

NOTICE FOR POSTING

MEETING OF

BOARD OF ADJUSTMENT, PANEL B

WEDNESDAY, SEPTEMBER 22, 2021

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 Sustainable Development and Construction Department at 214-670-4209 **by the close of business Tuesday, September 21, 2021. 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](https://www.youtube.com/CityofDallasCityHall) and the WebEx link: <https://bit.ly/BDA092221>

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, SEPTEMBER 22, 2021
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 August 18, 2021 Board of Adjustment
Panel B Public Hearing Minutes M1

Changes to State Law relating to Variances -
discussion of the implementation of HB 1475 M2

UNCONTESTED CASE(S)

BDA201-076(PD)	7529 Royal Place REQUEST: Application of Vincent Hunter for a special exception to the single-family regulations	1
BDA201-083(PD)	4727 Kelsey Road REQUEST: Application of Rob Baldwin for a special exception to the fence height regulations	2
BDA201-086(PD)	9819 Elmcrest Drive REQUEST: Application of Grant Smith for a variance to the front yard setback regulations, a special exception to the fence height regulations, and for a special exception to the fence standards regulations	3

REGULAR CASE(S)

BDA201-085(PD)	732 Kessler Lake Drive REQUEST: Application of Kristin Perkins for a variance to the side yard setback regulations, a variance to the floor area ratio regulations, and a special exception to the single-family regulations	4
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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: BDA201-076(PD)

BUILDING OFFICIAL'S REPORT: Application of Vincent Hunter for a special exception to the single-family use regulations at 7529 Royal Place. The property is more fully described as Lot 18 in City Block 1/7287 and is zoned an R-16(A) Single Family District, which limits the number of dwelling units to one. The applicant proposes to construct and maintain an additional dwelling non-rental unit, which will require a special exception to the single-family zoning use regulations.

LOCATION: 7529 Royal Place

APPLICANT: Vincent Hunter

REQUESTS:

The proposed request for a special exception to the single-family use regulations is made to construct and maintain a one-story additional dwelling unit structure on a site developed with a one-story single-family use.

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

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

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

STAFF RECOMMENDATION:

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

Zoning:

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

Land Use:

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

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

1. **BDA201-048:** An application for a variance to the rear yard setback regulations, and for a variance to the side yard setback regulations at 7515 Lavendale Avenue was granted by the Board of Adjustment, Panel A on August 17, 2021.
2. **BDA178-037:** An application for special exceptions to the fence standards regulations at 10811 Stone Canyon Road to construct and maintain an eight-foot-high solid board-on-board wood fence in a required front yard and to have a fence panel having less than 50 percent open surface area was granted by the Board of Adjustments, Panel B on August 18, 2018.
3. **BDA167-117:** An application for special exceptions to the fence standards at 10802 Dove Brook Circle to construct and maintain an 8 foot high fence in a required front yard, which required a four foot special exception to the fence standards and to construct and maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than five feet from the front lot line was granted by the Board of Adjustments, Panel B on November 15, 2017.

GENERAL FACTS/STAFF ANALYSIS:

This request for a special exception to the single-family use regulations focuses on constructing and maintaining a one-story additional dwelling unit on a site developed with an existing one-story main single-family dwelling unit.

The site is zoned an R-16(A) Single Family District where the Dallas Development Code permits only one dwelling unit per lot.

The single-family use regulations of the Dallas Development Code states that the board of adjustment may grant a special exception to this provision and authorize an

additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: 1) be use as a rental accommodations; or 2) adversely affect neighboring properties.

The Dallas Development Code defines:

- a “single family” use as “one dwelling unit located on a lot;” and a “dwelling unit” as “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
- a “kitchen” as “any room or area used for cooking or preparing food and containing one or more ovens, stoves, hot plates, or microwave ovens; one or more refrigerators; and one or more sinks. This definition does not include outdoor cooking facilities.”
- a “bathroom” as “any room used for personal hygiene and containing a shower or bathtub or containing a toilet and sink.”
- a “bedroom” as “any room in a dwelling unit other than a kitchen, dining room, living room, bathroom, or closet. Additional dining rooms and living rooms, and all dens, game rooms, sunrooms, and other similar rooms are considered bedrooms.”

The submitted site plan depicts two building footprints, the larger of the two is the existing single-family dwelling unit or main structure and the smaller of the two is the proposed one-story wood framed additional dwelling unit that consists of approximately 658 square feet.

This request centers on the function of what is proposed to be inside the smaller structure on the site – the proposed one-story wood framed dwelling unit, specifically its collection of rooms/features shown on the floor plan.

According to DCAD records, the “main improvement” for the property addressed at 7529 Royal Place is a structure built in 1964 with approximately 3,674 square feet of floor area with an “additional improvement,” of 540-square-feet for an attached garage.

According to the submitted site plan the main structure contains 3,674 square feet of total floor area and the proposed additional dwelling unit contains 658 square feet of total floor area.

The applicant has the burden of proof in establishing that the additional dwelling unit will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.

As of September 14, 2021, staff has received one letter in support and no letters in opposition.

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

On August 30, 2021, the applicant submitted a statement (**Attachment A**) noting how the proposed additional dwelling unit would be used as guest quarters and not used for rental accommodations. No further details were provided.

If the board were to approve this request, the board may choose to impose a condition that the applicant complies with the site plan if they feel it is necessary to ensure that the special exception will not adversely affect neighboring properties. But granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an additional dwelling unit on the site (i.e. development on the site must meet all required code requirements).

Timeline:

June 21, 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.

August 5, 2021: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel B.

August 16, 2021: The Board Administrator emailed the applicant the following information:

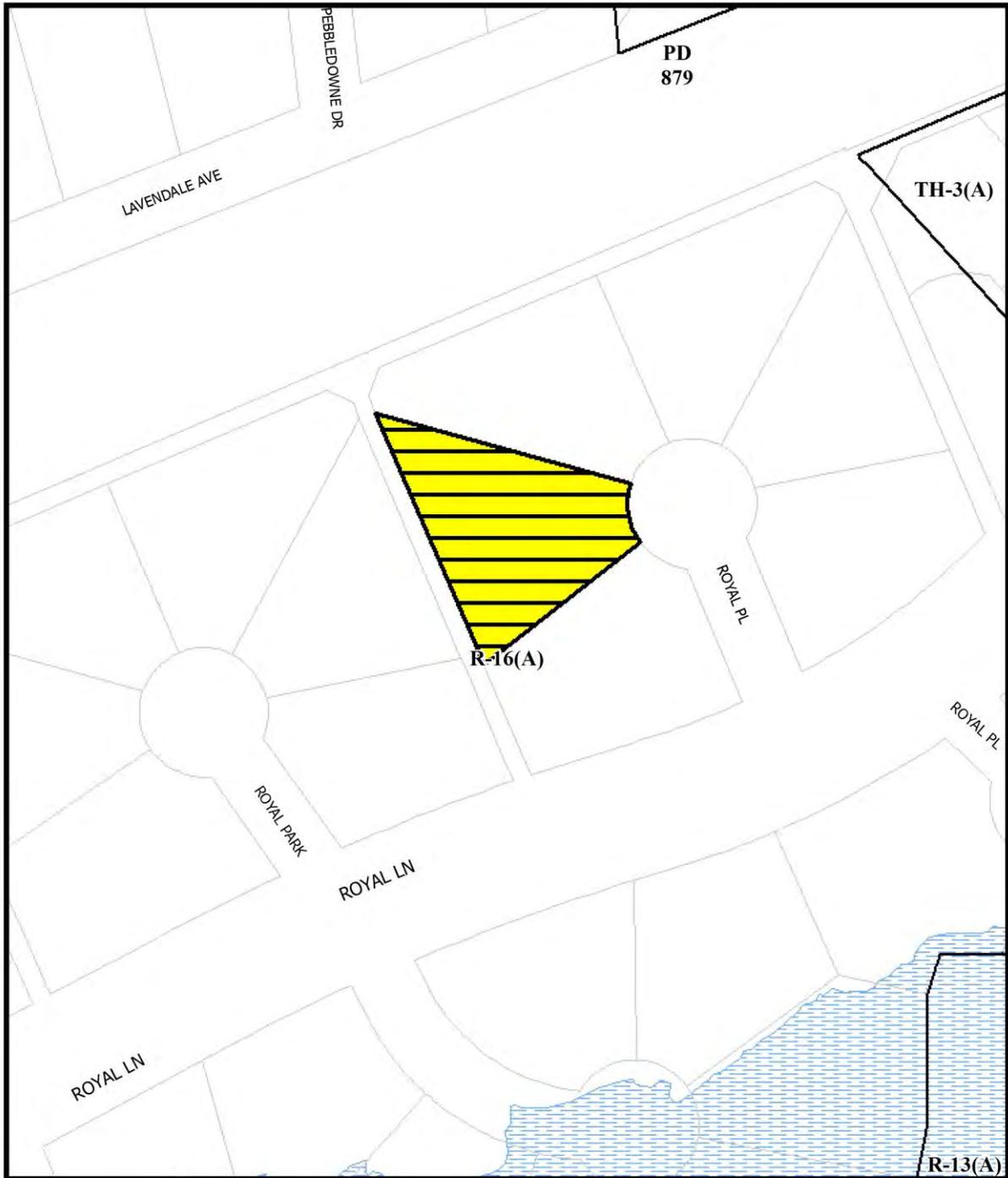
- a copy of the application materials including the Building Official’s report on the application.
- an attachment that provided the public hearing date and panel that will consider the application; the August 31st deadline to submit additional evidence for staff to factor into their analysis; and the September 10th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

August 30, 2021: The applicant submitted evidence to staff. (**Attachment A**)

September 3, 2021: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September 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 Building Inspection Chief Planner, the Interim Assistant Director of Current Planning, and the Assistant City Attorney to the board.

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

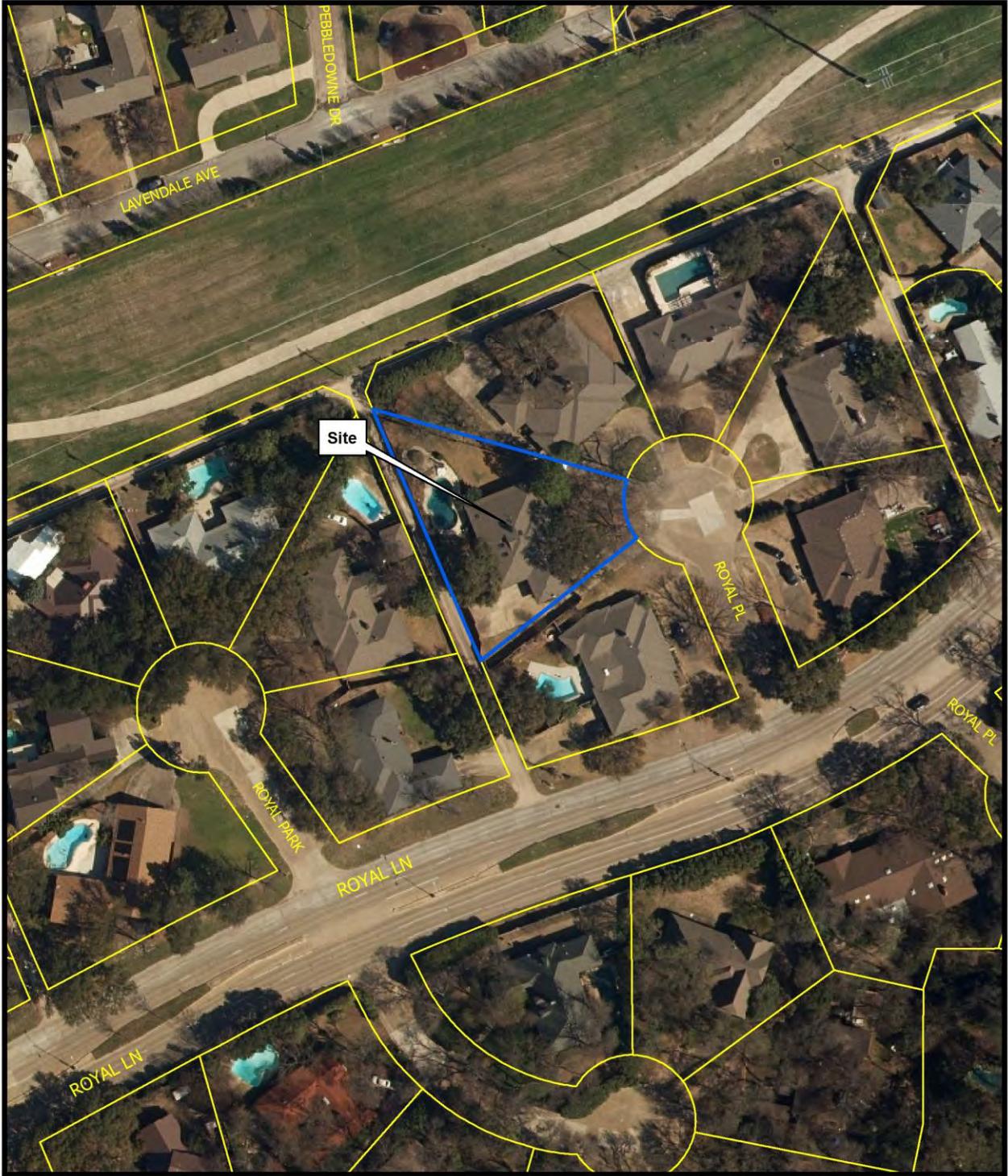


1:1,200

ZONING MAP

Case no: BDA201-076

Date: 8/18/2021

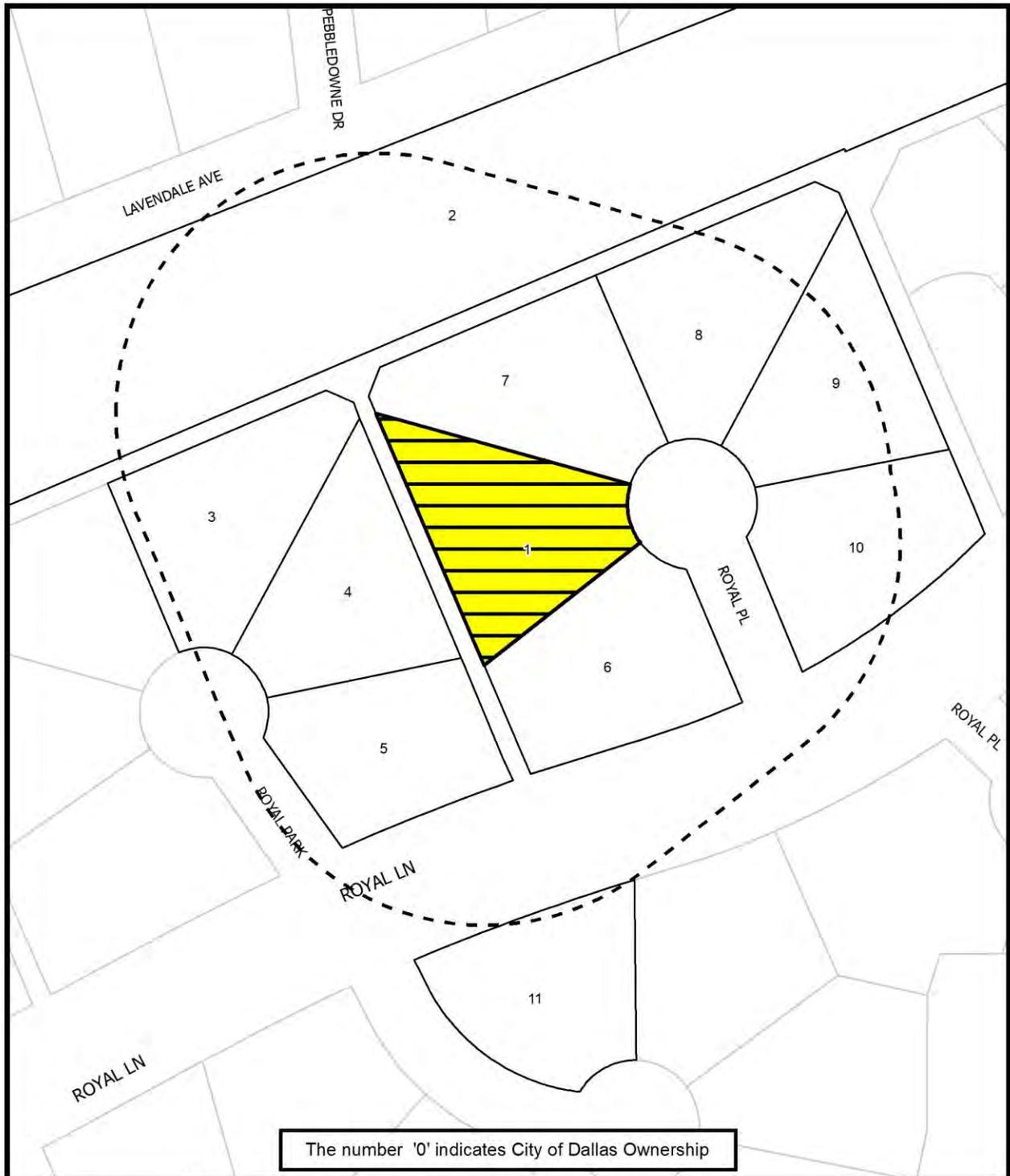


1:1,200

AERIAL MAP

Case no: BDA201-076

Date: 8/18/2021




 1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
11 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA201-076**
 Date: **8/18/2021**

08/13/2021

Notification List of Property Owners

BDA201-076

11 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7529 ROYAL PL	HUNTER VINCENT M &
2	10800 LAVENDALE AVE	ONCOR ELECRTCIC DELIVERY COMPANY
3	10816 ROYAL PARK	WERNER CLAUDIA L
4	10812 ROYAL PARK	SUMMERS CHARLES
5	10808 ROYAL PARK	LEVIN MARVIN L
6	7525 ROYAL PL	DEHGHANPOUR POUYA &
7	7533 ROYAL PL	SHAFFER STEPHANIE L
8	7537 ROYAL PL	DUONG DAVID
9	7541 ROYAL PL	AT HOME ELDERLY LIVING LLC
10	7547 ROYAL PL	AGUILAR JULIUS
11	10718 ROYAL PARK	ALLEN EDWARD P



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-076

Date: ~~6-15-21~~ 6-21-21

Data Relative to Subject Property:

Location address: 7529 Royal Place Zoning District: R-16(A)
Lot No.: 18 Block No.: 1/7287 of Royal Park Estates Acreage: 2.24 AC Census Tract: 131.01
45'-9"
Street Frontage (in Feet): 1) (Royal Pl.) 2) 210'-0"(alley) 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Vincent and Janet Hunter

Applicant: Vincent Hunter Telephone: 214-289-5098

Mailing Address: 7529 Royal Place Zip Code: 75230

E-mail Address: ~~vincentandjanet@yahoo.com~~ VincentMHunter@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 _____
an Accessory Dwelling Unit Non-Rent

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

To allow for safe on site residence for an aging widowed family member.

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

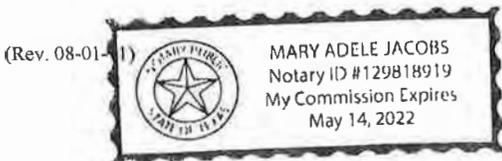
Before me the undersigned on this day personally appeared Vincent Hunter
(Affiant/Applicant's name printed)

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 15 day of June, 2021

Mary A. Jacobs
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

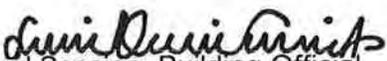
Building Official's Report

I hereby certify that Vincent Hunter

did submit a request for a special exception to the single family regulations
at 7529 Royal Place

BDA201-076. Application of Vincent Hunter for a special exception to the single family regulations at 7529 ROYAL PL. This property is more fully described as Lot 18, 1/7287, and is zoned R-16(A), which limits the number of dwelling units to one. The applicant proposes to construct an additional dwelling unit for non-rent, which will require a special exception to the single family zoning use regulations.

Sincerely,


David Session, Building Official



AFFIDAVIT

Appeal number: BDA 201-076

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

at: 7529 ROYAL PLACE DALLAS TX 75230
(Address of property as stated on application)

Authorize: VINCENT HUNTER
(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: Accessory Dwelling Unit

JANET HUNTER
Print name of property owner or registered agent

Janet L. Hunter
Signature of property owner or registered agent

Date 6-17-21

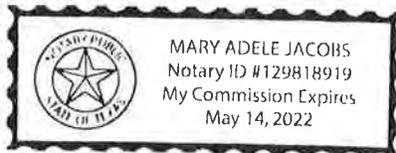
Before me, the undersigned, on this day personally appeared Janet Hunter

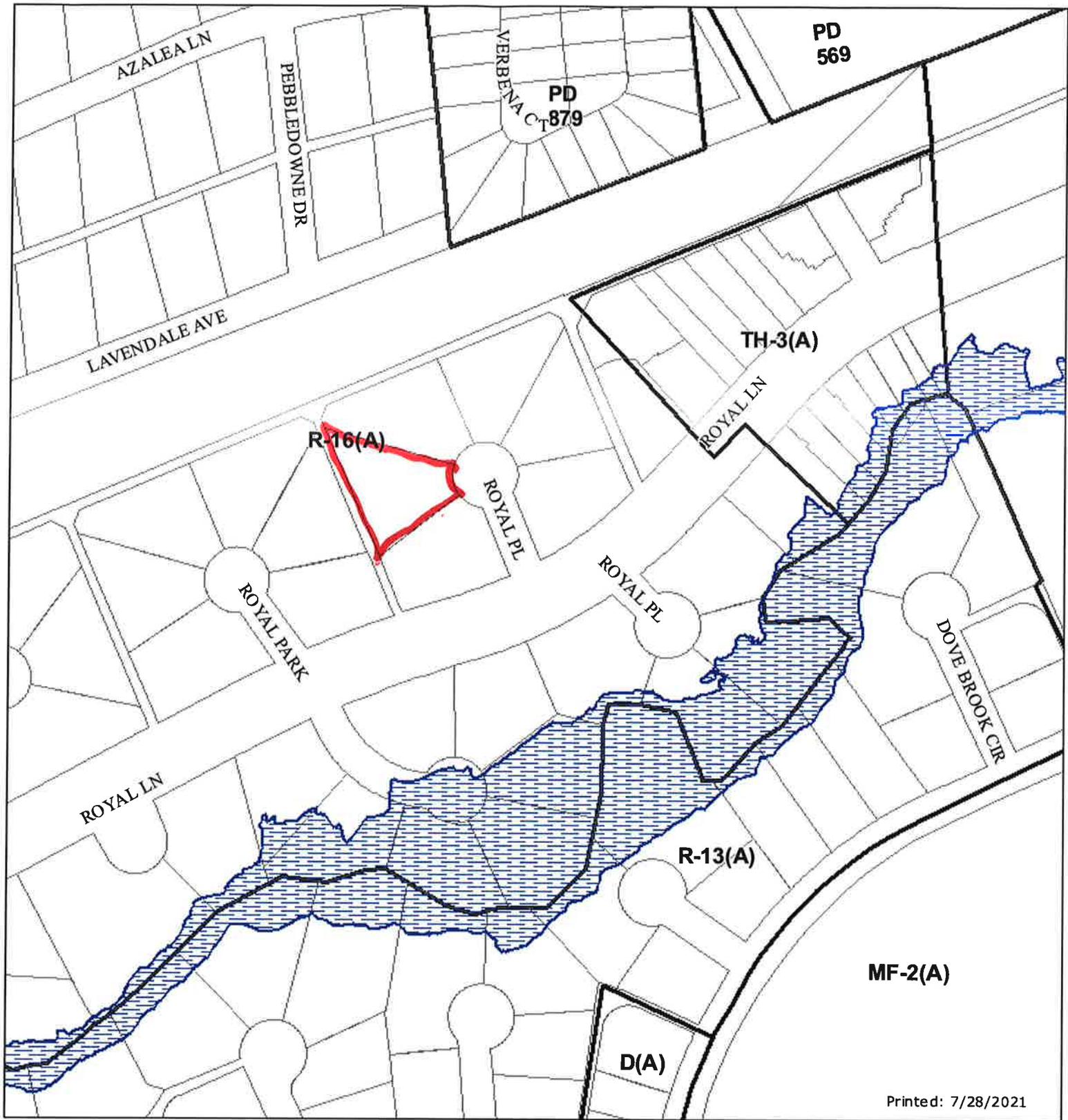
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 17 day of June, 2021

Mary A. Jacobs
Notary Public for Dallas County, Texas

Commission expires on May 14, 2022



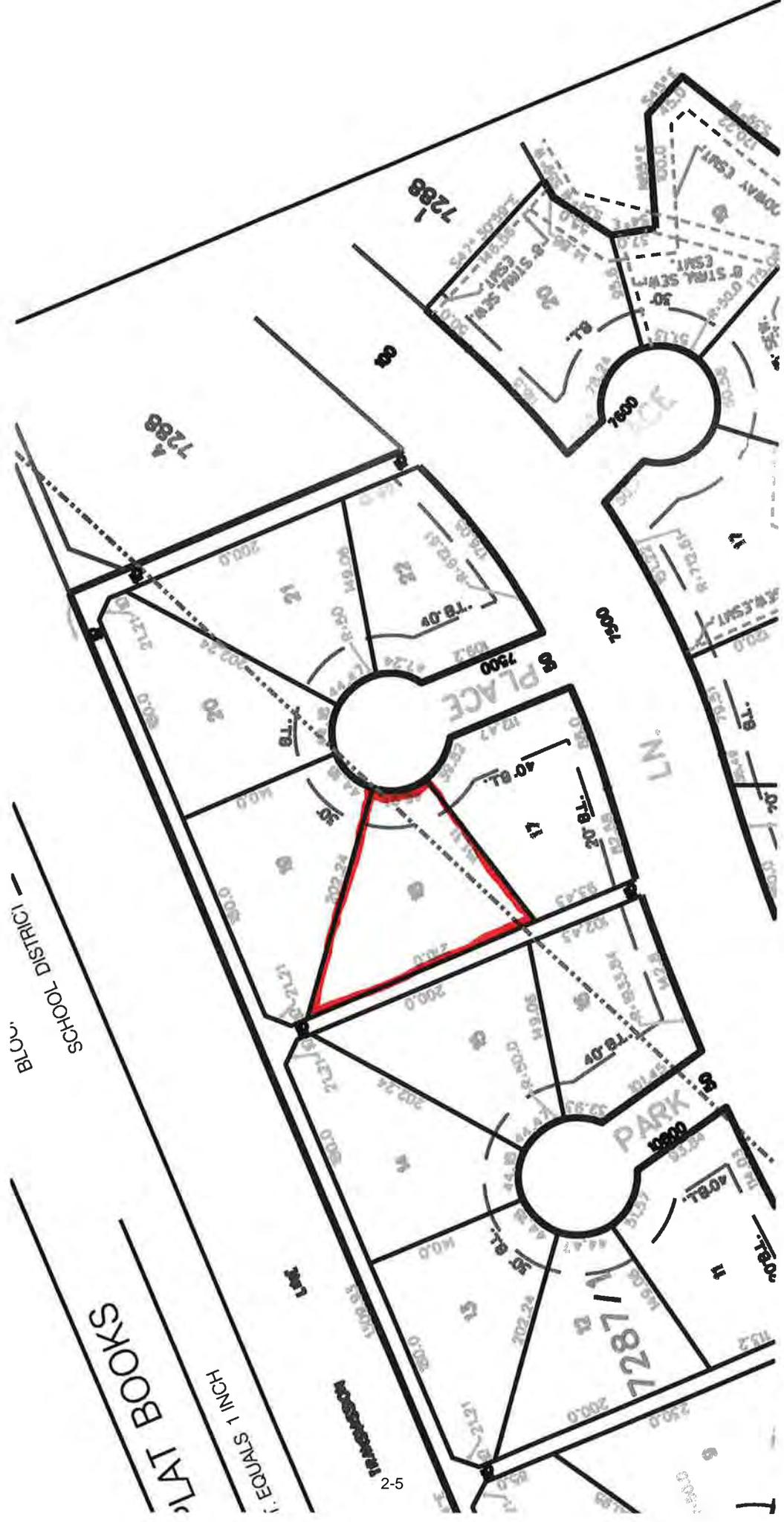


Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | Railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | Shop Front Overlay 2-4 |
| | | 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)

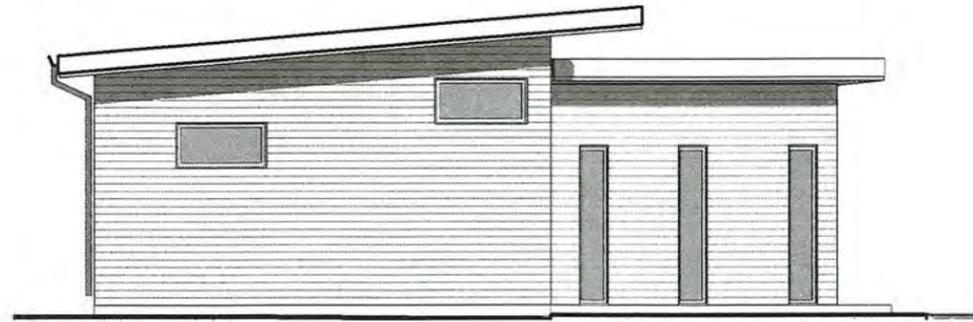




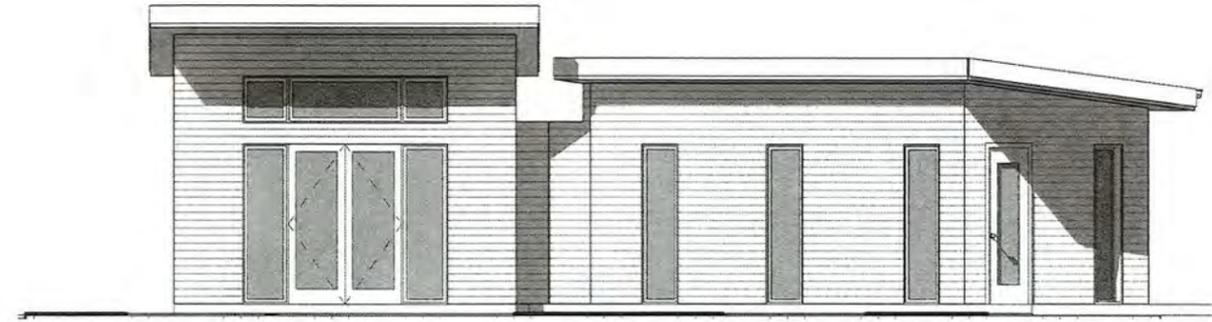
SCHOOL DISTRICT
BLCK.

LAT BOOKS

1" EQUALS 100'



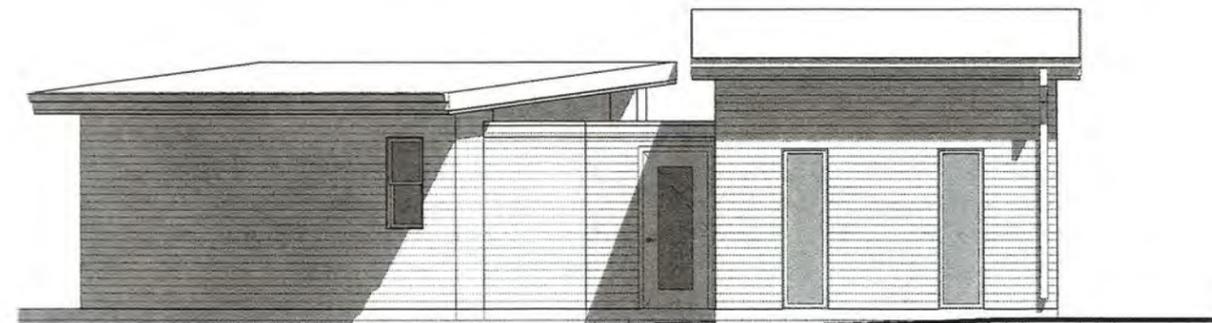
③ ADU West Elevation
1/8" = 1'-0"



① ADU South Elevation
1/8" = 1'-0"



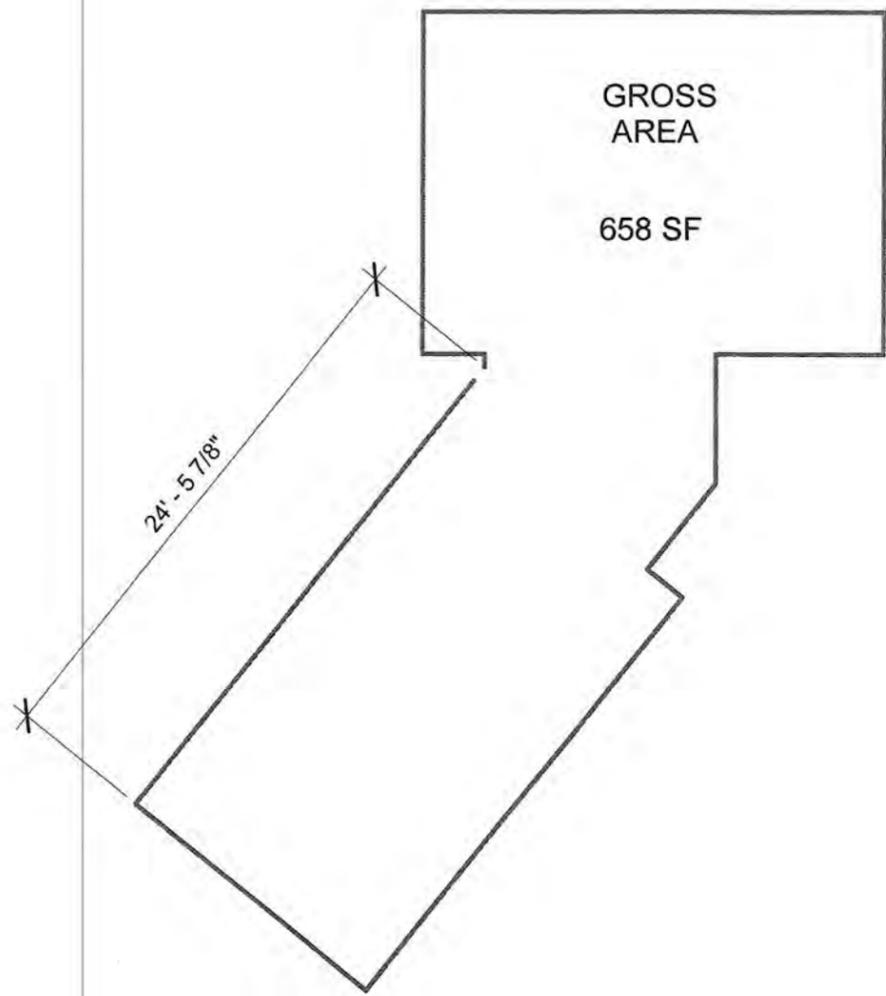
④ ADU East Elevation
1/8" = 1'-0"



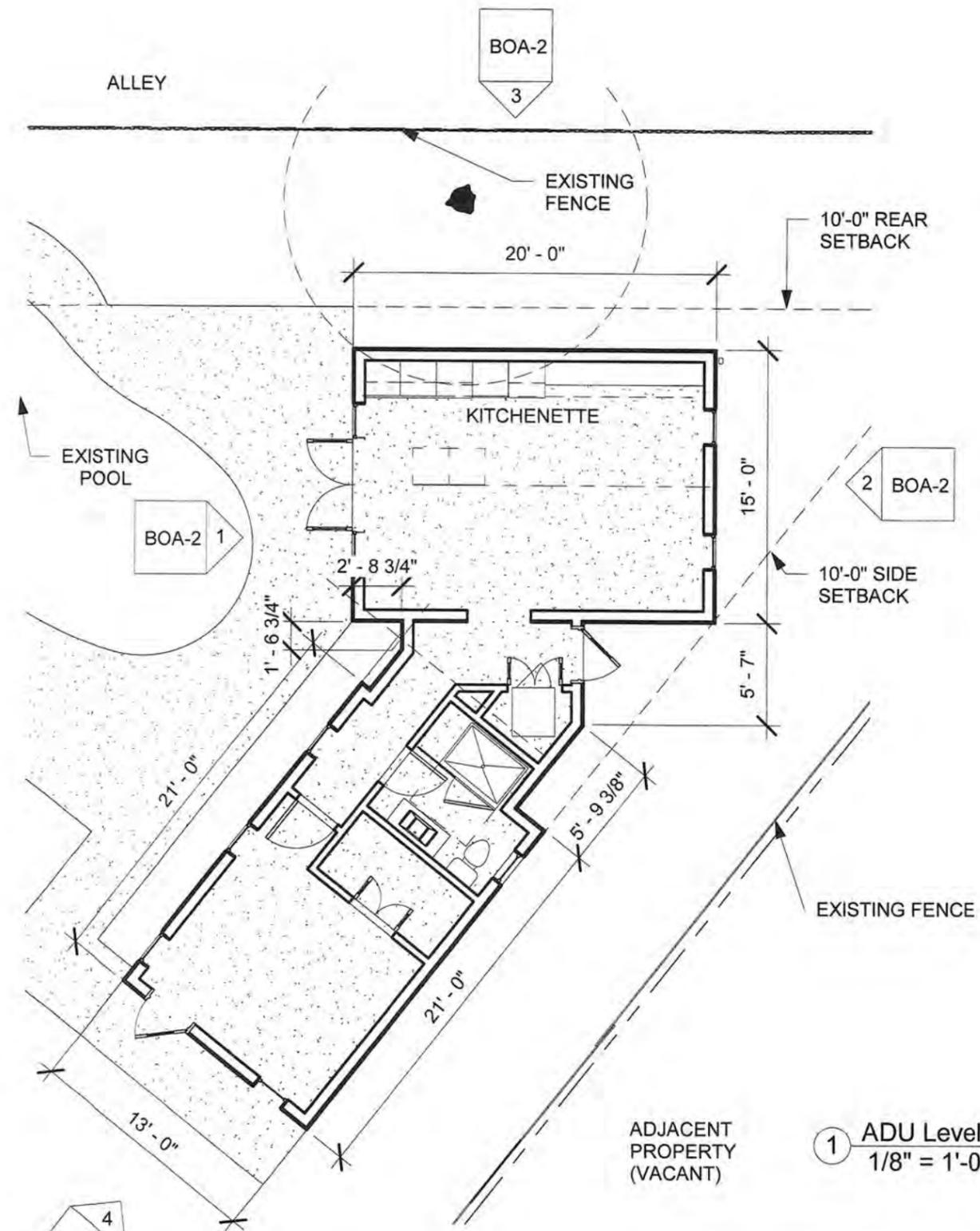
② ADU North Elevation
1/8" = 1'-0"

Vincent and Janet Hunter
7529 Royal Place ADU

Elevations		BOA-2
Project number	1	
Date	6-20-21	
Drawn by	V. Hunter	Scale 1/8" = 1'-0"



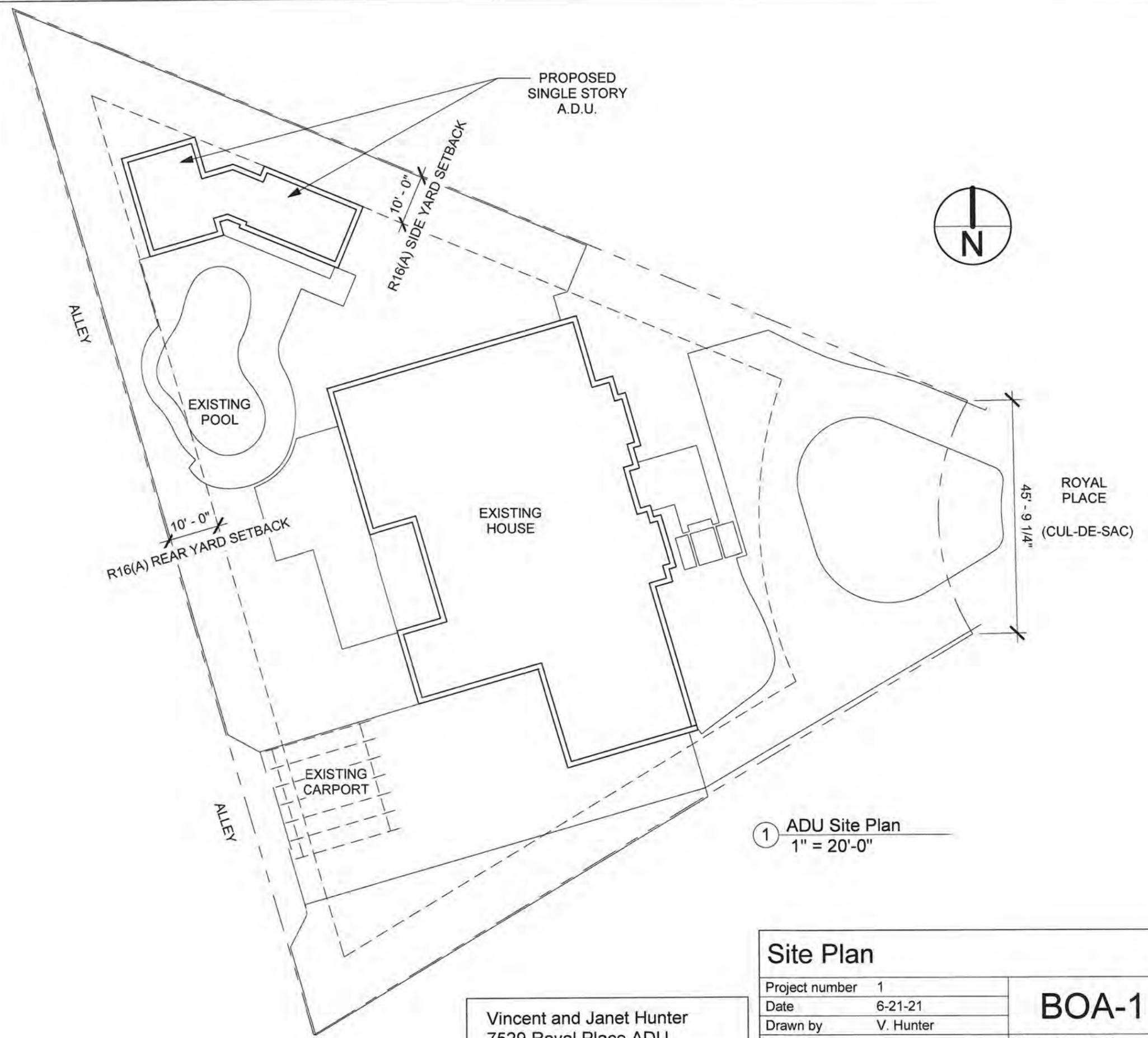
② Gross Area
1/8" = 1'-0"



① ADU Level 1
1/8" = 1'-0"

Vincent and Janet Hunter
7529 Royal Place ADU

Floor Plans		BOA-3
Project number	1	
Date	6-20-21	
Drawn by	V.Hunter	
		Scale 1/8" = 1'-0"



Vincent and Janet Hunter
7529 Royal Place ADU

Site Plan		BOA-1
Project number	1	
Date	6-21-21	
Drawn by	V. Hunter	Scale 1" = 20'-0"

To whom it may concern:

August 29, 2021

Board of Adjustment Panel B

Re: BDA201-076; 7529 Royal Place

Hi, we are requesting to the board a special exception to the single family regulations to allow for an additional dwelling unit for non-rent for my father in law Johnny Monares to reside.

Two years ago, Johnny's wife of almost 47 years Corina Monares died of Glioblastoma, a type of aggressive brain cancer that took her life in only six months. After only two years living alone in Colorado, Johnny made the decision to move to Dallas and stay with us so we can take care of him as ages. My wife Janet and I have been married for over 20 years, have no children and welcome the opportunity to care for him.

In October 2019, the tornado that passed through North Dallas directly hit our house. Fortunately, since I am an architect, we were able to repair the house with more updated architectural design. The design of Johnny's ADU is compatible with the look and feel of our house and will not adversely affect neighboring properties. Our neighbor behind the alley has a similar size pool cabana structure to the ADU we are submitting. Our property, as well as all adjacent built properties, have 6'-8' wood or brick privacy fences screening the rear yards.

For reference:

The standard for the granting of a special exception for an "additional dwelling unit" (when not to be used as a rental unit) is found in the "Single family" use definition at Sec. 51A-4.209(b)(6)(E)(i) and (ii) as follows:

(E) Additional provisions:

(i) Additional dwelling unit. The board of adjustment may grant a special exception to authorize an additional dwelling unit in any district when, in the opinion of the board, the additional dwelling unit will not:

(aa) be used as rental accommodations; or

(bb) adversely affect neighboring properties.

(ii) In granting a special exception under Subparagraph (i), the board shall require the applicant to deed restrict the subject property to prevent use of the additional dwelling unit as rental accommodations.

Our request clearly meets this standard, as we will use this additional dwelling unit solely for the use of my father-in-law, under the circumstances I have described above, and pursuant to the Code provision above it will be restricted against use as rental accommodations. Further, this will in no way adversely affect neighboring properties; it is designed to a maximum height of only 14'-0" feet; it will be located to the rear of the main house and will meet all applicable setback requirements; it will be visually screened by solid fencing 6'-0" feet in height; and it is designed in a very architecturally pleasing manner. In fact, this is further demonstrated by the four support letters (to date) we have received from our nearby neighbors, included in this packet with a map showing where their homes are located.



Photo above of our backyard where ADU will be placed



Highest point of sloped roof is 14'-0".

We personally met with as many adjacent neighbors as we could to gather support and have obtained letters of support from the four closest residents that will have visibility to the proposed ADU. The immediate lot to our North is currently vacant as the 2019 Tornado completely destroyed the house.

Sincerely,

Vincent and Janet Hunter
7529 Royal Place
Dallas, TX 75230

Map showing addresses of neighbors I have received letters of support from.



To the Board of Adjustment Panel:

August 29th, 2021

Re: Additional Dwelling Unit for

7529 Royal Place

Dallas, TX 75230

Hi,

My name is Johnny Monares. If we are granted approval for this additional dwelling unit, I will be living in the unit on property. I recently moved here from Colorado after my wife of 45 years Corina Monares passed away. I have moved to Dallas to be closer to my daughter Janet and son-in-law Vince as I get older and need assistance. I urge the board to approve this request.

Thank you for your consideration,

A handwritten signature in black ink that reads "Johnny Monares". The signature is written in a cursive style with a long horizontal flourish at the end.

Johnny Monares

(303) 330-5691 (m)

August 4th, 2021

Re: Board of Adjustment Case #4209

Letter of Support

To whom it may concern,

My name is David Duong and I live at 7537 Royal Place, Dallas Texas 75230. I live on the same cul-de-sac as 7529 Royal Place and am their neighbor. I fully support Vincent and Janet Hunter's application for an ADU on their property.

Sincerely,

A handwritten signature in blue ink that reads "David Duong". The signature is written in a cursive, flowing style.

David Duong

7537 Royal Place

Dallas, Texas 75230

August 4th, 2021

Re: Board of Adjustment Case #4209

Letter of Support

To whom it may concern,

My name is Charles Summers and I live at 10812 Royal Park Drive, Dallas Texas 75230. I live behind 7529 Royal Place across the alley. I fully support Vincent and Janet Hunter's application for an ADU on their property.

Sincerely,



Charles Summers

10812 Royal Park Drive

Dallas Texas 75230

August 4th, 2021

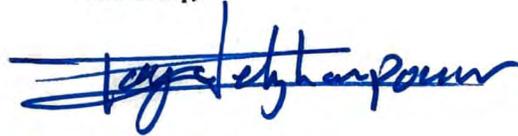
Re: Board of Adjustment Case #4209

Letter of Support

To whom it may concern,

My name is Pouya Dehghanpour and I live at 7525 Royal Place, Dallas Texas 75230. I live on the same cul-de-sac as 7529 Royal Place and am their immediate neighbor to the south. I fully support Vincent and Janet Hunter's application for an ADU on their property.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Pouya Dehghanpour', with a stylized flourish at the end.

Pouya Dehghanpour

7525 Royal Place

Dallas, Texas 75230

August 4th, 2021

Re: Board of Adjustment Case #4209

Letter of Support

To whom it may concern,

My name is Julius Aguilar and I live at 7547 Royal Place, Dallas Texas 75230. I live on the same cul-de-sac as 7529 Royal Place and am their neighbor. I fully support Vincent and Janet Hunter's application for an ADU on their property.

Sincerely,

A handwritten signature in black ink, appearing to read 'Julius Aguilar', with a long horizontal line extending to the right.

Julius Aguilar

7547 Royal Place

Dallas, Texas 75230

September 2nd, 2021

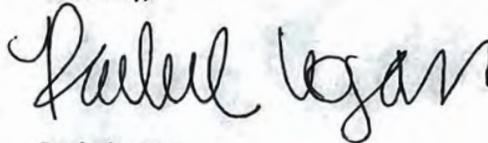
Re: Board of Adjustment Case #4209

Letter of Support

To whom it may concern,

My name is Rachel Logan and I live at 10815 Royal Park Drive, Dallas, TX 75230. I live in the next cul-de-sac West of the Vincent and Janet Hunter's house. I fully support Vincent and Janet's Hunter's application for an Additional Dwelling Unit for their father-in-law Johnny Monares to reside in.

Sincerely,

A handwritten signature in black ink that reads "Rachel Logan". The signature is written in a cursive, flowing style.

Rachel Logan

10815 Royal Park Ln.

Dallas, TX 75230

FILE NUMBER: BDA201-083(PD)

BUILDING OFFICIAL'S REPORT: Application of Rob Baldwin of Baldwin Associates for a special exception to the fence height regulations at 4727 Kelsey Road. This property is more fully described as Part of Lot 3 in City Block B/5532, and is zoned an R-1ac(A) Single Family District, which limits the height of a fence in the front yard to four feet. The applicant proposes to install and maintain a six-foot four-inch-high fence in the front yard along Kelsey Road, which will require a two-foot four-inch special exception to the fence regulations.

LOCATION: 4727 Kelsey Road

APPLICANT: Rob Baldwin of Baldwin Associates

REQUESTS:

The applicant proposes to install a six-foot four-inch-high fence with double swing metal gates and pilasters constructed of metal (fence & gate) and brick (pilasters) in a required front yard along Kelsey Road.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: R-1ac(A) (Single Family District)

North: R-1ac(A) (Single Family District)

East: R-1ac(A) (Single Family District)

South: 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 to the east, south, and west. The property to the north along Roxbury Lane is undeveloped.

Zoning/BDA History:

There have been five board cases recorded in the vicinity of the subject site within the last five years.

1. **BDA178-107:** On November 14, 2018, the Board of Adjustment Panel B granted a request for a variance to the front yard setback regulations at 4747 Roxbury Drive.
2. **BDA178-038:** On May 21, 2018 the Board of Adjustment Panel C granted a request for a special exception to the fence standards and visual obstruction regulations at setback at 10515 Lennox Lane.
3. **BDA167-047:** On April 17, 2017, the Board of Adjustment Panel C granted a request for a special exception to the fence standards and visual obstruction regulations of four feet in the front yard setback at 10545 Lennox Lane.
4. **BDA167-140:** On December 11, 2017, the Board of Adjustment Panel C granted a request for a special exception to construct and/or maintain a 6-foot-high fence in a required front yard, which will require a 2 foot special exception to the fence standards, and to construct and/or maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line at 10564 Lennox Lane.
5. **BDA167-041:** On January 17, 2018, the Board of Adjustment Panel B granted a request for variances to the front yard setback, side yard setback, and off-street parking regulations at 11123 W. Ricks Circle.

GENERAL FACTS/STAFF ANALYSIS:

The Dallas Development Code states that in all residential districts except multifamily districts a fence may not exceed four feet above grade when located in the required front yard. The subject site is zoned an R-1ac(A) Single Family District, which requires a 40-foot front yard setback.

The applicant proposes to construct and maintain a six-foot four-inch-high fence with double swing metal gates and pilasters constructed of metal (fence & gate) and brick (pilasters) in a required front yard along Kelsey Road, which will require a two-foot four-inch special exception to the fence regulations.

The following additional information was observed from the submitted site plan and elevation:

- The proposed fence is approximately 150 feet-in-length facing Kelsey Road.
- Located from the property line and approximately 94-and-three-quarter feet into the property, within the required front yard.
- The fence is composed of metal (fence & gate) and brick (pilasters) no taller than six-feet four-inches-in-height.
- Pedestrian and vehicular gates are proposed along northeastern and southeastern portion of the property along Kelsey Road.

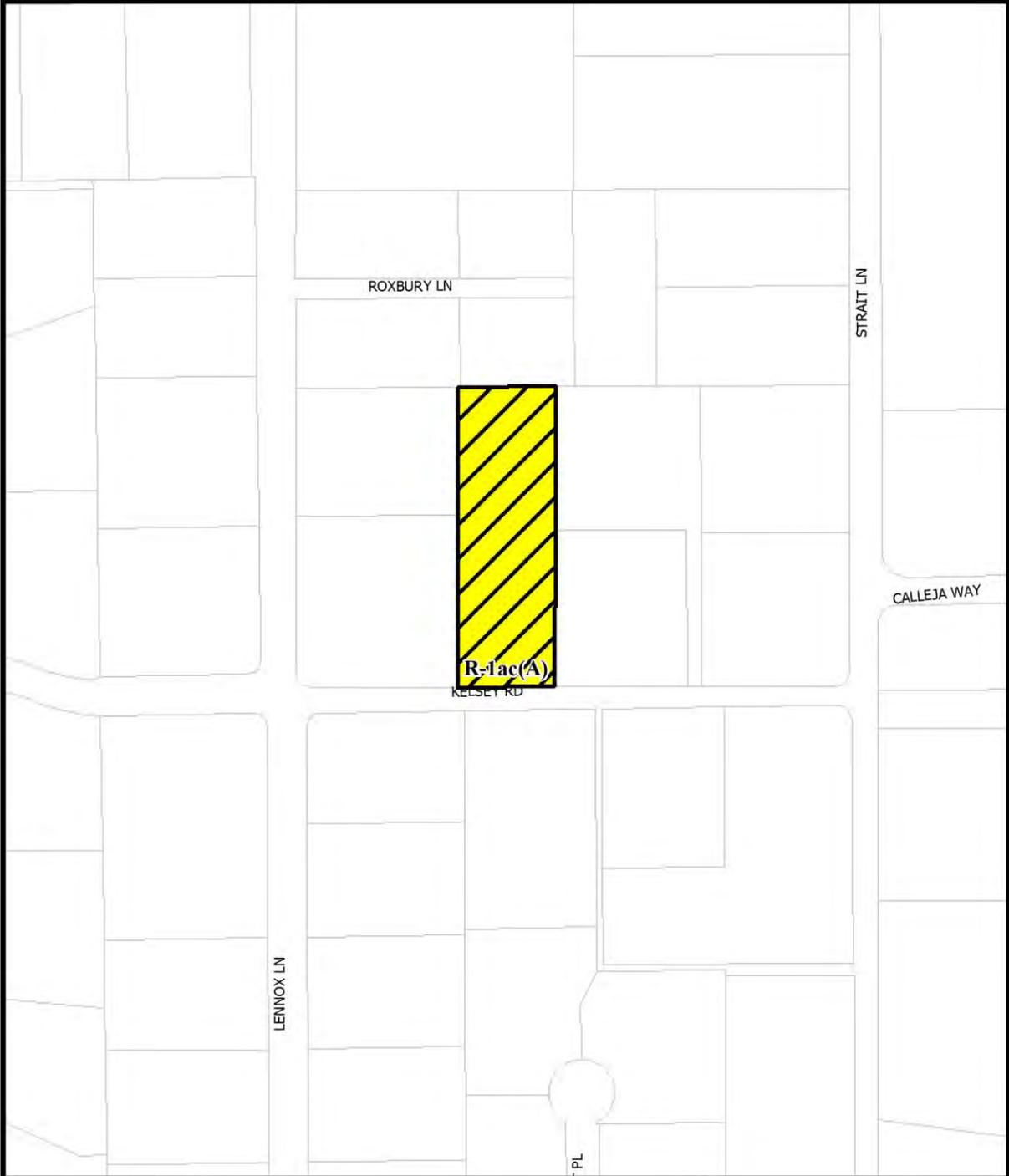
Staff conducted a field visit of the site and surrounding area and noted various other fences that appear to be above four feet-in-height and located in a front yard setback. The aforementioned BDA history illustrates some of the properties that present fences above four feet-in-height.

The applicant has the burden of proof in establishing whether the special exception to the fence height regulation of two-feet four-inches will or will not adversely affect neighboring property.

Granting this special exception with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding completely into the required 40-foot front yard setback to be constructed in the location and height as shown on the plans.

Timeline:

- July 14, 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.
- August 9, 2021: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B.
- August 16, 2021: The Senior Planner emailed the applicant the public hearing date and panel that will consider the application; the August 31st deadline to submit additional evidence for staff to factor into their analysis; and the September 10th deadline to submit additional evidence to be incorporated into the Board’s docket materials and the following information:
- a copy of the application materials including the Building Official’s report on the application;
 - 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.”
- September 3, 2021: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September 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 Building Inspection Chief Planner, the Interim Assistant Director of Current Planning, and the Assistant City Attorney to the board. No review comment sheets were submitted in conjunction with this application.

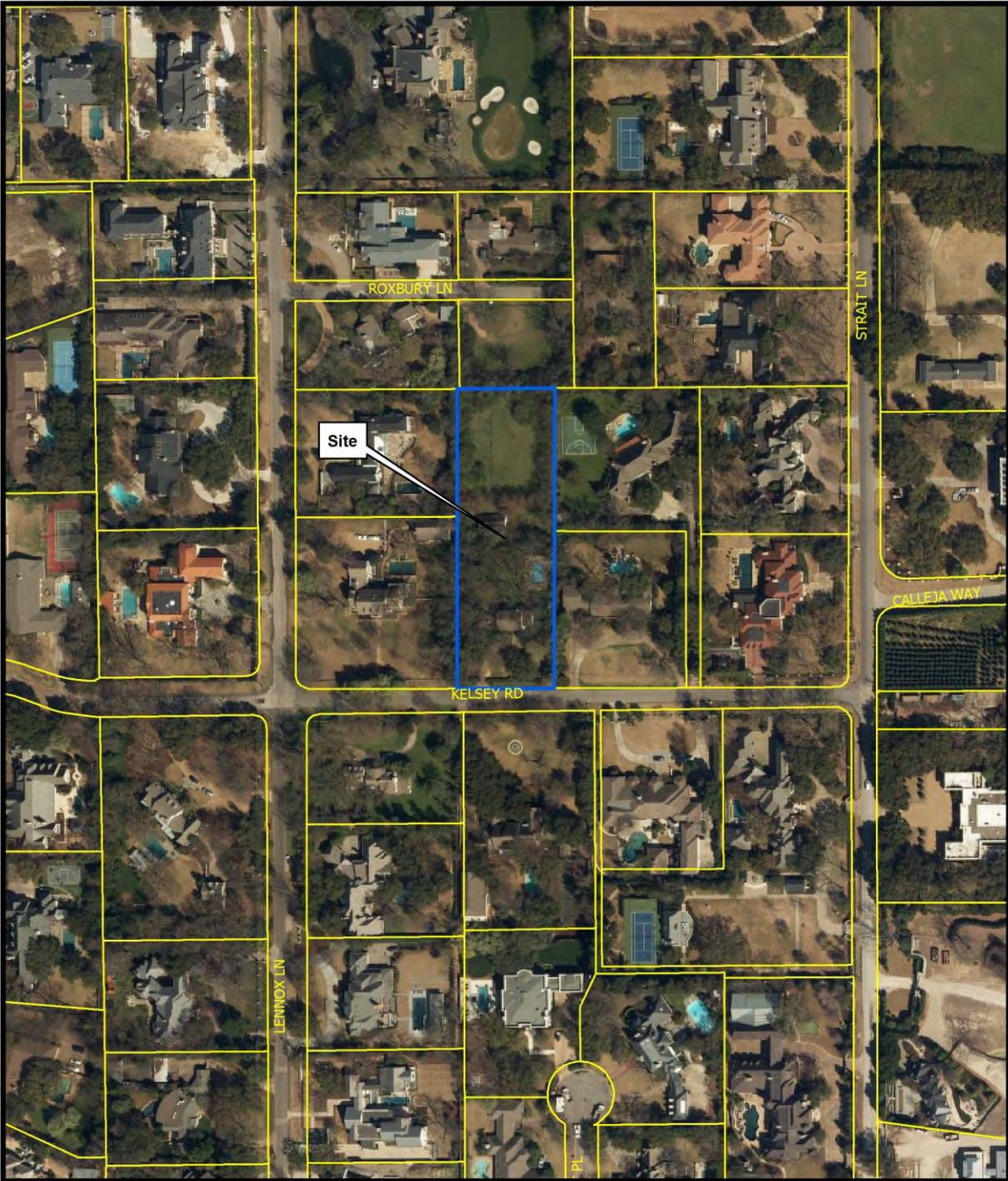


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ZONING MAP

Case no: BDA201-083

Date: 8/18/2021

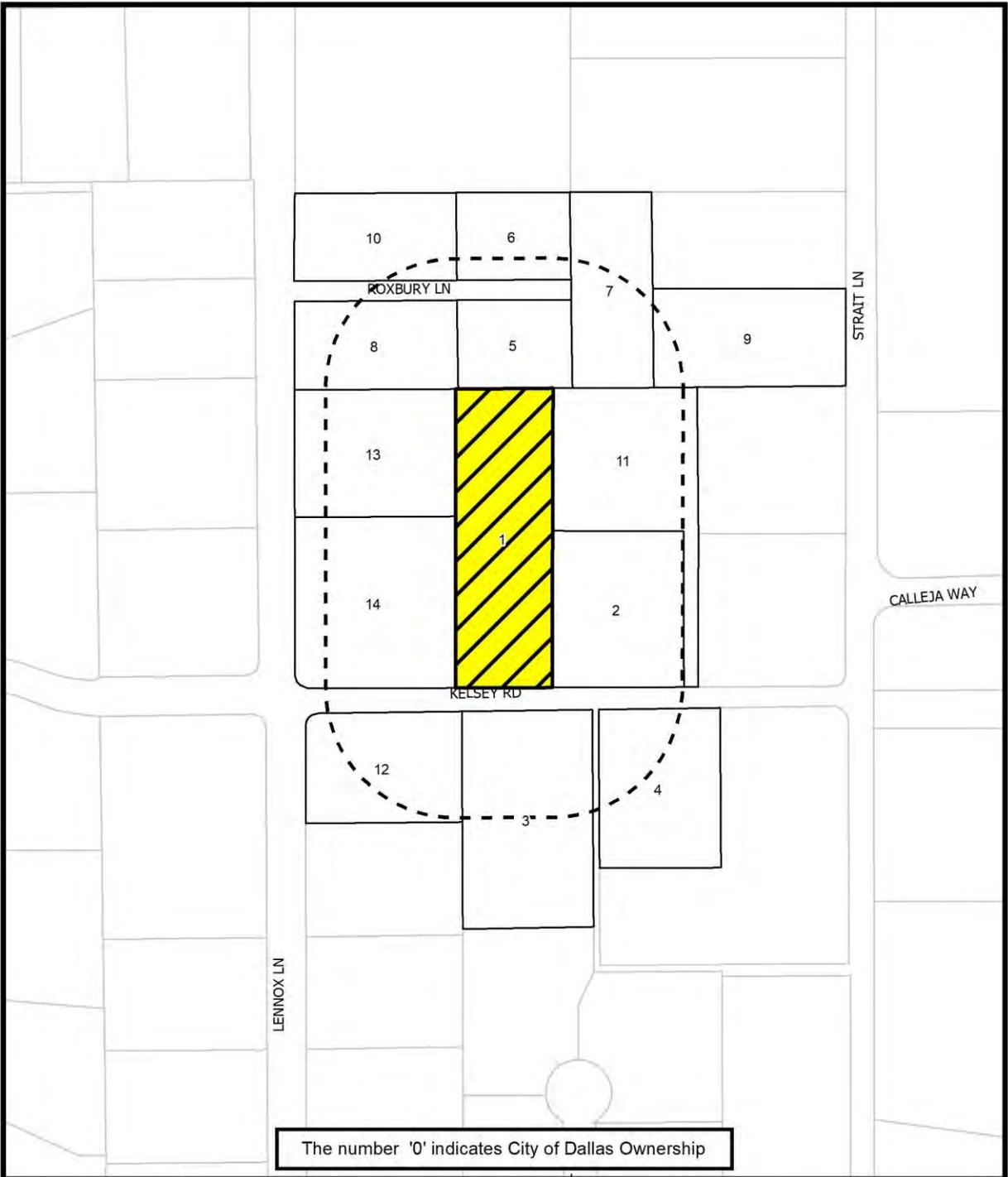


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AERIAL MAP

Case no: BDA201-083

Date: 8/18/2021




 1:2,400

NOTIFICATION

200' AREA OF NOTIFICATION
14 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA201-083
 Date: 8/18/2021

08/16/2021

Notification List of Property Owners

BDA201-083

14 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4727 KELSEY RD	SAXTON MATT & KRISTEN
2	4811 KELSEY RD	RYAN DEBORAH J
3	4726 KELSEY RD	HOLCOMBE MILTON W & BETTY
4	4814 KELSEY RD	WITTMANN THOMAS PETER &
5	4740 ROXBURY DR	HAMMETT GEORGANNA E
6	4741 ROXBURY DR	HUDSON JAMES C C
7	4747 ROXBURY DR	TEMPLETON WILLIAM M
8	10446 LENNOX LN	TAFF THOMAS D TR &
9	10445 STRAIT LN	JOHNSON HAL W & SHARON B
10	10458 LENNOX LN	EMMONS DAVID L &
11	4827 KELSEY RD	DOUGLAS DAVID
12	4700 KELSEY RD	MOHR LADY GEORGE COLLINS
13	10434 LENNOX LN	RAWLINGS MICHAEL S
14	4701 KELSEY RD	SMITH LARRY V & ANDREA V



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-083

Data Relative to Subject Property:

Date: 7-14-21

Location address: 4727 Kelsey Road Zoning District: R-1AC(a)

Lot No.: Pt 3 Block No.: B/5532 Acreage: 1.532 acres Census Tract: 76.01

Street Frontage (in Feet): 1) 148 ft 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Matt Saxton and Kristen Saxton

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

Mailing Address: 3904 Elm Street Suite B Dallas TX Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

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

Mailing Address: 3904 Elm Street Suite B Dallas TX Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of fence height of 2'4" to allow a fence 6'4" in height in a required front yard

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

The proposed fencing and gates will be similar in height and appearance to other fences along Kelsey Road so the approval of this Special Exception is reasonable and will not negatively affect neighboring properties.

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

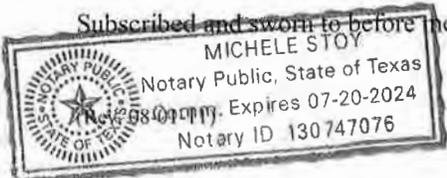
Affidavit

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

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

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

Subscribed and sworn to before me this 6 day of July, 2021



[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 Rob Baldwin

did submit a request for a special exception to the fence height regulations
at 4727 Kelsey Road

BDA201-083. Application of Rob Baldwin for a special exception to the fence height regulations at 4727 KELSEY RD. This property is more fully described as Part of Lot 3, Block B/5532, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 6 foot 4 inch high fence in a required front yard, which will require a 2 foot 4 inch special exception to the fence regulations.

Sincerely,


David Session, Building Official



AFFIDAVIT

Appeal number: BDA 201-083

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

at: 4727 Kelsey Road
(Address of property as stated on application)

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

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

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

Specify: Fence

Matt Saxton
Print name of property owner or registered agent

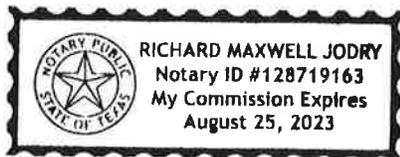
[Signature]
Signature of property owner or registered agent

Date 6/28/21

Before me, the undersigned, on this day personally appeared Matt Saxton

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 28 day of June, 2021



[Signature]
Notary Public for Dallas County, Texas

Commission expires on 8/25/25



AFFIDAVIT

Appeal number: BDA 201-083

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

at: 4727 Kelsey Road
(Address of property as stated on application)

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

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

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

Specify: Fence

Kristen Saxton
Print name of property owner or registered agent

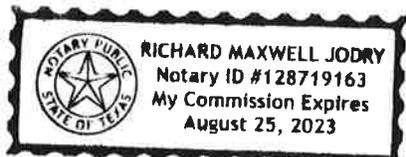
[Signature]
Signature of property owner or registered agent

Date 6/28/21

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 28 day of June, 2021



[Signature]
Notary Public for Dallas County, Texas
Commission expires on 8/25/2023



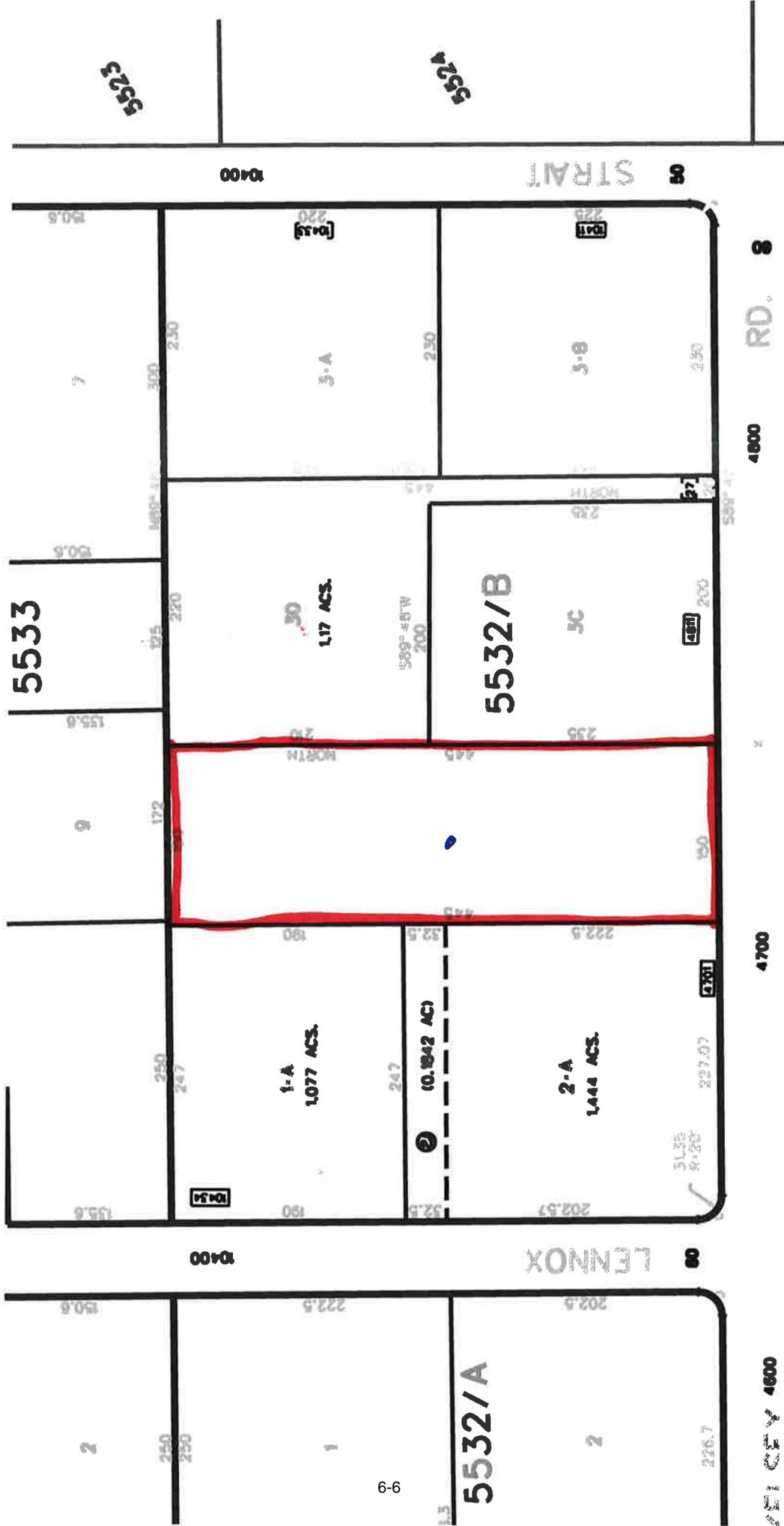
Printed: 6/25/2021

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 | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | Shop Front Overlay |
| | | Height Map Overlay | 6-5 |

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)





5532/A

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5532/B

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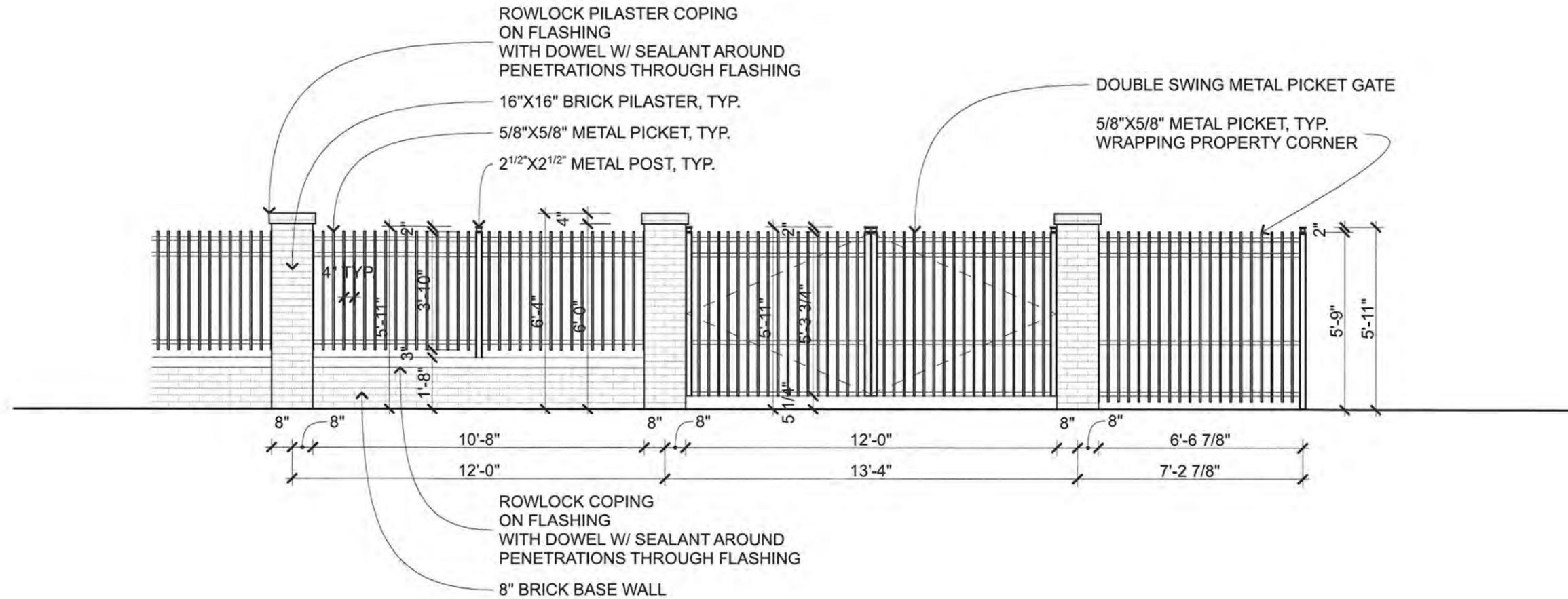
180

Project:

KELSEY RESIDENCE

Architect:

MAREK Architecture
5115 McKinney Avenue, Suite E
Dallas, Texas 75205
Tel: 214 380 9351
marekarchitecture.com



1 FENCE ELEVATION

SCALE: 1/4" = 1'-0"

Issues:



06 JUL 2021

Drawing Title:

Fence

Sheet:

Date: 06 JUL 2021

Project Number 2031

Sheet Number

SDA 08

KELSEY RESIDENCE

ISSUE FOR REV #2 06 JUL 2021

PROJECT LOCATION

4727 Kelsey Road
Dallas, Texas, 75229

PROJECT DESCRIPTION

BEING A PART OF LOT 3, BLOCK B-5532, ROXBURY PARK, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 5, PAGE 148, MAP RECORDS, DALLAS COUNTY, TEXAS, AND BEING THE SAME TRACT OF LAND DESCRIBED IN DEED TO CHERYL SPARKS FRUIT, RECORDED IN VOLUME 90174, PAGE 2103, DEED RECORDS, DALLAS COUNTY, TEXAS.

ZONING DESCRIPTION

ZONING R1AC(A)

LOT COVERAGE

LOT SIZE -	(1.532 ACRES) 66,750 SF
MAX LOT COVERAGE FOR RESIDENTIAL STRUCTURES -	40%
COVERAGE FLOOR AREA FOR RESIDENTIAL STRUCTURES -	7,010 SF
PERCENT LOT COVERAGE FOR RESIDENTIAL STRUCTURES -	10.50%
MAX LOT COVERAGE FOR NON-RESIDENTIAL STRUCTURES -	25%
COVERAGE FLOOR AREA FOR NON-RESIDENTIAL STRUCTURES -	4,305 SF
PERCENT LOT COVERAGE FOR NON-RESIDENTIAL STRUCTURES -	6.45%

SQUARE FOOTAGE CALCULATIONS

1ST FLOOR AC -	4,375 SF
2ND FLOOR AC -	1,440 SF
TOTAL AC -	5,815 SF
GARAGE - COVERED PORCH -	985 SF
TOTAL NON-AC -	2,805 SF
GARAGE BARN - COVERED PORCH @ BARN -	3,400 SF
	550 SF

STORM WATER

REQUIRED PERMEABLE SURFACE -	70%
AREA NOT UNDER ROOF -	55,435 SF
PERMEABLE AREA NOT UNDER ROOF -	50,645 SF
PERCENT PERMEABLE SURFACES PROPOSED -	91.36%

WATER EFFICIENCY

- UTILIZE DRIP IRRIGATION EMITTERS FOR ALL BEDDING AREAS OF AN APPROVED LANDSCAPE PLAN, AND
- AVERAGE FLOW RATE FOR ALL LAVATORY FAUCETS MUST BE LESS THAN OR EQUAL TO 2.0 GALLONS PER MINUTE.
- THE AVERAGE FLOW RATE FOR ALL TOILETS MUST BE:
 - LESS THAN OR EQUAL TO 1.3 GALLONS PER FLUSH;
 - BE DUAL FLUSH AND MEET THE REQUIREMENTS OF ASME A 112.19.14, OR
 - MEET THE U.S. ENVIRONMENTAL PROTECTION AGENCY WATER SENSE SPECIFICATION AND BE CERTIFIED AND LABEL CORRECTLY.
- UTILIZE ENERGY STAR LABELED DISHWASHERS THAT USE 6.0 GALLONS OR LESS PER CYCLE.

HEAT ISLAND MITIGATION

INSTALL FOAM ENCAPSULATED ROOF (R-22 OR GREATER)

INDOOR AIR QUALITY

- AIR FILTERS:
 - AIR FILTERS MUST BE MERV 8 OR GREATER
 - AIR HANDLERS MUST BE SIZED TO MAINTAIN AIR PRESSURE & AIR FLOW
 - AIR FILTER HOUSING MUST BE AIRTIGHT
- CONDITIONED SPACES NEXT TO A GARAGE:
 - PENETRATION SEALED
 - DOORS WEATHER STRIPPED
 - CRACKS AT WALL BASE SEALED

INSULATION AND FENESTRATION

- U FACTOR ≤ 0.35
- SHGC ≤ 0.25
- CEILING INSULATION: R-38
- WOOD FRAME WALL: R-20
- FLOOR INSULATION: R-19
- HOT WATER PIPE OUTSIDE CONDITIONED SPACE: R-3
- SKYLIGHT U FACTOR ≤ 0.55

INDEX OF DRAWINGS

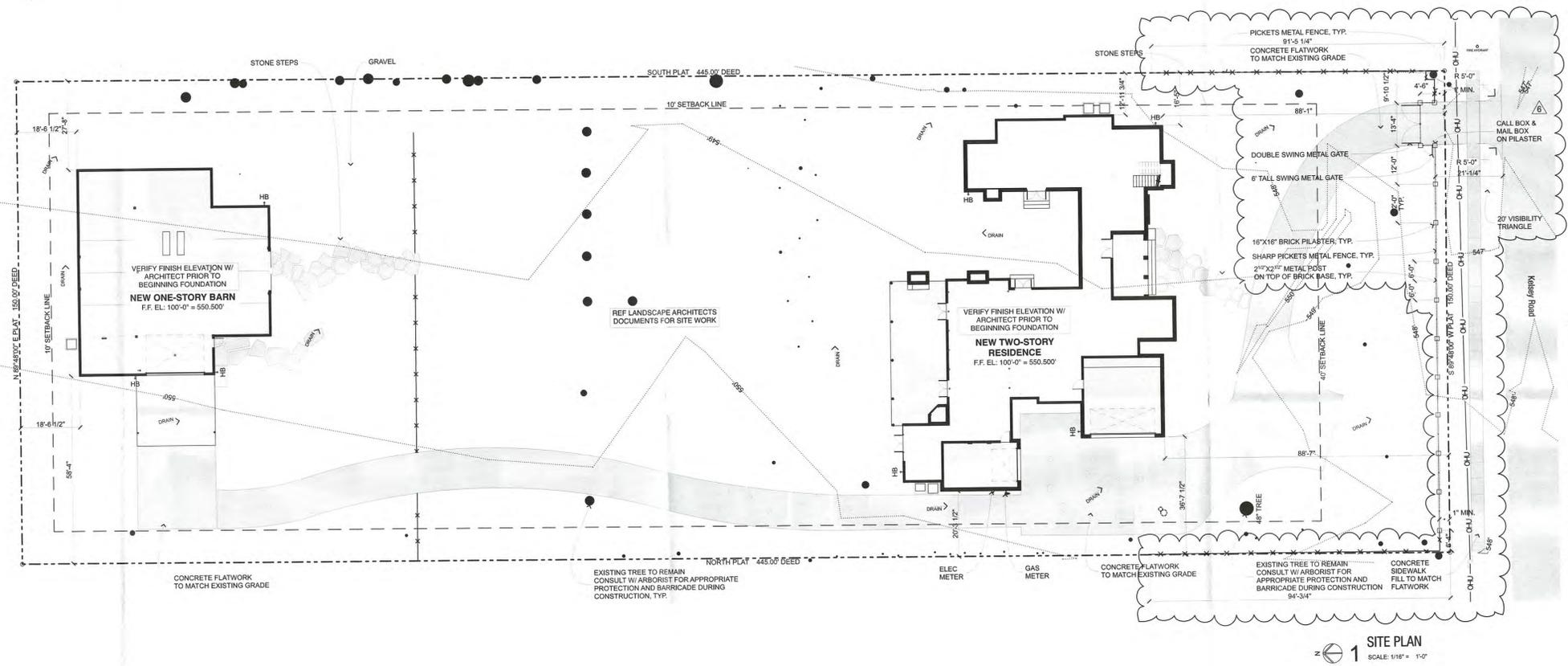
	08/15/20	ISSUE FOR PERMIT	10/12/20	ADDENDUM #1	10/20/20	ADDENDUM #2	11/11/20	ADDENDUM #3	11/16/20	ADDENDUM #4	01/20/21	REVISION #1	07/06/21	REVISION #2
A100	Index - Site Plan													
A200	Foundation Coordination Plan													
A201	1st Floor Plan													
A202	2nd Floor Plan													
A203	Roof Plan													
A204	1st Floor Plan - Barn													
A205	2nd Floor Plan - Barn													
A206	Roof Plan - Barn													
A207	Reflected Ceiling Plan													
A208	Reflected Ceiling Plan													
A301	Elevations													
A302	Elevations													
A303	Elevations and Sections													
A304	Elevations - Barn													
A305	Elevations - Barn													
A401	Sections													
A402	Sections - Barn & Stair													
A501	Door Schedule													
A502	Window Schedule													
A701	Details													
A702	Details													
E101	Electrical Plan													
E102	Electrical Plan													
E103	Electrical Plan -Barn													

LEGEND

	WOOD DECK		ARROW DENOTE WATER FLOW
	CONCRETE		SILT FENCE DURING CONSTRUCTION
	GRAVEL		EXISTING TREES TO REMAIN CONSULT WITH ARBORIST FOR APPROPRIATE PROTECTION AND BARRICADE DURING CONSTRUCTION
	EXISTING CONTOUR		TREES TO REMOVE
	NEW CONTOUR		
	AREA DRAIN		

NOTES:

- ARCHITECT HAS GRAPHICALLY REPRESENTED SITE PLAN BASED ON THE PLAT PROVIDED BY OWNER BEING A PART OF LOT 3, BLOCK B-5532, ROXBURY PARK, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 5, PAGE 148, MAP RECORDS, DALLAS COUNTY, TEXAS, AND BEING THE SAME TRACT OF LAND DESCRIBED IN DEED TO CHERYL SPARKS FRUIT, RECORDED IN VOLUME 90174, PAGE 2103, DEED RECORDS, DALLAS COUNTY, TEXAS. PLAT PREPARED BY A&W SURVEYORS, INC. JUNE 15 2020.
- ARCHITECT HAS MADE NO INVESTIGATION OR SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTED COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MIGHT DISCLOSE.
- LOCATION OF TREES PREPARED BY LANDSCAPE ARCHITECT.



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

GENERAL NOTES

- THESE DOCUMENTS REPRESENT THE DESIGN INTENT FOR THE BUILDING BUT ARE NOT INSTRUCTIONS FOR BUILDING CONSTRUCTION. THE CONTRACTOR IS RESPONSIBLE TO CONSTRUCT THE BUILDINGS SO THAT IT CONFORMS WITH DESIGN INTENT AND TO CONSTRUCT THE BUILDING SO THAT ALL SYSTEMS FUNCTION PROPERLY.
- IT IS THE RESPONSIBILITY OF CONTRACTOR TO OBTAIN ENGINEERING SERVICES OR DESIGN/BUILD APPROPRIATE SYSTEMS THAT MEET LOCAL BUILDING CODES. SYSTEMS INCLUDE, BUT ARE NOT LIMITED TO, FRAMING DESIGN, FOUNDATION DESIGN, MECHANICAL SYSTEMS, ELECTRICAL, AUDIO VISUAL, DRAINAGE, PLUMBING AND OTHER UTILITY SYSTEMS AND SHOULD BE DESIGNED & INSTALLED IN A MANNER COMPATIBLE WITH THE DESIGN INTENT OF THESE DOCUMENTS. NOTIFY ARCHITECT OF CONFLICTS.
- CONTRACTOR TO PROVIDE SUBMITTALS AND/OR SHOP DRAWINGS TO DESCRIBE AND GRAPHICALLY COMMUNICATE THE SYSTEMS FOR ARCHITECTS REVIEW PRIOR TO INSTALLATION.
- GENERAL CONTRACTOR TO SUBMIT ALL VISIBLE ITEMS FOR ARCHITECTS APPROVAL.
- ALL WORK TO BE IN ACCORDANCE WITH LOCAL BUILDING CODES AND ZONING ORDINANCES.
- CONTRACTOR TO BARRICADE AND PROTECT ALL EXISTING TREES WITHIN THE CONSTRUCTION ZONE PRIOR TO BEGINNING WORK. REPORT ANY CONFLICTS WITH ARCHITECT AND LANDSCAPE ARCHITECT BEFORE PROCEEDING WITH CONSTRUCTION. DO NOT STORE MATERIALS UNDER DRIP LINE.
- STAKE ALL BUILDING CORNERS PRIOR TO BEGINNING EXCAVATION FOR OWNER AND ARCHITECT APPROVAL.
- CONTRACTOR TO VERIFY ALL LOCATIONS OF UTILITIES PRIOR TO STARTING UTILITIES.
- ALL ELECTRICAL SERVICE TO BE SUBSURFACE.
- DUE TO THE INHERENT INACCURACIES OF REPRODUCTION, DO NOT SCALE DRAWINGS.
- VERIFY ALL DIMENSIONS ON THE JOB SITE. REPORT ANY DEVIATIONS TO THE ARCHITECT BEFORE PROCEEDING WITH CONSTRUCTION.
- ALL PLAN DIMENSIONS ARE TO EXTERIOR FINISH MATERIAL, FACE OF STUD, AND CENTER OF COLUMNS UNLESS NOTED OTHERWISE.
- FINAL GRADING TO PROVIDE DRAINAGE AWAY FROM FOUNDATION.

- PROVIDE SAMPLES OR CUT SHEETS FOR OWNER APPROVAL OF FINISH MATERIALS, HARDWARE, FIXTURES, LIGHTING, ETC. PRIOR TO ORDERING.
- DROP SUBFLOOR AT ANY AREAS SCHEDULED TO RECEIVE TILE, MARBLE, ETC.
- PROVIDE THERMAL INSULATION AT ALL EXTERIOR WALLS AND CEILINGS. USE SPRAY INSULATION AT VAULTED CEILING, ALL PENETRATIONS, DOOR AND WINDOW JAMBS/HEADS, AND OTHER BREAKS IN THE THERMAL ENVELOPE.
- PROVIDE ACOUSTICAL INSULATION IN WALLS OF BEDROOMS, BATHS, MECHANICAL ROOMS, AND MUD ROOM.
- CONTRACTOR TO FURNISH TESTING SERVICES FOR FOUNDATION AND SOIL TREATMENT.
- INSTALL CONTINUOUS SILL PAN FLASHING INTEGRATED INTO BUILDING WRAP FOR ALL WINDOWS AND DOORS

ABBREVIATIONS

A.D.	AREA DRAIN
A.F.F.	ABOVE FINISH FLOOR
A.H.U.	AIR HANDLING UNIT
CJ	CONTROL JOINT
CJ	CONDENSER UNIT
D	DRYER
DW	DISH WASHER
DWR	DRAWER
ELEC.	ELECTRIC
ELEV.	ELEVATION
EQ.	EQUAL
EXT.	EXTERIOR
F.F.	FINISH FLOOR
F.F.E.	FINISH FLOOR ELEVATION
FRZ.	FREEZER
FT.	FOOT
GFCI	GROUND-FAULT CIRCUIT INTERRUPTER
OVP. BD.	OUTLET BOX
HB	HOSE BIBB
H.H.	HEAD HEIGHT
MAX.	MAXIMUM
MECH.	MECHANICAL
MICRO.	MICROWAVE
MIN.	MINIMUM
P.N.L.	PANEL
R.A.G.	RETURN AIR GRILL
R.O.	REFRIGERATOR / REFERENCE
R.O.	ROUGH OPENING
R.O.M.T.	REQUIREMENT
STR.	STRUCTURAL
S.A.G.	SUPPLY AIR GRILL
T.B.D.	TO BE DETERMINED
T.E.F.	TOILET EXHAUST FAN
T.O.P.	TOP OF
T.O.C.	TOP OF CONCRETE
T.O.P.	TOP OF PLATE
TR	TREAD
TR	TYPICAL
W/	WITH
W/	WASHER
WH	WATER HEATER
WP	WEATHERPROOF
VEST.	VESTIBULE
U.N.O.	UNLESS NOTED OTHERWISE

SYMBOL LEGEND

	SECTION / ELEVATION
	INTERIOR ELEVATION
	DETAIL
	DOOR
	WINDOW
	ELEVATION HEIGHT
	REVISION

Project:

KELSEY RESIDENCE

4727 Kelsey Road
Dallas, Texas

Architect:

MAREK ARCHITECTURE
5115 McKinney Avenue, Suite E
Dallas, Texas 75205
469.399.1603
marekarchitecture.com

Seal:



06 JUL 2021

Issues:

00	ISSUE FOR PERMIT	08.15.2020
01	ADDENDUM #1	10.12.2020
02	ADDENDUM #2	10.20.2020
03	ADDENDUM #3	11.11.2020
05	REVISION #1	01.20.2021
06	REVISION #2	07.06.2021

Drawing Title:

Index . Site Plan

Issued For: REV #2

Date: 06 JUL 2021

Project Number 2031

Sheet Number

A100

FILE NUMBER: BDA201-085(PD)

BUILDING OFFICIAL'S REPORT: Application of Practice An Architectural Office represented by Kristin Perkins for 1) a variance to the side yard setback regulations of two-feet to construct an accessory structure three-feet into a required five-foot side yard setback; 2) a variance to the single-family use regulations to construct and maintain a 1,517-square-foot additional dwelling unit (39.5 percent of the 3,839 square foot floor area of the main structure) which will require a 558-square-foot variance to the floor area ratio of the main structure; and 3) a special exception to the single-family use regulations to construct and maintain a two-story additional dwelling unit for non-rent on a site developed with an existing single-family dwelling unit at 732 Kessler Lake Drive. This property is more fully described as Lot 1 in City Block B/3386 and is zoned an R-7.5(A) Single Family District, in which a minimum side yard setback of five feet must be maintained, an accessory structure may not exceed 25 percent of the floor area of the main structure, and not more than one single family dwelling unit can be constructed on a lot.

LOCATION: 732 Kessler Lake Drive

APPLICANT: Practice an Architectural Office represented by Kristin Perkins

REQUESTS:

The applicant proposes to construct and maintain an additional dwelling unit with approximately 1,517 square feet of floor area on a site developed with a single-family dwelling.

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.

STAFF RECOMMENDATION (both variances):

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

Staff concluded that the subject site is unique and different from most lots in the R-7.5(A) Single Family District considering its restrictive lot area of 19,880 square feet so that the site cannot be developed in a manner commensurate with development upon other parcels of land with the same zoning. The applicant submitted documents (**Attachment A & B**) indicating the average lot in the area is 58,848 square feet with an average of 6,471 square feet for improvements. The proposed 1,517-square-foot additional dwelling unit on the site is commensurate to four other lots in the same zoning district.

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

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

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

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to authorize an additional dwelling unit since the basis for this type of appeal is when *in the opinion of the board*, the additional dwelling unit will not adversely affect neighboring properties.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

The requests for variances to the side yard setback and maximum floor area ratio regulations and a special exception to the single-family use regulations focus on constructing and maintaining a 1,517-square-foot additional dwelling unit (non-rent) to be constructed three-feet into a required five-foot side yard setback. The property is zoned an R-7.5(A) Single Family District. In this district, one dwelling unit is allowed per lot. Additionally, a minimum side yard setback of five feet is required and an additional dwelling unit (ADU) cannot exceed 25 percent of the floor area ratio of the main structure.

DCAD records indicate the following improvements for the property located at 732 Kessler Lake Drive: “main improvement: a structure with 3,133 square feet of living area built-in 1986” and “additional improvements: a 504-square-foot detached garage and 750-square-foot “detached quarters”. The proposed ADU with 1,517 square feet of floor area represents 39.5 percent of the 3,839 square foot floor area of the main structure, which requires a 558-square-foot variance to the floor area ratio of the main structure proposed.

City records reflect permits for the construction of the one-story accessory structure issued on May 1, 1989 at a floor area ratio of approximately 750 square feet. Additionally, city records reflect building plans depicting the accessory structure and the encroachment of two feet into the required five-foot side yard setback.

The site plan denotes the proposed addition of a floor area to the ADU of approximately 767 square feet for a total floor area of 1,517 square feet. The accessory structure addition will equal to 39.5 percent of the existing 3839-square-foot floor area of the main

structure. The site plan confirms the size and location of these structures, including the ADU located three feet into the five-foot required side yard setback.

The property is irregular in shape since it is neither rectangular nor square, slightly sloped, and according to the application, contains 0.46 acres, or approximately 19,880 square feet in area. In an R-7.5(A) Single Family District the minimum lot size is 7,500 square feet. However, properties within the vicinity are greater than ten times the minimum lot size.

The applicant has submitted a document comparing the lot sizes and improvement of the subject site with four other properties in the vicinity with the same zoning. The average lot is 58,848 square feet with an average of 6,471 square feet for improvements. The proposed 1,517-square-foot additional dwelling unit on the site is commensurate to four other lots in the same zoning district.

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

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

As of September 9, 2021, no letters have been submitted in support of or in opposition to the request.

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

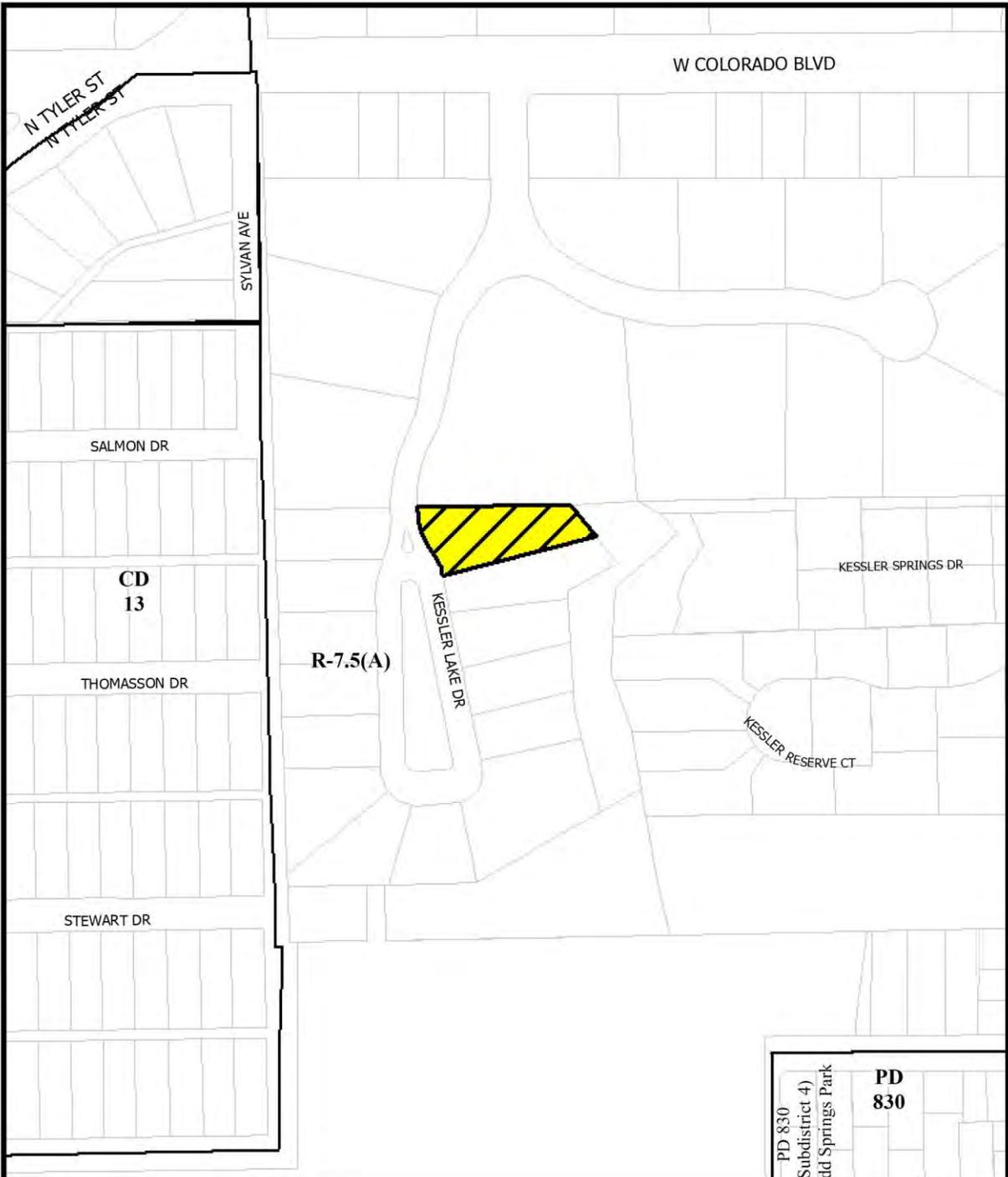
If the board were to grant the variances to the floor area regulations for structures accessory to single-family uses and to the side yard setback and impose the submitted site plan as a condition, the building footprints of the structures on the site would be limited to what is shown on this document. Furthermore, if the board were to grant the special exception to allow the ADU expansion, the Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed

restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

However, granting these requests will not provide any relief to the Dallas Development Code regulations other than allowing an additional dwelling unit on the site (i.e. development on the site must meet all other code requirements), as depicted on the site plan, including the increase in floor area ratio and encroachment into the side yard setback if each is approved by the board.

Timeline:

- July 21, 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.
- August 5, 2021: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel B.
- August 17, 2021: The Senior Planner emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application.
 - an attachment that provided the public hearing date and panel that will consider the application; the August 31st deadline to submit additional evidence for staff to factor into their analysis; and the September 10th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- August 31, 2021: The applicant submitted additional information to staff beyond what was submitted with the original application (**Attachments A & B**).
- September 3, 2021: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September 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 Building Inspection Chief Planner, the Interim Assistant Director of Current Planning, and the Assistant City Attorney to the board.
- No review comment sheets were submitted in conjunction with this application.

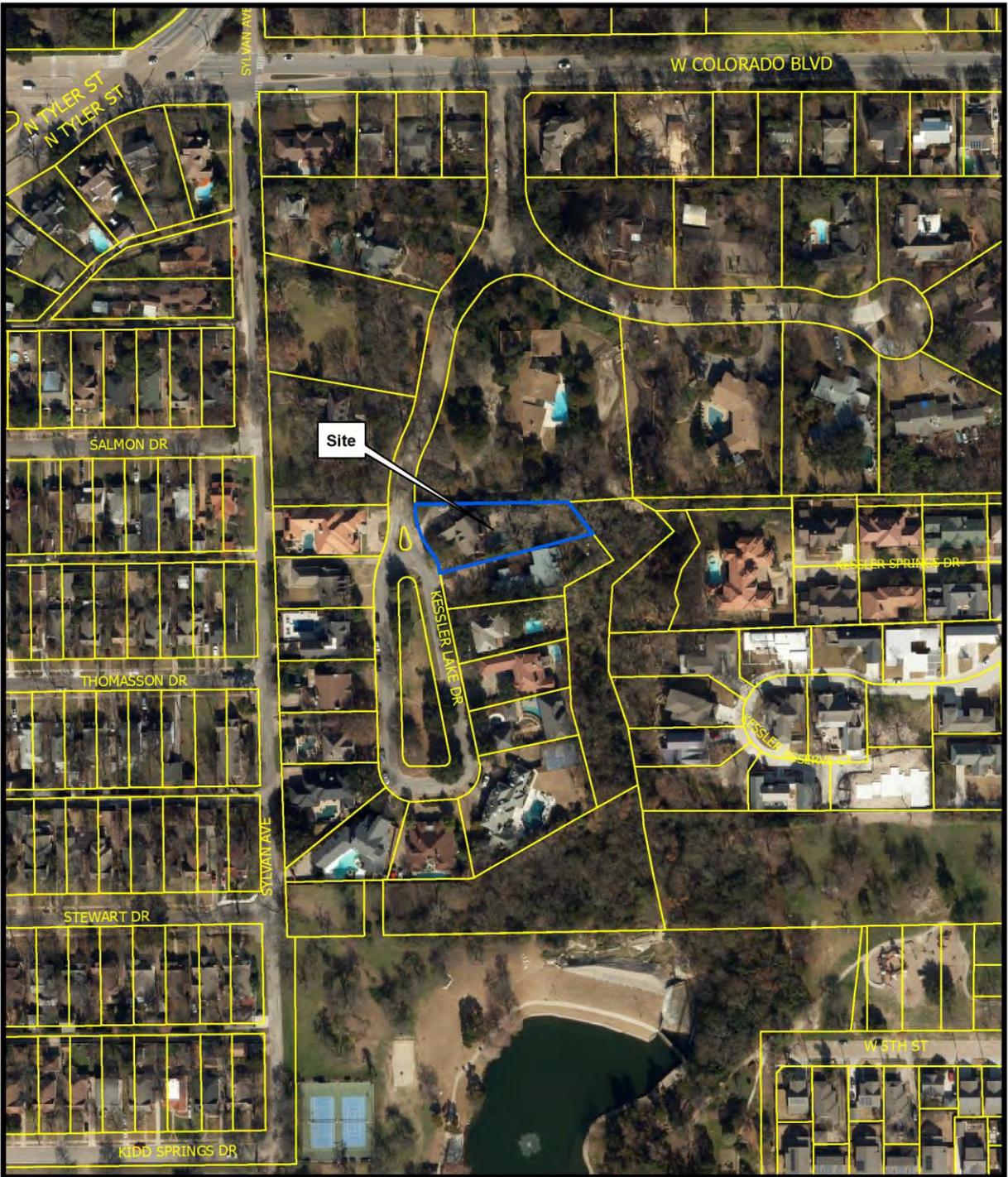



 1:2,400

ZONING MAP

Case no: **BDA201-085**
 Date: **8/18/2021**

PD 830
 Subdistrict 4)
 Add Springs Park
PD 830

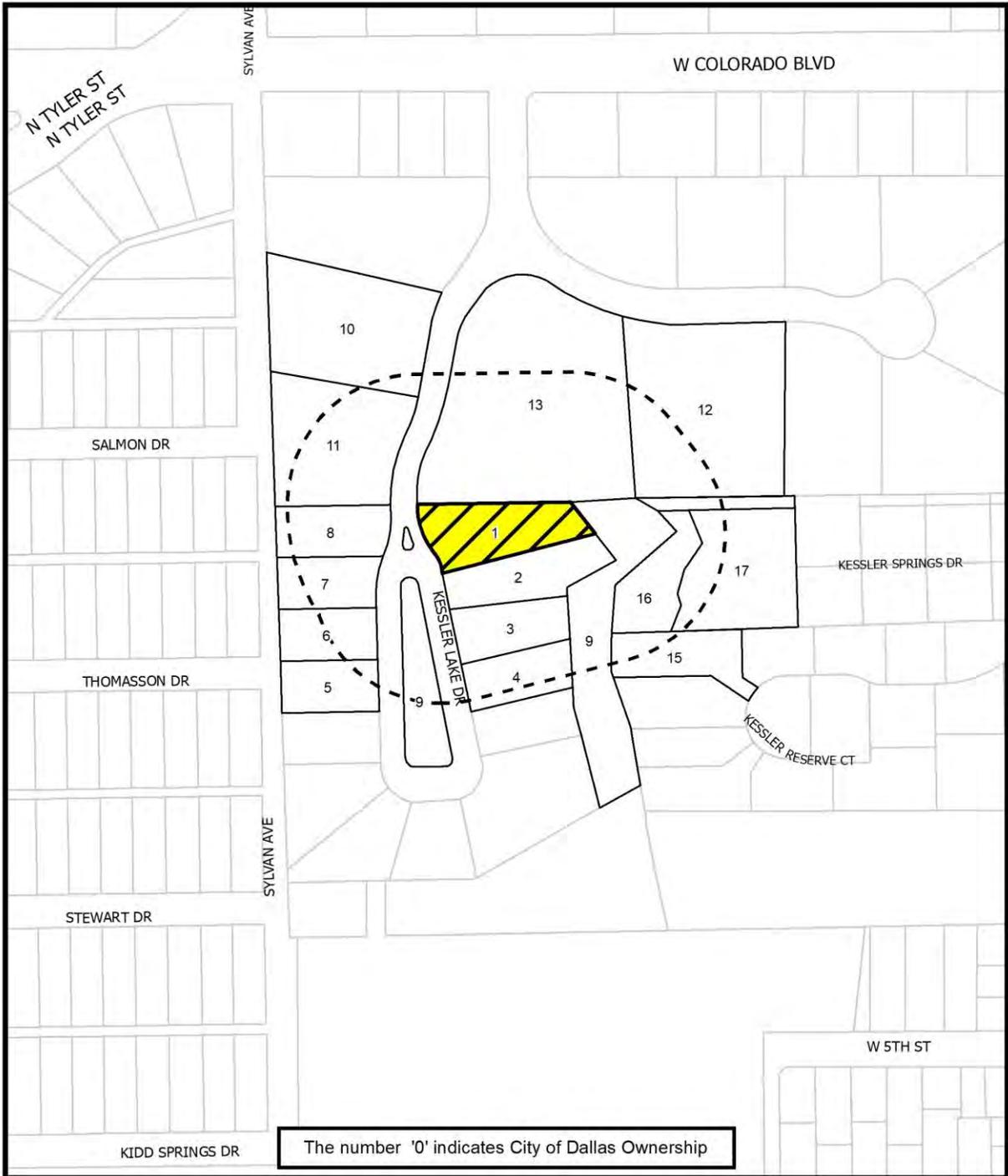


1:2,400

AERIAL MAP

Case no: BDA201-085

Date: 8/18/2021



The number '0' indicates City of Dallas Ownership

 1:2,400	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">17</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	17	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA201-085 Date: 8/18/2021
200'	AREA OF NOTIFICATION					
17	NUMBER OF PROPERTY OWNERS NOTIFIED					

08/16/2021

Notification List of Property Owners

BDA201-085

17 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	732 KESSLER LAKE DR	SMADES DAVID A &
2	736 KESSLER LAKE DR	HUNTER MALCOLM G JR &
3	740 KESSLER LAKE DR	RAMIREZ LIVING TRUST
4	744 KESSLER LAKE DR	MORALES SANDRA M &
5	743 KESSLER LAKE DR	MOCZYGEMBA CHARMAINE
6	739 KESSLER LAKE DR	MCCLURE WADE L
7	735 KESSLER LAKE DR	DETTMANN ANDREW & KATHRYN
8	731 KESSLER LAKE DR	HERRERA ESTEBAN
9	700 KESSLER LAKE DR	KESSLER LAKE ESTATES NO 2
10	717 KESSLER LAKE DR	BAUM DOUGLAS
11	727 KESSLER LAKE DR	CORDIER BARBARA & KENNETH
12	636 KESSLER LAKE DR	DUNN ERNEST LEWIS TR
13	718 KESSLER LAKE DR	BERNSTEIN STEVEN G
14	634 KESSLER SPRINGS DR	GARCIA DOMINGO & ELBA
15	645 KESSLER RESERVE CT	GALVIN ELIZABETH
16	1103 CEDAR HILL AVE	SOUTHWEST SECURITIES FSB
17	634 KESSLER SPRINGS DR	Taxpayer at



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-085
Date: ~~07/12/2021~~ 7-21-21 *edl*

Data Relative to Subject Property:

Location address: 732 Kessler Lake Drive Zoning District: R-7.5(A)
Lot No.: 1 Block No.: B/3386 Acreage: .42 Census Tract: 0042.01
Street Frontage (in Feet): 1) 110'-2" 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Laura Schroeder & David Smades

Applicant: Practice An Architectural Office Telephone: 817-602-2684

Mailing Address: 829 W. Jefferson Blvd. Zip Code: 75208

E-mail Address: kristin@practicearchitecturaloffice.com

Represented by: Kristin Perkins Telephone: 817-734-1879

Mailing Address: 829 W. Jefferson Blvd. Zip Code: 75208

E-mail Address: kristin@practicearchitecturaloffice.com

Affirm that an appeal has been made for a Variance X, or Special Exception , of 1 second dwelling Now Rent KP
~~unit of an existing non-conforming structure.~~ 2. Total detached structure square footage not to exceed more than KP
25% of main structure square footage. Side yard Setback, KP

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:

Attic conversion to an existing non-conforming accessory structure to allow for an aging parent to be cared for. The lot shape is much smaller than the average of the surrounding lots.

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 Kristin Perkins
(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 21st day of July, 2021



[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

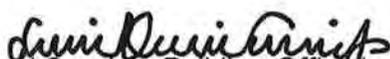
Building Official's Report

I hereby certify that KRISTIN PERKINS

did submit a request for a variance to the side yard setback regulations, and for a variance to the floor area ratio regulations, and for a special exception to the single family regulations
at 732 Kessler Lake Drive

BDA201-085. Application of KRISTIN PERKINS for a variance to the side yard setback regulations, and for a variance to the floor area ratio regulations, and for a special exception to the single family regulations at 732 KESSLER LAKE DR. This property is more fully described as Lot 1, Block B/3386, and is zoned R-7.5(A), which an accessory structure may not exceed 25% of the floor area of the main structure and limits the number of dwelling units to one and requires side yard setback of 5 feet. The applicant proposes to construct and maintain a single family residential accessory structure and provide a 3 foot side yard setback, which will require a 2 foot variance to the side yard setback regulations, and to construct a single family residential accessory structure with 1517 square feet of floor area (39.5% of the 3,839 square foot floor area of the main structure), which will require a 558 square foot variance to the floor area ratio regulations, and to construct and maintain an additional dwelling unit (non-rental), which will require a special exception to the single family zoning use regulations.

Sincerely,


David Session, Building Official



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 201-085

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

at: 732 Kessler Lake Drive
(Address of property as stated on application)

Authorize: Kristin Perkins
(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: NON-RENT Kp 1. second dwelling unit of an existing non-conforming structure. 2. Total detached structure square footage not to exceed 25% of main structure square footage. Side yard setback Kp
more than Kp

David Smades
Print name of property owner or registered agent

[Signature]
Signature of property owner or registered agent

Date 7/12/21

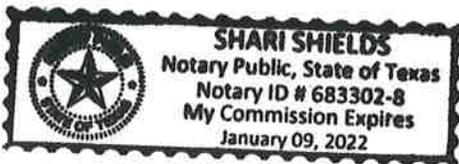
Before me, the undersigned, on this day personally appeared David Smades

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 12th day of July, 2021

Shari Shields
Notary Public for Dallas County, Texas

Commission expires on 1-9-2022





CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 201-085

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

at: 732 Kessler Lake Drive
(Address of property as stated on application)

Authorize: Kristin Perkins
(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. second dwelling unit ^{Non-Residential Kp} of an existing non-conforming structure. 2. Total detached structure square footage ^{not to exceed 25% of main structure square footage. Side yard setback Kp} ~~not to exceed 25% of main structure square footage.~~ ^{more than Kp}

LAURA SCHROEDER
Print name of property owner or registered agent

[Signature]
Signature of property owner or registered agent

Date 7-19-21

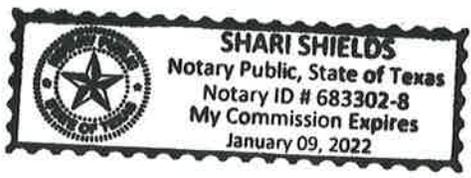
Before me, the undersigned, on this day personally appeared Laura Schroeder

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 19th day of July, 2021

Shari Shields
Notary Public for Dallas County, Texas

Commission expires on 1-9-2022



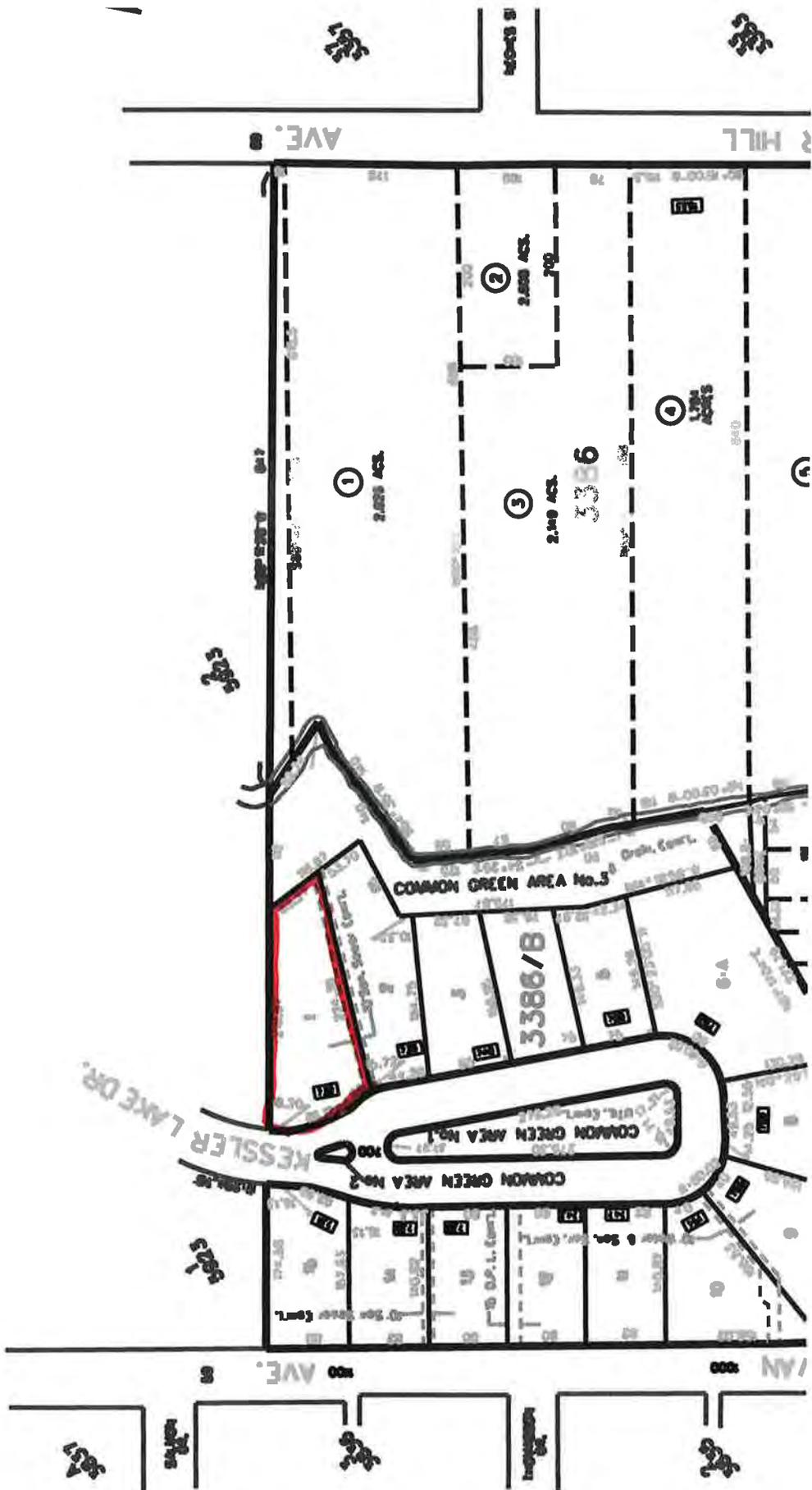


Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | OP | NSO Subdistricts |
| Mills' Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | 805 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)





732 Kessler Lake Drive

Project Overview

The subject address contains an existing accessory dwelling unit that was permitted and inspected sometime between 1989 and 1991 according to the Building Department of the City of Dallas (see attached email correspondence). The owner of the property bought the house in this condition and is looking to convert the attic space into a dwelling for their ill and aging relatives. In the process of pursuing a building permit for the project, it was discovered that the city did not have a record of an ADU designation and that the building was over the 5' side yard setback by less than 5 inches. The building is currently over the 25% allowed floor area when compared to the main house and was submitted that way back in the 1980's.

- The owners are looking to add an additional 776 sqft in an attic conversion
- The building footprint will not change
- The floor area of the existing accessory unit has a floor area of 1,127 sqft and an existing square footage of 741
- The new square footage of the accessory
- The main house has an existing square footage of 3,264 sqft and a floor area of 4,160 sqft including the attached garage and covered porches (the building inspector calculated the total floor area as 3637, see attached screenshot of comment).
- The height of the main house is 31'3-3/16"
- The height of the guest house (both existing and proposed) will not exceed 20' and will remain within inches of the current height.

Accessory Dwelling Unit

We are requesting an ADU be granted here as it should have been back at the time of submission for permit. The original drawings show a kitchen, living and bathing area and we were told by the head of the zoning department and Mr. Trammell on 8/27 that this was a city oversight. Many of the houses in the neighborhood have ADUs and we are just looking to clean up this oversight and make the structure conform to city codes while eliminating any issues or confusion for the current or any future owners of the residence.

- The building was permitted in its existing state
- Many of the neighbors have these structures
- It will not be rented out but only used by the owners and their family or personal guests
- The building is preexisting and was permitted and inspected prior to the current owners purchasing the home
- This ADU request is not contrary to public interest as it is merely seeking to correct an oversight from 20 years ago and is commensurate with what is found in neighboring properties

Setback

We are requesting a setback variance to make the building comply with city code. The building is currently just under 5" beyond the setback due to a construction error during the original construction period somewhere between 1989 and 1991. Since the building is over slightly the soffit and or chimney will be included in the variance. The soffit of the building is 3'6" from the property line. The chimney is 2'6" from the property line.

- The building was drawn and permitted with a 5' setback but, since form board surveys were not required at the time of construction, the building was built 4-13/16" out of compliance
- This was not caught by city inspection of the building when it was built originally
- We are simply looking to make the structure compliant as it was inspected and passed at the time of construction
- The building will not encroach any more than it already does into the setback
- This request is not contrary to public interest since it has been this way for 20+ years and has not been an issue in the past

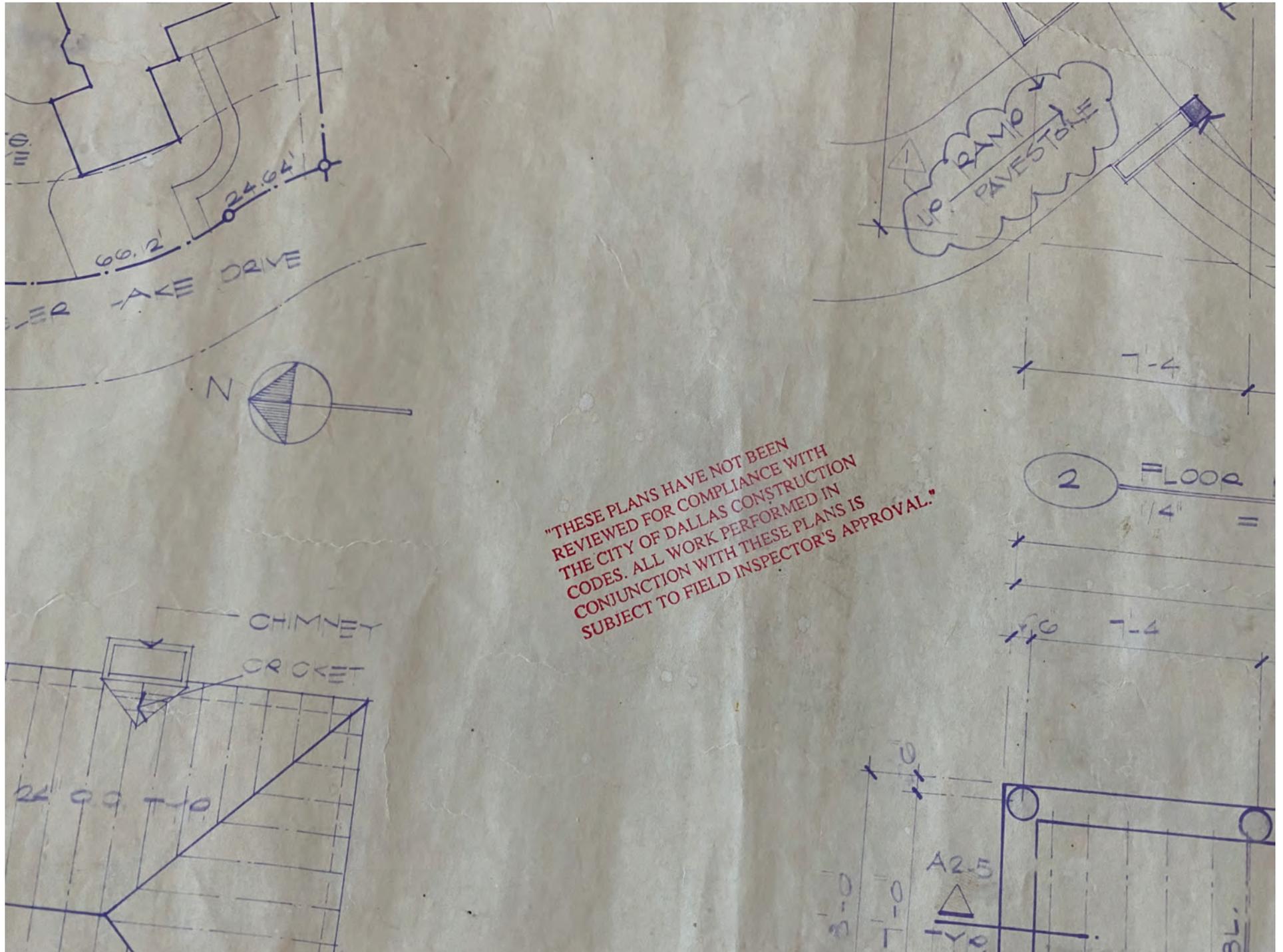
25% Square Footage of Floor area

We are asking for a variance to the 25% square footage rule. We are looking to add 776 square feet to the existing accessory structure. The plans submitted will do this without raising the height of the existing structure by more than a few inches (just to allow for larger rafter sizes than what is existing). The Structure will not change in footprint and will still be within 25% of the many of the neighboring houses that are on larger and more easily developed lots. The lot that the house and structure sit on is smaller and has an irregular shape, as well as a significant slope towards the back making construction of and additional structure costly and awkward. This open area also contains mature trees, and they would be disturbed by an y new construction.

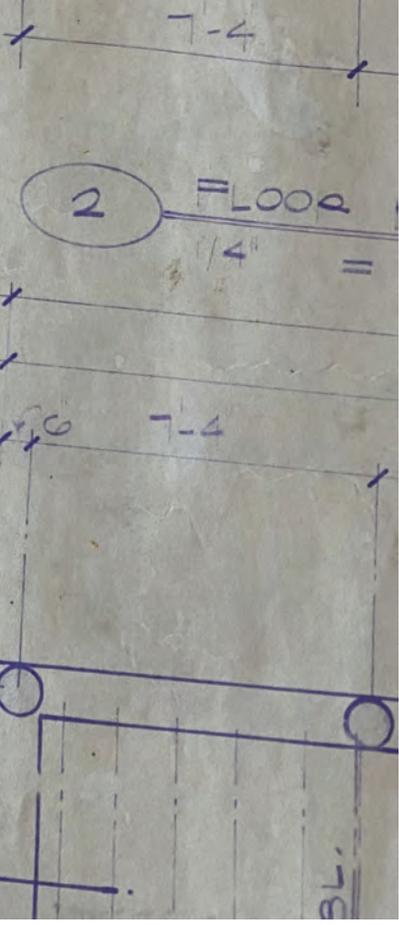
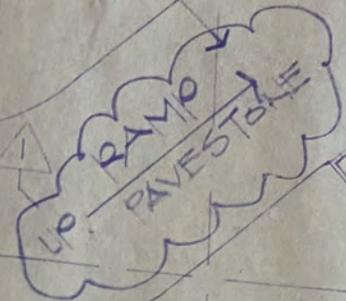
- The property in this case has a lot area of 19,880 sqft with a living area of 3,133 sqft according to DCAD (our calculations put the living area of that house at 3264sqft)

- 718 Kessler Lake Dr, Lot 9, the neighboring property to the north is 91,243 sqft and has a home with a living area of 7,301 square feet
- 636 Kessler Lake Drive, Lot 8, just to the northeast of the property has a lot area of 66,705 sqft and a living area of 7,386
- 752 Kessler Lake Drive, Lot 6A to the south of the property and on the same street has an area of 28,443 and a living area of 6,574 sqft
- 707 Kessler Lake Drive, Lot 1 to the northwest of the property has a land area of 49,001 sqft and a living area of 4,623 sqft
- Our addition will not increase in footprint or massing from the original permitted and inspected design
- Our ADU will be consistent of the allowable size for neighboring houses in the area
- The permitted structure was already over 25% of the main house at the time of submission in the 1980's
- This variance would not only allow for the attic conversion/addition but make the current structure compliant
- There are other houses in the neighborhood have accessory structures over 25% of the main house with living quarters in them (photos attached)
- This modification to the structure is not contrary to public interest due to the building staying the same height taking up the same footprint
- It would be financially prohibitive to construct on another area of the site due to trees and slope

- The requested square footage variance does not exceed what would be allowed on the many larger neighboring lots with more standard shape and slope



"THESE PLANS HAVE NOT BEEN
 REVIEWED FOR COMPLIANCE WITH
 THE CITY OF DALLAS CONSTRUCTION
 CODES. ALL WORK PERFORMED IN
 CONJUNCTION WITH THESE PLANS IS
 SUBJECT TO FIELD INSPECTOR'S APPROVAL."



Existing plans with City of Dallas Stamps

[Address](#)

- [Details](#)
- [Holds](#)
- [Applications](#)

	Type	Project #	Status	Description	Issue Date	Trades
View	Master Permit	0607171091	Complete	Swimming Pool (SW) PL, EL 1108-INSTALL SWIMMING POOL	Jul 18, 2006	EL, PL
View	Master Permit	1608223052	Cancelled	Mechanical (ME)		
View	Master Permit	1608223053	Complete	Mechanical (ME) 4002-REPLACE OR MODIFY EXISTING HVAC	Aug 22, 2016	
View	Master Permit	2105061027	New	Building (BU) EL, EC, ME, CS, GR, PL ADDITION		CS, EC, EL, GR, ME, PL
View	Master Permit	2105061028	New	Building (BU) EL, EC, ME, CS, GR, PL REMODEL		CS, EC, EL, ME, PL
View	Master Permit	8605051007	Complete	Building (BU) 1111-CONSTRUCT NEW SFD 732 KESSLER LAKE DR	May 5, 1986	
View	Master Permit	8605051130	Complete	Plumbing (PL) 1111-CONSTRUCT NEW SFD 732 KESSLER LAKE DR	May 5, 1986	
View	Master Permit	8605122030	Complete	Electrical (EL) 1111-CONSTRUCT NEW SFD	May 12, 1986	
View	Master Permit	8606242045	Complete	Mechanical (ME) 1111-CONSTRUCT NEW SFD	Jun 24, 1986	
View	Master Permit	8609052140	Complete	Building (BU) GR CONSTRUCT APPROACH & WALK	Sep 5, 1986	GR
View	Master Permit	8904251002	Complete	Building (BU) 732 KESSLER LAKE DR	May 1, 1989	
View	Master Permit	8904271025	Complete	Plumbing (PL) 732 KESSLER LAKE DR	Apr 27, 1989	
View	Master Permit	8905052023	Complete	Electrical (EL) 732 KESSLER LAKE DR	May 8, 1989	

[Main Menu](#)

Email from the city stating that the accessory structure was permitted and inspected



Patrick Craine <patrick@practicearchitecturaloffice.com>

Fwd: 732 Kessler Lake

1 message

David Smades <davidsmades@msn.com>
To: Patrick Craine <patrick@practicearchitecturaloffice.com>

Thu, Jun 17, 2021 at 7:34 AM

The one I sent yesterday from my computer didn't have the city logo on my end. Hopefully this one looks better.

Sent from my iPhone

Begin forwarded message:

From: David Smades <davidsmades@msn.com>
Date: June 16, 2021 at 3:36:53 PM CDT
To: Patrick Craine <patrick@practicearchitecturaloffice.com>
Subject: Fw: 732 Kessler Lake

Dave Smades

From: Wimer, Megan <megan.wimer@dallascityhall.com>
Sent: Wednesday, June 16, 2021 11:38 AM
To: davidsmades@msn.com <davidsmades@msn.com>
Subject: 732 Kessler Lake

Good morning, David. While our records for the referenced address are sparse, they do indicate that the accessory structure was built and inspected sometime between 1989 and 1991. I hope this helps. - Megan



Megan Wimer, AICP, CBO
Assistant Building Official
City of Dallas | DallasCityNews.net
Sustainable Development and
Construction
320 E. Jefferson Boulevard, Room 115
Dallas, TX 75203
O: 214-948-4501
megan.wimer@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.**



Accessory dwelling from back porch of main house



Accessory dwelling from back of lot showing slope



Accessory dwelling from back of lot showing slope

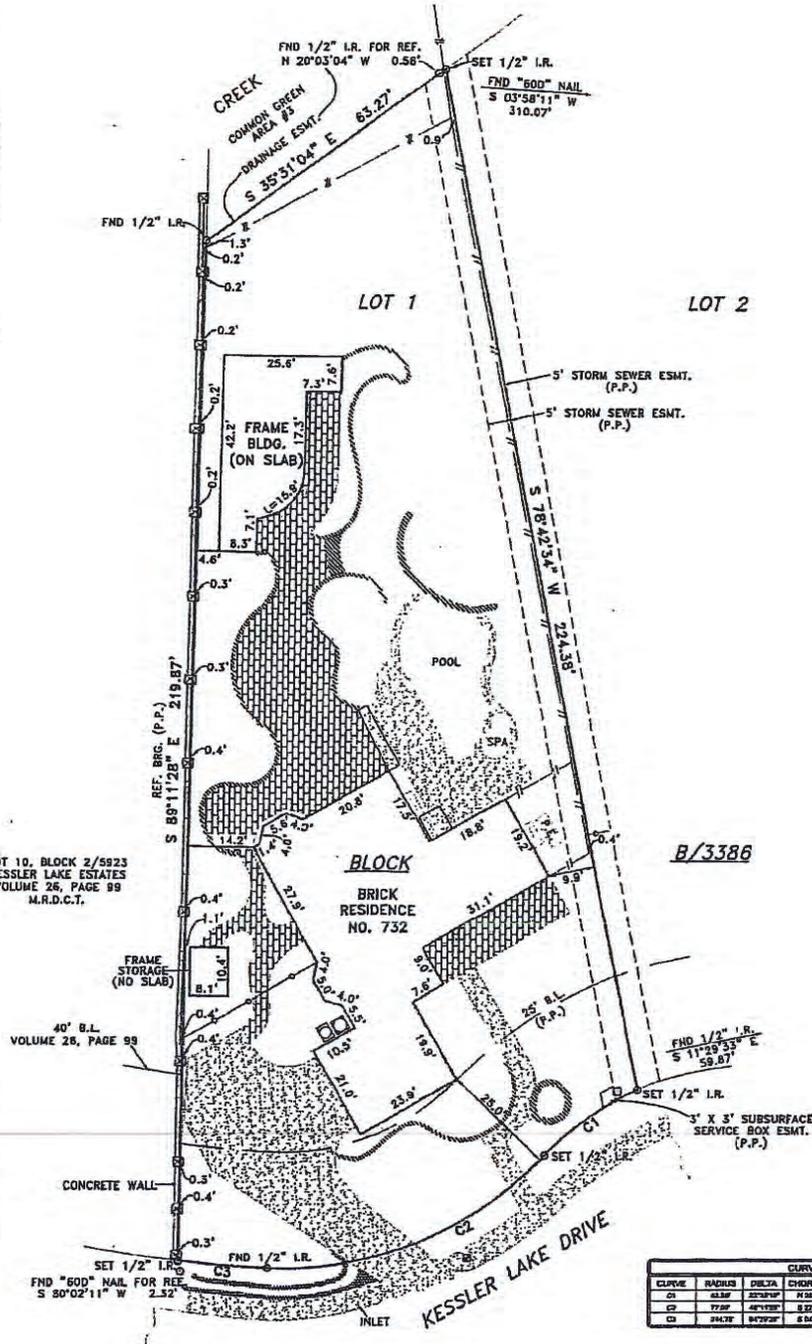


Accessory dwelling from back of lot showing slope

SURVEY PLAT

BEING LOT 1, IN BLOCK B/3386, OF KESSLER LAKE ESTATES NO. 2, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 79128, PAGE 2663, OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS.

Handwritten: 7-12-12



LOT 10, BLOCK 2/5923
KESSLER LAKE ESTATES
VOLUME 26, PAGE 99
M.R.D.C.T.

B/3386

The survey is hereby accepted with the discrepancies, conflicts, or shortages to area or boundary lines, encroachments, protrusions, or overlapping of improvements shown.

Handwritten signature: [Signature]

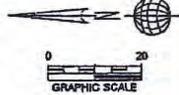
CURVE CHART					
CURVE	RADIUS	DELTA	CHORD BEARS	CHORD DISTANCE	ARC LENGTH
C1	43.87	252.94°	N 87°21' W	84.12'	132.2'
C2	77.67	49°15'30"	S 87°21' E	84.12'	132.2'
C3	244.72	94°27'	S 87°21' W	19.28'	132.2'

NOTES

- 1) All corners labeled as SET 1/2" I.R. are 1/2" iron rods with a yellow plastic cap stamped "RPLS 3310" and for corner.
- 2) (P.P.) indicates that Building Lines, Easements, Rights-of-Way, etc. as shown on this survey are per plat referenced in Legal Description hereon.
- 3) All boundary dimensions shown hereon are per plat unless otherwise noted.
- 4) The property shown hereon is subject to the terms, provisions, conditions, obligations, assessments and liens recorded in Volume 79128, Page 2672.

FLOOD ZONE

This is to certify that NO PORTION of the property shown hereon is within the 100 Year Flood Hazard Area as published in Community Panel No. 480171.0340J, Zone(s) "X", dated 08-23-01 of the Flood Insurance Rate Map.



LEGEND	
[Symbol]	FIRE PLACE
[Symbol]	POOL EQUIPMENT
[Symbol]	WATER METER
[Symbol]	POWERLINE
[Symbol]	OVERHEAD SERVICE LINE
[Symbol]	WOOD FENCE
[Symbol]	CHAIN LINK FENCE
[Symbol]	STONE RETAINING WALL
[Symbol]	WROUGHT IRON FENCE
[Symbol]	COVERED AREA
[Symbol]	BUILDING LINE
[Symbol]	EASEMENT LINE
[Symbol]	BRICK COLUMN
[Symbol]	AIR CONDITIONER
[Symbol]	BRICK
[Symbol]	CONCRETE
[Symbol]	STONE PLANTER
[Symbol]	ELECTRIC BOX

I, John S. Turner, Registered Professional Land Surveyor of the State of TEXAS, do hereby certify that this Survey Plat is a true, correct and accurate representation of the property shown hereon as described by survey on the ground under my supervision. The lines and dimensions of said property being indicated by the plat. This improvement also adds the boundaries of the property lines of the distances indicated and there are no visible and apparent encroachments, easements, conflicts or protrusions, except as shown. This survey meets or exceeds the minimum standards required by the Texas Board of Professional Land Surveying.

This Survey was performed exclusively for the parties shown hereon and is intended for a single use. This survey remains the property of the Surveyor. Unintentional reuse is not permitted without the expressed written permission of the Surveyor. This survey is an original work protected by United States Copyright Law and International Treaties. All rights reserved. Do not make third copies.

Handwritten signature: John S. Turner
R.P.L.S. #5310



Analytical Surveys, Inc.

"Registered Professional Land Surveyors"

707 Easy Street
Garland, Texas 75042

(972) 272-6287 Voice
(972) 272-8407 Fax

John S. Turner R.P.L.S. 6310
www.analyticalinc.com

Job Number: B555-00	Date: 04-21-09
S.F. Number: 08P281A TC1	Title Company: REPUBLIC TITLE
Created for: MOGEM1/HARTMAN	Drawn by: BAK

Neighboring large ADU (over in 25% rule)

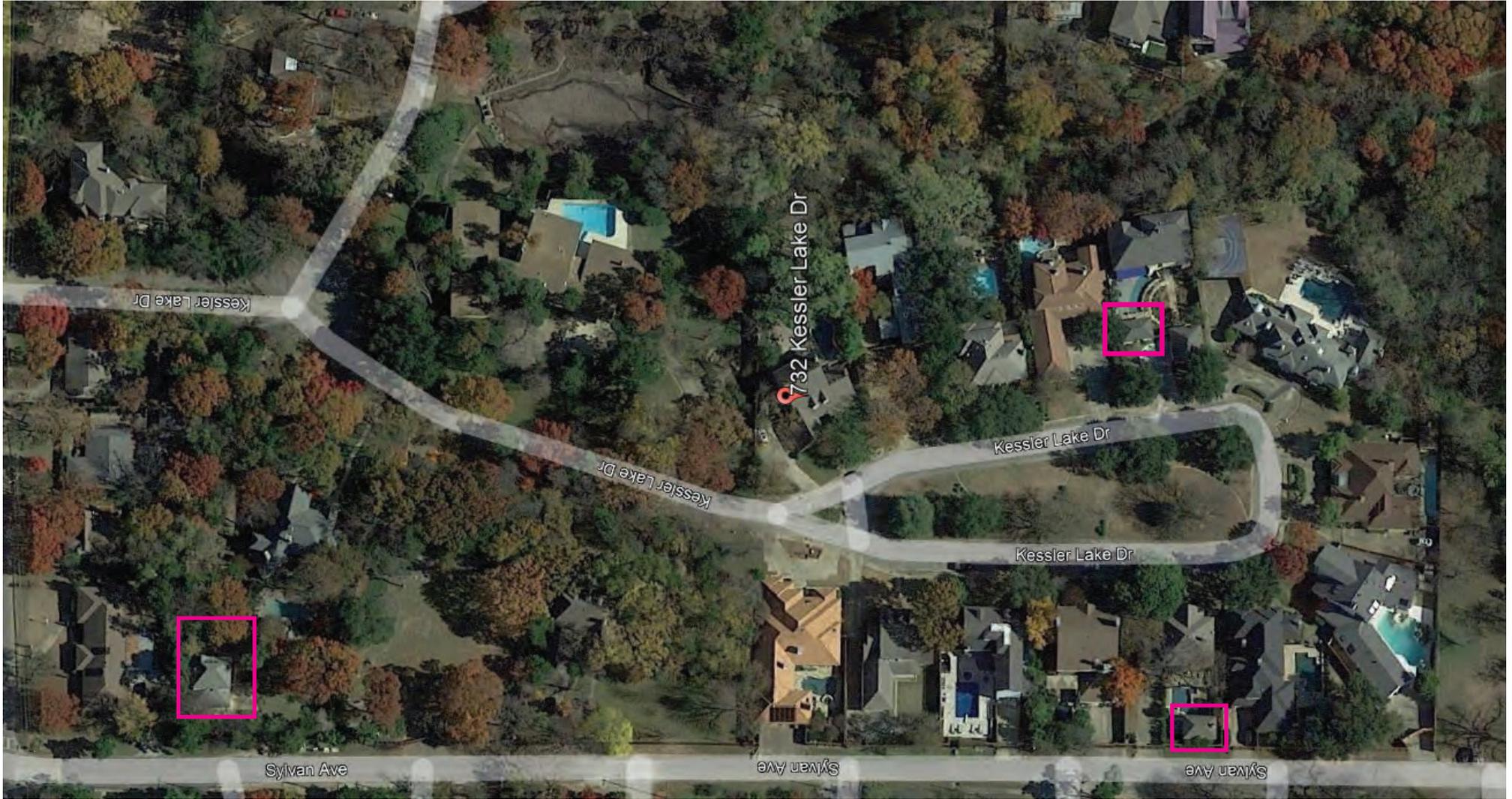
10-21



Neighboring large ADU (over in 25% rule)

10-22





Neighboring accessory structures

I, Andrew DETTMANN at 735 Kessler Lake Drive, am not opposed
print name house #

to the secondary dwelling variance requested by David Smades & Laura Schroeder at 732

Kessler Lake Drive. This is in reference to Board of Adjustment case number 201-085.

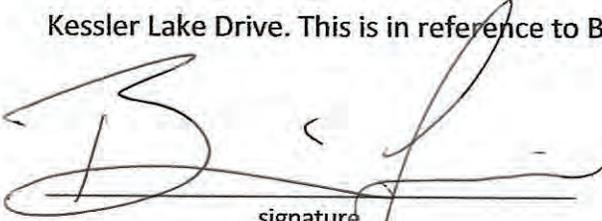


signature

I, BRIAN FABIAN at 731 Kessler Lake Drive, am not opposed
print name house #

to the secondary dwelling variance requested by David Smades & Laura Schroeder at 732

Kessler Lake Drive. This is in reference to Board of Adjustment case number 201-085.



signature

BDA201-085_Letters/Opposition

Jennifer Munoz, Chief Planner
City of Dallas
1500 Marilla Street, 5BN
Dallas, TX 75201

September 7, 2021

RE: BDA 201-085 – 732 Kessler Lake Drive (Lot 1, Block B/3386)

Dear Ms. Munoz,

I, [REDACTED] hereby submit this letter as my official statement of non-endorsement regarding an appeal made to the Board of Adjustment by Kristin Perkins, on behalf of David Smades and Laura Schoeder, owners of 732 Kessler Lake Drive (subject property).

The violations are not within City of Dallas Development code and therefore we cannot endorse these appeals.

The variances include:

- Side yard setback regulation (currently 3 foot side yard)
- Floor area ratio regulation (exceeding 25%)
- Special exception to single family zoning use regulation

My property is adjacent to the aforementioned subject property and for various reasons including loss of privacy and property devaluation, I object to these violations due to the nature of being non-compliant with City of Dallas codes.

[REDACTED] We choose not to incite animosity and hope to remain anonymous.

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Jennifer Munoz, Chief Planner
City of Dallas
1500 Marilla Street, 5BN
Dallas, Texas 75201

September 9, 2021

Subject: BDA 201-085 – 732 Kessler Lake Drive (Lot 1, Block B/3386)

Dear Ms. Munoz:

We, [REDACTED] hereby submit this letter as our official statement of non-endorsement regarding an appeal made to the Board of Adjustment by Kristin Perkins on behalf of David Smades and Laura Schoeder, the owners of 732 Kessler Lake Drive.

The detached quarters, according to the Dallas County Appraisal District, is 750 square feet or 23.9% of the main structure which is 3,133 square feet. The owners are proposing to add a Second Floor equal to 767 additional square feet for a total of 1517 square feet. With the detached quarters being 1517 square feet, it would be equal to 48.4% of the main structure. The existing deed restricts an additional structure to 25% of the main structure.

Our property is adjacent to the subject property and for various reasons including loss of privacy and property devaluation, we object to these violations due to the nature of being non-compliant with the City of Dallas Code.

Due to the sensitivity of this matter, we prefer to remain anonymous.

Should you have any questions, please don't hesitate to contact us at [REDACTED]

Respectfully,

[REDACTED]

FILE NUMBER: BDA201-086(PD)

BUILDING OFFICIAL'S REPORT: Application of Grant Smith for 1) a variance to the front yard setback regulations to provide a six-foot front yard setback which will require a 19-foot variance, 2) a special exception to the fence height regulations to provide an 11-foot-high fence in a required front yard which will require a seven-foot special exception, and 3) a special exception to the fence standards regulations to provide a fence panel having less than 50 percent open surface area located less than five feet from the front lot line at 9819 Elmcrest Drive. This property is more fully described as Lot 2-A, Block H/8127, and is zoned an R-7.5(A) Single Family District which requires a front yard setback of 25 feet, limits the height of a fence in the front yard to four feet, and permit a solid fence in a required front yard with a fence panel having less than 50 percent open surface area. The applicant proposes to construct a single-family residential accessory structure (in-ground swimming pool), a three-foot-high retaining wall with an eight-foot-high solid wood fence for a maximum height of 11 feet, all proposed in the front yard setback along White Rock Trail.

LOCATION: 9819 Elmcrest Drive

APPLICANT: Grant Smith

REQUEST:

The applicant proposes to construct and maintain a swimming pool, retaining wall and fence located as close as six feet from the front property line. The property is currently developed with an approximately 3,742-square-foot, one-and-one-half story, single-family dwelling constructed in 1967.

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.

STAFF RECOMMENDATION (variance to front yard):

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- The property is irregular in shape, has two front yards with a 20-foot build line and a 30-foot build line, respectively, and has a slight slope. The site is only one of three that requires two build lines; however, removal of platted build lines cannot be remedied through the board or the variance process. Per Sec. 51A-8.505(c), if an existing platted build line established a minimum front, side, or rear yard setback greater than the minimum front, side, or rear yard setback required by zoning regulation, relief from the platted building line must be sought through a replat submitted to the Commission. Additionally, the subject property appears to be one of only two lots within the general vicinity that has significant topography changes that warrant a retaining wall which does not exist on other properties within the general vicinity. Therefore, the subject site is unique and different from most lots in the R-7.5(A) Single Family District. Finally, these conditions further restrict the property from being developed in a manner commensurate with the development upon other parcels of land with the same R-7.5(A) zoning classification.

STANDARD FOR A SPECIAL EXCEPTION TO THE FENCE STANDARDS (height and openness):

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

- Site: R-7.5(A) Single Family District
North: R-7.5(A) Single Family District
South: R-7.5(A) Single family District
East: R-7.5(A) Single Family District
West: PDD No. 459 (non-residential district)

Land Use:

The properties to the north, south, and east are developed with single-family uses. The property to the east along White Rock Trail is developed with a private school, office, and surface parking uses.

ZONING/BDA HISTORY:

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

GENERAL FACTS /STAFF ANALYSIS:

This request for a variance to the front yard setback regulations of up to 19-feet is made to construct and maintain a residential accessory structure, a swimming pool and hot tub structure with approximately 1,077 square feet of floor area. The site subject is developed with a single-family home and located in an R-7.5(A) Single Family District which requires a minimum front yard setback of 25 feet.

The submitted site plan indicates that the proposed structure is located as close as six feet from the front property line along White Rock Trail and as much as 19 feet into the required 25-foot front yard setback.

Lots in this district are typically 7,500 square feet in area. The subject site is somewhat sloped, contains two front yards: one along Elmcrest Drive, and the second along White Rock Trail. Additionally, the plat indicates that only three lots within the block face that contains two platted build lines. The first platted build line across Elmcrest Drive requires a 30-foot build line and the second platted build line across White Rock Trail requires a 20-foot build line. Further the application, the subject site is 0.339 acres (or approximately 14,766 square feet) in lot area.

According to DCAD records, improvements listed for the property addressed at 9819 Elmcrest Drive consists of a one-and-one-half story single family dwelling with approximately 3,742 square feet of floor area and one attached garage with approximately 656 square feet of floor area.

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

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

As of September 10, 2021, two letters have been submitted in support of the request.

If the board were to grant the variance request and impose the submitted site plan as a condition, the swimming pool with hot tub structure with approximately 1,077 square feet of floor area located partially in the front yard setback, would be limited to what is shown on this document.

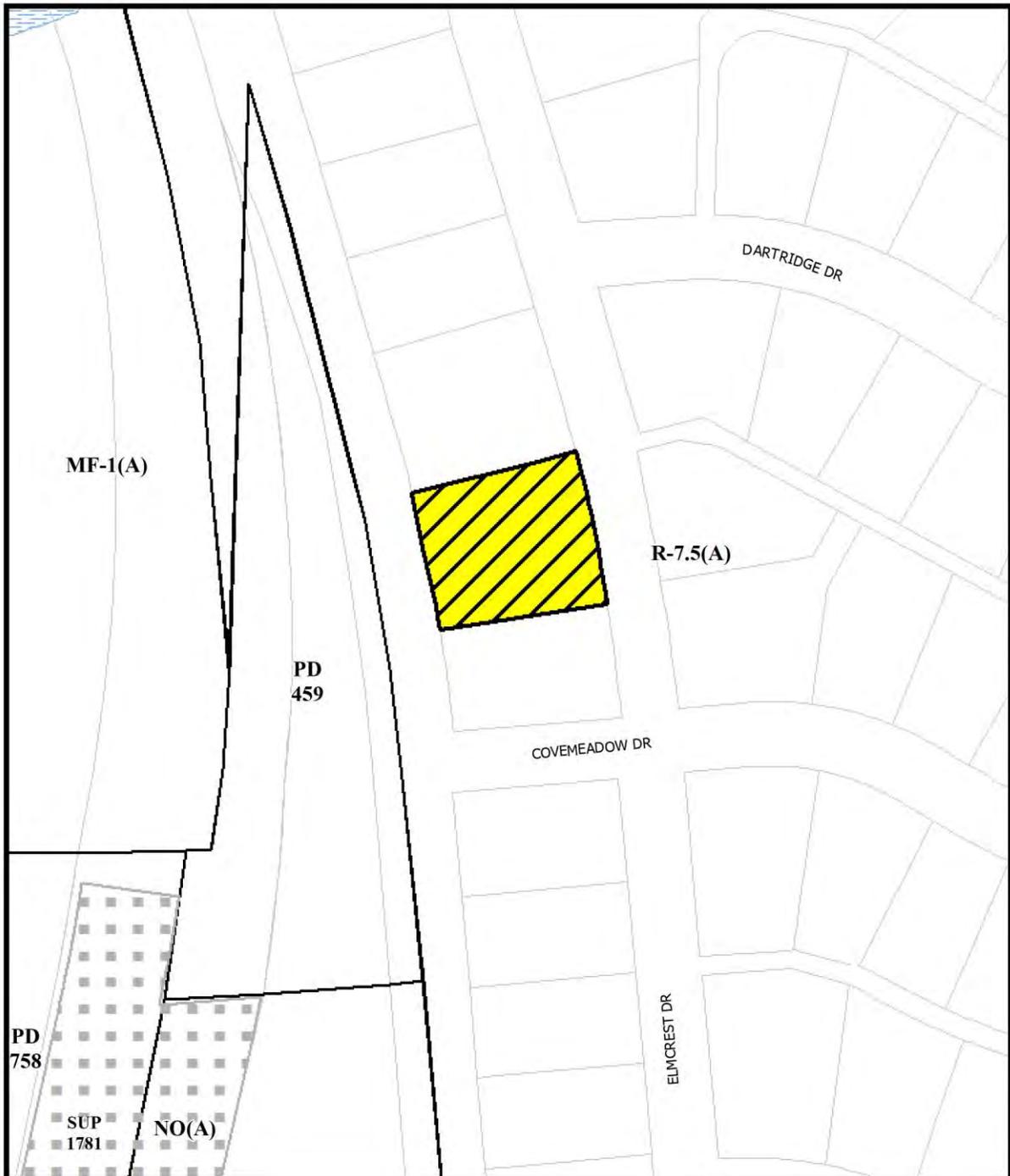
Timeline:

- July 19, 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.
- August 5, 2021: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- August 17, 2021: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application;
 - an attachment that provided the public hearing date and panel that will consider the application; the August 31st deadline to submit additional evidence for staff to factor into their analysis; and the September 10th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and

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

September 3, 2021: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September 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 Building Inspection Chief Planner, the Interim Assistant Director of Current Planning, and the Assistant City Attorney to the board.

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

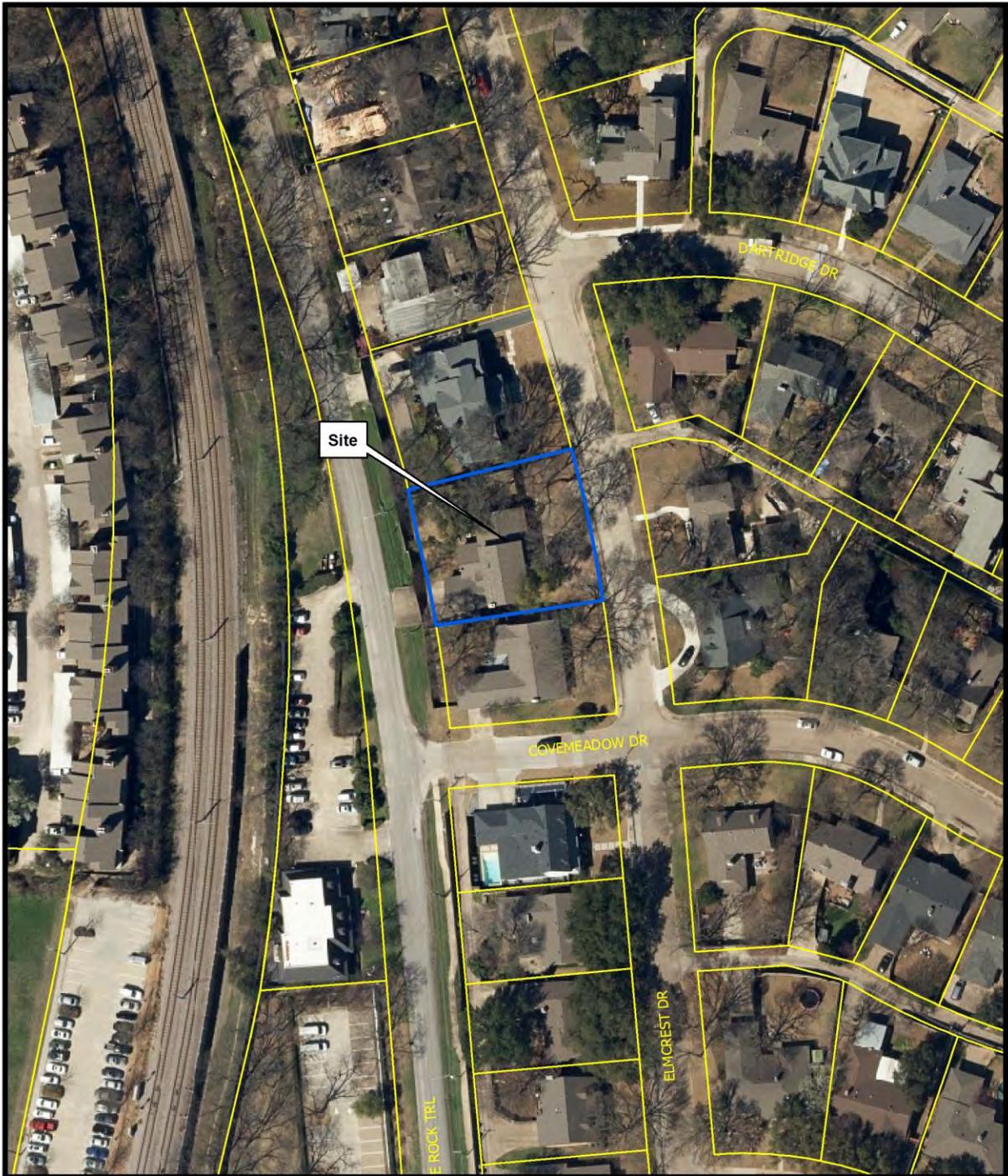


1:1,200

ZONING MAP

Case no: BDA201-086

Date: 8/18/2021

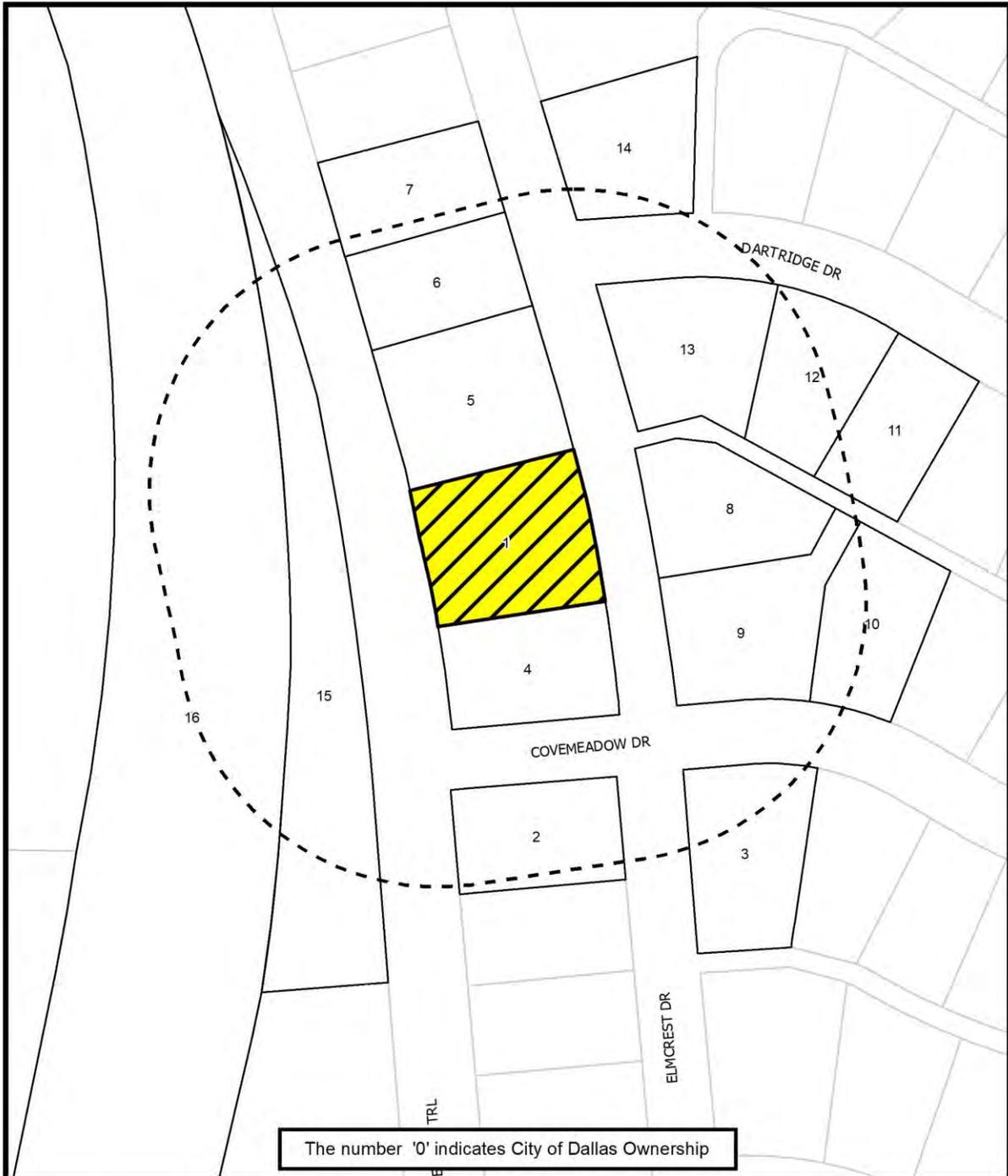


1:1,200

AERIAL MAP

Case no: BDA201-086

Date: 8/18/2021



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
16 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA201-086**

Date: **8/18/2021**

08/18/2021

Notification List of Property Owners

BDA201-086

16 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	9819 ELMCREST DR	SMITH GRANT & AMY M
2	9753 ELMCREST DR	GUTIERREZ JUAN DANIEL & MAUREEN SHEVLIN
3	9412 COVEMEADOW DR	TORNOW JOHN D &
4	9805 ELMCREST DR	ROBERTSON BROCK A & SCHOLLE
5	9825 ELMCREST DR	SIBLEY G WARREN & ALISON
6	9829 ELMCREST DR	ALLEN CAROLYN
7	9835 ELMCREST DR	BAYLIS BARBARA C
8	9816 ELMCREST DR	CHRANE DAVID BRENDAN &
9	9806 ELMCREST DR	STRESE JEFFREY S & LORA E
10	9419 COVEMEADOW DR	KLINE JACOB
11	9414 DARTRIDGE DR	BROWN JOHN R & JANET
12	9410 DARTRIDGE DR	KENNEDY JASON R & CHRISTINE NEILL
13	9406 DARTRIDGE DR	LAWSON WILLIAM M JR
14	9403 DARTRIDGE DR	WHITAKER DAVID EDWARD & ELIZABETH ALEXANDER
15	9757 WHITE ROCK TRL	RJG LLC
16	555 2ND AVE	DART



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-086

Date: ~~7-15-21~~ 7-19-21

Data Relative to Subject Property:

Location address: 9819 Elmcrest Drive, Dallas, TX 75238 Zoning District: White Rock North **R7.5(A)**

Lot No.: 2A Block No.: H/8127 Acreage: 14,782 SF ³³⁹ Census Tract: 130.08

Street Frontage (in Feet): 1) 116.02 2) 103.82 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Grant Smith and Amy Smith

Applicant: Grant Smith Telephone: 972-351-3116

Mailing Address: 9819 Elmcrest Drive Zip Code: 75238

E-mail Address: agsmith@sbcglobal.net

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance X, or Special Exception __, of swimming pool (FYSB)
fence height, less than 50% openness

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. Literal enforcement of the code would result in unnecessary hardship given the unusual characteristics of the property.
2. The site for the pool has been used as a back yard for over 60 years.
3. The planned improvements are commensurate with other parcels in the neighborhood.
4. The improvements would be over 25 feet from the road behind an 8 foot fence that sits on top of a 3 foot retaining wall.
5. The planned improvements are supported by neighbors.

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

Affidavit

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

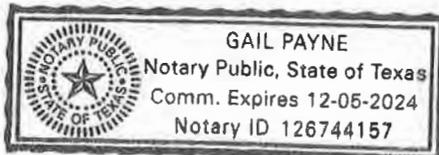
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 15 day of July, 2021

Gail Payne
Notary Public in and for Dallas County, Texas

(Rev 08-01-11)





CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 201-086

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

at: 9819 Elmcrest Drive, Dallas, TX 75238
(Address of property as stated on application)

Authorize: Grant Smith
(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)

X Variance (specify below)

X Special Exception (specify below)

 Other Appeal (specify below)

Specify: Front yard setback, Fence Height, Less than 50% open

Amy Smith
Print name of property owner or registered agent

Amy Smith
Signature of property owner or registered agent

Date 7/14/21

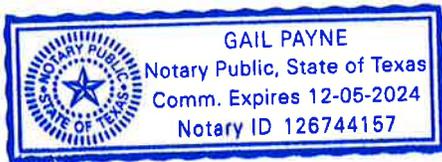
Before me, the undersigned, on this day personally appeared Amy Smith

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 14 day of July, 2021

Gail Payne
Notary Public for Dallas County, Texas

Commission expires on _____



**Smith Residence Variance
9819 Elmcrest Drive**

We desire to build a pool in our backyard with vertical features approximately 2 feet tall (i.e. hot tub and decorative wall) and maintain our existing fence. We request variances that meet the following requirements:

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

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

Building a pool in our backyard is not contrary to the public interest. The literal enforcement of this chapter would result in unnecessary hardship because we could not utilize our property in a manner consistent with other nearby residential properties. The existing fence is not contrary to the public interest. It serves the public interest given the unique location of the property. Our backyard faces White Rock Trail, the DART rail tracks, a bike trail that is being constructed, and is approximately two hundred yards from the Lake Highlands DART Rail station. The fence serves as a sound and sight barrier for our home and many other houses in the neighborhood.

- **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**

Our property has double frontage because it is located between Elmcrest Drive and White Rock Trail, with the front of the house facing Elmcrest Dr. The back side of the house facing White Rock Trail is used as a backyard, and all seven of our neighbors that also have double frontage with White Rock Trail use that portion of their property as a backyard as well and have used them as such since construction in the 1960's. The setback from White Rock Trail on our property creates a restrictive area that requires us to obtain a variance in order to develop a pool in a manner commensurate with other parcels of land with the same zoning. Finally, the fence provides our home with a private and secure backyard just like the other 500 houses in our neighborhood with the same residential zoning.

- **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.**

This variance is not requested to relieve a self-created hardship because the pool has not yet been built, nor is it for financial reasons. We are not asking for a privilege not permitted to other parcels of land with the same zoning. The fence was existing when we purchased the house in 2019.

Trammell, Charles

From: Scholle Robertson <scholle.robertson@gmail.com>
Sent: Monday, July 19, 2021 10:23 PM
To: Trammell, Charles
Cc: Brock Robertson
Subject: Re: Pool for Smith Family

External Email!

Hi Charles,

To clarify - we have no opposition
to the request before the Board of Adjustments.

Thank you!

Scholle & Brock

> On Jul 19, 2021, at 3:01 PM, Scholle Robertson <scholle.robertson@gmail.com> wrote:

>

> Hi Charles,

>

> I hope you are doing well.

>

> We are neighbors to Amy & Grant Smith at 9819 Elmcrest Drive.

>

> My husband Brock and I live at 9805 Elmcrest Drive next door to the Smith family. We have no opposition to the
request of a pool for the Smith family before the Board of Adjustments.

>

> Please feel free to email or call us with any questions - 214.808.6795.

>

> Thank you,

> Scholle & Brock Robertson

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you recognize the sender and know the content is safe.

Trammell, Charles

From: Warren Sibley <warrensibley@gmail.com>
Sent: Tuesday, July 20, 2021 8:10 AM
To: Trammell, Charles
Cc: grantessmith@sbcglobal.net
Subject: 9819 elmcrest request

External Email!

To whom it may concern,

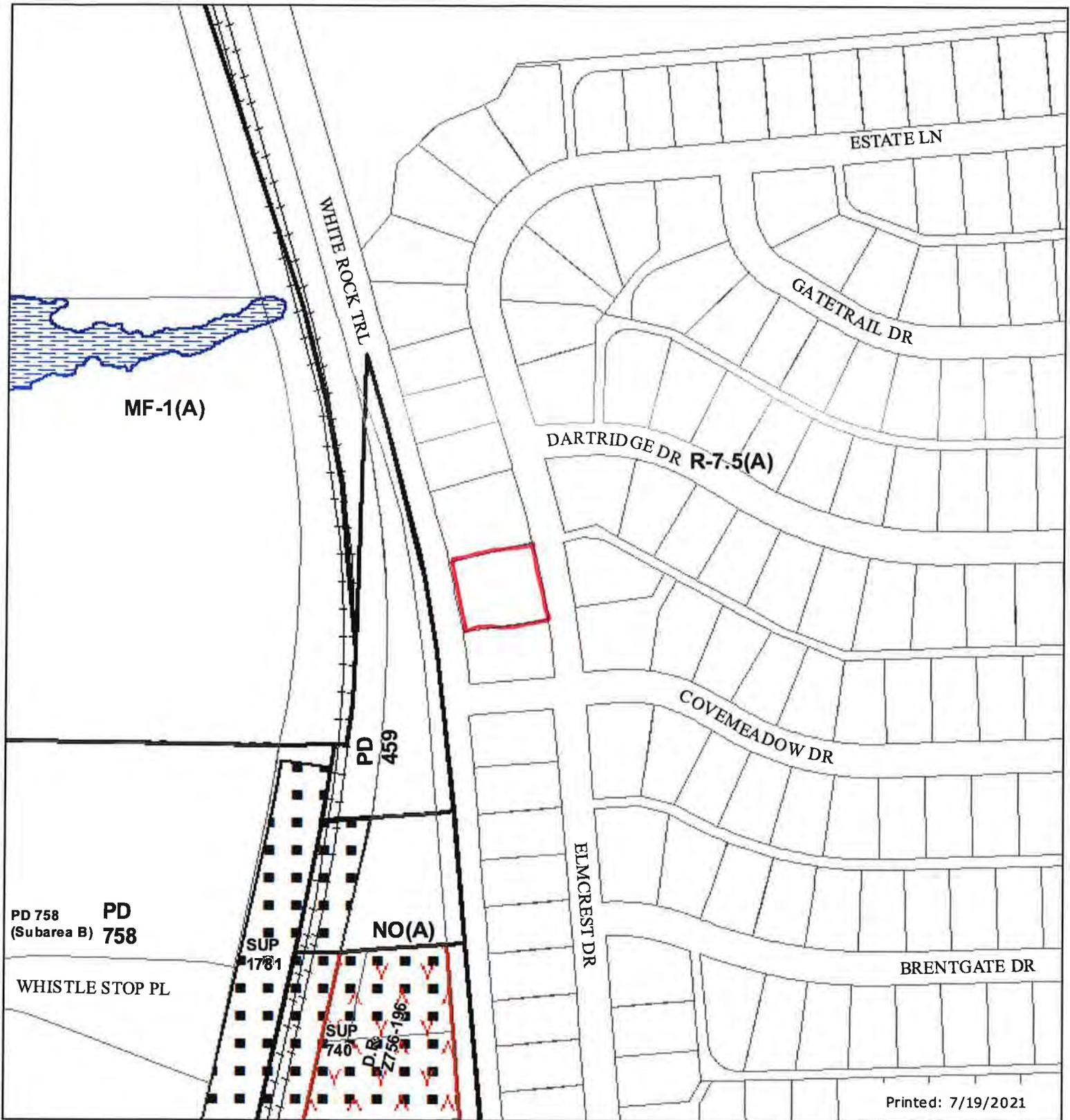
My name is Warren Sibley. My wife and family live at 9825 Elmcrest Dr. We live next-door to Grant and Amy Smith. They have a request/petition before the board concerning building a pool and retaining their fence. We are in wholehearted agreement that they should be able to proceed with their plans.

We have no opposition to the request before the Board of Adjustments. If the board is in need of anything else we are available to give further elaboration of our support.

Warmest regards,

Warren & Alison Sibley
214-629-1340

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Printed: 7/19/2021

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 | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | 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)





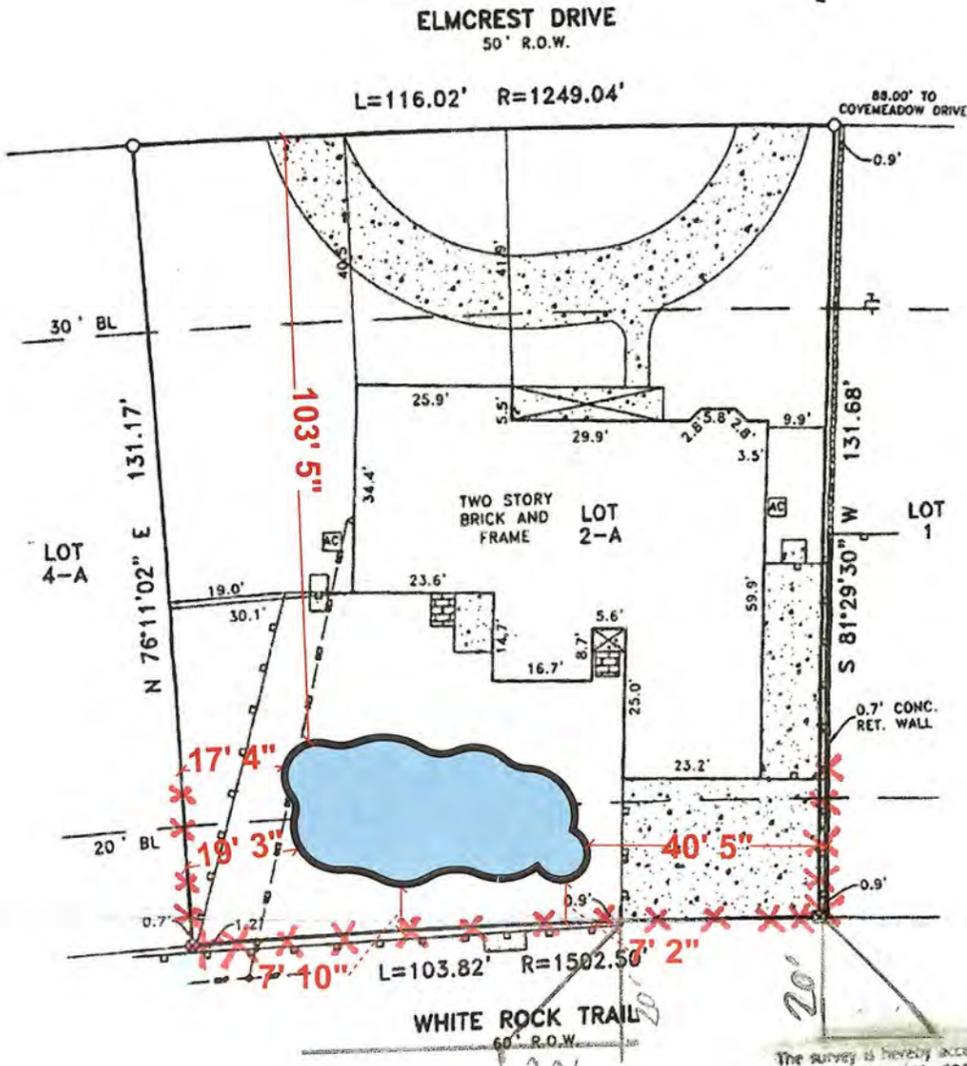
Project Name: Smith Residence - Elmcrest Dr
 Client Name: Grant & Amy Smith
 Client Email: GrantSmith@sbcglobal.net
 Client Phone: 972-351-3116
 Address: 9819 Elmcrest Dr
 City: Dallas
 State/Province: TX
 Zip/Postal Code: 75228
 Designer Name: Bryce Bartlett

Block: H/8127 Lot #: 2A
 Subdivision: WHITE ROCK NORTH, EIGHTH INSTALLMENT
SURVEY OVERLAY
 06/16/2021

SURVEY PLAT

This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No. 9819 ELMCREST DRIVE, in the city of DALLAS, Texas, Lot No. 2A Block No. H/8127 of REPLAT OF LOT 2, BLOCK H/8127 OF WHITE ROCK NORTH EIGHTH INSTALLMENT AND LOTS 3 AND 4, of BLOCK H-8127 OF WITH ROCK NORTH NINTH INSTALLMENT an addition to the City of DALLAS, DALLAS COUNTY, Texas, according to the PLAT THEREOF recorded in VOLUME 958 at PAGE 1215 of the MAP Records of DALLAS County, Texas.

EASEMENTS RECORDED IN THE FOLLOWING VOLUMES AND PAGES DO NOT AFFECT THE ABOVE DESCRIBED PROPERTY
 VOL. PG.
 13 299
 1992 334



The survey is heavily accepted with the discrepancies, conflicts, or shortages in area or boundary lines, encroachments, protrusions, or overlapping of improvements shows.
Callie...
Bryce...

NOTE: BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED. X and DOES NOT lie within the 100 year flood zone. NOTE: According to the F.I.R.M. No. 48113C 02152, this property does lie in Zone REPUBLIC Title Company in connection with the transaction described. This survey is made in conjunction with the information provided by REPUBLIC Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. The plat hereon is a correct and accurate representation of the property lines and dimensions are as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, there are no visible and apparent encroachments or protrusions on the ground.

Drawn By: <u>MC</u> Scale: Date: <u>11-18-2005</u> Borrower: <u>STANSBERRY</u> Job No. <u>0509039-1</u>	LEGEND ○ 1/2" IRON ROD FOUND ⊙ 5/8" IRON ROD SET ⊙ 1" IRON PIPE FOUND ⊙ FENCE POST CORNER ⊙ "X" FOUND IN CONCRETE ⊙ UNDERGROUND ELECTRIC ⊙ OVERHEAD ELECTRIC ⊙ ASPHALT PAVING ⊙ GRAVEL/ROCK ROAD OR DRIVE ● POWER POLE ⊙ BRICK COLUMN ⊙ A/C - AIR CONDITIONING ⊙ COVERED PORCH, DECK OR CARPORT ⊙ OVERHEAD ELECTRIC SERVICE ⊙ OVERHEAD POWER LINE ⊙ CONCRETE PAVING	CHAIN LINK FENCE WOOD FENCE 0.5" WIDE TYPICAL BARRIED WIRE IRON FENCE PIPE FENCE DOUG CONNALLY & ASSOC., INC. 11545 PAGEDALE RD., SUITE #200 DALLAS, TEXAS 75243 PHONE:(214) 349-9485 FAX:(214) 349-2218 www.dcsurveying.com <i>Doug Connolly</i> R.P.L.S. NO. 3833
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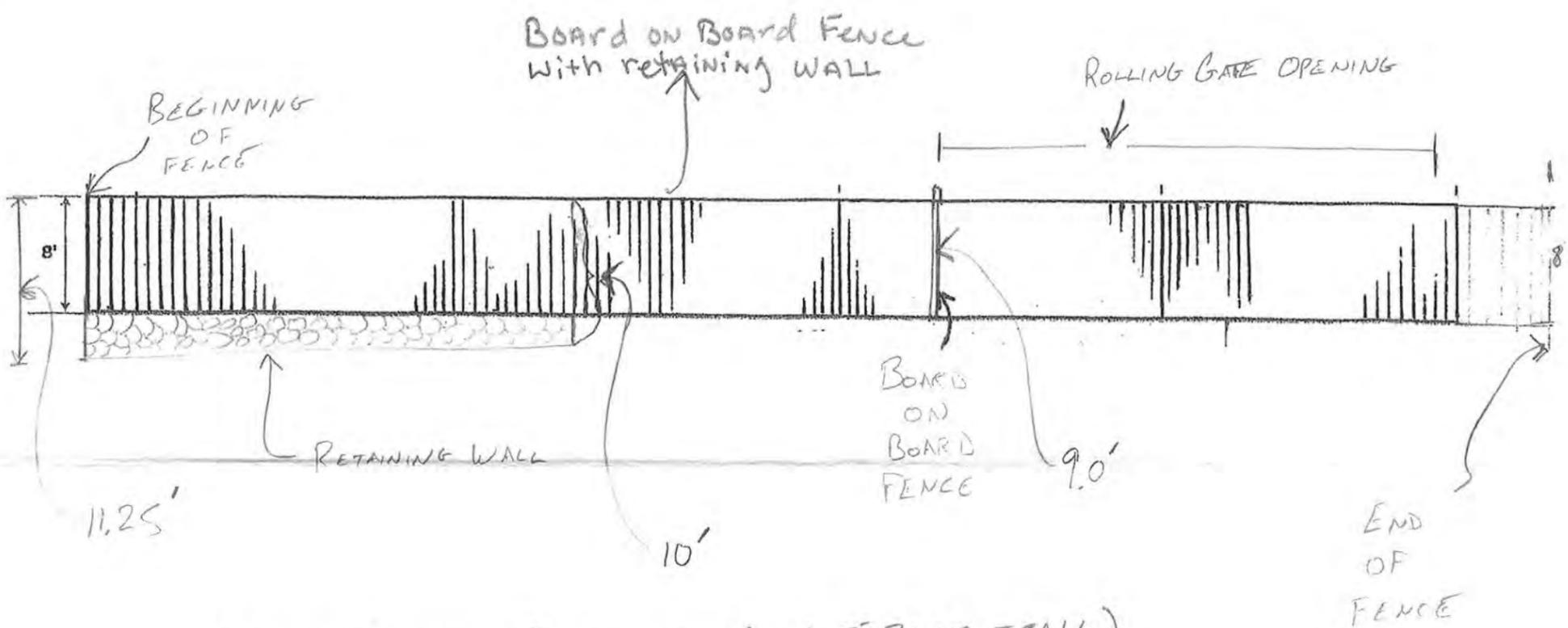
*X = 11' TALL BOARD ON BOARD + retaining wall
 Fence. 8' BOARD ON BOARD 3' retaining wall.*



Scale: 1/32" = 4 ft

1" = 30'

FENCELINE ELEVATION DRAWINGS



WEST-FACING FENCELINE (WHITE ROCK TRAIL)

SCALE 1" = 10'





Project Name: Smith Residence - Elmcrest Dr
 Client Name: Grant & Amy Smith
 Client Email: GrantSmith@sbcglobal.net
 Client Phone: 972-351-3116
 Address: 9819 Elmcrest Dr
 City: Dallas
 State/Province: TX
 Zip/Postal Code: 75228
 Designer Name: Bryce Bartlett

Block: H/8127 Lot #: 2A
 Subdivision: WHITE ROCK NORTH, EIGHTH INSTALLMENT

POOL & SPA PERSPECTIVE
07/06/2021

From: [Trammell, Charles](#)
To: [Jackson, Latonia](#)
Subject: FW: 9819 elmcrest request
Date: Monday, September 13, 2021 10:00:29 AM

-----Original Message-----

From: Warren Sibley [REDACTED]
Sent: Tuesday, July 20, 2021 8:10 AM
To: Trammell, Charles <charles.trammell@dallascityhall.com>
Cc: grantessmith@sbcglobal.net
Subject: 9819 elmcrest request

External Email!

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Warmest regards,

Warren & Alison Sibley
[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.

From: [Trammell, Charles](#)
To: [Jackson, Latonia](#)
Subject: FW: Pool for Smith Family
Date: Monday, September 13, 2021 10:00:59 AM

-----Original Message-----

From: Scholle Robertson [REDACTED]
Sent: Monday, July 19, 2021 10:23 PM
To: Trammell, Charles <charles.trammell@dallascityhall.com>
Cc: Brock Robertson [REDACTED]
Subject: Re: Pool for Smith Family

External Email!

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Thank you!

Scholle & Brock

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>

> Please feel free to email or call us with any questions - [REDACTED]

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> Thank you,

> Scholle & Brock Robertson

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