



City of Dallas

BOARD OF ADJUSTMENT (PANEL C)

**June 22nd, 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/062223C>
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-C-Register> or call (214) 670-4127, **by the close of business Wednesday, June 21, 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 <https://bit.ly/BDA-C-Register> o llamando al (214) 670-4127, **antes de cierre de oficina el Miércoles, 21 de Junio, 2023.**

AGENDA

- I. **Call to Order** Robert Agnich, Vice-Chair
- II. **Staff Presentation/Briefing**
- III. **Public Hearing** Board of Adjustment
- IV. **Public Testimony**
- V. **Miscellaneous Items -**
 - Approval of Panel C Minutes – May 15th, 2023
- VI. **Case Docket** Board of Adjustment
 - Uncontested Items
 - Holdover Items
 - Individual Items
- VII. **Adjournment**

Handgun Prohibition Notice for Meetings of Governmental Entities

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

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

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

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

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

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

EXECUTIVE SESSION NOTICE

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

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

UNCONTESTED CASE(S)

BDA223-047(GB)	304 S. Beacon Street REQUEST: Application of Baldwin Associates for a variance to the front yard setback regulations.	1
BDA223-049(GB)	2513 N. Fitzhugh Ave. REQUEST: Application of Ruth Solorzano for a variance to the rear yard setback regulations.	2

HOLDOVER

None

INDIVIDUAL CASES

BDA223-051(GB)	4001 Turtle Creek Blvd. REQUEST: Application of Robert Reeves for a special exception to the fence height regulations, and for a special exception to the fence standards regulations, and for a variance to the front yard setback regulations.	3
BDA223-053(GB)	7217 Brookshire Circle REQUEST: Application of Steve Lakin for a special exception to the fence height regulations.	4



BOARD OF ADJUSTMENT

Panel C Minutes

May 15, 2023

DRAFT

6ES Briefing Room

24957316190@dallascityhall.webex.com

Robert Agnich, Vice-Chair

PRESENT: [5]

Robert Agnich, VC
Rodney Milliken
Jared Slade
Roger Sashington
Judy Pollock

ABSENT: [0]

Vice-Chair Agnich called the briefing to order at **11:00 A.M.** with a quorum of the Board of Adjustment present.

Vice-Chair Agnich 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:	Robert Agnich			
Second:	Judy Pollock			
Results:	5-0 unanimously			

MISCELLANEOUS ITEMS

Approval of the Board of Adjustment Panel C February 23, 2023 public hearing minutes.

Motion was made to approve Panel C February 23, 2023 public hearing minutes.

Maker:	Jared Slade			
Second:	Robert Agnich			
Results:	5-0 unanimously			
		Ayes:	- 5	Robert Agnich, Judy Pollock, Roger Sashington, Rodney Milliken, and Jared Slade
		Against:	- 0	

UNCONTESTED ITEMS

1. 1713 E. Kiest Blvd

BDA223-031(GB)

***This item was moved to Individual Items**

BUILDING OFFICIAL’S REPORT: Application of Shannon Neffendorf represented by Peter Kavanagh for a special exception to the fence height regulations, and for a special exception to the fence regulations at 1713 E. Kiest Blvd. This property is more fully described as Block R/5856, part of tract 13 and is zoned R-7.5 (A) which limits the height of the fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct a 6-foot-high fence in a required front yard, which will require a 2-foot special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface located less than 5 feet from the lot line, which will require a special exception to the fence regulations.

LOCATION: 1713 E. Kiest Boulevard

APPLICANT: Shannon Neffendorf, represented by Peter Kavanagh

REQUESTS:

The following site currently vacant and undeveloped.

A request for a special exception to the fence standards regulations of 2' is made to construct a 6' high fence in the required front yard; and

1. A request for a special exception to the fence standards regulations is made to construct a fence with panels with surface areas less than 50 percent open less than 5' from the front lot line in this case, a fence that is 983 feet long, ranging from 0 to 5' from the front lot line.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to the fence standards 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:

<u>Site:</u>	R-7.5(A) Single Family District
<u>North:</u>	R-7.5(A) Single Family District
<u>South:</u>	R-7.5(A) Single Family District
<u>East:</u>	R-7.5(A) Single Family District
<u>West:</u>	SUP 639 (MF-2) and R-7.5(A) Single Family District

Land Use:

The subject site and areas to the north, east, south, and west are developed with mostly residential uses. John R Bryan Elementary School is located directly across the street.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS (fence standards special exceptions):

- This is a request for special exception to the fence standards regulations focus on constructing a 6-foot fence to be placed in a required front yard. A special exception is required for a fence that exceeds the maximum height of 4' if located in a required front yard setback, and a fence with fence panels with a surface area that is less than 50 percent open less than 5' from the E Kiest Blvd front lot line on an undeveloped site.

- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard and states that no fence panel having less than 50 percent open surface area may be located less than five feet from the front lot line.
- The applicant has submitted a site plan and elevation of the proposal. The site plan and elevation represent a fence that is over 4' in height in the required front yard.
- The following additional information was gleaned from the submitted site plan:
 - the site plan shows the fence to be approximately 938' located on the front property line or less than 5' from the pavement line.
- The Board of Adjustment Senior Planner conducted a field visit to determine if the fence would adversely affect neighboring properties.
- As of April 04, 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 these special exceptions 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:

- February 07, 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 06, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- March 14, 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; the March 24, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the March 28, 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 30, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearing. The review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the /Development Code Specialist, the

Senior Engineer, Board of Adjustment Senior Planner, the Assistant City Attorney to the Board. No review comment sheets were submitted in conjunction with this application.

Speakers:

For: Peter Kavanaugh, 1620 Handley St., Dallas TX 75208

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA 223-031, on application of Shannon Neffendorf, **GRANT** the request of this applicant to construct and/or maintain a 6-foot high fence as a special exception to the height requirement for fences contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

BDA 223-031 —Application of Shannon Neffendorf to construct and/or maintain a 6-foot high fence as a special exception to the height requirement for fences contained in the Dallas Development Code, is **granted** subject to the following condition:

Compliance with the submitted site plan and elevation is required.

Maker:	Judy Pollock				
Second:	Jared Slade				
Results:	5-0				
		Ayes:	-	5	Judy Pollock, Roger Sashington, Rodney Milliken, and Jared Slade, Robert Agnich
		Against:	-	0	

Motion # 2

I move that the Board of Adjustment, in Appeal No. BDA 223-031, on application of Shannon Neffendorf, **GRANT** the request of this applicant to construct and/or maintain a fence with panel having less than 50 percent open surface area located less than five feet from the front lot line as a special exception to the surface area openness requirement for fences in the Dallas Development Code, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

BDA 223-031 —Application of Shannon Neffendorf to construct and/or maintain a fence with panel having less than 50 percent open surface area located less than five feet from the front lot line as a special exception to the surface area openness requirement for fences in the Dallas Development Code, is **granted** subject to the following condition:

Compliance with the submitted site plan and elevation is required.

Maker:	Judy Pollock				
Second:	Jared Slade				
Results:	5-0				
		Ayes:	-	5	Judy Pollock, Roger Sashington, Rodney Milliken, and Jared Slade, Robert Agnich
		Against:	-	0	

2. 3839 Seguin Drive

BDA223-033(GB)

***This item was moved to Individual Items (moved last)**

BUILDING OFFICIAL’S REPORT: Application of Chris Jent for a special exception to the fence height regulations, and for a special exception to the fence regulations at 3839 Seguin Drive. This property is more fully described as Block 2/6220, Lot 13 and is zoned R-7.5 (A) which limits the height of the fence in the front yard to 4 feet; and requires a fence panel with a surface area that is less than 50 percent open and may not be located less than 5 feet from the front lot line. The applicant proposes to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface located less than 5 feet from the lot line, which will require a special exception to the fence regulations.

LOCATION: 3839 Seguin Drive

APPLICANT: Chris Jent

REQUESTS:

A request for a 4-foot special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface located less than 5 feet from the lot line, which will require a special exception to the fence regulations.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: R-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 areas to the north, east, south, and west are developed with single family uses.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

A request for a 4-foot special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface located less than 5 feet from the lot line, which will require a special exception to the fence regulations.

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 an R-1 ac (A) Single Family District where a 40-foot front yard setback is required.

The applicant has submitted a site plan and elevation of the proposal. The site plan and elevation represent a fence that is over 4' in height in the required front yard.

- The following additional information was gleaned from the submitted site plan:
 - The proposed fence will be an 8 feet-high wood style fence located on the property line and 130 feet in length.
 - The Board of Adjustment Senior Planner conducted a field visit to determine if the fence would adversely affect neighboring properties.
- As of April 03, 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 these special exceptions 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:

February 14, 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 06, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

March 14, 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; the March 24, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the March 28, 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 30, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearing. The review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the /Development Code Specialist, the Senior Engineer, Board of Adjustment Senior Planner, the Assistant City Attorney to the Board.

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

April 06, 2023: The applicant provided pictures of the following addresses:

- I. 9904 Hurley
- II. 9923 Coppedge
- III. 3908 Walnut Hill (Elmada Corner)
- IV. 9905 Elmada
- V. 4025 Walnut at Hurley Corner
- VI. 3880 Walnut Hill at Hurley Corner

Speakers:

For: Chris Jent, 2745 Dallas Prwy # 455 Plano TX 75093
Grant Pryor, 12001 Inwood Rd # 903, Dallas TX 75244

Against: Ben Hillman, 9937 Dresden Dr, Dallas TX 75220
Jennifer Alexander, 9943 Dresden Dr, Dallas TX 75220
Judy Margolis, 9942 Dresden Dr, Dallas TX 75220

1.- Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA 223-033, on application of Chris Jent, **GRANT** the request of this applicant to construct and/or maintain a 8-foot high fence as a special exception to the height requirement for fences contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

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

Compliance with the submitted site plan and elevation is required.

Maker:	Jared Slade				
Second:	Judy Pollock				
Results:	2-3				Motion Failed
		Ayes:	-	2	Judy Pollock, Jared Slade
		Against:	-	3	Roger Sashington, Rodney Milliken, Robert Agnich

2.- Motion # 2

I move that the Board of Adjustment, in Appeal No. BDA 223-033, on application of Chris Jent, **DENIED** the special exception requested by this applicant to construct and/or maintain a 8-foot-high fence **without** prejudice, because our evaluation of the property and the testimony shows that granting the application would adversely affect neighboring property.

Maker:	Robert Agnich				
Second:	Rodney Milliken				
Results:	4-1				Motion Passes
		Ayes:	-	4	Roger Sashington, Rodney Milliken, Jared Slade, and Robert Agnich
		Against:	-	1	Judy Pollock

3.- Motion # 3

I move that the Board of Adjustment, in Appeal No. BDA 223-033, on application of Chris Jent, **DENIED** the special exception requested by this applicant **without** prejudice, because our evaluation of the property and the testimony shows that this special exception will adversely affect neighboring property

Maker:	Jared Slade				
Second:	Robert Agnich				
Results:	5-0				

		Ayes:	-	5	Judy Pollock, Roger Sashington, Rodney Milliken, Jared Slade, and Robert Agnich
		Against:	-	0	

3. 1017 Nomias Street

BDA223-036(ND)

***This item was moved to Individual Items**

BUILDING OFFICIAL’S REPORT: Application of Brent Jackson for a variance to the front yard setback regulations at 1017 Nomias Street. This property is more fully described as Block A/7104, Lot 19, and is zoned R-5(A), which requires a front yard setback of 20 feet. The applicant proposes to maintain a single-family residential structure and provide an 11foot front yard setback, which will require a 9-foot variance to the front yard setback regulations.

LOCATION: 1017 Nomias Street

APPLICANT: Brent Jackson

REQUEST:

A request for a variance to the front yard setback regulations of 9 feet is made to maintain a single-family home. The applicant is proposing to maintain a single-family residential structure and provide an 11-foot front yard setback, which will require a 9-foot variance to the front 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:

- 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 the site's front yard setback where the location of this structure would comply with the required 20 foot front yard setback if Nomas 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 front yard setback on Nomas.

BACKGROUND INFORMATION:

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, institutional, and recreation uses.

ZONING/BDA HISTORY:

There is no BDA History found within the past five years.

GENERAL FACTS/STAFF ANALYSIS:

- A request for a variance to the front yard setback regulations of 9 feet is made to maintain a single-family home.
- The property is located in an R-5(A) zoning district which requires a minimum front yard setback of 20 feet.
- The subject site is located on Nomas Street. The subject site has a 20 feet front yard setback on the site's only street frontage of Nomas. The site's front yard also has a 10 foot street easement of which acts as the site's property line of which the setback is measured from.
- No variance would be necessary if there were not a 10 foot street easement in the front yard.
- The subject site is flat, rectangular in shape (95' x 60'), and is 5,700 square feet in area. The site is zone R-5(A) where lots are typically 5,000 square feet in area.
- On December 13, 2021, Oaxaca Construction LLC applied for a new construction permit for a single-family residential structure. The permit was approved on February 04, 2022 and issued on February 14, 2022.
- On August 16, 2022, a hold was placed on the permit because "building site includes 10 feet of street ROW easement. Front yard setback must be measured from the easement line. Do not release without approval from James McKey or Megan Wilmer."
 - The applicant has the burden of proof in establishing the following:
 - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.
 - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document— which in this case is a home structure that would be located 11 feet from the site's easement line.

Timeline:

February 15, 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 6, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

March 30, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February 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, Director of Code Enforcement and the Board Attorney.

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

Speakers:

For: Sam Mallick, 2323 Victory Ave # 700, Dallas TX 75219
 Aimee Furness, 2323 Victory Ave # 700, Dallas TX 75219

Against: Ronnie Mestas, 3215 Rutz St., Dallas TX75212
 Mary Paras, 3138 Rutz St., Dallas TX 75212

1.- Motion

I motion to suspend the limitation of 5 pages to allow the applicant to submit the evidence that is being appropriated to this case.

Maker:	Jared Slade				
Second:	Robert Agnich				
Results:	5-0				
		Ayes:	-	5	Robert Agnich, Judy Pollock, Roger Sashington, Rodney Milliken, and Jared Slade
		Against:	-	0	

2.- Motion

I move that the Board of Adjustment, in Appeal No. BDA 223-036, on application of Brent Jackson, **GRANT** the 9-foot variance to the front yard setback regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

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

Compliance with the submitted site plan is required.

Maker:	Jared Slade				
Second:	Robert Agnich				
Results:	4-1				Motion Passes
		Ayes:	-	4	Robert Agnich, Roger Sashington, Rodney Milliken, and Jared Slade
		Against:	-	1	Judy Pollock

4. 5505 S. Polk Street
 BDA223-041(ND)

FILE NUMBER: BDA223-041(ND)

BUILDING OFFICIAL’S REPORT: Application of Karl A. Crawley for a special exception to the minimum front yard requirements to preserve existing trees at 5505 S. Polk St. This property is more fully described as Block 1/6048, Lot 2, and is zoned R-7.5(A) which requires a front yard setback of 25 feet. The applicant proposes to construct a non-residential structure and provide a 19-foot front yard setback, which will require a 6-foot special exception to the front yard setback regulations for tree preservation.

LOCATION: 5505 S. Polk St.

APPLICANT: Karl A. Crawley

REQUEST:

A request for a special exception to the front yard setback is made to construct a non-residential structure and provide a 19-foot front yard setback, which requires a 6-foot special exception to the front yard setback regulations for tree preservation.

STANDARD FOR A SPECIAL EXCEPTION TO THE MINIMUM FRONT YARD REQUIREMENTS TO PRESERVE AN EXISTING TREE:

Section 51(A)-4.401(d) of the Dallas Development Code specifies that the board may grant a special exception to the minimum front yard requirements in this section to preserve an existing tree. In determining whether to grant this special exception, the board shall consider the following factors:

- (A) Whether the requested special exception is compatible with the character of the neighborhood.
- (B) Whether the value of surrounding properties will be adversely affected.
- (C) Whether the tree is worthy of preservation.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that requested special exception was compatible with the character of the neighborhood; the value of surrounding properties will not be adversely affected; and that, according to the City of Dallas Chief Arborist, the tree denoted on the submitted site plan, is worthy of preservation.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	R-7.5(A) Single Family District
<u>North:</u>	R-7.5 (A) Single Family District
<u>South:</u>	R-7.5(A) Single Family District
<u>East:</u>	R-7.5(A) Single Family District
<u>West:</u>	R-7.5(A) Single Family District

Land Use:

The subject site is developed as a school while the surrounding properties are developed for single-family uses.

Zoning/BDA History

There is no BDA history within the past five years.:

GENERAL FACTS /STAFF ANALYSIS:

- This request for a special exception to the front yard setback is made to construct a non-residential structure and provide a 19-foot front yard setback, which requires a 6-foot special exception to the front yard setback regulations for tree preservation.
- The property is located in a R.7-5 (A) residential zoning district where the minimum front yard setback is 25 feet.
- Properties to the north, east, south and west of the subject site are also zoned R.7-5(A).
- In an effort to preserve the large trees on the subject property, the submitted site plan denotes that the proposed addition will be located within the front yard setback along Drury Rd.
- The applicant has the burden of proof in establishing the following:
 - Whether the requested special exception is compatible with the character of the neighborhood.
 - Whether the value of surrounding properties will be adversely affected.
 - Whether the tree is worthy of preservation.
- If the Board were to grant the special exception request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document – which in this case is a structure that is located 19’ from the site’s front property line.

Timeline:

February 17, 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 6, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

March 23, 2023: The Board Administrator emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application.
- an attachment that provided the public hearing date and panel that will consider the application; the November 21st deadline to submit additional evidence for staff to factor into their analysis; and the December 2nd 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 29, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearing. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

Speakers:

For: No speakers

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 223-041, on application of Karl Crawley, **GRANT** the request of this applicant for a six-foot special exception for tree preservation to the front yard setback regulations contained in the Dallas Development Code because our evaluation of the property and testimony shows that this special exception will not adversely affect the value of surrounding properties, the requested special exception is compatible with the character of the neighborhood, and the tree is worthy of preservation.

BDA223-041 Application of Karl Crawley for a special exception for tree preservation to the front yard setback regulations in the Dallas Development Code is granted subject to the following condition:

Compliance with the submitted site plan is required.

Maker:	Jared Slade			
Second:	Robert Agnich			
Results:	5-0			

		Ayes:	-	5	Robert Agnich, Judy Pollock, Roger Sashington, Rodney Milliken, and Jared Slade
		Against:	-	0	

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Vice-Chair Agnich moved to adjourn the meeting; seconded by Roger Sashington at 3:45 p.m.

Recess: 2:08 p.m.; Resume: 2:21 p.m.

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

 Date

 Required Signature:
 Nikki Dunn, Board Administrator
 Development Services Dept.

 Date

 Required Signature:
 Robert Agnich, Vice-Chair
 Board of Adjustment

 Date

FILE NUMBER: BDA223-047 (GB)

BUILDING OFFICIAL'S REPORT: Application of Baldwin Associates for a variance to the front yard setback regulations at 304 S. Beacon Street. This property is more fully described as tract 2, block 698, and is zoned D(A), which requires a front yard setback of 25 feet. The applicant proposes to construct a single-family residential structure and provide an 11-foot front yard setback, which will require a 14-foot variance to the front yard setback regulations.

LOCATION: 304 S. Beacon Street

APPLICANT: Baldwin Associates

REQUEST:

A request for a variance to the side yard setback regulations of 14 feet is made to construct a single-family home. The applicant is proposing to construct and/or maintain a single-family residential structure and provide a 11-foot side yard setback, which will require a 14-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:

- Staff concluded that the subject site is unique and different from most lots in the D(A) zoning district in that it is restrictive in area because the site is a corner is situated on the exterior of a corner lot.
- Staff concluded that granting the variance in this application would not be contrary to public interest in that the variance would allow a single-family home to be constructed commensurate with neighboring properties.
- **ZONING/BDA HISTORY:**
 - ❖ BDA212-07. Request: Variance to the front yard setback regulations
 - ❖ Approved on August 18,2022

Zoning:

Site: D(A)

Land Use:

The subject site is vacant. 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 front yard setback regulations of 14 feet is made to construct a single-family home.
- The subject property is located at the corner of S. Beacon and Sante Fe.
- The subject property is zoned D (A).
- The subject property is situated on a corner lot.
- The applicant is requesting a variance to the front yard setback regulations located on S. Beacon Street. A variance is not required for Sante Fe.
- The applicant has the burden of proof in establishing the following:
 - (A) In general.
 - (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 Subparagraph (B)(i), 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.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document.

Timeline:

- March 30, 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 15, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- May 05, 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 May 30, 2023, deadline to submit additional evidence for staff to factor into their analysis;

and the June 09, 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 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 Planners, the Board of Adjustment Development Code Specialist, the Board of Adjustment Consultant, the Chief Arborist, Development Services Senior Engineers, City of Dallas Code Staff, and the Board Attorney.

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

June 07, 2023:

The applicant submitted documentary evidence. Exhibit A

Exhibit A

Baldwin Associates

June 7, 2023

Ms. Giahanna Bridges
Senior Planner (Board of Adjustment)
City of Dallas
320 E. Jefferson Boulevard, Room 210
Dallas, Texas 75203

RE: BDA 223-047, Property located at 304 S. Beacon Street

Dear Ms. Bridges

Please accept this letter summarizing our request for a variance to the "second" front-yard setback.

The Request:

The subject site is a corner lot. The property was preliminarily replatted in 2021 to have the lot face Santa Fe Trail versus Beacon Street. Notably, there is a lot to the northwest of the subject site that fronts onto South Beacon Street and triggers a second 25-foot front yard setback. The purpose of this request is to seek a variance of the second front yard setback along Beacon Street. For your information, the home on Beacon Street which triggers the second front yard setback is set back about 10-12 feet. Granting the variance to our "front" yard along the side of our site on Beacon Street, resulting in an 11-foot front yard setback, will align with the neighboring property.

Background Information:

On August 17, 2022, our client was granted a variance to the front yard setback in BDA 212-071. That request was exactly the same request as the pending request. Unfortunately, the variance granted by BDA 212-071 expired because we did not received a building permit application within the requisite 180-day period as a result of the time it took to complete the platting process for the subject site. Additionally, we failed to timely file for an extension to the 180-day period.

Current Status:

The P contracts were initiated the 1st week of December 2022. All preconstruction items were initiated, and the job site was prepped for construction (including submitting for the required ROW and TCP permits) after the Christmas break.

Progress has been made on this project and the owner/developer is now ready to file the building permit application. However, because the variance "expired," the applicant renews its request for a variance to the second front yard setback on Beacon Street

Baldwin **Associates**

Our Ask:

We respectfully request that the Board reach the same conclusion as the Board of Adjustment in its decision in BDA 212-071, granting relief from the second front yard setback resulting in an 11-foot setback along Beacon Street.

Thank you for your consideration of our client's request.

Sincerely,



Rob Baldwin
Baldwin Associates



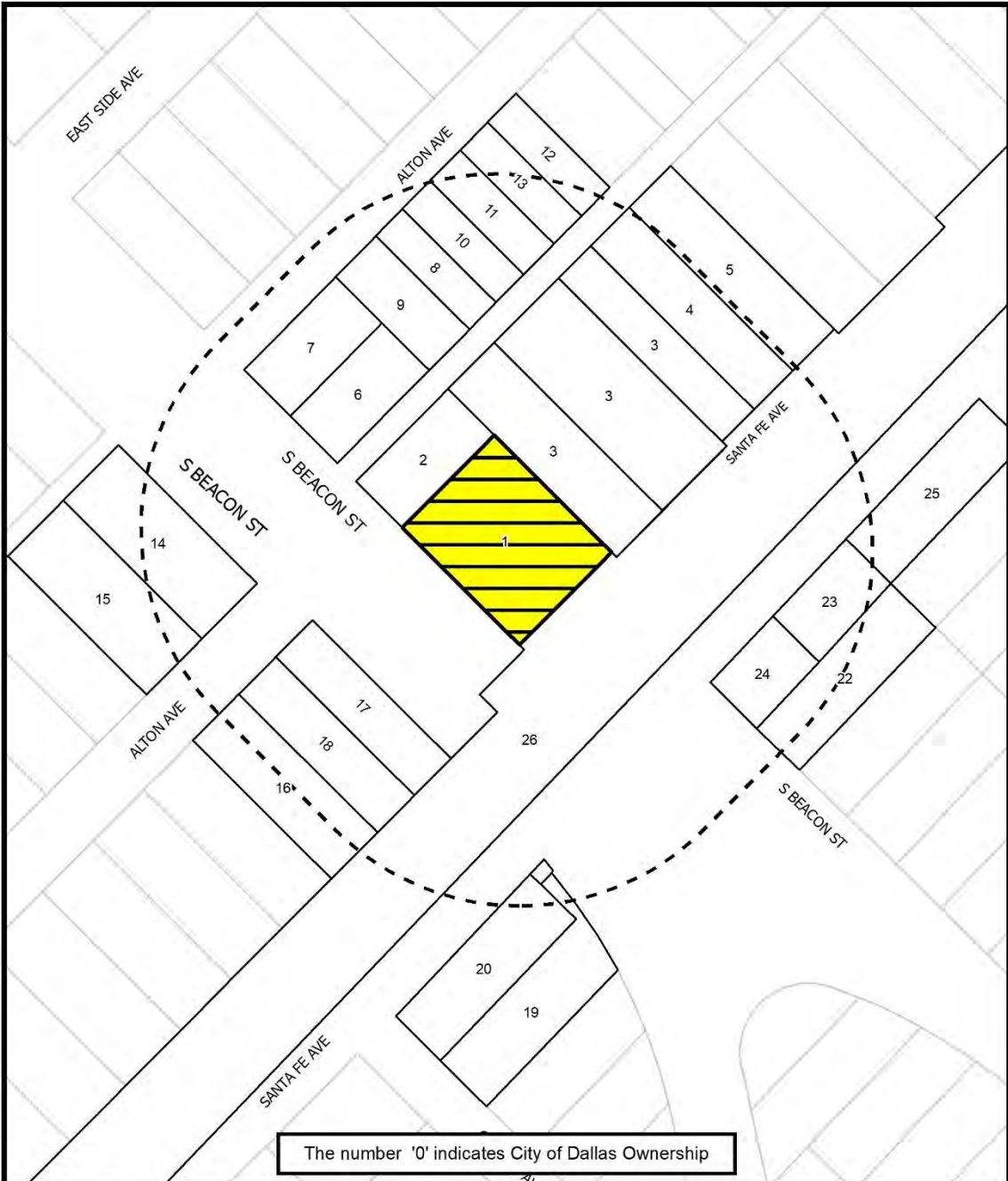
1:1,200

AERIAL MAP

Case no: BDA223-047

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;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">26</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	26	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA223-047 Date: 5/25/2023
200'	AREA OF NOTIFICATION					
26	NUMBER OF PROPERTY OWNERS NOTIFIED					

05/01/2023

Notification List of Property Owners

BDA223-047

26 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	304 S BEACON ST	JO GRACIE LLC
2	302 S BEACON ST	GUTIERREZ CONSUELO
3	5619 SANTA FE AVE	GRACIE JO LLC
4	5623 SANTA FE AVE	RIOJAS ANDREW &
5	5627 SANTA FE AVE	5627 SANTA FE DUPLEX LLC
6	212 S BEACON ST	GUZMAN LESLY M
7	216 S BEACON ST	RIVERA JESUS
8	5613 ALTON AVE	AVILES GRACIELA S
9	5611 ALTON AVE	DEL BOSQUE ELIZABETH
10	5615 ALTON AVE	GALINDO FRANCISCO L
11	5617 ALTON AVE	REYES JOSIE S
12	5621 ALTON AVE	HHH SINGLE FAMILY PORTFOLIO
13	5619 ALTON AVE	GARCIA DANIEL &
14	5529 ALTON AVE	MUNIZ LEONARDO & MARIA T
15	5525 ALTON AVE	BAU 1 LTD
16	5530 ALTON AVE	Taxpayer at
17	5536 ALTON AVE	HERRERA MANUEL & MARIA
18	5532 ALTON AVE	Taxpayer at
19	404 GRAHAM AVE	THE EAST DALLAS YANKEE LLC
20	400 GRAHAM AVE	EAST DALLAS YANKEE LLC THE
21	5510 SANTA FE AVE	ENSERCH CORP
22	406 S BEACON ST	RAMIREZ J JESUS
23	5610 SANTA FE AVE	MAIN STREET CHURCH OF
24	402 S BEACON ST	GOMEZ JOB
25	401 WAYNE ST	TIJERINA FRANCES S
26	401 S BUCKNER BLVD	DART



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

RECEIVED
MAR 30 RECD
BY: *[Signature]*

Case No.: BDA 223-047
Date: 3/30/23

Relative to Subject Property: Previous BDA 212-071 Date: FOR RECEIPT ONLY

Location address: 304 S. Beacon Zoning District: D(A)

Lot No.: Tr 2 Block No.: 698 Acreage: 0.29 Census Tract: 48113001301

Street Frontage (in Feet): 1) 56.3 2) 126.20 3) 4) 5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Gracie Jo, LLC

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

Mailing Address: 3904 Elm Street, Suite B - Dallas, Texas Zip Code: 75226

E-mail Address: rob@baldwinplannig.com

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

Mailing Address: 3904 Elm Street, Suite B - Dallas, Texas Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance or Special Exception of 14' front yard variance to allow 11' setback along Beacon Street.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to Grant the described appeal for the following reason:
The property is undeveloped and part of a new plat to create new single family homes. The property is slightly sloped. This corner property will have two front yard setbacks.

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

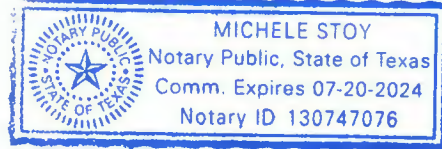
Before me the undersigned on this day personally appeared Rob Baldwin
(Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 28 day of March, 2023

Michele Stoy
Notary Public in and for Dallas County, Texas



J

**MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT**

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

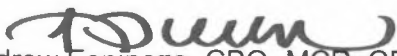
Building Official's Report

I hereby certify that BALDWIN ASSOCIATES

did submit a request for a variance to the front yard setback regulations
at 304 S BEACON STREET

BDA223-047. Application of BALDWIN ASSOCIATES for a variance to the front yard setback regulations at 304 S. BEACON STREET. This property is more fully described as tract 2, block 698, and is zoned D(A), which requires a front yard setback of 25 feet. The applicant proposes to construct a single family residential structure and provide an 11 foot front yard setback, which will require a 14 foot variance to the front yard setback regulations.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



AFFIDAVIT

Appeal number: BDA 223-047

I, Gracie Jo, LLC, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 304 S Beacon St
(Address of property as stated on application)

Authorize: Rob Baldwin, Baldwin Associates
(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: Front yard

LEE LAMONT
Print name of property owner or registered agent

[Signature]
Signature of property owner or registered agent

Date 3-27-2023

Before me, the undersigned, on this day personally appeared Lee Lamont

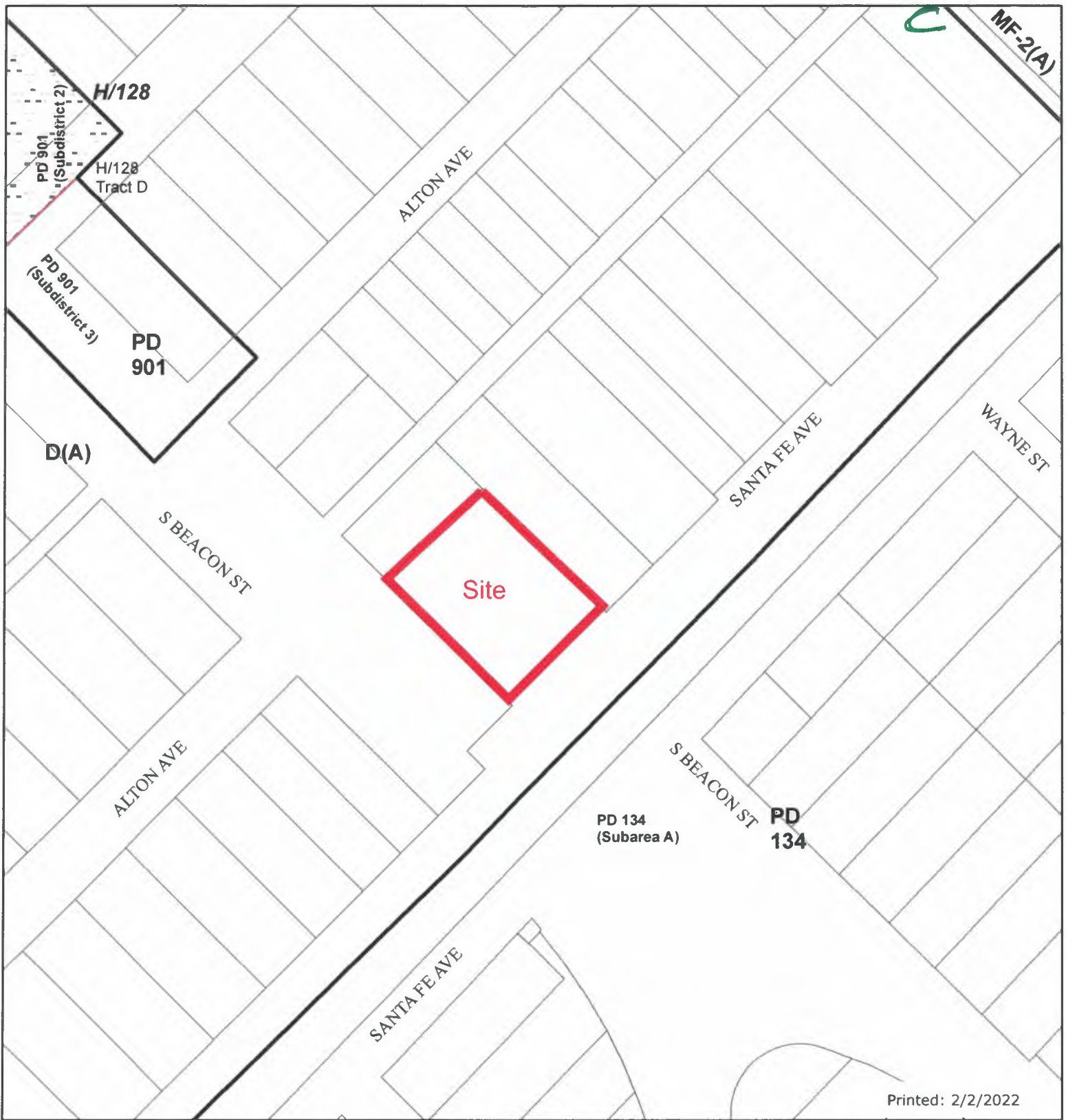
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 27th day of March, 2023



Ruth Victoria Huffaker
Notary Public for Dallas County, Texas

Commission expires on 12-7-26



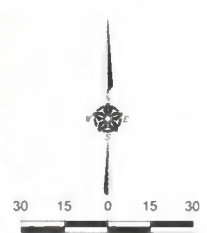
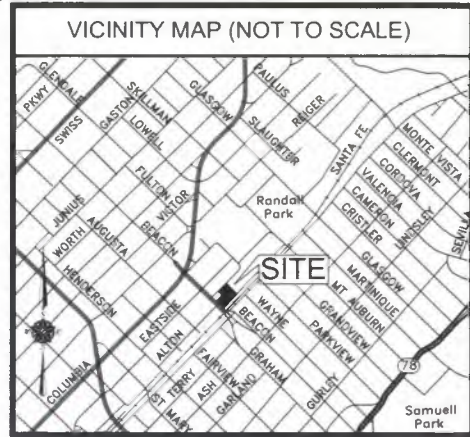
Printed: 2/2/2022

Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | 34 Front Overlay |
| | | Height Map Overlay | |

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





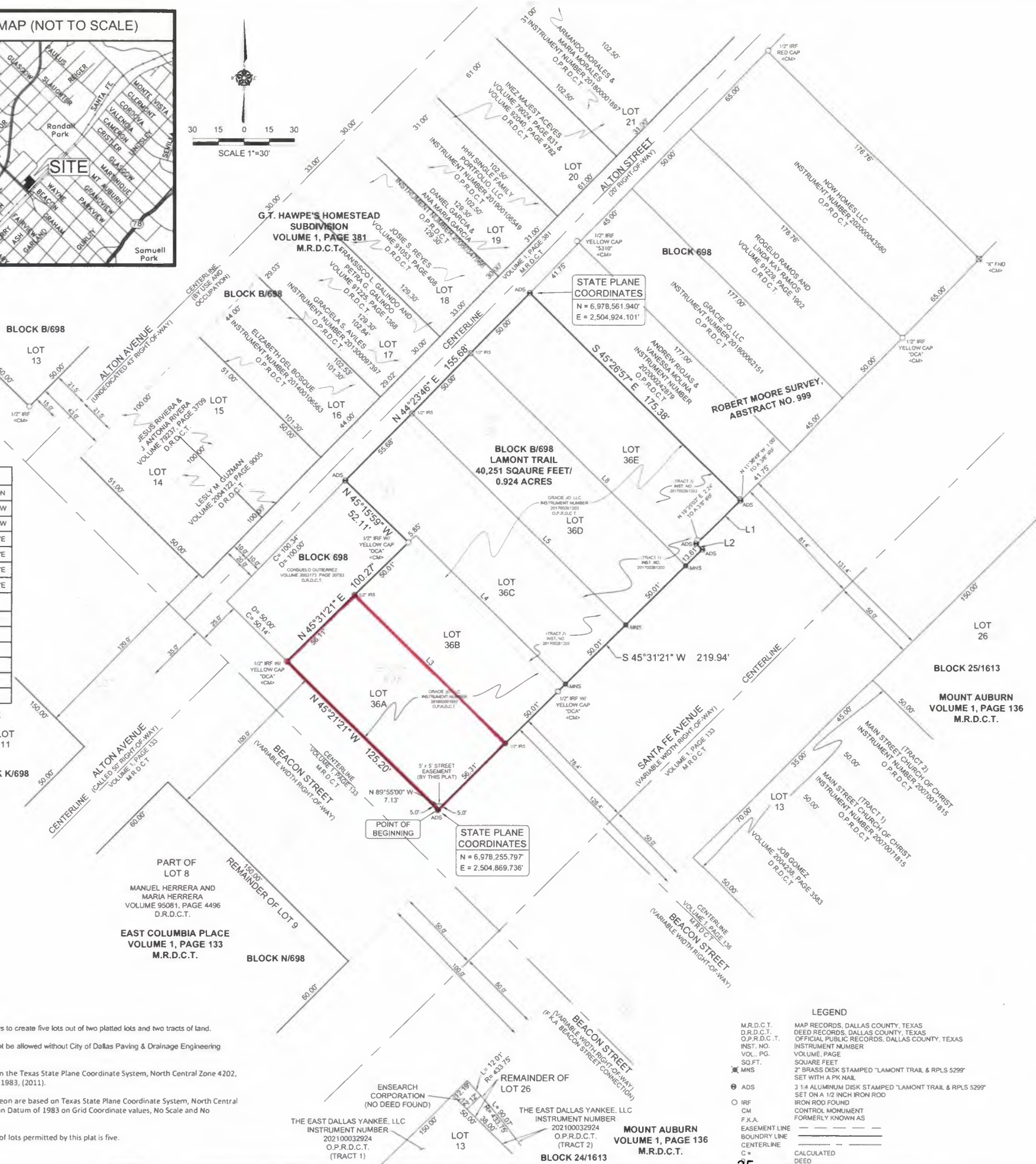
PARCEL LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	36.33'	S45°31'21"W
L2	5.00'	N44°42'54"W
L3	125.20'	S45°26'57"E
L4	125.20'	S45°26'57"E
L5	178.41'	S45°26'57"E
L6	179.39'	S45°26'57"E

LOT AREA TABLE		
LOT #	SQ. FT.	ACRES
1	7,036	0.162
2	6,270	0.144
3	9,197	0.211
4	8,946	0.205
5	8,812	0.202

EAST COLUMBIA PLACE
VOLUME 1, PAGE 133
M.R.D.C.T.

GENERAL NOTES:

- The purpose of this plat is to create five lots out of two platted lots and two tracts of land.
- Lot to lot drainage will not be allowed without City of Dallas Paving & Drainage Engineering Section approval.
- Bearings are based upon the Texas State Plane Coordinate System, North Central Zone 4202, North American Datum of 1983, (2011).
- Coordinates shown hereon are based on Texas State Plane Coordinate System, North Central Zone 4202, North American Datum of 1983 on Grid Coordinate values, No Scale and No Projection.
- The maximum number of lots permitted by this plat is five.



STATE PLANE COORDINATES
N = 6,978,561.940'
E = 2,504,924.101'

STATE PLANE COORDINATES
N = 6,978,255.797'
E = 2,504,869.736'

LEGEND

M.R.D.C.T.	MAP RECORDS, DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL. & PG.	VOLUME, PAGE
SQ. FT.	SQUARE FEET
⊗ MNS	2" BRASS DISK STAMPED "LAMONT TRAIL & RPLS 5299" SET WITH A PK NAIL
⊙ ADS	3 1/4" ALUMINUM DISK STAMPED "LAMONT TRAIL & RPLS 5299" SET ON A 1/2" INCH IRON ROD
○ IRF	IRON ROD FOUND
CM	CONTROL MONUMENT
F.K.A.	FORMERLY KNOWN AS
---	EASEMENT LINE
---	BOUNDARY LINE
---	CENTERLINE
C=	CALCULATED DEED

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF DALLAS

WHEREAS, Gracie Jo, LLC, is the owner of a tract of land situated in the Robert Moore Survey, Abstract No. 999, City Block 698, City of Dallas, Dallas County, Texas, and being all of Lot 36 and Lot 37, Block B/698, Betz Subdivision, an addition to the City of Dallas, according to the plat thereof recorded in Volume 83190, Page 4156, Deed Records, Dallas County, Texas, along with two adjoining tracts of land, and being more particularly described as the tracts of land, as described in General Warranty Deed with Vendor's Lien to Gracie Jo, LLC, a Texas limited partnership, recorded in Instrument Number 201800001897, Official Public Records, Dallas County, Texas, along with those tracts of land described in General Warranty Deed with Vendor's Lien to Gracie Jo, LLC, a Texas limited partnership, recorded in Instrument Number 201700281203, (Tracts 1, 2 & 3) Official Public Records, Dallas County, Texas, and together being more particularly described by metes and bounds as follows:

BEGINNING at a 3 1/4 aluminum disk stamped "LAMONT TRAIL & RPLS 5299" set on a 1/2 inch iron rod for the north corner of the intersection of the northwest right-of-way line of Santa Fe Avenue (variable width right-of-way) and the northeast right-of-way line of Beacon Street (Variable width right-of-way);

THENCE North 45 degrees 21 minutes 21 seconds West, along the said northeast right-of-way line of Beacon Street, a distance of 125.20 feet to a 1/2 inch iron rod found with yellow plastic cap stamped "DCA" for the south corner of that tract of land described in Warranty Deed with Vendor's Lien to Consuelo Gutierrez, recorded in Volume 2003173, Page 20783, Deed Records, Dallas County, Texas;

THENCE North 45 degrees 31 minutes 21 seconds East, along the southeast line of said Gutierrez tract, a distance of 100.27 feet to a 1/2 inch iron rod found with yellow plastic cap stamped "DCA" for the east corner of said Gutierrez tract;

THENCE North 45 degrees 15 minutes 59 seconds West, along the northeast line of said Gutierrez tract, a distance of 52.11 feet to a 3 1/4 aluminum disk stamped "LAMONT TRAIL & RPLS 5299" set on a 1/2 inch iron rod for the north corner of same and lying in the southeast right-of-way line of Alton Street (called 20' right-of-way);

THENCE North 44 degrees 23 minutes 46 seconds East, along the said southeast right-of-way line of Alton Street, a distance of 155.68 feet to a 3 1/4 aluminum disk stamped "LAMONT TRAIL & RPLS 5299" set on a 1/2 inch iron rod for the west corner of that tract of land as described in Warranty Deed to Andrew Riojas & Vanessa Molina, recorded in Instrument Number 202000242679, Official Public Records, Dallas County, Texas;

THENCE South 45 degrees 26 minutes 57 seconds East, along the southwest line of said Riojas/Molina tract, a distance of 175.38 feet to a 3 1/4 aluminum disk stamped "LAMONT TRAIL & RPLS 5299" set on a 1/2 inch iron rod for the east corner of same, and lying in the said northwest right-of-way line of Santa Fe Avenue;

THENCE along the said northwest right-of-way line of Santa Fe Avenue the following bearings and distances:

- South 45 degrees 31 minutes 21 seconds West, a distance of 36.33 feet to a 1/4 aluminum disk stamped "LAMONT TRAIL & RPLS 5299" set on a 1/2 inch iron rod;
- South 44 degrees 42 minutes 54 seconds East, a distance of 5.00 feet to a 3 1/4 aluminum disk stamped "LAMONT TRAIL & RPLS 5299" set on a 1/2 inch iron rod;
- South 45 degrees 31 minutes 21 seconds West, a distance of 219.94 feet to the PLACE OF BEGINNING and containing 40,251 square feet of 0.924 acres of land.

SURVEYOR'S STATEMENT

STATE OF TEXAS

I, Gary E. Johnson, a Registered Professional Land Surveyor, licensed by the State of Texas, affirm that this plat was prepared under my direct supervision, from recorded documentation, evidence collected on the ground during field operations and other reliable documentation; and that this plat substantially complies with the Rules and Regulations of the Texas Board of Professional Engineers and Land Surveyors, the City of Dallas Development Code (Ordinance No. 19455, as amended), and Texas Local Government Code, Chapter 212. I further affirm that monumentation shown hereon was either found or placed in compliance with the City of Dallas Development Code, Sec. 51A-8.617 (a)(b)(c)(d) & (e); and that the digital drawing file accompanying this plat is a precise representation of this Signed Final Plat.

Dated this the _____ day of _____, 2021.

Preliminary, this document shall not be recorded for any purposes and shall not be used or viewed or relied upon as a final survey document. (01/06/2022)

Gary E. Johnson
Texas Registered Professional Land Surveyor No. 5299

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned authority, a Notary Public in and for the said County and State, on this day personally appeared Gary E. Johnson, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose therein expressed and under oath stated that the statements in the foregoing certificate are true.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2021.

Notary Public in and for the State of Texas

OWNER
GRACIE JO, LLC
8441 FOREST HILLS BOULEVARD
DALLAS, TEXAS 75218-4339

OWNER'S DEDICATION

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, GRACIE JO, LLC, through its duly authorized agent, does hereby adopt this plat, designating the herein described property as **LAMONT TRAIL**, an addition to the City of Dallas, Dallas County, Texas, and do hereby dedicate, in fee simple, to the public use forever any streets, alleys, and floodway management areas shown thereon. The easements shown thereon are hereby reserved for the purposes indicated. The utility and fire lane easements shall be open to the public, fire and police units, garbage and rubbish collection agencies, and all public and private utilities for each particular use. The maintenance of paving on the utility and fire lane easements is the responsibility of the property owner. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed, reconstructed or placed upon, over or across the easements as shown. Said easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use same. All, and any public utility shall have the right to remove and keep removed all or parts of any building, fences, trees, shrubs, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective system on the easements, and all public utilities shall at all times have the full right of ingress or egress to or from upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all of or parts of its respective systems without the necessity at any time of procuring the permission of anyone. (Any public utility shall have the right of ingress or egress to private property for the purpose of reading meters and any maintenance or service required or ordinarily performed by that utility).

Water main and wastewater easements shall also include additional area of working space for construction and maintenance of the systems. Additional easement area is also conveyed for installation and maintenance of manholes, cleanouts, fire hydrants, water services and wastewater services from the main to the curb or pavement line, and description of such additional easements herein granted shall be determined by their location as installed.

This plat approved subject to all existing ordinances, rules, regulations and resolutions of the City of Dallas, Texas.

WITNESS MY HAND THIS _____ DAY OF _____, 2021.

GRACIE JO, LLC

By: _____
LEE LAMONT - OWNER

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned authority, a Notary Public in and for the said County and State, on this day personally appeared LEE LAMONT, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purpose therein expressed and under oath stated that the statements in the foregoing certificate are true.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2021.

Notary Public in and for the State of Texas

Texas HERITAGE SURVEYING, LLC

10610 Metrc Drive, Suite 124, Dallas, TX 75243
Office 214-340-9700 Fax 214-340-9710
txheritage.com
Firm #10169300

**FINAL PLAT
LAMONT TRAIL
LOTS 36A-36E, BLOCK B/698
BEING TWO TRACTS OF LAND IN BLOCK 698 AND
LOTS 36 AND 36E, BLOCK B/698
BETZ SUBDIVISION
SITUATED IN THE ROBERT MOORE SURVEY,
ABSTRACT NO. 999
CITY OF DALLAS, DALLAS COUNTY, TEXAS
CITY PLAN FILE NO. S201-738
ENGINEERING PLAN NO. DP21-277**

BDA223-047



City of Dallas

September 24, 2021

Gracie Jo, LLC
8841 Forest Hills Boulevard
Dallas, Texas 75218

RE: S201-738; Lamont Trail Addition

The City Plan Commission on Thursday, September 23, 2021, approved the preliminary plat of "Lamont Trail Addition" subject to the following conditions:

1. The final plat must conform to all requirements of the Dallas Development Code, Texas Local Government Code, Texas Land Surveying Practices Act and the General Rules and Regulations of the Texas Board of Land Surveying.
2. The final plat must conform to all requirements of the Dallas Development Code, Texas Local Government Code, Texas Land Surveying Practices Act and the General Rules and Regulations of the Texas Board of Land Surveying.
3. Department of Sustainable Development and Construction, Engineering Division must verify that the plat conforms with the water, wastewater, and easement requirements under the provisions of Chapter 49 of the Dallas City Code.
4. Compliance with all plans, contracts, ordinances, and requirements of the City of Dallas. Section 51A-8.102(a), (b), (c), and (d)
5. The number and location of fire hydrants must comply with the Dallas Fire Code.
6. Any structure new or existing structure may not extend across new property lines. Section 51A-8.503(e)
7. On the final plat, all easement abandonments, and ROW abandonments must be by separate instrument with the recording information shown on the face of the plat. A release from the Real Estate Division is required prior to the plat being submitted to the Chairman for signature.
8. On the final plat, include two boundary corners tagged with these coordinates: "Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983 on Grid Coordinate values, No Scale and no Projection."
9. On the final plat, monument all set corners per the Monumentation Ordinance. Prior to submittal of the final plat for the Chairman's signature. The monuments must be verified by the Chief City Surveyors Office in the Public Works Department. Section 51A-8.617

S201-738

10. Provide ALL supporting documentation (i.e. deeds, plats, ordinances, easements...etc) with a completed Final Plat Checklist to the Survey Plat Review Group (**SPRG**) with the Final Plat Submittal after City Plan Commission Approval.
11. Prior to the final plat, submit a tree survey to the Arborist. A release from the arborist is required prior to an early release request or the recordation of the plat, whichever occurs first.
12. The number of lots permitted by this plat is five.
13. Submit a Full Set of Civil Engineering Plans prepared per City Standards by a licensed (TX) Professional Engineer to Engineering Division in Room 200, Oak Cliff Municipal Center (i.e. 311T/DP). Additions and alterations to the public infrastructure require approval and may require private development contracts with bonds. 51A- 8.102 (c); 8.601(b)(4),(5), (6),(7),(8),(9)
14. Detention may be required if the capacity of available outfall is not adequate to carry the developed runoff. Section 51A-8.611(e).
15. Place a note on the final plat stating "Lot-to-lot drainage is not permitted without Engineering Section approval." Section 51A-8.611(e).
16. On the final plat, dedicate a 5-foot by 5-foot corner clip (via fee simple or Street easement) at the intersection of Santa Fe Avenue and Beacon Street. Section 51A 8.602(d)(1).
17. On the final plat, a larger corner clip may be requested during engineering plan review to accommodate an adequate turning radius, or to maintain public appurtenances within the area of the corner clip.
18. On the final plat, show distances/width across all adjoining right-of-way. Platting Guidelines.
19. Additional design information is required for assessment. Site plan must be submitted showing proposed development, building finished floor elevation, development, existing mains – including downstream manhole, and proposed water and wastewater service locations. Submit water/wastewater engineering plans to 320 E. Jefferson Blvd., Room 200, Attention: Water and Wastewater Engineering.
20. Water and wastewater main improvements may be required by Private Development Contract. Submit water/wastewater engineering plans to 320 E. Jefferson Blvd., Room 200, Attention: Water and Wastewater Engineering.
21. On the final plat, change "Graham Avenue" to "Beacon Street (F.K.A. Beacon Street Connection)". Section 51A-8.403(a)(1)(A)(xii)
22. On the final plat, identify the property as Lots 36A through 36E in City Block B/698. Ordinance 1A, Page 131 pages 131-148, Section 2 (passed August 13, 1872).

If you have any questions concerning this letter, please contact Mohammad Bordbar at (214) 948-4622.

Sincerely



Mohammad Bordbar
Senior Planner, Subdivision
Sustainable Development and Construction Department
320 E. Jefferson Blvd., Room 101
Dallas, Texas 75203

Cc: Texas Heritage Surveying, LLC
Attn; Doug Stewart
10610 Metric Drive, Suite 124
Dallas, Texas 75243

Rob Baldwin
3904 Elm Street, Suite B
Dallas, Texas 75226

Emails: Doug Stewart, Rob Baldwin, Jason Ney, Clayton Buehrle, Kevin Delgado, David Lam, Mina Eskander, Maricela Garza, Ursula Walker, Tanzeem Abed, Michael Tadros, Changho Yi, Lolita Williams, John Stepp, Julio Delgado, Wilkens Engmann, Scott Davis, Donna Kirwan-Smithson, Theresa Pham, Donna Garza, Gloriana Aguinaga, Ann Carraway Bruce

DALLAS COUNTY PLAT BOOKS

OF THE CITY OF DALLAS

03 165

530

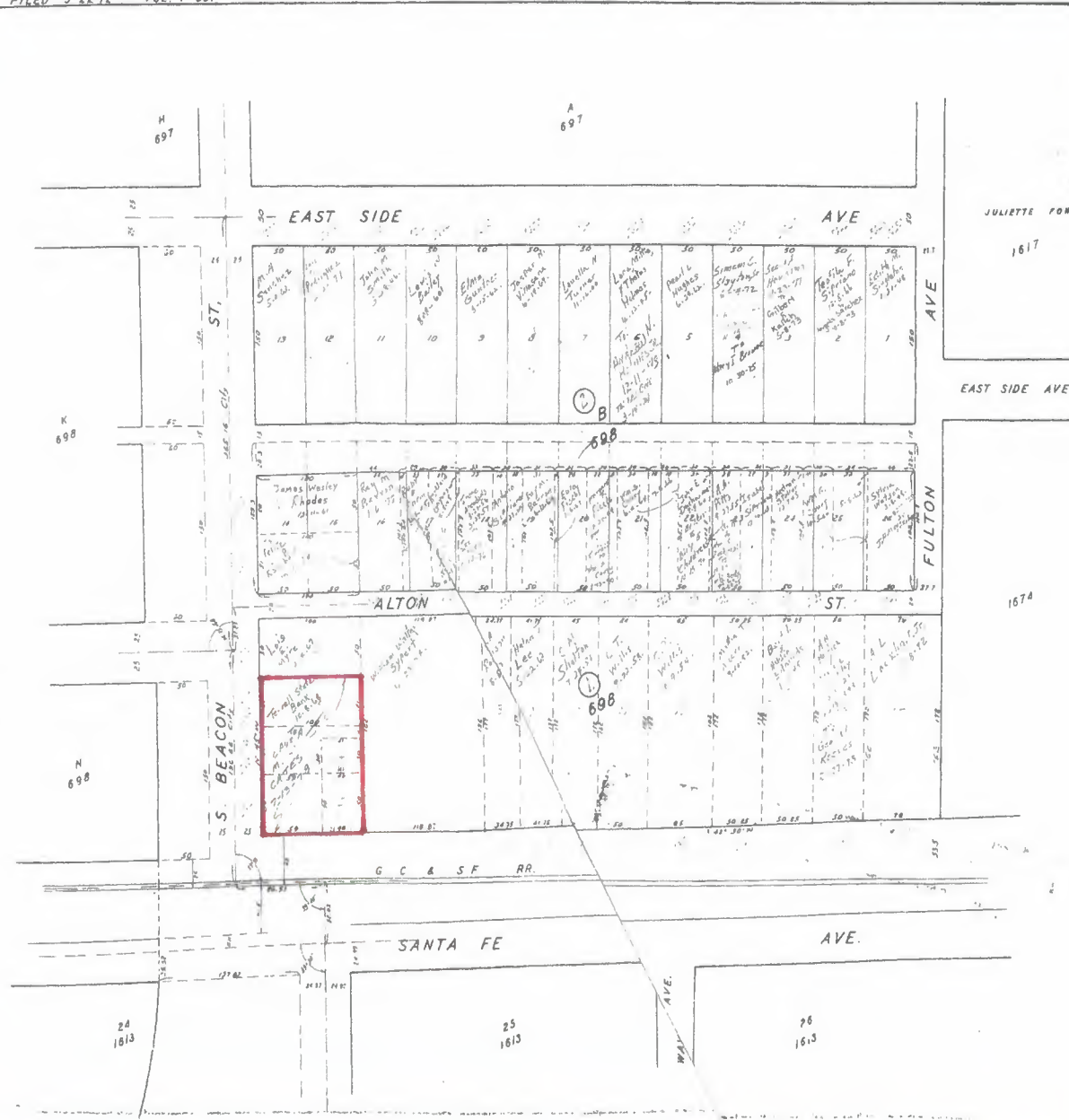
G. T. HAWPES HOMESTEAD
FILED 5-22-12 VOL. 1-381

ADDITION

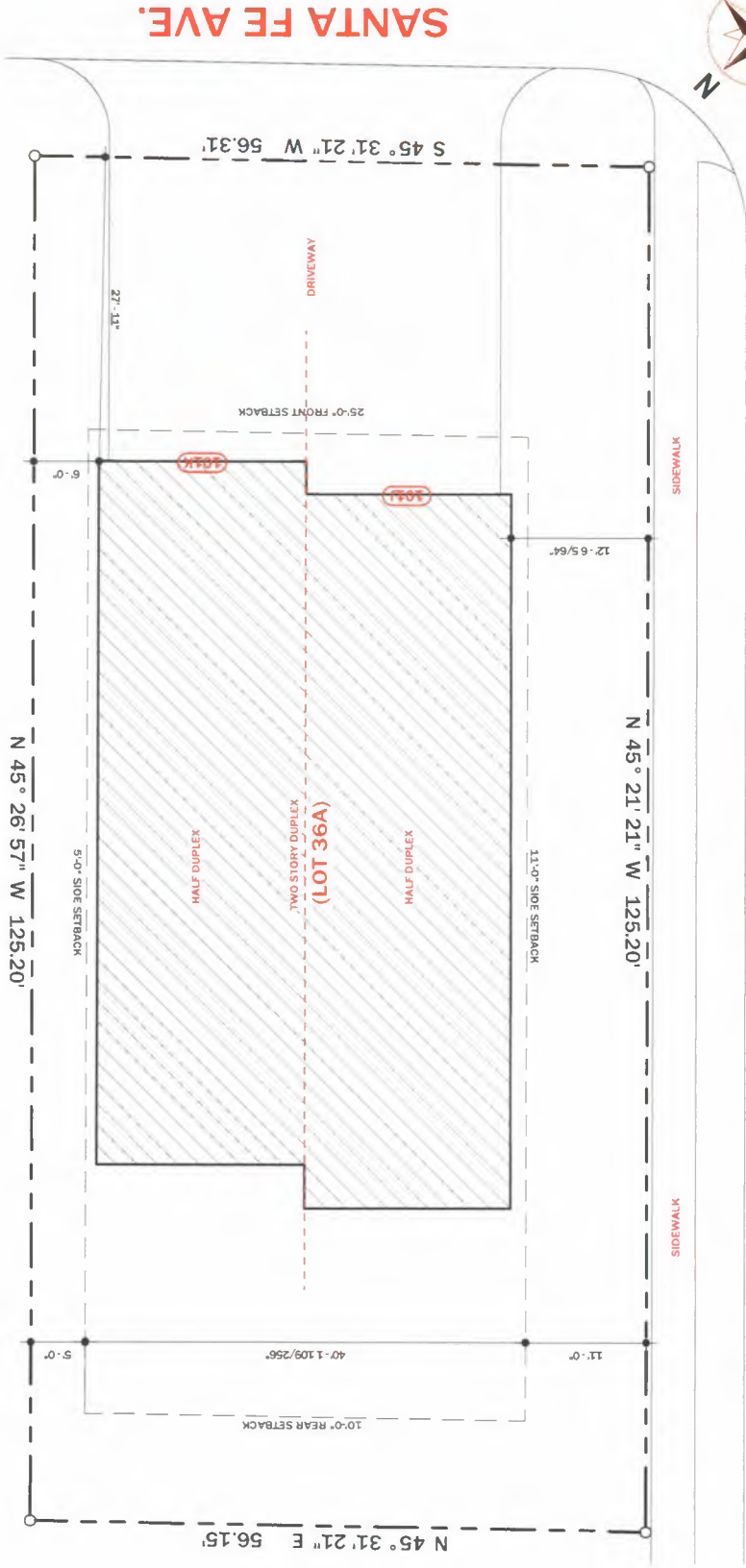
SCALE OF 60 FT. EQUAL 1 INCH

BLOCKS 698

B
698

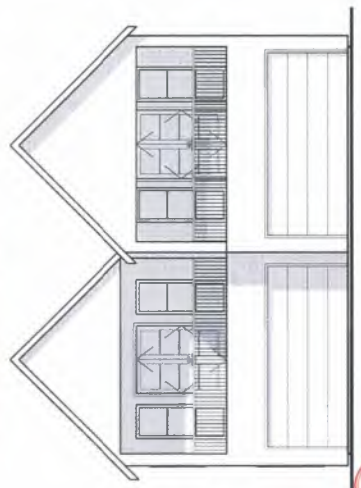


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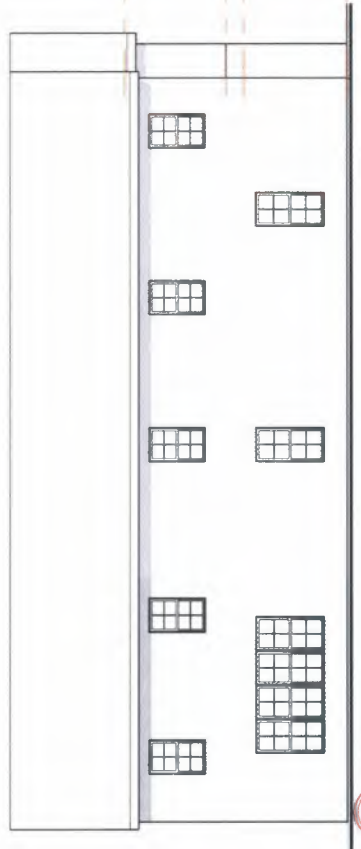


S. BEACON ST.

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



2 South
 FRONT ELEVATION (SANTA FE AVE.)
 SCALE: 3/32" = 1'-0"



3 West
 SIDE ELEVATION (BEACON)
 SCALE: 3/32" = 1'-0"

T.O.P. LEVEL 2
 +19'-7 1/8"
 LEVEL 2
 +9'-0"
 LEVEL 1
 +0'-0"

BDA223-047

FILE NUMBER: BDA223-049 (GB)

BUILDING OFFICIAL'S REPORT: Application of Ruth Solorzano for a variance to the rear yard setbacks. This property is more fully described as lots 2,3, & 4, block 2/2001, and is zoned CR, which requires a front yard setback of 20 feet where there is adjacency for new construction. The applicant proposes to construct a non-residential structure and provide a 3-foot rear yard setback, which will require a 17-foot variance to the rear yard setback regulations.

LOCATION: 2513 N. Fitzhugh Avenue

APPLICANT: Baldwin Associates

REQUEST:

A variance to the rear yard setback regulations. The applicant proposes to construct a non-residential structure and provide a 3-foot rear yard setback, which will require a 17-foot variance to the rear 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
 1. Rationale: Granting this variance would not adversely affect the neighboring properties.
 2. Condition: If the board grant the variance the applicant would have to comply with the approved site plan.

• **ZONING/BDA HISTORY:**

There has not been any BDA history for this property within the last 5 years.

Zoning:

Site: CR

Land Use:

The subject site is developed with commercial uses . The areas to the north, south, east, and west are developed commercial and residential mixed uses.

GENERAL FACTS/STAFF ANALYSIS:

- A special exception to the rear yard setback regulations. The applicant proposes to construct a non-residential structure and provide a 3-foot rear yard setback, which will require a 17-foot variance to the rear yard setback regulations.
- The subject property is located at 2513 N. Fitzhugh Avenue
- The subject property is zoned CR
- The subject property is situated on a corner lot.
- The applicant is requesting a variance to the rear yard setback regulations.
- The applicant has the burden of proof in establishing the following:
In general.
 - a) 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;
 - b) 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
 - c) the variance is not granted to relieve a self-created or personal hardship, nor for financial reasons only, except as provided in Subparagraph (B)(i), 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.
 - d) If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document.

Timeline:

- April 04, 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 15, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- May 05, 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 May 30, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the June 09, 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 the others scheduled for the February public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planners, the Board of Adjustment Development Code Specialist, the Board of Adjustment Consultant, the Chief Arborist, Development Services Senior Engineers, City of Dallas Code Staff, and the Board Attorney.

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

As of June 9, 2023, no letters received in favor nor opposition for this case.

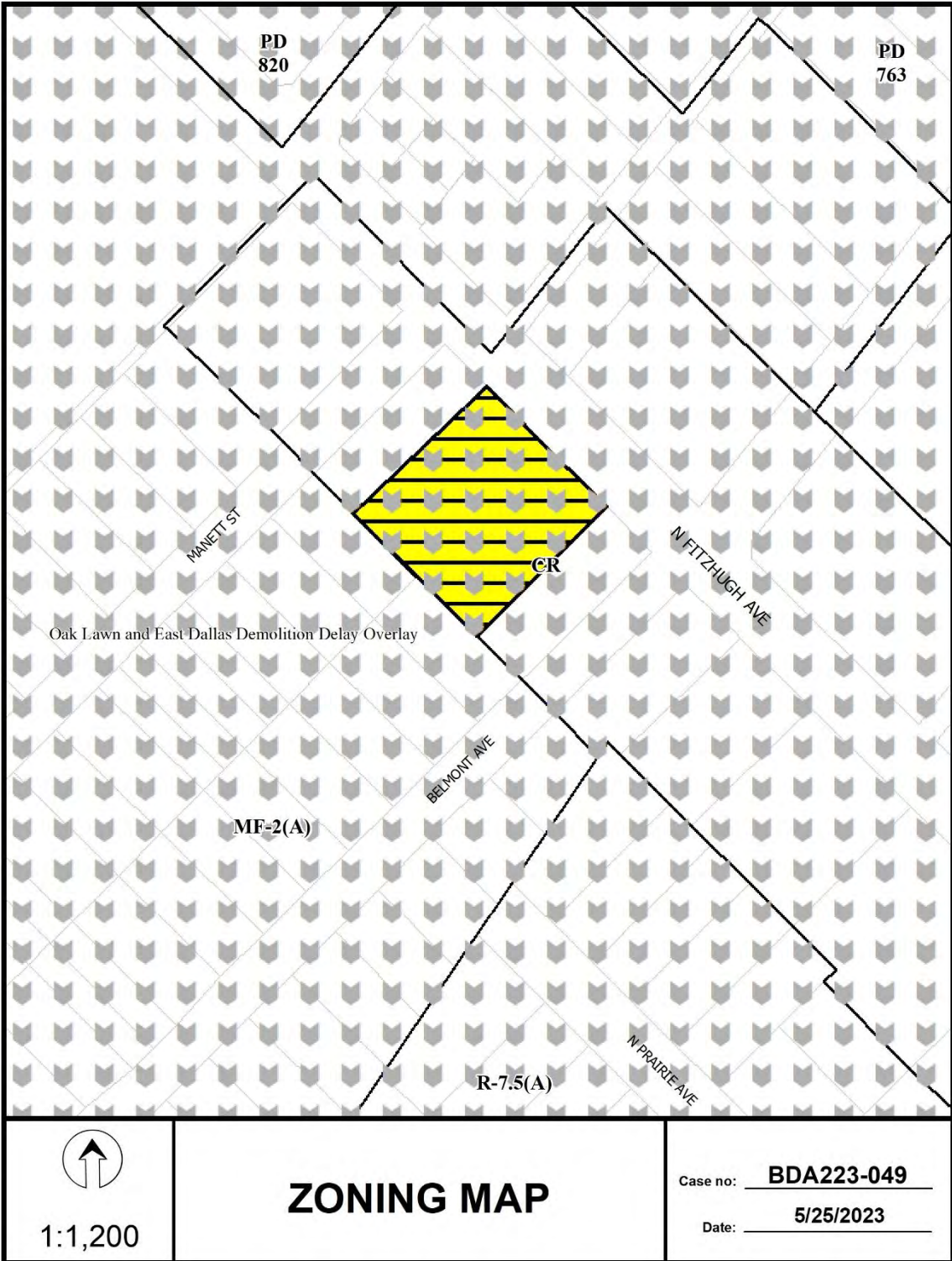


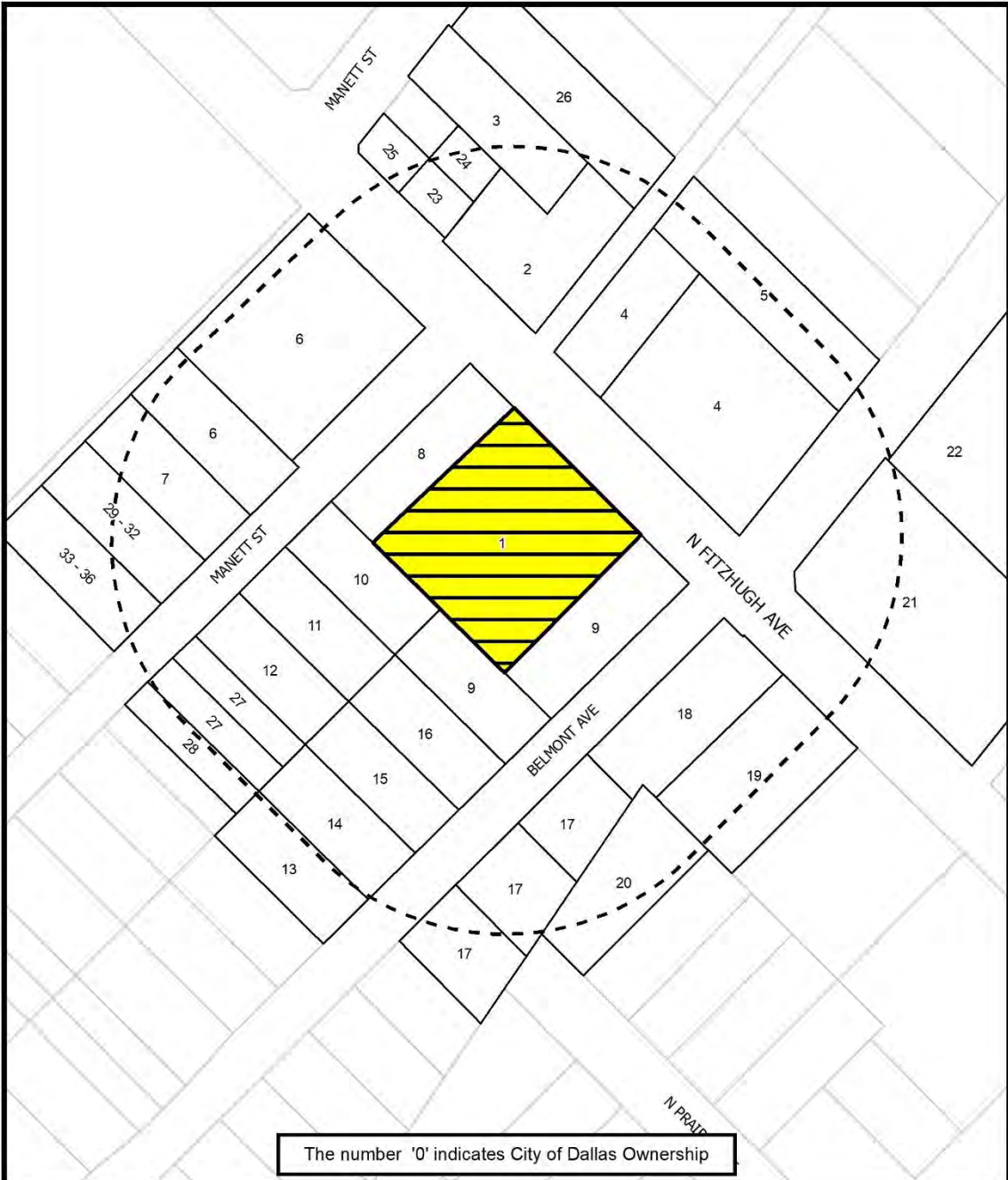
1:1,200

AERIAL MAP

Case no: BDA223-049

Date: 5/25/2023





 1:1,200	NOTIFICATION		Case no: BDA223-049
	<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;">36</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 5/25/2023

05/01/2023

Notification List of Property Owners

BDA223-049

36 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2505 N FITZHUGH AVE	E PLAZA III LP
2	2518 N FITZHUGH AVE	WAKURA YOSHIHARU
3	4904 MANETT ST	PALMER JULES I &
4	2508 N FITZHUGH AVE	SIDERIS GEORGE K
5	4911 BELMONT AVE	MAISON RESIDENTIAL I LLC
6	2543 N FITZHUGH AVE	TURTON JAMES R
7	4815 MANETT ST	CHAVEZ GABRIEL RAMOS &
8	2519 N FITZHUGH AVE	Taxpayer at
9	2503 N FITZHUGH AVE	MANZANARES PORFIRIA
10	4818 MANETT ST	MODERN TH LLC
11	4814 MANETT ST	SEDIG PPTIES LP
12	4810 MANETT ST	CHAVEZ JUAN
13	4803 BELMONT AVE	MIRANDA GERARDO &
14	4807 BELMONT AVE	SONG KWANG
15	4811 BELMONT AVE	MARTINEZ RODOLFO SR
16	4815 BELMONT AVE	GARCIA RAUL B &
17	4816 BELMONT AVE	ABSTRACT PROPERTIES LLC
18	4824 BELMONT AVE	ARBELAEZ NODIER &
19	2429 N FITZHUGH AVE	MARTINEZ ANNA MIRIAM
20	2426 N PRAIRIE AVE	DELGADO JUAN R
21	2420 N FITZHUGH AVE	ROADE PROPERTIES LTD
22	2401 BENNETT AVE	BELMONT BENNETT AVE LLC
23	2528 N FITZHUGH AVE	HATHIRAMANI CHIRAG &
24	2528 N FITZHUGH AVE	HATHIRAMANI CHIRAG &
25	2528 N FITZHUGH AVE	HATHIRAMANI CHIRAG &
26	4908 MANETT ST	AHC COLLECTION I LP



C

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-049

Date: 4/4/23

Data Relative to Subject Property:

Location address: 2513 N FITZHUGH AVE Zoning District: CR

Lot No.: 2,3,4 Block No.: 22001 Acreage: .489 Census Tract: _____

Street Frontage (in Feet): 1) 144' 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): E Plaza III LP

Applicant: Ruth Solorzano Telephone: 214-970-0789

Mailing Address: 2023 Custer Dr. Dallas TX Zip Code: 75216

E-mail Address: allaboutpermits@outlook.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 17' Variance to rear

proposing 3' setback at the rear RS.

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:
Storage needs to be used for employee storage of personal items.

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.

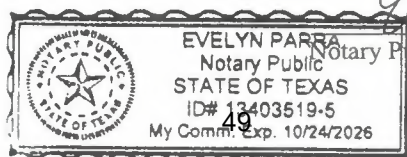
Affidavit

Before me the undersigned on this day personally appeared Ruth Solorzano
(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 4 day of April, 2023



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

C



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 223-049

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

at: 2513 N. Fitzhugh Ave. Dallas, TX 75204
(Address of property as stated on application)

Authorize: Ruth Solorzano
(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: 17' variance to rear proposing 3' setback

Luis F. Villalva
Print name of property owner or registered agent

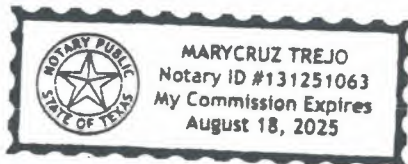
[Signature]
Signature of property owner or registered agent

Date 3/16/2023

Before me, the undersigned, on this day personally appeared Luis Villalva

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 16th day of March, 2023



[Signature]
Notary Public for Dallas County, Texas

Commission expires on August 18, 2025



AFFIDAVIT

Appeal number: BDA 223-049

I, Anthony Ruggeri / E Plaza III, LP, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 2513 N. Fitzhugh Ave.
(Address of property as stated on application)

Authorize: _____
(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: 17' variance to rear proposing 3' setback

Anthony Ruggeri / E Plaza III, LP
Print name of property owner or registered agent

[Signature]
Signature of property owner or registered agent

Date 4/3/23

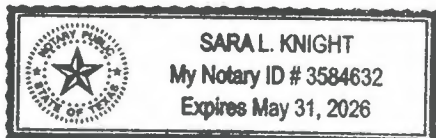
Before me, the undersigned, on this day personally appeared Anthony Ruggeri

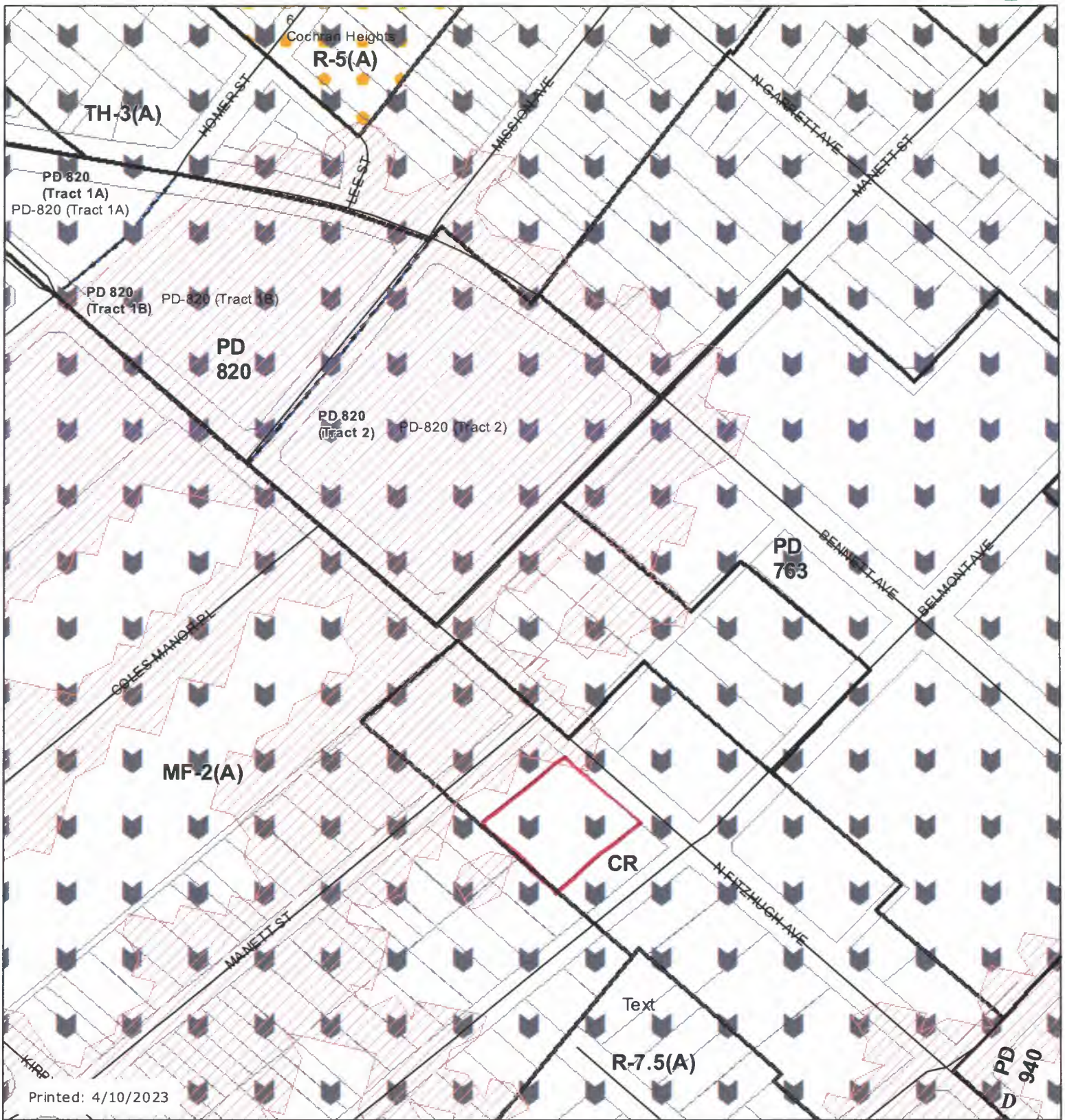
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 3rd day of April, 2023

Sara Knight
Notary Public for Dallas County, Texas

Commission expires on 5/31/2026





Printed: 4/10/2023

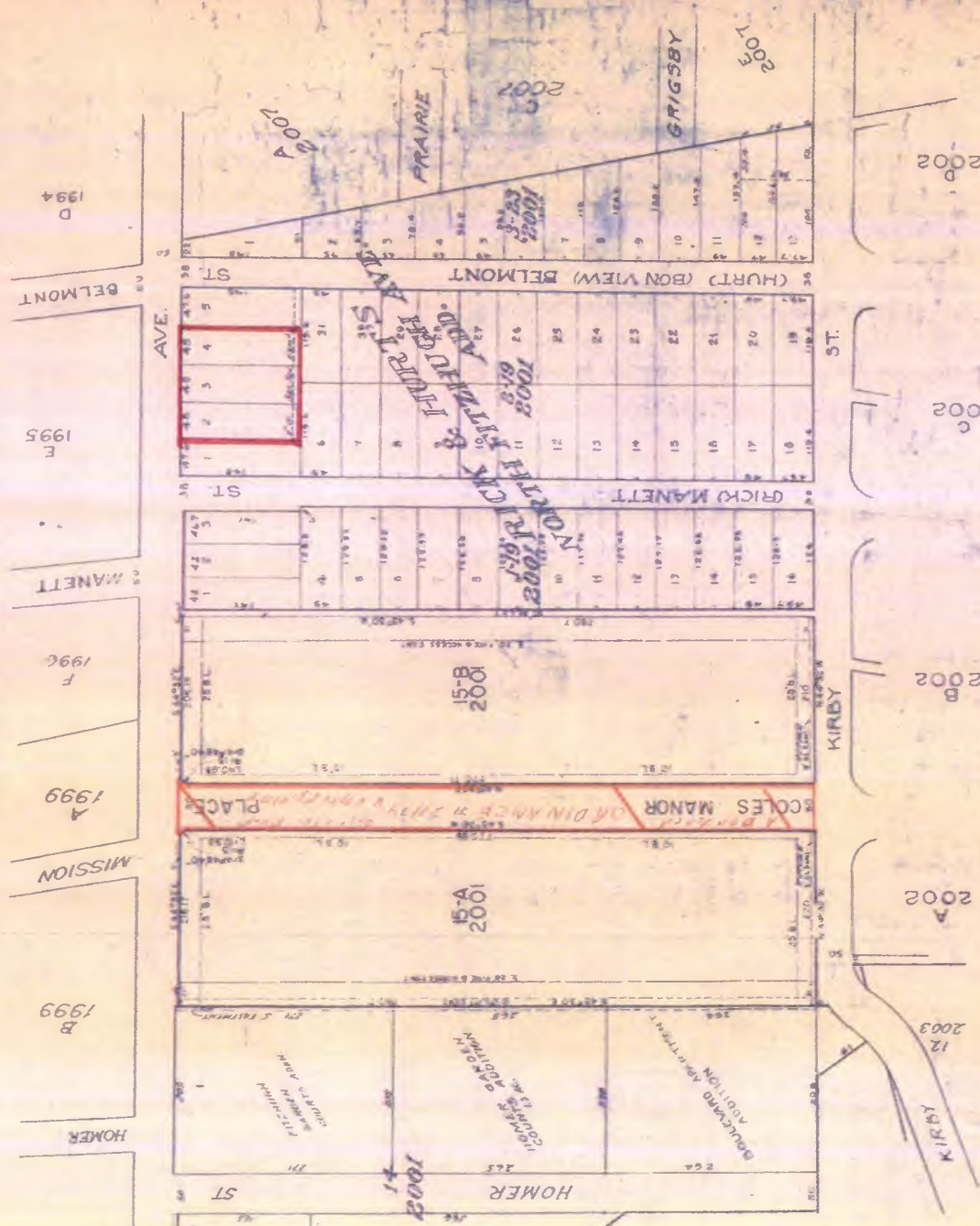
- City Limits
- Floodplain
- Mill Creek
- Certified Parcels
- Base Zoning
- Demolition Delay Overlay
- Dry Overlay
- D
- PD Subdistricts
- PDS Subdistricts
- NSO_Overlay

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

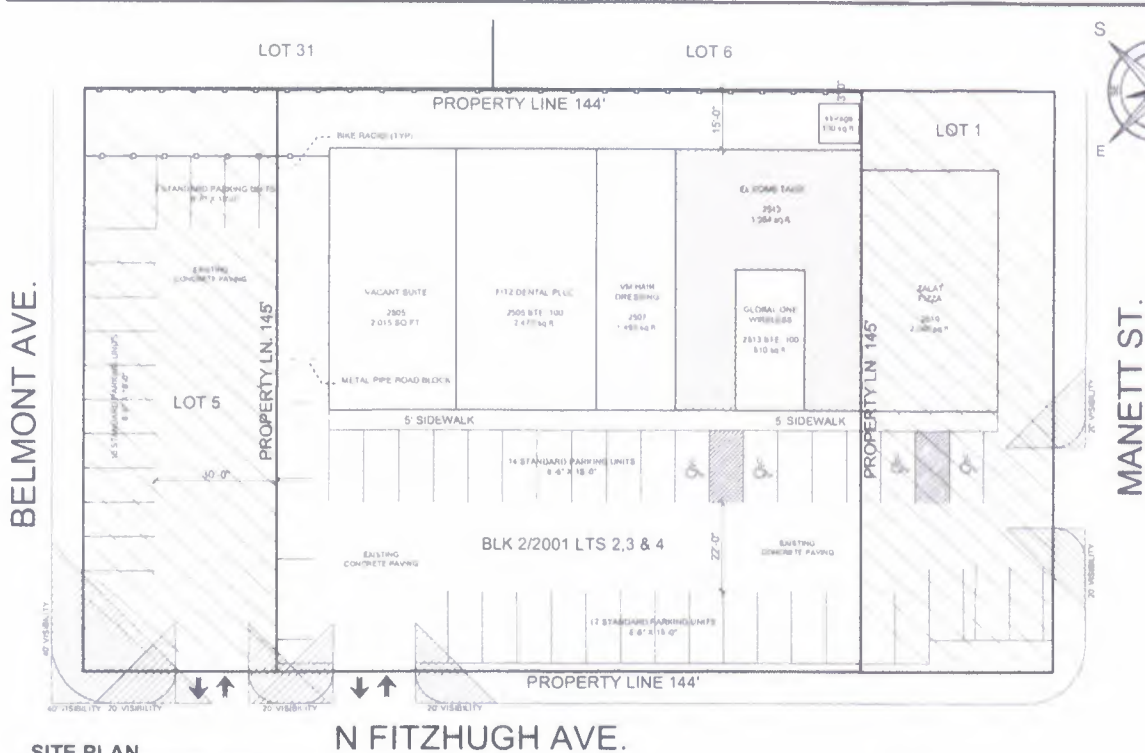


FILED 11-19-89, BLK. 15-A, 15-B, 2001, COLE'S MANOR PLACE REVISED ADDN.,
SUBDIVISION OF PT. BLK. 15, 2001 & 16, 2001

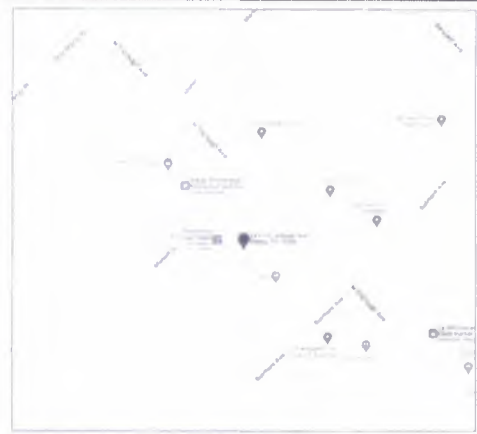
BLOCKS ~ 2001



BLOCKS ~ 2001



SITE PLAN
SCALE 1" = 30'



VICINITY MAP
FOR REFERENCE ONLY

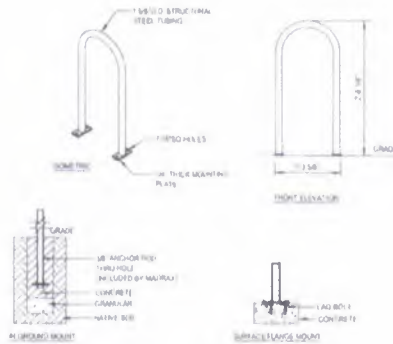


RAR MAP

PARKING ANALYSIS				
SUITE	PROPOSED USE	AREA	RATIO PARKING REQUIRED	PARKING REQUIRED
2505 #1/2	MEDICAL CLINIC	1,474 SQ FT	1.7/100 SQ FT	12.35
2507	RETAIL	1,491 SQ FT	1.0/270 SQ FT	1.47
2513 #1/2	RETAIL	1,038 SQ FT	1.7/100 SQ FT	2.35
2513	RESTAURANT	1,954 SQ FT	1.0/100 SQ FT	19.54
2519	RESTAURANT	2,040 SQ FT	1.0/100 SQ FT	20.40
TOTAL PARKING REQUIRED PER CITY				61
STANDARD PARKING				45
COMPACT PARKING				0
VAN PARKING				4
TOTAL PARKING PROVIDED				49

LEGAL DESCRIPTION

1. RICK & HURTS NORTH FITZHUGH AVE
2. BLK. 2/2001 LTS 2, 3 & 4
- 3.
4. INT 2012000365922 DD 12302020 CO-DC
5. 2001 002 00200 1DA2601 002



BICYCLE RACK DET.
N.T.S.

All About Permits
Drafting and Design + Permit Expediting
Ruth Solizorana (214) 970-0789

ADDRESS
2513 N FITZHUGH AVE,
DALLAS, TX 75204

USE:
COMMERCIAL
DRAWN BY:
ALL ABOUT PERMITS
DATE:
01/17/2023
PLAN:
SITE PLAN
SCALE:
1" = 30'

01

BDA223-049

FILE NUMBER: BDA223-051 (GB)

BUILDING OFFICIAL'S REPORT Application of ROBERT REEVES for a special exception to the fence height regulations, and for a special exception to the fence standards regulations, and for a variance to the front yard setback regulations at 4001 TURTLE CREEK BLVD. This property is more fully described as Block 1/2062, Lot 11 and is zoned PD-193; sub area R-7.5, which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line and requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a 10 foot high fence in a required front yard, which will require a 6 foot special exception to the fence regulations, and to construct and maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulations, and to construct and maintain a single-family residential accessory structure and provide a 10 foot 6 inch front yard setback, which will require a 14 foot 6 inch variance to the front yard setback regulations.

LOCATION: 4001 Turtle Creek Blvd

APPLICANT: Robert Reeves

REQUEST:

The applicant is requesting the following:

1. **special exception to the fence height regulations**
2. **a special exception to the fence standards**
3. **a variance to the front yard setback regulations.**

The applicant proposes to construct a 10-foot-high fence in a required front yard, which will require a 6-foot special exception to the fence regulations, and to construct and maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulations, and to construct a single-family residential accessory structure and to provide an 10-foot front yard setback , which will require a 14-foot variance to the front 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.

STANDARD FOR A SPECIAL EXCEPTION:

The board may grant a special exception to the fence standards in this subsection when, in the opinion of the board, the special exception will not adversely affect neighboring property.

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:

- Staff concluded that the subject site is unique and different from most lots in the PD193 zoning district in that it is restrictive in shape.
- Staff concluded that granting the variance and special exception in this application would not be contrary to public interest.
-
- **ZONING/BDA HISTORY:**
 - ❖ BDA167-058. Request: Special Exception to the fence height regulations
 - ❖ Approved on 05/19/2017
 - ❖ Condition: compliance with the approved site plan

Zoning:

Site: PD193

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- The applicant is requesting the following:
 1. **special exception to the fence height regulations**
 2. **a special exception to the fence standards**
 3. **a variance to the front yard setback regulations.**
- The site zoned PD193
- The applicant was issued a building permit for a swimming pool on August 06,2021
- The applicant has the burden of proof in establishing the following:
 - (A) In general.
 - (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 Subparagraph (B)(i), 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.

- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document.

Timeline:

April 06, 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 15, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

May 05, 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 May 30, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the June 09, 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 the others scheduled for the February public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planners, the Board of Adjustment Development Code Specialist, the Board of Adjustment Consultant, the Chief Arborist, Development Services Senior Engineers, City of Dallas Code Staff, and the Board Attorney.

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

June 06, 2023: The applicant provided documentary evidence. Please see Exhibit A

June 09, 2023: Received two letters of opposition. Please see Exhibit B and C.

Exhibit A

ROBERT REEVES
& Associates, Inc.

PLANNING AND ZONING CONSULTANTS

June 8, 2023

Giahanna Bridges
Senior Planner (Board of Adjustment)
Development Services
320 East Jefferson Blvd., Room 210
Dallas, Texas 75203

RE: BDA 223-051
Final Documentary Evidence

Dear Ms. Bridges:

The following final documentary evidence is intended to be included in the staff docket for the Board of Adjustment. I have also attached a revised flash drive which incorporates this information. Please dispose of my previous flash drive.

1) 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;

4001 Turtle Creek Blvd. was built in 1938 on a 100-foot x 200-foot lot. The current owners are going through a substantial remodeling. A literal enforcement of this chapter would result in unnecessary hardship for the following reasons:

- a) The existing house footprint is one of several existing characteristics of the site that impact available open space for a swimming pool and fountain feature.
- b) The front yard setback is 25 ft. from Turtle Creek Blvd. and Avondale Ave.
- c) The side yard setbacks are 5 feet. There is no rear yard setback.
- d) There are five mature trees in the rear portion of the lot further restricting the available area for a pool and fountain feature. The owners have preserved all trees on the site.
- e) There is a small 26 ft. x 13 ft. 338 sq. ft. area available for a pool and fountain feature. This is the size of a small den.

3807 Vinecrest Dr. – Dallas, Texas 75229 – (office) 214-749-0530 – (mobile) 214-893-9351
rob.reeves@sbeGLOBAL.net

-
- f) The existing driveway off the alley further reduces available space for a pool and fountain feature.
-

f) The existing driveway off the alley further reduces available space for a pool and fountain feature.

g) There is an 8 ft. elevation change between the house and Turtle Creek Blvd. that prevents the construction of a pool and fountain feature. Who puts a swimming pool in their front yard?

h) If the 10 ft. wall special exception is approved, the pool and fountain features will be completely screened and have no impact on adjacent properties.

i) The city mistakenly issued a pool permit on 8/6/21 and the pool and fountain feature were built. The completed pool and fountain feature is 38 ft. x 14 ft., 606 sq. ft.

2) 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 restrict area, shape, or slope that it cannot be developed in a manner commensurate with the development upon to other parcels of land with the same zoning; and

Based on the existing site features previously provided Item No. 1, a variance is necessary to develop this specific parcel of land because it differs from other adjacent sites that have swimming pools in the rear yard with the same R-7.5(A) zoning. Eight adjacent homes have pools in the rear yard.

3) The variance is not granted to relieve a self-created or personal hardship, nor for financial reasons only, except as provided in Subparagraph (B)(1), nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of and with the same zoning.

The owners did not create these hardships, nor for financial reason based on existing site characteristics specified in Item No. 1 in addition to the fact that the City issued a permit on 8/6/21 to build the pool and fountain feature. The pool and fountain feature are built.

Ms. Bridges, let me know if you have any questions.

Respectfully:



Robert Reeves, President
Robert Reeves & Associates, Inc.
Planning & Zoning Consultants

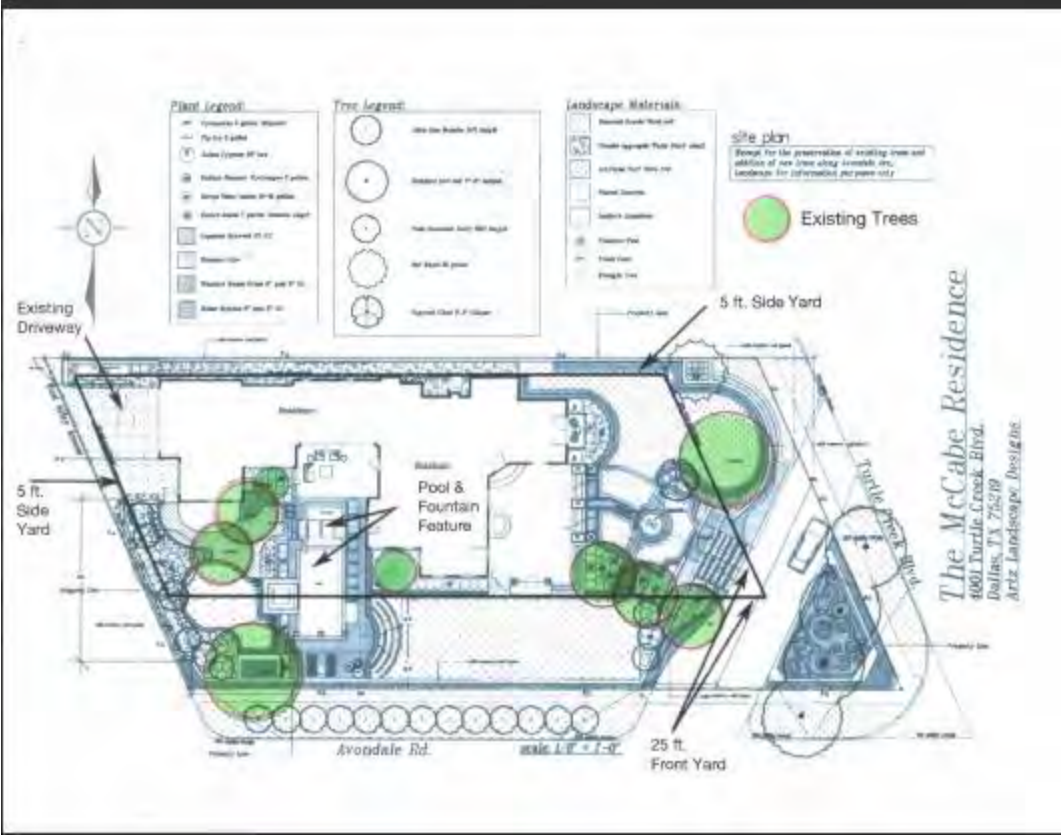
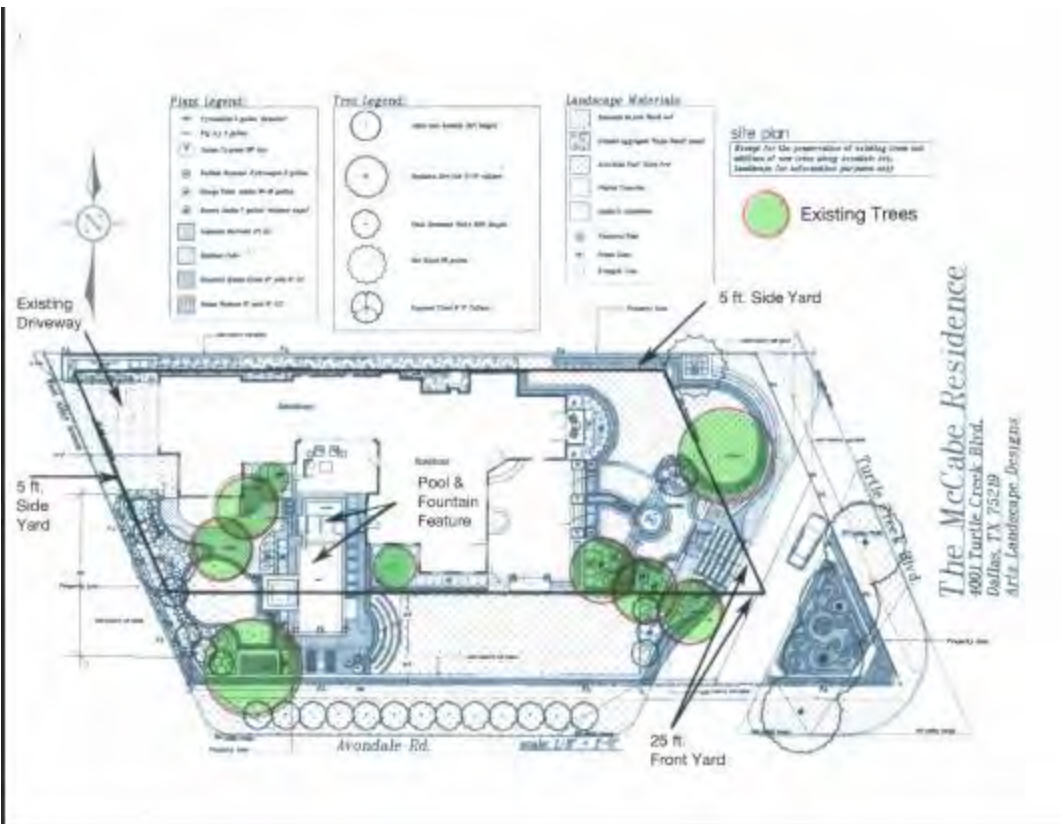


Exhibit B



P.O. Box 190912
Dallas, TX 75219
Phone: 214-802-7235
secretary@oaklawncommittee.org

June 7, 2023

Mr. Robert Reeves
3807 Vinecrest Drive
Dallas TX 75229

RE: 4001 Turtle Creek Blvd

Dear Mr. Reeves:

The Oak Lawn Committee values the opportunity to provide neighborhood review of variance requests. We fully appreciate the difficult situation your clients are faced with, but we have to assess the project as if you are seeking variances from PD 193 requirements. We cannot support a project that violates the required front yard setbacks and wall/fence heights as the current project does, thus we do not support the requests for BOA relief.

Respectfully,

Shelley Potter
President

cc: Melissa Kingston, Commissioner
Paul Ridley, Council Member
Elias Bahar, City Hall Liaison

Shelley Potter – President
Adam Murphy – Vice President

Cricket Griffin – Secretary/Treasurer
Elias Bahar – City Hall Liaison

Exhibit C

From: [REDACTED]
To: [Williams, Mary](#); [Elias Bahar](#); [Shelley Potter](#)
Subject: BDA 223-051
Date: Thursday, June 8, 2023 2:41:45 PM
Attachments: [ltr - Reeves - 4001 Turtle Creek - June 2023.pdf](#)

External Email!

Ms Williams,

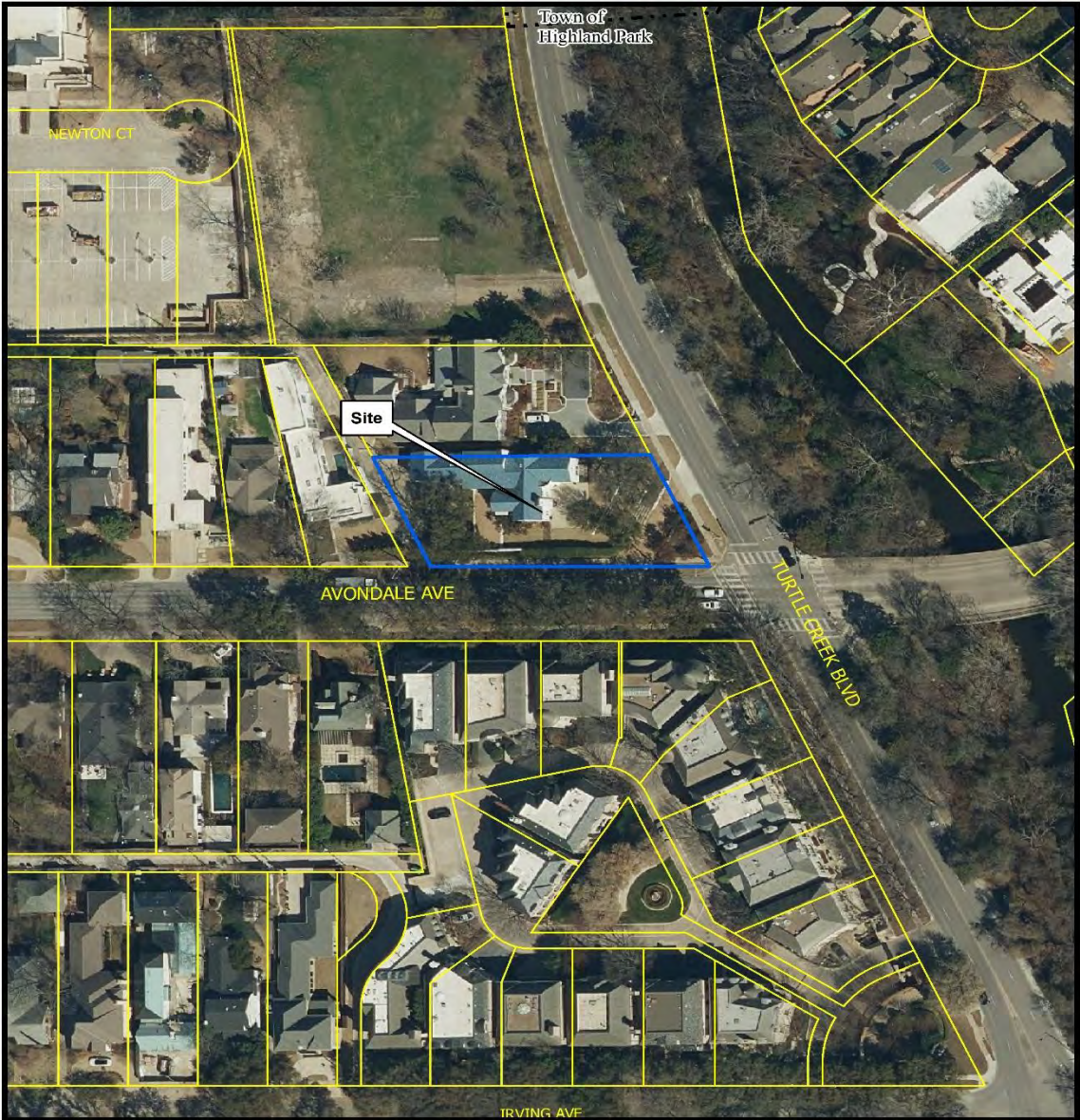
Will you please pass the attached letter to Michael Karnowski and to his colleagues who are reviewing the above referenced case.

This referenced property falls within PD 193 and The Oak Lawn Committee considers proposed zoning changes as well as occasionally reviews Board of Adjustment cases.

Mr. Reeves, who represents this project, asked to present to the Oak Lawn Committee. We reviewed their case Tuesday June 6. We do not support the variances they have requested.

Respectfully,
Cricket Griffin
Secretary/Treasurer

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

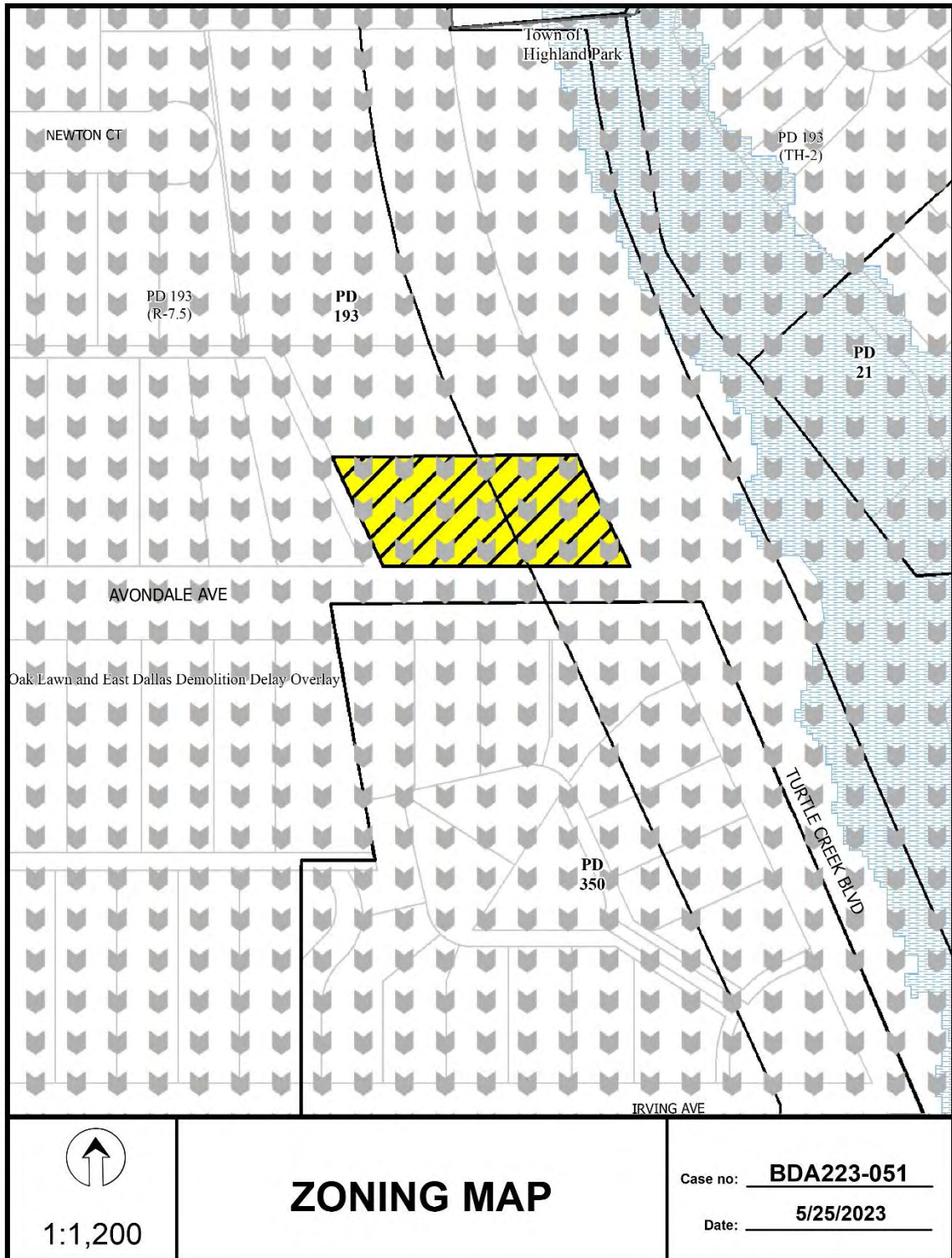


1:1,200

AERIAL MAP

Case no: BDA223-051

Date: 5/25/2023





05/01/2023

Notification List of Property Owners

BDA223-051

25 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4001 TURTLE CREEK BLVD	MCCABE MICHAEL JAMES JR &
2	1 CHRISTOPHER PL	CHRISTOPHER PL ASSN
3	1 TURTLE CREEK BEND	TURTLE CRK BEND HMOWNRS
4	4331 AVONDALE AVE	OESTERLING KURT F & CHRISTINE R
5	4337 AVONDALE AVE	RATAN RAJESH
6	4341 AVONDALE AVE	PINK PHILIP R
7	4347 AVONDALE AVE	PUTNAM JASON KYLE
8	4011 TURTLE CREEK BLVD	WORSHAM REVOCABLE TRUST THE
9	4344 AVONDALE AVE	SEKIGUCHI DARREN &
10	4340 AVONDALE AVE	WARD PHYLLIS A
11	4336 AVONDALE AVE	DIWA LETICIA & TOMAS III
12	4027 TURTLE CREEK BLVD	MASON WILSON K III & GWYN
13	4300 NEWTON AVE	PARK CITIES PRESBYTERIAN
14	4334 NEWTON CT	PARK CITIES PRESBYTERIAN CH
15	3901 TURTLE CREEK BLVD	PLACE DES VOSGES HOMEOWNERS ASSN
16	3901 TURTLE CREEK BLVD	BOISFONTAINE CURTIS R JR
17	3901 TURTLE CREEK BLVD	MURPHY EMMETT M & LILA A
18	3901 TURTLE CREEK BLVD	VANDERVALK MARGARET L
19	3901 TURTLE CREEK BLVD	URSCHEL HAROLD C III &
20	3901 TURTLE CREEK BLVD	Taxpayer at
21	3901 TURTLE CREEK BLVD	STUEWE RANDALL C
22	3901 TURTLE CREEK BLVD	PLACE DES VOSGES
23	3901 TURTLE CREEK BLVD	AF MANAGEMENT LLC
24	3901 TURTLE CREEK BLVD	OSBORNE BETTY
25	3901 TURTLE CREEK BLVD	FAULCONER AMY A



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

C

RECEIVED APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

APR 06 REC'D

Case No.: BDA 223-051

BY: [Signature] Date: 4/6/23

Location address: 4001 Turtle Creek Blvd. Zoning District: PD 193 R-7.5

Lot No.: 11 Block No.: 1/2062 Acreage: 0.459 Census Tract: ----

Street Frontage (in Feet): 1) 100 2) 200 3) 4) 5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Michael James McCabe Jr. & Tressa Michelle McCabe

Applicant: Robert Reeves, Robert Reeves & Associates, Inc Telephone: 214-749-0530

Mailing Address: 3807 Vinecrest Dr. Dallas, Texas Zip Code: 75229

E-mail Address: rob.reeves@sbcglobal.net

Represented by: Robert Reeves Telephone: 214-749-0530

Mailing Address: 3807 Vinecrest Dr. Dallas, Texas Zip Code: 75229

E-mail Address: rob.reeves@sbcglobal.net

Affirm that an appeal has been made for a Variance X or Special Exception X, of a 11 ft. reduction in the front yard of Avondale beginning at the east line of the alley and extending eastward 63 ft. along the north line of Avondale. Special exception for a 6 ft. increase in the solid wall height in the front yard along Avondale and Turtle Creek Blvd.. Delete the requirement for a 50% open fence panel located within 5 ft. of Avondale and Turtle Creek Blvd.

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: Variance: A pool and related elements are constructed in the 25 ft. front yard along Avondale. The property is irregular and has a 15 ft. change in elevation toward Turtle Creek Blvd. The request is not a self-created hardship, since the City issued a pool permit on 8/6/21. Special exception: A permit was issued for a 8 ft. solid wall on 3/9/22 and later amended for a 9 ft. wall. The intersection at Avondale and Turtle Creek Blvd. is very noisy and eastbound traffic backs-up past the Avondale frontage. Twenty foot Holly trees planted 7 OC will be installed along Avondale.

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

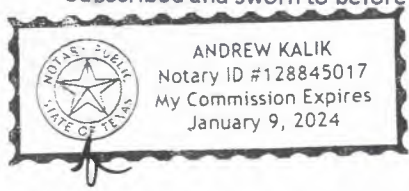
Affidavit

Before me the undersigned on this day personally appeared Robert Reeves
(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 3rd day of April, 2023



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

**MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT**

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that ROBERT REEVES

did submit a request for a special exception to the fence height regulations, and for a special exception to the fence standards regulations , and for a variance to the front yard setback regulations

at 4001 Turtle Creek

BDA223-051. Application of ROBERT REEVES for a special exception to the fence height regulations, and for a special exception to the fence standards regulations, and for a variance to the front yard setback regulations at 4001 TURTLE CREEK BLVD. This property is more fully described as Block 1/2062, Lot 11 and is zoned PD-193; sub area R-7.5, which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line and requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a 10 foot high fence in a required front yard, which will require a 6 foot special exception to the fence regulations, and to construct and maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulations, and to construct and maintain a single-family residential accessory structure and provide a 10 foot 6 inch front yard setback, which will require a 14 foot 6 inch variance to the front yard setback regulations.

Sincerely,


Andrew Espinoza, CBO, MCP, CFM, CCEA

C



Appeal number: BDA 223-051

I, Tressa Michelle McCabe, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 4001 Turtle Creek Blvd. Dallas, Texas 75229 75219sm
(Address of property as stated on application)

Authorize: Robert Reeves, Robert Reeves & Associates, Inc.
(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)

Variance: 11 ft. reduction in the front yard setback along Avondale Ave. beginning at the east line of the alley and extending eastward 63 ft. along the north line of Avondale Ave.

Special Exception: 6 ft. increase in the solid wall height in the front yard along Avondale Ave. and Turtle Creek Blvd. Delete the requirement for a 50% open fence panel located within 5 ft. of Avondale Ave. & Turtle Creek Blvd.

Tressa Michell McCabe
Print name of property owner or registered agent

Tressa Michelle McCabe
Signature of property owner or registered agent

Date April 5, 2023

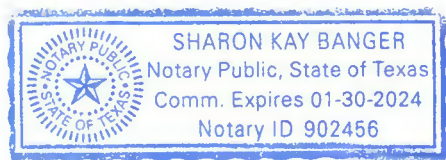
Before me, the undersigned, on this day personally appeared Tressa michelle McCabe

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 5 day of April, 2023

Sharon Kay Banger
Notary Public for Dallas County, Texas

Commission expires on 01 30 2024



C



Appeal number: BDA 203-051

I, Michael James McCabe Jr., Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 4001 Turtle Creek Blvd. Dallas, Texas 75229 75219
(Address of property as stated on application)

Authorize: Robert Reeves, Robert Reeves & Associates, Inc.
(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: Variance: 11 ft. reduction in the front yard setback along Avondale Ave. beginning at the east line of the alley and extending eastward 63 ft. along the north line of Avondale Ave.

Special Exception: 6 ft increase in the solid wall height in the front yard along Avondale Ave. and Turtle Creek Blvd. Delete the requirement for a 50% open fence panel located within 5 ft. of Avondale Ave. & Turtle Creek Blvd.

Michael James McCabe Jr.
 Print name of property owner or registered agent Signature of property owner or registered agent

Date April 5, 2023

Before me, the undersigned, on this day personally appeared Michael James McCabe Jr.

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 5 day of April, 2023

Sharon Kay Banger
 Notary Public for Dallas County, Texas

Commission expires on 01-30-2024



RR

City of Dallas Zoning Map

4001 Turtle Creek Blvd. X Q

Show search results for 4001 T...



CITY OF DALLAS PLAT BOOKS

ANNEXED APRIL 1, 1919 ORD. NO.
SURVEY W. GRIGSBY

ABST 501

ADDITION

SCALE 100 FT EQUALS 1 INCH

BLOCKS 1 2 3
2062, 2063, 2064, 2064
SCHOOL DISTRICT DALLAS

FILED 6-25-23 TATLY SUBIN
FILED 11-15-17 HIGHLAND PARK ACREAGE ADDN
FILED 10-2-13 AVONDALE ADDN



*PREVIOUS 102020
10 201001
14 201001
11 201001*

Standard for Survey Plat



Plant Legend:

- Pyracantha 5 gallon 'Espalier'
- Fig Ivy 3 gallon
- Italian Cypress 30" box
- Endless Summer Hydrangea 7 gallon
- George Tabor Azalea 10-15 gallon
- Rincore Azalea 7 gallon 'Autumn Angel'
- Japanese Boxwood 1ft O.C.
- Seasonal Color
- Standard Mondo Grass 6' pots 6' O.C.
- Mazus Reptans 6' pots 5' O.C.

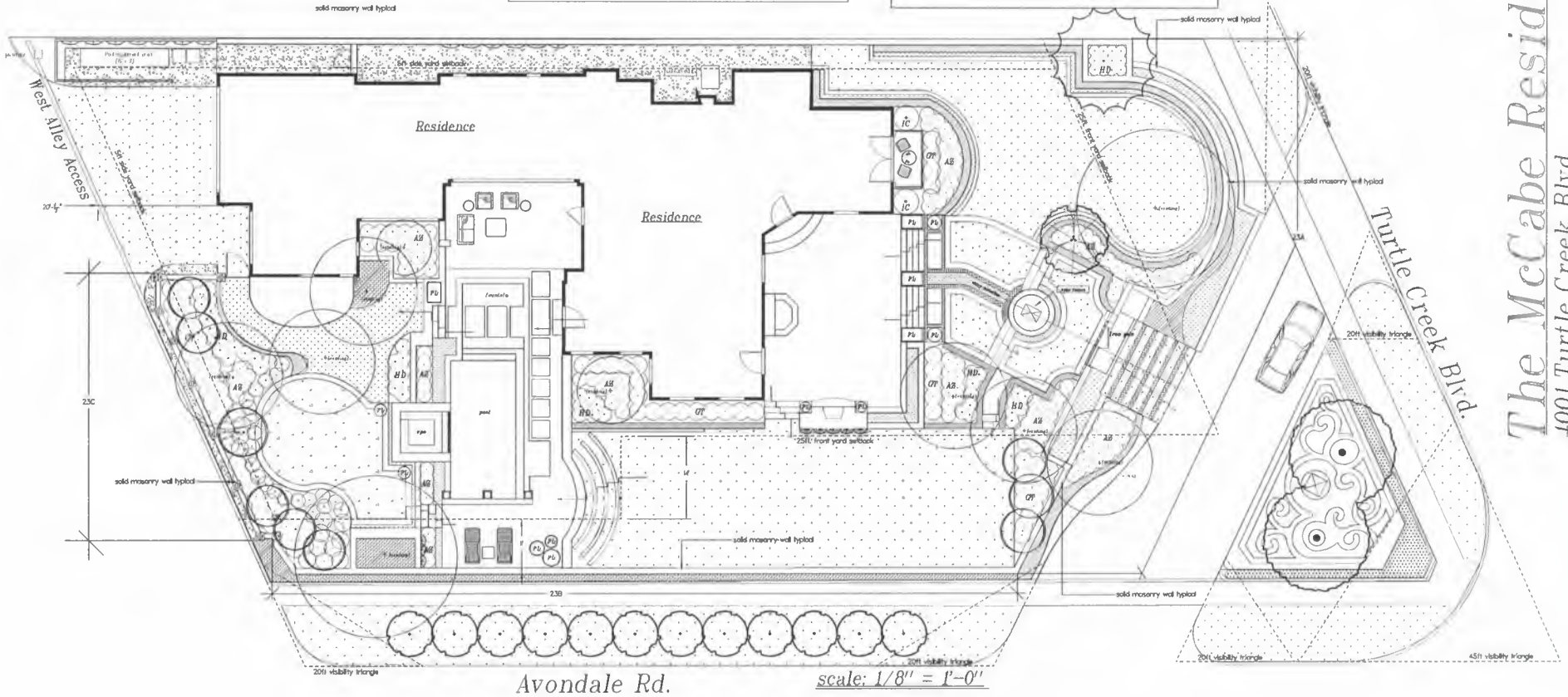
Tree Legend:

- Little Gem Manolin 14ft height
- Southern Live Oak 7"-8" caliper
- HD Blanchard Magnolia 20ft
- Red Maple 65 gallon
- Dogwood 'Cloud 9' 3" Caliper

Landscape Materials:

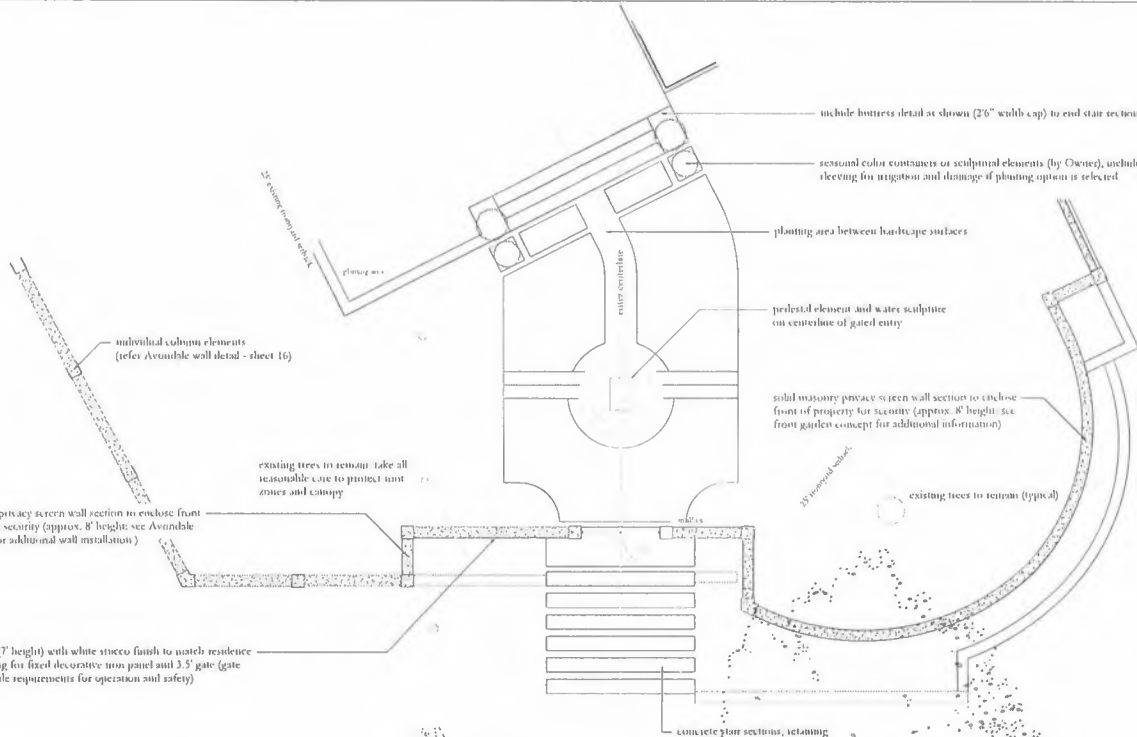
- Emerald Zoysia 'Solid sod'
- Granite aggregate 'Tejas Black' small
- Artificial Turf 'Olive Pro'
- Poured Concrete
- Leuder's Limestone
- Planters/Pots
- Trash Cans
- Wrought Iron

site plan
Landscape for information purposes only

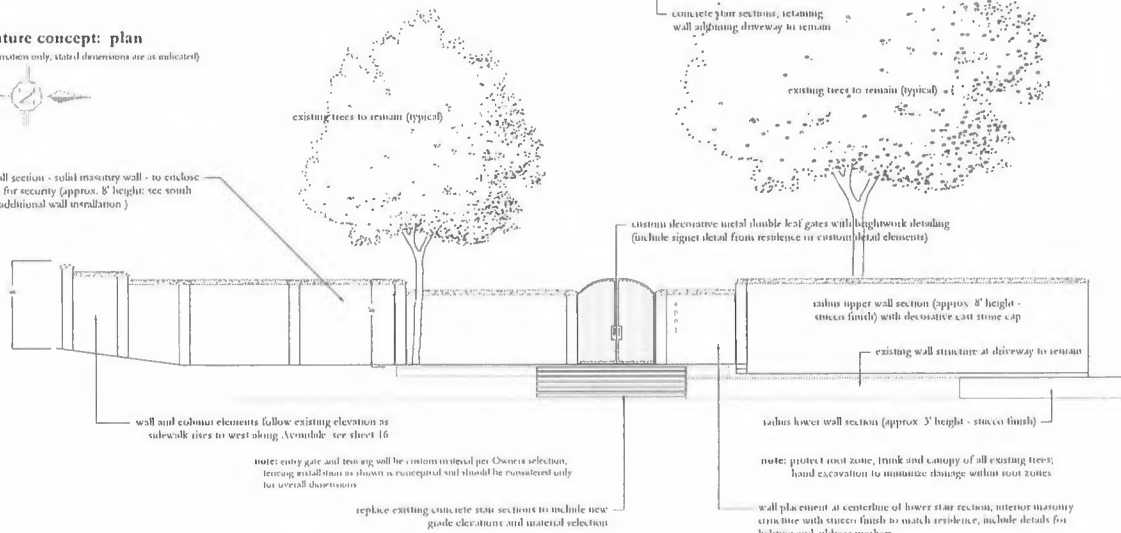


The McCabe Residence
4001 Turtle Creek Blvd.
Dallas, TX 75219
Artz Landscape Designs

BDA 223-05A



Entry / feature concept: plan
(for reference information only, stated dimensions are as indicated)



Gated entry concept: elevation
(for reference information only, stated dimensions as indicated)

- Revised: 09 March, 2022
(privacy screen wall addition)
- Revised: 19 October, 2022
(plan update to coordinate all items of sheet set including revision of front wall heights, materials/finishes and placement of column details)
- Revised: 30 January, 2023
(plan update coordinate all items of sheet set)
- Revised: 04 April, 2023
(plan update for entrance column)

General Notes

No.	Revision/Issue	Date

Project Name and Address

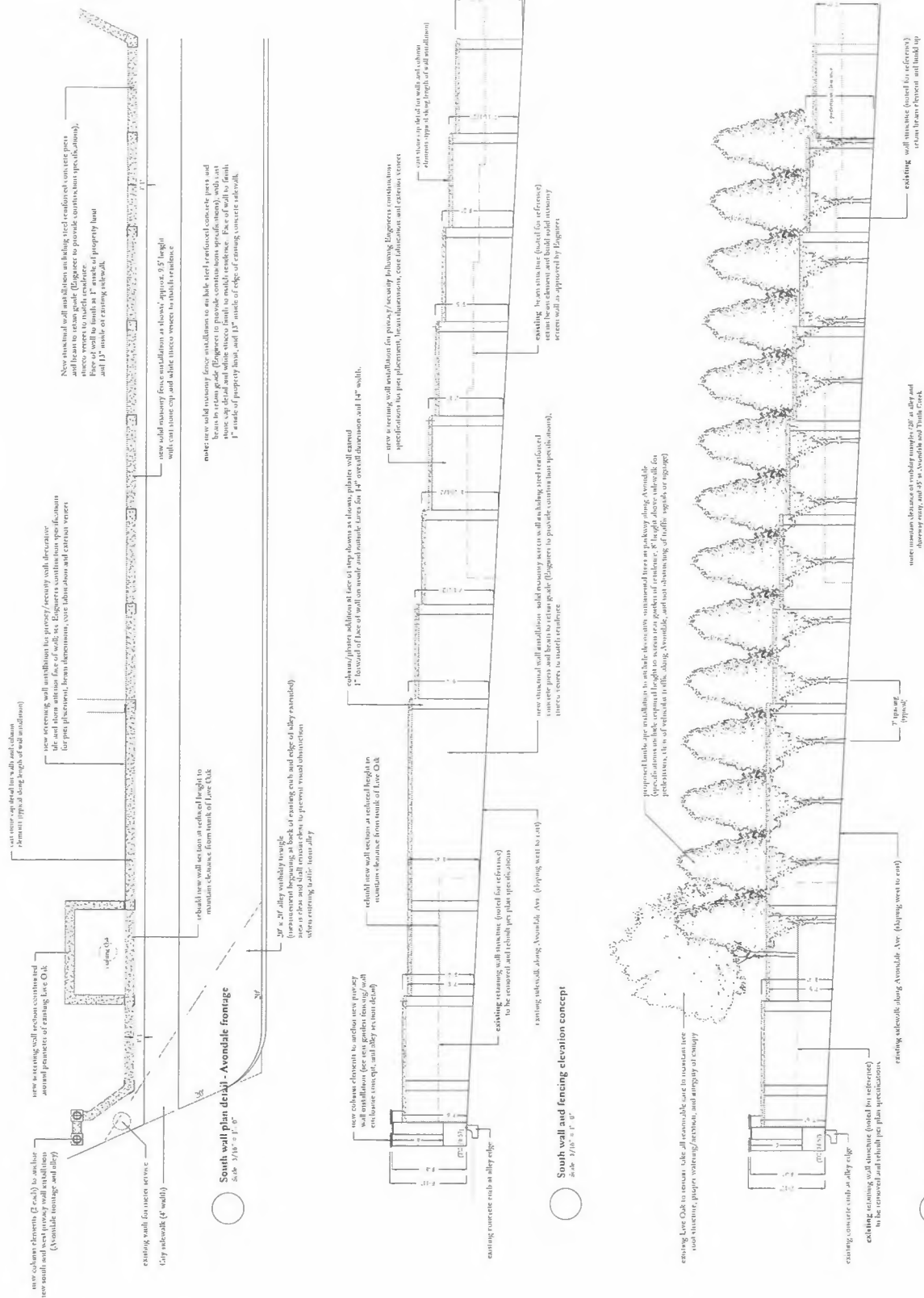
The McCabe Residence
4001 Turtle Creek Blvd
Dallas, TX

Project Privacy wall detail entry	Sheet 23 A
Date 03 April, 2023	Scale 3/16 = 1' 0"

BDA223-031

General Notes:

New retaining wall installation including tied reinforced concrete piers and beams to retain grade (Engineer to provide construction specifications).
New retaining wall installation including tied reinforced concrete piers and beams to retain grade (Engineer to provide construction specifications).
New retaining wall installation including tied reinforced concrete piers and beams to retain grade (Engineer to provide construction specifications).



South wall plan detail - Avondale frontage
Scale: 1/8" = 1'-0"

South wall and fencing elevation concept
Scale: 3/16" = 1'-0"

South wall and fencing landscape elevation concept
Scale: 3/16" = 1'-0"

Revised: 04 April 2023
(plan update for variance submission)

Project Name and Address	
The McCabe Residence 4001 Turtle Creek Blvd Dallas, TX	
Project Number	23 B
Revision	01 April 2023
Scale	3/16" = 1'-0"

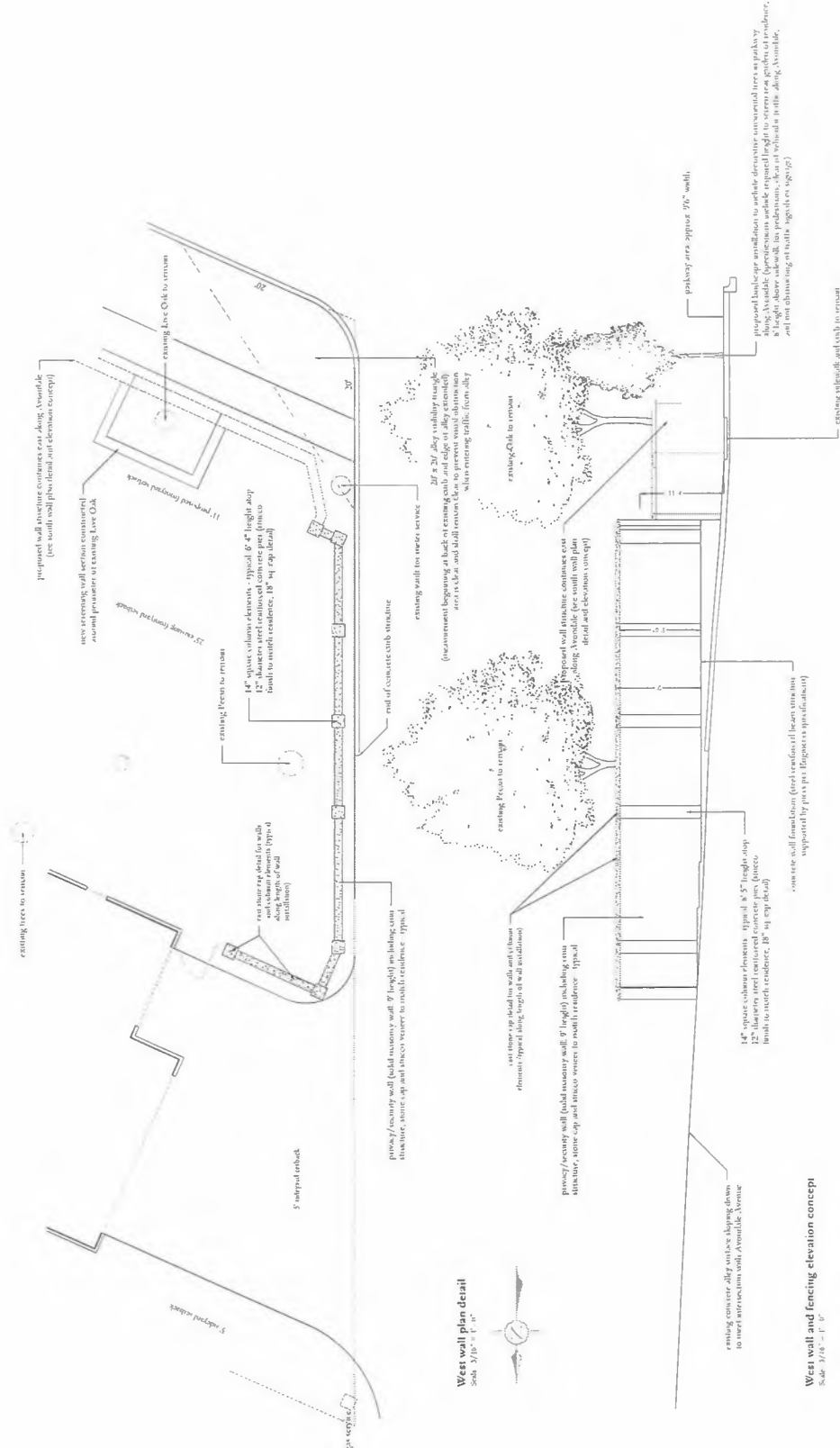
BDA223-051

General Notes:

Rev.	Revision/Desc.	Date

The McCabe Residence
4001 Turk Creek Blvd
Dallas, TX

Project Name and Number
West Wall Plan Detail
Date: 01 April, 2023
Sheet: 23 C
Scale: 3/16" = 1'-0"



West wall plan detail
Scale: 3/16" = 1'-0"



West wall and fencing elevation concept
Scale: 3/16" = 1'-0"

- Revised: 19 October, 2022
(plan update for window placement, all concrete base areas shown for reference on sheet set)
- Revised: 10 January, 2023
(plan update coordinate all areas of sheet set)
- Revised: 04 April, 2023
(plan update for window placement)

BDA 223-051

ROBERT REEVES
& Associates, Inc.

PLANNING AND ZONING CONSULTANTS

April 6, 2023

Diana Y. Barkume
Senior Plans Examiner
City of Dallas
Development Services
Building Inspection Permit Center
320 E. Jefferson Blvd.
Dallas, Texas 75203

RE: 4001 Turtle Creek Blvd.
Screening Wall Special Exception &
Application for a Front Yard Variance

Dear Ms. Barkume:

Special Exception for Solid Masonry Wall:

Attached is a Board of Adjustment application for special exception for a 6-foot height increase for a solid screening wall along Avondale Ave. and Turtle Creek Blvd and delete the requirement for a 50% open fence panel located within 5 feet of each along street. The owners, Michael James McCabe Jr. and Tressa Michelle McCabe, are building a new home at 4001 Turtle Creek Blvd., which is located at the northwest corner of Turtle Creek Blvd. and Avondale Ave. The site is part of Planned Development District 193 and zoned a R-7.5 Subdistrict requiring a 25-foot front yard setback.

Background:

The site is 100 feet by 200 feet with the longer dimension along Avondale Ave. Section SEC. 51P-193.118(b)(1) of the Oak Lawn Ordinance states " If the corner lot has two street frontages of unequal distance, the shorter frontage is governed by this section, and the longer frontage is governed by the side yard regulations in Section 51P-193.119. Notwithstanding this provision, the continuity of the established setback along street frontage must be maintained."

On 3/9/22, the City issued a permit to construct an 8-foot wall along Avondale Ave. and Turtle Creek Blvd. The permit was amended to allow a 9-foot solid wall and work continued. However, unknown by the original contractor, Lawns of Dallas, the permit was placed in “pending status” with no communication between the City and the contractor. Work was halted on the wall; although, it is substantially completed along Avondale. It is my opinion; the City mistakenly interpreted Section SEC. 51P-193.118(b)(1) and permitted an 8-foot high solid wall in the Avondale Ave. front yard, see attachment.

Request:

This special exception request is for a 6-foot height increase in a solid masonry wall in the front yard setback along Avondale Ave. and Turtle Creek Blvd. and delete the requirement for a 50% open fence panel located within 5 feet of Avondale Ave. and Turtle Creek Blvd.

Avondale is one-way eastbound couple linking the Tollway with Central Expressway. The traffic signal at Turtle Creek Blvd. causes vehicles to back-up along westward along Avondale beyond the owner’s lot. The solid wall will provide a sound barrier and privacy and have no impact on adjacency property. The residential development across Avondale has an 8-foot solid masonry wall. The owners will plant large 20-foot Holly Trees, 7 feet on-center in the parkway along Avondale and Turtle Creek Blvd. to complement the mature trees along the south side of Avondale. In addition, the owners will request and pay for placing above ground utilities along Avondale underground from the alley to the street intersection. This is consistent with the location of utilities along the residential frontages in the south side of Avondale.

Front Yard Variance Along Avondale Blvd.

On 8/6/21, the City issued a permit to construct a swimming pool located 11 feet from the Avondale Ave. property line. Once again, the City mistakenly interpreted Section SEC. 51P-193.118(b)(1) and allowed a swimming pool in the Avondale Ave. front yard, see attachments. **The pool is built.**

Variance Request:

The owners are requesting an 11-foot reduction in the front yard along Avondale Ave. beginning at the east line on the alley and extending eastward along the north line of Avondale Ave. 63 feet.

1) 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;

The pool will be screened and have no impact on adjacent property. A literal enforcement of this chapter would result in unnecessary hardship, since the City mistakenly issued a permit to construct the pool.

2) 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 property has an irregular shape and a 15-foot change in elevation sloping from the alley to Turtle Creek Blvd.

3) The variance is not granted to relieve a self-created or personal hardship, nor for financial reasons only, except as provided in Subparagraph (B)(i), 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 property owner did not create this hardship, since the City issued a permit for the pool and the variance does not 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.

On behalf of my clients, we respectfully request Board of Adjustment approvals of both requests.

Respectfully:



Robert Reeves, President
Robert Reeves & Associates, Inc.
Planning & Zoning Consultants.

Permit # 2202151040

Sustainable Construction and Development | Building Inspection Division | 214/948-4480 | www.dallascityhall.com

Address: **4001 TURTLE CREEK BLVD 75219**

Property Use Description: **SINGLE FAMILY DWELLING**

Work Description: **RETAINING WALL**

Estimated Value Of Work: **\$0.00**

Owner Or Tenant: **Tressa McCabe
4001 Turtle Creek Blvd**

**Dallas
TX
75205**

**(214) 642-4848
tressamccabe@me.com**

Applicant:

Graham Kolf

Contractor:

LAWNS OF DALLAS

Business Address:

8400 AMBASSADOR ROW , DALLAS, TX 75207

Telephone:

214/357-6522

Fax: 214/352-8243

Neighborhood Dist: 11	Block: 1/2062	Zoning: PD-193	PDD: 193	SUP:
Conservation Dist: Oak Lawn PD	Pro Park:	Req Park:	Park Agmt: N	
Number of Units:	Stories:	New Area: 0	Lot Area: 20000	Total Area: 6521
Fire Const: VB	Sprinkler:	Occ Code: R3	Occ Load:	
Number of Removed Trees:				

WORK SUBJECT TO FIELD INSPECTOR APPROVAL

This document is issued on the basis of information furnished in the application and is subject to the provisions of all governing ordinances, which must be complied with, whether or not herein specified.

Contractor's Authorization

Trade Type: Building

Sustainable Development and Construction | Building Inspection Division | www.dallascityhall.com

District Office SW

Validation #: 2202151040101
Address: 4001 TURTLE CREEK BLVD 75219
Issue Date: 03/09/2022
Proposed Use Description: SINGLE FAMILY DWELLING
Work Description: RETAINING WALL

Authorized Date: 02/15/2022
Owner Or Tenant: Tressa McCabe
4001 Turtle Creek Blvd

Dallas
TX
75205

(214) 642-4848
tressamccabe@me.com

Applicant: Graham Kolf
Contractor: LAWNS OF DALLAS
Business Address: 8400 AMBASSADOR ROW ,
Telephone: 214/357-6522

Fax: 214/352-8243

Block:	1/2062	Zoning:	PD-193	PDD:	193	SUP:	
Prop Dist:	Consrv Dist: Oak Lawn PD	Pro Park:		Req Park:		Park Agrmt:	N
Story Units:	Stories:	New Area:	0	Lot Area:	20000	Total Area:	6521
Prop Const:	VB	Sprinkler:	Occ Code: R3	Occ Load:			

For inspections call 214/670-5313, 24 hours. You will need your validation number 2202151040101 and one of the inspection types from the list below.

Pier, Foundation, Excavation	123 Floor Joists	127 Frame Walls
Frame All	132 Frame Other	140 Final

Primary inspector is: Gregg Gunther at (214) 671-1511

7 AM cut-off for same day inspections!! Reinspection fees will be charged if the work is not ready or property is inaccessible. For partial inspection of area or additional assistance, call (214) 671-1531 from 8 AM to 5 PM Monday through Friday.

Permit # 2107301027

Issue Date: 08/06/2021

Sustainable Construction and Development | Building Inspection Division | 214/948-4480 | www.dallascityhall.com

Address: **4001 TURTLE CREEK BLVD 75219**
End Use Description: SINGLE FAMILY DWELLING
Work Description: INSTALL SWIMMING POOL
Value Of Work: \$0.00

Owner Or Tenant: Michael McCabe
4001 Turtle Creek Blvd
Dallas Tx 75219

Dallas
TX
75219

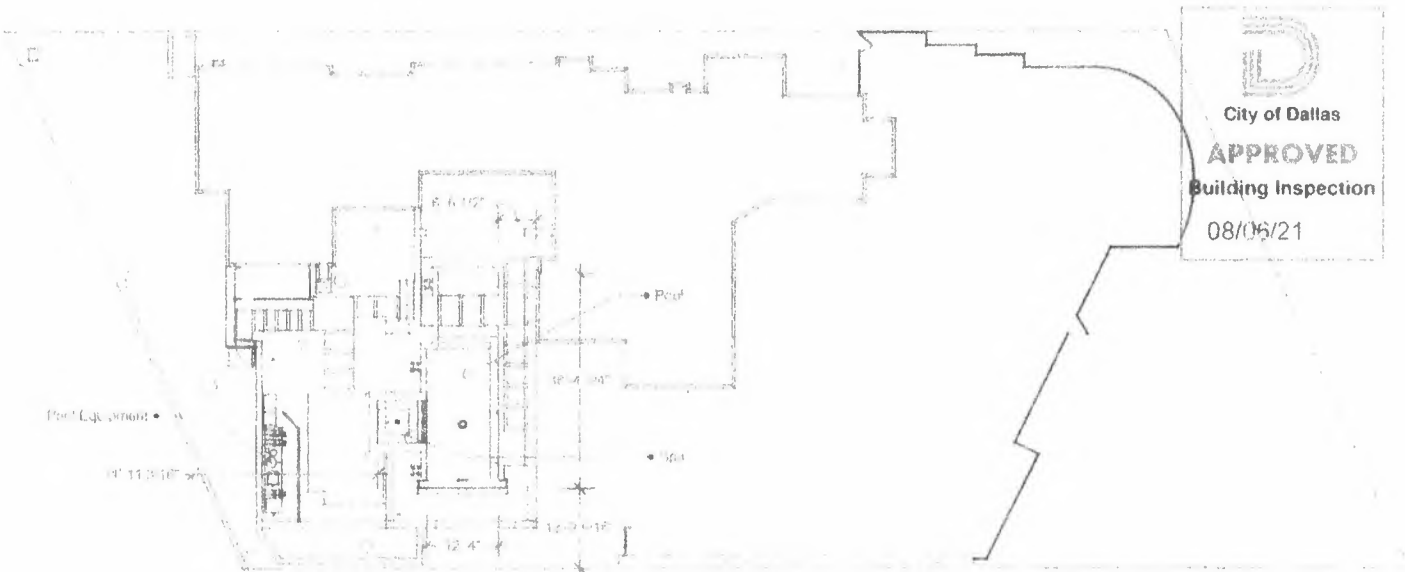
(972) 978-9322
tim@poolsoflivingwater.com
Applicant: Tim Long
Contractor: POOLS OF LIVING WATER
Business Address: 5109 VERA CRUZ DR, GARLAND, TX 75043
Telephone: 972/978-9322 Fax:

Lot: 11 Block: 1/2062 Zoning: PD-193 PDD: 193 SUP:
Municipal Dist: Consrv Dist: Oak Lawn PD Pro Park: Req Park: Park Agrmt: N
Legal Units: Stories: New Area: Lot Area: 20000 Total Area: 468
Permit Const: VB Sprinkler: Occ Code: R3 Occ Load:
Number Of Removed Trees:

WORK SUBJECT TO FIELD INSPECTOR APPROVAL

This document is issued on the basis of information furnished in the application and is subject to the provisions of all governing ordinances, which must be complied with, whether or not herein specified.

1 Site Plan



City of Dallas
APPROVED
Building Inspection
 08/06/21

STRUCTURAL NOTES

Structural Engineering - Structural Engineering TDD

Pool Piers
 Piers - TBD

Pool Shell
 Minimum shell thickness is 10" on pool shell
 Pool Shell shall be constructed of two (2) max. pneumatically applied concrete
 Target water to concrete ratio by weight is 30% or less
 Concrete should achieve minimum compressive strength of 4,500 psi within 28 days

PLUMBING NOTES

Pool
 Suction - One (1) 2" PVC from MD pump with side suction to equipment
 Vacuum - One (1) 2" PVC line for vacuum
 Return - One (1) 2" PVC return to five (5) fittings, with loop around pool
 Fill - 2 1/2" PVC line from water source to mechanical auto-fill in surge tank
 Lounge Bubbles - One (1) 2" PVC line to two floor mounted fittings controlled by single valve and actuator

Spa
 Suction - One (1) 2" PVC from spa MD pump with side suction to equipment
 Return - One (1) 2" PVC return to six (6) spa jets
 Air - One (1) 2" PVC air line to spa jets

In-Floor Cleaners
 Suction - One (1) 2 1/2" PVC suction from pool with side suction covers
 Return - One (1) 2" PVC return to in-floor valve at equipment

Rain Curtain
 Rain Curtain - two (2) 1 1/2" rain curtain from Custom Cascade, to be mounted in columns and eave structure
 Suction - One (1) 2 1/2" PVC suction from pool with side suction covers
 Return - One (1) 2 1/2" PVC suction line valve box at equipment
 Return - Two (2) 2" PVC returns from valve box to split into two feeds for each rain curtain

BDA 223-051

Pools of Living Water
 Pools of Living Water, LLC
 Tim Long
 5109 Lerna Cruz Dr
 Garland TX 75043
 972-978-9322
 Approved
 08/06/21
 McCabe Residence
 4001 Traffic Creek Blvd
 Dallas TX 75219
 Tim Long
 Permit Set
L-1

FILE NUMBER: BDA223-053 (GB)

BUILDING OFFICIAL'S REPORT: Application of Steve Lakin for a special exception to the fence height regulations at 7217 Brookshire Circle. This property is more fully described as Block 6/6586, Lot 2 and is zoned R-16 (A), which limits the height of a fence in a required front-yard to 4-feet. The applicant proposes to construct a 6-foot high fence in a required front-yard, which will require a 2-foot special exception to the fence height regulations.

LOCATION: 7217 Brookshire
APPLICANT: Steve Lakin

REQUEST:

A request for a special exception to the fence height regulations. The applicant is proposing to construct a 6-foot-high fence in a front yard, which will require a 2-foot special exception to the fence regulations.

STANDARD FOR A SPECIAL EXCEPTION:

The board may grant a special exception to the fence standards in this subsection when, in the opinion of the board, the special exception will not adversely affect neighboring property.

STAFF RECOMMENDATION:

Staff does not provide a recommendation for special exceptions.

• **ZONING/BDA HISTORY:**

Zoning:

Site: R-16 (A)

Land Use:

The subject site is developed with a single family home. Areas to the North, South, East, and West are developed with single-family uses.

GENERAL FACTS/STAFF ANALYSIS:

- A request for a special exception to the fence height regulations. The applicant is proposing to construct a 6-foot fence which will require a 2-foot special exception.
- The subject property is located at 7217 Brookshire Drive
- The subject property is zoned R-16 (A).
- This property is governed by a zoning district that allows fences in a required front yard to be no more than 4 feet.
- No special exception would be necessary if the proposed fence was 4 feet or under.

If the Board were to grant this special exception, and impose the submitted site plan as a condition, the applicant would be required to construct the fence according to the approved site plan.

Timeline:

April 06, 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 15, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

May 03, 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 May 30, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the Friday, June 09, 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 the others scheduled for the June 22, 2023, public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planners, the Board of Adjustment Development Code Specialists, the Chief Arborist, Development Services Senior Engineers, and the Board Attorney.

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

June 02-06, 2023: Received letters from neighbors within the notification area

Exhibit A

From: [REDACTED]
To: [BDAreply](#)
Cc: [REDACTED]
Subject: BOA223-053
Date: Friday, June 2, 2023 8:59:18 AM
Attachments: [EmailSocialBanner_ab14a0fb-17d4-495e-b3c3-3dae0b29ad8e.png](#)
[emailbanner-fortworth2023-01_4b8f6880-2111-4e73-9cc7-2e8c45bc7f59.png](#)

External Email!

Good Morning,
How do I present my protest for a fence variance for BOA 223-053. A taller fence near the curb will cause a serious sight line issue for safety of people walking or riding their bikes on our street.

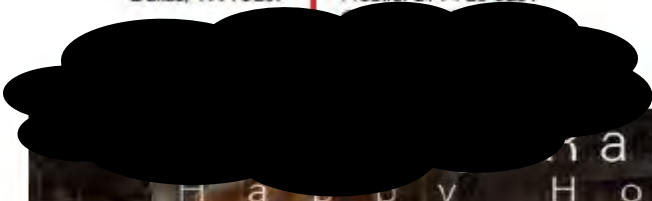
My cell phone number is 214-728-5251.
Thanks you,
Sue White
7115 Brookshire Circle 75238



Sue White
Principal

101 Turtle Creek Blvd
Dallas, TX 75207

Direct: 214-658-9005
Mobile: 214-728-5251



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

22 Cell # 860-918-4420

Peter & Kirstie Kofoed
7217 Brookshire Drive, Dallas TX
15 April 2023

Dear Neighbors,

We have just completed our home construction and are so excited to have finally moved in. We love this neighborhood and are so happy to finally be living here. The city approved the plan for our pool and for safety reasons we need a secure fence. The city requires us to go before the board of adjustments for approval of the fence. We are requesting permission to build a six foot tall wood fence. The pickets will be side by side vertical pickets with a top cap and lower kick board. We plan to coordinate landscaping with our neighbors next door.

We have attached a copy of the fence design and location on the property. The Board of adjustments would like our neighbors' input to our fence request. We have added room at the bottom of this letter for your responses. Please fill it out and drop off at our house or you can email directly to the board at the address provided below.

Thanks very much and hope to meet all of you soon.

Peter & Kirstie Kofoed

Name Shawn Mammeli
Address 7217 Brookshire Dr. Dallas TX 75230

Agree yes disagree (Please explain why) _____

Comments We think this is a great addition to the street and are happy to support their request.

Email Diana Barkume (City of Dallas, Board of Adjustment) - Shawn Mammeli

diana.barkume@dallascityhall.com

2 → Cell # 860-918-4420

Peter & Kirstie Kofoed
7217 Brookshire Drive, Dallas TX
15 April 2023

Dear Neighbors,

We have just completed our home construction and are so excited to have finally moved in. We love this neighborhood and are so happy to finally be living here. The city approved the plan for our pool and for safety reasons we need a secure fence. The city requires us to go before the board of adjustments for approval of the fence. We are requesting permission to build a six foot tall wood fence. The pickets will be side by side vertical pickets with a top cap and lower kick board. We plan to coordinate landscaping with our neighbors next door.

We have attached a copy of the fence design and location on the property. The Board of adjustments would like our neighbors' input to our fence request. We have added room at the bottom of this letter for your responses. Please fill it out and drop off at our house or you can email directly to the board at the address provided below.

Thanks very much and hope to meet all of you soon,

Peter & Kirstie Kofoed

Name Jennifer Lavender

Address 7127 Brookshire Circle

Agree disagree (Please explain why)

Comments My house is directly across the street from the subject property + would face the unsightly barrier of a tall fence - Even a 4' fence is an affront + hideous.
Email Diana Barkume (City of Dallas, Board of Adjustment)

diana.barkume@dallascityhall.com

From: [REDACTED]
Sent: Monday, June 5, 2023 11:26 AM
To: Barkume, Diana <diana.barkume@dallas.gov>
Subject: Fence response for 7217 Brookshire Dr, Dallas, TX 75230

External Email!

Hi Diana,

This email is in regards to the adjustment approval for our neighbor's fence at 7217 Brookshire Dr, Dallas TX 75230, Peter and Kirstie Kofoed.

We live next door at 7225 Brookshire Dr. Dallas, TX 75230, our names are Katie Gengler and Shaun Mammen.

The fence that Peter and Kristie Kofoed are requesting is a great idea. We feel that it will improve the street, fit well with the neighborhood, and safely protect their property.

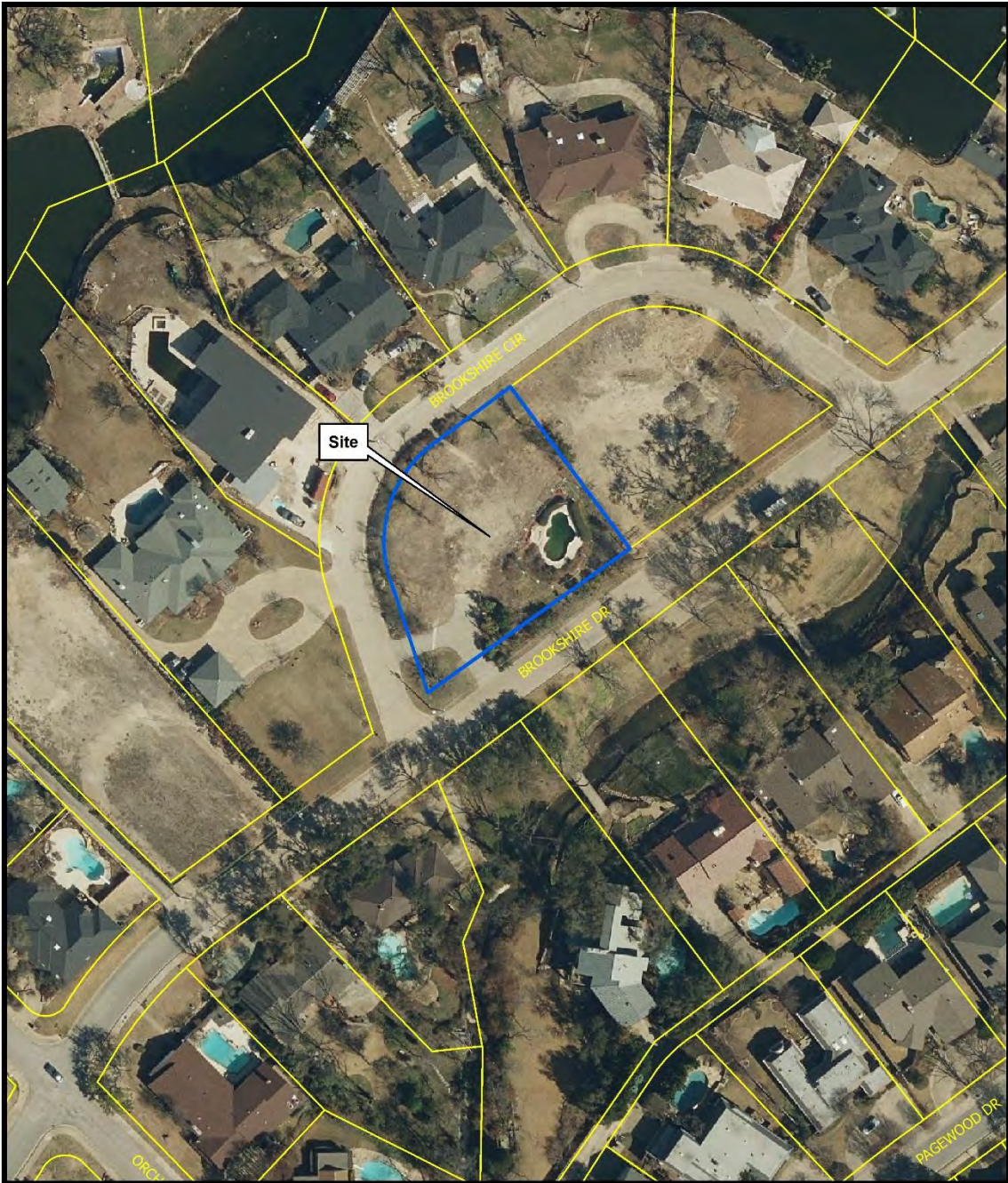
We have no issues with the proposed fence and are grateful that they are spending their personal resources to make our street safer.

Please don't hesitate to reach out if you have any questions.

Katie Gengler
[REDACTED]

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

^ Hide message history

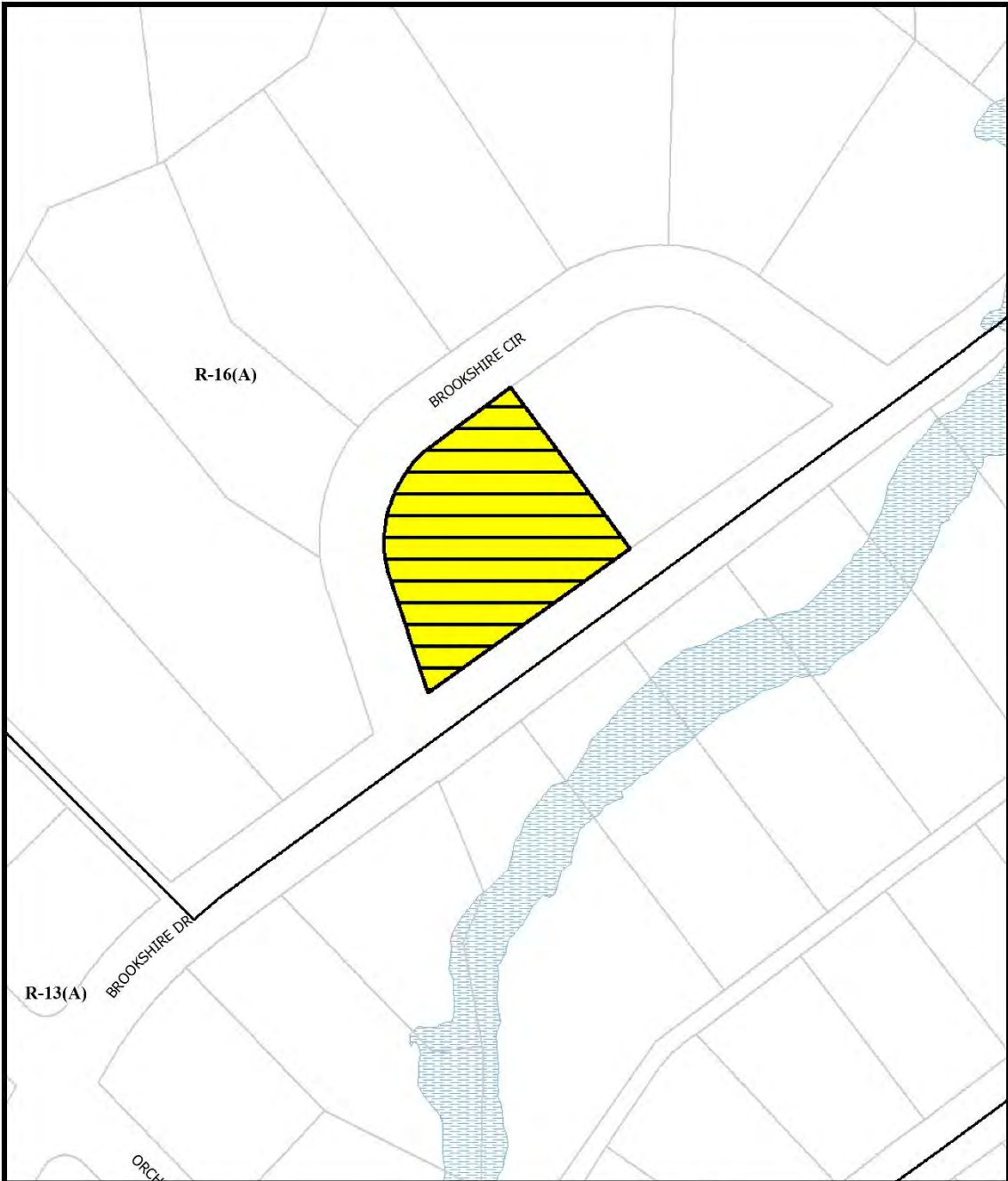


1:1,200

AERIAL MAP

Case no: BDA223-053

Date: 5/25/2023

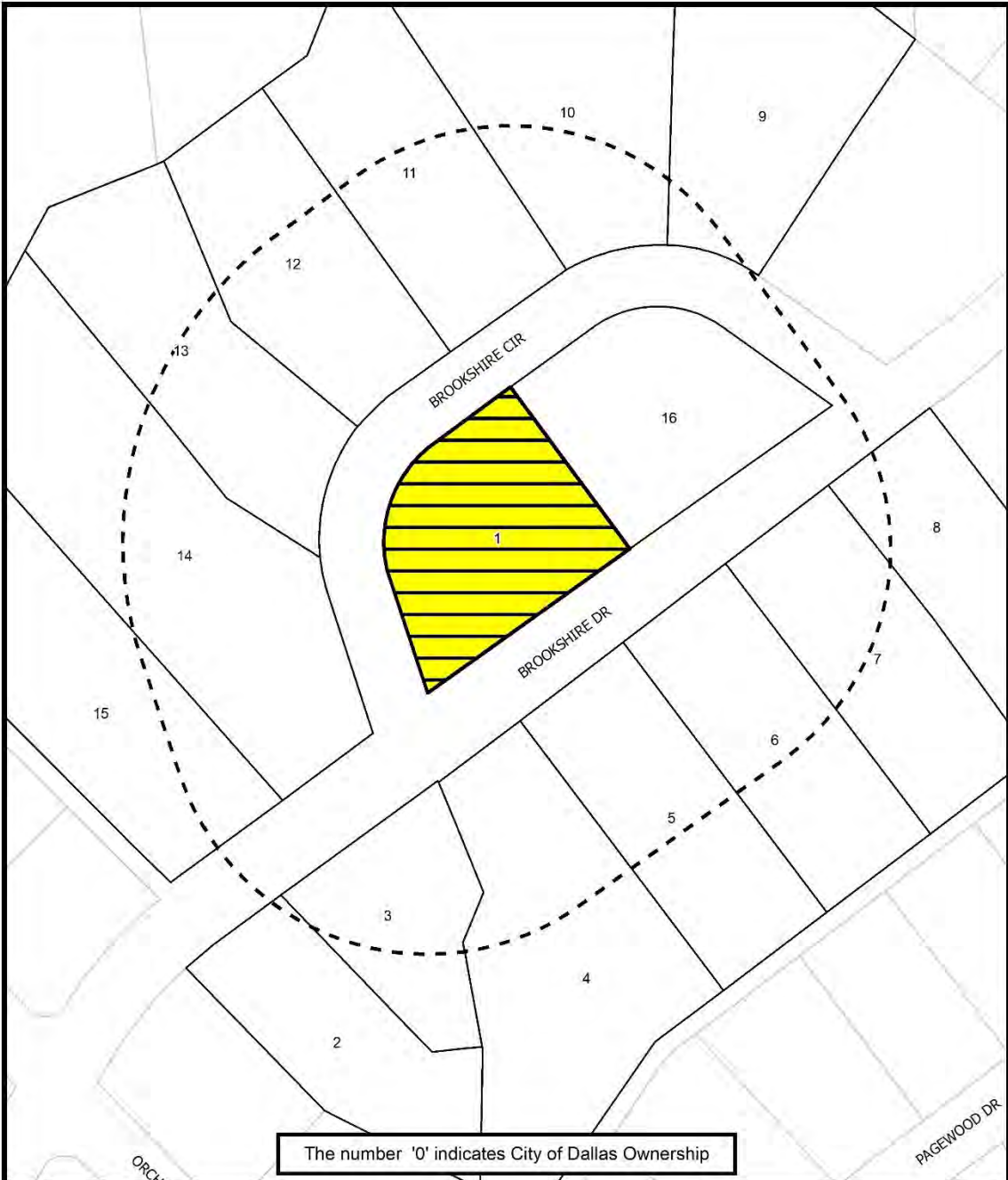


1:1,200

ZONING MAP

Case no: BDA223-053

Date: 5/25/2023



 1:1,200	NOTIFICATION	Case no: BDA223-053
	200' AREA OF NOTIFICATION 16 NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 5/25/2023

06/01/2023

Notification List of Property Owners

BDA223-053

16 Property Owners Notified


<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7127 BROOKSHIRE DR	KOFOED PETER
2	7140 BROOKSHIRE DR	KORNGUT IRWIN S & DEBRA A KORNGUT
3	7148 BROOKSHIRE DR	UNELL STANTON M
4	7204 BROOKSHIRE DR	SANDERS BETTY
5	7214 BROOKSHIRE DR	LOROCCO PAUL & LOUISE
6	7224 BROOKSHIRE DR	ROSEMAN JOSHUA S & DANA
7	7234 BROOKSHIRE DR	STROYNOWSKI RYSZARD A &
8	7244 BROOKSHIRE DR	WU MIN SHENG TRUSTEE &
9	7139 BROOKSHIRE CIR	JAGODA JO KURTH
10	7133 BROOKSHIRE CIR	CHEN WEIDONG
11	7127 BROOKSHIRE CIR	LAVENDER JENNIFER LEIGH
12	7121 BROOKSHIRE CIR	LABARBA JASON & LIANE H
13	7115 BROOKSHIRE CIR	WHITE SUSAN L
14	7107 BROOKSHIRE CIR	BARTO JOHN J & CHARLOTTE L
15	7141 BROOKSHIRE DR	INGERTO CRAIG W & RACHEL B
16	7134 BROOKSHIRE CIR	RENNI DESOTO INVESTMENTS LLC

C

Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

BY: 

Case No.: BDA 223-053

Date: 4/6/23

Data Relative to Subject Property: _____

Location address: ⁹⁰² 7217 Brookshire Drive Zoning District: R-116(A)

Lot No.: 1 Block No.: G/G586 Acreage: .56 Census Tract: _____

Street Frontage (in Feet): 1) 190 2) 224 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Peter Koford, Kristie Koford

Applicant: Steve Lakin Telephone: 817 874-9676

Mailing Address: 400 Donley CT Southlake, TX Zip Code: 76092

E-mail Address: SteveLakin@AOL.COM

Represented by: Steve Lakin Telephone: 817 874-9676

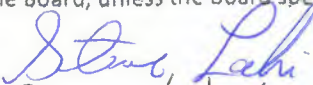
Mailing Address: 400 Donley CT Southlake, TX Zip Code: 76092

E-mail Address: SteveLakin@AOL.COM

Affirm that an appeal has been made for a Variance _____ or Special Exception of 6 FT WOOD CEDAR Fence on Back side of house 10' off Brookshire Circle due to pool and pool safety, requesting 2ft special exception

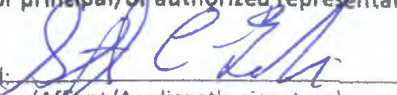
Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to Grant the described appeal for the following reason:


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 
Steve Lakin

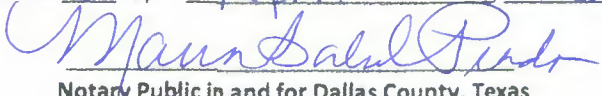
Before me the undersigned on this day personally appeared _____
(Affiant/Applicant's name printed)

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

Respectfully submitted: 
(Affiant/Applicant's signature)

 MARIA ISABEL PRADO
Notary Public, State of Texas
Notary ID#: 1093414-4
My Commission Expires 01-30-2026

Subscribed and sworn to before me this 6th day of April ~~2023~~ 2023 mp.


Notary Public in and for Dallas County, Texas



**MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT**

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that STEVE LAKIN

did submit a request for a special exception to the fence height regulations
at 7217 Brookshire

BDA223-053. Application of STEVE LAKIN for a special exception to the fence height regulations at 7217 BROOKSHIRE CIRCLE. This property is more fully described as Block 6/6586, Lot 1, and is zoned R-16(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 6 foot high fence in a required front yard, which will require a 2 foot special exception to the fence regulations.

Sincerely,

Andrew Espinoza, CBO, MCP, CFM, CCEA



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 223-053

I, Kirstie S. Kofoed, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 7217 Brookshire Drive, Dallas TX 75230
(Address of property as stated on application)

Authorize: Steve Lakin
(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: Install 6ft wood fence on backyard, side yard
& front yard

Kirstie S. Kofoed
Print name of property owner or registered agent

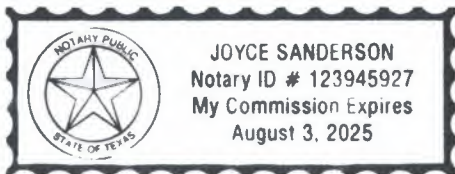
Kirstie S. Kofoed
Signature of property owner or registered agent

Date 4/6/23

Before me, the undersigned, on this day personally appeared Kirstie S. Kofoed

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 6th day of April, 2023



Commission expires on Aug. 3, 2025
[Signature]

C



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 223-053

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

at: 7217 BROOKSHIRE DR DALLAS, TX 75230
(Address of property as stated on application)

Authorize: STEVE LAKIN
(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)

X Special Exception (specify below)

 Other Appeal (specify below)

Specify: INSTALL 6' WOOD FENCE ON
PROPERTY BACK YARD, SIDE YARD, + FRONT YARD

PETER KOFOED
Print name of property owner or registered agent

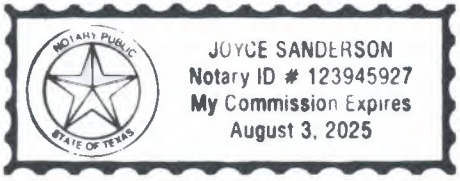
Peter Kofoed
Signature of property owner or registered agent

Date 4/6/23

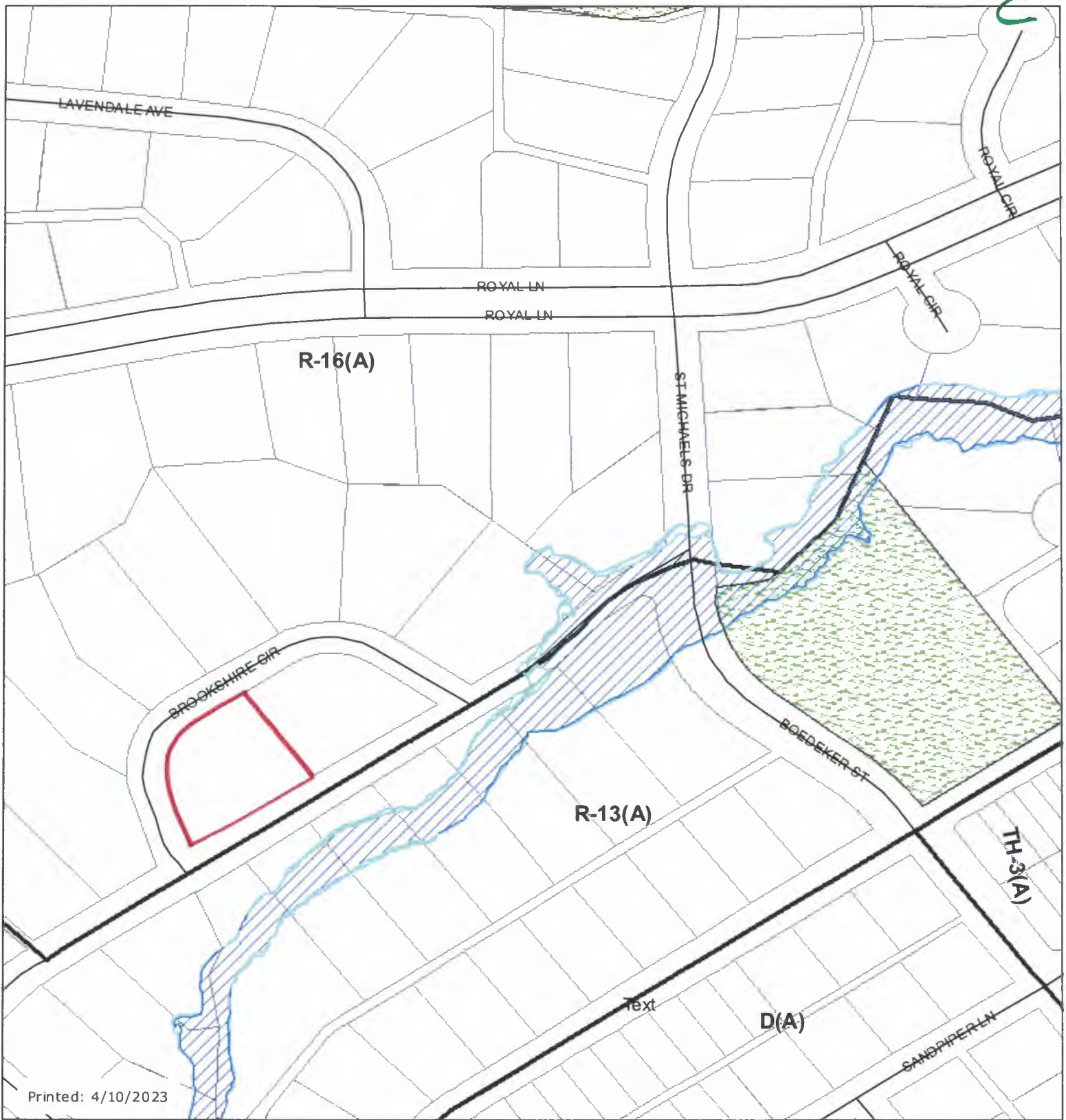
Before me, the undersigned, on this day personally appeared Peter Kofoed

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 6th day of April, 2023



Commission expires on Aug 3, 2025



Printed: 4/10/2023

-  City Limits
-  Floodplain
-  0.2 Pct Annual Flood Hazard
-  1 Pct Annual Chance Flood Hazard
-  Parks
-  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)



CITY OF DALLAS PLAT BOOKS

ADDITION HILLCREST HAVENS NO. 2

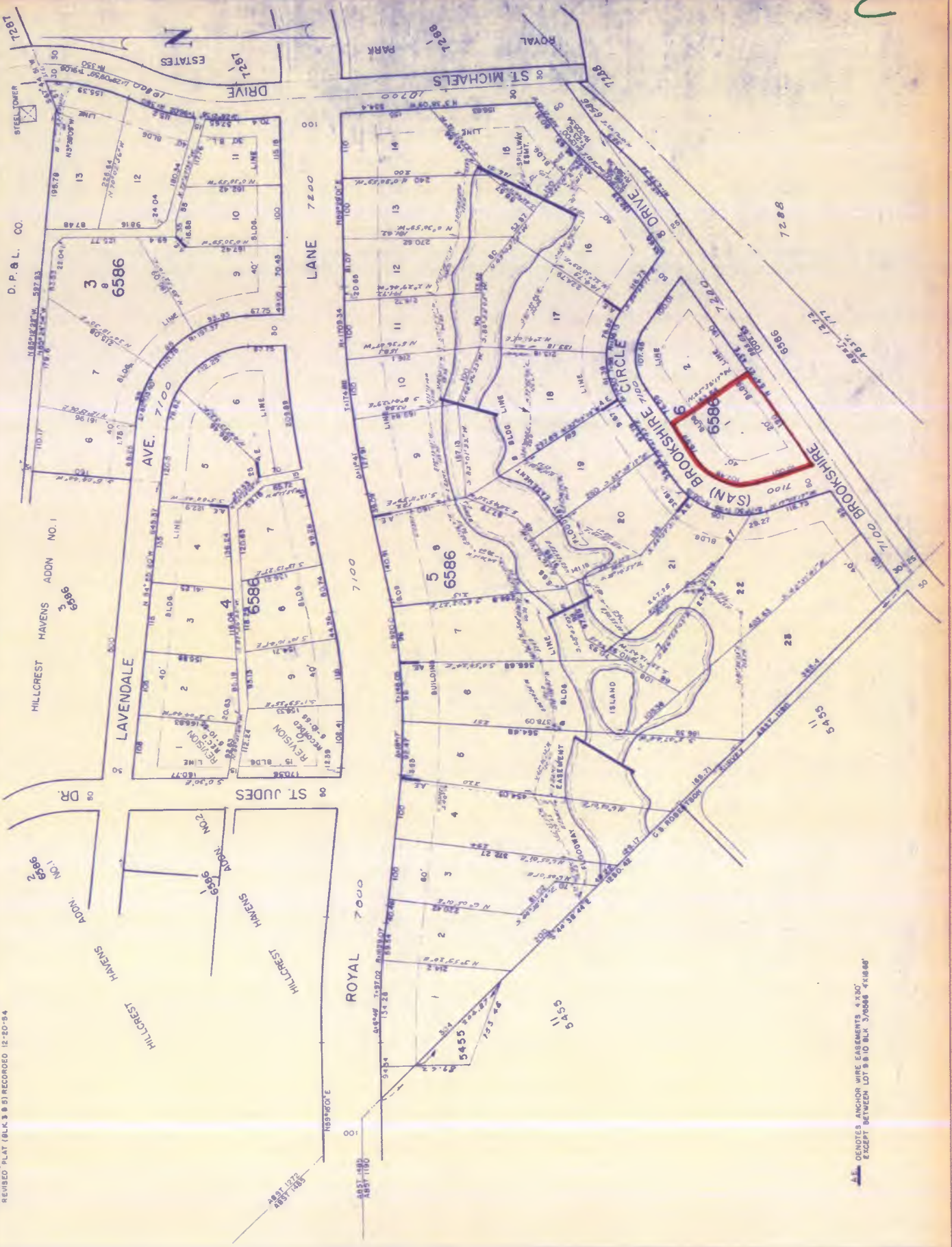
ANNEXED MAR 23 1953 ORD. NO. 5126 SURVEY M. J. SANCHEZ

RECORDED 9 9 54 REVISED PLAT (BLK. 5 & 6) RECORDED 12 20 54

SCALE 100 FT. EQUALS 1 INCH

SCHOOL DIST. DALLAS

3-4-5-6 BLOCKS 6586



ALL DENOTES ANCHOR WIRE EASEMENTS, 4"x30" EXCEPT BETWEEN LOT 5 & 10 BLK 3/6586 414888

PROPERTY DESCRIPTION

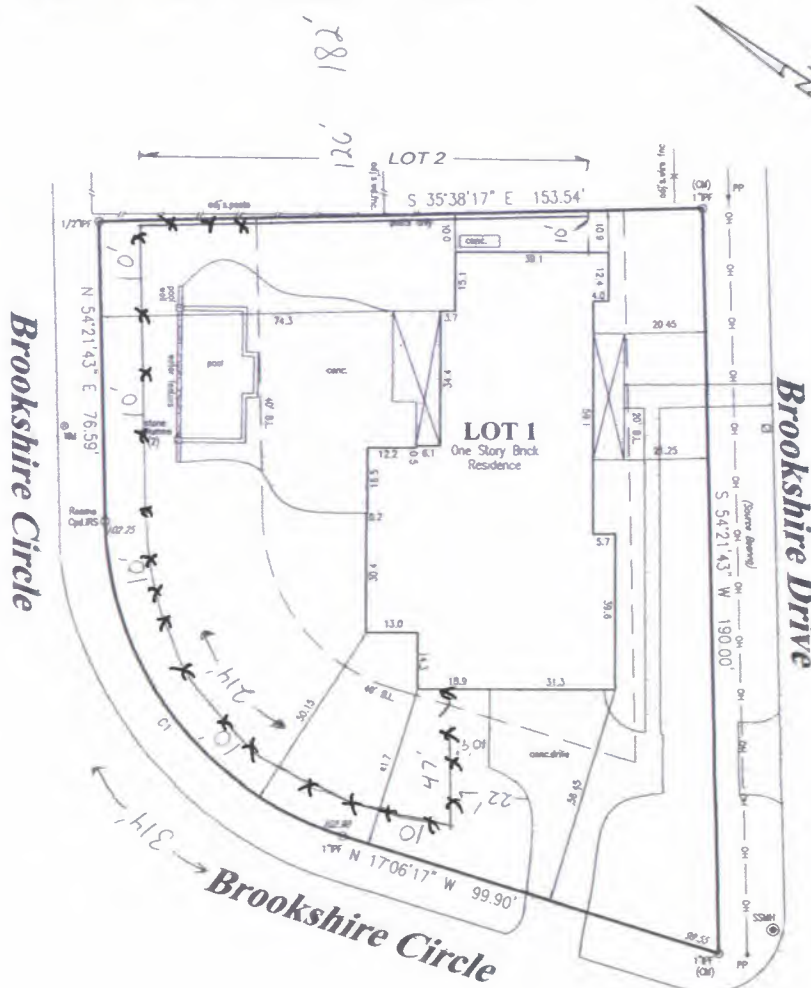
Address: 7217(7127 per Dallas Central Appraisal) Brookshire Circle, Being Lot 1, in Block 6/6586, of Hillcrest Havens Addition Second Installation, an Addition to the City of Dallas, Dallas County, Texas, according to the Map/Plot thereof recorded in Volume 25, Page 43, of the Map Records, of Dallas County, Texas



Roome Land Surveying

2000 Avenue G, Suite 810
Plano, Texas 75074
Phone (972) 423-4372 / Fax (972) 423-7523
www.roomsurveying.com / Firm No. 10013100

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	86.13'	107.48'	100.64'	N 18°33'41" E	71°29'54"



SCALE: 1" = 30'

Brookshire Circle

Brookshire Drive

LOT 1
One Story Brick Residence

LOT 2

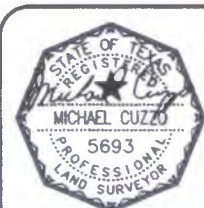
Side Fence 126'
Back yard Fence 214'
Left Front 47' w/gate
Right Front 10' w/gate
X-FENCE LOCATION

NOTES: (1) Source bearing is based on recorded plot unless otherwise noted (2) (CM) = Controlling monument (3) Surveyor's signature will appear in red ink on original copies. (4) No part of the subject property lies within a Special Flood Hazard Area inundated by 100-year flood per Map Number 48113C 0195K of the F.E.M.A Flood Insurance Rate Maps for Dallas County, Texas & Incorporated Area dated July 7, 2014 (Zone X) This statement does not imply that the property and/or structures will be free from flooding or flood damage. On occasion, greater floods can & will occur & flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor (5) Final grade assumed finished floor elevations are at the brick ledge. (6) Drainage arrows, if shown, were determined by elevations shown hereon (7) Subject property is affected by any & all notes, details, easements & other matters, that are shown on or as part of the recorded plot. (8) Survey performed without a title commitment. There may be easements, or other matters, not shown.

CERTIFICATION

On the basis of my knowledge, information & belief, I certify to Kirby Koford that as a result of a survey made on the ground to the normal standard of care of Registered Professional Land Surveyors practicing in the State of Texas, I find the plot hereon is true, correct & accurate as to the boundaries of the subject property & if shown, location & type of buildings & visible improvements hereon

Date 4/4/2023 Revised _____ Job No. ES705877
Title commitment/Survey Request File No _____



CUSTOM DESIGNED FOR

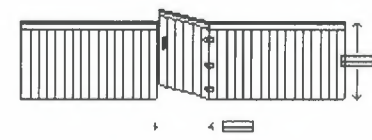
Kofeod Fence design

Fence
Wood side by side pickets
6 ft high

* NO OPENINGS
Solid Fence



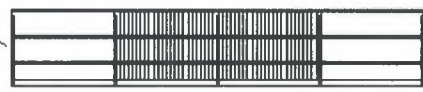
Street View



Gate sections
4ft wide / 6ft high

inside yard view

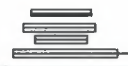
galvanized
2" poles



2x4 horizontal boards

2x6 kickboard

1/8 inch = 1 foot



BDA 223-053