

RECEIVED

2023 AUG -4 AM 9:03

CITY SECRETARY
DALLAS, TEXAS



City of Dallas
BOARD OF ADJUSTMENT (PANEL B)

Public Notice

2 3 0 6 6 0

POSTED CITY SECRETARY
DALLAS, TX

August 16th, 2023, Briefing at 10:30 A.M. and the Public Hearing at 1:00 P.M.
Dallas City Hall, 6ES, and Videoconference

Video Conference Link: <https://bit.ly/081623B>
Telephone: (408) 418-9388, Access Code: 325527

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

Individuals and interested parties wishing to speak must register with the Board of Adjustment at <https://bit.ly/BDA-B-Register> by the close of business Tuesday, August 15th, 2023. In Person speakers can register at the hearing.

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

Las personas y las partes interesadas que deseen hacer uso de la palabra deben registrarse en Junta de Ajustes en <https://bit.ly/BDA-B-Register> antes de cierre de oficina el Martes, 15 de Agosto, 2023. Las Personas que quieran hablar en persona, se pueden registrar en la Audiencia.

AGENDA

- I. **Call to Order** Cherri Gambow, Vice-Chair
- II. **Staff Presentation/Briefing**
- III. **Public Hearing** Board of Adjustment
- IV. **Public Testimony**
- V. **Miscellaneous Items -**
 - Approval of Panel B Minutes – May 17th, 2023
- VI. **Case Docket** Board of Adjustment
 - Uncontested Items
 - Holdover Items
 - Individual Items
- VII. **Adjournment**

Handgun Prohibition Notice for Meetings of Governmental Entities

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

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

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

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

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

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

EXECUTIVE SESSION NOTICE

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

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

UNCONTESTED CASE(S)

BDA223-071(SD)	5100 Ross Avenue. REQUEST: Application of Baldwin Associates for (1) a special exception to the landscaping regulations.	1
BDA223-073(SD)	7704 Glen Albens Drive REQUEST Application of Gretchen Raiff for (1) a special exception to afford a handicapped person equal opportunity to use and enjoy a dwelling.	2
BDA223-076(SD) Translator Request	2021 Haymarket Road REQUEST: Application of Jacob Salmeron for (1) a special exception to the fence height regulations.	3

HOLDOVER

BDA223-038(ND)	5215 Morningside Avenue REQUEST: Application of Tim Myrick, represented by James Barnes, for (1) a variance to the rear-yard setback regulations.	4
-----------------------	---	---

INDIVIDUAL CASES

BDA223-062(SD)	2730 N. Henderson Avenue REQUEST: Application of Audra Buckley for (1) a variance to the parking regulations.	5
BDA223-074(SD)	5505 Chatham Hill Road REQUEST: Application of Masterplan, Represented by Trenton Robertson for (1) a special exception to the fence height regulations.	6

BOARD OF ADJUSTMENT

Panel B Minutes

May 17, 2023

DRAFT



6ES Briefing Room
24974849659@dallascityhall.webex.com

Cheri Gambow, Vice-Chair

PRESENT: [5]

Cheri Gambow, VC	
Sarah Lamb	
Joe Cannon	
Dr. Emmanuel Glover	
Andrew Finney	

ABSENT: [0]

Michael Karnowski	

Vice-Chair Gambow called the briefing to order at **11.01 A.M.** with a quorum of the Board of Adjustment present.

Vice-Chair Gambow called the hearing to order at **1:30 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 speaker for public testimony during this hearing.

MISCELLANEOUS ITEMS

Approval of the Board of Adjustment Panel B March 22, 2023 public hearing minutes.

Motion was made to approve Panel B January 18, 2023 public hearing minutes.

Maker:	Sarah Lamb				
Second:	Joe Cannon				
Results:	5-0 unanimously				
		Ayes:	-	5	Cheri Gambow, Sarah Lamb, Joe Cannon, Dr. Emmanuel Glover, Andrew Finney
		Against:	-	0	

PUBLIC TESTIMONY:

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.

CONSENT ITEMS

- 1. **5916 Swiss Ave**
BDA223-030(GB)

***This item was moved to Individual Items**

BUILDING OFFICIAL'S REPORT: Application of Noori Abdul-Ghani for a variance to the floor area regulations at 5916 Swiss Ave. This property is more fully described as Block 3/1882, Lot 36 and is zoned PD-63 with an H/1 overlay, which an accessory structure may not exceed 25% of the floor area of the main structure. The applicant proposes to construct and maintain a single family residential accessory structure with 1515 square feet of floor are (37.2% of the 4068 square foot floor area of the main structure), which will require a 498 square foot variance to the floor area regulations.

LOCATION: 5916 Swiss Ave

APPLICANT: Noori Abdul-Ghani

REQUESTS:

The applicant proposes to construct and maintain a single family residential accessory structure with 1515 square feet of floor are (37.2% of the 4068 square foot floor area of the main structure), which will require a 498 square foot variance to the floor area regulations.

STANDARD FOR A VARIANCE:

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

- 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.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required. The applicant cannot rent out the accessory dwelling unit.

Rationale:

Staff concluded that since the subject site is in the Swiss Ave Historic District the applicant is unable to build additional square footage to the main structure. The additional dwelling unit will not adversely affect neighboring properties. All things considered; the site cannot be developed commensurate with development of neighboring parcels of land within Swiss Avenue Historic District Subdistrict A.

BACKGROUND INFORMATION:

Zoning:

Site: PD 63 (Swiss Ave Historic District Subdistrict: A)

North: PD 63 (Swiss Ave Historic District Subdistrict: A)

South: PD 63 (Swiss Ave Historic District Subdistrict: A)

East: PD 99 (Gaston Ave Special Purpose District Subarea District: Area 1)

West: PD 63 (Swiss Ave Historic District Subdistrict: A)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

The subject property is a two-story single family residential structure that is zoned PD 63 within the Swiss Ave Historic District Subdistrict A. In this district an accessory structure cannot exceed 25 percent of the floor area ratio of the main structure. The proposed accessory dwelling unit is 37.2 percent of the 4068 square foot floor area of the main structure, which will require a 498 square foot variance to the floor area regulations.

DCAD records indicate the following improvements for the property located at 5916 Swiss Ave: “main improvement”: a structure with 3,668 square feet of living area built-in 1925” and “additional improvements”: a 460-square-foot detached garage, a 400 square-foot basement, a 192 Porte cochere, and a pool.

The applicant has submitted a site plan and proposed floor plans for the additional dwelling unit.

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

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

As of April 03, 2023, staff has not received any letters in favor nor opposition for this case.

If the board were to grant a variance to the floor area regulations and impose the submitted site plan as a condition, the building footprint of the structure on the site would be limited to what is shown on this document. However, granting these variances will not provide any relief to the Dallas Development Code regulations other than allowing an additional structure on the site to exceed the floor area ratio and encroach into the side yard setback as depicted on the site plan (i.e., development on the site must meet all other code requirements).

Speakers:

For: Noori Abdul-Ghani, 5916 Swiss Ave, Dallas TX

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA 223-030 on application of Noori Abdul-Ghani, **DENY** the variance to the floor area ratio for a structure accessory to the single-family use regulations requested by this applicant **without** prejudice, because our evaluation of the property and the 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 NOT result in unnecessary hardship to this applicant.

Maker:	Sarah Lamb			
Second:	Joe Cannon			

Motion # 2

I move to withdraw the motion for further consideration, to hear the applicant explanation.

Maker:	Sarah Lamb			
Second:	Cheri Gambow			

Motion # 3

I move that the Board of Adjustment, in Appeal No. BDA 223-030 on application of Noori Abdul-Ghani, **DENY** the variance to the floor area ratio for a structure accessory to the single-family use regulations requested by this applicant **without** prejudice, because our evaluation of the property and the 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 NOT result in unnecessary hardship to this applicant.

Maker:	Sarah Lamb			
Second:	Dr. Emmanuel Glover			
Results:	3-2			
		Ayes:	- 3	Dr. Emmanuel Glover, Sarah Lamb, Andrew Finney
		Against:	- 2	Cheri Gambow, Joe Cannon

2. 7202 la Vista Avenue
 BDA223-034(GB)

BUILDING OFFICIAL'S REPORT: Application of Grayson Wafford for a special exception to the fence height regulations, and for a special exception to the fence regulations at 7202 La Vista Drive. This property is more fully described as Block C/2729, Lot 19 and is zoned R-7.5(A), which limits the height of the fence in the front yard to 4 feet; and requires a fence panel with a surface area that is less than 50 percent open not be located less than 5 feet from the front lot line. The applicant proposes to construct an 8-foot-high fence in a required front yard, which will require a 4-foot special exception to the fence height regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface located less than 5 feet from the lot line, which will require a special exception to the fence regulations.

LOCATION: 7202 La Vista Drive

APPLICANT: Grayson Wafford

REQUESTS:

A request for a 4-foot special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface located less than 5 feet from the lot line, which will require a special exception to the fence regulations.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

BDA212-030 Variance to the Front Yard was granted on April 20, 2022

GENERAL FACTS/STAFF ANALYSIS:

A request for a 4-foot special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface located less than 5 feet from the lot line, which will require a special exception to the fence regulations.

- 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 and states that

no fence panel having less than 50 percent open surface area may be located less than five feet from the front lot line.

- The applicant has submitted a site plan and elevation of the proposal. The site plan and elevation represent a fence that is over 4' in height in the required front yard.
- The following additional information was gleaned from the submitted site plan:
 - the site plan shows the fence to be approximately 8 feet in height located on the front property line or less than 5' from the pavement line.
- The Board of Adjustment Senior Planner conducted a field visit to determine if the fence would adversely affect neighboring properties.
- As of April 04, 2023, no letters have been received in opposition or support of this request.
- The subject site is zoned an R-7.5 (A) Single Family District where a 30-foot front yard setback is required.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulation of four feet will not adversely affect neighboring property.
- Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding four-feet-in-height in the front yard setback to be constructed in the location and heights as shown on these documents.

Timeline:

February 15, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents that have been included as part of this case report.

March 06, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B.

March 14, 2023: The Board Senior Planner emailed the applicant the following information:

- a copy of the application materials including the Building Official's report on the application.
- an attachment that provided the public hearing date and panel that will consider the application; the April 19, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the March 28, 2023, deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

March 30, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearing. The review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of

Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Sign Code Specialist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Assistant City Attorney to the Board.

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

Speakers:

For: Grayson Wafford, 12116 Fieldwood, Dallas TX 75244
 (did not speak)

Against: No Speakers

Motion

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

BDA 223-034 - Application of Grayson Wafford, to construct and/or maintain an eight-foot high fence having less than 50 percent open surface area as a special exception to fence standards regulations contained in the Dallas Development Code, as amended, is granted, subject to the following condition:

Compliance with the submitted site plan and elevation is required.

Maker:	Sarah Lamb				
Second:	Dr. Emmanuel Glover				
Results:	5-0 Unanimously				
		Ayes:	-	5	Joe Cannon, Dr. Emmanuel Glover, Sarah Lamb, Andrew Finney and Cheri Gambow
		Against:	-	0	

3. 5215 Morningside Avenue

BDA223-038 (ND)

***This case was moved to Individual Cases**

BUILDING OFFICIAL’S REPORT: Application of Tim Myrick represented by James Barnes for a variance to the rear yard setback regulations at 5215 Morningside Ave. This property is more fully described as Block 17/2928, Lot 9, and is zoned CD-9, which requires a rear yard setback of 5 feet. The applicant proposes to construct a single-family residential accessory structure and provide a 4-foot front yard setback, which will require a 1-foot variance to the rear yard setback regulations.

LOCATION: 5215 Morningside Ave.

APPLICANT: Tim Myrick
Represented by Nick George

REQUEST:

A request for a variance to the rear yard setback regulations of 1-foot is made to construct a single-family residential accessory structure (detached garage). The applicant is proposing to construct a single-family residential accessory structure and provide a 4-foot rear yard setback, which will require a 1-foot variance to the rear yard setback regulations.

STANDARD FOR A VARIANCE:

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

- 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 the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan and elevation is required.

Rationale:

- Staff concluded that granting the variance in this application would not be contrary to public interest in that the variance would allow a structure in the rear yard setback if the accessory structure was 15 feet or under.
- **ZONING/BDA HISTORY:**

No BDA history in the past five years.

Zoning:

<u>Site:</u>	CD-9
<u>North:</u>	CD-9
<u>South:</u>	CD-9
<u>East:</u>	CD-9
<u>West:</u>	CD-9

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- A request for a variance to the rear yard setback regulations of 4 feet is made to maintain a single family residential accessory structure.
- The applicant is proposing to construct a single-family residential accessory structure and provide a 4-foot rear yard setback, which will require a 1-foot variance to the rear yard setback regulations.
- The subject site is flat and rectangular in shape (130' x 65') and is 8,450 square feet in area.
- The height of this detached accessory structure (garage) exceeds 15 feet.
- The proposed accessory structure appears to be 22' in length and 20' in width.
- No variance would be necessary if the height of the garage was 15 feet or less and if the rear yard was not adjacent to an alley.
- The applicant submitted a document and photos to this submission to be utilized as attachments to this case.
- The applicant has the burden of proof in establishing the following:

(10) 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:

(A) In general.

(i) 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;

(ii) the variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and

(iii) the variance is not granted to relieve a self-created or personal hardship, nor for financial reasons only, except as provided in Subparagraph (B)(i), 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.

- If the Board were to grant the variance request, and impose the submitted site plan and elevation as a condition, the structure in the rear yard setback would be limited to what is shown on this document– which in this case is a garage that would be located 4 feet from the rear yard setback.

Timeline:

February 17, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

March 6, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B.

- March 23, 2023: The Board of Adjustment Senior Planner emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application
- an attachment that provided the public hearing date and panel that will consider the application; the January 23rd deadline to submit additional evidence for staff to factor into their analysis; and the February 10th deadline to submit additional evidence to be incorporated into the Board’s docket materials
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

March 24, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, the Board of Adjustment Development Code Specialist, the Board of Adjustment Consultant, the Chief Arborist, Development Services Senior Engineers, and the Board Attorney.

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

Speakers:

For: Scott Jordan, 5215 Morningside Ave, Dallas TX 75206
 Tim Myrick, 5215 Morningside Ave, Dallas TX 75206
 James Barnes, 4447 N. Central Expwy., Dallas TX 75205

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA 223-038, on application of Tim Myrick, represented by James Barnes, **GRANT** the one-foot variance to the rear yard setback regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

Maker:	Joe Cannon				
Second:	Cheri Gambow				
Results:	3-2				Motion Failed
		Ayes:	-	3	Dr. Emmanuel Glover, Joe Cannon, Cheri Gambow
		Against:	-	2	Sarah Lamb, Andrew Finney

Motion # 2

I move that the Board of Adjustment, in Appeal No. BDA 223-038, hold this matter under advisement until August 16, 2023.

Maker:	Sarah Lamb				
Second:	Andrew Finney				
Results:	5-0 unanimously				
		Ayes:	-	5	Dr. Emmanuel Glover, Joe Cannon, Sarah Lamb, Andrew Finney, Cheri Gambow
		Against:	-	0	

4. 9226 Club Glen Dr
 BDA223-039 (ND)

BUILDING OFFICIAL'S REPORT Application of Jennifer Hiromoto for a special exception to the fence standards regulations at 9226 Club Glen Dr. This property is more fully described as Block B/8155, Lot 17 and is zoned R-7.5(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 4-inch high fence in a required front yard, which will require a 2-foot 4-inch special exception to the fence height standards regulations.

LOCATION: 9226 Club Glen Dr

APPLICANT: Jennifer Hiromoto

REQUEST:

A request for a special exception to the fence standards regulations for 2-foot 4-inches is made to construct a 4-foot wrought iron fence on a 2-foot masonry retaining wall and masonry columns at a maximum height of 6-foot 4-inches in the required front yard on the subject 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-7.5 (A) (Single family district)
North: R-7.5 (A) (Single family district)
East: R-7.5 (A) (Single family district)
South: R-7.5 (A) (Single family district)
West: R-7.5 (A) (Single family district)

Land Use:

The subject site 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:

No BDA history in the last five years.

GENERAL FACTS/STAFF ANALYSIS:

The purpose of this request for a special exception to the fence standards regulations of 2' 4" focuses on constructing and maintaining a 6' 4" high wrought iron fence with masonry columns 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-7.5(A) Single Family District where a 25-foot front yard setback is required.

The proposed fence is to be in the required front yard.

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 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:

February 17, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

March 6, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel B.

March 23, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the March 29, 2023, deadline to submit additional evidence for staff to factor into their analysis; and April 7, 2023, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

March 30, 2023: 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.

Speakers:

For: Jennifer Hiromoto, 10233 E. Northwest Hwy # 38586, Dallas TX (Did not speak)

Against: No Speakers

Motion

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

BDA 223-039 - Application of Jennifer Hiromoto, for a special exception to fence height regulations contained in the Dallas Development Code, is granted, subject to the following condition:

Compliance with the submitted site plan/elevation is required.

Maker:	Sarah Lamb				
Second:	Dr. Emmanuel Glover				
Results:	5-0 unanimously				
		Ayes:	-	5	Dr. Emmanuel Glover, Joe Cannon, Sarah Lamb, Andrew Finney and Cheri Gambow
		Against:	-	0	

5. 6830 Desco Drive

BDA223-040 (ND)

***This item was moved to Individual Items**

BUILDING OFFICIAL’S REPORT: Application of Naga Kishore Vankayala for a variance to the side yard setback regulations at 6830 Desco Dr. This property is more fully described as Block D/5474, Lot 1, and is zoned R-7.5(A) NSO 12 Overlay, which requires a side yard setback of 15 feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 5-side yard setback, which will require a 10-foot variance to the side yard setback regulations.

LOCATION: 6830 Desco Dr.

APPLICANT: Naga Kishore Vankayala

REQUEST:

A request for a variance to the side yard setback regulations of 10 feet is made to construct and/or maintain a single-family home. The applicant is proposing to construct and/or maintain a single-family residential structure and provide a 5-foot side yard setback, which will require a 10-foot variance to the side yard setback regulations.

STANDARD FOR A VARIANCE:

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

- 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 the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is unique and different from most lots in the R-7.5(A) NSO 12 zoning district in that it is restrictive in area due to having a 10 foot right-of-way easement in addition to a more restrictive NSO Overlay side yard setback of 15 feet because it is situated on the exterior of a corner lot
- Staff concluded that granting the variance in this application would not be contrary to public interest in that the variance would allow a structure in the side yard setback in one of the site's two side yard setbacks where the location of this structure would comply with the required 15 foot side yard setback on Hillcrest if this property was not in the NSO 12 Overlay and could be subjected to R-7.5(A) side yard regulations and if there was not a 10 foot right-of-way easement on Hillcrest.

- **ZONING/BDA HISTORY:**

No BDA history for the last five years.

Zoning:

Site: R-7.5(A) NSO 12 Overlay
North: R-7.5(A)
South: R-7.5(A)
East: R-7.5(A)
West: R-7.5(A) NSO 12 Overlay

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- A request for a variance to the side yard setback regulations of 10 feet is made to construct and/or maintain a single-family home.
- The subject property is located at the corner of Desco Dr. and Hillcrest Rd.
- The subject property is zoned r-7.5 (A) with a NSO 12 Overlay.
- The subject site is flat, rectangular in shape (180' x 100') and is 18,000 square feet in area.
- The subject site is in a base zoning district with an overlay which requires a more restrictive setback than it's base zoning district. In addition, to the restrictive setback, further restriction on the exterior setback is imposed due to a 10 foot right-of-way easement in the side yard on Hillcrest which serves as the line of which the NSO setback is measured from.
- This property is governed by a zoning district and an overlay. Where this is a discrepancy in setback requirements the most restrictive zoning will apply which is the overlay.
- No variance would be necessary if there was not a 10 foot right-of-way easement in the side yard on Hillcrest.
- The applicant has the burden of proof in establishing the following:
 - (A) In general.
 - (i) 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;
 - (ii) the variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
 - (iii) the variance is not granted to relieve a self-created or personal hardship, nor for financial reasons only, except as provided in Subparagraph (B)(i), 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.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the side yard setback would be limited to what is shown on this document– which in this case is a home structure that would be located 15 feet from the site's easement line (Hillcrest).

Timeline:

February 17, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

March 6, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B.

January 20, 2023: The Board of Adjustment Senior Planner emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application
- an attachment that provided the public hearing date and panel that will consider the application; the March 29, 2023 deadline to submit additional evidence for staff to factor into their analysis; and the April 7, 2023 deadline to submit additional evidence to be incorporated into the Board’s docket materials
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

March 30, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, the Board of Adjustment Development Code Specialist, the Board of Adjustment Consultant, the Chief Arborist, Development Services Senior Engineers, and the Board Attorney.

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

Speakers:

For: Naga Kishore, 6830 Desco Dr, Dallas TX 75225

Against: No Speakers

Motion

I move that the Board of Adjustment **GRANT** the 10-foot variance to the side yard setback regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the **Dallas Development Code** and are consistent with the general purpose and intent of the Code, as applicable to wit:

BDA 223-040 - Application of Naga Kishore Vankayala, for a variance to the side yard setback regulations contained in the Dallas Development Code, is granted, subject to the following condition:

Compliance with the revised submitted site plan is required.

Maker:	Sarah Lamb			
Second:	Joe Cannon			
Results:	5-0 unanimously			
		Ayes:	- 5	Dr. Emmanuel Glover, Joe Cannon, Sarah Lamb, Andrew Finney, Cheri Gambow
		Against:	- 0	

HOLDOVER ITEMS

6. 202 Beckleymeade Ave.

BDA223-004(GB)

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, and to construct and maintain a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 202 Beckleymeade Avenue

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

ORIGINAL REQUEST:

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

Updated Request: To construct and maintain a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

UPDATE (3-22-23):

On January 18, 2023, the Board of Adjustment Panel B held this case to the March 22, 2023, public hearing date. On February 27, 2023, the applicant submitted the most recent appraisal roll certified and a construction estimate. Hence, staff is now recommending approval for a variance of 3’ to the side yard setback regulations.

Update (04/05/2023):

On March 22, 2023, the Board of Adjustment Panel B held this case to the April 19,2023 public hearing date.

STANDARD FOR A VARIANCE:

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

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

State Law/HB 1475 effective 9-1-21

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

STAFF RECOMMENDATION:

Approval

Rationale:

- Staff concluded that 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. The applicant provided the Dallas County assessment of the property. The property is assessed at \$1,293,600 and the cost to reconfigure the structure to meet the 10' setback is estimated at a value of \$689,984.00 or 53 percent the value of the structure.

- **Updated Staff Recommendation:** Staff recommends approval. The original standard has not changed nor has the applicant provided new information. The applicant updated the request to add a request for a special exception to the landscaping regulations.

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.

BACKGROUND INFORMATION

Zoning/BDA History:

On January 18, 2023, the Board of Adjustment Panel B held this case to the March 22, 2023, public hearing date.

On March 22, 2023, the Board of Adjustment Panel B held this case to the April 19, 2023 public hearing date.

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.

The applicant provided the Dallas County assessment of the property and an estimate for the proposed demolition and to reconstruct a new wall. The property is assessed at \$1,293,600 and the cost to reconfigure the structure to meet the 10' setback is estimated at a value of \$689,984.00 or 53 percent the value of the structure. Therefore, the applicant demonstrated how the variance is necessary to permit development of the subject site or whether the property differs from other parcels of land by (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, 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.

January 18, 2023: The Senior Planner wrote the applicant a letter of the board's action to hold this meeting to the March 22, 2023, public hearing; the February 27, 2023's deadline to submit additional evidence for staff to factor into their analysis; and the March 10th deadline to submit additional evidence to be incorporated into the Board's docket materials

February 27, 2023: The applicant provided additional evidence (**Attachment A**).

February 28, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the 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.

BOARD OF ADJUSTMENT ACTION JANUARY 18, 2023

Speakers:

For: Peter Kavanaugh 1620 Handley Dallas, TX
 Tom Witherspoon, 537 E. Polk, Richardson TX 75081 (Did not speak)
 Dr. Matthias Manuel 11700 Luna Rd. Dallas, TX (Did not speak)
 Tito Olaleye 920 Mellville Dr. Plano, TX (Did not speak)
 Akinwumi Akinniyi 1516 Vista Verde Denton, TX (Did not speak)

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA 223-004(OA), on application of Deeper Life Bible Church, represented by Peter Kavanagh, **GRANT** the three-foot variance to the side yard setback regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code

BDA 223-004 - Application of Deeper Life Bible Church, for the three-foot variance to the side yard setback regulations contained in the Dallas Development Code, is **granted**, subject to the following condition:

Compliance with the submitted site plan is required.

Maker:	Joe Cannon				
Second:	Andrew Finney				
Results:	5-0 unanimously				
		Ayes:	-	5	Dr. Emmanuel Glover, Joe Cannon, Sarah Lamb, Andrew Finney, Cheri Gambow
		Against:	-	0	

Motion # 2

I move that the Board of Adjustment, in Appeal No. BDA 223-023, on application of Deeper Life Bible Church, represented by Peter Kavanagh, **GRANT** the request of this applicant for a special exception to the landscape requirements contained in Article X of the Dallas Development Code, as amended, because our evaluation of the property, the testimony presented to us, and the facts that we have determined show that (1) strict compliance with the requirements of the 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.

BDA 223-004 - Application of Deeper Life Bible Church, the request of this applicant for a special exception to the landscape requirements contained in Article X of the Dallas Development Code, is **granted**, subject to the following condition:

Compliance with the revised submitted alternate landscape plan dated 4/14/22 is required.

Maker:	Andrew Finney				
Second:	Sarah Lamb				
Results:	5-0 unanimously				
		Ayes:	-	5	Dr. Emmanuel Glover, Joe Cannon, Sarah Lamb, Andrew Finney, Cheri Gambow
		Against:	-	0	

7. 6010 Prestonsire Lane

BDA223-023(GB)

BUILDING OFFICIAL’S REPORT: Application of David Hosseiny for a special exception to the single-family use regulations at 6010 Prestonsire Lane. This property is more fully described as Block A/5482, Lot 1 and is zoned R-10(A), which limits the number of dwelling units to one. The applicant proposes to construct and/or maintain an additional dwelling unit, not for rent, which will require a special exception to the single-family use regulations.

LOCATION: 6010 Prestonsire Lane

APPLICANT: David Hosseiny

REQUEST:

A request for a special exception to the single-family use regulations is made to construct and maintain an approximately **1,237** square feet square additional dwelling unit structure on a site developed with 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-10 (A) Single Family District
North: R-10 (A) Single Family District
South: R-10 (A) Single Family District
East: R-10 (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 been one related board cases in the vicinity within the last five years.

1. **BDA189-109:** On January 21, 2020, Panel A granted requests to construct and maintain an accessory dwelling unit and to install and maintain an additional electric meter on the property as special exceptions to the single-family zoning use regulations contained in the Dallas Development Code, as amended, are granted, subject to the deed restrict the subject property to require owner-occupancy on the premises and annually register the rental property with the city's single family non-owner-occupied rental program.

GENERAL FACTS/STAFF ANALYSIS:

This request for a special exception to the single-family use regulations focuses on constructing and maintaining a 1,237 additional dwelling unit structure on a site developed with a single-family dwelling unit.

The site is zoned an R-10(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 “Existing one-story single-family residence,” which is the proposed single-family residential main structure. The additional dwelling unit is denoted as “addition” 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 6010 Prestonsire Lane is a structure built in 2020 with 3,756 square feet of total living area with the following “additional improvements”: a 575-square-foot attached garage a 496-brick veneer, a 32-brick veneer and concrete pool. The submitted site plan depicts a proposed 1237 square feet additional dwelling unit.

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 March 10, 2023, 1 letter has been submitted in support or no letters have been submitted in 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:

December 12, 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.

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

February 13, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the February 27, 2023, deadline to submit additional evidence for staff to factor into their analysis; and March 10, 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.

February 28, 2023: 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 Assistant City Attorneys to the Board, and the Senior Planners.

Speakers:

For: David Hosseiny, 6010 Prestonshire Ln., Dallas TX 75225

Against: No Speakers

Motion

I move that the Board of Adjustment, in request No. BDA 223-023(OA), on application of David Hosseiny, **GRANT** the request to construct and maintain an additional dwelling unit on a site developed with a single-family structure as a special exception to the single-family use regulations in the Dallas Development Code, because our evaluation of the property and the testimony shows that this special exception will not be used as rental accommodations and will not adversely affect neighboring properties.

BDA 223-023 - Application of David Hosseiny, to construct and maintain an additional dwelling unit on a site developed with a single-family structure as a special exception to the single-family use regulations in the Dallas Development Code, is **granted**, subject to the following condition:

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

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

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Vice-Chair Gambow moved to adjourn the meeting at 4:21 p.m.

Recess: 2:19 p.m.; Resume: 2:40 p.m.

Recess: 4:02 p.m.; Resume: 4:06 p.m.

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

 Date

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

 Date

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

 Date

FILE NUMBER: BDA223-071(GB)

BUILDING OFFICIAL'S REPORT Application of Baldwin Associates for a special exception to the landscaping regulations at 5100 Ross Ave. This property is more fully described as Block A/706, Lot 2 and is zoned MF-2(A), which requires mandatory landscaping. The applicant proposes to construct and maintain a non-residential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 5100 Ross Avenue

APPLICANT: Baldwin Associates

REQUEST:

This is a request for a special exception to the landscaping regulations at 5100 Ross Ave. This property is more fully described as Block A/706, Lot 2 and is zoned MF-2(A), which requires mandatory landscaping. The applicant proposes to construct and maintain a non-residential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REGULATIONS:

SEC. 51A-10.110. SPECIAL EXCEPTION.

(a) The board may grant a special exception to the requirements of this article upon making a special finding from the evidence presented 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.

(b) In determining whether to grant a special exception under Subsection (a), the board shall consider the following factors:

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

STAFF RECOMMENDATION:

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

Background information:

No BDA History within the last five years.

Zoning:

Site: CR
North: LO-1 and PD462
South: MF-2 (A) and CR
East: PD462
West: MF-2 (A) and CR

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- This is a request for a special exception to the landscape regulations.
- The subject property is located at 5100 Ross Avenue and is zoned CR.
- The applicant proposes to construct and maintain a nonresidential structure on the subject site.

Timeline:

- May 31, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- June 26, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B.
- July 11, 2023: The Board of Adjustment Senior Planner emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application
 - an attachment that provided the public hearing date and panel that will consider the application; the July 25, 2023, deadline to submit additional evidence for staff to factor into their analysis;

and the Friday, August 04, 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."

July 26, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August 16, 2023, public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planners, the Board of Adjustment Development Code Specialist, Project Coordinator the Chief Arborist, Assistant City Attorney (Matthew Sapp) and the Development Services Senior Engineers

June 29, 2023: The engineering department submitted a comment sheet.

REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING August 16th, 2023 (B)

<input type="checkbox"/> Has no objections <input type="checkbox"/> Has no objections if certain conditions are met (see comments below or attached) Recommends that this be denied (see comments below or attached) <input checked="" type="checkbox"/> No comments	<input type="checkbox"/> BDA 223-062(GB) <input checked="" type="checkbox"/> BDA 223-071(GB) <input checked="" type="checkbox"/> BDA 223-073(GB) <input checked="" type="checkbox"/> BDA 223-074(GB) <input checked="" type="checkbox"/> BDA223-076(GB) <input type="checkbox"/> HOLDOVER <input checked="" type="checkbox"/> BDA223-038(GB) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
---	---

COMMENTS:

Cases marked do not involve Engineering

Robert Wenman/Engineer/DSD *Aug. 2, 2023*
 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

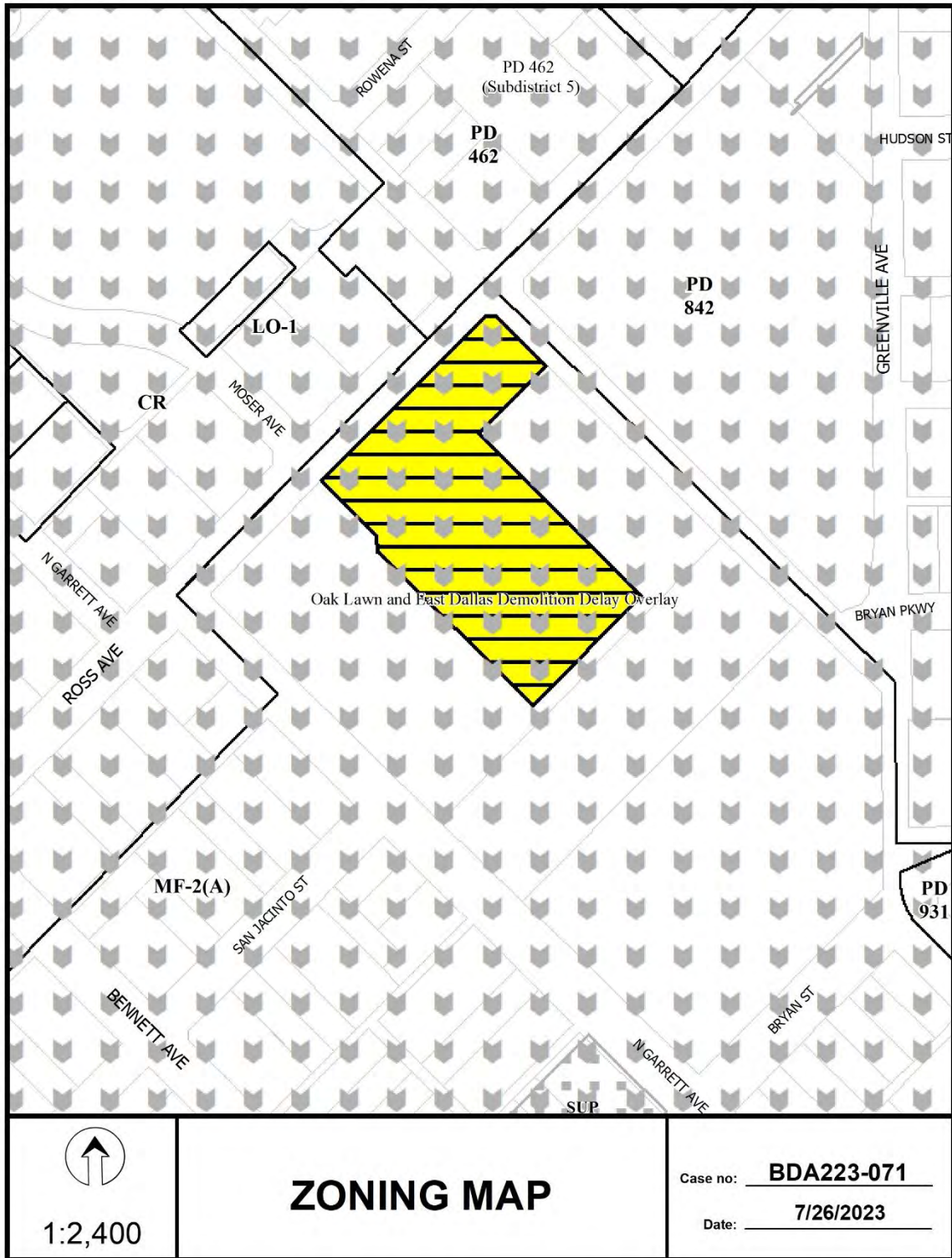


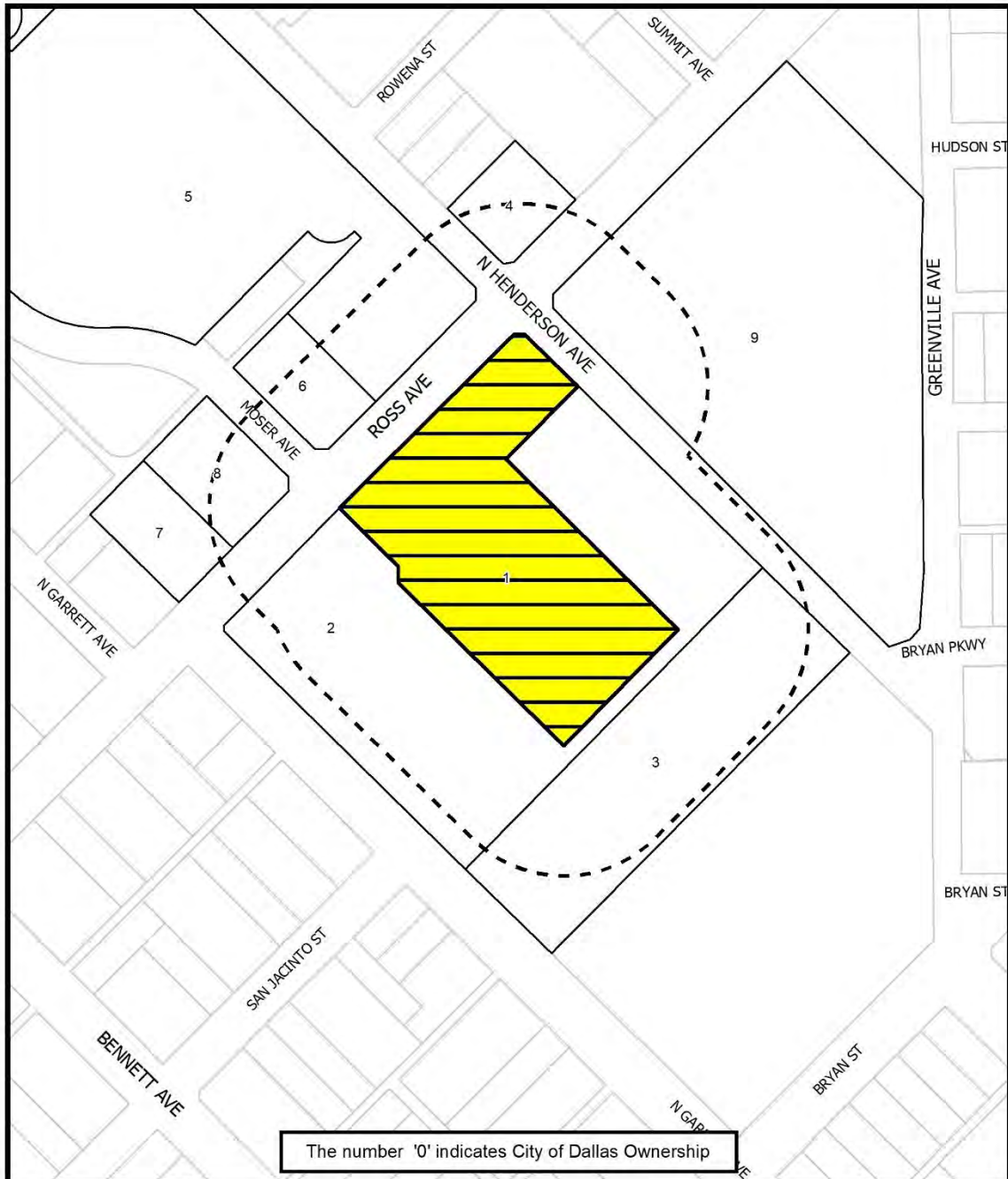
1:2,400

AERIAL MAP

Case no: BDA223-071

Date: 7/26/2023





 1:2,400	NOTIFICATION		Case no: BDA223-071
	<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;">9</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 7/26/2023	

07/26/2023

Notification List of Property Owners

BDA223-071

9 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5100 ROSS AVE	CORPORATION OF EPISCOPAL
2	1609 N GARRETT AVE	ASM APARTMENTS VENTURE LLC
3	1500 N GARRETT AVE	CATHEDRAL GARDENS DALLAS PARTNERSHIP
LP		
4	5303 ROSS AVE	WILLOW LAKE INVESTMENTS
5	1802 MOSER AVE	DALLAS ISD
6	5201 ROSS AVE	ROSS BIRD LLC
7	5111 ROSS AVE	WAFFLE HOUSE INC
8	5119 ROSS AVE	FIREBRAND PROPERTIES LP
9	5334 ROSS AVE	ROSS HENDERSON DEV GROUP



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

223-0911IVED

Data Relative to Subject Property: St. Matthews Cathedral

Date:

FOR OFFICIAL USE ONLY

Location address: 5100 Ross Avenue

Zoning District:

BY:

Lot No.: 2 Block No.: A/706 Acreage: 3.30

Census Tract: 48113001503

Street Frontage (in Feet): 1) 115 2) 374 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Corporation of the Episcopal Diocese of Dallas

Applicant: Rob Baldwin, Baldwin Associates

Telephone: 214-824-7949

Mailing Address: 3904 Elm Street, Suite B - Dallas, Texas

Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Represented by: Rob Baldwin, Baldwin Associates

Telephone: 214-824-7949

Mailing Address: 3904 Elm Street, Suite B - Dallas, Texas

Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance or Special Exception of Landscape Requirements

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to Grant the described appeal for the following reason:
The property is developed with a church, which has subdivided its property to allow for a new multifamily development. The non-residential use will require a landscape buffer adjacent to the new MF use. No construction is to occur on the church property except for a new parking lot, which is triggering Article X.

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

Affidavit

Before me the undersigned on this day personally appeared Rob Baldwin

(Affiant/Applicant's name printed)

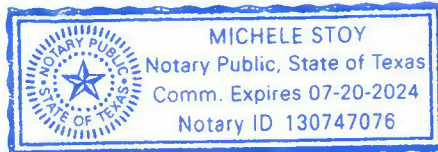
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property

Respectfully submitted:

(Affiant/Applicant's signature)

Subscribed and sworn to before me this 24 day of March, 2023

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 landscaping regulations
at 5100 ROSS

BDA223-071. Application of BALDWIN ASSOCIATES for a special exception to the landscaping regulations at 5100 ROSS AVE. This property is more fully described as Block A/706, Lot 2 and is zoned MF-2(A), which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,


Andrew Espinoza, CBO, MCP, CFM, CCEA



Appeal number: BDA 223-071

I, Corporation of Episcopal Diocese of Dallas, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 5100 Ross Avenue
(Address of property as stated on application)

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

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

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

Specify: Landscaping

Corporation of Episcopal Diocese of Dallas
G. Thomas Graves III, Treasurer
Print name of property owner or registered agent

Signature of property owner or registered agent

Date March 8, 2023

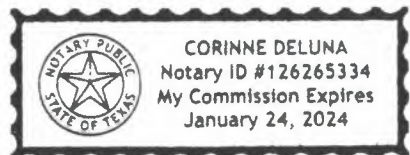
Before me, the undersigned, on this day personally appeared G. Thomas Graves

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 8th day of March, 2023

Notary Public for Dallas County, Texas

Commission expires on 1/24/24





ST. MATTHEW'S CATHEDRAL

5100 Ross Avenue
Dallas, Texas 75206
(214) 823-8135

April 5, 2023

Ms. Nikki Dunn
Chief Planner, Board Administrator
Board of Adjustment
City of Dallas
320 E. Jefferson Boulevard
Dallas, Texas 75203

RE: 5100 Ross Avenue – Board of Adjustment appeal

Dear Ms. Dunn,

This letter is to confirm that G. Thomas Graves III is the Treasurer of the Corporation of the Episcopal Diocese of Dallas and is authorized to act on behalf of the Corporation.


Respectfully,

ST. MATTHEW'S CATHEDRAL

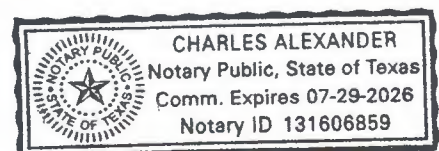
BY: 
Timothy A. Mack, Treasurer

STATE OF TEXAS
COUNTY OF DALLAS

This instrument was acknowledged before me on April 5th, 2023 by Timothy A. Mack, Treasurer of St. Matthew's Cathedral, an unincorporated association, on behalf of said association.


NOTARY PUBLIC

[NOTARY PUBLIC STAMP]





Posting of Notification Sign

Address: S100 Ross Ave

Appeal Number: BDA 223-071

All required notification signs must be posted on the property within fourteen (14) days after an application has been made, prior to the Board of Adjustment Hearing, and not be removed until the hearing ends.

The sign must be posted at a prominent location adjacent to the public street, evenly spaced along each frontage, and easily visible from the street. Failure to properly post the sign(s) may result in either a postponement or denial of the appeal.

All required notification signs have been received. One sign is required for each 500 feet or less of frontage, or every tract of five (5) acres or less, with a maximum of five (5) signs required. The cost of each sign is \$10.00.

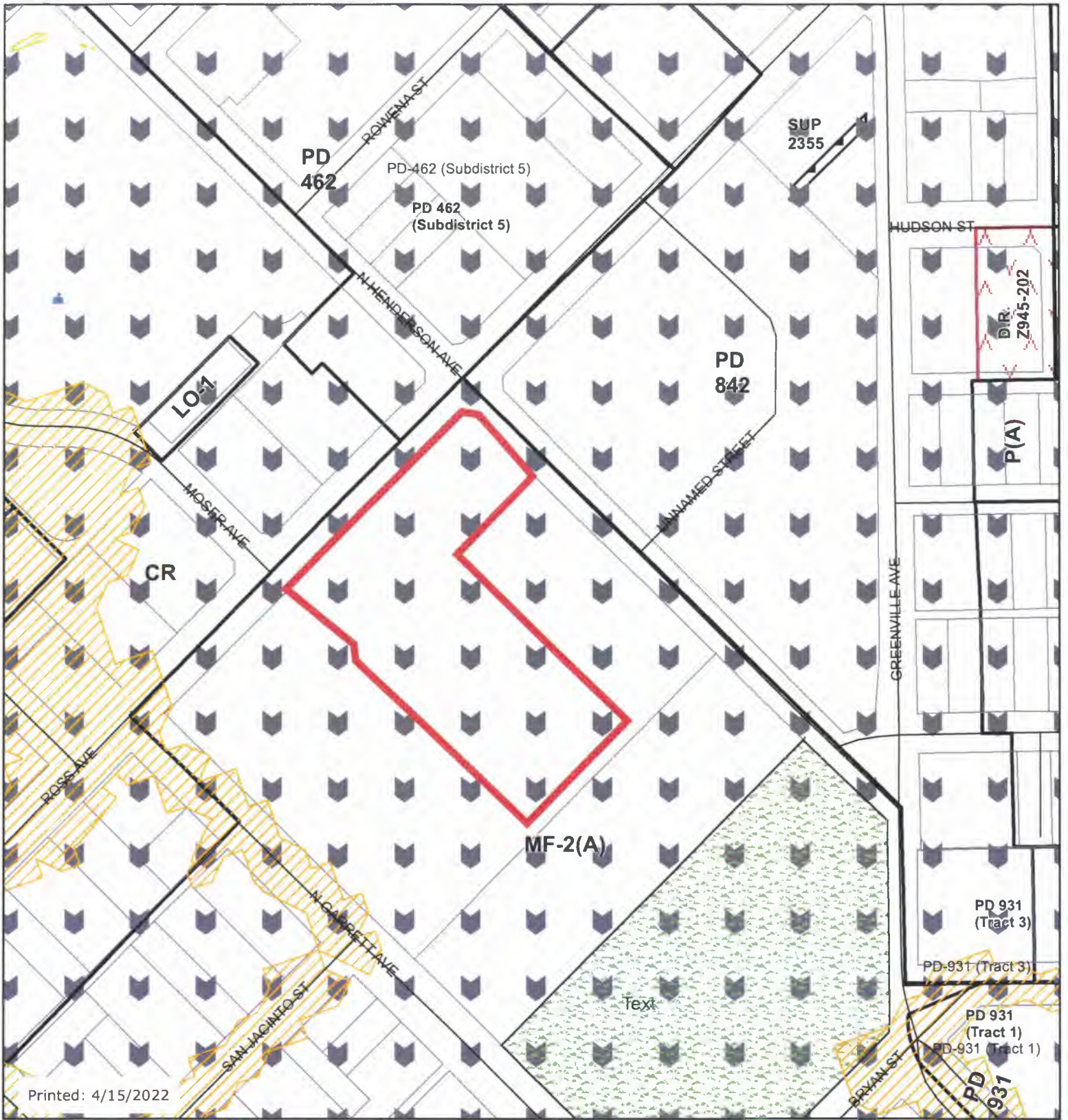
Footage of each street frontage: 115 ft, 374 ft

Number of acres: 3.30 acres

Number of signs received: 2

Michele Stoy
Signature of applicant or person receiving signs

5/31/23
Date



Printed: 4/15/2022

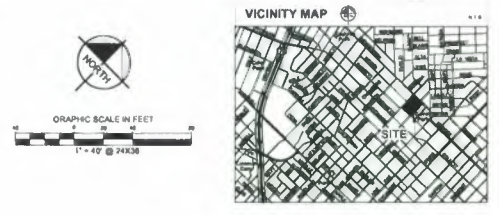
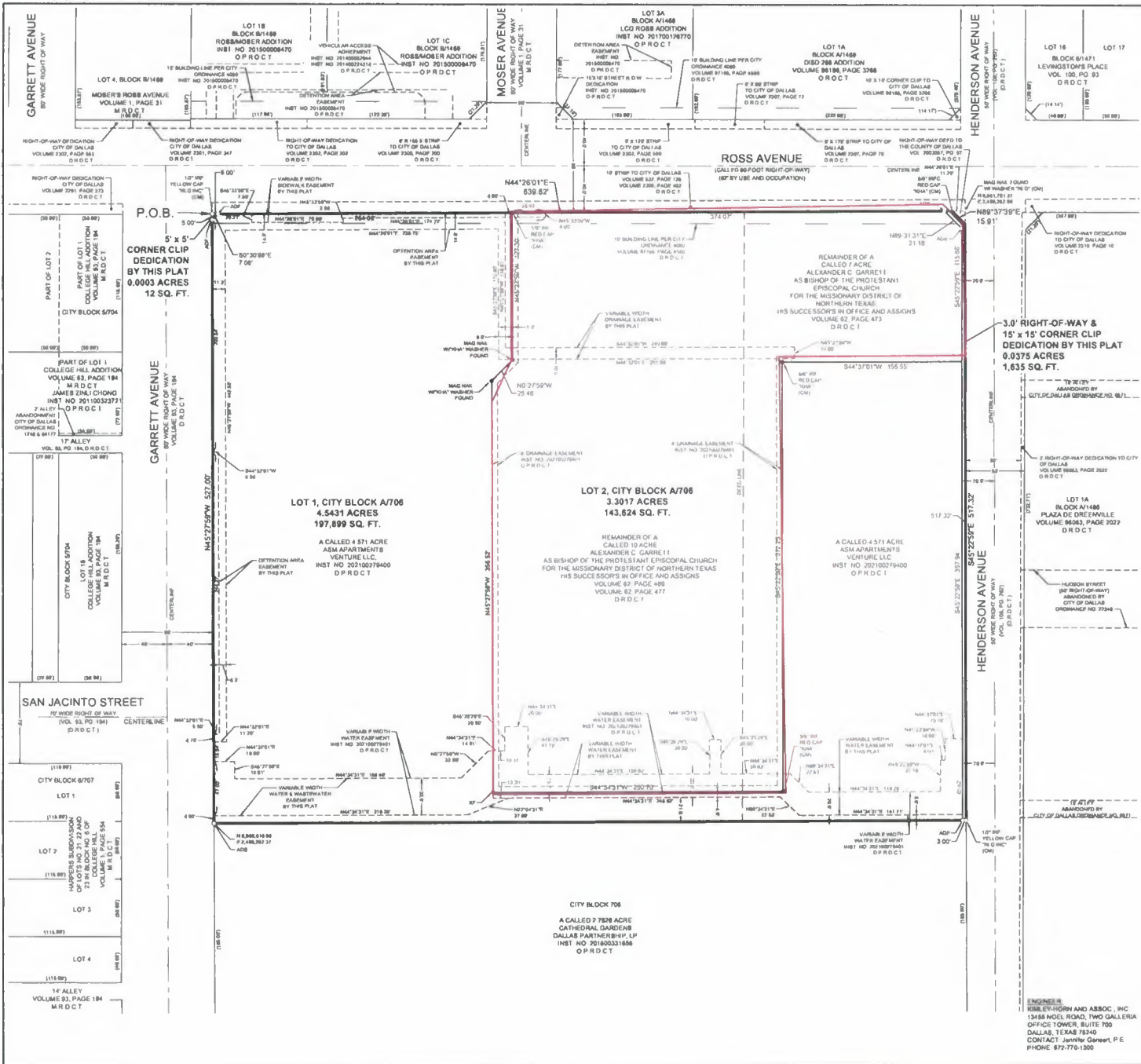
- | | | |
|----------------------------------|--------------------------------|----------------------------|
| City Limits | Base Zoning | Historic Subdistricts |
| Railroads | Demolition Delay Overlay | Historic Overlay |
| Public Schools | PD193 Oak Lawn | Height Map Overlay |
| Floodplain | Dallas Environmental Corridors | CD Subdistricts |
| 0.2 Pct Annual Flood Hazard | SPSP Overlay | PD Subdistricts |
| 1 Pct Annual Chance Flood Hazard | Deed Restrictions | PDS Subdistricts |
| East Peak's Branch | SUP | NSO Subdistricts |
| Floodway | Dry Overlay | NSO_Overlay |
| Mill Creek | D | Escarpment Overlay |
| Peak's Branch | D-1 | Marking Management Overlay |
| X Protected By Levee | CP | Shop Front Overlay |
| Parks | SP | |
| Certified Parcels | MD Overlay | |

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



1:2,400

BDA223071



LINE TYPE LEGEND

---	PROPERTY LINE
- - -	CONCRETE FOUNDATION
---	IRON ROD FOUND
---	VOLUME
---	PAGE
---	RECORD DISTANCE
---	RIGHT-OF-WAY
---	CONTROLLING MONUMENT
---	MAP RECORDS OF DALLAS COUNTY, TEXAS
---	DEED RECORDS OF DALLAS COUNTY, TEXAS
---	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
---	INSTRUMENT NUMBER
---	66-INCH IRON ROD WITH 3/16" ALUMINUM DISK STAMPED "00A" - "BT MATTHEWS"

- LEGEND**
- P.O.B. = POINT OF BEGINNING
 - R.F. = 7" CUT IN CONCRETE FOUND
 - IRP = IRON ROD FOUND
 - VOL. = VOLUME
 - PG. = PAGE
 - DIS. DIST. = RECORD DISTANCE
 - R.O.W. = RIGHT-OF-WAY
 - CM = CONTROLLING MONUMENT
 - M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS
 - D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
 - O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
 - INST. NO. = INSTRUMENT NUMBER
 - ADB = 66-INCH IRON ROD WITH 3/16" ALUMINUM DISK STAMPED "00A" - "BT MATTHEWS"

- GENERAL NOTES:**
- THE PURPOSE OF THIS PLAT IS TO CREATE TWO LOTS FROM EXISTING UNPLATTED LAND.
 - LOT-1-01 DRAINAGE IS NOT PERMITTED WITHOUT ENGINEERING SECTION APPROVAL.
 - THE BASIS OF BEARINGS IS BASED ON GRID NORTH OF THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 (NAD 83).
 - THE COORDINATES SHOWN ARE BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 ON GRID COORDINATE VALUES, NO SCALE AND NO PROJECTION.
 - ALL IRONS ARE 66-INCH IRON ROD WITH PLASTIC CAP STAMPED "00A" UNLESS OTHERWISE NOTED HEREON.

FINAL PLAT
ST. MATTHEWS ADDITION
LOTS 1 AND 2, BLOCK A/706
 BEING 7.8842 ACRES SITUATED IN
 CITY OF DALLAS BLOCKS 706
 JOHN GRIGSBY SURVEY, ABSTRACT NO. 485
 CITY OF DALLAS, DALLAS COUNTY, TEXAS
 CITY PLAN FILE NO. S201-519
 WASTEWATER NO. WW20-
 PAVING AND DRAINAGE NO. DP20-

Kimley»Horn

13486 Noel Road, Two Dallas Offices
 DALLAS, TEXAS 75240
 PHONE: 972-770-1300

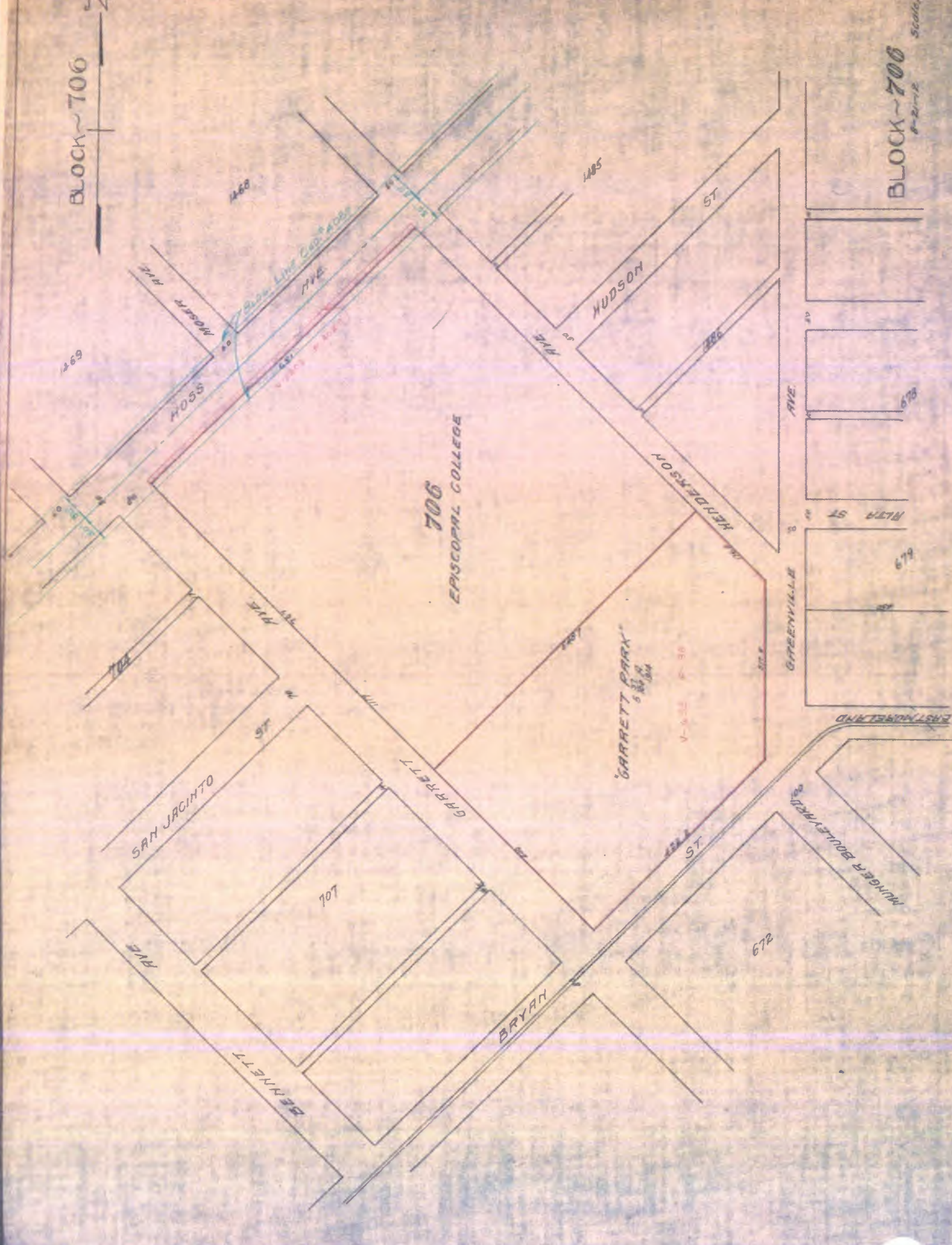
CHIEF ENGINEER
 CORPORATION OF THE EPISCOPAL
 DIOCESE OF DALLAS
 1630 N. GARRETT AVE.
 DALLAS, TEXAS 75208
 CONTACT: Jennifer Gansert, P.E.
 PHONE: 214-957-2003

Scale: 1" = 40'
 Drawn by: DWP
 Checked by: DJD
 Date: NOV 2021
 Sheet No.: 064145061
 Total No.: 1 OF 2

BDA223-071

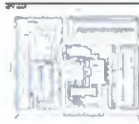
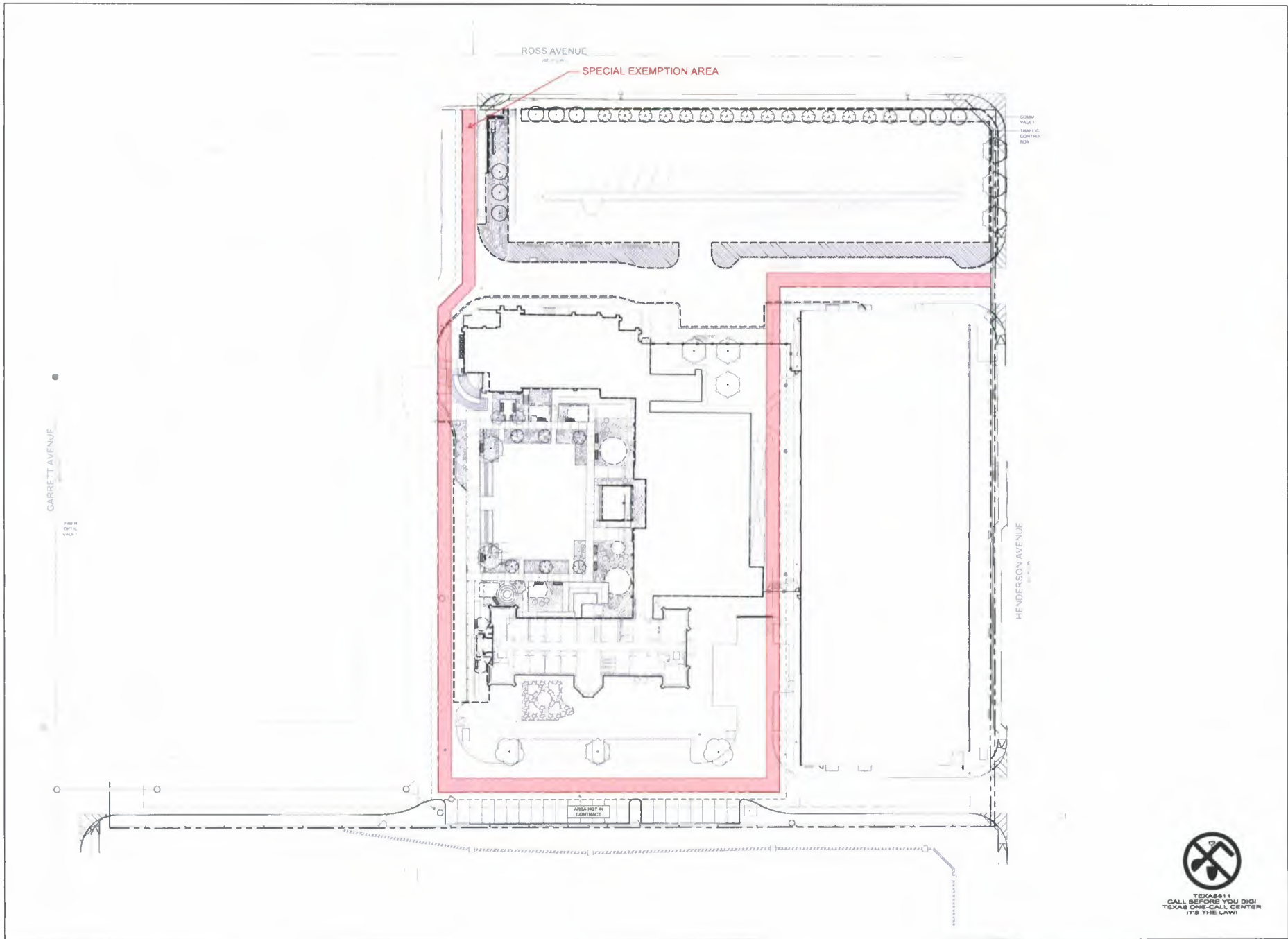
168
BLOCK 706
N

Scale 1/4" = 10'



BLOCK 706
Scale 1/4" = 10'

BDA 223-071



ISSUE FOR PERMIT

ST. MATTHEWS CATHEDRAL

DALLAS, TEXAS

PROJECT NO: 851804E

REVISION / ISSUANCE		
NO.	DESCRIPTION	DATE
	ISSUE FOR PERMIT	11.01.2017
A	DRAWING REVISION	12.14.2017

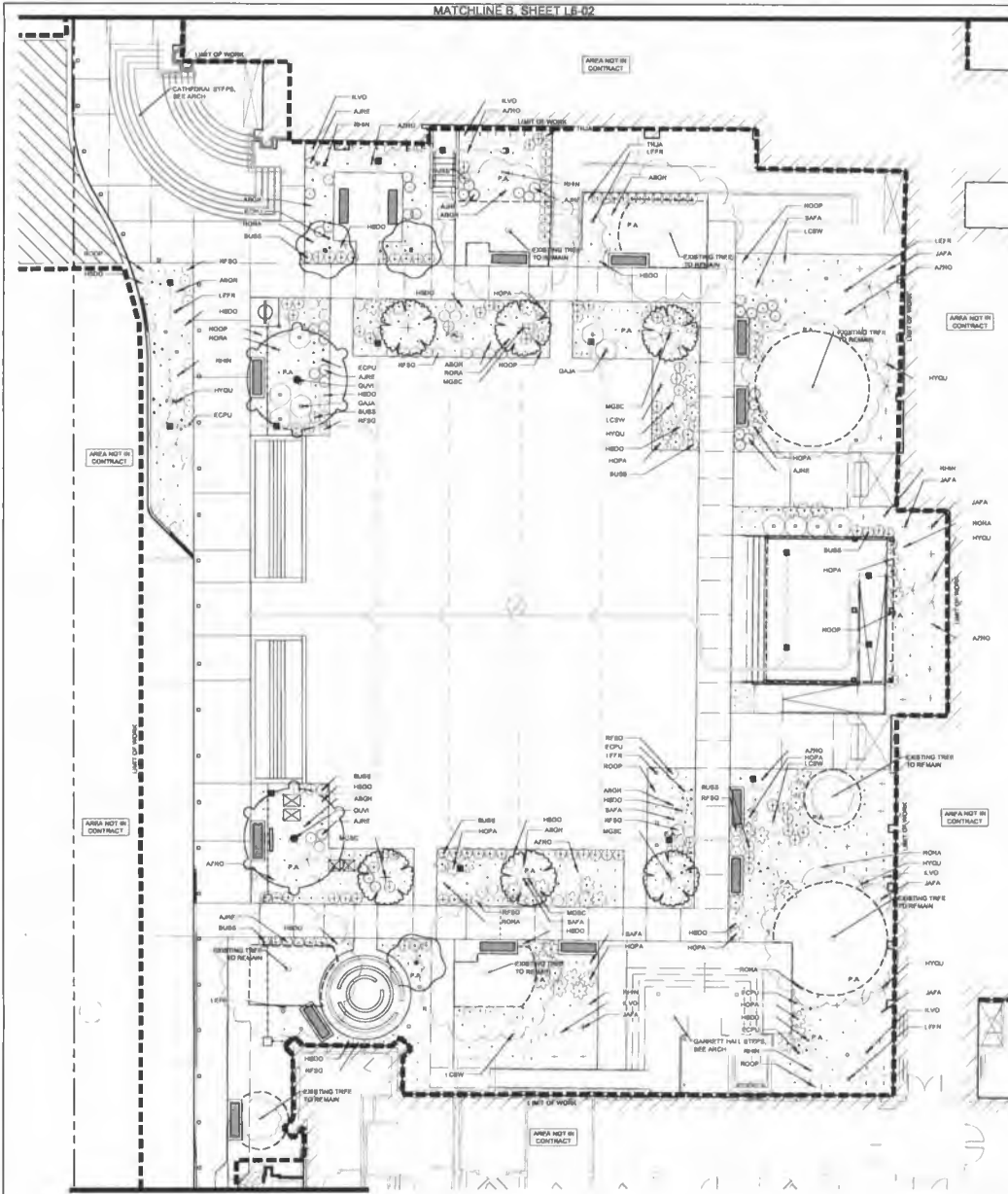
DESIGNED BY: CHC
 DRAWN BY: SO
 CHECKED BY: CHC

DATE: 12/14/2017
 WEST: N/A
 NORTH: 1/4" = 1'-0"
 SCALE: 1" = 10'-0"

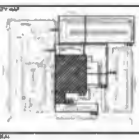
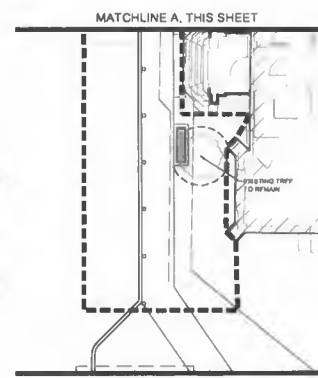
SPECIAL EXEMPTION PLAN

PROJECT NO: LO-03A

BDA223-071



PLANT SCHEDULE		MIN. COBT	MIN. CAL	MIN. HT	REMARKS
ACFR	Fraxinus Maple / Acer x hybrid	8.5GAL	1" CAL	13-14' HT	MATCHING, STRONG CF/NTRAL / LEADER
LAW	Dallas Red Cross Myrtle / Lagerströmia indica Dallas Red	8.5GAL	2" CAL	8-10' HT	MULTI TRUNK, 8 CANES MAX. MATCHING
MGSC	Tolly Bear Southern Magnolia / Magnolia grandiflora 'Southern Cross' TM	8.5GAL	1" CAL	13-14' HT	MATCHING, STRONG CF/NTRAL / LEADER
PRMF	Marion Plum / Prunus marilandica	8.5GAL	2" CAL	8-10' HT	MATCHING, STRONG CF/NTRAL / LEADER
PRSK	Reichen Japanese Flowering Cherry / Prunus serrulata 'Kanzan'	8.5GAL	1" CAL	13-14' HT	MATCHING, STRONG CF/NTRAL / LEADER
QUVI	Southern Live Oak / Quercus virginiana	8.5GAL	1" CAL	13-14' HT	MATCHING, STRONG CF/NTRAL / LEADER
SHRUBS		MIN. COBT	SPACING	MIN. HT	REMARKS
ABOR	Rose Cross Abelia / Abelia x grandiflora 'Rose Cross'	1 GAL	As Shown	18-24"	
AJRE	Coral Bells / Ajacis retorta	1 GAL	As Shown	10-12"	
AFRO	Holburn Lyle Fuchsia / Andros x 'Hobart'	1 GAL	As Shown	18-24"	
BURS	Buffaloba Common Broomrape / Broomrape sanguinolenta 'Buffaloba'	1 GAL	As Shown	18-24"	
FCPU	Carolinian / Cissampelos purpurascens	1 GAL	As Shown	12"	
JAPA	Japanese Fatsia / Fatsia japonica	1 GAL	As Shown	24-36"	
DAJA	Walter's Hardy Gardenia / Gardenia jasminoides 'Walter's Hardy'	1 GAL	As Shown	18-24"	
HBOO	Bleed-er-Oh Daylily / Hemerocallis x 'Bleed-er-Oh'	1 GAL	As Shown	12"	
HOPA	Paragon Hosta / Hosta x 'Paragon'	1 GAL	As Shown	10-12"	
HYOU	Coral Hydrangea / Hydrangea coriifolia	1 GAL	As Shown	24-36"	
LVO	Dwarf Toyon Holly / Ilex verticillata	1 GAL	As Shown	18-24"	
LYFR	Yucca Sage / Yucca filamentosa 'Yucca Sage'	1 GAL	As Shown	24-36"	
LCBW	Franklin D. Roosevelt / Impatiens franklini 'Franklin D. Roosevelt'	1 GAL	As Shown	18-24"	
REIN	Reichen Handkerchief / Hesperaloe parviflora	1 GAL	As Shown	18-24"	
NORA	White Knobe Oak Rose / Rosa x 'Reichen TM'	1 GAL	As Shown	18-24"	
ROOP	Dwarf Rosemary / Rosmarinus officinalis 'Prostratus'	1 GAL	As Shown	12-18"	
RFBO	Carolinian Caranther / Rudbeckia hirta subsp. 'Carolinian'	1 GAL	As Shown	10-12"	
SAFA	Healy Sage / Salvia healyana	1 GAL	As Shown	12-18"	
TRJA	Star Jasmine / Trachelium germanicum	1 GAL	As Shown	12-18"	
SHRUB AREAS		MIN. COBT	SPACING	MIN. HT	REMARKS
SEA SF'S	Seashell Cedar / Scaevola taccada	1 GAL	As Shown	12-18"	* NOT
GROUND COVER'S		MIN. COBT	SPACING	MIN. HT	REMARKS
CTV DAC	Bermuda Grass / Cynodon dactylon	1 GAL	As Shown	12-18"	SFD



ISSUE FOR PERMIT

ST. MATTHEWS CATHEDRAL

DALLAS, TEXAS

REVISION / ISSUANCE		
NO	DESCRIPTION	DATE
1	ISSUE FOR PERMIT	11.01.2023
2	GRADING REVISION	12.14.2023

DRAWN BY: CH
 CHECKED BY: SO
 DATE: 12/14/23
 SCALE: 1" = 10'
 NORTH ARROW



TEXAS 11
CALL BEFORE YOU DIG!
TEXAS ONE-CALL CENTER
(IT'S THE LAW!)

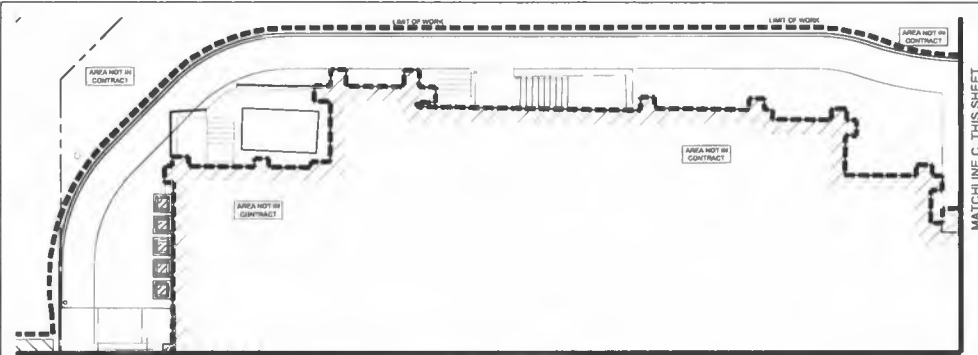
PLANTING PLAN

DATE: 12/14/23

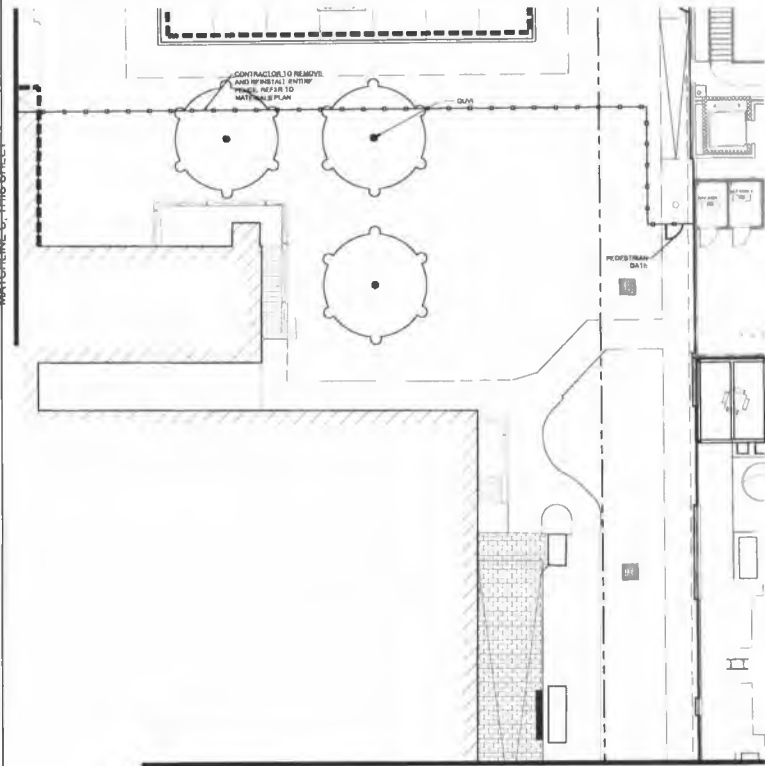
PROJECT: BDA223-071

SHEET: L6-01

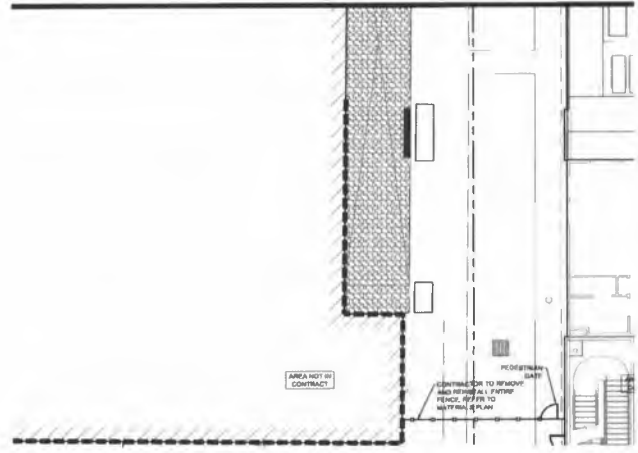
BDA223-071



MATCHLINE B, SHEET L6-01



MATCHLINE D, THIS SHEET



MATCHLINE D, THIS SHEET

PLANT SCHEDULE						
TREE	SYMBOL	COMMON / BOTANICAL NAME	MIN. CONT.	MIN. CAL.	MIN. HT.	RF/MARKS
ACPR		Freemson Maple / Acer x freemsonii	8 B&B	1" CAL	13-14' HT	MATCHING, STRONG CENTRAL LEADERS
LAWN		Dallas Red Crape Myrtle / Lagerströmia indica Dallas Red	8 B&B	2" CAL	8-10' HT	MULTI TRUNK, 3 CANES MAX, MATCHING
MSDC		Toddler Bear Southern Magnolia / Magnolia grandiflora Southern Charm™ TM	8 B&B	1" CAL	12-14' HT	MATCHING, STRONG CENTRAL LEADERS
PRMF		Mission Plum / Prunus mexicana	8 B&B	2" CAL	8-10' HT	MATCHING, STRONG CENTRAL LEADERS
PRJC		Katsura Japanese Flowering Cherry / Prunus serrulata 'Noren-san'	8 B&B	2" CAL	13-14' HT	MATCHING STRONG CENTRAL LEADERS
QLM		Southern Live Oak / Quercus virginiana	8 B&B	1" CAL	12-14' HT	MATCHING, STRONG CENTRAL LEADERS
SHRUBS						
CODE	SYMBOL	COMMON / BOTANICAL NAME	MIN. CONT.	SPACING	MIN. HT.	RF/MARKS
ABQR		Rose Cross Abelia / Abelia x grandiflora 'Rose Cross'	8 GA	As Shown	18-24"	
AJRT		Carroll Bayla / Abies hybrid	1 GA	As Shown	10-12"	
AZRO		Autumn Light Fuchsia / Anaxos x 'Water'	8 GA	As Shown	10-24"	
BLBB		Buff-Rose Common Rosewood / Rubus sanguinolentus 'Buff-Rose'	8 GA	As Shown	18-24"	
EDPU		Carpanthus / Fuchsia purpurea	1 GA	As Shown	12"	
JAPA		Japanese Fatsia / Fatsia japonica	1 GA	As Shown	24-30"	
GAJA		Kent's Honey Suckle / Gordonia japonica Kent's Honey'	8 GA	As Shown	18-24"	
HBDO		White de Oro Dogwood / Cornus florida x 'White de Oro'	1 GA	As Shown	12"	
HOPA		Parrotia / Parrotia x 'Parrotia'	1 GA	As Shown	10-12"	
HYQU		Dotted Hydrangea / Hydrangea serrata	1 GA	As Shown	24-30"	
HYVD		Chart 'Fusion' Holly / Ilex verticillata	8 GA	As Shown	18-24"	
LFPR		Teak Sage / Leucophyllum frutescens	1 GA	As Shown	24-30"	
LCBW		Kismet Shrub / Lagerströmia indica 'Kismet' TM	8 GA	As Shown	18-24"	
BLHE		Indian Hawthorn / Rhaphanopora indica	8 GA	As Shown	18-24"	
ROBA		White Knosh Oak Rose / Rose x 'Knosh' TM	8 GA	As Shown	18-24"	
RODP		Chart Rosemary / Rosmarinus officinalis 'Prostratus'	3 GA	As Shown	12-18"	
WFGS		Double-flowered Camellia / Camellia sasanqua 'Double-flower'	1 GA	As Shown	10-12"	
SAFA		Heady Sage / Salvia nemorosa	3 GA	As Shown	12-18"	
TRJA		Blue Japanese Yucca / Yucca japonica	1 GA	As Shown	12-18"	
SHRUB ANVASE						
CODE	SYMBOL	COMMON / BOTANICAL NAME	MIN. CONT.	SPACING	MIN. HT.	RF/MARKS
SEA 8TB		Seaside Cedar / Sequoia colorata	-	-	4" POT	
GROUND COVERS						
CODE	SYMBOL	COMMON / BOTANICAL NAME	MIN. CONT.	SPACING	MIN. HT.	RF/MARKS
CVN DAC		Bermuda Grass / Cynodon dactylon	-	-	-	BEYD



ISSUE FOR PERMIT

ST. MATTHEWS CATHEDRAL

DALLAS, TEXAS

PROJECT: 8618048

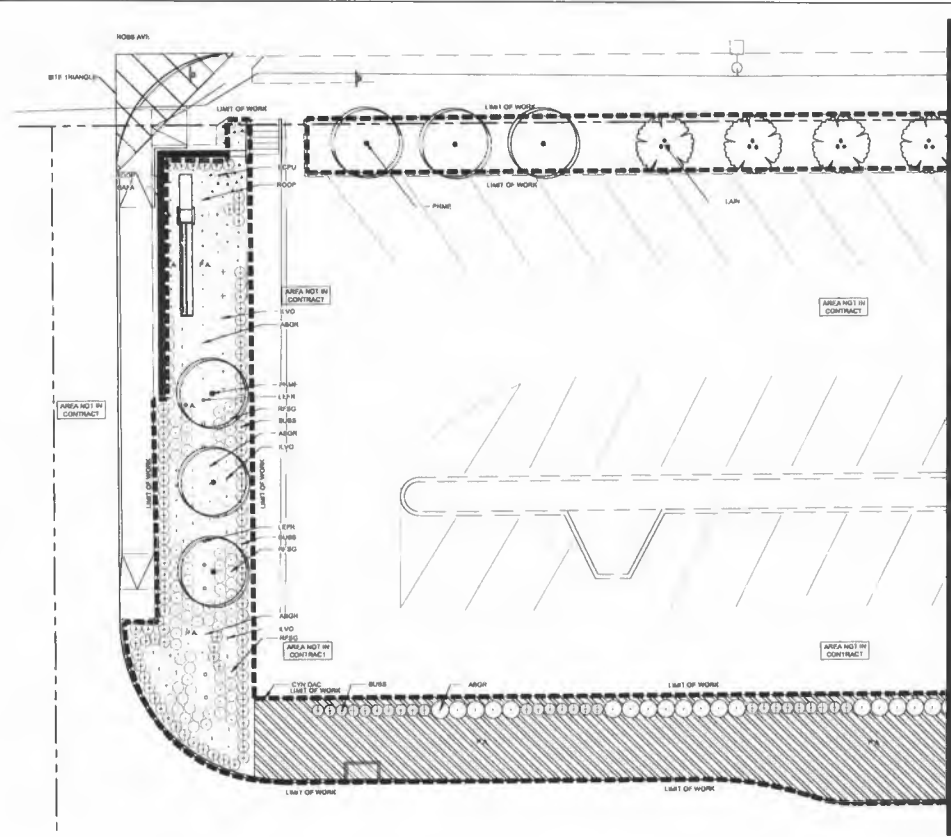
REVISION / ISSUANCE		
NO.	DESCRIPTION	DATE
	ISSUE FOR PERMIT	11/01/2022
A	GRADING REVISION	12/14/2022

DR. BOARD BY: CHS
 CHECKED BY: CHS
 DATE: 11/14/22

PLANNING PLAN
 L6-02

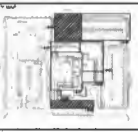
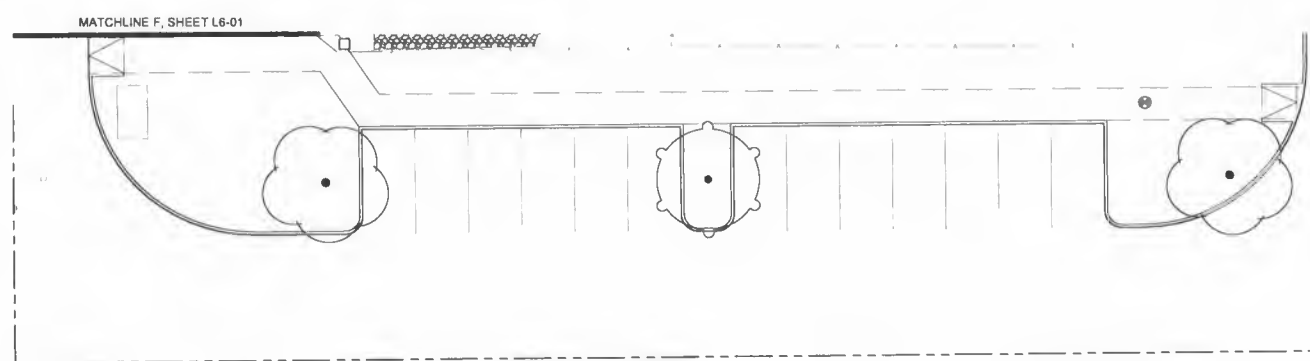


BDA223-071



SYMBOL	CODE	COMMON / BOTANICAL NAME	MIN. CONT.	MIN. CAL.	MIN. HT.	REMARKS
	ACFR	Fraxinus Maple / Fraxinus ssp. Fraxinoides	500	6" CAL	13-14 HT	MATCHING, 8" INCH CENTRAL LEADIN
	LAKM	Dallas Red Creeper Myrtle / Ligustrum molle Dallas Red	500	7" CAL	8-10' HT	MIX IT TRUNK, 3 DAVES MAX, MATCHING
	MOBC	Tortery Pear Southern Magnolia / Magnolia grandiflora Southern Charm™ TM	500	6" CAL	12-14 HT	MATCHING, 8" INCH CENTRAL LEADIN
	PRFR	Maddox Plum / Prunus maddoxii	500	7" CAL	8-10' HT	MATCHING, 8" INCH CENTRAL LEADIN
	PRBK	Kawachi Japanese Flowering Cherry / Prunus serrulata 'Kawachi'	500	6" CAL	12-14 HT	MATCHING, 8" INCH CENTRAL LEADIN
	OLAN	Southern Live Oak / Quercus virginiana	500	6" CAL	12-14 HT	MATCHING, 8" INCH CENTRAL LEADIN
BRUBS						
SYMBOL	CODE	COMMON / BOTANICAL NAME	MIN. CONT.	SPACING	MIN. HT.	REMARKS
	ABGR	Poa Creek Abasco / Abasco ssp. griffithii 'Poa Creek'	9.0 GA	As Spaced	18-24"	
	AJRC	Carpet Sage / Aeluropus sp.	1.0 GA	As Spaced	15-17"	
	AZRO	Autumn Light Florist Abasco / Abasco ssp. 'Floral'	9.0 GA	As Spaced	18-24"	
	BUBS	Suffrutescent Common Broomrape / Sarcocolla americana 'Suffrutescent'	9.0 GA	As Spaced	18-24"	
	RCPU	Carpetgrass / Eleocharis purpurea	1.0 GA	As Spaced	17"	
	JAJA	Japanese Fescue / Festuca japonica	7.0 GA	As Spaced	24-30"	
	GAJA	Kentucky Heavy Geranium / Geranium junceoides 'Kentucky Heavy'	9.0 GA	As Spaced	18-24"	
	HBOD	Black de Oro Daylily / Hemiphragma ssp. 'Black de Oro'	1.0 GA	As Spaced	17"	
	HDPA	Parrotbill Hedges / Hedges ssp. 'Parrotbill'	1.0 GA	As Spaced	18-17"	
	HTQU	Darkleaf Hydrangea / Hydrangea quercifolia	7.0 GA	As Spaced	24-30"	
	LVDO	David's Yucca Holly / Yucca vanderii	9.0 GA	As Spaced	18-24"	
	LEFN	Texas Sage / Leucophyllum frutescens	7.0 GA	As Spaced	24-30"	
	LCBW	Emerald Green Carpetgrass / Carex flacca 'Emerald Green' TM	9.0 GA	As Spaced	18-24"	
	IRBN	Indian Hawthorn / Rhaphanophora hirsuta	9.0 GA	As Spaced	18-24"	
	ROBA	White Knives Out Rose / Rosa ssp. 'White Knives'	9.0 GA	As Spaced	18-24"	
	ROOP	David Rosemary / Rosmarinus officinalis 'David's'	9.0 GA	As Spaced	12-17"	
	RFSD	Darkleaf Rosemary / Rosmarinus officinalis 'Darkleaf'	1.0 GA	As Spaced	18-17"	
	BAFA	Heavy Sage / Salvia leucantha	9.0 GA	As Spaced	12-17"	
	TRJA	Star Jasmine / Trachelium americanum	1.0 GA	As Spaced	12-17"	
BRUBS AREAS						
SYMBOL	CODE	COMMON / BOTANICAL NAME	MIN. CONT.	SPACING	MIN. HT.	REMARKS
	SEA BEB	Seaside Carpet / Sesuvium portulacastrum	-	-	4" POT	
BRUBS COFFERS						
SYMBOL	CODE	COMMON / BOTANICAL NAME	MIN. CONT.	SPACING	MIN. HT.	REMARKS
	OTN DAC	Bermuda Grass / Cynodon dactylon	-	-	8" POT	

MATCHLINE E, SHEET L6-04



ISSUE FOR PERMIT

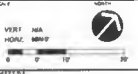
ST. MATTHEWS CATHEDRAL

DALLAS, TEXAS

PROJECT NO: 8519048

REVISION / ISSUANCE		
NO.	DESCRIPTION	DATE
	ISSUE FOR PERMIT	11/11/2021
A	GRAZING REVISION	12/14/2021

DESIGNED BY: CDR
 DRAWN BY: SD
 CHECKED BY: CDR



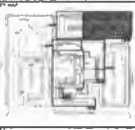
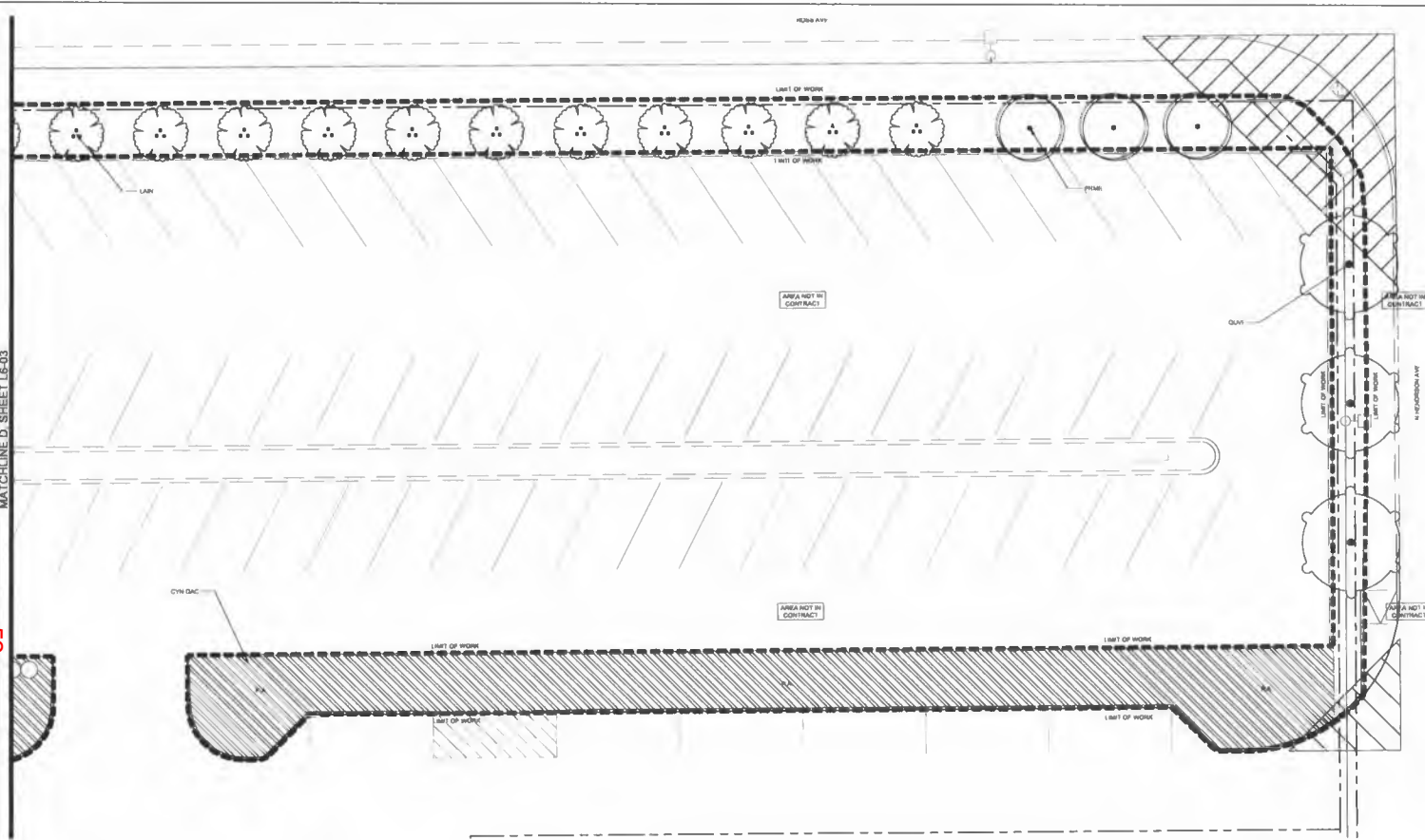
PLANTING PLAN

L6-03

BDA223-071

MATCHLINE D SHEET L6-03

52



ISSUE FOR PERMIT

ST. MATTHEWS CATHEDRAL

DALLAS, TEXAS

8518048

REVISION / ISSUANCE

NO	DESCRIPTION	DATE
	ISSUED FOR PERMIT	11.01.2017
A	GRADING REVISION	12.14.2017

DESIGNED BY: CHE
 DRAWN BY: SD
 CHECKED BY: CHE



TEXAS 811
 CALL BEFORE YOU DIG!
 TEXAS ONE-CALL CENTER
 IT'S THE LAW!

VERT: 1/8" = 1'-0"
 HORZ: 1" = 10'

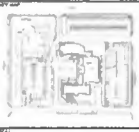
PLANTING PLAN

L6-04

BVA223-071

SYMBOL	CODE	QTY	BOTANICAL NAME	COMMON NAME	MIN. CONT.	MIN. CAL.	MIN. HT.	REMARKS
	ADFR	3	Acer + Prunifera	Flowering Maple	6&8	4" CAL.	13-14 HT.	MATCHING, STRONG CENTRAL LEADER
	LAM	15	Ligustrum molle 'Dallas Red'	Dallas Red Crapemyrtle	6&8	2" CAL.	6-10' HT.	MULTI TRUNK, 3 CANE'S MAX, MATCHING
	MGBC	5	Magnolia grandifolia 'Southern Charm' TM	Tasty Bear Southern Magnolia	6&8	4" CAL.	13-14 HT.	MATCHING, STRONG CENTRAL LEADER
	FRMX	5	Ficus mexicana	Mexican Fig	6&8	2" CAL.	6-10' HT.	MATCHING, STRONG CENTRAL LEADER
	FRFK	3	Ficus aspidioides 'Yuccaform'	Kawachi Japanese Flowering Cherry	6&8	4" CAL.	13-14 HT.	MATCHING, STRONG CENTRAL LEADER
	QUVA	5	Quercus virginiana	Southern Live Oak	6&8	4" CAL.	13-14 HT.	MATCHING, STRONG CENTRAL LEADER
SYMBOL	CODE	QTY	BOTANICAL NAME	COMMON NAME	MIN. CONT.	SPACING	MIN. HT.	REMARKS
	AROR	15	Rosa x grandiflora 'Rose Crest'	Rose Crest Abelia	5 GAL	As Shown	13-24"	
	AJMC	45	Carpal Sulca	Carpal Sulca	1 GAL	As Shown	10-12"	
	AJMD	35	Autumn Light Finest Abelia	Autumn Light Finest Abelia	5 GAL	As Shown	13-24"	
	BUBS	25	Sulfurbees Common Bismol	Sulfurbees Common Bismol	5 GAL	As Shown	13-24"	
	CDU	55	Coriaria	Coriaria	1 GAL	As Shown	12"	
	JAF A	25	Japanese Fatsia	Japanese Fatsia	7 GAL	As Shown	24-30"	
	GAJA	15	Elmer's Hardy Gardenia	Elmer's Hardy Gardenia	5 GAL	As Shown	13-24"	
	HBDO	115	Bells As One Driftly	Bells As One Driftly	1 GAL	As Shown	12"	
	HQFA	55	Foreign Hebe	Foreign Hebe	1 GAL	As Shown	10-12"	
	HYGU	55	Outdoor Hydrangea	Outdoor Hydrangea	7 GAL	As Shown	24-30"	
	DYVO	55	Dwarf Yucca Vary	Dwarf Yucca Vary	5 GAL	As Shown	13-24"	
	LJFB	35	Tamee Begs	Tamee Begs	7 GAL	As Shown	24-30"	
	LCIW	35	Fernald Small Impatiens	Fernald Small Impatiens	5 GAL	As Shown	13-24"	
	REIA	25	Indian Hawthorn	Indian Hawthorn	5 GAL	As Shown	13-24"	
	ROKA	37	Wink Knot Oak Rose	Wink Knot Oak Rose	5 GAL	As Shown	13-24"	
	ROOF	55	Dwarf Rosemary	Dwarf Rosemary	3 GAL	As Shown	10-12"	
	RFBO	125	Omboum Candyflower	Omboum Candyflower	1 GAL	As Shown	10-12"	
	SAFA	55	Honey Begs	Honey Begs	3 GAL	As Shown	10-12"	
	TRJA	27	Elmer's Hardy Gardenia	Elmer's Hardy Gardenia	1 GAL	As Shown	13-18"	
	BFA BFB	14 #	Broomed Cedar	Broomed Cedar	-	-	4" PD1	
	CYN DAC	5,311 #	Bermuda Grass	Bermuda Grass	-	-	-	SEED

53



ISSUE FOR PERMIT

ST. MATTHEWS CATHEDRAL
 DALLAS, TEXAS

PROJECT NO: 8818045

REVISION / ISSUANCE		
NO.	DESCRIPTION	DATE
	ISSUE FOR PERMIT	11.01.2023
A	DRAWING REVISION	12.14.2023

DESIGNED BY: CHK
 DRAWN BY: SO
 CHECKED BY: CHK

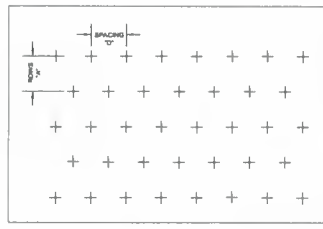


SCALE: VERT: 1/8" = 1'-0" HORIZ: 1" = 30'

PLANTING SCHEDULE

PROJECT: L6-05

PDA 223-091



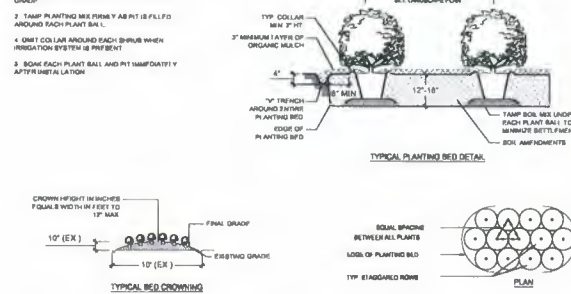
PLANT SPACING CHART

SPACING "O"	ROW "A"	PLANTS / 5' P
8" O.C.	8 1/2" P.O.C.	4.81
8" O.C.	8 1/4" P.O.C.	2.80
10" O.C.	8 3/4" P.O.C.	1.08
10" O.C.	8 1/2" P.O.C.	1.13
10" O.C.	10" P.O.C.	0.79
10" O.C.	12 1/2" P.O.C.	0.51
10" O.C.	15" P.O.C.	0.33
10" O.C.	18 1/4" P.O.C.	0.21

TRIANGULAR SPACING FOR SHRUBS & GROUND COVERS

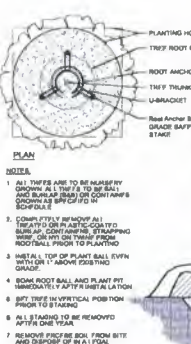
PLAN NTS

- NOTES:**
1. SECURE ROOT MASS OF CONTAINERIZED PLANT MATRICES
 2. METAL CONTAINERS FOR PLANTS AT FINISH GRADE
 3. TAMP PLANTING MIX FIRST AS IT IS FILLED AROUND EACH PLANT BALL
 4. GIVE COLLAR AROUND EACH SHRUB WHEN IRRIGATION SYSTEM IS PRESENT
 5. SOAK EACH PLANT BALL AND PUT IMMEDIATELY AFTER INSTALLATION



SHRUB PLANTING BED

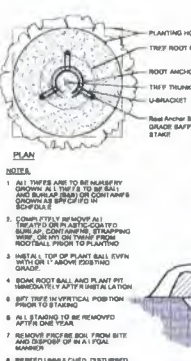
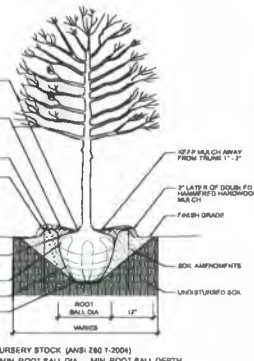
PLAN, SECTION NTS



TYPICAL PLANTER POT LAYOUT

PLAN, SECTION NTS

- NOTES:**
1. ALL TREES ARE TO BE NURSERY GROWN ALL TREES TO BE BALL AND BURLAP OR CONTAINER GROWN AS SPECIFIED BY CONTRACT
 2. COVER TYPICAL EXCESS PLANTING MIX WITH 1/2" OF PLASTER OR FIBERGLASS REINFORCED PLASTER FROM ROOT BALL TO PLANTING
 3. METAL TOP OF PLANT BALL WITH 1/2" ABOVE FINISH GRADE
 4. REMOVE EXCESS SOIL FROM ROOT CROWN WITH 1/2" ABOVE FINISH GRADE
 5. SOAK ROOT BALL AND PLANT IMMEDIATELY AFTER INSTALLATION
 6. ALL TREES MUST HAVE A MINIMUM PLANTING POSITION FROM
 7. ALL TREES TO BE REMOVED AFTER ONE YEAR
 8. REMOVE EXCESS SOIL FROM BITE AND DISPOSE OF IN A LEGAL MANNER
 9. REEFIT LUNBA CHECK DISTURBED AREAS
 10. DO NOT COVER ROOT CROWN



TREE PLANTING

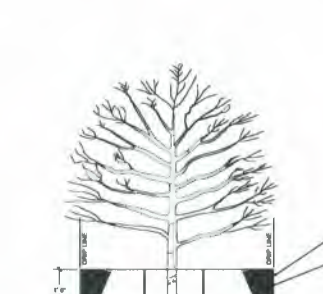
SECTION NTS

MULTI-STEM TREE

PLAN, SECTION NTS

EVERGREEN TREE PLANTING

SECTION NTS



TREE PROTECTION FENCE

SECTION NTS

SOIL AMENDMENTS

SECTION NTS

- NOTES:**
1. NO SPACING, FACING OR MANUFACTURING OF WOODS OR STORETOP OF MATRICES, AND/OR ANY OTHER CONSTRUCTION OR LAND DEVELOPMENT ACTIVITY SHALL TAKE PLACE WITHIN THE TREE PROTECTION FENCING AREA.
 2. FENCE TO BE MAINTAINED AND REPAIRED AS NECESSARY DURING CONSTRUCTION.

- NOTES:**
1. LEAF MULCH SHALL BE COMPOSED OF LEAF MATERIAL, FINE OR MODERATELY DECOMPOSED DETRI-MENTAL IMPACTS
 2. COMMERICAL FERTILIZERS
 3. SHALL BE USED WITH A MINIMUM OF 50 PERCENT OF TOTAL NITROGEN IN ORGANIC FORM WITH NO CYANAMIDE COMPONENT OR HYDRAZYL OR AMIDES
 4. GRADING REVISION 12.18.2027



ISSUE FOR PERMIT

ST. MATTHEWS CATHEDRAL

DALLAS, TEXAS

0619048

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	ISSUE FOR PERMIT	11.81.2023
A	GRADING REVISION	12.18.2027

DESIGNED BY: CJK
DRAWN BY: BO
CHECKED BY: CJK

PLANTING DETAILS

DATE: 11/18/2023

L6-06

BDA223-071



PROJECT DATA	
Units:	
Bldg. 1 MF Units (840 sf avg)	247 units
Bldg. 2 MF Units (840 sf avg)	137 units
Total Units:	384 units
Total Net Rentable Area:	323,297 s.f.
Leasing/ Amenity: (including Garage Amenity)	10,500 s.f.
Site Area:	4.57 acres
Density:	84 units/acre



A FIRM WITH A VIBRANT & EXCITING CULTURE RECOGNIZED FOR ELEVATED DESIGN



BLDG 1	85,797.8	SF
BLDG 2	41,176.0	SF
TOTAL	126,973.8	SF

SITE AREA 199,273 SF (4.57 AC)

LOT COVERAGE 126,973.8 SF / 199,273 SF or 63.7 %

Alexan Arts III
Dallas, Texas
SCHEMATIC DESIGN PACKAGE



Copyright © JHP 2020
Not for Regulatory Approval
Permit or Construction
Biom Print
Registered Architect of State
of Texas, Registration No.
14129

2019073 JG

01

02.04.2021

CONCEPTUAL
SITEPLAN

BDA223-071

FILE NUMBER: BDA223-073(GB)

BUILDING OFFICIAL'S REPORT Application of Gretchen Raiff for a special exception to afford a handicapped person equal opportunity to use and enjoy a dwelling at 7704 Glen Albens Cir. This property is more fully described as Block 2/5454, Lot 66 and is zoned R-7.5(A), which allows 45% maximum lot coverage. The applicant proposes to construct a single-family residential structure with 7423 square feet of floor area (4196 sf lot coverage; 52.63%), which will require a 609 square foot special exception to the maximum allowed lot coverage of 45%.

LOCATION: 7704 Glen Albens Circle

APPLICANT: Michael and Gretchen Raiff

REQUEST:

This is a request for a special exception to afford a handicapped person equal opportunity to use and enjoy a dwelling at 7704 Glen Albens Cir. The applicant proposes to construct a single-family residential structure with 7423 square feet of floor area (4196 sf lot coverage; 52.63%), which will require a 609 square foot special exception to the maximum allowed lot coverage of 45%.

STANDARD FOR A SPECIAL EXCEPTION:

Section 51A-1.107 of the Dallas Development Code states the board of adjustment **shall grant** a special exception to any regulation in this chapter if, after a public hearing, the board finds that the **exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling.**

(2) The board may impose reasonable conditions upon the granting of this special exception consistent with the purpose stated in this section.

(3) This section does not authorize the board to grant a change in the use of a building or structure. (Ord. 21183)

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception 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:

No BDA History within the last five years.

Zoning:

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

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

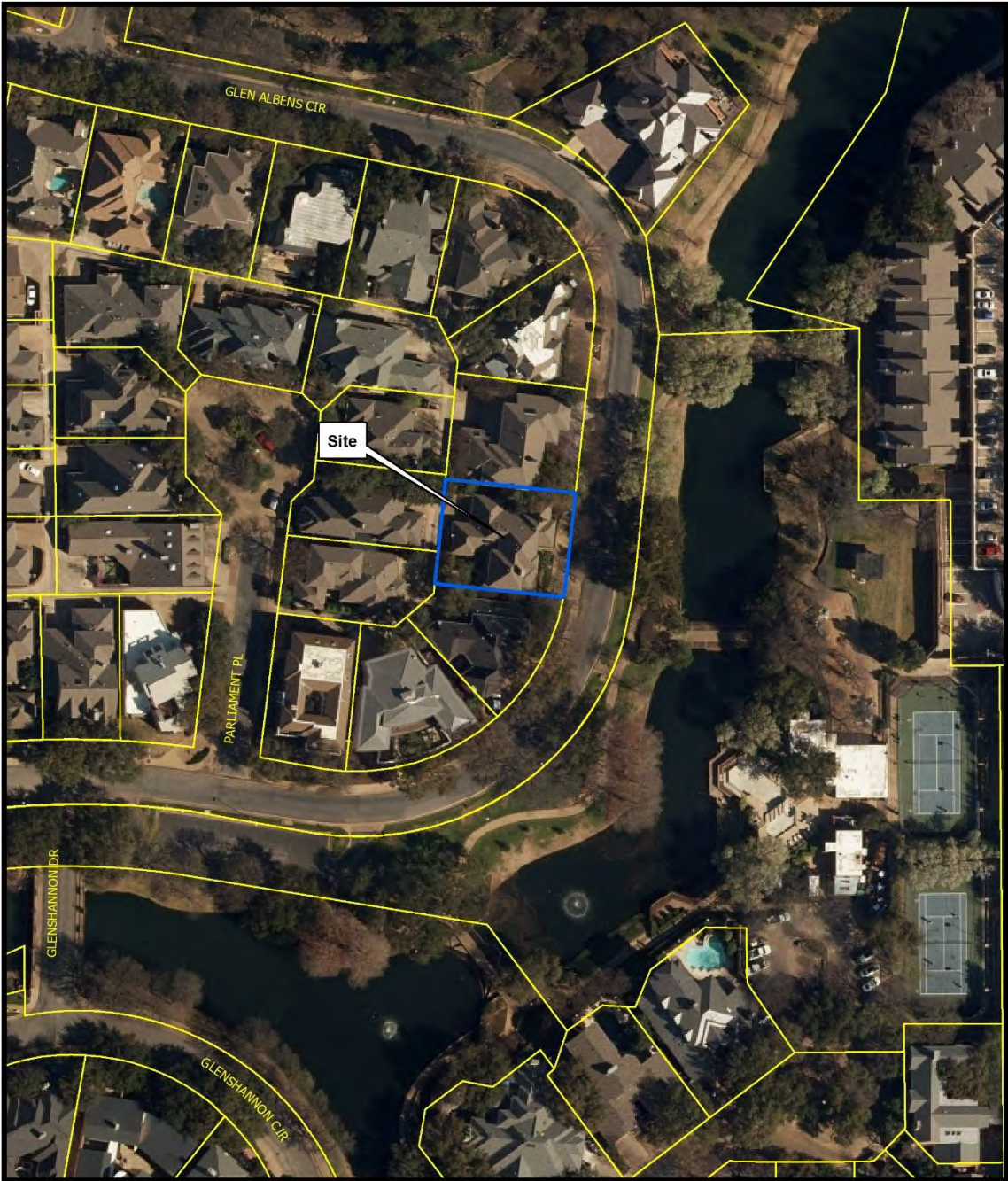
- This is a request for a special exception to afford a handicapped person equal opportunity to use and enjoy a dwelling at 7704 Glen Albens Circle.
- The subject property is located at 7704 Glen Albens Circle and is zoned R-7.5 (A)
- The R-7.5 (A) zoning only allows a maximum lot coverage of 45%. The additional square footage will increase the lot coverage by 7.63 %.
- There appears to be other homes in the subdivision commensurate with the applicant's request.

Timeline:

- June 02, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- June 26, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- July 11, 2023: The Board of Adjustment Senior Planner emailed the applicant the following information:
- a copy of the application materials including the Building Official's report on the application

- an attachment that provided the public hearing date and panel that will consider the application; the July 25, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the Friday, August 04, 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."

July 26, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August 16, 2023, public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planners, the Board of Adjustment Development Code Specialist, Project Coordinator the Chief Arborist, Assistant City Attorney (Matthew Sapp) and the Development Services Senior Engineers

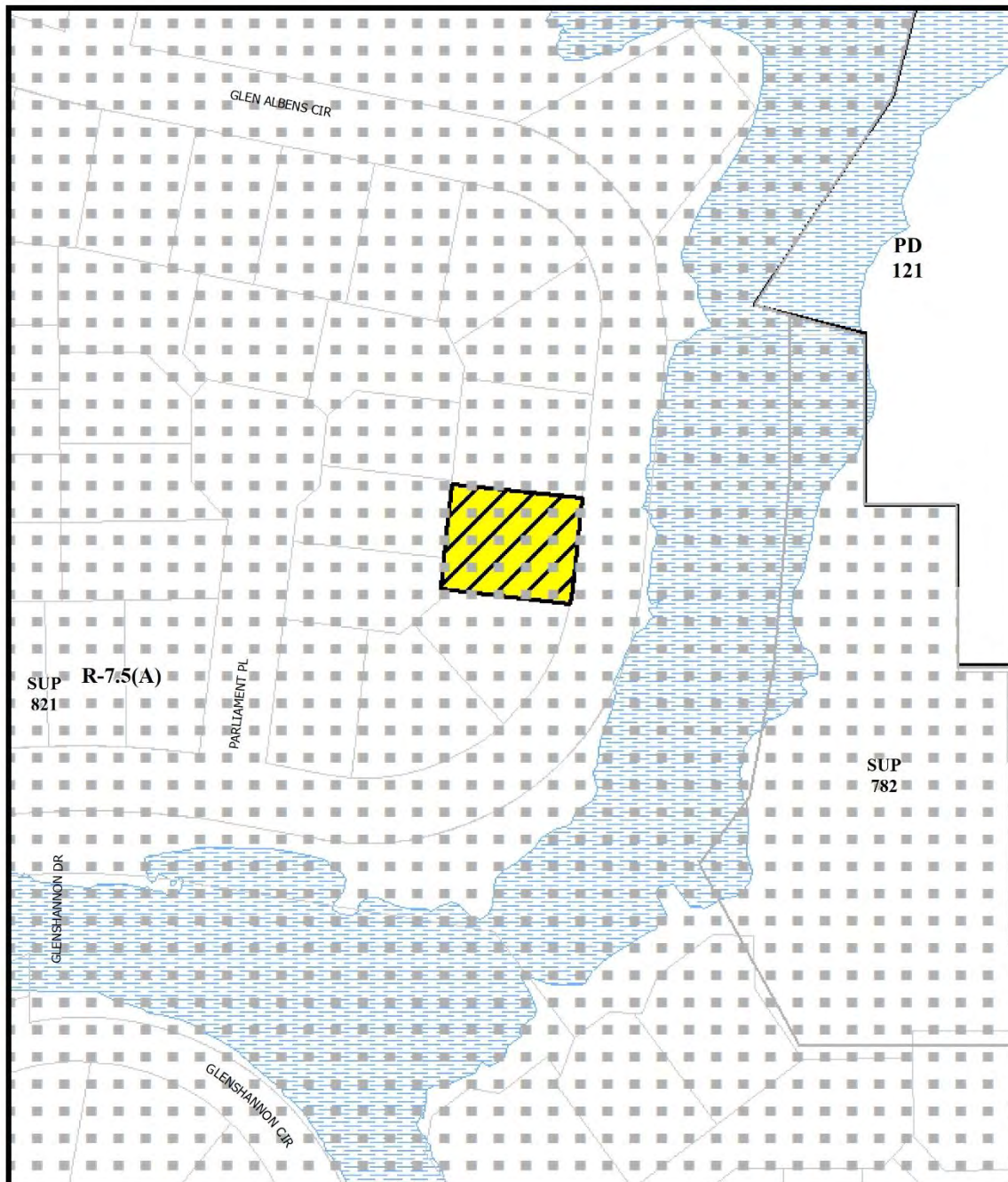


1:1,200

AERIAL MAP

Case no: BDA223-073

Date: 7/27/2023

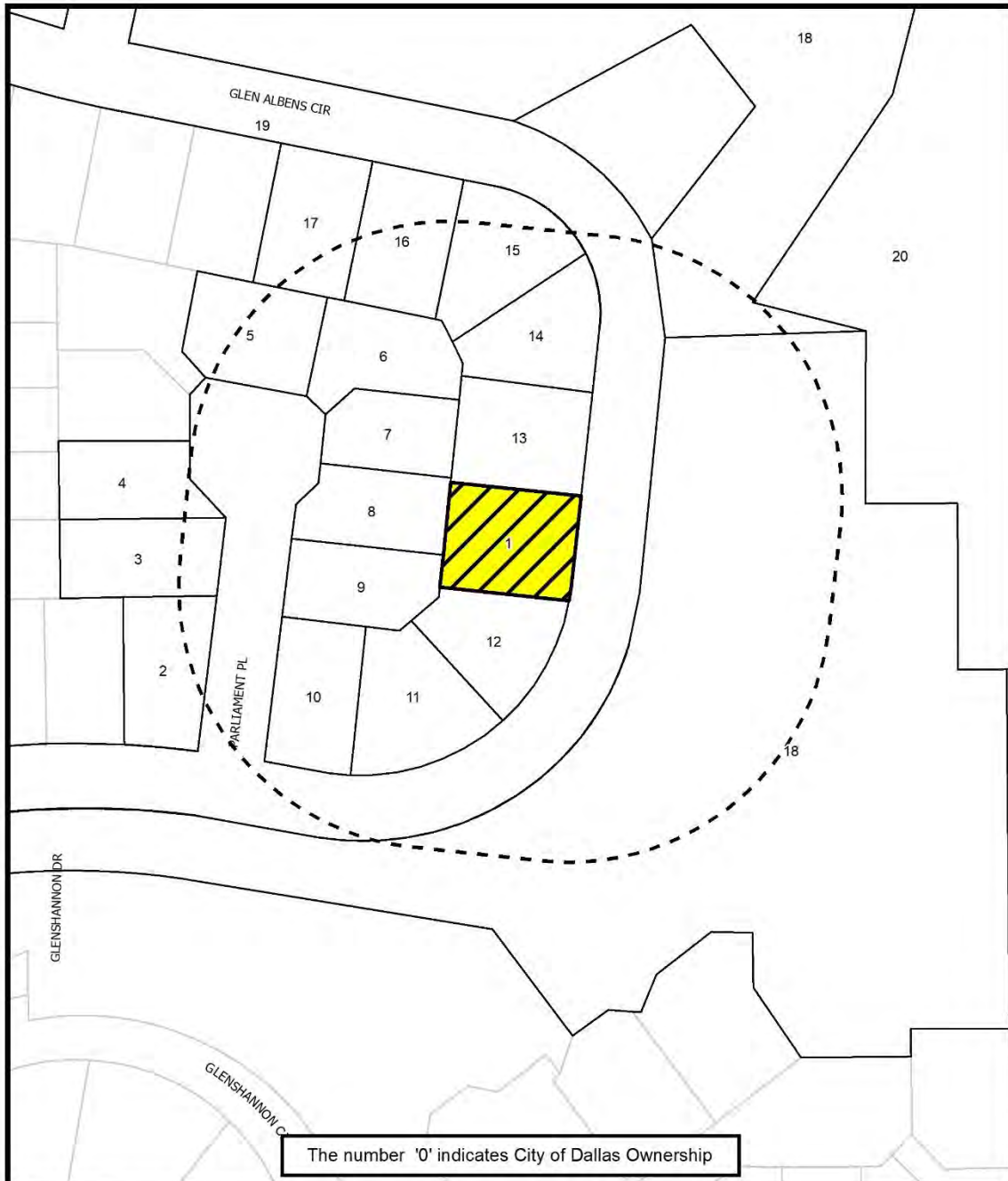


1:1,200

ZONING MAP

Case no: BDA223-073

Date: 7/27/2023



 1:1,200	NOTIFICATION		Case no: BDA223-073
	<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;">20</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 7/27/2023

07/27/2023

Notification List of Property Owners

BDA223-073

20 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7704 GLEN ALBENS CIR	CAMPBELL BARBARA
2	7616 GLEN ALBENS CIR	GRANOFF DAVID E
3	1 PARLIAMENT PL	MITCHELL J T & CYNTHIA R
4	2 PARLIAMENT PL	ASHLEY EVELYN JANE
5	5 PARLIAMENT PL	CROFFORD ELIZABETH LOUISE
6	6 PARLIAMENT PL	HUFFHINES PHILIP A & LINDA L
7	7 PARLIAMENT PL	GIBBONS DAVID E & MARY LOU
8	8 PARLIAMENT PL	VAUGHAN ROSEMARY HAGGAR
9	9 PARLIAMENT PL	FRENCH MICHAEL C &
10	11 PARLIAMENT PL	SAHLYYEH NABIL F ETAL
11	7624 GLEN ALBENS CIR	MARTIN DAVID E & PENNY P
12	7628 GLEN ALBENS CIR	MACARI BARBARA P FAMILY TRUST
13	7708 GLEN ALBENS CIR	VIG PETER R &
14	7712 GLEN ALBENS CIR	STRASSER LIVING TRST UA THE
15	7716 GLEN ALBENS CIR	FINKS FRANK B &
16	7720 GLEN ALBENS CIR	COOK SANDRA L
17	7724 GLEN ALBENS CIR	LOOSE ROSE
18	7600 GLEN ALBENS CIR	GLEN LAKES HOMEONRS ASSOC
19	7200 GLENSHANNON CIR	GLEN LAKES HOMEOWNERS
20	7750 WALNUT HILL LN	CREEKWOOD LAKESIDE LTD PS



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

REMOVED

Case No.: BDA 2231073 REMOVED

Data Relative to Subject Property: _____ Date: JUN 12 2023

Location address: 7704 Glen Albens Circle Dallas TX 75225 Zoning District: R7.5(A) Residential

Lot No.: 66 Block No.: 2/5454 Acreage: .183 Census Tract: 78.01

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

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Michael and Gretchen Raiff

Applicant: Michael and Gretchen Raiff Telephone: 469-682-1675

Mailing Address: 7503 Caruth Blvd. Zip Code: 75225

E-mail Address: raifffamily@gmail.com mraiff@gibsondunn.com

Represented by: NA Telephone: --

Mailing Address: -- Zip Code: --

E-mail Address: --

Affirm that an appeal has been made for a Variance or Special Exception of zoning district R7.5A requirements limiting maximum lot coverage to 45% for residential structures

* Special Exception for the handicapped NR

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:

Glen Lakes 2 is "akin to" (see deed record attached) a zero lot line community built in 1979 that contains plentiful ponds, trees and walking paths. We are only the second tear down and new build here, and the lot coverage and front yard requirements of R7.5 are difficult given the zero lot line community design. The original architect who died in 2020 told a new homeowner that a 25% variance had been granted for lot coverage in Glen Lakes because so much of the neighborhood was designated for landscape, ponds and parks; but no one has been able to find this variance granted. Additionally, the community plats are designed not to include significant portions of the front yard. In our case almost the entire front circle drive is not counted in our property. We would like to design a home with significant covered patio area to enjoy the pond and park we face. Therefore, we are requesting 51.4% lot coverage that includes a covered patio across the front of the home or 4101 square feet of our 7972 sf plot. When the typical front yard space up to the sidewalk is included (an additional 809 sf), we would be requesting 46.7% coverage. Thank you for your consideration.

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

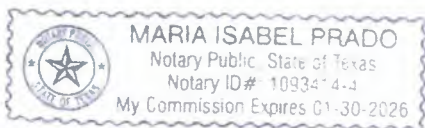
Before me the undersigned on this day personally appeared Gretchen W Raiff
(Affiant/Applicant's name printed)

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: Gretchen Raiff
(Affiant/Applicant's signature)

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

Maria Isabel Prado
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 GRETCHEN RAIFF
represented by MICHAEL RAIFF
did submit a request for a special exception to the lot coverage regulations to afford a
handicapped person equal opportunity to use and enjoy a dwelling
at 7704 GLEN ALBENS CIRCLE

BDA223-073. Application of GRETCHEN RAIFF for a special exception to afford a handicapped person equal opportunity to use and enjoy a dwelling at 7704 GLEN ALBENS CIR. This property is more fully described as Block 2/5454, Lot 66 and is zoned R-7.5(A), which allows 45% maximum lot coverage. The applicant proposes to construct a single-family residential structure with 7423 square feet of floor area (4196sf lot coverage; 52.63%), which will require a 609 square foot special exception to the maximum allowed lot coverage of 45%.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



AFFIDAVIT

Appeal number: BDA 223-073

I, Michael L Raiff, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 7704 Glen Albens Circle Dallas TX 75225
(Address of property as stated on application)

Authorize: Gretchen W. Raiff
(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: Filing for variance to zoning district R7.5A requirements limiting maximum lot coverage to 45% for residential structures.

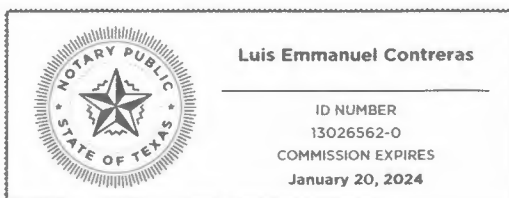
Michael L Raiff
Print name of property owner or registered agent
Date 05/27/2023

Signature of property owner or registered agent

Before me, the undersigned, on this day personally appeared Michael L Raiff

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 27th day of May, 2023



Commission expires on 01/20/2024



Posting of Notification Sign

Address: 7704 Glen Albens Circle, Dallas TX 75225

Appeal Number: BDA 223-073

All required notification signs must be posted on the property within fourteen (14) days after an application has been made, prior to the Board of Adjustment Hearing, and not be removed until the hearing ends.

The sign must be posted at a prominent location adjacent to the public street, evenly spaced along each frontage, and easily visible from the street. Failure to properly post the sign(s) may result in either a postponement or denial of the appeal.

All required notification signs have been received. One sign is required for each 500 feet or less of frontage, or every tract of five (5) acres or less, with a maximum of five (5) signs required. The cost of each sign is \$10.00.

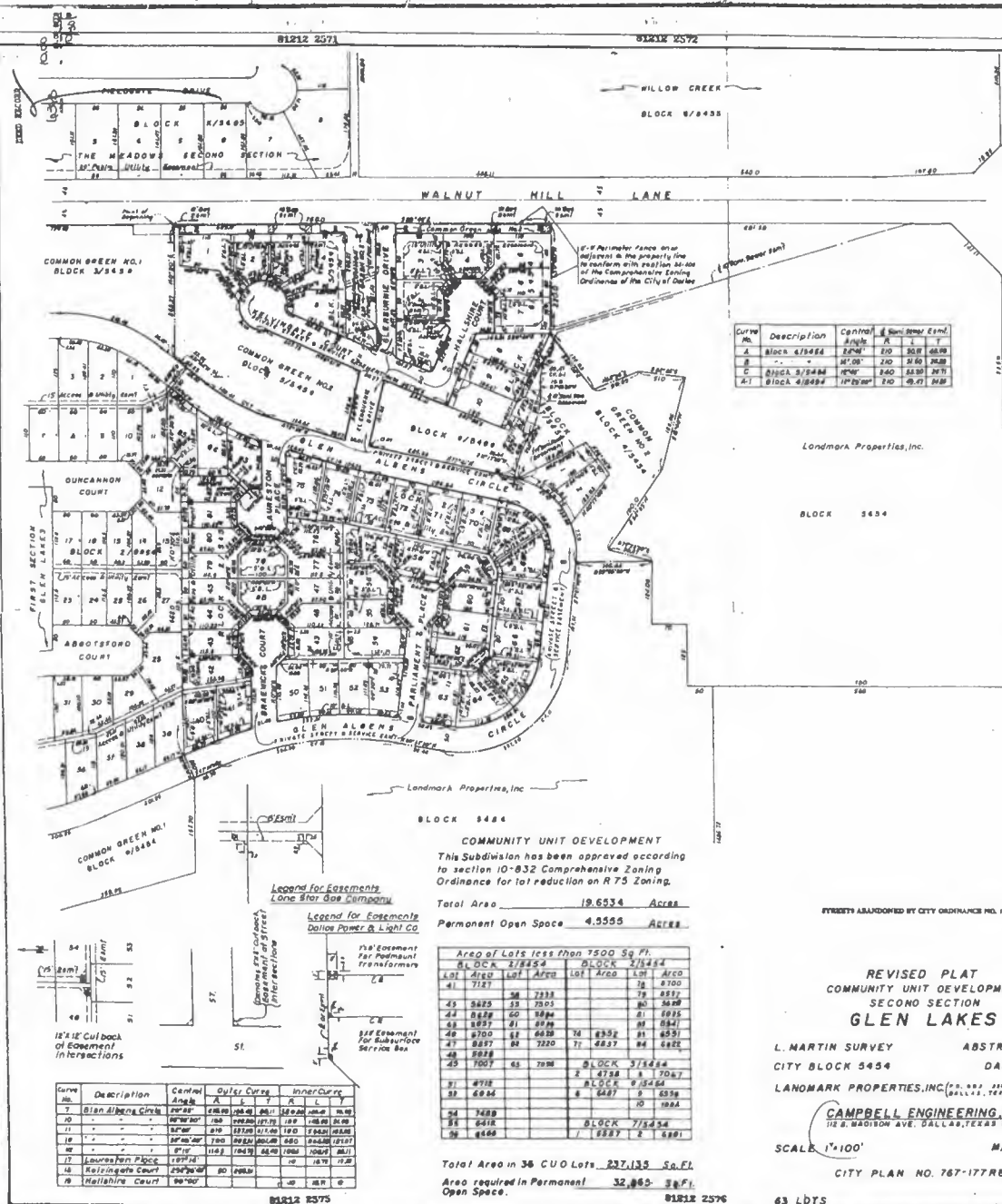
Footage of each street frontage: 80

Number of acres: .183

Number of signs received: 1

Geetden Raiff
Signature of applicant or person receiving signs

04/01/2023
Date



Curve No.	Description	Central Angle	Outer Curve	Inner Curve
A	Block 8/3434	24°40'	E10 50.01 08.00	
B	"	45°00'	E10 50.00 08.00	
C	Block 8/3434	42°00'	E10 50.00 08.00	
A'	Block 8/3434	17°20'	E10 50.01 08.00	

COMMUNITY UNIT DEVELOPMENT
 This Subdivision has been approved according to section 10-832 Comprehensive Zoning Ordinance for lot reduction on R75 Zoning.

Total Area **19.6534 Acres**
 Permanent Open Space **4.5555 Acres**

Area of Lots less than 7500 Sq. Ft.

Lot	Area	Lot	Area	Lot	Area	Lot	Area
41	7127	48	5825	55	7205	62	2217
42	8828	49	6828	56	8928	63	5935
43	8752	50	8198	57	8928	64	8882
44	8752	51	8928	58	8752	65	8882
45	8752	52	8628	59	8928	66	8882
46	8752	53	7205	60	8928	67	8882
47	8752	54	7205	61	8928	68	8882

Curve No.	Description	Central Angle	Outer Curve	Inner Curve
1	Glen Albens Circle	24°40'	E10 50.01 08.00	
2	"	45°00'	E10 50.00 08.00	
3	"	42°00'	E10 50.00 08.00	
4	"	17°20'	E10 50.01 08.00	

REVISED PLAT COMMUNITY UNIT DEVELOPMENT SECOND SECTION GLEN LAKES

L. MARTIN SURVEY ABSTRACT NO. 924
 CITY BLOCK 3434 DALLAS, TEXAS
 LANOMARK PROPERTIES, INC. (D.B.A. 22222) OWNER

CAMPBELL ENGINEERING, INC.
 112 S. WADSWORTH AVE. DALLAS, TEXAS 75205

SCALE: 1"=100' MARCH 23, 1981
 CITY PLAN NO. 767-177R02

STATE OF TEXAS
 COUNTY OF DALLAS

VERNONA, LANOMARK PROPERTIES, INC., the attorney-in-fact for all present owners of certain property in the City of Dallas, Texas, according to the plat heretofore recorded in Vol. 7717, on page 0007 of the Deed Records of Dallas County, Texas.

VERNONA, LANOMARK PROPERTIES, INC., individually and as the attorney-in-fact for the present owners of the property described herein, hereby certify that the plat heretofore recorded is a true and correct copy of the original plat heretofore recorded in Vol. 7717, on page 0007 of the Deed Records of Dallas County, Texas.

VERNONA, LANOMARK PROPERTIES, INC., individually and as the attorney-in-fact for the present owners of the property described herein, hereby certify that the plat heretofore recorded is a true and correct copy of the original plat heretofore recorded in Vol. 7717, on page 0007 of the Deed Records of Dallas County, Texas.

The private streets and common easements shown hereon are hereby dedicated to the public use in accordance with the procedure and voting requirements specified for easements of this nature, upon the approval of the governing body of the City of Dallas.

The streets and common easements shown hereon are hereby dedicated to the public use in accordance with the procedure and voting requirements specified for easements of this nature, upon the approval of the governing body of the City of Dallas.

The private streets and common easements shown hereon are hereby dedicated to the public use in accordance with the procedure and voting requirements specified for easements of this nature, upon the approval of the governing body of the City of Dallas.

RECORDED at Dallas, Texas, this 17th day of May, A.D. 1981.

LANOMARK PROPERTIES, INC.,
 Individually and as
 Attorney-in-fact

 VERNON A. SMITH, JR., Secretary



Note: The maintenance of the perimeter fence and Common Green's Area to be the responsibility of Glen Lakes Home Owners' Association

01212 2578

BDA 223-073



L.E. M... ..
OCT 25 PM 2:07

10/25/07
OCT 25 2007
L.E. M... ..
CLERK OF COURT

CERTIFICATE OF APPROVAL
JOE D. WILLOUGHBY
County Clerk of Dallas County, Texas
I, the undersigned, County Clerk of Dallas County, Texas, do hereby certify that the foregoing is a true and correct copy of the original as filed in my office on the 25th day of October, 2007.
At Dallas, Texas, this 25th day of October, 2007.
Joe D. Willoughby
County Clerk

012212 2573

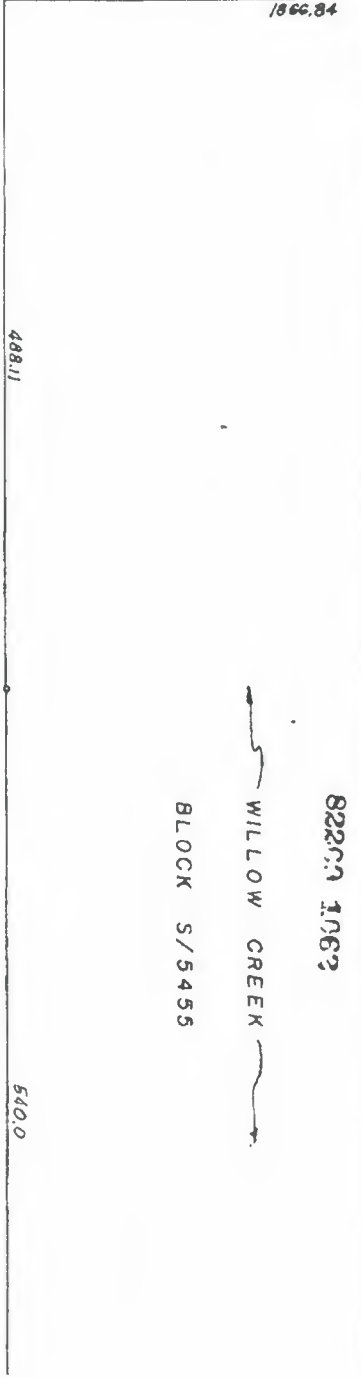
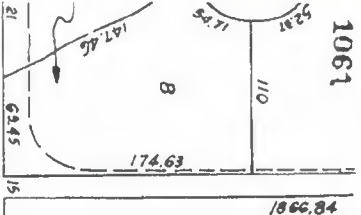
COUNTY CLERK COPY

BA223-073

1061

82253 1062

WILLOW CREEK
BLOCK S/5455



6'-9" Perimeter Fence on or adjacent to the property line to conform with section 24-403 of the Comprehensive Zoning Ordinance of the City of Dallas

10'50" Sewer Esm't

Curve No.	Description
A	Block 4/5454
B	"
C	Block 3/5454
A1	Block 4/5454

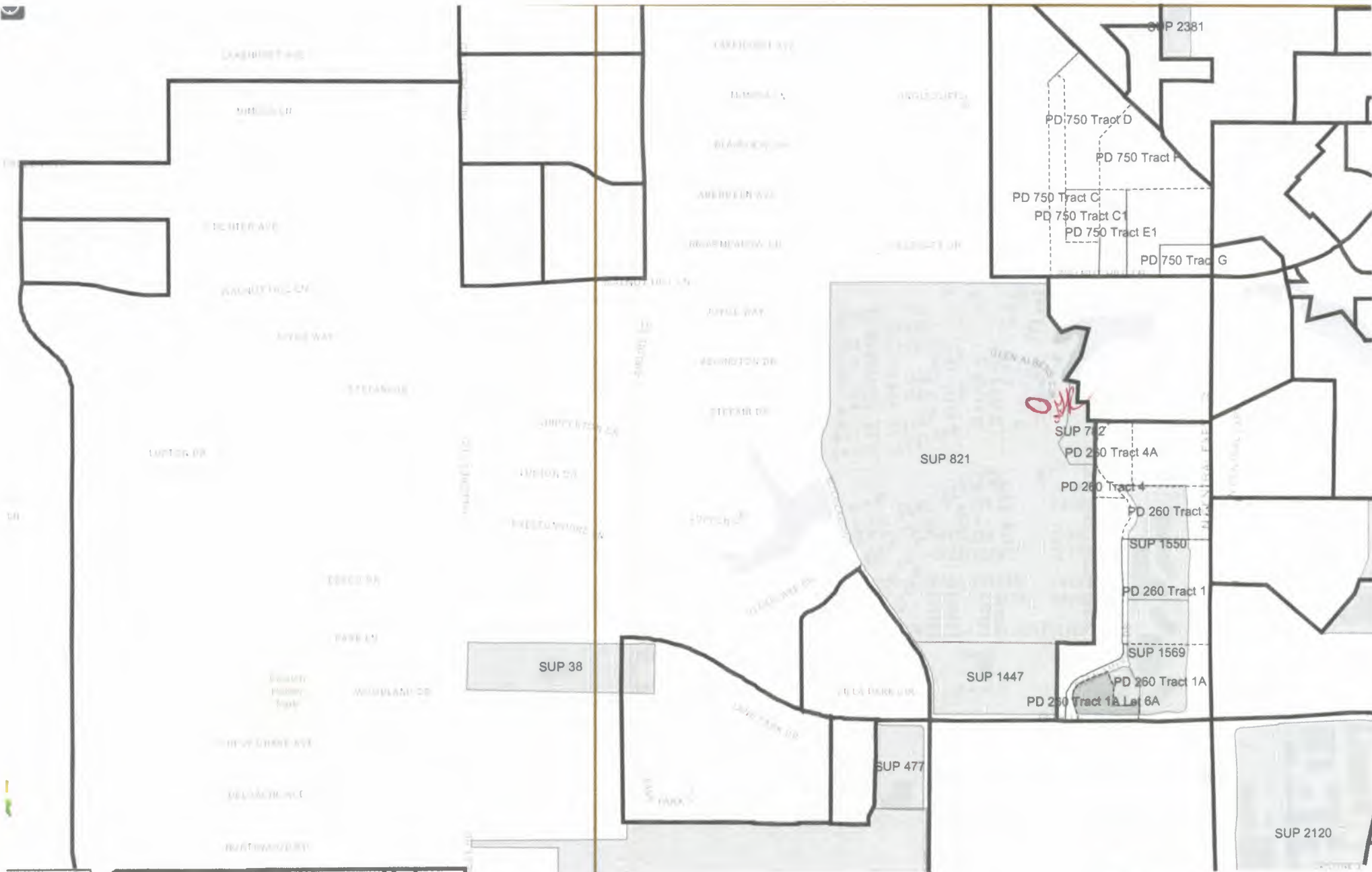
69

BOA 223-073



70

BDA223-073



GLEN ALBENS CIRCLE RESIDENCE

7704 GLEN ALBENS CIRCLE, DALLAS, TX 75225

SYMBOLS KEY

DRAWING NUMBER KEY

DISCIPLINE

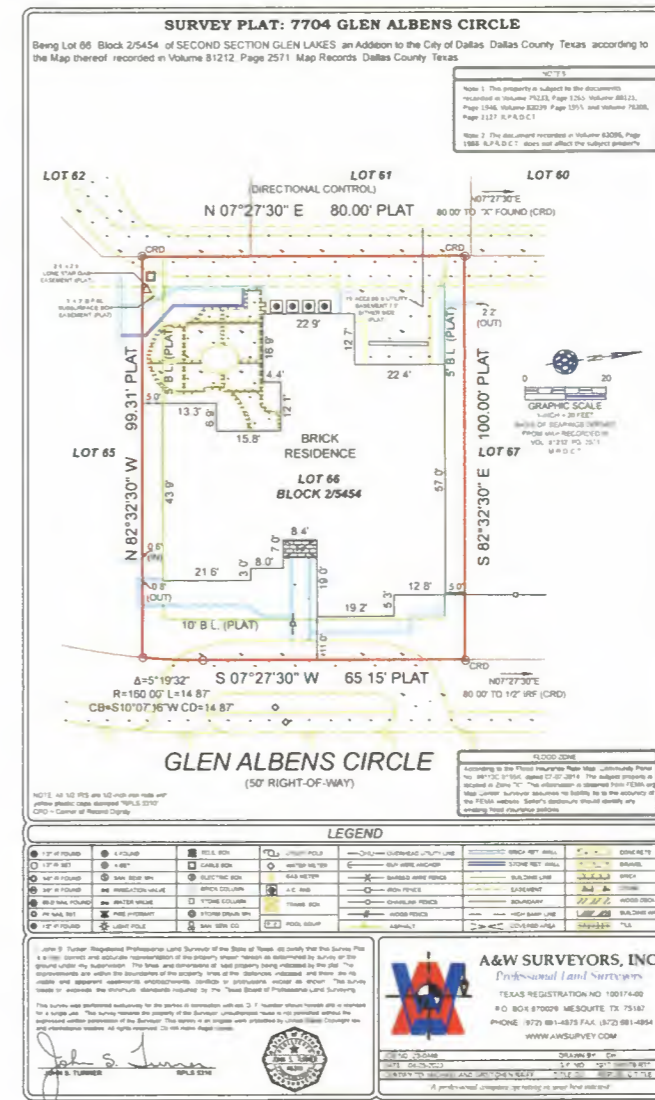
A - ARCHITECTURAL
C - CIVIL
L - LANDSCAPE
M - MECHANICAL
E - ELECTRICAL
P - PLUMBING
S - STRUCTURAL

NUMBER OF PLAN,
DETAIL, ETC.
ON SHEET

DRAWING SERIES

01/A-101

SHEET INDEX - SCHEMATIC DESIGN		
SHEET NUMBER	SHEET NAME	05/25/2023
PRES		
G0-01	COVER SHEET	•
P-100	SITE PLAN	•
P-101	FIRST FLOOR PLAN	•
P-102	SECOND FLOOR PLAN	•
P-201	ELEVATIONS	•
P-202	ELEVATIONS	•
P-203	ELEVATIONS	•
P-204	ELEVATIONS	•



NEST
HOMES

7704 GLEN ALBENS CR,
DALLAS, TX
NEST HOMES
5505 MONTROSE DRIVE
DALLAS, TX 75209
(214) 415-6485
CONTACT: THOMAS
RESENBICHLER,
ARCHITECT
TOM@NEST-US.COM
972-365-6463

VICINITY MAP



OVERALL MAP



BUILDING CODE & ZONING INFORMATION

ZONING:	CITY OF DALLAS	(Zone r-7.5(A))
LOT SIZE:	8,000 SF	
	ALLOWABLE	EXISTING
LOT AREA	8,000 SF	
BUILDING COVERAGE	53%	4,196 SF
FRONT SETBACK		25'-0"
SIDE SETBACK		5'-0"
REAR SETBACK		5'-0"
MAX HEIGHT		30'-0"

AREA CALCULATIONS	
FIRST FLOOR	
CONDITIONED LIVING SPACES	2,900 SF
GARAGE	542 SF
COVERED PATIOS \ DECKS	754 SF
SECOND FLOOR	
CONDITIONED LIVING SPACES	3,045 SF
COVERED PATIO \ PORCH	182 SF
TOTAL AREA	7,423 SF
TOTAL LIVING AREA	6,881 SF

COVER SHEET

Scale: As indicated

BDA223-073



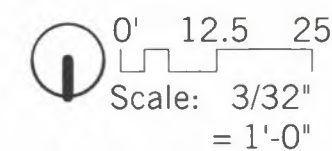
NEST
HOMES

7704 GLEN ALBENS CR,
DALLAS, TX
NEST HOMES
5505 MONTROSE DRIVE
DALLAS, TX 75209
(214) 415-6485
CONTACT: THOMAS
RESENBICHLER,
ARCHITECT
TOM@NEST-US.COM
972-365-6463

5 BED x 4.5 BATH
3,442 SF GROUND FLOOR
3,227 SF SECOND FLOOR

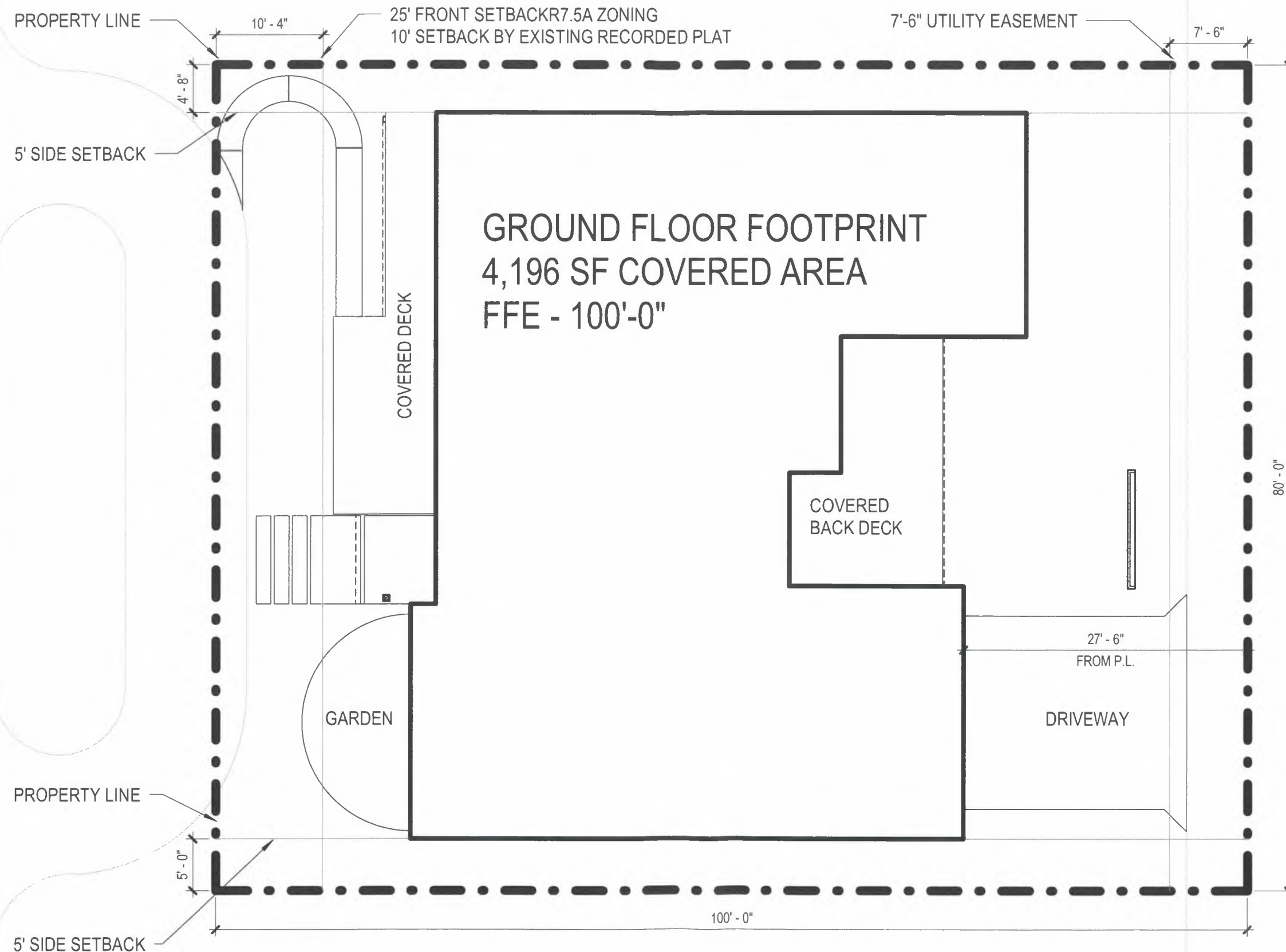
6,669 SF TOTAL

SITE PLAN



BDA223-073

GLEN ALBENS CIRCLE

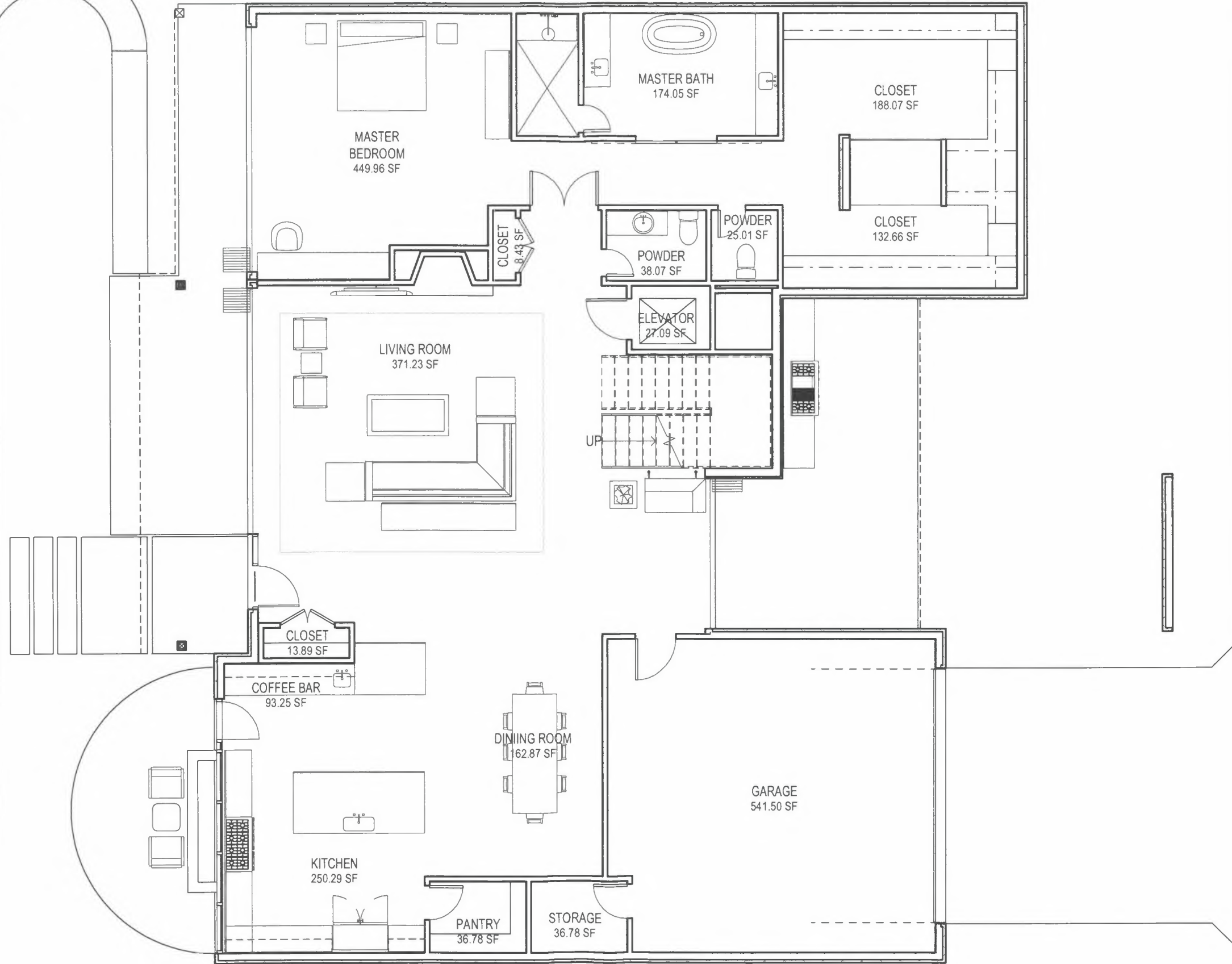


1 SITE PLAN RAIFF
3/32" = 1'-0"



NEST HOMES

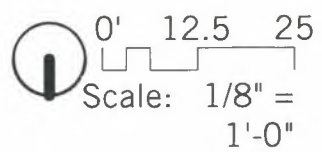
7704 GLEN ALBENS CR.
DALLAS, TX
NEST HOMES
5505 MONTROSE DRIVE
DALLAS, TX 75209
(214) 415-6485
CONTACT: THOMAS
RESENBICHLER,
ARCHITECT
TOM@NEST-US.COM
972-365-6463



5 BED x 4.5 BATH
3,442 SF GROUND FLOOR
3,227 SF SECOND FLOOR

6,669 SF TOTAL

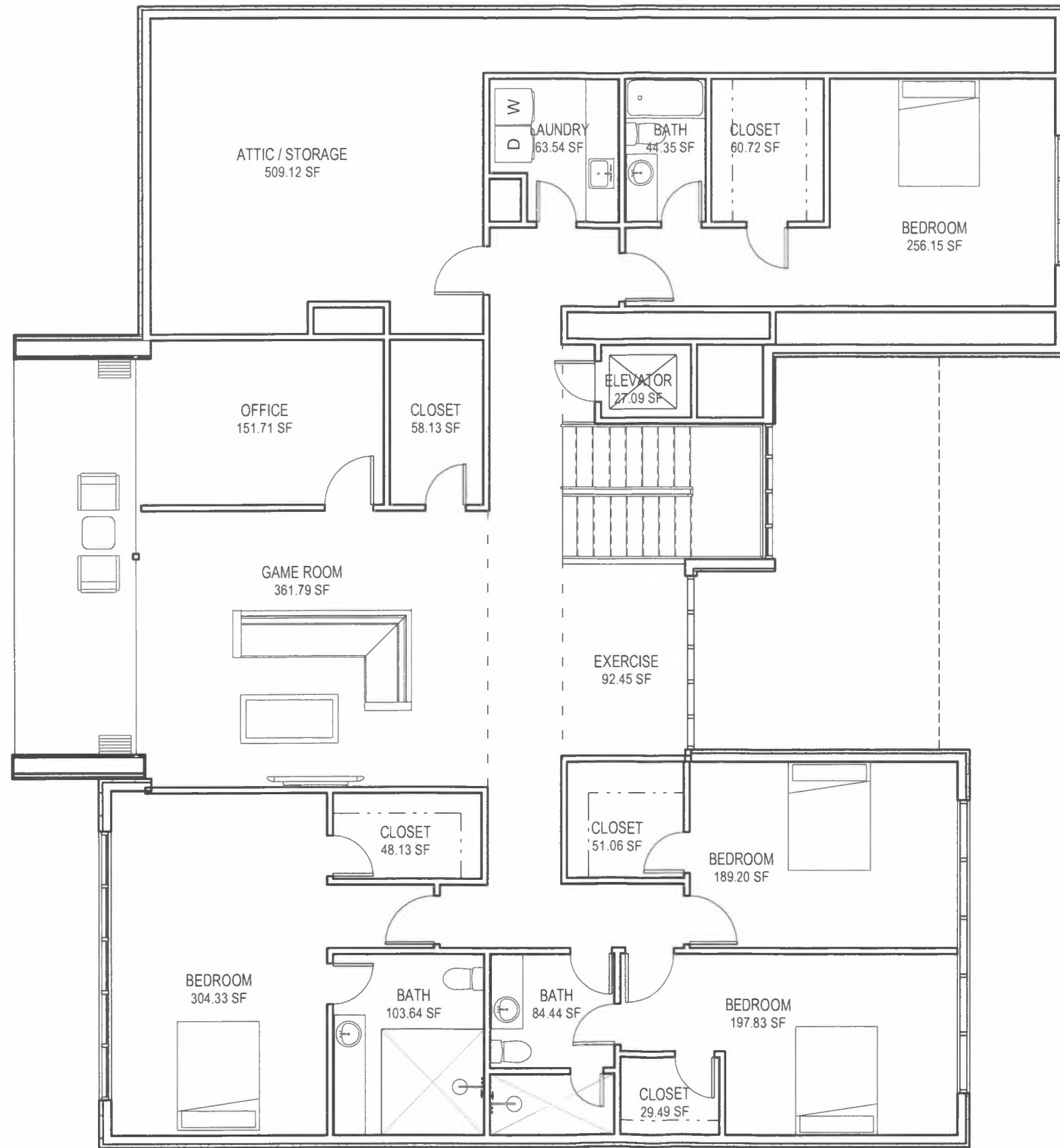
FIRST FLOOR PLAN





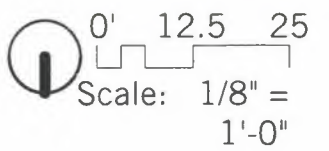
NEST HOMES

7704 GLEN ALBENS CR,
DALLAS, TX
NEST HOMES
5505 MONTROSE DRIVE
DALLAS, TX 75209
(214) 415-6485
CONTACT: THOMAS
RESENBICHLER,
ARCHITECT
TOM@NEST-US.COM
972-365-6463



5 BED x 4.5 BATH
3,442 SF GROUND FLOOR
3,227 SF SECOND FLOOR
6,669 SF TOTAL

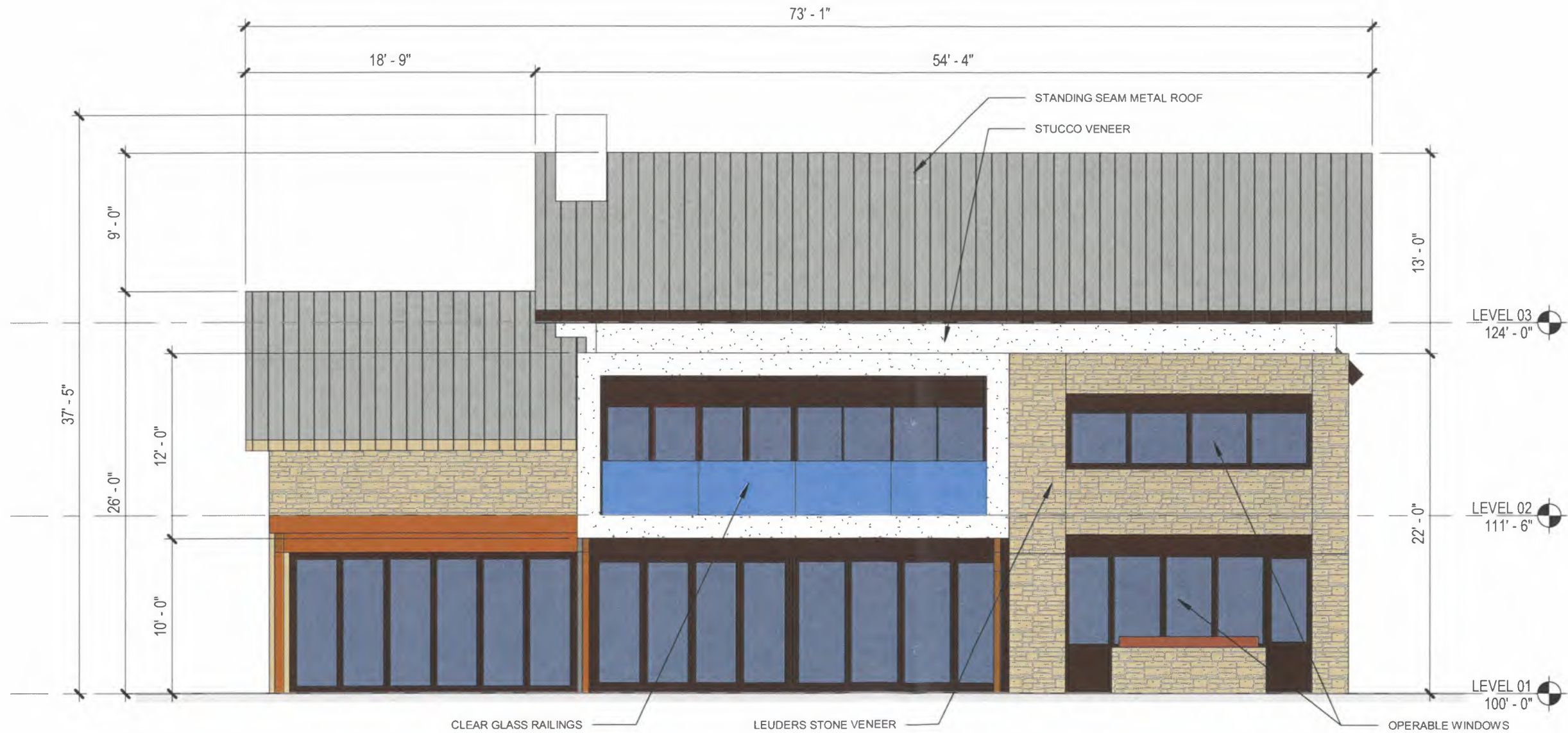
SECOND FLOOR PLAN





NEST HOMES

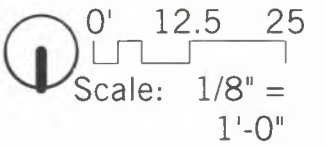
7704 GLEN ALBENS CR,
DALLAS, TX
NEST HOMES
5505 MONTROSE DRIVE
DALLAS, TX 75209
(214) 415-6485
CONTACT: THOMAS
RESENBICHLER,
ARCHITECT
TOM@NEST-US.COM
972-365-6463



1 FRONT ELEVATION

1/8" = 1'-0"

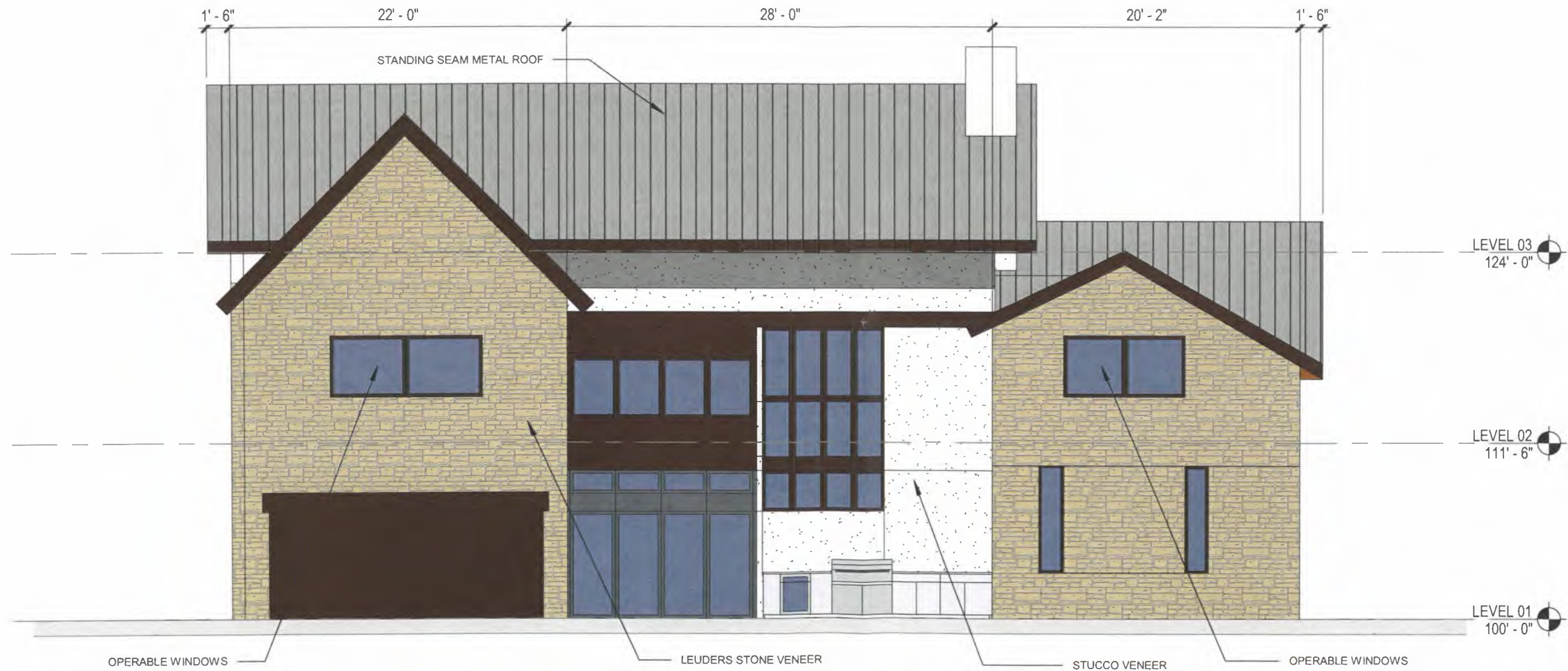
ELEVATIONS





NEST HOMES

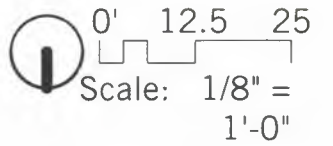
7704 GLEN ALBENS CR,
DALLAS, TX
NEST HOMES
5505 MONTROSE DRIVE
DALLAS, TX 75209
(214) 415-6485
CONTACT: THOMAS
RESENBICHLER,
ARCHITECT
TOM@NEST-US.COM
972-365-6463



1 BACK ELEVATION

1/8" = 1'-0"

ELEVATIONS





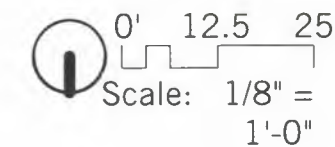
NEST HOMES

7704 GLEN ALBENS CR,
DALLAS, TX
NEST HOMES
5505 MONTROSE DRIVE
DALLAS, TX 75209
(214) 415-6485
CONTACT: THOMAS
RESENBICHLER,
ARCHITECT
TOM@NEST-US.COM
972-365-6463



1 SIDE ELEVATION 01
1/8" = 1'-0"

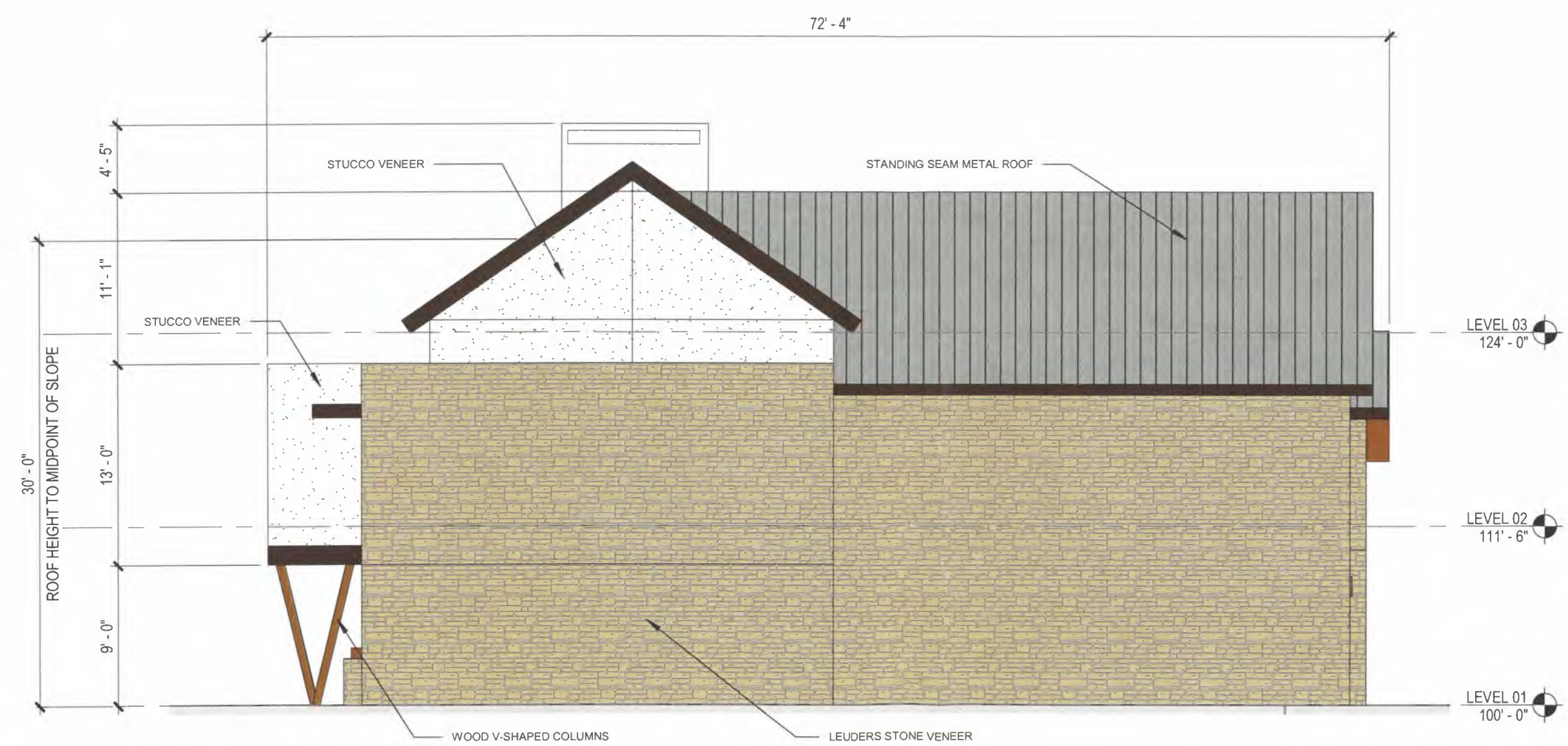
ELEVATIONS



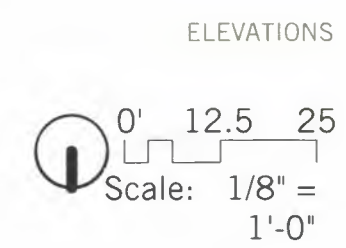


NEST HOMES

7704 GLEN ALBENS CR,
DALLAS, TX
NEST HOMES
5505 MONTROSE DRIVE
DALLAS, TX 75209
(214) 415-6485
CONTACT: THOMAS
RESENBICHLER,
ARCHITECT
TOM@NEST-US.COM
972-365-6463



1 SIDE ELEVATION 02
1/8" = 1'-0"



FILE NUMBER: BDA223-076(GB)

BUILDING OFFICIAL'S REPORT Application of Jacob Salmeron for a special exception to the fence height regulations at 2021 Haymarket Rd. This property is more fully described as block 8503, Lots 29 and 30 and is zoned A(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 height regulations.

LOCATION: 2021 Haymarket Road

APPLICANT: Jacob Salmeron

REQUEST:

This is a request for a special exception to the fence height regulations at 2021 Haymarket Rd. 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 height regulations.

STANDARD FOR A SPECIAL EXCEPTION:

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 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:

No BDA History within the last five years.

Zoning:

Site: A (A)
North: A (A)
South: A (A)
East: A (A)
West: A (A)

Land Use:

The subject site is mostly undeveloped with grass and a metal shed. Areas to the North, South, East, and West are developed with agriculture uses.

GENERAL FACTS/STAFF ANALYSIS:

- This is a request for a special exception to the fence regulations.
- The subject property is located at 2021 Haymarket Road and is zoned A (A)-Agriculture.
- The maximum fence height for a required front yard is four feet. (51A-4.602 (a) 2)
- There appears to be other fences within the surrounding area that are commensurate with the applicant's request.

Timeline:

June 02, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

June 26, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

July 11, 2023: The Board of Adjustment Senior Planner emailed the applicant the following information:

- a copy of the application materials including the Building Official's report on the application
- an attachment that provided the public hearing date and panel that will consider the application; the July 25, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the Friday, August 04, 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."

July 26, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August 16, 2023, public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planners, the Board of Adjustment Development Code Specialist, Project Coordinator the Chief Arborist, Assistant City Attorney (Matthew Sapp) and the Development Services Senior Engineers

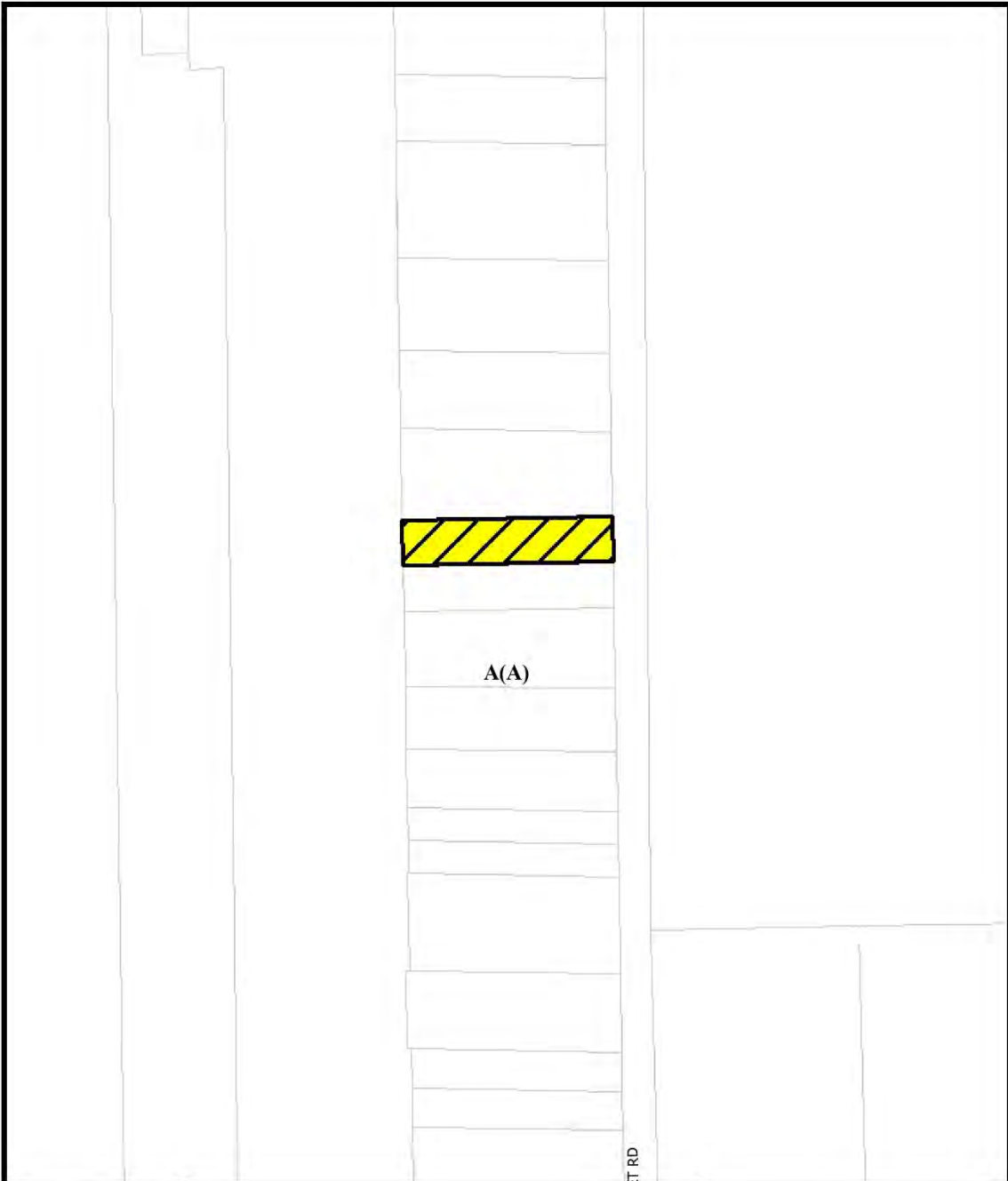


1:2,400

AERIAL MAP

Case no: BDA223-076

Date: 7/26/2023

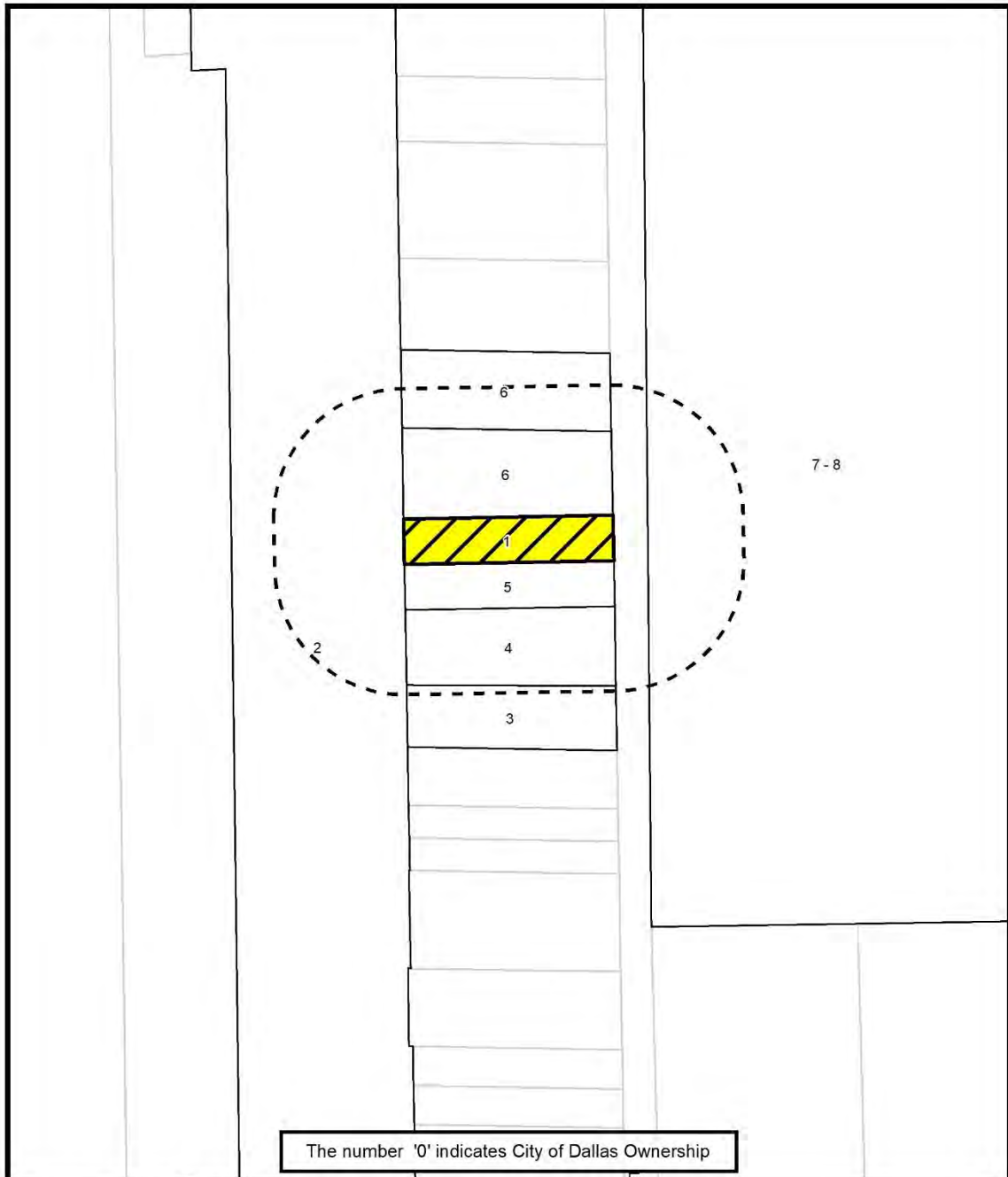


1:2,400

ZONING MAP

Case no: BDA223-076

Date: 7/26/2023



 1:2,400	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="width: 15%; text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">8</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	8	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA223-076</u> Date: <u>7/26/2023</u>
200'	AREA OF NOTIFICATION					
8	NUMBER OF PROPERTY OWNERS NOTIFIED					

07/26/2023

Notification List of Property Owners

BDA223-076

8 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2021 HAYMARKET RD	SALMERON JACOB &
2	10360 TEAGARDEN RD	HARGROVE GEORGE W JR &
3	2051 HAYMARKET RD	DIAZ FELIPA
4	2045 HAYMARKET RD	GUERRERO REFUGIO JR
5	2021 HAYMARKET RD	Taxpayer at
6	2018 HAYMARKET RD	PLEASANT VALLEY BAPT CH
7	2020 HAYMARKET RD	99 FARM GROUP LLC
8	2020 HAYMARKET RD	99 FARM GROUP LLC



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-074 **RECEIVED**
Date: **FOR OFFICE USE ONLY**
JUN 07 2023
BY: [Signature]

Data Relative to Subject Property: 2021 Haymarket Rd
Location address: 2021 Haymarket Rd Zoning District: A(A)
Lot No.: _____ Block No.: _____ Acreage: 0.52 Census Tract: _____
Street Frontage (in Feet): 1) 140 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Jacob Salmeron
Applicant: Jacob Salmeron Telephone: 214-900-7729
Mailing Address: 2633 N Masters Dr Zip Code: 75227
E-mail Address: jacobocavrito7@gmail.com
Represented by: _____ Telephone: _____
Mailing Address: _____ Zip Code: _____
E-mail Address: _____

Affirm that an appeal has been made for a Variance or Special Exception of Fence height
2 Ft

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:
purpose for houses require to be 6ft

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.

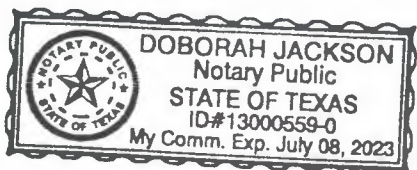
Affidavit

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

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

Subscribed and sworn to before me this 8th day of June, 2023

Deborah Jackson
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 JACOB SALMERON

did submit a request for a special exception to the fence height regulations
at 2021 Haymarket

BDA223-076. Application of JACOB SALMERON for a special exception to the fence height regulations at 2021 HAYMARKET RD. This property is more fully described as block 8503, Lots 29 and 30 and is zoned A(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,



Andrew Espinoza, CBO, MCP, CFM, CCEA



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 223-076

I, Ana Luz Fuentes Salmeron, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 2021 Haymarket Rd Dallas TX 75253-3504
(Address of property as stated on application)

Authorize: Jacob Salmeron
(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: Repair fencing, Chainlink

Ana Fuentes Salmeron
Print name of property owner or registered agent

ana fuentes salmeron
Signature of property owner or registered agent

Date 06-08-2023

Before me, the undersigned, on this day personally appeared Ana Luz Fuentes Salmeron

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 8th day of June, 2023



Alejandro Lorenzo Gonzalez
Commission expires on 11/17/2025



Posting of Notification Sign

Address: 2021 HAYmarket RD 75227 DALLAS

Appeal Number: BDA 223-074

All required notification signs must be posted on the property within fourteen (14) days after an application has been made, prior to the Board of Adjustment Hearing, and not be removed until the hearing ends.


The sign must be posted at a prominent location adjacent to the public street, evenly spaced along each frontage, and easily visible from the street. Failure to properly post the sign(s) may result in either a postponement or denial of the appeal.

All required notification signs have been received. One sign is required for each 500 feet or less of frontage, or every tract of five (5) acres or less, with a maximum of five (5) signs required. The cost of each sign is \$10.00.

Footage of each street frontage: 140

Number of acres: 1.03

Number of signs received: 1


Signature of applicant or person receiving signs

6/8/2023
Date

ANNEXED SEPT 28 1977
SURVEY M. L. SWING

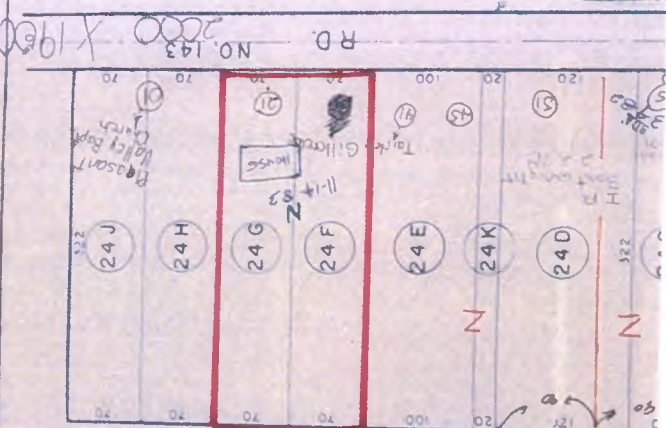
ORD NO 16519

ADST. 1391

ADDITION SHEET NO 1-A

CITY OF DALLAS PLAT 800

SCALE 100 FT EQUALS 1 INCH



ON COUNTY PLAT
AT ANNEXATION
1/28/82
SEE "HAYMARKET"
BOOK IN MISC FILES

8503

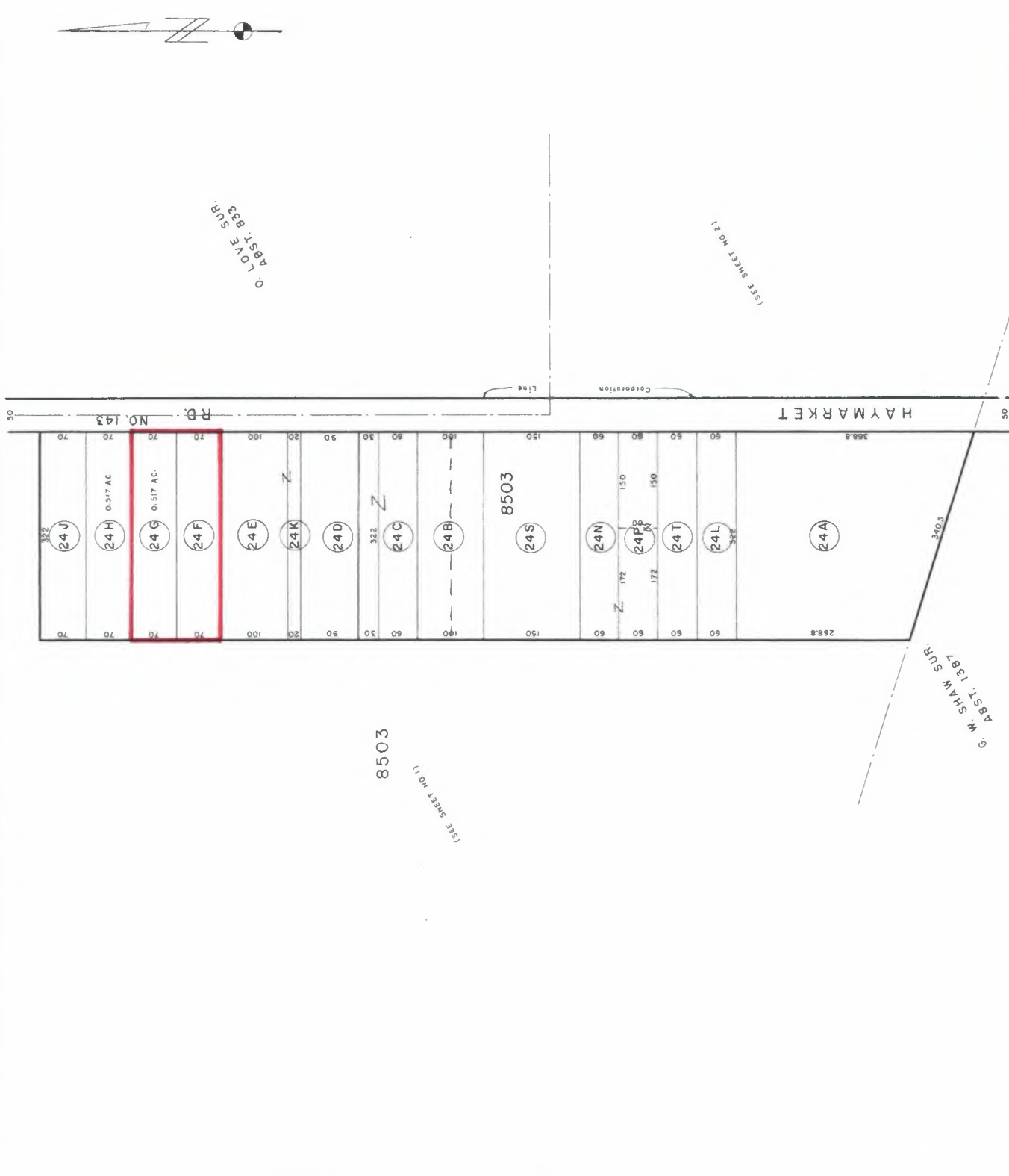
BDA223-076

SHEET NO. 1391
 DATE: SEPT. 28 1977
 SURVEY M. L. SWING

CITY OF DALLAS PLAT BOOKS
 ADDITION SHEET NO. 1-A
 PHA 3-19-87

BLOCKS 8503
 SCHOOL DISTRICT DALLAS (RYLIE)

SCALE 100 FT. EQUALS 1 INCH



BDA 223-074

TRACT ONE

Being a tract of land situated in the San Antonio and Mexican Gulf Railroad Company ADD Survey, Abstract No. 1391, City of Dallas Block 8503, Dallas County, Texas, same being that certain tract of land (Tract One) conveyed to Santiago Ramirez-Rojas, by deed recorded in Clerk's File No. 201300384587, Official Public Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING of a 1/2" iron rod found lying in the West line of Haymarket Road (a 50-foot Right-of-Way), same being the Northeast corner of Tract Two of said Ramirez-Rojas tract;

THENCE North 88 degrees 00 minutes 00 seconds West (bearings based on the East line of said Ramirez-Rojas tract, as South), along the North line of said Tract Two, a distance of 322.00 feet to a 1/2" iron rod set with cap stamped "CBG", being the Northwest corner of said Tract Two, same being in the East line of a tract of land conveyed to George W. Hargrove, Jr. & wife, Donna L. Hargrove by deed recorded in Volume 2384, Page 2190 of the Deed Records of Dallas County, Dallas, Texas;

THENCE North, along said East line of Hargrove tract, a distance of 70.00 feet to a 1/2" iron rod set with cap stamped "CBG", at the Southwest corner of a tract of land conveyed to Pleasant Valley Baptist Church and recorded in Volume 3553, Page 198 of said Deed Records;

THENCE South 88 degrees 00 minutes 00 seconds East, along the South line of said Pleasant Valley tract a distance of 322.00 feet to 1/2" iron rod set, with cap stamped "CBG", at the Southeast corner of said Pleasant Valley tract, being in the aforementioned West line of Haymarket Road, from which a 5/8" iron rod bears, South 79 degrees 05 minutes 40 seconds West, a distance of 322.00 feet;

THENCE South, along said West line of Haymarket Road a distance of 70.00 feet back to the POINT OF BEGINNING and containing 22,326 square feet or 0.52 acres of land.

TRACT TWO

Being a tract of land situated in the San Antonio and Mexican Gulf RR Survey, Abstract No. 1391, City of Dallas Block 8503, Dallas County, Texas, same being that certain tract of land (Tract Two) conveyed to Santiago Ramirez-Rojas, by deed recorded in Clerk's File No. 201300384587, Official Public Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING of a 1/2" iron rod found lying in the West line of Haymarket Road (a 50-foot Right-of-Way), same being the Northeast corner of a tract of land conveyed to Refugee Cuerners, Jr. by deed recorded in Clerk's File No. 201700136447 of the Official Public Records of Dallas County, Texas;

THENCE North 88 degrees 00 minutes 00 seconds West, along the North line of said Guerrero Tract a distance of 322.00 feet to a 1/2" iron rod set, with cap stamped "CBG", at the Northwest corner of said Guerrero Tract, same being in the East line of a tract of land conveyed to George W. Hargrove, Jr. & wife, Donna L. Hargrove by deed recorded in Volume 2384, Page 2190 of the Deed Records of Dallas County, Texas;

THENCE North, along said East line of Hargrove tract, a distance of 70.00 feet to a 1/2" iron rod set, with cap stamped "CBG", at the Southwest corner of Tract One of aforementioned Ramirez-Rojas tract;

THENCE South 88 degrees 00 minutes 00 seconds East, along the South line of said Tract One, a distance of 322.00 feet to 1/2" iron rod found at the Southeast corner of said Tract One, same being in the aforementioned West line of Haymarket Road;

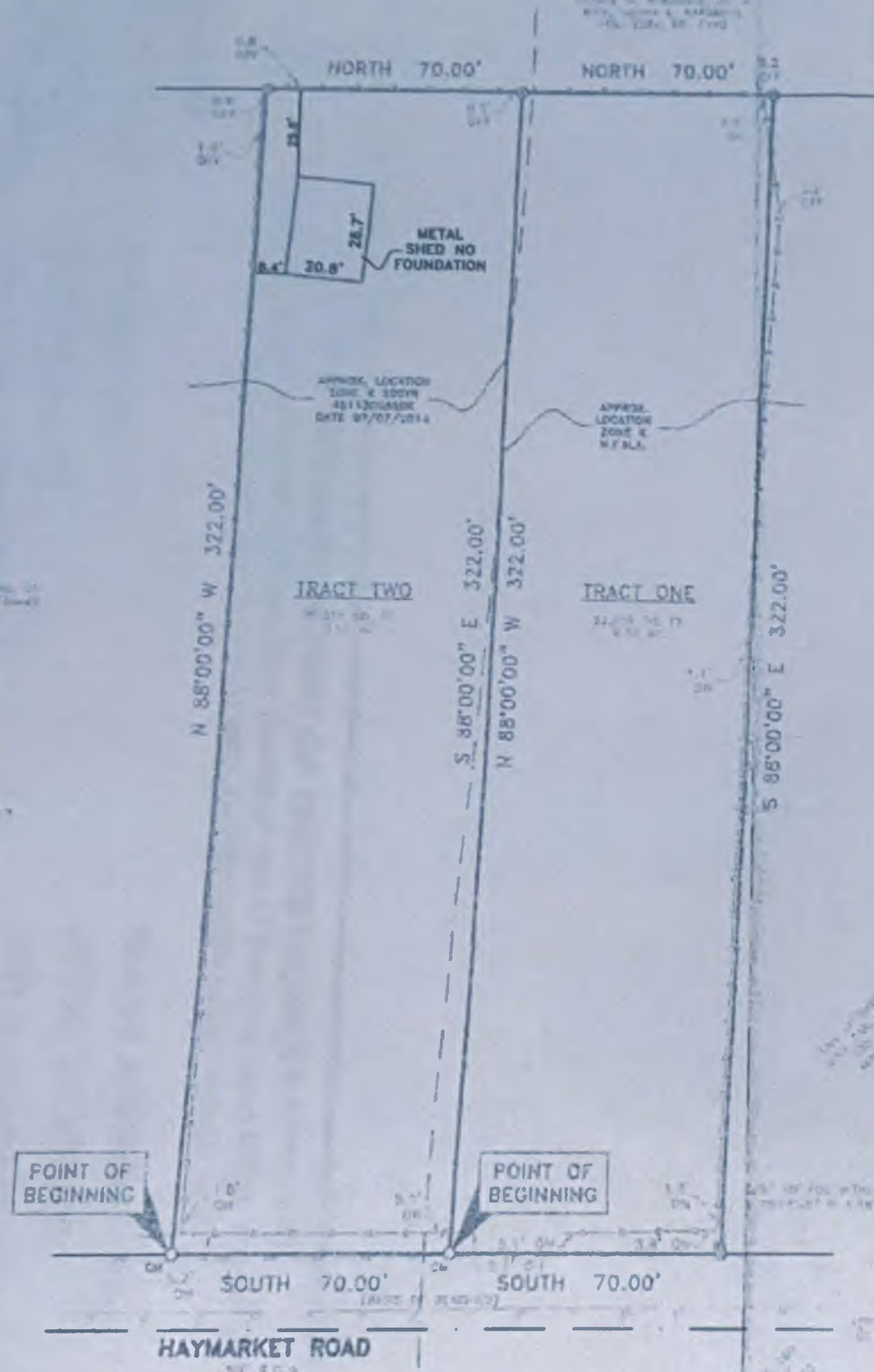
THENCE South, along said West line of Haymarket Road, a distance of 70.00 feet back to the POINT OF BEGINNING and containing 22,326 square feet or 0.52 acres of land.

SURVEYOR'S CERTIFICATE

The undersigned Registered Professional Land Surveyor (J.T. Thompson) hereby certifies to Sergio Aguinaga & Independence Title, in connection with the transaction described in G.F.2106230-MEDA that, (a) this survey and the property description set forth hereon were prepared from an actual on-the-ground survey; (b) such survey was conducted by the Surveyor, or under his direction; (c) all monuments shown hereon actually existed on the date of the survey, and the location, size and type of material thereof are correctly shown; Use of this survey by any other parties and/or for other purposes shall be at User's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. The plat hereon is a correct and accurate representation of the property lines and dimensions are as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, all improvements are located within the boundaries the distances indicated and there are no visible and apparent encroachments or protrusions on the ground.

Executed this 21st day of February, 2021

J.T. Thompson
J.T. Thompson
Registered Professional Land Surveyor No. 4604



NOTE: According to the F.I.R.M. in Map No. 48113C0520K, this property does lie in Zone II 500 year (levee) and DOES NOT lie within the 100 year flood zone.

ACCEPTED BY: _____

REVISIONS		
DATE	BY	NOTES

LEGEND	
○	CONCRETE MONUMENT
○	1/2" IRON ROD FOUND
○	1/2" IRON ROD SET
○	1" IRON PIPE FOUND
○	FENCE POST CORNER
○	" FOUND / SET
○	5/8" ROD FOUND
○	UNDERGROUND ELECTRIC
○	OVERHEAD ELECTRIC
○	POWER POLE
○	POINT FOR CORNER
○	GRAVEL/ROCK ROAD OR DRIVE
○	POOL EQUIPMENT
○	COLUMN
○	AIR CONDITIONING
○	FIRE HYDRANT
○	ASPHALT PAVING
○	CHAIN LINK FENCE
○	WOOD FENCE
○	3" WIRE TYPICAL
○	BARRIED WIRE
○	IRON FENCE
○	PIPE FENCE
○	COVERED PORCH, DECK OR CARPORT
○	OVERHEAD ELECTRIC SERVICE
○	OVERHEAD POWER LINE
○	CONCRETE PAVING
○	DOUBLE SIDED WOOD FENCE

CBG
SURVEYING TEXAS LLC
12025 Shiloh Road, Ste. 240
Dallas, TX 75228
P 214.349.9485
F 214.349.3218
Firm No. 10168800
www.cbgtile.com

SCALE	DATE	JOB NO.	G.F. NO.	DRAWN
1" = 30'	02/21/2021	2102868	2106230-MEDA	KOP

FINAL SURVEY

S.A. & M.G. RR. SURVEY, ABSTRACT NO. 1391

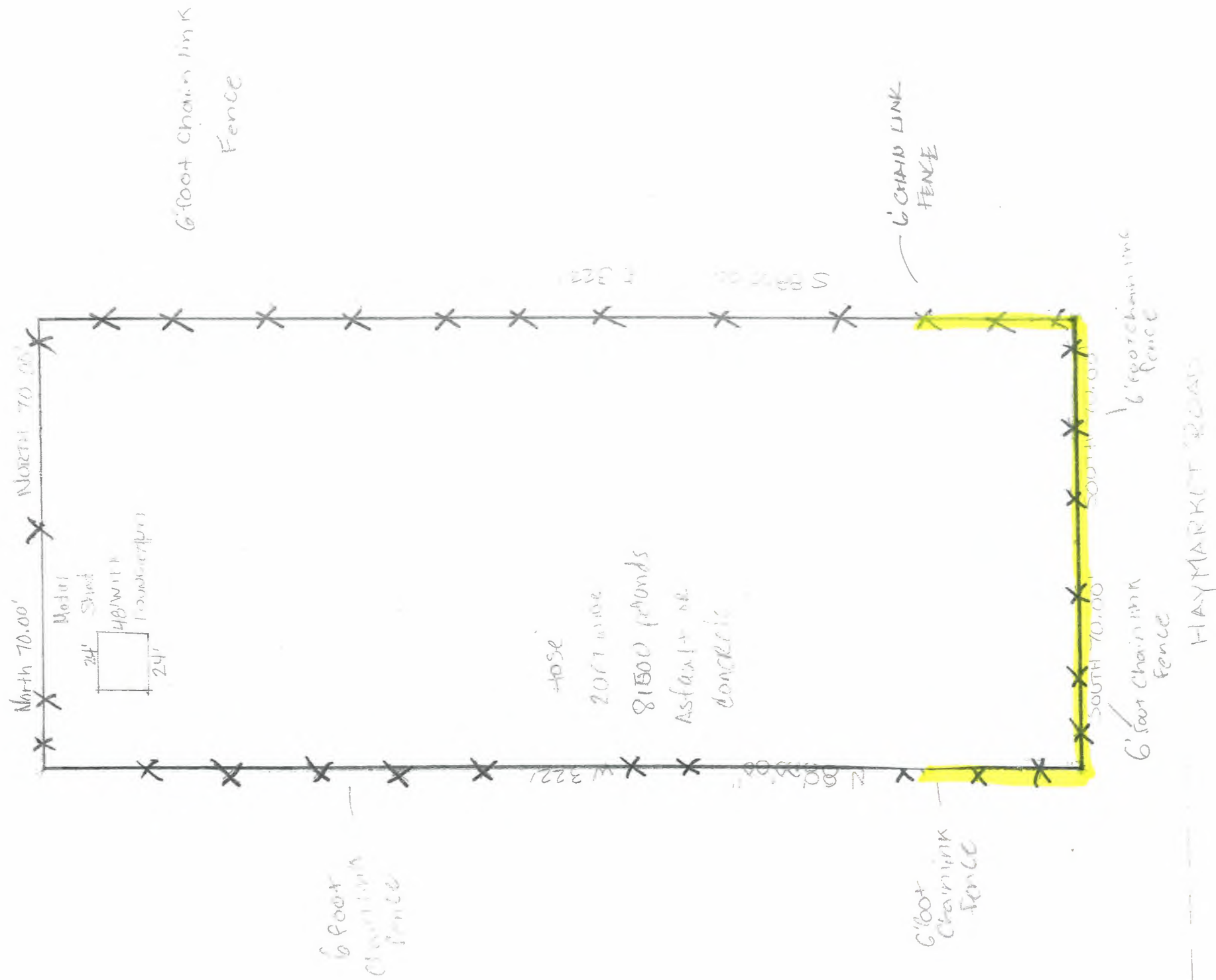
Dallas County, Texas

2021 Haymarket Road

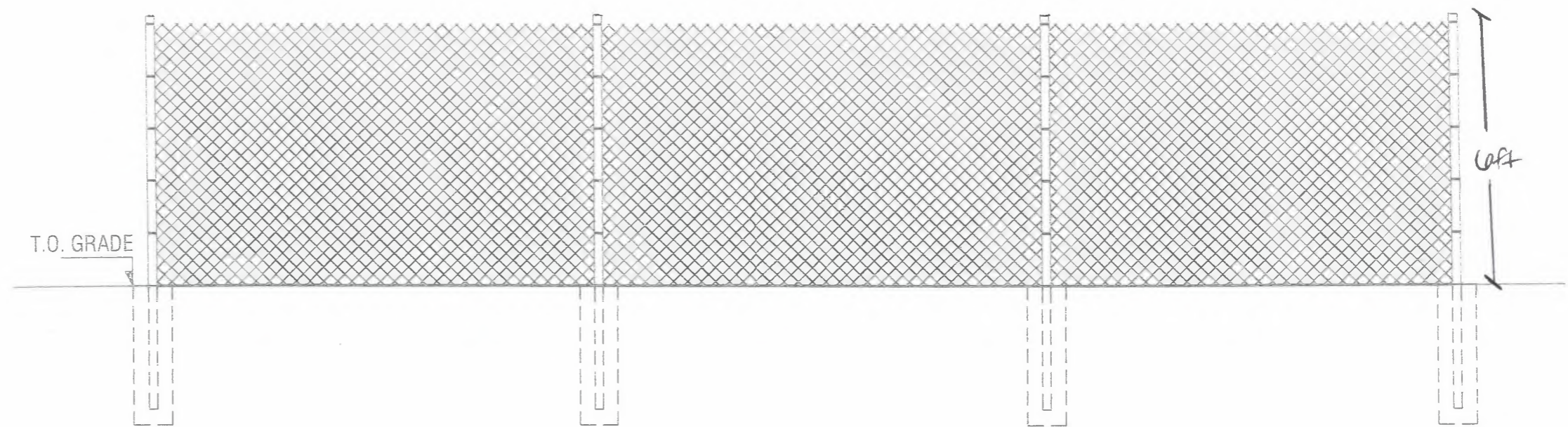


THE EAST LINE OF THE TRACT DESCRIBED IN C.S. NO.

BDA 223-076



Scale	1" = 40'
Date	10-19-2022
Address	2021 HAYMARKET ROAD



○ CHAIN LINK FENCE FRONT ELEVATION
240 ft
1:30ft

BDA223-074

FILE NUMBER: BDA223-038 (KMH)

BUILDING OFFICIAL'S REPORT: Application of Tim Myrick represented by James Barnes for a variance to the rear yard setback regulations at 5215 Morningside Ave. This property is more fully described as Block 17/2928, Lot 9, and is zoned CD-9, which requires a rear yard setback of 5 feet. The applicant proposes to construct a single-family residential accessory structure and provide a 4-foot front yard setback, which will require a 1-foot variance to the rear yard setback regulations.

LOCATION: 5215 Morningside Ave.

APPLICANT: Tim Myrick
Represented by Nick George

REQUEST:

A request for a variance to the rear yard setback regulations of 1-foot is made to construct a single-family residential accessory structure (detached garage). The applicant is proposing to construct a single-family residential accessory structure and provide a 4-foot rear yard setback, which will require a 1-foot variance to the rear yard setback regulations.

STANDARD FOR A VARIANCE:

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

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

State Law/HB 1475 effective 9-1-21

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan and elevation is required.

Rationale:

Staff concluded, that when applying the evidence submitted to the relevant code standard, that granting the variance in this application would:

- A. not be contrary to the public interest;**
- 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**, in that it is located within CD 9 and cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and**
- C. not be granted to relieve a self-created or personal hardship.**

- **ZONING/BDA HISTORY:**

No BDA history in the past five years.

Zoning:

Site: CD-9
North: CD-9
South: CD-9
East: CD-9
West: CD-9

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- A request for a variance to the rear yard setback regulations of 4 feet is made to maintain a single family residential accessory structure.
- The applicant is proposing to construct a single-family residential accessory structure and provide a 4-foot rear yard setback, which will require a 1-foot variance to the rear yard setback regulations.
- The subject site is flat and rectangular in shape (130' x 65') and is 8,450 square feet in area.
- The height of this detached accessory structure (garage) exceeds 15 feet.
- The proposed accessory structure appears to be 22' in length and 20' in width.
- No variance would be necessary if the height of the garage was 15 feet or less and if the rear yard was not adjacent to an alley.
- The applicant submitted a document and photos to this submission to be utilized as attachments to this case.
- The applicant has the burden of proof in establishing the following:
 - (10) 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:
 - (A) In general.
 - (i) 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;
 - (ii) the variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
 - (iii) the variance is not granted to relieve a self-created or personal hardship, nor for financial reasons only, except as provided in Subparagraph (B)(i), 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.

- If the Board were to grant the variance request, and impose the submitted site plan and elevation as a condition, the structure in the rear yard setback would be limited to what is shown on this document— which in this case is a garage that would be located 4 feet from the rear yard setback.

Timeline:

February 17, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

March 6, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B.

- March 23, 2023: The Board of Adjustment Senior Planner emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application
- an attachment that provided the public hearing date and panel that will consider the application; the January 23rd deadline to submit additional evidence for staff to factor into their analysis; and the February 10th deadline to submit additional evidence to be incorporated into the Board’s docket materials
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

March 24, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, the Board of Adjustment Development Code Specialist, the Board of Adjustment Consultant, the Chief Arborist, Development Services Senior Engineers, and the Board Attorney.

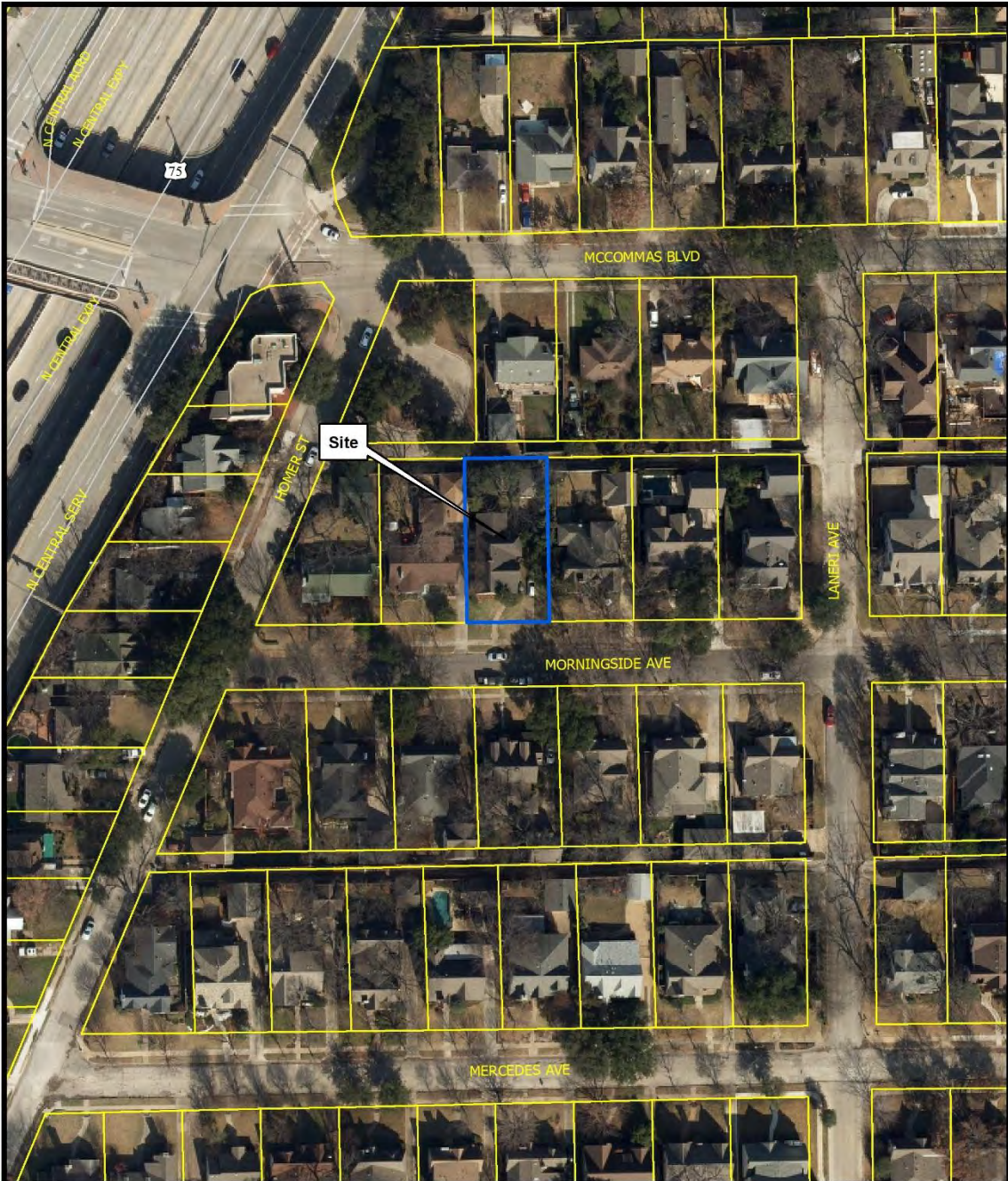
No review comment sheets were submitted in conjunction with this application.

March 31, 2023: The applicant provided documentary evidence.

May 17, 2023: The Board of Adjustment Panel B, at its public hearing held on Wednesday, May 17, 2023, moved to hold this matter under advisement until August 16, 2023.

July 26, 2023:

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

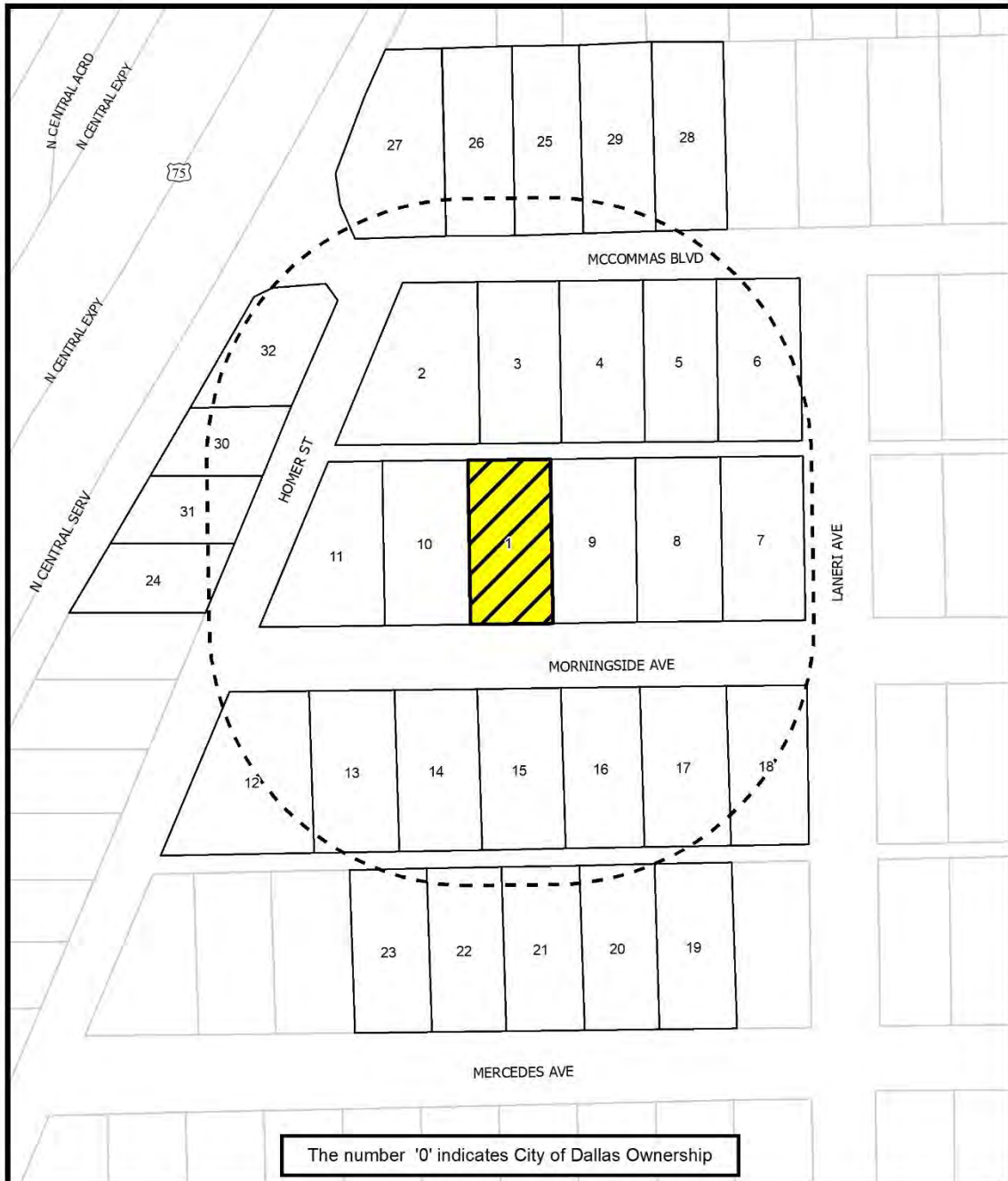


1:1,200

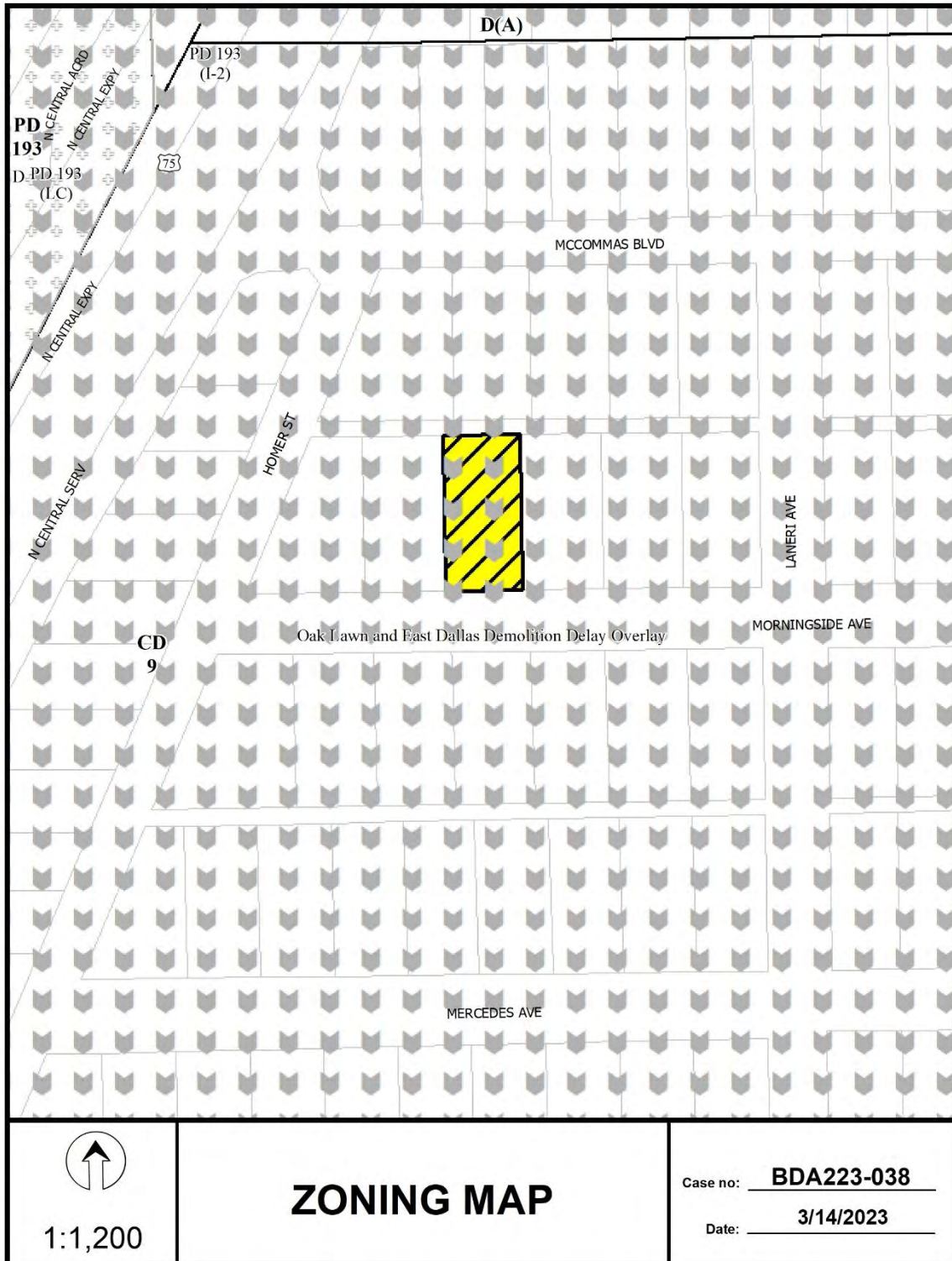
AERIAL MAP

Case no: BDA223-038

Date: 3/14/2023



 1:1,200	NOTIFICATION		Case no: BDA223-038
	<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;">32</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 3/14/2023



03/14/2023

Notification List of Property Owners

BDA223-038

32 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5215 MORNINGSIDE AVE	EKS LIVING TRUST
2	5202 MCCOMMAS BLVD	DALLAS TRANSIT SYSTEM
3	5206 MCCOMMAS BLVD	ROBERTSON JAMES
4	5210 MCCOMMAS BLVD	BUCHANAN DAVID
5	5214 MCCOMMAS BLVD	MARTIN GEORGE J JR
6	5218 MCCOMMAS BLVD	BROWN EILEEN
7	5227 MORNINGSIDE AVE	SHEPHERD JOSHUA L & CATHERINE B
8	5223 MORNINGSIDE AVE	SCHEINROCK MARC
9	5219 MORNINGSIDE AVE	LUHR CHANTAL ELIZABETH
10	5211 MORNINGSIDE AVE	CRANE ANNETTE M
11	5203 MORNINGSIDE AVE	MORRIS JERE N
12	5202 MORNINGSIDE AVE	TURBYFILL STANLEY REVOCABLE
13	5206 MORNINGSIDE AVE	HAGEN BRYAN S & KENDRA
14	5210 MORNINGSIDE AVE	SHAW HILARY G
15	5214 MORNINGSIDE AVE	STEPHENSON SALLY G
16	5218 MORNINGSIDE AVE	GREENWOOD LEIGHTON R
17	5222 MORNINGSIDE AVE	MACWILLIAM PAYSON LORD JR
18	5226 MORNINGSIDE AVE	Taxpayer at
19	5231 MERCEDES AVE	FLETCHER TRACY L
20	5227 MERCEDES AVE	WEST MARY ABIGAIL
21	5223 MERCEDES AVE	GOFF ADAM HAYES LAURA ANNE BANASZYNSKI
22	5219 MERCEDES AVE	PRICKLY PEAR TRUST
23	5215 MERCEDES AVE	MOLL JONATHAN L
24	3403 HOMER ST	MEAD BRANDON J
25	5207 MCCOMMAS BLVD	CHAMBERLIN DAVID SCOTT &
26	5203 MCCOMMAS BLVD	GARRETT BENJAMIN BRYAN &

03/14/2023

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	5111 MCCOMMAS BLVD	TEXAS STATE OF
28	5215 MCCOMMAS BLVD	BELL JOHN P
29	5211 MCCOMMAS BLVD	KAMPRAH KRISTIN
30	3411 HOMER ST	MYRICK TIMOTHY A &
31	3407 HOMER ST	MILLER BRYAN M
32	3415 HOMER ST	FALLON DENNIS G

B

Development Services



RECEIVED
FEB 17 REC'D

Case No.: BDA 223-038

Date: 2/17/23 ~~FEB 12, 2023~~

Data Relative to Subject Property: [Signature]

Location address: 5215 MORNINGSIDE AVE Zoning District: CD-9 (R-7.5(A)) - MD-1 (SFO)

Lot No.: 9 Block No.: 17/928 Acreage: .193 Census Tract: _____

Street Frontage (in Feet): 1) 66 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): TIM MYRICK

Applicant: TIM MYRICK Telephone: 214 215 3725

Mailing Address: 5215 MORNINGSIDE AVE Zip Code: 75206

E-mail Address: TIMMYRICK214@GMAIL.COM

Represented by: JAMES BARNES Telephone: 727 355 4797

Mailing Address: 4447 N. CENTRAL ESPY Zip Code: 75205

E-mail Address: 29JSPARK@GMAIL.COM

Affirm that an appeal has been made for a Variance or Special Exception of GARAGE SET BACK
PROPOSING 4.0' SET-BACK, REQUESTING 1.0' VARIANCE

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:

ORIGINAL DESIGN UNDER 15', SET BACK WAS 4' (1.0' OVER CODE), DESIGN CHANGED TO OVER 15'

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.

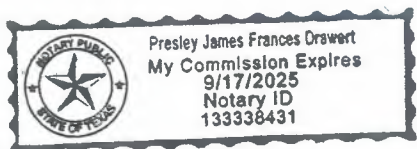
Affidavit

Before me the undersigned on this day personally appeared TIM MYRICK

(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 5 day of February, 2023

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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that TIM MYRICK
represented by JAMES BARNES
did submit a request for a variance to the rear yard setback regulations
at 5215 MORNINGSIDE AVE.

BDA223-038. Application of TIM MYRICK represented by JAMES BARNES for a variance to the rear yard setback regulations at 5215 MORNINGSIDE AVE. This property is more fully described as Block 17/2928, Lot 9 and is zoned CD-9, which requires a rear yard setback of 5 feet. The applicant proposes to construct a single-family residential accessory structure and provide a 4 foot rear yard setback, which will require a 1 foot variance to the rear yard setback regulations.

Sincerely,


Andrew Espinoza, CBO, MCP, CFM, CCEA



Appeal number: BDA 223-038

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

at: 5215 Morningside
(Address of property as stated on application)

Authorize: JAMES BARNES
(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: ORIGINAL DESIGN WAS UNDER 15' AND IS NOW ABOVE 15' SO WE NEED A 5' SETBACK. REQUESTING 1' VARIANCE

Timothy Myrick
Print name of property owner or registered agent

[Signature]
Signature of property owner or registered agent

Date 2-15-2023

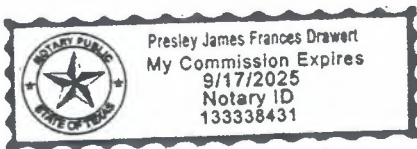
Before me, the undersigned, on this day personally appeared Timothy Myrick

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 15th day of February, 2023

[Signature]
Notary Public for Dallas County, Texas

Commission expires on 9/17/2025





CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 223-038

I, Scott Jordan, ~~#~~, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 5215 MORNINGSIDE AVENUE
(Address of property as stated on application)

Authorize: JAMES BARVES
(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: ORIGINAL DESIGN UNDER 15', SET BACK WAS 4'0
(1.0' over COPE), design changed to over 15', requesting 1.0'
VARIANCE.

Scott Jordan
Print name of property owner or registered agent

Scott Jordan
Signature of property owner or registered agent

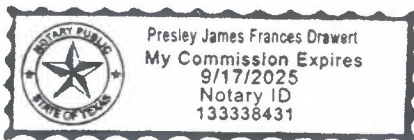
Date 2-15-2023

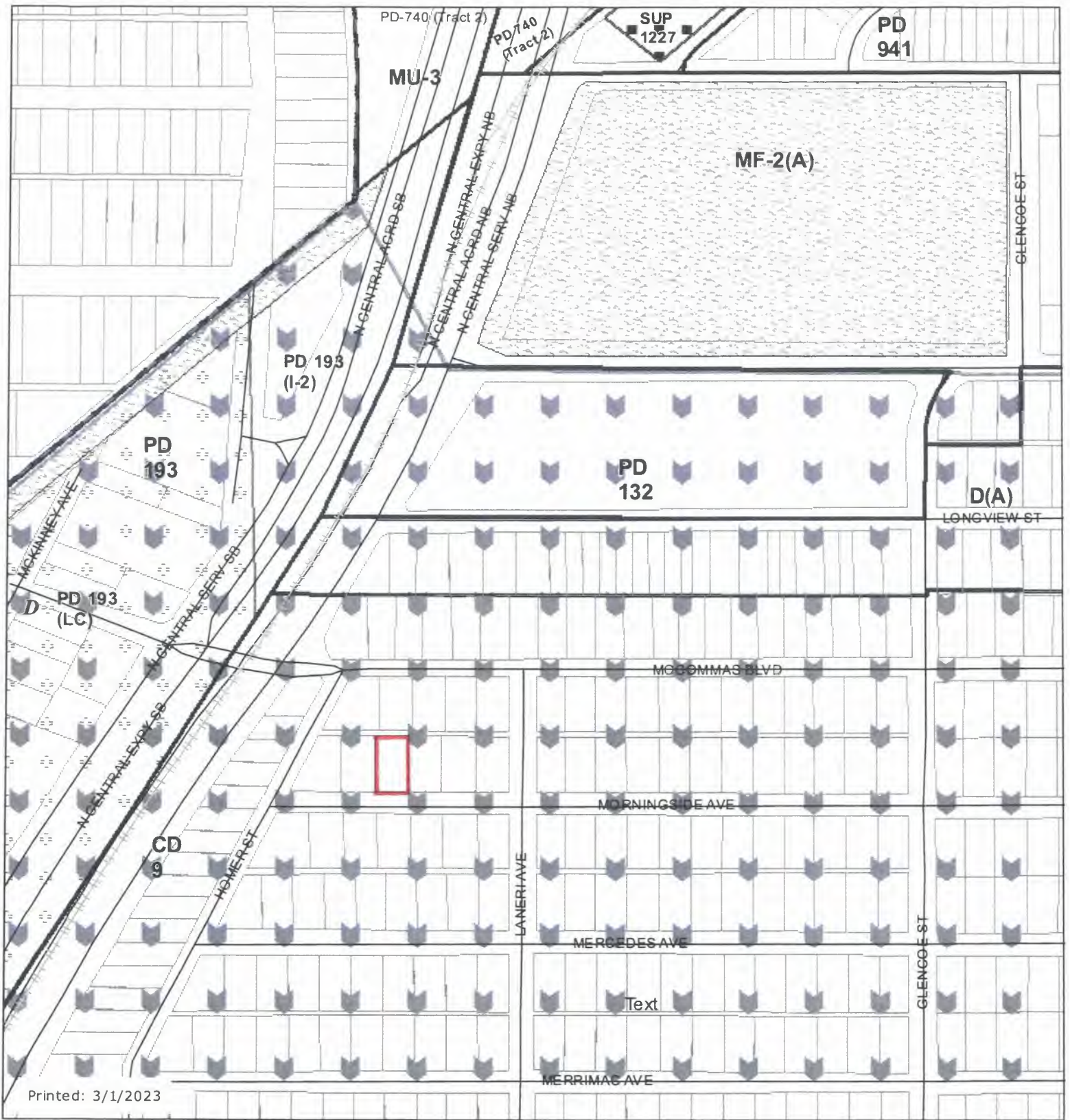
Before me, the undersigned, on this day personally appeared Scott Jordan

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 15th day of February, 2023

Commission expires on 9/17/2023





Printed: 3/1/2023

- City Limits
- Railroads
- Parks
- Certified Parcels
- Base Zoning
- Demolition Delay Overlay
- PD193 Oak Lawn
- SUP
- Dry Overlay
- D
- PD Subdistricts
- PDS Subdistricts

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)

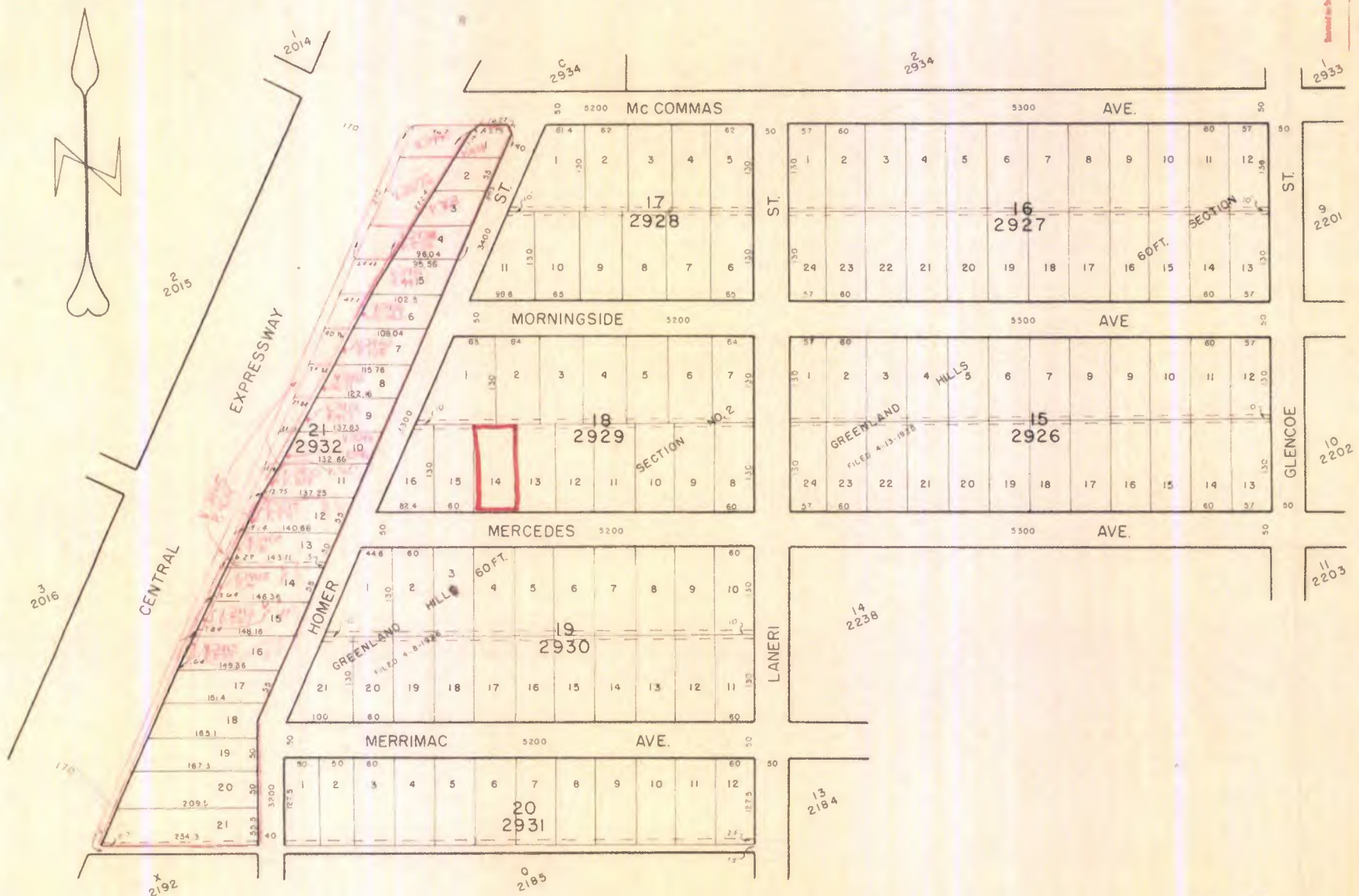


CITY OF DALLAS PLAT BOOKS

ANNEXED SURVEY _____
 ORD NO. J. W. SMITH
 ABST. 1334

ADDITION _____
 SCALE 100 FT. EQUALS 1 INCH

BLOCKS 15 21
 2926-2932
 SCHOOL DISTRICT DALLAS



100-2-1975

45276
 GREENLAND HILLS
 TO MAP
 THE GREENLAND HILLS REALTY COMPANY
 TO DEDICATION
 KNOW ALL MEN BY THESE PRESENTS:

That, Greenland Hills Realty Company, a Private Corporation, duly incorporated and existing under and by virtue of the laws of the State of Texas, the principal office whereof being in the City and County of Dallas, State of Texas by and through its proper officers hereunto duly authorized and empowered, for itself, its successors and assigns, does hereby designate as "Second Installment of Sixty Foot Section of Greenland Hills" an addition to the City of Dallas, State of Texas, the area shown on attached plat by Myers & Hayes engineers, to which reference is here made

"Second Installment of Sixty Foot Section of Greenland Hills" as above described is a part of a tract of land out of the J W Smith survey in Dallas County, Texas, conveyed by Ruth Bennett to Greenland Hills Realty Company by deed dated April 10, 1925, said deed being recorded in Vol 1199 page 4 of the Deed Records of Dallas County, Texas, to which reference is here made

Greenland Hills Realty Company for itself, its successors and assigns does hereby dedicate the streets as shown on said plat to the use of the public forever, except that it reserves to itself, its successors and assigns:

- First: The right to build and operate and permit the extension and operation of a street railway line up the streets as shown on such plat;
- Second: All storm sewers, sanitary sewers and water pipes and mains laid in said street and the reservation stripe shown on said plat, and also reserves to itself, its successors and assigns, any sanitary sewers or storm sewers laid across any of the lots in said addition, hereby reserving the right to ingress and egress to repair any such sewers;
- Third: No structure shall be erected on or over the ten foot reservation strips as shown on said plat of this addition, nor shall same be fenced or planted, and access to said reservation strips for laying, erecting or repairing water, sewer and gas pipes and telegraph and telephone poles and stringing wires thereon is hereby reserved, and said strips are to be kept open for ingress and egress for such construction repairs and the reading of meters.
- Fourth: However, in the case of the reservation strip shown on said plat to be approximately 28.2 feet in width and lying directly adjacent on the east to the E & T C right of way and running in a Northeasterly direction along said right of way approximately 1174.4 feet, this provision for the accommodation of public utilities, etc. shall only apply to the east 10 feet of said reservation strip, remaining portion of approximately 18.2 feet by 1174.4 feet in size being by said corporation hereby reserved as its private property and same in fee simple for future sale, dedication for park purposes or development or any other future use by said corporation, its successors or assigns, as it or they, may see fit.

In Testimony whereof, said Greenland Hills Realty Company, a corporation has caused this instrument to be signed by Frank L McNeny its President and attested by E R Halley, its Secretary, and its corporate seal affixed at Dallas, Texas, this the 8th day of April A D 1926

WITNESSED BY: E R HALLEY, Secretary

Greenland Hills Realty Company
 By Frank L McNeny, President.

STATE OF TEXAS :
 COUNTY OF DALLAS : Before me, the undersigned authority, on this day personally appeared Frank L McNeny, President, Greenland Hills Realty Company, 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, as an act and deed of said corporation and in the capacity therein stated.

Witness my hand and seal of office this the 2nd day of April A D 1926

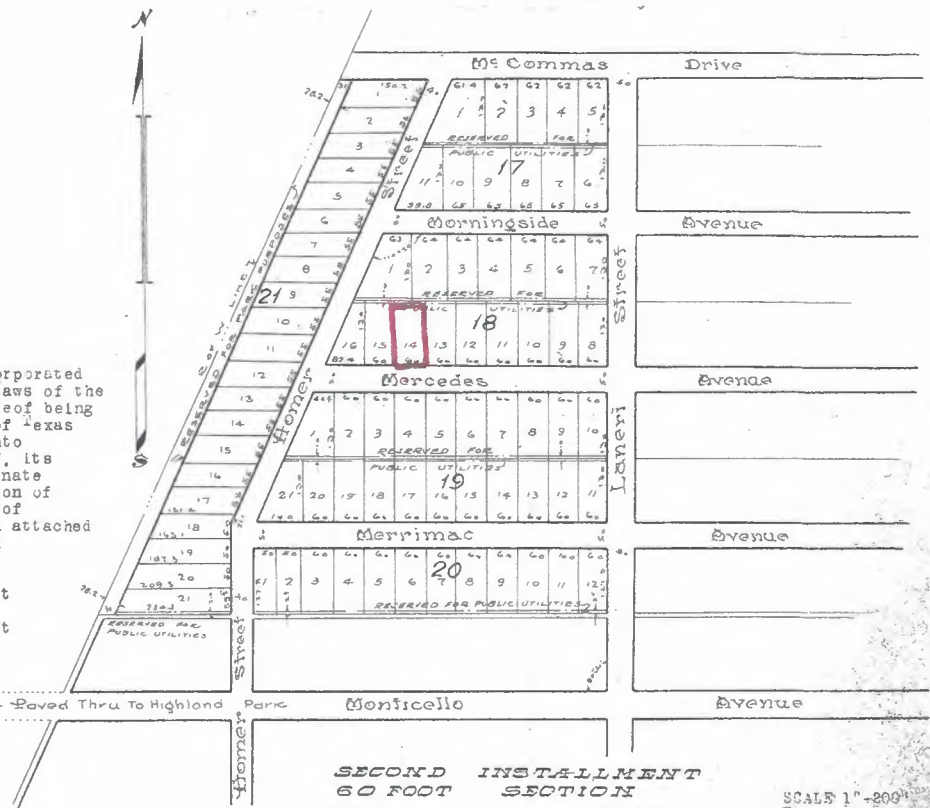
Ella Daly
 Notary Public, Dallas County, Texas.

Filed for Record April 8, 1926, 3:40 P M .. D C WHITELEY, COUNTY CLERK
 Y L R RICECOX, DEPUTY

RECORDED APRIL 24, 1926, D C WHITELEY, COUNTY CLERK, DALLAS COUNTY, TEXAS.

BY

Henry J. May
 DEPUTY

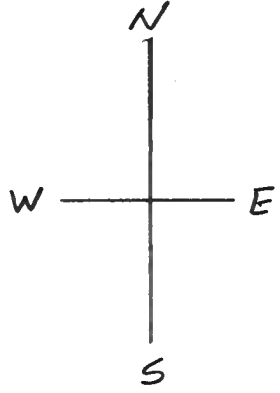


SECOND INSTALLMENT
 60 FOOT SECTION
Greenland Hills
 AN ADDITION TO DALLAS - TEXAS

SCALE 1" = 200'
 February 1926
 Myers & Hayes
 Engineers
 McNeny & McNeny, Sole Owners
 No. 2720 4-2

SITE MAP
LOT 9, CITY BLOCK 17
SCALE 3/4" = 10.0'
FEB 20, 2023

ALLEY 10'



LOT 9
 CITY BLOCK 17

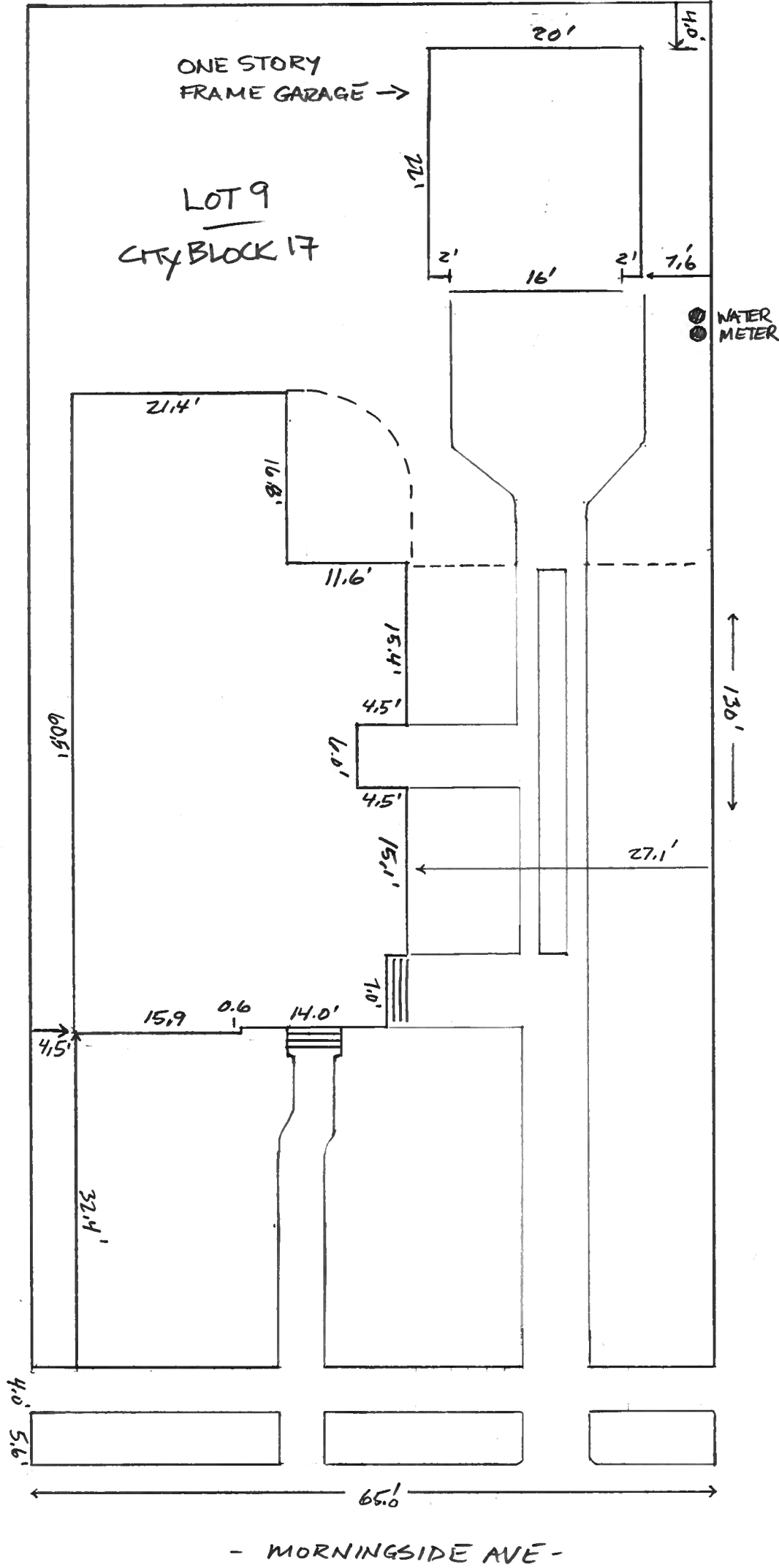
ONE STORY
 FRAME GARAGE →

WATER
 METER

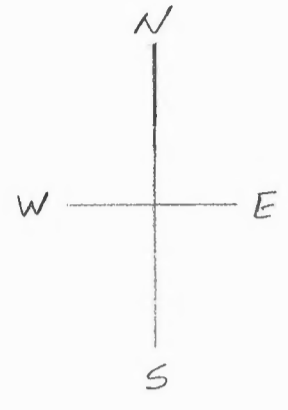
WATER
 METER

LOT 10

LOT 8

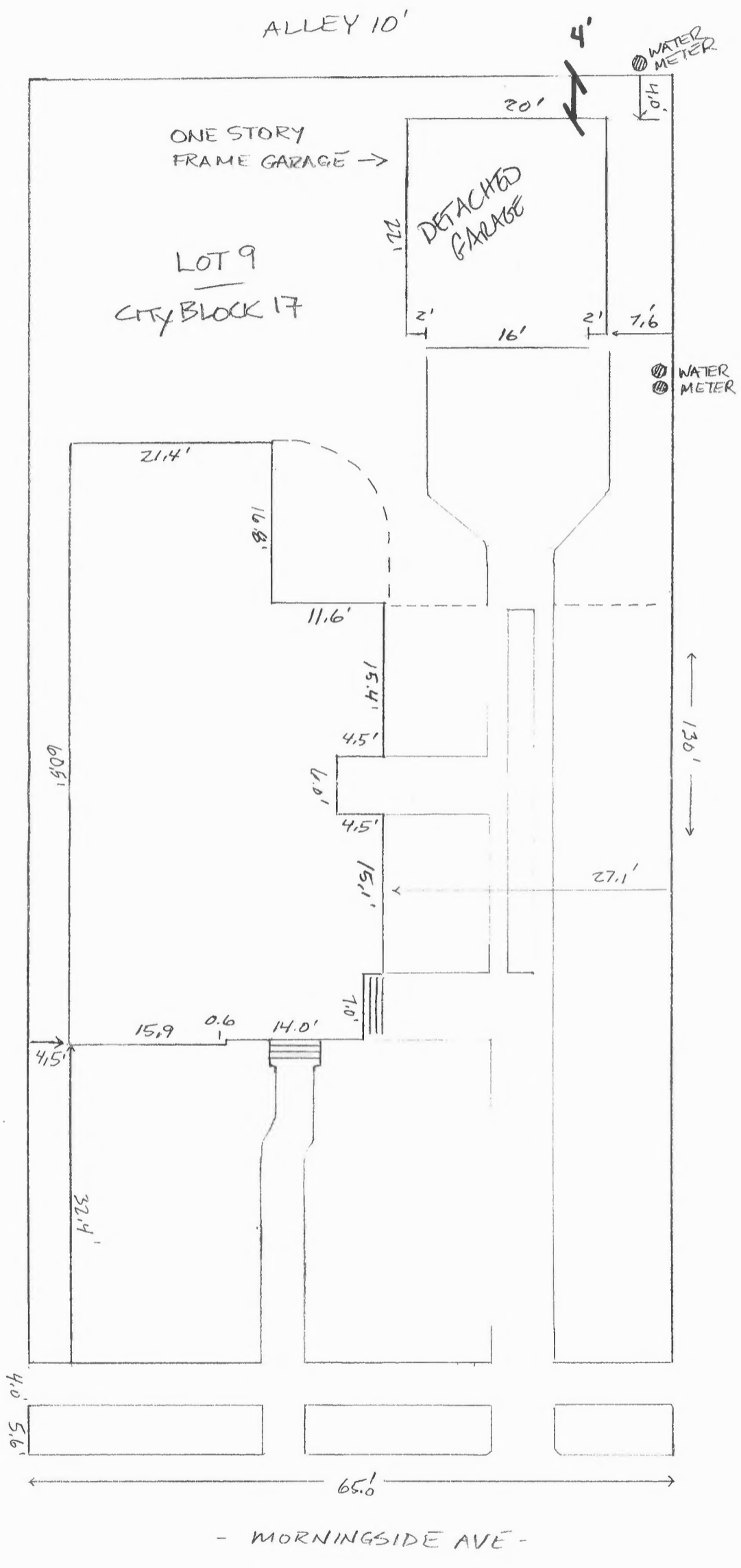



SITE MAP
LOT 9, CITY BLOCK 17,
SCALE 3/4" = 10.0
FEB 20, 2023

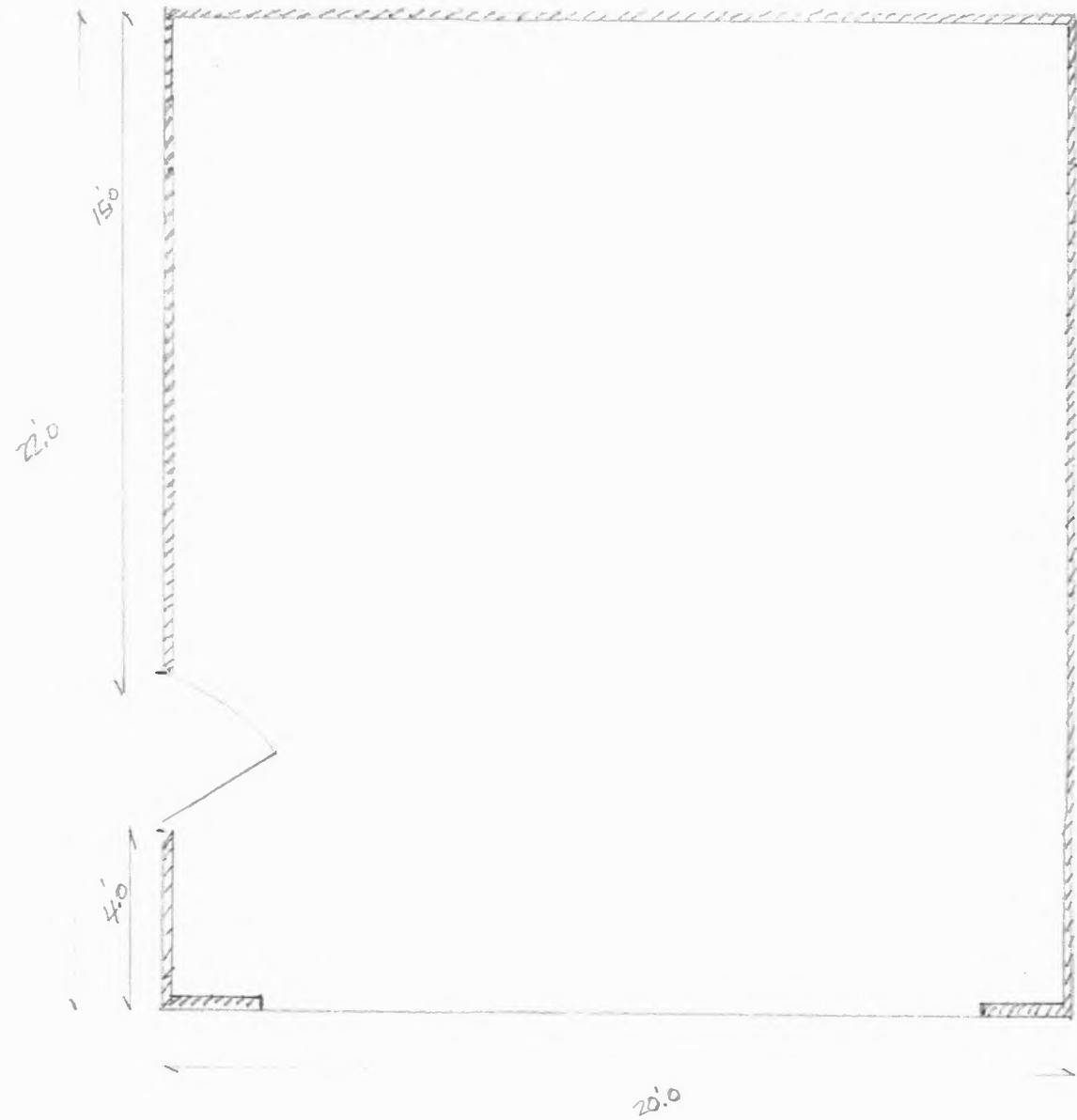


LOT 10

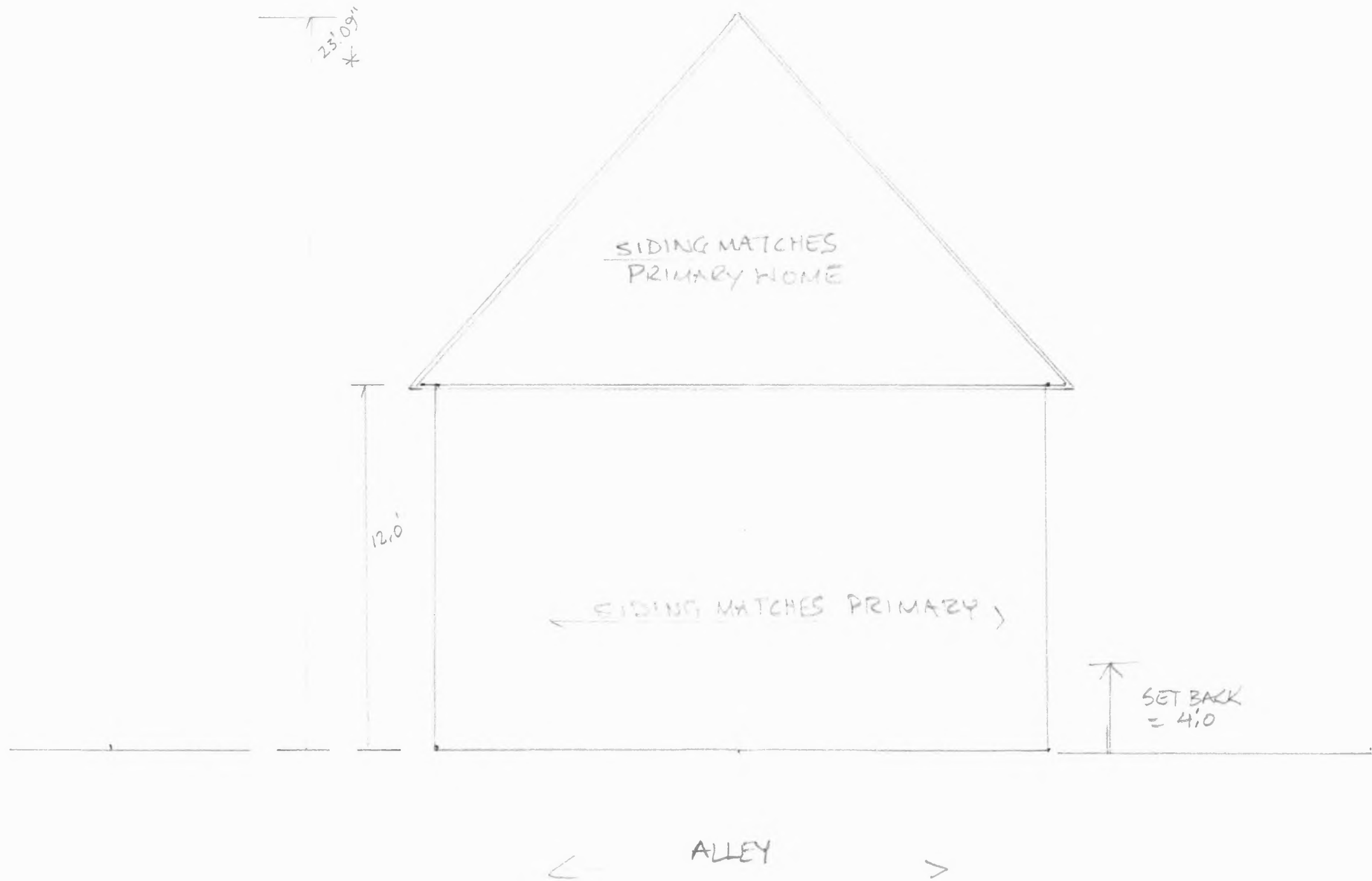
LOT 8



LEGEND
NEW WALLS 

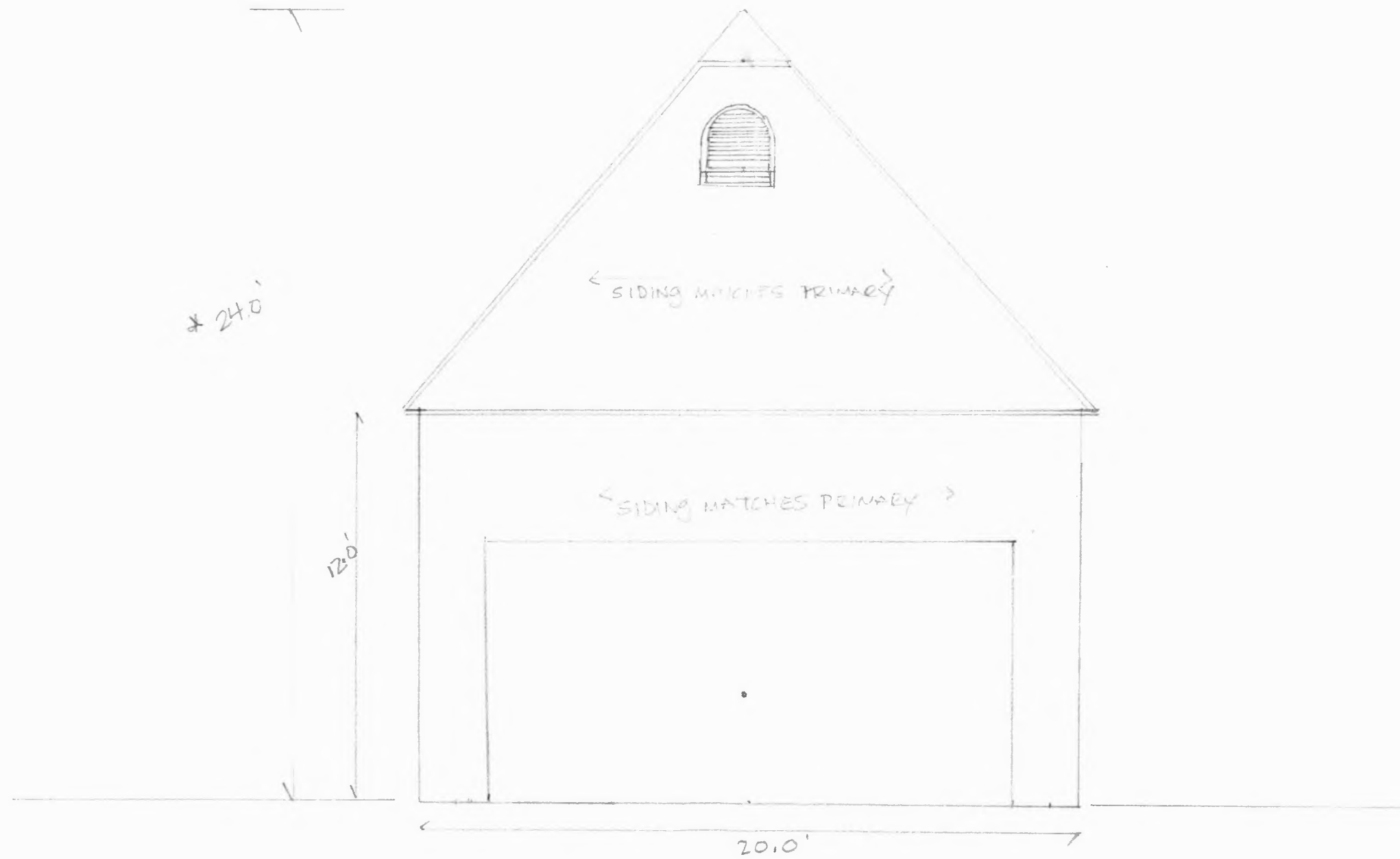


FLOOR PLAN (GARAGE)
LOT 9, CITY BLOCK 5215 (17)
SCALE 1/4" = 1.0'
JAN 27, 2023



NORTH ELEVATION (BACK)
(17)
LOT 9, CITY BLOCK 5215
SCALE 1/4" = 1'0" (GARAGE)
* ROOF LINE MATCHES HOME

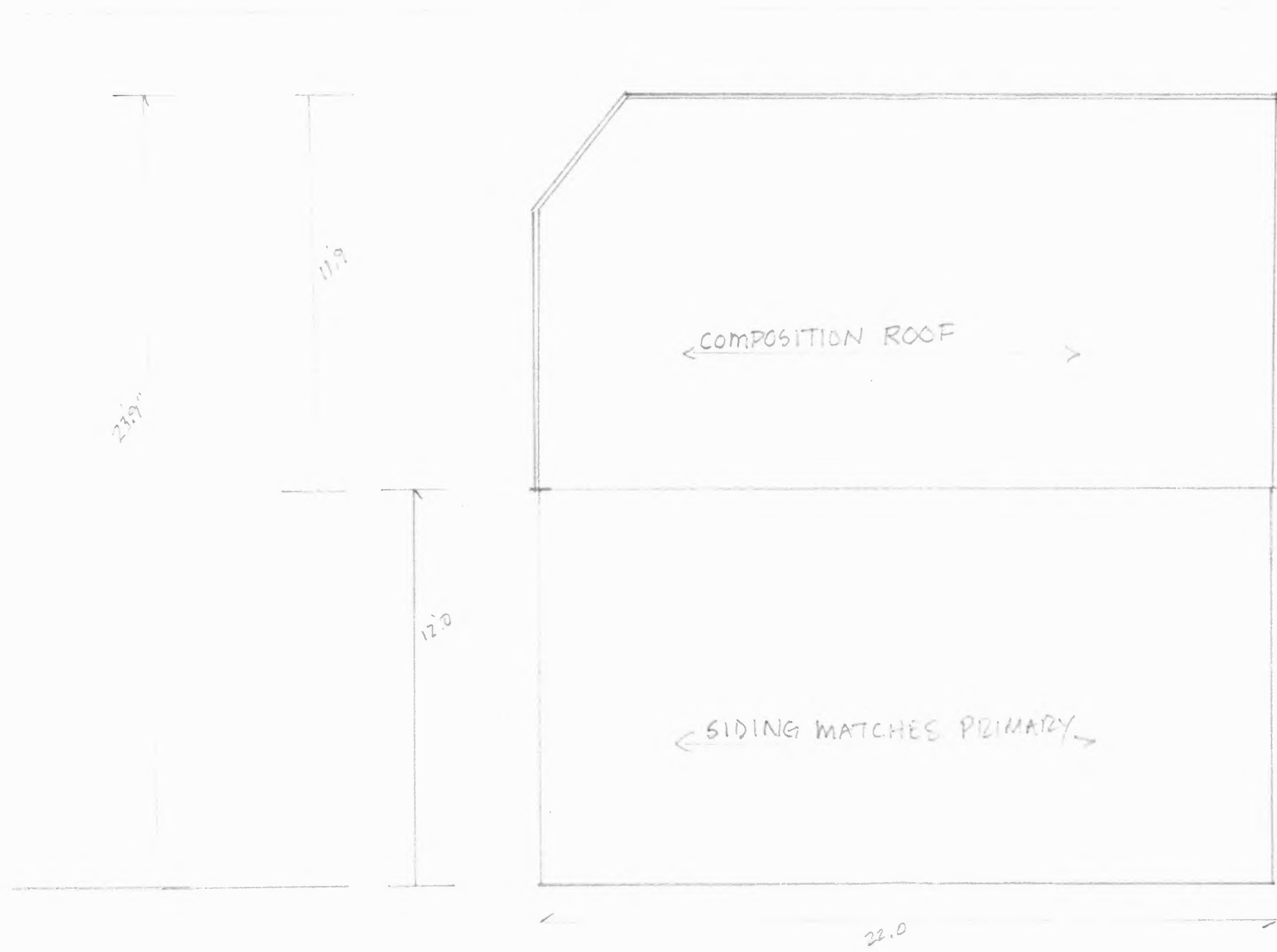
JAN 27, 2023



SOUTH ELEVATION (FRONT)
 LOT 9, CITY BLOCK 5215 (17'
 SCALE 1/4" = 1.0' (GARAGE)
 * ROOF LINE MATCHES HOUSE
 JAN 27, 2023



EAST ELEVATION (Right)
LOT 9, CITY BLOCK 5215 (17)
SCALE 1/4" = 1.0'
JAN 27, 2023



WEST ELEVATION (LEFT)
LOT 9, CITY BLOCK 5215 (17)
SCALE 1/4" = 1.0'
JAN 27, 2023

Neighborhood Home Services | Design

4447 N Central Espy, Unit 110 | Suite 101 Dallas, TX 75205 | 727.355.4797

Date

December 2, 2022

To

Tim Myrick
5215 Morningside Dr
Dallas, TX 75206

Ship To

Same as recipient

Instructions

Full House Repaint

Quantity	Description	Unit Price	Total
1	Demo original 2-car garage including, cement pad, east side cement area attached to garage, entire garage structure, wiring roofing, etc – prep ground soil for new cement pad and structure		
1	New 20x20 cement pad at foundation thickness of 10' Brush finish		
1	Framing of structure including all wood and framing materials at 22'x22'...Interior ceiling at 14'	Allotted	18,000.00
		Final	27,000.00
		Added to total bid	<\$9000>
1	Roof covering with specific materials to seal, waterproof structure from the elements - 1 vent		
1	Siding to match house design Hardie Panel Siding - Stucco finish		
1	Electrical installed, all wiring installed, 4 plugs, 1 switch, 2 ceiling swing fluorescent lights, 2x lights on side walls <i>*also cut and cap prior to demo</i>		
1	Interior Insulation, 3 walls, garage door frame – no ceiling		
1	Drywall Hang Only 22'x22'x14' 4'x12'x1/2" ultralight		
1	Garage Door Installation, 8x16 (25 gauge) non insulated, ceiling install - Side Motors		
1	Steel entry door – right hand in swing 36x80		

Tel: 727-355-4797

Email: 29jspark@gmail.com

Fax: na

Web: na

Quantity	Description	Unit Price	Total
		Subtotal w/tax	\$68,392.58
		Sales Tax	included
Payments will occur as project proceeds			
12/04/2022	10% down payment		Received \$6000
12/16/2022	Installment 1		Received \$20,000.00
12/30/2022	Installment 2		Received \$21,000
01/18/2023	Installment 3		Received \$20,000
PAID TO DATE		TTD	\$67,000.00

Thank you for your business!

Neighborhood Home Services | Design

4447 N Central Espy, Unit 110 | Suite 101 Dallas, TX 75205 | 727.355.4797

Date	To	Ship To
March 27, 2023	Tim Myrick 5215 Morningside Dr Dallas, TX 75206	BOA Meeting (April)

Instructions

New Garage Demo/Rebuild (quote for City of Dallas BOA Meeting (April))

Quantity	Description	Unit Price	Total
1	Demo original 2-car garage including, cement pad, east side cement area attached to garage, entire garage structure, wiring roofing, etc – prep ground soil for new cement pad and structure		
1	New 20x20 cement pad at foundation thickness of 10’ Brush finish		
1	Framing of structure including all wood and framing materials at 22’x22’...Interior ceiling at 14’		
1	Roof covering with specific materials to seal, waterproof structure from the elements - 1 vent		
1	Siding to match house design Hardie Panel Siding - Stucco finish		
1	Electrical installed, all wiring installed, 4 plugs, 1 switch, 2 ceiling swing fluorescent lights, 2x lights on side walls <i>*also cut and cap prior to demo</i>		
1	Interior Insulation, 3 walls, garage door frame – no ceiling		
1	Drywall interior finish out with textured finish 22’x22’x14’ 4’x12’x1/2” ultralight		
1	Garage Door Installation, 8x16 (25 gauge) non insulated, ceiling install - Side Motors		
1	Steel entry door – right hand in swing 36x80		

Tel: 727-355-4797
Fax: na

Email: 29jspark@gmail.com
Web: na

Quantity	Description	Unit Price	Total
		Subtotal w/tax	\$90,293.70
		Sales Tax	included

Thank you for your business!



FILE NUMBER: BDA223-062(GB)

BUILDING OFFICIAL'S REPORT Application of Audra Buckley for a variance to the parking regulations at 2730 N HENDERSON AVE. This property is more fully described as Block 8/1973, Lot 5, and is zoned PD-462 Subarea 1, which requires parking to be provided. The applicant proposes to maintain a nonresidential structure for a general merchandise or food store 3500 square feet or less and provide 5 of the required 13 parking spaces, which will require an 8-space variance (61.54% reduction) to the parking regulation.

LOCATION: 2730 N. Henderson Ave

APPLICANT: Audra Buckley

REQUEST:

This is a request for a variance to the parking regulations at 2730 N HENDERSON AVE. This property is more fully described as Block 8/1973, Lot 5, and is zoned PD-462 Subarea 1, which requires parking to be provided. The applicant proposes to maintain a nonresidential structure for a general merchandise or food store 3500 square feet or less and provide 5 of the required 13 parking spaces, which will require an 8-space variance (61.54% reduction) to the parking regulation.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Approval

Rationale:

Based upon evidence presented by the applicant staff concluded that:

All three (3) elements of the variance were met, namely that request is:

1. Not contrary to the public interest evidenced by the absence of opposition (because there is no opposition it can be assumed that it is not contrary to public interest, and consequently this element is met).
 2. Necessary to permit development of a specific parcel of land because of the irregularity in the property. The subject site is triangular and encumbered by two street frontages and an alley. As a result, the site differs from other parcels of land being not only of such a restrictive shape, but also of a restrictive area; so much so that the site cannot be developed in a manner commensurate with development upon other parcels of land with the same zoning (because the subject property is an odd shape it is necessary to permit development due to the restrictive shape, so much that it cannot be developed in a manner commensurate with other parcels of land with the same zoning, consequently this element is met); and
 3. Not a self-created or personal hardship because there is no evidence that this is a self-created or personal hardship.
- **ZONING/BDA HISTORY:**
 - BDA212-042 VARIANCE TO THE OFF-STREET PARKING REGULATIONS WAS APPROVED ON JUNE 02, 2022, BY PANEL B

Zoning:

Site: PD462 subarea 1
North: PD462 subarea 1
South: LO-1
East: CR
West: R-5 (A)

Land Use:

The subject site is developed with a structure that will be used for general merchandise store. Areas to the North, South, East, and West are developed with mixed-uses, residential, a school, a park, and retail.

GENERAL FACTS/STAFF ANALYSIS:

- This is a request for a variance to the parking regulations. The applicant proposes to maintain a nonresidential structure for a general merchandise or food store 3500 square feet or less and provide 5 of the required 13 parking spaces, which will require an 8-space variance (61.54% reduction) to the parking regulation.
- The subject property is located at 2730 N. Henderson Ave and is zoned PD462 subarea 1.
- The applicant intends to use the existing commercial structure as a general merchandise store.
- The Board of Adjustment Panel B approved the applicant's request for a variance to the parking regulations on June 02, 2022. The applicant failed to apply for a building permit within 180 days after the initial Board of Adjustment approval.

Timeline:

- May 02, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- June 26, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- July 11, 2023: The Board of Adjustment Senior Planner emailed the applicant the following information:
- a copy of the application materials including the Building Official's report on the application
 - an attachment that provided the public hearing date and panel that will consider the application; the July 25, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the Friday, August 04, 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."
- July 26, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August 16, 2023, public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planners, the Board of Adjustment Development Code Specialist, Project Coordinator the Chief Arborist, Assistant City Attorney (Matthew Sapp) and the Development Services Senior Engineers
- August 01, 2023: The engineering department submitted a comment sheet.

REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING OF MAY 18, 2022 (B)

Has no objections

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

Recommends denial
(see comments below or attached)

No comments

BDA 212-037(PD)

BDA 212-038(PD)

BDA 212-041(PD)

BDA 201-042(PD)

BDA 201-035(JM)

COMMENTS:

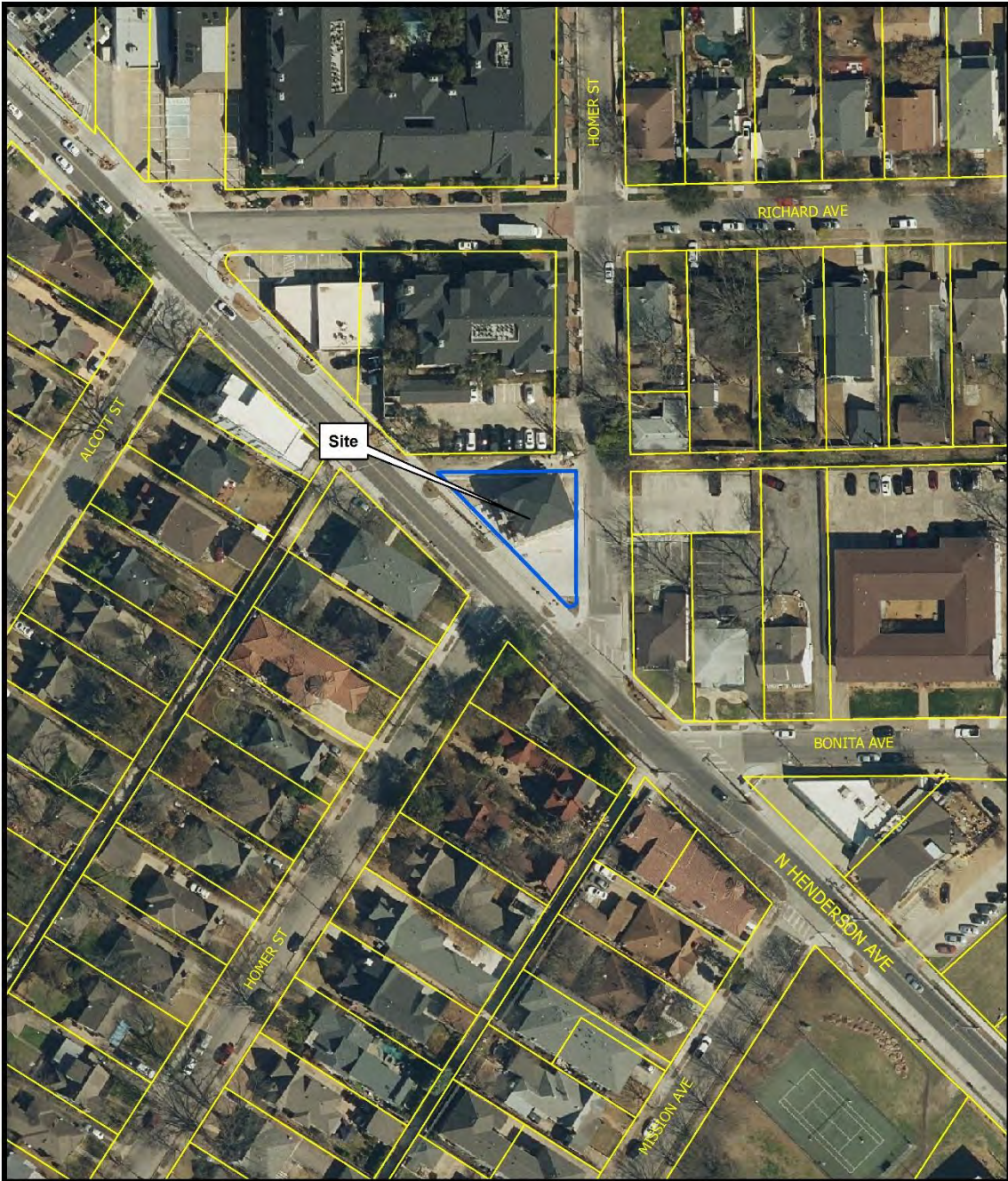
David Nevarez, PE, PTOE, DEV - Engineering

5/2/2022

Name/Title/Department

Date

Please respond to each case and provide comments that justify or elaborate on your response.

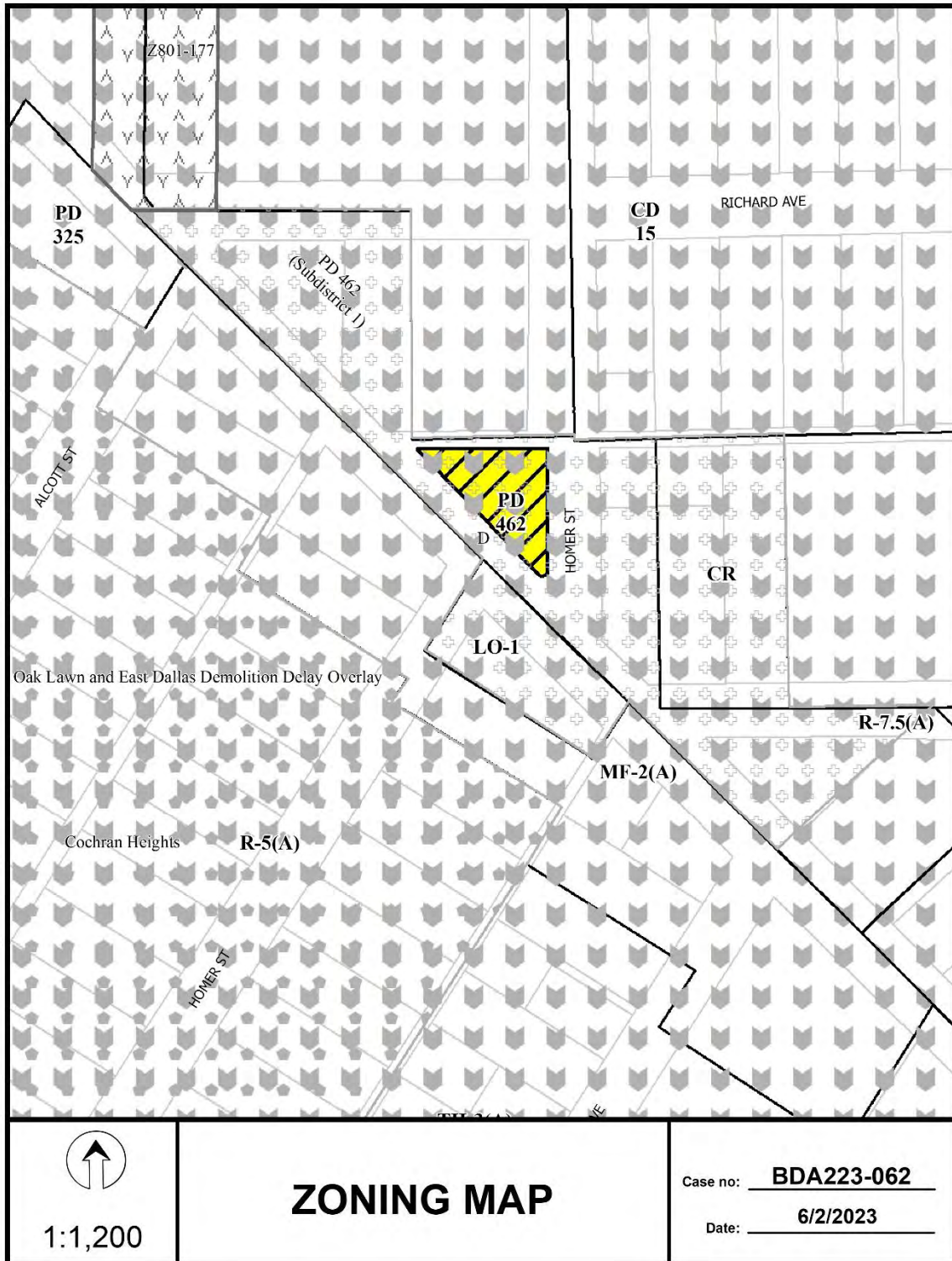


1:1,200

AERIAL MAP

Case no: BDA223-062

Date: 6/2/2023



1:1,200

ZONING MAP

Case no: BDA223-062
 Date: 6/2/2023



 1:1,200	NOTIFICATION		Case no: <u>BDA223-062</u>
	<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;">26</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <u>6/2/2023</u>	

06/02/2023

Notification List of Property Owners

BDA223-062

26 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2730 N HENDERSON AVE	PULCHER 2018 LLC
2	2416 HOMER ST	STEPHENS ERNEST III &
3	5200 RICHARD AVE	TERRELL DEAN &
4	5206 RICHARD AVE	SHIELDS DAVID
5	5210 RICHARD AVE	Taxpayer at
6	5214 RICHARD AVE	SMITH KELLY &
7	5221 BONITA AVE	5221 BONITA LLC
8	5211 BONITA AVE	YAFFEE LLC
9	2414 HOMER ST	NORTH HENDERSON AVENUE LLC
10	2726 N HENDERSON AVE	NORTH HENDERSON AVENUE LLC
11	2772 N HENDERSON AVE	TEXAS MCFARLIN LTD PS &
12	2720 N HENDERSON AVE	Taxpayer at
13	5222 HOMER ST	RISTER ALAN FORREST &
14	5230 HOMER ST	ARMSTRONG GREGORY J &
15	2717 N HENDERSON AVE	TALIAFERRO CHRISTOPHER ODELL
16	5231 MISSION ST	KUMAR JAY
17	5225 MISSION AVE	JUAREZ OSVALDO & ARACELI
18	5218 ALCOTT ST	MORROW JOHN S
19	5222 ALCOTT ST	GHOSH PIYA
20	5226 ALCOTT ST	MELOTH DOUG &
21	5230 ALCOTT ST	PDT HOLDINGS INC
22	2727 N HENDERSON AVE	JAXSIE FLATS LLC
23	5227 HOMER ST	DAI XINJIE &
24	5223 HOMER ST	Taxpayer at
25	5217 HOMER ST	SULLIVAN JOHN H & JUDY K
26	5144 RICHARD AVE	EASTBRIDGE APARTMENTS PO LTD PS



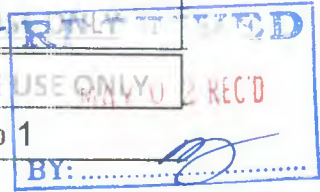
Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

BDA 223-062



Data Relative to Subject Property:

Date:

5/2/23

Location address: 2730 N Henderson Avenue

Zoning District: PDD462/Sub 1

Lot No.: 5

Block No.: 8/1973

Acreage: 0.135

Census Tract: 0010.02

Street Frontage (in Feet): 1) 152.97' 2) 110.69' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Pulcher 2018, LLC (Kyle Jacobs, Director)

Applicant: Audra Buckley

Telephone: 214-686-3635

Mailing Address: 1414 Belleview Street, Ste 150

Zip Code: 75215

E-mail Address: permitted.development.dfw@gmail.com

Represented by: Permitted Development, LLC, Audra Buckley

Telephone: 214-686-3635

Mailing Address: 1414 Belleview Street, Ste 150

Zip Code: 75215

E-mail Address: permitted.development.dfw@gmail.com

Affirm that an appeal has been made for a Variance or Special Exception of _____
Reinstatement of action taken for BDA212-042(PD) on May 18, 2022 regarding a variance to the off-street parking requirement for a general merchandise or food store less than 3500 sq. ft. - 8 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:

An application for a building permit or certificate of occupancy was not applied for within 180 days from the date of the favorable action of the board. The building in question is 2569.7 sf built in 1942 has been renovated but will require 13 parking spaces. During staff's previous case analysis, it was determined that the 13 spaces, 5 delta credits served as provided parking with no physical spaces permitted on the site. Therefore, the variance granted was for 8 parking 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

Audra Buckley

(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

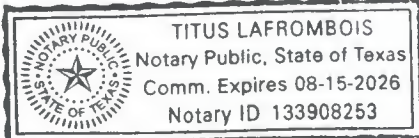
Audra Buckley
(Affiant/Applicant's signature)

Subscribed and sworn to before me this

1st day of

May

2023



Titus Lafrombois
Notary Public in and for Dallas County, Texas
Ellis

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 Audra Buckley

did submit a request for a variance to the parking regulations
at 2730 N. Henderson Avenue

BDA223-062. Application of Audra Buckley for a variance to the parking regulations at 2730 N HENDERSON AVE. This property is more fully described as Block 8/1973, Lot 5, and is zoned PD-462 Subarea 1, which requires parking to be provided. The applicant proposes to maintain a nonresidential structure for a general merchandise or food store 3500 square feet or less and provide 5 of the required 13 parking spaces, which will require a 8 space variance (61.54% reduction) to the parking regulation.

Sincerely,


Andrew Espinoza, CBO, MCP, CFM, CCEA

Area Analysis

2730 N Henderson Avenue
5879 sf lot with an existing 2569.7 sf building

Properties within the same PDD 462, subdistrict 1 zoning classification:

2772 N HENDERSON AVE: CO for general merchandise or food store less than 3500 sf issued in 2004 and revised in January 2015. The property has a similar shape and lot size of the subject property at 6000 sf. It is encumbered by two streets but no alley. The structure on the property straddles the adjacent lot and parking is provided along Richard Avenue and Henderson Avenue.

2810 N HENDERSON AVE: CO for an alcoholic beverage establishment issued in December 2021. Property is a mid-block lot in similar shape and slightly larger lot size of the subject property with 6,569 sf with a 2603 sf structure. Property contains existing head-in parking and off-street parking. They were able to meet the off-street parking criteria of 26 spaces.

2813 N HENDERSON: CO for general merchandise or food store less than 3500 sf issued in January 2022. Property has a larger lot (10,230 sf) with the same CO requested by the applicant. Property is encumbered by two streets and an alley but with the larger lot, they were able to meet off-street parking criteria.

2822 N HENDERSON AVE: CO is for a restaurant without drive-thru service. Structure is 5,129 sf with a larger lot containing 22,171 sf. and a parking lot. All its surface off-street parking spaces are required for itself. Property is split zoned into PDD 462 sub 1 and CR and can easily meet off-street parking criteria.

2831 N HENDERSON AVE: CO for general merchandise or food store less than 3500 sf issued in 2000. Property is a larger lot containing 8,460 sf and meets off-street parking criteria. It is encumbered by two streets.

2841 & 2847 N HENDERSON AVE: Old Monk property. CO was issued for an alcoholic beverage establishment in 2003. Structure is 3,310 sf and the property consists of 15,430 sf with its own parking lot. Parking appears to meet the off-street parking criteria.

Parking for other properties within this zoning district in the 2900 block of N Henderson Avenue (north of Willis Avenue) have the luxury of paid commercial parking lots located in CR, CS and P(A) districts. All of this parking is accounted for/shared based on signage posted in the parking lots. Additionally, even if parking were available in these shared lots, the subject site is more than 750' away which exceeds the 300' or special request of 600' distance to qualify for a remote parking agreement.

**PARKING ANALYSIS
2730 N HENDERSON AVENUE**

BACKGROUND:

The subject site contains a 2-story, 2569.7 sf building that has been in its current configuration since 1942. According to the previous owner, the original use may have been a motor vehicle fueling station – information has thus far not been found in the City’s records to substantiate the claim. Later, the use apparently changed, according to city records, to a furniture store in 1980 with CO 8002166509. This is the last issued CO for the building and there are no site plans or floor plans on file for that CO. A retail business called Emeralds to Coconuts, an apparel store requiring 13 parking spaces, claims to have occupied the space for more than 40 years according to multiple web sources such as the Dallas Morning News, the Lakewood Advocate, etc. They finally closed their business in October 2019, according to their social media page on Facebook. This would suggest a CO was obtained in 1980 merely to comply with parking requirements – any parking requirements. A CO for the apparel store was never obtained.

The current property owner purchased the building with the intention of remodeling it and restoring it to its retail use. As such, until a tenant was found, the property owner applied for a shell permit to start that process, which also required a land use for the required accompanying CO. The land use designated for the CO was office/showroom/warehouse. The idea was to remodel it and when a tenant was found, amend the CO at that time. When the property owner found a tenant in 2021, a retail CO was attempted, and the property owner discovered the parking issue.

We do not believe the requested variance of eight parking spaces or 61.54% of the required parking spaces will be contrary to the public interest as the building has operated as retail store for decades. From the zoning district’s perspective, note the stated purpose of the zoning district:

SEC. 51P-462.103. PURPOSE.

This article provides standards specifically tailored to meet the needs of the Henderson Avenue Area, between North Central Expressway and Ross Avenue, which is hereby designated as an area of historical, cultural, and architectural importance and significance to the citizens of the City of Dallas. The general objectives of these standards are to promote and protect the health, safety, welfare, convenience, and enjoyment of the public, and, in part, to achieve the following:

- (1) Accommodate the existing mix of uses in the area.*
- (2) Protect the internal and adjacent stable residential neighborhoods.*
- (3) Preserve and enhance the architectural and cultural significance of the area.*
- (4) Strengthen neighborhood identity.*
- (5) Create a more desirable pedestrian environment. (Ord. Nos. 22969; 25423)*

Furthermore, the applicant went out to observe this corner on different days during busy times. The following was observed:

January 15, 2022 from 11:30-Noon - 24 pedestrians.

February 11, 2022 from 5:30 – 6:00pm – 29 pedestrians.

March 3, 2022 from 5:30 – 6:00pm – 5 cyclists and 32 pedestrians.

This area along Henderson seems to have an abundance of pedestrian traffic on both sides of the street near retail areas.

PARKING ENCUMBERANCES:

Due to the irregular shape of the site and it being bound by two public streets and an alley, this site differs from other parcels of land, and it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning. Further, the property owner has not requested this relief for any self-created or personal hardship. The building simply cannot be occupied by any uses requiring more than 3 spaces due to the fact that parking spaces must be 20 feet from a street right-of-way, on-street or alley parking space cannot be counted towards required parking, and parking may not be located in visibility triangles. From Chapter 51A:

SEC 51A-4.301 OFF-STREET PARKING REGULATIONS

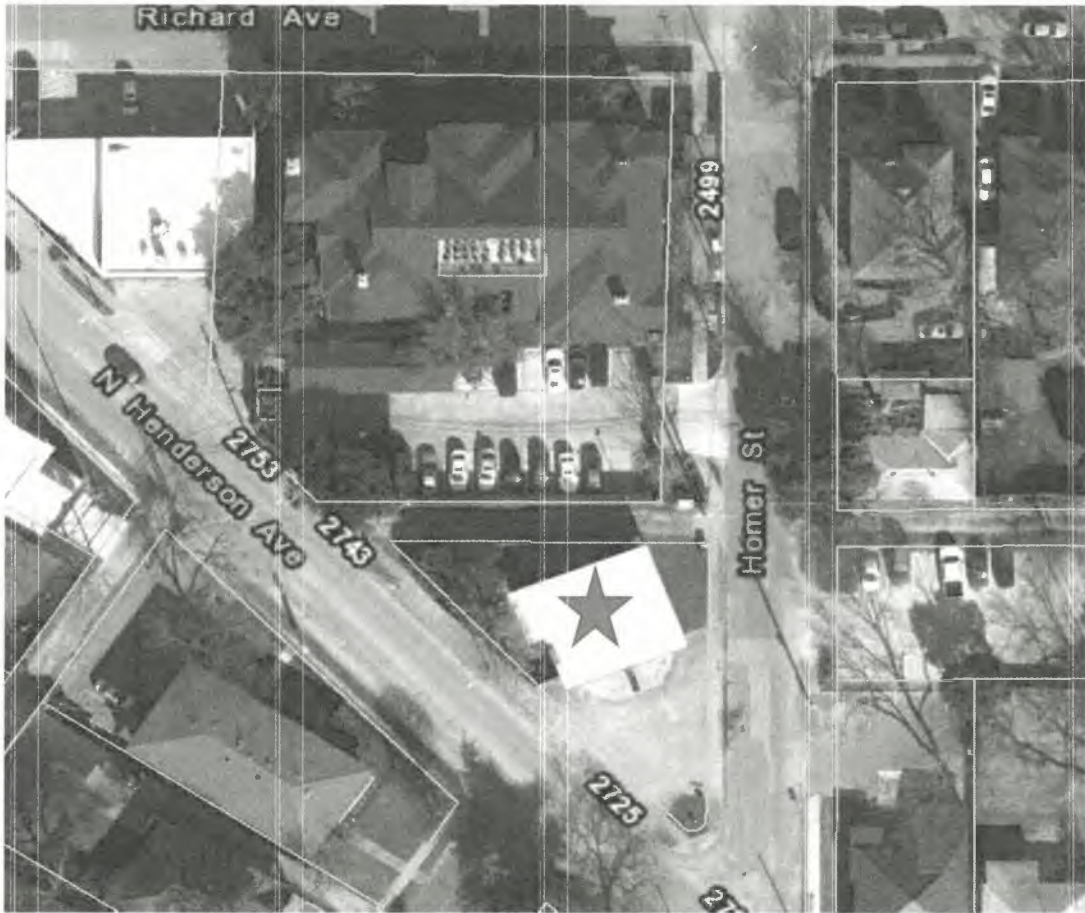
(6) no parking space located on a public street or alley may be included in the calculation of off-street parking requirements.

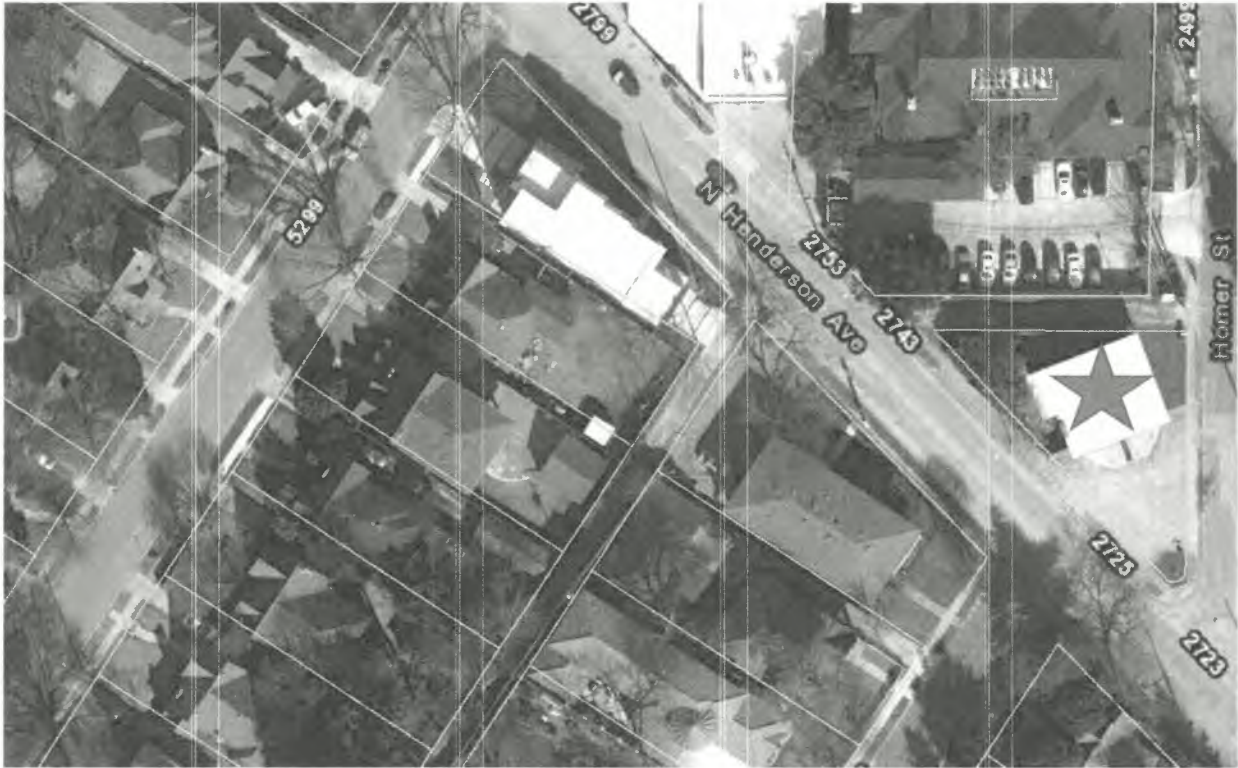
(7) except for residential uses, head-in parking adjacent to a public street where the maneuvering of the vehicle in parking or leaving the parking space is done on a public street is excluded in computing off-street parking requirements.

(9) a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in enclosed structure and if the space faces upon or can be entered directly from the street or alley.

(14) off-street parking is not permitted in a visibility triangle as defined in Section 51A-4.602.

Additionally, an aerial of the surrounding area shows parking cannot be obtained via a remote parking agreement:





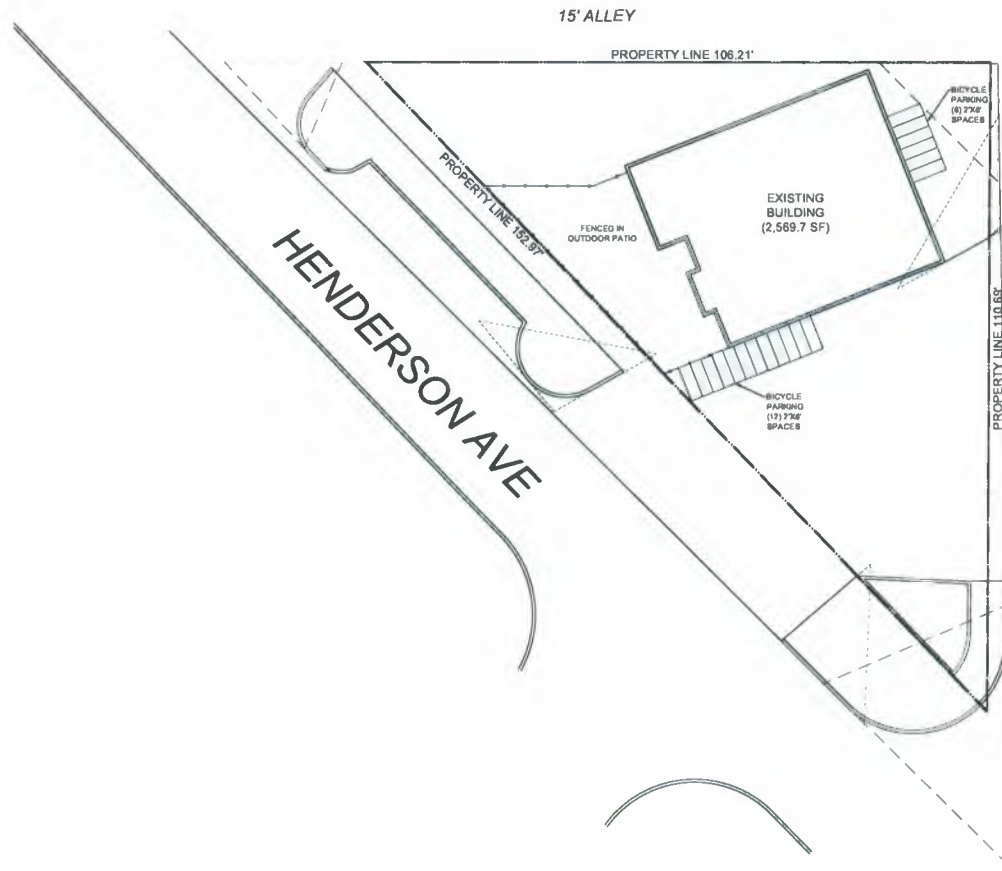
PARKING CODE REVIEW:

The study site is currently zoned PDD 462 Subdistrict 1. The parking requirement for this zoning district is outlined in Section 51P-462.108 d., which defaults to parking standards in Chapter 51A of the City of Dallas Code of Ordinances. None of the non-residential uses can be parked at the subject site. Therefore, in order to continue the use as a general merchandise or food store less than 3500 sf, the variance is required. The parking requirements for uses permitted in this subdistrict are as follows:

2730 N Henderson
 ZONING: PDD 462, Subdistrict 1
 2-STORY BUILDING

TOTAL SITE AREA	.135 ACRES	
LAND USE	RETAIL	
BUILDING FOOTPRINT	1,260.7 SQ. FT.	
TOTAL BUILDING AREA - BOTH FLOORS	2569.7 SQ. FT.	
PERMITTED USES	PARKING RATIO	REQ PARKING
Catering service.	1:200	13
Custom business services.	1:300	9
Electronics service center.	1:300	9
Medical or scientific laboratory	1:300	9
Financial institution without drive-in window.	1:333	8
Financial institution with drive-in window. [SUP]	N/A	
Medical clinic or ambulatory surgical center.	1:200	13
Office.	1:333	8
Ambulance service.	1:300	9
Animal shelter or clinic without outside run.	1:300	9
Auto service center.	N/A	
Bar, lounge, or tavern.	1:100	26
Business school.	N/A	
Car wash. [SUP]	N/A	
Commercial amusement (inside).	1:100	26
Commercial amusement (outside). [SUP]	N/A	
Commercial parking lot or garage. [RAR]	N/A	
Dry cleaning or laundry store.	1:200	13
Furniture store. (CO ON FILE)	1:500	5
General merchandise or food store 3,500 square feet or less.	1:200	13
General merchandise or food store > 3,500 square feet.	1:200	13
Household equipment and appliance repair.	1:200	13
Liquor store.	1:200	13
Mortuary, funeral home, or commercial wedding chapel.	N/A	
Motor vehicle fueling station.	N/A	
Nursery, garden shop, or plant sales.	1:500	5
Personal service uses.	1:200	13
Restaurant without drive-in or drive-through service.	1:100	26
Temporary retail use.	1:500	5
Theater.	N/A	
Recycling drop-off container.	N/A	
Recycling drop-off for special occasion collection.	N/A	
RESIDENTIAL:		
DUPLEX - 2 BEDROOM	1 PER BEDROOM	4
PERMITTED USES OMITTED FROM ANALYSIS		
INSTITUTIONAL USES		
LODGING USES		
MISCELLANEOUS USES		
RECREATION USES		
TRANSPORTATION USES		
UTILITY AND PUBLIC SERVICES		
N/A USES INDICATE USES WITHOUT CIRCULATION/INCOMPATIBLE WITH THE SURROUNDING PROPERTIES		

Address	Use	Floor Area	Parking Ratio	Required Parking
2730 N Henderson Avenue	General Merchandise or Food Store	3500sf	1/200	13
			Total Parking	13
			Delta Credits	5
			On-Site Parking	0
			Variance	8



VICINITY MAP

NTS



05/11/2022
PROJECT NUMBER
CASE NUMBER

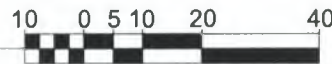
PERMITTED DEVELOPMENT
416 S. Ervey Street
Dallas, Texas 75201
214.686.3635
permitted.development.off@gmail.com



2730 N HENDERSON
CITY OF DALLAS, TEXAS



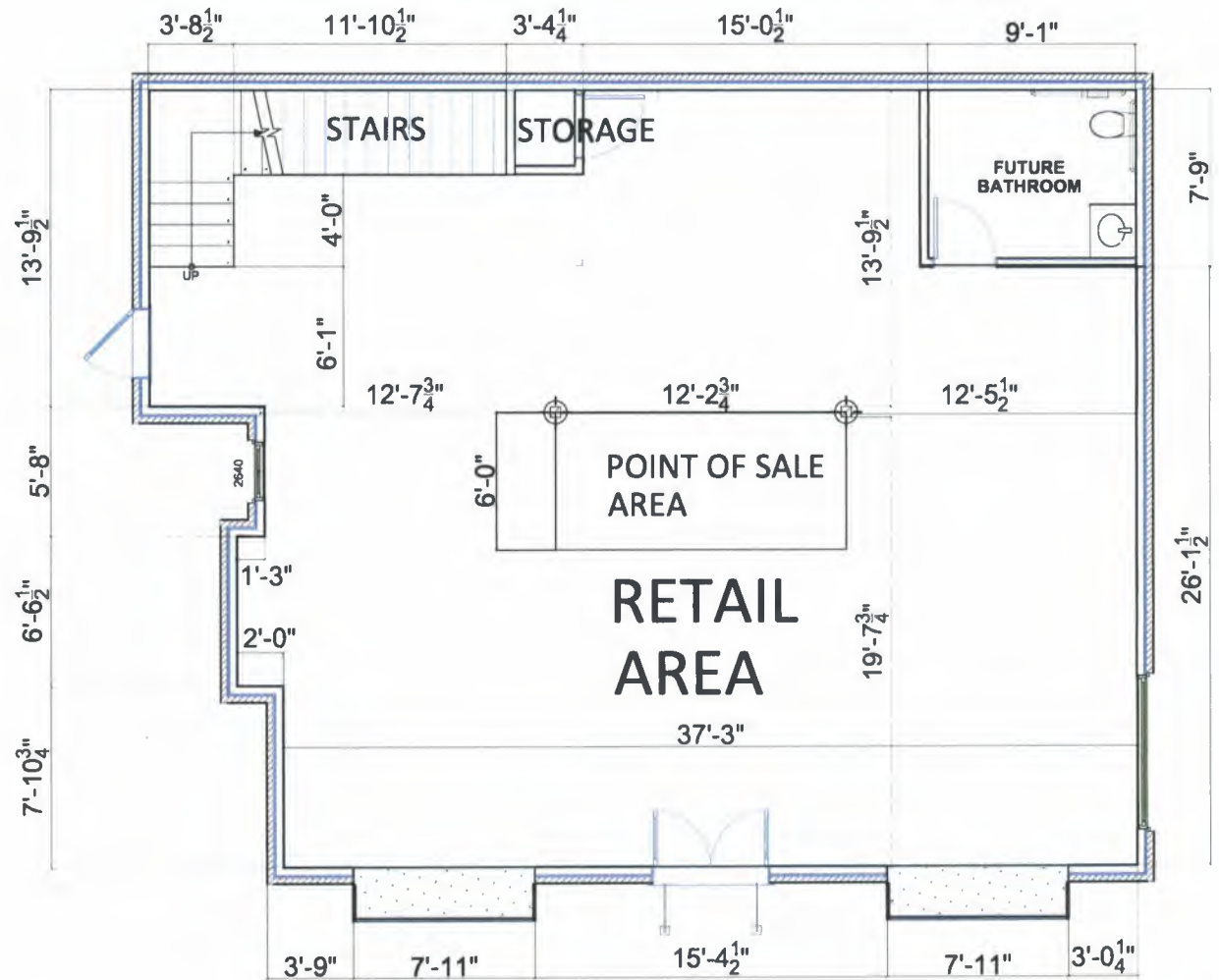
1 SITE PLAN
SCALE: 1" = 10'-0"



BDA223-002



2730 HENDERSON AVE.



AREA	SF
STAIRS	71.65
RESTROOM	72.75
STORAGE CLOSET	10.8
RETAIL OFFICE	141.36
RETAIL STORAGE	1089.53
RETAIL AREA	1183.61
BUILDING TOTAL	2569.7

LEVEL 1



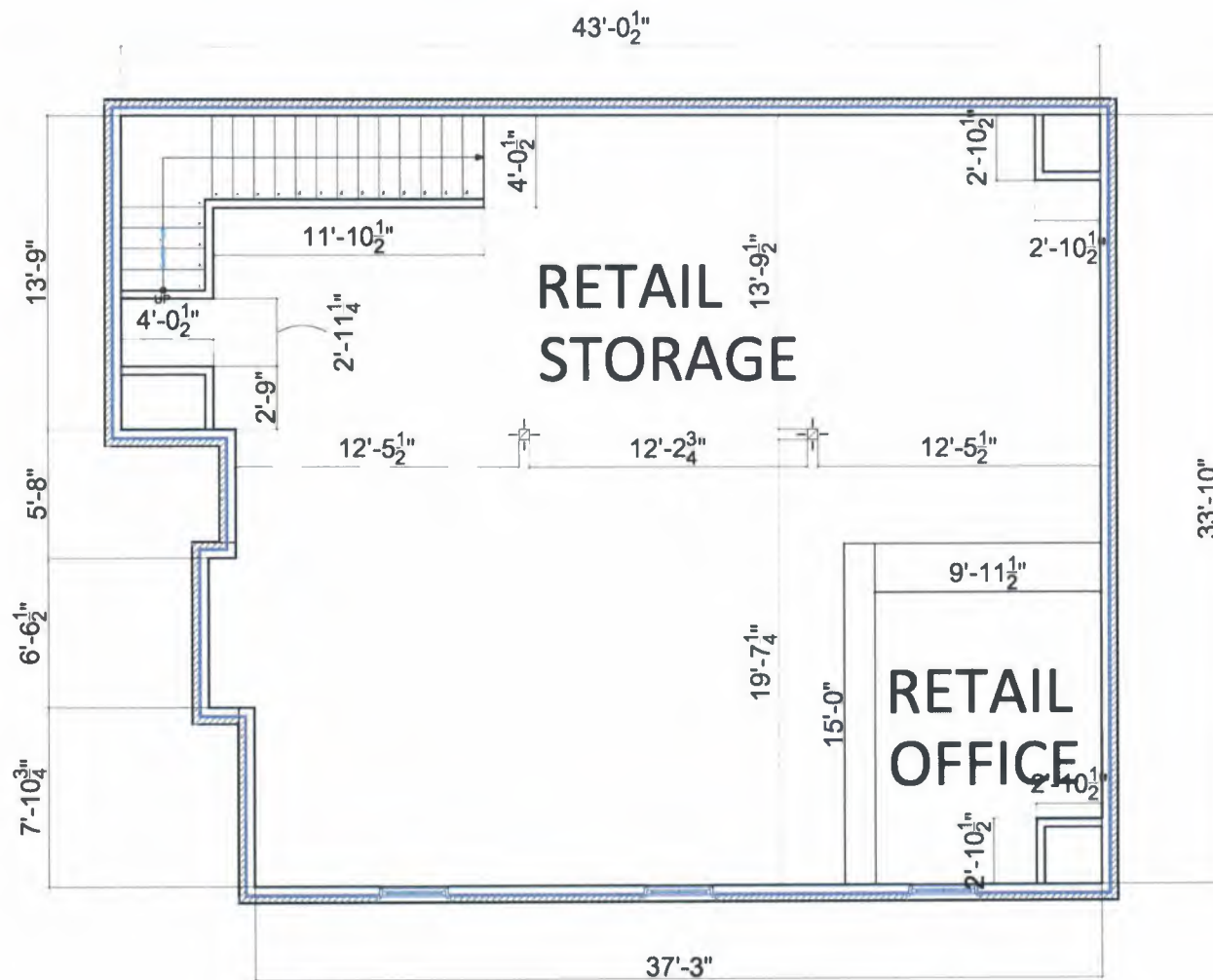
BOA223-002



ABEL
DESIGN
GROUP

ABEL DESIGN GROUP, LTD.
5310 HARVEY HILL RD | SUITE 270 | DALLAS, TEXAS 75220
PHONE: 214.328.8484
WEBSITE: ABELDESIGNGROUP.COM

2730 HENDERSON AVE.



AREA	SF
STAIRS	71.65
RESTROOM	72.75
STORAGE CLOSET	10.8
RETAIL OFFICE	141.36
RETAIL STORAGE	1089.53
RETAIL AREA	1183.61
BUILDING TOTAL	2569.7

LEVEL 2



BDA223-002



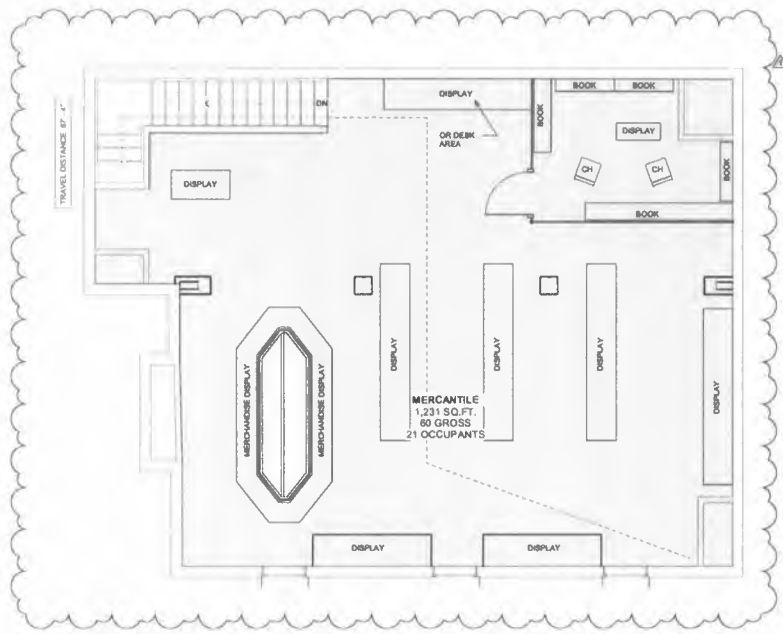
FOR CONSULTING INFORMATION
KYLE JACOBS
TEL: (214) 481-1487
KJACOBS@RUBICONCP.COM



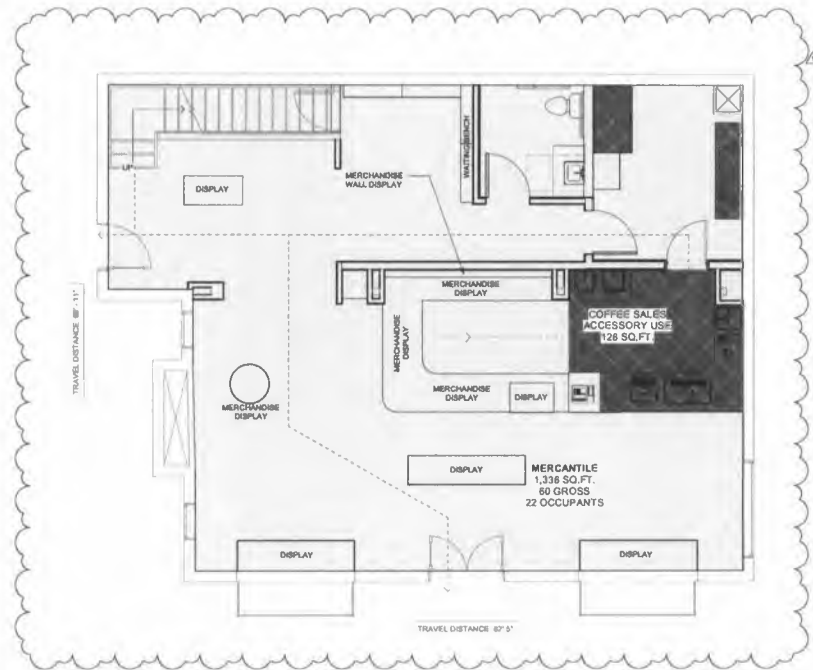
paradesign
1712 south akard street
dallas, tx 75216
214.769.0316



READ SHOP
PERMIT SET



2 SECOND FLOOR
1/4" = 1'-0"



1 FIRST FLOOR
1/4" = 1'-0"

TOTAL OCCUPIED BUILDING AREA: 2,589 SQ.FT.
TOTAL OCCUPANTS: 43

Date:
02/16/23

NO.	DATE	CITY COMMENTS

LIFE SAFETY PLAN

A0.02

© Copyright:

BDA 223-062

FILE NUMBER: BDA223-074(GB)

BUILDING OFFICIAL'S REPORT Application of Masterplan, Represented by Trenton Robertson for a special exception to the fence height regulations at 5505 CHATHAM HILL RD. This property is more fully described as Block 7/5597, Lot 22, 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 fence in a required front yard, which will require a 5-foot special exception to the fence regulations.

LOCATION: 5505 Chatham Hill

APPLICANT: Masterplan, Represented by Trenton Robertson

REQUEST:

This is a request for a special exception to the fence height regulations at 5505 CHATHAM HILL RD. This property is more fully described as Block 7/5597, Lot 22, 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 fence in a required front yard, which will require a 5-foot special exception to the fence regulations.

STANDARD FOR A SPECIAL EXCEPTION:

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:

1. BDA190-068 Approved: Multiple electric meters to single-family use (August 31, 2020)
2. BDA178-086 Approved: Variance to front yard and additional dwelling unit for a single-family use and fence standards (October 24, 2018)

Zoning:

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

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- This is a request for a special exception to the fence height regulations The applicant proposes to construct a 9-foot fence in a required front yard, which will require a 5-foot special exception to the fence regulations.
- The subject property is located at 5505 Chatham Hill Road and is zoned R-1ac (A)
- The applicant proposes the fence material will be chain link to metal mesh.
- BDA190-068 Approved: Multiple electric meters to single-family use (August 31, 2020)
- BDA178-086 Approved: Variance to front yard and additional dwelling unit for a single-family use and fence standards (October 24, 2018)

Timeline:

- June 02, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- June 26, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- July 11, 2023: The Board of Adjustment Senior Planner emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application
 - an attachment that provided the public hearing date and panel that will consider the application; the July 25, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the Friday, August 04, 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.”

July 26, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August 16, 2023, public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planners, the Board of Adjustment Development Code Specialist, Project Coordinator the Chief Arborist, Assistant City Attorney (Matthew Sapp) and the Development Services Senior Engineers

June 29, 2023: The engineering department submitted a comment sheet.

REVIEW COMMENT SHEET
 BOARD OF ADJUSTMENT
 HEARING August 16th, 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 223-062(GB)

BDA 223-071(GB)

BDA 223-073(GB)

BDA 223-074(GB)

BDA223-076(GB)

HOLDOVER

BDA223-038(GB)

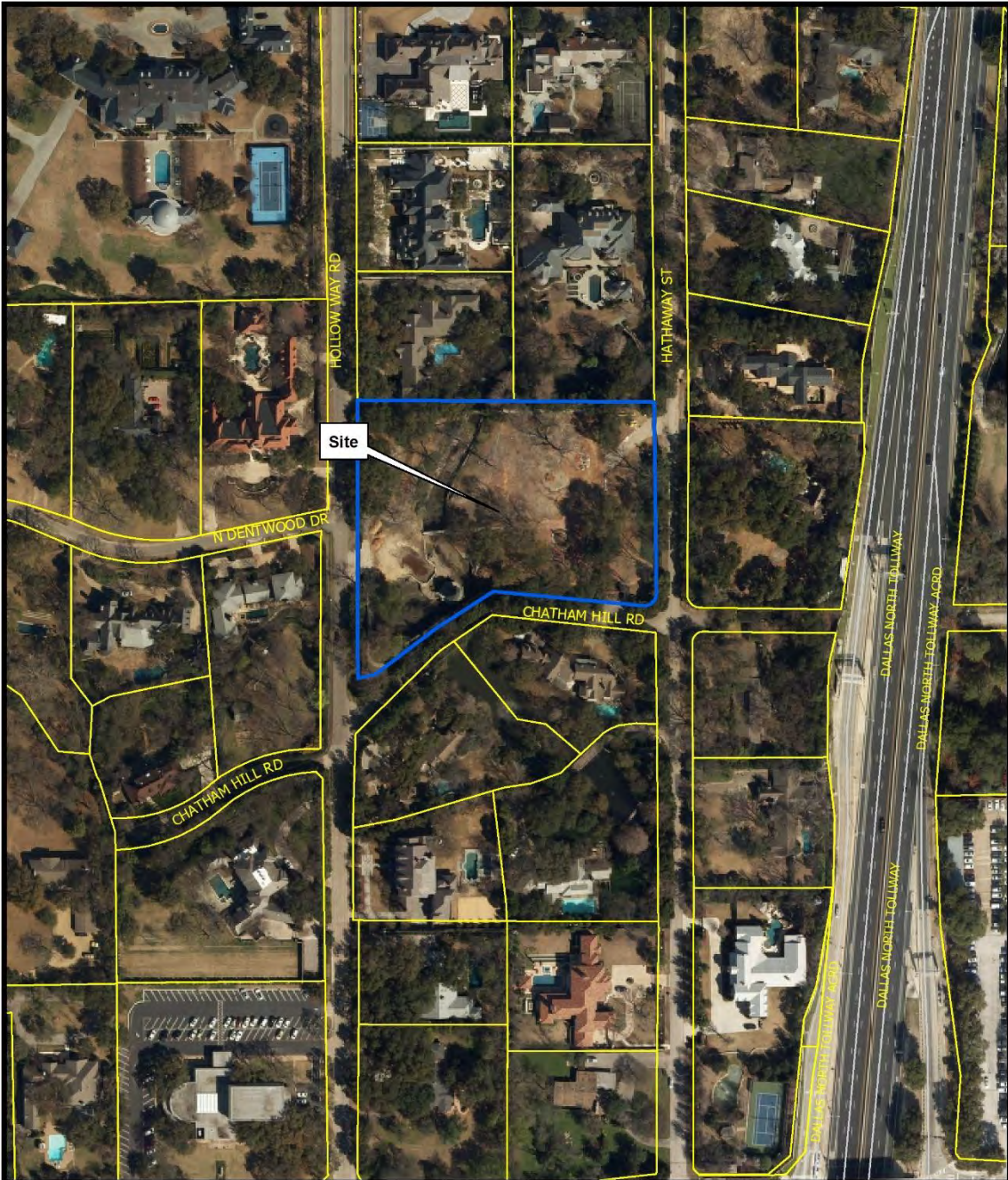
COMMENTS:

*Cases marked do not
 involve Engineering*

Robert Wenman/Engineer/DSD
 Name/Title/Department

Aug. 2, 2023
 Date

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



Site

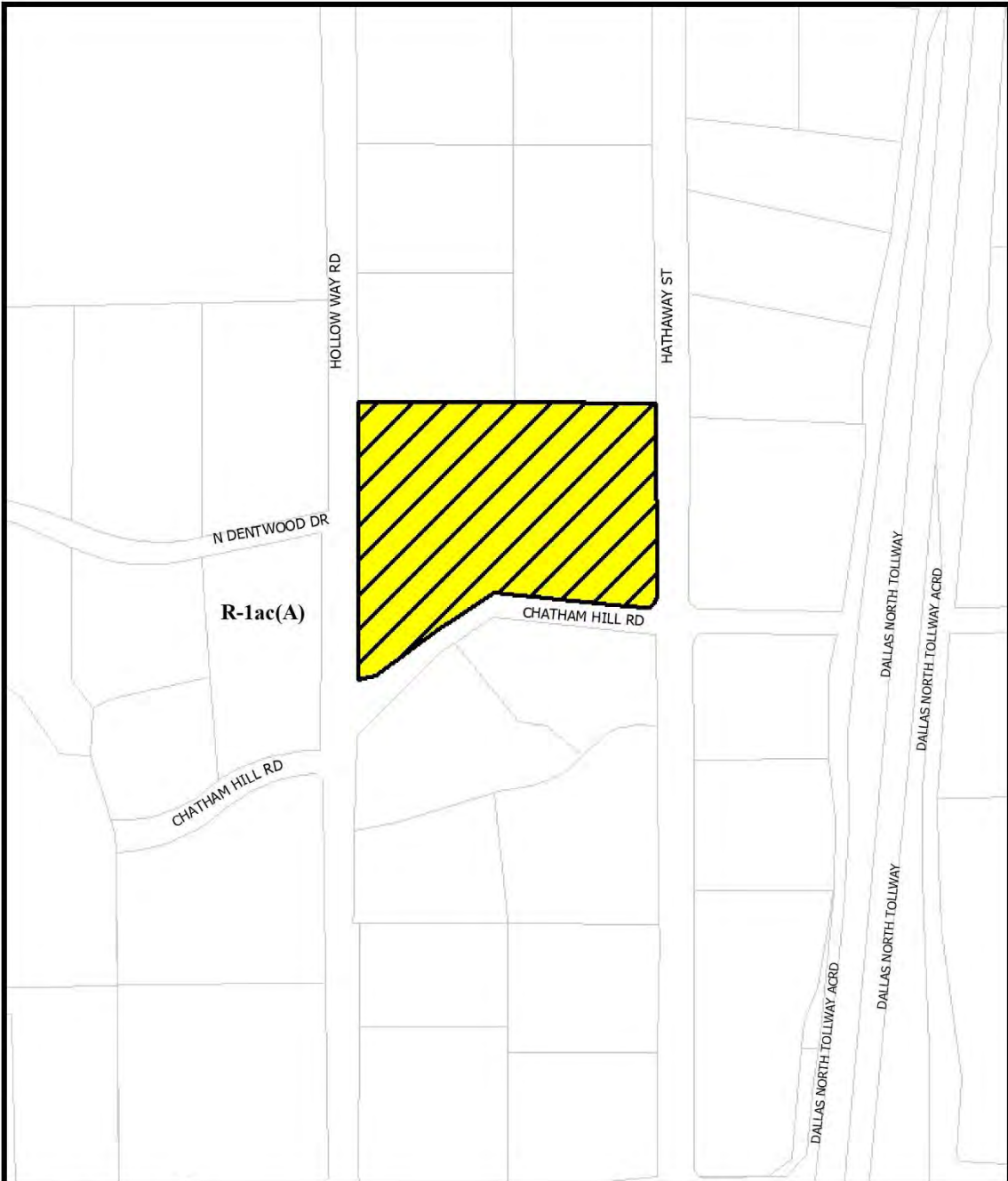


1:2,400

AERIAL MAP

Case no: BDA223-074

Date: 7/26/2023



1:2,400

ZONING MAP

Case no: BDA223-074

Date: 7/26/2023



 1:2,400	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="width: 50px; text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="width: 50px; text-align: center;">15</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	15	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA223-074</u> Date: <u>7/26/2023</u>
200'	AREA OF NOTIFICATION					
15	NUMBER OF PROPERTY OWNERS NOTIFIED					

07/26/2023

Notification List of Property Owners

BDA223-074

15 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5505 CHATHAM HILL RD	BR TRUST THE
2	9362 HOLLOW WAY RD	LEDBETTER TERRY LEE & RETA
3	9330 HOLLOW WAY RD	BR TRUST THE
4	9339 HATHAWAY ST	KING MARK A 2020 RESIDENCE &
5	9346 HATHAWAY ST	MOUTRAY HUGH GILFORD &
6	9300 HATHAWAY ST	MCGOWEN TAMARA F & JAMES P
7	9340 HATHAWAY ST	MALIK RAJEEV & RITU
8	5500 CHATHAM HILL RD	SEALE JOHN HENRY & KATHERINE DYLL
9	5538 CHATHAM HILL RD	CHAND M RIZWAN
10	9239 HATHAWAY ST	DUNNING THOMAS MAYBORN &
11	9266 HATHAWAY ST	SCHAFFER MARTIN J &
12	5445 N DENTWOOD DR	HOROWITZ ANGELA
13	5446 N DENTWOOD DR	CARRY DONALD J &
14	9245 HOLLOW WAY RD	LANGE BENJAMIN & TRACY
15	5424 DELOACHE AVE	CUBAN MARK



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-074

Data Relative to Subject Property:

Date: 6/1/2023

Location address: 5505 Chatham Hill Zoning District: R-1(A)

Lot No.: 22 Block No.: 7/5597 Acreage: 3.43 Census Tract: 206.00

Street Frontage (in Feet): 1) 432' 2) 482.7' 3) 292.93' 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): BR Trust James Y Ross III Trust [Signature]

Applicant: Masterplan (Trenton Robertson) Telephone: 972-561-8732

Mailing Address: 2201 Main Street STE. 1280 Dallas, TX Zip Code: 75201

E-mail Address: trobertson@masterplantexas.com

Represented by: Masterplan (Trenton Robertson) Telephone: 972-561-8732

Mailing Address: 2201 Main Street STE. 1280 Dallas, TX Zip Code: 75201

E-mail Address: trobertson@masterplantexas.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of To allow for a change in fence material from chain link to metal mesh. 1221' Linear ft

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: The proposed material change will be more consistent with the surrounding properties. Additionally, the metal mesh will be a higher quality design and add an additional aesthetic to the property.

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

Affidavit

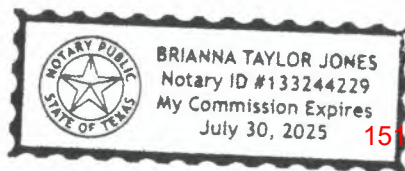
Before me the undersigned on this day personally appeared Trenton Robertson (Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 2 day of June, 2023

(Rev. 08-01-11)



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Masterplan
represented by Trenton Robertson
did submit a request for a special exception to the fence height regulations
at 5505 CHATHAM HILL

BDA223-074. Application of Masterplan, Represented by Trenton Robertson for a special exception to the fence height regulations at 5505 CHATHAM HILL RD. This property is more fully described as Block 7/5597, Lot 22, 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 fence in a required front yard, which will require a 5-foot special exception to the fence regulations.

Sincerely,


Andrew Espinoza, CBO, MCP, CFM, CCEA



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 223-074

I, BR Trust J. Y. Robb III Trust, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 5505 Chatham Hill, Dallas, TX 75220
(Address of property as stated on application)

Authorize: Masterplan
(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)

1/2 Variance (specify below)

Special Exception (specify below)

_____ Other Appeal (specify below)

Specify: To request to change the fence material on the property.

J. Y. Robb III TRUSTEE
Print name of property owner or registered agent

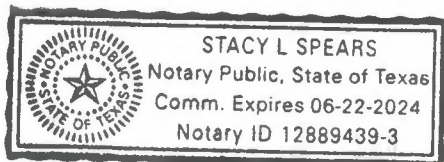
J. Y. Robb III Trustee
Signature of property owner or registered agent

Date 6/1/2023

Before me, the undersigned, on this day personally appeared J. Y. Robb III

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 1st day of June, 2023



Stacy L Spears
Notary Public for Dallas County, Texas

Commission expires on 6/22/2024



Posting of Notification Sign

Address: 5505 Chatham Hill RD

Appeal Number: BDA 223-074

All required notification signs must be posted on the property within fourteen (14) days after an application has been made, prior to the Board of Adjustment Hearing, and not be removed until the hearing ends.

The sign must be posted at a prominent location adjacent to the public street, evenly spaced along each frontage, and easily visible from the street. Failure to properly post the sign(s) may result in either a postponement or denial of the appeal.

All required notification signs have been received. One sign is required for each 500 feet or less of frontage, or every tract of five (5) acres or less, with a maximum of five (5) signs required. The cost of each sign is \$10.00.

Footage of each street frontage: 432'; 482.7'; 292.93'

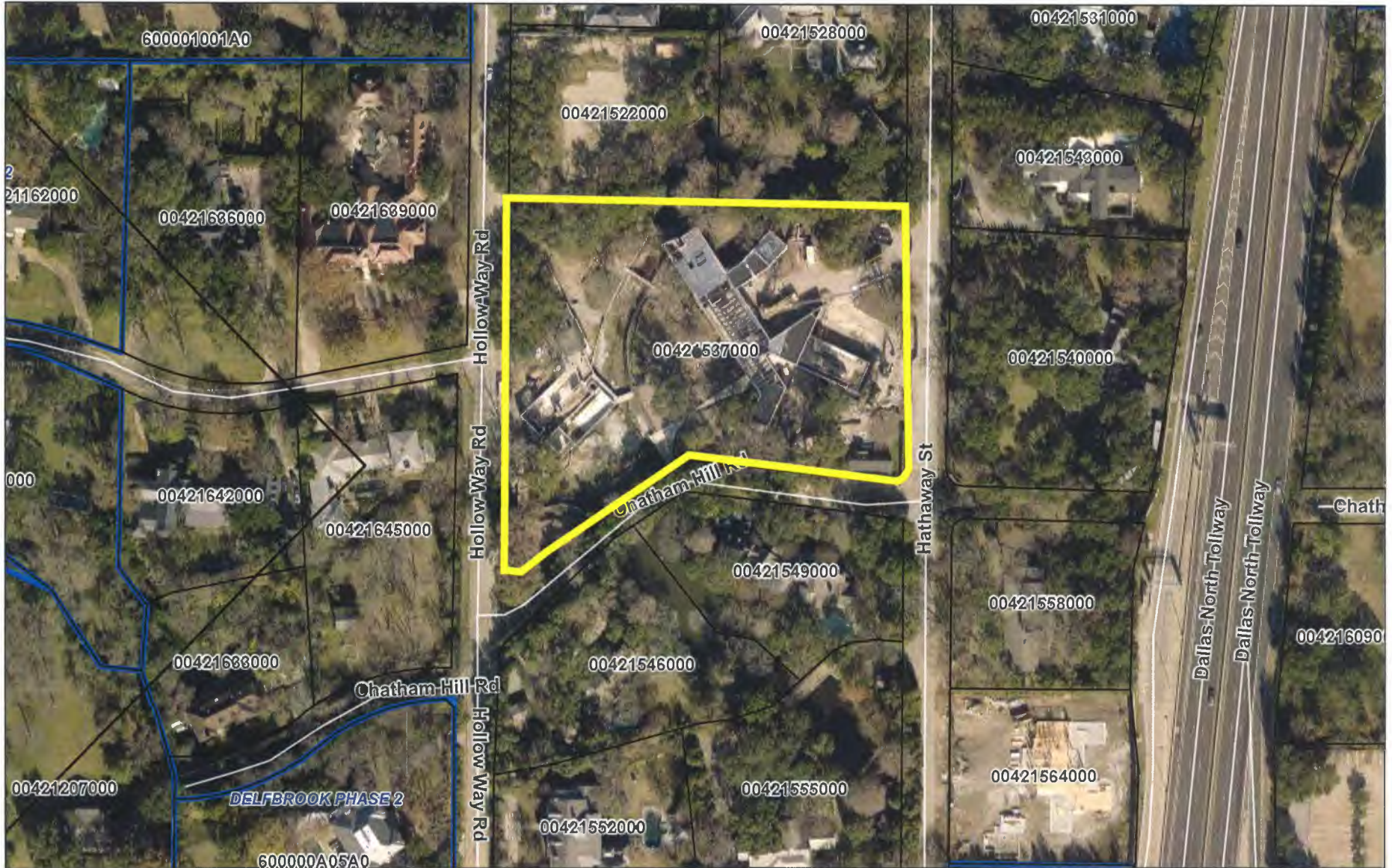
Number of acres: 3.43 acres

Number of signs received: 3

[Signature]
Signature of applicant or person receiving signs

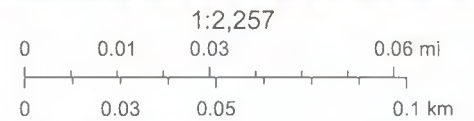
6/2/23
Date

Dallas CAD Web Map



6/1/2023, 2:00:22 PM

- Parcels
- Subdivision
- Dallas County Boundary
- Abstracts
- Street Centerline



Esri Community Maps Contributors, Texas Parks & Wildlife, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph,

Dallas County Appraisal District, BIS Consulting - www.bisconsulting.com

Disclaimer: This product is for informational purposes only and has not 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 boundaries.

BDA223-07A

CITY OF DALLAS PLAT BOOKS

ANNEXED APRIL 16, 1945 ORD. NO. PRESTON HOLLOW SURVEY JOHN HOWELL ABST. 580

ADDITION PRESTON HOLLOW (PART)

BLOCKS 7 5597

SCALE 100 FT. EQUALS 1 INCH

SCHOOL DIST. DALLAS

9-28-46

1-5625
MCCRAW
ESTATES
A-5646
LHWY. 14-5656 ESTATES



NOTE: RADIUS ON ALL CORNERS ARE TWENTY FEET

5505 Chatham Hill

BDA223-074

MARWAN ALSAYED INC
 1112 sun palm street - the woodlands, tx 77380
 281-463-6900
 marwan@msaidinc.com

PROJECT NAME
 CHATHAM HILL RESIDENCE

PROJECT ADDRESS
 5005 CHATHAM HILL ROAD
 DALLAS, TX 75220

REVISIONS
 NO. DATE DESCRIPTION

DATE
 04/20/18
 PROJECT NO.
 CH-18-175

SHEET NO/REP
 A100

SCALE
 1/4" = 1'-0"

SHEET TITLE
 SITE PLAN

DATE
 04/20/18
 PROJECT NO.
 CH-18-175

SHEET NO/REP
 A100

SCALE
 1/4" = 1'-0"

SHEET TITLE
 SITE PLAN

DATE
 04/20/18
 PROJECT NO.
 CH-18-175

SHEET NO/REP
 A100

SCALE
 1/4" = 1'-0"

SHEET TITLE
 SITE PLAN

DATE
 04/20/18
 PROJECT NO.
 CH-18-175

SHEET NO/REP
 A100

SCALE
 1/4" = 1'-0"

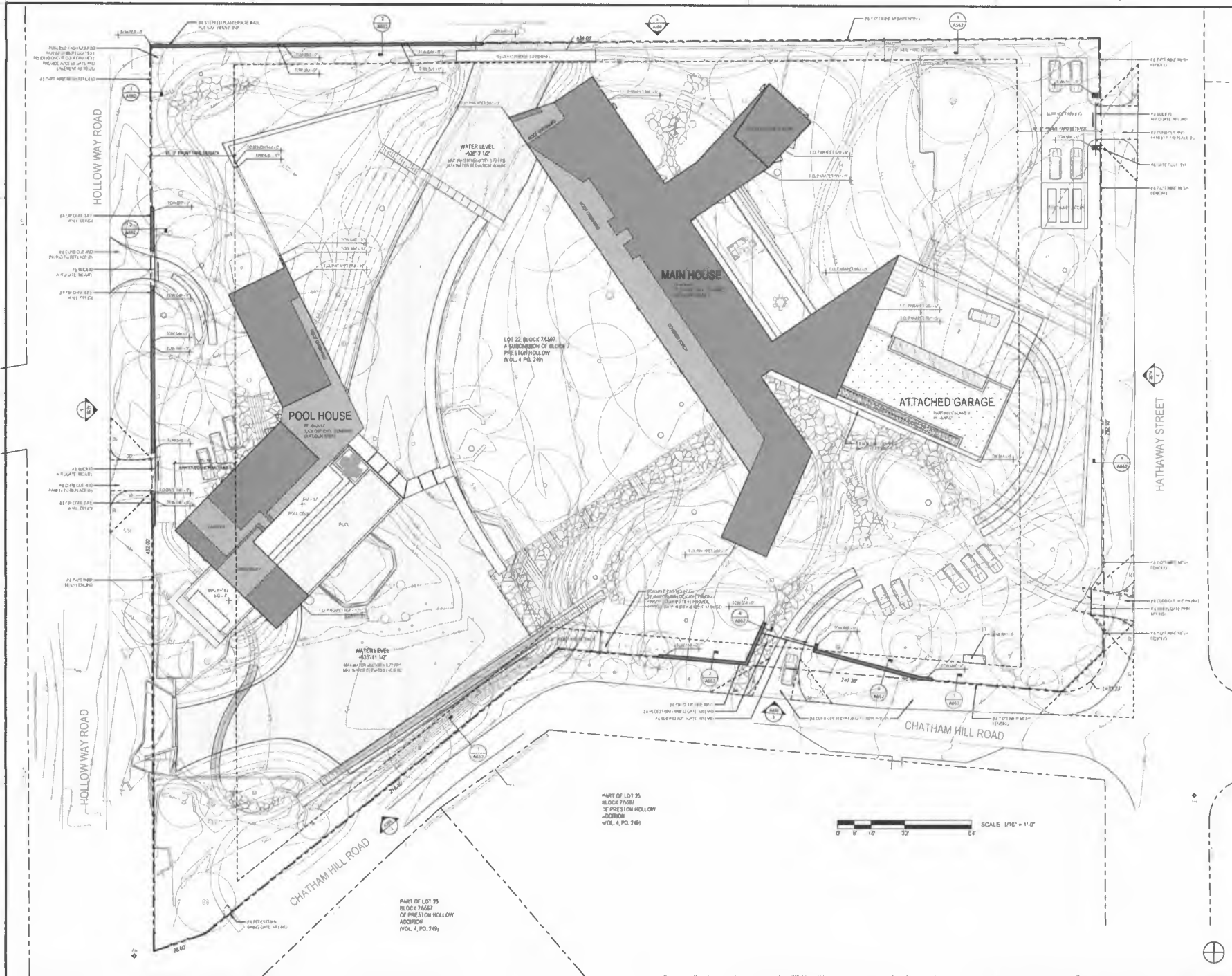
SHEET TITLE
 SITE PLAN

DATE
 04/20/18
 PROJECT NO.
 CH-18-175

SHEET NO/REP
 A100

157

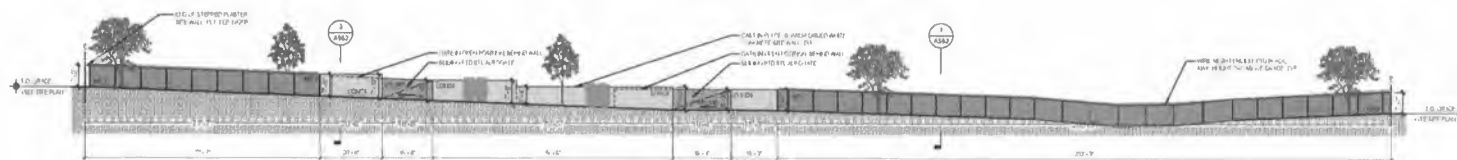
1/27/2018 10:15:33 PM
 C:\Users\marwan@msaidinc.com\Desktop\CH-18-175_SitePlan.dwg



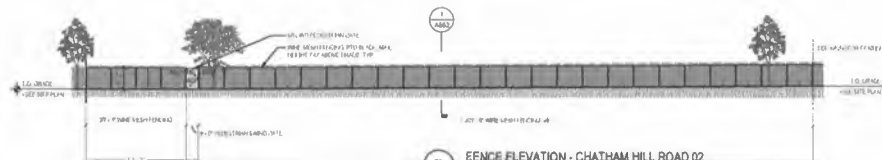
BOA223-074

FINISH LEGEND

- CONCA CAST IN PLACE WHITE CONCRETE, BOARD FORMED 12" THICK UNLESS NOTED OTHERWISE
 PL1 7/8" THICK, 3 COAT PORTLAND CEMENT PLASTER, NATURAL WHITE COLOR W/ SLIGHT TEXTURE FINISH
 MTLAND PAINTED STEEL PLATE FRAMING WOOD GLAZING
 MTL7 WIRE MESH FENCING, PAINTED BLACK, PLANTING ONE OR BOTH SIDES



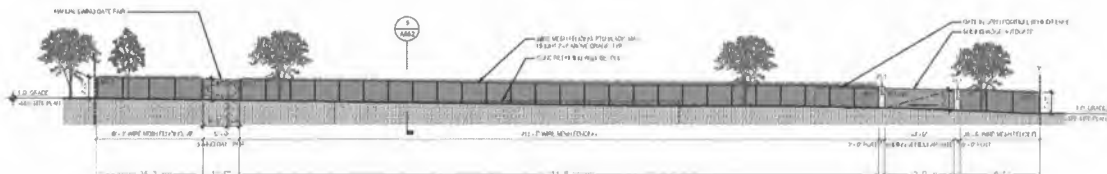
5 FENCE ELEVATION - HOLLOW WAY ROAD
 SCALE: 1/8" = 1'-0"



4 FENCE ELEVATION - CHATHAM HILL ROAD 02
 SCALE: 1/8" = 1'-0"



3 FENCE ELEVATION - CHATHAM HILL ROAD 01
 SCALE: 1/8" = 1'-0"



2 FENCE ELEVATION - HATHAWAY STREET
 SCALE: 1/8" = 1'-0"



1 FENCE ELEVATION - NORTH PROPERTY LINE
 SCALE: 1/8" = 1'-0"

Legend

Description	Quantity	Unit
CMU - Plaster Wall	158.59	ft
Concrete Wall	244.27	ft
Gate	74.99	ft
Wire Mesh Fencing	1,221.17	ft

FOR PERMIT ONLY

	LF	\$/LF	Total \$
CMU Wall	159.00	250	\$ 39,750
Concrete	244.00	400	\$ 97,600
Gates	75.00	250	\$ 18,750
Fence	1,221.00	100	\$ 122,100
			\$ 278,200

DATE: _____

PROJECT NAME:

CHATHAM HILL RESIDENCE

PROJECT ADDRESS:
 5005 CHATHAM HILL ROAD
 DALLAS, TX 75220

REVISIONS

NO.	DATE	DESCRIPTION

PROJECT TITLE:
FENCE ELEVATIONS

DATE: _____ SHEET NO. OF: _____
 PROJECT NO: _____
 SCALE: _____
A250

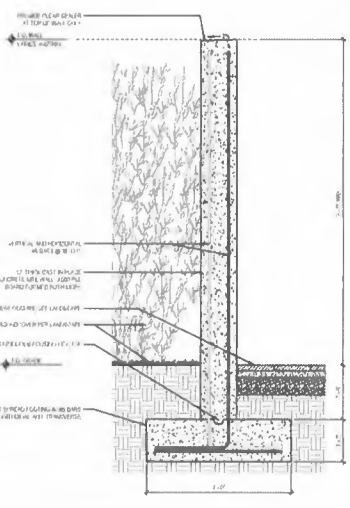
BDA-223-074

12/14/2018 2:14:07 PM
 C:\Users\mms\Documents\CH08_L01_1\mshch08\residentsite.com.rvt

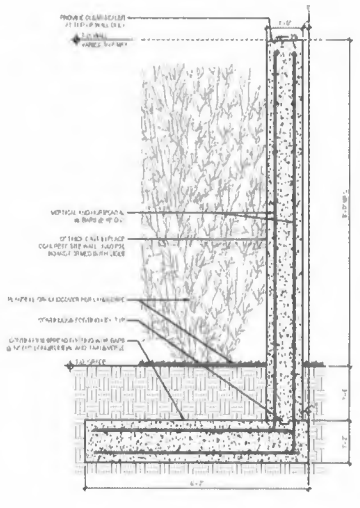
BA33-014

MARWAN ALSAYED INC
 1112 Sun Valley Street, Houston, TX 77030
 281.468.4852
 marwan@marwanalsayed.com

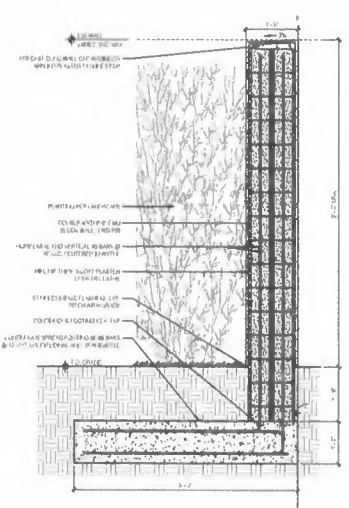
1112 Sun Valley Street, Houston, TX 77030
 281.468.4852
 marwan@marwanalsayed.com



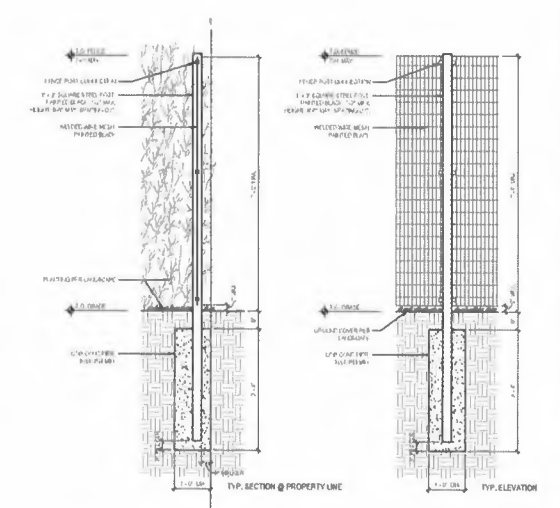
4 WALL SECTION - TYPICAL CONCRETE WALL
 SCALE: 3/8"=1'-0"



3 WALL SECTION - TYPICAL PERIMETER CONCRETE WALL
 SCALE: 3/8"=1'-0"



2 WALL SECTION - TYPICAL CMU/PLASTER WALL
 SCALE: 3/8"=1'-0"



1 WALL SECTION - TYPICAL WIRE MESH FENCING
 SCALE: 3/8"=1'-0"

D:\11\0018-2\1106 PM
 C:\Users\marwan\Documents\CHIL_CD_jan09\CHIL.dwg

PROJECT NAME
CHATHAM HILL RESIDENCE

PROJECT ADDRESS
 5500 CHATHAM HILL ROAD
 DALLAS, TX 75220

REVISIONS

NO.	DATE	DESCRIPTION

SITE DETAILS

DATE: 11/20/18
 PROJECT: CHATHAM HILL RESIDENCE
 SHEET NO.: 1106 PM
 SCALE: 3/8"=1'-0"
A552

BDA APPROVAL LETTER


City of Dallas

August 27, 2018

Santos Marinaz
100 Jackson, Suite 0540
Dallas, TX 75202

Re: BDA178-088(OAL Property at 805 Chatham Hill Road

Dear Santos Marinaz:

The Board of Adjustment Panel 6, at its public hearing held on Wednesday, August 22, 2018 took the following action:

- Granted the request for a 28-foot 9 inch variance to the front yard setback regulations, subject to the following conditions:
 - Compliance with the submitted revised site plan is required.
 - The applicant must deed restrict the subject property to prevent the use of the artificial dwelling unit as rental accommodations.
- Granted the request for special exception to the single family use regulations, subject to the following condition:
 - The applicant must deed restrict the subject property to prevent the use of the artificial dwelling unit as rental accommodations.
- Granted the request for special exception to the fence standards regulations, related to fence height of 6' and fence panel materials/location from the front lot subject to the following condition:
 - Compliance with the submitted revised site plan and revised elevation is required.

Contact Building Inspection at 320 E. Jefferson, Room 118 to begin the process of checking the applicant's filing fee returned and please contact me at (214) 671-6099 should you have any further questions regarding the Board's action.

Dear Applicant, Senior Planner
Board of Adjustment
Sustainable Development and Construction

Pat Cohen, Code Enforcement, 3112 Canton, Room 100
Charles Tresselard, Bldg. Inspection, 320 E. Jefferson #108

ABBREVIATIONS

A	ASBESTOS
B	BRICK
C	CONCRETE
D	DRAINAGE
E	ELECTRICAL
F	FLOORING
G	GLASS
H	HARDWARE
I	INSULATION
J	JOB
K	KITCHEN
L	LAVATORY
M	MATERIAL
N	NOT TO SCALE
O	OPENING
P	PAINT
R	ROOF
S	SCREEN
T	TILE
U	UTILITY
V	VANITY
W	WALL

MATERIAL LEGEND

BRICK	BRICK
CONCRETE	CONCRETE
WOOD	WOOD
GLASS	GLASS
ASBESTOS	ASBESTOS
...	...

PROJECT INFO

SCOPE OF WORK:

GENERAL NOTES:

ITEMS SUBMITTED UNDER SEPARATE PERMIT:

MARWAN ALSAYED INC.

1112 W. John Street, Suite 200
Dallas, TX 75202

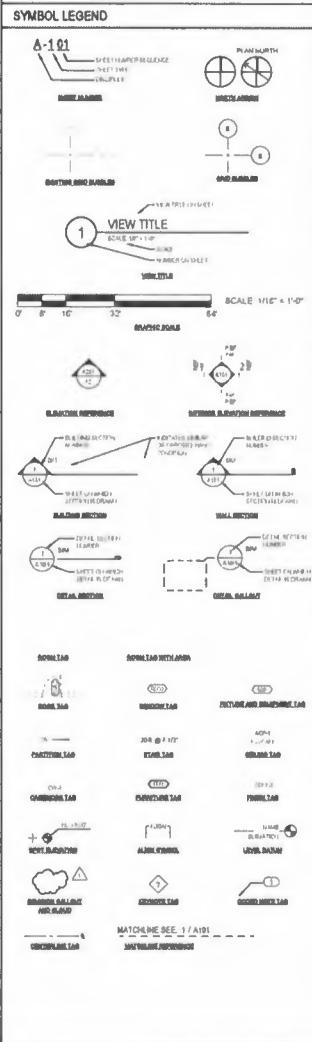
PH: 214-343-8888
MO: 214-343-8888
FAX: 214-343-8888
WWW.MARWANALSAYED.COM

ABBREVIATIONS (continued)

K	KITCHEN
L	LAVATORY
M	MATERIAL
N	NOT TO SCALE
O	OPENING
P	PAINT
R	ROOF
S	SCREEN
T	TILE
U	UTILITY
V	VANITY
W	WALL

MATERIAL LEGEND (continued)

BRICK	BRICK
CONCRETE	CONCRETE
WOOD	WOOD
GLASS	GLASS
ASBESTOS	ASBESTOS
...	...



SHEET INDEX

SHEET NUMBER	SHEET NAME
A001	CHATHAM HILL RESIDENCE



APPLICABLE BUILDING CODES

REVISIONS

NO.	DATE	DESCRIPTION
-----	------	-------------

PROJECT INFO, ABBREVIATIONS, LEGENDS, SHEET INDEX

DATE: 08/27/18
PROJECT NO.: BDA223-074
SCALE: AS SHOWN

SHEET NUMBER: A001

PROJECT NAME: CHATHAM HILL RESIDENCE

PROJECT ADDRESS: 805 CHATHAM HILL ROAD DALLAS, TX 75202

REVISIONS:

NO.	DATE	DESCRIPTION
-----	------	-------------

SHEET INFO, ABBREVIATIONS, LEGENDS, SHEET INDEX

DATE: 08/27/18
PROJECT NO.: BDA223-074
SCALE: AS SHOWN

SHEET NUMBER: A001

\\s01p01\work\18\BDA223-074\BDA223-074.dwg
C:\Users\marwan.alsayed\OneDrive\BDA223-074.dwg