, providing balance to the design and thus requiring a seven-foot exception to the side yard setback regulations.
4. The materials to be used in the construction of the carport have all been selected to be typical of the style and period of the main building. The carport will be constructed of wood, with wood cedar shake siding on the gable ends (which matches the dormer in front of the main building), wood columns with craftsman trim details, and a composition shingle roof. The paint colors will also match the main building.
5. The carport will be used to park two automobiles and is not intended for any other purpose.

For these reasons, the request for the special exception and variance should be granted.

December 5, 2023

LEONORE QUINTANILLA
205 S WINDOMERE AVE,
DALLAS, TX 75208

**RE: CA234-089(MW)
REVIEW OF YOUR CERTIFICATE OF APPROPRIATENESS APPLICATION
205 S WINDOMERE AVE**

Dear LEONORE QUINTANILLA:

Enclosed is a copy of the Certificate of Appropriateness (CA) application that you submitted for review by the Landmark Commission on December 4, 2023.

Be aware that you may need to bring your CA and approved drawings and/or blueprints to Building Inspection for a building permit. Before starting any approved work, be sure to post your CA in a front window or other prominent location on the structure so it may be seen by City officials to ensure work is performed as approved by the Landmark Commission. Please see enclosed Certificate of Appropriateness for Details.

If you have any questions, please contact me by email at marcus.watson@dallas.gov.



Marcus Watson
Senior Planner

Enclosure

Certificate of Appropriateness

December 4, 2023

Standard	December 4, 2023	PLANNER:	Marcus Watson
FILE NUMBER:	CA234-089(MW)	DATE FILED:	November 9, 2023
LOCATION:	205 S WINDOMERE AVE	DISTRICT:	Winnetka Heights Historic District
COUNCIL DISTRICT:	1	MAPSCO:	54-E
ZONING:	PD-87	CENSUS TRACT:	0052.00

APPLICANT: LEONORE QUINTANILLA
REPRESENTATIVE:
OWNER: Owner Withheld per Sec 25.025 & 25.026

The Landmark Commission decision is: Approved

Information regarding requests:

- 1) A Certificate of Appropriateness to construct new 2-car open carport in the rear yard.

Approve

Conditions: That the request for a Certificate of Appropriateness to construct new 2-car open carport in the rear yard be approved in accordance with materials dated 10/19/23. The proposed work is consistent with preservation criteria Section 51P-87.111(a)(1); the standards in City Code Section 51A-4.501(g)(6)(C)(i) for contributing structures; and the Secretary of the Interior's Standards.

- 2) A Certificate of Appropriateness to replace cedar shakes on the dormer of the main structure.

Approve

Conditions: That the request for a Certificate of Appropriateness to replace cedar shakes on the dormer of the main structure be approved in accordance with materials dated 10/19/23. The proposed work is consistent with preservation criteria Section 51P-87.111, subsections (a)(3) and (a)10); the standards in City Code Section 51A-4.501(g)(6)(C)(i) for contributing structures; and the Secretary of the Interior's Standards.

- 3) A Certificate of Appropriateness to paint proposed carport to match house (Columns and trim: SW0050 "Classic Light Buff"; Accent Trim: SW2846 "Roycroft Bronze Green").

Approve

Conditions: That the request for a Certificate of Appropriateness to paint proposed carport to match house (Columns and trim: SW0050 "Classic Light Buff"; Accent Trim: SW2846 "Roycroft Bronze Green" be approved in accordance with materials dated 10/19/23. The proposed work is consistent with preservation criteria Section 51P-87.111(a)(8); the standards in City Code Section 51A-4.501(g)(6)(C)(i) for contributing structures; and the Secretary of the Interior's Standards.

Information regarding requests:

4) A Certificate of Appropriateness to stain the new shakes on the dormer of the main structure and on the gable of the proposed carport Gemini TWP 100 Series "Cedartone Natural 101".

Approve

Conditions: That the request for a Certificate of Appropriateness to stain the new shakes on the dormer of the main structure and on the gable of the proposed carport Gemini TWP 100 Series "Cedartone Natural 101" be approved in accordance with materials dated 10/19/23. The proposed work is consistent with preservation criteria Section 51P-87.111(a)(8); the standards in City Code Section 51A-4.501(g)(6)(C)(i) for contributing structures; and the Secretary of the Interior's Standards.



Landmark Commission Chair

December 4, 2023

Date

Please take any signed drawings to Building Inspection for permits.

Certificate of Appropriateness (CA)
City of Dallas Landmark Commission

CA 234 - 089 (MW)

OFFICE USE ONLY

Name of Applicant: Leonore Quintanilla & Christine Escobedo
Mailing Address : 205 S Windomere Ave
City, State and Zip Code: Dallas, TX 75208
Daytime Phone: 214-536-5154 Alternate Phone: 214-926-2737
Relationship of Applicant to Owner : Owners

ES

OFFICE USE ONLY
Main Structure:
 Contributing
 Non-contributing

PROPERTY ADDRESS: 205 S Windomere Avenue
Historic District: Winnetka Heights H/15

PROPOSED WORK:

List all proposed work simply and accurately, use extra sheet if needed. Attach all documentation specified in the submittal criteria checklist for type of work proposed. **DO NOT write "see attached."**

- 1. Build 2-car carport in backyard.
- 2. Replace painted cedar shake siding on dormer.
- 3. Paint proposed carport structure - Columns & Trim: SW 0050 Classic Light Buff, Accent Trim: SW 2846 Roycroft Bronze Green.
- 4. Stain Cedar Shake Shingles: Gemini TWP 100 Series, Cedartone Natural 101.

EMAIL ADDRESS: lquintanilla07@aol.com, cesco2000@aol.com, quintans.aq@gmail.com

Signature of Applicant: *[Signature]* Date: 10/19/2023.

Signature of Owner: _____ Date: _____
(IF NOT APPLICANT)

APPLICATION DEADLINE:

Application material must be completed and submitted by the **FOURTH MONDAY OF EACH MONTH BY 12:00 NOON**, (see official calendar for exceptions), before the Dallas Landmark Commission can consider the approval of any change affecting the exterior of any building. Provide this form along with applicable fees, and any supporting documentation must be filed with a Preservation Planner at City Hall, 1500 Marilla 5BN, Dallas, Texas, 75201. You may submit by email to Historicpreservation@dallas.gov. Please write your address and district in the email subject line.

Please use the enclosed criteria checklist as a guide to complete the application. Incomplete applications cannot be reviewed and will be returned to you for more information. You are encouraged to contact a Preservation Planner to ensure your application is complete. Click on the following link to the City of Dallas website for contact information:

<https://dallascityhall.com/departments/sustainabledevelopment/historicpreservation/Pages/Contacts.aspx>

OTHER:

In the event of a denial, you have the right to an appeal within 30 days after the Landmark Commission's decision. You are encouraged to attend the Landmark Commission hearing the first Monday of each month at 1:00 pm in Council Chambers of City Hall (see exceptions). Information regarding the history of past certificates of appropriateness for individual addresses is available for review in 5BN of City Hall.

RECEIVED BY

NOV 2 2023

Office of Historic Preservation (OHP)

Certificate of Appropriateness (CA) City of Dallas Landmark Commission

Application Fee Schedule

Chapter 51A Dallas Development Code: Ordinance No. 19455, as amended Subsection aa: Fees for Landmark Commission Applications.

1. An application will not be processed until the fee has been paid.
2. The applicant shall pay the filing fee to the building official. The building official shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.
3. The city controller shall refund 75 percent of the filing fee to the applicant if the applicant withdraws the application prior to the case being advertised for hearing. After the case is advertised, no refund of the filing fee may be made. Please contact a Preservation Planner for refund request inquiries.
4. Fee Schedule.

Type of Application	Application Fee	Office Use Only – Payment Received
Certificate of appropriateness for new construction	\$500	Date: Receipt No.

5. The applicant shall pay a single filing fee for each certificate of appropriateness of certificate of demolition or removal for unauthorized work.
6. Make checks Payable to City of Dallas – note OHP application type in memo of check. Mail or bring to Dallas City Hall, 1500 Marilla Street, Room 5BN, Dallas, Texas 75201. The District Planner will provide payment options and instructions.
7. The landmark commission may waive the filing fee if the landmark commission finds that payment of the fee would result in substantial financial hardship be placed on the landmark commission's miscellaneous docket for predetermination. If the issue is placed on the miscellaneous docket, the applicant may not file the application until the merits of the request for waiver have been determined by the landmark commission. In making this determination, the landmark commission may require the production of financial documents.

Please review the enclosed Review and Action Form

Memorandum to the Building Official, a Certificate of Appropriateness has been:

- APPROVED.** Please release the building permit.
- APPLICANT REQUEST FOR WITHDRAWAL, 75% REFUND APPROVED: DATE**
- APPLICANT REQUEST FOR WITHDRAWAL WITHOUT REFUND: DATE**
- APPROVED WITH CONDITIONS.** Please release the building permit in accordance with any conditions.
- DENIED.** Please do not release the building permit or allow work.
- DENIED WITHOUT PREJUDICE.** Please do not release the building permit or allow work.

Signed drawings and/or specifications are enclosed Yes

Marcus Watson
Office of Historic Preservation

12/4/23

NEW CONSTRUCTION FORM – TO BE FILLED OUT BY APPLICANT

This form must be completed by the applicant and submitted with any Certificate of Appropriateness application for new construction. Incomplete applications will not be docketed for consideration by the Landmark Commission. Please refer to the preservation criteria in the historic district ordinance or contact a City Preservation Planner for further information.

Y N Will the proposed new construction require the demolition of any structure(s) on the site? If yes, you must submit a Certificate of Demolition form in addition to this application.

Y N Have you completed a preliminary review of the drawings with Building Inspection? NOTE: This step is required for construction of a main structure and strongly recommended for accessory structures. Preliminary review does not guarantee final approval of a permit.

Preliminary review: DATE ___/___/___ NAME OF PLANS EXAMINER: _____

RECEIVED BY [Signature] NOV 8 2023 Office of Historic Preservation (OHP)

ALL NEW CONSTRUCTION

LOT COVERAGE (lot coverage includes all structures with a permanent roof, including porches and patios)

Existing 23% Proposed 29%

PROPOSED MAIN STRUCTURE (skip if no new main structure is proposed):

Roof: Roof height (peak) ___ft Roof pitch ___/___

Setbacks: Front yard ___ft Left side ___ft Right side ___ft

Rear ___ft Accessory or Other structure (if applicable) ___ft

Context:* Average roof height of adjacent structures ___ft

Average front yard setback of adjacent structures ___ft

Average width of adjacent structures ___ft

Note: Contextual site plan and streetscape drawings are required for main structure proposals.

PROPOSED ACCESSORY STRUCTURE (skip if no new accessory structure is proposed):

Roof: Proposed roof height 16'-3"ft Roof height of main structure 20'-8"ft

Setbacks: Distance from main structure 22'-0"ft Left side 3'-0"ft Right side 27'-0"ft

Rear 30'-0"ft

LOT COVERAGE CALCULATIONS - EXISTING

7,500 SF	TOTAL LOT AREA
1,270 SF	EXISTING 1-STORY SINGLE FAMILY RESIDENCE
226 SF	EXISTING COVERED PORCH
240 SF	EXISTING 1-CAR GARAGE (LESS THAN 25% OF MAIN STRUCTURE)
1,736 SF	TOTAL EXISTING FOOTPRINT UNDER ROOF 23% LOT COVERAGE - EXISTING (35% MAX LOT COVERAGE = 2,625 SF)

LOT COVERAGE CALCULATIONS - PROPOSED

475 SF	PROPOSED NEW CARPORT (FOOTPRINT UNDER ROOF)
2,211 SF	PROPOSED TOTAL FOOTPRINT UNDER ROOF 29% LOT COVERAGE

205 S Windomere Avenue – Winnetka Heights Historic District
Certificate of Appropriateness Application

PROPOSED CARPORT STRUCTURE – SEE SUPPLEMENTAL DRAWINGS

PAINT (match main residence)

H Historic Color

SW 0050

Classic Light Buff

FULL DETAILS ^

LRV: 83 ⓘ

RGB: 240 / 234 / 220

Hex Value: #F0EADC

Available in: Interior/Exterior

Color Collections: Interior Historic, Historic
(The Classics)

Color Family(s): White

COLUMN & TRIM COLOR: SW 0050 CLASSIC LIGHT BUFF

H Historic Color

SW 2846

Roycroft Bronze Green

FULL DETAILS ^

LRV: 9 ⓘ

RGB: 87 / 84 / 73

Hex Value: #575449

Available in: Interior/Exterior

Color Collections: Exterior Historic, Color ID
(Dreamer), Historic (Arts & Crafts), Colormix
Forecast 2024 (a Gather of Deeps & Darks)

Color Family(s): Green

ACCENT TRIM COLOR: SW 2846 ROYCROFT BRONZE GREEN

205 S Windomere Avenue – Winnetka Heights Historic District
Certificate of Appropriateness Application



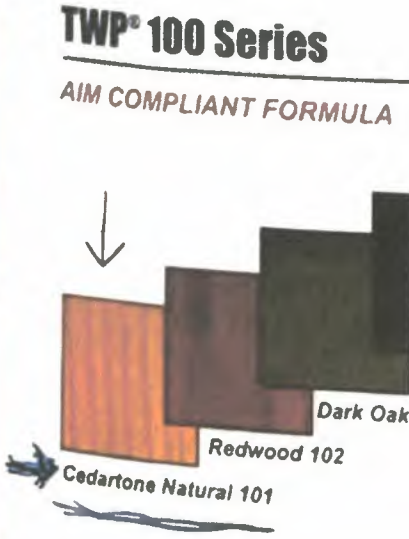
ROOFING AT PROPOSED CARPORT (match existing structures):
GAF CAMELOT COMPOSITION SHINGLES
COLOR: ROYAL SLATE



V-GROOVE PINE CEILING – CLEAR SEALED

APPROVED BY
DEC 4 2023
Office of Historic Preservation (OHP)
1000 N. WINDOMERE AVENUE, WINNETKA, IL 60093

205 S Windomere Avenue – Winnetka Heights Historic District
Certificate of Appropriateness Application



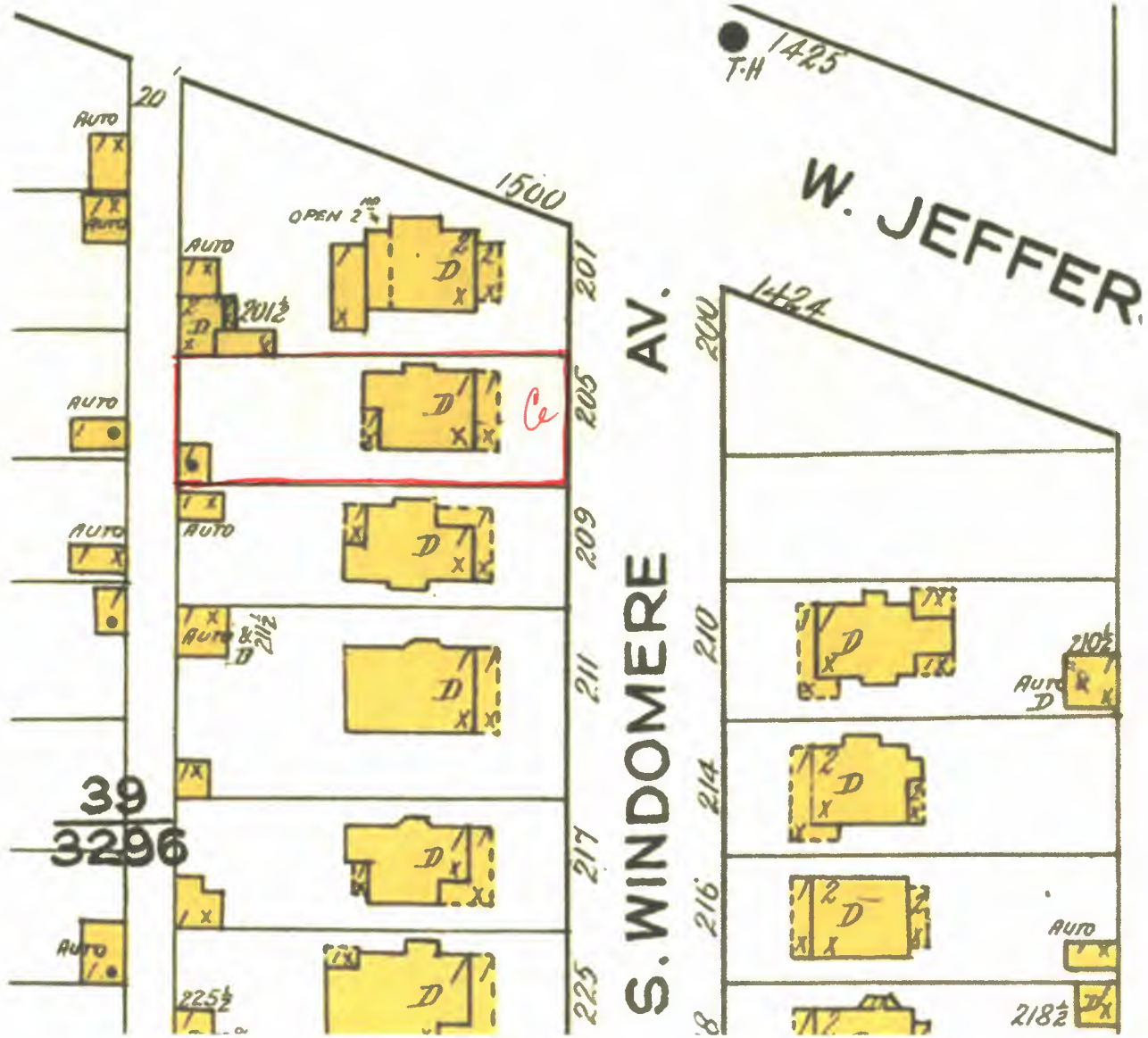
CEDAR SHAKE SHINGLES AT GABLED ENDS OF PROPOSED CARPORT
STAIN: GEMINI TWP100 SERIES, CEDARTONE NATURAL 101

MW

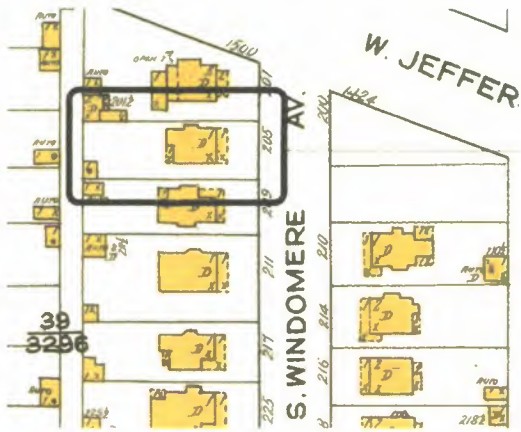


RELOCATE LIGHT FROM GARAGE TO CARPORT

205 S Windomere Avenue – Winnetka Heights Historic District
Certificate of Appropriateness Application



1922 SANBORN FIRE MAP DETAIL – 205 S WINDOMERE AVE

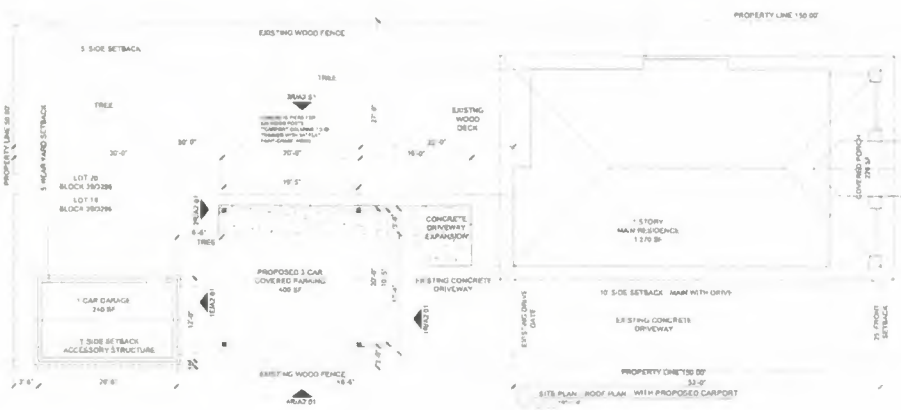


205 S WINDOMERE AVE 1922 SANBORN MAP
N.T.S.

APPROVED BY

DEC 4 2023

Office of Historic Preservation (OHP)
CITY OF DALLAS



S WINDOMERE AVENUE

S WINDOMERE AVENUE

PROPERTY LOCATION / DESCRIPTION
205 S WINDOMERE AVE
DALLAS TX 75208

THE NORTH 25' OF LOT 18 AND THE SOUTH 25' OF LOT 20, BLOCK 19202B, WINDOMERE HEIGHTS ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, VOLUME 1, PAGE 184 IN MAP RECORDS OF DALLAS COUNTY, TEXAS

INDEX OF DRAWINGS / ARCHITECTURAL
A1.00 PROJECT DATA - SITE PLAN, ROOF PLAN
A1.01 1-CAR GARAGE CARPORT
A2.01 EXTERIOR ELEVATIONS

ZONING INFORMATION HEIGHTS HISTORIC DISTRICT
15' FRONT YARD SETBACK - MAIN BUILDING
5' MIN. SIDE YARD SETBACK WITH DRIVE - MAIN
15' MIN. REAR YARD SETBACK - MAIN
5' MIN. SIDE & REAR SETBACK - ACCESSORY
36' MAX. HEIGHT - MAIN
24' MAX. HEIGHT - ACCESSORY
35% MAX. LOT COVERAGE

LOT COVERAGE CALCULATIONS - EXISTING
7,180 SF TOTAL LOT AREA
1,270 SF EXISTING 1-STORY SINGLE-FAMILY RESIDENCE
238 SF EXISTING COVERED PORCH
348 SF EXISTING 1-CAR GARAGE
1,018 SF EXISTING 1-STORY UNDER ROOF
17% MAX. LOT COVERAGE = 1,229 SF

ARCHITECT
JOAO ATLEIAR
A/CA QUINTANA AIA
2218 SHINE DRIVE DALLAS TX 75244
214.215.7474 | joao@atleiar.com

LOT COVERAGE CALCULATIONS - PROPOSED
1,270 SF PROPOSED NEW CARPORT FOOTPRINT UNDER ROOF
2,311 SF PROPOSED TOTAL FOOTPRINT UNDER ROOF
32% LOT COVERAGE

BUILDING CODE DATA
EXISTING RESIDENCE - 1-STORY CRAFTSMAN STYLE - YEAR BUILT 1937 - 1 1/2 ST. BR. BLDG WITH FRAME CONSTRUCTION. PIER AND BEAM FOUNDATION. COMPOSITION SHINGLE ROOF
EXISTING 1-CAR GARAGE ACCESSORY - BLDG WITH FRAME CONSTRUCTION. SLAB ON GRADE FOUNDATION. COMPOSITION SHINGLE ROOF

PROJECT SCOPE
BUILD NEW 3-CAR CARPORT - SLAB ON GRADE FOUNDATION. WOOD CEDAR SHAKE SIDING. GABLE ENDS. WOOD COLUMNS & TRIM. COMPOSITION SHINGLE ROOF
CRAFTSMAN TRIM DETAILS, ROOFING, AND PAINT COLORS TO MATCH MAIN BUILDING

JOAO ATLEIAR ARCHITECT



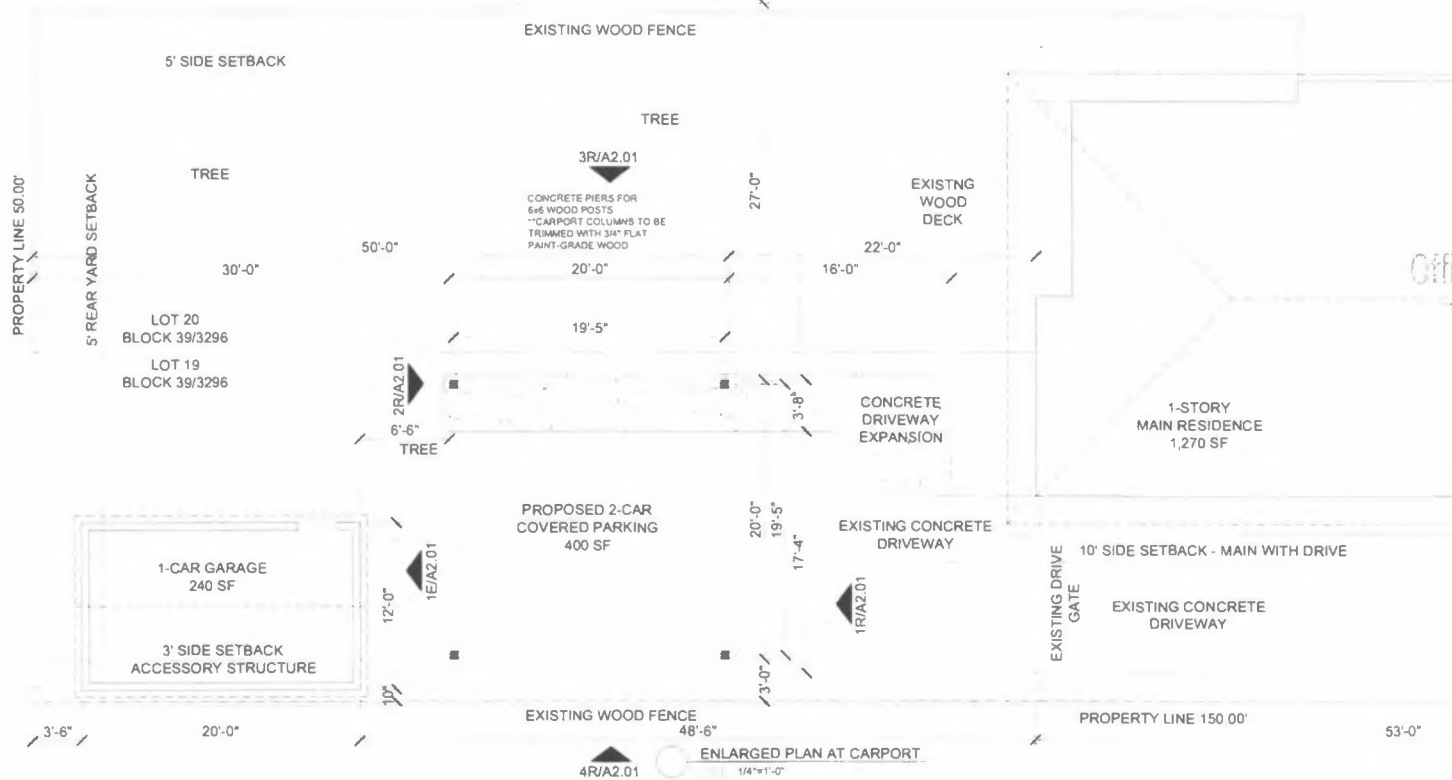
2023

PROJECT
CARPORT STRUCTURE
205 S WINDOMERE AVE
DALLAS TX 75208

DATE
AS BUILT SITE PLAN
SITE PLAN WITH PROPOSED
NEW CARPORT STRUCTURE

DATE
11-18-23

SCALE
1/8" = 1'-0"
PROJECT NO.
23-18
DATE
10-19-23
SHEET NO.
A1 00



APPROVED BY *MMJ*

DEC 4 2023

Office of Historic Preservation (OHP)

JQAO
ARCHITECT



PROJECT
CARPORT STRUCTURE
205 S WINDOMERE AVE
DALLAS, TX 75208

DATE: 11-16-23

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

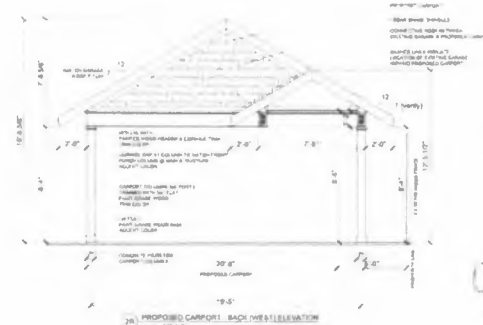
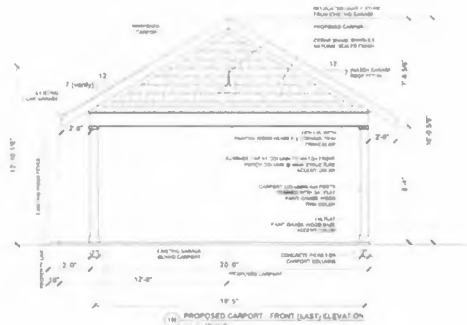
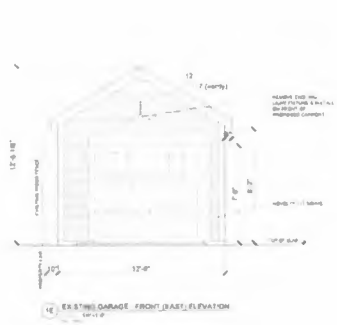
PROJECT NO: 23-18

DATE: 10-19-23

SHEET NO: A1.01



- LIGHTING SCHEDULE
- P-9'S RECESSED LIGHT FIXTURE WITH PHOTOCELL SENSOR
 - 1-10' WOOD' S ALL PURPOSE 5 BRING GARAGE FIXTURE
 - 1-10' WOOD' SECURITY LIGHT ON PHOTOCELL SENSOR WITH MOTION DETECTION
- SECURITY LIGHTING ON SQUARE EYE - MOTION DETECTION
- ELECTRICAL LEGEND
- 1-10 VOLT DUPLEX OUTLET WITH WATER PROOF COVER
- ELECTRICAL NOTES
- PROVIDE UNDERGROUND ELECTRICAL LINE TO CARPORT



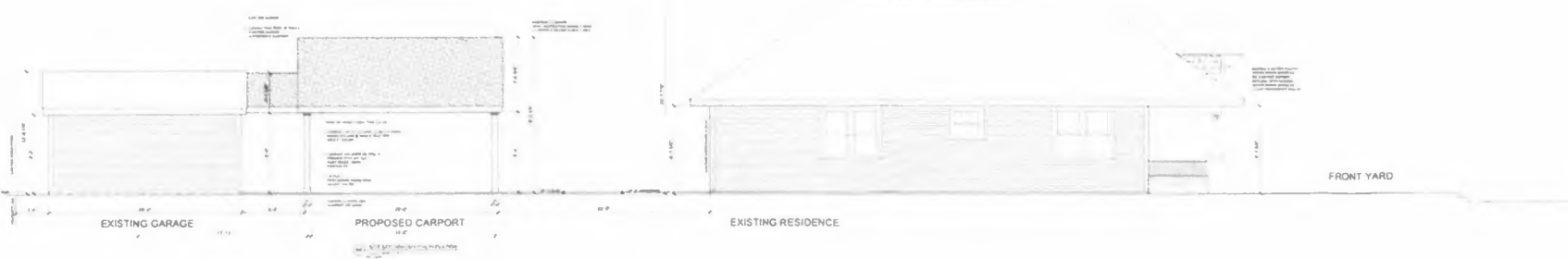
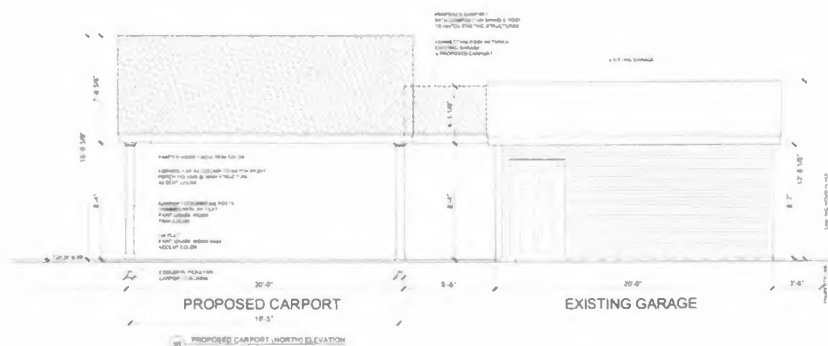
APPROVED BY
DEC 4 2023
Office of Historic Preservation (OH)
CITY OF DALLAS

JOAG
ATELIER
ARCHITECTS



2023

PROJECT:
CARPORT STRUCTURE
205 S WINDOMERE AVE
DALLAS, TX 75208



DATE: 11-16-23

11-16-23

S WINDOMERE AVE
SCALE: AS NOTED
PROJECT NO: 23-18
DATE: 10-19-23
SHEET NO: A2-01

**205 S Windomere Avenue – Winnetka Heights Historic District
Certificate of Appropriateness Application**



EXISTING MAIN RESIDENCE – 205 S Windomere – East front



EXISTING MAIN RESIDENCE – 205 S Windomere – East front at driveway

**205 S Windomere Avenue – Winnetka Heights Historic District
Certificate of Appropriateness Application**



EXISTING MAIN RESIDENCE – 205 S Windomere – front porch columns & dormer detail



EXISTING MAIN RESIDENCE – 205 S Windomere – Southeast elevation at driveway

**205 S Windomere Avenue – Winnetka Heights Historic District
Certificate of Appropriateness Application**



EXISTING MAIN RESIDENCE – 205 S Windomere – Northeast elevation



EXISTING MAIN RESIDENCE – 205 S Windomere – West back elevation

**205 S Windomere Avenue – Winnetka Heights Historic District
Certificate of Appropriateness Application**



EXISTING 1-CAR GARAGE – 205 S Windomere – East front elevation



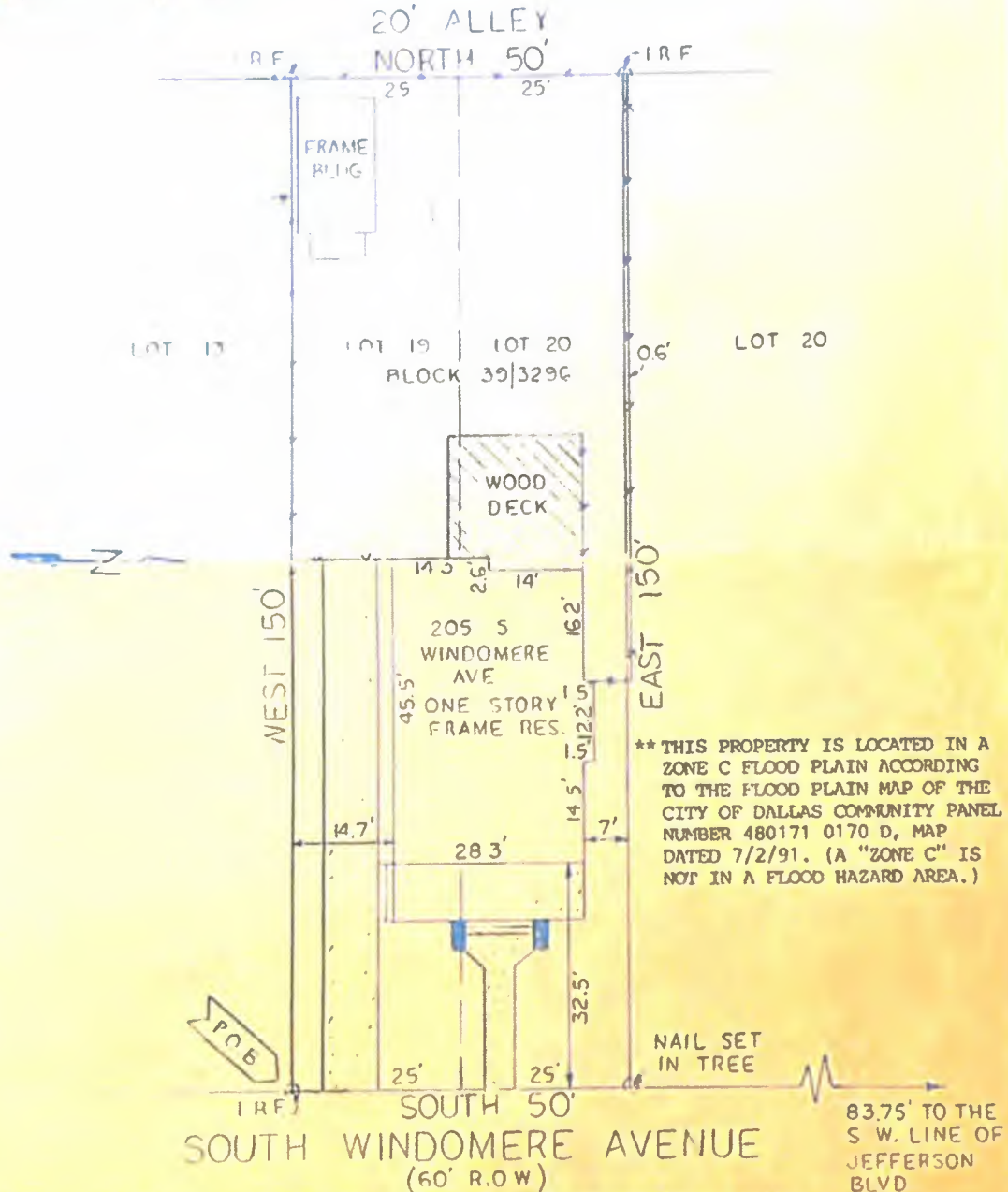
EXISTING BACKYARD – 205 S Windomere – view from back of house to existing garage

SURVEY PLAT

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:

This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at

No. 205 SOUTH WINDOMERE AVENUE, in the city of DALLAS, Texas, described as follows: BEING THE NORTH 25.0 FEET OF LOT 19 AND THE SOUTH 25.0 FEET OF LOT 20, Block No. 39/3296 City Block No. _____ of WILNETKA HEIGHTS ADDITION as addition to the City of DALLAS, DALLAS COUNTY, Texas, according to the MAP TILBODF recorded in Volume 1 at page 194 of the Map Records of DALLAS COUNTY, Texas. AND BEING MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED.



The plot hereon is a true, correct, and accurate representation of the property as determined by survey, the lines and dimensions of said property being as indicated by the plat, the site, location, and type of buildings and improvements are as shown, all improvements being within the boundaries of the property, set back from property lines the distances indicated, and the distance from the nearest intersecting street, or road, is as shown on said plat.

THERE ARE NO ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS, EXCEPT AS SHOWN.

This survey was performed in connection with the transaction described in CF NO. 94WW 344695-D of AMERICAN Title CO. USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY ANY OTHER PARTIES SHALL BE AT THEIR RISK AND THE UNDERSIGNED IS NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM.

REGISTERED PROFESSIONAL LAND SURVEYOR

E. J. Wilson



EXHIBIT "A"

BEING SITUATED IN THE CITY OF DALLAS AND BEING THE NORTH 25.0 FEET OF LOT 19 AND THE SOUTH 25.0 FEET OF LOT 20 IN BLOCK 39/3296 OF WINNETKA HEIGHTS ADDITION ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 1, PAGE 194, MAP RECORDS OF DALLAS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT AN IRON ROD FOUND FOR CORNER IN THE WEST LINE OF SOUTH WINDOMERE AVENUE THAT IS 375.0 FEET NORTH OF THE NORTHWEST CORNER OF THE INTERSECTION OF SOUTH WINDOMERE AVENUE AND WENTWORTH STREET SAID IRON ROD ALSO BEING 25.0 FEET SOUTH OF THE NORTHEAST CORNER OF LOT 19;

THENCE WEST PARALLEL TO THE NORTH LINE OF LOT 19 A DISTANCE OF 150.0 FEET TO AN IRON ROD FOUND IN THE EAST LINE OF A 20.0 FOOT ALLEY;

THENCE NORTH ALONG THE EAST LINE OF SAID ALLEY AND PASSING THE COMMON WEST CORNER OF LOTS 19 AND 20 AT 25.0 FEET AND CONTINUING A TOTAL DISTANCE OF 50.0 FEET TO AN IRON ROD FOUND FOR CORNER;

THENCE EAST PARALLEL TO AND 25.0 FEET NORTH OF THE SOUTH LINE OF LOT 20 A DISTANCE OF 150.0 FEET TO A NAIL SET IN TREE IN THE WEST LINE OF SOUTH WINDOMERE AVENUE;

THENCE SOUTH ALONG THE WEST LINE OF SOUTH WINDOMERE AVENUE AND PASSING THE COMMON EAST CORNER OF LOTS 19 AND 20 AT 25.0 FEET AND CONTINUING A TOTAL DISTANCE OF 50.0 FEET TO THE PLACE OF BEGINNING AND ALSO BEING KNOWN AS 205 SOUTH WINDOMERE AVENUE.

FILE NUMBER: BDA234-048 (CJ)

BUILDING OFFICIAL'S REPORT: Application of Nery Lemus for **(1)** a variance to the side-yard setback regulations at 8138 RAYVILLE DR. This property is more fully described as Block A/6342, Lot 6, and is zoned R-7.5(A), which requires side-yard setback of 5-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 4-foot side-yard setback, which will require **(1)** a 1- foot variance to the side-yard setback regulations.

LOCATION: 8138 Rayville Dr.

APPLICANT: Nery Lemus

REPRESENTED BY: Elias Rodriguez

REQUEST:

- (1) A request for a variance to the side yard setback regulations.

STANDARD OF REVIEW FOR A VARIANCE:

Section 51A-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.

ELEMENT II SUBSTITUTE:

Dallas Development Code §51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

- (i) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 of the Texas Tax Code.
- (ii) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
- (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.

- (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (v) the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:

Denial

Rationale: Based upon evidence presented and provided by the applicant, staff concluded that the site is:

- A. Not contrary to the public interest as no letters of opposition were received.
- B. Is not restrictive in area, shape or slope; The minimum lot area for residential use in the R-7.5(A) zoning district is 7,500 sqft and the subject site is approximately 7,800 sqft, is not sloped and is not irregularly shaped, therefore, the property can be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Is not a self-created or personal hardship.

Zoning:

Site: R-7.5(A) (Single-Family Zoning District)
North: R-7.5(A) (Single-Family Zoning District)
South: R-7.5(A) (Single-Family Zoning District)
East: PD 366 (Buckner Boulevard Special Purpose Zoning District)
West: R-7.5(A) (Single-Family Zoning District)

Land Use:

The subject site is developed with a single-family home. The areas to the north, south, and west are developed and being developed with single-family uses. Areas to the east are developed and being developed with uses as allowed in PD 366.

Square Footage:

This lot contains 7,800 of square feet.

This lot is zoned R-7.5(A) which has a minimum lot size of 7,500 square feet.

BDA HISTORY:

No BDA history found within the last 5 years.

GENERAL FACTS/STAFF ANALYSIS:

- The application for the Nery Lemus property located at 8138 Rayville Road focuses on one request relating to the side yard setback regulations.
- A request for a variance to the side yard setback regulations of 1-foot is made to maintain a single-family residential structure at 8138 Rayville Drive.
- The subject site is currently developed with a single-family dwelling unit.
- Zoning District R-7.5(A) requires a minimum side yard setback of 5-feet.

- As gleaned from the submitted site plan, the proposed addition to the existing home is set to encroach into the 5-foot required side yard setback at 8138 Rayville Drive.
- Based upon staff's review of the subject site, it has been confirmed that the addition to the existing single-family home, shown on the site plan, is proposed and not existing. The addition that is encroaching into the required 5-foot side yard setback was approved and issued under building permit #2112211051 in June of 2023.
- The plans approved under building permit #2112211051 were stamped/approved showing the addition to be outside of the required 5-foot side yard setback.

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

- That granting the variance to the side yard setback 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 a specific parcel of land that differs from other parcels of land by being of such 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
- 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 a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

The board may also consider Dallas Development Code **§51A-3.102(d)(10)(b)**, formerly known as **HB 1475** as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

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

- Granting the proposed 1-foot variance to the side yard setback regulations with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.

- 200' Radius Video: [BDA234-048 8138 Rayville Dr.](#)

Timeline:

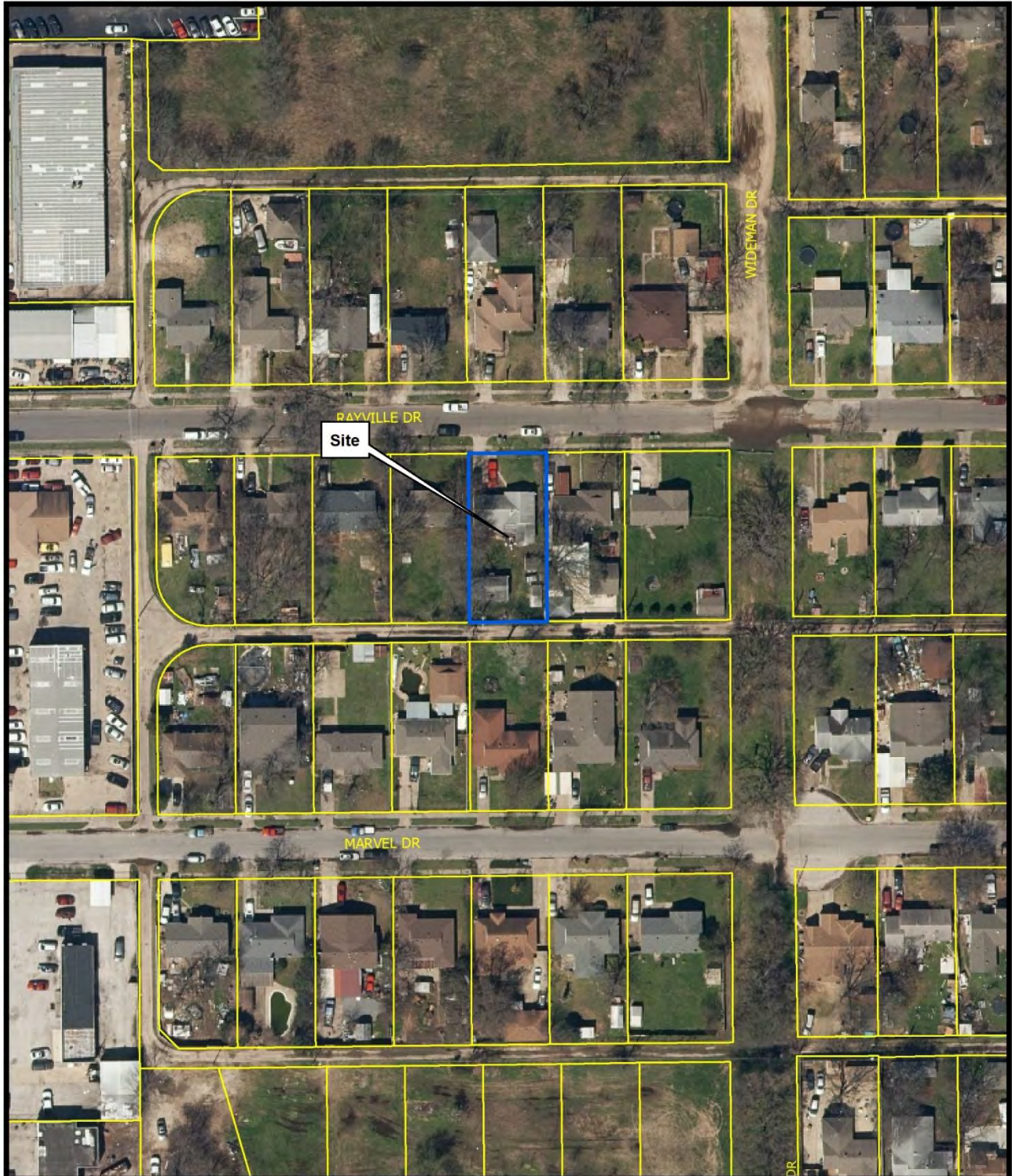
February 23, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

March 11, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

March 20, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the March 27, 2024, deadline to submit additional evidence for staff to factor into their analysis; and April 5, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

April 1, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the April public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer

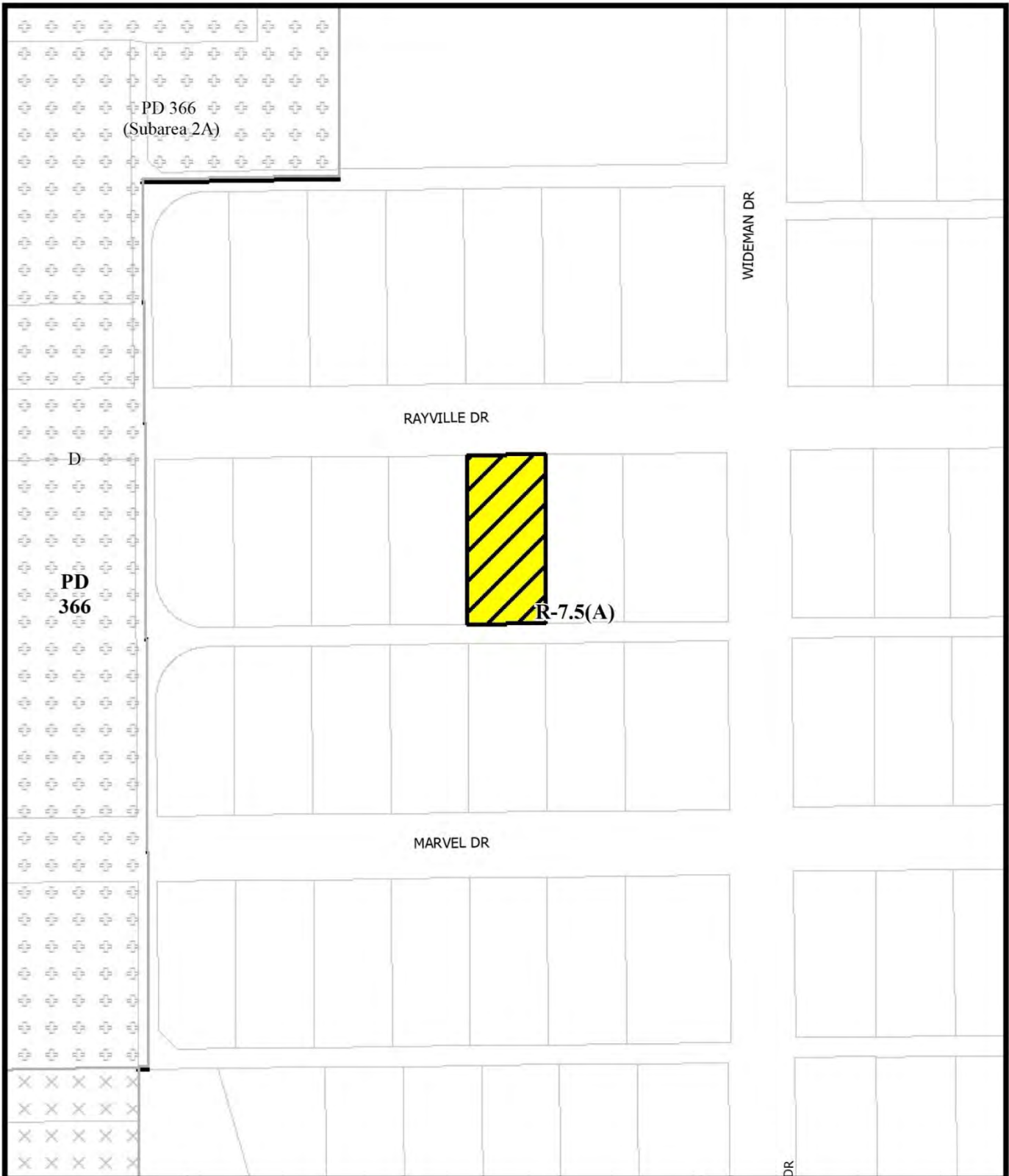


1:1,200

AERIAL MAP

Case no: BDA234-048

Date: 3/13/2024

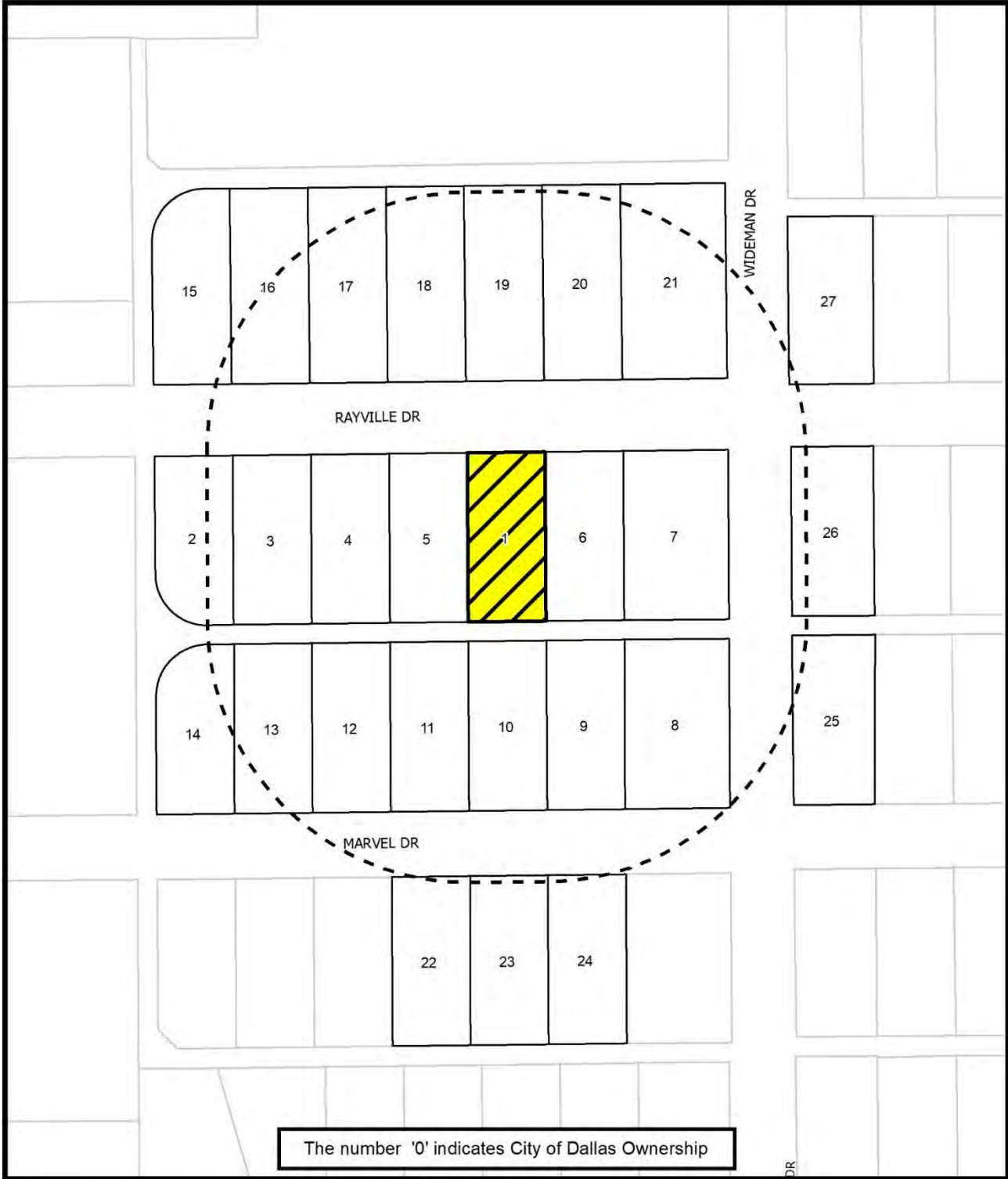


1:1,200

ZONING MAP

Case no: BDA234-048

Date: 3/13/2024



1:1,200

NOTIFICATION

200'

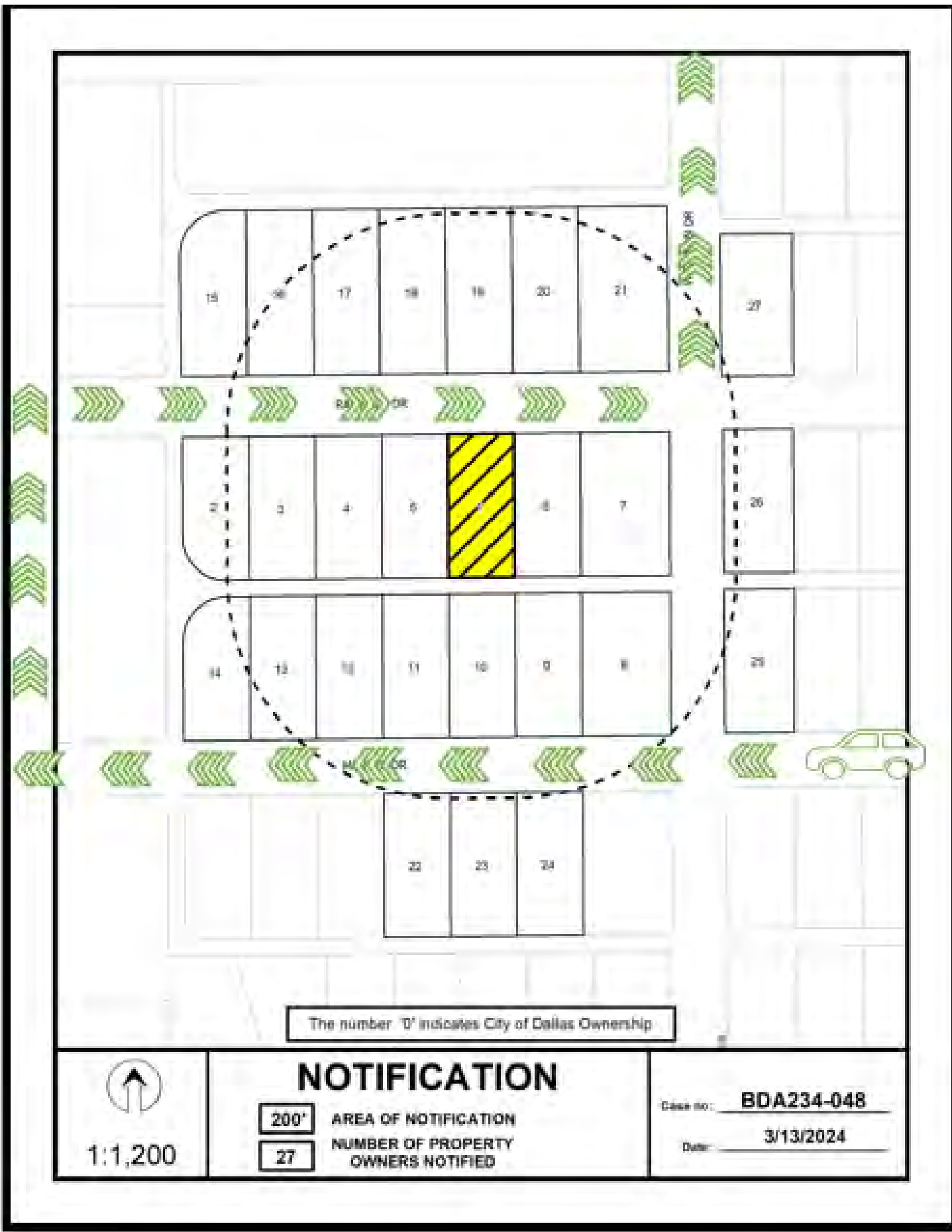
AREA OF NOTIFICATION

27

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA234-048**

Date: **3/13/2024**



The number '0' indicates City of Dallas Ownership



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
27 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA234-048**

Date: **3/13/2024**

Notification List of Property Owners

BDA234-048

27 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	8138 RAYVILLE DR	LEMUS NERY & DOLORES
2	8116 RAYVILLE DR	ALVARADO JUAN CARLOS &
3	8120 RAYVILLE DR	DALLAS PATTEN PPTIES II LLC
4	8126 RAYVILLE DR	HERRERA MAXIMINO LEOS &
5	8134 RAYVILLE DR	HOUSE DEARL D
6	8142 RAYVILLE DR	LOPEZ LUIS MARTINEZ &
7	8148 RAYVILLE DR	ALBA VANESSA D
8	8137 MARVEL DR	CANTU GILBERTO M &
9	8133 MARVEL DR	LOPEZ JACINTO & SYLVIA R
10	8129 MARVEL DR	HOWARD LILIA CLAUSSEN
11	8125 MARVEL DR	LOPEZ JACINTO & SILIVIA R
12	8121 MARVEL DR	RAMIREZ GONZALO A
13	8117 MARVEL DR	SHEPHERD LURAL H
14	8113 MARVEL DR	WARWICK ELVIN W JR &
15	8117 RAYVILLE DR	Taxpayer at
16	8121 RAYVILLE DR	DOMINGUEZ OSCAR
17	8127 RAYVILLE DR	VILCHIS LUIS &
18	8133 RAYVILLE DR	BOWEN BRENDA
19	8139 RAYVILLE DR	WILSON JAMES
20	8143 RAYVILLE DR	ESCAMILLA CECILIO N &
21	8149 RAYVILLE DR	CALDERON JUAN
22	8124 MARVEL DR	CLAUSSEN GEORGE R
23	8128 MARVEL DR	FRAUSTO ALFREDO
24	8132 MARVEL DR	CANTU YOLANDA
25	8203 MARVEL DR	CASTILLO EDUARDO A
26	8202 RAYVILLE DR	BURLESON DAVID W &

03/13/2024

Label # Address

27 8203 RAYVILLE DR

Owner

JARAMILLO MIGUEL ANGEL HERNANDEZ & ALMA IVELL



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

27

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA234-048

Date: 3/13/2024

PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)

NOTICE IS HEREBY GIVEN that the **BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)** will hold a hearing as follows:

DATE: TUESDAY, APRIL 16th, 2024

BRIEFING: 10:30 a.m. via **Videoconference** and in **6ES**, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0416>

HEARING: 1:00 p.m. via **Videoconference** and in **6ES**, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa0416>

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment:

BDA234-048(CJ) Application of Nery Lemus for **(1)** a variance to the side-yard setback regulations at **8138 RAYVILLE DR.** This property is more fully described as Block A/6342, Lot 6, and is zoned R-7.5(A), which requires side-yard setback of 5-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 4-foot side-yard setback, which will require **(1)** a 1-foot variance to the side-yard setback regulations.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Board of Adjustment hearing to express your support for or opposition to the application. You may also contact the Board of Adjustment by email to BDAREPLY@dallas.gov. Letters will be accepted until 9:00 am the day of the hearing. If you are unable to attend the hearing. If you choose to respond, it is important that you let the Board know your reasons for being in favor of or in opposition to the application. The Board members are very interested in your opinion.

Note: Any materials (such as plans, elevations, etc.) included within this notice may be subject to change.

The Board of Adjustment hearing will be held by videoconference and at 6ES at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure **by joining the meeting virtually**, must register online at <https://bit.ly/BDA-A-Register> **by the close of business Monday, April 15th, 2024.** **All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing.** Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall

Speakers at the meeting are allowed a maximum of three minutes to address the Board.

Additional information regarding the application may be obtained by calling Cambria Jordan, Senior Planner at (214) 948-4476, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

Board of Adjustment, Development Services
320 E. Jefferson Blvd. Rm 210, Dallas, TX 75201

PLEASE SEND REPLIES TO:

BDAREPLY@dallas.gov

Letters will be received until 9:00
am the day of the hearing.

PLEASE REGISTER AT:

<https://bit.ly/BDA-A-Register>



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 234-048 RECEIVED

Data Relative to Subject Property: _____ Date: FEB 23 REC'D

Location address: 8138 Rayville Dr Zoning District: R-7.5 (A)

Lot No.: 6 Block No.: A/6342 Acreage: .5 Census Tract: _____

Street Frontage (in Feet): 1) 25'60" 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Nery & Dolores Lemus

Applicant: Nery Lemus Telephone: 214 215 7452

Mailing Address: 2054 Prichard Ln Zip Code: 75217

E-mail Address: nerylemus71@yahoo.com

Represented by: Elias Rodriguez Telephone: 214 946 4300

Mailing Address: 317 E Jefferson Zip Code: 75203

E-mail Address: cs@buildingplansandpermits.com

Affirm that an appeal has been made for a Variance or Special Exception of Second dwelling is over the side setback by 1'

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:

Second dwelling is over the side setback by 1'

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 Nery Lemus
(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 6 day of October, 2023

[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 Nery Lemus

did submit a request for (1) a variance to the side-yard setback regulations
at 8138 Rayville

BDA234-048(CJ) Application of Nery Lemus for (1) a variance to the side-yard setback regulations at 8138 RAYVILLE DR. This property is more fully described as Block A/6342, Lot 6, and is zoned R-7.5(A), which requires side-yard setback of 5-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 4-foot side-yard setback, which will require (1) a 1-foot variance to the side-yard setback regulations.

Sincerely,


Andrew Espinoza, CBO, MCP, CFM, CCEA



Appeal number: BDA 234-048

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

at: 8138 Rayville Dr
(Address of property as stated on application)

Authorize: Nery Lemus
(Applicant's name as stated on application)

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

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

Specify: Applying for a 1ft variance setback due to the house constructed on

Dolores Lemus [Signature]
 Print name of property owner or registered agent Signature of property owner or registered agent
 agent Date 10/03/2023

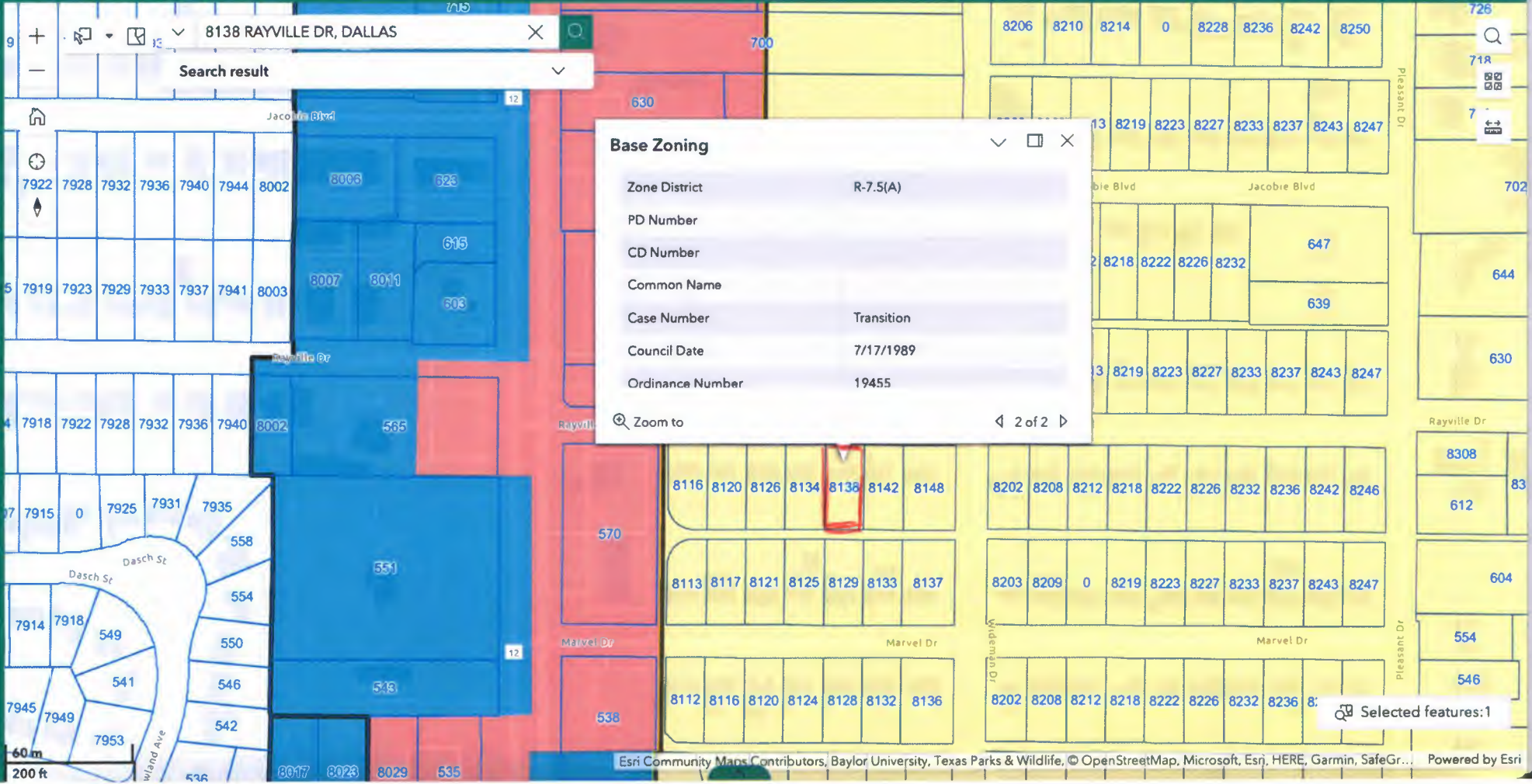
Before me, the undersigned, on this day personally appeared Dolores Lemus

Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge. Subscribed and sworn to before me this 3rd day of October, 2023



[Signature]
Notary Public for Dallas County, Texas

Commission expires on 02/09/2025



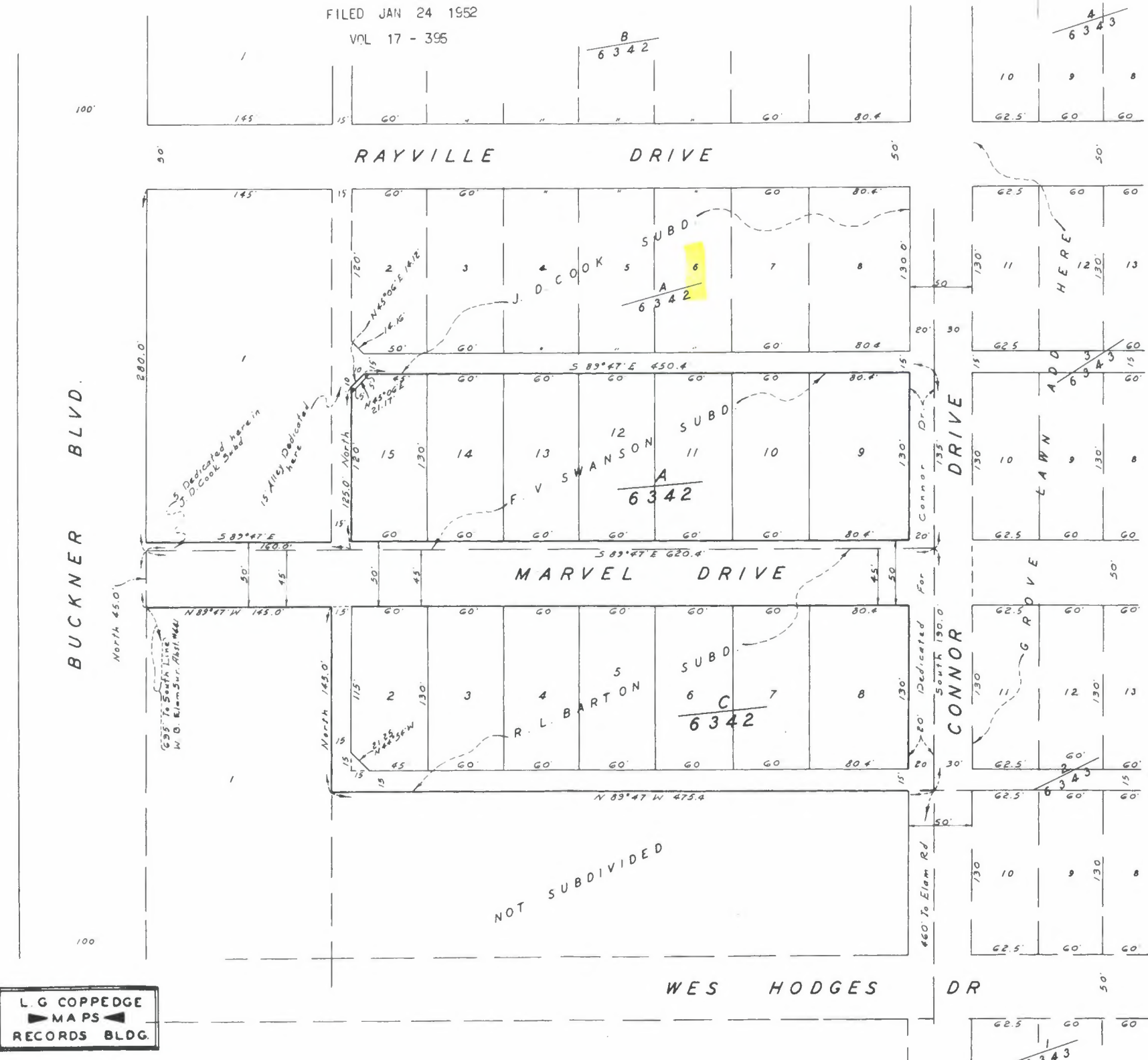
FLAT
R. L. BARTON SUBDIVISION

OF 2.2 ACRES OUT OF CITY BLK. # 6342 W. B. ELAM SURVEY, ABST. #441 DALLAS CO. TEXAS
 FOR - R. C. BARTON - OWNER 538 S. BUCKNER, DALLAS, TEXAS BY B. S. HYDEN C.E.
 DALLAS, TEXAS NOV. 5, 1951 SCALE 1" = 60'

F. V. SWANSON SUBDIVISION

OF 1.3 ACRES OUT OF CITY BLK. # 6342 W. B. ELAM SURVEY, ABST. #441 DALLAS CO. TEXAS
 FOR F. V. SWANSON - OWNER 602 S. BUCKNER BLVD. DALLAS TEXAS BY B. S. HYDEN C.E.
 DALLAS TEXAS NOV. 5, 1951 SCALE 1" = 60'

FILED JAN 24 1952
 VOL 17 - 396



TRUE AND CORRECT
 COPY OF RECORD
 ON FILE IN CITY
 SURVEYOR'S OFFICE
 BY: *Sherrie S.*
 DATE: 9.22.23

L. G. COPPEDGE
 MAPS
 RECORDS BLDG.

BDA 234-018

SHIPPED DATE: 7-5-11 RECEIVED DATE: 12-2-11

CITY OF DALLAS PLAT BOOKS

A-B-C-D
BLOCKS 6342 6342

ANNEXED 18-30-49 ORD. NO. 4663
SURVEY WILLIAM B. ELAM ABST. 441

ADDITION

SCALE 100 FT. EQUALS 1 INCH P.L.S. 9-24-87

SCHOOL DIST. DALLAS

J.A. COOP SUBDR. RECORDED 1-28-80
F.V. SHARON SUBDR. RECORDED 1-24-82
R.L. BARTON SUBDR. RECORDED 1-24-88
SHERB. OF PART OF BLK. RECORDED 9-17-88
SABOIS & MCCOY SUBDR. RECORDED 9-11-88



TRUE AND CORRECT
COPY OF RECORD
SURVEYOR'S OFFICE
BY: Orlando S.
DATE: 9-22-13

BDA234-048



NERY LEMUS

8138 RAYVILLE DR
DALLAS, TX 75217

BOARD OF ADJUSTMENT

OCTOBER 05 TH 2023

SEAL

PROJECT INFORMATION

ZONING R-7.5

LEGAL DESCRIPTION BARTON R L
BLK A/6342 LT 6

CONSTR TYPE V-B

CLIMATE ZONE ZONE 3A (MOIST)

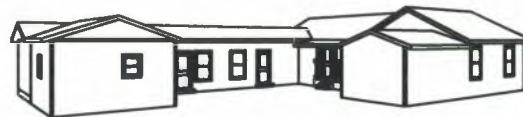
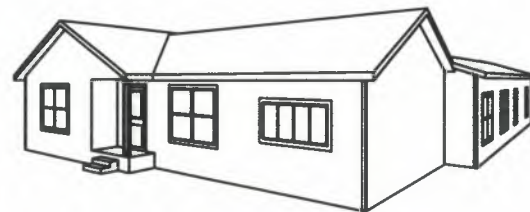
HOUSE DESCRIPTION EXISTING ONE STORY
SINGLE FAMILY RESIDENCE
BOARD OF ADJUSTMENT

SHEET INDEX

G0.00 COVER SHEET

C2.00 SITE PLAN

A1.01 FLOOR PLAN



PROJECT AREA CALCULATIONS

EXTG. LIVING AREA (AC)		PRPSD. NON CONDITIONED AREA	
GROUND LVL FLOOR PLAN	2,165 S.F.	COVER PORCH	19 S.F.
		COVER PATIO	114 S.F.
LOT USAGE			
TTL CONDITIONED AREA (AC)	2,165 S.F.	LOT SIZE	7,800 S.F.
PERIMETER (AC)	317 F.	NON ROOF AREA	5,502 S.F.
TTL UNDER ROOF	2,298 S.F.	% OF LOT	29.46 %
FOOTPRINT	2,298 S.F.		

CONSTRUCTION CONCEPTS INC.
"Planning and Designing a Better Tomorrow"
317 E. JEFFERSON BLVD.
DALLAS, TX. 75203
TEL. (214) 948-4300
FAX. (214) 948-9544

REVISIONS

DRAFTER	SENT DATE

ADDRESS
8138 RAWVILLE DR
DALLAS, TEXAS
75217

DATE
10/05/2023

DRAWN BY
VP

CHECKED BY
ER

DESCRIPTION
EXISTING ONE STORY SINGLE
FAMILY RESIDENCE
BOARD OF ADJUSTMENT

SCALE
NTS

SHEET TITLE
COVER PAGE

SHEET #
G0.00

FILE NAME
G0.00_COVER_SHEET

DISCLAIMER

THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION NECESSARY TO SUBSTANTIALLY BUILD THIS STRUCTURE. THESE PLANS MUST BE VERIFIED AND CHECKED BY THE BUILDER, HOMEOWNER, AND ALL CONTRACTORS OF THIS JOB PRIOR TO CONSTRUCTION. BUILDER SHOULD OBTAIN COMPLETE ENGINEERING SERVICES, HVAC, AND STRUCTURAL BEFORE BEGINNING CONSTRUCTION OF ANY KIND. NOTE: ALL FEDERAL, STATE, AND LOCAL CODES AND RESTRICTIONS TAKE PRECEDENCE OVER ANY PART OF THESE PLANS.

DISCLAIMER

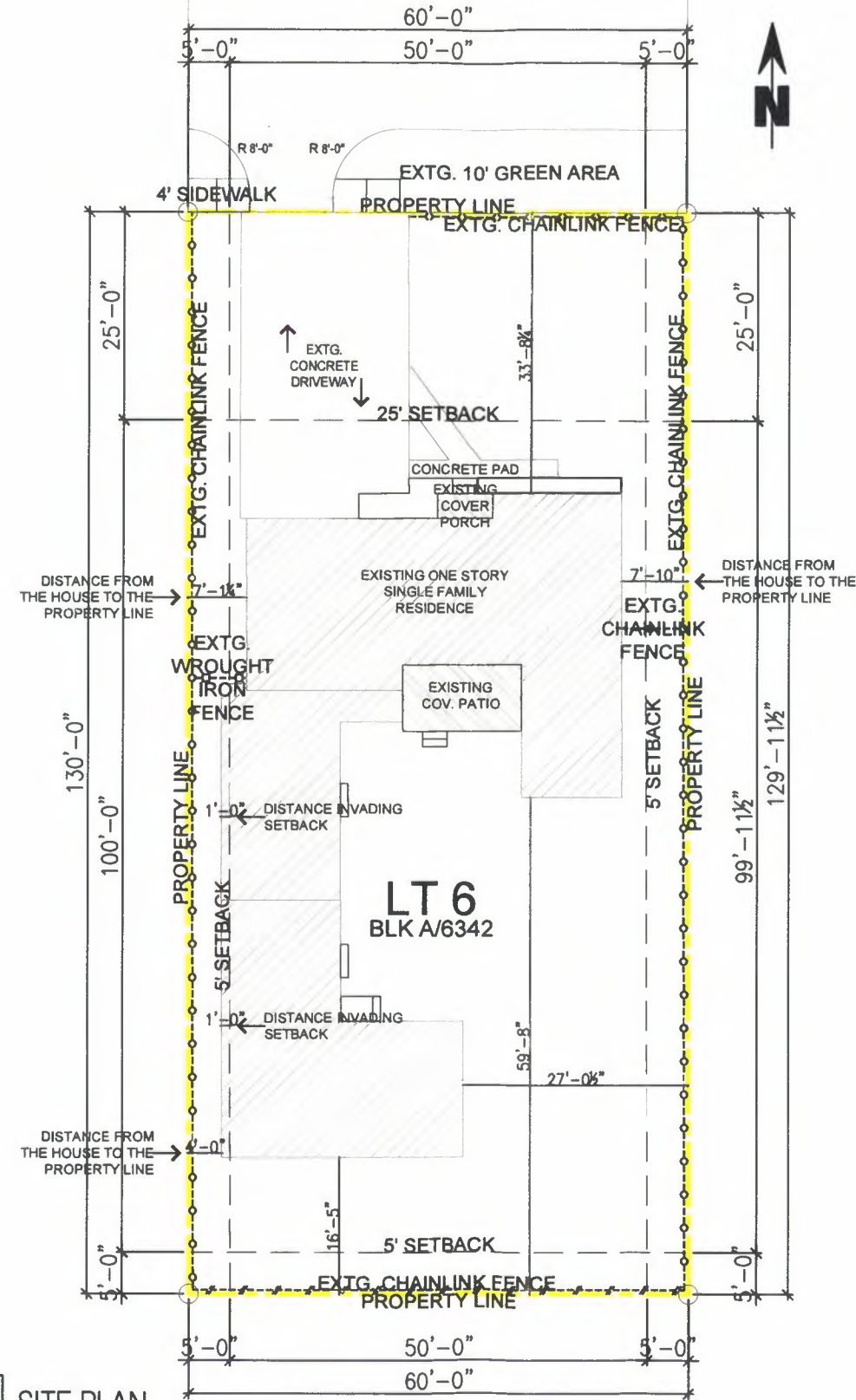
GREAT CARE AND EFFORT HAVE GONE INTO THE CREATION OF THESE BLUEPRINTS. HOWEVER, BECAUSE OF THE VARIANCE IN GEOGRAPHIC LOCATIONS, CCI HOUSEPLANS WILL NOT ASSUME LIABILITY FOR ANY DAMAGES DUE TO ERRORS, OMISSIONS, OR DEFICIENCIES ON THESE PLANS. OWNER/BUILDER MUST COMPLY WITH LOCAL BUILDING CODES PRIOR TO COMMENCEMENT OF CONSTRUCTION. THE PURCHASE OF THESE PLANS ENTITLES THE BUYER TO CONSTRUCT THIS HOUSE ONLY ONCE. ANY COPYING, TRACING, OR ALTERING OF THESE PLANS IS NOT PERMITTED. VIOLATORS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS. IT IS THE BUILDER/OWNER RESPONSIBILITY TO VERIFY ANY EASEMENTS OR DEED RESTRICTIONS THAT MAY IMPACT THIS PROJECT PRIOR TO CONSTRUCTION.

BUILDING CODE

01 IRC 2021 INTERNATIONAL RESIDENTIAL CODE

SEAL

8138 RAYVILLE DR
75217, DALLAS TX



- PROPERTY LINE
- UTILITY EASEMENT
- BUILDING FOOTPRINT
- WIRE FENCE
- IRON FENCE
- CHAINLINK FENCE
- WROUGHT IRON FENCE
- WOOD FENCE
- VINYL FENCE
- ELECTRIC LANE
- SETBACK
- BUILDING LINE
- CONCRETE
- ASPHALT
- LIVING AREA
- COVD. PORCH / COVD. PATIO
- GARAGE / CARPORT
- STRUCTURE

PROJECT AREA CALCULATIONS			
EXTG. LIVING AREA (AC)		PRPSD. NON CONDITIONED AREA	
GROUND LVL FLOOR PLAN	2,165 S.F.	COVER PORCH	19 S.F.
		COVER PATIO	114 S.F.
LOT USAGE			
TTL CONDITIONED AREA (AC)	2,165 S.F.	LOT SIZE	7,800 S.F.
PERIMETER (AC)	317 F.	NON ROOF AREA	5,502 S.F.
TTL UNDER ROOF	2,298 S.F.	% OF LOT	29.46 %
FOOTPRINT	2,298 S.F.		

ZONING R-7.5

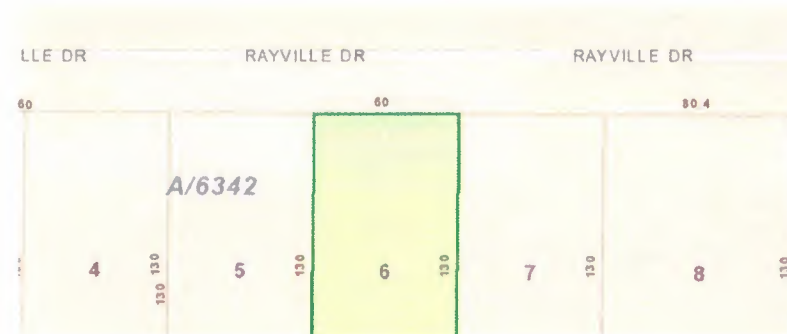
LEGAL DESCRIPTION BARTON R L
BLK A/6342 LT 6

CONSTR TYPE V-B

CLIMATE ZONE ZONE 3A (MOIST)

HOUSE DESCRIPTION EXISTING ONE STORY
SINGLE FAMILY RESIDENCE
BOARD OF ADJUSTMENT

1 PROJECT INFORMATION
C2.00 N.T.S



SIGNATURE

***TRASH ENCLOSURE AND CONSTRUCTION SITE MANAGEMENT SIGN MUST BE POSTED IN AN AREA VISIBLE TO THE INSPECTOR.

SEAL

CONSTRUCTION CONCEPTS INC.
"Planning and Designing a Better Tomorrow"
317 E. JEFFERSON BLVD.
DALLAS, TX. 75203
TEL. (214) 948-4300
FAX. (214) 948-9544

REVISIONS	
DRAFTER	SENT DATE

ADDRESS
8138 RAWVILLE DR
DALLAS, TEXAS
75217

DATE
10/05/2023

DRAWN BY
VP

CHECKED BY
ER

DESCRIPTION
EXISTING ONE STORY SINGLE
FAMILY RESIDENCE
BOARD OF ADJUSTMENT

SCALE
1" = 20' - 0"

SHEET TITLE
SITE PLAN

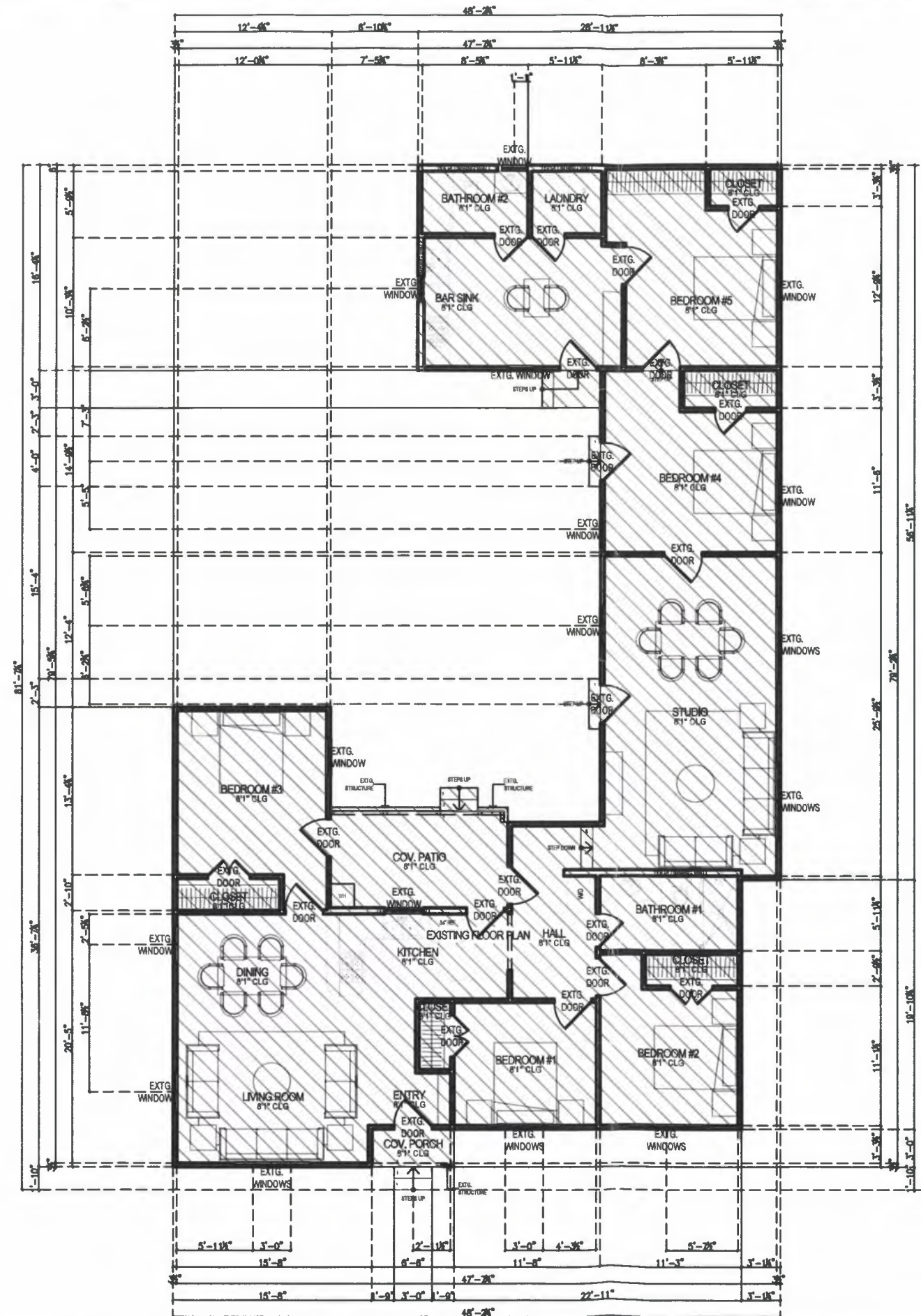
SHEET #
C2.00

FILE NAME
C2.00_SITE_PLAN

1 SITE PLAN
C2.00 1" = 20' - 0"

REAR ALLEY

SEAL



1 FLOOR PLAN
 A1.01 3/32" = 1'-0"

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 317 E. JEFFERSON BLVD.
 DALLAS, TX. 75203
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REVISIONS	
DRAFTER	SENT DATE

ADDRESS
 8138 RAWVILLE DR
 DALLAS, TEXAS
 75217

DATE
10/05/2023

DRAWN BY
VP

CHECKED BY
ER

DESCRIPTION
**EXISTING ONE STORY SINGLE
 FAMILY RESIDENCE
 BOARD OF ADJUSTMENT**

SCALE
3/32" = 1'-0"

SHEET TITLE
FLOOR PLAN

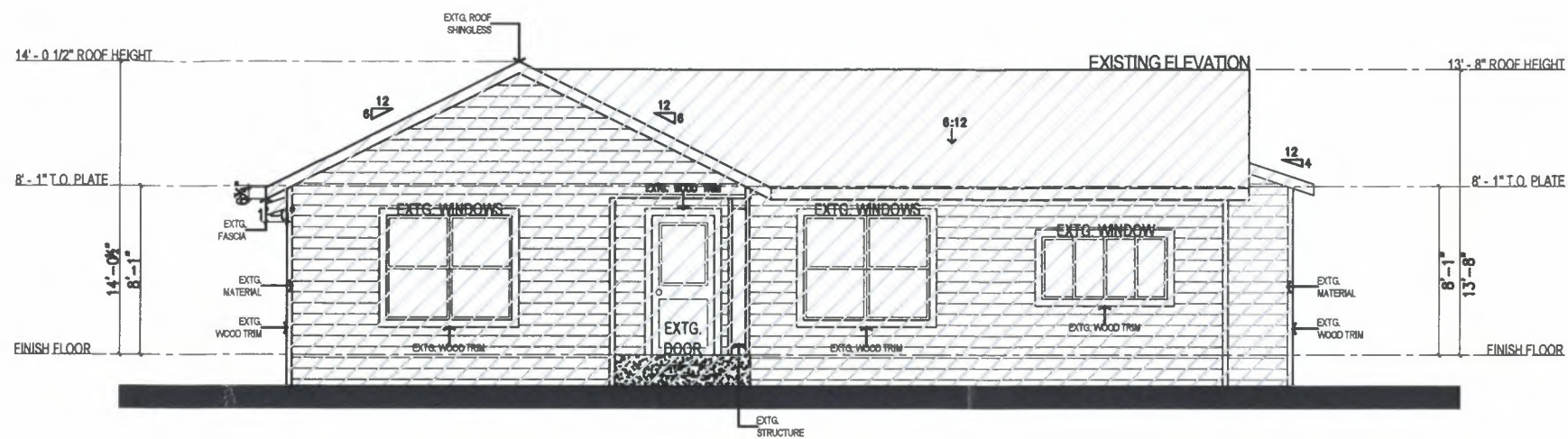
SHEET #
A1.01

FILE NAME
A1.01_FLR1_PLAN

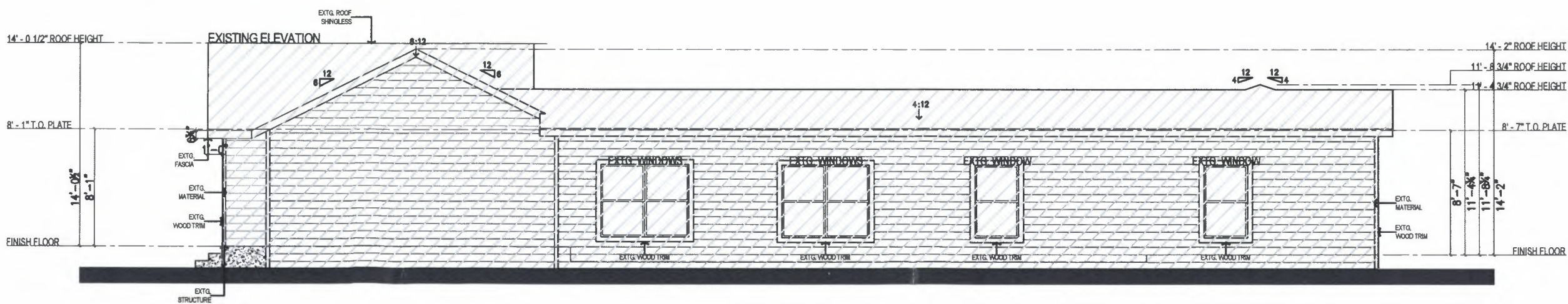
© All Rights Reserved

BDA23A 4/10/23

SEAL



1 FRONT ELEVATION
A2.01 1/8" = 1'-0"



1 RIGHT ELEVATION
A2.01 1/8" = 1'-0"

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DALLAS, TX. 75203
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FAX. (214) 948-8844

REVISIONS	
DRAFTER	SENT DATE

ADDRESS
8138 RAYVILLE DR
DALLAS, TEXAS
75217

DATE
10/05/2023

DRAWN BY
VP

CHECKED BY
ER

DESCRIPTION
EXISTING ONE STORY SINGLE
FAMILY RESIDENCE
BOARD OF ADJUSTMENT

SCALE
1/8" = 1'-0"

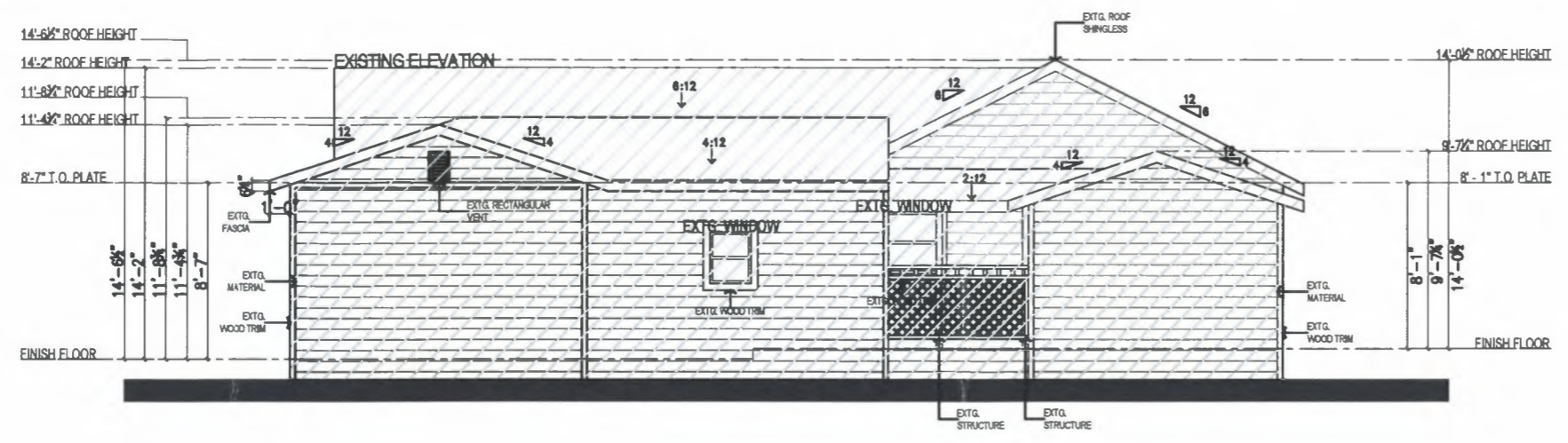
SHEET TITLE
ELEVATIONS

SHEET #
A2.01

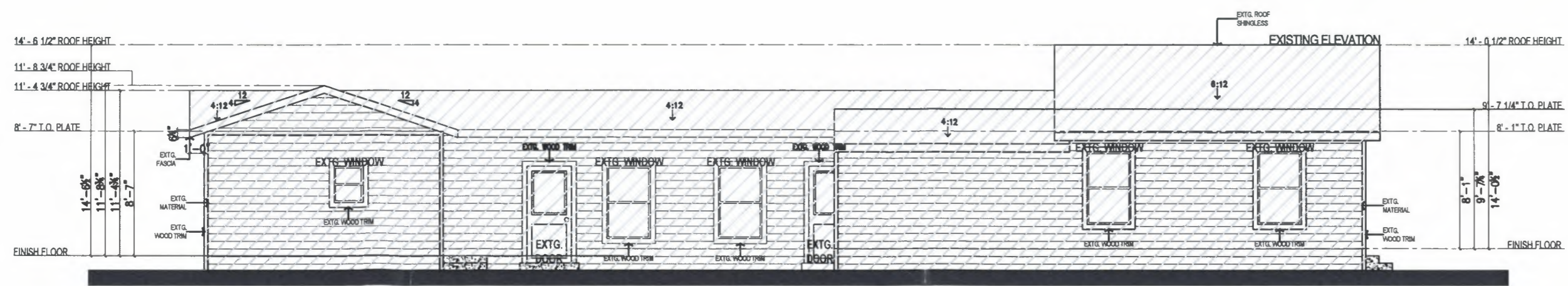
FILE NAME
A2.01_ELEVATIONS

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SEAL



1 REAR ELEVATION
A2.02 1/8" = 1'-0"



1 LEFT ELEVATION
A2.02 1/8" = 1'-0"

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317 E. JEFFERSON BLVD.
DALLAS, TX, 75203
TEL: (214) 948-4300
FAX: (214) 948-8544

REVISIONS	
DRAFTER	SENT DATE

ADDRESS
8138 RAYVILLE DR
DALLAS, TEXAS
75217

DATE
10/05/2023

DRAWN BY
VP

CHECKED BY
ER

DESCRIPTION
EXISTING ONE STORY SINGLE
FAMILY RESIDENCE
BOARD OF ADJUSTMENT

SCALE
1/8" = 1'-0"

SHEET TITLE
ELEVATIONS

SHEET #
A2.02

FILE NAME
A2.02_ELEVATIONS

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BDA234-048
4/10

8138 Rayville Dr. Dallas, Tx. 75217

Year built: 1953

Zoning R7.5 (A)

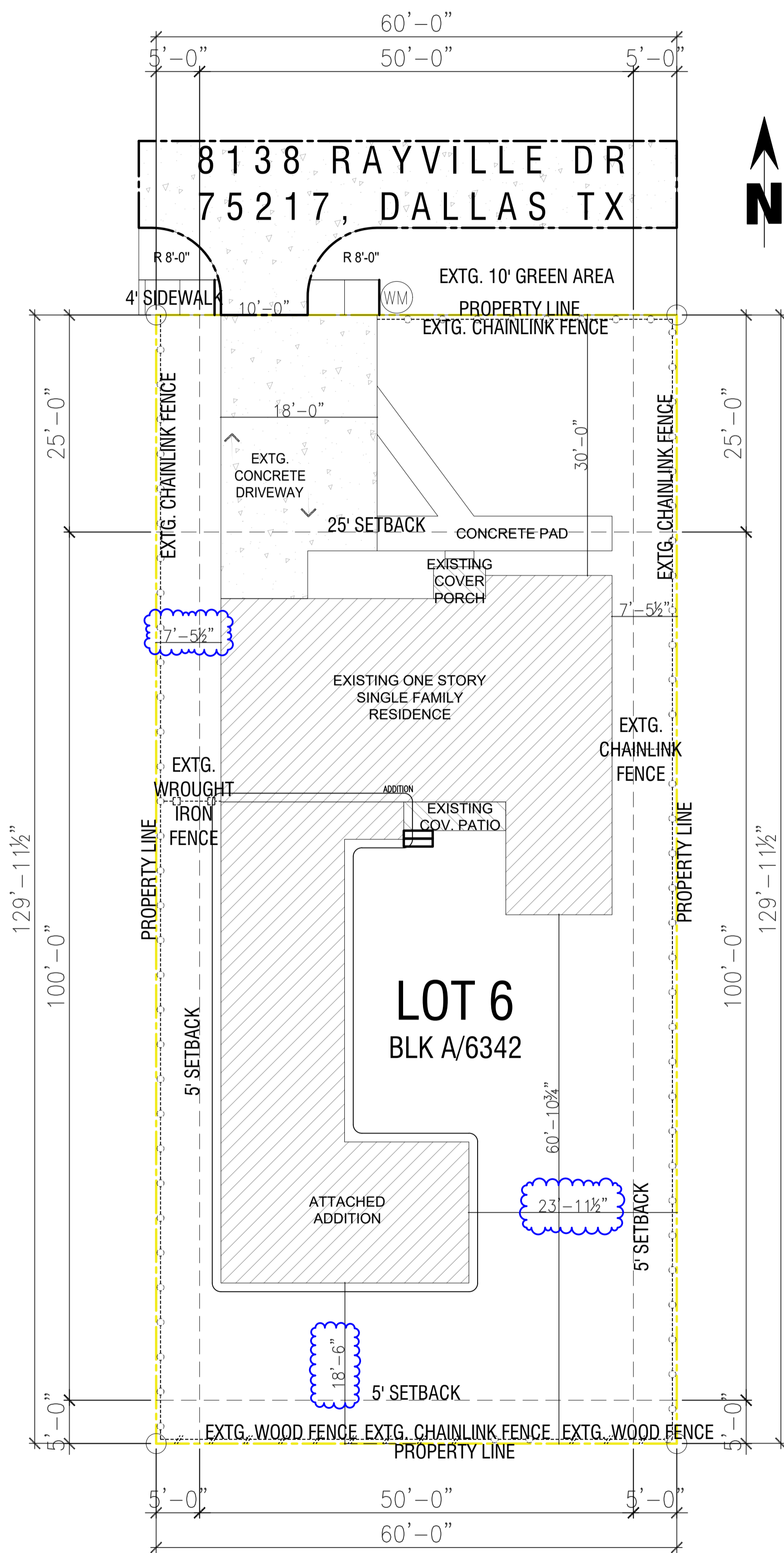
- Zoning R-7.5 (A) SFD requires a lot to be 7,500 SqFt. With the existing house and additions, the total is 2,367 SqFt.
- Addition structure over the setback is 400 SqFt
- Lot size 7,800 SqFt proposed to use in total 30.34%
- Proposed Addition: 1,052 SqFt

Existing Area: 1,315

Total Area: 2367

Address	Lot	Structure
▪ 8134 Rayville	7,800	908
▪ 8142 Rayville	7,800	1210
▪ 8125 Marvel	7,800	1112
▪ 8129 Marvel	7,800	1396
▪ 8133 Rayville	9,000	720
▪ 8139 Rayville	9,000	1550
▪ 8143 Rayville	9,000	930

UPDATED SITE PLAN



SUBJECT TO FIELD INSPECTOR'S APPROVAL

ADDENDUM
DATE: 6/23/23
REVIEWER: ALIREZA SAFARI
TELEPHONE:

ZONING: R7.5(A)
F:25'
S/R: 5'
HT MAX ALLOWED:30'
P: 1 (nonconforming)
Lot Cov. MAX: 45%

NOTICE
CHECK FOR PRIVATE DEED RESTRICTIONS FILE AT COUNTY OFFICE

- PROPERTY LINE
- ... UTILITY EASEMENT
- BUILDING FOOTPRINT
- x-x-x-x- WIRE FENCE
- IRON FENCE
- CHAINLINK FENCE
- o-o-o-o- WROUGHT IRON FENCE
- WOOD FENCE
- VINYL FENCE
- e-e-e-e- ELECTRIC LANE
- SETBACK
- BUILDING LINE
- ASPHALT
- LIVING AREA
- COVD. PORCH / COVD. PATIO
- GARAGE / CARPORT
- STRUCTURE
- A.A. UNIT
- WM WATER METER
- © CABLE PED
- ELEC. VAULT

PROJECT AREA CALCULATIONS	
EXTG. LIVING AREA (AC) - MAINTAIN	TOTAL CONDITIONED AREA (AC)
FLOOR PLAN 1,254 S.F	2,306 S.F
EXTG. NON-CONDITIONED AREA - MAINTAIN	TOTAL UNDER ROOF
	2,367 S.F
EXTG. COV. PORCH 22 S.F	FOOTPRINT
EXTG. COV. PATIO 39 S.F	2,367 S.F
PROPOSED LIVING AREA (AC)	LOT USAGE
ATTACHED ADDITION 1,052 S.F	PERIMETER (AC) 181 F
	LOT SIZE 7,800 S.F
	NON ROOF AREA 5,433 S.F
	% OF LOT 30.34 %

PROJECT INFORMATION	
ZONING	R-7.5 (A)
LEGAL DESCRIPTION	BARTON R L BLK A/6342 LT 6
CONSTRUCTION TYPE	III-A
CLIMATE ZONE	ZONE 3A (MOIST)
HOUSE DESCRIPTION	EXISTING ONE STORY SINGLE FAMILY RESIDENCE SINGLE FAMILY ATTACHED ADDITION AND REMODEL



1 VICINITY MAP
C2.00 FOR REFERENCE ONLY

UTILITY EASEMENT MUST REMAIN OPEN AND UNOBSTRUCTED. NO ENCROACHMENTS PERMITTED

SIGNATURE

***TRASH ENCLOSURE AND CONSTRUCTION SITE MANAGEMENT SIGN MUST BE POSTED IN AN AREA VISIBLE TO THE INSPECTOR.

SEAL

City of Dallas
APPROVED
Building Inspection
06/23/23

CONSTRUCTION CONCEPTS INC.
"Planning and Designing a Better Tomorrow"
317 E. JEFFERSON BLVD.
DALLAS, TX. 75203
TEL. (214) 946-4300
FAX. (214) 948-9544

REVISIONS	
DRAFTER	SENT DATE

ADDRESS
8138 RAYVILLE DR
DALLAS, TEXAS
75217

DATE
06/14/2023

DRAWN BY
VP

CHECKED BY
ER

DESCRIPTION
SINGLE FAMILY
ONE STORY ATTACHED ADDITION AND REMODEL
2 BEDROOMS, 1 BATHROOMS

SCALE
1" = 10' - 0"

SHEET TITLE
SITE PLAN

SHEET #
C2.00

FILE NAME
C2.00_SITE_PLAN

1 SITE PLAN
C2.00 1" = 10' - 0"

REAR ALLEY
WATER SHALL NOT BE REDIRECTED TO DRAIN ONTO ADJOINING PRIVATE PROPERTY