

NOTICE FOR POSTING
MEETING OF
BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, FEBRUARY 23, 2022

BRIEFING: 11:00 a.m. via **Videoconference** and in **6ES**, Dallas City Hall, 1500 Marilla Street

HEARING: 1:00 p.m. via **Videoconference** and in **6ES**, Dallas City Hall, 1500 Marilla Street

* The Board of Adjustment hearing will be held by videoconference and in 6ES at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure **by joining the meeting virtually**, must register online at <https://form.jotform.com/210536758715158> or contact the Planning and Urban Design Department at 214-670-4209 **by the close of business Tuesday, February 22, 2022. All virtual speakers will be required to show their video in order to address the board.** The public is encouraged to attend the meeting virtually, however, City Hall is available for those wishing to attend the meeting in person following all current pandemic-related public health protocols. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall and the WebEx link: <https://bit.ly/BDA022322>

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

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

Handgun Prohibition Notice for Meetings of Governmental Entities

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

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

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

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



CITY OF DALLAS
BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, FEBRUARY 23, 2022
AGENDA

BRIEFING: **11:00 a.m.** via **Videoconference** and in **6ES**, Dallas City Hall, 1500 Marilla Street

HEARING: **1:00 p.m.** via **Videoconference** and in **6ES**, Dallas City Hall, 1500 Marilla Street

Andreea Udrea, PhD, AICP, Assistant Director (Interim)
Jennifer Muñoz, Chief Planner/Board Administrator
Pamela Daniel, Senior Planner
LaTonia Jackson, Board Secretary

PUBLIC TESTIMONY

Minutes

MISCELLANEOUS ITEM

Approval of the January 19, 2022 Board of Adjustment
Panel B Public Hearing Minutes

M1

UNCONTESTED CASE(S)

BOA212-007(JM)	9242 Hathaway Street REQUEST: Application of Alan Wasserman for special exceptions to the (1) single-family use regulations, (2) fence height regulations, and (3) visibility obstruction regulations	1
BOA212-009(PD)	7019 Lovett Avenue REQUEST: Application of Elias Rodriguez of Construction Concepts Inc. represented by Juan P. Sanchez for a variance to the side yard setback regulations	2
BOA212-016(JM)	119 Pittsburg Street REQUEST: Application of Clark Depue for a special exception to the parking regulations	3

REGULAR CASE(S)

None

HOLDOVER CASE(S)

None

EXECUTIVE SESSION NOTICE

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

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

FILE NUMBER: BDA212-07(JM)

BUILDING OFFICIAL'S REPORT: Application of Alan Wasserman for special exceptions to the (1) single-family use regulations, (2) fence height regulations, and (3) visibility obstruction regulations at 9242 Hathaway Street. This property is more fully described as Part of Lots 26 and 27, Block 7/5597, and is zoned an R-1ac(A) Single Family District, which limits the (1) number of dwelling units to one per build site, (2) height of a fence in the front yard to four feet, and (3) requires a 20-foot visibility triangle at driveway approaches. The applicant proposes to construct an additional dwelling unit (not for rent), an eight-foot-high fence in a required front yard, located within required visibility obstruction triangle(s), which will require special exceptions to the (1) single-family use regulations, (2) fence height regulations, and (3) visibility obstruction regulations.

LOCATION: 9242 Hathaway Street

APPLICANT: Alan Wasserman

REQUEST:

The site is currently being redeveloped with a single-family structure largely in compliance with the R-1ac(A) Single Family District regulations. The applicant would like to accommodate an additional dwelling unit as a guest house. The site is proposed to be surrounded by a wrought iron fence with brick columns and an iron sliding gate, all with a maximum of up to eight feet-in-height. Portions of the fence, gate, and columns are located within two 20-foot visibility triangles.

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

Section 51(A)-4.209(6)(E)(i) of the Dallas Development Code states 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.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

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 RECOMMENDATIONS:

Special exception for an additional dwelling unit:

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.

Special exception to the maximum fence height in a front yard:

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

Special exception to obstruct 20-foot visibility triangles:

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

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

There have been two related board or zoning cases in the vicinity within the last five years.

1. BDA201-047: On June 21, 2021, Panel C granted a special exception to the fence height regulations and a variance to the front yard requirements to construct and maintain an eight-foot six-inch-high fence in a required front yard and a single-family residential accessory structure with a 10-foot front yard setback at 5500 Chatham Hill Road. (west of the site)
2. BDA190-068: August 19, 2020, Panel B granted a special exception to install and maintain an additional electric meter at 5505 Chatham Hill Road. (northwest of the site)

GENERAL FACTS/STAFF ANALYSIS:

The site is currently being redeveloped with a single-family structure. The property is zoned an R-1ac(A) Single Family District. In this district, one dwelling unit is allowed per lot/build site. The applicant would like to accommodate an additional dwelling unit (not for rent) as a guest house. This request necessitates a special exception to the single-family use regulations.

According to the site plan provided, the single-family structure being erected will contain 4,895 square feet of floor area. The proposed ADU would be used as guest quarters and contain about 1,190 square feet of floor area, just under the maximum of 25 percent of the main structure. As shown on the site plan, the proposed ADU complies with the setbacks for the district, including a 40-foot front yard and 10-foot side and rear yards.

The applicant has the burden of proof in establishing that the special exception to the single-family use regulations will not 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.

The applicant also proposed to surround the property with a wrought iron fence with brick columns and an iron sliding gate, all with a maximum of up to eight feet-in-height. 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. A special exception to the maximum fence height in a required front yard is needed to allow for the wrought iron fence, brick columns, and sliding wrought iron gate located as close as the front lot/property line along Hathaway Street.

Staff conducted a field visit of the site and surrounding area and did notice other fences within a 200-foot radius of the property that seemed taller than four feet-in-height o located in obvious front yards, one with recent case history noted in this report.

The applicant has the burden of proof in establishing that the special exception to the fence height regulation of up to four feet will not adversely affect neighboring properties.

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

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

According to the site plan submitted, small portions of the fence on either side of the sliding gate onto Hathaway Street will obstruct the 20-foot visibility triangles. The Sustainable Development Department Senior Engineer has no objections to the request (**Attachment A**).

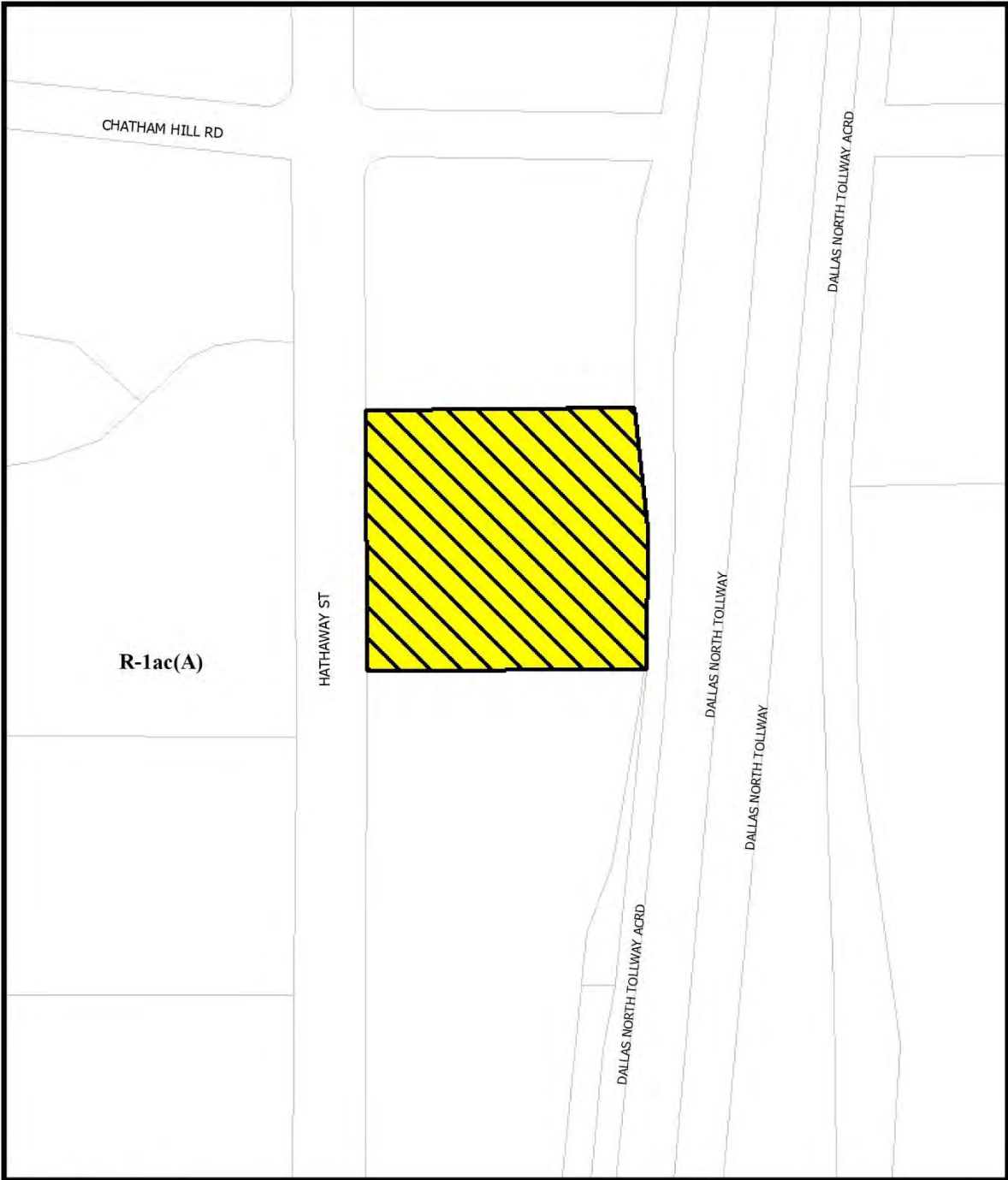
The applicant has the burden of proof in establishing that the special exception to the visual obstruction regulations will not constitute a traffic hazard.

As of February 11, 2022, staff had received one letter in support of the requests being made and none in opposition.

If the board were to grant the special exceptions to the single-family use, fence height, and visual obstruction regulations, the building footprint of the ADU on the site would be limited to what is shown on the site plan. Furthermore, the fence and location of the visual obstructions would be held to the site and elevation plans. Finally, the Dallas Development Code states that the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations. The deed restriction process is completed through our City Attorney's Office if the special exception is approved. After meeting this obligation, the site will be eligible for a permit for the ADU. Ultimately, granting these special exception requests will not provide any relief to the Dallas Development Code regulations other than what is described in this report and decided upon by the board (i.e. development on the site must meet all other code requirements).

Timeline:

- November 22, 2021: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- January 6, 2022: The Board of Adjustment Chief Planner randomly assigned this case to Board of Adjustment Panel A.
- January 10, 2022: The Board of Adjustment Chief 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 deadline to submit additional evidence for staff to factor into their analysis; and the 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;
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- January 27, 2022: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February public hearing. The review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Development Code Specialist, the Transportation Senior Engineer, the Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.
- January 27, 2022: The Sustainable Development and Construction Senior Engineer submitted a review comment sheet marked “no objection” (**Attachment A**).
- February 2, 2022: The applicant submitted additional evidence for consideration (**Attachment B**).

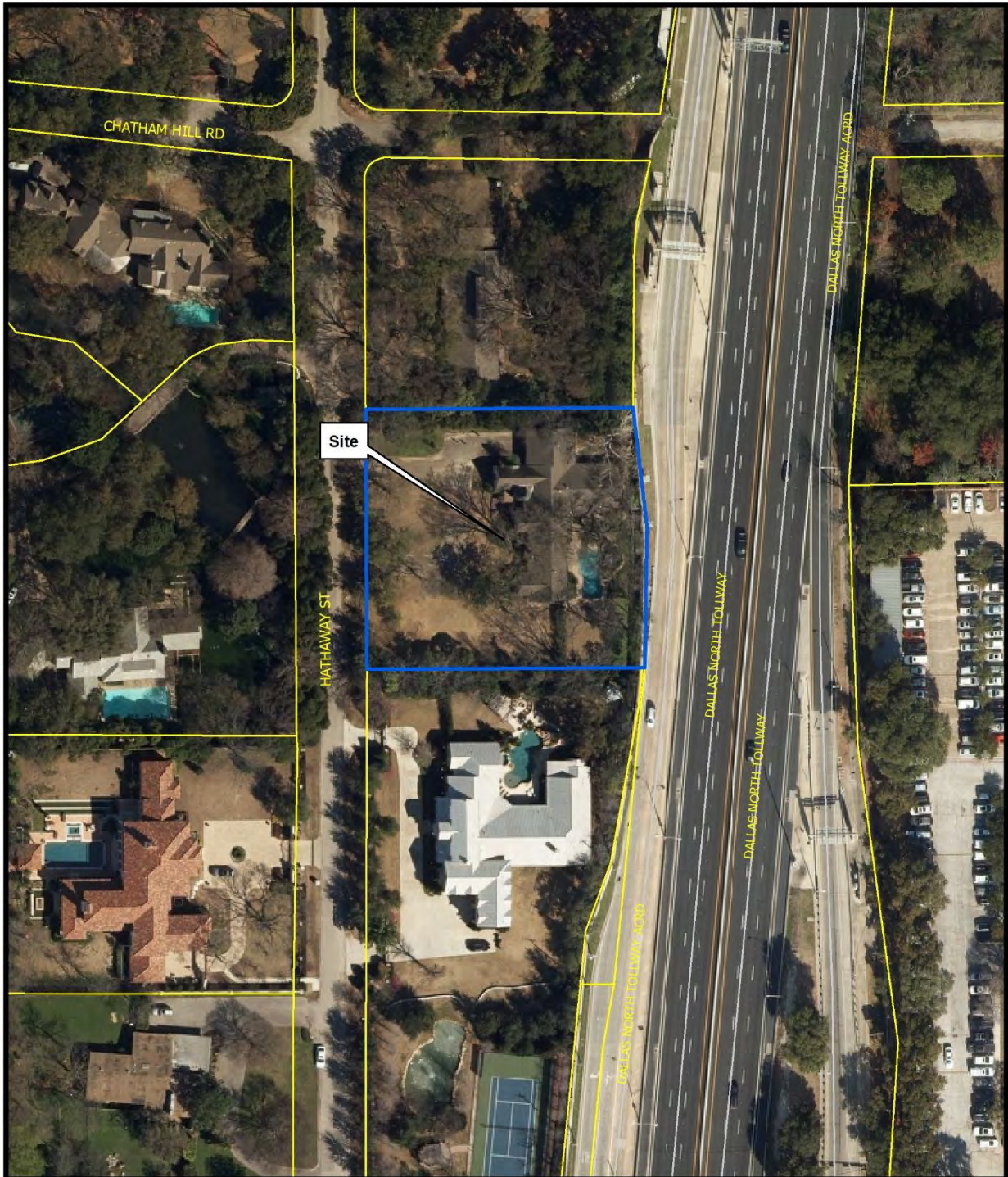


1:1,200

ZONING MAP

Case no: BDA212-007

Date: 1/5/2022

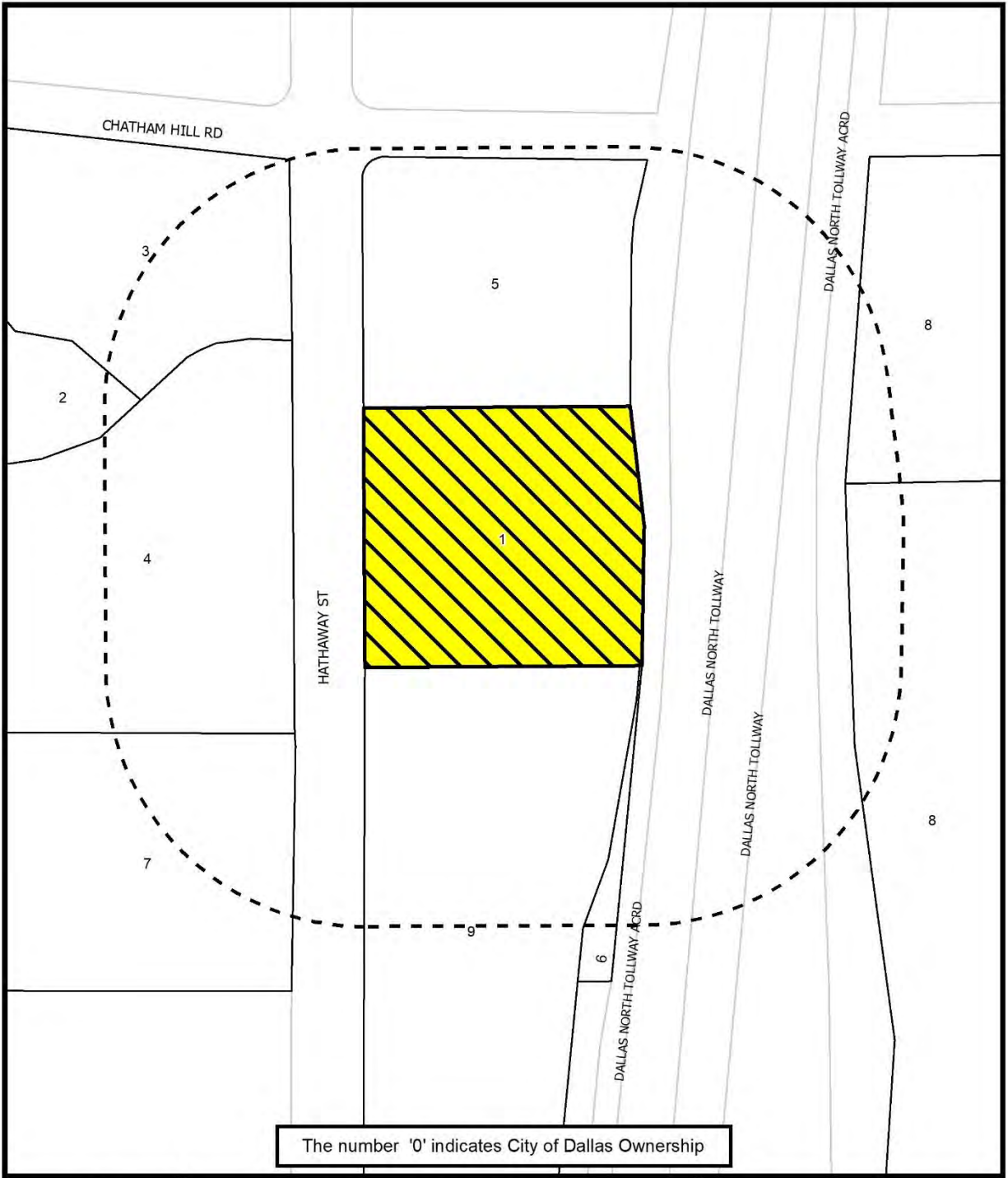


1:1,200

AERIAL MAP

Case no: BDA212-007

Date: 1/5/2022



The number '0' indicates City of Dallas Ownership

 1:1,200	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td style="padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px;">9</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	9	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA212-007</u> Date: <u>1/4/2022</u>
200'	AREA OF NOTIFICATION					
9	NUMBER OF PROPERTY OWNERS NOTIFIED					

01/04/2022

Notification List of Property Owners

BDA212-007

9 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	9242 HATHAWAY ST	WASSERMAN ALAN S &
2	5500 CHATHAM HILL RD	SEALE JOHN HENRY & KATHERINE DYLL
3	5538 CHATHAM HILL RD	CHAND M RIZWAN
4	9239 HATHAWAY ST	DUNNING THOMAS MAYBORN &
5	9266 HATHAWAY ST	SCHAFFER MARTIN J &
6	9226 HATHAWAY ST	NORTH TEXAS TOLLWAY
7	9229 HATHAWAY ST	MORA GUADALUPE
8	5710 CHATHAM HILL RD	NORTHWEST BIBLE CHURCH
9	9226 HATHAWAY ST	CAMELLIA TRUST THE



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

212-007

Case No.: BDA ~~202-001~~ gm

Date: November 22, 2021

Data Relative to Subject Property:

Location address: 9242 Hathaway Street Zoning District: R-1ac (A)
Lot No.: PT LT 26 + 27 ZTA Block No.: 7 Acreage: 0.979 Census Tract: 206
Street Frontage (in Feet): 1) 199.81 2) 3) 4) 5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Alan S. Wasserman, Joyce L. Wasserman

Applicant: Alan S. Wasserman Telephone: (214) 691-7241

Mailing Address: 3132 Westminster Avenue Zip Code: 75205

E-mail Address: wasserman@sbcglobal.net

Represented by: Alan S. Wasserman Telephone: (214) 691-7241

Mailing Address: 3132 Westminster Avenue Zip Code: 75205

E-mail Address: wasserman@sbcglobal.net

Affirm that an appeal has been made for a Variance __, or Special Exception [X], of

- 1. Detached Single Family New Construction Additional Dwelling Unit not for Rent
2. Limit the Height of Fence-Front Yard Setback-4 Foot Height (above grade)
3. 20x20 visibility triangle @ Drive.

ASW

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:

- 1. Section 51-4.200-b1e: BOA may grant a special exception when the additional dwelling unit will not be used as rental accommodation, adversely affect neighboring properties, and will be deed restricted-the subject property-to prevent use of the additional dwelling unit as rental.
2. Section 51A-4.602: BOA may grant a special exception when the fence height will not adversely affect neighboring property.

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

Affidavit

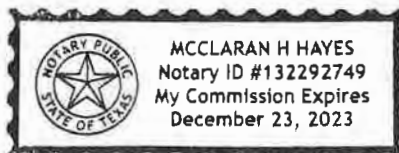
Before me the undersigned on this day personally appeared Alan S. Wasserman (Affiant/Applicant's name printed)

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 19 day of November, 2021

(Rev. 08-01-11)



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Alan wasserman

did submit a request for a special exception to the single family regulations, and for a special exception to the fence height regulations, and for a special exception to the visibility obstruction regulations

at 9242 Hathaway Street

BDA212-007. Application of Alan wasserman for a special exception to the single family regulations, and for a special exception to the fence height regulations, and for a special exception to the visibility obstruction regulations at 9242 HATHAWAY ST. This property is more fully described as Pt Of Lots 26 & 27, Block 7/5597, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet and limits the number of dwelling unit to one and requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct an additional dwelling unit (Not For Rent), which will require a special exception to the single family zoning use regulations, and to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulations, and to construct a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,


David Session, Building Official



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 202-001

I, Joyce L. Wasserman, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 9242 Hathaway Street Dallas, TX 75220
(Address of property as stated on application)

Authorize: Alan S. Wasserman
(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: 1. Detached Single Family New Construction Additional Dwelling Unit
2. Limit the Height of Fence-Front Yard Setback-4 Foot Height (above grade) 3. 20x20 Vis.

Joyce L. Wasserman
Print name of property owner or registered agent
Date November 19, 2021

Joyce L. Wasserman
Signature of property owner or registered agent

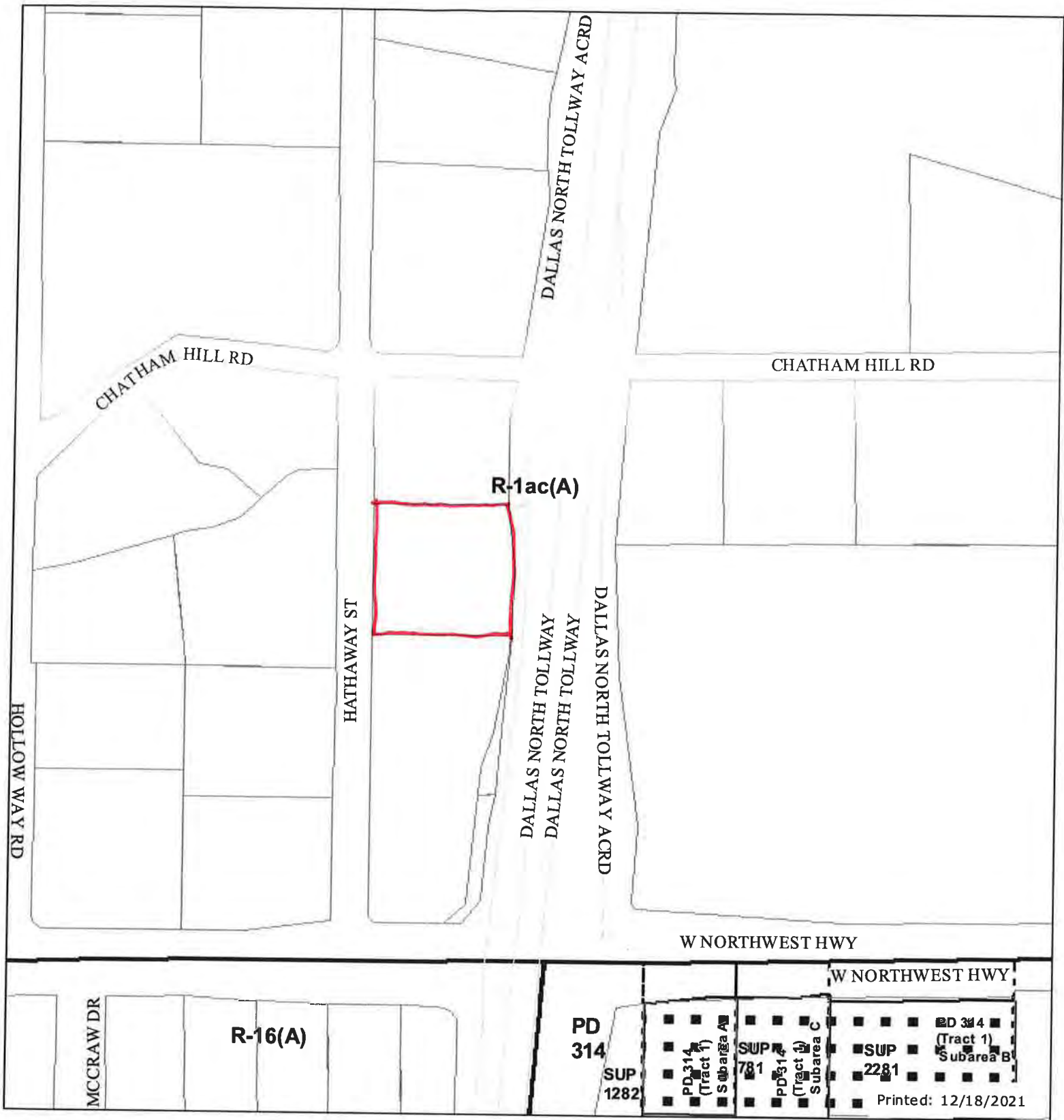
Before me, the undersigned, on this day personally appeared Joyce L. Wasserman

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 19 day of November, 2021



McClaran H Hayes
Notary Public for Dallas County, Texas
Commission expires on 12/23/2023



Legend

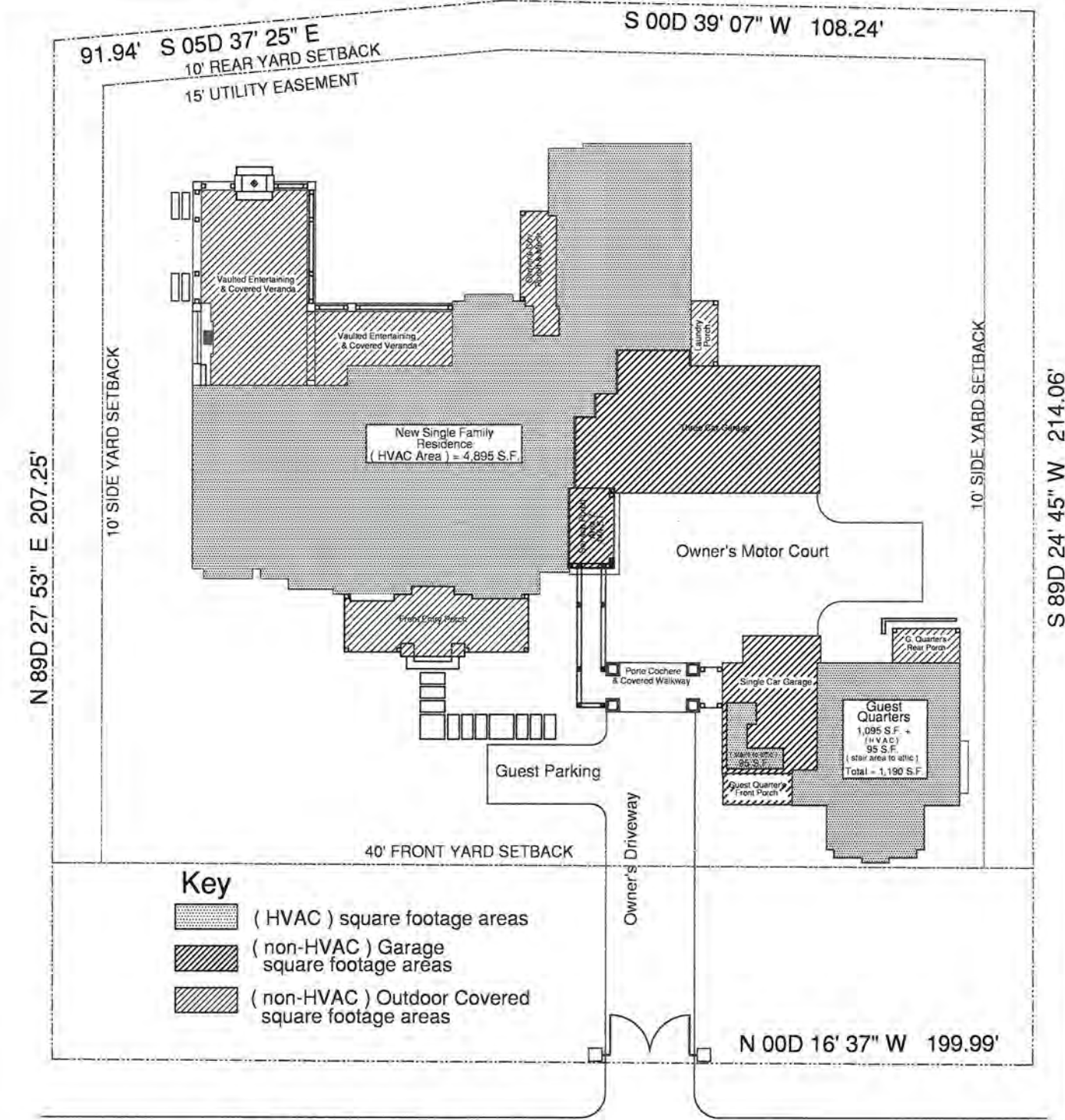
- City Limits
- School
- Floodplain**
- 100 Year Flood Zone
- Mill's Creek
- Peak's Branch
- X Protected by Levee
- Parks
- Railroad
- Certified Parcels
- Base Zoning**
- PD193 Oak Lawn
- Dallas Environmental Corridors
- SPSD Overlay
- Deed Restrictions
- SUP
- Dry Overlay**
- D
- D-1
- CP
- SP
- MD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

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





A.D.U / Guest Quarter's Maximum Allowable Square Footage Calculation
 (HVAC square footage area must be less than 25 percent of main residence HVAC area.
 Main residence - 4,895 s.f. x .25 = 1,223.75 s.f.
 Maximum HVAC area of A.D.U. (G. Quarters) allowed = 1,223.75 s.f.
 Proposed HVAC area of A.D.U. = 1,190.00 s.f.



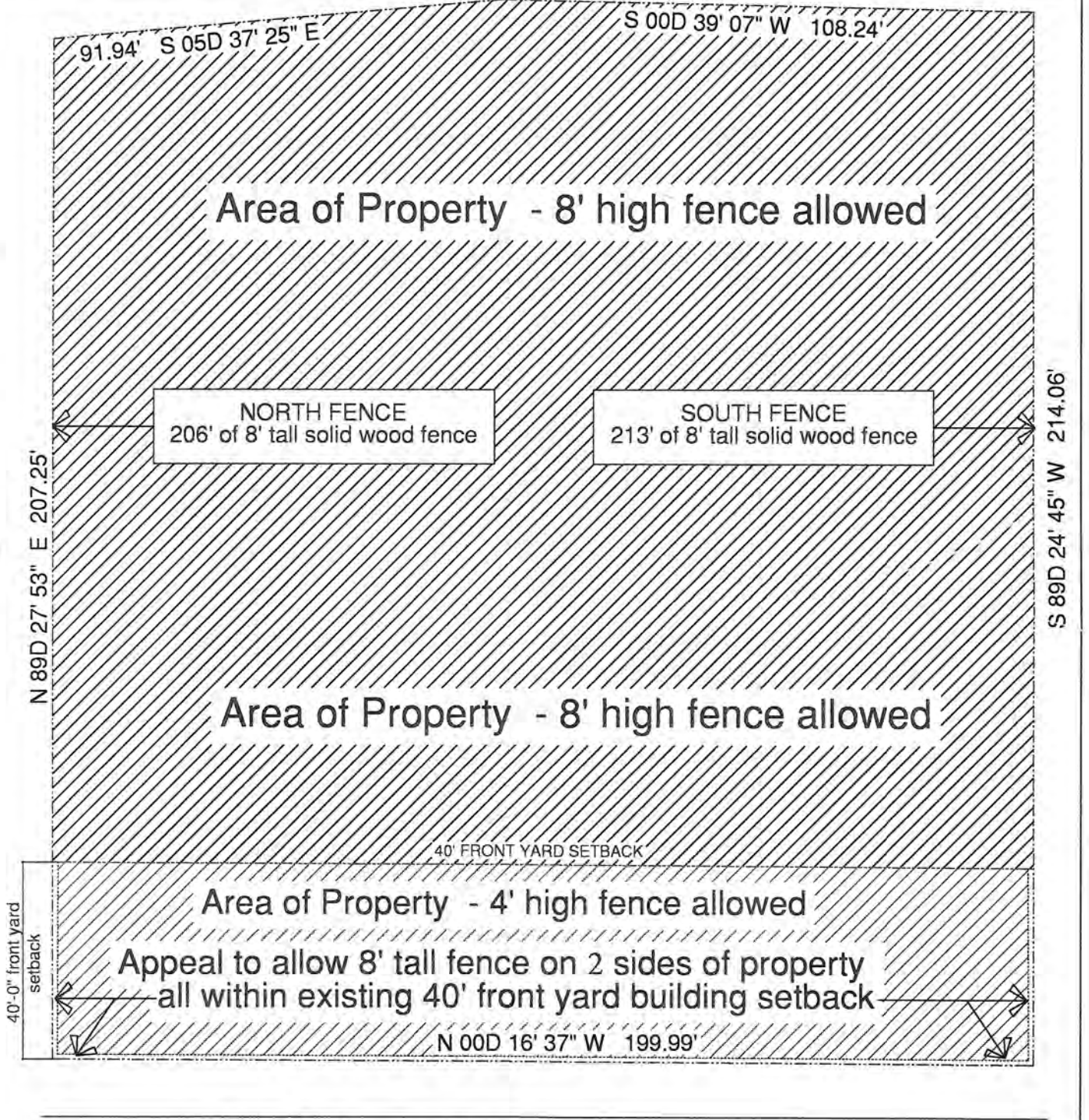
Key
 (HVAC) square footage areas
 (non-HVAC) Garage square footage areas
 (non-HVAC) Outdoor Covered square footage areas

9242 Hathaway Street

Site Plan	LEGAL DESCRIPTION:
NORTH	BLOCK 7 / 5597 PT
SCALE : 1 : 30'	LOT 27
	PRESTON HOLLOW
	9242 HATHAWAY ST.
	DALLAS, TEXAS

SITE PLAN - FENCE DIAGRAM

Site Plan - Allowable Fence Height Diagram with Proposed Area of Appeal
 Appeal to raise fence ht. from 4' to 8' within 40' front yard building setback.



9242 Hathaway Street

Key	SCALE : 1 : 30'
	Area of Property - 8' high fence allowed
	Area of Property - 4' high fence allowed

Reference only.

Main Level Floor Plan

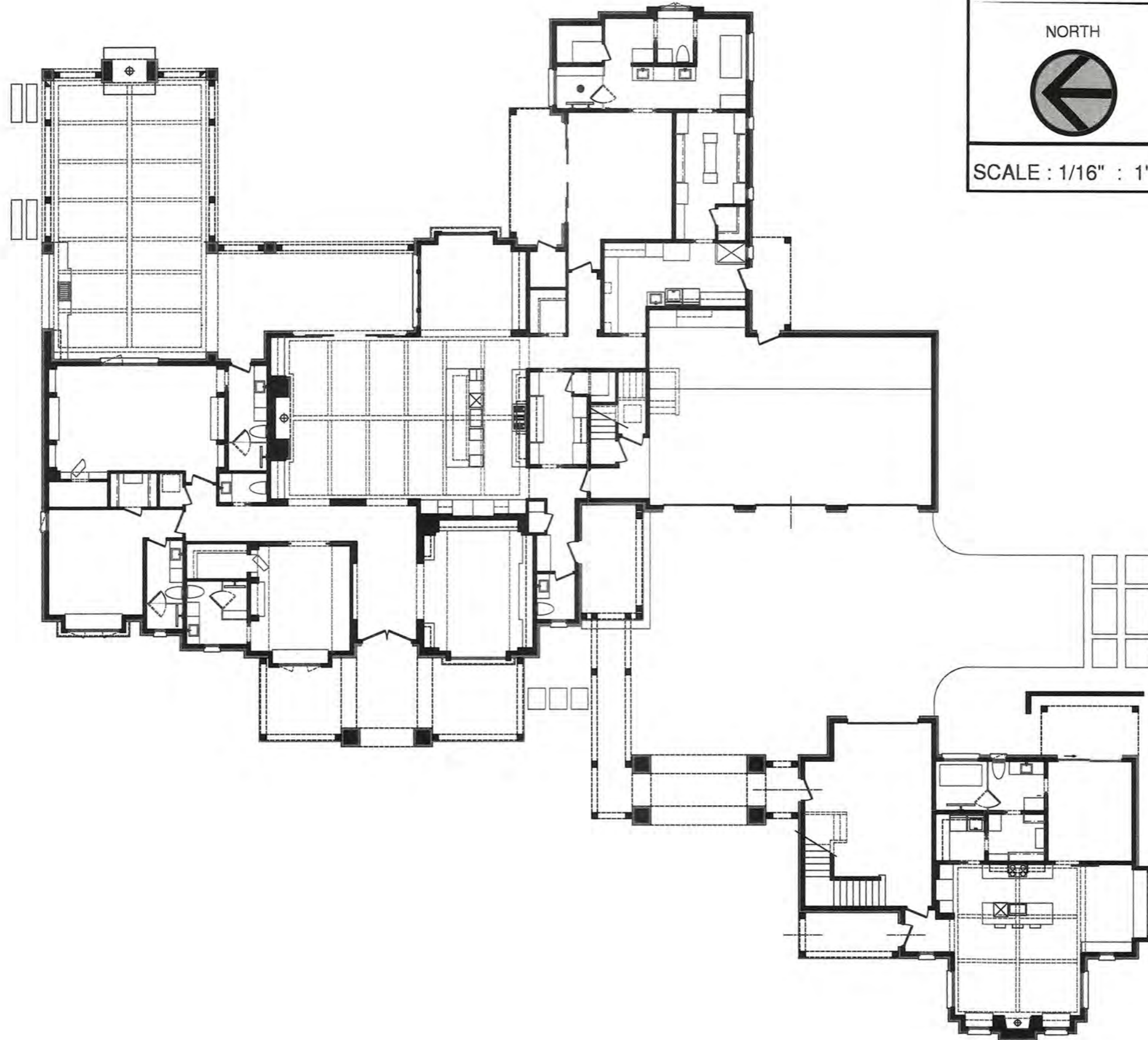
NORTH



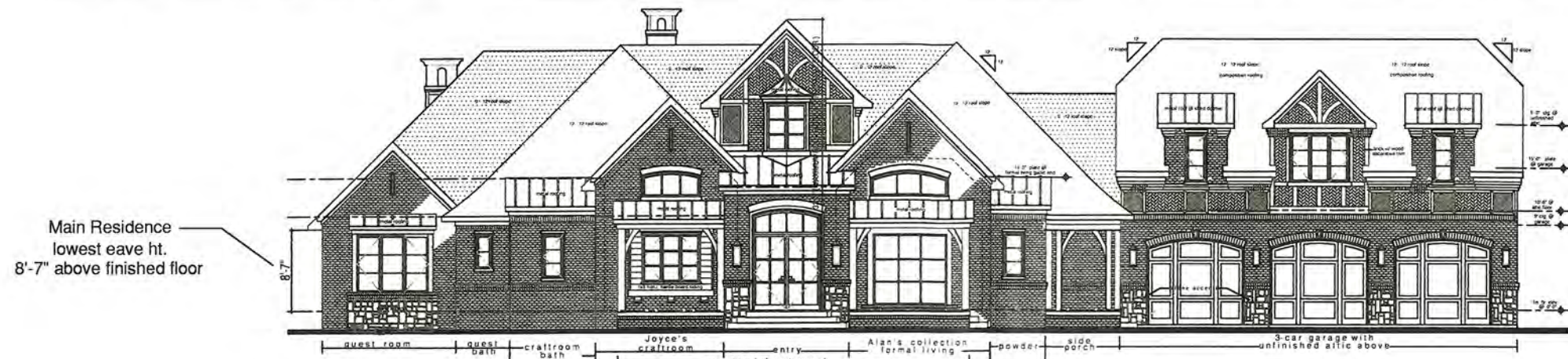
SCALE : 1/16" : 1'-0"

LEGAL DESCRIPTION:

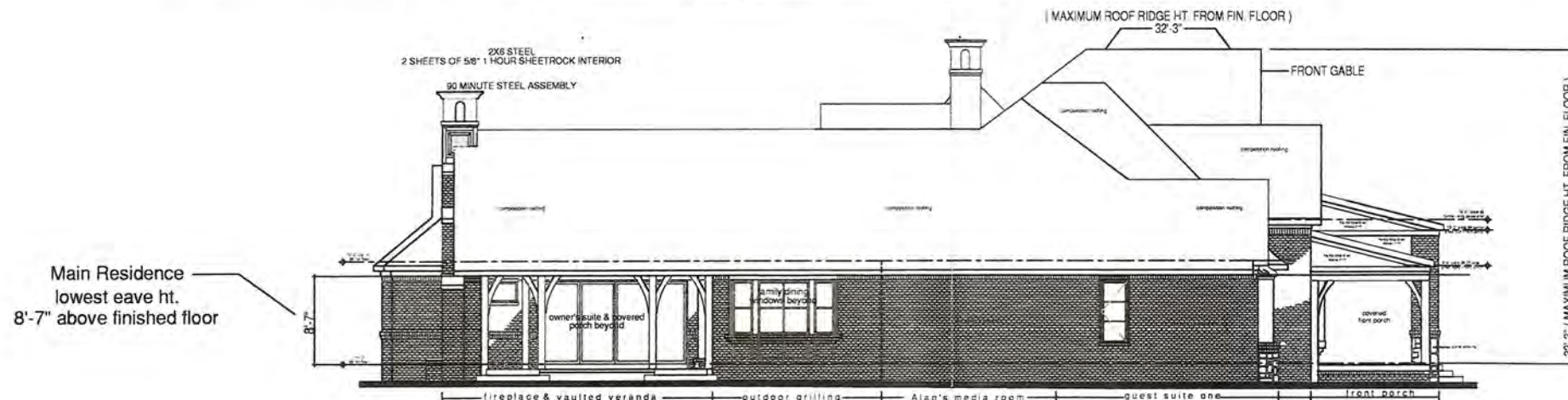
BLOCK 7 / 5597 PT
LOT 27
PRESTON HOLLOW
9242 HATHAWAY ST.
DALLAS, TEXAS



9242 Hathaway Street - Main Residence - Maximum Roof Ridge and Minimum Eave Height

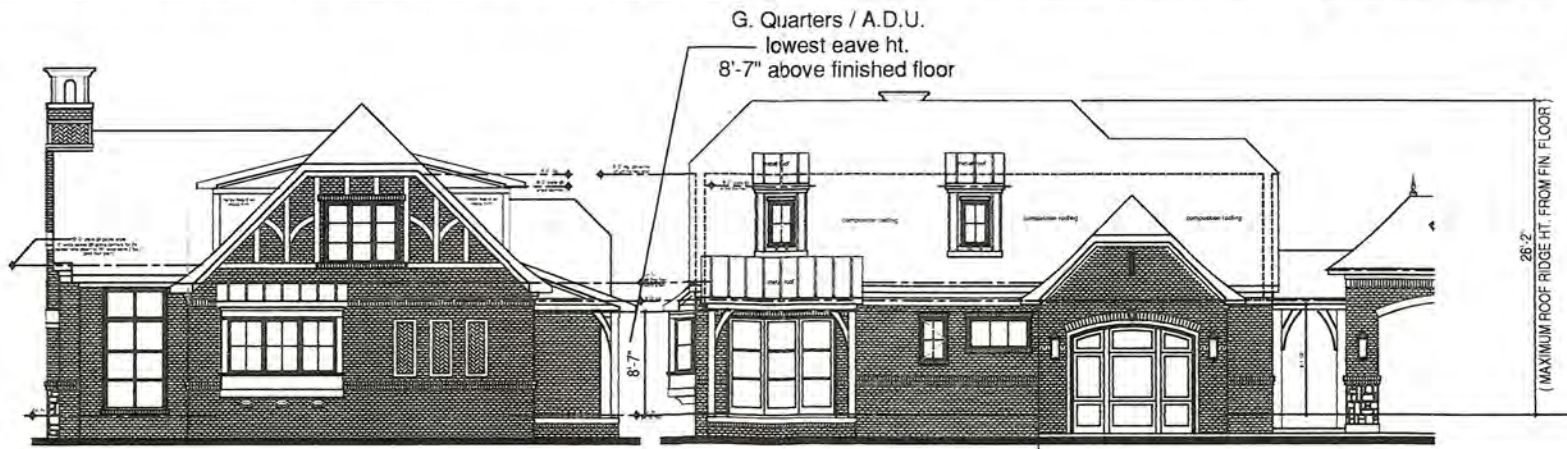


Reference only



LEFT ELEVATION - MAIN RESIDENCE
 scale: 1/16" = 1'-0"

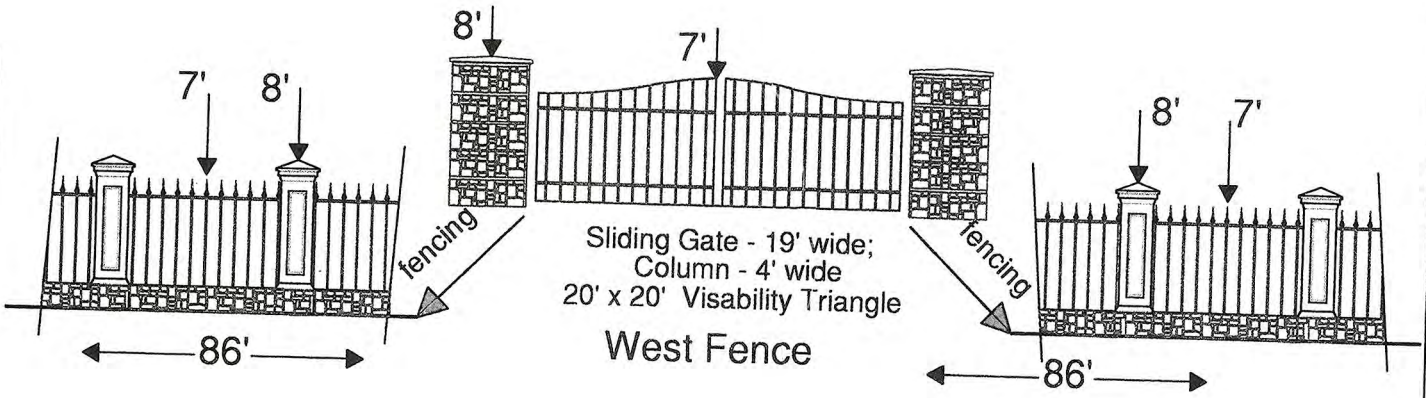
9242 Hathaway Street - A.D.U. / Guest Quarters - Maximum Roof Ridge and Minimum Eave Height



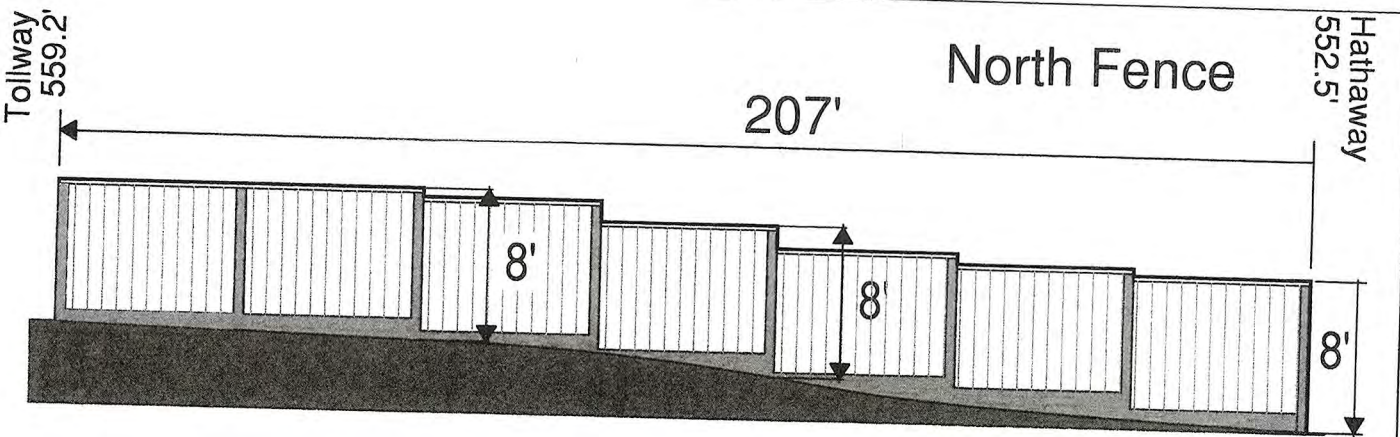
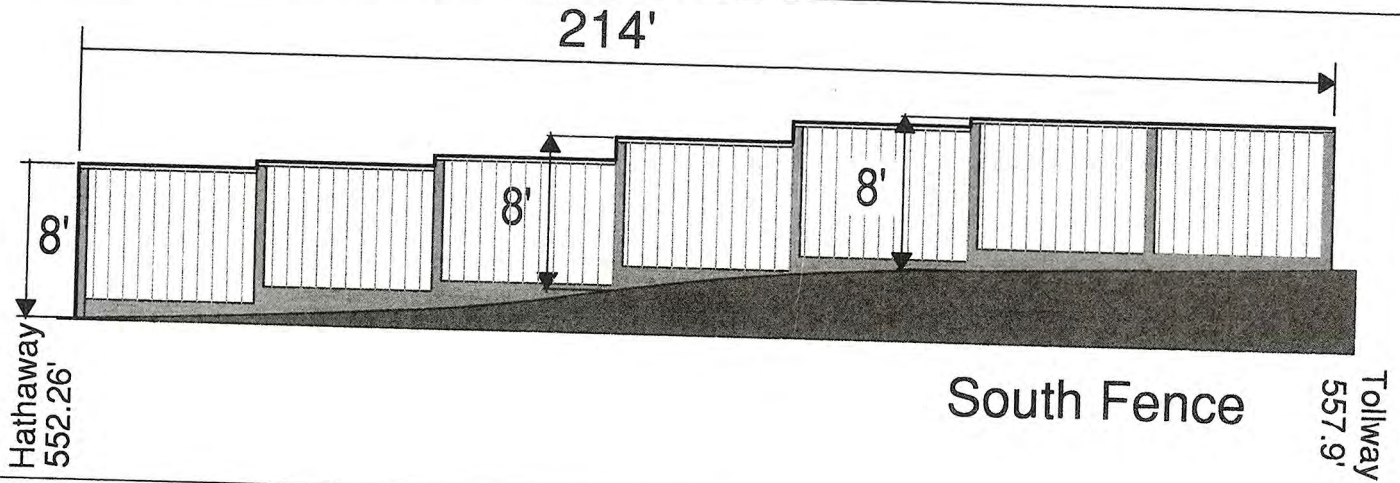
RIGHT & REAR ELEVATION - A.D.U. / G. QUARTERS
 scale: 1/16" = 1'-0"

Fence Diagram and Elevations:

West Side Fence - Front (Open wrought iron with masonry columns and 20' wide Driveway Entrance with Visibility.)
 South Side Fence - (Solid, All-Wood)
 North Side Fence - (Solid, All-Wood)



SCALE : 1 : 10



SCALE : 1 : 10

BDA212-007_ATTACHMENT_A

REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING OF FEBRUARY 23, 2022 (B)

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

COMMENTS:

BDA 212-007(JM)

BDA 212-009(PD)

BDA 212-014 (PD)

BDA 201-016 (JM)

David Nevarez, PE, PTOE, DEV - Engineering

Name/Title/Department

1/27/2022

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.

BDA212-007_ATTACHMENT_B



Board of Adjustment Documentary Evidence Packet

Alan S. Wasserman, Applicant
9242 Hathaway Street
Dallas, TX 75220

February 23, 2022-BOA-Panel B Hearing: BDA212-007



Aerial View
9242 Hathaway
Street

Hathaway Street

Wednesday, February 2, 2022

Board of Adjustment Appeal by Alan S. Wasserman

9242 Hathaway Street

File Number: BDA212-007

1. **Summary Report**

- a. **Applicant:** This is an application of Alan S. Wasserman for three (3) special exceptions at 9242 Hathaway Street (Old Preston Hollow).
- b. **City Records:** a building permit for single-family structure was issued on July 20, 2021.
- c. **Location:** 9242 Hathaway Street. This property is more fully described as Lot 26, 27; Block 7/5597.
- d. **Land Use and Zoning:** The subject site is under development and is zoned an R-1ac(A) Single Family District. The immediate areas north, south, east, and west are also zoned as Single Family District-Residential.
- e. **BOA Jurisdiction:**
 - i. A building permit shall not be issued unless there has been full compliance with the DDC (Section 51 and 51A), which is under the purview of the BOA (Special Exception)
 - ii. BOA uses Dallas Development Code, Ordinance No. 19455 (Chapter 51A)- Article 4-Zoning Regulations

2. **Request:** Three requests exist for the subject site.

- a. **Fence Height:** *DDC 51A-4.602 (a)(2)*-a request for a special exception to the fence standards regulations related to a height of four-feet is made to construct and maintain:
 - i. **North and South Side Fences**-an eight-foot-tall solid wood fence on the north and south sides of the property on the 40-foot front yard setbacks on a site that is being developed.
 - ii. **West Side Fence**-eight-foot-tall stone columns intermixed with seven-foot-tall wrought iron fences (six-foot spires with standard gaps between each spire, resting on one-foot stone base) on the 40-foot front yard setback on a site that is being developed.
- b. **Additional Dwelling Unit (ADU):** *DDC 51A-4.209(6)*-a request for a special exception to the single-family use regulations is made to construct and maintain a **ONE-STORY** additional dwelling unit structure being developed with a single-family use.
- c. **20 X 20 Visibility/Visual Obstruction Regulation:** *DDC 51A-4.602(c)*-a request for a special exception to the fence standards regulations related to a fence in a required front yard with a 20 X 20 foot visibility triangle to the driveway.

3. **Dallas Development Code Standards for a Special Exception:**

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

b. **ADU Standards**-the Dallas Development Code specifies that the board may grant a special exception to the single family use regulations of the DDC to authorize an additional dwelling unit on a lot when, in the opinion of the board, the ADU 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.

c. **Visual Obstruction Regulations**-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**.

Additionally, a person shall not erect, place, or maintain a structure, berm, plant life, or any other item on a lot if the item is:

- i. In a visibility triangle as defined in the Code (**20-foot visibility triangles** at drive approaches); and
- ii. Between 2.5 and 8 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**).

4. **Zoning/BDA History**: There have been three recent board cases in the vicinity within the last five years.

a. **BDA178-086: 5505 Chatham Hill Road**. On August 22, 2018, the Board of Adjustment Panel B granted a request for a variance to the front yard setback regulations, a special exception to single family use regulations, and special exceptions to the fence standard regulations.

b. **BDA201-028: 9362 Hathaway Street**. On April 21, 2021, the Board of Adjustment Panel B granted a request for a special exception to the fence height regulations.

c. **BDA212-010: 5433 Deloache**. Upcoming (2022) BOA hearing requesting a special exception to the fence height regulations and fence less than 50% open regulation.

5. **Letters of Support**: Received **Seven (7) Letters** from neighbors in support of my BOA application; one from COD Department of Transportation Staff.

6. **ADU Site Plan Application**:

a. **Living Area**: The main structure will contain 4,895 square feet of total living area and the proposed additional dwelling unit will contain 1,190 square feet of living area (25% maximum ADU size from main dwelling-1,223.75 SF).

b. **Roof**: The ADU roof height will not exceed the height of the main structure, measuring from Highest Ridge to lowest Eave.

c. **Electrical Service**: The single family lot will only be supplied by just one electrical utility service, and metered by just one electrical meter.

d. **Lastly**, the main dwelling and ADU will **share the same specifications**-brick and brick color, roofing materials and color, foundation, stories, and front yard setback.

7. **Application Diagram for ADU Calculations**

8. **Application Diagram of Three Fences for Front Yard Setback**

9. **Pictures of Immediate Neighborhood Front Entrances:** no adverse effect on neighboring properties.
10. **Pictures of North and South Neighbors Existing Fences:** no adverse effect on neighboring properties.
11. **Deed Restriction for ADU:** draft (page 1) of notarized document (preparation assistance by the City Attorney's office) for the Dallas County Clerk's office.

Letters of Support Notification List of Property Owners by Alan Wasserman



<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5505 CHATHAM HILL RD	THE BR TRUST
2	5538 CHATHAM HILL RD	CHAND M RIZWAN
3	9239 HATHAWAY ST	THOMAS AND SARAH DUNNING
4	9229 HATHAWAY ST	GUADALUPE MORA
5	9242 HATHAWAY ST	JERRY AND JOYCE MORRISON
6	9346 HATHAWAY ST	HUGH AND VICKI MOUTRAY
7	9340 HATHAWAY ST	RAJEEV AND RITU MALIK
8	9300 HATHAWAY ST	TAMARA AND JAMES MCGOWEN
9	9266 HATHAWAY ST	CATHY CLEMENTE SCHAFFER, MARTIN SCHAFFER
10	9239 HATHAWAY ST	THE CAMELLIA TRUST

5505 Chatham Hill Letter of Support-BOA hearing for 9242 Hathaway

From: Eric Reeves (eric@highsteps.net)

To: wasserman@sbcglobal.net

Date: Wednesday, January 19, 2022, 09:22 AM CST

Dr. Wasserman -

My wife and I run the BR Trust. We are in receipt of your letter requesting our support for your project. We totally approve and hope that your project goes well.

We look forward to being your neighbors in the years to come.

Best regards,

ERIC REEVES

Managing Director
High || STEPS, LLC

214-724-0354

3. **Special exception to the visual obstruction regulations.** We want to build a masonry and iron front fence, with sliding automatic gate, which will allow excellent visibility for all street traffic, and for entry/exit into our property. Here is a picture of the present, and one of the future, front-entry fence.



Therefore, I would like to ask you for a letter of support for these three exceptions in my BOA application.

To that end if you would simply sign and date the support letter shown below, and mail back to me in the stamped/addressed envelope provided, I would appreciate it. I need it by January 20, 2022.

Thank you very much!


Alan Wasserman

**City of Dallas-Board of Adjustment-Panel B
BDA212-007: 9242 Hathaway Street
Letter of Support**

To Whom It May Concern,

I/We are neighbors of Alan and Joyce Wasserman in Old Preston Hollow. Having reviewed the proposed exceptions that they are proposing for fence height, front entry visibility triangle, and an additional dwelling unit, I/We find that there will be no adverse effect on our neighboring property. I/We would like to support their application to the BOA and recommend that the Panel approves it on February 23, 2022.

Respectfully,



Chand Rizwan
5538 Chatham Hill Road

1/18/22
Date

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Thank you very much!

Alan Wasserman

*Alan:
What is the height of your front
fence? Most in our neighborhood are
4-6 ft. Thanks, Tom*

**City of Dallas-Board of Adjustment-Panel B
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Respectfully,

Thomas M. Dunning

Thomas Dunning
9239 Hathaway Street

Sarah Dunning - 20-20

Sarah Dunning
9239 Hathaway Street

Date

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City of Dallas-Board of Adjustment-Panel B
BDA212-007: 9242 Hathaway Street
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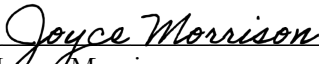
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Respectfully,



Jerry Morrison
9211 Hathaway Street



Joyce Morrison
9211 Hathaway Street

1/12/22

Date

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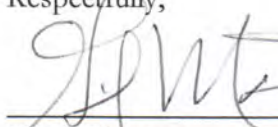
Alan Wasserman

**City of Dallas-Board of Adjustment-Panel B
BDA212-007: 9242 Hathaway Street
Letter of Support**

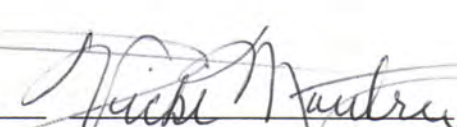
To Whom It May Concern,

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Respectfully,



Hugh Moutray
9346 Hathaway Street



Vicki Moutray
9346 Hathaway Street



Date

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Alan Wasserman

**City of Dallas-Board of Adjustment-Panel B
BDA212-007: 9242 Hathaway Street
Letter of Support**

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Respectfully,

Tamara McGowen
9300 Hathaway Street

James McGowen
9300 Hathaway Street

1.12.2022

Date

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Alan Wasserman

**City of Dallas-Board of Adjustment-Panel B
BDA212-007: 9242 Hathaway Street
Letter of Support**

To Whom It May Concern,

CS *MJS*
As long as all 3 exceptions and restrictions are done as stated on Attachment dated 1/10/2022

I/We are neighbors of Alan and Joyce Wasserman in Old Preston Hollow. Having reviewed the proposed exceptions that they are proposing for fence height, front entry visibility triangle, and an additional dwelling unit, I/We find that there will be no adverse effect on our neighboring property. I/We would like to support their application to the BOA and recommend that the Panel approves it on February 23, 2022.

Respectfully,

Cathy Schaffer

Cathy Clemente *CATHY SCHAFER*
9266 Hathaway Street

Martin Schaffer

Martin Schaffer
9266 Hathaway Street

1-13-2022
Date

Re: BDA212-007 at 9242 Hathaway St.; ADU, Fence Height SE, Vis. Triangle SE-Question for David Nevarez

From: Alan Wasserman (wasserman@sbcglobal.net)

To: david.nevarez@dallascityhall.com

Cc: s.avatapalli@dallascityhall.com

Date: Monday, January 10, 2022, 01:06 PM CST

Hello David Nevarez,

Thank you very much for your quick reply.

Here is a picture, and drawing, of the Hathaway Fence Line (**17.5 feet from pavement to fence**). We will be removing this existing fence and placing the new one along the same line. The entry point/automatic sliding gate, I believe, will be 12 feet back (east) from that fence line.

Sincerely,

Alan Wasserman

Alan S. Wasserman, MD, MBA

3132 Westminister Avenue

Dallas, TX 75205

Email: wasserman@sbcglobal.net

Phone: (214) 691-7241

On Monday, January 10, 2022, 10:59:42 AM CST, Nevarez, David <david.nevarez@dallascityhall.com> wrote:

Greetings Mr. Wasserman,

I do not anticipate any objections specific to your request for an exception to the visibility triangle but allow us to complete our review at an upcoming staff meeting.

Would it be possible for you to measure the distance of your fence away from the pavement? It will help us quantify the request.

Staff would have no objections to exceptions for residential homes, on residential streets. Thank you.



David Nevarez, P.E., PTOE, CFM
Transportation Development Services

Department of Transportation

RE: BDA212-007 at 9242 Hathaway St.; ADU, Fence Height SE, Vis. Triangle SE-Question for David Nevarez

From: Nevarez, David (david.nevarez@dallascityhall.com)

To: wasserman@sbcglobal.net

Cc: s.avatapalli@dallascityhall.com

Date: Monday, January 10, 2022, 01:08 PM CST

Thank you. That will be sufficient for our comments having no objection to your request. Thank you.



David Nevarez, P.E., PTOE, CFM

Transportation Development Services

Department of Transportation

City of Dallas | www.dallascityhall.com

1500 Marilla St., 5BN, Dallas, TX 75201

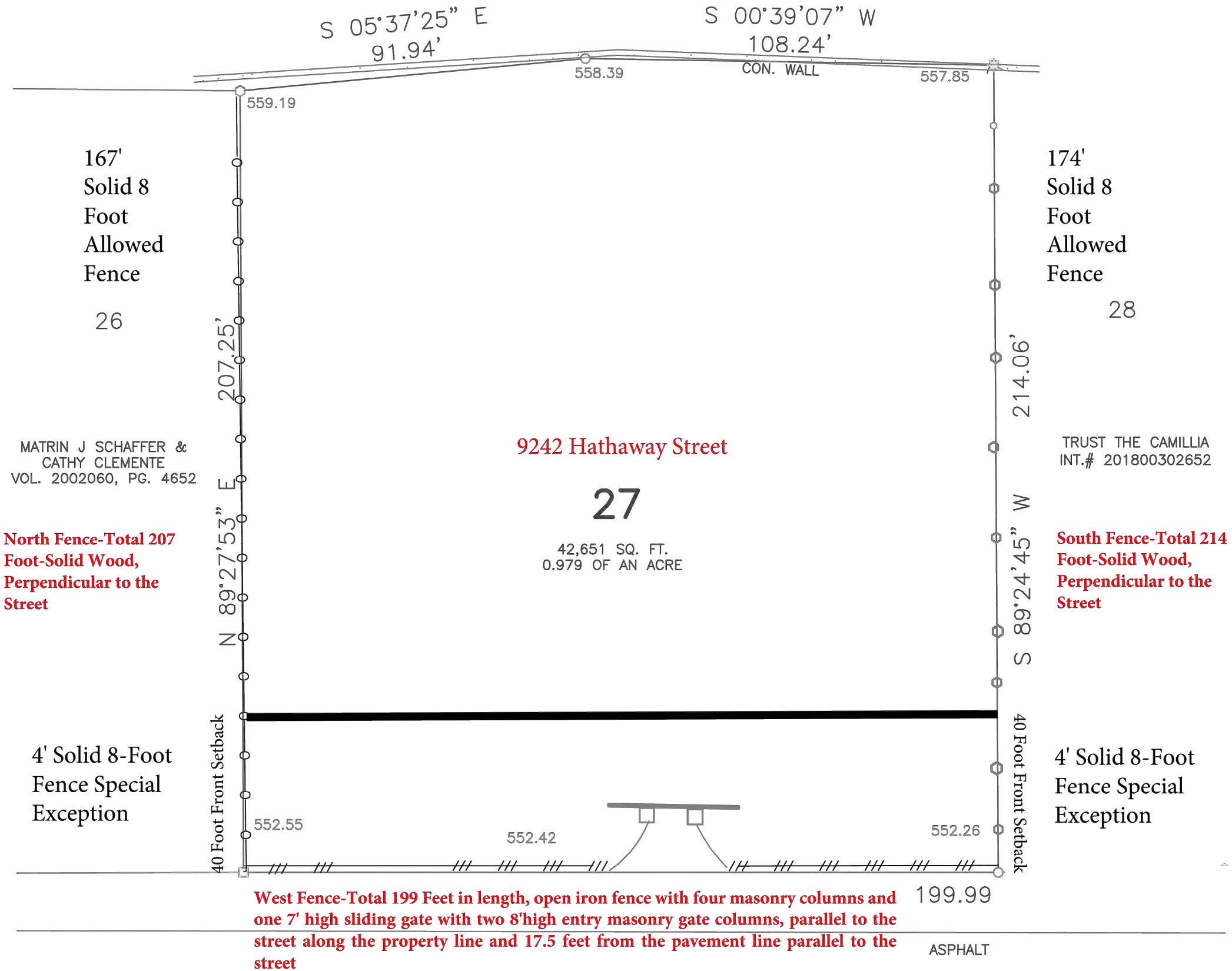
(214) 671-5115 |

david.nevarez@dallascityhall.com



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

DALLAS NORTH TOLLWAY



MATRIN J SCHAFFER &
CATHY CLEMENTE
VOL. 2002060, PG. 4652

TRUST THE CAMILLIA
INT.# 201800302652

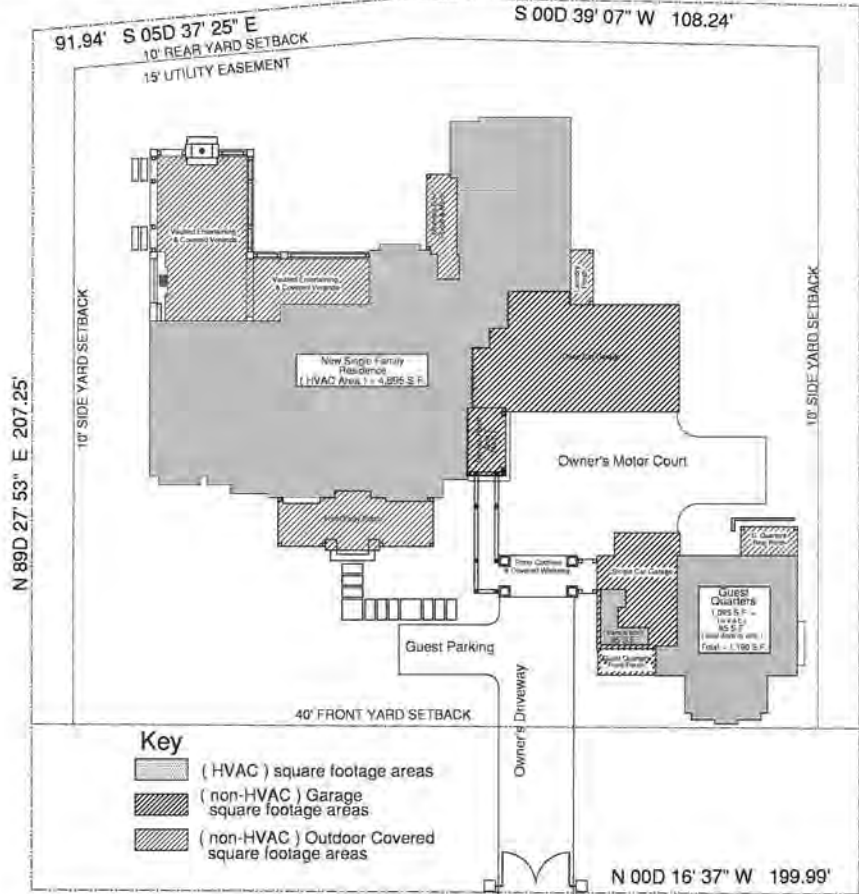
Site



SCALE : 1 : 30'

A.D.U. / Guest Quarter's Maximum Allowable Square Footage Calculation
 (HVAC square footage area must be less than 25 percent of main residence HVAC area.
 Main residence - 4,895 s.f. x .25 = 1,223.75 s.f.

Maximum HVAC area of A.D.U. (G. Quarters) allowed = 1,223.75 s.f.
 Proposed HVAC area of A.D.U. = 1,190.00 s.f.



9242 Hathaway Street

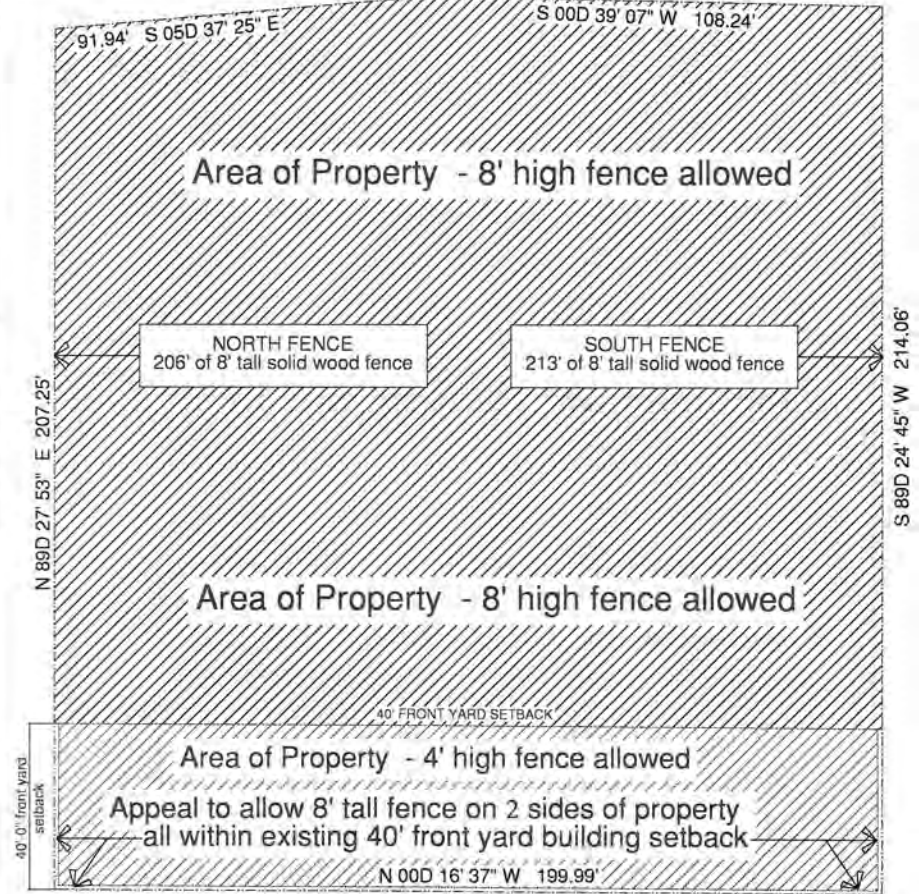
Site Plan



LEGAL DESCRIPTION:
 BLOCK 7 / 5597 PT
 LOT 27
 PRESTON HOLLOW
 9242 HATHAWAY ST.
 DALLAS, TEXAS

SITE PLAN - FENCE DIAGRAM

Site Plan - Allowable Fence Height Diagram with Proposed Area of Appeal
 Appeal to raise fence ht. from 4' to 8' within 40' front yard building setback.



9242 Hathaway Street

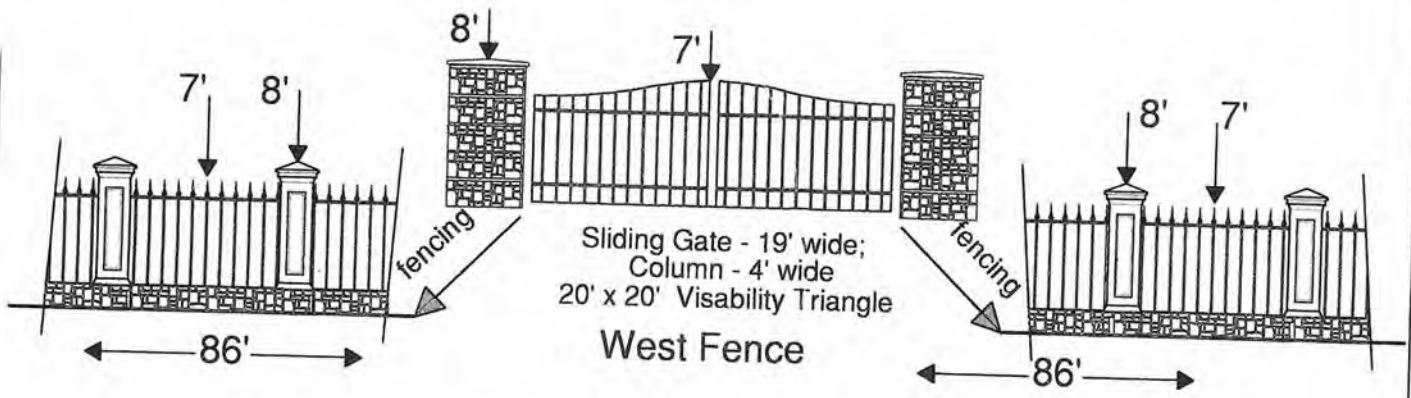
Key

SCALE | 1" = 30'

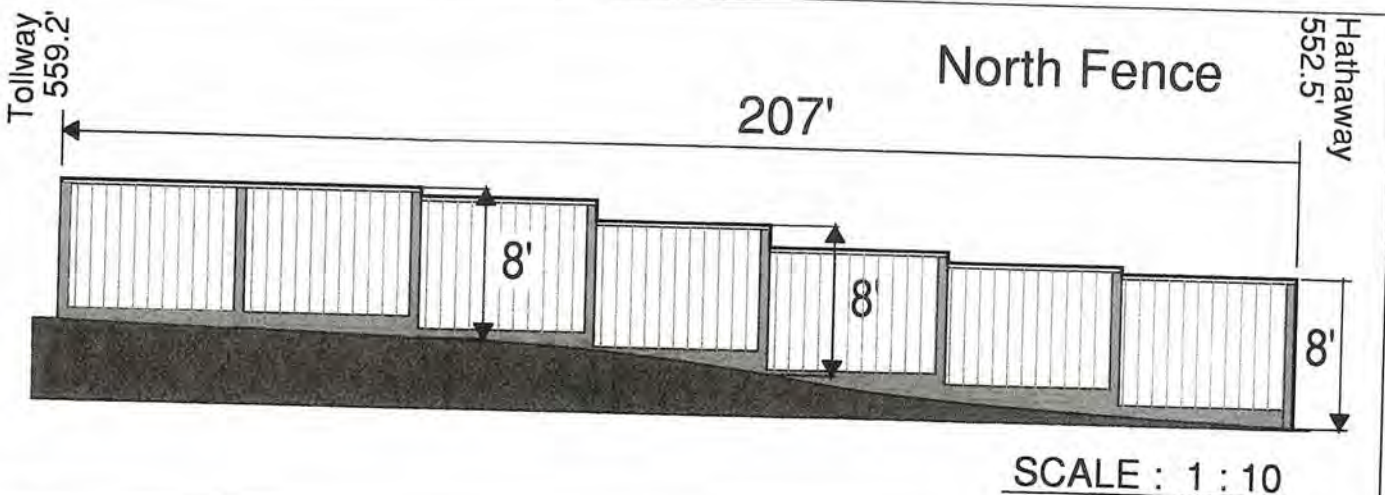
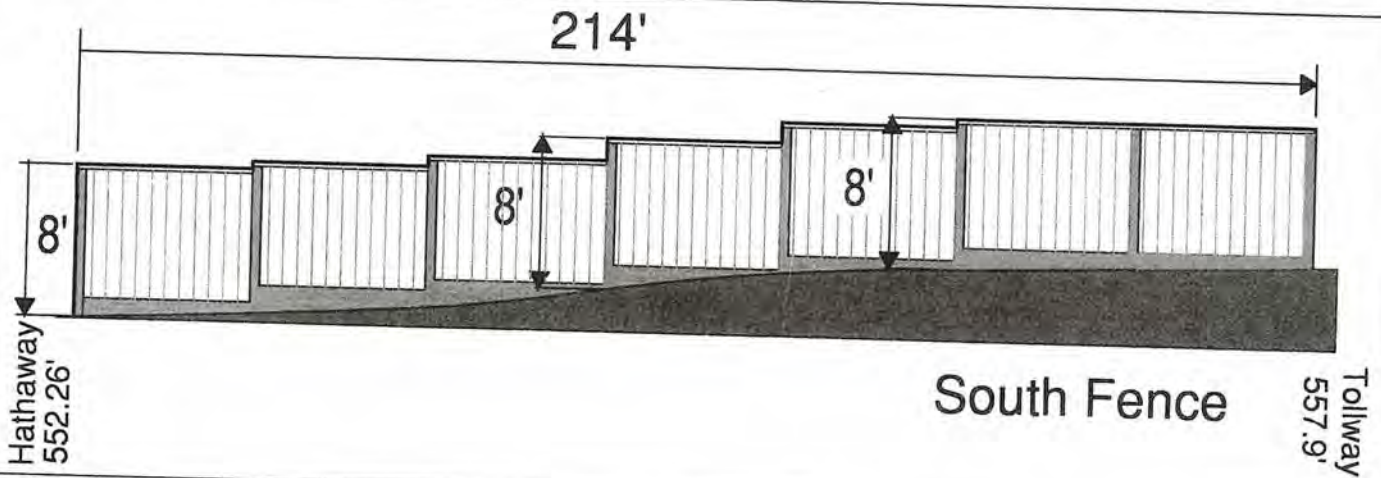
- Area of Property - 8' high fence allowed
- Area of Property - 4' high fence allowed

Fence Diagram and Elevations:

West Side Fence - Front (Open wrought iron with masonry columns and 20' wide Driveway Entrance with Visibility.)
 South Side Fence - (Solid, All-Wood)
 North Side Fence - (Solid, All-Wood)



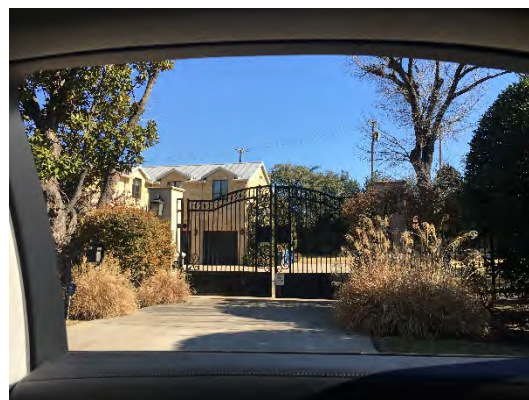
SCALE : 1 : 10



SCALE : 1 : 10



Pictures of Front Entry, Visibility Fences-Residences in the Vicinity of 9242 Hathaway Street



Pictures of Existing North and South Neighbors Fences Adjacent to 9242 Hathaway Street



DEED RESTRICTIONS
BOARD OF ADJUSTMENT

THE STATE OF TEXAS)
)
COUNTY OF DALLAS)

KNOW ALL PERSONS BY THESE PRESENTS:

I.

The undersigned, Alan S. Wasserman, and Joyce L. Wasserman ("the Owner"), is the owner of the following described property ("the Property"), being in particular a tract of land out of the J. Howell Survey, Abstract No. 580, City Block 7/5597 , City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by Mark R. Jaffe, Trustee-MRJ Living Trust, by deed dated October 19, 2020 , and recorded in Volume 4 , Page 249 , in the Deed Records of Dallas County, Texas, and being more particularly described as follows:

[Property Description]

***9242 HATHAWAY STREET, DA
PRESTON HOLLOW ADDITION
BLK 7/5597 PT LTS 26 & 27 ACS 0.979
INT2020000285960 DD10162020 CO-DC***

II.

As required by the Board of Adjustment of the City of Dallas ("Board") in Case No. BDA212-007, approved on February 23, 2022, the Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

- (1) Any additional "dwelling unit," as defined in Section 51A-2.102(34) and permitted in accordance with Section 51A-4.209(b)(6)(E)(iii) of the Dallas Development Code, located or to be located on the Property, shall require owner-occupancy on the premises.

III.

These restrictions shall continue in full force and effect for a period of 20 years from the date of execution, and shall automatically be extended for additional periods of 10 years unless amended or terminated in the manner specified in this document.

IV.

These restrictions may be amended or terminated only after a public hearing before the Board. Notice of the public hearing must be given as would be required by law for a Board hearing. The amending or terminating instrument must be approved as to form by the city attorney. If the Board approves an amendment or termination of these restrictions, the Owner must then file the amending

Panel B

02-23-22

BOA212-007

9242 Hathaway Street

(Support Reference)

From: [REDACTED]
To: [Munoz, Jennifer](#)
Subject: BDA212-007: 9242 Hathaway Street
Date: Wednesday, January 19, 2022 2:24:50 PM

External Email!

Good afternoon,

I am submitting this note in support of this variance request. We are neighbors of Alan and Joyce Wasserman in Old Preston Hollow. We have reviewed the proposed plans and proposed exceptions for fence height, front entry, and an additional dwelling unit, and we have no concerns for us or for the neighborhood.

I would encourage you to support their application to the BOA and recommend that the panel approves it on February 23, 2022.

Feel free to email or call me should you have questions.

Sincerely,

Riz Chand & Laura Colhouer
5538 Chatham Hill Road
Dallas, TX 75220
214 437 3864
[REDACTED]

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

FILE NUMBER: BDA201-009(PD)

BUILDING OFFICIAL'S REPORT: Application of Elias Rodriguez represented by Juan P. Sanchez for a variance to the side yard setback regulations at 7019 Lovett Avenue. This property is more fully described as a part of Lot 72 in City Block 5823 and is zoned an R-7.5(A) Single Family District, which requires a side yard setback of five feet. The applicant proposes to construct and maintain the existing single-family dwelling and an addition and to construct and maintain an addition and to provide a three-foot side yard setback, which will require a two-foot variance to the side yard setback regulations.

LOCATION: 7019 Lovett Avenue

APPLICANT: Elias Rodriguez represented by Juan P. Sanchez

REQUESTS:

A request for a variance to the side yard setback regulations of two feet is made to construct and maintain this existing single-family dwelling and an addition along the rear of the structure within the subject site's five-foot side yard setback on a site that is currently developed with a single-family dwelling and situated along an interior yard and the north line of Lovett Avenue.

STANDARD FOR A VARIANCE:

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

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

State Law/HB 1475 effective 9-1-21

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

Staff concluded that the subject site is unique and different from most lots in this R-7.5(A) Single Family District considering its restrictive lot area of 7,824 square feet. The applicant submitted evidence with the submitted application materials (**Attachment A**) comparing lot size/area within the same zoning district. Per the comparative analysis, the average lot area is 11,839 square feet and the average floor area of structures being 1,438 square feet. Thus, in analyzing the comparative properties the restrictive area of the subject site ensures that the site cannot be developed in a manner commensurate with development upon other parcels of land with the same zoning.

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 to the west, south, and east are developed with single-family dwelling units while the property to the north is developed with a rail line (Union Pacific Railroad).

Zoning/BDA History:

There have been no related board or zoning cases in the vicinity within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

This request focuses on constructing an addition and maintaining an existing portion of the existing residential dwelling unit within the subject site's five-foot side yard setback. The site is currently developed with a single-family dwelling unit and situated along an interior yard and the north line of Lovett Avenue. The portion of the structure that encroaches along the western façade of the existing residential dwelling exists within the confines of the one-story single-family structure. The existing encroachment is two feet into the required five-foot side yard setback and therefore provides a three-foot side yard setback. The existing single family dwelling unit contains approximately 971 square feet of floor area while the proposed addition will contain approximately 667 square feet of floor area for a total floor area of 1,638 square feet.

Structures on lots zoned an R-7.5(A) Single Family District must have a minimum side yard setback of five feet. A site plan has been submitted denoting the portion of the existing single-family structure and the proposed addition to be located two feet from the side property line along the western facade. Additionally, the site plan depicts an approximately 192-square-foot detached structure that does not encroach into the five-foot required side yard setback.

An R-7.5(A) zoning district requires lots to have a minimum lot size of 7,500 square feet. The subject site is not irregular in shape and contains approximately 7,824 square feet in lot area which is slightly larger by 324 square feet than comparative lots to the district minimum. within the same zoning district. However, per the comparative analysis of six properties in **Attachment A**, the average lot area is 11,839 square feet and the average floor area of structures being 1,438 square feet. According to Dallas County Appraisal District, DCAD, the one-story structure was constructed in 1940 and consists of approximately 971 square feet of floor area. Since the structure was built more than 80 years ago and staff cannot say with certainty whether the structure was built in compliance with the zoning district regulations and permit records for the structure are unattainable, staff believes that bringing the existing structure into compliance with the addition is necessary.

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

- That granting the variance to the side yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
- The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.
- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.

Additionally, 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:

- 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;
- 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;
- Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
- Compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- The municipality consider the structure to be a nonconforming structure.

As of February 11, 2022, no letters have been submitted in support of nor in opposition of the request.

If the board were to grant this side yard setback variance request and impose the submitted site plan as a condition, development would be limited to what is shown on this document. Granting this variance request will not provide any relief to the Dallas Development Code regulations.

Timeline:

- Dec. 09, 2021: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report. Additionally, the applicant submitted evidence (**Attachment A**) with the application.
- Dec. 28, 2021: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- January 3, 2022: 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 26th deadline to submit additional evidence for staff to factor into their analysis; and the February 11th 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.”
- January 27, 2022: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner, the Board of Adjustment Senior Planner, the Chief Arborist, the Conservation Districts Chief Planner, the Senior Engineer, and the Assistant City Attorney to the board.
- No review comment sheets were submitted in conjunction with this application.



R-7.5(A)

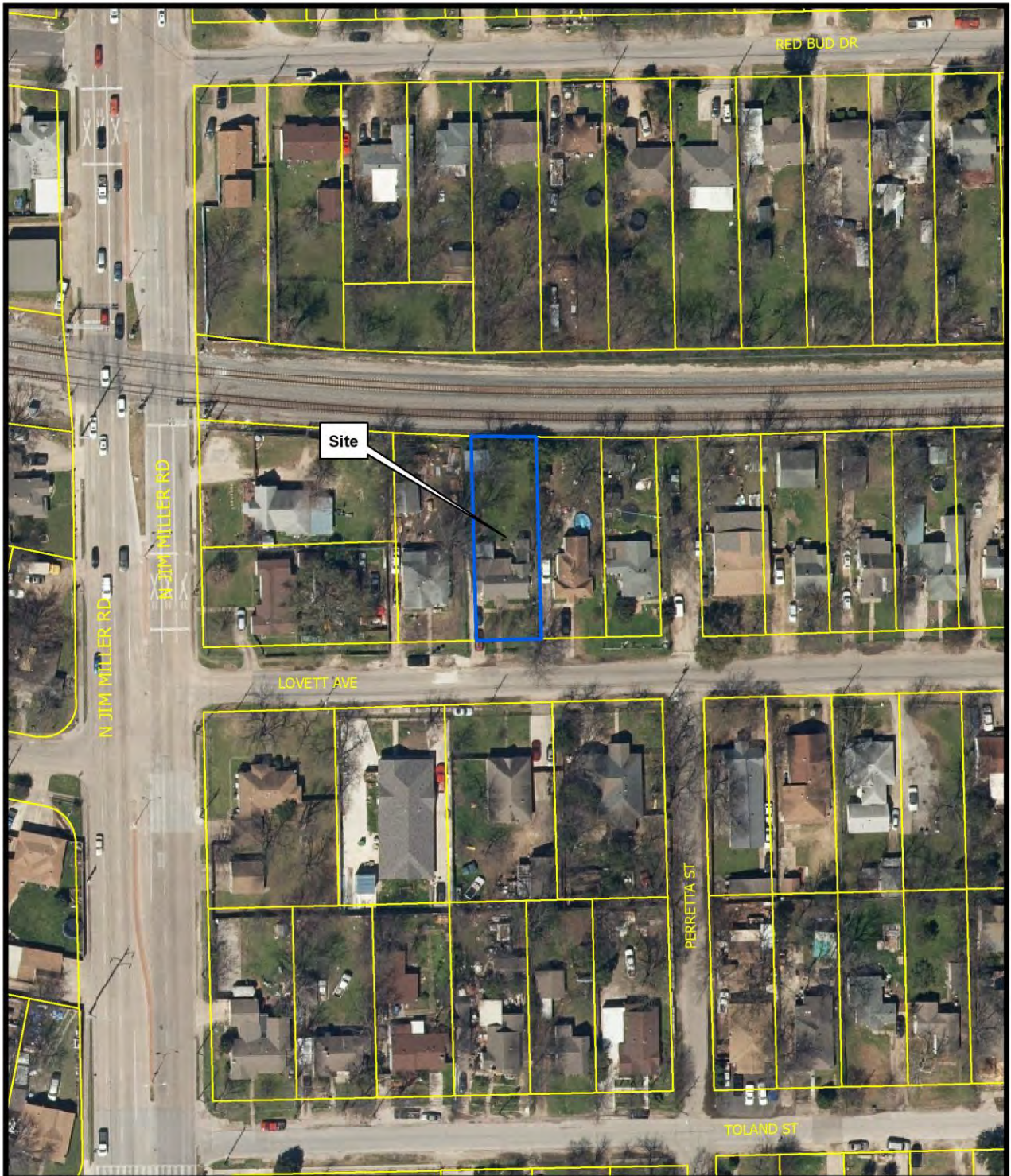


1:1,200

ZONING MAP

Case no: BDA212-009

Date: 1/5/2022



1:1,200

AERIAL MAP

Case no: BDA212-009

Date: 1/5/2022



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

26

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA212-009**

Date: **1/5/2022**

01/04/2022

Notification List of Property Owners

BDA212-009

26 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7019 LOVETT AVE	SANCHEZ JUAN P
2	7006 LOVETT AVE	MALLARD MAMIE
3	7012 LOVETT AVE	SUCHIL MANUEL
4	7018 LOVETT AVE	DEAVILA ELIZONDO & MARTHA
5	7026 LOVETT AVE	SUCHIL APOLINAR
6	7032 LOVETT AVE	PASTRAN MARTIN
7	7036 LOVETT AVE	RAMIREZ PAUL
8	7037 LOVETT AVE	VERDUZCO ANTONIO & SAN J
9	7027 LOVETT AVE	MEDRANO THOMAS C &
10	7023 LOVETT AVE	CERDA-AGUILAR AURELIA
11	7015 LOVETT AVE	MAYO JOSE LUIS ARCOS &
12	4406 N JIM MILLER RD	CERDA JOSE ALFREDO &
13	4402 N JIM MILLER RD	MOLINA OLGA
14	7012 RED BUD DR	SPEARS MARY CREEL
15	7002 REDBUD DR	MILLER CHERYL
16	7006 RED BUD DR	LACY RICHARD K FAMILY
17	7014 RED BUD DR	MCGAHA CARMEN
18	7010 RED BUD DR	GARCIA CESAR ESPARZA &
19	7018 RED BUD DR	RODRIGUEZ NORFAEL &
20	7022 RED BUD DR	MATIAS ARMIN
21	7034 RED BUD DR	ROCHA RACHEL D. EST OF
22	4401 LINFIELD RD	ST LOUIS S W RAILWAY CO
23	9999 NO NAME ST	UNION PACIFIC RR CO
24	7033 LOVETT AVE	VERDUZCO ANTONIO &
25	7026 RED BUD DR	MONTIEL RUBEN
26	7030 RED BUD DR	PADRON LUZ & LUZ MARIA



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212-009

Date: 12-9-21

Data Relative to Subject Property:

Location address: 7019 Lavett Ave Zoning District: R7.5(A)
Lot No.: 14920 Block No.: 5323 Acreage: .177 Census Tract: 85.00
Street Frontage (in Feet): 1) 50' 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Juan P Sanchez

Applicant: Elias Rodriguez Telephone: 972-998-6456

Mailing Address: 317 E Jefferson Zip Code: 75203

E-mail Address: customerservice@ccihouseplans.com

Represented by: Juan P Sanchez Telephone: 469-774-4565

Mailing Address: 7014 Lavett Ave, Dallas TX Zip Code: 75227

E-mail Address: 112-3112@hotmail.com

Affirm that an appeal has been made for a Variance [checked] or Special Exception, of 2' feet to the required 5' sysB + Provide 3'.

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:

Client hired a contractor to permit a building addition. Contractor disappeared from site + addition was building within 5 yard side yard set back.

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 Elias Rodriguez (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 06 day of December, 2021



Kendra Pereznegron 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 CONSTRUCTION CONCEPTS INC

did submit a request for a variance to the side yard setback regulations
at 7019 Lovett Avenue

BDA212-009. Application of CONSTRUCTION CONCEPTS INC for a variance to the side yard setback regulations at 7019 LOVETT AVE. This property is more fully described as F Of Lot 72, Block 5823, and is zoned R-7.5(A), which requires a side yard setback of 5 feet The applicant proposes to construct and maintain a single family residential structure and provide a 3 foot side yard setback, which will require a 2 foot variance to the side yard setback regulations.

Sincerely,


David Session, Building Official



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 212-009

I, Juan P. Sanchez, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 7019 Lovett Ave, Dallas - Tx. 75227
(Address of property as stated on application)

Authorize: Elias Rodriguez
(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)

Applying for 2ft variance due to the house
constructed on

Juan P. Sanchez Juan P. Sanchez _____
 Print name of property owner/agent Signature of property owner/agent Date

Before me, the undersigned, on this day personally appeared _____

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

Subscribed and sworn to before me this 06 day of December, 2021

Kendra Pereznegron
Notary Public for Dallas County, Texas

Commission expires on 09/17/2025



7019 Lovett Ave

Year Building: 1940

Zoning R7.5 (A)

1. Zoning R-7.5 (A) SFD, requires a lot to be a minimum of 7,500 square feet, my lot is 7,824 square feet.
2. Average structure size is 1,438 sq, my structure is only 971 sq
3. Average lot size is 11,839 square feet, my lot is only 7.824 sq
4. Proposed Addition Area: 667 square feet
Existing Area: 971sq
Total Area: 1,638 sq
5. Aug Structure is 1,438sq
Aug Lot size is 11,839sq

Address	Lot	Structure
*7006 Lovett	15,266sq	1,428sq
*7012 Lovett	12,885sq	2,025sq
*7015 Lovett	9,555sq	1,011sq
*7018 Lovett	12,671sq	1,504sq
*7023 Lovett	7,738sq	1,022sq
*7026 Lovett	12,922sq	1640sq



Printed: 12/18/2021

Legend

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

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





AGRICULTURE

5823

W. 5th & 6th St.

4400

URBAN 4300

5823

5823

4400

7000

4300

5823

58

4400

PERRETTA 4300

5823

58

LOVETT 7000

4400

JIM MILLER

4300
S. 5th
S.C. 5102

AGST. 1352

PLACER 5811 ACADEMY

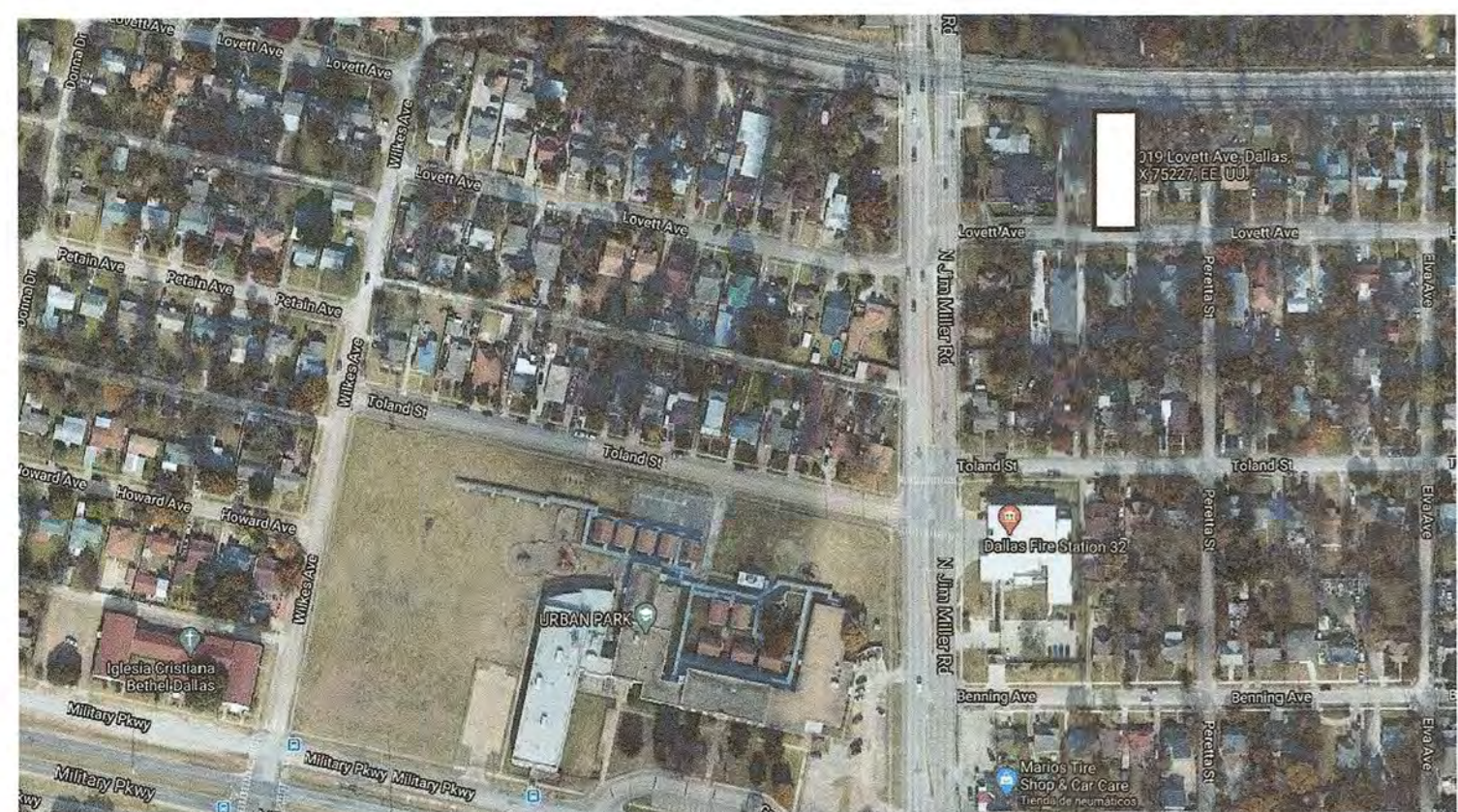
5.1

PROJECT INFORMATION

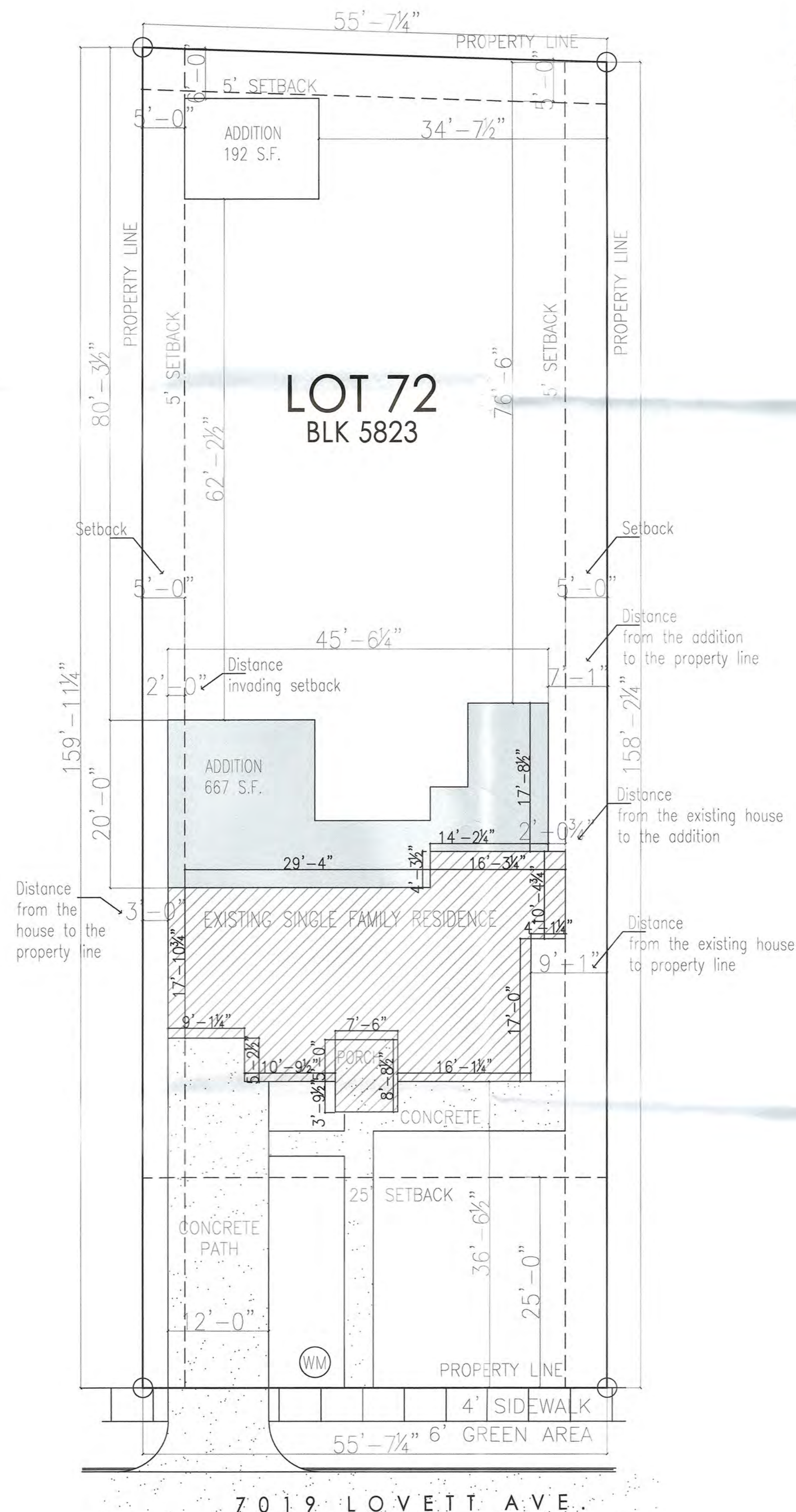
ZONING	R-7.5(A)
LEGAL DESCRIPTION	URBANDALE NO 1 BLK 5823 PT LOT 72
CONSTRUCTION TYPE	# III-A
HOUSE DESCRIPTION	SINGLE FAMILY ONE- STORY ADDITION & REMODEL

PROJECT AREA CALCULATIONS

LIVING AREA (AC)	EXISTING SQUARE FOOTAGE		1,054.00 S.F.
EXISTING A.C.	988.00 S.F.	PROPOSED SQUARE FOOTAGE	
PROPOSED A.C.	677.00 S.F.		1,923.00 S.F.
TOTAL A.C.	1,665.00 S.F.	TOTAL UNDER ROOF	1,923.00 S.F.
UNCONDITIONED AREA	LOT USAGE		
EXISTING COV. PORCH	66.00 S.F.	FOOTPRINT	1,923.00 S.F.
DETACHED ADDITION	192.00 S.F.	LOT SIZE	7,824.00 S.F.
		NON ROOF AREA	5,901.00 S.F.
	% OF LOT		24.5%



1 VICINITY MAP
C2.00 FOR REFERENCE ONLY



1 SITE PLAN
C2.00 1"=10"

SEAL

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

REVISIONS		
SYMBOL	DESCRIPTION	DATE

ADDRESS
7019 LOVETT AVE
DALLAS, TEXAS
75227

DATE
10/21/2021

DRAWN BY
ACRB

CHECKED BY
ER

DESCRIPTION
SINGLE FAMILY RESIDENCE
ONE STORY, ADDITION & REMODEL

SCALE
1"=10"

SHEET TITLE
SITE PLAN

SHEET #
C2.00

FILE NAME
C2.00_SITE_PLAN

212-009

7019 Lovett Ave

Year Building: 1940

Zoning R7.5 (A)

1. Zoning R-7.5 (A) SFD, requires a lot to be a minimum of 7,500 square feet, my lot is 7,824 square feet.
2. Average structure size is 1,438 sq, my structure is only 971 sq
3. Average lot size is 11,839 square feet, my lot is only 7.824 sq
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*7018 Lovett	12,671sq	1,504sq
*7023 Lovett	7,738sq	1,022sq
*7026 Lovett	12,922sq	1640sq

FILE NUMBER: BDA212-016(JM)

BUILDING OFFICIAL'S REPORT: Application of Clark Depue for a special exception to the parking regulations at 119 Pittsburg Street. This property is more fully described as Lots 17 and 18, Block 9/6839, and is zoned Subdistrict 1A within Planned Development District No. 621, which requires parking to be provided. The applicant proposes to maintain a nonresidential structure for an office use, and a personal service use, and provide 19 of the required 38 parking spaces, which will require a 19-space special exception (50 percent reduction) to the parking regulations.

LOCATION: 119 Pittsburg Street

APPLICANT: Clark Depue

REQUEST:

A request for a special exception to the off-street parking regulations of 19 spaces is made to operate a 2,646-square-foot office and an 8,604-square-foot personal service use (gym) and provide 19 off-street parking spaces (or 50 percent) of the 38 required off-street parking spaces for the proposed uses.

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

Sec.51P-621.110(D) Special exception. The board of adjustment may grant a special exception of **up to 50 percent** of the required off-street parking upon the findings and considerations listed in Section 51A-4.311. The board of adjustment may impose conditions on the special exception.

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:

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.

The applicant submitted a parking analysis with the application materials which shows the existing parking demand along with vacant suites assigned typical uses. Overall, the analysis identifies that the combination of uses proposed for development requires 362 parking spaces netted from the parking requirement with time-of-day factors table. The request for the special exception of 53 spaces (15 percent) of the remaining 362 parking spaces will require that only 309 spaces are provided on-site.

To assist the board in its decision-making, the Transportation Development Services Senior Engineer reviewed the area of request and information provided by the applicant. A comment sheet (**Attachment A**) submitted in review of the request states, "Recommends no objection."

- The special exception of 19 spaces shall automatically and immediately terminate if and when an office use and a personal service use is changed or discontinued.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	Subdistrict 1A within PD No. 621
<u>East:</u>	Subdistrict 1A within PD No. 621
<u>South:</u>	Subdistrict 1A within PD No. 621
<u>West:</u>	Subdistrict 1A within PD No. 621
<u>North:</u>	Subdistrict 1A within PD No. 621

Land Use:

Surrounding uses include a variety of office/showroom warehouse uses in all directions.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

The subject site is developed with a free-standing one-story, office/showroom warehouse use consisting of 11,250 square feet constructed in 1949 per DCAD records. The purpose of this request for a special exception to the off-street parking regulations of 19 spaces is made to operate a 2,646-square-foot office and an 8,604-square-foot personal service use (gym) and provide 19 off-street parking spaces (or 50 percent) of the 38 required off-street parking spaces for the proposed uses.

The property is zoned Subdistrict 1A within Planned Development District No. 621 which requires the following off-street parking to be provided:

- one space for each 358 square feet of floor area for an office use.
- One space per 225 square feet of floor area for a personal service use.

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

The parking demand generated by the office and personal service uses on the site does not warrant the number of off-street parking spaces required, and

The special exception of 19 spaces (or a 50-percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.

The applicant submitted a breakdown of the operations proposed with the application materials (**Attachment A**). In this document, the applicant asserts the facility offers small group fitness classes of about seven members at a time. The hours of operation for the proposed uses are primarily from 5:00 am to 7:00 am, noon, and 4:30 pm to 8:30 pm on weekdays and 9:00 am to 11:30 am on Saturdays, before the normal business hours of the adjacent businesses.

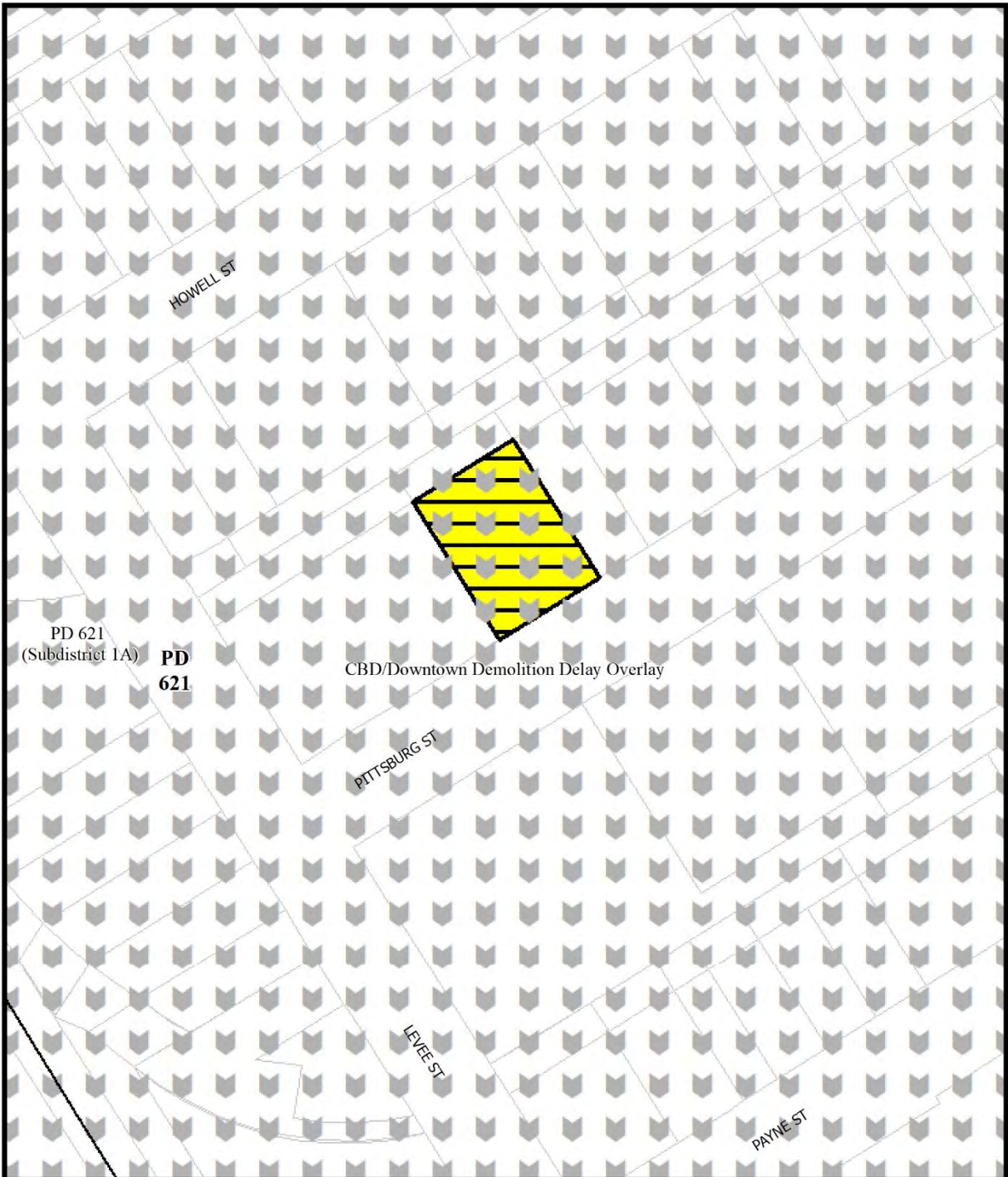
This document also states the expected parking demand based on the operations goes from five to 10 spaces up to 20 spaces at the peak.

The Transportation Development Services Senior Engineer has no objection to the request (**Attachment B**).

If the board were to grant this request a condition may be imposed that the special exception of 19 spaces shall automatically and immediately terminate if and when the office and personal service uses are changed or discontinued.

Timeline:

- Dec. 12, 2021: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report. Evidence was included with the application materials, labeled **Attachment A**.
- January 6, 2022: The Board of Adjustment Chief Planner randomly assigned this case to Board of Adjustment Panel A.
- January 10, 2022: The Board of Adjustment Chief 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 deadline to submit additional evidence for staff to factor into their analysis; and the 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;
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- January 27, 2022: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February public hearing. The review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Development Code Specialist, the Transportation Senior Engineer, the Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.
- January 27, 2022: The Sustainable Development and Construction Senior Engineer submitted a review comment sheet marked “no objection” (**Attachment B**).



1:1,200

ZONING MAP

Case no: BDA212-016

Date: 1/5/2022



1:1,200

AERIAL MAP

Case no: BDA212-016

Date: 1/5/2022



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
20 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA212-016**

Date: **1/5/2022**

01/04/2022

Notification List of Property Owners

BDA212-016

20 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	119 PITTSBURG ST	GRANT JO SUE
2	134 PITTSBURG ST	AZIMI ENTERPRISES
3	137 PITTSBURG ST	PITTSBURGH ST ASSOC LP
4	127 PITTSBURG ST	DALHEIM EDWARD W & PATRICIA P
5	107 PITTSBURG ST	SAFFAIRE INVESTMENTS INC
6	100 HOWELL ST	HYDRAULIC SRV & SUPPLY CO
7	106 HOWELL ST	Taxpayer at
8	110 HOWELL ST	LM HOWELL LLC
9	122 HOWELL ST	SCHOOLER KELLOGG & CO
10	142 HOWELL ST	HOWELL STREET PPTY LLC
11	1020 LEVEE ST	1020 EAST LEVEE STREET LLC
12	122 PITTSBURG ST	COLE RICHARD N
13	130 HOWELL ST	BRYAN HOWELL ENTERPRISES
14	134 HOWELL ST	BRYAN HOWELL PROP LLC
15	1100 N RIVERFRONT BLVD	IPENEMA INVESTMENTS LTF
16	100 HOWELL ST	HYDRAULIC SERVICE &
17	127 PITTSBURG ST	DALHEIM EDWARD W & PATRICIA P
18	119 PITTSBURG ST	MALCOLM JOSUE GRANT
19	1103 LEVEE ST	Taxpayer at
20	1110 N RIVERFRONT BLVD	SCHOOLER KELLOGG & COMPANY



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212-014

Data Relative to Subject Property:

Date: 11/02/2021 12-10-21 COB

Location address: 119 Pittsburg Street Zoning District: PD 621 Subdistrict 1A

Lot No.: 17 & 18 Block No.: 9/6839 Acreage: Census Tract: 100.00

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Jo Sue Grant Malcolm

Applicant: Clark Depue Telephone:

Mailing Address: 720 Lake Carolyn Pkwy #229W, Irving, TX 75039 Zip Code: 214-690-8900

E-mail Address: chdepue@gmail.com

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance, or Special Exception X, of a 50% reduction in parking 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:

Our type of use isn't accurately represented by the parking requirements. We are considered a microgym, and we run small group fitness classes in an open warehouse style space. We average 7 members per class, 1 class per hour. Our primary classes are 5am to 7am and 5:30pm to 8:30pm, before and after normal business hours and other businesses on the street. During normal business hours, we only have a noon class and a 4:30 class that park around 10 or less on average.

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.

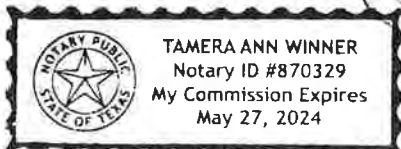
Affidavit

Before me the undersigned on this day personally appeared Clark Depue (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 8th day of December, 2021



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

(Rev. 08-01-11)

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 CLARK DEPUE

did submit a request for a special exception to the parking regulations
at 119 Pittsburg Street

BDA212-016. Application of CLARK DEPUE for a special exception to the parking regulations at 119 PITTSBURG ST. This property is more fully described as Lots 17 & 18, Block 9/6839, and is zoned PD-621 (Subdistrict 1A), which requires parking to be provided. The applicant proposes to maintain a nonresidential structure for a office use, and personal service use, and provide 19 of the required 38 parking spaces, which will require a 19 space special exception (50% reduction) to the parking regulation.

Sincerely,


David Session, Building Official





AFFIDAVIT

Appeal number: BDA 212-014

I, Jo Sue Grant Malcolm / POA Carl Malcolm, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 119 Pittsburg Street, Dallas, TX 75207
(Address of property as stated on application)

Authorize: Clark Depue
(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 50% reduction in parking requirements



Carl Malcolm
Print name of property owner or registered agent

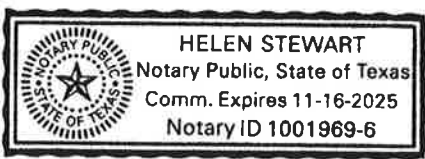
[Signature]
Signature of property owner or registered agent

Date 12-03-2021

Before me, the undersigned, on this day personally appeared Carl Malcolm

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 3 day of December, 2021



Helen Stewart
Notary Public for Dallas County, Texas
Commission expires on 11-16-2025

BDA212-016_ATTACHMENT_A

Tiger's Den CrossFit
119 Pittsburg Street
PD 621

Parking Analysis

2,646 Square Feet Office Use - 7 Required Parking Spaces

8,604 Square Feet Personal Services Use - 31 Required Parking Spaces

38 Total Required Parking Spaces

Parking Provided:

- 19 Special Exception
- 10 Existing provided on-site
- 10 New Rear Parking spaces provided upon city approval. If unable to obtain approval, then 9 spaces are to be provided by Remote Parking Agreement with 122 Pittsburg Street. The signed agreement can be provided upon request.

Tiger's Den CrossFit and Pittsburg Street Traffic

Tiger's Den CrossFit is a small group fitness center that hosts small group classes in a larger warehouse space. Our average class size is currently and has historically been around 7 members per class with one coach/staff member. We host only one class in each one-hour time slot, 7 classes a day on weekdays (5am/6am, Noon, 4:30/5:30/6:30, and 7:30pm), and 2 classes on Saturdays (9am and 10:30am). We are considered a microgym in the fitness industry.

Our primary hours of operation are from 5am to 7am and 4:30pm to 8:30pm on weekdays, and 9am to 11:30am on Saturdays, before and after normal business hours and the hours of neighboring businesses.

Monday through Friday:

From 5am to 6am, we park between 5 to 10 cars.

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From 1pm to 4:30pm, we park between 0 to 3 cars.

From 4:30pm to 5:30pm, we park between 5 to 12 cars.

From 5:30pm to 6:30pm, we park between 15 to 20 cars.

From 6:30pm to 7:30pm, we park between 15 to 20 cars.

From 7:30pm to 8:30pm, we park between 10 to 15 cars.

Saturday

From 8am to 9am, we park 0 to 5 cars.

From 9am to 10am, we park 15 to 20 cars.

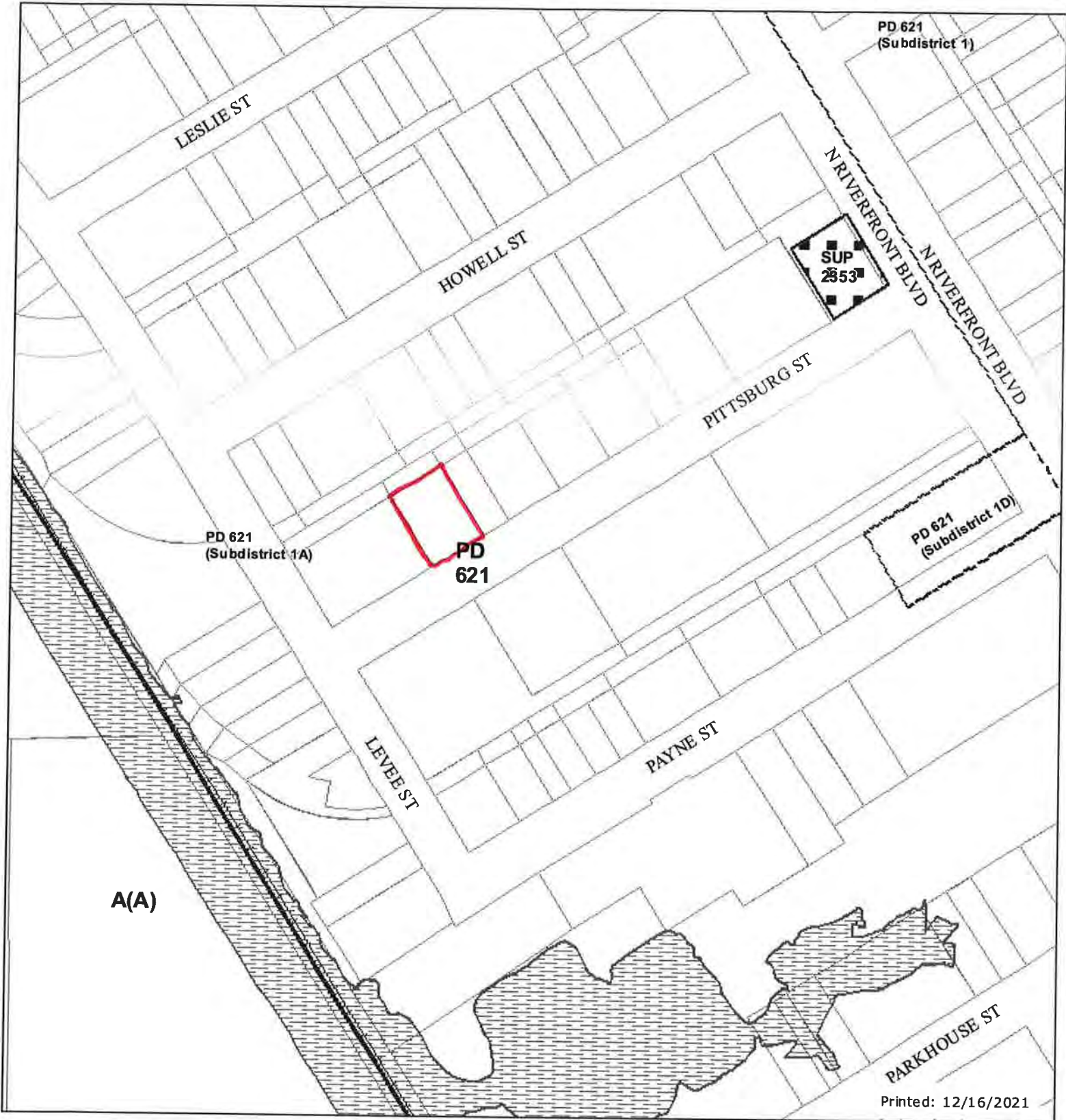
From 10am to 11:30am, we park 10 to 15 cars.

Closed remainder of Saturday

Closed Sunday

*Detailed attendance records can be provided by request.

Tiger's Den CrossFit hours and traffic do not interfere with the hours and traffic of our neighboring businesses. The street is primarily empty during our primary hours of operation in the early mornings and evenings, and there is empty parking up and down the entire street. The street and our immediate neighbors have very few cars ever parked before 8am and after 4:30pm, nor on Saturdays. Between the hours of 8am to 4:30pm, there are still many open spaces on the street.



PD 621
(Subdistrict 1)

SUP
2553

PD 621
(Subdistrict 1A)

PD
621

PD 621
(Subdistrict 1D)

A(A)

Printed: 12/16/2021

Legend

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

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





6833

100

6838/8

LOT 45

39
40

100

IND. LEAD TRACTS 1900.1-1.7

1000

PITTSBURG

IND. LEAD TRACTS 1902.1-2.6

0.516 AC.

ST. 75

100

0.4232 AC.

0.1713 AC.

0.1718 AC.

6840/10

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0.1713 AC.

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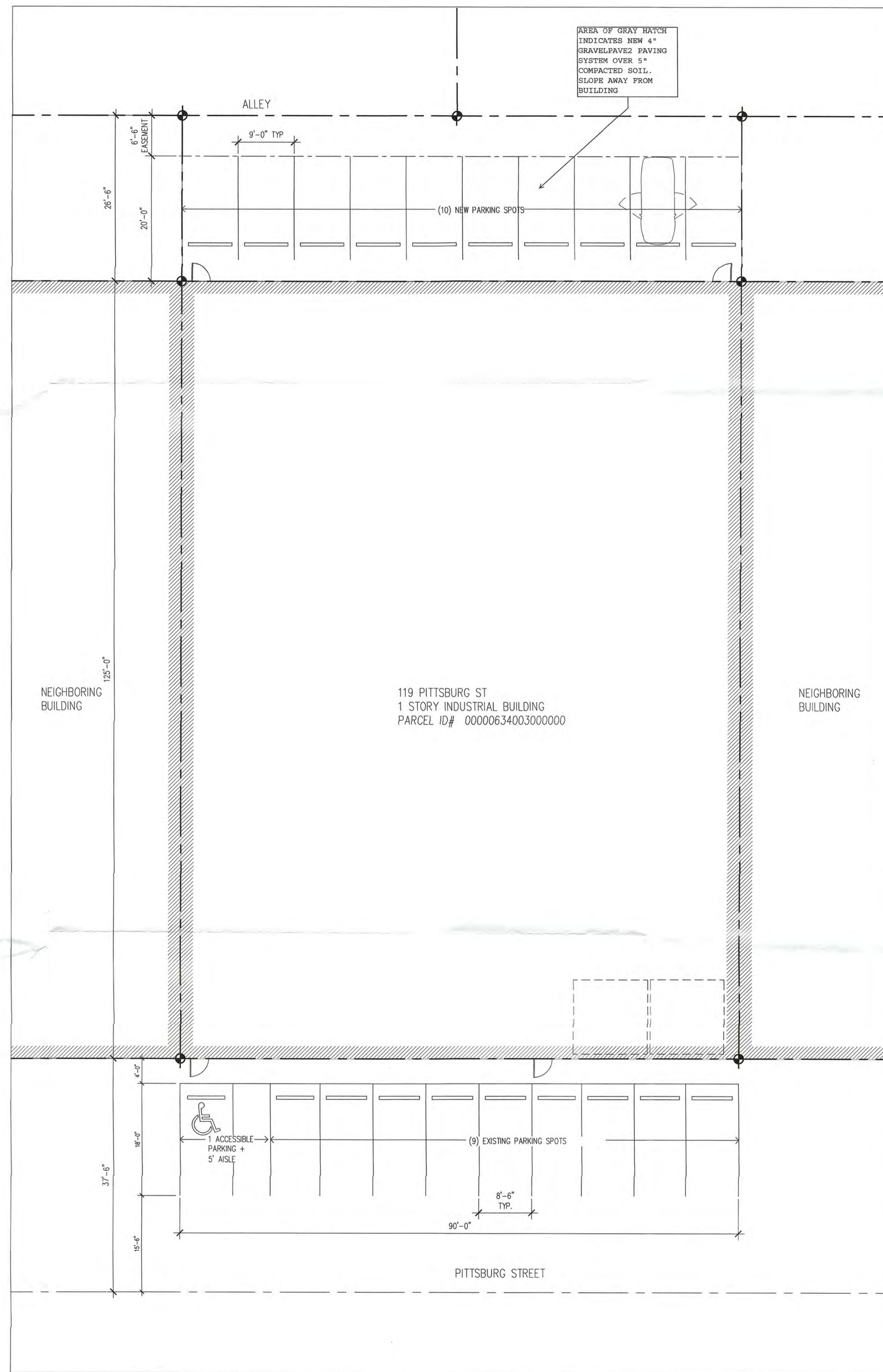
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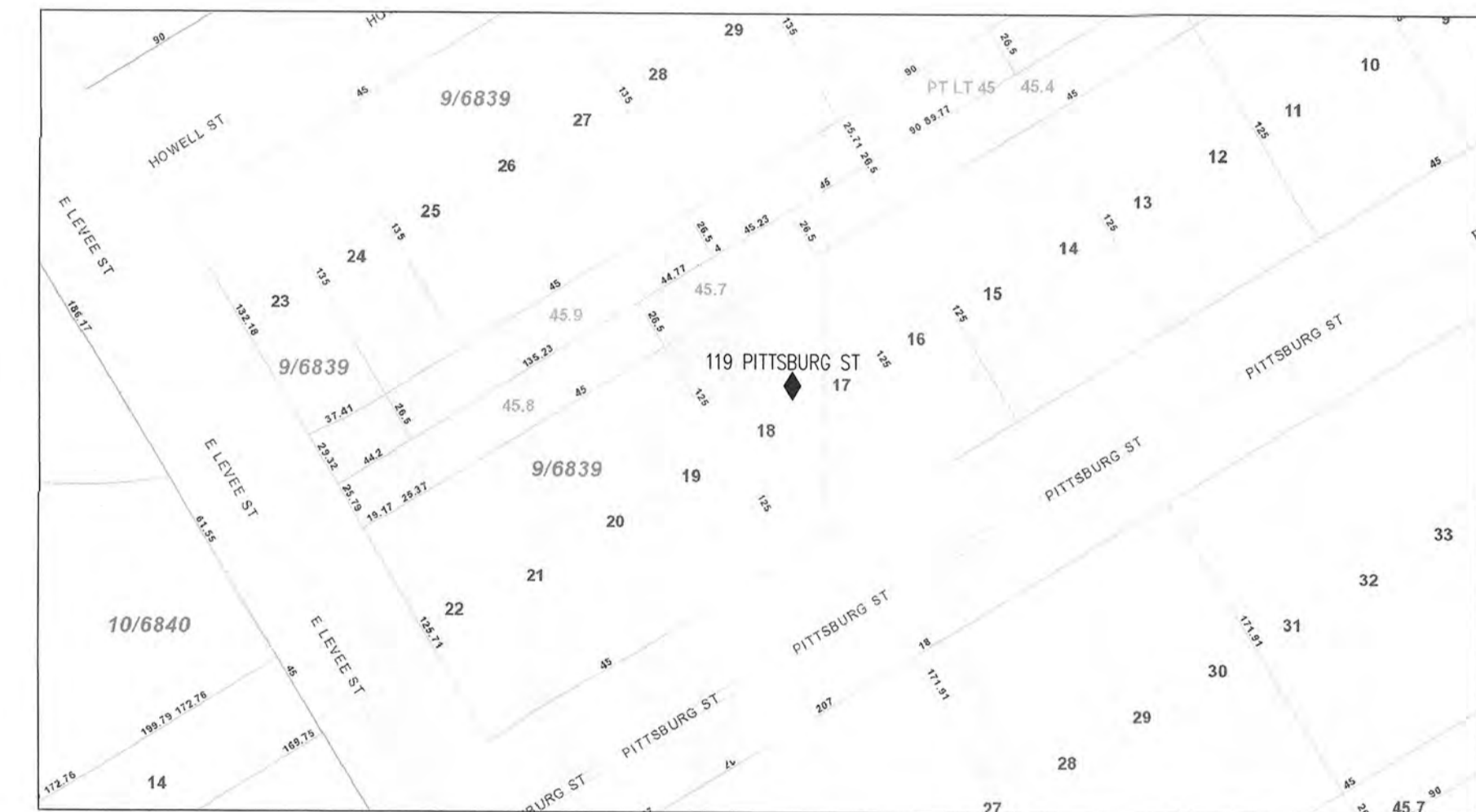
0.1718 AC.

0.1718 AC.

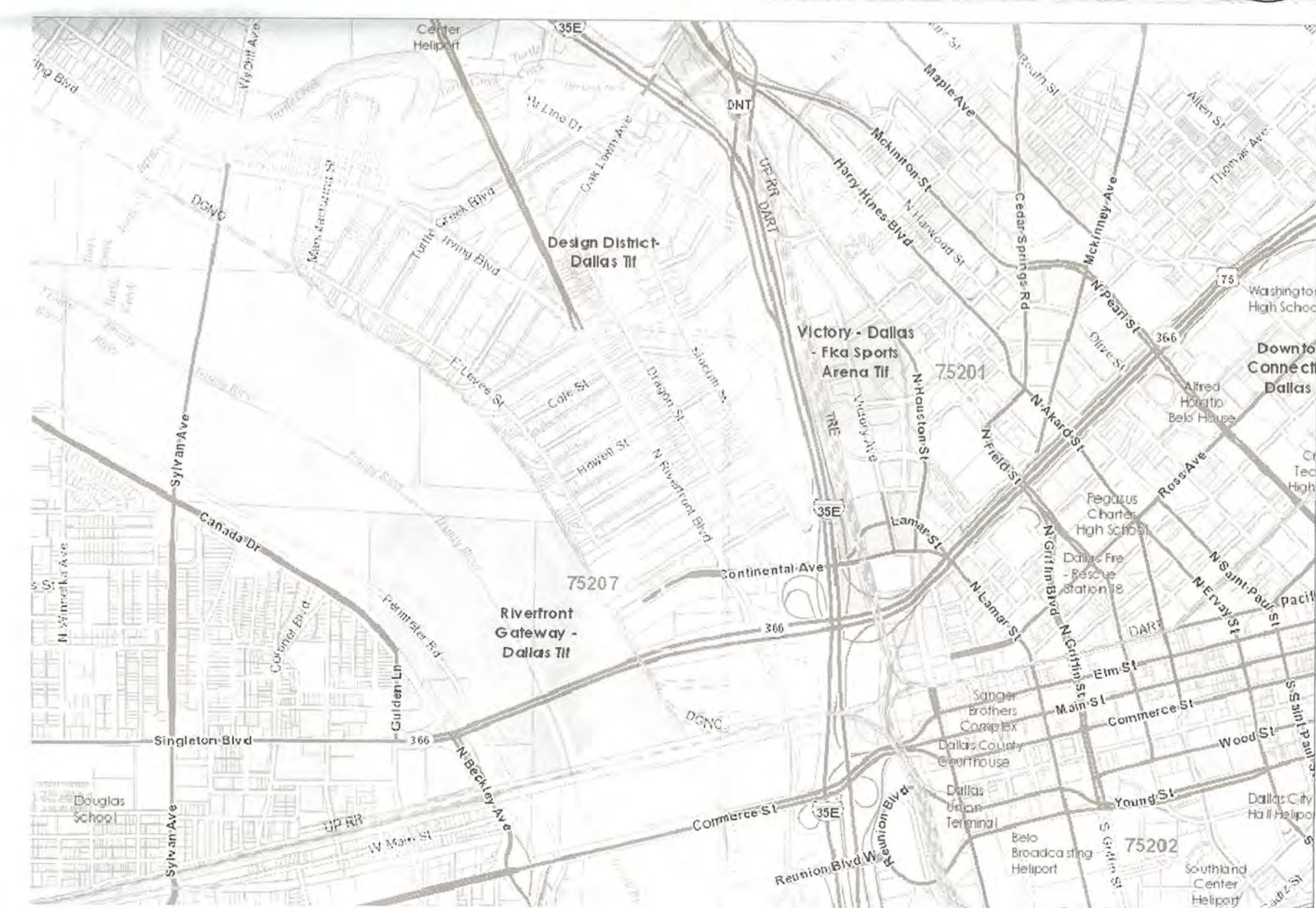


3 SITEPLAN
3/32"=1'

PROJECT DATA:	
PROJECT DESCRIPTION: NEW MENS AND WOMENS RESTROOMS AT FITNESS FACILITY	
PROJECT ADDRESS: 119 PITTSBURG ST. DALLAS, TX 75207	
LEGAL DESCRIPTION: 1. TRINITY INDUSTRIAL DIST 2. BLK 9/6839 LTS 17 & 18	
PARCEL #: 00000634003000000	
PROJECT CONTACTS:	
CONTRACTOR: MARCIO PHILLIPS DALLAS, TX phillipsco@gmail.com 405.819.5518	
GENERAL NOTES:	
<ol style="list-style-type: none"> DO NOT SCALE DIMENSIONS FROM DRAWINGS. USE CALCULATED DIMENSIONS ONLY. ALL DIMENSIONS ARE TO FACE OF FINISH AND CONCRETE WALLS UNLESS NOTED OTHERWISE. CONTRACTOR SHALL VERIFY ALL CONDITIONS PRIOR TO INITIATING THE WORK. NOTIFY THE ARCHITECT OF ANY DISCREPANCIES. VERIFY ALL ROUGH-IN DIMENSIONS FOR EQUIPMENT. PROVIDE ALL BUCK-OUT, BLOCKING, BACKING, AND JACKS REQUIRED FOR INSTALLATION. VERIFY LOCATION OF ALL EXISTING UTILITIES AND SLEEVING. CAP, MARK, AND PROTECT AS NECESSARY TO COMPLETE THE WORK. ALL WOOD IN CONTACT WITH CONCRETE IS PRESSURE TREATED. SERVICE WATER PIPES IN UNHEATED SPACES TO BE INSULATED. ALL INSULATION MATERIALS SHALL HAVE FLAME-SPREAD RATING NOT TO EXCEED 25 AND A SMOKE-DEVELOPED RATING NOT TO EXCEED 450, PER ASTM E 84. ALL EGRESS DOORS TO BE EQUIPPED WITH PANIC HARDWARE. 	
SHEET INDEX:	
A-101	SITE PLAN - PROJECT INFO
A-102	ANSI ICC A117.1-2009 CODE NOTES
A-103	ANSI ICC A117.1-2009 CODE NOTES
A-111	DEMO PLAN - FLOOR PLAN



2 SITE MAP
N.T.S.



1 VICINITY MAP
N.T.S.

CONTACT
MARCIO PHILLIPS
405.819.5518
phillipsco@gmail.com

PROJECT
TIGER'S DEN
119 PITTSBURG STREET
DALLAS, TX 75207

ISSUE	DATE
PERMIT DRAWINGS	05.11.2020
PERMIT REVISIONS 1.0	08.11.2020
PERMIT REVISIONS 2.0	10.27.2020

DRAWING TITLE
**SITE PLAN -
PROJECT INFO**

SHEET NO.

A-101

BDA212-016_ATTACHMENT_A

Tiger's Den CrossFit
119 Pittsburg Street
PD 621

Parking Analysis

2,646 Square Feet Office Use - 7 Required Parking Spaces

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BDA212-016_ATTACHMENT_B

REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING OF FEBRUARY 23, 2022 (B)

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 212-007(JM)

BDA 212-009(PD)

BDA 212-014 (PD)

BDA 201-016 (JM)

COMMENTS:

David Nevarez, PE, PTOE, DEV - Engineering

Name/Title/Department

1/27/2022

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.

Panel B

02-23-22

BOA212-016

119 Pittsburg Street

(Support Reference)

Munoz, Jennifer

From: chdepue <[REDACTED]>
Sent: Monday, January 31, 2022 1:41 PM
To: Munoz, Jennifer; Jackson, Latonia
Subject: Re: BDA212-016 at 119 Pittsburg St.; SE to Parking Demand for Multiple Uses
Attachments: McLaughlingLetterofSupport119PittsburgBDA212-016.pdf;
DalheimLetterofSupport119PittsburgBDA212-016.pdf; Texas Electrical support letter-119
PittsburgBDA212-016.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

External Email!

Hi Jennifer and LaTonia,

Attached are our letters of support so far from 3 of our most immediate neighbors. I wanted to get these in as soon as possible while I continue to gather more. Please let me know if there's anything else I need to do.

Thank you, sincerely,

-Clark

Clark Depue
Tiger's Den CrossFit
119 Pittsburg Street
214-690-8900

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

On Jan 26, 2022, at 6:08 PM, Munoz, Jennifer <jennifer.munoz@dallascityhall.com> wrote:

Mr. Depue,

Please note that the meeting is hybrid. You will have the option to join us remotely, or by visiting City Hall at 1500 Marilla Street. We will post the meeting location and online access information shortly on our [webpage](#). If you come to City Hall for the public hearing, you can enter through the main visitor's entrance through security. All other entrances require 24 hour security clearance and an appointment.

Sincerely,

<image001.png>

Jennifer Muñoz

Chief Planner/Board Administrator
Planning Manager (Interim)

City of Dallas | www.dallascityhall.com

Planning and Urban Design

1500 Marilla Street, 5BN

Dallas, TX 75201

O: 214-670-4208

Working Remotely, please call:

Google Voice: 972-926-3691

jennifer.munoz@dallascityhall.com

<image002.png> <image003.png> <image004.png>

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

How am I doing? Please contact my supervisor at andreea.udrea@dallascityhall.com.

From: chdepue [REDACTED]

Sent: Tuesday, January 25, 2022 2:43 PM

To: Munoz, Jennifer <jennifer.munoz@dallascityhall.com>

Subject: Re: BDA212-016 at 119 Pittsburg St.; SE to Parking Demand for Multiple Uses

External Email!

Hi Jennifer!

I was able to speak with David Nevarez and got the green light that he has what he needs from us.

I'm planning on being at the briefing and hearing in person. Is there anything I need to do to get on the visitors list? Is it down at City Hall?

I'm also working on collecting letters of support from our neighbors and other supporters and wanted to clarify the deadline for those would be Feb 9th?

Thank you sincerely,

-Clark

Clark Depue
Tiger's Den CrossFit
119 Pittsburg Street
214-690-8900 cell

On Jan 4, 2022, at 6:51 AM, Munoz, Jennifer <jennifer.munoz@dallascityhall.com> wrote:

Hello,

I will be managing your application to the Board of Adjustment. You have been assigned to **Panel B on February 23, 2022**. Attached is information regarding your Board of Adjustment application referenced above including:

1. The submitted application materials - all materials will be emailed to you, city staff, and Board members in the docket report, a week prior to your tentatively scheduled Board of Adjustment public hearing date;
2. The provision from the Dallas Development Code allowing the board to grant a special exception to the off-street parking regulations (51A-4.311(a)); and,
3. The Board rules pertaining to documentary evidence.

Please note the following deadlines for providing revisions cannot be changed or altered and therefore, you are encouraged to provide revisions before the last minute to allow staff an opportunity to review and comment before the deadline passes.

- Hearing date/time: tentatively scheduled for **briefing at 11:00 am** and the public hearing (**where you speak**) **at 1:00 p.m., on February 23, 2022**. **Staff strongly encourages you to attend the hearing to respond to any questions by the Board and provide any pertinent information.**
- Deadline to submit information **for staff recommendation: 1:00 p.m., January 26, 2022.**
- Deadline to submit documentary evidence (all evidence presented to make your case) for the Board's docket: **1:00 p.m., February 9, 2022.**

Please carefully review the attached application materials to ensure completeness. Specifically, review the Building Official's Report located on the second page of the application. Please contact Charles Trammell via phone at 214-948-4618 or via email at charles.trammell@dallascityhall.com **no later than 1:00 pm on January 26, 2022** with regard to any information you feel is missing from your submittal or with regard to any amendment(s) necessary to address your concerns. Note: the discovery of **any** additional appeal needed beyond your request stated in the application will result in postponement of the appeal until the Panel's next regularly scheduled public hearing date.

Please be advised that you may want to contact David Nevarez, City of Dallas Sustainable Development Department Senior Engineer at 214-671-5115 or david.nevarez@dallascityhall.com to determine if there is any additional information that he may need from you in making a favorable recommendation to the board on your parking request.

Currently, we are hosting all Board of Adjustment meetings virtually. You can read more about the Board of Adjustment, see past agendas, processes, and your case information posted one week prior to the hearing date on our [webpage](#). It's important to note that recent changes to state law regarding the reinstatement of the Texas Open Meeting Act, which has the following effect on our meeting proceedings:

- **We will host the meeting both virtually and in-person at City Hall, 1500 Marilla St. with the specific location within the building subject to availability.**

- **All those who elect to join virtually must have video capabilities and shall show themselves while addressing the board and public.**
- **At this time, you are only required to register by deadline to speak if you elect to join the meeting virtually.**

Should there be information you choose to submit to the Board in addition to what is included in the above attached application, please provide them by the aforementioned deadlines and any contact method listed within my signature below (email is preferred).

I look forward to facilitating your request.

Sincerely,

<image001.png>

Jennifer Muñoz

Chief Planner/Board Administrator

City of Dallas | www.dallascityhall.com

Planning and Urban Design

1500 Marilla Street, 5BN

Dallas, TX 75201

O: 214-670-4208

Working Remotely, please call:

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jennifer.munoz@dallascityhall.com

<image002.png> <image003.png> <image004.png>

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

How am I doing? Please contact my supervisor at andreea.udrea@dallascityhall.com.

<BDA212-016_application_materials.pdf><Rules of Procedure--Documentary

Evidence.pdf><51A-4.311 Off-street parking reduction SE.pdf>

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

J. Patrick McLaughlin, P.C.

135 Pittsburg Street
Suite D
Dallas, Texas 75207

ATTORNEY AT LAW
Telephone: (214) 923-5649

INTERNET: [REDACTED]

January 25, 2022

Dallas Board of Adjustment

Re: Dallas Board of Adjustment Appeal Numbered BDA212-016 at 119 Pittsburg Street for Tiger's Den CrossFit


Mr. Sir or Madam;

I am the Administrative Member of Pittsburg Street General Partner, LLC, General Partner in Pittsburg Street Associates, L.P. which owns the properties at 135 and 137 Pittsburg Street. As a result, I am in charge of the operations of the limited partnership.

I'm writing to express my support for Tiger's Den CrossFit's (Crossfit) appeal in the above referenced matter requesting a reduction in the number of parking spaces required for him to satisfy the City of Dallas parking requirements. There have been no parking conflicts between my tenants and Crossfit's clients; indeed, our onsite parking lot has yet to be three quarters full on a good day. I rarely see even the on-street parking fully occupied in front of our property; possibly because the Crossfit exercise sessions are spread out over the day and often do not occur during regular business hours.

We therefore support Crossfit's appeal.

Pittsburg Street Associates, L.P.



J. Patrick McLaughlin

As Administrative Member of the GP

Sincerely,

J. Patrick McLaughlin

JPM:pm
attachments



January 28, 2022

Dallas Board of Adjustment
1500 Marilla St
Dallas, TX 75201

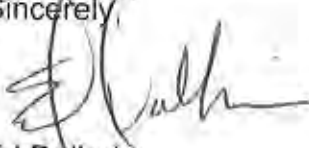
Re: appeal number BDA212-016
Tiger's Den CrossFit
119 Pittsburg Street

Dear Board Members:

I own the property next door to Tiger's Den at 127 Pittsburg St. I would like to state my support for a reduction in Tiger's Den's parking requirements. Employees and visitors to Tiger's Den have been great neighbors and have had little impact on the operation of our small marketing firm. There are usually only a handful of cars at a time and their parking space use is usually before and after regular business hours and they are always gone by early evening.

Tiger's Den's owner, Clark Depue, his staff, and members have always been friendly, courteous, and cooperative with us. We hope Tiger's Den can resolve any parking issues with the city and remain our neighbor for a long time.

Please don't hesitate to contact me with any questions.

Sincerely,


Ed Dalheim
Owner
127 Pittsburg St
Dallas, TX 75207
[REDACTED]
817-875-8381



Mr. Clark Depue
Tiger's Den CrossFit
119 Pittsburg Street
Dallas, TX 75207

Reference: Letter of Support - Parking space issue

Attention: **Dallas Board of Adjustments**

Texas Electrical is our neighbor across the street from Tiger's Den Cross Fit at 119 Pittsburg Street.

We are enthusiastically in support of the Board of Adjustment Appeal BDA212-016 at 119 Pittsburg Street for a reduction in parking. We are in favor of a 50% reduction in the parking requirements.

Please feel free to call or e-mail me if you have any questions.

Thank you,

Dale T. Vick
President/Partner
(972) 333-4940 cell
[REDACTED]