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CITY SECRETARY
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City of Dallas

BOARD OF ADJUSTMENT (PANEL B)

**January 18, 2023, Briefing at 11:00 A.M. and the Public Hearing at 1:00 P.M.
Dallas City Hall, 6ES Council Briefing Room and Videoconference**

* The Board of Adjustment hearing will be held in 6ES at City Hall and by videoconference. 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 Development Services Department at 214-670-4545 **by the close of business Tuesday, January 17, 2023. All virtual speakers will be required to show their video in order to address the board.** Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall, and the WebEx link: <https://bit.ly/011823B>

AGENDA

- I. **Call to Order** Cheri Gambow, Vice-Chair
- II. **Staff Presentation/Briefing**
- III. **Public Hearing** Board of Adjustment
- IV. **Public Testimony**
- V. **Miscellaneous Items –**
 - Approval of Panel B Minutes – October 19, 2022
 - Approval of Special Called Meeting Minutes- November 1, 2022
 - Approval of 2021-2022 BOA Annual Report
- VI. **Case Docket** Board of Adjustment
 - Uncontested Items
 - Individual Items
- VII. **Adjournment**

Handgun Prohibition Notice for Meetings of Governmental Entities

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

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

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

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

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

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

EXECUTIVE SESSION NOTICE

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

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

UNCONTESTED CASE(S)

BDA223-004(OA)	202 Beckleymeade Avenue REQUEST: Application of Deeper Bible Church represented by Peter Kavanagh for a variance to the side yard setback regulations.	1
BDA223-005(OA)	4608 Harrys Lane REQUEST: Application of Greg Alford for a special exception to the single-family use regulations.	2
BDA223-007(OA)	7629 W Lovers Lane REQUEST: Application of Kexu Sun for a special exception to the single-family use regulations.	3
BDA223-009(OA)	10323 Lennox Lane REQUEST: Application of Thomas Duffy for a special exception to the fence height regulations.	4
BDA223-010(OA)	10747 Lennox Lane REQUEST: Application of Baldwin Associates for a special exception to the fence standards regulations a special exception to the visual obstruction regulations	5
BDA223-012(OA)	4401 Lemmon Avenue REQUEST: Application of 4401 Lemmon Ave, LLC represented by Hawkins Aaron variance to the parking regulations.	6

HOLDOVER

None

INDIVIDUAL CASES

BDA223-011(OA)	10227 Gaywood Road REQUEST: Application of Saul Mejia for a special exception to the fence height regulations.	7
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BOARD OF ADJUSTMENT

Panel B Minutes

October 19, 2022

DRAFT

6ES Briefing Room
24924009854@dallascityhall.webex.com

Cheri Gambow, Vice-Chair

PRESENT: [5]

Cheri Gambow, VC	
Michael Kanowski	
Joe Cannon	
Andrew Finney	
Thomas Fleming	

ABSENT: [1]

Matt Shouse	

11:05 A.M. The Board of Adjustment staff conducted a briefing on the Board of Adjustment's, **October 19, 2022 docket.**

Vice-Chair Gambow called the hearing to order at **1:06 P.M.** with a quorum of the Board of Adjustment present.

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

PUBLIC SPEAKERS

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

We had no speakers for public testimony during this hearing.

MISCELLANEOUS ITEMS

Approval of the Board of Adjustment Panel B September 20, 2022 public hearing minutes.

Motion was made to approve Panel B September 20, 2022 public hearing minutes.

Maker:	Joe Cannon				
Second:	Michael Karnowski				
Results:	5-0 unanimously				
		Ayes:	-	5	Cheri Gambow, Michael Karnowski, Joe Cannon, Andrew Finney, TC Fleming
		Against:	-	0	

INDIVIDUAL ITEMS

1. 10203 Cayuga Dr.
 BDA212-092(OA)

REQUEST: Application of John Lawton Barnes represented by Robert Reeves And Associates for a variance to the parking regulations.

Speakers:

For: Robert Reeves 3807 Vinecrest Dr.

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 212-092, on application of John Lawton Barnes represented by Robert Reeves and Associates, **grant** the five-space variance to the parking regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

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

Compliance with the revised site plan is required.

Maker:	Michael Karnowski				
Second:	Andrew Finney				
Results:	5-0 unanimously				
		Ayes:	-	5	Cheri Gambow, Michael Karnowski, Joe Cannon, Andrew Finney, TC Fleming
		Against:	-	0	

2. 2303 N. Carroll Ave.
 BDA212-099(OA)

REQUEST: Application of Celica Omega for a variance to the parking regulations

Speakers:

For: Celica Omega 5600 SMU Blvd. #1324

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 212-099, on application of Celica Omega, **grant** the four-space variance to the parking regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

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

Compliance with the revised site plan is required.

Maker:	Andrew Finney				
Second:	TC Fleming				
Results:	5-0 unanimously				
		Ayes:	-	5	Cheri Gambow, Michael Karnowski, Joe Cannon, Andrew Finney, TC Fleming
		Against:	-	0	

3. 247 W. Davis St.
 BDA212-102(OA)

REQUEST: Application of William E. Lowe represented by Kayla Sanchez-Nelinger for a special exception to the landscaping regulations.

Speakers:

For: Danielle Mathews 2201 Main St. #1280
 Karl Crawley 2201 Main St. #1280

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 212-102, on application of William E. Lowe represented Kayla Sanchez-Nelinger, **grant** the request of this applicant for a special exception to the landscape and tree preservation requirements contained in Article X of the Dallas Development Code, as amended, because our evaluation of the property and testimony shows that (1) strict compliance with the requirements of this article will unreasonably burden the use of the property; (2) the special exception will not adversely affect neighboring property, and (3) the requirements are not imposed by a site-specific landscape plan approved by the city plan commission or city council.

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

Compliance with the submitted alternate landscape plan is required.

Maker:	Andrew Finney				
Second:	Michael Karnowski				
Results:	5-0 unanimously				
		Ayes:	-	5	Cheri Gambow, Michael Karnowski, Joe Cannon, Andrew Finney, TC Fleming
		Against:	-	0	

4. **7770 Forest Ln.**
BDA212-095(OA)

REQUEST: Application of John Brodersen represented by Matt Wilson for a special exception to the sign regulations.

Speakers:

For: John Brodersen 4407 Northcrest
Matt Wilson 9849 Elmcrest Dr.

Against: Kenny Steinhart 7317 Baxtershire

Motion

I move that the Board of Adjustment, in Appeal No. BDA 212-095, on application of John Brodersen represented by Matt Wilson, **deny** the special exception requested by this applicant to place and/or maintain a non-monument sign within 250 feet of private property in a non-business zoning district **without** prejudice, because our evaluation of the property and the testimony shows that granting the application would adversely affect neighboring property.

Maker:	TC Fleming				
Second:	Joe Cannon				
Results:	4-0 unanimously				
		Ayes:	-	4	Cheri Gambow, Michael Karnowski, Joe Cannon, Andrew Finney, TC Fleming
		Against:	-	0	

***** Vice-Chair Gambow was recused from case BDA212-095 resulting in a four-member vote*****

5. **11350 LBJ Fwy.**
BDA212-101(OA)

REQUEST: Application of Ezzi Signs for a special exception to the sign regulations.

Speakers:

For: Hussain Shakir 16810 Newlight Bend Dr. Houston, TX

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 212-101, on application of Ezzi Signs, **grant** the request of this applicant to construct and maintain an additional detached sign on a premise in excess of the number permitted as a special exception to the sign regulations contained in Article VII of the Dallas Development Code, as amended, because our evaluation of the property and testimony shows that strict compliance with the sign regulations will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of this article.

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

Compliance with the submitted site plan is required.

Maker:	Andrew Finney				
Second:	TC Fleming				
Results:	5-0 unanimously				
		Ayes:	-	5	Cheri Gambow, Michael Karnowski, Joe Cannon, Andrew Finney, TC Fleming
		Against:	-	0	

HOLDOVER ITEMS

1. 4706 Memphis St.
BDA212-084(OA)

REQUEST: Application of Jarrett Ouellette represented by Anaya Jokabet for special exceptions to the visibility obstruction regulations.

Speakers:

For: Jarrett Ouellette 1408 N. Riverfront Blvd. #335

Against: No Speakers

Motion #1

I move that the Board of Adjustment, in Appeal No. BDA 212-084, on application of Jarrett Ouellette represented by Anaya Jokabet, **grant** the request to maintain items in the 20-foot visibility triangle

at the driveway approach on Mississippi Avenue as a special exception to the visual obstruction regulations contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that the items will not constitute a traffic hazard.

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

Compliance with the submitted site plan and elevation is required.

Maker:	Andrew Finney				
Second:	TC Fleming				
Results:	5-0 unanimously				
		Ayes:	-	5	Cheri Gambow, Michael Karnowski, Joe Cannon, Andrew Finney, TC Fleming
		Against:	-	0	

Motion #2

I move that the Board of Adjustment, in Appeal No. BDA 212-084, on application of Jarrett Ouellette represented by Anaya Jokabet, **grant** the request to maintain items in the 45-foot visibility triangle at the intersection of Memphis Street and Mississippi Avenue as a special exception to the visual obstruction regulations contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that the items will not constitute a traffic hazard.

I further move that the following conditions be imposed to further the purpose and intent of the Dallas Development Code, as amended:

Compliance with the submitted site plan and elevation is required.

This applicant must maintain a 30-foot visibility triangle at the intersection of Memphis Street and Mississippi Avenue.

Maker:	Michael Karnowski				
Second:	TC Fleming				
Results:	5-0 unanimously				
		Ayes:	-	5	Cheri Gambow, Michael Karnowski, Joe Cannon, Andrew Finney, TC Fleming
		Against:	-	0	

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Vice-Chair Gambow moved to adjourn the meeting; motion by Cheri Gambow, seconded by Michael Karnowski at 2:48 p.m.

Required Signature:
LaTonia Jackson, Board Secretary
Development Services Dept.

Date

Required Signature:
Charles Trammell, Interim Chief Planner
Development Services Dept.

Date

Required Signature:
Cheri Gambow, Vice-Chair
Board of Adjustment

Date

**BOARD OF ADJUSTMENT, SPECIAL MEETING
PUBLIC HEARING MINUTES
CITY OF DALLAS- VIDEOCONFERENCE/COUNCIL CHAMBERS
TUESDAY, NOVEMBER 1, 2022
DRAFT**

MEMBERS PRESENT: David A. Neumann, Chair, Robert Agnich, Vice-Chair, Cheri Gambow, Vice-Chair, Jay Narey, Kathleen Davis, Lawrence Halcomb, Rachel Hayden, Michael Karnowski, Joe Cannon, Matt Shouse, Thomas Fleming, Jared Slade, Dr. Emmanuel Glover, Phil Sahuc, Rodney Milliken, Andrew Finney, Todd Hill and Nick Brooks

MEMBERS ABSENT: Judy Pollock; Roger Sashington

STAFF PRESENT: Charles Trammell, Interim Chief Planner/Board Administrator, Oscar Aguilera, Senior Planner, Steve Long, Board Consultant, Brian King and Daniel Moore, Asst. City Attys., LaTonia Jackson, Board Secretary, Mary Williams, Admin Specialist/Meeting Moderator, Diana Barkume, Development Code Specialist, Sam Eskander, Assistant Director and Andres Espinoza, Director.

Chairman Neumann called the Special Meeting of the Board of Adjustment to order at 9:00 a.m. and confirmed a quorum of members were present.

BOARD OF ADJUSTMENT SPECIAL MEETING

WELCOME: David A. Neumann

Announcement of Special Meeting
Introduction of Board Members
Introduction of Board Staff

PUBLIC TESTIMONY

Danielle Mathews 2201 Main St. #1280 Dallas, TX
Jimmy Tran 5024 Denton Dr. Dallas, TX
Bruce Richardson 5607 Richmond Ave. Dallas, TX

Chairman’s Update: David A. Neumann

Key Objective:

“Improve all aspects of the Board of Adjustment’s Timeliness, Accuracy, Transparency and Teamwork”

Key Milestones:

- January 11, 2022
Full Board of Adjustment (BOA) meeting with feedback for need to update Working Rules of Procedure, hearing process, more comprehensive case information, public accessibility of website, meeting notifications in advance of hearings, and training.
- February, March, April, May, June, July, August, September
Chairman and Vice Chairs met regularly and with City Staff to propose and formulate improvements in hearing process, rules of procedure, and website. Regular follow up with City Councilmembers to ensure Board/Alternates remain fully appointed. Met also with City Plan Commission Chairman Tony Shidid.
- May 10, 2022
Officers met with Julia Ryan, Director Planning & Urban Design to make recommendations to improve Timeliness, Transparency, Accuracy and Teamwork for all aspects of the Board of Adjustment. Stressed importance to create strategy to reduce 83 days average from application to a hearing to 70 days or less compared to 60 days for Building Official appeal and 30 days for re-plating
- August 1 & August 15, 2022
Chairman meeting with Assistant City Manager Majed Al-Ghafry to review cumulative BOA recommendations
- October 1, 2022
City staff support for BOA moved to Development Services (DSD) with new leadership of Andrew Espinoza, Director, Sam Eskander, Assistant Director, and Charles Trammel, Board Administrator
- October 11, 2022
BOA Officers met with DSD leadership & discussed “Issues for Support for 2023”
- November 1, 2022
Propose 2023 Meeting Calendar and updated Working Rules of Procedure

City Attorney’s Office: Brian King and Daniel Moore

Role of Board, Officers, Members and Staff

Ethics and Conflicts of Interest

State statutes and City codes: {HB 1475} {Dallas City Code 51A-3.102(d)(10)(B)}

Case Law Examples: {City of Dallas v. Vanesko} {Other relevant case law}

Rules of Procedure: Brian King and Daniel Moore

The Rule: "Every regular, special or called meeting or session of every governmental body shall be open to the public"

- Meeting
- Walking Quorum
- Notice Requirements
- Other Rules
- Closed Meeting (Executive Session)
- Closed Meeting: Who May Attend
- Recordkeeping
- Videoconference

Parliamentary Procedure: Brian King and Daniel Moore

- Purpose
- Types of Motions
- The Main Motion/Voting
- Postpone/Defer During the Meeting
- Amend
- Friendly Amendment
- Reconsideration
- Debate
- Voting
- Miscellaneous
- City staff, media and public
- FAQs
- Keeping a Clean Record
- A Muddy Record

Development Services Department: Charles Trammell

- Process Improvement Plans (Timeliness, Accuracy, Transparency)
- Days of Delay to a Hearing
- Comprehensive Case presentation
- Website accessibility
- Application Flow Chart and Process
- Common Case Types
- Standards and Criteria for Decisions

Additional Materials for Applicants: Charles Trammell

- Information about appeals to the Board
- Jurisdiction of the Board
- Initiating the process instructions
- More information about required drawings
- Instructions on yard signs
- Table of fees

Board Member Response

- Suggestions
- Feedback

Action Items

- Review/Adopt 2023 Meeting Calendar
- Review/Adopt updated Working Rules of procedure
- Review/Adopt Items for 2022 Annual Report for City Council
- 2022 Objectives and Programs
- 2023 Objectives and Programs
- Board Recommendations

BOARD OF ADJUSTMENT ACTION: November 1, 2022

MOTION: Robert Agnich

Motion to approve 2023 Board of Adjustment calendar as proposed by BOA officers.

SECONDED: Joe Cannon

AYES: 18 - Neumann, Gambow, Narey, Davis, Halcomb, Hayden, Karnowski, Shouse, Fleming, Slade, Glover, Sahuc, Milliken, Finney, Hill, Agnich, Cannon and Brooks

NAYS: 0 –

MOTION PASSED: (unanimously)

BOARD OF ADJUSTMENT ACTION: November 1, 2022

MOTION: Robert Agnich

Motion to update Rules of Procedures as proposed by BOA officers; subject to City Council approval.

SECONDED: Andrew Finney

AYES: 14 - Neumann, Gambow, Narey, Halcomb, Hayden, Karnowski, Slade, Glover, Sahuc, Milliken, Hill, Cannon, Agnich, and Finney

NAYS: 0 –

MOTION PASSED: (unanimously)

**** Please Note: Shouse, Davis, Brooks and Fleming did not vote on update to Rules of Procedure****

BOARD OF ADJUSTMENT ACTION: November 1, 2022

MOTION: Jay Narey

Motion to propose Board of Adjustment 2023 Goals, objectives and recommendations to City Council

SECONDED: Phil Sahuc

AYES: 14 - Neumann, Gambow, Agnich, Halcomb, Hayden, Karnowski, Slade, Glover, Finney, Milliken, Hill, Cannon, Sahuc and Narey

NAYS: 0 –

MOTION PASSED: (unanimously)

**** Please Note: Shouse, Davis, Brooks and Fleming did not vote on motion to propose Board Goals and recommendations to the City Council****

MOTION: Robert Agnich

I move to adjourn the Special Meeting

SECONDED: Joe Cannon

AYES: 14 - Neumann, Gambow, Sahuc, Halcomb, Hayden, Karnowski, Slade, Glover, Finney, Milliken, Hill, Narey, Agnich and Cannon

NAYS: 0 -

MOTION PASSED (unanimously):

**** Please Note: Shouse, Davis, Brooks and Fleming did not vote on motion to adjourn meeting****

4:01 P.M. Board Special Meeting adjourned for **November 1, 2022.**

CHAIRPERSON

BOARD ADMINISTRATOR

BOARD SECRETARY

Note: For detailed information on testimony, refer to [November 1, 2022 Board of Adjustments - Dallas, TX \(swagit.com\)](http://www.swagit.com)

City of Dallas BOARD OF ADJUSTMENT



ANNUAL REPORT

October 1, 2021- September 30, 2022

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BOARD OF ADJUSTMENT

2021-2022

MISSION, PURPOSE,

AUTHORITY, PROCESS

Board of Adjustment Mission Statement

The Board of Adjustment (BOA) is a quasi-judicial body, appointed by the City Council, charged with certain decision-making functions, which aim to uphold the meaning and spirit of the zoning ordinance as enacted by city ordinance or state legislation. The purpose of the Board of Adjustment is to implement the zoning ordinance and to apply discretion in exceptional instances where building permits are desired but are not literally conforming to the regulations. Primary responsibility for administration of the zoning ordinance falls on the Building Official, subject to appeals to the Board of Adjustment and ultimately to the courts.

- (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of any order or ordinance pertaining to zoning.
- (2) To hear and decide special exceptions to the terms of the zoning ordinance in the manner provided.
- (3) To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardship, and so that the spirit of the ordinance is observed, and substantial justice done.
- (4) To regulate and discontinue nonconforming uses and structures.

Purpose

City of Dallas Board of Adjustment
Dallas Development Code, SEC 51A-4.501

The purpose of the Dallas zoning code is to promote the public health, safety and general welfare but in order for a comprehensive zoning map and ordinance to properly function in accordance with the purpose for which it is designed, it is necessary from time to time that some modification of these zoning regulations be made. The purpose of the Board of Adjustment was to implement the zoning ordinance and to apply discretion in exceptional instances where building permits are desired but are not literally conforming to the regulations. The Board of Adjustment is a governmental agency of the city and is an essential part of the administration of zoning, engaged in a delegated policy-making function (within the standards set up in the zoning ordinance), and not merely deciding private rights, as it represents the public interest.

Authority

City of Dallas Board of Adjustment
Dallas Development Code, SEC 51A-4.501

The Board of Adjustment receives its power from the enactment of State Legislation (Chapter 211 of the Texas Local Government Code): The Board of Adjustment is permitted by State Law to establish their rules and operational procedures provided that such rules are not inconsistent with the zoning ordinance or State Law. As noted in the Board's Rules of Procedures, no action of the Board of Adjustment shall set a precedent, with each case being considered and decided on its own merits and on the circumstance's attendant thereto. Also, it is the declared purpose of the zoning ordinance that nonconforming uses be eliminated and be required to conform to the regulations prescribed in the ordinance.

The Board of Adjustment receives its powers from the City of Dallas through Chapter 51, and Chapter 51A, Dallas Development Code, as amended: The powers vested in the Board of Adjustment are discretionary in the sense that it is an administrative body created for the administration of the Zoning Law, and, within the standards set by the law, its decision, if supported by substantial evidence, are not subject to being set aside, that is, they can only be set aside for a clear abuse of discretion. The Board's functions are administrative and quasi-judicial. The actions of the Board are presumed to be valid and final, and the only recourse is for the applicant to appeal the Board's decision to the District Court. An applicant appealing to the District Court by certiorari has the burden of showing that the action of the Board was arbitrary, capricious or illegal.

Pursuant to the Board's Rules of Procedure, ex parte communications with the members of the Board are prohibited. All communications to the Board, oral or written, should be directed to the Board Administrator. Failure to comply with this rule may result in criminal prosecution for improper influence, which is a Class A misdemeanor under Texas Penal Code, Section 36.04.

It requires four (4) members of the Board of Adjustment at the public hearing to constitute a quorum, and at the hearing the Board Administrator calls each appeal and gives the swearing in of the oath of truth to all persons that desire to testify in each case.

On the day of the hearing, the applicant presents his case, the opposition is then heard, and the applicant is given the opportunity for rebuttal. No rebuttal is allowed for the opposition.

The Board of Adjustment normally makes their decision known on an appeal immediately after a case has been heard, and the Board may apply any restrictive conditions when they feel it is necessary. The Board's decisions are final, and the only recourse on a Board's decision is to appeal to the District Court.

The Process of Zoning Appeals

How an Appeal Is Made

After an appeal is received in the Development Services Department from the Zoning Division of the Building Inspection's Office, the appeal is assigned a case number. A route sheet is prepared so that each section within Development Services Department and other departments in the City can make comments and present facts that could be pertinent to the decision of the Board of Adjustment. Property description and public notices are prepared for all appeals that are to be acted on by the Board. The route sheet copy of the appeal, and a copy of the public notice is sent to the GIS Section of Development Services Department to have a location map, and other appropriate graphics for the Board's docket. This section also prepares labels for the property owners to be notified for each appeal being processed for the Board of Adjustment's public hearing. The notices are mailed no later than ten (10) days prior to the Board's public hearing date to comply with state statute requirements.

All public hearings are taped, and the secretary also takes notes of the hearing. Each appeal is called and all people that testify are sworn in.

The Board of Adjustment normally makes their decisions known on an appeal immediately after a case has been heard. After the hearing, letters are written informing the applicant and other concerned parties of the Board's action. Appeals are filed with the Board Office after the hearing so that no misunderstanding will occur, and all site plans are stamped approved by the Board if the appeals are granted.

BOARD OF ADJUSTMENT

2021-2022

MEMBER ROSTER

BOARD OF ADJUSTMENT MEMBER ROSTER
2021-2022

Panel A

David A. Neumann, Chairman (appt'd 10/05/21)
Jay Narey, regular member (re-appt'd 9/01/21)
Sarah Lamb, regular member (re-appt'd 09/22/21)
Lawrence Halcomb, regular member; (re-appt'd 09/22/21)
Kathleen F. Davis, regular member (appt'd 11/16/21)
Rachel Hayden, regular member (appt'd 08/24/22)

Panel B

Cheri Gambow, Vice Chair (re-appt'd 10/27/21)
Michael Karnowski, regular member (appt'd 09/01/21)
Joseph Cannon, regular member (appt'd 09/22/21)
Matt Shouse, regular member (re-appt'd 10/13/21)
Herlinda Resendiz, regular member (app't 11/03/21)

Panel C

Robert Agnich, Vice Chair (re-appt'd: 8/25/21)
Judy Pollock, regular member (re-appt'd: 11/16/21)
Roger Sashington, regular member (re-appt'd: 12/01/21)
Rodney Milliken, regular member (appt'd: 01/05/22)
Jared Slade, regular member (appt'd to Panel C from Alt 02/02/22)

ALTERNATE MEMBERS

Nicholas Brooks (re-appt'd: 09/09/21)
Dr. Emmanuel Glover (appt'd: 09/09/21)
TC Fleming (appt'd: 09/22/21)
Todd Hill (appt'd: 09/22/21)
Andrew Finney (appt'd: 04/13/22)
Philip Sahuc (appt'd: 10/12/22)

Resignations, Forfeitures and Term Endings: 10/21- 09/22

Scott Housel: resigned 10/06/21
David Ramsour: resigned 04/11/22
Sarah Lamb: resigned 8/1/22
Herlinda Resendiz: forfeited 10/12/22

BOARD OF ADJUSTMENT

2021-2022

MEMBER ATTENDANCE

BOARD OF ADJUSTMENT ATTENDANCE 2021-2022												
	2021	2021	2021	2022	2022	2022	2022	2022	2022	2022	2022	2022
PANEL C												
MEETING DATES	18-Oct	15-Nov	13-Dec	No Jan	24-Feb	21-Mar	18-Apr	16-May	23-Jun	No July	15-Aug	19-Sep
Robert Agnich				RECESS	CANCELLED					RECESS		
Judy Pollock	A			RECESS	CANCELLED			A		RECESS		
Roger Sashington				RECESS	CANCELLED					RECESS		A
Rodney Milliken				RECESS	CANCELLED					RECESS		
Jared Slade					CANCELLED				A	RECESS		
Scott Hounsel (resigned 10/6/21)												
PANEL A												
MEETING DATES	19-Oct	16-Nov	No Dec	18-Jan	22-Feb	22-Mar	19-Apr	17-May	21-Jun	19-Jul	16-Aug	20-Sep
Dave Neumann			RECESS									
Sarah Lamb (resigned 8/2/22)			RECESS									
Jay Narey			RECESS							A		
Lawrence Halcomb			RECESS							A		
Kathleen Frankford			RECESS							A		
Rachel Hayden												
PANEL B												
MEETING DATES	20-Oct	17-Nov	No Dec	19-Jan	23-Feb	23-Mar	20-Apr	18-May	22-Jun	No July	17-Aug	21-Sep
Cheri Gambow			RECESS			CANCELLED				RECESS		
Matt Shouse			RECESS			CANCELLED				RECESS		
Joseph Cannon			RECESS			CANCELLED	A			RECESS		
Michael Karnowski			RECESS			CANCELLED			A	RECESS		
Herlinda Resendiz (forfeit: 10/12/22)			RECESS	A		CANCELLED			A	RECESS		A
LEGEND												
A	ABSENT											
A	GP											

BOARD OF ADJUSTMENT

2021-2022

SUMMARY OF WORK &

ACCOMPLISHMENTS

Board of Adjustment Summary of Work

<u>BOA Work Summary</u>	<u>2020-2021</u>	<u>2021-2022</u>	
	<u>10/20-09/21</u>	<u>10/21-09/22</u>	<u>Change %</u>
Total Number of Hearings	26	29	12%
Total Applications	114	156	37%
Total Requests	153	170	12%
Special Exceptions	87	99	14%
Variances	56	55	-1%
Appeal of a Building Official's Decision	2	8	300%
Fee Waivers	4	4	0%
Compliance Case(s)	4	4	0%
No. of Cases Approved	112	133	19%
No. of Cases Denied	20	37	85%
Cases Held Under Advisement	17	28	65%
Cases Withdrawn	4	2	-50%

2021-2022 Accomplishments

Qualitative Accomplishments

- Successfully considered 170 taxpayer/property owner appeals/cases representing a 12% increase from last fiscal year.
- Improved public transparency of meetings with the goal of posting full agenda/docket information seven (7) days prior to hearings and implemented initial customer service website enhancements
- Improved the professionalism and conduct of citizen led Board/Panel hearings to ensure fair, accurate and just outcome
- Instituted training of members to enhance their capacity to apply standards and criteria on appeals presented
- Board members and Alternate positions kept fully appointed/filled to ensure panel quorum thru outreach to City Councilmembers
- Met regularly with PUD and CAO staff regularly to review and propose updates to our Working Rules of Procedure
- Organized and held 2 full Board of Adjustment meetings to receive training, understand conflicts of interest, develop Board relationships and strengthen commitment to BOA

BDA CASE LOG (10/2021 to 09/2022)	Case Nos.	Address	Zoning	Council District	Case Type	Fee	Staff Recommendation	Board Action	Reg Notices Sent
October 18, 2021	BDA201-065 (holdover)	4137 Independence Dr.	MU-2	8	sp ex landscape reg	\$ 1,260.00	Denial	Denied w/o prej	H
October 18, 2021	BDA201-078 (holdover)	4000 Stonebridge Dr.	Subdistrict R-7.5, PD No. 193	14	var frt yd setbk; sp ex fnc height reg	\$ 620.00	Approval	var- denied w/ prej; sp ex app w/cond	H
October 18, 2021	BDA201-088	1013 S. Glasgow Dr.	PD-134 (Subarea A)	2	sp ex non-conf use	\$ 910.00	No Recommendation	App w/ cons	28
October 18, 2021	BDA201-092	10645 Lennox Ln.	R-1ac(A)	13	sp ex fnc height	\$ 1,220.00	No Recommendation	Holdover	11
October 18, 2021	BDA201-095	5915 Park Ln.	R-1ac(A)	13	sp ex fnc height reg; sp ex fnc standards	\$ 1,210.00	No Recommendation	App w/ cons x2	14
October 18, 2021	BDA201-096	5923 Park Ln.	R-1ac(A)	13	sp ex fnc height reg; sp ex fnc standards; sp ex vis obst	\$ 1,810.00	No Recommendation	App w/ cons x3	13
October 19, 2021	BDA201-090	8627 Lakemont Dr.	R-10(A)	13	sp ex fnc height reg; sp ex fnc standards	\$ 1,210.00	No Recommendation	App w/ cons	15
October 19, 2021	BDA201-094	10455 N. Central Expy	MU-1, RR	11	sp ex sign reg	\$ 1,230.00	Denial	App w/ cons	292
October 19, 2021	BDA201-098	3601 Routh St.	PD-193 (MF-3)	14	var frt yd setbk; var sd yd setbk	\$ 1,870.00	Approval	Holdover	85
October 19, 2021	BDA201-099	6508 Ridgemont Dr.	R-7.5(A)	9	sp ex fnc height reg; sp ex fnc standards	\$ 1,220.00	No Recommendation	App w/ cons	25
October 19, 2021	BDA201-101	17776 Dallas Pkwy.	MU-1	12	AO appeal	\$ 910.00	No Recommendation	Denied w/prej	8
October 20, 2021	BDA201-089	9646 Douglas Ave.	R-1ac(A)	13	sp ex fnc height reg; sp ex fnc standards; sp ex vis obst	\$ 1,820.00	No Recommendation	App w/ cons x2	13
October 20, 2021	BDA201-091	9823 Kilarney Dr.	CD-11	14	var ft yd setbk	\$ 620.00	Approval	App w/ cons	16
October 20, 2021	BDA201-093	2013 Jackson	PD-357 (subdistrict 4A)	14	sp ex vis obst	\$ 1,245.00	No Recommendation	App w/ cons	21
October 20, 2021	BDA201-097	11410 St. Michaels Dr.	R-16(A)	11	var bldg height; var floor area ratio; var off st pkg; sp ex sf reg	\$ 2,420.00	No Rec- sp ex; Approval-variances	App w/ cons x4	13
November 15, 2021	BDA201-W01	6401 Richmond Ave.	CD-2	9	waiver of the two-year waiting period	\$ -	No Recommendation	Approval	0
November 15, 2021	BDA201-092(holdover)	10645 Lennox Ln.	R-1ac(A)	13	sp ex fnc height	\$ -	No Recommendation	App w/ cons	H
November 15, 2021	BDA201-100	1609 Houghton Rd.	R-7.5(A)	5	sp ex fnc standard	\$ 10.00	No Recommendation	App w/ cons	24
November 15, 2021	BDA201-105	5532 Park Ln.	R-1ac(A)	13	sp ex fnc height reg	\$ 610.00	No Recommendation	App w/ cons	13
November 15, 2021	BDA201-107	8656 Forest Hills Blvd.	R-7.5(A)	9	sp ex sf reg; var sd yd setbk; var bldg height	\$ 1,810.00	No Rec- sp ex; Approval w/ cons- variances	App w/ cons x3	26
November 15, 2021	BDA201-111	5005 Denton Dr.	PD-193	2	var ft yd setbk	\$ 620.00	App w/ cons	App w/ cons	21
November 16, 2021	BDA201-098(holdover)	3601 Routh St.	PD-193 (MF-3)	14	var frt yd setbk; var sd yd setbk	\$ -	Approval	App w/ cons x2	H

November 16, 2021	BDA201-104	615 S. Moore St.	R-5(A)	4	sp ex sf reg; add'l elec meter	\$ 1,210.00	No Recommendation	App w/ cons	33
November 16, 2021	BDA201-106	3015 Puget St.	R-5(A)	6	var ft yd setbk	\$ 620.00	App w/ cons	App w/ cons	28
November 16, 2021	BDA201-110	3860 Shorecrest Dr.	R-10(A)	13	var sd yd setbk	\$ 610.00	App w/ cons	App w/ cons	17
November 16, 2021	BDA201-112	5518 Winston Ct.	R-1ac(A)	13	sp ex fnc height reg	\$ 620.00	No Recommendation	App w/ cons	14
November 16, 2021	BDA201-113	899 N. Stemmons Fwy	PD-621 (Subarea 1J)	6	AO appeal	\$ 920.00	No Recommendation	Denied w/prej	7
November 17, 2021	BDA190-090(holdover)	3016 Greenville Ave.	CD-11	14	sp ex to restore delta credits	\$ -	Approval	Holdover	H
November 17, 2021	BDA190-091(holdover)	3018 Greenville Ave.	CD-11	14	sp ex to restore delta credits	\$ -	Approval	Holdover	H
November 17, 2021	BDA190-092(holdover)	3018 Greenville Ave.	CD-11	14	AO appeal	\$ -	No Recommendation	Holdover	H
November 17, 2021	BDA190-093(holdover)	3024 Greenville Ave.	CD-11	14	sp ex to restore delta credits	\$ -	Approval	Holdover	H
November 17, 2021	BDA201-102	8000 Lake June Road	Sub 2, PD 366	5	sp ex fnc standard	\$ 1,245.00	No Recommendation	App w/ cons	16
November 17, 2021	BDA201-103	8002 Lake June Road	Sub 2, PD 366	5	sp ex fnc standard	\$ 1,235.00	No Recommendation	App w/ cons	18
November 17, 2021	BDA201-108	4511 McKinney Avenue	PD-193, LC Sub	14	var ft yd setbk	\$ 945.00	Denial	Denied w/o prej	18
November 17, 2021	BDA201-109	2051 W. Northwest Highway	IR	6	AO Appeal	\$ 930.00	No Recommendation	Denied w/prej	10
December 13, 2021	BDA201-114	1921 Greenville Ave. Ste. 200	PD-842, MD-1, SUP 1905	14	sp ex to restore delta credits	\$ 910.00	Approval	Approval	20
December 13, 2021	BDA201-115	901 Elsbeth St.	PD-160 (Tract 1C)	1	var sd yd setbk	\$ 620.00	Approval	App w/ cons	20
December 13, 2021	BDA201-116	3925/27 Prescott Ave	PD-193 (MF-1)	14	var sd yd setbk	\$ 610.00	Approval	App w/ cons	30
December 13, 2021	BDA201-117	6664 Santa Anita Dr.	R-7.5(A)	9	sp ex sf reg; var floor area ratio	\$ 1,810.00	No Rec- sp ex; Approval w/ cons- variances	Approval x2	25
December 13, 2021	BDA201-118	8115 San Benito Way	PD-575 (Subarea C)	9	sp ex sd yd setbk	\$ 610.00	App w/ cons	App w/ cons	19
December 13, 2021	BDA201-119	5302 Belmont Ave.	R-7.5(A)	2	var sd yd setbk	\$ 620.00	App w/ cons	App w/ cons	27
January 18, 2022	BDA201-121	522 S. Oak Cliff Boulevard	R-7.5(A)	1	var ft yd setbk; var sd yd setbk	\$ 1,210.00	App w/cons	App w/cons x2	24
January 18, 2022	BDA201-122	7115 Lavendale Avenue	R-16(A)	11	var bldg height; var floor area ratio	\$ 1,210.00	No Recommendation	App w/cons x2	15
January 18, 2022	BDA201-124	6407 Anita Street	R-7.5(A)	9	var off st pkg	\$ 610.00	App w/cons	App w/cons	18
January 18, 2022	BDA201-125	9943 Coppedge Lane	R-7.5(A)	6	var ft yd setbk; sp ex fnc height; sp ex fnc standards; sp ex vis obstr	\$ 2,420.00	No Rec- sp ex; Approval w/ cons- variances	Holdover	27
January 19, 2022	BDA190-090(holdover)	3016 Greenville Ave.	CD-11	14	sp ex to restore delta credits	\$ -	Approval	Denied w/prej	30

January 19, 2022	BDA190-091(holdover)	3018 Greenville Ave.	CD-11	14	sp ex to restore delta credits	\$ -	Approval	Denied w/prej	16
January 19, 2022	BDA190-092(holdover)	3018 Greenville Ave.	CD-11	14	AO appeal	\$ -	No Recommendation	Affirmed AO decision, denied relief	21
January 19, 2022	BDA190-093(holdover)	3024 Greenville Ave.	CD-11	14	sp ex to restore delta credits	\$ -	Approval	Denied w/prej	13
January 19, 2022	BDA201-120	3022 W. Davis Street	PD-631 (LMU) Tract 2	1	sp ex non-conf use	\$ 1,245.00	No Recommendation	Denied w/prej	20
January 19, 2022	BDA201-123	3015 Taylor Street	PD-269 (Tract A); SUP 2408	2	sp ex vis obstr	\$ 1,245.00	No Recommendation	Denied w/o prej	19
February 22, 2022	BDA201-125 (holdover)	9943 Coppedge Lane	R-7.5(A)	6	var ft yd setbk; sp ex fnc height; sp ex fnc standards; sp ex vis obstr	\$ -	No Rec- sp ex; Approval w/ cons- variances	Holdover	H
February 22, 2022	BDA212-010	5433 Deloache Avenue	R-1ac(A)	13	sp ex fnc height; sp ex fnc standards	\$ 1,220.00	No Recommendation	App w/cons x2	10
February 22, 2022	BDA212-011	9077 Fairglen Drive	R-7.5(A), Tract 4, PD 795	10	var sd yd setbk	\$ 610.00	App w/cons	App w/cons	31
February 22, 2022	BDA212-013	1134 Mountain Lake Road	R-7.5(A)	1	var floor area ratio; sp ex sf use reg	\$ 1,810.00	No Rec- sp ex; Denial- variances	Holdover	29
February 22, 2022	BDA212-018	11834 Harry Hines Boulevard, Suite 135	IR, MU-2(SAH)	6	AO appeal	\$ 950.00	No Recommendation	Holdover	9
February 23, 2022	BDA212-007	9242 Hathaway Street	R-1ac(A)	13	sp ex sf use; sp ex fnc height; sp ex vis obstr	\$ 1,810.00	No Recommendation	App w/cons x3	9
February 23, 2022	BDA212-009	7019 Lovett Avenue	R-7.5(A)	5	var sd yd setbk	\$ 610.00	App w/cons	App w/cons	26
February 23, 2022	BDA212-016	119 Pittsburg Street	PD-621 (Subdistrict 1A)	5	sp ex off st parking	\$ 2,810.00	No Recommendation	App w/cons	20
Panel C Hearing Cancelled (2/24/22)									
March 21, 2022	BDA201-092(holdover)	10645 Lennox Ln.	R-1ac(A)	13	sp ex fnc height	\$ -	No Recommendation	App w/cons	H
March 21, 2022	BDA212-FW1 (Fee Waiver)	7120 Cortland St.	R-7.5(A)	2	fee waiver (sp ex fnc height; sp ex vis obstr)	\$ -	No Recommendation	Denied	0
March 21, 2022	BDA212-008	9140 Lynbrook Drive	R-7.5(A)	10	var frt yd setbk	\$ 620.00	App w/cons	App w/cons	29
March 21, 2022	BDA212-012	3900 N. Hampton Road	CR	6	var sd yd setbk; var pkg reg; sp ex landscape reg	\$ 3,695.00	App w/cons	Holdover	22
March 22, 2022	BDA212-018(holdover)	11834 Harry Hines Boulevard, Suite 135	IR, MU-2(SAH)	6	AO Appeal	\$ -	No Recommendation	Reversed AO decision, granted relief	H
March 22, 2022	BDA201-125 (holdover)	9943 Coppedge Lane	R-7.5(A)	6	var ft yd setbk; sp ex fnc height; sp ex fnc standards; sp ex vis obstr	\$ -	No Rec- sp ex; Approval w/ cons- variances	Var: app w/ cons; Sp EX: Denied w/o prej x3	H
March 22, 2022	BDA212-017	4715 Reiger Avenue	PD-98	2	var sd yd setbk	\$ 935.00	App w/cons	Holdover	19
March 22, 2022	BDA212-019	536 W. 9th Street	PD-830 (subdistrict 3) E	1	sp ex landscape reg	\$ 1,270.00	App w/cons	Holdover	21
March 22, 2022	BDA212-020	1218 N. Clinton Avenue	CD-13 (Subarea 1)	1	var floor area ratio; var sd yd setbk	\$ 1,210.00	Denial	Holdover	23

March 22, 2022	BDA212-021	5531 Anita Street	D(A)	14	var off st parking	\$ 610.00	App w/cons	Denied w/o prej	34
March 22, 2022	BDA212-028	11411 E. Northwest Hwy., Suite 111	MC-4,RR	9	AO appeal	\$ 940.00	No Recommendation	Holdover	14
Panel B Hearing Cancelled (3/23/22)									
April 18, 2022	BDA212-014	10625 Lennox Lane	R-1ac(A)	13	sp ex fnc height; sp ex fnc standards	\$ 1,220.00	No Recommendation	App w/cons x2	9
April 18, 2022	BDA212-024	7643 Rosemont Road	R-7.5(A)	5	sp ex sf use reg; var floor area ratio	\$ 10.00	No Recommendation	Denied w/o prej x2	23
April 18, 2022	BDA212-025	10039 Shadyview Drive	R-7.5(A)	10	sp ex sf use reg; var floor area ratio	\$ 1,210.00	No Recommendation- sp ex; denial- variance	Denied w/o prej x2	30
April 18, 2022	BDA212-029	6745 Country Club Circle	Tract III, CD-2	14	var frt yd setbk	\$ 610.00	App w/cons	App w/cons	15
April 18, 2022	BDA212-032	10207 N. Central Expressway	MU-2	11	sp ex parking reg	\$ 1,420.00	Approval	App w/cons	125
April 19, 2022	BDA212-013(holdover)	1134 Mountain Lake Road	R-7.5(A)	1	var floor area ratio; sp ex sf use reg	\$ 1,810.00	No Rec- sp ex; Denial- variances	Var: Denied w/o prej; Sp Ex: app w/cons	H
April 19, 2022	BDA212-017(holdover)	4715 Reiger Avenue	PD-98	2	var sd yd setbk	\$ -	App w/cons	Holdover	H
April 19, 2022	BDA212-019(holdover)	536 W. 9th Street	PD-830 (subdistrict 3) E	1	sp ex landscape reg	\$ -	App w/cons	App w/cons	H
April 19, 2022	BDA212-020(holdover)	1218 N. Clinton Avenue	CD-13 (Subarea 1)	1	var floor area ratio; var sd yd setbk	\$ -	Denial	Holdover	H
April 19, 2022	BDA212-028(holdover)	11411 E. Northwest Hwy., Suite 111	MC-4,RR	9	AO appeal	\$ -	No Recommendation	Holdover	H
April 19, 2022	BDA212-026	2603 Hondo Avenue	PD-193 (MF-2)	2	sp ex vis obstr	\$ 1,210.00	No Recommendation	App w/cons	15
April 19, 2022	BDA212-027	1822 W. 10TH ST	R-7.5(A)	1	sp ex fnc height	\$ 1,305.00	No Recommendation	App w/cons	44
April 19, 2022	BDA212-031	1805 S. Edgefield Avenue	CR	9	var off st parking reg	\$ 2,320.00	App w/cons	Holdover	23
April 19, 2022	BDA212-034	9207 Sunnybrook Lane	R-1ac(A)	13	sp ex fnc height; sp ex fnc standards; sp ex fnc standards; sp ex vis obstr	\$ 2,410.00	No Recommendation	fnc standard open surface- denied w/o prej; app w/ cons x3	10
April 20, 2022	BDA212-022	10007 Hollow Way Road	R-1ac(A)	13	sp ex fnc height; sp ex fnc standards	\$ 1,220.00	No Recommendation	App w/cons x2	11
April 20, 2022	BDA212-023	5253 Bonita Avenue	R-7.5(A)	2	var ft yd stbk	\$ 620.00	Denial	Holdover	31
April 20, 2022	BDA212-030	7202 La Vista Drive	R-7.5(A)	14	var ft yd stbk	\$ 620.00	App w/cons	App w/cons	29
April 20, 2022	BDA212-033	10001 Meadowbrook Drive	R-1ac(A)	13	var ft yd stbk	\$ 620.00	Denial	Holdover	11
April 20, 2022	BDA212-036	1000 Fort Worth Avenue	PD-714 (Subarea 2B)	6	var ft yd stbk	\$ 1,165.00	Denial	Holdover	39
May 16, 2022	BDA212-012(holdover)	3900 N. Hampton Road	CR	6	var sd yd setbk; var pkg reg; sp ex landscape reg	\$ -	App w/cons	Holdover	H

May 16, 2022	BDA212-039	4015 Cochran Chapel Road	R-1ac(A)	13	sp ex fnc height	\$ 610.00	No Recommendation	App w/cons	7
May 16, 2022	BDA212-040	5933 Northaven Road	R-16(A)	13	sp ex fnc height	\$ 610.00	No Recommendation	Denied w/o prej	18
May 16, 2022	BDA212-044	2711 W. 10th Street	R-7.5(A)	1	sp ex sf use (add'l dwelling)	\$ 610.00	No Recommendation	App w/cons	24
May 17, 2022	BDA212-017(holdover)	4715 Reiger Avenue	PD-98	2	var sd yd setbk	\$ -	App w/cons	App w/cons	H
May 17, 2022	BDA212-020(holdover)	1218 N. Clinton Avenue	CD-13 (Subarea 1)	1	var floor area ratio; var sd yd setbk	\$ -	Denial	Holdover	H
May 17, 2022	BDA212-028(holdover)	11411 E. Northwest Hwy., Suite 111	MC-4,RR	9	AO appeal	\$ -	No Recommendation	Reversed AO decision, granted relief	H
May 18, 2022	BDA212-033(holdover)	10001 Meadowbrook Drive	R-1ac(A)	13	var ft yd stbk	\$ 620.00	Approval	App w/cons	11
May 18, 2022	BDA212-036(holdover)	1000 Fort Worth Avenue	PD-714 (Subarea 2B)	6	var ft yd stbk	\$ 1,165.00	Denial	App w/cons	H
May 18, 2022	BDA212-035	1918 Moser Avenue	MF-2(A)	2	var bldg height reg	\$ 610.00	Denial	Holdover	20
May 18, 2022	BDA212-037	2921 Sale Street	PD-193 (MF-3)	14	var ft yd stbk	\$ 610.00	App w/cons	App w/cons	25
May 18, 2022	BDA212-038	17515 River Hill Drive	R-10(A)	12	sp ex fnc height; sp ex vis obstr	\$ 1,230.00	No Recommendation	Denied w/o prej	13
May 18, 2022	BDA212-041	6806 Wander Place	R-1ac(A)	11	sp ex fnc height	\$ 630.00	No Recommendation	App w/cons	12
May 18, 2022	BDA212-042	2730 N. Henderson Avenue	PD-462 (Subarea 1)	14	var parking reg	\$ 1,920.00	Approval	Approval	26
June 21, 2022	BDA212-020(holdover)	1218 N. Clinton Avenue	CD-13 (Subarea 1)	1	var floor area ratio; var sd yd setbk	\$ -	Approval	App w/cons x2	H
June 21, 2022	BDA212-031(holdover)	1805 S. Edgefield Avenue	CR	9	var off st parking reg	\$ -	App w/cons	Holdover	H
June 21, 2022	BDA212-049	4256 Park Lane	R-10(A)	13	sp ex fnc height; sp ex fnc standards	\$ 1,210.00	No Recommendation	Holdover	15
June 21, 2022	BDA212-050	10602 Bridge Hollow Court	R-1ac(A)	13	sp ex fnc height	\$ 610.00	No Recommendation	App w/cons	11
June 22, 2022	BDA212-023(holdover)	5253 Bonita Avenue	R-7.5(A)	2	var ft yd stbk	\$ -	Denial	Denied w/o prej	H
June 22, 2022	BDA212-035(holdover)	1918 Moser Avenue	MF-2(A)	2	var bldg height reg	\$ -	Denial	Holdover	H
June 22, 2022	BDA212-045	3608 San Jacinto St.	PD No. 298, Subarea 7	14	sp ex landscape reg	\$ 1,235.00	App w/cons	App w/cons	30
June 22, 2022	BDA212-048	4686 Meadowood Rd.	R-1ac(A)	13	sp ex fnc height	\$ 630.00	No Recommendation	App w/cons	9
June 22, 2022	BDA212-065	2436 Shorecrest Dr.	IR	6	AO Appeal	\$ 910.00	No Recommendation	Reversed AO decision, granted relief	13
June 23, 2022	BDA212-FW2	7120 Cortland St.	R-7.5(A)	2	fee waiver (sp ex fnc height; sp ex vis obstr)	\$ -	No Recommendation	Denied	0
June 23, 2022	BDA212-051	9109 John W. Carpenter Fwy.	IR	6	AO Appeal	\$ 920.00	No Recommendation	Affirmed AO decision, denied relief	8

July 19, 2022	BDA212-011	9077 Fairglen Dr.	R-7.5(A), Tract 4, PD 795	10	Extension request to obtain building permits	\$ -	No Recommendation	Approval	0
July 19, 2022	BDA212-052	4630 Northaven Rd.	R-1/2ac(A)	13	sp ex fnc height; sp ex vis obstr	\$ 1,210.00	No Recommendation	Holdover	15
July 19, 2022	BDA212-053	3076 Samuell Blvd.	RR	2	sp ex nonconforming use	\$ 920.00	No Recommendation	App w/cons	11
July 19, 2022	BDA212-054	1106 N. Clinton Ave.	CD-13	1	sp ex sf use (add'l dwelling)	\$ 610.00	No Recommendation	App w/cons	23
July 19, 2022	BDA212-057	5821 McShann Rd.	R-16(A)	13	sp ex fnc height; sp ex vis obstr	\$ 1,210.00	No Recommendation	Holdover	117
July 19, 2022	BDA212-058	4525 McKinney Ave.	PD-193 (LC)	14	sp ex landscape reg; sp ex vis obstr; var ft yd setbk	\$ 3,410.00	Sp Ex: app w/cons; Var: Denial	Holdover	13
July 19, 2022	BDA212-059	938 N. Winnetka Ave.	CD-1	1	var ft yd stbk	\$ 620.00	Denial	Holdover	28
July 19, 2022	BDA212-060	5400 Richard Ave.	CD-15	2	sp ex fnc height; sp ex sd yd setbk;	\$ 2,420.00	Sp EX: No recommendation; Var: approval	Holdover	25
July 19, 2022	BDA212-064	743 Bizerte Ave.	R-7.5(A)	1	sp ex sf use (add'l dwelling)	\$ 610.00	No Recommendation	App w/cons	20
August 15, 2022	BDA212-012(holdover)	3900 N. Hampton Road	CR	6	var sd yd setbk; var pkg reg; sp ex landscape reg	\$ -	App w/cons	App w/cons x3	H
August 15, 2022	BDA212-055	1618 Sky High Circle	R-7.5(A)	8	sp ex sf use (handicap use dwelling); sp ex vis obstr	\$ 1,210.00	No Recommendation	App w/cons x2	26
August 15, 2022	BDA212-070	9014 Winterset Ave.	R-7.5(A)	8	sp ex sf use (add'l dwelling)	\$ 610.00	No Recommendation	App w/cons	20
August 15, 2022	BDA212-072	2835 Lee St.	TH-3(A)	14	sp ex vis obstr	\$ 620.00	No Recommendation	App w/cons	46
August 15, 2022	BDA212-076	3230 Remond Dr.	PD-1059	3	var ft yd stbk	\$ 1,195.00	Denial	App w/cons	11
August 16, 2022	BDA190-048	1108 Quaker St.	IR,MU-3	6	Parking Analysis Reassessment	\$ -	No Recommendation	Affirmed	0
August 16, 2022	BDA212-FW4	2603 Hondo Ave.	PD-193 (MF-2)	2	Approval of 4/19/22 decision to grant fee waiver	\$ -	No Recommendation	Approval	0
August 16, 2022	BDA212-031(holdover)	1805 S. Edgefield Avenue	CR	9	var off st parking reg	\$ -	App w/cons	Denied w/o prej	H
August 16, 2022	BDA212-049(holdover)	4256 Park Lane	R-10(A)	13	sp ex fnc height; sp ex fnc standards	\$ -	No Recommendation	App w/cons x2	H
August 16, 2022	BDA212-052(holdover)	4630 Northaven Rd.	R-1/2ac(A)	13	sp ex fnc height; sp ex vis obstr	\$ -	No Recommendation	App w/cons x2	H
August 16, 2022	BDA212-057(holdover)	5821 McShann Rd.	R-16(A)	13	sp ex fnc height; sp ex vis obstr	\$ -	No Recommendation	Denied w/ prej	H
August 16, 2022	BDA212-058(holdover)	4525 McKinney Ave.	PD-193 (LC)	14	sp ex landscape reg; sp ex vis obstr; var ft yd setbk	\$ -	Sp Ex: app w/cons; Var: app w/cons	App w/cons x3	H
August 16, 2022	BDA212-059(holdover)	938 N. Winnetka Ave.	CD-1	1	var ft yd stbk	\$ -	App w/cons	App w/cons	H
August 16, 2022	BDA212-060(holdover)	5400 Richard Ave.	CD-15	2	sp ex fnc height; sp ex sd yd setbk	\$ -	Sp EX: No recommendation; Var: approval	App w/cons x2	H
August 16, 2022	BDA212-063	8939 Diceman Dr.	R-7.5(A)	9	var floor area reg	\$ 620.00	Denial	App w/cons	25

August 16, 2022	BDA212-067	7820 Glenshannon Circle	R-7.5(A)	13	var ft yd stbk; sp ex fnc height; sp ex fnc standards	\$ 1,820.00	Sp EX: No recommendation; Var: app w/ cons	App w/cons x3	22
August 16, 2022	BDA212-073	1903 Farola Dr.	R-7.5(A)	9	sp ex fnc height; sp ex fnc standards	\$ 1,220.00	No Recommendation	Holdover	29
August 16, 2022	BDA212-079	424 W. Davis St.	CD-7	1	sp ex parking reg	\$ 1,120.00	No Recommendation	Holdover	27
August 17, 2022	BDA212-035(holdover)	1918 Moser Avenue	MF-2(A)	2	var bldg height reg	\$ -	Denial	App w/cons	H
August 17, 2022	BDA212-056	2016 Kessler Parkway	CD-13	1	var ft yd stbk	\$ 610.00	Approval	App w/cons	15
August 17, 2022	BDA212-068	2022 Woody Rd.	R-10(A)	8	sp ex fnc height	\$ 610.00	No Recommendation	App w/cons	21
August 17, 2022	BDA212-071	304 S. Beacon St.	D(A)	2	var ft yd stbk	\$ 620.00	Denial	App w/cons	25
August 17, 2022	BDA212-077	11211 Strait Ln.	R-1/2ac(A), NSO 1 (Tract 1)	13	sp ex fnc height	\$ 610.00	No Recommendation	Holdover	11
September 19, 2022	BDA212-FW3	7120 Cortland St.	R-7.5(A)	2	fee waiver (sp ex fnc height; sp ex vis obstr)	\$ -	No Recommendation	Approval	0
September 19, 2022	BDA212-069	1822 Sanger Avenue	PD-595, RS-C, Tract 1	8	var sd yd setbk	\$ 610.00	App w/cons	App w/cons	17
September 19, 2022	BDA212-075	8012 Trade Village Place	PD-366, subarea 2 tract 3	5	sp ex landscape reg	\$ 1,280.00	No Recommendation	App w/cons	28
September 19, 2022	BDA212-082	10203 Hollow Way Road	R-1ac(A)	13	sp ex fnc height	\$ 610.00	No Recommendation	Denied w/o prej	14
September 19, 2022	BDA212-086	2821 Simpson Stuart Road	CR	8	sp ex fnc standards	\$ 1,235.00	No Recommendation	App w/cons	16
September 19, 2022	BDA212-091	238 Hillvale Ave.	R-7.5(A)	4	sp ex landscape reg requesting time extension	\$ 1,360.00	No Recommendation	Denied w/o prej	88
September 20, 2022	BDA212-073(holdover)	1903 Farola Drive	R-7.5(A)	9	sp ex fnc height; sp ex fnc standards	\$ -	No Recommendation	App w/cons x2	H
September 20, 2022	BDA212-079(holdover)	424 W Davis Street	CD-7	1	sp ex parking reg	\$ -	No Recommendation	App w/cons	H
September 20, 2022	BDA212-061	3115 Borger Street	R-5(A)	6	var ft yd stbk	\$ 1,255.00	Denial	Denied w/ prej	30
September 20, 2022	BDA212-083	2425 W. Northwest Highway	MU-3	6	sp ex nonconforming use	\$ 910.00	No Recommendation	App w/cons	7
September 20, 2022	BDA212-087	4186 Brookport Drive	R-16(A)	13	sp ex fnc height	\$ 620.00	No Recommendation	App w/cons	12
September 20, 2022	BDA212-089	5000 East Side Avenue	D(A)	2	var ft yd stbk	\$ 610.00	Approval	Denied w/ prej	19
September 20, 2022	BDA212-090	2420, 2414, and 2410 N. Henderson Avenue	PD-462 subarea 3	2	sp ex landscape; var parking reg	\$ 4,185.00	Var: Denial; sp EX: No Recommendation	Denied w/o prej x2	23
September 21, 2022	BDA212-077(holdover)	11211 Strait Lane	R-1/2ac(A), NSO 1 (Tract 1)	13	sp ex fnc height	\$ 610.00	No Recommendation	Denied w/o prej	H
September 21, 2022	BDA212-080	3004 and 3012 Fairmount Street	PD193, PDS 167	14	sp ex landscape	\$ 1,270.00	No Recommendation	App w/cons	17
September 21, 2022	BDA212-081	5923 Del Roy Drive	R-16(A)	13	sp ex rear yd stbk, preserve a tree	\$ 1,260.00	No Recommendation	App w/cons	14

BOARD OF ADJUSTMENT

2022-2023

GOALS & OBJECTIVES

2022-2023 Goals & Objectives

1. Improve all (Staff, Board, Property Owner) aspects of the Board of Adjustment's Timeliness, Transparency, Accuracy, and Teamwork
2. Successfully transition city staff support to Development Services Department with new Board Administrator and Senior Planners
3. Significantly decrease days application to hearing timeline for the taxpayer/property owner
4. Significant website enhancements to increase taxpayer/property owner access and awareness of pending zoning appeals
5. Meeting agenda/dockets publicly available 7 days in advance of hearings
6. Quarterly enhanced training of members/alternates on rules, conflicts of interest, criteria for decision making and onboarding of new appointees
7. Improving surrounding property owner notification process (area of notification increased to 300 feet from 200, clarifying the format of notification, mailing days before hearing)
8. Obtain more comprehensive staff/technical report presentation for appeal hearings with enhanced photos and property comparisons

BOARD OF ADJUSTMENT

RECOMMENDATIONS TO THE
CITY COUNCIL

Board of Adjustment Recommendations to the City Council

1. Approve the Board of Adjustment's unanimously adopted November 1, 2022, update to our Rules of Procedure
2. Amend Chapter 51A Section 4.703 (c) Notice of Hearing: Increase the Area of Notification to 300 feet (from 200 feet) for the applicant and all owners of real property for public hearings on all Board of Adjustment applications
3. Fund, direct, and provide City Council oversight on the hiring and training of Development Services additional professional and support staff: to achieve reasonable/reduced days from complete application to public hearing, a more comprehensive staff presentation, report and recommendations for BOA appeal hearings, and BOA website which increases public access and awareness of pending zoning appeals.

FILE NUMBER: BDA223-004(OA)

BUILDING OFFICIAL'S REPORT: Application of Deeper Life Bible Church, represented by Peter Kavanagh, Zone Systems, Inc., for a variance to the side yard setback regulations at 202 Beckleymeade Avenue. This property is more fully described as block D/7590, lot 1 and is zoned R-7.5(A), which requires a side yard setback of 10 feet. The applicant proposes to construct and/or maintain a structure and provide a 7 foot side yard setback, which will require a 3 foot variance to the side yard setback regulations.

LOCATION: 202 Beckleymeade Avenue

APPLICANT: Deeper Life Bible Church
Represented by Peter Kavanagh, Zone Systems, Inc.

REQUEST:

A request for a variance of 3' to the side yard setback regulations is made to maintain an approximately 7,000 square foot church structure that is located 7' from the site's southern side property line.

STANDARD FOR A VARIANCE:

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

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

State Law/HB 1475 effective 9-1-21

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

STAFF RECOMMENDATION:

Denial

Rationale:

- Staff concluded that the applicant had not substantiated how the variance is necessary to permit development of the subject site or whether the property 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 R-7.5(A) single-family district zoning designation.

BACKGROUND INFORMATION:

Zoning:

Site: R-7.5(A) single family district
North: RR regional retail district
East: R-7.5(A) single family district
South: R-7.5(A) single family district
West: R-7.5(A) single family district

Land Use:

The subject site is developed with church use. The areas to the west, east, and south are developed with single-family uses. Properties to the north are developed with retail uses.

Zoning/BDA History:

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

GENERAL FACTS /STAFF ANALYSIS:

The applicant is requesting a variance of 3' to the side yard setback regulations to maintain an approximately 7,000 square foot church structure that is located 7' from the site's southern side property line.

The property is zoned R-7.5(A) single-family district which requires a side yard setback of 10 feet where there is residential adjacency.

According to DCAD records, the subject structure is 8,000 square feet and was converted to a church in 2016. The lot is 116' wide by 200' long containing 22,567 square feet of area. The minimum lot size for this lot within the R-7.5 zoning district is 7,500 square feet.

The applicant is requesting this variance to remedy the existing structure that is located in the required side yard setback.

According to the application, the structure was originally built with a 7' side yard setback and applicant acquired the structure in its current location on the lot.

However, the R-7.5(A) single-family zoning district requires a side yard setback of 10 feet where there is residential adjacency. Therefore, changing the use from residential to nonresidential changed the setback requirements from 5' to 10 feet.

Since December 23, 2022, the applicant has not substantiated how the variances are necessary to permit development of the subject site or whether the property 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 R-7.5(A) single-family district zoning designation.

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

- That granting the variance to the side yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.

- The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5 single-family 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 single-family zoning classification.

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

Timeline:

October 24, 2022: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

December 8, 2022: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel B.

December 14, 2022: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the December 23, 2022, deadline to submit additional evidence for staff to factor into their analysis; and the January 6, 2023 deadline to submit additional evidence to be incorporated into the board’s docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

December 27, 2022: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Development Services Chief Planner, the Assistant City Attorney to the Board, and the Senior Planner.



1:1,200

ZONING MAP

Case no: **BDA223-004**

Date: **12/27/2022**

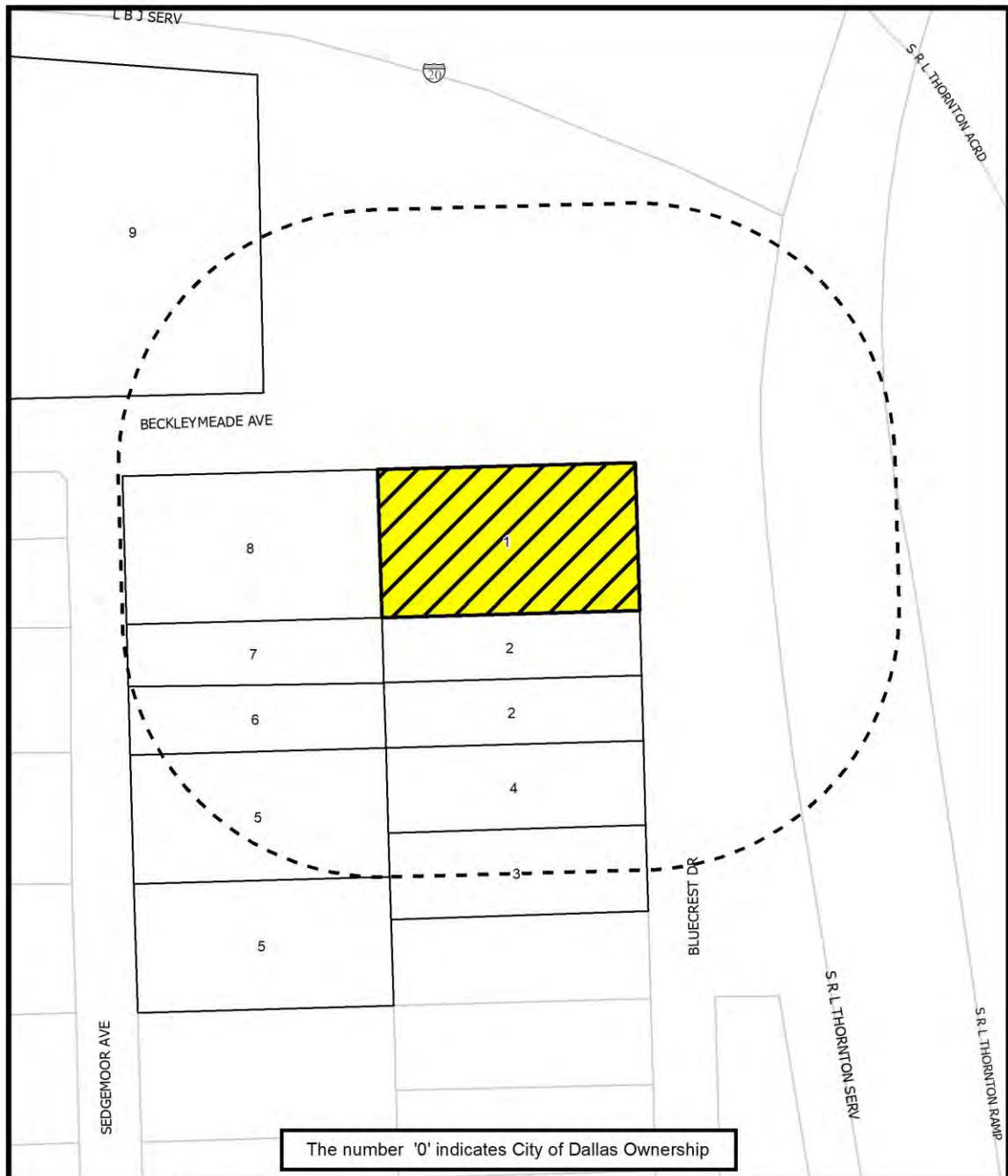


1:1,200

AERIAL MAP

Case no: BDA223-004

Date: 12/27/2022



The number '0' indicates City of Dallas Ownership

 1:1,200	NOTIFICATION	Case no: BDA223-004			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">9</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	9	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
9	NUMBER OF PROPERTY OWNERS NOTIFIED				

12/19/2022

Notification List of Property Owners

BDA223-004

9 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	202 BECKLEYMEADE AVE	DEEPER LIFE BIBLE CHURCH INC
2	8911 BLUECREST DR	LEAL JAVIER
3	8921 BLUECREST DR	MARTINEZ ROSA MARIA
4	8915 BLUECREST DR	HERNANDEZ ERIK
5	9006 SEDGEMOOR AVE	SANCHEZ ALFREDO &
6	8912 SEDGEMOOR AVE	MENDOZA MIGUEL
7	8910 SEDGEMOOR AVE	MCCULLAR WILLIAM L EST OF &
8	8906 SEDGEMOOR AVE	HERNANDEZ ERIKA LISSETTE
9	39050 INTERSTATE HIGHWAY 20	EXTRA SPACE PROPERTIES 112 LLC



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-004

Date: 10/24/22

Data Relative to Subject Property:

Location address: 202 Beckleymeade Zoning District: R-7.5

Lot No.: 1 Block No.: D/7590 Acreage: 0.532 Census Tract: _____

Street Frontage (in Feet): 1) 115.7 2) 200.0 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Deeper Life Bible Church

Applicant: Deeper Life Bible Church Telephone: _____

Mailing Address: 202 Beckleymeade, Dallas TX Zip Code: 75232

E-mail Address: _____

Represented by: Peter Kavanagh, Zone Systems, Inc. Telephone: 214-941-4440

Mailing Address: 1620 Handley Dr., Ste A, Dallas TX Zip Code: 75208

E-mail Address: PeterK@ZoneSystems.com

Affirm that an appeal has been made for a Variance X, or Special Exception _____, of Side yard setback of 3 feet

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 structure was built with a seven (7) foot side yard setback.
- The Church wished to use the structure as built.
- The Church acquired the structure in its current location on the lot.

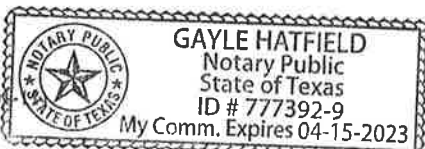
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared THOMPSON ADEREMI (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 11th day of October, 2022



[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

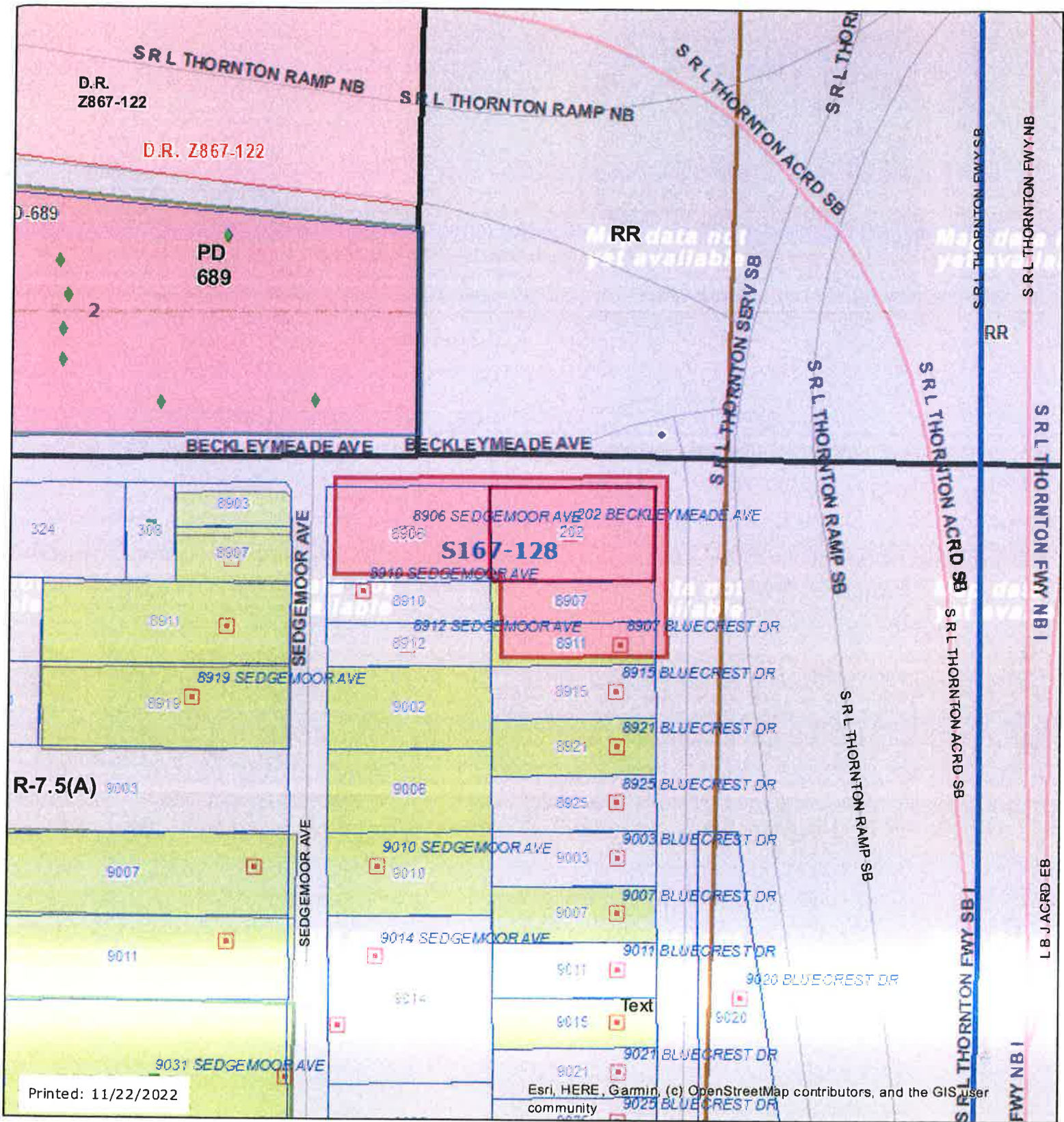
Building Official's Report

I hereby certify that DEEPER LIFE BIBLE CHURCH
represented by PETER KAVANAGH
did submit a request for a variance to the side yard setback regulations
at 202 BECKLEYMEADE

BDA223-004. Application of DEEPER LIFE BIBLE CHURCH represented by PETER KAVANAGH for a variance to the side yard setback regulations at 202 BECKLEYMEADE AVE. This property is more fully described as block D/7590, lot 1 and is zoned R-7.5(A), which requires a side yard setback of 10 feet where there is residential adjacency . The applicant proposes to construct and maintain a nonresidential structure and provide a 7 foot side yard setback, which will require an 3 foot variance to the side yard setback regulations.

Sincerely,


David Session, Building Official



Printed: 11/22/2022

Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

- City Limits
- Dallas Tax Parcels
- Census Tracts
- Base Zoning
- Deed Restrictions
- Main Address
- Building
- Tax Parcel
- Sub-Address
- Suite
- Addition Boundaries
 - Preliminary
 - Final

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





City of Dallas

AFFIDAVIT

Appeal number: BDA 223-004

I, Deeper Life Bible Church, Inc. Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

At 202 Beckleymeade Avenue
(Address of property as stated on application)

Authorize Peter Kavanagh
(Applicant's name as stated on application)

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

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

Specify: Variance of 3' on South side yard

THOMPSON ADEREMI
Print name of property owner/agent

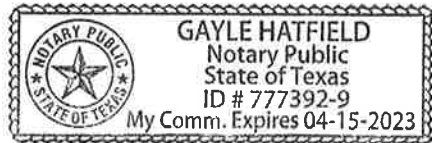
[Signature]
Signature of property owner/agent

10/11/2022
Date

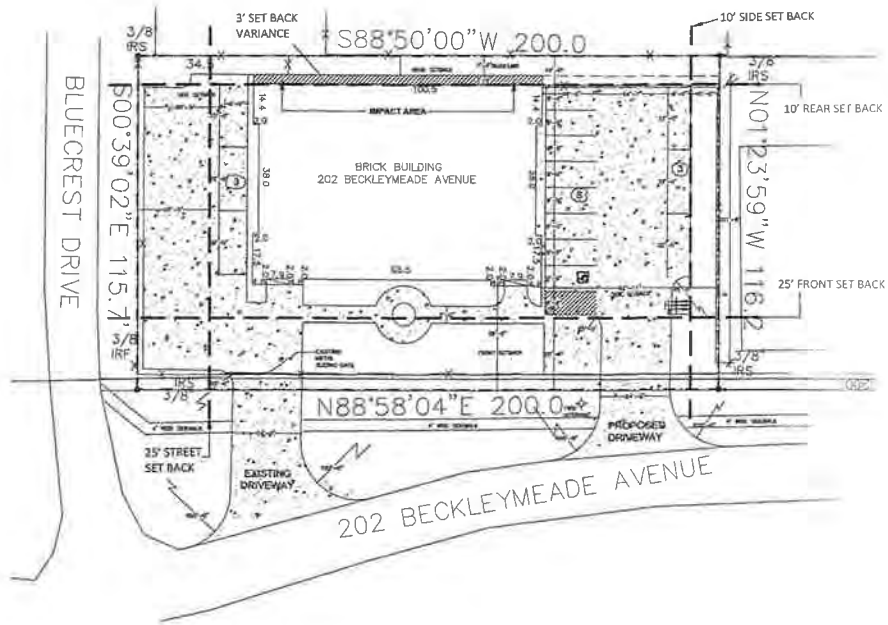
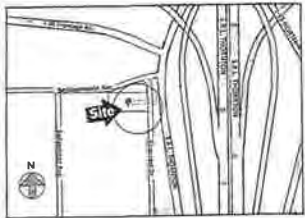
Before me, the undersigned, on this day personally appeared Thompson Aderemi

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 11th day of October, 2022.



Gayle Hatfield
Notary Public for Dallas County, Texas
Commission expires on 4/15/2023



SITE PLAN
 2020 BECKLEYMEADE AVE
 DALLAS, TX

OWNER
 DEEPER LIFE BIBLE CHURCH

EXISTING BUILDING AREA: 6,926 SF
 EXISTING LOT AREA: 23,140 SF

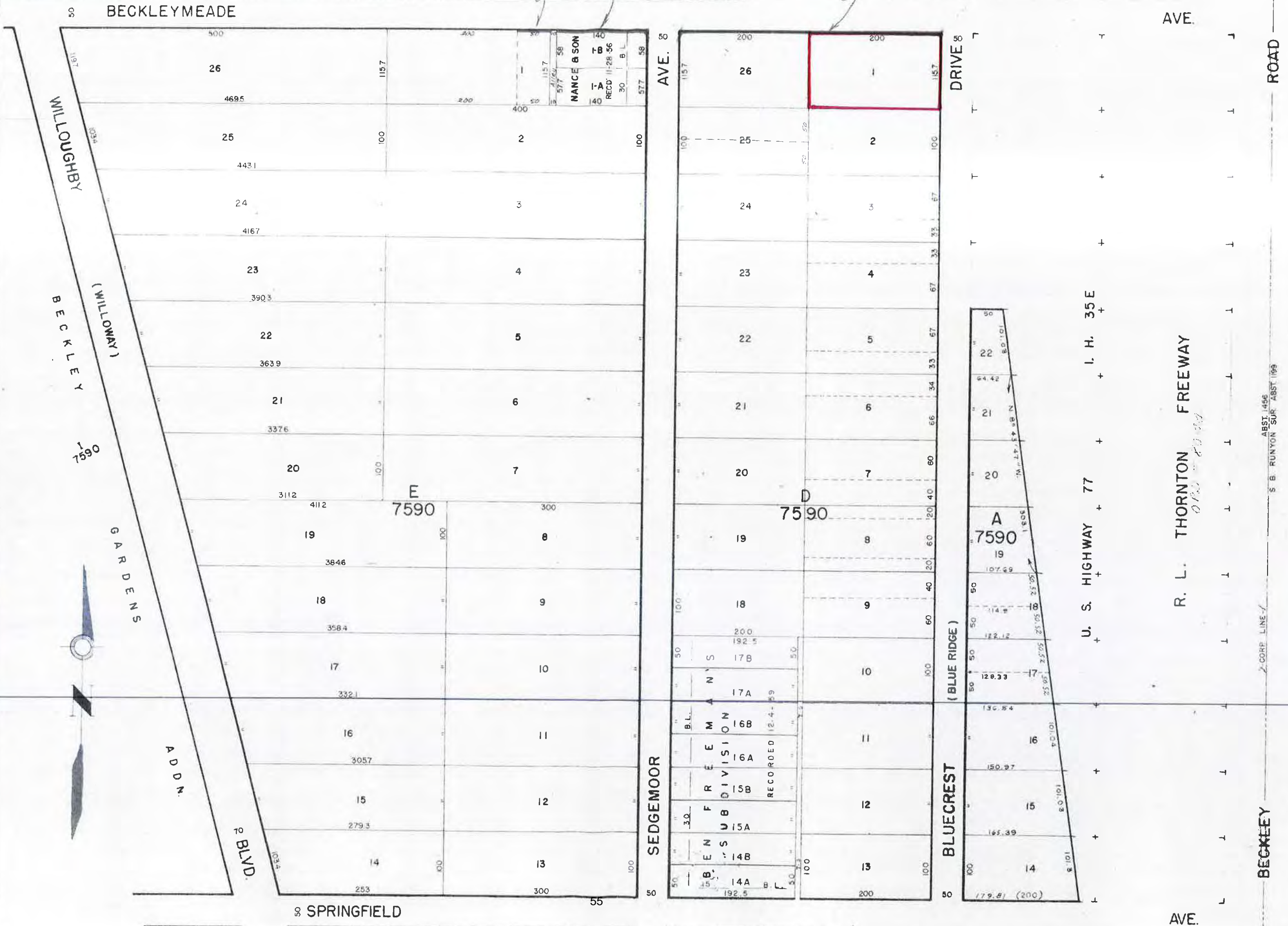
SCALE: 1" = 20'

RECORDED 8-6-43

Street Easement
V. 96108 Pg. 02586
Tract #2 Tract #1

7575

Street Easement
V. 96046 Pg. 1488



WILLOUGHBY
BECKLEY
GARDENS
ADDN. BLVD.

NANCE & SON
TRACT #2
RECD 11-28-36
B.L.

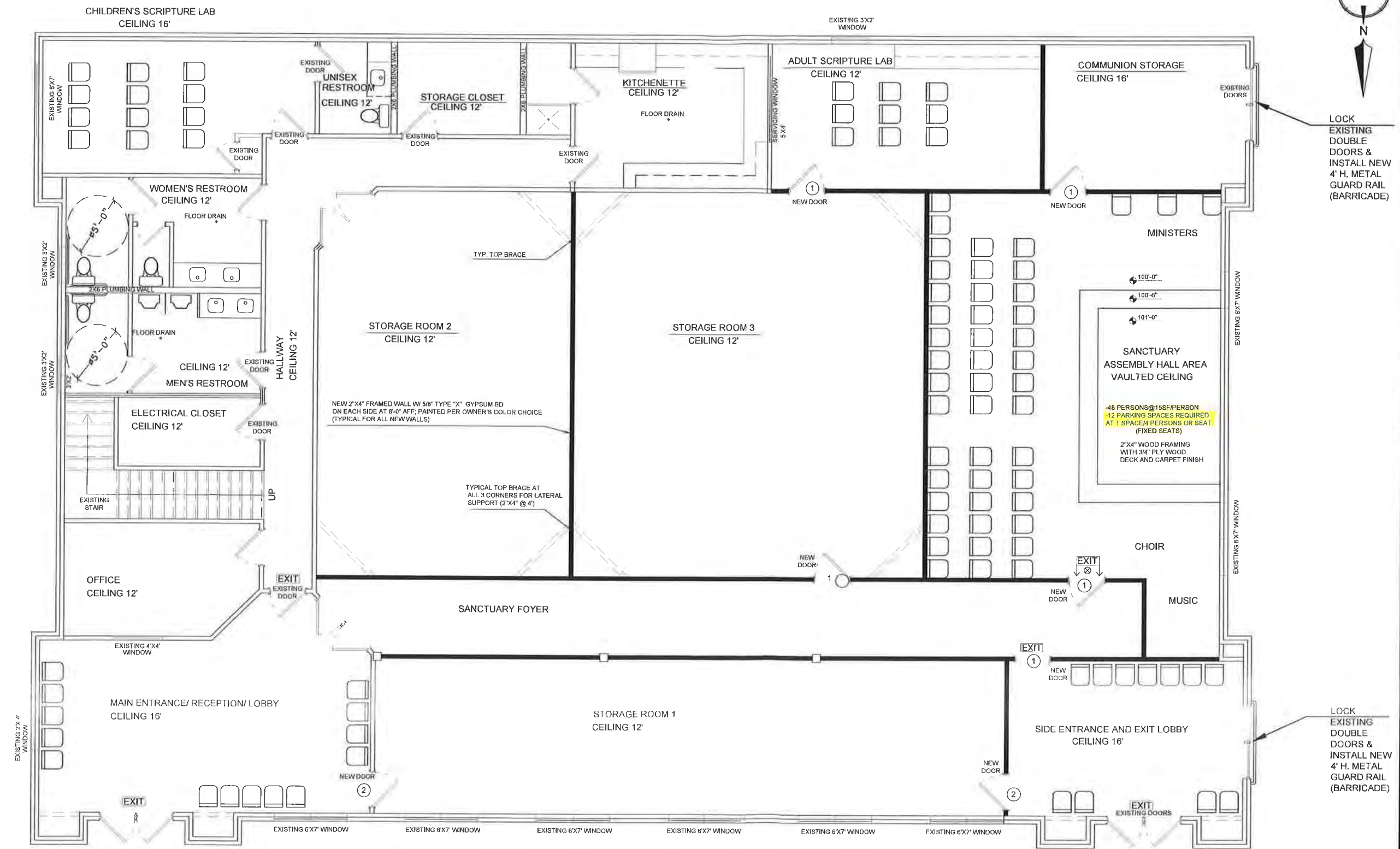
SEDGEMOOR
B.L.
CORP. LINE
RECORDED 12-4-39

BLUECREST
(BLUE RIDGE)

BECKLEY ROAD

ABST. 1456
S B RUNYON SUR ABST 199

ABST. 1199



LOCK EXISTING DOUBLE DOORS & INSTALL NEW 4' H. METAL GUARD RAIL (BARRICADE)

LOCK EXISTING DOUBLE DOORS & INSTALL NEW 4' H. METAL GUARD RAIL (BARRICADE)

DDR CONSULTING ENGINEERING
 952 Windy Meadow Dr.
 Plano TX 75023-4953
 Registration Number F-13518

202 Beckleymeade Avenue,
 Dallas, TX

Project Number:
 Drawn By: SN
 Checked By: RK
 Date Issued: 05/10/22

SHEET NUMBER
A9.0

EXISTING WALL EXISTING TO REMAIN

NEW WALL

NEW 2"x4" @ 16" O.C. WOOD FRAMED INTERIOR WALLS & DOOR OPENINGS WITH SINGLE BASE PLATES AND DOUBLE TOP PLATES AND 5/8" TYPE "X" SHEETROCK TAPED, BEDDED, TEXTURED AND PAINTED ON BOTH SIDES.

PROPOSED SEATING PLAN

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

FILE NUMBER: BDA223-005(OA)

BUILDING OFFICIAL'S REPORT: Application of Greg Alford of Alford Homes for a special exception to the single-family use regulations at 4608 Harrys Lane. This property is more fully described as Block F/5534, Lot 1, and is zoned R-1ac(A), which limits the number of dwelling units to one. The applicant proposes to construct and maintain an additional dwelling unit (not for +rent), which will require a special exception to the single-family use regulations.

LOCATION: 4608 Harrys Lane

APPLICANT: Greg Alford

REQUEST:

A request for a special exception to the single-family use regulations is made to construct and maintain an approximately 1,200 square foot additional dwelling unit structure on a site being developed with a an approximately 12,000 square foot two-story single-family dwelling unit..

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

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

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION

Zoning:

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

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

This request for a special exception to the single-family use regulations focuses on constructing and maintaining an approximately 1,200 square foot additional dwelling unit structure on a site being developed with a two-story single-family dwelling unit.

The site is zoned an R-1ac(A) Single Family District where the Dallas Development Code permits one dwelling unit per lot.

The single-family use regulations of the Dallas Development Code state that only one dwelling unit may be located on a lot and that the Board of Adjustment may grant a special exception to this provision and authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: (1) be use as rental accommodations; or (2) adversely affect neighboring properties.

The Dallas Development Code defines:

- a “single family” use as “one dwelling unit located on a lot;” and a “dwelling unit” as “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
- a “kitchen” is “any room or area used for cooking or preparing food and containing one or more ovens, stoves, hot plates, or microwave ovens; one or more refrigerators; and one or more sinks. This definition does not include outdoor cooking facilities.”

- a “bathroom” as “any room used for personal hygiene and containing a shower or bathtub or containing a toilet and sink.”
- a “bedroom” is “any room in a dwelling unit other than a kitchen, dining room, living room, bathroom, or closet. Additional dining rooms and living rooms, and all dens, game rooms, sunrooms, and other similar rooms are considered bedrooms.”

The submitted site plan identifies the location of two building footprints, the larger of the two which is the proposed single-family residential main structure. The additional dwelling unit is the smallest of the two structures.

This request centers on the function of what is proposed to be inside the smaller structure on the site – the smaller structure, specifically its collection of rooms/features shown on the floor plan: The smaller structure includes a quarter’s bedroom, a bathroom, a kitchen with dining and living room area.

According to DCAD records, the “are no improvements” for the property at 4608 Harrys Lane. According to the submitted site plan the main structure is proposed to contain 12,422 square feet of total living area and the proposed additional dwelling unit contains 1,225 square feet of living 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 January 6, 2023, no letters have been submitted in support or opposition to the request.

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

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

Timeline:

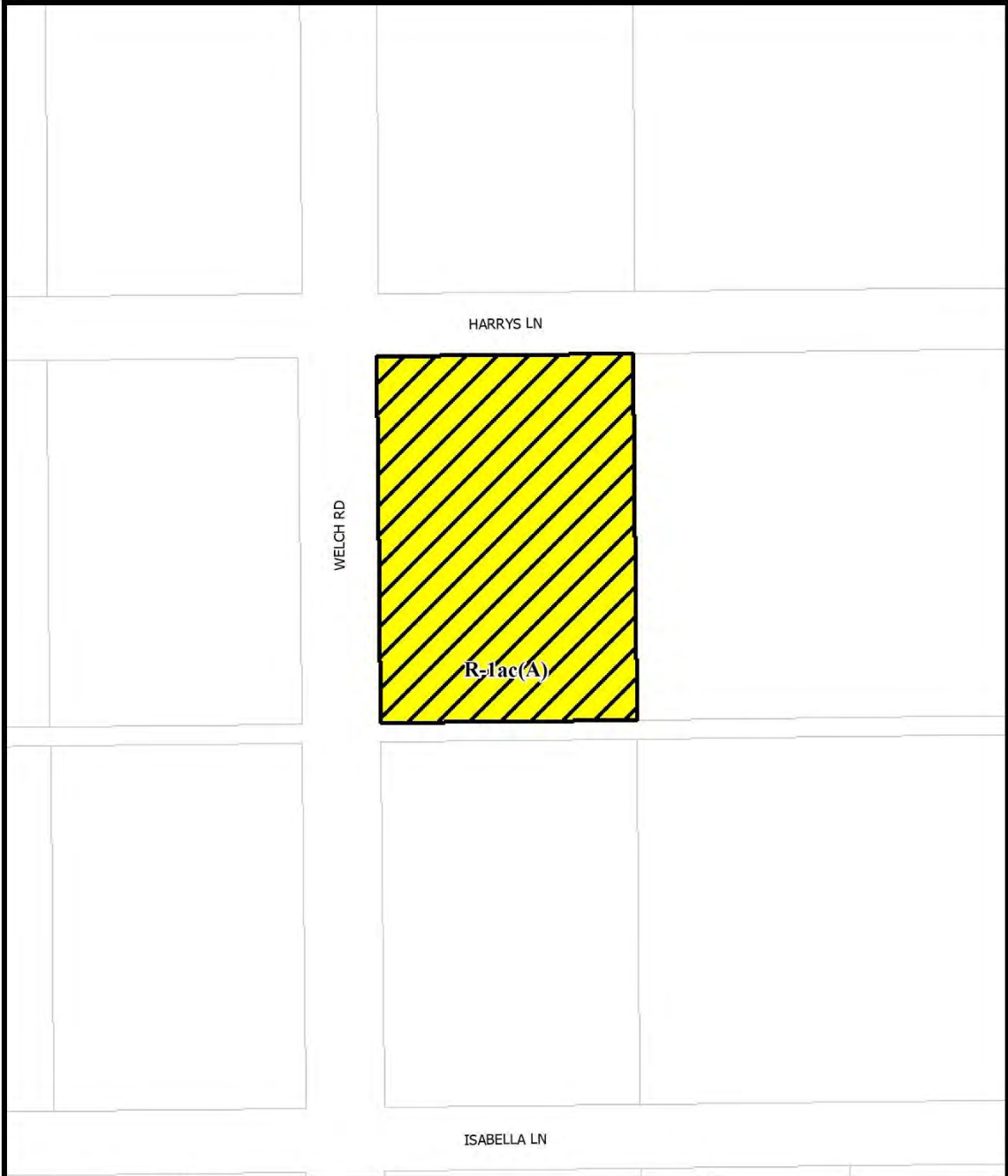
October 31, 2022: The applicant submitted an “Application/Appeal to the Board of Adjustment.”

December 8, 2022: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel B.

December 14, 2022: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the December 23, 2022, deadline to submit additional evidence for staff to factor into their analysis; and the January 6, 2023 deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

December 27, 2022: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Development Services Chief Planner, the Assistant City Attorney to the Board, and the Senior Planner.

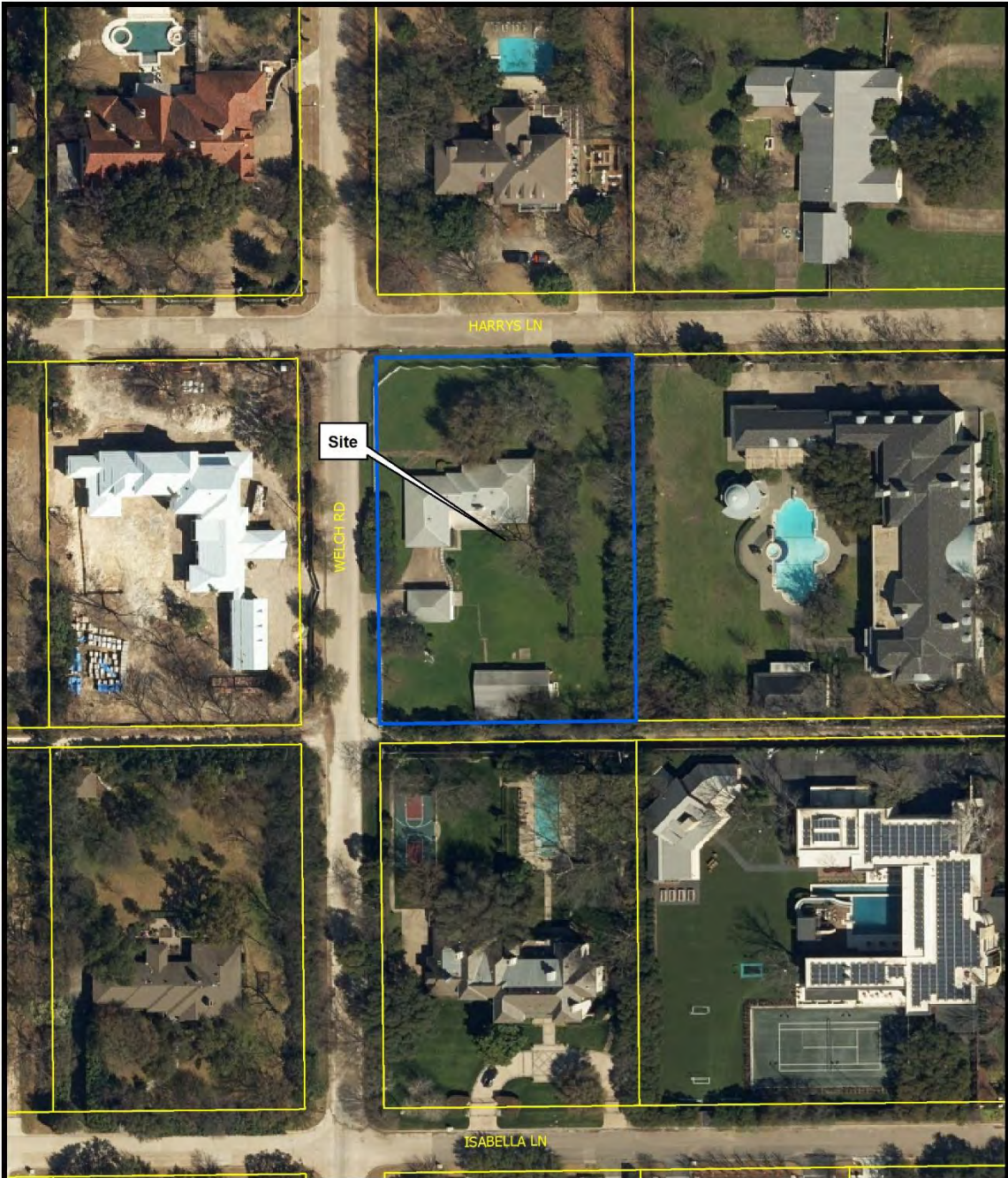


1:1,200

ZONING MAP

Case no: BDA223-005

Date: 12/27/2022

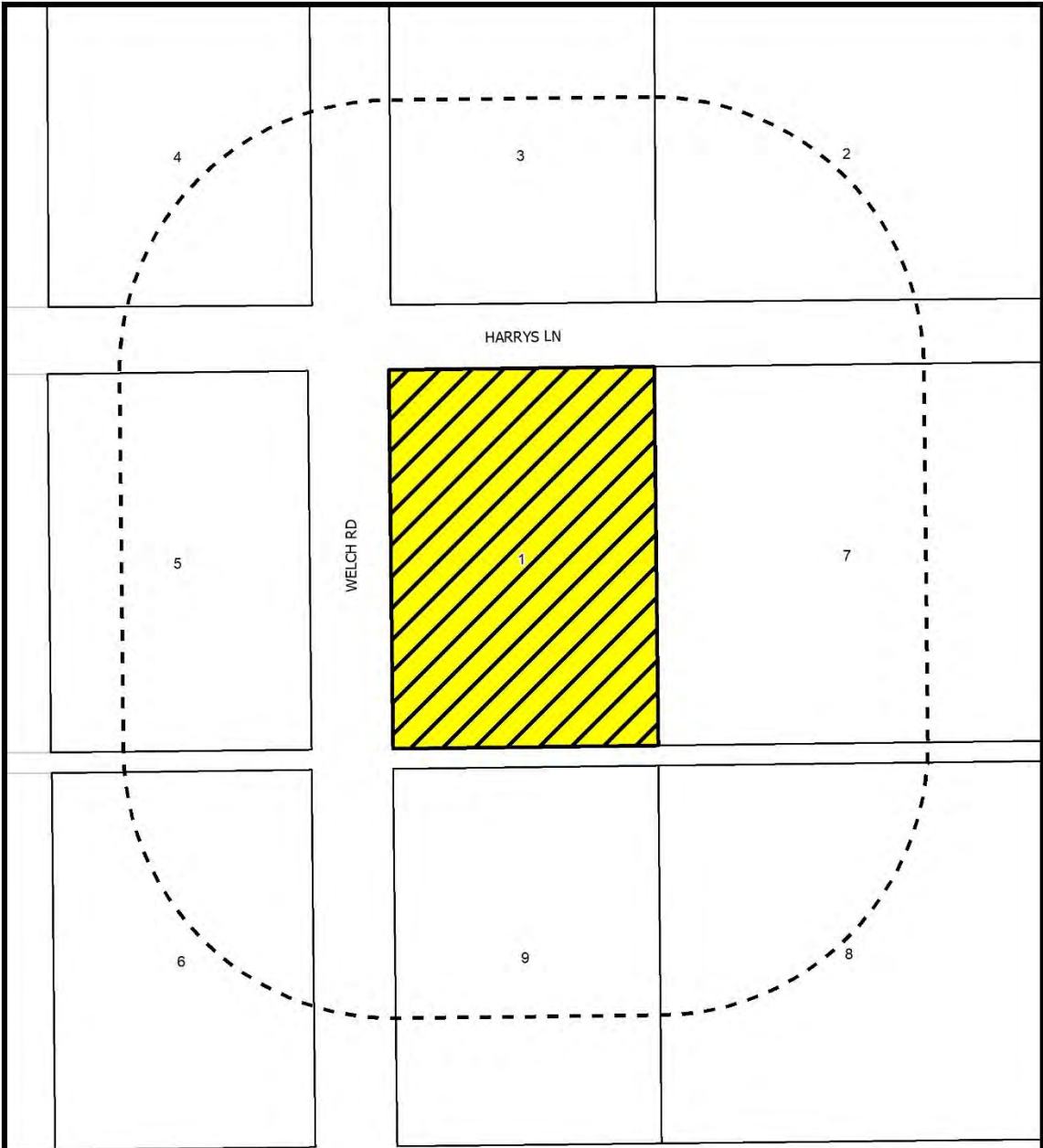


1:1,200

AERIAL MAP

Case no: BDA223-005

Date: 12/27/2022



The number '0' indicates City of Dallas Ownership



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

9

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA223-005**

Date: **12/27/2022**

12/19/2022

Notification List of Property Owners

BDA223-005

9 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4608 HARRYS LN	BERTRAND CHAN 2012 FAMILY
2	10625 LENNOX LN	10625 LENNOX LANE LLC
3	4609 HARRYS LN	GOLDSTEIN ROBERT &
4	4555 HARRYS LN	HIGHLAND PARK VIP FUND LLC
5	4554 HARRYS LN	SASSO FAMILY TRUST THE
6	4563 ISABELLA LN	BLACK STUART B & JANE A H
7	10615 LENNOX LN	AZOUZ DAVID & ANGIE B
8	10545 LENNOX LN	LENNY TRUST
9	4611 ISABELLA LN	DURHAM CLARK

82



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-005

Date: 10/31/22

Data Relative to Subject Property:

Location address: 10580 Match
now to be 4608 Harrys Zoning District: R1 AC(A)

Lot No.: 1 Block No.: F/SS34 Acreage: 1+ Acre Census Tract: _____

Street Frontage (in Feet): 1) 196' 2) 196' 3) 280.5 4) 284.5 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Bertrand Chen

Applicant: Greg Alford - Alford Homes Telephone: 917-913-0054

Mailing Address: 160 Leroy St, #124N, NY, NY Zip Code: 10014

E-mail Address: BertChen72@gmail.com

Represented by: Alford Homes - Greg Alford Telephone: 214-384-8779

Mailing Address: 17480 N. Dallas Pkwy #112 - Dallas Zip Code: 75287

E-mail Address: GregA@AlfordHomes.com

Affirm that an appeal has been made for a Variance ~~X~~, or Special Exception X, of _____

A pool/guest home - shower - Not for rent

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

Desire to add a shower to the pool/guest home.

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 Greg Alford
(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 24 day of October, 2022
Christi Lynn Trammell
Notary Public in and for Dallas County, Texas

(Rev. 08-01-11)



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

Date of Hearing _____

Appeal was--Granted OR Denied _____

Remarks _____

Chairman	
-----------------	--

Building Official's Report

I hereby certify that GREG ALFORD

did submit a request for a special exception to the single family regulations
at 4608 HARRYS LANE

BDA223-005. Application of GREG ALFORD for a special exception to the single family regulations at 4608 Harry's Lane. This property is more fully described as Block F/5534, Lot 1, and is zoned R-1ac(A), which limits the number of dwelling units to one. The applicant proposes to construct and maintain an additional dwelling unit (not for rent), which will require a special exception to the single family zoning use regulations.

Sincerely,


David Session, Building Official



Printed: 11/22/2022

Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

- City Limits
- Dallas Tax Parcels
- Census Tracts
- Base Zoning
- Main Address
- Building
- Tax Parcel
- Utility
- Addition Boundaries
 - Final
- Plot Parcels
 - Final
 - Attached Block
 - Final
- Current Year BDA Cases
- Previous Year BDA Cases
- Three Year Old BDA Cases

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)



Commission expires on 1/30/26



AFFIDAVIT

Appeal number: BDA 223-005

I, BERTRAND CHAN 2012 FAMILY TRUST, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 4608 HARRY'S LANE, DALLAS, TX
(Address of property as stated on application)

Authorize: GREG ALFORD - ALFORD HOMES
(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: TO ADD A SHOWER TO THE POOL/GUEST HOUSE
LOCATED @ 4608 HARRY'S LANE

(TRUSTEE) (GRANTEE)
YELIN SONG / BERTRAND CHAN
Print name of property owner or registered agent

[Signature]
Signature of property owner or registered agent

Date 11/4/22

Before me, the undersigned, on this day personally appeared YELIN SONG, BERTRAND CHAN

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 4 day of November, 2022

Christi Lyn Trammell
Notary Public for Dallas County, Texas



certified subdivision plat

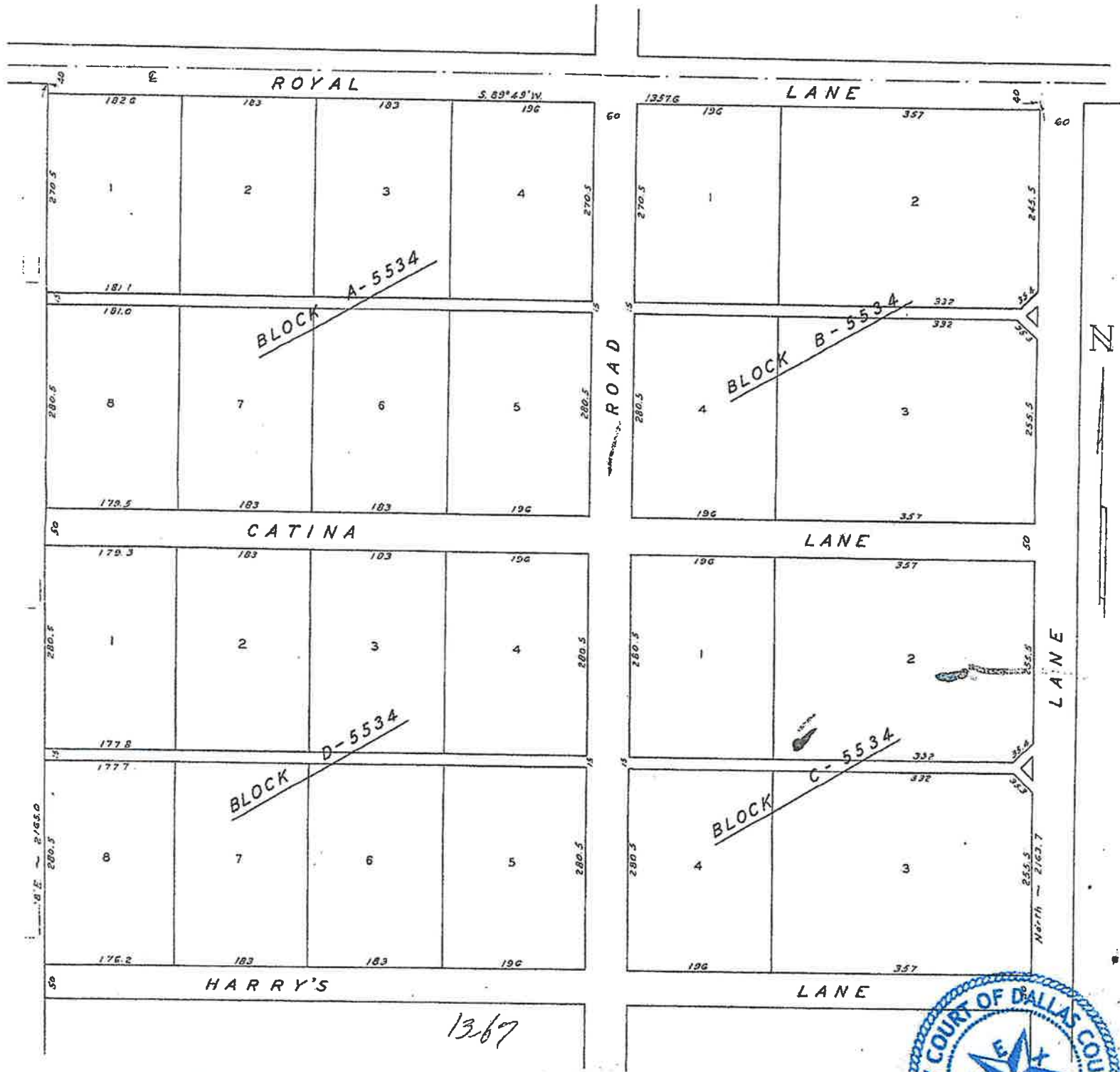
WILSON ESTATES

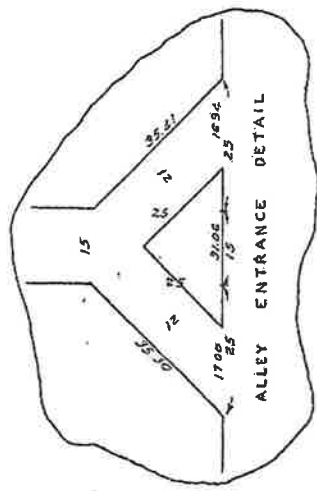
SUBDIVISION # 2.

DALLAS, TEXAS

13/67

APRIL 16, 1947
SCALE: 1" = 100'
ROBT. H. WEST
COUNTY SURVEYOR
DALLAS, TEXAS





6.5-17

118758---\$ 12.50 Map
2.50 Fee
\$ 15.00

OWNERS' CERTIFICATE

JAS. L. WILSON, MRS. MAY WILSON, MRS. JOSEPHINE STALCUP, MRS. GERTRUDE GILBERT & WILSON BADER, OWNERS } STATE OF TEXAS)
 } COUNTY OF DALLAS)
 TO: PLAT & DEDICATION)
 WILSON ESTATES SUBDIVISION NO. 2,)
 CITY OF DALLAS, DALLAS COUNTY, TEXAS)

Whereas we, JAS. L. WILSON, MRS. MAY WILSON, MRS. JOSEPHINE STALCUP, MRS. GERTRUDE GILBERT & WILSON BADER, are the owners of a tract of land, situated in the W. S. PULLIAM SURVEY, ABST. 1150, County of Dallas, Texas, and more particularly described as follows: Beginning at the point of intersection of the West line of Lennox Lane, with the South line of Royal Lane; THENCE South 89 deg. 49 min. West along said South line 1357.6 ft.; THENCE South 0 deg. 18 min. East 2165.0 ft.; THENCE North 89 deg. 46 min. East 1346.2 to a point in said West line of Lennox Lane; THENCE North along said West line of Lennox Lane 2163.7 ft. to the point of beginning.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: THAT we, JAS. L. WILSON, MRS. MAY WILSON, MRS. JOSEPHINE STALCUP, MRS. GERTRUDE GILBERT & WILSON BADER, do hereby adopt this Plat, designating the hereinabove described property as WILSON ESTATE SUBDIVISION NO. 2 to the City of Dallas, Texas, and we do hereby dedicate to the Public Use forever the streets and alleys (and parkways or parks) shown thereon.

WITNESS OUR HANDS AT DALLAS, TEXAS, THIS, the 17th day of APRIL 1947.

JAS. L. WILSON S. F. STALCUP Husband of JOSEPHINE STALCUP
 MRS. MAY WILSON MRS. GERTRUDE GILBERT
 MRS. JOSEPHINE STALCUP WILSON BADER

WILSON BADER, Husband of GERTRUDE GILBERT

THE STATE OF TEXAS)
 THE COUNTY OF DALLAS) Before me, the undersigned, a Notary Public in and for Dallas County, Texas, on this day personally appeared JAS. L. WILSON known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this, the 17th day of April 1947.

(L.S.) ALICE WINSOR, Notary Public in and for Dallas County, Texas.

THE STATE OF TEXAS)
 THE COUNTY OF DALLAS) Before me, the undersigned, a Notary Public in and for said County and State, on this day personally appeared MRS. MAY WILSON, a widow, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of Office, this, the 19 day of APRIL 1947.

(L.S.) R. L. PALMER, Notary Public in and for Dallas County, Texas.

STATE OF TEXAS)
 COUNTY OF HOPKINS) Before me, the undersigned, a Notary Public in and for said County and State, on this day personally appeared JOSEPHINE STALCUP & husband, S. F. STALCUP, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of Office, this, the 21st day of APRIL 1947.

(L.S.) MAUDE RAINNEY, Notary Public in and for Hopkins County, Texas.
 STATE OF CALIFORNIA)
 COUNTY OF SANTA CLARA) Before me, the undersigned, a Notary Public in and for said County and State, on this day personally appeared MRS. GERTRUDE GILBERT and husband, WILSON BADER, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of Office, this, the 23rd day of APRIL 1947.

(L.S.) E. V. RUSSELL, Notary Public in and for Santa Clara County, California.

STATE OF CALIFORNIA)
 COUNTY OF STANISLAUS) Before me, the undersigned, a Notary Public in and for said County and State, on this day personally appeared WILSON BADER, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my Hand and Seal of Office, this, the 25 day of APRIL 1947.

(L.S.) HARRIET P. M., Notary Public in and for Stanislaus County, California



SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS: THAT I, ROBT. H. WEST, do hereby certify that I prepared this Plat form an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Platting Rules and Regulations of the City Plan Commission of the City of Dallas, Texas.

Robt. H. West, County Surveyor.

STATE OF TEXAS) Before me, the undersigned, a Notary Public in and for said County and State, on this day personally appeared
COUNTY OF DALLAS) ROBT. H. WEST, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this, the 17th day of APRIL 1947.

(L.S.)

JOHN H. NORMAN, Notary Public in and for Dallas County, Texas

CITY OF DALLAS FILING FEE PAID 9-29-48 as required by Ordinance 3906.

TO THE COUNTY CLERK OF DALLAS COUNTY: Under Ordinance 3558 of the City of Dallas, the approval of this Plat by the City Plan Commission is automatically terminated after the 30th day of October 1948, and unless this Plat is presented for filing on or before said date, it should not be accepted for filing.

CITY PLAN COMMISSION
BY: E. A. WOOD
CITY PLAN ENGINEER

FILED FOR APPROVAL:

THIS 21st day of February 1947 at 0900 o'clock A.M.

CITY PLAN COMMISSION
DALLAS, TEXAS
BY: E. A. WOOD
CITY PLAN ENGINEER

CERTIFICATE OF APPROVAL:

I, R. W. BAXTER, Chairman of the City Plan Commission of the City of Dallas, State of Texas, hereby certify that the attached Plat was duly filed for approval with the City Plan Commission of the City of Dallas on the 21st day of February A D 1947 and same was duly approved on the 27th day of March A D 1947 by said Commission.

R. W. BAXTER,
CHAIRMAN, CITY PLAN COMMISSION
DALLAS, TEXAS

ATTEST:

RUTH CORNING,
Secretary

FILE # 1018

FILED FOR RECORD THIS, THE 1 DAY OF OCTOBER A D 1948 at 12:24 P.M. ED. H. STEGER, COUNTY CLERK BY: JOHN C. PEAVY, DEPUTY
RECORDED THIS, THE 8 DAY OF FEBRUARY A D 1949. ED. H. STEGER, COUNTY CLERK BY

Bridie Meyer
DEPUTY





WILSON ESTATES ADDITION NO. 2

LES JARDINS INST. NO. 3

50 HARRY LANE

4500

176 183 183 196

1 2 3 4

280.5 280.5

5534

D 5534

10600

10600

196 357

1 2

280.5 280.5

C 5534

60 (RD) ROAD

174.5 174.4

178 183 183 196

8 7 6 5

280.5 280.5

E 5534

4600 HARRY LANE

60

196 357

1 2

280.5 280.5

F 5534

50 ISABELLA

4500

172.7 183 183 196

1 2 3 4

271.5 271.5

H 5534

10500 WELCH (BRUTUS)

10500

196 165 192

1 2-A 2-B

271.2 271.2

G 5534

REPLAT WILSON ESTATES SUBD'N.

7-8-83

60

171.3 183 183 196

1 2 3 4

271.5 271.5

5534

N 89°46' E.

4600 LENNOX

60

196 165 192

1 2-A 2-B

270.86 270.86

G 5534

FILED 7-8-83

3 5522 NO. 1

HARRY LANE ADDITION

2 5521 WILSON ESTATES

WILSON

5533

DEC 19 1983

5535

5535

5536

5 5539

4 5539

SURVEY PLAT

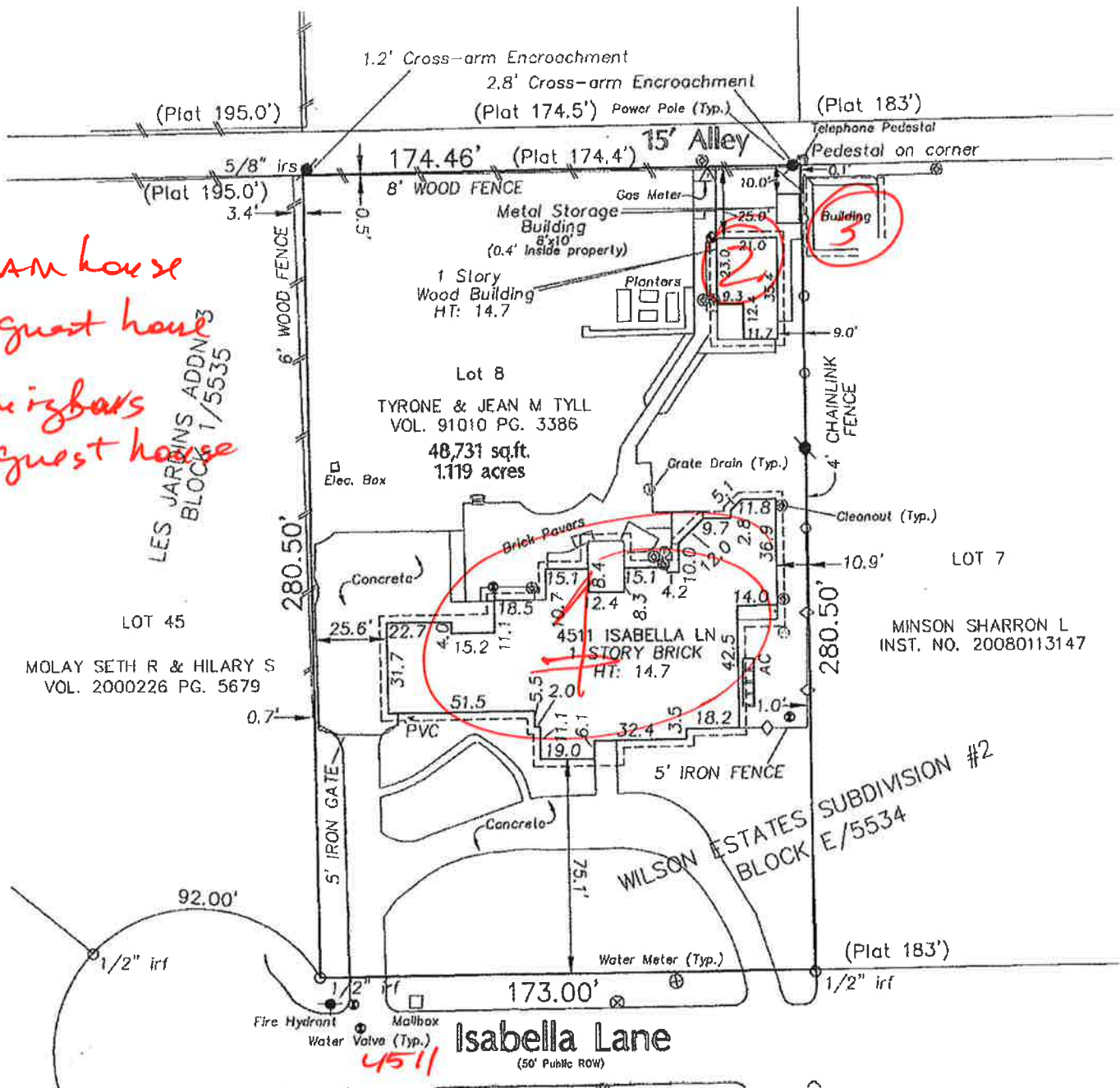
TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:

This to certify that I have this date, made a careful and accurate survey on the ground of property located at 4511 Isabella Lane in Dallas County, Texas, described as follows: Lot 8, Block E/5534, of Wilson Estates Subdivision #2, an addition to City of Dallas, Dallas County, Texas, according to the Plat thereof recorded in Volume 13, Page 67, Map Records, Dallas County, Texas.



Prepared without the benefit of a Title Commitment.

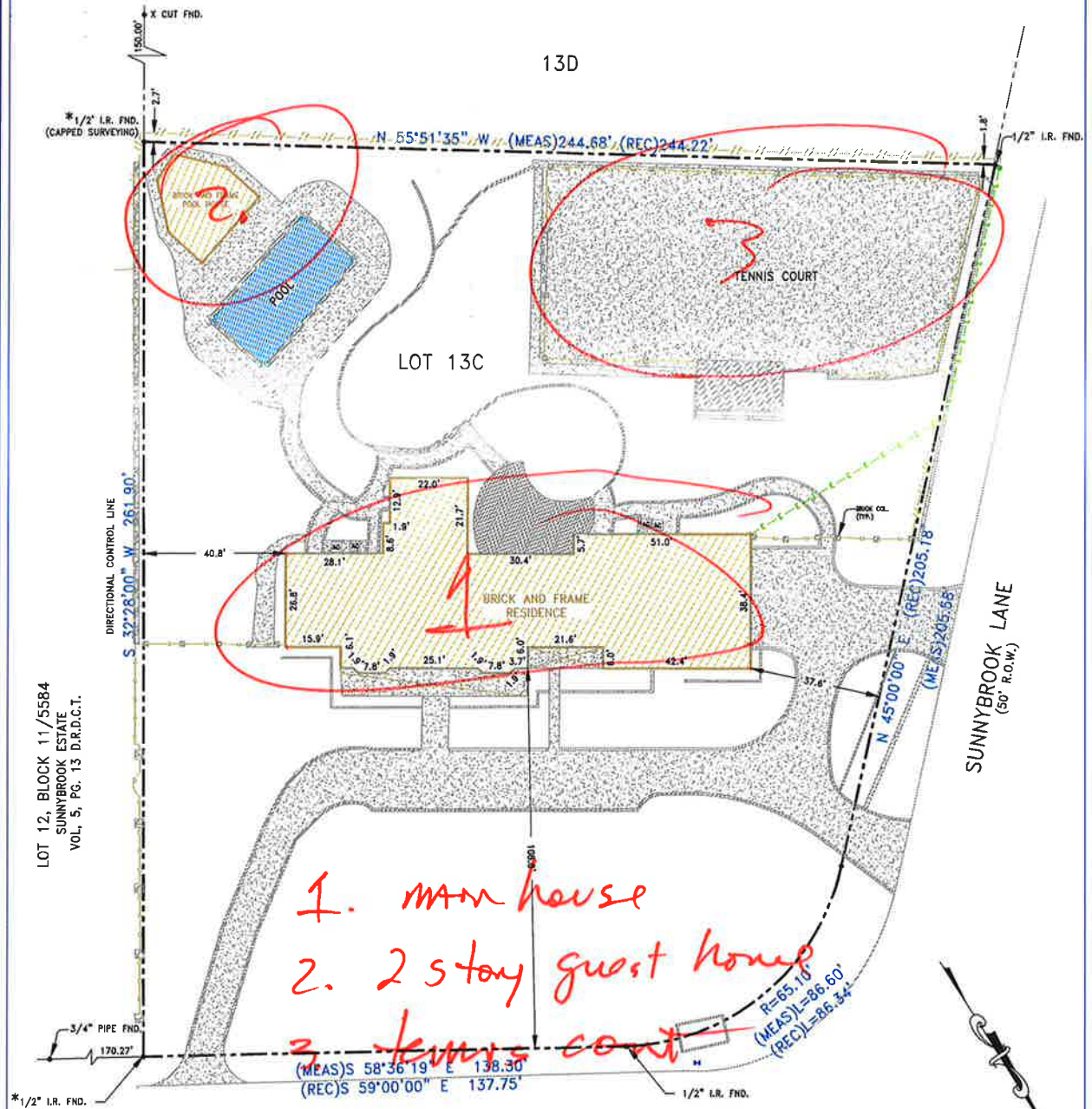
- 1. main house
- 2. guest house
- 3. neighbors guest house



SURVEYOR'S CERTIFICATION

THAT I, Dustin D. Davison, do hereby certify that this survey was made on the ground by me or under my personal supervision and the plat hereon is a true, correct, and accurate representation of the property as determined by survey. The lines, dimensions and corners

REFERENCE NO: 210910004
 TITLE CO: LENNAR TITLE GF# 114668-00674
 DATE: 9/13/2021



1. main house
 2. 2 story guest house
 3. tennis court

4906 DELOACHE AVENUE
 (50' R.O.W.)

GAS METER: (0)	CABLE BOX: (0)
TEL. PER: (1)	ELEC. BOX: (1)
FIRE HYDRANT: (0)	TRANSFORMER: (0)
LIGHT POLE: (0)	SIGN: (0)
WATER METER: (0)	MANHOLE: (0)
WATER VALVE: (0)	AREA DRAIN: (0)

NOTE: ALL LOTS, RIGHT-OF-WAYS, AND EASEMENTS SHOWN ARE PER THE RECORDED PLAT UNLESS OTHERWISE NOTED.
 NOTE: BASIS OF BEARINGS FOR THIS SURVEY FROM DATA PROVIDED BY THE RECORDED PLAT.
 SUBJECT TO: RESTRICTIVE COVENANTS AS LISTED IN SCHEDULE B, OF THE TITLE COMMITMENT REFERENCED BY G.F. NUMBER HEREON.

LEGEND

WOOD PAINT FENCE	--- --- ---
CASHT/CHAINLINK FENCE	--- --- ---
IRON FENCE	--- --- ---
TELEPHONE	--- --- ---
ELECTRICAL	--- --- ---
CONTROL MONUMENT	--- --- ---
WOOD	--- --- ---
STONE	--- --- ---
TILE	--- --- ---
CONCRETE	--- --- ---
BRICK	--- --- ---
ASPHALT	--- --- ---

PROPERTY DESCRIPTION: Lot 13C, Block 11/5584, Sunnybrook Estates Addition, an addition to the City of Dallas, Dallas County, Texas, according to the Replat thereof recorded in Volume 88251, Page 741, Map records of Dallas County, Texas.

SURVEYOR'S STATEMENT: The undersigned Registered Professional Land Surveyor has prepared this survey for the exclusive use of the herein named home builder and title company only. The undersigned acknowledges that this survey was conducted by the surveyor or under his supervision on the date shown hereon; this plat of survey and the property description set forth hereon are an accurate representation of facts found at the time of an actual on-the-ground survey; there are no visible, above ground encroachments, or protrusions, except as shown. The use of this survey by any parties other than those named above for any other purposes shall be of the user's own risk and any loss resulting therefrom shall not be the responsibility of the undersigned. Unauthorized use is not permitted without the express written permission of Dowdy Land Surveyors, Inc.



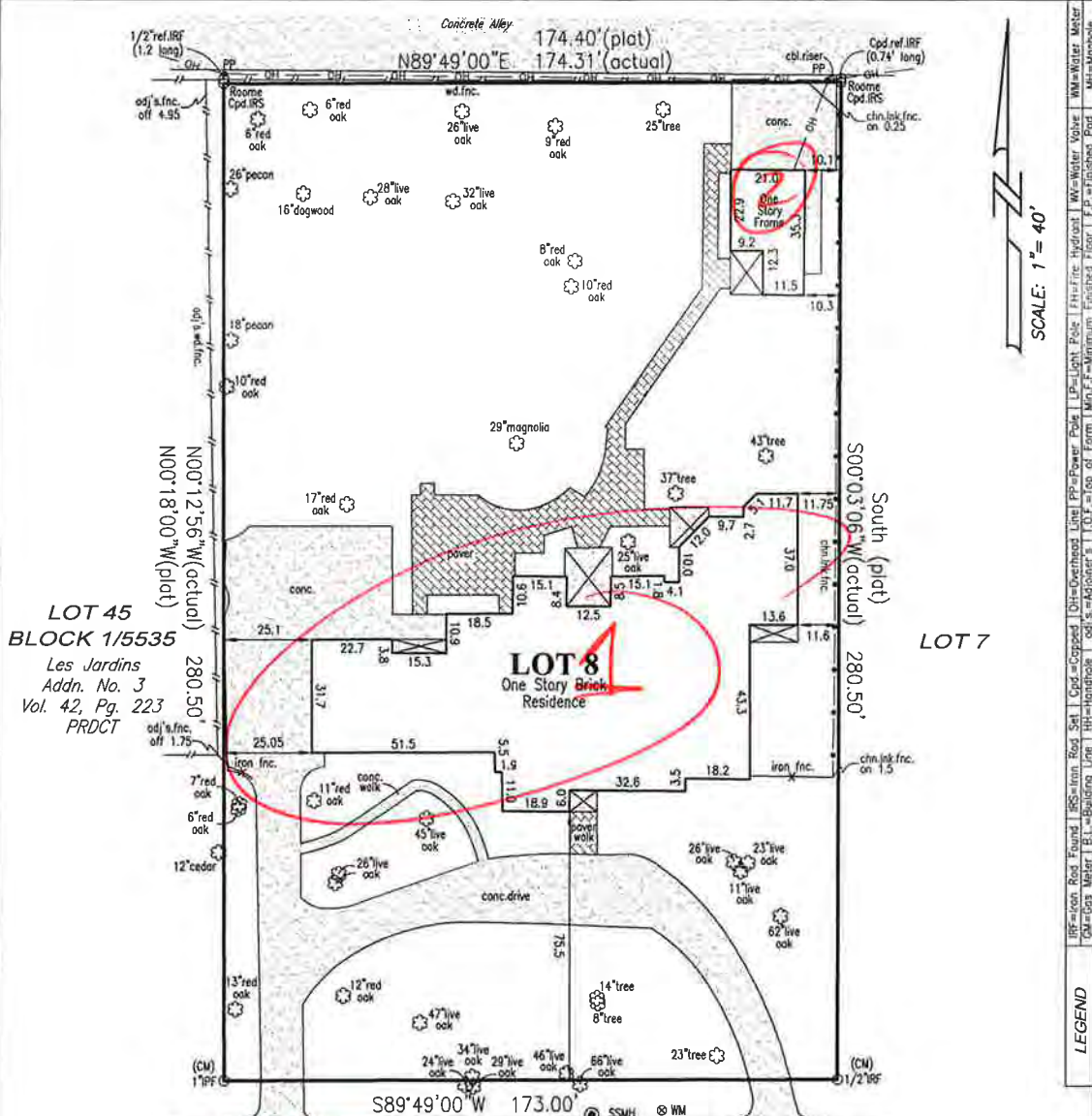
Brad Cardinal
 BRAD CARDINAL, R.P.L.S. No. 6406

DOWDY LAND SURVEYORS, INC.
 6850 MANHATTAN BLVD. SUITE 310
 FORT WORTH, TEXAS 76120
 (817) 429-9898
 T.B.P.L.S. FORM NO. 100463-00



PROPERTY DESCRIPTION
 Address: 4511 Isabella Lane, Being Lot 8, in Block E/5534, of Wilson Estates Subdivision No. 2, an Addition to the City of Dallas, Dallas County, Texas, according to the Map thereof recorded in Volume 13, Page 67, of the Map Records, of Dallas County, Texas.


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



4511 Isabella Lane
 1. main house
 2. guest house

NOTES: (1) Source bearing is based on recorded plat unless otherwise noted. (2) (CM) = Controlling monument. (3) Surveyor's signature will appear in red ink on original copies. (4) No part of the subject property lies within a Special Flood Hazard Area inundated by 100-year flood per Map Number 48113C0190K of the F.E.M.A. Flood Insurance Rate Maps for Dallas County, Texas & Incorporated Area dated July 7, 2014. (Zone X). This statement does not imply that the property and/or structures will be free from flooding or flood damage. On occasion, greater floods can & will occur & flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor. (5) Final grade assumed finished floor elevations are at the brick ledge. (6) Drainage arrows, if shown, were determined by elevations shown hereon. (7) Subject property is affected by any & all notes, details, easements & other matters, that are shown on or as part of the recorded plat. (8) Survey performed without a title commitment. There may be easements, or other matters, not shown.

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

Date: 8/23/2019 Revised: _____ Job No. ES656332



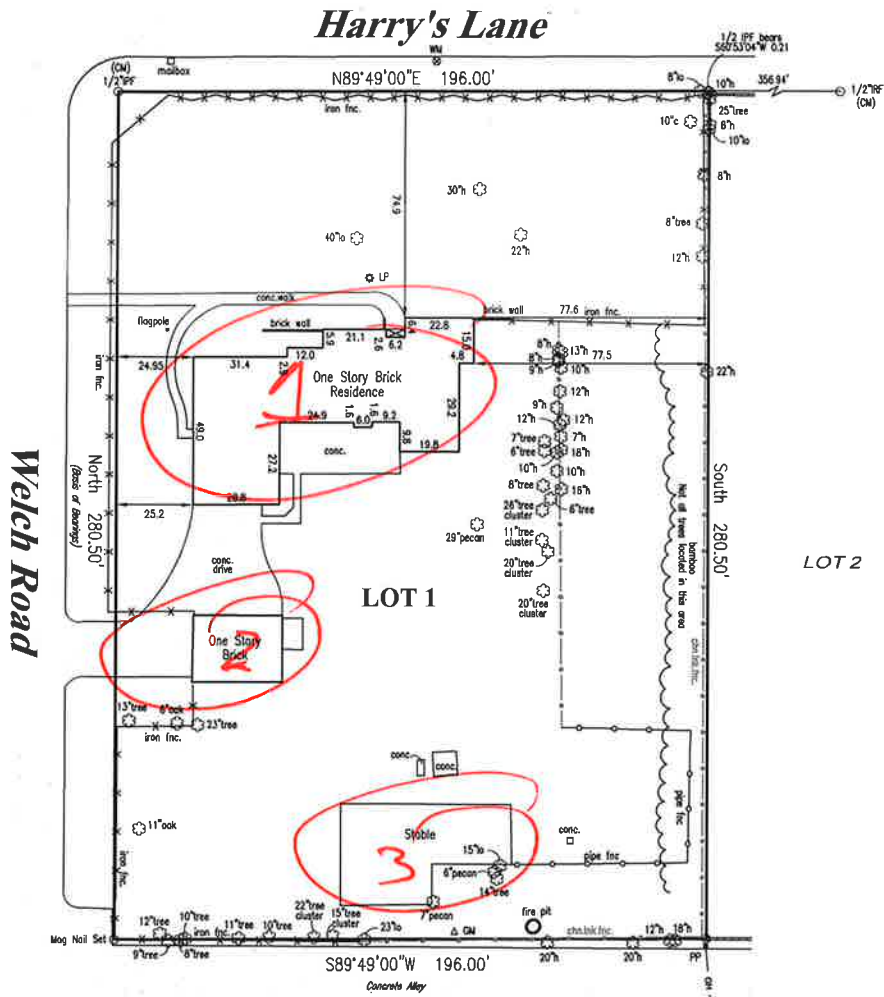
PROPERTY DESCRIPTION

Address: 10580 Welch Road, Being Lot 1, in Block F/5534, of Wilson Estates Subdivision No. 2, an Addition to the City of Dallas, Dallas County, Texas, according to the Map/Plat thereof recorded in Volume 13, Page 67, of the Map Records, of Dallas County, Texas.



Roome
Land Surveying

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



h = hackberry
c = cedar

- AS purchased*
1. MAIN home.
 2. guest house w/ Bath/Bed
 3. horse stables

NOTES: (1) Source bearing is based on recorded plat unless otherwise noted. (2) (CM) = Controlling monument. (3) Surveyor's signature will appear in red ink on original copies. (4) No part of the subject property lies within a Special Flood Hazard Area inundated by 100-year flood per Map Number 48113C0190K of the F.E.M.A. Flood Insurance Rate Maps for Dallas County, Texas & Incorporated Area dated July 7, 2014. (Zone X). This statement does not imply that the property and/or structures will be free from flooding or flood damage. On occasion, greater floods can & will occur & flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor. (5) Final grade assumed finished floor elevations are at the brick ledge. (6) Drainage arrows, if shown, were determined by elevations shown hereon. (7) Subject property is affected by any & all notes, details, easements & other matters, that are shown on or as part of the recorded plat. (8) Survey performed without a title commitment. There may be easements, or other matters, not shown.

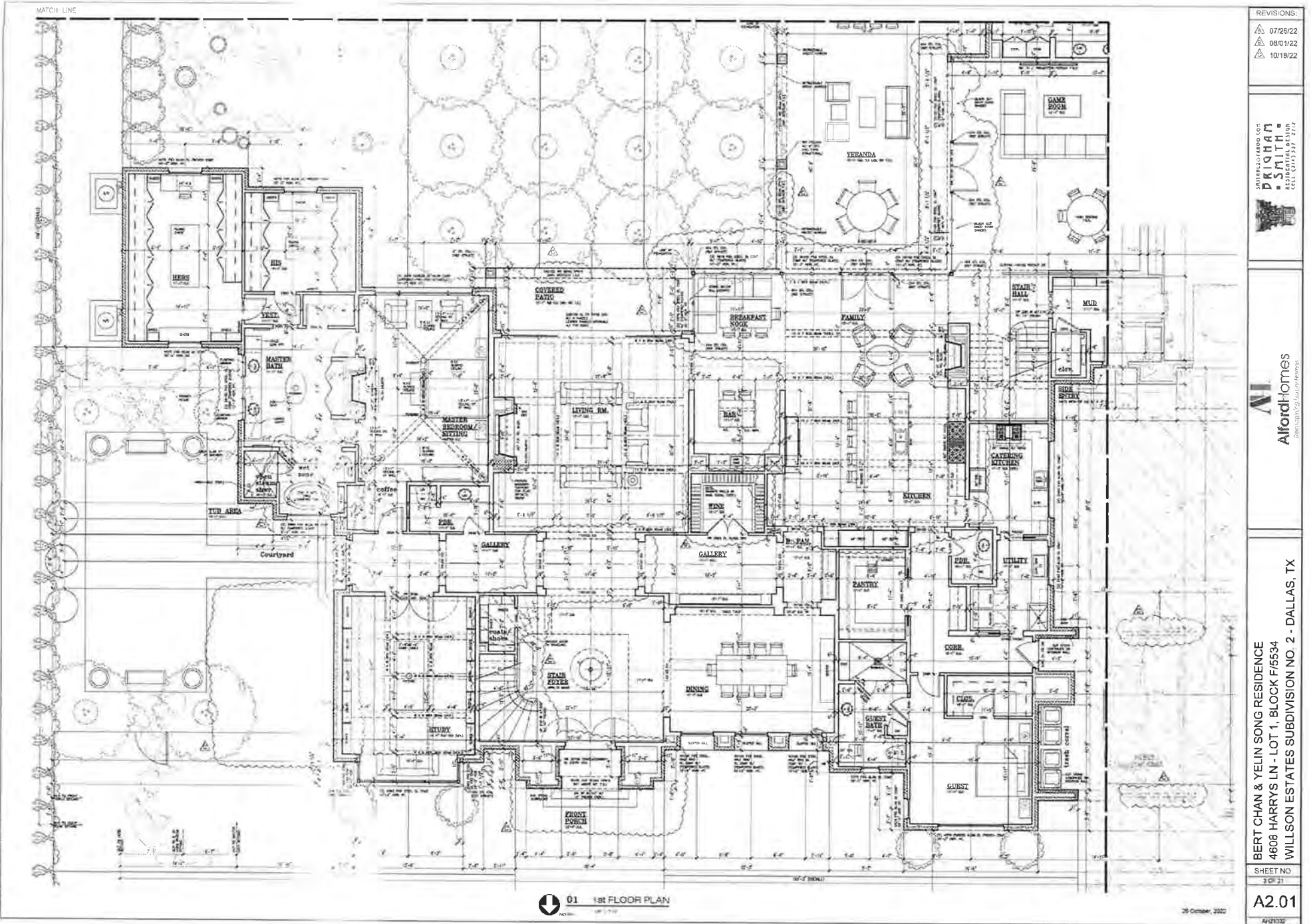
CERTIFICATION

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

Date: 3/5/2021 Revised: _____ Job No. ES674030



4 floor plans



REVISIONS:

▲	07/26/22
▲	08/01/22
▲	10/18/22

REGISTERED ARCHITECT
PRITCHARD SMITH
 RESIDENTIAL DESIGN
 4001 CIVIL 251 - 217



Alfordhomes
 A Division of Alford Properties

BERT CHAN & YELIN SONG RESIDENCE
 4608 HARRIS LN - LOT 1, BLOCK F6534
 WILLSON ESTATES SUBDIVISION NO. 2 - DALLAS, TX

SHEET NO
 3 OF 21

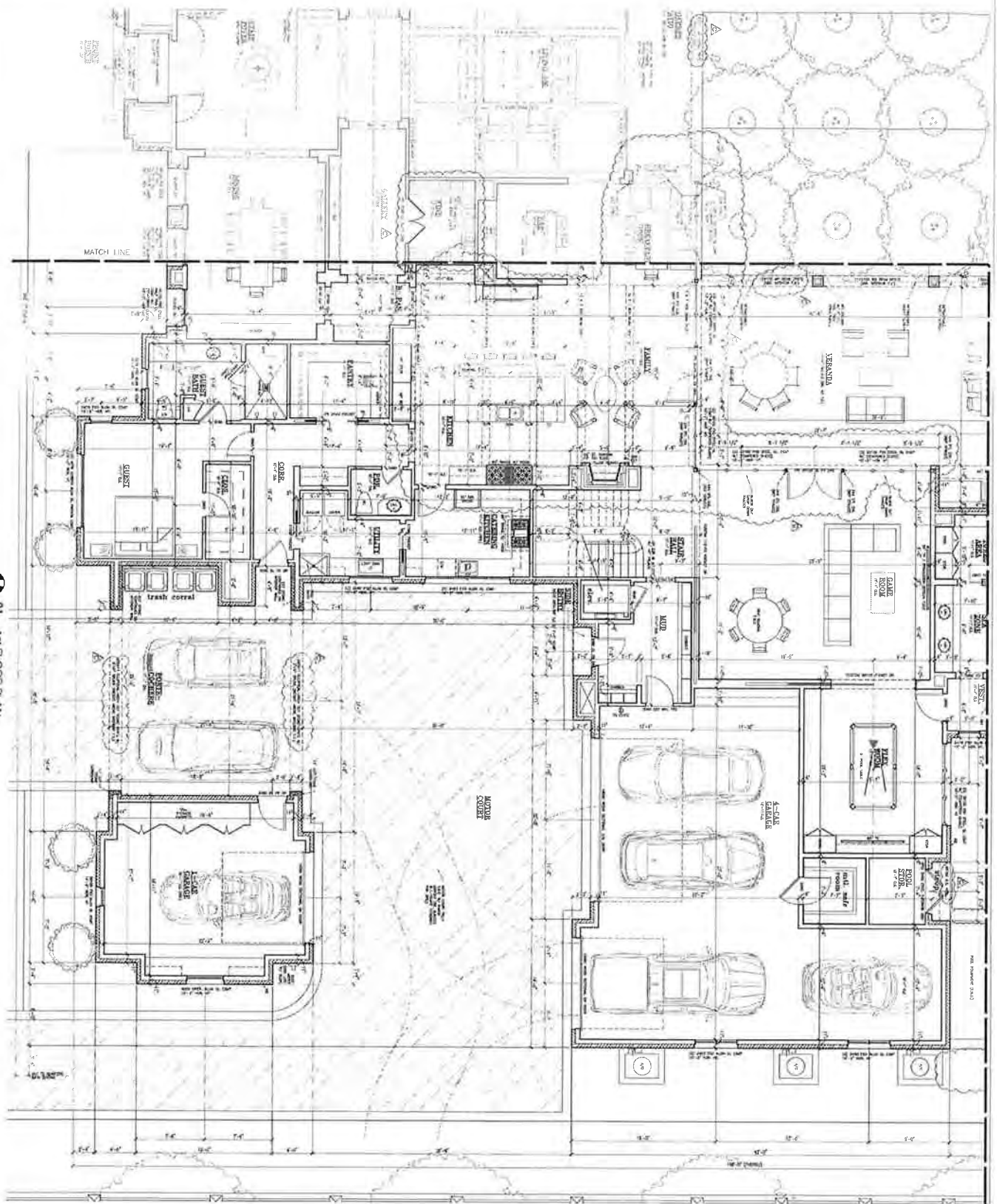
A2.01

01 1st FLOOR PLAN

29 October, 2022

4 Floor Plans

01 1st FLOOR PLAN



26 October 2022

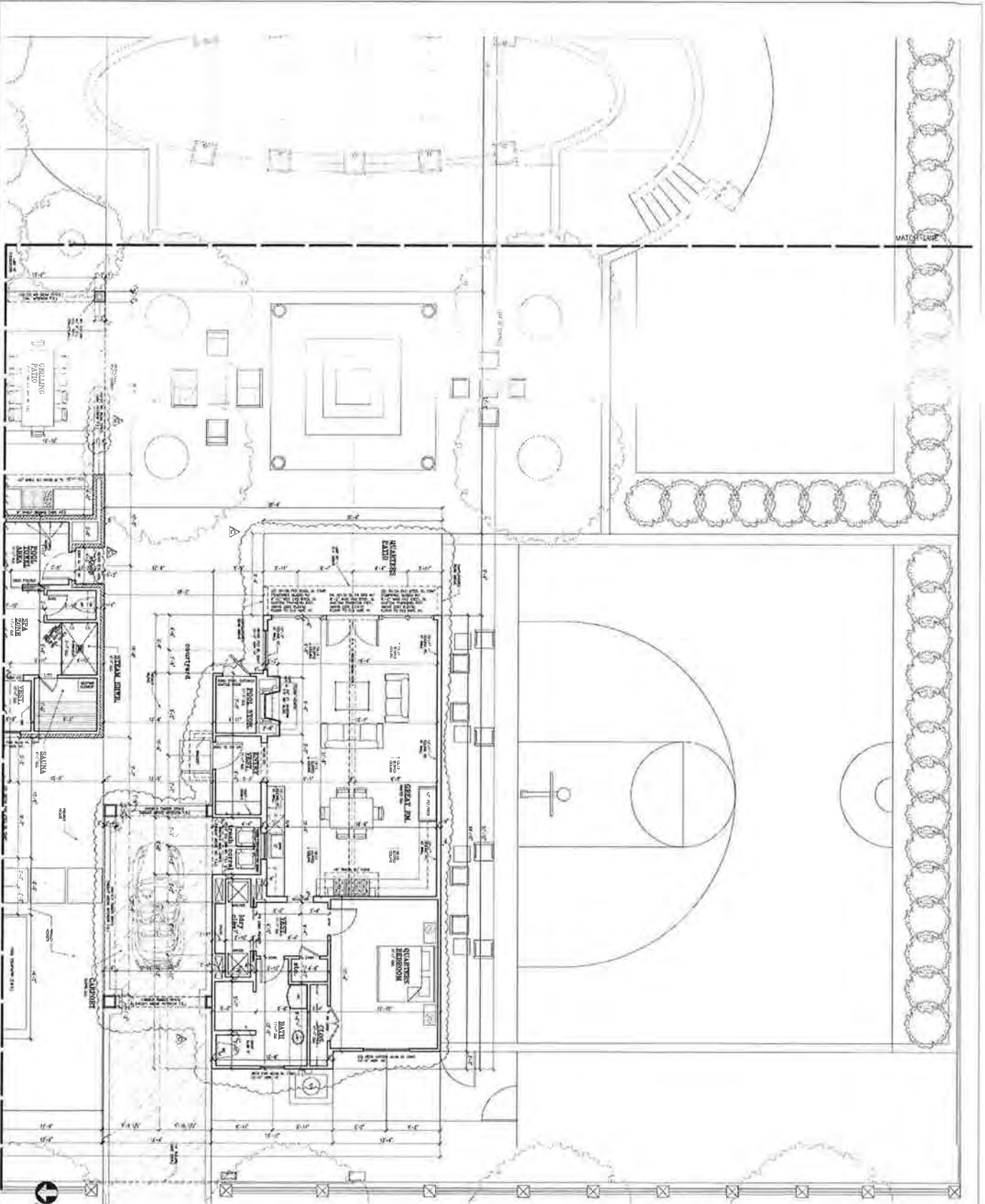
A2.02

BERT CHAN & YELIN RESIDENCE
 4608 HARRYS LN - LOT 1, BLOCK F/5534
 WILLSON ESTATES SUBDIVISION NO. 2 - DALLAS, TX

79 AlfordHomes
 A member of LAWRENCE BERKELEY

BRIGHAM SMITH
 RESIDENTIAL DESIGN
 1011922

REVISIONS
 07/26/22
 08/01/22
 10/19/22



4 floor plan

01 - 1st FLOOR PLAN

26 October, 2022

A2.03

BERT CHAN & YELIN SONG RESIDENCE
 4608 HARRY'S LN - LOT 1, BLOCK F/5534
 WILLSON ESTATES SUBDIVISION NO. 2 - DALLAS, TX

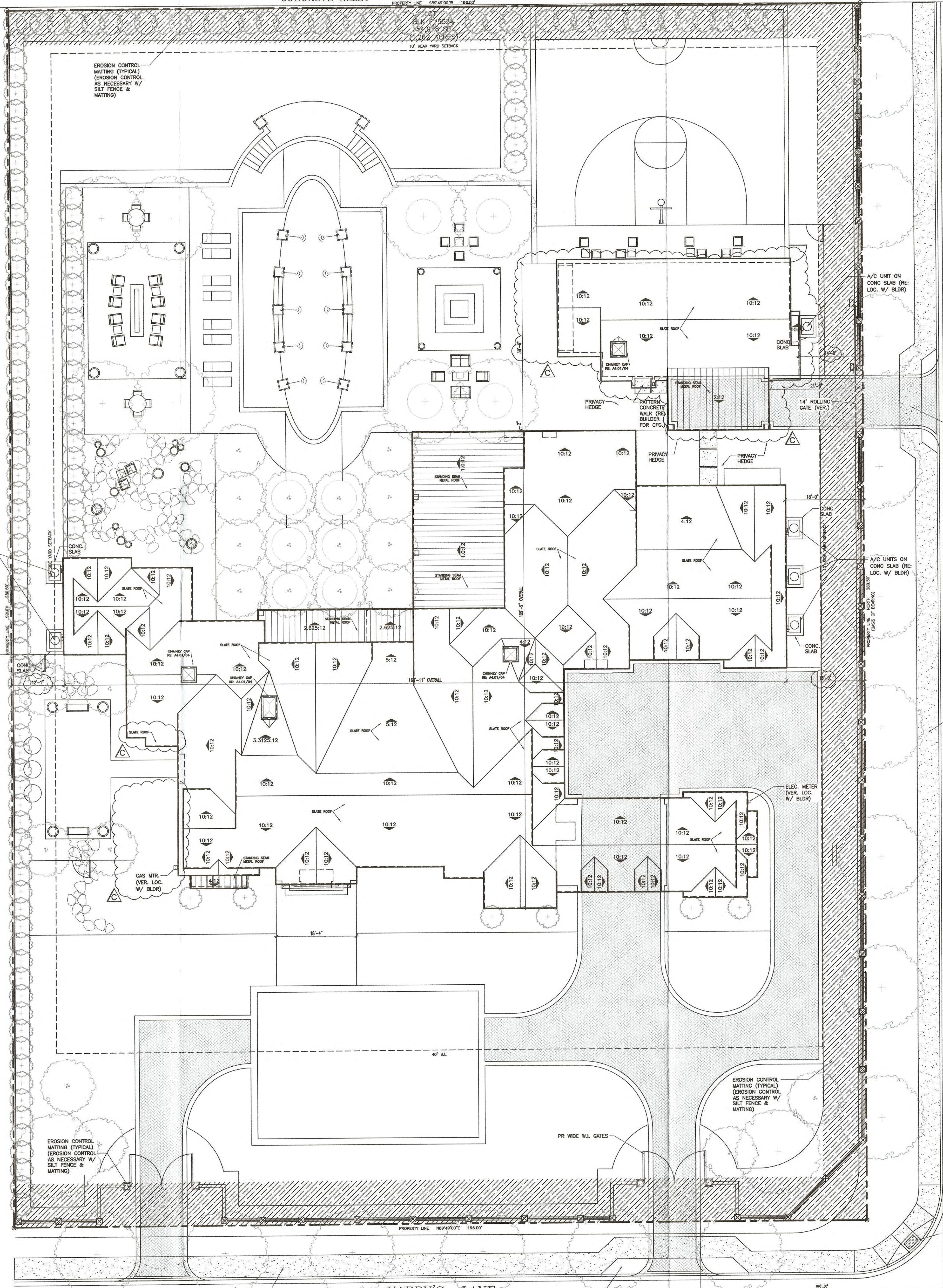
80 AlfordHomes
Reimagining luxury living

SMITH BRIGHAM & SMITH ARCHITECTURAL DESIGN
BRIGHAM SMITH
 ARCHITECTURAL DESIGN
 1001 EAST 17TH AVENUE, SUITE 200
 DENVER, CO 80202

REVISIONS
 10/16/22

CONCRETE ALLEY

PROPERTY LINE 588'41"00" 198.00'



SHEET INDEX

NO.	DESCRIPTION
A1.01	SITE PLAN
A2.00	1ST FLOOR DIMENSION CONTROL PLAN
A2.01	1ST FLOOR PLAN
A2.02	1ST FLOOR PLAN
A2.03	1ST FLOOR PLAN
A2.04	2ND FLOOR DIMENSION CONTROL PLAN
A2.05	2ND FLOOR PLAN
A2.06	2ND FLOOR PLAN
A2.07	2ND FLOOR PLAN
A2.08	PARTIAL ENLARGED 1ST FLOOR PLAN
A3.01	EXTERIOR ELEVATIONS
A3.02	EXTERIOR ELEVATIONS
A3.03	EXTERIOR ELEVATIONS
A3.04	ROOF PLAN
A4.01	WALL SECTIONS / ELEVATION DETAILS
E1.01	1ST FLOOR ELECTRICAL PLAN
E1.02	1ST FLOOR ELECTRICAL PLAN
E1.03	1ST FLOOR ELECTRICAL PLAN
E1.04	2ND FLOOR ELECTRICAL PLAN
E1.05	2ND FLOOR ELECTRICAL PLAN
E1.06	2ND FLOOR ELECTRICAL PLAN

LEGAL DESCRIPTION

LOT 1 BLOCK F/5534, WILSON ESTATES, CITY OF DALLAS, DALLAS COUNTY, TEXAS

Note: Site information based on final plat information provided by Roome Land Surveying 2000 Avenue G, Suite 810 Plano, TX 75074 tel: 972-423-4372 fax: 972-423-7523

AREA EVALUATION

12,730 S.F. TOTAL LOT COVERAGE
54,978 S.F. S.F. TOTAL SITE AREA
23.15% TOTAL LOT COVERAGE

FIRST FLOOR LIVING AREA	7,544 SF
QUARTERS LIVING AREA	1,225 SF
SECOND FLOOR LIVING AREA	4,867 SF
TOTAL LIVING AREA	13,636 SF

COVERED PATIO - QUARTERS	68 SF
POOL STORAGE - QUARTERS	34 SF
POOL STORAGE - HOUSE	51 SF
CAR PORT - QUARTERS	317 SF
POOL STORAGE STOOP - HOUSE	13 SF
REAR STOOP	27 SF
GRILLING PATIO & VERANDA	922 SF
4-CAR GARAGE	1,225 SF
SIDE ENTRY (MOTOR COURT)	11 SF
PORTE-COCHERE	541 SF
1-CAR GARAGE	468 SF
COURTYARD PORCH	10 SF
COVERED PATIO (LIVING RM)	185 SF
ENTRY PORCH	89 SF
TOTAL UNCONDITIONED AREA	3,961 SF

INSULATION SCHEDULE

LOCATION	TYPE	R-FACTOR
CEILING	FOAM OR FIBERGLASS (RE: BUILDER)	R-30 (MIN)
WALLS	FOAM OR FIBERGLASS (RE: BUILDER)	R-19 OR R-13 + 5
SLAB	NOT REQUIRED	

NOTE: VALUES DEPICTED IN DOOR, WINDOW & INSULATION SCHEDULES ARE NOT PRESCRIBED BY DESIGNER, BUT ARE PROVIDED BY DOOR & WINDOW MANUFACTURER AND/OR I.E.C.C. MIN. REQUIREMENTS.

NOTE: REFERENCE ELEVATIONS FOR LITE PATTERNS. NOTE: PROVIDE TEMPERED GLASS WHERE REQUIRED BY 2018 IRC

ENERGY REQUIREMENTS

BASED ON THE 2018 INTERNATIONAL RESIDENTIAL CODE, CHAPTER 11, OR THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE, CHAPTER 4, CONTRACTOR SHALL MEET OR EXCEED THE FOLLOWING INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT:

FOR CLIMATE ZONE 3:	0.32 MAX.
FENESTRATION U-FACTOR	0.55 MAX.
SKYLIGHT U-FACTOR	0.25 MAX.
GLAZED FENESTRATION SHGC	38 MIN.
CEILING R-FACTOR	20 MIN. OR
FRAME WALL R-FACTOR	13 Cavity + 5 Continuous
MASS WALL R-FACTOR	8/13 MIN.
FLOOR R-FACTOR	19 MIN.
BASEMENT WALL R-FACTOR	5/13 MIN.
SLAB R-VALUE & DEPTH	0
CRAWL SPACE R-FACTOR	5/13 MIN.

CERTIFICATE: IN COMPLIANCE WITH THE 2018 INTERNATIONAL RESIDENTIAL CODE, CHAPTER 11, CONTRACTOR SHALL COMPLETE AND POST A PERMANENT CERTIFICATE ON OR IN THE ELECTRICAL DISTRIBUTION PANEL LISTING THE PREDOMINANT R-VALUES OF INSULATION INSTALLED IN OR ON CEILING/DROP, WALLS, FOUNDATION (SLAB, BASEMENT WALL, CRAWLSPACE WALL AND/OR FLOOR) AND DUCTS OUTSIDE CONDITIONED SPACES, U-FACTORS FOR FENESTRATION, AND THE SOLAR HEAT GAIN COEFFICIENT (SHGC) OF FENESTRATION. THE CERTIFICATE SHALL ALSO LIST THE TYPE AND EFFICIENCY OF HEATING, COOLING AND SERVICE WATER HEATING EQUIPMENT.

NOTES

- COMPLY WITH APPLICABLE BUILDING CODES, RELATED AMENDMENTS AND DEED RESTRICTIONS.
 - CONTRACTOR TO SIZE HVAC SYSTEM TO MEET CODE REQUIREMENTS AND INCLUDING MAKE-UP AIR AND VENTING FOR ATTIC AND CRAWL SPACE(S)
 - ELECTRICAL DRAWINGS ARE DIAGRAMMATIC ONLY.
 - REFER TO CIVIL & LANDSCAPING FOR DRAINAGE AND GRADING.
 - REFER TO STRUCTURAL ENGINEER FOR STRUCTURAL DESIGN AND SPECS.
 - PROVIDE BLOCKING AT ALL ROD LOCATIONS IN CLOSETS.
 - ALL ROOFING, SIDING, FLASHING, AND EXTERIOR WALL SURFACES TO BE INSTALLED PER MANUFACTURERS SPECIFICATIONS AND INSTRUCTIONS.
- DIMENSIONS:
- NOTIFY DESIGNER OF ANY DIMENSIONAL DISCREPANCIES.
 - REFER TO CURRENT APPLICABLE BUILDING CODES FOR STUD HEIGHT & SPACING REQUIREMENTS.
 - EXTERIOR WOOD STUD & MASONRY ASSEMBLY IS 9" w/ 2x4 STUD SPACING DIMENSION TO OUTSIDE WALL SURFACE w/ 9" THICKNESS NOT INDICATED.
 - EXTERIOR WOOD STUD & MASONRY ASSEMBLY IS 11" w/ 2x6 STUD DIMENSION, DIMENSION TO OUT & INSIDE WALL SURFACES w/ 11" THICKNESS INDICATED.
 - INTERIOR 2x4 STUDS ARE DIMENSIONED TO CENTERLINE OF WALL, DIMENSION, INTERIOR 2x6 STUDS ARE DIMENSIONED TO OUTSIDE SURFACES.
 - FLOOR HEIGHTS AT SECOND FLOOR DEPICT TOP OF FLOOR DECK.
 - CEILING HEIGHTS ON 1ST FLOOR DETERMINED BY FLOOR STRUCTURE.
- DOORS & WINDOWS:
- EXTERIOR DOOR & WINDOW HEAD HEIGHTS TO MATCH AS TYPICAL.
 - VERIFY EXACT WINDOW SIZE(S) WITH WINDOW MANUFACTURER.
 - DOOR & WINDOW ROUGH HEADER HEIGHTS ARE 2-1/2" ABOVE FINISH.

NOTES: BUILDER TO DETERMINE FINISH SLAB ELEVATION. FINAL GRADING TO PROVIDE FOR POS. DRAINAGE AWAY FROM BUILDING

26 October, 2022

WELCH ROAD

HARRY'S LANE

01 SITE PLAN
3/32" = 1'-0"

REVISIONS:

08/01/22
10/18/22

BRIGHAM SMITH - RESIDENTIAL DESIGN CELL: (214) 537-2712

AlfordHomes Reimagining Luxury Homes

BERT CHAN & YELIN SONG RESIDENCE
4608 HARRIS LN - LOT 1, BLOCK F/5534
WILSON ESTATES SUBDIVISION NO. 2 - DALLAS, TX

SHEET NO:
1 OF 21

A1.01

AH21032

FILE NUMBER: BDA223-007(OA)

BUILDING OFFICIAL'S REPORT: Application of Kexu Sun for a special exception to the single-family use regulations at 7629 W. Lovers Lane. This property is more fully described as Block 23/5447, Lot 29 and is zoned R-7.5(A), which limits the number of dwelling units to one. The applicant proposes to construct and maintain an additional dwelling unit (not for rent), which will require a special exception to the single-family use regulations.

LOCATION: 7629 W. Lovers Lane

APPLICANT: Kexu Sun

REQUEST:

A request for a special exception to the single-family use regulations is made to construct and maintain an approximately 1,300 square feet square two-story additional dwelling unit structure on a site being developed with an approximately 5,100 square feet square two-story single-family dwelling unit.

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

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

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION

Zoning:

<u>Site:</u>	R-7.5 (A) Single Family District
<u>North:</u>	Outside the City of Dallas Jurisdiction (Park Cities)
<u>South:</u>	Outside the City of Dallas Jurisdiction (Park Cities)
<u>East:</u>	R-7.5 (A) Single Family District
<u>West:</u>	R-7.5 (A) Single Family District

Land Use:

The subject site and surrounding properties are developed for 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:

This request for a special exception to the single-family use regulations focuses on constructing and maintaining a two-story additional dwelling unit structure on a site being redeveloped with a two-story single-family dwelling unit.

The site is zoned an R-7.5(A) Single Family District where the Dallas Development Code permits one dwelling unit per lot.

The single-family use regulations of the Dallas Development Code state that only one dwelling unit may be located on a lot and that the Board of Adjustment may grant a special exception to this provision and authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: (1) be use as rental accommodations; or (2) adversely affect neighboring properties.

The Dallas Development Code defines:

- a “single family” use as “one dwelling unit located on a lot;” and a “dwelling unit” as “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
- a “kitchen” is “any room or area used for cooking or preparing food and containing one or more ovens, stoves, hot plates, or microwave ovens; one or more refrigerators; and one or more sinks. This definition does not include outdoor cooking facilities.”

- a “bathroom” as “any room used for personal hygiene and containing a shower or bathtub or containing a toilet and sink.”
- a “bedroom” is “any room in a dwelling unit other than a kitchen, dining room, living room, bathroom, or closet. Additional dining rooms and living rooms, and all dens, game rooms, sunrooms, and other similar rooms are considered bedrooms.”

The submitted site plan identifies the location of two building footprints, the larger of the two denoted as “Primary House,” which is the proposed single-family residential main structure. The additional dwelling unit is denoted as “Guest House” the smallest of the two structures.

This request centers on the function of what is proposed to be inside the smaller structure on the site – the “Guest House” structure, specifically its collection of rooms/features shown on the floor plan: the first floor includes two bedrooms, two closets and two bathrooms the second floor includes a kitchen with dining and living room area and a half bathroom.

According to DCAD records, the “main improvement” for the property at 7629 W. Lovers Lane is a structure built in 1946 with 1,156 square feet of total living area with the following “additional improvements”: a 400-square-foot detached garage. The submitted site plan depicts that the existing home would be demolished, and 5,088 square feet home will be constructed with the proposed 1,272 square feet (25 percent of the main structure) additional dwelling unit.

According to the submitted site plan the proposed main structure contains 5,088 square feet square of total living area and the proposed additional dwelling unit contains 1,272 square feet of living 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 January 6, 2023, no letters have been submitted in support or opposition to the request.

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

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

Timeline:

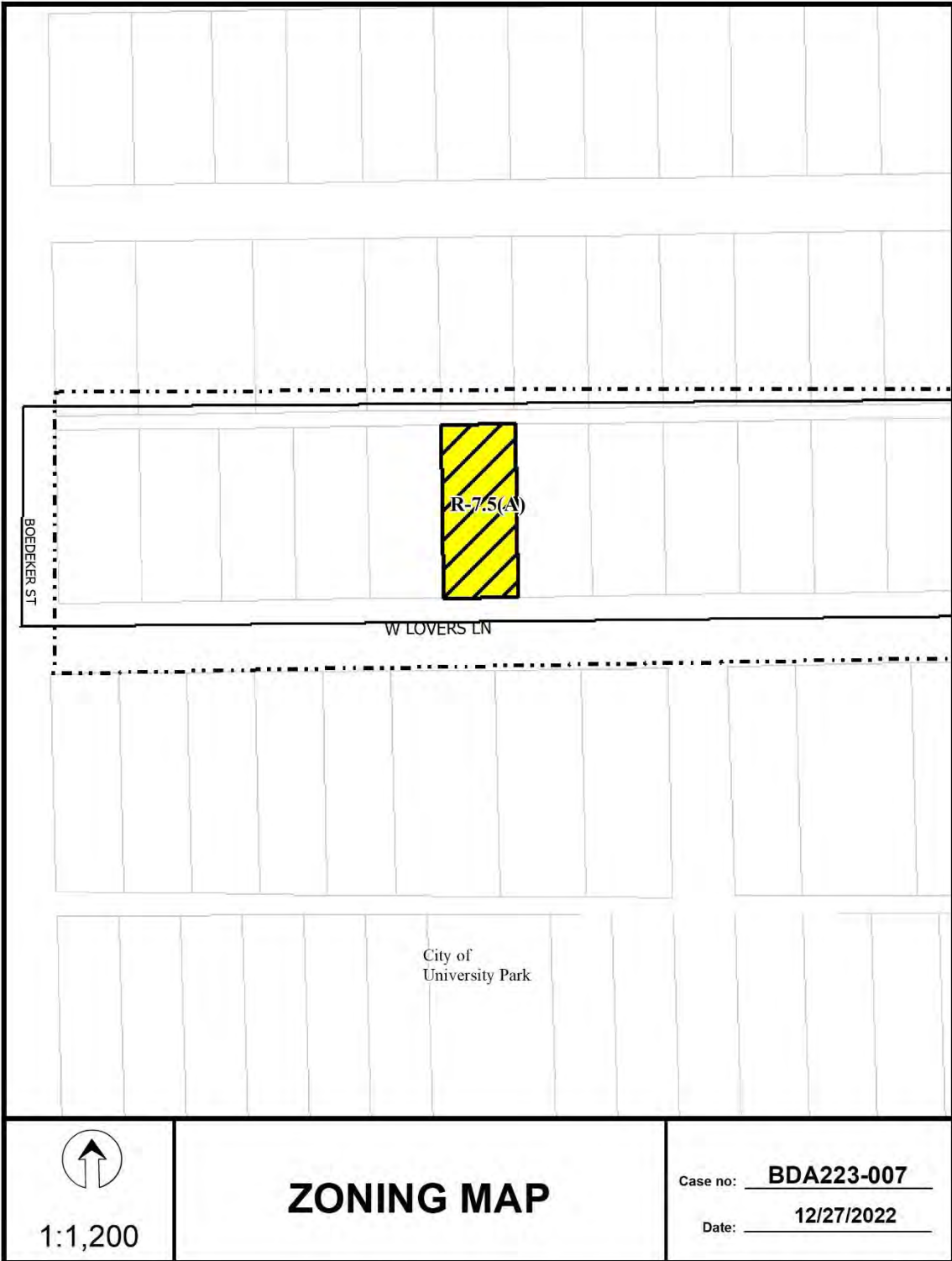
November 3, 2022: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

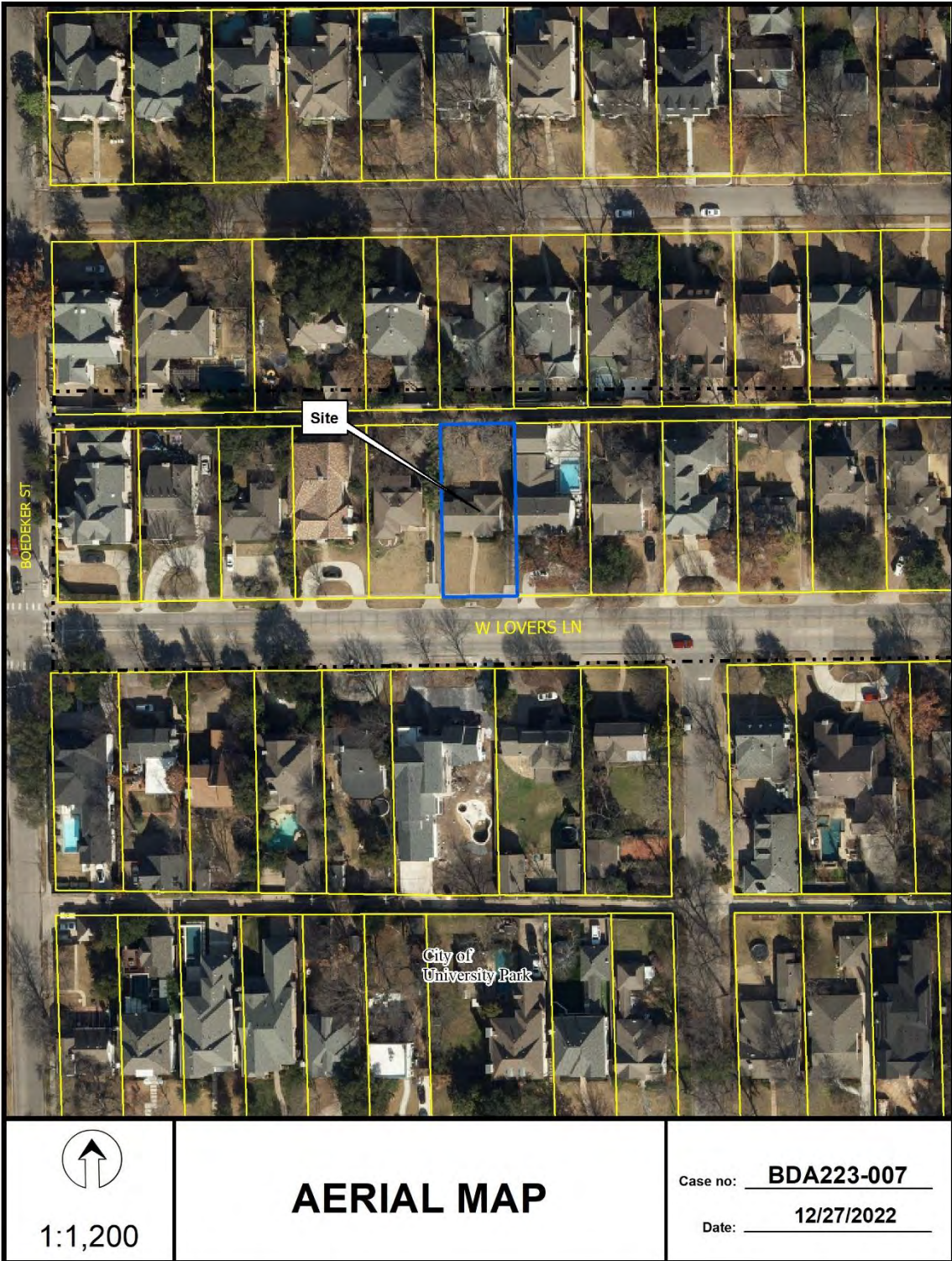
December 8, 2022: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel B.

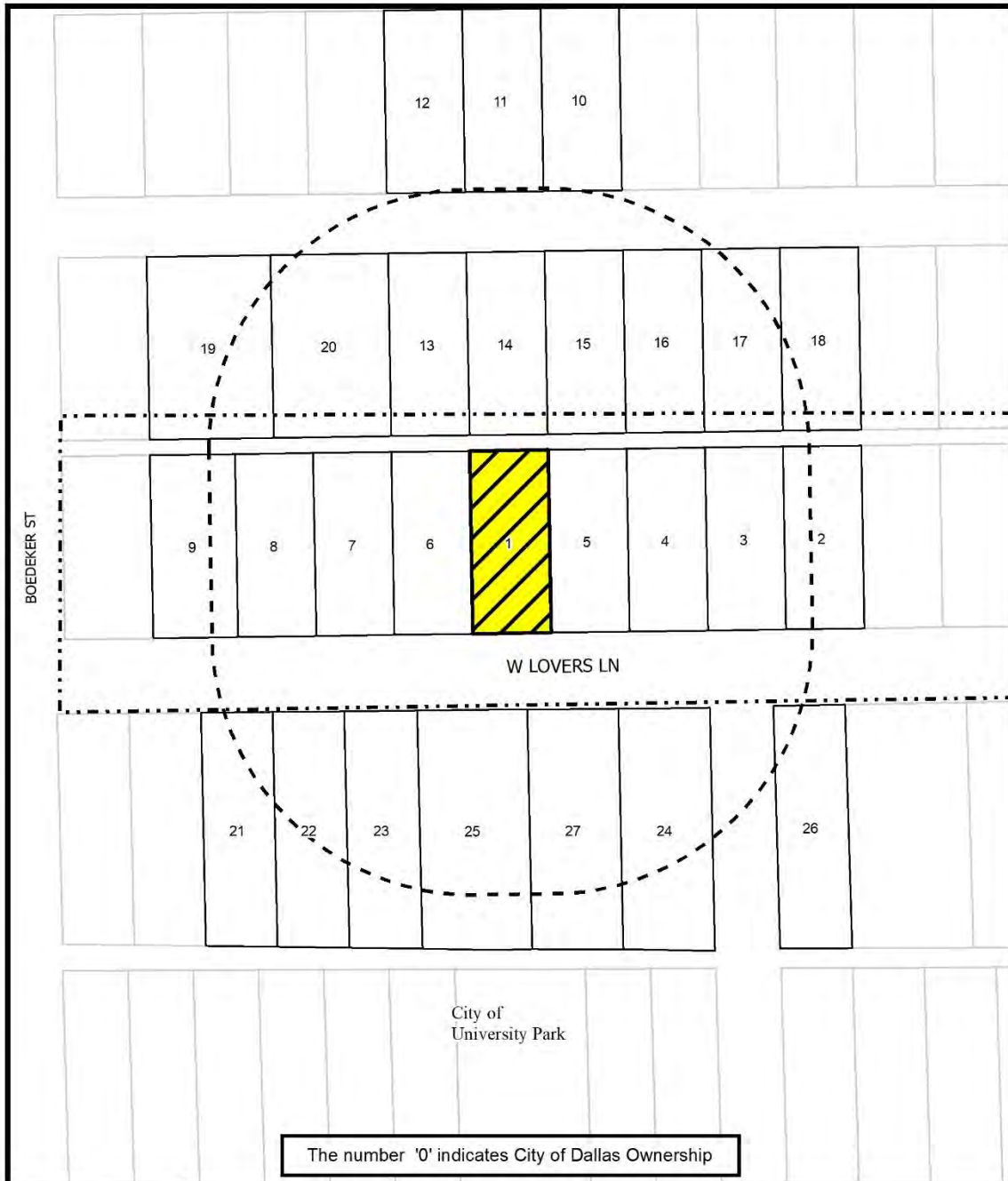
December 14, 2022: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the December 23, 2022, deadline to submit additional evidence for staff to factor into their analysis; and January 6, 2023, deadline to submit additional evidence to be incorporated into the board’s docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

December 27, 2022: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Development Services Chief Planner, the Assistant City Attorney to the Board, and the Senior Planner.







 1:1,200	NOTIFICATION	Case no: <u>BDA223-007</u>			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">27</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	27	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
27	NUMBER OF PROPERTY OWNERS NOTIFIED				

12/19/2022

Notification List of Property Owners

BDA223-007

27 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7629 W LOVERS LN	SUN KEXU &
2	7703 W LOVERS LN	HARKNESS FAMILY LIVING TRUST THE
3	7643 W LOVERS LN	SCHWARTZMAN TARA &
4	7639 W LOVERS LN	TILLEY AARON BENJAMIN &
5	7633 W LOVERS LN	MENTZER JONATHAN
6	7623 W LOVERS LN	FELDMAN LARRY & JANICE
7	7619 W LOVERS LN	WANG DI &
8	7615 W LOVERS LN	FUQUA THOMAS MAXWELL
9	7609 W LOVERS LN	Taxpayer at
10	2804 AMHERST AVE	BASSETT RYAN &
11	2808 AMHERST AVE	NICHOLAS LIVING TRUST
12	2812 AMHERST AVE	HANSFORD NOAH K &
13	2815 AMHERST AVE	PATRICK JOHNATHON BEARD
14	2809 AMHERST AVE	2809 AMHERST DALLAS LLC
15	2805 AMHERST AVE	MONIER JULIE DE NEUFVILLE &
16	2801 AMHERST AVE	TAN ZHIQIAO
17	2733 AMHERST AVE	ASSAR MANISH D &
18	2729 AMHERST AVE	RATAKONDA SRIDHAR &
19	2825 AMHERST AVE	KUPP JEFFREY A & JULIE G
20	2817 AMHERST AVE	MERKLE STEPHEN & ELIZABETH
21	2825 LOVERS LN	CUMMINGS KENT W & JUNKO
22	2821 LOVERS LN	FISHER MELISSA &
23	2817 LOVERS LN	Taxpayer at
24	2801 LOVERS LN	GAITHER LYNDON
25	2815 LOVERS LN	MCCORMICK CAMERON F &
26	2731 LOVERS LN	SHULTZ JENNIFER &

12/19/2022

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	2807 LOVERS LN	ADAMS ELIZABETH JO



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-007

Date: ~~10/29/2022~~ 11/3/22

Data Relative to Subject Property:

Location address: 7629 Lovers Ln, Dallas, Texas 75225 Zoning District: R-7.5(A)

Lot No.: 29 Block No.: 23/5447 Acreage: 0.193 Census Tract: 79.06

Street Frontage (in Feet): 1) 60 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Kexu Sun and Jia Kang

Applicant: Kexu Sun Telephone: 2146843960

Mailing Address: 7629 Lovers Ln Zip Code: 75225

E-mail Address: sunkexu@gmail.com

Represented by: Kexu Sun Telephone: 2146843960

Mailing Address: 7629 Lovers Ln Zip Code: 75225

E-mail Address: sunkexu@gmail.com

Affirm that an appeal has been made for a Variance ^{KS}, or Special Exception ^D, of R-7.5(A) only allows single-family. We apply for the variance of a full kitchen with a cooktop in the detached guest house.

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:

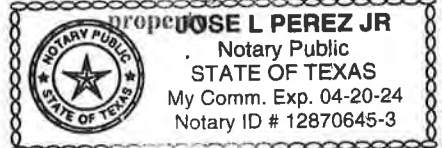
- (1) Adding a cooktop to a guest house is a small inside variance. It has no impact on the outlook of the community.
- (2) Without this variance, we will have big financial loss 7629 Lovers Ln is our only property. We plan to tear down the garage, build a guest house, move in and then build the primary house. A full kitchen is an very important and basic feature for our living. If we cannot live in our own lot, we have to pay for the rent of an apartment or buying another house which will greatly increase our financial burden
- (3) Our application for the variance is for the basic living needs as a resident not for profit

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 Kexu Sun (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



Respectfully submitted: Kexu Sun (Affiant/Applicant's signature)

Subscribed and sworn to before me this 3rd day of October, 2022

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 Kexu Sun

did submit a request for a special exception to the single family regulations
at 7629 W LOVERS LN.

BDA223-007. Application of Kexu Sun for a special exception to the single family regulations at 7629 W LOVERS LN. This property is more fully described as Block 23/5447, Lot 29 and is zoned R-7.5(A), which limits the number of dwelling units to one. The applicant proposes to construct and maintain an additional dwelling unit (not for rent), which will require a special exception to the single-family zoning use regulations.

Sincerely,


David Session, Building Official



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 223-007

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

at: 7629 Lovers Ln, Dallas, TX, 75225
(Address of property as stated on application)

Authorize: Kexu Sun
(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: ADU, 25% of main

Jia Kang
Print name of property owner or registered agent

Jia Kang
Signature of property owner or registered agent

Date 11-3-22

Before me, the undersigned, on this day personally appeared Jia Kang

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

Subscribed and sworn to before me this 3rd day of November, 2022

Maria Isabel Prado
Notary Public for Dallas County, Texas



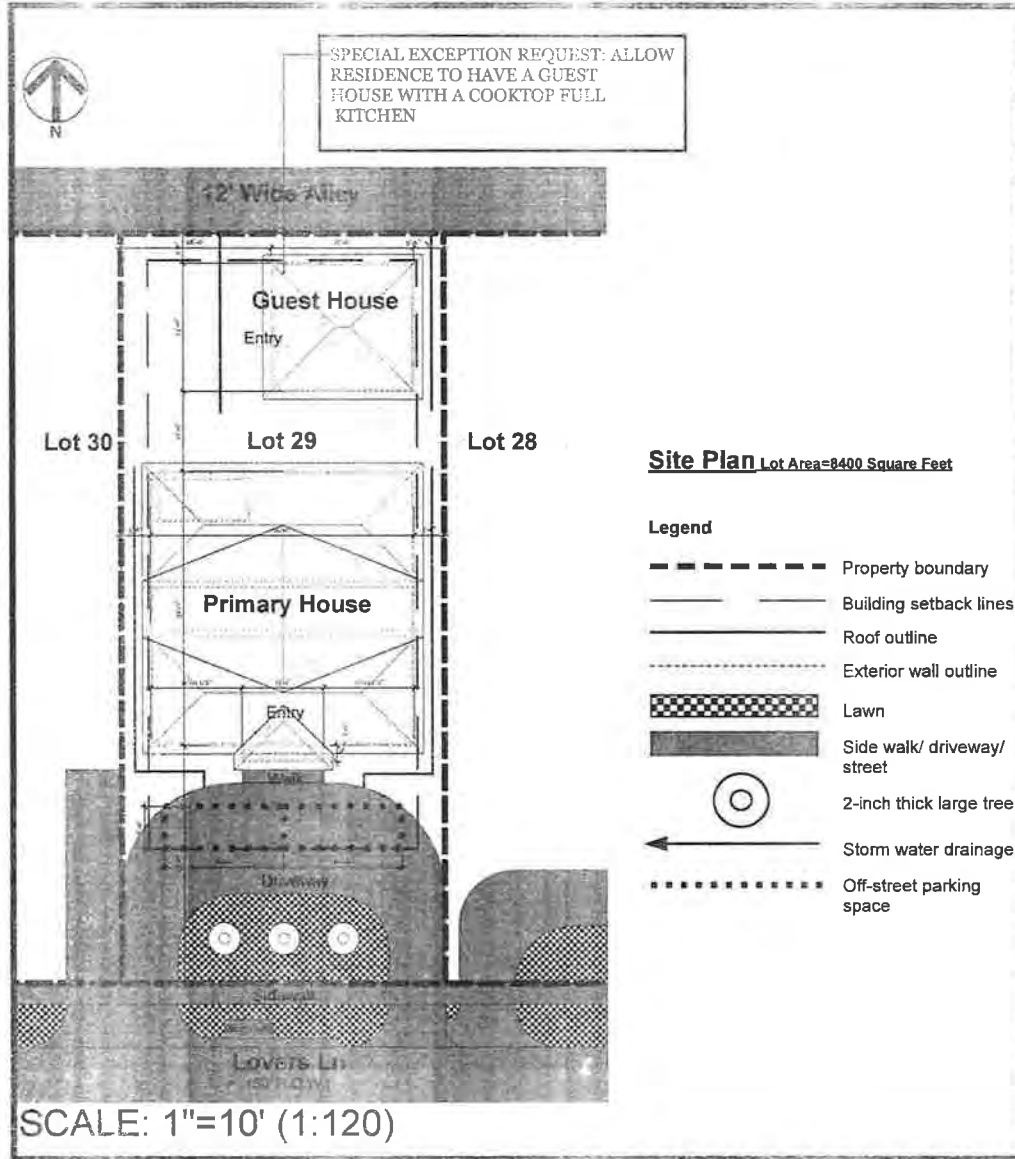
FILED 8-25-77 CARUTH HILLS 1ST. SEC. BLKS 383A/5442
FILED 12-4-92 Caruth Court 2nd. Replat LOTS 1A-8A BLK. 4/5448



DALLAS SCHOOL DISTRICT
HIGHLAND PARK SCHOOL DISTRICT
NORTH CENTRAL EXPRESSWAY
COIT ROAD

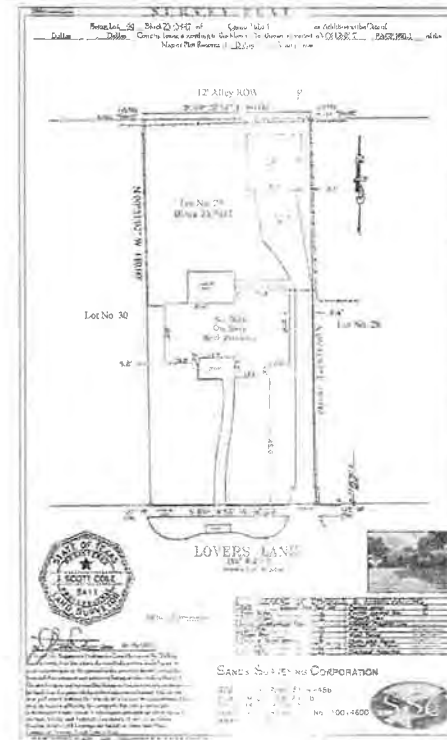
Scanned by Survey Division

RECEIVED
JAN 4 - 1993



**SPECIAL EXCEPTION REQUEST
Proposed Site Plan**

PROJECT INFORMATION		SITE INFORMATION	
DESCRIPTION: The old detached garage will be torn down and a guest house will be built. First, after moving in the guest house, the primary house will be torn down and a new primary house will be built.		ZONING REGULATIONS	
ADDRESS: 7629 W Lovers Ln, Dallas, TX 75225	ZONE: R-7.5(A)	MAIN USE: Single family residential	
CITY: Dallas	FRONT SETBACK: 25 feet		
COUNTY: Dallas county	SIDE SETBACK: 5 feet		
LOT: 29	REAR SETBACK: 5 feet		
BLOCK: 23/5447 of Caruth Hills 4	UNIT DENSITY: No maximum dwelling unit density		
	MAX ALLOWED HT: 30 feet		
	LOT COVERAGE: 45%		

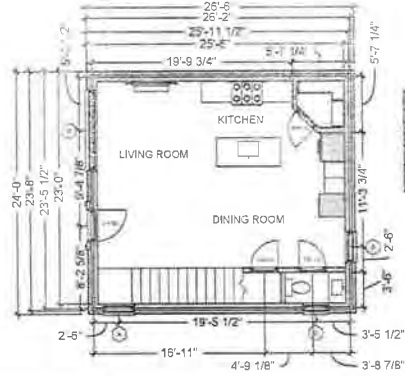
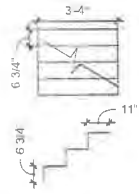
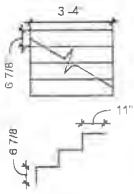


7629 Lovers Ln
Personal Project

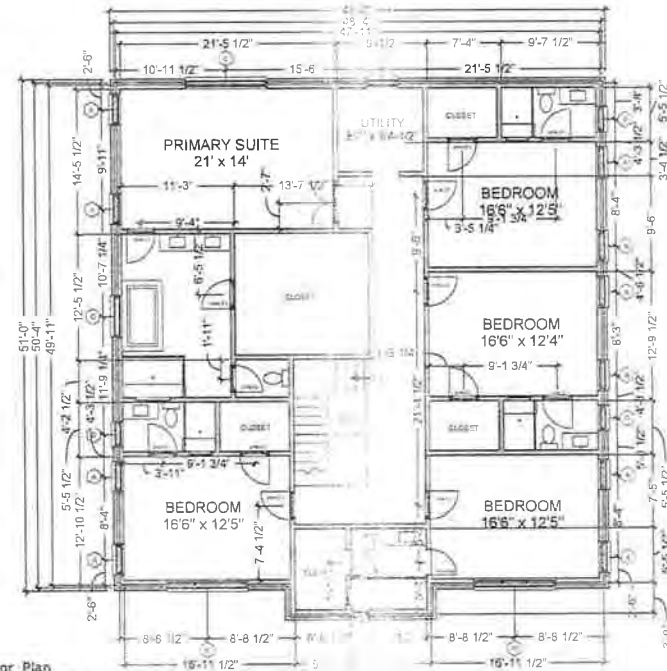
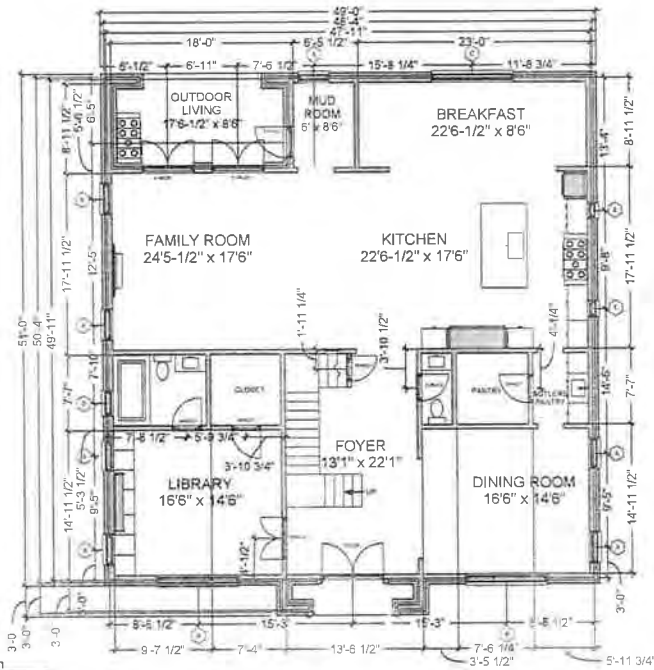
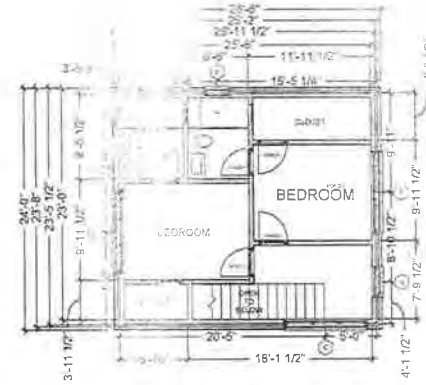
Site Plan and Survey

A1 02

1st stair 2nd to 20th stairs



AREA CALCULATIONS	
Floor Area of Guest House First Floor	635 sq. ft.
Floor Area of Guest House Second Floor	838 sq. ft.
Floor Area of Primary House First Floor	2544.25 sq. ft.
Floor Area of Primary House Second Floor	2544.25 sq. ft.



A2 First_Floor_Plan
01

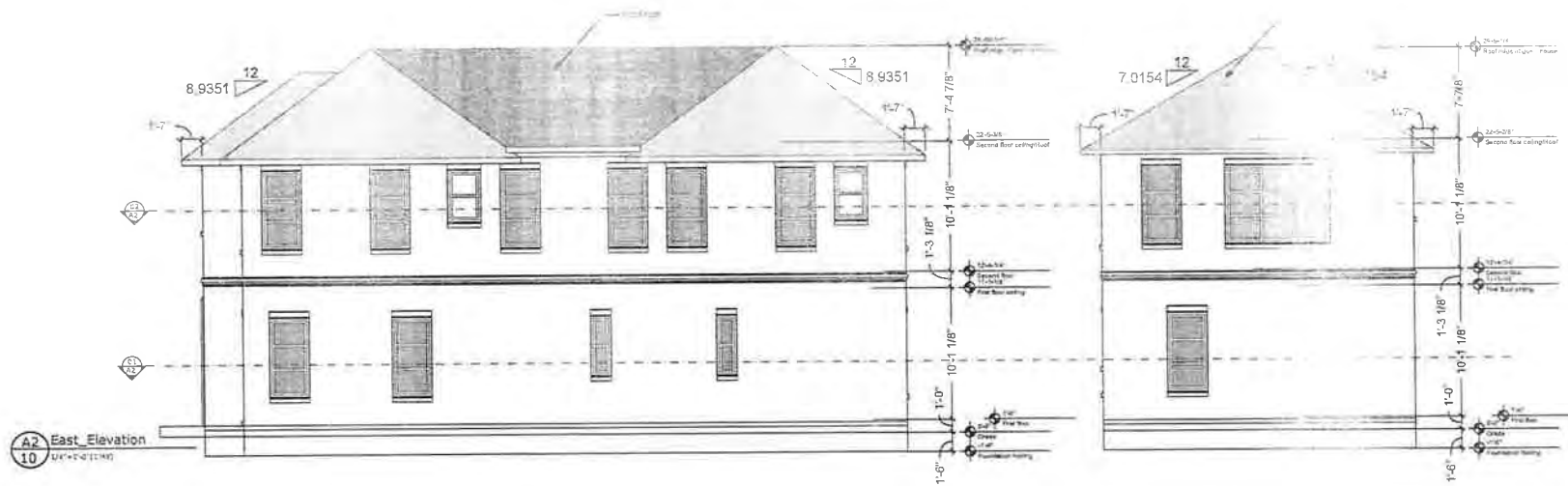
A2 Second_Floor_Plan
02

7629 Lovers Ln

Personal Project

First Floor Plan and
Second Floor Plan

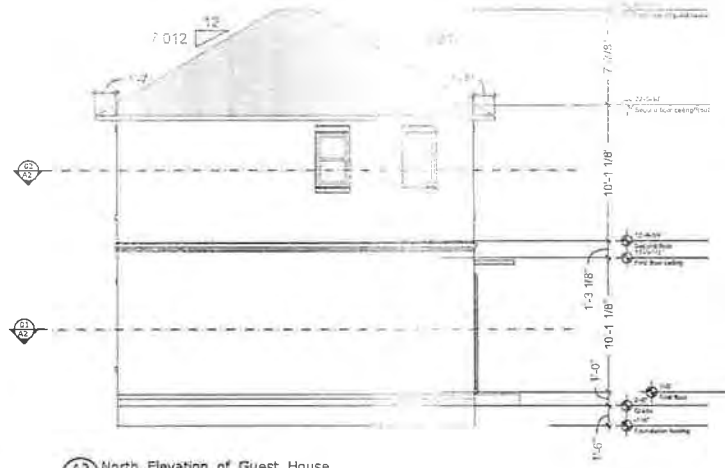
A2 01



REVISIONS	
NO.	DESCRIPTION
7629 Lovers Ln	
Personal Project	
Exterior Elevation	
A2	07



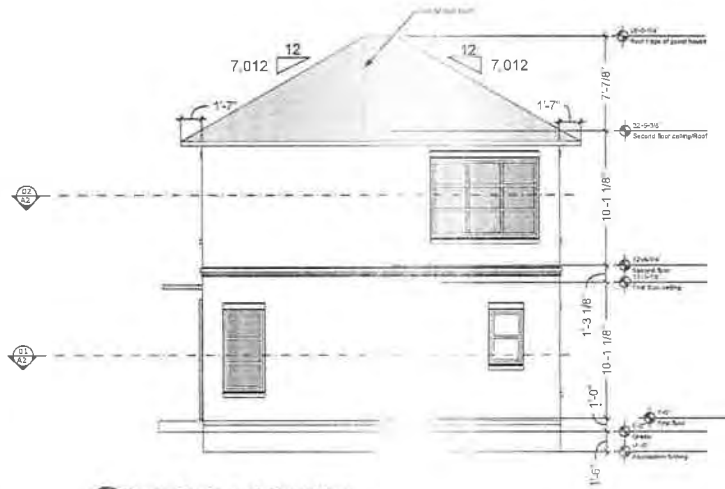
A2 North Elevation of Primary House
12 1/4\"/>



A2 North Elevation of Guest House
13 1/4\"/>



A2 South Elevation of Primary House
14 1/4\"/>



A2 South Elevation of Guest House
15 1/4\"/>

7629 Lovers Ln
Personal Project

Exterior Elevation

A2 08



Printed: 11/22/2022

Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

-  City Limits
-  Dallas Tax Parcels
-  Census Tracts
-  Base Zoning
-  Main Address
-  Building
-  Tax Parcel
-  Plat Parcels
-  Final

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)

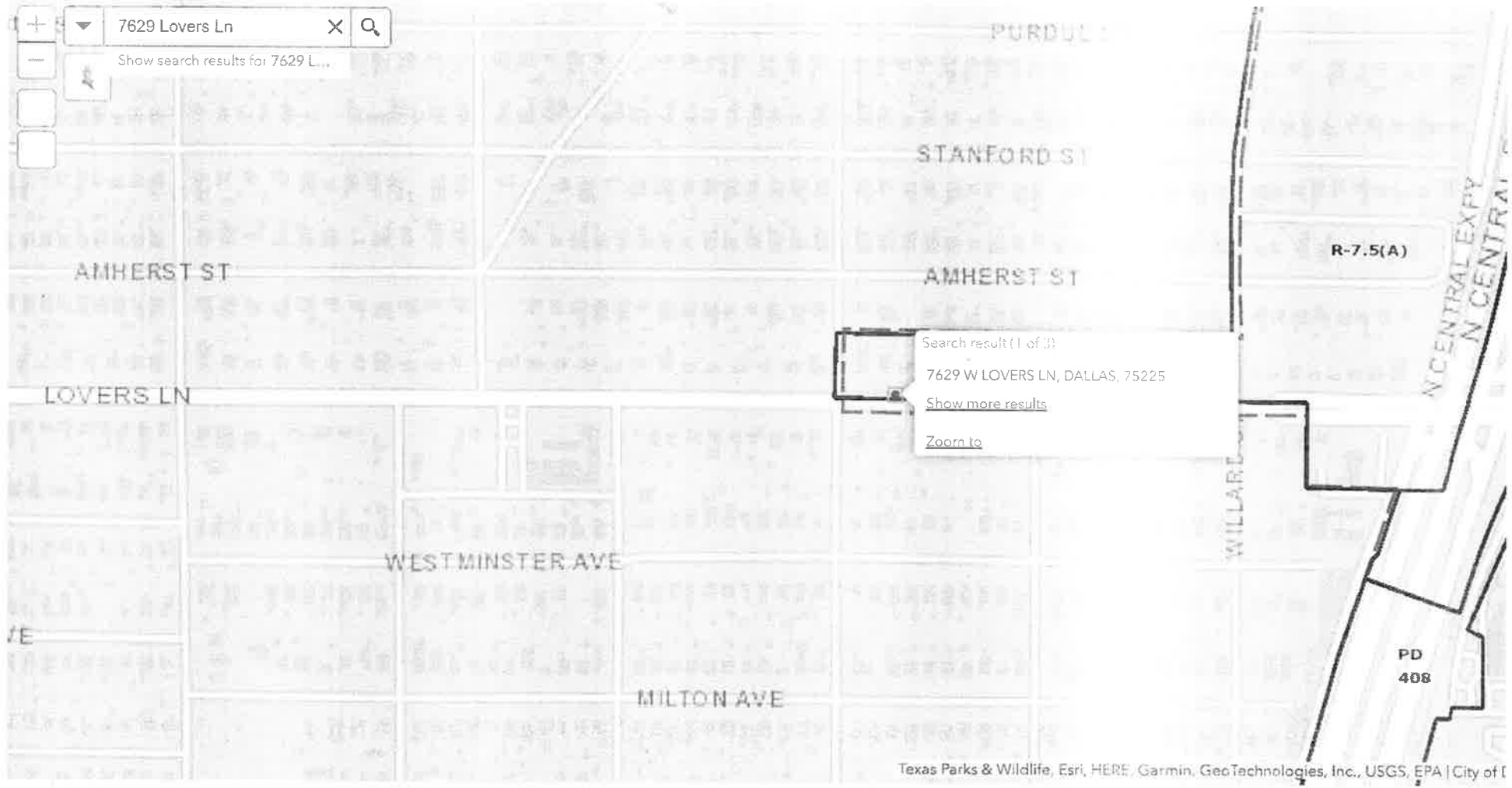


Site Zoning Map

City of Dallas

3/1/22, 4:47 PM

City of Dallas Zoning Map



Search result (1 of 3)
 7629 W LOVERS LN, DALLAS, 75225
[Show more results](#)
[Zoom to](#)

App State
 Click to ensure the map is not too busy.
 Click to return to where you left off.

To Whom It May Concern,

Sun and Jia Kang are applying for a special exception ADU and variance to floor area at 7629 W Lovers Ln, Dallas, TX 75225.

Application of a special exception ADC: the Code of SEC.51A4.209 Residential Uses (E)(vii)(dd): "The floor area of any individual accessory structure on a lot, excluding floor area used for parking, may not exceed 25 percent of the floor area of the main building". Kexu and Jia propose a guest house with a floor area of 35.15% of that of the primary house.

Application of the variance: zoning district R-7.5(a) only allows single-family. Kexu and Jia seek a variance of both the primary house and the guest house containing a full kitchen with a cooktop, respectively.

This letter is in support of approval of Kexu and Jia's exception and variance for their new construction. Please use this letter as our official support of approval and please reach out if you have any questions.

Name

Arnon Tilley

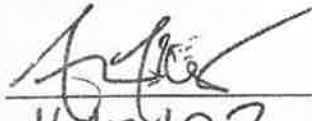
Address

7639 Lovers Ln

Phone Number

972 700 8540

Signature



Date

11/12/22

To Whom It May Concern,

Kexu Sun and Jia Kang are applying for a special exception ADU and variance to floor area at 7629 W Lovers Ln, Dallas, TX 75225.

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This letter is in support of approval of Kexu and Jia's exception and variance for their new construction. Please use this letter as our official support of approval and please reach out if you have any questions.

Name Emma Wang
Address 7619 Lovers Lane
Phone Number 214-717-8841
Signature Emma Wang
Date 11/13/2022

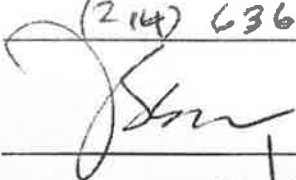
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This letter is in support of approval of Kexu and Jia's exception and variance for their new construction. Please use this letter as our official support of approval and please reach out if you have any questions.

Name MANISH ASSAR + PARUL HARSOBA
Address 2933 Amherst Ave Dallas TX 75225
Phone Number (214) 636-1849
Signature 
Date 11/12/22

To Whom It May Concern,

Kexu Sun and Jia Kang are applying for a special exception ADU and variance to floor area at 7629 W Lovers Ln, Dallas, TX 75225.

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Name

Somer McCormick

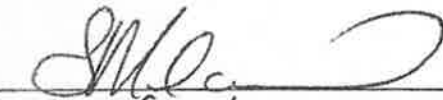
Address

2815 Lovers Lane Dallas, TX

Phone Number

214 315 5702

Signature



Date

11/12/22

Somermccormick@gmail.com

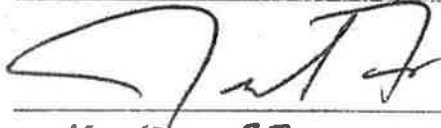
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Lovers Ln, Dallas, TX 75225.

Application of a special exception ADC: the Code of SEC.51A4.209 Residential Uses (E)(vii)(dd): "The floor
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Application of the variance: zoning district R-7.5(a) only allows single-family. Kexu and Jia seek a
variance of both the primary house and the guest house containing a full kitchen with a cooktop,
respectively.

This letter is in support of approval of Kexu and Jia's exception and variance for their new construction.
Please use this letter as our official support of approval and please reach out if you have any questions.

Name ISRAEL FEARON
Address 7623 LOVERS LN.
Phone Number 972 683 -0244
Signature 
Date 11-13-22


Whom It May Concern,

Kexu Sun and Jia Kang are applying for a special exception ADU and variance to floor area at 7629 W Lovers Ln, Dallas, TX 75225.

Application of a special exception ADC: the Code of SEC.51A4.209 Residential Uses (E)(vii)(d): "The floor area of any individual accessory structure on a lot, excluding floor area used for parking, may not exceed 25 percent of the floor area of the main building". Kexu and Jia propose a guest house with a floor area of 35.15% of that of the primary house.

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This letter is in support of approval of Kexu and Jia's exception and variance for their new construction. Please use this letter as our official support of approval and please reach out if you have any questions.

Name EDWARD BERNET
Address 2807 LOVERS LANE
Phone Number 214-808-6382
Signature 
Date 11/15/22

To Whom It May Concern,

Kexu Sun and Jia Kang are applying for a special exception ADU and variance to floor area at 7629 W Lovers Ln, Dallas, TX 75225.

Application of a special exception ADC: the Code of SEC.51A4.209 Residential Uses (E)(vii)(dd): "The floor area of any individual accessory structure on a lot, excluding floor area used for parking, may not exceed 25 percent of the floor area of the main building". Kexu and Jia propose a guest house with a floor area of 35.15% of that of the primary house.

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This letter is in support of approval of Kexu and Jia's exception and variance for their new construction. Please use this letter as our official support of approval and please reach out if you have any questions.

Name

Monica Mathie

Address

2817 Lovers Lane

Phone Number

214-725-4228

Signature



Date

11-19-22

To Whom It May Concern,

Kexu Sun and Jia Kang are applying for a special exception ADU and variance to floor area at 7629 W
Lovers Ln, Dallas, TX 75225.

Application of a special exception ADC: the Code of SEC.51A4.209 Residential Uses (E)(vii)(dd): "The floor area of any individual accessory structure on a lot, excluding floor area used for parking, may not exceed 25 percent of the floor area of the main building". Kexu and Jia propose a guest house with a floor area of 35.15% of that of the primary house.

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This letter is in support of approval of Kexu and Jia's exception and variance for their new construction. Please use this letter as our official support of approval and please reach out if you have any questions.

Name

Lyndon & Barbara Gaithe

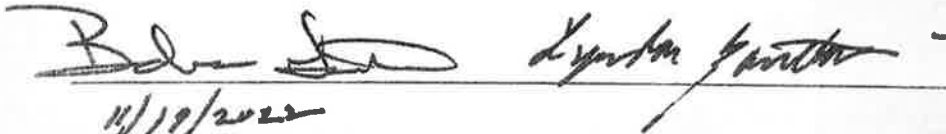
Address

2801 Lovers Lane, Dallas, TX 75225

Phone Number

214-507-6026

Signature



Date

11/19/2022

To Whom It May Concern,

Kexu Sun and Jia Kang are applying for a special exception ADU and variance to floor area at 7629 W Lovers Ln, Dallas, TX 75225.

Creation of a special exception ADC: the Code of SEC.51A4.209 Residential Uses (E)(vii)(dd): "The floor area of any individual accessory structure on a lot, excluding floor area used for parking, may not exceed 25 percent of the floor area of the main building". Kexu and Jia propose a guest house with a floor area of 35.15% of that of the primary house.

Application of the variance: zoning district R-7.5(a) only allows single-family. Kexu and Jia seek a variance of both the primary house and the guest house containing a full kitchen with a cooktop, respectively.

This letter is in support of approval of Kexu and Jia's exception and variance for their new construction. Please use this letter as our official support of approval and please reach out if you have any questions.

Name

Jonathan Meitzer

Address

7633 Lovers Ln Dallas TX 75225

Phone Number

214-632-9832

Signature

JM

Date

11/19/22

FILE NUMBER: BDA223-009(OA)

BUILDING OFFICIAL'S REPORT Application of Thomas Duffy for a special exception to the fence standards regulations at 10323 Lennox Lane. This property is more fully described as Block C/5532, Lot 4 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 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 regulations.

LOCATION: 10323 Lennox Lane

APPLICANT: Thomas Duffy

REQUEST:

A request for a special exception to the fence standards regulations fo 2' is made to construct and maintain a 5' 9" high wrought iron fence with 6' stucco columns and two 5' 9" wrought iron gates in the required front yard on a site being developed with a single-family home.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS REGULATIONS:

Section 51A-4.602 of the Dallas Development Code states that the board may grant a special exception to the fence 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 is being developed with a single-family home. The areas to the north, east, south, and west are developed with single-family uses.

Zoning/BDA History:

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

1. **BDA201-083:** On September 22, 2021, the Board of Adjustment Panel B granted a request for a two-foot four-inch special exception to the fence height regulations at 4727 Kelsey Road.
2. **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.
3. **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 10515 Lennox Lane.
4. **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.
5. **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.

GENERAL FACTS/STAFF ANALYSIS:

The purpose of this request for a special exception to the fence standards regulations of 2' focuses on constructing and maintaining a 5' 9" high wrought iron fence with 6' stucco columns and two 5' 9" wrought iron gates in the required front yard on a site being developed with a single-family home.

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 where a 40-foot front yard setback is required.

The proposed fence is to be in this required front yard. The following additional information was gleaned from the submitted site plan:

- The proposed fence is approximately 170 feet in length parallel to Lennox Lane and runs 40 feet perpendicular to the east and west side of the property.
- The distance between the proposed fence and the pavement line is 21'.

Staff conducted a field visit of the site and surrounding area (approximately 400 feet north, south, east, and west of the subject site) and noticed other fences that appear to be above four feet in height and a front yard setback.

As of January 6, 2023, 6 letters have been received in support and zero in opposition to this request.

The applicant has the burden of proof in establishing that the special exception to the fence standards regulations will not adversely affect neighboring property.

If the Board were to grant this special exception request and impose a condition that the applicant complies with the submitted revised site plan/elevation, the proposal over 4' in height in the front yard setback would be limited to that what is shown on this document.

Timeline:

November 3, 2022: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

December 8, 2022: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel B.

December 14, 2022: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the December 23, 2022, deadline to submit additional evidence for staff to factor into their analysis; and January 6, 2023, deadline to submit additional evidence to be incorporated into the board's docket materials.

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

December 27, 2022: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Development Services Chief Planner, the Assistant City Attorney to the Board, and the Senior Planner.

January 6, 2023: The applicant submitted additional information to staff beyond what was submitted with the original application (Attachment A).

January 7, 2023: The applicant submitted a revised site plan (**Attachment B**).

January 7, 2023: The applicant submitted additional information to staff beyond what was submitted with the original application (Attachment C).

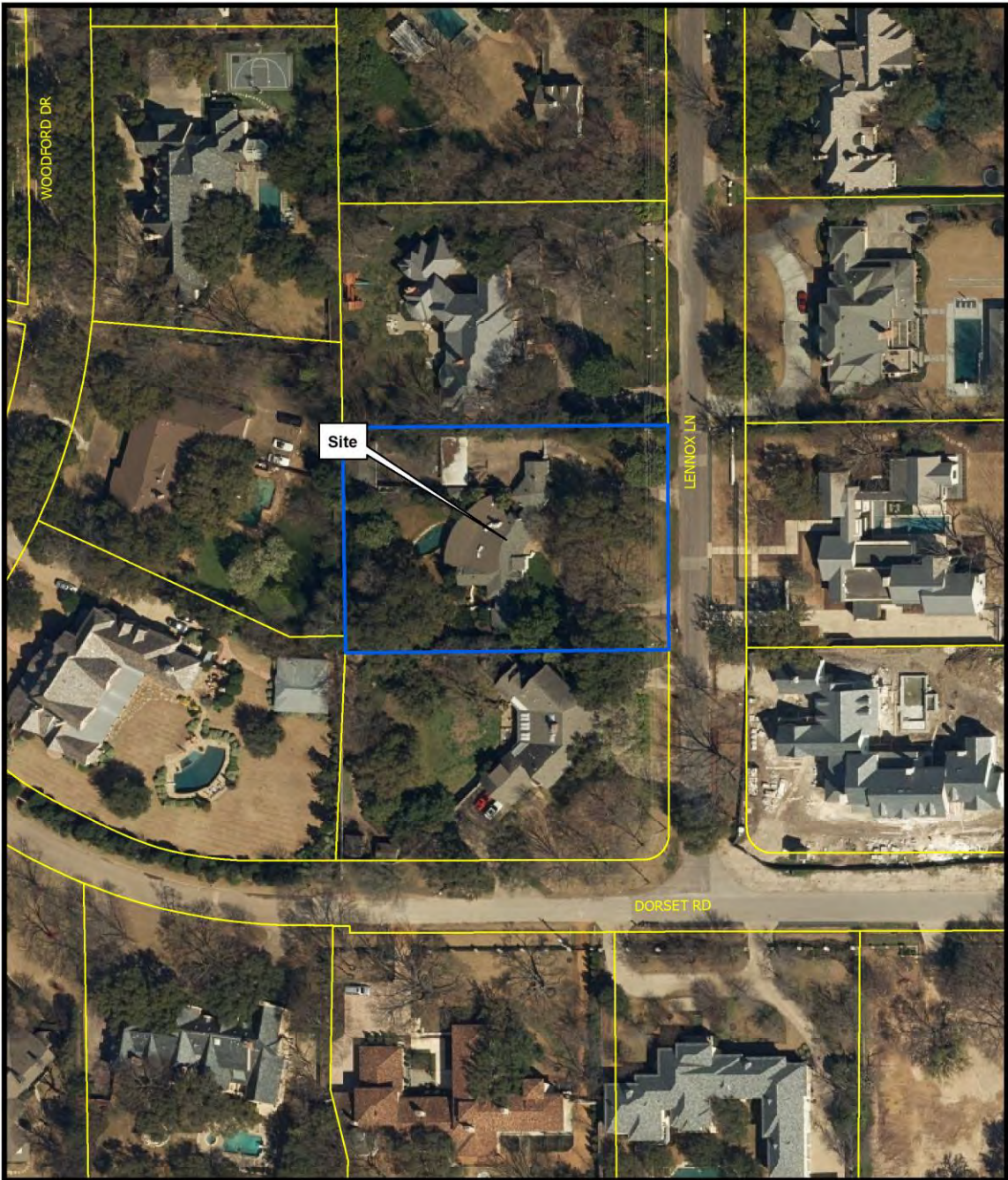


1:1,200

ZONING MAP

Case no: **BDA223-009**

Date: **12/27/2022**

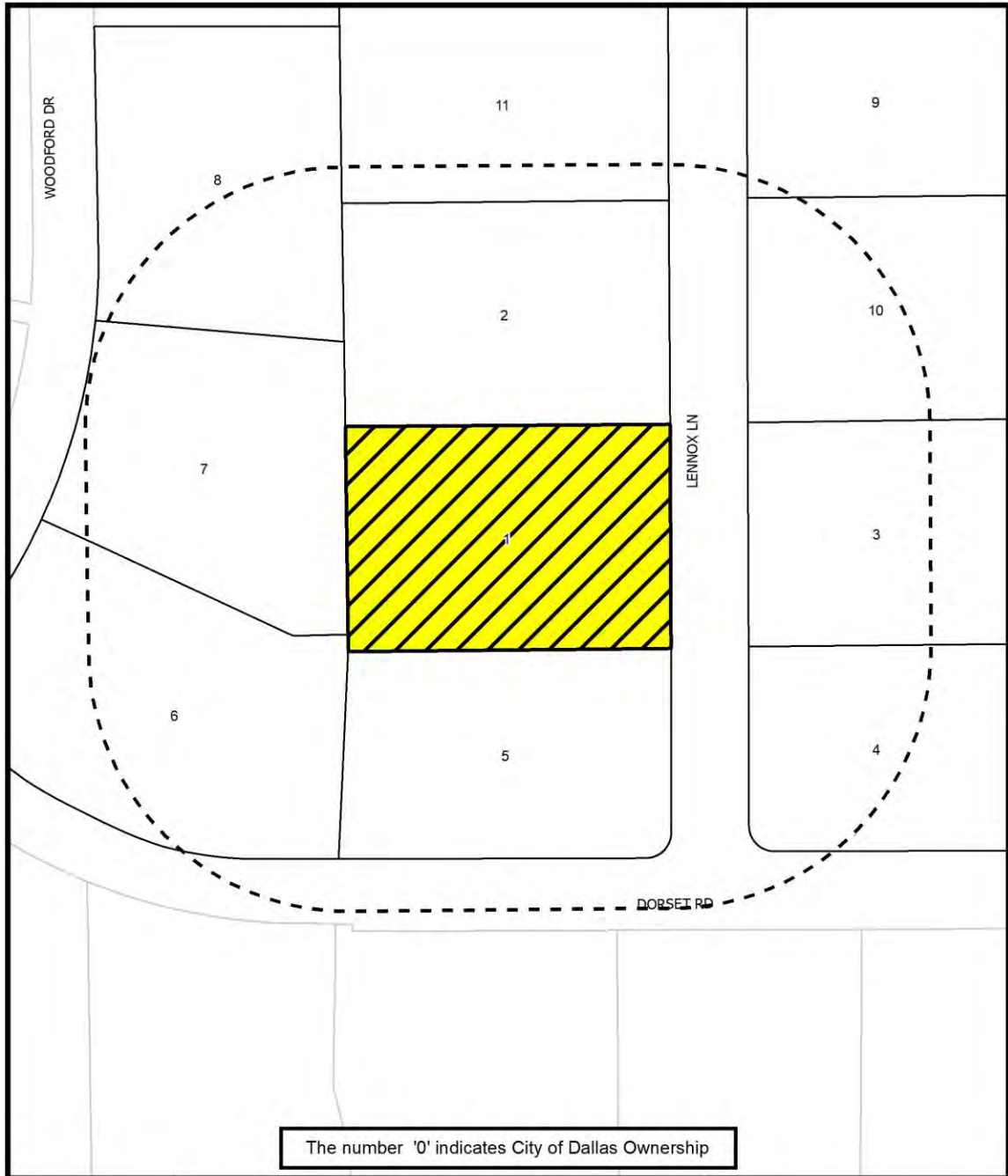


1:1,200

AERIAL MAP

Case no: **BDA223-009**

Date: **12/27/2022**



The number '0' indicates City of Dallas Ownership

 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">11</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	11	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA223-009 Date: 12/27/2022
200'	AREA OF NOTIFICATION					
11	NUMBER OF PROPERTY OWNERS NOTIFIED					

12/19/2022

Notification List of Property Owners

BDA223-009

11 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	10323 LENNOX LN	PARMAR REVOCABLE TRUST
2	10335 LENNOX LN	SEDIGHI HOOMAN &
3	10322 LENNOX LN	LITTLE ELDON LEROY IV &
4	4707 DORSET RD	KORINEK JOHN T &
5	10311 LENNOX LN	GOODING HOLDINGS LIMITED
6	10310 WOODFORD DR	TONTI MICHAEL T &
7	10320 WOODFORD DR	LAWSON J W RANDOLPH &
8	10332 WOODFORD DR	RICHARD M &
9	10346 LENNOX LN	ZLOTKY JEFFREY A & LAUREN
10	10334 LENNOX LN	NEWTON GEOFFREY L &
11	4646 KELSEY RD	RYAN WILL & JANICE THE



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-009
Date: 10/7/22 11/3/22

Data Relative to Subject Property:

Location address: 10323 Lemox Lane Zoning District: R-1AC(A)
Lot No.: 4 Block No.: L/5532 Acreage: 0.94 Census Tract: 76.01
Street Frontage (in Feet): 1) 173 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Rohit Parmar (Parmar Revocable Trust)
Applicant: Thomas Duffy (Platinum Series Homes - Builder) telephone: (214) 675-5460
Mailing Address: 7001 Preston Road Ste 230 Zip Code: 75205
E-mail Address: tom @ markmolthan.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 _____

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:

Privacy & Security. 6' fence (and taller) common in this area.
No adverse affect on the neighbors

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

Affidavit

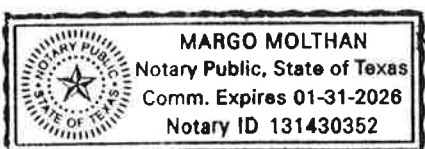
Before me the undersigned on this day personally appeared Thomas Duffy
(Affiant/Applicant's name printed)

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 7th day of October, 2022

(Rev. 08-01-11)



Margo Molthan
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 THOMAS DUFFY

did submit a request for a special exception to the fence height regulations
at 10323 LENNOX

BDA223-009. Application of THOMAS DUFFY for a special exception to the fence height regulations at 10323 LENNOX LN. This property is more fully described as Block C/5532, Lot 4 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 a 6 foot high fence in a required front yard, which will require a 2 foot special exception to the fence regulations

Sincerely,


David Session, Building Official



AFFIDAVIT

Appeal number: BDA 223-009

I, ROHIT AND RAKSHA PARMAR [PARMAR REVOCABLE TRUST], Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 6032 Lennox Lane
(Address of property as stated on application)

Authorize: Tom Dobby
(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: 6 ft fence on/around property

ROHIT and RAKSHA PARMAR [PARMAR REV TRUST] Rohit Parmar / Raksha Parmar
Print name of property owner or registered agent Signature of property owner or registered agent

Date NOVEMBER 2, 2022

Before me, the undersigned, on this day personally appeared ROHIT AND RAKSHA PARMAR

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 2nd day of NOVEMBER, 2022

Margo Molthan
Notary Public for Dallas County, Texas





CITY OF DALLAS
AFFIDAVIT

Appeal number: BDA 223-009

I, Rohit Parmar (Parmar Revocable Trust), Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 10323 Lenox Lane
(Address of property as stated on application)

Authorize: Thomas Doty
(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: 6 foot fence on/around property

Parmar Revocable Trust - Rohit Parmar

Print name of property owner or registered agent

[Signature]
Signature of property owner or registered agent

Date 10/7/22

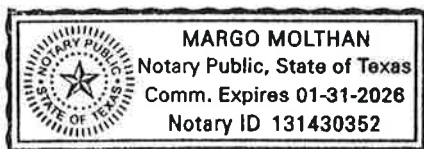
Before me, the undersigned, on this day personally appeared Rohit Parmar

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 7th day of October, 2022

[Signature]
Notary Public for Dallas County, Texas

Commission expires on 1-31-26



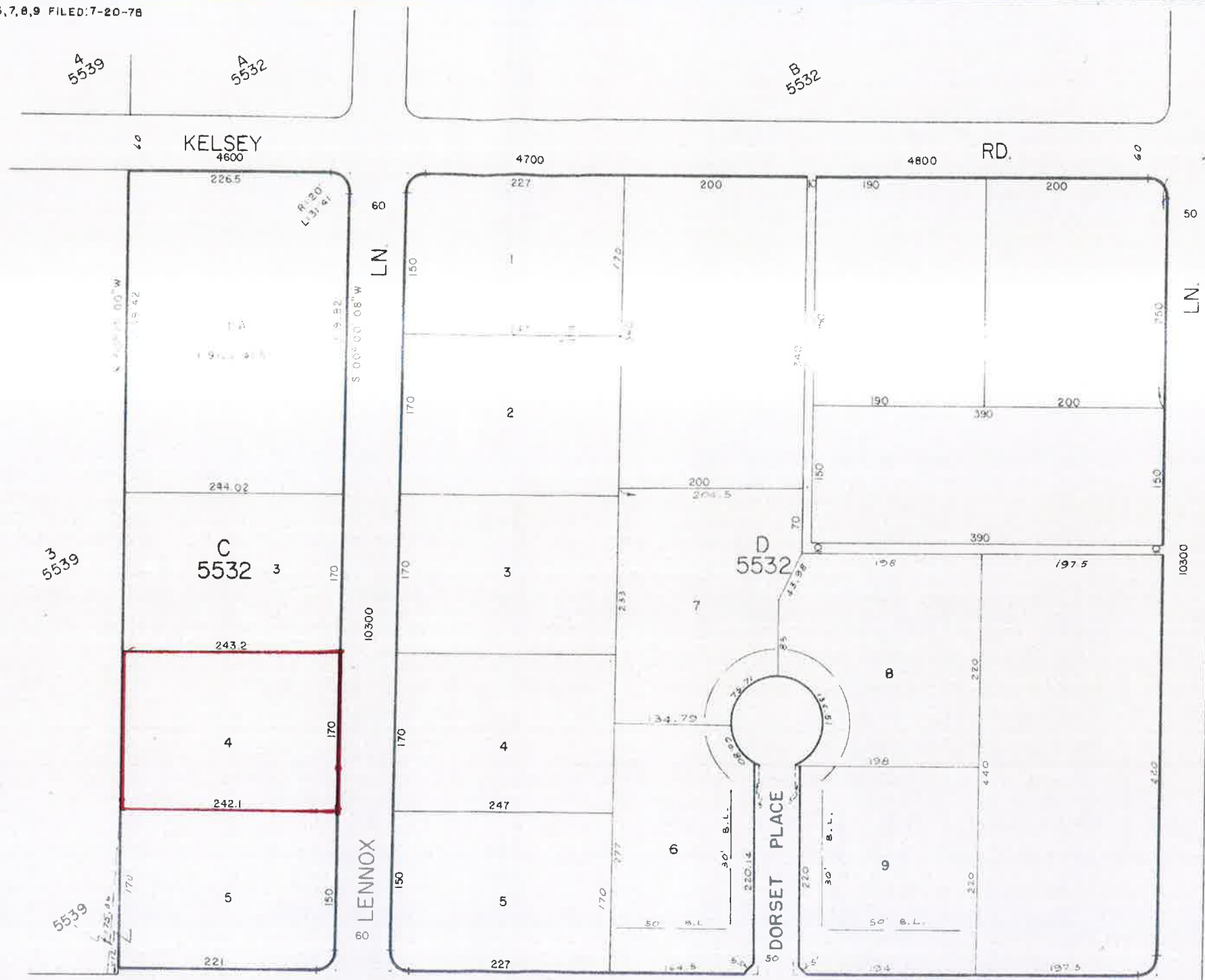


- City Limits
 - Dallas Tax Parcels
 - Census Tracts
 - Council District
 - Base Zoning
 - Main Address**
 - Account
 - Building
 - Plat Parcel
 - Tax Parcel
 - Utility
 - Easements**
 - Alley
- Addition Boundaries**
- Final
 - Plat Parcels Final

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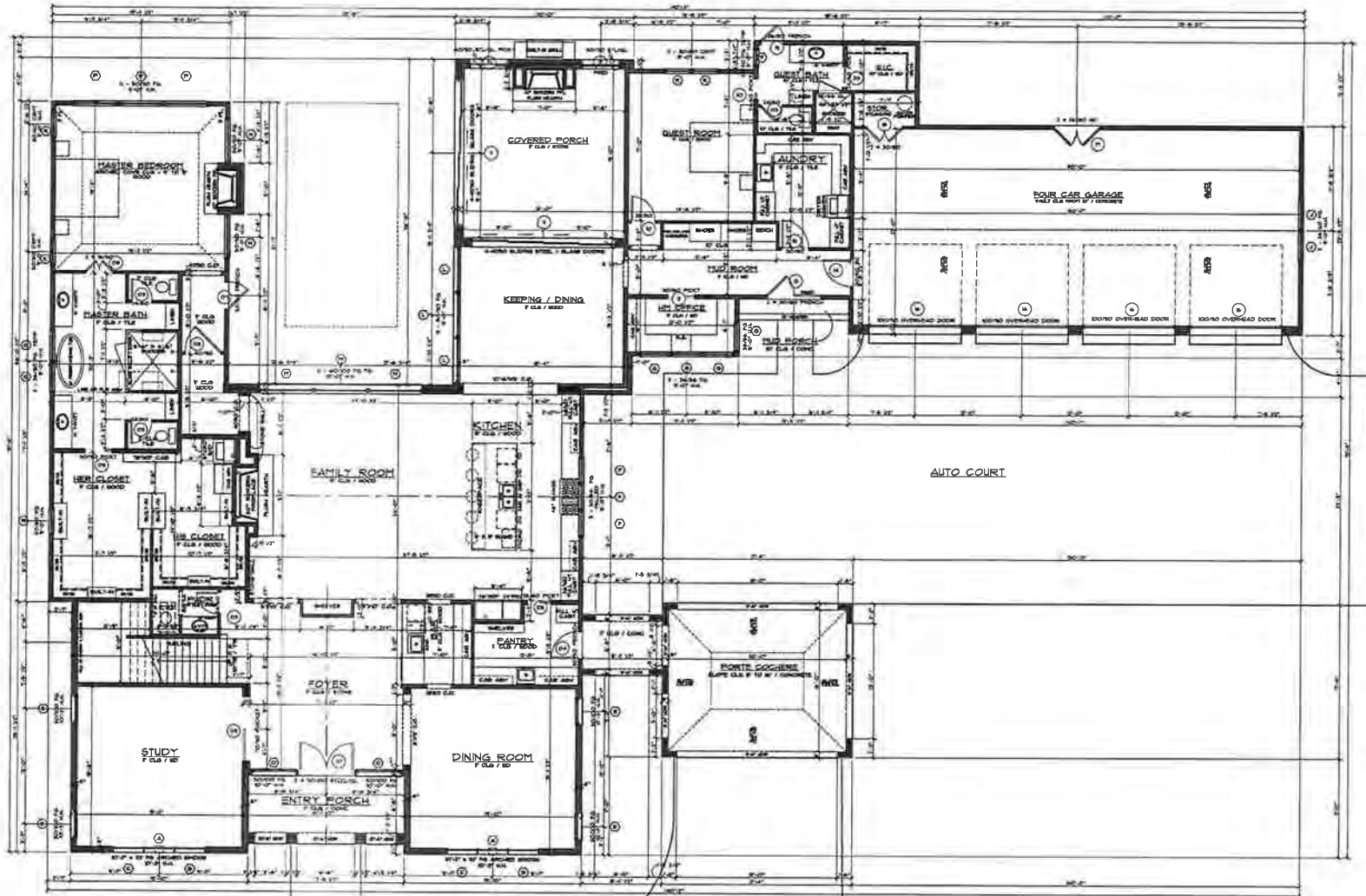


FILED 5-15-36
DORSET PLACE ADDN. BLK. D/5532 LOTS 6,7,8,9 FILED:7-20-76
FILED: 2-13-89 Replat LOT 1'A, BLK C/5532



APR 5 1989

Scanned by Survey Station



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

FIRST FLOOR WINDOW SCHEDULE			
QTY	NO.	SIZE	TYPE
1	1	12' 0" x 6' 0"	PC WINDOW
1	2	12' 0" x 6' 0"	PC WINDOW
1	3	12' 0" x 6' 0"	PC WINDOW
1	4	12' 0" x 6' 0"	PC WINDOW
1	5	12' 0" x 6' 0"	PC WINDOW
1	6	12' 0" x 6' 0"	PC WINDOW
1	7	12' 0" x 6' 0"	PC WINDOW
1	8	12' 0" x 6' 0"	PC WINDOW
1	9	12' 0" x 6' 0"	PC WINDOW
1	10	12' 0" x 6' 0"	PC WINDOW
1	11	12' 0" x 6' 0"	PC WINDOW
1	12	12' 0" x 6' 0"	PC WINDOW
1	13	12' 0" x 6' 0"	PC WINDOW
1	14	12' 0" x 6' 0"	PC WINDOW
1	15	12' 0" x 6' 0"	PC WINDOW
1	16	12' 0" x 6' 0"	PC WINDOW
1	17	12' 0" x 6' 0"	PC WINDOW
1	18	12' 0" x 6' 0"	PC WINDOW
1	19	12' 0" x 6' 0"	PC WINDOW
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1	100	12' 0" x 6' 0"	PC WINDOW

FIRST FLOOR DOOR SCHEDULE			
QTY	NO.	SIZE	TYPE
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1	3	3' 0" x 7' 0"	PC DOOR
1	4	3' 0" x 7' 0"	PC DOOR
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1	99	3' 0" x 7' 0"	PC DOOR
1	100	3' 0" x 7' 0"	PC DOOR

SQUARE FOOTAGES	
BT FLOOR	4622
2ND FLOOR	3528
TOTAL LIVING	8211
ENTRY PORCH	133
REAR C. PORCH	369
HEAD BR. PORCH	29
POINTE COCHERE	420
GARAGE	1212
LANDSCAPE DECK	258
LANDSCAPE DECK	456
TOTAL NON-LIVING	3008
TOTAL UNDER ROOF	8711

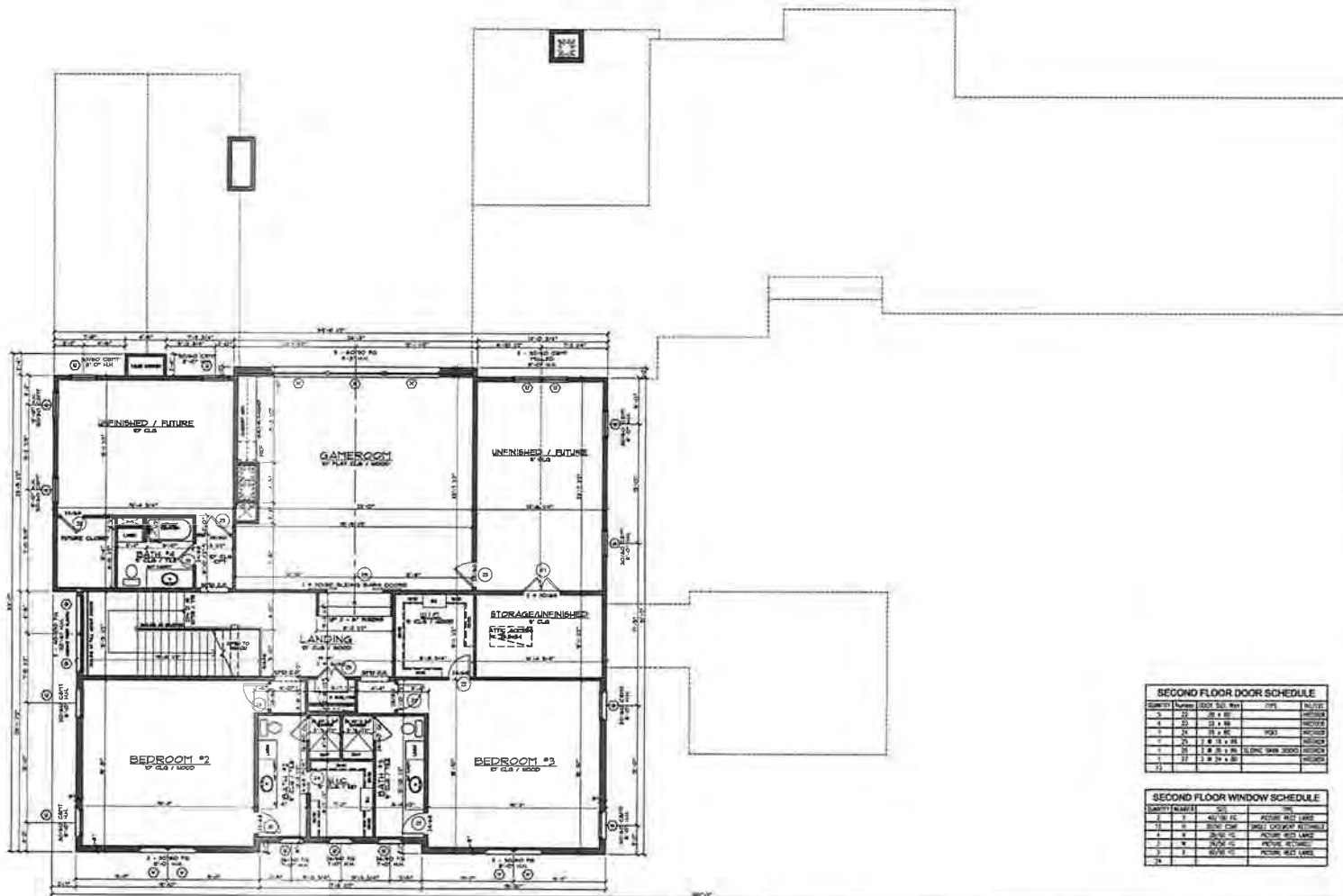
MARK MOLTAN
CONSTRUCTION, INC.
7001 PRESTON ROAD, SUITE 230
DALLAS, TEXAS 75205 ~ 214-363-6244

A NEW RESIDENCE FOR
10323 Lennox Lane
Dallas, Texas

December 18, 2020

A1

CONSTRUCTION SET



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

QTY	NO.	SIZE	TYPE	FINISH
1	1	36" x 80"	SW	WOOD
1	2	36" x 80"	SW	WOOD
1	3	36" x 80"	SW	WOOD
1	4	36" x 80"	SW	WOOD
1	5	36" x 80"	SW	WOOD
1	6	36" x 80"	SW	WOOD
1	7	36" x 80"	SW	WOOD
1	8	36" x 80"	SW	WOOD
1	9	36" x 80"	SW	WOOD
1	10	36" x 80"	SW	WOOD
1	11	36" x 80"	SW	WOOD
1	12	36" x 80"	SW	WOOD

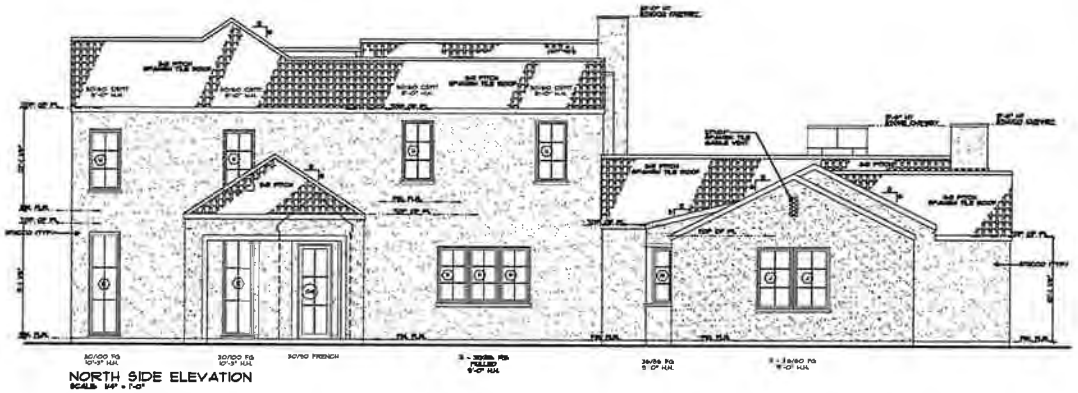
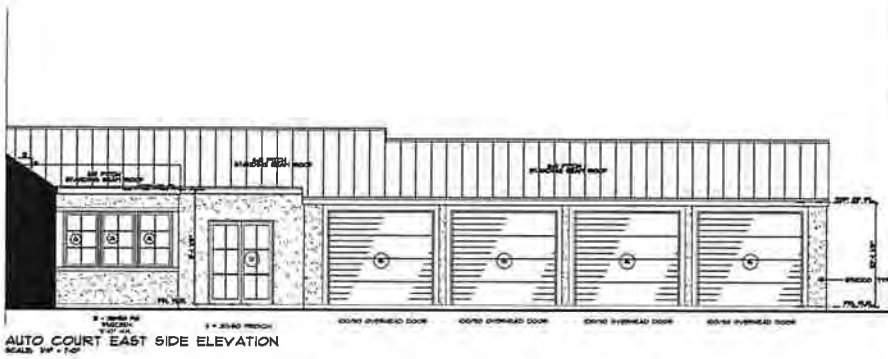
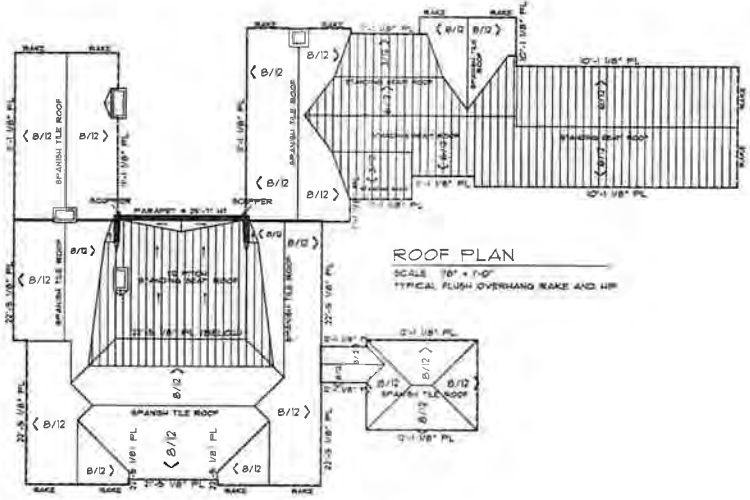
QTY	NO.	SIZE	TYPE	FINISH
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1	3	36" x 80"	SW	WOOD
1	4	36" x 80"	SW	WOOD
1	5	36" x 80"	SW	WOOD
1	6	36" x 80"	SW	WOOD
1	7	36" x 80"	SW	WOOD
1	8	36" x 80"	SW	WOOD
1	9	36" x 80"	SW	WOOD
1	10	36" x 80"	SW	WOOD
1	11	36" x 80"	SW	WOOD
1	12	36" x 80"	SW	WOOD

MARK MOLTAN
CONSTRUCTION, INC.
7001 PRESTON ROAD, SUITE 230
DALLAS, TEXAS 75205 ~ 214-363-6244

A NEW RESIDENCE FOR
10323 Lennox Lane
Dallas, Texas

December 18, 2020

A2

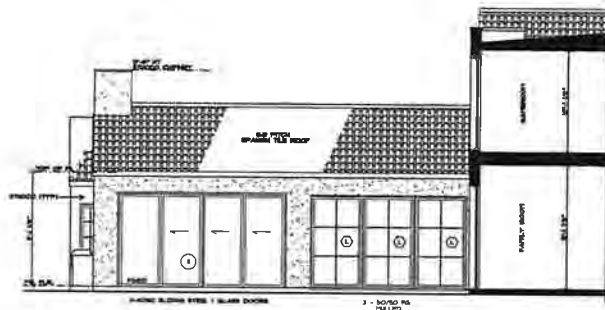


MARK MOLTAN
CONSTRUCTION, INC.
7001 PRESTON ROAD, SUITE 230
DALLAS, TEXAS 75203 -- 214-363-6244

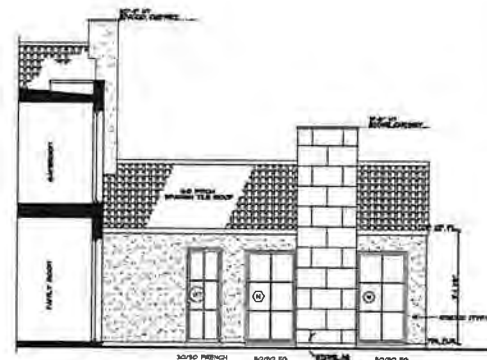
A NEW RESIDENCE FOR
10323 Lennox Lane
Dallas, Texas

December 18, 2020

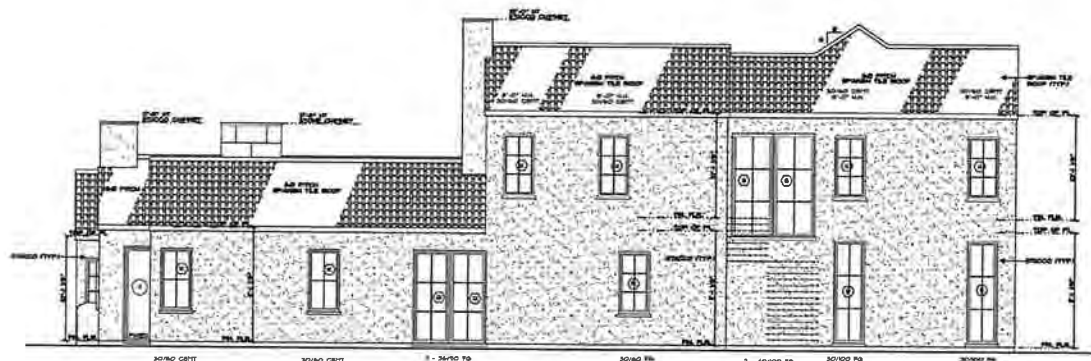
A3



REAR COURTYARD NORTH SIDE ELEVATION
SCALE: 1/4" = 1'-0"



REAR COURTYARD SOUTH SIDE ELEVATION
SCALE: 1/4" = 1'-0"



SOUTH SIDE ELEVATION
SCALE: 1/4" = 1'-0"



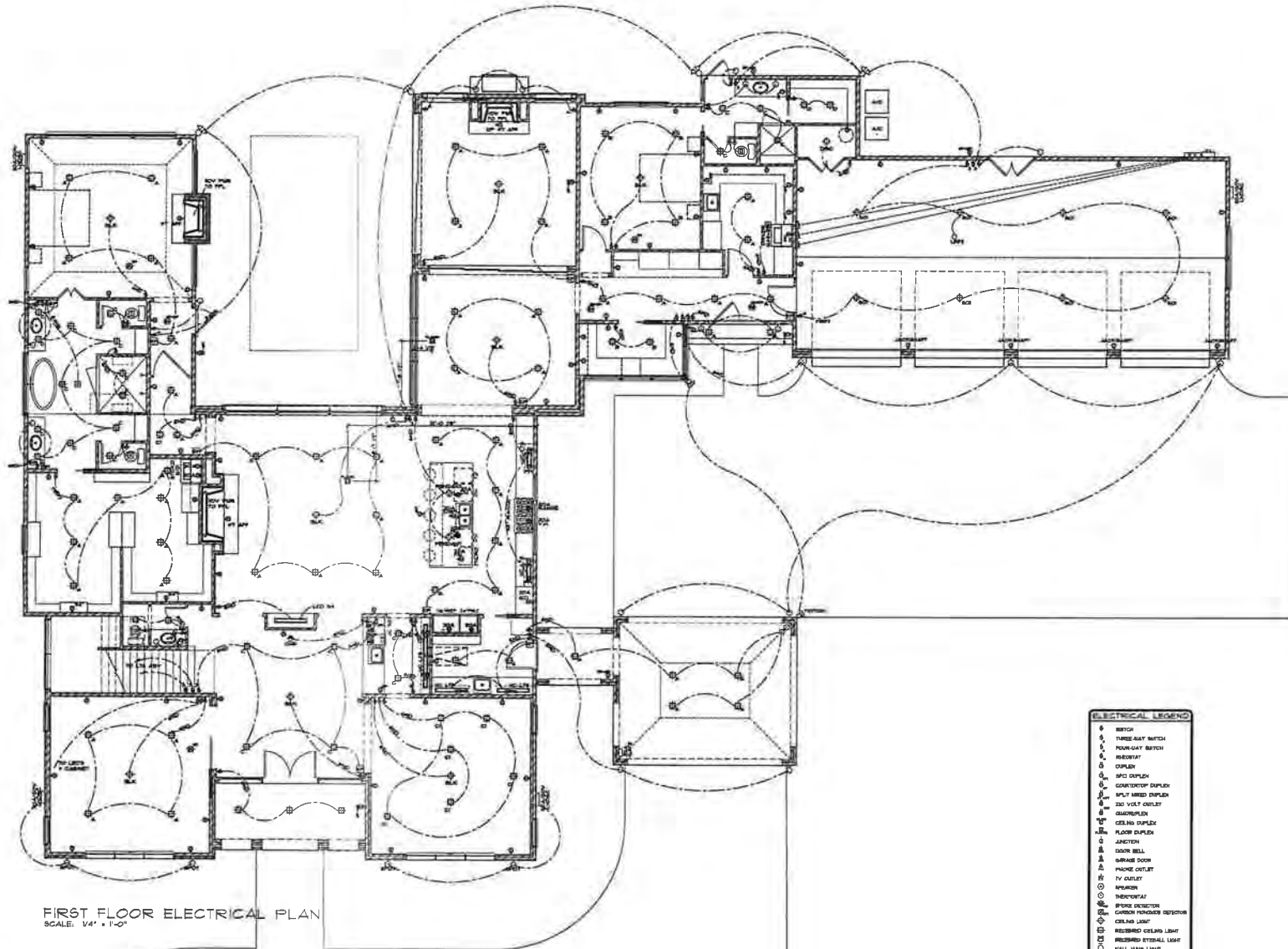
REAR (WEST) ELEVATION
SCALE: 1/4" = 1'-0"

MARK MOLTHAN
CONSTRUCTION, INC.
7001 PRESTON ROAD, SUITE 230
DALLAS, TEXAS 75203 -- 214-363-6244

A NEW RESIDENCE FOR
10323 Lennox Lane
Dallas, Texas

December 18, 2020

A4



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

ELECTRICAL LEGEND	
⊕	WITCH
⊕	THREE-WAY SWITCH
⊕	FOUR-WAY SWITCH
⊕	RECEIVER
⊕	OUTLET
⊕	SFCI OUTLET
⊕	COUNTERTOP OUTLET
⊕	W/PT WASH DRYER
⊕	250 VOLT OUTLET
⊕	SMOKEFREEN
⊕	CEILING OUTLET
⊕	FLOOR OUTLET
⊕	JUNCTION
⊕	DOWN BELL
⊕	SHRAME DOOR
⊕	PHONE OUTLET
⊕	TV OUTLET
⊕	SENSOR
⊕	INTERFAT
⊕	SMOKE DETECTOR
⊕	CARBON MONOXIDE DETECTOR
⊕	CEILING LIGHT
⊕	RECESSED CEILING LIGHT
⊕	RECESSED REYSBALL LIGHT
⊕	WALL WING LIGHT
⊕	REYSBALL LIGHT
⊕	LANDSCAPE LIGHT
⊕	FLOODELANT
⊕	VENT
⊕	VENT AND LIGHT
⊕	HEAT AND LIGHT
⊕	HEAT AND VENT
⊕	HEAT, VENT AND LIGHT

MARK MOLTAN
CONSTRUCTION, INC.
7001 PRESTON ROAD, SUITE 230
DALLAS, TEXAS 75205 -- 214-363-6244

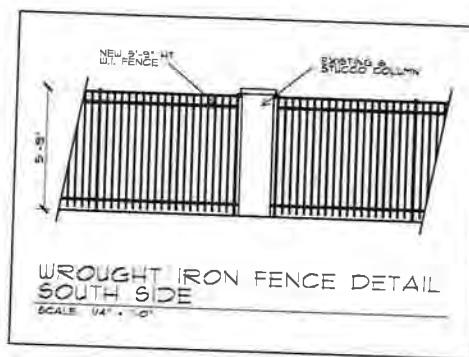
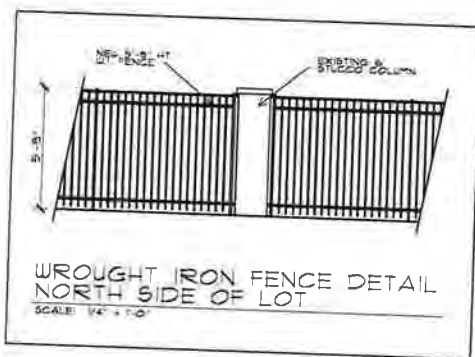
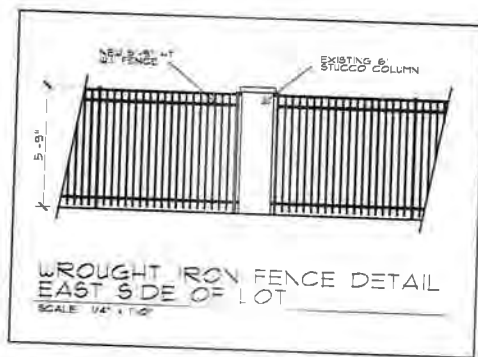
A NEW RESIDENCE FOR
10323 Lennox Lane
Dallas, Texas

December 18, 2020

E1

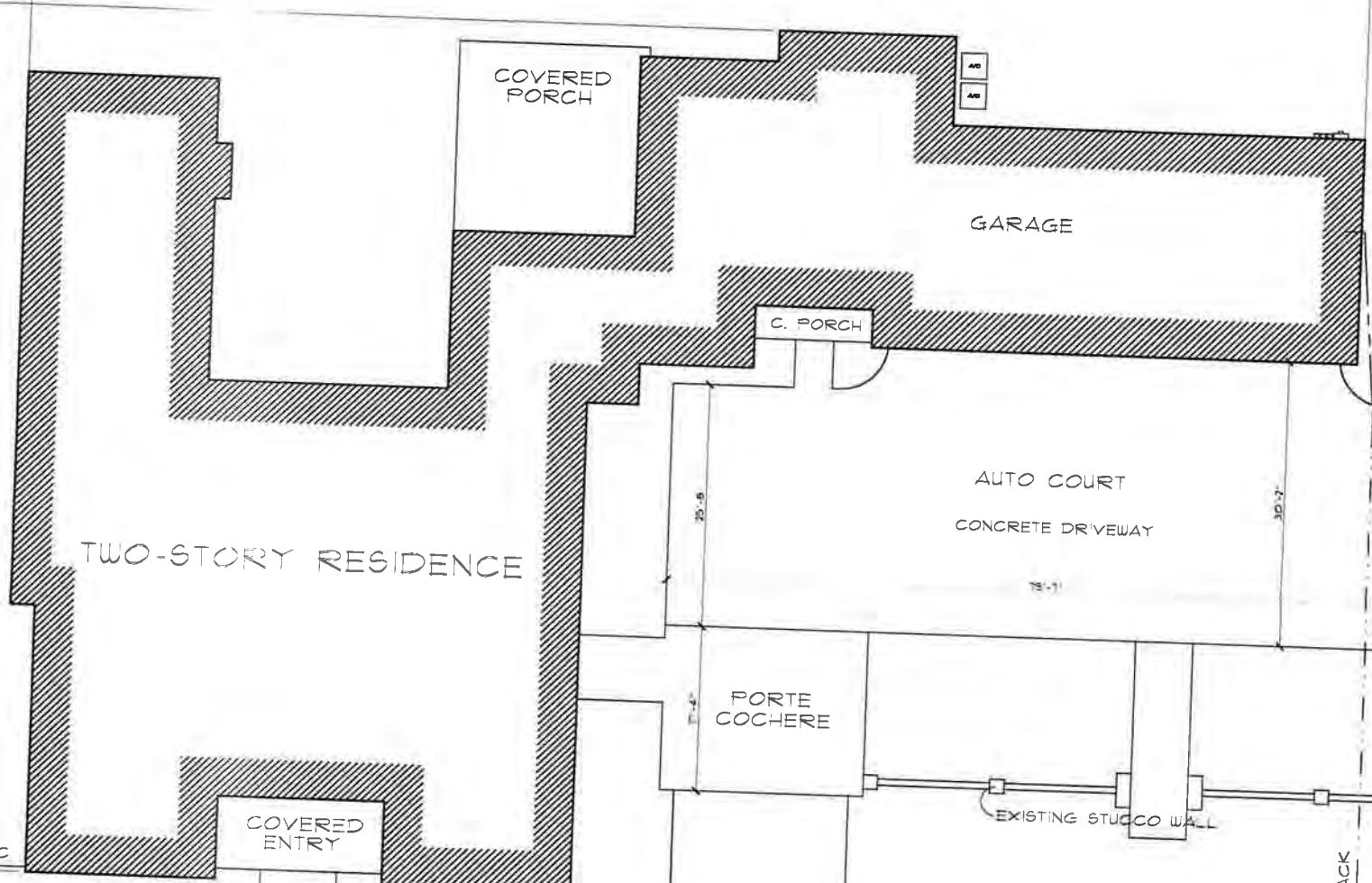
170.00' N 00° 23' 00" W

10' REAR YARD SETBACK



242.05 S 89° 48' 00" W

243.18 S 89° 48' 00" W

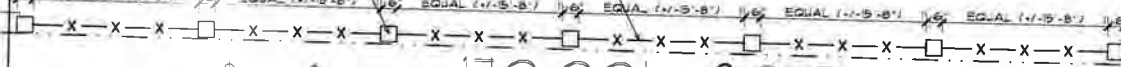
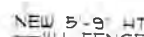
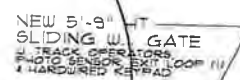
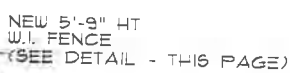
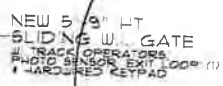
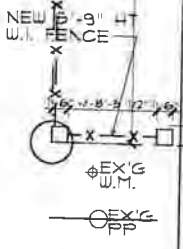


40' BUILDING LINE

CONCRETE DRIVEWAY

CONCRETE SIDEWALK

CONCRETE SIDEWALK



SITE PLAN

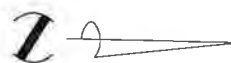
WROUGHT IRON FENCE REPLACEMENT

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

10323 LENNOX LANE
LOT 4, BLOCK C/5532
ROXBURY PARK
DALLAS, TEXAS



LENNOX LANE



MARK MOLTHAN
CONSTRUCTION, INC.
7001 PRESTON ROAD, SUITE 230
DALLAS, TEXAS 75205 - 214-363-8244

10311 Lennox Lane
Dallas, TX 75229
12/22/2022

Diana Barkume
Board of Adjustment, Planning Dept.
City of Dallas
1500 Marilla, Room 5BN
Dallas, TX 75201

RE: 10322 Lennox Lane

Dear Board of Adjustments,

After careful review of documentation supplied by Raksha and Rohit Parmar, the owners of 10323 Lennox Lane, as well as discussions and emails with them, we would like to offer our support for their request for a special exception to the fence standards related to complete and maintain a fence higher than 4' in height in the front and side yard of this property. This support is based on the understanding that the fence construction will comply with the site plan and elevations that were submitted to the city.

Sincerely,

Luke Eilert - Tatum Brown Custom Homes / Knox Built Construction
Owner/Operator of 10311 Lennox Lane

January 9, 2023

Board of Adjustment, Planning Dept.
Attn: Diana Barkume
City of Dallas
1500 Marilla, Room 5BN
Dallas, TX 75201

RE: 10323 Lennox Lane

Dear Board of Adjustment,

I live on the corner of Lennox Lane and North Lindhurst Avenue. I have reviewed the documentation supplied by Raksha and Rohit Parmar, the owners of 10323 Lennox Lane, Dallas, TX 75229. I would like to offer my support for their request for a special exception to the fence standards related to the construction of a fence higher than four feet (4') in height in the front and side yard of their property.

This support is based on the understanding that the fence construction will comply with the site plan and elevations that were submitted to the city.

Sincerely,



Patrick Q. Crow
4818 North Lindhurst Ave.
Dallas, TX 75229

Ron and Gail Berlin
4626 Dorset
Dallas, TX 75229
December 20, 2022

Diana Barkume
Board of Adjustment, Planning Dept.
City of Dallas
1500 Marilla, Room 5BN
Dallas, TX 75201

RE:10323 Lennox Lane

Dear Board of Adjustments,

After careful review of documentation supplied by Raksha and Rohit Parmar, the owners of 10323 Lennox Lane, Dallas, TX 75229, as well as discussions and emails with them, we would like to offer our support for their request for a special exception to the fence standards related to complete and maintain a fence higher than 4' in height in the front and side yard of their property.

This support is based on the understanding that the fence construction will comply with the site plan and elevations that were submitted to the city.

Sincerely,



Ron Berlin

Richard D. Squires
10453 Lennox Lane
Dallas, Texas 75229
[REDACTED]

Dec. 19, 2022

Diana Barkume
Board of Adjustment, Planning Dept.
City of Dallas
1500 Marilla, Room 5BN
Dallas, TX 75201

RE:10323 Lennox Lane

Dear Board of Adjustments,

After careful review of documentation supplied by Raksha and Rohit Parmar, the owners of 10323 Lennox Lane, Dallas, TX 75229, as well as discussions and emails with them, we would like to offer our support for their request for a special exception to the fence standards related to complete and maintain a fence higher than 4' in height in the front and side yard of their property.

This support is based on the understanding that the fence construction will comply with the site plan and elevations that were submitted to the city. I have also circulated the drawings to the Association in our neighborhood and have to date received positive and supportive comments from all with whom I have heard.

Sincerely,



Richard D. Squires
Neighbor



December 26, 2022

10645 Lennox Lane
Dallas, TX 75229

Diana Barkume
Board of Adjustment, Planning Department
City of Dallas
1500 Marilla Room 5BN
Dallas, TX 75201

RE: 10323 Lennox Lane

After careful review of documentation supplied by Raksha and Rohit Parmar, the owners of 10323 Lennox Lane, Dallas, TX 75229, as well as discussions and emails with them, we would like to offer our support for their request for a special exception to the fence standards related to the complete and maintain a fence higher than 4 feet in height in the front and side yard of their property.

This support is based on the understanding that the fence construction will comply with the site plan and elevations that were submitted to the city.

Sincerely,



Dirk Nowitzki

Anne Stodghill
10401 Lennox Lane
Dallas, Texas 75229

December 21, 2022

Diana Barkume
Board of Adjustment, Planning Dept.
City of Dallas
1500 Marilla, Room 5BN
Dallas, TX 75201

Re: 10323 Lennox Lane

Dear Ms. Barkume,

My husband, Steve, and I reside at 10401 Lennox Lane one block down the street from Raksha and Rohit Parmar, the owners of 10323 Lennox Lane, Dallas, Texas 75229. It is our understanding that the Parmars are seeking a variation for their fence.

After review of documentation supplied by the Parmars, we would like to offer our support for their request for a special exception to the fence standards related to completing and maintaining a fence higher than 4' in height in the front and side yard of their property. This support is based on the understanding that the fence construction will comply with the site plan and elevations that were submitted to the city.

Should you have any questions, I can be reached via email at [REDACTED] or via telephone at [REDACTED]

Sincerely,



Anne Stodghill

Jeffrey Chapman
4851 Harry's Lane
Dallas, TX 75229-5466

December 21, 2022

Diana Barkume
Board of Adjustment, Planning Dept.
City of Dallas
1500 Marilla, Room 5BN
Dallas, TX 75201

RE: 10323 Lennox Lane

Dear Board of Adjustments,

After careful review of documentation supplied by Raksha and Rohit Parmar, the owners of 10323 Lennox Lane, Dallas, TX 75229, as well as discussions and emails with them, we would like to offer our support for their request for a special exception to the fence standards related to complete and maintain a fence higher than 4' in height in the front and side yard of their property.

This support is based on the understanding that the fence construction will comply with the site plan and elevations that were submitted to the city.

Sincerely,

A handwritten signature in blue ink, appearing to be 'JAC', with a long horizontal line extending to the right.

Jeffrey A. Chapman

Hooman Sedighi
10335 Lennox Lane
Dallas, TX 75229
December 22, 2022

Diana Barkume
Board of Adjustment, Planning Dept.
City of Dallas
1500 Marilla, Room 5BN
Dallas, TX 75201

RE: 10323 Lennox Lane

Dear Board of Adjustments,

After careful review of documentation supplied by Raksha and Rohit Parmar, the owners of 10323 Lennox Lane, Dallas, TX 75229, as well as discussions with them, we would like to offer our support for their request for a special exception to the fence standards related to complete and maintain a fence higher than 4' in height in the front and side yard of their property.

This support is based on the understanding that the fence construction will comply with the site plan and elevations that were submitted to the city.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hooman Sedighi', written over a large, light-colored scribble or mark.

Hooman Sedighi

10515 Lennox Lane
Dallas, TX 75229
12/15/2022

Diana Barkume
Board of Adjustment, Planning Dept.
City of Dallas
1500 Marilla, Room 5BN
Dallas, TX 75201

RE:10323 Lennox Lane

Dear Board of Adjustments,

After careful review of documentation supplied by Raksha and Rohit Parmar, the owners of 10323 Lennox Lane, Dallas, TX 75229, as well as discussions and emails with them, we would like to offer our support for their request for a special exception to the fence standards related to complete and maintain a fence higher than 4' in height in the front and side yard of their property.

This support is based on the understanding that the fence construction will comply with the site plan and elevations that were submitted to the city.

Sincerely,



Farhad Nayeb



4700





4804
BRICK BLEN











10545



10615





FILE NUMBER: BDA223-010(OA)

BUILDING OFFICIAL'S REPORT: Application of Rob Baldwin of Baldwin Associates for a special exception to the fence standards regulations and a special exception to the visual obstruction regulations at 10747 Lennox Lane. This property is more fully described as Block B/5534, Lot 3B and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet, requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line, and requires 20 foot visibility triangles at driveways. The applicant proposes 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 regulations, 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, which will require a special exception to the fence standards regulations, and to locate and maintain items in 20 foot required visibility triangles, which will require special exceptions to the visual obstruction regulations.

LOCATION: 10747 Lennox Lane

APPLICANT: Rob Baldwin of Baldwin Associates

REQUESTS:

The following requests have been made on a site that is being developed with a single-family home:

1. A request for a special exception to the fence standards regulations of 2' is made to construct and maintain a 6' high metal picket fence with a 6' high aluminum gate in the required 40-foot front yard on Catina Lane.
2. A request for a special exception to the fence standards regulations related to fence panels with a surface area that is less than 50 percent open and less than five feet from the front lot line is made to construct and maintain a 6' high aluminum gate with flanking 6' high aluminum fence panels less than five feet from the front lot line.
3. Requests for special exceptions to the visual obstruction regulations are made to locate and maintain portions of a 6' high aluminum gate with flanking 6' high aluminum fence panels in the two, 20' visibility triangles at the driveway into the site from Cantina Lane.

**STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS REGULATIONS
(fence height and 50 percent panels):**

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

STAFF RECOMMENDATION (fence standards regulations):

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.

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION (visual obstruction regulations):

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

The Sustainable Development and Construction Senior Engineer reviewed the proposed obstructions for the fence and "has no objections" to the requests.

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 for single-family uses.

Zoning/BDA History:

1. BDA178-127, Property located at 10747 Lennox Lane (subject site)

On November 14, 2018, the Board of Adjustment Panel B granted a request for a special exception to the fence height regulations of 2' and imposed the submitted site plan and elevation as a condition.

The case report stated that the request was made in conjunction with constructing and maintaining a 6' high cast stone fence with pedestrian gate in the Lennox Lane front yard setback, and a 6' high cast stone fence in the Catina Lane front yard setback.

Along Lennox Lane: the proposal is represented as being approximately 130' in length parallel to the street and approximately 14' perpendicular to the street on the north and south sides of the site on this required front yard; located approximately 26' from the front property line or approximately 46' from the pavement line.

Along Catina Lane: the proposal is represented as being approximately 56' in length parallel to the street and approximately 6' perpendicular to the street on the east and west side of the site on this required front yard; located approximately 35' from the front property line or approximately 47' from the pavement line.

2. BDA190-050, Property located at 4610 Cantina Lane (a lot located west of the site, Cantina at Welsh Road)

On June 22, 2020, the Board of Adjustment Panel C granted a request for a special exception to the fence height regulations and imposed the submitted site plan and elevation as a condition.

The case report stated that the request was made in conjunction with constructing a fence with a portion being four-feet six-inches high with metal on the top and a stone base, and partly an eight-foot-high stone fence, eight-foot six-inch and five-foot stone columns, and two seven-foot six-inch gates in the required 40-foot front yard on Catina Lane on a site being developed with a single-family home.

- | | |
|--|--|
| <p>3. BDA190-079, Property located at 4651 Cantina Lane (the lot directly to the west of the site)</p> | <p>On October 19, 2020, the Board of Adjustment Panel C granted a request for a special exception to the fence height regulations and imposed the submitted site plan and elevation as a condition.</p> <p>Compliance with the submitted site plan and elevation is required subject to the following changes:</p> <p>Fence maximum height of 5' with fence columns of 5' 6", the gate columns 6' 6"; and the gate limited to a height of 6' 6".</p> |
| <p>4. BDA 201-092, Property at 10645 Lennox Lane (two lots south of the subject site)</p> | <p>On March 21, 2022, the Board of Adjustment Panel C granted a request for a special exception to the fence height regulations of 5' imposing the following condition: Compliance with the submitted Site Plan and Elevation" The case report stated that the request was made in conjunction with constructing a nine-foot-high fence within the front yard setback on a site developed with a single-family home.</p> |

GENERAL FACTS/STAFF ANALYSIS:

- The following requests are made on a site developed with a single-family home:
 1. A request for a special exception to the fence standards regulations of 2' focuses on constructing and maintaining a 6' high metal picket fence with a 6' high aluminum gate in the required 40-foot front yard on Catina Lane.
 2. A request for a special exception to the fence standards regulations related to fence panels with a surface area that is less than 50 percent open and less than five feet from the front lot line focuses on constructing and maintaining a 6' high aluminum gate with flanking 6' high aluminum fence panels less than five feet from the front lot line.
 3. Requests for special exceptions to the visual obstruction regulations focuses on locating and maintaining portions of a 6' high aluminum gate with flanking 6' high aluminum fence panels in the two, 20' visibility triangles at the driveway into the site from Cantina Lane.
- 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. Given the single-family zoning and location of the corner lot subject site, it has two required front yards. The site has a 40' required front yard along Lennox Lane and Catina Lane.

- Section 51A-4.602(a) (2) of the Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The following information is shown on the submitted site plan:
 - the proposal is represented as being approximately 85' in length fronting Catina Lane beginning from the west property line and approximately 3' from the front property line along Catina Lane. The fence extends 28' perpendicular to Cantina Lane on the east side of the existing fence and 43' on the west side of the site. Furthermore, the fence is proposed to be located 15' from the pavement line.
- Staff conducted a field visit of the site and surrounding area, approximately 400 feet around the subject site, and noticed several other fences that appear to be above four feet in height and are located in a front yard setback. Please refer to the above BDA history for fence locations within five years.
- As of January 6, 2022, no letters have been submitted in support of or in opposition to this request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations will not adversely affect the neighboring property.
- Additionally, Section 51A-4.602(d) of the Dallas Development Code states the following: a person shall not erect, place, or maintain a structure, berm, plant life, or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections and 20-foot visibility triangles at drive approaches and alleys on properties zoned single-family); and
 - between two-and-a-half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- The submitted site plan denotes portions of the 6' aluminum gate and aluminum panels located within the two 20-foot visibility triangles on the west and east side of the driveway approach from Catina Lane .
- The Transportation Development Services Senior Engineer "has no objections" to the requests (**Attachment A**).
- With regard to the requests for special exceptions to the fence standards regulations, the applicant has the burden of proof in establishing that the special exceptions will not adversely affect the neighboring property.
- With regard to the requests for special exceptions to the visual obstruction regulations, the applicant has the burden of proof to establish how granting these requests to maintain the fence and gates in the two 20-foot visibility triangles on either side of the driveway does not constitute traffic hazards.

- Granting these requests with a condition imposed that the applicant complies with the submitted site plan and elevation would: 1) limit the fence over 4' in height and with fence panels less than 5' from the front lot line, and 2) limit the items located in the two 20-foot visibility triangles on the west and east sides of the driveway approach from Catina Lane to what is shown on these documents.

Timeline:

November 3, 2022: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

December 8, 2022: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel B.

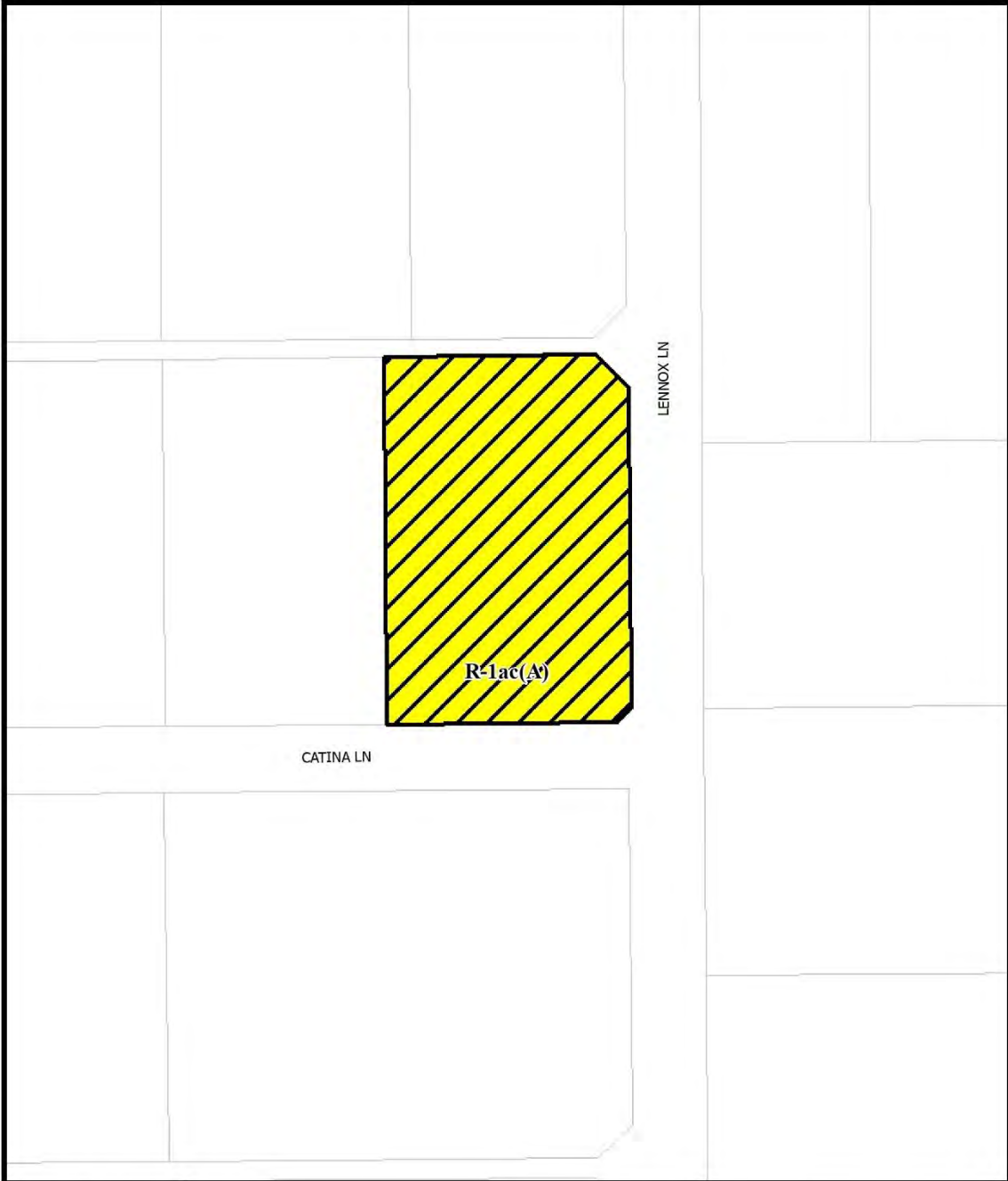
December 14, 2022: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the December 23, 2022, deadline to submit additional evidence for staff to factor into their analysis; and January 6, 2023, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

December 27, 2022: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Development Services Chief Planner, the Assistant City Attorney to the Board, and the Senior Planner.

December 27, 2022: The Transportation Development Services Senior Engineer submitted a comment sheet (Attachment B). The Transportation Development Services Senior Engineer reviewed the request and has no objection to the requests.

January 6, 2023: The applicant submitted a revised site plan (**Attachment A**).



1:1,200

ZONING MAP

Case no: BDA223-010

Date: 12/27/2022

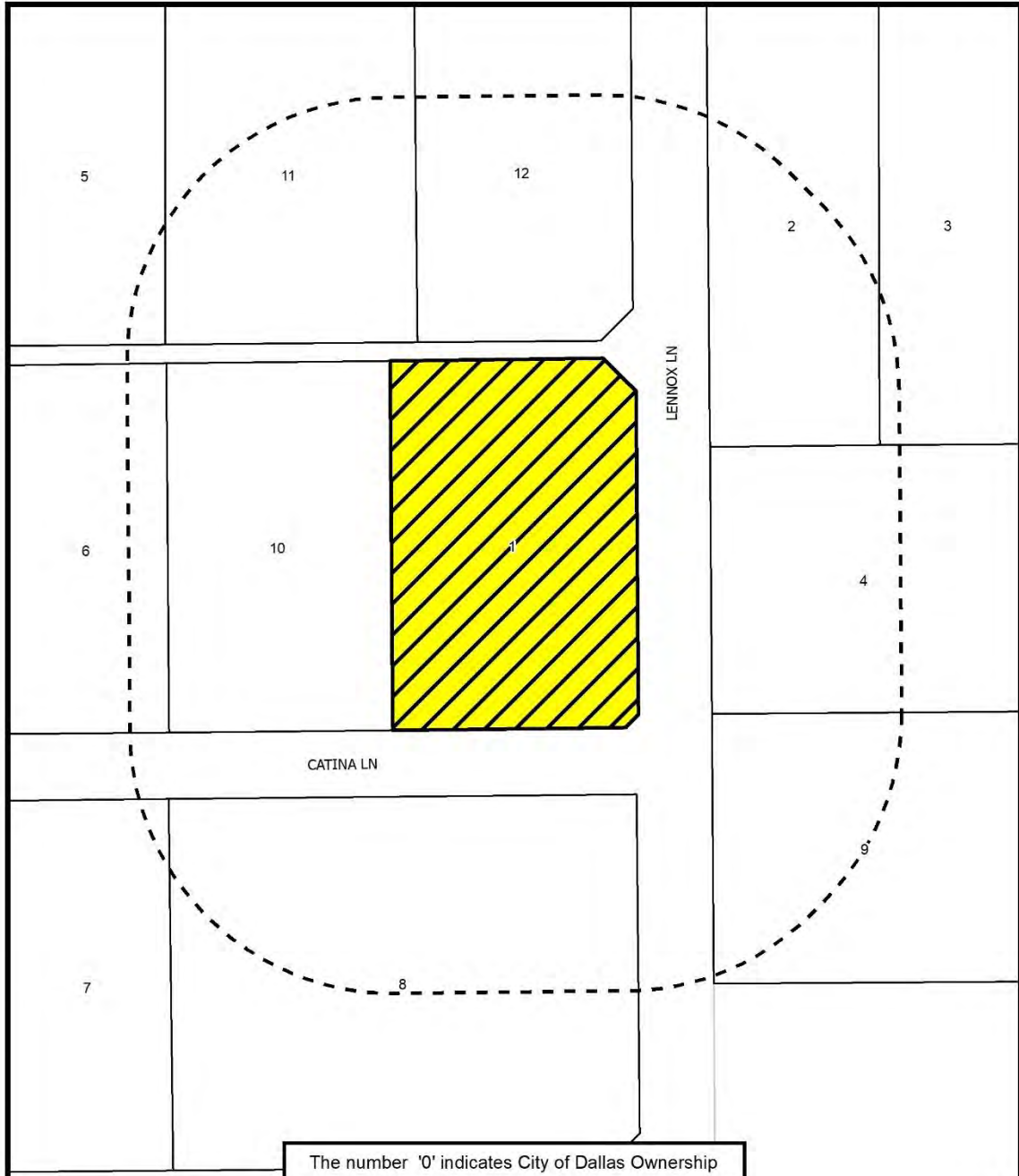


1:1,200

AERIAL MAP

Case no: BDA223-010

Date: 12/27/2022



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <p> 200' AREA OF NOTIFICATION 12 NUMBER OF PROPERTY OWNERS NOTIFIED </p>	Case no: <u>BDA223-010</u> Date: <u>12/27/2022</u>
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12/19/2022

Notification List of Property Owners

BDA223-010

12 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	10747 LENNOX LN	SAXTON KELLY & VICKY
2	10770 LENNOX LN	KROTTINGER KERRY
3	4720 ROYAL LN	SHIN EDWARD T &
4	10742 LENNOX LN	FREDSTON DAVID A &
5	10750 WELCH RD	CALLUM MICHAEL G MD & JULIE O
6	4609 CATINA LN	LAM SAMUEL M
7	4610 CATINA LN	KREUNEN 2012 REVOCABLE TRUST
8	10645 LENNOX LN	MMM FAMILY TRUST
9	10714 LENNOX LN	NGUYEN JOANNE V & ALEXANDER T
10	4651 CATINA LN	THOMSON NEIL HAMILTON &
11	4620 ROYAL LN	BENAVIDES ANTONIO & CECILIA ARMAS
12	10757 LENNOX LN	NUTH PITHOU



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-010

Data Relative to Subject Property:

Date: 11/4/22

Location address: 10747 Lennox Lane Zoning District: R-1ac(A)
Lot No.: 3B Block No.: B/5534 Acreage: 1.0960 Census Tract: 48113007601
Street Frontage (in Feet): 1) 288 2) 187.8 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Kelly Saxton and Vicky 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 regulations to allow for a 6' fence and encroachment of the fence into the 20'x20' visibility triangles. Special Exception to the fence standards - less than 50% open

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: We are requesting a Special Exception to the fence regulations to allow for a 6-foot open decorative iron fence and gate in the front yard and an encroachment into the 20'x20' visibility triangles.

The approval of this Special Exception is reasonable and will not negatively affect neighboring properties.

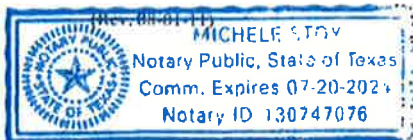
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

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 4 day of November, 2022



[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 BALDWIN ASSOCIATES

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

at 10747 LENNOX

BDA223-010. Application of BALDWIN ASSOCIATES for a special exception to the fence height regulations, and for a special exception to the visibility obstruction regulations, and for a special exception to the fence standards regulations at 10747 LENNOX LN. This property is more fully described as Block B/5534, Lot 3B and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at driveway approaches, and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct a 6 foot high fence in a required front yard, which will require a 2 foot special exception to the fence regulations, and to construct a single-family residential fence structure in a 20 foot required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulations.

Sincerely,


David Session, Building Official



See Revised

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-010

Date: 11/4/22

Data Relative to Subject Property:

Location address: 10747 Lennox Lane Zoning District: R-1ac(A)

Lot No.: 3B Block No.: B/5534 Acreage: 1.0960 Census Tract: 48113007601

Street Frontage (in Feet): 1) 288 2) 187.8 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Kelly Saxton and Vicky 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 regulations to allow for a 6' fence and encroachment of the fence into the 20'x20' visibility triangles

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: We are requesting a Special Exception to the fence regulations to allow for a 6-foot open decorative iron fence and gate in the front yard and an encroachment into the 20'x20' visibility triangles.

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

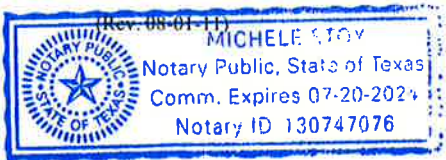
Before me the undersigned on this day personally appeared Robert Baldwin (Affiant/Applicant's name printed)

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 4 day of November, 2022

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





AFFIDAVIT

Appeal number: BDA 223-010

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

at: 10747 Lennox Lane, Dallas, Texas 75229
(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)

 X Special Exception (specify below)

 Other Appeal (specify below)

Specify: Special Exception to the fence regulations to allow for a 6-foot open decorative iron fence and gate in the front yard and an encroachment into the sight visibility triangles.

Kelly Saxton
Print name of property owner or registered agent

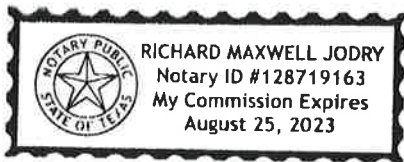
[Signature]
Signature of property owner or registered agent

Date 11/1/2022

Before me, the undersigned, on this day personally appeared Kelly 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 1 day of November, 2022



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



Printed: 10/26/2022

-  City Limits
-  Certified Parcels
-  Base Zoning

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



WILSON ESTATES

SUBDIVISION # 2.

DALLAS, TEXAS

67

APRIL 16, 1947

SCALE: 1" = 100'

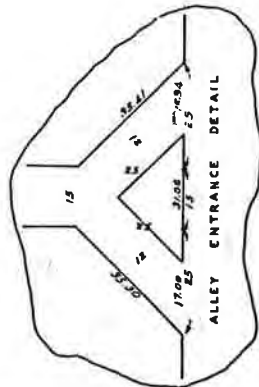
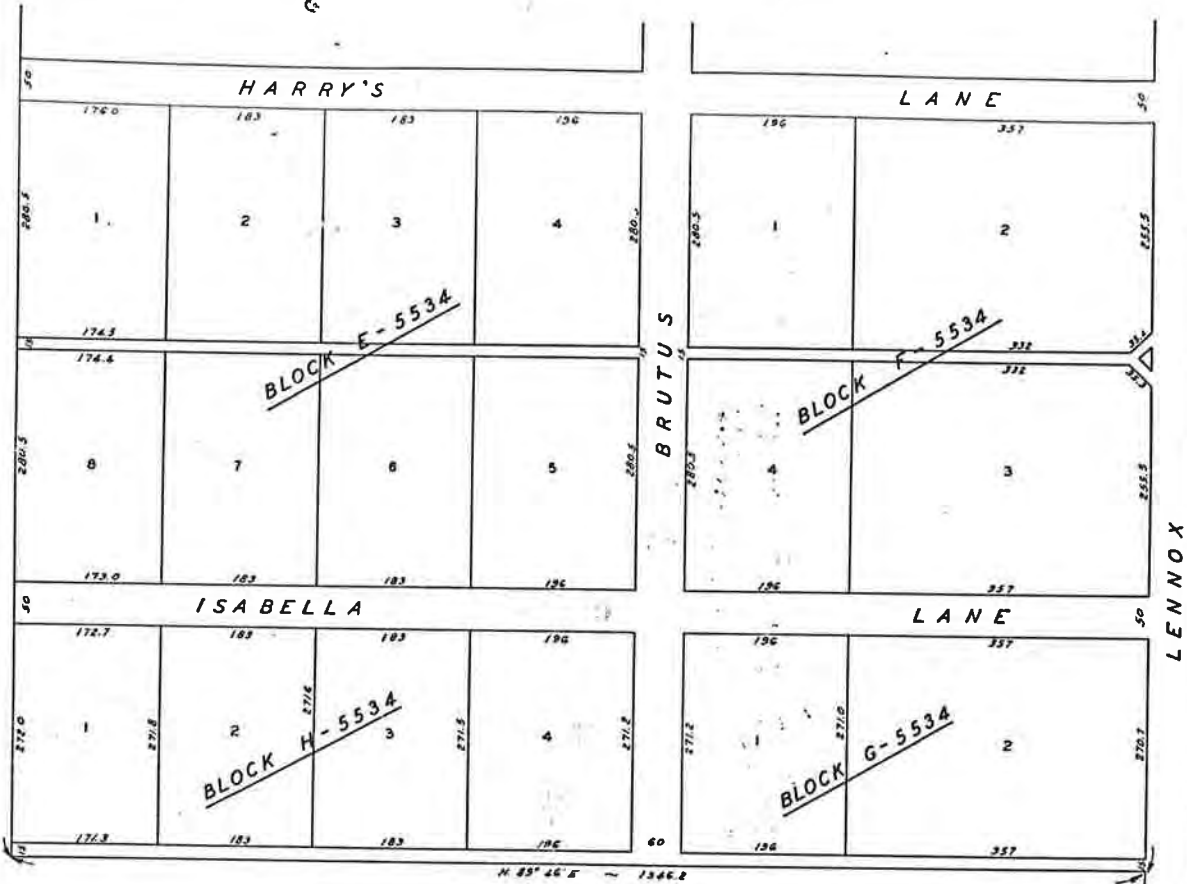
ROBT. H. WEST

COUNTY SURVEYOR

DALLAS, TEXAS



68





6' HT BLACK ALUMINUM SLIDING GATE (KNOTWOOD ALUMINUM PRODUCT)

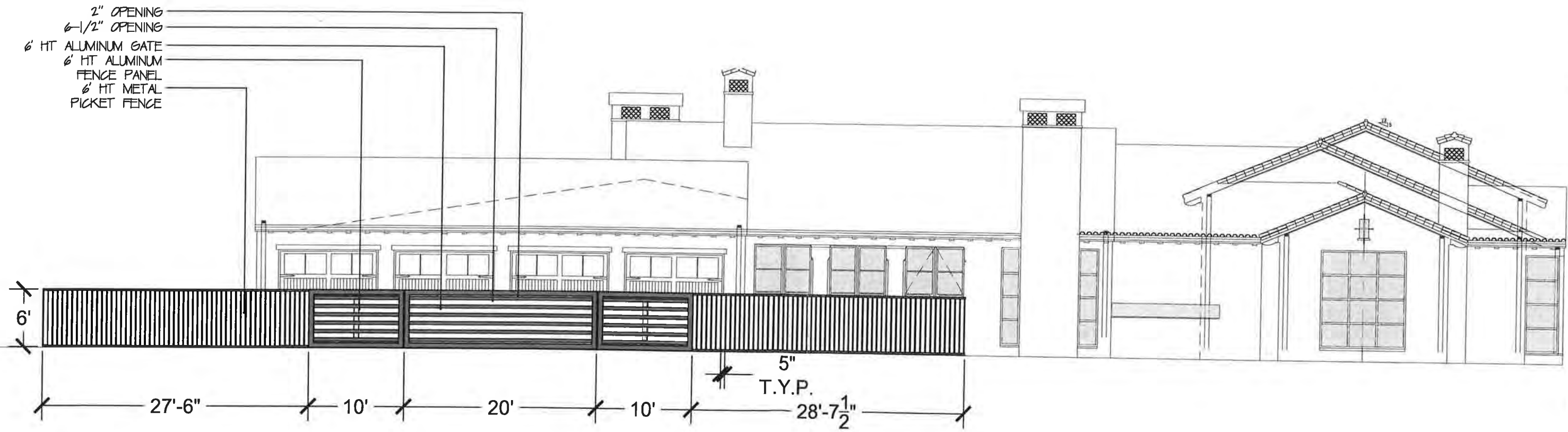
- 6"x3/4" BLACK ALUMINUM PANEL
- 4"x3/4" BLACK ALUMINUM PANEL
- 2"x2" BLACK ALUMINUM POST



6' HT METAL PICKET FENCE

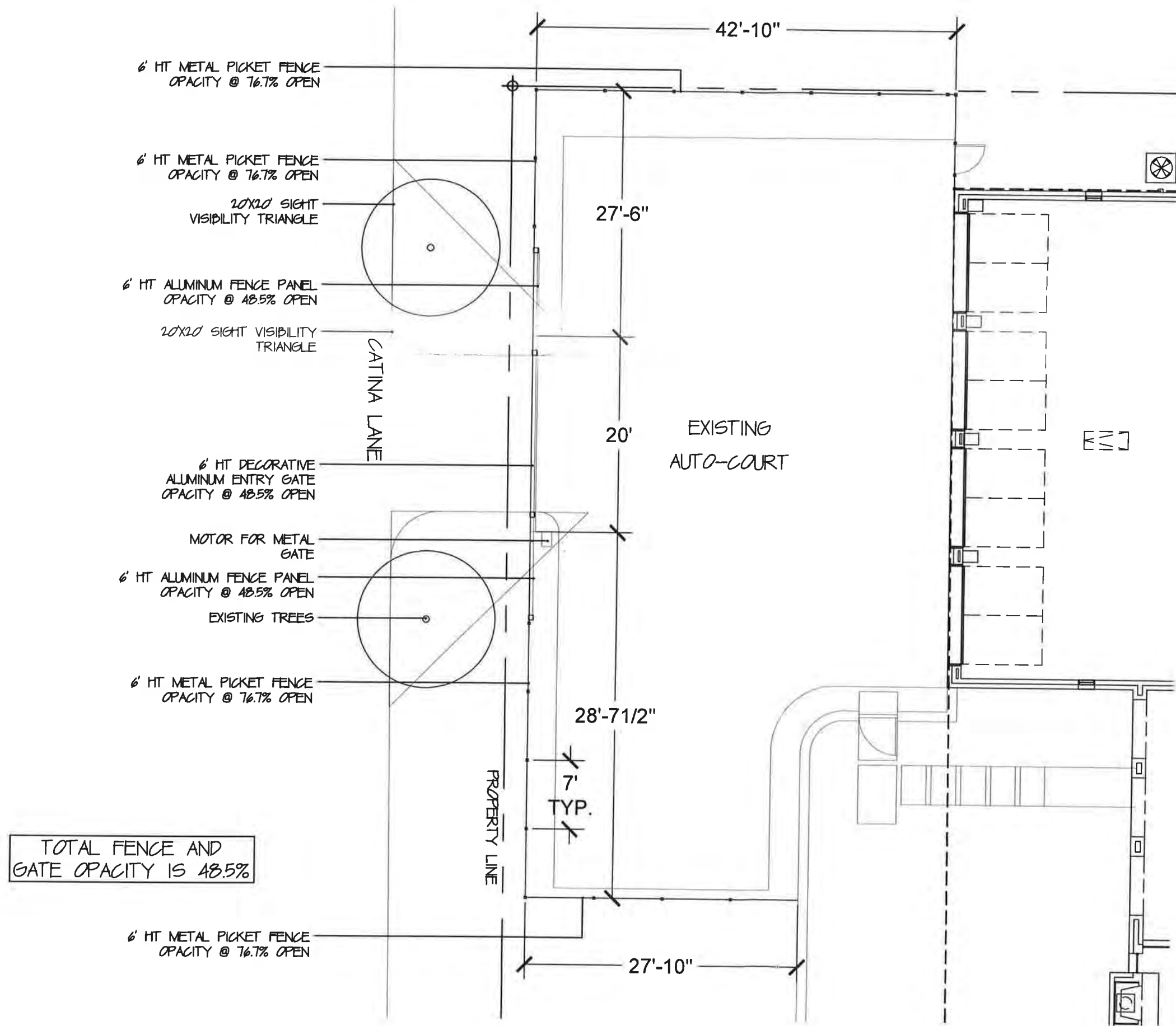
- **2"x2" POST**
- **1 1/2" TOP AND BOTTOM RAILS**
- **3/4" PICKETS**
- **3 1/4" to 3 1/2" SPACE**
- **PREGALVANISED**
- **POWDER COATED**

2" OPENING
 6-1/2" OPENING
 6' HT ALUMINUM GATE
 6' HT ALUMINUM
 FENCE PANEL
 6' HT METAL
 PICKET FENCE




○ ELEVATION PLAN OF AUTO-COURT ALUMINUM GATE AND PICKET FENCE - 10747 LENNOX LANE DALLAS, TX 75229
 3/32" - 1'-0"

0
JASON OSTERBERGER DESIGNS
 PO Box 2381 • Coppell, TX 75019 • 214.458.7668
 SCALE: AS SHOWN
 DRAWN BY: JB
 DATE: 10/25/2022
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 A X T O N L A S ,
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TOTAL FENCE AND GATE OPACITY IS 48.5%

 AUTO-COURT FENCE PLAN - 10747 LENNOX LANE DALLAS, TX 75229
3/32" - 1'-0"

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JASON OSTERBERGER DESIGNS
PO Box 2381 • Coppell, TX 75019 • 214.458.7668

SCALE: AS SHOWN
DRAWN BY: JB
DATE: 10/25/2022

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REVIEW COMMENT SHEET BOARD
OF ADJUSTMENT HEARING
January 18, 2023 (B)

Has no objections

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

Recommends that this be denied
(see comments below or attached)

No comments

BDA 223-004(OA)

BDA 223-005(OA)

BDA 223-007(OA)

BDA 223-009(OA)

BDA 223-010(OA)

BDA 223-011(OA)

BDA 223-012(OA)

COMMENTS:

David Nevarez, P.E., Engineering **12/29/2022**

Name/Title/Department

Date

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

FILE NUMBER: BDA223-012(OA)

BUILDING OFFICIAL'S REPORT: Application of 4401 Lemmon Avenue, LLC, represented by Aaron Hawkins, for a variance to the off-street parking regulations at 4401 Lemmon Avenue. This property is more fully described as block B/2054, Lots 1 and 2 and the southeast 10' of lot 3, and is zoned PD-193 (GR), which requires off-street parking to be provided. The applicant proposes to construct and/or maintain a structure for a restaurant with drive-in or drive-through service use and provide 4 of the required 9 off-street parking spaces, which will require a 5 space variance to the off-street parking regulations.

LOCATION: 4401 Lemmon Avenue

APPLICANT: 4401 Lemmon Avenue, LLC
Represented by Aaron Hawkins

REQUEST:

A request for a variance to the off-street parking regulations of 5 spaces is made to construct and maintain an 820 square foot structure to be used as a "drive through restaurant" use where 4 of the required 9 off-street parking spaces are proposed to be provided.

STANDARD FOR A VARIANCE:

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

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

State Law/HB 1475 effective 9-1-21

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

STAFF RECOMMENDATION: ENGINEER OPINION

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 PD No. 193 (GR) zoning district by its restrictive area due to being smaller in lot size that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning district.
- The applicant submitted a document (Attachment A) indicating, among other things, that the proposed 820 square foot structure on the subject site is commensurate to 10 other lots having a structure with a drive-in or drive-through service in the same PD No. 193 (GR) zoning district.

BACKGROUND INFORMATION:

Zoning:

Site: Plan Development District No 193 (GR General Retail)
North: Plan Development District No 193 (GR General Retail)
East: Plan Development District No 193 (GR General Retail)
South: Conservation District No 16
West: Conservation District No 16

Land Use:

The applicant is proposing to develop the subject site as a food pick-up station only, with no inside dining. The areas to the north and east are developed with retail uses. The area to the south and west are developed with single-family residential uses. Note that there is no access to a residential subdivision located south and west of Herschel Ave.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- The request for a variance to the off-street parking regulations of 5 spaces focuses on constructing and maintaining an 820 square foot structure to be used as a “drive through restaurant” use and where 4 of the required 9 off-street parking spaces are proposed to be provided.
- The subject site is zoned Plan Development District No 193 GR General Retail District where the typical lot size varies significantly.
- Per DCAD records, the property is 18,700 square feet in size with an existing 2,429 free-standing retail store structure. The property is located at the southwest corner of Lemmon Avenue and Herschel Avenue.
- The applicant is proposing to demolish the existing building and construct an 820’ food pick-up station-only structure with no inside dining.
- The applicant proposes to provide 4 of the required 9 parking spaces, which will require a five-space variance (55% reduction) to the parking regulation.
- The required off-street parking for a restaurant with drive-in or drive-through service uses per Sec 51A-4.210. (25)(C) is one space 100 square feet of floor area; a minimum of four spaces is required.
- The applicant is to demolish an existing structure and construct an 820’ food pick-up station-only structure with no inside dining and provide 4 of the required 9 parking spaces.
- The applicant states that due to the size of the lot (18,700 square feet), the property cannot be used in a manner commensurate to other properties with the same PD No 193 (GR) zoning district. According to the submitted site plan, the proposed structure contains 820 square feet with a lot size of 18,700 square feet and provides 4 parking spaces.
- The applicant submitted a document (**Attachment A**) indicating, among other things, that the proposed 820’ Salad and Go structure on the subject site is commensurate to 10 other lots having a structure with a drive-in or drive-through service in the same PD

No. 193 (GR) zoning district. Attachment A also notes the average lot size of 10 lots in this district is 34,819 square feet with an average building size of 3,361.80 square feet while the subject lot is only 18,700 square feet with an average building size of 820 square feet. The Transportation Development Services Senior Engineer reviewed the submitted evidence and found no objection to the variance request (**Attachment B**).

- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the parking regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
 - The variance is necessary to permit development of 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 PD No 193 (GR) District 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 PD No 193 (GR) District zoning classification.
- The board may also consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:
 1. the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
 2. compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
 3. compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
 4. compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 5. the municipality considers the structure to be a nonconforming structure.
- If the board were to grant this request and impose a condition that the applicant must comply with the submitted site plan, the variance would be limited to that what is shown on this plan which in this case is an approximately 820 square foot structure to be used as a “drive through restaurant” use whereby 4 of the required 9 off-street parking spaces are provided.

TIMELINE:

November 3, 2022: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

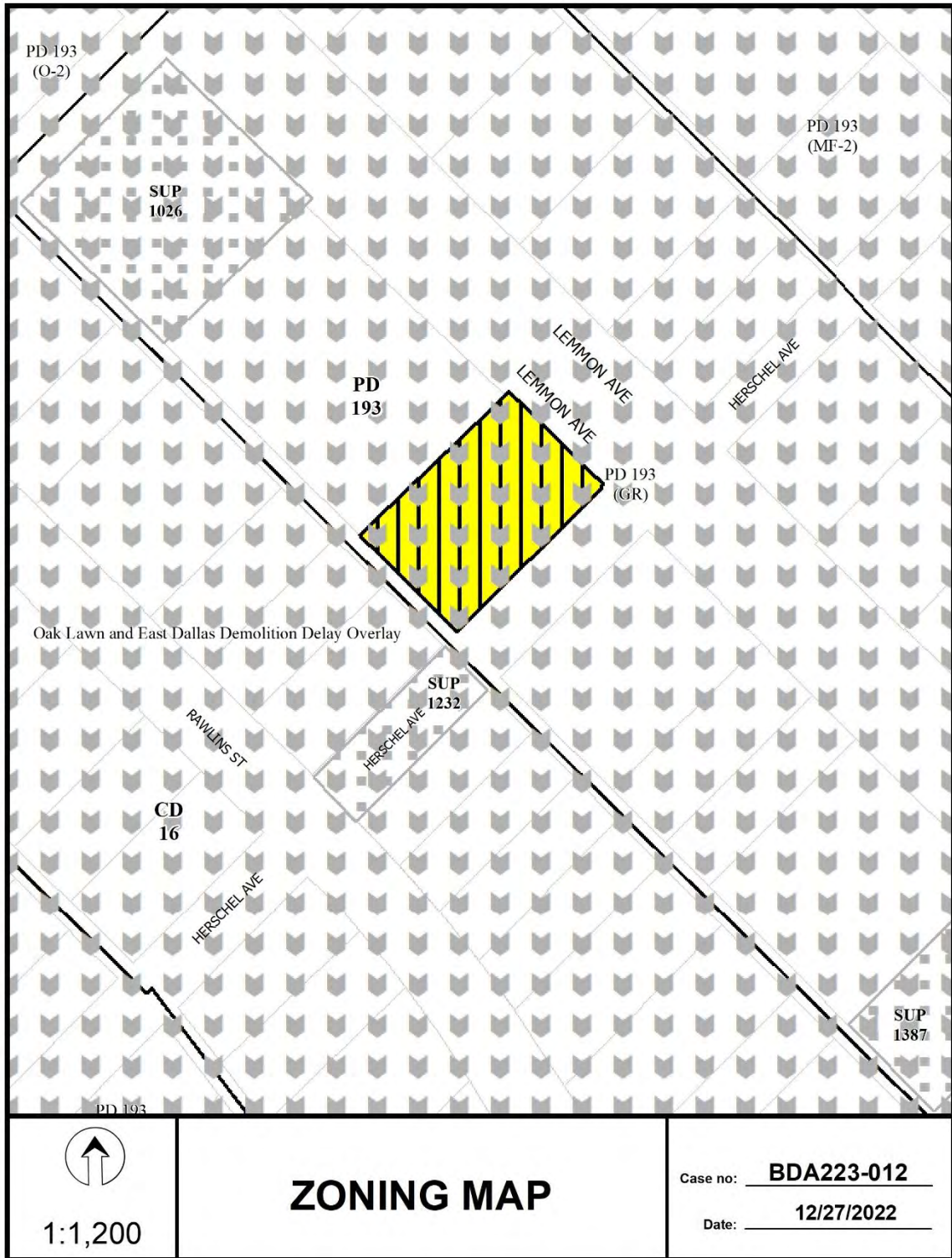
December 8, 2022: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel B.

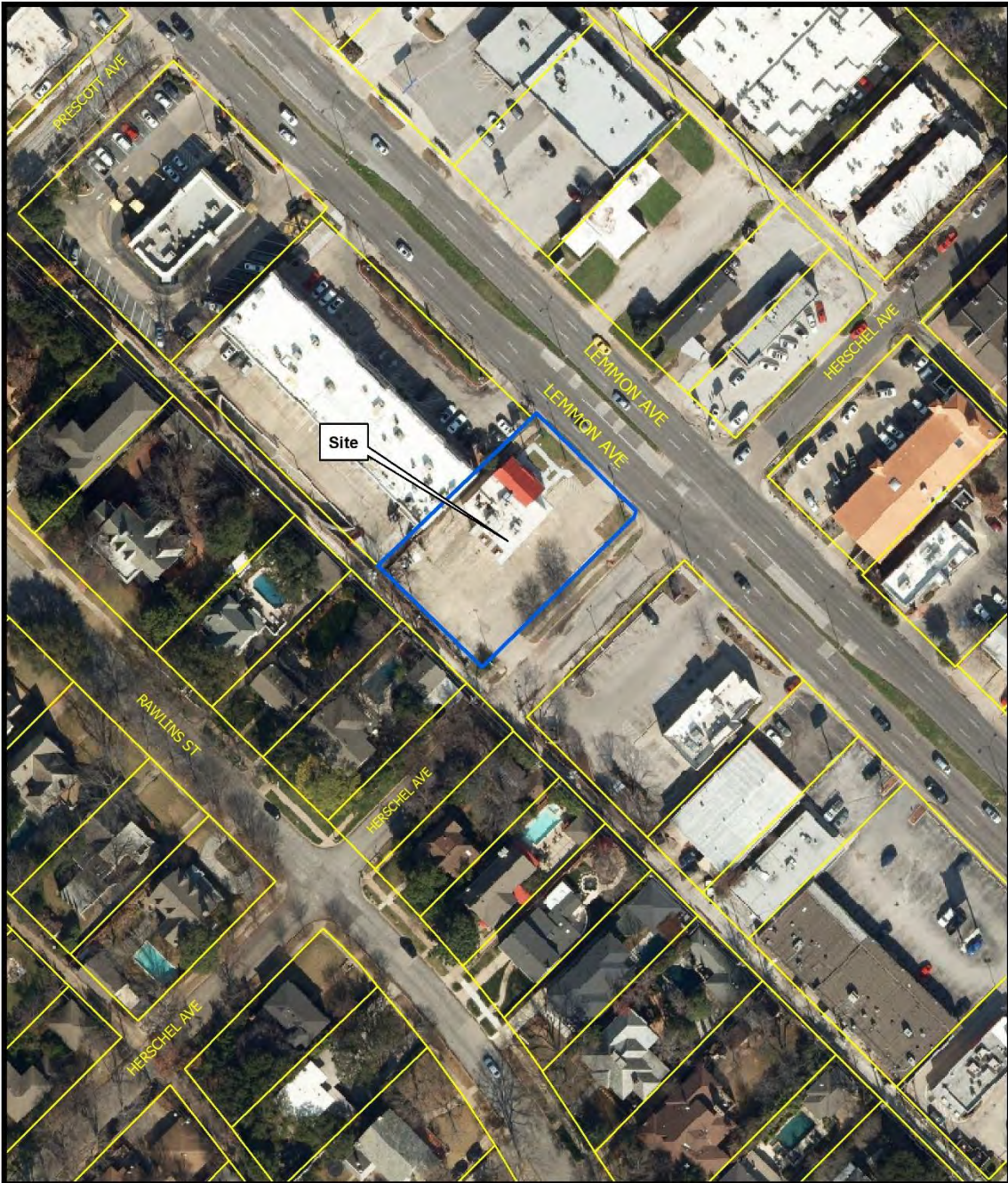
December 14, 2022: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the December 23, 2022, deadline to submit additional evidence for staff to factor into their analysis; and January 6, 2023, deadline to submit additional evidence to be incorporated into the board’s docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

December 27, 2022: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Development Services Chief Planner, the Assistant City Attorney to the Board, and the Senior Planner.

December 27, 2022: The Transportation Development Services Senior Engineer submitted a comment sheet (**Attachment A**). The Transportation Development Services Senior Engineer has submitted a review comment sheet marked “Has no objections if certain conditions are met”. The engineer’s comments are: “Application should include empirical data showing maximum queues during typical peak hours at other existing facilities of same tenant or similar characteristics and DIR plan, which is required at permitting.”



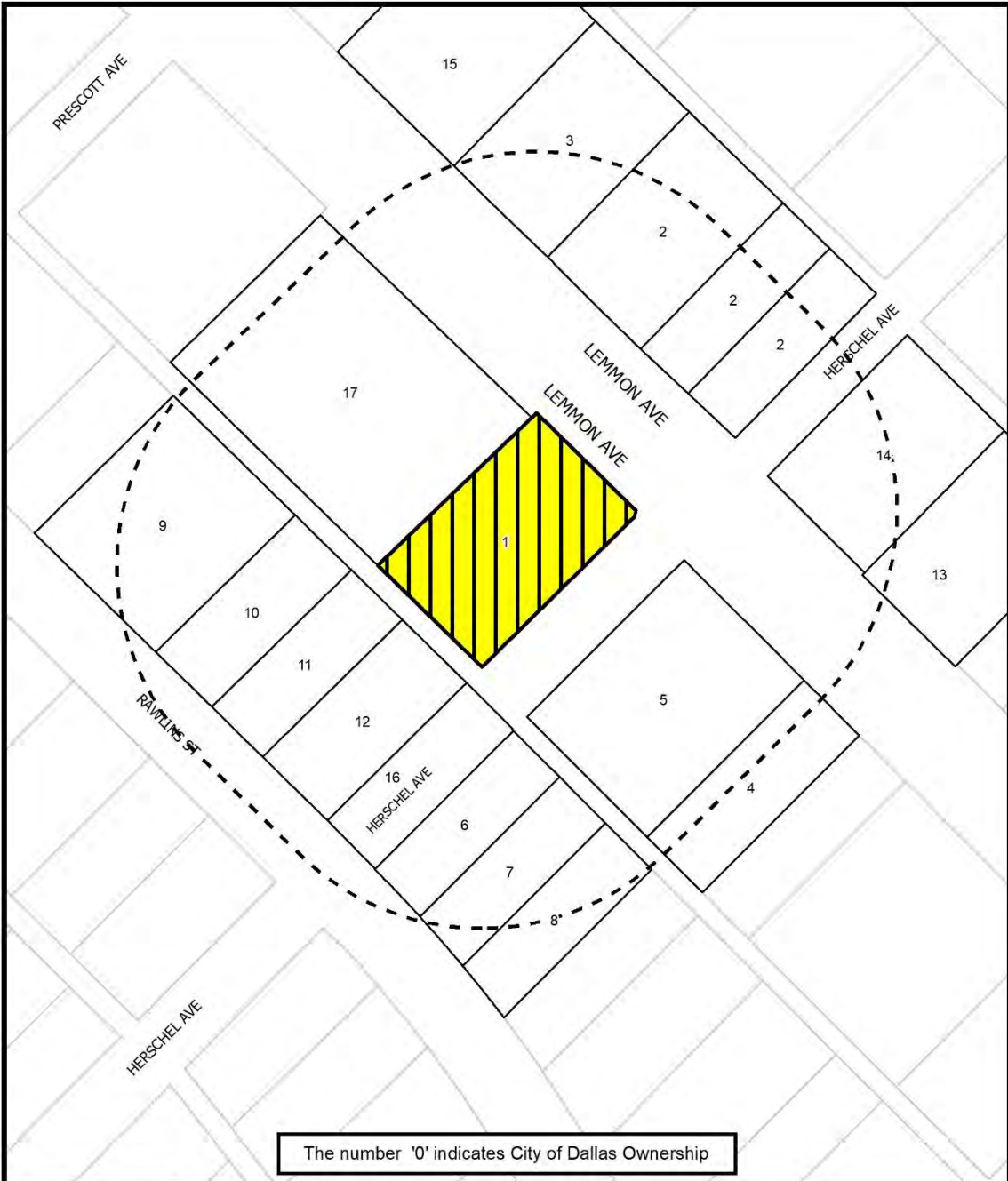


1:1,200

AERIAL MAP

Case no: BDA223-012

Date: 12/27/2022



 1:1,200	NOTIFICATION		Case no: BDA223-012
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">17</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 12/27/2022

12/19/2022

Notification List of Property Owners

BDA223-012

17 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4401 LEMMON AVE	4401 LEMMON AVENUE LLC
2	4402 LEMMON AVE	CCCP LLC
3	4416 LEMMON AVE	JRXL INC
4	4329 LEMMON AVE	4329 LEMMON AVENUE LLC
5	4341 LEMMON AVE	KELLER JON K
6	4338 RAWLINS ST	KINNEY DELANE R &
7	4334 RAWLINS ST	SINKULE DARYL JOHN LIV TR &
8	4330 RAWLINS ST	ALCOCER FERNANDO
9	4420 RAWLINS ST	DURANTE MICHAEL P
10	4412 RAWLINS ST	BAILEY REBECCA HOWARD &
11	4406 RAWLINS ST	BENSON BARRY D &
12	4402 RAWLINS ST	KING WILLIAM S &
13	4330 LEMMON AVE	CHIPOTLE MEXICAN GRILL
14	4334 LEMMON AVE	CM LEMMON I LP
15	4428 LEMMON AVE	IS TEX FAMILY PS LP
16	4340 RAWLINS ST	PERRY HTS NEIGHBORHOOD
17	4411 LEMMON AVE	PARKLANE INVESTMENTS INC



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-012

Data Relative to Subject Property:

Date: 11/9/22

Location address: 4401 Lemmon Avenue, Dallas TX 75219 Zoning District: PD 193 - GR

1, 2 and 10' of Lot 3

Lot No.: _____ Block No.: B/2054 Acreage: 0.442 Census Tract: _____

Street Frontage (in Feet): 1) 110.00 2) 175.00 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): 4401 Lemmon Avenue LLC / Charlie Curson

Applicant: 4401 Lemmon Avenue LLC Telephone: 214-801-1826

Mailing Address: 8333 Douglas Avenue, Suite 1500 Zip Code: 75225

E-mail Address: Charlie@charliecurson.com

Represented by: Aaron Hawkins Telephone: (682) 268-2200

Mailing Address: 4500 Mercantile Plaza Drive, Suite 210, Fort Worth, Texas Zip Code: 76137

E-mail Address: ahawkins@quiddity.com

Affirm that an appeal has been made for a Variance , or Special Exception , of _____
off-street parking requirement from 9 spaces (1/100 SF) be changed to
4 spaces.

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:
Salad and Go, a drive-thru restaurant without indoor dining, was deemed to have a
proposed use of a convenience store by Dallas planning. This has since been changed to
have a proposed use of a restaurant, changing the parking requirement from 4 spaces to
9 spaces.

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

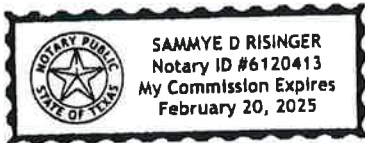
Before me the undersigned on this day personally appeared Charlie Curson
(Affiant/Applicant's name printed)

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: 4401 Lemmon Avenue LLC / Charlie Curson
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 3rd day of November, 2022

(Rev. 08-01-11)



Sammie D. Risinger
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

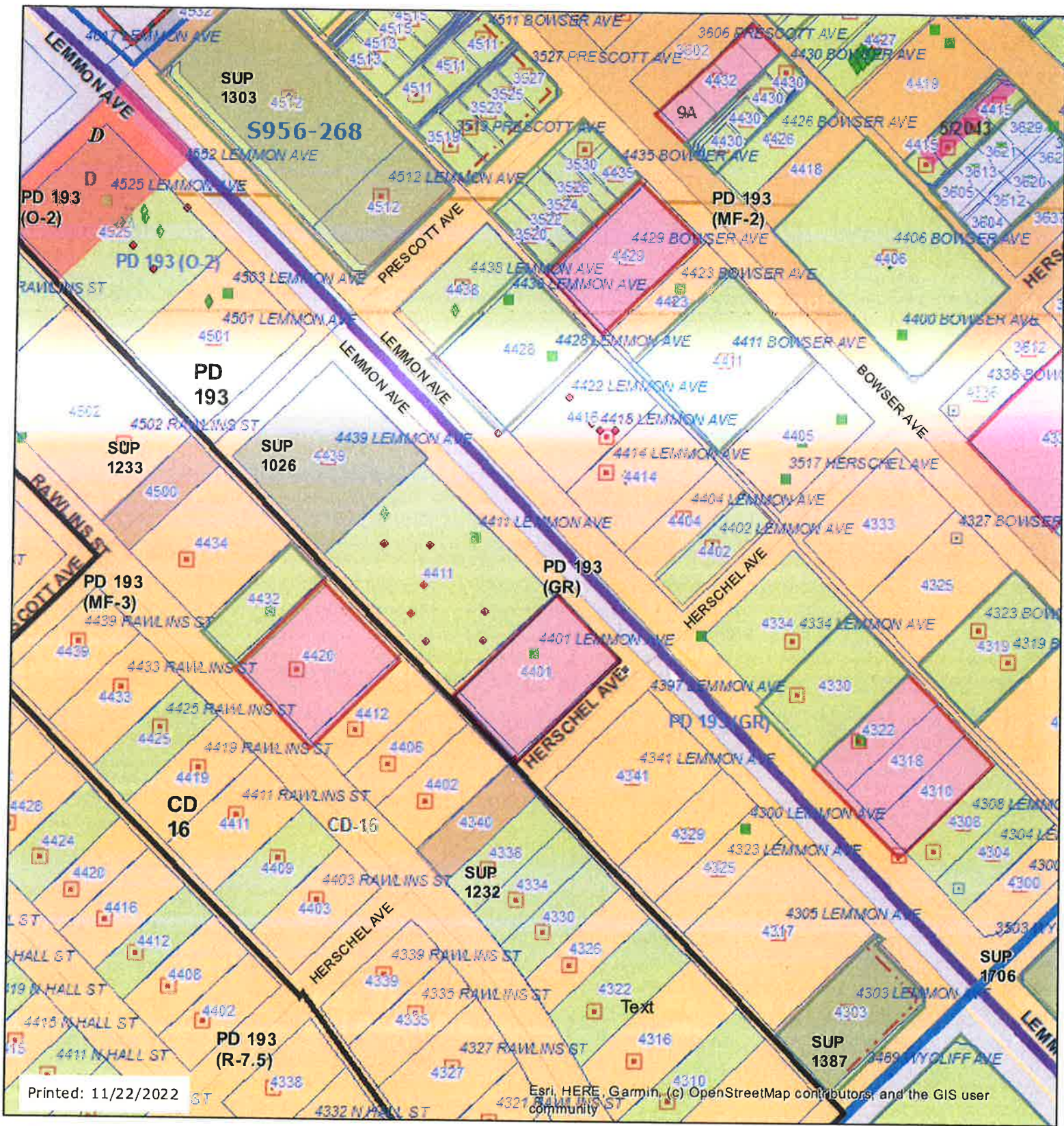
Building Official's Report

I hereby certify that 4401 LEMMON AVENUE, LLC
represented by HAWKINS AARON
did submit a request variance to the parking regulation
at 4401 LEMMON AVENUE

BDA223-012. Application of 4401 LEMMON AVENUE, LLC represented by HAWKINS AARON variance to the parking regulation at 4401 LEMMON AVE. This property is more fully described as block B/2054, Lots 1 and 2 and the southeast 10' of lot 3, and is zoned PD-193 (GR), which requires parking to be provided. The applicant proposes to construct a nonresidential structure for a restaurant with drive-in or drive-through service use and provide 4 of the required 9 parking spaces, which will require a 5 space variance (55% reduction) to the parking regulation

Sincerely,


David Session, Building Official



Printed: 11/22/2022

Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

- City Limits
- Dallas Tax Parcels
- Census Tracts
- Council District
- Base Zoning
- PD 193 Oaklawn
- SUP
- Dry Overlay
- Override 1
- Main Address
- Account
- Building
- Plat Parcel
- Tax Parcel
- Sub-Address
- Account
- Cell Tower
- Sute
- Platted Lines
- Setbacks
- Easements
- Other
- Shared Access
- Sidewalk
- Water
- Addition Boundaries
- Preliminary
- Final
- Historic Plat Parcels
- Historic
- Plat Parcels
- Preliminary
- Final
- Platted Block
- Final
- Public Right of Way
- Four Year Old BDA Cases
- Previous Year Plat Cases
- Three Year Old Plat Cases

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)



dpm/?parcelid=00000197443000000

Map

Name

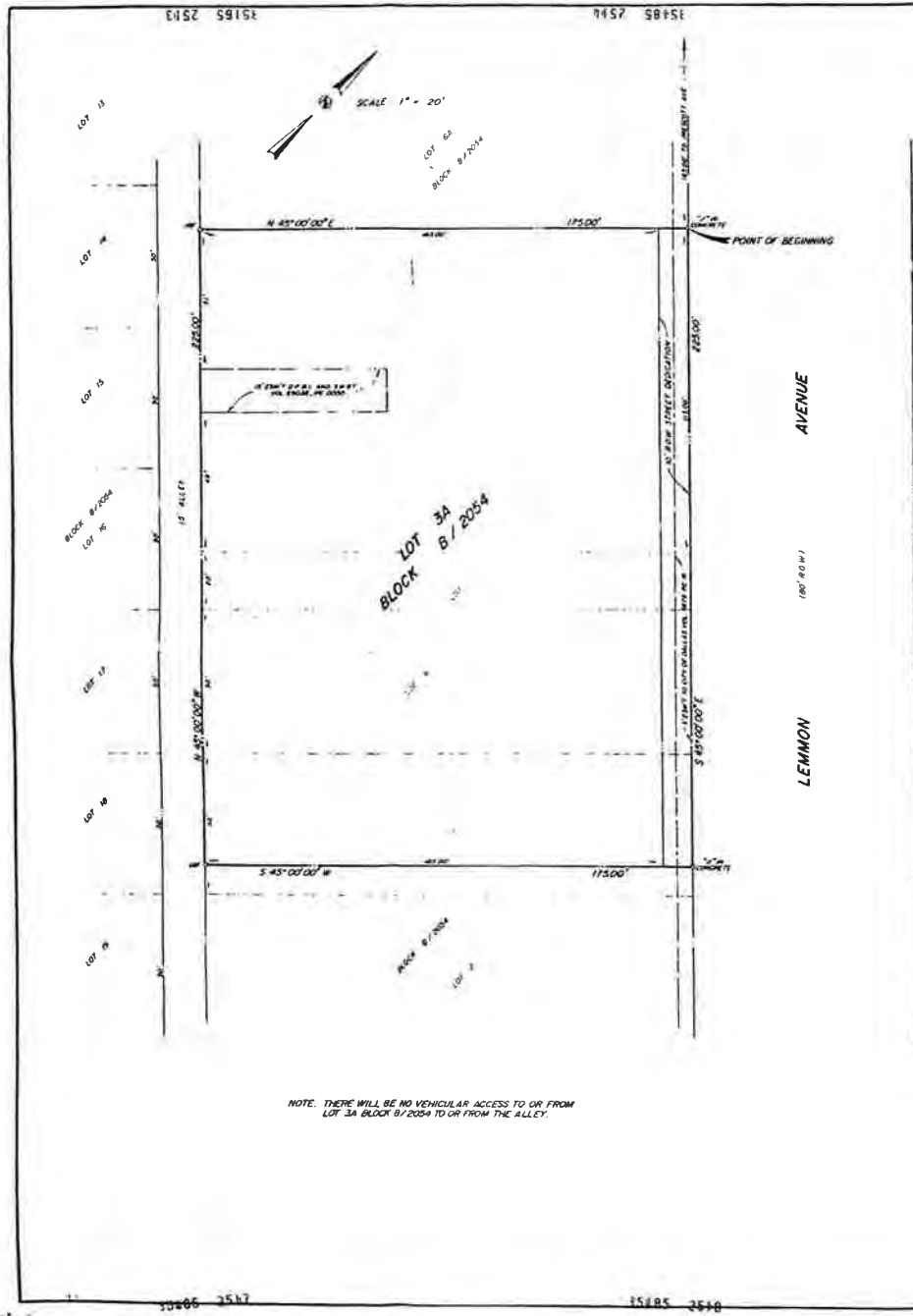


UE LLC
Y STE 203

ction



15185 2518



NOTE: THERE WILL BE NO VEHICULAR ACCESS TO OR FROM LOT 3A BLOCK B/2054 TO OR FROM THE ALLEY.



VICINITY MAP

OWNER'S CERTIFICATE

STATE OF TEXAS ()
 COUNTY OF DALLAS ()

WHEREAS, BOWSER HOLDING LTD, the owner of a tract of land situated in the William Grigsby Survey, Abstract No. 501 and being part of Lot 3 and 5 and all of Lot 4, Block B/2054 of the Perry Heights Addition, as recorded in Volume 2, Page 257, Map Records, Dallas County, Texas and all of Lot 5, Block B/2054 of Common/Prescott Subdivision, a re-subdivision of part of Lot 5, all of Lots 8, 7, 6, 5, and 4B as recorded in Volume 1170, Page 0022, Map Records, Dallas County, Texas and being more particularly described as follows:

DECLINING at an "X" set for corner, said "X" being S 45°00'00" E, a distance of 185.00 feet from the Southeastery right-of-way line of Prescott Avenue (a 50' R.O.W.) and the Southeastery line of Lemmon Avenue (a 80' R.O.W.);

THENCE S 45°00'00" E along the Southeastery line of Lemmon Avenue and the Northeastery line of Lot 4, a distance of 225.00 feet to an "X" set for corner at the Southeast corner of said herein described tract;

THENCE S 45°00'00" W departing said Southeastery line of Lemmon Avenue and parallel to the Northeastery line of Lot 2, a distance of 175.00 feet to an iron rod found for corner in the Northeastery line of a 15' alley;

THENCE N 45°00'00" W along the Northeastery line of said 15' alley and the Southeastery line of Lot 3, 4, 1 and 5B, a distance of 225.00 feet to an iron stake found for corner, said stake not being the northeast corner of Lot 5A and the herein described tract;

THENCE N 45°00'00" E along the Northeastery line of Lot 5A, a distance of 175.00 feet to the POINT OF BEGINNING and containing 19,375 square feet or 0.9039 acres of land, more or less.

AND, THEREFORE, EACH OF THEM BY THESE PRESENTS, THAT BOWSER HOLDING LTD, does hereby advise this plan depicting the herein described property as being, more particularly described as follows: Lot 3, Block B/2054 Common/Prescott Subdivision, and a portion of Lot 5, Block B/2054 Common/Prescott Subdivision, and a portion of Lot 4, Block B/2054 Common/Prescott Subdivision, in the City of Dallas, Texas, and its hereby declared, in full public use for the public use for the purposes as indicated. The utility and fire line easements shall be shown to the public fire and police units, garbage and rubbish collection agencies, and all public and private utilities for each particular use. The maintenance of being in the utility and fire line easements is the responsibility of the property owner. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed, reconstructed or placed upon or across the easements as shown. Said easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use the same, and any public utility shall have the right to remove and have replaced all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective system on the easements, and all public utilities shall at all times have the full right of ingress and egress to or from and upon the said easements for the purpose of erecting, reconstructing, inspecting, maintaining and adding to or removing all or parts of its respective systems within the easements as any form of providing the permission of anyone. No public utility shall have the right of ingress and egress to private property for the purpose of locating network and any maintenance and service required or necessarily performed by that utility.

Said main and sanitary sewer easements shall also include additional area of working space for construction and maintenance of the system. Additional easement area is to be reserved for construction and maintenance of water lines, storm, fire or drainage water services and sewer services from the main to the lots or easements. The use and disposition of such easements herein is subject to the requirements of the City of Dallas, Texas.

This plat approved subject to all planning ordinances, rules, regulations and conditions of the City of Dallas, Texas. It shall be constructed by the person named herein as required by Title 25, Chapter 101, Section 101.02 (1) and in compliance with the requirements of the City of Dallas, Texas.

IN WITNESS WHEREOF, I, the undersigned authority, have hereunto set my hand and seal of office, this 15th day of September, 1985.

WILLIAM C. SULLIVAN
 COUNTY CLERK
 COUNTY OF DALLAS, TEXAS

STATE OF CALIFORNIA ()
 COUNTY OF LOS ANGELES ()

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN under my hand and seal of office, this 15th day of September, 1985.



WILLIAM C. SULLIVAN
 COUNTY CLERK
 COUNTY OF DALLAS, TEXAS

SUBMITTER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, THAT I, JOHN B. PIBURN, JR., do hereby certify that I prepared this plat from an actual and accurate survey of land and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the existing rules and regulations of the City Plan Commission of the City of Dallas.



STATE OF TEXAS ()
 COUNTY OF DALLAS ()

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State on this day personally appeared John B. Piburn, Jr., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN under my hand and seal of office, this 15th day of September, 1985.



WILLIAM C. SULLIVAN
 Notary Public in and for the State of Texas

**REPLAT
 LEMMON / PRESCOTT SUBDIVISION**

A REPLAT OF
 PART OF LOTS 3 & 5 AND ALL OF LOT 4, BLK B/2054
 PERRY HEIGHTS ADDITION

AND A REPLAT OF
 LOT 5A, BLOCK B / 2054
 LEMMON / PRESCOTT SUBDIVISION

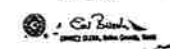
IN THE
 WILLIAM GRIGSBY SURVEY, ABSTRACT 501, BLOCK B/2054
 CITY OF DALLAS
 DALLAS COUNTY, TEXAS

OWNER: BOWSER HOLDING LTD, 504 WESTWOOD BLVD, SUITE 615, LOS ANGELES, CALIFORNIA 90024, (213) 475-7506
 ENGINEER: JACK R. DAVIS & ASSOCIATES, 3535 TRAVIS STREET, SUITE 100, DALLAS, TEXAS 75204, (214) 522-9540

CITY FILE NO. 5-842-539 VOL PG DATE

STATE OF TEXAS COUNTY OF DALLAS
I, the undersigned, Clerk of the County of Dallas, Texas, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears on file in the office of the County Clerk of Dallas County, Texas, at Dallas, Texas, this 20th day of September, 1955.

SEP 20 1955



CERTIFICATE OF APPROVAL

DOM V. AVERITT
Chairman of the City Plan Commission of the City of Dallas, State of Texas, hereby certifies that the attached plan was duly filed for approval with the City Plan Commission of the City of Dallas on the 20th day of September, A. D. 1955, and same was duly approved on the 13th day of September, A. D. 1955, by said Commission.
Dom V. Averitt
Chairman
City Plan Commission
Dallas, Texas

Attest:
[Signature]

1955
SEP 20 11:05
COUNTY CLERK
DALLAS COUNTY, TEXAS

BENCHMARK
ALL ELEVATIONS AND BEARINGS SHOWN HEREON ARE BASED ON GPS OBSERVATIONS UTILIZING THE ALLTERA RTK NETWORK. NAVD (88) DATUM, (GEOID 12A)

TBM A
BEING AN "X" CUT ON TOP OF THE CONCRETE ON THE NORTHERN CORNER OF THE PROPERTY, APPROXIMATELY 2.7 FEET WEST AND 2 FEET SOUTH OF THE NORTH CORNER OF THE SUBJECT TRACT.
ELEVATION 486.9 FEET, NAVD 88 (2011 ADJUSTMENT) (N:6984730.2 & E:2486725.4).

TBM B
BEING AN "X" CUT ON TOP OF CURB LOCATED ON THE SOUTH SIDE OF HERSCHEL AVENUE, APPROXIMATELY 36 FEET SOUTH AND 20 FEET EAST OF THE WESTERN CORNER OF THE SUBJECT TRACT.
ELEVATION 486.1 FEET, NAVD 88 (2011 ADJUSTMENT) (N:6984618.5 & E:2486825.9).

100-YEAR FLOOD PLAIN
ACCORDING TO MAP NO. 48113C0330J OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAPS FOR DALLAS COUNTY DATED AUGUST 23, 2001, THE SUBJECT TRACT IS SITUATED WITHIN: UNSHADED ZONE "X"; DEFINED AS AREA OF MINIMAL FLOOD HAZARD.

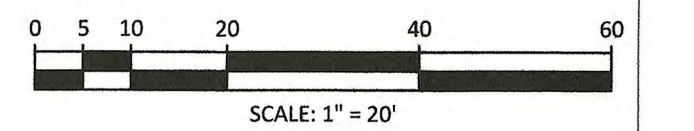
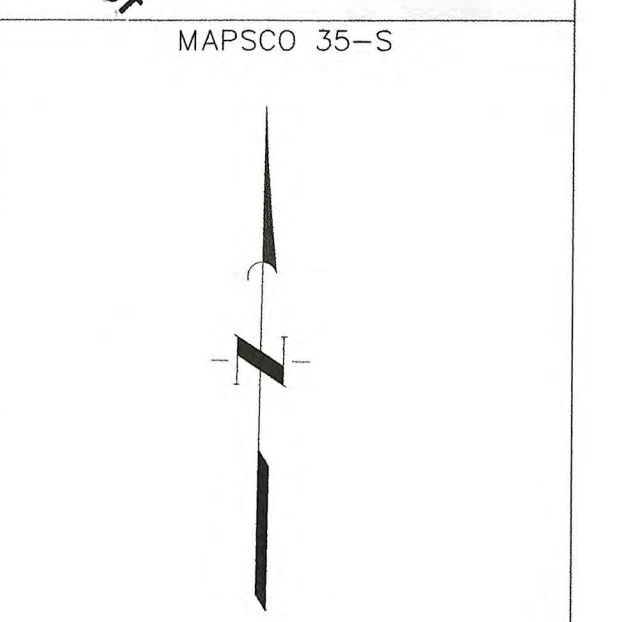
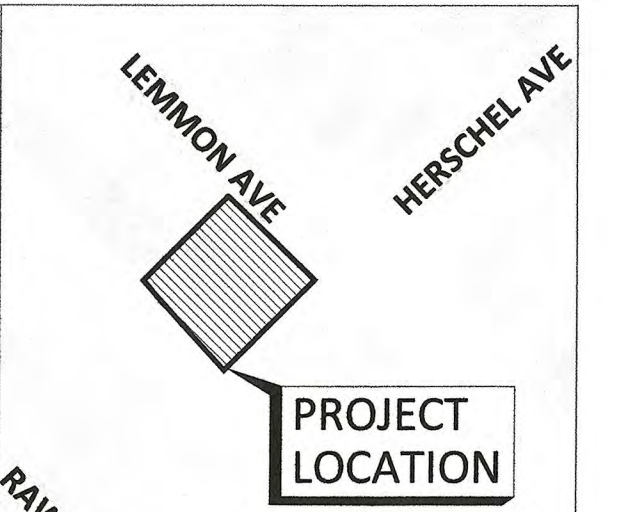
!!!WARNING!!!
EXISTING OVERHEAD/UNDERGROUND TELEPHONE, ELECTRIC AND UNDERGROUND GAS AND FIBER OPTIC UTILITIES IN THE AREA. CONTACT UTILITY COMPANIES 48 HOURS PRIOR TO CONSTRUCTION AT 1-800-DIG-TESS.

DIG-TESS 1-800-DIG-TESS
ATMOS ENERGY 1-866-322-8667
ONCOR ELECTRIC 1-888-313-4747
AT&T 1-800-331-0500
SPECTRUM 1-855-757-7328
VERIZON 1-800-837-4866

TEXAS ONE CALL 1-800-245-4545
48 HOURS PRIOR TO CONSTRUCTION

THIS SPACE RESERVED - BLDG INSPECTOR

THIS SPACE RESERVED - ENGINEERING



LEGEND

- PROPERTY LINE
- EXISTING SIDEWALK
- EXISTING CONCRETE PAVEMENT
- EXISTING ASPHALT PAVEMENT
- PROPOSED 7" REINFORCED CONCRETE
- PROPOSED 6" REINFORCED CONCRETE
- PROPOSED 5" REINFORCED CONCRETE
- PROPOSED LANDSCAPING / GREEN SPACE
- PROPOSED 4" REINFORCED CONCRETE SIDEWALK

ZONING	PD 193 - GR - GENERAL RETAIL
LOT AREA	19250.00 SF / 0.442 ACRES
BUILDING AREA	820.00 SF / 0.019 ACRES
EXISTING USE	LOAN OFFICE
PROPOSED USE	DRIVE-THRU RESTAURANT
OFF-STREET PARKING REQUIRED	9 SPACES
OFF-STREET PARKING PROVIDED	4 SPACES
OFF-STREET LOADING SPACE REQUIRED	NONE
OFF-STREET LOADING SPACE PROVIDED	NONE
ADA PARKING REQUIRED	1 SPACE
ADA PARKING PROVIDED	1 SPACE
STACKING/QUEUEING REQUIRED	6 SPACES
STACKING/QUEUEING PROVIDED	16 SPACES
BICYCLE PARKING REQUIRED	2 SPACES
BICYCLE PARKING PROVIDED	2 SPACES

- NOTES**
- ALL SAWCUT, REMOVED AND REPLACED EXISTING PAVEMENT SHALL BE COMPLETED ACCORDING TO THE PAVEMENT CUT AND REPAIR STANDARDS MANUAL BY THE CITY OF DALLAS DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION DATED OCTOBER 2003.
 - PAVEMENT CUT AND REPAIR TYPICAL CROSS-SECTIONS SHOULD MATCH THE APPROPRIATE CROSS-SECTIONS IN THE PAVEMENT CUT AND REPAIR STANDARDS MANUAL PART 1 SECTION VI-C.
 - 72 HOURS PRIOR TO BEGINNING THE CONSTRUCTION OF SIDEWALK/BFR WHICH COULD IMPACT TRAFFIC SIGNAL EQUIPMENT, UNDERGROUND CONDUITS OR TRAFFIC SIGNAL LOOPS, THE CONTRACTOR SHALL CONTACT ALFRED LEMON (214-670-4812) WITH THE CITY OF DALLAS TRAFFIC SIGNAL OPERATION DIVISION. CONTRACTOR SHALL PRESERVE AND PROTECT ALL EXISTING SIGNAL CONDUIT AND TRAFFIC SIGNAL LOOP DETECTOR WIRING TO THE EXTENT POSSIBLE.

INTERIM REVIEW
Not intended for construction, bidding or permit purposes.

Engineer: RYAN J. ALCALA, P.E.
P.E. Serial No.: 137823
Date: NOVEMBER 2022

OWNER/DEVELOPER: SALAD AND GO, MATTHEW COPENHAVER
743 N GILBERT RD, GILBERT, AZ 85234; 410-371-1563

REVISIONS

REV NO.	DATE	DESCRIPTION	BY



PLAT NO.	BLDG PERMIT NO.	DEV ENGINEERING TRACKING NOS.
S212-167	2206-151063	WW22-047 DP22-007

DEVELOPMENT IMPACT PLAN

SALAD AND GO
LEMMON AVENUE AND HERSCHEL AVENUE

DEVELOPMENT SERVICES

CITY OF DALLAS, DALLAS COUNTY, TEXAS

REVIEW BY:	DRAWN BY:	DATE	FILE	NUMBER	SHEET
RJA	ACH	OCTOBER 4, 2022			

CONTRACTOR TO VERIFY ELEVATION AND LOCATION OF ALL EXISTING UTILITIES PRIOR TO COMMENCEMENT OF ANY NEW CONSTRUCTION

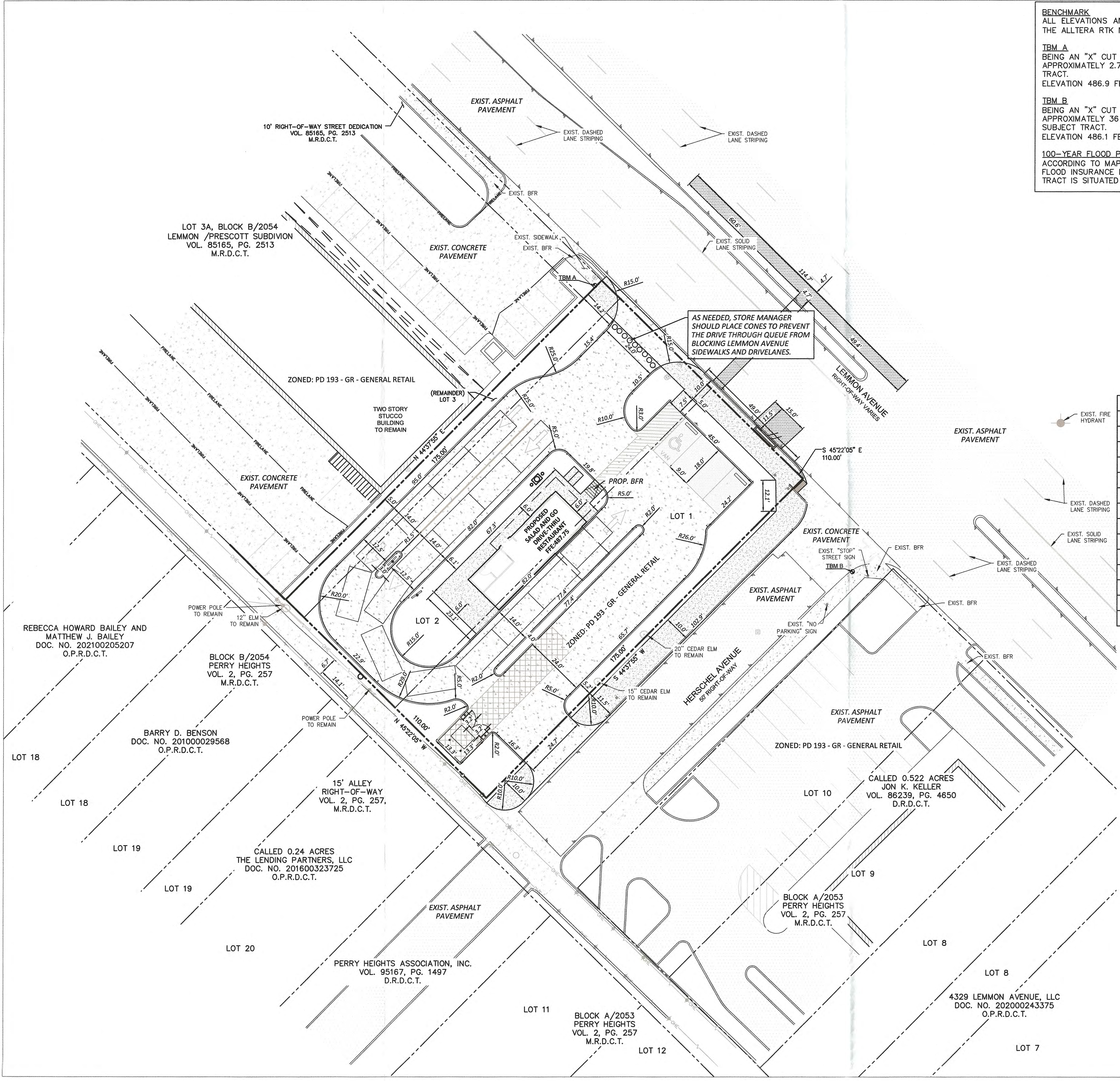
TEXAS811 NOTIFICATION SYSTEM
CALL BEFORE YOU DIG!!!
www.texas811.org
Texas811 or 1-800-545-6005

CAUTION: OVERHEAD ELECTRIC

CONTRACTOR SHALL EXERCISE CAUTION DURING EXCAVATION, CONSTRUCTION AND ALL ACTIVITIES ON SITE AND STAY AWAY FROM ALL OVERHEAD POWER. CONTRACTOR SHALL COMPLY WITH ALL LOCAL, STATE AND FEDERAL REQUIREMENTS DEALING WITH CLEARANCES AND CONSTRUCTION ACTIVITIES.

CONTRACT INFORMATION

CONTRACT NO. _____ DATE _____
CONTRACTOR _____





4500 Mercantile Plaza Drive, Suite 210
 Fort Worth, Texas 76137
 Tel: 682.268.2200
 www.quiddity.com

December 21, 2022

City of Dallas

Re: **Salad and Go – Lemmon and Herschel**

To Whom it May Concern:

On behalf of our client, Salad and Go, we are requesting a Specific Use Permit as part of our submittal of Salad and Go – Dallas – Lemmon and Herschel located at 4401 Lemmon Avenue. As a supporting document we have been asked for an assessment of other uses in our same zoning of PD-193. The table below shows that the proposed Salad and Go Lot is smaller than other lots that utilize similar uses with drive-throughs.

No.	Address	Use	DCAD	
			Building Size (SF)	Lot Size (SF)
Proposed	4401 Lemmon Avenue	Salad and Go	820.00	18,700.00
1	4341 Lemmon Avenue	Taco Bell	2,000.00	22,100.00
2	4439 Lemmon Avenue	McDonald's	3,412.00	28,050.00
3	5500 Lemmon Avenue	Whataburger	2,732.00	24,895.00
4	4018 Lemmon Avenue	Wendy's	2,712.00	34,875.00
5	3923 Lemmon Avenue	Taco Cabana	2,560.00	24,666.00
6	3602 Inwood Road	Braum's	5,742.00	43,329.00
7	4151 N Central Expy	McDonald's	5,218.00	80,102.00
8	4232 Lemmon Avenue	Wells Fargo	2,768.00	23,318.00
9	4208 Lemmon Avenue	Vacant Chase	3,632.00	30,100.00
10	4512 Lemmon Avenue	Chase Bank	2,842.00	32,975.00

We look forward to working with the City of Dallas to develop this project. Please let me know if you have any questions or concerns regarding this request.

Sincerely,

A handwritten signature in blue ink that reads "Aaron Hawkins".

Aaron Hawkins, EIT



November 2, 2022

City of Dallas

Re: **Salad and Go – Lemmon and Herschel**

To Whom it May Concern:

On behalf of our client, Salad and Go, we are requesting a variance as part of our submittal of Salad and Go – Dallas – Lemmon and Herschel located at 4401 Lemmon Avenue. The proposed development will consist of an approximately 820 square foot building on a 0.442 acre lot. This parcel is zoned PD 193 – GR and was previously developed with a loan office. The parcel is to remain zoned PD 193 – GR with a restaurant with drive-thru usage. In this PD, an SUP is required for a restaurant with drive-thru.

Salad and Go is a healthy, and affordable food option. The product is a small drive-thru with no dine in area. They focus on serving made to order salads, wraps, breakfast burritos, soups, cold brew coffee, tea, and juices. The operation of this development includes delivery of fresh ingredients by small box trucks every morning outside of regular business hours. Salad and Go operates within a maximum of nineteen employees with four to six working at any given time. Salads and wraps average around \$6.25, while their breakfast burritos average \$3.99, with \$1.25 drinks.

Variance Requests:

Request A: Parking Reduction

We are requesting a Parking Variance to reduce the required 9 spaces at 1/100 sf to 4 spaces at 1/205 sf.

Since there is no onsite dining, we believe the site to be sufficient with the 4 provided spaces. To help mitigate for the parking reduction, we plan to provide additional bicycle racks on top of the required one rack. Additionally, there is a DART bus stop along our frontage that can be utilized.

We originally showed 4 spaces for the development based on the incorrect information given to us by the City saying we should be a “retail convenience store” at 1/220 sf. We understand that mistakes can be made and that is why we are now going forward with the SUP and Board of Adjustments submittals to make sure we have all appropriate approvals.

We look forward to working with the City of Dallas to develop this project. Please let me know if you have any questions or concerns regarding this request.

Sincerely,

A handwritten signature in blue ink that reads "Aaron Hawkins".

Aaron Hawkins, EIT

No.	Address	Use	DCAD	
			Building Size (SF)	Lot Size (SF)
Proposed	4401 Lemmon Avenue	Salad and Go	820.00	18,700.00
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10	4512 Lemmon Avenue	Chase Bank	2,842.00	32,975.00

REVIEW COMMENT SHEET BOARD
OF ADJUSTMENT HEARING
January 18, 2023 (B)

Has no objections

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

Recommends that this be denied
(see comments below or attached)

No comments

BDA 223-004(OA)

BDA 223-005(OA)

BDA 223-007(OA)

BDA 223-009(OA)

BDA 223-010(OA)

BDA 223-011(OA)

BDA 223-012(OA)

COMMENTS:

**Application should include empirical
data showing maximum queues
during typical peak hours at other
existing facilities of same tenant or
similar characteristics and DIR plan,
which is required at permitting.**

David Nevarez, P.E., Engineering

12/27/2022

Name/Title/Department

Date

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

FILE NUMBER: BDA223-011(OA)

BUILDING OFFICIAL'S REPORT: Application of Saul Mejia for a special exception to the fence standards regulations at 10227 Gaywood Road. This property is more fully described as Block E/5517, Lot 11A 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 a 9 foot high fence in a required front yard, which will require a 5 foot special exception to the fence standards regulations.

LOCATION: 10227 Gaywood Road

APPLICANT: Saul Mejia

REQUEST:

A request a special exception to the fence standards regulations of 5' is made to maintain a 5' 6" high wrought iron fence, a 5' high chain link fence and two, 9' high metal gates in the required front yard on a site developed with a single-family home.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS REGULATIONS:

Section 51A-4.602 of the Dallas Development Code states that the board may grant a special exception to the fence 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 is being developed with a single-family home. The areas to the north, east, south, and west are developed with single-family uses.

Zoning/BDA History:

There have been six related board cases in the vicinity within the last five years.

1. BDA223-006: On January 17, 2023, The Board of Adjustment Panel A will hear a request for a special exception to the fence height regulations at 10240 Gaywood Road, the property to the south of the subject site.
2. BDA212-113: On December 12, 2022, Panel C granted a request for an 8' special exception to the fence height regulations at 10203 Hollow Way Road.
3. BDA212-082: On September 19, 2022, Panel C denied without prejudice an eight-foot special exception to the fence height regulations at 10203 Hollow Way Road.
4. BDA212-022: On April 20, 2022, Panel B granted a special exception to the height requirement for fences a special exception to the surface area openness requirement subject to compliance with the submitted site plan, and elevation is required at 10007 Hollow Way Rd.
5. BDA212-033: On April 20, 2022, Panel B granted a special exception to the height requirement for fences a special exception to the surface area openness requirement subject to compliance with the submitted site plan, and elevation is required at 10007 Hollow Way Rd.
6. BDA212-089: On October 20, 2021, Panel B, Board of Adjustment granted a request for a special exception to the fence regulations, a special exception to the fence standards regulations, and two special exceptions to the visual obstruction regulations at 9646 Douglas Avenue.

GENERAL FACTS/STAFF ANALYSIS:

The request for a special exception to the fence standards regulations of 5' focuses on maintaining a 5' 6" high wrought iron fence, a 5' high chain link fence and two, 9' high metal gates in the required front yard on a site developed with a single-family home.

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 where a 40-foot front yard setback is required. However, this property must comply with a 50' front yard setback established by the recorded plat.

The proposed fence is to be in this required front yard. The following additional information was gleaned from the submitted site plan:

- The proposed fence is approximately 183 feet in length parallel to Gaywood Road and runs parallel to the front property line. Also, the fence extends 50 feet on the east side of the property and approximately 40 feet on the east side perpendicular to Gaywood Road.
- The distance between the proposed fence and the pavement line is between 6'3" and 7'.

Staff conducted a field visit of the site and surrounding area (approximately 400 feet north, south, east, and west of the subject site) and noticed other fences that appear to be above four feet in height and are in front yard setback.

As of January 6, 2023, one letter has been received in opposition or no letters in support of this request.

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

Granting this special exception with a condition imposed that the applicant complies with the submitted site plan/elevation would require the proposal exceeding four feet in the front yard setback to be constructed in the location and heights as shown on these documents.

Timeline:

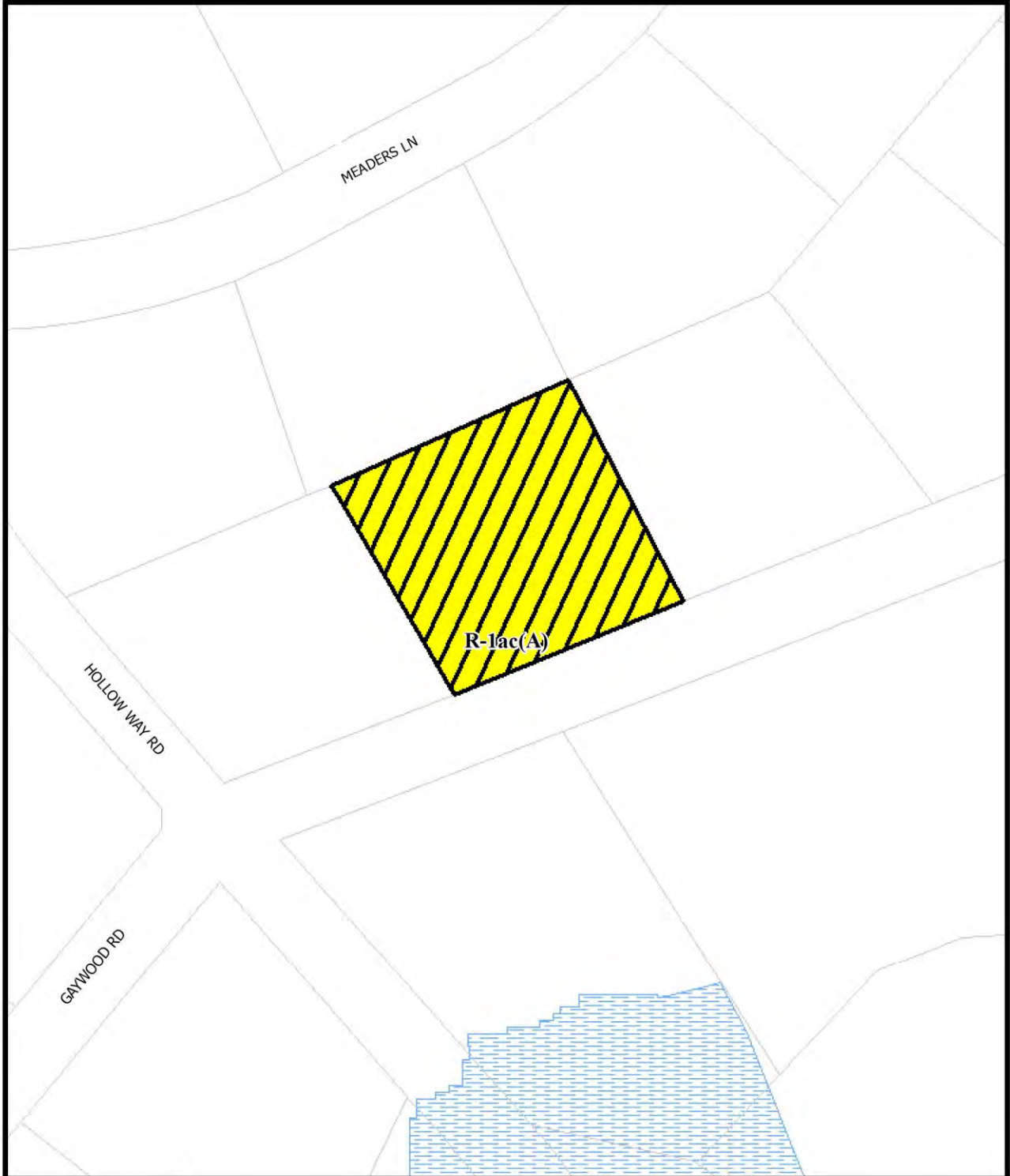
November 4, 2022: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

December 8, 2022: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel B.

December 14, 2022: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the December 23, 2022, deadline to submit additional evidence for staff to factor into their analysis; and January 6, 2023, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

December 27, 2022: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Development Services Chief Planner, the Assistant City Attorney to the Board, and the Senior Planner.



1:1,200

ZONING MAP

Case no: BDA223-011

Date: 12/27/2022

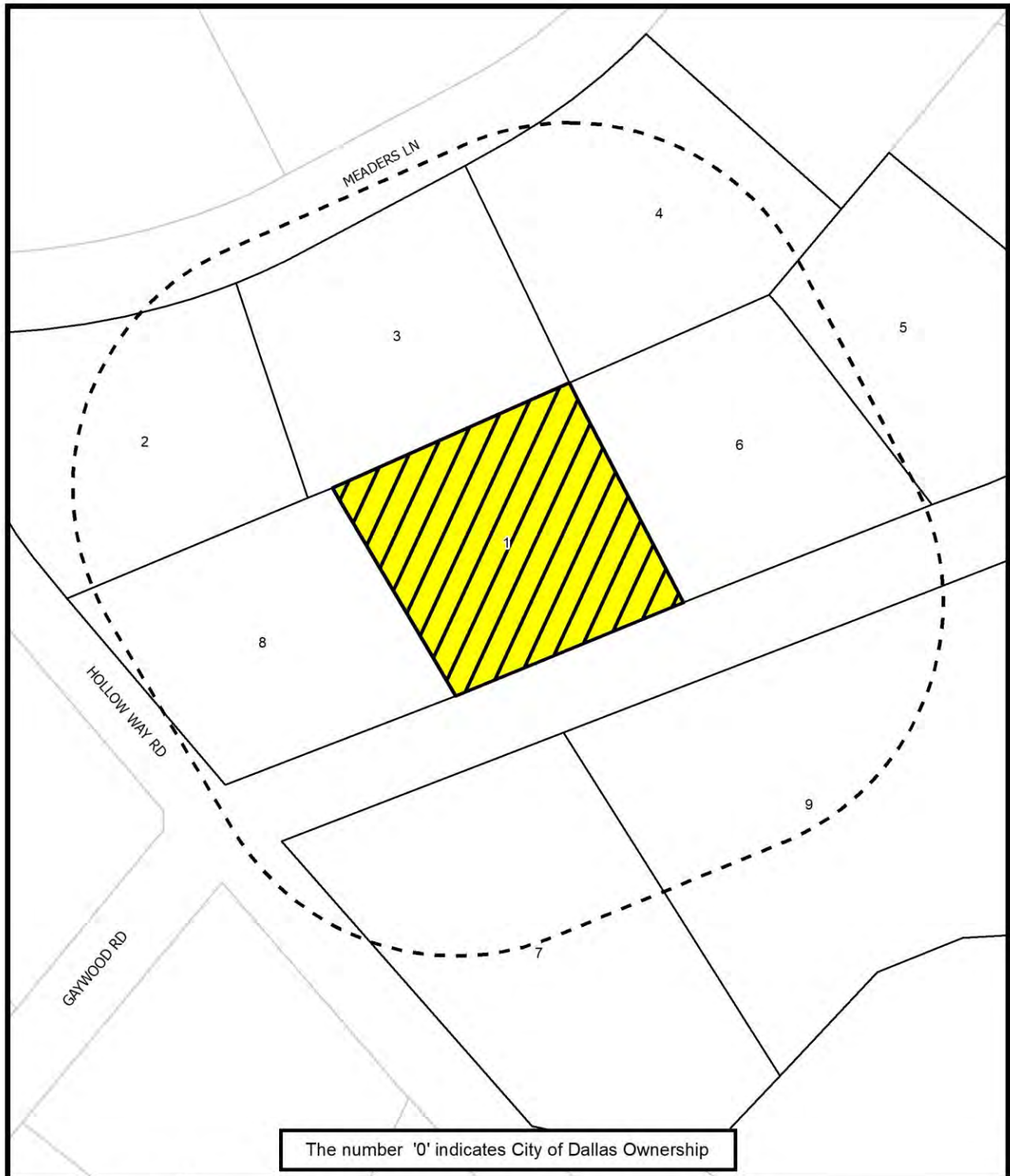


1:1,200

AERIAL MAP

Case no: BDA223-011

Date: 12/27/2022



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

9

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA223-011**

Date: **12/27/2022**

12/19/2022

Notification List of Property Owners

BDA223-011

9 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	10227 GAYWOOD RD	LOTUS TRUST
2	5310 MEADERS LN	DESROCHES PASCAL &
3	5330 MEADERS LN	HRUBETZ ALBERT
4	5338 MEADERS LN	BRODER MICHAEL K &
5	10257 GAYWOOD RD	J & K REAL ESTATE INVESTMENTS
6	10243 GAYWOOD RD	HARTNETT JAY D & DEBORAH G
7	10210 GAYWOOD RD	SMALL JUSTIN & NICOLE
8	10270 HOLLOW WAY RD	DEVEREUX PAUL H & SHARON
9	10240 GAYWOOD RD	AMMAMMA LEGACY TRUST THE



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-011

Data Relative to Subject Property:

Date: 11/4/22

Location address: 10227 Gaywood Rd, Dallas, TX 75229 Zoning District: R-1AC(A)

Lot No.: 11A Block No.: E/5517 Acreage: 0.83 Census Tract: 007605

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): EYAL DAVID GABBAY and MAYA GABBAY, Trustees of the LOTUS TRUST

Applicant: Saul Mejia Telephone: (972) 704-4480

Mailing Address: 2500 E Park Blvd v5, Plano TX Zip Code: 75074

E-mail Address: saul_logic@yahoo.com

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 Material of the gates and height of the fence and gates of the 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:

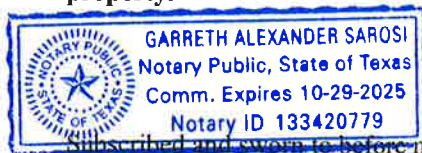
The front yard was designed with a chain link fence 5' high and two 9' high expensive ornamental metal gates, so it is uniform regarding the neighborhood since the surrounding constructions were the inspiration to choose these materials and dimensions. Consequently, we strongly believe the front yard provides the security that the home needs while its design remains in harmony with the district.

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 Saul Mejia
(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 3 day of November 2022

[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 Saul Mejia

did submit a request for a special exception to the fence height regulations
at 10227 GAYWOOD ROAD

BDA223-011. Application of Saul Mejia for a special exception to the fence height regulations at 10227 GAYWOOD RD. This property is more fully described as Block E/5517, Lot 11A 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 a 5 foot 6 inch high fence and two 9-foot gates in a required front yard, which will require a 5 foot special exception to the fence regulations.

Sincerely,


David Session, Building Official



Printed: 11/22/2022

Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

- | | | | |
|---|---|---|---|
| <ul style="list-style-type: none"> City Limits Dallas Tax Parcels | <ul style="list-style-type: none"> Sub-Address Suite Utility Floodplain Override 1 Override 2 Census Tracts Council District Base Zoning Main Address Account Building Tax Parcel | <ul style="list-style-type: none"> Additional Boundaries Preliminary Final Historic Plat Parcels Historic Plat Parcels Preliminary Final Platted Block Public Right of Way Current Year BDA Cases Previous Year BDA Cases Four Year Old BDA Cases | <ul style="list-style-type: none"> Five Year Old BDA Cases Previous Year Plat Cases Three Year Old Plat Cases Four Year Old Plat Cases Five Year Old Plat Cases Streets Zoning Grid City Limits Floodplain 0.2 Pct Annual Flood Hazard 1 Pct Annual Chance Flood Hazard Certified Parcels Base Zoning |
|---|---|---|---|

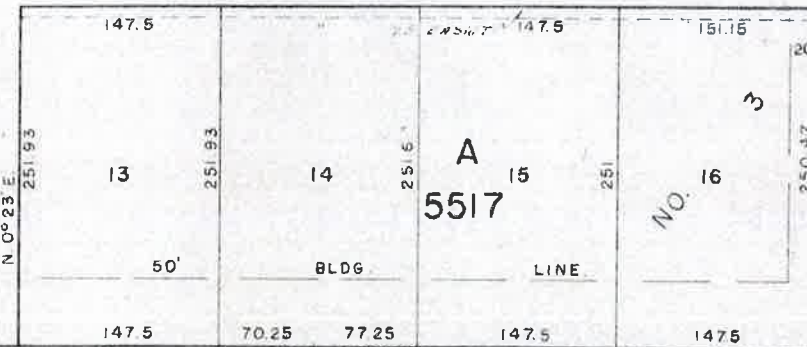
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering,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



NO. 2 RECORDED 2-11-53
NO. 3 RECORDED 8-29-55

LOBELLO ESTATES E 5518

MAYFLOWER ESTATES A NO. 2 5517



NETHERLAND DR. MEADERS LANE ADDN. 5511

KELSEY RD. 60 MEADERS LANE

MAYFLOWER 5517

B 5517

MEADERS 5517

E 5517

MAYFLOWER 5517

ROAD DRIVE



SHADYWOOD 5514

EST. 5517

JAMES MEADERS

ESTATES D 5517

HOLLOWAY NO. 1

GAYWOOD 5517

GAYWOOD RD. 5517



ABST. 523 G. NEWTON SUR. ABST. 1091

NOTE:
A.E. = 4 X 30 ANCHOR EASEMENT.



10227 Gaywood Rd, Dallas, TX 75229



10227 Gaywood Rd, Dallas, TX 75229



BDA 201-089

9646 Douglas Ave, Dallas, TX 75225



BDA 090-04U

5806 Watson Ave, Dallas, TX 75225



8726 Douglas Avenue, Dallas, Texas
8787 Jordan Wy.



5320 Royal Ln, Dallas, TX 75229



10348 Strait Ln, Dallas, TX 75229



BDA 078-114

10331 Strait Ln, Dallas, TX 75229



10106 Inwood Rd, Dallas, TX 75229



9245 Hollow Way Rd, Dallas, TX 75220



4641 Royal Ln, Dallas, TX 75229

LOT 1
BLOCK E/5517

LOT 2
BLOCK E/5517

LOT 3
BLOCK E/5517

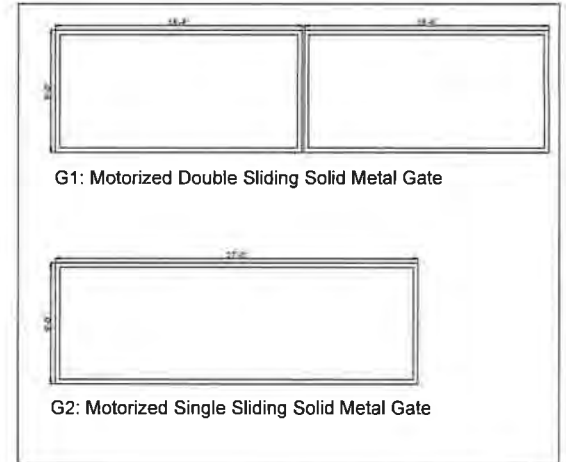
198'-7"

LOT 12
BLOCK E/5517

LOT 10
BLOCK E/5517

15' EASEMENT
VOL. 28 PG. 71
M.R.D.C.T.

GATES SPECIFICATIONS



G1: Motorized Double Sliding Solid Metal Gate

G2: Motorized Single Sliding Solid Metal Gate

186'-2"

190'-6"

LOT 11A
36,289 SQ. FT.
0.83 ACRE

TWO STORY
STUCCO

190'-0"

GAYWOOD ROAD

SITE PLAN

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



10227 GAYWOOD RD
DALLAS, TX 75229

From: [REDACTED]
To: [Jackson, Latonia](#)
Subject: Case # BDA 223-011
Date: Sunday, January 1, 2023 11:42:25 AM

External Email!

Ms. Jackson,

I do not know if you are the correct person to send this email to but it is the only email I have for said special exceptions to fence heights for the city of Dallas.

My husband and I live in the Mayflower Estates neighborhood at 5337 Kelsey Rd. I am reaching out to the City of Dallas to let you know:

We are very much **AGAINST** the request for a special exception to Fence Height at 10227 Gaywood - Case BDA 223-011.

That gate/fence is an eyesore, safety concern and not in keeping at all with the neighborhood. The fence looks like it belongs to a compound in a 3rd world country.

Please let me know if I should resend this email to someone else. Thank you for help with this matter.

Happy New Year,

Julie & Mike Allen
5337 Kelsey Rd.
Dallas, Texas 75229

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.