

2023 JUN -13 AM 11:48

CITY SECRETARY  
DALLAS, TEXAS



City of Dallas

230557

POSTED CITY SECRETARY  
DALLAS, TX

**BOARD OF ADJUSTMENT (PANEL A)**

**June 20<sup>th</sup>, 2023, Briefing at 10:30 A.M. and the Public Hearing at 1:00 P.M.  
Dallas City Hall, 6ES, and Videoconference**

**Video Conference Link: <https://bit.ly/062023A>  
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> or call (214) 670-4127, **by the close of business Friday, June 16<sup>th</sup>, 2023.**

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> o llamando al (214) 670-4127, **antes de cierre de oficina el Viernes, 16 de Junio, 2023.**

**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 – May 16<sup>th</sup>, 2023
  - Two-Year Limitation Waiver – BDA201-090 – 8627 Lakemont Drive  
**REQUEST:** To waive the two-year limitation on a final decision reached by Board of Adjustment Panel A on October 19, 2021 - a request for special exceptions to the fence height and fence standards regulations.
- 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]

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**UNCONTESTED CASE(S)**

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<b>BDA223-056(KMH)</b>	4148 Gentry Drive <b>REQUEST:</b> Application of Alma Gutierrez for a special exception to the visibility obstruction regulations.	1
<b>BDA223-048(KMH)</b>	6821 McCallum Blvd. <b>REQUEST:</b> Application of Alan Tolmas for a special exception to the fence height regulations.	2
<b>BDA223-050(KMH)</b>	4523 Frankford Blvd. <b>REQUEST:</b> Application of Chick-Fil-A, Inc. represented by Amanda Bishop for a special exception to the landscaping regulations.	3
<b>BDA223-054(KMH)</b>	6446 E. Lovers Lane <b>REQUEST:</b> Application of Jacob Remington for a variance to the off-street parking regulations.	4
<b>BDA223-061(KMH)</b>	1020 McBroom Street <b>REQUEST:</b> Application of Brent Jackson represented by Aimee Furness for a variance to the side yard setback regulations.	5

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**HOLDOVER**

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None.

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**INDIVIDUAL CASES**

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<b>BDA223-052(KMH)</b>	7915 Roundrock Road <b>REQUEST:</b> Application of Emmy Alvarez Zumwalt for a special exception to the single-family use regulations.	6
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BOARD OF ADJUSTMENT

Panel A Minutes

May 16, 2023

**DRAFT**

6EN Council Chambers  
[24923176153@dallascityhall.webex.com](mailto:24923176153@dallascityhall.webex.com)

David A. Neumann, Chairman

**PRESENT: [5]**

David A. Neumann, Chairman	
Rachel Hayden	
Lawrence Halcomb	
Jay Narey	
Kathleen Davis	

**ABSENT: [0]**


Chair Neumann called the briefing to order at **10:30 A.M.** with a quorum of the Board of Adjustment present.

Chair 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.

**Motion**

I motion to suspend the rule of the Board of Adjustment Working Rules of Procedure Section 6(a)(16) no later than seven calendar days prior to each board or panel meeting, distribute to each member and make available to the public the complete agenda and case docket materials. The board or panel, by majority vote, can still hear the noticed cases even if the agenda and case docket materials were not disseminated in accordance with this paragraph.

Maker:	David Neumann				
Second:	Lawrence Halcomb				
Results:	5-0 unanimously				
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Rachel Hayden, Jay Narey, and Lawrence Halcomb
		Against:	-	0	

**MISCELLANEOUS ITEMS**

1- Approval of the Board of Adjustment Panel A March 21, 2023 public hearing minutes.

**Motion was made to approve Panel A, April 18, 2023 public hearing minutes.**

Maker:	Rachel Hayden				
Second:	Kathleen Davis				
Results:	5-0 unanimously				
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Rachel Hayden, Jay Narey, and Lawrence Halcomb
		Against:	-	0	

**CONSENT ITEMS**

**1. 2602 Kilburn Avenue**

**\*This case was moved to Individual Items**

BDA223-042(GB)

**BUILDING OFFICIAL'S REPORT:** Application of Johnny Hill to provide an additional electric meter at 2602 Kilburn Ave. This property is more fully described as Block 31/5155, Lot 1A and is zoned R-7.5 (A), which requires that a single-family dwelling use in a single family, duplex, or townhouse district may be supplied by not more than one electrical utility service and metered by not more than one electrical meter. The applicant proposes to have more than one electrical utility service, or more than one electrical meter on a lot with a single-family use, which will require a special exception to the single-family zoning use regulations.

**LOCATION:** 2602 Kilburn Ave

**APPLICANT:** Johnny Hill

**REQUESTS:**

A special exception to the single-family use regulations is requested in conjunction with installing and maintaining an additional electrical utility service and electrical meter on a site that is currently developed with a single-family use.

**STANDARD FOR A SPECIAL EXCEPTION TO THE SINGLE-FAMILY USE REGULATIONS TO AUTHORIZE MORE THAN ONE ELECTRICAL UTILITY SERVICE OR MORE THAN ONE ELECTRICAL METER:**

The board may grant a special exception to authorize more than one electrical utility service or more than one electrical meter for a single-family use on a lot in a single-family zoning, duplex, or townhouse district when, in the opinion of the board, the special exception will not:

1. be contrary to the public; interest
2. adversely affect neighboring properties; and
3. be used to conduct a use not permitted in the zoning district.

**STAFF RECOMMENDATION:**

No staff recommendation is made on this or any request for a special exception to authorize more than one electrical utility service or more than one electrical meter for a single-family use on a lot in a single-family zoning district since the basis for this type of appeal is when in the opinion of the board, the standards described above are met.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: R-7.5 (single-family)  
North: R-7.5 (single-family)  
West: R-7.5 (single-family)  
South: R-7.5 (single-family)  
East: R-7.5 (single-family)

**Land Use:**

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

**Zoning/BDA History:**

No BDA History within the last five years.

**GENERAL FACTS/STAFF ANALYSIS:**

- This request focuses on installing and maintaining a second electrical utility service/electrical meter on a site currently being developed with a single family home.
- According to the application, the applicant requires an additional electric meter for the detached garage.
- The site is zoned R-7.5 (single-family) where the Dallas Development Code permits one dwelling unit per lot.
- The Dallas Development Code states that in a single family, duplex, or townhouse district, a lot for single family use may be supplied by not more than one electrical service, and metered by not more than one electrical meter; and that the board of adjustment may grant a special exception to authorize more than one electrical utility service or more than one electrical meter for single family use on a lot in a single family zoning district when in the opinion of the board, the special exception will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties, and 3) not be used to conduct a use not permitted in the zoning district
- The applicant has submitted a site plan that indicate the proposed location of the second electrical meter on the subject site.
- As of May 01, 2023, ten letters have been submitted in support of the request.
- The applicant has the burden of proof in establishing that the additional electrical meter to be installed and/or maintained on the site will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties, and 3) not be used to conduct a use not permitted in the zoning
- If the board were to approve this request to install and maintain a second electrical utility service/electrical meter, this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing a second electrical utility service/electrical meter on the site (i.e., development on the site must meet all required code requirements).

**Timeline:**

- February 28, 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.
- March 24, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.
- April 12, 2023: 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 April 21, 2023, deadline to submit additional evidence for staff to factor into their analysis; and March 05, 2023, 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 28, 2023: 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 Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Assistant City Attorneys to the Board, and the Senior Planners.

Speakers:

For: Johnny Hill, 9310 Norwich Ct, Rowlett, TX 75088

Against: No Speakers

**Motion**

I move that the Board of Adjustment, in Appeal No. BDA 223-042, on application of Johnny Hill, **GRANT** the request to install and maintain an additional electric meter on the property as a special exception to the single family regulations in the Dallas Development Code, because our evaluation of the property and the testimony shows that this special exception will not be contrary to the public interest, will not adversely affect neighboring property, and will not be used to conduct a use not permitted in the district where the building site is located.

**BDA 223-042**— Application of Johnny Hill to install and maintain an additional electric meter on the property as a special exception to the single family regulations in the Dallas Development Code.

Maker:	Kathleen Davis				
Second:	Rachel Hayden				
Results:	5-0 unanimously				
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Rachel Hayden, Jay Narey, and Lawrence Halcomb
		Against:	-	0	

**2. 8020 Park Lane**

**\*This case was moved to Individual Items**

BDA223-043(GB)

**BUILDING OFFICIAL’S REPORT:** Application of Will Bohls for a variance to the front yard setback regulations at 8020 Park Lane. This property is more fully described as Block A/5456, Lot 1C and s zoned MU-3(SAH), which requires a front yard setback of 35 feet for portions of a structure greater than 45 feet in height. The applicant proposes to construct a structure over 45 feet in height and provide a 16-foot front yard setback for a portion of a structure over 45 feet in height, which will require a variance to the front yard setback regulations of 19 foot.

**LOCATION:** 8020 Park Lane

**APPLICANT:** Will Bohls



**REQUESTS:**

This is a request for a variance to the front yard setback regulations. The applicant proposes to construct a structure of over 45 feet in height and provide a 16-foot yard setback for a portion of a structure over 45 feet in height, which will require a variance to the front yard setback regulations of 19 foot.

**STANDARD FOR A VARIANCE:**

Section 51A-3.102(d) (10) of the Dallas Development Code states that the board may grant a

(i) the variance is not contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter

would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;

(ii) the variance is 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

(iii) the variance is not granted to relieve a self-created or personal hardship, nor for financial reasons only, except as provided in

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale: Staff concluded that granting the variance in this application would not be contrary to public interest in that the variance would allow the applicant to construct in maintain a structure over 45 feet in the required front yard.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: MU-3  
North: RR  
South: RR and SUP 2120 with a base zoning of MU-3  
East: MU-2  
West: 'RR

**Land Use:**

The subject site and areas to the north, east, south, and west are developed with retail uses.

**Zoning/BDA History:**

No BDA History within the last 5 years

**GENERAL FACTS/STAFF ANALYSIS:**

A request for a variance to the front yard setback regulations. The applicant proposes to construct a structure of over 45 feet in height and provide a 16-foot yard setback for a portion of a structure over 45 feet in height, which will require a variance to the front yard setback regulations of 19 foot.

- The Dallas Development Code requires a 20 feet setback for structures over 45 feet in the MU-3 (SAH/Urban Form) zoning district
- The applicant has submitted a site plan and elevation of the proposal. The applicant is requesting a 16-foot front yard setback.
- The Board of Adjustment Senior Planner conducted a field visit to determine if the fence would adversely affect neighboring properties.
- As of April 27, 2023, no letters have been received in opposition or support of this request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulation of four feet will not adversely affect neighboring property.
- Granting the variance to the front yard setback regulations with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding four-feet-in-height in the front yard setback to be constructed in the location and heights as shown on these documents.

**Timeline:**

- March 03, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.
- March 24, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B.
- April 12, 2023: The Board Senior Planner emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application.
  - an attachment that provided the public hearing date and panel that will consider the application (May 16,2023) ; the Friday, April 21,2023, deadline to submit additional evidence for staff to factor into their analysis; and the Friday, May 05, 2023, 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 27, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. The review team members in attendance included The Chief Planner/ Board Administrator, Senior Planners: Giahanna Bridges and Dr.



Results:	5-0 unanimously				
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Rachel Hayden, Jay Narey, and Lawrence Halcomb
		Against:	-	0	

**3. 1718 S. Good Latimer Expressway**

**\*This case was moved to Individual Items**

BDA223-044(GB)

**BUILDING OFFICIAL’S REPORT:** Application of Baldwin Associates for a special exception to the landscape regulations at 1718 South Good Latimer. This property is more fully described as Block 6/862, Part of Lot 1, Lots 2-8 and part of lot 9, and all lot 12B, and is zoned PD 317 Subdistrict 4, which requires a mandatory landscaping. The applicant proposes to construct/maintain a structure and provide an alternate landscape plan which will require a special exception to the landscape regulations.

**LOCATION:** 1718 South Good Latimer

**APPLICANT:** Rob Baldwin  
 Represented by Baldwin Associates

**REQUEST:**

A request for a for a special exception to the landscape regulations.

**STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REGIULATIONS:**

Section 51A-10.110 of the Dallas Development Code states the board may grant a special exception to the requirements of this article upon making a special finding from the evidence presented that strict compliance with the requirements of this article will unreasonably burden the use of the property; the special exception will not adversely affect neighboring property; and the requirements are not imposed by a site-specific landscape plan approved by the city plan commission or city council. In determining whether to grant a special exception under Subsection (a), the board shall consider the following factors:

- The extent to which there is residential adjacency.
- The topography of the site.
- The extent to which landscaping exists for which no credit is given under this article.
- The extent to which other existing or proposed amenities will compensate for the reduction of landscaping. (Ord. Nos. 22053; 25155)

**STAFF RECOMMENDATION:**

No staff recommendation is made on this or any request for a special exception to the landscape 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: PD 317(Cedars Special Purpose District Sub-district 4)
- North: PD 269 (Deep Ellum / Near East Side District Sub Sub-district Tract A)
- South: PD 317 (Cedars Special Purpose District Sub-district 2D)
- East: PD 357 (Farmers Market Special Purpose District Sub-district 7)
- West: PD 595 (South Dallas/ Fair Park Special Purpose District Sub-district 1:RS, Sub-district 2: Tract 2)

**Land Use:**

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

**Zoning/BDA History:**

No BDA History in the last five years.

**GENERAL FACTS /STAFF ANALYSIS:**

- The applicant is requesting a special exception to the landscape regulations.
- The property is zoned PD 317 (Cedars Special Purpose District Sub-district 4)
- According to DCAD records, the subject structure is 90,958 square feet undeveloped.
- The applicant is requesting this special exception because the required street trees does not fit in the required location due to the zoning conflicts in the Planned Development.
- The applicant has the burden of proof in establishing the following:
- That granting the special exception to the landscape regulations will not adversely affect neighboring property; and the requirements are not imposed by a site-specific landscape plan approved by the city plan commission or city council. In determining whether to grant a special exception under Subsection (a), the board shall consider the following factors:
  - The extent to which there is residential adjacency.
  - The topography of the site.
  - The extent to which landscaping exists for which no credit is given under this article.
  - The extent to which other existing or proposed amenities will compensate for the reduction of landscaping. (Ord. Nos. 22053; 25155)
- The special exception is necessary to permit development of the subject site that differs from other parcels of land and that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 317(Cedars Special Purpose District Sub-district 4) zoning classification.
- The special exception would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD 317(Cedars Special Purpose District Sub-district 4) zoning classification.

If the board were to grant the special exception and impose the submitted site plan as a condition, the landscape would be limited to what is shown on this document.

**Timeline:**

- March 03, 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.
- March 24, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel B.
- April 12, 2023: 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 April 21, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the May 05,2023 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 28, 2023: 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 Chief Planner/Board Administrator, the Assistant City Attorneys to the Board, and the Senior Planner, Llyod Denman (Development Services Engineer Consultant).
- April 24,2023: The Board of Adjustment Chief Planner received a letter from the Chief Arborist. (Please see attached Arborist Report-**Attachment A**)

## Memorandum



CITY OF DALLAS

Date April 24, 2023  
To Nikki Dunn, Board Administrator  
Subject BDA #223-044 1718 S Good Latimer Expressway Arborist report

### Request

The applicant is seeking a special exception to the landscaping requirements of PD 317 Subdistrict 4 which refers directly to Article X and minimum/maximum building setbacks.

### Provision

- The proposed alternate landscape plan complies with the majority of Article X provisions and the intent of the PD 317 ordinance for overall landscaping based on building density standards in the district.

### Deficiency

- Main deficiencies are based on standards in the ordinance for placing trees within a distance of pavement, structures, utilities, and other trees as specified in Section 51A-10.104, Soil and Planting Area Requirements. These conditions were established in ordinance to reduce long-term landscaping conflicts which may in the future lead to potential damages with private property or local utilities or lead to the premature removal of the landscaping.
- Urban streetscape (Sec. 51A-10.125(b)(1)(A)) conditions apply on three street frontages with planting areas measured from the curb and a minimum six-foot-wide planting area required with soil volume/area planting conditions. Existing conditions (including utilities in the ROW and a required min/max building setback of 5'/8') allow for the use of small trees in place of large trees. However, all small trees must be no closer than 2.5' on-center from pavement and no closer than 5' from a structure. Planting in the right-of-way is only applicable where the conditions are favorable.  
Exception: The placement of some trees on the plan, primarily along Louise Avenue and along Good Latimer, are proposed in narrow landscaping locations and within close proximities to light poles, a structure, and pavement. The proximities exceed staff's ability to resolve in code.
- The fourth, and eastern, property boundary fronts the interstate highway and maintains the required 15' street buffer zone with the exception of the paved surface east of the driveway at Dawson Street. However, existing mature trees and buffering are maintained within the highway property which provides the required number of trees along the frontage.

### Recommendation

The arborist division has no objection to the proposed alternate landscape plan subject to the condition that all plantings maintain a clear and open public sidewalk at all times.

Philip Erwin  
Chief Arborist

### Speakers:

For: Margot Murphy, 3904 Elm Street, Dallas TX 75226

Against: No Speakers

### Motion #1

I move that the Board of Adjustment, in Appeal No. BDA 223-044, on application of Rob Baldwin, **GRANT** the request of this applicant for a special exception to the landscape requirements contained in Article X of the Dallas Development Code, as amended, because our evaluation of the property and testimony shows that (1) strict compliance with the requirements of this article will unreasonably burden the use of the property; (2) the special exception will not adversely affect neighboring

properties, and (3) the requirements are not imposed by a site-specific landscape plan approved by the city plan commission or city council.

**BDA 223-025**— Application of Rob Baldwin for a special exception to the landscape requirements contained in Article X of the Dallas Development Code, subject to the following condition(s):

Compliance with the submitted alternate landscape plan is required.

Maker:	Lawrence Halcomb				
Second:	Rachel Hayden				
Results:	5-0 unanimously				
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Rachel Hayden, Jay Narey, and Lawrence Halcomb
		Against:	-	0	

**INDIVIDUAL CASES**

- 4. **5519 Morningside Avenue**  
 BDA223-046(KMH)

**BDA223-046**

**Property at 5519 Morningside**

**Board of Adjustment**  
**Panel A**  
**May 16, 2023**

**Nikki Dunn**  
**Chief Planner**  
**Development Services**

**City of Dallas**



## Location

- North of 75 N. Central Expwy
- South of Skillman
- East of Mockingbird
- West of Vickery



BDA223-046 for 5519 Morningside



## Request

Application BDA223-046 of James Grant to appeal the decision of the administrative official at 5519 MORNINGSID AVE. This property is more fully described as Block 8/2200 Lot 20 and is zoned CD-9, which requires compliance with conservation district architectural standards. The applicant proposes to appeal the decision of an administrative official in the issuance of a building permit.

BDA223-046 for 5519 Morningside





Site

BDA223-046 for 5519 Morningside



Site

BDA223-046 for 5519 Morningside





Site

Speakers:

For: James Grant, 5519 Morningside Ave, Dallas TX 75206

Appearing for the City of Dallas:

Stacy Rodriguez, 1500 Marilla St, 7DN, Dallas TX 75201  
 Melissa Parent, 1500 Marilla St, 5CN, Dallas TX 75201

**Motion**

Having fully reviewed the decision of the administrative official of the City of Dallas in Appeal No. BDA 223-046, on application of James Grant, and having evaluated the evidence pertaining to the property and heard all testimony and facts supporting the application, I move that the Board of Adjustment **reverse** the decision of the administrative official and **GRANT** the relief requested by this applicant.

Maker:	Lawrence Halcomb				
Second:	Kathleen Davis				
Results:	5-0 unanimously				
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Rachel Hayden, Jay Narey, and Lawrence Halcomb
		Against:	-	0	

5. 5519 Ridgedale Avenue  
BDA223-055(KMH)

# BDA223-055

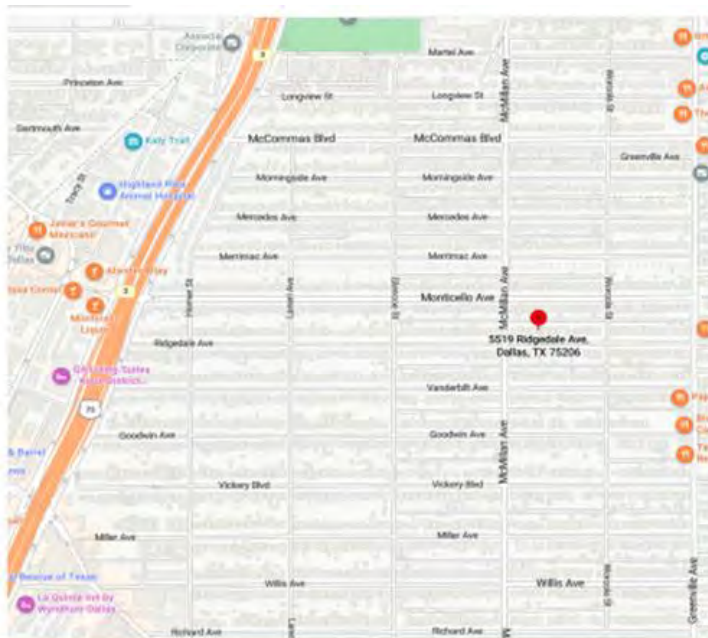
## Property at 5519 Ridgedale

**Board of Adjustment  
Panel A  
May 16, 2023**



**Nikki Dunn  
Chief Planner  
Development Services**

# City of Dallas




## Location

- North of 75 N. Central Expwy
- South of Greenville
- East of McCommas
- West of Vickery



BDA223-055 for 5519 Ridgedale



City of Dallas

## Request

BDA223-055. Application of Olivia Acito to appeal the decision of the administrative official at 5519 RIDGEDALE AVE. This property is more fully described as Block G/2175, Lot 24 and is zoned CD-9. Which requires compliance with conservation district architectural standards. The applicant proposes to appeal the decision of an administrative official in the denial of a conservation district work review.

BDA223-055 for 5519 Ridgedale



Site

BDA223-055 for 5519 Ridgedale





Site

BDA223-055 for 5519 Ridgedale



City of Dallas



Site

BDA223-055 for 5519 Ridgedale



City of Dallas

Speakers:

For: Olivia Acito, 5519 Ridgedale Ave, Dallas TX 75206

Appearing for the City of Dallas:  
 Stacy Rodriguez, 1500 Marilla St, 7DN, Dallas TX 75201

**Motion**

Having fully reviewed the decision of the administrative official of the City of Dallas in Appeal No. BDA 223-055, on application of Olivia Acito, and having evaluated the evidence pertaining to the property and heard all testimony and facts supporting the application, I move that the Board of Adjustment **reverse** the decision of the administrative official and **GRANT** the relief requested by this applicant.

Maker:	Lawrence Halcomb				
Second:	Kathleen Davis				
Results:	5-0 unanimously				
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Rachel Hayden, Jay Narey, and Lawrence Halcomb
		Against:	-	0	

**ADJOURNMENT**

After all business of the Board of Adjustment had been considered, Chair Neumann moved to adjourn the meeting; motion by Jay Narey, seconded by Kathleen Davis at 4:19 p.m.

\*\*\*Recess: 2:02 p.m.; Resume: 2:07 p.m.\*\*\*

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

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Required Signature:  
 Nikki Dunn, Chief Planner/Board Administrator  
 Development Services Dept.

\_\_\_\_\_  
 Date

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

\_\_\_\_\_  
 Date

**MISCELLANEOUS ITEM NO. 1**

**FILE NUMBER:** BDA201-090

**REQUEST:** To waive the two-year limitation on a final decision reached by Board of Adjustment Panel A on October 19, 2021 - a request for special exceptions to the fence height and fence standards regulations contained in the Dallas Development Code, subject to the condition of compliance with the submitted site plan and elevation is required.

**LOCATION:** 8627 Lakemont Drive

**APPLICANT:** Audra Buckley

**STANDARD FOR WAIVING THE TWO YEAR TIME LIMITATION ON A FINAL DECISION REACHED BY THE BOARD:**

The Dallas Development Code states that the board may waive the two-year time limitation on a final decision reached by the board if there are changed circumstances regarding the property sufficient to warrant a new hearing.

**GENERAL FACTS/TIMELINE:**

Two-year limitation.

(1) Except as provided below, after a final decision is reached by the board, no further request on the same or related issues may be considered for that property for two years from the date of the final decision.

(2) If the board renders a final decision of denial without prejudice, the two-year limitation is waived.

(3) The applicant may apply for a waiver of the two-year limitation in the following manner:

(A) The applicant shall submit his request in writing to the director. The director shall inform the applicant of the date on which the board will consider the request and shall advise the applicant of his right to appear before the board.

(B) The board may waive the two-year time limitation if there are changed circumstances regarding the property sufficient to warrant a new hearing. A simple majority vote by the board is required to grant the waiver. If a rehearing is granted, the applicant shall follow the process outlined in this section. (Ord. Nos. 19455; 20926; 22254; 22389; 22605; 25047; 27892; 28073)

October 19, 2021: The Board of Adjustment Panel A granted a request for special exceptions to the fence height and fence standards regulations contained in the Dallas Development Code subject to the condition of compliance with the submitted site plan and elevation. See Attachment A Decision Letter.



April 26, 2023: Applicant for BDA201-090 submitted an email to Board of Adjustment staff inquiring about the submittal process for a two-year time limitation on a final decision reached by the board if there are changed circumstances regarding the property sufficient to warrant a new hearing. This email cited an extenuating circumstance of finances that did not allow the applicant to follow through with the permitting process. See Attachment A Inquiry to Waive Two-Year Limitation.

May 5, 2023: Applicant for BDA201-090 submitted a letter to Board Administrator to schedule for Board's consideration, a request to waive the two-year time limitation on a final decision reached by the board if there are changed circumstances regarding the property sufficient to warrant a new hearing. This letter disclosed that the applicant desires to resubmit to the Board because of non-compliance with the requirement of SEC. 51A-4.703 (d) (6) which states that applicant shall file an application for a building permit or certificate of occupancy within 180 days from the date of favorable action of the Board. In addition, the property owner alerted the Board that the resubmittal will include some minor changes to the previous site plan. The two-year waiver is sought so that the Board may consider applicant's request for a revised fence design on site plan. The two-year waiver request is made in order for the applicant to file a new application for special exceptions to the fence height and fence standards regulations contained in the Dallas Development Code given that the applicant proposes a revised site plan that would no longer comply with the conditions imposed with granted request of October 2021. See Attachment B Request to Waive Two-Year Time Limitation.

May 30, 2023: Development Code Specialist emailed the applicant information regarding the miscellaneous item request with a hearing date of June 20, 2023, Panel A.

Date: May 5, 2023

Nikki Dunn, Chief Planner  
Development Services  
Building Inspection Permit Center  
320 E. Jefferson Blvd., Room 210  
Dallas, TX 75203

Re: Waiver of the 2-year waiting period for 8627 Lakemont Drive

Dear Ms. Dunn:

This is a request for a waiver of the 2-year waiting period for 8627 Lakemont Drive. The last action taken by the Board (Panel A) was October 19, 2021, case number BDA 201-090 for special exceptions to the fence height and fence standards regulations contained in the Dallas Development Code. The application was approved; however, the property owner did not apply for permits within the 180 day window.

Additionally, the Board's action specifically included compliance with the submitted site plan and elevation associated with that application. The property owner's resubmittal request will be the same with the exception of some minor changes to the previous site plan. Therefore, a waiver of the 2-year waiting period is required.

Sincerely,



Audra Buckley, President  
Permitted Development, LLC



City of Dallas

October 26, 2021

Audra Buckley  
Permitted Development LLC  
1414 Belleview St. Ste. 150  
Dallas, TX. 75215

Re: BDA201-090(PD), Property at 8627 Lakemont Drive

Dear Ms. Buckley:

The Board of Adjustment Panel A, at its public hearing held on Tuesday, October 19, 2021, **granted**, your request for special exceptions to the fence height and fence standards regulations contained in the Dallas Development Code, subject to the following condition:

Compliance with the submitted site plan and elevation is required.

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

Should you have any further questions regarding the Board's action, please contact me at (214) 671-5098.

Respectfully,

*Jennifer Munoz* --Jennifer Munoz, Chief Planner/Board Administrator  
for Pamela Daniel, Senior Planner  
Board of Adjustment  
Department of Planning and Urban Design

c: Code Enforcement, 3112 Canton, Room 100  
Charles Trammell, Development Services, 320 E. Jefferson #LL04



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-090

Date: July 19, 2021 7-30-21

Data Relative to Subject Property:

Location address: 8627 Lakemont Drive Zoning District: R-10(A)  
Lot No.: 9 Block No.: 5067 Acreage: 0.81 Census Tract: 0073.02  
Street Frontage (in Feet): 1) 177' 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Jonathan A White

Applicant: Audra Buckley Telephone: 214-3686-3635

Mailing Address: 1414 Belleview Street, Ste 150 Zip Code: 75215

E-mail Address: permitted.development.dfw@gmail.com

Represented by: Permitted Development, LLC Telephone: 214-686-3635

Mailing Address: 1414 Belleview Street, Ste 150 Zip Code: 75215

E-mail Address: permitted.development.dfw@gmail.com

Affirm that an appeal has been made for a Variance , or Special Exception  of the fence height of 1' 6" to allow a 5' 6" fence in a required front yard and prohibited material consisting of steel panels (gates)

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:  
The proposed fence will not adversely impact surrounding properties. Other fences exceeding four feet in height exist in the immediate area. The proposed fence will be setback 10' from the front property line.

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 Audra Buckley  
(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, Audra Buckley  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 26th day of July 2021

(Rev. 08-01-11) CARLOS BELTRAN  
Notary Public, State of Texas  
Comm. Expires 10-17-2021  
Notary ID 131318929

Paul Bell  
Notary Public in and for Dallas County, Texas

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing 10-19-21

Appeal was Granted OR Denied

Remarks 1) Fence Height -

Granted must comply

with the submitted

Site plan + Elevation is

required.

2) Less than 50% openness -

Granted - must comply

with the submitted

Site plan + Elevation

is required.

*David A Newman*

Chairman

*David A Newman*

Building Official's Report

I hereby certify that Audra Buckley

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

at 8627 Lakemont Drive

BDA201-090. Application of Audra Buckley for a special exception to the fence height regulations, and for a special exception to the fence standards regulations at 8627 LAKEMONT DR. This property is more fully described as Lot 9, Block 5067, and is zoned R-10(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. The applicant proposes to construct an 5 foot 6 inch high fence in a required front yard, which will require a 1 foot 6 inch special exception to the fence regulations, and to construct a fence using a prohibited material, which will require a special exception to the fence regulations.

BOARD OF ADJUSTMENT DECISION FILED  
IN THE OFFICE OF THE BOARD OF ADJUSTMENT  
THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_

October, 20 21

*John J. Munoz*  
ADMINISTRATOR

Sincerely,

*David Session*  
David Session, Building Official

**FILE NUMBER:** BDA223-056(KMH)

**BUILDING OFFICIAL'S REPORT:** Application of Alma Gutierrez for a special exception to the visual obstruction regulations at 4148 Gentry Drive. This property is more fully described as Block 4/7155, Lot 1 and is zoned R-5(A), which requires a 20-foot visibility triangle at driveway approaches. The applicant proposes to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visual obstruction regulation.

**LOCATION:** 4148 Gentry Drive

**APPLICANT:** Alma Gutierrez

**REQUESTS:**

A request for a special exception to the visual obstruction regulations to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle.

**STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:**

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

**State Law/HB 1475 effective 9-1-21**

- the board may consider the following 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.

**STAFF RECOMMENDATION:**

No staff recommendation is made on this or any request for a special exception to the visual obstruction regulations since the basis for this type of appeal is when in the opinion of the board, the item will not constitute a traffic hazard.

The Transportation Development Services Senior Engineer has no objections to the request for the obstructions to visibility triangle encroachment.

**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 within the last five years.

**GENERAL FACTS/STAFF ANALYSIS:**

- This request for a special exception to the visual obstruction regulations focuses on maintaining a residential fence structure in a required visibility obstruction triangle.
- The site is zoned R-5(A), where the Dallas Development Code requires a 20-foot visibility triangle at driveway approaches. Section 51A-4.602(d) of the Dallas Development Code states the following: a person shall not erect, place, or maintain a structure, berm, plant life, or any other item on a lot if the item is:
  - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections and 20-foot visibility triangles at drive approaches and alleys on properties zoned single-family); and

between two-and-a-half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).

- The applicant proposes to maintain an existing 8-foot high wooden residential fence, where roughly 10 linear feet of the fence is located within the two 20-foot visibility triangles on both sides of the existing driveway along Canada Drive.
- The Transportation Development Services Senior Engineer has no objections to the request for the obstructions to visibility triangle encroachment.
- With regard to the request for a special exception to the visual obstruction regulations, the applicant has the burden of proof to establish how granting these requests to maintain the existing fence in the two 20-foot visibility triangles on either side of the driveway does not constitute a traffic hazard.
- Granting this request for a special exception to the visual obstruction regulations with a condition imposed that the applicant complies with the submitted site plan would limit the existing fence in the two 20-foot visibility triangles at driveway into the site from Canada Drive to what is shown on these documents.

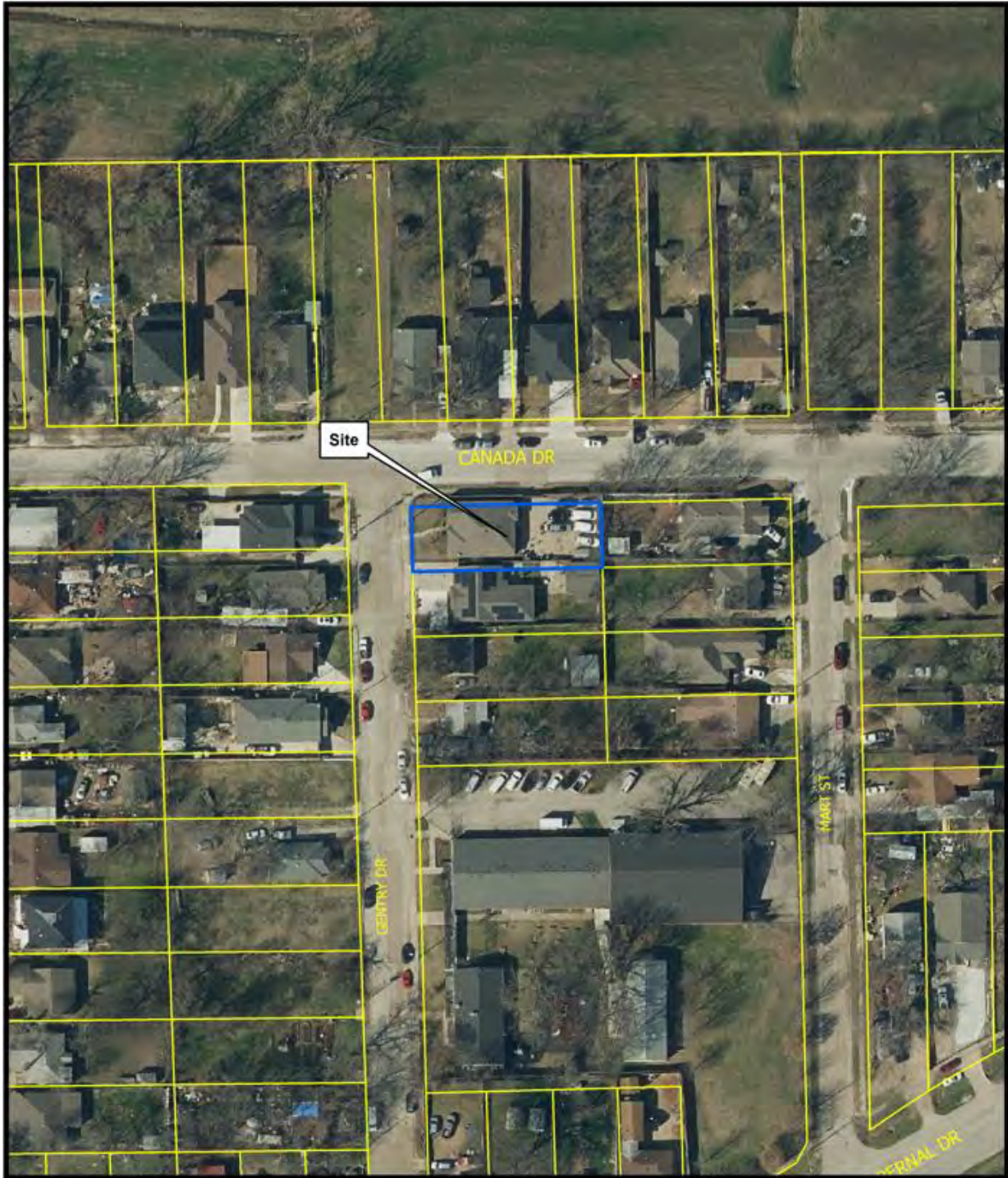
**Timeline:**

- April 7, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.
- April 24, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.
- April 28, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the May 26, 2023, deadline to submit additional evidence for staff to factor into their analysis; and June 9, 2023, deadline to submit additional evidence to be incorporated into the board’s docket materials.
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.



May 31, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.

June 2, 2023: The Transportation Development Services Senior Engineer submitted a comment sheet. The Transportation Development Services Senior Engineer reviewed the requests and has no objection.

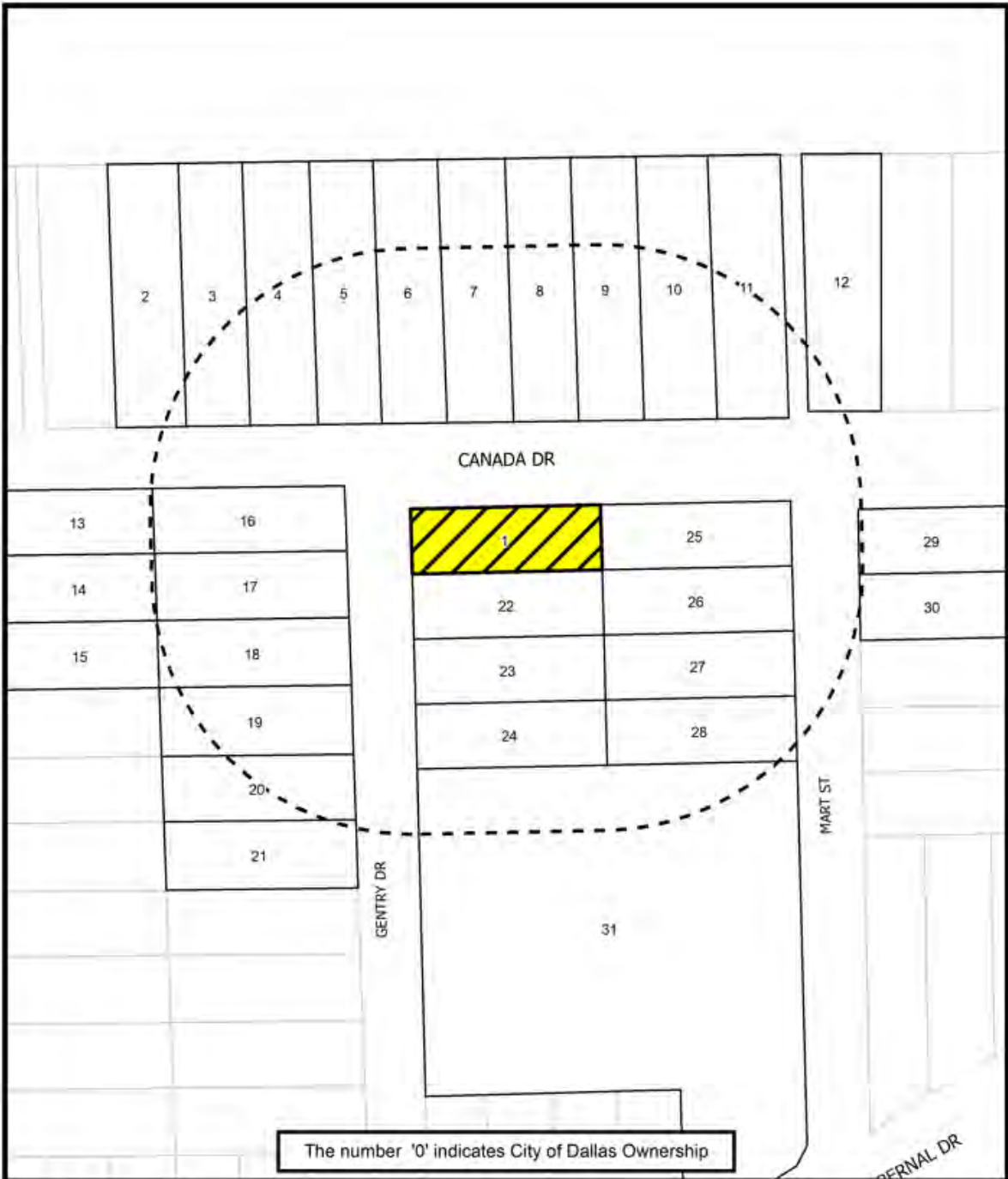


1:1,200

# AERIAL MAP

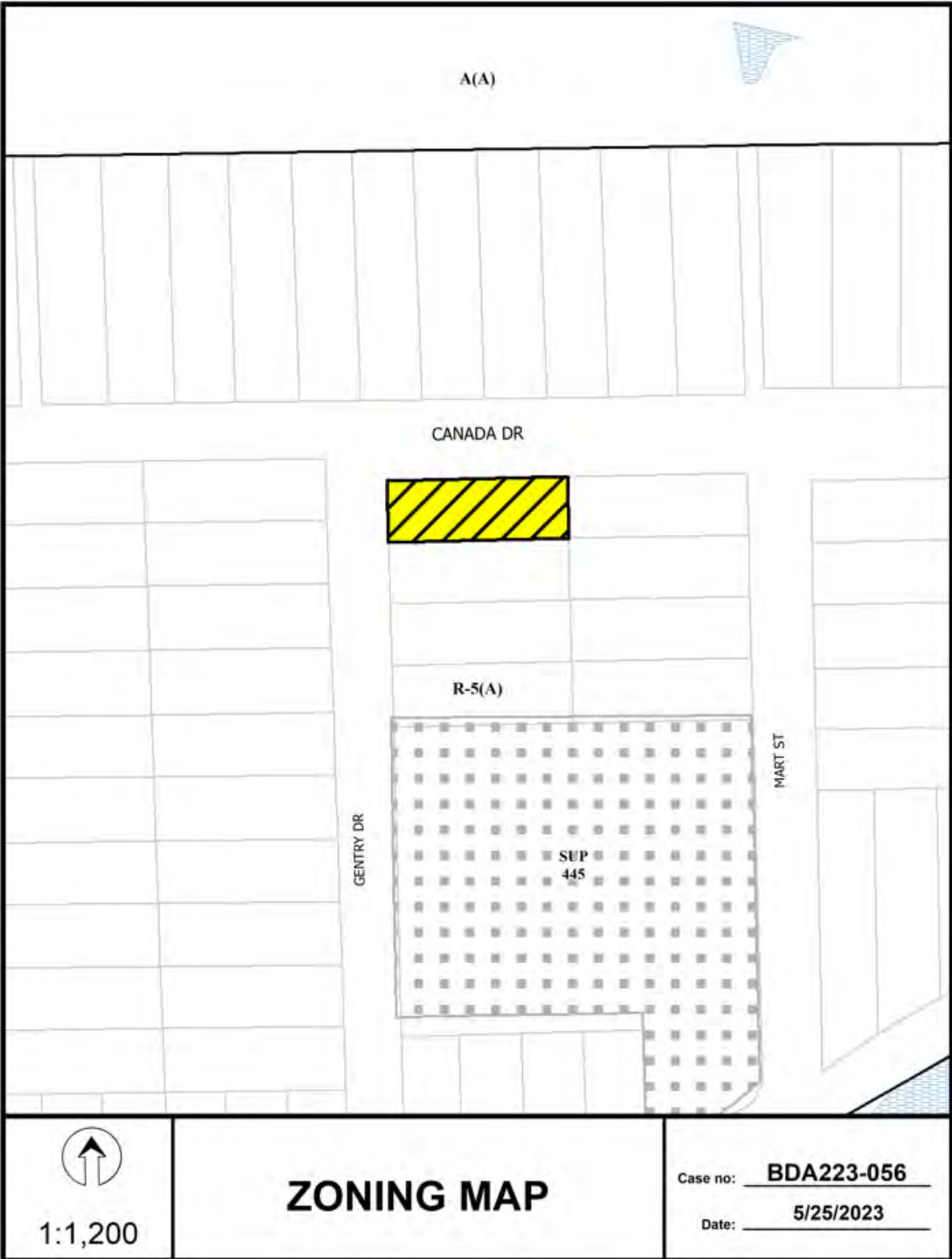
Case no: BDA223-056

Date: 5/25/2023



The number '0' indicates City of Dallas Ownership

 1:1,200	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td><b>31</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>31</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <b>BDA223-056</b> Date: <b>5/25/2023</b>
<b>200'</b>	AREA OF NOTIFICATION					
<b>31</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					



1:1,200

# ZONING MAP

Case no: BDA223-056

Date: 5/25/2023

A



# Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

## RECEIVED APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

APR 07 REC'D  
BY: MS

Case No.: BDA BOA 223-054

Data Relative to Subject Property: \_\_\_\_\_ Date: 4/7/23

Location address: 4148 Gentry Drive Dallas Zoning District: R-5(A)

Lot No.: 1 Block No.: 417155 Acreage: .167 Census Tract: \_\_\_\_\_

Street Frontage (in Feet): 1) 50 2) 140 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

### To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Alma Gutierrez and Jaime Godoy

Applicant: Alma Gutierrez Telephone: (972) 898-5683

Mailing Address: 4148 Gentry Drive, Dallas Zip Code: 75212

E-mail Address: al.gutierrez972@gmail.com

Represented by: \_\_\_\_\_ Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Affirm that an appeal has been made for a Variance \_\_\_\_\_ or Special Exception  of Permiso para tener el porton en el triangulo de visibilidad.

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:

No afecta a los vecinos y no causa ningun accidente o problema.

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

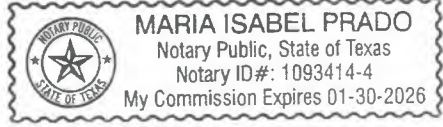
Before me the undersigned on this day personally appeared Alma Gutierrez  
(Affiant/Applicant's name printed)

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 7th day of April, 2023

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



A

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

Building Official's Report

I hereby certify that ALMA GUTIERREZ

did submit a request for a special exception to the visibility obstruction regulations  
at 4148 GENTRY DRIVE

BDA223-056. Application of ALMA GUTIERREZ for a special exception to the visibility obstruction regulations at 4148 GENTRY DR. This property is more fully described as Block 4/7155, Lot 1 and is zoned R-5(A), which requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA

A



AFFIDAVIT

Appeal number: BDA 223-056

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

at: 4148 Gentry Drive Dallas TX, 75212  
(Address of property as stated on application)

Authorize: Almar Gutierrez  
(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: Permiso para tener el porton en el triangulo de visibilidad.

Jaime Godoy  
Print name of property owner or registered agent

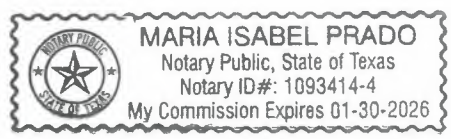
[Signature]  
Signature of property owner or registered agent

Date 4-7-23

Before me, the undersigned, on this day personally appeared Jaime Godoy

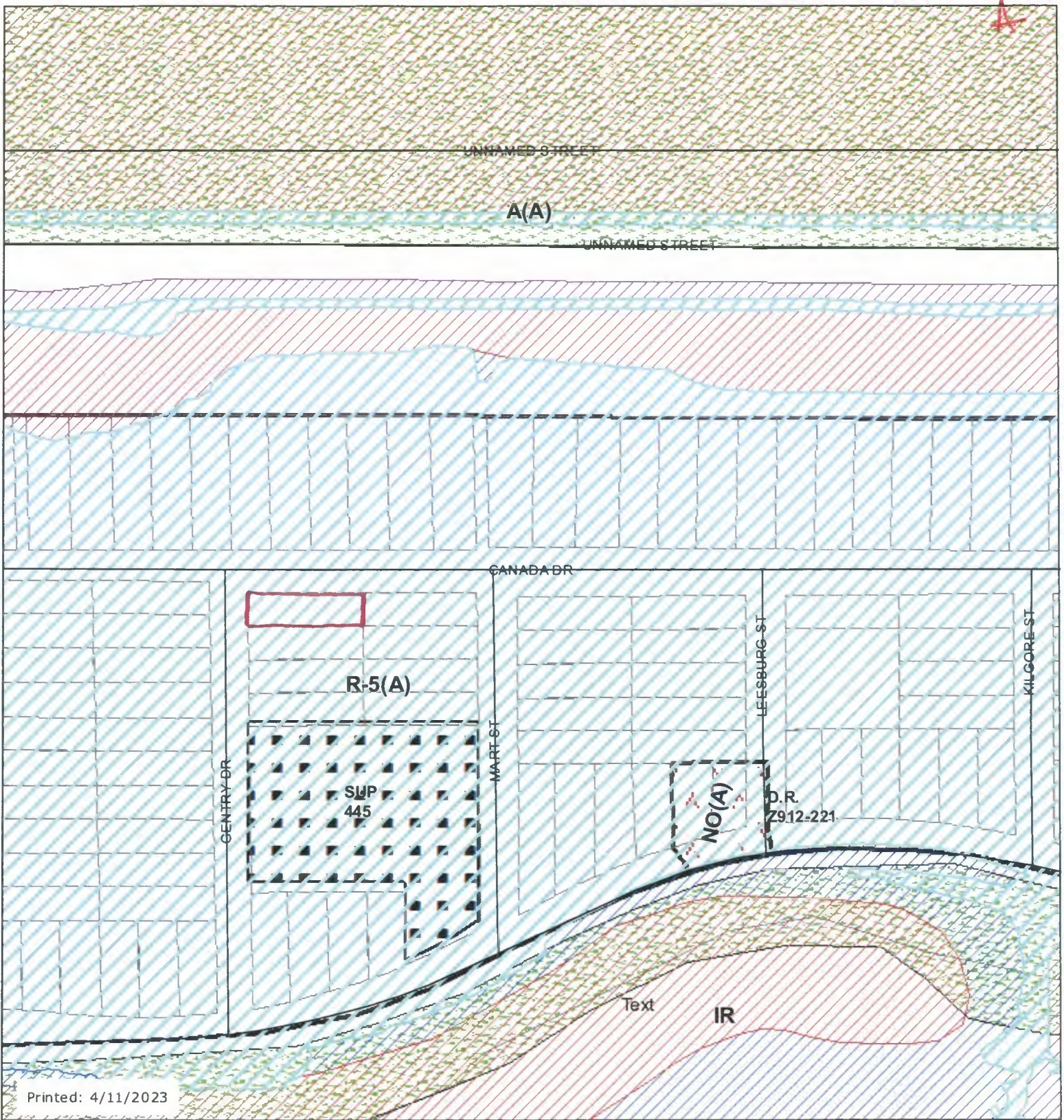
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 7th day of April, 2023



Commission expires on 1-30-2026

[Signature]



Printed: 4/11/2023

- City Limits
- Roadplain
- 0.2 Pct Annual Flood Hazard
- 1 Pct Annual Chance Flood Hazard
- Roadway
- X Protected By Levee
- Parks
- Certified Parcels
- Base Zoning
- Deed Restrictions
- SJP

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





CITY OF DALLAS PLAT BOOKS

ANNEXED DEC 30, 1952 ORD. NO. 5658

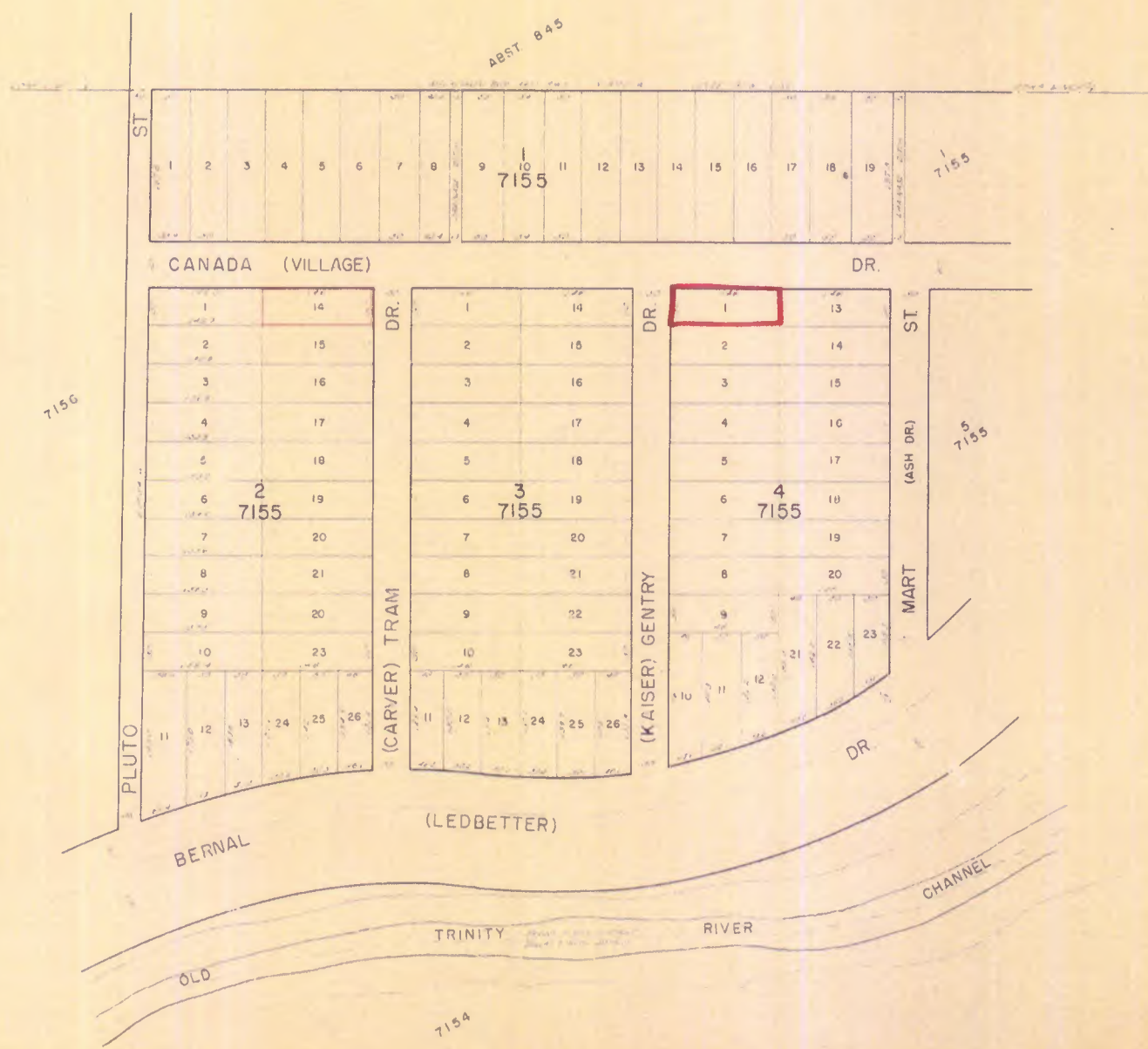
ADDITION LEDBETTER GARDENS

BLOCKS 1 THRU 4  
7155

SURVEY D A LEONARD ABST. 771

SCALE 100 FT EQUALS 1 INCH

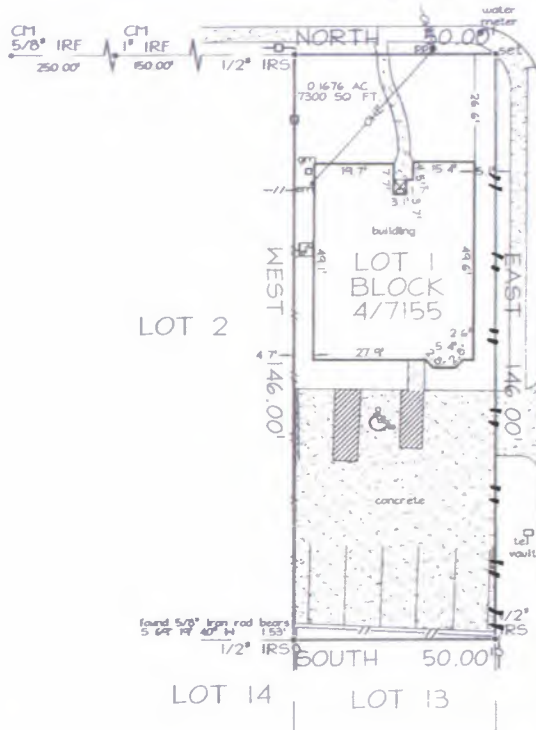
SCHOOL DIST IRVING



LEGEND OF ABBREVIATIONS AND SYMBOLS

B.L.	- Building Line	LP.F	- Iron Pipe Found	P.A.E.	- Public Access Easement	---	- Wood Fence
C.M.	- Central Monument	LR.F	- Iron Rod Found	P.O.S.E.	- Public Open Space Easement	○	- Chain Link Fence
D.E.	- Drainage Easement	IR.S.	- Iron Rod Set	R.O.W.	- Right of Way	□	- Iron Fence
D.U.E.	- Drainage & Utility Easement	O.M.E.	- Overhead Electric	R.H.	- Retaining Wall	—x—	- Wire Fence
M.E.	- Maintenance Easement ( )	RD	- Record Data	U.E.	- Utility Easement	■	- Electric Meter
ET	- Electric Transformer ( )	BB	- Bearing Bases	□ <sup>gm</sup>	- Gas Meter		

GENTRY DRIVE  
(KAISER DRIVE PER PLAT)  
(50' ROW)



CANADA DRIVE  
(VILLAGE DRIVE PER PLAT)  
(60' ROW)



Address: 4146 GENTRY DRIVE  
G.F. No.: CTDAL93-LT000104653-58  
Date: 08/21/14

I, Frederick H. Westphal, Registered Professional Land Surveyor No. 5832 do hereby declare that the map shown hereon accurately represents the property as determined by an on-the-ground survey made under my direct supervision and correctly shows the boundary lines and dimensions of the property, as found on the date of the survey, indicated hereon. There are no visible conflicts, or protrusions, except as shown and said property has access to a public roadway. All easements and right-of-ways that the surveyor has knowledge of or has been advised of and those shown on the referenced plat of record are shown or noted hereon. This survey is for the exclusive use of title company, the mortgage company and the purchaser.

According to the Federal Emergency Management Agency Flood Insurance Rate Map, Community Panel No. 46113C0320 J, dated August 23, 2001, this property does not lie within a 100-Year Flood Hazard Area.

LEGAL DESCRIPTION

Lot 1, Block 4/7155 of Ledbetter Gardens Addition, an addition to the City of Dallas, Dallas County, Texas, according to the map recorded in Volume 10, Page 25, Map Records, Dallas County, Texas.

DATE ACCEPTED BY \_\_\_\_\_  
Purchaser \_\_\_\_\_  
Purchaser \_\_\_\_\_

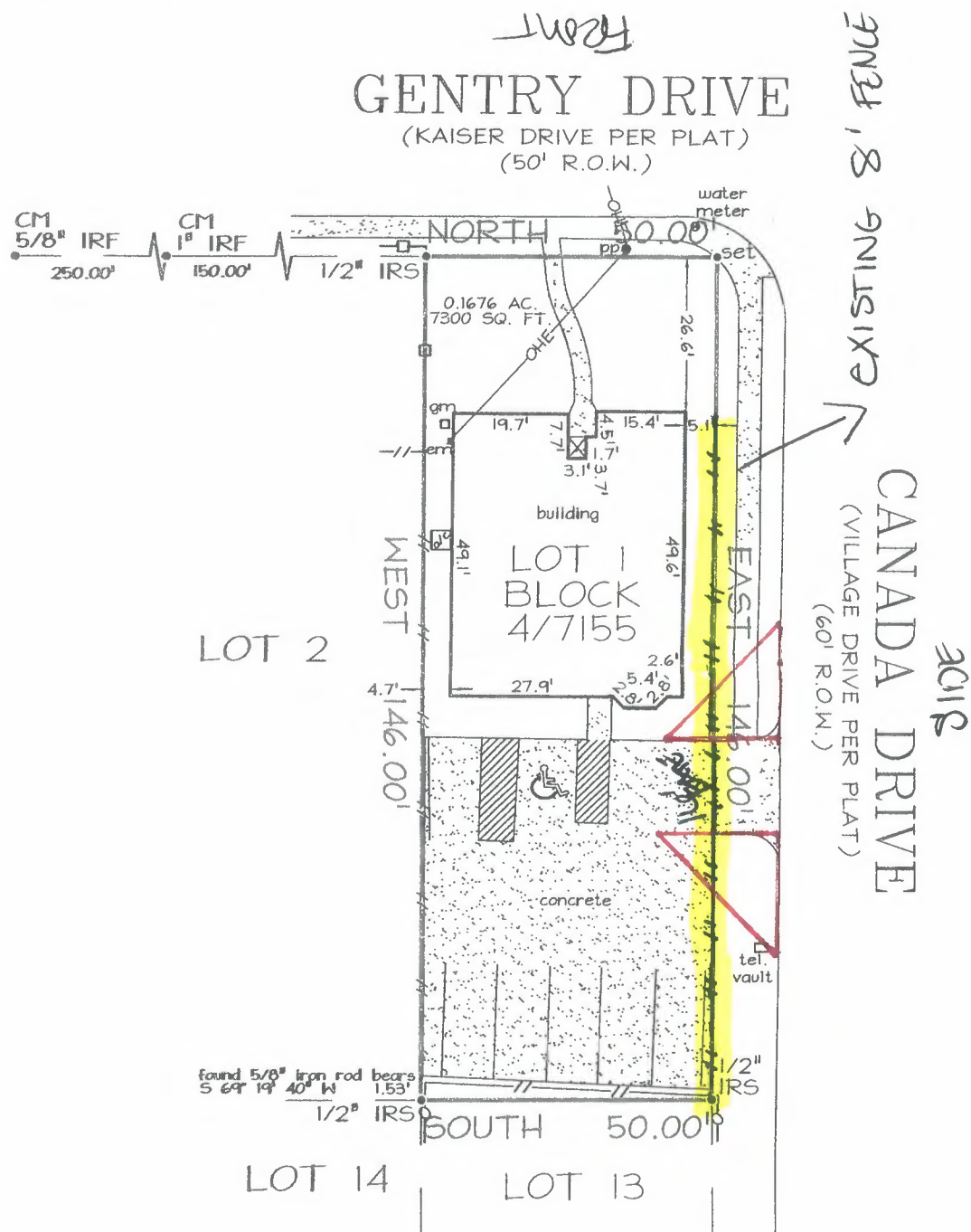


Scale: 1" = 30'  
Tech: AB  
Field: BW  
Job No: 1408CL07

A.L.S. LAND SURVEYING  
Professional Land Surveying Services  
FIRM REG NO 10100200  
Copyright ©

LEGEND OF ABBREVIATIONS AND SYMBOLS

B.L.	= Building Line	I.P.F.	= Iron Pipe Found	P.A.E.	= Public Access Easement	—//—	= Wood Fence
C.M.	= Control Monument	I.R.F.	= Iron Rod Found	P.O.S.E.	= Public Open Space Easement	—○—	= Chain Link Fence
D.E.	= Drainage Easement	I.R.S.	= Iron Rod Set	R.O.W.	= Right of Way	—□—	= Iron Fence
D.U.E.	= Drainage & Utility Easement	O.H.E.	= Overhead Electric	R.W.	= Retaining Wall	—X—	= Wire Fence
M.E.	= Maintenance Easement ( )	= Record Data	U.E.	= Utility Easement	—■ <sup>em</sup> —	= Electric Meter	
ET	= Electric Transformer ( )	= Bearing Basis	□ <sup>gm</sup>	= Gas Meter			



Address: 4148 GENTRY DRIVE  
 G.F. No.: CTDAL93-CT0000104553-SB  
 Date: 08/21/14

I, Frederick H. Westphal, Registered Professional Land Surveyor No. 5832, do hereby declare that the map shown hereon accurately represents the property as determined by an on-the-ground survey made under my direct supervision and correctly shows the boundary lines and dimensions of the property, as found on the date of the survey, indicated hereon. There are no visible conflicts, or protrusions, except as shown and said property has access to a public roadway. All easements and right-of-ways that the surveyor has knowledge of or has been advised of and those shown on the referenced plat of record are shown or noted hereon. This survey is for the exclusive use of title company, the mortgage company and the purchaser.

According to the Federal Emergency Management Agency Flood Insurance Rate Map, Community Panel No. 48113C0320 J, dated August 23, 2001, this property does not lie within a 100-Year Flood Hazard Area.

LEGAL DESCRIPTION

Lot 1, Block 4/7155 of Ledbetter Gardens Addition, an addition to the City of Dallas, Dallas County, Texas, according to the map recorded in Volume 10, Page 25, Map Records, Dallas County, Texas.

DATE:  
ACCEPTED BY:

Purchaser

Purchaser



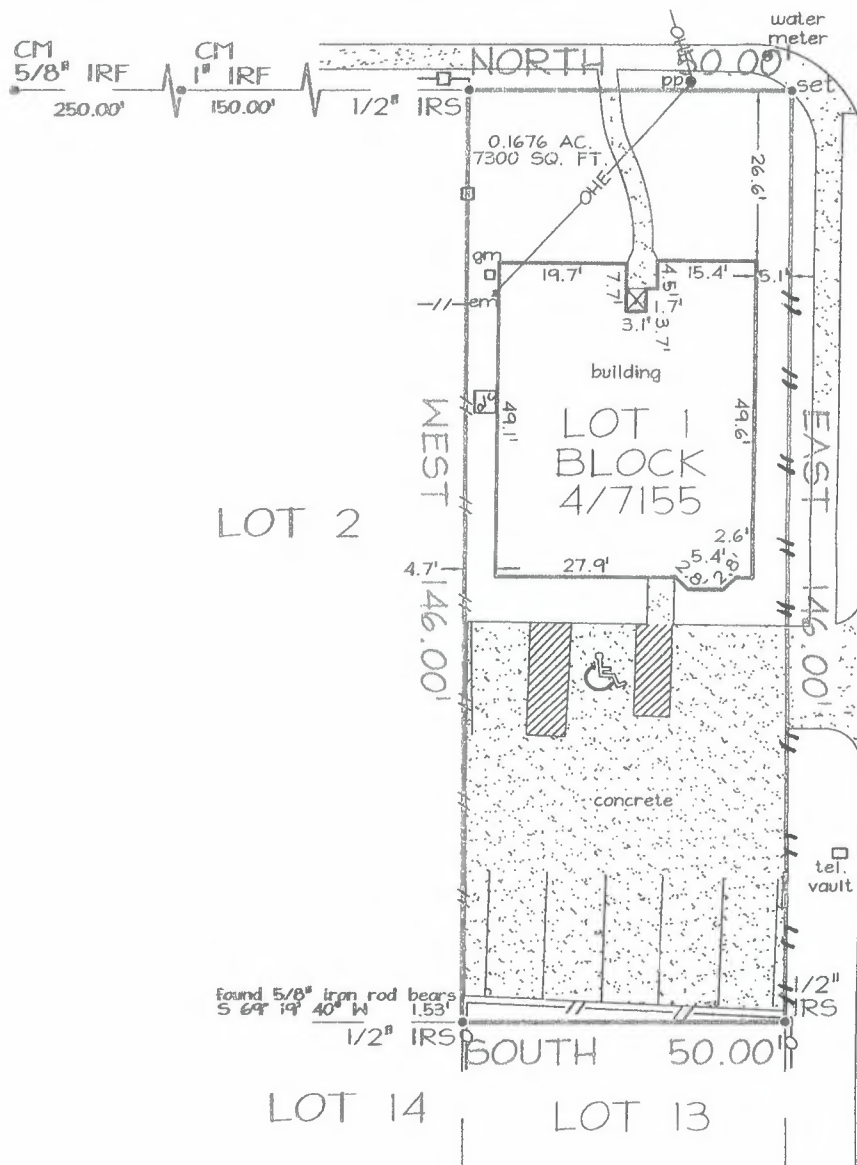
Scale: 1" = 30'  
 Tech: AB  
 Field: BW  
 Job No: 1408CLO7

A.L.S. LAND SURVEYING  
 Professional Land Surveying Services  
 FIRM REG NO. 10100200  
 Copyright ©

LEGEND OF ABBREVIATIONS AND SYMBOLS

B.L.	= Building Line	I.P.F.	= Iron Pipe Found	P.A.E.	= Public Access Easement	—//—	= Wood Fence
C.M.	= Control Monument	I.R.F.	= Iron Rod Found	P.O.S.E.	= Public Open Space Easement	—○—	= Chain Link Fence
D.E.	= Drainage Easement	I.R.S.	= Iron Rod Set	R.O.W.	= Right of Way	—□—	= Iron Fence
D.U.E.	= Drainage & Utility Easement	O.H.E.	= Overhead Electric	R.W.	= Retaining Wall	—X—	= Wire Fence
M.E.	= Maintenance Easement ( )		= Record Data	U.E.	= Utility Easement	—■—	= Electric Meter
ET	= Electric Transformer ( )		= Bearing Basis	gm	= Gas Meter		

*Front*  
**GENTRY DRIVE**  
 (KAISER DRIVE PER PLAT)  
 (50' R.O.W.)



**CANADA DRIVE**  
 (VILLAGE DRIVE PER PLAT)  
 (60' R.O.W.)



Address: 4148 GENTRY DRIVE  
 G.F. No.: CTDAL93-CT0000104553-SB  
 Date: 08/21/14

I, Frederick H. Westphall, Registered Professional Land Surveyor No. 5832, do hereby declare that the map shown hereon accurately represents the property as determined by an on-the-ground survey made under my direct supervision and correctly shows the boundary lines and dimensions of the property, as found on the date of the survey, indicated hereon. There are no visible conflicts, or protrusions, except as shown and said property has access to a public roadway. All easements and right-of-ways that the surveyor has knowledge of or has been advised of and those shown on the referenced plat of record are shown or noted hereon. This survey is for the exclusive use of title company, the mortgage company and the purchaser.

According to the Federal Emergency Management Agency Flood Insurance Rate Map, Community Panel No. 48113C0320 J, dated August 23, 2001, this property does not lie within a 100-Year Flood Hazard Area.

**LEGAL DESCRIPTION**  
 Lot 1, Block 4/7155 of Ledbetter Gardens Addition, an addition to the City of Dallas, Dallas County, Texas, according to the map recorded in Volume 10, Page 25, Map Records, Dallas County, Texas.

DATE: \_\_\_\_\_  
 ACCEPTED BY: \_\_\_\_\_  
 Purchaser \_\_\_\_\_  
 Purchaser \_\_\_\_\_



Scale: 1" = 30'  
 Tech: AB  
 Field: BW  
 Job No: 1408CLO7  
 Copyright ©

**A.L.S. LAND SURVEYING**  
 Professional Land Surveying Services

FIRM REG NO. 10100200



Board on Board  
(closed)

1" = 30'

BA223-054

**FILE NUMBER:** BDA223-048(KMH)

**BUILDING OFFICIAL'S REPORT** Application of Alan Tolmas for a special exception to the fence regulations at 6821 McCallum Blvd. This property is more fully described as Block J/8727, Lots 76 & 77 and is zoned PD-106 which limits the height of a fence in the front yard to 4-feet. The applicant proposes to construct/maintain a 6-foot 2-inch high fence in a required front yard, which will require a 2-foot 2-inch special exception to the fence regulations.

**LOCATION:** 6821 McCallum Blvd

**APPLICANT:** Alan Tolmas

**REQUEST:**

A request for a special exception to the fence regulations for 2-foot 2-inches is made to construct/maintain a 6-foot 2-inch open picket-fence in the required front yard on a site developed with a congregational facility.

**STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS REGULATIONS:**

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

**STAFF RECOMMENDATION:**

No staff recommendation is made on this or any request for a special exception to the fence 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: PD-106 (Single Family District)  
North: PD-106 (Single Family District)  
East: SUP  
South: R-7.5 (A) (Single Family District)  
West: PD-106 (Single Family District)

**Land Use:**

The subject site is developed with a congregational facility. The areas to the north, south, and west are developed with single-family uses, the area to the immediate east is developed as a Police Substation.

**BDA History:**

No BDA history in the last five years.

**GENERAL FACTS/STAFF ANALYSIS:**

- The purpose of this request for a special exception to the fence regulations of 2' 2" focuses on constructing and maintaining a 6' 2" high open picket fence in the required front yard on a site developed with a congregational facility.
- 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 subject site is zoned PD-106, which requires utilization of lots within this district to comply with the development standards of the R-10 Single Family District.
- As gleaned from the submitted site plan and application materials, the proposed fence will be located 152' along the front yard of McCallum Blvd.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations will not adversely affect the neighboring property.
- If the Board were to grant this special exception request and impose a condition that the applicant complies with the submitted site plan/elevation, the proposal over 4' in height in the front yard setback would be limited to that what is shown on this document.

**Timeline:**

- March 31, 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.
- April 24, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.
- April 27, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the May 26, 2023, deadline to submit additional evidence for staff to factor into their analysis; and June 9, 2023, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

May 31, 2023:

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





Site

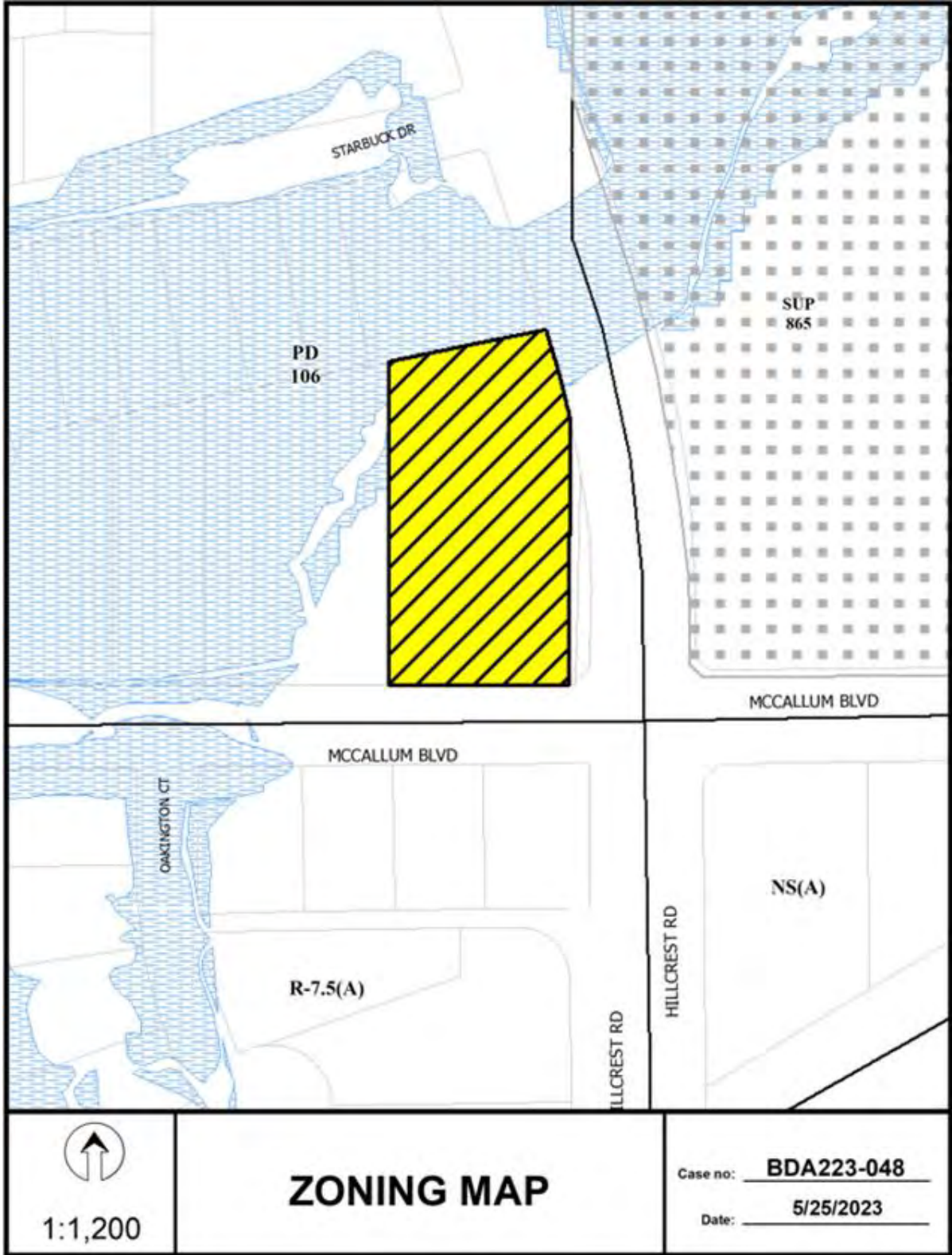


1:1,200

# AERIAL MAP

Case no: BDA223-048

Date: 5/25/2023

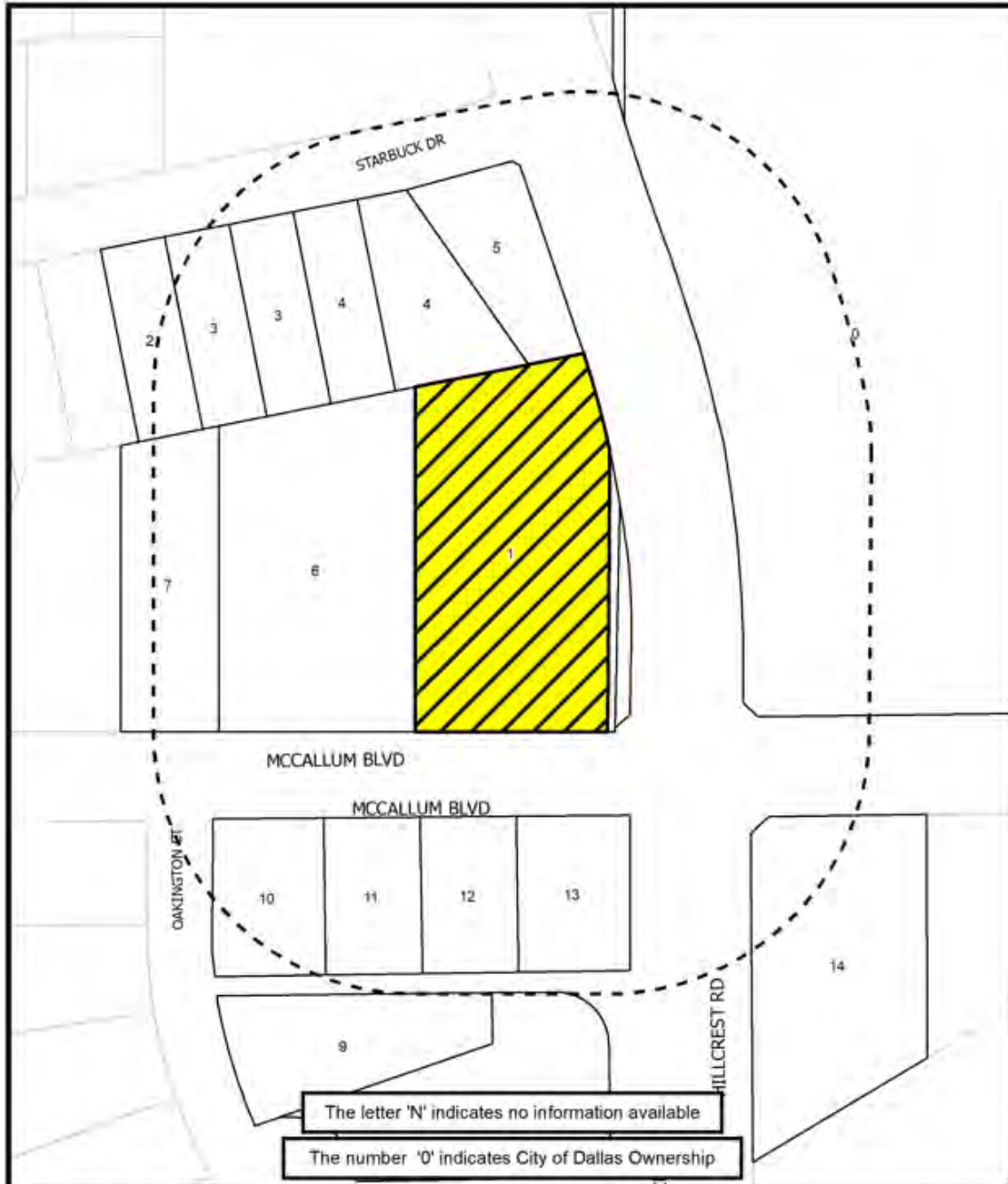


1:1,200

# ZONING MAP

Case no: BDA223-048

Date: 5/25/2023



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>14</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>14</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <b>BDA223-048</b> Date: <b>5/25/2023</b>
<b>200'</b>	AREA OF NOTIFICATION					
<b>14</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					



# Development Services

A

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

## RECEIVED APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

MAR 7 11 REC'D  
BY: [Signature]

Case No.: BDA 223-048 (OFFICIALS ONLY)

Date: 3/31/23 (OFFICIALS ONLY)

Location address: 6821 McCallum Blvd Zoning District: Single Family  
Lot No.: 76 & 77 Block No.: J Acreage: .9925 Census Tract: PD-106  
Street Frontage (in Feet): 1) 155 2) 257 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment:  
Owner of Property (per Warranty Deed): Congregation Ohev Shalom, Inc. Lawrence Shafro

Applicant: Alan Tolmas Telephone: (214) 415-8842

Mailing Address: 6821 McCallum Blvd Zip Code: 75252

E-mail Address: alan@tolmas.com

Represented by: NA Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Affirm that an appeal has been made for a Variance  or Special Exception  of Request a 2' Special Exception  
to the maximum fence height for 152' along McCallum Blvd, 66' along Hillcrest Rd, 25' along west side of lot.  
In the alternative, request a 1' Special Exception to the maximum fence height along the same.

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:

For the security of the building and its congregants at risk of antisemitic attacks.

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.

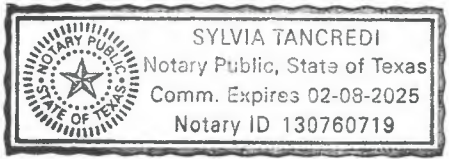
### Affidavit

Before me the undersigned on this day personally appeared Alan Tolmas  
(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 31 day of March, 2023



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





Appeal number: BDA 223-048

I, Congregation Ohev Shalom, Inc., Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 6821 McCallum Blvd. Dallas, Texas 75252  
(Address of property as stated on application)

Authorize: Alan Tolmas  
(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: Request a 2' Special Exception to the maximum fence height for 152' along McCallum Blvd, 66' along Hillcrest Rd, 25' along west side of lot.

Congregation Ohev Shalom, Inc.  
Print name of property owner or registered agent

[Signature]  
Signature of property owner or registered agent

Date 3/31/2023

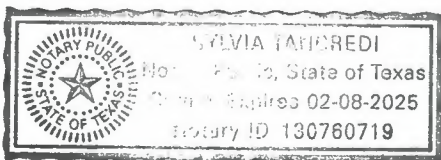
Before me, the undersigned, on this day personally appeared Lawrence Shafron, MD, President

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 31 day of March, 2023

[Signature]  
Notary Public for Dallas County, Texas

Commission expires on 2.8.25





Printed: 4/10/2023

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



CITY OF DALLAS PLAT BOOKS

ANNEXED 4-4-77  
SURVEY

ORD NO 15463  
ABST

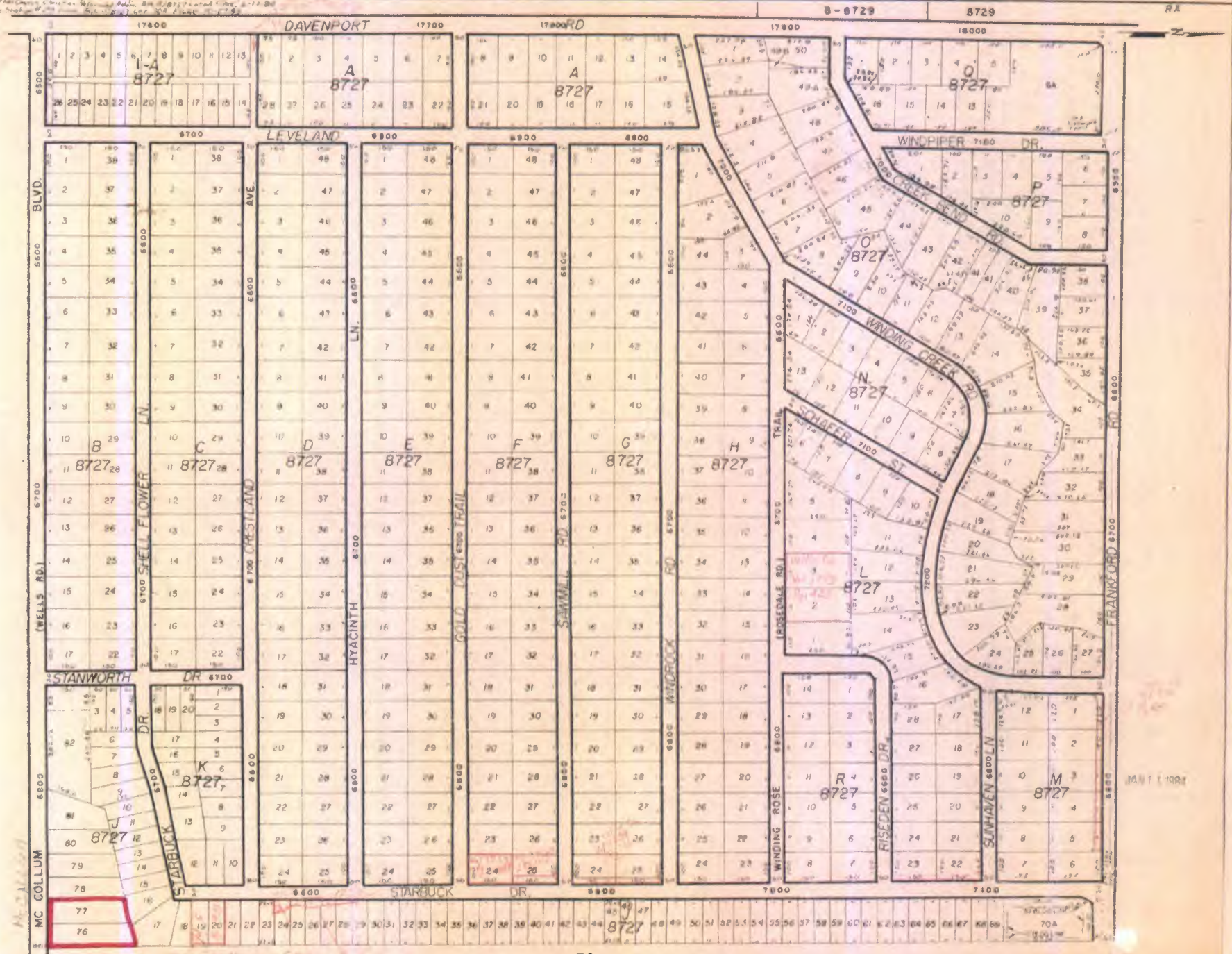
ADDITION PRESTON ROAD HIGHLANDS EAST (RENNER)

BLOCKS 8727

SCALE 200 FT EQUALS 1 INCH

SCHOOL DISTRICT

Reference to City of Dallas Plat Book 8727, Block 8727, is hereby made for the purpose of showing the location of the streets shown on this plat.

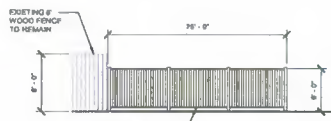




**GENERAL FENCE NOTES**

1. PRIMARY OPTION (SHOWN) IS A 6'-0" HIGH OPEN PICKET FENCE
2. SECONDARY OPTION (NOT SHOWN) IS THE SAME AS THE PRIMARY OPTION, EXCEPT IT WILL BE 8'-0" IN HEIGHT
3. GRADE LINE DEPICTED ON ELEVATIONS IS APPROXIMATE, AS TOPOGRAPHIC INFORMATION FOR THE SITE IS NOT CURRENTLY AVAILABLE. HOWEVER, THE SITE IS RELATIVELY FLAT AND THE FINAL FENCE INSTALLATION WILL CLOSELY RESEMBLE THE ELEVATIONS SHOWN

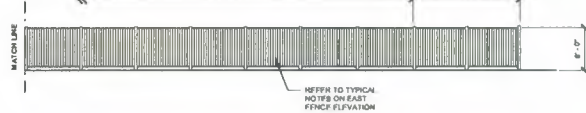
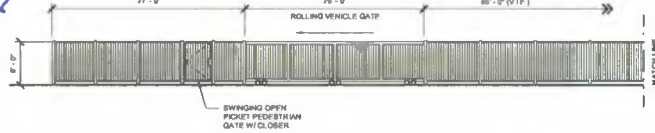
*6'-0" x 2'*



*6'-2" x 2'*

**4 WEST FENCE ELEVATION**  
1/8" = 1'-0"

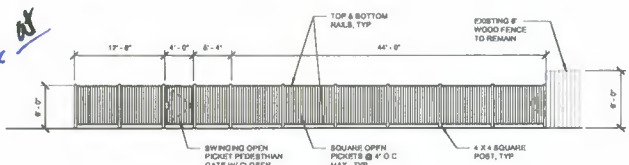
*6'-2" x 2'*



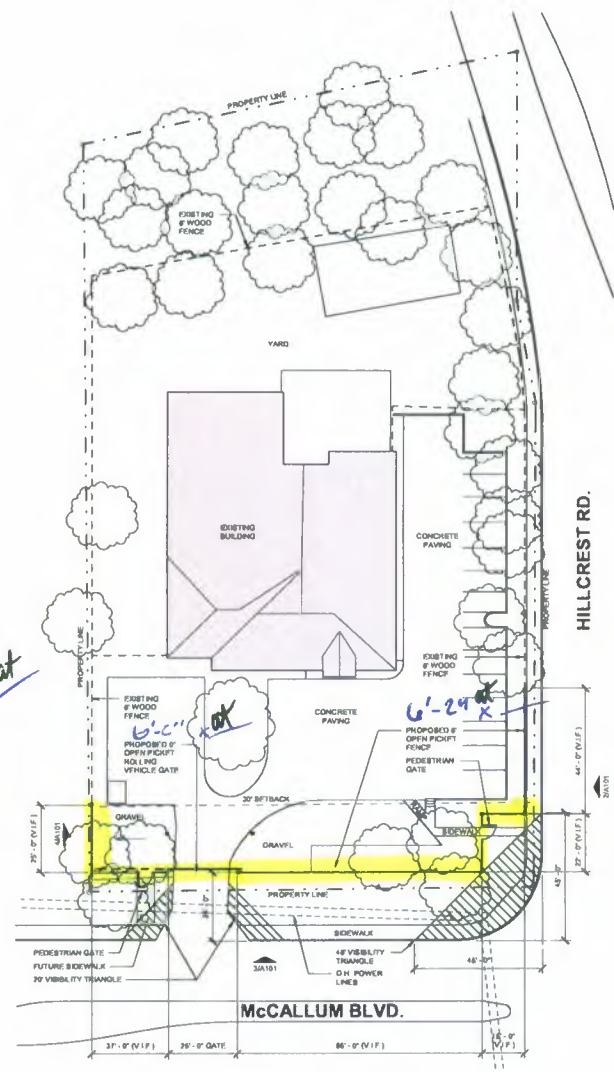
*6'-2" x 2'*

**3 SOUTH FENCE ELEVATION**  
1/8" = 1'-0"

*6'-2" x 2'*



**2 EAST FENCE ELEVATION**  
1/8" = 1'-0"



**1 CONGREGATION OHEV SHALOM - SITE PLAN**  
1" = 20'-0"



CONGREGATION OHEV SHALOM  
6821 McCALLUM BLVD., DALLAS, TEXAS 75232  
NEW FENCE VARIANCE EXHIBIT



NO.	DATE	DESCRIPTION

**PRELIMINARY**  
FOR REVIEW ONLY. THIS PLAN IS NOT TO BE USED FOR PERMITS, BIDDING OR CONSTRUCTION PURPOSES UNLESS APPROVED BY THE SUBDIVISION OF

NAME: DAN RICHARDS	DATE: 03/30/2023
PROJECT NO: 03/30/23	DATE: 03/30/2023
Drawn By: DR	Checked By: DR
Scale: As Indicated	Sheet Title: NEW FENCE VARIANCE EXHIBIT

A101  
Sheet Number



**FILE NUMBER:** BDA223-050(KH)

**BUILDING OFFICIAL'S REPORT:** Application of Chic-Fil-A, represented by Amanda Bishop, for a special exception to the landscape regulations at 4523 Frankford Road. This property is more fully described as Lot 1, Block P/8763, and is zoned CR, which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan which will require a special exception to the landscape regulations.

**LOCATION:** 4523 Frankford Road

**APPLICANT:** Chic-Fil-A  
Represented by Amanda Bishop

**REQUEST:**

A request for a special exception to the landscape regulations.

The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan which will require a special exception to the landscape regulations.

To better explain, the applicant is providing an additional drive thru lane which requires additional paving to accommodate the existing structure; the additional paving is triggering the required landscape provisions.

**STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REGULATIONS:**

Section 51A-10.110 of the Dallas Development Code states the board may grant a special exception to the requirements of this article upon making a special finding from the evidence presented that strict compliance with the requirements of this article will unreasonably burden the use of the property; the special exception will not adversely affect neighboring property; and the requirements are not imposed by a site-specific landscape plan approved by the city plan commission or city council. In determining whether to grant a special exception under Subsection (a), the board shall consider the following factors:

- The extent to which there is residential adjacency.
- The topography of the site.
- The extent to which landscaping exists for which no credit is given under this article.

- The extent to which other existing or proposed amenities will compensate for the reduction of landscaping. (Ord. Nos. 22053; 25155)

**STAFF RECOMMENDATION:**

No staff recommendation is made on this or any request for a special exception to the landscape 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: CR  
North: CR  
East: CR  
South: CR; TH-1(A)  
West: PD-254; R-7.5A

**Land Use:**

The subject site is developed with a Chic-fil-a restaurant with. The areas to the north, west, east, and south are developed with community retail uses, some residential development as well as a fire station to the immediate west.

**BDA History:**

No BDA History in the last five years.

**GENERAL FACTS /STAFF ANALYSIS:**

- The subject site is zoned Community Retail (CR) and is currently developed with a Chic-fil-a restaurant.
- The purpose of this request for a special exception to the landscape regulations of Article X focuses on providing an alternate landscape plan.
- Due to traffic circulation and congestion on the subject site, the applicant has proposed site modifications which includes a dual drive thru lane, which expands the existing paving.
- The proposed modification triggers the landscape regulations of Article X. Therefore, the applicant is requesting a special exception to the landscape regulations to provide an alternate landscape plan.
- The applicant has the burden of proof in establishing that the special exception to the landscape regulations will not adversely affect the neighboring property.

- If the Board were to grant this special exception request and impose a condition that the applicant complies with the submitted site plan/elevation, the proposal of the alternate landscape plan would be limited to that what is shown on this document.

**Timeline:**

- April 6, 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.
- April 24, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- April 28, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the May 26, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the June 9, 2023 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 31, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.

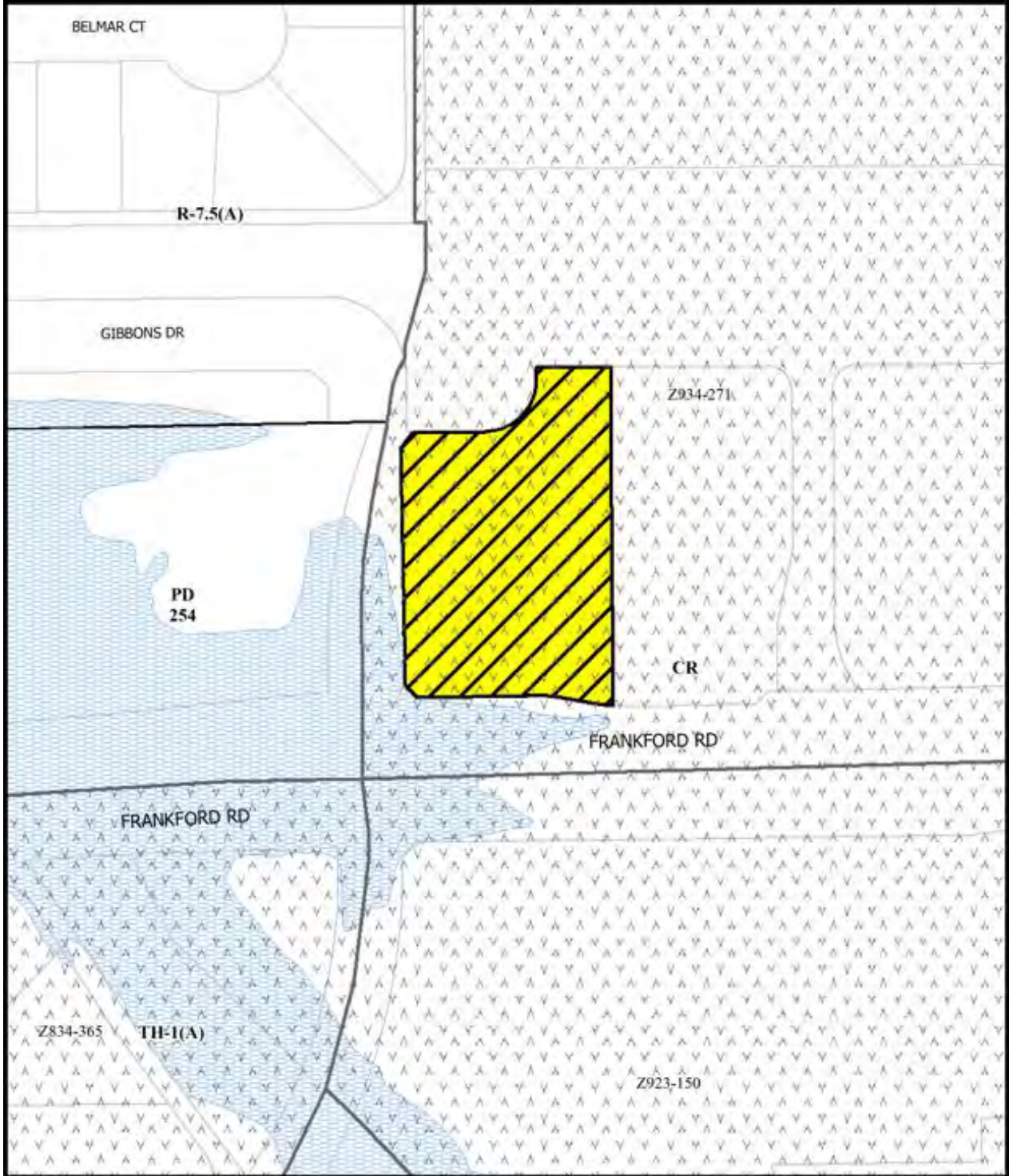


1:1,200

# AERIAL MAP

Case no: BDA223-050

Date: 5/25/2023

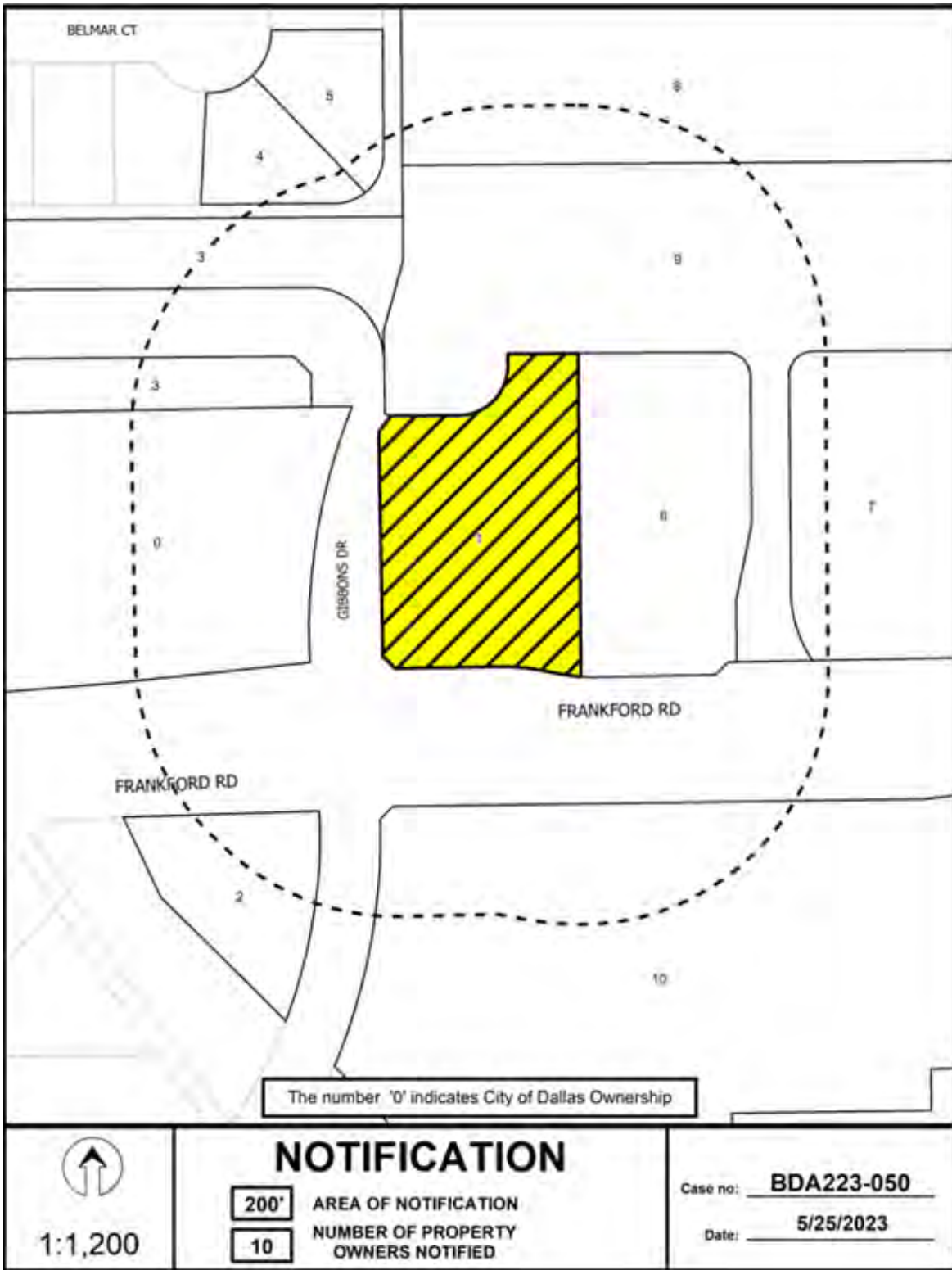


1:1,200

# ZONING MAP

Case no: BDA223-050

Date: 5/25/2023



A



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

BDA 223-050

Case No.: BDA AB

Date: January 30, 2023

Data Relative to Subject Property:

Location address: 4523 Frankford Road, Dallas, TX 75287 Zoning District: Community Retail District (CR)

Lot No.: 1 Block No.: P/8763 Acreage: 0.830 Census Tract: \_\_\_\_\_

Street Frontage (in Feet): 1) 181 2) 176 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Chick-fil-A, Inc. 722

Applicant: Chick-fil-A, Inc. Amanda Bishop Telephone: 336-406-9128

Mailing Address: 5200 Buffington Road, Atlanta, GA Zip Code: 30349

E-mail Address: john.romanello@cfacorp.com

Represented by: Amanda Bishop; Interplan LLC c/o Chick-fil-A, Inc. (Agent) Telephone: 407-645-5008

Mailing Address: 220 East Central Parkway, Suite 4000 Zip Code: 32701

E-mail Address: abishop@interplanllc.com

Affirm that an appeal has been made for a Variance \_\_, or Special Exception , of 10.125(b)(1) Street Buffer Zone for noncompliance with meeting the on-site landscaping requirements of Article X

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:

Chick-fil-A would like the Board of Adjustment to allow a request for a Special Exception to the on-site Article X Landscape requirements for street buffer zones due to the limited space on the property and current location of the building. Chick-fil-A has proposed these site modifications to aid in the traffic circulation and congestion issues the site and adjacent properties currently face due to the increased volume.

Having to adhere to the strict compliance with the requirements of Division 51A-10.100 or Division 51A-10.120 will unreasonably burden the use of the property and granting of the Special Exception will not adversely affect adjacent neighboring property but rather will improve the safety overall.

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

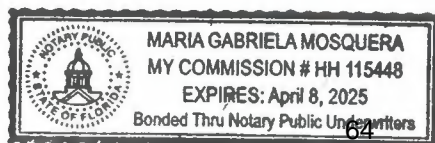
Before me the undersigned on this day personally appeared Amanda Bishop; Interplan LLC c/o Chick-fil-A, Inc. (Agent) (Affiant/Applicant's name printed)

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: Amanda Bishop (Affiant/Applicant's signature)

Subscribed and sworn to before me this 16 day of February, 2023

(Rev. 08-01-11)



Notary Public in and for Dallas County, Texas







AFFIDAVIT

Appeal number: BDA 223-050

I, John Romanello; Chick-fil-A, Inc., Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 5200 Buffington Road, Atlanta, GA 30349  
(Address of property as stated on application)

Authorize: Amanda Bishop; Interplan LLC (Agent)  
(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: 10.125(b)(1) Street Buffer Zone for noncompliance with meeting the onsite landscaping requirements of Article X.

John Romanello; Chick-fil-A, Inc.  
Print name of property owner or registered agent

[Signature]  
Signature of property owner or registered agent

Date 2/27/2023

Before me, the undersigned, on this day personally appeared John Romanello

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 27th day of February, 2023



Commission expires on August 9, 2025  
[Signature]

A



September 26, 2022

Reference: Chick-fil-A #1108 Frankford Road FSU  
4523 Frankford Road  
Dallas, TX 75203  
Letter of Authorization

To Whom It May Concern:

Please accept this letter as authorization for Interplan LLC, to act as agent in correspondence and representation of all approval and permitting matters required for Chick-fil-A #1108 Frankford Road at the location referenced above.

If you have any questions, please contact me at 404-765-7802.

Sincerely,

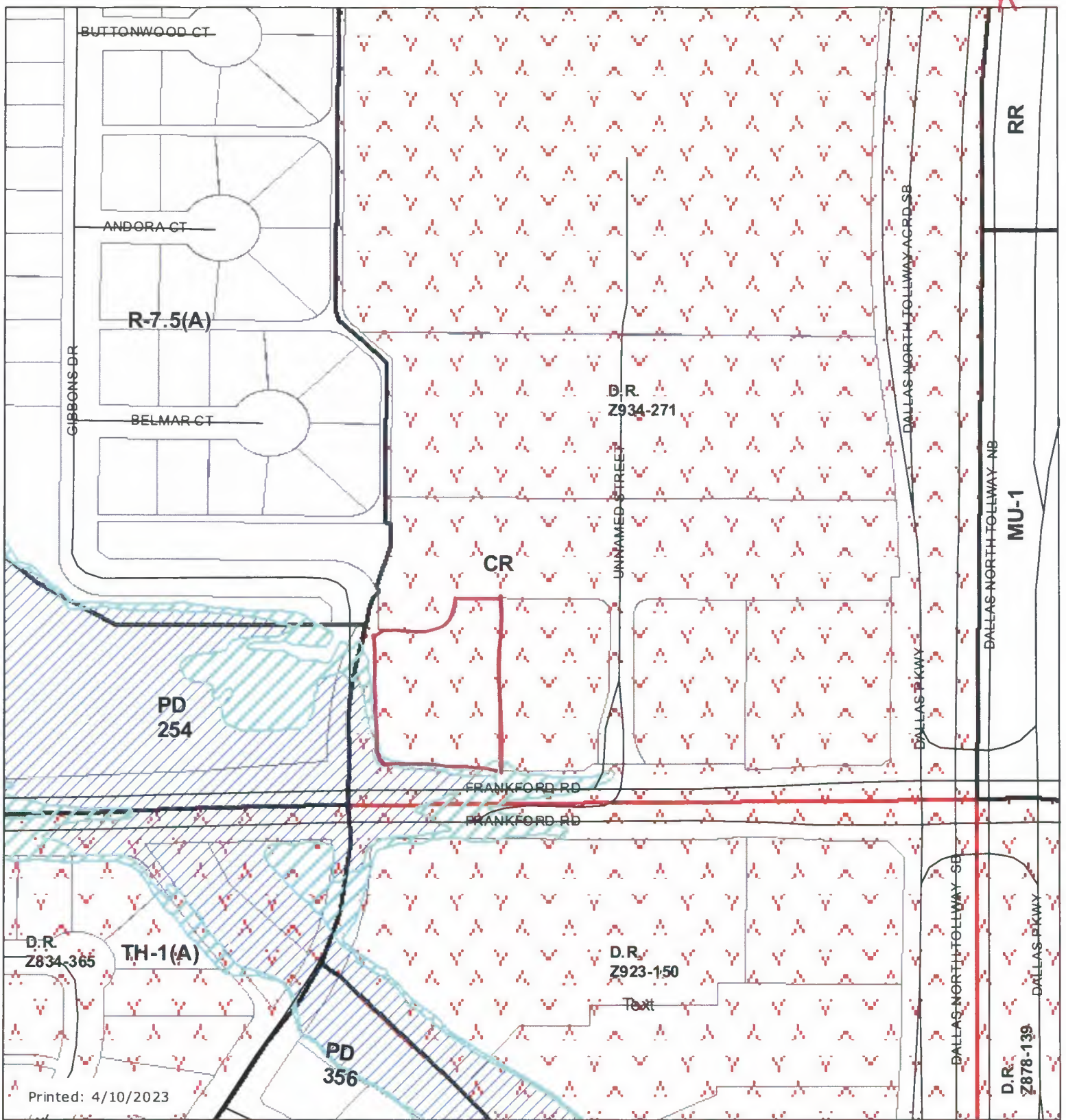
Strategic Reinvestment, Existing Restaurants  
Chick-fil-A, Inc.

CHICK-FIL-A, INC • 5200 BUFFINGTON ROAD • ATLANTA, GA 30349

Subscribed and sworn to before me this 5 day of October, 2022.

Notary Public Michelle Gilbert





Printed: 4/10/2023

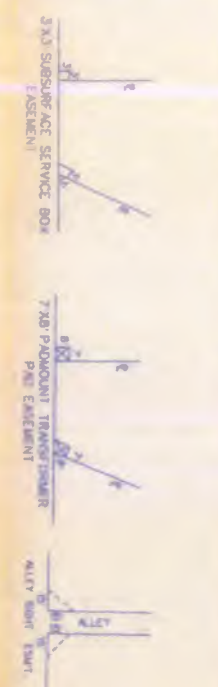
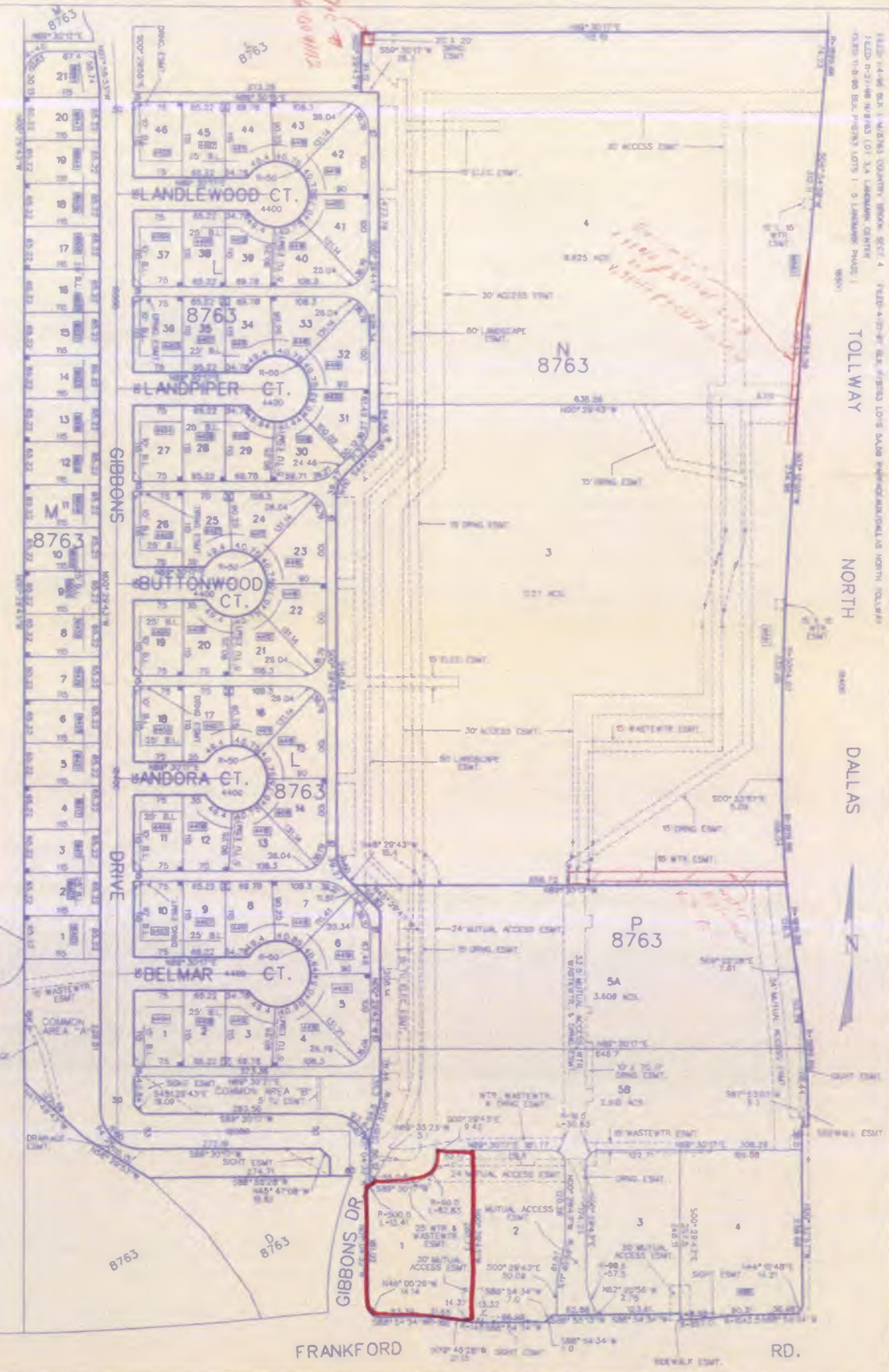
- City Limits
- Roadplain
- 0.2 Pct Annual Flood Hazard
- 1 Pct Annual Chance Flood Hazard
- Certified Parcels
- Base Zoning
- Deed Restrictions

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



A

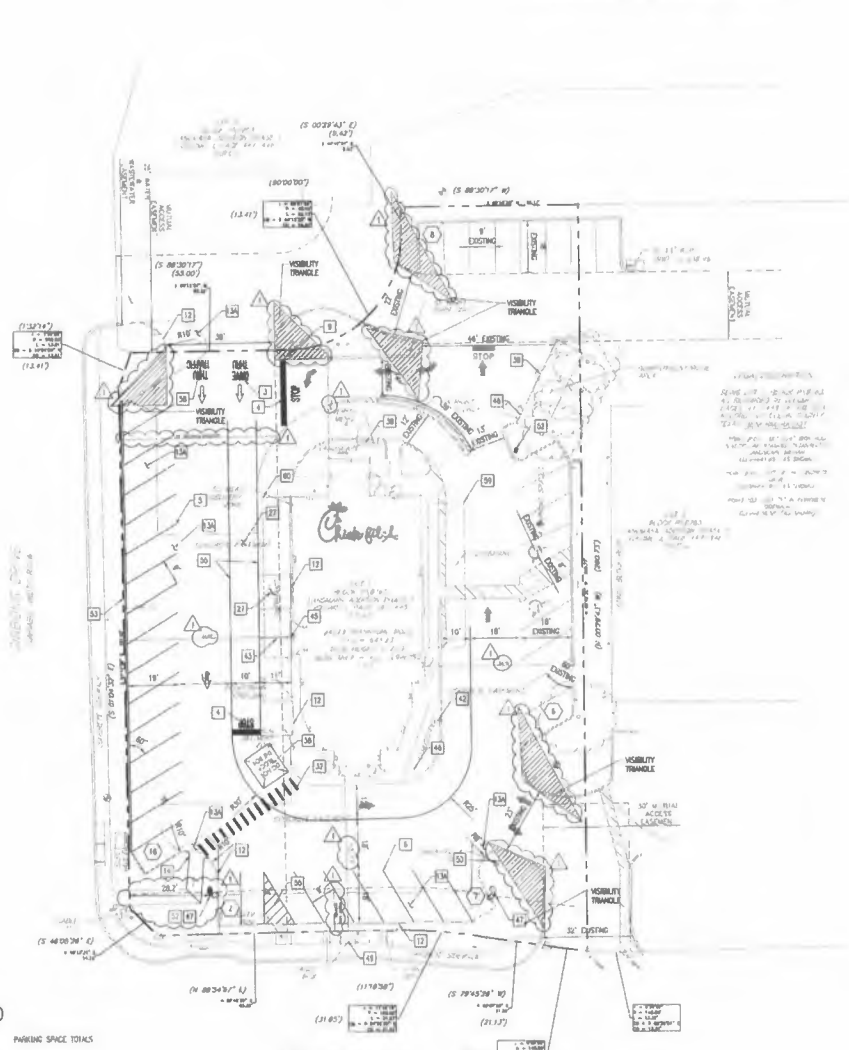
ANNEXED APRIL 4, 1977 CDNO NO 11443  
 SURVEY MCGRAW BAYS  
 CITY OF DALLAS PLAT BOOKS  
 ADDRESS SCALE 3/16" = 1' EQUALS 1" NCI  
 BLOCK NO 8763, 8765, 8767, 8769  
 SCHOOL DISTRICT DALLAS



8740

8740

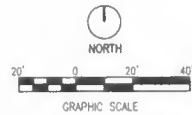
**STRIPING NOTE:**  
 CONTRACTOR SHALL ENGAGE COASTING STRIPING WITH LAMER AND  
 BLASTING OR WATER PRESSURE THEN SEAL EXISTING ASPHALT BEFORE  
 APPLYING NEW STRIPING. DO NOT PART THE EXISTING STRIPING BLACK.



- LEGEND**
- ④ PARKING SPACE TOTALS
  - ②/④ DETAIL NUMBER SHEET NUMBER
  - TRAFFIC DIRECTIONAL ARROW
  - CONCRETE PAVEMENT
  - ▨ ASPHALT PAVEMENT
  - ⌈ OVERHEAD CANOPY

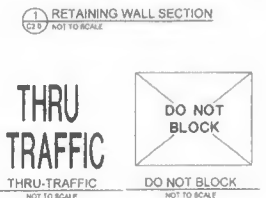
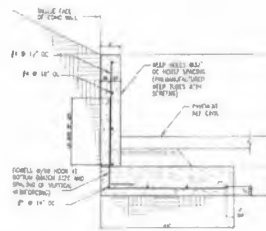
SITE PLAN

1" = 20'



**SITE PLAN DESIGN NOTES & KEY PLAN**

- |  |        |
|--|--------|
| 11 DIRECTIONAL ARROW                         | ①/②-18 |
| 12 PAINTED HANDCAP PARKING SYMBOL (NOT USED) | ①/②-18 |
| 13 DRIVE-THRU GRAPHICS                       | ②/②-18 |
| 14 STOP LINE GRAPHIC                         | ②/②-18 |
| 15 SIGNAWAY PARKING STALL                    | ③/③-18 |
| 16 BOLLARD MOUNTED SIGN (NOT USED)           | ⑤/⑤-18 |
| 17 ACCESSIBLE PARKING SIGN (NOT USED)        | ⑥/⑥-18 |
| 18 DIRECTIONAL SIGNAGE (NOT USED)            | ⑦/⑦-18 |
- NOTES: 1 ALL SIGNS SHALL CONFORM TO THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES BY THE U.S. DEPARTMENT OF TRANSPORTATION.  
 2 SIGNS SHALL BE PROVIDED AND INSTALLED BY CHICK-FIL-A GENERAL CONTRACTOR.  
 3 SIGNS SHALL BE PROVIDED AND INSTALLED BY CHICK-FIL-A GENERAL CONTRACTOR.
- |  |        |
|--|--------|
| 19 "TRUCK BUILDING FOR DRIVE-THRU" SIGN    | ⑧/⑧-18 |
| 20 "LEFT TURN ONLY" SIGN                   | ⑧/⑧-18 |
| 21 "RIGHT-TURN ONLY" SIGN                  | ⑧/⑧-18 |
| 22 "CAUTION - WATCH FOR PEDESTRIAN" SIGN   | ⑧/⑧-18 |
| 23 "ONE WAY" WITH ARROW SIGN               | ⑧/⑧-18 |
| 24 "DO NOT ENTER" SIGN                     | ⑧/⑧-18 |
| 25 "STOP" SIGN                             | ⑧/⑧-18 |
| 26 CONCRETE SIDEWALK (NOT USED)            | ⑨/⑨-18 |
| 27 SIDEWALK WITH CURB AND OUTER (NOT USED) | ⑩/⑩-18 |
| 28 2" CONCRETE CURB AND OUTER              | ⑪/⑪-18 |
| 29 SPILLING CURB AND OUTER                 | ⑩/⑩-18 |
| 30 CATCHING CURB AND OUTER                 | ⑩/⑩-18 |
| 31 DEPRESSION SPILLING CURB AND OUTER      | ⑩/⑩-18 |
| 32 DEPRESSION CATCHING CURB AND OUTER      | ⑩/⑩-18 |
- |                          |        |
|--------------------------|--------|
| 33 CONCRETE PAVEMENTS    | ⑩/⑩-18 |
| 34 MEDIUM DUTY           | ⑩/⑩-18 |
| 35 HEAVY DUTY (NOT USED) | ⑩/⑩-18 |
- |  |        |
|--|--------|
| 36 CURB RAMP w/ SHORT FLARED SIDES   | ①/②-17 |
| 37 CURBED RAMP WITH FLARED SIDES (NOT USED)  | ②/②-17 |
| 38 SIDEWALK ACCESSIBLE RAMP (NOT USED)   | ③/③-17 |
| 39 FRANGIBLE DOMES - CAST IN PLACE (NOT USED)  | ④/④-17 |
| 40 SOLID YELLOW PLASTIC WHEEL STOP (NOT USED)  | ⑤/⑤-17 |
| 41 EXPANSION JOINT   | ⑥/⑥-17 |
| 42 TRANSVERSE & LONGITUDINAL DOWN TO CONST JOINT   | ⑦/⑦-17 |
| 43 KEYS CONSTRUCTION JOINT (NOT USED)  | ⑧/⑧-17 |
| 44 CONSTRUCTION JOINT  | ⑨/⑨-17 |
| 45 TRANSVERSE & LONGITUDINAL CONSTRUCTION JOINT  | ⑩/⑩-17 |
| 46 PAVEMENT EDGE (NOT USED)  | ①/②-17 |
| 47 CONCRETE APRON AT DIAMETER ENCLOSURE (NOT USED)   | ②/②-17 |
| 48 LONGITUDINAL BUTT JOINT   | ③/③-17 |
| 49 CONCRETE FRAMING AT DRIVE-THRU LANE   | ④/④-17 |
| 50 TYPICAL HMA (ASPHALT) PAVEMENT SECTION (NOT USED)   | ⑤/⑤-17 |
| 51 BUTT JOINT (NOT USED)   | ⑥/⑥-17 |
| 52 CONCRETE BOLLARD (NOT USED)   | ⑦/⑦-17 |
| 53 MULTI-LANE DIRECTIONAL GRAPHICS (NOT USED)  | ⑧/⑧-17 |
| 54 CROSSWALK MARKINGS  | ⑨/⑨-17 |
| 55 ALUMINUM HANDRAIL (NOT USED)  | ⑩/⑩-17 |
| 56 TYPICAL WALK RAMP AND FANWAY (NOT USED)   | ①/②-17 |
| 57 ENTRY DOOR FROST SLAB (NOT USED)  | ③/③-17 |
| 58 EXISTING SCREENED REFUSE ENCLOSURE  | ④/④-17 |
| 59 SCREENED REFUSE ENCLOSURE PLAN (ALL) (NOT USED)   | ⑤/⑤-17 |
| 60 SCREENED REFUSE ENCLOSURE (NOT USED)  | ⑥/⑥-17 |
| 61 EXISTING MENU BOARD LOOP DETECTION SYSTEM   | ⑦/⑦-17 |
| 62 DRIVE-THRU ORDER POINT ISLAND CURB (NOT USED)   | ⑧/⑧-17 |
| 63 DRIVE-THRU PLAN (AUTOMATIC DOOR) (NOT USED)   | ⑨/⑨-17 |
| 64 EXISTING DRIVE-THRU CLEARANCE BAR   | ⑩/⑩-17 |
| 65 DRIVE-THRU ISOMETRIC  | ①/②-17 |
| 66 ROLL-OVER / MOUNTABLE CURB (1" TIDE) (NOT USED)   | ③/③-17 |
| 67 DRIVE-THRU PLAN (PICK-UP WINDOW)  | ④/④-17 |
| 68 EXISTING REFUSE/STORAGE BUILDING (REFER TO ARCH PLAN)   | ⑤/⑤-17 |
| 69 TYPICAL LIGHT POLE BASE (REFER TO SHEET ES-10)  | ⑥/⑥-17 |
| 70 EXISTING FLAGPOLE - ECL SERIES FLAG POLE PACKAGE BY APPROVED VENDORS, SEE ELEC. DRAWING OR AS-BUILT PLANS | ⑦/⑦-17 |
| 71 EXISTING OVERHEAD TRANSFORMER   | ⑧/⑧-17 |
| 72 EXISTING CHICK-FIL-A PRIME (WORKMANT)   | ⑨/⑨-17 |
- NOTE: GENERAL CONTRACTOR SHALL COORDINATE WITH SIGN COMPANY IF THERE WILL BE SPECIAL FINISH REQUIREMENTS AT THE BASE OF THE WORKMANT SIGN.
- |  |        |
|--|--------|
| 73 CASH STATION (ON 4" THICK, 3' x 5.5' CONCRETE PAD) (NOT USED) | ⑩/⑩-17 |
|--|--------|



- PAVEMENT MARKINGS - 3**
- 1 NOT TO SCALE
  - 2 NOT TO SCALE

- 52 SECURITY CAMERA (LIGHT POLE MOUNTED)
- 53 RETAINING WALL
- 54 2 FT DIAMETER ON CONCRETE PAVEMENT (NOT USED)
- 55 4" WIDE WHITE STRIPING (SEE PAINT NOTES IN DETAIL A, SHEET C-43)
- 56 PAINTED DIAGONAL / CHEVRON STRIPING
- 57 DRAINAGE STRUCTURE (REFER TO GRADING PLAN, SHEET NO C-30)
- 58 THRU-TRAFFIC GRAPHICS / DO NOT BLOCK GRAPHICS
- 59 MULTI-LANE ORDER POINT (BUMP) CANOPY
- 60 ORDER MESH DELIVERY (DRUM) CANOPY



**Chick-fil-A**  
 Chick-fil-A  
 5200 Buffington Road  
 Atlanta, Georgia  
 30349-2998

**INTERPLAN**  
 ARCHITECTURE  
 INTERIORS  
 PLANNING

ARCHITECTURE  
 INTERIORS  
 PLANNING



**CHICK-FIL-A**  
**FRANKFORD ROAD**  
 4523 FRANKFORD ROAD, DALLAS, TX 75287

**FSR#01108**

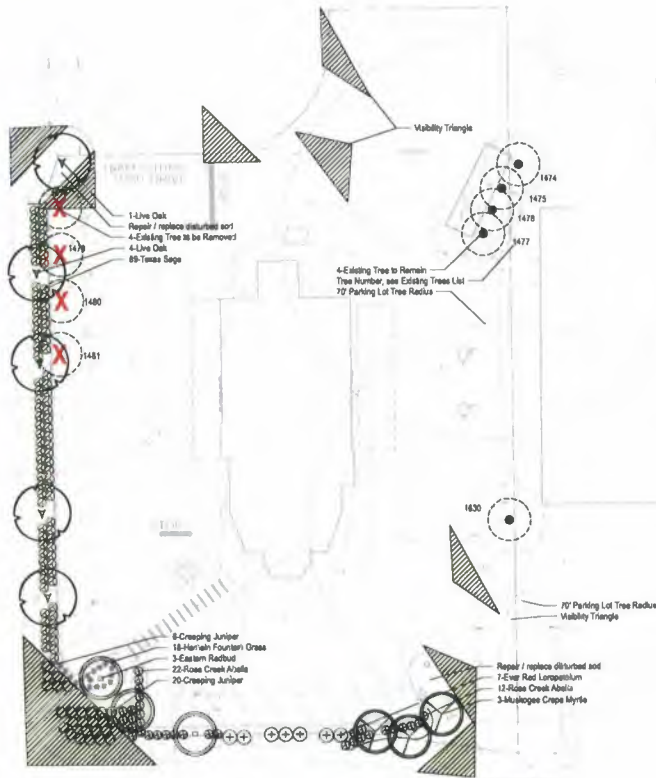
ALUMINUM PER. 3/8" ALUMINUM PER. 3/8"  
 PROJECT STATUS  
 SHEET NO. 01/0022 DATE

CONTRACT NO. PROJECT NO. DATE  
 SHEET NO. DATE

**SITE PLAN**  
 SHEET NUMBER

**C-2.0**

BOA203-050



**LEGEND**

- EXISTING TREE TO BE REMOVED
- EXISTING TREE TO REMAIN



NUMBER	SPECIES	SIZE	STATUS
1474	CEGAR	11"	SAVED
1475	CEGAR	12"	SAVED
1476	CEGAR	10"	SAVED
1477	CEGAR	10"	SAVED
1478	PRSE	11"	REMOVED
1479	PRSE	11"	REMOVED
1480	PRSE	12"	REMOVED
1481	PRSE	12"	REMOVED
1482	CEGAR ELM	12"	SAVED

**SOUTHWEST LANDSCAPE NOTES**

1. Landscape Contractor to read and understand the Landscape Specifications prior to planting. The Landscape Specifications shall be adhered to throughout the construction process.
2. Contractor is responsible for locating and protecting all lines prior to digging.
3. Contractor is responsible for protecting existing trees from damage during construction.
4. All tree protection devices to be installed prior to the start of land disturbance, and maintained until final landscaping.
5. All tree protection devices to be inspected daily and repaired or replaced as needed.
6. All tree protection devices to be installed from north-south.
7. No parking, storage or other construction activities are to occur within tree protection areas.
8. All existing trees shall be assessed for construction activity (i.e. electrical, rock, rubble, building materials, etc.) prior to cutting and spreading of the topsoil.
9. General Contractor is responsible for adding a mix of 4" mean value topsoil to all planting beds and all grassed areas. Critical areas to be hard from the appropriate elevation to account for impact depth. See Landscape Specifications for required topsoil characteristics.
10. In all parking lot levels, the Contractor is responsible to remove all debris, building materials or debris to a 2" depth. All topsoil to be a 4" of topsoil height above finished surface, unless the landscape specifications and landscape detail detail.
11. Prior to beginning work, the Landscape Contractor shall inspect the site conditions, general site conditions, verify locations, all by location, irrigation, approve layout and ensure the site conditions under which the work to be done. Notify the General Contractor of any unsatisfactory conditions, work shall not proceed until such conditions have been corrected and are acceptable to the Landscape Contractor.
12. Any deviations from the approved set of plans are to be approved by the Landscape Architect.
13. Landscaping shall be installed in accordance with ASIS 2001 (the "American Standard for Nursery Stock") and the accepted standards of the American Association of Nurserymen.
14. Existing grass to be removed and replaced with topsoil. Hard areas to be removed (i.e. rocks and debris) larger than 1 inch in diameter, prior to adding topsoil and seeding shrubs.
15. Soil to be tested to determine fertilizer and lime requirements prior to laying out.
16. Annual and perennial beds shall be 4 inch layer of topsoil required and 10 x 4 inch depth of 12 inches. Mulch annual and perennial beds with 3-3 inch depth of mulch.
17. All shrub beds (planting and seed) to be mulched with a 3 inch layer of mulch.
18. Planting holes to be dug a minimum of twice the width of the root ball, for both shrubs and trees. Set post markers 2-2" above finish grade. Backfill planting pit with topsoil and water immediately.
19. Soil to be delivered back to site (see Note 10) hours prior to planting on site), laid immediately, water, and watered thoroughly immediately after planting. Bags of soil and planting beds set to be "Y" broadcast, and Landscape Detail.
20. Any existing grass disturbed during construction to be left removed, repaired and replaced. All site marks and landmarks to be repaired.
21. Water thoroughly beds in first 24 hours and apply mulch immediately.
22. The Landscape Contractor shall maintain all plants installed for one (1) year from date of acceptance by the owner. All plants shall be watered at a vigorous rate of growth in the end of the guarantee period. The Landscape Contractor shall not be responsible for acts of God or vandalism. See Landscape Specifications for warranty requirements/expectations.
23. Any plant that is determined dead, or is an unhealthy, unsightly condition, but is larger than 6 inch branches, or other systems of site, non-irrigation plants, shall be replaced by the Landscape Contractor. See Landscape Specifications for warranty requirements/expectations.
24. All trees to be 100% installed in all planting beds and grass areas by the scheduled completion/acceptance. Irrigation on each shall be provided to the Landscape Architect within 24 hours of irrigation installation completion.
25. Shrub and irrigation and irrigation trees as shown in the planting detail and as per the Landscape Specifications.
26. Remove stakes and tying from all trees after one year from planting.

**PLANT LIST**

Qty	Plant Name	Common Name	Plant Size	Remarks
3	Quercus castaneola 'Munich of Gold'	Eastern Redbud	2" Cal	D & B
3	Liquidambar styraciflua 'Mulleberry'	Mulleberry	2" Cal	D & B, single straight leader
3	Quercus virginiana 'Cathartes'	Live Oak	2" Cal, 1.75Ht	D & B, single straight leader
	Mulleberry			
34	Abelia x chinensis 'Rose Creek'	Rose Creek Abelia	3 Cal	
80	Leucodermis rubra 'Dangshan'	Texas Sage	3 Cal	
7	Leucostemum chinensis 'Chang Man Hong'	Star Field Longemum	3 Cal	
10	Parthenocissus vitacea 'Vermont'	Hummer Fountain Grass	3 Cal	
	Brewer's			
20	Juniperus horizontalis 'Wittorf'	Creeping Juniper	3 Cal	Plant 3' D.C.
	Other			

**NOTE**

(X) existing trees to be removed and replaced by (C) live oak.

**LANDSCAPE REQUIREMENTS**

- A. SITE OPENING**
- REQUIRED: 1 (1) tree per 4,000 SF of site area  
30,300 SF / 4,000 SF = 8 site trees required
- PROVIDED: 1 4 trees existing, 2 method, 1 grass myrtle, 1 live oak = 11 site trees provided
- B. STREET TREES**
- REQUIRED: 1 (1) large or medium tree per 40 LF of frontage  
(2) secondary tree per (1) large tree if existing conditions prohibit a large tree  
Frankford Rd: 142 LF / 40 LF = 3.5 secondary trees due to existing overhead utility overheads  
Osburn Dr: 184 LF / 40 LF = 4.6 street trees required
- PROVIDED: 1 Frankford Rd: 3 method, 1 grass myrtle due to utility by triangle = 6 street trees provided  
Osburn Dr: 5 live oak provided outside of property = 5 street trees provided
- C. MARGINAL LOT**
- REQUIRED: 1 OR street parking to be removed from public view  
2 No parking space shall be more 10' from the back of a large or medium tree
- PROVIDED: 1 OR street parking to be removed from public view with existing driveway shrub hedge  
See spot for 10' parking lot tree radius
- D. TREE METHODOLOGY**
- REQUIRED: 1 Class 3 trees (min) to be replaced at 4 x 4.1 inch min  
[ (1) 12" x 14" + 12" x 9" ] inches = 30 inches required
- PROVIDED: 1 QTY TREE SIZE (INCHES) TOTAL  
3 2" = 6  
3 3" = 9  
6 Live Oak 3" = 18  
TOTAL = 33 inches provided
- E. DESIGN POINTS**
- REQUIRED: 1 Site area 30,300 SF = 15 points required
- PROVIDED: 1 Plant material bonus = 5  
Severing = 5  
Parking lot: (2) large trees in 1,000 SF of open lot area = 5  
Paved driveway = 5  
TOTAL = 20 points provided

**IRRIGATION SYSTEM RETROFIT**

1. Existing irrigation system shall be retrofitted to include 100% open area of newly created landscaped areas.
2. Areas and areas shall be utilized on all existing and new areas.
3. Only irrigation shall be utilized on all planting beds, shrubs, trees, and plantations.
4. The Contractor shall be responsible to ensure area and on existing irrigation components, and the system as a whole, use in proper working order.
5. All valves, controls, valves, etc., and/or additional areas as needed to protect proper drainage as required.
6. Only backflow preventer shall be utilized.
7. Mainline shall be 1" CTS 200 PVC.
8. Lateral line shall be 1" CTS 200 PVC.
9. Rain / freeze sensor shall be installed.
10. Prior to final completion, the Irrigation Contractor shall perform a walk-through inspection with the Owner, or Owner Representative.



**CHICK-FIL-A**  
FRANKFORD ROAD  
4523 FRANKFORD ROAD  
DALLAS, TX 75287

FSU# 01108

**IRRIGATION SCHEDULE**

PLANT	SIZE	IRRIGATION
1	1.00	City Diameter
1	1.00	City Diameter
1	1.00	City Diameter
1	1.00	City Diameter

FIELD PROJECT # 0000129  
PROJECT # 01108  
DATE: 6/18/20  
DRAWN BY: KCM  
Landscape Plan  
PERMIT SHEET NUMBER

L-100

BDA 223-050

**FILE NUMBER:** BDA223-054 (KH)

**BUILDING OFFICIAL'S REPORT:** Application of Jacob Remington for a variance to the off-street parking regulations at 6446 E. Lovers Lane. This property is more fully described as Block 9/5419, Lot 19 and is zoned R-7.5(A), which requires a parking space must be at least 20-feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct a single-family residential accessory structure with a setback of 7-feet 4-inches, which will require a variance of 12-feet 8-inches to the off-street parking regulations.

**LOCATION:** 6446 E. Lovers Lane

**APPLICANT:** Jacob Remington

**REQUESTS:**

A request for a variance to the off-street parking regulations to construct a single-family residential structure with a setback of 7-feet 4-inches, which will require a variance of 12-feet 8-inches to the off-street parking regulations.

**STANDARD FOR A VARIANCE:**

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

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



**State Law/HB 1475 effective 9-1-21**

- the board may consider the following 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.

**STAFF RECOMMENDATION: ENGINEER OPINION**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that granting the variance would not be contrary to public interest as there is one other rear entry property within the vicinity of the subject site.
- Staff concluded that the proposed detached garage on the subject site is commensurate with other lots having secondary structures within the same PD zoning district.
- The Transportation Development Services Senior Engineer reviewed the submitted request and applicable documents and found no objection to the variance request.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: R-7.5(A) (Single Family Residential District)  
North: Plan Development District No 652  
East: SUP  
South: R-7.5(A) (Single Family Residential District)  
West: R-7.5(A) (Single Family Residential District)

**Land Use:**

The subject site is developed with a single-family home. Properties to the east, west and south are also developed with single family homes. The property to the immediate north is developed with a school.

**BDA History:**

No BDA history within the last five years.

**GENERAL FACTS/STAFF ANALYSIS**

- The subject site is zoned R-7.5(A) and is currently developed with a single-family home.
- This request is for a variance to the off-street parking regulations which requires a parking space to be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley.
- The applicant is proposing to construct a detached two car/rear entry garage that will be 7-feet 4-inches from the right-of-way line adjacent to the alley, which will require a 12-foot 8-inch variance to the off-street parking regulation.
- The applicant states that the request has been made to provide adequate parking accommodations to the property that is consistent with the neighborhood because the current configuration of the existing improvements does not allow for the 20-foot distance required by the city.
- According to the submitted site plan, the proposed structure will be approximately 484 square feet with a lot size of approximately 9,890 square feet.

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

- That granting the variance to the parking regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- The variance is necessary to permit development of 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
- 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 **State Law/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:

- (f) 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.
- (g) 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.
- (h) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (i) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (j) the municipality considers the structure to be a nonconforming structure.

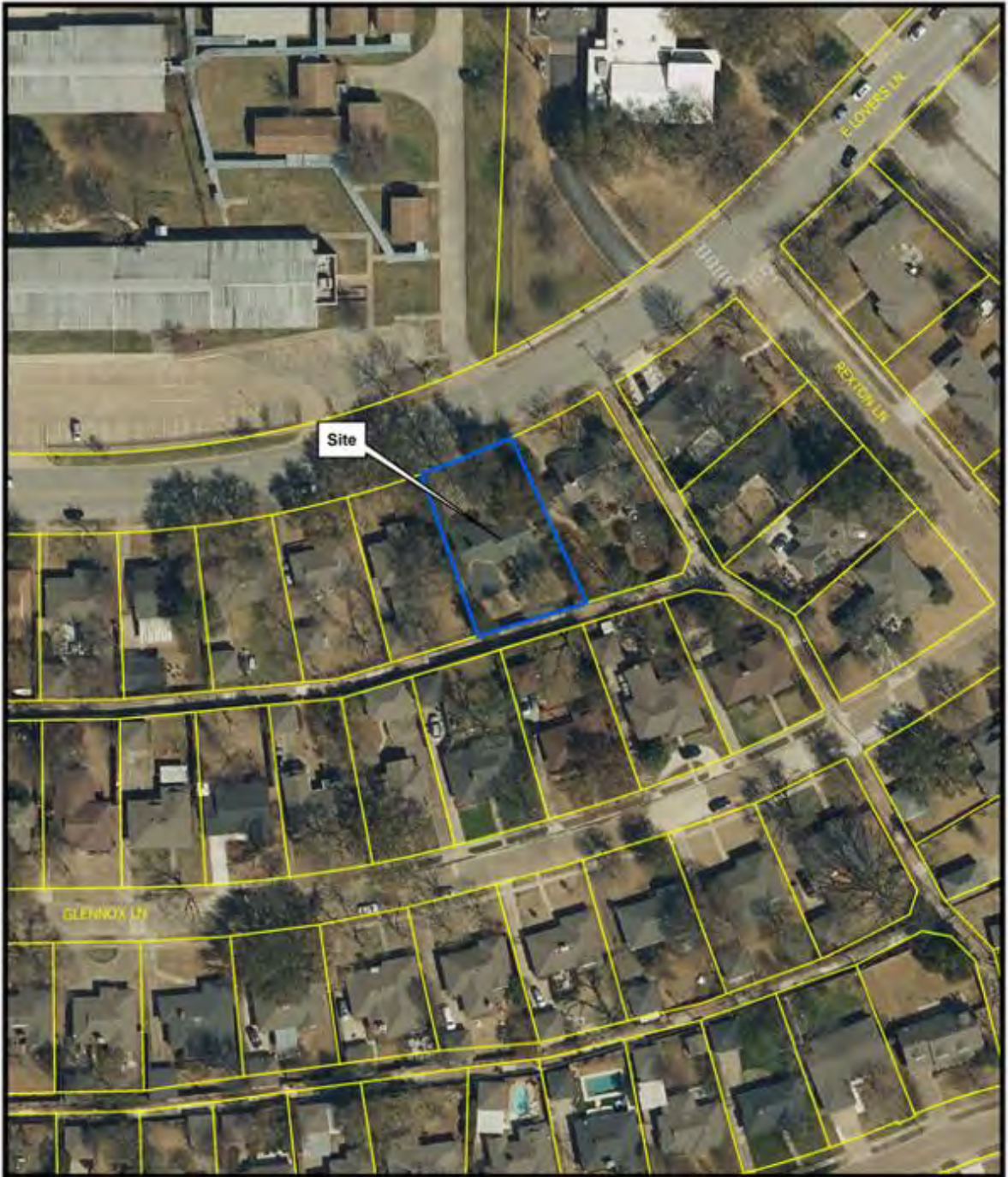
**TIMELINE:**

- April 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.
- April 24, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.
- April 28, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the May 26, 2023, deadline to submit additional evidence for staff to factor into their analysis; and June 9, 2023, deadline to submit additional evidence to be incorporated into the board’s docket materials.
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- May 31, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June

public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.

June 2, 2023:

The Transportation Development Services Senior Engineer submitted a comment sheet. The Transportation Development Services Senior Engineer reviewed the request and found no objection to the variance request.



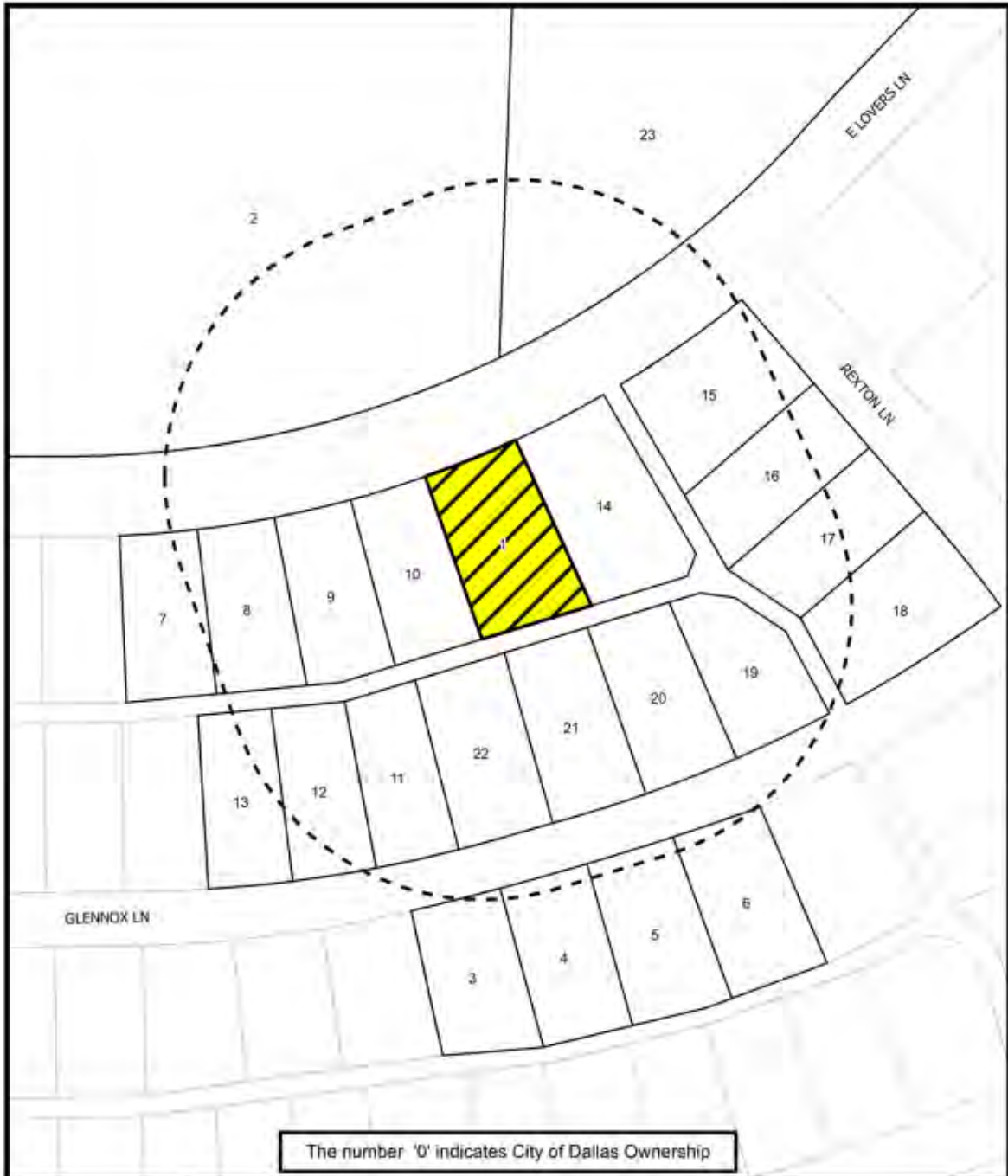
1:1,200

# AERIAL MAP

Case no: BDA223-054

Date: 5/25/2023





 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA223-054</b>
	<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;">23</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>5/25/2023</b>	



# Development Services

A

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

## APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

RECEIVED  
APR 07 REC'D  
BY: [Signature]

Case No.: BDA 223-054  
Date: 04/07/23

Data Relative to Subject Property \_\_\_\_\_

Location address: 6446 E. Lovers Lane Zoning District: R-7.5(A)

Lot No.: 19 + Adj Tr. Block No.: 9/5419 Acreage: 0.252 Census Tract: \_\_\_\_\_

Street Frontage (in Feet): 1) 64.96 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

### To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Jacob Remington and Michael White

Applicant: Jacob Remington Telephone: 214-714-7071

Mailing Address: 6446 E. Lovers Lane Zip Code: 75214

E-mail Address: jacobmremington@gmail.com

Represented by: \_\_\_\_\_ Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Affirm that an appeal has been made for a Variance  or Special Exception  of 12'8" to build a detached, two-car, rear-entry garage that is 7'4" from the right-of-way line adjacent to the alley.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to Grant the described appeal for the following reason: To provide adequate parking accommodations to the property that are consistent with the neighborhood because the current configuration of the pre-existing improvements does not allow for the 20' distance required by the city.

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.

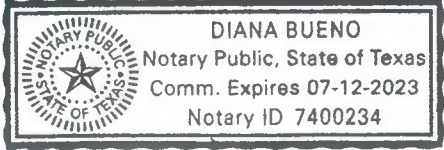
Affidavit Jacob Remington  
Jacob Remington  
(Affiant/Applicant's name printed)

Before me the undersigned on this day personally appeared \_\_\_\_\_  
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property

Respectfully submitted: Jacob Remington  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 6th day of April, 2023

Diana Bueno  
Notary Public in and for Dallas County, Texas









Appeal number: BDA 223-054

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

at: 6446 E. Lovers Lane  
(Address of property as stated on application)

Authorize: Jacob Remington  
(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: To build a detached, two ~~car~~ rear-entry garage that is 7'4" from the right-of-way line adjacent to the alley.

Michael White  
Print name of property owner or registered agent

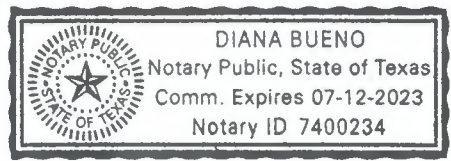
Michael White  
Signature of property owner or registered agent

Date 04/06/23

Before me, the undersigned, on this day personally appeared Michael White

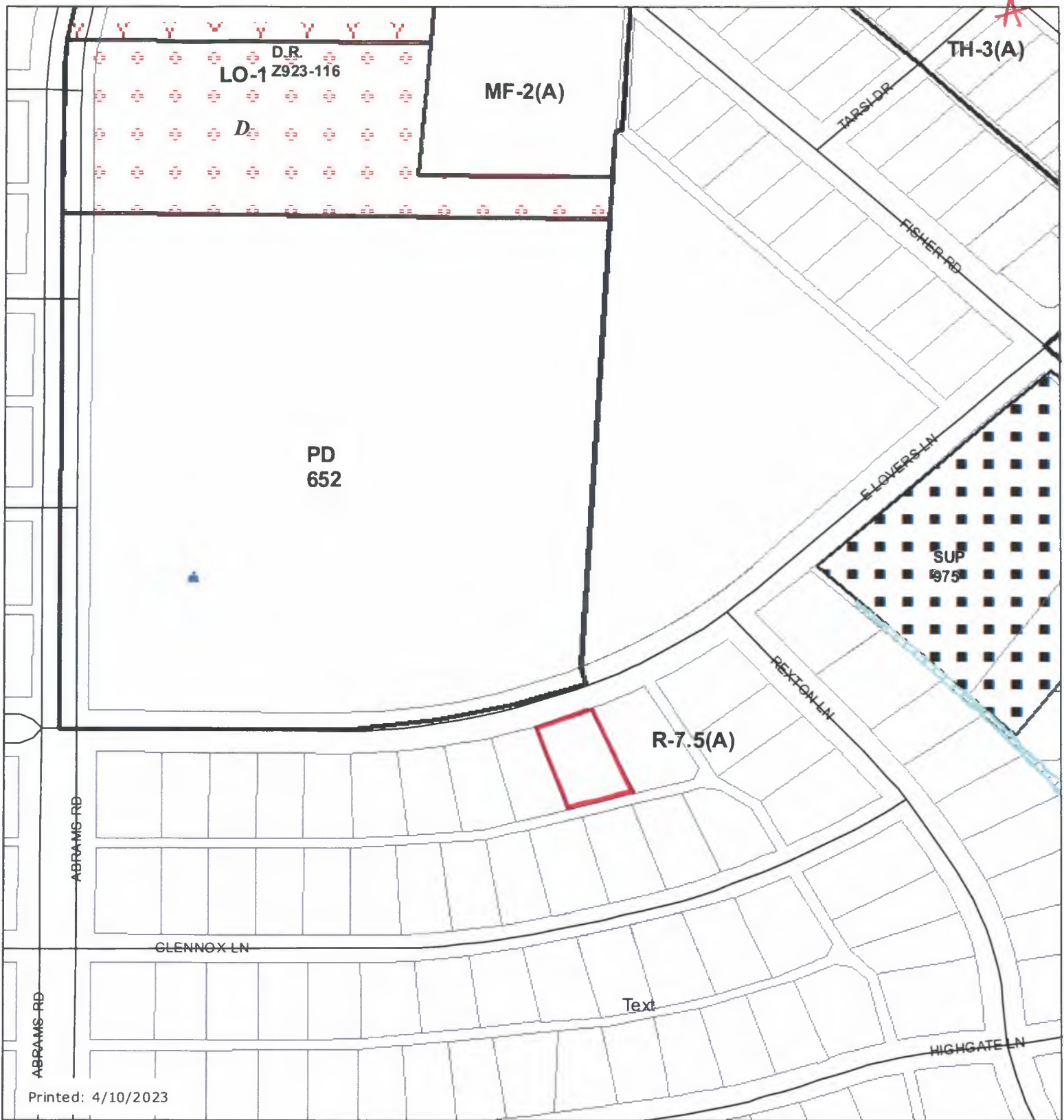
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 6<sup>th</sup> day of April, 2023



Diana Bueno  
Notary Public for Dallas County, Texas

Commission expires on 7/12/2023



- City Limits
- Public Schools
- Floodplain
- 0.2 Pct Annual Flood Hazard
- 1 Pct Annual Chance Flood Hazard
- Certified Parcels
- Base Zoning
- Deed Restrictions
- SUP
- Dry Overlay
- o

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



# CITY OF DALLAS PLAT BOOKS

ANNEXED MAY 23, 1945    ORD. NO. 3628  
 SURVEY DANIEL MURRAY    ABST. 920

ADDITION RIDGEWOOD PARK NO 2

6 THRU 9    5    10 & 11  
 BLOCKS 5419 - 5420 - 5424

SCALE 100 FT. EQUALS 1 INCH

SCHOOL DIST. DALLAS

8-18-53



**NOTE**  
 BUILDING LINE SET BACK 30' EXCEPT AS NOTED  
 ANCHOR EASEMENTS ARE 4' X 30' NOTED A.E.  
 LOT LINES NOT RADIAL TO FRONT LINE ARE  
 NOTED (N.R.)

1 SURVEY

### SURVEY PLAT

This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at 6446 E. Lovers Lane in the City of Dallas, Texas, and being more particularly described in two tracts as follows:

#### TRACT I

BEING Lot 19, Block 9/5419 of Revised Plat of Ridgewood Park No. 2, an Addition to the City of Dallas, Dallas County, Texas, according to the Map thereof recorded in Volume 22, Page 209, Map Records, Dallas County, Texas.

#### TRACT II

BEING a tract of land situated in the Daniel Murray Survey, Dallas County, Texas, being part of City Block 9/5419 of Ridgewood Park Addition, an Addition to the City of Dallas, Dallas County, Texas, according to the Map thereof recorded in Volume 19, Page 27, Map Records, Dallas County, Texas, and being more particularly described as follows:

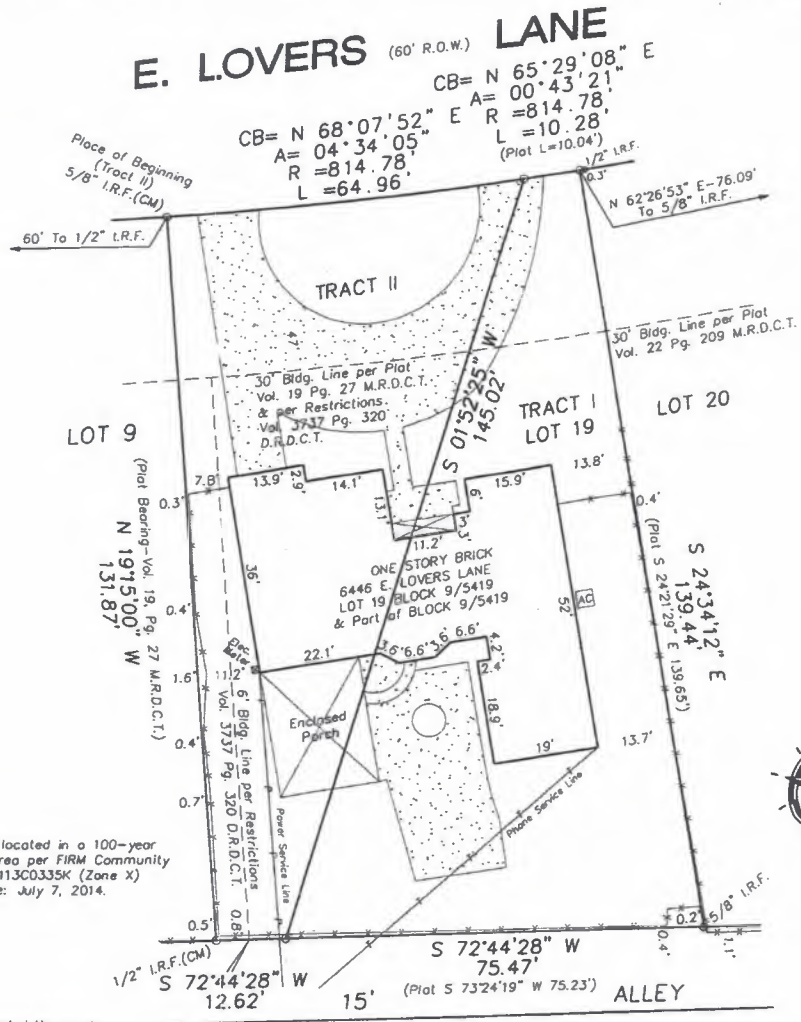
**BEGINNING** at a point in the Southeast line of E. Lovers Lane, (a 60' R.O.W.), said point being the most Northerly corner of Lot 9, Block 9/5419 of said Ridgewood Park Addition, said point also being in a curve to the left, having a central angle of 04 deg. 34 min. 05 sec., a radius of 814.78 feet, and a chord bearing of North 68 deg. 07 min. 52 sec. East, a 5/8" iron rod found for corner;

**THENCE** Northeastly, with the said Southeast line of E. Lovers Lane, same being with said curve to the left, an arc distance of 64.96 feet to the Northwest corner of Lot 19, Block 9/5419 of Revised Plat of Ridgewood Park No. 2, an Addition to the City of Dallas, Dallas County, Texas, according to the Map thereof recorded in Volume 22, Page 209, Map Records, Dallas County, Texas, a point for corner;

**THENCE** South 01 deg. 52 min. 25 sec. West, with the West line of said Lot 19, a distance of 145.02 feet to a point in the Northwest line of a 15' alley, said point also being the most Southerly corner of said Lot 19, a point for corner;

**THENCE** South 72 deg. 44 min. 28 sec. West, with the said Northwest line of a 15' alley, a distance of 12.62 feet to the most Easterly corner of said Lot 9, a 1/2" iron rod found for corner;

**THENCE** North 19 deg. 15 min. 00 sec. West, with the Northeast line of said Lot 9, a distance of 131.87 feet to the PLACE OF BEGINNING.



Property not located in a 100-year Flood Plain area per FIRM Community Panel No. 48113C0335K (Zone X) Effective Date: July 7, 2014.

Note: C.M.=Control Monument

This survey was performed in connection with the transaction described in GF No. HSTX21-00377 of \_\_\_\_\_

**HSTX TITLE** \_\_\_\_\_ This Company, USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR RISK AND UNDERSIGNED IS NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM. And the plot hereon is a true, correct, and accurate representation of the property as determined by survey, subject to any and all easements, reservations and restrictions that may be of record, the lines and dimensions of said property being as indicated by the plot; the size, 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 distance indicated. EXCEPT AS SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS OR PROTRUSIONS APPARENT ON THE GROUND.

Scale 1" = 20'  
Date 9/21/2021  
Job 21-488  
Drawn by Lynn L.



*Bend Rychlik*  
Registered Professional Land Surveyor 1630  
**SURVEYING ASSOCIATES**  
1018 S. Beckley, Dallas, Tx. 75203  
Phone: (214) 948-3324  
Fax: (214) 948-7540  
FIRM Registration / License No. 10040200  
Email: BRYCHLIK@SWBELL.NET

© SURVEY LICENSE AGREEMENT: This survey plot is protected by U.S. copyright law and international treaties. The information shown or included in this document is solely the property of the author. The surveyor and his rights are reserved. This survey is licensed for a single use only. Your use of this survey shall constitute acceptance of this license agreement. Unauthorized use or copies are illegal. The surveyor has not and does not give permission for anyone to use this survey for any subsequent title transfer, loan, or refinance or any other purpose. This survey is not valid without the surveyor's original embossed, raised seal and original signature.

0.1

ISSUE DATE:	22-239
PROJECT #:	22-239
OWNER:	
OWNER'S ADDRESS:	
DESIGNED & DRAWN BY:	
CHECKED BY:	
DATE:	

### LOVER'S LANE RENOVATION

6446 E. LOVERS LANE  
DALLAS, TX 75214  
LOT 19 85 LOCK 9/5419

BDA 223-054











**FILE NUMBER:** BDA223-061 (KMH)

**BUILDING OFFICIAL'S REPORT:** Application of Brent Jackson for a variance to the side yard setback regulations at 1020 McBroom Street. This property is more fully described as Block A/7104, Lot 1, and is zoned R-5(A), which requires a side yard setback of 5 feet. The applicant proposes to maintain a single-family residential structure and provide a 0-side yard setback, which will require a 5-foot variance to the side yard setback regulations.

**LOCATION:** 1020 McBroom Street

**APPLICANT:** Brent Jackson

**REQUEST:**

A request for a variance to the side yard setback regulations of 0 feet is made to maintain a single-family home. The applicant is proposing to maintain a single-family residential structure and provide a 0-foot side yard setback, which will require a 5-foot variance to the side yard setback regulations.

**STANDARD FOR A VARIANCE:**

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

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

**State Law/HB 1475 effective 9-1-21**

- the board may consider the following 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 the municipality considers the structure to be a nonconforming structure.

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

Rationale:

- Staff concluded that granting the variance in this application would not be contrary to public interest in that the variance would allow a structure in one of the site's two side yard setbacks where the location of this structure would comply with the required 5 foot side yard setback if Winnetka on this corner lot did not have a street easement.
- Staff concluded that the subject site is unique and different from most lots in R-5(A zoning district in that it is restrictive in area due to having a street easement in the side yard setback on Winnetka.

**ZONING/BDA HISTORY:**

BDA223-035- April 21, 2023

## **Zoning:**

Site: R-5(A)  
North: R-5(A)  
South: R-5(A)  
East: R-5(A)  
West: R-5(A)

## **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.

## **GENERAL FACTS/STAFF ANALYSIS:**

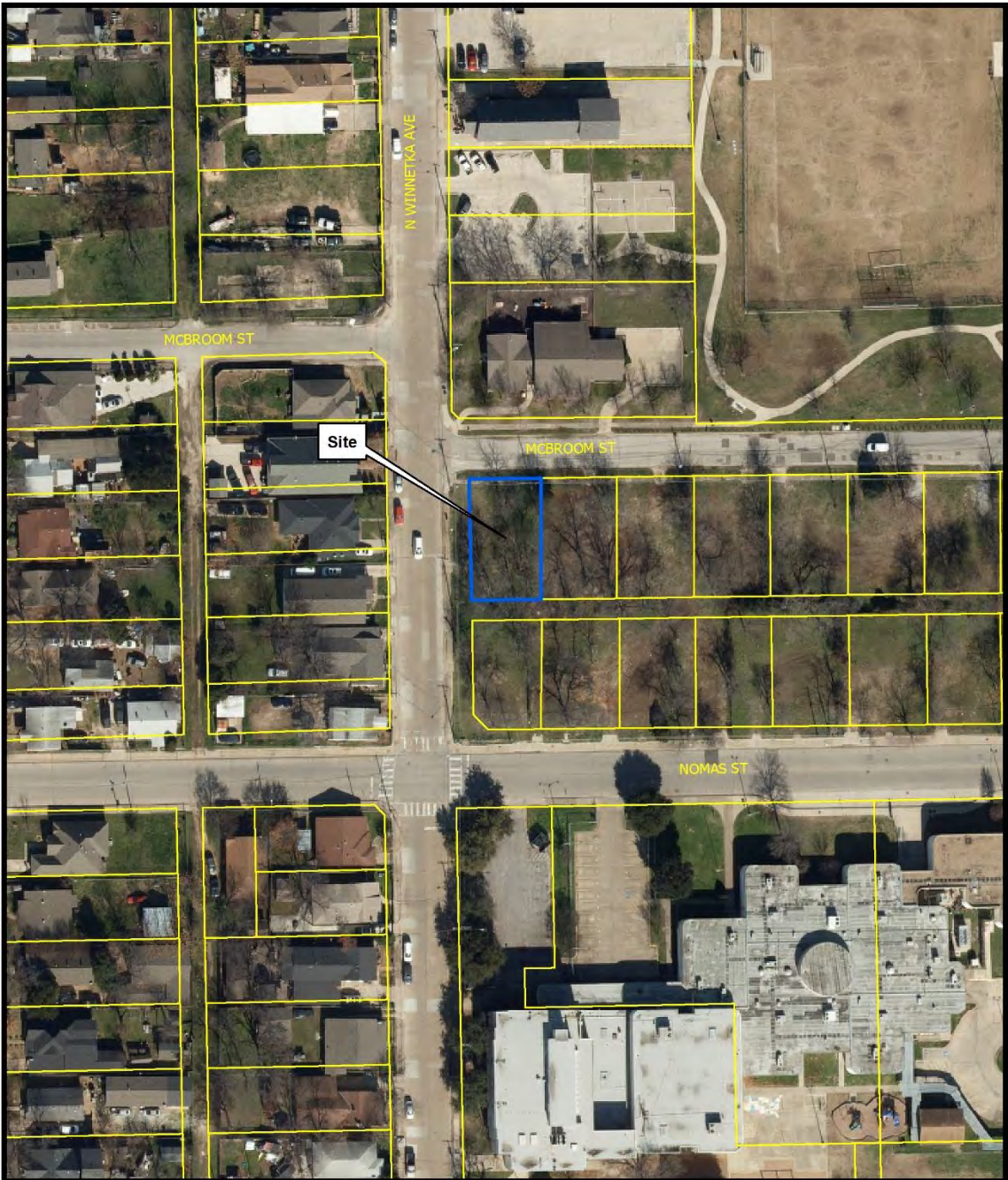
- A request for a variance to the side yard setback regulations of 0 feet is made to maintain a single-family home.
- On December 13, 2021, Oaxaca Construction LLC applied for a new construction permit for a single-family residential structure. The permit was issued on February 10, 2022.
- The single-family home as constructed lies within the 5-foot required side yard setback.
- It appears that the home was not built-in compliance to the submitted site plans as the home appears to be also encroaching into the ROW to the west of the property. (Lloyd stated that the home is encroaching into the ROW- was determined during his site visit.)
  - This site is a request for a variance to the side yard setback regulations of 0 feet is made to maintain a single-family home. The applicant is proposing to maintain a single-family residential structure and provide a 0-foot side yard setback, which will require a 5-foot variance to the side yard setback regulations.
  - The site has a 5-foot street easement of which serves to be the line of which the setback is measured versus the property line.
  - If this site's side yard did not have a street easement side yard setbacks would be compliant on this site.
- The applicant has the burden of proof in establishing the following:
  - That permitting such a variance of the front yard where the literal enforcement of the provision of this article would result in an unnecessary hardship and where such variance is necessary to permit a specific parcel of land which differs from other parcels of land in the same PD 98 district by being of such restricted area, shape, or slopes that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same PD 98 district.
  - A modification of standards established by this article may not be granted to relieve a self-created or personal hardship, not for financial reason only, nor may such

modification be granted to permit any person a privilege in developing a parcel of land not permitted by this article to other parcels of land in this district.

- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the side yard setback would be limited to what is shown on this document– which in this case is a home structure that would be located 0 feet from the site’s side yard easement line (N. Winnetka) or 5 feet into this property’s easement set line.

**Timeline:**

- May 1, 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.
- May 16, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.
- May 16, 2023: The Board of Adjustment Senior Planner emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application
  - an attachment that provided the public hearing date and panel that will consider the application; the January 23rd deadline to submit additional evidence for staff to factor into their analysis; and the February 10th deadline to submit additional evidence to be incorporated into the Board’s docket materials
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- May 25, 2023: The applicant provided documentary evidence to staff.
- May 31, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, the Board of Adjustment Development Code Specialist, the Board of Adjustment Consultant, the Chief Arborist, Development Services Senior Engineers, Code Compliance and the Board Attorney.



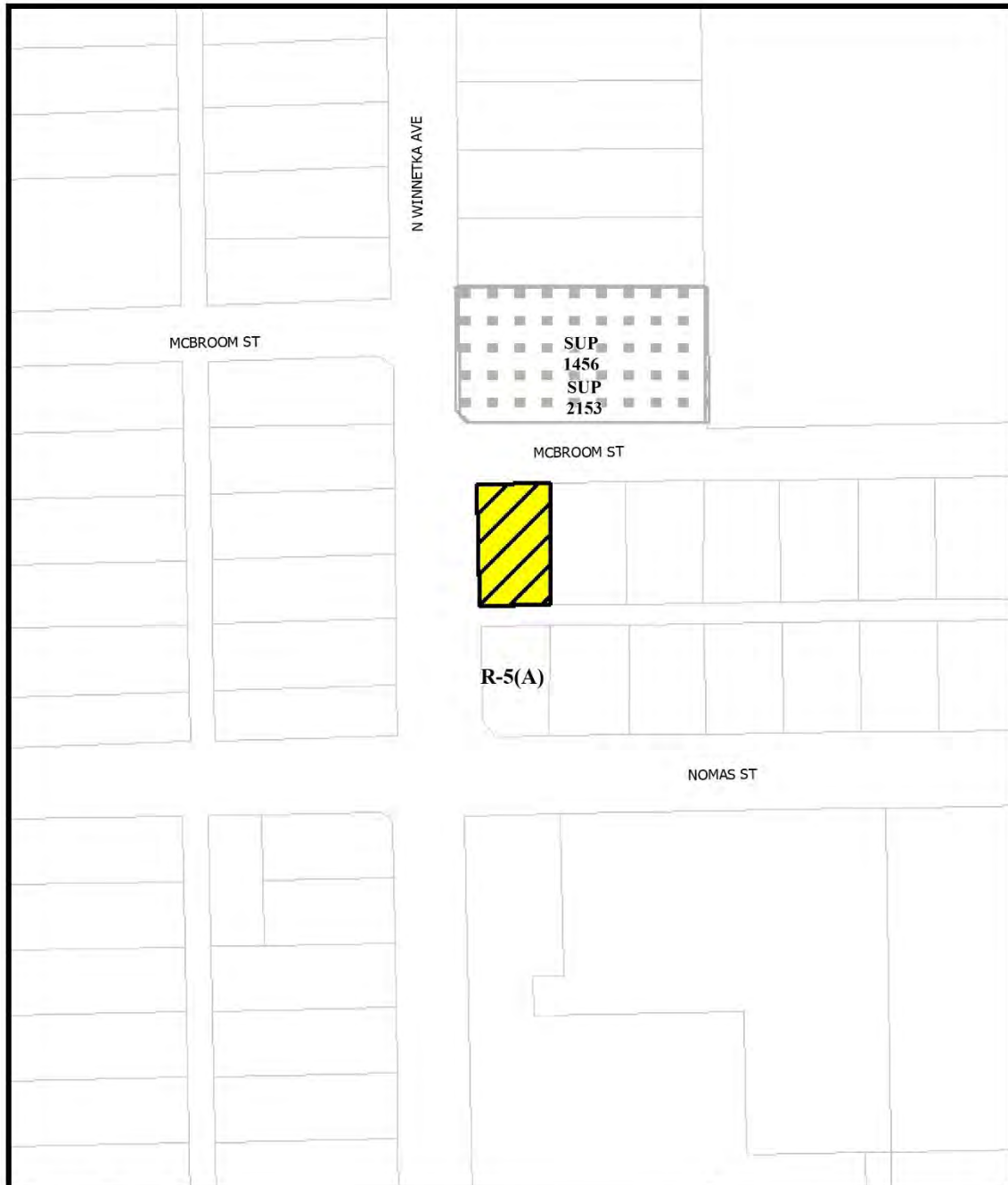
1:1,200

# AERIAL MAP

Case no: BDA223-035

Date: 3/14/2023





1:1,200

# ZONING MAP

Case no: BDA223-035

Date: 3/14/2023



03/13/2023

## ***Notification List of Property Owners***

***BDA223-035***

***13 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	1020 MCBROOM ST	WILLIEJAXON V LLC
2	3352 N WINNETKA AVE	Dallas ISD
3	1016 MCBROOM ST	WILLIEJAXON V LLC
4	3223 N WINNETKA AVE	MARTINEZ CAROL GONZALEZ
5	3303 N WINNETKA AVE	RINCON SERGIO GUADALUPE
6	3305 N WINNETKA AVE	LOPEZ MAREY ALEJANDRO
7	3311 N WINNETKA AVE	ALAMILLO JESUS ROBERTJR & MARIBEL
8	3313 N WINNETKA AVE	PANAMENO ANDRES A &
9	3319 N WINNETKA AVE	ROJAS JULIAN
10	3323 N WINNETKA AVE	UMANA SANDRA CORTEZ E
11	3331 N WINNETKA AVE	BUILDERS OF HOPE COMMUNITY
12	3335 N WINNETKA AVE	BANDA MARIA C &
13	3326 N WINNETKA AVE	WESLEY RANKIN COMMUNITY CENTER INC



# Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

## APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

RECEIVED  
MAY 01 2023

Case No.: BDA

OFFICE USE ONLY

Data Relative to Subject Property:

Date: 5/1/23  
OFFICE USE ONLY

Location address: 1020 McBroom Street Zoning District: R-5(A)

Lot No.: 1 Block No.: A/7104 Acreage: .1300 Census Tract: N/A

Street Frontage (in Feet): 1) 60' 2) 94.50' 3) 4) 5)

### To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): WillieJaxon V, LLC

Applicant: Brent Jackson Telephone: 214.760.8770

Mailing Address: 1771 Robinson Road, Grand Prairie, TX Zip Code: 75051

E-mail Address: brent@oaxacallc.com

Represented by: Aimee Furness Telephone: 214.651.5024

Mailing Address: 2323 Victory Ave., Ste. 700, Dallas, TX Zip Code: 75219

E-mail Address: aimee.furness@haynesboone.com

Affirm that an appeal has been made for a Variance  or Special Exception  of 5 feet to the side yard setback regulations.

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:

Applicant sought and obtained pre-approval of building plans, sought and received permit, and received approval during construction. Home is constructed and now City alleges code violations.

Additionally, the parcel is of such a restrictive area that it cannot be developed in a manner commensurate with the development of other parcels of land in districts with same zoning classification.

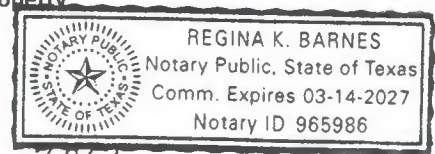
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

### Affidavit

Before me the undersigned on this day personally appeared Jarrod Brent Jackson  
(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 25 day of April, 2023

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





Appeal number: BDA 223-061

I, Brent Jackson on behalf of WillieJaxon V, LLC, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 1020 McBroom Street  
(Address of property as stated on application)

Authorize: Brent Jackson  
(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: Side yard setback regulations of 5'.

Jarrod Brent Jackson  
Print name of property owner or registered agent

*[Signature]*  
Signature of property owner or registered agent

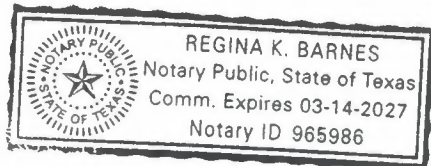
Date 4/25/23

Jarrod Brent Jackson

Before me, the undersigned, on this day personally appeared Brent Jackson

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 25 day of April, 2023



*Regina Barnes*  
Notary Public for Dallas County, Texas

Commission expires on 3/14/2027



5-8-2-23

RE: 1020 McBroom St. Dallas TX,

To whom it may concern,

Oncor Electric Delivery has reviewed the current clearances for the existing electrical facilities located at 1020 McBroom St in Dallas. Based on current conditions and the elevation and site plan provide we have confirmed that we currently have the minimum clearances met per our current Oncor standards. I've also included additional safety information that can be found in our current Electric Service Guideline book shown below. This evaluation is in no way evaluating the safety of your client's structure being located within the encroaching area or a statement that injuries will not occur in the event the facilities come down due to weather or other causes, and Oncor will not be liable for any injuries caused because of the encroaching structure. If there are any additional questions please contact Drake Mclemore Supervisor PMDS Metro East design 214-771-2833 or Jeff Key Sr. Manager PMDS Metro East Design 972-978-0481.

Sincerely,

**Jeff Key**  
**PMDS Metro East Design**  
**Sr. Manager**

A handwritten signature in black ink, appearing to read "Jeff Key", written over a light blue horizontal line.

## SAFETY SMART. KNOW THE LAW.

Oncor wants you to be aware of the dangers of making contact with power lines. Electricity, powerful enough to kill, will flow through any metal or other conductive object and an electric arc flash can occur if a conductive object gets too close or touches electric lines. If it is possible during the course of work for someone to move to, or place any objects, within **TEN FEET\*** of any high voltage overhead electric line you must first notify the operator of that electric line, at least 48 hours in advance of beginning any planned work closer to the line than those distances and arrange with the operator for permission to complete the work. For lines to be turned off, moved or other arrangements call Oncor at 1-888-313-6862.

\* **WARNING** - this distance should be increased for voltages above 50 kV (refer to TABLE A, below).

**Table A (ABBEVIATED)**

Minimum Clearance Distances to 350 kV:

VOLTAGE (Nominal, Alternating Current)	MINIMUM CLEARANCE DISTANCE
50 kV and below	10 ft.
Over 50 kV to 200 kV	15 ft.
Over 200 kV to 350 kV	20 ft.

Some local Electrical Codes require structures to be located a safe distance away from live overhead high voltage lines, as defined by the National Electrical Safety Code (NESC).

For underground utility cable locating service - call **BEFORE** you Dig - toll free – 811

**BE SAFE**  
**Around Electricity**



BDA223-061

CITY OF DALLAS PLAT BOOKS

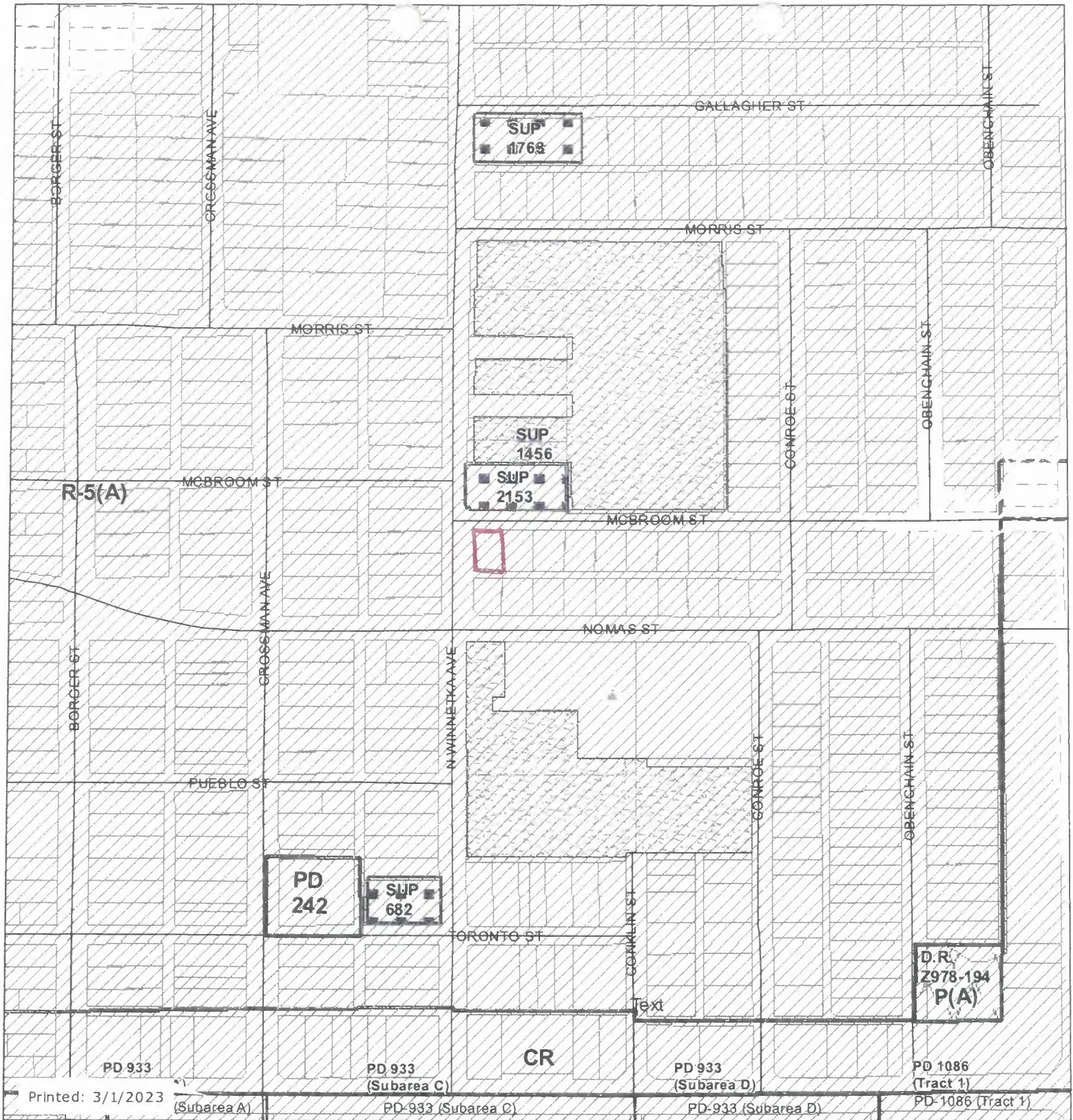
ADDITION REUSS B WARELER REVISED  
SURVEY AMARIAN HANNAH ABRI 564

SCALE 100 FT EQUALS 1 INCH

BLOCKS 7103 & 7104  
SCHOOL DISTRICT DALLAS

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CITY OF DALLAS  
PLAT BOOKS  
REPRODUCED FROM  
ORIGINAL RECORDS  
BY THE CITY OF DALLAS





Printed: 3/1/2023

- City Limits
- Public Schools
- Floodplain**
- 0.2 Pct Annual Flood Hazard
- 1 Pct Annual Chance Flood Hazard
- X Protected By Levee
- Parks
- Certified Parcels
- Base Zoning
- Deed Restrictions
- SUP
- PD Subdistricts
- PDS Subdistricts

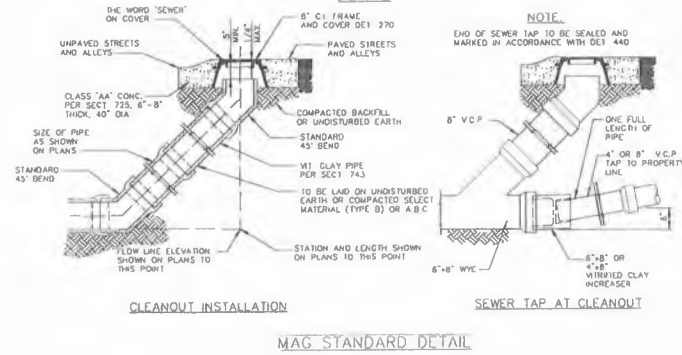
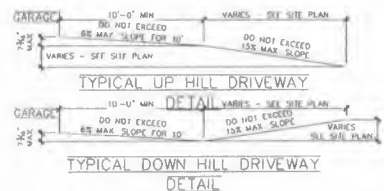
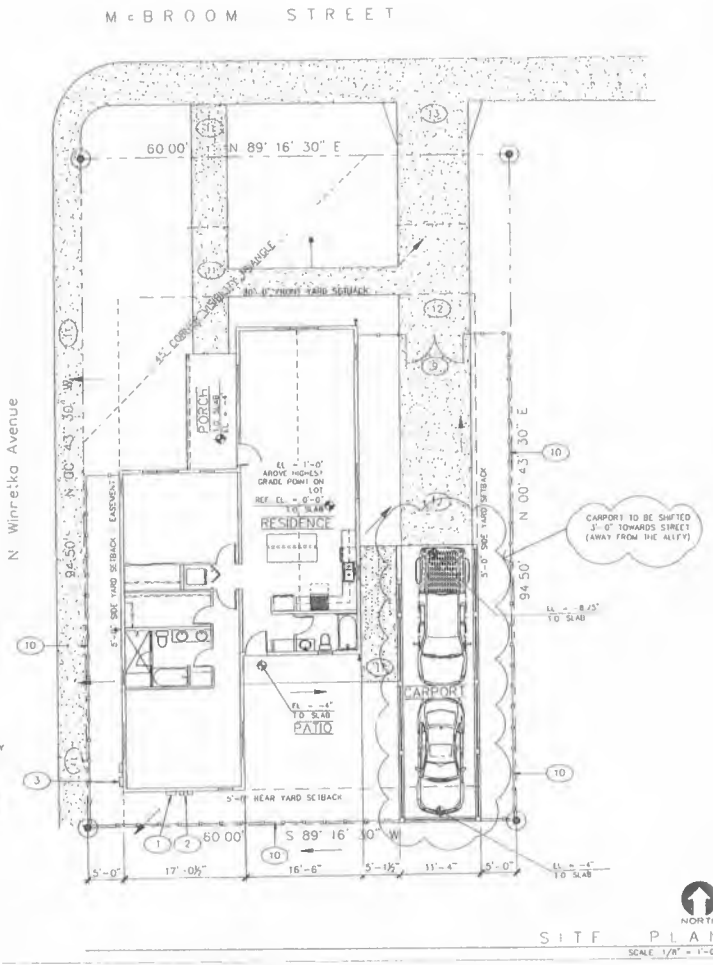
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering,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

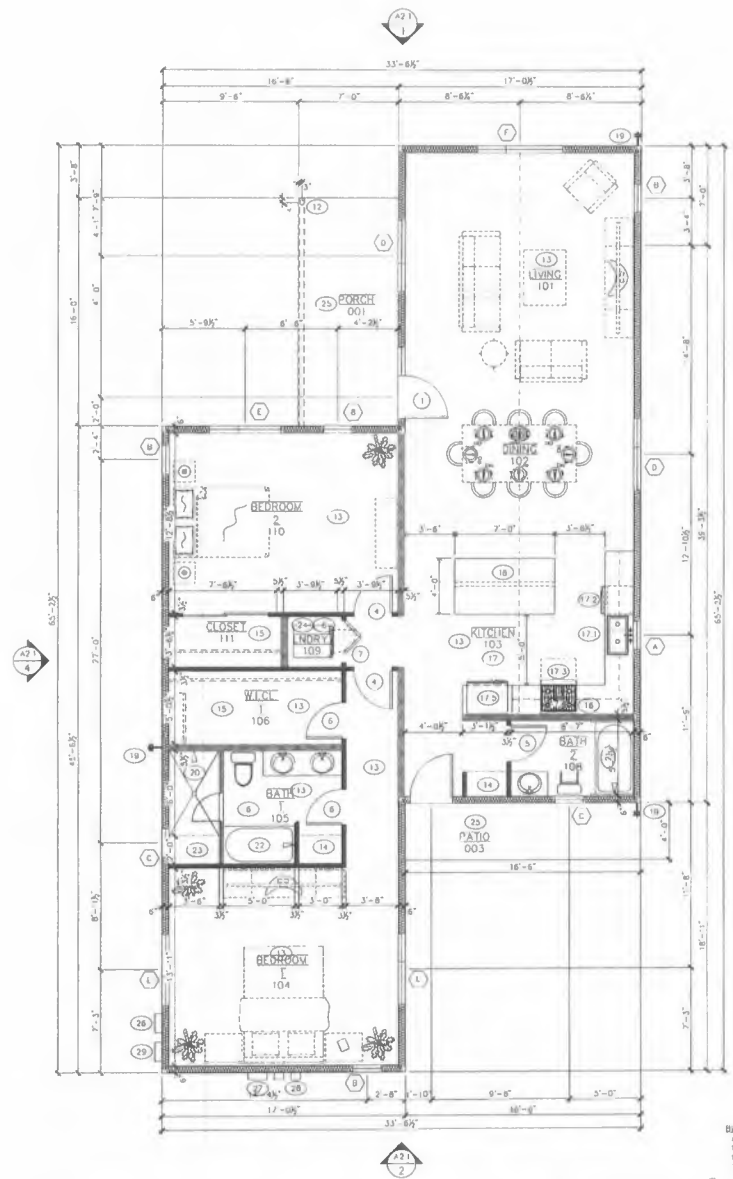


1:3,600



- KEY NOTES**
- ELECTRICAL SERVICE PANEL - SEE ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION
  - TELEPHONE / DATA - SEE ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION
  - TAINLESS WIPER HEATER
  - INTENTIONALLY LEFT BLANK
  - INTENTIONALLY LEFT BLANK
  - REFER TO LANDSCAPE FOR HILL
  - SLOPE GRADES FOR POSITIVE DRAINAGE AWAY FROM BUILDING
  - 8'-0" WIDE DATE
  - 6'-0" HIGH FENCE
  - NEW 4" CONCRETE SIDEWALK
  - NEW DRIVEWAY - 4" CONCRETE SLAB WITH #4 REBAR AT 24" O.C. EACH WAY OVER 4" COMPACTED (DSE MIN) AGG. BASE COURSE OVER UNDISTURBED OR ENGINEERED FILL
  - NEW CONCRETE DRIVEWAY APPROACH
  - MOBILITY HANGLI AT DRIVEWAY APPROACH
- HILL**  
STRUCTURE DIMENSIONS ALIGN WITH SIDE YARD PROPERTY LINES - TYPICAL
- HILL**  
NEW FRESHEN GR/DE TO SLOPE AWAY FROM BUILDING(S) AT 3% (6" PER 10'-0")
- DRAWING FLOW DIRECTION  
SEE CIVIL AND LANDSCAPE DRAWINGS





**BUILDING DATA**  
HOUSE 1551 SQ. FT.  
PORCH 112 SQ. FT.  
PATIO 32 SQ. FT.  
TOTAL 1695 SQ. FT.

**FLOOR PLAN**  
SCALE 1/4" = 1'-0"

- KEY NOTES**
- FACE OF STUD. FACE OF CONCRETE AND CENTERLINE OF DOOR OPENINGS UNLESS OTHERWISE NOTED AS "CL" MUST BE PRECISELY MAINTAINED DIMENSIONS ARE NOT ADJUSTABLE WITHOUT APPROVAL UNLESS NOTED AS "-"
  - VERIFY DIMENSIONS MARKED "V.C." PRIOR TO COMMENCEMENT OF CONSTRUCTION CONTRACTOR SHALL NOTIFY CONSTRUCTION MANAGER OF ANY INCONSISTENCIES
  - "ALD" SHALL MEAN TO ACCURATELY LOCATE FINISH FACES IN THE SAME PLANE
  - REFERENCE FOR PARTITION TYPES ALL PARTITIONS UNLESS OTHERWISE NOTED
  - ADD FULL ACoustICAL INSULATION TO ALL PARTITION TYPES ENCLOSED THE FOLLOWING SPACES TOILET ROOMS LAUNDRY AND MECHANICAL ROOMS
  - REFERENCE FOR GRAPHIC EXTENT OF FINISH PARTITIONS
  - REFER TO PROJECT INFORMATION SHEET FOR ADDITIONAL GENERAL NOTES
  - REFER TO FINISH PLANS FOR MATERIAL AND APPLIED FINISH NOTES
  - REFER TO SLAB PLAN FOR WALL EDGE ELEVATIONS
  - REFER TO ELEVATIONS EXTERIOR FINISH NOTES
  - 4" DIA STEEL POST - PAINTED
  - LAPPED CONCRETE - SEE FINISH PLAN
  - MILWORK LINER CLOSET / CABINET
  - CLOSET MILLWORK - SHEET & BOD
  - PROVIDE POT FILLER FAUCET IN THIS LOCATION COORDINATE FAUCET TYPE AND STYLE WITH OWNER
  - COORDINATE FINISH KITCHEN EQUIPMENT WITH OWNER
  - 30" WIDEHUB SINK & DISPOSAL
  - 24" DRAINWASHER
  - 30" RANGE (OVEN ELECTRIC)
  - RANGE HOOD / MICROWAVE HOOD
  - 36" REFRIGERATOR
  - KITCHEN ISLAND CONFIGURATION AS SELECTED
  - MINORAL HOSE SHUB IN THIS LOCATION
  - CONFIRM SHOWER FINISH WITH OWNER
  - 60" X 32" TUB / SHOWER UNIT
  - 62" HD X 20" TUB
  - 42" X 24" TALL SHOWER SLAT
  - STACKED WASHER & DRYER UNIT
  - EXPOSED CONCRETE WITH LIGHT BROOM FINISH
  - GAS WATER - SEE PLUMBING SHEETS FOR ADDITIONAL INFORMATION
  - ELECTRICAL SERVICE PANEL - SEE ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION
  - TELEPHONE / DATA - SEE ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION
  - WATERLESS TOILET FLUSHING

- WALL TYPE LEGEND**
- EXTERIOR FINISH PER ELEVATIONS
  - "TYP" BUILDING WRAP
  - 3/8" PLYNG / OSB WALL SHEATHING
  - 2" X 6" STUDS @ 16" O.C.
  - WALL INSULATION (R-21 MIN)
  - 1/2" GYPSUM BOARD
  - 1/2" FIRE RATED GYP. BD. (GARAGE SIDE)
  - 2" X 6" STUDS @ 16" O.C.
  - WALL INSULATION (R-21)
  - 1/2" GYPSUM BOARD
  - 1/2" X 6" INTERIOR WALL (1/2" DWL)
  - 1/2" GYPSUM BOARD
  - 2" X 6" STUDS @ 16" O.C.
  - 1/2" GYPSUM BOARD
  - TYPICAL 2" X 4" EXTERIOR WALL (4" DWL)
  - EXTERIOR FINISH PER ELEVATIONS
  - "TYP" BUILDING WRAP
  - 3/8" PLYNG / OSB WALL SHEATHING
  - 2" X 4" STUDS @ 16" O.C.
  - 1/2" GYPSUM BOARD
  - 1/2" X 6" INTERIOR WALL (1/2" DWL)
  - 1/2" GYPSUM BOARD
  - 2" X 4" STUDS @ 16" O.C.
  - 1/2" GYPSUM BOARD

- FLOORING HEIGHTS**
- 8" CLC - 8'-1 1/2" WALL HEIGHT
  - 9" CLC - 9'-1 1/2" WALL HEIGHT
  - 10" CLC - 10'-1 1/2" WALL HEIGHT
  - 11" CLC - 11'-1 1/2" WALL HEIGHT
  - 12" CLC - 12'-1 1/2" WALL HEIGHT

Oaxaca INTERESTS LLC

LAKE PLAYO

FACIENDA URBANA Z  
LOT 1 BLOCK A 7/104  
CALLAS, TX 75777

FLOOR PLAN

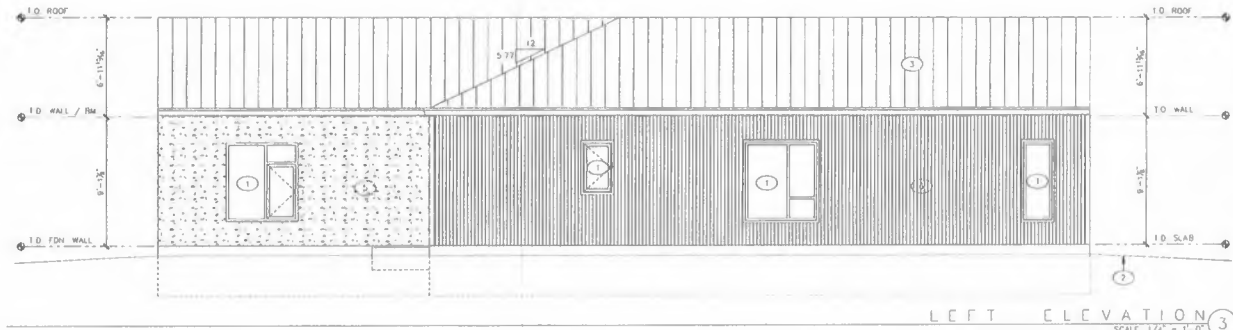
DATE 10-23-21  
SCALE AS NOTED  
ORIGIN  
JOB  
SHEET NO.  
A  
1.2



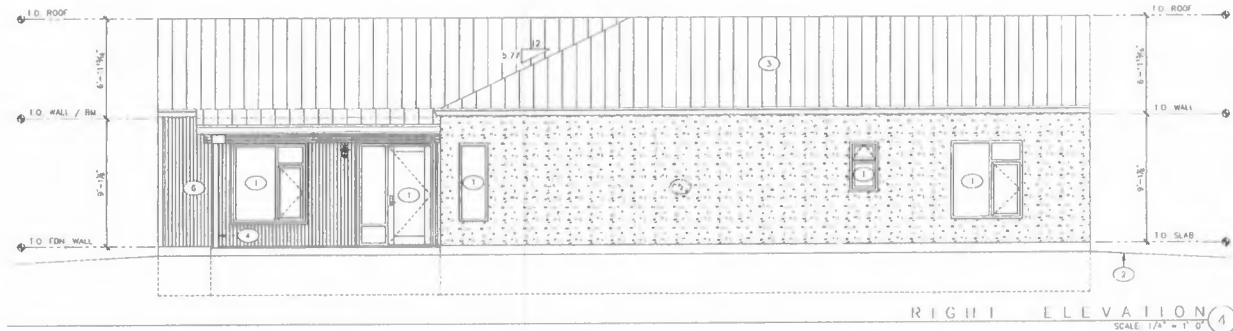
FRONT ELEVATION ①  
SCALE 1/4" = 1'-0"



REAR ELEVATION ②  
SCALE 1/4" = 1'-0"



LEFT ELEVATION ③  
SCALE 1/4" = 1'-0"



RIGHT ELEVATION ④  
SCALE 1/4" = 1'-0"

- GENERAL ELEVATION NOTES:**
1. ALL FINISHES AND COLOR TO BE SELECTED BY OWNER
  2. ROOF DIMENSIONS ARE TO FACE OF FRAMING UNLESS NOTED
  3. GUTTER, EXTERIOR WALL MOUNTED UPPLIGHT AS SELECTED PROVIDED ON INFERIOR SWITCH LOCATED AT FRONT DOOR SWITCH BAT UNLESS INSTRUCTED OTHERWISE BY OWNER
- ELEVATION KEY NOTES - RESIDENCE**
1. REFER TO ROOM AND WINDOW SCHEDULE
  2. ALL GRADING AROUND THE BUILDING SHOULD BE SLOPED TO PREVENT STANDING WATER WITHIN 4'-0" OF THE FOUNDATION ON ALL SIDES
  3. MUFFLER AP PANEL, METAL ROOF OR APPROVED EQUAL
  4. 4" DIA STEEL POST PARKED
  5. 3 COAT STUCCO W/ SMOOTH OLD WORLD FINISH AS SELECTED
  6. CORRUGATED METAL PANELS - SINKWAVE 7'6"
  7. 3/4" x 3/4" ASTM A806 WEATHERING STEEL UNLESS INSTRUCTED OTHERWISE BY OWNER
  8. COMPOSITE ROOF WEIGHING AS SELECTED
  9. WALL MOUNTED LIGHT FIXTURE AS SELECTED

- ELEVATION KEY NOTES - CARMINI**
1. ALL GRADING AROUND THE BUILDING SHOULD BE SLOPED TO PREVENT STANDING WATER WITHIN 4'-0" OF THE FOUNDATION ON ALL SIDES
  2. MUFFLER AP PANEL, METAL ROOF OR APPROVED EQUAL
  3. 6" x 8" CEDAR POSTS - STAINED
  4. 1" x 4" CEDAR SLATS AT 1/2" OC - STAINED
  5. HEAVY TIMBER CEDAR WOOD FRAMING - SEE STRUCTURAL
  6. HEAVY WANTED METAL FLASHING OVER EXPOSED WOOD FRAMING
  7. SEE INDICATES SLOPED CONCRETE BEYOND SEE SLAB PLAN

- EXTERIOR FINISHES**
- (A) STUCCO
- 
- 3 COAT STUCCO W/ SMOOTH OLD WORLD FINISH AS SELECTED - VERIFY FINISH TEXTURE & COLOR W/ OWNER

- (B) CORRUGATED METAL
- 
- CORRUGATED METAL PANELS SINKWAVE 7'6" x 3/4" - ASTM A806 WEATHERING STEEL UNLESS INSTRUCTED OTHERWISE BY OWNER - VERIFY FINISH TEXTURE & COLOR W/ OWNER

- (C) ROOFING
- 
- MUFFLER AP PANEL, METAL ROOF OR APPROVED EQUAL - VERIFY COLOR & FINISH W/ OWNER - SEE ROOF PLAN FOR ADDITIONAL INFORMATION

- (D) EXTERIOR LIGHTING
- 
- WALL MOUNTED LIGHT FIXTURE VERIFY STYLE AND FIXTURE W/ OWNER

- (E) 1" x 4" SLATS
- 
- 1" x 4" CEDAR SLATS AT 1/2" OC - STAINED

- (F) 6" x 8" POST
- 
- 6" x 8" CEDAR POSTS - STAINED

Oaxaca INTERESTS LLC

LAKE PLATO ARCHITECTURE & INTERIOR DESIGN

FALCENDA URBAN Z  
100 WOODVIEW DRIVE  
LOT 1 BLOCK A77104  
DALLAS, TX 75212

EXTERIOR ELEVATIONS

DATE: 10-22-21  
SCALE: AS NOTED  
DRAWN:  
JOB:  
SHEET NO.

2.1

**FILE NUMBER:** BDA223-052 (KMH)

**BUILDING OFFICIAL'S REPORT:** Application of Emmy Alvarez Zumwalt for a special exception to the single-family use regulations at 7915 Roundrock Rd. This property is more fully described as Block 13/8187, Lot 2 and is zoned R-7.5(A), which limits the number of dwelling units to one. The applicant proposes to construct and maintain an additional dwelling unit, not for rent, which will require a special exception to the single-family use regulations.

**LOCATION:** 7915 Roundrock Rd.

**APPLICANT:** Emmy Alvarez Zumwalt

**REQUEST:**

A request for a special exception to the single-family use regulations is made to construct and maintain an additional dwelling unit, not for rent, on a site developed with a single-family home.

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

Section 51-4.201(b)(1)(E)(i) of the Dallas Development Code specifies that the board may grant a special exception to the single-family use regulations of the Dallas Development Code to authorize an additional dwelling unit on a lot when, in the opinion of the board, the additional dwelling unit will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties.

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

**STAFF RECOMMENDATION:**

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

## **BACKGROUND INFORMATION**

### **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 and surrounding properties are developed with single-family homes.

### **BDA History:**

No BDA history within the last five years.

## **GENERAL FACTS/STAFF ANALYSIS:**

- This request for a special exception to the single-family use regulations focuses on constructing and maintaining an approximately 648 square feet additional dwelling unit, not for rent, on a site developed with a single-family home.
- The site is zoned an R-7.5(A) Single Family District where the Dallas Development Code permits one dwelling unit per lot.
- The proposed additional dwelling unit consists of a bedroom, bathroom, and kitchen.
- The single-family use regulations of the Dallas Development Code state that only one dwelling unit may be located on a lot and that the Board of Adjustment may grant a special exception to this provision and authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: (1) be use as rental accommodations; or (2) adversely affect neighboring properties.
- The Dallas Development Code defines:
  - a “single family” use as “one dwelling unit located on a lot;” and a “dwelling unit” as “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
  - a “kitchen” is “any room or area used for cooking or preparing food and containing one or more ovens, stoves, hot plates, or microwave ovens; one or more refrigerators; and one or more sinks. This definition does not include outdoor cooking facilities.”

- a “bathroom” as “any room used for personal hygiene and containing a shower or bathtub or containing a toilet and sink.”
- a “bedroom” is “any room in a dwelling unit other than a kitchen, dining room, living room, bathroom, or closet. Additional dining rooms and living rooms, and all dens, game rooms, sunrooms, and other similar rooms are considered bedrooms.”
- The submitted floor plan identifies the proposed layout of the additional dwelling unit which indicates a kitchen, a bedroom, and bathroom.
- The applicant has the burden of proof in establishing that the additional dwelling unit will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.

Granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an additional dwelling unit on the site (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 prevent the use of the additional dwelling unit as rental accommodations.

**Timeline:**

- April 6, 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.
- April 24, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- April 28, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:
  - an attachment that provided the public hearing date and panel that will consider the application; the **May 26, 2023**, deadline to submit additional evidence for staff to factor into their analysis; and June 9, 2023, deadline to submit additional evidence to be incorporated into the board’s docket materials.
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- May 25, 2023: The applicant provided the Senior Planner with pictures of backyard as documentary evidence.

- May 31, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.
- June 1, 2023: The applicant provided the Senior Planner with pictures of a neighboring property as documentary evidence.



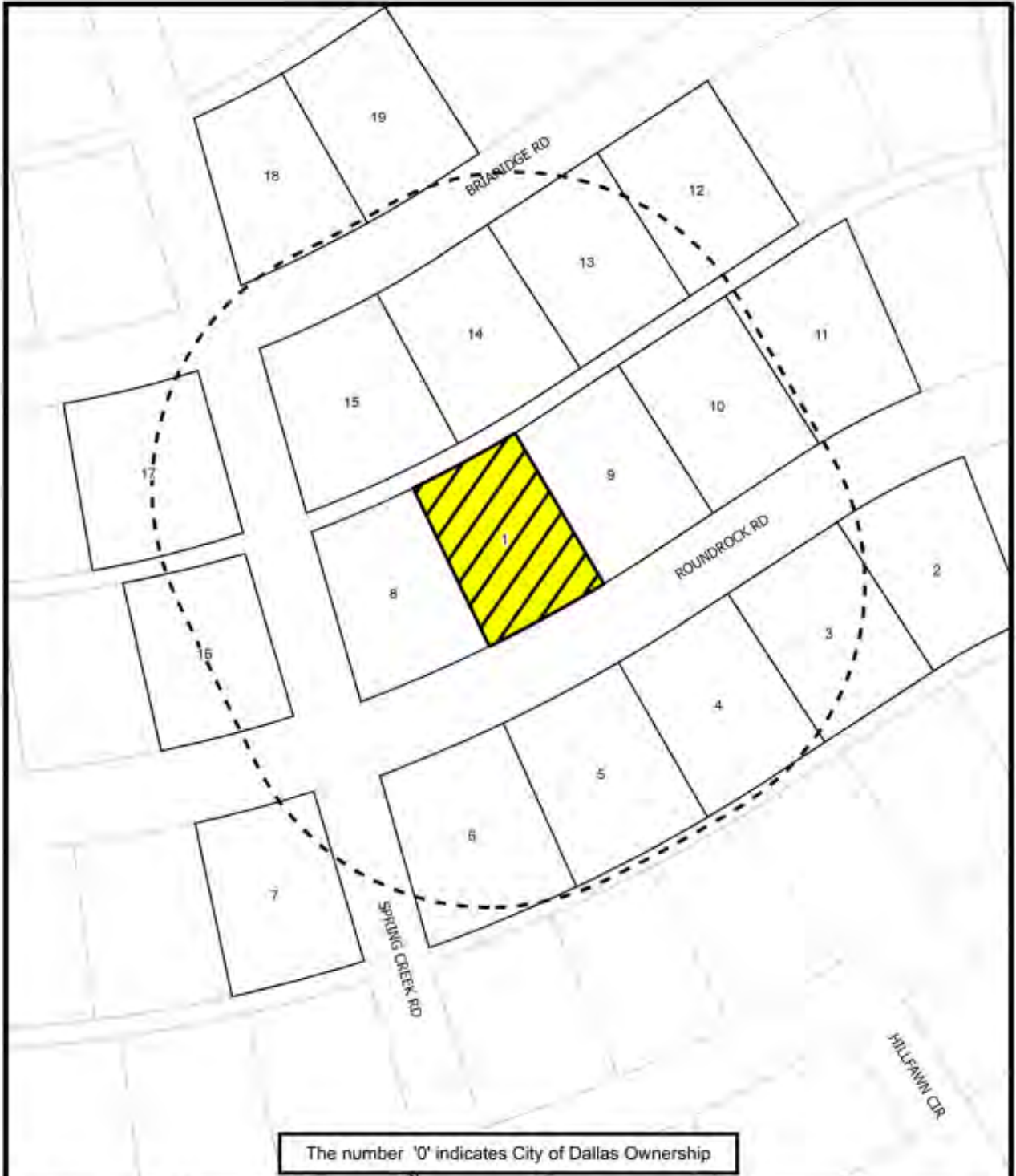
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# AERIAL MAP

Case no: BDA223-052

Date: 4/28/2023



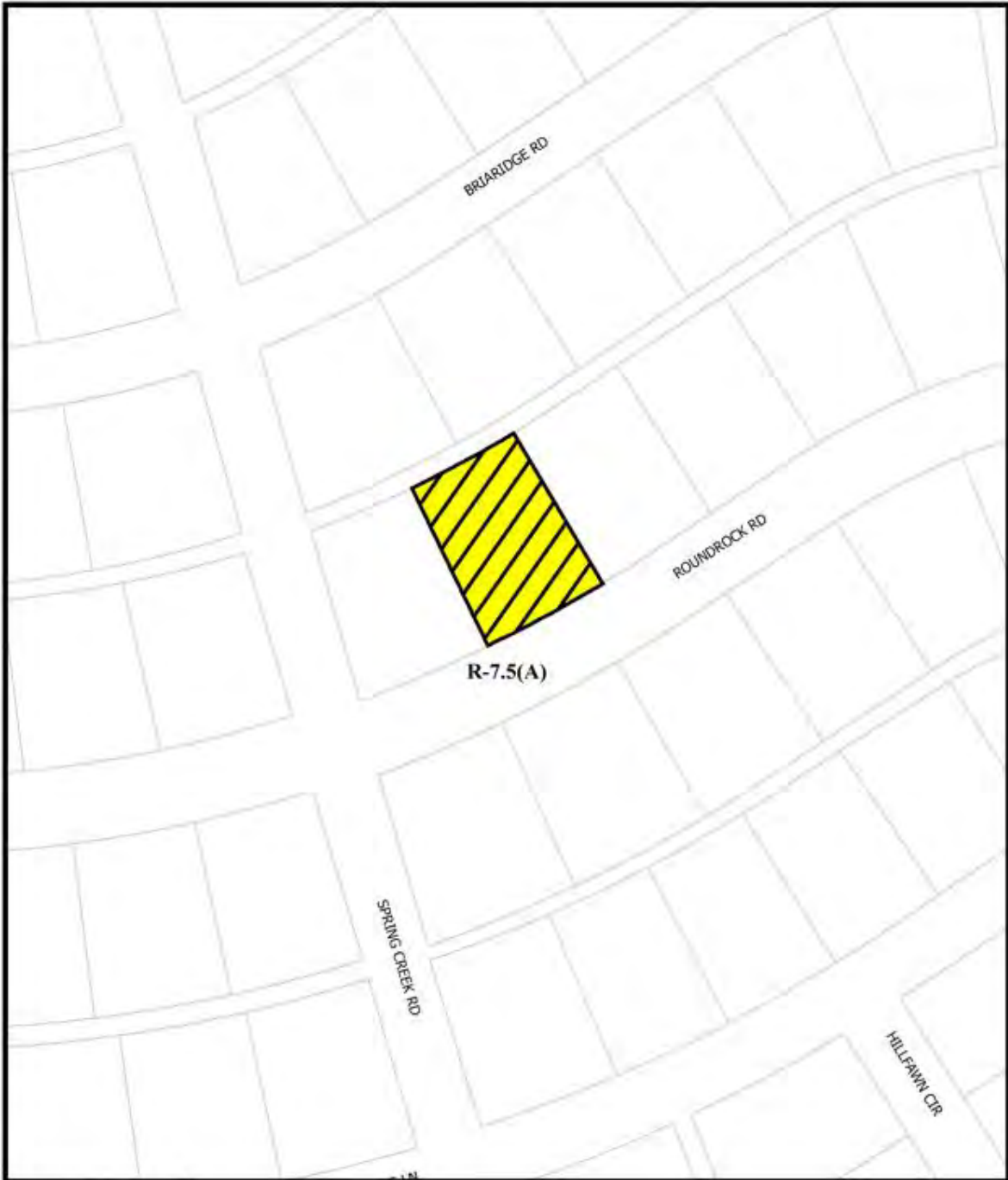


  
 1:1,200

**NOTIFICATION**

<b>200'</b>	AREA OF NOTIFICATION
<b>19</b>	NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA223-052**  
 Date: **4/28/2023**



1:1,200

# ZONING MAP

Case no: BDA223-052

Date: 4/28/2023



# Development Services

A

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

RECEIVED  
APR 06 RECD  
BY: [Signature]

## APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-052 PROCEED ONLY

Data Relative to Subject Property: \_\_\_\_\_ Date: 4/6/2023 PROCEED ONLY

Location address: 7915 Roundrock Rd Dallas 75248 Zoning District: R 7.5 (A)

Lot No.: 2 Block No.: 13/887 Acreage: 0.283 Census Tract: 136.07

Street Frontage (in Feet): 1) 100' 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

### To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): David M & Emmy Alvarez Zumwalt

Applicant: Emmy Alvarez Zumwalt Telephone: 469 510 9725

Mailing Address: 7915 Roundrock Rd Dallas Zip Code: 75248

E-mail Address: sailingzumwalt@aivskunk.net

Represented by: \_\_\_\_\_ Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Affirm that an appeal has been made for a Variance \_\_\_\_\_ or Special Exception  of additional dwelling unit (NOT for rent)

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:

We want to build a cottage/future pool house for aging members to stay w/us, will NOT be using it for any income-generating purposes, including long or short-term rentals

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

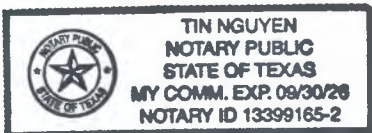
Before me the undersigned on this day personally appeared Emmy A. Zumwalt (Affiant/Applicant's name printed)

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 5 day of April, 2023

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







Printed: 4/10/2023

-  City Limits
-  Certified Parcels
-  Base Zoning

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



A.

# CITY OF DALLAS PLAT BOOKS

ANNEXED FEB 24, 1958    ORD. NO. 7570  
SURVEY JOHN BECKNELL    ABST. 53

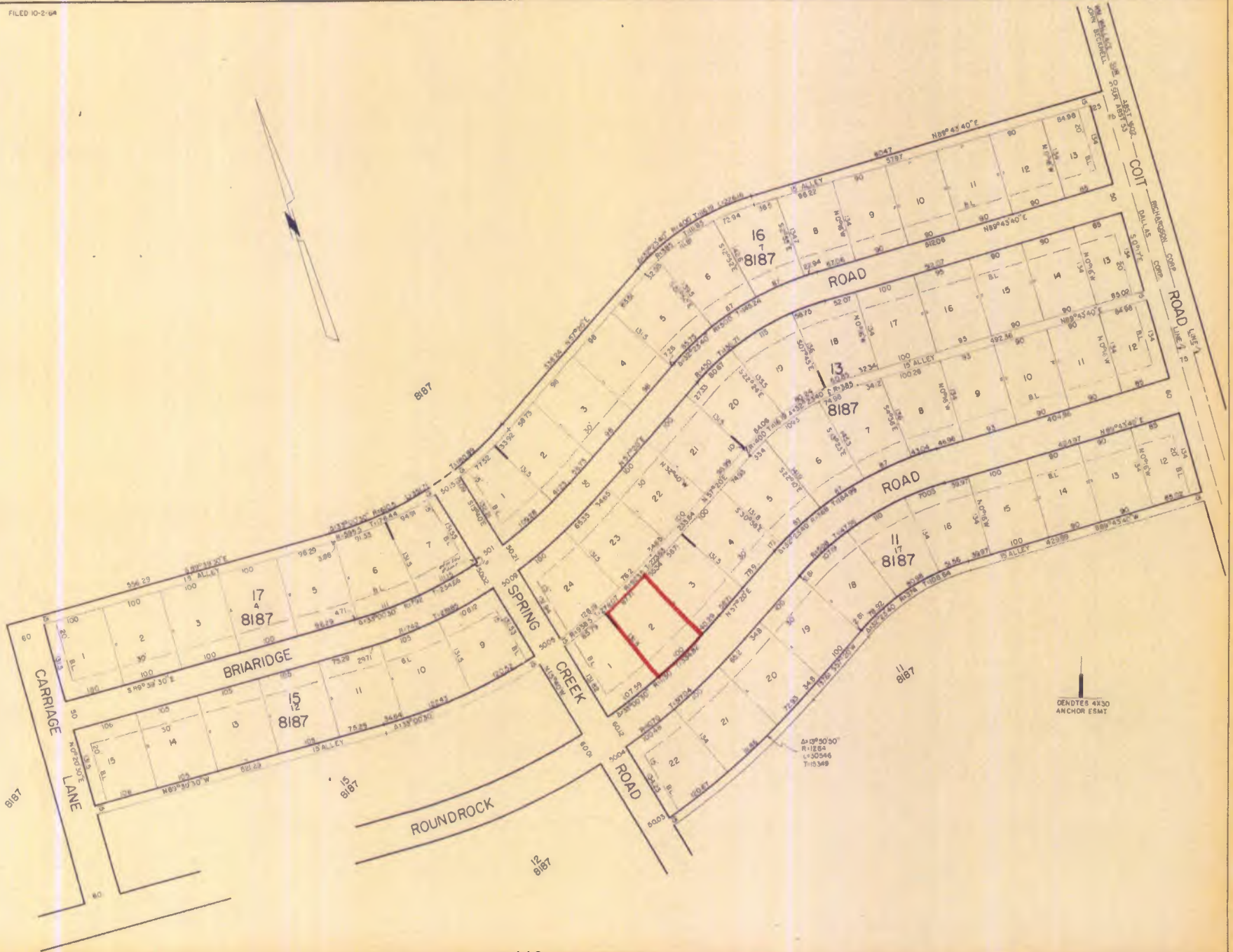
ADDITION SPRING CREEK    INST. NO. 5

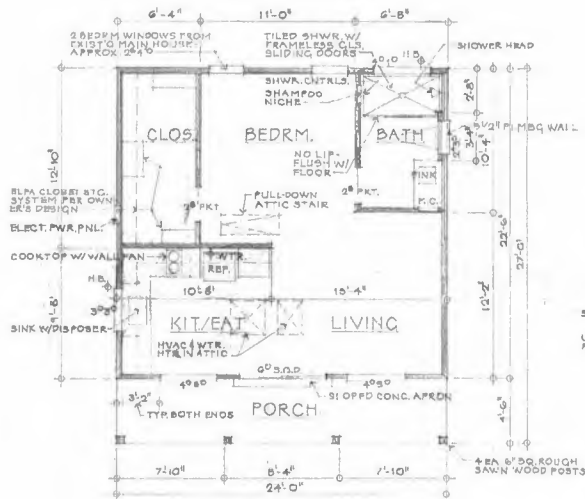
SCALE 100 FT. EQUALS 1 INCH

BLOCKS 11, 15 (PT), 13, 16, 17  
8187    8187

SCHOOL DISTRICT RICHARDSON

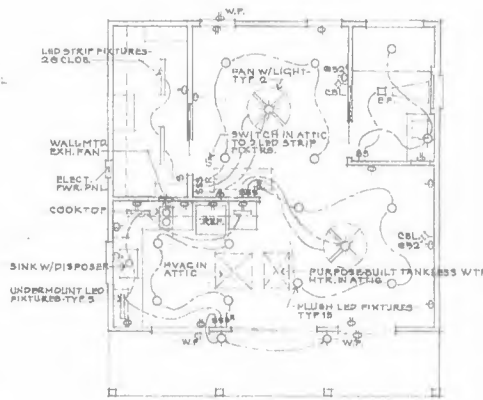
FILED 10-2-64





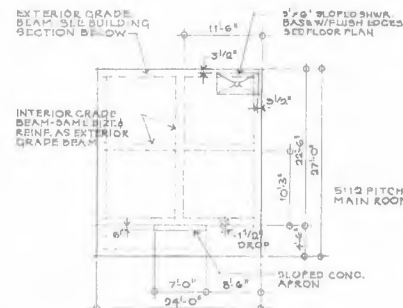
FLOOR PLAN

1/4" = 1'-0"  
 LIVING AREA 340 SQ. FT.  
 PORCH 108 SQ. FT.  
 TOTAL UNDER ROOF 448 SQ. FT.



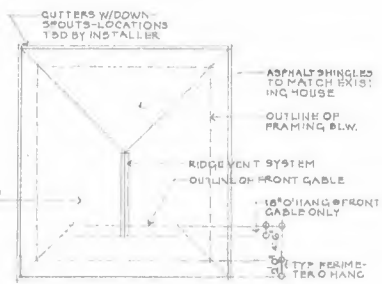
ELECTRICAL PLAN

1/4" = 1'-0"



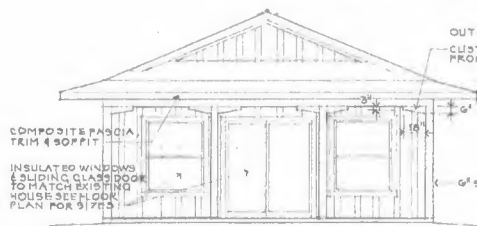
FOUNDATION PLAN

1/8" = 1'-0"



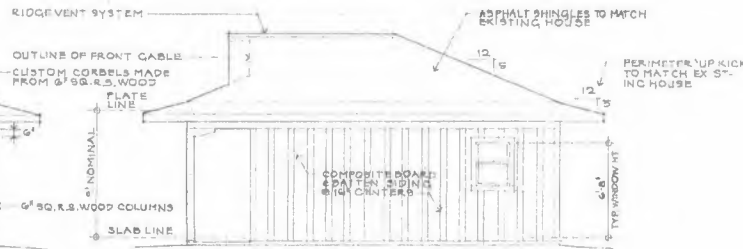
ROOF PLAN

1/8" = 1'-0"



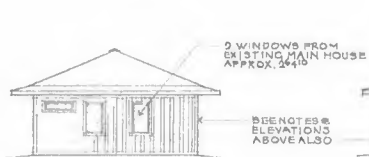
FRONT ELEVATION

1/4" = 1'-0"



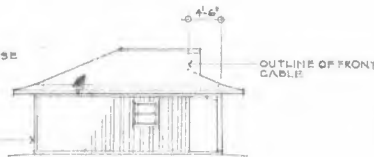
RIGHT SIDE ELEVATION

1/4" = 1'-0"



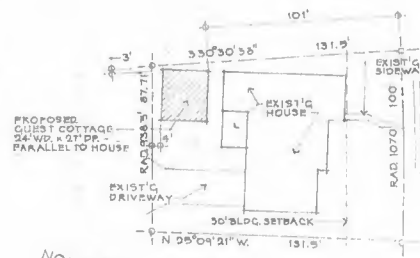
REAR

1/8" = 1'-0"



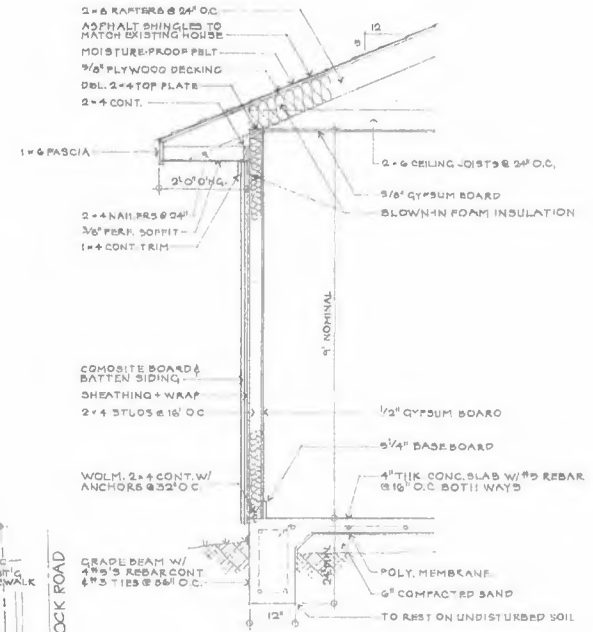
LEFT SIDE

1/8" = 1'-0"



SITE PLAN

1" = 30'



WALL SECTION

5/4" = 1'-0"

REVISION 'B' 03/23/2023

NEW GUEST COTTAGE FOR  
**EMMY & DAVID ZUMWALT**

DESIGN & PLANNING BY  
**PHILIP A LADEN**  
 SACHSE TX.

314.641.2732