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DALLAS, TEXAS



City of Dallas

Public Notice

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POSTED CITY SECRETARY
DALLAS, TX

BOARD OF ADJUSTMENT (PANEL A)

**July 18th, 2023, Briefing at 10:30 A.M. and the Public Hearing at 1:00 P.M.
Dallas City Hall, 6EN – Council Chambers and Videoconference**

**Video Conference Link: <https://bit.ly/071823A>
Telephone: (408) 418-9388, Access Code: 325527**

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

Individuals and interested parties wishing to speak must register with the Board of Adjustment at <https://bit.ly/BDA-A-Register> or call (214) 670-4127, **by the close of business Monday, July 17th, 2023.**

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

Las personas y las partes interesadas que deseen hacer uso de la palabra deben registrarse en Junta de Ajustes en at <https://bit.ly/BDA-A-Register> o llamando al (214) 670-4127, **antes de cierre de oficina el Lunes, 17 de Julio, 2023.**

AGENDA

- I. **Call to Order** David A. Neumann, Chairman
- II. **Staff Presentation/Briefing**
- III. **Public Hearing** Board of Adjustment
- IV. **Public Testimony**
- V. **Miscellaneous Items -**
 - Approval of Panel A Minutes – June 20th, 2023
- VI. **Case Docket** Board of Adjustment
 - Uncontested Items
 - Holdover Items
 - Individual Items
- VII. **Adjournment**

Handgun Prohibition Notice for Meetings of Governmental Entities

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

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

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

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

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

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

EXECUTIVE SESSION NOTICE

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

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

UNCONTESTED CASE(S)

BDA223-058(KMH)	7128 Hazel Road REQUEST: Application of Blanca Cardenas for (1) a special exception to the single-family regulations; (2) a variance to the floor area ratio regulations; and (3) a variance to the building height regulations.	1
BDA223-060(KMH)	2818 Toluca Ave. REQUEST: Application of Pedro Lopez for a special exception to the fence height regulations, and for a special exception to the visibility obstruction regulations.	2
BDA223-063(KMH)	2801 Al Lipscomb Way REQUEST: Application of Annie Evans represented by Ami Parikh for a variance to the front yard setback regulations, and for a special exception to the parking regulations.	3
BDA223-065(GB)	2603 Inwood Road REQUEST: Application of Baldwin Associates for a special exception to the parking regulations.	4

HOLDOVER

None.

INDIVIDUAL CASES

BDA223-066(KMH)	5518 Winston Court REQUEST: Application of Baldwin Associates for a special exception to the fence height regulations, and for a special exception to the fence standards regulations.	5
BDA223-077(KMH)	3349 Coronet Blvd. REQUEST: Application of Lance Thames for a variance to the building height regulations.	6



BOARD OF ADJUSTMENT

Panel A Minutes

June 20, 2023

DRAFT

6EN Council Chambers
24923176153@dallascityhall.webex.com

David A. Neumann, Chairman

PRESENT: [5]

David A. Neumann, Chairman	
Kathleen Davis	
Lawrence Halcomb	
Andrew Finney	
Philip Sahuc	

ABSENT: [0]

Rachel Hayden	
Jay Narey	

Assisting City Attorney Daniel Moore called the briefing to order at **10:33 A.M.** with a quorum of the Board of Adjustment present.

It was proposed by City Attorney Daniel Moore to elect a Temporary Presiding Officer for the briefing. Ms. Kathleen Davis made a motion to elect Lawrence Halcomb as a temporary presiding officer, second by Andrew Finney.

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

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

PUBLIC SPEAKERS

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

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

MISCELLANEOUS ITEMS

1- Approval of the Board of Adjustment Panel A, May 16, 2023 public hearing minutes.

Motion was made to approve Panel A, May 16, 2023 public hearing minutes.

Maker:	Kathleen Davis				
Second:	Andrew Finney				
Results:	5-0 unanimously				
		Ayes:	-	5	David A. Neumann, Phil Sahuc, Kathleen Davis, Andrew Finney, and Lawrence Halcomb
		Against:	-	0	

2- Two-Year Limitation Waiver – BDA201-090 – **8627 Lakemont Drive**

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

LOCATION: 8627 Lakemont Drive

APPLICANT: Audra Buckley

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

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

GENERAL FACTS/TIMELINE:

Two-year limitation.

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

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

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

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

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

October 19, 2021: The Board of Adjustment Panel A granted a request for special exceptions to the

- April 26, 2023: fence height and fence standards regulations contained in the Dallas Development Code subject to the condition of compliance with the submitted site plan and elevation. See Attachment A Decision Letter. Applicant for BDA201-090 submitted an email to Board of Adjustment staff inquiring about the submittal process for a two-year time limitation on a final decision reached by the board if there are changed circumstances regarding the property sufficient to warrant a new hearing. This email cited an extenuating circumstance of finances that did not allow the applicant to follow through with the permitting process. See Attachment A Inquiry to Waive Two-Year Limitation.
- May 5, 2023: Applicant for BDA201-090 submitted a letter to Board Administrator to schedule for Board’s consideration, a request to waive the two- year time limitation on a final decision reached by the board if there are changed circumstances regarding the property sufficient to warrant a new hearing. This letter disclosed that the applicant desires to resubmit to the Board because of non-compliance with the requirement of SEC. 51A-4.703 (d) (6) which states that applicant shall file an application for a building permit or certificate of occupancy within 180 days from the date of favorable action of the Board. In addition, the property owner alerted the Board that the resubmittal will include some minor changes to the previous site plan. The two-year waiver is sought so that the Board may consider applicant’s request for a revised fence design on site plan. The two-year waiver request is made in order for the applicant to file a new application for special exceptions to the fence height and fence standards regulations contained in the Dallas Development Code given that the applicant proposes a revised site plan that would no longer comply with the conditions imposed with granted request of October 2021. See Attachment B Request to Waive Two-Year Time Limitation.
- May 30, 2023: Development Code Specialist emailed the applicant information regarding the miscellaneous item request with a hearing date of June 20, 2023, Panel A.

Speakers:

For: Audra Buckley, 1414 Belleview St #150, Dallas TX 75215

Against: No Speakers

Motion

I move that the Board of Adjustment, in request No. BDA 201-091, on application of Audra Buckley, to **GRANT** the request of this applicant to waive the two-year limitation on a final decision reached by Board of Adjustment Panel A on October 20, 2021, because there are changed circumstances regarding the property sufficient to warrant a new hearing.

Maker:	Kathleen Davis			
Second:	Phil Sahuc			
Results:	5-0 unanimously			
	Ayes:	-	5	David A. Neumann, Phil Sahuc, Kathleen Davis, Andrew Finney, and Lawrence Halcomb
	Against:	-	0	

CONSENT ITEMS

1. 6821 McCallum Blvd.
BDA223-048(KMH)

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

LOCATION: 6821 McCallum Blvd

APPLICANT: Alan Tolmas

REQUEST:

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

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS REGULATIONS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: PD-106 (Single Family District)
North: PD-106 (Single Family District)
East: SUP
South: R-7.5 (A) (Single Family District)
West: PD-106 (Single Family District)

Land Use:

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

BDA History:

No BDA history in the last five years.

GENERAL FACTS/STAFF ANALYSIS:

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

Timeline:

- March 31, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- April 24, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.
- April 27, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the May 26, 2023, deadline to submit additional evidence for staff to factor into their analysis; and June 9, 2023, deadline to submit additional evidence to be incorporated into the board’s docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- May 31, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.

Speakers:

For: Alan Tolmas, 6009 Oakcrest Rd, Dallas TX 75248 (Did not speak)

Against: No Speakers

Motion

I move that the Board of Adjustment **GRANT** the following application listed on the uncontested docket because it appears, from our evaluation of the property and all relevant evidence that the applications satisfy all the requirements of the Dallas Development Code and are consistent with the general purpose and intent of the Code, as applicable to wit:

BDA223-048— Application of Alan Tolmas for a special exception to the fence height requirements in the Dallas development code is **granted** subject to the following condition:

- Compliance with the submitted site plan/elevation is required.
- Compliance with the submitted alternate landscape plan is required (motion to remove)

Maker:	Lawrence Halcomb				
Second:	Andrew Finney				
Results:	5-0 unanimously				
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Phil Sahuc, Andrew Finney, and Lawrence Halcomb
		Against:	-	0	

2. 4148 Gentry Drive

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

BDA223-056(KMH)

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

LOCATION: 4148 Gentry Drive

APPLICANT: Alma Gutierrez

REQUESTS:

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

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

State Law/HB 1475 effective 9-1-21

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

STAFF RECOMMENDATION:

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

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

BDA History:

No BDA history within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the visual obstruction regulations focuses on maintaining a residential fence structure in a required visibility obstruction triangle.

- The site is zoned R-5(A), where the Dallas Development Code requires a 20-foot visibility triangle at driveway approaches. Section 51A-4.602(d) of the Dallas Development Code states the following: a person shall not erect, place, or maintain a structure, berm, plant life, or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections and 20-foot visibility triangles at drive approaches and alleys on properties zoned single-family); and
 - between two-and-a-half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).

- The applicant proposes to maintain an existing 8-foot high wooden residential fence, where roughly 10 linear feet of the fence is located within the two 20-foot visibility triangles on both sides of the existing driveway along Canada Drive.

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

- With regard to the request for a special exception to the visual obstruction regulations, the applicant has the burden of proof to establish how granting these requests to maintain the existing fence in the two 20-foot visibility triangles on either side of the driveway does not constitute a traffic hazard.

- Granting this request for a special exception to the visual obstruction regulations with a condition imposed that the applicant complies with the submitted site plan would limit the existing fence in the two 20-foot visibility triangles at driveway into the site from Canada Drive to what is shown on these documents.

Timeline:

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

- April 24, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.

- April 28, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:
 - an attachment that provided the public hearing date and panel that will consider the application; the May 26, 2023, deadline to submit additional evidence for staff to factor into their analysis; and June 9, 2023, deadline to submit additional evidence to be incorporated into the board’s docket materials.

 - the criteria/standard that the board will use in their decision to approve or deny the request; and

- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

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

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

Speakers:

For: Alma Gutierrez, 4148 Gentry Drive, Dallas TX 75212
Interpreter: Jody DeLeon, 114 Donation Dr, Tioga TX 76271

Against: No Speakers

Motion #1

I move that the Board of Adjustment, in Appeal No. BDA 223-056, on application of Alma Gutierrez, **GRANT** the request to maintain items in the 20-foot visibility triangle at the drive approach, as requested by this applicant, as a special exception to the visual obstruction regulations contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not constitute a traffic hazard.

Maker:	Lawrence Halcomb					Motion Fails – No other votes
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Motion #2

I move that the Board of Adjustment, in Appeal No. BDA 223-056, on application of Alma Gutierrez, **DENY** the special exception requested by this applicant to maintain items in the visibility triangle at the drive approach **without** prejudice, because our evaluation of the property and the testimony shows that granting the application would constitute a traffic hazard.

Maker:	Kathleen Davis					
Second:	Andrew Finney					
Results:	4-1 unanimously					
		Ayes:	-	4	David A. Neumann, Kathleen Davis, Phil Sahuc, Andrew Finney	
		Against:	-	1	Lawrence Halcomb	

3. 4523 Frankford Road

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

BDA223-050(KMH)

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

LOCATION: 4523 Frankford Road

APPLICANT: Chic-Fil-A
Represented by Amanda Bishop

REQUEST:

A request for a special exception to the landscape regulations.

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

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

STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REGULATIONS:

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

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: CR
North: CR

East: CR
South: CR; TH-1(A)
West: PD-254; R-7.5A

Land Use:

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

BDA History:

No BDA History in the last five years.

GENERAL FACTS /STAFF ANALYSIS:

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

Timeline:

- April 6, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- April 24, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- April 28, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:
 - an attachment that provided the public hearing date and panel that will consider the application; the May 26, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the June 9, 2023 deadline to submit additional evidence to be incorporated into the board’s docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and

- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

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

Speakers:

For: Nancy Carreras, 220 E. Central Parkway, Altamonte Springs, FL

Against: No Speakers

Staff: Phil Erwin, Arborist, Development Services

Motion #1

I move that the Board of Adjustment, in Appeal No. BDA 223-050, on application of Chick-Fil-A, represented by Amanda Bishop, **DENY** the special exception requested by this applicant **without** prejudice, because our evaluation of the property and the testimony shows that strict compliance with the requirements of Article X will not unreasonably burden the use of the property (and/or) the special exception will adversely affect neighboring properties.

Maker:	David Neumann			
Second:	Phil Sahuc			

Motion #2

Applicant available
Motion **WITHDRAWN**

Motion #3

I move that the Board of Adjustment, in Appeal No. BDA 223-050, on application of Chick-Fil-A, represented by Amanda Bishop, **DENY** the special exception requested by this applicant **without** prejudice, because our evaluation of the property and the testimony shows that strict compliance with the requirements of Article X will not unreasonably burden the use of the property (and/or) the special exception will adversely affect neighboring properties.

Maker:	Kathleen Davis			
Second:	Phil Sahuc			
Results:	5-0 unanimously			
	Ayes:	-	5	David A. Neumann, Kathleen Davis, Phil Sahuc, Andrew Finney, and Lawrence Halcomb
	Against:	-	0	

4. 6446 E. Lovers Lane

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

BDA223-054(KMH)

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

LOCATION: 6446 E. Lovers Lane

APPLICANT: Jacob Remington

REQUESTS:

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

STANDARD FOR A VARIANCE:

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

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

State Law/HB 1475 effective 9-1-21

- the board may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:
 - (f) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.

- (g) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
- (h) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (i) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (j) the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION: ENGINEER OPINION

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

BDA History:

No BDA history within the last five years.

GENERAL FACTS/STAFF ANALYSIS

- The subject site is zoned R-7.5(A) and is currently developed with a single-family home.
- This request is for a variance to the off-street parking regulations which requires a parking space to be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley.

- The applicant is proposing to construct a detached two car/rear entry garage that will be 7-foot 4-inches from the right-of-way line adjacent to the alley, which will require a 12-foot 8-inch variance to the off-street parking regulation.
- The applicant states that the request has been made to provide adequate parking accommodations to the property that is consistent with the neighborhood because the current configuration of the existing improvements does not allow for the 20-foot distance required by the city.
- According to the submitted site plan, the proposed structure will be approximately 484 square feet with a lot size of approximately 9,890 square feet.

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

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

Speakers:

For: Jacob Remington, 6446 E. Lovers Lane, Dallas, TX 75214

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 223-054, on application of Jacob Remington, **GRANT** the 12-foot eight-inch variance to the off-street parking regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

BDA223-054— Application of Jacob Remington for the 12-foot eight-inch variance to the off-street parking regulations in the Dallas Development Code, subject to the following condition:

Compliance with the submitted site plan is required.

Maker:	Andrew Finney				
Second:	Phil Sahuc				
Results:	4-1 unanimously				
		Ayes:	-	4	David A. Neumann, Lawrence Halcomb, Phil

				Sahuc, Andrew Finney
		Against:	- 1	Kathleen Davis

5. 1020 McBroom Street

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

BDA223-061(KMH)

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

LOCATION: 1020 McBroom Street

APPLICANT: Brent Jackson

REQUEST:

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

STANDARD FOR A VARIANCE:

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

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

State Law/HB 1475 effective 9-1-21

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

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

ZONING/BDA HISTORY:

BDA223-035- April 21, 2023

Zoning:

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

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

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

Timeline:

- May 1, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- May 16, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.
- May 16, 2023: The Board of Adjustment Senior Planner emailed the applicant the following information:
 - a copy of the application materials including the Building Official’s report on the application
 - an attachment that provided the public hearing date and panel that will consider the application; the January 23rd deadline to submit additional evidence for staff to factor into their analysis; and the February 10th deadline to submit additional evidence to be incorporated into the Board’s docket materials

- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

May 25, 2023: The applicant provided documentary evidence to staff.

May 31, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, the Board of Adjustment Development Code Specialist, the Board of Adjustment Consultant, the Chief Arborist, Development Services Senior Engineers, Code Compliance and the Board Attorney.

Speakers:

- For: Sam Malik, 2323 Victory Ave # 700, Dallas TX 75219
 Aimee Furness, 2323 Victory Ave # 700, Dallas TX 75219
- Against: No Speakers
- Staff: David Nevarez, Sr. Engineer, Development Services

Motion

move that the Board of Adjustment, in Appeal No. BDA 223-061, on application of Brent Jackson represented by Aimee Furness, **GRANT** the five-foot variance to the side yard setback regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

BDA223-061— Application of Brent Jackson for the five-foot variance to the side yard setback regulation in the Dallas Development Code, subject to the following condition:

Compliance with the submitted site plan and elevation is required.

Maker:	Lawrence Halcomb				
Second:	Phil Sahuc				
Results:	4-1 unanimously				
		Ayes:	-	4	David A. Neumann, Kathleen Davis, Phil Sahuc and Lawrence Halcomb
		Against:	-	1	Andrew Finney

INDIVIDUAL CASES

6. 7915 Roundrock Rd.
BDA223-052(KMH)

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

LOCATION: 7915 Roundrock Rd.

APPLICANT: Emmy Alvarez Zumwalt

REQUEST:

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

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

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

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION

Zoning:

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

Land Use:

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

BDA History:

No BDA history within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the single-family use regulations focuses on constructing and maintaining an approximately 648 square feet additional dwelling unit, not for rent, on a site developed with a single-family home.
- The site is zoned an R-7.5(A) Single Family District where the Dallas Development Code permits one dwelling unit per lot.
- The proposed additional dwelling unit consists of a bedroom, bathroom, and kitchen.
- The single-family use regulations of the Dallas Development Code state that only one dwelling unit may be located on a lot and that the Board of Adjustment may grant a special exception to this provision and authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: (1) be use as rental accommodations; or (2) adversely affect neighboring properties.
- The Dallas Development Code defines:
 - a “single family” use as “one dwelling unit located on a lot;” and a “dwelling unit” as “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
 - a “kitchen” is “any room or area used for cooking or preparing food and containing one or more ovens, stoves, hot plates, or microwave ovens; one or more refrigerators; and one or more sinks. This definition does not include outdoor cooking facilities.”
 - a “bathroom” as “any room used for personal hygiene and containing a shower or bathtub or containing a toilet and sink.”
 - a “bedroom” is “any room in a dwelling unit other than a kitchen, dining room, living room, bathroom, or closet. Additional dining rooms and living rooms, and all dens, game rooms, sunrooms, and other similar rooms are considered bedrooms.”
- The submitted floor plan identifies the proposed layout of the additional dwelling unit which indicates a kitchen, a bedroom, and bathroom.
- The applicant has the burden of proof in establishing that the additional dwelling unit will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.

Granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an additional dwelling unit on the site (i.e., development on the site must meet all required code requirements).

The Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

Timeline:

April 6, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

April 24, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

April 28, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

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

May 25, 2023: The applicant provided the Senior Planner with pictures of backyard as documentary evidence.

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

June 1, 2023: The applicant provided the Senior Planner with pictures of a neighboring property as documentary evidence.

Speakers:

- For: Emmy Zumwalt, 7915 Roundrock Rd, Dallas, TX 75248
- Against: No Speakers

Motion

I move that the Board of Adjustment, in request No. BDA 223-052, on application of Emmy Zumwalt, **GRANT** the request to construct and maintain an additional dwelling unit on a site developed with a single-family structure as a special exception to the single-family use regulations in the Dallas Development Code, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring properties.

BDA 223-052— Application of Emmy Zumwalt to construct and maintain an additional dwelling unit on a site developed with a single-family structure as a special exception to the single-family use regulations in the Dallas Development Code, subject to the following condition(s):

Compliance with the submitted site plan is required.

The applicant must deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

Maker:	Phil Sahuc				
Second:	Andrew Finney				
Results:	5-0 unanimously				
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Phil Sahuc, Andrew Finney, and Lawrence Halcomb
		Against:	-	0	

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Chair Neumann moved to adjourn the meeting; motion by Kathleen Davis, seconded by Andrew Finney at 3:39 p.m.

Recess: 2:29 p.m.; Resume: 2:35 p.m.

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

 Date

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

 Date

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

 Date

FILE NUMBER: BDA223-058 (KMH)

BUILDING OFFICIAL'S REPORT: Application of Blanca Cardenas for a special exception to the single-family regulations, and for a variance to the floor area ratio regulations, and for a variance to the building height regulations at 7128 Hazel Rd. This property is more fully described as Block 3/6292, Lot 5 and is zoned R-7.5(A), which (1) prohibits an accessory structure from exceeding 25% of the floor area of the main structure; and (2) prohibits the height of an accessory structure from exceeding the height of the main building, and limits the number of dwelling units to one. The applicant proposes to construct an additional dwelling unit, which will require a special exception to the single family zoning use regulations (NOT FOR RENT); and to construct a single family residential accessory structure with 1,306 square feet of floor area (95% of the 1,244 square foot floor area of the main structure), which will require a 995 square foot variance to the floor area regulations, and to construct and maintain a single-family residential accessory structure with a building height of 24 feet, which will require a 6 foot variance to the maximum building height regulations.

LOCATION: 7128 Hazel Rd

APPLICANT: Blanca Cardenas

REQUEST:

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

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

Section 51A-4.209(b)(6)(E)(i) of the Dallas Development Code specifies that the board may grant a special exception to the single-family use regulations of the Dallas Development Code to authorize an additional dwelling unit on a lot when, in the opinion of the board, the additional dwelling unit will not:

- 1) be used as rental accommodations; or
- 2) adversely affect neighboring properties.

Section 51A-4.209(b)(6)(E)(ii) In granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

STANDARD FOR A VARIANCE:

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

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

State Law/HB 1475 effective 9-1-21

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

STAFF RECOMMENDATION:

Special Exception:

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

Variance:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

Rationale:

- Staff concluded that granting the variance for the floor area ratio and height in this application would not be contrary to public interest. In granting this variance, it would allow the existing structure to remain.

BACKGROUND INFORMATION

Zoning:

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

Land Use:

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

BDA History:

No BDA history within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

- This request is for a special exception to the single-family use regulations, and for a variance to the floor area ratio and building height regulations is made to construct and/or maintain an additional dwelling unit, not for rent, on a site developed with a single family home.

- The applicant proposes maintain a 24-foot single-family residential accessory structure (ADU-not for rent) with 1,306 square feet of floor area (95% of the 1,244 square feet of floor area of the main structure). The applicant states that the ADU has been existing for 15 years.
- The site is zoned an R-7.5(A) Single Family District where the Dallas Development Code permits one dwelling unit per lot.
- Additionally, the Dallas Development Code states that an accessory structure may not exceed 25% of the floor area of the main structure and the height of an accessory structure may not exceed that of the main structure.
- The main structure is approximately 1,244 square feet, an ADU not exceeding 25% of the main floor area would be approximately 311 square feet. The existing two story ADU is approximately 1,306 square feet; which exceeds the 25% of the main floor area.
- The height of the main structure is approximately 18-feet; the height of the existing ADU is 24-feet; therefore a 6-foot variance is required as the accessory structure cannot exceed the height of the main structure.
- According to the submitted plans, the first floor of the ADU consists of kitchen, dining/living area, bathroom and closets; the second floor of the ADU consists of two bedrooms, bathroom, living area and two closets.
- It is imperative to note that the Dallas Development Code defines a dwelling unit as, “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.” The existing ADU consists of all three (kitchen, bathroom, and bedrooms).
- The single-family use regulations of the Dallas Development Code state that only one dwelling unit may be located on a lot and that the Board of Adjustment may grant a special exception to this provision and authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: (1) be use as rental accommodations; or (2) adversely affect neighboring properties.
- The applicant has the burden of proof in establishing that the additional dwelling unit will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.

Granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an additional dwelling unit on the site (i.e., development on the site must meet all required code requirements).

The Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

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

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

The board may also consider **State Law/HB 1475** as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

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

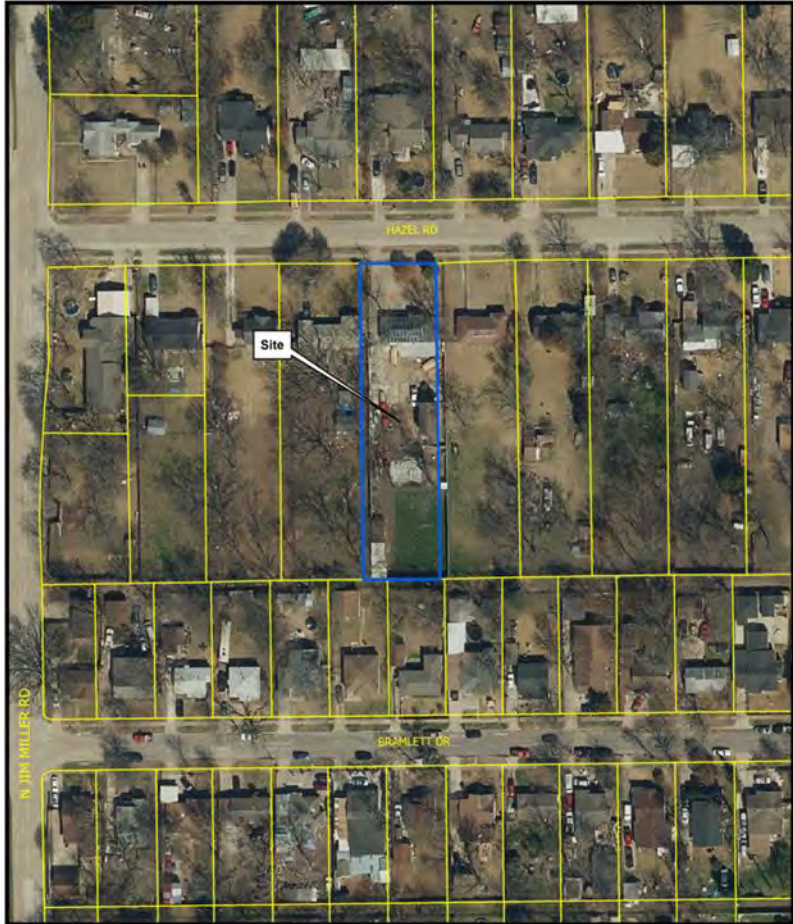
Timeline:

- April 24, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- May 30, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- June 13, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the June 26, 2023, deadline to submit additional evidence for staff to factor into their analysis; and July 6, 2023, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

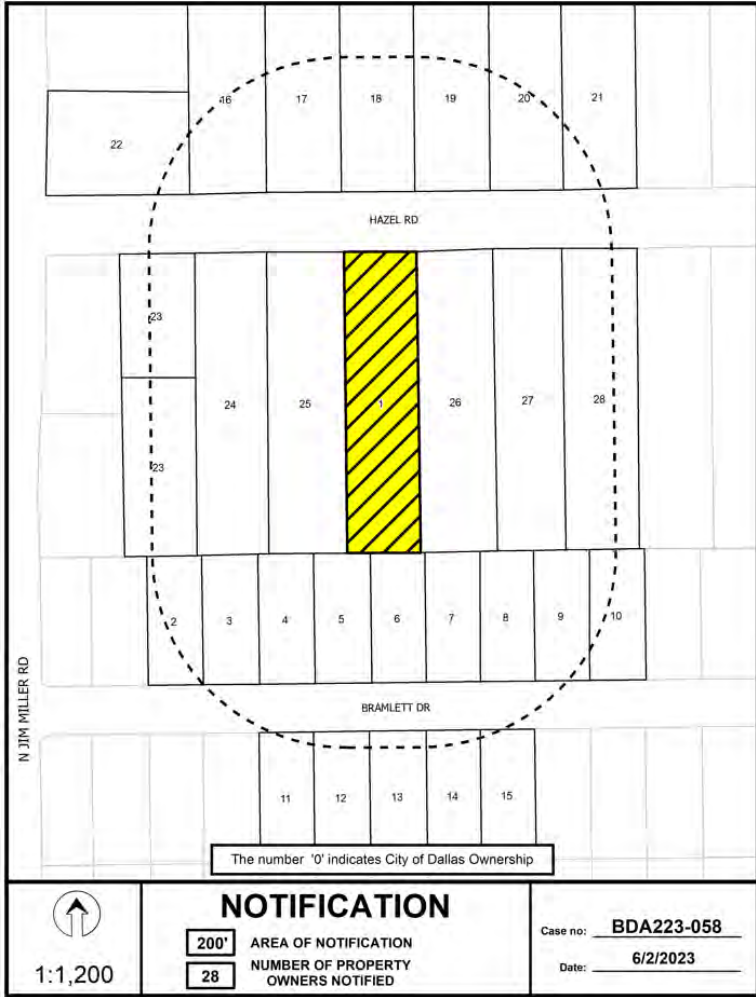
June 28, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.

June 30, 2023: The Development Services Engineer provided a response sheet with no objections.



 1:1,200	AERIAL MAP	Case no: <u>BDA223-058</u> Date: <u>6/2/2023</u>
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REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING JULY 18, 2023 (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 212-078(GB)
- BDA 223-058(KMH)
- BDA 223-060(KMH)
- BDA 223-063(KMH)
- BDA 223-065(GB)
- BDA 223-066(KMH)
-
-
-
-
-
-
-
-

COMMENTS:

David Nevarez, PE, PTOE, DEV - Engineering

Name/Title/Department

6/29/2023

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.



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

Case No.: BDA 223-058 **RECEIVED**
 Date: 4/24/23 **APR 24 REC'D**
 BY: [Signature]

Data Relative to Subject Property: _____
 Location address: 7128 Hazel Zoning District: R-75 (a)
 Lot No.: 5 Block No.: 3/6292 Acreage: _____ Census Tract: _____
 Street Frontage (in Feet): 1) 75' 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Jose Velasquez
 Applicant: Blanca Cardenas Telephone: 4699961545
 Mailing Address: Susancardenas20@gmail.com Zip Code: 75232
 E-mail Address: 745 clearwood Dr. Dallas TX
 Represented by: _____ Telephone: _____
 Mailing Address: _____ Zip Code: _____
 E-mail Address: _____

Affirm that an appeal has been made for a Variance or Special Exception of additional Dwelling Unit, special exception, Exceeding the 25% of the floor area of the main structure, Exceeding the height of main structure, this unit is not for rent

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

this unit was built 15 years ago and with all due respect we are requesting an ADU exception, it will not be used as rental or interferes or affects in any way the neighbors.

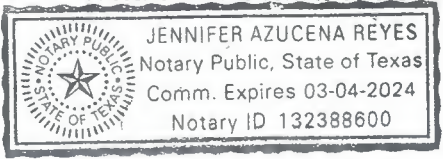
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Blanca Cardenas
 (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 20 day of January, 2023



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Blanca Cardenas

did submit a request for a special exception to the single family regulations, and for a variance to the floor area ratio regulations, and for a variance to the building height regulations

at 7128 HAZEL

BDA223-058. Application of Blanca Cardenas for a special exception to the single family regulations, and for a variance to the floor area ratio regulations, and for a variance to the building height regulations at 7128 HAZEL RD. This property is more fully described as Block 3/6292, Lot 5 and is zoned R-7.5(A), which an accessory structure may not exceed 25% of the floor area of the main structure, which the height of an accessory structure may not exceed the height of the main building, and limits the number of dwelling units to one. The applicant proposes to construct an additional dwelling unit, which will require a special exception to the single family zoning use regulations (NOT FOR RENT), and to construct a single family residential accessory structure with 1306 square feet of floor area (95% of the 1244 square foot floor area of the main structure), which will require a 995 square foot variance to the floor area regulations, and to construct and maintain a single-family residential accessory structure with a building height of 24 feet, which will require a 6 foot variance to the maximum building height regulations.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



Appeal number: BDA 223-058

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

at: 7128 Hazel
(Address of property as stated on application)

Authorize: Blanca Cardenas
(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: ATU special exception, variance to the height and variance floor area. This unit is not for rental

Jose Velasquez
Print name of property owner or registered agent

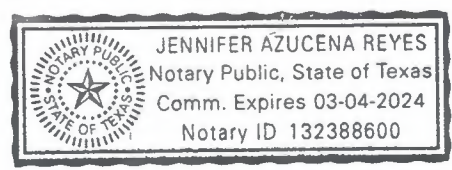
Jose Velasquez
Signature of property owner or registered agent

Date 1-30-2023

Before me, the undersigned, on this day personally appeared Jose Velasquez

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 30 day of January, 2023

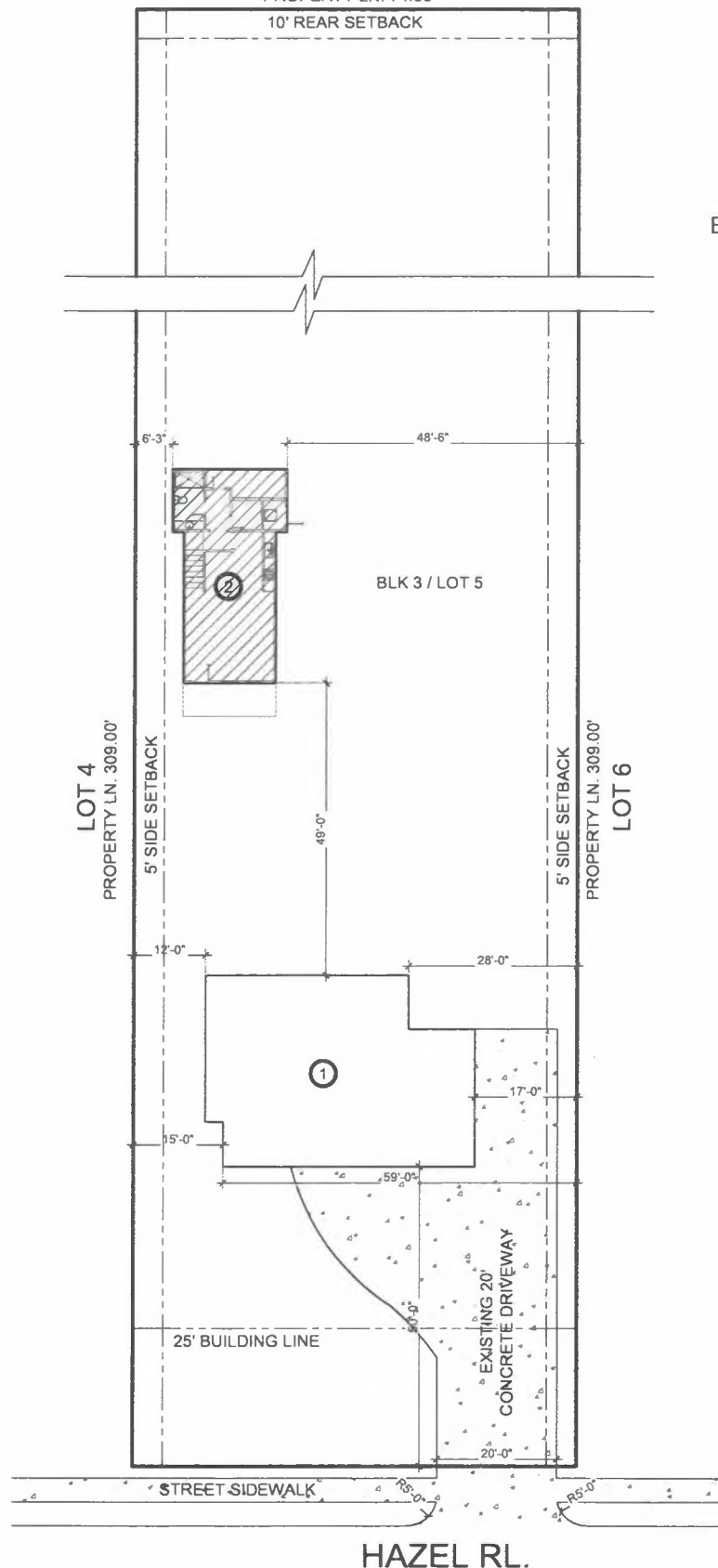


Jennifer Reyes
Notary Public for Dallas County, Texas

Commission expires on 03/04/2024

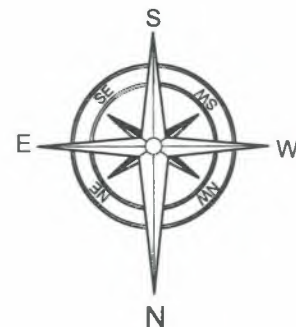
BLK 1 LOT 7 BLK 1 LOT 6

PROPERTY LN. 74.00'
10' REAR SETBACK



SITE PLAN

SCALE 1" = 30'



VICINITY MAP
FOR REFERENCE ONLY

AREA DISTRIBUTION		
AREA SCHEDULE		
1	MAIN DWELLING BUILDING	1,244 SQ. FT.
2	PROPOSED ACCESSORY BUILDING (1st STORY)	608.11 SQ. FT.
3	PROPOSED ACCESSORY BUILDING (2nd STORY)	697.75 SQ. FT.
TOTAL PROPOSED LIVING AREA		2,549.86 SQ. FT.
TOTAL PROPOSED COVERAGE		1,852.11 SQ. FT.
LOT AREA		22,792 SQ. FT.
% LOT COVERAGE		8.12%
LEGAL DESCRIPTION		
CLOVE LAWN BLK 3/6292 LOT 5		

RC PLANS
DESIGN AND DRAFTING

rcplans@outlook.com

All the information in these plans is provided by the client and / or builder, the designer only limits himself to draw required plans for building permits and doesn't supervise construction or control of quality of materials, therefore the designer does not assume any type of responsibility derived from this project. The project owner is recommended to have professional supervision of a qualified architect or engineer for the review of plans and building's construction.

RESIDENTIAL ADDITION	SITE PLAN
USE:	PLAN:
DRAWN BY: RC PLANS	DATE: 10/20/2022
SCALE: 1" = 30'	

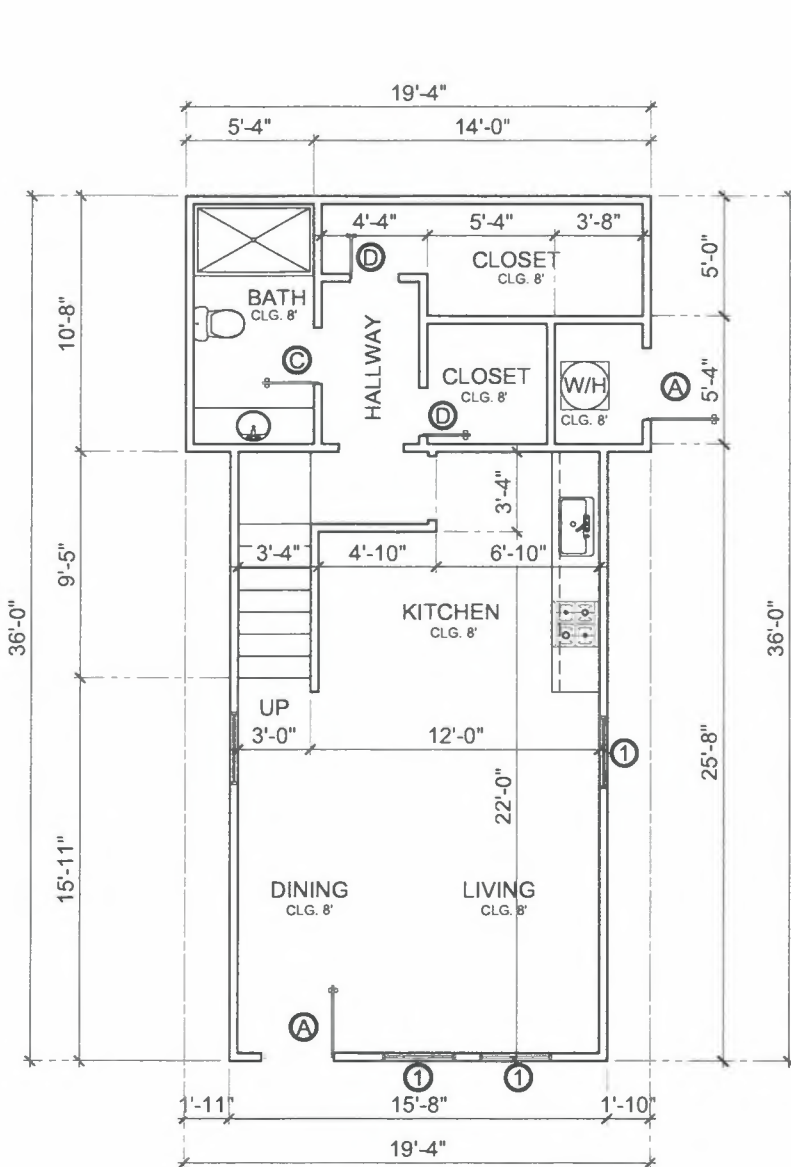
ADDRESS:

7128 HAZEL RD,
DALLAS TX 75217

PAGE NUMBER:

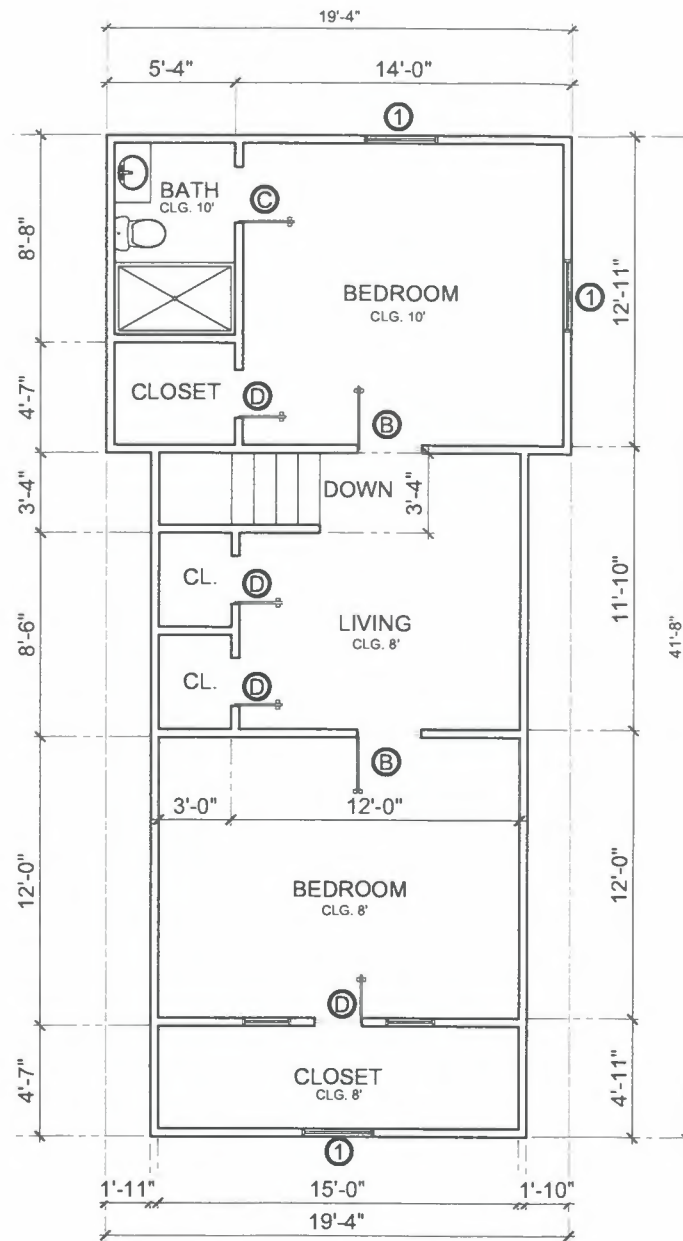
01

EDA 223-058



FLOOR PLAN 1st STORY

SCALE 1/8" = 1'-0"



FLOOR PLAN 1st STORY

SCALE 1/8" = 1'-0"

WINDOWS SCHEDULE			
ITEM	SIZE	QUANTITY	TYPE
1	3'-0" X 5'-0"	6	SH

SH = SINGLE HUNG

DOORS SCHEDULE			
ITEM	SIZE	QUANTITY	TYPE
A	3'-0" X 7'-0"	2	SHS
B	2'-8" X 7'-0"	2	SHH
C	2'-4" X 7'-0"	2	SHH
D	2'-0" X 7'-0"	6	FR

SHS = SINGLE HINGED SOLID CORE
SHH = SINGLE HINGED HOLLOW CORE

IECC 2015 GREEN/ENERGY CODE COMPLIANCE FOR HOME

ALL GREEN/ENERGY SYSTEMS MUST MEET THE REQUIREMENTS FROM THE CHAPTER 4 OF THE INTERNATIONAL ENERGY CONSERVATION CODE, REFERED TO RESIDENTIAL ENERGY EFFICIENCY. IF ANY ITEM IS NOT LISTED BELOW REFER TO THE MENTIONED CHAPTER.

- STORMWATER:**
 - 70% OF NON-ROOF AREA HAS VEGETATIVE LANDSCAPE, PERMEABLE PAVING OR SLOPED FOR RUNOFF TO A PERMANENT FILTRATION FEATURE.
- WATER EFFICIENCY:**
 - LAVATORY FAUCETS MUST HAVE AN AVERAGE FLOW RATE OF 2.0 GALLONS PER MINUTE OR LESS.
 - SHOWERS HEADS MUST HAVE AN AVERAGE FLOW RATE OF 2.0 GALLONS PER MINUTE OR LESS.
 - TOILETS MUST HAVE AN AVERAGE FLOW RATE OF:
 - LESS THAN OR EQUAL TO 1.3 GALLONS PER FLUSH.
 - DUAL FLUSH COMPLYING WITH ASME A 112.19.14.
 - COMPLY WITH US EPA WATER SENSE.
 - ENERGY STAR DISHWASHER.
 - ENERGY STAR CLOTHES WASHER.
- HEAT ISLAND MITIGATION:**
 - ENERGY STAR QUALIFIED ROOF SYSTEM FOR ROOF WITH SLOPE OF 2:12 OR GREATER.
 - RADIANT BARRIER IN ATTIC WITH CONVENTIONAL SHINGLES.
 - ENCAPSULATED FOAM INSULATION BETWEEN THE ROOF RAFTERS (R-22 OR GREATER).
 - WINDOWS AND DOORS MUST BE SEALED WITH FOAM OR CAULK.
 - SILL PLATE MUST BE SEALED ON THE INSIDE WITH FOAM OR CAULK.
 - ALL WALL PENETRATIONS TO THE EXTERIOR MUST BE SEALED WITH FOAM OR CAULK.
 - BLOWER DOOR TESTING IS MANDATORY. NOT TO EXCEED 4 AIR CHANGES PER HOUR AT 50 PASCALS.
- DUCTS AND AIR SEALING**
 - DUCTS MUST BE TESTED AND VERIFIED TO HAVE TOTAL LEAKAGE OF NO MORE THAN 4 FT³/MIN PER 100 SQUARE FOOT (OR 3 CFM IF AIR HANDLER IS NOT INSTALLED), EXCEPT WHERE AIR HANDLER AND ALL DUCTS ARE LOCATED INSIDE CONDITIONED SPACE. AIR HANDLERS AND FILTER BOXES MUST ALSO BE PROPERLY SEALED.
 - HVAC AND DUCTWORK LOCATED OUTSIDE OF FIRE RATED ENVELOPE OF GARAGE.
 - THE BUILDING ENVELOPE IS REQUIRED TO BE PROPERLY SEALED AND TESTED, AND VERIFIED AS HAVING AN AIR LEAKAGE RATE NO HIGHER THAN 3 ACH AT 0.20 INCH W.G. (50 PASCALS).
 - SUPPLY AND RETURN DUCTS IN ATTICS SHALL BE SEALD AND INSULATED WITH R-8 WHEN DUCTS IS 3" OR GREATER, R-6 WHEN 3" OR LESS AND EXEMPT WHEN COMPLETELY INSIDE CONDITIONED SPACE.
- INSULATION:**
 - ALL WINDOWS FENESTRATION U-FACTOR FOR DALLAS MUST BE 0.35, SKYLIGHT U-FACTOR 0.55 AND GLAZED FENESTRATION SHGC 0.25.
 - CEILINGS MUST BE INSULATED WITH R-38, IF NO ATTIC SPACE R-30, THIS REDUCTION IS LIMITED TO 500 SQUARE FEET (46 M²) OR 20% OF THE TOTAL INSULATED CEILING AREA, WHICHEVER IS LESS.
 - ATTIC ACCESS LADDERS AND OR HATCHES, MUST BE INSULATED THE SAME AS THE ATTIC AND HAVE A WEATHER SEAL.
 - ALL EXTERIOR WALLS MUST BE INSULATED WITH R-20 CANITY OR R-13 CANITY WITH R-5 CONTINUOUS INSULATION OR HIGHER.
 - CRAWL SPACE WALLS MUST BE INSULATED WITH T-5 CONTINUOUS OR R-13 CAVITY INSULATION, WITH VAPOR BARRIER OVER EXPOSED EARTH.
 - PIER AND BEAM OR ANY OTHER RAISED FLOOR SYSTEM MUST BE INSULATED WITH R-19 INSULATION OR HIGHER.
- HVAC SYSTEMS**
 - TEMPERATURE CONTROLS MUST BE INSTALLED, INCLUDING A PROGRAMMABLE THERMOSTAT CONTROLLING THE PRIMARY HEATING AOD COOLING SYSTEM. MECHANICAL SYSTEM PIPING MUST BE INSULATED TO A MINIMUM OF R-3. HOT WATER PIPING 1/2" IN DIAMETER OR LARGER AND ALL HOT WATER PIPING IN CERTAIN APPLICATIONS MUST BE INSULATED TO R-3.
 - PIPES CARRYING FLUID OVER 104° OR BELOW 55° MUST BE INSULATED WITH R-13.
 - LIGHTNING:
 - A MINIMUM OF 75% OF LAMPS IN PERMANENTLY INSTALLED FIXTURES MUST BE HIGH-EFFICACY AS DEFINED IN THE IECC.

RC PLANS
DESIGN AND DRAFTING

rcplans@outlook.com

All the information in these plans is provided by the client and / or builder, the designer only limits himself to draw required plans for building permits and doesn't supervise construction or control of quality of materials, therefore the designer does not assume any type of responsibility derived from this project. The project owner is recommended to have professional supervision of a qualified architect or engineer for the review of plans and building's construction.

RESIDENTIAL ADDITION	FLOOR PLAN
USE:	PLAN:
DRAWN BY: RC PLANS	DATE: 10/20/2022
SCALE: 1/8" = 1'	

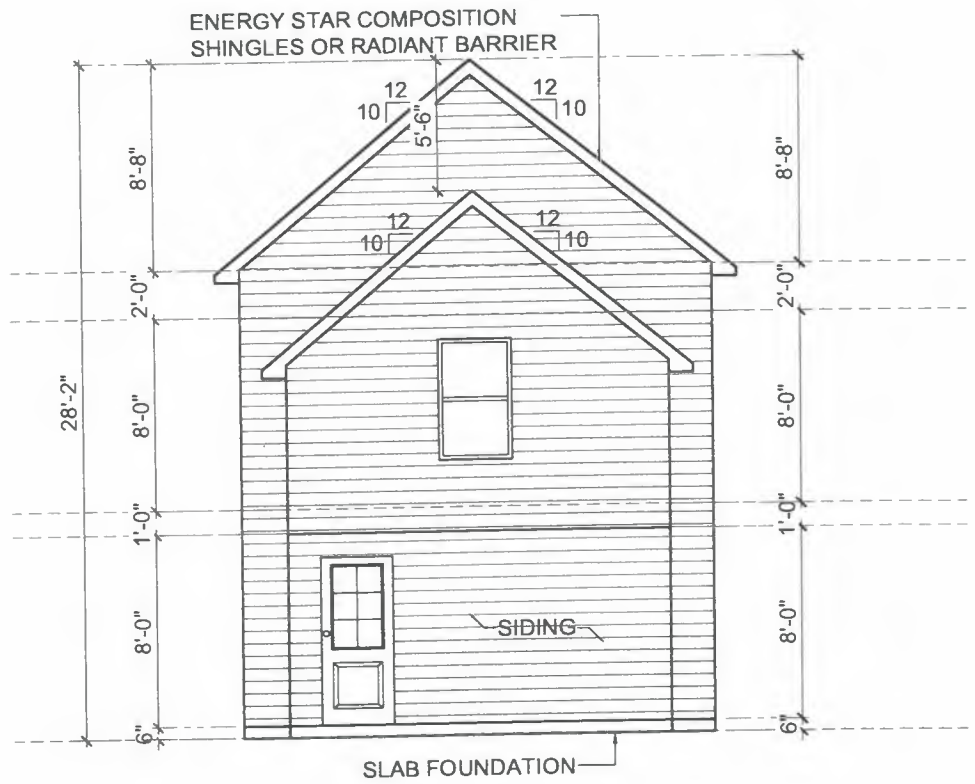
ADDRESS:

7128 HAZEL RD,
DALLAS TX 75217

PAGE NUMBER:

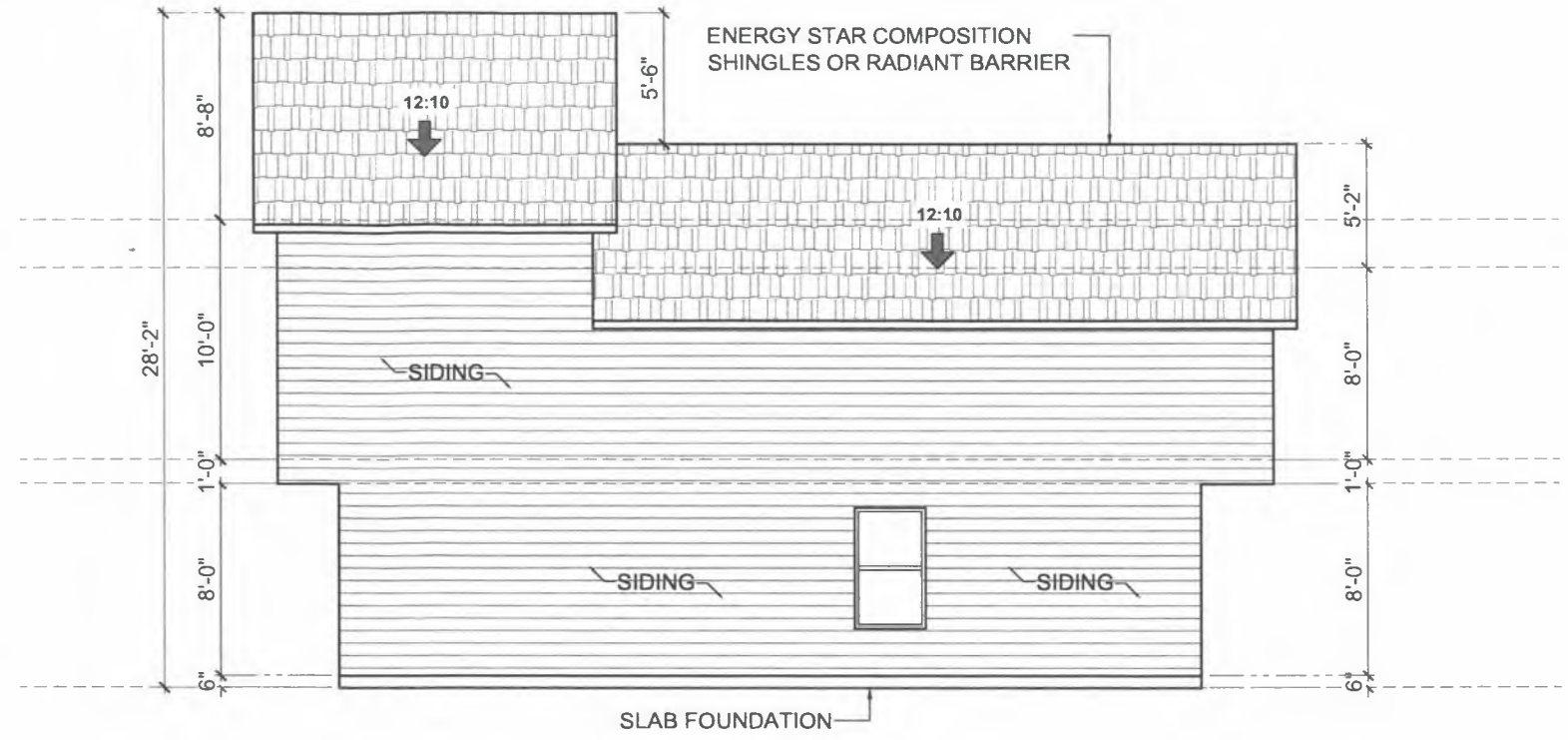
03

BDA223-058



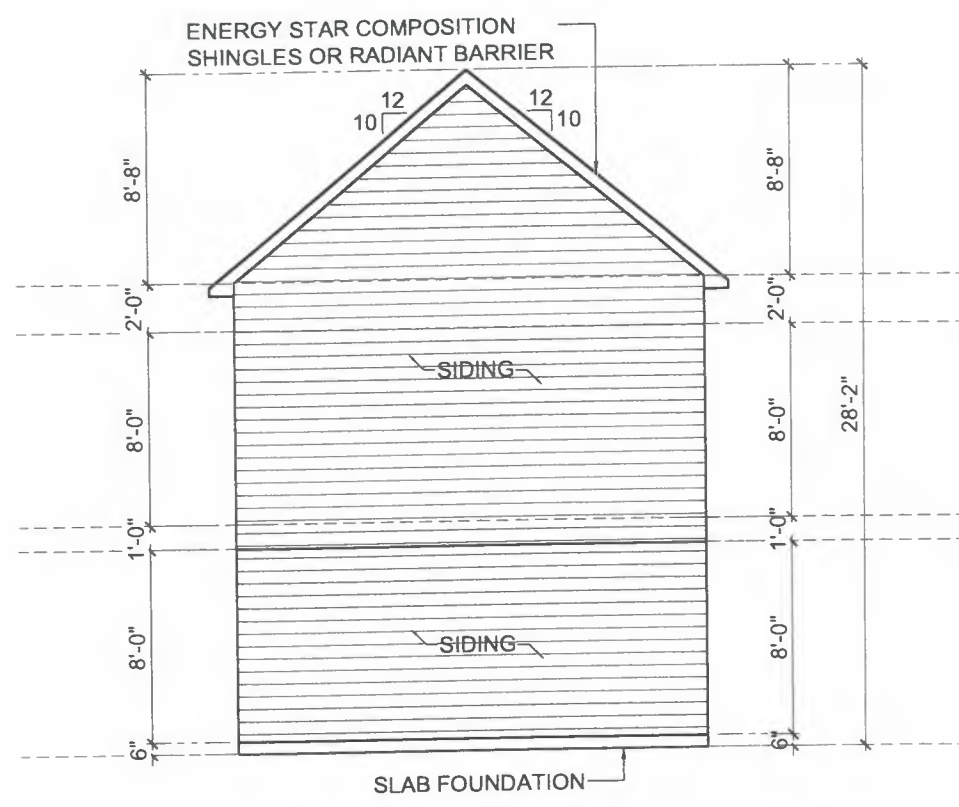
FRONT ELEVATION

SCALE 1/8" = 1'-0"



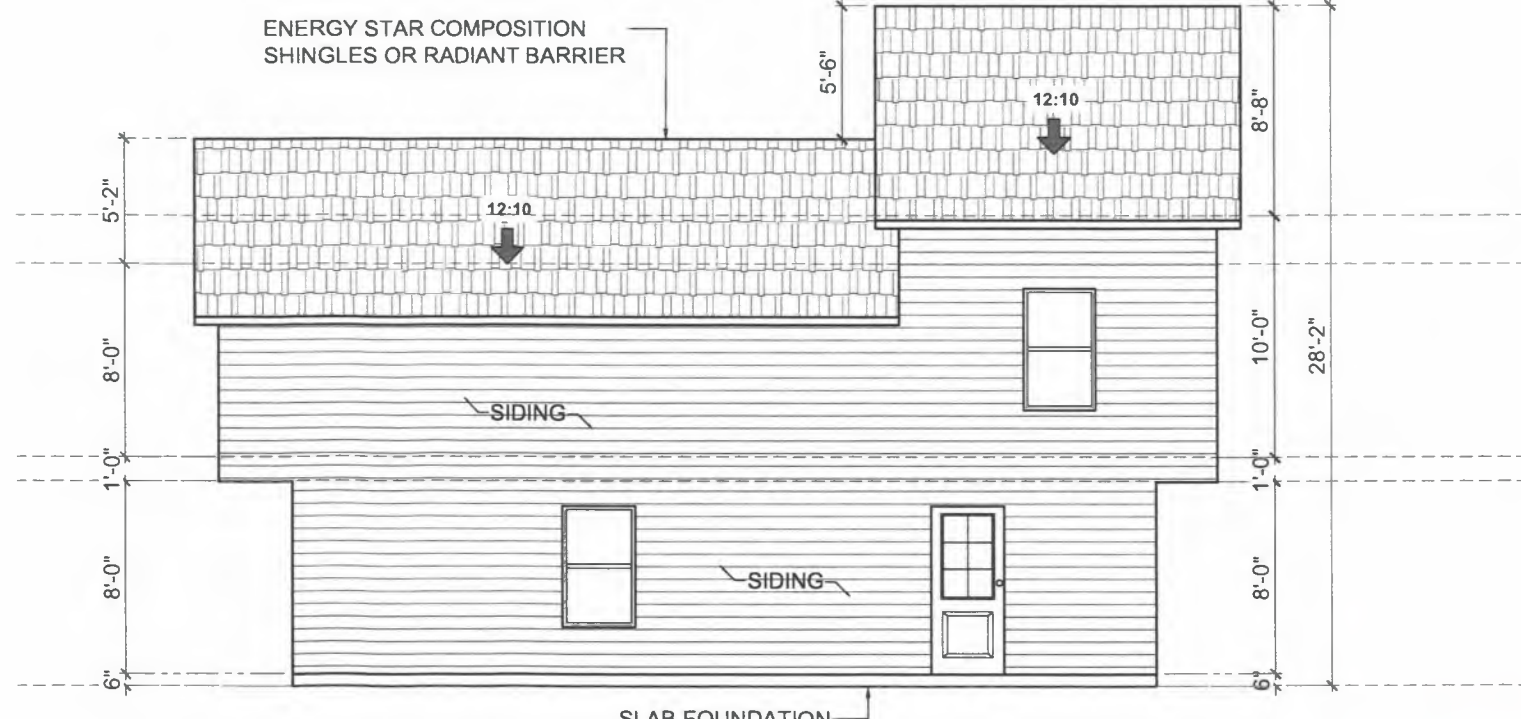
LEFT ELEVATION

SCALE 1/8" = 1'-0"



REAR ELEVATION

SCALE 1/8" = 1'-0"



RIGHT ELEVATION

SCALE 1/8" = 1'-0"



rcplans@outlook.com

All the information in these plans is provided by the client and / or builder, the designer only limits himself to draw required plans for building permits and doesn't supervise construction or control of quality of materials, therefore the designer does not assume any type of responsibility derived from this project. The project owner is recommended to have professional supervision of a qualified architect or engineer for the review of plans and building's construction.

USE:	RESIDENTIAL ADDITION
PLAN:	ELEVATIONS PLAN
DRAWN BY:	RC PLANS
DATE:	10/20/2022
SCALE:	1/8" = 1'

ADDRESS:

7128 HAZEL RD,
DALLAS TX 75217

PAGE NUMBER:

04

BDA223-058

FILE NUMBER: BDA223-060(KMH)

BUILDING OFFICIAL'S REPORT Application of Pedro Lopez for a special exception to the fence height regulations, and for a special exception to the visual obstruction regulations at 2818 Toluca Ave. This property is more fully described as Block 36/5978, Lot 33 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. The applicant proposes to construct and maintain a 6-foot high fence in a required front yard, which will require a 2-foot special exception to the fence regulations, and to construct and/or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require a special exception to the visual obstruction regulation.

LOCATION: 2818 Toluca Ave

APPLICANT: Pedro Lopez

REQUEST:

A request for a special exception to the fence height regulations and for a special exception to the visual obstruction regulations on a site developed with a single-family home.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS REGULATIONS:

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

STANDARD FOR A SPECIAL EXCEPTION TO 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 fence regulations since the basis for this type of appeal is when in the opinion of the board, the special exception will not adversely affect neighboring property.

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

The Development Services Engineer has no objections if certain conditions are met, "fence to remain open wrought iron as alley appears to be unused."

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

BDA History:

No BDA history in the last five years.

GENERAL FACTS/STAFF ANALYSIS:

- The purpose of this request is for a special exception to the fence regulations of 2-foot focuses on constructing and/or maintaining a 6-foot high fence in a required front yard; additionally, this request is also for a special exception to the visual obstruction regulations focusing on maintaining a residential fence structure in a required visibility obstruction regulation.
- The subject site and surrounding properties are zoned R-7.5(A).
- 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 requires a 20-foot visibility triangle at driveway approaches.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations will not adversely affect the neighboring property.

- The applicant has the burden of proof in establishing that the special exception to the visual obstruction regulations does not constitute a traffic hazard.
- If the Board were to grant this special exception request and impose a condition that the applicant complies with the submitted site plan/elevation, the proposal over 2-feet in height in the front yard setback would be limited to that what is shown on the submitted documents.
- Additionally, granting this request for a special exception to the visual obstruction regulations with a condition imposed that the applicant complies with the submitted site plan would limit the existing fence in the two 20-foot visibility triangles at the driveway into the site from Toluca Ave to what is shown on the submitted documents.

Timeline:

- April 26, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- May 30, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.
- June 13, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the June 26, 2023, deadline to submit additional evidence for staff to factor into their analysis; and July 6, 2023, deadline to submit additional evidence to be incorporated into the board’s docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- June 28, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the July public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.

June 30, 2023: The Development Services Engineer submitted a review comment sheet marked “no objection” **(Attachment A)**

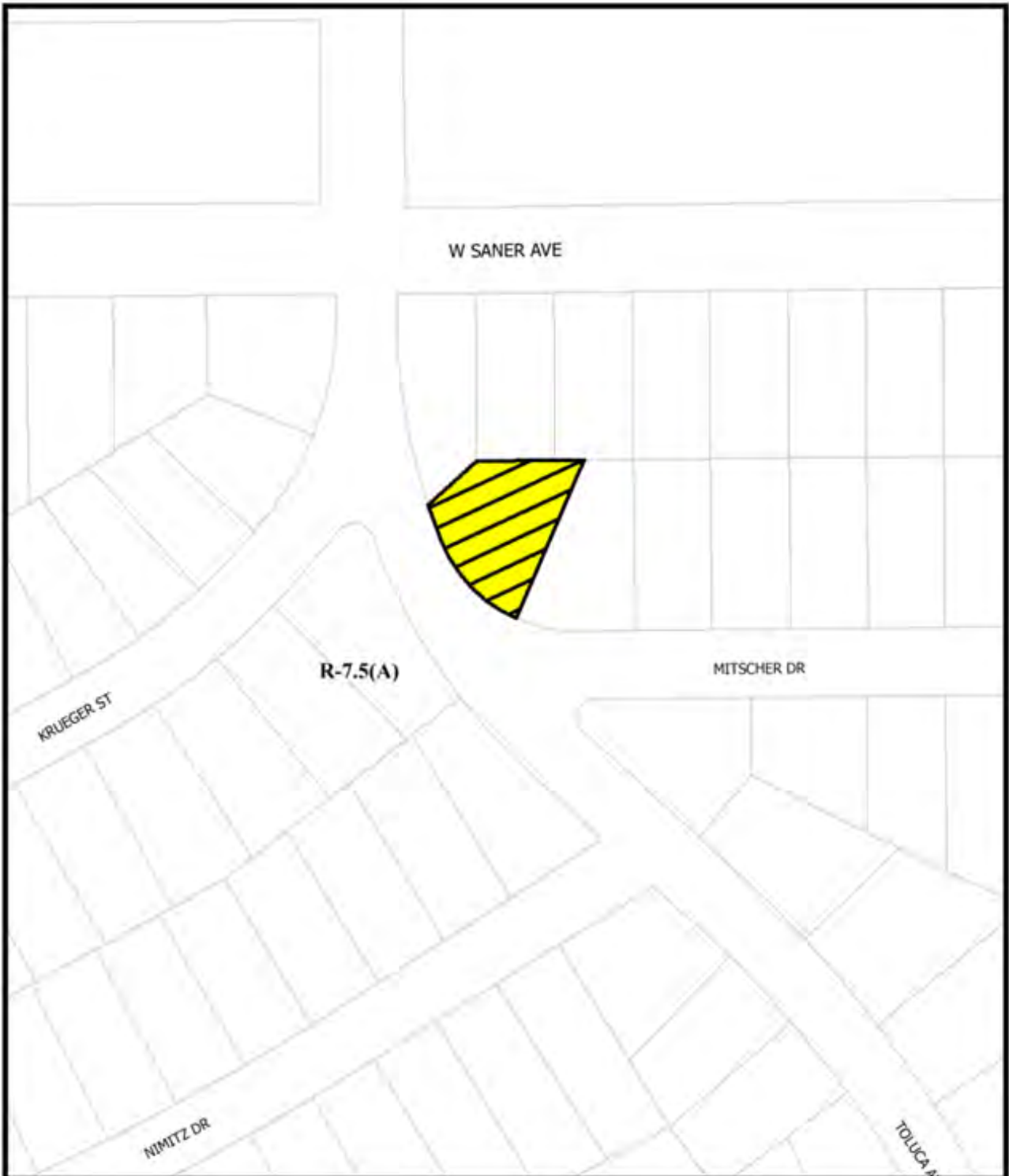


1:1,200

AERIAL MAP

Case no: BDA223-060

Date: 6/5/2023



1:1,200

ZONING MAP

Case no: BDA223-060

Date: 6/5/2023



REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING JULY 18, 2023 (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 212-078(GB)
- BDA 223-058(KMH)
- BDA 223-060(KMH)
- BDA 223-063(KMH)
- BDA 223-065(GB)
- BDA 223-066(KMH)
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COMMENTS:

*Fence to remain open wrought iron.
(Alley appears to be unused)*

David Nevarez, PE, PTOE, DEV - Engineering

Name/Title/Department

6/29/2023

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.



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

APR 26 REC'D Case No.: BDA 223 0000

Data Relative to Subject Property: BY: [Signature] Date: 4/20/23

Location address: 2818 Toluca Ave Zoning District: R-7.5 (A)

Lot No.: 33 Block No.: 36/5978 Acreage: 0.200 Census Tract: _____

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

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Pedro Lopez

Applicant: Pedro Lopez Telephone: 214 760 3742

Mailing Address: 2818 Toluca Ave Zip Code: 75224

E-mail Address: customerservice@buildingplansandpermits.com

Represented by: Pedro Lopez Telephone: 214 760 3742

Mailing Address: 2818 Toluca Ave Zip Code: 75224

E-mail Address: customerservice@buildingplansandpermits.com

Affirm that an appeal has been made for a Variance or Special Exception of 5' feet tall open wrought iron fence at front property line and visibility triangle.

Total length 104 feet of 6' tall chain link fence (existing 6' Post; 5' chain link fence)

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

We decided to put this fence because we had multiple robberies. We do it for our safety and so that our dog can not jump over the fence.

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

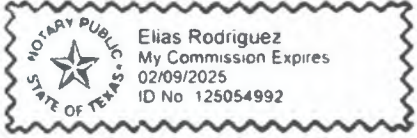
Before me the undersigned on this day personally appeared Pedro Lopez
(Affiant/Applicant's name printed)

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 20 day of April, 2023

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



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that PEDRO LOPEZ
did submit a request for a special exception to the fence height regulations, and for a special
exception to the visibility obstruction regulations
at 2818 Toluca

BDA223-060. Application of PEDRO LOPEZ for a special exception to the fence height regulations, and for a special exception to the visibility obstruction regulations at 2818 TOLUCA AVE. This property is more fully described as Block 36/5978, Lot 33 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. The applicant proposes to construct and maintain a 6 foot high fence in a required front yard, which will require a 2 foot special exception to the fence regulations, and to construct and maintain a single-family residential fence structure in a required 20' visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,


Andrew Espinoza, CBO, MCP, CFM, CCEA



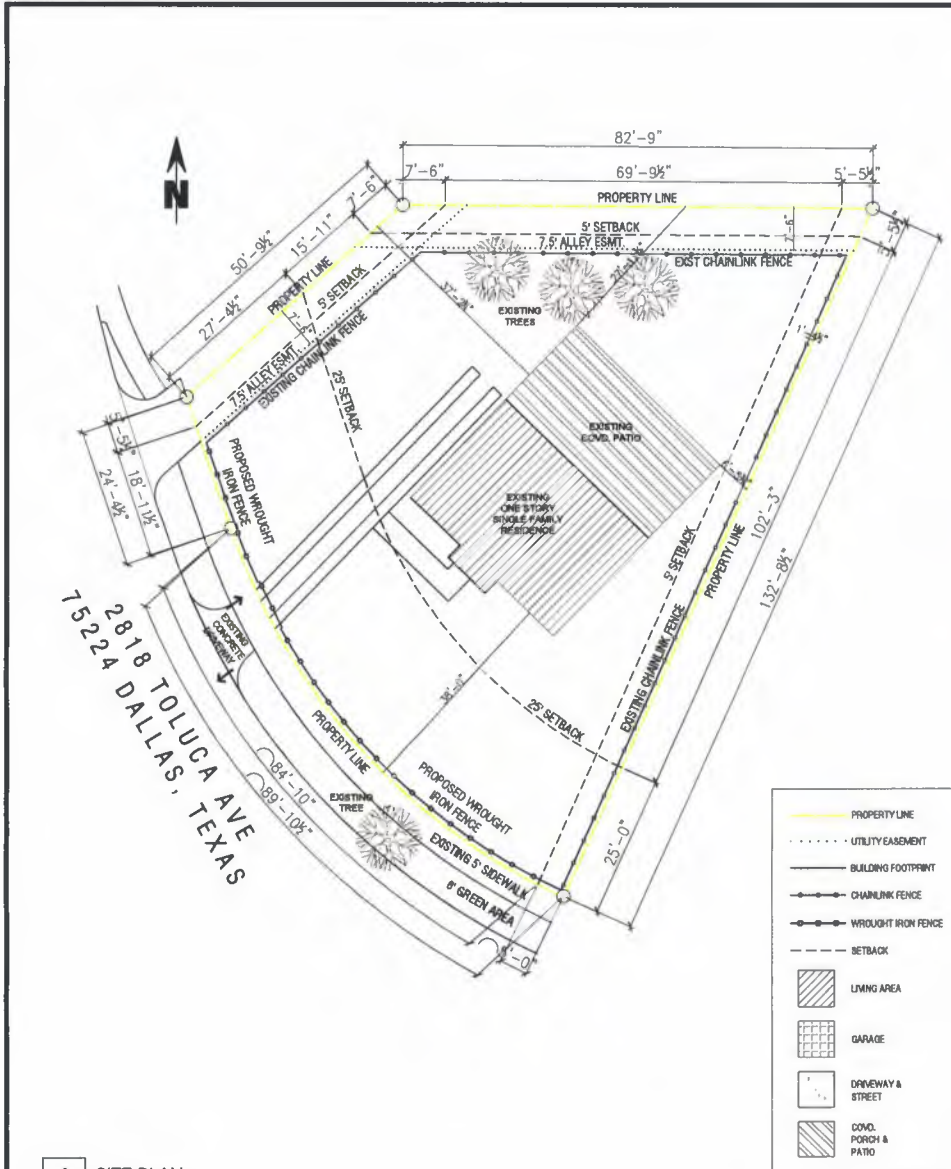
Printed: 4/10/2023

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



- City Limits
- Parks
- Certified Parcels
- Base Zoning
- Deed Restrictions
- SUP
- Dry Overlay
- D

BDA 223-000



PROJECT INFORMATION

ZONING	R-7.5(A)
LEGAL DESCRIPTION	WYNEWOOD 3 BLK 36/6878 LT 33
CONSTRUCTION TYPE	V-B
CLIMATE ZONE	ZONE SA (DRST)
HOUSE DESCRIPTION	2 BEDROOM 1 BATH ONE STORY SPOBLE FAMILY

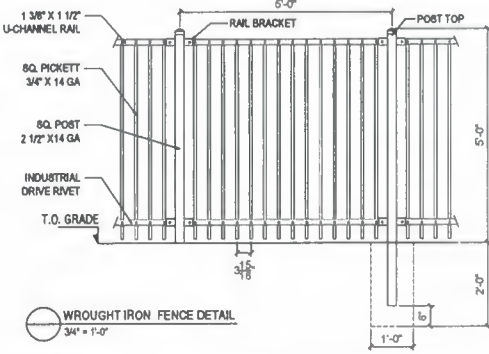
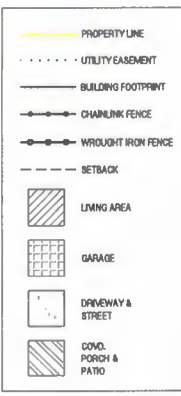


1 VICINITY MAP
C2.00 FOR REFERENCE ONLY

PROJECT AREA CALCULATIONS	
CONDITIONED AREA (AC)	TOTAL CONDITIONED AREA (AC)
EXIST. FIRST FLOOR 774 S.F.	774 S.F.
NON-CONDITIONED AREA	TOTAL UNDER ROOF
EXIST. COVD. PATIO 630 S.F.	1,404 S.F.
	FOOTPRINT
	1,404 S.F.
	LOT USAGE
	PERIMETER (AC) 118.00 F
	LOT SIZE 8,746 S.F.
	NON ROOF AREA 7,342 S.F.
	% OF LOT 16.05%

2818 TOLUCA AVE
75224 DALLAS, TEXAS

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



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

SEAL

CONSTRUCTION CONCEPTS, INC.
"Planning and Designing a Better Tomorrow"
317 E. JEFFERSON BLVD.
DALLAS, TX, 75203
TEL. (214) 946-3300
FAX. (214) 946-9544

REVISIONS	
DRAFTER	SENT DATE

ADDRESS
2818 TOLUCA AVE
DALLAS, TEXAS
75224

DATE
04/17/2023

DRAWN BY
ERL

CHECKED BY
ER

DESCRIPTION
SPOBLE FAMILY
ONE STORY
2 BEDROOMS, 1 BATHROOMS

SCALE
1" = 10' - 0"

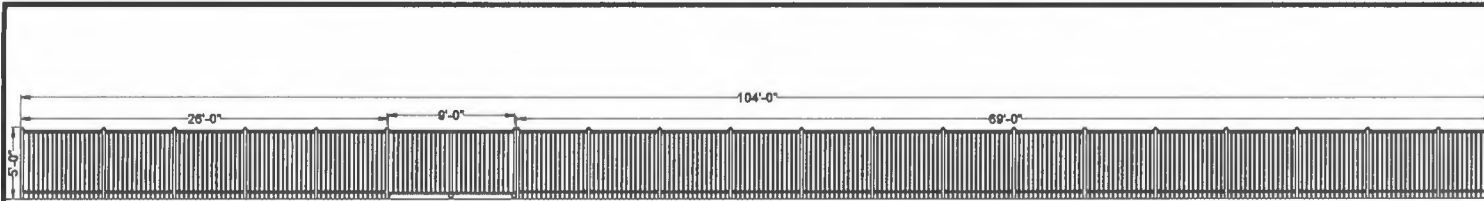
SHEET TITLE
SITE PLAN

SHEET #
C2.00

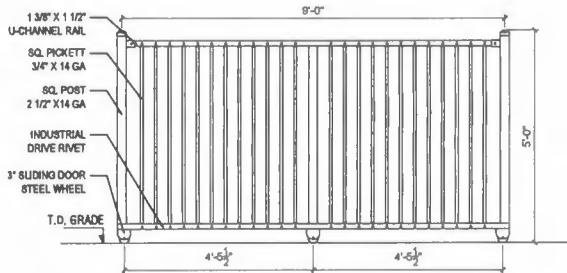
FILE NAME
C2.00_SITE_PLAN

© All Rights Reserved

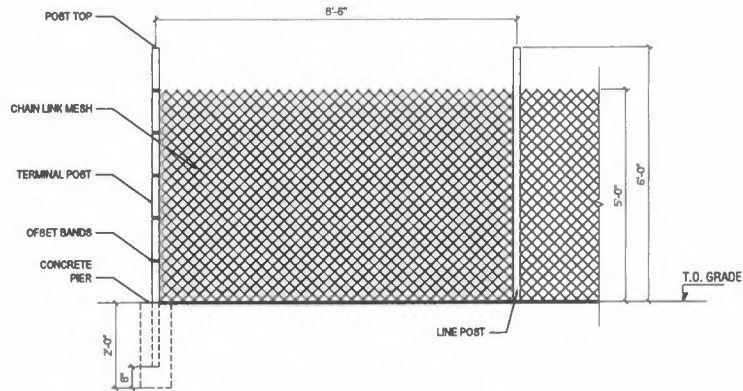
BDA-223-060



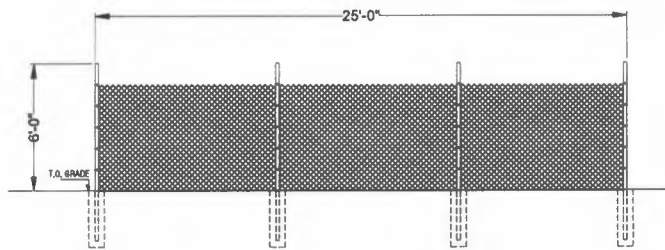
WROUGHT IRON FENCE FRONT ELEVATION
1/4" = 1'-0"



WROUGHT IRON FENCE DOOR ELEVATION
3/4" = 1'-0"



CHAIN LINK FENCE DETAIL
3/4" = 1'-0"



CHAIN LINK FENCE FRONT ELEVATION
3/8" = 1'-0"

1 FENCE ELEVATIONS
L2.01 SCALE AS SPECIFIED

SEAL

CONSTRUCTION CONCEPTS, INC.
"Thinking and Designing is Better Tomorrow"
317 E. JEFFERSON BLVD.
DALLAS, TX, 75203
TEL: (214) 948-4200
FAX: (214) 948-8844

REVISIONS	
DRAFTER	SENT DATE

ADDRESS
2818 TOLUCA AVE
DALLAS, TEXAS
75224

DATE
04/25/2023

DRAWN BY
ERL

CHECKED BY
ER

DESCRIPTION
SINGLE FAMILY
ONE STORY
2 BEDROOMS, 1 BATHROOMS

SCALE
AS SPECIFIED

SHEET TITLE
FENCE ELEVATIONS

SHEET #
L2.01

FILE NAME
L2.01_FENCE_ELEV

© All Rights Reserved

BDA223-000

FILE NUMBER: BDA223-063(KMH)

BUILDING OFFICIAL'S REPORT: Application of Annie Evans represented by Ami Parikh for a variance to the front yard setback regulations, and for a special exception to the parking regulations at 2801 Al Lipscomb Way. This property is more fully described as Block 12/854, Lot 1A, and is zoned PD-363 Subarea 3, which requires a front yard setback of 15 feet; and requires parking to be provided. The applicant proposes to provide a 7-foot front yard setback, which will require an 8-foot variance to the front yard setback regulations, and to construct a nonresidential structure for a restaurant without drive-in or drive-through service use, office use, and/or personal service use; and provide 25 parking spaces and 12 bicycle parking spaces (2 space reduction) of the required 33 parking spaces, which will require a 6 space special exception (18% reduction) to the parking regulation.

LOCATION: 2801 Al Lipscomb Way

APPLICANT: Annie Evans
Represented by Ami Parikh

REQUEST:

- (1) A request for a **variance** of 8-feet to the front yard setback regulations; and
- (2) A request for a **special exception** to the off-street parking regulations of 6 spaces is made to construct and maintain a non-residential 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 considers the structure to be a nonconforming structure.

STANDARD FOR A SPECIAL EXCEPTION TO THE OFF-STREET PARKING REGULATIONS:

Section 51A-4.311 of the Dallas Development Code states the following:

- 1) The Board of Adjustment **MAY** grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets. The maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(A). For the commercial amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 75 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). For office use, the maximum reduction authorized by this section is 35 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). Applicants may seek a special exception to the parking requirements

under this section and an administrative parking reduction under Section 51A-4.313. The greater reduction will apply, but the reduction may not be combined.

- 2) In determining whether to grant a special exception, the board SHALL consider the following factors:
 - (A) The extent to which the parking spaces provided will be remote, shared, or packed parking.
 - (B) The parking demand and trip generation characteristics of all uses for which the special exception is requested.
 - (C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district.
 - (D) The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan.
 - (E) The availability of public transit and the likelihood of its use.
 - (F) The feasibility of parking mitigation measures and the likelihood of their effectiveness.
- 3) In granting a special exception, the board shall specify the uses to which the special exception applies. A special exception granted by the board for a particular use automatically and immediately terminates if and when that use is changed or discontinued.
- 4) In granting a special exception, the board may:
 - (A) Establish a termination date for the special exception or; otherwise provide for the reassessment of conditions after a specified period of time;
 - (B) Impose restrictions on access to or from the subject property; or
 - (C) Impose any other reasonable conditions that would have the effect of improving traffic safety or lessening congestion on the streets.
- 5) The board shall not grant a special exception to reduce the number of off-street parking spaces required in an ordinance granting or amending a specific use permit.
- 6) The board shall not grant a special exception to reduce the number of off-street parking spaces expressly required in the text or development plan of an ordinance establishing or amending regulations governing a specific planned development district. This prohibition does not apply when:

- (A) the ordinance does not expressly specify a minimum number of spaces, but instead simply makes references to the existing off-street parking regulations in Chapter 51; or
- (B) the regulations governing that specific district expressly authorize the board to grant the special exception.

STAFF RECOMMENDATION:

Variance Request

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that granting the variance would not be contrary to public interest.
- The Development Service Engineer reviewed the submitted request and applicable documents and found no objection to the variance request.

Special Exception Request

No staff recommendation is made on this request for a special exception to the parking demand since the basis for this type of appeal is whether the board finds the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.

BACKGROUND INFORMATION:

Zoning:

- Site: PD No. 363 (Subarea 3)
- North: PD No. 363 (Subarea 2 and 3)
- East: PD No. 595 (MF-2(A))
- South: PD No. 595/ Southwest PD 871
- West: PD No. 363

Land Use:

The subject site is a vacant lot. The property to the immediate west is developed as a small restaurant. The property to the east of the site appears to be an abandoned school, whereas the property south of the subject site is developed as a school. Properties immediate north of the site is vacant; properties further north of the subject site is developed as multifamily and some office space.

BDA History:

No BDA history within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

- The subject site is zoned PD 363 Subarea 3 and is currently undeveloped.
 - A request for a variance to the front yard setback regulations and for a special exception to the parking regulations is made to construct and maintain a non-residential structure.
 - The applicant is proposing to construct and maintain a nonresidential structure and provide a 7-foot front yard setback, which will require an 8-foot variance to the front yard setback regulations, and to construct a nonresidential structure for a restaurant without drive-in or drive through service use, office use, and/or personal service use. The applicant proposes to provide 25 parking spaces and 12 bicycle parking spaces (2 space reduction) of the required 33 parking spaces, which will require a 6-space special exception (18% reduction) to the parking regulation.
 - According to the submitted documents, the proposed project will be a 4,800 square feet building with 1,800 square feet being used as a restaurant and the remaining 3,000 square feet being used for personal service/office uses.
 - The applicant, again, is seeking a reduction of a total of 6 spaces from the off-street parking requirements for the combination of uses previously stated.
 - Additionally, the applicant is seeking a setback variance to allow placement of an open patio/stairs/ramp within the required front yard setback, which will support a pedestrian-friendly street frontage.
 - The applicant provided a Parking and Traffic study to support this request, it can be found in the application materials as submitted.
 - The applicant also provided documentary evidence of the proper sign posting.
- Exhibit A.**
- The Sustainable Development and Construction Department Senior Engineer has no objections to the request. **(Attachment A)**

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

- The parking demand generated by the restaurant and personal service/office use structure does not warrant the number of off-street parking spaces required: and
- The special exception of six spaces (or an 18 percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.

If the board were to grant this request a condition may be imposed that the special exception of six spaces shall automatically and immediately terminate if and when the

restaurant without dine-in or drive-through service and personal service/office use is changed or discontinued.

The board may also consider **State Law/HB 1475** as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

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

Timeline:

- May 3, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.
- May 30, 2023: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel A.
- June 14, 2023: The Board of Adjustment Senior Planner emailed the applicant the following information:
 - a copy of the application materials including the Building Official’s report on the application;
 - an attachment that provided the public hearing date and panel that will consider the application; the June 26th deadline to submit additional evidence for staff to factor into their analysis; and the July 6th 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.”

June 16, 2023: The applicant submitted documentary evidence of the sign posted on the property. **(Exhibit A)**

June 28, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the July public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.

June 30, 2023: The Development Services Engineer submitted a review comment sheet marked “no objection” **(Attachment A)**

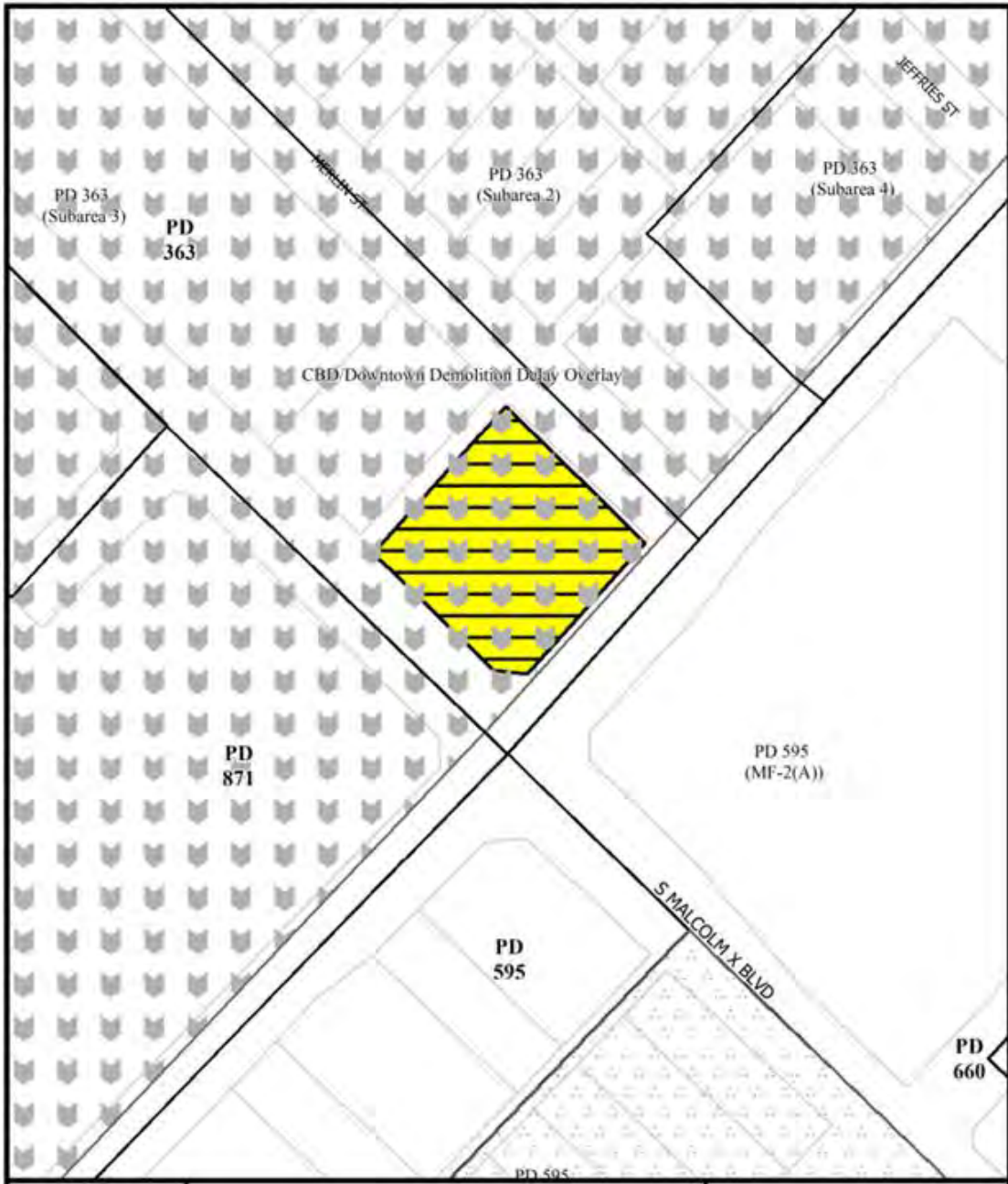


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AERIAL MAP

Case no: BDA223-063

Date: 6/2/2023

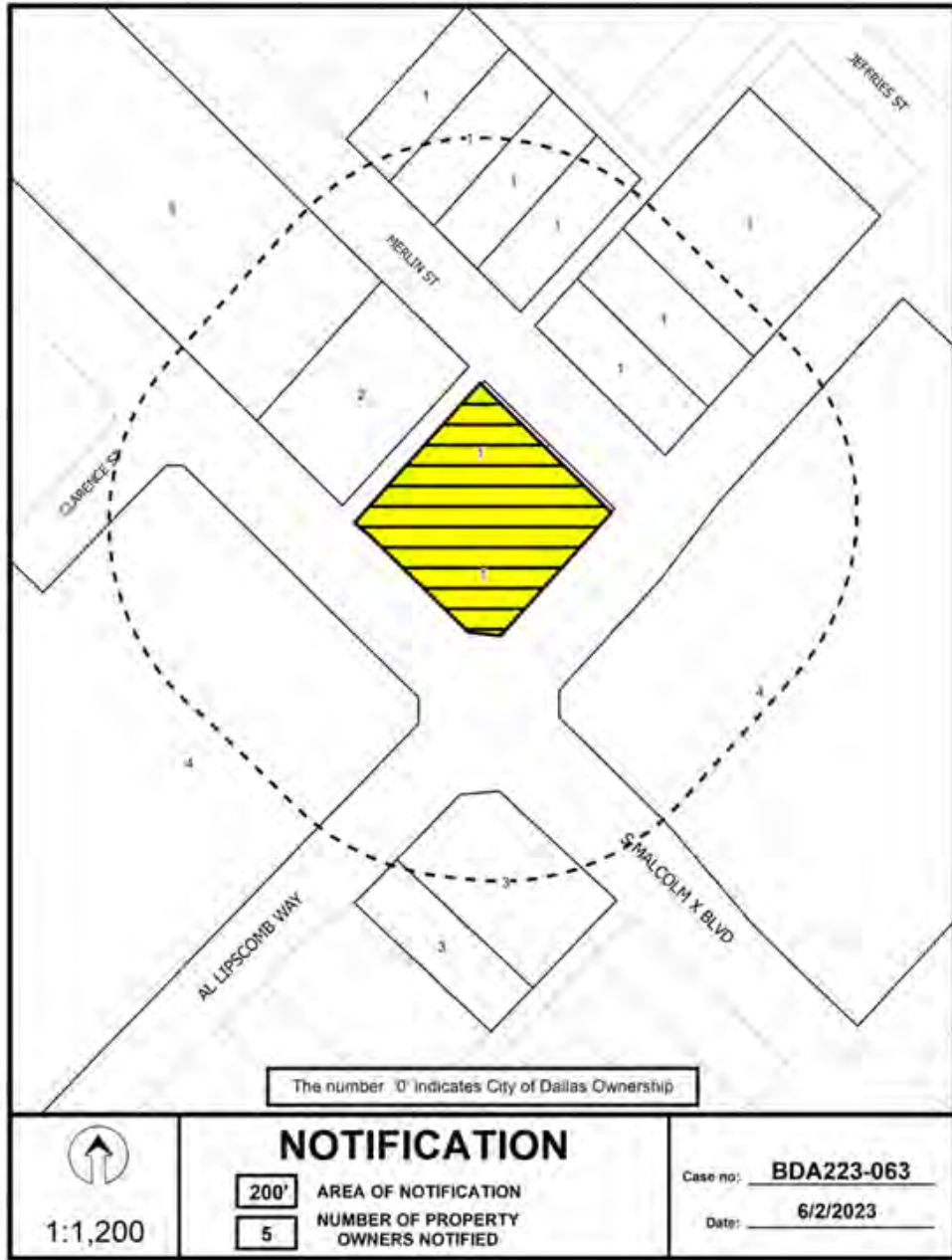


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ZONING MAP

Case no: BDA223-063

Date: 6/2/2023



REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING JULY 18, 2023 (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 212-078(GB)
- BDA 223-058(KMH)
- BDA 223-060(KMH)
- BDA 223-063(KMH)
- BDA 223-065(GB)
- BDA 223-066(KMH)
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COMMENTS:

Supported by report dated 5/4/2023

David Nevarez, PE, PTOE, DEV - Engineering

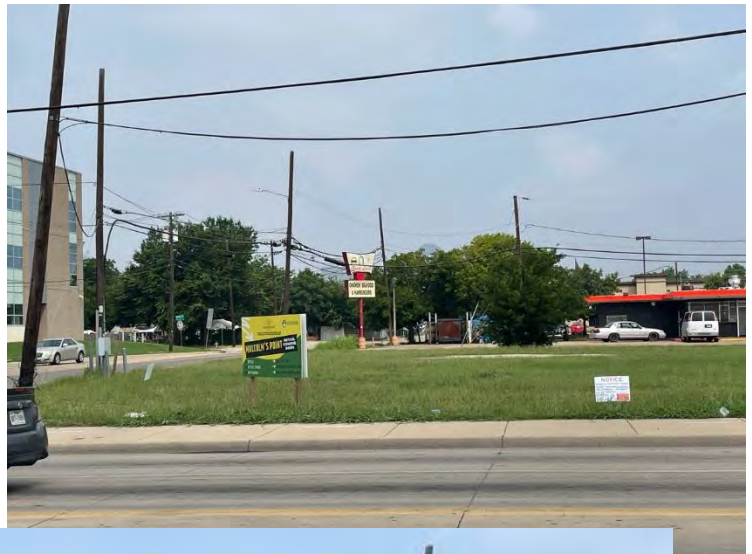
Name/Title/Department

6/29/2023

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.

Exhibit A





Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA BDA 223-01e3

Data Relative to Subject Property: S201-021

Date: 5/3/23 **RECEIVED**

Location address: 2801 AL LIPSCOMB WAY, 2645 MERLIN ST Zoning District: PD 363

RECEIVED
MAY 03 REC'D
BY: *[Signature]*

Lot No.: 1A Block No.: 12/854 Acreage: 0.5170 Census Tract: 0203.00

Street Frontage (in Feet): 1) 161' Al Lipscomb 2) 128' Malcolm 3) 150' Merlin 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Southfair Community Development Corporation

Applicant: Annie Evans, Executive Director Telephone: 214.421.1363

Mailing Address: 2610 Martin Luther King Jr. Blvd Zip Code: 75215

E-mail Address: annie.evans@southfaircdc.org

Represented by: Peer Chacko / Ami Parikh Telephone: (214) 473-2429

Mailing Address: 6080 Tennyson Pkwy, Ste 200 Zip Code: 75024

E-mail Address: peer.chacko@stantec.com / ami.parikh@stantec.com

Affirm that an appeal has been made for a Variance or Special Exception of Reduction in off-street parking ~~spaces~~ for proposed uses: restaurant, personal use service/office. Provided 25 spaces, required 33, ~~28~~ 6 space reduction. And allow patio/ramp/stairs within the setback requirements.

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:

Reduction in off-street parking and modification in setback requirements

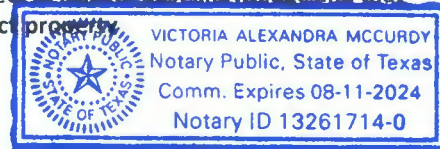
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Annie Evans
(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 03 day of May, 2023

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

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

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that ANNIE EVANS
represented by AMI PARIKH
did submit a request for a variance to the front yard setback regulations, and for a special
 exception to the parking regulations
at 2801 AL LIPSCOMB WAY, 2645 MERLIN ST.

BDA223-063. Application of ANNIE EVANS represented by AMI PARIKH for a variance to the front yard setback regulations, and for a special exception to the parking regulations a 2801 AI LIPSCOMB WAY. This property is more fully described as Block 12/854, LOT 1A, and is zoned PD-363, which requires a front yard setback of 15 feet and requires parking to be provided. The applicant proposes to construct a nonresidential structure and provide a 7-foot front yard setback, which will require a 8-foot variance to the front yard setback regulations, and to construct a nonresidential structure for a restaurant without drive-in or drive-through service use, office use, and/or personal service use, and provide 27 of the required 33 parking spaces, which will require a 6 space special exception (18% reduction) to the parking regulation.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



CITY OF DALLAS
AFFIDAVIT

Appeal number: BDA 223-063

I, Southfair Community Development Corporation, Inc, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 2801 AL LIPSCOMB WAY, 2645 MERLIN ST
(Address of property as stated on application)

Authorize: Annie Evans, Executive Director
(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: Reduction in off-street parking and modification in setback requirements

Ami Parikh
Print name of property owner or registered agent

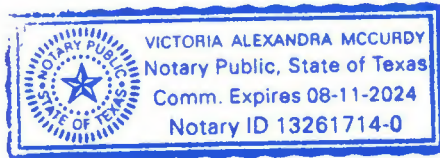
Ami Parikh
Signature of property owner or registered agent

Date 05/03/2023

Before me, the undersigned, on this day personally appeared Ami Parikh

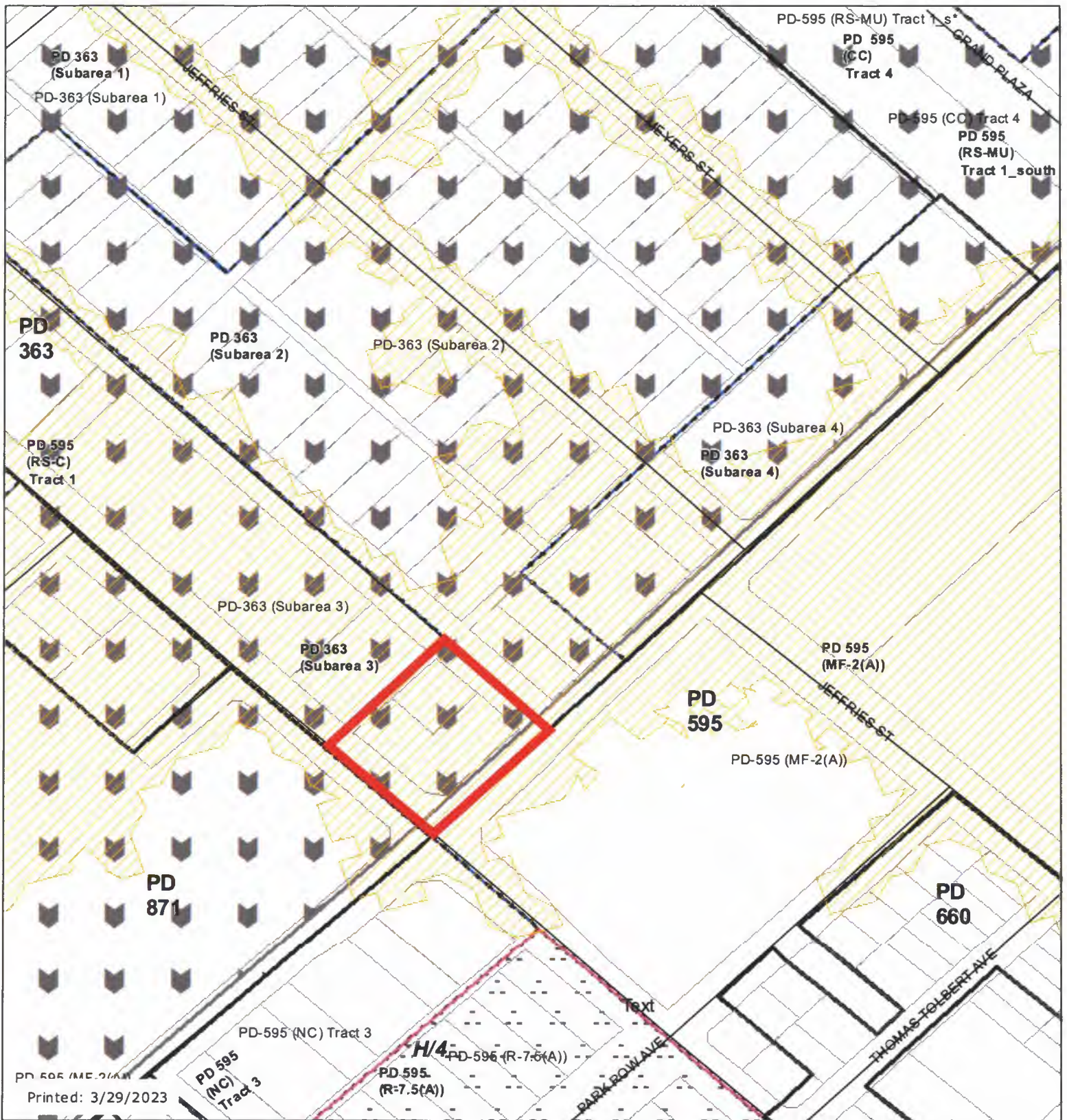
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 03 day of May, 2023



[Signature]
Notary Public for Dallas County, Texas

Commission expires on 08/11/24



BDA 223-063

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



1:2,400
71

BARNES & MITCHELL'S GRAND AVENUE ADDITION



No. 34563

The State of Texas,
County of Dallas.

Know all men by these presents: That we, John O. Mitchell of Tulsa County, Oklahoma, and Geo. W. Barnes of Muskogee County, Oklahoma, composing the firm of Mitchell & Barnes, acting by and through Ben T. Seay, our duly authorized agent and attorney in fact, do hereby adopt the within map as a true and correct plat of Barnes & Mitchell's Grand Avenue Addition to the City of Dallas, Texas, and do hereby dedicate for the use and benefit of the public forever the streets and alleys shown herein.

Witness our hands, this the 23rd day of November, A. D. 1911.

Mitchell & Barnes.

By Ben T. Seay Agent and attorney in fact.

The State of Texas,
County of Dallas.

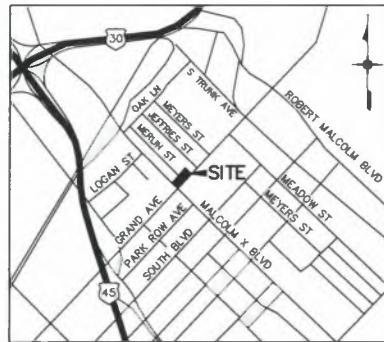
Before me, the undersigned authority, on this day personally appeared Ben T. Seay, agent and attorney in fact for Mitchell & Barnes, known to me to be the person whose name has subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the agent and deed of said Mitchell & Barnes for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 23rd day of November, A. D. 1911.

(I. S.) Bessie Roberts Notary Public, Dallas County, Texas.

Filed for record Nov. 24th 1911 at 2:10 P. M. J. H. Record County Clerk, Dallas County, Texas.

Recorded Dec. 14th 1911. J. H. Record County Clerk.



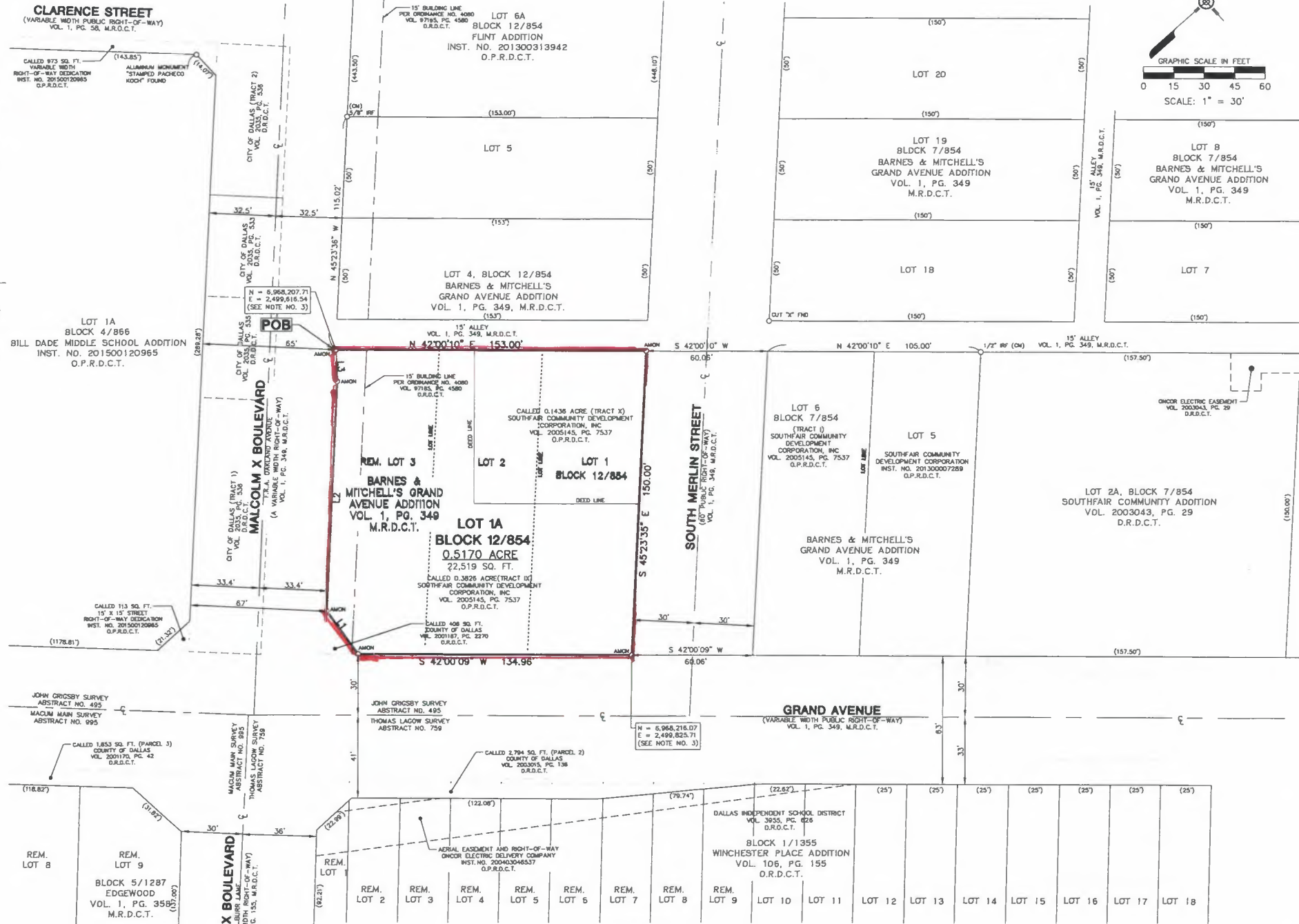
VICINITY MAP
MAPSCO 46 (N. P. S.)
NOT TO SCALE

LEGEND

IRF	IRON ROD FOUND
AMON	3-1/4-INCH ALUMINUM CAP STAMPED "MALCOLM'S POINT 1 - STANTEC" AFFIXED TO A 5/8-INCH ROD SET
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
D.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
FND.	FOUND
REM.	REMAINDER
POB	POINT OF BEGINNING
POC	POINT OF COMMENCING
(CM)	CONTROLLING MONUMENT
SQ. FT.	SQUARE FEET
VOL., PG.	VOLUME, PAGE
INST. NO.	INSTRUMENT NUMBER
S/W	CONCRETE SIDEWALK
CONC.	CONCRETE
CL	CENTERLINE
(X)	RECORD DISTANCE
WMH	WASTEWATER MANHOLE
CO	WASTEWATER CLEANOUT
CI	CURB INLET
GI	GRATE INLET
GT	GREASE TRAP STATION
GM	GAS METER
BOLLARD	BOLLARD
SIGN	SIGN
POWERPOLE	POWERPOLE
GUY WIRE	GUY WIRE
LIGHT POLE	LIGHT POLE
WATER VALVE	WATER VALVE
FIRE HYDRANT	FIRE HYDRANT
WATER METER	WATER METER
ELECTRIC METER	ELECTRIC METER
PARKING COUNT	PARKING COUNT
WROUGHT IRON FENCE	WROUGHT IRON FENCE
W-W	WASTEWATER LINE
SD	STORM SEWER LINE
W	WATER LINE
G	GAS LINE
OH-W	OVERHEAD WIRE(S)
TREE SYMBOL	TREE SYMBOL

LINE TABLE

LINE #	BEARING	DISTANCE
L1	N 83°48'43" W	26.04'
L2	N 45°35'14" W	113.26'
L3	N 50°45'10" W	15.59'



GENERAL NOTES

- BASIS OF BEARING IS THE STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL, ZONE 4202, NORTH AMERICAN DATUM OF 1983, ADJUSTMENT REALIZATION 2011.
- THE SUBJECT TRACT OF LAND SHOWN HEREON LIES WITHIN ZONE "X" UNSHADOWED, DEFINED AS "AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN" AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP NO. 481130345A, EFFECTIVE DATE AUGUST 23, 2001, FOR DALLAS COUNTY, TEXAS AND INCORPORATED AREAS. IF THIS SITE IS NOT WITHIN AN IDENTIFIED SPECIAL FLOOD HAZARD AREA, THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.
- GRID COORDINATES SHOWN HEREON ARE REFERENCED TO THE STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE (4202), NORTH AMERICAN DATUM OF 1983 (2011), NO SCALE FACTOR AND NO PROJECTIONS.
- REFERENCE BENCHMARK:
CITY OF DALLAS BM # 48-T-1 SQUARE CUT ON CONCRETE CURB, CENTER OF RADIUS, SOUTHEAST CORNER OF JEFFERIES STREET AND PENNSYLVANIA AVENUE.
PUBLISHED ELEV. = 434.56'
OBSERVED ELEV. = 434.70'
CITY OF DALLAS BM # 46-X-15 STD. WORM ON CONCRETE CURB OF STORM SEWER INLET SOUTHEAST CORNER OF INTERSECTION.
PUBLISHED ELEV. = 436.31'
OBSERVED ELEV. = 436.16'
- LOT TO LOT DRAINAGE WILL NOT BE ALLOWED WITHOUT ENGINEERING SECTION APPROVAL.
- THE PURPOSE OF THIS PLAT IS TO COMBINE THREE (3) LOTS INTO ONE (1) LOT FOR DEVELOPMENT.

SURVEYOR'S STATEMENT:

THAT I, MICHAEL J. MURPHY, A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF TEXAS, AFFIRM THAT THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION, FROM RECORDED DOCUMENTATION, EVIDENCE COLLECTED ON THE GROUND DURING FIELD OPERATIONS AND OTHER RELIABLE DOCUMENTATION; AND THAT THIS PLAT SUBSTANTIALLY COMPLIES WITH THE RULES AND REGULATIONS OF THE TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS, THE CITY OF DALLAS DEVELOPMENT CODE (ORDINANCE NO. 19455, AS AMENDED) AND TEXAS LOCAL GOVERNMENT CODE, SECTION 212. I FURTHER AFFIRM THAT THE MONUMENTATION SHOWN HEREON WAS EITHER FOUND OR PLACED IN COMPLIANCE WITH THE CITY OF DALLAS DEVELOPMENT CODE, SEC. 51A-B.617 (a) (b) (c) (d) & (e); AND THAT THE DIGITAL DRAWING FILE ACCOMPANYING THIS PLAT IS A PRECISE REPRESENTATION OF THIS SIGNED FINAL PLAT.

DATED THIS _____ DAY OF _____, 2021.

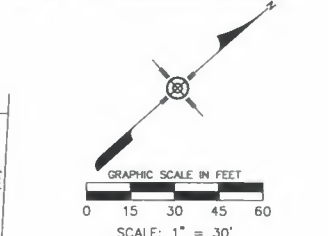
Preliminary
This document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document
For Review Purposes Only
Michael J. Murphy, R.P.L.S.
Registration No. 5724
October 22, 2021

STATE OF TEXAS §
COUNTY OF DALLAS §

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED MICHAEL J. MURPHY, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE THEREIN EXPRESSED AND UNDER DUTY STATED THE STATEMENTS IN THE FOREGOING CERTIFICATE ARE TRUE.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2021.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



OWNERS' CERTIFICATE

STATE OF TEXAS §
COUNTY OF DALLAS §

WHEREAS, SOUTHFAIR COMMUNITY DEVELOPMENT CORPORATION IS THE OWNER OF A 0.5170 ACRE TRACT OF LAND SITUATED IN THE JOHN GRIGSBY SURVEY, ABSTRACT NO. 495, CITY OF DALLAS, DALLAS COUNTY, TEXAS, AND BEING A PORTION OF LOT 3 AND ALL OF LOT 1 AND 2, BLOCK 12/854 OF THE BARNES & MITCHELL'S GRAND AVENUE ADDITION, AND ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1, PAGE 349, MAP RECORDS OF DALLAS COUNTY, TEXAS (M.R.D.C.T.), SAME BEING A PORTION OF THE REMAINDER OF A CALLED 0.3826 ACRE TRACT OF LAND (TRACT 1X) AND ALL OF A CALLED 0.1436 ACRE TRACT (TRACT X), DESCRIBED IN A GENERAL WARRANTY DEED TO SOUTHFAIR COMMUNITY DEVELOPMENT CORPORATION, INC., RECORDED IN VOLUME 2005145, PAGE 0737, OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS (D.P.R.D.C.T.); SAID 0.5170 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 3-1/4-INCH ALUMINUM CAP STAMPED "MALCOLM'S POINT 1 - STANTEC" AFFIXED TO A 5/8-INCH IRON ROD (HEREAFTER REFERRED TO AS "AMON") SET FOR THE MOST WESTERLY CORNER OF SAID LOT 3, BLOCK 12/854, SAME BEING THE POINT OF INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF MALCOLM X BOULEVARD, FORMERLY KNOWN AS DAKLAND AVENUE (VARIABLE WIDTH PUBLIC RIGHT-OF-WAY) CREATED BY VOLUME 1, PAGE 349, M.R.D.C.T., WITH THE SOUTHEASTERLY LINE OF 15-FOOT ALLEY CREATED BY VOLUME 1, PAGE 349, M.R.D.C.T., AND FROM WHICH A 5/8-INCH IRON ROD FOUND FOR THE MOST SOUTHERLY CORNER OF LOT 6A, BLOCK 12/854 OF FLINT ADDITION, AN ADDITION TO THE CITY OF DALLAS ACCORDING TO THE PLAT THEREOF RECORDED IN INSTRUMENT NUMBER 201300313942, O.P.R.D.C.T., SAME BEING THE MOST WESTERLY CORNER OF LOT 5, BLOCK 12/854 OF SAID BARNES & MITCHELL'S GRAND AVENUE ADDITION, BEARS NORTH 45°23'36" WEST, A DISTANCE OF 115.02 FEET;

THENCE NORTH 42°00'10" EAST, DEPARTING THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID MALCOLM X BOULEVARD AND ALONG THE SOUTHEASTERLY LINE OF SAID 15-FOOT ALLEY, A DISTANCE OF 153.00 FEET TO AN AMON SET FOR THE MOST NORTHERLY CORNER OF SAID LOT 1, BLOCK 12/854, SAME BEING THE POINT OF INTERSECTION OF THE SOUTHEASTERLY LINE OF SAID 15-FOOT ALLEY WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SOUTH MERLIN STREET (60-FOOT PUBLIC RIGHT-OF-WAY), CREATED BY VOLUME 1, PAGE 349, M.R.D.C.T., FROM WHICH A 1/2-INCH IRON ROD FOUND FOR THE MOST NORTHERLY CORNER OF SAID LOT 5, BLOCK 7/854, SAME BEING THE MOST WESTERLY CORNER OF LOT 2A, BLOCK 7/854 OF SOUTHFAIR COMMUNITY ADDITION, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2003043, PAGE 29, DEED RECORDS OF DALLAS COUNTY, TEXAS (D.R.D.C.T.), AND BEING IN THE SOUTHEASTERLY LINE OF A 15-FOOT ALLEY, CREATED BY VOLUME 1, PAGE 349, M.R.D.C.T., BEARS NORTH 42°00'10" EAST, A DISTANCE OF 165.06 FEET;

THENCE SOUTH 42°23'35" EAST, ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID SOUTH MERLIN STREET, A DISTANCE OF 150.00 FEET TO AN AMON SET FOR THE MOST EASTERLY CORNER OF SAID LOT 1, BLOCK 12/854, SAME BEING THE POINT OF INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID SOUTH MERLIN STREET WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF GRAND AVENUE (VARIABLE WIDTH PUBLIC RIGHT-OF-WAY) CREATED BY VOLUME 1, PAGE 349, M.R.D.C.T.;

THENCE SOUTH 42°00'09" WEST, ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID GRANDE AVENUE, A DISTANCE OF 134.96 FEET TO AN AMON SET FOR THE EAST END OF A CORNER CLIP AT THE INTERSECTION OF SAID SAID GRANDE AVENUE AND SAID MALCOLM X BOULEVARD;

THENCE THENCE NORTH 83°48'43" WEST ALONG SAID CORNER CLIP A DISTANCE OF 26.04 FEET TO AN AMON SET FOR THE WEST END OF SAID CORNER CLIP;

THENCE ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID MALCOLM X BOULEVARD, THE FOLLOWING CALLS:

NORTH 45°35'14" WEST, A DISTANCE OF 113.26 FEET TO AN AMON SET FOR CORNER;

NORTH 50°45'10" WEST, A DISTANCE OF 15.59 FEET TO THE POINT OF BEGINNING AND CONTAINING A COMPUTED AREA OF 22,519 SQUARE FEET OR 0.5170 ACRES OF LAND.

OWNERS' DEDICATION

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT SOUTHFAIR COMMUNITY DEVELOPMENT CORPORATION, ACTING BY AND THROUGH ITS DULY AUTHORIZED AGENT, DOES HEREBY ADOPT THIS PLAT, DESIGNATING THE HEREIN DESCRIBED PROPERTY AS MALCOLM'S POINT 1 AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, AND DO HEREBY DEDICATE, IN FEE SIMPLE, TO THE PUBLIC USE FOREVER ANY STREETS, ALLEYS AND FLOODWAY MANAGEMENT AREAS SHOWN THEREON. THE EASEMENTS SHOWN THEREON ARE HEREBY RESERVED FOR THE PURPOSES INDICATED. THE UTILITY AND FIRE LANE EASEMENTS SHALL BE OPEN TO THE PUBLIC, FIRE AND POLICE UNITS, GARBAGE AND RUBBISH COLLECTION AGENCIES, AND ALL PUBLIC AND PRIVATE UTILITIES FOR EACH PARTICULAR USE. THE MAINTENANCE OF PAVING ON THE UTILITY AND FIRE LANE EASEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNER. NO BUILDINGS, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED, RECONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN, SAID EASEMENTS BEING HEREBY RESERVED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES USING OR DESIRING TO USE SAME, ALL AND ANY PUBLIC UTILITY SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR GROWTHS WHICH IN ANY WAY MAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEM ON THE EASEMENTS, AND ALL PUBLIC UTILITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF INGRESS AND EGRESS TO OR FROM THE SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PARTS OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE. (ANY PUBLIC UTILITY SHALL HAVE THE RIGHT OF INGRESS AND EGRESS TO PRIVATE PROPERTY FOR THE PURPOSE OF READING METERS AND ANY MAINTENANCE OR SERVICE REQUIRED OR ORDINARILY PERFORMED BY THAT UTILITY.)

WATER MAIN AND WASTEWATER EASEMENTS SHALL ALSO INCLUDE ADDITIONAL AREA OF WORKING SPACE FOR CONSTRUCTION AND MAINTENANCE OF THE SYSTEMS. ADDITIONAL EASEMENT AREA IS ALSO CONVEYED FOR INSTALLATION AND MAINTENANCE OF MANHOLES, CLEANOUTS, FIRE HYDRANTS, WATER SERVICES, AND WASTEWATER SERVICES FROM THE MAIN TO THE CURB OR PAVEMENT LINE, AND DESCRIPTION OF SUCH ADDITIONAL EASEMENTS HEREIN GRANTED SHALL BE DETERMINED BY THEIR LOCATION AS INSTALLED.

THIS PLAT APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS AND RESOLUTIONS OF THE CITY OF DALLAS.

WITNESS MY HAND THIS THE _____ DAY OF _____, 2021.

SOUTHFAIR COMMUNITY DEVELOPMENT CORPORATION

BY: _____
NAME: ANNE EVANS
TITLE: EXECUTIVE DIRECTOR

STATE OF TEXAS §
COUNTY OF DALLAS §

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED ANNE EVANS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS _____ DAY OF _____, 2021.

ROTARY PUBLIC IN AND FOR THE STATE OF TEXAS

PRELIMINARY PLAT
MALCOLM'S POINT 1
LOT 1A, BLOCK 12/854
ALL OF LOTS 1 AND 2,
AND THE REMAINDER OF LOT 3, BLOCK 12/854
THE BARNES & MITCHELL'S GRAND AVENUE ADDITION,
RECORDED IN VOL. 1, PG. 349, M.R.D.C.T.
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

CITY PLANNING FILE NO. S212-024
ENGINEERING FILE NO. DP21-XXX
OCTOBER 21, 2021



STANTEC PROJECT NO. 222012399

BOA223-003

5/10/2023

Respected Sir/Madam,

I am Norma Baker and the property owner for 2831 Thomas Tolbert Ave., Dallas, TX 75215. I support the proposed development at 2801 Al Lipscomb Way by SouthFair Community Development Inc.

Respectfully,

A handwritten signature in black ink, appearing to read "N. Joi Baker". The signature is fluid and cursive, with the first name "N." and last name "Baker" clearly visible.

Norma Baker

Njoi Designs

972-984-NJOI

BDA 22374 063

Date : 5/10/2023

Respected Sir/Madam,

I Scottie Smith, II, the property owner for property located at 2404 Merlin St
Dallas, TX 75215 support the proposed development at 2801 Al Lipscomb Way
by Southfair Community Development Inc.

Respectfully,

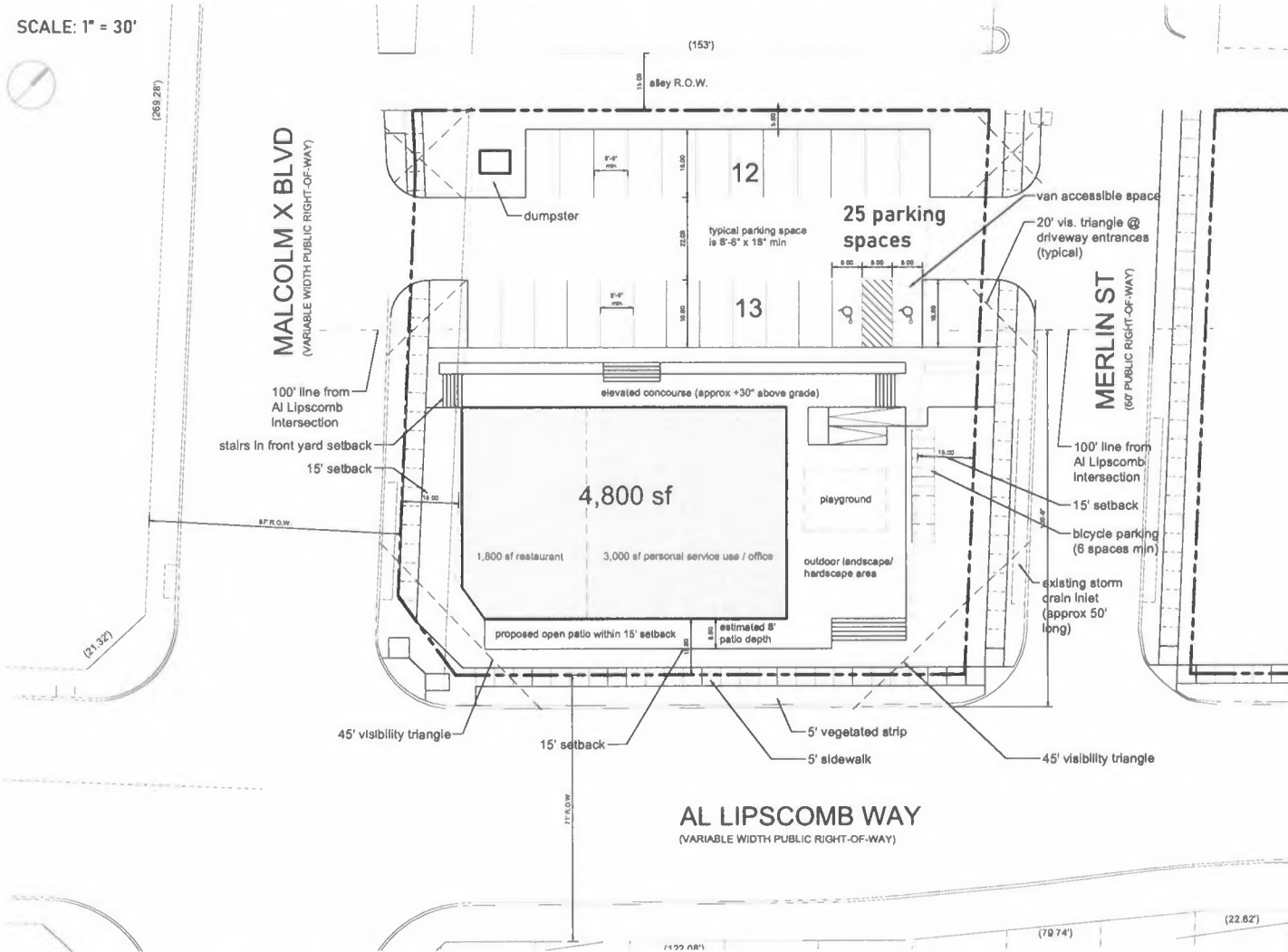


Scottie Smith, II

(Signature)

CONCEPT SITE DIAGRAM: RESTAURANT + PERSONAL SERVICE USE / OFFICE

SCALE: 1" = 30'



PARKING CALCULATIONS

25 parking spaces available

1,800 sf wingstop restaurant = 18 spaces required
 3,000 sf personal service / office = max. 15 spaces required

Total required parking spaces: maximum 33 spaces

Total required parking spaces with 25% reduction: 25 spaces

BUILDING FINISH FLOOR &
 ADJACENT WALKWAYS &
 PATIOS ELEVATED +30" DUE TO
 PEAK'S BRANCH FLOOD ZONE

MALCOLM'S POINT 1

LOT 1A, BLOCK 12/854

2801 AL LIPSCOMB WAY & 2645 MERLIN STREET

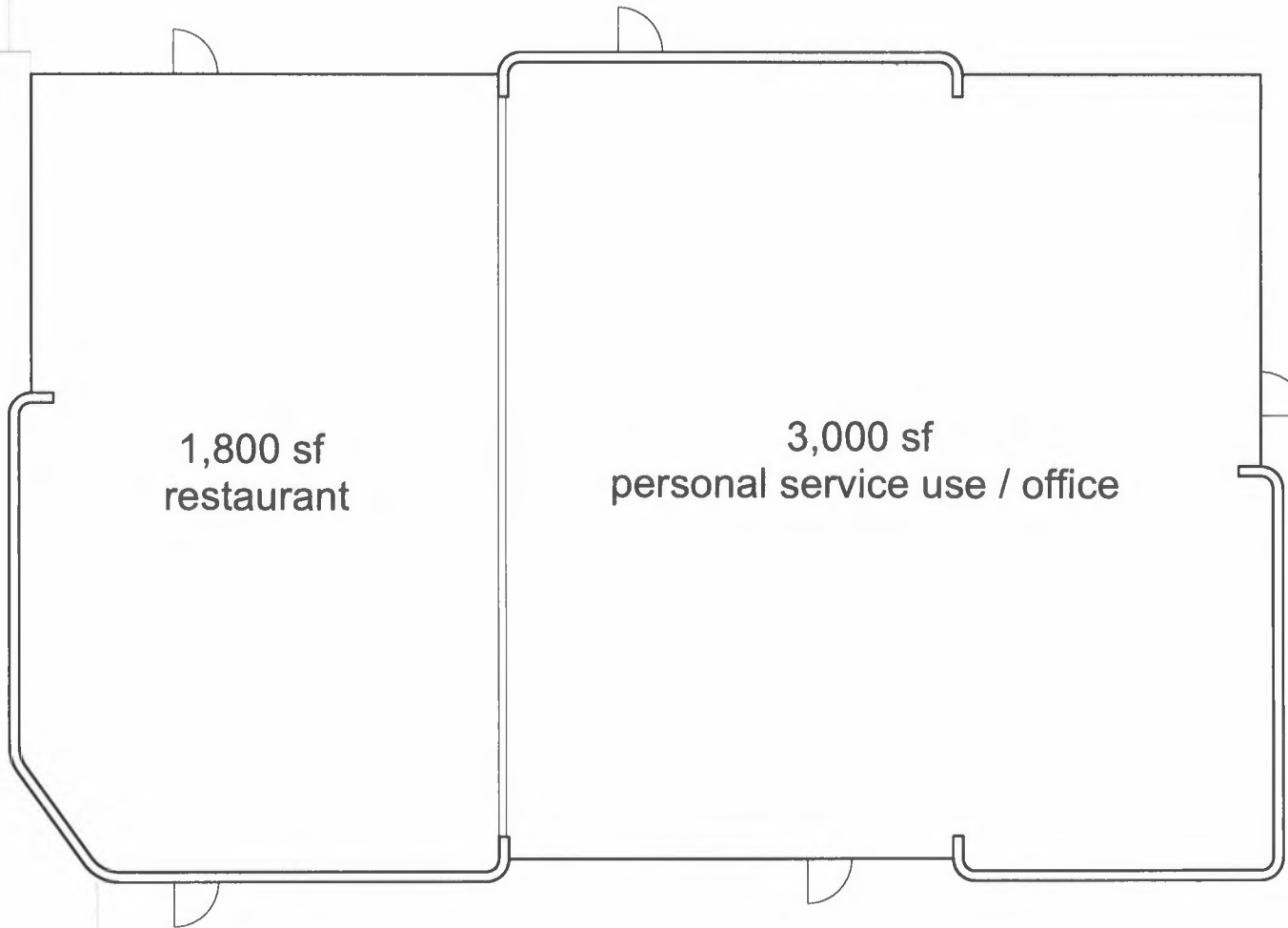
preliminary: not for regulatory approval, permitting, or construction



BDA223-003 76

BUILDING CONCEPTUAL FLOOR PLAN

SCALE: 1/8" = 1'-0"



MALCOLM'S POINT 1

LOT 1A, BLOCK 12/854
2801 AL LIPSCOMB WAY & 2645 MERLIN STREET

preliminary, not for regulatory approval, permitting, or construction

AGENT ARCHITECTURE

SOUTHAIR - MALCOLM'S POINT RETAIL

ARCHITECTURAL CONCEPTUAL 3D VIEWS
3 APRIL 2023

BDA 223-063

WHAT WE HEARD

Create a destination in South Dallas to shop, eat, and play

Create an ecosystem where entrepreneurs help each other to demonstrate the revenue potential in South Dallas

Overcome the historic perception of South Dallas with a catalyst for future development

significant
enjoy
transformative
welcoming
engaging
unique
destination
impressive
enticing

“ THIS IS KICKING OFF WHAT 'CAN BE' IN THIS NEIGHBORHOOD - ANNIE “

“ CREATE AN ECOSYSTEM WHERE ENTREPRENEURS ARE SHARING KNOWLEDGE AND GROWING FROM EACH OTHER'S SUCCESSES “

“ PROVIDE HOPE FOR OTHERS WHO WILL SEE THAT THEY COULD REPLICATE WHAT THESE ENTREPRENEURS ARE DOING IN SOUTH DALLAS - SHANAY ”

“ ERECT A FACILITY WITH WORLD-CLASS FOOD OPERATORS IN THE HEART OF SOUTH DALLAS, A CURRENT FOOD DESERT - CALVIN “

MALCOLM'S POINT 1

LOT 1A, BLOCK 12/854

2801 AL LIPSCOMB WAY & 2645 MERLIN STREET

preliminary: not for regulatory approval, permitting, or construction





CONCEPTUAL BUILDING ELEVATION ALONG AL LIPSCOMB WAY

MALCOLM'S POINT 1
LOT 1A, BLOCK 12/854
2801 AL LIPSCOMB WAY & 2645 MERLIN STREET
preliminary: not for regulatory approval, permitting, or construction





CONCEPTUAL BUILDING ELEVATION ALONG AL LIPSCOMB WAY

MALCOLM'S POINT 1

LOT 1A, BLOCK 12/854

2801 AL LIPSCOMB WAY & 2645 MERLIN STREET

preliminary: not for regulatory approval, permitting, or construction



BDA223-1063





CONCEPTUAL BUILDING ELEVATION FACING NORTH

MALCOLM'S POINT 1

LOT 1A, BLOCK 12/854

2801 AL LIPSCOMB WAY & 2645 MERLIN STREET

preliminary: not for regulatory approval, permitting, or construction





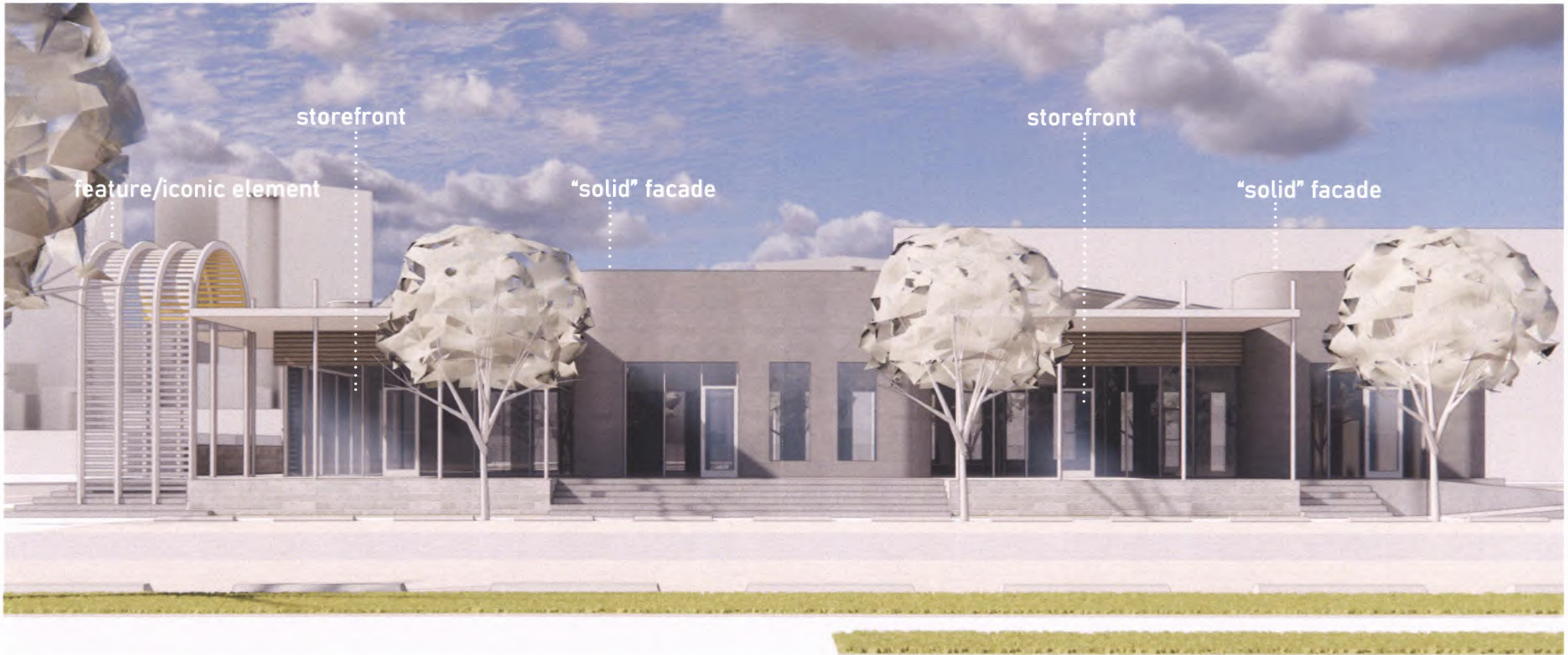
CONCEPTUAL NORTH BUILDING ELEVATION FACING NORTH

MALCOLM'S POINT 1

LOT 1A, BLOCK 12/854
2801 AL LIPSCOMB WAY & 2645 MERLIN STREET

preliminary. not for regulatory approval, permitting, or construction





CONCEPTUAL NORTH BUILDING ELEVATION FACING NORTH

MALCOLM'S POINT 1

LOT 1A, BLOCK 12/854
 2801 AL LIPSCOMB WAY & 2645 MERLIN STREET

preliminary: not for regulatory approval, permitting, or construction



To: Board Members
Board of Adjustment,
Development Services Department,
Building Inspection Division,
Oak Cliff Municipal Center,
Dallas, Texas 75203

From: Peer Chacko / Ami Parikh
Stantec Consulting Services Inc.
6080 Tennyson Parkway, Ste 200,
Plano, Texas 75024

Project/File: Lot 1A, Subarea 3, PD 363

Date: May 04, 2023

Reference: Parking Special Exception and Setback Variance**Project Description and Application Request**

The proposed project site is located at the northern quadrant of S Malcolm X Blvd and Al Lipscomb Way, within PD 363 Subarea 3. The proposed project consists of 1,800 square feet for restaurant use and 3,000 square feet for personal services/office use. The site is currently vacant. The required parking spaces for the proposed uses is 33 spaces. The proposed project provides 25 parking spaces on-site along with at least 6 bicycle parking spaces as shown on the attached site plan.

The City of Dallas Zoning ordinance describes the proposed land uses as:

- Restaurant Without Drive-in or Drive-through Service – An establishment principally for the sale and consumption of food on the premises. (This use does not include a restaurant with drive-in or drive-through service.)
- Personal Services Use – A facility for the sale of personal services. Typical personal service uses include a barber/beauty shop, shoe repair, a tailor, an instructional arts studio, a photography studio, a laundry or cleaning pickup and receiving station, a handcrafted art work studio, safe deposit boxes, a travel bureau, and a custom printing or duplicating shop.
- Office – A place for the regular transaction of business.

This application is seeking a reduction of a total of 6 spaces from the parking requirement per City Code for this combination of proposed uses, based on the evidence provided below. Additionally, this application is seeking a setback variance to allow placement of an open patio/stairs/ramp within the required front yard setback, which will support a pedestrian-friendly street frontage.

Parking & Traffic Study

Based on City of Dallas Code of Ordinances, the parking requirement for the proposed use mix is a minimum of 33 parking spaces, summarized below. Currently 25 parking spaces are provided on-site along with at least 6 bicycle parking spaces, seeking a variance for 6 spaces (discount of 2 spaces per Dallas City Code for the provision of bicycle parking).

Reference: **Parking Reduction and Setback Variance**

Table 1 City of Dallas Code of Ordinances Parking Requirement

Land Use	Floor Area	Parking Rate	Parking Requirement	Proposed Parking on-site	Proposed Parking Reduction
Restaurant w/o drive-thru/in 51A-4.210(b)(24)(C)	1,800 SF	one space per 100 square feet of floor area	18	14	-4
Personal Service Use 51A-4.210(b)(23)(C)	3,000 SF	one space per 200 square feet of floor area	15	11	-4
OR					
Office 51A-4.207(5)(C)	3,000 SF	one space per 333 square feet of floor area	9	9	NA
Discount for Bicycle Parking					2
Total	4,800 SF		33*	25*	-6*

**Based on the land uses with higher parking requirement (Restaurant w/o drive-thru/in & Personal service use).*

ITE Parking Generation Manual

The Parking Generation manual, 5th Edition (2019), published by the Institute of Transportation Engineers (ITE), is the preeminent source of technical parking demand data. The manual is a compilation of actual parking generation data and statistics by land use as collected over several decades by credible sources from across the country representing a combination of suburban and urban contexts. Though the manual is not comprehensive in terms of addressing variations in operating characteristics of specific uses, comparable data are provided for the relevant land uses in this case. Use of the ITE equations and rates to project peak parking demand is widely recognized and used as an industry standard.

Table 2 Parking Based on ITE Manual

ITE Land Use	Floor Area	ITE Suggested Parking	Parking Required Per Code
Fast-Food Restaurant without Drive-Through Window	1,800 SF	18	18
Personal Service Use	3,000 SF	9*	15
OR			
Office	3,000 SF	8	9
Total	4,800 SF	27	33

**Based on LUC 920 Copy, Print, and Express Ship Store. Based on the land uses with higher parking requirement.*

Reference: Parking Reduction and Setback Variance

Fast-Food Restaurant without Drive-Through Window: According to the ITE Manual, this type of restaurant is characterized by a large carry-out clientele and high turnover rates for eat-in customers. These limited service eating establishments do not provide table service. A patron generally orders from a menu board and pays before receiving the meal. Typical peak hour of business and parking demand for a fast-food restaurant is during lunch (noon to 1:00 pm) and dinner (6:00 to 7:00 pm). The typical duration of stay for a customer at a fast-food restaurant without drive-through window with limited indoor seating is 30 minutes. The parking demand for the proposed restaurant without drive-through use in the ITE Manual is 18 spaces and is in line with the Dallas Code requirement. However, there are some distinguishing features between the proposed restaurant use and the standard ITE Manual definition.

It is noteworthy that increased online shopping and ordering of food online is gaining momentum post-pandemic. The fast-food restaurant proposed at the project site is expected to be for pick-up only with a high percentage of on-line ordering and typical hours of operation between 11 am and 10 pm. An example of such a restaurant would be Wingstop, although Wingstops typically have limited sit-down capacity. Orders would be placed online or in-person. Hence, the parking demand for this type of restaurant varies from the parking standard for a typical "Fast-food restaurants without Drive-through window." The maximum duration for a customer is expected to be 10-15 minutes. The turnover of parking during peak demand is not expected to exceed the proposed parking of 14 spaces for this use. Additionally, the restaurant is expected to serve as a local neighborhood restaurant, serving local residents, workers and students and generating a significant proportion of walk-in customers, as further evidenced below.

Personal Service Use: The parking demand for the proposed personal service use in the ITE Manual is 9 spaces in contrast to the 15 spaces required by the Dallas Code. A 25% reduction from the Code requirement is clearly supported by the ITE Manual data. Furthermore, the ITE Manual indicates that the 11 spaces resulting from a 25% reduction from the Code requirement would exceed demand by 2 spaces, which would be available to address any additional restaurant parking demand that may be generated. The personal service use located at the proposed site is expected to serve the local neighborhood and would complement the combination of residential and business use mix in the surrounding area. Some of the examples of proposed personal services uses on the site are barber/beauty shop, nail salon, or similar other uses. The working hours for most of these uses are expected to be typical business hours like 8 a.m. to 6 p.m. Based on the size of the establishment, it is expected to have two employees, that are likely to be drawn from the local population. The expected parking duration of customers is anticipated to be about 30 minutes.

Office Use: An office use may be proposed on site as an alternative to a personal service use. The parking demand for a proposed office use is 8 spaces in the ITE Manual, in contrast to the 9 spaces required by the Dallas Code. The ITE Manual indicates that the 11 spaces proposed to be provided on site for the personal service/office uses would exceed the demand generated by an office use by 3 spaces, which would be available to address any additional restaurant parking demand that may be generated. This is further supported by the fact that the proposed office space will cater to a local neighborhood business, thereby reducing the need for parking to serve a commuter population that is typical of larger office spaces. Furthermore, office space needs and preferences are changing since the pandemic. Working hours have changed to more flexible hours rather than the typical 9 to 5 hours, and work from home continues to be provided as an option for many employees for at least part of a typical work week.

Local Customer Base / Proximity / Ease of Access

The proposed fast-food restaurant is anticipated to serve as a local neighborhood restaurant. Based on the American Community Survey data for this area, there is a population of about 18,000 living in the vicinity of the proposed project with 48% of working age (25 – 44 years), who are expected to generate a significant share of the clientele. As shown in Figure 1 below, the proposed site is located within 5-minute walking range from Eban Village apartments, Park Row and Edgewood residential development and proposed

Reference: Parking Reduction and Setback Variance

townhomes at Malcolm's Point. The Billy Dade Middle School is located across the street on S Malcolm X Blvd that serves sixth to eighth grade levels and general school hours are 8:20 a.m. to 3:55 p.m. Additionally, there are several local employers nearby that generate lunch-time customers, such as the Social Security Administration, Baylor Scott & White / City Square Clinic, Atmos Energy Dallas Service Center and many

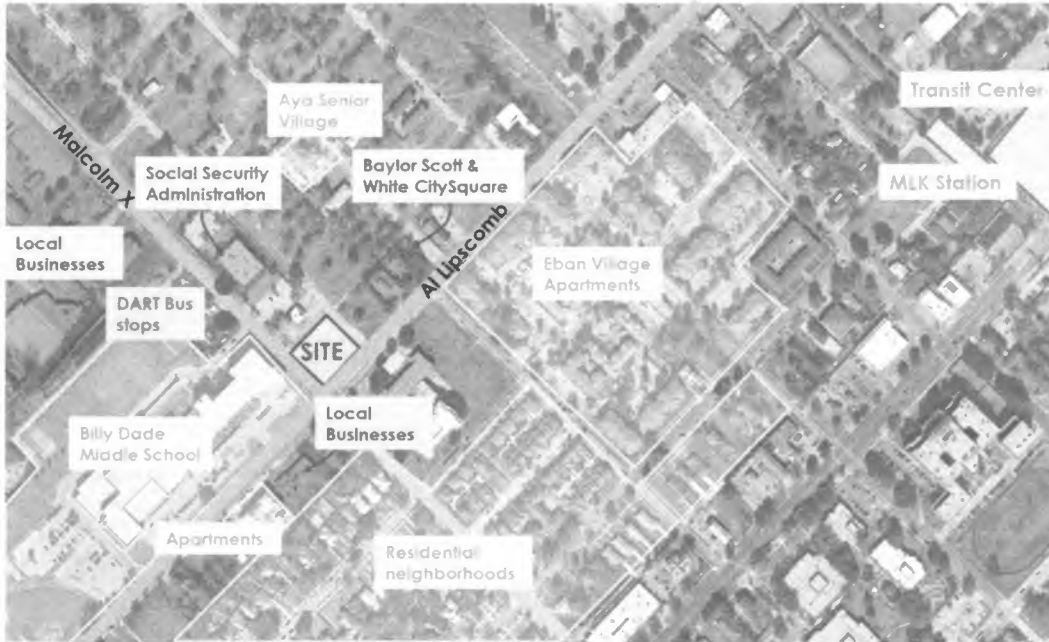


Figure 1 Proposed Project Site Vicinity Map

other local businesses in the vicinity. The targeted clientele for the proposed fast-food restaurant is expected to be the local neighborhood population that live, work, or attend school in close proximity to the site and are expected to walk for their food pick-up order. Additionally, bike parking would be provided on site to support/encourage bike trips.

Transit Access

Besides the proximity to the residential neighborhoods and the school, there are transit stops in immediate vicinity of the project site as shown in Figure 1. The MLK train station that serves the DART Green line (Carrollton to Buckner) is within 10 minutes of walking distance from the proposed site. Also, DART bus



Figure 3 North Bus stop location on S Malcolm X Blvd, just north of the project site



Figure 2 South Bus stop location on S Malcolm X Blvd, just north of the project site

Reference: Parking Reduction and Setback Variance

route number 10 has bus stops (Figures 2 & 3) located within 250 feet of the proposed site. The project site is also located in the South Dallas GoLink zone. The ACS data shows about 44% population in the vicinity are dependent on public transportation. With bus and rail in close proximity, it is expected that the restaurant will have customers on foot which would offset the need for parking spaces. Note that the proposed project street frontage will be designed for an improved pedestrian experience, as shown in the attached project illustrations and site plan.

Examples of Neighborhood Services in the Vicinity



Figure 4 An example of similar development along Al Lipscomb at 3114 Al Lipscomb Way

We have included two examples of comparable sites in the vicinity to demonstrate that typical parking demand for similar uses in the area falls short of the typical on-site supply.

The above development at 3114 Al Lipscomb Way is a mix of restaurant as well as personal service use and retail. There are 12 parking spaces provided for this mixed-use development and around lunch hour the parking spaces are barely 50 percent occupied.

Reference: **Parking Reduction and Setback Variance**



Figure 5 Mixed use development at 2532 Martin Luther King Jr Blvd

The above mixed-use development includes a local pizzeria, a local restaurant with a bar and another local seafood restaurant. There are 10 parking spaces provided for this development that are observed to be under-utilized around lunch hour.

Overflow Parking

Merlin Street which adjoins the site has capacity for on-street parking as shown in the diagram below. In the unlikely event of the need for any spillover parking from the site, the on-street parking on Merlin Street could be an alternative option.

Traffic

Most of the proposed uses on the site are not expected to generate new vehicular trips but would be pass-by trips that take advantage of the trips along the adjacent roadways to make a quick stop. Based on the 2019 data from Texas Department of Transportation (TxDOT), the annual average daily traffic (AADT) along Al Lipscomb Way is 5,475 and 9,043 along S Malcolm X Blvd. Both the adjacent roadways are two lanes in each direction with turn lanes at the intersection. The traffic on these roadways is generally free flowing with the exception of some slow down during peak hours.

Reference: **Parking Reduction and Setback Variance**



Figure 6 Overflow Parking along Merlin Street

Due to the middle school across the street from the proposed site, this area is part of the school zone with 20 mile per hour speed limit when lights are flashing, during school pickup and drop-off times, in an otherwise 30 mile per hour speed limit. These roadways are categorized as Community Collectors with traffic volumes 5,000 – 14,000 for a four-lane roadway. Merlin Road is a local road with 30 mile per hour speed limit and on-street parking permitted.

The trip generation for the proposed site shown in Table 3, shows that the total trips for the proposed development will not exceed 1,050 trips on a daily basis. Note that these trips do not discount for the pass-by trips from adjacent roadways as well as some walking and biking trips (mode share), which would reduce the trip generation for this site. Pass-by trips are those that are already on roadways adjacent to the site but altering their path at the driveway to visit the site. These are not new trips specifically generated by the site.

Driveways: There are two driveways proposed for the project site based on the conversation with the City staff. One full access driveway is located along Merlin Street and another right-in/ right-out driveway located along S Malcolm X Blvd.

Reference: **Parking Reduction and Setback Variance**

Table 3 Trip Generation for Proposed Site

Land Use	Area	Trip Generation Rate	Trip Generation	Total Trip Generation
Restaurant	1,800 SF	350 per 1,000 SF	630	1,050
Personal Service Use	3,000 SF	140 per 1,000 SF	420	
OR				
Restaurant	1,800 SF	350 per 1,000 SF	630	666
Office	3,000 SF	12 per 1,000 SF	36	

Setback Variance

Based on the ordinance, a setback requirement of 15 feet is required on all sides of the proposed site. Due to the small lot size, about 0.5 acres, the 15 feet setback all around significantly reduces the buildable gross site area. The on-site parking further reduces this buildable area. Additionally, due to the Peak’s Branch Flood Zone, the entire building floor along with adjacent walkways and patio is needed to be raised by 3 feet. With the setback requirements as well as the elevated structure, the stairs along S Malcolm X Blvd are proposed within the required 15 feet setback. This application requests a variance to the setback requirement for this location to allow for placement of the raised open patio along the site frontage to address the hardship of having to reduce the building footprint any further than the site constraints already impose. The proposed open patio does not encroach in the 45-foot visibility triangle provided for the south-east and south-west corner along Al Lipscomb Way. Furthermore, the inclusion of the proposed open patio along the Al Lipscomb frontage will enhance the pedestrian-friendly ambiance of the frontage as shown in the attached illustrations, to help support the anticipated walk-in customers as noted in the parking special exception evidence noted earlier in this memo.

Respectfully,

STANTEC CONSULTING SERVICES INC.

Ami Parikh

Peer F. Chacko AICP
 Principal, Planning & Urban Design Leader
 Community Development – US Texas
 Direct: (214) 473-2429
 Email: peer.chacko@stantec.com

Ami Parikh
 Land Use & Mobility Planner
 Direct: 214-473-2563
 Email: ami.parikh@stantec.com

FILE NUMBER: BDA223-065 (GB)

BUILDING OFFICIAL'S REPORT Application of BALDWIN ASSOCIATES for a special exception to the parking regulations at 2603 INWOOD RD. This property is more fully described as Block A/5709, Lots 1-4 and 13,14, and is zoned IR, which requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure for a Community Service Center and provide 86 of the required 96 parking spaces, which will require a 10-space special exception (10% reduction) to the parking regulation.

LOCATION: 2603 Inwood Road

APPLICANT: Baldwin Associates

REQUEST:

A request for a special exception to the parking regulations. The applicant proposes to construct and maintain a nonresidential structure for a Community Service Center and provide 86 of the required 96 parking spaces, which will require a 10-space special exception (10% reduction) to the parking regulation.

STANDARD FOR A SPECIAL EXCEPTION SEC 51A-4.311:

- (1) The board **MAY** grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on the adjacent or nearby streets. Except as otherwise provided in this paragraph, the maximum reduction authorized in this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to the already existing nonconforming rights.
- (2) In determining whether to grant a special exception under paragraph (1), the board **SHALL** consider the following factors:
 - A. The extent to which the parking spaces provided will be remote, shared, or packed parking
 - B. The parking demand and trip generation characteristics of all uses for which the special exception is requested

- C. Whether or not the subject property or any property in the general area is part of a modified delta overlay district
- D. The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan
- E. The availability of public transit and the likelihood of its use.
- F. The feasibility of parking mitigation measures and the likelihood of their effectiveness

STAFF RECOMMENDATION:

- Approval.

Rationale: parking should be sufficient and overflow parking would not negatively impact traffic flow on the lower volume Sandler Circle.

- **ZONING/BDA HISTORY:**

Zoning:

Site: IM

Land Use:

The subject site is developed with a commercial structure. Areas to the North, South, East, and West are developed with commercial and retail uses.

GENERAL FACTS/STAFF ANALYSIS:

- A request for a special exception to the parking regulations. The applicant proposes to construct and maintain a nonresidential structure for a Community Service Center and provide 86 of the required 96 parking spaces, which will require a 10-space special exception (10% reduction) to the parking regulation.
- The subject property is located at 2603 Inwood Road.
- The subject property is zoned IM.
- The intended use for this property is a Community Services Center, which requires 96 parking spaces.

Timeline:

May 10, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

June 09, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.

- June 13, 2023: The Board of Adjustment Senior Planner emailed the applicant the following information:
- a copy of the application materials including the Building Official's report on the application
 - an attachment that provided the public hearing date and panel that will consider the application; the June 23, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the Friday, July 07, 2023, deadline to submit additional evidence to be incorporated into the Board's docket materials
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."
- June 28, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the July 18, 2023, public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planners, the Board of Adjustment Development Code Specialist, Project Coordinator the Chief Arborist, and the Development Services Senior Engineers
- June 29, 2023: The engineering department submitted a review comment sheet.

REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING JULY 18, 2023 (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 212-078(GB)

BDA 223-058(KMH)

BDA 223-060(KMH)

BDA 223-063(KMH)

BDA 223-065(GB)

BDA 223-066(KMH)

COMMENTS:

Parking should be sufficient and any overflow parking would not negatively impact traffic flow on the lower volume Sandler Circle.

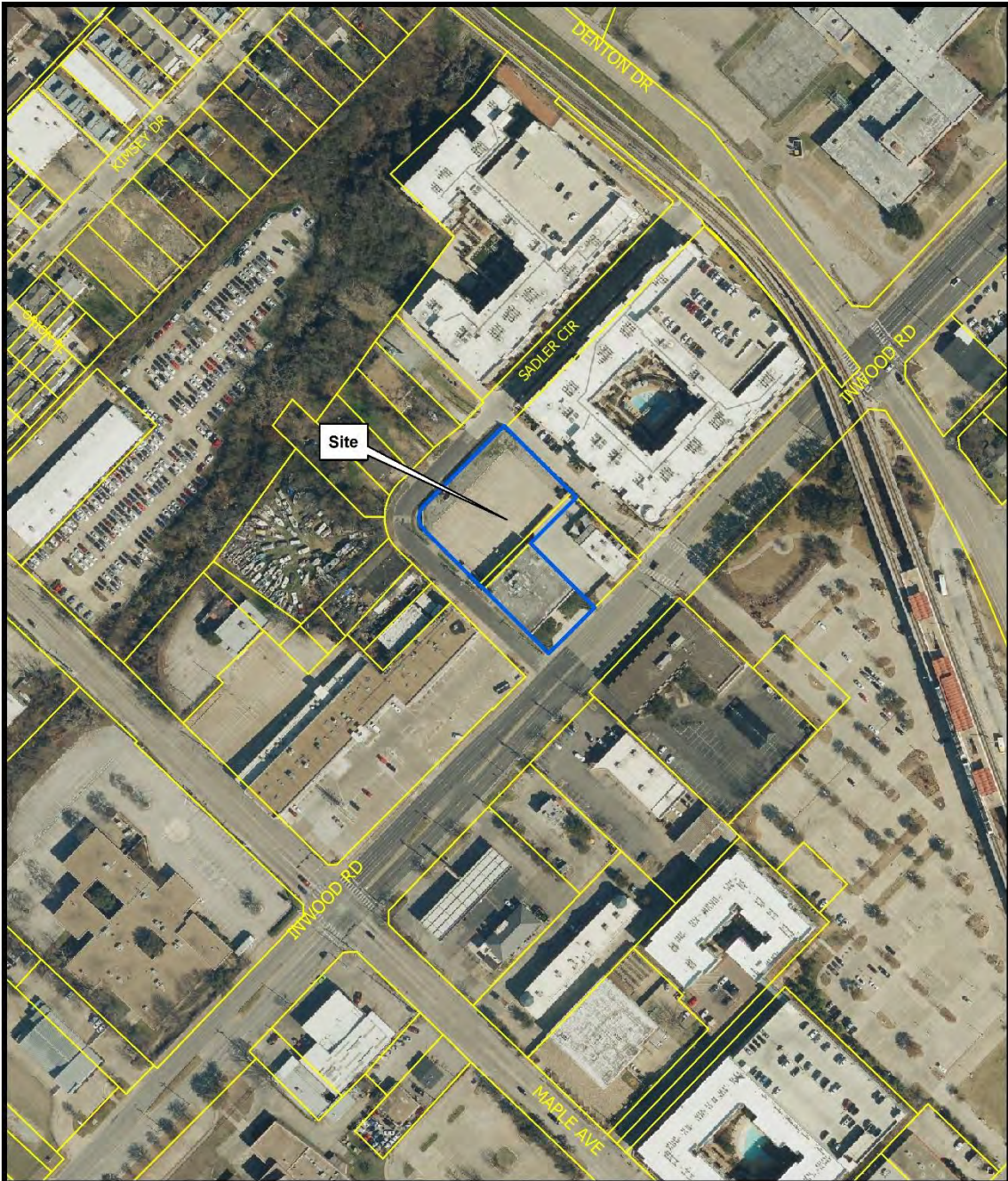
David Nevarez, PE, PTOE, DEV - Engineering

Name/Title/Department

6/29/2023

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

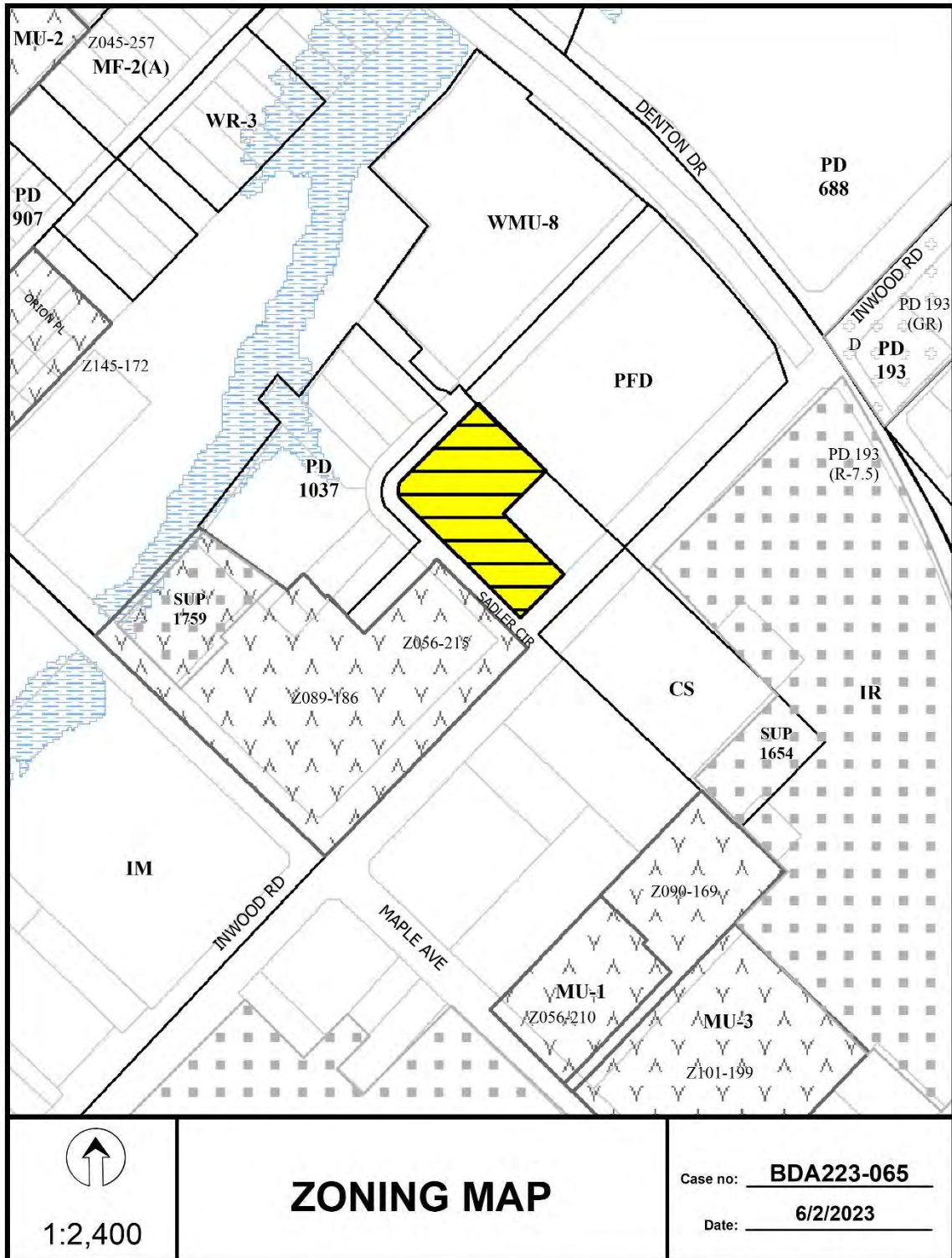


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AERIAL MAP

Case no: BDA223-065

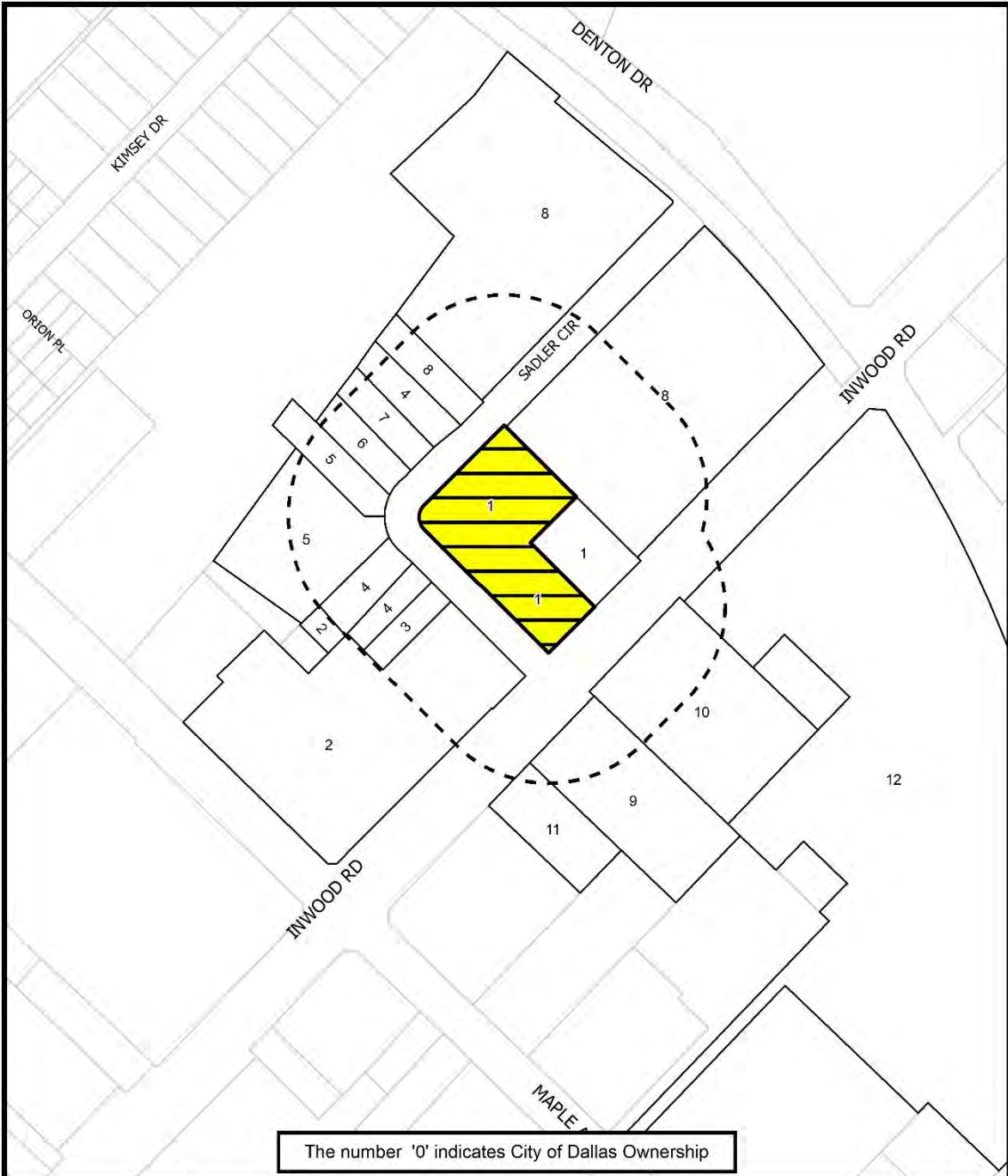
Date: 6/2/2023



ZONING MAP

Case no: BDA223-065
 Date: 6/2/2023

1:2,400



 1:2,400	NOTIFICATION		Case no: BDA223-065
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">12</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 6/2/2023

06/02/2023

Notification List of Property Owners

BDA223-065

12 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2603 INWOOD RD	MAPLEWOOD PARTNERS LTD
2	2515 INWOOD RD	MAPLE WALK LP
3	5711 SADLER CIR	OFFINWOOD LLC
4	5713 SADLER CIR	RESOURCE CENTER OF DALLAS INC
5	5717 SADLER CIR	RESOURCE CENTER OF DALLAS INC
6	5721 SADLER CIR	RESOURCE CENTER OF DALLAS INC
7	5723 SADLER CIR	RESOURCE CENTER OF DALLAS INC
8	5747 SADLER CIR	NTHP INWOOD INC
9	2522 INWOOD RD	AUTOZONE INC
10	2608 INWOOD RD	SONORA HOLDINGS TX LP
11	2516 INWOOD RD	FRIS CHKN LLC % CAJUN OPERATING CO
12	2720 INWOOD RD	DART



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

REVISED

Case No.: BDA 223-065

RECEIVED
MAY 10 REC'D
BY: [Signature]

Data Relative to Subject Property: _____ Date: 5/10/23
 Location address: 2603 Inwood Road Dallas, TX 75235 Zoning District: IM
 Lot No.: 13&14 Block No.: BLK A/5709 Acreage: 0.99 acres Census Tract: 48113000409
 Street Frontage (in Feet): 1) '100' 2) 280' 3) 194' 4) _____ 5) _____

To the Honorable Board of Adjustment:
 Owner of Property (per Warranty Deed): Maplewood Partners, Ltd.
 Applicant: Robert Baldwin, Baldwin Associates Telephone: 214-824-7949
 Mailing Address: 304 Elm Street, Suite B Dallas, TX Zip Code: 75226
 E-mail Address: rob@baldwinplanning.com
 Represented by: Same as applicant Telephone: _____
 Mailing Address: _____ Zip Code: _____
 E-mail Address: _____

Affirm that an appeal has been made for a Variance or Special Exception of To reduce the required parking for a Community Service Center by 11 spaces, or 11 percent.
10 10 Mistag

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:
 Given that many of the clients for the proposed use will use public transportation, and the site is directly across the street from the Inwood DART Station, and within an 18 minute walk to the Medical Center DART station, we believe that this reduction is reasonable and appropriate.

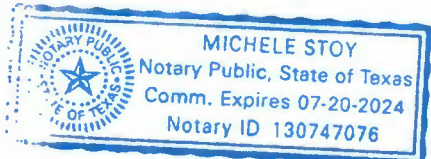
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Rob Baldwin
 (Affiant/Applicant's name printed)
 who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property

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

Subscribed and sworn to before me this 2 day of May, 2023
Michele Stoy
 Notary Public in and for Dallas County, Texas



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that BALDWIN ASSOCIATES

did submit a request for a special exception to the parking regulations
at 2603 INWOOD ROAD

BDA223-065. Application of BALDWIN ASSOCIATES for a special exception to the parking regulations at 2603 INWOOD RD. This property is more fully described as Block A/5709, Lots 1-4 and 13,14, and is zoned IR, which requires parking to be provided . The applicant proposes to construct and maintain a nonresidential structure for a Community Service Center and provide 86 of the required 96 parking spaces, which will require a 10 space special exception (10% reduction) to the parking regulation.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



AFFIDAVIT

Appeal number: BDA 223-065

I, Maplewood Partners, LTD, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 2603 Inwood Road
(Address of property as stated on application)

Authorize: Rob Baldwin, Baldwin Associates
(Applicant's name as stated on application)

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

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

Specify: A Special Exception to the off-street parking requirements.

MAPLEWOOD PARTNERS, LP
Print name of property owner or registered agent

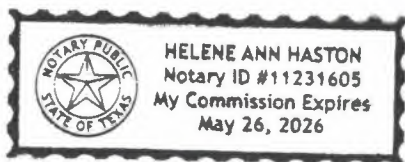
[Signature]
Signature of property owner or registered agent

Date 4/26/23

Before me, the undersigned, on this day personally appeared JUSTIN SMALL

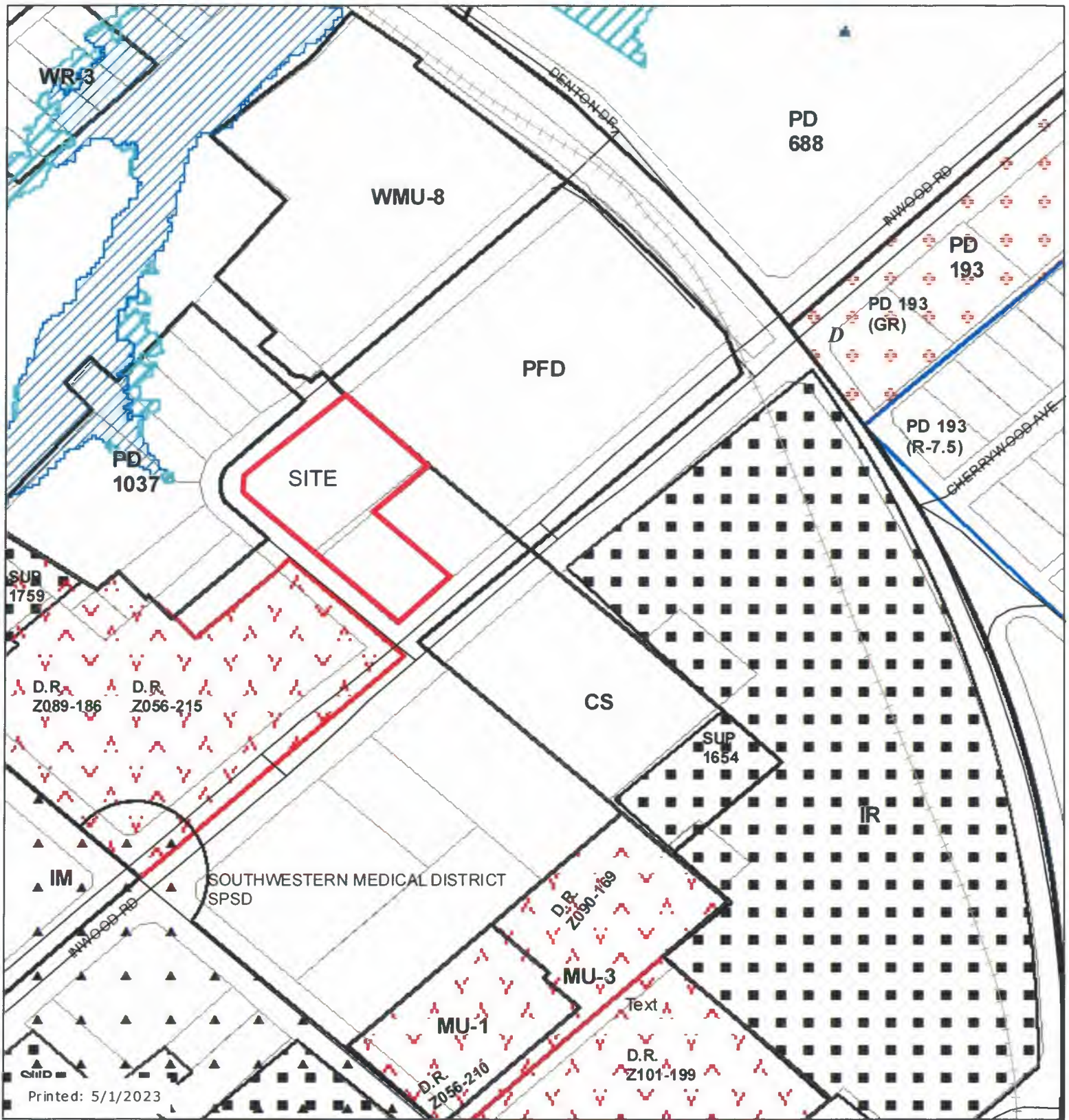
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 26th day of APRIL, 2023



[Signature]
Notary Public for Dallas County, Texas

Commission expires on May 26, 2026



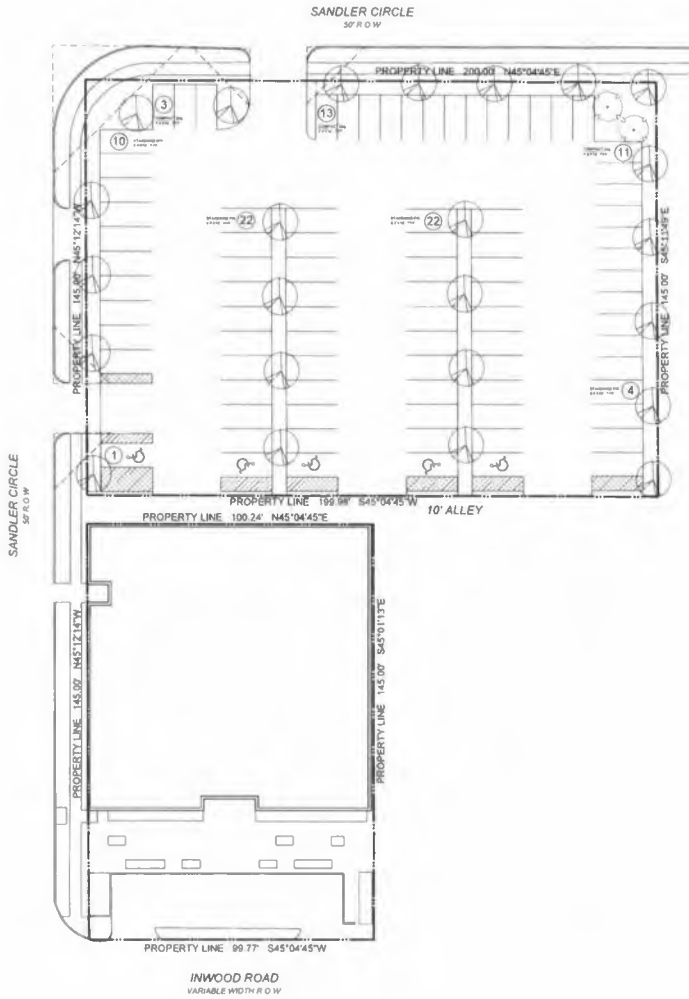
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, 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)



104 1:2,400

BDA223-065

Printed: 5/1/2023



VICINITY MAP
NTS



06/06/2023
PROJECT NUMBER
CASE NUMBER

BALDWIN ASSOCIATES
3904 Elm Street, Suite B
Dallas, Texas 75226
MOBILE: 214.729.7949
OFFICE: 214.824.7949
rob@baldwinplanning.com

Baldwin Associates

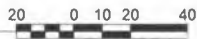
2603 INWOOD
CITY OF DALLAS, TEXAS



1

PARKING EXHIBIT
SITE PLAN

SCALE: 1" = 20'-0"



FILE NUMBER: BDA223-066 (KMH)

BUILDING OFFICIAL'S REPORT Application of Baldwin Associates for a special exception to the fence regulations, and for a special exception to the fence standards regulations at 5518 Winston CT. This property is more fully described as Block B/5592, Lot 1A, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4-feet; and requires fence panel with a surface area that is less than 50 percent open not be located less than 5 feet from the lot line. The applicant proposes to construct an 8-foot 11-inch high fence in a required front yard, which will require a 4-foot 11-inch 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 opacity regulations.

LOCATION: 5518 Winston Court

APPLICANT: Baldwin Associates

REQUEST:

- (1) A request for a special exception to the fence height regulations; and
- (2) A special exception to the fence opacity regulations for a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS REGULATIONS:

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

STAFF RECOMMENDATION:

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

The Development Services Engineer has reviewed all pertinent documents submitted and has no objections to this request.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

BDA History:

2019- BDA189-100 (fence height/fence standards)

- Applicant proposed an 11-foot fence; denied without prejudice

2021- BDA201-112 (fence standards)

- Applicant proposed an 8-foot fence; approved-not to exceed 8'

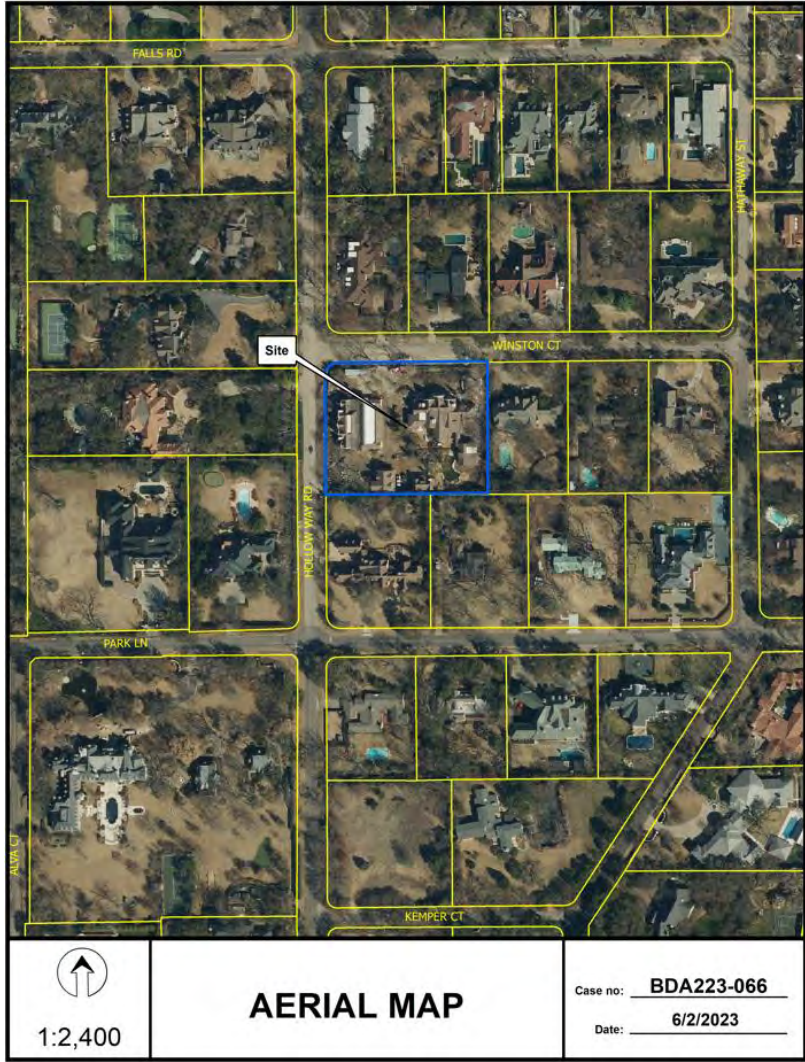
GENERAL FACTS/STAFF ANALYSIS:

- The purpose of this request is for a special exception to the fence regulations of 4-feet and 11-inches focuses on constructing and/or maintaining an 8-foot 11-inch high fence in a required front yard; additionally, this request is also for a special exception to the fence standards regulations for a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line.
- The subject site and surrounding properties are zoned R-7.5 (A).
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. The Dallas Development Code also states that no fence panel having less than 50 percent open surface area may be located less than 5-feet from the lot line.
- As gleaned from the submitted site plan and elevations, the applicant is proposing an 8-foot 11-inch high fence in the front yard along Winston Court and along Holloway Road.
- The proposed fence will be a 1" solid picket style fence with decorative iron lattice with iron trim work and solid sheet panel behind; with Granbury stone to match the house. It is also imperative to note that the proposed fence will consist of a drive/pedestrian gate.

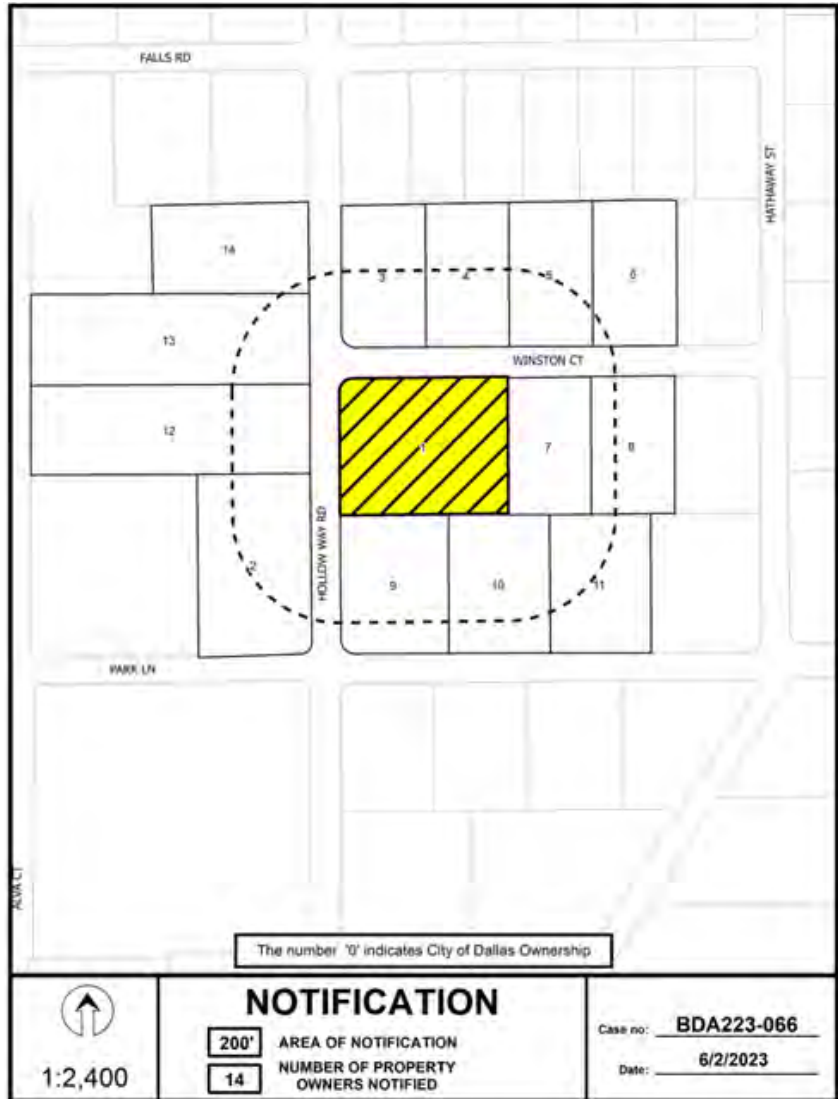
- The applicant has the burden of proof in establishing that the special exception to the fence regulations will not adversely affect the neighboring property.
- Granting these special exceptions to the fence standards relating to height up to 8-feet 11-inches and location of fence panels with surface areas that are less than 50 percent open on the site with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.

Timeline:

- May 10, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- May 30, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.
- June 13, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the June 26, 2023, deadline to submit additional evidence for staff to factor into their analysis; and July 6, 2023, deadline to submit additional evidence to be incorporated into the board’s docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- June 28, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the July public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.
- June 30, 2023: The Development Services Engineer provided a response sheet with no objections.







 1:2,400	NOTIFICATION		Case no: BDA223-066
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">14</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 6/2/2023

REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING JULY 18, 2023 (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 212-078(GB)
- BDA 223-058(KMH)
- BDA 223-060(KMH)
- BDA 223-063(KMH)
- BDA 223-065(GB)
- BDA 223-066(KMH)
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COMMENTS:

David Nevarez, PE, PTOE, DEV - Engineering

Name/Title/Department

6/29/2023

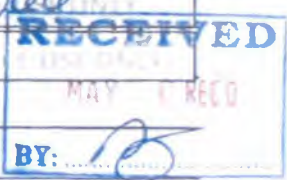
Date

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.



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA BOA 223-066



Data Relative to Subject Property: Prior case BDA 201-112 Date: _____
Location address: 5518 Winston Court Zoning District: R-1AC (A)
Lot No.: 1A Block No.: B/5592 Acreage: 1.831 acre Census Tract: 48113020600
Street Frontage (in Feet): 1) 230' 2) 288' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Charles David Wood, Jr.
Applicant: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949
Mailing Address: 3904 Elm Street, Suite B - Dallas, Texas Zip Code: 75226
E-mail Address: rob@balwinplanning.com
Represented by: Rob Baldwin Telephone: 214-824-7949
Mailing Address: 3904 Elm Street, Suite B - Dallas, Texas Zip Code: 75226
E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance or Special Exception of 4' to the fence height regulations in a required front yard to allow an 8' fence and columns. To allow less than 50% opening in fence. 8'11" ms

MS

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to Grant the described appeal for the following reason:
The proposed fencing will be similar in height and appearance to other fences in the area so the approval of this Special Exception is reasonable and will not negatively affect neighboring properties.

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

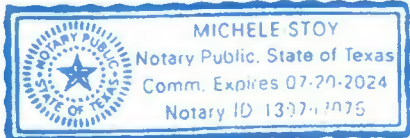
Affidavit

Before me the undersigned on this day personally appeared Rob Baldwin
(Affiant/Applicant's name printed)
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property

Respectfully submitted: _____
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 17 day of April, 2023

Michele Stoy
Notary Public in and for Dallas County, Texas



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was---Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that BALDWIN ASSOCIATES

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

at 5518 WINSTON COURT

BDA223-066. Application of BALDWIN ASSOCIATES for a special exception to the fence height regulations, and for a special exception to the fence standards regulations at 5518 WINSTON CT. This property is more fully described as Block B/5592, Lot 1A, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet and requires fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct an 8 foot 11 inch high fence in a required front yard, which will require a 4 foot 11 inch 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.

Sincerely,


Andrew Espinoza, CBO, MCP, CFM, CCEA



Appeal number: BDA 223-0666

I, Charles David Wood, Jr., Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 5518 Winston Court
(Address of property as stated on application)

Authorize: Rob Baldwin, Baldwin Associates, LLC
(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: Special exception of the fence height regulations to allow an 8' fence in the front yard.

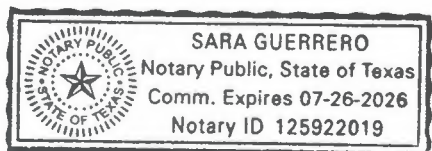
Charles D Wood, Jr
Print name of property owner or registered agent
Date 3/8/23

C. D. Wood
Signature of property owner or registered agent

Before me, the undersigned, on this day personally appeared in person

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 8 day of March, 2023



S. Guerrero
Notary Public for Dallas County, Texas

Commission expires on 7-26-26



Printed: 8/11/2021

Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | POS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSO 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 | |

BDA 223-066

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





City of Dallas

March 24, 2023

Rob Baldwin
Baldwin Associates
3904 Elm St. Ste. B
Dallas, TX. 75226

Re: BDA201-112, Property at 5518 Winston Court.

Dear Mr. Baldwin:

The Board of Adjustment Panel A, at its public hearing held on Tuesday, March 21, 2023, **granted** the request of this applicant to waive the two-year limitation on a final decision reached by Board of Adjustment Panel A on November 16, 2021 because there are changed circumstances regarding the property sufficient to warrant a new hearing.

Should you have any further questions regarding the Board's action, please contact me at (214) 948-4366 or sheniqua.dunn@dallas.gov.

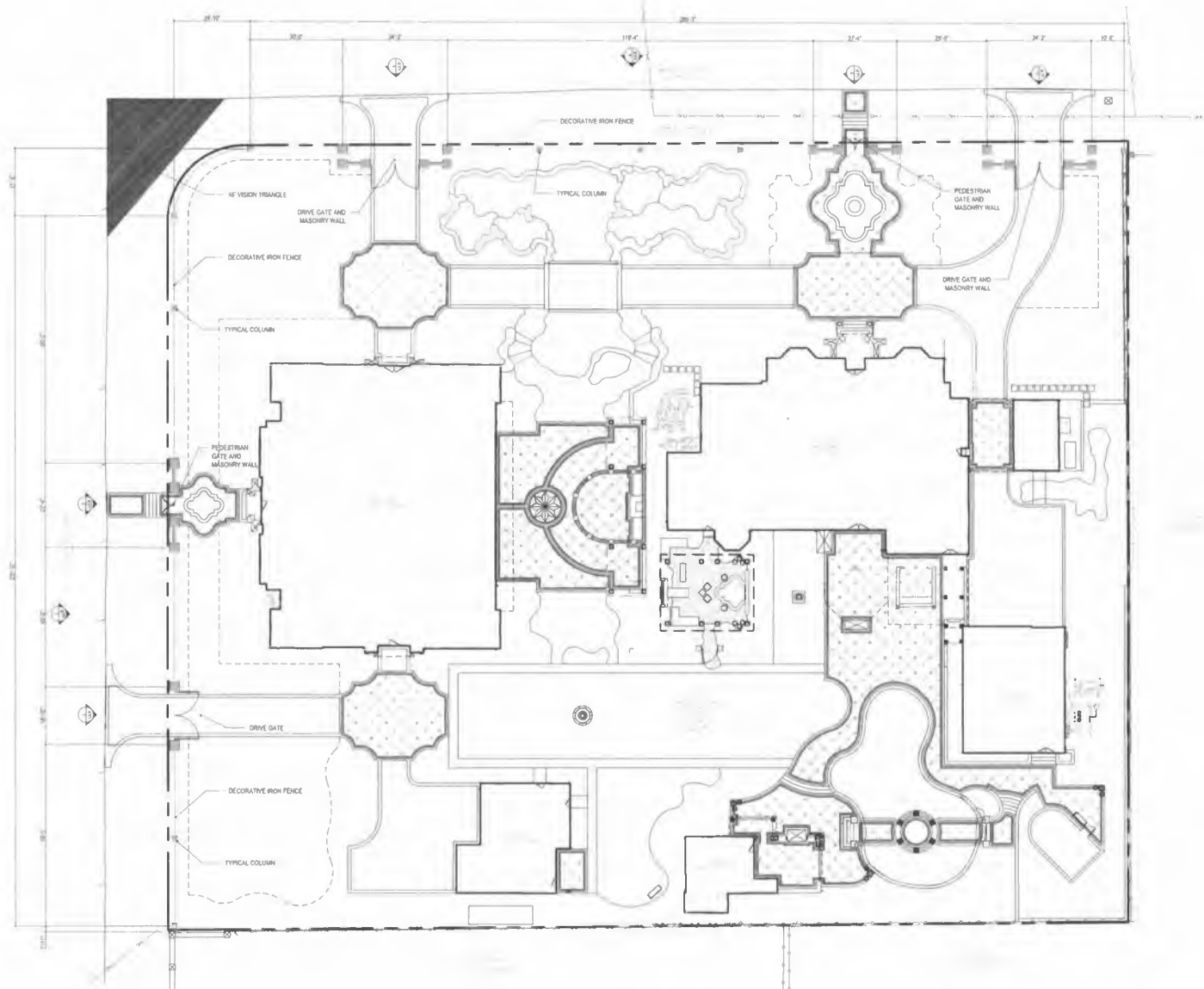
Respectfully,

A handwritten signature in blue ink that reads "Sheniqua Dunn".

Nikki Dunn
Chief Planner/Board Administrator
Development Services Department

c: Code Enforcement, 3112 Canton, Room 100
Diana Barkume, Development Services, 320 E. Jefferson #210

BDA223-006



HAROLD LEIDNER
P.L.L.C.

1601 Surveyor
Boulevard • Carrollton,
Texas 75006
972.418.5244
hld@hld.com

NOT FOR
CONSTRUCTION

WOOD RESIDENCE
5518 WINSTON CT.
DALLAS, TX

SCALE 1/16"=1'-0"



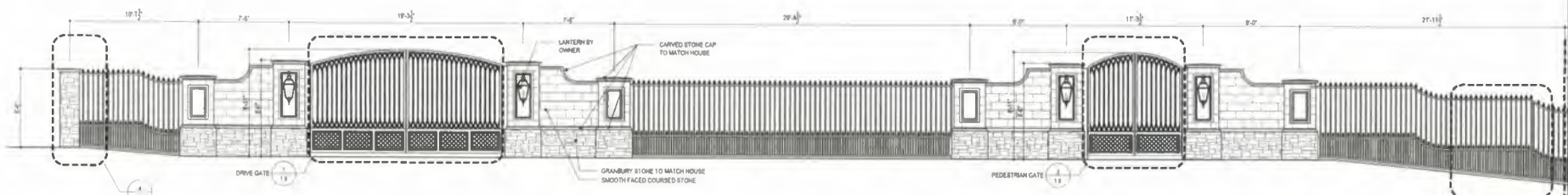
MAY 01 2023
VARIANCE

L1.6

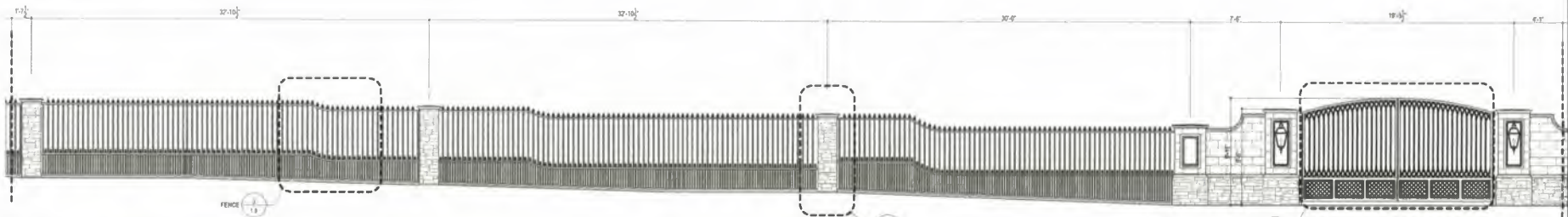
BDA 223-066¹¹⁹



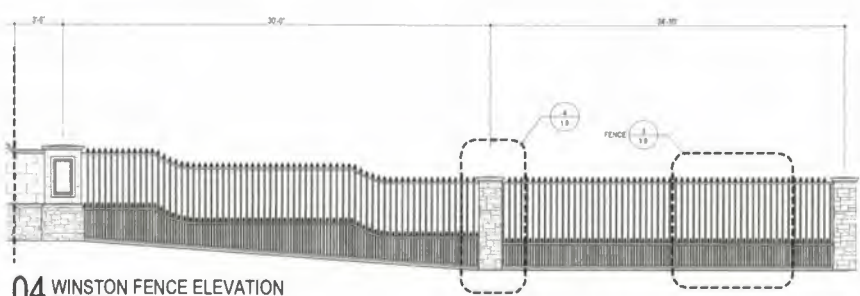
01 WINSTON FENCE ELEVATION
SCALE: 1/8" = 1'-0"



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



03 WINSTON FENCE ELEVATION
SCALE: 1/8" = 1'-0"



04 WINSTON FENCE ELEVATION
SCALE: 1/8" = 1'-0"

HAROLD LEIDNER

1801 Surveyor
Boulevard Carrollton,
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872.418.5244
hleidner@aol.com

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WOOD RESIDENCE
5518 WINSTON CT.
DALLAS, TX



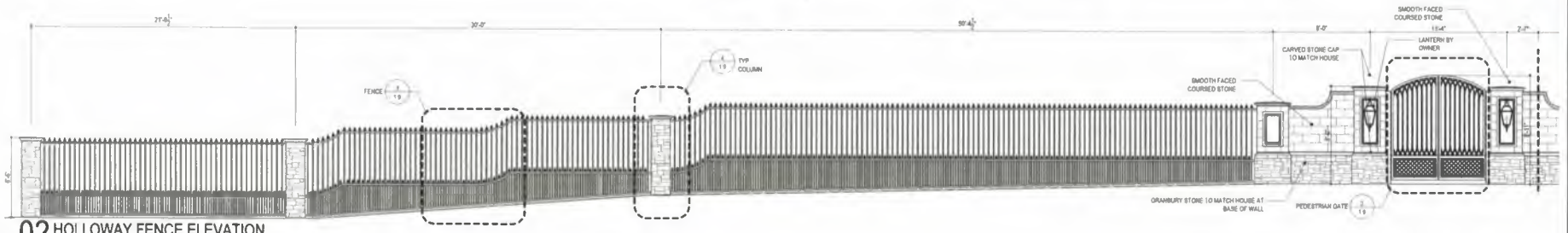
APRIL 19, 2023
VARIANCE

L1.7

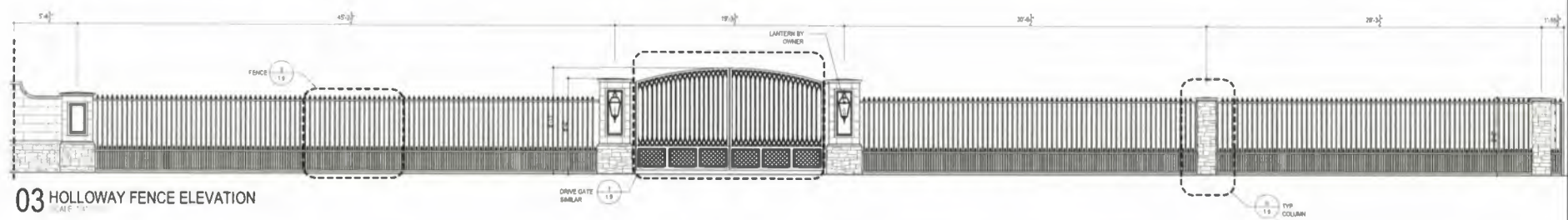
BDA 220-066



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



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



03 HOLLOWAY FENCE ELEVATION
SCALE: 1/8" = 1'-0"

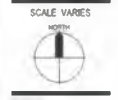
HAROLD LEICNER

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972.418.5244
hlc@aol.com

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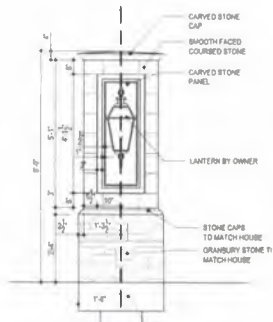
WOOD RESIDENCE
5518 WINSTON CT.
DALLAS, TX



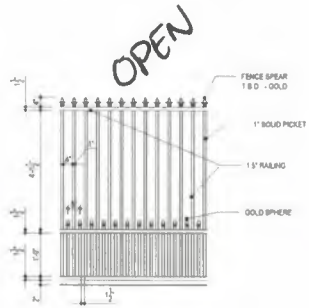
APRIL 18, 2023
VARIANCE

L1.8

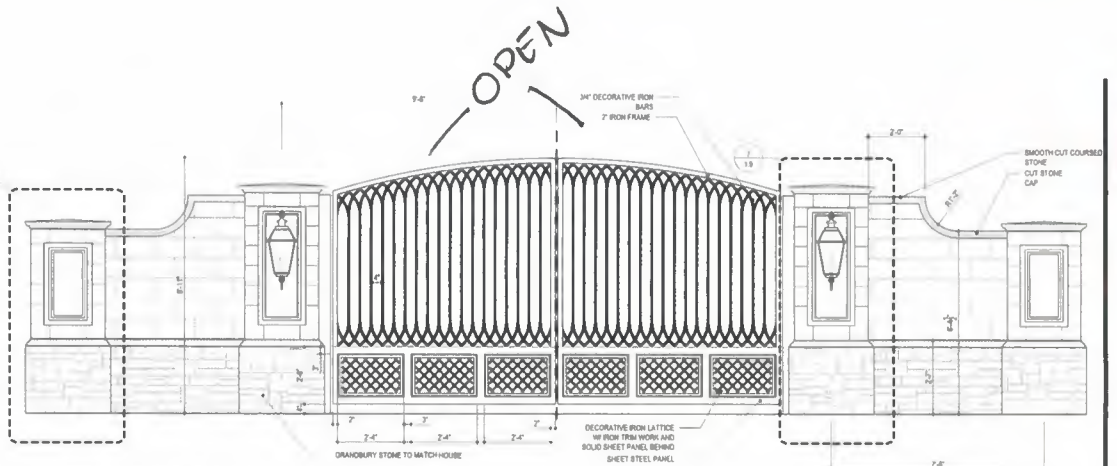
BDA-223-064



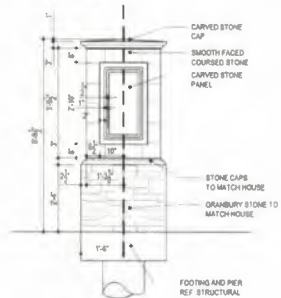
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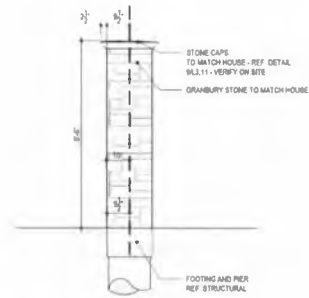
03 FENCE ELEVATION
SCALE: 1/2"=1'-0"



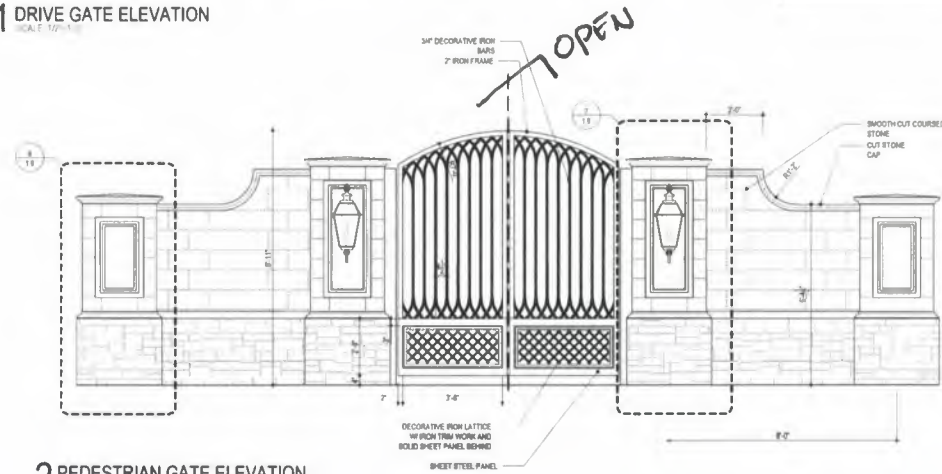
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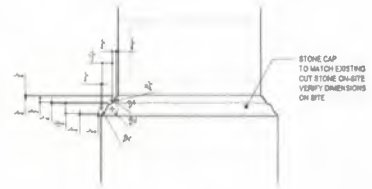
08 END ENTRY COLUMN
SCALE: 1/2"=1'-0"



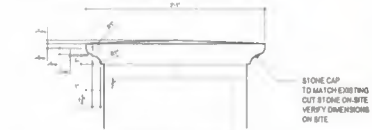
04 TYP. COLUMN
SCALE: 1/2"=1'-0"



02 PEDESTRIAN GATE ELEVATION
SCALE: 1/2"=1'-0"



05 COLUMN BASE TRIM
SCALE: 1/2"=1'-0"



06 COLUMN CAP
SCALE: 1/2"=1'-0"



HAROLD LEIDNER

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972.418.3244
hlc@aol.com

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WOOD RESIDENCE
5518 WINSTON CT.
DALLAS, TX



APRIL 18 2023
VARIANCE

L1.9

BDA22-3-066

FILE NUMBER: BDA223-077 (KMH)

BUILDING OFFICIAL’S REPORT: Application of Lance Thames for a variance to the building height regulations at 3349 Coronet Blvd. This property is more fully described as Block 2/7092, Lot 14, and is zoned R-5(A) NSO 13, which limits the maximum building height to 30-feet and also limits the height plane not to exceed the maximum height of 27-feet at the building line. The applicant proposes to construct and/or maintain a single-family residential structure with a building height of 32-feet, which will require a 2-foot variance to the maximum building height regulations.

LOCATION: 3349 Coronet Blvd

APPLICANT: Lance Thames

REQUEST:

A request for a variance to the building height regulations.

STANDARD FOR A VARIANCE:

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

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

State Law/HB 1475 effective 9-1-21

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

STAFF RECOMMENDATION:

Approval

Rationale:

Staff concluded that the request 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.

Condition:

Must comply with submitted site plan and elevation

BACKGROUND INFORMATION

Zoning:

Site: R-5 (A) NSO 13

North:

South:

East:

West:

Land Use:

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

BDA History:

No BDA history within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

- This request is for a variance to the building height regulations.
- The site is zoned R-5(A) NSO 13. The R-5(A) Single-Family District limits the height of a single-family structure to 30-feet. The NSO 13 overlay limits the height plane not to exceed the maximum height of 27 feet at the building line.
- The applicant is proposing to construct and/or maintain a single-family residential structure with a building height of 32-feet, which will require a 2-foot variance to the maximum building height regulations.
- On September 6, 2022, a building permit application was applied for to construct a new single-family dwelling at 3349 Coronet Blvd; the permit was approved and issued on January 11, 2023.

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

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

The board may also consider **State Law/HB 1475** as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

- (a) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to

the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.

- (b) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
- (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (d) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (e) the municipality considers the structure to be a nonconforming structure.

Timeline:

- June 9, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- June 23, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- June 28, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.
- July 6, 2023: The Senior Development Project Coordinator for the Residential Division provided a copy of the BOA referral form. Attachment A

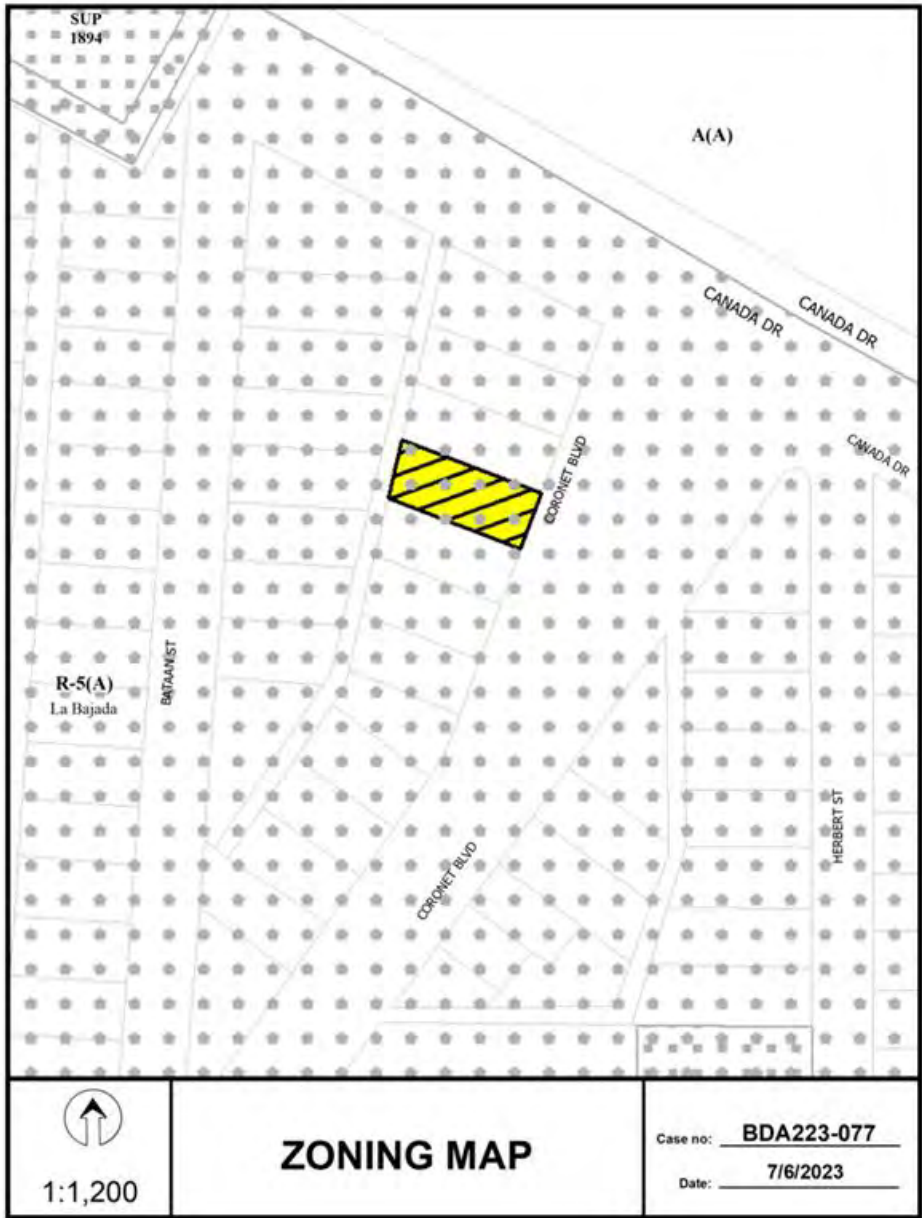
The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

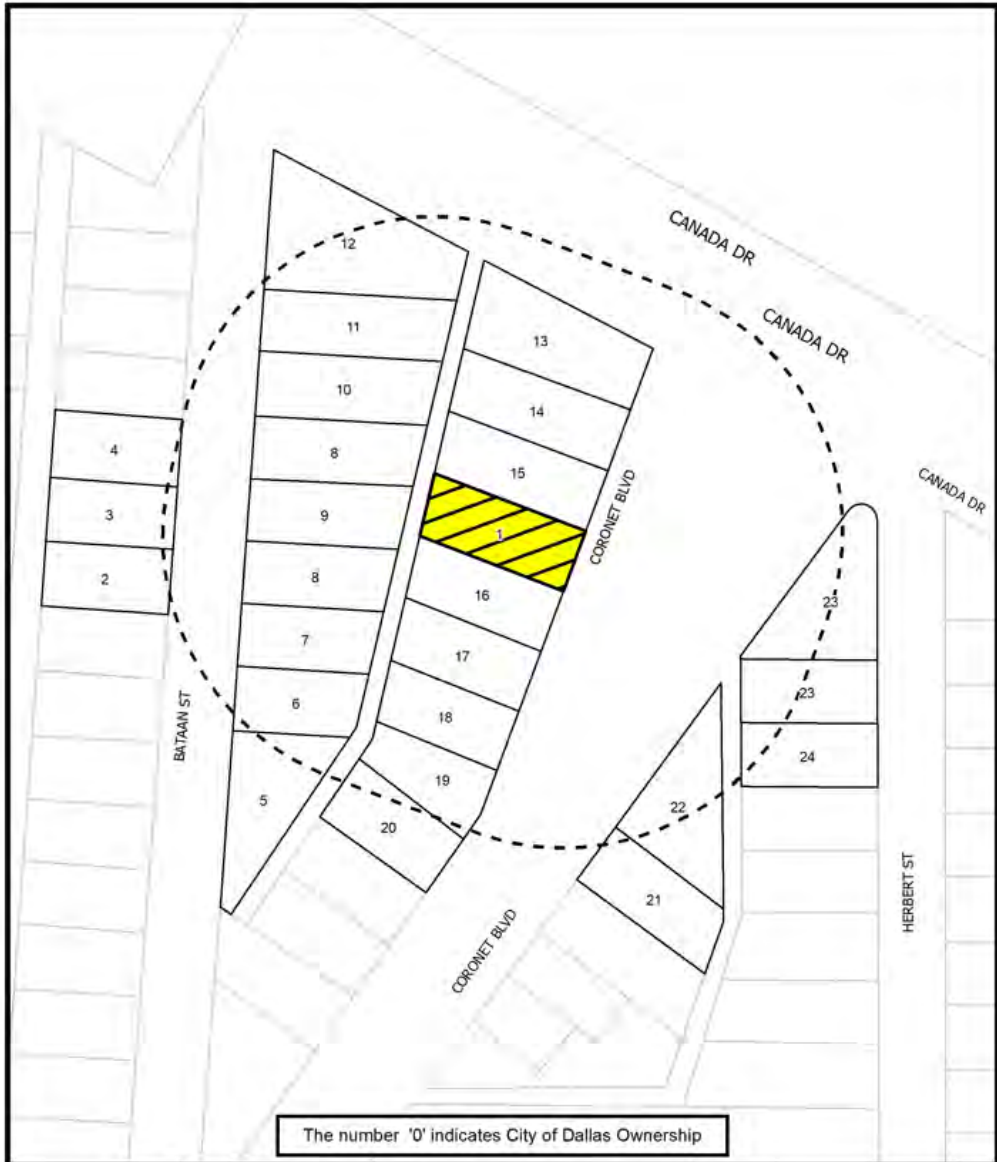
- an attachment that provided the public hearing date and panel that will consider the application; the June 26, 2023, deadline to submit additional evidence for staff to factor into their analysis; and July 6, 2023, deadline to submit additional evidence to be incorporated into the board’s docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and

- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.



 1:1,200	AERIAL MAP	Case no: <u>BDA223-077</u> Date: <u>7/6/2023</u>
--	-------------------	---





The number '0' indicates City of Dallas Ownership



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
24 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA223-077
 Date: 7/6/2023



REFERRAL FORM FOR BOARD OF ADJUSTMENT

APPLICANT: <u>Lance Thames</u>	OWNER: <u>Lance Thames</u>
ADDRESS: <u>3349 Coronet Drive</u>	ZIP:
LOT: <u>14</u>	BLOCK: <u>2/7092</u> ZONING: <u>R-5A MSC13</u>

<input type="checkbox"/> Variance <input type="checkbox"/> Yard setback <input type="checkbox"/> Lot width <input type="checkbox"/> Lot Depth <input type="checkbox"/> Lot Coverage <input type="checkbox"/> Floor area for accessory structures for single family uses <input checked="" type="checkbox"/> Height <input type="checkbox"/> Minimum width of sidewalk <input type="checkbox"/> Off-street parking <input type="checkbox"/> Off-street loading <input type="checkbox"/> Landscape regulations <input type="checkbox"/> Other	<input type="checkbox"/> Special Exception <input type="checkbox"/> Fence height and standards <input type="checkbox"/> Visibility triangle obstructions <input type="checkbox"/> Parking demand <input type="checkbox"/> Landscaping <input type="checkbox"/> Additional dwelling unit for a single-family <input type="checkbox"/> Carport <input type="checkbox"/> Non-conforming use <input type="checkbox"/> Other
---	--

Please list the City of Dallas Development Code(s) this project is non-compliant with:
SEC 51A-4.408 & SEC 51A-4.507(B)(4)

Description: Permit was approved in error by third party and issued by staff.

Alternative resolutions discussed/offered:
Reduce SPD or seek variance

Referred by: W. Franklin Contact: 214-48-4147 Date: 07/06/23

FOR INTERNAL USE ONLY



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

RECEIVED

Data Relative to Subject Property:

Date:

JUN 09 REC'D
BY: S (A) NBD 13

Location address: 3349 Coronet Blvd, Dallas 75212 Zoning District: B-5(A) NBD 13

Lot No.: 14 Block No.: 27092 Acreage: .141 Census Tract: _____

Street Frontage (in Feet): 1) 80 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): David Richard

Applicant: Lance Thames Telephone: 512-762-8950

Mailing Address: 1543 Canada Dr., Dallas, TX Zip Code: 75212

E-mail Address: Lance.Thames@mcgill.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 _____

exceeding maximum height.

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 city approved the plans on 11/13. We are in the middle of the rebuild and it would cost more than 50% of value to comply

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 LANCE THAMES

(Affiant/Applicant's name printed)

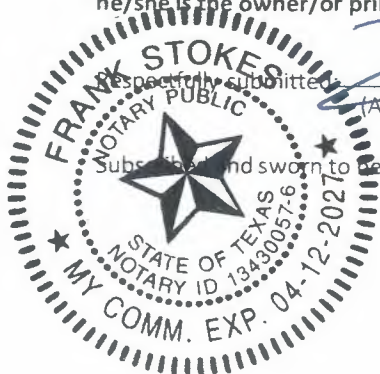
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property

Respectfully submitted,

(Affiant/Applicant's signature)

Subscribed and sworn to before me this 9 day of JUNE, 2023

Notary Public in and for Dallas County, Texas





Appeal number: BDA 203-077

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

at: 3349 Corcoran Blvd, Dallas, TX 75218
(Address of property as stated on application)

Authorize: Lynn Thomas
(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: exceeding maximum height

David Richard
Print name of property owner or registered agent

[Signature]
Signature of property owner or registered agent

Date June 9, 2023

Before me, the undersigned, on this day personally appeared DAVID RICHARD

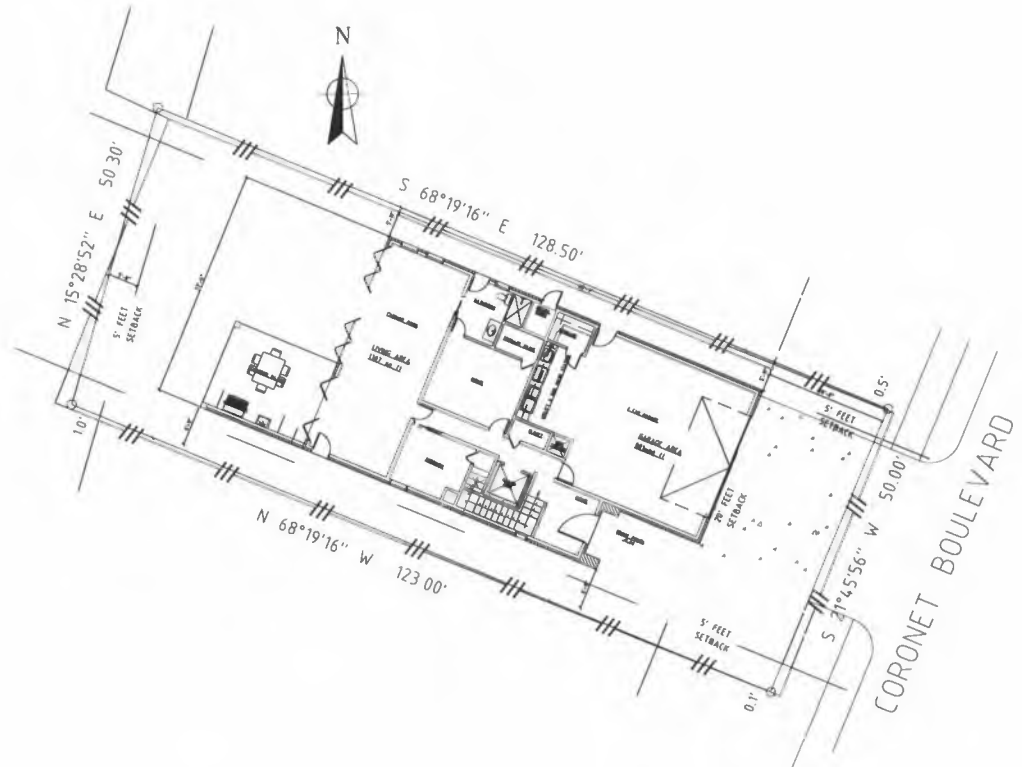
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 9 day of June, 2023



[Signature]
Notary Public for Dallas County, Texas

Commission expires on 4/12/27



SITE PLAN

SCALE 1 - 200

LEGAL DESCRIPTION

1: MAC ARTHUR HEIGHTS
1: BLK 2/7092 LT 14



VICINITY MAP FOR REFERENCE ONLY

NAME	AREA
1st Floor Living Area	1387.0 sq ft
2nd Floor Living Area	1559.0 sq ft
3rd Floor Living Area	1813.0 sq ft
4th Floor Living Area	14.0 sq ft
Roof Deck Open Area	768.0 sq ft
2nd Floor Balcony	745.0 sq ft
Covered Front Porch	19.8 sq ft
Covered Rear Patio	273.0 sq ft
Garage	894.0 sq ft
Mechanical Room	23.0 sq ft
Lot Coverage	2511.8 sq ft
Lot Coverage %	4.09 %
Lot Size	6142.0 sq ft
Total Living Area	4814.0 sq ft

PEVEXPRO LLC.



Overall Design

4701 Havenwood in
DALLAS TX 75287
T 972-748-8921
E info@pevexpro.com
www.pevexpro.com

NOTED
Use and interpretation of this drawing, drawing is incomplete unless used with all other Contract drawings. As instruments of service, all drawings, Specifications and copies thereof furnished by the architect or engineer are his property and they are to be used only for this project. Any discrepancies shall be brought to the architect or engineer attention prior to commencement of any work. Seal & signature

SEAL AND SIGNATURE:

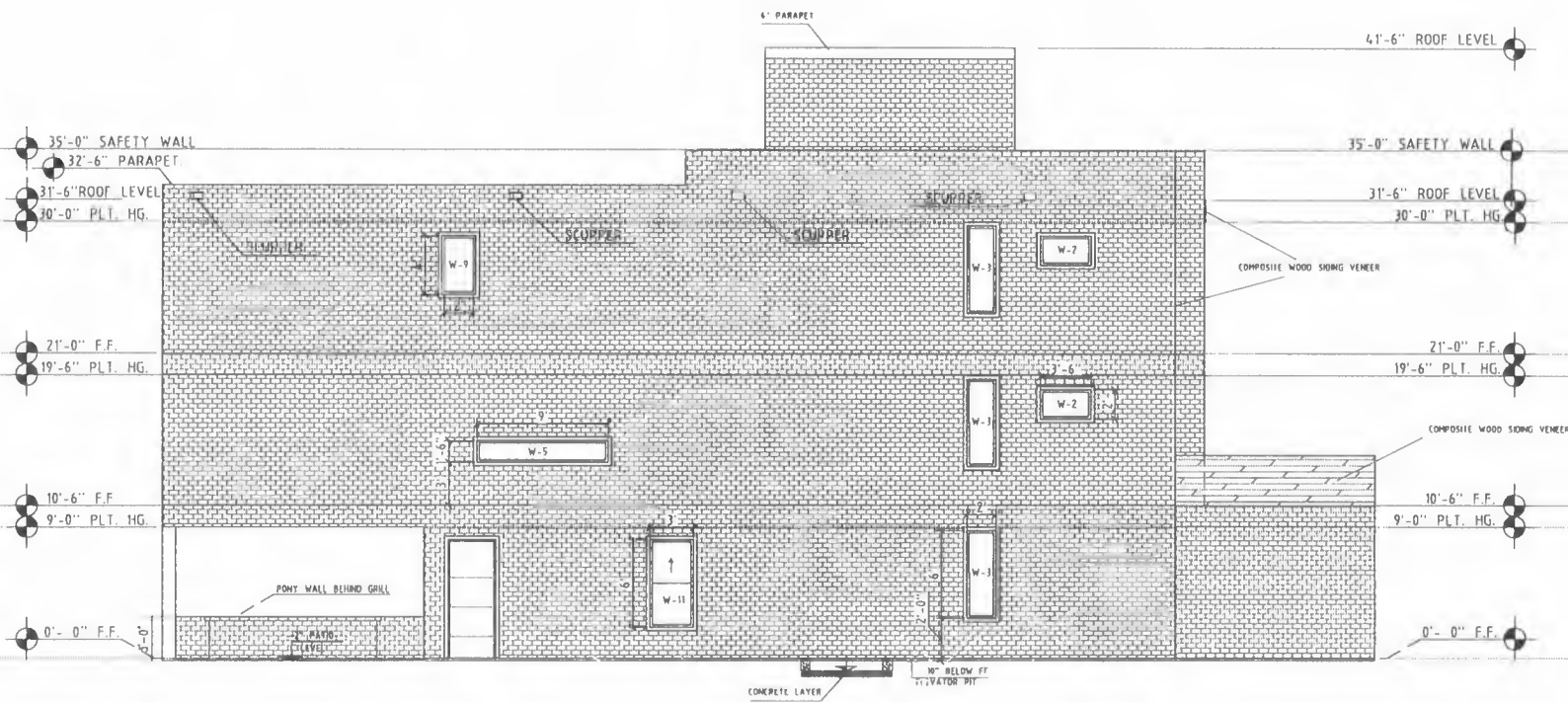


PROJECT: CORONET HOUSE
CUSTOMER: LANCE THAMES / DAVID R. RICHARD
ADDRESS: 3349 CORONET BOULEVARD
DALLAS, TEXAS

DRAWING ISSUE
DESCRIPTION: DATE: 08-08-2022
Subject: Revision:

PROJECT NUMBER: 106-2022
SHEET TITLE: SITE PLAN
SHEET NUMBER: 01
SHEET SCALE: 1-200

Changes: Removed all equipment and structures for 4th level terrace, except for elevator room..



PEVEXPRO LLC.



Overall Design

4701 Higginwood Ln
DALLAS TX 75287
T: 972-748-8807
E: info@pevexpro.com
www.pevexpro.com

NOTES:
Use and interpretation of this drawing Drawing is incomplete unless used with all other Contract drawings. As instruments of service, all drawings Specifications and copies thereof furnished by the architect a engineer are his property They are to be used only for this project any discrepancy shall be brought to the architect a engineer attention prior to commencement of any work. Seal & signature

SEAL AND SIGNATURE

PROJECT: CORONET HOUSE
CUSTOMER: LANCE THAMES / DAVID R RICHARD
ADDRESS: 3349 CORONET BOULEVARD
DALLAS, TEXAS

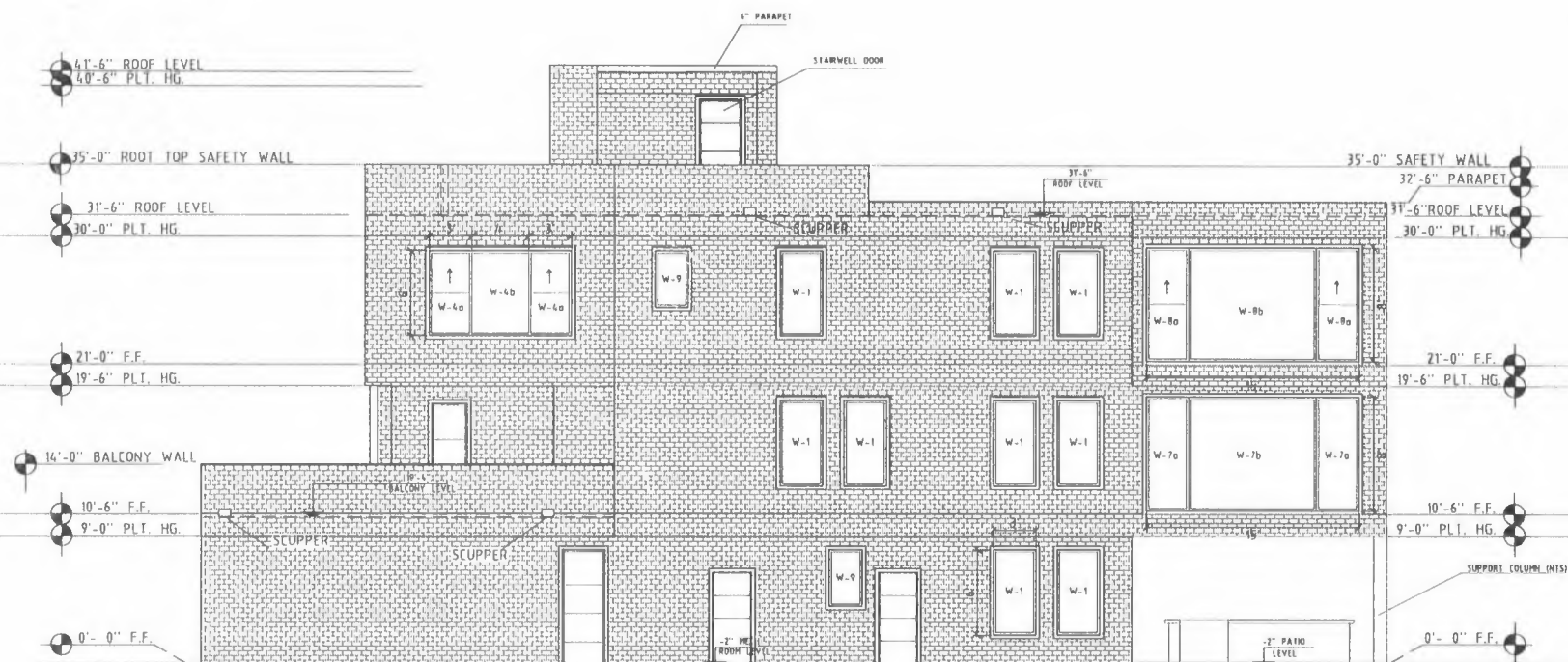
DRAWING ISSUE
DESCRIPTION: DA 18
SUBMIT: 08-15-2023
REVISION:

PROJECT NUMBER: 106-2022
SHEET TITLE: MODIFY 4
SHEET NUMBER: 15
SHEET SCALE: 1/4" = 1'-0"

PROPOSED LEFT ELEVATION

SCALE 1' - 1/4"

Changes: Removed all equipment and structures for 4th level terrace, except for elevator room..



PROPOSED RIGHT ELEVATION

SCALE 1' - 1/4"

PEVEXPRO LLC.



Overall Design

4701 Haverwood Ln
DALLAS TX 75287
1-972-748-6827
E: info@pevexpro.com
W: www.pevexpro.com

NOTES:
Use and interpretation of this drawing
Drawing is incomplete unless used with all
other Contract drawings. As instruments of
service, all drawings.
Specifications and copies thereof furnished
by the architect or engineer are his property
They are to be used only for this project.
any discrepancies shall be brought to the
architect or engineer attention prior to
commencement of any work. Seal & signature

SEAL AND SIGNATURE:

PROJECT: **CORONET HOUSE**

CUSTOMER: **LANCE THAMES / DAVID R. RICHARD**

ADDRESS: **3349 CORONET BOULEVARD**

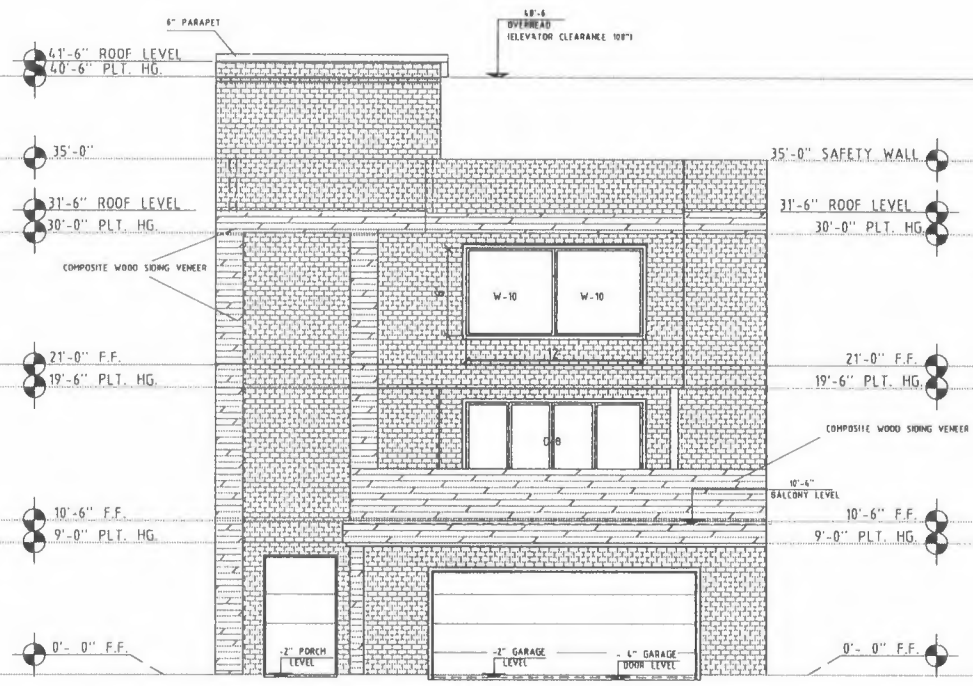
DALLAS, TEXAS

DRAWING ISSUE

DESCRIPTION: **DAE**
Submittal: **08-15-2023**
Revision:

PROJECT NUMBER	106-2022
SHEET TITLE	MODIFY 5
SHEET NUMBER	17
SHEET SCALE	1" = 1/4"

Changes: Removed all equipment and structures for 4th level terrace, except for elevator room..



PROPOSED FRONT ELEVATION

SCALE 1' - 1/4"

PEVEXPRO LLC.



Overall Design

4701 Heavwood Ln.
DALLAS TX 75287
T: 972-746-6927
E: info@pevexpro.com
www.pevexpro.com

NOTES:
Use and interpretation of this drawing Drawing is incomplete unless used with all other Contract drawings. As instruments of service, all drawings Specifications and copies thereof furnished by the architect or engineer are his property they are to be used only for this project. Any discrepancies shall be brought to the architect or engineer attention prior to commencement of any work. Seal & Signature

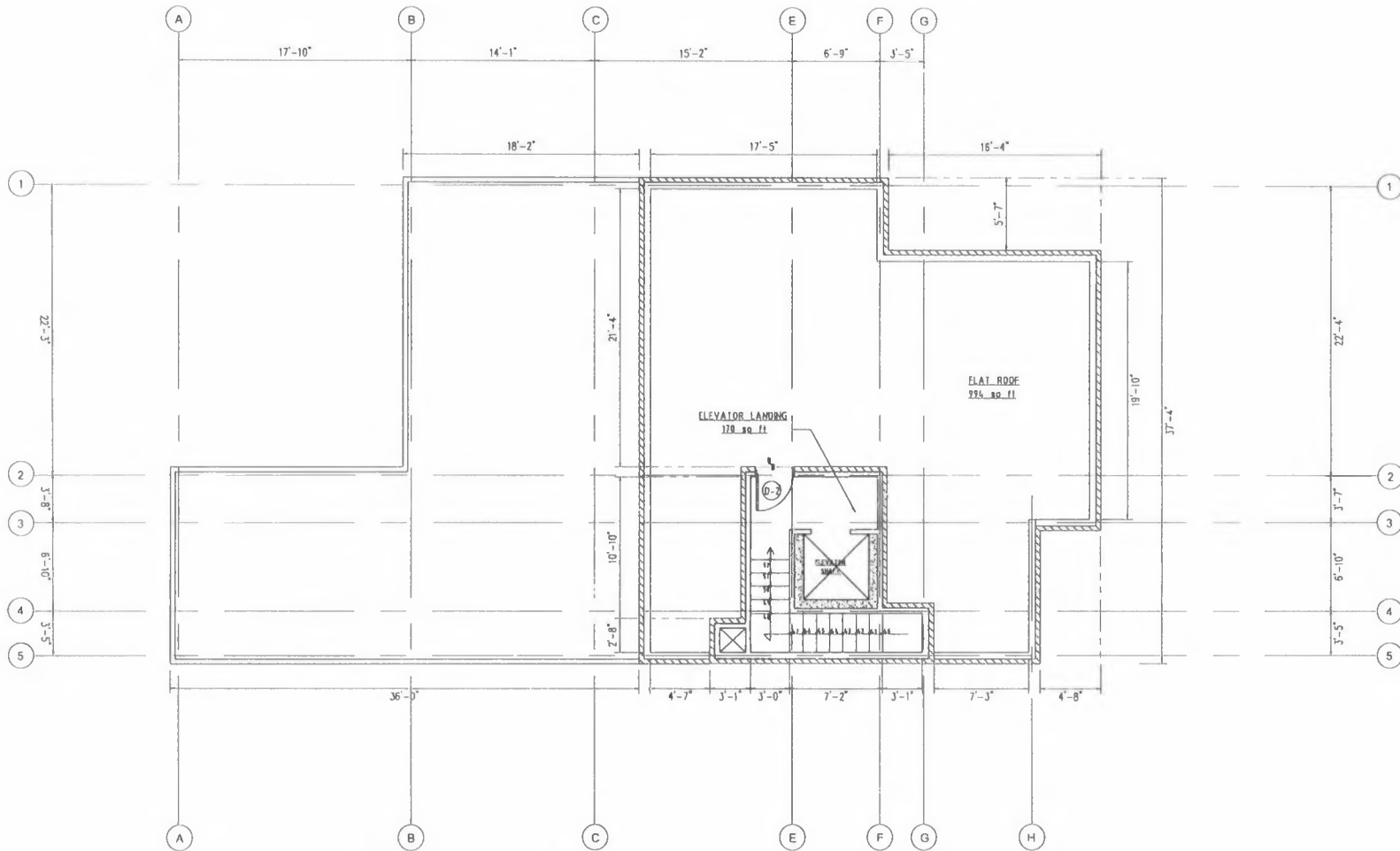
SEAL AND SIGNATURE:

PROJECT:	CORONET HOUSE
CUSTOMER:	LANCE THAMES / DAVID R. RICHARD
ADDRESS:	3349 CORONET BOULEVARD
	DALLAS, TEXAS

DRAWING ISSUE	DATE
DESCRIPTION	06-15-2023
Submit	
Revision	

PROJECT NUMBER	106-2022
SHEET TITLE	MODIFY 2
SHEET NUMBER	14
SHEET SCALE	1" = 3/4"

Changes: Removed all equipment and structures for 4th level terrace, except for elevator room..



PROPOSED ROOF PLAN

SCALE 1' - 1/4"

PEVEXPRO LLC.



Overall Design
 4701 Heavenwood Ln.
 DALLAS TX 75287
 T: 972-746-8997
 E: info@pevexpro.com
 www.pevexpro.com

NOTES:
 The end interpretation of this drawing drawing is incomplete unless used with all other contract drawings. As instruments of service, all drawings, specifications and copies thereof furnished by the architect a together are his property they are to be used only for this project. any discrepancies shall be brought to the architect a together of attention prior to commencement of any work. Seal a signature

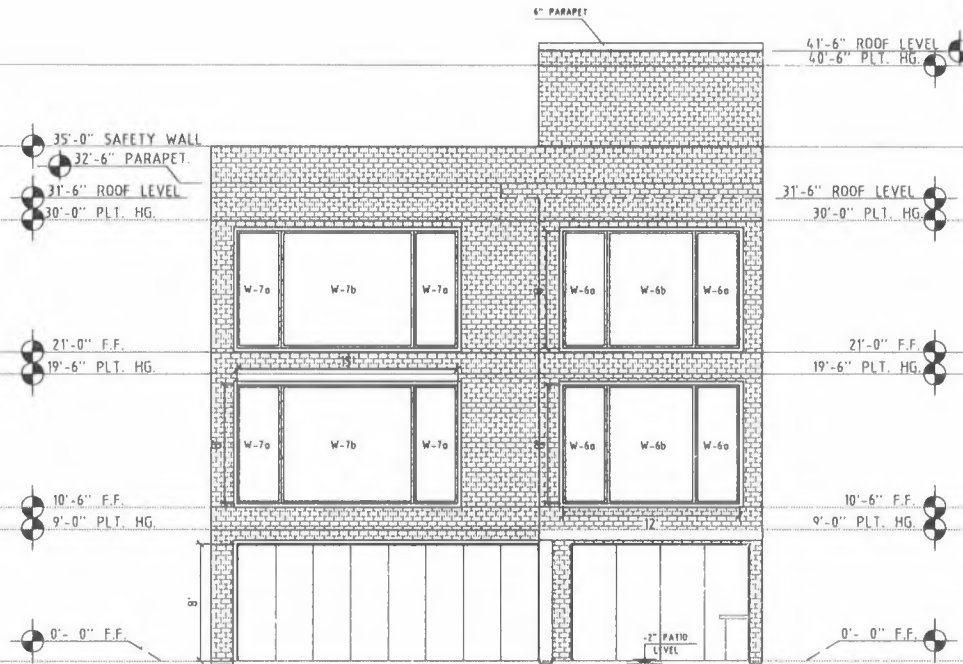
SEAL AND SIGNATURE

PROJECT: CORONET HOUSE
OWNER: LANGE THAMES / DAVID R. RICHARD
ADDRESS: 3548 CORONET BOULEVARD
 DALLAS, TEXAS

DRAWING ISSUE
 DESCRIPTION DATE
 Submit 08-15-2023
 Revision

PROJECT NUMBER: 106-2022
 SHEET TITLE: MODIFY 1
 SHEET NUMBER: 13
 SHEET SCALE: 1" = 1/4"

Changes: Removed all equipment and structures for 4th level terrace, except for elevator room..



PROPOSED REAR ELEVATION

SCALE 1' - 1/4"

PEVEXPRO LLC.



Overall Design

4701 Havenwood Ln.
DALLAS TX 75287
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www.pevexpro.com

NOTES:
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SEAL AND SIGNATURE

PROJECT: CORONET HOUSE
CUSTOMER: LANCE THAMES / DAVID R. RICHARD
ADDRESS: 3348 CORONET BOULEVARD
DALLAS, TEXAS

DRAWING ISSUE
DESCRIPTION DATE
Submit 08-15-2023
Revised

PROJECT NUMBER
106-2022
SHEET TITLE
MODIFY 3
SHEET NUMBER
15
SHEET SCALE
1" = 1/4"

FILED JUNE 26 1942
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