

NOTICE FOR POSTING
MEETING OF
BOARD OF ADJUSTMENT, PANEL A
TUESDAY, JANUARY 18, 2022

BRIEFING: 11:00 a.m. via **Videoconference** and in **L1FN Auditorium**
Dallas City Hall, 1500 Marilla Street

HEARING: 1:00 p.m. via **Videoconference** and in **L1FN Auditorium**
Dallas City Hall, 1500 Marilla Street

* The Board of Adjustment hearing will be held by videoconference and in L1FN Auditorium at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure **by joining the meeting virtually**, should register online at <https://form.jotform.com/210537186514151> or contact the Planning and Urban Design Department at 214-670-4209 **by the close of business Monday, January 17, 2022. All virtual speakers will be required to show their video in order to address the board.** The public is encouraged to attend the meeting virtually, however, City Hall is available for those wishing to attend the meeting in person following all current pandemic-related public health protocols. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall and **the WebEx link:** <https://bit.ly/BDA011822>

Purpose: To take action on the attached agenda, which contains the following:

1. Board of Adjustment appeals of cases the Building Official has denied.
2. And any other business which may come before this body and is listed on the agenda.

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."



CITY OF DALLAS
BOARD OF ADJUSTMENT, PANEL A
TUESDAY, JANUARY 18, 2022
AGENDA

BRIEFING: 11:00 a.m. via Videoconference and in L1FN Auditorium
Dallas City Hall, 1500 Marilla Street

HEARING: 1:00 p.m. via Videoconference and in L1FN Auditorium
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Andreea Udrea, PhD, AICP, Assistant Director (Interim)
Jennifer Muñoz, Chief Planner/Board Administrator
Pamela Daniel, Senior Planner
LaTonia Jackson, Board Secretary

PUBLIC TESTIMONY

Minutes

MISCELLANEOUS ITEM

Approval of the November 16, 2021 Board of Adjustment Panel A Public Hearing Minutes	M1
Approval of the 2021 Board of Adjustment Annual Report	M2

UNCONTESTED CASES

BDA201-121(PD)	522 S. Oak Cliff Boulevard REQUEST: Application of Fernando Dimas for variances to the front yard and side yard setback regulations	1
BDA201-124(PD)	6407 Anita Street REQUEST: Application of Mark Canty for a variance to the off-street parking regulations	2
BDA201-125(JM)	9943 Coppedge Lane REQUEST: Application of Patrick Griot for a variance to the front yard setback regulations, and for a special exception to the fence height regulations, and for a special exception to the fence standards regulations, and for a special exception to the visibility obstruction regulations	3

REGULAR CASES

BDA201-122(PD)	7115 Lavendale Avenue REQUEST: Application of Benton Manguiera represented by Corey Reinaker for variances to the building height and the floor area ratio for an accessory dwelling unit	4
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HOLDOVER CASES

None

EXECUTIVE SESSION NOTICE

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

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

FILE NUMBER: BDA201-121(PD)

BUILDING OFFICIAL'S REPORT: Application of Fernando Dimas for variances to the front yard and side yard setback regulations at 522 S. Oak Cliff Boulevard. This property is more fully described as Lot 8 within City Block 20/3448 and is zoned an R-7.5(A) Single Family District, which requires a front yard setback of 25 feet and requires a side yard setback of five feet. The applicant proposes to construct and maintain a porch extension on an existing single family dwelling unit and provide an 18-foot front yard setback, which will require a seven-foot variance to the front yard setback regulations and provide a two-foot-six-inch side yard setback, which will require a two-foot-six-inch variance to the side yard setback regulations.

LOCATION: 522 S. Oak Cliff Boulevard

APPLICANT: Fernando Dimas

REQUESTS:

The applicant proposes to construct and maintain a porch extension on an existing single-family dwelling unit and provide an 18-foot front yard setback and a two-foot-six-inch side yard setback.

STANDARD FOR A VARIANCE:

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

- (A) not contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;
- (B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and

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

State Law/HB 1475 effective 9-1-21

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

STAFF RECOMMENDATION (both variances):

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 R-7.5(A) Single Family District considering its restrictive lot area of 7,467 square feet. The applicant submitted a document (**Attachment A**) comparing lot size/area and floor area ratios of four properties within the same zoning district. Per the comparative analysis, the average lot area is 7,474 square feet and the average floor area ratio for structures is 2,585 square feet while the subject site is reported as containing an approximate floor area ratio of 1,148 square feet. Thus, in analyzing the comparative properties the slightly restrictive area of the subject site ensures that the site cannot be developed in a manner commensurate with development upon other parcels of land with the same zoning.

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 property and surrounding uses are developed with a single family uses.

Zoning/BDA History:

There have not been any related board or zoning cases in the vicinity within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

The requests for variances to the front yard and side yard setbacks focus on constructing and maintaining an addition consisting of an extension of the porch in the front yard setback along S. Oak Cliff Boulevard. The applicant proposes an 18-foot front yard setback, which will require a seven-foot variance request. Additionally, the applicant proposes a two-foot-six-inch side yard setback which will require a two-foot-six-inch variance request.

DCAD records indicate that the subject property was developed with a single-family dwelling unit constructed in 1922 and consisting of approximately 1,090 square feet, however the proposed site plan depicts an approximately 1,148 square foot, one-story structure. The applicant proposes to extend the existing porch which will consist of approximately 102 square feet. Additionally, the applicant proposes to provide a two-story addition along the rear portion of the structure that will consist of approximately 1,182 square feet, including an approximately 253-square-foot covered patio along the rear façade of the dwelling, and an approximately 577-square-foot one-story garage. These improvements will provide a maximum floor area of approximately 2,432 square feet for the dwelling unit with an approximately total of 3,009 square feet for all structures (inclusive of garage) on the lot.

The subject site is zoned an R-7.5(A) Single Family District which requires a minimum front yard setback of 25 feet. The property is located along the east line of Oak Cliff Boulevard south of West 12th Street. The subject site is flat, rectangular in shape, and according to the application is approximately .172 acres (or 7,467 square feet) in area.

In an R-7.5(A) Single Family District, the regulations require a minimum lot size of 7,500 square feet, a front yard setback of 25 feet, and a side yard setback of five feet.

Compliance with this section of the Code requires the structure to provide the 25-foot front yard setback and the five-foot side yard setback.

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

- That granting the variances to the setback regulations for single-family uses 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 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 zoning classification.

As of December 29, 2021, no letters have been submitted in support of or in opposition to the request.

Ultimately, the two requests are independent, and the board must consider the standards and evidence presented for each request.

If the board were to grant the variance requests to the front yard and side yard setbacks and impose the submitted site plan as a condition, the building footprints of the structures on the site would be limited to what is shown on the plan. However, granting these requests will not provide any further relief to the Dallas Development Code regulations (i.e. development on the site must meet all other code requirements).

Timeline:

November 3, 2021: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

November 23, 2021: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.

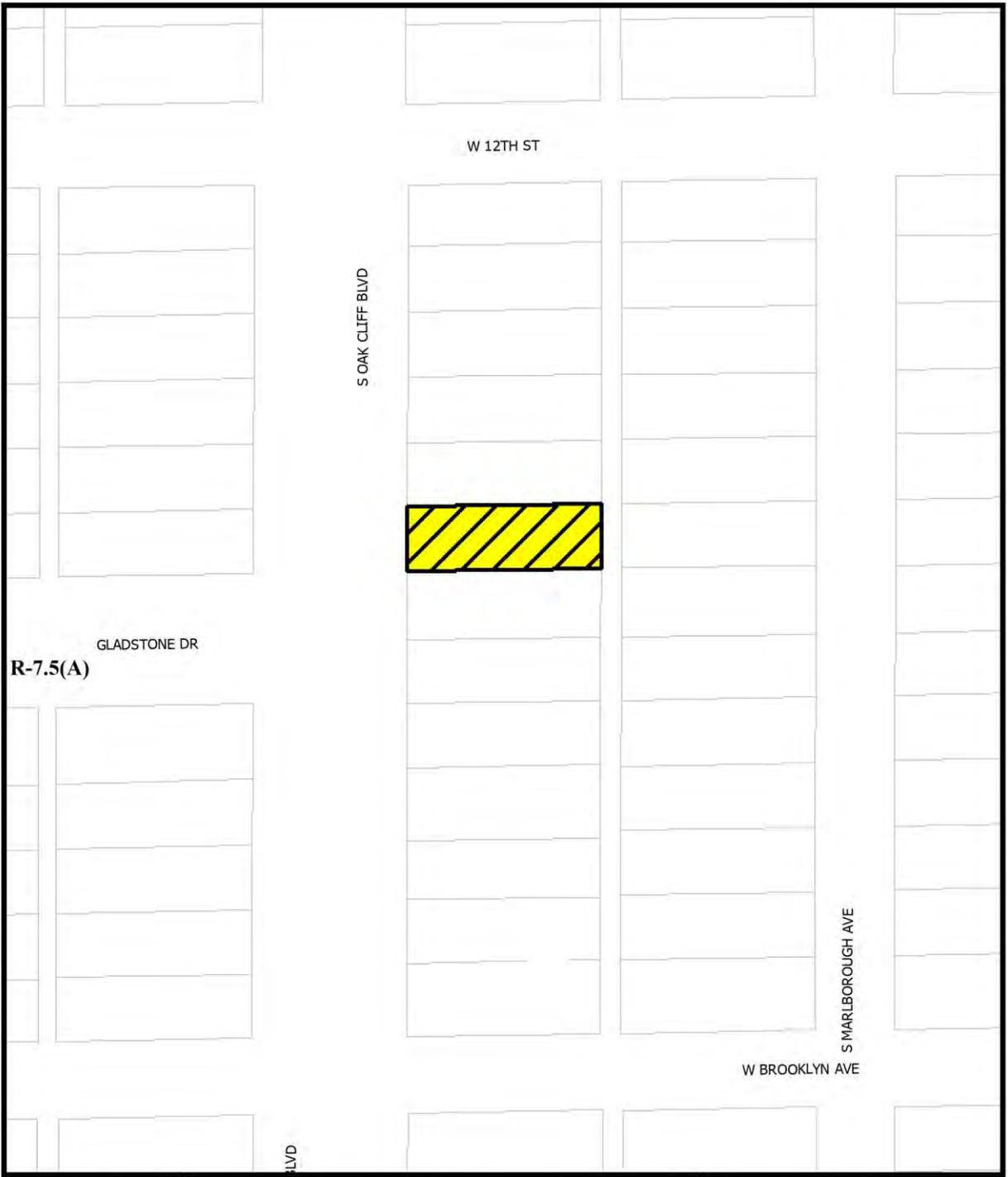
December 4, 2021: The Senior Planner emailed the applicant the following information:

- 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 December 29, 2021 deadline to submit additional evidence for staff to factor into their analysis; and the January 7, 2022 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.

Dec. 30, 2021: 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 Planning and Urban Design Interim Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Development Code Specialist, the Senior Sign Inspector, the Transportation Senior Engineer, the Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board. No review comment sheets were submitted in conjunction with this application.

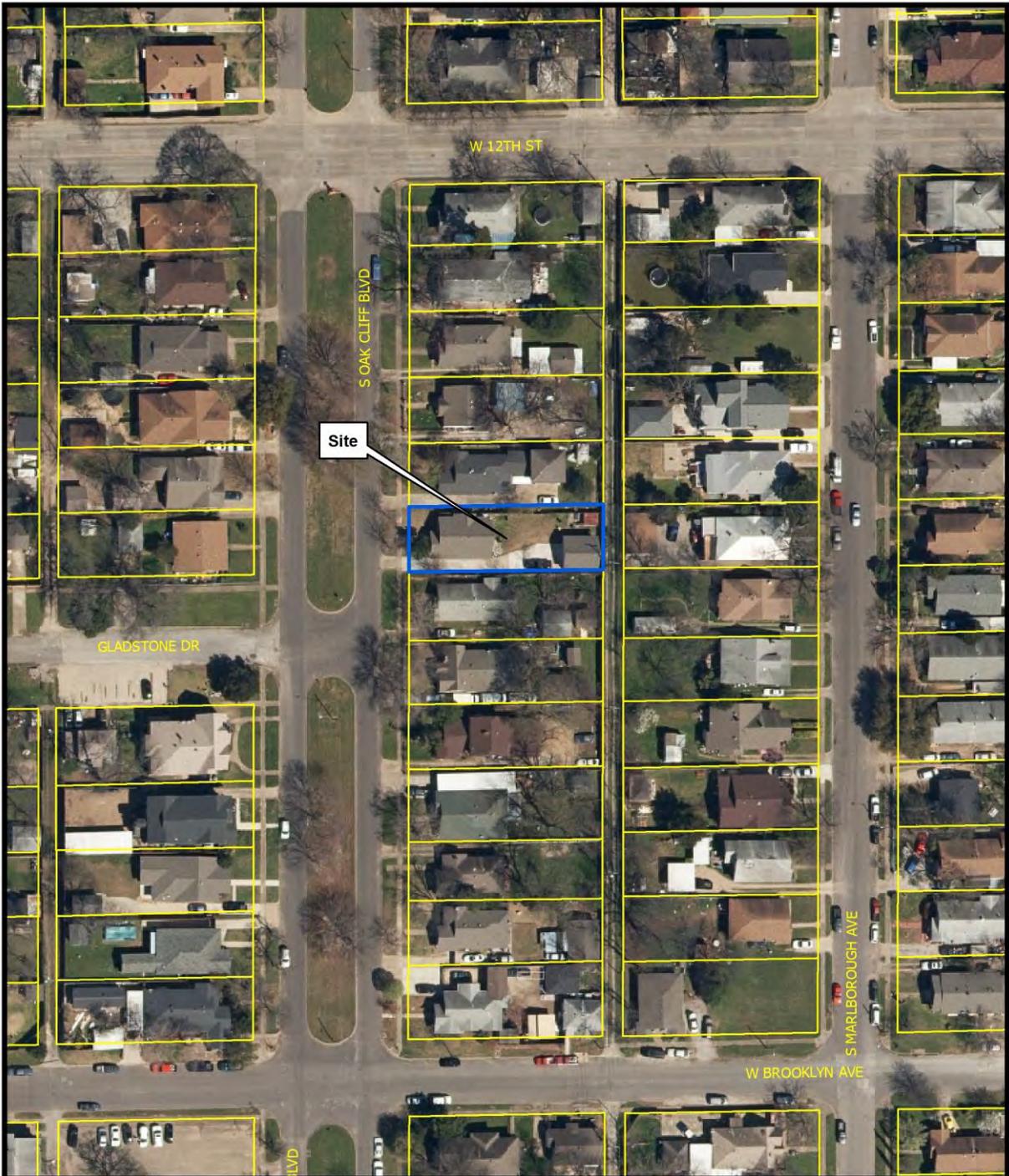
Dec. 28, 2021: The applicant provided additional evidence with renderings (**Attachment A**).




1:1,200

ZONING MAP

Case no: BDA201-121
Date: 12/22/2021

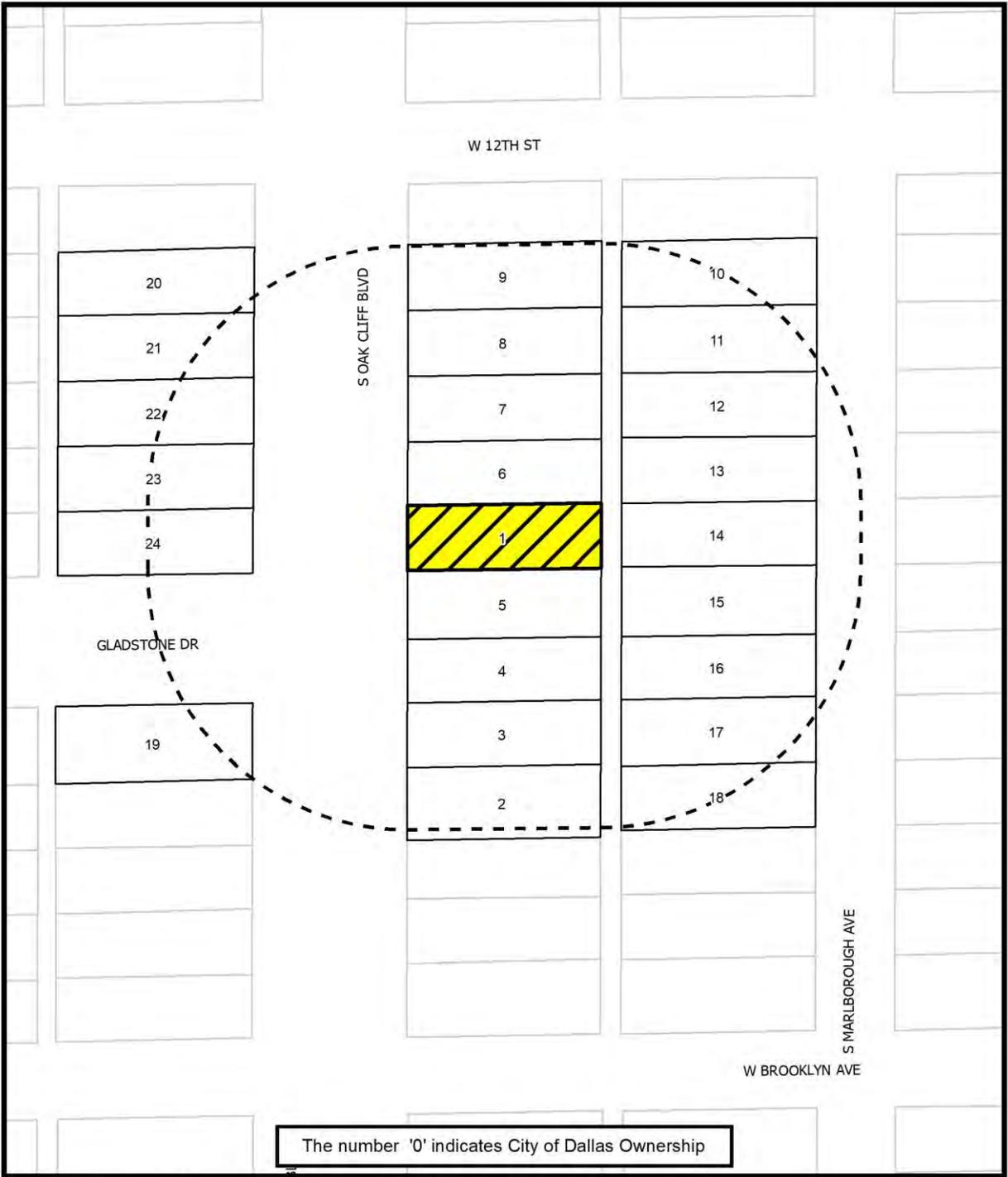


1:1,200

AERIAL MAP

Case no: BDA201-121

Date: 12/22/2021




 1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
24 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA201-121**
 Date: **12/22/2021**

12/22/2021

Notification List of Property Owners

BDA201-121

24 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	522 S OAK CLIFF BLVD	DIMAS FERNANDO
2	610 S OAK CLIFF BLVD	MENDOZA JUAN &
3	606 S OAK CLIFF BLVD	TILLERY JAMES WAYNE
4	602 S OAK CLIFF BLVD	LARAMENDEZ MARIA SILVIA
5	526 S OAK CLIFF BLVD	ROJAS JAMIE
6	518 S OAK CLIFF BLVD	MORALES CECILIA
7	514 S OAK CLIFF BLVD	ROCHA JOAQUIN
8	510 S OAK CLIFF BLVD	ESPINOZA DANIEL
9	506 S OAK CLIFF BLVD	LOUGH RALPH D
10	507 S MARLBOROUGH AVEDEROHWER	JONATHAN &
11	511 S MARLBOROUGH AVESUMMERALL	RICHARD VIRGIL
12	515 S MARLBOROUGH AVEWESTLAKE	LANSING &
13	517 S MARLBOROUGH AVEWILSON	HEATHER
14	521 S MARLBOROUGH AVEMONTELONGO	MARIA G &
15	525 S MARLBOROUGH AVEBALL	STEPHEN J
16	603 S MARLBOROUGH AVE	Taxpayer at
17	605 S MARLBOROUGH AVEENRIQUEZ	ANGEL & MARIA M
18	609 S MARLBOROUGH AVEWARREN	SHILYH &
19	601 S OAK CLIFF BLVD	EVANS CARL F SR &
20	507 S OAK CLIFF BLVD	LAWSON JAMES
21	511 S OAK CLIFF BLVD	BENITEZ ODILON
22	513 S OAK CLIFF BLVD	FERNANDEZ PRIMITIVO
23	519 S OAK CLIFF BLVD	VASQUES ANTONIO & MARIA G
24	523 S OAK CLIFF BLVD	ALVARADO MARY L



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-121

Data Relative to Subject Property:

Date: 10-21-2021 11-3-21 CD

Location address: 522 S. Oak Cliff Blvd. Zoning District: R7.5(A)

Lot No.: 8 Block No.: 20/3448 Acreage: .172 Census Tract: 52.00

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Fernando Dimas

Applicant: Fernando Dimas Telephone: 469-233-1449

Mailing Address: 522 S. Oak Cliff Blvd. Zip Code: 75208

E-mail Address: ferdimaz@gmail.com

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance, or Special Exception, of Front yard Setback of 7' for Front Porch. Required Setback is 25'. I will provide a 18' Setback + Encroach 7' SYSB of 2'6" + Provide 2'6" of the Reg 5' F.D.

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:

Front Porch extending into the front Setback. Built front porch because sun was causing damage to door and windows did not know about Setback

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 Fernando Dimas (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)

Subscribed and sworn to before me this 21st day of October, 2021

Cathy Patrick 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 Fernando Dimas

did submit a request for a variance to the front yard setback regulations, and for a variance exception to the side yard setback regulations at 522 S. Oak Cliff Blvd

BDA201-121. Application of Fernando Dimas for a variance to the front yard setback regulations, and for a variance to the side yard setback regulations at 522 S OAK CLIFF BLVD. This property is more fully described as Lot 8, Block 20/3448, and is zoned R-7.5(A), which requires a front yard setback of 25 feet and requires side yard setback of 5 feet. The applicant proposes to construct and maintain a single family residential structure and provide a 18 foot front yard setback, which will require a 7 foot variance to the front yard setback regulations, and to construct and maintain a single family residential structure and provide a 2 foot 6 inch side yard setback, which will require a 2 foot 6 inch variance to the side yard setback regulations. Referred to the Board of Adjustment in accordance with Section 51A-3.102(d)(10) of the Dallas Development Code, as amended, which states the power of the Board to grant variances.

Sincerely,

David Session
David Session, Building Official





Printed: 10/26/2021

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 | SPSP Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Dead Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | Shop Front Overlay |
| | | Height Map Overlay | |

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



8 BRIGHTON 500 600

14	15	16	17	18	19	20	21	22	23	24
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1900

3448/25										
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8 MARLBOROUGH 500 600

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

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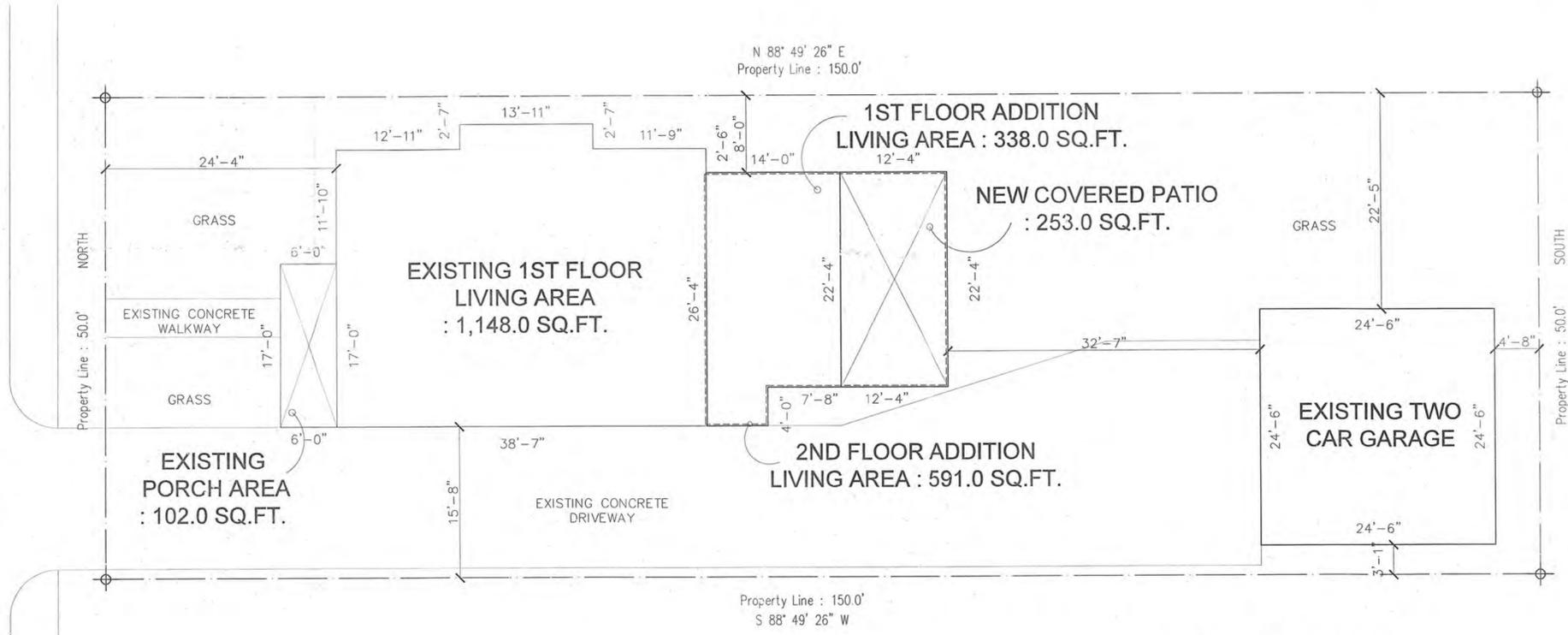
600

15 OAK CLIFF

15
3451

14
3451

522 S. OAK CLIFF BLVD



SITE PLAN

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

PROJECT DATA

PROJECT NAME: HOUSE ADDITION
 ADDRESS: 522 S, OAK CLIFF BLVD
 LOT No. : 8
 BLOCK No. : 20/3448

AREAS IN SQUARE FEET

EXISTING 1ST FLOOR LIVING AREA : 1,148.0 sq.ft.
 EXISTING PORCH AREA : 102.0 sqft.
 HOUSE ADDITION 1ST FLOOR : 338.0 sq.ft.
 NEW 2ND FLOOR LIVING AREA : 591.0 sq.ft.
 NEW COVERED PATIO AREA : 253.0 sq.ft.



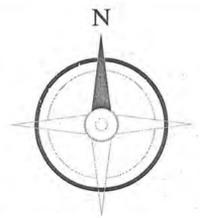
Martinez Design, LLC
 Tel. : 972-891-4160
 Tel. : 972-871-2512
 martinezb73@hotmail.com

GENERAL NOTES

1. THE GENERAL CONTRACTOR/BUILDER SHALL EXAMINE AND VERIFY THE ACCURACY OF ALL DIMENSIONS AND CONDITIONS OF THESE PLANS/DOCUMENTS AND SHALL NOTIFY OWNER OF ANY DISCREPANCIES AND/OR OMISSIONS PRIOR TO THE START OF CONSTRUCTION.
2. THESE PLANS ARE INTENDED FOR THE GENERAL RESIDENTIAL CONSTRUCTION PURPOSES ONLY AND ARE NOT EXHAUSTIVELY DETAILED OR FULLY SPECIFIED.
3. THE GENERAL CONTRACTOR SHALL SUPERVISE CONSTRUCTION AND IT SHALL BE RESPONSIBILITY TO SELECT, VERIFY, RESOLVE, AND INSTALL ALL EQUIPMENT AND MATERIALS AND TO CONTROL THE QUALITY THEREOF.
4. ALL WORK PERFORMED ON THIS PROJECT SHALL MEET OR EXCEED THE CURRENT EDITION OF THE UNIFORM BUILDING CODE AND ALL APPLICABLE STATE AND LOCAL ORDINANCES, CODE, AND REGULATIONS.
5. IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO PROVIDE ANY ENGINEERING NECESSARY TO THE STABILITY OF THE STRUCTURE(S) OF THE PROJECT. FURTHERMORE IT RECOMMENDS THAT THESE PLANS SHALL BE REVIEWED BY A QUALIFIED PROFESSIONAL ENGINEER AND TOPOGRAPHIC SPECIALIST

SQUARE FOOTAGE

Area	Square Footage



Project Name:

HOUSE ADDITION

Project Address:

522 S. OAK CLIFF BLVD.
DALLAS, TX 75208

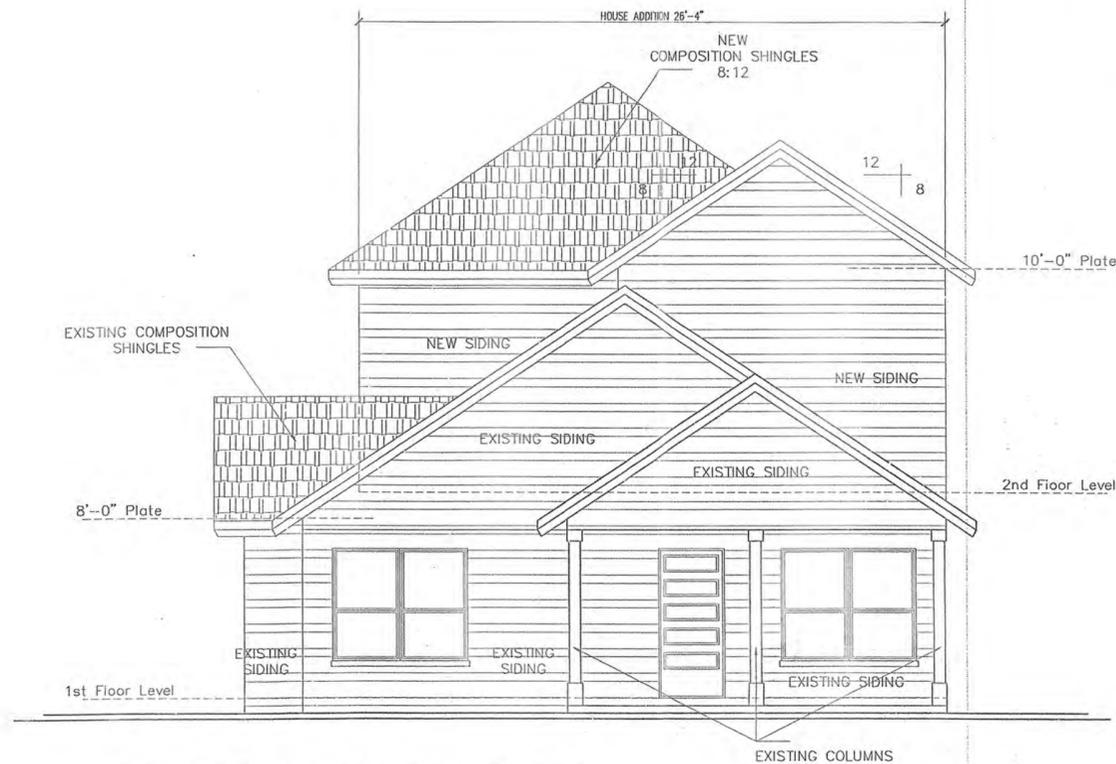
Plan Name:
SITE PLAN
EXISTING FLOOR PLAN

Project #: 010721 Drawn By: JAM

Date: 01-07-2021 Scale: 3/32" = 1'-0"

Sheet #: 1 of 10

201
121



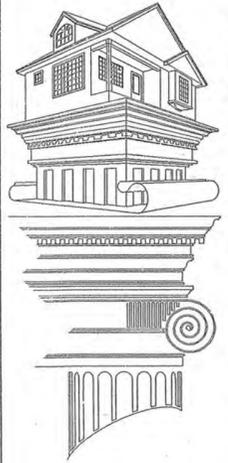
FRONT ELEVATION

SCALE :3/16" = 1'-0"



LEFT ELEVATION

SCALE :3/16" = 1'-0"

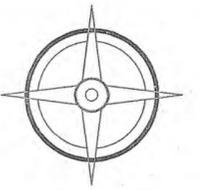


Martinez Design, LLC
Tel.: 972-891-4160
Tel.: 972-871-2512
martinez07@hotmail.com

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SQUARE FOOTAGE



Project Name:

HOUSE ADDITION

Project Address:

**522 S. OAK CLIFF BLVD.
DALLAS, TX 75208**

Plan Name:

ELEVATIONS

Project #: **010721** Drawn By: **JAM**

Date: **01-07-2021** Scale: **3/16" = 1'-0"**

Sheet #: **9** of: **10**

20
121

522 S. Oak Cliff Blvd.

1) Zoning is R7.5A requires a lot to be a minimum of 7,500 square feet
My lot is only 7,467 square feet

2) Average structure size is 2,718 square feet
My structure is only 1,148 square feet
Average lot size is 7,877 square feet
My lot is only 7,467 square feet

311 S. Oak Cliff Blvd.	7,524 lot	2,484 Structure
526 S. Oak Cliff Blvd.	7,888 lot	1,280 Structure
601 S. Oak Cliff Blvd.	8,970 lot	5,484 Structure
615 S. Oak Cliff Blvd.	7,532 lot	1,760 Structure
515 S. Marlborough Ave	7,474 lot	2,585 Structure



Printed: 10/26/2021

Legend

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

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



FILE NUMBER: BDA201-124(PD)

BUILDING OFFICIAL'S REPORT: Application of Mark Canty for a variance to the off-street parking regulations at 6407 Anita Street. This property is more fully described as Lot 2, Block B/2968, and is zoned an R-7.5(A) Single Family District, which requires a parking space to be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct and maintain a residential accessory structure with a setback of nine-feet-six-inches which will require a variance of ten-feet-six-inches to the off-street parking regulations.

LOCATION: 6407 Anita Street

APPLICANT: Mark Canty

REQUEST:

A request for a variance to the off-street parking regulations of ten-feet-six-inches is made to construct and maintain a residential accessory structure (garage with storage) with a setback of nine-feet-six-inches in lieu of the 20-foot setback requirement.

STANDARD FOR A VARIANCE:

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

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

State Law/HB 1475 effective 9-1-21

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required and an automatic garage door must be installed and maintained in working order at all times.

Rationale:

Staff concluded that the subject site is unique and different from most lots in the R-7.5(A) Single Family District considering its restrictive lot area of 8,750 square feet. The applicant submitted documents (**Attachment A thru G**) comparing the minimum lot size and total floor area ratio for all structures, of ten properties within the same zoning district. Per the comparative analysis, the average lot area is 13,414 square feet and the average floor area ratio for structures is 3,388 square feet while the subject site is reported as containing an approximate floor area ratio of 2,055 square feet. Thus, the restrictive area of the subject site ensures that the site cannot be developed in a manner commensurate with development upon other parcels of land with the same zoning.

The Transportation Development Services Department Senior Engineer reviewed the information provided for review and has a recommendation of “no objection” to the request. (**Attachment H**).

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	R-7.5(A) Single Family District
<u>North:</u>	Planned Development District No. 79
<u>East:</u>	R-7.5(A) Single Family District
<u>South:</u>	R-7.5(A) Single Family District
<u>West:</u>	R-7.5(A) Single Family District

Land Use:

The subject site and surrounding properties to the east, south, and west are developed with single family uses. The property immediately adjacent to the north is developed with retail uses.

Zoning/BDA History:

There have not been any related board or zoning cases in the immediate vicinity within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

This request for a variance to the off-street parking regulations focuses on constructing and maintaining a one-story, two-car garage with a storage area (an enclosed area) that would be located nine-feet-eight-inches from the property line adjacent to the improved alley, into the required 20-foot distance requirement on a property developed with a one-story single-family dwelling unit.

Section 51(A)-4.301(a)(9) of the Dallas Development Code states that a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from a street or alley.

According to DCAD records, the “main improvements” consist of an approximately 2,055-square-foot one-story dwelling unit and “additional improvements” consist of an approximately 240-square-foot structure titled “detached quarters” and an approximately 400-square-foot detached garage for the subject property.

The subject site is flat, rectangular in shape and, according to the submitted application, 8,750 square feet in lot area whereas the minimum lot area for an R-7.5(A) Single Family District is 7,500 square feet.

The applicant provided evidence (**Attachment A thru G**) representing a comparative analysis of 10 properties within the same zoning district. The analysis compared the total floor area ratios of the main structures, the total floor area ratios of accessory structures/garages, and the total floor area of all structures combined on these properties.

The analysis proved that the site provides a delta of 1,333 square feet total floor area for the main structure and a delta of 1,147 square feet overall for all structures combined on the ten comparative lots.

The Transportation Development Services Department Senior Engineer reviewed the information provided and has a recommendation of “no objection” to the request. **(Attachment H)**.

- The applicant has the burden of proof in establishing the following:
- That granting the variance to the off-street parking regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- The variance is necessary to permit development of 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.

The board may also consider the new criteria for unnecessary hardship and how they relate to the proposed structure and/or existing main structure constraints.

As of December 29, 2021, three letters have been submitted in support of and no letters have been submitted in opposition to the request.

If the board were to grant the request for a variance for an enclosed garage to be located nine-feet-six-inches from the right-of-way line adjacent to a street or alley into the required 20-foot setback, staff recommends imposing the following conditions:

1. Compliance with the submitted site plan is required.
2. An automatic garage door must be installed and maintained in working order at all times.

However, granting the variance request will not provide any further relief to the Dallas Development Code regulations (i.e. development on the site must meet all other code requirements).

Timeline:

November 10, 2021: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

November 23, 2021: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.

December 14, 2021: The 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 December 29, 2021 deadline to submit additional evidence for staff to factor into their analysis; and the January 7, 2022 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.

Dec. 27, 2021: The applicant provided additional evidence to staff (**Attachments A-G**).

Dec. 30, 2021: 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 Planning and Urban Design Interim Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Development Code Specialist, the Senior Sign Inspector, the Transportation Senior Engineer, the Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board. No review comment sheets were submitted in conjunction with this application.

Dec. 31, 2021: The Senior Engineer submitted a review comment sheet (**Attachment H**).

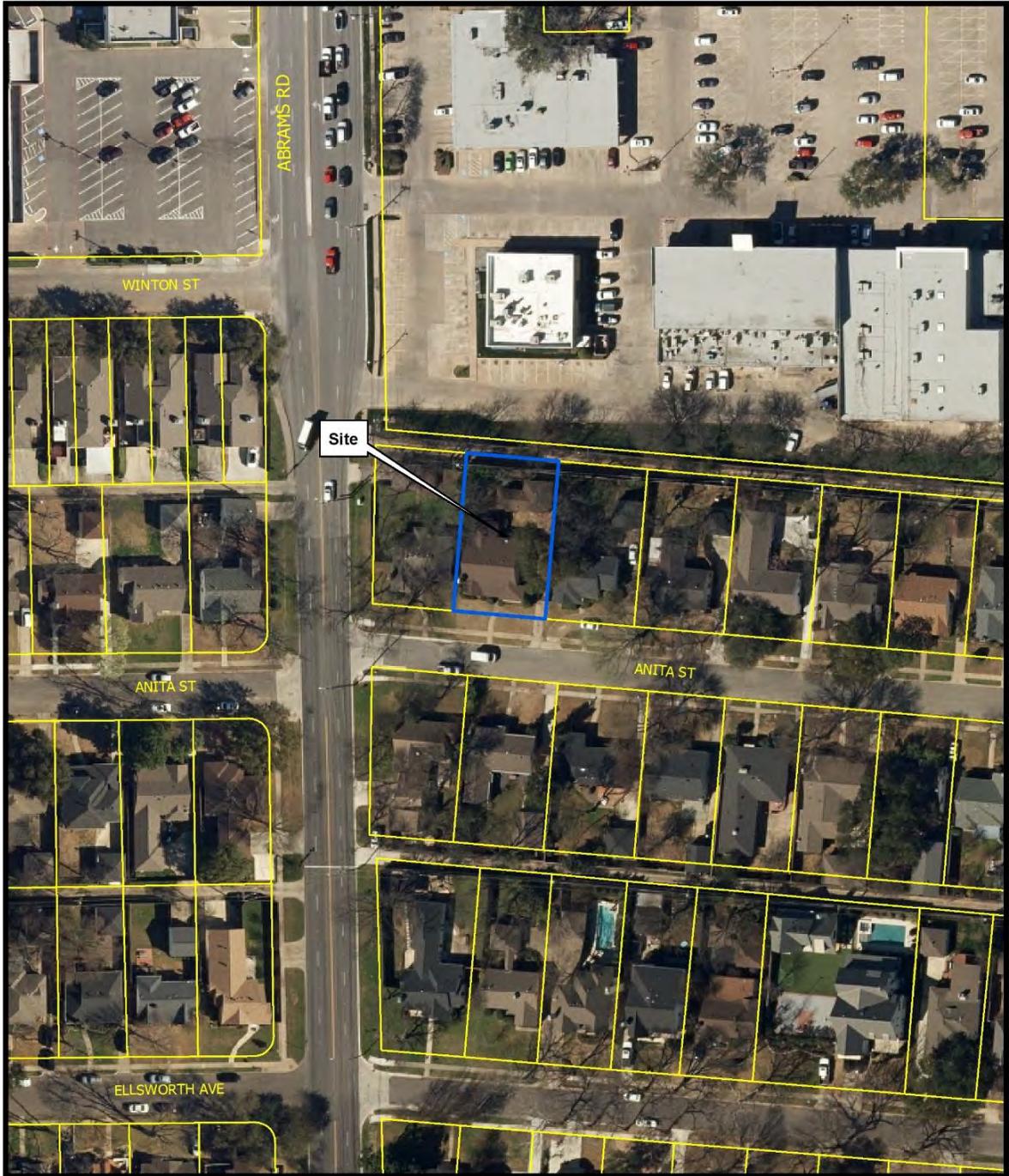


1:1,200

ZONING MAP

Case no: BDA201-124

Date: 12/22/2021

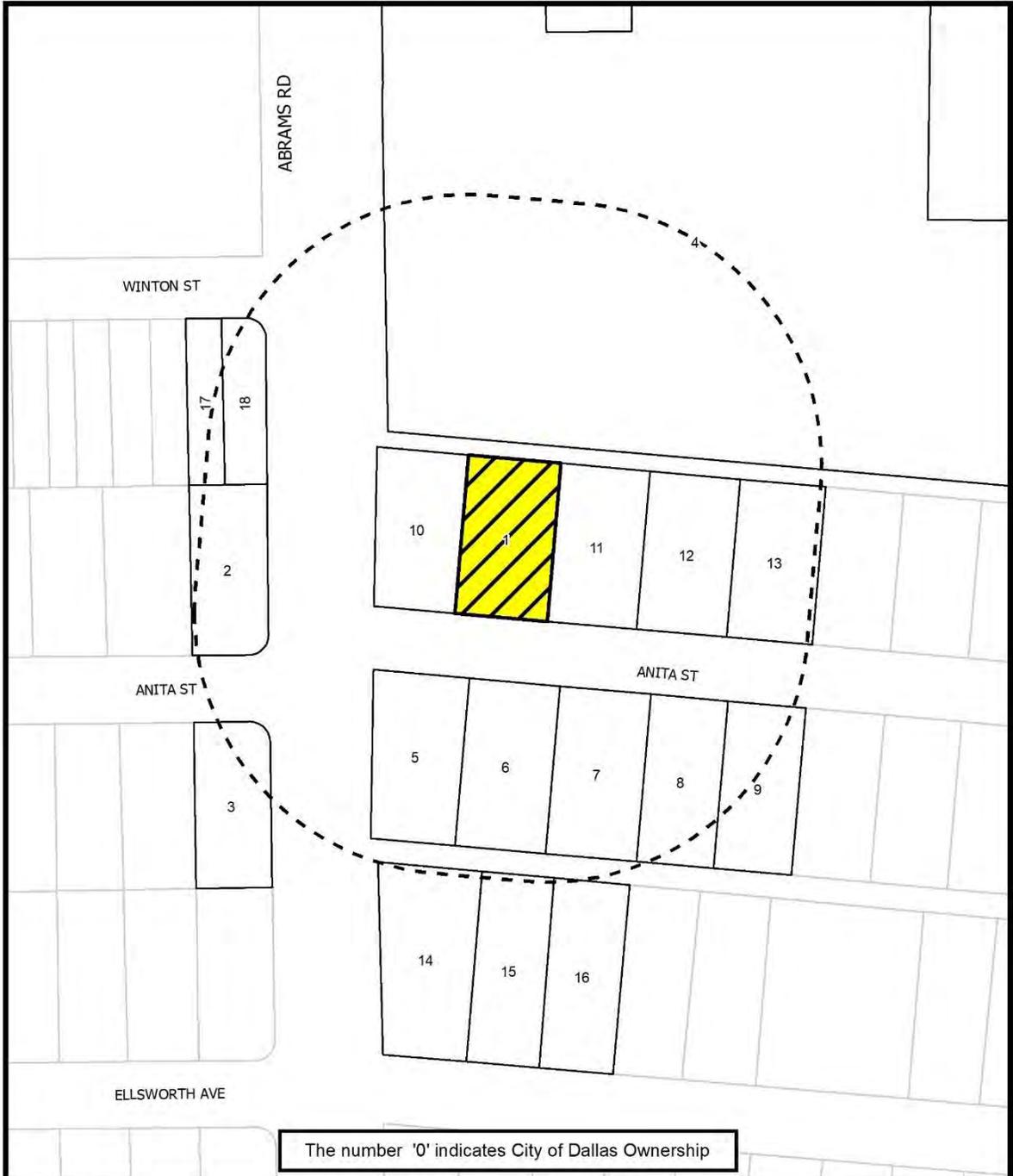


1:1,200

AERIAL MAP

Case no: BDA201-124

Date: 12/22/2021



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

18

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA201-124**

Date: **12/22/2021**

12/22/2021

Notification List of Property Owners

BDA201-124

18 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6407 ANITA ST	CANTY MARK
2	6347 ANITA ST	CRAWFORD CAMERON JASON P &
3	6346 ANITA ST	GRUBER REBECCA D
4	6444 E MOCKINGBIRD LN	MOCKINGBIRD SQUARE LTD
5	6402 ANITA ST	JOHNSON GARRETT
6	6406 ANITA ST	WATSON CHRISTINA M
7	6414 ANITA ST	HATCHER MATTHEW NICHOLAS
8	6418 ANITA ST	DONOVAN PATRICK T &
9	6422 ANITA ST	BREM NORMAN A & EMMA L
10	6403 ANITA ST	EWJ TRUST 1
11	6411 ANITA ST	TARANGO KENNETH
12	6419 ANITA ST	SHERMAN JULIE &
13	6423 ANITA ST	BEST DOUGLAS DIXON &
14	6403 ELLSWORTH AVE	HOPPER MARK E & MEGAN M
15	6409 ELLSWORTH AVE	SHEERIN JULIA HELM
16	6411 ELLSWORTH AVE	PEDEN SALLY
17	6342 WINTON ST	NATHO SHEILA N
18	6344 WINTON ST	AUST BONNELLE LEIGH



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-124

Date: 10/04/2021 11-10-21

Data Relative to Subject Property:

Location address: 6407 Anita St, Dallas, TX 75214 Zoning District: R7.5(A)

Lot No.: 2 Block No.: B/298 Acreage: 0.2 Census Tract: 80

Street Frontage (in Feet): 1) 70 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): MARK COUNTY

Applicant: MARK COUNTY Telephone:

Mailing Address: 6407 Anita Street Dallas, TX Zip Code: 75214

E-mail Address: markandrewcounty@gmail.com

Represented by: N/A Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance, or Special Exception, of rebuild garage and adjacent storage unit (400 sq ft) keep det. line of from house. Existing foundation and driveway will be used.

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: City of Dallas approved driveway already of less than 20 ft (see permit). Had detached garage and storage unit but was water damaged in ice storm. Had to take down due to mold concerns. Storage unit will be less than 25% of main house. Electricity only (no water).

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.

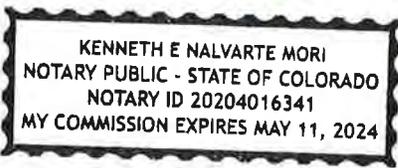
Affidavit

Before me the undersigned on this day personally appeared MARK COUNTY (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 09 day of October, 2021



(Rev. 08-01-11)

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

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 MARK CANTY

did submit a request for a variance to the off-street parking regulations
at 6407 Anita Steet

BDA201-124. Application of MARK CANTY for a variance to the off-street parking regulations at 6407 ANITA ST. This property is more fully described as Lot 2, Block B/2968, and is zoned R-7.5(A), which requires a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct a single family residential accessory structure with a setback of 9 feet 6 inch, which will require a variance of 10 feet 6 inch to the off-street parking regulations.

Sincerely,


David Session, Building Official



Printed: 11/10/2021

Legend

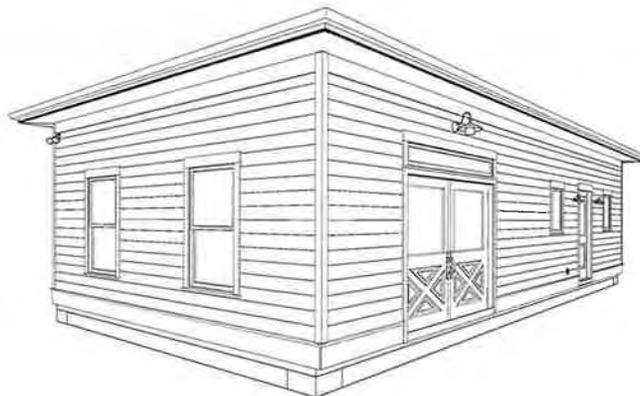
- City Limits
- School
- Floodplain
- 100 Year Flood Zone
- Mill's Creek
- Peak's Branch
- X Protected by Levee
- Parks
- railroad
- Certified Parcels
- Base Zoning
- PD193 Oak Lawn
- Dallas Environmental Corridors
- SPSP Overlay
- Deed Restrictions
- SUP
- Dry Overlay
 - D
 - D-1
 - QP
 - SP
 - MD Overlay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

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Reference Only

PROPOSED



PROPOSED GARAGE/WORKSHOP
RENOVATION

EXISTING HOME



CONCRETE DRIVE
REMOVED



NO.	DESCRIPTION	REV.	DATE

SHEET TITLE:
PROPOSED FLOOR PLAN

PROJECT DESCRIPTION:
Canty_4a draft
6407 AMITA STREET
DALLAS, TX 75214

DRAWINGS PROVIDED BY:
LI Designs
10031 Colshire Dr.
Dallas, Texas 75217
978-314-9219

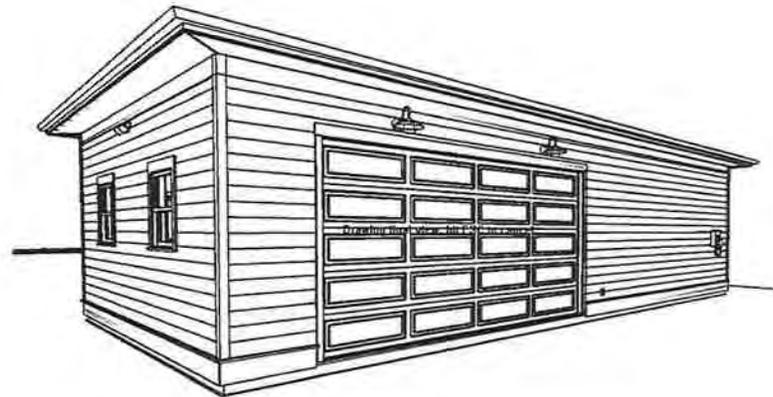
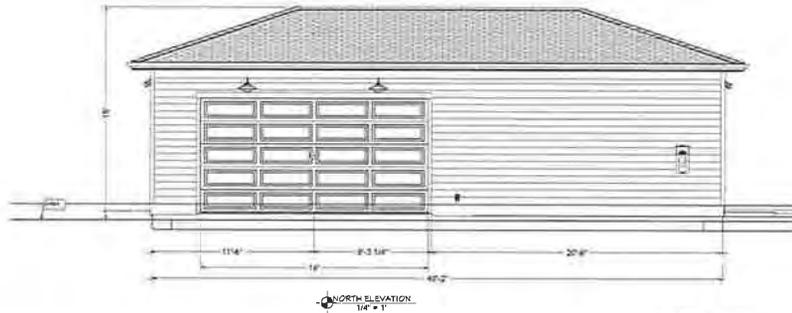
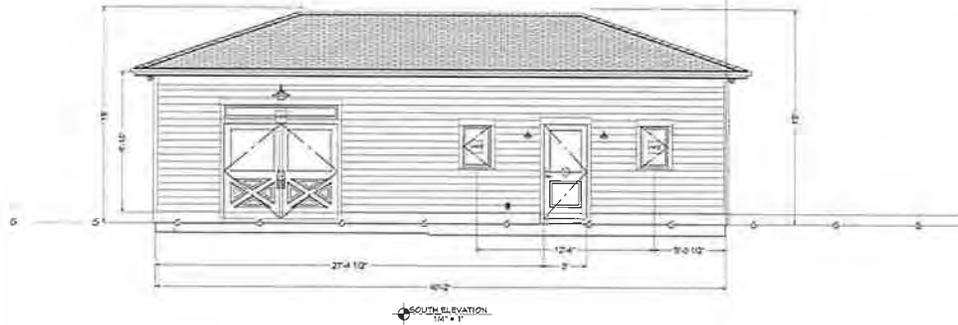
DATE:
9/12/2021

SCALE:
1/4" = 1'

SHEET:
A-1

ALL NEW WINDOWS WILL
HAVE A U-VALUE OF .35 AND
AN SHGC OF .22

Reference only.



NO.	DESCRIPTION	BY	DATE

SHEET TITLE:
EXTERIOR ELEVATIONS

PROJECT DESCRIPTION:
Canty_4a draft
6407 ANITA STREET
DALLAS, TX 75214

DESIGNED BY:
LI Designs
6831 Colwood Dr
Dallas, Texas 75217
978-314-9219

DATE:	9/12/2021
SCALE:	1/4" = 1'
SHEET:	SE-1

ALL NEW WINDOWS WILL
HAVE A U-VALUE OF .35 AND
AN SHGC OF .22



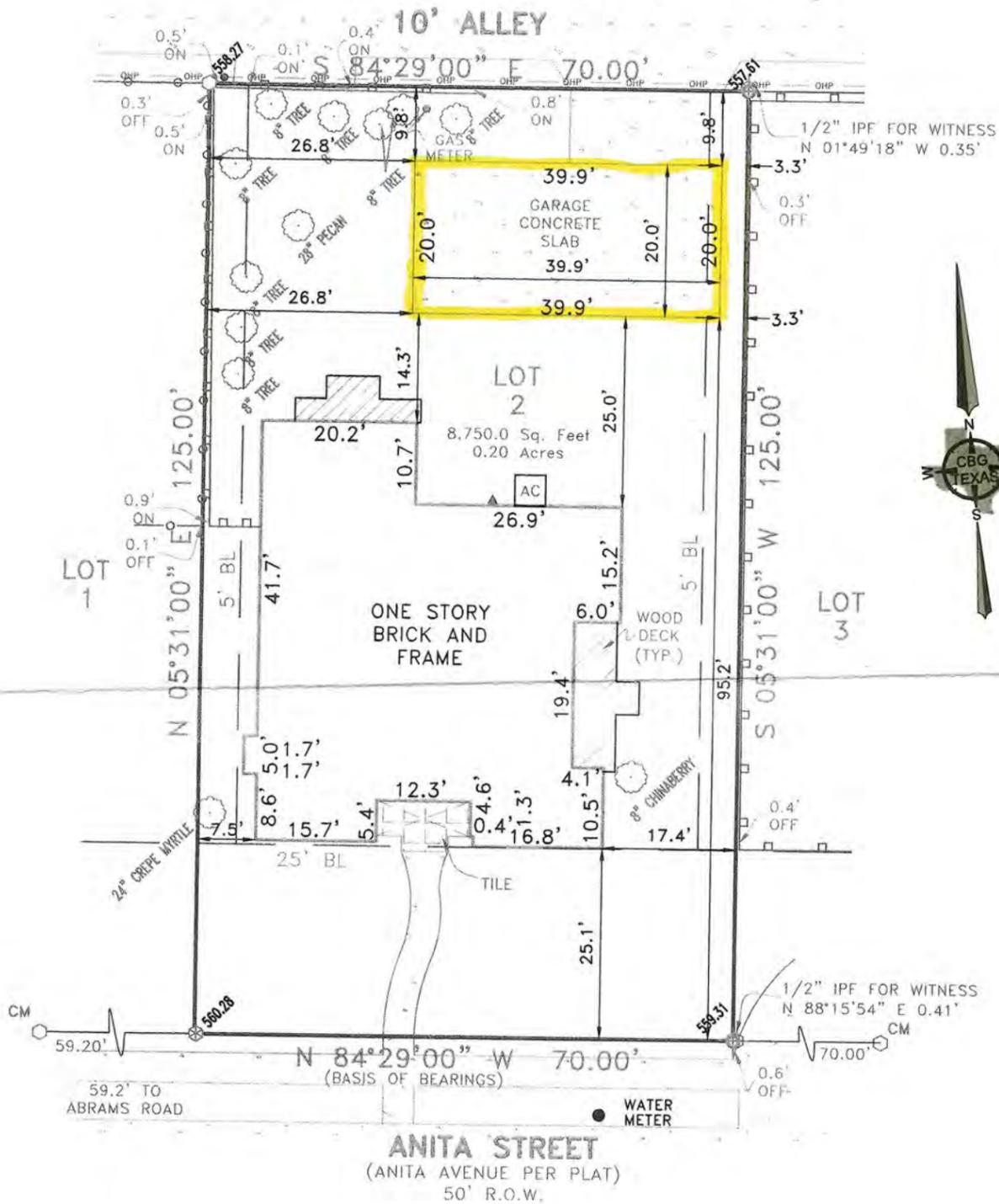
6407 Anita Street

Being Lot 2, in Block B/2968, of ANITA HEIGHTS, an Addition to the City of Dallas, Dallas County, Texas, according to the Map thereof recorded in Volume 8, Page 379, of the Map Records of Dallas County, Texas.



LEGEND

- 1/2" ROD FOUND
- ⊗ 1/2" ROD SET
- 1/2" PIPE FOUND
- ⊗ "X" FOUND/SET
- ⊗ 1" PIPE FOUND
- ◆ POINT FOR CORNER
- FENCE POST FOR CORNER
- CM CONTROLLING MONUMENT
- AC AIR CONDITIONER
- PE POOL EQUIPMENT
- TE TRANSFORMER PAD
- COLUMN
- POWER POLE
- ▲ UNDERGROUND ELECTRIC
- △ OVERHEAD ELECTRIC
- OHP— OVERHEAD ELECTRIC POWER
- OES— OVERHEAD ELECTRIC SERVICE
- CHAIN LINK
- WOOD FENCE 0.5' WIDE TYPICAL
- |— IRON FENCE
- X— BARBED WIRE
- DOUBLE SIDED WOOD FENCE
- //— EDGE OF ASPHALT
- ▲— EDGE OF GRAVEL
- CONCRETE
- COVERED AREA
- BRICK
- STONE



EXCEPTIONS:

NOTE: This survey is made in conjunction with the information provided by the client. CBG Surveying Texas, LLC has not researched the land title records for the existence of easements, restrictive covenants or other encumbrances.

REVISED SURVEY
ADDED TIES ON EXISTING
REAR GARAGE CONCRETE SLAB. - OM 05/14/2021

NOTES:

NOTE: BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.

FLOOD NOTE: According to the F.I.R.M. No. 48113C0335K this property does lie in Zone X and does not lie within the 100 year flood zone.

This survey is made in conjunction with the information provided by The Client. Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. This is to certify that I have on this date made a careful and accurate survey on the ground of the subject property. The plat hereon is a correct and accurate representation of the property lines and dimensions as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, there are no visible and apparent encroachments or protrusions on the ground.

201-124

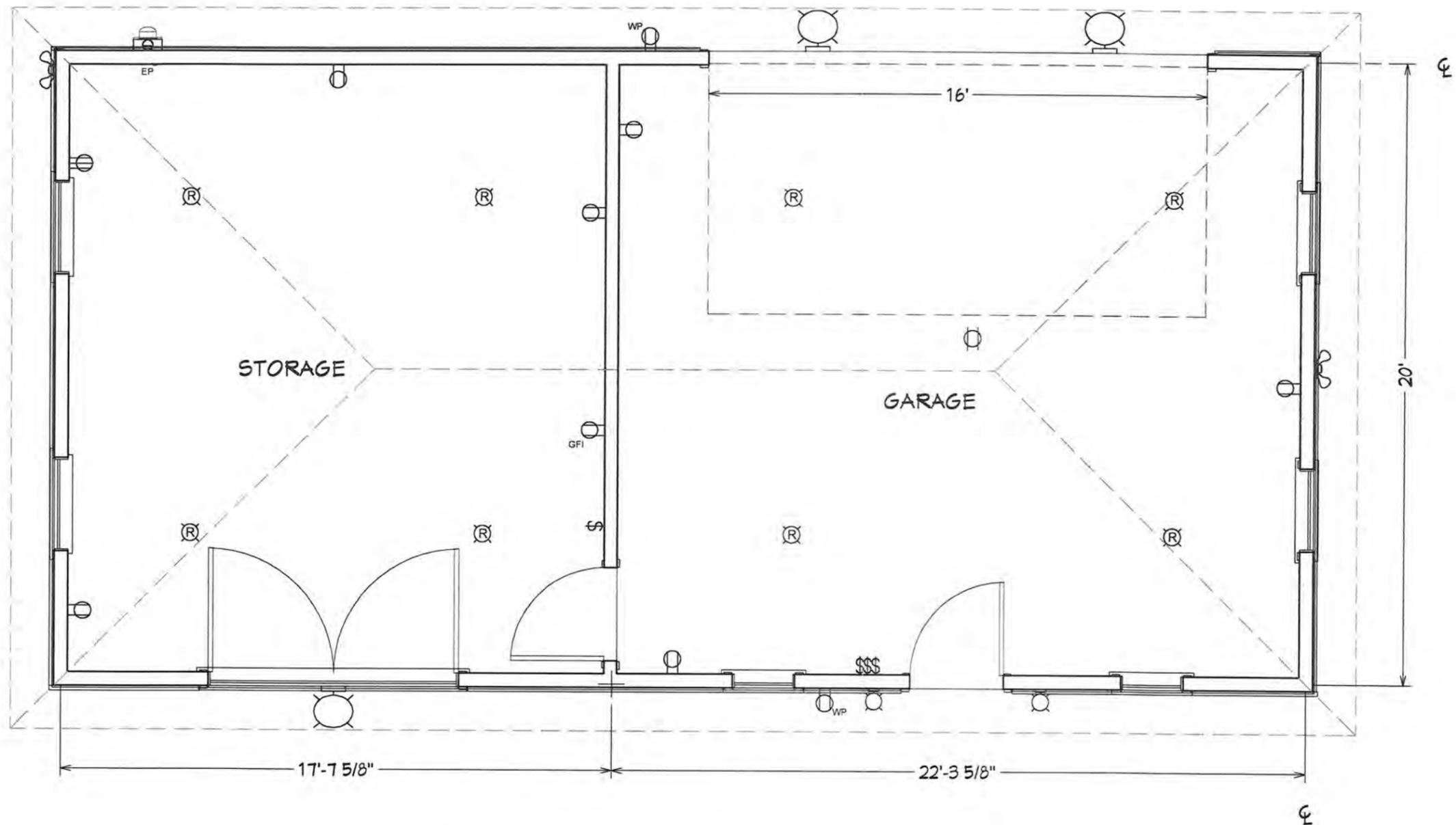
Date: _____

Accepted by: _____
Purchaser
Purchaser

Drawn By: OM
Scale: 1" = 20'
Date: 05/12/2021
GF No.: GFN
Job No. 2108968

CBG
SURVEYING TEXAS LLC
PROFESSIONAL LAND SURVEYORS
12025 Shiloh Road, Ste. 240
Dallas, TX 75228
P 214.349.9485
F 214.349.2216
Firm No. 10168800
www.cbgtxllc.com





FLOOR PLAN-7
1/4" = 1'



201
124



LI DESIGNS
www.lidesignsDBC.com
978-314-9219

MARK CANTY
ANITA STREET GARAGE

SCALE	DWG #	DATE
	1A DRAFT	03/24/21

To the best of my knowledge these plans are drawn to comply with owner's and/or builder's specifications and any changes made on them after prints are made will be done at the owner's and / or builder's expense and responsibility. The contractor shall verify all dimensions and enclosed drawing. LI Designs is not liable for errors once construction has begun. While every effort has been made in the preparation of this plan to avoid mistakes, the maker can not guarantee against human error. The contractor of the job must check all dimensions and other engineering details prior to construction and be solely responsible thereafter.

BDA201-124_ATTACHMENT_A

Variance request

Mr. Mark Canty

Address:

6407 Anita Street
Dallas, TX 75214

RE: Summary of situation and need for variance request

Before applying for a building permit:

- Existing 72-year-old garage+dwelling was detached from the house
- Garage+dwelling was in poor condition and needed major renovations
- Ice storm in Dallas caused severe damage to detached garage, including leaking water heater and broken water line leading to the toilet.
- Although Baker Brothers plumbing company removed the leaking water heater and fixed the copper water supply lines, there was extensive damage
- Decided to update the garage+dwelling, discussed project and received quotes from the following professionals to ensure the project was completed properly:
 - Driveway: Patio Doctor
 - Building design: LI Designs
 - Engineering report: Bedrock Foundation
 - Property survey: CBG Surveying
 - Plumbing: Dallas Plumbing
 - Electrical: NTX Electric
- Received permit from the City of Dallas on March 4, 2021 to remove my front entrance driveway and move the entrance to the back ally
 - Project was completed and approved by the City of Dallas
- Received building design, survey, and engineering report
- Engineer added foundation footers on existing foundation for support per the engineering recommendation

Permit process:

- Applied for a permit to rebuild existing 800 sq. ft. garage and attached dwelling
 - Electronic submission only via ProjectDox since COVID restrictions
- No response from the permitting office received for over 2 months
- While waiting for a response from the permit office, mold began to expand throughout the garage+dwelling from the water damage related to the ice storm
- Caused major health concerns from the mold. Unaware at the time we would lose our non-confirming status if we demolished the garage+dwelling. We hired a contractor to demolish the building
 - Meanwhile, we received no responses from the permit office regarding our permit and couldn't get in touch with an examiner after several attempts

- Permit office eventually contacted us regarding our permit, but indicated our initial design would need several variances (height above 15 feet, two stories, expanded foundation to 1,000 sq ft, and larger dwelling)
- We simplified our requested permit design so the process could be completed easily and mirror the prior building structure: new design was a simple garage+storage unit on the existing foundation (no expansion)
- Permit office agreed that process would be easier with updated design
- Permit office inspected property; we were informed we were not allowed to demolish the property until a permit had been approved
- We informed the permit office of the water damage and related mold, but they asked us to file a variance

Variance process and request:

- Since our design had been simplified, only one variance is needed
 - Driveway of less than 20 ft
- Ironically, the variance we need is for the same driveway that was recently permitted and approved by the City of Dallas permit office in March 2021.
- Since the building had been demolished, the permit office mentioned we needed to reapply for our driveway permit via a variance prior to re-building
- Worked with Charles Trammell in the Variance department for the City of Dallas to get paperwork and apply for a variance
 - Organized and submitted documents (e.g., design, survey, engineering report)
 - Paid fee for variance

BDA201-124_ATTACHMENT_B

	Main house	Detached garage/dwelling	Attached garage/dwelling	Total structure	Lot size	Lot size (-) total structure	Lot size/ total structure
6407 Anita Street	2,055	800	0	2,855	8,750	5,895	3.1x

COMPARABLE HOMES/LOTS

6719 Anita Street	4,503	0	862	5,365	12,540	7,175	2.3x
4205 Briar Creek Ln	2,396	0	804	3,200	13,449	10,249	4.2x
6610 Yosemite Ln	2,139	681	0	2,820	11,861	9,041	4.2x
6503 Blue Valley Ln	4,868	0	590	5,458	17,920	12,462	3.3x
6501 Blue Valley Ln	1,964	0	376	2,340	12,969	10,629	5.5x
6694 Yosemite Ln	1,430	400	0	1,830	13,334	11,504	7.3x
6539 Ellsworth Ave	4,381	0	632	5,013	9,871	4,858	2.0x
6643 Blue Valley Ln	2,945	0	576	3,521	14,400	10,879	4.1x
6539 Ellsworth Ave	4,381	0	632	5,013	9,871	4,858	2.0x
6503 Blue Valley Ln	4,868	0	590	5,458	17,920	12,462	3.3x
AVERAGE	3,388	108	506	4,002	13,414	9,412	3.4x

Source: GIS map and Appraisal District websites at City of Dallas





CLICK HERE
TO REMOVE
7/8"

NIZA
PRO



Manage my claim | Claim #044830333

Claim filed | Claim setup | Speed up | In review | Payments
your claim

December 27, 2021

Status update: A payment was made on March 15, 2021. Please allow 3-5 days to receive it.

If you have additional information to provide SHARIDY BURKE, please upload it now.

[View payment information](#)

[Upload additional information](#)

View your claims details:

Payments

[Close](#)

April 8, 2021*

Amount	Paid to
\$750	MARK CANTY

Address
6407 ANITA ST,
DALLAS, TX 75214-2705

Delivery details
The payment should arrive within 5-7 business days via US Postal Service.

[Explanation of payment](#)

Enclosed is payment for sheetrock

*All times and dates are displayed and adjusted for Eastern Time (ET).

March 24, 2021*

Amount	Paid to
\$1283.62	MARK CANTY

Address
6407 ANITA ST,
DALLAS, TX 75214-2705

Delivery details
The payment should arrive within 5-7 business days via US Postal Service.

[Explanation of payment](#)

Payment for Baker Brother's Invoice., Thank you for insuring with Liberty Mutual.

*All times and dates are displayed and adjusted for Eastern Time (ET).

March 15, 2021*

Amount	Paid to
\$284.50	MARK CANTY

Address
6407 ANITA ST,
DALLAS, TX 75214-2705

Delivery details
The payment should arrive within 5-7 business days via US Postal Service.

[Explanation of payment](#)

Thank you for insuring with Liberty Mutual., Payment for hotel stay.

*All times and dates are displayed and adjusted for Eastern Time (ET).

March 15, 2021*

Amount	Paid to
\$7171.52	MARK CANTY & PNC Bank, National Association

Address
6407 ANITA ST,
DALLAS, TX 75214-2705

Delivery details
The payment should arrive within 5-7 business days via US Postal Service.

[Explanation of payment](#)

This payment reflects the estimated cost of repairs after consideration of recoverable depreciation and your policy deductible., Thank you for insuring with Liberty Mutual.

*All times and dates are displayed and adjusted for Eastern Time (ET).

- [Policies](#)
- [Billing](#)
- [Claims](#)
- [Profile](#)
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Details

Trades

Documents

Zoning Info

Property

Street Address

[View](#) 6407 ANITA ST

Status: Work Completed

Application Date: Mar 4, 2021

Issue Date: Mar 4, 2021

Completed Date: Mar 31, 2021

Applicant

JOHNARY DE LA GARZA

Contractor

PATIO DOCTOR
1600 TRENT DR
ARLINGTON, TX 76010
(682) 333-8613

Owner Category: PRIVATE

Fee Web Contractor:

Work Description: 1101-INSTALL DRIVE APPROACH AND CITY WALK

Land Use Description: SINGLE FAMILY DWELLING

Project

Doing business as:

Activity: (B) Alteration

Occupancy: (None)

Selling Alcohol:

Dwelling Units:

Constr. Type: (None)

Dance Floor:

Stories:

Bedrooms:

Bathrooms:

New:

New: \$10,000.00

Sprinkler: (None)

Remodel:

Remodel:

Required Parking:

Total:

Job Value: \$10,000.00

Proposed Parking:

CA Not Required:

Subdivision not Required:

BDA201-124_ATTACHMENT_H

REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING OF JANUARY 18, 2022 (A)

Has no objections

Has no objections if certain conditions
are met (see comments below or attached)

Recommends denial
(see comments below or attached)

No comments

BDA 201-121(PD)

BDA 201-122(PD)

BDA 201-124 (PD)

BDA 201-125 (JM)

COMMENTS:

David Nevarez, PE, PTOE, TRN/Engineering

Name/Title/Department

12/31/2021

Date

Please respond to each case and provide comments that justify or elaborate on your response. Dockets distributed to the Board will indicate those who have attended the review team meeting and who have responded in writing with comments.

Jackson, Latonia

From: Trammell, Charles
Sent: Monday, December 13, 2021 11:18 AM
To: Jackson, Latonia
Cc: Munoz, Jennifer; Daniel, Pamela
Subject: FW: Variance support request - 6407 Anita St
Attachments: City of Dallas - Permits issued and complete.PNG; Garage design - 6407 Anita Street.pdf

Hi Team,
Please see the support for the above listed address.
Thanks,



Charles Trammell
Sr. Plans Examiner
City of Dallas | DallasCityNews.net
Sustainable Development & Construction
Building Inspection
320 E. Jefferson Blvd Rm 105
Dallas, TX 75201
O: 214-948-4618
Charles.Trammell@dallascityhall.com



****OPEN RECORDS NOTICE: This email and responses may be subject to the Texas Open Records Act and may be disclosed to the public upon request. Please respond accordingly.****

From: Hatcher, Matthew <[REDACTED]>
Sent: Sunday, December 12, 2021 1:49 PM
To: Mark Canty <[REDACTED]>
Cc: Trammell, Charles <charles.trammell@dallascityhall.com>
Subject: Re: Variance support request - 6407 Anita St

External Email!

Hi Mark,

Thanks for the detailed explanation and attachments. Affirmative; I am ok with your current driveway and have no issues with your plans.

Regards,
Matthew Hatcher

On Dec 10, 2021, at 9:26 PM, Mark Canty <[REDACTED]> wrote:

[EXTERNAL SENDER]

Hey Matt!

As we previously discussed, we will be reconstructing our single-story 800 sq ft garage + storage unit in Dallas. This unit will be built on the existing foundation (see design plans attached). The permit office has asked that we go through the variance process since our new driveway is a little less than the standard 20 ft long. To be clear, we don't need variance approval for the structure, just the driveway. Although we received a permit when the new driveway was poured last year (permit records attached), the city wants a new permit as part of this larger permit request.

The permit office has stated that having neighbor support for keeping our existing driveway length would be helpful and encouraged us to reach out to our neighbors. To that extent, are you okay with our current driveway, even though it is less than the standard 20 ft in length? **If yes, please respond in the affirmative.** I've also included Charles Trammell, City of Dallas Sr. Plans Examiner, in this email for his records. He is helping us through this process.

Thank you,

Mark Canty

Neighbor's address:

Matt Hatcher
6414 Anita Street
Dallas, TX 75214

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.

Jackson, Latonia

From: Trammell, Charles
Sent: Monday, December 13, 2021 11:16 AM
To: Jackson, Latonia
Cc: Munoz, Jennifer; Daniel, Pamela
Subject: FW: Variance support request - 6407 Anita St
Attachments: Garage design - 6407 Anita Street.pdf

Hi Team,
Please see the support for the above listed address.
Thanks,



Charles Trammell
Sr. Plans Examiner
City of Dallas | DallasCityNews.net
Sustainable Development & Construction
Building Inspection
320 E. Jefferson Blvd Rm 105
Dallas, TX 75201
O: 214-948-4618
Charles.Trammell@dallascityhall.com



****OPEN RECORDS NOTICE: This email and responses may be subject to the Texas Open Records Act and may be disclosed to the public upon request. Please respond accordingly.****

From: Ken Tarango [REDACTED]
Sent: Saturday, December 11, 2021 6:18 AM
To: Mark Canty [REDACTED]
Cc: Trammell, Charles <charles.trammell@dallascityhall.com>
Subject: Re: Variance support request - 6407 Anita St

External Email!

Mark, thanks for sending this email with the design plans. I am okay with the current driveway you have.

Regards,
Kenneth Tarango
6411 Anita Street

Sent from my iPhone

On Dec 10, 2021, at 8:12 PM, Mark Canty [REDACTED] wrote:

Hi Ken,

It was nice catching up with you the other day. I hope everything is still going ok with your mom.

As we previously discussed, we will be reconstructing our single-story 800 ft garage + storage unit in Dallas. This unit will be built on the existing foundation (see design plans attached). The permit office has asked that we go through the variance process since our new driveway is a little less than the standard 20 ft long. To be clear, we don't need variance approval for the structure, just the driveway. Although we received a permit when the new driveway was poured last year (permit records attached), the city wants a new permit as part of this larger permit request.

The permit office has stated that having neighbor support for keeping our existing driveway length would be helpful and encouraged us to reach out to our neighbors. To that extent, are you okay with our current driveway, even though it is less than the standard 20 ft in length? **If yes, please respond in the affirmative.** I've also included Charles Trammell, City of Dallas Sr. Plans Examiner, on this email for his records. He is helping us through this process.

Thank you,

Mark Canty

Neighbor's address:

Ken and Luanne Tarango
6411 Anita Street
Dallas, TX 75214

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.

Jackson, Latonia

From: Trammell, Charles
Sent: Monday, December 13, 2021 11:15 AM
To: Jackson, Latonia
Cc: Munoz, Jennifer; Daniel, Pamela
Subject: FW: Variance support request - 6407 Anita St
Attachments: Garage design - 6407 Anita Street.pdf

Hi Team,
Please see the support for the above listed address.
Thanks,



Charles Trammell
Sr. Plans Examiner
City of Dallas | DallasCityNews.net
Sustainable Development & Construction
Building Inspection
320 E. Jefferson Blvd Rm 105
Dallas, TX 75201
O: 214-948-4618
Charles.Trammell@dallascityhall.com



****OPEN RECORDS NOTICE: This email and responses may be subject to the Texas Open Records Act and may be disclosed to the public upon request. Please respond accordingly.****

From: Christi Watson <[REDACTED]>
Sent: Friday, December 10, 2021 10:34 PM
To: Mark Canty <[REDACTED]>
Cc: karenkwatson@gmail.com; Trammell, Charles <charles.trammell@dallascityhall.com>
Subject: Re: Variance support request - 6407 Anita St

External Email!

Mark and Charles,

Appreciate you reaching out. Yes, I am okay with your current driveway, even though it is less than the standard 20 ft in length.

Thank you,
Christi Watson
6406 Anita St
Dallas, TX 75214

Sent from my iPhone

On Dec 10, 2021, at 9:22 PM, Mark Canty [REDACTED] wrote:

Hi Christi and Kiki,

It was nice catching up with you the other day. As we previously discussed, we will be reconstructing our single-story 800 ft garage + storage unit in Dallas. This unit will be built on the existing foundation (see design plans attached). The permit office has asked that we go through the variance process since our new driveway is a little less than the standard 20 ft long. To be clear, we don't need variance approval for the structure, just the driveway. Although we received a permit when the new driveway was poured last year (permit records attached), the city wants a new permit as part of this larger permit request.

The permit office has stated that having neighbor support for keeping our existing driveway length would be helpful and encouraged us to reach out to our neighbors. To that extent, are you okay with our current driveway, even though it is less than the standard 20 ft in length? **If yes, please respond in the affirmative.** I've also included Charles Trammell, City of Dallas Sr. Plans Examiner, on this email for his records. He is helping us through this process.

Thank you,

Mark Canty

Neighbor's address:
Christi and Karen Watson
6406 Anita Street
Dallas, TX 75214

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.



Address

- Details**
- Holds**
- Applications**

	Type	Project #	Status	Description
View	Master Permit	1009163054	Cancelled	Plumbing (PL)
View	Master Permit	1009163055	Cancelled	Plumbing (PL)
View	Master Permit	1009163056	Cancelled	Plumbing (PL) 2008-INSTA HEATER
View	Master Permit	1009203021	Cancelled	Plumbing (PL)
View	Master Permit	1009203022	Complete	Plumbing (PL) 2017-Replac & Replace/Test Gas Service
View	Master Permit	2008183004	Complete	Plumbing (PL) Replace old gallon gas water heater.
View	Master Permit	2103033085	Cancelled	Electrical (EL)
View	Master Permit	2103033086	Issued	Electrical (EL) 3003-UPGR ELECTRICAL SERVICE
View	Master Permit	2103041008	Complete	Paving (Sidewalk, Drive App 1101-INSTALL DRIVE APPR CITY WALK
View	Master Permit	2107011145	New	Building (BU) EL, EC, ME, (C ADDITION
View	Master Permit	2107011146	New	Building (BU) EL, EC, ME, (C REMODEL
View	Master Permit	2109133079	Complete	Plumbing (PL) 2003-GAS R REPAIR WITH TEST
View	Master Permit	2109211012	Issued	Fence (FE) Replacing exist in the Alley and 6ft tall in fron
View	Master Permit	9808136007	Complete	Electrical (EL) 6407 ANITA ST

FILE NUMBER: BDA201-125(JM)

BUILDING OFFICIAL'S REPORT: Application of Patrick Griot for a variance to the front yard setback regulations, and for a special exception to the fence height regulations, and for a special exception to the fence standards regulations, and for a special exception to the visibility obstruction regulations at **9943 Coppedge Lane**. This property is more fully described as Lot 8, Block 1/6220, and is zoned an R-7.5(A) Single Family District, which **(1)** limits the height of a fence in the front yard to four feet; **(2)** requires a fence panel with a surface area that is less than 50 percent open may not be located less than five feet from the front lot line; **(3)** requires a 20-foot visibility triangle at driveway approaches and alleys; and, **(4)** requires a front yard setback of 25 feet. The applicant proposes to construct an 11-foot-high fence with a fence panel having less than 50 percent open surface area located less than five feet from the front lot line in a required front yard with portions of the fence structure located in required visibility obstruction triangles, which will require a seven-foot special exception to the fence regulation, a second special exception to the fence regulations relating to the solid nature of the fence, and special exceptions to the visibility obstruction regulations. The fence will surround the single-family residential accessory pool structure and provide an 11-foot six-inch front yard setback, which will require a 13-foot six-inch variance to the front yard setback regulations.

LOCATION: 9943 Coppedge Lane

APPLICANT: Patrick Griot

REQUEST:

The applicant is redeveloping the 10,450-square-foot site with a 3,742-square-foot single-family structure that meets the setback requirements. The encroachment into the southern Coppedge Lane second front yard is for a swimming pool. The pool and second front yard area are proposed to be enclosed by an eight-foot-tall solid wood fence. Portions of the fence sit atop a three-foot-high solid retaining wall making the maximum fence and gate height 11 feet. Portions of the solid fence located approximately on the property line are located in three 20-foot visibility triangles at the southwest corner of the property from the alleyway, and from the driveway beside the alleyway, onto Coppedge Lane from the south.

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 (fence height and opacity):

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. The applicant provided evidence comparing the prospective solid fence on the secondary frontage of the corner lot, to seven other corner lots in the area with solid fences on one of the two street frontages (**Attachment B**).

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to the visual obstruction regulations since the basis for this type of appeal is when in the opinion of the board, the special exception will not constitute a traffic hazard. However, staff does provide a technical opinion to assist in the board's decision-making.

The Sustainable Development and Construction Senior Engineer reviewed the proposed obstructions for the fence and has no objection to the requests (**Attachment C**).

STANDARD FOR A VARIANCE:

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

- (A) not contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;

- (B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- (C) not granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

State Law/HB 1475 effective 9-1-21

- the board may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:
 - (a) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code;
 - (b) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur;
 - (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
 - (d) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - (e) the municipality consider 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 zoned an R-7.5(A) Single Family District in that it is slightly sloped, and, according to the application, contains 10,450 square feet in area. Lots in this district are a minimum of 7,500 square feet in area. However, evidence submitted by the applicant (**Attachments A and B**) identified six lots in the immediate vicinity with an average of 10,680 square feet of lot area.
- The evidence also showed the average house size is about 3,836 square feet. The proposed development is for a commensurate 3,742 square feet.

- Finally, the subject site is encumbered with the unnecessary hardship of two front yards. Between the slight slope and additional front yard setback, the evidence presented notes the site in its current condition has less developable area than other lots in the vicinity with one required front yard. The applicant is seeking relief from the additional front yard setback along the southern frontage of Coppedge Lane and plans to provide a minimum of 30 feet along the eastern frontage, as required. The southern portion is to be used as a backyard. The variance will allow for the construction of a swimming pool. The main structure is maintaining both front yard setbacks of 30 feet, as established by the build line on the existing plat.

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 is being redeveloped with a single-family structure. All surrounding properties are developed with single-family uses.

Zoning/BDA History:

There have not been any recent related board or zoning cases recorded either on or near the subject site.

GENERAL FACTS /STAFF ANALYSIS:

This request for a variance to the front yard setback regulations is made to construct and maintain a swimming pool structure. The site is being redeveloped with a single-family structure and is located in an R-7.5(A) Single Family District which requires a minimum front yard setback of 25 feet. However, this property is encumbered with two front yards due to a provision in the Dallas Development Code meant to maintain block continuity when lots face upon a street and provide a front yard setback. This second front yard setback is required to maintain block continuity established by lots to the north and west of the subject site, which all front along the meandering Coppedge Lane. Furthermore, the plat for this property requires a 30-foot build line on both the eastern and southern frontages along Coppedge Lane. The board cannot provide relief to this requirement. Only a replat of the property to remove the build line will resolve the encumbrance.

The applicant is seeking relief from the additional front yard setback along the southern frontage of Coppedge Lane and plans to provide a minimum of 25 feet along the eastern frontage, as required. Additionally, use of the southern portion of the lot for the swimming pool, backyard, and driveway surrounded by a fence and retaining wall solid in nature and located along the property line. The submitted site plan indicates:

- the proposed pool structure would be located as close as 11-feet six-inches from the front property line along the southern Coppedge Lane frontage or as much as 13-feet six-inches into the 25-foot front yard setback.
- An eight-foot solid wood fence is proposed along the northern, western, and southern portions of the lot. Southern portions are proposed atop a three-foot solid retaining wall due to the slope of the site, making the fence and driveway gates up to 11 feet-in-height.
- Portions of the solid fence located approximately on the property line are located in three 20-foot visibility triangles at the southwest corner of the property from the alleyway, and from the driveway beside the alleyway.

In all, the southern portion of the lot would function as a backyard with a tall privacy fence, driveway into the garage, and swimming pool. The main structure is maintaining both front yard setbacks.

Lots in this district are a minimum of 7,500 square feet in area. However, evidence submitted by the applicant (**Attachment A**) identified six lots in the immediate vicinity with an average of 10,680 square feet of lot area. The subject site is unique and different from most lots zoned an R-7.5(A) Single Family District because it is slightly slopped, and, according to the application, contains 10,450 square feet in area—slightly less than the average.

The evidence also showed the average house size is about 3,836 square feet. The proposed development is for a commensurate 3,742 square feet.

Finally, the subject site is encumbered with the unnecessary hardship of two front yards. Between the slight slope and additional front yard setback, the evidence presented notes the site in its current condition has less developable area than other lots in the vicinity with one required front yard. The applicant is seeking relief from the additional front yard setback along the southern frontage of Coppedge Lane and plans to provide a minimum of 25 feet along the eastern frontage, as required.

According to DCAD records, the new house was constructed in 2021 and contains 3,601 square feet of floor area.

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.

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. Additionally, the Dallas Development Code states that in single family districts, a fence panel with a surface area that is less than 50 percent open may not be located less than five from the front lot line.

Staff conducted a field visit of the site and surrounding area and did not notice other fences within a 400-foot radius of the property that seemed taller than four feet-in-height or solid in nature located in obvious front yards.

The applicant has the burden of proof in establishing that the special exception to the fence height regulation of up to seven feet and having fence panels less than 50 percent open will not adversely affect neighboring properties.

The last request is due to the proposed obstruction of three visibility triangles according to Section 51A-4.602(d) of the Dallas Development Code which states that a person shall not erect, place, or maintain a structure, berm, plant life, or any other item on a lot if the item is:

- in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections and 20-foot visibility triangles at drive approaches and alleys on properties zoned single family); and
- between two-and-a-half and eight-feet-in-height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).

The Sustainable Development Department Senior Engineer has no objections to the request (**Attachment C**).

As of January 7, 2022, no letters had been received regarding the request.

If the board were to grant the variance request and impose the submitted site plan as a condition, the proposed swimming pool structure located within the front yard setback

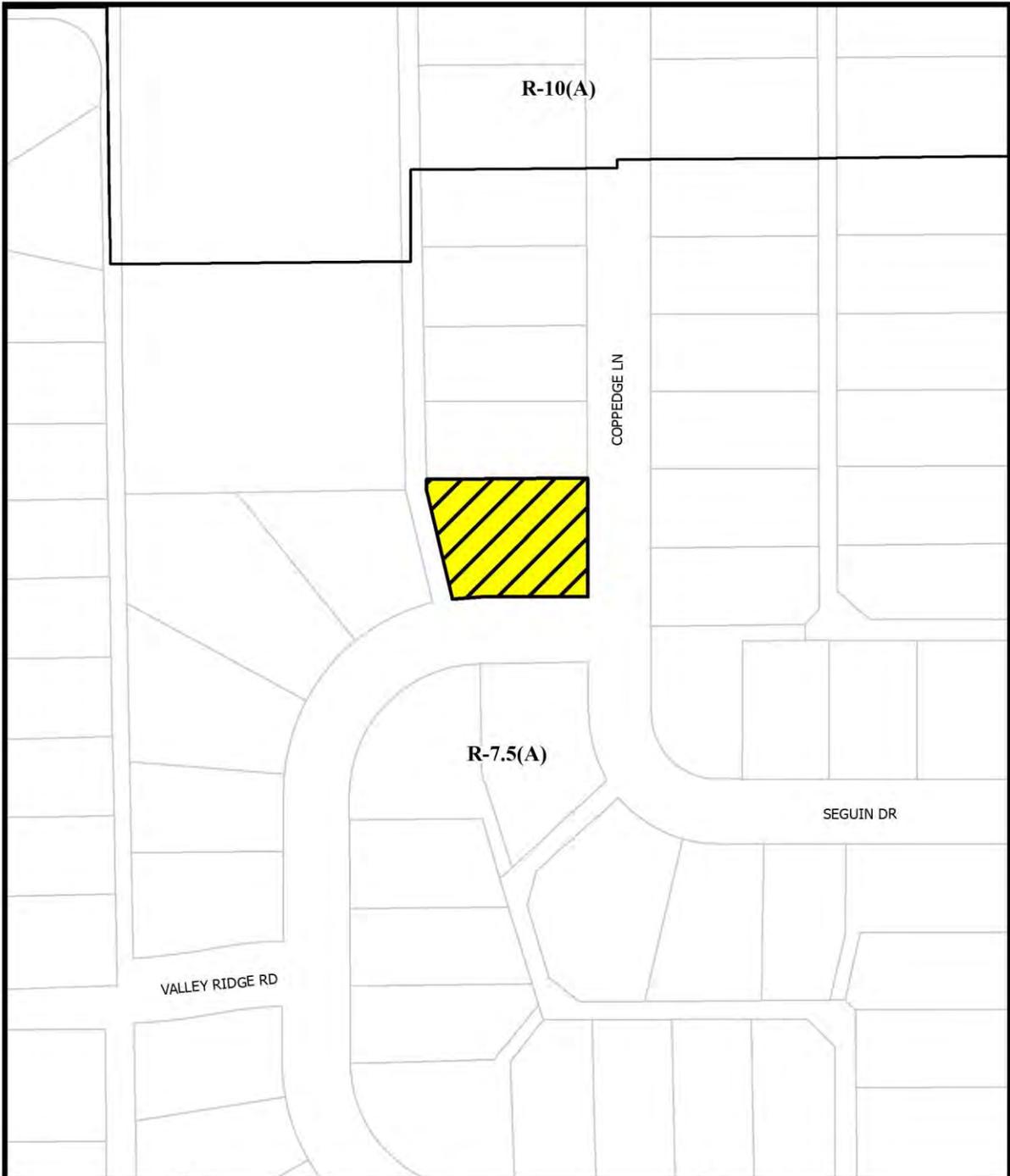
along the southern frontage of Coppedge Lane would be limited to what is shown on this document. No additional relief is provided with this request, including relief from the platted build line which will require a replat. The applicant was also made aware of sidewalk requirements for the southern frontage of the property. Additionally, the applicant has the burden of proof in establishing how granting these special exceptions to allow the fence in the front yard will not adversely affect neighboring properties. Finally, the applicant must prove how maintaining portions of a seven-foot-tall solid wood fence atop a three-foot retaining wall for a total height of 11 feet located in two 20-foot visibility triangles at the intersection of the alley and driveway approach into the property from the southern Coppedge Lane frontage, and the 20-foot visibility triangle at the intersection of the alleyway and Coppedge Lane does not constitute a traffic hazard.

Timeline:

- Nov. 18, 2021: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- Nov. 23, 2021: The Board Administrator assigned this case to Board of Adjustment Panel A.
- Dec. 16, 2021: 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 December 29, 2021 deadline to submit additional evidence for staff to factor into their analysis; and the January 7, 2022 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.
- Dec. 28-29, 2021: The representative submitted evidence (**Attachment A and B**) to staff.
- Dec. 30, 2021: 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 Planning and Urban Design Interim Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Development Code Specialist, the Senior Sign Inspector, the Transportation Senior Engineer, the Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

Dec. 31, 2021: The Transportation Senior Engineer submitted a review sheet marked “no objection” to the visual obstructions (**Attachment C**).

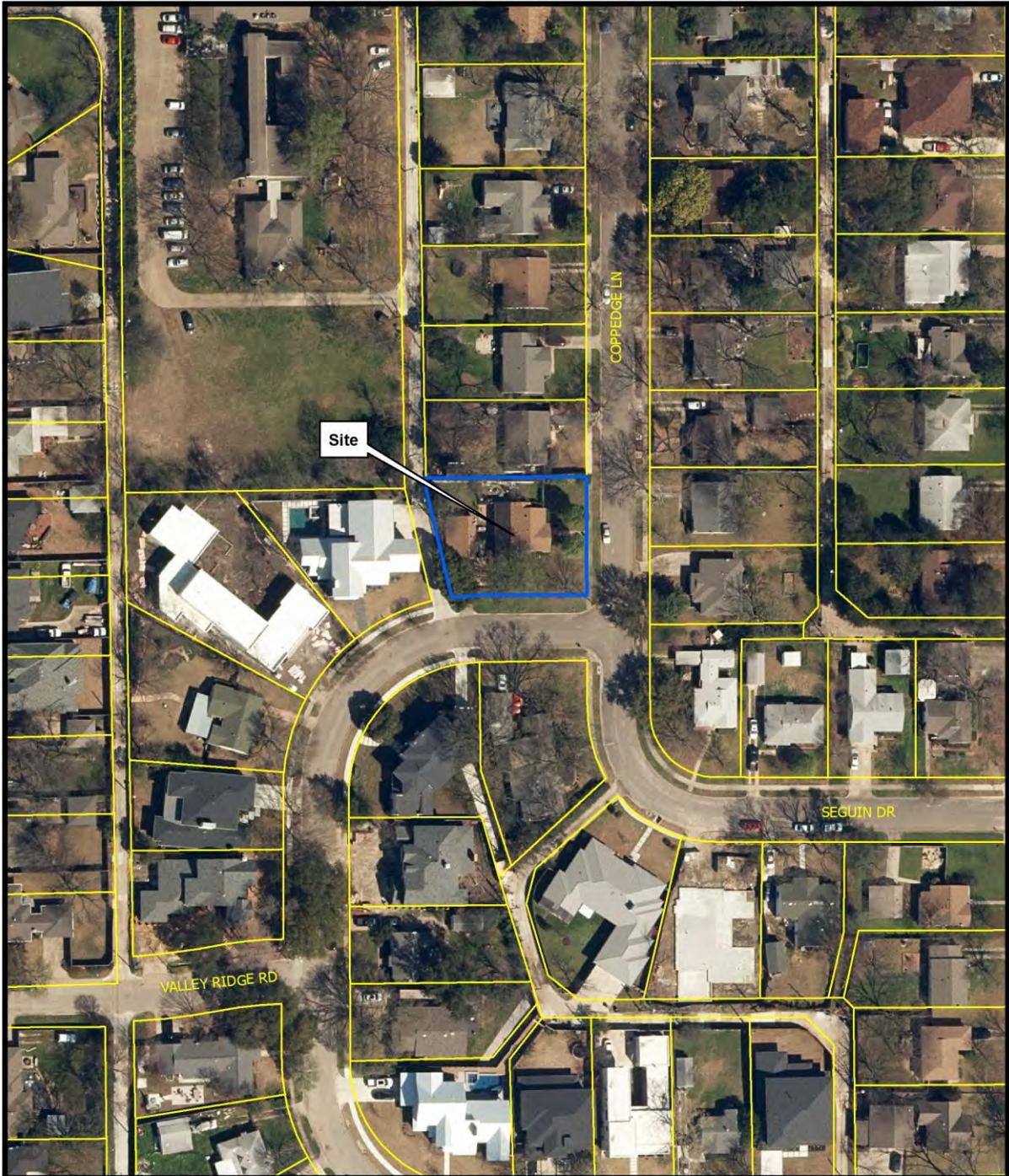


1:1,200

ZONING MAP

Case no: BDA201-125

Date: 12/22/2021

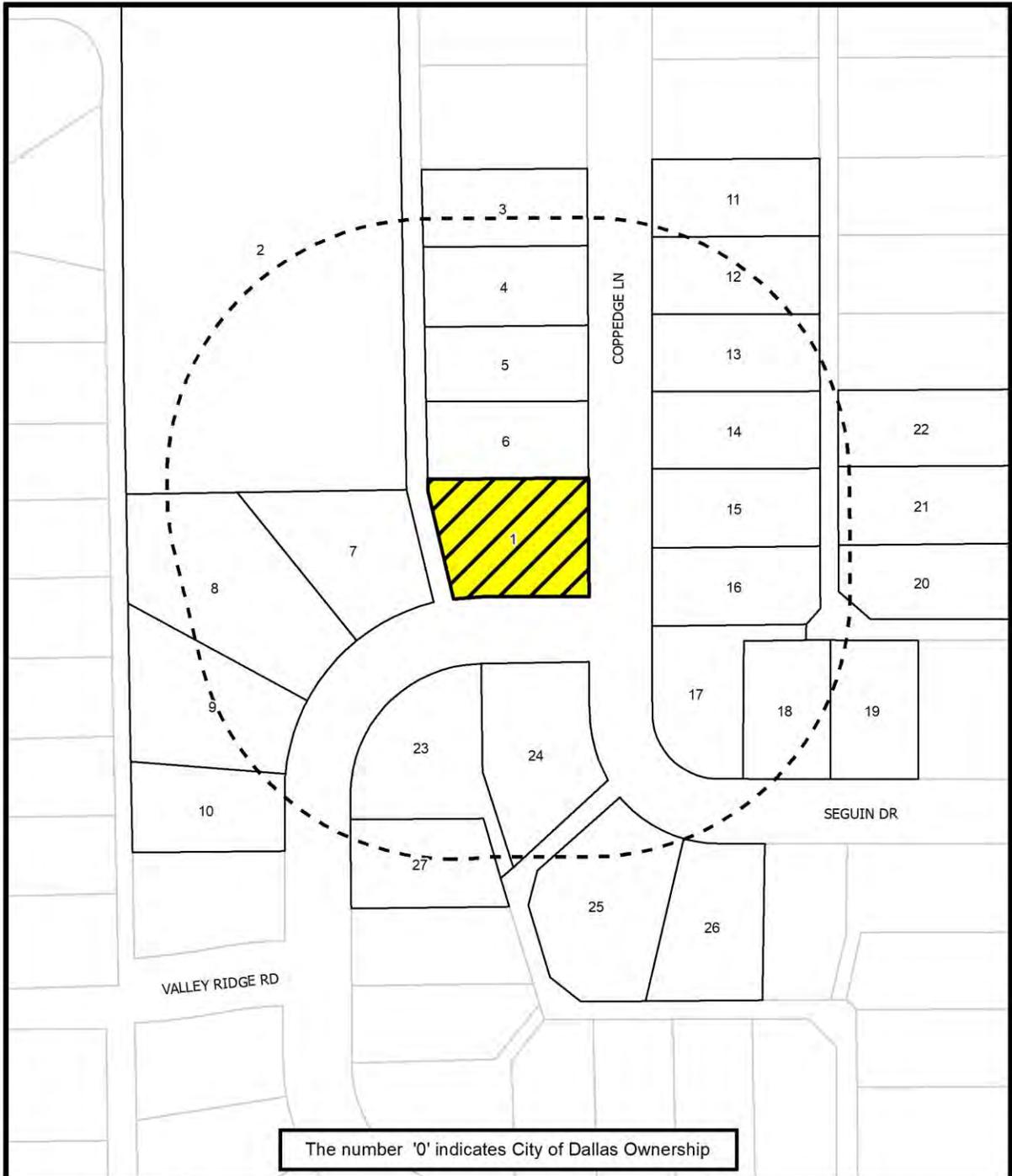


1:1,200

AERIAL MAP

Case no: BDA201-125

Date: 12/22/2021



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
27 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA201-125**
 Date: **12/22/2021**

12/22/2021

Notification List of Property Owners

BDA201-125

27 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	9943 COPPEDGE LN	JAIMES ALEJANDRO
2	3838 WALNUT HILL LN	CORPORATION OF EPISCOPAL
3	9961 COPPEDGE LN	AYER MICHAEL & STEPHANIE C
4	9957 COPPEDGE LN	PEACO REAL ESTATE HOLDINGS LLC
5	9951 COPPEDGE LN	SMITH SAMUEL & ELISE
6	9947 COPPEDGE LN	CHASTAIN SHAWN JAMESON
7	9941 COPPEDGE LN	BACERRA CARLOS &
8	9939 COPPEDGE LN	HOEHNE JOHN & JENNIFER
9	9935 COPPEDGE LN	MAGEE SUSAN REV TRUST
10	9929 COPPEDGE LN	DEVOS FAMILY REVOCABLE LIVING
11	9960 COPPEDGE LN	HALL PAUL S
12	9956 COPPEDGE LN	SHEARIN STACI M & GEORGE
13	9950 COPPEDGE LN	JONES NICOLE M
14	9946 COPPEDGE LN	SAPP EDWIN CLAYTON
15	9942 COPPEDGE LN	AVANT EQUITY PARTNERS IV LLC
16	9936 COPPEDGE LN	LEIJA ANTONIO R JR
17	3823 SEGUIN DR	ANDERSON SARAH
18	3829 SEGUIN DR	BAKER SANDY
19	3835 SEGUIN DR	DUNCAN BRIAN & KATHERINE
20	9937 DRESDEN DR	HILLMAN BENJAMIN D
21	9943 DRESDEN DR	ALEXANDER JENNIFER
22	9947 DRESDEN DR	KAISER GUADALUPE
23	9924 COPPEDGE LN	ROCKAMORE CEDRIC & ERICKA
24	3810 SEGUIN DR	MATT & PAUL LLC
25	3814 SEGUIN DR	CADEDU JEFFREY
26	3820 SEGUIN DR	OSBORNGOETZE JAMI & JOSEPH
27	9920 COPPEDGE LN	DISIMILE MEGAN MCGUIRE &



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-125

Date: ~~10/28/2021~~ 11-18-21

Data Relative to Subject Property:

Location address: 9943 Coppedge Ln Dallas TX 75220 Zoning District: R-7.5(A)

Lot No.: 8 Block No.: 1/6220 Acreage: 0.24 Census Tract: 0094.01

Street Frontage (in Feet): 1) 90 2) 104 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Alejandro Jaimes

Applicant: Patrick Griot Telephone: 714-357-5404

Mailing Address: 3901 Sailmaker Ln Plano Tx Zip Code: 75023

E-mail Address: patrick@spgenco.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 13'6" Encroachment & provide an 11'6" FYSB the required FYSB is 25', and 7' to the required 4' Fy Fence Height for a total Fence Height of 11', and less than 50% open panel, and 20x20 visibility at Driveway + alley.

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

Encumber by 2 front setbacks of 25 feet as a corner lot I would like the opportunity to use the second front yard as a side yard

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

Affidavit

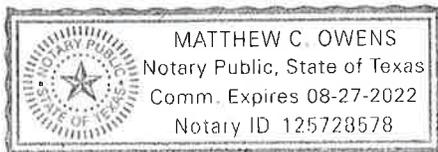
Before me the undersigned on this day personally appeared Patrick Griot (Affiant/Applicant's name printed)

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 11 day of November, 2021

(Rev. 08-01-11)



[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

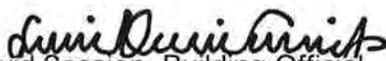
I hereby certify that Patrick Griot

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

at 9943 Coppedge Lane

BDA201-125. Application of Patrick Griot for a variance to the front yard setback regulations, and for a special exception to the fence height regulations, and for a special exception to the fence standards regulations, and for a special exception to the visibility obstruction regulations at 9943 COPPEDGE LN. This property is more fully described as Lot 8, Block 1/6220, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at driveway approaches and alley 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 a single family residential accessory pool structure and provide a 11 foot 6 inch front yard setback, which will require a 13 foot 6 inch variance to the front yard setback regulations, and to construct an 11 foot high fence in a required front yard, which will require a 7 foot special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulations, and to construct a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,


David Session, Building Official



CITY OF DALLAS
AFFIDAVIT

Appeal number: BDA 201-125

I. Alejandro Jaimes DBA Fourteen Development Group . Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 9943 Coppedge Ln Dallas TX 75220, Map 24/N ,BLK 1/6220 LT 8
(Address of property as stated on application)

Authorize: Patrick Griot
(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 to the front yard setback regulations and Special Exceptions to the fence standards regulations at 9943 Coppedge Lane Dallas (Lot 8, Block 1/6220)

Alejandro Jaimes
Print name of property owner or registered agent

[Signature]
Signature of property owner or registered agent

Date 11/2/21

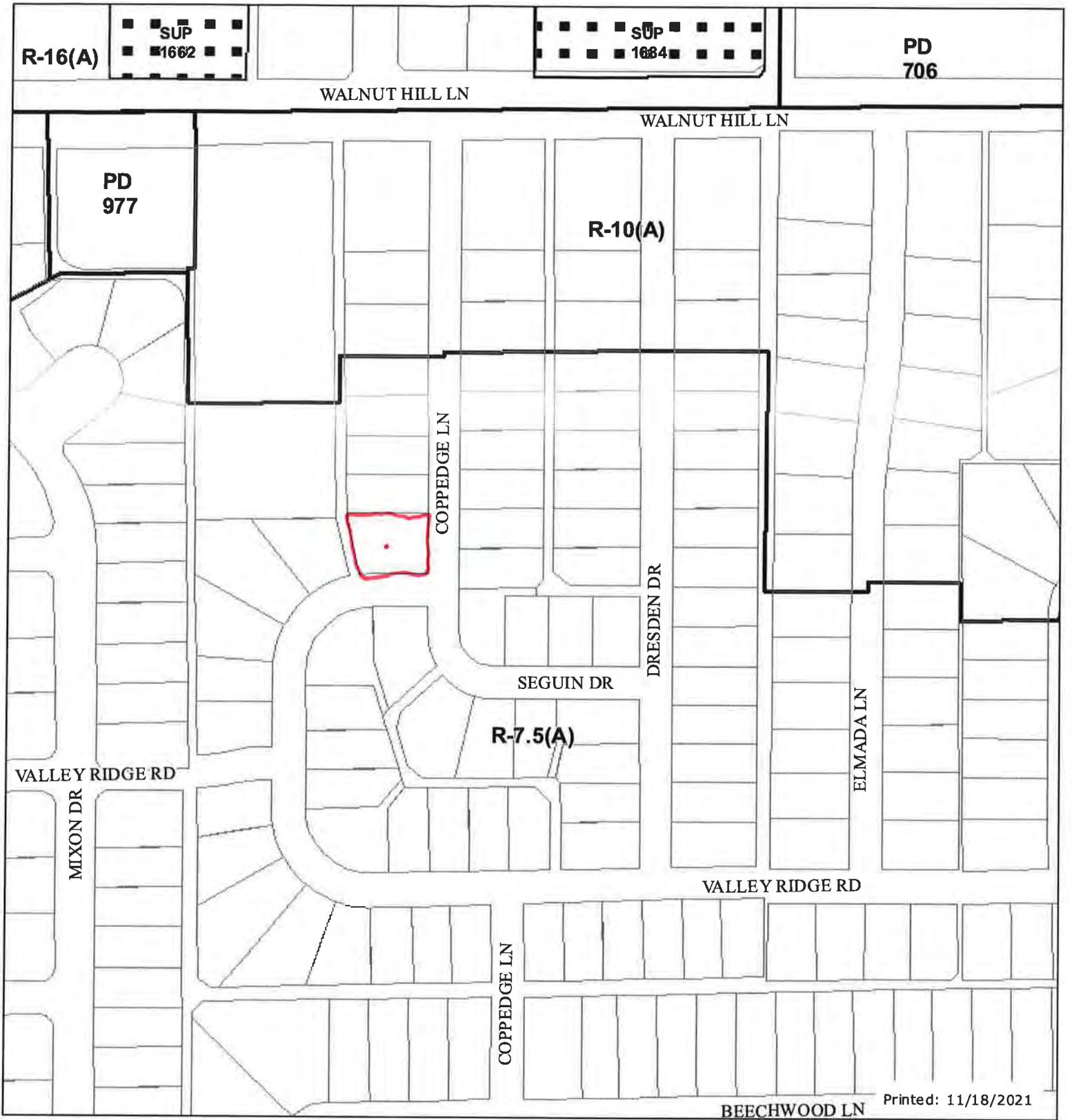
Before me, the undersigned, on this day personally appeared ALEJANDRO JAIMES

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 02 day of NOVEMBER, 2021



[Signature]
Notary Public for Dallas County, Texas
Commission expires on OCT 07, 2023



Printed: 11/18/2021

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 | SPSP Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | Shop Front Overlay |
| | | Height Map Overlay | |

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

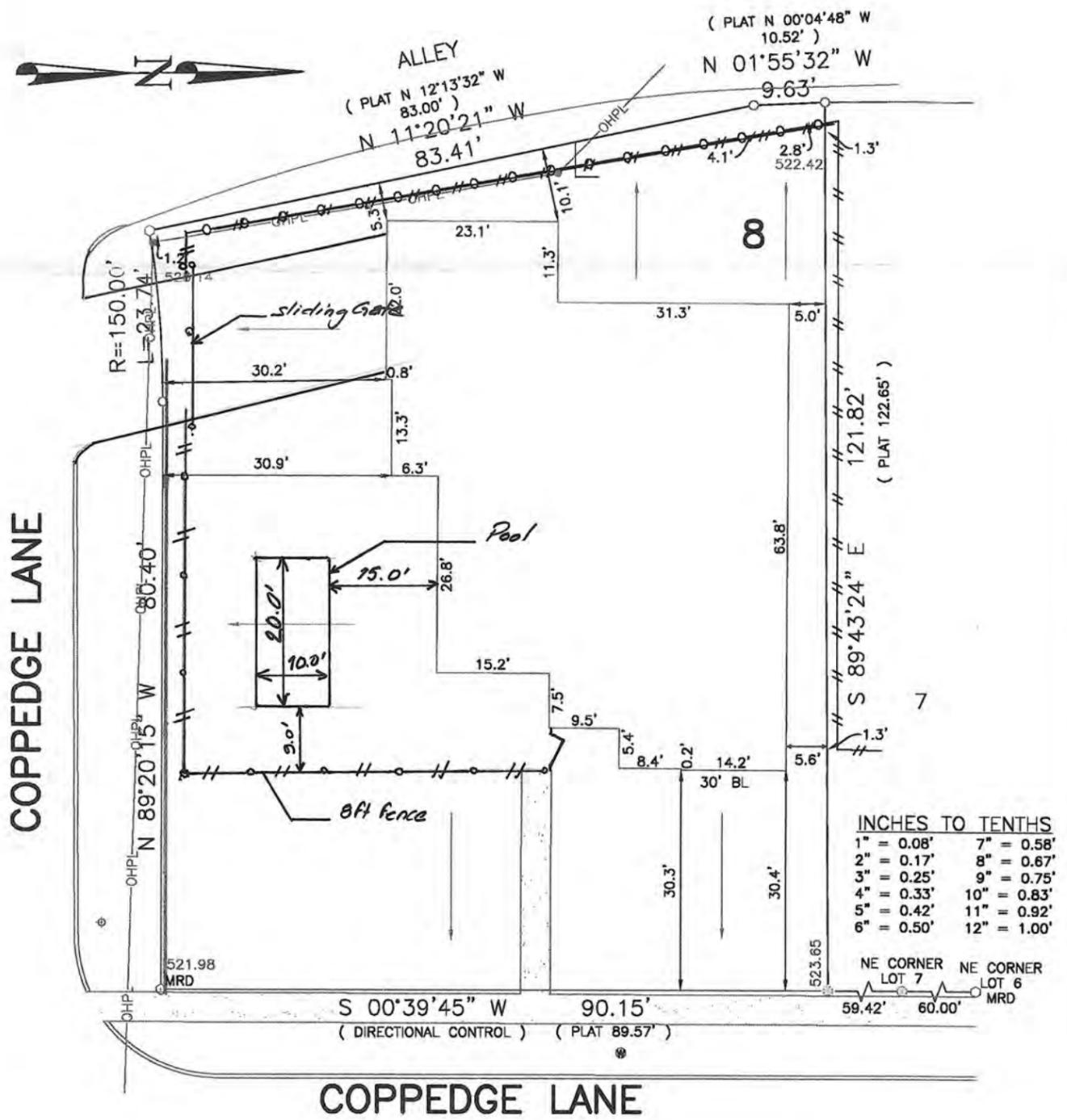


1819



PPG

Provide 11' 6" FYSB
 Encroach 13' 6" into the FYSB
 Required FYSB is 25'
 Fence Height of 11'
 Less than 50% open panel
 Located less than 5' from
 Front lot line.



INCHES TO TENTHS

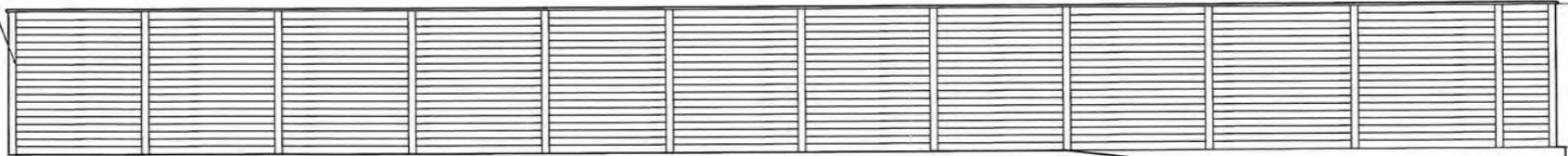
1" = 0.08'	7" = 0.58'
2" = 0.17'	8" = 0.67'
3" = 0.25'	9" = 0.75'
4" = 0.33'	10" = 0.83'
5" = 0.42'	11" = 0.92'
6" = 0.50'	12" = 1.00'

LEGEND

WOOD FENCE	--- TEXT	■
CHAIN LINK	--- IMPROVEMENTS	■
IRON FENCE	--- BOUNDARY LINE	■
WIRE FENCE	--- RESIDENCE/BUILDING	■
MRD - MONUMENTS OF RECORD DIGNITY		
○ 1/2" IRON ROD FOUND		
○ 1/2" RED-CAPPED IRON ROD SET		
○ SET 'X'		
○ FOUND 'X'		
○ 3/8" IRON ROD FOUND		
○ 1/2" RED-CAPPED IRON ROD FOUND		
○ - CABLE	--- GUY-WIRE	
○ - CLEAN OUT	○ - ELECTRIC	
○ - GAS METER	○ - POWER POLE	
○ - FIRE HYDRANT	○ - TELEPHONE	
○ - LIGHT POLE	○ - WATER METER	
○ - MANHOLE	○ - WATER VALVE	
(UNLESS OTHERWISE NOTED)		

201-125

8' Wooden Fence

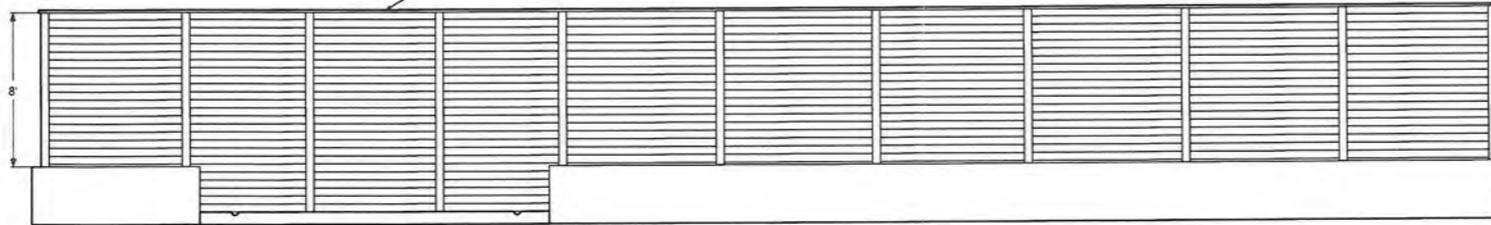


REAR ELEVATION

Retaining Wall

3' Retaining wall

Sliding Gate



SIDE ELEVATION

SCALE

1" = 10'

3' Retaining Wall

201-125

9943 Coppedge Ln
Dallas TX 75220

BDA201-125_ATTACHMENT_A

9943 Coppedge Lane Dallas TX 75220

1 – Zoning is R-7.5A requires a lot to be a minimum of 7,500 square feet. Average lot is 10,680 square feet. My lot is 10,450 square feet.

2- Average structure size is 3836 square feet. My structure is only 3,742 square feet.

3- The three properties listed last are all corners' properties, similar to mine and they all have only one front yard and a fence on the side yard 12 ft or less from the street curb.

My property has 2 front yards with 25 foot setback each.

9941 Coppedge Lane	10,020 Sq/ft lot	4,975 sq/ft structure
--------------------	------------------	-----------------------

9939 Coppedge Lane	16,522 Sq/ft lot	5,860 sq/ft structure
--------------------	------------------	-----------------------

9924 Coppedge Lane	10,450 Sq/ft lot	3,668 sq/ft structure
--------------------	------------------	-----------------------

Corner Lots:

9923 Coppedge Lane	8,677 Sq/ft lot	3,818 sq/ft structure
--------------------	-----------------	-----------------------

9918 Mixon drive	11,325 Sq/ft lot	1,208 sq/ft structure
------------------	------------------	-----------------------

3230 Valley Ridge Road	7,057 Sq/ft lot	3,489 sq/ft structure
------------------------	-----------------	-----------------------

BDA201-125_ATTACHMENT_B

9943 Coppedge Lane Dallas TX 75220

The properties listed are all corners' properties, like mine and they all have only one front yard and a fence on the second front yard 12 ft or less from the street curb. Those fences are 7 to 8 feet tall.

Their lots being flat do not require a retaining wall. Our property is on a slope and requires a retaining wall.

I would like to have the same opportunity to develop our lot as all those other properties listed below.

9923 Coppedge Lane Lot on corner of Valley ridge road and Coppedge Lane. Property has a pool on the second front yard with a solid wood fence 8 feet tall around it.

9918 Mixon drive Lot on corner of Valley ridge road and Mixon Drive. Property has a solid wood fence 8 feet tall in the second front yard.

9917 Mixon drive Lot on corner of Valley ridge road and Mixon Drive. Property has a solid wood fence 8 feet tall in the second front yard.

9917 Seguin drive Lot on corner of Seguin Drive and Juniper Drive. Property has a solid wood fence 8 feet tall in the second front yard.

3830 Valley Ridge Road Lot on corner of Seguin Drive and Coppedge Lane. Property has a solid wood fence 8 feet tall in the second front yard.

3820 Valley Ridge Road Lot on corner of Seguin Drive and Coppedge Lane. Property has a solid wood fence 7 feet tall in the second front yard.

9919 Dresden Drive Lot on corner of Dresden Drive and Seguin Drive. Property has a solid wood fence 7 feet tall in the second front yard.

BDA201-125_ATTACHMENT_C

REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING OF JANUARY 18, 2022 (A)

Has no objections

Has no objections if certain conditions
are met (see comments below or attached)

Recommends denial
(see comments below or attached)

No comments

BDA 201-121(PD)

BDA 201-122(PD)

BDA 201-124 (PD)

BDA 201-125 (JM)

COMMENTS:

David Nevarez, PE, PTOE, TRN/Engineering

Name/Title/Department

12/31/2021

Date

Please respond to each case and provide comments that justify or elaborate on your response. Dockets distributed to the Board will indicate those who have attended the review team meeting and who have responded in writing with comments.

FILE NUMBER: BDA201-122(PD)

BUILDING OFFICIAL'S REPORT: Application of Benton Mangueira represented by Corey Reinaker for a variances to the building height and a variance to the floor area ratio for an accessory dwelling unit at 7115 Lavendale Avenue. This property is more fully described as Lot 2 within City Block 3/6586 and is zoned an R-16(A) Single Family District, which limits the height of an accessory structure to be constructed no taller than the height of the main structure and limits the cumulative floor area ratio of all accessory structures to be constructed no greater than 25 percent of the floor area of the main structure. The applicant proposes to construct an accessory structure with a maximum height of 18-feet-eight-and-one-half-inches tall, which will require a five-foot-one-inch variance and a floor area of 900-square-feet of floor area (36.6 percent of the 2,457 square-foot floor area of the main structure), which will require a 285 square foot variance.

LOCATION: 7115 Lavendale Avenue

APPLICANT: Benton Mangueira represented by Corey Reinaker

REQUESTS:

The subject site contains an existing one-story single-family structure that consists of approximately 2,457 square foot of floor area with an approximate height of 13-feet-seven-and-one-half-inches. The applicant proposes to construct and maintain a two-story accessory structure that will exceed that height of the main structure and the maximum percentage allowed for an accessory structure.

STANDARD FOR A VARIANCE:

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

- (A) not contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;
- (B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it

cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and

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

State Law/HB 1475 effective 9-1-21

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

Variance to exceed 25 percent of the floor area and height of the main structure:

Approval.

Rationale:

Staff concluded from the evidence submitted with the application packet that the variances are necessary to permit commensurate development. The subject site size is approximately 16,000 square feet in area which is consistent with the minimum lot area for an R-16(A) Single Family District. However, the applicant submitted evidence with the application packet comparing the property to 29 other properties in the immediate vicinity. The analysis noted the existing lot area, square-footage of the primary structure, and the square-footage of the additional improvements. The overall average lot area is reported as 17,495 square feet with approximately 3,123 square feet comprising the floor area of the main structure, and five of the comparative properties having one-and-one-half stories and two-story structures on the lots.

BACKGROUND INFORMATION:

Zoning:

Site: R-16(A) Single Family District
North: R-16(A) Single Family District
South: R-16(A) Single Family District
East: R-16(A) Single Family District
West: R-16(A) Single Family District

Land Use:

The subject site and surrounding properties to the east, south, and west are developed with single-family uses while the property to the north is developed with a utility or government installation other than listed use (Oncor Electric).

Zoning/BDA History:

There have not been any related board or zoning cases in the vicinity within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

The subject site is zoned an R-16(A) Single Family District and developed with an approximately 13-foot-seven-and-one-half-inch-tall single-family structure containing approximately 2,457 square feet of floor area. The existing zoning district allows a maximum floor area ratio for accessory structures of 25 percent and prohibits these accessory structures from being taller than the maximum height of the main structure.

The requests will allow for the construction of a two-story structure consisting of a three-car garage structure on the first floor with a second floor consisting of approximately 900 square feet for an accessory structure.

The height of the existing one-story main structure (measured at midpoint) is approximately 13-feet-seven-and-one-half-inches-tall. Commonly, the current height of the existing one-story main structure would prove difficult for many structures developed with two-stories to comply with the maximum height requirements for accessory structures unless the pitch of the roof on the existing main structure is increased or a second story is constructed atop. The maximum height allowed in an R-16(A) District is 30 feet. The applicant proposes to construct a garage/accessory structure with a maximum height of 18-feet-eight-and-one-half-inches, measure at midpoint.

While the subject site does not currently provide an enclosed off-street parking structure, the applicant proposes to construct a three-car, approximately 816-square foot garage structure with rear entry, approximately 29-feet from the improved alley right-of-way line, and approximately 29-feet-two-inches from the existing main structure. In addition, the second story of the garage structure will contain an accessory structure

with approximately 816-square-feet of floor area for a total floor area of 1,632 square feet.

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

- That granting the variances to the floor area regulations and height for structures accessory to single-family uses 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 variances are 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 zoning classification.
- The variances 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 zoning classification.

The board may also consider the new criteria for unnecessary hardship and how they relate to the proposed structure and/or existing main structure constraints.

As of December 29, 2021, no letters have been submitted in support of or in opposition to the request.

Ultimately, the two requests are independent, and the board must consider the standards and evidence presented for each request.

If the board were to grant the variance to the floor area regulations for structures accessory to single-family uses and the variance to the height for structures accessory to single-family uses and impose the submitted site plan as a condition, the building footprint of the garage/accessory structure on the proposed site plan would be limited to what is shown on this document.

However, granting the variance requests will not provide any further relief to the Dallas Development Code regulations (i.e. development on the site must meet all other code requirements).

Timeline:

November 4, 2021: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

November 23, 2021: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.

December 4, 2021: The 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 December 29, 2021 deadline to submit additional evidence for staff to factor into their analysis; and the January 7, 2022 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.

Dec. 30, 2021: 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 Planning and Urban Design Interim Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Development Code Specialist, the Senior Sign Inspector, the Transportation Senior Engineer, the Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board. No review comment sheets were submitted in conjunction with this application.

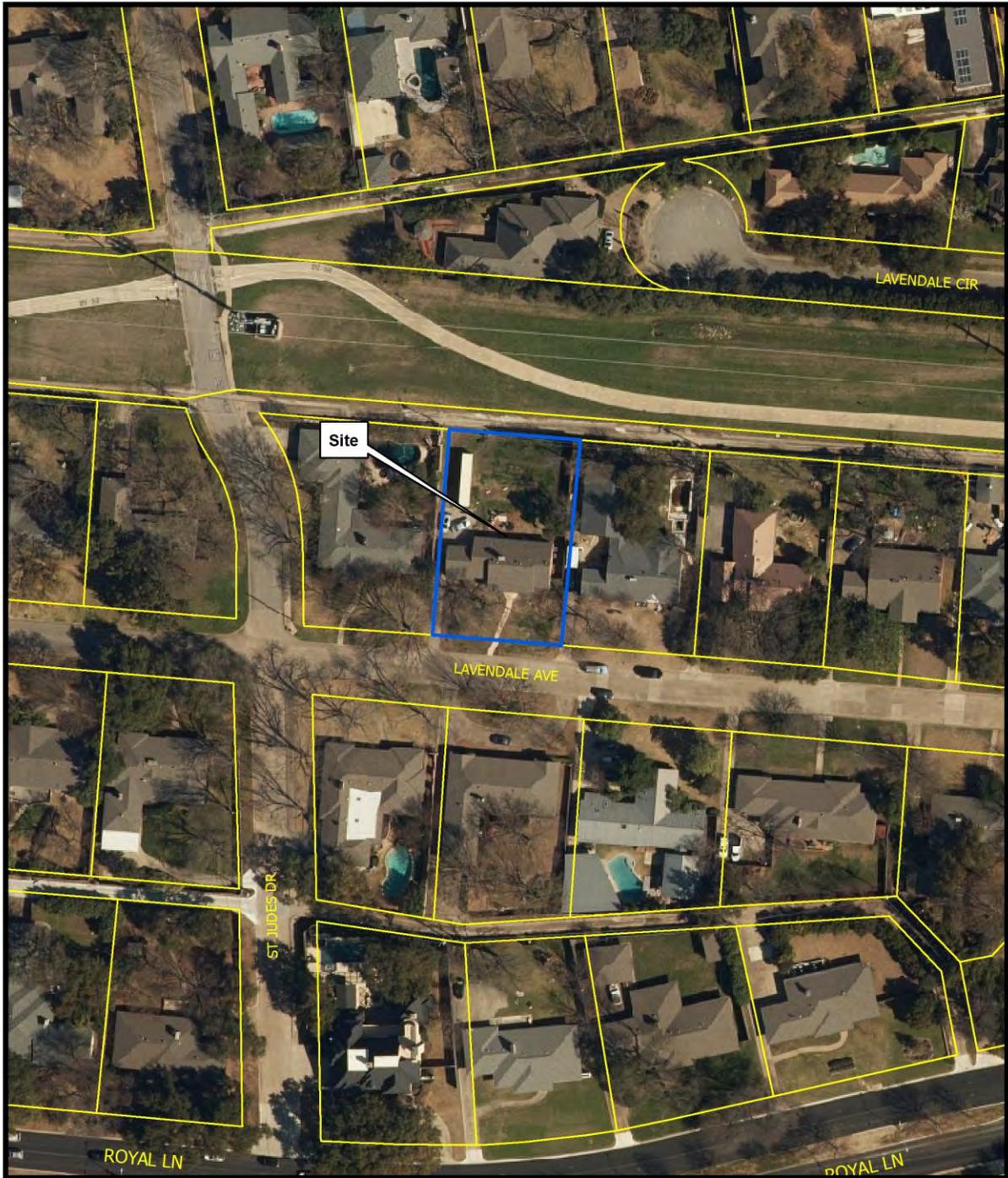


1:1,200

ZONING MAP

Case no: BDA201-122

Date: 12/22/2021



1:1,200

AERIAL MAP

Case no: BDA201-122

Date: 12/22/2021



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="width: 100px; text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">15</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	15	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA201-122 Date: 12/22/2021
200'	AREA OF NOTIFICATION					
15	NUMBER OF PROPERTY OWNERS NOTIFIED					

12/22/2021

Notification List of Property Owners

BDA201-122

15 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7115 LAVENDALE AVE	MANGUEIRA SUSAN &
2	10900 ST JUDES DR	ONCOR ELECTRIC DELIVERY COMPANY
3	7106 AZALEA LN	PIERCE WILLIS & B
4	7114 AZALEA LN	BOISTURE ASHLEY
5	7205 LAVENDALE CIR	AVENDELLE DFW HOLDING LLC
6	7048 LAVENDALE AVE	ZAHN ROBERT MICHAEL &
7	7047 LAVENDALE AVE	TIFERET ISRAEL CONGREGATION
8	7107 LAVENDALE AVE	KURTZ DAVID WARREN &
9	7123 LAVENDALE AVE	HOBBS MICHAEL B & MICHELE
10	7131 LAVENDALE AVE	KAUFMAN IRWIN C & DAWN T
11	7139 LAVENDALE AVE	METTLER MARGARET
12	7108 LAVENDALE AVE	PATRICK MATTHEW G &
13	7118 LAVENDALE AVE	ROBINOWITZ KENNETH L &
14	7128 LAVENDALE AVE	GIBSON WADE F & JULIET F
15	7138 LAVENDALE AVE	REDD SHARON &



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-122

Data Relative to Subject Property:

Date: 11/04/2021

Location address: 7115 LAVENDALE AVE Zoning District: R16(A)
Lot No.: 2 Block No.: 3/6586 Acreage: .367 Census Tract: 131.01
Street Frontage (in Feet): 1) 100' 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): SUSAN LEE ROBERTS DRIVER

Applicant: BENTON MANGUEIRA Telephone: 239-404-5399

Mailing Address: 7115 LAVENDALE, DALLAS, TX Zip Code: 75230

E-mail Address: BMANGUEIRA@SERVICEAD-IN.COM

Represented by: COREY REINAKE Telephone: 614 264 0631

Mailing Address: 1814 N PL. PLANO, TX Zip Code: 75074

E-mail Address: COREY.REINAKE@GMAIL.COM

Affirm that an appeal has been made for a Variance X, or Special Exception, of
FLOOR AREA FOR A DETACHED ACCESSORY STRUCTURE: 11.6 PERCENTAGE
POINTS OVER ALLOWABLE 25% AREA OF MAIN STRUCTURE, OR 285 S.F.
HEIGHT FOR A DETACHED ACCESSORY STRUCTURE: 5'-1" ABOVE THE 13'-7 1/2" BUILDING
HEIGHT ESTABLISHED BY THE MAIN STRUCTURE

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 OWNERS SEEK TO ADD A DETACHED ACCESSORY BUILDING
BEHIND THEIR MAIN HOUSE TO ACCOMODATE A NEW GARAGE, TOOL
STORAGE, AND A HOME OFFICE ON THE SECOND FLOOR.

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

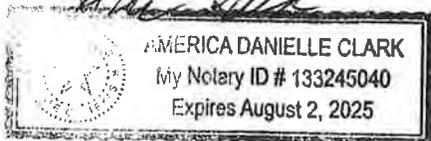
Before me the undersigned on this day personally appeared BENTON M. MANGUEIRA
(Affiant/Applicant's name printed)

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: Benton M. Mangueira
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 4th day of November, 2021

(Rev. 08-01-11)



[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 Benton Manguera
represented by Corey Reinaker
did submit a request for a variance to the floor area ratio regulations
, and for a variance to the building height regulations
at 7115 Lavendale Avenue

BDA201-122. Application of Benton Manguera represented by Corey Reinaker for a variance to the floor area ratio regulations and for a variance to the building height regulations at 7115 LAVENDALE AVE. This property is more fully described as Lot 2, Block 3/6586, and is zoned R-16(A), which the height of an accessory structure may not exceed the height of the main building and an accessory structure may not exceed 25% of the floor area of the main structure. The applicant proposes to construct a single family residential accessory structure with 900 square feet of floor area (36.6% of the 2457 square foot floor area of the main structure), which will require a 285 square foot variance to the floor area ratio regulations, and to construct a single family residential accessory structure with a building height of 18 feet 9 inches, which will require a 5 foot 1 inch variance to the maximum building height regulations.

Sincerely,


David Session, Building Official



AFFIDAVIT

Appeal number: BDA 201-122

I, SUSAN LEAH ROBERTS DRIVER, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 7115 LAVENDALE AVE, DALLAS, TX 75230
(Address of property as stated on application)

Authorize: BENTON MANGUEIRA
(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 FOR DETACHED ACCESSORY BUILDING HEIGHT AND FLOOR AREA

Susan Leah Roberts Driver
Print name of property owner or registered agent

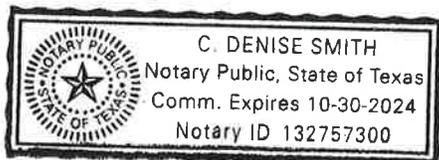
Susan Leah Roberts Driver
Signature of property owner or registered agent

Date 11/5/2021

Before me, the undersigned, on this day personally appeared Susan Roberts Driver

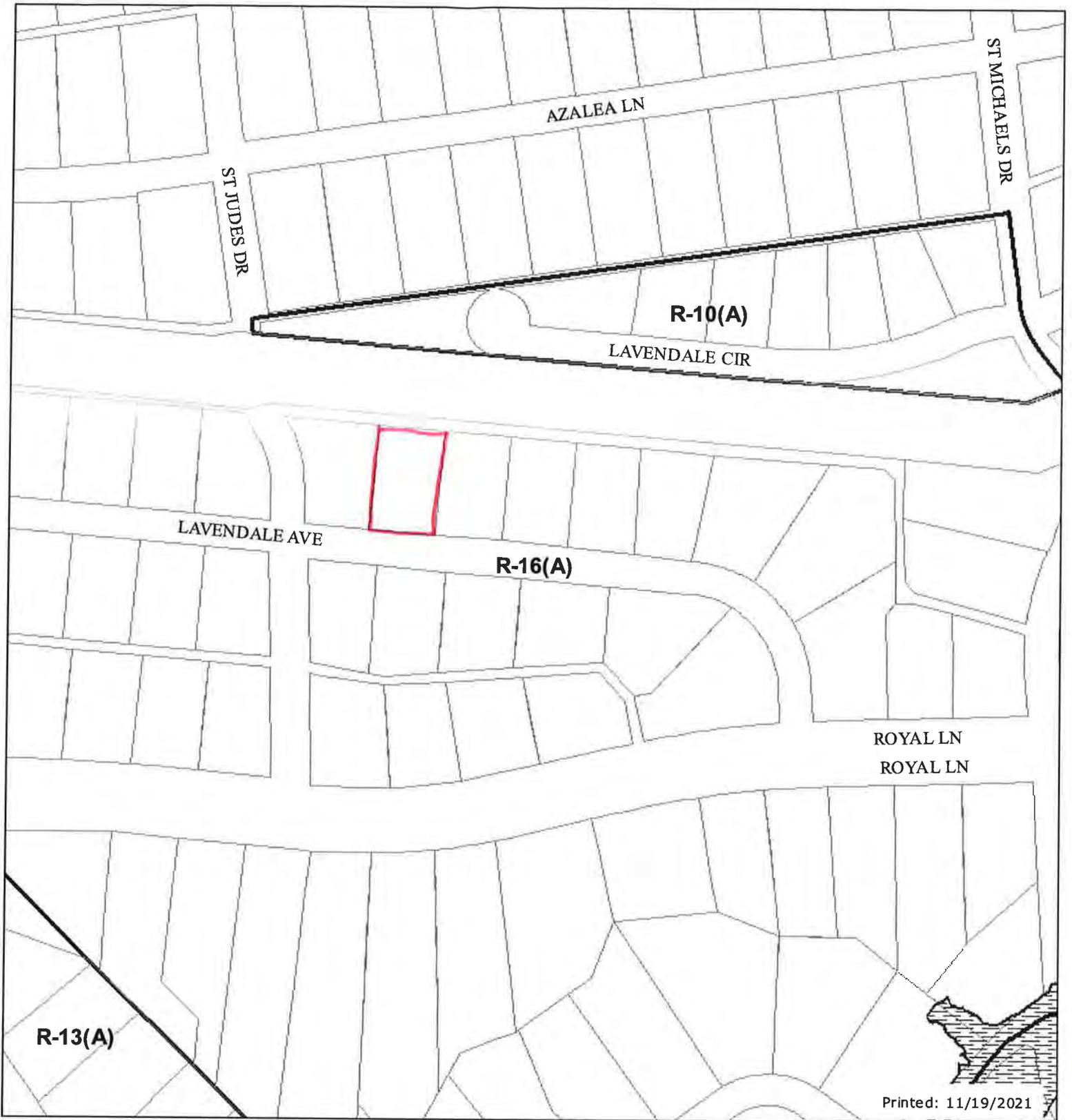
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 5th day of November, 2021



C. Denise Smith
Notary Public for Dallas County, Texas

Commission expires on 10-30-2024



Legend

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

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



M. J. SANCHEZ

RECORDED 2-3-84
BETWEEN LOT 15 BLK. 2 & LOT 1, BLK. 3, RECORD 8-10-86
PLAT 8-10-86 BETWEEN LOTS 13 & 14, BLK. 1, RECORD

5/21

5/21

2017-2272
2017-1483

6586

6586 1/2

LAVENDALE 6000

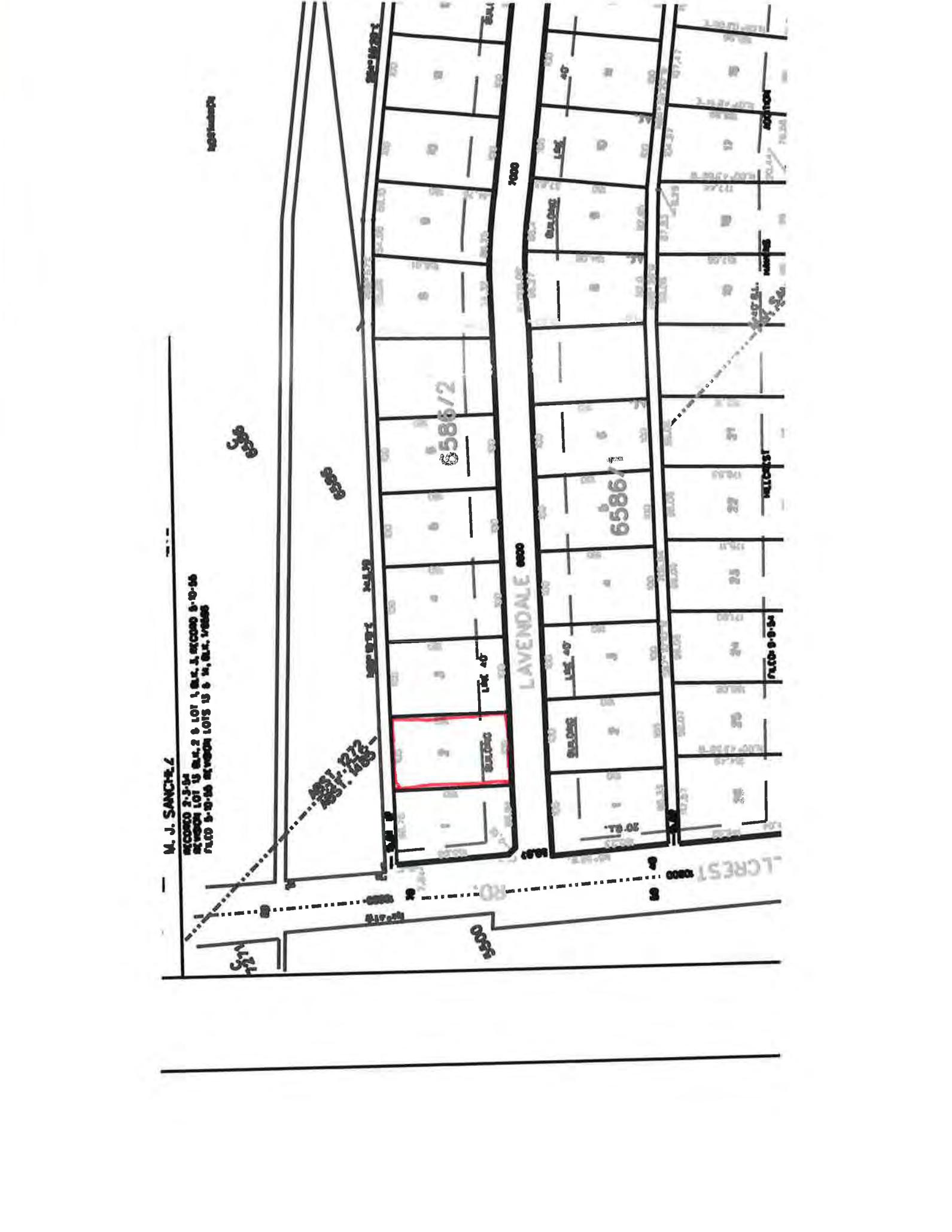
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LCREST 10000

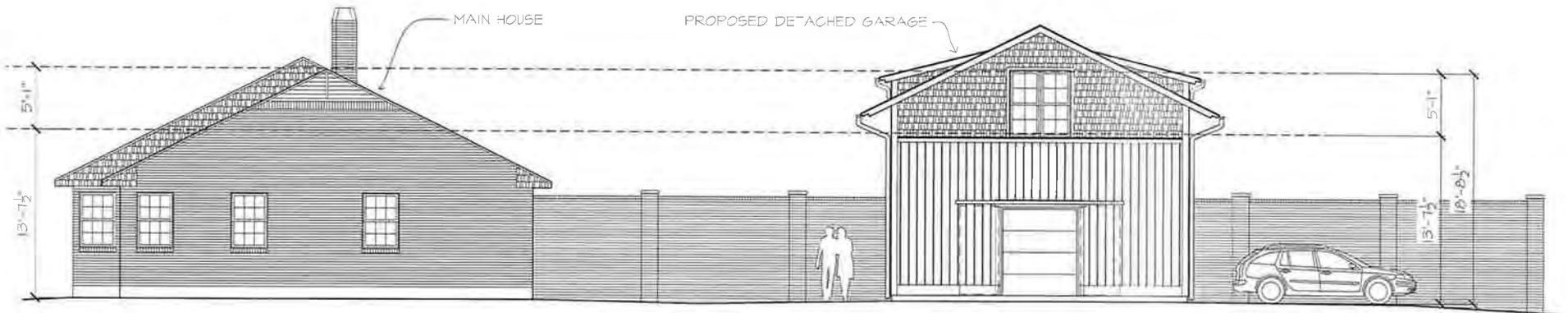
WALTON ST

PLAT 8-10-86

200104



INDEX	ADDRESS	SITE SF	PRIMARY STRUCTURE SF	ADDITIONAL IMPROVEMENT	# STORIES
1	7046 AZALEA LANE	25,265	3,368	504 ATTACHED GARAGE	ONE STORY
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				483 ATTACHED GARAGE	ONE STORY
				696 DETACHED GARAGE	ONE STORY
					VACANT

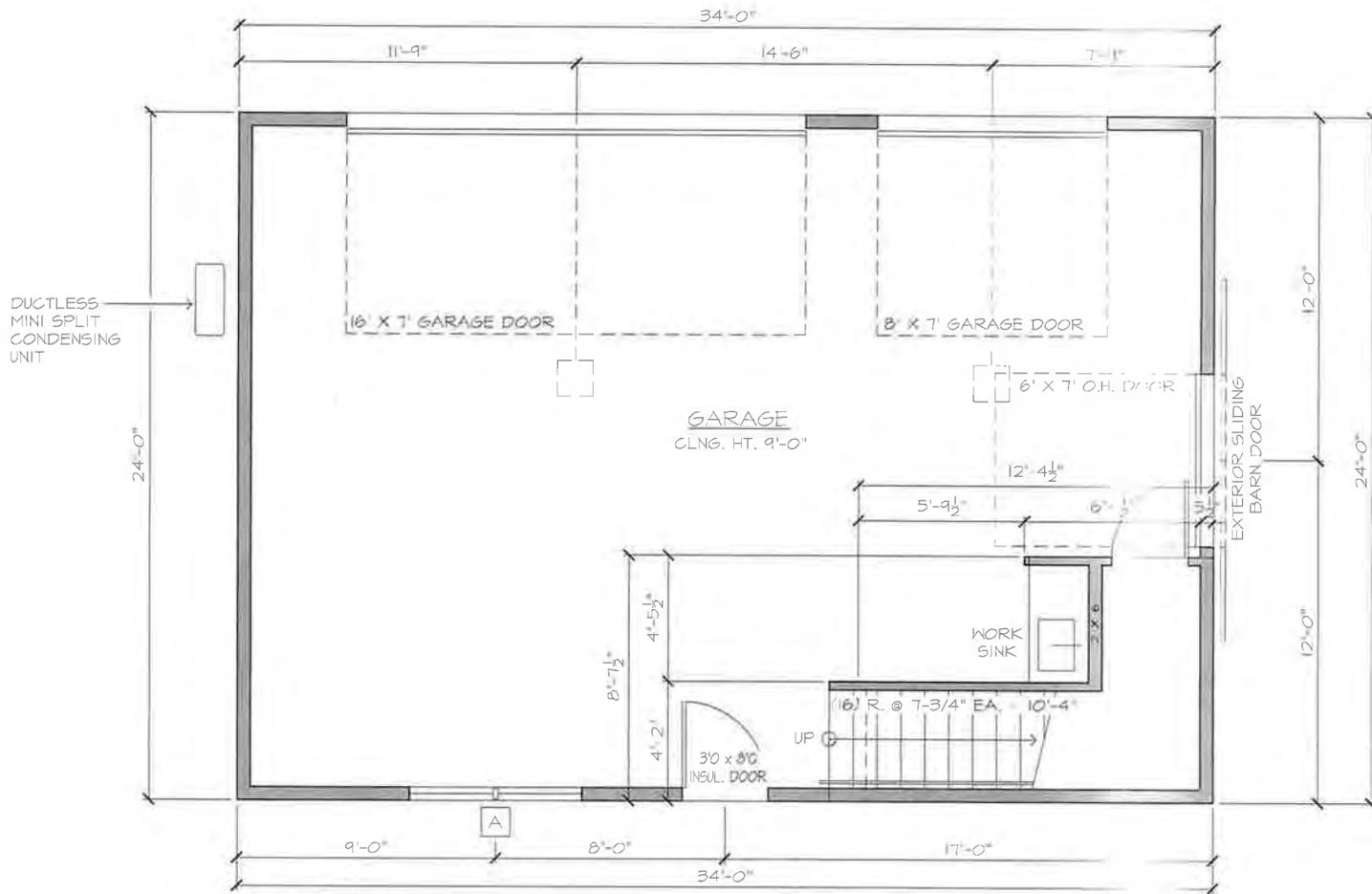


02 EAST ELEVATION
SCALE: 1/8" = 1'-0"

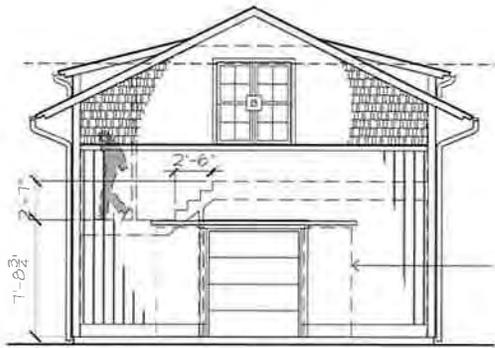


01 SOUTH ELEVATION (FRONT)
SCALE: 1/8" = 1' 0"

11-04-2020
MANGJEIRA GARAGE
7115 LAVENDALE AVE, DALLAS, TX 75230



0 | FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"



2ND FLR CEILING
119'-4 3/4"

2ND FLR, DECK
110'-3 3/4"

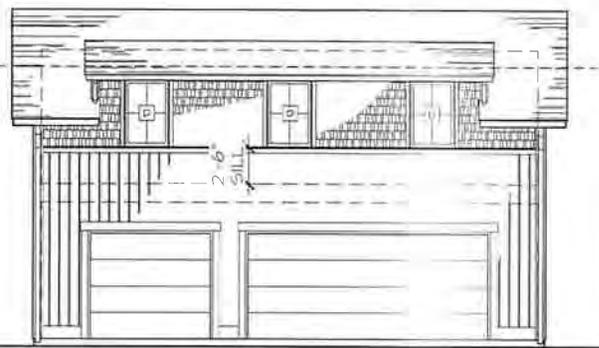
PLATE HT.
109'-1"

18'-8 1/2" BUILDING HT.

FIN. FLOOR
100'-0"

DECORATIVE SLIDING BARN
DOORS (DESIGN TBD)

04 EAST ELEVATION
SCALE: 1/4" = 1'-0"



2ND FLR CEILING
119'-4 3/4"

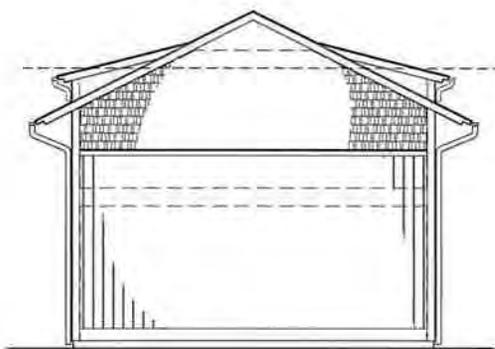
WINDOW SILL
112'-9 3/4"

2ND FLR, DECK
110'-3 3/4"

PLATE HT.
109'-1"

FIN. FLOOR
100'-0"

02 NORTH ELEVATION
SCALE: 1/4" = 1'-0"



2ND FLR CEILING
119'-4 3/4"

2ND FLR, DECK
110'-3 3/4"

PLATE HT.
109'-1"

18'-8 1/2" BUILDING HT.

FIN. FLOOR
100'-0"

03 WEST ELEVATION
SCALE: 1/4" = 1'-0"



FIBER CEMENT SIDING
SHINGLE PATTERN

COMP. SHINGLE ROOFING

GUTTER AND DOWNSPOUT

2ND FLR CEILING
119'-4 3/4"

WINDOW SILL
112'-9 3/4"

2ND FLR, DECK
110'-3 3/4"

PLATE HT.
109'-1"

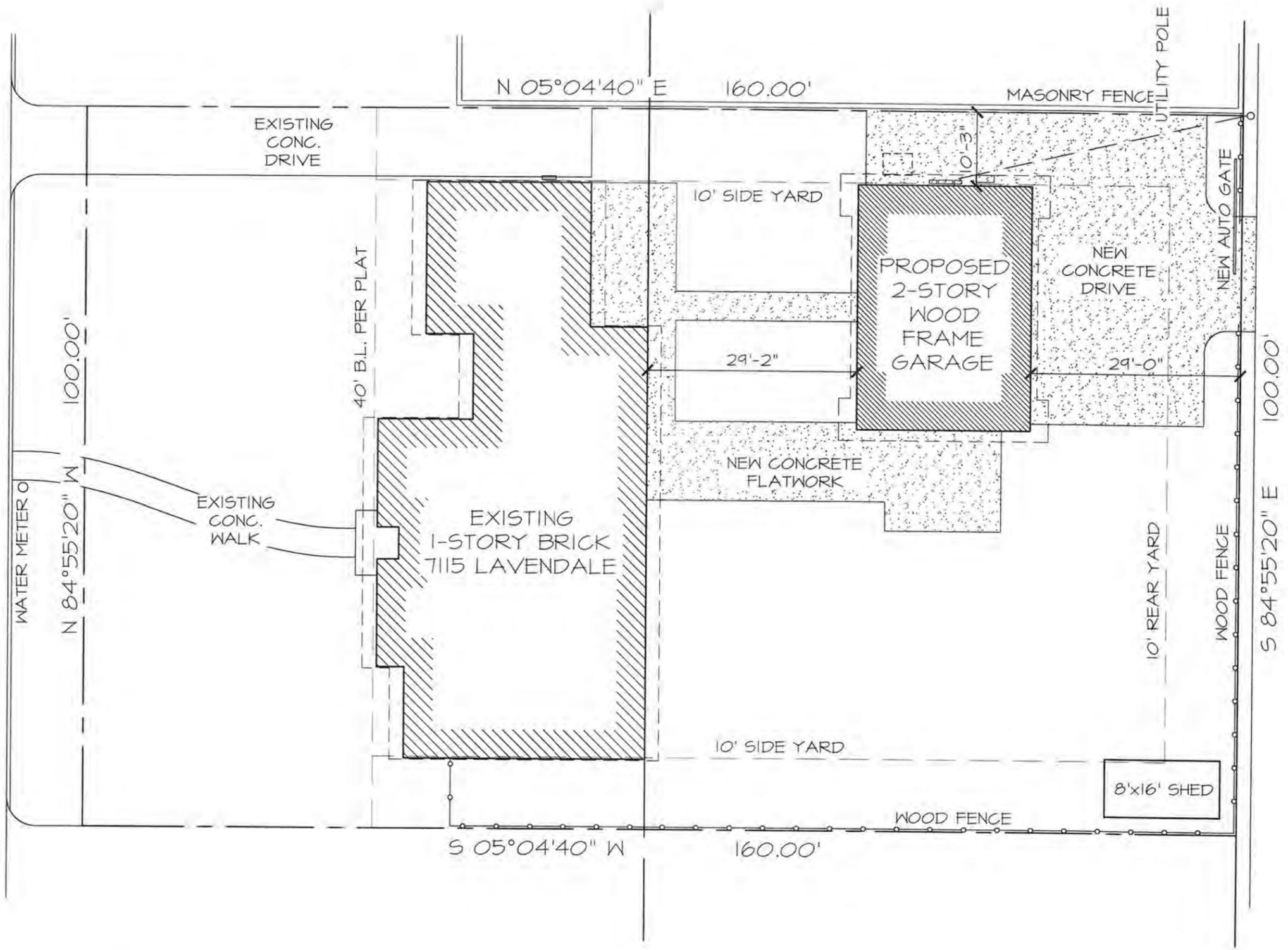
FIBER CEMENT VERTICAL
PANEL SIDING

FIN. FLOOR
100'-0"

01 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

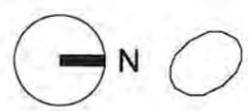
11-04-2020
MANGUEIRA GARAGE
7115 LAVENDALE AVE, DALLAS, TX 75230

L A V E N D A L E
50' R.O.W.



15' ALLEY

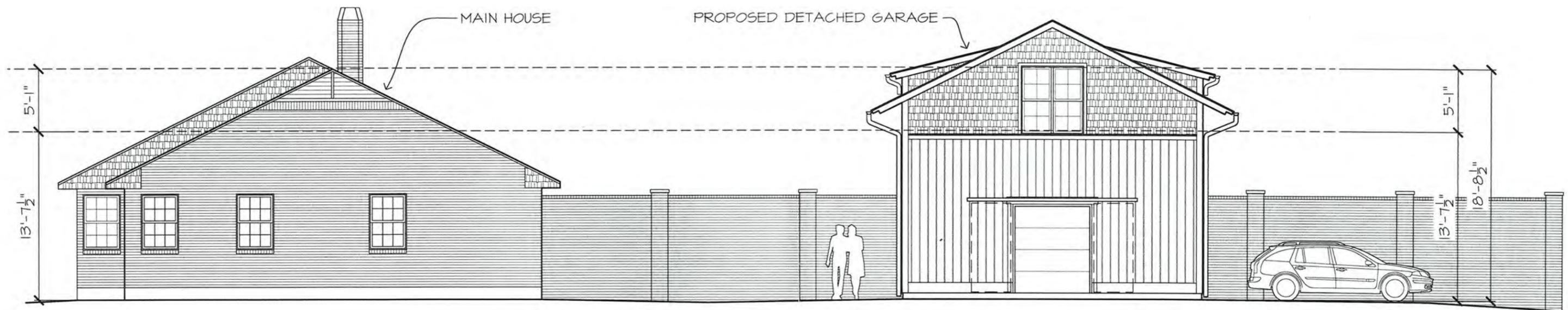
11-04-2020
MANGUEIRA GARAGE
7115 LAVENDALE AVE, DALLAS, TX 75230



SITE PLAN
SCALE: 1/16" = 1'-0"

SITE PLAN BASED ON PROPERTY SURVEY COMPLETED BY TERRACORP ASSOCIATES LLC, MARK ALLEN NACE, R.P.L.S. # 5539, DATED JUNE 8, 2015

1 OF 5



02 EAST ELEVATION
SCALE: 1/8" = 1'-0"

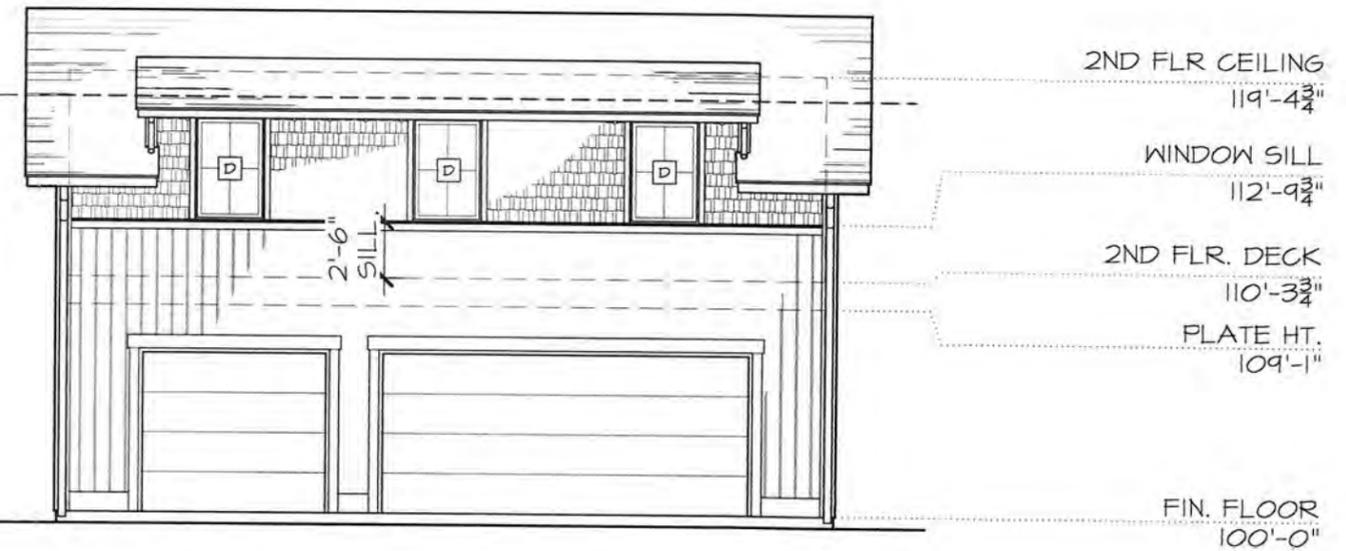


01 SOUTH ELEVATION (FRONT)
SCALE: 1/8" = 1'-0"

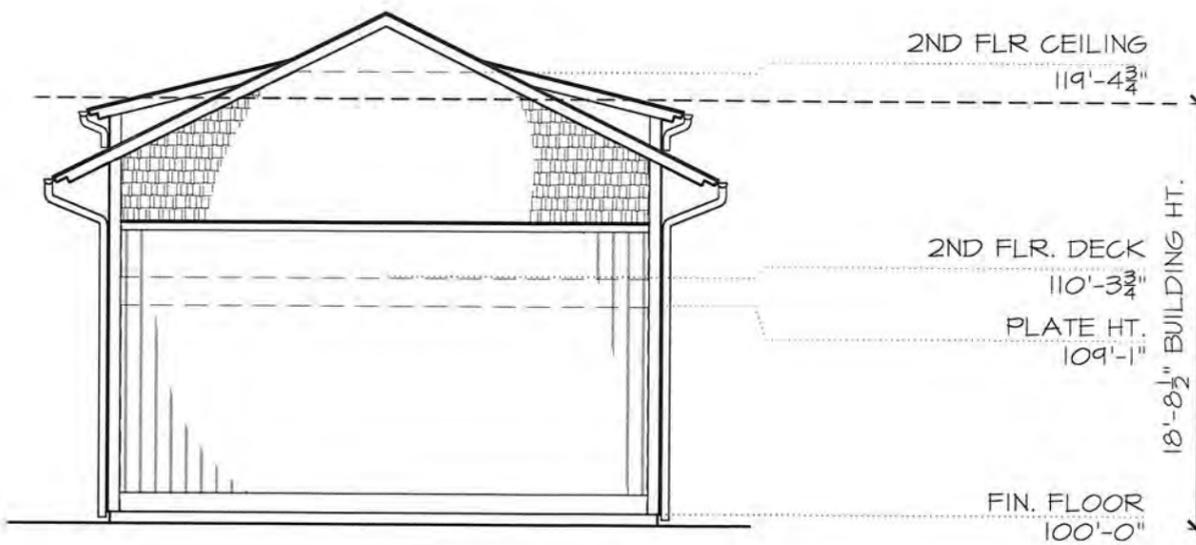
11-04-2020
MANGUEIRA GARAGE
7115 LAVENDALE AVE, DALLAS, TX 75230



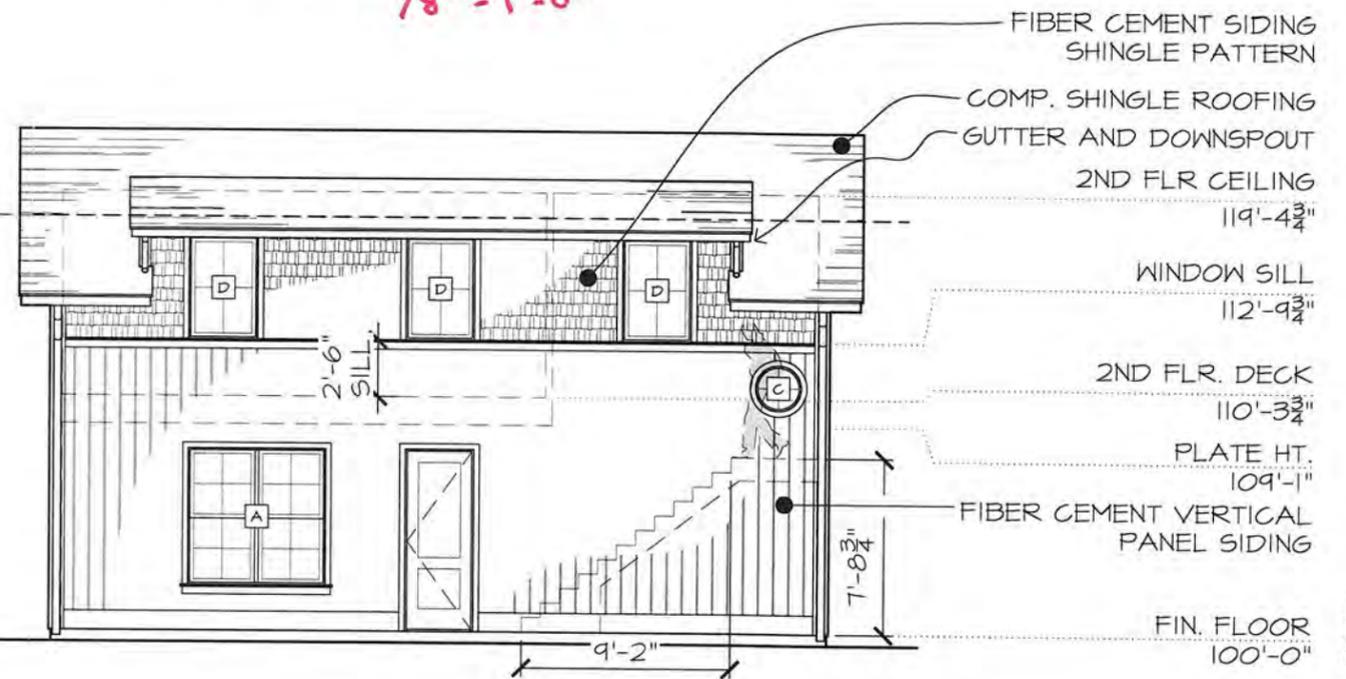
04 EAST ELEVATION
SCALE: ~~1/4~~" = 1'-0"
1/8" = 1'-0"



02 NORTH ELEVATION
SCALE: ~~1/4~~" = 1'-0"
1/8" = 1'-0"

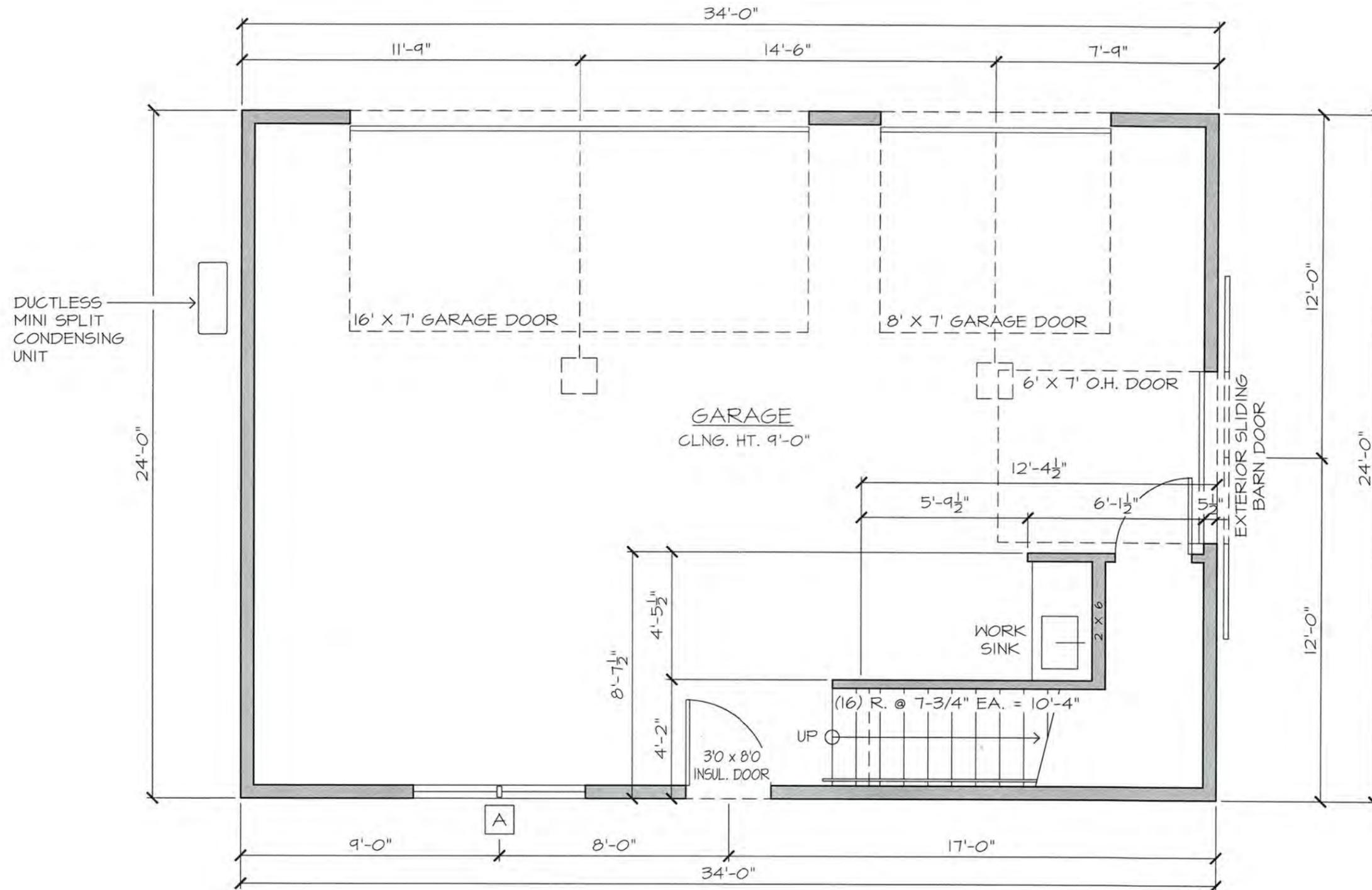


03 WEST ELEVATION
SCALE: ~~1/4~~" = 1'-0"
1/8" = 1'-0"



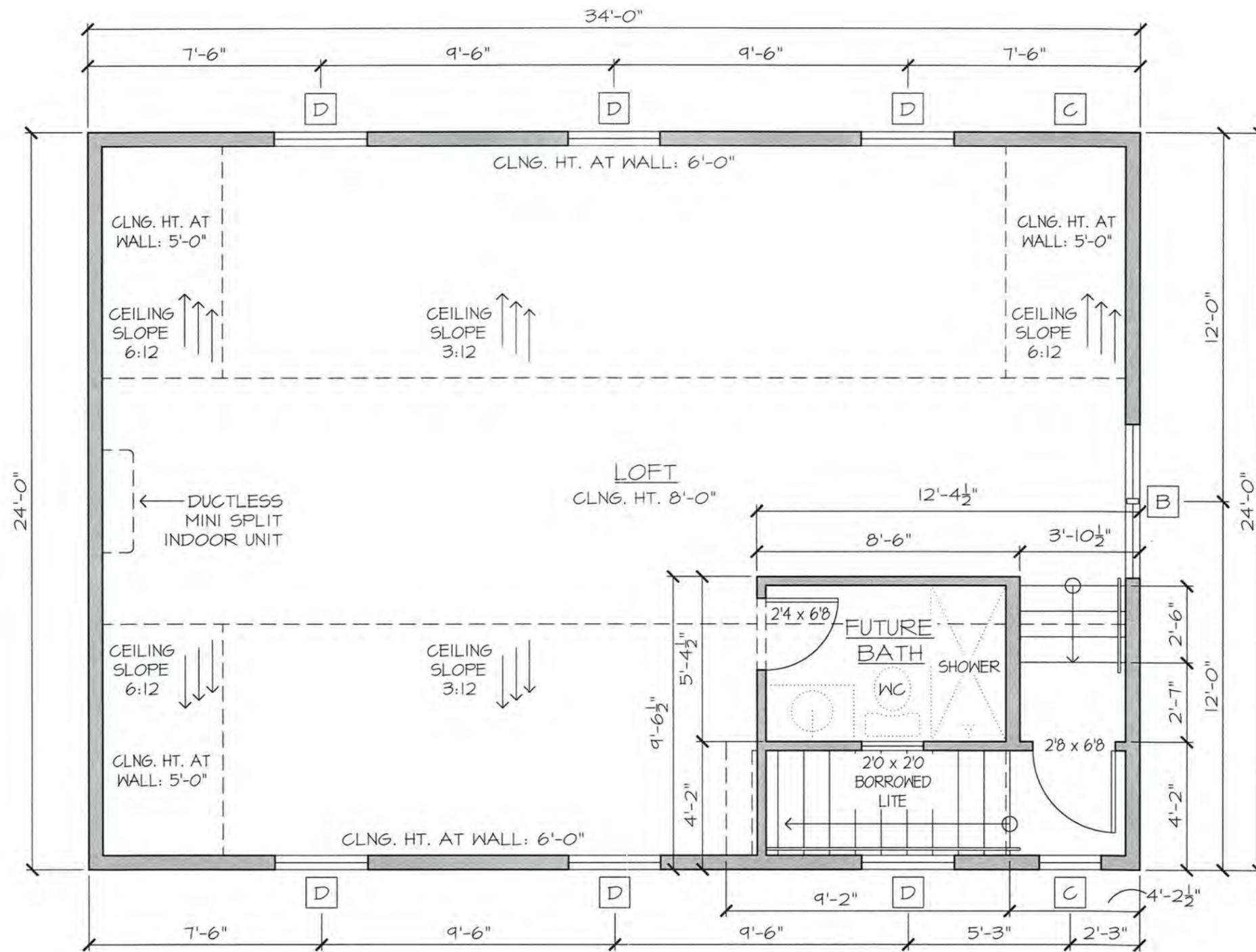
01 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

11-04-2020
MANGUEIRA GARAGE
7115 LAVENDALE AVE, DALLAS, TX 75230



○ | FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

11-04-2020
MANGUEIRA GARAGE
7115 LAVENDALE AVE, DALLAS, TX 75230



11-04-2020
MANGUEIRA GARAGE
 7115 LAVENDALE AVE, DALLAS, TX 75230

○ | **SECOND FLOOR PLAN**
 SCALE: 1/4" = 1'-0"

BDA201-122_ATTACHMENT_A

INDEX	ADDRESS	SITE SF	PRIMARY STRUCTURE SF	ADDITIONAL IMPROVEMENT	# STORIES
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20	7108 LAVENDALE LANE	15,640	3,838	726 ATTACHED GARAGE	ONE STORY
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29	7127 ROYAL LANE	15,480	3,498	696 DETACHED GARAGE	ONE STORY
30	7137 ROYAL LANE	17,220			VACANT

From: [Sharon Kurtz](#)
To: [Daniel, Pamela](#)
Subject: Hearing DBA201-1229PD) - Appeal before the Board of Adjustment
Date: Monday, January 10, 2022 2:23:41 PM

External Email!

Attn: Pamela Daniel - Senior Planner

Dear Ms. Daniel

I am Sharon Kurtz, a resident of Dallas at 7107 Lavendale Avenue. Dallas, Texas 75230. My husband Dave Kurtz and I have lived at this address for more than 30 years.

It has come to our attention that our next door neighbor, Benton Mangueira at 7115 Lavendale Avenue has made application for variances to the building height and the floor area ratio for an accessory dwelling unit in his backyard.
BDA201-122(PD)

We are very much opposed to each of the requested variances. -

The structure is bigger than the building code allows, taller than the building code allows, and I understand that it is proposed to be 10 feet from our back fence - which all accessory dwellings should be at least 15 feet from the fence according to the zoning district R16A - 51A-4.100.

This structure will block our morning sunlight that I enjoy each day, and the looming proposed structure, so much bigger and taller than what the building code allows will be detrimental to the value of our home, an eyesore, and will make us very unhappy.

Our enjoyment of our home we have lived in for more than 30 years will be negatively affected.

I am unable to join in the video conference virtually on January 18th. I would like to speak to you via cell phone at 214-697-3054 to express my opposition, and I would like this email to be presented to the Board of Adjustment before the scheduled briefing and hearing on Tuesday January 18, 2022.

Thank you for your consideration.

Sharon Kurtz


CAUTION: This email originated from outside of the organization. Please, do